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Congressional Record

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PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 7, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used this word of the Psalmist: *I will hear what God will say, for He will speak peace unto His people.*

O Thou God of all goodness, our minds and hearts frequently turn unto Thee in these days for light and leading, for insight and inspiration.

We find ourselves in the midst of circumstances and crises which are tragic and trying and we are seeking to lay hold of Thy agelong moral and spiritual values for courage and hope.

Grant that in our struggles we may be reponsive to Thy commands and be eager to discover and obey Thy will and learn for ourselves the help that there is for us in the power and possibilities of prayer.

May we appreciate more fully the satisfaction and the security we may experience as we join the prophets of old who are the eternal contemporaries of all who love and serve Thee.

Hear us in the name of our blessed Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4527. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 800. An act to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 85-474, had appointed the following Members on the part of the Senate to the Interparliamentary Union Conference to be held in Dublin, Ireland, April 18 to 25, 1965: Mr. TALMADGE, Mr. ROBERTSON, Mr. YARBOROUGH, Mr. HICKENLOOPER, and Mr. SCOTT.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the United States Government" had appointed Mr. JOHNSTON and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 65–10.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 67]

Abernethy
Ashley
Baldwin
Berry
Bonner
Cahill
Celler
Cleveland
Evans, Colo.
Grabowski
Grover
Hathaway
Ichord
Irwin
Jones, Ala.
Long, Md.
McCulloch
McDowell
Mailliard
Morrison
O'Hara, Mich.
Powell
Roosevelt
Springer
Stafford
Steed
Sweeney
Toll
Ullman
Williams

The SPEAKER. On this rollcall 401 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE LATE HONORABLE JAMES A. SHANLEY

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, it is with a great deal of sadness that I take this time to inform my colleagues in the House of the untimely passing of Jim Shanley, a former Congressman from the Third Congressional District of Connecticut, the district which I presently have the honor to represent. Jim Shanley, who was known to so many of the Members here in the House, represented his district from 1935 to 1942, and was a member of the Committee on Foreign Affairs. He died on Sunday last after a short illness.

Mr. Speaker, I shall ask for time on Tuesday next so that I and other Members of the House may pay our last respects to our very dear and distinguished friend and former colleague, Judge James A. Shanley, of New Haven, Conn.

SOCIAL SECURITY AMENDMENTS OF 1965

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 322 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 322

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed ten hours, to be equally divided and controlled by the Chairman and the ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means. Amendments offered by direction of the Committee on Ways and Means may be offered to the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN], and at this time yield myself such time as I may consume.

This rule makes in order H.R. 6675, a comprehensive bill dealing in detail with the manner in which to provide hospital insurance, health benefit, and medical assistance for the aged folks of our Nation.

This legislation has been on the agenda of Congress, in one form or another, for the last 20 years. The members of the Ways and Means Committee are deserving of the highest commendation for the outstanding work they have done over the years to enact a practical bill which will relieve the critical health problem of our older citizens.

Years ago, older folks who were destitute or with insufficient income, property, or means to provide for the health needs in their declining years, were committed to so-called poorhouses, county or city hospitals throughout the land. Over the years, millions of older citizens have spent their declining days in inadequate so-called poorhouses or county institutions in poverty and disgrace until the day that their lives ebbed away.

When I came to Congress 20 years ago, one of the burning issues in my district was the necessity for something to be done to expand hospital and medical care, not only for the older citizens but for many younger families who were unemployed and in need of hospital and medical care. In many areas throughout our Nation during the last 25 to 30 years communities were victims of a pitiful lack of hospital accommodations and, in a great many areas, a scarcity of doctors.

LACK OF MEDICAL SCHOOLS

I well remember after World War II when thousands of boys were returning to civilian life many of them whose education was temporarily interrupted by military service, wanted to enter medical schools throughout our Nation. We found that medical schools and colleges were scarce and also hospital facilities and doctors both in urban and rural areas. I received hundreds of letters from veterans whose applications to medical schools were rejected because of the lack of accommodations. In 1947, I asked one of the trustees of Indiana University why it was that so many boys who had applied from my area to this medical school were rejected and he stated that out of approximately 3,000 applications in 1946, the University's Medical School only had accommodations for 150.

I remember when, in the late 1940's, we had legislation on the floor of the House to appropriate money for hospital and medical school construction, we were always met with organized opposition by the American Medical Association who spent vast sums propagandizing against any aid from the Government to build hospitals, provide money to educate students for the medical profession, or to expand medical services to millions who were suffering by reason of inadequate facilities.

The bill we are considering today, if enacted into law, will be one of the great landmarks of progress taken by our Government in order to help carry out humanitarian considerations which it owes to millions of older folks throughout the land who have devoted their lives to making this Nation of ours the leader of the world.

FINANCES OF ELDERS

In the last 20 years, the number of older people in our Nation has almost tripled. Now, 1 American in every 10 is in the older group and this number is increasing every year. Medical and hospital care is a serious problem for many Americans of all ages but the older folks are more helpless and have more health afflictions. Of the 18 million people over 65, more than half have incomes of less that $1,000 a year. The average income for two-person families is around $2,500 per year. Incomes like this will buy very little hospital or medical care. About 6 million Americans over 65 years of age have no assets at all. They are in abject poverty. When an aged husband or wife is hospitalized, the medical bills average around $800 a year. People over 65 use three times as much hospital care as younger people. Their stay at the hospital is twice as long as the average younger person. Medical costs have increased 63 percent since 1950, and in the same period hospital rooms have gone up 154 percent. Few older folks have savings to meet these skyrocketing hospital and medical costs.

As one reviews the history of medicare legislation and the fact that after 20 years the Congress is about to assume its responsibility to correct one of the most flagrant inequities and humanitarian omissions in correcting an injustice to a large segment of our American citizens.

The recent edition of April 12 Newsweek magazine has an interesting article dealing with this problem. They state in this article that from the period of 1940 to 1960 that taxpaying citizens have increased from 35 to 72 million and the number of citizens over 65 in that 20-year period has increased from 600,000 in 1940 to 12 million in 1960. Our population is increasing annually and through modern scientific discoveries in medicine and surgery; our older folks are increasing in numbers far more rapidly than the similar increase of population of 25 years ago. The problem of medical and hospital care for our older citizens is far more critical than after World War II and will increase by alarming proportions every year unless legislation like we are considering today is enacted into law in an effort to solve this problem of hospital and medical care for the elderly.

MEDICARE BILL

The Rules Committee in reporting this bill out, has provided for 10 hours debate. H.R. 6675, very briefly, covers all persons over 65, with benefits commencing July 1, 1966, with one exception. Up to 60 days of full hospital care per illness, with patient paying only the first $40. From 20 to 100 days of posthospital care in an affiliated facility for each spell of illness—this coverage to begin January 1, 1967. Outpatient diagnostic services following payment of $20 deductible. Posthospital home health services up to 100 visits per spell of illness. Payments made directly to hospitals, and so forth.

Voluntary supplementary plan: Coverage for all persons over 65 enrolling before March 30, 1966, or as they reach 65. In exchange for $3 monthly premium—$6 for a couple—enrollees will be covered for 80 percent of these additional services following payment of $50 annual deductible: physicians' and surgical services, up to 60 days per illness in a mental hospital—180-day lifetime maximum—up to 100 visits per year for home health services without prior hospitalization, diagnostic tests, X-ray, radium and radioactive isotope therapy, ambulance services under limited conditions, surgical dressings, rental of durable medical equipment, and so forth. Plan to be administered by private companies like Blue Cross. Benefits effective July 1, 1966.

Financing of the basic plan will be through an additional social security tax applying equally to employees, employers and self-employed persons.

AMERICAN MEDICAL ASSOCIATION ELDERCARE

During the 2 days hearing before the Rules Committee several alternative bills, amendments or changes were presented to the pending legislation. The principal substitute was a bill sponsored by the strategy board of the American Medical Association called eldercare. Under this proposal the AMA would let the individual States, who would accept a health program, pay half the costs and administer it themselves. Each State under this bill would decide whom to help, if anyone and how much. This proposal is more or less an extension of the wholly inadequate Kerr-Mills legislation passed by the Congress several years ago which has proven a miserable failure as far as a solution to the Nation's health problem is concerned.

During this time nine States have absolutely refused to pass any legislation under the Kerr-Mills provisions. Out of the 41 States who have made any effort under the Kerr-Mills law, only 7 States have anything like adequate programs and in these 7 States some have omitted essential factors of hospital care for the aged. These seven States have omitted to provide any uniform treatment of older people. During this debate you are going to hear a great deal about eldercare because the political department of AMA has carried on a multimillion-dollar campaign over the Nation through television, radio, mail, and newspapers, misrepresenting the true facts about eldercare. In their propaganda they do not state that eldercare is merely Kerr-Mills all over again with a little window dressing to mislead the American people.

Taken on the basis of official Government reports on the operation of the Kerr-Mills program, if applied in all 50 States, it would enable a maximum of about 3 million elder folks to qualify for benefits. Around 16 million older folks would get nothing.

The highly financed political campaign of the AMA strategy board so exaggerated and misrepresented the facts about eldercare that the gentleman from Florida, Congressman HERLONG, one of the two cosponsors of the eldercare bill, publicly condemned the AMA committee for its overenthusiastic and misleading propaganda. To quote Congressman HERLONG, he stated:

> For the AMA to give the impression it provides complete coverage is not so.

He also said:

> It just makes it available for the States to provide if they want to.

I am not criticizing the thousands of physicians over the Nation who are not familiar with the true facts. Most of them are openly or privately supporting the medicare bill and opposing the AMA eldercare plan.

I do hope that the Members of the House remain on the floor and listen to the presentation of this legislation by the members of the Ways and Means Committee, which held hearings on medical legislation in every session of Congress for the last 15 or 20 years on medicare legislation.

Chairman MILLS and older members of the Ways and Means Committee have devoted many weeks and months to this problem and I do hope that every Member will listen to Chairman MILLS when he opens this debate after the House goes into Committee of the Whole. Chairman MILLS testified before our committee that this legislation is 100 percent financially sound for the present economic conditions in the Nation and that provisions in future financing were considered and incorporated into this legislation which will protect our social security system indefinitely into the future. Several years ago there was a great deal of argument that the private insurance industry could take care of this need for our elder citizens. When those arguments were surveyed, upon investigation it was found that thousands of aged as policyholders presented their opposition because of so many unreliable insurance companies throughout the Nation cancelling insurance policies when extended illnesses occurred to the insured. Many private insurance companies at that time experimented with combining their resources in order to offer special plans to older citizens on account of the economic situation involved with so many older policyholders. This experiment was a failure.

The American people, during the last dozen years, have become educated and informed on the true facts regarding medicare legislation. A nationwide poll was taken by the Harris people recently on medicare legislation covering rank and file Americans and the return revealed that the American people are for adequate medicare legislation by a margin of 2 to 1.

A LOCAL TAX SAVING BILL

Another angle connected with this legislation which has not been discussed is that millions of younger folks are indirectly being benefited in that they can use their small income for educational purposes instead of leaving grade school or high school to work and provide hospitalization and medical care for their parents. These younger folks will be given an opportunity to meet the problems of this advanced scientific age and be producers and taxpayers instead of eventually becoming members of the unemployed and thus becoming a problem eventually for Government aid and assistance.

Another consideration that did not come out in the hearings has been the fact that the passage of this legislation will save multimillions of dollars to the American taxpayer in local areas where they are financing county and city hospitals, poorhouses, welfare departments, and other local agencies caring for sick and dependent elder citizens. This morning I telephoned the public welfare department in my district, Lake County, Ind. They informed me that during the first 3 months of 1965, $290,000 was spent for hospital, medical, and nursing home care for the elder citizens of Lake County. Lake County taxpayers will be relieved eventually of about $11 million in taxes annually when this legislation gets organized and in full operation.

In closing let me say that the greatest testimonial for this legislation, coupled with the educational legislation passed several weeks ago, was the returns of the recent election of November 5, 1965. By a majority of over 15 million, President Johnson and Vice President HUMPHREY won an unprecedented victory and the principal plank in their platform was education and medicare. Dozens of new Members—freshmen—are in Congress today, because the American people have finally become informed on these two great national issues—education of our youth and hospital and medicare for our elder citizens.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, my colleague on the Rules Committee, the gentleman from Indiana, devoted most of his time to a discussion of the bill, or what he understands may be the bill, and little time to explaining the rule.

The rule bringing this bill to the floor is a closed or a gag rule providing for 10 hours of general debate and permitting the offering of no amendments from the floor except those reported by the Ways and Means Committee itself. It provides for one motion to recommit, either with or without instructions.

I have stood in this well many times in the past in opposition to the voting of closed or gag rules. I have the very firm conviction and belief that within the House of Representatives we have sufficient judgment, wisdom, and ability to pass upon legislation, even in detail, at least as ably as the other legislative body across the Capitol, where there are no restrictions on the offering or consideration of amendments and no limit on the debate on such amendments or on the legislation itself.

I want the record to be made very clear. In the Rules Committee when the question of a rule on this particular bill, H.R. 6675, came up, I moved a substitute for the motion of the gentleman from Indiana [Mr. MADDEN], who had moved that we report the bill under a closed or gag rule and 10 hours of debate. I moved that we report the bill under an open rule which would give every Member of the House an opportunity to offer any amendment, and a full opportunity for such amendments to be considered and debated on the floor of the House. That motion was voted down.

Then another motion was made as a substitute for the Madden motion, to provide that the so-called Herlong-Curtis bill should be considered in order as an amendment to the bill. That was voted down.

Then, finally, a motion was made to amend the motion of the gentleman from Indiana so that the closed or gag rule would provide for the offering and consideration of H.R. 7057, the so-called Byrnes bill, with which Members are all acquainted, on the floor of the House, so that it might be discussed and debated section by section. That was voted down by a fairly narrow margin.

We now have before us this rule, a closed, gag rule, which means that the House may not work its will and no Member may offer an amendment unless it has the sanction of the Committee on Ways and Means, except in the case of a motion to recommit, which is always reserved as a right to the minority.

Now, I do not know how much time my colleagues have devoted to studying this bill or how much attention has been given to it. I am sure my good friend, the gentleman from Indiana [Mr. MADDEN], has studied it very carefully, but frankly I do not know all that is in this bill and I cannot answer all the questions that might be asked about it. I am not sure there is anybody in the House who can answer all of the questions that might arise in connection with this legislation. There are 296 pages in this bill. The report alone contains 264 pages. I cannot help but wonder in my own mind as to why the great haste. We were asked to rush it through the Committee on Rules and it was rushed through the Committee on Rules with a day and a half of hearings. It was reported out of the Committee on Ways and Means as it is in its present form without hearings on many sections of the bill, some of them being the most important part of it. I cannot help but wonder why the haste. The insurance and medicare provisions of this bill will not become effective until a year from next July. The increased benefits to those now on the social security rolls will be retroactive to last January 1. That is helpful and can be handled very quickly and should have been handled last year. There is a great deal of mystery to me about this bill, and why it is before us in its present form. I still do not understand—and I have been in Congress for a long, long time—all of these things that are going on. This is a great piece of machinery—this legislative machine here on Capitol Hill—and we have had this bill or a bill like it before the Committee on Ways and Means for a great many years.

In fact, this particular type of bill has been before the Committee on Ways and Means since 1955. Year after year and Congress after Congress, the Committee on Ways and Means, substantially constituted as it is now, has failed and refused to report a medicare bill or to endorse the philosophy and the program that is outlined in this measure. Then suddenly the committee comes out with a bill that covers the waterfront. As somebody described it, it provides for every situation from the cradle to the grave.

As I understand it, there are three or perhaps four important divisions of this bill which we have to consider. Toward one part of the bill there is no argument. That is the part which I think everyone favors. It is the part that gives an increase of 7 percent across the board, with a minimum of $4 a month, as an increase in social security benefits to those now on the social security rolls. It would enlarge the coverage to give greater protection to widows and children and to certain disabled persons. That section of the bill has a unanimous report from the committee, I believe, and perhaps will in the House.

Another section of the bill applies to hospital and nursing home care. This will be furnished under social security and paid for by increased social security taxes.

Another section of the bill will establish for the first time a new system of voluntary medical insurance, by which individuals over 65, either by having $3 a month deducted from social security benefits or by paying $3 into a Federal fund, can be protected against certain medical or surgical expenses and other expenses not covered by the medical care section of the bill.

Finally there is another section of the bill which will not only increase social security taxes to a total of 11.2 percent, paid by the employer and employee equally, but additionally will increase the amount of income taxable for social security purposes first to $5,600 and then to $6,600 per year in order to help finance this program.

The total program, as I understood the testimony before the Committee on Rules, would carry an additional cost of $6.2 or $6.3 billion. No one is certain in his own mind what the cost will be, because it is now a matter of conjectures and estimates.

The real debate and discussion surrounding this bill in the Committee on Ways and Means and elsewhere is whether or not we should embark upon a new program of paying hospital and nursing home benefits through social security or whether it should be under some other, separate, system.

The gentleman from Wisconsin [Mr. BYRNES], the ranking member of the Committee on Ways and Means, has sponsored a bill, H.R. 7057, which provides for all hospitalization, nursing home care, or medical and surgical care to be financed through a voluntary system with a charge levied against the person receiving the benefit, and paid partially out of the Federal Treasury rather than from the payrolls of the employers of the Nation. The bill will be offered not as an amendment, because this rule will not permit the offering of any amendments, or debate except in a general way. It will be offered as a motion to recommit.

I suggest that careful attention be given to the bill itself, because it is a very involved piece of legislation. I also suggest close attention be directed to the motion to recommit.

Mr. Speaker, let me say just one other word in conclusion. Today about one-half of the case mail the average congressional office receives deals with social security cases. If this bill is passed in its present form, because of its intricate and wide coverage, I predict here and now that we will need that fourth office building and additional staff just to answer the inquiries on social security matters. I can see ahead of us a great deal of inquiries from people who believe this legislation is going to give them benefits much greater than a careful study of the bill will convince you that it does give them. It does not give the people what they believe they are going to receive.

I want the Members to listen carefully to the debate concerning the cost to the individual recipient, as well as the cost to the taxpayers for the two programs.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. Is the reason for this gag rule the fear on the part of the majority of the Committee on Ways and Means and the majority of the Committee on Rules that the House would improve the bill, or is it notice to us that we are incompetent to deal with the bill?

Mr. BROWN of Ohio. Well, I am never sure why some people insist on having closed or gag rules. I have never believed in them, and I will permit the gentleman from Iowa to judge for himself the reason.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FINO].

Mr. FINO. Mr. Speaker, over the past 12 years, on numerous occasions, I have spoken on the floor of this House to urge that we liberalize and humanize our social security system. I have introduced bills which would accomplish these results. While we have made progress in improving the system, I feel that we have not gone far enough in eliminating many unjust features still in the law.

Today, this bill—the Social Security Act of 1965—is more than a milestone—it is a landmark in the field of welfare and enlightened social security legislation. We all know that this bill is long overdue, especially the section which provides health insurance for the elderly. The legislative process is often long, and the wheels have turned slowly in this case, but as a result we can be sure that a good, carefully drawn bill has been produced. I will vote for it gladly with a relieved mind. I have been especially concerned about the problems of the elderly for many years. I know what a lengthy illness can do to precious, and essential savings. I know that too many of our elderly citizens fear the first signs of illness, because they are afraid they will not be able to pay the resulting bills, and will have to turn to some form of public assistance for relief. We owe the elderly more than this anxiety about their financial security, an anxiety which will increase as the cost of medical care rises. The Social Security Act of 1965 will give our citizens over 65 some measure of the economic security they deserve.

The bill establishes two coordinated health insurance programs for persons 65 or over. First, a basic plan, which will provide protection against the costs of inpatient hospital services, posthospital extended care, home health services, and outpatient diagnostic services. The bill provides for a deductible which the patient pays, and limits the days of illness which will be covered by the plan in any spell of illness.

This basic plan will be financed through a separate payroll tax and a separate Federal hospital insurance trust fund. Benefits for persons currently over 65 who are not insured under the social security or railroad retirement systems will be financed out of Federal general revenues.

The proposed Social Security Act also establishes a voluntary supplementary plan which would cover a substantial part of the cost of physicians' services and numerous other medical and health services. After an annual deductible of $50 has been paid by the patient, the plan would cover 80 percent of the patient's bill. Individuals who enroll initially in the plan will pay premiums of $3 a month, which will be deducted where possible from their social security benefits. The proposed 7-percent, across-the-board increase in benefits which is also contained in the bill would more than cover the monthly premiums for this voluntary health insurance. The Government would match the premium with $3 paid from general funds. To the greatest extent possible, the benefits will be provided through contracts with carriers who will administer the program. A State would be able to buy into the plan for its public assistance recipients who are receiving cash assistance. This, of course, would be an advantage both for the State and for the individuals concerned.

Now that we have the bill before us we can see that dire warnings about spiraling costs were unfounded. The wage base will be increased to $5,600 a year beginning January 1, 1966, and to $6,600 effective in 1971—a step many people have long advocated, and the increase in the payroll tax rate for both employer and employees will only be one-half of 1 percent until 1972, after that rising slowly until in 1987 the health insurance portion of the tax will be four-fifths of 1 percent. This is certainly a reasonable cost for the increased benefits all of us will enjoy.

We must pass this legislation without delay. Hearings have been held twice in the past few years, and certainly no bill has aroused so much support in the country as a whole. The aged are an increasing proportion of the population—their problems will be the problems of all of us, unless something is done to help them. This legislation moves many steps in the right direction.

However, I have been disappointed that the bill has not included a general reform of the social security system. Certainly I support the changes which have been made. But I would go a great deal farther along the path to an equitable, logical system. The bill provides a 7-percent, across-the-board benefit increase, effective retroactively beginning with January 1965. Certainly this increase is long overdue—social security benefits have fallen far behind the rising cost of living, in spite of the urgings of those of us who are aware that the aged have not been allowed to share in our growing prosperity. My bill, H.R. 4774, provides for a 10-percent, across-the-board increase in benefits. I feel that this would supply a much more adequate amount for the millions of beneficiaries who are barely able to meet the price of necessities with their present benefits.

My bill H.R. 2606 would increase the minimum amount of monthly insurance benefit payments to $50 whereas the present Social Security Amendments of 1965 would increase the minimum to only $44. It is hard to believe that anyone could consider $44 a month a decent income. Certainly my bill is considerably more realistic in providing a more reasonable sum for those who must try to live on their social security benefits.

The Social Security Act of 1965 also includes a provision to provide benefits, at an actuarily reduced level, to widows at age 60. The justification for this is obvious: widows, often left alone when they are older and unable to support themselves because of a lack of modern skills, need the income which social security benefits would give them. However, my bill, H.R. 4169, would provide that a widow under retirement age may continue to receive mother's insurance benefits at a reduced rate even though none of her children are under 18. This would especially benefit those widows in their late forties and fifties who have spent their time and energy raising a family, and then are suddenly left without any other income than their comparatively young children can provide. It seems only fair to provide these women with a measure of economic security.

I also suggest that it is time that the retirement age was lowered to keep up with the demands of our modern economy. The unemployment rate remains comparatively high, and many young men and women just out of school are unable to find jobs. Men and women over 50 sometimes need to retire: their health is not good, or they have other pressing reasons why their jobs have become too much for them. It is only logical to provide for these different needs. My bill, H.R. 1693, would give full benefits to men at age 60 and women at age 55.

At the very least, I feel that we should eliminate the penalty—the actuarily reduced benefit—which prevents many men and women who would be helped by relaxation of retirement from leaving their jobs at age 62. Just this small step, which would be relatively inexpensive, would have a beneficial effect on our entire economy.

The bill liberalizes the social security earned income limitations so that the uppermost limit of the band of $1 reduction in benefits for $2 in earnings is raised from $1,700 to $2,400. Although this is a change for the better, I have urged that the so-called retirement test should be eliminated altogether. It prevents many well-qualified and eager men and women from holding any but the smallest kind of part-time job. Certainly it is wasteful to prevent such valuable human resources from working at what they are most suited for: retirement should be completely voluntary, and social security benefits, which have, after all, been earned, should not depend on an arbitrary earnings income maximum.

For the past 10 years I have introduced a bill which would extend coverage to dependent brothers and sisters of an individual who dies fully insured. At present, these people, who are unable to support themselves and may be considerably older than the working member of the family, have no way of obtaining benefits if their sole means of support dies. They must often have to turn to public assistance. It is unfortunate that an individual who supports his brother or sister has the added worry about what will happen to them if he dies.

A long-needed reform of the social security system has not been included in this bill. Federal employees should be allowed to join the social security program: at present, they are discriminated against for no logical reason.

Despite the above points, I am strongly in favor of the bill. It contains many provisions which I have suggested for many years. For 12 years I have introduced bills to provide for the payment of children's insurance benefits up to age 22 if they are attending school. At present, children's benefits are cut off when they reach the age of 18. This prevents many of them from attending college or vocational schools, or, in some instances when the mother is in financial need, even finishing high school. Children of deceased, retired, or disabled workers would be included as long as they are full-time students in school. By age 22 the great majority of these children will have finished their education and will be ready to support themselves. This change is certainly essential if we are to succeed in the American ideal that every child shall have the best education for which he is suited. It has been estimated that 295,000 children will benefit under this provision in 1965.

I am also pleased that cash tips have finally been included in the definition of wages. This reform is long overdue; for years service workers, who receive a third or more of their income in tips, have been entitled to only relatively small social security benefits. This change will insure them benefits more comparable to their actual earnings in the years in which they were employed. Employers, in determining wages, always take possible tips into account, and as a consequence the wage will be low.

Many other provisions are worth noting. The Federal share of payments under all State public assistance programs is increased a little more than an average of $2.50 a month for the needy aged, blind, and disabled. The bill also removes the present restrictions on Federal matching in public assistance programs for needy individuals who are tubercular or psychotic and are in general medical institutions. This should help both the individuals and the hospitals involved.

The Social Security Act of 1965 also improves and extends the Kerr-Mills program. The bill would establish a new title of the Social Security Act to extend the advantages of an expanded medical assistance program not only to the aged who are indigent but also to needy individuals or the dependent children, blind, permanently and totally disabled programs, and to persons who would qualify under these programs if in sufficient financial need. Kerr-Mills has been found to be a useful way to provide for the basic medical needs of people who desperately need financial help. This section of the 1965 bill would make medical assistance available to more people who need it.

These social security amendments will indeed have far-reaching effects. They will improve the living conditions of 18 million beneficiaries; they will begin the vitally important task of providing health insurance for all aged Americans, whatever their financial conditions. With the passage of this bill we will be facing up to the economic realities of our time and adding a measure of security to our social security system which is in line with those realities. At the same time we will be helping to relieve the consequences of tragedy in millions of American homes. I am happy to support this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Speaker, I am appearing before this House as a physician in the Congress to avoid an act of omission, to point out that the rule, House Resolution 322 making in order H.R. 6675, as has been stated by the gentleman from Ohio [Mr. BROWN], has no proved need, but at the same time realizing the facts of life and the weight of the Congress to object to no amendments and no points of order from the floor.

Furthermore, I urge support of the motion to recommit with instructions to strike all after the enacting clause and bring back forthwith as a substitute H.R. 7057.

Now, Mr. Speaker, the speculation of the gentleman from Indiana and his nonvalid personal opinion concerning many matters other than the rule before us are old saws, worn red herrings being drawn across the trail, that hardly deserve the dignity of acknowledgment. But I submit that this is not the time when we should use the whipping boy of various organizations to bring the physiognomy and visage to a state of "color rubra" by our various expressions in an effort to kick or knock down legislation that will change the state of the Nation.

Mr. Speaker, the majority have the power in this Congress to do that which it wishes and there is no argument about that. So let us not batter again the old worn image of the physicians of America who simply want to take care of people in the best possible way for those people.

Mr. Speaker, it is an error to stand here and quote Whitaker and Baxter as the AMA consultant public relations specialists since, indeed, they have not worked for the AMA nor been retained by it in any manner or means since the Wagner-Murray-Dingell bill of 1947. We are this out-of-date in some of the statements and the acts of collusion about this organization which, indeed, has been refused television rights in its expression and its desire and its own way to get to the public the hoax of the political promise which, indeed, made the administration itself realize that it could not live with the promise of H.R. 1 made before election time.

This service was rendered, and properly so, by organized medicine. I will leave to the author of the Kerr-Mills Act the statement that only seven States have joined in putting that through their State assemblies. Surely that will be corrected to the figure of 44 States and Territories of our 54 of same, now participating in one degree or another in the existing law of the land, the Kerr-Mills Act. This has been done in spite of opposition from Federal agencies and with the support of medicine and insurers.

The bill now before this House is a bill that was produced in executive session. No public hearings were held in the 89th Congress, thus denying the public and Members of Congress the opportunity to become familiar with this multipaged bill and the report thereon. Even though the administration bill cannot be implemented without the cooperation of physicians, this bill was drafted with no regard for the opinions and comments of those who will be expected to furnish services.

The hospital, State, and Federal evaluation and control committees cannot work without the wholehearted and interested support of the organizations and persons most expertise in patient-hospital turnover, and most shunned in developing this hodgepodge bill.

For the same reason—that is, closed hearings—I object to a closed rule. As bad as it may be to write legislation on the floor, it is better than by a small, weighted, and—yes, prejudiced—logic-tight group.

This House is considering a rule for 10 hours of debate. This is a serious matter, and change of the entire concept of medicine for our Nation is at hand.

Recent polls prove the people are unaware of the bill's content and at least these debates will be followed by the news media and the people as the House works its will.

I would have preferred, and did urge before the Committee on Rules, a rule for 20 to 30 hours of debate equally distributed, for full discussion and enlightenment here and across the Nation.

Mr. Speaker, the basis for quality medical care is the voluntary relationship between the doctor and patient. This would begin to disappear as the Government supplants the individual as the purchaser and provider of health services. For the first time this bill provides service benefits in lieu of cash benefits.

Are we to tell the people of America, the senior citizens, that they are not capable of determining this matter as against a ribbon clerk here in Washington? The result will inescapably be third-party intrusion in the practice of hospitalization and medicine. The physician's judgment would be open to question by others, not responsible for the patient's well-being. His diagnostic and therapeutic decisions would be subject to disapproval by those controlling the expenditure of tax money.

The abuse factor will fill hospital beds, and private patients will be denied or delayed in admission to the end that waiting lists will build up, and another costly crash program of hospital construction will ensue.

As physicians and health facilities become more and more subject to intervention in their work by Government employees, a decline of professionalism will be certain.

America today has the finest physicians in the world, a fact frequently demonstrated over the last decade when the Nobel Prizes have been handed out, by your life expectancy, by those seeking graduate training in this country, or the Anthony Edens, the Dukes of Windsor, the Grace Kelly Rainiers, and many others who come here for medical and surgical care.

This is not merely a controversy over whether Federal Government should tax one group of citizens to provide health care benefits indiscriminately, regardless of need, to another group. This is not merely a disagreement over the best means of providing health care for our older citizens. Rather, this conflict is testing whether art and science of medicine will be permitted to grow and flourish in freedom, and competitively, or whether progress in medicine will be stunted and shriveled by an excess of Government control. Its adoption would be another downward step toward loss of freedom of choice.

It is not the doctors who will suffer under this bill, insofar as their economic standing is concerned; physicians' income would probably be more assured, not less, if the administration's bill is enacted. It is principle, freedom, research, and private insurers who will suffer.

The substitute bill, H.R. 7057, is a voluntary approach to the problem, and it will insure the retention of the high quality of medical care for which America is better known than any other nation on earth.

Mr. Speaker, for the reasons and considerations stated I strongly believe the resolution should be voted down.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Speaker, this is a day which many of us have long awaited. This date will take a historical place in the annals of constructive legislation enacted by the Congress in this century. Just as is true of all the great social advances which have been accomplished, it has taken a number of years and much energy and effort to reach this point. It has, indeed, taken the sincere and persevering efforts of many outstanding men and women.

This momentous and historical legislation which we are about to consider is a monument to the brilliance, the wisdom, the leadership and, indeed, the outstanding statesmanship of the great and learned chairman of our Committee on Ways and Means, the gentleman from Arkansas. From its inception in 1789, the Committee on Ways and Means has been chaired by many truly able and dedicated men, but I can say with confidence and comfort that that great committee has never had a greater and more able or more dedicated chairman than the gentleman from Arkansas, WILBUR DAIGH MILLS.

I constantly marvel at his displays of truly brilliant qualities of statesmanship, and in this bill which will take its place alongside the original Social Security Act we have another example of what can be accomplished by such a dedicated and able legislator.

Those of us who have been privileged to sit by his side on the Committee on Ways and Means during the past months and years are deeply aware of those qualities which make him such a leader. It is only through this experience, perhaps, that one can really appreciate the many seemingly insurmountable problems through which he has guided the committee to acceptable and sound solutions. The legislation which we will consider is illustrative of this point. With such leadership the Nation is in sound hands.

Mr. Speaker, may I pay a highly deserved tribute to the ranking Democrat on the committee, the gentleman from California, our colleague [Mr. KING], who has been in the forefront of the fight for adequate medical care for our senior citizens for many years. In addition to earlier measures, he sponsored H.R. 4222 in the 87th Congress, H.R. 3920 in the 88th Congress, and H.R. 1 in this Congress, bill numbers which are familiar to all who have interested themselves in this subject. He deserves the highest commendation and gratitude of all of us. The bill which will undoubtedly pass tomorrow by an overwhelming majority will be a tribute to the deep and sincere compassion of the gentleman from California for the needs of our senior citizens.

Mr. Chairman, may I also observe that many members of the Committee on Ways and Means made meaningful contributions to the development of H.R. 6675. This bill is representative of the legislative process. Its many provisions bear the marks of those who have studied long and assiduously the many facets of the problems involved. To my colleagues on the committee I express my appreciation for the very fine contributions which they have all made to this legislation.

Finally, we would not be here mechanically or so well prepared, Mr. Speaker, were it not for the devoted dedication to duty of the chief counsel of the Committee on Ways and Means, Leo H. Irwin, the assistant chief counsel, John M. Martin, Jr., the minority counsel, William H. Quealy, and our special assistant with respect to this bill, from the Library of Congress, Fred Arner.

Mr. Speaker, much has been said of the time consumed in the hearings before the Ways and Means Committee. Let it be noted in the Record at this point that in this and the 4 preceding Congresses the Committee on Ways and Means has held public hearings comprising 46 days, at least 641 witnesses who appeared in person and were subjected to cross-examination and whose testimony has been reduced to 13 volumes, comprising some 7,607 pages. Many hundreds of additional statements were submitted for these printed records.

In addition thereto, the Committee on Ways and Means has consumed at least 77 days—both morning and afternoon—in executive session during this period on this subject.

I would point out in addition, Mr. Speaker, we have available on the committee table and in this Chamber, 2 volumes of printed executive hearings conducted in this session comprising nearly 900 pages of the testimony of representatives of such groups as the American Hospital Association, American Medical Association, Blue Cross, Blue Shield, the insurance industry, and so forth.

So, Mr. Speaker, when the House adopts the pending resolution, which it most certainly will, the Committee of the Whole will, in my opinion, witness a debate in the finest traditions of the House, which debate will be dominated by the towering figure of the greatest legislative master of them all, the gentleman from Arkansas, and in which he will be joined by the seemingly confident, obviously conscientious, but fortunately outnumbered minority led by the talented gentleman from Wisconsin.

Mr. Speaker, on the morrow, too, when the evening shadows lengthen, as life has for so many millions of our elder citizens, this bill will pass, and to and of your House, Mr. Speaker, those millions of grateful Americans will say, "Well done; well done."

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Florida [Mr. Pepper].

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman.

Mr. BOGGS. Mr. Speaker, before the distinguished gentleman from Florida begins his statement, I would like to say that the gentleman from New York [Mr. Keogh] made a very fine statement and he passed out some well-deserved credit to this magnificent piece of legislation. He, of course, was modest and not able to tell of the very, very significant role he has played over the years in bringing this legislation about. I know of no man who has worked harder or diligently or more effectively and more ably on this legislation than the gentleman from New York [Mr. Keogh].

Mr. PEPPER. Mr. Speaker, the poet Browning said:

Grow old along with me!
The best is yet to be,
The last of life, for which the first was made.

Mr. Speaker, what this House I believe will do within the next 2 days will contribute much to the realization of that poetic dream.

Within the last 2 weeks, Mr. Speaker, this House shall have made history in the passage of a bill opening doors of educational opportunity far exceeding anything ever known in this blessed land; and I hope by the end of tomorrow, we will have enacted this legislation which will remove the specter of fear of illness from the 19 million citizens of our country 65 years of age and over and remove the concern from the hearts of their children that a 60-day hospitalization would—if it did not jeopardize their very homes—probably exhaust their savings and impose upon them indebtedness burdensome for years ahead.

We all know, Mr. Speaker, that the income of the senior citizens of this country is much below the income of younger people, active in their occupations and earnings. For example, only about 20 percent of the aged have sufficient incomes to pay income tax. Of the aged who are on social security, all but about one-fifth rely on social security benefits as their major source of continuing retirement income.

In respect to assets, the picture is no more favorable. The average financial assets such as bank accounts, securities and the like, liquid assets, are of no significant value as far as the senior citizens are concerned.

In 1962, half of the aged couples of America had financial assets of less than $1,350 and half of the nonmarried aged had less than $400 of financial assets.

Now, Mr. Speaker, if one of these senior citizens with that inadequate income and with that kind of financial assets had to go to a hospital for 60 days—who would pay the bill? They do not have the money. It is not currently available from any other public source except the charity of the cities and counties and private institutions and private individuals and relatives of these senior citizens.

In my own district, the story was told me a little while ago of a son going into the home of his aged mother. When he approached the front door he could hear her gasping for breath. He rushed in. It was the aftermath of a recurrent heart attack and he said, "Mother, I must rush you to the hospital."

In her faltering way she said, "I do not have the money to go to a hospital." He said, "Mother, they will take you at Jackson Memorial Hospital and in the hospital you will be provided for." She said, "I do not want to be a charity patient in Jackson Memorial Hospital." And that faithful son said, "All right, Mother, my wife and I will mortgage our home to keep you out of a charity ward and to give you the hospital care which you require."

Imagine how light will be the hearts of the senior citizens of America, as a result of having the assurance that without burdening their children, without being charity patients in local hospitals, without having to rely upon the bounty of their children or their friends, they can go to a hospital for 60 days for one spell of illness, under this bill, and get the care that they require.

We have not only provided that assurance of hospital care for 60 days for each spell of illness, which may be repeated, upon the certificate of a physician, after a lapse of another period when they have been out of the hospital, another 60 days, and so on, as long as their health needs require. But this bill goes further and for the first time provides medical services also for those over 65 who are ill.

How will that medical service be paid for, primarily? Those who are retired, drawing social security benefits, will get a minimum of $4 per month under this bill, under the 7 percent across the board increase in their social security benefits; so they will get more than $3. If they will voluntarily enroll for medical care under this bill, the Government will withhold $3 it otherwise would give the individual, match that with another $3, and buy a $6 a month medical insurance policy to cover the individual, giving surgical services, medical services, diagnostic and therapeutic services, home-care treatment and attention and other benefits.

What a wonderful package it is, therefore, that we will make available to the senior citizens of this land.

There will be an attack, as there have been attacks in the past, upon the payment of these social security taxes by the younger workers. But the figures show that out of every senior couple in this country, at least one of the couples has to go to a hospital for at least once in the remaining days between retirement and death, and the average hospital cost is $600 to such an individual. This is more than the average any worker will ever pay.

So the children of the senior citizens, the mothers and fathers of America, will have assurance that the budren of that 60-day illness of their parents, or whatever it may be, will not be upon them and that they will have their principal hospital and medical expenses provided for when they reach age 65.

Mr. Speaker, there are things which remain to be done. We do not provide in this bill for the aged chronically ill, as the committee well recognizes. I hope that will be one of the challenges of the future, and that we may find a way for those who have to stay in a hospital or a nursing home for a longer time than allowed by this bill will be succored while in that period of illness and confinement.

Mr. Speaker, in this legislation we deal with nothing less precious than the lives and the health, not to speak of the happiness, of the mothers and fathers of our land. One of the commandments says "Honor thy Father and thy Mother." I know of no way we can better honor the fathers and the mothers of America—those who have borne the burdens of a generation, faced or been willing to face the enemy in war, borne the problems of a nation in peace, and developed a mighty land—than to provide a program so that they will not feel, when they come to the end or almost the end of the day of life, that they are neither neglected nor forgotten. I feel that this bill does honor and does justice to the mothers and fathers of America.

The rule is fair. I hope it will be adopted and that by the end of tomorrow this monumental legislation will become another of the glorious acts of this great House.

Mr. MADDEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quroum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and eighteen Members are present, a quorum.

Mr. HALL. Mr. Speaker having exercised due process, I wish to do the same, and I now demand the yeas and nays.

The yeas and nays were refused.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6675, with Mr. Dingell in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MILLS. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, we are beginning the consideration, in Committee of the Whole, of H.R. 6675, a bill reported by the Committee on Ways and Means after consideration this year of many, many days in executive session involving a subject matter that has been before the committee for a number of years, a subject matter on which the Committee on Ways and Means has conducted over the course of that time more days of public hearings than on any other matter within the jurisdiction of the Committee on Ways and Means in the same period of time. This was pointed out by the gentleman from New York [Mr. Keogh], during the debate on the rule a few minutes ago.

Mr. Chairman, the bill, H.R. 6675, involves some matters that have not been in bills submitted in prior years to the Committee on Ways and Means as a single package or previously reported by the Committee on Ways and Means.

It is significant, however, Mr. Chairman, that the bill, H.R. 6675, contains all except one of the provisions that were in the bill last year that was reported from the committee providing for social security amendments and which the House passed by an overwhelming vote, as I recall, with only eight Members voting against that bill. At that time the committee thought it advisable to include a provision to permit firemen and policemen under existing State and local government pension plans so they could elect among themselves to come under social security. That provision was stricken by Senate action in the Finance Committee as it considered the bill last year and is not in this year's bill.

Mr. Chairman, after we met with the other body in conference, we felt it was advisable for us not to include the provision this year on the basis of the feeling that prevailed within the conference on that matter. But with that sole exception everything that you Members who were here last year and who returned to this Congress voted for in the social security amendments of last year is contained in this bill.

Mr. Chairman, I say there is material in it that was not in that bill. There is material in it this time that apparently is more controversial in nature than the material that prompted all Members of the House last year, save eight, to vote for the bill.

I believe with respect to that material which is in the bill, however, there seems to be more misunderstanding and more general statements of disapproval without foundation and fact than we want to permit to continue after we discuss the bill through these 10 hours of general debate.

Let me point out, Mr. Chairman, very briefly what some of the provisions are within the bill, most of which do not involve any controversy whatsoever, for most of these provisions are in a bill that the distinguished gentleman from Wisconsin [Mr. Byrnes] introduced last week in his name that were not controversial in the Ways and Means Committee itself to any great extent.

In bringing to you the contents of this bill permit me to divide the bill into four parts, for each of these four parts constitutes a separate subject matter for a monumental bill within itself.

These four parts are, first, the part dealing with the medical care of our elderly citizens; second, the part dealing with maternal and child health, crippled children, and mentally retarded programs; third, the part revising and improving the benefit and coverage provisions of the old-age, survivors, and disability insurance program and, fourth, the part improving and expanding the public assistance programs themselves.

Now, let us return to the first of these. What, in a brief way, is the committee bill proposing to do with respect to health insurance and medical care of those over 65? The bill divides in that respect into three parts. There is within the bill what we have called a basic plan providing protection against the cost of hospital and nursing home care, financed through a separate payroll tax and using a separate trust fund.

The proposed basic hospital insurance would be provided—on the basis of a new section in title II of the act—for people aged 65 and over who are entitled to monthly social security benefits or to annuities under the Railroad Retirement Act. In addition, people who are now aged 65 or will reach age 65 within the next few years and who are not insured under the social security or railroad programs would nevertheless be covered under the basic plan. In July 1966, when the program would become effective, about 17 million people aged 65 and over who are eligible for social security or railroad retirement benefits, and about 2 million aged who would be covered under a special transitional provision, would have the proposed basic hospital insurance.

Included under the special provision would be all uninsured people who have reached 65 before 1968. As to persons reaching 65 after 1967, they would have to have the quarters of coverage that are indicated in the following table:

Quarters of coverage required for OASI cash benefits as compared to hospital insurance

Year attains age 65	Men		Women	
	OASI	Hospital insurance	OASI	Hospital insurance
1967 or before	6–16	0	6–13	0
1968	17	6	14	6
1969	18	9	15	9
1970	19	12	16	12
1971	20	15	17	15
1972	21	18	18	(1)
1973	22	21	--------	--------
1974	23	(1)	--------	--------

[1] Same as OASI.

As indicated in the table, by 1974 the quarter coverage required for cash benefits and hospitalization insurance benefits will be the same and the transitional provision will phase out.

Together, these two groups comprise virtually the entire aged population. The persons not protected would be Federal employees who retired after July 1, 1960, and have had the opportunity to come under the liberal provisions of the Federal Employees Health Benefits Act of 1959. Others excluded would be aliens who have not been residents of the United States for 10 years and certain subversives.

Currently, 93 percent of the people reaching age 65 are eligible for benefits under social security or railroad retirement and this percentage will rise to close to 100 percent as the program matures. Thus, over the long run virtually all older people will earn entitlement for the proposed hospital insurance.

Persons entitled to benefits under the hospital insurance plan would be eligible to have payments made for inpatient hospital care and for important additional benefits covering posthospital extended care, posthospital home health services, and certain outpatient hospital diagnostic studies.

Benefits would be payable for covered hospital and related health services furnished beginning July 1, 1966. Posthospital extended care benefits would be effective January 1, 1967.

The second part of the medical package provides for a voluntary supplementary program providing and making available money for the payment of physicians' fees and other medical and health services, which would be financed through a small monthly premium paid by the individual, equally matched by an amount from the general funds of the Treasury of the United States.

The voluntary supplementary plan would provide protection that builds upon the protection provided by the hospital insurance plan. It would cover physicians' services, additional home health visits, care in psychiatric hospitals, and a variety of medical and other services not covered under the hospital insurance plan. The beneficiary would pay the first $50 of expenses he incurs each year for services of the type covered under the plan. Above this deductible amount, the plan would pay 80 percent of the reasonable costs in the case of services provided by an institution or home health agency and 80 percent of reasonable charges for other covered services, with 20 percent being paid by the beneficiary.

Benefits under the supplementary plan would be provided for:

First. Physicians' services, including surgery, consultation, and home, office, and institutional calls.

Second. Medical and other health services. These would include:

(a) Diagnostic X-ray and laboratory tests and other diagnostic tests;

(b) X-ray, radium, and radioactive isotope therapy;

(c) Surgical dressings, splints, casts, and other devices for reduction of fractures and dislocations;

(d) Rental of durable medical equipment, such as iron lungs, oxygen tents, hospital beds, and wheelchairs;

(e) Prosthetic devices (other than dental) which replace all or part of an internal body organ;

(f) Ambulance services with limitations;

(g) Braces and artificial legs, arms, and eyes.

Third. Inpatient psychiatric hospital services for up to 60 days during a spell of illness—subject to a lifetime maximum of 180 days.

Fourth. Home health services for up to 100 visits during a calendar year—without a requirement of prior hospitalization.

The $50 deductible would be applied on a calendar year basis, except that expenses the individual incurred in the last 3 months of the preceding calendar year would be counted as satisfying the deductible if they had been counted toward the deductible in that year. This special carryover provision would avoid requiring persons with substantial costs at the end of 1 year to meet the deductible perhaps early in the next year as though they had had no prior bills.

The third part of this medical package results from the thinking in the Ways and Means Committee last year and largely consists of the tentative decisions that were taken at that time for drafting purposes within the committee. That has to do with the expansions and improvement of the existing program of medical assistance for the aged. We have made very material improvements within that program, permitting the States to continue to provide better benefits to more needy people and permitting the Federal Government to assist the States with respect to the financing of these benefits.

We have made provision, Mr. Chairman, within the framework of that program, to assist the States not only with respect to the medical problems of those who are 65 and over, but we have made provision to help them with respect to the costs of the medical expenses for the blind, for the disabled, and for families with dependent children. These are now provided in some form or other, and under varying formulas in some five titles of the Social Security Act. We have grouped those into one program, and we place that in the new title of the Social Security Act, title XIX.

The provision of medical care for the needy has long been a responsibility of the State and local public welfare agencies. In recent years, the Federal Government has assisted the States and localities in carrying this responsibility by participating in the cost of the care provided. Under the original Social Security Act, it was possible for the States, with Federal help, to furnish money to the needy with which they could buy the medical care they needed. Since 1950, the Social Security Act has authorized participation in the cost of medical care provided in behalf of the needy aged, blind, disabled, and dependent children—the so-called vendor payments. This method of providing care has proved popular with the suppliers of medical care, the agencies administering the programs, and the recipients themselves.

Several times since 1950, the Congress has liberalized the provisions of law under which the States administer the State-Federal program of medical assistance for the needy. The most significant enactment was in 1960 when the Kerr-Mills medical assistance for the aged program was authorized. This legislation offers generous Federal matching to enable the States to provide medical care in behalf of aged persons who have enough income for their basic maintenance but not enough for medical care costs. This program has grown to the point where 40 States and 4 other jurisdictions have such a program and 227,000 aged were aided in December 1964. Furthermore, medical care as a part of the cash maintenance assistance programs has also grown through the years until, at this time, nearly all the States make vendor payments for some items of medical care for at least some of the needy.

H.R. 6675 is designed to liberalize the Federal law under which States operate their medical assistance programs so as to make medical services for the needy more generally available. After an interim period ending June 30, 1967, all vendor payments for medical care, including medical assistance for the aged, would be administered under the provisions of the new title. Until June 30, 1967, States might continue operating under the vendor payment provisions of title I, old-age assistance and medical assistance for the aged; title IV, aid to families with dependent children; title X, aid to the blind; title XIV, aid to the permanently and totally disabled; and title XVI, the combined adult program, or if they wish, they might move as early as January 1, 1966, to the new title. Programs of vendor payments for medical care will continue, as now, to be optional with the States.

I will pass to the second part of the bill as we have divided it this morning for the purposes of discussion. That has to do with services for the mentally retarded, and for the maternal and child health and crippled children's programs. There we have added to the amount of money that we will provide the States from the Federal Treasury to assist with respect to these problems of our children.

The third part of the bill dealing with amendments and improvements of the Federal old-age, survivors, and disability insurance program again has to be broken down, for there are several very important amendments in this part of the bill. We are providing an across-the-board increase in the amount of benefits that we pay under social security by 7 percent, with a minimum, so that no retired worker or widow, age 65 or over would receive less than a $4 increase in his social security check. We are making that provision retroactive to the 1st of January 1965, because that was the date for the commencement of increases in such benefits under the legislation that passed both branches of the Congress last year, but did not emerge from the conference.

Second, we are continuing benefits to children up to age 22, where now they discontinue at age 18, provided that the child is attending a school. We provide actuarially reduced benefits for widows at age 60. And we are liberalizing the definition of disability and providing for payment for the sixth month of the waiting period for disability insurance benefits. This to me is one of the more important elements within the amendments to the old-age, survivors, and disability insurance program.

We are for the first time providing to some 355,000 people 72 years of age and older what we call a transitional benefit for people who have had—or their husbands have had—some connection with the program but for some reason or other not sufficient connection with the work force to qualify under the present more stringent eligibility requirements. We are providing for them this transitional benefit. There are about 355,000 of those people still living who would benefit. We are increasing the amount an individual is permitted to earn and continue to draw some part of his social security benefit without losing all of that benefit.

There are many amendments in addition to those that I have discussed, including the coverage of self-employed physicians, including cash tips as wages for the purpose of social security, liberalizing the income treatment for self-employed farmers, improving certain State and local coverage provisions, exempting certain religious groups opposed to insurance, and revising the tax schedule and the earnings base so as to fully finance these changes we are making, and thus assuring that these programs are going to continue to be maintained on an actuarially sound basis.

The fourth point of the bill is equally important, equally important to those that are involved and affected by it, for under this part of the bill we are increasing the Federal matching share for the needy aged, the blind, the disabled, and families with dependent children.

The bill provides for an increase in the payments to public assistance recipients, effective January 1, 1966. The formula determining the Federal share of assistance payments is liberalized by increasing the Federal proportion of the payments in the first step of the formula and by raising the ceiling on Federal sharing in the second step of the formula. For the adult categories—OAA, APTD, AB, and for the combined program for the aged, blind, and disabled—the formula is changed from twenty-nine thirty-fifths of the first $35 of the average assistance payment to thirty-one thirty-sevenths of the first $37 of the average assistance payment. The ceiling is raised on the average payments from $70 a month to $75 a month. The provisions in the formula under titles I and XVI adding $15 to the ceiling for vendor medical care payments in which there can be Federal participation and otherwise recognizing medical payments are not affected by this formula change, except that the steps of the statutory formula are rearranged to improve their equitable application.

For the program of AFDC, the formula change made in the bill would be from fourteen-seventeenths of the first $17 of the average payment per recipient to five-sixths of the first $18 of the average assistance payment. The ceiling is raised from $30 a month to $32 a month. Under the bill, there would be an increase in Federal payments averaging about $2.50 a month for the needy recipients in the adult assistance categories and an increase of about $1.25 a month for the needy children and the adults caring for them. The level of aid provided the needy justifies this modest increase.

We are eliminating limitations on Federal participation in public assistance to aged individuals in tuberculosis and mental disease hospitals under certain conditions. We are affording the States broader latitude in disregarding certain earnings in determining need for aged recipients of public assistance. And we are making other improvements in the public assistance titles of the Social Security Act.

Let me briefly refer to the magnitude of this bill by looking to the scope of it, seeing the numbers of people who are affected directly and immediately by this legislation.

Under the basic plan, that is under the hospital insurance program for persons aged 65 or over, it is estimated that some 17 million insured individuals and some 2 million individuals who are not insured under social security or railroad retirement would qualify on July 1, 1966, for protection against the cost of those hospital benefits that we make available under the basic plan.

Then under the voluntary supplementary plan, it is estimated that of the 19 million eligible aged today, maybe 80 to 95 percent will participate. This means approximately 15 to 18 million individuals would be benefited by that part of the medical program.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 10 additional minutes

Under the medical assistance for the needy provision of the bill, we anticipate that some 8 million people under State programs with the Federal Government assisting will receive medical protection and be benefited thereby.

Then under the old-age, survivors, and disability insurance part, where we make amendments that I have referred to, there are 20 million people today who will receive increased benefits as a result of the 7-percent across-the-board increase in their cash benefit payments.

There are 295,000 children who will benefit under the provision allowing them to receive benefits when they continue in school up to age 22.

There are 185,000 widows who we anticipate will participate at age 60, with an actuarially reduced benefit.

There are some 355,000 of these people 72 years and older who will be eligible to receive the transitional social security benefit for the first time.

There are about 155,000 workers and dependents who will receive eligibility as a result of our change in definition under the disability benefit program.

The heading "Committee Bill Costs More for Less Protection Than Republican Proposal," which appears in the minority report seems worthy of comment. If it proves to be true, my friends on the minority do, indeed, have a remarkable program.

To overcome my initial skepticism, I requested a comment on the figures presented by the minority members from the chief actuary of the Social Security Administration. The melancholy reply was what I had feared. In the health care area, as in most other areas, you only get what you pay for. If the Republican proposal provides more, it has got to cost more. Or to put it in Mr. Myers' words:

> Quite obviously, it is impossible for more benefits to be given under one proposal than another and, at the same time, for the first proposal to cost less than the second one. In brief, the errors in the analysis that is made in this section arise from comparing costs for groups of different size and from cost estimates that are on different bases.

Mr. Myers concludes that if the two programs are compared under similar assumptions, the Republican proposal would involve benefit disbursement costs some $700 million more in the first full year of operation than of the cost of the basic hospital insurance plan and the voluntary supplementary plan combined in the committee bill. Perhaps the relative costs of the programs can be best shown in percent of payroll—fully realizing that the minority plan and the committee's supplementary plan are to be financed by a combination of individual contribution and general revenue—and in monthly per capita costs:

	Long-range level (percent)	Monthly per capita (1st year)
Committee bill:		
Basic hospital	1.23	$10
Voluntary supplementary	.49	5
Total	1.72	15
Republican bill:		
Voluntary	--------	--------
Comprehensive	2.21	20

In order that the record reflect cost estimates on both the committee and minority proposals prepared under comparable assumptions, I would like to place in the RECORD a number of memorandums from Mr. Myers relative to their cost aspects:

MEMORANDUM OF APRIL 1, 1965

From: Robert J. Myers.

Subject: Appraisal of comparative cost estimates for health insurance proposals in "Separate Views of the Republicans" section of the House report on the Social Security Amendments of 1965.

On page 245 of the above report, a comparison is made of the estimated costs for the health insurance benefits under H.R. 6675 with those under the Republican proposal. The essence of the analysis made there is that "the committee bill costs more for less protection than the Republican proposal."

Quite obviously, it is impossible for more benefits to be given under one proposal than another and, at the same time, for the first proposal to cost less than the second one. In brief, the errors in the analysis that is made in this section arise from comparing costs for groups of different size and from cost estimates that are on different bases.

The section states that the cost for the first full year of operation (calendar year 1967) is $3.42 billion for H.R. 6675, and $2.90 billion for the Republican proposal. These figures are stated to be on the assumption of 80-percent participation in the programs. However, the figure of $3.42 billion for H.R. 6675 consists of $1.12 billion for the supplementary health insurance benefits plan on an 80-percent participation basis, and of $2.30 billion for the hospital insurance plan that is on a virtually 100-percent basis.

I do not know the source of the last-mentioned figure since it does not relate either to contributions or to benefit payments plus administrative expenses, the former being estimated at $2.60 billion and the latter being estimated at $2.26 billion—both figures being shown on page 251. It is incorrect to use the contribution figure as a basis for the analysis because it involves a certain amount of advance funding. If, then, we use the figure for benefits and administrative expenses, it should be reduced by 20 percent so as to be on a comparable basis with that for the Republican proposal, which assumes 80-percent participation. On this basis, the cost for H.R. 6675 is $2.93 billion (80 percent or $2.26 billion for the hospital insurance program, plus $1.12 billion for the supplementary health insurance benefits program).

This adjusted cost figure of $2.93 billion for H.R. 6675 is virtually the same as that shown in the section for the Republican proposal, even though the latter really has a higher benefit cost. The explanation for this difference is that the cost estimate given for the Republican proposal is not on the same conservative basis as that for H.R. 6675, both parts of which are estimated under high-cost assumptions. On the other hand, the cost estimate for the Republican proposal is an intermediate-cost estimate, which I made in my memorandum of February 26. A cost estimate for the Republican proposal that is comparable with the cost estimate for H.R. 6675 shows a total cost of $3.60 billion, as compared with the $2.90 billion shown in the report (the high-cost estimate being from my memorandum of February 9).

Thus, on a comparable basis, both as to degree of participation and as to actuarial cost assumptions, the Republican proposal has a higher cost for benefit payments and administrative expenses that H.R. 6675—as should properly be the case because of the more extensive benefit protection provided (for example, it includes benefits with respect to drugs, private-duty nursing, extremely long periods of hospitalization, etc.).

The cost analysis for the Republican proposal derives the "cost to be financed by taxpayers," which is the result of subtracting the premium contributions from the total cost of the program. The result would, of course, be different when comparable bases are used—for the reasons indicated previously. However, I question the significance of this concept because there is really little difference between the premium contributions made by persons currently eligible for the benefits and the contributions for hospital insurance made by workers, most of whom are under age 65, who will ultimately receive hospital benefit protection if they attain age 65.

The cost analysis in this section also derives a net cost figure assuming 100-percent participation. If the high-cost estimate basis is used, following the conservative financing approach underlying H.R. 6675, the total annual benefit cost would be $4.55 billion. To obtain the net cost to general revenues, offset against this would be the premium contributions of $1.25 billion and the recoupment of the tax revenue loss from medical deductions in the income tax of $0.25 billion, or a net cost of $3.05 billion—as compared with $1.80 billion shown in this section. My figure does not include—as does the $1.80 billion—any reduction in Federal costs for OAA and MAA, since the provisions therefor in the bill require that State and local government funds for public assistance programs should not be reduced over present levels. Accordingly, there would be no savings in Federal funds in this connection. It is proper to follow this procedure since the Republicans have stated that they support the amendments in H.R. 6675 relating to the Kerr-Mills program.

ROBERT J. MYERS.

MEMORANDUM OF APRIL 2, 1965

From: Robert J. Myers.

Subject: Cost estimate for financing the Republican proposal for health insurance benefits for persons aged 65 and over on a contributory social insurance basis.

This memorandum will present a cost estimate for financing the health insurance benefits under the Republican proposal through a social insurance approach that would use the same earnings bases as those in H.R. 6675. The Republican proposal is contained in H.R. 4351 and companion bills. The cost estimate made here for that proposal is on the same conservative assumptions as those used for the cost estimate for the committee bill.

The estimated level cost of the benefit payments and administrative expenses of the hospital insurance provisions of the committee bill is 1.23 percent of taxable payroll, whereas the corresponding figure for the Republican proposal is 2.21 percent of taxable payroll. If the supplementary health insurance benefits provisions of the committee bill were on a compulsory basis like the hospital insurance provisions (instead of on a voluntary individual-election basis financed by premiums from the beneficiaries and matching Government contributions), the estimated level cost of these benefits, plus that for the hospital insurance provisions would be 172 percent of taxable payroll. Accordingly, the contribution rate schedule for the Republican proposal (combined with an earnings base of $5,600 in 1966–70 and $6,600 thereafter) would be as follows for the combined employer-employee rate, as compared with the corresponding schedule for the committee bill (showing both the schedule in the bill for the health insurance benefits and that which would be included if the supplementary health insurance benefits were also included on the same financing basis):

[In percent]

Calendar year	Committee bill	Committee bill, plus SHIB provisions	Republican proposal
1966	0.7	1.0	1.4
1967–72	1.0	1.4	1.9
1973–75	1.1	1.6	2.0
1976–79	1.2	1.7	2.2
1980–86	1.4	2.0	2.5
1987 and after	1.6	2.2	2.8

These schedules for the Republican proposal and for the supplementary health insurance benefits proposal are determined from the same cost and financing assumptions as that for the committee bill. The schedules would thus not only meet the cost of the benefit payments and administrative expenses, but also would build up moderate contingency funds. Furthermore, just as is the case with the committee bill, if the earnings base increases after 1971, and if all the other cost assumptions are realized, the contribution rates would not have to increase as much as is indicated in the foregoing schedules.

Under this financing basis, the Republican proposal would have contribution income of $3.2 billion in calendar year 1966 and disbursements for benefits and administrative expenses of $2.1 billion (assuming that benefit payments would first be available in July 1966). In calendar year 1967, contribution income would be $5 billion, while disbursements for benefits and administrative expenses would be about $4.5 billion.

The attached table shows the estimated progress of the trust fund that would develop under the foregoing contribution schedule under the financing basis and actuarial cost assumptions underlying the hospital insurance provisions of the committee bill.

ROBERT J. MYERS.

Estimated progress of health insurance trust fund under Republican proposal if financed in same manner as hospital insurance proposal in committee bill

[In millions]

Calendar year	Contributions	Benefit payments	Administrative expenses	Interest on fund	Balance in fund at end of year
1966	$3,156	$1,897	[1] $185	$34	$1,108
1967	4,964	4,254	296	34	1,556
1968	5,301	4,553	316	51	2,039
1969	5,470	4,866	338	66	2,371
1970	5,668	5,197	361	75	2,556
1971	6,321	5,531	385	84	3,045
1972	6,627	5,875	408	98	3,487
1973	7,180	6,230	433	114	4,118
1974	7,490	6,627	461	130	4,650
1975	7,758	6,966	484	142	5,100
1980	10,966	9,145	636	266	9,450
1985	12,568	11,828	822	425	13,801
1990	15,803	15,176	1,055	581	15,636

[1] Including administrative expenses incurred in 1965.

Now, Mr. Chairman, this program costs money. Let us not think for 1 minute that this or any other program can be provided without it costing money. I have been just a little bit concerned about what was said in the report of the minority—that they could do more and provide more benefits for more people for less money than the committee bill did. Very frankly, I do not think you can develop a program with benefits of the same value from the general funds of the Treasury or through the mechanism of a payroll tax and have, if the amount of benefits is exactly the same in either approach, one cost less than the other. It is beyond my comprehension that any of us today are brilliant enough to come forward with a method of providing more benefits to more people and having it cost less money. It just does not sound reasonable or logical to me.

In developing this comprehensive health insurance program for the aged the Committee on Ways and Means was mindful that a program is no better than its administration. The committee proposals reflect a conviction that the administrative challenges brought by this new program can be met by the combined efforts of voluntary organizations and the Government. The governmental part of this challenge will nevertheless remain large. It will fall mainly to the Social Security Administration. We believe that this agency's outstanding record for service and efficiency will be carried forward into the new program.

The Social Security Administration, however, will face a major job of advance planning and preparation to bring the health insurance programs into operation by next year. Extensive negotiations will be required to complete agreements and financial arrangements with fiscal intermediaries, insurance carriers, State agencies, and others. Broadscale consultation will also be required with professional organizations representing the Nation's hospitals and others who furnish reimbursable health services. Operational policies and recordkeeping procedures will have to be worked out on a scope never before undertaken in the health field. This will entail, among other things, putting into the hands of 19 million aged people information about the two health insurance programs, answering inquiries on the benefits of the voluntary insurance plan, setting up records for those who elect the plan, and preparing and delivering identification cards for all the eligible aged.

In addition to this vast enrollment task, the Social Security Administration will have a tremendous job of taking and developing new claims in order to establish the basic eligibility of the aged who have been uninsured for cash benefits and from all others over 65 who have not yet applied for social security benefits. This will mean a doubling of the normal old-age and survivors disability insurance claims load for a single year, at the same time that changes in the disability insurance law and other social security changes will bring a heavy volume of additional activity into social security district offices.

I am sure the Social Security Administration will stand up to the challenge. I am sure, too, that when this bill becomes law the social security people, as they have so frequently demonstrated in the past, will lose no time in getting on with all the necessary preparations. They are well aware that carrying out the new programs and the improvements in the present one will demand all the talents and skills they can muster. This effort will require that all possible measures—in the Congress and in the Executive branch—be taken to assure that any obstacles that might get in the way of effective administration will be removed. It will be important, for example, that the needed supplemental appropriations, organizational changes, and greatly increased staffing take place just as soon as possible.

One very serious obstacle is the limitation on the number of people of supergrade rank that the Social Security Administration is now permitted. I am referring to the positions above the GS-15 grade. In this organization, which already operates the biggest insurance program of its kind in the world, pays over $16 billion a year to nearly 20 million people, serves tens of thousands of people daily through a nationwide network of over 600 offices, and requires a staff of 36,000 people to conduct its operations there are today only 15 supergrade positions—2 of which are in the scientific and technical excepted group. This is 1 for every 2,400 employees. In comparison, the Railroad Retirement Board, conducting a somewhat similar program of much smaller scope, has 1 supergrade for every 211 employees—more than 10 times the percentage of supergrades now permitted the Social Security Administration. The Internal Revenue Service has 1 supergrade for every 211 employees. The Civil Service Commission has 1 for every 136. The General Services Administration 1 for every 434, and the General Accounting Office 1 for every 156. None of these agencies has less than 5 times the percentage of supergrades allocated to the Social Security Administration. From these statistics it is clear that the allocation of higher level positions to direct the social security program has failed to keep pace with the rapid growth of the program. This obviously puts the Social Security Administration at a severe competitive disadvantage in its search for qualified and competent personnel not only with private industry but with other agencies of the Government.

This is the situation as it already exists. And now, in enacting this bill, we would be aggravating it seriously if no remedy is provided. If we expect—and we do expect—the Social Security Administration to carry out these new responsibilities in a manner befitting their importance and the needs and proper expectations of the American people, any unnecessary and inequitable handicaps upon the organization ought to be removed without delay. Effective carrying out of the provisions we are making for the health and security of the Nation's senior citizens, and for helping its widows and its orphans, is far too important, and too great a challenge to warrant risking impairment of the job by failing to allow the Social Security Administration enough higher level jobs to attract and retain the required human talents and skills.

As I have indicated, it would take a hundred supergrade jobs, considering the small allowance it now has and the necessary expansion this agency faces, to put it in a comparable position with the General Services Administration and nearly 200 to put it in a comparable position with the Internal Revenue Service. I would not undertake to say the exact number needed but I believe it is clear that the needed increase is large enough to call for special legislation. As one deeply concerned with the smooth and successful carrying out of the far-reaching programs we are acting on today, I hope the appropriate committees of the Congress will see their way clear to promptly consider such legislation which I believe is required to enable the administering agency to do the job in the way we and the people of the country want it done.

I must admit that the benefits in the committee bill cost money—yes, they cost money. Let us see what they cost. Let us see what we are doing in this bill to provide for those costs.

The health care program costs include those for the supplementary program, for the basic program, and for the medical assistance for the aged improvements. The basic program, which I have said is financed by the payroll tax device, will in the first full year of its operation, 1967, produce a cost of $2,300 million on the basis of using high cost estimates, which we think is the conservative way to determine what something will cost when you have to provide a tax for it.

The voluntary supplementary health benefits program will have a cost out of the Federal Treasury, beginning July 1, 1966, of approximately $600 million per year, while for the same period there will also be a cost of $275 million for uninsured persons covered by the hospital insurance program.

The medical assistance for the aged liberalization of the program will cost about $200 million per year.

The 7-percent across-the-board increase in the old-age and survivors disability insurance benefits payments will produce in the year 1966 additional benefit payments of $1,400 million.

The child benefits to age 22 when in school will add an additional cost of $195 million to the old-age survivors disability insurance trust funds in the first year.

The reduced age for widows will cost $165 million out of those trust funds in the first year. But that is a disappearing item, because over the lifetime of the beneficiary it does not cost any additional amount to the system.

The transitional benefits at age 72 will cost, from the old-age survivors disability insurance trust fund $140 million additional in the first year.

The changes we have made in the disability insurance program will cost $105 million in the first year.

The changes we make with respect to the retirement test will cost $65 million out of the old-age and survivors disability insurance trust funds in the first year.

That means a total from those two trust funds of $1,905 million in the first year.

Public assistance amendments that increase the amount of Federal participation with the State in cash payments will cost $150 million per year out of the general fund.

The changes we make in the exclusion of assistance payments to persons in TB and mental hospitals cost $75 million per year.

The maternal and child health, crippled children part of it will cost $60 million per year.

The OAA income exemption will have an annual cost of $1 million.

Under the modified medical assistance for the aged definition, we have added $2 million per year.

Mental retardation projects will have an annual cost of $3 million.

That adds up to a total altogether out of the general fund of the Treasury of $1,366 million per year.

Every dime of that is budgeted as it affects the upcoming fiscal year.

The $875 million I referred to for payments from general funds with respect to the two health insurance programs, which will begin on July 1, 1966, is unbudgeted because we do not have the budget for the fiscal year 1967 as yet.

Now there is a further point which I should make here: the cost of administration.

Now, how do we propose to pay for the programs? We have increased both the maximum on the amount of earnings that are subject to taxes from $4,800 to $5,600 on January 1, 1966, and then again, to $6,600 on January 1, 1971, and the tax rates that would be applied to those earnings.

We have provided for increases in the tax rates over a period of years, as we have always done in the past, so that the actuary of the Department of Health, Education, and Welfare can tell us, "I can advise you that this program is actuarially sound." As he looks at it, over the forthcoming 75 years, this program of old-age and survivors disability insurance would only be out of balance by only about .08 percent of payroll.

Now as to the health part of the bill. We have worked out a separate tax and a separate trust fund. Let no one mislead you with statements, general in nature as they appear to be, and be not misled by the minority views expressed in the report that this separation is illusory.

Some statements have recently been made that I have, in effect, gone back on my previously expressed position that there must be separation between the cash benefits system and the proposed hospital benefits system. I emphatically state, here and now, that this is not the case. My conviction is that there must be separation and the bill I bring to you reflects this belief. For years I have maintained that the basic difference between the two types of benefits makes it essential that we have two separate systems. During many hours of questioning the Government witnesses before our committee, particularly the Chief Actuary, I brought out the different nature of the cost assumptions which underlie the hospital program as distinguished from the cash program. I pointed out that some assumptions which were conservative under one program had exactly the reverse effect when applied to the other program. Thus, as the committee drew up the bill, at every opportunity I urged that provisions be inserted which would provide meaningful separation between the two systems.

The minority members of the committee have written in the report that this is somewhat illusory and it was stated, at the Rules Committee, that what we have in the bill is just the same arrangement which exists under current law in respect to the disability insurance program and the old-age and survivors insurance program. I respectfully beg to differ. In respect to these two programs under existing law there is no separate tax, merely an allocation of revenues between two trust funds. The fact that this is merely an allocation is illustrated by the bill before you today which provides for a redistribution of the revenues from the combined old-age and survivors disability insurance tax. This new allocation, which will put the disability insurance fund on a sound actuarial basis to make up for some unfavorable cost experience in recent years, would not be possible as to hospital benefits under your committee's bill. Under H.R. 6675 any readjustment of revenue because of either unfavorable or favorable experience will have to be done by a change in the tax rate or earnings base—or both—of the separate hospital insurance tax.

The hospital program will thus be financed from its own tax and there will be no shifting of funds—either way—from the old-age, survivors, and disability program.

Let me once again summarize the separation of program envisioned by this bill by reading from the report on page 48:

> First, the schedules of tax rates for old-age, survivors, and disability insurance and for hospital insurance are in separate subsections of the Internal Revenue Code (unlike the situation for old-age and survivors insurance as compared with disability insurance, where there is a single tax rate for both programs, but an allocation thereof into two portions).
>
> Second, the hospital insurance program has a separate trust fund (as is also the case for old-age and survivors insurance and for disability insurance) and, in addition, has a separate board of trustees from that of the old-age, survivors, and disability insurance system.
>
> Third, the bill provides that income tax withholding statements (forms W-2) shall show the proportion of the total contribution for old-age, survivors, and disability insurance and for hospital insurance that is with respect to the latter.
>
> Fourth, the hospital insurance program would cover railroad employees directly in the same manner as other covered workers, and their contributions would go directly into the hospital insurance trust fund and their benefit payments would be paid directly from this trust fund (rather than directly or indirectly through the railroad retirement system), whereas these employees are not covered by old-age, survivors, and disability insurance (except indirectly through the financial interchange provisions).
>
> Fifth, the financing basis for the hospital insurance system would be determined under a different approach than that used for the old-age, survivors, and disability insurance system, reflecting the different natures of the two programs (by assuming rising earnings levels and rising hospitalization costs in future years instead of level-earnings assumptions and by making the estimates for a 25-year period rather than a 75-year one).

There is always a question of the degree to which to go in separation, but this is a separately enacted tax in an entirely separate section of the Internal Revenue Code. That is not true of the OASI and DI taxes. They are in the same section. They are levied as one tax, with authority to allocate a designated part of the total to the disability insurance trust fund. But there is a great difference in the enactment of a separate tax. There is also a separate trust fund.

The subsititute plan proposed by the gentleman from Wisconsin [Mr. BYRNES] would not maintain a separateness of financing between his health insurance plan and the old-age and survivors insurance program. Instead the gentleman from Wisconsin [Mr. BYRNES] would draw some $200 million a year from the old-age and survivors disability insurance trust fund to help finance his proposed health insurance benefits.

I can assure my colleagues who have had reservations in the past, as I have had reservations in the past about doing anything in any way that might jeopardize the cash benefit program that has developed over the past 30 years and that has become such an important part of every elderly person's life, without any hesitation, without any equivocation, that there is not one single, solitary thing in this bill which would permit or allow for $1 of the money which is set aside to go into the old-age and survivors disability insurance trust funds to ever get into the hospital insurance trust fund. It just cannot be done. Neither can the hospital insurance trust fund money be put over into the old-age and survivors disability insurance trust funds.

Call it illusory if you want to. We could have gone the full extent of separation. We could have put this hospital insurance program under the administration of an entirely new agency of Government. Then what would the critics on the outside have said, had we gone to the full extent? They would have accused the Committee on Ways and Means of having set up another elaborate 40,000-person bureaucracy. The expense of that would have been out of the question.

We could have completely separated the tax for purposes of filing the earnings record and paying the tax, but if we had done that, then they would have said that we had put the taxpayers to the unnecessary trouble of having to make two computations of taxes.

But to some it would not make any difference what was done; some argument would have been made that there would not be a separation.

This has been a bone of contention with me—and Members know it—that there must be a separation. I am thoroughly convinced that we have completed that separation in this bill.

Mr. Chairman, let me go back just a bit. On the basis of legislation that has been presented to the Ways and Means Committee, it does not appear that there is much doubt any more in the minds of many that we do have a problem of meeting medical care costs in the United States with respect to certain people in our population. These are our fathers and mothers and our grandparents who are living longer today than did their loved ones before them. We owe that to the great miracles which have been performed by medical science. But in the process of having performed those miracles, problems have resulted. Today's problems, as a result, are certainly greater in magnitude than those the generations before had, because of the greater length of time beyond retirement and before death, and because of the vicissitudes of illness of more and more of these people as a result of the length of their lives.

Thus the problem seems to be established in the minds of most. There is no argument on the part of my distinguished friend from Wisconsin [Mr. BYRNES] that there is this problem, for he introduces a bill to help, with respect to that problem, produced by himself, from that very great capacity that he possesses, and incorporating within his bill everything that is within the committee bill except with respect to the one matter of how do we finance the cost of taking care of this problem.

I have said consistently that I did not think that all of the medical costs that are incurred by those over 65 could be financed only through a payroll tax, because conceivably the payroll tax would be so high finally as to interfere with our capacity to compete in the world, with the payroll tax being charged as a cost of doing business. I have said repeatedly that we cannot run the risk of bankrupting the Federal Treasury once and for all by putting this entire cost upon the general fund of the Treasury. I think that the program has to be dealt with in a combination approach of two things: use of payroll tax and use of general fund revenues. That is what the committee has done. That is the only difference, apparently, that exists today between my distinguished friend who has offered his bill and the committee's proposition.

Just how do we finance the proposal? Because his proposition would be voluntary, with no compulsion under a payroll tax, it would be financed by the payment of the individual and from the general funds of the Treasury. In total, his plan would be financed just as our supplementary plan would be.

Now, how did we divide the health insurance provisions of H.R. 6675? Which did we put in which pocket and out of what account does it come and why? There are very, very important reasons why we propose to finance the benefits the way we do. It is the way that has been debated completely but which has been disregarded by the very people with whom we were trying to work. What did we do? We picked this single biggest element, namely, the cost of being in a hospital, and we financed that by the payroll tax to let the person during his working years, through small amounts of money paid per week, per month, or per year, make advance payments to that trust fund entirely on his own and from his employer and by the self-employed on their own account.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield myself 5 additional minutes.

To take care of those expense during his working years so that when he reached retirement at 65 he would not then have to undertake the great burden of defraying the cost of the premium for that particular type of benefit. The proposal differs from H.R. 1. We took out of it every scintilla of payment to a physician—every scintilla of payment to a physician. Every safeguard has been placed so that no physician can be paid out of the trust fund created by the payment of a payroll tax. Now, what is it that you understood or that I understood had so greatly disturbed this great, wonderful medical profession that we have here in the United States? That we would finally, in time, put physicians' fees under a system where there would be a payroll tax, because they felt that if ever we did that, we would in time regulate the relationship between the physician and the patient by saying that this physician you can go to and this physician is not on our list; or by saying that we will pay out of this fund only this amount in the way of physicians' fees and thus control and regulate physicians' fees.

Now, what have we done? In this committee bill in that respect we have done the same, identical thing that the gentleman from Wisconsin has done in his bill. And yet I understand that many of you have received telegrams as late as this morning urging you to vote for his motion to recommit because there is something unholy about the committee bill, whereas his bill, from their point of view, is perfect. How do we treat the physicians in both bills?

In both bills in the same identical way. Under both they would be paid out of the fund established under the voluntary enrollment program. In both instances the physicians would be paid from the same type of fund in the same, identical manner. And how would we pay them? In identically the same way. Not a payroll tax, but money contributed by the individual participant who would enroll after he got to be 65 and put up half of it, with the Treasury, out of its general funds, putting up the other half.

I thought that was exactly what it would take. I thought that was exactly what was required to remove this threat to medical practice in the United States and regardless of what anybody on the outside says to you, we have done it—we have done it. There is nobody in this Congress, I do not care who he is, who is any more cognizant or any more desirous of not changing the orderly practice of medicine than the gentleman speaking to you today. I am convinced in my own mind, as much as I have ever been convinced of anything, that there is not one solitary thing in this committee bill that carries any threat to the medical profession of this country that could not be said equally of the bill offered by the gentleman from Wisconsin [Mr. BYRNES]. And I do not think there is anything in either bill that jeopardizes the profession in any way. Why? How are we going to handle this thing? We are not going to deal with physicians direct; there is no intention to deal with them direct; there is no intention to tell them what they may charge their patients; we are not going to say to a patient, "You have got to go to Dr. X; you cannot go to to Dr. Y."

How are we going to pay them? We are going to contract with somebody—Blue Shield, insurance companies, or other insurance carriers, and we express the desire that it be more than one. We should divide the program up somehow and let various organizations handle it—they are the ones who are going to pay the bills. But we even go to this extent because we recognize the sensitiveness of this issue: We say, "We will leave to the election of the doctors, whether they are paid directly by the insurer, or whether the insurer pays the amount to the patient and the patient then pays the doctor.

If there is a doctor in your area who does not like the insurer and who does not want to have anything to do with it and does not want to carry its check to the bank, all he has to do is say to his patient, "You accept the benefit payment for this service, and you and I will settle the bill."

And, what if the doctor says that what the insurer is paying, before he ever operates, is not sufficient to satisfy him? He might say "My fee is so much, $2,000, but this cost that you are indemnified against is only $1,000." What then? We pay 80 percent of that $1,000 to the patient, and the patient pays the doctor $2,000, including the payment under the plan. If in the community where he lives, the sum of $1,000 is the customary prevailing and reasonable fee against which we are indemnifying the patient, the doctor still makes the arrangement with his patient, or the patient makes it with his doctor to pay the difference.

Thus, Mr. Chairman, we have done everything that our minds were capable of conceiving to eliminate what appeared to us to be justifiable fears without these changes that we make.

Mr. Chairman, now very briefly—because it would take hours to discuss it all, but I have very briefly discussed even the medical portions of this bill—I would want you to know that finally it has been possible for us, after all these years, to develop a proposition that I could wholeheartedly and conscientiously, with every bit of the energy at my command, support. That has not been the case with reference to propositions in the past. Here, Mr. Chairman, I believe we have finally worked out a satisfactory and reasonable solution of an entire problem, not just a partial solution of a major problem. I feel that we have done it in a way, Mr. Chairman, that will commend it to the people for whom we do it and that they will realize that in spite of all that has been said in the past, in spite of all the ways that have been suggested in the past, finally the Committee on Ways and Means has produced the proper way to do it and that is the way that good legislation is developed.

Mr. Chairman, there is not a member of the Committee on Ways and Means whom I could not name today who has not made a major contribution to this bill by the inclusion of ideas of his own.

Mr. Chairman, where did we get the idea of the supplementary health benefits plan? Out of that fertile brain of the distinguished gentleman from Wisconsin [Mr. BYRNES].

Where did we get this idea and that idea? Out of the fertile brain of some other Democratic member or some other Republican member of the Committee on Ways and Means.

My distinguished friend, the gentleman from Virginia [Mr. BROYHILL], right at the last moment called to our attention a situation about which none of us had thought. However, as a result of the gentleman's many years of experience on the Committee on the Post Office and Civil Service, he thought about it. It was fair and equitable, and we put it in.

Mr. Chairman, every member of the committee has made his contribution. On top of that, Mr. Chairman, the people in the Department of Health, Education, and Welfare worked with us faithfully from morning until night through all of these many days during which we have been in hearings and executive session and have made their contribution.

Mr. Chairman, those on the legislative counsel's staff of the House of Representatives and those who are staff members of both the joint committee and of the Committee on Ways and Means on both sides of the aisle have made their contribution.

Therefore, Mr. Chairman, I believe that there is sufficient ground within this bill for all of us to take pride and take credit.

I would suggest, therefore, that when tomorrow comes, we not toy with the bill by considering a motion to recommit, but that we take the bill as reported to the House from the Committee on Ways and Means and pass this bill as we have passed every other bill dealing with amendments to the Social Security

Act in the past—by an overwhelming majority.

SUMMARY OF MAJOR PROVISIONS OF H.R. 6675

Mr. Chairman, I will include at this point for the convenience of the members a summary of the major provisions of H.R. 6675:

BRIEF OVERALL SUMMARY

The bill establishes two coordinated health insurance programs for persons 65 or over under the Social Security Act: (1) A basic plan providing protection against the costs of hospital and related care, financed through a separate payroll tax and trust fund; and (2) a voluntary supplementary plan covering payments for physicians' and other medical and health services financed through small monthly premiums by individual participants matched equally by a Federal Government general revenue contribution.

Undergirding the two new insurance programs would be a greatly expanded medical care program for the needy and the medically needy. This program would combine all the vendor medical provisions for the aged, blind, disabled, and families with dependent children now in five titles of the Social Security Act under a uniform program and matching formula in a single new title. The Federal matching share for cash payments for these needy persons would also be increased; services for maternal and child health, crippled children, and the mentally retarded would be expanded; a 5-year program of special project grants to provide comprehensive health care and services for needy children of school age, or preschool, would be authorized; and present limitations on Federal participation in public assistance to aged individuals in tuberculosis or mental disease hospitals would be removed under certain conditions.

With respect to the old-age, survivors, and disability insurance system the bill would increase benefits by 7 percent across the board with a $4 minimum increase for a worker, cover certain currently uncovered occupations and wages (doctors, and income from tips), continue benefits to age 22 for certain children in school, provide social security tax exemption of self-employment income of certain religious groups opposed to insurance, provide actuarially reduced benefits for widows at age 60, and pay benefits, on a transitional basis, to certain persons currently 72 or over now ineligible; liberalize the definition for disability insurance benefits, increase the amount an individual is permitted to earn without suffering full deductions from benefits, revise the tax schedule, and increase the earnings counted for benefit and tax purposes so as to fully finance the changes made, and make certain changes in allocations to the old-age and survivors insurance and disability insurance trust funds.

MORE DETAILED SUMMARY

I. Health insurance for the aged

The bill would add a new title XVIII to the Social Security Act establishing two related health insurance programs for persons 65 or over: (1) A basic plan providing protection against the costs of hospital and related care; and (2) a voluntary supplementary plan covering payments for physicians' services and other medical and health services to cover certain areas not covered by the basic plan.

The basic plan would be financed through a separate payroll tax and separate trust fund. Benefits for persons currently over 65 who are not insured under the social security and railroad retirement systems would be financed out of Federal general revenues.

Enrollment in the supplementary plan would be voluntary and would be financed by small monthly premium ($3 per month initially) paid by enrollees and an equal amount supplied by the Federal Government out of general revenues. The premiums for social security and railroad retirement beneficiaries who voluntarily enroll would be deducted from their monthly insurance benefits. Uninsured persons desiring the supplemental plan would make the periodic premium payments to the Government. State welfare programs could arrange for uninsured assistance recipients to be covered.

A. Basic Plan

General description: Basic protection, financed through a separately identified payroll tax, would be provided against the costs of inpatient hospitals services, posthospital extended care, posthospital home health services, and outpatient hospital disgnostic services for social security and railroad retirement beneficiaries when they attain age 65. The same protection, financed from general revenues, would be provided under a special transitional provision for essentially all people who are now aged 65, or who will reach age 65 before 1968, but who are not eligible for social security or railroad retirement benefits.

Benefits would be first effective on July 1, 1966 (except for services in extended care facilities which would be effective on January 1, 1967).

Benefits: The services for which payment would be made under the basic plan include—

1. Inpatient hospital services for up to 60 days in each spell of illness with the patient paying a $40 deductible amount; hospital services would include all those ordinarily furnished by a hospital for its inpatients; however, payment would not be made for private duty nursing or for the hospital services of physicians except services provided by interns or residents in training under approved teaching programs;

2. Posthospital extended care (in a facility having an arrangement with a hospital for the timely transfer of patients and for furnishing medical information about patients) after the patient is transferred from a hospital (after at least a 3-day stay) for up to 20 days in each spell of illness; 2 additional days will be added to the 20 days for each day that the person's hospital stay was less than 60 days (up to a maximum of 80 additional days)—the overall maximum for posthospital extended care could thus be 100 days in each spell of illness;

3. Outpatient hospital diagnostic services with the patient paying a $20 deductible amount for each diagnostic study (that is, for diagnostic services furnished to him by the same hospital during a 20-day period); if, within 20 days after receiving such services the individual is hospitalized as an inpatient in the same hospital, the deductible he paid for outpatient diagnostic services (up to $20) would be credited against the inpatient hospital deductible ($40); and

4. Posthospital home health services for up to 100 visits, after discharge from a hospital (after at least a 3-day stay) or extended care facility and before the beginning of a new spell of illness. Such a person must be in the care of a physician and under a plan established by a physician within 14 days of discharge calling for such services. These services would include intermittent nursing care, therapy, and the part-time services of a home health aide. The patient must be homebound, except that when equipment is used the individual could be taken to a hospital or extended care facility or rehabilitation center to receive some of these covered home health services in order to get the advantage of the necessary equipment.

No service would be covered as posthospital extended care or as outpatient diagnostic or posthospital home health services if it is of a kind that could not be covered if it were furnished to a patient in a hospital.

A spell of illness would be considered to begin when the individual enters a hospital and to end when he has not been an inpatient of a hospital or extended care facility for 60 consecutive days.

The deductible amounts for inpatient hospital and outpatient hospital diagnostic services would be increased if necessary to keep pace with increases in hospital costs, but no such increase would be made before 1969. For reasons of administrative simplicity, increases in the hospital deductible will be made only when a $5 change is called for and the outpatient deductible will change in $2.50 steps.

Basis of reimbursement: Payment of bills under the basic plan would be made to the providers of service on the basis of the "reasonable cost" incurred in providing care for beneficiaries.

Administration: Basic responsibility for administration would rest with the Secretary of Health, Education, and Welfare. The Secretary would use appropriate State agencies and private organizations (nominated by providers of services) to assist in the administration of the program. Provision is made for the establishment of an Advisory Council which would advise the Secretary on policy matters in connection with administration.

Financing: Separate payroll taxes to finance the basic plan, paid by employers, employees, and self-employed persons, would be earmarked in a separate hospital insurance trust fund established in the Treasury. The amount of earnings (wage base) subject to the new payroll taxes would be the same as for purposes of financing social security cash benefits. The same contribution rate would apply equally to employers, employees, and self-employed persons and would be as follows:

	Percent
1966	0.35
1967–72	.50
1973–75	.55
1976–79	.60
1980–86	.70
1987 and thereafter	.80

The taxable earnings base for the health insurance tax would be $5,600 a year for 1966 through 1970 and would thereafter be increased to $6,600 a year.

The schedule of contribution rates is based on estimates of cost which assume that the earnings base will not be increased above $6,600. If Congress, in later years, should increase the base above $6,600, the tax rates established can be reduced under the cost assumptions underlying the bill.

The cost of providing basic hospital and related benefits to people who are not social security or railroad retirement beneficiaries would be paid from general funds of the Treasury.

B. Voluntary Supplementary Plan

General description: A package of benefits supplementing those provided under the basic plan would be offered to all persons 65 and over on a voluntary basis. Individuals who enrolled initially would pay premiums of $3 a month (deducted, where possible, from social security or railroad retirement benefits). The Government would match this premium with $3 paid from general funds. Since the minimum increase in cash social security benefits for retired workers under the bill would be $4 a month ($6 a month for man and wife receiving benefits on the same earnings record), the benefit increase would fully cover the amount of monthly premiums.

Enrollment: Persons aged 65 before January 1, 1966, will have an opportunity to enroll in an enrollment period which begins on the first day of the second month after the month of enactment and ends March 31, 1966.

Persons attaining age 65 subsequent to December 31, 1965, will have enrollment periods of 7 months beginning 3 months before attaining 65.

In the future general enrollment periods will be from October to December 31, in each odd year. The first such period will be October 1 to December 31, 1967.

No person may enroll more than 3 years after close of first enrollment period in which he could have enrolled.

There will be only one chance to reenroll for persons who are in the plan but drop out, and reenrollment must occur within 3 years of termination of previous enrollment.

Coverage may be terminated (1) by the individual filing notice during enrollment period, or (2) by the Government, for nonpayment of premiums, after a grace period.

A State would be able to provide the supplementary insurance benefits to its public assistance recipients who are receiving cash assistance if it chooses to do so.

Benefits will be effective beginning July 1, 1966.

Benefits: The voluntary supplementary insurance plan would cover physicians' services, home health services, hospital services in psychiatric institutions, and numerous other medical and health services in and out of medical institutions.

There would be an annual deductible of $50. Then the plan would cover 80 percent of the patient's bill (above the deductible) for the following services:

1. Physicians' and surgeons' services, whether furnished in a hospital, clinic, office, in the home, or elsewhere;

2. Hospital care for 60 days in a spell of illness in a mental hospital (180-day lifetime maximum);

3. Home health services (with no requirement of prior hospitalization) for up to 100 visits during each calendar year;

4. Additional medical and health services, whether provided in or out of a medical institution, including the following:

(a) Diagnostic X-ray and laboratory tests, electrocardiograms, basal metabolism readings, electroencephalograms, and other diagnostic tests;

(b) X-ray, radium, and radioactive isotope therapy;

(c) Ambulance services (under limited conditions); and

(d) Surgical dressings and splints, casts, and other devices for reduction of fractures and dislocations; rental of durable medical equipment such as iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home; prosthetic devices (other than dental) which replace all or part of an internal body organ; braces and artificial legs, arms, eyes, etc.

There would be a special limitation on outside-the-hospital treatment of mental, psychoneurotic, and personality disorders. Payment for such treatment during any calendar year would be limited, in effect, to $250 or 50 percent of the expenses, whichever is smaller.

Administration by carriers, basis for reimbursement: The Secretary of Health, Education, and Welfare would be required, to the extent possible, to contract with carriers to carry out the major administrative functions relating to the medical aspects of the program such as determining rates of payments under the program, holding and disbursing funds for benefit payments, and determining compliance and assisting in utilization review. No contract is to be entered into by the Secretary unless he finds that the carrier will perform its obligations under the contract efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as he finds pertinent. The contract must provide that the carrier take necessary action to see that where payments are on a cost basis (to institutional providers of service), the cost is reasonable cost. Correspondingly, where payments are on a charge basis (to physicians or others furnishing noninstitutional services), the carrier must see that such charge will be reasonable and not higher than the charge applicable, for a comparable service and under comparable circumstances, to the other policyholders and subscribers of the carrier. Payment by the carrier for physicians' services will be made on the basis of a receipted bill, or on the basis of an an assignment under the terms of which the reasonable charge will be the full charge for the service.

Financing: Aged persons who enroll in the supplemental plan would pay monthly premiums of $3. Where the individual is currently receiving monthly social security or railroad retirement benefits, the premiums would be deducted from his benefits.

The Government would help finance the supplementary plan through a payment from general revenues of $3 a month per enrollee. To provide an operating fund at the beginning of the supplementary plan, and to establish a contingency reserve, a Government appropriation would be available (on a repayable basis) equal to $18 per aged person estimated to be eligible in July 1966 when the supplementary plan goes into effect.

The individual and Government contributions would be placed in a separate trust fund for the supplementary plan. All benefit and administrative expenses under the supplementary plan would be paid from this fund.

The provision in the income tax law which limits medical expense deductions to amounts in excess of 3 percent of adjusted gross income for persons under 65 would be reinstituted for persons 65 and over. Thus, provision is made for partial or full recovery of the Government contribution from enrolled persons with incomes high enough to require them to pay income taxes. A special deduction (for taxpayers who itemize deductions) of one-half of premiums for medical care insurance would be added, however, which would be applicable to taxpayers of all ages. Such special deduction could not exceed $250 per year.

Premium rates for enrolled persons (and the matching Government contribution) would be increased from time to time in the event that costs rise, but not more often than once every 2 years. The premium rate for a person who enrolls after the first period when enrollment was open to him would be increased by 10 percent for each full year he stayed out of the program. It would also be increased for any period that he had terminated his coverage.

C. Costs of the Basic and Supplementary Plans

Benefits under both plans would first become payable for services furnished in July 1966, except for services in extended care facilities, for which benefits would first become payable in January 1967.

Basic plan: Benefits under the basic plan would be about $1.0 billion for the 6-month period in 1966 and about $2.2 billion in 1967. Contribution income for those years would be about $1.6 and $2.6 billion, respectively. The costs for the uninsured (paid from general funds) would be about $275 million per year for early years.

Supplementary plan: Costs of the supplementary plan would depend on how many of the aged enrolled.

If 80 percent of the eligible aged enrolled, benefit costs of the supplementary plan would be about $195 million to $260 million in the 6 months of 1966 and about $765 million to $1.02 billion in 1967. Premium income from enrollees for those years would be about $275 and $560 million, respectively. The matching Government contribution would be the same.

If 95 percent of the eligible aged enrolled, benefit costs of the supplementary plan would be about $230 to $310 million in 1966 and about $905 million to $1.22 billion in 1967. Premium income from enrollees for those years would be about $325 and $665 million, respectively. The Government contribution would be the same.

II. Improvement and extension of Kerr-Mills program

Purpose and scope: In order to provide a more effective Kerr-Mills program and to extend its provisions to other needy persons, the bill would establish a single and separate medical care program to replace the differing provisions for the needy which currently are found in five titles of the Social Security Act.

The new title (XIX) would extend the advantages of an expanded medical assistance program not only to the aged who are indigent but also to needy individuals on the dependent children, blind, and permanently and totally disabled programs and to persons who would qualify under those programs if in sufficient financial need.

Inclusion of the medically indigent aged would be optional with the States but if they are included comparable groups of blind, disabled, and parents and children must also be included if they need help in meeting necessary medical costs. Moreover, the amount and scope of benefits for the medically indigent could not be greater than that of recipients on the cash assistance programs.

The current provisions of law in the various public assistance titles of the act providing vendor medical assistance would terminate upon the adoption of the new program by the State but no later than June 30, 1967.

Scope of medical assistance: Under existing law, the State must provide "some institutional and noninstitutional care" under the medical-assistance-for-the-aged program. There are no minimum benefit requirements at all under the other public assistance vendor medical programs. The bill would require that by July 1, 1967, for the new program a State must provide inpatient hospital services, outpatient hospital services, other laboratory and X-ray services, skilled nursing home services, and physicians' services (whether furnished in the office, the patient's home, a hospital, or a skilled nursing home) in order to receive Federal participation in vendor medical payments. Other items of medical service would be optional with the States.

Eligibility: Improvements would be effectuated in the program for the needy elderly by requiring that the States must provide a flexible income test which takes into account medical expenses and does not provide rigid income standards which arbitrarily deny assistance to people with large medical bills. In the same spirit the bill provides that no deductible, cost sharing, or similar charge may be imposed by the State as to hospitalization under its program and that any such charge on other medical services must be reasonably related to the recipient's income or resources. Also important is the requirement that elderly needy people on the State programs be provided assistance to meet the deductibles that are imposed by the new basic program of hospital insurance. Also where a portion of any deductible or cost sharing required by the supplementary voluntary program is met by a State program it must be done so in a manner reasonably related to the individual's income and resources. No income can be imputed to an individual unless actually available; and the financial responsibility of an individual for an applicant may be taken into account only if the applicant is the individual's spouse or child who is under age 21 or blind or disabled.

Increased Federal matching: The Federal share of medical assistance expenditures under the new program would be determined upon a uniform formula with no maximum on the amount of expenditures which would be subject to participation. This currently is done for the medical assistance for the aged program. The Federal share, which varies in relation to a State's per capita income, would be increased over current medical assistance for the aged matching so that States at the national average would receive 55 percent rather than 50 percent, and States at the lowest level could receive as much as 83 percent as contrasted with 80 percent under existing law.

In order to receive any additional Federal funds as a result of expenditures under the new program, the States would need to continue their own expenditures at their present rate. For a specified period, any State that did not reduce its own expenditures would be assured of at least a 5-percent increase in Federal participation in medical care expenditures. As to professional medical personnel, the bill would provide a 75-percent Federal share as compared with the 50-50 Federal-State sharing for other administrative expenses.

Administration: The State agency administering the new program would have to be the same as that administering the old-age assistance program. As some States have done under existing law, such an agency could delegate its function relating to the medical aspects of the program to the State health agency. The bill specifically provides as a State plan requirement that cooperative agreements be entered into with State agencies providing health services and vocational rehabilitation services looking toward maximum utilization of these services in the provision of medical assistance under the plan.

Effective date: January 1, 1966.

Cost: It is estimated that the new program will increase the Federal Government's contribution about $200 million in a full year of operation over that in the programs operated under existing law.

III. Child health program amendments

Maternal and child health and crippled children: The bill would increase the amount authorized for maternal and child health services over current authorizations by $5 million for fiscal year 1966 and by $10 million in each succeeding fiscal year, as follows:

Fiscal year	Existing law	Under bill
1966	$40,000,000	$45,000,000
1967	40,000,000	50,000,000
1968	45,000,000	55,000,000
1969	45,000,000	55,000,000
1970 and after	50,000,000	60,000,000

The authorizations for crippled children's service would be increased by the same amounts. Such increases would assist the States, in both these programs, in moving toward the goal of extending services with a view of making them available to children in all parts of the State by July 1, 1975.

Crippled children-training personnel: The bill would also authorize $5 million for the fiscal year 1967, $10 million for fiscal 1968, and $17.5 million for each succeeding fiscal year to be for grants to institutions of higher learning for training professional personnel for health and related care of crippled children, particularly mentally retarded children and children with multiple handicaps.

Health care for needy children: A new provision is added authorizing the Secretary of Health, Education, and Welfare to carry out a 5-year program of special project grants to provide comprehensive health care and services for children of school age, or for preschool children, particularly in areas with concentrations of low-income families. The grants would be to State health agencies, to the State agencies administering the crippled children's program, to any school of medicine (with appropriate participation by a school of dentistry), and any teaching hospital affiliated with such school, to pay not to exceed 75 percent of the cost of the project. Projects would provide screening, diagnosis, preventive services, treatment, correction of defects, and aftercare, including dental services, for children in low-income families.

An appropriation of $15 million would be authorized for the fiscal year ending June 30, 1966; $35 million for the fiscal year ending June 30, 1967; $40 million for the fiscal year ending June 30, 1968; $45 million for the fiscal year ending June 30, 1969; and $50 million for the fiscal year ending June 30, 1970.

Mental retardation planning: This title would authorize grants totaling $2,750,000 for each of 2 fiscal years—the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967. The grants would be available during the year for which the appropriation is authorized and during the succeeding fiscal year until June 30, 1968. They are for the purpose of assisting States to implement and follow up on plans and other steps to combat mental retardation authorized under section 1701 of the Social Security Act.

IV. Old-age, survivors, and disability insurance amendments

Benefits

1. Seven percent, across-the-board benefit increase in old-age, survivors, and disability insurance benefits: The bill provides a 7-percent, across-the-board benefit increase, effective retroactively beginning with January 1965, with a minimum increase of $4 for retired workers age 65 and older. These increases will be made for the 20 million social security beneficiaries now on the rolls.

Monthly benefits for workers who retire at or after 65 would be increased to a new minimum of $44 (now $40) and to a new maximum of $135.90 (now $127). In the future, creditable earnings under the increase in the contribution and benefit base to $5,600 a year (now $4,800) would make possible a maximum benefit of $149.90.

The maximum amount of benefits payable to a family on the basis of a single earnings record would be related to the worker's average monthly earnings at all earnings levels. Under present law, there is a $254 limit on family benefits which operates over a wide range of average monthly earnings. Under the bill, until 1971, the family maximum would be $312.

Under the second-step increase in the wage base to $6,600 to be effective in 1971, also provided in the bill, the worker's primary insurance amount would range from a minimum of $44 to a future possible maximum of $167.90 a month. Maximum family benefits up to $368 would also be payable.

2. Payment of child's insurance benefits to children attending school or college after attainment of age 18 and up to age 22: The bill includes the provision adopted by both House and Senate last year which would continue to pay a child's insurance benefit until the child reaches age 22, provided the child is attending public or accredited schools, including a vocational school or a college, as a full-time student after he reaches age 18. Children of deceased, retired, or disabled workers would be included. No mother's or wife's benefits would be payable on the basis of a child who has attained age 18 but is in school.

This provision will be effective January 1, 1965. It is estimated that 295,000 children will be able to receive benefits for a typical school month in 1965 as a result of this provision.

3. Benefits for widows at age 60: The bill would provide the option to widows of receiving benefits beginning at age 60 with the benefits payable to those who claim them before age 62 being actuarially reduced to take account of the longer period over which they will be paid. Under present law, full widow's benefits and actuarially reduced worker's and wife's benefits are payable at age 62.

This provision, adopted by both Houses last year, would be effective for the second month after the month of enactment. It is estimated that 185,000 widows will be able to get benefits immediately under this provision.

4. Amendment of disability program: (a) Definition: The bill would eliminate the present requirement that a worker's disability must be expected to result in death or to be of long-continued and indefinite duration, and instead provide that an insured worker would be eligible for disability benefits if he has been totally disabled throughout a continuous period of at least 6 calendar months. Benefits payable by reason of this change would be paid for the second month following the month of enactment.

(b) Waiting period: The waiting period during which an individual must be under a disability prior to entitlement to benefits is reduced by 1 month by the bill. It provides that disability benefits would be payable beginning with the last month of the 6-month waiting period rather than with the first month after the 6-month waiting period as under exising law. This change would be applicable to all cases in which the last month of the waiting period occurs after the month of enactment.

It is estimated some 155,000 disabled workers and dependents will be benefited by these provisions.

Certain changes are also made in the provision terminating disability benefits and waiving subsequent waiting periods so as to make them more restrictive when applied to shorter term disabilities.

(c) Entitlement to disability benefits after entitlement to benefits payable on account of age: Under the bill, a person who becomes entitled before age 65 to a benefit payable on account of old age could later become entitled to disability insurance benefits.

(d) Allocation of contribution income between OASI and DI trust funds: Under the bill, an additional one-fourth of 1 percent of taxable wages and three-sixteenths of 1 percent of taxable self-employment income would be allocated to the disability insurance trust fund, bringing the total allocation to three-fourths of 1 percent and nine-sixteenths of 1 percent, respectively, beginning in 1966.

5. Benefits to certain persons at age 72 or over: The bill would liberalize the eligibility requirements by providing a basic benefit of $35 at age 72 or over to certain persons with a minimum of three quarters of coverage which can be acquired at any time since the beginning of the program in 1937. To accomplish this, a new concept of "transitional insured" status is provided. Present law requires a minimum of six quarters of coverage in employment or self-employment.

(a) Men and women workers: The concept of "transitional insured" status which would make an individual eligible for an old-age or wife's benefit provides that the oldest workers will receive benefits with only three quarters of coverage, under the bill. These three quarters may have been acquired at any time since the inception of the program in 1937. For those who are not quite so old, the quarters of coverage requirement would increase until the requirement merges with the present minimum requirement of six quarters.

The following table illustrates the operation of the "transitional insured" status provision for workers:

Workers benefits[1]

Men		Women	
Age (in 1965)	Quarters of coverage required	Age (in 1965)	Quarters of coverage required
76 or over	3.	73 or over	3.
75	4.	72	4.
74	5.	71	5.
73 or younger	6 or more.	70 or younger	6 or more.

[1] Benefits will not be payable, however, until age 72.

(b) Widows: Any widow who is age 72 or over in 1966, if her husband died or reached age 65 in 1954 or earlier, can get a widow's benefit if her husband had at least three quarters of coverage. Present law requires six quarters.

If the husband died or reached 65 in 1955, the requirement is four quarters. If he died or reached 65 in 1956, the requirement would be five quarters. If he died or reached 65 in 1957 or later, the minimum requirement would be six quarters, the same as present law.

For widows reaching age 72 in 1967 and 1968, there is a "grading in" of coverage requirement of four or five quarters of coverage, respectively. Widows reaching age 72 in 1969 or after would be subject to the requirements of existing law of six or more quarters of coverage.

The table below sets forth the requirements as to widows:

Insured status provisions with respect to widow's benefits as to quarters of coverage required

Year of husband's death (or attainment of age 65, if earlier)	Present quarters required	Proposed quarters required for widow attaining age 72 in—		
		1966 or before	1967	1968
1954 or before	6	3	4	5.
1955	6	4	4	5.
1956	6	5	5	5.
1957 or after	6 or more	6 or more	6 or more	6 or more.

(c) Basic benefits: Men and women workers who would be eligible under the above-described provisions for workers would receive a basic benefit of $35 a month. A wife, aged 72 or over (and who attains that age before 1969) would receive one-half of this amount, $17.50. No other dependents' basic benefits would be provided under these provisions.

Widows would receive $35 a month under the above-described provision.

These provisions would become effective for the second month after the month of enactment, at which time an estimated 355,000 persons would be able to start receiving benefits.

6. Retirement test: The bill liberalizes the social security earned income limitation so that the uppermost limit of the "band" of $1 reduction in benefits for $2 in earnings is raised from $1,700 to $2,400. Under existing law the first $1,200 a year in earnings is wholly exempted, and there is a $1 reduction in benefits for each $2 of earnings up to $1,700 and $1 for $1 above that amount. The bill would increase the $1 for $2 "band" so that it would apply between $1,200 and $2,400, with $1 for $1 reductions above $2,400. This change is effective as to taxable years ending after 1965.

The bill also exempts certain royalties received in or after the year in which a person reaches age 65 from copyrights and patents obtained before age 65 from being counted as earnings for purposes of this test effective as to taxable years beginning after 1964.

7. Wife's and widow's benefits for divorced women: The bill would authorize payments of wife's and widow's benefits to the divorced wife aged 62 or over of a retired, deceased, or disabled worker if she had been married to the worker for at least 20 years before the date of the divorce and if her divorced husband was making (or was obligated by a court to make) a substantial contribution to her support when he became entitled to benefits, became disabled, or died. The bill would also provide that a wife's benefits would not terminate when the woman and her husband are divorced if the marriage has been in effect for 20 years. Provision is also made for the reestablishment of benefit rights for a widow or a wife who remarries and the subsequent marriage lasts less than 20 years. These changes are effective as to second month following month of enactment.

8. Adoption of child by retired worker: The bill would change the provisions relating to the payment of benefits to children who are adopted by old-age insurance beneficiaries to require that as to any adoption after the worker becomes entitled to an old-age benefit (1) the child be living with the worker (or adoption proceedings have begun) in or before the month when application for old-age benefits is filed; (2) the child be receiving one-half of his support for a year before the worker's entitlement; and (3) the adoption be completed within 2 years after the worker's entitlement.

COVERAGE

The following coverage provisions (contained in the House-passed bill last year) were included:

1. Physicians and interns: Self-employed physicians would be covered for taxable years ending after December 31, 1965. Interns would be covered beginning on January 1, 1966, on the same basis as other employees working for the same employer.

2. Farmers: Provisions of existing law with respect to the coverage of farmers would be amended to provide that farm operators whose annual gross earnings are $2,400 or less (instead of $1,800 or less as in existing law) can report either their actual net earnings or 66⅔ percent (as in present law) of their gross earnings. Farmers whose annual gross earnings are over $2,400 would report their actual net earnings if over $1,600, but if actual net earnings are less than $1,600, they may instead report $1,600. (Present law provides that farmers whose annual gross earnings are over $1,800 report their actual net earnings if over $1,200, but if actual net earnings are less than $1,200, they may report $1,200.) This change would be effective for taxable years beginning after December 31, 1965.

3. Cash tips: Coverage of cash tips received by an employee in the course of his employment as wages would be provided, effective as to tips received after 1965.

(a) Reporting of tips: The employee would be required to report to his employer in writing the amount of tips received and the employer would report the employee's tips along with the employee's regular wages. The employee's report to his employer would include tips paid to him through the employer as well as those received directly from customers of the employer. Tips received by an employee which do not amount to a total of $20 a month in connection with his work for any one employer would not be covered and would not be reported.

(b) Tax on tips: The employer would be required to withhold social security taxes only on tips reported by the employee to him. Unlike the provision in last year's House bill, the employer would be required to withhold income tax on such reported tips. The employer would be responsible for the social security tax on tips only if the employee reported the tips to him within 10 days after the end of the month in which the tips were received. The employer will be permitted to gear these new procedures into his usual payroll periods. The employer would pay over his own and the employee's share of the tax on these tips and would include the tips with his regular reports of wages. If at the time the employee report is due (or, in cases where the report is made earlier—if between the making of the report and the time it is due), the employer does not have unpaid wages or remuneration of the employee under his control sufficient to cover the employee's share of the social security tax applicable to the tips reported, the employee will pay his share of the tax with his report.

If the employee does not report his tips to his employer within 10 days after the end of the month involved, the employer would have no liability. In such a case the employee alone would be liable not only for the amount of the employee tax but also an additional amount equal to the employer tax.

4. State and local government employees: Alaska and Kentucky would be added to the list of States which may cover State and local government employees under the divided retirement system provision. This provision allows current employees desiring to do so to elect coverage; future employees are covered compulsorily.

Another opportunity would be provided, through 1966, for the election of coverage by people who originally did not choose coverage under the divided retirement system provision.

Coverage would be made available to certain hospital employees in California whose positions were removed from a State or local government retirement system.

New coverage provisions in the bill (not contained in last year's bill) are:

1. District of Columbia employees: Coverage would be extended to employees of the District of Columbia who are not covered by a retirement system. About 600 substitute teachers would be involved. The District of Columbia Commissioners also could shift the coverage of temporary and intermittent employees from the civil service retirement system to social security. The earliest date on which coverage could become effective would be the first day of the calendar quarter following the calendar quarter of enactment.

2. Exemption of certain religious sects: Members of certain religious faiths may be exempt from social security self-employment taxes and coverage upon application which would be accompanied by a waiver of benefit rights. An individual eligible for the exemption must be a member of a recognized religious sect (or a division of a sect) who is an adherent of the established teachings of such sect by reason of which he is conscientiously opposed to acceptance of the benefits of any private or public insurance, making payments in the event of death, disability, old-age, or retirement, or making payments toward the cost of, or providing services for, medical care (including the benefits of any insurance system established by the Social Security Act). The Secretary of Health, Education, and Welfare must find that such sect has such teachings and has been in existence at all times since December 31, 1950, and that it is the practice for members of such sect to make provision for their dependent members which, in the Secretary's judgment, is reasonable in view of their general level of living. The exemption for previous years (taxable years ending prior to December 31, 1965) must be filed by April 15, 1966. The exemption would be effective as early as taxable years beginning after December 31, 1950.

3. Nonprofit organizations: Nonprofit organizations could provide coverage for employees retroactively for up to 5 years (1 year under present law); also, validation of certain erroneously reported wages would be permitted.

MISCELLANEOUS

1. Filing of proof: Extends indefinitely the period of filing of proof of support for dependent husbands, widowers and parent's benefits, and lump-sum death payments

where good cause exists for failure to file within initial 2-year period.

2. Automatic recomputation of benefits: The benefits of people on the rolls would be recomputed automatically each year to take account of any covered earnings that the worker might have had in the previous year that would increase his benefit amount. Under existing law there are various requirements, including filing of an application and earnings of over $1,200 a year after entitlement.

3. Military wage credits: Replaces present provision authorizing reimbursement of trust funds out of general revenue for gratuitous social security wage credits for servicemen so that such payments will be spread over the next 50 years (now 10 years).

Number of persons immediately affected and amount of additional benefits in the full year 1966

7 percent benefit increase ($4 minimum in primary benefits).	20 million persons	$1.4 billion.
Child's benefit to age 22 if in school	295,000 children	$195 million.
Reduced age for widows	185,000 widows	$165 million (no long-range charge to system because of actuarial reduction).
Reduction in eligibility requirement for certain persons aged 72 or over.	355,000 persons	$140 million.
Liberalization of disability definition	155,000 workers, and dependents.	$105 million.
Liberalization of retirement test		$65 million.

FINANCING OF OASDI AMENDMENTS

The benefit provisions of the bill are financed by (1) an increase in the earnings base from $4,800 to $5,600 (effective January 1, 1966), and $6,600 (effective 1971), and (2) a revised tax rate schedule.

The tax rate schedule under existing law and revised schedule provided by the bill for OASDI programs follow:

[In percent]

Years	Employer-employee rate (each)		Self-employed rate	
	Present law	Bill	Present law	Bill
1965	3.625	3.625	5.4	5.4
1966	4.125	4.0	6.2	6.0
1967	4.125	4.0	6.2	6.0
1968	4.625	4.0	6.9	6.0
1969–72	4.625	4.4	6.9	6.6
1973 and after	4.625	4.8	6.9	7.0

V. Public assistance amendments

1. Increased assistance payments: The Federal share of payments under all State public assistance programs is increased a little more than an average of $2.50 a month for the needy aged, blind, and disabled and an average of about $1.25 for needy children, effective January 1, 1966. This is brought about by revising the matching formula for the needy aged, blind, and disabled (and for the adult categories in title XVI) to provide a Federal share of $31 out of the first $37 (now twenty-nine thirty-fifths of the first $35) up to a maximum of $75 (now $70) per month per individual on an average basis. The bill revises matching formula for aid to families with dependent children so as to provide a Federal share of five-sixths of the first $18 (now fourteen-seventeenths of the first $17) up to a maximum of $32 (now $30). A provision is included so that States will not receive additional Federal funds except to the extent they pass them on to individual recipients. Effective January 1, 1966. Cost: About $150 million a year.

2. Tubercular and mental patients: Removes exclusion from Federal matching in old-age assistance and medical assistance for the aged programs (and for combined program, title XVI) as to aged individuals who are patients in institutions for tuberculosis or mental diseases or who have been diagnosed as having tuberculosis or psychosis and, as a result, are patients in a medical institution. Requires as condition of Federal participation in such payments to, or for, mental patients certain agreements and arrangements to assure that better care results from the additional Federal money. Provides that States will receive no more in Federal funds under this provision than they increase their expenditures for mental health purposes under public health and public welfare programs. Also removes restrictions as to Federal matching for needy blind and disabled who are tubercular or psychotic and are in general medical institutions. Effective January 1, 1966. Cost: About $75 million a year.

3. Protective payments to third persons: Adds a provision for protective payments to third persons on behalf of old-age assistance recipients (and recipients on combined title XVI program) unable to manage their money because of physical or mental incapacity. Effective January 1, 1966.

4. Earnings exemption under old-age assistance: Increase earnings exemption under old-age assistance program (and for aged in the combined program) so that a State may, at its option, exempt the first $20 (now $10) and one-half of the next $60 (now $40) of a recipient's monthly earnings. Effective January 1, 1966. Cost: About $1 million first year.

5. Definition of medical assistance for aged: Modifies definition of medical assistance for the aged so as to allow Federal sharing as to old-age assistance recipients for the month they are admitted to or discharged from a medical institution. Effective July 1, 1965. Cost: About $2 million.

6. Retroactive benefit increase: The bill adds provision which would allow the States to disregard so much of the OASDI benefit increase as is attributable to its retroactive effective date.

7. Economic Opportunity Act earnings exemption: The bill also provides a grace period for action by States that have not had regular legislative sessions, whose public assistance statutes now prevent them from disregarding earnings of recipients received under the Economic Opportunity Act.

8. Judicial review of State denials: The bill provides for judicial review of the denial of approval by the Secretary of Health, Education, and Welfare of State public assistance plans and amendments and of his action under such programs for noncompliance with State plan conditions in the Federal law.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I regret that we must consider a bill of this proportion, dealing as it does with such sensitive and far-reaching matters, all in one bill. As a result, we are required to consider the good and the bad, with no opportunity to separate, as it were, the wheat from the chaff. Instead of considering one single bill, Mr. Chairman, we should be considering at a minimum two separate bills. The chairman of the Committee on Ways and Means has suggested that it could even be divided further when he states there are four monumental sections to this omnibus bill we are considering. I would have been well pleased and well satisfied if he would have earlier limited it to two and said: "Let us consider two separate monumental aspects of this bill. First. That part making necessary changes in the old-age, survivors, and disability insurance section, the cash benefit program, and the various welfare programs; and, second, another bill dealing with the medical care proposals." It seems to me that the House and its Members should have some opportunity to really work their will on this legislation.

The medical provisions should stand or fall on their own merits, and the amendments to the old-age, survivors, and disability insurance system, the cash benefit program, should stand or fall on the merits of those amendments. But as it is we are forced to accept the bad with the good, or reject the good with the bad.

This is not, in my judgment, a good way for a democratic body—and I use a small "d"—to function. It is not the way to get a full expression of the will of the House of Representatives.

I proposed earlier this year when the committee first began its consideration of this matter, that we consider and consider promptly amendments to the old-age and survivors disability insurance system and the other welfare programs, and get that on its way. We had already done the groundwork on that. We had passed in this House last year a bill providing necessary amendments and changes. It had gone through the Senate; it had been practically through conference; we could have acted speedily, and it could have been enacted into law long before this. In fact, I might review just a little history to point out that the amendments to the old-age survivors disability insurance sections of this bill could have been passed last fall if the word had not come down, and the insistence made that "Oh, no, you have to tie all of these together because of the fear that the medical part of this program could not stand on its own merits."

Let me point out this at the very beginning, that we on the committee, Democrats and Republicans alike, are in general agreement with respect to those provisions in the bill as reported by the committee relating to the old-age and survivors system, the disability system, and even as far as the Kerr-Mills system is concerned. That is not to say we have agreed on everything that is in the bill today, but generally we could have accepted them and they could have passed this House without a dissenting vote if we had limited it to that.

Yes, and we are in agreement in the committee, Democrats and Republicans alike, that our aged people face a problem with respect to providing for their medical care. We acknowledged that as far back as 1950, when we authorized the Federal Government to participate in subsidizing the benefit payments made by States to certain of its aged people who were in need.

We recognized it again when we enacted in the first instance the Kerr-Mills bill, and we still recognize that this is a problem of our older people.

We all feel, Democrats and Republicans alike, that something should be done, that action is called for. Our difference, and it is an important difference, is as to how. How do we do it? How do we meet the problems of these people in a way that is best for them and is best for this Nation and in the best interests of all of our people?

Let me, in my discussion of the bill before us and the issue before us, say a few words about the changes that have been made in the basic Social Security Act. I am most pleased at some of the changes that are made because they are changes that I have been advocating for some time. We finally are moving in this bill to correct what I consider to be some very serious inequities and some injustices.

I would mention first the benefit level. It was last year when this matter of increasing the level of benefits under the old-age and survivors and disability insurance was under consideration that I proposed, and in fact, moved in the committee that the benefit level be increased by 7 percent. We were told at that time by the administration, and this position was supported by the majority on the committee, that it had to be held to a 5-percent increase and that it had to be held there in order to accommodate a medical care program under the social security system.

Do not forget that history because it is important to remember when the proponents of the committee bill say the medical program can have no effect on the cash benefits, that we do not have to worry about superimposing a medical care program on the old-age and survivors insurance system.

It was as recent as last year that we were told—yes; the cost of living has increased 7 or 8 percent since we last increased the cash benefit level, but you cannot increase benefits by 7 percent and still have enough of the payroll tax left to finance a medical care program under social security.

That, my friends, is what is also going to happen again in the future if we tie a hospitalization program to the old-age and survivors insurance system, as is done in this bill as reported by the committee.

There is going to come a day when you will recognize the need for increased cash benefits in that program and you will be foreclosed from doing so because you will have preempted the payroll tax and the source of revenue from that source for the purposes of medical care, and you will not have sufficient left to do what should be done with respect to cash benefits.

I am pleased at the change that is involved in this bill over the bill last year, and I am pleased by the 7-percent increase.

There is a provision in this bill and the chairman has referred to it, of paying benefits on a transitional basis to certain persons 72 years of age and over who are not now eligible for cash benefits. We have had, in my judgment, a very serious inequity in the old age and survivors insurance system in that we completely ignored the plight of many of our older people, a large percentage of whom are widows, who because they were born too soon, you might say, or because the Congress acted too late, do not receive the benefits of the old age and survivors insurance system.

In 1960 I first introduced in the 80th Congress a bill to provide benefits for these people. I am most pleased today to see the committee at least in part moving to solve this problem by the provision that has been added to the bill to include and provide benefits for those over 72 years of age in certain circumstances.

Another item that was of some interest to me and which I encouraged the committee to include—and I think I can at least take some credit for having it included—is the item providing for increasing the amount an individual is permitted to earn without losing benefits. That was not in the bill when it was sent to us by the administration. It was not in the King-Anderson bill and it was not in the preliminary draft of the bill that was submitted to the committee prior to the final action. But we did insert in the bill, during the latter days, this provision increasing the amount an individual can earn and still not lose his cash benefits.

Then also there is a provision that I would point out that liberalizes the income treatment for the self-employed farmer. This corrects a problem I brought to the attention of the committee last year.

Then there is another provision that I think we all should be acquainted with because it is of considerable significance and also moves toward the correction of a problem which I have felt existed in our tax laws through the years. This is not an item relating specifically to our aged and to those over 65. This is an item that relates to all of our people. It is the provision which will permit a person no matter what his age, in determining his income tax and his tax liability, to deduct 50 percent of the cost of the premiums for a health insurance policy up to a maximum deduction of $250 without being limited by the 3-percent floor. This provision moves in the direction of encouraging our people to provide insurance against the risks of medical costs.

I first proposed legislation to remedy this problem in 1962, in the 87th Congress. I believe it will be of considerable help and encouragement toward greater expansion of private insurance for the mass of our population, and therefore a move in the right direction.

Now let me come to the parts of the bill which are in controversy, to that part of the bill which the proponents are unwilling to let stand on its own feet and rise or fall on its own merits, but which they have to tie to the now controversial amendments to the Social Security Act.

Perhaps I could best discuss this aspect of the bill and the problem by pointing out in the first instance what I would propose to replace the provisions of the bill as reported by the committee relating to medical care for the aged over 65.

The bill I propose, which I have introduced, includes all of the social security amendments, all of the public welfare amendments, all of the amendments to the Kerr-Mills Act, to which I have, however, added specifically the option for the States to adopt the eldercare program. The only difference between the bill I have proposed and will offer as a substitute and the bill as reported by the committee is in the approach to the problem of health insurance for the aged.

The substitute bill provides a program of health insurance which is admittedly the most comprehensive available today. The substitute adopts the approach used by the private insurance industry and it is patterned after the system of insurance that we have provided for our own Federal employees. The benefits are patterned on the high option of the Government-wide indemnity contract negotiated between the Civil Service Commission and private carriers for the benefit of Federal employees. It makes no distinction between medical services in the hospital or out of the hospital and it thus avoids placing unnecessary reliance on hospitalization, as I feel the committee bill does, which is the area admittedly where the costs are the greatest and the most likely to rise in the future.

The program is also patterned after the program we make available to our Federal employees in that we provide for a sharing of premium costs. The individual participates on a voluntary basis. He has the choice as to whether he wants to take the insurance policy or not. He pays a part of the premium costs. The Federal Government pays the balance of the premium costs.

For parts 1 and 2 of title I of the committee bill—these are the sections which provide for the hospitalization and related medical services—I substitute a single comprehensive program of Federal insurance. The program incorporates the medical program of the committee bill into a single package of benefits, with more extensive coverage—yes, and a savings in costs.

Now, there is nothing complicated about the proposal. We rely upon and adopt the procedures which are followed by private carriers in their contracts with the Civil Service Commission for our Federal employees.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 additional minutes.

All persons aged 65 or over would be eligible—eligible on a uniform basis—for insurance and protection equivalent to the Government-wide indemnity benefit plan of the Federal Government. Their participation would be voluntary. There would be no means test. Enrollment would be during an initial enrollment period followed by periodic enrollment periods. This is the same system we use for our own Federal employees. For those under social security or the railroad retirement, enrollment would be exercised by the assignment of a premium contribution or a checkoff against the individual's current social security benefits. Those not under social security, would execute an application accompanying it with their initial premium contribution. State agencies would be granted an option to purchase the insurance for their old-age assistance and medical assistance for the aged recipients at a group rate. Premium contributions by the individual would be based on the cash benefits which they receive under the OASDI.

Premium contributions by individuals would be based upon the cash benefits which they receive under the OASI system. The premium would be 10 percent of the minimum social security benefit and 5 percent of the balance. Those receiving the lowest social security benefits would pay the least. The average premium contribution on the basis of the bills' benefit levels would be $6.50 per month per person.

Persons not under social security would pay a premium equivalent to the maximum contribution of an individual under social security. The remainder of the cost of the insurance would be paid by the Federal Government out of general revenues.

Benefits would be paid out of a National Health Insurance Fund. The fund would receive as deposits the contributions of individuals, assignments from the social security system and railroad retirement board on behalf of individuals who have authorized a checkoff of their cash benefits, State contributions for OAA and MAA recipients, and annual appropriations from the Federal Treasury.

The Secretary of the Treasury would administer the fund.

The insurance program would be administered by the Department of Health, Education, and Welfare, which would be charged with general administration, recordkeeping, and so forth, but would not process the claims or bills of hospitals, physicians, and the like.

The Surgeon General would contract with private agencies, Blue Cross-Blue Shield, for example, which would process and pay the claims of those furnishing services and would then be reimbursed from the National Health Insurance Fund.

The Surgeon General would contract with private agencies and insurers just like we do in the Federal health insurance plan, which would then pay the claims of those furnishing the services, such as doctors and hospitals, and would be then reimbursed from the National Insurance Fund.

The chairman has suggested and others have suggested that this is a more costly method. It is not a more costly method. I hope we can show you in terms of cost to the Government—in terms of cost to the taxpayers—that we offer a plan here which is less costly to the taxpayers than that of the committee bill.

Let me say this: The estimates of the cost of this program have been made by the chief actuary of the Department of Health, Education, and Welfare, who has also made the estimates of the cost of the committee bill. On February 9, shortly after I introduced the bill embodying the provisions of this alternative plan, the actuary, in whom I have a great deal of confidence, estimated that this program would cost on an average of $20 a month for each participant. That is the premium you would have to charge if the program were fully financed by premiums.

On February 16, a week later, however, the same actuary gave us an estimate of $16. Now I am told that if the same assumptions were used that have been used in estimating the cost of the committee bill, the estimate might be back up to $20 per month. There has been a new estimate of the cost of our program on the same actuarial basis, using the same conservative assumptions; and the estimate now comes to a benefit level cost of approximately $20 per month per individual. That is the benefit side.

But where do we have the savings? Where is the difference in the cost between the two plans? In the first place, the program I advocate is voluntary, whereas the hospitalization program under the committee bill is compulsory. The voluntary aspect of the program automatically reduces the cost; it reduces the cost of the voluntary program of supplemental benefits in the committee. I believe, the estimate of utilization under that program is something like 85 or 90 percent.

Mr. MILLS. Eighty to ninety-five percent.

Mr. BYRNES of Wisconsin. Eighty to ninety-five percent; that is the estimate that is used for the voluntary system in the committee bill. Of course, as you reduce the number of people participating, the basic cost is reduced; and, using the same fundamental estimate of utilization for our overall package, the general revenue cost is $2 billion a year. The premium cost is $1 billion. So you come to a benefit cost of $3 billion and you come to a taxpayer cost of $2 billion under the comprehensive bill that I have proposed.

Let us look at the cost of the committee bill. We have to look at both packages; not just the hospital package, and not just the doctors' service package. What is the combined cost in dollars to the taxpayers. As far as cost to the taxpayers is concerned it is $2,860 million under the present estimate of which $835 million is from the general fund, and $1.25 billion is from the payroll tax. They tell you how sufficient it is to have a proposal that would finance hospital benefits out of the general fund, which is programed separately and is not tied in with social security.

Let me call your attention to the fact that the hospital program, largely financed by the payroll tax, still uses an appropriation from the general fund to finance a part of the hospital program. For the first full year of operation the estimate—and the tables appear in the committee report—shows that the cost to the general fund will be $275 million in that year for the hospitalization program.

This in effect is the manner in which the hospitalization program is financed: For those over 65 today who are drawing a social security cash benefit, their hospitalization will be financed from the payroll tax; for those over 65 who are not eligible for social security benefits, their hospitalization will be financed from the general fund.

Now, Mr. Chairman, I ask you, if the medical care program is separate from the social security system and the payroll tax, how can you draw a distinction between those who have already retired who are not drawing a social security benefit and those who are?

Mr. Chairman, you cannot logically draw such a distinction. There is none. Those presently retired have had no connection with the tax for hospitalization which is imposed under the committee bill. This is true whether they are drawing social security benefits or not. Why then should their hospital benefits be financed on a different basis?

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 5 additional minutes.

But where do you end up? Where do you end up as you add up the cost of the committee bill?

The cost of the hospital and the voluntary supplemental services under the committee bill in the first full year of operation is $2.8 billion of taxpayers' funds, either payroll taxpayers or general taxpayers. Under our substitute, the total cost as far as the general taxpayer is concerned in the first full year of operation is $2 billion. There is where the difference in cost is, Mr. Chairman, and it is there in black and white. We do not have to do any searching for it. A large part of the savings results from the fact that the substitute program is on a voluntary basis. Hospitalization under the committee bill is compulsory. In addition the substitute bill is contributory. I believe experts in the field will agree that the contributory factor is a substantial element in reducing abuses; namely, excessive utilization of benefits.

Then, finally, Mr. Chairman, I would also point out that the bill I propose provides for a special recoupment of the subsidy from those who are well able to pay the full cost of their subsidy. We do it by way of a special tax applied to those people with an individual income of over $5,000 a year and we recoup $10 for each $100 of income is excess of $5,000 up to a recoupment of $100 which represents the amount of subsidy contained in the policy that they purchase from the Government. Therefore, no one can contend that we are providing a benefit for the rich and a benefit to those who can well afford to take care of themselves.

But may I point this out, Mr. Chairman? My objection to the committee bill is not on the basis of the cost. My objection is to the means used to finance the benefits; namely, the payroll tax.

The committee bill would finance the major cost of medical care for the aged—the hospitalization program—through the social security system. One hundred percent of that cost will be paid for by today's workers—and tomorrow's workers—for 19 million persons over age 65. These 19 million persons will pay nothing. This amounts to approximately two-thirds of the total cost of the combined package of benefits.

The administration bill would finance the balance of its package—the medical services—one-half out of general revenues and one-half by premium contributions.

In summary, the committee bill finances two-thirds of the cost through the social security system, one-sixth of the cost through general revenues, and one-sixth of the cost by premium contributions.

The substitute bill would finance two-thirds of the cost through the general revenues and one-third of the cost by premium contributions.

The committee bill would finance the major cost of medical care for the aged and the hospitalization program through the social security system, and you cannot get away from it.

The chairman of the Committee on Ways and Means has suggested that because they are stated separately that there is a practical separation. Mr. Chairman, we did the same thing in establishing the disability program a number of years ago. We know what that tax is producing in revenue. We know how much it is short, if it is short.

We just recently in the committee discussed the whole issue of what we had to do in order to bring the tax up and balance out the disability part of the system, because we keep separate records.

Mr. MILLS. Mr. Chairman, will my friend yield to me at that point?

Mr. BYRNES of Wisconsin. Yes, I yield to the gentleman from Arkansas.

Mr. MILLS. Permit me to ask the gentleman if the statement I made was not correct, that the OASI and the DI taxes are levied together, and then an allocation is made between the OASI and the DI trust funds?

We have done exactly that very thing in this bill before the committee today with regard to those two programs, but it could not happen with respect to the hospital insurance tax.

Mr. BYRNES of Wisconsin. It is bound to, when you are assessing it against the same taxpayer, on the same basis; you are combining the taxes. Look at the tables in your committee report. You have done that.

Mr. MILLS. No, we did not combine it. There is no combined table in the report except in the minority views. It is in an entirely separate section of the Internal Revenue Code, and there cannot be a transfer to one from the other. The proceeds of the hospital insurance trust fund have to be kept legally separate. The gentleman knows we did not do that with respect to the disability program. In the latter case, we provide for separation of funds, not a separation of tax.

Mr. BYRNES of Wisconsin. I know the gentleman has gone to great lengths to make it appear that there has been a separation; but wait and see, when this bill is enacted the tax that will be applied against the employees and the employers will be the total tax, a tax assessed to take care of the hospitalization and the tax that is required, the percentage rate that is required, to take care of the old-age survivors and disability insurance system. There is not going to be any separation, in point of fact, at the taxpayer level or even in the Treasury. When it comes to keeping records, sure, you will know what each fund has collected, but we know that today on the disability side.

Mr. MILLS. I think the gentleman is talking about one point with respect to separation, and I am talking about another point. We do not go to the extent, and the gentleman is right, as I said a few minutes ago to him, of requiring the taxpayer to make two separate computations. I am talking about separation of the tax and the trust fund from the point of view of the preservation of the OASDI Trust Funds from any inroads or intrusion by the Hospital Insurance Trust Fund. The gentleman must admit that. Permit me to again refer to page 48 of the report which reads:

> The hospital insurance program would be completely separate from the old-age, survivors, and disability insurance system in several ways, although the earnings base would be the same under both programs. First, the schedules of tax rates for old-age, survivors, and disability insurance and for hospital insurance are in separate subsections of the Internal Revenue Code (unlike the situation for old-age and survivors insurance as compared with disability insurance, where, there is a single tax rate for both programs, but an allocation thereof into two portions). Second, the hospital insurance program has a separate trust fund (as is also the case for old-age and survivors insurance and for disability insurance) and, in addition, has a separate Board of Trustees from that of the old-age, survivors, and disability insurance system. Third, the bill provides that income tax withholding statements (forms W–2) shall show the proportion of the total contribution for old-age, survivors, and disability insurance and for hospital insurance that is with respect to the latter. Fourth, the hospital insurance program would cover railroad employees directly in the same manner as other covered workers, and their contributions would go directly into the hospital insurance trust fund and their benefit payments would be paid directly from this trust fund (rather than directly or indirectly through the railroad retirement system), whereas these employees are not covered by old-age, survivors, and disability insurance (except indirectly through the financial interchange provisions). Fifth, the financing basis for the hospital insurance system would be determined under a different approach than that used for the old-age, survivors, and disability insurance system, reflecting the different natures of the two programs (by assuming rising earnings levels and rising hospitalization costs in future years instead of level-earnings assumptions and by making the estimates for a 25-year period rather than a 75-year one).

Mr. BYRNES of Wisconsin. You have made provision so as to prevent borrowing from the other funds. I recognize that. But the same thing exists today with respect to the disability insurance fund, they have to come back for an increase in the tax rate if they run short.

Mr. MILLS. What do we do? In the case of the disability fund, we allocate from the total tax of OASDI an amount in addition to that. That could not happen under this bill for the hospital insurance trust fund.

Mr. BYRNES of Wisconsin. I understand you are not doing it, but when you come down to the nub of the question you are tying it into the social security taxpayer. You have the same taxpayer, you have the same rate base.

Mr. MILLS. What about the railroad employees? They are not under social security, yet they are taxed, and the employers taxed for this purpose.

Mr. BYRNES of Wisconsin. That is of little consequence as far as I am concerned, and as far as practicability is concerned, whether it runs through the railroad retirement system, then gets into the Treasury, or whether it goes directly from the railroad and the employee into that fund. The difference, Mr. Chairman, as far as I am concerned, and I think any practical person who looks at it must admit it, the effect is you are tying this into the social security system. You can put in gimmicks that look like you are separating it, you can do all of the rationalization you want to, but you still have them both tied together.

The mere fact, Mr. Chairman, that you are going to deny hospitalization benefits to those who become 65 after 1968 unless they have paid social security taxes shows how you tie the two programs together. You cannot qualify for health benefits without also qualifying for the cash benefits under social security. If you are eligible for cash benefits you are eligible for hospital benefits.

My primary concern—and I am certain the chairman of our committee shares that concern—is to protect cash benefits under social security. That is the foremost and basic need of the elderly. Cash benefits will be secure only so long as we do not overburden the payroll tax system which is used to finance those benefits.

The payroll tax is a very regressive tax. It can be carried to the breaking point. Let me just read you from the speech which the chairman of our committee made as recently as September 28 last year. He said:

> I have always maintained that at some point there is a limit to the amount of a worker's wages, or the earnings of a self-employed person, that can reasonably be expected to finance the social security system. Not only is this a gross income tax, but it adds to the cost of American goods and services and thus affects our competitive position. I do not believe that the American people will support unlimited taxation in the area of social security.

Again in December of last year, he added a note of caution. Because he so well summarizes my views of the dangers inherent in such a tax, I would like to read a paragraph from that speech:

> I hasten to add, however, that the concept of a payroll tax cannot be judged adequately without reference to, what kind of payroll tax. A major point to be considered in this regard is, what effect does the tax proposed have prospectively on other sources of revenue. Specifically in regard to the aged, we must remember that the primary needs of our senior citizens are for adequate cash benefits. The amount must be sufficient to produce a dignified standard of living when added to other spendable assets characteristic of the aged. Further, the

> amount must be raised periodically to keep in step with decreasing purchasing power of the dollar. A payroll tax to pay for health benefits, as I have stated before, should not be added to or harnessed with one to pay for cash benefits. Health expenses are less predictable and they are rising considerably faster. Within a tight coupling, the cash benefit would, in all probability, be compromised and the danger increased of stressing health care at the expense of the root-factors of food, shelter, and clothing.

If we pass the committee bill, we will be taking an unprecedented step in the field of social security. We will be tying into the social security system a service benefit. Not the payment of a specified amount of dollars at some future date, but payment for a specified service—hospitalization—regardless of what that service might cost.

That is why I am unalterably opposed to financing hospitalization through the social security system. You have been told that this is a separate tax with a separate fund, and everyone will know what the hospitalization program costs in terms of the payroll tax.

Once we embark on the program, will that make any difference?

I would like to remind you again that we followed precisely the same format when we set up disability benefits under social security. What has happened?

Today, the disability benefit and the regular cash benefit are linked together—we call it the old-age survivors and disability insurance system—OASDI.

Once we tie the hospitalization program to the payroll tax we are only kidding ourselves when we say that it can be separated from the cash benefits.

The same worker, the same employer, the same wage, all must finance both programs. Every percentage point that we levy as a tax for hospital benefits means that much less available as a tax to finance cash benefits. That is the crux of the matter.

No one can honestly say that in levying this tax to finance hospital benefits we are not jeopardizing our ability at some future date to provide for an increase in cash benefits. And I happen to believe—and I believe our chairman shares my belief—that the most important consideration should be our ability to maintain cash benefits at a level which will preserve the purchasing power of those benefits to our aged citizens.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Does my friend who sees such a threat to the OASDI program, which I do not see, see no danger at all to the general fund in his proposal?

Mr. BYRNES of Wisconsin. There is no question that we all have to cope with a most serious problem as far as the fiscal situation of our Nation is concerned, but that fiscal situation faces us whether the funds come through the general fund or payroll taxes. It is a burden we are placing on our taxpayers. The decision is apparently made that we are going to have a program for our older people that is going to be subsidized by the taxpayers of this country. That subsidy will be in the neighborhood of between $2 and $3 billion a year. That is the burden; that is the problem. You can raise it from the regressive payroll tax or on an ability-to-pay base. We can use the most regressive tax we have, which is what the committee bill proposes, falling on the workers and the low-income people, or you can rely on the progressive tax rates which we use for our general fund.

Mr. MILLS. I am sure the gentleman and I are in accord that these benefits will grow in cost in the future for no other reason than the growing number of our people over 65; but has the gentleman no fears at all of the growth of a program under the general funds of the Treasury compared to the growth of a program under dedicated or trust fund taxes?

Mr. BYRNES of Wisconsin. I would say to the gentleman I would have less concern where the program remains flexible than I would where a program is rigid as far as the practical opportunity of Congress to revise the benefit package or the method of financing. Under the payroll tax, an erroneous concept has been sold to the people that they have paid for their benefits, that they have bought something as a matter of right, under such a concept there is no flexibility to make changes because the people tell you, "We have bought this, and you cannot make any change except to liberalize it."

Under the alternative we propose, you can change the contributions by the individual and the benefit package to the individual at each period of enrollment. You can maintain flexibility, just as you do today with respect to the insurance program for Federal employees. We would not discontinue having a program of hospital and medical care benefits for Federal employees, but we do have an opportunity to change either the nature of the package or the contributions or the subsidy that will be provided. I say to you as far as I am concerned, I see more protection for the future in something that has flexibility as compared to something that is rigid.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. MILLS. The social security old-age, survivors, and disability system is actuarially sound and has been for the last 30 years. How many times have we had a balanced budget of the general fund of the Treasury into which the gentleman proposes to put this system? I am trying to say this, to emphasize the point I have made repeatedly—a payroll tax will tend to limit the growth of the benefit and will tend to do so to a greater extent than will be the case if that benefit cost is placed in the general fund of the Treasury.

Mr. BYRNES of Wisconsin. I just disagree with the gentleman. There should be no more reason for a limitation based on who the taxpayers happen to be or to whether you put it on a regressive tax basis or put it on a progressive tax basis. It seems to me that justice requires we put it on the basis of those most able to pay rather than on those who are least able to pay.

Mr. Chairman, I have used more time than I should. I would summarize by saying that the differences of opinion—the point of conflict in our whole discussion is with reference to the medical provisions as contained in the committee bill. I propose a voluntary system instead of a compulsory system. I propose a contributory system. I propose that it be financed not on the regressive payroll tax but that it be financed on the basis of our progressive tax system. I propose a system that is more comprehensive as far as the benefits are concerned.

Under the alternative proposal, the matter of need is recognized by a recoupment provision. We make sure that you are not just giving a gratuity to those who are well able to take care of their own medical needs.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield briefly to the gentleman.

Mr. JONES of Missouri. The gentleman brought out a minute ago the benefits cost being estimated by the actuary at $20 a month. Will the gentleman explain that a little clearer to me? I cannot get that through my head.

Mr. BYRNES of Wisconsin. That is the benefit package.

Mr. JONES of Missouri. What do you mean by the benefit package? Do you mean that is the cost of service to be rendered to the person who enters the hospital and that that will average out at the rate of $20 a month?

Mr. BYRNES of Wisconsin. No, no.

Mr. JONES of Missouri. That is what I want to find out.

Mr. BYRNES of Wisconsin. If you were to sell a particular package of insurance benefits, which provides for many days in the hospital and coverage of doctor bills, drugs, and the like, you would have to charge a premium of $16 to $20 a month. That is what we are talking about—the premium cost.

Mr. JONES of Missouri. But you are not going to collect that much under the additional money that is going to be raised by the increases in payroll taxes; are you?

Mr. BYRNES of Wisconsin. The gentleman is talking about the provisions in the committee bill. I am talking about my substitute. There is no payroll tax involved in the substitute. Now suppose an individual pays a premium, an average premium of $6.50 a month. The balance is subsidized out of the general revenues. On this basis of 80 to 90 percent of utilization or participation by the group over 65 years of age and the cost would average out about $2 billion of Government subsidy and about $1 billion of premium cost to the group.

Mr. JONES of Missouri. In other words, am I to understand, and let me get this straight—am I to understand you are saying that a premium of $20 a month will provide hospitalization, drugs, and doctor bills?

Mr. BYRNES of Wisconsin. Yes, sir.

Mr. JONES of Missouri. I thank the gentleman.

Mr. BYRNES of Wisconsin. The same program that is provided for our Federal employees.

I would hope that this committee in this House would exercise its good judgment in saying:

First. Let us do nothing that would jeopardize in any degree our ability to maintain the cash benefit program which is the underlying basis of protection that our older people rely on.

Second. Let us do something for our aged people and make sure that there are none of our older people who want for medical care and that they have assurance they will have their medical needs taken care of.

If we are to do those two things, then we will vote for the substitute as opposed to the bill reported by the committee.

Mr. MILLS. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from California [Mr. KING].

Mr. Chairman, will the gentleman yield to me?

Mr. KING of California. I am pleased to yield.

Mr. MILLS. I wanted to take this occasion to pay deserved tribute to the gentleman from California.

It has been my privilege to sit next to the gentleman for several years on the Committee on Ways and means. I know of no one for whom I have a deeper affection or any greater respect and higher regard than the gentleman from California. Throughout the years we have served on the committee together—while I have been the chairman and he has been the ranking Democrat—it has been a source of great satisfaction to me to know that at all times I have had his full and complete cooperation. I wanted the membership of the House and the people of the country to know that he has made a major contribution in the development of the legislation which is presently before the House. In fact, many of the provisions he introduced in his bill, H.R. 1, in addition to the provision which is in the bill on the basic plan for hospitalization insurance with which he is most closely identified, are contained in the pending bill.

The gentleman has made many contributions in many fields, but I doubt if he has made any greater contribution ever than in the development of this bill, H.R. 6675.

I want it to be known that I had such a feeling about the gentleman's contribution and the part that he played in this matter over the years that, after the committee directed me to introduce the committee bill—that is why it is in my name, because I happen to be chairman of the committee and the committee directed me to do so—I asked the gentleman from California to introduce an identical bill accompanying this one—H.R. 6676—because certainly he is entitled to the commendation of the American people as much as any man here today for much of what is in this bill.

I take my hat off to him again. I have done so on many occasions in the past.

In spite of all the many admirable features of the gentleman, I must say his intense loyalty to his purpose, to his people, to his country, and particularly to his colleagues here impresses me as much as any other of his many fine attributes.

Mr. Chairman, will the gentleman yield further?

Mr. KING of California. I am pleased to yield.

Mr. MILLS. My distinguished friend from Wisconsin was very kind to yield and I appreciated the fact that he did, though I took too much of his time. He and I so often find ourselves in agreement that it is difficult for me to find us in disagreement factually about two matters in this bill. One has to do with the question of separation of hospital insurance from the present social security insurance system itself. We went into the matter in the report on pages 33 and 48, as my friend from California knows, and pointed out five distinct differences in the operation of the OASDI system and this new program of hospital insurance.

My friend used an argument to say that they were one and the same because the hospital insurance matter included a lot of people not under social security.

I think he misled me as to what he meant, or maybe he misspoke himself, because I did not quite understand that as the reason. The fact that more people are in the health insurance program than the social security program I do not believe is a justifiable argument for saying the two are identical.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman from California yield to me?

Mr. KING of California. I yield to the gentleman.

Mr. BYRNES of Wisconsin. I am sorry I did not make myself clear.

Mr. MILLS. You did to everyone but me, I am sure.

Mr. BYRNES of Wisconsin. What I was pointing out to the chairman was that we have today a group of people who are over 65 who are not under social security or railroad retirement—the so-called uninsured. Under the committee bill they will all be made eligible and are all automatically eligible except—for a reason that I cannot quite understand—except for Federal employees who retired after July 1, 1960, the effective date of the Federal Employee Health Benefits Act of 1959. They are the only people put in a separate category, and you say, "No, you cannot qualify for hospitalization, but everybody else over 65 is going to be eligible for hospitalization."

Mr. MILLS. But that is not the case.

Mr. BYRNES of Wisconsin. But the cost of the benefits for those over age 65 is not all paid out of the same source of revenue. The bill makes a distinction in how you are going to pay for some of these people. For those who are drawing social security benefits, the benefits are paid out of funds derived from the payroll tax levied under the hospitalization program, but for those who are not drawing a social security benefit, the benefits are paid out of the general fund. My point is, if the hospitalization program is separated from the social security system—and none of these people over age 65 will have paid 1 cent of the tax imposed for the hospitalization phase of this program—then why should their benefits be paid from two different sources of revenue? Why should any of the benefits be paid out of general revenues if it is not tied in with the social security system?

Mr. MILLS. The gentleman put his finger on one of the very things that points up the difference between the hospital insurance trust fund and the old-age, survivors, and disability insurance trust fund. The fact that we take more people into the hospital program than are eligible under social security should be convincing to the gentleman that there is some distinction.

Mr. BYRNES of Wisconsin. Why do you pay the benefits from a different source?

Mr. MILLS. Because they come from different areas. Some come from railroad retirement, some come from social security, and some—the uninsured—come without any coverage under either program. My friend knows we have taken in far more people than are just eligible for social security benefits.

Now, will my friend from California yield further?

Mr. KING of California. I am pleased to yield to the gentleman.

Mr. MILLS. The other point of disagreement is in regard to cost estimates and assumptions. The gentleman said that his program, so far as the general fund and the Treasury are concerned, would cost $2 billion in the first year. I thought I understood him to say that it represented a per capita cost of $20 per month for a person who went into the system. Was that the figure the gentleman used—$240 a year?

Mr. BYRNES of Wisconsin. That would be the highest cost estimate.

Mr. MILLS. That is right.

Mr. BYRNES of Wisconsin. There is an intermediate cost estimate of $16 per month and a low cost; $20 is the high cost.

Mr. MILLS. We used the high-cost estimate for the committee bill, and I wanted to ask the gentleman about that. The gentleman would still let them pay $6 per month out of their pocket for the health benefits?

Mr. BYRNES of Wisconsin. An average payment would be $6.50.

Mr. MILLS. That would be the average payment?

Mr. BYRNES of Wisconsin. Yes.

Mr. MILLS. That would produce something like $1.22 billion of revenue per year, as I estimate it.

Mr. BYRNES of Wisconsin. That is at 100 percent. The gentleman is using 100 percent.

Mr. MILLS. No. That is at 90 percent participation. It is 90 percent, because 90 percent of the total population aged 65 or over adds up to 17 million people, and I am just multiplying here $240 by 17 million, and I come up with a total cost of $4.08 billion in the first full year of operation.

If we take from that the amount that the persons themselves will contribute, Mr. Myers tells us in his memorandum to you and to the committee that was sent us while we were in executive session, using the high-cost estimates now, however, that your program providing benefits and taking care of administrative expenses, would cost the general funds of the Treasury in its first year of operation $2.86 billion, not the $2 billion the gentleman comes up with when he uses intermediate cost estimates.

Mr. BYRNES of Wisconsin. Why do we not just quote from the letter of February 26, taking the third paragraph of the letter, where Mr. Myers estimates the cost of my program?

Mr. MILLS. But what I wanted to point out is that maybe some of the basis for this conclusion of the gentleman from Wisconsin that I just could not anticipate or understand or believe, that you can do more under one program than you do under another program, but that the program that does the most is going to cost the least. Maybe that results from the fact that in one instance a high-cost estimate is used, while in the other instance an intermediate-cost estimate is used, and in the other a low-cost estimate is used. If you do that, you can get a program providing a lot more benefits that appears to cost less, but the facts are that they are going to cost whatever they cost, and we are going to have to make it available from some source.

I am somewhat amazed by the inferences from the separate views of the minority in the committee report that the hospital benefits program is not adequately financed by the bill. The minority states that there are safety factors in the cash benefits system, but that this is not the case as to the hospital benefits program. This is strange because the minority members were at the very committee meetings where, time after time, I requested that additional safety factors be placed in the assumptions.

The current assumptions as to hospital utilization, both in the early years and over the long run, reflect these added safety factors. The actuarial assumption that the earnings base would be kept up to date was replaced with an assumption that the base will not rise after 1971. This is very conservative, and if the base is subsequently raised by Congress above this amount, the tax rate can be reduced under this conservative assumption. As to the future increases in hospital costs relative to wages, the committee assumption is more conservative than that presented by the actuaries representing the insurance industry.

To put this all into perspective, I would like to insert into the RECORD at this point a memorandum from Robert J. Myers, chief actuary of the social security system, whose competency and integrity is unquestioned by Members on both sides of the aisle, commenting on the safety factors in the bill. He states, in summary:

> The actuarial cost estimates for the hospital insurance system that would be established by H.R. 6675 are based on assumptions that are not only reasonable, but also conservative (in the sense that they tend to be either "high-cost" assumptions or else assumptions that have a built-in safety margin in regard to future changes in economic conditions).

The memorandum is as follows:

APRIL 1, 1965.

From: Robert J. Myers.

Subject: Principal aspects of actuarial assumptions underlying cost estimates for hospital insurance benefits of H.R. 6675.

The actuarial cost estimates for the hospital insurance system that would be established by H.R. 6675 are based on assumptions that are not only reasonable, but also conservative (in the sense that they tend to be either "high-cost" assumptions or else assumptions that have a built-in safety margin in regard to future changes in economic conditions). This may be indicated by considering the four most important cost factors involved in these estimates—namely, hospital utilization rates, the current level of reimbursable average daily hospitalization costs, future trend of hospitalization costs, and future changes in the maximum taxable earnings base for the program. Each of these factors will be considered in turn.

A. Hospital utilization rates: The rates used in the current cost estimates are 20 percent higher than those used in the cost estimates for the administration proposal of 1965 in the initial years of operation, and 10 percent higher in the long run. The rates used previously were reasonable and were developed from extensive analysis of survey data, with appropriate adjustments being made for the effect of "insurance benefits" being available to the entire eligible population and for deceased persons who were omitted from the survey.

B. Current level of reimbursable average daily hospitalization costs: The 1966 figure used as the base point has been projected from the most recently available actual data (for 1963) by assuming that hospitalization costs would increase at the same average rate as in the past decade, even though there is clear evidence that the rate of increase has slackened off some. The downward adjustments that have been made in the basic data obtained from the American Hospital Association[1] have been analyzed further on the basis of a number of sources of information, and I believe that the aggregate effect is that the reduction made is conservative.

As compared with the procedure for previous estimates for Hospital Insurance proposals, the current method in regard to this factor is more conservative. This is the case because it begins with the estimated figure that will actually occur in the first year of operation, rather than with the lower figure based on an earlier year; namely, that for the earnings assumptions for estimating the contribution income (1963).

C. Future trend of hospitalization costs: It is assumed that hospitalization costs will increase more rapidly than the general level of wages in the first 5 years—namely, by the same average differential that has prevailed on the average in 1954–63, even though there has been clear evidence of a downward trend (i.e., the rate of increase of hospitalization costs becoming more nearly the same as the rate of increase of the general wage level). After the first 5 years of operation, the differential of the increase in hospitalization costs over the increase in wages is assumed to lessen, and following 1975, hospitalization costs and wages are assumed to rise at the same rate. This is a much more conservative assumption than was used in earlier cost estimates for administration proposals—namely, that over the long run, from the inception of the program, hospitalization costs would increase at exactly the same rate as wages. Also, it is somewhat more conservative than the corresponding assumptions recommended by the Advisory Council on Social Security Financing, and slightly more conservative than the assumptions that the insurance business made in its estimates.

D. Future changes in maximum taxable earnings base for program: The conservative assumption is made that, despite the assumption that the general wage level will rise by 3 percent annually during the 25-year period considered in the cost estimates, the maximum taxable earnings base will not be changed from the pertinent provisions in the bill (namely, an earnings base of $5,600 in 1966–70 and of $6,600 thereafter). In essence, this is a built-in safety factor in the hospital insurance program, because it seems most likely that if wages continue to rise steadily after 1971, then at some time thereafter the earnings base will be adjusted upward. Under such circumstances, the contribution schedule developed could, if all other cost assumptions are exactly realized, be reduced.

In all cost estimates made previously, it was assumed that the earnings base would be increased from time to time in a proportionate manner with changes in the general earnings level. If such changes did not occur, then the cost of the program would be higher than in the estimate.

Finally, it may be mentioned that there is still another conservative element in the cost estimates that is present both in regard to H.R. 6675 and also has always been present—namely, that the proposals are to be financed by a certain amount of advance funding, rather than being on a completely (or nearly) pay-as-you-go basis. Thus, for example, under H.R. 6675, in the first year of operation the estimated contributions are 61 percent in excess of benefit payments. In the next 3 years of operation, this differential averages about 15 percent each year.

ROBERT J. MYERS.

I would think that the gentleman would better proceed in a more conservative fashion on the basis of a high-cost estimate for his program, just as we have used in the committee bill. If he does, the first-year cost will not be $2 billion out of general revenues, but rather a higher figure—by $860 million in the first full year of operation.

Mr. BYRNES of Wisconsin. Mr. Chairman, I hate to use so much of the time of the gentleman from California, but I do think the gentleman is perfectly right, that we should get this whole cost matter thrashed out so everybody understands it.

Mr. MILLS. That is right.

Mr. BYRNES of Wisconsin. If the gentleman will allow for half a minute, I should like to quote the last estimate made by the actuary, in a letter dated February 26. I believe this is the last estimate.

Mr. MILLS. April 5 is the last I have. It refers to the one of February 26.

Mr. BYRNES of Wisconsin. Mr. Myers is talking about the cost estimates for the Byrnes bill—revised. This is the third paragraph in the memorandum which is at the heart of it. It says:

> If there were 100 percent participation, in Federal cost for the first full year of operation (which could be assumed to be fiscal year 1966 to 1967) it is estimated at $2.4 billion, while the participants themselves would contribute about $1,250 million. With 80 percent participation, the Government

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[1] The adjustments have been made to allow for the inclusion of non-reimbursable items (such as the cost of operating restaurants and gift shops, the cost of outpatient clinics, etc.), the lower average daily cost for persons aged 65 and over (because of their longer average stays), and the adjustment to allow for exclusion of all physicians' services.

cost would be $1.9 billion while the participants would pay $1 billion; and with 50 percent participation the corresponding figure would be $1.2 billion and $0.6 billion, respectively.

I point out in my remarks that it is not anticipated that you would have 100 percent participation under a voluntary program. We have people who already have a system that is adequate for their needs and would not participate.

All I can do, Mr. Chairman, is cite to you the language of the actuary on whom you rely and, frankly, on whom we rely. At least we do not have a difference of opinion of two different actuaries.

Mr. MILLS. We have the same actuary, and we all have great confidence in him. I want to suggest that when we get back in the House, the gentleman, at this particular point in the RECORD, insert the memorandums from the actuary dated February 9 and 26. And let me at the same time include what he has supplied me in the form of a memorandum dated April 5, 1965, in which he says that if we use high-cost estimates—compared to the intermediate-cost estimate used in the memorandum of February 26—for your plan on a 90-percent assumption of enrollment, and high-cost estimates for the committee plan, that we bring the costs of the two together on a comparable basis.

Mr. BYRNES of Wisconsin. I would certainly like to see the revised estimate. I thought I was receiving the material relating not only to the cost of my bill but the cost of the committee program. I did not know that there was an undercover change in the estimates. I relied on the first two estimates made by the actuary.

Mr. MILLS. This is the same actuary that the gentleman has great confidence in. If the gentleman will let me explain the April 5 memorandum I have, it does nothing more than refer to the February 6 and 26 memorandums and explains those memorandums with relationship to a high-cost actuarial estimate as we asked for toward the end on the committee bill. I will show this to the gentleman, and I will also show him a memorandum prepared today that uses the same $6.50 average monthly premium payable by the participants that the gentleman cites, instead of the average premium of $6 that is used in the April 5 memorandum. I include at this point in the RECORD the memorandums of Mr. Myers dated February 9, February 26, April 5, and April 7:

MEMORANDUM OF FEBRUARY 9, 1965

From: Robert J. Myers.
Subject: Cost estimate for the Byrnes bill.

This memorandum will present a cost estimate for the first full year of operation of the Byrnes bill, H.R. 4351, which would establish a program of voluntary comprehensive health insurance for all persons aged 65 or over. In making a cost estimate for this proposal, it is impossible to predict with any exactitude what proportion of the eligible persons will actually elect to participate. Three different participation assumptions are made—namely, 100 percent, 80 percent, and 50 percent. Although it is recognized that complete 100 percent participation will never be possible because of the parallel existence of the plan for persons under the civil service retirement program and because of low-income persons not on old-age assistance but who could possibly qualify for medical assistance for the aged under an adequate State plan not electing to participate.

If there were 100-percent participation, the Federal cost for the first full year of operation is estimated at $3.3 billion, while the participants themselves would contribute about $1¼ billion. With 80 percent participation, the Government cost would be $2.6 billion, while the participants would pay $1 billion, and with 50 percent participation the corresponding figures would be $1.7 billion and $0.6 billion, respectively.

It should be mentioned that dollar costs in future years will be increasingly higher than those for the first full year of operation. As to the participant contributions, this will be the case because of the larger number of eligible persons and because of higher benefit amounts (since those currently coming on the roll tend to have somewhat larger benefits than those who retired in previous years). The Government cost would increase at a more rapid rate than the cost for participants because of the anticipated more rapid rate of increase of medical costs than will be true for wages, which in turn will increase more rapidly than benefit amounts.

One of the cost aspects of the proposal should be mentioned—namely, the increased cost to the OASDI system as a result of the liberalization of the earnings test. In fact, an amount of benefit equal to the monthly health contribution is made exempt from the earnings test for all persons aged 65 and over (regardless of whether or not retired). The estimated level-cost of this change in the earnings test is 0.07 percent of taxable payroll.

ROBERT J. MYERS.

MEMORANDUM OF FEBRUARY 26, 1965

From: Robert J. Myers.
Subject: Cost estimate for the Byrnes bill.

This memorandum will present a cost estimate for the first full year of operation of the Byrnes bill, H.R. 4351, which would establish a program of voluntary comprehensive health insurance for all persons aged 65 or over, effective January 1, 1966. In making a cost estimate for this proposal, it is impossible to predict with any exactitude what proportion of the eligible persons will actually elect to participate. Three different participation assumptions are made; namely, 100 percent, 80 percent, and 50 percent. Although it is recognized that complete 100-percent participation will never be possible because of the parallel existence of the plan for persons under the civil service retirement program and because of low-income persons not on old-age assistance but who could possibly qualify for medical assistance for the aged under an adequate State plan not electing to participate.

The current cost estimate uses a figure of $16 per capita for benefits and administrative expenses (or 79 percent above the H.R. 1 cost of about $9). It may be noted the insurance industry uses a figure of $19.40 for the Byrnes bill—$18.50 for benefit costs, plus 5 percent for administrative expenses (or 55 percent above its estimate of $12.50 for H.R. 1).

If there were 100-percent participation, the Federal cost for the first full year of operation (which could be assumed to be fiscal year 1966–67) is estimated at $2.4 billion, while the participants themselves would contribute about $1¼ billion. With 80-percent participation, the Government cost would be $1.9 billion, while the participants would pay $1 billion, and with 50-percent participation the corresponding figures would be $1.2 and $0.6 billion, respectively.

It should be mentioned that dollar costs in future years will be increasingly higher than those for the first full year of operation. As to the participant contributions, this will be the case because of the larger number of eligible persons and because of higher benefit amounts (since those currently coming on the roll tend to have somewhat larger benefits than those who retired in previous years). The Government cost would increase at a more rapid rate than the cost for participants because of the anticipated more rapid rate of increase of medical costs than will be true for wages, which in turn will increase more rapidly than benefit amounts.

One of the cost aspects of the proposal should be mentioned; namely, the increased cost to the OASDI system as a result of the liberalization of the earnings test. In fact, an amount of benefit equal to the monthly health contribution is made exempt from the earnings test for all persons aged 65 and over (regardless of whether or not retired). The estimated level cost of this change in the earnings test is 0.07 percent of taxable payroll.

ROBERT J. MYERS.

MEMORANDUM OF APRIL 5, 1965

From: Robert J. Myers.
Subject: Cost estimate for the Byrnes bill, H.R. 7057.

This memorandum will present a cost estimate for the first full year of operation of the Byrnes bill, H.R. 7057, which would establish a program of voluntary comprehensive health insurance for all persons aged 65 or over, as well as make revisions in the OASDI program. I have presented cost estimates for the almost identical proposal that Mr. BYRNES of Wisconsin made previously, as contained in H.R. 4351, for which I gave cost estimates in my memos of February 6 and 26. I am assuming a participation rate of 90 percent, since this is what Mr. BYRNES of Wisconsin hypothesizes in his explanation of the bill in the CONGRESSIONAL RECORD for April 1, pages 6784–6786.

Under this participation assumption, there would be about 17 million persons who would participate in the program in the first full year of operation. The average contribution from the participants would be about $6 per month (higher than the figure of $5.50 used previously, because of the increase in the OASDI cash benefits resulting from title III of the bill). Accordingly, the annual rate of contributions from the participants would be $1.22 billion.

According to an intermediate-cost estimate, the monthly per capita cost of the benefits and administrative expenses would be $16 (as per my memorandum of February 26), so that the total annual cost would be $3.26 billion, thus leaving $2.04 billion as the cost from general revenues. On the other hand, if the per capita cost assumptions are high-cost ones (as per my memorandum of February 6)—thus paralleling the cost assumptions used for H.R. 6675—the annual cost for benefits and administrative expenses would be $4.08 billion, thus making the cost from general revenues be $2.86 billion. This figure may be contrasted with the estimate of $2 billion given in Mr. BYRNES' statement, which apparently is thus based on intermediate-cost assumptions that are not consistent with those in the cost estimates underlying H.R. 6675.

ROBERT J. MYERS.

MEMORANDUM OF APRIL 7, 1965

From: Robert J. Myers.
Subject: Cost estimate for the Byrnes bill, H.R. 7057, on basis of average participant payment of $6.50 per month.

This memorandum will present a cost estimate for the first full year of operation of the Byrnes bill, H.R. 7057, which would establish a program of voluntary comprehensive health insurance for all persons aged 65 or over, as well as make revisions in the OASDI program, on the basis that the average monthly premium payments from participants will be $6.50. I have presented cost estimates for the almost identical proposal that Mr. BYRNES made previously as contained in H.R. 4351, for which I gave cost estimates in my memos of February 6 and 26 and in my memo of April 5, which was based on an average participant payment of $6. I am assuming a participation rate of 90 percent, since this is what Mr. BYRNES hypothesizes in his explanation of the bill in the CONGRESSIONAL RECORD for April 1, pages 6784–6786.

Under this participation assumption, there would be about 17 million persons who would participate in the program in the first full year of operation. Accordingly, the annual rate of contributions from the participants would be $1.33 billion.

According to an intermediate-cost estimate, the monthly per capita cost of the benefits and administrative expenses would be $16 (as per my memorandum of February 26), so that the total annual cost would be $3.26 billion, thus leaving $1.93 billion as the cost from general revenues. On the other hand, if the per capita cost assumptions are high-cost ones (as per my memorandum of February 6)—thus paralleling the cost assumptions used for H.R. 6675—the annual cost for benefits and administrative expenses would be $4.08 billion, thus making the cost from general revenues be $2.75 billion. This figure may be contrasted with the estimate of $2 billion given in Mr. BYRNES' statement, which apparently is thus based on intermediate-cost assumptions that are not consistent with those in the cost estimates underlying H.R. 6675.

ROBERT J. MYERS.

Mr. MILLS. Mr. Chairman, how much time has the gentleman from California consumed?

The CHAIRMAN. The gentleman from California has consumed 14 minutes.

Mr. MILLS. Theoretically he has, but the RECORD will show differently.

Mr. Chairman, I yield to the gentleman 14 additional minutes.

Mr. KING of California. Mr. Chairman, I hesitated to join in this discussion. I thought that I had a simple answer. I am not often asked for my opinion, but in this case I could say that a voluntary program doing less for fewer people would certainly cost less and I do not think you have to be a mathematician to arrive at that conclusion.

Mr. Chairman, the legislation which this House will pass tomorrow as debate ends—and in my opinion it will pass overwhelmingly—is the culmination of many years of public-spirited effort by many sincere and dedicated men, some of whom are here today but others of whom have passed from this scene. One thing, I believe, all of these people have had in common is a sincere and deep-seated desire to help their fellowman and a compassion for those who by fate or circumstance beyond their control face problems with which the average frugal aged citizen in this automated age are unable to cope.

One thing which is understood by openminded and farsighted legislators, and, indeed, all fairminded men of the times, is that society and our economy do not ever stand still. If Government is to keep pace with the demands of the times, then Government must develop those programs and policies which are necessary to meet the emerging needs of our citizens. So it is with this legislation today. Here we have a monument to what ultimately can be done in the face of very great inertia on the part of many and despite extended and, at times, vociferous overt opposition from those forces which always oppose change.

Those who have already spoken, including our brilliant chairman of the Committee on Ways and Means, our colleague WILBUR MILLS, have discussed in detail the changes which this legislation would make in existing law and the new programs which it will place on the statute books. I do not, therefore, feel called upon to consume the time of my fellow legislators by repeating the details of what has already been so ably discussed. What I do hope to achieve by these few brief remarks is to instill in my colleagues a sense of the importance of this day to our times and to the future and the ramifications which this legislation will have in the months and years to come.

It seems, in one sense, that it has been only a brief period of years since I first sponsored this legislation even after those who had gone before me had worked for passage of somewhat similar programs. I well recall in the late 1940's and early 1950's the efforts of my esteemed late colleague on the Committee on Ways and Means, the Honorable John Dingell, whose distinguished son, I am proud to note, is now sitting as Chairman of the Committee of the Whole House on the State of the Union who so proudly carries on today that oldtime Dingell tradition in the House of Representatives. I also well recall the courageous and extended battle fought for legislation similar to this by our colleague, the Honorable Aime Forand. In 1957, Aime Forand introduced what became known nationwide as the Forand bill, and he immediately became the target of extended and widespread abuse on the part of those who are today fighting the legislation which this House will pass.

From 1957 until this Congress, the Committee on Ways and Means on numerous occasions conducted hearings, both public and executive, on Aime Forand's bill and then, subsequently, on the similar legislation which I have had the honor to sponsor. In those hearings and some areas of the public press and in certain trade publications, I think all of you are aware that I became the target of a considerable amount of abuse. Perhaps only those Members who attended our most recent public hearings on this subject in the Congress just concluded will recall my comments when the representatives of the American Medical Association appeared and testified. At that time, I stated that what they had just said with regard to my bill was consistent with what they had been saying since similar legislation was first introduced and that the only real difference in their position was that a new set of figures had been devised to attempt to prove their case. At that time, I further recalled that the posture of opposition was one not unfamiliar to the American Medical Association since they had been consistent in opposing measures not only of this nature but also such laudable extensions of the Social Security Act as the Social Security Amendments of 1956 which for the first time provided disability insurance benefits. As I said at that time, I have never objected to fair criticism of anything which I have espoused, but the type of critical comment which was issued from some quarters of the American Medical Association far surpassed which we all except as within the bounds of reasonable critical comment.

However, I do not wish to dwell on that sort of thing. What I do want to do is to lend a sense of history to what we are doing today, by briefly reviewing the development of our social security system, and then to again say why this program in this bill is necessary.

HISTORY OF SOCIAL SECURITY PROGRAM

The 1935 social security legislation provided only old-age insurance benefits, and these were paid only to the worker himself. The amendments of 1939 put the protection of the program on a family basis by adding monthly benefits for the worker's dependents and survivors. Not only the aged and retired worker but his widow as well could therefore look to an assured but modest income in old age. The 1939 amendments also provided that the monthly benefits that were to be paid under the social security system should be paid beginning in 1940, and in this way realized the potential of social insurance to provide full-rate benefits without awaiting the buildup of huge reserves many years in the future as under private insurance.

During the 1950's, adjustments were made in the benefits and the earnings base of the program that were needed to keep social security in step with our economy. Also, the coverage of the program was greatly improved during the past decade. In 1956, benefits were provided for disabled workers between the ages of 50 to 65. These benefits were, of course, made immediately effective for workers who had become disabled previously. In 1958 benefits were added for dependents of disabled workers; and in 1960 the law was changed to provide benefits to disabled workers at any age and to their dependents.

NUMBER OF PERSONS INSURED

At the beginning of 1965 over 92 million people had worked long enough to be insured under the program, with the result that 9 out of 10 people now becoming 65 will be eligible for monthly benefits under social security when they retire. In the years to come, over 95 percent of the elderly will be insured. The total number of people of all ages receiving monthly benefits is now about 21 million—more than the number of people who live in my State of California, our Nation's most populous State. Benefits now total over $16 billion a year.

HEALTH BENEFITS A LOGICAL EXTENSION

While social insurance has evolved from a program of old-age security to one protecting orphans and their mothers and the disabled and their dependents, it still has its major impact in old age. Ironically, it is in the old-age security part of the program that the greatest gap in protection now exists—the absence of any provision for meeting large health costs.

Protection against the health costs in old age is a logical and necessary extension of the retirement protection furnished by the present social security program. Monthly cash benefits can meet the regular recurring expenses of food, clothing, and shelter but such benefits alone cannot give economic security in old age. It is also necessary that older people have protection against the unpredictable and unbudgetable costs of expensive illness. A person may go on for a long time with little in the way of medical expenses, and then in a very short period have a hospital bill running into thousands of dollars. Cash benefits are not a practical way to meet this need. The only way that effective retirement protection can be furnished is through a combination of a cash benefit and insurance against the costs of major illness. Our country's system of social insurance simply cannot do the job it was set up to do until it provides this dual protection.

The legislation now before us would close the last remaining gap in the social insurance protection of the older American. I am proud that I have been privileged to have introduced H.R. 1—as well as its predecessors—and thus to play a part in bringing the needed health cost protection to our elderly citizens.

While virtually every committee member has contributed to the development of the health benefits legislation, one man, the gentleman from Arkansas, Chairman Mills, deserves major credit as the architect of this monumental proposal.

As the Members of this body know, the chairman does not sponsor legislation which has not received the most careful and painstaking consideration. During the more than 7 years he has served as chairman of the Committee on Ways and Means, Mr. Mills has seen to it that every piece of legislation bearing his name represents the best thinking, the best construction, the best techniques for dealing with the problem at hand. He has examined every view that has been offered in connection with this proposal by both proponents and opponents and explored with painstaking care every comment and criticism. All of this has been distilled with the intent to retain only the most constructive suggestions. The result is one which, like social security itself, embodies values and ideals with which few in this body can seriously dispute. The bill before us will, I am certain, be a lasting monument to Chairman Mills' expertise, his energy, and his skill as a legislative craftsman.

We also owe a debt of gratitude to Secretary Celebrezze, Assistant Secretary Wilbur J. Cohen, Commissioner of Social Security Robert M. Ball, and Chief Actuary Robert J. Myers. These men worked diligently with the committee and were of great assistance in developing a proposal which would be socially desirable, medically and actuarially sound, and administratively feasible.

NATURE OF THE HEALTH BENEFITS PROPOSAL

The health benefits legislation recommended by the committee would utilize various resources which can, each in its own way, contribute the most to combat the insecurity that stems from high health costs in old age. The health insurance provisions of the bill would establish two separate programs—one basic, the other supplementary; one compulsory, the other voluntary; one financed through a special tax on earnings, the other financed through premiums and general revenue contributions.

The basic plan would provide hospital insurance protection for virtually all older people. Because of the relatively high cost of hospital insurance for older people, provision is made for workers to pay in advance, before they reach age 65, toward the cost of their benefits just as they now pay while working toward their cash social security benefits.

Coverage under the basic plan would be provided in a fashion like that of the present social security system, because hospital costs pose so widespread a threat to the economic security of elderly people that it should be certain that virtually all the aged will have hospital insurance protection. Medical expenses for hospitalized aged people are five times greater than for the aged not hospitalized. Nine out of ten aged people who reach age 65 will be hospitalized at least once—two out of three, at least twice—before they die.

In addition to meeting hospital care costs, payments would be made under the basic program for less intensive services and levels of care appropriate to the hospitalized patient's needs as his condition changes, and which can be substituted in many cases for inpatient hospital care. These ancillary benefits would cover posthospital care in an extended care facility and posthospital home health services. In addition, outpatient diagnostic studies would be covered.

With the cost of the individual's old-age hospital benefit protection financed during his working years, he would be in a position to make a substantial contribution in old age toward the relatively low-cost supplementary protection which would be provided by the bill on a voluntary basis.

The voluntary supplementary plan would meet the costs of physicians' services and provide other benefits which are designed to build upon and fit together with the protection that would be afforded the aged under the basic hospital insurance program. The combined coverage of the two insurance programs would result in protection for the elderly of a quality that only a few older people can now afford.

Coverage of physicians' services would be a particularly valuable supplement to the hospital insurance provided under the basic plan. According to the National Health Survey, payments for physicians' services represent about 30 percent of private health expenditures for aged persons. The annual $50 deductible under the supplementary plan would limit physicians' coverage under that plan to cases where costs are appreciable.

ADMINISTRATION

In developing the basic and the supplemental plans, a great deal of thought was given to their administration. The conclusions reached represent, I believe, a reasonable approach which promises to be efficient and, because of the selection of private organizations to carry out some of the more sensitive tasks, acceptable to the providers of health services.

In assigning administrative functions it was recognized that each of the services covered under the basic program is provided by institutions or organizations which are accustomed to receive payment on a cost basis for the services they furnish from Blue Cross organizations and from public agencies and programs. The committee concluded that it would be feasible to provide in the administration of the basic program for the use of fiscal intermediaries selected by hospitals and other providers of services.

This would permit the same organizations or agencies which now reimburse providers of services on a cost basis to be used to perform a similar function under the basic hospital insurance program.

On the other hand, the services selected for coverage under the supplementary plan are primarily those provided by individuals or organizations that are paid for their services on the basis of established charges. The bill provides for payments to physicians on a charge basis to be made by private carriers under contract with the Secretary. The private carrier would have the responsibility for determining the amount that physicians and others who would furnish services covered by the supplemental plan should be paid.

While an important role would be reserved for private organizations, I fully expect the Department of Health, Education, and Welfare to exercise leadership in seeing to it that these federally financed programs are being carried out with efficiency, that the rights of beneficiaries and providers of health care are observed and that high quality in medical care for the aged is a primary goal.

BENEFITS AND BENEFIT BASE

While health insurance for the aged is the major achievement of this legislation, it is monumental also in its provision of improved protection for the totally disabled, in its recognition of the plight of the orphaned child of college age, in its improvement of the fiscal framework of the program by going far to reestablish a proper base of earnings to be taxed for its support, in its recognition of the need of the average and higher earners to have more of their earnings credited toward future protection, and in its great improvement in the provisions for medical and other aid to the poverty stricken of the Nation. For all these improvements, too, Chairman Mills and others will deserve the gratitude of many.

CONCLUSION

Mr. Chairman, the health benefits proposal represents a practical solution to a particularly difficult problem. It would provide the extensive health cost protection that older people need—thus overcoming perhaps the strongest objection that our friends from the American Medical Association have raised in connection with some of the proposals with which I have been associated in the past.

This broad protection would be financed in a way that would enable the individual to contribute substantially to the cost of his protection. This contribution from the worker means that he can expect the benefits to be paid as a matter of right and in a manner that safeguards his dignity and privacy. Also, because the benefits and the contributions are so closely connected, an attitude of responsibility toward the cost of program changes will be preserved where they might have been lost had benefits been provided largely or entirely from general revenues.

Finally, the State-Federal programs of medical assistance for the needy aged, relieved of a substantial part of their burden and otherwise strengthened by the proposed legislation, will be better able to meet the medical needs and other needs of our indigent elderly citizens.

This three-way approach promises to make financial security in old age an obtainable goal for the great majority of older Americans in a way that should be acceptable to all. This monumental approach deserves the support of every Member of this House.

What greater satisfaction could there be for those of us privileged to serve in this distinguished body than to know we have provided a means of securing the benefits of the accomplishments and tremendous strides that have been made in modern medicine for millions of our elder citizens.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, I opposed the rule, before the Rules Committee and here on the floor, on two grounds: First, there is not the climate in this country or in this House to conduct an intelligent debate on this subject, and, second, because the House and the Committee on Ways and Means did not gain the knowledge, not having done the necessary research in this area, to conduct a meaningful debate.

I might add a third reason, that it is very obvious that this is not a debate. There is no decision going to be made in the well of the House. This is a farce. There are scarcely 100 Members on the floor of the House now. There were not 100 here at the time the gentleman from California [Mr. KING], the author of the bill, was making his remarks. There was not even a quorum of Members during the discussion of the chairman of the committee, for the simple reason—and this is not said in criticism, I might say of the Members of the House who are not present, although I might say it is a commendation for those of you who are here; it is not criticism for this reason—everyone knows that the decision has been made outside the well of the House.

The Congress in this instance is no longer a study and a deliberative body. This is a rubberstamp operation, just as we saw last week. These decisions have been made, possibly wisely or unwisely, through a different process for rendering judgments in our society. So I am not going to take a great deal of time indulging in this farce because what I might say, even though it might have merit and might bring out some wisdom, makes no difference, any more than what the chairman of the committee had to say makes any difference, or the gentleman from Wisconsin.

Mr. ARENDS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 68]

Ashley
Baldwin
Berry
Bolling
Bonner
Daddario
Dent
Diggs
Duncan, Oreg.
Evins, Tenn.
Jones, Ala.
Mailliard
Moorhead
Morrison
Powell
Rhodes, Ariz.
Roosevelt
Smith, Calif.
Springer
Stalbaum
Steed
Sweeney
Teague, Tex.
Toll

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 6675, and finding itself without a quorum, he had directed the roll to be called, when 409 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, before the rollcall I was making the point that, in my judgment, this matter was not ready for debate and deliberation on the floor of the House. The point is well made, because the Members themselves have already made up their minds as to what they are going to do; apparently they know what is in these 296 pages. In my judgment we do not know these things and we cannot, of course, move forward with any intelligent discussion of the bill.

There are reasons for that. The point was made by the gentleman from California [Mr. KING], and also during the debate on the rule by the gentleman from Indiana, that the propaganda of the American Medical Association had confused the issue. This point was raised in the Rules Committee, and I stated that perhaps there has been some confusion by this propaganda. But even a more serious problem is the climate created by the propaganda campaign which has gone on for years, financed, I would point out, contrary to the law, by Federal tax money and the use of Federal employees' time in order to promote it. I am referring to the action of certain employees of the Department of Health, Education, and Welfare. I have made these charges of lobbying with Federal funds on numerous occasions. I have documented them. There is no question but what the matter is confused as far as the public is concerned, and as far as the Members of Congress are concerned. The Government's propaganda is such that the people have been given a constant dose of misinformation rather than accurate information.

Let me go on to the second part, which is equally serious, and that is that this committee, the Committee on Ways and Means on which I serve, is not in a position to present accurate information to the House that will enable it to conduct an intelligent debate on this very important and controversial issue. As the gentleman from Wisconsin [Mr. BYRNES] stated, the issue of controversy, of course, is in the area of health care.

The Committee on Ways and Means did bring out a bill last year in regard to improvement of the social security program and, as has been pointed out, this passed the House almost unanimously. One part of this bill therefore contains matter about which there was adequate study and discussion in the Committee on Ways and Means. The committee was in a position to present that matter to the House for proper debate and its full consideration. But the controversial aspects of this present bill are not ready for debate and deliberation. That was very well demonstrated at the time the gentleman from California [Mr. KING], had the floor, and the chairman of the Committee on Ways and Means [Mr. MILLS], engaged in a colloquy with the gentleman from Wisconsin [Mr. BYRNES], in regard to the cost estimates of one important health aspect of the bill. The gentleman from Arkansas [Mr. MILLS], referred to some later figures on cost estimates, dated around April 5, as I recall. I am a member of this Committee on Ways and Means, and I have never seen these new cost estimates. I might say I doubt if anyone else on the committee has seen these new cost estimate figures.

When we began hearings there were discussions behind closed doors on January 27. There has been a constant revision upward of the cost estimates, but all of this was done behind closed doors. The chairman of the Committee on Ways and Means knows I have a very high regard for him, although we have a fundamental difference of opinion on the procedures the committee followed in trying to look into the aspects of this very controversial issue.

I urged that there should be open hearings and people with knowledge in our society on this subject should be given the opportunity to come before us. This was not a military operation we were studying. This was a matter of public information, and it should have been of great interest to the public and to the press, if they have been inclined to report it, for example, to report the colloquy which went on between the actuary of the committee, for whom I have a great regard, and the actuary of some of the health insurance companies. And after this, the actuaries revise their estimates on this. But the public does not have any knowledge on this. Many of the Members of the Committee on Ways and Means know nothing about it. The Members of the House know little about it. The Members are permitted to vote for or against a label, not a piece of legislation.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Missouri.

Mr. HALL. Is it not true that at one time the same actuaries' calculations for the original King-Anderson or administration hospital care bill were found by the chairman of the Ways and Means Committee itself to be 100 percent off base?

Mr. CURTIS. It is more than 100 percent. It is difficult trying to figure out what the costs in this area would be, and there is still serious dispute on the part of health actuaries as to whether we are still not underestimating the cost in the H.R. 1 part of the bill, let alone the cost in the Byrnes package, either as contained in the bill or the Byrnes package as contained in the motion to recommit.

Mr. HALL. Is that not true because we are dealing with service benefits instead of cash benefits?

Mr. CURTIS. That is the problem. We are fundamentally changing the concept of social security, one which has been a cash program, to one which is a hybrid, which includes cash and certain services. But how can we estimate what services will cost over a period of years?

There were witnesses that we failed to hear. Let me pin this point down. The chairman of the committee told the House how many hours of hearings the Ways and Means Committee has had over the past years on this general subject. Indeed we have, but each time we held these hearings they were in relation to a particular bill. After we held the hearings we concluded that these were ill conceived proposals and did not stand up under the kind of testimony we received. So we have had version after version of King-Anderson proposals, we are now at about the tenth version. We have not had public hearings on this new bill, H.R. 1 the tenth version. No one who is knowledgeable on this subject has had an opportunity of testifying on it publicly.

It is true that we did call in a few expert witnesses—quite limited I might say—and there are some hearings now available, if the House is interested in looking at some of the testimony. This is quite limited testimony. But this is a far cry from calling in the very industries and professions that are responsible for our having the greatest health care system of any society in the world. Our problem in the field of health care for the aged, as I often point out, is not the result of failure—it is the result of success. We have been so successful in our society and in our methods of handling health care not just for the aged but for our entire society that people are living 10 or 15 years longer. It is success in this field that has created the problem—the economic problem that we are now trying to cope with. But it is not the failure of our health care system. It is its success. The people responsible are the drug industry, the hospitals, the doctors, the health insurance companies, the nursing homes, the visiting nurses, businesses or labor organizations with their pension plan programs. It is hard for this body to realize, I believe, that these groups most of which have opposed this kind of legislation and have recommended that we not move forward in this way were not permitted to testify before us so we received no benefit from their advice or their criticism under cross-examination—and I might add with the advice of rebuttal witnesses on the part of those who might disagree with them. This is the committee process. This is the way the Congress is supposed to gather knowledge and wisdom on an issue to apply it to its solution. But these were not the procedures that we followed and we do not have the benefit of the advice that these groups could give. The advice we have received has been received largely on an ad personam basis by the chairman of the committee, for which I commend him and to some degree by the gentleman from Wisconsin [Mr. BYRNES] and myself to a very limited degree to the extent that we could personally meet and talk with these people in our offices. But that is not the committee process. If the chairman of the committee wants to interrogate the top people in the Blue Cross in regard to a program, let him do so so that the rest of us on the committee can get the benefit of those discussions because these are not easy matters. This is a committee process. But we are before the House today without that benefit.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. LANDRUM. I am reluctant to challenge the gentleman's statement.

Mr. CURTIS. I should think you would be.

Mr. LANDRUM. But I went to the committee this year as a new member and I participated in the hearings over there for a great number of days—I do not know just how many. But as I recall, there were between 2 and 3 weeks devoted to hearing experts from the insurance industry; Blue Cross and Blue Shield; the Hospital Association; the American Medical Association, which was represented by, among others, its president, Dr. Donovan Ward; the American Nursing Home Association, the pathologists, the labor unions, and so on. I do know that it took two rather thick volumes to print these hearings. In addition, we received a great volume of written communications including material from drug industry representatives, physicians, hospitals, and others.

Mr. CURTIS. Yes; I saw you there.

Mr. LANDRUM. And I listened intently and questioned for a little bit of the time officers from various carriers of insurance in particular, including Blue Cross and Blue Shield. I listened intently to the actuaries from that organization and to the president of that organization as well as to the actuaries from the insurance industry. I listened to what the Social Security Administrator and the social security chief actuary had to say and I heard the gentleman question them, and I listened to a lot of his questioning and received a great deal of benefit from it.

Mr. CURTIS. All right, I want to thank the gentleman. But the point I made is still accurate. I did point out that there were a limited amount of expert witnesses called in before the committee. I pointed it out, if the gentleman had been paying attention—and if he would pay attention now—that there were some limited hearings that had been published that would show some of this information. But I am trying to point out the procedures that did go on, and I know the gentleman would recognize this.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. HALL. The gentleman mentioned the pharmaceutical industry being heard and their testimony being made a part of the hearings. I did not notice where they were heard to any extent or whether any part of the pharmaceutical associations were heard, yet I notice that there were the HEW experts testifying as to what the pharmacists thought. Were they ever given a chance to rebut it?

Mr. CURTIS. No; they were not. As a matter of fact, the committee sat there throughout all of these executive sessions with the officials of the Department of Health, Education, and Welfare constantly present. The usual occurrence was for the HEW officials to state what the various industries—the pharmaceutical industry or the hospitals or the nursing homes or visiting nurses associations thought. Many is the time, and I think the record will show it, I said I am interested in interrogating these people myself and I chided the chairman of the committee on occasions when he said, "Here is what they told me." And I said, "But, Mr. Chairman, what I want to do is to interrogate them myself."

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman.

Mr. MILLS. The gentleman from Missouri [Mr. HALL] raised a question about whether the pharmaceutical people appeared before the committee.

Mr. CURTIS. That is right.

Mr. MILLS. They did appear before the committee in connection with the hearings on the bill we had under consideration in 1963–64.

Mr. CURTIS. Yes.

Mr. MILLS. They did not appear in 1965.

I believe my friend from Missouri who is in the well of the House should call the attention of the gentleman from Missouri to the fact that the quarrel with the Pharmaceutical Association was over the fact that we had limited available drugs under this program to those drugs listed as being all right by the publications used in the professions or those that are passed on by medical staffs of hospitals. This is spelled out on page 24 of the report. They wanted to go beyond that, and we did not believe it appropriate to do so.

Mr. CURTIS. I might say to the chairman that there were many points they made. I read from a letter in the committee one of the points they did make which was ignored.

The chairman is verifying, in essence, the manner in which we proceeded. That is the very area as to which we have a quarrel and disagreement on procedures.

What I am trying to bring out for the benefit of the House, but also to make a record here in the CONGRESSIONAL RECORD, at any rate, is the procedures we did follow and why I am suggesting that this matter is not ready for debate on the floor of the House. We lack the information we should have acquired in public hearings if these knowledgeable people had been permitted to testify not on a general subject but on the specific proposals. There was H.R. 1, which was a new bill, 139 pages long, and the confidential print which the chairman had made up for the committee, of some 250 pages, which many of us had not seen until it came in. Under the orders of the chairman, this print was not to be taken out of the committee room. I told the chairman that I certainly intended to take it out, and to at least allow some of the people who had knowledge in this field an opportunity to comment on some of the language.

This is the procedure we did follow. I submit we are not in a position under these kinds of circumstances, for a measure of this importance, to move forward to debate it with intelligence.

Mr. JONES of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. CURTIS. I yield to the gentleman from Missouri.

Mr. JONES of Missouri. Can the gentleman tell me upon whom we must rely for the estimates of the increase in the hospital patient load under either one of these plans?

Mr. CURTIS. Yes. It is essentially on the testimony of Mr. Myers and his associates. He is the chief actuary of HEW. In addition, the colloquys and conversations he in turn has had with some of the top actuaries of the health insurance organizations, all of this I might add was behind closed doors.

Mr. JONES of Missouri. My apprehension has been that I know, in the locality in which I live, our hospitals are filled to capacity all of the time. Observing the hospital insurance plans which are in effect, are we in danger of creating an obligation which cannot be met by the physical hospital facilities, under this plan?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 additional minutes to the gentleman from Missouri.

Mr. CURTIS. The answer to that question is, I believe there is a real danger. There is a real concern not so much over the facilities as over the skills; the available nurses and doctors.

Mr. JONES of Missouri. The nurses and technicians, but even the physical plant. I know that in my area we do not have sufficient hospitals to take care of any additional load at all.

Mr. CURTIS. That is a real concern of the limited facilities and one of the factors we need to go into.

I offered a bill which has been law for some time, to provide FHA guarantee for private nursing homes, which did produce about 100,000 beds and we are now building about 50,000 new beds capacity a year.

Mr. MILLS. Mr. Chairman, will the gentleman yield on that point?

Mr. CURTIS. I wanted to finish two or three points, but I will yield. The point is that we are not in a position to talk with intelligence, Mr. Chairman, because we did not call in the people who know the answers.

Mr. MILLS. My friend from Missouri and I can always talk with intelligence.

Mr. CURTIS. Not always. I cannot talk with intelligence without studying these things first. I try to, but what constitutes study?

Mr. MILLS. The work both you and I do.

Mr. CURTIS. We try to get knowledge from people in the particular fields of their excellence by interrogating them.

Mr. MILLS. On the point made by the gentleman from Missouri, I thought my friend believed as I have believed over the years, that most of the people who need hospitalization and who need the care of a doctor, in your country and in my country and in the country that the gentleman from Missouri [Mr. JONES] serves, get it, whether they are in a position to pay for it or not.

Mr. CURTIS. That is correct.

Mr. MILLS. If they get it, then how does this bill which provides the means of making payment for these services bring about this undue overutilization which the gentleman is talking about?

Mr. CURTIS. The gentleman is fully aware of why, because we devoted a lot of time to this problem of hospital overutilization. The emphasis in this bill on hospital utilization boards and the concern many people express when we go to this kind of a program there will be this overutilization. However, let me go on to finish my points.

Mr. MILLS. All right.

Mr. CURTIS. All I am making a point about is this: I am not trying to engage in a debate on the substantive issues of this bill because we are not in a position as a committee to advise this House with any intelligence. We have failed to obtain the information and what information we obtained in the past we have not kept up to date. We do not know what we are talking about in this area. However, let me go on to the three other points that I want to make.

What concerns me so deeply about moving forward in this important area in ignorance is that we do not know; but this we do know: the payroll tax has a limitation, just as we have now found that the Federal income tax has a limitation, and we all recognize the economic damage it is creating.

Senator RIBICOFF, when he was the Secretary of Health, Education, and Welfare, advised this committee in one of our public hearings under cross examination that he was concerned with the limitation of the King-Anderson bill, which was to give benefits that were less than 25 percent of the cost to the older people. I said, "Why did you limit it?" and he said, "Even to pay for these we have to get the payroll tax to where it is 10 percent of the payroll, and when it reaches that it creates real danger for the social security system itself."

Now, this bill has 11.2 percent ultimately with a base of $6,600. I tried to engage and I did engage in a limited colloquy with the Director of the Budget, Mr. Gordon, and I put in the RECORD, excerpts from the hearings, a colloquy on the economic consequences involved if we load too much on the payroll tax. The unemployment insurance system is based on that tax, too. In effect, so is workmen's compensation. We are moving ahead here without the benefits of the wisdom and the knowledge that experts in this field might have given us. Just because there is a popular label on this bill it will be passed. This is the kind of a climate that has been created, and in which we cannot conduct an intelligent debate.

The second point is the compulsion and the comprehensiveness of medicare. If you look at the bill, right at the very beginning there is a great big label on page 9. It says "Prohibition Against Any Federal Interference." It says there will be no Federal interference, and that free choice by the patient is guaranteed. Then the next 70 pages tell you how the Federal interference will be carried out. Let us not kid ourselves about it. It has to be. I am not arguing against that. If we use Federal funds, we have to have Federal regulations. The provisions are that the Department of Health, Education, and Welfare must enter into contracts or agreements with hospitals and nursing homes, and if your nursing home or your hospital which you want to go to does not agree with the officials in Washington on their charges and what they can charge for, then the older person cannot go to that hospital or nursing home.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. I yield to the gentleman 5 additional minutes.

Mr. CURTIS. Then the older person cannot go to that hospital. Where is the ultimate decision in the event of a controversy between the hospital board or the nursing home and the great Department of Health, Education, and Welfare? The ultimate decision is in Washington. There is a lot of machinery in between provided, of course, but in the event of a difference of opinion, the ultimate decision is vested, as it has to be, in the Department of Health, Education, and Welfare. I am happy that I was able to improve this bill to some degree by getting judicial review. So that there could be at least an appeal to the courts from the arbitrary decisions of the Department of Heath, Education, and Welfare. So we have the basis for what many of us believe will lead to socialized medicine, moving into a socialization in this area.

My concluding remarks are these: In our society we have always taken care of those in need. The Kerr-Mills Act took this approach.

The American Medical Association has not been falsely propagandizing eldercare by saying it will provide up to 100 percent of medical cost. Eldercare is really only a modest improvement of Kerr-Mills. In my judgment it probably would only cost about $100 to $200 million in addition to what we are doing under Kerr-Mills. Kerr-Mills, which has been so badly misrepresented by the officials of the Department of Health, Education, and Welfare actually was saying this: We know the people on relief now are being cared for. However, there are some people who are not on relief. They own their own little home, have their pension, but if they get hit with a major medical cost, they could be thrown on relief.

Kerr-Mills in effect says to the States: You tell those people to bring in their medical bills and we can take care of them up to 100 percent if that is what they need, so they stay off relief.

Right, Mr. Chairman? Is not that the thrust of Kerr-Mills, so people would not go on relief? It is not the other way around, and so what eldercare says is this: Let us not wait until these people get hit with a major medical. Let us cover them with health insurance, and if they have difficulty in meeting the premium cost then we can help them to pay the premium. This is the approach, and why eldercare and Kerr-Mills is really not very costly. It is taking care of up to 100 percent of all the medical costs. But it only relates to 15 or 20 percent of the older people in our society. But this compulsory program in the bill before us is to cover 100 percent of our older people—the rich, the medium income, as well as the poor, whether they can afford it or not, and cover about 25 percent of their average health costs.

As the chairman of our committee has often pointed out—and I agree with him—we should not use general revenues for welfare matters unless we have a means test; because, if we ever went to that there would be no end to it. That is why I am pleased that in the Byrnes bill, in a limited way—not the way I would like to, because it is too lush a means test—but at least we do say that in using general revenues as to people over $5,000 of income there shall be a recoupment.

My concluding remarks are those that I began with, that this matter is not ready for debate. It is obvious that this House is not in a mood to debate and deliberate. The decision which was made outside of the well of the House, outside the deliberative process, is going to prevail. Members have already made up their minds. They are voting on a label.

What the chairman of the committee might say—and he is eloquent and is a student and I have great respect for him; and what Congressman Byrnes might say, and I have a similar respect for him, or what I in a small way might say, or the author of the King-Anderson bill, Mr. King, might say, makes no difference.

Is it not obvious, Mr. Chairman, what has happened? The Congress of the United States has become a rubberstamp.

Mr. Chairman, under permission to extend my remarks, I am including a discussion of another point in the bill, namely the amendment to the disability program.

AMENDMENT OF DISABILITY PROGRAM

During the committee discussion of the medicare legislation the processes for procedural and substantive action, namely the hearings and public discussions of the proposals contained in the legislation, were so lacking that many important changes were made without proper consideration.

To illustrate, Mr. Chairman, I refer to the committee action in changing the definition of disability in the Social Security Disability Act system. The definition under the present law declares a person eligible for benefits if he has an impairment "which can be expected to result in death or to be of long continued and indefinite duration." The amendment in the bill would make a person eligible for benefits if he suffered a total disability for a period of 6 months.

This change would affect thousands of persons and cost additional millions of dollars. In fact, the Social Security Administration estimates that 155,000 persons—other sources estimate a much higher figure—will be added to the disability rolls immediately upon enactment of this amendment. The important national effect and import of this amendment apparently was unimportant to the sponsors because no public notice nor any public hearings at any time have been made upon this subject.

The additional cost of this disability definition change was never considered in the financing of the medicare legislation although a great amount of time and thought was given to the matter of adequate financing of other aspects of the bill. This change made in the last several days of committee meetings with its additional millions of dollars of cost will serve only to make the original finance figures more unreliable.

Furthermore, such a change in adding thousands of persons to the disability rolls will compound the injury already being done in the State workmen's compensation programs by the lack of coordination in Social Security Disability Act. Since 1958 disabled persons under the Federal and State programs have been receiving dual benefits as a result of the repeal of the offset provision in the act that year. Prior to repeal the Federal disability benefits were reduced by amounts received under the State workmen's compensation programs. These dual benefits generally exceed the takehome pay of the worker which he received as an ablebodied workingman on the job. It is a simple deduction then that by changing the disability definition and bringing more persons into the category of receiving dual benefits, the Federal program reduces the effectiveness of the State programs. Already some States have acted upon the suggestion of those in the Federal Government to reduce the benefits under the State programs by the amounts received from the Federal Disability Act. I do not believe that the Congress in its creation of the Social Security Disability Act ever intended it to water down or replace the State programs—yet, this is the actual happening.

The area of most serious concern is the rehabilitation of the disabled persons. Those most experienced in the field of rehabilitation point out that motivation is the key factor in bringing about rehabilitation. There is no question that cash benefits greatly motivate a person's desire to be or not to be rehabilitated. Commonsense dictates that a person receiving more income while disabled than when on the job will minimize, if not eliminate, the incentive to be rehabilitated. Opening up the disability rolls to thousands of additional persons without careful study and control will increase the difficult problems inherent in the rehabilitation programs.

An argument has been made by the proponents of social security replacing the State programs that the cost is on a 50–50 basis. Once the benefits become high enough, this method of sharing does not hold true. Witness the Italian program where 52 percent of payroll goes for social benefits and the employer pays 42 percent and the employee pays 8 percent of the costs.

Also in some countries, notably England, where the workmen's compensation program has been nationalized, the right to sue at common law by the employee against the employer has been made available again. Under the State compensation programs the employee gives up his common law rights to sue the employer for any injury received on the job in exchange of a definite amount of compensation. Should the State programs in this country be superseded by the Federal program, there is every reason to believe that we will return to the chaos, confusion, and suffering that existed under the common law operation. I believe that such a development will have both labor and management up in arms all over the Nation against the possibility of such a happening.

There have been some statements that under the present definition, doctors cannot easily determine a total and permanent disability of long duration. However, doctors under the State programs have been able to make such determinations medically, conveniently, and wisely for 50 years.

It is also argued that the present definition creates hardship cases. Informed persons in this field tell me that proper administration and the courts in their rulings take care of any hardship cases which may arise and whenever we draw a line there will be argument, and propertly so, as to just where the line should be. This is inherent in all legislation.

The report of the committee calls for the Health, Education, and Welfare Department to make a study of this problem and report no later than December 31, 1966. The Social Security Advisory Council made a recommendation for a study of this problem area in its report last year. It is amazing in the light of these two recommendations that the committee would legislate prior to the findings of the study rather than afterward. It is inconceivable that action would be taken prior to the fact rather than after the fact.

Mr. SCHNEEBELI. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **CHAIRMAN.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCHNEEBELI. Mr. Chairman, I join my Republican colleagues in supporting many of the provisions in the social security bill. Like them, I have felt that many of these amendments are long overdue.

I am in full accord with the amendments in the bill that would increase benefits by 7 percent across the board with a $4 minimum increase for a worker, continue benefits to age 22 for certain children in school, provide tax exemption of certain religious groups, provide actuarially reduced benefits for widows at age 60, and pay benefits, on a transitional basis, to certain persons currently 72 or over now ineligible; liberalize the definition for disability insurance benefits; and, increase the amount an individual is permitted to earn without suffering full deductions from benefits. These social security amendments were agreed upon by the conference committee in the 88th Congress. A bill containing these amendments could have been enacted long ago, and with unanimous support on the part of the Republican members of the committee.

During the consideration of the so-called King-Anderson bill—H.R. 1—in the 88th Congress, the Way and Means Committee also tentatively agreed upon amendments to improve and enlarge the Kerr-Mills Act. I am glad to find these amendments in the bill. I am certain that the committee would have reported out similar amendments last year, except for the fact that the proponents of medicare—lacking support for their program—asked that the committee pass over all amendments dealing with medical care for the aged. These Kerr-Mills amendments would be in the law today, with the full support of the Republicans, were it not for that fact. I know that these amendments will enable my State—the Commonwealth of Pennsylvania—to improve its already extensive Kerr-Mills program.

There are other fine amendments in the bill providing for medical aid to dependent children, the blind, and the disabled; services for maternal and child health, crippled children, and the mentally retarded; and a 5-year program of special grants for health services for children. I fully support these amendments.

I also have no objection to the voluntary program of supplemental insurance added to the original medicare proposal. The Republicans have consistently pointed out that the original hospitalization program proposed by the administration was wholly inadequate. This inadequacy would have resulted in deception and confusion for some 18 million of our elder citizens—the overwhelming majority of whom had been led to believe that the so-called medicare bill, H.R. 1, provided what that term implied; namely, complete medical care.

Not only do I find nothing wrong in the voluntary approach to insure the elderly for doctors' charges and other medical services, I believe that the bill would be immeasurably better if that concept had been applied to the entire hospitalization program.

Our committee should take pride in the fact that with the exception of the compulsory payroll deduction aspect, the bill has broad support among Democrats and Republicans alike. Why should we have this one large negative feature in the bill—and by this I refer to the hospitalization program—financed by a payroll tax automatically and compulsorily extended to everyone over age 65 regardless of need. In using the term "need," I do not refer to a "needs test" or "means test." I refer to the fact that there are many of our elder citizens who are already being covered in increasing number at no cost to themselves under adequate programs of group health insurance, provided for by their employers, their unions, or by other organizations. Those people have no need for a Government program; for them, it is superfluous.

In opposing the financing of the hospitalization program, I am not unmindful of the increased cost of health insurance for those over age 65. On the contrary, I believe that the comprehensive health insurance program embodied in a bill which I introduced—H.R. 4354—and in similar bills introduced by other Republicans, will provide more adequate health insurance for the aged, at a lower cost, and without imposing a regressive payroll tax upon tomorrow's workers.

The payroll tax is one of the most unfair and regressive taxes in the entire Federal tax system. It applies to the first dollar of earnings. There are no exemptions, no deductions, no exclusions, and no tax credits. The president of a large corporation pays the same tax as his workers earning as little as $5,600 per year.

Under the committee bill, a worker earning a mere $3,600 wage, with a wife and two children to support, will be taxed on his first dollar of earnings—not for his future benefit—but to pay current hospital benefits for a retired couple with the same or more income, who pay no Federal taxes at all. I just do not think that this is fair and proper.

Under the tax rates in the committee bill, a 21-year-old worker and his employer will pay the equivalent of $8,590—during the employee's working years—and those rates may be inadequate.

Under the Republican program a participating individual will pay only when he reaches age 65—not for 44 years in advance—and under present assumptions he can expect to pay $874.50 in premiums during his retired years. Although this figure is only about 10 percent of the amount that must be paid on behalf of an individual worker, under the committee bill the benefits greatly exceed those financed by the committee's compulsory social security program.

Not only does the Republican proposal avoid this regressive payroll tax, but on the other hand its voluntary aspects and broad coverage provide additional advantages over the committee bill.

The basic hospitalization program in the committee bill is extended to all eligible persons over age 65 automatically and compulsorily.

The Republican program would be wholly voluntary. When coupled with the payment of a premium contribution, this reduces the duplication of coverage for those already covered under private programs. It preserves the insurance concept.

The Republican program requires the participants, including those presently over age 65, to make a contribution toward the cost of their insurance. This reduces the cost which is passed on to taxpayers under age 65. It also acts as a deterrent to excessive utilization of benefits on the part of those enrolled.

The hospitalization program in the committee bill is, in fact, a part of the social security tax system. An additional liability of $133 billion is imposed on the social security tax structure by the adoption of that program.

The Republican program is financed wholly apart from the social security system. It does not jeopardize future increases in cash benefits.

In financing the hospitalization program through the payroll tax, as a part of the social security system, the committee bill gives rise to the concept of "entitlement." It creates the erroneous impression that the wage earner is "prepaying" for a specific hospital benefit. This precludes any revision of benefits in the future, except to increase the scope of the program.

The Republican program preserves a high degree of flexibility. When the insured is required to pay a premium for the benefits, both premiums and benefits can be modified as the need arises. Pressures for increased benefits will be minimized if such increases are charged against the insured through higher premiums.

The committee bill does not meet the problem of catastrophic illness. Benefits of the combined hospitalization program and medical services program in the committee bill fall short of the benefits provided for in the Republican program.

The Republican program covers the catastrophic illness up to a lifetime maximum of $40,000 in benefits. The Republican bill also covers prescribed drugs, while the committee bill excludes this item.

By eliminating duplication of coverage and combining all medical benefits in a single comprehensive insurance program, the Republican program will provide more protection for less dollars.

The Republican proposal provides for premium contributions related to cash benefits under social security, coupled with a tax recoupment of the subsidy attributable to individuals with incomes of over $5,000 and married couples with incomes of over $10,000. This eliminates “need” as a basis for qualification without extending benefits to those who are, in fact, able to pay the full cost of their own insurance.

The Republican proposal also incorporates the amendments to the social security laws proposed in the eldercare bills, thus making more specific the right of the States to enter into private contracts of insurance to cover the State-administered OAA and MAA programs.

I am also critical of the committee bill in another respect—not for what the bill does—but for what it fails to do with regard to the overcharge on the self-employed.

On several occasions, I proposed that the committee amend the social security tax schedules in order to remove an obvious inequity with respect to the self-employed. Under existing law—and under the schedules in the bill—the self-employed will be paying 1½ times the tax paid by the employee for the same benefits. I have not been able to get a reasonable explanation for this difference.

Time and time again, we have been told by the Department of Health, Education, and Welfare that the tax paid by the employer should not be credited to or attributed to any individual employee. The Department takes the position that the employer's tax should be treated as a part of the general fund to finance benefits for those who have only paid a nominal social security tax. If we accept that proposition, there is even less basis for taxing the self-employed any differently than we tax the employee. The self-employed is the “forgotten man” in our payroll tax structure.

This extra tax on the self-employed becomes particularly onerous as the tax rates increase. Under this bill, a self-employed person whose earnings equal the tax base will over his productive years—age 21 to 65—have paid total social security—OASDI—taxes of $19,712 as compared with taxes of $13,467 paid on the same wage base by an employee. When compounded at 3½ percent interest—the rate used by the Department—the self-employed OASDI tax comes to $45,032 compared with $30,679 for the employee. Forty-five thousand dollars is a lot of money to a small farmer, a small shopkeeper, a member of the clergy, a barber, and the many millions of self-employed in our service industries.

This additional tax on the self-employed cannot be justified either by the benefits they receive or by their ability to pay. Benefits are the same both for the self-employed and the employee. In the payroll tax, ability to pay is completely disregarded. The president of a large corporation pays only two-thirds the tax of the self-employed barber—and we can be certain that there are more barbers, small shopkeepers, filling station operators, and the like, than there are affluent professional people among the self-employed.

Of the approximately 7 million taxpayers who file returns as self-employed, more than one-half report adjusted gross income of less than $5,000 per year. This is the group which pays 50 percent more in social security taxes than do the executives of our large corporations. They are the farmers, ministers, barbers, taxi owners, filling station operators, small grocers, newsstand operators, and the like. Many have no employees at all, other than occasional family or part-time help.

A minister in my district wrote:

> So far this year I have paid or owe $587 in taxes on my 1964 income (which is slightly over $4,800). This total figure for taxes includes $139 in local taxes, $189 in Federal income tax, and $259 in social security tax. The figure, of course, does not include the Pennsylvania sales tax and the various hidden taxes.
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> There are three children in our family (the youngest is 5 years of age and the oldest, 12 years of age). I find it extremely difficult at the present time to set aside one-eighth of my income to cover these various taxes. If the social security tax is increased, the payment of the increase will not only be extremely difficult, but it will become virtually impossible without depriving the five members of the family of adequate food, clothing, and dental and medical care. Doubtless many other clergymen and other persons classified as self-employed find themselves in this same predicament.

In rejecting my proposal that we take action in this bill to remove the penalty on the self-employed, I was told that it would cost too much. I am not impressed with the answer. Actually, the initial cost to adjust this tax would amount to 0.05 percent of payroll at a $5,600 base. With the projected increases in both the tax and wage base, which are provided in the bill, I am confident that the shifting of this extra burden—now paid by the self-employed—to all wage earners and employers, including the same self-employed, would not have a significant impact on the social security trust fund. And this impact could well be spread over a period of years, just as the committee bill spreads the cost of increased cash benefits and the cost of the hospitalization program.

The additional tax to finance the health insurance program provides the same rate for the employer, the employee, and the self-employed alike. If the principle of this new tax is right, there is no justification for continuing to tax the self-employed at a much higher rate to finance cash benefits.

I earnestly hope that the other body, on passage of the bill, will face up to this problem. The self-employed need help; and all I ask is that they be given the same consideration as everyone else.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. Karsten].

Mr. KARSTEN. Mr. Chairman, my colleague from Missouri complains that the decision on the medical care bill was made outside of this House. The gentleman from Missouri and I do not often agree, but I am inclined to agree with him to a certain extent in this instance.

Under our system of government it is the people themselves every election who determine the kind of government we shall have and how much government we shall have. By the largest majority in history the people last November elected a President who campaigned on a program of medical care for the aged. And, the Committee on Ways and Means in reporting this bill is carrying out the wishes of a great majority of the American people.

Now, Mr. Chairman, insofar as hearings are concerned it has been my privilege to serve on the Committee on Ways and Means for over 10 years. To my personal knowledge medical care for the aged has been the subject of public hearings at almost every session during that period of time. In the current session there are two volumes of hearings consisting of 898 pages of testimony. If there is one matter that has been thoroughly discussed by the Committee on Ways and Means, it has been the subject of medical care for the aged.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. KARSTEN. I yield to the gentleman from Arkansas.

Mr. MILLS. Is the gentleman from Missouri making it clear that those two volumes of hearings consisting of 898 pages occurred at this session?

Mr. KARSTEN. I made that statement, Mr. Chairman, and we have had a similar record for almost every session of Congress since I have been a member of the committee.

I am glad that the moment is at hand when the House of Representatives will have an opportunity to vote on legislation to provide medical care for the aged.

The struggle for a program of this kind began about 20 years ago. There have been outstanding advocates like the late John Dingell, our former colleague, Amie Forand, and more recently, our distinguished colleague, the gentleman from California, Cecil King. On the other side of the question we have also had humane and considerate men but their views and their approach to this problem set them far apart from the advocates. This resulted in a stalemate on legislation to provide medical care for the aged, with the votes on the Committee on Ways and Means pretty evenly divided between those for and those against.

Stalemates have to await the arrival of a peacemaker. So it has been in this case. The distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas, has been the peacemaker. He has brought together the divergent viewpoints of the present as well as the past, and the bill before us is a tribute to his ingenuity, skill, and dedication to a task which seemed almost insurmountable.

Perhaps there are still imperfections in the legislation but I believe it is far better than any single bill heretofore introduced in the House. This measure is a consolidation of the best of all that has gone before. While the many provisions in its 296 pages are complex and technical, basically the legislation establishes the principle of providing a way for our elder citizens to take care of their major health needs.

The bill is divided into four principal parts. First, it provides a basic insurance program of hospital care based on H.R. 1, the King-Anderson bill. This will be financed in a manner similar to the regular social security program, by a tax on employees and employers. This program will provide 60 days of hospitalization and related nursing home service for all persons when they attain the age of 65.

The second part is voluntary and it covers doctor's fees in and out of the hospital. Aged persons who elect this coverage will pay a $3 monthly premium which can be deducted from their social security cash benefits and this will be matched by a similar contribution from the Government. Hospital and medical benefits under these programs will be available beginning July 1, 1966.

The third major provision of the bill includes a 7-percent increase in social security monthly cash benefits. Under this provision, no primary beneficiary will receive less than a $4-a-month increase so all of the aged may purchase the optional medical program with no loss of income.

Finally, the bill makes many substantial improvements in the Kerr-Mills program and also includes more liberal financing of health care services to needy children, the blind, and the disabled. It also strengthens and expands the maternal and child health and crippled children's programs.

As good as this bill is there are still some who oppose it. I have read the Republican minority report and to me the conclusions are not surprising. The minority report declares that the health care plan for the aged is too costly, inadequate, illusory and some kind of a terrible threat.

The reason I am not surprised at the minority report is that these are the same charges the Republican Party has been making since the inception of the original cash benefit social security program in 1935. It was my privilege to serve as a House committee employee at that time and I well remember the dire predictions of the Republican spokesman on social security both in and out of Congress.

There was the late Allen T. Treadway, of Massachusetts, the then ranking minority member of the Committee on Ways and Means. Here is what he had to say on February 2, 1935, on the general subject of social security:

> The greatest single threat to recovery * * * many businesses * * * probably will be unable to continue in operation.

Then there was the late Harold Knutson, who later became chairman of the Committee on Ways and Means. Here is the gloomy prediction he made in the well of the House on April 12, 1935:

> The passage of this proposed legislation will further and definitely increase unemployment.

Mr. Knutson felt so strongly against social security that in the minority report he amplified his views with this condemnation of the social security program:

> There are certain provisions of this bill so obnoxious to me that I cannot support it. * * * The measure is wholly inadequate. * * * The two payroll taxes which the bill imposes will greatly retard business recovery by driving many industries, now operating at a loss, into bankruptcy.

The late Republican minority member, Daniel A. Reed, of New York, who like Mr. Knutson before him, also became chairman of the Committee on Ways and Means, described social security this way:

> The lash of the dictator will be felt. And 25 million free American citizens will for the first time submit themselves to a fingerprint test and have their fingerprints filed down here with those of Al Capone and every jailbird and racketeer in the country.

Our former colleague, John Taber, of New York, made a stirring speech on the floor on April 19, 1935, and here are his kind words about the social security program:

> Never in the history of the world has any measure been brought in here so insidiously as to prevent business recovery, to enslave workers, and to prevent any possibility of employers providing work for the people.

Republican opposition to the principle of compulsory social security was not confined to the Congress. There were many otherwise responsible Republican leaders going about the country making speeches condemning the entire social security program.

Here is a copy of the New York Times, for November 1, 1936, and listen to what the Republican National Committee chairman, John D. M. Hamilton, had to say about social security:

> Hamilton Predicts Tags for Workers—Republican Chairman Warns That New Deal Would Regiment 27 Million
>
> If the Roosevelt administration is returned to power * * * 27 million men and women * * * will be forced to report to a politically appointed clerk. * * * In European countries, people carry police cards and are subject to police surveillance. So far, American citizens have not been subject to these indignities.

If Chairman Hamilton was not speaking for his party, perhaps the Republican candidate for President, Alfred Landon, was on September 27, 1936, when he had this to say. Here is a copy of the front page of the St. Louis Post-Dispatch for that date. Let me read the major headline: "Landon Calls Social Security Act Cruel Hoax on the Worker—Urges Repeal of Compulsory Old-Age Section of New Deal Program as Unjust and Stupidly Drafted."

A few weeks later, he came to St. Louis, and told us more of what he thought about social security. Here are the choice remarks he made in St. Louis which were reported in the Post-Dispatch for November 1, 1936:

> How could any administration keep track of these 26 million of our fellow citizens? Imagine the vast army of clerks that would be necessary. Imagine the boost for bureaucracy. Imagine the field open for Federal snoopings. Are these 26 million going to be fingerprinted * * * or are they going to have identification tags put around their necks? * * * We must repeal the present tax on pay envelopes.

But let us return to the present. The minority report indicates our Republican friends today are trying to make the same mistakes as our late and former Republican colleagues of the 74th Congress. The real basis of Republican opposition today is the role of the Government in collecting a compulsory tax and serving as trustee for the aged. That is the same principle the Republicans opposed 30 years ago. I hope my friends on the left of the aisle will profit by the mistakes of their predecessors and I urge them to vote for the bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Chairman, I want to repeat what has already been said in abundance on many occasions this afternoon, and will be said repeatedly before we conclude debate on this bill, and that is I, as well as most Members, support many of the provisions contained in this bill we have before us for consideration. In fact, I advocate the passage of many of these provisions as being not only desirable but necessary. I will go further and say that I support all of the broad objectives of this legislation if those objectives are to liberalize and broaden the Social Security Act. We approved a similar bill last year with a number of these same provisions in it. I also support any effort to correct some of the inequities that exist in the Social Security Act and that always exist in a law such as this that is so far reaching.

I support the objectives of this bill if it means we are trying to provide adequate—the best possible—health and medical treatment to all people over 65 who cannot afford adequate medical treatment. I am for providing this medical help without any embarrassment or humiliation to them; in other words, to eliminate all suffering, among all people, for that matter, and certainly for those over 65 which is the age group covered by this bill.

I support those objectives. All of us do. And we should support it. I think most of the people think that these are the objectives of this legislation. That is the reason why it has such broad support among the American people. But I feel that this legislation we have before us fails to meet those objectives.

This brings up a very interesting thing about our political system. It may be a good thing. That is, that all of us may see a problem which exists. Some see it a little earlier, some a little later than others. Some see the problem from their own point of view. But all of us can agree that a problem exists and that something should be done about it, that a solution is desirable. In fact we can agree that a solution is necessary. But we can disagree and honestly disagree as to what is the best method of solution or the best plan of solution.

Yet, under our political system we often shout and charge that the fellow that does not agree with our own method of solution, or has another plan or method, is not sympathetic to the problem or is not aware that the problem exists. Of course, some of us are often too anxious to claim the political credit for coming up first with an answer to the problem rather than finding the best answer.

I believe that is the situation that may cause some of the difficulty in the consideration of this bill. It has been said and agreed to before by both the chairman of the committee and the ranking minority member that a problem does exist in this area and that the people over 65 need help in arriving at a better solution of this problem. We all agree, therefore, a problem exists in this area, but we do disagree as to the method of approach. I disagree and seriously disagree with the approach for a solution contained in this bill, but I do not question the honesty and sincerity of any of the supporters of the bill. I commend the Committee on Ways and Means for the work they have done, the detailed and thorough manner in which all parts of the bill were considered. This thorough procedure was discussed by the gentleman from New York [Mr. KEOGH] earlier in the day.

I was impressed by the amount of time taken by the committee in discussing every detail of the bill. I found it difficult to be at all the committee hearings because they met so often. They met morning and afternoon, day after day. I will admit that many alternatives were discussed in the committee deliberations even though public hearings were not held this year as some of us felt should have been. All alternatives were considered, all amendments were considered but most of them, particularly those offered by the minority side, were voted down. My objection or criticism is not against the Committee on Ways and Means or the way it considered the legislation but against the plan contained in the bill.

I hope that my criticism will be considered as constructive criticism, because we are concerned, seriously concerned, that this bill does not contain the best solution to this problem. We feel that it will not solve the problem as we would like to have it solved. We feel it would injure the medical services and conditions we enjoy here today. There is no finer medical system anywhere in the world.

It was said earlier that the old-age, survivors, and disability insurance provisions in the bill are noncontroversial. There was a little give and take in the committee's consideration of that part of the bill. It did not go so far as some of us wanted it to go. It went a little further than others wanted it to go in other parts of the program, such as bringing doctors under the program, and tips. By and large however, it was a package all of us could support. The provisions of the bill which are amendments to the old-age, survivors, and disability insurance program, are listed on pages 2 and 3 of the report. Therefore, a detailed discussion of these provisions is not really necessary.

But I would like to discuss the treatment of the Federal employees in this bill—or maybe the mistreatment of the Federal employees. We have for many years in the Congress, and I understand in the Committee on Ways and Means, been discussing the relationship between the social security system and the civil service system. The question we have been asked repeatedly is: Are Federal employees being treated fairly by not being brought under the social security system? The question has been asked if they were brought under the social security system, would it impair the civil service retirement system, and because of the fear that it might impair the civil service retirement system, Federal employees by and large have not pushed and insisted on being brought under it.

Many of us feel they should be permitted to come under it voluntarily and therefore have the same additional benefits as other employees in private industry, and I have actually introduced legislation in order to have this matter formally brought up before the committee. But I will confess this is a most complicated problem and needs a great deal of study. In fact, on page 103 of the committee report, it makes reference to the fact that in 1960 when the Committee on Ways and Means was considering the social security amendments, they discussed the problems of the relationship between social security and civil service and directed the executive branch to make a study of this particular problem and report back to the committee. Interestingly enough, that report came back to the committee just before we took final action and final consideration of this bill—actually, too late to have the benefits of that study that took 5 long years.

In the meantime we are told that the executive branch wants to make a complete study of the civil service retirement system before any further action is taken by the committee in this area and a report is due from them on December 1, 1965.

But the committee did recognize that there was a gap in the relationship between social security and civil service that did need immediate action. That was the group of Federal employees who have less than five years of service. Under the present civil service system, an employee does not have and is not entitled to civil service benefits during the first 5 years nor does his survivor in the event of death become entitled to any survivorship benefit. Yet, during those 5 years he is having withheld for retirement, whether he likes it or not, 6½ percent from his pay. We feel, and the committee felt, that these people during the first five years should be brought under social security automatically in the event they left, resigned or retired from the Federal service or died within the first 5 years. The funds are there. The funds can easily be shifted from the civil service retirement system to the social security system and it would cost the Federal Government no extra money. So we would then treat Federal employees equal with employees in private industry.

As I said, the committee did discuss this proposal and the committee favorably considered it. It would be in the bill at this time except that there was a technical problem of drafting the language of the amendment. We had been on the bill for many months and we were coming to the conclusion of our deliberation. The technical language of the bill had to be drafted and the report had to be written. It was feared the additional time required to draft the technical aspects of this amendment might delay the bill being brought to the floor. So for that reason this provision was not included in the bill. I regret this action and this decision was not discussed in detail in the report. But the minutes of our executive session, I am certain, will show that. I am bringing it up here now to make abundantly clear in the RECORD the intention and the desire of the committee on this subject. I therefore can assure the membership of the House that the committee would be willing to take action on it in the very near future.

If I have stated the situation incorrectly, I would be very happy for any member of the Committee on Ways and Means to stand up and correct me at this time. But that is the impression I have and I want the record to show that was the action taken by the committee. In fact, this afternoon the gentleman from New York [Mr. KEOGH] and I introduced a bill that would accomplish just the objective that I have been discussing here for the past few minutes.

We did include in the bill a similar provision to bring the substitute schoolteachers of the District of Columbia school system under social security. Up to this time they have been excluded.

We have heard a great deal about the Federal employees who retired after 1960 not being included in this legislation. On top of page 23 of the report, in the paragraph near the top of the page, Members will notice that the only people excluded from the basic medical benefits of this bill are aliens who have not resided in the United States for 10 years, some subversives, and Federal employees who retired subsequent to July 1, 1960. That is a grouping which I am sure the Federal employees will not like.

We did, however, include the Federal employees who retired prior to July 1, 1960. That was not proposed in the original bill. That was included as a result of an amendment in the committee.

Why did we bring those who retired prior to July 1, 1960, under the act? When we passed the Health Insurance Benefits Act of 1959, which became effective July 1, 1960, this was after years and years of study and deliberation. We included in that bill all active Federal employees as of that time and those who would retire in the future. We did not include those who had retired in the past, because that would have made the cost of the health insurance program excessive.

We did come back with a separate action a year later, and in a separate bill we brought in those employees retired prior to July 1, 1960. It was a great deal more costly, because they were people of the average age of 67 or 68. Obviously the cost of insurance was going to be a great deal higher. The Federal Government was not going to put any more into the program, basically, than for active employees. In fact, the entire insurance program for this group of people is inadequate. It provides only about $15 a day for hospital benefits and a proportional amount for medical benefits. That type of program, basic and major, cost the employee $29 for the family group plan and the Federal Government's contribution is only $7. Therefore, it cost the former employee, who retired prior to July 1, 1960, approximately $23 a month for something that is not adequate. He needs help in meeting the cost of his present plan as well as supplemental benefits.

There were about 400,000 retired employees at that time who were not brought under the original act, and only 235,000, or roughly 59 percent, of those actually chose to come under the system which was provided for them. This proved a defect in the program provided and therefore we felt that certainly this group did deserve some further consideration in this bill (H.R. 6675).

What were the reasons why the committee did not include the Federal employees who retired after July 1, 1960? I said a moment ago that we did enact a fairly good plan for the Federal employees in 1959. In fact we gave them a choice of 40 plans. The employee had an option of 40 plans—major medical or basic medical, a service-type plan or an indemnity-type plan. Ninety-five percent of the employees did take advantage of that, and, as I understand it, 95 percent of them actually kept the program into the years of retirement. I also understand that the vast majority of them came under the high-option plan, which did give reasonably full coverage. In fact, there were 2.2 million employees who came under the system, with 4.5 million dependents, making a total of 6.7 million people under this voluntary health and hospitalization system, which made it really the biggest health insurance system in the world.

The committee felt, since the Federal employee had an adequate plan, which was true, that they should not be brought under this particular bill and this particular program. But what about the private industry employees who had a similar health insurance plan? If the voluntary plan for Federal employees, being a sound and reasonable one, is a reason for exclusion from this bill, then do we not actually admit that we do not need to blanket the employees in private industry who have similar systems? This actually proves the point, I feel, that many of us have been trying to make, namely, we should not have a payroll tax or any tax system for those who do not actually need health insurance benefits.

No one who has been retired prior to the enactment of this bill will have paid one quarter into this basic health insurance program being provided in this bill whether he is a former Federal employee or not. Yet the former Federal employee is the only one excluded from the bill, and to that extent I think it is unfair. Yet I have recognized, as have many Federal employees, that we do run a risk by insisting that we be brought under the plan, because we might also get trapped into the compulsory payroll deductions which will come later on.

There is another inequity which exists or which could exist in this particular proposal affecting Federal employees, which I believe can easily be corrected. Everyone will get the supplemental health insurance benefits under this bill, including Federal employees, whether they are under social security or not. Everyone can get this supplemental plan at a cost of $3 for each individual, which will be matched dollar for dollar by the Federal Government, and that will come from the general revenues of the Treasury and not the payroll tax. It will be matched by the Government as a Federal Government and not an employer. It will not be a prepaid insurance plan where people are paying into it prior to the years of retirement and will benefit all citizens alike. Here is how the supplemental plan could be unfair to the Federal employees.

I mentioned a moment ago that we have a reasonably good plan for the Federal employees now which they can take into the years of retirement. It is not free, but it is just a reasonable, good, sound employer-employee voluntary health insurance plan. The Government actually pays one-half of the minimum basic medical cost for each employee, individual or family. In other words, the Federal Government will pay $2.82 a month for an individual in the basic plan or $6.76 for a family plan. As I said a moment ago, also, most employees have a supplemental plan or a comprehensive plan which can run as high as $35.51 a month, but the average plan and the cost of the average plan for most Federal employees runs from $23.51 to $23.83 a month. That is the family type comprehensive health insurance plan to which the Federal Government makes a contribution of $6.76 or roughly 28 percent. As I say, he could carry that program into retirement.

Now let us look at the Federal employee's neighbor who might have a similar plan during his years of employment.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BROYHILL of Virginia. Now, the non-Federal employee at the time of retirement will, of course, come under the basic payroll tax plan that is contained in this bill, and if he retires prior to the enactment of the bill, he will have it free of charge and also have the supplemental plan I have been discussing at a cost of $3 per person. He will probably have a private plan which he will be able to blend into the medicare plan and into the supplemental plan, but if the Federal employee takes the supplemental plan—and it is there for him and it is there for his neighbor as well as the Federal employee—he may find he will really be duplicating the payments for the same benefits he has under his voluntary plan. Or he would have a lot of complications in going back to the insurance carrier and saying they should recast his health plan at the age of 65, which will undoubtedly run into some actuarial problems, because the cost of health insurance at the age of 65 is a great deal greater than it is prior to that.

Here is my plan or my suggestion of how we might prevent this inequity from occurring. I am also introducing a bill to try to do this immediately. In fact, it is being prepared right now.

That is to take the Federal employee when he reaches the age of 65, and have the Federal Government as the Federal Government and not as an employer make this $3 supplemental contribution into the voluntary health plan that the Federal employee already has and which the Federal Government already has approved of; just add that to the Government's share. This would not cost the Federal Government 1 additional penny. Since the Federal employee has his own health insurance plan, it would avoid the necessity of complicating, or changing his insurance plan or of the Federal employee having two insurance programs.

We already recognize the Federal employee as being in a different category because he is the only individual—it is the only group of individuals—other than some of these subversives and aliens, not included in the basic medical provisions of the act. So we are not being inconsistent to recognize that even further and provide a separate way, another way for him to get the same benefits under the supplemental program. Why should we not make the system a little more convenient to the Federal employee at no extra cost to the Federal Government?

I have a couple more comments about the social security provisions of this bill. I know that many Members will be asked the question as I have already: why did we not increase the benefits by more than 7 percent? that the $4 minimum is not sufficient, that we must help many people who need a great deal more money to live on. There has always been a great deal of criticism about the $1,200 maximum that a person may earn from other sources without having his social security benefits reduced. We discussed that in the committee. In fact, the gentleman from Massachusetts [Mr. BURKE] offered an amendment to increase that limitation to $1,500.

These are good questions that will be asked of you by your constituents and the committee is mindful of the fact that these are not overliberal increases of benefits. But there is a problem of financing the cost of these benefits. Every increase in benefits has got to be related to an increase in the payroll tax. So the committee had to weigh the problem of increasing the payroll tax, the ability of the wage earner to pay the additional money, the additional hardship that this would impose on the wage earner and the possible shock to the economy.

As has been pointed out here several times before, we have caused a substantial increase in payroll taxes in this bill for these limited benefits that we have provided, including medical care benefits. Right now the total payroll tax under social security is $348 a year on $4,800 of income. That is for the employers and employees. But under this bill that total payroll tax will go up to $739.20 per year on an income of $6,600, increasing the percentage of the payroll tax up to 11.2 percent of the payroll.

Are we reaching the limit that we can afford to add to the cost of the payroll tax? How can we be sure? Some of us feel that we may already have reached the danger point when this rate does get to 11.2 prcent—and it is going to get that high—whether we increase benefits later on or whether the cost of this medical care program goes up or not.

I will agree that there is going to be some increase in the payroll taxes for the social security program whether we pass the bill before us or not. It is going to go up in 1968 to $444 per person in the total payroll. I think we can consider this as a tax increase bill because it does increase taxes as well as provide benefits.

It is not an insignificant tax increase bill, either. In fact the cost of the present social security program is not insignificant. It is not insignificant even though the rate seems rather small, 3⅝ percent of the payroll of each employee and employer. But this year of 1965 that system will bring in $17.2 billion in taxes and under the bill, starting next year, 1966, with these increases in this bill it will bring in a total of $21.9 billion. In other words, a tax increase of $4.7 billion and by 1972—this is only 7 years from now—without any action taken on the part of our committee, the total tax take under this bill will be $33.2 billion a year or $14 billion a year more than is being taken in right now.

The medical costs, of course, or the cost of the medicare program are included in these figures I have given you. We are adding $1.6 billion to the payroll tax next year for medicare, and by 1990, without any increase in costs, we will have a total intake each year of $9 billion for the cost of medicare.

Mr. Chairman, I submit—and this has been mentioned before by a couple of the previous speakers—that this cost of medicare, this $1.6 billion next year and which goes up to $9 billion a year in 1990, will prevent further liberalization of these old-age, survivors, and disability benefits now and is going to prevent more liberal increases in the future.

Mr. Chairman, this is one of the major objections that we have to this plan of providing the cost through payroll taxes for this medicare program. It will place a ceiling on the cash benefits or additional cash benefits that the recipients of old-age and survivors insurance will receive in the future.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Oregon [Mr. ULLMAN].

Mr. ULLMAN. Mr. Chairman, I want to take this occasion to commend the chairman of our committee, the gentleman from Arkansas [Mr. MILLS], for the dedicated work that he has performed with reference to this issue for the past many years, and for the masterful manner in which he has handled the committee during the writing of this most important piece of legislation.

I also would like to pay my respects to the gentleman who was in Congress before my time, the late Honorable John Dingell, who was the father of the gentleman who now occupies the chair, and who was one of the pioneers in this field and who long ago saw the need for this kind of legislation.

Mr. Chairman, I also want to pay my respects to another gentleman, Aime Forand, who is not in this House now but who was dedicated to the purposes of this bill for many years and who led the fight in this House for it. Also, I want to commend the gentleman from California [Mr. KING] who spoke earlier this afternoon for his dedicated efforts in behalf of this legislation.

Mr. Chairman, the program that we bring to you today is a uniquely American approach to this complicated and difficult problem of providing adequate medical care for our older citizens. It is America's answer to that problem. There is no prototype anywhere in the world to the kind of program we bring you here.

Mr. Chairman, this program is the assurance that we will not have socialized medicine in America, because we have over the years studied this problem and analyzed it and we have had hearing after hearing before our committee. I know of no comparable piece of legislation since I have been in Congress that has been studied more and that has received wider consideration by any committee than the legislation that we bring you here today.

The package that we have put together makes sense. It makes sense from the point of view of the administration; it makes sense from the point of view of financing; it makes sense to the older citizens of America, and to every citizen of America from the point of view of a benefit which fills a need, a demonstrated need in our society.

Let us look at a few specifics. I can understand some confusion about this legislation because of the expensive campaign of opposition to it that has been conducted, not just in recent months, but over the course of many years. Much of this campaign has been dedicated to stirring up confusion in the minds of American citizens.

First, why do we single out the hospital benefit portion of the bill to be financed under the social security program? Was this just a willy-nilly decision, or does it have some real substantive basis?

I want to tell you it does have a real basis, and it does make sense.

What we have done is separate the institutional benefits in this bill from the physician service-type benefits. There is a real distinction between these benefits, and that distinction merits different consideration. We have said here that the institutional services that are so important in health care—basically hospital care outpatient diagnostic services, posthospital skilled nursing home care, and home health care—are admirably adapted to the social security type of financing, the payroll type of financing that we have provided in this bill.

At the same time we have very rigidly kept out of the "basic" package, which is supported by the payroll tax, any benefits with respect to physicians' services because it is not easy to fit the latter into reasonable or precise actuarial estimates.

We have, however, in this legislation, built a voluntary supplemental package providing for payments for physicians' services. This makes sense. And I want to pay tribute to the gentleman from Wisconsin who originally proposed the legislation that took this approach to the problem. Most of us on the committee, and people generally, recognized that the need of our older citizens will not be met until you take into consideration physicians' services as well as institutional care.

What are the weaknesses of the so-called Byrnes package which will be presented to this committee in the form of a motion to recommit? It has very basic weaknesses. One of the weaknesses is this matter of a needs test. The gentleman said there was no "needs" test, but there actually is. May I say this problem of a needs test has been the greatest stumbling block in this whole area of legislation.

It was the problem which was almost insurmountable in the Kerr-Mills approach to the problem, where every State imposed a different kind of "means" test, so that you wound up with totally uneven and inadequate care for our older citizens. But the Byrnes' package provides that your individual amount of contribution depends on your status in the social security system.

I say this is inadequate and a totally unjustifiable form of a "means" test, because who is to say that because someone is receiving a minimum social security benefit he has any greater need than anyone else? What about the doctor who has enough wage earnings in his lifetime to establish a minimum social security contribution? He is going to get the maximum amount of benefit under the program at the minimum contribution.

This is only one of the weaknesses in the substitute proposal you have before you. A second weakness in this proposal is that the total governmental cost is borne by the general Treasury.

If you are going to hold down the program, hold down this cost, a far better way of doing it is to establish an actuarially sound social insurance system. That is what we do in the committee bill by establishing a fund, a separate fund, an isolated fund, and getting actuarial estimates that are accurate. You cannot afford to do otherwise. Since the social security system has been established, these actuarial estimates have been good and the estimates we have in this bill are also based on conservative assumptions. The best way to hold down a program is to tailor it to finance a particular benefit package, knowing all the time that when you put in a benefit you have to match it with the increased payroll deduction.

Mr. Chairman, on the other hand, when you take a program such as you find in the substitute proposal and finance it from the general Treasury, you have no such assurance that the cost will be limited in any manner, shape, or form. All of us know from our legislative experience that the best way to build a program is to put it on an open-ended basis, financed by the general Treasury. Then each time you get pressure for increased benefits, that pressure is going to build up on the Congress to provide those benefits irrespective of the costs.

The Byrnes' package will put a burden on the Treasury of the United States, according to the best actuarial estimates, of $2.8 billion in the initial year. This $2.8 billion increase in general revenues is being recommended by the very people who year after year have come before this body and have argued against increasing the ceiling on the public debt.

The committee bill we have before you is more conservative, more soundly financed by far, than the substitute proposal that is being presented.

Then I want to say that there is a third basic weakness in this substitute motion that is going to come before you. The amount of the individual contribution that the gentleman from Wisconsin would impose on our older citizens would have the effect of increasing the incentive for them to drop out of the program and cause them to fall back on the welfare rolls for their benefits in their later years. We want to accomplish exactly the opposite. We want to decrease their dependency on welfare payments, but by putting all of our older citizens under a basic hospital benefits program and financing it sensibly under a payroll tax. And then putting it alongside the supplementary program for physicians' services, financed part out of the Treasury and partly by the individual, we are encouraging the maximum participation of our older citizens. With these coordinated programs we would rely to a minimum on our welfare program to carry our older citizens through their later years.

Again the "needs" test has been the stumbling block. In the committee package that we bring before you in the first two layers, we have no "needs" test whatsoever. It is the great strength of this program—you can waste all kinds of funds and all kinds of administrative effort in trying to administer a "needs" test. We do not have that test in the basic or supplementary program. In the case of the voluntary program, what we have said is this—we are going to reestablish for our older citizens the 3-percent floor on medical deductions. We are putting all the taxpayers in this regard on the same basis. We are eliminating a complication in our internal revenue structure and we are also eliminating a needs test, thus providing for a maximum of efficient operation of this total overall program.

Now there has been some talk about the long-range cost of the social security system. I am not going to go into it at any great length because it is a complicated picture. But I want to tell you this, as the chairman has told you, that the social security system is sound and that the tables that you have in your report have been prepared by the best actuary in the business. I urge all of you to take the time to look at the study by Robert Myers, the Social Security Administration actuary, who presented to us a complete set of actuarial tables that are available to you. I hope you will take the time to examine them because he is, in my opinion, the finest actuary in the whole insurance field. Time after time after time, we had him before our committee with the best actuaries in the private insurance field, and I have never seen an instance where he has not come out on top.

What we have done in the long range estimates is to have gone up to a point in time—1971—and established a wage base ceiling of $6,600 and have assumed that wage base will not go up any further. When you look ahead and make actuarial estimates of what the fund is going to be in the future, you have several variables to work with. One is a wage base, the maximum amount of taxable earnings, which is $4,800 today. In this bill it will be $5,600 next year and then we increase it to $6,600 after 1970. Then we assume that it remains at that figure. Well, if you keep that a fixed figure, then you are going to a tax rate for the hospital program which appears in the committee bill. But the sound way to finance a social insurance program in the long run is to keep that wage base increasing with the wage level over the years. I predict the Congress will do that and by doing that you will exactly be able to reduce the hospital tax rate that appears in the bill. So do not let them make a bugaboo about this 10 percent limit or 11 percent limit or any limit because it is going to be up to the Congress in the future as to how to keep this system balanced. In my opinion the fair way of doing it is to spread the cost throughout the wage earners of this country on an equitable basis by keeping the same ratio between the wage level and the wage base that we have established in this bill now before us. I think the Congress will do it in the future and by doing it, we will hold down the tax rate that you see in the tax schedules in the report.

I want to speak for just a second about the self-employed and the separate fund. A lot has been said about the fact that this is not a separate fund. It is a separate fund and I want to point out one very distinct difference in this separate fund that involves the self-employed.

We are treating the self-employed exactly the same way as we are treating the employee under the hospital insurance program. In other words, the amount of the contribution by the self-employed will be exactly the same as that by the employee. All Members know that under the social security system, the contribution paid by the self-employed is 150 percent of that paid by the employee. So this is a very important distinction in the way that these funds will operate, and I believe it is an important principle.

One of the reasons why we established this principle of separation is because of the basic differences between this program and the social security cash benefit program as a whole.

We have heard a lot of nit picking on the part of the opposition. I wish to conclude by saying that this is a sound program. This program has been studied by the committee for many years. Last year we spent month after month after month on it. We have held public hearing after public hearing. There have been independent studies by Presidential committees for years. There is no proposed legislation that has been studied more than this one.

The formula which we have arrived at is uniquely sound. It is uniquely American. It is a milestone in legislation in this area. All of us will find, as the years go by, this is going to be considered landmark legislation, as much so as the legislation originally passed when we established the social security system.

I urge all Members to vote against the motion to recommit because it is not a sound proposal, and to vote for the committee bill, which is sound, which is creative, and which is uniquely American.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman.

Mr. MILLS. The gentleman mentioned some of the points he believes are weaknesses in the suggested substitute. I wonder whether the gentleman feels that the development of any plan for the benefit of our older people must take into consideration the feasibility of compliance and the economic situation of these people in connection with it.

What I am thinking about is this: does the gentleman find any weakness in the proposed motion to recommit, in that there is no contribution to be made either on a voluntary basis or otherwise by an individual until that person is living in retirement or on retirement income? Is it not more fair to these people to spread the cost of their hospital benefits, as we propose to do in the committee bill, over the time when they are working and before the time when they are in retirement?

Mr. ULLMAN. This certainly should be one of the points of weakness, because it is a basic weakness. What the gentleman suggests, and what we do in the bill, is much more fair, much more equitable, and will provide a much stronger program for our older citizens than trying to finance it all after the citizen gets to be 65.

I am sure, however, that if we wished to extend this business of finding weaknesses in the motion to recommit of the gentleman from Wisconsin, we could carry this on for a long time. I believe we have pointed out the basic weaknesses which exist in the motion to recommit.

Mr. JOELSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. JOELSON. Mr. Chairman, it is with a sense of being a participant in a great event in the social and economic history of the United States that I rise in support of H.R. 6675.

It is a humane measure whereby Americans will be able to show our concern for our senior citizens and our respect for individual dignity. Far from being a socialistic measure as its opponents charge, it will in the best American tradition provide the machinery to allow millions of Americans to help themselves.

It has been said that a civilization is to be judged by the way it treats its elderly citizens. Up until now, we have failed this test but I am thankful that at long last we are facing up to our responsibility. No society can be truly great which coldly turns its back on the plight of its aging members.

Not only is H.R. 6675 a humane measure, it is also a practical one. It will furnish a workable plan whereby the bills of our senior citizens for hospital and medical care can be met with self-respect.

We must not overlook the fact that this measure also attends to the much-needed increase in social security benefits other than hospital and medical care. In view of the cost of living, those people in retirement have experienced great difficulty in making ends meet and the bill we are considering will be helpful in this respect.

Mr. Chairman, I will have a deep sense of gratification all my life to have been a Member of the 89th Congress which is apparently about to write into law one of the great social measures of our century.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 3 minutes.

I simply cannot refrain from getting into this colloquy on the matter of whether there is a prepayment by the current workers, so that they really will have paid for the benefits they will receive upon retirement. That is the implication of the statement of the chairman of the committee and of the gentleman from Oregon.

Mr. MILLS. No, I disagree with the gentleman.

Mr. BYRNES of Wisconsin. Is it not better to have people start paying during their lifetime, rather than when they get to retirement?

Mr. MILLS. Mr. Chairman, will the gentleman yield at that point?

Mr. BYRNES of Wisconsin. If the gentleman will correct this picture, I will appreciate it very much.

Mr. MILLS. I would not want the gentleman to think I was referring to those in retirement. The gentleman remembers the committee majority part of the report clearly says that with respect to those people presently retired who would receive this benefit there is no prepayment.

Mr. BYRNES of Wisconsin. I am glad at least that we admit somebody will get the benefit tomorrow without having prepaid anything.

Mr. MILLS. I am sure the gentleman remembers that in the report. We very honestly admitted that for them there is not prepayment as such.

Mr. BYRNES of Wisconsin. At least in that area you have no alternative.

Mr. MILLS. That is right.

Mr. BYRNES of Wisconsin. Because you could not by any stretch of the imagination suggest that anybody who was getting a benefit for which they would make no additional payments of any kind had made a prepayment. However, my point here is this: if you will look at your table—and you have the table there—showing the revenues that will be produced by the payroll tax that is assessed in each year, and then you show the total you anticipate will be paid out for those hospital benefits in that year, you will find throughout that they are pretty much in balance. I will agree that there is some slight surplus that exists as far as the income to the fund is concerned, but that certainly the chairman would not contend is a funding.

Mr. MILLS. Oh, no.

Mr. BYRNES of Wisconsin. That reserve, as I understand it, is to take care of any contingencies which might occur as a result of a miscalculation of what the benefits will be or what the revenue return will be from the payroll tax. Am I correct?

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. Yes. I yield to the chairman.

Mr. MILLS. I will certainly admit, just as I would admit about the OASDI trust funds that they will not—and they have not—operate on a funding basis; but they do operate on a prepayment basis. There is a difference between prepayment and funding.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. BYRNES of Wisconsin. I yield myself 1 additional minute.

Mr. MILLS. If the gentleman will yield further, if we operated the system on a funding basis, as my friend from Wisconsin knows, we would have to maintain several hundred billions of dollars in the funds.

Mr. BYRNES of Wisconsin. I must confess, Mr. Chairman, that I get considerably confused at some of the mental gymnastics going on where now we can rationalize that the hospitalization program is not under social security and it is separate from the OASDI insurance system and now we have the mental gymnastics that you prepaid for something even thought what you are doing is simply paying a tax which is used in order to pay a benefit to someone else. That is the way the system works. To me, if I pay such a tax, I am not prepaying for any benefit that I am going to get in the future, but I am simply hoping, because I paid a tax during my lifetime for the benefit of today's retired, that tomorrow when I am retired those people who are then working and their employers will pay for the cost of my benefits. But I am not able to rationalize as to how that becomes a prepayment.

Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. Betts].

Mr. BETTS. Mr. Chairman, throughout this debate speakers on both sides have ably presented arguments for and against the bill now before us. While I want to voice briefly some of my own thoughts on the issue, I would first like to pay tribute to two friends of mine.

These two men, Amy Forand and Cecil King, with whom I have served on the Ways and Means Committee, have made a great contribution to the welfare of persons over 65. Although I disagree with the program they have advanced, they have alerted the country to the need for health care for the aged. As a result of their persistence, there has been action in many areas. Insurance companies have brought forth new plans. States have legislated to permit State 65 programs. Medical associations and hospitals have concentrated attention in the area. In Congress we have acted with new programs such as Kerr-Mills. As a result, the protection of persons over 65 against the financial drain of sickness has expanded fantastically. If no more legislation were ever passed in this field, this age group is in a much-improved position mainly because of these two men, and I think a word of commendation is due them regardless of our positions on this bill.

I also want to pay my compliments to my colleague from Ohio [Mr. Bow]. A long time ago he saw the need of exploring the possibility of medical care with a different method of financing. He deserves much credit for keeping alive the idea of finding an alternative to the payroll tax approach, an effort which has finally resulted in the Byrnes bill.

In a measure consisting of 300 pages, naturally there are parts which are acceptable and some that are objectionable. It is for that reason that I object to so-called omnibus bills. This is true not only with H.R. 6675, but the same complaint can be directed to foreign aid bills, agriculture bills, and tax bills, to mention only a few. With only one single vote, the Member must accept proposals with which he disagrees in order to express his approval of provisions in which he is in agreement. Conversely, if he votes no to voice his objection to certain portions of the bill, he is forced to reject those provisions which he favors. This situation is especially true in this measure.

Probably the most outstanding example in this bill of a provision which has always had my support is the proposed increase in social security benefits to bring them in line with the cost of living. Last year I voted for such increases in a bill which unfortunately never became law. Benefits were thereby delayed for at least a year to persons who were justly entitled to them. I would support a bill now which dealt only with this subject. As a matter of fact, I will support it now in the motion to recommit which will be offered together with the Byrnes bill as a substitute for the compulsory payroll tax approach in part A.

Many objections have been raised to this part of the bill which is the hospital benefits provision. Among them is that it is compulsory, and therefore incompatible with the traditional free enterprise concept of the American economy. Another is that it benefits the rich as well as the poor—a feature which burdens its administration and removes it from the classification of a welfare measure. Americans have always taken care of the needy but a Government program to care for millionaires is illogical to say the least. Also impressive is the argument that the payroll tax method is retrogressive and that it creates situations where persons receive help who have not contributed to the program and where many contribute who will not be benefited.

In the Washington Post of February 11, 1965, Columnist John Chamberlain commented on this as follows:

> The principle of regressive taxation that is embodied in the administration's current

> medicare proposal is an affront to every young couple in the lower middle income brackets. Why, in terms of their incomes, should they be called upon to pay a wildly disproportionate share of the cost of taking care of the old? Do we start the Great Society by grabbing the same amount of medical insurance money from the $5,600-a-year kids that we take from people named Harriman, Kennedy, or Rockefeller? Why not be decent about it and pay for medicare out of the general tax funds?

But the one objection which has seemed overriding is the increasing burden on the payroll tax. In 1987 this will rise to 11.2 percent on a base of $6,600. The Republican members of the Ways and Means Committee have stressed their concern about this in their separate views in the committee report. We say there:

> We believe that the reliance on a payroll tax to finance a hospitalization program jeopardizes the cash benefit program under the social security system by imposing upon that system a liability to finance undetermined future service benefits. The magnitude of that liability should cause concern to anyone dedicated to the preservation of social security cash benefits.
>
> A payroll tax is one of the most unfair and regressive taxes in our entire tax system. It applies to the first dollar of earnings. There are no exemptions, no deduction, no exclusions and no tax credits. No consideration is given to the taxpayer's ability to pay. The president of a large corporation pays the same tax as his worker. The justification for this type of tax rests upon the basic premise of the social security system that the benefits, for which the tax is levied, are wage related. The financing of a hospital service benefit by a payroll tax represents a basic departure from that principle.

I simply state that I concur in these objections. They are reasons for opposing this bill. And, to further substantiate this position, I would point out that on at least two occasions, in 1962 and 1964, after weeks of exhaustive and painstaking consideration, the Ways and Means Committee rejected the concept of health and hospital care through payroll financing. These objections should not be obscured by the fact that politically attractive amendments now have been added and that the bill is labeled "Social Security Amendments of 1965." The plain fact is that the hospital insurance program in this bill, at an estimated initial cost of $2.6 billion annually, is basically the same proposal which the Ways and Means Committee has repeatedly rejected and it is my purpose to maintain the same position which the great committee of which I am a member has consistently maintained until now.

Aside from the merits or objections to the bill, many think of its passage in political overtones. For example, the Johnson election has been interpreted as a "mandate" to pass the health and hospital programs. I think this was effectively answered by an editorial in the Toledo, Ohio, Times of November 19, 1964, which said in part:

> It would be a great mistake if President Johnson interprets his landslide victory as, in part, a mandate to resurrect the by now discredited medicare scheme. There were many reasons for his lopsided election, but as far as we have been able to determine medicare was never one of the issues and, for that matter, was scarcely mentioned by either candidate. One would think that medicare as a political issue or a social panacea had been effectively disposed of by the three congressional sessions in a row which refused to enact it.

As a matter of fact, the mail coming to my office on this subject is overwhelmingly against medicare—the name by which the payroll tax plan is known to the public. It is interesting to note that much of the mail is from older folks, the very people whom proponents of the bill seek to help. Most of the mail is from individuals, but groups are also represented. For example, the Eighth District of Ohio is predominantly rural and one of the most important farm organizations, The Farm Bureau, has always been against this type of financing health insurance.

In my opinion, if Congress had been left alone to work its way in the normal course of events, this bill would never be here today. But obviously the pressure of the administration and the political realinement of the Ways and Means Committee have brought this about. Until now this committee has been a bulwark which millions of people have relied on to stem the tide against oppressive increases of payroll taxes. Now that is over, and most of my constituents are fearful of the future. They understand, more than many politicians realize, that along with talk of reducing income taxes, the bite grows bigger and bigger out of payrolls.

What will be the amendments to this bill in 2 years—or 5 years after it becomes law? Anyone who has followed Federal legislation knows the answer. There will be amendments expanding the law. And how will it be expanded? There is only one way I see, and that is by extending the payroll tax provisions to include both hospital and medical care, and thus the whole program compulsory. That was the original intention, and commonsense would conclude it is the end purpose.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman like an audience to hear him, instead of the few Members who are now present?

Mr. BETTS. I am practically completed. I would like to have just 1 further minute and I shall be finished. I do not wish to take advantage of some of the other Members who have not had audiences.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Missouri.

Mr. CURTIS. I would like to advise the gentleman from Iowa that the audience we have here is the usual attendance throughout the day. I tried to point out during debate that it is obvious this is a farce. The decision has been made and whatever the chairman of the committee might say and the gentleman from Ohio who is making a very fine statement might have to say, or any of us, will make little difference.

This is not a deliberative body on this important issue.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman have any estimate of how many there are on the House floor at this time?

Mr. BETTS. I would not care to make an estimate. I am not a good counter. I think the gentleman, who has been here a long time, is much better at that.

Mr. GROSS. Would the gentleman say 40 or 50, perhaps?

Mr. BETTS. I think so.

Mr. GROSS. Will the gentleman yield to me for a question or two when he completes his statement?

Mr. BETTS. Yes.

Mr. Chairman, I want to conclude my remarks by saying that I have great concern, and I call attention to the plight of the small businessman. I have never been at a hearing of this committee or any other committee, or even on the floor of the House, but what it seems the plight of the small businessman is mentioned.

As a matter of equal concern, I want to call attention to the plight of the small businessman. How can he continue to meet the employer's share of increasing social security taxes? It is a situation which is spelling doom to many of these great figures in our economy. They have been fighters in the frontlines for our free enterprise system and I, for one, do not want to be a party to their economic extinction.

These, then, are some of the reasons why I cannot support this bill. Each Member, of course, must himself weigh the good against the bad in it. I only hope that before he casts his vote, he will give serious thought to the possible consequences of this legislation—the damage it could do to our social security system, our national economy, and to that basic right of every American—individual freedom.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BETTS. I yield to the gentleman from Iowa.

Mr. GROSS. Can the gentleman give us any idea of what this bill will cost?

Mr. BETTS. The report of the committee fixes it at about $6 billion.

Mr. GROSS. Six billion dollars?

Mr. BETTS. That includes all four parts of the bill that the chairman mentioned this morning.

Mr. GROSS. I thought it was $5.5 billion, but the gentleman says it is $6 billion?

Mr. BETTS. I am quoting the committee's report.

Mr. MILLS. That is approximately correct for the first full year. That is $4.2 billion out of trust funds, $1.4 billion from general funds, and about $500 to $600 million in contributions from individuals for the voluntary supplemental insurance.

Mr. BETTS. That includes the social security amendments?

Mr. MILLS. Yes, everything.

Mr. BETTS. In addition to hospital and medical care.

Mr. MILLS. And cash benefits.

Mr. BETTS. And cash benefits; also the increases.

Mr. GROSS. Is all this coming from taxes?

Mr. BETTS. About $2.6 billion or $2.8 billion comes from a payroll tax.

Mr. MILLS. Would the gentleman yield?

Mr. BETTS. I yield to the gentleman from Arkansas.

Mr. MILLS. About $4.25 billion would come from the payroll tax supported trust fund, and $1.366 billion would come from the General Fund of the Treasury under the committee proposal. The rest comes from persons enrolling in the supplemental plan.

Mr. GROSS. It would all have to come out of the pockets of the taxpayers?

Mr. BETTS. It has to be met by a payroll or income tax and from subscribers to the voluntary supplemental plan.

Mr. GROSS. Will the gentleman yield for me to read a brief statement?

Mr. BETTS. Yes.

Mr. GROSS. Going back to February 24, 1964, dealing with the implications of the Revenue Act of 1964, and the fiscal policy of the United States, a Member of the House of Representatives, made this statement:

> In enacting this revenue bill * * * we are choosing tax reduction as the road toward a larger, more prosperous economy and we are rejecting the road of expenditure increases. We do not intend to try to go along both roads at the same time. If we fail to limit the growth of Federal expenditures, we will be leaving the tax reduction road. Even a 1-year detour may make it extremely difficult to get back on it.

Does the gentleman recognize the author of that statement?

Mr. MILLS. Mr. Chairman, will the gentleman yield so that I can plead guilty as the author of that statement?

Mr. BETTS. I will be glad to yield to my chairman.

Mr. MILLS. I said that, and we are still trying to follow that in the committee bill. That is why I had to oppose the substitute coming from the gentleman's side, and I hope the gentleman joins me in doing it.

Mr. GROSS. Any time a bill costs $6 billion, we are not exactly following the road to tax reduction and economy. Would the gentleman agree with that?

Mr. BETTS. I would agree that any Federal program costs money and somebody has to pay for it. This represents an increase in taxes.

Mr. GROSS. This is not the road to economy, is it?

Mr. BETTS. I do not think you can call it the road to economy, no.

Mr. GROSS. Last year, Congress reduced taxes by $11.5 billion, and now it proposes to turn around and increase taxes by $6 billion.

Mr. MILLS. The gentleman from Iowa, the great student of legislation that he is, is aware of the fact that this bill includes the expenditure of approximately $6 billion but provides for an increase in taxes to offset this $4 billion and more we are spending out of the trust fund. The gentleman is not accusing me of being for tax reduction one year and raising taxes in another year.

Mr. GROSS. The revenue has to come from somewhere. I do not know how else I could figure the gentleman's position today as compared with his position in cutting taxes last year.

Can the gentleman give me any idea as to how many people will be put on the payroll to administer this program?

Mr. MILLS. I am not certain whether it will be in a 12- or 24-month period, but undoubtedly in assuming the initial responsibilities which are imposed upon the Social Security Administration under the bill, as I recall there would have to be somewhere in the neighborhood of 2,500 to 3,000 additional employees for the basic plan and about the same number for the supplemental plan scattered throughout the United States to carry out this program.

Mr. HARVEY of Indiana. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY of Indiana. Mr. Chairman, I recently received a letter from Dr. Frank Green, of Rushville, Ind., a general practitioner.

The questions he raises are worthy of Members' consideration.

The letter referred to is as follows:

RUSHVILLE, IND.,
April 2, 1965.

Congressman RALPH HARVEY,
Capitol Hill, Washington, D.C.

DEAR CONGRESSMAN HARVEY: There are several conditions which will be created with the passage of H.R. 6675 that I would like to bring to your attention.

1. How and in what manner of precedence will available beds be assigned to those in need of hospital care?

2. Once an unoccupied bed in the hospital is assigned in the approved way, who will have the responsibility of dismissal?

At the present time, the average stay in our Rush County Hospital is 7 days. Under bill H.R. 6675, what is to prevent this occupancy in the hospital from going up *x* number of days to the limit of 60 days as provided in H.R. 6675?

It is now a fact that by only using beds the minimum number of days we are still unable to accommodate our paying needy sick. What will happen when they have it guaranteed by Government finance?

Who will have to say that the bed should be vacated when not really needed? Who will say this or that patient must get up and go home, short of the full utilization as guaranteed by law?

There cannot be a nonmedical committee in control of dismissals for here may be a very touchy area. There is no hospital committee of doctors, or hospital personnel, or management able to do this job. Only a physician who knows the patient's condition and who is willing to assume this responsibility is really able to say when a patient may be sent home against their wishes.

But reprisal or fear of reprisal is a reason why the committee idea of usage of beds cannot be depended upon. Dismissal of any patient who wants to stay might lead to a suit against the physician or hospital for abandonment or neglect.

In my opinion there is here an upset of reasonable humane and orderly procedures that will be bad for all concerned. It could destroy the present fine patient-doctor relationship.

To disrupt this fine doctor-patient relationship or use it to bail out a bad arrangement would be imprudent when it could be avoided or controlled before the contract for service is entered into and guaranteed by national law.

A contract for service between a patient and a hospital and physician should arrange for the control of overstaying the time needed for the necessary care of the patient. Overuse of a bed by a patient beyond the time needed for necessary care should place this excessive cost on the patient. This would then give bargaining power to the institution to control and better use available bed space for others who need hospitalization.

Any body politic when attempting to do good must surely be aware of the obvious rebound from joy to resentment when the offered becomes impossible only because of ill-layed plans.

Sincerely,

FRANK H. GREEN, M.D.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I have in my hand a newspaper clipping datelined Washington, D.C., which says, speaking of the proposed erection of a social security building in Minneapolis, Minn., that it will cost $722,400. Apparently preparations are already being made for this bill.

Mr. MILLS. This group of employees would not all be located in Minnesota or Washington. They would be in the gentleman's State of Iowa as well.

Mr. GROSS. That leads me to ask how many employees will be added as a result of this bill?

Mr. MILLS. Between 2,500 and 2,700 additional, I think.

Mr. GROSS. Of course, they would not all be located in Minneapolis. Continuing this news story, we are told that there will be a 20-percent increase in the social security payroll. What is the reason, and is that under the committee bill if enacted?

Mr. MILLS. It would not amount to a 20-percent increase. There are over 25,000 employees already.

Mr. GROSS. As of last February there were 34,783 persons on the payroll of the social security setup.

Mr. MILLS. I think that is right.

Mr. GROSS. A 20-percent increase would add about 7,000.

Mr. MILLS. It is my understanding it will not amount to that increase.

Mr. GROSS. I wonder where the newsmen get this information.

Mr. MILLS. I would like to know sometime where all the information that is written is produced.

I raised the question in the committee with the Social Security Administration as to what employees would be involved if we proceeded as we did. Under the committee bill, in reposing responsibility on the Social Security Administration, he told me it would be a maximum of around 2,700 employees for the basic program.

Now had we gone the other way, I would call to my friend's attention, and set up an entirely different agency to administer it, it probably would have taken 2,500 to 3,000 employees.

Mr. GROSS. I hope the gentleman has the right estimate of the increased number of employees.

Mr. MILLS. If the gentleman will yield, I do believe I may be unintentionally misleading the gentleman and, of course, I would not do that for anything.

Mr. GROSS. I yield to the gentleman.

Mr. MILLS. Let me get the facts straight. This may be nearer what the gentleman is talking about. With respect to the basic plan, anywhere between 2,500 to 3,000 employees would be needed. That is what I was talking about. I was overlooking the fact that there would be an additional administrative problem with respect to this program that we wrote in, taken from the idea of "voluntary" of our colleague, the gentleman from Wisconsin [Mr. BYRNES]. There would be additional employees involved in that and they might run anywhere from 2,500 to 3,000.

Mr. GROSS. So that would bring it pretty close to a 7,000 increase?

Mr. MILLS. It would not bring it up to quite 7,000—no.

Mr. GROSS. Well, it would not be very far from that, I will say to the gentleman.

Mr. MILLS. The point is this—if I can get the gentleman to see my point—by using the Social Security Administration, undoubtedly, we bring about the creation of fewer jobs than if we gave it to an entirely different and newly established bureaucracy.

Mr. GROSS. I have one other question since the gentleman is on his feet. How much longer do you anticipate going on this evening in order to get the T. & T. Club, the out-on-Thursday, back-on-Tuesday Club on the road this week?

Mr. MILLS. It is not for that purpose at all that we are here this evening. I want to get the gentleman straight on that. We are simply trying to give as many Members as possible an opportunity to speak today.

Mr. GROSS. I might say to the gentleman that there might be something going on this evening—I do not know. Perhaps there is a repeat performance at the Ebony Table.

Mr. MILLS. I am not certain of anything going on this afternoon. I have not been invited. Now if there is, I wish the gentleman would advise me.

Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. BURKE].

Mr. BURKE. Mr. Chairman, I take particular pleasure in supporting the provision of H.R. 6675 under which benefits will be paid to children age 18 to 22 who are in full-time school attendance. This is an especially fine and forward-looking provision. It will extend the survivorship protection of the social security program and enhance the educational opportunities we offer our young people.

A child who has lost parental support through the retirement, disability or death of his mother or father is considered dependent under the present social security program if he is under age 18 or if he has a disability which began before he reached age 18. I strongly concur in the committee's view that a child who is in full-time school attendance after reaching age 18 is similarly dependent. It is simply not realistic today to stop a child's benefits on his 18th birthday and tell him that he is now presumed to be able to go to work and to support himself. While some children can and do become economically independent by the time they are 18, most children cannot be financially independent at 18 because they have not finished high school, and they must look for a living to an economy that has little use for the untrained, unskilled, and uneducated worker. It is time we recognize that this is the situation, that this situation will continue, and that a child who has reached age 18 and is still continuing his education is as dependent on social security benefits to replace lost parental support as he was when he was younger.

Under the bill about 295,000 children age 18 to 22 would get benefits this September, when the school year begins. In a full year these benefits will add up to $195 million. Many of these youngsters would not be able to continue their education without the benefits this bill will provide. It will mean a great deal to them and to their parents, so many of whom have written to us asking that the benefits be continued.

THE ECONOMIC IMPACT OF H.R. 6675

When we consider social security we tend to focus on its effect on people as individuals—the needs of the individual retired worker, disabled worker, widow, and orphan—and this is as it should be. For the social security program is first and foremost a program that affects almost every American family in a very personal way and under changed circumstances—when the worker retires because of age or disability or when the family loses him in death.

But there is another side to social security. In providing an assured and regular income currently to 20 million of the most economically vulnerable people in the Nation, it provides a steady source of consumer demand that helps prevent deflation. Let us consider the bill before us today from this standpoint.

The provisions of the bill affecting cash benefit payments will become effective this year; the across-the-board benefit increase and benefits for children in school up to age 22 will be effective from the start of the year, and most of the other changes will be effective in the second month after enactment. It is estimated that these changes will increase benefit disbursements under the program by $1.5 billion over the amount that would be paid out in 1965 under present law. In 1966, when all of the provisions of the bill affecting the cash benefits will be in operation for the full year, an estimated $2.1 billion will be paid out in benefits over the amount that would be paid out under present law. In addition, an estimated $1 billion will be paid out under the basic hospital insurance plan, and $200 to $300 million under the voluntary supplementary health insurance plan, in the last 6 months of 1966. In 1967, the first full year in which all of these benefit provisions will be in effect for a full year, an estimated $2.4 billion will be paid out in benefits under the cash benefits program over the amount that would be paid out under present law, an estimated $2.2 billion will be paid out under the new hospital insurance program, and $700 million to $1.2 billion will be paid out under the voluntary supplementary health insurance plan. All of these funds will be paid either for health care services or as income to beneficiaries, who, for the most part, will use it to meet their day-to-day living expenses. Thus the bill will not only increase the effect of the social security program as a source of assured purchasing over the long run, but will provide an immediate boost in consumer purchasing power to stimulate the economy in the next several years.

This economic stimulus will, of course, be offset to some extent by the additional social security taxes that will be collected under the bill. However, this counterbalancing effect is limited by two factors. First, the new social security tax rate schedules in the bill have been designed to avoid the excessive build-up of trust fund assets that would take place in the next several years under present law by providing for a more gradual attainment of the full rates needed to support the program over the long-range future.

In 1965 the amount paid in cash benefits will increase by an estimated $1.5 billion without any increase in social security tax payments over the amount that would be paid under present law. In 1966 the estimated increase in benefit payments over the amount estimated under present law, including the benefits paid under the new hospital insurance program, will be about $3.1 billion, while the additional amount collected in social security taxes is estimated to be about $2.2 billion. In 1967 the increase in benefit payments is estimated to be about $4.6 billion over the amount expected under present law, while the additional amount to be collected in social security taxes is estimated to be about $3.7 billion.

The other factor limiting the effect of the higher social security taxes in counterbalancing the economic stimulus of the increase in benefits is the fact that while the beneficiaries who would receive the additional income generally must use all of their disposable income to meet their day-to-day living expenses, the workers and employers who would pay the additional taxes use only part of their disposable income for immediate consumption. As a result, even that part of the additional benefits paid out under the bill that is offset by higher social security taxes will tend to increase consumer demand.

While our main concern in enacting this bill then, is the welfare of the millions of American families who look to the social security program for protection against dependency and want when the worker's earnings are cut off by retirement, disability, or death, a side effect of its enactment will be to strengthen the American economy. The bill will not only add to the social security program's long-range effect of providing a regular flow of consumer demand among the aged, the disabled, the widowed, and orphaned of the Nation, but will also provide an immediate stimulus to the economy that will help us sustain our economic growth in the next several years.

It is important to stress these facts, because this is not an entire drain on the Treasury of the United States. This money is going into the economy. The Government will reach back and get part of the money and keep the money in circulation, which will keep our economy going, while taking care of the needs of our aged.

Mr. MILLS. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from Ohio [Mr. SECREST].

Mr. SECREST. Mr. Chairman, I believe this bill, H.R. 6675, which has replaced the old so-called medicare bill, is one of the greatest pieces of legislation to come before the Congress in this century.

I am confident that this bill, designed to benefit millions of our citizens 65 years of age and over, will also benefit doctors, hospitals, and insurance companies. In my opinion, this bill will greatly accelerate the sale of additional hospital and medical insurance just as record sales of retirement insurance followed enactment of the original social security law.

I was in Congress and supported the original social security legislation in 1935. I supported and voted in 1950 for the proposal to place independent businessmen under social security. I was a leader in the fight in 1954 to get farmers the same benefits under social security that had for years been enjoyed by factory workers and others.

With such a longtime interest in this legislation, I am anxious that Congress do nothing that will endanger the soundness of the social security system. I want to be sure that a young man 20 years of age today will find the system as solid as the Rock of Gibraltar when he is ready to retire many years from now.

The Ways and Means Committee made a wonderful decision when it let the regular social security system alone and set up a separate tax and trust fund for the hospital insurance provided under this bill. Hospital insurance stands on its own two feet wholly apart from the regular retirement provisions of the long-existing Social Security Act. This is the way it should be. Neither program can weaken the other. Both will be sound and dependable.

Under this bill, a new title is added to the Social Security Act providing for basic hospital care to be financed by a comparatively moderate contribution by employers and employees. For persons 65 and above, 60 days of inpatient services will be provided for each spell of illness. The patient pays the first $40 of his hospital bill.

In addition to the regular hospital service, drugs and biologicals will be provided. Under this title of the bill, private duty nurses and the first 3 pints of blood are not furnished. For each spell of illness, from 20 to 100 days of posthospital care in a nonhospital facility will be provided.

Outpatient hospital diagnostic services will be provided for a 20-day period. The patient will pay $20 for each diagnostic study and the remainder will be paid under the basic hospital plan. After the patient returns home, the basic plan will pay for 100 visits to provide him posthospital care, home health services, including intermittent nursing care, therapy, and part-time services of a home health aid. This will include speech therapy for those whose illness results in impairment of speech. The cost of services under the basic hospital plan for people not under social security will be financed from general revenues.

In addition to hospital care, the bill establishes a voluntary supplemental plan to provide payment to physicians for services rendered in the hospital, the office, or the home. Such payments will include diagnostic X-ray and laboratory tests, electrocardiograms, basal metabolism readings, and X-ray, radium, and radioactive isotope therapy. Prescriptions are not covered but drugs furnished by the doctor are provided.

When used in the patient's home, this section of the bill will pay rental for iron lungs, oxygen tents, hospital beds, and wheelchairs. It will also provide for artificial legs, arms, eyes, and so forth. Under this plan, 80 percent of medical costs will be paid for each calendar year after payment by the patient of the first $50 of his total yearly medical bills. The cost of this voluntary supplemental plan will be $3 per month for each individual who enrolls. For those under social security or railroad retirement, this amount will be deducted from his regular check. A person 65 or over will be able to deduct all medical and hospital expenses in excess of 3 percent of his gross income. This will result in limited recovery of the Government's premium contributions.

The bill provides for a 7-percent increase in all social security payments, and in every case will be sufficient to pay the individual's cost for his insurance. The Federal Government, from the general treasury, will pay an additional $3 premium on each person who signs up for the insurance. It is expected that insurance under this voluntary plan will be furnished by Blue Cross and private insurance companies. Persons not covered by social security could make periodic payments of their half of the premium. The whole package is somewhat similar to that now provided by law for employees of the Federal Government.

In addition to furnishing hospital care and providing substantial payment toward medical bills, this legislation contains many other excellent features.

For instance, under the Kerr-Mills Act, expanded medical assistance is provided for aged persons who are indigent and help is extended to needy dependent children, blind persons, and totally and permanently disabled persons who qualify for assistance under the Act.

Each indigent old person will be judged by his own resources. The income of his children will no longer bar him from benefits. Ohio is not now under the Kerr-Mills Act, but each State is given until June 30, 1967, to qualify for this vastly expanded program which includes in-patient hospital services, out-patient hospital services, laboratory and X-ray services, skilled nursing home services, and physicians services either in a physician's office, the patient's home, or a skilled nursing home.

The whole Kerr-Mills program is vastly expanded by increasing the Federal Government's contribution by some $200 million each year. The bill also expands the program for maternal and child health, crippled children and health care for needy children. It also includes grants for mental retardation planning.

In this bill many excellent amendments are made to the existing Social Security Act. In addition to the 7-percent increase in social security payments, the maximum family benefits under social security will be gradually raised from the present $254 limit to $368 effective in 1971.

Under present law, payment for children's insurance ceases at age 18. This bill raises the age to 22 providing the child is attending public or accredited schools, including a vocational school or a college, as a full-time student. The new age limit of 22 also applies to children of deceased retired or disabled workers. It is estimated that 295,000 children will benefit under this provision in 1965.

Another amendment will permit widows to receive retirement benefits at age 60 at slightly reduced rates. It is estimated that 185,000 widows will take advantage of this provision in 1966.

Another excellent amendment applies to the disability program. Under present law, a worker cannot retire unless his disability is expected to result in death or to be of long, continued and indefinite duration. This new bill would make an insured worker eligible for disability benefits if he has been totally disabled throughout a continuous period of 6 calendar months. Benefits will be payable for the last month of the 6 months' waiting period and for subsequent months until recovery from the disability. It is estimated that 155,000 workers and individuals will benefit from this amendment.

Also, under present law, no worker can retire under social security without a minimum of six quarters of coverage. The new law will permit a person 72 years of age or over to qualify for social security with three quarters of coverage acquired at any time since the beginning of the program in 1937.

This bill also provides that a widow who will be 72 or over in 1966 will be eligible for social security payments if her husband died or reached the age of 65 in 1954 or earlier. This liberalization will benefit many widows.

The bill also liberalizes the social security earned income limitation. For example, a person retired under social security will be permitted to earn $2,400 per year and lose only $600 annually in his social security pay. This is far more liberal than the present law.

Another provision deals with divorced women. Too often a divorce will leave a wife of long standing without social security retirement. This bill will provide retirement to a divorced wife at the age of 62 if she was married to the husband at least 20 years before the date of the divorce. It also provides that a wife's benefits will not terminate when a woman and her husband are divorced if the marriage has been in effect for 20 years.

The bill has another good provision for the benefit of small farmers with relatively low incomes. If a farmer has a gross income of $2,400 or less, he can pay his social security tax on two-thirds of his gross earnings rather than his net earnings. This will enable the small farmer to retire with a larger social security pension.

The bill also exempts self-employed members of the Amish and other religious sects from payment of social security taxes upon application and by signing a waiver of benefit rights.

Self-employed physicians and interns are brought under coverage of the social security act for the first time.

Long ago I stated that I could not support a bill that would place doctors on the Federal payroll or take from a patient the right to pick his own doctor and his own hospital. This bill in no way violates these principles. The insurance from which doctors will receive their customary fee is voluntary and the traditional practice of medicine is not interfered with in any way. This is an excellent bill, and I have attempted to discuss the major provisions in it.

We have come a long way since the days when the old and sick, who could not keep pace with the wandering tribe, were given a 3 days' supply of food and left on the trail to die. Never in the history of mankind has a generation heard so clearly and responded so magnificently to the commandment to "Honor thy father and thy mother, as the Lord thy God hath commanded thee; that thy days may be prolonged, and that it may go well with thee, in the land which the Lord thy God giveth thee."

For the older people of this Nation and many, many others this bill is a sonic boom of decency, hope, and respect. Never have I voted for any legislation with more pride and satisfaction.

Mr. MILLS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Dingell, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6675) "to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes," had come to no resolution thereon.

ADJOURNMENT TO 11 A.M. ON THURSDAY, APRIL 8

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 5721) entitled "An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Ellender, Mr. Holland, Mr. Talmadge, Mr. Jordan of North Carolina, Mr. Young of North Dakota, and Mr. Cooper to be the conferees on the part of the Senate.

APPRECIATION TO AMBASSADOR FROM JAPAN FOR OFFER TO PRESENT NATION'S CAPITAL WITH 4,000 CHERRY TREES

Mr. PICKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PICKLE. Mr. Speaker, my purpose in rising is to extend a warm thanks and appreciation to the Ambassador from Japan for his kind offer to present our Nation's Capital with another beautiful forest of some 4,000 cherry trees to border the Washington Monument.

I know that we speak the sentiments of all Americans in expressing our deepest gratitude to Ambassador Ryuji Takeuchi for this friendly gesture he has made in behalf of Premier Eisaku Sato and all the people of Japan.

Through the years the beautiful blossoms of the cherry trees that bloom so magnificently at this time of the year have greatly enhanced the beauty of our Nation's grand Mall. No shrine about us so beautifully symbolizes the ever-glowing friendship of Japan and the United States.

It is most fitting and appropriate, too, that we take this opportunity to extend a special thanks and commendation to our First Lady, Mrs. Lyndon Johnson, for the personal efforts she has undertaken in this project to magnify the magnificent beauty of the Mall.

The proposed planting of these additional cherry trees will most certainly serve to cement further the friendly relations between all Americans and the people of the Rising Sun.

I know that every Member of the House joins me in this sincere expression of heartfelt gratitude.

And, Mr. Speaker, may I also state that it has been a personal privilege for me to visit with Ambassador Takeuchi and his lovely wife, and I have been enriched and impressed with their dedication and support of ideals so common to those democratic principles that made our two countries great.

LAUNCHING OF COMSAT'S EARLY BIRD

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, yesterday afternoon I was privileged to witness by closed-circuit television at the headquarters of the Communications Satellite Corp. here in Washington, the launching of Comsat's Early Bird. The launching of this communications satellite constitutes a milestone in the development of a worldwide satellite communications system contemplated by the Communications Satellite Act of 1962.

Many of the Members of this House will remember the policy battle which preceded the enactment of this legislation. You may recall that this battle was fought so heatedly in the other body that a prolonged discussion—sometimes referred to as filibuster—ensued with regard to the policies to be adopted by the Congress.

President Kennedy approved this legislation on August 31, 1962. It provides for a very unusual private corporation created by the Congress, owned 50–50 by communications common carriers and public stockholders. Under this legislation, the President of the United States nominates three directors to sit with the other directors elected by the stockholders. In other words, the legislation provides for unusual teamwork between the private and public sector in this country.

In order to make a worldwide satellite communications system a reality, teamwork, however, is required not only here at home but also among all nations interested in participating in this worldwide communications system. In order to achieve this objective first of all, it was necessary to secure the allocation of radio frequencies to be used for communications satellite purposes. This was achieved by the Space Radio Communications Conference held in Geneva in the fall of 1963 and I had the great honor of serving as a member of the U.S. delegation to that Conference.

Following that Conference, international negotiations ensued looking toward the establishment of an international consortium for the purpose of operating the initial stages of the worldwide satellite system. It is a great tribute to the representatives of the nations who participated in these negotiations that their will to succeed was able to overcome all of the many difficulties which stand in the way of such international operation.

The launching of the Early Bird satellite yesterday was a technical miracle not because it was unusual in any respect, but because within a relatively few years the launching of communications satellites has become a routine technical maneuver executed to perfection. A greater miracle perhaps was the circumstance that 45 nations have cooperated to launch this satellite as a result of their joint efforts to create improved international telecommunications.

In the coming weeks tests will be conducted with regard to the effectiveness of the new Early Bird satellite. Some of these tests will make possible the international exchange of television programs between Europe and the United States. Following these tests the satellite may be used occasionally for the transmission of television programs, but primarily its function will be to supply communications facilities for voice, record, and data transmission. This satellite will provide badly needed additional circuits for these purposes since the existing undersea cables are badly overloaded.

Mr. Speaker, I am happy to report to the House on this successful launching and I feel that our committee and this House have been vindicated once again in urging the adoption of the Communications Satellite Act of 1962 which constitutes the basis on which the present success has been built. Of course, these fine achievements would not have been possible without the outstanding work done by Mr. Welch, the chairman of the board, and Dr. Charyk, president of Comsat, to whom I want to extend my heartiest congratulations.

HALF-TRAINED AMERICAN PERSONNEL IN VIETNAM

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, I am calling today for an investigation of the Department of State because I have learned of the shocking fact that the United States has no more than six State Department people in Vietnam who can speak the local dialect.

I have visited Vietnam twice during the past year. On each occasion I returned with increased alarm at our deteriorating position there.

Last week, a group of Congressmen including myself were briefed by officials from the Department of State. In light of the hundreds of millions of dollars we are pouring into Vietnam each day, I asked these people to what extent we have direct language communication with the average Vietnamese outside of Saigon.

The answer is a national disgrace.

After 10 years of involvement, we still have only 6 State Department people there who can speak the local dialect, and only 25 currently receiving language training.

The Vietcong and the Communists are masters of persuasion and subtle indoctrination as well as vicious fighters. They have propaganda teams accompanying every combat unit, people fluent and facile in subverting the spirit and purpose of the free Vietnamese.

Mr. Speaker, how can we hope to bring peace to this area if we cannot even communicate directly with the people in the provinces whose understanding of our purposes and commitment is vital, if freedom is to prevail.

We have committed our prestige, our wealth, and American lives. Yet, we have neglected a fundamental—we have failed to train our people to get our message across—the message of hope that must be understood if freedom is to prevail in the long run.

Mr. Speaker, I am calling for a study of this inexplicable situation. I want to know the reason why the Department of State has overlooked so primary a factor in the tragic war that has engrossed the attention and concern of all Americans.

That Americans in Vietnam cannot even speak the language of the people we are helping is appalling. It is time the American people knew of this amazing situation.

CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. KEE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. KEE. Mr. Speaker, I have today introduced a bill which will amend the Consolidated Farmers Home Administration Act of 1961 to provide:

First. An authorization for the Consolidated Farmers Home Administration to participate in grants and loans for waste disposal systems under the same provisions which have made it possible, through the Farmers Home Administration, for rural areas to have an adequate water system and, second, to specifically designate rural areas with a population of not more than 5,000 residents as communities, rather than the present administrative determination of 2,500.

In this connection, it is my privilege to include for the attention of the House the outstanding accomplishments of the Farmers Home Administration in the Fifth Congressional District of West Virginia:

SUMMARY—MONROE SWIMMING POOL ASSOCIATION

A $35,500 soil and water association loan is being made by the Farmers Home Administration to develop a recreational area at Union, W. Va. The loan will be closed on April 9, 1965.

Construction of the project will provide 250 man-days of labor for plumbers, electricians, masons, and other construction workers and remove 4 acres from agricultural production. Approximately three new jobs will be provided in the operation and maintenance of the area.

The loan was obtained from the Farmers Home Administration by the Monroe Swimming Pool Association, a nonprofit organization of 115 rural families living in and near Union. Members will pay annual dues and fees to support the facility. In addition, income will be received from fees charged of guests and a concession stand.

Approximately 600 people will use the facilities each year, association officials estimate.

Loan funds will finance the purchase of land previously in agricultural production and pay the costs of constructing a swimming pool, bathhouse and other related facilities.

The association will serve the communities of Union, Sinks Grove, Pickaway, Gap Mills, Greenville, and surrounding farm areas. Approximately 3,000 people live in the area to be served.

The project is supported by the Rotarians, Ruritans, Home Demonstration Clubs, Masons, and other civic clubs in this area.

Recreation projects of this type boost rural areas development. Such endeavors bring new jobs to rural communities and provide much needed recreational facilities for urban and rural families. In addition, these facilities help develop the type of rural community that encourages young people to remain in their hometown, attracts industry, and promotes tourism. These projects also utilize land not needed for crop production.

The loan will be repaid over a 25-year period. Members of the association are contributing $9,500 to the cost of the project development.

Officers of the association are: H. L. Sarver, Jr., president; G. C. Mitchell, Jr., vice president; and G. C. Shanklin, Jr., secretary-treasurer, all of Union, W. Va.

SUMMARY OF LOAN ACTIVITIES OF FARMERS HOME ADMINISTRATION—FIFTH CONGRESSIONAL DISTRICT OF WEST VIRGINIA

USDA Farmers Home Administration, during fiscal 1964, made 111 loans totaling $955,763 in West Virginia's Fifth Congressional District.

These loans strengthened family farms and rural communities. Assuming that each dollar loaned passed through at least five hands as it was spent and respent these loans had a cumulative economic impact of $4,770,000. In addition, the funds increased the earning capacity of family farmers, broadened the tax base, made rural communities even more attractive.

The Farmers Home Administration program has been greatly expanded and improved during the past 4 years. The Agriculture and Housing Acts of 1961 and 1962, plus new leadership, revitalized every phase of its operations.

Most of the loans made by the Farmers Home Administration are from funds advanced by private lenders on an insured basis and from collections of loans made in previous years.

FARM DEVELOPMENT, IMPROVEMENT

Some of the Farmers Home Administration funds were used to strengthen the position of the family farmer through operating and farm ownership loans. A total of 57 farmers borrowed $152,690 from the Farmers Home Administration in fiscal 1964 in operating loans to pay for equipment, feed, seed, livestock, for other farm and home operating needs, and to refinance chattel debts.

Farmers received $96,883 through 10 farm ownership loans to enlarge, develop and buy family farms, and to refinance debts.

Fifteen farmers and rural residents received loans from the Farmers Home Administration totaling $161,800 to build or improve their homes or essential farm buildings. In addition, a loan for the construction of an individual housing unit for a senior citizen totaled $5,100.

Grants to 40 low-income rural residents for minor repairs and improvements to existing housing totaled $35,800.

A total of $202,700 was advanced for rural housing in 1964.

EMERGENCY LOANS

Emergency loans amounting to $26,290 were made to 26 farmers to assist them in maintaining normal farming operations following natural disasters.

MULTIPURPOSE DAM, WATER SYSTEM FINANCED BY FHA CREDIT

A group of more than 2,400 rural people in West Virginia's Fifth Congressional District will soon be served by the water system being constructed in Mercer County's Green Valley and Glenwood communities with two Farmers Home Administration loans and a community facilities administration grant made during fiscal 1964. The borrowing group was the Green Valley-Glenwood public service district.

A $388,000 FHA loan and a $338,000 CFA grant are being used to construct and install the water system while a $125,000 watershed loan is being used to construct a multipurpose dam for providing a source of water. These loans were closed during April 1964.

The system—now well under construction—includes a filtration and treatment plant, a booster station, storage for 275,000 gallons of water and 20 miles of pipeline.

ANOTHER FHA FINANCED SYSTEM BEING BUILT IN MERCER COUNTY

Over 4,300 farm and rural residents in the Brush Fork, Bluewell and Montcalm communities of Mercer County in West Virginia's Fifth Congressional District will soon be enjoying an ample supply of safe water for the first time as the result of a $768,460 insured loan made in fiscal 1965.

Farmers Home Administration supervised credit extended the Bluewell public service district and a $481,500 community facilities administration grant are being used to finance construction of a 400-gallon-per-minute capacity purification plant, the installation of a 75-gallon-per-minute booster station, a 2,000-gallon storage and the laying of some 22 miles of pipe. Also to be constructed are two storage reservoirs having a total capacity of close to 52 million gallons of water.

APPROVAL GIVEN TO COMMUNITY RECREATIONAL LOAN

Monroe Swimming Pool Association, Union in Monroe County, has received approval for $35,500 in Farmers Home Administration supervised credit to finance a complete outdoor recreational facility including a swimming pool. When constructed, this recreational center will include a picnic area and tennis court and will serve over 550 farm and rural residents.

ALL FIFTH CONGRESSIONAL DISTRICT COUNTIES SERVED BY FHA OFFICES

Farmers Home Administration offices serve all rural counties in West Virginia's Fifth District. Loans are made only to applicants who are unable to obtain credit from conventional lenders and are accompanied by technical assistance in farm and financial management.

FARM LABOR IN CALIFORNIA

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter from the Yolo Growers Association.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEGGETT. Mr. Speaker and Members of the House, I take this time to comment on a colloquy which occurred yesterday on the issue of farm labor in California.

Mr. Speaker, I am not at all ashamed of our program out there.

As Members of the House will recall, last year I said that we paid these impoverished foreign workers that come to our State at the rate of $1.35 an hour, which I understand is about 35 cents an hour higher than the national average paid to such workers.

Mr. Speaker, we use 60 percent of this bracero force in the harvesting of tomatoes in California and one-third of that production is in the congressional district which it is my privilege to represent.

Mr. Speaker, I polled my district last week to ascertain the current attitude of my constituents and I found out of 14,866 acres that were planted for the 1963–64 crop that they plan to plant this year 10,230 acres, provided adequate assurances are forthcoming by the Secretary of Labor that a supplemental labor force of some size will be provided for our State.

Mr. Speaker, for those Members of the House who think that these producers are all large corporate growers—and I remind them that this survey covers a total of 14,866 acres or approximately 50 percent of the tomato acreage planted last year—I insert the following tabulation, together with the covering letter:

YOLO GROWERS., INC.,
Woodland, Calif., March 26, 1965.

Congressman ROBERT L. LEGGETT,
House Office Building,
Washington, D.C.

DEAR BOB: We are enclosing, for your information, a survey just concluded by members of our staff pointing out the contemplated tomato acreage to be planted this year by members of this association.

The results of the survey show a 31-percent reduction under last year's acreage and covers growers who last year planted approximately 50 percent of the county's total acreage.

We will continue to keep you advised as changes occur, which we feel certain will happen, as the situation becomes more settled.

Sincerely yours,
RUBEN J. LOPEZ,
Secretary-Manager.

Yolo Growers, Inc., Woodland, Calif., Mar. 26, 1965—Tomato acreage

Name	1964	1965	Machines
D. Argumedo	110	110	
G. L. Avilla	200	200	
M. B. Avilla	280	230	
N. Aoki	128	130	1
T. Barrios	340	300	
Buchignani & Hughes	40	80	
T. L. Burke	160	180	
R. L. Button	250	[1]70 *125	 1
Chew Bros	450	600	
T. Combs	150	0	
J. Contreras	150	135	
Danielson & Danielson	220	140	
Damsen Bros	85	[1]10	
Dela Torres Bros	500	35	
V. Eriksen	150	[1]140	
L. Eveland	550	300	
M. B. Flores	400	[1]100 *100	
Frates & Shimada	150	[1]40	
Donald Fong	300	300	
M. Sandoval	435	430	
Harlan & Dumars	300	[1]80 *140	 2
Hatanaka Bros	250	240	2
Heidrick Farms, Inc	750	350	
N. Hitomi	190	200	2
P. Hoppin	350	270	
R. Howald	400	130	
J. Jackson	100	0	
Ed Jang	230	[1]150	
C. Kimura	360	200	1
Lenel Farms	80	0	
L. Knight Co	120	0	
C. Low	175	140	
Meek & Lemaitre	500	230	1
Martinelli Bros	40	120	
K. Matsumoto	350	300	2
H. S. Matsumura & Son	250	250	1
June Morita	250	150	
T. Y. Morita	220	175	
S. Nakagaki	120	100	
Nishi Bros	350	150	
Orth Bros	80	0	
Ojima Farms	400	340	
Mas Ojima	220	180	
Parella Farms	200	0	
J. Pena	100	[1]100	
M. Pereyra	140	100	
R. W. Pollock	265	[1]85	
Harley Rominger	55	0	
Roth Bros	105	0	
R. Rumsey	70	[1]40	
Shimada Bros	200	[1]160	
Sagara Bros	230	0	
T. Sakata (Sakata Bros.)	0	155	
P. Stephens & Son	100	130	1
H. Takimoto	122	120	
Ed Ullirch	200	[1]150	1
Jim Ward	100	160	1
F. Warner	150	[1]140	
M. Wakida	150	130	
G. B. Weiss, Jr	40	0	
Wetzel Bros	450	[1]140 *200	
Don Wilson	116	0	
E. N. Winters	80	100	1
Joe Yeung	200	200	
Carl Hahn	560	470	
St. Regis Paper Co	100	0	
Total	14,866	10,230	17

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[1] These growers upon being contacted indicated they would not plant any acreage unless assured of labor within the next 2 weeks. A few growers have committed themselves to some acreage but will follow the same policy as above on the acreage indicated. The actual commitment is indicated by an asterisk (*).

The remainder of the growers listed will plant or have planted the number of acres indicated under 1965.

66 members farming in Yolo County were contacted out of total of 75 or 88 percent.

According to the Crop Reporting Service approximately 30,000 acres were planted in Yolo County in 1964.

This survey covers a total of 14,866 acres or approximately 50 percent of the tomato acreage planted last year.

The acreage this year of the growers who planted the above-mentioned 14,866 acres is down to 10,230 acres or a drop of 31 percent.

AN HONEST, EXTRA EFFORT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a letter sent to the Secretary of the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I have listened to and read with great interest the many comments that have been made in this body and in the press concerning the problem of making available agricultural labor for our farmers. It distresses me that there are those who take a very authoritative view of the matter when their knowledge is confined to just one segment of the entire problem.

The shortage of agricultural labor, both present and anticipated, is not confined to the large, corporate farms. On the contrary, it is the family farm, the farm with the small to modest income, the farm that cannot afford the high cost of mechanization that will suffer if manual labor is not available.

When I speak of the farm laborer, Mr. Speaker, I wish to make it clear that all producers that I know of would prefer to hire qualified domestic farm labor if it is available. I use the word "qualified" for a very good reason. Today's farm laborer must have more to offer, other than the fact that he happens to be unemployed. Physical stamina, manual dexterity, attitude toward work, and proper motivation are all essential qualities that every producer has the right to expect in his workers if he is to maintain an efficient and competitive operation in an industry where the margin of profit is no more certain than the weather.

As one who has dealt directly with this matter of agricultural labor, I find myself wondering why we had greater human efficiency among the domestic farm laborers of 20 and 30 years ago who worked without many of our modern conveniences. I would never deny to our workers whatever aids our technology can produce, but must it be at the expense of steady and efficient application by the laborer?

There has been a great deal of emphasis placed on the question of wages. In the case of the sugarbeet producers in Colorado and elsewhere the wages paid are those determined by the Secretary of Agriculture, but the question is raised: Just where does the burden of increased wages fall? Consumer resistance to high food prices makes it obvious that the cost will have to be borne, in a great measure, by the producer—a man who is faced with some very definite economic limits.

I join with all those who deplore the reported substandard working conditions that are offered in some areas, but, because there are laws which deals with these problems directly, I regard it as an issue separate from this question of the availability of labor.

I have directed a letter to the Secretary of Labor in which I have advised him of the agricultural labor situation as it will affect the sugarbeet and other farm production in the State of Colorado. I submit it as evidence that an honest, extra effort is being made by agricultural interests, to obtain farm labor for the State of Colorado.

The letter follows:

APRIL 5, 1965.

DEAR MR. SECRETARY: I wish to take this opportunity to advise you of my grave concern over the very real possibility that the sugarbeet and other agricultural producers in the State of Colorado will experience a critical labor shortage this year and a resultant economic loss of serious proportions.

I know that you have been contacted by many others in this regard and I, myself, have been in touch with some of your very cooperative assistants, but I feel the urgent need to bring this matter to your personal attention.

If I appear to place a special emphasis on the plight of the sugarbeet producer, it is only because they will meet this problem sooner than the other row-crop farmers in the State.

In just one portion of the Fourth Congressional District which I represent, there were 153,780 acres planted to sugarbeets and under contract to the Great Western Sugar Co. I call your attention to the following figures which relate to the labor that was required to work that acreage in 1964:

Types of workers	Acreage worked	Number of workers	Average acres per worker
Growers' families	1,068	--------	--------
Resident labor	17,446	1,703	10.24
Youth groups	16	5	3.20
Indians	--------	--------	--------
Out-of-State domestics	46,908	4,116	11.40
Mexican nationals	88,342	4,665	18.94

You will note, Mr. Secretary, that Mexican nationals made up a little less than half of the total workers employed, and yet they worked nearly half again as many acres as all the domestic workers combined. This, of course, is not startling news, for the higher production records of the Mexican nationals is an established fact. What it does mean, however, is that, if we are to continue working the 88,342 acres handled by foreign labor last year, we must recruit almost 9,000 domestic workers to do the same work turned in by the 4,665 Mexican nationals.

Mr. Secretary, every other industry is permitted to operate with a set of standards that they establish for their employees. Why is it that agriculture is now being told to go out and hire from among the unemployed, even among those found unacceptable to other more favored industries. It is no more realistic to expect everyone who is unemployed to become a valuable agricultural worker than it is to expect that every unemployed person could step up and operate a drill press or serve as a bank teller. Agricultural workers are often called unskilled laborers, but such qualifications as physical stamina, manual dexterity, attitude, and motivation must be possessed by the farm laborer, and they are certainly not possessed by all the unemployed.

I know of your sincere interest in this matter, Mr. Secretary, and I am aware that you are insisting that every effort be made to recruit domestic workers before you call for the importation of workers under Public Law 414. Knowing this, I have questioned the agricultural producers and processors in Colorado with the greatest care concerning their recruitment efforts. In addition to correspondence, I have received a verbatim account from one who has spent many years in labor recruitment activity in Texas, Oklahoma, New Mexico, Arizona, and other Southwestern States. He has described for me the stepped-up recruitment that is taking place this year. In addition, Mr. Secretary, the Colorado State employment service has long been active in the recruitment field and has stepped up its activities this year.

It is interesting to note that the combined efforts of the producers, processors, and the State in the search for domestic workers could not fully meet the needs in any of the years from 1951 to the present, and this was during a time when there was not nearly the competition for the domestic workers that there is and will be this year.

While the recruitment teams going into other Southwestern States have been expanded, the growers are turning renewed attention to the local labor and youth groups. In Sterling, Colo., beet growers have contacted the principal of the high school and the president of the junior college to see what help might be available from the student bodies. Others have been in touch with the Logan County and Weld County welfare departments to see how many of those on the roles might be available to thin beets this year.

But welfare recipients and high school workers can never supply the answer to this problem. The main effort must be made where the domestic farm laborers live, and there it will be a challenge to fight the competition just to keep the domestic workers hired in the past, let alone find the 9,000 new ones needed to replace the braceros.

However, Mr. Secretary, I am sure that I do not need to advise you concerning the recruitment of agricultural labor for this year. I am advised that the recruitment teams from your Department are ranging far and wide in the search for an adequate supply of domestic workers. Whenever I have asked what success these Department of Labor recruiting teams have had, I am told that it is still too early to say. The labor supply, Mr. Secretary, is beginning to disappear while the demand is just beginning to grow.

As I stated above, the producers, processors, and the State employment service in Colorado are continuing to make the recruitment effort you have requested. The growers have accorded to domestic workers all the benefits given Mexican nationals. The wage rates paid both types of workers have been as determined annually by the Secretary of Agriculture under the terms of the Sugar Act. There has been no discrimination in housing and the free housing furnished both domestic workers and Mexican nationals has been inspected and has met the Department of Labor's minimum standards for nationals. The sugar industry is one of the few that have provided both occupational and nonoccupational insurance coverage for domestic workers.

Mr. Secretary, as I stated previously, the agricultural interests of Colorado are making an honest, extra effort to supply their own labor needs, and they will continue that effort with increasing vigor as the growing season begins, but with the discouraging situation they have encountered, it is most distressing to hear the growers talk of the undesired and yet likely need to plow their crops under for want of help in the fields.

For this reason, I strongly urge you to make the necessary arrangements with the Mexican Government to insure that Mexican workers can be moved into Colorado promptly should the strongly based fears of Colorado agriculture prove to be unhappily accurate.

With best wishes.

Sincerely,

WAYNE N. ASPINALL,
Member of Congress.

THE GRAND CANYON WILL NOT DROWN

Mr. SENNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SENNER. Mr. Speaker, I read with some concern the remarks of my distinguished colleague and close friend, the gentleman from Pennsylvania, JOHN SAYLOR, in the March 16, 1965, CONGRESSIONAL RECORD, page 5111, titled "Don't Drown the Grand Canyon."

No one has greater respect or deeper admiration for the brilliant ranking minority member of the House Interior and Insular Affairs Committee than I. Only the most compelling need motivates me to respond to his remarks which, however thoughtful and sincere they may be, tend to leave a misapprehension in the minds of my colleagues.

I am deeply proud of the fact that I am the only Congressman who can say that he has the Grand Canyon in his congressional district. I have had the opportunity individually and with my family to view the magnificence of God's work in this creation of one of the seven wonders of the world.

If anyone in this Nation were to intentionally or unintentionally do any damage to so beautiful a natural phenomenon, I would be the first to rise and protest with all the energy at my command.

Yet the truth of the matter is that no damage will be done.

Construction of a dam at Marble Canyon will not touch the Grand Canyon at all, Marble Canyon Dam being located approximately 60 miles south of Glen Canyon Dam and approximately 25 miles northeast of Grand Canyon. Since water will not run uphill, not even by the strongest stretch of the imagination could one say that Marble Canyon will in any way affect the Grand Canyon National Monument.

Reference has also been made to Bridge Canyon Dam which will be located at the headwaters of Lake Mead. According to the Bureau of Reclamation, the dam would back water—assuming that we would have the dam filled to capacity—13 miles into Grand Canyon National Park. This backup water certainly will not detract from the canyon's awe-inspiring beauty. In fact, it will permit tens of thousands of families to enjoy scenic grandeur where now only a small handful of river adventurers dare to journey.

Bridge Canyon Dam and Marble Canyon Dam—integral parts of the long-awaited central Arizona project—will permit distribution within Arizona of Colorado River water to which the U.S. Supreme Court said my State is entitled. But more than that, the dams will provide that water which all the Western States that joined in the Colorado River compact have agreed is the allocation due the States of California and Nevada.

Mr. Speaker, the largest city in Arizona—the city of Phoenix—is aptly named after that legendary bird which arose from its own ashes, because Phoenix arose from the burning desert like so many other Arizona cities. Ironically enough, the name could lose its import in time. Without this new implementation and supplemental water Arizona could not rise to its greatest heights because we use more water than is now available. Arizona must receive its fair share of the Colorado River water as agreed to by the Santa Fe and Colorado River water compact of 1922. Let me emphasize here that in Arizona we have taken 200,000 acres of productive agricultural land out of cultivation simply because we either have no water or the cost of pumping is prohibitive.

To the conservationist, to all our eastern friends, and to the visitors whom we welcome with open arms to view the majesty of the Grand Canyon, let me be the first to say: Let us not damage it, let us not disturb its natural beauty, but let us be in a position, by the construction of Bridge Canyon Dam and its attendant lake, to have easy access to view and to enjoy one of the world's greatest wonders.

To those who cry "Destruction" and to those who cry "Don't drown the Grand Canyon," let them be reassured that neither will happen.

There are those who would cry that we are disturbing the great mountains of Appalachia by building roads, but I along with my colleagues, were willing to cast an affirmative vote to build roads in this great natural wonder, which was also created by our Maker, so that we may improve the living and working conditions of the people. All we Arizonans ask is that we receive the same consideration. Let us improve the living and working conditions of the people of Arizona.

I would say, without equivocation, that nothing proposed by the Bureau of Reclamation relative to the Lower Colorado River Basin project or the central Arizona project would in any way damage the Grand Canyon located in my district and which, Mr. Speaker, I will fight to protect from any harm, natural or otherwise.

A GREAT AND HISTORIC LANDMARK

The SPEAKER. Under previous order of the House, the gentleman from West Virginia [Mr. HECHLER] is recognized for 15 minutes.

Mr. HECHLER. Mr. Speaker, we in this Congress are leaving more than footprints on the sands of time. We are passing legislation which raises great new standards whose effect will be felt for generation after generation yet unborn.

As a former teacher, I feel very deeply about the need for the Elementary and Secondary Education Act. When this bill is signed by the President, it will constitute a great and historic landmark. Men and women with vision, imagination and determination in and out of the Congress have fought unceasingly for this legislation. As a result, we are now on the threshold of a new era in education.

HELP FOR STUDENTS IN NEED

Mr. Speaker, when I first had the good fortune to come to this great Congress, it appeared to me that the over-riding priority in this Nation should be legislation of this nature. Before voting for tanks, planes, and guns, and before voting funds for the space program, I felt it was necessary to place first things first and bolster our education system. That is why, on several occasions, I voted against huge defense and space appropriations because I felt that education aid was the first priority and the very basis for a strong defense and space program. When the House passed the aid to education bill in 1960, and the clerk called my name in the rollcall, I was tempted to shout "Hallelujah," instead of "Aye." Although the bill passed in 1960, it did not successfully negotiate all the legislative shoals. Like many education bills since, it failed. There followed several years of fruitless controversy over the church-state issue and other sources of deadlock. But we have now overcome these obstacles.

There are about 105,000 children from low-income families in West Virginia who will benefit from this legislation under title I, which provides $15.7 million for the State of West Virginia. I am pleased that local school administrators will decide the projects for which these title I funds will be made available.

BOOKS AND LIBRARY MATERIALS

Some $900,000 will be provided to West Virginia schools for books and library materials. In the last school year, the average schoolchild in West Virginia shared in only about $2.19 worth of school library resources. The West Virginia school libraries contained an average of only eight books per pupil. Title II will furnish means for more closely approximating the standard figures of $4 to $6 annual per pupil library expenditures, and the 10-volume-per-pupil library content recommended by the American Library Association.

SUPPLEMENTAL EDUCATIONAL CENTERS

The remaining titles of the bill allocate funds for establishing supplemental educational centers and services in areas where educational opportunities in the regular schools are limited; for broadening current and establishing new programs of educational research and implementing the findings of such programs; and for the improvement of State education departments throughout the Nation. The results to be expected from these measures are meritorious in themselves, and they will also influence the accomplishment of the purpose of title I: the provision of high quality education in low-income areas.

ALLOCATION FORMULA

During our debate on this bill, attention was called to the disparity among States in the amounts of money the schools in the various States would receive, especially under title I. Such disparities are bound to exist under a formula which takes under consideration the varying population figures of the States, and more so if the amount of money per pupil spent by a State is added as a factor in the allocation formula. This, of course, was the case in the formula of H.R. 2362.

Under the formula, the amount of the grant to each State is determined by multiplying the number of school-age children from families with annual income of less than $2,000—including children from families whose income is more than $2,000 only because they receive aid to families with dependent children relief—by one-half the average per pupil school expenditure within that State. Since some States have many eligible children and some only a few, and since there is a wide range among the States in the average per pupil expenditure, disparities are the result.

A look at the nature of these disparities should prove useful.

The grants to New York under this bill will equal about 4 percent of that State's total educational outlay before this measure. For West Virginia, the figure would amount to 12.2 percent. So while New York may receive a larger total of money than West Virginia, it is equally clear that the grant to West Virginia represents a larger proportionate addition to the funds to be expended in education than does the grant to New York.

AN EDUCATOR COMMENTS

Dr. Grant Venn, Wood County superintendent of schools, recently wrote me:

> The children of this country simply cannot be educated based on the present tax system which makes local funds so scarce for this purpose, even though the local and State efforts have far exceeded local moneys in this area. This bill literally provides general education aid to each school district based on the number of low-income children in the schools. To me, this seems to be as good a criterion for judging where the money should go as any I know. However, I would be the first to recognize that it is not the only one, but it does seem to me that it would then leave within the hands of the local board of education the decision as to how this money should be spent in most cases.

OUR GREATEST RESOURCE

The young people of West Virginia are the greatest resource we possess—greater even than our coal, our rivers, or the natural God-given beauties of our mountains and our valleys—and we must invest to give our young people the very best in education. In 1965, the West Virginia State Legislature enacted a far-reaching program for the improvement of education. In his inspiring inaugural address on January 18, 1965—delivered in the snow, just as another great inaugural address was delivered in the snow by President John F. Kennedy 4 years ago—Gov. Hulett Smith pledged for West Virginia an administration of excellence. He added:

> First, I am determined that excellence in education will be our No. 1 goal. A great educational system is a prerequisite to a great State.

We must continue to press forward to improve our school system in West Virginia and the Nation. I salute the teachers and school administrators in West Virginia who are working diligently toward that end, and pledge my personal efforts to help every step along the way.

NEW LEGISLATION TO ENFORCE CONSERVATION OF NORTH PACIFIC SALMON

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. PELLY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. PELLY. Mr. Speaker, the distinguished senior Senator of the State of Washington [Mr. MAGNUSON] has long taken an active part in trying to protect the fishing resources of the Pacific coast from foreign encroachment. His vigorous leadership as chairman of the Senate Commerce Committee in this respect I am proud to acknowledge and applaud.

Not long ago the Senator arranged for members of the North Pacific fishing industry to meet with Under Secretary of State Harriman and other officials of both the Department of State and the Department of the Interior. Other members of the Washington State delegation, including myself, were present as were Members of the Congress from the State of Alaska that has such a vital interest in this problem. The urgency of getting the Japanese to agree to salmon conservation on the high seas was discussed and, as I understand, following this meeting our Government did make representations to the Government of Japan, unfortunately with absolutely no results. The Japanese are not conservationists and seem content to allow their fishing fleet to ruthlessly harvest and destroy the Bristol Bay red salmon runs that originate in our Alaska streams.

Those of us who have long sought to obtain some protection for our fishermen have exhausted our patience and have reached the conclusion that legislation may be the one and only remaining solution. In line with this thinking, yesterday Senator MAGNUSON introduced a bill in the Senate and I am introducing a companion bill in the House today as an answer to the problem and to protect our North Pacific salmon resources by permitting the use of economic sanctions when this becomes necessary to assure that our conservation programs for salmon are not frustrated by destructive practices of other nations with regard to our salmon stocks on the high seas.

The chairman of the House Fisheries Subcommittee of the House Merchant Marine and Fisheries Committee tells me he plans to hold hearings on various fishery bills around the 25th of April, and I am hopeful an early hearing on this new legislation can be arranged. In this connection I am requesting that departmental reports on the bill be expedited.

REPEAL EXCISE TAX ON HOUSEHOLD APPLIANCES

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. BROCK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BROCK. Mr. Speaker, it is time we repealed all excise taxes on necessities which were "temporarily" imposed on the American taxpayers so long ago. A prime example of the unfairness involved are taxes on household appliances such as refrigeration equipment and electric, gas, and oil appliances. Such levies are of necessity passed on to every housewife in the form of higher prices.

Therefore, Mr. Speaker, I am today introducing a bill which would repeal the manufacturers' excise tax on household appliances. I urge my colleagues on the tax-writing Ways and Means Committee to give speedy and sympathetic consideration to enactment of this measure as part of the administration's proposed reduction in excise taxes.

CLEVELAND PRAISES REPUBLICAN LEADERSHIP ON VOTING RIGHTS ISSUE

Mr. HALL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the country owes a debt of gratitude to the House minority leader, the gentleman from Michigan [Mr. FORD] and the gentleman from Ohio [Mr. MCCULLOUGH], the ranking Republican on the House Judiciary Committee, for their forthright and courageous response to the voting rights issue.

Their constructive leadership has resulted in a Republican alternative to the administration's bill on voting rights that is superior in every respect. It is superior in that it applies equally to all parts of the country. It is superior in that it would not bar literacy tests, as the President's bill would do in certain circumstances. It is superior because it is truly responsive to the problem and would not, like the administration's bill, exclude large areas of the country where we know that discrimination exists in voting.

Earlier this session, I joined with many Republican colleagues in the introduction of comprehensive voting rights legislation substantially similar to the Ford-McCullough bill. Following that, the President made his dramatic address to the Congress and we waited with high hopes to receive his proposal, which had not been drafted at the time of his address. When his bill was submitted, however, expressions of worry and concern on both sides of the aisle rose in sharp contract to the general applause accorded the President's speech. This was because the administration's bill does not measure up to the standards set or the pledges implied in that address.

Instead, the administration's bill would establish a set of complex standards which are discriminatory in themselves in that some States would be covered while others, where there is discrimination in voting such as Texas, would be excluded. This is uneven justice, if it is justice at all.

PRESIDENT'S BILL OF QUESTIONABLE CONSTITUTIONALITY

Under certain conditions, the President's bill would abolish State literacy tests. This is highly questionable on constitutional grounds. Under the Constitution, States have the right to set standards for voter qualifications and there is nothing illegal or wrong with literacy tests so long as they are not employed in violation of the 15th amendment—that is, so long as they are not involved with racial discrimination, or intimidation or coercion.

The Republican bills are subject to none of these objections. Without impairing any constitutional rights of the States, they provide to every citizen a swift guarantee of an equal opportunity to be registered to vote.

The full prestige and authority of the minority leader and the ranking Republican on the Judiciary Committee now have been thrown behind a fair voting rights bill. A solemn moment of decision is approaching for the House. Let us choose wisely on this issue. I am disturbed by reports that the Ford-McCulloch bill and constructive Republican proposals are to be brushed aside by the majority. This would be a grave mistake, Mr. Speaker. There is great likelihood that if we enact the President's bill without susbtantial amendment, we will have to act on this issue again, very likely after further bloodshed and riot, because it is inadequate to the need.

If this occurs, and Republicans are brushed aside in the coming debate, the majority party will have much to answer for to the American people.

THE HONORABLE WARREN G. MAGNUSON

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington [Mrs. Hansen] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mrs. HANSEN of Washington. Mr. Speaker, it is with a great deal of pleasure and pride that I have the privilege of calling to the attention of Members of this House the April 3 article in the Wall Street Journal on my State's senior Senator, Warren G. Magnuson.

Since Senator Magnuson is a very beloved former colleague of many Members of this House, I know they share my interest in this excellent piece of reporting.

Senator Magnuson began his career in the legislature of my State where I had the privilege of serving for many years. He was a distinguished prosecuting attorney for King County, the largest in our State, and was subsequently elected and reelected to this Congress, then went to the Senate where he has served with great distinction and credit to all Americans.

It has been my pleasure to campaign for him and to speak on his behalf many times.

It is not only through his seniority in the Senate and through his committee chairmanship that he has earned the affection of our Members. As the Wall Street Journal's article points out so well, it is the warm qualities of humanity; the ease, courtesies, and kindnesses which he gives to so many all of the time that has made him Washington's beloved "Maggie."

On behalf of my State, I am proud to call this article to the attention of my House colleagues. I am joined by my fellow Washingtonians who share with me pride and pleasure.

The Senate's "Maggie": In a Casual Way, Washington's Magnuson Gets Much Done

(By Dan Cordtz)

Washington.—If a Senate poll were taken to pick that clubby group's half-dozen most popular, most influential and most anonymous Members, chances are that on all three lists would appear one name: "Maggie."

That's the way it would be put down on most ballots, too. For to his affectionate colleagues, the full name of Warren G. Magnuson is somehow too stiff to go with his casual, unbuttoned informality. Even after 20 years as Democratic Senator from the State of Washington, he exudes an air of good-fellowship that prompts total strangers to call him by his nickname.

Presiding over a public hearing in his bluff, rambling fashion, chewing a big cigar and with his dark-rimmed spectacles slipping down his ruddy nose, he can appear a faintly comic figure. Grammatical slips, mispronunciations, and malapropisms are not unknown to him, and he persistently confuses such terms as "balance of trade" and "balance of payments."

If this manner occasionally traps an outsider into taking Senator Magnuson for less than he is, it doesn't deceive his peers. His name may mean little to the public outside his home State, but within the club it carries unmistakable weight. This point is being proved once more in the case of the proposed law to require health warnings on cigarette packages. The introduction of a Magnuson bill was the signal for 2 weeks of full-dress hearings which wind up today. If he cares to declare himself, the Senator from Washington will undoubtedly have a great deal to say about whether the final law applies to cigarette advertising as well as package labels.

Senator Magnuson's official credentials alone guarantee attention to his views. He is chairman of the Committee on Interstate and Foreign Commerce, whose legislative jurisdiction affects an estimated 90 percent of the Nation's industry and commerce; he is chairman of the Independent Offices Subcommittee of the Appropriations Committee, which holds the purse strings of most Federal regulatory agencies; and he is chairman of the Democratic Senatorial campaign committee, which doles out contributions to colleagues at election time.

Senator Magnuson also enjoys the special status that goes with long service (he ranks eighth in seniority), a place on the Democratic policy committee and membership in the Senate's shadowy inner circle. He is one of the few active remnants of the fading establishment which helped Lyndon B. Johnson run the Senate for nearly 8 years. The President and Senator Magnuson, in fact, share a close personal friendship that goes back almost to the day in 1937 when both were sworn into the House of Representatives.

PRESIDENT WAS BEST MAN

"We came here together, went to war together, and came back together," the Senator declares proudly. He modestly omits the fact that the President served as best man last year when Senator Magnuson married Mrs. Jermaine Peralta, a Seattle widow.

More important than official rank and highly placed friends, though, is the all but universal fondness felt for Senator Magnuson by men of the most diverse political persuasion. Conservative Senator Carl Hayden, Democrat, of Arizona, who has spent 38 years in the Chamber, labels him "a Senator's Senator." (One popular definition: "A man who, if he can't help you win, helps you look good losing.") Majority Leader Mike Mansfield, of Montana declares, "Maggie doesn't have an enemy on either side of the aisle." Adds liberal Democrat Phil Hart, of Michigan: "He's just one of the really nice guys in this place."

A psychiatrist might contend the 60-year-old Senator's desire for friendship reflects a childhood insecurity. Orphaned at the age of 3 weeks, he was adopted by a Swedish family in Minnesota. But at the age of 17, he worked his way west—riding freight trains and doing farm labor—until he reached Seattle. Seven years later, he had worked his way through the University of Washington and its law school and in 1933 won his first election, to the State legislature. Since then he has been in 23 more and won them all, although he received the scare of his life in 1962 when an unknown minister came within 45,000 votes of turning him out of his Senate seat.

Like many of those in the Senate, Senator Magnuson seems to find most of his pleasure in the company of his fellow club members. He plays poker with a congressional group almost every Thursday night, attends football and baseball games with Senator Richard Russell, of Georgia. A good companion, he is fond of telling funny stories about his fellow Scandinavians. Before his marriage, he was one of the Capital's gayer bachelors; now he spends most evenings reading and works at painting on the weekends. He is an unabashed sentimentalist, a quality that endears him to his frequently thickskinned Senate mates.

But popularity on Capitol Hill is more than a matter of being a pleasant, amusing nice guy. To get along, goes the proverb, go along. And Senator Magnuson tries hard to help his colleagues wherever possible. Some outside critics suggest he is a bit too accommodating and even something of a wheelerdealer. But the most sternly moralistic among his fellow Senators deny there is anything sinister about his horse trading.

" 'Maggie' wouldn't compromise with principle," one realistic Senate veteran says, "but he's not one of those fellows who looks for a moral issue in every little political proposal. He's not dogmatic or doctrinaire. He can give a little on most things. Some of these birds around here see everything in such categorical terms, they never have any room to maneuver."

Placing Senator Magnuson within the ideological spectrum is not easy. Both the Americans for Constitutional Action and the Americans for Democratic Action rate him, on his voting record, as a solid liberal. He wears that badge proudly, but adds that he is a conservative in fiscal matters. "I helped cut $6 billion off the Federal budget in the last 10 years," he declares. Some of his friends describe him as an instinctive conservative whose natural bent is tempered by political realism and a soft heart.

Even when he is shepherding an administration proposal or one of his own through his committee, moreover, Senator Magnuson is always seeking the sort of consensus so dear to his friend in the White House. And if he finds it impossible to get, he's quite content to let the matter rest until a better day. "We seldom pass a bill in the Commerce Committee that isn't pretty well agreed on," he remarks.

NO ARM TWISTER

Nor is such agreement the grudging result of any arm twisting on his part. The chairman of a Senate committee enjoys broad power, and more than one has been known to use it tyrannically at times. But not the senior Senator from Washington. His permissiveness makes the public hearings of the Commerce Committee the most relaxed in town. It encourages many members to indulge their penchant for comedy, and occasionally reduces the time schedule to a shambles. Once the doors are closed on executive sessions, committee members say, their chairman is brisker, but never domineering.

So adroitly has Senator MAGNUSON steered clear of controversy that he has really only been embroiled in a couple of bitter, knockdown battles. One was the dispute over construction of a multipurpose dam in Idaho's Hells Canyon in 1956 and the other was the 1959 wrangle over Senate confirmation of Adm. Lewis Strauss as Secretary of Commerce. (Senator MAGNUSON suffered one of his infrequent defeats when the big dam was rejected in favor of two low-level dams, but he was on the winning side as Admiral Strauss was retired to private life.)

When he is forced into the line of fire, Senator MAGNUSON usually emerges magically unscathed. He pushed the public accommodations section of the civil rights bill and the communications satellite bill through his committee without alienating either the southerners violently opposed to the first of the liberals adamantly against the second. Second-ranking committee Democrat JOHN O. PASTORE, of Rhode Island, on the other hand, was raked from both sides and lost the election for assistant majority leader partly as a result.

But his fellow Senators don't just like Senator MAGNUSON: they trust him. "Everybody knows 'MAGGIE's' not out to do anybody in," explains a colleague of years' standing. "He has no further political ambitions, so he's not trying to take anything away from somebody else. All he wants is to be liked." This attitude, plus his acceptability to L.B.J. and the Senate's elders, was responsible for Senator MAGNUSON's selection (over then Senator HUBERT HUMPHREY) as head of the senatorial campaign committee.

As they trust his good faith, moreover, Senator MAGNUSON's colleagues also trust his instincts and judgment. "I doubt," asserts a strong liberal, "that 'MAGGIE' ever read the civil rights bill clear through. He doesn't have a mind that focuses on detail and niceties. But he came down hard on the right side." And if he is no deep thinker, he is also far from ill informed where his own legislative specialities are concerned.

RELIANCE ON STAFFS

He relies heavily on personal and committee staffs whose abilities are acknowledged by Democratic and Republican Members alike. (So many persons work for Senator MAGNUSON directly or indirectly that one long corridor of the Senate Office Building is known as "MAGGIE's" Alley.) And unlike many in Congress, he does not spread himself thin. He specializes in his committee's concerns, with particular interest in fisheries, merchant marine, and the like which mean bread and butter to his home State.

It's a rare Senator, therefore, who can bring himself to turn Senator MAGNUSON down when he entreats support. "He'll go to a fellow like JOHN STENNIS, for example, and tell him how desperately the Pacific fishing industry needs help," says an admiring associate. "STENNIS won't give a damn one way or another, but 'MAGGIE' will be so earnest and so determined that he'll figure if 'MAGGIE' feels that strongly about it he must be right. Anyway, the demand is never outrageous and it never involves taking something away from somebody else. If 'MAGGIE' usually gets what he wants, it's because he usually wants what he can get."

Nonetheless, his modest goals have resulted in such legislative plums as a $10 million Federal grant for the 1962 Seattle World's Fair; a chain of dams along the Columbia and Snake Rivers; and an amendment to the food-for-peace program adding fish to the surplus foods which can be sold to foreign countries under special, easy terms. (The only fish currently in surplus in the United States just happens to be pink salmon, most of which is caught and canned in the Pacific Northwest.) And Washington, 23d State in population, collects 1 of every 6 Federal public works dollars.

Many of his contributions, his admirers say, go unnoticed because Senator MAGNUSON avoids attracting attention. In fact, his manner of operating may have been best described by President Kennedy when he spoke at a 1961 dinner honoring Senator MAGNUSON's 25th anniversary in Congress.

"Most Members of the Senate," President Kennedy said, "have developed the art of speaking with precision and clarity and force. The secret of Senator MAGNUSON's meteoric career has been the reverse. He may make clear speeches to you on great public occasions, but in Washington he speaks in the Senate so quietly that few can hear him. He looks down at his desk—he comes into the Senate late in the afternoon—he is very hesitant about interrupting other Members of the Senate—when he rises to speak, most Members of the Senate have left—he sends his messages up to the Senate and everyone says, 'What is it' and Senator MAGNUSON says, 'It's nothing important.' And Grand Coulee Dam is built."

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. HICKS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HICKS. Mr. Speaker, it gives me great pleasure to join with my colleagues in tribute to the Honorable WARREN G. MAGNUSON, for 20 years U.S. Senator from the State of Washington.

It is apparent that no man on Capitol Hill is better liked or more highly respected than "MAGGIE," as he is universally known. One who obtains such great respect and affection over the years it has existed in the House and Senate is surely deserving of it, for it must be earned and reearned constantly. Those Members who served with him in this body, when he first came to Washington in 1937, will remember him of old and know that this is no exaggeration.

"MAGGIE" is a living refutation of that cynical old saw that "nice guys finish last." This is doubly gratifying in that he is the least cynical of men and is truly a "nice guy" in the finest sense of the term. Not only does he not finish last, he almost invariably finishes first.

We of the State of Washington are grateful that we have had Senator MAGNUSON representing us in the Senate for the past 20 years. And we hope he will continue to represent us in that body for many, many more years.

It is extremely difficult to capture, within the disciplines of the written word, the complexities of a man of such stature. But it has been done, in the April 2 edition of the Wall Street Journal.

I join with my colleagues in including in the RECORD this profile of "MAGGIE," in order that all may know of the senior Senator from the State of Washington, truly our man in Washington, D.C.

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. ADAMS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ADAMS. Mr. Speaker, I rise to add a few thoughts on the article about Senator WARREN G. MAGNUSON which appeared in the Wall Street Journal.

It has been my privilege to know, to respect, to admire, and to support our esteemed and distinguished senior Senator from the State of Washington for many years. I even had the privilege of being chairman of "Young Men for MAGNUSON" in our State during the Senator's reelection campaign of 1956. And here in Congress I have been accorded the further honor and privilege of sponsoring legislation before this honorable body that Senator MAGNUSON introduced into the Senate of the United States.

Mr. Speaker, the United States of America is indeed fortunate to have a man of Senator MAGNUSON's stature as a statesman and accomplisher of great deeds sitting in the august halls at the other end of this edifice. Nor must we forget the long, fruitful years the Senator served in this House helping to forge much of the great legislation emanating here during his distinguished tenure.

Mr. Speaker, even as we speak here today to congratulate Senator MAGNUSON—"MAGGIE" to his countless friends—on the article that appeared about him in one of the Nation's most respected journals of news and opinion, Senator MAGNUSON is engaged in the formulation of more good laws. The Senator has written an admirable public record in his 28 years of congressional service. He has risen to the very pinnacles of responsibility, and now is a key figure in the decisions made at the top levels of Government. But Senator MAGNUSON never has been known as one who looks backward. His concerns are today's problems and tomorrow's challenges.

Mr. Speaker, it is a privilege to serve in the same Congress with this friend and confidant of Presidents; this close associate and leader of Senators; this national legislator who gets things done.

I treasure him as a friend; all who knew him consider him a fine man; his colleagues judge him a great Senator.

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. MEEDS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEEDS. Mr. Speaker, if you should run across him in Anacortes, or Seattle, in Walla Walla or Spokane, you would never know that he was one of the most powerful and influential men in the U.S. Senate. Even in his office, it is difficult to realize that this friendly, natural guy is WARREN G. MAGNUSON, chairman of the powerful Senate Commerce Committee. In over 30 years of public service, MAGGIE has not lost that common touch, while at the same time he has acquired uncommon power and importance by his able and dedicated service to this Nation.

In our State of Washington, his contributions are enormous. Perhaps the most significant accomplishments of his long career are those providing for the efficient development of the Columbia River, providing low-cost hydroelectric power for the entire Northwest and making possible, valuable reclamation projects opening vast new areas to agriculture.

But Maggie's roll is not provincial. Through his Commerce Committee passes nearly all legislation affecting the Nation's business community. He was one of the leaders in the fight to pass the civil rights law of 1964. His experience and ability as a legislator makes his a significant contribution to the State of Washington, the Senate, and the Nation.

His friendship to all members of the Washington State delegation is valued and his gracious and generous help to us, deeply appreciated. It is a privilege to serve with so accomplished a public servant and so outstanding a man.

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Foley] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FOLEY. Mr. Speaker, I am proud to add my voice to the many words of praise for our distinguished senior Senator from Washington, the Honorable Warren G. Magnuson. In fact, far too little has been said about the efforts and accomplishments of this man who has been called "a Senators' Senator." The magnitude of his work in both bodies of the Congress can be seen throughout this Nation: in the development of our natural resources, in the construction of great public works, in the improvement of transportation and communications, in the advancement of science, in the exploration of space, in the improvement of medical research, and in the securing of human rights.

Mr. Speaker, the Wall Street Journal calls him a quiet man, and he is. But his accomplishments speak for him clearly and articulately.

I first met him when I was a boy. At that time, although he was a very young man, he already had a distinguished career in public service. Today he is in the prime of his life, having been a leading figure in the public affairs for over a quarter of a century. In recent years it has been my privilege to work closely with him, and these years have multiplied my respect and admiration for him.

I know that each of us who speak today shares the deep satisfaction in this privilege of common service. We salute him as he continues his magnificent service to our State and Nation.

BILL INTRODUCED TO AMEND MERCHANT MARINE ACT OF 1936

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Gilbert] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GILBERT. Mr. Speaker, I am today introducing a bill to amend the Merchant Marine Act of 1936, to protect and promote the health of seamen on vessels of the United States. My bill would provide that no Public Health Service hospital, in which seamen receive care, may be closed without approval by a resolution of the House and Senate.

I have been disturbed over the proposal to close a number of our Public Health Service hospitals. The matter of hospital care for our merchant seamen and their dependents is one of deep concern and interest to me. As a member of the Merchant Marine Committee, I have listened to sound argument against the closings from maritime and shipping groups, Government officials, and others. I have received hundreds of letters from seamen all over the country in protest. I wrote to President Johnson on February 8 asking that he review and reconsider the proposal.

Mr. Speaker, our Government has provided marine hospitalization since the late 1700's, and it is our obligation to continue to provide proper care to maintain the efficiency of this important arm of our defense. We must provide protection against the importation of diseases from abroad and promote our country's foreign commerce needs. Merchant seamen are exposed to unusual health hazards since their work takes them to all parts of the world. The hospital and medical services given them in PHS hospitals are specifically tailored to their needs and the time schedules of their ships. The PHS staffs have maintained high standards of service, in spite of budgetary limitations that have restricted some operations and prevented improvements and repairs in most of these hospitals.

I am concerned about the absence of any arrangements to care for the hospital needs of seamen if PHS hospitals are closed. I seriously doubt the adequacy of the VA hospitals to accommodate them, especially in view of the proposed closings of VA hospitals and the present long waiting lists of veterans for admission.

Mr. Speaker, I compliment my chairman, Mr. Bonner, for his foresight in asking President Johnson to include the Public Health Service hospitals in his special committee to study the closing of VA hospitals.

I call my bill to the attention of my colleagues in the House and invite their support of this proposal designed to protect and promote the hospital needs of merchant seamen.

MUTUAL SECURITY PACT WITH ISRAEL

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. McGrath] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McGRATH. Mr. Speaker, in view of the continued threats to Israel by the Arab States which surround her as that tiny democracy prepares to irrigate its Negev Desert with water from the River Jordan, I feel it is time that the United States enter into a mutual security pact with Israel, our only reliable ally in the Middle East.

President Nasser of the United Arab Republic, the outspoken leader of the threatened Arab campaign against Israel, has left no doubt concerning the intentions of his and other Arab nations regarding Israel.

In July 1959, President Nasser said, "We want a decisive battle in order to annihilate that germ Israel. All the Arabs want a decisive battle."

And in May 1960, Radio Cairo said, "We are prepared to spill blood and destroy Israel and those who created her."

Only last month, in a speech in Cairo, President Nasser said that "1965 is the most crucial year in the Arab struggle," and on March 9, he added, "We can mobilize 5 million. We shall not enter Palestine on a path of sand and flowers; we shall enter Palestine on a path of blood."

These statements can leave no doubt as to the measures President Nasser intends to employ against Israel. He has clearly enunciated his intention to rob Israel of her water, which is literally that Nation's source of life. Preparations are already well underway to divert large quantities of water from the Jordan, Israel's principal river, before its flow reaches the Negev, and Israel can reasonably be expected to resist with force.

With the exception of her Arab neighbors, the entire world stands in admiration of Israel's creative achievements. After centuries of neglect and waste, the land has been wrested from the desert and made to bloom again by the wise use of her meager water resources.

But the Arabs, instead of adopting the methods being used by Israel only a few yards away, prefer to sit at their Israeli borders with hate in their hearts, intent on destroying the people who have proclaimed their willingness to share with the Arabs their knowledge and technology.

In the face of this growing threat to her existence, Israel recently suffered the loss of a large amount of armaments, which West Germany had agreed to supply but which it stopped sending in deference to United Arab Republic President Nasser. However, Soviet Russia is supplying Nasser with massive amounts of modern weapons, while German scientists are hard at work on a nuclear arsenal for his and other Arab States' forces to use against Israel.

It is sad to note that the United States has also contributed to the growth of President Nasser's regime and thus to his influence in the Arab world. Without American aid he could not have afforded German technicians and the materials they use.

This Congress agreed in February to fulfill an existing commitment to sell surplus foodstuffs to the United Arab Republic in order that the last door to reasoning with President Nasser might not be closed. Our reasoning has not resulted in abatement of his threats against Israel, and the time is fast approaching when Israel will begin irrigating the Negev with Jordan River waters. The result could be a renewal of the bitter fighting in the Middle East which is only in a state of truce, anyway.

On February 17, I informed the House it seems squarely up to the United States to insure that Israel will continue to receive the material necessary to deter invasion of her territory by the Arab nations surrounding it, and called for a reaffirmation of our determination to keep Israel free and to protect the integrity of her borders.

Today I urge that our Government conclude a mutual security pact with Israel, to supply her with defense weapons needed to deter President Nasser's threatened onslaught, and to stop supplying American arms to all Arab nations.

While we attempt to reason with President Nasser, we must also follow a more practical course, providing Israel with weapons in order to maintain the military balance in the Middle East. That is the only way to forestall an outbreak of war in that volatile part of the world.

NEW YORK CITY IN CRISIS—PART XXXVIII

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns the recent hiring of municipal housing inspectors in New York City.

The article is part of a series on "New York City in Crisis." It appeared in the New York Herald Tribune of February 25, 1965.

I commend it to the attention of our colleagues:

NEW YORK CITY IN CRISIS: AFTER A YEAR OF WAITING, 26 INSPECTORS ARE HIRED

(By Tim Hutchens)

Twenty-sixty of fifty-five new municipal housing inspectors whose jobs Mayor Wagner authorized more than a year ago went to work yesterday for the city department of buildings.

According to a spokesman for the city personnel department, responsible for hiring the new men, this unusual delay was due in part to a twice-postponed civil service examination finally held January 23.

Originally, he said, the department scheduled the test for October 24, rescheduled it December 5 and, finally, last month.

The cause for both reschedulings, he said, was illness of departmental personnel supposed to conduct the tests.

The civil service commission first ordered the test last May, he said.

Deputy Buildings Commissioner Judah Gribetz said Mayor Wagner authorized the new jobs early last year.

The new men bring the department's housing division inspection team to 433 of a maximum number allowed under the current budget—462.

Moreover, Buildings Commissioner Harold Birns disclosed that he has asked for a $1 million supplement to the division's $3.8 million budget to hire 120 more investigators than presently allowed.

Like all city departments, however, building aims high, a housing official pointed out.

Although yesterday's hiring comes only a week after the start of a new city telephone service for housing complaints, Judah Gribetz, deputy commissioiner of buildings, denied any connection between the two events.

With or without the new phone number, he said, "we still get the same number of complaints."

City housing officials have conceded what dissatisfied tenants have complained about the phone number; namely, that it offers no faster satisfaction than before it was installed.

The new inspectors will be assigned to Harlem, Crown Heights, East New York, and South Bronx initially in a continuing, block-by-block inspection survey throughout the five boroughs, Mr. Gribetz said, and not to follow up on complaints.

Their starting salaries will be $6,750 which will come from funds already budgeted to the division.

Of course, if a provisional inspector scores at the top of the test list, he can keep his job.

The new men will work with trained inspectors for 2 weeks to a month, depending on how fast they learn their jobs, Mr. Gribetz said.

The 471 examinees all had a required 5-years' experience in building trades, he said.

Asked why his department had acted so hastily in filling the jobs, he said Mayor Wagner last month had ordered Buildings Commissioner Harold Birns to do so.

"The mayor's very sympathetic with our program," Mr. Birns said, following swearing-in ceremonies in the municipal building for the new men.

How long the 26 men will hold their jobs, however, is uncertain.

The city hired them provisionally, which means their names were taken from the list of January's examinees before the results of the test were known.

The men to hold the 25 positions permanently will be determined by the results of the test, according to civil service provisions.

"It is not a general practice," the spokesman for the personnel department said. When a department needs men fast, however, it is used.

Within a few weeks, the building department will fill the remainder of the 55 new jobs—29—the same way, Mr. Gribetz said, if the test results are not back then.

The personnel department spokesman said he expected the results in 2 weeks, although housing officials were skeptical. One of them said the last group of inspectors hired provisionally waited 6 months before the test results were known.

Nevertheless, civil service provisions also require a department to start dismissing provisional help immediately after the test results, although the rate of such dismissals can be worked out.

NEW YORK CITY IN CRISIS—PART XXXIX

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article from the New York Herald Tribune of February 26, 1965.

It concerns the difficulties of cabdrivers in the increasingly bad crime situation in New York City.

The article follows:

NEW YORK CITY IN CRISIS: ANOTHER CABBIE MURDERED—THE SECOND IN 2 WEEKS—ALARMED FLEET OWNERS OFFER $5,000 REWARD, GIVE WIDOW $5,000

(By Bill Whitworth and Sam Rubenstein)

Yesterday was a strange day for the five young children of Wyatt Glasgow, a 39-year-old Negro who worked recently as a maintenance man at Kennedy Airport and as a part-time cabdriver.

They spent it with a white neighbor, and all of them wore their pajamas all day, and the ones of school age didn't go to school. They all just sat around and watched television.

No one explained to them the reason for the disruption of their schedule, which was that their father had been stabbed to death early yesterday and their mother was in shock.

Mr. Glasgow, who lived at 51–24 Beach Channel Road, in Rockaway Park, Queens, had gone back to cabdriving a week ago Sunday, to earn some extra money for night school. He was working toward a high school diploma, with the hope of getting a better job.

Wednesday night was his seventh night out in the cab. About 1:30 yesterday morning, just 30 minutes before he was to get off, someone wanted the $28 in his change box stuck a knife in his abdomen several times and left him draped over a front fender of his cab, at the intersection of Jefferson and Howard Avenues, Brooklyn. He died an hour later.

Statistically, the chances against this happening to Mr. Glasgow were vast. The number of drivers assaulted in New York every year is not impressively large, considering the millions of passengers they carry.

But cabdrivers and owners aren't interested in long-range statistics right now, because the short-range ones are so grim. Mr. Glasgow was the second cabdriver murdered in the city in 2 weeks. On February 13, Arthur J. Abrams, 34, a part-time driver like Mr. Glasgow, was shot to death. Both men were killed early in the morning, and both in Brooklyn.

REWARD MONEY

The taxi industry responded to the new murder yesterday with expressions of alarm, a call for more protection of the drivers and an offer of reward money.

The Metropolitan Taxicab Board of Trade, an association of taxi fleet owners, announced that it would pay $5,000 for information leading to the arrest and conviction of Mr. Glasgow's murderers.

The association also announced that it would pay $5,000 to Mr. Glasgow's widow, and that it would begin a study of devices and proposals for protecting drivers.

The association paid the same amount to Mr. Abrams' widow, and offered the same reward.

Salvatore Baron, executive director of the United Taxi Owners Guild, an association of owner-drivers, said yesterday that Mr. Glasgow's death pointed up what a "sorry situation" cabdrivers were in.

"I don't know what the answer is," Mr. Baron said "Maybe a few of the policemen who are being used to watch for petty violations by the drivers ought to be used instead to protect the drivers."

DRASTIC STEPS URGED

The Citizens' Committee for Improved Public Transportation issued a demand that the city take "drastic steps as promptly as possible" to protect drivers. It recommended that the industry pay death benefits of $20,000 to the survivors of drivers killed while on duty. The committee is headed by Bentley Kassal, a former Democratic member of the New York State Assembly, and Richard Lewisohn, Republican leader of the ninth assembly district.

The drivers may make their strongest comment by staying home for a while, refusing to work the night shift. It is likely that there will be a shortage of drivers tonight and for several nights thereafter, according to Alfred J. Marx, managing director of the League of Mutual Taxi Owners, an association of owner-drivers.

"Something like this happens, and the wives of a lot of the drivers who work at night will talk them into staying home," Mr. Marx said.

In the last 6 years, 13 cabdrivers have been killed in the city. In addition to the two deaths this year, there were three in 1963, one in 1962, five in 1960, and two in 1959. Last year the police department received 507 complaints of robberies and assaults committed against cabdrivers.

However, many people in the industry think that only about half of the attacks on cabdrivers are ever reported to the police. If a driver loses only a small amount in a holdup, he often won't take the trouble to file a complaint, they say.

Everyone agrees that something should be done to protect the drivers, but no one knows what it ought to be.

The proposals have included glass partitions between the driver and the passenger, weapons for drivers, flashing signals that would alert the police, and permission for off-duty policemen to moonlight as cabdrivers.

The Citizens' Committee for Improved Public Transportation recommended the partitions again yesterday, but the drivers don't like the idea.

Mr. Baron, of the United Taxi Owners Guild, would like to provide weapons for taxi drivers who know how to handle them—former policemen, maybe—and who are judged psychologically fit to carry them.

The police are against this. They feel that offering any sort of resistance increases the chance of violence. They and the industry executives advise drivers to give up their money peacefully when they're robbed.

Use of off-duty policemen as cabdrivers, which is known as the Philadelphia plan, has not been permitted by the police department here. Proponents of the idea say it is a deterrent to taxi robberies. In Philadelphia, they say, robbers are given pause by the thought that any taxi driver they see might be a cop.

A proposal that has been put into effect is the use of "ghost" taxis, which are manned by a detective posing as a driver and another posing as a passenger. These taxis cruise about in areas that have high crime rates, keeping a watch out for cabdrivers in trouble. The taxis are provided by the industry. The police department won't say how many are in operation, but an industry executive said yesterday that it was a "considerable number."

DANGEROUS AREAS

Mr. Baron, of the Taxi Owners Guild, held up the latest murder as an example of why cabdrivers are hesitant to go into certain areas of the city and why they occasionally refuse to stop for a passenger. The industry has been warned against refusing to accept Negroes as passengers by the City Commission on Human Rights.

Mr. Baron said that the drivers' motivation in such incidents is fear, not bigotry. When they hear of repeated attacks in certain areas of the city, they become fearful, he said. He said that Negro drivers have the same fears in this regard as white drivers, and that bias complaints often are made against Negro drivers.

In the latest murder, both the driver and his attackers were Negroes.

MANY AREN'T AFRAID

Mr. Marx, of the League of Mutual Taxi Owners, denied that this was a widespread problem in the industry.

"For every single driver you can show me who is afraid to go to Bedford-Stuyvesant or who pass up some passengers, I can show you hundreds who aren't afraid and who don't pass anyone up," he said. "When I was a driver, I worked exclusively in Harlem and never had any trouble. Of course, I can understand why a man might not want to be on Morningside Drive at 3 a.m."

Though he shared the concern of other taxi officials, Mr. Marx also said it was surprising that New York cabdrivers did not encounter even more violence, considering the number of passengers they carry. Most holdups do not involve any physical injury to the cabdriver, he said.

ANONYMOUS CALL

Police were summoned to the scene of Mr. Glasgow's murder by an unidentified telephone caller who said only that he had seen some sort of disturbance. The police are asking now that the person who made the call come forward with any information he may have. They have set up a special telephone number—GL 5-8484—to receive the information, which will be kept confidential.

Mr. Glasgow lived long enough after his stabbing to tell the police that he had been attacked by two Negroes. The one who stabbed him, he said, was about 30 years old, weighed about 145 pounds, and stood about 5 feet 4 inches tall. He wore a black bandanna on his head, Mr. Glasgow said.

The police think a third man may have driven the car in which the attackers escaped.

They suspect that Mr. Glasgow, a big man, resisted being held up and that this led to his death.

More than 50 patrolmen and detectives were assigned to the case.

The search is continuing for the murderers of Arthur Abrams, the driver killed earlier this month. The police do not think there is any connection between the two killings.

RIGHT-TO-WORK PROPAGANDA

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, ever since President Johnson called for repeal of section 14(b) of the Taft-Hartley Act in his state of the Union message, Members of Congress have been inundated with copies of a report by the Council for Economic Development expressing disapproval of the union shop.

Most of this mail emanates from the National Right To Work Committee, a group of professional antiunion agitators. Some originates from the National Association of Manufacturers and still more from the Chamber of Commerce of the United States.

I am sure we are all interested in the views of the Committee for Economic Development. It is an association of many of our industrial executives.

But I am equally certain that we in the Congress are entitled to know the whole story of what the Committee for Economic Development has done on the subject of the union shop and right-to-work laws, and not just one side of the issue as has been done in this circularization by professional propaganda organizations.

The important fact is that the Committee for Economic Development in 1961 sponsored and published an exhaustive study of labor-management relations by an impartial group of distinguished educators and authorities which not only strongly opposed the so-called right-to-work laws and upheld the union shop but also recommended repeal of section 14(b) which has permitted States to enact such restrictive legislation.

In a resolution adopted by unanimous vote, the CED board of trustees defined the objective of the study in these words:

> The study is to evaluate policies in terms of their effects upon the general public interest, rather than in terms of effects upon the interests of any particular section of the society.

President Clark Kerr, of the University of California, chairman of the study group, emphasized in presenting his report that:

> We were * * * guaranteed complete independence to express our views without any need for reconciling those views with whatever positions might be held by members of the sponsoring organization.

The Kerr group's report, result of an exhaustive 15-month study, recommended that management and labor have the right in all States of the Union to negotiate the union shop in collective bargaining and that section 14(b) be repealed by the U.S. Congress.

Other members of the study group under Chairman Kerr were Douglass V. Brown, professor of industrial management, Massachusetts Institute of Technology; David L. Cole, attorney and arbitrator, Paterson, N.J.; John T. Dunlop, professor of economics, Harvard University; William Y. Elliott, professor of government, Harvard University; Albert Rees, professor of economics, University of Chicago; Robert M. Solow, professor of economics, Massachusetts Institute of Technology; Philip Taft, professor of economics, Brown University; and George W. Taylor, professor of labor relations, Wharton School of Finance and Commerce, University of Pennsylvania.

The CED, in making public the Kerr committee report, spoke glowingly of the "spirit of objectivity" in which its first study was undertaken "to evaluate policies in terms of their effects upon the general public interest." CED said it expected opposition but stated CED would "live dangerously in the pursuit of the national interest." With these brave words the report was made public.

But when CED's conservative management forces realized that impartiality had brought recommendations for repeal of section 14(b) a great outcry arose. "Impartiality" was quickly subordinated to self-interest and the board of trustees who had written so bravely of "adventurous pursuit of the national interest" quickly changed its tune.

The Committee for Economic Development appointed a new handpicked group solely of management executives to bring out a report that conformed to a program of preconceived opposition to the union shop and support of so-called right-to-work laws.

Instead of an impartial study group, every member of the second study group was a highly placed management executive. The study, in fact, was undertaken by the membership of the Research and Policy Committee of the CED under its chairman, Theodore O. Yntema, chairman of the finance committee of the Ford Motor Co., and a CED Labor Policy Subcommittee under chairmanship of William C. Stolk, chairman of the American Can Co.

It is the one-sided report of this wholly management executive committee made public March 30, 1964, that the National Right To Work Committee is now circulating to Members of the Congress. The antilabor propaganda forces do not mention the earlier impartial study. To them, it is better forgotten.

In the interest of accuracy and for the information of my colleagues in the Congress, I call attention to what the impartial CED Kerr group study recommended on the subject of the union shop and so-called right-to-work laws:

> The effectiveness of open and responsive unions would be enhanced by revision of prevailing national policy that permits States to adopt restrictions, more stringent than those included in Federal law, on the freedom of unions and employers to agree on a union shop. The Federal law now provides that unions and employers may negotiate agreements requiring union membership as a condition of continued employment for the duration of the agreement.
>
> We believe that management and labor should have the right to bargain over and negotiate for a union shop.
>
> Because our national labor policy is predicated on the trade union as the exclusive representative of all the members of a bargaining unit and because we feel that the participation of all members of the bargaining unit would improve the quality of such representation, we urge the elimination of the right of States to go beyond the restrictions contained in the Federal law.

I hope I have made it amply clear that the Right To Work Committee and its allies have inundated the Congress with a biased and one-sided version of the CED story—the side that agrees with their point of view.

I leave to your judgment any conclusion as to the motivation behind this failure on the part of the right-to-work advocates to mention the existence of the initial CED report which opposes the right-to-work laws and recommends repeal of section 14(b).

And I say to my colleagues in the Congress that the 158-page report and recommendations by the distinguished group that functioned under the chairmanship of President Clark Kerr provides interesting and informative reading on the union shop issue.

FEDERAL VOTING RIGHTS BILL

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Long] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LONG of Louisiana. Mr. Speaker, my very able colleague, the gentleman from Louisiana, the Honorable Joe D. Waggonner, Jr., appeared on April 1, 1965, before the House Committee on the Judiciary, Subcommittee No. 5, speaking in opposition to the Federal voting rights bill—Voting Rights Act of 1965.

Mr. Waggonner, in opposing the proposal, presented to the committee a very important statement—a statement of sound thought, demonstrative of great intellect and good commonsense.

Realizing that differences of opinions do exist regarding this far-reaching proposal, I would like, with your consent, to insert Mr. Waggonner's testimony in the Record for all to examine. Mr. Waggonner has in his testimony information and sound arguments which should be of interest to all, especially to those who oppose this unconstitutional proposal.

The statement follows:

Statement Before House Judiciary Committee by Representative Joe D. Waggonner, Jr.

Mr. Chairman and gentlemen of the committee, I appreciate the opportunity you have given me to appear before the committee today in opposition to the proposed Voting Rights Act. There are, unfortunately for America, a number of people who feel that anyone who dares speak up in opposition to any measure connected with so-called civil rights, is automatically a racist, a bigot, and a hater.

I appreciate the opportunity to air my views before a body which understands that this is not necessarily true; that it is certainly not true in my case; and that there are always two sides to every question. Many different solutions are available to reasoning and reasonable men, no matter how thorny or how knotty the problem may be.

The privilege of voting is a precious one and I do not for a moment advocate or condone any practice anywhere in this Nation that would bar any qualified man from the exercise of that franchise. This is a position which is instinctive with me and one I have advocated for years and one I advocate now. For the purpose of emphasis and because it is the theme of what I have to say on this subject, I would like to repeat that sentence: "The privilege of voting is a precious one and I do not for a moment advocate or condone any practice anywhere in this Nation that would bar any qualified man from the exercise of that franchise."

There are words in that sentence which cannot be changed, cannot be substituted for, cannot be omitted. They are the meat of the coconut. The words are "privilege" and "qualified."

The Constitution and any number of State and local laws in every State in the Union specifically deny that there is any right to vote. There is only a privilege to vote; a privilege which is given to some of the people of this land, but by no means, to all.

For the sake of example, consider these exceptions:

The privilege is not given to children. In all States, save one, voters must be 21 years old before they can vote. So, to those under 21, there is no right to vote. It is a privilege they are not yet old enough to have.

The privilege is not given to the unfortunate insane. To these unfortunate souls, there is no right to vote, through no fault of their own.

The privilege is not given to those convicted of certain crimes. It is held that they have relinquished their privilege of deciding upon matter affecting the law abiding. To those so convicted, there is no right to vote.

The privilege of voting in a bond-issue election is not given to those who do not own property. To the nonowner of property, there is no right to vote in bond-issue elections.

The privilege of voting in an election in New York is not given to the residents of the other 49 States. To those of us who live in Louisiana, for instance, there is no right to vote in a New York election.

The privilege of voting in New York, as another example, is not given to those citizens who cannot read and write in the English language. To those who do not read and write English, no matter how many years they may have been a citizen, there is no such thing as a right to vote.

This list of exceptions goes on and on, gentlemen, as you well know. I think, however, that I have cited enough examples to prove the point I wanted to make: that there is no right to vote; only a privilege given to the qualified. It is a privilege that we have dearly won and it is as precious to me as any possession I own.

This then, is one of the words in my statement which cannot be changed, substituted for, or omitted: the word "privilege."

The other word is "qualified." I do not believe that the unqualified should be allowed to vote.

I believe that each of the qualifications I have just listed are just, meet, and right.

Children should not be allowed to vote. The unfortunate insane should not be allowed to vote. Criminals whose citizenship has been revoked should not be allowed to vote. Non-property-owners should not be allowed to vote in bond-issue elections. Louisianians should not be allowed to vote in New York. Those who do not read and write English should not be allowed to vote in that State, either, if the laws of that State say they should not. In each of these instances, the applicants are unqualified to exercise this privilege.

And it is on this point that the Constitution and all our State and local laws now stand. It is on this point they should stand and the Federal Government has no moral or legal grounds to hold otherwise.

The argument has been made before this committee time and time again that the States have the right to establish the qualifications of their voters. No reasonable man can deny this fact. To deny it is to say that article I of the Constitution does not exist.

During the floor debate in the House last year on the civil rights bill, it was conceded by the advocates of that proposal that the only responsibility resting on the States would be to administer whatever qualifications it did prescribe without discrimination.

I daresay every Member of the Congress knows that article I section 2, clause 1 of the Constitution explicitly acknowledges the right of the States to set up their own voting qualifications, provided only that any citizen permitted to vote for the most numerous branch of a State legislature be also permitted to vote for the House of Representatives.

But, this is old hat, gentlemen. Being attorneys, you are more familiar with this proviso than I am.

The lower courts of the land know it, too; as does the Supreme Court. It has repeatedly and in recent years upheld this right of the States. As late as 1959, in a case involving the State of North Carolina, the Supreme Court decided unanimously that the States do have this right. In this particular case, the decision was unanimous, so each Justice has stated that this is his individual opinion.

Justice William O. Douglas repeats his opinion in his book, "An Almanac of Liberty": "The privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate."

The point needs no further emphasis. It could not be expressed more clearly; the Constitution has not been amended since these opinions were stated. The right to set the qualifications of its voters is reserved to the States by the Constitution and to attempt to pass any law which would take away that privilege is clearly, obviously, and patently unconstitutional.

If there has been a concerted effort to deprive any man of his privilege of voting, what can be done about it?

The answer is: "plenty." And it should be done.

I do not question that there has been discrimination against some minorities where the franchise is concerned. For example, the provision that requires voters in New York to read and write English is obviously an effort by the State of New York to prevent some members of foreign minority groups from voting in that State.

We have no such discriminatory law in Louisiana, because in Louisiana there is no requirement that the applicant read and write in English. He is permitted to read and write in his mother tongue.

The President has said there is no moral issue involved in this bill. The President is, of course, capable of human error and in this, he is in error. This bill is totally immoral.

The bill before us, gentlemen, is rooted in discrimination, vindictiveness, and hypocrisy and any law made from such a bill cannot deny its parentage.

Clearly, this bill is a punitive measure aimed at six Southern States, Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia. It is not aimed at the other States which have eligibility tests.

This administration, the ones which have immediately preceded it, the leaders of both major parties, and the Supreme Court have all said over and over again and in every conceivable way that the 14th amendment of the Constitution guarantees equal protection of the laws to every citizen of this land.

Yet, clearly, this bill is designed to accomplish exactly the opposite: to set up standards in 6 States that do not apply in the other 44.

This discrimination, this favoritism, cannot be squared with the much-quoted 14th amendment. Nor can it be squared with section 2 of article 4 which states that the "citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

This proposal, at the whim and caprice of someone in authority, has singled out those States which on the arbitrary date of November 1, 1964, happened to have registered less than 50 percent of the persons of voting age residing in the State or in any political subdivision, or in which less than 50 percent of such residents voted in the presidential election last November.

Is there supposedly some magic to the number 50? What States would have been brought under the force of this proposal, had the magic number been 60? Or 70?

Is there supposedly some magic in last November's election? Why not the presidential election of 1960? Or 1956?

If this proposal becomes law, what happens to the American tradition of a man being innocent until he is proved guilty? Under the provisions of this bill, a governmental body not only would have to prove that it was not guilty of an act of discrimination on a specific, arbitrary date, but also that of any other such act on any other date in the preceding 10 years.

This does total violence to the precept of presumed innocence. It must not be permitted.

This bill is riddled with obvious discrimination; the same discrimination that this administration and others which have preceded it have preached against and legislated against. This bill recognizes no reluctance to discriminate against these six Southern States and make them the whipping boys for the Nation.

It is an old adage, gentlemen, but two wrongs don't make a right.

Any citizen has the right to be treated alike when the franchise privilege is at question. If he meets the age, literacy, residence, or any other qualifications laid down by the State in which he resides, he has been given the privilege of voting.

It is hypocrisy to pretend that whether 99 or 20 percent of his neighbors vote has anything to do with his individual privilege.

The entire duty of the Congress is to see to it that every man can equally exercise his privilege when he wants to if he wants to. We have no other duty. We have no duty to lay a slide rule alongside voting statistics. We have no duty to abridge the right of the States to set voter qualifications. We have no duty to enact discriminatory legislation of any kind.

It is beneath the dignity of this body. It is beneath the moral sense of this body.

It is time for reasonable men to reason together. A solution can be found to this nationwide problem that is constitutional, that treats each State in exactly the same way and that achieves what all reasonable men want: the privilege of every qualified man to vote.

What can be done to insure every qualified man the privilege of voting?

Enforce the provisions of the 15th and 19th amendments of the Constitution and the 16 Federal laws already in force. Strengthen them, if necessary. Double the penalties. Speed up the process of hearing and deciding cases. There are any number of reasonable means of enforcing these laws. There is no necessity to tear down the Constitution to enforce these laws.

We seem to be able to enforce laws against kidnaping, murder, rape, and arson without tearing up the Constitution to do it and each of these crimes must be judged as being worse than any case of voter discrimination. If we can enforce these laws, it is reasonable to believe we can enforce any other this Congress decides to enact.

Too many people, too many Members of the Congress, too many members of the clergy and the news media, have been stampeded by the hysteria of impassioned groups of citizens. We are on the verge of enacting a law that is being decried in private, and in public as unwise legislation. This committee must not and this Congress must not pass a bill that is riddled with flaws, faulty reasoning, and unvarnished hate. To do so is to invite back the violent days of the Reconstruction, drive the races further apart and, in the end, fail to accomplish the goal every reasonable man can support: the privilege of every qualified man to vote.

NATIONAL ARTS AND HUMANITIES FOUNDATION

Mr. FARNUM. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MOORHEAD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I rise to offer my congratulations to the distinguished gentleman from New Jersey [Mr. THOMPSON], chairman of the Special Subcommittee on Labor of the House Committee on Education and Labor, and to the distinguished members of the subcommittee, for their action yesterday in approving the bill to establish a National Foundation on the Arts and Humanities.

Members of this House well know the vigorous efforts exerted by the gentleman from New Jersey for several years on behalf of a National Arts Foundation and the National Council on the Arts which Congress, in its wisdom, established last year.

My own interest in a foundation for both the arts and the humanities dates back to last summer when I first read the report of the Commission on the Humanities which outlined the tremendous imbalance existing between support for the sciences and support for arts and letters.

Ten years ago Federal support of this kind for arts and letters would have been impossible. But a refreshing new intellectual climate has arrived, and now, I think, it is inevitable. It would not have been inevitable if it had not been for the strong support expressed for it by the more than 100 Members of the House who, in effect, are its cosponsors.

This is a consensus bill, worked out in consultations among Members of the House and Senate, administration officials, and leading practitioners in the fields of the arts and humanities.

It is a good bill and will, when enacted by this Congress this year, help this Nation provide the impetus for culture that must be a cornerstone of the Great Society.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MAILLIARD (at the request of Mr. GERALD R. FORD), for April 5 through 8, on account of official business as U.S. delegate to the International Maritime Consultant Organization.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. HECHLER, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL

Record, or to revise and extend remarks was granted to:

Mr. O'Konski and to include extraneous matter.

Mr. Reuss.

Mr. Mills to revise and extend his remarks in the Committee of the Whole and to include extraneous matter in further explanation of those points.

(The following Member (at the request of Mr. Hall) and to include extraneous matter:)

Mr. Fino.

(The following Members (at the request of Mr. Farnum) and to include extraneous matter:)

Mr. Holland.

Mr. Waggonner.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 800. An act to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels, and research, development, test, and evaluation, for the Armed Forces, and for other purposes; to the Committee on Armed Services.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4527. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

ADJOURNMENT

Mr. FARNUM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 8, 1965, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

889. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill to amend section 301 of title III of the act of August 14, 1946, relating to the establishment by the Secretary of Agriculture of a national advisory committee, to provide for annual meetings of such committee"; to the Committee on Agriculture.

890. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the act entitled 'An act to provide for compulsory attendance, for the taking of a school census in the District of Columbia, and for other purposes,' approved February 4, 1925"; to the Committee on the District of Columbia.

891. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation entitled "A bill to amend the District of Columbia Traffic Act, 1925, as amended"; to the Committee on the District of Columbia.

892. A letter from the Secretary of the Interior, transmitting the interim report on the long-range economic development plan for the territory of Guam, pursuant to section 6 of Public Law 88–170; to the Committee on Interior and Insular Affairs.

893. A letter from the Under Secretary of the Interior, transmitting a schedule of additional hearings to be held in April for the public to present views, data, or arguments concerning proposed rulemaking in title 43, Code of Federal Regulations, which would implement the provisions of the Classification and Multiple-Use Act, and pursuant to 43 U.S.C. 1411–1418; to the Committee on Interior and Insular Affairs.

894. A letter from the Administrator, Federal Aviation Agency, transmitting a draft of proposed legislation entitled "A bill to provide for the alteration, maintenance, and repair of Government buildings and property under lease or concession contracts entered into pursuant to the operation and maintenance of Government-owned airports under the jurisdiction of the Administrator of the Federal Aviation Agency, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

895. A letter from the Administrator, Federal Aviation Agency, transmitting a draft of proposed legislation entitled "A bill to amend the act of October 9, 1940 (54 Stat. 1030, 1039), in order to increase the periods for which agreements for the operation of certain concessions may be granted at the Washington National Airport, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

896. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation entitled "A bill for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force"; to the Committee on the Judiciary.

897. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation entitled "A bill for the relief of 1st Lt. David A. Staver, U.S. Air Force"; to the Committee on the Judiciary.

898. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a copy of the annual report of the Director for fiscal year 1964 and annual and special meetings of the Judicial Conference of the United States held in 1964, pursuant to 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CUNNINGHAM:

H.R. 7244. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DAVIS of Georgia:

H.R. 7245. A bill to amend the National Housing Act to facilitate sales of one- to four-family residences in locations adversely affected by airports constructed or expanded in whole or in part with Federal funds; to the Committee on Banking and Currency.

H.R. 7246. A bill to amend the Internal Revenue Code of 1954 to repeal the retailers' excise taxes, certain manufacturers' excise taxes, the taxes on admissions, dues, communications, and transportation of persons, and certain other excise taxes; to the Committee on Ways and Means.

By Mr. DONOHUE:

H.R. 7247. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 7248. A bill to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended; to the Committee on Education and Labor.

By Mr. KEOGH:

H.R. 7249. A bill to amend title II of the Social Security Act to provide social security protection for Federal employees and their survivors who do not have protection under the civil service retirement system, and for other purposes; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 7250. A bill to amend title II of the Social Security Act to provide social security protection for Federal employees and their survivors who do not have protection under the civil service retirement system, and for other purposes; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 7251. A bill to amend section 8 of the Federal Credit Union Act relating to loans to directors, members of the supervisory committee, and members of the credit committee of Federal credit unions, and for other purposes; to the Committee on Banking and Currency.

By Mr. WOLFF:

H.R. 7252. A bill to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BROCK:

H.R. 7253. A bill to amend the Internal Revenue Code of 1954 to repeal the manufacturers' excise tax on household-type refrigeration equipment and household-type electric, gas, and oil appliances; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 7254. A bill to amend the Internal Revenue Code of 1954 to provide for the gradual reduction and eventual elimination of the tax on communications services; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 7255. A bill to extend the Juvenile Delinquency and Youth Offenses Control Act of 1961; to the Committee on Education and Labor.

By Mr. HANSEN of Idaho:

H.R. 7256. A bill to amend the Internal Revenue Code of 1954 to repeal certain retailers excise taxes and to repeal the taxes on facilities and services; to the Committee on Ways and Means.

By Mr. HANSEN of Iowa:

H.R. 7257. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. HARVEY of Michigan:

H.R. 7258. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 7259. A bill to protect voting rights secured by the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 7260. A bill to amend the Consolidated Farmers Home Administration Act of

1961 to authorize loans for waste disposal systems and other facilities providing community services, and for other purposes; to the Committee on Agriculture.

By Mr. MATHIAS:

H.R. 7261. A bill to modify the application of section 207 of title 18, United States Code, relating to the disqualification of former officers and employees in matters connected with former duties or official responsibilities; to the Committee on the Judiciary.

By Mr. O'KONSKI:

H.R. 7262. A bill to provide for payments to processors of butter; to the Committee on Agriculture.

By Mr. REID of New York:

H.R. 7263. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. SICKLES:

H.R. 7264. A bill to extend the Juvenile Delinquency and Youth Offenses Control Act of 1961; to the Committee on Education and Labor.

By Mr. STANTON:

H.R. 7265. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BATTIN:

H.R. 7266. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln back country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes; to the Committee on Agriculture.

By Mr. BROYHILL of Virginia:

H.R. 7267. A bill to amend the Social Security Act to provide that the Government contribution to the supplementary health insurance program may, in the case of Federal employees and annuitants who have attained age 65, be used for high-option health care plan such employees and annuitants have selected; to the Committee on Ways and Means.

By Mr. GILBERT:

H.R. 7268. A bill to amend the Merchant Marine Act, 1936, in order to protect and promote the health of seamen on vessels of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PELLY:

H.R. 7269. A bill to conserve and protect Pacific salmon of North American origin; to the Committee on Ways and Means.

By Mr. FINO:

H.J. Res. 424. Joint resolution declaring the first Tuesday after the first Monday of November in each even-numbered year to be a legal public holiday; to the Committee on the Judiciary.

By Mr. CONTE:

H.J. Res. 425. Joint resolution to authorize and request the President to issue annually a proclamation designating the third week in May as Folk Music Week; to the Committee on the Judiciary.

By Mr. BURLESON:

H. Con. Res. 383. Concurrent resolution authorizing the printing of a pocket-sized edition of "The Constitution of the United States of America" as a House document and for other purposes; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

183. By Mr. MORRIS: Memorial of the Legislature of the State of New Mexico, requesting the Congress of the United States to enable a Federal survey of land grant areas in New Mexico; to the Committee on Interior and Insular Affairs.

184. By the SPEAKER: A memorial of the Legislature of the State of Arkansas, memorializing the President and the Congress of the United States relative to calling a convention for the purpose of proposing an amendment to the Constitution of the United States so that one house of the legislature may be apportioned on factors other than population; to the Committee on the Judiciary.

185. Also, a memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to provide for an increase in defense work for the Greater Boston area in order to prevent the closing of the Watertown Arsenal and the Boston Naval Shipyard; to the Committee on Armed Services.

186. Also, a memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States relative to enacting legislation granting veterans of World War I pensions comparable to grants to veterans of American wars prior to World War I; to the Committee on Veterans' Affairs.

187. Also, a memorial of the Legislature of the State of Nevada, memorializing the President and the Congress of the United States relative to proposing an amendment to the Constitution of the United States permitting one house of a bicameral legislature to be apportioned other than according to population; to the Committee on the Judiciary.

188. Also, a memorial of the Legislature of the State of New York, memorializing the President and the Congress of the United States to amend the Federal Fair Labor Standards Act of 1938, increasing the minimum wage to $1.50 per hour; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 7270. A bill for the relief of Dr. Alfredo A. Navarro; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 7271. A bill for the relief of Mary Beatrice Shirley Easton and Irene Easton; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 7272. A bill for the relief of Giuliano Giusti and his wife, Nella Giusti, and their son, Walter Giusti; to the Committee on the Judiciary.

H.R. 7273. A bill for the relief of Pasquale Martini; to the Committee on the Judiciary.

By Mr. CABELL:

H.R. 7274. A bill for the relief of Irene Mitchakes (also known as Irene Mitsakis); to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 7275. A bill for the relief of Guiseppina Renna; to the Committee on the Judiciary.

By Mr. COLLIER (by request):

H.R. 7276. A bill for the relief of Antonia Limberopoulos; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 7277. A bill for the relief of Zacarias de Medeiros Sa; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 7278. A bill for the relief of Mrs. Laura Turner; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 7279. A bill for the relief of Young Soon Shin; to the Committee on the Judiciary.

H.R. 7280. A bill for the relief of Ignacio Sierra Uribe; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 7281. A bill for the relief of Madeline R. Schreiber; to the Committee on the Judiciary.

H.R. 7282. A bill for the relief of Richard D. Walsh; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 7283. A bill for the relief of Domenico Costagliola; to the Committee on the Judiciary.

H.R. 7284. A bill for the relief of Michael Drogitis; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 7285. A bill for the relief of Michel Peter Izmirly; to the Committee on the Judiciary.

H.R. 7286. A bill for the relief of Mrs. Marcelina Garcia Samson; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 7287. A bill for the relief of Suat Selim Demiray; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 7288. A bill for the relief of Sigmund Langer; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7289. A bill for the relief of Gerardo D'Urso; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 7290. A bill for the relief of Maria Stella Pezzo Calafato; to the Committee on the Judiciary.

H.R. 7291. A bill for the relief of Mrs. Karen Wood Davila; to the Committee on the Judiciary.

By Mr. REINECKE:

H.R. 7292. A bill for the relief of Miss Yong Chul Han; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 7293. A bill for the relief of Tadesse Gizaw; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

159. Mr. PHILBIN presented a petition of the City Council of the City of Gardner, Mass., against the closing of the Rutland Heights, Mass., Veterans' Administration Hospital, which was referred to the Committee on Veterans' Affairs.

SENATE

Wednesday, April 7, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou God of life and light, our glad hearts thrill at the risen glory of the awakening earth, robed in the blooming garb of spring, as—in mystic wonder—nature climbs to a soul in leaf and flower, and the earth showeth Thy handiwork.

Together we bow in the hush and joy of Thy presence, pausing midst morning tasks to listen for Thy call sounding in our ears. In the stillness, wilt Thou whisper some word of insight within our souls.

Have mercy upon us for our frantic boasts, our foolish words, and our perverse ways. Save us from small and selfish living in so great a day. In the vision splendid of divine fatherhood, and of human brotherhood, which knows no frontiers, may we dream our dreams, enact our laws, build our Nation, and plan our world until this shadowed earth, which is our home, rolls out of the darkness into the light, and it is daybreak everywhere. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 6, 1965, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 70. An act to provide for the conveyance of approximately 80 acres of land to the heirs of Adams Jones, Creek Indian, not enrolled;

H.R. 1218. An act for the relief of T. W. Holt & Co. and/or Holt Import & Export Co.;

H.R. 1384. An act for the relief of Theodore Zissu;

H.R. 1487. An act for the relief of Maj. Kenneth F. Coykendall, U.S. Army;

H.R. 2166. An act for the relief of Staiman Bros.-Simon Wrecking Co.;

H.R. 2176. An act to authorize the Secretary of the Interior to convey certain property to the county of Dare, State of North Carolina, and for other purposes;

H.R. 2299. An act for the relief of Robert L. Yates and others;

H.R. 3634. An act for the relief of CWO Edward E. Kreiss;

H.R. 3638. An act for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel;

H.R. 3685. An act for the relief of Russell D. Harris;

H.R. 4026. An act for the relief of Lt. Col. Porter F. Sheldon, U.S. Air Force;

H.R. 5508. An act to facilitate the work of the Department of Agriculture, and for other purposes; and

H.R. 7091. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 70. An act to provide for the conveyance of approximately 80 acres of land to the heirs of Adam Jones, Creek Indian, not enrolled; and

H.R. 2176. An act to authorize the Secretary of the Interior to convey certain property to the county of Dare, State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1218. An act for the relief of T. W. Holt & Co. and/or Holt Import & Export Co.;

H.R. 1384. An act for the relief of Theodore Zissu;

H.R. 1487. An act for the relief of Maj. Kenneth F. Coykendall, U.S. Army;

H.R. 2166. An act for the relief of Staiman Bros.-Simon Wrecking Co.;

H.R. 2299. An act for the relief of Robert L. Yates and others;

H.R. 3634. An act for the relief of CWO Edward E. Kreiss;

H.R. 3638. An act for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel;

H.R. 3685. An act for the relief of Russell D. Harris; and

H.R. 4026. An act for the relief of Lt. Col. Porter F. Sheldon, U.S. Air Force; to the Committee on the Judiciary.

H.R. 5508. An act to facilitate the work of the Department of Agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 7091. An act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes; to the Committee on Appropriations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees of the Senate may be authorized to meet during the session of the Senate tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORIZATION FOR JUDICIARY COMMITTEE TO MEET DURING SENATE SESSIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Judiciary Committee may be authorized to meet during the sessions of the Senate today and for the remainder of this week.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m., tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

THE VICTORY OVER POLIOMYELITIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 136, Senate Concurrent Resolution 30.

The VICE PRESIDENT. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 30) to honor the victory over poliomyelitis.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Labor and Public Welfare, with amendments on page 2, line 5, after the word "polio,", to strike out "and" and insert "that the Nation express its gratitude to Dr. Salk and to his colleagues concerned with this historic discovery and to the foundation and that"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That Doctor Jonas Salk and the National Foundation March of Dimes be congratulated on this tenth anniversary of the announcement of the world's first effective vaccine against polio, that the Nation express its gratitude to Dr. Salk and to his colleagues concerned with this historic discovery and to the foundation and that our confidence be expressed that the work of the National Foundation March of Dimes—specifically its fight against birth defects—and of the Salk Institute for Biological Studies will bring about the blessings of better health for our society and all its citizens.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The VICE PRESIDENT. Without objection, the committee amendments will be considered and confirmed en bloc.

The concurrent resolution is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the concurrent resolution, as amended.

The concurrent resolution (S. Con. Res. 30), as amended, was agreed to.

The preamble was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session to consider the nominations on the Executive Calendar.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

OFFICE OF ECONOMIC OPPORTUNITY

The Chief Clerk proceeded to read sundry nominations in the Office of Economic Opportunity.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

COAST AND GEODETIC SURVEY

The Chief Clerk proceeded to read sundry nominations in the Coast and Geodetic Survey.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The Chief Clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

INTERSTATE COMMERCE COMMISSION

The Chief Clerk proceeded to read sundry nominations in the Interstate Commerce Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The VICE PRESIDENT. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

Mr. JAVITS subsequently said: Mr. President, I had the honor to be designated by the Committee on the Judiciary to report the nomination of John Doar, of Wisconsin. I listened with the greatest of interest to the oral testimony of Mr. Doar before the Committee on the Judiciary. Mr. Doar showed such an extraordinary sense of discernment as a lawyer with respect to the civil rights field as to make me feel that the United States was really getting not only a public servant of high character, but also a public servant who had done an enormous amount of homework and would serve the Department of Justice and the Nation well both with respect to the policy and legal phases of this very important and critical job to which he has been appointed.

The testimony of Mr. Doar confirmed to me that what we are trying to substitute for the need, and I emphasize that word "need," for demonstrations is a process of law by which people can very effectively express themselves without undertaking the risk of these confrontations as so many noble, self-sacrificing, and dedicated Americans have done. In order to achieve that objective, the majesty of the United States and those in power must be interposed without hesitation in order to secure for the individual his rights as a U.S. citizen. These rights are too often denied in some of our Southern States on the grounds of some established social order, or on what I think constitutes an abuse of the doctrine of States rights.

The post which Mr. Doar holds is critically important to the peace and tranquility of America and to justice in this country in a vital area of relations between the races. When a man demonstrates qualities of mind and loyalty, such as Mr. Doar demonstrated in his testimony before the committee, I think it is time to congratulate not only Mr. Doar and the Department, but also the people of the United States for having a public servant of this character.

I am very grateful, therefore, that the Senate has confirmed the nomination of Mr. Doar.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

The VICE PRESIDENT. Morning business in in order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF SECTION 1552(c) OF TITLE 10, UNITED STATES CODE

A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to amend section 1552(c) of title 10, United States Code, to provide for the deduction of interim earnings from the payments of active duty pay and allowances found due members or former members of the uniformed services as a result of the correction of their military records (with an accompanying paper); to the Committee on Armed Services.

REPORT OF FEDERAL AVIATION AGENCY

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency, for the fiscal year 1964 (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes," approved February 4, 1925 (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Traffic Act, 1925, as amended (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred because of acceptance of physically unqualified enlisted members in the Armed Forces, Department of Defense, dated March 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on lack of information on construction costs incurred by sponsor-controlled subcontracts may unduly increase insured mortgages on multifamily housing projects, Federal Housing Administration, Housing and Home Finance Agency, dated March 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on increased cost resulting from acquisition of maintenance trucks produced by the Boeing Co., Seattle, Wash., for the Minuteman intercontinental ballistic missile program, Department of the Air Force, dated March 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on loss on business loan resulting from inadequate evaluation of borrower's bonding coverage requirements and from realization on collateral, Small Business Administration, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on follow-up examination of reviews of right-of-way claims in the State of West Virginia Federal-aid highway program, Bureau of Public Roads, Department of Commerce, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

INTERIM REPORT ON LONG-RANGE ECONOMIC DEVELOPMENT PLAN, TERRITORY OF GUAM

A letter from the Secretary of the Interior, transmitting, pursuant to law, an interim report on the long-range economic development plan, Territory of Guam (with an accompanying report); to the Committee on Interior and Insular Affairs.

LT. COL. CLAUDE E. TABOR, JR.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Lt. Col. Claude E. Tabor, Jr., U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"HOUSE JOINT MEMORIAL 5

"A joint memorial requesting the Congress of the United States of America to take appropriate investigative and legislative action in connection with the Tierra Amarilla land grant located in Rio Arriba County, N. Mex.

"Whereas the real property embraced within the Tierra Amarilla land grant located in Rio Arriba County, N. Mex., comprises approximately 600,000 acres; and

"Whereas disputes, issues, and controversies have arisen as to whether the patent issued to Francisco Martinez in connection with said grant and the title of the said Francisco Martinez, as confirmed by the act of Congress of June 21, 1860 (12 Stat. 71) constituted a colonization grant in favor of all those that followed the said Francisco Martinez in connection with colonizing the area encompassed by said grant or whether said grant was private in nature in favor of the said Francisco Martinez; and

"Whereas on several occasions efforts have been made to determine said disputes, issues, and controversies and to define the respective interests of claimants in connection with said grant through litigation filed in the courts of the State of New Mexico and the Federal courts but that said courts have refused to determine the disputes, issues, and controversies that have arisen and have held, in effect, that the proper forum to determine said disputes, issues, and controversies and to grant appropriate relief is the Congress of the United States of America; and

"Whereas a determination of said disputes, issues, and controversies and a resolution of the respective right, title, and interests of claimants in and to the real property embraced within said grant is a matter of great importance to the residents of Rio Arriba County, N. Mex., and to the State of New Mexico; and

"Whereas it may be that grave inequities and injustices have been perpetrated and should be corrected and that this matter should be expeditiously determined; and

"Whereas, the continuing existence of said disputes, issues, and controversies threatens the peace and prosperity of the region, casts a cloud over the security of land titles and greatly inhibits the orderly economic growth and welfare of Rio Arriba County and its residents: Now, therefore, be it

"*Resolved by the Legislature of the State of New Mexico*, That the Congress of the United States of America be and it is hereby requested to take immediate steps to investigate the disputes, issues, and controversies arising in connection with the Tierra Amarilla land grant, to ultimately determine and set at rest said disputes, issues, and controversies and thereafter to initiate such appropriate legislation as may be required in order to correct inequities and injustices found by it to have occurred; and be it further

"*Resolved*, That certified copies of this memorial be transmitted to the Honorable Clinton P. Anderson and the Honorable Joseph M. Montoya, U.S. Senators from New Mexico, to the Honorable Thomas G. Morris and the Honorable E. S. Johnny Walker, Representatives at Large from the State of New Mexico, and to the President of the U.S. Senate and the Speaker of the U.S. House of Representatives.

"Signed and sealed at the capitol, in the city of Santa Fe.

"Bruce King,
"*Speaker, House of Representatives.*
"Albert Romero,
"*Chief Clerk, House of Representatives.*"

A resolution of the House of Representatives of the State of New Mexico; to the Committee on Appropriations:

"House Memorial 27

"A memorial expressing opposition to the measure presently under the consideration of the Congress of the United States which proposes to charge cooperators of soil and water conservation districts for technical assistance by the Federal Soil Conservation Service

"Whereas the Soil Conservation Service of the U.S. Department of Agriculture is the principal Federal agency charged with providing technical assistance, through locally organized and supported soil and water conservation districts, to landowners effecting programs of conservation measures upon their lands; and

"Whereas the Federal budget for the fiscal year of 1966 proposes to establish a revolving fund of $20 million and to charge soil and water conservation district cooperators for this technical assistance; and

"Whereas the very people who require technical assistance the most will be the ones unable to purchase it from the Federal Soil Conservation Service: Now, therefore, be it

"*Resolved by the House of Representatives of the State of New Mexico*, That opposition be expressed to the proposal before the Congress of the United States which seeks to charge cooperators of local soil and water conservation districts for technical assistance furnished by the Soil Conservation Service, and that the Congress be requested to restore the sum of $20 million to the Federal budget for the fiscal year of 1966; and be it

"*Resolved*, That the Congress be requested to appropriate additional sums to accelerate the assistance being furnished through locally organized and supported soil and water conservation districts to landowners in New Mexico; and be it further

"*Resolved*, That copies of this memorial be transmitted to the President of the United States, to the leadership in the Congress, and to the members of the New Mexico delegation to the Congress.

"Signed and sealed at the capitol, in the city of Santa Fe.

"Bruce King,
"*Speaker, House of Representatives.*
"Albert Romero,
"*Chief Clerk, House of Representatives.*"

A resolution of the House of Representatives of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"House Memorial 6

"A memorial requesting the Congress of the United States to enable a Federal survey of land-grant areas in New Mexico

"Whereas land-grant rights were recognized and given status, by the treaty entered at Ciudad Guadalupe Hidalgo on February 2, 1848, between the United States of America and the United Mexican States, which was ratified at Queretaro on May 30, 1848; and

"Whereas land-grant rights were recognized and protected by the organic act establishing the Territory of New Mexico and later by U.S. courts of land claims; and

"Whereas land grants were purportedly the subject of a U.S. engineering-geographical survey, while actually land grants, particularly in Mora County, N. Mex., have never been surveyed; and

"Whereas grant lands, particularly in Mora County, without the benefit of a certain and accurate method of property description cannot be conveyed from primary holdings to smaller parcels or otherwise subdivided; and

"Whereas, because of foreign and vague land descriptions, grant lands do not enjoy accurate and uniform property description based on Federal survey as do the lands of other former territories, and which is needed to confirm and protect real property titles and to facilitate economic development; and

"Whereas economic considerations preclude the possibility of grant land owners undertaking to conform grant land survey in New Mexico into the uniform Federal survey now extant: Now, therefore, be it

"*Resolved by the House of Representatives of the State of New Mexico*, That the Congress of the United States is asked to enable a Federal engineering-geographic survey of the grant lands in New Mexico, particularly those grant lands of Mora County; and be it further

"*Resolved*, That copies of this memorial be transmitted to the Congress, to the leadership in the Congress, and to the New Mexico delegation to the Congress.

"Signed and sealed at the capitol, in the city of Santa Fe.

"Bruce King,
"*Speaker, House of Representatives.*
"Albert Romero,
"*Chief Clerk, House of Representatives.*"

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Foreign Relations:

"Senate Concurrent Resolution 15

"A concurrent resolution memorializing the Congress concerning the West German Government's position relative to the statute of limitations on war crimes

"Whereas the Potsdam agreement, signed on August 2, 1945, by the leaders of the victorious Allied Powers, stated: 'War criminals and all those who took part in the planning and carrying out of Nazi measures which involved or resulted in war crimes are to be arrested and brought to justice'; and

"Whereas the decision of the Government of the Federal German Republic to invoke a 20-year statute of limitations to halt initiation of any new trials of Nazi war criminals after May 8, 1965, is contrary to this and other binding declarations of the Allied Powers; and

"Whereas the murder of 6 million Jews and millions of other peoples by the Nazis was a deliberate, genocidal policy and a crime against humanity; and

"Whereas Dr. Robert Kempner, former U.S. war crimes prosecutor in the Nuremberg trials, estimates that there are at least 10,000 Nazi war criminals who have not been prosecuted and the authoritative documentation center in Haifa, Israel, reports that there are at least 70,000; and

"Whereas should the statute of limitations go into effect on May 8, 1965, thousands of war criminals will escape paying the penalty for their crimes which shocked the world; and

"Whereas worldwide protest has been expressed of the decision of the German Federal Republic, including within Germany itself; and

"Whereas the United States and other countries have no statute of limitations on murder; and France, Belgium, and other countries have specifically lifted their statute of limitations in regard to war crimes; and

"Whereas Germany must not be permitted to evade its responsibility to the nations of the world in this matter: Now, therefore, be it

"*Resolved by the senate (the house of representatives concurring)*, That the Michigan Legislature hereby respectfully requests the Congress of the United States to urge the Parliament and Government of the German Federal Republic to rescind its decision to institute a statute of limitations on prosecution of Nazi war criminals; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each Member of the Michigan delegation to the Congress.

"Adopted by the senate, February 18, 1965.

"Adopted by the house of representatives, March 11, 1965.

"Beryl I. Kenyon,
"*Secretary of the Senate.*
"Norman E. Phillies,
"*Clerk of the House of Representatives.*"

Two joint resolutions of the Legislature of the State of Alaska; to the Committee on Banking and Currency:

"Senate Joint Resolution 32

"Urging Congress to approve pending legislation providing low-interest, long-term loans to small businesses

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas a bill, S. 915, now pending in the Congress provides low-interest, long-term loans to small businesses suffering economic injury as a result of the closing of a Federal installation or the decline of Government procurement in an area; and

"Whereas Alaska small businesses depend a great deal upon Federal spending which will be decreased by the closing and reduction of Federal offices in Alaska; and

"Whereas the closing of the Veterans' Administration office at Juneau and the substantial reduction of personnel and operations of the Bureau of Mines mineral resource development offices in Juneau and Anchorage have greatly lessened small business prosperity in these cities; and

"Whereas the development of small businesses in Alaska has always been difficult because of climatic conditions and geographical location, and the small business sector in this State has still not recovered from the earthquake of March 27, 1964; and

"Whereas all of these factors mean that aid to small business as proposed in S. 915 is urgently needed in Alaska: Be it

"*Resolved,* That Congress is respectfully urged to pass, and the President of the United States is repectfully urged to approve S. 915; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable CARL HAYDEN, President pro tempore of the Senate; and the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U.S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representative, members of the Alaska delegation in Congress."

"SENATE JOINT RESOLUTION 57

"Urging the enactment of a Federal reinsurance program for natural disasters

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas millions of dollars in property are lost each year from the occurrence of floods, earthquakes, hurricanes and tidal waves; and

"Whereas present disaster programs fail to compensate the many thousands of homeowners who suffer losses of equity when their homes are destroyed by these catastrophic occurrences; and

"Whereas a nationwide mandatory insurance program seems to be the only satisfactory method of acquiring commercial insurance protection against such losses at reasonable rates; and

"Whereas the operation of such an insurance program would be feasible only if the Federal Government would act as a reinsurer for a portion of the risk assumed by the various private insurance companies: Be it

"*Resolved,* That the Alaska State Legislature urges the U.S. Congress, now assembled, to enact a Federal reinsurance program whereby all recipients of Federal housing loans would be required to insure their homes against floods, earthquakes, hurricanes and tidal waves and, whereby private insurance companies could sell such insurance on the basis of a nationwide assigned risk plan similar to that used in States where automobile insurance is mandatory and could reinsure a portion of the risk with the Federal Government; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; the Honorable CARL HAYDEN, President pro tempore of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; and the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U.S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representative, Members of the Alaska delegation in Congress."

A resolution of the Senate of the State of Washington; to the Committee on Public Works:

"SENATE RESOLUTION NO. 1965, EX. 7

"Whereas there exist broad, valid reasons for an extension of the Alaska Marine Highway as a part of the U.S. Interstate Highway System to a southern terminus connecting with U.S. Interstate Highway No. 5, in the State of Washington among which are the following:

"An Alaska Marine Highway System gateway oriented toward the Western United States is required if Alaska is to realize maximum benefits from that system.

"Such a gateway would create significant economic gains for the entire northern area of British Columbia, as well as the States of Alaska and Washington.

"As the present Marine Highway System grows in popularity and usage, there will be created a demand for its services by travelers and shippers located farther away from Prince Rupert, resulting in an inevitable linking with the present U.S. Interstate Highway System.

"The extension of the Marine Highway System to a southern terminus is economically sound from every standpoint.

"The Alaska Marine Highway System is considered by the Alaska International Rail and Highway Commission and recognized by the Battelle Institute as a vital part of a coordinated highway system to encourage the development of tourism in the northwest part of North America. The Commission recognizes the establishment of a marine highway as the most efficient and least expensive way to provide transportation for people and things to and from the coastal cities, whether or not the coordinated highway system is constructed; and

"Whereas the State of Washington is actively engaged in a program of industrial development, and few industries offer greater opportunities for expansion and benefit to our economy than tourism; and

"Whereas studies have revealed that many advantages would accompany an extension of the Marine Highway System, accruing not only to Alaska and Washington but also to the Province of British Columbia, Canada, and the other Western States through which Alaska-bound tourists and freight would flow: Now, therefore, be it

"*Resolved by the Senate,* That the Congress of the United States is hereby respectfully requested to devise and approve legislation for the extension of the Alaska Marine Highway as a part of the U.S. Interstate Highway System to a southern terminus connecting with U.S. Interstate Highway No. 5, in the States of Washington; and be it further

"*Resolved,* That copies of this resolution be transmitted by the secretary of the senate to the President of the United States, the Senators and Representatives of the State of Washington in the Congress of the United States, the Vice President, the Speaker of the House of Representatives, the Chairmen of the Public Works Committees of the House of Representatives and the U.S. Senate, the Secretary of the Department of Commerce and the Chairman of the Alaska Rail and Highway Commission."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION 14

"Joint resolution relating to increasing psychiatric services available through the U.S. Veterans' Administration to veterans who reside in California

"Whereas nationally and in California there are increasing demands on the U.S. Veterans' Administration for psychiatric care and this trend will continue and be intensified in the future; and

"Whereas California has the largest number of veterans of any State in the union, and its veteran population is continuing to grow although the Nation's total number of veterans is decreasing; and

"Whereas the ratio of veterans residing in California to Veterans' Administration-furnished psychiatric beds in this State has risen from 481 veterans per bed in 1959 to 515 veterans per bed in 1963; and

"Whereas among the eight States with largest veteran populations, California has the highest ratio of veterans per Veterans' Administration psychiatric bed and is the only State in which this ratio has risen; and

"Whereas the psychiatric beds allocated by the Veterans' Administration to California have increasingly fallen behind the national average number and trend of 390 veterans per bed in 1959 and 375 veterans per bed in 1963: Now, therefore, be it

"*Resolved by the Senate and the Assembly of the State of California (jointly),* That the Congress of the United States is respectfully memorialized to promptly authorize and direct the U.S. Veterans' Administration to provide and maintain in California, at least as a minimum, the Nation's average ratio of psychiatric beds to veterans; and be it further

"*Resolved,* That the secretary of the senate be hereby directed to transmit copies of this resolution to the President pro tempore of the U.S. Senate, the Speaker of the House of Representatives, and to each Senator and Representative in this State's delegation to the Congress of the United States."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT THE CIVIL RIGHTS LEGISLATION OF PRESIDENT JOHNSON

"Whereas today, in many States of our union there exists a denial to many of our citizens the right to vote; and

"Whereas President Johnson, in an attempt to right this injustice and insure equal rights to all citizens, has submitted civil rights legislation to Congress; and

"Whereas because of tense feeling presently existing in our country, because of this denial of equal rights, dividing neighbor against neighbor and State against State, it is expedient that this civil rights legislation be given top priority and support: Therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to take immediate action and support President Johnson's civil rights legislation; and be it further

"*Resolved,* That a copy of these resolutions be transmitted by the secretary of the Commonwealth to the presiding officers of each branch of Congress, and to each Senator and Representative from Massachusetts in the Congress of the United States.

"House of representatives, adopted March 19, 1965.

"WILLIAM C. MAIERS,
"*Clerk.*

"A true copy.
"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

A joint resolution of the Legislature of the State of Idaho; to the Committee on Banking and Currency:

"HOUSE JOINT MEMORIAL 9

"Joint memorial to the honorable Senate and House of Representatives of the United States in Congress assembled and to the honorable Secretary of the Treasury of the United States

"We, your memorialists, the Legislature of the State of Idaho, respectfully represent that—

"Whereas free world consumption of silver is continuing to exceed free world production by a steadily widening margin; and

"Whereas U.S. Treasury stocks of silver are being depleted at an accelerated rate to make up a major portion of the deficit; and

"Whereas these stocks may be completely dissipated in less than three years if the current rate of depletion continues; and

"Whereas this situation poses a serious threat to the Nation's silver coinage system which is now under critical review by the U.S. Treasury Department; and

"Whereas some segments of our national economy, in particular the silver-consuming industry, are exerting heavy pressure for the complete elimination of silver from our subsidary coinage; and

"Whereas this proposed adoption of a completely base-metal coinage would not only damage the international prestige and dignity of our money, but would also involve a high risk of psychological rejection of such coins in the domestic economy; and

"Whereas a completely base-metal coinage system would also involve:

"1. A grave danger that existing silver coinage with intrinsic value would be driven into hoards, thus aggravating the current coin shortage problem;

"2. A serious disruption to the multi-billion-dollar vending machine industry and other industries utilizing coin machines which rely upon the peculiar characteristics of silver for operation of their rejection devices;

"3. Greatly increased prospects for counterfeiting; and

"Whereas the current balance of U.S. Treasury stocks, together with the extensive silver supply now circulating as silver coins and the excellent prospects for increased silver production in the immediate years ahead, provides persuasive assurance that this critical problem could readily be resolved through the less drastic alternative of retaining a silver coinage with reduced silver content; and

"Whereas such a solution would not only preserve our Nation's long tradition of a coinage with intrinsic value, but would also sustain a more favorable economic climate for one of the major segments of Idaho's economy—the mining industry: Now, therefore, be it

"Resolved by the 38th session of the Legislature of the State of Idaho, now in session (the Senate and the House of Representatives concurring), That we respectfully urge the Congress of the United States and the executive department of the Federal Government to retain a silver coinage of reduced silver content in order to preserve the international prestige of our money, and public confidence therein.

"We further respectfully urge the Congress of the United States and the executive department of the Federal Government to undertake a comprehensive study of the growing strategic importance of silver in defense and aerospace applications and determine an adequate strategic stockpile objective which can be set aside from existing Treasury stocks before they are completely dissipated; be it further

"Resolved, That the secretary of state of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, the Secretary of the Treasury of the United States, and to the Senators and Representatives representing this State in the Congress of the United States.

"This joint memorial passed the house on the 5th day of March 1965.

"Pete T. Cenarrusa,
"Speaker of the House of Representatives.

"This joint memorial passed the senate on the 9th day of March 1965.

"W. E. Drevlow,
"President of the Senate.

"I hereby certify that the within House Joint Memorial 9 originated in the house of representatives during the 38th session of the Legislature of the State of Idaho.

"Dryden M. Hiler,
"Chief Clerk of the House of Representatives."

A resolution of the Legislature of the State of Minnesota; to the Committee on Finance:

"Resolution 689

"Resolution memorializing the Congress of the United States to adopt S. 177, H.R. 697, or H.R. 4969

"Whereas self-employed individuals have for more than 20 years been discriminated against under Federal tax law because they could not adopt retirement plans covering themselves unless they incorporated or formed associations taxable as corporations; and

"Whereas the Internal Revenue Service in November 1960, issued the so-called Kintner regulations which laid down guidelines to be used in determining whether or not groups of self-employed individuals would be eligible to be taxed as corporations; and

"Whereas the legislature of the State of Minnesota in reliance on the guidelines contained in the Kintner regulations and in order to remove the discrimination against professional persons under Federal tax law, passed in 1961 a Professional Corporation Act relating to physicians and in 1963 a Professional Corporation Act relating to attorneys; and

"Whereas the Internal Revenue Service on February 3, 1965, issued amendments to the Kintner regulations which would deny to physicians and attorneys organized under one or the other of the Minnesota Professional Corporation Acts and acts of other States similar thereto the right to be taxed as a corporation under Federal tax law and thus nullify the action of the legislature of the State of Minnesota; and

"Whereas there has been introduced into the 89th Congress S. 177, H.R. 697, and H.R. 4969, which would amend the definition of corporation in the Internal Revenue Code to make clear that professional corporations are included therein and would, as a result, require the Internal Revenue Service to recognize corporations formed under either of the Minnesota Professional Corporation Acts and acts of other States similar thereto as corporations for the purpose of the Internal Revenue Code: Be it

"Resolved by the Legislature of the State of Minnesota, That the Congress of the United States be urged to enact S. 177, H.R. 697, or H.R. 4969; be it further

"Resolved, That the secretary of the State of Minnesota send copies of this resolution to Vice President Hubert H. Humphrey, to Senators McCarthy and Mondale, and to all Members of the House of Representatives from the State of Minnesota.

"Clem Keith,
"President of the Senate.
"L. L. Duxbery, Jr.,
"Speaker of the House of Representatives.

"Passed the senate this 11th day of March in the year of our Lord 1965.

"H. Y. Torrey,
"Secretary of the Senate.

"Passed the house of representatives this 30th day of March in the year of our Lord 1965.

"G. H. Leahy,
"Chief Clerk, House of Representatives.

"Approved April 1, 1965.

"Karl F. Rolvaag,
"Governor of the State of Minnesota.

"Filed April 1, 1965.

"Joseph L. Donovan,
"Secretary of the State of Minnesota."

A resolution of the Senate of the State of Hawaii; to the Committee on Public Works:

"Senate Resolution 23

"Whereas the flash flood of February 4, 1965, caused extensive property damage and loss of life on the windward side of the Island of Oahu, State of Hawaii; and

"Whereas there is the imminent possibility that such flooding may recur; and

"Whereas the residents of such flooded areas are in constant fear that such flooding will recur; and

"Whereas an appropriation of funds by the U.S. Congress for the Army Engineers to study the necessity and feasibility of a flood control project for the areas devastated by said floods and such other measures to prevent the recurrence of such floods would add to the welfare and security of the people of the State of Hawaii: Be it

"Resolved by the Senate of the Third Legislature of the State of Hawaii, general session of 1965, That the Congress of the United States be and is hereby respectfully requested to do and perform any and all actions necessary to expedite the undertaking of a flood control study of the windward side of the Island of Oahu, State of Hawaii, to be conducted by the Army Corps of Engineers; and be it further

"Resolved, That the Representatives and Island of Oahu, State of Hawaii, to be congress of the United States be requested to work toward forwarding the purposes of this resolution; and be it further

"Resolved, That duly certified copies of this resolution be forwarded to the President of the U.S. Senate, Speaker of the House of Representatives, and to the Honorable Hiram L. Fong, the Honorable Daniel K. Inouye, the Honorable Spark M. Matsunaga, and the Honorable Patsy T. Mink, the Hawaii delegation to the Congress of the United States.

"We hereby certify that the foregoing resolution was this day adopted by the Senate of the Third Legislature of the State of Hawaii, General Session of 1965.

"Kazuhisa Abe,
"President of the Senate.
"Seichi Hirai,
"Clerk of the Senate."

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"Senate Joint Resolution 12

"Joint resolution relative to the Army Corps of Engineers in the bay area

"Whereas the U.S. Army Corps of Engineers has, since 1949, contributed to the development of the San Francisco Bay area through its development of a comprehensive bay survey; and

"Whereas, to carry out its activities, the Corps of Engineers has constructed and now operates one of the world's most interesting research installations, a large-scale model of the entire San Francisco Bay; and

"Whereas the Corps of Engineers has already made significant accomplishments with respect to the effect on the bay of solid fill barriers, the major shoaling pattern of the bay for navigation, the effect on the bay of land reclamation and pollution; and

"Whereas there are several projects currently in progress, including tests on the dispersion of pollutants from the Sacramento-San Joaquin Delta, by simulating the discharge of the San Joaquin drain on the model, and investigation of the feasibility of a small craft harbor at Southampton Bay, near Benicia; and

"Whereas further tests are planned to discover the effect of channel deepening and widening on shoaling, maintenance costs and salinity intrusion; and to discover the effects of various degrees of bay fill on tides, waste disposal, salinity, sedimentation and shoaling; and

"Whereas it is proposed that the model be extended to include the Sacramento-San Joaquin Delta region so as to provide facts necessary for the coordinated development of the bay-delta regions; and

"Whereas the legislature has been informed that funds amounting to some $300,000 are needed to continue and extend the project: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate funds necessary in order for the Corps of Engineers to carry on its current and proposed San Francisco Bay operations and also to extend the model and studies into

the Sacramento-San Joaquin Delta region; and be it further

"*Resolved*, That the secretary of the senate be directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Army."

The petition of E. Lucile Burns, of Baltimore, Md., relating to peace in South Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Lancaster (Va.) Teachers Association, favoring the enactment of legislation to eliminate discrimination because of race, color, or previous condition of servitude; to the Committee on the Judiciary.

A resolution adopted by the Council of the City of Richmond, Calif., favoring an amendment to the Constitution relating to apportionment; to the Committee the Judiciary.

A resolution adopted by the City Council of the City of Patterson, Calif., favoring an amendment to the Constitution relating to apportionment; to the Committee on the Judiciary.

A resolution adopted by the Common Council of the City of Gary, Ind., favoring the enactment of legislation to restore full freedom of collective bargaining as a uniform national labor policy; to the Committee on Labor and Public Welfare.

By Mr. SALTONSTALL (for himself and Mr. KENNEDY of Massachusetts):

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR AN INCREASE IN DEFENSE WORK FOR THE GREATER BOSTON AREA IN ORDER TO PREVENT THE CLOSING OF THE WATERTOWN ARSENAL AND THE BOSTON NAVAL SHIPYARD

"Whereas a number of workers have been laid off and more will be laid off because of the threatened closing of the Watertown Arsenal and Boston Naval Shipyard; and

"Whereas the loss of this business and unemployment of these workers adversely affects the economy of the Greater Boston area which has contributed greatly to our national defense in the past: Now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation which will provide that this area will receive a sufficient share of the defense work from the United States in order to prevent the closing of the Watertown Arsenal and the Boston Naval Shipyard; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress, and to each Member thereof from the Commonwealth.

"House of representatives, adopted, March 23, 1965.

"WILLIAM C. MAIERS,
"*Clerk*.

"Senate, adopted in concurrence, March 29, 1965.

"THOMAS A. CHADWICK,
"*Clerk*.

"A true copy.
"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth*."

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Mr. THURMOND. Mr. President, all farmers and many other interested individuals in South Carolina are greatly concerned with the administration's proposal to change the present soil conservation program. The Legislature of South Carolina is responding to the concern which is widespread in South Carolina. Previously, the State legislature adopted a concurrent resolution memorializing Congress to protest the proposed drastic reduction in technical assistance to soil conservation districts. More recently, the State legislature has adopted a concurrent resolution memorializing the Congress to defeat the proposal for the creation of a revolving fund relating to soil conservation services. It was my pleasure to place the former of these two resolutions in the CONGRESSIONAL RECORD on Thursday, February 25, of this year. I now send the latter resolution to the desk, on behalf of myself and my colleague from South Carolina [Mr. JOHNSTON], and ask that it be printed in the CONGRESSIONAL RECORD and appropriately referred.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry, as follows:

H. CON RES. —

Concurrent resolution memorializing the Congress of the United States to defeat the proposal by the Bureau of the Budget for a revolving fund relating to soil conservation services

Whereas the Bureau of the Budget has recommended the creation of a $20 million revolving fund which shall be collected from the soil conservation districts and farmers throughout the Nation to assist in the payment of costs for soil conservation services; and

Whereas the several districts are not in position, financially or otherwise, to operate as a collecting agency; and

Whereas it is proposed that the cost of collections would probably exceed the amount raised; and

Whereas the collection of these fees would most probably deter the farmers from participating in these services and result in the exploitation and waste of natural resources: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States is respectfully requested to defeat the proposal of the Bureau of the Budget relating to the creation of a $20 million revolving fund to be used for payment of costs for assistance by the Soil Conservation Service; be it further

Resolved, That copies of this resolution be forwarded to the Senators and Members of the House of Representatives from South Carolina.

Attest:

INEZ WATSON,
Clerk of the House.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1229. A bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control (Rept. No. 149).

BILLS INTRODUCED

Bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. MAGNUSON (by request):

S. 1735. A bill relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 1736. A bill for the relief of Jennifer Ellen Johnson Mojdara; and

S. 1737. A bill for the relief of Dr. Chiyo Chiba; to the Committee on the Judiciary.

By Mr. LONG of Missouri:

S. 1738. A bill for the relief of Loung Yue Tse;

S. 1739. A bill for the relief of Yi Cheun Chiang; and

S. 1740. A bill for the relief of Chung Chao Yao; to the Committee on the Judiciary.

By Mr. McNAMARA:

S. 1741. A bill to amend the Fair Labor Standards Act of 1938 to provide for double time for overtime; to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 1742. A bill to authorize the U.S. Governor to agree to amendments to the articles of agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S. 1743. A bill to amend the Internal Revenue Code of 1954 to increase the limitations on the amounts deductible for the care of certain dependents and to provide that the amounts deductible shall be allowed as a deduction in determining adjusted gross income; to the Committee on Finance.

(See the remarks of Mr. WILLIAMS of New Jersey when he introduced the above bill, which appear under a separate heading.)

USE BY SECRETARY OF THE INTERIOR OF CERTAIN LAND DONATED BY THE UNIVERSITY OF CALIFORNIA, AT LA JOLLA, CALIF.

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes. I ask unanimous consent that a letter from the Under Secretary of the Interior, requesting the proposed legislation, be printed in the RECORD.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1735) relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. Magnuson is as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., March 23, 1965.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a proposed bill "relating to the use by the Secretary of the Interior of land at La Jolla, Calif., donated by the University of California for a marine biological research laboratory, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The Department of the Interior has recently completed the construction of a new marine biological research laboratory at the Scripps Institution of Oceanography situated on the San Diego campus of the University of California. The laboratory was constructed on 2.4 acres of land that were donated to the United States by the regents of the University of California.

When negotiations with the university were started for a new building site, local representatives of the Department first proposed that the site would be leased to the United States for 99 years. This proved to be impractical, because Federal policy does not permit the construction of public buildings on leased land without specific statutory authority. The Department then proposed that the site would be conveyed to the United States with a reversionary clause under which the title would revert to the university at the end of 99 years, or earlier if the Government ceased to use the land for the research laboratory. The Department of Justice advised us that it could not approve the title to the land if the deed contained this reversionary clause. The Department of the Interior then asked the university to convey the land without the reversionary clause, but with the understanding that the Department would seek the enactment of legislation which would authorize a reconveyance of the land to the university at the end of 99 years, or earlier if it ceased to be needed for research laboratory purposes. The university agreed.

The deed which conveyed the land to the United States requires the land "to be used exclusively for research on the living resources of the sea or their environment; or for purposes compatible with activities of the said Scripps Institution of Oceanography, or for any other purpose expressly approved by the grantor."

The deed also recited the following understanding: "the Secretary of the Interior has pledged himself to seek the introduction of and to support legislation * * * empowering an officer of the United States to execute a deed reconveying the property to the grantor in the event of failure to use the property as specified herein; or failure to build a laboratory facility within 5 years from the date hereof; or at the expiration of 50 years from the date hereof, unless it is determined that the land is needed by the United States for specified purposes; or at the expiration of 99 years from the date hereof."

The deed was executed on March 22, 1962, after the following assurance was given in a letter dated February 15, 1962, from the then Under Secretary:

"We recognize that the university does not wish to surrender its campus properties permanently. In view of this I am prepared to recommend strongly that the administration seek from the Congress special legislation to meet the requirements of the board of regents.

"I consider this a grave moral commitment and hereby so indicate to my successors."

The legislation now recommended will carry out the understanding on the basis of which the land was donated and the laboratory was constructed, with one modification.

The United States now holds the title to the land subject to a limitation which prohibits the use of the land for any purpose other than specified kinds of research, or purposes compatible with the activities of the Scripps Institution, or for other purposes expressly approved by the regents of the university. If that use should be discontinued, the Government would have only two alternatives under the terms of the deed, aside from the understanding with the university: it could try to sell the land to someone else who would use the land for the limited purposes, or it could let the laboratory stand idle and unused. The first alternative is not a realistic one; moreover, it would be unfair to the university because another research organization should not be placed on the campus of the university without the university's consent. The second alternative is wasteful because it involves continuing expense to the Government in the form of maintenance, or it involves allowing the buildings to deteriorate and become unsightly, which in addition to being wasteful would also be unfair to the university.

We therefore believe that if the Government's use of the land for the specified purposes should be discontinued the only reasonable and fair procedure is to reconvey the land to the university. The buildings would be included in the reconveyance. The Government would have received all of the benefit from the building that it could receive, inasmuch as it could not use them for any other purpose, and removal of the buildings would be impractical. The buildings would not in fact have any value to the Government at that time. The university was not responsible for placing the buildings on the land and should not be asked to pay for them.

The understanding with the university also contemplated that the title will be reconveyed at the end of 99 years, regardless of whether the Government has a continuing need for the property at that time. We have discussed further this understanding with the university, and with its concurrence have omitted the 99-year provision from the proposed legislation. If at the end of 99 years the Government has a continuing need for the property for the uses permitted by the deed, obviously there is no public interest that would be served by a reconveyance of the property to the university, because the Government would then need to acquire substitute property and facilities at additional cost in order to continue its program.

The original understanding was based on an assumption that the Government would get full value out of its investment over a 99-year period, and in a realistic sense would suffer no economic loss by reconveying the property at the end of that period. The arrangement would be equivalent of construction of the laboratory on a 99-year leasehold, which is an accepted commercial practice. The difficulty with this assumption is that Federal governmental programs are not undertaken as economic ventures, with an amortization or write-off of the capital investment at the end of a fixed period. If all governmental construction were undertaken on that basis, the entire construction program would need to be refinanced at fixed intervals.

In this respect the Federal Government and the various State educational institutions have a comparable need. When they construct buildings designed to be used by future generations they do so on land that will be available as long as their program continue.

The university has agreed that its primary purpose will be accomplished by a reconveyance of the property when it ceases to be needed or used for the purposes permitted by the deed.

The proposed legislation amounts to a reciprocal application of the policy followed by the Federal Government when conveying Federal land to a State or public agency for educational, recreational, or conservation purposes. That policy is to restrict the use of the land to the specified purposes, and to provide for a reversion of title to the Federal Government if the land ceases to be used for those purposes. That policy was applied to the University of California by the act of September 14, 1962 (76 Stat. 546), which conveyed the former Camp Matthews to the university. The proposed legislation would permit the same policy to be applied by the State in the case of the land which it donated to the Federal Government for marine biological research purposes.

The Bureau of the Budget has advised that there is no objection to the presentation of the proposed legislation from the standpoint of the administration's program.

Sincerely yours,
John A. Carver, Jr.,
Under Secretary of the Interior.

TO AUTHORIZE THE U.S. GOVERNOR TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AND THE INTERNATIONAL FINANCE CORPORATION, AND FOR OTHER PURPOSES

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference, a bill to authorize the U.S. Governor to agree to amendments to the articles of agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes.

The proposed legislation has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the Record at this point, together with the letter from the Secretary of the Treasury and with a comparative type showing changes in the existing law made by the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and comparative type will be printed in the Record.

The bill (S. 1742) to authorize the U.S. Governor to agree to amendments to the Articles of Agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes, introduced by Mr. Fulbright, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Bretton Woods Agreement Act, as amended (22 U.S.C. 286–286k–1), is amended by:

(1) Deleting paragraphs (5) and (6) of subsection (b) of Section 4 (22 U.S.C. 286b), and substituting therefor the following:

"(5) The Council shall transmit to the President and to the Congress an annual report with respect to the participation of the United States in the Fund and Bank.

"(6) Each such report shall contain such data concerning the operations and policies of the Fund and Bank, such recommendations concerning the Fund and Bank, and such other data and material, as the Council may deem appropriate."

(2) Substituting a comma for the period at the end of section 5 (22 U.S.C. 286c), and adding the following: "if such increase involves an increased subscription on the part of the United States."

(3) Adding at the end thereof the following new section:

"SEC. 20. The United States Governor of the Bank is authorized to agree to an amendment to the Articles of Agreement of the Bank to permit the Bank to make, participate in, or guarantee loans to the International Finance Corporation for use in the lending operations of the latter."

SEC. 2. The International Finance Corporation Act, as amended (22 U.S.C. 282–282g), is amended by adding at the end thereof the following new section:

"SEC. 10. The United States Governor of the Corporation is authorized to agree to the amendment of the Articles of Agreement of the Corporation to remove the prohibition therein contained against borrowing from the International Bank for Reconstruction and Development, and to place limitations on such borrowings."

The letter and comparative type presented by Mr. **FULBRIGHT** are as follows:

THE SECRETARY OF
THE TREASURY,
Washington, March 30, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To authorize the U.S. Governor to agree to amendments to the Articles of Agreement of the International Bank for Reconstruction and Development and the International Finance Corporation, and for other purposes."

The proposed legislation would amend the Bretton Woods Agreements Act, as amended, to authorize the U.S. Governor of the International Bank for Reconstruction and Development and the International Finanance Corporation to vote in favor of proposed amendments to the Articles of Agreement of each institution, to enable the Bank to make, participate in, or guarantee loans to the International Finance Corporation for use in its lending operations. The Bank would not be permitted to lend, nor the Corporation to borrow, an amount in excess of four times the unimpaired subscribed capital and surplus of the Corporation.

It has long been a policy of the Bank to attempt to stimulate private investment, particularly in the less-developed countries. However, the Bank has concluded that there exists a need for assistance to private borrowers which existing facilities cannot satisfy at the present time. After a study of how best this need could be met, the Executive Directors of the Bank and the Board of Directors of the Corporation agreed that the most desirable and effective way would be for Bank funds to be channeled through the Corporation, which was brought into existence especially to supplement the activities of the Bank by investing without Government guarantee in productive private enterprises. Accordingly, they have recommended, in a report dated August 6, 1964, approved by the Boards of Governors in September 1964, that the Bank make loans to the Corporation for relending. Such loans would supplement the funds available for the loan operations of the International Finance Corporation and would enable it to expand its lending activities to private enterprises.

The United States was instrumental in obtaining the establishment of the International Finance Corporation in 1956, and has actively supported the growth in its activities since that time The stimulation to private enterprise abroad which the Corporation provides is fully in line with overall U.S. policy in the field of development. The Corporation helps mobilize both local and foreign private capital, thus relieving some of the demands on the limited supply of official funds. The expansion of its activities contemplated by the proposed legislation would be fully in accord with U.S. policy.

The bill would also amend the Bretton Woods Agreement Act to allow the U.S. Governor of the International Bank for Reconstruction and Development to vote in favor of proposed increases in the capital stock of the Bank when such increases do not involve an increased subscription on the part of the United States. On two previous occasions it has become necessary for the Bank to increase its subscribed capital in order to provide for the admission of new members and increases in subscriptions of other members. It is anticipated that another such increase will be necessary in 1965. Where the U.S. subscription is not affected in such an increase and hence its action in voting in favor thereof becomes routine, no congressional action should be necessary. It seems reasonable, therefore, to provide that the U.S. Governor may vote in favor of such increases without each time seeking legislation.

The proposed legislation would also eliminate the requirements of the Bretton Woods Agreements Act that the National Advisory Council on International Monetary and Financial Problems transmit every 6 months and every 2 years, reports to the President and to the Congress concerning the International Monetary Fund and the International Bank for Reconstruction and Development. These reporting requirements apply also to the International Finance Corporation, the International Development Association, and the Inter-American Development Bank. As a result of a review made at the request of President Johnson of the necessity for continuing periodic reports required by law, the National Advisory Council concluded that it would be desirable and in the interest of economy in Government to substitute an annual report for the 2-year and 6-months reports now required. Such a report could contain the significant data now contained in the present reports and, at the same time, there would be reduced from five to two the number of reports made each 2 years.

It is believed that the proposed use of Bank funds to provide for expansion of international lending activity to private enterprises through the International Finance Corporation, as well as the other changes contained in the proposed legislation, are desirable and in the best interests of the United States. It is recommended that they be enacted into law. There will be transmitted separately a special report of the National Advisory Council on International Monetary and Financial Problems, on the subject of the proposed bill.

It will be appreciated if you would lay the proposed bill before the Senate. A similar proposed bill has been transmitted to the Speaker of the House of Representatives.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed bill.

Sincerely yours,

DOUGLAS DILLON.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY BILL

Changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets; new matter in italic):

BRETTON WOODS AGREEMENTS ACT, AS AMENDED
(22 U.S.C. 286–286k–1)

Section 4. (a) * * *

(b) [(5) The Council from time to time, but not less frequently than every six months, shall transmit to the President and to the Congress a report with respect to the participation of the United States in the Fund and the Bank.

[(6) The Council shall also transmit to the President and to the Congress special reports on the operations and policies of the Fund and the Bank, as provided in this paragraph. The first report shall be made not later than two years after the establishment of the Fund and the Bank, and a report shall be made every two years after the making of the first report. Each such report shall cover and include: The extent to which the Fund and the Bank have achieved the purposes for which they were established; the extent to which the operations and policies of the Fund and the Bank have adhered to, or departed from, the general policy directives formulated by the Council, and the Council's recommendations in connection therewith; the extent to which the operations and policies of the Fund and the Bank have been coordinated, and the Council's recommendations in connection therewith; recommendations on whether the resources of the Fund and the Bank should be increased or decreased; recommendations as to how the Fund and the Bank may be made more effective; recommendations on any other necessary or desirable changes in the Articles of Agreement of the Fund and of the Bank or in this Act; and an overall appraisal of the extent to which the operations and policies of the Fund and the Bank have served, and in the future may be expected to serve, the interests of the United States and the world in promoting sound international economic cooperation and furthering world security.]

(5) The Council shall transmit to the President and to the Congress an annual report with respect to the participation of the United States in the Fund and Bank.

(6) Each such report shall contain such data concerning the operations and policies of the Fund and Bank, such recommendations concerning the Fund and Bank, and such other data and material, as the Council may deem appropriate.

* * * * *

Section 5. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2, of the Articles of Agreement of the Fund; (b) propose or agree to any change in the par value of the United States dollar under article IV, section 5, or article XX, section 4, of the Articles of Agreement of the Fund, or approve any general change in par values under article IV, section 7; (c) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (d) accept any amendment under article XVII of the Articles of Agreement of the Fund or article VIII of the Articles of Agreement of the Bank; (e) make any loan to the Fund or the Bank. Unless Congress by law authorizes such action, no governor or alternate appointed to represent the United States shall vote for an increase of capital stock of the Bank under article II, section 2, of the Articles of Agreement of the Bank [.], *if such increase involves an increased subscription on the part of the United States.*

* * * * *

Section 20. The United States Governor of the Bank is authorized to agree to an amendment to the Articles of Agreement of the Bank to permit the Bank to make, participate in, or guarantee loans to the International Finance Corporation for use in the lending operations of the latter.

* * * * *

THE INTERNATIONAL FINANCE CORPORATION ACT, AS AMENDED (22 U.S.C. 282–282g)

Section 10. The United States Governor of the Corporation is authorized to agree to the amendment of the Articles of Agreement of the Corporation to remove the prohibition therein contained against borrowing from the International Bank for Reconstruction and Development, and to place limitations on such borrowings.

AID TO WORKING MOTHERS

Mr. WILLIAMS of New Jersey. Mr. President, it has been suggested that he who has children gives "hostages to fortune." That wise old saying holds true for nations as well as individuals. We are now, as a nation, beginning to honor that adage as we redouble and intensify our efforts in every field to fully develop the God-given potential of every child in our Nation.

We have demonstrated our commitment to this ideal in many different ways. Under our recently enacted program, we are seeking to raise the standard of living of the poor so that their children can be helped to share in the fruits of our society.

If we enact the ideas embodied in the pending education bill, we will be supplying additional and novel tools to develop the learning capacities and potentials of our youngsters.

But there are many paths to the Great Society—some more obvious and well trod than others. Today, I am introducing legislation which I think will smooth one of the less spectacular but just as serviceable of those paths.

Because of their profound effect on the structure and fabric of American society, our revenue laws are a significant element in the Great Society. They too can be used constructively and creatively to accomplish the goals we have set ourselves.

The amendment of section 214 of the Internal Revenue Code, which I am introducing today, presents a perfect example of the constructive use of tax legislation to reach a stated goal.

The section now allows, as part of itemized deductions from adjusted gross income, expenses incurred by working mothers for the care of their children. A maximum deduction of $900 is now allowed—$600 for one child and $900 for two or more—for the actual amounts spent to care for children under 13 while their mother is gainfully employed. This deduction is only permitted in full so long as the joint income of the woman or married couple remains below $6,000. For every dollar a wife and husband earn over $6,000, they must subtract $1 from their maximum allowable deduction. Thus, the deduction vanishes entirely when joint gross income reaches $6,600 if the couple has one child and $6,900 if there are two or more.

These amounts I submit, Mr. President, are plainly inadequate and fall far short of achieving our real objective—to give genuine tax relief to those who need it most.

There is no need to argue at length here for the necessity of first-rate, adequate child care services. Not only is it essential to the peace of mind and working productivity of all mothers who either must work to provide the necessities for their families or who wish to work to provide for the future education and needs of their children.

High-quality, sensitive, knowledgeable care for children of mothers who spend their days at outside jobs is hardly a luxury item—it is an absolute essential for the growth and future of these children. Studies are now making clear that the preschool years for children are as important for their future educability as the quality and quantity of the education they actually receive during their in-school years.

As responsible politicians, it is our obligation to make full use of all our legislative tools, to make sure that the children of working parents are cared for by competent and trustworthy individuals rather than left to roam the streets and shift for themselves until dinnertime each evening.

In 1961 President John F. Kennedy appointed a noteworthy Commission on the Equal Status of Women to investigate the myriad problems and opportunities open to women in American society. One of the major recommendations made when the report was submitted to President Kennedy in October of 1963, was a liberalization of the then-existing child-care deductions. The Revenue Act of 1964 made certain strides forward in this area, but I am convinced that the statistics demonstrate the need for further tax relief for families affected by this problem.

The extent of the problem of providing care for children of working mothers is indicated by a special census sample study conducted in June 1958.

This study showed that at that time there were almost 2.9 million mothers who were working full time and had children under 12 years of age. Of the 5.1 million children under 12, about 2 million were under 6 and 3 million between the ages of 6 and 12. The study showed that 58 percent of the children were cared for in the home—46 percent by the father or other relative and 12 percent, or about 600,000, by nonrelatives who presumably were paid to care for the children. An additional 22 percent were cared for away from home, of whom 9 percent, or 450,000, were cared for by nonrelatives and slightly over 2 percent, or 121,000, received group care in day nurseries, and so forth. There were no arrangements for the care of 400,000, or 8 percent of the children, and it was impossible to classify the arrangements for 650,000, or 13 percent.

In summary, almost one out of four, or over a million of the children under 12, received group care or care from nonrelatives, most of which involved expenditures by parents.

Moreover, the situation remained virtually the same in 1960 when only 57 percent of the children of America were cared for at home—which means that some sort of provision for outside day care had to be made for nearly one-half of our children.

From these figures, I think we can get a fair idea of the dimensions and significance of this problem. It is readily apparent that the daily care of one-half of our children under the age of 13 is a concern of the greatest immediacy to us all.

More than one-third of our working force is already composed of women. As President Kennedy remarked to his Commission in 1962, this group of women despite their jobs has "a primary obligation to their families and to their homes." Most of these women work because they have to. Our first concern, unquestionably, is providing meaningful tax relief to that segment of our working-mother population which works out of necessity.

In 1954, the median income of families with both husband and wife in the labor force was approximately $5,336; by 1961, it had risen to $7,188; and in 1963 it was up to $7,789. Thus, even with the 1964 raise in income ceiling to $6,000, the majority of working couples are ineligible to take advantage of the deduction.

The Commission concluded, in its 1963 report, that "tax deductions for child care expenses of working mothers should be kept commensurate with the median income of couples when both husband and wife are engaged in substantial employment." Consequently it was then recommended that "the limitation on the joint income of working wives and their husbands, above which the deduction for care of children and disabled dependents is reduced, be commensurate with the median income of couples when both are engaged in substantial employment."

Mr. President, the amendment to section 214 which I am introducing today will follow through on that recommendation and raise the joint income under which this deduction can be claimed to $7,500.

This figure not only reflects the Commission's recommendation for approximating the median income of couples where both husband and wife are engaged in substantial employment, but presents a far more realistic and equitable income ceiling. Rather than giving relief to only the very poor, the ceiling of $7,500 will allow many middle-income families, where the mother may work in order to provide for the higher education of her children or to put aside a nest egg for unexpected or extraordinary bills which may arise, to also share in the deduction.

The additional $100 allowance for a third child which is included in my amendment will also benefit those many households with three or more children.

Clearly, the care of a third child—and more than 76 percent of our families with $3,000 incomes have three or more children—adds a substantial amount to the cost of securing skilled and trustworthy day care help.

In originally suggesting the extra $100 for three or more children, President Kennedy's Commission cited a 1961 study in which expenditures for nursery and babysitting services averaged $58.22 per month or about $700 a year, for mothers with children 16 years old and under who reported any such expenditures. The expenditures increased with the rise in the mother's income up to incomes of $400 a month. For those with incomes of $301 to $400, the average expenditure for nursery and babysitting services was $76.90 a month, or about $925 a year.

Any working mother knows that a significant portion of the extra income she brings home must be allotted to either a nursery school, a regular nurse, or a neighbor in the business of babysitting, if that mother is to set foot out of the house in the morning and do her job without constant nagging doubts about the whereabouts of her children.

Thus, I think that the liberalizing amendments which I am submitting to section 214 will alleviate two related problems: That will allow working mothers—especially those in lower and lower-middle income families—to provide decent, and in some cases, more reliable and more qualified day-care services for their children, and will enable these mothers, with their minds then at ease about their children, to perform their jobs more satisfactorily and with less strain on all concerned.

Finally, the amendments would convert section 214 from an itemized deduction to an excludable business expense. Instead of having to tediously itemize all deductions for this as well as other miscellaneous expenses—and only about half of all taxable returns take the itemized deductions—the taxpayer would just subtract the costs from adjusted gross income. In addition to thus giving the child-care deduction to many taxpayers who ordinarily would not or could not itemize it, this change would permit many taxpayers now eligible for the deduction to shift to the minimum standard deduction with consequent tax savings to themselves.

Let me illustrate the latter point—under the present arrangement for itemizing deductions, a three-children family with a joint income of $6,000, $600 in child care expenses and $400 in medical expenses, would merely take a $1,000 itemized deduction—since it is greater than the 10-percent standard deduction of $600 in their case—and would end up with taxable income of $3,200. Whereas, under my proposed amendment, that same couple would deduct the $600 day-care cost as a business expense from their adjusted gross income of $6,000, would then deduct their standard 10 percent deduction of $600, and their $1,800 exemptions for three children, and would be left with only $3,060 as taxable income.

Back in 1962, President Kennedy outlined "the problem of how a mother can meet her responsibilities to her children and at the same time contribute to society in general" as one of the most sensitive and important issues facing American society. It is my hope that with passage of these amendments to the tax bill, we will have contributed a bit toward resolving that problem and insuring that when mothers work, their children do not become hostages to neglect, indifference, and mistreatment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1743) to amend the Internal Revenue Code of 1954 to increase the limitations on the amounts deductible for the care of certain dependents and to provide that the amounts deductible shall be allowed as a deduction in determining adjusted gross income, introduced by Mr. Williams of New Jersey, was received, read twice by its title, and referred to the Committee on Finance.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938 TO PROVIDE FOR ACREAGE-POUNDAGE MARKETING QUOTAS FOR TOBACCO

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5721), to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate insist on its amendments and agree to the request of the House for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Ellender, Mr. Holland, Mr. Talmadge, Mr. Jordan of North Carolina, Mr. Young of North Dakota, and Mr. Cooper conferees on the part of the Senate.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—AMENDMENTS

AMENDMENT NO. 70

Mr. ERVIN (for himself and Mr. Cooper) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 2362) to strengthen and improve educational quality and education opportunities in the Nation's elementary and secondary schools, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 72

Mr. TOWER submitted amendments, intended to be proposed by him, to House bill 2362, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 73

Mr. PEARSON. Mr. President, we are being asked today to consider giving Federal assistance to education—to "strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools."

With this in mind, can we do otherwise than help out those communities which are suffering staggering blows to their educational systems because of the closures of defense installations and resultant loss of impacted area funds? I think not. It is my firm conviction that we must help all communities which are experiencing a cutback until they can reestablish their economies and revitalize their school systems. The relaxation of the phase-out schedule for Public Law 874 funds would be a significant step toward the achievement of this goal.

Therefore, I am today offering on behalf of myself and the Senator from Texas [Mr. Tower] an amendment to H.R. 2362 to assist school districts in areas throughout this Nation where defense installations are being closed down.

This is the same as S. 1256, which the Senator from Texas and I sponsored in February of this year and which is still pending before the Committee on Labor and Public Welfare.

Individual communities are working resolutely to offset the economic slack caused by base closures, loss of families, and loss of income. However, these areas still have hosts of problems due directly to the closures. This amendment would extend the tapering off period of Public Law 874—the so-called impacted areas law—and would, as a result, cushion some of the impact by relieving a heavy burden of educational costs incurred directly as a result of the presence of defense installations.

Under the terms of this amendment, the original cutoff point at which 3 percent of the total number of students enrolled are required to be connected with a Federal installation would be reduced so that only 1 percent of the total number of students would be required to be in the federally impacted classification.

Furthermore, the percentage reduction in funds would be graduated over a 3-year period, with the funds being cut off at the end of the fourth year. This amendment would liberalize, therefore, the phaseout portion of Public Law 874, and would give a community the benefit of funds for a longer period of time, even though the number of students identified with the federally impacted program was diminishing.

Mr. President, because so many of us here are vitally concerned with the effects of defense installation closures, I ask unanimous consent that my amendment be set out in full at this point in the Record for the information of my colleagues.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 73) was ordered to lie on the table, as follows:

At the end of the bill add a new section as follows:

"AMENDMENT TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS, TO PROVIDE FOR MORE GRADUAL REDUCTION OF PAYMENTS AS A RESULT OF TERMINATION OF ACTIVITIES OF THE DEPARTMENT OF DEFENSE

"Sec. 6060. (a) Clause (B) of paragraph (2) of subsection (c) of section 3 of the act of September 30, 1950, as amended (20 U.S.C. 238(c)(2)(B)) is amended to read as follows:

"'(B) amounts to 3 per centum or more of the total number of children who were in average daily attendance during such year and for whom such agency provided free public education, except that—

"'(i) such 3 per centum requirement need not be met by such agency for any period of two fiscal years which follows a fiscal year during which such agency met such requirement and was entitled to payment under the provisions of this section, but the payment under the provisions of this section to such agency for the second fiscal year of any such two-year period during which such requirement is not met, shall be reduced by 50 per centum of the amount thereof; or

"'(ii) in the case of any local educational agency which fails for any fiscal year (following a fiscal year in which such agency met such 3 per centum requirement) to meet such 3 per centum requirement because of the termination of activities of the Department of Defense, the per centum requirement pursuant to this paragraph for such year and thereafter shall be 1 per centum; or

"'(iii) in the case of any local educational agency which fails for any fiscal year (following a fiscal year in which such agency met the per centum requirements of this paragraph) to meet such 1 per centum requirement because of the termination of activities of the Department of Defense, such agency need meet no per centum requirement pursuant to this paragraph for such year and the three succeeding fiscal years, but the payment under the provisions of this section to such agency for such year shall be computed as though such agency had exactly met such 1 per centum requirement, and for the first such succeeding fiscal year when such agency does not meet any per centum requirement pursuant to this paragraph, such payment shall be reduced by 50 per centum of the amount thereof, for the second such succeeding fiscal year by 66⅔ per centum of the amount thereof, and for the third such succeeding fiscal year by 75 per centum of the amount thereof.'

"(b) The amendment made by this section shall be effective on and after July 1, 1964."

HOUSING AND URBAN DEVELOPMENT ACT OF 1965—AMENDMENT (AMENDMENT NO. 71)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 1354) to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, urban mass transportation, and community facilities, which was referred to the Committee on Banking and Currency and ordered to be printed.

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of March 25, 1965:

S. 1625. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in certain activities for the purpose of influencing legislation directly relevant to the purposes which qualify such organizations for tax exemption, without losing certain benefits under that Code: Mr. Hart.

Authority of March 29, 1965:

S. 1636. A bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams: Mr. Bartlett and Mr. Bennett.

Authority of April 1, 1965:

S. 1648. A bill to provide grants for public works and development facilities, other financial assistance and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions: Mr. Bartlett, Mr. Bayh, Mr. Brewster, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Clark, Mr. Cooper, Mr. Fulbright, Mr. Gore, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Inouye, Mr. Kennedy of Massachusetts, Mr. Kennedy of New York, Mr. Long of Missouri, Mr. Magnuson, Mr. McCarthy, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Muskie, Mr. Nelson, Mrs. Neuberger, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio.

NOTICE OF HEARING ON THE NOMINATION OF SHERMAN J. MAISEL TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. ROBERTSON. Mr. President, I should like to announce that the Committee on Banking and Currency will hold a hearing on the nomination of Sherman J. Maisel, of California, to be a member of the Board of Governors of the Federal Reserve System. The hearing is scheduled to be held on Thursday, April 15, 1965, in room 5302, New Senate Office Building, at 9:30 a.m.

Any persons who wish to appear and testify in connection with this nomination are requested to notify Matthew Hale, chief of staff, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, telehone 225-3921.

LET US STOP CIVIL DEFENSE WASTE

Mr. YOUNG of Ohio. Mr. President, for more than 14 years taxpayers' money has been wasted on an utterly outmoded, useless, civil defense program that has not added one measure of protection to the civilians of this country in the event of nuclear war. Over $1,500 million dollars of taxpayers' hard-earned money has gone down the drain in one futile silly civil defense or civil defense shelter scheme after another.

For fiscal year 1966, officials of the Department of Defense have requested an appropriation of almost $200 million for civil defense purposes. This, in addition to municipal and State funds spent for civil defense, so-called. At a time when municipalities and States are in dire need of new sources of revenue for vital public services—schools, streets and highways, urban renewal, and a multitude of others—it seems unconscionable for the Federal Government through matching grant programs to encourage them to spend scarce dollars to continue the civil defense boondoggle.

Most of this money is spent on salaries for local political hacks and courthouse politicians who have found a safe haven in the political storm enjoying high salaries and setting around waiting for the bombs to drop; in the meantime, making speeches before citizens groups and talking about survival and the need for fallout protection, concerning which they know very little. In addition to those on local and State payrolls there are almost a thousand civil defense employees feeding at the Federal trough. Nearly half of them receive between $13,336 per year up to $27,500 per year. Seven of the luckier ones receive more than $23,000 a year. The Director is paid $27,500 per year.

Mr. MORSE. Mr. President, will the Senator from Ohio yield?

Mr. YOUNG of Ohio. I yield.

Mr. MORSE. I commend the Senator for his speech again this year in opposition to the terrific waste that is involved in the so-called civil defense program. I have associated myself with the Senator from Ohio in past years; I associate myself with him again this year and commend him and congratulate him for his courage and foresight in trying to check this shocking waste of taxpayers' money.

Mr. YOUNG of Ohio. I thank the distinguished Senator from Oregon, who is regarded as one of the ablest and most noted public servants in the Nation.

Mr. President, since my election to the Senate in 1958, I have been carefully watching and studying the operation of the various agencies charged with the responsibility for the defense of our civilian population in event of nuclear war. I have been unable to find any justification whatever for these tremendously high-salaried "fancy Dans" feeding at the public trough. The return to taxpayers for the millions of dollars spent on their salaries has been nil. Many are castoffs from other departments and agencies. They have not contributed one whit to the defense of our Nation. They do very little for their money except to concoct plans, prepare memoranda for one another, cause sirens to be blown periodically to the distress of most citizens, and think up various silly schemes to annoy residents of our cities and towns. They promulgate their plans and issue propaganda releases and handouts. There is no excuse whatever for this waste of money and personnel.

When the bill containing the civil defense appropriation is before the Senate for debate and vote, I intend to offer amendments to cut drastically the funds requested for this purpose. I am hopeful that a majority of Senators will agree to the urgent necessity for doing this. Why add to the tremendous sum of money already wasted?

Mr. President, on April 1, 1965, an excellent editorial entitled "The Civil Defense Budget" was broadcast over WHIO AM-FM and WHIO television in Dayton, Ohio. This outstanding editorial is another example of the growing concern of citizens generally over the civil defense boondoggle. I commend it to Senators and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE CIVIL DEFENSE BUDGET

We have frequently disagreed with the thinking of Ohio Senator Steve Young, but we admire his rather consistent critical comment about the Federal civil defense program, or perhaps we should say the lack of an intelligent program. This is not an indication that we are against civil defense. Civil defense falls into a category that everyone favors like motherhood and an early spring.

In the past 14 years the Federal Government has spent $1.3 billion in stockpiling supplies, promoting the building of fallout shelters in back yards, erecting signs and printing millions of pamphlets. The present budget for the coming fiscal year is almost $200 million to be spent by the almost 1,000 Washington employees in the Federal office of civil defense.

Some of the ideas and programs developed by this office in the past indicates that the planners have little knowledge of human nature, or they were scratching the bottom of the barrel for ideas in how to spend tax dollars. One example was the pretty green signs installed a few years ago on all the major highways across the Nation proclaiming that the highway was restricted in case of emergency. In the event of a bombing those little green signs would have meant nothing to the drivers of cars attempting to get their families out of danger. The purchase and installation of these signs must have involved millions of dollars.

Another example of ridiculous planning was the program to provide a mass exodus from cities when the sirens indicated attack was near. In this program everyone was to leave their home and place of employment and proceed immediately to the country by the nearest exit from the city, leaving the center of the city free of people and traffic, thus reducing the number of casualties. The Washington planners were naive indeed to believe that a man working at the National Cash Register Co., for example, would immediately drive south out of the city when he heard an air raid siren, leaving a wife and two or three children in their Dayton View home to start walking north to get out of the city. Hundreds of thousands of dollars were spent printing and passing out plans to promote this procedure.

We do not question the value and need of an intelligent and practical civil defense operation. We do object to spending almost $200 million of tax money in the coming fiscal year for the same lack of such a program we have experienced in the past. In addition to the Federal tax dollars, local city and county tax dollars are added in most metropolitan areas of the country.

With all of the imagination at work in Washington these days on how to spend money, certainly some Federal bureaucrat should be able to think up a practical civil defense program. Until such a plan is developed we think it is time to reduce both the budget and the number of employees by about 99 percent.

OUR DEFENSE POSTURE WITH RELATION TO THE SOVIET UNION

Mr. **MANSFIELD**. Mr. President, on April 12 of this year an interview with Secretary McNamara on the state of our defense appeared in U.S. News & World Report. It is an excellent summary of our defense posture, especially with relation to the Soviet Union. The interview illustrates clearly the qualities of clear-sightedness and precision which have made Secretary McNamara such an exceptionally efficient administrator of the Defense Department. One does not have to agree with all of his conclusions in order to recognize that his detailed knowledge of the many programs of his department is astounding.

Mr. President, I think that this interview with Secretary McNamara may be of interest and use to the Senate, and I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the interview was ordered to be printed in the Record, as follows:

Is Russia Slowing Down in Arms Race?

What's happened to the balance of military power between the United States and Russia?

Exactly how strong are U.S. defenses, and the U.S. ability to punish an attacker?

To get official answers, members of the staff of U.S. News & World Report invited the man in charge—Defense Secretary Robert S. McNamara—to the magazine's conference room for the following exclusive interview.

In his answers are precise facts and figures—some hitherto undisclosed—on how the arms race stands now, and the outlook for years ahead.

Conclusion: Russia has fallen far behind the United States and shows no sign of trying to catch up.

Question. Mr. Secretary, is it just a matter of time before the Russians catch up with the United States in strategic nuclear forces?

Answer. There is no indication that they are catching up or planning to catch up.

Question. Do you mean that the Russians have given up the race?

Answer. I'm simply saying that there is no indication they are in a race at this time.

They do have the capability to catch up by 1970. Therefore, I cannot give you any final estimate what their 1970 force will be, because next year they could change their plans. But I can only say their rate of expansion today is not such as to allow them even to equal, much less exceed, our own 1970 force.

Question. Just what does that mean?

Answer. It means that the Soviets have decided that they have lost the quantitative race, and they are not seeking to engage us in that contest. It means there is no indication that the Soviets are seeking to develop a strategic nuclear force as large as ours.

Question. How big is this U.S. force you're talking about?

Answer. By June 30 we will have a total of 1,270 long-range missiles, plus 935 intercontinental bombers. We are approaching those figures today.

Question. Can you break those totals down?

Answer. Yes. We will have 800 Minuteman intercontinental ballistic missiles in hardened and dispersed silos underground. Also 54 Titan II ICBM's.

We will have 416 Polaris missiles in submarines, of which we can keep 60 percent under the sea on station at all times.

We will have 630 B–52 bombers, 80 B–58 bombers and the remainder, B–47 bombers—a total of 935.

Question. How do the Russians stack up against that?

Answer. I won't give you exact figures, but I can say that we have a superiority of approximately 3 or 4 to 1. It's roughly the same measure of superiority in almost every class.

That's in numbers. In qualitative terms, it's impossible to come up with a precise evaluation, but it far exceeds 3 or 4 to 1. They have no solid-propellant strategic ballistic missiles, for example. If our force were all liquid-propellant missiles, we'd feel severely handicapped.

Question. So you're not worried about the security of the country——

Answer. No, there is no question about our security today and our security for the future.

The weapons systems we have in being are the result of research and development programs initiated as long ago as 10 to 15 years, and we believe that the programs we have underway are more than adequate to assure our superiority in the years ahead.

Question. In what field does American dominance mainly lie?

Answer. Across the entire range of power, actually. This is one of the interesting developments of the last several years.

I think we all agree now that strategic nuclear superiority, which is the absolute foundation of our deterrent power, will not deter all the types of political and military aggression that we face from Communist powers. We must have more than strategic nuclear superiority to deter lesser forms of aggression. We therefore have, both now and planned for the future, power other than strategic nuclear power.

Question. Is that in smaller weapons?

Answer. It is in large-scale conventional power, whether aircraft or ground arms, and it extends clear down into the paramilitary forces of the type that are being used in Vietnam today.

Question. Do you think we have adequate strength in all those fields?

Answer. I do indeed.

Question. Does the United States command the seas?

Answer. Oh, without question. I don't think anybody disputes that. And there's no doubt about control of the air, either.

The more important questions relate to mobility and rapidity of response for ground operations, and even there we have vastly increased our capability.

Question. How about small guerrilla ground operations?

Answer. We've increased about eightfold the strength of our counterinsurgency forces in the last 3 or 4 years. It's through that increase that we have been able to respond in Southeast Asia.

Question. Mr. Secretary, criticism is often heard that you're not developing a new manned system to replace the B–52 bomber.

Answer. In the first place, we are developing new manned aircraft systems. We have several alternative systems under development at present. What we have not done is to decide to produce such a system. I think it's important to recognize that the Joint Chiefs have not recommended that we produce and deploy a follow-on bomber to the B–52.

Question. You mean they haven't decided on the particular type?

Answer. Not only that. They have not decided as a matter of principle that we should produce a follow-on bomber.

They have stated that we should retain the option of a mixed force—that is to say, a missile and bomber force—indefinitely, and we have that option. The B–52's will be capable of operation not only throughout the remainder of this decade, but well into the 1970's, depending upon the degree of modification. It is not necessary now—as a matter of fact, I firmly believe that it would be foolhardy now—to make a decision to produce a follow-on aircraft, just as it would, in retrospect, have been foolhardy 3 years ago to decide to produce the B–70.

Question. Why is that?

Answer. The example of the B–70 is instructive, and should be a lesson to us of what not to do. That plane, on which we already have spent about $1.5 billion, would have been a major error—an economic and technical and military error—had we proceeded to produce it.

Today we have one B–70 flying. We have had all kinds of technical problems with it. There is no military requirement for it. It would have cost between $10 and $15 billion to produce it. There isn't a single senior military or civilian official that I'm aware of in the Department of Defense who today would recommend production. It would have been a serious error to have gone ahead 3 years ago to produce that airplane.

It's always an error to make these decisions earlier than necessary, because, between the time of a premature decision and the time when circumstances necessitate a decision, the situation will change, as it did with the B–70.

Question. What is it that has changed?

Answer. The technology has changed; our appraisal of the Soviet threat has changed; our appraisal of the defense capabilities of the Soviet Union has changed.

These changes now make it clear that, had we decided 2 or 3 years ago to produce the B–70, by the time it came into operation—that is to say, in 1967—it would have been obsolete and of little military value, and we would have wasted $15 billion of this Nation's resources.

We're in the same position today with respect to these options we have open to us for a follow-on to the B–52.

Question. What are the likely choices for a follow-on?

Answer. I don't want to go into details because they're classified. But one is a concept known as the AMSA—Advanced Manned Strategic Aircraft. Another is a modification of a plane now aproaching production. There is a third possibility as well.

Each has its advantages—in cost or speed or range or load-carrying capability. No one of them requires a decision today in order to achieve production before the end of the life of the B–52. All of them require some expenditure on technology, development work, which we have planned and have incorporated in the 1966 budget.

Question. Then what is the big disagreement with the Air Force?

Answer. The only disagreement between those in the Air Force who have made recommendations and myself lies in the amount of money we should spend in the coming fiscal year. I recommended about $76 million for work related to these aircraft, and the Air Force would add perhaps another $50 to $60 million.

Question. If you do give a production order eventually, how long would it take to get the new plane?

Answer. The leadtimes vary. One of the aircraft I mentioned has a leadtime of about 5 years between decision to produce and deployment of the force. One of the others has a total leadtime of between 7 and 9 years. We are engaged in development work that is now eating into that leadtime. The long-lead item is a completely new engine, and we are expending funds with both Pratt & Whitney and General Electric for its development.

Question. What will happen to our strength during this leadtime, as the B–52's are phased out?

Answer. We don't propose to phase out the B–52 during the leadtime. As a matter of fact, the bulk of the B–52 force is capable of operation into the mid-1970s. So the period of remaining useful life of the B–52's is longer than the leadtime required for the development of the follow-on aircraft.

That is the reason why the decision need not be made today to produce those planes, and why making a decision today would be undesirable.

Question. Is U.S. bomber power now as great as it was, say, five years ago?

Answer. The question really is irrelevant. Five years ago our strategic forces included only bombers. Today they include hundreds of missiles as well. No one today would suggest we use the bombers without the missiles. The missiles are the foundation of our strategic nuclear force today, not the manned aircraft. There is no disagreement on this any place in the military establishment that I'm aware of.

The capability of the total strategic nuclear force today is far greater than it was 5 years ago. In terms of numbers of warheads in the alert force, we have about 2,700 today, and 4 years ago we had 850. So we have about three times the number of warheads that we had then. Even that isn't a full measure of the increase in capability, because about 800 or 900 of these warheads can be on target in half an hour, whereas 4 years ago only a very, very few could have been on target in less than several hours.

Question. Is that the big advantage with missiles?

Answer. Exactly. And this is extremely important in connection with time-sensitive targets.

Furthermore, there is no defense against the 800 to 900 missile-delivered warheads that are in our alert force today, whereas both today and 4 years ago there was a very strong antiaircraft defense in the Soviet Union against the bomber-delivered warhead.

So, in terms of quantity, we have a 3-to-1 superiority today as against 4 years ago. In terms of quality, it's a far greater advance.

WHERE SOVIET IS WEAK—

Question. How do you size up the Soviet bomber threat?

Answer. The Russian intercontinental-bomber force today is very weak compared with ours. I said we have a superiority of 3 or 4 to 1. Actually, it is 5 or 6 to 1 today, in terms of true intercontinental bombers and associated tanker forces. And we will maintain that superiority, at least in that ratio, during the remainder of this decade, as best we can tell. There are no signs that the Soviets are engaging in development or production of a new intercontinental bomber.

Question. How much damage could Soviet bombers do?

Answer. They have a capability of putting over the continental United States approximately 100 bombers on two-way missions, plus perhaps another 150 medium bombers on two-way missions over Alaska, portions of Canada, and a very small segment of Northwestern United States. This is a small force compared with our tremendous power.

Question. What are the defenses against their manned bombers?

Answer. We have literally hundreds of interceptor aircraft in our antibomber defense, and literally hundreds of surface-to-air missiles as well. But the defense against manned bombers is not as material to our security as it was 5 or 6 years ago, before the Soviets had missiles. The danger today is not from the Soviet bomber force—although that is something we have to take account of—but from the Soviet missile force, even though it is much smaller than ours.

Neither the Russians nor we have a defense against an intercontinental-ballistic-missile attack. And missiles could be used not only to destroy our cities, but also to destroy our bomber defense, even though it is strong and large.

Question. Are the Soviets developing an antimissile missile?

Answer. They are working on it, as we are. There is no reason to believe they are ahead of us. There is no deployed operational system in the Soviet Union today.

Question. Are you considering production of an antimissile missile?

Answer. We are pursuing a huge development program on which we have spent about $2 billion in the last 4 years. We are requesting an additional $500 million in the latest budget. Whether we should actually produce an anti-ballistic-missile system remains to be seen. We will face that decision fully next year.

Question. How much would it cost to set up a missile defense?

Answer. To deploy a system protecting perhaps 23 of our cities would cost between $15 and $20 billion in capital investment and perhaps $1.5 to $2 billion a year in operating cost.

Question. How many lives would we save?

Answer. It depends on the kind of attack. It might reduce fatalities in the 1970's from perhaps 125 million to 100 million.

But more fundamental and more important than the anti-ballistic-missile system would be a fallout shelter program. You can see why when you recognize that, without a fallout shelter program, the Soviet force could literally fire around the antiballistic weapons and kill the population by fallout borne by the winds.

When I say that an anti-ballistic-missile system might reduce fatalities by about 25 million people, this assumes that there is a fallout shelter program in existence. If there is not, the reduction in fatalities would be much less.

Question. Are there plans to push ahead with a shelter program?

Answer. This is a question we have to address to the Congress. We have three times recommended such a program to the Congress, and three times been refused.

Question. Your figures suggest that you don't see a "missile killer" which will really be effective in blunting an attack, with or without fallout shelters—

Answer. That is correct. I see no system on the horizon, or combinations of systems, which would provide the perfect defense against a Soviet ICBM attack.

Question. How about submarine-missile attacks by the Soviets? Are you concerned about those?

Answer. Yes. The Soviets today have the capability for such attacks, and they undoubtedly will continue to expand that capability.

Again, it's far less than ours. It's interesting that our ratio of superiority in bombers and intercontinental missiles is approxmately the same as in submarine-launched missiles. As of June 30 we will have 416 Polaris missiles deployed. The Russians will have substantially fewer ballistic missiles in submarines.

Question. Are they the Polaris type?

Answer. No. There are important differences:

Each of ours is deployed in a nuclear-powered submarine. The great majority of theirs are in diesel-powered submarines. Each of ours is capable of subsurface launch. Probably none of theirs, or at most only a handful, are capable of subsurface launch. Each of ours has a range of 1,500 nautical miles or more, and many of them have ranges of 2,200 nautical miles; 95 percent of theirs have ranges under 400 nautical miles. So the qualitative difference in this case is even more important than the quantitative difference—and shows the immense superiority that we have in this field.

But numerical superiority, no matter how great, does not provide perfect protection against an attack by intercontinental ballistic missiles or submarine-launch ballistic missiles.

Question. Americans have grown up believing the United States is the greatest power on earth, and the idea that the Russians can strike and leave 100 million dead is hard to get used to. Is it really inevitable that this country must be in that position?

Answer. The purpose of our strategic nuclear force—the reason why we work so hard to maintain superiority—is to deter a strike by any other power in the world. That is the only real security you can have in the nuclear era.

No rational government would initiate a strike against us because our superiority insures that we will survive an attack with sufficient power to respond and literally destroy the attacking nation.

Question. How invulnerable is America's strategic force?

Answer. Sixty percent of the Polaris missiles are virtually invulnerable because they are dispersed and concealed under the seas. The Minutemen are hardened and dispersed underground—for all practical purposes, invulnerable. The bombers are highly vulnerable. However, 50 percent of them are on 15-minute strip alert—15 minutes being roughly the time of warning of an ICBM attack we would expect to receive from the ballistic-missile early-warning system.

We would have a lesser period of warning from a submarine-launched attack.

We expect, therefore, that half of the bombers would be destroyed by the first wave of missiles, and, depending upon how the missiles were timed and from where they were launched, perhaps more than 50 percent would be destroyed.

This, of course, is one of the great dangers. This is exactly why we are concerned about the future of bombers. The bombers are more vulnerable to attack, they are more vulnerable to the aircraft defenses of the Soviet Union, and they are far less responsive. They take hours to reach their targets.

In any event, those are the forces as of today.

Question. Are there to be any improvements in these forces?

Answer. Yes. For example, in 1967 we will have in place 1,000 Minuteman missiles instead of 800.

Now, hidden in this increase in numbers is a substantial increase in effectiveness. We have on the way a missile known as the Minuteman II—it bears the same name as the Minuteman I, but it is as different from the Minuteman I as the B-52 is from the B-47. The Minuteman II, because of increased accuracy and increased payload and increased range, has a kill capability four to eight times that of the Minuteman I. Not only will the next 200 be Minutemen II, but we will retrofit Minuteman II missiles into the Minuteman I holes, so that we will have a vast improvement all along the line.

Question. How about Polaris—more of these?

Answer. We will have a Polaris force of 41 boats, with 16 missiles per boat. Between now and 1967 we will be retrofitting the older A-1 model boats with A-3 missiles, increasing the missile range from 1,500 to some 2,200 to 2,400 nautical miles.

While missiles increase in both numbers and effectiveness, the number of bombers will decrease by the elimination of the B-47's. President Eisenhower's administration quite properly decided to eliminate these aircraft a number of years ago. We've been retiring them in accordance with that plan. In 1967 we will have about 600 B-52's and about 80 B-58's.

MISSILES: A 5-YEAR PLAN

Question. Mr. McNamara, at one time it was understood you were going to approve 1,200 Minutemen. Now, you have stopped at 1,000. Why that cutback in our strategic force?

Answer. First, let me emphasize that we have a 5-year program at all times; it is the foundation of our decisionmaking process. We examine the choices we face today against the plan for the next 5 years.

The 1,200 figure you mentioned was simply the fifth year total in the plan that we examined last year. The 1,200 tentative objective for the fifth year had no final approval associated with it—it was just a planning figure. This year we're planning on 1,000 instead of 1,200.

Why the change? Two reasons:

Our estimates of the Soviet threat have changed since last year. We now estimate that the Soviet program will lag compared with what we previously estimated, and this somewhat reduces our requirements.

Second, and far more importantly, we are finding that we can increase the capability of our Minuteman and Polaris missiles far more than we anticipated a year ago.

Question. Do the Russians have solid-fuel missiles such as Minuteman and Polaris on the horizon?

Answer. I can only assume that they must be working on it. Certainly I would be if I were in their shoes.

Question. The Russians keep boasting about 60- and 100-megaton warheads for their big liquid-fueled missiles. What——

Answer. We have no plan to develop a missile force using such large warheads because it's quite clear to us, for example, that 30 warheads of 1 megaton each offer far more offensive power than does one 30-megaton warhead.

I think you can visualize this most easily, if you just think of the targets. There are, say, 250 DGZ's—ground zeros or targets—in the Soviet Union that contain the bulk of their urban population and industry. To attack those successfully, you need a large number of relatively small warheads rather than a small number of large-yield warheads.

Question. Is there anything to reports that a superhydrogen bomb could paralyze American missiles in their silos?

Answer. No. The so-called electromagnetic flux is a problem that has been addressed frequently in public discussions, but we have protective devices against it. This is a phenomenon associated with nuclear radiation. We have protected our missiles against that.

Question. Secretary McNamara, you have been criticized for canceling the Skybolt airborne missile. On what ground was that justifiable?

Answer. That's also an interesting case. Skybolt was an extremely complex instrument. It was a missile intended to be carried on a bomber and subjected to the vibration of several thousands of miles of flight and subjected to the variability of temperature that the bomber faced, and then to be launched from a fast-moving platform of uncertain position against a target a thousand miles away.

Skybolt had all of the problems of missiles in addition to practically all the problems of a bomber. It was so complex technically that it was very unlikely to operate satisfactorily. It was extremely costly and was not required in relation to the threat we faced. Therefore we canceled it in the fall of 1962, and saved about $2.5 billion.

There was a tremendous controversy as a result. But, again, I do not know a single senior military or civilian official of the Defense Department who would recommend introduction of the Skybolt today. And there's $2.5 billion of our resources saved for some useful purpose. We don't need the Skybolt, because, as I say, we can fully absorb a surprise attack by the Soviet Union and survive with sufficient power literally to destroy their society. Now, why would we want Skybolts if we can already accomplish that?

Question. Are you trying to convince people, with that argument, that we don't need any bombers today?

Answer. No. I don't wish to go that far. At this particular time, the bombers are valuable. The easiest way to visualize their value is to recognize we're adding 440 missiles in the next 24 months, and that today we're targeting these bombers against targets that will be assigned to the missiles when they come in.

Question. The judgment of how much is enough to defend this country obviously is based on intelligence of what the Russians are doing. Is U.S. intelligence, based on past performance, that reliable?

Answer. Your basic point is that, frequently in the past, we have incorrectly estimated the Soviet forces. The most obvious example of such a case is the missile gap.

The incorrect estimates—at least those I'm familiar with—have generally been overestimates. In my opinion, these can be just as serious a handicap as underestimates. You can become musclebound—you fear using your force because you overestimate the power of your adversary—and this can be just as serious a limitation in the day-to-day administration of foreign policy as an underestimation of the threat you face.

In any event, the basic question is: Can we be assured that the estimate of the threat, on the basis of which we are determining the requirement for our own forces, is reliable?

I think the answer is that we must always recognize the possibility of error, and we do. We take the threat that we estimate; we develop the required force to offset it; and then we recognize the possibility of error and introduce an insurance factor because of it.

I am convinced the possibility of error is materially less today than it has been at many times in the past, because of the improvement in our intelligence-collection methods, which for obvious reasons I cannot discuss.

Question. How about Vietnam, then? Are Americans in Vietnam being given adequate weapons?

Answer. Yes. I think we all know that. In the Department of Defense, we have a military budget of $50 billion a year; we have 3.75 million people—2.75 million in uniform and roughly a million civilians—and we have an inventory of about $140 billion worth of equipment of various kinds. Our people in Vietnam have first claim on every dollar and every man in the entire Establishment. They have an absolute blank check to draw against, and they exercise this power freely and fully, without any restrictions whatsoever.

News stories recently indicated shortages of equipment, or distribution to Vietnam of obsolete equipment. There was no basis for them whatsoever.

The fact of the matter is that there isn't a single thing that they need in Vietnam, in relation to their requirement, that we haven't supplied.

Now, I emphasize "in relation to their requirement" because they have propeller-driven planes, for example, and somebody will say, "Well, surely propeller-driven planes aren't your most modern planes." The reason they have propeller-driven aircraft is that such aircraft are better adapted to the combat situation than jet aircraft would be.

RED BUILDUP IN VIETNAM

Question. But aren't you using some jets now? Where do they fit into the picture?

Answer. The jets fit into operations against concentrations of Vietcong in large numbers, or where we're trying to engage in area bombing—for example, in a jungle area where the Vietcong may have supplies under a canopy of trees. The jets weren't part of the picture until the enemy tactics changed and they began to concentrate in larger numbers, just in recent weeks.

Question. Do you feel that the United States has turned the tide in the last few weeks with bombings of North Vietnam?

Answer. Have we turned the tide? The answer is, "Not yet."

Question. You spoke of the change in tactics of the Vietcong. Does that suggest that they think they are winning the war?

Answer. No, but it does suggest that they are there in larger numbers today than previously, and that they are better equipped than previously.

All the evidence points to this. The evidence that we have from captured Vietcong, the evidence we have from documents we have captured, the evidence we have from enemy equipment—all indicates that the rate of infiltration has increased over the past 12 to 18 months.

This increase in infiltration has given them a capability they didn't have before, and that capability has permitted them to operate in larger units and allowed them to increase the level and intensity of their attacks, primarily in terms of great terror and harassment. However, they still don't have the capability today—on any wide scale—to openly confront the regular military units of the South Vietnamese Government.

Question. Are the Vietcong approaching that capability?

Answer. They may be approaching it, but they clearly don't have it today on any extensive scale. They can't confront the South Vietnamese in an open, overt action, defeat them, and hold the position against regular forces.

Question. Mr. Secretary, what about criticism that our forces are fighting a conventional Korean-type war in the wrong terrain?

Answer. I don't think there's substance to it. The Vietcong are waging a guerrilla war. There's only one way to stop it, and that's with a counterguerrilla war. This means providing security—physical security—to the people in the countryside.

It means flushing out the Vietcong from the countryside, clearing a land area, and then leaving behind—as the South Vietnamese forces move forward into other areas—security forces to protect the people from further raids by the Vietcong.

Question. Why are the Communists so successful?

Answer. The Vietcong are following terror and harassing tactics: They move in by night. They apply pressure against individuals, particularly the hamlet leaders, seeking to subvert them. When they succeed in subverting them, they remove the power base and the security of the hamlet and cause it to associate with the Vietcong. They then move on, leaving behind cells that control the hamlet.

Particularly, they are attacking the local officials. In terms of our own population, it's as though the guerrillas were killing several thousand—perhaps as many as 8,000—mayors and city officials a year. You can imagine what that would do to our local governments if it were occurring here.

They're kidnaping civilians by the hundreds, attempting to destroy the morale of the population, turn it away from the government.

By these means, the Vietcongs are avoiding the need and the necessity for open attack on the government units. There's only one way to counter that, and that's by effective counterguerrilla action involving the political, economic and military factors within the local hamlet.

Question. Are there any major areas in which the South Vietnamese have succeeded in clearing out the Communists and keeping them cleared out?

Answer. Oh, yes. There are many—particularly in and around Saigon. There's a special program underway there at the present time that has that as its objective, and is making progress.

The difficulty, of course, has been that, in the last 18 months, the series of changes in the government in Saigon has been translated into changes at all levels of government—province, district, hamlet—and translated into changes in the military leadership. It has injected instability into both political and military institutions.

This has made extremely difficult the development of effective counterguerrilla campaigns. Such campaigns are very complex. They involve political, economic, and military operations. They require, for success, a strong political and military leadership, and it's difficult to get that leadership when you have the number of changes that we've had in Saigon.

In one period there were changes in about 35 of 42 provincial governments in a period of 3 or 4 months. In one case there were nine changes in the government of one province within a period of a few months.

Question. Have the bombing raids to the north helped the morale of the South Vietnamese?

Answer. Yes, they have, without question.

Question. Overall, which way is the trend going, Mr. Secretary?

Answer. The situation has been deteriorating for the past year, and it's a very serious and grave situation today, but far from hopeless.

Question. As regards Red China, you said earlier that our strength is such that no rational nation would dare to attack the United States. What about an irrational nation?

Answer. China has no capability today to launch a nuclear attack.

Question. Russia didn't have, 15 years ago. Won't Red China have the means someday?

Answer. But the "someday" is far in the future.

Question. How far?

Answer. It's dangerous to make any precise estimates, but I would say it would be 10 years before China could launch any substantial number of intercontinental ballistic missiles against this country.

Question. Do you mean our present strategic force doesn't have China in mind as a possible threat?

Answer. The "damage-limiting capability" of our force doesn't need to take account of a Chinese strategic nuclear capability today. At some point in the future it must. The leadtime required for us to develop a "damage-limiting capability"—in connection with a Chinese attack—is less than the leadtime they require to develop their offensive capability. So we still have that decision ahead of us. At some point in the next 5 years, for example, we will have to consider that question.

Question. Are the Chinese technically capable of developing long-range missiles?

Answer. Without question. But they can't do it soon.

JAPAN'S NEW DEFENSE ROLE

Question. In view of the Asia crisis, why are you removing all-weather interceptors from Far Eastern bases like Japan, Okinawa, and the Philippines?

Answer. We're turning over to the Japanese certain responsibility for the protection of Japan. We don't feel we should continue indefinitely to finance their defense.

Their defense budget is far too low today in relation to their gross national product. We all understand, I think, the reasons for that. Their constitution, which we wrote and encouraged them to adopt, has limited their development of military power. That, plus the psychological aftereffects of the war, has caused them to limit their military program.

We are encouraging them to assume more of the responsibility for their defense—financial and otherwise.

Question. Are they showing an interest?

Answer. They're showing an interest, yes. We are making no new commitments for military aid to Japan, and we are encouraging them to take over functions that we have previously carried for them, particularly their own air defense. It is for that latter reason that we are moving some units out of Japan.

Question. Would you like to get out of more of these foreign bases—Spain, for example?

Answer. We are doing the same thing in Spain that we're doing in Japan. We have helped finance the defense of Spain for a considerable period, and we have begun to cut back. We've encouraged the Spanish Government and they have been willing to assume a greater role in their own defense. We are turning over to them certain air-defense installations that we formerly maintained there for their account. In the future they will operate those and they will finance them.

Question. Until you became Secretary of Defense, there seemed to be a tendency for this country to go into more oversea bases—with Thor and Jupiter missiles, and more air bases. Is your goal to pull back?

Answer. Oh, no—quite the contrary. Our power today, worldwide, is greater than it was in the past—and not necessarily because I was Secretary of Defense, but because President Kennedy and President Johnson believed it was necessary in relation to the changing threat.

We don't have Thors and Jupiters abroad today because they're poor substitutes for Minuteman and Polaris missiles, and far more vulnerable. A joint committee of the Senate and House unanimously recommended that we withdraw the Thors and Jupiters.

The same thing is true of the air bases. We are continuing to maintain air bases in many countries throughout the world in support of our bilateral and alliance commitments. We withdraw our forces from these bases when more effective ways are found to meet these commitments, and as the nations involved become capable of providing for their own defense.

U.S. ARMY IN EUROPE: WHY?

Question. Why, then, maintain an army in Europe to defend Europe?

Answer. Because our security and their security demands it. Their forces today are not sufficient to defend Western Europe against a Soviet attack without the equivalent of the six U.S. divisions that are there.

Question. Is that because the Europeans haven't built up bigger forces for their own protection?

Answer. Whatever the reason, if we were to withdraw our divisions today, we would be weakening our European allies and, in the process of weakening them, weakening ourselves.

Question. Could the Europeans defend themselves, if they really wanted?

Answer. The answer is "No," because it's not politically, economically, and militarily practical within the immediate future for them to develop a power base that is an effective substitute for the power contribution that we are making to them today.

Question. Do you mean in the form of troops?

Answer. In the form of troops and equipment and military force. We are encouraging them—insisting, as a matter of fact—to continue to add to their contribution to our mutual defense. As a result, the West German Government within the past 3 years has increased its defense budget about 55 percent. The average increase in the defense budget of the Western European nations—members of the North Atlantic Treaty Organization—in the past 3 years has been on the order of 30 percent. We have stated to them we will not continue to bear a disproportionate share of the defense of the West.

Those nations, when they were recovering from World War II, quite naturally limited their defense expenditures. But now that they have achieved recovery, to which we contributed significantly through the Marshall plan, we feel very strongly that they should play a larger role in financing their own defense, both in terms of men and in terms of money.

Question. Is what you say also true of France?

Answer. France is pursuing a policy which limits their contribution to the defense of NATO. We hope that they will modernize their land forces; they have indicated they will. We hope that they will increase their contribution to the divisional forces in West Germany; there is some indication they may. We hope that they will be willing to move their divisions farther forward in West Germany; there is some indication they may be willing to do that.

The major increases that are being made today are being made by the West Germans. But substantial increases in military strength and military budgets also are being made by Italy, Denmark, Norway, and others of the NATO nations.

Question. Can the British do more?

Answer. In the case of the British, their defense expenditures are on the order of 6 or 7 percent of their gross national product at the present time. That's all they can afford. We would, however, like to see the British do something to increase the size of their force in terms of manpower. They could and should increase their personnel strength.

But we're talking about relatively small amounts. They can't possibly raise their force by an amount large enough to substitute for our force. The British have indicated that they will continue to maintain their forces and their responsibilities in the area between Aden and Hong Kong. And they are very effective in that area.

Just think what they did for Kuwait, for example, or East Africa, and how much stability they have been able to introduce into a very volatile situation by the application of their military power. Look at the responsibilities they're carrying in Malaysia.

We shouldn't fail to recognize the contributions that these Western European nations are making to the common defense of the free world, and I say that without in any way indicating that they are making as much as we think they should.

UPTREND IN DEFENSE COSTS

Question. Mr. Secretary, against the background of what has been discussed, what will be the trend of defense budgets in years ahead?

Answer. We were running at $45 billion a year in 1961. We've been running an average of $5 billion a year higher than that for the past 4 years—at roughly $50 billion. And we'll run essentially the same rate in 1966—roughly $4.5 billion higher than in 1961.

I believe that the defense budget in subsequent years will rise. I doubt very much it can be held to the absolute level of roughly $50 billion. There are upward pressures due to potential increases in compensation, military and civilian, and increases in the number of retired personnel. These alone will cause this figure to rise.

But I think the trend of the future, as has been the trend in the past, will be a reduction in defense expenditures as a percentage of gross national product. In terms of gross national product, expenditures in 1966 will have dropped about 1.6 percentage points from 1961, and that drop will have freed about $11 billion a year for expenditure in the private sector or on other activities in the public sector. I think this trend will continue.

In other words, while defense spending is likely to increase, it is not likely to increase at as rapid a rate as the increase in our gross national product.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT SHOULD LIFT CONTROLS ON RESIDUAL FUEL OIL IMPORTS

Mr. JAVITS. Mr. President, I again address a plea to the President to lift the controls on residual fuel oil imports.

During the past several days the country has listened almost with incredulity to Secretary of the Interior Udall's statements in connection with the residual fuel oil import program.

At last month's Interior Department hearings, Secretary Udall stated flatly that he is solely responsible for the decision as to whether import controls over this commodity should be continued or abandoned. Secretary Udall now states that he cannot legally relinquish these controls since they were established by Presidential proclamation on national security grounds. Yet he admits that these controls are costing consumers—apartment dwellers, schools, hospitals—$40 million a year and that in his opinion "the national security determination, which forms the legal foundation of this program, is without substance."

Whatever the reasons are for Secretary Udall's change of view, the fact remains that this decision is causing serious hardship to millions of consumers on the eastern seaboard of the United States—not only in New England and Florida but in every State—in terms of higher electric and heating bills and slower industrial expansion. The continuation of these controls is clearly unjustified, unreasonable, and directly counter to U.S. trade policy and the administration's concern with the cost of living of millions of Americans.

I urge the President, therefore, to instruct the Director of the Office of Emergency Planning to undertake a speedy reexamination of the February 1963 report prepared by former OEP Director Edward McDermott to President Kennedy, in which Mr. McDermott found that controls on imports of residual fuel oil were not consistent with the national security, and that the difficulties confronting the domestic coal industry cannot be justifiably charged to residual fuel oil, but instead to various patterns of change in fuel uses. It is essential that the Office of Emergency Planning conclude its study well in advance of the next heating season.

I also urge the President strongly to make public the findings of the McNamara committee's study on the economic health of the coal industry. Despite official denials that such a study exists, Secretary McNamara himself released a letter to the National Coal Policy Conference last Friday in which he stated that this committee unanimously rejected the coal industry's request to maintain tighter limits on residual oil imports, and that accepting this proposal was not in the national interest.

This problem involves millions of Americans. It hurts their interests without benefiting the coal regions of the Nation in any significant way. Lifting of controls would help, not hurt, the national security. The Nation must now look to the President for action.

Mr. President, I ask unanimous consent that a Defense Department release dated April 2, containing Secretary McNamara's letter to the National Coal Policy Conference, an editorial from the New York Times of April 3, an editorial from the Washington Post of April 6, excerpts from Secretary Udall's press conference of March 31, as well as an article from the April 5 issue of the Wall Street Journal, may be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESS RELEASE FROM OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS), APRIL 2, 1965

Secretary of Defense Robert S. McNamara today released the following letter to Mr. Walter Tuohy, chief executive officer of the Chesapeake & Ohio Railway Co. and an official of the National Coal Policy Conference:

"DEAR MR. TUOHY: As you know, I have been Chairman of a Cabinet Committee studying the proposal of the National Coal Policy Conference concerning residual oil import quotas. The Committee has studied this proposal for the past several months and has decided unanimously that it is not in the national interest to accept the proposal..

"On behalf of the Committee, I would like to express our appreciation for the excellent cooperation of the National Coal Policy Conference and its staff with the Committee. We particularly appreciate the time which you and the other officers and executives of the National Coal Policy Conference personally gave to the Committee.

"Sincerely,

"ROBERT S. MCNAMARA."

The other members of the Committee were the Secretary of State, the Secretary of Labor, the Secretary of the Interior, and the Secretary of Commerce.

[From the Washington Post, Apr. 6, 1965]

DARK AND GUMMY

Residual fuel oil is dark and gummy, and so indeed is the administration's policy governing its importation.

In 1959 President Eisenhower was persuaded that there is a happy coincidence between national defense requirements and the protection of domestic coal and petroleum producers against imports of a low-priced fuel that is used in powerplants and large buildings. Imports of residual fuel oil—largely from Venezuela—were subjected to rigid import quotas. Thus a few domestic coal and oil producers gained at the expense of millions of consumers who live on the eastern seaboard.

Rumor had it that the Secretary of the Interior was given a green light to begin dismantling the system by lifting the quotas from New England and Florida. But the signal was reversed, presumably in the dark and gummy milieu of pressure politics. Then there is the report of a secret Cabinet committee which flatly declared that residual fuel oil controls are not in the public interest. Administration officials deny its existence, but one of its irate authors tells a different tale.

Mr. Udall, whose good intentions appear to have been dashed on the White House steps, has taken refuge from the crossfire of conflicting interest groups by asking the Director of the Office of Emergency Planning for "a searching new study" of the relationship between national security and residual oil imports. Until that new and penetrating document is released or blasted loose prospects for consumers will remain dark and gummy.

[From the New York Times, Apr. 3, 1965]

PROTECTION FOR OIL

Secretary of the Interior Udall is supposed to be responsible for the Nation's oil policy.

He favors getting rid of the controls over imports of residual fuel oil and taking a fresh look at the restrictions covering other oil imports. The Secretary is, however, unwilling to exercise his authority. He has announced merely a small increase in the amount of residual oil that can be imported and has refrained from doing anything at all about the elimination of other controls under the doubtful pretext that such a move is not legally possible because it conflicts with the President's responsibility for national security.

Mr. Udall's compromise, which seems to have been inspired by the White House, represents a victory for independent domestic oil producers and for their allies in the coal industry. They have argued that removal of quotas over imports of residual oil, a cheap petroleum byproduct used to fuel powerplants and large buildings, would work against the administration's plans to redevelop the coal-rich Appalachia region. The powerful oil lobby also campaigned for the maintenance of controls over other oil imports, insisting that the restrictions are essential to national security and the health of the oil industry.

But what is really wrong with the industry is its overcapacity and its unwillingness to meet competition from other fuels and from the pressure of foreign imports. The industry fancies itself as a bastion of competitive free enterprise; but it has sought and received a rich variety of protective devices, from production controls to depletion allowances, that have guaranteed its profits at exorbitant cost to consumers. Yet Mr. Udall, who has admitted that there are defects in the import program, evidently prefers to take refuge in an alleged legal foxhole rather than to bear the brunt of attacks that surely would be forthcoming if he chose to begin dismantling the restrictions.

The residual oil problem should not have to wait until the Johnson administration musters up sufficient courage to examine the entire elaborate protective system covering production and pricing of oil.

The east coast has the biggest stake in the fight for complete removal of controls over the importation of residual oil. But the Nation as a whole is paying too big a price to protect the special interests of the oil industry. We urge Secretary Udall to make an attempt to do away with the economic and legal restrictions that keep the oil industry from being both competitive and efficient.

EXCERPTS FROM PRESS CONFERENCE, MARCH 31, 1965, BY SECRETARY OF THE INTERIOR, STEWART L. UDALL

Secretary UDALL. With regard to the residual oil import program, we do not have a press release or documents before you and I will try and speak slowly and we are asking the reporters to take this down so that it will be available for you in case you want to get the precise details of it.

We are working on the documents and probably some time tomorrow we will have the details in them available for you, so that we will have a new program on the line as of tomorrow but I will announce the general outlines of it today and also disclose part of the decisionmaking process on this.

I had determined last week that the best solution for the residual oil problem was, on the East Coast, to create three sub-districts. One would be in the State of Florida; another the five New England States: Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island; and the third would be the remainder of the States in district I.

We had contemplated what would have amounted to an open-end program in Florida and these five New England States with a continuation of the existing program, with some modifications in the remaining area.

This represented my best judgment as a solution.

Certain legal questions were raised by the legal staff with regard to this proposal and the decision was finally reached within the last 48 hours that because of the national security basis of the program, that this was not a solution that was legally viable and therefore I had to abandon this plan which we had all drafted and worked out.

The program that I am announcing today, therefore, is basically a continuation of the existing program, with substantial increases in the imports that are allowable for both the normal increase in demand and the decrease in the domestic production of residual oil in this country, which probably two-thirds of the total can be something in the neighborhood of 45 to 50 thousand barrels a day and also for the growth factor increase that is normal. This will make an increase—I saw the UPI dispatcher earlier; it is somewhat erroneous. I think the figure, as you will find out tomorrow, will probably be somewhere in the range of 75,000 barrels a day which is somewhat comparable to the increase of last year.

There is in my judgment a very serious question whether the national security interest warrants the continuation of this program and this was reflected in the initial decision that I had made. However, a national security determination is not something that is within my power, acting alone, to make a decision on this; nor did I approach it in terms of making this type of basic decision. So that I think what we emerge with is a continuation of the existing program which admittedly has defects in it.

We have not, despite many suggestions that have been made, come up with an alternative plan. No one ever suggested a workable plan. Nor have we ever been able to devise one whereby you would not have a quota license system and this is the system which particularly in New England and Florida, I think, obviously increases the price to the consumer.

It is our judgment that there is a penalty for the consumer as a result of this program—probably something on the order of $40 million a year—and I think that this is unfortunate and this has to be weighed in the balance when one looks at the national security aspect; but this is the result we have come out with, in this instance, and we will have the documents in your hands sometime tomorrow.

Those are the two matters I wanted to discuss with you.

MEMBER OF PRESS. Mr. Secretary, who made the decision to scrap that original program?

Secretary UDALL. I'm sorry——

MEMBER OF PRESS. Was it the President—the residual oil plan that you had——

Secretary UDALL. You mean the tentative program?

MEMBER OF PRESS. Yes.

Secretary UDALL. It was the lawyers' opinion that this was not a viable approach and it would involve an approach to the administration of the program which was not legal.

If I may explain the lawyers' side of the argument on this—If you had a national program based on—and this program is founded on one thing—the fact that the national security requires it.

Then you have to approach it on a national basis and once you break it down—as we proposed to do—and in effect exempt certain areas, the whole legal basis is gone. This would be the legal argument that finally prevailed.

In other words, there are two schools of thought on it all along and this was the reason that I abandoned what was my first decision as a result of the legal aspect.

MEMBER OF PRESS. Why didn't you abandon the whole quota system?

Secretary UDALL. Well, the whole quota system will only be eliminated, in my judgment, if there is a basic determination that the national security no longer warrants the program. I think this is practically where we have come to.

There has to be a root and branch determination in regard to that.

MEMBER OF PRESS. Is it your position that residual controls must continue so long as crude oil imports continue? Is that what you are saying?

Secretary UDALL. No, no—not at all. I think the two programs are separable. I think there could be a national security determination with regard to residual oil and there could still be a strong case made for keeping the crude oil program. I definitely think the two are separate.

MEMBER OF PRESS. Did you ask for a determination?

Secretary UDALL. I think this is up to the administration as a whole. There are other members of the Cabinet, and I think the main responsibility on the national security determination rests with the Office of Emergency Planning with Governor Ellington.

MEMBER OF PRESS. The Office of Emergency Planning made a study several years ago and they said there was no national security basis for the residual program.

Secretary UDALL. Yes, I am familiar with the study. I think it was 3 years ago—or perhaps it was 2—that this study came in and they recommended at that time—as I recall—that they felt that the national security interest was getting tenuous.

I think it is probably even more tenuous today and that the program should be phased out. I think this was the recommendation.

Certainly, had I been able to take the step that I proposed to take, this would have been a step in that direction except it would not stand up legally.

MEMBER OF PRESS. Can you explain the rationale of your first decision? Why would you have essentially eliminated the controls from New England and Florida without the Middle Atlantic?

Secretary UDALL. It seemed to me—if the problem could be broken down—if you did not have to consider the Nation as a whole—that there is a very logical argument that can be made that the national security interest is less in these areas such as Florida and New England than elsewhere.

That's a degree that apparently I cannot draw—at least the lawyers tell me I cannot—and this is the reason that I had to discard this as an alternative.

MEMBER OF PRESS. Will individual company import allocations for "residual" be among the details that will be released tomorrow or will they be available today?

Secretary UDALL. This will be available—the company allocations—that is right.

MEMBER OF PRESS. Do you think the study by Mr. McNamara, of which you are a member, might have something to do with this decision in a few months?

Secretary UDALL. Well, this has not been completed. It is possible.

MEMBER OF PRESS. Mr. Secretary, does this mean that you are abandoning not just that specific tentative proposal, but any plan to change the basis of residual oil imports, now?

Secretary UDALL. Under the approach we have taken, we announce a program for a year. This is a program we have announced for this year. I think a searching review should continue of alternatives. It may be that the time is ripe for another look at the national security aspects of the problem to get to the bottom of the problem. I can assure you that we do not consider that this is anything final or long term beyond a year.

MEMBER OF PRESS. Why is national security so important when DOD buys its oil abroad?

Secretary **UDALL**. The national security argument is related to the importance, in terms of the economy and the national security, of having a viable petroleum industry in this country. The Defense Department purchases some of their petroleum and gasoline supplies abroad largely because we have some installations abroad and it is much cheaper—although they shifted back about 20 to 25 million recently to this country. It is part of the balance-of-payments program.

MEMBER OF PRESS. On the tentative program, I think you announced almost a year ago that you would be looking at this residual fuel oil problem again. How is it the problem of the lawyers comes up at the last minute instead of a couple of months ago and another solution could have been made?

Secretary **UDALL**. This is the type of solution that we only developed the various alternatives. We developed, as I recall it, six or seven different alternative approaches. This happened to be one that I was particularly interested in from the beginning when it was suggested. We developed them and a tentative decision was made about 1 week ago—after all we had the hearings 3 weeks ago—and at that time there was discussion among the lawyers right in this Department on it. It seemed to be a good solution and one that addressed itself to the realities. I wish the lawyers' result had been otherwise.

MEMBER OF PRESS. Which lawyers are you talking about—the Department of Interior lawyers?

Secretary **UDALL**. I am talking about the Department of Interior lawyers—the other lawyers in the Government who happen to be concerned with the proclamation—Justice, Budget, and the counsel of the White House.

MEMBER OF PRESS. I wonder if we could get the formula for allocating residual quotas from Mr. Moore?

Secretary **UDALL**. I would prefer that you wait. I have not signed the papers. They will be ready today. We are double-checking everything.

MEMBER OF PRESS. I did not mean the individual allocations but how they would be arrived at.

Secretary **UDALL**. I would ask you to discuss this with him on the side.

MEMBER OF PRESS. Mr. Secretary, did you discuss possible amendment to the Oil Control Proclamation with the President during your consideration of this program?

Secretary **UDALL**. No, I did not. I did not at any time discuss it with the President.

MEMBER OF PRESS. Mr. Secretary, were there any particular legal precedents, laws, or anything that settled this national security question on residual oil? Did the lawyers base their views on any particular legal precedents?

Secretary **UDALL**. The lawyers did not give any written opinions. I did not see any written opinions if that is what you are talking about.

MEMBER OF PRESS. Do you see any inconsistency in your nonadoption under a national security basis for the residual oil quotas and your original decision to maintain it in the Middle Atlantic States on a national security basis.

Secretary **UDALL**. My lawyers tell me this is inconsistent as a concept. That's why I say it seemed to me that in terms of the reality of the situation that this represented a very practical approach to the problem and one that I think would have helped eliminate what I think is the grossest inequity on the whole program. This was the attitude I would take toward it. There is no real competition between coal and residual oil in Florida or in most of the New England area.

MEMBER OF PRESS. Mr. Secretary, are you going to ask OEP to review the national security aspects of this program?

Secretary **UDALL**. I am sure that this is going to be discussed in the period ahead.

[From the Wall Street Journal, Apr. 5, 1965]

UDALL, CONTINUING ATTACK ON IMPORTS QUOTAS FOR RESIDUAL OIL, QUESTIONS SECURITY NEED

(By a Wall Street Journal staff reporter)

WASHINGTON.—East coast consumers lost a bitter and decisive battle last week in their drive to end Federal import quotas on residual fuel oil. But they will likely win the war within another year.

The timing will largely depend on how long it takes Buford Ellington, Director of the Government's Office of Emergency Planning, to carry out a new study on whether national security warrants the controls.

Interior Secretary Udall is convinced that national security doesn't justify a Federal lid, and on Saturday he asked Mr. Ellington for a searching new study of the national security question.

Mr. Udall's views have wide support in the administration. A week ago Friday, he and administration staff members met at the White House and agreed on the ill-fated scheme to lift controls on some New England States and Florida. They agreed, too, that similar relief for the other East Coast States would follow in due course.

The Interior Secretary's belief that quotas aren't required by the national interest also reflects the conclusions of a Cabinet committee, of which he's a member, that recently reviewed the economic state of the coal industry.

The committee's findings haven't been published, and officials deny that any report exists despite word elsewhere to the contrary. But Defense Secretary McNamara, its chairman, informed the coal industry by letter released last Friday night, that the panel unanimously rejected the industry's request for maintaining tighter limits on rival residual oil imports. Mr. McNamara stated tersely that accepting the proposal was not in the national interest.

REGIONAL CLASHES ARE SHARP

The struggle between those who supply and use residual oil and the coal industry has produced sharp regional conflicts. Residual oil, a cheap, gummy petroleum byproduct, comes mostly from crude oil produced in Venezuela and refined there and in the West Indies. It's used to fire boilers in industrial and electric utility plants and to heat large buildings. Because of costs and handling problems, it's generally consumed near the port of entry.

East coast consumers from Maine to Florida claim that the Federal program of limiting imports to the estimated difference between demand and available domestic supply means higher costs.

But the coal industry and lawmakers from coal-producing States insists, among other things, that a free inflow of residual oil would have a "disastrous" effect on the economy of West Virginia and other Appalachian States.

Mr. Udall is finding himself in a heavy crossfire on this and other oil-import questions. He has been reassured time and again by the White House that President Johnson meant it when he told his Interior Secretary in December 1963 to take over all oil policymaking. The President evidently was sensitive that his ties to Texas, a major oil-producing State, might cause suspicions about administration oil decisions if the White House was involved.

SIGNATURE'S SIGNIFICANCE

Such suspicions can arise anyway, of course. Mr. Udall, in later discussing his talks last Tuesday with White House Counsel Lee White, which led to dropping the plan to exempt part of New England and Florida, carefully stressed that the conversation covered legal rather than political matters.

Word of the partial-exemption plan leaked out, angering lawmakers representing other east coast States. Then, when the strategy was dropped, there were loud cries from the New Englanders who had been led to expect good news. The coal industry, despite temporary continuation of controls, was upset by the quota increase and could find little joy in Mr. Udall's criticism of the program.

Though Mr. Udall may be able to formulate oil policy himself, the President must sign any changes in the White House proclamation that first established the mandatory import curbs on residual and other oils 6 years ago.

Mr. Udall insists the Presidential signature would be merely a "ratification" of his own decision. But if the Secretary proposes any major overhaul, such as dropping residual oil controls or adding some other restriction, his ability to carry out the decision apparently can be limited by the national security issue.

Mr. Udall says he was advised by his Department's legal counsel that lifting the residual quota for some States but not others wouldn't raise a question of national security. But Mr. White and others disagreed, the Secretary explains, and this caused the 11th-hour decision to continue the present program with a generous increase in the quota ceiling.

Questions remain in some quarters, however. Those familiar with the reasoning behind an Office of Emergency Planning report on residual oil imports 2 years ago insist it clearly concluded that Federal controls were not justified by the national security. These sources question the procedural need for a new OEP study.

For his part, Mr. Udall says the earlier report submitted by Edward McDermott, then Chief of the OEP, is outdated and failed to make a "clear-cut finding."

The Interior Secretary says he doesn't expect any midstream change in the new, yearlong residual oil quota program that went into effect last Thursday and continues through next March 31.

Meanwhile, however, Mr. Udall faces other tough decisions on oil. By July 1, after studying reams of testimony submitted at hearings last month, he must determine whether to change Federal import controls on crude and other oils. Independent domestic producers are clamoring for more protection against the foreign inflow.

While there's no question of dropping these other oil import controls entirely, Mr. Udall said last week he does expect to make decisions that will probably require some changes in the Presidential proclamation. One would result from allowing Phillips Petroleum Co. to establish a petrochemical complex in Puerto Rico, a move to which he has already given tentative approval.

LOUIS "SATCHMO" ARMSTRONG—U.S. AMBASSADOR OF GOOD WILL

Mr. **JAVITS**. Mr. President, Louis "Satchmo" Armstrong, who has been touring the world winning friends for the United States for the past 15 years, scored another victory recently. With his gravel voice, his natural gift for human relations, and, most importantly, with his golden "jazz" trumpet, he was the first American entertainer to appear in East Germany. He played music which has been decried by the Communists for years as being "degenerate," and he was triumphant. Even the Communist daily newspaper was forced to review Louis' performance on page 1, and to admit that it was an outstanding success.

This is the work of an entertainer with so much humanity and so much talent that he has enthralled peoples of scores of nations and all races throughout the world. He has been called "Ambassador Satch," for his work in making the vitality of the American spirit and folk jazz music known throughout the world, both through the State Department's cultural exchange program and his own tours.

He deserves the gratitude and the thanks of the U.S. Government and all Americans. I feel that Louis Armstrong, a son of New Orleans who delivered coal and played at funerals to get his start 50 years ago, should certainly be very seriously considered for a Presidential Medal of Freedom for his services to his country, and I have suggested it to the President. He will be 65 on July 4, the day the Presidential Medal winners are to be announced.

Nobody can estimate the amount of good will for the United States that Louis Armstrong has produced with his trumpet on the wide-ranging and exhausting concert tours he has undertaken. Singing and smiling, shaking hands and signing autographs, he has won the admiration and respect of thousands throughout the world.

It would now be appropriate if this admiration were reflected in an award of the U.S. Government.

I ask unanimous consent to include in the Record at this point an editorial entitled " 'Satchmo' Takes Another Country," from the San Francisco Chronicle of March 23, 1965.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the San Francisco Chronicle, Mar. 23, 1965]

"SATCHMO" TAKES ANOTHER COUNTRY

Louis "Satchmo" Armstrong, the last and by all odds the greatest of the oldtime "hot" trumpet players captivated audiences on the other side of the Iron Curtain. In East Berlin over the weekend, he put his gravel voice, his matchless trumpet and his gift for human relations to such use that the Communist daily "Neues Deutschland" reviewed his performance on page one and called it triumphal.

Neither the performance nor the review were any novelty for Satchmo. For 15 years he has been touring the world and winning plaudits, either on his own or under the State Department's culture program, until he has come to be known as "Ambassador Satch." But here he was the first American entertainer to appear in East Germany, practicing an art form that the Communists had for years been decrying as a "degenerate import." And here he affected a Communist audience precisely as he has affected audiences of various races and tongues and creeds for a half century—again proving his contention that regardless of the language or political beliefs, "notes are all the same, everywhere" and "when a good old good note is blown, all the cats dig it."

How much goodwill for America has been blown by Satchmo's trumpet on his wide-ranging and exhausting concert tours cannot possibly be estimated. But it has been of sufficient quantity and substance that Senator Javits and other Members of Congress have sought to have it recognized through the award of a special gold medal to this unofficial ambassador for his patriotic and humanitarian achievements on a national and international level.

Singing and smiling, blowing his beautiful horn, laughing and signing autographs, Armstrong has won admiration, respect and a multitude of friends around the world. To be sure, he has been barred from appearances at the University of Alabama, but even there the campus newspaper has called him a great American.

He is also unique and a genius both as a jazz musician and an apostle of friendship. (It will be recalled that last year he played a 75-minute concert before the fourth-, fifth-, and sixth-graders at Castlewood School in East Oakland, because "the kids asked me.") Such an artist, such a man, such a representative of the United States abroad, is beyond dispute more richly deserving of national recognition than many a recipient of such honors in the past.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

THE UNJUSTIFIED PURPOSE TO CLOSE THE ONLY FEDERAL VETERANS FACILITY IN ALASKA

Mr. GRUENING. Mr. President, the American Legion, Department of Alaska, on March 13 adopted resolutions opposing the closure of the Veterans' Administration regional office in Juneau.

Alaska members of the American Legion at their western district convention recommended "that the VA office be retained within the State of Alaska for practical reasons, and not a thousand miles from community needs."

The announced closure of the VA regional office at Juneau has caused considerable concern to veterans in the State; and I share their belief that the office can better serve the State practically if it is within the State, not one thousand or more miles from the needs of the communities in Alaska.

I hope the administrator of the Veterans' Administration will see the wisdom in reversing his decision which can only bring a small saving and enormous discomfort and disservice to men who have willingly served their country in times of crisis.

I ask unanimous consent that the full text of resolution No. 65–1, adopted at the Western District Convention of the Alaska Department of the American Legion, be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

RESOLUTION NO. W.D. 65–1

Whereas it has been announced that Veterans' Administration Regional Office at Juneau, Alaska is to be closed and its functions transferred to the VA Regional Office in Seattle, Wash.; and

Whereas the western district convention recommends that the VA office be retained within the State of Alaska for practical reasons, and not a 1,000 miles from community needs; and

Whereas the reasons given for closing the VA are not fully justified: Now, therefore, be it

Resolved by the Department Executive Committee of the American Legion, Department of Alaska, in meeting assembled this 13th day of March 1965, at Ninilchik, Alaska, That we oppose the closure of the VA Regional Office in Alaska and urge that the VA office facilities be retained operational in Alaska; and be it further

Resolved, That copies of this resolution be sent to our congressional delegation and interested persons.

WALTER B. BOLLING,
Department Commander, 1964–65.

Attest:

JOSEPH M. BRIONES,
Department Adjutant.

ROME AND BIRTH CONTROL

Mr. GRUENING. Mr. President, on April 1, when I introduced S. 1676, a bill to implement President Johnson's pledge to seek new ways to deal with the population explosion, I said:

> Perhaps the greatest change in attitudes and open discourse on the population problem is taking place right now within the Catholic Church and between Catholics and others. The winds of this gratifying change are apparent.

I was pleased to find that on the same day the Washington Evening Star commented on the subject, in its editorial entitled "Rome and Birth Control."

The Star suggests that the Vatican may yet find a spiritual rationale that will make some form of birth control acceptable to the church. Furthermore, the Star feels that the U.S. Supreme Court, which now is considering whether the State of Connecticut has a right to enforce its 86-year-old law barring contraceptive devices may find the legal rationale to make some form of birth control acceptable to the State. Let us hope the Star is correct.

I ask unanimous consent that the full text of the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Star, Apr. 1, 1965]

ROME AND BIRTH CONTROL

Pope Paul VI, in his first encyclical as John XXIII's successor, discoursed at considerable length on the role of the Roman Catholic Church in relation to the nonmystical, down-to-earth problems that divide and often torment the human race. The Vatican, he said, "should enter into a dialogue with the world in which it exists and labors." And he proclaimed Catholicism's desire to join with all other religions "in promoting and defending common ideals of religious liberty, human brotherhood, good culture, social welfare and civil order."

The church of Rome, in keeping with this ecumenical spirit, has been profoundly reexamining itself ever since the pontificate of John XXIII. As a result, with many a Catholic objecting or feeling puzzled and dismayed, the central see of the world's most populous religion—by far the most ancient in Christendom—has been imposing upon itself a kind of liturgical and doctrinal revisionism, modernization, or face-lifting, call it what one will. And now, in recognition of the nuclear age and the population explosion—two factors that have revolutionized the nature of the world in frightening fashion—the Vatican has decided that the time has come to take another look at its dogma outlawing birth control.

Of course, given an all-out thermonuclear war, the question would be academic. Assuming, however, that there is not going to be such a war, the world must reckon with a thoroughly terrifying increase in population between now and the end of the century—only 35 years away. Events themselves, the mere bulk of ever-multipling people, have raised a grave challenge to Rome's doctrinal rule against contraception—a rule shared, incidentally, by some other major religions. Pope Paul has responded accordingly. He has called upon his special commission of priests, scientists and laymen—a group organized last year—to reevaluate centuries-old dogma in the light of a world that has changed radically in terms of the number of its people within little more than a decade or two.

Pope Paul, with this background in mind, apparently feels that Rome's birth-control views need to be modified. That is why he has instructed his special commission to study the subject with care, realizing "the anguish of so many souls" who feel that contraception is a grave sin against nature and nature's God. The U.S. Supreme Court is concerned with a similar subject. It must pass judgment soon on whether or not Connecticut has a right to enforce its 86-year-old law barring contraceptive devices.

Between them, the Vatican and our highest tribunal may yet find a spiritual and legal rationale that will make some form of birth control acceptable to church and state alike.

OPPOSES LEASED RURAL CARRIER CARS

Mr. **MUNDT**. Mr. President, the Post Office Department has been engaged in a study on providing equipment on rural mail routes to replace the present statutory requirement that rural carriers be paid an equipment maintenance allowance of 12 cents a mile, or $4.20 a day, whichever is higher.

Since this study was announced by the Department, I have received many letters from rural mail carriers in my State of South Dakota who are concerned over their ability to continue adequate service to their rural mail patrons if they are required by law to use leased vehicles provided by the Department. I also have received letters of opposition from many auto dealers in small towns, which are the backbone of our rural economy, who presently sell vehicles to rural carriers and service the same vehicles.

I wish to state today that I intend to oppose any proposal which would grant the Post Office Department authority to lease vehicles to these rural carriers. From my own personal knowledge of my State, and from information submitted to me by rural carriers and businessmen, I do not feel that such a system would be practical or would provide efficient mail delivery service. Most rural carriers in South Dakota have at least two vehicles which they use in delivering mail, to make certain that they serve their routes in all types of weather—and in South Dakota we have all types. The carriers provide their own facilities for housing their vehicles; and many of them do their own maintenance work on the vehicles, to insure they are in operating condition at all times.

These rural mail carriers have an outstanding record of providing efficient and courteous mail delivery service under all conditions, and they are proud of their record. I agree with their contention that, for most of them, a single leased vehicle would not serve their needs; and I share their concern about the difficulties they would be likely to have in the maintenance of Government-furnished vehicles.

THE BRIDGE CANYON AND MARBLE CANYON PROPOSALS

Mr. **LAUSCHE**. Mr. President, one of the most glaring examples of inconsistency in a Federal bureau is to be found in H.R. 4671, a bill, sponsored by the Department of Interior, to authorize the construction, operation, and maintenance of the Lower Colorado River Basin project, and for other purposes.

The inconsistency that I refer to by the Department of Interior includes a proposal in section 302 of the bill to construct, operate, and maintain units which include the construction of a dam at Bridge Canyon and another at Marble Canyon on the Colorado River. Here we find the Department of Interior supporting a bill, the provisions of which, in part, are in direct conflict to the same Department's strong stand on another bill supported by it and passed in the last session of the Congress.

The reason I say this proposal is inconsistent with the Department's views in general on preservation for posterity of our Nation's natural wonders is basically because it is in direct conflict to testimony given by the Secretary of Interior in 1963 when he wholeheartedly supported the wilderness bill. In his appearance before the Senate Interior and Insular Affairs Committee in behalf of the wilderness bill, the Secretary quoted from a book written by Aldo Leopold, one of the Nation's greatest conservationists of all times, as follows:

> Like winds and sunsets wild things are taken for granted until progress begins to do away with them.
>
> Now we face the question whether a still higher standard of living is worth its cost in things natural, wild, and free. For us of the minority, the opportunity to see wild geese is more important than television and the chance to find a wild flower is a right as inalienable as free speech.

The Secretary went on to add his own comments to this:

> This, I think, presents the case as briefly as one can.
>
> There is another statement that I have thought, in a very direct way, makes the case about as well as it has been made in recent years, and this is a statement by the chairman of this committee. If you will indulge me, I would like to read it.
>
> This is in an article that he wrote a year or two ago about wilderness legislation.
>
> "There is a spiritual value to conservation and wilderness typifies this. Wilderness is a demonstration by our people that we can put aside a portion of this which we have as a tribute to the Maker and say, 'This we will leave as we found it.'
>
> "Wilderness is an anchor to windward. Knowing it is there we can also know that we are still a rich nation, tending to our resources as we should, not a people in despair searching every nook and cranny of our board or cupboard for a blade of grass or a tank of water."
>
> I think this is a very forceful statement of the case for wilderness legislation.

Mr. President, that same argument, and I concur that it is sound, applies very strongly in opposition of any proposal to desecrate any portion of our Grand Canyon and scenic Colorado River.

Furthermore, Mr. President, the Secretary of Interior continuing his testimony in favor of the wilderness bill, indicated very clearly that it was his belief that his Department would desire any water development in a wilderness area to be subject to Presidential decision. He said in part:

> We think these decisions are of such importance that a decision, requiring the dignity of a Presidential determination, ought to be made in all cases.

Unless the Secretary is too inconsistent, it is only logical to assume that when he says "in all cases" it is to apply to the Bridge Canyon and Marble Canyon projects. There are no wilderness areas in this country with any higher degree of esthetic value than the portions of the Grand Canyon that would be affected by this bill.

Mr. President, this bill should be amended to strike out the proposals in reference to Bridge Canyon and Marble Canyon projects. Benefits from these proposed dams would be strictly local, while the loss of scenic and esthetic value to the canyon would be international. We propose the spending of hundreds of millions of dollars to create new recreation areas and to beautify the country, and, at the same time, propose to spend billions to destroy a wonder of the world.

Mr. President, the Secretary of Interior, in his testimony on the wilderness bill in referring to the progress of our Nation in conservation of natural resources said, in part:

> But this country, and this is another thing that I have learned, is looked to all over the world for its pioneering in conservation.
>
> We did the wrong kind of pioneering for about a century, but beginning with Teddy Roosevelt, we started down the right road and our national park system, for example, is looked to all over the world, and people come from all over the world to see this pattern of land management and land use, and to find out what our national park system is all about.

In paying tribute to President Theodore Roosevelt, however, the Secretary did not tell what President Roosevelt further said in reference to the Grand Canyon:

> Leave it as it is. The ages have been at work on it, and man can only mar it.

This was the President's recommendation in 1908 when he proclaimed part of the canyon a national monument.

Mr. President, such a cynical disregard for a supreme natural wonder comes at a strange time. On February 8, in his much admired message to Congress on natural beauty, President Johnson wrote:

> For centuries Americans have drawn strength and inspiration from the beauty of

our country. It would be a neglectful generation indeed, indifferent alike to the judgment of history and the command of principle, which failed to preserve and extend such a heritage for its descendants.

Mr. President, in a bulletin from the Department of Interior just recently issued and dealing with the Bridge Canyon and Marble Canyon units, as referred to in this bill, the Secretary recognizes that there would be some loss of scenic values from the Bridge Canyon Dam, and that there would be no appreciable effect on the National Park as a result of the Marble Canyon Dam. Past history of the development of hydro and water storage projects in this region of the Colorado River is contrary to the foregoing statement. Surely we have learned some lessons from the disaster at Glen Canyon and the near disaster at Echo Park. Surely we now know that on the scenery-rich water-poor Colorado, new hydroelectric projects no longer make any sense. Surely we now know that we do not have to build any more expensive, wasteful, fast-silting reservoirs out in the middle of the desert a hundred miles from anywhere in order to sell high-cost power—probably at a loss—to finance irrigation.

If the Interior Department must sell power to pay for irrigation, then let it produce power in whatever manner is most economical of irreplaceable resources. If present laws do not permit this, then the laws should be changed—not Grand Canyon.

WISCONSIN FAMILY CREATES PROFITABLE RECREATION FARM

Mr. NELSON. Mr. President, demand for outdoor recreation near our metropolitan centers is expanding rapidly. Much of this demand can be met by recreation enterprises on farmland.

There is considerable interest in recreation farms in Wisconsin, which has an almost unlimited acreage of countryside richly endowed with wildlife and natural beauty. These enterprises usually can be handled by a single farm family.

One of the outstanding examples of successful recreation farming is the 350-acre sporting paradise operated by the Frank Schneider family in Calumet County near Lake Winnebago. It can be reached easily by auto from Milwaukee and is close to such cities as Appleton, Fond du Lac, Green Bay, Manitowoc, and Sheboygan.

The Schneider family recreation farm is described in an excellent story by Dorothy Anderson that appeared in the April 2 issue of the Sheboygan Press. I invite my colleagues to read about this recreation business enterprise and ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILTON.—Posted signs on many Calumet farms indicate that trespassers are not welcome, but not so on the 350-acre Frank Schneider family farm abutting the Niagara escarpment on the edge of Lake Winnebago.

Not only are visitors welcome but they are encouraged to come; especially those who like to fish, hunt or ride horseback. Of course, if you want to do all of those things in one day, Mr. Schneider is the one who could arrange it.

This sportsman's mecca began 5 years ago when Mr. Schneider recognized that on his land was a natural formation for making a spring-fed fish pond by clearing the land and damming the flow of water. The project was begun for the benefit of the family. How could a young lad who is fond of the out-of-doors be more happy, thought Mr. Schneider, than his sons with the dandiest fishing spot in the area right in their own back yard?

Plans were made and the work was begun. But more knowledge of how to go about the project was needed and sought by Mr. Schneider.

Enlisted was the help of Bruno Zucollo, Calumet County soil conservationist, and Armin Schwalenberg from the Agricultural Soil Conservation Service.

Two ponds were recommended by the conservationists, one to hold water in reserve in case the dam that holds the water from its natural course to Lake Winnebago should give way.

That is how the arrangement was made—two ponds with a smaller pond overflowing into the larger as the water from springs and from runoff is collected. A series of obstacles forming rapids slows the water from the lower pond to the upper pond.

DAM BREAKS

During the heavy rains of late February and early March, the foreseen possibility developed. The big dam and spillway made of clay and concrete gave way and the larger pond began emptying into Lake Winnebago. Plans to rebuild the dam are underway, according to Mr. Schneider.

In the meantime, the instinct to travel upstream for spawning is keeping the fish in the ponds. The damming of the water is expected to be completed in time for the large swell in trout fishing coming in late spring and early summer.

Although there are black bass and bluegills in the ponds, the trout are the real game fish, according to Mr. Schneider. "They are the only thing with brains in the water," he declared. Whether a sportsman is a kid of 6 or 60, he is intrigued by a leaping rainbow trout, and the trout fishermen are the elite among sportsmen, Mr. Schneider believes. The trout fishermen are generally gracious, considerate people with respect for the beauty and the wisdom of the wily fish.

The fee for fishing in a pond is $2 per day with a limit of 10 trout per fisherman—and as many bass and bluegills as he can get.

The black bass multiply rapidly. From an original stock of 200 fish put in 2 years ago, 1,800 were taken out last year, explained Jim, the eldest son of the Schneiders. "They will hit anything; they're crazy," he conjectured. The bluegills are more sparse, with an estimated 300 having been taken in a year.

The largest catch by far is the trout with an estimated 500 caught per month at the peak of the season in May and June. But fishing goes on all year round from the stock of between 4,000 and 5,000 trout kept in the pond. As the fish are caught, more are added to keep the ponds well stocked with rainbow, brook, and brown trout, which are added at about an 8-inch length to the supply in the pond.

Buying the fish at a larger size is more expensive, but too many are lost in the growing period with the purchase of fingerlings. Buying the larger fish to stock the ponds prevents catching fish too small to keep.

Some trout have eluded all lures and have succeeded in growing to a 10- or 12-pound size, Mr. Schneider said. Those fish cannot be caught because they break any line. Spearing through the ice was attempted, but again the fishermen proved no match for their nimble prey.

Any type of bait is permitted with the requirement that live bait be only shiners to prevent rough fish from getting into the ponds.

DUCK HUNTING

Another year-round sport is duck hunting from blinds along a flight path between the feeding area and the duckpond.

In the third pond some distance from the fishpond but also in the water course of runoff to Lake Winnebago, are the wild ducks. The ducks are fed from duckling size in a feeding area that is gradually moved up the slope above the duckpond until the ducks are feeding on the steep escarpment.

When hunters come, ducks caged in the feeding area are set free a few at a time. Flying at a speed of about 75 miles per hour on a course back to the pond, the ducks make a difficult target. Wounded ducks are shot with a rifle by Mr. Schneider, an expert marksman, and must be taken by the hunter inflicting the wound.

Between 900 and 1,000 waterfowl are kept annually for hunters—ducks that are marked but are free to join the passel of wild birds frequenting the area.

Some changes are in the planning stage for the duck hunting, Mr. Schneider said. He hopes to make a longer flight path in the future.

For hunters who prefer pheasants, the season begins in October. The birds are raised from chicks and are set free as the hunters request hunting privileges.

The birds find cover in a sizable millet field, in the high grass allowed to grow in the hillside, in an alfalfa field, or in cornfields. Hunters without a dog are furnished one by the Schneiders, and the best of hunting under natural conditions is assured. A per-bird charge is made with a $5 minimum for pheasant hunting, according to the owner.

Approximately 500 pheasant are released each year with many of them escaping the stalking marksmen. Any pheasants that remain after the season permitted by conservation authorities are set free and in spring a new flock of chicks is purchased in preparation for the next year's hunt.

Among the visitors at the farm have been few "meathounds." "I believe the disgust that shows on my face discourages them," Mr. Schneider volunteered. Here is surely a place for real hunting and real sportsmen.

Although saddle horses are kept on the farm, the riding business is run by David Petrie Appleton. A bridle path allows freedom from the hazards created by auto traffic.

With such a great variety in providing recreation, the Schneiders have worked hard on costly projects, but they do not consider it their project alone. Many of the sportsmen are deeply interested in the problems and the joys; some have lent a hand occasionally. The Conservation Service, the service of the county agent, and the cooperation of people around the farm all help to make the project a success, according to Mr. Schneider.

For a family of six children, the place seems like a paradise, but they too share the work and responsibilities. Contrary to what the parents expected, there was a feeling of being "underprivileged" among the youngsters.

When the public was invited to use the recreation facilities, the feeling disappeared with sharing their advantages, Mr. Schneider declared.

Through enthusiasm and soaring costs of the projects, what began as family recreation has grown into the only farm of its kind in Calumet County, 350 acres for the growth of wildlife and the enjoyment of people looking for a change from the humdrum workaday world.

THREATENED STEEL STRIKE

Mr. ROBERTSON. Mr. President, the threat of a costly steel strike next month prompts me to call attention to the bill (S. 989) I introduced on February 4 to give the Government a new weapon for dealing with work stoppages which seriously affect the Nation's economy, health, or safety.

According to press reports from Pittsburgh, an impasse already has developed in the current negotiations between the steel companies and the United Steelworkers Union.

I was prompted to introduce my bill in February by the outrageous strike of longshoremen, which needlessly cost this Nation hundreds of millions of dollars.

That strike conclusively proved that the provision in the Taft-Hartley law, allowing the Government to obtain an 80-day injunction as a cooling-off period in major strikes, is ineffective.

My present bill is similar to one I sponsored in 1950, when John L. Lewis was arbitrarily controlling the production of coal in order to force up prices. At that time the Senate Judiciary Committee held 2 days of hearings and then put the bill to sleep.

No committee action has been taken on my current bill, and I doubt if action could be taken now in time to head off a threatened steel strike next month.

If a steel strike occurs it could also affect the aluminum plants. It would mean a heavy economic loss to the Nation, and could possibly be settled only at the expense of highly inflationary wage increases.

If that happens the people will have to bear the consequences because of the unwillingness of Congress to take appropriate action.

Although the introduction of my bill was prompted by the longshoremen's strike, it would not be confined to the transportation industry. It provides that when a labor organization unreasonably restrains trade or commerce in commodities or services essential to the national economy, health, or safety—or any substantial segment thereof—the Government could seek injunctive relief, and a Federal court could decide whether the strike was an unreasonable restraint on commerce.

LABELING AND ADVERTISING OF CIGARETTES

Mr. MORTON. Mr. President, during our Senate Commerce Committee hearing last Friday, April 2, on the cigarette labeling legislation, my distinguished colleague from Kentucky [Mr. COOPER] presented what I consider to be an outstanding challenge of the authority of the Federal Trade Commission to impose any so-called trade regulation rule with regard to labeling and advertising in relation to the hazards of smoking.

His legal and perceptive reasoning was of such high interest to committee members that I felt other Senators would find considerable food for thought in his remarks.

Therefore, Mr. President, I ask unanimous consent that his statement before the Commerce Committee and attachments mentioned therein be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN SHERMAN COOPER, BEFORE THE SENATE COMMITTEE ON COMMERCE, APRIL 2, 1965

Mr. Chairman and members of the committee, I thank the committee for this opportunity to present my views on the bills before you, and on the general proposition of regulating the labeling and advertising of cigarettes. I know that this committee is giving thorough consideration to this question, its relationship to health and to the tobacco industry, and to the very important issue of the claim of authority by the Federal Trade Commission to extend its powers further than has ever been done before.

I have read several times the Surgeon General's report, "Smoking and Health," and I do not derogate its importance. I say this as one who is a representative of Kentucky—the second largest producer of tobacco in the United States, and the largest producer of burley tobacco—with 200,000 farmers engaged in the production of burley, dark air cured and dark fired tobacco, representing an annual value of $300 million. And, of course, the total value of the industry to Kentucky's economy is much larger—considering the manufacture, warehousing, transportation, and all aspects of the tobacco industry.

Having read the Surgeon General's report several times, and, as I said, recognizing its importance, nevertheless, I say to the committee that the report does not confer upon the Federal Trade Commission any powers that have not been authorized to it by the Congress.

I have read the statement of the Federal Trade Commission in which it attempts to justify, and I use the word "justify" advisedly, the basis and purpose upon which it proposes its "trade regulation rule for the prevention of unfair or deceptive advertising and labeling of cigarettes in relation to the health hazards of smoking." As you know so well, the rule was promulgated by the Commission on June 22, 1964, and is intended to become effective on July 1, 1965. From my study of the statement of the Federal Trade Commission and the testimony given by Chairman Dixon before the House Committee on Commerce and this committee, it is my judgment that the FTC is without authority to promulgate a rule such as it has proposed with respect to cigarettes.

I believe there is a serious question as to whether the FTC has authority to promulgate any general trade regulation. I make this statement upon several grounds. The authority is not specified in the statutes. The Commission, after the enactment of the statute in 1914, did not claim the authority to promulgate trade regulations until 1962—48 years later—and had limited itself to trade practice rules which are designed as guides to industry. Further, Congress, found that it was necessary to grant the FTC specific authority to promulgate trade regulation rules in the cases, among others, of the Wool Products Labeling Act of 1939, the Fur Products Labeling Act of 1951, and the Fiber Products Identification Act of 1953. I will not press this issue further, but I raise the question for the committee's legal inquiry and consideration about the authority of the FTC to promulgate a general trade regulation rule.

Now I want to speak specifically concerning the authority of the FTC to regulate labeling or advertising of cigarettes. And I repeat my earlier statement that, significant as the report of the Surgeon General is, the report does not provide any authority to the FTC. A study of the statement of the FTC attempting to justify its rule, discloses that the FTC makes a labored and contradictory argument.

The statement, as Chairman Dixon testified before this committee, essentially bases the authority of the FTC on the findings of the Surgeon General's report. Chairman Dixon said:

"The reasons justifying such a rule, as more fully explained in the statement of basis and purpose, are basically twofold. First, there is a concensus of medical and scientific opinion that cigarette smoking is a significant cause of certain grave diseases and contributes substantially to mortality from those diseases and to the overall death rate. These were the findings of the Surgeon General's blue-ribbon Advisory Committee on Smoking and Health. These findings are authoritative, reliable, and stand essentially unchallenged. They provide a compelling basis for prompt and effective governmental remedial action."

I am not here to attempt to argue on my part about the findings of the advisory committee, because they are scientific and technical, but I do challenge the statement of Chairman Dixon that "these findings are authoritative, reliable, and stand essentially unchallenged." The report was not based upon original research, but primarily upon a review and evaluation of research conducted prior to the appointment of the committee, and data previously accumulated. The element of causality which is of ultimate importance, was admitted by the report to be based upon statistical association and a combination of factors, rather than the identification of any incriminating component of cigarettes or any finding of the direct affect of any component upon the health of an individual. But most important, it cannot be said, as the chairman claimed, that the report has not been challenged. There is a substantial body of scientific and medical opinion which holds views contrary to that of the report—and the FTC knows that this is correct.

The effect of the ruling which the FTC is attempting to promulgate is to establish as a matter of substantive law that the report of the advisory committee is complete, correct, and unchallenged. The advisory committee itself did not go that far. It has conceded that additional research is needed. To give an example, a few days after the publication of the report, I raised several questions with Dr. Luther Terry regarding the effectiveness of filters, as it had been reported that the committee had found that filters had no value. In response to a letter written by me to him, he said the advisory committee made no judgment as to the effect of adding filters to cigarettes, and further that the committee felt that the development of better filters or more selective filters is a promising avenue for further development. I ask that the letters be made a part of my testimony.

This one instance, among others, indicates the position of the committee that further research is needed. And yet, the FTC adopts the position that the report is complete, conclusive, and unchallenged. If the rule should be maintained, any advertiser would be denied any opportunity to question the basic finding of the Commission. He would be limited to denying that he had advertised in a manner prohibited by the Commission. The statement of the FTC accompanying the rule does not substantiate its claim of legal authority to make such a broad finding. The FTC admits that it does not rely on sections 12–15 as a basis for the substantive prohibitions in its rule. Sections 12 to 15 deal with foods, drugs, devices, or cosmetics, and provide for injunctive relief where there is immediate possibility of danger to human life, health, or safety. The case of ***FTC* v. *Liggett and Myers Tobacco Company***, cited on page 22 of the FTC report, held that cigarettes are not subject to the food and drug section. Therefore, the FTC's authority must be limited to section 5 of the act, which I quote:

"SEC. 5. (a)(1). Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful."

Undoubtedly, the Commission has authority concerning affirmative misrepresentations and deceptive half-truths which induce a significant number of purchasers to choose a particular product, including cigarettes. But the claim of authority of the FTC to regulate the advertising of cigarettes is not based upon its claim that there are any affirmative misrepresentations about cigarettes, or upon deceptive half-truths or that there are any false statements. The cases cited in support of its claim that cigarette advertising represents half-truths has no application at all.

The FTC is reduced to making its case upon the ground that as advertisers claim that a particular cigarette is pleasurable, or socially acceptable, that it is an inducement to smoke, and consequently the advertiser should be required to balance its inducement by stating the health injuries alleged to be consequent on smoking. It claims that the failure to do so is the unfair and deceptive practice which provides it with the authority to regulate.

But on page 95 of the FTC report, it makes this correct statement:

"First, in stating that the Trade Commission Act imposes special requirements with respect to the advertising of such producers we do not, of course, imply that the Commission has been given by Congress a general jurisdiction to protect health and safety of consumers. The Commission's responsibility is not to control or prevent the sale or use of dangerous products, but to insure that the advertising of such products is not unfair and does not deceive." In the face of this correct statement, the Commission is attempting to use an authority which it admits it does not possess—"a general jurisdiction to protect the health and safety of consumers." And with respect to its claim that the advertising of cigarettes—indicating their qualities are pleasurable or socially acceptable—is unfair or deceptive, the Commission has been asserting for 10 years that such advertising is proper. The guides adopted by the Commission "for the use of its staff in the evaluation of cigarette advertising" contain the following notice: "(a) Nothing contained in these guides are intended to prohibit the use of any representation, claim, or illustration relating solely to taste, flavor, or enjoyment."

Let me summarize the claim of authority of the Federal Trade Commission as I understand it from a study of its own report. First, it would arrogate to itself the authority to determine that the Surgeon General's report is conclusive and unchallenged. This is obviously incorrect, and it is an assertion of larger findings and scientific competence than that of the advisory committee. Second, having made this large claim, it now proposed to issue a rule giving to this incorrect statement the force of substantive law. Third, it would then proceed to control labeling and advertising as hazardous to health, not under the Food and Drug section of the Trade Commission Act, under which it admits it has no specific authority, and against its own admission that it has no general authority to do so. Fourth, it asserts its authority under the principle of section 5, claiming that advertising of the pleasurable use of cigarettes and so forth is deceptive or unfair. It does this, although for 10 years it has maintained in its Cigarette Advertising Guide that such advertising is not prohibited. Fifth, the larger consequences of confirming the claim of the authority of the FTC are these—in the future, if this precedent is confirmed, it would mean that the FTC could, on its own judgment, determine that any product might be hazardous to health and thus be permitted to censor advertising.

I want to make it clear that I do not question the power of the Congress to give this broad authority to the FTC if it desires to do so. Also, I do not question the authority of the Congress to enact such legislation as it determines is proper in connection with the labeling and advertisement of cigarettes. And this is the determination that the committee will make. I do suggest that the committee should halt this claim of authority by the FTC by preemption, at least until it determines whether it desires to give the FTC a broad authority which, as I have said, would not be limited to cigarettes but could be extended to any other product.

Finally, I would suggest that if the committee in its wisdom determines to act with respect to labeling any warning statement it imposes should be a truthful one. The proposals of the FTC are not correct and not fair. In my judgment, it would be a statement something on this order: "The Advisory Committee to the Surgeon General has found that smoking is a hazard to health, but there is a substantial scientific and medical opinion to the contrary." Considering the unsettled situation and that research is going forward, I would support the labeling of cigarette packages in a fair but correct manner.

I ask permission of the committee to amplify my statement.

U.S. SENATE,
January 13, 1964.

Dr. LUTHER L. TERRY,
Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. TERRY: The report on "Smoking and Health," and the press conference Saturday, January 11, by the advisory committee to the Surgeon General, appear to be widely interpreted as having included a finding that cigarette filters have no effect. On the contrary:

1. Is it not correct that the advisory committee made no judgment as to the effect of adding filters to cigarettes?

2. Do I understand correctly that the committee made no finding on filters because it believed it had insufficient evidence from animal experiments, clinical studies, or population studies—the three kinds of evidence it considered—on which to base any finding as to the effect of the various types of filters?

3. To the extent that a filter removes tar, nicotine, and the gaseous elements of cigarette smoke, is it not reasonable to assume that the effects of the filter will be similar to the effects reported by the committee of smoking fewer cigarettes?

4. Does not the limited discussion of a new-type filter, on page 61 of the report, suggest that the advisory committee believes that the development of selective filters may have significance in terms of reducing the hazards to health the committee believes it has found?

5. Would not standardized research on the effectiveness and selectivity of filters, as well as additional research on the components of smoke, be desirable?

Because the report of your advisory committee is the subject of wide and general interest, it will be helpful to have your answers, at least to the first question, as quickly as possible.

Sincerely,

JOHN SHERMAN COOPER.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE,
Washington, D.C.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: This is in response to your letter of January 13 which poses certain questions as to the advisory committee's views on cigarette filters. Certainly, it is erroneous to conclude that cigarette filters have no effect. As noted in the committee's report, filters in common use do remove a variable portion of the tars and nicotine. Your specific questions and our replies will follow:

1. Is it not correct that the advisory committee made no judgment as to the effect of adding filters to cigarettes?

Answer. Yes.

2. Do I understand correctly that the committee made no finding on filters because it believed it had insufficient evidence from animal experiments, clinical studies, or population studies—the three kinds of evidence it considered—on which to base any findings as to the effect of the various types of filters?

Answer. Yes.

3. To the extent that a filter removes tar, nicotine, and the gaseous elements of cigarette smoke, is it not reasonable to assume that the effects of the filter will be similar to the effects reported by the committee of smoking fewer cigarettes?

Answer. A categorical answer to this question is difficult. The best I could do would be to answer yes—perhaps, or yes—probably. A part of the problem here is whether the filter in addition to removing tar, nicotine or other elements of cigarette smoke might also lead to different levels of cigarette consumption and different amounts of inhalation, etc. Another difficulty is that we do not know all of the substances which different filters do or do not remove. Since we do not yet know all of the substances in tobacco smoke which have adverse health effects, a given filter might permit the selective passage of hazard substances, as well as selectively removing others.

4. Does not the limited discussion of a new-type filter, on page 61 of the report, suggest that the advisory committee believes that the development of selective filters may have significance in terms of reducing the hazards to health the committee believes it has found?

Answer. Yes. The committee felt that the development of better filters or more selective filters is a promising avenue for further development.

5. Would not standardized research on the effectiveness and selectivity of filters, as well as additional research on the components of smoke, be desirable?

Answer. Yes, unquestionably.

I hope these responses will be of assistance.

Sincerely yours,

LUTHER L. TERRY,
Surgeon General.

ADDRESS BY THE VICE PRESIDENT TO THE INDUSTRIAL UNION DEPARTMENT, A.F. OF L.-CIO

Mr. MONDALE. Mr. President, yesterday Vice President HUBERT H. HUMPHREY, a friend and distinguished former Member of this body, addressed a meeting of the Industrial Union Department of the AFL-CIO. The Vice President's remarks on that occasion comprise what I consider to be one of the finest statements ever made concerning the evolution of the desire for a truly great American society and the contributions of honored Americans to that cause.

Therefore, I request unanimous consent that the Vice President's address be printed at this point in the Congressional Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Vice President Hubert H. Humphrey, Industrial Union Department, AFL–CIO, April 6, 1965

My friends, I am honored today to join you at this meeting. I am especially honored to sit at the table with three men who have given so much to this country.

Martin Luther King—who has given inspired and constructive leadership to the civil rights movement. He has articulated and given personal witness to the most sacred of all human goals—human dignity. And with such leadership, there can be no doubt—we shall overcome.

James Patton—who has given leadership in the struggle to bring the benefits of our abundance to those who have toiled so hard to create that abundance—the agricultural worker, the family farmer. His concern for these Americans has not kept him from seeing the large picture: the problems of the industrial workers and the role of trade unions—the promotion of the general welfare—our obligations to the world community.

Rev. Robert Spike—who has contributed so much through the Commission on Religion and Race of the National Council of Churches. In fact, Reverend Spike stands for the impressive works of all the religious groups in the country today. The social action work of all the faiths has been truly inspiring. There might not be a Civil Rights Act of 1964 if it had not been for the vigilance and the intelligent support given the legislative campaign by all the faiths.

I also wish to give tribute to another who is with us today in spirit: Rev. James Reeb.

There is no group with whom I feel more at home than an IUD legislative conference.

During the 16 years I served in the Senate, I was deeply aware of the talents and the dedication of the men and women associated with the CIO, and then the Industrial Union Department of the AFL–CIO.

This part of the great labor movement has had only three leaders—all great Americans.

In the course of a long life of service, John L. Lewis was abused and he was villified. But his great service to coal miners and to the coal industry—and to his country—was fully recognized last year when he received the highest honor this Nation can bestow on its citizens—the Presidential Medal.

It was Philip Murray who, with his simple eloquence, stated the objectives of trade unionism and, as a matter of fact, of a great society.

He asked, "What is a union for?" and he answered it: "* * * pictures on the wall, a carpet on the floor, and music in the home. * * *"

He led millions of workers in pursuit of those dreams. He had the satisfaction of seeing some of them come true.

Walter Reuther picked up the reigns when Philip Murray died, and progress continued. It wasn't progress for CIO alone, or even for the AFL–CIO. All America has shared in that progress. When the CIO was being formed 30 years ago, average weekly wages for all industrial workers in the Nation was $19.91—less than $20 a week.

Today, one generation later, average weekly wages for all industrial workers is more than $106—more than five times as much.

Even after allowing for the great increase in cost of living, this is a record of which all of you in this room can be proud.

There are millions of American families who have been kept from the ranks of poverty because of the work that your organizations performed.

This progress for America's industrial workers has not been at the expense of other segments. It is a tribute to the American system that in the same 30-year period, corporate profits in America have risen from an annual rate of just $1 billion after taxes in 1935, to over $25 billion after taxes in the current year.

But dollars are not the important measure of the IUD's contributions to our American society. This conference today is a measure of your concern for all America.

You have been talking about voting rights for all Americans—North and South, Negro and white.

You have been talking about increasing the minimum wage and extending its coverage—actions which will have very little effect on the conditions of your own members.

You have been talking about medicare and other health legislation—for all Americans.

You have been talking about the war on poverty, aid to education, improved unemployment insurance.

You have been saying again that what is good for all America is good for organized labor.

When the CIO was born 30 years ago, Franklin Delano Roosevelt was President. It was he who then articulated the first hope for a great society.

"The test of our progress is not whether we add more to the abundance of those who already have much; it is whether we do enough for those who have too little."

This is what the war against poverty is all about.

This is what the battle for civil rights is all about.

We mean to bring to all of God's children the blessings of our advanced technology, and—even more important—the blessings of freedom.

And we mean to bring both security and freedom to every man, woman, and child in these United States.

President Johnson learned his lessons well from the man he loved so much, Franklin Roosevelt. He is determined that this Nation's greatness shall be measured by what we do for the poorest, the most neglected, the most despised, the most rejected of men.

In this march to the Great Society, all of you here—those of you on the dais, and those of you throughout this assembly—are playing a great role.

Together—men of government, men of labor, men of the cloth, men of industry and of agriculture—we will march to that Great Society.

And then there will be, for every family on earth, those symbols of a great society: pictures on the wall, a carpet on the floor, music in the home, and tolerance in every man's heart.

SENATE APPROVAL OF U.N. CHARTER AMENDMENTS URGED

Mr. McGOVERN. Mr. President, yesterday President Johnson sent to the Senate, for its advice and consent, two proposed amendments to the United Nations Charter. These two charter amendments, the first to have been adopted by the General Assembly since the founding of the United Nations, would increase the size of the Security Council and the Economic and Social Council, in order that these organs might better reflect the vast changes in the membership and composition of the United Nations which have occurred during the last 20 years.

I wish to express my strong support of these proposed amendments. As the President said in his message yesterday, they are both wise and realistic. They are increased evidence of the capability of the United Nations to adapt to change. If these two councils are not enlarged now, there will undoubtedly be great pressure for stronger representation of the new members, at the expense of the old members. This would be neither in our interest nor in the interest of a stronger, more workable United Nations. In order to operate effectively, the Security Council and the Economic Social Council ought to be more representative of the U.N. membership as a whole.

I am honored to be a Senate steering committee member—along with the distinguished senior Senator from New York, Mr. Javits—of an organization known as Members of Congress for World Peace Through the Rule of Law. Recently, this organization had the pleasure of sponsoring a breakfast for Members of Congress, at which Secretary of State Rusk explained the purpose of the two amendments now before us for ratification.

I am most hopeful that the Senate will act soon to approve the two United Nations Charter amendments. To be effective, they must be ratified by two-thirds of the member states, including all of the permanent members, by September 1, 1965. To date, 63 of the required 76 nations, including the Soviet Union, have ratified them.

I ask unanimous consent to have printed at this point in the Record a fine article from this morning's Washington Post, which details and explains the proposed amendments.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 7, 1965]

U.N. Charter Change Plans Sent to Senate

(By Murrey Marder)

President Johnson sent to the Senate yesterday two proposed amendments to the United Nations Charter that would help adjust the organization to the great changes in its membership during the last 20 years.

The U.N. has grown from 51 to 114 members since 1945. The greatest change has been in its Afro-Asian membership, which soared from 12 to 61 nations. That has drastically altered the balance of voting strength in the organization, whose original charter never before has been amended.

Changes in the pattern of membership would be reflected in enlargement of the powerful Security Council, and also the Economic and Social Council. But veto rights, and continuing seats on the Security Council, would be retained by the five permanent members: United States, Soviet Union, Great Britain, France, and China.

Hearings and Senate debate on the proposed amendments are expected to produce the most extensive discussions in this country of the purposes and practices of the U.N. since its founding in 1945. The debate is likely to bring requests for more sweeping changes in the world organization, and discussion of such prickly issues as the exclusion of Communist China.

The Johnson administration had hoped the crisis in the U.N. over Soviet and French refusal to pay peacekeeping assessments for the Middle East and the Congo could have been resolved first. That issue now will rebound in the amendment debate. But the debate also may give the administration the congressional sanction necessary to veer off its adamant stand on the debt issue, which was established in part by a congressional resolution.

The amendments, which require the advice and consent of the Senate that is needed for treaties, would carry out resolutions approved by the U.N. General Assembly on December 17, 1963, and submitted to member states for ratification. To be effective, they must be ratified by September 1, 1965.

The two amendments, by changing the language of the U.N. Charter at several points, would accomplish the following:

Increase the size of the Security Council from 11 to 15 members, and raise the number required for a majority from 7 to 9.

Increase the Economic and Social Council from 18 to 27 seats.

Apportion membership on the two Councils on a formal, geographic basis, in place of the present "gentlemen's agreement."

In the Security Council, that would increase the nonpermanent seats for Africa and Asia from two to five; Communist Eastern Europe also would get a regular seat, instead of splitting a term with an Asian nation. The other nonpermanent seats would continue to be allotted on the basis of two for Latin America and two for Western Europe and other areas (Canada, Australia, New Zealand).

Comparable changes would be made in the Economic and Social Council, where the number of African and Asian States would be increased from 5 to 12.

President Johnson said in his message to the Senate that the changes will bring the two Councils "in balance" with the enlarged U.N. membership. In discussing the changes, he called the U.N. veto arrangement for permanent members "a wise and realistic feature" that will be maintained.

The President said the U.N. "has served well the cause of world peace and progress" and American interests, "even though it has been unable to prevent aggression in southeast Asia," or "solve all its internal problems," or overcome other limitations.

When the U.N. acted on the resolutions, the Soviet Union and France voted no, the United States and Britain abstained, and Nationalist China voted only for enlarging the Security Council. Since then, however, 63 nations of the 76 required for ratification, have approved the plan, including the Soviet Union, which reversed its position. All permanent members must approve the changes.

Senator J. WILLIAM FULBRIGHT, Democrat, of Arkansas, chairman of the Senate Foreign Relations Committee, said he saw no reason to delay action on the U.N. Charter amendments once his committee completes action on the foreign aid bill. FULBRIGHT said he has not yet studied the amendments in detail, but in general, he said, "I think the reasons justifying the changes are valid."

PRESIDENT JOHNSON'S VIEWS ON DISTRICT OF COLUMBIA EDUCATION BUDGET

Mr. KENNEDY of New York. Mr. President, the recent action of the House of Representatives in regard to the educational budget for the District of Columbia has caused great concern among those who are interested in education in the District and in the improvement of educational standards generally. This action has come at a time when there is a need, if anything, for much larger educational expenditures in the District.

We have all deplored the recent increases in crime and violence, particularly among young people. Yet the only way to get at the fundamental causes of this behavior is through better educational and recreational opportunities. Trying to cut down on crime and violence without facing up to what has to be done to alleviate their basic causes is not merely inconsistent. It is in fact repressive of the abilities and aspirations of thousands of young people who are thereby deprived of the opportunity to develop into useful citizens. The best in educational and recreational opportunities, particularly for deprived children, are absolutely essential if we are to succeed in breaking the cycle of despair which generates juvenile misbehavior.

The seeds planted when education and recreation are inadequate are sprouting a harvest of misery. What has sprung forth is not measurable merely in terms of the startling financial costs to society. The human loss is even more staggering. The losers are the victims and their families and, too, the criminals and whatever family they have.

We in Congress can get at the roots of this terrible problem in the District of Columbia by doing everything we can to improve the education we offer our young people and by fighting for expanded recreational facilities. It is because we alone have this power under present law that the action of the House is so particularly disappointing.

Mr. President, recognizing this, President Johnson has written to Senator BYRD of West Virginia to express his concern, and I think all of us who are interested in the District and in the best possible education for our young people have a duty to rise in support of the President's position. I believe it is imperative that we in the Senate restore the cuts imposed by the House. I know Senator BYRD will do what he can to respond to President Johnson's concern, and the rest of us should be prepared to act accordingly.

I think President Johnson's letter should be available for all to read, for it concisely and forcefully states the case. Mr. President, I ask unanimous consent that it be printed in full in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY of New York. President Johnson's letter refers in some detail to another aspect of the House's action—its elimination of funds for the John F. Kennedy Playground. That playground was fought for and carefully planned starting back in 1962. It is on a site that was just a junkyard for old cars, and, due to the interest of President Kennedy and many others, it was converted into a playground. What we need now are more such playgrounds, not less. The cost of operating it is far less than the social cost in juvenile delinquency and juvenile crime that it helps to prevent.

We all deplore violence in the streets. We deplore it in our own communities; we deplore it here in Washington, the Nation's Capital. We have an opportunity to do something about it. An increase in the size of the Police Department can be important and helpful. But that step is not in and of itself going to make this problem disappear. We desperately need other action as well. An educational system which can materially assist our young people to live meaningful lives can make a tremendous difference. Schools, recreation, and opportunity for employment can give our young people the most important ingredient which too often is missing; namely, hope, hope for themselves now, hope for the future.

An old Greek philosopher once wrote:

> What joy is there in day that follows day—
> Some swift, some slow, with death the only
> goal.

Without our interest, our help, our recognition of our responsibilities, we can apply this tragic description to the young of this city that belongs to all of us.

EXHIBIT 1

TEXT OF THE PRESIDENT'S LETTER TO SENATOR ROBERT C. BYRD

(The following is the text of a letter sent by President Johnson to Senator ROBERT C. BYRD, of West Virginia:)

DEAR SENATOR: I am seriously concerned with the action of the House of Representatives on the education budget for the District of Columbia. The budget which I proposed to the Congress, as I stated in my accompanying message, was intended as a major effort to remedy educational shortcomings in the District, both in physical plant and in operating staff and facilities. It did not propose to overcome all the deficiencies at once, but it did propose a substantial start. As reduced by the House of Representatives, however, it will barely allow the schools to hold their own in the face of increasing enrollments.

Most serious, in my judgment, are the reductions in counselors, libraries, and library books, on the operating side, and the postponement of a large number of projects for expanding and improving the school plant. It seems to me plain that education—good education, in adequate buildings, and with adequate supporting facilities such as libraries—is basic to all the other programs that are being undertaken to improve the city, including the reduction of its rate of crime. The Congress, in many instances over the past few years, has demonstrated its concern for the education of young people throughout the Nation; we cannot do less for the youngsters of the District.

I appreciate, of course, that until the Congress acts on my requests for a larger authorization for Federal payments to the District, and on the District Commissioners' proposals for new taxes, the Committee on Appropriations cannot restore all of the educational items that were eliminated by the House. There are, however, in the existing authorizations for the Federal payment as well as in the possibilities of additional borrowing for capital outlay, means by which many of the needs can be met. I know you will do what you can.

I am also concerned at the unfortunate public controversy about the John F. Kennedy Playground that has appeared in the Washington papers, culminating in the elimination by the House of Representatives from the District of Columbia budget of funds both for the operation of the playground and for the site of a new Shaw Junior High School. I hope very much that you will do whatever you can to have these budget items restored.

The Kennedy Playground, which is located in a part of Washington that has long suffered from a serious lack of recreational facilities—and which, probably not by coincidence, has a high rate of juvenile delinquency—has been amazingly popular. Since it opened in June 1964, it has been visited by almost a million children. You will recall that in my message to the Congress on the District on February 15 I commented on the success of this largely community-financed project, and suggested that equally desirable facilities should be provided in other parts of the District which were also lacking in adequate play space. The Kennedy Playground, of course, is so attractive to children of all ages that it is virtually a citywide facility, even though the greatest benefit is to the immediate neighborhood.

The Washington community, it seems to me, should receive full support from the Congress for what it has done. The organizers of this project took a piece of ground that was being used as a dump for abandoned automobiles, and made it into a facility of which Washington can be—and I am sure is—proud. The effort was so successful as to lead the School Board and the District Commissioners to recommend that it be permanent rather than temporary.

There are other aspects of this of which I am sure you are aware. Since 1951, when the playground site was acquired by the District as a site for a new Shaw Junior High School, the projected size of the school has almost doubled—from 800 to 1,500 students. The playground site, by any standard, is too small for a junior high school of that size, and the School Board is quite properly seeking a larger site for the larger school, which continues to be one of those most urgently needed. In addition, were the playground to be closed, it would clearly be necessary in the near future to purchase a site for a playground to replace it. The cost of the additional land which is required for Shaw is probably no more than the cost of the additional land which would have to be acquired for another playground, and with land values increasing as they are it could be even less.

It is my hope that the controversy over the amount that was to be provided by the private individuals for operation of the playground during its first year will be resolved soon. Irrespective of that, however, and of such amounts as may be necessary for maintenance due to heavy and continued use, it would be intolerable to have the playground padlocked on June 30. All of us are concerned with juvenile delinquency in the District, and I can think of no more regressive step we could take than to force all of these children back onto the streets and into the alleys. This simply must not be allowed to happen.

Sincerely,

LYNDON B. JOHNSON.

IOU 33: ELECTRIC POWER COMPANY OVERCHARGES DOCUMENTED BY FPC

Mr. METCALF. Mr. President, the traditional 6-percent rate of return permitted major electric utilities is now twice as rare as the whooping crane.

A 6-percent rate of return usually means a return of 9 percent or more on the book value of power company common stock, because carrying charges on the companies' bonds and preferred stock are 4½ percent or less. A 7-percent rate of return frequently means a return of 12 percent on common stock. Yet, the rate of return permitted most major power companies is now in excess of 7 percent, and in many cases above 9 percent.

Last week the Federal Power Commission included for the first time, in its annual "Statistics of Electric Utilities in the United States, Privately Owned, 1963," the rate of return for the 188 electric utilities with annual operating revenue of $2.5 million or more. The rate of return data was compiled for 3 years, 1961, 1962, and 1963. It shows that in 1963 three companies—Blackstone Valley Gas and Electric, Rhode Island, Montana Power, and New Orleans Public Service—had a rate of return above 10 percent. Seventeen companies had a rate of return between 9 and 9.99 percent, 35 companies between 8 and 8.99 percent, 56 companies between 7 and 7.99 percent, 54 companies between 6 and 6.99 percent, and only 23 companies had a rate of return of less than 6 percent.

All of the revenue to provide such extraordinarily high rates of return comes, of course, from power company customers. They are overcharged hundreds of millions of dollars each year. These overcharges amount to as much as $5 per month for residential customers in some areas.

I actually understated the case when I said that the power company with a rate of return less than 6 percent was twice as rare as the whooping crane. After all, there are now 50 whoopers. And the 23 companies with a rate of return below 6 percent include operating company subsidiaries which sell wholesale power only, at least one company which serves rural customers on a nonprofit basis and, of course, some of the relatively smaller systems, although any company which takes in $2.5 million a year is not small business.

Mr. President, I commend the Federal Power Commission for compiling and publishing this useful information. The FPC has provided facts which will be helpful to State regulatory commissions, Congress, and electrical consumers. I trust that rate of return studies will be compiled and published annually by the Commission in the future.

Mr. President, I ask unanimous consent to insert in the body of the RECORD, immediately following these remarks, the rate of return study which appears on pages 651, 652, and 653 of "Statistics of Electric Utilities in the United States, Privately Owned, 1963."

There being no objection, the study was ordered to be printed in the RECORD, as follows:

The report this year introduces a new feature summarizing the indicated rates of return of electric utility companies on their overall electrical operations for the years 1961, 1962, and 1963. The 188 companies included in the study are those having annual electric operating revenue of $2,500,000 or more. A 3-year period was used to avoid possible distortion that could arise from analysis of earnings for a single year. It will be noted, however, that for most utilities the calculated rate of return did not fluctuate widely from year to year.

Rates of return were calculated on a uniform basis using, with minor exceptions, principles and practices employed by the Federal Power Commission in its electric rate regulation. The earnings base is average net electric plant plus an allowance for working capital. Return is equal to electric operating revenue less expenses including operating and maintenance expense, depreciation, and taxes. A detailed explanation of the method of calculating rate of return is contained in appendix A.

The study was prepared in connection with the Commission's program for regulating wholesale electric rates in interestate commerce. It is not intended as an evaluation of the reasonableness of the earnings of any electric utility. It is recognized that in many jurisdictions the rate base used differs in varying degrees from that used in the calculation of rate of return in this study. At the present time some form of fair value rate base is used in a number of State regulatory jurisdictions. Also, the treatment of income taxes differs among the various jurisdictions, as does the treatment of certain other elements of cost of service. Finally, no one rate of return is applicable to all companies or all jurisdictions, but the allowable rate of return will differ from one company to another.

It should be emphasized that the rates of return set forth in this study cover only the specific historical periods indicated. They do not reflect the many rate reductions that were made during 1964 and are being made in 1965. However, to the extent that these reductions reflect the reduced Federal income tax rates which became effective January 1, 1964, and January 1, 1965, and other cost reductions, they will not affect realized rates of return in these later years.

Company	Rates of return (percent)		
	1961	1962	1963
Alabama Power Co	7.11	7.08	7.01
Appalachian Power Co	6.73	7.55	7.40
Arizona Public Service Co	6.65	6.63	6.23
Arkansas-Missouri Power Co.[1]	6.23	7.63	7.38
Arkansas Power & Light Co	6.53	6.64	6.84
Atlantic City Electric Co	7.00	6.69	6.75
Baltimore Gas & Electric Co	6.91	6.61	6.83
Bangor Hydro-Electric Co	6.73	6.98	6.98
Black Hills Power & Light Co	7.75	7.09	6.95
Blackstone Valley Gas & Electric Co	11.38	10.74	11.18
Boston Edison Co.[2]	6.70	6.88	7.24
Brockton Edison Co	7.78	7.95	9.63
California Electric Power Co	5.58	5.59	6.53
California Pacific Utilities Co	6.01	5.28	5.66
Cambridge Electric Light Co	7.75	7.84	8.22
Cape & Vineyard Electric Co	7.23	7.88	7.84
Carolina Power & Light Co	6.73	6.88	6.98
Central Hudson Gas & Electric Corp	6.43	6.46	6.48
Central Illinois Electric & Gas Co	8.58	8.58	8.73
Central Illinois Light Co	6.30	7.65	8.12
Central Illinois Public Service Co.[3]	8.25	8.35	8.87
Central Kansas Power Co	6.20	6.54	6.42
Central Louisiana Electric Co., Inc	8.15	8.46	8.71
Central Maine Power Co	5.95	6.02	6.12
Central Power & Light Co	8.02	8.63	8.75
Central Vermont Public Service Corp	6.05	6.03	6.07
Cheyenne Light, Fuel, and Power Co	9.82	8.65	8.05
Cincinnati Gas & Electric Co	8.07	7.28	7.53
Citizen Utilities Co	7.24	7.38	9.44
Cleveland Electric Illuminating Co	7.13	7.01	7.02
Columbus & Southern Ohio Electric Co.[4]	6.86	5.91	6.69
Commonwealth Edison Co	7.84	7.85	7.89
Commonwealth Edison Co. of Indiana, Inc	6.11	6.91	6.65
Community Public Service Co	8.65	9.14	9.08
Connecticut Light & Power Co.[5]	6.96	6.71	6.65
Conowingo Power Co	4.89	4.90	5.65
Consolidated Edison Co. of New York, Inc	5.36	5.40	5.18
Consolidated Water Power Co	8.63	7.28	2.61
Consumers Power Co	6.82	6.73	6.98
Dallas Power & Light Co	7.40	7.98	9.33
Dayton Power & Light Co.[2]	7.40	7.52	7.55
Delaware Power & Light Co	6.42	6.73	7.21
Detroit Edison Co	6.84	7.08	7.43
Duke Power Co	6.78	7.54	6.98
Duquesne Light Co	7.42	7.51	7.67
Eastern Shore Public Service Co. of Maryland	6.12	4.80	5.18
Edison Sault Electric Co	9.31	9.59	9.43
El Paso Electric Co	8.36	8.98	9.20
Electric Energy, Inc	3.53	3.56	3.51
Empire District Electric Co	7.13	7.88	8.07

Company	Rates of return (percent)		
	1961	1962	1963
Fall River Electric Light Co	7.04	8.16	9.59
Fitchburg Gas & Electric Light Co	7.01	7.03	6.83
Florida Power Corp	7.54	8.08	7.87
Florida Power & Light Co	7.74	8.32	8.31
Georgia Power Co	6.88	7.26	6.94
Green Mountain Power Corp	6.57	6.79	6.76
Gulf Power Co	7.36	7.59	7.73
Gulf States Utilities Co	6.97	7.56	7.41
Hartford Electric Light Co	5.73	6.15	7.03
Holyoke Power & Electric Co	10.39	5.83	5.71
Holyoke Water Power Co	10.03	7.30	7.61
Home Light & Power Co	7.56	7.51	8.01
Houston Lighting & Power Co	7.50	8.62	9.45
Idaho Power Co	6.14	5.83	6.45
Illinois Power Co	8.24	8.58	9.18
Indiana-Kentucky Electric Corp	3.67	3.65	3.64
Indiana-Michigan Electric Co	6.05	6.55	6.91
Indianapolis Power & Light Co.[2] [6]	7.95	8.31	8.26
Interstate Power Co	7.51	7.30	7.14
Iowa Electric Light & Power Co.[2]	7.73	8.06	8.06
Iowa-Illinois Gas & Electric Co	7.70	7.51	8.14
Iowa Power & Light Co	6.14	6.17	6.28
Iowa Public Service Co	6.99	7.06	7.36
Iowa Southern Utilities Co.[3]	7.08	7.99	8.09
Jersey Central Power & Light Co	6.80	6.52	6.94
Kansas City Power & Light Co	6.69	7.00	7.31
Kansas Gas & Electric Co	6.74	7.02	7.50
Kansas Power & Light Co	7.80	8.03	8.12
Kentucky Power Co	7.85	9.90	9.62
Kentucky Utilities Co	7.72	7.85	8.08
Kingsport Utilities, Inc	6.49	6.94	6.31
Lake Superior District Power Co	6.78	6.89	6.81
Long Island Lighting Co	6.97	6.72	6.41
Louisiana Power & Light Co	7.25	7.31	7.40
Louisville Gas & Electric Co	8.00	8.13	8.10
Madison Gas & Electric Co	7.42	7.25	7.50
Maine Public Service Co	7.44	7.03	8.00
Marietta Electric Co	5.98	5.95	6.35
Massachusetts Electric Co.[7]	7.87	5.80	5.43
Metropolitan Edison Co	7.23	7.10	7.32
Michigan Gas & Electric Co	9.43	8.40	9.04
Minnesota Power & Light Co	6.08	6.26	6.27
Mississippi Power Co	7.64	8.11	7.88
Mississippi Power & Light Co	6.88	6.97	7.13
Missouri Edison Co	7.60	7.70	7.25
Missouri Power & Light Co	6.62	7.44	7.21
Missouri Public Service Co	5.82	6.14	6.17
Missouri Utilities Co	6.23	6.80	7.36
Monongahela Power Co	6.96	7.18	7.31
Montana-Dakota Utilities Co	5.34	5.42	6.42
Montana Power Co	9.78	10.12	10.24
Montaup Electric Co	5.79	5.64	6.85
Nantahala Power & Light Co	5.72	9.20	9.88
Narragansett Electric Co	4.96	4.77	4.84
Nevada Power Co.[8]	8.39	7.79	8.21
New Bedford Gas & Edison Light Co	7.54	8.12	7.87
New England Power Co	4.51	5.95	6.52
New Hampshire Electric Co	6.49	6.51	6.08
New Jersey Power & Light Co	6.85	6.66	6.82
New Mexico Electric Service Co	9.29	9.25	9.57
New Orleans Public Service, Inc.[2]	10.88	12.27	13.04
New York State Electric & Gas Corp	6.91	6.79	6.67
Newport Electric Corp	7.28	7.13	7.56
Niagara Mohawk Power Corp	5.66	5.85	5.82
Northern Indiana Public Service Co	8.59	8.38	8.37
Northern States Power Co. (Minnesota)	7.44	8.05	8.34
Northern States Power Co. (Wisconsin)	6.55	6.63	6.54
Northern Virginia Power Co	5.36	5.51	5.35
Northwestern Public Service Co	8.13	7.29	8.97
Ohio Edison Co	7.32	6.96	7.33
Ohio Power Co	6.59	6.77	7.26
Ohio Valley Electric Corp	4.15	4.13	4.14
Oklahoma Gas & Electric Co	6.75	7.47	8.04
Old Dominion Power Co	5.19	5.70	5.26
Orange & Rockland Utilities, Inc	6.43	6.45	6.52
Otter Tail Power Co	5.93	6.14	6.77
Pacific Gas & Electric Co	6.21	6.47	6.43
Pacific Power & Light Co.[9]	6.19	6.45	6.39
Patchogue Electric Light Co	7.51	7.95	7.42
Pennsylvania Electric Co	7.13	6.71	7.06
Pennsylvania Power Co	7.56	8.10	8.40
Pennsylvania Power & Light Co	6.51	6.47	6.63
Philadelphia Electric Co	6.27	6.44	6.55
Plymouth County Electric Co	6.90	7.45	7.85
Portland General Electric Co	7.14	7.60	7.45
Potomac Edison Co	7.81	7.95	7.87
Potomac Electric Power Co	6.98	6.73	6.97
Potomac Light & Power Co	6.28	6.19	6.01
Public Service Co. of Colorado [10]	7.83	7.48	7.68
Public Service Co. of Indiana, Inc	6.48	6.78	7.06
Public Service Co. of New Hampshire	5.68	6.41	5.98
Public Service Co. of New Mexico	7.95	8.09	8.11
Public Service Co. of Oklahoma	7.17	7.44	8.00
Public Service Electric & Gas Co	7.01	7.22	7.14
Puget Sound Power & Light Co	6.38	6.28	5.36
Rochester Gas & Electric Corp	6.20	6.65	7.12
Rockland Electric Co	6.75	6.52	7.24
Safe Harbor Water Power Co	5.12	5.09	5.06
St. Joseph Light & Power Co	8.05	8.06	8.23
San Diego Gas & Electric Co	6.39	6.30	6.31
Savannah Electric & Power Co	7.48	7.22	7.37
Sho-Me Power Corp	2.60	1.73	.04
Sierra Pacific Power Co	8.83	7.99	8.92
South Carolina Electric & Gas Co.[11]	7.68	7.87	7.45
South Penn Power Co	6.62	5.69	7.10
Southern California Edison Co.[12]	6.71	6.61	6.64
Southern Electric Generating Co	7.67	7.97	7.94
Southern Indiana Gas & Electric Co	6.71	6.95	7.63
Southwestern Electric Power Co	7.82	8.48	9.23
Southwestern Electric Service Co	6.74	6.76	7.13
Southwestern Public Service Co	7.24	8.01	8.35
Superior Water, Light, and Power Co	7.65	7.47	8.05
Susquehanna Electric Co	.63	.69	1.48
Tampa Electric Co	7.64	8.33	8.92
Tapoco, Inc	5.64	5.88	7.63
Texas Electric Service Co	8.38	8.85	9.00
Texas Power & Light Co	8.51	9.06	9.67
Toledo Edison Co	6.32	6.81	6.78
Tucson Gas, Electric Light & Power Co	7.85	8.32	7.48
Union Electric Co	6.61	6.60	6.47
Union Light, Heat & Power Co	6.48	5.93	6.04
United Gas Improvement Co	5.77	5.40	5.43
United Illuminating Co.[13]	7.22	7.19	7.52
Utah Power & Light Co.[14]	6.17	6.20	6.33
Virginia Electric & Power Co	7.02	7.41	7.26
Washington Water Power Co	6.09	6.01	5.93
West Penn Power Co	7.33	7.57	7.23
West Texas Utilities Co	9.28	9.48	9.40
Western Colorado Power Co	4.83	4.64	4.72
Western Light & Telephone Co., Inc	7.07	7.56	8.20
Western Massachusetts Electric Co	6.78	7.52	7.14
Western Power & Gas Co.[15]	7.26	7.41	8.25
Wheeling Electric Co	5.89	5.65	5.40
Wisconsin Electric Power Co	6.06	6.12	6.42
Wisconsin Michigan Power Co	5.94	6.15	6.08
Wisconsin Power & Light Co.[16]	7.25	7.16	7.40
Wisconsin Public Service Corp.[16]	7.42	7.93	8.16
Yankee Atomic Electric Co.[17]	3.40	6.39	6.99

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[1] Company acquired all properties of Arkansas Utilities Co. as of June 29, 1961, and of Elaine Utilities Co., as of Nov. 26, 1962.

[2] The company reports depreciation for combined utilities. Rate of return for electric utility based on allocation of depreciation to electric plant on the basis of grc averaged electric plant to gross averaged total plant.

[3] Company acquired Illinois Electric & Gas Co. as of Dec. 1, 1962, through merger.

[4] Return reflects acquisition of certain electric transmission and distribution facilities from Ohio-Midland Light & Power Co. as of Apr. 27, 1962.

[5] Company acquired the Housatonic Public Service Co. as of May 1, 1961, and the Mystic Power Co. as of Apr. 30, 1963.

[6] Company acquired Mooresville Public Service Co., Inc., as of May 31, 1961, through merger.

[7] Formerly Worcester County Electric Co. which as of Jan. 1, 1961, acquired through merger, Attleboro Electric Co., Northampton Electric Lighting Co., Northern Berkshire Electric Co., Quincy Electric Co., Southern Berkshire Power & Electric Co., and Weymouth Light & Power Co. Subsequently, on Jan. 19, 1961, Worcester County Electric Co. changed its name to Massachusetts Electric Co. Acquired Lynn Electric Co., Merrimack-Essex Electric Co., and Suburban Electric Co., as of Sept. 1, 1962, through merger.

[8] Formerly Southern Nevada Power Co. which as of Feb. 14, 1961, acquired Elko Lamoille Power Co. Subsequently, on May 26, 1961, Southern Nevada Power changed its name to Nevada Power Co.

[9] Company acquired The California Oregon Power Co. through merger and electric and water properties of Southern Wyoming Utilities Co. as of June 21, 1961, and Mar. 11, 1961, respectively.

[10] Company acquired Colorado Central Power Co. as of Dec. 29, 1961, through merger. Return reflects full year operation of the acquired company.

[11] Company acquired its subsidiary, South Carolina Generating Co. through merger Oct. 31, 1963.

[12] Company acquired California Electric Power Co. Dec. 31, 1963, through merger. Return excludes data of acquired company.

[13] As of May 1, 1961, company acquired from The Housatonic Public Service Co. the electric business, associated properties and assets in the towns of Ansonia, Derby, and Shelton, Conn.

[14] Company acquired its subsidiary Telluride Power Co. Mar. 15, 1963.

[15] Formerly Central Electric & Gas Co. which on May 1, 1961, acquired through merger Southern Colorado Power Co. and the name of surviving company changed to Western Power & Gas Co.

[16] The company charges to depreciation expense an amount equivalent to the estimated reduction in Federal income taxes under sec. 167 of the 1954 Internal Revenue Code. The amount reported was for combined utilities.

[17] Company commenced commercial operations July 1, 1961.

APPENDIX A

The rate of return earned by each of the companies was computed on an average year rate base. The following information was used in determining the rate base and net income for this study.

Net plant

(1) Electric plant in service is an average of beginning and end of year balances of plant accounts.

(2) Reserve for depreciation is an average of beginning and end of year balances.

(3) Construction work in progress and plant held for future use are not included in net plant.

(4) Contributions in aid of construction is an average of beginning and end of year balances.

(5) Accumulated deferred income taxes (liberalized depreciation) is an average of beginning and end of year balances.

(6) Common plant and reserve for depreciation of common plant are averaged and a net common plant determined. If the company specified allocation percentages, the common plant is allocated to the electric plant of this basis. If not, common plant is allocated to electric plant in the ratio of average electric plant to average total plant less average common plant.

(7) Net plant equals (1) − (2) − (4) − (5) + (6).

Working capital

(8) Materials and supplies is an average of beginning and end of year balances. If the company has several utility departments, a share of the materials and supplies account is allocated to electric business in the ratio that average plant plus allocated average common plant bears to average total plant.

(9) Prepayments is an average of beginning and end of year balances. If the company has several utility departments, the prepayments account is allocated in the same manner as materials and supplies.

(10) Cash working capital is one-eighth of electric operation and maintenance expenses minus purchased power.

(11) Fifty percent of Federal income taxes charged is used as an offset to working capital.

(12) Working capital equals (8) + (9) + (10) − (11).

Rate base

(13) Rate base equals (7) + (12).

Net income

(14) Net operating revenue, as reported in section II of this publication, is used in computing the realized rate of return on rate base.

(15) Provision for deferred income taxes (liberalized depreciation) is added to net operating revenue. In the study, above the line "normalized" income tax accounting is used for accelerated amortization, while "flowthrough" income tax accounting is used for liberalized depreciation. For the years 1962 and 1963, above the line "normalized" income tax accounting is used for investment tax credit.

(16) Net income equals (14) + (15). Rate of return equals (16) ÷ (13).

CATHOLIC HOSPITALS IN ILLINOIS URGE REINSTATEMENT OF SERVICES OF MEDICAL SPECIALISTS AS REIMBURSABLE COSTS UNDER AGED HEALTH CARE BASIC PLAN

Mr. DOUGLAS. Mr. President, on March 29 I urged that the Senate restore to the House bill for the health care of the elderly the hospital services of medical specialists.

I have received a telegram from an administrator speaking for the Catholic hospitals in Illinois strongly urging the inclusion of the in-hospital services of medical specialists as reimbursable costs under the basic plan.

I ask unanimous consent that the text of this telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHICAGO, ILL.,
April 3, 1965.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Speaking for the Catholic hospitals in Illinois, I strongly urge your support for the inclusion of in-hospital services of medical specialists as reimbursable hospital costs in H.R. 6675. These essential hospital services are performed on almost every patient and are substantial elements in Illinois cost reimbursement formulas including Blue Cross. In the interest of patient's welfare as well as hospital solvency we urge that the services be retained.

Sister M. EDELBURG, CSFN,
Administrator, St. Mary T.F. Nazareth Hospital.

ADDITIONAL CRITICISMS OF THE PROPOSED VOTING LEGISLATION

Mr. ERVIN. Mr. President, on March 23, 1965, during the first day of hearings on the current voting legislation—S. 1564—I emphasized to the Attorney General that I, as all fairminded citizens, deplore any man's seeking to deprive another of any right whatsoever. More particularly, a public official of any State who would deny a man his right to vote is guilty of the betrayal of his public trust. He commits a wrong, not only against an individual, but also a grievous wrong against constitutional government in America. His violations make our task of living under and preserving our constitutional form of government much harder than it would otherwise be.

I have repeatedly stated that I would be in favor of any bill which is constitutional and which operates on a fair and rational basis to put an end to violations of the 15th amendment. But I do not think S. 1564 fulfills these requirements.

In my remarks of April 6, I pointed out the constitutional defects of section 3 of S. 1564. Today I would like to direct the Senate's attention to the constitutional problems of section 4 of this legislation.

Section 4(a) provides that if 20 or more residents of a State or political subdivision allege that "they have been denied the right to vote under color of law by reason of race or color, and that the Attorney General believes such complaints to be meritorious, or that in his judgment the appointment of examiners is otherwise necessary to enforce the guarantees of the 15th amendment, the Civil Service Commission shall appoint as many examiners in such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections."

It is undisputed that this section gives the Attorney General complete discretion over whether voting examiners should be appointed in the areas covered by the bill. The Attorney General is not even required to offer reasonable grounds for his action or for his belief that the right to vote has been denied by reason of race or color and that the appointment of examiners is necessary.

Mr. President, it is an unconstitutional delegation of authority to the Attorney General to let the constitutional right of the States to regulate elections and to set reasonable and nondiscriminatory voter qualifications depend merely upon his belief that the appointment of examiners by the Federal Government would facilitate enforcement of the 15th amendment. In fact, the Attorney General does not even have to act on the basis of complaints from anyone, but he can cause the appointment of examiners solely upon his judgment that they are necessary to enforce the guarantees of the 15th amendment.

The power accorded the Attorney General under this provision is not subject to review by the courts. Judicial review is only available on the issue of whether there has been a discrimination in voting procedures within the political subdivision during the past 10 years. There is no judicial review, however, of the propriety of the Attorney General's initial determination to appoint voting examiners.

Even the issue of whether there has been discrimination during the past 10 years must be tried before a three-judge court in the District Court for the District of Columbia, and not in the community where the discrimination supposedly occurred and where witnesses are available.

Because such a judicial proceeding could well entail the utilization of many witnesses, this requirement authorizes the imposition of a severe financial burden upon those asked to appear in court.

The provision compelling this issue to be tried outside of the locality where the event allegedly occurred offends the spirit of the constitutional provision that a criminal trial must be held in the locality where the crime was committed.

Although under this bill persons who violate the rights of others to vote cannot be punished by the three-judge court of the District of Columbia, an adverse determination by such a court can, in effect, penalize an entire State or political subdivision of a State when it holds that it is unworthy of being entrusted with the same powers to administer laws that all other States of the Union have. As a result, the State is deprived of its constitutional powers for 10 years even though its election laws may have been administered fairly during the past 9 years. Voting examiners can be appointed for an act which occurred as much as 10 years ago. By punishing a State for acts that occurred in the past, the bill violates the Constitution's mandate against ex post facto laws. And for the next 10 years there is no method for repentance.

Section 2 of article I of the Constitution, the 10th amendment and the 17th amendment reserve to the States the right to prescribe qualifications for voters in Federal elections. The proponents of this legislation, however, argue that Congress can legislate under the 15th amendment to abolish the power of States to prescribe voting qualifications reserved to the States under these three other sections of the Constitution.

It is my view that Congress does not have the power to make an adjudication that the 15th amendment of the Constitution has been violated and then provide a remedy which is inconsistent with the provisions of section 2 of article I, and the 10th and 17th amendments of the Constitution.

Mr. President, in conclusion, I want to stress that the Congress must remember its duty to legislate for all times, not merely troubled times, and that constitutional government cannot be maintained through expediency.

VETERANS' AFFAIRS SUBCOMMITTEE REPORTS GI BILL TO FULL COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. YARBOROUGH. Mr. President, today the Subcommittee on Veterans' Affairs unanimously reported the cold war GI bill—S. 9—to the full Committee on Labor and Public Welfare.

In the 6 years that I have been supporting this needed legislation, this is the earliest date that the bill has been reported from the subcommittee, being a month earlier than hearings have ever been concluded in the past.

It is my most earnest request that my colleagues will take note of the expeditious action which has been given this bill so that it might be given the same consideration when it reaches the Senate Calendar this year. The public support for this act of justice has reached unprecedented heights, which speaks for the urgent necessity of its consideration by Congress, and I hope that it will be given the attention that it deserves.

Last year, the cold war GI bill was allowed to languish for 13 months on the Senate Calendar and was never debated on the Senate floor. I hope that this act of injustice will not be repeated during the 89th Congress, as the need for educational assistance by the cold war veteran continues to grow, and in the near future we will be called to account for this wasted potential. I hope that we will not be too late at that time, but will have given these veterans the chance in life that they so richly deserve.

SERVING PUBLIC EDUCATION

Mr. BREWSTER. Mr. President, today as the Senate begins to debate one of the most important education bills ever to come before this body, I wish to call my colleagues' attention to the timely remarks of the senior Senator from West Virginia [Mr. RANDOLPH].

Several days ago, he addressed the annual banquet of the National Association of State Boards of Education, held at the Emerson Hotel in Baltimore City.

The distinguished Senator's address concerned the purposes of education and the problems we face today.

I think that all of my colleagues who are concerned about the problems of education, as I am, will find the distinguished Senator's remarks extremely interesting.

Mr. President, I ask unanimous consent to have my colleague's remarks printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Serving Public Education

(Address by Senator Jennings Randolph, Democrat, of West Virginia, National Association of State Boards of Education, Baltimore, Md., April 1, 1965)

Public education is in the news. If there is anything our national leaders, scholars, educators, and citizens generally agree on it is that education is vital to the Nation. It has become the key to economic and military strength, the hope for coping with the turbulence and uncertainties of our age and the means for fulfillment in individual lives. Education—quality education—is no longer a luxury but a necessity.

What then are the purposes of education today that it has become so essential to our society?

Through the years of growth of our system of study in this country, public education has developed an expanded role in addition to serving the traditional purposes of preserving, exploring and dispersing knowledge.

First, public education has become fundamental to the American ideal of equality of opportunity for fullest development of individual abilities. An important means through which the American commitment to equality of opportunity is realized is through education which must be made available to all who can benefit from it.

Second, public education is expected to produce citizens equipped to live and work in a rapidly changing society. The labor market has been revolutionized by automation. Education, therefore, must prepare people for employment requiring new skills and a greater degree of training.

Third, public education must serve the public interest. Schoolteachers are not set apart in ivory towers but instead are charged with the task of applying their learning and resources to solving community and national problems.

The tremendous responsibility of public education carries with it enormous problems. Because American education can be no better than the people determine it to be, these are problems to be shared by all of us—requiring utilization of every source of support.

What are these problems we face?

Rapid increase in population; growth in demand for skills; overcrowded facilities at all educational levels; securing sufficient numbers of competent teacher personnel; bearing the financial burdens inherent in educational expansion. These are some of the serious challenges of today.

And, while many of the problems of education are quantitative, quality factors represent equally pressing problems. Public education must prepare individuals for a rapidly changing, complex, and diverse society. Mass production will not accomplish our needs. Our schools must not become giant learning machines with factory-like atmospheres. Institutions must respect the individual in order to encourage the development of humane and enlightened men and women. Mediocrity is an ever-present danger. Education should affect the character and quality of living. To do this it must itself represent excellence in all its teachings.

To provide top caliber education for an exploding population and to serve the needs and interests of the community, the State and the Nation, is the immense task in years ahead. The U.S. Government has a proper and important function in achieving that goal.

Let us reason together on what current Federal assistance to education entails, and what proposed legislation, if enacted, would mean.

The main points I stress for you, about our Federal efforts in educational aid to our schools and the children who attend them, are as follows:

First, our Federal Government—and I emphasize this point—is the junior partner in the great education enterprise of America. It is a junior partner whose objective is to supplement, not supplant, local and State school efforts. There is a working partnership for progress.

We are, under the various provisions of the National Defense Education Act of 1958, now providing on a grant basis to public schools, and on a low-interest-rate-loan basis to private schools, approximately $100 million a year for supervisory services and the purchase of equipment and materials suitable for use in providing education in our elementary and secondary schools in the fields of mathematics, science, history, civics, geography, modern foreign languages, English, and reading. It was my privilege to be among the Senate cosponsors of the legislation which expanded this program so greatly from only the mathematics, science, and modern foreign language areas of the prior act.

In the last Congress we also in the Morse-Perkins Act of 1963, Public Law 88–210, increased and broadened significantly the vocational education assistance provided by the Federal Government. I was a cosponsor of that measure.

The Impacted Area Assistance Acts, Public Laws 815 and 874 of 1950, have brought to local school districts across this land more than $3.2 billion for school construction, operation, and maintenance. The districts receiving this money educate over 30 percent of all public school children.

Second, the new categorical aid proposals contained in S. 370, the administration's elementary and secondary education bill, which I cosponsor, are really just an extension of an already accepted principle contained in the impacted aid statutes, Public Laws 815 and 874. It is an expansion of a program which has been operating successfully, without Federal controls, since 1950. Public Law 874 was then enacted as public school impacted aid. It has brought in nonmatching the 100-percent Federal grant money for schools operating and maintenance burdens imposed on school districts which have become "impacted" with the children of federally employed parents. Congressional action obligated the Federal Government to pick up a part of the costs attributable to the increase in enrollment by the children whose parents live and work on Federal property.

Earlier, during World War II, under the Lanham Act, the same sense of Federal obligation to meet, in part at least, the burden on the tax base of the community, brought construction money and teacher salary money into the schools which educated the children of defense workers.

Public Law 874 payments, you know, are for the operating and maintenance of the school system. They include salaries, janitorial supplies, and heating and lighting. In none of the hearings which we have held has there been evidence of Federal control of education because of these payments. Allegations so made have not been disclosed on examination.

Third, the aid proposed in S. 370 is not a general Federal bill. Rather, it is pinpointed money in the form of a nonmatching grant to provide particular services to children who need them the most, and

Fourth, the type of assistance now being considered is productive seed money designed to bring forth from the muck of poverty the hidden harvest of childrens' talents for the future Great Society which our President envisioned in his inaugural address.

What is now proposed is basically the recognition of a new category of children as the legitimate concern of the Federal Government. These are children from very low income families where the financial resources available to the family to feed, clothe, and house its members are below $2,000 a year. These families pay very little, if any, property taxes to support the local schools.

Since the Social Security Act of 1938, the Federal Government has been meeting through grants to the States, a good part of the rent such a family pays, and has either in money or in surplus food programs, put before them a good part of the food that is on their tables.

S. 370, the elementary and secondary school bill, simply recognizes that the Federal Government should also meet a part of the school cost of these children.

The best way it can do this is to give the school districts the money to establish particular programs which will give these youngsters a better opportunity, through education, to break from the bonds of poverty and to advance into income and work levels commensurate with the talents and abilities with which they are endowed.

President Johnson in his inaugural address spoke with moving compassion of the deep springs of idealism which sustain our Nation. He talked of liberty, justice, and union. In his education bills he has clothed these abiding principles with programs designed to bring into a fuller realization the constitutional authority of the Federal Government to promote the general welfare.

He has committed our national treasure to this task in the amount, for the year beginning next June 30, of $1.5 billion. No money could be better spent to advance the common good and the general welfare. It is perhaps too little. I believe that in future years additional savings from our defense and foreign aid budgets can be added to this first important commitment in our contest against conditions which create and perpetuate poverty.

The elementary and secondary school education bill, which I hope will be enacted into law by May 1, will help to improve the education of thousands of youngsters. The improvements in our schools which it will make possible should be of lasting benefit ultimately to every student.

The work-study program in S. 600, the administration higher education bill which was introduced this session, will not only help talented but needy college students gain an education for themselves; it will also permit our municipal and county governments to do many tasks they cannot now afford to have done.

Under S. 600, the higher education administration student assistance bill, $1.2 million will be made available for young men and women who need this type of work scholarship to initiate or continue their courses of study in higher education. I cosponsor this measure.

Funds would be provided to initiate and to extend and improve services in continuing education activities. This type of use of our resources helps to build the economy of all of our towns and cities of each of our States in a far greater degree than do many defense programs which are essentially sterile in terms of civilian utility.

Scholarships are included for the very needy but talented young people. To sense the value of this type of human resource development, you have only to look ahead.

You can measure it by the crude yardstick of the future tax payments which such a student will return to the Federal and State treasuries because of the enhanced lifetime earnings that college education will permit him to possess.

The GI bill of rights, which I supported, has been of incalculable value to our country already. It has repaid in taxes, and in work-skills, the capital investment we advanced. The dividends from it are flowing in and will continue to do so for decades to come. The loan insurance provisions, the scholarship provisions, and the work-study provisions of S. 600 will, when enacted, confer on our States and our Nation similar benefits.

We have been talking primarily in material terms, because of my belief that you as board of education members, as housewives, businessmen, and citizens are interested in the balance sheet, so to speak, of education legislation. But there is another and more important dimension which we, who are devoted to the ideal of service to community, State and Nation, should consider.

Yours is certainly a group which is conscious of the duty we owe to the boys and girls who are undergoing training and receiving an education in our schools. We must see to it that our children are provided the very best our country can afford. You know that the free citizen is the mainstay of our political, social and economic strength. You well understand that a person is free only to the extent that he has the capacity, the opportunity, and the incentive to give expression to what is in him and to develop his potentialities. Freedom is the condition of being able to choose and to carry out worthwhile purposes. Education is the way in which we enable the child, the youth and the mature man to exercise his freedom.

Since you know this and since, by your leadership, you have demonstrated your commitment to this ideal, I am confident that after having considered the matter with care and prudence you will support our President and the Congress in this, to my mind, most important part of our program. I hope you will let other public officials know how you feel about the education program for in so doing, you become political educators whose words carry understandable weight.

Let me close with this thought. The population of our country is expanding rapidly—but not as rapidly as that of Communist Russia or of Red China.

Physically, we cannot keep ahead in sheer manpower. We had better see to it that we keep ahead in brainpower. Our greatest national resource is not coal, or steel, or waterpower. It is the potential brainpower of our youngsters who are ready for kindergarten this fall. That resource needs capital investment if it is to be developed properly. The education bills, when enacted and operating, will pay dividends to our country and our economy of greater magnitude than any other type of investment we can make.

PARTNERS OF THE ALLIANCE PROGRAM—OREGON'S ACHIEVEMENT

Mr. MORSE. Mr. President, before I move to take up the education bill, I wish to make a statement on the subject of "Partners of the Alliance Program—Oregon's Achievement."

Mr. President, Oregon has just demonstrated, through a unique program, a workable and simple format for a statewide activity geared to stimulate even closer bonds of friendship and cooperation among peoples of this hemisphere. Specifically, a successful pilot project now holds the promise of a full and highly desirable relationship involving all the people of Oregon with the people of Costa Rica, united in a common Partners of the Alliance program.

This relatively new private sector effort under the Alliance for Progress now embraces 25 of our States and a like number of areas in Latin America. Oregon was one of the leaders in the concept of peoples working in partnership. This program is aimed at helping groups in Latin America that have demonstrated self-help and an eagerness to improve their lot through community projects which are directly tied to the efforts of private citizens. The Partners of the Alliance program was mentioned by the President in his foreign aid message of January 14, 1965, as one of the accomplishments of the Alliance for Progress.

I call these matters to the attention of the Senate because of the successful completion of the Oregon-Costa Rica teacher project. Mr. Edward E. Cooper, superintendent of the Crow-Applegate School District No. 66, Lane County, Oreg., in cooperation with the Partners of the Alliance office in Washington, D.C., was the developer of this important project.

Some months ago, I contacted the Agency for International Development on behalf of Mr. Cooper and suggested the value of his proposal in our efforts to improve relations among the peoples of the Americas. AID, through the new partners program, made the arrangements for Mr. Cooper to present his plan to Costa Rican educational officials. Upon his return from Costa Rica, he described the mechanism for bringing teachers to Lane County and its interesting possibilities as a prototype for use in other districts and even other States. Mr. President, I ask unanimous consent that the report by Mr. Cooper, prepared in May 1964, be printed at this point in my remarks. It contains a valuable statement of purpose together with pertinent background material.

There being no objection, the report was ordered to be printed in the Record, as follows:

Alliance for Progress, Mutual Educational Assistance Project, Oregon-Costa Rica

(Report of Edward E. Cooper, superintendent, Crow-Applegate School District, Route 5, Box 912, Eugene, Oreg.)

PURPOSE

This is a mutual assistance program based on the belief that Latin and North American people can profit by a joint effort to improve our human resources.

The emphasis is upon the development of innate abilities that must be possessed by a large number of people before there can be affluent, cooperative societies. It recognizes the fact that this development must begin at an early age.

There is an old North American custom of "exchanging work." It has been the means to plowed fields, new barns, replacement of homes and, above all, that to have and be a good neighbor is priceless.

A fundamental part of this practice is the desire and opportunity to contribute. The most acceptable contributions are time, talent, energy and sincerity.

We want to extend this custom to include our Latin American neighbors. We want them to assist in our educational programs and we hope we may contribute to theirs. We want to "exchange work" and, thereby, promote a common cause of better human resources.

It is in this context that this program has been proposed.

With considerable help from people in Costa Rica we arranged a visit to School District 66 by Carlos Bastos, director of Liceo San Carlos, Costa Rica.

Don Carlos performed services previously mentioned and also taught an evening adult Spanish language class.

Room and board were provided, on a voluntary basis, by a local family. He was paid $200 per month by the school district for his work. From this amount he paid his transportation.

The predominant belief in School District 66 is that the advantages to our local program of education greatly outweigh the small cost.

I was at the home of Don Carlos Bastos in Ciudad Quesada, Costa Rica, last week. He will soon move into a new school building and have an opportunity to try some new ideas.

In December of 1963 I was informed by Senator Morse and Jim Boren of the Alliance that mission directors in Costa Rica and El Salvador had invited me there to discuss this project.

Also, in December, the Alliance for Progress formed a department designed to promote partnership programs with Latin American countries. This project and the basic proposal was then sponsored by that department.

I have just returned from Costa Rica where I presented the proposal to ministry of education officials and Alliance for Progress officials. It was enthusiastically accepted.

Fifteen educators from Costa Rica have been selected. With the assistance of our Oregon State Department of Education and Mr. Parnell, of Lane County, we will find 15 interested districts to participate in the project.

The Alliance for Progress will pay one-way transportation. The Costa Rican educators will pay return costs from the amount they receive.

The services the Costa Rican educators perform for local districts will compensate for the approximately $600 expenditure per educator. In effect this is a self-supporting program.

The 3 months that Costa Rican teachers spend in Oregon schools will be during their vacation period. Since their vacation comes during December, January, and February when our schools are in session there is no loss of teacher time in Costa Rica.

Mr. MORSE. Also, Mr. President, Dr. Joseph V. Alessandro, former chief education adviser at the AID mission to Costa Rica, wrote a memorandum to Mr. Wyman R. Stone, mission director, and dated April 27, 1964, in regard to Mr. Cooper's visit. I also ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Agency for International Development, U.S. AID Mission to Costa Rica,

April 27, 1964.

To: Mr. Wyman R. Stone, director.

From: Dr. Joseph V. Alessandro, chief education adviser.

Subject: Mr. Cooper's visit to Costa Rica.

Mr. Eugene E. Cooper, superintendent of the Lane County School District 66, Oregon, arrived in Costa Rica on April 17, 1964. In the afternoon of this same day he had a brief session with Mr. Wyman R. Stone, mission director, and the Ambassador Raymond Telles. The following morning was spent at the Heredia Normal School where he spent his time visiting classes and talking to students and members of the faculty. Dr. Keister arranged a visit for Mr. Cooper at the Desamparados Vocational School for the morning of April 20. He visited the various shops and had a lengthy talk with Padre Alfaro. He was extremely impressed with the school and the program. On Monday afternoon Mr. Cooper presented his plan to the department heads and chief educational planners of the Ministry of Education. The plan was unanimously accepted and 15 candidates with 5 alternates were selected for interview by Mr. Cooper. He spent the rest of the week meeting with these people, discussing the program and having them complete the necessary forms to be presented to the training office and his board of education. Mr. Cooper left early Saturday morning to spend several days with Mr. Carlos Bastos, the director of the Liceo in Ciudad Quesada, who spent 3 months in Oregon the past year. Mr. Cooper will return to San Jose on Wednesday and after a final session with Mr. Wyman R. Stone will depart for the United States. Mr. Cooper's plan presented to the Ministry of Education is as follows:

1. Costa Rican educators will work one-half time for school districts in Oregon and spend one-half time in self-improvement.

(a) The one-half day for the district may be as a resource person in Spanish language, social science and other classes.

(b) The visiting teachers will teach evening, adult, Spanish conversation classes.

(c) The visiting teachers may provide inservice language training for North American teachers.

(d) The teachers will arrive with one or two major objectives. The first group will want to observe educational administrative procedures.

2. The USAID/CR will:

(a) Have each teacher come prepared with colored slides, editorials, and news articles. These will form the background of social science resource activities. (The teachers may prepare similar material in Oregon for use upon return to Costa Rica.)

(b) Provide the teachers with an intense refresher English conversational course prior to departure from Costa Rica. (All teachers will have adequate English conversational ability.)

(c) Provide background material on the organization of education in the United States to the group selected in the form of lectures, discussions, etc. This could be done through the USAID education office.

3. Costs of the program:

(a) AID mission will pay one-way air transportation to Oregon.

(b) School districts will pay teachers $200 per month for services as resource persons.

(c) Teachers will pay their own return transportation fare.

(d) Families on voluntary basis will provide board and room.

(e) Families in the community will loan these teachers winter clothing during the time spent in the school district.

(f) School district, on an individual basis, will provide scenic tours and opportunities for recreation.

4. Duration of program: These educators will come to Oregon during their vacation period December, January, and February.

5. Fifteen educators from Costa Rica have been selected by the Ministry of Education and have been interviewed by Edward E. Cooper, school district 66, Lane County, superintendent.

Mr. MORSE. Subsequently, Mr. President, another group of Costa Rican educators were selected for the first year of the educational program because of a minimum English language capability. Mr. Cooper's letter of December 1964, addressed to the new chief education adviser in Costa Rica, noted the participating teachers selected by the Oregon Alliance Committee. I ask that Mr. Cooper's letter be inserted at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

November 30, 1964.

Dr. J. B. Munson,
Chief Education Adviser, USAID
American Embassy, San Jose, Costa Rica.

Dear Dr. Munson: Our alliance committee has selected the following Costa Rican educators to participate in the Oregon-Costa Rica educational program the first year: Boanergas Leon, Maria Quiros, Eduardo Chavez, Oton Baltodano, Antonio Bollanos, Francisco Rodriguez, Edwin Jiminez, Jorge Cruz, Abdon Quiros, and Edwin Leon.

It is the opinion of the committee that it would be unfair to participants to select any who do not score 40 or above on the verbal section of the English language ability test given in Costa Rica. The conduct of the necessities of daily living, for both participants and host families, would be difficult. Also a lesser measure of English language ability would severely limit the participants ability to profit from and make contributions to the program.

The following points are included as a matter of record:

1. Costa Rican educators will come to Oregon from Saturday, January 2, 1965 to February 18, 1965. Participants will leave Costa Rica Friday, January 1, 1965 to Oregon (tentative).

2. Representatives of each host family and local alliance committee will meet visitors at Eugene, Oreg., airport upon arrival. Introductions and brief orientation will be given. Costa Ricans will be transported to North American homes.

3. Oregon school districts will pay a total of $260 as follows: (a) $110 to each Costa Rican—$55 at end of first week and $55 at end of fifth week; (b) $150 will be sent to alliance in San Jose for each Costa Rican's contribution to transporation; (c) alliance will arrange for round trip ticket and send a statement to Edward E. Cooper, Route 5, Box 912, Eugene, Oreg., made out as follows in two copies for each participant: "Please remit to U.S. AID Mission, San Jose, Costa Rica, $150, withheld from pay of ______ Costa Rican educator."

4. Any deviations from scheduled travel, program, and time must be cleared by participants with proper authorities in Costa Rica and Oregon Alliance Committee before departure from San Jose.

It has been and will be a pleasure working with you, Dr. Munson. Your experience and knowledge are my most valuable assets—for which I am grateful.

Sincerely yours,

Edward E. Cooper,
Superintendent.

Mr. MORSE. Mr. President, the Oregon experiment brought heartening results. One of the most comprehensive evaluations of the work of the Costa Ricans in the Oregon school districts was written by Mr. Berton M. Bailey, consultant on foreign languages, State Department of Education, State of Oregon, in Salem. His letter to Mr. Cooper setting forth his findings are an important part of the record made by this teacher project and I ask unanimous consent that it be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Oregon,
State Department of Education,
Salem, Oreg., February 10, 1965.

Mr. Edward E. Cooper,
Superintendent, Crow Applegate School District No. 66, Eugene, Oreg.

Dear Mr. Cooper: Over a period of approximately 3 weeks I have been able to visit most of the Lane County school districts which are involved in the Alliance for Progress program. I have interviewed the Costa Rican educators whenever possible, as well as spending time with administrators and teachers involved in the program.

My overall evaluation is that the program, as evidenced in Lane County, has been a great success. I make this judgment on two aspects of the program, one, the impact of the visitation upon the visiting Costa Rican educator, and two, the impact upon the school district and community.

The visiting educators appear to be most dedicated to making their stay a profitable experience. They undoubtedly have gained many insights of the educational systems of the various school districts, and thus a broad knowledge of the educational process in Oregon and the Nation. I believe they have found ideas that can be incorporated into their own educational systems, perhaps in some cases after modification to meet their own local needs and interests.

From the standpoint of value to participating districts, the educators have served as resource personnel in many different areas, but particularly in Spanish classes, sixth grade social studies (Latin America unit), and in high school social studies. Due to our more limited contact with Central American countries, as apart from Mexico, the visiting educators have made a significant contribution toward a greater understanding of the people of Latin America.

The Lane County Alliance for Progress program is one of the best that I have observed. The advance planning and arrangements were of high order; the home stays were very good. In all cases, the visitors were made to feel welcome in the school and community. With these factors in mind, it is my hope that the program may be continued again next year.

The following recommendations are presented for your consideration:

1. One or more Oregon educators should return with the group to serve as visiting consultants in Costa Rica. This followup would provide a double impact while costing only slightly more than the present program. (It would be highly desirable to have the Oregon educators speak Spanish in the same manner that the Costa Rican educators were asked to speak English.)

2. At least 2 additional weeks should be added to the educators' stay in Oregon. It takes several weeks to adjust to new living conditions and language, thus the latter weeks are when the educators actually begin to penetrate the language-culture barriers.

3. Preference should be given to applicants who have a high proficiency in speaking and understanding English. It would even be desirable to conduct a 2- or 3-week intensive session on spoken English to improve language competency prior to their departure.

4. An extensive orientation session should be conducted in Costa Rica, involving American educators and Costa Ricans who have participated in previous Alliance programs.

Again, it is my sincere hope that we can look forward to a continuation of the Lane County Alliance for Progress program, and perhaps an expansion into other Oregon school districts. I am confident that this is one of the best ways to achieve the overall goals of the Alliance for Progress in Latin America.

Sincerely yours,
BERTON M. BAILEY,
Consultant on Foreign Languages.

Mr. MORSE. Mr. President, an important chapter in Oregon educational history has been written. Even more importantly, a way has been shown for an expansion of this program into other districts in the State as well as the bright prospect for a statewide partners program encompassing not only education but many other avenues of contact between the private sector in Oregon and its counterpart in Costa Rica. Oregon has been the recipient of most of the benefit in this initial partnership effort. I know that Oregonians would welcome the opportunity to directly participate through their groups and organizations in activities where the watchword is self-help, where there is concrete evidence that our Costa Rican friends extend their hand not for gifts but for friendship and as partners. Toward this end, I commend Mr. Cooper for the pioneering spirit and resourcefulness he has exhibited. I also commend the partners of the alliance program as one that holds much promise as a vehicle toward the development of meaningful and workable programs among the people of the hemisphere.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. MORSE. Mr. President, I now move that the Senate resume the consideration of H.R. 2362, the elementary-secondary school bill.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate resumed the consideration of the bill.

AUTHORIZATION FOR STAFF MEMBERS OF COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE PRIVILEGE OF THE FLOOR

Mr. MORSE. Mr. President, I ask unanimous consent that during the course of debate on H.R. 2362 professional staff members of the Senate Committee on Labor and Public Welfare, on both the majority and the minority sides, have the privilege of the floor to assist Senators in the conduct of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. ELLENDER. Is this the $1,300 million education bill?

Mr. MORSE. This is the $1,344 million education bill. This bill, may I say to my friend from Louisiana, is good news for the deprived school children of America.

Mr. ELLENDER. I notice present only one or two Senators to listen to my friend explain this $1,300 million bill. I just came from committee, myself, by chance.

Mr. MORSE. May I say to the Senator from Louisiana that I am speaking for the RECORD, so we can make the record. I am sure my colleagues realize what a great contribution this bill is going to be to better education in this country. They are readers, and I am sure they will read the comments of the Senator from Oregon, although I believe, because of the many discussions we have had, they are familiar with the point of view of the Senator on the education bill.

Mr. ELLENDER. Does the Senator believe they will read those comments before they vote, or perhaps wait until next month sometime?

Mr. MORSE. I am sure they will read those comments before they vote. They are great students.

Mr. ELLENDER. As the Senator knows, in 1949 the late Senator Taft and I joined with others in drafting the first elementary and secondary school aid bill ever passed by the Senate.

Mr. MORSE. The Senator will recall I stood shoulder to shoulder with him.

Mr. ELLENDER. That is right.

Mr. MORSE. I was a cosponsor of the bill.

Mr. ELLENDER. That is correct.

Mr. MORSE. What we are trying to do is carry on with this bill in the tradition of the late Senator from Ohio and the Senator from Louisiana.

Mr. ELLENDER. I know that every effort is made to do that, but later on it is my hope to ask a few questions about the application of the formula that is incorporated in the bill. As I understand, some of the richest counties in the United States will get much more money than some of the poorer counties, let us say, in New Mexico, and States of the Southwest, as well as States of the South and Southeast. I was in hopes that the committee might be able to remedy the situation so as to base the bill more on need, so that more needy areas would receive these funds.

Mr. MORSE. The Senator from Oregon will discuss the matter at some length during the course of the debate. The Senator from Louisiana, being the great teacher of the Senator from Oregon that he has been in regard to handling bills on the floor of the Senate, knows that what I seek to do at this stage of the debate is first to present an explanation of the bill to the Senate. Following the explanation, I propose to take up questions and discuss various segments of the bill. I understand certain amendments may then be offered which will raise the very point upon which the Senator from Louisiana is commenting. I propose to discuss that subject matter at that time, if it meets with the pleasure of the Senate.

Mr. President, in opening debate on H.R. 2362, the bill to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools, I do so with great pleasure.

Although this measure is not the prototype of the general Federal aid to education statute which I hope to see enacted within the next few years, it nevertheless does bring to bear a special category of assistance to those children and the schools which serve them which need it the most. The kinds and types of educational assistance which this measure will provide for the coming year, in my judgment, will prove to be the essential yeast which can leaven our entire educational establishment.

Today, I propose to set forth the major provisions of the bill. In order to preserve the continuity of the presentation, I ask that Senators withhold their questions until the conclusions of this initial presentation. I shall then be happy to join in colloquy on any point in the measure on which Senators may desire additional information.

Mr. President, I ask unanimous consent to have printed in the RECORD the section-by-section analysis in the committee report.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that the act may be cited as the "Elementary and Secondary Education Act of 1965."

TITLE I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES AND EXTENSION OF PUBLIC LAW 874, 81ST CONGRESS

Section 2. Addition of new title

This section adds a new title to Public Law 874, 81st Congress, which is the act under which assistance is provided for schools in federally impacted areas. The section also makes the necessary conforming changes in the present act to accommodate the new title II. The following is a section-by-section description of the new title II:

Section 201. Declaration of policy for the new title

In this section the Congress, in recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, declares that it is the policy of the United States to provide financial assistance to such local educational agencies so that they can expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

Section 202. Kinds and duration of grants under the new title

This section directs the Commissioner to make basic grants to States for the period from July 1, 1965, to June 30, 1968. It also directs him to make special incentive grants to States during the period beginning July 1, 1966, and ending June 30, 1968.

Section 203. Basic grants—Amounts and eligibility under the new title

This section describes the manner of computing the basic grant which will be made to local educational agencies. First, the Commissioner will set aside up to 2 percent of sums appropriated for basic grants and allot that sum among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs. He then computes the basic grant for other local educational agencies on the basis of two factors. The first factor is the average per pupil expenditure in the State. The second factor is the sum of (1) the number of school-age children in the school district of families having an annual income of less than the low-income factor (established as hereinafter explained), and (2) the number of school-age children in the district of families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act. The amount which each local educational agency will receive will be equal to the Federal percentage (established as hereinafter explained) of the product obtained by multiplying the average per pupil expenditure in the State by the sum arrived at as above described. Where satisfactory data are not available to make the above computation the maximum basic grant for any local educational agency will be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district in question is situated, which aggregate maximum amount will be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages and families in such county or counties; and will be allocated among the agencies upon such equitable basis as may be determined by the State agency in accordance with basic criteria prescribed by the Commissioner. The "average per pupil expenditure" in a State will be the aggregate current expenditures, during the second preceding fiscal year, of all local educational agencies in the State, divided by the number of children in average daily attendance in the public schools of such agencies. Provision is made to avoid any double counting of children under titles I and II of Public Law 874, 81st Congress.

During the first year of the program the basic grant of a local educational agency may not be more than 30 percent of the sums budgeted by that agency for current expenditures for that year.

A local educational agency must meet certain minimum criteria before receiving a basic grant. Each agency must have a number of school-age children of families having an annual income of less than low-income factor of at least 100 or at least 3 percent of the total number of school-age children in the district, whichever is less, except that in no event may an agency receive a grant if it has fewer than 10 such children. Where the above data are not available on a school-district basis, the local educational agency in a county will be eligible if there are 100 school-age children in the county in which that local educational agency is situated from families with an annual income of less than the low-income factor. Where a county includes part of the district of a local educational agency and the Commissioner has not determined that satisfactory data are available for purposes of making this determination on a school-district basis for all the local educational agencies for all the counties into which the school district concerned extends, the eligibility requirement with respect to the number of children of such ages of families of such income will be determined in accordance with regulations prescribed by the Commissioner.

The "Federal percentage" used in making the above computations of basic grants shall be 50 percent for the fiscal year 1966; for the remaining 2 fiscal years of the program, the Federal percentage will be established by the Congress by law. The "low-income factor" used in making such determinations will be $2,000 for the fiscal year ending 1966; for each of the remaining 2 fiscal years the low-income factor will be established by the Congress by law.

Section 204. Special incentive grants under the new title

Under this section each local educational agency which is eligible for a basic grant for the fiscal year 1967 will be eligible for a special incentive grant in an amount which does not exceed the product of the number of children in average daily attendance in its public schools during the fiscal year 1965, and the amount by which the average per pupil expenditure of that agency for the fiscal year 1965, exceeded 105 percent of such expenditures for the fiscal year 1964. Again, each local educational agency which is eligible for a basic grant for the fiscal year 1968 will be eligible to receive in addition a special incentive grant which does not exceed the product of the aggregate number of children in average daily attendance to whom it provided public education during the fiscal year 1966, and the amount by which the average per pupil expenditure of that agency for the fiscal year 1966, exceeded 110 percent of such expenditures for the fiscal year 1964. In determining the average per pupil expenditure of a local educational agency for any year, the Commissioner will consider the aggregate expenditures (without regard to the sources of funds from which the expenditures are made, except that funds derived from Federal sources shall not be considered) from current revenues made by that agency during that year for public education, divided by the number of children in average daily attendance in the public schools of the agency during that year.

Section 205. Application for grants under the new title

In order to get a basic grant or a special incentive grant in any fiscal year, a local educational agency must submit an application which has been approved by its State educational agency. The State educational agency will approve such an application only upon its determination (consistent with such basic criteria as the Commissioner may establish)—

1. That the payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which (A) are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families, and (B) are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting those needs. Nothing in the title will be deemed to preclude two local educational agencies from entering into agreements for carrying out jointly operated programs and projects under the title.

2. That, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate.

3. That the local educational agency has provided satisfactory assurance that control of funds provided under the title, and title to property derived therefrom, will be in a public agency for the uses and purposes provided in the title, and that a public agency will administer such funds and property.

4. In the case of construction projects, that the project is not inconsistent with overall State plans for the construction of schools, and that the requirements of section 209 (relating to labor standards) will be complied with.

5. That effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of educationally deprived children.

6. That the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State agency to perform its duties. The reports must include information relating to the educational achievement of students participating in the program.

7. That whenever there is in the area served by the local educational agency a community action program carried on under the Economic Opportunity Act of 1964, the programs and projects have been developed in cooperation with the public or private nonprofit agency responsible for the community action program.

8. That effective procedures will be adopted for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects.

The State educational agency is required to afford a local educational agency a hearing before disapproving its application.

Section 206. Assurances from States under the new title

If a State wishes to participate in the program provided for in this title, it will first submit to the Commissioner an application which provides the following assurances:

1. That payments made under the title will be used only for programs and projects which have been approved by the State educational agency as described under the preceding section. That such agency will in all other respects comply with the provisions of this title, including the enforcement of any obligations imposed upon local educational agencies under section 205.

2. That appropriate fiscal control and fund accounting procedures will be adopted.

3. That the State educational agency will make periodic reports to the Commissioner evaluating the effectiveness of payments under the title and of particular programs assisted under it in improving educational attainment of educationally deprived children, and that it will make such other reports as may be necessary to enable the Commissioner to perform his duties under the title. Assurance will also be required that such State agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of the reports. The periodic reports must also contain the results of the required objective measurements.

The Commissioner may not disapprove an application until he has afforded the State educational agency an opportunity for a hearing.

Section 207. Payment under the new title

Payments under the title will be made to the States in the amount which the local educational agencies of that State are eligible to receive under the title. The State educational agency will distribute the money it receives among the local educational agencies of the States which are not ineligible and which have submitted an application and had it approved.

Subsection (b) of this section authorizes the Commissioner to reimburse a State for amounts expended by it in the performance of its duties under this title, but the maximum amount of such payments in any fiscal year may not exceed 1 percent of the total amount of the basic grants paid under this title for that year to the local educational agencies of the State.

It is also provided in subsection (c) that no payments will be made under the title for any fiscal year to a State which has taken into consideration payments under the title in determining eligibility of any local educational agency in that State for State aid, or the amount of such aid, with respect to the public education provided children during that year or the preceding fiscal year. No payments will be made under the title to any local educational agency for any fiscal year unless the State agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of public education for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the fiscal year ending June 30, 1964.

Section 208. Adjustments where necessitated by appropriations

If for the fiscal year 1966 the sums appropriated are insufficient to pay in full the grants to which local educational agencies are entitled under this act for that year, the amount of such grants shall be reduced ratably.

Section 209. Labor standards

This section provides that laborers and mechanics employed on construction projects assisted under the title will be paid wages at rates not less than those determined to be prevailing under the Davis-Bacon Act.

Section 210. Withholding under the new title

This section directs the Commissioner to withhold payments from a State where he determines there has been a failure to comply substantially with any assurance set forth in the application of that State, until he is satisfied there will no longer be any such failure to comply.

Section 211. Judicial review under the new title

This section provides judicial review of the Commissioner's action with respect to the approval of applications and with respect to withholding of funds from States.

Section 212. National Advisory Council

This section requires the President to appoint a National Advisory Council on the Education of Disadvantaged Youth. It will be the duty of the Council to review the administration and operation of the title, including its effectiveness in improving the educational attainment of educationally deprived children, and to make recommendations for the improvement of the title and its administration and operation.

Section 3. Technical and conforming amendments

This section makes a number of technical and conforming amendments to Public Law 874, 81st Congress.

Section 4. Definitions

This section adds to Public Law 874, 81st Congress, definitions of a number of terms used in the new title II. In general, these terms are defined in a manner consistent with the definitions in title VI.

Section 5. Extension of title I of Public Law 874, 81st Congress

This section extends for 2 years the provisions of Public Law 874, 81st Congress, as now in effect, which would otherwise expire June 30, 1966.

TITLE II—SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Section 201. Appropriations authorized

This section directs the Commissioner to carry out during the fiscal year 1966, and each of the 4 succeeding fiscal years, a program for making grants for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools. The section authorizes the appropriation of $100 million for the fiscal year ending June 30, 1966, for carrying out the title. For the remaining fiscal years of the program only such sums may be appropriated as the Congress may hereafter authorize by law.

Section 202. Allotment to States

Sums appropriated to carry out the title will be allotted among the States pro rata on the basis of the number of children in each State who are enrolled in public and private elementary and secondary schools. This allotment provision will not apply to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. Instead the Commissioner will reserve up to 2 percent of the amount appropriated and allot such reserved amount among these territories and possessions according to their respective needs.

The section provides that where a State will not need all the money allotted to it, the money not required will be reallotted among other States.

Section 203. State plans

If the State wishes to receive money under the title it must submit to the Commissioner a State plan. To be approved the State plan must contain the following provisions:

1. It must designate a State agency to act as the sole agency for administration of the State plan.

2. It must set forth a program under which funds paid to the State will be expended solely for acquisition of library resources (which, for the purpose of this title, means books, periodicals, documents, audiovisual materials, and other related library materials), textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools in the State, and for administration of the State plan, including the development and revision of standards relating to library resources, textbooks, and other printed and published instructional materials furnished for the use of children and teachers in the public elementary and secondary schools of the State. The amount used for administration of the State plan may not exceed for the fiscal year 1966 an amount equal to 5 percent of the grant to the State under the title and, for any year thereafter, an amount equal to 3 percent of the amount granted the State under the title.

3. It must set forth criteria to be used in allocating library resources, textbooks, and other printed and published instructional materials provided under the title among the children and teachers of the State. These criteria must (A) take into consideration the relative need of the children and teachers of the State for such library resources, textbooks, or other instructional materials, and (B) provide assurance that to the extent consistent with law such library resources, textbooks, and other instructional material will be provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State.

4. It must set forth the criteria to be used in selecting the library resources, textbooks, and other instructional materials to be provided under the title and for determining the proportions of the State's allotment for each fiscal year which will be expended for library resources, textbooks, and other printed and published instructional materials, respectively, and the terms by which such library resources, textbooks, and other instructional materials will be made available for the use of children and teachers in the schools of the State.

5. It must set forth policies and procedures designed to assure that Federal funds made available will be used so as to supplement, and to the extent practical, increase the level of State, local, and private school funds that would otherwise be made available for these purposes, and that such Federal funds will in no case supplant State, local, and private school funds.

6. It must set forth appropriate fiscal control and fund accounting procedures.

7. It must provide for making such reports as the Commissioner may reasonably require.

Section 204. Payments to States

This section provides that the payments under the title will be made to each State in an amount equal to the amount expended by the State in carrying out its State plan, but, of course, no State may receive an amount greater than its allotment.

This section also provides that in a State in which no State agency is authorized by law to provide library resources, textbooks, or other printed or published instructional material for the use of children and teachers in any one or more elementary or secondary schools in the State, the Commissioner shall arrange for the provision on an equitable basis of such library resources, textbooks, or other instructional material for such use and shall pay the cost thereof for any fiscal year ending prior to July 1, 1970, out of that State's allotment.

Section 205. Public control of library resources, textbooks, and other instructional material and types which may be made available

This section requires that title to library resources, textbooks, and other printed and published instructional materials furnished under the title, and control and administration of their use, may vest only in a public agency. It also provides that the library resources, textbooks, and printed and published instructional materials made available under the title shall be limited to those which have been approved by an appropriate State or local educational authority or agency for use, or are used, in a public elementary or secondary school of that State.

Section 206. Administration of State plans

This section gives each State a right to a hearing before the Commissioner may disapprove its State plan. It gives the Commissioner authority to suspend the participation of a State in the program under this title where the State plan has been so changed that it no longer complies with the requirements of the title or where, in the administration of the plan, there is a failure to comply with any of its provisions.

Section 207. Judicial review

This section gives judicial review of the Commissioner's action with respect to the approval of State plans and with respect to his action in suspending the participation of a State in the program as provided in the preceding section.

TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

Section 301. Appropriations authorized

This section establishes a 5-year program of grants to be made by the Commissioner of Education to local educational agencies for supplementary educational centers and services, to provide vitally needed educational services, and to establish exemplary model school programs. It authorizes an appropriation of $100 million for the fiscal year ending June 30, 1966. For the fiscal year ending June 30, 1967, and the next succeeding 3 fiscal years, the appropriations will be such as the Congress may authorize.

Section 302. Apportionment among States

Subsection (a) describes the manner in which the funds which are available for making grants under this title will be apportioned among the States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. Note that only for the purpose of describing in subsection (a) the manner in which the funds will be apportioned are the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands not included in the term "State."

First, in each fiscal year of the program, the Commissioner shall reserve up to 2 percent of the amount appropriated for that fiscal year and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this title. The Commissioner shall then apportion $200,000 to each State and shall apportion the remainder among the States as follows:

1. Half of such remainder will be apportioned on the basis of the relative number of children aged 5 to 17 in the States.

2. Half of such remainder will be apportioned on the basis of the relative total populations in the States.

Subsection (b) provides that the number of such children and the total population of a State and of all the States will be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

Subsection (c) provides that the amount apportioned under this section to any State for the fiscal year ending June 30, 1966, shall be available for payments to applicants with approved applications in that State during that year and the next fiscal year.

Subsection (d) provides that if a State does not need its entire apportionment for a fiscal year it will be available for reapportionment to other States in proportion to the original apportionment to such States, but with adjustments to prevent any State's apportionment from being increased to an amount greater than the amount which it needs.

Section 303. Uses of Federal funds

Section 303 describes the purposes for which grants made under this title may be used. A grant may be used, in accordance with an application approved under section 304(b), for—

1. Planning for and taking other preliminary steps leading to the development of programs for the supplementary educational activities and services described below; and

2. The establishment, maintenance, and operation of programs, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to provide supplementary educational services and activities such as—

(A) counseling, remedial instruction, and health, recreation, and social work services designed to enable and encourage persons to enter, remain in, or reenter educational programs;

(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

(C) developing and conducting exemplary educational programs for the purpose of stimulating the adoption of improved or new educational programs in the schools of the State;

(D) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

(E) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions;

(F) developing, producing, and transmitting radio and television programs for classrooms and other educational use;

(G) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile education services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers' programs; and

(H) other specially designed educational programs which meet the purposes of this title.

Section 304. Applications for grants and conditions for approval

Subsection (a) provides that a grant for a program under this title may be made to a local educational agency, but only if there is satisfactory assurance that in the planning of that program there has been, and in the establishing and carrying out of that program there will be, participation of representatives of the cultural and educational resources of the area to be served, such as State educational agencies, institutions of higher education, nonprofit private schools, libraries, museums, and other cultural and educational resources. In order to receive a grant under this title, a local educational agency must submit an application to the Commissioner which shall—

1. Provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

2. Set forth a program for carrying out the purposes of section 303 and provide for the proper and efficient operation of such program;

3. Set forth policies and procedures as assure that Federal funds will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes of section 303, and in no case supplant such funds;

4. In the case of construction of facilities, provide satisfactory assurance (A) that reasonable provision has been made, consistent with the uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities, (B) that upon completion of construction title to the facilities will be in a State or local educational agency, and (C) that the requirements of section 308 will be complied with on all construction projects;

5. Set forth fiscal control and fund accounting procedures to assure proper disbursement of Federal funds; and

6. Provide for making certain reports and keeping certain records.

Subsection (b) provides that an application for a grant under this title may be approved by the Commissioner only if—

1. The application meets the requirements set forth in subsection (a);

2. The program set forth in the application meets criteria established by the Commissioner for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of (A) the size and population of the State, (B) the geographic distribution of the population within the State, (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in paragraph (b) of section 303, and their financial ability to provide those services and activities, and (D) the relative ability of particular local educational agencies within the State to provide those services and activities;

3. In the case of an application for assistance for a program for carrying out the purposes described in paragraph (b) of section 303, the Commissioner determines (A) that the program will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and (B) that, to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the supplementary educational activities and services provided under the program are to meet, provision has been made for participation of such children; and

4. The application has been submitted for review and recommendations to the State educational agency.

Subsection (c) provides that amendments of applications for grants shall be subject to approval in the same manner as original applications, except as the Commissioner might otherwise provide by or pursuant to regulations.

Section 305. Payments

Subsection (a) provides that from the amounts apportioned to each State under section 302 the Commissioner shall pay to each applicant in that State an amount equal to the amount expended by the applicant for the purposes set forth in its approved application.

Subsection (b) provides that payments under this title may be made in installments, in advance, or by way of reimbursement and that subsequent adjustments may be made.

Section 306. Advisory Committee

Subsection (a) establishes in the Office of Education an Advisory Committee on Supplementary Educational Centers and Services consisting of the Commissioner of Education, who shall be chairman, and eight members to be appointed by the Commissioner with the approval of the Secretary.

Subsection (b) provides that the functions of the Advisory Committee will be to advise the Commissioner (1) on the action to be taken with regard to each application for a grant under this title; and (2) in the preparation of general regulations and with respect to policy matters arising in the administration of this title.

Subsection (c) provides the usual provisions relating to compensation and travel expenses for members of advisory committees.

Section 307. Recovery of payments

This section permits the United States to recover, on a pro rata basis, Federal funds used to finance the construction of a facility under this act when certain changes in the ownership or use of such facility occur within 20 years of the completion of its construction.

Thus, if within such period (1) the owner of such facility ceases to be a State or local educational agency, or (2) such facility is no longer being used for the purpose for which it was constructed and the Commissioner has not authorized a new use for such facility, the United States may recover from the applicant or other owner of the facility an amount which bears the same ratio to the value of the facility at the time such change in ownership or use occurred as the amount of the Federal contribution to the construction cost of the facility bears to such cost. The section further provides that the value of the facility for the purpose of determining the amount which the United States is entitled to recover shall be established by agreement of the parties or in an action brought in the U.S. district court in the district in which the facility is situated.

Section 308. Labor standards

This section provides that laborers and mechanics employed on construction projects assisted under this act will be paid wages at rates not less than those prevailing as determined in accordance with the Davis-Bacon Act.

TITLE IV—EDUCATIONAL RESEARCH AND TRAINING

This title amends the act of July 26, 1954 (20 U.S.C. 331–332), entitled "An act to authorize cooperative research in education."

Section 401

This section amends the first section of such act (hereinafter referred to as "such first section") by expanding it into two new sections. To understand the amendment made by this section requires an understanding of the provisions of such first section. Subsection (a) of such first section authorized the Commissioner of Education, for the purpose of more effectively carrying out the functions of the Office of Education, to enter into contracts or jointly financed cooperative arrangements with universities, colleges, and State educational agencies for the conduct of research, surveys, and demonstrations in the field of education. Subsection (b) provided that before the Commissioner could enter into such a contract or arrangement he had to secure the advice of educational research specialists as to the value of the proposed research. Annual reports to Congress concerning the results of such research were required by subsection (c).

The new section 1 sets out a statement of purpose identical to the one contained in such first section.

Subsection (a)(1) of the new section 2 broadens the provisions of subsection (a) of such first section by (1) authorizing grants as well as contracts and arrangements for research, (2) authorizing grants, contracts, and arrangements for the dissemination of information derived from research, including information derived from programs developed under the Elementary and Secondary Education Act of 1965, and (3) providing that the recipient of such grants, contracts, and arrangements may be public or other nonprofit private agencies, institutions, and organizations and individuals as well as universities and colleges.

The requirement contained in subsection (a)(2) of the new section 2 that the Commissioner seek the advice and recommendations of specialists before making grants or entering into contracts or arrangements under this section is similar to the requirement contained in subsection (b) of such first section, except that an employee of the Federal Government cannot serve as a specialist under such subsection (a)(2).

Under subsection (b) of the new section 2 the Commissioner is authorized to make grants to public and other nonprofit universities and colleges and other public or nonprofit agencies to assist them in providing training in research in the field of education, including research traineeships, internships, and fellowships. No grant may be made under this subsection for training relating to sectarian instruction.

Subsection (c) provides that funds available to the Commissioner for grants, contracts, or arrangements under this section may be transferred, with the approval of the Secretary, to any other Federal agency for purposes for which such transferred fund could be used under this section. The Commissioner is also authorized to accept and expend funds of any other Federal agency for use under this section.

The requirement of subsection (d) with respect to an annual report to the Congress by the Commissioner concerning activity aided and initiated under this section is similar to the requirement of subsection (c) of such first section.

Section 402. Conforming amendments

This section makes a conforming amendment to section 2 of the act, redesignated as section 3 by section 401.

Section 403. Construction of regional facilities for research and related purposes

This section adds to the act the following new sections:

Section 4. Construction of regional facilities for research and related purposes: Subsection (a) authorizes the appropriation over a 5-year period, beginning with the fiscal year ending June 30, 1966, of $100 million to be used by the Commissioner of Education for the purpose of constructing and operating regional centers for research in the field of education. Sums appropriated shall remain available until expended for payments with respect to projects for which applications have been filed hereunder before July 1, 1970, and approved by the Commissioner before July 1, 1971.

Subsection (b) authorizes the Commissioner to (1) construct a regional center for research, (2) make a grant to a university, college, or other appropriate public or nonprofit private agency or institution for the cost of constructing such a facility, and (3) make arrangements for the operation of such a facility. Where title to a facility constructed under this section is vested in the United States, the Commissioner may transfer the title of such facility to any such college or university or other public or nonprofit private agency or institution upon such conditions as he deems appropriate to carry out the purposes of this section and protect the interest of the United States.

Subsection (c) provides that laborers and mechanics employed on construction projects assisted under this section shall be paid wages at rates not less than those prevailing as determined in accordance with the Davis-Bacon Act.

Subsection (d) provides that payments under this section shall be made in advance or by way of reimbursement and on such conditions as the Commissioner may determine.

Subsection (e) defines the term "research and related purposes" to mean research, research training, surveys, or demonstrations in the field of education or the dissemination of information derived therefrom.

Section 5. Definitions: This section defines the following terms as follows:

1. "State" is defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.
2. "State educational agency" is defined to mean a State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.
3. "Nonprofit" as applied to an agency, organization, or institution is defined to mean those owned and operated by corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.
4. "Construction" and "cost of construction" are defined to include construction of new buildings, expansion, remodeling, and alteration of existing buildings, site grading, off-site improvements, and architect fees, and equipping such buildings.

Section 6. Short title: This section provides that the act amended by this title may be cited as the "Cooperative Research Act".

TITLE V—GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION

Section 501. Appropriation authorized

This section establishes a 5-year program of grants to be made by the Commissioner of Education for the purpose of assisting States in strengthening their State educational agencies and in identifying and meeting their educational needs. For the fiscal year ending June 30, 1966, an appropriation of $25 million is authorized. For the fiscal year ending June 30, 1967, and next succeeding 3 fiscal years, the appropriations will be such as the Congress may authorize.

Section 502. Apportionment among States

Subsection (a) describes the manner in which 85 percent of the funds which are available for making grants under this title will be apportioned among the States, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands. Note that only for the purpose of describing the manner in which such 85 percent will be apportioned are the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands not included in the term "State".

First, in each fiscal year of the program, the Commissioner shall reserve up to 2 percent of 85 percent of the amount appropriated for that fiscal year and shall apportion such reserved amount among the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands, according to their respective needs for assistance under this title. The Commissioner shall then apportion $100,000 to each State and shall apportion the remainder of such 85 percent among the States on the basis of the relative number of public school pupils in the States.

Subsection (b) provides that if a State does not need its entire apportionment for a fiscal year it will be available for reapportionment to other States in proportion to the original apportionment to such States, but with adjustments to prevent any State's apportionment from being increased to an amount greater than the amount which it needs. This subsection also authorizes the transfer between the States of amounts apportioned under subsection (a).

Section 503. Grants from apportioned funds

Subsection (a) provides that from the funds apportioned under section 502 to a State the Commissioner may make a grant to a State educational agency, which has an approved application, of an amount equal to the Federal share of the expenditures made by such State agency for activities designed to promote the purposes of this title.

The following is some examples of such activities: educational planning on a statewide basis; improved collecting, processing, analyzing of educational data; dissemination of information relating to the needs of education in the State; programs for conducting or cooperating in educational research and demonstration programs; programs to improve the quality of teacher preparation; developing the competency of individuals who serve State or local educational agencies; and programs to provide leadership, administrative, or specialist services throughout the State.

Subsection (b) prescribes the share of a State's expenditures for activities and programs under an approved application that the United States will bear (referred to in this title as the "Federal share"). For the fiscal years ending prior to July 1, 1967, the Federal share for any State shall be 100 percent. Thereafter the Federal share for any State shall be 100 percent less the State percentage, except that (1) the Federal share shall in no case be more than 66 percent or less than 50 percent, and (2) the Federal share for the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 percent. The "State percentage" for any State shall be that percentage which bears the same ratio to 50 percent as the per capita income of that State bears to the per capita income of all the States (excluding the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands).

Provision is made in this subsection for the periods in which the Commissioner shall promulgate the Federal share and the data which he shall use in computing such Federal share.

Section 504. Applications for grants from apportioned funds

This section sets out the determinations required of the Commissioner before he may approve an application for a grant under this title. He must determine that the application—

1. Proposes programs and activities that meet the requirements of section 503(a) and will serve to strengthen the leadership resources of the applicant and its ability to effectively meet the educational needs of the State;
2. Satisfactorily provides that Federal funds will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes of section 503(a);
3. Sets forth fiscal control and fund accounting procedures to assure proper disbursement of Federal funds; and
4. provides for making certain reports and for keeping certain records.

Section 505. Special project grants

This section authorizes the Commissioner to use the remaining 15 percent of the sums appropriated under section 501 to make grants to State educational agencies for experimental projects for developing State leadership and for the establishment of special services which will help solve problems common to State educational agencies.

Section 506. Payments

Under this section the Commissioner is authorized to make payments under this title either in advance, by way of reimbursement, or in installments and to make any necessary adjustments.

Section 507. Interchange of personnel with States

This section authorizes the Commissioner of Education to arrange with the States for the interchange of personnel between the Office of Education (hereinafter referred to as the "Office") and the States for work which the Commissioner determines will aid the Office in more effectively discharging its responsibilities.

Subsection (a) provides that local educational agencies may not patricipate in this program.

Subsection (b) contains the authorization for the interchange of personnel and limits the length of any assignment to 2 years.

Subsection (c) contains detailed provisions with respect to (1) the compensation of personnel assigned to the Office or from the Office, (2) their status under the Civil Service Retirement Act, Federal Employees Health Benefits Act of 1959, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees' Compensation Act, and (3) related personnel problems.

Section 508. Administration of State plans

This section contains the notice and hearing requirements which the Commissioner must observe in acting on applications submitted under section 504 and the grounds upon which he can suspend a State's participation in a program under this title.

Subsection (a) calls for reasonable notice and opportunity for a hearing to be given a State before the Commissioner can disapprove an application.

Under subsection (b) the Commissioner can declare a State ineligible for further participation in a program under this title if, after reasonable notice and hearing, he finds that (1) the application no longer complies with section 504(a), or (2), in the administration of a program under an approved application, there is a failure to comply with such section.

Section 509. Judicial review

This section provides judicial review of the Commissioner's final action with respect to the initial approval of a State's application or with his final action in suspending the participation of a State in a program as provided in the preceding section.

Section 510. Periodic review of program and laws

This section directs the Secretary to appoint, within 90 days after the date of enactment of this title, an Advisory Council on State Departments of Education which shall be concerned with reviewing and making recommendations with respect to (1) programs assisted under this title and their administration, and (2) other acts under which State educational agencies are assisted in administering Federal programs relating to education. The Council is to consist of 12 persons, appointed by the Secretary, and the usable provisions with respect to compensation and travel expenses are made applicable to the members. The maximum compensation will be $100 per day. The Council is to report annually to the Secretary, who shall report to the President and the Congress.

TITLE VI—GENERAL PROVISIONS

Section 601. Definitions

This section contains definitions of a number of terms used in titles II, III, and V of the act. The term "construction" is defined to mean the erection and expansion of existing structures, and the acquisition and installation of equipment therefor, the acquisition of structures not owned by the agency involved, and remodeling of existing buildings. The term "elementary school" is defined to mean a day or residential school which provides elementary education. The term "local educational agency" is defined to include a public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a political subdivision of a State, or a combination of school districts or counties which are recognized in a State as an administrative agency for its public elementary and secondary schools. The term "State" is defined to include the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and for the purposes of titles II and III, it includes the Trust Territory of the Pacific Islands. The other terms which are defined in this section are given meanings similar to those given them in prior education legislation.

Section 602. Advisory council

This section authorizes the Commissioner, subject to the approval of the Secretary of Health, Education, and Welfare, to appoint an advisory council of 10 members to advise and consult with him with respect to his functions under this law. Members of the advisory council will be compensated on a per diem basis. Their pay may not exceed $100 a day.

Section 603. Federal administration

This section authorizes the Commissioner to delegate any of his functions under this act, or any act amended by this act, except the making of regulations, to any officer or employee of the Office of Education. It also authorizes the Commissioner to utilize services and facilities of any Federal agency and of any public or nonprofit agency or institution, and to pay for such services in advance or by way of reimbursement.

Section 604. Federal control of education prohibited

This section provides that nothing contained in the act will be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

Section 605. Limitation on payments under this act

This section provides that nothing in the act may be construed to authorize the making of any payment for religious worship or instruction.

Mr. MORSE. Mr. President, the bill contains six titles. I ask unanimous consent to have printed in the Record a summary of the bill which may be found on pages 1 and 2 of Report No. 146.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY OF THE BILL

If enacted, H.R. 2362, in title I, would amend Public Law 874, 81st Congress—

1. By adding a new title II to the act to provide financial assistance in local educational agencies for the education of children of low-income areas on the basis of a formula which shall be operative for the fiscal year ending June 30, 1966. For each of the 2 succeeding fiscal years of the 3-year program authorized the formula shall be that as established by law hereafter by the Congress; and
2. By extension of the present Public Law 874 provisions until June 30, 1968.

Title II of H.R. 2362 would authorize the Commissioner of Education for the fiscal year ending June 30, 1966, and for each of the 4 succeeding fiscal years, to make grants for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools. However, the program would be funded at $100 million solely for the fiscal year ending June 30, 1966. Only such funds may be appropriated for the succeeding fiscal years as may be hereafter authorized by the Congress.

Title III of H.R. 2362 authorizes a 5-year program for making grants for supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services not available in a sufficient quantity and quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs. For the fiscal year ending June 30, 1966, $100 million is authorized to be appropriated. For the succeeding 4 fiscal years only such sums may be appropriated as the Congress may hereafter authorize by law.

Title IV of H.R. 2362 would amend the Cooperative Research Act of 1954 by authorizing the Commissioner of Education to make grants to universities and colleges and other public or private nonprofit agencies, institutions, and organizations and to individuals, for research, surveys, and demonstrations in the field of education; for the dissemination of information derived from educational research; and to provide, by contracts or jointly financed cooperative arrangements, for the conduct of such activities.

Title IV would also amend the Cooperative Research Act of 1954 to authorize the Commissioner to make arrangements for the construction and operation of regional facilities for educational research and related purposes. Beginning with the fiscal year ending June 30, 1966, $100 million, in the aggregate, is authorized for the purposes. Funds appropriated pursuant to this authorization shall remain available until expended for payments with respect to projects which will have been approved by the Commissioner before July 1, 1971.

Title V of H.R. 2362 would authorize the Commissioner of Education to carry out during the fiscal year ending June 30, 1966, and each of the 4 succeeding fiscal years, a program for making grants to stimulate and assist States in strengthening the leadership resources of their State educational agencies, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of States.

For the purpose of making grants under this title, there is authorized to be appropriated the sum of $25 million for the fiscal year ending June 30, 1966; but for the fiscal year ending June 30, 1967, and the 3 succeeding fiscal years, only such sums may be appropriated as the Congress may hereafter authorize by law.

Title VI of H.R. 2362 contains general provisions, including definitions used in titles II, III, and V of the act; authority to establish an Advisory Council of 10 members to advise and consult with the Commissioner with respect to his functions under the act; provisions relating to the delegation of the functions of the Commissioner; provisions relating to the prohibition of Federal control of education; and provisions placing certain limitations on payments under the act.

TITLE I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES AND EXTENSION OF PUBLIC LAW 874, 81ST CONGRESS

I. THE NEED

Mr. MORSE. Mr. President, basic to the whole approach of title I is the recognition of the special educational needs of children of low-income families. Testimony before the Subcommittee on Education left no doubt of the harsh effects of poverty upon the educational opportunities of the child.

Even the limited opposition which has been expressed toward this title has not denied the need for special programs and support for educationally deprived children. The conclusion is clear that special support is necessary to aid the local educational agency in providing the extra effort which is needed to remove the deprivation of the educationally deprived child. It is only by such extra effort that these children can be placed on equal basis with other children to benefit from our educational system to the fullest extent of their capabilities.

While title I is actually an amendment to Public Law 874, 81st Congress, it represents a new element of Federal concern. The original Public Law 874 recognized a need for general support of certain local school agencies because of the impact of Federal installations. This new title recognizes that the impact of poverty creates the need for special programs and approaches in the schools to overcome the debilitating effects of the social conditions resulting from poverty. It further recognizes that the local educational agencies in most cases are unable to adequately finance these special programs and approaches and provides Federal funds for this purpose.

The impact of poverty in its various forms is a matter of national concern. Its effects on our highly mobile population cannot be confined to particular areas, nor can the financial burden of programs of eradication be fairly placed upon individual local units. There is no more basic a factor in breaking the circular chain of poverty than improved educational opportunity. To do this, however, our already overburdened State and local educational agencies need the active support and partnership of the Federal Government.

II. ALLOCATIONS

An estimated $1.06 billion will be available during fiscal year 1966 under this title to support the programs for the educationally deprived. These funds will be allocated through the basic grant formula. Beginning in fiscal year 1967 there will be additional allocations made through special incentive grants.

BASIC GRANTS

The basic grant formula is a combination of two factors. The first factor is composed of the number of children aged 5 through 17 in families with incomes less than $2,000 plus the number of such children in families with incomes of $2,000 or more from payments made under the program of aid to families with dependent children—AFDC. The $2,000 family income poverty level was selected because there can be little doubt that this represents poverty for a family with children wherever it occurs in the United States. There is no question that there are levels of poverty above $2,000 family income which could be justified in many parts of the country, but this is compensated for by the variable second factor. Children from families with incomes of $2,000 or above from AFDC payments are included because the support of these families through tax supported welfare payments places an extra fiscal burden upon the community.

The second factor in the basic grant formula is one-half the average current expenditure per pupil in average daily attendance for the State to which the allocation is made. This variable factor has a number of advantages. Since the high expenditure States tend to be the high cost of living States, the higher payment per pupil provides an equalized extra support for the deprived children in all States. It costs more to give the same relative extra attention to the deprived child in a high expenditure State than it does in a low expenditure State. The variable factor also compensates the high expenditure States for the considerable income-in-kind found in low expenditure States with a larger rural population. Income-in-kind is less common in the high expenditure industrial States. "Income-in-kind" is not included in the census definition of income so that the rural States are favored in any cash income definition of poverty by having larger relative numbers of persons so classified.

Viewing the formula as a whole, it can be seen that it represents an equitable basis for allocating funds to aid the educationally deprived child. The two parts of the formula complement and reinforce each other, and meet the basic criteria for such a formula: First, identify a broad but distinct poverty group; second, be applicable uniformly among the States and local units; third, be administratively feasible; and, fourth, be convertible into number of deprived children at a desirable geographical level of allocation.

Data on the number of children aged 5 through 17 from low-income families will be supplied by the Bureau of the Census from the records of the 1960 Census of Population, the latest available figures, unless later special census figures become available. These later figures will be used for any county where applicable. Data on AFDC children will be provided by the Secretary of Health, Education, and Welfare for the most nearly comparable year to the census figures used for which records are avaialble. State educational agencies will supply the Commissioner of Education with figures on the current expenditure per pupil. For fiscal year 1966 allocations, this current expenditure data will be for the 1964 fiscal year.

Allocations will be made by the Commissioner of Education to the county or school district level in each State, whichever is feasible. Where the school districts are coterminous with other governmental jurisdictions, data will be available at the Federal level for such direct allocations. Eleven States and the District of Columbia can be considered as essentially State or county unit systems. In addition, the New England States generally have their school districts coterminous with towns and cities. Scattered units in other States may also be coterminous. Where the allocation is made directly to the school district, 100 low-income children will qualify that district to submit a program. There is a saving clause for smaller districts which provides that they may qualify if the number of deprived children is 3 percent of the total number of children aged 5 through 17 inclusive in that district, provided there are at least 10 such children.

Where the Commissioner cannot allocate to the school district level because of lack of data, the allocations will be made to the county level. The State educational agency is then required to make suballocations within the county to school districts on the basis of locally available data, such as AFDC rolls, which will correlate highly with the number of low-income children. Under this system, a county must have 100 low-income children to qualify.

SPECIAL INCENTIVE GRANTS

For fiscal years 1967 and 1968 additional grants will be available for school districts participating in the basic grants to the extent their aggregate per pupil free public educational expenditures—excluding Federal funds—from current revenues for fiscal year 1964–65 exceeded, for 1967, 105 percent of such expenditures in 1963–64, and for 1968 the amount will be that in excess of 110 percent of such expenditures for 1965–66 over 1963–64. Each local educational agency so qualifying will supply the appropriate verifiable information on expenditures.

Only the basic grants will be available for the first year, and the following table provides an estimate of allocations by State. The allocation which is made for any fiscal year, whether basic or special incentive, represents a ceiling on the amount for which a local educational agency may apply through the State program approval procedure. Funds will be available only for approved programs.

Mr. President, I ask unanimous consent that the table of estimated State allocations be printed at this point in my remarks.

III. APPROVAL OF PROGRAMS

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated distribution of $1,060,082,973[1] *under the Elementary and Secondary Education Act of 1965, as amended by House of Representatives Committee on Education and Labor*

	Total estimated amounts
United States and outlying areas	$1,060,082,973
50 States and District of Columbia	1,038,881,314
Alabama	31,738,000
Alaska	1,430,938
Arizona	9,757,481
Arkansas	21,095,002
California	73,145,300
Colorado	8,454,110
Connecticut	7,175,172
Delaware	1,966,851
Florida	27,896,230
Georgia	34,517,871
Hawaii	2,127,585
Idaho	2,311,382
Illinois	43,360,809
Indiana	18,772,978
Iowa	17,325,264
Kansas	9,752,736
Kentucky	28,215,150
Louisiana	37,904,234
Maine	3,907,197
Maryland	14,356,074
Massachusetts	13,988,754
Michigan	32,729,320
Minnesota	20,876,677
Mississippi	28,028,704
Missouri	26,866,755
Montana	3,750,273
Nebraska	6,793,169
Nevada	658,184
New Hampshire	1,609,796
New Jersey	20,196,092
New Mexico	8,931,560
New York	91,893,253
North Carolina	48,556,000
North Dakota	5,069,610
Ohio	36,708,699
Oklahoma	15,596,196
Oregon	7,893,807
Pennsylvania	49,519,506
Rhode Island	3,746,500
South Carolina	25,519,125
South Dakota	6,249,152
Tennessee	31,092,525
Texas	74,580,048
Utah	2,627,783
Vermont	1,556,327
Virginia	29,433,775
Washington	11,275,168
West Virginia	15,741,450
Wisconsin	16,078,428
Wyoming	1,470,960
District of Columbia	4,633,354
American Samoa, Canal Zone, Guam, Puerto Rico, Virgin Islands	21,201,659

[1] 2 percent ($21,201,659) reserved for distribution to the outlying areas, which are American Samoa, Guam, Puerto Rico, Trust Territories of the Pacific, and the Virgin Islands.

Mr. MORSE. Mr. President, under this title the State educational agency plays a major role. It must approve all programs of the local educational agencies for aid to the educationally deprived child. Before a State may participate in the programs under this title it must submit an application to the Commissioner which provides satisfactory assurance that it will only approve programs of local educational agencies that meet the criteria set forth in this title, that it will provide necessary fiscal control and accounting procedures, and that it will make periodic reports to the Commissioner on the status of the programs and keep such records as are necessary to verify their correctness.

The criteria which the State educational agency must apply to local educational agencies in the process of approving their programs includes the following:

First. The programs must be directed toward the special educational needs of educationally deprived children in areas of high concentration. Other pupils in schools having such programs may benefit since there is no intent to label the individual child as deprived, but the main focus of attention is to be on the educationally deprived child.

Second. Approved programs must be of sufficient size, scope, and quality to give reasonable promise of success. Joint programs of two or more local educational agencies are to be encouraged.

Third. Consistent with the number of educationally deprived children enrolled in private elementary and secondary schools, the local educational agency is to make provision for special educational services and arrangements such as dual enrollment, educational radio and television, and mobile educational services and equipment, in which such children can participate.

Fourth. Control of the funds and title to all property obtained through these funds is to be in a public agency.

Fifth. Any project for construction of school facilities must not be inconsistent with overall State plans for the construction of school facilities.

Sixth. Evaluation of the effectiveness of the programs in meeting the needs of educationally deprived children will be made at least annually.

Seventh. Adequate records will be kept by the local educational agency, and an annual and such other reports as the State educational agency may need to perform its duties under this title will be made to that State agency.

Eighth. Where there is in operation a community action program under the Economic Opportunity Act of 1964, the programs and projects will be developed in cooperation with the public or private nonprofit agency responsible for the community action program.

Ninth. Effective procedures will be adopted for acquiring and disseminating to teachers and administrators significant information derived from educational research and demonstration projects and adopting where appropriate promising educational practices.

The State educational agency must make provisions for a hearing of the local educational agency before disapproving an application from the local agency. It is the intention of this legislation to encourage as much initiative as possible by the local educational agency. Different types of programs can be adopted to meet the special needs of the local community. There is virtually no limit to the types of programs which can be established so long as they focus on the educationally deprived child and show some promise of success. The following list of programs is illustrative, but not definitive, of the types of programs which might be adopted.

Mr. President, I ask unanimous consent that the lists of possible programs for educationally disadvantaged children suggested by local superintendents in selected States be printed at this point in my remarks.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

POSSIBLE PROGRAMS FOR EDUCATIONALLY DISADVANTAGED CHILDREN SUGGESTED BY LOCAL SUPERINTENDENTS IN SELECTED STATES

EDUCATIONAL PERSONNEL

Inservice training for teachers.

Additional teaching personnel to reduce class size.

Teacher aids and instructional secretaries.

Supervisory personnel and full-time specialists for improvement of instruction and to provide related pupil services.

Team tutoring.

Provide trained, paid leaders for science youth clubs and educational clubs.

Exchange programs for teachers and inservice teacher training.

College-based institutes for training teachers in special skills.

Employment of consultants for improvement of program.

Program to train teacher aids.

CURRICULUMS

Supplementary instructional materials.

Curriculum Materials Center for disadvantaged children.

Classes for talented elementary students.

Special classes for disturbed and socially maladjusted children.

Preschool training programs.

Remedial programs—especially reading and mathematics.

Education in family living and home management.

Enrichment programs such as story hours for grades 1, 2, and 3 on Saturday mornings and during summer.

Programed instruction.

English programs for non-English-speaking children.

Special audio-visuals for disadvantaged.

RELATED EDUCATIONAL SERVICES

Program for the early identification and prevention of dropouts.

Increased guidance services.

Guidance programs for pupils and families.

School-job coordinators.

Home and school visitors and/or social workers.

Early identification of gifted among disadvantaged.

Area guidance centers.

FIANCIAL AND OTHER ASSISTANCE TO INDIVIDUALS

Supplemental health and food services.

School health, psychiatric, and psychological services.

Provision of clothing, shoes, and books where necessary.

Financial assistance to needy high school pupils.

EQUIPMENT

Special laboratories.

School plant improvements—elementary school science laboratories, libraries, kitchens, and cafeteries.

Equip elementary classrooms for television and radio instruction.

Purchase of musical recordings of classical nature, and recordings of poems and addresses.

Mobile learning centers.

SUMMER PROGRAMS AND PHYSICAL EDUCATION AND RECREATION

Educational camps.

College coaching classes.

Expansion of recreation to include physical education, health, and hygiene.

Arts and crafts programs during summer vacation.

Summer school and day camp.

Summer programs for development of language skills growing out of activities.

Community centers for organized recreation, hobbies, and special interests.

Full day summer school.

Shop and library facilities available after regular school hours.

Informal play-group program with young children.

Sports and other activities designed to improve physical fitness and develop sportsmanship.

VOCATIONAL OR OCCUPATIONAL

Occupational training classes.

Work experience programs.

On-the-job training for high school students.

Program for unemployed, out-of-school youth, between the ages 16 and 21.

Extended operation of youth organizations—Future Farmers, Business Leaders, Homemakers, Nurses, etc.

LIBRARIES AND CULTURAL ENRICHMENT

Field trips for cultural and educational development.

Expansion of libraries in major disciplines.

Scheduling of concerts, dramas, and lectures; mobile art exhibits and libraries.

Saturday morning special opportunity classes.

Bookmobiles—home oriented.

MISCELLANEOUS

Afterschool study centers.

Preschool pupil transportation.

Pupil exchange programs (semester, year, summer).

Residential schools in demonstration areas.

IV. PAYMENT OF FUNDS

Mr. MORSE. Mr. President, under title I funds will be paid from time to time and in advance to the State educational agency, which agency, will in turn pay to the local educational agencies sums to which they are entitled for approved programs. It is intended that funds be made available, as needed, to the local educational agencies so that the least financial burden possible will be placed on these agencies.

To defray the necessary expenses for the State administration of this title including evaluation of local programs, each State educational agency is entitled to an amount up to not more than 1 percent of the total of the amount of the basic grants paid to the local educational agencies. Payments may be made in advance to the States for these administrative expenses.

Certain limitations are placed under this title on the payment of funds. During the first year, fiscal 1966, no local educational agency may receive payments for title I programs of more than 30 percent of its regular budgeted current expenditures for that year. This will require the submission of estimated current expenditures by each local educational agency during the first year as a part of the approval process, so that the limitation can be observed. This limitation is designed to assure prudent expenditure. It is unlikely that any local educational agency could absorb a larger increase in its budget.

No payments can be made to a State that penalizes a local educational agency through reduced State educational aid because of moneys received under this title. The money under this title is not to be used to replace State money.

There is a further provision that the combined fiscal effort of the State and the local educational agency must be maintained if any payments are to be made to a local educational agency. These programs are to represent an extra effort, and this can only be done if the local unit at least maintains its current fiscal efforts. Current fiscal effort is defined as being based on fiscal year 1964, the last year for which data could be obtained in time to administer the law. The State educational agency will make the determination of effort under regulations of the Commissioner.

In the case of an insufficient appropriation during fiscal year 1966, payments for approved programs to the local educational agencies will be reduced proportionately. Since Congress will be reviewing the formula and payments for fiscal years after 1966 no further limitation was applied.

I stress the point that, so far as the operation of most of the bill is concerned, it is an authorization for 1 year, and we shall be back next year for consideration of further authorizations and for consideration of any proposed changes that a year's experience may seem to justify.

Wages for laborers and mechanics employed on construction projects assisted by this title must be paid prevailing wages in accordance with the Davis-Bacon Act, as amended.

Finally, if a State fails to comply with any of its assurances under this title, all payments may be withheld or if the violation involves specified local educational agencies, payments to those agencies may be withheld by the Commissioner until the situation is corrected. In the event that a State is dissatisfied with the Commissioner's final action under withholding or the approval of its assurances, it may take its case to the U.S. court of appeals in the circuit in which it is located.

V. NATIONAL ADVISORY COUNCIL

There is created under title I a National Advisory Council on the Education of Disadvantaged Children composed of 12 persons appointed by the President of the United States. The Council is directed to review the administration and operation of this title, including the effectiveness of the programs, and to make recommendations for improvement. An annual report to the President not later than March 31 of each calendar year is required. This report will be transmitted by the President along with his comments to the Congress. Staff and technical assistance for the Council will be provided by the Secretary of Health, Education, and Welfare at the request of the President.

VI. EXTENSION OF PUBLIC LAW 874

Title I of Public Law 874, 81st Congress, is extended through fiscal year 1968 to bring it into conformity with the new title.

TITLE II. SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Testimony on this title brought to the attention of this committee convincing evidence of the importance of adequate library materials and staff, and the value of up-to-date textbooks in supporting the educational program of elementary and secondary schoolchildren.

Mr. President, if you show me a school without a library; or a school with an inadequate library; or, a school with a library that does not meet recognized minimum library standards; I shall show you a school that to a surprising degree is cheating the pupils in that school out of the education to which they are entitled.

When all is said and done, education grows out of a seedbed of books. Unless we can instill in the elementary and secondary schoolchildren of our country a love for books and an impelling desire to read them, we shall have little hope of developing to the maximum extent possible their intellectual potential.

As the Senate has heard the senior Senator from Oregon say many times on the floor of this body and in committee, we have a great moral obligation in our time, to stop the wasting of the intellectual potential of tens upon tens of thousands of American boys and girls. We cannot possibly justify such a course of action from the standpoint of our domestic welfare and our foreign policy welfare.

That is why, as a member of the Committee on Labor and Public Welfare, which has jurisdiction over education legislation, and on which I have the great honor to serve as chairman of the Subcommittee on Education, and also in my capacity as a member of the Foreign Relations Committee of the Senate, I have been heard to say, and I repeat now, that if I had to name the five most important domestic issues which face the people of our country, I would name the education crisis high on that list. If I had to name the five most important foreign policy issues that face our Republic, I would name the education crisis on that list.

One's first reaction might be, "Why does the Senator from Oregon list education in the field of foreign policy issues?"

I shall tell the Senate why. As I have been heard to say before—and repeat again today—we cannot keep ahead of Russia and China in manpower, but we had better keep ahead of both of them in brainpower. We must face up to the fact that the greatest security weapon we have is the potential brainpower of the youth of this country. I consider it more important to our security that we develop this potential brainpower than that we develop hydrogen bombs. So far as the impact on the world of the future is concerned, the maximum development of the potential brainpower of our youth will have greater impact than the development of a new type of hydrogen bomb.

To put it that way, Mr. President, as some may say, is to put it in a sort of broad brush-stroke painting; but it is the painting of a crisis that we need to look at. As I explain H.R. 2362, it will be seen that we are dealing today with a measure which has special purposes, not general purposes. The legislation is not a general aid to education bill; it is a special aid bill for a special group of American boys and girls known as our educationally deprived children, many of whom come from our economically deprived families. The voluminous record made before my subcommittee, which is on the desk of each Senator, consisting of six volumes, contains the testimony, the data and the evidence presented by witnesses and groups who were well qualified to advise us about the crisis to which I have alluded.

In behalf of all members of my committee on both sides of that committee table, I speak with great pride, and I also speak with an expression of great gratitude to the people of this country who came to Washington and made it possible for us to compile these six volumes of supporting evidence behind the bill.

The record shows their testimony concerning title II, dealing with books, pointing out the importance of our getting books into the hands of deprived boys and girls. The testimony shows that in some of these deprived areas and homes there is hardly a book, and the nature and the quality of the books that are in many of such homes are not the books that will be very helpful in developing the educational processes so needed by the deprived youngsters in those homes.

Repeatedly in those hearings, the school library was described as a learning area where students are spending an increasing number of hours of their schoolday learning and absorbing knowledge at their own rate of progress. Research in the field of school library development has provided clear evidence that there is a close relationship between student achievement and quality of library programs. In spite of the recognized importance of school libraries, the latest available data show that more than 53 percent of our public schools do not have them. Most deficient in library service are elementary schools of which 69 percent remain without this service. More important than these percentages are the number of schoolchildren affected. There are more than 10 million public elementary and secondary pupils who do not have access to the resources of a school library. In addition, there are nearly 2 million pupils in over 6,200 nonpublic elementary and secondary schools without school libraries.

I ask unanimous consent that tables summarizing these conclusions be printed at this point in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Public schools with and without school libraries, 1960–61

Educational level	Total number of schools	With libraries		Without libraries	
		Number	Percent	Number	Percent
U.S. total	102, 487	47, 546	46. 3	54, 941	53. 7
Elementary only	75, 773	23, 679	31. 2	52, 094	68. 8
Junior high only	5, 705	4, 934	86. 4	771	13. 6
High school, or senior high, only	9, 017	8, 502	94. 2	515	5. 8
Junior-senior high, only	3, 795	3, 678	96. 9	117	3. 1
Combined elementary and secondary school plant	8, 197	6, 753	82. 3	1, 444	17. 7

Public school pupils with and without school libraries, 1960–61

Educational level	Total number of school pupils	With school libraries		Without school libraries	
		Number	Percent	Number	Percent
U.S. total	35, 952, 711	25, 300, 243	70. 3	1, 652, 468	29. 6
Elementary, only	21, 063, 893	11, 206, 912	53. 2	9, 856, 981	46. 8
Junior high, only	3, 829, 992	3, 623, 875	94. 6	206, 117	5. 4
High school, or senior high, only	5, 577, 572	5, 437, 191	97. 4	140, 381	2. 5
Junior-senior high, only	2, 192, 884	2, 158, 511	98. 4	34, 373	1. 6
Combined elementary and secondary school plant	2, 388, 370	2, 873, 754	87. 3	414, 616	12. 6

Source: Statistics of Public School Libraries, 1960–61. Pt. 1. Basic Tables. Mary Helen Mahar and Doris C. Holladay. Washington, D.C., U.S. Department of Health, Education, and Welfare, Office of Education, 1964.

Nonpublic schools with and without school libraries, 1962

Educational level	Total number of schools	With libraries		Without libraries	
		Number	Percent	Number	Percent
U.S. total	14, 020	7, 764	55. 4	6, 256	44.6
Elementary	10, 105	4, 414	43. 7	5, 691	56.3
Secondary	1, 860	1, 748	94. 0	112	6.0
Combined elementary-secondary	2, 023	1, 588	78. 5	435	21.5

Nonpublic school pupils with and without school libraries, 1963

Educational level	Total number of school pupils	With school libraries		Without school libraries	
		Number	Percent	Number	Percent
U.S. total	5, 116, 411	3, 213, 577	62. 8	1, 902, 834	37.2
Elementary	3, 465, 712	1, 721, 051	49. 7	1, 744, 661	50.3
Secondary	776, 007	743, 678	95. 8	32, 329	4.2
Combined elementary-secondary	874, 553	748, 721	85. 6	125, 832	14.4

Source: National Inventory of School Facilities and Personnel, Spring 1962. George J. Collins, and others. Washington, D.C., U.S. Department of Health, Education, and Welfare, Office of Education, 1964.

Mr. MORSE. Mr. President, schools which do not have libraries are all too often stocked with obsolete materials which are, in effect, a detriment to learning.

One does not have to go very far from where I am now speaking for evidence, on the spot, of the observation I have just made. One of the greatest needs of the deprived schools of the District of Columbia is books—good books, books and library resources that the teaching staff find helpful as instruments to use in the educational process.

As one librarian testified, as appears at page 3059 of the hearings:

> The lives and future of culturally deprived children can be greatly enriched by daily contact with a wealth of good books to open windows on the world and to inspire them to a better way of life. Their educational program will be more dynamic when they have access to a large stock of instructional materials and to superior school libraries, administered by professional school librarians. Schools and public libraries over the years have helped to stimulate and to brighten the lives of boys and girls in the slum areas who would otherwise rarely come in contact with the joy and challenge of good books. The vicarious experiences they glean from the pages of good literature can be an inspiration to them educationally, vocationally, and spiritually. I need to add nothing more to what Miss McJenkin has said, but I would like to say this:
>
> Last summer, while teaching at Columbia University this past summer, I had school librarians from Harlem and other underprivileged areas in my class. I wish you could hear their account of the meager materials with which they have to work. But better still, I wish you could have felt their dedication and the enthusiasm they have for their work. Two weeks ago, I had the opportunity of visiting the Mount Royal Elementary School in an underprivileged section of Baltimore. Here a fine school program and excellent library service produces a very different picture and one we want to see emulated in all metropolitan areas where poverty exists.

The growing need for school library resources has been vividly illustrated by testimony of the Commissioner of Education. He called attention to a forthcoming study which estimates a volume gap of more than 200 million volumes for public and more than 60 million volumes for nonpublic elementary and secondary schools. In terms of dollar expenditures, more than $900 million would be required to meet this deficiency.

Considerable evidence also pointed to the need to improve the quantity and quality of textbooks and other instructional materials. In too many schools, history textbooks are in use that end with World War I, and physics texts are being studied in this space age with no information on atomic developments.

Annual funds expended for textbooks vary from as low as $4.76 per student in one State to $12.32 in another. Textbooks are still not free to all students in many schools, including high schools in one-fourth of the school systems in 128 of our largest cities. Some families may have to expend $15 to $20 per child for school textbooks.

The Commissioner of Education testified:

> Children in families unable to support this extra burden are often turned from the halls of the school to the alleys of the slums. We cannot afford this loss.

This committee concludes, as did the President:

> The cost of purchasing textbooks at increasing prices puts a major obstacle in the path of education—an obstacle that can and must be eliminated.

GRANTS TO STATES FOR SCHOOL LIBRARY RESOURCES, TEXTBOOKS, AND OTHER INSTRUCTIONAL MATERIALS

Title II of this bill would authorize allotments of $98 million to States for the purchase of library material and textbooks. Up to $2 million is set aside for the same program in American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table showing the estimated distribution of $100 million for school library resources, textbooks, and instructional materials under title II, Elementary and Secondary Education Act of 1965, for fiscal year 1966.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated distribution of $100,000,000,[1] school library resources, textbooks, and instructional materials under title II, Elementary and Secondary Education Act of 1965, fiscal year 1966

	Estimated amounts
United States and outlying areas	$100,000,000
50 States and the District of Columbia	98,000,000
Alabama	1,734,277
Alaska	118,854
Arizona	815,164
Arkansas	937,854
California	9,308,483
Colorado	1,065,929
Connecticut	1,392,995
Delaware	256,903
Florida	2,604,055
Georgia	2,174,706
Hawaii	391,124
Idaho	370,581
Illinois	5,361,699
Indiana	2,528,237
Iowa	1,483,765
Kansas	1,146,723
Kentucky	1,549,486
Louisiana	1,922,905
Maine	525,829
Maryland	1,809,594
Massachusetts	2,622,125
Michigan	4,671,827
Minnesota	1,988,186
Mississippi	$1,218,307
Missouri	2,309,246
Montana	382,828
Nebraska	775,144
Nevada	211,763
New Hampshire	336,232
New Jersey	3,233,812
New Mexico	590,702
New York	8,293,725
North Carolina	2,435,404
New Dakota	347,300
Ohio	5,406,689
Oklahoma	1,266,877
Oregon	975,757
Pennsylvania	5,908,219
Rhode Island	427,974
South Carolina	1,320,035
South Dakota	386,888
Tennessee	1,826,346
Texas	5,345,745
Utah	587,662
Vermont	208,027
Virginia	2,095,347
Washington	1,591,758
West Virginia	924,800
Wisconsin	2,278,827
Wyoming	187,468
District of Columbia	345,817
American Samoa, Guam, Puerto Rico, Virgin Islands, Trust Territory of the Pacific	2,000,000

[1] 2 percent ($2,000,000) reserved for distribution to the outlying areas.

ADMINISTRATION OF PROGRAM BY STATE AUTHORITY

Mr. MORSE. Mr. President, States desiring to participate in the provisions of title II would have to submit State plans and designate a State agency to administer the approved plans. It is intended that wherever possible the State educational agency would be the sole agency for administration of the State plan.

The plan would develop a program for the acquisition of library resources—including precataloged library resources—textbooks, audiovisual materials, and other printed and published materials for use of children and teachers in public and private elementary and secondary schools.

During the first year, administrative costs of the program would be available from the State grant up to 5 percent of the State allotment. For the following years, up to 3 percent of the State allotment would be available.

In making library resources, textbooks, and other instructional materials available to elementary and secondary students who were not enrolled in public schools, the State agency would be required, by the terms of the legislation, to so administer the program as to conform to State law. To insure that the funds expended will not accrue to the benefit of any private institution the following provisions were made:

First. Library resources, textbooks, and other instructional materials are to be made available to children and teachers and not to institutions.

Second. Such materials are made available on a loan basis only.

Third. Public authority must retain title and administrative control over such materials.

Fourth. Such material must be approved for use by public school authority in the State.

Fifth. Books and material must not supplant those being provided to children but must supplement library resources, textbooks, and other instructional materials to assure that the expenditures will furnish increased opportunities for learning. The State should also assure that the Federal funds made available under this title will not be used to supplant or duplicate, inappropriately, functions of the public library system of the State.

Assurance must be given in the administration of State plans that library resources, textbooks and other instructional materials will be made available on an equitable basis to all elementary and secondary schoolchildren and teachers.

The materials to be purchased under title II will be those approved for use in the public schools by the public State agency with the authority to prescribe such materials. The operation of title II would not differ from the conduct of public library programs which on a loan basis make library materials available to public and private school students.

In order to prevent the denial of benefits to children in any State in which a strict prohibition is encountered, section 204 of title II authorizes the Commissioner to arrange for the provision on an equitable basis of such library resources, textbooks, or other instructional materials for the use of children and teachers in such States. In the latter event, only those materials which have been approved for use in public schools may be made available.

TITLE III OF H.R. 2362

Title III provides authority to attack two problems which have long adversely affected education in the United States. This title authorizes the Commissioner to establish a program which would award grants to stimulate and assist in the provision of vitally needed supplementary educational services and to stimulate and assist in the provisions of exemplary educational programs to serve as models for regular school programs. Many school authorities have reported over and over again that there are vital services that they could render to teachers and students, but which they are prevented from doing because of inadequate funds. Other school people have questioned whether a local or State educational agency ought to assume the financial burden of creating exemplary educational programs which benefits and serves the entire Nation. The program authorized by title III would help to meet both these needs.

Grants would be made by the Commissioner to a "local educational agency" or group of such agencies on application to him. The term "local educational agency" means any public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools. This term assumes the broadest meaning possible to provide for the maximum flexibility and efficiency in the organization of programs; to provide for the variety of organizational structures in the education systems of our Nation; and to take into consideration the contributions that can be made by various levels in the educational organization structure.

The Commissioner, in approving applications, must take into account such things as the effectiveness of administrative provisions and equitable distribution of assistance within each State considering such criteria as the size and population of the State, the distribution of population within the State, the relative ability of the local educational agency to finance such services, and the need for such a service or exemplary program. Money authorized under the program is allocated on the basis of a formula which provides a flat grant of $200,000 to each State and then divides the remainder of the money into two parts, one of which is allocated on the basis of the States relative school-age population and the other of which is allocated on the basis of the States relative total population. For the first fiscal year the money would be allocated to the States and the territories according to the following table:

Estimated distribution of $100,000,000[1] *for supplemental education services under title III, Elementary and Secondary Education Act of 1965, fiscal year 1966*

	Total estimated amount
United States and outlying areas	$100,000,000
50 States and the District of Columbia	98,000,000
Alabama	1,843,542
Alaska	318,293
Arizona	935,099
Arkansas	1,098,100
California	8,239,821
Colorado	1,107,310
Connecticut	1,432,727
Delaware	425,115
Florida	2,702,679
Georgia	2,229,496
Hawaii	530,441
Idaho	536,393
Illinois	4,929,120
Indiana	2,451,748
Iowa	1,487,761
Kansas	1,230,857
Kentucky	1,687,506
Louisiana	1,878,224
Maine	659,025
Maryland	1,779,430
Massachusetts	2,581,226
Michigan	4,051,798
Minnesota	1,863,225
Mississippi	1,338,365
Missouri	2,188,807
Montana	537,823
Nebraska	879,119
Nevada	377,415
New Hampshire	495,293
New Jersey	3,150,198
New Mexico	698,347
New York	8,010,486
North Carolina	2,507,564
North Dakota	512,900
Ohio	4,912,452
Oklahoma	1,322,315
Oregon	1,067,258
Pennsylvania	5,392,267
Rhode Island	$600,568
South Carolina	1,449,458
South Dakota	541,281
Tennessee	1,965,556
Texas	5,083,486
Utah	690,284
Vermont	390,283
Virginia	2,215,361
Washington	1,588,747
West Virginia	1,070,069
Wisconsin	2,118,449
Wyoming	363,035
District of Columbia	533,880
American Samoa, Guam, Puerto Rico, Virgin Islands, Trust Territory of the Pacific	2,000,000

I point out again that we are dealing here with an authorization for 1 year.

Responsibility for conducting the entire program is distributed between local educational agencies, State educational agencies, and the Commissioner of Education. Local education agencies submit their applications directly to the Commissioner, but he in turn may approve and fund applications only if they have first been submitted to State departments of education for review and recommendation. Local and State initiative and responsibility is preserved under this arrangement where applications and programs arise from local planning in response to local needs and desires. The committee hopes that chief State school officers will assist local educational agencies to develop programs which best serve the advance of education within the State. By providing assistance through statewide planning, wasteful overlap and duplication can be avoided.

One of the bright features of this title is the emphasis that will be placed on innovation in the development of supplementary educational service programs. Stimulation and assistance in the development of exemplary programs is just one innovative aspect. A second just as important point lies in the provision that local educational agencies in the planning and administration of services must involve persons broadly representative of the cultural and educational resources of the area to be served. This provision provides impetus for local educational agencies to extend areas of cooperation beyond their own institutional structures in order to make use of appropriate resources and talent in the development and operation of supplementary and exemplary educational programs. The intention here is to provide for further cooperation among local school districts, State departments of education, noneducational governmental agencies at local, State, and National levels, colleges and universities, and private nonprofit organizations. In addition, efforts should be made to utilize the resources of private research, industry, business, and other professional and civic groups.

In addition to determining that local educational agencies have involved the best educational and cultural resources in the area, the Commissioner must also ascertain that provision has been made to serve all appropriate children and adults in some cases in the area. This title is not intended to be used to support instruction in private institutions, nor is it the intent to pay teachers in private schools through programs under this title. Nothing under this title is to accrue to the pecuniary advantage of any private schools. It is intended, however, that local educational agencies should have a broad range of choice as to the types of programs they feel it is necessary or desirable to create.

Local educational agencies are precluded from using Federal funds received under this title to replace funds already being spent by such agencies. Further, it is not the intent of section 305(a) for the Commissioner to necessarily pay all costs, particularly where there are State, local, and private funds available. Payments will be made on the basis of the terms of approved applications.

Title III authorizes the creation of an Advisory Committee on Supplementary Educational Centers and Services consisting of the Commissioner and eight others. They are charged with the responsibility of advising the Commissioner on the disposition of each application received under the program on policy questions that arise, and with the preparation of regulations and evaluative criteria.

Considerable latitude is left to the local educational agency in determining the substance and development of programs under this title. Funds are authorized for planning grants and for pilot projects of supplementary services or exemplary programs. Supplementary programs are possible in the whole range of pupil personnel services such as guidance, testing, remedial instruction, and in school health. Comprehensive academic services and vocational guidance for continuing adult education is a possible area of concentration. The title authorizes the expenditure of funds for developing exemplary educational programs to serve as models for existing school programs. Grants could be awarded for supplementary programs in humanities and the arts. Applications may be received for services in the area of specialized instruction for advanced subjects or subjects not already included in the school program or which can better be provided on a centralized basis. Modern educational equipment and specially qualified instructional personnel could also be provided under the terms of this title. Educational radio and television programs could be developed, produced, and transmitted. Special services for persons in rural areas or who are otherwise isolated from normal educational opportunities could also be developed. Instructional materials centers could be created to provide teachers with a wide variety of resources to use in school programs.

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[1] 2 percent ($2,000,000) reserved for distribution to the outlying areas. Basic allotment of $200,000 for the 50 States and the District of Columbia, with the balance distributed ½ ($43,900,000) on the basis of the estimated 5-to-17 population as of July 1, 1963, and ½ ($43,900,000) on the basis of the estimated total resident population as of July 1, 1963.

In sum, virtually any service that supplements the existing school program or that provides an exemplary educational program could be supported under this title.

The bill authorizes $100 million for fiscal year 1966. Authorizations for the succeeding 4 years of the 5-year program would have to be prescribed by the Congress. The allocation formula and a special provision authorizing the Commissioner to reserve up to 2 percent of the funds for apportionment among the territories assures equitable distribution of the funds across the Nation and the territories.

The concept of supplementary educational services is an innovation in education in this Nation. The committee would emphasize the need for programs with enough flexibility to permit the broad and varied use of many different kinds of innovative practices, institutions, and educational programs.

TITLE IV OF H.R. 2362

I shall speak a word now about title IV of H.R. 2362. What about its purpose?

Title IV of the Elementary and Secondary Education Act of 1965 would amend the Cooperative Research Act of 1954 (Public Law 83–531) to provide new and expanded programs of research, development and training to promote quality education in all schools of this Nation. This title would authorize the training of research personnel and the improved dissemination of educational research and development. Authorization would also be granted to employ the competence of research organizations not now eligible to contribute to the program, such as private noncollegiate research organizations and professional associations. In addition, the program would provide for the construction of regional and national educational laboratories and for the purchase of research equipment.

RESULTS OF EXISTING RESEARCH PROGRAMS

Now let me say a word about the results of existing research programs. Significant progress has already been made in educational research under programs such as those presently supported under the Cooperative Research Act. For example:

Programs have been developed to guide elementary school children in "discovering" the basic concepts of mathematics; results are so encouraging that many school systems throughout the country are adopting the methods.

Studies supported under the cooperative research program have shown that the rate of listening comprehension of blind children can be raised to levels above those for children with unimpared sight—in fact, to four times the comprehensive speed of braille.

Grade school pupils have been successfully taught anthropology and college-level economics; this indicates that curriculum evaluation and research are necessities at all levels.

I must not digress on this subject except for a minute, I do so, only to speak of an experience I had which is reported in the hearings that moved me very deeply, it would move anyone, as to what is being accomplished with the blind, what is being accomplished with the deaf, what is being accomplished with the handicapped, what is being accomplished with those who need remedial reading help.

Many persons think remedial reading help involves only an eyesight problem. Quite the contrary. In difficult cases, it involves a complete readjustment of the child, often psychologically, to ascertain why the child will see some words upside down and some words right side up. That child, under different degrees of emotional stress, will have entirely different reading problems. Yet there have been almost miraculous results from the research already carried on that would move you, Mr. President, if you listened, as I have, to the evidence. It is a field of research that needs to be so expanded as to reach all children who are blind and deaf, all children who need a remedial reading assistance, all the handicapped children no matter what the origin of their difficulty.

I think the evidence is clear in the overwhelming majority of the cases in which there is no mental impairment, where we are not dealing with cases of mental retardation. I shall say something later about what can be done with the retarded child, when there is mental impairment. I am talking now about the child who suffers from a handicap, but who really has normal basic intelligence. That is what I am pleading for in this part of the bill.

As I have been heard to say in committee, we have a terrific obligation to these children. I call it a moral obligation. Others may use some other descriptive term. But in my judgment, we as a people, cannot justify providing the support which this bill will provide to carry out the research programs involved in the section I am now explaining to the Senate.

Effective preschool education programs are being developed for children from impoverished backgrounds to compensate for the retarding effects of disadvantaged home and neighborhood backgrounds.

I digress once more, because something flashes through my mind, and I think this is as good a place to discuss it in the RECORD as anywhere.

I shall ask unanimous consent to insert in the RECORD at a later point a newspaper clipping I used in the committee yesterday as we were discussing the bill. It consisted of a newspaper article reporting on a meeting of educational authorities in which they talked about a school breakfast program as being essential to the solution of some so-called behavior problems of children.

Mr. President, I do not know why as parents and legislators we have been so prone to overlook this matter. There is not a father in the Senate who has raised a family who does not know of some of the behavior problems that have developed in his own family. We frequently realize that perhaps if the children had a little nourishment at that point of misbehavior, the nourishment might help. Very often the cause, or the seeming cause, of the misbehavior might be explained by the fact that the child was hungry. A glass of milk, with cookies, or whatever else we wanted added to it—and each one of us has had this experience in our own homes as our youngsters were growing up—had a great therapeutic effect so far as the misbehavior of that moment was concerned.

While the hearings were in progress, I was called to Philadelphia to meet with a group of mothers whose youngsters had completed school but who had volunteered their services to help with behavior problems of children in some of the schools in Pennsylvania where the classrooms are overcrowded. Those mothers said, "We will take the behavior problems out of the classroom and see what we can do, working with the teacher and the principal, to help certain children so they will not be so disruptive to the rest of the class."

I reported this to the committee in open session, and I mention it because of the results that I will tell the Senate about in a moment or two. One of the mothers said she had a wonderful little boy in third grade, but he had the classroom completely upset during the day. No one could do anything with him. He was incorrigible. She said, "So he was assigned to me. His record showed he had not only a normal I.Q., but one much better than average." She said, "I paid some attention to his home." Every schoolteacher with 36 youngsters in a grade cannot also be a caseworker and go into the homes. She said, "I was shocked by what I discovered, and I realized that this little boy went to school morning after morning without having a morsel of food." She said, "I am not saying, Senator, that you can resolve all these cases in this way, but you would be surprised how much it will help with many of them."

This mother told me, "Out of my own pocketbook I have supplied him with, first, a glass of milk, then with milk and crackers, and then some cereal. In a relatively short time, this boy, having had breakfast before he went into the classroom, became a well-behaved boy and gave no further trouble."

I told this story in the open hearings of the committee in much the same offhand explanation I am making now. Some Senators may remember the newspaper stories which resulted from it. It was picked up and commented upon in the press in various parts of the country. I was flooded with communications from all over the United States, teachers, school officials and other interested persons, indicating that we do not realize how helpful it would be if there were a school breakfast program as well as a school lunch program. Large numbers of little boys and girls go to school without having had any breakfast.

As parents, how do we expect good behavior from such boys and girls? After all, we know little about the relationship of blood chemistry to behavior. My wife is often prone to say from time to time, when we comment on someone's behavior that we cannot understand, that if we only knew more about blood chemistry we would know more about why individuals react as they do under various circumstances.

We know the direct cause affecting the relationship between adequate food for a child before he goes to school in the morning and the kind of behavior we can expect from him in the classroom during that morning.

Mr. President, I urge adoption of this part of the bill because this kind of research, this kind of study, can be helpful in solving some behavior problems.

I ask Senators to turn to page 1712 of the committee hearings, in the testimony of Dr. Beattie, who was very helpful to my committee.

He said:

> Inclusion of funds for food caused sharp discussion among our staff members. Some thought that public assistance plus Federal surplus food insured adequate nourishment for children in low-income families. Others insisted that the assumption is in error. Finally, our homemaking supervisor described a child eating a sandwich composed of two slices of bread with a layer of potato peelings. We included an estimated sum to cover food. It is possible, however, that once we have identified children requiring food that we can cover food costs from other funds.

The newspaper article of yesterday, to which I referred in committee yesterday morning, which was published in Sunday's Washington Post under the heading "Educators Turn Attention to Pre-Kindergarteners," includes the statement made by Dr. Pitchell, in which he said that most of the almost 300,000 children whose experience will be expanded this summer have "minimal responses. They are hungry all the time. Just having breakfast and lunch will increase their attention span."

Mr. President, I ask unanimous consent that the article to which I have alluded, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 4, 1965]

EDUCATORS TURN ATTENTION TO PRE-KINDERGARTENERS

(By Elizabeth Shelton, Washington Post staff writer)

Administrators and educators from 90 colleges and universities will meet in College Park next Sunday to begin pumping professional lifeblood into Project Head Start.

They will gather in the University of Maryland's Adult Education Center under the guidance of Dr. Robert Pitchell, Head Start staff training program director, to establish core curriculums and recruitment, as well as administrative policies for the crash summer program.

Head Start will attempt to wrest more than a quarter of a million 4- and 5-year-old children from the cycle of poverty into which they were born and prepare them for the fall semester in kindergarten or the first grade. The 8-week program starts July 5.

Dr. Pitchell is conducting the 4-day distilled program for the National University Extension Association, headquartered in Minneapolis.

The association recently signed a $2,400,000 contract with the Office of Economic Opportunity to train the professionals who will develop the nationwide program.

The association subcontracted with the 90 higher educational institutions all over the Nation to train the personnel who will man the project's child development centers in thousands of communities.

"We are going to have a core curriculum which will emphasize a number of central objective concerns in which we will expect teachers in the Child Development Centers to be trained," Dr. Pitchell said.

He enumerated some these as:

Health, nutritional, and medical care.

Basic education problems.

Effects of poverty on the young.

Use of social welfare agencies in the community.

Role of parents.

He said most of the almost 300,000 children whose experience will be expanded this summer have "minimal responses. They are hungry all the time. Just having breakfast and lunch will increase their attention span."

Pitchell is enthusiastic that this June's crop of college graduates will form the backbone of the summer teaching corps. He cited the enthusiasm with which the Nation's class of 1961 and subsequent graduating classes manned the Peace Corps operation all over the world.

The follow through, or sequel program, slated to take up in the fall when the crash program is over, he hopes will attract these same young professionals. To fill in the gaps there is the vast resource of educated older women who need only "retooling" to reenter the field.

Mr. MORSE. Mr. President, I speak about this subject because it is close to my heart, as all Senators know.

In 1957, the investigation of my subcommittee on the District of Columbia Committee became known as the "hungry children investigation" in the District of Columbia. The results of that investigation became better known in the capitals of the underdeveloped countries of the world than in the capitals of the States of the United States.

In that study, we brought out that more than 200 little boys and girls in the District of Columbia were dependent for their food supply upon the contents of garbage cans in the Negro ghettos and alleys of Washington, D.C. That was their food supply in 1957. They also lived on such handouts as they might receive from the doors of the hovels in the shocking Negro ghettos of Washington, D.C. In 1957, some of those Negro ghettos were located only three or four blocks from where I now am speaking.

These ghettos have now been removed and integrated apartments have been built there. I wish I could say that all that needed that kind of housing were living in those apartments. Some are. I have nothing but the greatest praise for the housing programs in the District of Columbia and those responsible for them, but we have a long way still to go because some of those families, or the individuals therein, were merely pushed farther out into the city.

As a result of the "hungry children investigation," in which the Senator from Pennsylvania [Mr. CLARK] was my right arm, we completely changed the procedure for the distribution of surplus food in the District of Columbia. We started a school-lunch program to reach children in the elementary and secondary schools.

However, we have not gone far enough. There should be a school breakfast program, in addition.

This part of the bill, at least, would make it possible for us to complete the research studies. I believe that we should take judicial notice of this fact, but I recognize that we have to supply the data. I believe that this part of the bill could very well lead to the humanitarian food program for which I raise my voice and plead on the floor of the Senate. I plead for food for the deprived schoolchildren of America.

I am for food for deprived children around the world, as all Senators know. I speak, however, most respectfully. I wish I could arouse in the Senate the same concern for food in the stomachs of deprived boys and girls in America which we are so willing to provide in the expenditure of hundreds of millions of dollars in a foreign aid program.

This is a part of the foreign aid programs—along with other parts of the economic aid programs—which help people, and which I have always supported and wish to be in a position to be able to continue to support. But certainly we should do no less for the little deprived boys and girls in our own country than we are willing to do, on the same moral principles which I support, for deprived, hungry children elsewhere in the world.

Thus, I am pleading in this debate for support from Senators for enactment of the bill. I am pleading for support of the bill in its present form because it is a good bill. I am pleading that we not jeopardize the possibility of a breakthrough of aid to educationally deprived children in the elementary and secondary school systems of this country, by getting ourselves into arguments over amending the bill. I am satisfied that on the basis of the bill in its present form it should be enacted. We should make this start, for the first time in the history of the country, for we have never before passed legislation for elementary and secondary schools serving large concentrations of deprived children. It is sound legislation that will give us a golden opportunity to bring this kind of benefit for which I am now pleading.

I urge my colleagues in the Senate, in spite of some reservations with regard to certain parts of the bill, to remember that it is essentially a 1-year authorization program. I ask them to remember that with a year's experience with the bill we can amend it next year, if it needs amending. However, the Senate will be surprised by how uniformly acceptable the bill will be across the country once we give it a year's trial.

This is something which I, as chairman of the subcommittee, have never seen before. I have always been confronted with splits in policy among educational groups in this country. The pending bill has the unified support of the leading educational organizations of this country, public and private. It has the support of higher educational organizations, such as the American Council on Education as well as those organizations which are working in the field of elementary and secondary education, public and private.

As an example of the type of broad support H.R. 2362 commands, I cite a Washington Post article for April 6, which is entitled "School Boards Beat Off Attack on Federal Aid."

It reads:

> BOSTON.—The National School Boards Association came as near as it ever has today to approving Federal aid to education when it overwhelmingly voted down a proposed policy statement opposing it.
>
> The NSBA predictably did not say it wanted or approved Federal aid. It has opposed all such measures for years.
>
> But it acknowledged officially for the first time "there are nationwide concerns in education which transcend the boundaries of local school districts and the State * * * (including) widespread disparity in educational opportunities for all children."
>
> Today's action was termed an acknowledgement that the battle against Federal aid to education is already lost—that the Johnson program soon will be enacted into law.

I hope that is true.

Mr. President, I believe I have shown, by a record of many years in the Senate, that if I believe a bill is an unsatisfactory bill, if I think it is a bad bill, I support amendments. Some of my friends in the Senate, in the cloakrooms, have said, "What has happened to you? You do not want amendments to the bill."

I said, "Nothing has happened. I think it is a good bill, I think it is a bill that ought to be enacted in its present form without running the legislative risk of scuttling it."

I wish to get this much on the statute books and give it a year's trial. It is only a year's authorization. Then, if the testimony, evidence, and data found in these six volumes does not bear out the premises which the witnesses presented to the committee in support of the bill, we can modify it. We will not be wasting a dollar. We can be sure that every dollar provided for in the bill will be spent for a good cause.

That is why I take this position on amendments that I have. That is why I plead that the Senate pass the bill. That is why Senators find me at this stage of my explanation of the bill urging that we not jeopardize or endanger in any way the educational research contained in this title.

THE NEED FOR RESEARCH

Research is thus at the heart of improved education. However, our present expenditures on educational research are but a small answer to a great need. Education, with a total annual expenditure of about $34 billion provides only one-fifth of 1 percent of this outlay for research and development in this vital field.

NATIONAL AND REGIONAL EDUCATIONAL LABORATORIES

Programs supported under the Cooperative Research Act as amended by title IV of the Elementary and Secondary Education Act of 1965 will provide necessary links between the research laboratories and the classroom. Under this title, a series of national and regional educational laboratories would be established to conduct research, to translate the result of research into forms that can be used in classrooms, to continually test these forms, to train teachers in their use, and to make them available to local school systems. Providing training opportunities in educational research will also be an important part of these expanded programs.

The activities of the laboratories will provide for a close working relationship of local schools, State departments of education, universities, and other groups within the community of scholars and researchers from many disciplines as well as local schoolteachers and administrators.

Curriculum innovation, crucial to quality education, will be an important function of the laboratory program. The laboratories will draw upon educators and practitioners in all fields of learning—mathematicians, scientists, humanists, historians, economists, social scientists, linguists, musicians, artists, and writers. This interdisciplinary attack on educational problems is new but not without precedent in educational research. In recent years the National Science Foundation and the Office of Education have supported projects in which competent scholars in several fields have worked side by side with local school personnel and educators. Research and development centers using this approach were established under the Cooperative Research Act at a cost in 1965 of approximately $1.9 million at the Universities of Pittsburgh, Oregon, Wisconsin, and at Harvard University. The laboratories will continue these efforts, but on a larger scale and with expanded scope.

Most of the curricular advancements thus far have been made in the fields of science and mathematics. The social sciences, the arts, the humanities, and other fields demand and deserve similar efforts to overcome outmoded curricular practice. The laboratories will bring together a variety of groups and individuals to work on just such curricular innovation.

INVOLVEMENT OF TEACHERS AND ADMINISTRATORS

In education the average lag between research and its application has been estimated about 30 years or more. In similar fields this lag is generally much smaller—for example, in medicine it is estimated at 2 years. One reason for the timelag in education has been the failure to include teachers and administrators in the process of innovation. But under the laboratory program these individuals will be involved from the outset. Laboratories will be associated with local school systems where laboratory techniques and programs can be tried out and evaluated on a large scale. Moreover, by training teachers in the presence of innovative activities they will be prepared for the new educational programs and will be open to experimentation and innovation.

TRAINING

Educational issues and programs are becoming more complex. As a result, sound curriculum development and innovation depends increasingly upon well-established research knowledge and upon continuing critical research evaluation to help train the research specialists needed for current and, more so, for developing educational programs. Title IV also authorizes grants to public and other nonprofit universities, colleges, and other public and nonprofit institutions for training for research in the field of education.

AUTHORIZATION

This title authorizes the Commissioner to make arrangements for and to contribute to the cost of operating facilities constructed under this title or facilities of the nature proposed under this title. For purposes of constructing and equipping such facilities, $100 million is authorized over a 5-year period beginning fiscal year 1966. The administration has included $45 million in its fiscal year 1966 budget to carry out the purposes of this title by supporting the constructing and equipping of regional research facilities and by supporting programs for research, development, dissemination, and training. The administration has also budgeted $25 million for research and research-related purposes under the existing Public Law 83-531.

TITLE V. STRENGTHENING STATE DEPARTMENTS OF EDUCATION

THE NEED

The strengthening of the State educational agencies that are responsible for supervising and guiding the educational systems of our States—generally called State departments of education—is one of the most effective means of improving educational programs in the elementary and secondary schools of our Nation.

In 1962-63, State departments of education distributed to local school districts $8 billion of State funds, supplementing more than $11 billion of local funds. In addition, they served as the administrative agencies for the States in carrying out activities involving $700 million of Federal funds, and the programs proposed in this legislation would raise the amount to nearly $2 billion. State departments of education also bear the burden of regulating the operation of institutions in State systems of education under State laws and of providing the statewide leadership essential to continuing educational progress.

In view of the burgeoning needs in education, State departments of education do not have sufficient resources to perform the work now expected of them. The leadership services that these departments are now able to provide to local systems are totally inadequate. In order for the programs authorized in this legislation to achieve optimum results, our State departments of education must be substantially strengthened.

Serious imbalance in the structure, organization, and management of State departments of education have resulted from the allocation of Federal funds for specific educational purposes. The staffs of these departments clearly reflect these imbalances. To illustrate, supervisory personnel for mathematics, science, and foreign languages in all State departments of education was reported to number only 15 in 1957-58; but, by 1963-64, after 5 years of Federal support under title III of the National Defense Education Act of 1958, the number of State supervisors had risen to 173—an elevenfold increase. The number of State supervisors in subject areas not supported by Federal funds increased very little during this period.

I ask unanimous consent to have printed in the RECORD a table which will so indicate.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Area	Year 1957-58	Year 1963-64
Supervisors of English	13	18
Supervisors of social studies	7	14
Supervisors of preschool education	3	3

Mr. MORSE. The success of Federal investments in education depends upon strong and balanced State educational planning, leadership, and coordination. Title V is therefore an essential component of the new five-part program provided for in this legislation.

GRANTS

Title V of the bill authorizes an appropriation of $25 million for fiscal year 1966, and such sums as Congress may authorize for the 4 fiscal years thereafter. These appropriations would enable the Commissioner to make grants to stimulate and assist States in strengthening the leadership resources of their State educational agencies and to assist those agencies in establishing and improving programs to identify and meet State educational needs.

Eighty-five percent of the funds appropriated would be available for basic grants to assist State educational agencies in initiating and expanding activities of the kind mentioned above. The Commissioner will apportion $100,000 to each State and the remainder of such 85 percent—after setting aside up to 2 percent for apportionment to American Samoa, Guam, Puerto Rico, and the Virgin Islands—will be apportioned on the basis of the relative number of public school pupils within the States. To obtain these grants, States would submit applications through their State educational agencies which would be approved by the Commissioner subject to the conditions set forth in the title. For the first 2 years, the Federal share would be 100 percent, but thereafter it would vary from 50 to 66 percent depending upon the per capita income of the State. Funds under this basic grant portion of the title would be distributed as follows for fiscal year 1966:

Estimated distribution of $25,000,000[1] *for strengthening State departments of education under title V, Elementary and Secondary Act of 1965, fiscal year 1966*

	Estimated amounts
United States and outlying areas	$21,250,000
50 States and the District of Columbia	20,825,000
Alabama	411,619
Alaska	121,337
Arizona	238,848
Arkansas	270,243
California	1,672,034
Colorado	280,701
Connecticut	312,652
Delaware	139,737
Florida	549,680
Georgia	495,621
Hawaii	159,850
Idaho	165,497
Illinois	$875,820
Indiana	517,718
Iowa	335,566
Kansas	292,294
Kentucky	351,893
Louisiana	398,520
Maine	182,826
Maryland	379,359
Massachusetts	477,050
Michigan	828,465
Minnesota	399,197
Mississippi	319,780
Missouri	460,057
Montana	162,626
Nebraska	220,497
Nevada	137,894
New Hampshire	147,601
New Jersey	576,593
New Mexico	198,805
New York	1,288,213
North Carolina	547,459
North Dakota	156,051
Ohio	946,737
Oklahoma	327,809
Oregon	267,391
Pennsylvania	939,966
Rhode Island	157,218
South Carolina	340,190
South Dakota	162,285
Tennessee	428,208
Texas	1,035,640
Utah	207,310
Vermont	131,119
Virginia	467,894
Washington	372,829
West Virginia	265,521
Wisconsin	415,673
Wyoming	133,422
District of Columbia	153,685
American Samoa, Guam, Puerto Rico, Virgin Islands	425,000

[1] 85 percent of $25,000,000 distributed; 2 percent ($425,000) of $21,250,000 reserved for distribution to the outlying areas. Basic allotment of $100,000 for the 50 States and the District of Columbia; balance distributed on the basis of public elementary and secondary school enrollment, fall 1964.

Title V of the bill is designed to assure that work and responsibilities placed upon State departments of education as a consequence of legislation enacted by Congress will not weaken State and local control of education in our Nation. It will help restore balance in State educational agency operations. It will serve to reinforce our decentralized system of education.

Title V provides funds for programs and activities that are essential to State educational progress, including, but not limited to, the improvement and strengthening of State educational planning information services, research and demonstrations, teacher preparation, the training of persons to serve State and local educational agencies in leadership, administrative, and specialist positions, and consultative and technical assistance. It also provides a means for developing State leadership through temporary interchanges of personnel between the U.S. Office of Education and State departments of education.

It is intended that States will cooperate with the Office of Education in rounding out and balancing programs which are in the public interest. An example of such might be the perfecting of statistical collecting and data processing systems in local and State education agencies for the full flow of information on a nationwide basis.

The remaining 15 percent of the $25 million authorized for fiscal 1966, or $3,750,000, would be used by the Commissioner to make grants to State educational agencies to pay part of the cost of experimental projects for developing State leadership and for providing special services which, in the judgment of the Commissioner, hold promise of contributing substantially to the solution of problems common to the State educational agencies of all or several States.

Title V also establishes the basis for voluntary arrangements permitting the transfer or interchange of personnel between the State departments of education and the U.S. Office of Education. Such transfers would be for not longer that 2 years. The interchange of persons who have had firsthand experience with educational problems and their solutions is an excellent method of transmitting knowledge and understanding of the pressing problems of education and of improving staff competency. The interchange would be mutually beneficial to the Office of Education and the State educational agencies.

TITLE VI

Title VI contains the general provisions governing the bill, including definitions, the appointment from time to time of an Advisory Council of 10 members to advise and consult with the Commissioner with respect to his functions under the act and in section 604 and section 605 there are two vitally important provisions.

Mr. President, I ask unanimous consent that at this point in my remarks there appear from pages 79 and 80 of the text of H.R. 2362 the sections to which I have alluded.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 604. Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

LIMITATION ON PAYMENTS UNDER THIS ACT

SEC. 605. Nothing contained in this act shall be construed to authorize the making of any payment under this act, or under any act amended by this act, for religious worship or instruction.

Mr. MORSE. Mr. President, these two sections of the bill are a clear and convincing answer of the intention of the committee to preserve our traditional belief in the importance of local and State operation of our elementary and secondary educational system and our clear direction that there is nothing in this act which can be construed for making any payment under this act or any act amended by it for religious worship or instruction.

To conclude this formal portion of my presentation, Mr. President, I ask unanimous consent that there be printed at this point in my remarks a table taken from page 36 of the committee report which sets forth the new obligational authority and anticipated expenditures contemplated under H.R. 2362 by the Department of Health, Education, and Welfare, Office of Education.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Elementary and Secondary Act of 1965

[In millions of dollars]

	1966	1967	1968	1969	1970	Total
NEW OBLIGATIONAL AUTHORITY						
Title I, financial assistance to local educational agencies for the education of children of low-income families	1,060.1	1,500.0	2,000.0			4,560.1
Grants for State administrative expenses	10.6	15.0	20.0			45.6
Title II, school library resources, textbooks, and other instructional materials	100.0	125.0	150.0	175.0	200.0	750.0
Title III, supplementary educational centers and services	100.0	125.0	150.0	175.0	200.0	750.0
Title IV, educational research and training	45.0	55.0	65.0	80.0	90.0	335.0
Title V, grants to strengthen State departments of education	25.0	35.0	40.0	45.0	50.0	195.0
Administrative expenses:						
Personnel compensation	1.6	4.5	4.5	3.5	3.0	17.1
Other	2.4	1.9	2.0	.5	.5	7.3
Subtotal	4.0	6.4	6.5	4.0	3.5	24.4
Total, new obligational authority	1,344.7	1,861.4	2,431.5	479.0	543.5	6,660.1

Mr. MORSE. Mr. President, during the course of our hearings, which resulted in the 6 printed volumes of testimony available on the desk of every Senator, the committee heard in person from some 95 witnesses. In addition to these oral statements a cross section of public and those who represent the public brought to the attention of the committee members their various concerns. A quick check revealed that these witnesses came from some 23 States and the District of Columbia. Correspondence on this measure was received, I think I can say without fear of contradiction, from almost every State in the Union. Every witness who indicated a desire to be heard was accommodated either in our public hearings or through the medium of a written statement which was considered by the committee as a part of the printed hearings.

Mr. President, I would be the first to recognize that in the magnitude and import of this act there will undoubtedly be many areas which we will in subsequent years wish to reconsider but basically, as I said earlier in my remarks this afternoon, this bill is sound.

I consider it to be a good bill, a sound bill, a bill that should be passed at this time without amendment, in order to accomplish the breakthrough it offers us the opportunity to accomplish. It will enable us to place on the statute books a law which, for the first time, will come to the aid of such a substantial body of students in the elementary and secondary schools of our country—our deprived students.

The changes which have been incorporated in the bill up to this moment are on the whole most helpful. The important thing at this juncture is that the bill be sent to the President for his approval as soon as we conveniently can. I urge Senators in their consideration of any amendments which may be proposed to the bill to consider carefully the effect upon this measure of conference change. I shall oppose, on behalf of the committee, amendments which may be offered because it is my considered judgment that the stakes are too high for the children of America for us to run the risk of jeopardizing this legislation. We who have been Members of this body since 1948 have a keen memory as to the vicissitudes which educational legislation has suffered at the last moment as the result of conference action.

Were great matters of principle at stake—I believe my record speaks for itself—I would not hesitate to go to conference; but the major issues on the bill have been resolved in as equitable a fashion as we can now devise. I believe the bill to be fully constitutional in what it seeks to do. As I have indicated in the committee report, it is my judgment that the bill can stand court tests; and it is my belief that there are existing court routes for the testing of portions of this act in any case or controversy which may arise.

With respect to the other area of the bill, upon which I am confident there are as many viewpoints in this Chamber as there are Senators—the formula aspects of the bill—it is my judgment that while a hundred remedies for alleged inequities may be proposed, for each remedy a further inequity in the eyes of some would be created. These matters will be discussed at greater length as the debate progresses. I am confident, and at that time I shall in greater detail be pleased to respond to points raised.

Mr. President, during the markup of the bill in the subcommittee, before I reported it to the full committee, members of the subcommittee on both sides of the table raised points for clarification. In some instances, they suggested they would offer amendments to obtain clarification. But as chairman of the subcommittee, and with the support of the overwhelming majority—and, let me say, to the everlasting credit of each member of the minority, although in some instances they preferred amendments—I received nothing but complete cooperation in carrying out my repeated suggestion; it was that we call in representatives of the Department of Health, Education, and Welfare, whom we had asked to wait in an anteroom, as we did representatives from the Office of Economic Opportunity, to give us orally their clarifications, to be followed by a letter of confirmation of the understandings reached. In each instance, we received a clarification that met not only with the satisfaction of a majority of the committee, but also it is my hope with the satisfaction of the minority at least to this degree: The minority members appreciated that, at least, I took the steps necessary to have a clarification placed in the record, although they might have preferred, in some instances, that the clarification be written in amendment form in the measure. But as to the matters in dispute, we followed the procedure I have described.

I would be less than appreciative if, as chairman of the subcommittee, I did not thank Secretary Celebrezze, Assistant Secretary Cohen, and Commissioner Keppel of the Department of Health, Education, and Welfare and their staff associates as well as Mr. Shriver and his associates in the poverty program for their complete cooperation in making it possible for us to include in the committee report, as will be found in item after item, communications and memorandums from the agencies concerned that, in my judgment, make it possible for me to say that the bill is a clear bill, a constitutional bill, and a good bill.

We ought to seize upon the opportunity to pass the bill without amendment, so that it can go directly to the desk of the President.

I close by saying that is also the recommendation of the President. I have been authorized by him to make this statement on the floor of the Senate this afternoon. He, too, believes that it is a good bill. He, too, believes that the bill in its present form should be given the trial that the coming year will give it. Then if amendments are necessary, and we reach the point of consideration of authorizations next year, amendments can be offered.

I offer the bill. I urge its passage. I have presented my case in chief.

Mr. ELLENDER. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from Louisiana.

Mr. ELLENDER. I compliment the distinguished Senator from Oregon upon his fine presentation. I regret that so few Senators were present to listen to him.

There is only one aspect in which I do not agree with him. This is the first time I have ever heard the Senator from Oregon make the statement that he does not believe a somewhat controversial bill should be amended in any respect. I do not remember my good friend from Oregon ever taking such a position as that in the past.

The Senator has said that the bill is constitutional. I presume he bases that statement on the welfare clause of the Constitution.

Mr. MORSE. I base it on the Constitution itself. I know of no part of the bill that is in conflict with any article or section of the Constitution.

Mr. ELLENDER. I am not sure that is the case. I presume that my good friend is bound to base it on the welfare clause, since there is no specific authority in the Constitution.

Mr. MORSE. I base it also on the first amendment. I do not think it violates, in any regard whatsoever, the doctrine of separation of church and state.

(At this point, Mr. KENNEDY of New York assumed the chair.)

Mr. ELLENDER. I was coming to that in a moment.

Mr. MORSE. I knew the Senator was.

Mr ELLENDER. The Senator anticipated my question. Since we are now discussing the first amendment to the Constitution, concerning separation of church and state, are any funds provided in this bill that would go directly to a Catholic, Protestant, or Jewish institution?

Mr. MORSE. My answer is that, other than research grants in title IV, which are consistent with legislation such as the National Defense Education Act program, the National Science Foundation program, and, in fact, a long list of research grants made to educational institutions, some of which are of religious denomination, no money goes directly to the private school. This is a student oriented program.

Mr. ELLENDER. The money that does go to the school is directed primarily for specific research.

Mr. MORSE. The Senator is correct. It is also for the purchase of research equipment.

Mr. ELLENDER. I assume that private schools would be entitled to moneys given to aid the students, which I believe can be made available under the terms of this bill.

In the case of a Catholic, Protestant, or Jewish school in a certain area in which there is no public school nearby, does the Senator believe that under this bill money could be assigned to the school on the basis of student needs?

Mr. MORSE. No, if I understood the Senator correctly—not in the sense that the Senator described. To clarify my position, I feel that it is very much like assistance that a university gets for nuclear research. I give the example again of the great atomic reactor at Notre Dame, which the taxpayers of the country built. It is recognized that Notre Dame has one of the greatest faculties in physics in the country. That sort of research assistance is made available to Notre Dame, as it has been made available to a good many institutions that are of a religious denomination, but it is not made available for religious purposes.

Mr. ELLENDER. Is there any provision in the bill that would permit payment to a Catholic, Protestant, or Jewish school in order to permit students to attend the school?

Mr. MORSE. The answer is "No."

Mr. ELLENDER. So no direct assistance, except in the research field, would go to the schools we are discussing.

Mr. MORSE. Based upon the Senator's earlier remark, I cannot tell the Senator how unhappy I am to find myself in disagreement with him on any part of any bill, and particularly a bill with relation to the field of education. As the Senator said earlier this afternoon, starting in 1948, I have been following the Senator on many education bills.

The Senator has expressed some surprise that he finds me urging that this bill not be amended. He indicated that I must be laboring under the assumption that only my committee could bring a bill to the Senate that ought to be passed without contributions from other Senators. That is not my feeling at all. I am in charge of the bill.

I am only seeking to give the Senate my views as to the legislative problem that confronts us. Each Senator will have to base his own judgment on those views. For many years I have gone through conference fights on legislation dealing with educational matters. We have lost much good legislation in conference. We have ended, on occasion, with no bill at all. It is extremely important that we try to retain this one. We would not waste any money. We could put it into effect for a year and then change it if the experience requires. When we have a body of tremendous support across the country from groups that never before have given support to legislation in this field, I think we ought to give them the benefit of the doubt, too. I beg the Senator to give the benefit of the doubt to the majority of my committee.

I know how the Senator feels. I respect his point of view. I want the Senator to know that the Senator from Oregon has not changed his attitude on legislation. Whenever I think a bill is not a good bill, but needs to be amended in order to become a satisfactory bill, I shall support an amendment to it. However, I believe this bill is satisfactory in its present form. That is why I urge that it be passed.

Mr. ELLENDER. I presume the Senator is taking that position because the President wants the bill on his desk as soon as possible.

Mr. MORSE. If the Senator from Louisiana can cite an incident in which I have ever taken a position in support of any bill against my better judgment because the President wanted it, I wish he would do so. That is not the case now.

Mr. ELLENDER. I can cite this example.

Mr. MORSE. The Senator misunderstands my legislative motive. I am not asking that it be passed because the President wants it passed. I had a duty to point out that the President believes it is a good bill and should be passed.

Mr. ELLENDER. And that it should not be amended.

Mr. MORSE. He would like to have the bill passed without amendment. I find myself in agreement with the President. But the Senator from Louisiana is quite mistaken if he thinks that represents a cause-to-effect relationship. That is my independent judgment.

I am always delighted when I find myself in agreement with any President on anything. But in this case, I find myself in agreement with the President on 95 percent of the issues that have been raised thus far. I find myself in complete agreement with him on this issue. That is why I have taken this position.

Mr. ELLENDER. I want the distinguished Senator to understand that the questions I am propounding to him are merely to clarify the issues.

Mr. MORSE. I know that. I thank the Senator for it.

Mr. ELLENDER. So far as I am personally concerned, I am inclined to vote for the bill as it is. I say to my good friend from Oregon that before the final decision is made, I want to be certain that the Senator is in agreement with me that no money provided for in this bill will be paid directly to any school, other than public schools. No money will be made available, except as the Senator said, for research. No facilities will be expanded through funds provided by the bill because a nonpublic school is taking in children from poor families, or to allow them to enroll a greater number of such children. Is that understanding correct?

Mr. MORSE. I appreciate the courtesy of the Senator. I read from page 11 of the committee report, as follows:

DUAL ENROLLMENT AND BROADENED PUBLIC SCHOOL PROGRAMS TO REACH ALL EDUCATIONALLY DEPRIVED CHILDREN

No provision of the act authorizes any grant for providing any service to a private institution, but at the same time the bill does contemplate some broadening of public educational programs and services in which elementary and secondary school pupils who are not enrolled in public schools may participate. The extent of the broadened services will reflect the extent that there are educationally deprived pupils who do not attend public school.

Where special arrangements (such as dual enrollment) are made for the participation of children from private schools, it is the committee's expectation that the arrangements will be administered in such a manner as to avoid classes which are separated by religious affiliation.

The act does not authorize funds for the payment of private school teachers. Nor does it authorize the purchase of materials or equipment or the construction of facilities for private schools. However, consistent with the number of educationally deprived children in the school district who are enrolled in nonpublic elementary and secondary schools, the local educational agency will make provision, under the terms of the act, for including special educational services and arrangements. These could include dual enrollment, educational radio and television. educational media centers, and mobile educational services and equipment in which such children can participate.

It should be emphasized, however, that no suggested program is in itself mandatory upon a public school authority. The selection of an appropriate program or programs, for which State educational authority approval is sought, rests with the local educational agency.

Thus, the act does anticipate broadened instructional offerings under publicly sponsored auspices which will be available to elementary and secondary school students who are not enrolled in public schools.

It is anticipated, however, that public school teachers will be made available to other than public school facilities only to provide specialized services which contribute particularly to meeting the special educational needs of educationally deprived children (such as therapeutic, remedial, or welfare services) and only where such specialized services are not normally provided by the nonpublic school.

Mr. ELLENDER. Then, as I understand it, if assistance is given, it will be really assistance to the child.

Mr. MORSE. That is correct.

Mr. ELLENDER. That is what I wanted to be certain of.

Mr. MORSE. The Senator could not perform a better service than to give me an opportunity to stress that this is a student-centered program, and not a school-centered program. When we speak of the shared time or dual enrollment aspect, the move of the child is from the private school to the public school, not from the public school to the private school.

Mr. ELLENDER. Some of the funds will be used to provide schoolbooks used in school?

Mr. MORSE. To the student.

Mr. ELLENDER. Which is in accord with the law.

Mr. MORSE. That is correct.

Mr. ELLENDER. I can well remember when the free schoolbook law was enacted in my State. I think Louisiana was one of the first States to have such a program.

Mr. MORSE. I believe it was the first.

Mr. ELLENDER. It was one of the first in any event. I am proud of having worked and labored for it. The late Huey P. Long appeared before the Supreme Court and made the argument that our State act was constitutional because the effort put forth was for the children, and not for the school.

Mr. MORSE. The chairman of the full committee [Mr. HILL] just whispered to me and reminded me that Charles Evans Hughes wrote that decision.

Mr. ELLENDER. Yes, a decision arising from the State of Louisiana.

Mr. MORSE. In the Louisiana case.

Mr. ELLENDER. And Huey Long, father of my colleague, was the one who argued the case. The court held specifically that the aid that was provided by the State of Louisiana was not to the schools, but to the children attending the schools, and therefore held it to be constitutional. I presume that whatever may be done directly for the children under this bill is based on that decision.

Mr. MORSE. That is correct.

Mr. President, without taking the time to read it, because it would be somewhat repetitive of the colloquy I have had with my friend from Louisiana, I ask unanimous consent that there may be inserted in the RECORD at this point material on page 23 of the committee report dealing with limitations in title II of the bill.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

LIMITATIONS

The committee has taken care to assure that funds provided under this title will not inure to the enrichment or benefit of any private institution by providing that—

1. Library resources, textbooks, and other instructional materials are to be made available to children and teachers and not to institutions;
2. Such materials are made available on a loan basis only.
3. Public authority must retain title and administrative control over such materials.
4. Such material must be that approved for use by public school authority in the State; and
5. Books and material must not supplant those being provided children but must supplement library resources, textbooks, and other instructional materials to assure that the legislation will furnish increased opportunities for learning. The State should also assure that the Federal funds made available under this title will not be used to supplant or duplicate, inappropriately, functions of the public library system of the State.

These conditions can in no way under the terms of the legislation be circumvented, but at the same time, assurance in the administration of the State plan must be given so that the library resources, textbooks, and other instructional materials will be available on an equitable basis to all elementary and secondary schoolchildren and teachers.

As has been observed in the administration of this title, the State must conform with the State law and in this connection, it is anticipated that State plans regarding the administration of the program will vary from State to State. In addition to the requirement that the books provided will be books approved for use in the public schools by the public agency or agencies in the State having authority to prescribe such books, throughout the legislation the committee has endeavored to conform to the principle of State and local autonomy and control of educational policy. In some instances the State might see fit, in conformance with State law, to utilize or establish a central public depository within a school district or within an area to serve more than one school district from which all elementary and secondary schoolchildren and teachers could "check out" library resources, textbooks, and other instructional materials under procedures which would assure the State authority an appropriate accounting for the use of the material and its proper return for reassignment when the material had served the prescribed period for its use.

The committee had observed that 19 States specifically provide for the provision at public expense of the transportation of private school students and that four States specifically call for the distribution of textbooks to children in private schools. The committee has also observed that some States have regarded invalid various types of textbooks and school bus laws within the meaning of State law and State constitutions. The committee also considered that one or more of the ingredients which it has used in this legislation to safeguard the separation of church and State may be lacking in such State statutory provisions and court decisions. With the strict conditions which have been imposed by the committee on the operation of title II, in principle, its operation would not be different from the conduct of a public library program which makes available on a loan basis, library materials, unrestricted as to content, to both public and private school students. For this reason, it is hoped and generally felt that when the provisions of title II are considered in the light of particular State laws that all of the States will be able to administer the program in conformity with State law. However, in order to prevent the denial of benefits to children in any State in which a strict prohibition is encountered, section 204 of title II authorizes the Commissioner to arrange for the provision on an equitable basis of such library resources, textbooks, or other instructional materials for the use of children and teachers in such States. In the latter event, only those materials which have been approved for use in public schools may be made available.

Mr. ELLENDER. Mr. President, the distinguished Senator stated a moment ago that aid would be given to the children attending nonpublic schools by paying for teachers who might attend to them.

Mr. MORSE. In a very limited field.

Mr. ELLENDER. How would that be done? Would it be done through the local school boards?

Mr. MORSE. The local public school agency. I am glad this point has been raised. Let me stress again that the programs originate at the local level and that the administration of the programs is vested in the local school agencies. As the Senator will see under title VI, under "Definitions," the names of those agencies vary in title from State to State. Sometimes they are called State boards of education. Sometimes they are called State councils on education. For special public schools, they may be State welfare boards or State universities. Sometimes there is a State law under which the State is divided into regional school districts or county units, and the administration is handled through the regional unified school district or county system. Whatever the policy of school administration is in the State will be the controlling factor, and not the long arm of the Federal Government reaching out from Washington, D.C.

The Senator from Louisiana earlier mentioned the Taft-Ellender bill in 1947. The authors of that bill had to answer the charge that it could lead to Federal domination of education. I remember the argument the Senator made. The Senator took me along with him. In effect, the Taft bill, and every other aid bill to which I have been a party since—and I do not know of any major one of which I have not been the author or a cosponsor—provided that Federal funds were to be commingled with State funds and were to be spent by State administrations in accordance with State policies. We have not lost that principle in this bill.

Mr. ELLENDER. I am glad of that. It was one of the cornerstones underlying the Taft-Ellender bill, which was passed by the Senate.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my answer to the question of the Senator from Louisiana, an extract from the bill in support of my definition of State local agency, setting forth what the term "local educational agency" means. It can be found on pages 76 and 77.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

(f) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

Mr. ELLENDER. With respect to the distribution of one billion and some odd dollars under title I, are there any requirements in the bill whereby a State would receive a minimum amount of funds?

Mr. MORSE. The States will receive a minimum.

Mr. ELLENDER. What does it amount to?

Mr. MORSE. I shall have the lower State figure in a moment.

Mr. ELLENDER. I may say to my good friend from Oregon that I do not believe his answer would be responsive to my question if he used the table he now has in his hand. The question I am asking is, aside from the number of students from poor families in a State——

Mr. MORSE. Is there a blanket minimum floor?

Mr. ELLENDER. Yes.

Mr. MORSE. The answer is "No." That is under title I, of course.

Mr. ELLENDER. So the distribution under title I will be made strictly according to the formula written in the bill and will be dependent on the number of children attending schools in the respective States from families whose annual income is less than $2,000.

Mr. MORSE. The Senator is correct. The formula includes also youngsters on whose behalf an aid-for-dependent-children grant is received.

Mr. ELLENDER. Following that formula, let us take the adjoining county of Montgomery in Maryland, which is the richest county in the Nation. It has a median income of $9,317. According to the Bureau of the Census, families receiving under $3,000—not $2,000 because the Census does not have it except for families under $3,000—in Montgomery County account for only 5.5 percent. Those receiving $10,000 and over represent 44.6 percent.

Suppose there should be distributed to Montgomery County the amount provided by the bill—the sum of $572,864, I ask the Senator from Oregon, who is going to distribute the $572,864? Will it be the local educational commission in the county which will do that?

Mr. MORSE. The State educational authority will allocate it to the county unit, or the county board of education. If there is more than one school district in a county, then the State educational agency will allocate it among the school districts.

Mr. ELLENDER. That is, if there is more than one school district in the county.

Suppose, in a school in Montgomery County, 3 percent or 4 percent of its students came from homes whose parents receive less than $2,000 annually. Would such a school receive any of this money?

Mr. MORSE. If the Senator from Louisiana will permit me to give him a broader answer to his question, and later include a discussion specifically of Montgomery County, I should like to make a broad answer, because I believe that it should be stated first, and then we can discuss the problem in detail.

Mr. ELLENDER. That is all right with me.

Mr. MORSE. I shall read a brief statement on "Poverty in Our Wealthy Counties."

In this era of numbers and data processing, it is easy to be enamored with averages and, as a result, to think of whole areas as falling into a sterotype defined by those averages. If a county is labeled as wealthy on the basis of averages, then there may be a tendency to think of everyone in that county as well-to-do, or if a county is labeled poor by the same process, everyone therein is also thought of as poor. The same thinking can be projected to States and even nations. Almost everyone, when the thinks about it, knows that stereotypes based on averages are not generally true, particularly for larger governmental units.

Where there is an average there is a range, and it may be quite extensive. In matters of poverty, the existence of such a range becomes important, particularly to those at the bottom end of the range. In the presence of abundance, deprivation may be forgotten, ignored, or be conveniently out of sight. Recently, extensive publicity has been given the fact that the wealthiest counties in the country as well as the poorest would be provided aid under proposed Federal legislation to meet the special needs of educationally deprived children.

The implication of such publicity was either that there was no real need for such programs in the wealthy counties because their school systems are among the finest, or that if there is need the wealthy counties themselves should finance it. In the latter case, it is small satisfaction to the educationally deprived child to be told that his school system should be providing special educational training if, in fact, it is not. Whether admirable in concept or not, many local systems are reluctant to adopt expensive special programs for problem groups for fear of attracting more such persons. It is for this reason that special education programs generally have been supported at the higher levels of government, particularly the State. It could be considered the rankest form of discrimination to exclude a child under a State or Federal program simply because he resides in a wealthy county unless some method of forcing the establishment of such programs in the wealthy counties were also included. The latter approach would certainly raise serious problems at the Federal level.

The only criteria for a special aid program at the Federal level should be need as defined in relation to the purpose of the program and not ability to pay. The revenue to support such programs at the Federal level is based upon an ability-to-pay concept which provides all the equalization normally needed. If general aid, which is fiscal rather than program oriented, were being proposed, then criteria relative to ability to pay would be appropriate, since it is this ability or lack thereof which represents the need in a general aid program.

Since the support for programs to aid educationally deprived children under the proposed "Elementary and Secondary Education Act of 1965" is special in nature, it is only necessary to show program need in order to receive financial support. The basic criteria for such need under the proposed legislation would be children in very low-income families defined as either under $2,000 or receiving payments from the program of aid to families with dependent children if over $2,000. All of the wealthy counties cited have sufficient numbers of such children to establish administratively feasible programs.

In order to allay any concern about the need for such programs in these counties, however, it might be well to cite a few facts about the pockets of poverty which exist in these wealthy areas.

There has been considerable publicity recently about conditions of poverty which exist in the wealthy counties surrounding Washington, D.C. Ken Gar and Toby Town in Montgomery County, and Gum Springs in Fairfax County, have received particular attention. Arlington County has its Hall's Hill, and each of the three counties have other areas, less well publicized, which provide striking contrast to the average. These pockets of poverty are within an easy Sunday afternoon drive of any Senators who care to see them.

Not so convenient for firsthand observation are conditions in some of the other counties mentioned. Moving to the farthest county on the list from Washington, D.C., let us examine Marin County. Within this generally affluent county we find Marin City, an area of 356 acres housing 538 families in 1960. The residences here were largely constructed during World War II for shipyard employees in Sausalito. A decade ago it became a public housing project when declared surplus by the Federal Government. Over 12 percent of the families had incomes of less than $2,000 in the 1960 census and 24 percent, less than $3,000. Remember that these are incomes in California, generally considered a high-cost area. The median family income for this area was $4,743, and median years school completed was 9.7 for the adult population.

Efforts are being made locally to improve the situation, but it is interesting to note that the State of California included Marin City as one of 23 projects in compensatory education—the McAteer Act—designed to aid educationally disadvantaged children. The State did not exclude Marin County just because it was "wealthy." School officials there have indicated they could make effective use of Federal funds under this legislation.

Jumping back across the country, let us look at Fairfield County, Conn.

In addition to high-income communities, it has its pockets of poverty in Bridgeport, Stamford, Norwalk, and Danbury. One census tract—28—in Bridgeport, for example, has a median family income of $2,730, with over 31 percent of the 941 families having less than $2,000 income and almost 57 percent less than $3,000. The median years of school completed for that area was 7.3.

Danbury has been picked as a special pilot project for concentration of moneys to attack poverty in the State.

The Legislature of the State of Connecticut is currently considering legislation to establish a State program to provide special aid for disadvantaged children with a distribution based upon family income and AFDC participation. All of the towns in Fairfield County will participate.

Moving down the coast, let us look at well-publicized Westchester County. One out of twelve families in 1960 were earning less than $3,000 in the county as a whole. In seven communities with thousands of families, however, the percentage of families with incomes under $3,000 was over 20 percent, with a high of 28.9 percent. Remember that this, too, is a high-cost area.

A similar pattern is found in the wealthy counties of New Jersey. In the cities of Elizabeth and Plainfield, for example, we find census tracts with high percentages of the families with incomes under $2,000 and $3,000 and with average educational achievement at the elementary level.

So far as we know, no county is completely free of poverty. Through this and other legislation, we intend to seek it out and correct the conditions where they are administratively feasible. The existence of abject poverty anywhere is a cancer upon society, and we believe that special programs for the educationally disadvantaged children in poverty can provide the major key to breaking the vicious circle in which too many deprived families are caught.

I have given the Senator this information about wealthy counties—not only in Maryland but also in the other States—with their school district poverty pockets, in order to make this point to the Senator from Louisiana: Under the bill, local school authorities will have an obligation to present their plans, and show that these plans are in conformity with the objectives of law, to the State agency. The local agency will present its plan to the State agency; and the plan will not be approved if they seek to use funds other than in accordance with the purposes of law. That is the check, since the State agency must so assure the Office of Education. That is the only check which the Federal Government exercises, or should exercise.

Mr. ELLENDER. Would the Senator say that if Montgomery County receives the $572,000 to which it would be entitled under the bill, the money could be used in those pockets of poverty to the exclusion of other, richer schools in the county?

Mr. MORSE. It has a duty to do so.

Mr. ELLENDER. That is the plan, is it not?

Mr. MORSE. The Senator is correct.

Mr. ELLENDER. So if there is a school in Montgomery County with 2 or 3 percent who come from poor families, that school will not necessarily receive any of this money; but if it can be shown that there are pockets of poverty within Montgomery County, the whole of that money or most of it will go to supply the funds necessary to properly conduct the schools in the poverty areas?

Mr. MORSE. If the students go to a school district that does not qualify under the provision of the act, those deprived people will not get the money, because they are getting an education in the better schools. The purpose of the bill is to provide funds to raise the level of the so-called deprived or slum school to somewhere nearer the level of the better schools in that State.

If the Senator will allow me 30 seconds I should like to say what Senators will be hearing for a few days over and over again.

The objective of the bill is to raise the level, State by State, of what we call the deprived school district, the slum school district, the poverty pocket school district in that State, nearer to the level of the better school districts in that State, to narrow the gap between the low-level schools and the high-level schools. If a deprived child is going to a high-level school, he is already getting the educational opportunity that we want to give him.

Mr. ELLENDER. I understand that. The plan the Senator is discussing, with respect to using the money in pockets of poverty in a county, will have to be presented to the authorities at the Washington level, to obtain the money. Is that correct?

Mr. MORSE. First to the State authorities who will then provide to the Washington authorities assurances that all programs in their States are in accordance with the purposes of title I. I should like to put this matter in the RECORD, because it bears on the Senator's question.

I read from page 11 of the bill, beginning at line 3:

> (1) that payments under this title will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) (A) which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families.

I read from page 2 of the bill:

> DECLARATION OF POLICY
>
> SEC. 201. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

That bears out the general philosophy of the bill that I spoke of a few minutes ago with respect to narrowing the gap between the low-level and high-level school districts.

Mr. ELLENDER. Within the counties?

Mr. MORSE. Yes.

Mr. ELLENDER. Bearing that in mind, I should like to call my friend's attention to Knox County, Ky., where the median income is only $1,722, as compared with $9,317 in Montgomery County, Md. In Montgomery County, families who earn under $3,000 constitute 5.5 percent of the families, and in Knox County they constitute 17½ percent of the families. Families with income of $10,000 or more in Montgomery County number 48.6 percent of the families, in contrast with Knox County, where the percentage is 1.7 percent.

When we come to the number of poor families within the respective counties, in Montgomery County there are only 2,343 children from homes receiving less than $2,000 annually, but in Knox County, there are 3,137 such children. The money that is to be distributed under the bill to Knox County, where it is really needed, amounts to only $470,000 in contrast to Montgomery County, which will receive $572,000.

How can the Senator claim that the children in Knox County will have the same opportunity as those in Montgomery County?

Mr. MORSE. It is not the purpose of the bill to seek to give children in Knox County, Ky., or in a deprived school district in any other county, the same opportunity that children will get in Westchester County, N.Y., or in Montgomery County, Md., or in any other wealthy county. That is not the objective of the bill. H.R. 2362 is not a general aid bill, but it is a bill that concentrates on the special educational problems of deprived children, which I have already discussed. Therefore, I point out that we must not overlook the contribution that is made by the Federal Government under the program.

This point arose in subcommittee with respect to the 10 richest counties and the 10 poorest counties. When we analyze them on the basis that I shall discuss—and this may not be a satisfactory answer to the Senator, but that was the answer that the majority of the committee accepted in debating the bill——

Mr. ELLENDER. Before the Senator goes to that point, I wish he would discuss the point that the money that goes to Montgomery County can be distributed by the local authorities to effectuate a better schooling or equal schooling with respect to the pockets of need, in contrast to the rich schools.

Mr. MORSE. Certainly. That is the purpose of the bill. Toby Town, for example, will get the money.

Mr. ELLENDER. Is not the objective of the bill to give Toby Town schools what the other schools in Montgomery County are receiving?

Mr. MORSE. The State agency cannot shift the money from county to county. The money is received in the county school districts on the basis of a program which the local authorities send to the State. The duty of the State planners and program reviewers is to distribute the money to school districts in the county so that schools having high concentrations of educationally deprived children can undertake programs which will afford these children opportunities similar to those in the higher income-level schools.

Mr. ELLENDER. Why does it not apply in Knox County? In Knox County there are more children who are entitled to better schools than in Montgomery County. As I pointed out, the percentage of children in Knox County who come within the school age is 39 percent—that is, children from families that earn less than $2,000—in contrast to Montgomery County, where it is only 2 percent. Nevertheless, we are providing for Montgomery County more money for 2 percent of the children than we are for 39 percent of the children in Knox County, Ky.

Mr. MORSE. That happens to be one of the educational facts that confront Kentucky. The Kentucky educational authorities will get the money they are entitled to under the bill. Their local authorities will have to decide on the plan for distributing the money within the schools of their systems.

Mr. ELLENDER. I thought the purpose of the bill was to distribute funds on the basis of need.

Mr. MORSE. Yes.

Mr. ELLENDER. So that no matter where the child lives, whether he lives in Oregon, Louisiana, Mississippi, Alabama, or anywhere else, he will get a fair amount of education.

Mr. MORSE. On the basis of need within the State; not on the basis of comparison of need among the States. That is why this is not a general aid bill. If it were a general aid bill, it could be on a nationwide basis.

I hope that the Senator from Louisiana will bear with me a moment, because I should like to get some data into the RECORD for the purpose of my further discussion with him while the Senator from Kentucky [Mr. COOPER] is in the Chamber. I shall talk about a Louisiana county, too, as I give these figures. These are the figures which, in the opinion of the committee, were controlling.

I started to say, "Let us not forget that the Federal Government contributes to the educational program in our respective States."

I wish to show the percentage of contribution of the Federal Government in the 1962 educational expenditures. The last year for which we could obtain the figures was 1962.

The educational expenditures in the 10 richest counties are as follows:

Educational expenditures in Montgomery County, in thousands of dollars, were $44,073. The estimated fiscal 1966 Federal payment, in thousands of dollars, is $573, or 1.3 percent.

Arlington, Va., Federal contribution 1.7 percent.

Fairfax, Va., 1.3 percent.

Du Page, Ill., 1.3 percent.

Marin County, Calif., which I have already discussed, 2 percent.

Westchester, N.Y., 2.1 percent.

Bergen, N.J., 1.8 percent.

Union, N.J., 2.4 percent.

Montgomery, Pa., 1.7 percent.

Fairfield, Conn., 2.6 percent.

That is the percentage of Federal contribution to the school budget.

Let us take the 10 poorest counties:

Grant County, W. Va., 24.7 of their school budget is Federal contribution.

Mr. ELLENDER. The Senator means under the bill.

Mr. MORSE. Under the bill. This is what the bill would do for the poor counties.

Falls, Tex., 20.7 percent.

Sunflower, Miss., 33.9 percent.

Knox, Ky., may I say to the Senator from Kentucky [Mr. COOPER], 31.9 percent. 31.9 percent of the Federal budget in that very poor county in Kentucky will be by way of Federal contribution under the bill.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. COOPER. Why did the Senator direct that statement to me?

Mr. MORSE. Merely to inform the Senator.

Mr. ELLENDER. Not only to inform the Senator; but I mentioned that particular county a while ago.

Mr. MORSE. I was asked by the Senator from Louisiana about what would happen in the 10 poorest counties and what would happen in the 10 richest counties. I assure my friend from Kentucky that I am not directing the statement to him in any sense by way of an implied negativism.

Mr. COOPER. I am sure that the Senator is not trying to persuade me, for I am already persuaded.

Mr. MORSE. Wonderful; but I believe in a continuing educational process.

Mr. COOPER. I know that county. I am happy to point out that Representative CARL D. PERKINS, who knows the State of Kentucky very well, and who is a sponsor of the bill in the House of Representatives, is now present in the Senate Chamber.

Mr. MORSE. I could not have a more appreciative backstop in this debate than to have Representative Perkins from Kentucky present. I have said in many places that, so far as I am concerned, he is "Mr. Education" in the House of Representatives and the leader of this bill in the House. I am glad that he is here to give me any assistance he can in the debate.

To repeat, in Knox County, Ky., 31.9 percent will be the Federal Government contribution in that poverty-stricken county of Kentucky.

In Tensas County, La., 26.4 percent of the expenditures of that poverty-stricken county will be contributed by the Federal Government under this bill.

Williamsburg, S.C., 36.1 percent.

Sumter, Ala., 37.3 percent.

Holmes, Miss., 44.6 percent.

Breathitt County, Ky., 26.6 percent.

Tunica, Miss., 57.6 percent.

The conclusion I wish to make for the record is that, although some of these wealthy counties receive dollarwise what the Senator from Louisiana is pointing out—and more money is needed to raise the level of the poverty-stricken school districts up to the category of those wealthy counties—nevertheless, those dollars represent but a very small part of the educational budget for that school district; whereas in the 10 poorer counties, the 10 that I have just named, the lowest figure is 24.7 percent of the school budget, in Grant County, W. Va., and the highest figure is 57.6 percent in Tunica, Miss.

I respectfully submit as proof of my case that the formula is not discriminatory. It is an exceedingly fair formula.

Why do I think that the proposals are adequate for the first year? While we shall get into that subject later, I should like to point out that the record is filled with statements from the Department of Health, Education, and Welfare that school districts should not have more than a 30-percent expansion of budget in a given year. There could be wasteful use of money in many of the school districts if we should try to spend more. They say that we could not possibly have a program which would provide for the efficient expenditure of more money for the present fiscal year.

As I said earlier today, we come to grips with the question of what to do next year after a year's experience with the bill.

I place reliance upon those in the Department of Health, Education, and Welfare, since they have submitted the evidence that they did to the subcommittee showing that they think the formula provides really, if not the maximum, at least an ample and adequate amount to help poor school districts this next year.

Mr. ELLENDER. The Senator does not mean an adequate amount.

Mr. MORSE. An adequate amount for this year—not an adequate amount. We intend to continue this program. There is only so much that we can spend efficiently in a given period of time. All I am stressing is that the Department says that the amount shown is the amount that it believes is a reasonable amount that we ought to spend during the coming year.

Mr. ELLENDER. If the Senator will permit, since he mentioned Holmes County, Miss., I point out that the median income in that county is $1,453. The percentage of families receiving under $3,000 is 72 percent. The percentage of those receiving $10,000 or more is 2.8 percent. But 52 percent of the children of eligible age come from families whose income is less than $3,000, whereas in the case of Montgomery County, as I have said, it is only 2 percent. Yet Montgomery County would get more money than Holmes County, Miss.

Mr. MORSE. And yet the school budgets of the deprived districts in Montgomery County will get a much smaller percentage of Federal aid than the school districts in the poorer counties. It seems to me that that is the test.

While we are on this point, I repeat that the bill is not designed as a general Federal aid bill. As I said earlier in my explanation today, if it were, I would be for what we have always called the equalization formula on a coast-to-coast basis.

Yet if we were to take the $1.06 billion that will be distributed under title I of the bill and apply it or redistribute it according to our S. 1021 formula of 1961, which is the so-called equalization formula, with its 3-to-1 equalization ratio; that is, with the State having the lowest per capita income receiving $3 for each $1 received by the State with the highest per capita income, we would find that 14 Southern States would do better under the bill I am urging than they would do under the so-called equalization formula of the general aid bill of the 87th Congress; that is, the equalization formula would not be as helpful to 14 Southern States as is H.R. 2362. They would get less money. In fact, the staff found—and this information was used in committee—that under the formula contained in the bill, 22 States in all would do better under this formula.

Mr. ELLENDER. Is it not true that this formula was adopted so as to obtain as much support as possible throughout the country?

Mr. MORSE. I hope that we were wise enough to ascertain whether or not the formula was considered to be fair by all interested educational groups. As I said in my opening remarks, we have now devised a formula that will have the private school people, the public school people, and the higher education people working together in an arm-in-arm educational embrace, the like of which I have never before seen in my 20 years in the Senate.

Mr. ELLENDER. In order to get support for the bill I introduced in the 1940's, it was necessary to provide a minimum amount for each child. I realized that it might be necessary to put a little sugar under the beehive in order to attract the bees.

Mr. MORSE. The Senator from Louisiana is a great legislative strategist. I hope he is not implying that I ought to be criticized because I have tried to be a good student of his in this matter of legislative strategy.

Mr. ELLENDER. I am not saying that at all about the Senator from Oregon; but I am somewhat disappointed about the larger sums that would go to schools that do not need them, in contrast with those that do. That was what I was trying to point out.

Mr. MORSE. I satisfied myself that not a dollar of the funds would be wasted; that wherever a dollar was spent for deprived children, the money would go for the benefit of deprived children. That is one of the results of the formula.

But the percentage figure I have cited shows that, per school budget, the poor counties are the beneficiaries, and the rich counties are the losers.

We politicians are realists. We had better be, or we would not remain here. When we deal with an equalization formula in a general aid bill, the poorer States of the country have, in every one of the programs, been beneficiaries of the support of Senators and Representatives from the richer States—New York, Pennsylvania, Ohio, Illinois, Michigan, California, and others.

We all know that to obtain such support for equalization formulas over the years, it has been necessary to work out what I have often said on the floor of the Senate is a conscionable compromise; but a compromise has always cost the richer States a large sum of money. Nevertheless, their Senators and Representatives have recognized that, after all, State boundaries do not mean much when we are considering a national problem. When we help an educational program anywhere in the country, we help New York, Illinois, Pennsylvania, and the other States, because some of those educated in the poorer areas of the country, because of the mobility that characterizes our population, may become our next-door neighbors next year and be going to school with our children. Therefore, we have an interest in raising educational standards everywhere.

I again express my thanks to the Senators from the wealthy States for the support they have given us in the past on a general aid bill by the so-called equalization formula. But I also say most respectfully, not only to the Senator from Louisiana, but also to the rest of the Senate, that I do not believe it is fair in a special bill this year, a bill designed to help deprived students, to take the position that we should deprive a school district in State X, for example, so that there will be no reflection, and say that it ought to get as much money as, or more money—that is what would happen if we were to use the equalization formula for that school district—than a school district in the State of the present Presiding Officer, the distinguished junior Senator from New York [Mr. KENNEDY], would get for a slum school district in Manhattan. The taxpayers of New York are entitled to the formula of the bill, because they have the task of raising the standard of the school districts in the slums of New York State, urban and rural—and slums exist throughout New York—nearer the average of their better schools. The average expenditure per student in New York State is more than $600.

Mr. ELLENDER. Seven hundred dollars.

Mr. MORSE. The Senator from Louisiana says it is perhaps $700. Yet the average per capita expenditure in some of the poorer States is little more than $200.

The Senator knows the kind of argument we get into when we mention this, but I owe it to the record to mention it. The fact is that the boards of education in the State of New York are confronted with higher school costs than are the boards of education in some of the poorer States. The record is replete with evidence that supports that conclusion. So it is necessary to take into account the differences in school costs when we deal with the question, What kind of formula shall we agree on? I can only say to the Senator from Louisiana that when we take all those factors into account, I believe this is a fair formula. It is a formula we ought to try for a year. We can try it for a year. When the next authorization requests come before us, we can change the formula on the basis of experience, if experience shows a change is needed. But I believe that a year from today we shall not hear a murmur in opposition to this formula. I have a feeling that a year from today we shall find that experience will have justified what the experts who have testified before us predict, and what they have convinced me is correct. That is why, as chairman of the subcommittee, I am pleading on the floor of the Senate today for the support of this formula.

Mr. President, I now wish to yield to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senator from Oregon may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 72

Mr. TOWER. Mr. President, I send to the desk an amendment to H.R. 2362 and ask that it be printed.

This amendment, which I shall call up for consideration at the proper time, would add to the pending legislation the Vietnam GI bill, which I have earlier introduced as S. 458. Briefly, this Vietnam GI bill would grant to servicemen fighting in southeast Asia the same education and loan benefits as Americans have in the past provided veterans via the Korean and World War II GI bills.

I ask also, Mr. President, that a digest explanation of the Vietnam GI bill be printed at this point in the RECORD for the information of the Senate.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table; and, without objection, the request of the Senator from Texas is granted.

The digest explanation is as follows:

EXHIBIT 1

DIGEST OF VIETNAM GI BILL OFFERED BY SENATOR TOWER

This bill provides readjustment assistance for veterans of the southeast Asia theater who perform active duty between January 1, 1961, and the termination date of the draft law (now July 1, 1967). Discharge other than dishonorable is required. The President delimits the southeast Asian theater periodically. Readjustment assistance authorized is similar to that afforded in the Korean GI bill.

Educational and vocational training assistance: Eligibility is conditioned upon more than 180 days of active duty or discharge for service-connected disability. Education or training period cannot exceed 36 months and is calculated by multiplying 1½ times each day of active duty. During the educational period the monthly allowance is as follows: For full-time college training—no dependents, $110; one dependent, $135; more than one dependent, $160. Lesser benefits are prescribed for proportionately less study. Veteran must begin education within 3 years after discharge or enactment of the bill, whichever is later, and must complete education within 8 years after discharge or enactment. No allowance is paid for study before January 1, 1965. All education and training end 10 years after the draft law is terminated, with limited exceptions for career-enlisted men. Children of combat dead are eligible for these educational benefits.

Loan assistance: Eligibility for guarantee and direct loans is conditioned upon more than 120 days of active duty, or discharge for service-connected disability. Widows of veterans who died of service-connected disability also eligible. Loans are for purpose of purchasing (a) homes, including farm homes, and (b) farmlands, livestock, and so forth, to be used by veterans in farming operations. Banks or other lenders make loans with Government guaranteeing 60 percent up to $7,500, on residential real estate, and 50 percent, up to $4,000, on nonresidential real estate. Loans are subject to guarantee fee not to exceed one-half of 1 percent on loan amount, to be used to cover losses on loans. Direct loans not exceeding $13,500 may be made to veterans in certain small towns and rural areas when private capital is not available for guarantee loans. Interest rates and maturities of loans controlled by laws applicable to World War II and Korean veterans, now and in the future. (Under Public Law 86–73, maximum interest rate is 5¼ percent per annum). Termination date of guarantee and direct loan program is 10 years after end of induction period except for loans on which VA commitments have been issued before such date.

Mr. MORSE. Mr. President, I wonder if the Senator from Texas will let me make a comment, without delaying the debate on the bill?

I am in favor of the amendment. As chairman of the subcommittee, I have publicly announced that I am for the GI bill. However, I would not limit the amendment to the GI's in Vietnam. I would limit it to all cold war GI's since Korea. The amendment should be to a higher education bill, not the elementary and secondary school bill. I believe we would have a much better chance if the Senator would agree with me and try to have the amendment added to a higher education bill on which I am now holding hearings.

I shall bring the Senator before my committee and ask him to testify. If the Senator does not think it will hurt the amendment, I am perfectly willing to cosponsor it.

Mr. TOWER. Mr. President, I thank the distinguished senior Senator from Oregon. I am grateful for his support. I would indeed feel privileged to appear before the Senator's committee. I would welcome the cosponsorship of the senior Senator from Oregon.

I adopted the technique of "any port in a storm" and attempted to hang the amendment on the first measure that came along.

Mr. MORSE. I understand that legislative strategy. I am disappointed when I must oppose it.

Mr. ELLENDER. Mr. President, can the Senator tell us whether any estimates were placed in the RECORD to indicate the amount of funds necessary to equalize the schools throughout the country. I presume that the RECORD contains evidence to that effect.

Mr. MORSE. Mr. President, counsel advises me that he does not think I can state that we have figures specifically in the RECORD that would show what amount would have to be spent or provided to equalize the educational opportunity for every child in America.

Mr. ELLENDER. We, in Louisiana, did that more than 30 years ago. There were many parishes in Louisiana whose income had been cut drastically because of lower assessments. We set a large fund aside. This fund is collected from richer parishes which have many natural resources. This fund is used to assist parishes whose base of taxation is so low that they cannot obtain sufficient funds to properly educate the children. No matter where a child lives in Louisiana today, he can get the same amount of education as though he lived in a richer parish. It was my hope that in some way we could do that on a national basis.

Mr. President, I should like to ask my good friend the senior Senator from Oregon if there are any limitations in regard to the expenditure of these funds after they get into the hands of the local boards. Could the money be used exclusively for buildings, or partly for buildings and partly for paying schoolteachers, or to provide for gymnasiums, playgrounds, or things of that kind?

Mr. MORSE. That would depend upon the local school authority recommendation which would be reviewed by the State agency. I believe that the Senator will agree with me that if the local plan is devised so as to not carry out the purposes of the act, it will not be approved. We cannot have this both ways. We can have local control, and then we cannot dictate to the local authorities what they will do with the money, provided their plan is within the framework of the guidelines and limitations imposed by the bill.

I read from page 8 of the bill:

> (1) that payments under this title will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) (A) which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families.

If the local authorities do not show that in their plan, they cannot get the plan approved by the State authorities. That is the check.

Mr. ELLENDER. I understand. The money will be spent more or less in accord with the methods now existing in the States, counties, or parishes where the money is to be spent.

Mr. MORSE. That is correct for programs designed for deprived children.

Mr. ELLENDER. To change the subject slightly, before any money is allocated, proof must be furnished to show that the State will spend as much money as it is now spending, before it will receive funds.

Mr. MORSE. The Senator is correct.

Mr. ELLENDER. I wanted to be certain of that and have it in the RECORD.

Mr. MORSE. Mr. President, I call the attention of the Senator to page 16 of the bill when it states:

> (c) (1) No payments shall be made under this title for any fiscal year to a State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

The bill is replete with guarantees that the States cannot use this money for the purpose of lessening its educational program. They cannot use this money to substitute for the money that the States are now spending on their educational programs.

Mr. ELLENDER. Mr. President, I should like to refer to title III, in which $100 million is to be provided for supplemental educational services.

I notice on page 24 of the bill that these funds may be used to construct educational facilities. What is meant by that language? Does it mean centers or facilities that would be used directly within the school districts?

Mr. MORSE. It means facilities that would be used in the school district. I want to make sure that the Senator understands that title III, as is true also in title II, is not a title that is limited to aid to deprived children. That is the title I section of the bill. Title II and title III are titles that can be of assistance when the State finds that this particular need for the expenditure of funds exists anywhere in the State.

Mr. ELLENDER. That is correct. But the centers need not be limited to the school district in which they are located. They could be used for the State as a whole.

Mr. MORSE. No. They must be for the local system.

Mr. ELLENDER. I understand. They must be for the local system, but not the particular school.

Mr. MORSE. That is correct.

Mr. ELLENDER. It might be countywide or statewide?

Mr. MORSE. Countywide or regional.

Mr. ELLENDER. That money is to be used to construct and operate these facilities?

Mr. MORSE. The Senator is correct.

Mr. ELLENDER. The allocation of that fund is based on what? Will the Senator place the formulas in the RECORD?

Mr. MORSE. Mr. President, I ask unanimous consent that the table on page 26 of the committee report, entitled "Estimated distribution of $100,000,000 for supplemental education services under title III, Elementary and Secondary Education Act of 1965, fiscal year 1966," be printed at this point in the RECORD, together with the footnote pertaining thereto.

There being no objection, the table and footnote were ordered to be printed in the RECORD, as follows:

Estimated distribution of $100,000,000[1] *for supplemental education services under title III, Elementary and Secondary Education Act of 1965, fiscal year 1966*

	Total estimated amount
United States and outlying areas	$100,000,000
50 States and the District of Columbia	98,000,000
Alabama	1,843,542
Alaska	318,293
Arizona	935,099
Arkansas	1,098,100
California	8,239,821
Colorado	1,107,310

Estimated distribution of $100,000,000[1] for supplemental education services under title III, Elementary and Secondary Education Act of 1965, fiscal year 1966—Con.

	Total estimated amount
Connecticut	$1,432,727
Delaware	425,115
Florida	2,702,679
Georgia	2,229,496
Hawaii	530,441
Idaho	536,393
Illinois	4,929,120
Indiana	2,451,748
Iowa	1,487,761
Kansas	1,230,857
Kentucky	1,687,506
Louisiana	1,878,224
Maine	659,025
Maryland	1,779,430
Massachusetts	2,581,226
Michigan	4,051,798
Minnesota	1,863,225
Mississippi	1,338,363
Missouri	2,188,807
Montana	537,823
Nebraska	879,119
Nevada	377,415
New Hampshire	495,293
New Jersey	3,150,198
New Mexico	698,347
New York	8,010,486
North Carolina	2,507,564
North Dakota	512,900
Ohio	4,912,452
Oklahoma	1,322,315
Oregon	1,067,258
Pennsylvania	5,392,267
Rhode Island	600,568
South Carolina	1,449,458
South Dakota	541,281
Tennessee	1,965,556
Texas	5,083,486
Utah	690,284
Vermont	390,283
Virginia	2,215,361
Washington	1,588,747
West Virginia	1,070,069
Wisconsin	2,118,449
Wyoming	363,035
District of Columbia	533,880
American Samoa, Guam, Puerto Rico, Virgin Islands, Trust Territory of the Pacific	2,000,000

[1] 2 percent ($2,000,000) reserved for distribution to the outlying areas. Basic allotment of $200,000 for the 50 States and the District of Columbia, with the balance distributed one-half ($43,900,000) on the basis of the estimated 5-to-17 population as of July 1, 1963, and one-half ($43,900,000) on the basis of the estimated total resident population as of July 1, 1963.

Mr. ELLENDER. There is an additional title through which books are to be provided. As I understand, such books would be distributed to the children attending all schools.

Mr. MORSE. The Senator is correct.

Mr. ELLENDER. Whether they be Catholic, public, or Protestant schools?

Mr. MORSE. That is correct.

Mr. ELLENDER. It will be done on a loan basis?

Mr. MORSE. On a loan basis.

Mr. ELLENDER. I would like to have the formula for the distribution of funds put in the RECORD.

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted in the RECORD a table showing the distribution of funds and the formula appertaining thereto.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated distribution of $100,000,000,[1] school library resources, textbooks, and instructional materials under title II, Elementary and Secondary Education Act of 1965, fiscal year 1966

	Estimated amount
United States and outlying areas	$100,000,000
50 States and the District of Columbia	98,000,000
Alabama	1,734,277
Alaska	118,854
Arizona	815,164
Arkansas	937,854
California	9,308,483
Colorado	1,065,929
Connecticut	1,392,995
Delaware	256,903
Florida	2,604,055
Georgia	2,174,706
Hawaii	391,124
Idaho	370,581
Illinois	5,361,699
Indiana	2,528,237
Iowa	1,483,765
Kansas	1,146,723
Kentucky	1,549,486
Louisiana	1,922,905
Maine	525,829
Maryland	1,809,594
Massachusetts	2,622,125
Michigan	4,671,827
Minnesota	1,988,186
Mississippi	1,218,307
Missouri	2,309,246
Montana	382,828
Nebraska	775,144
Nevada	211,763
New Hampshire	336,232
New Jersey	3,233,812
New Mexico	590,702
New York	8,293,725
North Carolina	2,435,404
North Dakota	347,300
Ohio	5,406,689
Oklahoma	1,266,877
Oregon	975,757
Pennsylvania	5,908,219
Rhode Island	427,974
South Carolina	1,320,035
South Dakota	386,888
Tennessee	1,826,346
Texas	5,345,745
Utah	587,662
Vermont	208,027
Virginia	2,095,347
Washington	1,591,758
West Virginia	924,800
Wisconsin	2,278,827
Wyoming	187,468
District of Columbia	345,817
American Samoa, Guam, Puerto Rico, Virgin Islands, Trust Territory of the Pacific	2,000,000

[1] 2 percent ($2,000,000) reserved for distribution to the outlying areas.

SECTION 202. ALLOTMENT TO STATES

Sums appropriated to carry out the title will be allotted among the States pro rata on the basis of the number of children in each State who are enrolled in public and private elementary and secondary schools. This allotment provision will not apply to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. Instead the Commissioner will reserve up to 2 percent of the amount appropriated and allot such reserved amount among these territories and possessions according to their respective needs.

The section provides that where a State will not need all the money allotted to it, the money not required will be reallotted among other States.

Mr. ELLENDER. If a State is distributing schoolbooks, it will still be entitled to funds to supplement funds now spent for that purpose by the State?

Mr. MORSE. My answer to the Senator's question is an unequivocal "Yes."

Mr. ELLENDER. I ask the Senator now about title V, strengthening State departments of education. As I understand, the purpose is to assist the States in research, and matters of that kind, in order to develop educational programs and plans.

Mr. MORSE. The answer is "Yes." As I said in my explanatory statement earlier this afternoon, the testimony in the record shows that many State educational organizations and systems need some help in developing training programs that are of service to the State systems of education. That is where we get some of the most beneficial studies and findings for the improvement of educational techniques; and the State educational systems are able to have demonstrations and to have weekend conferences or to show what can be done with new techniques.

Counsel suggests that I ought to supplement what I have already said by saying that the record shows the consultation program and the hiring of special consultants. This can be done in connection with demonstrations of the remedial program, the program I discussed earlier this afternoon, for teaching or training the blind, which involve remarkable improvements. That program will help the State organization.

Mr. ELLENDER. Funds can be used under title V for that purpose?

Mr. MORSE. That is what title V is designed to do.

Mr. ELLENDER. I wonder if the Senator will place in the RECORD the formula for spending the $25 million and the distribution, as outlined on page 34 of the report.

Mr. MORSE. Mr. President, I ask unanimous consent to have inserted in the RECORD the distribution of the funds as set forth on the table on page 34 of the report, and also that there be included immediately thereafter a statement of the formula that is to be followed in the distribution of the funds.

There being no objection, the table and statement were ordered to be printed in the RECORD, as follows:

Estimated distribution of $25,000,000[1] for strengthening State departments of education under title V, Elementary and Secondary Education Act of 1965, fiscal year 1966

	Estimated amounts
United States and outlying areas	$21,250,000
50 States and the District of Columbia	20,825,000
Alabama	411,619
Alaska	121,337
Arizona	238,848
Arkansas	270,243
California	1,672,034

Estimated distribution of $25,000,000 [1] for strengthening State departments of education under title V, Elementary and Secondary Education Act of 1965, fiscal year 1966—Continued

	Estimated amounts
Colorado	$280, 701
Connecticut	312, 652
Delaware	139, 737
Florida	549, 680
Georgia	495, 621
Hawaii	159, 850
Idaho	165, 497
Illinois	875, 820
Indiana	517, 718
Iowa	335, 566
Kansas	292, 294
Kentucky	351, 893
Louisiana	398, 520
Maine	182, 826
Maryland	379, 359
Massachusetts	477, 050
Michigan	828, 465
Minnesota	399, 197
Mississippi	319, 780
Missouri	460, 057
Montana	162, 626
Nebraska	220, 497
Nevada	137, 894
New Hampshire	147, 601
New Jersey	576, 593
New Mexico	198, 805
New York	1, 288, 213
North Carolina	547, 459
North Dakota	156, 051
Ohio	946, 737
Oklahoma	327, 809
Oregon	267, 391
Pennsylvania	939, 966
Rhode Island	157, 218
South Carolina	340, 190
South Dakota	162, 285
Tennessee	428, 208
Texas	1, 035, 640
Utah	$207, 310
Vermont	131, 119
Virginia	467, 894
Washington	372, 829
West Virginia	265, 521
Wisconsin	415, 673
Wyoming	133, 422
District of Columbia	153, 685
American Samoa, Guam, Puerto Rico, Virgin Islands	425, 000

[1] 85 percent of $25,000,000 distributed; 2 percent ($425,000) of $21,250,000 reserved for distribution to the outlying areas. Basic allotment of $100,000 for the 50 States and the District of Columbia; balance distributed on the basis of public elementary and secondary school enrollment, fall 1964.

Mr. ELLENDER. Mr. President, if the Senator will permit me to do so, I ask unanimous consent to place in the Record a table from which I have been reading, showing six of the richest counties in the country and seven of the poorest, showing the median income, those with incomes under $3,000, and those with incomes of $10,000 and over, and showing the number of children from families with incomes of less than $2,000, with the percentage of school-age children.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Table of 7 of the richest and poorest counties in the Nation with pertinent data as to family income and showing amount to be allocated them under the bill

[Allocations do not include children from families brought in under the welfare amendment, but in most cases the difference would be slight]

County and State	Family income data			School-age children		Allocation of funds
	Median income	Percent under $3,000	Percent $10,000 and over	Number in families with less than $2,000 income	Percent of all school-age children	
Richest:						
Montgomery, Md	$9, 317	5. 5	44. 6	2, 343	2	$572, 864
Arlington, Va	8, 670	6. 0	38. 6	1, 347	4	235, 725
Fairfax, Va	8, 607	5. 8	37. 8	1, 994	3	348, 950
Du Page, Ill	8, 570	5. 9	36. 0	1, 853	2	443, 794
Westchester, N.Y	8, 052	8. 0	36. 3	6, 210	3	2, 189, 026
Bergen, N.J	7, 978	6. 4	32. 1	4, 631	2	1, 315, 204
Poorest:						
Grant, W. Va	2, 437	64. 0	3. 0	833	35	124, 950
Falls, Tex	2, 287	60. 6	4. 0	2, 233	41	432, 086
Sunflower, Miss	1, 790	68. 1	3. 9	6, 184	42	745, 173
Knox, Ky	1, 722	70. 5	1. 7	3, 137	39	470, 550
Williamsburg, S.C	1, 631	68. 3	2. 5	6, 118	41	810, 000
Sumter, Ala	1, 564	72. 3	2. 7	2, 790	43	390, 600
Holmes, Miss	1, 453	72. 0	2. 8	4, 543	52	547, 432

Mr. ELLENDER. I thank the Senator for his graciousness.

Mr. MORSE. Mr. President, before I yield to the Senator from Kentucky [Mr. Cooper], I wish to say something about and to the Senator from Louisiana. I have been in a good many debates on educational matters over the years. The colloquy that the Senator from Louisiana and I have held this afternoon for most of the past hour has been exceedingly helpful to me, and of great help to the entire Senate. The Senator has raised questions which the Presiding Officer, the Senator from New York [Mr. Kennedy], being a member of the committee knows were raised in committee. The Senator from Louisiana could not have performed a better service for the committee and for me than by cross-examining me as he has done. His cross-examination has been fair. I appreciate it very much. I thank him.

Mr. ELLENDER. I thank the Senator. I have studied this problem over 30 years. Without boasting, I think I know a little about it. If the bill does what the Senator from Oregon says it will do—and I am sure it will—and the money is distributed to the children of nonpublic schools, and not to the schools themselves, I shall vote for it.

Mr. MORSE. Mr. President, before yielding to the Senator from Kentucky [Mr. Cooper] I wish to place in the Record certain language from page 17 of the bill, in answer to the Senator from Louisiana, concerning the obligations of the States to maintain their level of expenditures.

I read at that point language from page 17 of the bill, starting with line 1:

> (2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the fiscal year ending June 30, 1964.

In other words, the bill ties down the imposition of an obligation upon the State and its educational subdivisions not to decrease the amount of money they previously had been spending, and substitutes in lieu thereof money gained under this bill.

I yield now to the Senator from Kentucky [Mr. Cooper].

Mr. COOPER. Mr. President, I know the Senator from Oregon has been on the floor for a long time.

Mr. MORSE. That is all right.

Mr. COOPER. I wish to address a few questions to you. But first, I would like to say that all of us owe a debt to the Senator from Oregon for his work on this bill, as well as other education bills in the Senate.

Mr. President, I do not intend to speak on the bill at this time, for I intend to make some remarks on the bill later in the debate. In 1948 I had the opportunity to join the Senator from Oregon, former Senator Alexander Smith of New Jersey, and former Senator Thomas of Utah, in cosponsoring the Taft-Ellender bill. Only today I read again the debate on the Taft-Ellender measure in 1948. In some respects this bill embodies principles of the Taft-Ellender bill.

I direct the Senator's attention to a question which is controversial, and which raises emotions; nevertheless, it is an important question, and it must be discussed. It is the question whether the bill contravenes the first amendment to the Constitution.

Let me say that I have studied the bill in light of the issue, and I intend to vote for the bill. But I would like to have the Senator's interpretation of this issue.

I believe the Senator, great lawyer that he is, will agree with me that a very serious question has been raised in several cases, among them being the Everson case, which held in substance that taxes could be used for incidental purposes directed to the benefit of the pupil in private and parochial schools, the case held, of course, that tax funds should not be used for the general support of private church schools. As I understand the pending bill, it does not prescribe that Federal funds shall be used for private or sectarian schools. On the other hand, it does not prohibit their use in certain cases, if the State desired to so use them, and such use were approved by the Federal Commissioner of Education.

Mr. MORSE. The reason I hesitated to give the Senator an immediate answer is that I do not wish my answer to seem in the slightest degree to be equivocal; therefore, I start in this colloquy on the subject of judicial review—and I am indebted to the Senator from Kentucky for raising it in this debate—by saying that, in my judgment, the bill would not authorize the State to spend any public funds for any private school purpose that might constitute an unconstitutional expenditure of funds. That is my first premise.

Next, I should like to read to the Senator from Kentucky what the bill itself provides, beginning at the bottom of page 79:

> SEC. 605. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction.

The bill contains the same prohibition that I have always insisted upon; namely, that the money cannot be spent for religious purposes or religious instruction.

If the Senator from Kentucky will bear with me a moment longer, I believe that perhaps a better foundation could be laid for some of the questions he may wish to ask me if I tell him what happened in committee.

We decided in committee against a judicial review amendment. A judicial review amendment was not offered in committee. Some members of the committee reserved the right—which they always have anyway—to offer such an amendment on the floor of the Senate, or to support such an amendment on the floor of the Senate.

As the Senator from Kentucky knows, I believe in giving credit where credit is due.

Here and now I give great credit to the Senator from New York [Mr. JAVITS] for the position he took in regard to this matter, which reinforced the position taken by the chairman of the subcommittee. After the Senator from New York had set forth his reasons for joining the chairman in opposition to adding a judicial review amendment to the bill, it was agreed by the committee—even those who had reserved the right to offer an amendment later—that the Senator from New York [Mr. JAVITS] had performed a valuable service, which I had asked him to perform. I said that I agreed with everything the Senator from New York had said, and that I would like to have him sit down with counsel—and this was only yesterday morning, because we wished to get the report printed last night—and put in succinct form the argument that he made, which the chairman of the subcommittee completely supports. Here it is.

I believe that I should read from page 35 of the committee report and make it the foundation for my discussion with the Senator from Kentucky. It reads as follows, under the subheading "Committee Comment on Judicial Review":

> The committee considered carefully recommendations to it in testimony that an explicit provision be added to afford judicial review of the constitutionality of provisions of the act and of its administration. After consideration of all facets of the problem, it was the general view of the committee that in this legislation such a provision is unnecessary in view of the developing state of the law on the subject. The committee, in considering the matter, discussed the following factors: (1) Litigation raising analogous issues is presently pending before courts of at least one State, and could reach the U.S. Supreme Court. In view of the recent Supreme Court decisions in the school prayer cases, which also arose in State courts, it would appear more likely than ever before that the issues under this act could similarly be tested. (2) Since the determination of the Supreme Court against taxpayers' suits in *Massachusetts* v. *Mellon* (262 U.S. 447 (1923)), there have been subsequent decisions which also suggest the possibility of a test in the Federal courts of the provisions of this act in the absence of specific language. *Larson* v. *Domestic and Foreign Corporation* (337 U.S. 682, 689, 690 (1948)), was cited as an example. (3) The bill presently contains three specific and limited judicial review provisions, which parallel those in other Federal education legislation: section 211 of title I, section 206 of title II, and section 509 of title V. It is possible that these issues can also be raised in suits brought by States against the Commissioner of Education under those provisions. (4) It is not the practice to insert broad judicial review clauses in Federal legislation, particularly as this might be construed as an invitation to a multiplicity of time-consuming suits which could bring to a temporary halt an enormous range of Federal activities.

That is what the committee had to say on the subject. I do not believe that a judicial review amendment should be added to an elementary and secondary school bill. I do not believe it should be added to a separate higher education bill. I believe that it should be an independent bill.

I have on my desk—I try to come prepared for developments in debate—the judicial review amendment, which the Senator from Kentucky was so kind as to say, last year, that he would cosponsor, along with other advocates of judicial review, when the judicial review amendment was passed in the Senate. It was dropped in conference, for reasons the Senator from Kentucky well knows.

I have that bill in such form that it can be introduced at any time during debate, if the consensus of opinion seems to be that we should not rely upon the suggestions made by the Senator from New York [Mr. JAVITS] in this part of the report, with which I completely associate myself, as do a majority of the members of the committee.

I have now concluded my statement.

If the judicial review route should be followed, it should be followed in a separate, independent judicial review bill, along the lines of the original Morse-Clark bill which is the bill that is ready for introduction.

I do not believe that the present Presiding Officer of the Senate, the Senator from New York [Mr. KENNEDY] will object. I believe he should have feelings of great pride concerning it. The Morse-Clark judicial review amendment, which we prepared some 3 years ago, was the product of the Office of the Attorney General of the United States when the present Presiding Officer was the Attorney General of the United States.

After discussion with the Senator from Pennsylvania [Mr. CLARK] and me, the present Presiding Officer of the Senate assigned to us as our leading legal counsel the then and still present Solicitor General of the United States, Mr. Cox; and we worked out the provisions of the bill which is now before the Senate. The Attorney General of the United States, now the Presiding Officer in the Senate, deserves my thanks—and he has received them many times—as well as the thanks of many others, for the cooperation he extended in the preparation of this bill.

I believe the bill would meet all the tests. However, I do not believe an independent judicial review bill is needed. I believe that in the not too distant future a decision will be rendered "on the nose," as we lawyers say, by the Supreme Court, telling Congress how far it can go under the first amendment in giving aid to religious schools. I believe there is a case already on the way to the Supreme Court. It is the Horace Mann case in Maryland. The first decision has been rendered by the lower court. I believe that case will go all the way, so to speak. My judgment is that it will be very difficult for the Supreme Court not to give us a broad decision which will cover the very issue that must be settled.

Let us face it. We are going into Federal aid for elementary and secondary schools in the bill through the back door. I have said this many times, as the Senator from Kentucky knows. This is a back-door entrance into Federal aid to education for elementary and secondary schools for 11 percent of the schoolchildren of America who are deprived. It is an entrance through the back door by way of an entirely constitutional legislative vehicle, or WAYNE MORSE would not be supporting it on the floor of the Senate this afternoon if he did not honestly believe it.

Mr. COOPER. I thank the Senator. As he knows, I have supported in past years many bills whose purpose was to provide aid to our public elementary and secondary schools. As the Senator has said, the cases which have arisen, and which have been determined by the Supreme Court, particularly the Everson case, the Zorach case, and the McCollum case, have raised the question of the applicability of the first amendment to Federal aid to education. Of course, the prayer cases have also brought this issue to the fore.

I do not know of anything that is more important than providing educational opportunity of the highest quality for the children of our country.

However, I direct my questions to the specific issue of constitutionality, for it must be met. I believe the Senator will agree that the Mellon case would prohibit any taxpayer—using that term in the broad sense to include any agency or individual or entity—from bringing suit in Federal court to test the constitutionality of the pending bill.

Mr. MORSE. The Senator is correct. That is true in the Federal court, but it is not true in the State courts. The

Maryland case is a State case, in which the judge held that the taxpayer had the right to raise the question.

Mr. COOPER. My question was directed solely to the ability of a taxpayer to bring an action in the Federal court.

Mr. MORSE. Yes. He cannot do it under the Mellon case.

Mr. COOPER. My next question goes to the right to test in State courts the constitutionality of this bill or any other educational bill using tax funds for private or church schools. I know about the Maryland case, instituted in the State courts of Maryland. Of course, the Supreme Court could say, "We do not wish to review the case."

We do not know what the Court will say. The Senator is well acquainted with the Doremus case, in which the Court refused to review a similar issue. I believe the Senator would agree that later cases would indicate that the Supreme Court would take jurisdiction of the Maryland case.

Mr. MORSE. That is what I was about to say.

Mr. COOPER. I have studied the pending bill, and it is my judgment, noting that State educational agencies must make application to the Commissioner of Education for Federal funds, that funds would be allocated to the State educational agency, and then by the State educational agency to the local educational agency; that this would provide the basis for suit by an individual, in State courts, to test the constitutionality of the bill. I do not know whether the Senator would care to comment on that point, but I must say that this viewpoint has been of great influence in leading me to make my decision to vote for the bill.

Mr. MORSE. That is my judgment. Although it is true that in the past the Supreme Court has followed a general policy, in a case involving a constitutional issue of trying to decide the case without deciding the constitutional issue, if possible, I believe this situation would raise directly the constitutional issue, and the Supreme Court would be in a position where it would have to decide it.

Furthermore, I believe we have come to the point where it is recognized that the issue must be put behind us.

Mr. COOPER. It must be settled.

Mr. MORSE. Yes; that is what I mean. It must be settled. I believe it will be settled and put behind us soon, because once we get that decision on the issue, even those who may disagree with the decision will agree that we cannot maintain a government of law unless we support the decisions. It is the decision that is important. I believe we are on our way to a decision. That is why I am pleading with the Senate, if it wishes to insist on judicial review legislation, to let us do it by way of an independent bill. I give the Senate my word, if that is what the Senate wishes, that I shall introduce a bill before the debate is over, and pledge to schedule hearings on it forthwith.

Mr. COOPER. I know the Senator agrees with me that the line is not an easy line to draw.

Mr. MORSE. I know that.

Mr. COOPER. I joined the Senator in sponsoring the National Defense Education Act, which provides aid to pupils who may choose to attend private and sectarian schools. I believe we have agreed that in those situations, while there might be a close line, the benefit ran primarily to the individual in line with the holding of the Everson case. At least I have no problem about that. I know the value of private and sectarian schools, and the contribution they make to our country. They impart richness and variety to our education. I am sympathetic with the work they are doing, but I believe that the constitutional question must be determined.

Last year the Senator from North Carolina [Mr. ERVIN] and I submitted an amendment to the Higher Education Facilities Act. It was debated and passed by the Senate, but taken out in conference. I do not feel the same concern about the pending bill that I felt about the other bill, for I believe there will be a right to judicial review through action in the State courts.

The same question was raised in 1948.

Mr. MORSE. I was about to mention that.

Mr. COOPER. Two amendments were offered in 1948. One was offered by former Senator Donnell, of Missouri, a fine lawyer who wished to place in the bill a prohibition on the use of funds for any purpose in any nonpublic school.

Mr. MORSE. For any purpose.

Mr. COOPER. For any purpose, including health, school lunches, and the like. Another diametrically opposed amendment was offered by the former and great Senator, Senator McMahon, of Connecticut, who wished to prescribe how these moneys should be used. I remember that the late Senator Taft took the position—and he spoke at length on the issue—that it was a matter for the States to determine, and that the matter could reach the Supreme Court through the State courts.

I wish to raise these questions. I am very happy to have the interpretation of the Senator from Oregon.

Finally, while I believe action to test constitutionality can be taken through State courts, I believe it would be better to provide a means to test in the Federal courts.

But on the whole, the bill is safeguarded, and it does provide an opportunity to lift the quality of education and to broaden its availability to the millions of young people who hold the future of this Nation.

Mr. MORSE. I am glad the Senator has raised these questions. The Senator from Kentucky and I have served on the Committee on Labor and Public Welfare, which has jurisdiction over education, for more years than perhaps we would like to remember.

Back in those days the Senator and I were not only members of the committee, but were also members of the Subcommittee on Education.

Mr. COOPER. And we were both Republicans.

Mr. MORSE. We were both Republicans. I have learned something since. I appreciate the Senator's great support then, and I appreciate his support now. I am greatly indebted to him for his teacher services to me, because he has taught me many things.

Mr. COOPER. A few minutes ago the Senator spoke about certain counties in Kentucky. Unhappily, I must say that in Kentucky there are counties that are in a dire state, a condition which concerns me, which saddens me and all of us who live in our great State. He mentioned a fine county—Knox—a county with fine people, officials, and an outstanding county school superintendent, the Honorable Jesse Lay. But, in tribute to my State, I wish to say that in its educational efforts, Kentucky is making a greater effort in terms of the proportion of its revenue that it applies to education, than many of the richer States. I shall not include West Virginia, but I believe Kentucky makes a greater effort, in terms of the percentage of its revenues that it applies to education, than its neighbors, including the rich States of Ohio, Illinois, and Indiana. So, not in defense, but in commendation of the officials of my State and of its people, I want to make this statement.

Mr. MORSE. The figures in the record of the hearing show that. I discussed the Knox County situation only because it is involved in the record.

Mr. COOPER. It is only two counties away from Pulaski, in which I live.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD, in connection with the judicial review discussion, a memorandum entitled "Enforcement of the Principle of Separation of Church and State in the Elementary and Secondary Education Act of 1965."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

ENFORCEMENT OF THE PRINCIPLE OF SEPARATION OF CHURCH AND STATE IN THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The following provisions of the Elementary and Secondary Education Act of 1965 (H.R. 2362) stress the principle of separation of church and state:

I. Title I (financial assistance to local educational agencies for the education of children of low-income families):

(a) Section 202. Federal payments may be made only to local public educational agencies.

(b) Section 205(a)(3) (control of funds and property): Before making a grant to a local public educational agency, the State educational agency must determine "that the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property."

II. Title II (school library resources, textbooks, and other instructional materials):

(a) Section 205 (control and selection of books and materials):

"SEC. 205. (a): Title to library resources, textbooks, and other printed and published instructional materials furnished pursuant to this title, and control and administration of their use, shall vest only in a public agency.

"(b) The library resources, textbooks, and other printed and published instructional materials made available pursuant to this title for use of children and teachers in any school in any State shall be limited to those which have been approved by an appropriate State or local educational authority or agency for use, or are used, in a public elementary or secondary school of that State."

III. Title III (supplementary educational centers and services):

(a) Section 304(a): Federal payments may be made only to local public educational agencies.

(b) Section 304(a)(1): The application of a local public educational agency must "provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of" that local public educational agency.

(c) Section 307 (recovery of payments):

"SEC. 307. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated."

IV. Title IV (educational research and training):

(a) Section 2(b) (grants for training in educational research):

"No grant shall be made under this subsection for training in sectarian instruction or, for work to be done in an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

(b) Section 4(e) (construction of regional facilities for research and related purposes):

"(e) As used in this section, the term 'research and related purposes' means research, research training, surveys, or demonstrations in the field of education, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental schools, except that such term does not include research, research training, surveys, or demonstrations in the field of sectarian instruction or the dissemination of information derived therefrom."

V. Title V (grants to strengthen State departments of education): There are no specific provisions because grants would be made only to State public educational agencies for the purpose of strengthening those agencies.

VI. Title VI (general provisions):

(a) Section 605 (relating to all titles in the act):

"SEC. 605. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction."

The following provisions of the Elementary and Secondary Education Act of 1965 (H.R. 2362) supplement those cited above by requiring that actions taken by States be consistent with the principle of separation of church and state:

I. Title I (financial assistance to local educational agencies for the education of children of low-income families):

(a) Section 206(a)(1): To participate in the program, a State must provide satisfactory assurance that except for State administrative costs, "payments under this title will be used only for programs and projects which have been approved by the State educational agency pursuant to section 205(a) and which meet the requirements of that section, and that such agency will in all other respects comply with the provisions of this title, including the enforcement of any obligations imposed upon a local educational agency under section 205(a)." Section 205(a) includes the provision, quoted above, requiring public control of funds and property provided under title I.

(b) Section 210 (withholding):

"Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance [including the assurance quoted in (a)] set forth in the application of that State approved under section 206(b), the Commissioner shall notify the agency that further payments will not be made to the States under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be."

II. Title II (school library resources, textbooks, and other instructional materials)

(a) To participate in the program, a State must designate "a State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for administration of the State plan."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I commend the chairman of our Subcommittee on Education for the excellent presentation he has made on this complicated but intensely useful piece of proposed legislation. I should like particularly to support him in what he has said in his colloquy with the Senator from Kentucky [Mr. COOPER] about a provision for judicial review in the bill. As the Senator from Oregon stated a short time ago, he and I cosponsored a judicial review section in a general education bill several years ago with the assistance of the Solicitor General. As the Senator from Oregon said, we thought we had a good review section. I, too, would be happy to see an adequate review section in the bill, but I do not think the timing is correct. I should be happy to join with the Senator from Oregon in submitting such a judicial review section as a separate measure and to cosponsor it with him and to do all I can to see that it is passed.

Mr. MORSE. I thank the Senator from Pennsylvania. The Senator from Pennsylvania and the Senator from Michigan [Mr. McNAMARA], who is present in the Chamber, were two of my colleagues on the Subcommittee on Education. I thank both of them for the wonderful help that they have been to me in getting this bill to the point at which we could present it to the Senate today, with the kind of support that it brings to the floor.

I should like to have the attention of the Senator from Vermont [Mr. PROUTY]. I am about to yield the floor. I do not know what arrangements he may have entered into with the Senator from West Virginia [Mr. RANDOLPH]. I understand that the Senator from West Virginia had an appointment. Since I am about to yield the floor, whatever arrangement the Senator from Vermont has entered into with the Senator from West Virginia I leave up to the two Senators.

Mr. PROUTY. The Senator from West Virginia is busy at the present time; and he has suggested that I proceed.

Mr. MORSE. That was my understanding. I wanted the Senator to know that I told the Senator from West Virginia I thought, after my long presentation, a member of the minority ought to be allowed to present any amendment or any point of view that he cared to present.

Mr. PROUTY. I appreciate that.

(At this point Mrs. NEUBERGER took the chair as Presiding Officer.)

Mr. PROUTY. Madam President, first, I wish to express my deep appreciation to the distinguished senior Senator from Oregon [Mr. MORSE]. He is one of the greatest champions of the education of American youth the Senate has known. His wisdom in such matters is well complemented by his thoroughness. It is always a pleasure to serve with him.

I wish to thank him for his work as chairman of the Subcommittee on Education, for the courtesies which he extended to all members in the minority and for the fairness with which he conducted the committee sessions and the committee hearings. For reasons which I shall develop later, members of the majority serving on the committee labored under some inhibition with respect to consideration of amendments which were proposed by members of the minority. But in all fairness I should say that ample consideration was given to proposed amendments. While they were not accepted, they did serve a useful purpose by reason of the fact that they resulted in some language in the report which clarified some of the ambiguities of the language in the bill which the committee considered.

Today this body is faced with one of the most important bills of the 89th Congress—the Elementary and Secondary Education Act of 1965. For the first time in the Nation's history, the Congress is about to enact a general aid to education bill, although this fact is not readily acknowledged by its advocates.

I do not say this disparagingly. The demands of modern technology, of intelligent voting, of complex world issues, have made evident the need for a broader and deeper educational background for all Americans. Ever since the late Senator Robert A. Taft sponsored his aid to education bill in the 80th Congress, Republicans have recognized the need for Federal action to contribute to the improvement of the American educational system.

This is not to say that Republicans have favored a Federal grant program such as that embodied in this bill; far from it. Basic to Republican thinking is the overriding need to reduce needless and perhaps dangerous Federal activities, returning the tax resources thus freed to the States and local communities. I venture to say that, as much as any other, this is one great difference of opinion between the parties. One party—currently the majority—favors programs which make use of the Federal tax base, correspondingly reduce the local tax resources, and return various kinds of benefits to States, communities, and individuals—after the middleman's fee has been taken out. The other party—currently the minority—favors programs which decrease Federal activity, increase the tax resources available to State and local governments, and keep tax money working at home under the direct control of those who pay it.

Today, we of the minority are faced with a dilemma. I daresay no Member of this body would argue that American education is in no need of improvement. The question, like so many in the American political system, is not on the ends but on the means. And today we must decide which is more important—the unmet needs of our schools and schoolchildren or the danger of insidious Federal involvement and control of the educational process.

For myself, I am willing to acept what I believe to be an imperfectly conceived and designed bill. I do this because our schools and our children have a real and urgent need which should not go unmet. Despite its imperfections—and I expect to discuss a number of them before this debate comes to a close—this bill will make a significant contribution to the Nation's needs.

Having said this in the way of an introduction, I should now like to take a few moments of the time of the Senate to discuss the way this bill was handled in this body and some of the possible implications for the future of the national legislative process.

I should like first of all to read the brief statement that opens the minority views of the Committee on Labor and Public Welfare. I would point out that these views received the wholehearted endorsement of all five minority members of the committee, even though we five represent a very broad cross section of Republican opinion.

The Constitution of the United States vests legislative power in the Senate and the House of Representatives. Now, by decree of the President of the United States, the Senate is to be shorn of its equal share of that power. This important and complex piece of legislation—on which your committee heard more than 90 witnesses whose testimony filled 6 volumes and more than 3,200 pages—is to pass this body without a dot or comma changed; this, by fiat from the Chief Executive.

Your committee, over the years of our tenure, has labored conscientiously and without partisan rancor to consider judiciously legislation referred to it, making improvements where desirable and necessary. The results of our efforts in the past have been measures which have secured broad bipartisan acceptance, such as the Manpower Development and Training Act and the National Defense Education Act. Constructive amendments, whether offered by majority or minority, have been given serious consideration, and invariably some have been adopted.

Concern over this new regime is not confined to the minority. Privately, members of the majority and officials of the executive branch have been apologetic for this new effort to destroy the role of the Senate in the national legislative process. Yet they are powerless to change the rules laid down from above.

Irrespective of the merits and demerits of this particular bill—and there are both—the handling of this issue raises serious questions about the Nation's future constitutional development. Will legislation henceforth originate in the House, to be accepted supinely by the Senate without a murmur? Are conference committees a thing of the past? Will the Senate gradually become an English House of Lords, with power to delay the passage of legislation but not prevent it? Are States no longer an object of constitutional notice, but only individuals? Is the principle of one-man, one-vote now extended to vitiate the legislative role of this body of Congress founded by the Constitution on the basis of unequal representation? It is our hope that Senators will weigh carefully such questions as these as this bill is discussed on the floor.

The advocates of this legislation do not claim its present form is perfect. Instead, they argue that it should be passed and that the necessary revisions can be added later in this Congress. This is like an auto dealer delivering three-quarters of a new car, with a note saying that the wheels and transmission will be sent later if the company feels like it. Yet in both cases the customer will pay the full price.

We are told that this embargo on amendments—even technical amendments to correct drafting ambiguities—is a one-shot proposition. We are assured that on this bill and on this bill only will the Senate yield its legislative powers. Yet the majority speaks these words uneasily, for it knows from long tradition and experience that the branch of Congress that gives up its independence to an aggrandizing Executive not only lays the basis for new and greater demands of passive compliance but also begins to lose the confidence of the people whose votes have given it life.

It is ironic, indeed, that while this committee speaks out on behalf of this billion-dollar-plus measure to liberate children from the shackles of ignorance, at the same time it draws close about it—and about the Senate which has entrusted to its this important responsibility—the strong but subtle silken threads of legislative impotence.

UNJUSTIFIED FEARS

In a Congress closely divided between the two parties, a majority Chief Executive might well wish to keep a House-passed bill intact in the Senate, or vice versa, in order to avoid a reopening of debate which might cause a small but crucial number of votes to desert his position. In the present circumstances, however, there is clearly no justification for such an attempt. The House of Representatives passed this bill by a comfortable margin of 263–153. During the debate in that body every contested amendment—even when offered by a courageous member of the majority—was beaten back handily. There is no doubt that the administration can muster the votes to accept any version of its choice. Yet, feigning great concern for the allegedly uncertain fate of this bill, the administration commands the Senate to speed it through with every flaw intact. This is not statesmanship. This is not a calm confidence in the will of the people as expressed through their representatives in the Congress. This is a fetish—a fetish of the unwise and unrestrained use of power, which cannot either in the long run or the short, serve the interests of the Nation.

Called to speak to his constituents at Bristol, the great Edmund Burke made clear in timeless words the lofty responsibility of him who legislates on behalf of his fellow man:

> His unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any men, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Madam President, I ask Senators to ponder these words for a moment. The principal issue facing the Senate today is not that of American education. The principal issue is nothing less than the future of the Senate as a coequal partner in the national legislative process.

Let us take again a long look at what has happened here.

The President of the United States prepares and endorses a bill to work toward the achievement of a major national goal.

That bill is introduced into each body of the Congress by supporters of the administration.

A subcommittee of the House of Representatives begins to hear testimony on this bill. Four days later, the parallel subcommittee of the Senate opens hearings, in which the same administration witnesses lead off.

The House committee, after 2,128 pages of hearings, goes into executive session. Nine days after the conclusion of the House hearings, the Senate subcommittee completes its 3,298 pages of hearings.

Then, while the House proceeds to executive session deliberations on the bill, Senate action on the bill comes to a halt. Senators who desire to offer amendments are told by the administration to submit them to the House committee.

The House opens debate on the bill, while the Senate continues to mark time. Extreme and unjustifiably stringent rules are imposed on floor debate in the other body. Those rules were so stringent and oppressive that a courageous Member of the majority, a distinguished Member of the other body whose credentials as a battler for Federal aid to education and as a liberal Democrat are far beyond question, rose in that body and moved to strike the enacting clause. In doing so she said:

> I have been a Democrat all my life, and one reason I have been proud to be a Democrat is because we have believed in protecting the rights of the minority. I have never interpreted the Democratic platform or the statements we have made that this applies only to the ethnic groups; that we are interested only in protecting the rights of Negroes or any other minority. There was a man long ago who said "I may disagree with what you say, but I will defend to death your right to say it." Today it seems to me we have in the House a determined effort to silence those who are in disagreement.

Despite this eloquent statement, the bill was pushed through the other body. Frequently debate was shut off altogether on important amendments. The majority not only voted down the minority—which is its privilege in a democratic system—but it stifled full and free discussion—an offense that a democratic system of government cannot long endure.

This important bill, thus passed by the other branch of the National Legislature, then came to this Chamber. After long postponement, executive sessions began in the Subcommittee on Education. It was first proposed that the subcommittee begin work on the House-passed version, rather than the Senate bill. This was agreed to without objection, for the House bill contained numerous improvements over the original measure.

But then came the time when amendments to the bill were to be considered. The minority had drafted around two dozen amendments, seeking to tighten and improve the bill. One Senator on the majority side likewise offered an amendment. But it was readily apparent from the outset that the subcommittee was under strict instructions not to change one dot or comma of this bill.

And thus the bill comes to the floor of the Senate, Madam President, and I daresay it comes with strict instructions from the Chief Executive that no changes—whatever their merits—may be tolerated or approved. The intent of the sponsor of this legislation—the President of the United States—is that the Senate passively accept his decree and pass this bill in exactly the form voted upon by the other body.

When the Founding Fathers of this Nation settled upon a bicameral National Legislature, the argument was advanced that a two-chamber system affords the opportunity for thorough and complete scrutiny of proposed legislation—far more so than in a single chamber. Whichever body acts first, the other was to consider, refine, and purify the product of its deliberations. When the House takes first action, the responsibility for that refinement and improvement falls upon this distinguished body.

Today, Madam President, may be a turning point in our constitutional history. Today may be the day when the Senate of the United States, after 176 years of greatness, yields to the insistent demand of a Chief Executive its right and duty to perform its true legislative function. No less than this is at stake.

I do not intend to dwell on this point at greater length. Every Member of this body knows the danger of which I speak. Most, I imagine, will not rise to avow their innermost beliefs in such words as I have chosen today. But as debate on this bill moves forward, I wish to leave only one thought in the minds of Senators. We are following for better or for worse in the footsteps of men who gave this Chamber the deserved appellation of the highest deliberative body in the land. Clay, Webster, Calhoun, Benton, Fessenden, Morrill, LaFollette, Lodge, Vandenberg, Taft, Barkley, Murray—all have passed this way before us.

Mr. CLARK. Madam President, will the Senator from Vermont yield now, or does he wish to conclude his statement first?

Mr. PROUTY. I yield to the Senator from Pennsylvania.

Mr. CLARK. As the acting manager of the bill, in the absence of the Senator from Oregon [Mr. MORSE], I wish to place in the RECORD a brief dissent from what occurred to me to be the somewhat extragavant position taken by my friend from Vermont. We in the majority see no threat to constitutional government. We see no fear that the Senate is about to abdicate its constitutional responsibilities.

We want to have a bill passed promptly to help the boys and girls of the United States obtain a better education. We think that this is a good bill. We think that as a matter of pragmatic legislative procedure it is wise not to go to conference, where perhaps there would be created such issues as the row about church and state, and other issues which would otherwise arise in conference. A moment ago, it was mentioned that the problem is a very difficult one.

I recognize the point of my good friend the Senator from Vermont, in differing with the majority. I wish to make it clear that no constitutional issue is involved. We want to get a good bill.

Mr. PROUTY. Does the Senator consider that this bill is perfect in all respects?

Mr. CLARK. Certainly not. We shall have to gain a bit of experience. The bill will come up next year. I think my friend, the Senator from Vermont, will be pleased with the results.

Mr. PROUTY. I assure the Senator from Pennsylvania that I am a supporter of the bill. I intend to vote for the bill. But I think it is a dangerous precedent which we are establishing by insisting that the bill must be approved exactly as it came from the House. We have seldom done this on other legislation.

Mr. CLARK. Madam President, I think we should add the name of the Senator from Vermont to the long list of distinguished Members of this body which he had just related, starting with Clay, Webster, and Calhoun.

Mr. PROUTY. Madam President, the Senator overwhelms me.

Today each Senator must choose whether he will follow the trail of tradition and lofty responsibility that they have blazed—or whether he will follow the trail that leads to a House of Lords, men distinguished and respected, but superfluous to the conduct of national affairs.

Now, Madam President, I turn to the merits of the Elementary and Secondary Education Act of 1965.

The principal part of H.R. 2362 is title I, which provides over a billion dollars to local school districts to aid them in initiating or continuing programs to meet the special needs of educationally deprived children. These children are children whose home life has been such a mixture of ignorance, poverty, ill health, social distress, cultural deprivation, and mental, physical, and emotional handicaps that they have been unable to gain the benefits of their local schools.

The formula for distributing funds under title I rests on two objective factors: the State's current expenditures on education per pupil in average daily attendance, and the number of children from families below an arbitrarily chosen low income factor. Also included in this figure are the children from families above the low income factor which receive aid to dependent children payments.

The selection of the concept of the low income factor deserves elucidation. It is not the intent of this bill to classify all children from families below a certain income level as educationally deprived. Nor does the bill assert that children from more affluent families may not be educationally deprived. The selection of a low income factor in the distribution formula is based on the need for an objective and administratively workable definition of "educationally deprived child." No one suggests that the $2,000 line or the $3,000 line or any other line divides the educationally deprived child from his more fortunate colleagues. The theory of this factor is based on the high correlation between educational deprivation and low income. It is not a perfect correlation, to be sure, but it is a good one, probably the best that can be devised. The Department of Health, Education, and Welfare has made it clear in the hearings in both bodies that local programs under title I will be operated to include all educationally deprived children, regardless of family income. The low income factor is used only to apportion the funds among local educational agencies, representing as it does the best available measurement of the level of educational deprivation in each school district.

The philosophy of title I—but not necessarily the methods—seem to come from one of the most fertile sources of administration proposals, Madam President. I refer, of course, to the Republican Party.

A year ago the minority members of the Joint Economic Committee, which includes the distinguished senior Senator from New York [Mr. JAVITS], the junior Senator from Iowa [Mr. MILLER], and the junior Senator from Idaho [Mr.

JORDAN], expressed their concern over the connection between poverty and educational opportunity in the following words:

> Why is it that schools in poverty neighborhoods so often deteriorate? Shouldn't schools for disadvantaged children be among the best? Who needs good schools more than the children of the poor? A clean, attractive, well-equipped and well-staffed school in a deteriorating neighborhood could serve as an example and an inspiration for many of our disadvantaged children. We urge that public and private educational groups direct their attention to upgrading the quality of schools in poverty neighborhoods. The Federal Government now provides special financial assistance to schools in so-called federally impacted areas. We urge that a similar approach be considered for poverty impacted areas.

Thus, Madam President, a year later this Republican recommendation appears in the form of the bill now before us. I regret to say, however, that in accepting the sound Republican principle set forth in that report, the administration grafted onto it a number of methods which follow the lines now clearly identified with the Democratic Party—methods leading to increased Federal involvement in local affairs, burdensome Federal regulations and requirements, and a renewed effort to bypass and play down the vital role of the State governments in the American Federal system.

Despite these general criticisms, Madam President, and despite what I believe to be some substantive defects in the provisions of this bill, I intend to support the Elementary and Secondary Education Act of 1965. I shall, however, at the appropriate time, offer a number of amendments which I believe will clarify and strengthen the bill. It is my hope that these amendments will receive the serious consideration of Members of this body, and that they will exercise their independent judgment in casting their votes on them, always bearing in mind the needs of their constituents, the national interest, and their responsibilities as Members of the Senate.

Madam President, I yield the floor,

Mr. RANDOLPH. Madam President, there is heard in certain quarters some comment that Federal aid to education has caused State and local units of government to lag and not exercise their maximum efforts to meet the needs of education in these times of rapid technological change and pyramiding costs of education, as well as high costs in practically all facets of our economy.

Some localities are conservative—I use the word advisedly—in their community thought and action and actually do not join the mainstream of progress, be it in educational or other fields. Very few communities in the State of West Virginia would fall in that category.

The communities in West Virginia are not communities in the sense of being municipalities from the standpoint of educational structure. The county, rather than the community, in West Virginia is the unit, and the level at which the elementary and secondary schools are administered under the State law. There are no independent city school administration units in the State of West Virginia. The grade schools, junior high schools, and senior high schools in our municipalities are under the administrative and fiscal jurisdiction of the county boards of education.

Our State government, as well as county and municipal governments, are operated within the framework of a constitutional limitation on property taxes. Since the years of the deep depression of the thirties, the State of West Virginia has been required, as a consequence of fiscal necessity and a constitutional mandate, to lean heavily on indirect forms of taxation, mainly sales and income tax levies.

Under this condition, which originated in the early thirties, West Virginia, of necessity, had to eliminate 450 units of local education administration and settle on 55 county boards of education to administer the primary and secondary system. But there were varying degrees of fiscal ability among the 55 county boards—especially between the rural counties and the more populous ones with greater corporate taxable wealth. Consequently, to attempt to spread educational opportunities as equitably as possible over the whole school-age population, West Virginia became more and more involved in utilizing the method of State financial aid to the county school systems. The formulas for State assistance were always devised under controversy and contest between various interests involved. But the consensus end results provided in the laws passed by the State legislature over the years have generally been as fair and equitable as can be devised by legislative bodies.

Through the years since the county became the school administration unit and the counties were relieved of road-building and road-maintenance responsibilities, education has been the most costly county service and has received the largest portion of the real property tax dollar. Most counties have struggled painfully to acquire and make available the funds necessary to pay their local share of educational costs. This is especially true of that portion needed to build consolidated schools and to provide the transportation required to make meaningful the new school zoning system and the consolidated schools.

By the same token, the State government, having made the commitment to provide financial aid to the county school systems, has been making increasingly larger portions of its tax dollars available to elementary and secondary education while also experiencing the severe impact of higher education costs.

Even though there have been financial assists of considerable magnitude passed to the States in recent years—and even though West Virginia has shared in these—I assure my colleagues that the State government and a very substantial majority of the counties have been more and more generous and more and more affirmative in supporting education. We have not been lagging awaiting a day when the Federal Government would take over and finance our schools because we know such a day never will arrive—and we do not seek nor do we wish such an extreme development.

We know in West Virginia that our capacity to improve educational financing has been enhanced by an improving economic climate. Even though we continue to step up our tax dollar dedications to education, we realize, nevertheless, that the gap between total needs and State and local ability to meet those needs in the fields of education continues to exist. We are aware that many, many children in the low income and public relief recipient families are being educationally neglected.

I wish to give these figures to my colleagues in the Senate. The national figure is that 11 percent of children between 5 and 17 come from families with annual incomes of $2,000 or less.

Eleven percent is the national average. There are some 48 million children between the ages of 5 and 17 in this country; and almost 5 million of that total number come from families whose annual income is less than $2,000 a year. In the State of West Virginia the percentage is not 11 percent, which is the national average. The percentage is 20—1 out of 5. Think of it. One out of five of the children of West Virginia in the age bracket 5 to 17 comes from a home with income less than $2,000 a year. There are 104,000 children in the State of West Virginia in the category of which I speak.

When we think of this situation in West Virginia, we realize that there are benefits which will come to West Virginia because of the application of this legislation.

I do not wish to speak of other States, but our distinguished colleague from Kentucky realizes that 27 percent of the children of this school age in our neighboring State come from families with an annual income of less than $2,000 a year.

So, properly, the thrust of this measure, which should be passed as it passed the House of Representatives, brings to the State of West Virginia under what we characterize as aid to very low income family children, under title I, $15,471,450.

Under the library assistance program, title II, we would receive $924,800.

Under the supplementary educational centers program, title III, we would receive $1,070,069.

Under title V, our State department of education—and this is a program that needs strengthening—would receive an additional $265,521.

This would aid West Virginia in the total amount of $18,001,840.

Therefore, Madam President, we in West Virginia support the Elementary and Secondary School Education Act of 1965 as a measure necessary to augment even the creditable efforts being made in the State of West Virginia to raise the funds which are necessary to strengthen our educational system.

I am privileged to note that less than a month ago the West Virginia Legislature completed action on a measure to provide a program for enriching the existing one by $12 million during the year of 1965, and moving also to its enrichment, during the third of a 3-year period, until it reaches a level of perhaps as much as $34 million.

The Legislature of West Virginia has been forthright in meeting its fiscal obligations. This is the program which we believe in, in West Virginia, but frankly it will have to develop in West Virginia only when we have the new revenues to meet, in part, further educational commitments beyond the present year.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. I wish to make sure that the Senator's statement which he is now making concerns the effort which West Virginia has been putting into its educational system; is that not correct?

Mr. RANDOLPH. The Senator is correct.

Mr. DOMINICK. According to the index, West Virginia is only slightly under the national average. It is high—4.3 percent—and the national average is 4.6 percent; therefore, I am not being critical of West Virginia at all. However, I should point out that under the definition we have at present, West Virginia has a fairly large number of so-called educationally deprived children; am I not correct?

Mr. RANDOLPH. The Senator is correct. I have just stated that as of the 1960 census it was approximately 104,000.

Mr. DOMINICK. My chart for 1963, entitled "Educational Statistics Digest," from the Office of Education, shows 104,943. The present pupil payment is only $150, despite the low per capita income in West Virginia; whereas just below, in Wisconsin, the per capita basis will get them $248.

It strikes me that this is somewhat inequitable, so far as West Virginia is concerned; and I should like to have the comments of the Senator from West Virginia regarding it.

Mr. RANDOLPH. I remember that in committee I replied to the Senator from Colorado that we had the figures on the States from the standpoint of the amount per school age—that is, from ages 5 to 17—and in West Virginia it was $31.11. What was the other State?

Mr. DOMINICK. I was talking about Wisconsin.

Mr. RANDOLPH. Wisconsin was $16.34.

Mr. DOMINICK. Wisconsin follows statistically just after West Virginia. The Senator from West Virginia is talking about all the population, not the ones which are supposedly going to be assisted by this particular bill; is that not correct?

Mr. RANDOLPH. The Senator is correct.

Mr. DOMINICK. I am no trying to be critical of the Senator from West Virginia in any way. I am merely trying to point out that the bill is designed, as I understand, with the so-called educationally deprived children in mind, and not for all children ages 5 to 17.

Mr. RANDOLPH. Madam President, I place in the RECORD at this point the fact that 22 States will receive more under the existing bill—that is, under the 1021 formula of 2 years ago. West Virginia is included in that category. I point out that 14 of these States are within the so-called southern belt.

Mr. DOMINICK. The point I am making to the Senator, which I believe is perhaps being missed in this colloquy, is that we have an impacted area bill for giving aid to school districts. This is done in a specific school district where it has an impact on the local area by virtue of Federal installations; is that not correct?

Mr. RANDOLPH. The Senator is correct.

Mr. DOMINICK. This gives money to districts in those areas on a per-pupil basis.

Mr. RANDOLPH. Where the parents of the students are employed by the Federal Government.

Mr. DOMINICK. That is correct. Now we have a second program coming along at this point which is designed to take care of what the President has announced at the last minute, and is provided for in the bill itself. This will take care of the so-called educationally deprived children, who are defined for reasons wholly unbeknown to me—at least, I cannot find any solid basis for it in the record—as those who come from families of $2,000 or less income. There are 104,943 of that classification of child in West Virginia, according to the figures of the Office of Education. West Virginia, however, will be getting out of this bill only $150 for each of those children, whereas Wisconsin will be getting $248 out of it. Yet, the population percentage of educationally deprived children in West Virginia is higher than it is in Wisconsin. I therefore say to the Senator—and I am not trying to be critical—that I wonder whether we have fulfilled the purpose of the bill as set forth in its original title.

Mr. RANDOLPH. The Senator is saying, in effect, that West Virginia is a poor State.

Mr. DOMINICK. I am.

Mr. RANDOLPH. That is what has been said.

Mr. DOMINICK. I am not saying that it is poor in natural resources. I am saying that on a per capita income basis, it is not so wealthy as States such as New York, Massachusetts, Wisconsin, and others.

Mr. RANDOLPH. I realize that West Virginia has been a State traditionally made up of absentee landlords from the standpoint of plants, factories, and mines. The wealth, alhough produced and manufactured, which gave the profit to companies, came from West Virginia. The tax credit was given to States like Delaware. Actually, the money was made in West Virginia. The profits were drawn from our hills and valleys, but the credit is going to other States. So although we are—as the Senator has indicated—rich in natural resources, frankly, by a twist of fate, West Virginia has not been a State where many companies have incorporated, as they have done in other States. Therefore, we do not get the tax credit, and ofttimes we are said to receive more money than we should.

Mr. DOMINICK. Let me say to the Senator from West Virginia that we in Colorado share some of the same problems. However, let me ask this question: It strikes me that another thing that has been said for the bill, or has been said for education in general, is that the higher the quality of education, the more educational ability we are able to give our children as they grow up—which everyone, of course, favors—the higher the income-producing area will be, because people of higher education receive higher salaries. This in turn stimulates new industries and new businesses, boosting the prosperity of the area in which they are located.

It would seem to me, in order to try to do something to help West Virginia, that perhaps we ought to take a look at the formula for the distribution and see whether it accomplishes its objective.

Mr. RANDOLPH. I thank the Senator. He knows that the present formula, as it comes to the Senate from the committee, in H.R. 2362, the House measure, is based on two factors. One is the number of poor children, and the second is one-half of the State effort that is made per pupil within that State.

I believe that, on balance, it is best to follow the formula which is contained in the bill. As I said, in effect, in the subcommittee and in committee, I do not wish to be provincial always and speak in terms of dollars for the State of West Virginia. I must think of the public good and the national effort. This is a matter which I believe should be resolved on a point of realism in reference to the passage of a bill during this session of Congress.

Mr. MORSE. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. As the Senator from West Virginia [Mr. RANDOLPH] knows, our good friend from Colorado made these arguments in committee. We did not support him. I have great respect for the Senator from Colorado, and I hope to be standing shoulder to shoulder with him on a general education bill. It cannot be too soon, but I hope it will be within the next 2 years.

Mr. RANDOLPH. This is not a general aid to education bill.

Mr. MORSE. It is not a general aid to education bill. I wish to make this point, and then I shall take my seat, because I have already talked a great deal today.

I feel that this point needs to be emphasized. It was made when my friend from Colorado was not in the Chamber. This is not a general aid to education bill. I shall favor an equalization formula in a general aid to education bill. I pointed out earlier this afternoon that if we had a general aid to education bill, and if we were using the so-called equalization formula, some 14 of the Southern States would not fare as well under the equalization formula as they would under the present bill.

However, I consider that to be irrelevant, too. The relevant point, which I shall stress throughout the debate, is that we must examine the formula from the standpoint of the individual States. We are not seeking to raise the poverty-stricken school districts in Mississippi to the level of the rich school districts in Westchester County, N.Y.

Mr. DOMINICK. If I may interpolate, that seems obvious.

Mr. MORSE. I wish it to be obvious. What we are trying to do is to narrow the gap between the poverty-stricken school districts in Mississippi—probably I ought to say State X, although we have been using Mississippi in the debate—and the better school districts in Mississippi. That means, when we look at the so-called poorer States that they will not get as much money, in total amount, as the so-called richer States, because the richer States have greater costs to meet, and they spend, on a per capita basis, much more than the poorer States. New York, for example, spends almost $700 per pupil.

I believe the vital statistics that should never be forgotten is the percentage of the contribution that the Federal Government makes to the school budgets in the districts in the richer States, in comparison to the districts in the poorer States.

I put these figures in the Record earlier this afternoon, and I refer to them only by general reference. In the poorer States, such as West Virginia and the other States that I mentioned earlier this afternoon, school budget by school budget in the poorer school districts of each one of these States, the Federal Government will be contributing a much larger percentage of the total amount of the school budget than it will be contributing to the richer States.

I seems to me that that shows the equity of the formula.

I make one further point, which I made this afternoon. My friend from Colorado knows what it is even before I mention it, because we have expressed ourselves repetitively in committee on this subject. I am also pleading the equities of the richer States in this instance. The richer States, under our general Federal aid acts, have been contributing a very large proportion of the Federal funds, based upon the source of the taxes from the people of those States, than have the poorer States.

Beginning in 1948, with the Taft-Ellender formula—and that is where the equalization formula really comes from—I have consistently supported that formula.

I wish to see every State, including the richer States, benefit from the bill. The richer States are entitled to the application of the formula. That means they will get more money. It means that it will cost more for them to raise the educational level of the poorer districts nearer to that of the better districts from the standpoint of educational services rendered.

It is fallacious to argue, as my friend from Colorado does, that we ought to put the dollar sign on it, that we ought to look to see whether Mississippi will get as much as New York, and whether West Virginia will get as much as Wisconsin.

We ought to look to see whether West Virginia will get a fair percentage of the contribution from the Federal Government to the school budgets of the given districts.

Lastly, as I said this afternoon, give me a general Federal aid bill, and I shall talk in terms of even more equalization than in the past.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. MORSE. I shall be through in a moment. This is not an equalization bill. This is a special purpose bill that seeks to serve the deprived school areas in each State. That leads us to the argument of the educational authorities who testified, that we cannot spend more than so much money efficiently and effectively in the year ahead, that we must have a cut-off figure of 30 percent annual increase. If we spend beyond the 30 percent cut-off in a district we shall be wasting money. We have a year in which to try it. Next year, if it is shown that a change in the formula is needed, we can consider an amendment to it. As I said this afternoon, I believe we shall not hear a murmur a year from now about changing the formula, because it will be recognized that it is fair.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOMINICK. I wished to comment one one point that my friend from Oregon made. This is not a general aid to education bill. I hold in my hand a newspaper article published in the Dallas Morning News of March 27, 1965, in which the Governor of Texas is quoted as having told the State legislature not to worry about taxes for education, because it is going to get $18 million under this bill, which it can use for teachers pay and other things, which otherwise would have to be raised locally.

I ask unanimous consent that the article may be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Federal Handout May Solve Teacher Pay Raise Problem

(By Jimmy Banks)

Austin, Tex.—A proposed $86 million a year handout from the Federal Government, which could resolve the teachers pay controversy, has been described to house-senate spending conferees by Gov. John Connally.

Key legislative leaders told the Dallas News Friday that Connally's dramatic announcement, made behind closed doors, probably killed any chance of a tax increase at the current legislative session.

They also agreed tentatively to postpone a decision on the teachers pay raise problem until final congressional action is taken on the "bonanza" which Connally outlined.

It is included in the $1.3 billion Federal aid-to-education bill now being debated in Congress.

Under the title I section of the bill, Texas would get $74 million annually which could be used for almost any public education purpose, Connally told the 10 legislators named to adjust differences between house and senate versions of the general appropriations bill.

The $45 a month pay increase sought by the Texas State Teachers Association would cost the State $73 million during the next 2 years—less than half the title I allocation to Texas.

No decision on teachers pay raises has been made by the legislature.

The Federal education aid bill, proposed by President Johnson, would disperse the title I funds on a formula based on each State's average expenditure per pupil and the number of children between the ages of 5 and 17 in families with less than $2,000 annual income.

On that basis, only New York, which would collect $92 million, would get more than Texas. Title I includes a grand total of $1.06 billion.

Those funds specifically would be authorized "for hiring additional and special staff, construction of facilities, acquisition of equipment and for all appropriate costs incident to the conduct of a public school program * * * in order to accomplish the objective of this title."

The objective of the title is "to provide grants to local public school districts to broaden and strengthen elementary and secondary school programs."

Purposes specifically suggested for using the funds include the purchase of "clothing, shoes, and books where necessary, financial assistance to needy high school pupils," summer camps and remedial reading programs.

In addition, Texas would get $5,300,000 a year under title II, which provides a total of $100 million annually for libraries and textbooks; $5 million a year under title III, designed to finance such things as educational radio and television, physical education, recreation, and special education in "remote" rural areas at a total cost of $100 million annually, and $1 million a year under title V, which provides $25 million annually to "strengthen" State departments of education.

Title IV, another $100 million a year item, provides for establishment of national and regional cooperative research centers with no specific allocations to individual States.

Connally learned the details of the program last Tuesday morning at a breakfast in Washington, where he attended a White House Governors' meeting Monday night. The Governor accompanied his longtime friend, President Johnson, on the Chief Executive's trip back to Washington last Monday after a long weekend at the LBJ ranch.

Mr. RANDOLPH. Madam President, the comment of the Senator from Oregon, the leader of our forces for strengthening education in America, by his leadership in the Senate itself and in the committee having jurisdiction over the subject, and the comment of the Senator from Colorado cause me to make this further observation.

I plead also with the Senator from Oregon, in degree, for the so-called larger and richer States in connection with this particular proposed legislation. Not only do I say to the Senator from Colorado that we have the problem of increased aid to those areas within States where the parents are working in Federal institutions and therefore are carrying the burden to the local areas from the standpoint of increased costs of education, but I also wish to say to my friend from Oregon and my friend from Colorado that there are also, from the State of West Virginia, literally thousands of persons who, because they could not find gainful employment in the State of West Virginia, have gone to States like Michigan, Ohio, and other States, not to work in Federal installations, but to work in industry.

Mr. MORSE. To get jobs.

Mr. RANDOLPH. Yes; to obtain employment in those States.

That brought a heavy burden in cities like Detroit, Akron, and many other cities throughout the country.

I believe there is an equity in speaking about the need to help certain of our metropolitan areas in handling the impact of those who went from a State such as West Virginia, because between 1950 and 1960 we lost 7.5 percent of our population. We are sorry that we lost those people. Arkansas lost population. The fact is that people did not leave West Virgina and Arkansas merely to be leaving. They left because it was necessary for them to obtain gainful employment, to keep their families intact and to be able, as they felt, to give their children the benefits of education, even though they would rather have had that educational process develop in the communities from whence they had come.

I stress that fact because the need is not only in relation to the boy or girl who is in the educational system within an area because his parent or parents are working on a Federal installation, but also concerned are the children who have gone to other States with their parents because their parents sought employment so necessary to the family welfare.

The increased State assistance for education in the 55 counties of West Virginia is directed especially to the augmentation of existing programs in the 4 areas of concern in our State. First, our teachers' salaries are not as high in West Virginia as we would desire them to be. I know of instances in which teachers have received their training in West Virginia. They live in counties contiguous to Maryland and other States. Their homes are there. Their educational training was there. But they are teaching in Maryland, Pennsylvania, or Ohio, because, on the average, they are able to receive approximately $1,000 or $1,500 more a year for teaching the same subject in adjacent States.

Also in West Virginia we are attempting to use available funds to improve our curriculums. Earlier today I talked with a teacher in one of our local counties. She pointed out how important it was that the children in that county should have speech training. They do not need speech training by a teacher who attempts to improve the ability of the child to speak in public. They need remedial speech work. The remedial reading program is absolutely a must in the State of West Virginia. The teacher said that those children respond. They react well if given stimulus and the opportunity to move forward.

She told of some of the conditions of impoverished families from which those children come. Those of us who are speaking today for the proposed legislation and hoping that it will soon become law know the results which will flow from the application of the proposed aid to the children from the low income families that I have mentioned. Some of those families in the State of West Virginia receive an annual income of about $2,000. So we shall not only help our teachers, from the standpoint of the salaries that they receive in increased dollars, but also we shall strengthen our curriculums. We wish to do so, and we need to do it. We need also to stimulate educational research. Frankly, we need to step up educational broadcasting in the State of West Virginia.

As substantial and helpful as the newly authorized program will be in West Virginia, it will not fully meet the educational needs of our State. Therefore the proposed legislation which is before the Senate, and which has already passed the House of Representatives, constitutes a forthright breakthrough, in a sense, with tradition. As recommended by our Subcommittee on Education and its parent committee, the Committee on Labor and Public Welfare, it would be a real boon to educational progress to the State of West Virginia.

I have supported the measure as it has come from the House. I opposed amendments, such as the amendment offered by the Senator from Colorado [Mr. Dominick] in the subcommittee and in the full committee. Some of those amendments had elements of merit. I have said that, under some conditions, I might support them. But, as the chairman of the Subcommittee on Education has stated, we must be realistic. To make a change in the proposed legislation as it has come from the House would, in many instances, create areas of concern on possible constitutional grounds. I feel that we must positively avoid reentering the jungle of constitutional conflict, and through amendments, force this much needed proposed legislation into a Senate-House conference, or the possibility of developing a stalemate between the House version and the Senate version without being able even to attain a conference. That might be a real possibility.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOMINICK. Is the Senator suggesting that a Senate-House conference is a jungle of fighting for religious purposes against state purposes? That is not the way it was set up, according to my understanding.

Mr. RANDOLPH. I am only saying that, as a practical matter, the area of the constitutional interpretation of the separation of church and state has often actually been, as it were, a jungle. I do not withdraw the word "jungle," because I think what I have said is, in fact, true.

Mr. DOMINICK. The Senator is not indicating that we would necessarily get into that kind of situation merely by sending the bill to conference, is he?

Mr. RANDOLPH. No; I did not say that we would necessarily get into such a fight because a certain bill went to conference. But I have sat with many conference committees. When I was in the House of Representatives I was a conferferee; I have been a conferee on the part of the Senate during my service in the Senate.

There have been stalemates. I believe that is what we shall have in connection with the proposed legislation now before the Senate if it is not passed in the Senate as it was passed in the House. That statement has been made by many other Senators. Earlier today the Senator from Pennsylvania [Mr. Clark] made a similar statement; the Senator from Oregon [Mr. Morse] has also made it. I make it. The Senator from Colorado takes an opposite viewpoint, which is understandable.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOMINICK. The House passed the bill by a margin of 253 to 160. There was a margin of about 100 votes. The conferees on the part of the House presumably would be representatives who are members of the Committee on Education and Labor, which reported the bill and caused it to be passed by the House. How can the Senator state that automatically there would be a stalemate merely because we might adopt an amendment and send the bill to conference?

Mr. RANDOLPH. If we were to go to conference on the disagreeing votes of the two Houses because of the provisions contained in the amendment of our friend the Senator from Colorado, we might find that certain members of the conference would feel that States were discriminated against to a greater degree than States now feel they are discriminated against—if they are discriminated against.

Mr. MORSE. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. Does the senior Senator from West Virginia remember that a couple of years ago another education bill was passed by the Senate?

Mr. RANDOLPH. I do.

Mr. MORSE. Does the Senator remember that that bill also passed the House of Representatives?

Mr. RANDOLPH. Yes.

Mr. MORSE. Does the Senator remember the difficulty that developed in one instance after obtaining a conference, and that the bill was lost?

Mr. RANDOLPH. I remember. The Senator has referred to that fact repeatedly.

Mr. MORSE. I do not feel that we ought to subject the elementary and secondary schoolchildren to that risk in view of the fact that we have a good bill to start with. After we have had a year's experience with it, should experience show that the measure ought to be amended, it can be amended when the authorization bill comes before the Senate next year.

Mr. RANDOLPH. I agree with the Senator from Oregon. I can understand the concern which the Senator from Colorado has for the adoption of his amendment.

I think it was thoroughly debated in the subcommittee and the full committee; and it is being thoroughly debated on the floor of the Senate. If an amendment is offered, it is my belief that the Senate will support the action of its Committee on Labor and Public Welfare and its Subcommittee on Education and bring to passage in the Senate a bill which is essentially the bill of the House, which can go to the President for his signature.

Mr. MORSE. Madam President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. I thank the Senator from West Virginia for the able and eloquent speech he has just made. I thank him for his unfailing support of the bill throughout the hearings before the subcommittee and in the full committee. I also thank him for his years of dedicated service to the committee on the subject of education legislation.

The people of West Virginia owe to him a debt of gratitude for the strong efforts he has made in the Senate to advance the educational opportunities of the children of West Virginia and the children of America as a whole.

Mr. RANDOLPH. I am grateful to the Senator from Oregon. I do not merit his generous expression, but I am most appreciative of it. The children of America will become better men and women in the generation just ahead because Senator MORSE, of Oregon, gave his inspiring guidance to the enactment of this epochal legislation.

Mr. MORSE. I thank the Senator very much for his most gracious words which I shall treasure always.

Mr. BARTLETT. Madam President, we now have before us for consideration and final passage one of the most far-reaching bills proposed to Congress, the Primary and Secondary Education Act of 1965. This bill is the result of many years of thought and work on the part of the Congress and the people of this country, and I am proud to count myself among the cosponsors of the Senate version, S. 370.

Although this country from its beginning has expressed consistent interest in and concern for the development of strong education programs, it has only been since the end of World War II that we have permitted Federal entry into nearly all phases of education, through the GI bill, Federal impact funds, college housing, National Defense Education Act, National Science Foundation, and National Institution of Health grants, and other equally important programs.

With the bill before us, we are entering a new area of education—that of underprivileged children in primary and secondary schools.

Never, in the past 20 years nor in 1965 in the bill we are now considering, has Congress expressed a willingness to substitute its judgment for that of local school boards and educators.

H.R. 2362 and its Senate counterpart, S. 370, express a broad policy that funds to be appropriated to school districts shall be spent in aid of special education for children who suffer scholastic disability because of their economic situation. No section of the bill, nor any phrase, suggests specific programs which must or even should be inaugurated. These are left to State and local education agencies, as they should be. No two school districts in the United States are identical even though the vast majority share the same problems. No one solution to those problems, however, can be applied. The great strength of American education is its diversity. Our concern is and should be that in the diversity which we all cherish, the standards be the highest obtainable.

Education is the greatest national investment we can make. It is only through knowledge that men can be free and preserve their liberty. But I do not want to limit my definition of freedom only to its political meaning. Freedom means many things—freedom to work at a job which pays a living wage, freedom to be able to purchase food, clothing, and shelter adequate to one's needs, freedom to take a vacation, freedom to seek good medical care, freedom to buy books and to know how to read them, freedom to do all of those things which add up to a full and satisfying life for oneself and one's family.

Congress has concentrated its attention in the last 4 years on a series of measures designed to alleviate many of the ills which have beset us because of our high unemployment rate. Almost all of these programs have been directed at those people who should be active participants in the labor market but who cannot be because of a lack of skills or education or both.

Today we are asked to direct our attention to the future, the future of the children of those men and women who have occupied so many of our thoughts. We shall take steps to insure that these children shall not suffer the handicaps of their parents.

Our response to their needs can be nothing less than a resounding vote for the Primary and Secondary Education Act of 1965.

In programs intended to be a broad attack on a national problem, as are those proposed by this bill, we have considerable dispute across the country as to the means which should be used. Few programs ever proposed have generated the degree of dissention as has Federal aid to education. It came as no surprise to any of us. In fact, had there been unanimity, we should have been deeply disturbed. We are not a people to be happy with one proposal, or even two.

The issue of particular importance has been aid to nonpublic schools. The bill before us does, I believe, reach the best compromise between the opposing camps. The bill proposes to render aid to children who come from families with less than $2,000 annual income and who are attending either public or nonpublic schools. The aid going to the children in nonpublic schools will be the same as that given public school children in that no special materials will be developed only for nonpublic schoolchildren.

I support this provision.

I believe it is time we took into account the fact that nonpublic schools perform a vital service to this country and that the children attending these schools are as much a part of our population as those attending public schools. The Primary and Secondary Education Act is directed entirely toward improvement of education made available to disadvantaged children. Poverty, whether it be financial or social, is not selective. It is a disease which afflicts people of all races, colors, and creeds. It is a disease which afflicts our Nation. If we are ever to succeed in eradicating it, we must attempt to work with all the children affected. We cannot exclude children attending nonpublic schools. We cannot afford to. They will grow up, just as those children attending public schools will, and if we do not seek to help them now, we will be unable to help them later.

I do not believe that the provisions making limited aid available to children in private schools is unconstitutional. In no way can the aid proposed by the Primary and Secondary Education Act be used in aid of any religion. It can only be used in aid of children.

The children, after all, are our overriding national concern and the basic concept of the bill carries with it vast protection of the doctrine of separation of church and state. Earlier I spoke of the diversity in educational systems which this bill protects and I stated that this very diversity was a protection from Federal control. It is also a protection for the doctrine of separation of church and state and I believe that the Primary and Secondary Education Act will not only not damage that doctrine, but will strengthen it.

Madam President, I should like to have printed at the conclusion of my remarks a memorandum showing the effect of H.R. 2362 on Alaska. I wish to conclude by urging the Senate to take immediate action in passing this bill. We can wait no longer before putting it to work.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON H.R. 2362

This covers only the main points of the Primary and Secondary Education Act of 1965 and is not an exhaustive description of its provisions. Authorizations, unless otherwise mentioned, are for annual expenditures, not for the full 3-year program.

TITLE I

Provides financial assistance in the form of grants to local educational agencies for the education of children from low-income families through fiscal year 1968.

Total authorization	$1, 060, 082, 973
Alaska allocation	1, 430, 938

In the original proposal, the total authorization was $1 billion, and the Alaska allocation was $1,336,472.

Provisions

1. Provides grants to local educational agencies for use in programs in public schools.

2. The grants are to be figured on the basis of two factors: (1) the average per pupil expenditure in the State, and (2) the sum of (a) the number of school-age children in the school district of families having an annual income of less than the low-income factor and (b) the number of school-age children in the district of families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children. The amount which each local educational agency will receive will be equal to the Federal percentage of the product obtained by multiplying the average per pupil expenditure in the State by the sum arrived at above in the second factor. The low-income factor is established as $2,000 for fiscal year 1966 and will be established by Congress for the remaining 2 years. The Federal percentage is 50 percent for fiscal year 1966 and will be established by law for

the remaining 2 years. The arithmetic looks something like this:

Eligible children in the district	5,300
State per public school pupil expenditure	$534
Total	$2,830,200
Federal percentage for fiscal year 1966 (percent)	50
Federal grant to the district	$1,415,100

This provision differs from the bill as introduced in that it includes children receiving ADC assistance and provides for fixing the low-income factor and the Federal percentage for fiscal years 1967 and 1968 by law. The original proposal omitted ADC childern and provided that the Secretary of Health, Education, and Welfare would fix the low-income factor and Federal percentage through administrative action. This formula was devised so that States having a relatively small number of eligible children but a high cost of education would receive benefits on an equitable basis. Additionally, those States which have a large number of eligible children have lower costs of education and in many areas, an annual income of $3,000 does not represent real poverty. Although no mention is made of the basis used to determine per pupil expenditure, presumably, it is current operating expenses, exclusive of capital outlays and interest charges. If these items were included, Alaska's per pupil expenditure would exceed $700.

3. The total grant will be given to the State for distribution among eligible local school districts. Protection is given so that districts will receive neither more nor less than they are entitled to.

4. The eligible school district must have at least 100 children in it to qualify or 3 percent of the children in the district come from low-income families, but in no case may there be fewer than 10.

5. Each school district eligible for a basic grant in fiscal year 1967 and 1968 will be eligible for special incentive grants figured on a percentage of average daily public school attendance and average per public school pupil expenditure.

6. Grants under this title are conditioned upon approval by the U.S. Commissioner of Education of the State plan and State approval of the local district plan.

7. Awards of basic and incentive grants are conditioned upon approved plans which provide:

(a) That the plans and programs are designed to meet the needs of educationally deprived children and are of sufficient size, scope, and quality to give reasonable promise of success in meeting those needs.

(b) To the extent consistent with the number of educationally deprived children in the district, inclusion of special services and arrangements for children attending private elementary and secondary schools.

(c) Control of funds and title to property derived from those funds will remain in the public educational agency.

(d) That any construction planned as part of the program under this title be consistent with the State overall education plan.

8. The Commissioner of Education may withhold funds if he finds that there is a failure to comply substantially with any assurance set forth in the application until he is satisfied that compliance will be had.

TITLE II

Provides assistance in the form of grants to the States for the purchase of library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools.

Total authorization	$100,000,000
Alaska allocation	118,854

In the original proposal, the total authorization was also $100 million, but Alaska's allocation was estimated to be $119,467.

Provisions

1. Amounts are to be allocated on a pro rata basis of the number of children in each State enrolled in public and private elementary and secondary schools.

2. Unused funds may be reallocated.

3. A State plan must be approved which provides for the following:

(a) Acquisition of library and instructional materials for both public and private schools.

(b) One State agency to administer the program.

(c) Continuing review of State library standards.

(d) Only material approved by the State plan will be provided by the local educational agency to public and private schools within the district receiving aid.

(e) Materials will be made available on an equitable basis to children and teachers in private schools.

(f) Assurance that the money will be used to supplement, not supplant, funds normally devoted to these purposes.

TITLE III

Provides a 5-year program of grants to local educational agencies for supplementary educational centers and services to provide vitally needed educational services and establish exemplary model school programs.

Total authorization	$100,000,000
Alaska allocation	318,293

In the original proposal, the total annual authorization was also $100 million, but Alaska's allocation was estimated to be $318,630.

Provisions:

1. A basic grant of $200,000 will be made to each State and the remainder of the funds available will be apportioned as follows:

(a) Half of such remainder will be apportioned on the basis of the relative number of children aged 5 to 17 in the States.

(b) Half will be apportioned on the basis of the relative total populations in the States.

2. Unused funds may be reallocated in accordance with the formula used in the original apportionment.

3. Grants will be made, on the basis of an approved plan, for:

(a) Planning and development of supplementary educational projects.

(b) Establishment, maintenance, and operation, including construction of necessary facilities, of programs designed to enrich local primary and secondary educational experience.

(c) Counseling, special instruction, comprehensive academic services, vocational guidance, and other similar programs.

4. Provision shall be made for inclusion of children attending nonpublic schools insofar as this is consistent with the number of those children who require the special educational programs. The original version provided for grants to private schools so long as the plans carried out the intention of the plan submitted by the local educational agency.

TITLE IV

Amends and includes another section in the act of July 26, 1954, which authorized cooperative research in education. Total new authorization, $100 million; no State allocation; funds to be expended over a 5-year period.

The act authorizing cooperative research in education permitted the Commissioner of Education to enter into contracts or jointly financed cooperative arrangements with universities, colleges, and State educational agencies for research, demonstrations and surveys in education, and required him to seek advice of educational authorities concerning proposed research.

New provisions

1. In addition to entering into contracts and cooperative arrangements, the Commissioner of Education may make grants for research.

2. Grants may be made for the dissemination of information derived from research.

3. Recipients of grants, contracts or arrangements may be public or other nonprofit private agencies, institutions, organizations and individuals, as well as colleges and universities.

4. Grants may be made to public and nonprofit private universities, colleges, and other public and nonprofit agencies to provide training in research in education, including traineeships, internships, and fellowships. No grant may be made in connection with sectarian instruction.

5. The authorization of $100 million to be spent over a 5-year period is to be used for the construction and operation of regional centers for research in education. Such centers may be constructed by the Commissioner of Education or through grants to universities, colleges, or other public and nonprofit institutions.

TITLE V

Provides a 5-year program of grants to strengthen State educational agencies.

Total authorization	$25,000,000
Alaska allocation	121,337

In the original proposal, the total authorization was $8,500,000 and Alaska's allocation was estimated to be $104,208.

Provisions

1. A basic grant of $100,000 is given to each State plus a portion of the remainder based upon the relative number of public school pupils in the States.

2. A reservation of 15 percent of the total authorization is made to permit the Commissioner of Education to make grants for special projects.

3. Unused funds may be reapportioned.

4. Through fiscal year 1967 grants will be 100 percent of the cost of the programs to strengthen State educational agencies; thereafter the Federal share by a percentage for each State which bears the same ratio to 50 percent as the per capita income of that State bears to the per capita income of all States. In no case shall the Federal share be less than 50 percent nor more than 66 percent.

5. Grants may be used for statewide educational planning, data processing, dissemination of information, research, programs to improve the quality of teacher preparation, providing local educational agencies and schools with consultative and technical assistance, and other programs designed to improve all primary and secondary education offered in the State.

The Primary and Secondary Education Act of 1965 authorizes a total program of $1.330 billion, out of which Alaska would receive approximately $1,989,422. The original proposal would have authorized a total program of $1.25 billion of which $1,878,777 was estimated to be Alaska's authorization.

Mr. ROBERTSON. Madam President, I ask unanimous consent that there be printed in the RECORD a statement on behalf of the American Farm Bureau Federation, submitted before the House Subcommittee on Education and Labor, with regard to House bill 2362. The statement was submitted by John C. Lynn, legislative director of the federation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION

(By John C. Lynn)

The American Farm Bureau Federation, the Nation's largest general farm organization, is composed of individual Farm Bureaus in 49 States and Puerto Rico, with more than 1,647,000 member families. Many leaders and members of more than 2700 County Farm Bureaus are very active in their local school programs.

We recognize the need for continually improving our educational system at all levels, and our members are actively working at this task. By serving on local school boards, making tax studies, taking leadership in needed district school consolidation, serving on local school study committees, and in many other ways, we constantly seek to improve our educational system.

Farm Bureau's position with reference to this legislative proposal has been developed from the very grassroots of American agriculture and represents the thinking of the great majority of these farm families at the local and county level. At the most recent annual national convention, held in Philadelphia in December 1964, the elected voting delegates of the member State Farm Bureaus discussed the various State proposals and adopted Farm Bureau Policies for 1965. Resolutions pertaining to education were unanimously adopted by this convention as follows:

"Our education system has been developed and guided by the citizens in our school districts. This system must prevail if we are to maintain the quality of education vital to the needs of a free people.

"Farm Bureau must help through local committee leadership:

"1. To select the course of study; and

"2. To aid the teachers and students in applying the principles and philosophy of the American system of self-government and its accompanying private competitive enterprise system by providing opportunities—

"(A) To observe this system in today's living;

"(B) To observe the advantage of educational achievement;

"(C) To observe the need and respect for self-discipline.

"By providing this leadership and opportunity for understanding, we can be assured that our young men and women will be prepared with knowledge, confidence, and the desire to preserve our American heritage down through the generations.

"The financing of public education is quite properly a State and local responsibility.

"We oppose expanded Federal subsidization of education because—

"1. Experience has proved that Federal controls follow Federal aid.

"2. Local initiative diminishes as local responsibility is transferred.

"3. Indirect supervision of school finances lead to increased overall school costs as well as increased taxes.

"4. Our system has clearly demonstrated its ability to meet needs and effectively adapt to changing conditions.

"State and county farm bureaus should keep such problems as adequate school financing, building needs, teachers' salaries—including a merit system of pay—school district reorganization, and development of proper curriculums under constant appraisal to see that our present and future educational needs are met."

The Farm Bureau believes firmly that local and State responsibility is vital to the continued growth of America. We believe that our educational system must continue to improve and expand as rapidly as possible. We recognize that our system of public education is the largest and finest in the world, and we wish to see it continue to improve.

Tremendous progress has been and is being made in this field. For example, the National Education Association reports that, in the 10-year period from 1954–55 to 1964–65, instructional staff in our school system has increased by over 55 percent and salaries have increased at an average annual rate of 5 percent, or a 63.3-percent total average increase—while the number of students has increased by 42.8 percent. During this 10-year period, school expenditures increased 134.5 percent. Classroom construction since 1955 has averaged 68,000 new rooms per year.

Judging by the record of the first 11 months of 1964, school bond issues fared better at the polls than for the entire 12-month period of 1963.

The Farm Bureau subscribes to this type of progress even though it leaves a heavy burden on the taxpayer of the local school district. Local people understand this challenge for improved educational opportunities and are willing to meet it. Federal aid could slow down this progress by taking away local initiative.

We recognize that, notwithstanding these advances, there is still need to improve our educational system. Our local and State organizations support continuing and expanded efforts to provide the best quality education for all of our young people.

The President's message on education, delivered on January 12, 1965, has been incorporated in part in the bill (H.R. 2362) before this committee. The proposal provides Federal aid to elementary and secondary systems of education, with funds earmarked to assist local educational agencies in educating children of low-income families. The bill defines low-income families as those having annual incomes of $2,000 or less, and provides that, school districts having not less than 3 percent of their total student body or 10 or more children between the ages of 5 through 17, coming from such low-income families will qualify for assistance under this act.

The bill provides funds for school library resources and instructional materials; supplementary educational centers and services; educational research and training through grants to public and private colleges and universities, organizations, and individuals; grants to strengthen State boards of education; and other aids for teachers and children, at both public and nonprofit private schools.

According to the budget and the President's message, the proposal would authorize an increase in Federal aid to education of approximately $1.255 billion—a sum which would more than double the outlay for the Office of Education over that for fiscal 1965. Further, the proposal would breach the historic constitutional principle of church-state separation. We feel that this would be a most undesirable development. It must not be allowed to happen.

Passage of this bill would result in eventual Federal domination of the vast public educational system in the United States. It includes something for most of the 28,000 public school systems in the country. It is fallacious to assume that the use of Federal funds for the purchase of textbooks, library, and instructional materials for schools would not carry with it Federal criteria establishing the type of material, textbooks, and curriculum to be or not to be used. This is an area of control that must be guaranteed to the State and local school authorities if our educational system is to adapt itself to student needs and not become stereotyped.

This proposal ostensibly provides State and local educational agencies authority to make plans for the use of Federal funds. However, it must not be overlooked that the State and local plans must meet the criteria which are established by this bill under the control and the authority of the Federal Commissioner of Education. Responsibility for the use of the funds ultimately lies with the disbursing agency. It follows that, in the final analysis, State and local agencies will either accept the federally established criteria or forfeit the use of the Federal funds as provided in this bill.

A responsible government cannot appropriate vast sums of money to be spent by State and local governments without first establishing detailed controls. This, at least, has been the history of other Federal programs up to this point. The bill states under title II that it "sets forth the criteria to be used in selecting the library resources and instructional materials to be provided under this title."

The Federal Government is now facing a nearly $100 billion budget for fiscal 1966, with an estimated deficit of nearly $5.3 billion. We strongly recommend that this committee not report this bill but instead soundly defeat it. This would provide the basis for the local and State school organizations to continue their fine educational programs and to expand them without having one eye turned toward Washington and the Federal Treasury.

Mr. MONTOYA. Madam President, as the Senate prepares to take action on the Elementary and Secondary Education Act of 1965, I believe it is important that we remind ourselves of the essential purpose of this vital legislation.

Simply stated, we must guarantee to the young people of this Nation their constitutional right to equal opportunity; and the foundation of all equal opportunity is good schools.

The future of this country rests on the quality of the education we provide for our youth, because the youth of today are the leaders of tomorrow.

Our schools in New Mexico, as well as those everywhere else in this country, have worked diligently to meet their responsibilities; but many districts simply do not have the resources with which to provide proper education. They must have help if they are to give our future leaders the education to which they are entitled.

I am strongly in favor of the allocation formula in this bill, because it makes sure that the funds will be channeled to the school districts which need them the most.

We have in New Mexico a number of counties where the average annual income is less than $2,000. Despite the best efforts of the citizens in these counties, the schools are not doing the job they should, because there is never enough money.

Many of the school districts are bonded to capacity. Others are in such depressed areas that the taxpayers are unwilling to vote any new bonded indebtedness. Can we blame them?

Children in these counties are trapped in an endless cycle of poverty. They come from poor and deprived homes; they go to poor and deprived schools; they grow up in poor and deprived areas; and, eventually, they start the sad cycle all over again.

But now, at last, we have a chance to break this ancient lockstep, by creating schools which will provide the new skills and broader horizons that our young people must have if they are to make the most of their talents.

Just how important this bill is to New Mexico can be seen from the fact that 14 percent of our school-age children come from families with average annual incomes below $2,000 a year. Schools that these 38,000 youngsters attend will receive $8,351,640, with the money concentrated in the counties with the greatest need.

Under other sections of this act, New Mexico will receive $593,744 to improve school libraries and instructional materials, $699,717 to finance supplementary educational services, and $119,486 to strengthen the services of the State Department of Education.

Thus, the educational aid to our State will total $9,764,587. Although that will not meet the full need, it is certainly a very promising beginning.

I consider this measure a down payment on the welfare and future happiness of America's young people; and I urge the Senate to pass this bill.

Mr. KENNEDY of New York. Madam President, there has been much discussion to the effect that some States having relatively high per caput incomes will receive more money under the bill than will some other States with lower per caput incomes. It has also been said that some relatively wealthy States will receive a disproportionate total amount of assistance under the bill. I do not believe the facts that have been stated thus far tell the complete story. I believe that other comparative statistics are necessary to bring these facts into perspective.

Before I discuss that subject, I wish to compliment the chairman of the Subcommittee on Education—not only for his conduct of the hearings on a difficult and detailed subject, and which he handled with great skill—but also for having the bill carefully considered by the members of the subcommittee and then the members of the full committee.

Anyone who attended the hearings could not help being impressed with the fairness and thoroughness of the Senator from Oregon.

I also wish to compliment the Senator from Colorado [Mr. DOMINICK], who was present at all the hearings on the education bill and took an active part in all the questioning. Again and again, I thought he went to the heart of the bill. Although we disagree on some matters at the present time, his contributions to the bill were highly commendable.

Mr. MORSE. Madam President, will the Senator from New York yield for half a minute?

Mr. KENNEDY of New York. I yield.

Mr. MORSE. I am human enough to appreciate deeply the kind words of the Senator from New York. Coming from him, they will always mean much to me as they appear in the CONGRESSIONAL RECORD for my descendants to read.

The Senator from New York knows the exceptionally high regard in which I hold him. This is not a question of reciprocity; my expression comes from my heart when I tell him that the assistance he gave me in the hearings, by substituting for me time and again when I was needed in connection with other matters in the Senate, and the support he gave me in the marking up of the bill contributed greatly to making it possible for us to consider the bill on the floor of the Senate this afternoon. I thank him from the bottom of my heart.

Mr. KENNEDY of New York. I thank the Senator from Oregon. I wish also to extend my compliments and appreciation to the members of the staff of the committee. I had a good deal to do with the activities of the staffs of various committees when I was working for committees of the Senate and also when I was Attorney General. I have been deeply impressed with the work of Mr. Lee and Mr. Forsythe for their drafting and understanding of the proposed legislation. I am grateful for the help they have given to individual members of the committee.

Madam President, it has been said that the bill does not provide enough equalization. By this it is meant that not enough money is taken from the rich States to be spent on the less fortunate States.

The first fact which is missing from the discussion thus far is the degree of equalization which is imposed by the Federal income tax. Discounting the substantial sums which are collected from national corporations which have their headquarters in New York—and I use New York as an example because it has been used for that purpose again and again—the Federal Government collects $750 a year from every man, woman, and child in my State.

In North Carolina, which has also been used as an example in the debate in the Senate, per caput collection of taxes by the Federal Government amounts to $296; in Texas, $410; in West Virginia, $346; in Colorado, $514; in Vermont, $405. I choose these States for no other reason than that they have been mentioned in the Senate as examples of States which have been short changed by the bill. But what these tax collection figures show is that even if the Federal Government were to give back to the States an equal amount of money per person, there would still be substantial equalization between relatively well to do and relatively less fortunate States.

I believe that the citizens of my State are glad to pay their taxes, at least as glad as anyone elsewhere in the United States. But I do not believe that my State of New York and other States similarly situated should be accused of taking disproportionate benefit from a program which, in fact, is greatly weighted in favor of others.

Under the formula now provided in the bill, New York would receive about $25 per school age child in the State. Again, comparisons are revealing: Alabama, $35 per school age child; North Carolina, $39; Texas, $30; West Virginia, $31.

The true significance of the bill to my State and to other States is perhaps best illustrated by a comparison of the taxes that will be paid for it by citizens of the various States. Again, ignoring the taxes paid by national corporations filing returns in New York City, New York State will pay $143.1 million for title I; it will receive in funds under this title $91.9 million.

Alabama, which has been used as a comparison, will pay $10.3 million in taxes and will receive $31.7 million in grants. North Carolina will pay $15.4 million in taxes and will receive $48.6 million in grants. Texas will pay $45.2 million and will receive $74.6 million. West Virginia will pay $7.2 million and will receive $15.7 million in return. I point this out while the Senator from West Virginia [Mr. RANDOLPH] is in the Chamber. He took an active part in the hearings and also is taking an active part in the debate on the floor of the Senate. Everyone should understand that this is a common effort by all of us, no matter what part of the country we live in. I believe that we in New York and others who live in the more wealthy States have a responsibility not only to the citizens who live within the borders of our States, but also to citizens all over the United States.

But if the bill is to be attacked on the basis it has been attacked on the floor of the Senate, we should place in the RECORD all the figures and statistics that are available. Thus, my State of New York will pay considerably more in taxes for title I than it receives in grants in return; while every one of the States which it has been asserted are unfairly treated by the bill will receive from two to three times in grants what it pays in taxes for these programs.

It is well to stress at this time that this financial pattern pervades the entire structure of Federal tax and expenditure. For example, in 1963 New York received $606 million in public welfare grants from the Federal Government, while its share of the taxes to pay for such expenditures was $1.124 billion. Alabama received $183 million in benefits while paying $81 million in taxes. North Carolina received $167 million for $120 million in taxes. Texas received $443 million for $354 million in taxes. West Virginia received $98 million for $56 million in taxes. Colorado, $120 million in benefits for $81 million in taxes. Vermont received $31 million in grants for $14 million in taxes.

Madam President, I do not cite these figures to say that my State of New York and other States are being badly treated; rather, the figures are cited for the purpose of showing that New York and other industrial States that will benefit under the bill are not robbing or taking money from other States. They are paying for the bill themselves, and I think they should happily pay for it; but I do not think the bill is inequitable.

Still, it has been said that New York needs the money less than do other States which may receive somewhat less under the bill. Let us examine that proposition. It is asserted that some other States make a greater effort for education in relation to their per capita personal income.

What the indexes reveal is interesting; what they conceal is vital. I have already noted the heavy burden of Federal taxes that is borne by the residents of New York. I would now note also the heavy burden of State and local taxes which the residents of New York bear. State and local governments in New York now raise $309 per person per year. The comparative figures are: Alabama, $132; North Carolina, $157; Texas, $183; West Virginia, $170; Colorado, $255; Vermont, $232. Where does New York's money go?

Some figures will give an idea of the increased burdens which are borne by State and local governments in densely populated and built-up States. In New York, for example, we must support 55 hospital workers per 10,000 population. The other States which we have been using for purposes of comparisons supported the following: Alabama, 31; North Carolina, 24; Texas, 25; West Virginia, 30; Colorado, 40; Vermont, 17. New York State requires 13 welfare workers per 10,000 population; Alabama, 4; North Carolina, 5; Texas, 3; West Virginia, 7; Colorado, 9; Vermont, 6. New York needs 26 policemen per 10,000 population; Alabama, 13; North Carolina, 12; Texas, 14; West Virginia, 11; Colorado, 16; Vermont 11. New York also needs 12 firemen for 10,000 population; Alabama 5; North Carolina 5; Texas, 8; West Virginia, 4; Colorado 7; Vermont 5.

Furthermore, my State must pay for these services primarily out of its own pocket—while the other States which have been mentioned here receive much more substantial assistance from the Federal Government. New York, for example, receives 98 cents per person from the Federal Government for health purposes and $1 for education. Alabama receives $2.06 for health and $3.20 for education; North Carolina, $2.77 for health and $2.50 for education; Texas, $1.79 for health and $2.53 for education; West Virginia, $2.88 for health and $1.71 for education; Colorado, $2.57 for health and $5.77 for education.

So it is not enough to point the finger at States like New York, Pennsylvania, or Illinois, and say, "you are making less of an effort in relation to your income than others." The truth of the matter is that we are straining every muscle and every dollar to provide an adequate level of services—including education—for our people. I think it also worthwhile noting that we have provided these services even at the cost of going heavily into debt—our debt of $795 per person in the State is more than twice what most of the other States I have mentioned in the colloquy today have been willing to assume.

As to education specifically, it has been said that New York and other industrial States already spend more per pupil than do others like those with which I have been comparing it. But I think we must also acknowledge the vastly increased burdens which New York has been facing in this generation. From 1950 to 1960, public school enrollment in New York increased by 42 percent. During this period, however, the total population of the State—the tax base on which the increased expenditures on these hundreds of thousands of new pupils must be supported—increased by only 13 percent. In this same period, Alabama's school population increased by 16 percent, while the total population increased by nearly half that amount. In North Carolina, a 12 percent increase in total population has had to meet only a 25 percent increase in pupil population. In Texas, the school population has increased by 53 percent. But Texas has also had phenomenal general population growth, an increase of 24 percent. In West Virginia, pupil population has increased only 5 percent while total population has decreased by 7 percent.

These statistics, of course, are more accurately appraised in light of the fact that the New York increase is largely attributable to waves of in-migration of poverty-stricken people. We all know that Negroes are twice as likely to be poor as whites. Yet, in this decade, New York State's Negro population increased by 29.5 percent as a result of migration. The Negro population of Alabama decreased by 22.8 percent; that of North Carolina by 19.2 percent; that of Texas by 2.7 percent; and that of West Virginia by 35 percent.

This migration, it should be further noted, has left States like mine drastically short of classrooms. Thus, even after spending $400 million for new schools in 1964, New York was still short 10,500 classrooms. Alabama, after spending only $17 million, was short only 1,300 classrooms. North Carolina, after spending $50 million, was 4,700 classrooms short. Texas, after spending $125 million, including expenditures on junior colleges, was short only 1,100 classrooms. Colorado, after spending $45 million, was left with a deficit of only 900 classrooms.

Furthermore, these classrooms cost more to build in New York and other densely populated States than they do in those States which it has been asserted are handicapped by the present formula of this bill. The average cost of a new secondary schoolroom in New York is $62,000, and $54,000 for an elementary school classroom. In Alabama, secondary school classrooms cost $32,300 and elementary school classrooms, $23,500. In North Carolina, secondary school classrooms cost $32,300, and elementary school classrooms, $28,400. In Texas, secondary school classrooms cost $38,600, and elementary school classrooms, $21,400. In West Virginia, a secondary school classroom costs $54,600, and an elementary school classroom, $26,900. In Colorado, secondary school classrooms cost $53,300 and elementary school classrooms, $39,500.

I might say also that the average teacher's salary in the State of New York is $7,200. For the other States that I have mentioned, it approximates $5,000.

In conclusion, I believe that an examination of the figures yields clear evidence that this bill is not unfair to States with lower incomes per person than New York's. In fact, as has been pointed out by the distinguished chairman of the Education Subcommittee, the formula of the bill received unanimous approval from educators all over the country. It does give more money to my State, for example, for each child defined as deprived in the bill. However, we must also remember that the definition of a deprived child in the bill—one from a family with less than a $2,000 income—does not make proper allowance for the increased costs of living in my State, for the increased costs of equivalent facilities and personnel in my State, nor for the increased burden on State and local finances which will result from the increased expenditure on education nationwide. In fact, there has been considerable criticism in my State and others, over the fact that this bill does not provide aid on the basis of a $3,000 poverty line. I believe that this bill strikes a fair balance. I think that my State is prepared to meet others at least halfway in agreement on this fair balance. I think this bill does strike that balance, and I would hope that my friends from other States would be prepared to meet us halfway as well.

Mr. MORSE. Madam President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. MORSE. I say to my friend the junior Senator from New York that only self-restraint prevents my shouting "Hallelujah. Hallelujah. Amen." The factual data which the junior Senator from New York has just placed in the RECORD in this brilliant and eloquent speech completely answers any attack on this formula.

As the Senator has heard me say in the subcommittee and in the Senate Chamber, I think we ought to support a formula which is fair to all States. That means fair also to the so-called richer States. When we take into account the statistical material that the Senator has just placed in the RECORD—including this analysis of what the people of New York contribute by way of income taxes—the greater costs in New York to provide educational facilities, the differences in teachers' salaries and the subject matter that the Senator from New York has brought forth, in my judgment, so unanswerably in this great speech, we would be unfair to the so-called wealthier States if we were to tinker with this formula.

The formula, as the Senator has pointed out, is fair to the States that have been mentioned so often in this debate—Mississippi, Alabama, North Carolina, and other States. It is a fair formula when we keep in mind the purpose and objective of the bill.

As chairman of the subcommittee, I am delighted that the Senator placed the material in the RECORD tonight, so that our colleagues in the Senate can read it tomorrow, and so that the Senator and I can refer to it tomorrow in any debate which may occur in connection with any amendment that may be offered to change the formula.

I thank the Senator. I think the Senator has put to rest the attack on this formula by any Senator who wants to read and to compare the material which the Senator has placed in the RECORD with the material offered in opposition to the formula. I thank the Senator very much.

Mr. KENNEDY of New York. Madam President, I thank the senior Senator from Oregon for his kind words. I say, as I said in the beginning, that education is a nationwide problem. It is not just a problem in New York, Alabama, or Mississippi.

We have major problems in the State of New York. As was developed during the course of the hearings, there were witnesses who pointed out that some of our schoolchildren lose 10 points on their IQ in the third to the sixth grades in the city of New York. By the time they get to the eighth grade, they are already 2 years behind. There has to be intensive local and State effort in the large, industrial States. That must be recognized.

Aid must be given by the Federal Government. We recognize that what happens in North Carolina, Illinois, or other States affects what happens in our State. This is a problem that will have to be faced. We are going to carry the burden in the richer industrial parts of the county; but we also need help.

The formula that has been developed by the chairman and the committee goes a long way toward meeting our overall responsibility to those who need it so much.

Mr. DOMINICK. Madam President, I have no prepared statement to make, but I wish to speak for a little time on the bill and to send to the desk from time to time amendments to be printed so action can be taken on them tomorrow.

First, I wish to express my gratitude to the chairman of the subcommittee, the Senator from Oregon [Mr. MORSE], for his courtesy during the entire debate and discussion. It was a pleasure to serve on the committee. He has shown unfailing courtesy and patience.

I congratulate also the junior Senator from New York [Mr. KENNEDY] and also the senior Senator from New York [Mr. JAVITS] for their aid and assistance in this bill.

I think we have covered many fields in the bill, and they are not easy fields to deal with. They involve some basic tenets and policies. The religious issue, to which the Senator from West Virginia referred earlier, has plagued us on previous occasions. There is the question of Federal controls over local schools. They are difficult issues, issues which have plagued the entire country from Maine to California and back to Florida.

All over the country people are saying, "What are we going to do? Are we going to provide the commissioner of education or a new Federal agency with power to decide what the curricula and other facets of our education shall be?"

There are many other problems connected with the bill. Many of them have been brought forth indirectly, but probably most of them have been avoided by the statement, which has been reiterated for the benefit of the press ever since this bill started, which was just repeated by the Senator from Oregon a few minutes ago, that this is not a general education bill, but that it is designed to take care of specific programs and policies.

This would seem a reasonable assumption. Let me read section 201 of the bill:

> SEC. 201. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

Over and over again the same thing is being repeated as to the need for the Congress of the United States to provide for the educational needs of so-called educationally deprived children.

It is only fair to ask, What is an educationally deprived child? How do we define him or her? What should he or she be? How are they to be classified? There is only one classification set forth in the bill. An educationally deprived child is deemed to be such because his family has an income of $2,000 or less. I asked several questions about this matter. I asked Dr. Keppel and other witnesses. They said there are other definitions of what an educationally deprived child is, but this is one they have settled on and this is the one they are going to take.

I suggested to them that one going to a public school whose family had the misfortune of having an income of $2,000 or less might still be living in a highly qualified and very able school district, where he was getting the best treatment, from the educational viewpoint, that he could get in any area—for example, some of the better areas in Westchester County, N.Y. I asked, "Could you say he is educationally deprived by virtue of the fact that the income of his family is $2,000 or less?" The witness said, "No, but there is sufficient correlation to indicate that there is a trend that way. You cannot say it is automatic, but there is a correlation between poor educational ability and low income." I do not know about that type of analysis, but it seems to me to be a reasonable approach to the problem.

It was accented by the President when he sent a message to Congress, which appears on page 511 of the RECORD of January 12, 1965. Among other things, the President said the bill was needed in order "to bring better education to millions of disadvantaged youth who need it most."

He went further and quoted Senator Taft as follows:

> Education is primarily a State function—but in the field of education, as in the fields of health, relief, and medical care, the Federal Government has a secondary obligation to see that there is a basic floor under those essential services for all adults and children in the United States.

Every release that has gone out from the chairman of the subcommittee, every release that has gone out from the White House, has emphasized that this bill is not a general aid to education bill, but is designed to take care of certain prescribed groups of children who need it most. I am not here to debate that point. But I am here to debate the effect of the bill and whether or not it would accomplish the purpose.

Before going much further, I should refer to the very able statement made by the Representative from Oregon, Representative EDITH GREEN, before the Rules Committee. Representative GREEN has served on the House Education Subcommittee for a long time, has been interested in education from the very beginning; and she appeared before the Rules Committee of the House in opposition to the bill. Her opposition is very similar to my opposition. She said:

> I believe amendments in three specific areas would greatly strengthen the bill. I am concerned about (1) the formula; (2) whether this legislation as drafted is sound public policy; and (3) the constitutionality of this legislation.

I am quoting from her statement of March 22, 1965.

Madam President, Representative GREEN went on to say, to answer some of the arguments which have been made by the Senator from Oregon, the Senator from New York, and the Senator from West Virginia:

> May I say to my liberal friends in the House who have talked so much about inadequate educational opportunities in Mississippi, that I find this kind of solution far from satisfactory and I wonder if we are really as concerned about providing adequate educational opportunities for these deprived youngsters in those areas as we pretend.

What is the basis for this concern?

Madam President, an analysis was made in the House on the provisions of the bill, and the question of what would happen on disbursement of the $1 billion under title I. One billion dollars is a great deal of money. It is not money which comes down from the clouds. It is not merely money printed by the Federal Treasury. It is money which is either taken from the taxpayers as general revenue or will become a lien on future earnings in the form of taxes. We are providing this money because we have said there is an educational need to help poor people who have children in the local public schools. Therefore, we made an analysis, and we came up with a chart which shows the per capita personal income in 1963 of each one of the 50 States.

Column No. 2 shows the estimated number of children in the poverty category as defined by the House bill which is now before the Senate.

Column No. 3 shows the estimated allocation of funds under title I.

Column No. 4 shows the estimated amount received per child in each of the States. I am talking about the child in the poverty category as defined in the bill.

Column No. 5 is interesting. It is the effort index based on the per capita income, 1963 to 1964, in terms of percentage. It refers to how much of the personal income within a State has been devoted to the local support of schools. The national average is 4.6 percent. The per capita personal income national average is $2,443.

One would expect that under the program which is specifically designed, in section 201, so we have been told by the chairman of the subcommittee, the Senator from Oregon [Mr. MORSE], and by every other news media, the money would be allocated into those areas where there is a high concentration of children who are so-called educationally deprived.

This is what happened. Alabama, with a personal income on a per capita

Estimated distribution of $25,000,000[1] *for strengthening State departments of education under title V, Elementary and Secondary Education Act of 1965, fiscal year 1966*—Continued

	Estimated amounts
Colorado	$280, 701
Connecticut	312, 652
Delaware	139, 737
Florida	549, 680
Georgia	495, 621
Hawaii	159, 850
Idaho	165, 497
Illinois	875, 820
Indiana	517, 718
Iowa	335, 566
Kansas	292, 294
Kentucky	351, 893
Louisiana	398, 520
Maine	182, 826
Maryland	379, 359
Massachusetts	477, 050
Michigan	828, 465
Minnesota	399, 197
Mississippi	319, 780
Missouri	460, 057
Montana	162, 626
Nebraska	220, 497
Nevada	137, 894
New Hampshire	147, 601
New Jersey	576, 593
New Mexico	198, 805
New York	1, 288, 213
North Carolina	547, 459
North Dakota	156, 051
Ohio	946, 737
Oklahoma	327, 809
Oregon	267, 391
Pennsylvania	939, 966
Rhode Island	157, 218
South Carolina	340, 190
South Dakota	162, 285
Tennessee	428, 208
Texas	1, 035, 640
Utah	$207, 310
Vermont	131, 119
Virginia	467, 894
Washington	372, 829
West Virginia	265, 521
Wisconsin	415, 673
Wyoming	133, 422
District of Columbia	153, 685
American Samoa, Guam, Puerto Rico, Virgin Islands	425, 000

[1] 85 percent of $25,000,000 distributed; 2 percent ($425,000) of $21,250,000 reserved for distribution to the outlying areas. Basic allotment of $100,000 for the 50 States and the District of Columbia; balance distributed on the basis of public elementary and secondary school enrollment, fall 1964.

Mr. ELLENDER. Mr. President, if the Senator will permit me to do so, I ask unanimous consent to place in the RECORD a table from which I have been reading, showing six of the richest counties in the country and seven of the poorest, showing the median income, those with incomes under $3,000, and those with incomes of $10,000 and over, and showing the number of children from families with incomes of less than $2,000, with the percentage of school-age children.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Table of 7 of the richest and poorest counties in the Nation with pertinent data as to family income and showing amount to be allocated them under the bill

[Allocations do not include children from families brought in under the welfare amendment, but in most cases the difference would be slight]

County and State	Family income data			School-age children		Allocation of funds
	Median income	Percent under $3,000	Percent $10,000 and over	Number in families with less than $2,000 income	Percent of all school-age children	
Richest:						
Montgomery, Md	$9, 317	5. 5	44. 6	2, 343	2	$572, 864
Arlington, Va	8, 670	6. 0	38. 6	1, 347	4	235, 725
Fairfax, Va	8, 607	5. 8	37. 8	1, 994	3	348, 950
Du Page, Ill	8, 570	5. 9	36. 0	1, 853	2	443, 794
Westchester, N.Y	8, 052	8. 0	36. 3	6, 210	3	2, 189, 026
Bergen, N.J	7, 978	6. 4	32. 1	4, 631	2	1, 315, 204
Poorest:						
Grant, W. Va	2, 437	64. 0	3. 0	833	35	124, 950
Falls, Tex	2, 287	60. 6	4. 0	2, 233	41	432, 086
Sunflower, Miss	1, 790	68. 1	3. 9	6, 184	42	745, 173
Knox, Ky	1, 722	70. 5	1. 7	3, 137	39	470, 550
Williamsburg, S.C	1, 631	68. 3	2. 5	6, 118	41	810, 000
Sumter, Ala	1, 564	72. 3	2. 7	2, 790	43	390, 600
Holmes, Miss	1, 453	72. 0	2. 8	4, 543	52	547, 432

Mr. ELLENDER. I thank the Senator for his graciousness.

Mr. MORSE. Mr. President, before I yield to the Senator from Kentucky [Mr. COOPER], I wish to say something about and to the Senator from Louisiana. I have been in a good many debates on educational matters over the years. The colloquy that the Senator from Louisiana and I have held this afternoon for most of the past hour has been exceedingly helpful to me, and of great help to the entire Senate. The Senator has raised questions which the Presiding Officer, the Senator from New York [Mr. KENNEDY], being a member of the committee knows were raised in committee. The Senator from Louisiana could not have performed a better service for the committee and for me than by cross-examining me as he has done. His cross-examination has been fair. I appreciate it very much. I thank him.

Mr. ELLENDER. I thank the Senator. I have studied this problem over 30 years. Without boasting, I think I know a little about it. If the bill does what the Senator from Oregon says it will do—and I am sure it will—and the money is distributed to the children of nonpublic schools, and not to the schools themselves, I shall vote for it.

Mr. MORSE. Mr. President, before yielding to the Senator from Kentucky [Mr. COOPER] I wish to place in the RECORD certain language from page 17 of the bill, in answer to the Senator from Louisiana, concerning the obligations of the States to maintain their level of expenditures.

I read at that point language from page 17 of the bill, starting with line 1:

> (2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the fiscal year ending June 30, 1964.

In other words, the bill ties down the imposition of an obligation upon the State and its educational subdivisions not to decrease the amount of money they previously had been spending, and substitutes in lieu thereof money gained under this bill.

I yield now to the Senator from Kentucky [Mr. COOPER].

Mr. COOPER. Mr. President, I know the Senator from Oregon has been on the floor for a long time.

Mr. MORSE. That is all right.

Mr. COOPER. I wish to address a few questions to you. But first, I would like to say that all of us owe a debt to the Senator from Oregon for his work on this bill, as well as other education bills in the Senate.

Mr. President, I do not intend to speak on the bill at this time, for I intend to make some remarks on the bill later in the debate. In 1948 I had the opportunity to join the Senator from Oregon, former Senator Alexander Smith of New Jersey, and former Senator Thomas of Utah, in cosponsoring the Taft-Ellender bill. Only today I read again the debate on the Taft-Ellender measure in 1948. In some respects this bill embodies principles of the Taft-Ellender bill.

I direct the Senator's attention to a question which is controversial, and which raises emotions; nevertheless, it is an important question, and it must be discussed. It is the question whether the bill contravenes the first amendment to the Constitution.

Let me say that I have studied the bill in light of the issue, and I intend to vote for the bill. But I would like to have the Senator's interpretation of this issue.

I believe the Senator, great lawyer that he is, will agree with me that a very serious question has been raised in several cases, among them being the Everson case, which held in substance that taxes could be used for incidental purposes directed to the benefit of the pupil in private and parochial schools, the case held, of course, that tax funds should not be used for the general support of private church schools. As I understand the pending bill, it does not prescribe that Federal funds shall be used for private or sectarian schools. On the other hand, it does not prohibit their use in certain cases, if the State desired to so use them, and such use were approved by the Federal Commissioner of Education.

Mr. MORSE. The reason I hesitated to give the Senator an immediate answer is that I do not wish my answer to seem in the slightest degree to be equivocal; therefore, I start in this colloquy on the subject of judicial review—and I am indebted to the Senator from Kentucky for raising it in this debate—by saying that, in my judgment, the bill would not authorize the State to spend any public funds for any private school purpose that might constitute an unconstitutional expenditure of funds. That is my first premise.

Next, I should like to read to the Senator from Kentucky what the bill itself provides, beginning at the bottom of page 79:

> SEC. 605. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction.

The bill contains the same prohibition that I have always insisted upon; namely, that the money cannot be spent for religious purposes or religious instruction.

If the Senator from Kentucky will bear with me a moment longer, I believe that perhaps a better foundation could be laid for some of the questions he may wish to ask me if I tell him what happened in committee.

We decided in committee against a judicial review amendment. A judicial review amendment was not offered in committee. Some members of the committee reserved the right—which they always have anyway—to offer such an amendment on the floor of the Senate, or to support such an amendment on the floor of the Senate.

As the Senator from Kentucky knows, I believe in giving credit where credit is due.

Here and now I give great credit to the Senator from New York [Mr. JAVITS] for the position he took in regard to this matter, which reinforced the position taken by the chairman of the subcommittee. After the Senator from New York had set forth his reasons for joining the chairman in opposition to adding a judicial review amendment to the bill, it was agreed by the committee—even those who had reserved the right to offer an amendment later—that the Senator from New York [Mr. JAVITS] had performed a valuable service, which I had asked him to perform. I said that I agreed with everything the Senator from New York had said, and that I would like to have him sit down with counsel—and this was only yesterday morning, because we wished to get the report printed last night—and put in succinct form the argument that he made, which the chairman of the subcommittee completely supports. Here it is.

I believe that I should read from page 35 of the committee report and make it the foundation for my discussion with the Senator from Kentucky. It reads as follows, under the subheading "Committee Comment on Judicial Review":

> The committee considered carefully recommendations to it in testimony that an explicit provision be added to afford judicial review of the constitutionality of provisions of the act and of its administration. After consideration of all facets of the problem, it was the general view of the committee that in this legislation such a provision is unnecessary in view of the developing state of the law on the subject. The committee, in considering the matter, discussed the following factors: (1) Litigation raising analogous issues is presently pending before courts of at least one State, and could reach the U.S. Supreme Court. In view of the recent Supreme Court decisions in the school prayer cases, which also arose in State courts, it would appear more likely than ever before that the issues under this act could similarly be tested. (2) Since the determination of the Supreme Court against taxpayers' suits in *Massachusetts* v. *Mellon* (262 U.S. 447 (1923)), there have been subsequent decisions which also suggest the possibility of a test in the Federal courts of the provisions of this act in the absence of specific language. *Larson* v. *Domestic and Foreign Corporation* (337 U.S. 682, 689, 690 (1948)), was cited as an example. (3) The bill presently contains three specific and limited judicial review provisions, which parallel those in other Federal education legislation: section 211 of title I, section 206 of title II, and section 509 of title V. It is possible that these issues can also be raised in suits brought by States against the Commissioner of Education under those provisions. (4) It is not the practice to insert broad judicial review clauses in Federal legislation, particularly as this might be construed as an invitation to a multiplicity of time-consuming suits which could bring to a temporary halt an enormous range of Federal activities.

That is what the committee had to say on the subject. I do not believe that a judicial review amendment should be added to an elementary and secondary school bill. I do not believe it should be added to a separate higher education bill. I believe that it should be an independent bill.

I have on my desk—I try to come prepared for developments in debate—the judicial review amendment, which the Senator from Kentucky was so kind as to say, last year, that he would cosponsor, along with other advocates of judicial review, when the judicial review amendment was passed in the Senate. It was dropped in conference, for reasons the Senator from Kentucky well knows.

I have that bill in such form that it can be introduced at any time during debate, if the consensus of opinion seems to be that we should not rely upon the suggestions made by the Senator from New York [Mr. JAVITS] in this part of the report, with which I completely associate myself, as do a majority of the members of the committee.

I have now concluded my statement.

If the judicial review route should be followed, it should be followed in a separate, independent judicial review bill, along the lines of the original Morse-Clark bill which is the bill that is ready for introduction.

I do not believe that the present Presiding Officer of the Senate, the Senator from New York [Mr. KENNEDY] will object. I believe he should have feelings of great pride concerning it. The Morse-Clark judicial review amendment, which we prepared some 3 years ago, was the product of the Office of the Attorney General of the United States when the present Presiding Officer was the Attorney General of the United States.

After discussion with the Senator from Pennsylvania [Mr. CLARK] and me, the present Presiding Officer of the Senate assigned to us as our leading legal counsel the then and still present Solicitor General of the United States, Mr. Cox; and we worked out the provisions of the bill which is now before the Senate. The Attorney General of the United States, now the Presiding Officer in the Senate, deserves my thanks—and he has received them many times—as well as the thanks of many others, for the cooperation he extended in the preparation of this bill.

I believe the bill would meet all the tests. However, I do not believe an independent judicial review bill is needed. I believe that in the not too distant future a decision will be rendered "on the nose," as we lawyers say, by the Supreme Court, telling Congress how far it can go under the first amendment in giving aid to religious schools. I believe there is a case already on the way to the Supreme Court. It is the Horace Mann case in Maryland. The first decision has been rendered by the lower court. I believe that case will go all the way, so to speak. My judgment is that it will be very difficult for the Supreme Court not to give us a broad decision which will cover the very issue that must be settled.

Let us face it. We are going into Federal aid for elementary and secondary schools in the bill through the back door. I have said this many times, as the Senator from Kentucky knows. This is a back-door entrance into Federal aid to education for elementary and secondary schools for 11 percent of the schoolchildren of America who are deprived. It is an entrance through the back door by way of an entirely constitutional legislative vehicle, or WAYNE MORSE would not be supporting it on the floor of the Senate this afternoon if he did not honestly believe it.

Mr. COOPER. I thank the Senator. As he knows, I have supported in past years many bills whose purpose was to provide aid to our public elementary and secondary schools. As the Senator has said, the cases which have arisen, and which have been determined by the Supreme Court, particularly the Everson case, the Zorach case, and the McCollum case, have raised the question of the applicability of the first amendment to Federal aid to education. Of course, the prayer cases have also brought this issue to the fore.

I do not know of anything that is more important than providing educational opportunity of the highest quality for the children of our country.

However, I direct my questions to the specific issue of constitutionality, for it must be met. I believe the Senator will agree that the Mellon case would prohibit any taxpayer—using that term in the broad sense to include any agency or individual or entity—from bringing suit in Federal court to test the constitutionality of the pending bill.

Mr. MORSE. The Senator is correct. That is true in the Federal court, but it is not true in the State courts. The

Maryland case is a State case, in which the judge held that the taxpayer had the right to raise the question.

Mr. COOPER. My question was directed solely to the ability of a taxpayer to bring an action in the Federal court.

Mr. MORSE. Yes. He cannot do it under the Mellon case.

Mr. COOPER. My next question goes to the right to test in State courts the constitutionality of this bill or any other educational bill using tax funds for private or church schools. I know about the Maryland case, instituted in the State courts of Maryland. Of course, the Supreme Court could say, "We do not wish to review the case."

We do not know what the Court will say. The Senator is well acquainted with the Doremus case, in which the Court refused to review a similar issue. I believe the Senator would agree that later cases would indicate that the Supreme Court would take jurisdiction of the Maryland case.

Mr. MORSE. That is what I was about to say.

Mr. COOPER. I have studied the pending bill, and it is my judgment, noting that State educational agencies must make application to the Commissioner of Education for Federal funds, that funds would be allocated to the State educational agency, and then by the State educational agency to the local educational agency; that this would provide the basis for suit by an individual, in State courts, to test the constitutionality of the bill. I do not know whether the Senator would care to comment on that point, but I must say that this viewpoint has been of great influence in leading me to make my decision to vote for the bill.

Mr. MORSE. That is my judgment. Although it is true that in the past the Supreme Court has followed a general policy, in a case involving a constitutional issue of trying to decide the case without deciding the constitutional issue, if possible, I believe this situation would raise directly the constitutional issue, and the Supreme Court would be in a position where it would have to decide it.

Furthermore, I believe we have come to the point where it is recognized that the issue must be put behind us.

Mr. COOPER. It must be settled.

Mr. MORSE. Yes; that is what I mean. It must be settled. I believe it will be settled and put behind us soon, because once we get that decision on the issue, even those who may disagree with the decision will agree that we cannot maintain a government of law unless we support the decisions. It is the decision that is important. I believe we are on our way to a decision. That is why I am pleading with the Senate, if it wishes to insist on judicial review legislation, to let us do it by way of an independent bill. I give the Senate my word, if that is what the Senate wishes, that I shall introduce a bill before the debate is over, and pledge to schedule hearings on it forthwith.

Mr. COOPER. I know the Senator agrees with me that the line is not an easy line to draw.

Mr. MORSE. I know that.

Mr. COOPER. I joined the Senator in sponsoring the National Defense Education Act, which provides aid to pupils who may choose to attend private and sectarian schools. I believe we have agreed that in those situations, while there might be a close line, the benefit ran primarily to the individual in line with the holding of the Everson case. At least I have no problem about that. I know the value of private and sectarian schools, and the contribution they make to our country. They impart richness and variety to our education. I am sympathetic with the work they are doing, but I believe that the constitutional question must be determined.

Last year the Senator from North Carolina [Mr. Ervin] and I submitted an amendment to the Higher Education Facilities Act. It was debated and passed by the Senate, but taken out in conference. I do not feel the same concern about the pending bill that I felt about the other bill, for I believe there will be a right to judicial review through action in the State courts.

The same question was raised in 1948.

Mr. MORSE. I was about to mention that.

Mr. COOPER. Two amendments were offered in 1948. One was offered by former Senator Donnell, of Missouri, a fine lawyer who wished to place in the bill a prohibition on the use of funds for any purpose in any nonpublic school.

Mr. MORSE. For any purpose.

Mr. COOPER. For any purpose, including health, school lunches, and the like. Another diametrically opposed amendment was offered by the former and great Senator, Senator McMahon, of Connecticut, who wished to prescribe how these moneys should be used. I remember that the late Senator Taft took the position—and he spoke at length on the issue—that it was a matter for the States to determine, and that the matter could reach the Supreme Court through the State courts.

I wish to raise these questions. I am very happy to have the interpretation of the Senator from Oregon.

Finally, while I believe action to test constitutionality can be taken through State courts, I believe it would be better to provide a means to test in the Federal courts.

But on the whole, the bill is safeguarded, and it does provide an opportunity to lift the quality of education and to broaden its availability to the millions of young people who hold the future of this Nation.

Mr. MORSE. I am glad the Senator has raised these questions. The Senator from Kentucky and I have served on the Committee on Labor and Public Welfare, which has jurisdiction over education, for more years than perhaps we would like to remember.

Back in those days the Senator and I were not only members of the committee, but were also members of the Subcommittee on Education.

Mr. COOPER. And we were both Republicans.

Mr. MORSE. We were both Republicans. I have learned something since. I appreciate the Senator's great support then, and I appreciate his support now. I am greatly indebted to him for his teacher services to me, because he has taught me many things.

Mr. COOPER. A few minutes ago the Senator spoke about certain counties in Kentucky. Unhappily, I must say that in Kentucky there are counties that are in a dire state, a condition which concerns me, which saddens me and all of us who live in our great State. He mentioned a fine county—Knox—a county with fine people, officials, and an outstanding county school superintendent, the Honorable Jesse Lay. But, in tribute to my State, I wish to say that in its educational efforts, Kentucky is making a greater effort in terms of the proportion of its revenue that it applies to education, than many of the richer States. I shall not include West Virginia, but I believe Kentucky makes a greater effort, in terms of the percentage of its revenues that it applies to education, than its neighbors, including the rich States of Ohio, Illinois, and Indiana. So, not in defense, but in commendation of the officials of my State and of its people, I want to make this statement.

Mr. MORSE. The figures in the record of the hearing show that. I discussed the Knox County situation only because it is involved in the record.

Mr. COOPER. It is only two counties away from Pulaski, in which I live.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the Record, in connection with the judicial review discussion, a memorandum entitled "Enforcement of the Principle of Separation of Church and State in the Elementary and Secondary Education Act of 1965."

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

Enforcement of the Principle of Separation of Church and State in the Elementary and Secondary Education Act of 1965

The following provisions of the Elementary and Secondary Education Act of 1965 (H.R. 2362) stress the principle of separation of church and state:

I. Title I (financial assistance to local educational agencies for the education of children of low-income families):

(a) Section 202. Federal payments may be made only to local public educational agencies.

(b) Section 205(a)(3) (control of funds and property): Before making a grant to a local public educational agency, the State educational agency must determine "that the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property."

II. Title II (school library resources, textbooks, and other instructional materials):

(a) Section 205 (control and selection of books and materials):

"Sec. 205. (a): Title to library resources, textbooks, and other printed and published instructional materials furnished pursuant to this title, and control and administration of their use, shall vest only in a public agency.

"(b) The library resources, textbooks, and other printed and published instructional materials made available pursuant to this title for use of children and teachers in any school in any State shall be limited to those which have been approved by an appropriate State or local educational authority or agency for use, or are used, in a public elementary or secondary school of that State."

III. Title III (supplementary educational centers and services):

(a) Section 304(a): Federal payments may be made only to local public educational agencies.

(b) Section 304(a)(1): The application of a local public educational agency must "provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of" that local public educational agency.

(c) Section 307 (recovery of payments):

"Sec. 307. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated."

IV. Title IV (educational research and training):

(a) Section 2(b) (grants for training in educational research):

"No grant shall be made under this subsection for training in sectarian instruction or, for work to be done in an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

(b) Section 4(e) (construction of regional facilities for research and related purposes):

"(e) As used in this section, the term 'research and related purposes' means research, research training, surveys, or demonstrations in the field of education, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental schools, except that such term does not include research, research training, surveys, or demonstrations in the field of sectarian instruction or the dissemination of information derived therefrom."

V. Title V (grants to strengthen State departments of education): There are no specific provisions because grants would be made only to State public educational agencies for the purpose of strengthening those agencies.

VI. Title VI (general provisions):

(a) Section 605 (relating to all titles in the act):

"Sec. 605. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction."

The following provisions of the Elementary and Secondary Education Act of 1965 (H.R. 2362) supplement those cited above by requiring that actions taken by States be consistent with the principle of separation of church and state:

I. Title I (financial assistance to local educational agencies for the education of children of low-income families):

(a) Section 206(a)(1): To participate in the program, a State must provide satisfactory assurance that except for State administrative costs, "payments under this title will be used only for programs and projects which have been approved by the State educational agency pursuant to section 205(a) and which meet the requirements of that section, and that such agency will in all other respects comply with the provisions of this title, including the enforcement of any obligations imposed upon a local educational agency under section 205(a)." Section 205(a) includes the provision, quoted above, requiring public control of funds and property provided under title I.

(b) Section 210 (withholding):

"Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance [including the assurance quoted in (a)] set forth in the application of that State approved under section 206(b), the Commissioner shall notify the agency that further payments will not be made to the States under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be."

II. Title II (school library resources, textbooks, and other instructional materials)

(a) To participate in the program, a State must designate "a State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for administration of the State plan."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I commend the chairman of our Subcommittee on Education for the excellent presentation he has made on this complicated but intensely useful piece of proposed legislation. I should like particularly to support him in what he has said in his colloquy with the Senator from Kentucky [Mr. Cooper] about a provision for judicial review in the bill. As the Senator from Oregon stated a short time ago, he and I cosponsored a judicial review section in a general education bill several years ago with the assistance of the Solicitor General. As the Senator from Oregon said, we thought we had a good review section. I, too, would be happy to see an adequate review section in the bill, but I do not think the timing is correct. I should be happy to join with the Senator from Oregon in submitting such a judicial review section as a separate measure and to cosponsor it with him and to do all I can to see that it is passed.

Mr. MORSE. I thank the Senator from Pennsylvania. The Senator from Pennsylvania and the Senator from Michigan [Mr. McNamara], who is present in the Chamber, were two of my colleagues on the Subcommittee on Education. I thank both of them for the wonderful help that they have been to me in getting this bill to the point at which we could present it to the Senate today, with the kind of support that it brings to the floor.

I should like to have the attention of the Senator from Vermont [Mr. Prouty]. I am about to yield the floor. I do not know what arrangements he may have entered into with the Senator from West Virginia [Mr. Randolph]. I understand that the Senator from West Virginia had an appointment. Since I am about to yield the floor, whatever arrangement the Senator from Vermont has entered into with the Senator from West Virginia I leave up to the two Senators.

Mr. PROUTY. The Senator from West Virginia is busy at the present time; and he has suggested that I proceed.

Mr. MORSE. That was my understanding. I wanted the Senator to know that I told the Senator from West Virginia I thought, after my long presentation, a member of the minority ought to be allowed to present any amendment or any point of view that he cared to present.

Mr. PROUTY. I appreciate that.

(At this point Mrs. Neuberger took the chair as Presiding Officer.)

Mr. PROUTY. Madam President, first, I wish to express my deep appreciation to the distinguished senior Senator from Oregon [Mr. Morse]. He is one of the greatest champions of the education of American youth the Senate has known. His wisdom in such matters is well complemented by his thoroughness. It is always a pleasure to serve with him.

I wish to thank him for his work as chairman of the Subcommittee on Education, for the courtesies which he extended to all members in the minority and for the fairness with which he conducted the committee sessions and the committee hearings. For reasons which I shall develop later, members of the majority serving on the committee labored under some inhibition with respect to consideration of amendments which were proposed by members of the minority. But in all fairness I should say that ample consideration was given to proposed amendments. While they were not accepted, they did serve a useful purpose by reason of the fact that they resulted in some language in the report which clarified some of the ambiguities of the language in the bill which the committee considered.

Today this body is faced with one of the most important bills of the 89th Congress—the Elementary and Secondary Education Act of 1965. For the first time in the Nation's history, the Congress is about to enact a general aid to education bill, although this fact is not readily acknowledged by its advocates.

I do not say this disparagingly. The demands of modern technology, of intelligent voting, of complex world issues, have made evident the need for a broader and deeper educational background for all Americans. Ever since the late Senator Robert A. Taft sponsored his aid to education bill in the 80th Congress, Republicans have recognized the need for Federal action to contribute to the improvement of the American educational system.

This is not to say that Republicans have favored a Federal grant program such as that embodied in this bill; far from it. Basic to Republican thinking is the overriding need to reduce needless and perhaps dangerous Federal activities, returning the tax resources thus freed to the States and local communities. I venture to say that, as much as any other, this is one great difference of opinion between the parties. One party—currently the majority—favors programs which make use of the Federal tax base, correspondingly reduce the local tax resources, and return various kinds of benefits to States, communities, and individuals—after the middleman's fee has been taken out. The other party—currently the minority—favors programs which decrease Federal activity, increase the tax resources available to State and local governments, and keep tax money working at home under the direct control of those who pay it.

Today, we of the minority are faced with a dilemma. I daresay no Member of this body would argue that American education is in no need of improvement. The question, like so many in the American political system, is not on the ends but on the means. And today we must decide which is more important—the unmet needs of our schools and schoolchildren or the danger of insidious Federal involvement and control of the educational process.

For myself, I am willing to acept what I believe to be an imperfectly conceived and designed bill. I do this because our schools and our children have a real and urgent need which should not go unmet. Despite its imperfections—and I expect to discuss a number of them before this debate comes to a close—this bill will make a significant contribution to the Nation's needs.

Having said this in the way of an introduction, I should now like to take a few moments of the time of the Senate to discuss the way this bill was handled in this body and some of the possible implications for the future of the national legislative process.

I should like first of all to read the brief statement that opens the minority views of the Committee on Labor and Public Welfare. I would point out that these views received the wholehearted endorsement of all five minority members of the committee, even though we five represent a very broad cross section of Republican opinion.

The Constitution of the United States vests legislative power in the Senate and the House of Representatives. Now, by decree of the President of the United States, the Senate is to be shorn of its equal share of that power. This important and complex piece of legislation—on which your committee heard more than 90 witnesses whose testimony filled 6 volumes and more than 3,200 pages—is to pass this body without a dot or comma changed; this, by fiat from the Chief Executive.

Your committee, over the years of our tenure, has labored conscientiously and without partisan rancor to consider judiciously legislation referred to it, making improvements where desirable and necessary. The results of our efforts in the past have been measures which have secured broad bipartisan acceptance, such as the Manpower Development and Training Act and the National Defense Education Act. Constructive amendments, whether offered by majority or minority, have been given serious consideration, and invariably some have been adopted.

Concern over this new regime is not confined to the minority. Privately, members of the majority and officials of the executive branch have been apologetic for this new effort to destroy the role of the Senate in the national legislative process. Yet they are powerless to change the rules laid down from above.

Irrespective of the merits and demerits of this particular bill—and there are both—the handling of this issue raises serious questions about the Nation's future constitutional development. Will legislation henceforth originate in the House, to be accepted supinely by the Senate without a murmur? Are conference committees a thing of the past? Will the Senate gradually become an English House of Lords, with power to delay the passage of legislation but not prevent it? Are States no longer an object of constitutional notice, but only individuals? Is the principle of one-man, one-vote now extended to vitiate the legislative role of this body of Congress founded by the Constitution on the basis of unequal representation? It is our hope that Senators will weigh carefully such questions as these as this bill is discussed on the floor.

The advocates of this legislation do not claim its present form is perfect. Instead, they argue that it should be passed and that the necessary revisions can be added later in this Congress. This is like an auto dealer delivering three-quarters of a new car, with a note saying that the wheels and transmission will be sent later if the company feels like it. Yet in both cases the customer will pay the full price.

We are told that this embargo on amendments—even technical amendments to correct drafting ambiguities—is a one-shot proposition. We are assured that on this bill and on this bill only will the Senate yield its legislative powers. Yet the majority speaks these words uneasily, for it knows from long tradition and experience that the branch of Congress that gives up its independence to an aggrandizing Executive not only lays the basis for new and greater demands of passive compliance but also begins to lose the confidence of the people whose votes have given it life.

It is ironic, indeed, that while this committee speaks out on behalf of this billion-dollar-plus measure to liberate children from the shackles of ignorance, at the same time it draws close about it—and about the Senate which has entrusted to its this important responsibility—the strong but subtle silken threads of legislative impotence.

UNJUSTIFIED FEARS

In a Congress closely divided between the two parties, a majority Chief Executive might well wish to keep a House-passed bill intact in the Senate, or vice versa, in order to avoid a reopening of debate which might cause a small but crucial number of votes to desert his position. In the present circumstances, however, there is clearly no justification for such an attempt. The House of Representatives passed this bill by a comfortable margin of 263–153. During the debate in that body every contested amendment—even when offered by a courageous member of the majority—was beaten back handily. There is no doubt that the administration can muster the votes to accept any version of its choice. Yet, feigning great concern for the allegedly uncertain fate of this bill, the administration commands the Senate to speed it through with every flaw intact. This is not statesmanship. This is not a calm confidence in the will of the people as expressed through their representatives in the Congress. This is a fetish—a fetish of the unwise and unrestrained use of power, which cannot either in the long run or the short, serve the interests of the Nation.

Called to speak to his constituents at Bristol, the great Edmund Burke made clear in timeless words the lofty responsibility of him who legislates on behalf of his fellow man:

> His unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any men, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

Madam President, I ask Senators to ponder these words for a moment. The principal issue facing the Senate today is not that of American education. The principal issue is nothing less than the future of the Senate as a coequal partner in the national legislative process.

Let us take again a long look at what has happened here.

The President of the United States prepares and endorses a bill to work toward the achievement of a major national goal.

That bill is introduced into each body of the Congress by supporters of the administration.

A subcommittee of the House of Representatives begins to hear testimony on this bill. Four days later, the parallel subcommittee of the Senate opens hearings, in which the same administration witnesses lead off.

The House committee, after 2,128 pages of hearings, goes into executive session. Nine days after the conclusion of the House hearings, the Senate subcommittee completes its 3,298 pages of hearings.

Then, while the House proceeds to executive session deliberations on the bill, Senate action on the bill comes to a halt. Senators who desire to offer amendments are told by the administration to submit them to the House committee.

The House opens debate on the bill, while the Senate continues to mark time. Extreme and unjustifiably stringent rules are imposed on floor debate in the other body. Those rules were so stringent and oppressive that a courageous Member of the majority, a distinguished Member of the other body whose credentials as a battler for Federal aid to education and as a liberal Democrat are far beyond question, rose in that body and moved to strike the enacting clause. In doing so she said:

> I have been a Democrat all my life, and one reason I have been proud to be a Democrat is because we have believed in protecting the rights of the minority. I have never interpreted the Democratic platform or the statements we have made that this applies only to the ethnic groups; that we are interested only in protecting the rights of Negroes or any other minority. There was a man long ago who said "I may disagree with what you say, but I will defend to death your right to say it." Today it seems to me we have in the House a determined effort to silence those who are in disagreement.

Despite this eloquent statement, the bill was pushed through the other body. Frequently debate was shut off altogether on important amendments. The majority not only voted down the minority—which is its privilege in a democratic system—but it stifled full and free discussion—an offense that a democratic system of government cannot long endure.

This important bill, thus passed by the other branch of the National Legislature, then came to this Chamber. After long postponement, executive sessions began in the Subcommittee on Education. It was first proposed that the subcommittee begin work on the House-passed version, rather than the Senate bill. This was agreed to without objection, for the House bill contained numerous improvements over the original measure.

But then came the time when amendments to the bill were to be considered. The minority had drafted around two dozen amendments, seeking to tighten and improve the bill. One Senator on the majority side likewise offered an amendment. But it was readily apparent from the outset that the subcommittee was under strict instructions not to change one dot or comma of this bill.

And thus the bill comes to the floor of the Senate, Madam President, and I daresay it comes with strict instructions from the Chief Executive that no changes—whatever their merits—may be tolerated or approved. The intent of the sponsor of this legislation—the President of the United States—is that the Senate passively accept his decree and pass this bill in exactly the form voted upon by the other body.

When the Founding Fathers of this Nation settled upon a bicameral National Legislature, the argument was advanced that a two-chamber system affords the opportunity for thorough and complete scrutiny of proposed legislation—far more so than in a single chamber. Whichever body acts first, the other was to consider, refine, and purify the product of its deliberations. When the House takes first action, the responsibility for that refinement and improvement falls upon this distinguished body.

Today, Madam President, may be a turning point in our constitutional history. Today may be the day when the Senate of the United States, after 176 years of greatness, yields to the insistent demand of a Chief Executive its right and duty to perform its true legislative function. No less than this is at stake.

I do not intend to dwell on this point at greater length. Every Member of this body knows the danger of which I speak. Most, I imagine, will not rise to avow their innermost beliefs in such words as I have chosen today. But as debate on this bill moves forward, I wish to leave only one thought in the minds of Senators. We are following for better or for worse in the footsteps of men who gave this Chamber the deserved appellation of the highest deliberative body in the land. Clay, Webster, Calhoun, Benton, Fessenden, Morrill, LaFollette, Lodge, Vandenberg, Taft, Barkley, Murray—all have passed this way before us.

Mr. CLARK. Madam President, will the Senator from Vermont yield now, or does he wish to conclude his statement first?

Mr. PROUTY. I yield to the Senator from Pennsylvania.

Mr. CLARK. As the acting manager of the bill, in the absence of the Senator from Oregon [Mr. Morse], I wish to place in the Record a brief dissent from what occurred to me to be the somewhat extragavant position taken by my friend from Vermont. We in the majority see no threat to constitutional government. We see no fear that the Senate is about to abdicate its constitutional responsibilities.

We want to have a bill passed promptly to help the boys and girls of the United States obtain a better education. We think that this is a good bill. We think that as a matter of pragmatic legislative procedure it is wise not to go to conference, where perhaps there would be created such issues as the row about church and state, and other issues which would otherwise arise in conference. A moment ago, it was mentioned that the problem is a very difficult one.

I recognize the point of my good friend the Senator from Vermont, in differing with the majority. I wish to make it clear that no constitutional issue is involved. We want to get a good bill.

Mr. PROUTY. Does the Senator consider that this bill is perfect in all respects?

Mr. CLARK. Certainly not. We shall have to gain a bit of experience. The bill will come up next year. I think my friend, the Senator from Vermont, will be pleased with the results.

Mr. PROUTY. I assure the Senator from Pennsylvania that I am a supporter of the bill. I intend to vote for the bill. But I think it is a dangerous precedent which we are establishing by insisting that the bill must be approved exactly as it came from the House. We have seldom done this on other legislation.

Mr. CLARK. Madam President, I think we should add the name of the Senator from Vermont to the long list of distinguished Members of this body which he had just related, starting with Clay, Webster, and Calhoun.

Mr. PROUTY. Madam President, the Senator overwhelms me.

Today each Senator must choose whether he will follow the trail of tradition and lofty responsibility that they have blazed—or whether he will follow the trail that leads to a House of Lords, men distinguished and respected, but superfluous to the conduct of national affairs.

Now, Madam President, I turn to the merits of the Elementary and Secondary Education Act of 1965.

The principal part of H.R. 2362 is title I, which provides over a billion dollars to local school districts to aid them in initiating or continuing programs to meet the special needs of educationally deprived children. These children are children whose home life has been such a mixture of ignorance, poverty, ill health, social distress, cultural deprivation, and mental, physical, and emotional handicaps that they have been unable to gain the benefits of their local schools.

The formula for distributing funds under title I rests on two objective factors: the State's current expenditures on education per pupil in average daily attendance, and the number of children from families below an arbitrarily chosen low income factor. Also included in this figure are the children from families above the low income factor which receive aid to dependent children payments.

The selection of the concept of the low income factor deserves elucidation. It is not the intent of this bill to classify all children from families below a certain income level as educationally deprived. Nor does the bill assert that children from more affluent families may not be educationally deprived. The selection of a low income factor in the distribution formula is based on the need for an objective and administratively workable definition of "educationally deprived child." No one suggests that the $2,000 line or the $3,000 line or any other line divides the educationally deprived child from his more fortunate colleagues. The theory of this factor is based on the high correlation between educational deprivation and low income. It is not a perfect correlation, to be sure, but it is a good one, probably the best that can be devised. The Department of Health, Education, and Welfare has made it clear in the hearings in both bodies that local programs under title I will be operated to include all educationally deprived children, regardless of family income. The low income factor is used only to apportion the funds among local educational agencies, representing as it does the best available measurement of the level of educational deprivation in each school district.

The philosophy of title I—but not necessarily the methods—seem to come from one of the most fertile sources of administration proposals, Madam President. I refer, of course, to the Republican Party.

A year ago the minority members of the Joint Economic Committee, which includes the distinguished senior Senator from New York [Mr. Javits], the junior Senator from Iowa [Mr. Miller], and the junior Senator from Idaho [Mr.

JORDAN], expressed their concern over the connection between poverty and educational opportunity in the following words:

> Why is it that schools in poverty neighborhoods so often deteriorate? Shouldn't schools for disadvantaged children be among the best? Who needs good schools more than the children of the poor? A clean, attractive, well-equipped and well-staffed school in a deteriorating neighborhood could serve as an example and an inspiration for many of our disadvantaged children. We urge that public and private educational groups direct their attention to upgrading the quality of schools in poverty neighborhoods. The Federal Government now provides special financial assistance to schools in so-called federally impacted areas. We urge that a similar approach be considered for poverty impacted areas.

Thus, Madam President, a year later this Republican recommendation appears in the form of the bill now before us. I regret to say, however, that in accepting the sound Republican principle set forth in that report, the administration grafted onto it a number of methods which follow the lines now clearly identified with the Democratic Party—methods leading to increased Federal involvement in local affairs, burdensome Federal regulations and requirements, and a renewed effort to bypass and play down the vital role of the State governments in the American Federal system.

Despite these general criticisms, Madam President, and despite what I believe to be some substantive defects in the provisions of this bill, I intend to support the Elementary and Secondary Education Act of 1965. I shall, however, at the appropriate time, offer a number of amendments which I believe will clarify and strengthen the bill. It is my hope that these amendments will receive the serious consideration of Members of this body, and that they will exercise their independent judgment in casting their votes on them, always bearing in mind the needs of their constituents, the national interest, and their responsibilities as Members of the Senate.

Madam President, I yield the floor,

Mr. RANDOLPH. Madam President, there is heard in certain quarters some comment that Federal aid to education has caused State and local units of government to lag and not exercise their maximum efforts to meet the needs of education in these times of rapid technological change and pyramiding costs of education, as well as high costs in practically all facets of our economy.

Some localities are conservative—I use the word advisedly—in their community thought and action and actually do not join the mainstream of progress, be it in educational or other fields. Very few communities in the State of West Virginia would fall in that category.

The communities in West Virginia are not communities in the sense of being municipalities from the standpoint of educational structure. The county, rather than the community, in West Virginia is the unit, and the level at which the elementary and secondary schools are administered under the State law. There are no independent city school administration units in the State of West Virginia. The grade schools, junior high schools, and senior high schools in our municipalities are under the administrative and fiscal jurisdiction of the county boards of education.

Our State government, as well as county and municipal governments, are operated within the framework of a constitutional limitation on property taxes. Since the years of the deep depression of the thirties, the State of West Virginia has been required, as a consequence of fiscal necessity and a constitutional mandate, to lean heavily on indirect forms of taxation, mainly sales and income tax levies.

Under this condition, which originated in the early thirties, West Virginia, of necessity, had to eliminate 450 units of local education administration and settle on 55 county boards of education to administer the primary and secondary system. But there were varying degrees of fiscal ability among the 55 county boards—especially between the rural counties and the more populous ones with greater corporate taxable wealth. Consequently, to attempt to spread educational opportunities as equitably as possible over the whole school-age population, West Virginia became more and more involved in utilizing the method of State financial aid to the county school systems. The formulas for State assistance were always devised under controversy and contest between various interests involved. But the consensus end results provided in the laws passed by the State legislature over the years have generally been as fair and equitable as can be devised by legislative bodies.

Through the years since the county became the school administration unit and the counties were relieved of road-building and road-maintenance responsibilities, education has been the most costly county service and has received the largest portion of the real property tax dollar. Most counties have struggled painfully to acquire and make available the funds necessary to pay their local share of educational costs. This is especially true of that portion needed to build consolidated schools and to provide the transportation required to make meaningful the new school zoning system and the consolidated schools.

By the same token, the State government, having made the commitment to provide financial aid to the county school systems, has been making increasingly larger portions of its tax dollars available to elementary and secondary education while also experiencing the severe impact of higher education costs.

Even though there have been financial assists of considerable magnitude passed to the States in recent years—and even though West Virginia has shared in these—I assure my colleagues that the State government and a very substantial majority of the counties have been more and more generous and more and more affirmative in supporting education. We have not been lagging awaiting a day when the Federal Government would take over and finance our schools because we know such a day never will arrive—and we do not seek nor do we wish such an extreme development.

We know in West Virginia that our capacity to improve educational financing has been enhanced by an improving economic climate. Even though we continue to step up our tax dollar dedications to education, we realize, nevertheless, that the gap between total needs and State and local ability to meet those needs in the fields of education continues to exist. We are aware that many, many children in the low income and public relief recipient families are being educationally neglected.

I wish to give these figures to my colleagues in the Senate. The national figure is that 11 percent of children between 5 and 17 come from families with annual incomes of $2,000 or less.

Eleven percent is the national average. There are some 48 million children between the ages of 5 and 17 in this country; and almost 5 million of that total number come from families whose annual income is less than $2,000 a year. In the State of West Virginia the percentage is not 11 percent, which is the national average. The percentage is 20—1 out of 5. Think of it. One out of five of the children of West Virginia in the age bracket 5 to 17 comes from a home with income less than $2,000 a year. There are 104,000 children in the State of West Virginia in the category of which I speak.

When we think of this situation in West Virginia, we realize that there are benefits which will come to West Virginia because of the application of this legislation.

I do not wish to speak of other States, but our distinguished colleague from Kentucky realizes that 27 percent of the children of this school age in our neighboring State come from families with an annual income of less than $2,000 a year.

So, properly, the thrust of this measure, which should be passed as it passed the House of Representatives, brings to the State of West Virginia under what we characterize as aid to very low income family children, under title I, $15,471,450.

Under the library assistance program, title II, we would receive $924,800.

Under the supplementary educational centers program, title III, we would receive $1,070,069.

Under title V, our State department of education—and this is a program that needs strengthening—would receive an additional $265,521.

This would aid West Virginia in the total amount of $18,001,840.

Therefore, Madam President, we in West Virginia support the Elementary and Secondary School Education Act of 1965 as a measure necessary to augment even the creditable efforts being made in the State of West Virginia to raise the funds which are necessary to strengthen our educational system.

I am privileged to note that less than a month ago the West Virginia Legislature completed action on a measure to provide a program for enriching the existing one by $12 million during the year of 1965, and moving also to its enrichment, during the third of a 3-year period, until it reaches a level of perhaps as much as $34 million.

The Legislature of West Virginia has been forthright in meeting its fiscal obligations. This is the program which we believe in, in West Virginia, but frankly it will have to develop in West Virginia only when we have the new revenues to meet, in part, further educational commitments beyond the present year.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. I wish to make sure that the Senator's statement which he is now making concerns the effort which West Virginia has been putting into its educational system; is that not correct?

Mr. RANDOLPH. The Senator is correct.

Mr. DOMINICK. According to the index, West Virginia is only slightly under the national average. It is high—4.3 percent—and the national average is 4.6 percent; therefore, I am not being critical of West Virginia at all. However, I should point out that under the definition we have at present, West Virginia has a fairly large number of so-called educationally deprived children; am I not correct?

Mr. RANDOLPH. The Senator is correct. I have just stated that as of the 1960 census it was approximately 104,000.

Mr. DOMINICK. My chart for 1963, entitled "Educational Statistics Digest," from the Office of Education, shows 104,943. The present pupil payment is only $150, despite the low per capita income in West Virginia; whereas just below, in Wisconsin, the per capita basis will get them $248.

It strikes me that this is somewhat inequitable, so far as West Virginia is concerned; and I should like to have the comments of the Senator from West Virginia regarding it.

Mr. RANDOLPH. I remember that in committee I replied to the Senator from Colorado that we had the figures on the States from the standpoint of the amount per school age—that is, from ages 5 to 17—and in West Virginia it was $31.11. What was the other State?

Mr. DOMINICK. I was talking about Wisconsin.

Mr. RANDOLPH. Wisconsin was $16.34.

Mr. DOMINICK. Wisconsin follows statistically just after West Virginia. The Senator from West Virginia is talking about all the population, not the ones which are supposedly going to be assisted by this particular bill; is that not correct?

Mr. RANDOLPH. The Senator is correct.

Mr. DOMINICK. I am no trying to be critical of the Senator from West Virginia in any way. I am merely trying to point out that the bill is designed, as I understand, with the so-called educationally deprived children in mind, and not for all children ages 5 to 17.

Mr. RANDOLPH. Madam President, I place in the Record at this point the fact that 22 States will receive more under the existing bill—that is, under the 1021 formula of 2 years ago. West Virginia is included in that category. I point out that 14 of these States are within the so-called southern belt.

Mr. DOMINICK. The point I am making to the Senator, which I believe is perhaps being missed in this colloquy, is that we have an impacted area bill for giving aid to school districts. This is done in a specific school district where it has an impact on the local area by virtue of Federal installations; is that not correct?

Mr. RANDOLPH. The Senator is correct.

Mr. DOMINICK. This gives money to districts in those areas on a per-pupil basis.

Mr. RANDOLPH. Where the parents of the students are employed by the Federal Government.

Mr. DOMINICK. That is correct. Now we have a second program coming along at this point which is designed to take care of what the President has announced at the last minute, and is provided for in the bill itself. This will take care of the so-called educationally deprived children, who are defined for reasons wholly unbeknown to me—at least, I cannot find any solid basis for it in the record—as those who come from families of $2,000 or less income. There are 104,943 of that classification of child in West Virginia, according to the figures of the Office of Education. West Virginia, however, will be getting out of this bill only $150 for each of those children, whereas Wisconsin will be getting $248 out of it. Yet, the population percentage of educationally deprived children in West Virginia is higher than it is in Wisconsin. I therefore say to the Senator—and I am not trying to be critical—that I wonder whether we have fulfilled the purpose of the bill as set forth in its original title.

Mr. RANDOLPH. The Senator is saying, in effect, that West Virginia is a poor State.

Mr. DOMINICK. I am.

Mr. RANDOLPH. That is what has been said.

Mr. DOMINICK. I am not saying that it is poor in natural resources. I am saying that on a per capita income basis, it is not so wealthy as States such as New York, Massachusetts, Wisconsin, and others.

Mr. RANDOLPH. I realize that West Virginia has been a State traditionally made up of absentee landlords from the standpoint of plants, factories, and mines. The wealth, alhough produced and manufactured, which gave the profit to companies, came from West Virginia. The tax credit was given to States like Delaware. Actually, the money was made in West Virginia. The profits were drawn from our hills and valleys, but the credit is going to other States. So although we are—as the Senator has indicated—rich in natural resources, frankly, by a twist of fate, West Virginia has not been a State where many companies have incorporated, as they have done in other States. Therefore, we do not get the tax credit, and ofttimes we are said to receive more money than we should.

Mr. DOMINICK. Let me say to the Senator from West Virginia that we in Colorado share some of the same problems. However, let me ask this question: It strikes me that another thing that has been said for the bill, or has been said for education in general, is that the higher the quality of education, the more educational ability we are able to give our children as they grow up—which everyone, of course, favors—the higher the income-producing area will be, because people of higher education receive higher salaries. This in turn stimulates new industries and new businesses, boosting the prosperity of the area in which they are located.

It would seem to me, in order to try to do something to help West Virginia, that perhaps we ought to take a look at the formula for the distribution and see whether it accomplishes its objective.

Mr. RANDOLPH. I thank the Senator. He knows that the present formula, as it comes to the Senate from the committee, in H.R. 2362, the House measure, is based on two factors. One is the number of poor children, and the second is one-half of the State effort that is made per pupil within that State.

I believe that, on balance, it is best to follow the formula which is contained in the bill. As I said, in effect, in the subcommittee and in committee, I do not wish to be provincial always and speak in terms of dollars for the State of West Virginia. I must think of the public good and the national effort. This is a matter which I believe should be resolved on a point of realism in reference to the passage of a bill during this session of Congress.

Mr. MORSE. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. As the Senator from West Virginia [Mr. Randolph] knows, our good friend from Colorado made these arguments in committee. We did not support him. I have great respect for the Senator from Colorado, and I hope to be standing shoulder to shoulder with him on a general education bill. It cannot be too soon, but I hope it will be within the next 2 years.

Mr. RANDOLPH. This is not a general aid to education bill.

Mr. MORSE. It is not a general aid to education bill. I wish to make this point, and then I shall take my seat, because I have already talked a great deal today.

I feel that this point needs to be emphasized. It was made when my friend from Colorado was not in the Chamber. This is not a general aid to education bill. I shall favor an equalization formula in a general aid to education bill. I pointed out earlier this afternoon that if we had a general aid to education bill, and if we were using the so-called equalization formula, some 14 of the Southern States would not fare as well under the equalization formula as they would under the present bill.

However, I consider that to be irrelevant, too. The relevant point, which I shall stress throughout the debate, is that we must examine the formula from the standpoint of the individual States. We are not seeking to raise the poverty-stricken school districts in Mississippi to the level of the rich school districts in Westchester County, N.Y.

Mr. DOMINICK. If I may interpolate, that seems obvious.

Mr. MORSE. I wish it to be obvious. What we are trying to do is to narrow the gap between the poverty-stricken school districts in Mississippi—probably I ought to say State X, although we have been using Mississippi in the debate—and the better school districts in Mississippi. That means, when we look at the so-called poorer States that they will not get as much money, in total amount, as the so-called richer States, because the richer States have greater costs to meet, and they spend, on a per capita basis, much more than the poorer States. New York, for example, spends almost $700 per pupil.

I believe the vital statistics that should never be forgotten is the percentage of the contribution that the Federal Government makes to the school budgets in the districts in the richer States, in comparison to the districts in the poorer States.

I put these figures in the Record earlier this afternoon, and I refer to them only by general reference. In the poorer States, such as West Virginia and the other States that I mentioned earlier this afternoon, school budget by school budget in the poorer school districts of each one of these States, the Federal Government will be contributing a much larger percentage of the total amount of the school budget than it will be contributing to the richer States.

I seems to me that that shows the equity of the formula.

I make one further point, which I made this afternoon. My friend from Colorado knows what it is even before I mention it, because we have expressed ourselves repetitively in committee on this subject. I am also pleading the equities of the richer States in this instance. The richer States, under our general Federal aid acts, have been contributing a very large proportion of the Federal funds, based upon the source of the taxes from the people of those States, than have the poorer States.

Beginning in 1948, with the Taft-Ellender formula—and that is where the equalization formula really comes from—I have consistently supported that formula.

I wish to see every State, including the richer States, benefit from the bill. The richer States are entitled to the application of the formula. That means they will get more money. It means that it will cost more for them to raise the educational level of the poorer districts nearer to that of the better districts from the standpoint of educational services rendered.

It is fallacious to argue, as my friend from Colorado does, that we ought to put the dollar sign on it, that we ought to look to see whether Mississippi will get as much as New York, and whether West Virginia will get as much as Wisconsin.

We ought to look to see whether West Virginia will get a fair percentage of the contribution from the Federal Government to the school budgets of the given districts.

Lastly, as I said this afternoon, give me a general Federal aid bill, and I shall talk in terms of even more equalization than in the past.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. MORSE. I shall be through in a moment. This is not an equalization bill. This is a special purpose bill that seeks to serve the deprived school areas in each State. That leads us to the argument of the educational authorities who testified, that we cannot spend more than so much money efficiently and effectively in the year ahead, that we must have a cut-off figure of 30 percent annual increase. If we spend beyond the 30 percent cut-off in a district we shall be wasting money. We have a year in which to try it. Next year, if it is shown that a change in the formula is needed, we can consider an amendment to it. As I said this afternoon, I believe we shall not hear a murmur a year from now about changing the formula, because it will be recognized that it is fair.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOMINICK. I wished to comment one one point that my friend from Oregon made. This is not a general aid to education bill. I hold in my hand a newspaper article published in the Dallas Morning News of March 27, 1965, in which the Governor of Texas is quoted as having told the State legislature not to worry about taxes for education, because it is going to get $18 million under this bill, which it can use for teachers pay and other things, which otherwise would have to be raised locally.

I ask unanimous consent that the article may be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Federal Handout May Solve Teacher Pay Raise Problem

(By Jimmy Banks)

Austin, Tex.—A proposed $86 million a year handout from the Federal Government, which could resolve the teachers pay controversy, has been described to house-senate spending conferees by Gov. John Connally.

Key legislative leaders told the Dallas News Friday that Connally's dramatic announcement, made behind closed doors, probably killed any chance of a tax increase at the current legislative session.

They also agreed tentatively to postpone a decision on the teachers pay raise problem until final congressional action is taken on the "bonanza" which Connally outlined.

It is included in the $1.3 billion Federal aid-to-education bill now being debated in Congress.

Under the title I section of the bill, Texas would get $74 million annually which could be used for almost any public education purpose, Connally told the 10 legislators named to adjust differences between house and senate versions of the general appropriations bill.

The $45 a month pay increase sought by the Texas State Teachers Association would cost the State $73 million during the next 2 years—less than half the title I allocation to Texas.

No decision on teachers pay raises has been made by the legislature.

The Federal education aid bill, proposed by President Johnson, would disperse the title I funds on a formula based on each State's average expenditure per pupil and the number of children between the ages of 5 and 17 in families with less than $2,000 annual income.

On that basis, only New York, which would collect $92 million, would get more than Texas. Title I includes a grand total of $1.06 billion.

Those funds specifically would be authorized "for hiring additional and special staff, construction of facilities, acquisition of equipment and for all appropriate costs incident to the conduct of a public school program * * * in order to accomplish the objective of this title."

The objective of the title is "to provide grants to local public school districts to broaden and strengthen elementary and secondary school programs."

Purposes specifically suggested for using the funds include the purchase of "clothing, shoes, and books where necessary, financial assistance to needy high school pupils," summer camps and remedial reading programs.

In addition, Texas would get $5,300,000 a year under title II, which provides a total of $100 million annually for libraries and textbooks; $5 million a year under title III, designed to finance such things as educational radio and television, physical education, recreation, and special education in "remote" rural areas at a total cost of $100 million annually, and $1 million a year under title V, which provides $25 million annually to "strengthen" State departments of education.

Title IV, another $100 million a year item, provides for establishment of national and regional cooperative research centers with no specific allocations to individual States.

Connally learned the details of the program last Tuesday morning at a breakfast in Washington, where he attended a White House Governors' meeting Monday night. The Governor accompanied his longtime friend, President Johnson, on the Chief Executive's trip back to Washington last Monday after a long weekend at the LBJ ranch.

Mr. RANDOLPH. Madam President, the comment of the Senator from Oregon, the leader of our forces for strengthening education in America, by his leadership in the Senate itself and in the committee having jurisdiction over the subject, and the comment of the Senator from Colorado cause me to make this further observation.

I plead also with the Senator from Oregon, in degree, for the so-called larger and richer States in connection with this particular proposed legislation. Not only do I say to the Senator from Colorado that we have the problem of increased aid to those areas within States where the parents are working in Federal institutions and therefore are carrying the burden to the local areas from the standpoint of increased costs of education, but I also wish to say to my friend from Oregon and my friend from Colorado that there are also, from the State of West Virginia, literally thousands of persons who, because they could not find gainful employment in the State of West Virginia, have gone to States like Michigan, Ohio, and other States, not to work in Federal installations, but to work in industry.

Mr. MORSE. To get jobs.

Mr. RANDOLPH. Yes; to obtain employment in those States.

That brought a heavy burden in cities like Detroit, Akron, and many other cities throughout the country.

I believe there is an equity in speaking about the need to help certain of our metropolitan areas in handling the impact of those who went from a State such as West Virginia, because between 1950 and 1960 we lost 7.5 percent of our population. We are sorry that we lost those people. Arkansas lost population. The fact is that people did not leave West Virgina and Arkansas merely to be leaving. They left because it was necessary for them to obtain gainful employment, to keep their families intact and to be able, as they felt, to give their children the benefits of education, even though they would rather have had that educational process develop in the communities from whence they had come.

I stress that fact because the need is not only in relation to the boy or girl who is in the educational system within an area because his parent or parents are working on a Federal installation, but also concerned are the children who have gone to other States with their parents because their parents sought employment so necessary to the family welfare.

The increased State assistance for education in the 55 counties of West Virginia is directed especially to the augmentation of existing programs in the 4 areas of concern in our State. First, our teachers' salaries are not as high in West Virginia as we would desire them to be. I know of instances in which teachers have received their training in West Virginia. They live in counties contiguous to Maryland and other States. Their homes are there. Their educational training was there. But they are teaching in Maryland, Pennsylvania, or Ohio, because, on the average, they are able to receive approximately $1,000 or $1,500 more a year for teaching the same subject in adjacent States.

Also in West Virginia we are attempting to use available funds to improve our curriculums. Earlier today I talked with a teacher in one of our local counties. She pointed out how important it was that the children in that county should have speech training. They do not need speech training by a teacher who attempts to improve the ability of the child to speak in public. They need remedial speech work. The remedial reading program is absolutely a must in the State of West Virginia. The teacher said that those children respond. They react well if given stimulus and the opportunity to move forward.

She told of some of the conditions of impoverished families from which those children come. Those of us who are speaking today for the proposed legislation and hoping that it will soon become law know the results which will flow from the application of the proposed aid to the children from the low income families that I have mentioned. Some of those families in the State of West Virginia receive an annual income of about $2,000. So we shall not only help our teachers, from the standpoint of the salaries that they receive in increased dollars, but also we shall strengthen our curriculums. We wish to do so, and we need to do it. We need also to stimulate educational research. Frankly, we need to step up educational broadcasting in the State of West Virginia.

As substantial and helpful as the newly authorized program will be in West Virginia, it will not fully meet the educational needs of our State. Therefore the proposed legislation which is before the Senate, and which has already passed the House of Representatives, constitutes a forthright breakthrough, in a sense, with tradition. As recommended by our Subcommittee on Education and its parent committee, the Committee on Labor and Public Welfare, it would be a real boon to educational progress to the State of West Virginia.

I have supported the measure as it has come from the House. I opposed amendments, such as the amendment offered by the Senator from Colorado [Mr. DOMINICK] in the subcommittee and in the full committee. Some of those amendments had elements of merit. I have said that, under some conditions, I might support them. But, as the chairman of the Subcommittee on Education has stated, we must be realistic. To make a change in the proposed legislation as it has come from the House would, in many instances, create areas of concern on possible constitutional grounds. I feel that we must positively avoid reentering the jungle of constitutional conflict, and through amendments, force this much needed proposed legislation into a Senate-House conference, or the possibility of developing a stalemate between the House version and the Senate version without being able even to attain a conference. That might be a real possibility.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOMINICK. Is the Senator suggesting that a Senate-House conference is a jungle of fighting for religious purposes against state purposes? That is not the way it was set up, according to my understanding.

Mr. RANDOLPH. I am only saying that, as a practical matter, the area of the constitutional interpretation of the separation of church and state has often actually been, as it were, a jungle. I do not withdraw the word "jungle," because I think what I have said is, in fact, true.

Mr. DOMINICK. The Senator is not indicating that we would necessarily get into that kind of situation merely by sending the bill to conference, is he?

Mr. RANDOLPH. No; I did not say that we would necessarily get into such a fight because a certain bill went to conference. But I have sat with many conference committees. When I was in the House of Representatives I was a conferferee; I have been a conferee on the part of the Senate during my service in the Senate.

There have been stalemates. I believe that is what we shall have in connection with the proposed legislation now before the Senate if it is not passed in the Senate as it was passed in the House. That statement has been made by many other Senators. Earlier today the Senator from Pennsylvania [Mr. CLARK] made a similar statement; the Senator from Oregon [Mr. MORSE] has also made it. I make it. The Senator from Colorado takes an opposite viewpoint, which is understandable.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. DOMINICK. The House passed the bill by a margin of 253 to 160. There was a margin of about 100 votes. The conferees on the part of the House presumably would be representatives who are members of the Committee on Education and Labor, which reported the bill and caused it to be passed by the House. How can the Senator state that automatically there would be a stalemate merely because we might adopt an amendment and send the bill to conference?

Mr. RANDOLPH. If we were to go to conference on the disagreeing votes of the two Houses because of the provisions contained in the amendment of our friend the Senator from Colorado, we might find that certain members of the conference would feel that States were discriminated against to a greater degree than States now feel they are discriminated against—if they are discriminated against.

Mr. MORSE. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. Does the senior Senator from West Virginia remember that a couple of years ago another education bill was passed by the Senate?

Mr. RANDOLPH. I do.

Mr. MORSE. Does the Senator remember that that bill also passed the House of Representatives?

Mr. RANDOLPH. Yes.

Mr. MORSE. Does the Senator remember the difficulty that developed in one instance after obtaining a conference, and that the bill was lost?

Mr. RANDOLPH. I remember. The Senator has referred to that fact repeatedly.

Mr. MORSE. I do not feel that we ought to subject the elementary and secondary schoolchildren to that risk in view of the fact that we have a good bill to start with. After we have had a year's experience with it, should experience show that the measure ought to be amended, it can be amended when the authorization bill comes before the Senate next year.

Mr. RANDOLPH. I agree with the Senator from Oregon. I can understand the concern which the Senator from Colorado has for the adoption of his amendment.

I think it was thoroughly debated in the subcommittee and the full committee; and it is being thoroughly debated on the floor of the Senate. If an amendment is offered, it is my belief that the Senate will support the action of its Committee on Labor and Public Welfare and its Subcommittee on Education and bring to passage in the Senate a bill which is essentially the bill of the House, which can go to the President for his signature.

Mr. MORSE. Madam President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. MORSE. I thank the Senator from West Virginia for the able and eloquent speech he has just made. I thank him for his unfailing support of the bill throughout the hearings before the subcommittee and in the full committee. I also thank him for his years of dedicated service to the committee on the subject of education legislation.

The people of West Virginia owe to him a debt of gratitude for the strong efforts he has made in the Senate to advance the educational opportunities of the children of West Virginia and the children of America as a whole.

Mr. RANDOLPH. I am grateful to the Senator from Oregon. I do not merit his generous expression, but I am most appreciative of it. The children of America will become better men and women in the generation just ahead because Senator MORSE, of Oregon, gave his inspiring guidance to the enactment of this epochal legislation.

Mr. MORSE. I thank the Senator very much for his most gracious words which I shall treasure always.

Mr. BARTLETT. Madam President, we now have before us for consideration and final passage one of the most far-reaching bills proposed to Congress, the Primary and Secondary Education Act of 1965. This bill is the result of many years of thought and work on the part of the Congress and the people of this country, and I am proud to count myself among the cosponsors of the Senate version, S. 370.

Although this country from its beginning has expressed consistent interest in and concern for the development of strong education programs, it has only been since the end of World War II that we have permitted Federal entry into nearly all phases of education, through the GI bill, Federal impact funds, college housing, National Defense Education Act, National Science Foundation, and National Institution of Health grants, and other equally important programs.

With the bill before us, we are entering a new area of education—that of underprivileged children in primary and secondary schools.

Never, in the past 20 years nor in 1965 in the bill we are now considering, has Congress expressed a willingness to substitute its judgment for that of local school boards and educators.

H.R. 2362 and its Senate counterpart, S. 370, express a broad policy that funds to be appropriated to school districts shall be spent in aid of special education for children who suffer scholastic disability because of their economic situation. No section of the bill, nor any phrase, suggests specific programs which must or even should be inaugurated. These are left to State and local education agencies, as they should be. No two school districts in the United States are identical even though the vast majority share the same problems. No one solution to those problems, however, can be applied. The great strength of American education is its diversity. Our concern is and should be that in the diversity which we all cherish, the standards be the highest obtainable.

Education is the greatest national investment we can make. It is only through knowledge that men can be free and preserve their liberty. But I do not want to limit my definition of freedom only to its political meaning. Freedom means many things—freedom to work at a job which pays a living wage, freedom to be able to purchase food, clothing, and shelter adequate to one's needs, freedom to take a vacation, freedom to seek good medical care, freedom to buy books and to know how to read them, freedom to do all of those things which add up to a full and satisfying life for oneself and one's family.

Congress has concentrated its attention in the last 4 years on a series of measures designed to alleviate many of the ills which have beset us because of our high unemployment rate. Almost all of these programs have been directed at those people who should be active participants in the labor market but who cannot be because of a lack of skills or education or both.

Today we are asked to direct our attention to the future, the future of the children of those men and women who have occupied so many of our thoughts. We shall take steps to insure that these children shall not suffer the handicaps of their parents.

Our response to their needs can be nothing less than a resounding vote for the Primary and Secondary Education Act of 1965.

In programs intended to be a broad attack on a national problem, as are those proposed by this bill, we have considerable dispute across the country as to the means which should be used. Few programs ever proposed have generated the degree of dissention as has Federal aid to education. It came as no surprise to any of us. In fact, had there been unanimity, we should have been deeply disturbed. We are not a people to be happy with one proposal, or even two.

The issue of particular importance has been aid to nonpublic schools. The bill before us does, I believe, reach the best compromise between the opposing camps. The bill proposes to render aid to children who come from families with less than $2,000 annual income and who are attending either public or nonpublic schools. The aid going to the children in nonpublic schools will be the same as that given public school children in that no special materials will be developed only for nonpublic schoolchildren.

I support this provision.

I believe it is time we took into account the fact that nonpublic schools perform a vital service to this country and that the children attending these schools are as much a part of our population as those attending public schools. The Primary and Secondary Education Act is directed entirely toward improvement of education made available to disadvantaged children. Poverty, whether it be financial or social, is not selective. It is a disease which afflicts people of all races, colors, and creeds. It is a disease which afflicts our Nation. If we are ever to succeed in eradicating it, we must attempt to work with all the children affected. We cannot exclude children attending nonpublic schools. We cannot afford to. They will grow up, just as those children attending public schools will, and if we do not seek to help them now, we will be unable to help them later.

I do not believe that the provisions making limited aid available to children in private schools is unconstitutional. In no way can the aid proposed by the Primary and Secondary Education Act be used in aid of any religion. It can only be used in aid of children.

The children, after all, are our overriding national concern and the basic concept of the bill carries with it vast protection of the doctrine of separation of church and state. Earlier I spoke of the diversity in educational systems which this bill protects and I stated that this very diversity was a protection from Federal control. It is also a protection for the doctrine of separation of church and state and I believe that the Primary and Secondary Education Act will not only not damage that doctrine, but will strengthen it.

Madam President, I should like to have printed at the conclusion of my remarks a memorandum showing the effect of H.R. 2362 on Alaska. I wish to conclude by urging the Senate to take immediate action in passing this bill. We can wait no longer before putting it to work.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON H.R. 2362

This covers only the main points of the Primary and Secondary Education Act of 1965 and is not an exhaustive description of its provisions. Authorizations, unless otherwise mentioned, are for annual expenditures, not for the full 3-year program.

TITLE I

Provides financial assistance in the form of grants to local educational agencies for the education of children from low-income families through fiscal year 1968.

Total authorization	$1, 060, 082, 973
Alaska allocation	1, 430, 938

In the original proposal, the total authorization was $1 billion, and the Alaska allocation was $1,336,472.

Provisions

1. Provides grants to local educational agencies for use in programs in public schools.

2. The grants are to be figured on the basis of two factors: (1) the average per pupil expenditure in the State, and (2) the sum of (a) the number of school-age children in the school district of families having an annual income of less than the low-income factor and (b) the number of school-age children in the district of families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children. The amount which each local educational agency will receive will be equal to the Federal percentage of the product obtained by multiplying the average per pupil expenditure in the State by the sum arrived at above in the second factor. The low-income factor is established as $2,000 for fiscal year 1966 and will be established by Congress for the remaining 2 years. The Federal percentage is 50 percent for fiscal year 1966 and will be established by law for

the remaining 2 years. The arithmetic looks something like this:

Eligible children in the district	5,300
State per public school pupil expenditure	$534
Total	$2,830,200
Federal percentage for fiscal year 1966 (percent)	50
Federal grant to the district	$1,415,100

This provision differs from the bill as introduced in that it includes children receiving ADC assistance and provides for fixing the low-income factor and the Federal percentage for fiscal years 1967 and 1968 by law. The original proposal omitted ADC childern and provided that the Secretary of Health, Education, and Welfare would fix the low-income factor and Federal percentage through administrative action. This formula was devised so that States having a relatively small number of eligible children but a high cost of education would receive benefits on an equitable basis. Additionally, those States which have a large number of eligible children have lower costs of education and in many areas, an annual income of $3,000 does not represent real poverty. Although no mention is made of the basis used to determine per pupil expenditure, presumably, it is current operating expenses, exclusive of capital outlays and interest charges. If these items were included, Alaska's per pupil expenditure would exceed $700.

3. The total grant will be given to the State for distribution among eligible local school districts. Protection is given so that districts will receive neither more nor less than they are entitled to.

4. The eligible school district must have at least 100 children in it to qualify or 3 percent of the children in the district come from low-income families, but in no case may there be fewer than 10.

5. Each school district eligible for a basic grant in fiscal year 1967 and 1968 will be eligible for special incentive grants figured on a percentage of average daily public school attendance and average per public school pupil expenditure.

6. Grants under this title are conditioned upon approval by the U.S. Commissioner of Education of the State plan and State approval of the local district plan.

7. Awards of basic and incentive grants are conditioned upon approved plans which provide:

(a) That the plans and programs are designed to meet the needs of educationally deprived children and are of sufficient size, scope, and quality to give reasonable promise of success in meeting those needs.

(b) To the extent consistent with the number of educationally deprived children in the district, inclusion of special services and arrangements for children attending private elementary and secondary schools.

(c) Control of funds and title to property derived from those funds will remain in the public educational agency.

(d) That any construction planned as part of the program under this title be consistent with the State overall education plan.

8. The Commissioner of Education may withhold funds if he finds that there is a failure to comply substantially with any assurance set forth in the application until he is satisfied that compliance will be had.

TITLE II

Provides assistance in the form of grants to the States for the purchase of library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools.

Total authorization	$100,000,000
Alaska allocation	118,854

In the original proposal, the total authorization was also $100 million, but Alaska's allocation was estimated to be $119,467.

Provisions

1. Amounts are to be allocated on a pro rata basis of the number of children in each State enrolled in public and private elementary and secondary schools.

2. Unused funds may be reallocated.

3. A State plan must be approved which provides for the following:

(a) Acquisition of library and instructional materials for both public and private schools.

(b) One State agency to administer the program.

(c) Continuing review of State library standards.

(d) Only material approved by the State plan will be provided by the local educational agency to public and private schools within the district receiving aid.

(e) Materials will be made available on an equitable basis to children and teachers in private schools.

(f) Assurance that the money will be used to supplement, not supplant, funds normally devoted to these purposes.

TITLE III

Provides a 5-year program of grants to local educational agencies for supplementary educational centers and services to provide vitally needed educational services and establish exemplary model school programs.

Total authorization	$100,000,000
Alaska allocation	318,293

In the original proposal, the total annual authorization was also $100 million, but Alaska's allocation was estimated to be $318,630.

Provisions:

1. A basic grant of $200,000 will be made to each State and the remainder of the funds available will be apportioned as follows:

(a) Half of such remainder will be apportioned on the basis of the relative number of children aged 5 to 17 in the States.

(b) Half will be apportioned on the basis of the relative total populations in the States.

2. Unused funds may be reallocated in accordance with the formula used in the original apportionment.

3. Grants will be made, on the basis of an approved plan, for:

(a) Planning and development of supplementary educational projects.

(b) Establishment, maintenance, and operation, including construction of necessary facilities, of programs designed to enrich local primary and secondary educational experience.

(c) Counseling, special instruction, comprehensive academic services, vocational guidance, and other similar programs.

4. Provision shall be made for inclusion of children attending nonpublic schools insofar as this is consistent with the number of those children who require the special educational programs. The original version provided for grants to private schools so long as the plans carried out the intention of the plan submitted by the local educational agency.

TITLE IV

Amends and includes another section in the act of July 26, 1954, which authorized cooperative research in education. Total new authorization, $100 million; no State allocation; funds to be expended over a 5-year period.

The act authorizing cooperative research in education permitted the Commissioner of Education to enter into contracts or jointly financed cooperative arrangements with universities, colleges, and State educational agencies for research, demonstrations and surveys in education, and required him to seek advice of educational authorities concerning proposed research.

New provisions

1. In addition to entering into contracts and cooperative arrangements, the Commissioner of Education may make grants for research.

2. Grants may be made for the dissemination of information derived from research.

3. Recipients of grants, contracts or arrangements may be public or other nonprofit private agencies, institutions, organizations and individuals, as well as colleges and universities.

4. Grants may be made to public and nonprofit private universities, colleges, and other public and nonprofit agencies to provide training in research in education, including traineeships, internships, and fellowships. No grant may be made in connection with sectarian instruction.

5. The authorization of $100 million to be spent over a 5-year period is to be used for the construction and operation of regional centers for research in education. Such centers may be constructed by the Commissioner of Education or through grants to universities, colleges, or other public and nonprofit institutions.

TITLE V

Provides a 5-year program of grants to strengthen State educational agencies.

Total authorization	$25,000,000
Alaska allocation	121,337

In the original proposal, the total authorization was $8,500,000 and Alaska's allocation was estimated to be $104,208.

Provisions

1. A basic grant of $100,000 is given to each State plus a portion of the remainder based upon the relative number of public school pupils in the States.

2. A reservation of 15 percent of the total authorization is made to permit the Commissioner of Education to make grants for special projects.

3. Unused funds may be reapportioned.

4. Through fiscal year 1967 grants will be 100 percent of the cost of the programs to strengthen State educational agencies; thereafter the Federal share by a percentage for each State which bears the same ratio to 50 percent as the per capita income of that State bears to the per capita income of all States. In no case shall the Federal share be less than 50 percent nor more than 66 percent.

5. Grants may be used for statewide educational planning, data processing, dissemination of information, research, programs to improve the quality of teacher preparation, providing local educational agencies and schools with consultative and technical assistance, and other programs designed to improve all primary and secondary education offered in the State.

The Primary and Secondary Education Act of 1965 authorizes a total program of $1.330 billion, out of which Alaska would receive approximately $1,989,422. The original proposal would have authorized a total program of $1.25 billion of which $1,878,777 was estimated to be Alaska's authorization.

Mr. ROBERTSON. Madam President, I ask unanimous consent that there be printed in the RECORD a statement on behalf of the American Farm Bureau Federation, submitted before the House Subcommittee on Education and Labor, with regard to House bill 2362. The statement was submitted by John C. Lynn, legislative director of the federation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION

(By John C. Lynn)

The American Farm Bureau Federation, the Nation's largest general farm organization, is composed of individual Farm Bureaus in 49 States and Puerto Rico, with more than 1,647,000 member families. Many leaders and members of more than 2700 County Farm Bureaus are very active in their local school programs.

We recognize the need for continually improving our educational system at all levels, and our members are actively working at this task. By serving on local school boards, making tax studies, taking leadership in needed district school consolidation, serving on local school study committees, and in many other ways, we constantly seek to improve our educational system.

Farm Bureau's position with reference to this legislative proposal has been developed from the very grassroots of American agriculture and represents the thinking of the great majority of these farm families at the local and county level. At the most recent annual national convention, held in Philadelphia in December 1964, the elected voting delegates of the member State Farm Bureaus discussed the various State proposals and adopted Farm Bureau Policies for 1965. Resolutions pertaining to education were unanimously adopted by this convention as follows:

"Our education system has been developed and guided by the citizens in our school districts. This system must prevail if we are to maintain the quality of education vital to the needs of a free people.

"Farm Bureau must help through local committee leadership:

"1. To select the course of study; and

"2. To aid the teachers and students in applying the principles and philosophy of the American system of self-government and its accompanying private competitive enterprise system by providing opportunities—

"(A) To observe this system in today's living;

"(B) To observe the advantage of educational achievement;

"(C) To observe the need and respect for self-discipline.

"By providing this leadership and opportunity for understanding, we can be assured that our young men and women will be prepared with knowledge, confidence, and the desire to preserve our American heritage down through the generations.

"The financing of public education is quite properly a State and local responsibility.

"We oppose expanded Federal subsidization of education because—

"1. Experience has proved that Federal controls follow Federal aid.

"2. Local initiative diminishes as local responsibility is transferred.

"3. Indirect supervision of school finances lead to increased overall school costs as well as increased taxes.

"4. Our system has clearly demonstrated its ability to meet needs and effectively adapt to changing conditions.

"State and county farm bureaus should keep such problems as adequate school financing, building needs, teachers' salaries—including a merit system of pay—school district reorganization, and development of proper curriculums under constant appraisal to see that our present and future educational needs are met."

The Farm Bureau believes firmly that local and State responsibility is vital to the continued growth of America. We believe that our educational system must continue to improve and expand as rapidly as possible. We recognize that our system of public education is the largest and finest in the world, and we wish to see it continue to improve.

Tremendous progress has been and is being made in this field. For example, the National Education Association reports that, in the 10-year period from 1954–55 to 1964–65, instructional staff in our school system has increased by over 55 percent and salaries have increased at an average annual rate of 5 percent, or a 63.3-percent total average increase—while the number of students has increased by 42.8 percent. During this 10-year period, school expenditures increased 134.5 percent. Classroom construction since 1955 has averaged 68,000 new rooms per year.

Judging by the record of the first 11 months of 1964, school bond issues fared better at the polls than for the entire 12-month period of 1963.

The Farm Bureau subscribes to this type of progress even though it leaves a heavy burden on the taxpayer of the local school district. Local people understand this challenge for improved educational opportunities and are willing to meet it. Federal aid could slow down this progress by taking away local initiative.

We recognize that, notwithstanding these advances, there is still need to improve our educational system. Our local and State organizations support continuing and expanded efforts to provide the best quality education for all of our young people.

The President's message on education, delivered on January 12, 1965, has been incorporated in part in the bill (H.R. 2362) before this committee. The proposal provides Federal aid to elementary and secondary systems of education, with funds earmarked to assist local educational agencies in educating children of low-income families. The bill defines low-income families as those having annual incomes of $2,000 or less, and provides that, school districts having not less than 3 percent of their total student body or 10 or more children between the ages of 5 through 17, coming from such low-income families will qualify for assistance under this act.

The bill provides funds for school library resources and instructional materials; supplementary educational centers and services; educational research and training through grants to public and private colleges and universities, organizations, and individuals; grants to strengthen State boards of education; and other aids for teachers and children, at both public and nonprofit private schools.

According to the budget and the President's message, the proposal would authorize an increase in Federal aid to education of approximately $1.255 billion—a sum which would more than double the outlay for the Office of Education over that for fiscal 1965. Further, the proposal would breach the historic constitutional principle of church-state separation. We feel that this would be a most undesirable development. It must not be allowed to happen.

Passage of this bill would result in eventual Federal domination of the vast public educational system in the United States. It includes something for most of the 28,000 public school systems in the country. It is fallacious to assume that the use of Federal funds for the purchase of textbooks, library, and instructional materials for schools would not carry with it Federal criteria establishing the type of material, textbooks, and curriculum to be or not to be used. This is an area of control that must be guaranteed to the State and local school authorities if our educational system is to adapt itself to student needs and not become stereotyped.

This proposal ostensibly provides State and local educational agencies authority to make plans for the use of Federal funds. However, it must not be overlooked that the State and local plans must meet the criteria which are established by this bill under the control and the authority of the Federal Commissioner of Education. Responsibility for the use of the funds ultimately lies with the disbursing agency. It follows that, in the final analysis, State and local agencies will either accept the federally established criteria or forfeit the use of the Federal funds as provided in this bill.

A responsible government cannot appropriate vast sums of money to be spent by State and local governments without first establishing detailed controls. This, at least, has been the history of other Federal programs up to this point. The bill states under title II that it "sets forth the criteria to be used in selecting the library resources and instructional materials to be provided under this title."

The Federal Government is now facing a nearly $100 billion budget for fiscal 1966, with an estimated deficit of nearly $5.3 billion. We strongly recommend that this committee not report this bill but instead soundly defeat it. This would provide the basis for the local and State school organizations to continue their fine educational programs and to expand them without having one eye turned toward Washington and the Federal Treasury.

Mr. MONTOYA. Madam President, as the Senate prepares to take action on the Elementary and Secondary Education Act of 1965, I believe it is important that we remind ourselves of the essential purpose of this vital legislation.

Simply stated, we must guarantee to the young people of this Nation their constitutional right to equal opportunity; and the foundation of all equal opportunity is good schools.

The future of this country rests on the quality of the education we provide for our youth, because the youth of today are the leaders of tomorrow.

Our schools in New Mexico, as well as those everywhere else in this country, have worked diligently to meet their responsibilities; but many districts simply do not have the resources with which to provide proper education. They must have help if they are to give our future leaders the education to which they are entitled.

I am strongly in favor of the allocation formula in this bill, because it makes sure that the funds will be channeled to the school districts which need them the most.

We have in New Mexico a number of counties where the average annual income is less than $2,000. Despite the best efforts of the citizens in these counties, the schools are not doing the job they should, because there is never enough money.

Many of the school districts are bonded to capacity. Others are in such depressed areas that the taxpayers are unwilling to vote any new bonded indebtedness. Can we blame them?

Children in these counties are trapped in an endless cycle of poverty. They come from poor and deprived homes; they go to poor and deprived schools; they grow up in poor and deprived areas; and, eventually, they start the sad cycle all over again.

But now, at last, we have a chance to break this ancient lockstep, by creating schools which will provide the new skills and broader horizons that our young people must have if they are to make the most of their talents.

Just how important this bill is to New Mexico can be seen from the fact that 14 percent of our school-age children come from families with average annual incomes below $2,000 a year. Schools that these 38,000 youngsters attend will receive $8,351,640, with the money concentrated in the counties with the greatest need.

Under other sections of this act, New Mexico will receive $593,744 to improve school libraries and instructional materials, $699,717 to finance supplementary educational services, and $119,486 to strengthen the services of the State Department of Education.

Thus, the educational aid to our State will total $9,764,587. Although that will not meet the full need, it is certainly a very promising beginning.

I consider this measure a down payment on the welfare and future happiness of America's young people; and I urge the Senate to pass this bill.

Mr. KENNEDY of New York. Madam President, there has been much discussion to the effect that some States having relatively high per caput incomes will receive more money under the bill than will some other States with lower per caput incomes. It has also been said that some relatively wealthy States will receive a disproportionate total amount of assistance under the bill. I do not believe the facts that have been stated thus far tell the complete story. I believe that other comparative statistics are necessary to bring these facts into perspective.

Before I discuss that subject, I wish to compliment the chairman of the Subcommittee on Education—not only for his conduct of the hearings on a difficult and detailed subject, and which he handled with great skill—but also for having the bill carefully considered by the members of the subcommittee and then the members of the full committee.

Anyone who attended the hearings could not help being impressed with the fairness and thoroughness of the Senator from Oregon.

I also wish to compliment the Senator from Colorado [Mr. DOMINICK], who was present at all the hearings on the education bill and took an active part in all the questioning. Again and again, I thought he went to the heart of the bill. Although we disagree on some matters at the present time, his contributions to the bill were highly commendable.

Mr. MORSE. Madam President, will the Senator from New York yield for half a minute?

Mr. KENNEDY of New York. I yield.

Mr. MORSE. I am human enough to appreciate deeply the kind words of the Senator from New York. Coming from him, they will always mean much to me as they appear in the CONGRESSIONAL RECORD for my descendants to read.

The Senator from New York knows the exceptionally high regard in which I hold him. This is not a question of reciprocity; my expression comes from my heart when I tell him that the assistance he gave me in the hearings, by substituting for me time and again when I was needed in connection with other matters in the Senate, and the support he gave me in the marking up of the bill contributed greatly to making it possible for us to consider the bill on the floor of the Senate this afternoon. I thank him from the bottom of my heart.

Mr. KENNEDY of New York. I thank the Senator from Oregon. I wish also to extend my compliments and appreciation to the members of the staff of the committee. I had a good deal to do with the activities of the staffs of various committees when I was working for committees of the Senate and also when I was Attorney General. I have been deeply impressed with the work of Mr. Lee and Mr. Forsythe for their drafting and understanding of the proposed legislation. I am grateful for the help they have given to individual members of the committee.

Madam President, it has been said that the bill does not provide enough equalization. By this it is meant that not enough money is taken from the rich States to be spent on the less fortunate States.

The first fact which is missing from the discussion thus far is the degree of equalization which is imposed by the Federal income tax. Discounting the substantial sums which are collected from national corporations which have their headquarters in New York—and I use New York as an example because it has been used for that purpose again and again—the Federal Government collects $750 a year from every man, woman, and child in my State.

In North Carolina, which has also been used as an example in the debate in the Senate, per caput collection of taxes by the Federal Government amounts to $296; in Texas, $410; in West Virginia, $346; in Colorado, $514; in Vermont, $405. I choose these States for no other reason than that they have been mentioned in the Senate as examples of States which have been short changed by the bill. But what these tax collection figures show is that even if the Federal Government were to give back to the States an equal amount of money per person, there would still be substantial equalization between relatively well to do and relatively less fortunate States.

I believe that the citizens of my State are glad to pay their taxes, at least as glad as anyone elsewhere in the United States. But I do not believe that my State of New York and other States similarly situated should be accused of taking disproportionate benefit from a program which, in fact, is greatly weighted in favor of others.

Under the formula now provided in the bill, New York would receive about $25 per school age child in the State. Again, comparisons are revealing: Alabama, $35 per school age child; North Carolina, $39; Texas, $30; West Virginia, $31.

The true significance of the bill to my State and to other States is perhaps best illustrated by a comparison of the taxes that will be paid for it by citizens of the various States. Again, ignoring the taxes paid by national corporations filing returns in New York City, New York State will pay $143.1 million for title I; it will receive in funds under this title $91.9 million.

Alabama, which has been used as a comparison, will pay $10.3 million in taxes and will receive $31.7 million in grants. North Carolina will pay $15.4 million in taxes and will receive $48.6 million in grants. Texas will pay $45.2 million and will receive $74.6 million. West Virginia will pay $7.2 million and will receive $15.7 million in return. I point this out while the Senator from West Virginia [Mr. RANDOLPH] is in the Chamber. He took an active part in the hearings and also is taking an active part in the debate on the floor of the Senate. Everyone should understand that this is a common effort by all of us, no matter what part of the country we live in. I believe that we in New York and others who live in the more wealthy States have a responsibility not only to the citizens who live within the borders of our States, but also to citizens all over the United States.

But if the bill is to be attacked on the basis it has been attacked on the floor of the Senate, we should place in the RECORD all the figures and statistics that are available. Thus, my State of New York will pay considerably more in taxes for title I than it receives in grants in return; while every one of the States which it has been asserted are unfairly treated by the bill will receive from two to three times in grants what it pays in taxes for these programs.

It is well to stress at this time that this financial pattern pervades the entire structure of Federal tax and expenditure. For example, in 1963 New York received $606 million in public welfare grants from the Federal Government, while its share of the taxes to pay for such expenditures was $1.124 billion. Alabama received $183 million in benefits while paying $81 million in taxes. North Carolina received $167 million for $120 million in taxes. Texas received $443 million for $354 million in taxes. West Virginia received $98 million for $56 million in taxes. Colorado, $120 million in benefits for $81 million in taxes. Vermont received $31 million in grants for $14 million in taxes.

Madam President, I do not cite these figures to say that my State of New York and other States are being badly treated; rather, the figures are cited for the purpose of showing that New York and other industrial States that will benefit under the bill are not robbing or taking money from other States. They are paying for the bill themselves, and I think they should happily pay for it; but I do not think the bill is inequitable.

Still, it has been said that New York needs the money less than do other States which may receive somewhat less under the bill. Let us examine that proposition. It is asserted that some other States make a greater effort for education in relation to their per capita personal income.

What the indexes reveal is interesting; what they conceal is vital. I have already noted the heavy burden of Federal taxes that is borne by the residents of New York. I would now note also the heavy burden of State and local taxes which the residents of New York bear. State and local governments in New York now raise $309 per person per year. The comparative figures are: Alabama, $132; North Carolina, $157; Texas, $183; West Virginia, $170; Colorado, $255; Vermont, $232. Where does New York's money go?

Some figures will give an idea of the increased burdens which are borne by State and local governments in densely populated and built-up States. In New York, for example, we must support 55 hospital workers per 10,000 population. The other States which we have been using for purposes of comparisons supported the following: Alabama, 31; North Carolina, 24; Texas, 25; West Virginia, 30; Colorado, 40; Vermont, 17. New York State requires 13 welfare workers per 10,000 population; Alabama, 4; North Carolina, 5; Texas, 3; West Virginia, 7; Colorado, 9; Vermont, 6. New York needs 26 policemen per 10,000 population; Alabama, 13; North Carolina, 12; Texas, 14; West Virginia, 11; Colorado, 16; Vermont 11. New York also needs 12 firemen for 10,000 population; Alabama 5; North Carolina 5; Texas, 8; West Virginia, 4; Colorado 7; Vermont 5.

Furthermore, my State must pay for these services primarily out of its own pocket—while the other States which have been mentioned here receive much more substantial assistance from the Federal Government. New York, for example, receives 98 cents per person from the Federal Government for health purposes and $1 for education. Alabama receives $2.06 for health and $3.20 for education; North Carolina, $2.77 for health and $2.50 for education; Texas, $1.79 for health and $2.53 for education; West Virginia, $2.88 for health and $1.71 for education; Colorado, $2.57 for health and $5.77 for education.

So it is not enough to point the finger at States like New York, Pennsylvania, or Illinois, and say, "you are making less of an effort in relation to your income than others." The truth of the matter is that we are straining every muscle and every dollar to provide an adequate level of services—including education—for our people. I think it also worthwhile noting that we have provided these services even at the cost of going heavily into debt—our debt of $795 per person in the State is more than twice what most of the other States I have mentioned in the colloquy today have been willing to assume.

As to education specifically, it has been said that New York and other industrial States already spend more per pupil than do others like those with which I have been comparing it. But I think we must also acknowledge the vastly increased burdens which New York has been facing in this generation. From 1950 to 1960, public school enrollment in New York increased by 42 percent. During this period, however, the total population of the State—the tax base on which the increased expenditures on these hundreds of thousands of new pupils must be supported—increased by only 13 percent. In this same period, Alabama's school population increased by 16 percent, while the total population increased by nearly half that amount. In North Carolina, a 12 percent increase in total population has had to meet only a 25 percent increase in pupil population. In Texas, the school population has increased by 53 percent. But Texas has also had phenomenal general population growth, an increase of 24 percent. In West Virginia, pupil population has increased only 5 percent while total population has decreased by 7 percent.

These statistics, of course, are more accurately appraised in light of the fact that the New York increase is largely attributable to waves of in-migration of poverty-stricken people. We all know that Negroes are twice as likely to be poor as whites. Yet, in this decade, New York State's Negro population increased by 29.5 percent as a result of migration. The Negro population of Alabama decreased by 22.8 percent; that of North Carolina by 19.2 percent; that of Texas by 2.7 percent; and that of West Virginia by 35 percent.

This migration, it should be further noted, has left States like mine drastically short of classrooms. Thus, even after spending $400 million for new schools in 1964, New York was still short 10,500 classrooms. Alabama, after spending only $17 million, was short only 1,300 classrooms. North Carolina, after spending $50 million, was 4,700 classrooms short. Texas, after spending $125 million, including expenditures on junior colleges, was short only 1,100 classrooms. Colorado, after spending $45 million, was left with a deficit of only 900 classrooms.

Furthermore, these classrooms cost more to build in New York and other densely populated States than they do in those States which it has been asserted are handicapped by the present formula of this bill. The average cost of a new secondary schoolroom in New York is $62,000, and $54,000 for an elementary school classroom. In Alabama, secondary school classrooms cost $32,300 and elementary school classrooms, $23,500. In North Carolina, secondary school classrooms cost $32,300, and elementary school classrooms, $28,400. In Texas, secondary school classrooms cost $38,600, and elementary school classrooms, $21,400. In West Virginia, a secondary school classroom costs $54,600, and an elementary school classroom, $26,900. In Colorado, secondary school classrooms cost $53,300 and elementary school classrooms, $39,500.

I might say also that the average teacher's salary in the State of New York is $7,200. For the other States that I have mentioned, it approximates $5,000.

In conclusion, I believe that an examination of the figures yields clear evidence that this bill is not unfair to States with lower incomes per person than New York's. In fact, as has been pointed out by the distinguished chairman of the Education Subcommittee, the formula of the bill received unanimous approval from educators all over the country. It does give more money to my State, for example, for each child defined as deprived in the bill. However, we must also remember that the definition of a deprived child in the bill—one from a family with less than a $2,000 income—does not make proper allowance for the increased costs of living in my State, for the increased costs of equivalent facilities and personnel in my State, nor for the increased burden on State and local finances which will result from the increased expenditure on education nationwide. In fact, there has been considerable criticism in my State and others, over the fact that this bill does not provide aid on the basis of a $3,000 poverty line. I believe that this bill strikes a fair balance. I think that my State is prepared to meet others at least halfway in agreement on this fair balance. I think this bill does strike that balance, and I would hope that my friends from other States would be prepared to meet us halfway as well.

Mr. MORSE. Madam President, will the Senator yield?

Mr. KENNEDY of New York. I yield.

Mr. MORSE. I say to my friend the junior Senator from New York that only self-restraint prevents my shouting "Hallelujah. Hallelujah. Amen." The factual data which the junior Senator from New York has just placed in the Record in this brilliant and eloquent speech completely answers any attack on this formula.

As the Senator has heard me say in the subcommittee and in the Senate Chamber, I think we ought to support a formula which is fair to all States. That means fair also to the so-called richer States. When we take into account the statistical material that the Senator has just placed in the Record—including this analysis of what the people of New York contribute by way of income taxes—the greater costs in New York to provide educational facilities, the differences in teachers' salaries and the subject matter that the Senator from New York has brought forth, in my judgment, so unanswerably in this great speech, we would be unfair to the so-called wealthier States if we were to tinker with this formula.

The formula, as the Senator has pointed out, is fair to the States that have been mentioned so often in this debate—Mississippi, Alabama, North Carolina, and other States. It is a fair formula when we keep in mind the purpose and objective of the bill.

As chairman of the subcommittee, I am delighted that the Senator placed the material in the Record tonight, so that our colleagues in the Senate can read it tomorrow, and so that the Senator and I can refer to it tomorrow in any debate which may occur in connection with any amendment that may be offered to change the formula.

I thank the Senator. I think the Senator has put to rest the attack on this formula by any Senator who wants to read and to compare the material which the Senator has placed in the Record with the material offered in opposition to the formula. I thank the Senator very much.

Mr. KENNEDY of New York. Madam President, I thank the senior Senator from Oregon for his kind words. I say, as I said in the beginning, that education is a nationwide problem. It is not just a problem in New York, Alabama, or Mississippi.

We have major problems in the State of New York. As was developed during the course of the hearings, there were witnesses who pointed out that some of our schoolchildren lose 10 points on their IQ in the third to the sixth grades in the city of New York. By the time they get to the eighth grade, they are already 2 years behind. There has to be intensive local and State effort in the large, industrial States. That must be recognized.

Aid must be given by the Federal Government. We recognize that what happens in North Carolina, Illinois, or other States affects what happens in our State. This is a problem that will have to be faced. We are going to carry the burden in the richer industrial parts of the county; but we also need help.

The formula that has been developed by the chairman and the committee goes a long way toward meeting our overall responsibility to those who need it so much.

Mr. DOMINICK. Madam President, I have no prepared statement to make, but I wish to speak for a little time on the bill and to send to the desk from time to time amendments to be printed so action can be taken on them tomorrow.

First, I wish to express my gratitude to the chairman of the subcommittee, the Senator from Oregon [Mr. Morse], for his courtesy during the entire debate and discussion. It was a pleasure to serve on the committee. He has shown unfailing courtesy and patience.

I congratulate also the junior Senator from New York [Mr. Kennedy] and also the senior Senator from New York [Mr. Javits] for their aid and assistance in this bill.

I think we have covered many fields in the bill, and they are not easy fields to deal with. They involve some basic tenets and policies. The religious issue, to which the Senator from West Virginia referred earlier, has plagued us on previous occasions. There is the question of Federal controls over local schools. They are difficult issues, issues which have plagued the entire country from Maine to California and back to Florida.

All over the country people are saying, "What are we going to do? Are we going to provide the commissioner of education or a new Federal agency with power to decide what the curricula and other facets of our education shall be?"

There are many other problems connected with the bill. Many of them have been brought forth indirectly, but probably most of them have been avoided by the statement, which has been reiterated for the benefit of the press ever since this bill started, which was just repeated by the Senator from Oregon a few minutes ago, that this is not a general education bill, but that it is designed to take care of specific programs and policies.

This would seem a reasonable assumption. Let me read section 201 of the bill:

> Sec. 201. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

Over and over again the same thing is being repeated as to the need for the Congress of the United States to provide for the educational needs of so-called educationally deprived children.

It is only fair to ask, What is an educationally deprived child? How do we define him or her? What should he or she be? How are they to be classified? There is only one classification set forth in the bill. An educationally deprived child is deemed to be such because his family has an income of $2,000 or less. I asked several questions about this matter. I asked Dr. Keppel and other witnesses. They said there are other definitions of what an educationally deprived child is, but this is one they have settled on and this is the one they are going to take.

I suggested to them that one going to a public school whose family had the misfortune of having an income of $2,000 or less might still be living in a highly qualified and very able school district, where he was getting the best treatment, from the educational viewpoint, that he could get in any area—for example, some of the better areas in Westchester County, N.Y. I asked, "Could you say he is educationally deprived by virtue of the fact that the income of his family is $2,000 or less?" The witness said, "No, but there is sufficient correlation to indicate that there is a trend that way. You cannot say it is automatic, but there is a correlation between poor educational ability and low income." I do not know about that type of analysis, but it seems to me to be a reasonable approach to the problem.

It was accented by the President when he sent a message to Congress, which appears on page 511 of the Record of January 12, 1965. Among other things, the President said the bill was needed in order "to bring better education to millions of disadvantaged youth who need it most."

He went further and quoted Senator Taft as follows:

> Education is primarily a State function—but in the field of education, as in the fields of health, relief, and medical care, the Federal Government has a secondary obligation to see that there is a basic floor under those essential services for all adults and children in the United States.

Every release that has gone out from the chairman of the subcommittee, every release that has gone out from the White House, has emphasized that this bill is not a general aid to education bill, but is designed to take care of certain prescribed groups of children who need it most. I am not here to debate that point. But I am here to debate the effect of the bill and whether or not it would accomplish the purpose.

Before going much further, I should refer to the very able statement made by the Representative from Oregon, Representative Edith Green, before the Rules Committee. Representative Green has served on the House Education Subcommittee for a long time, has been interested in education from the very beginning; and she appeared before the Rules Committee of the House in opposition to the bill. Her opposition is very similar to my opposition. She said:

> I believe amendments in three specific areas would greatly strengthen the bill. I am concerned about (1) the formula; (2) whether this legislation as drafted is sound public policy; and (3) the constitutionality of this legislation.

I am quoting from her statement of March 22, 1965.

Madam President, Representative Green went on to say, to answer some of the arguments which have been made by the Senator from Oregon, the Senator from New York, and the Senator from West Virginia:

> May I say to my liberal friends in the House who have talked so much about inadequate educational opportunities in Mississippi, that I find this kind of solution far from satisfactory and I wonder if we are really as concerned about providing adequate educational opportunities for these deprived youngsters in those areas as we pretend.

What is the basis for this concern?

Madam President, an analysis was made in the House on the provisions of the bill, and the question of what would happen on disbursement of the $1 billion under title I. One billion dollars is a great deal of money. It is not money which comes down from the clouds. It is not merely money printed by the Federal Treasury. It is money which is either taken from the taxpayers as general revenue or will become a lien on future earnings in the form of taxes. We are providing this money because we have said there is an educational need to help poor people who have children in the local public schools. Therefore, we made an analysis, and we came up with a chart which shows the per capita personal income in 1963 of each one of the 50 States.

Column No. 2 shows the estimated number of children in the poverty category as defined by the House bill which is now before the Senate.

Column No. 3 shows the estimated allocation of funds under title I.

Column No. 4 shows the estimated amount received per child in each of the States. I am talking about the child in the poverty category as defined in the bill.

Column No. 5 is interesting. It is the effort index based on the per capita income, 1963 to 1964, in terms of percentage. It refers to how much of the personal income within a State has been devoted to the local support of schools. The national average is 4.6 percent. The per capita personal income national average is $2,443.

One would expect that under the program which is specifically designed, in section 201, so we have been told by the chairman of the subcommittee, the Senator from Oregon [Mr. Morse], and by every other news media, the money would be allocated into those areas where there is a high concentration of children who are so-called educationally deprived.

This is what happened. Alabama, with a personal income on a per capita basis of only $1,656, has 266,700 children who qualify. Alabama will receive $31 million under this formula, or an average of $140 per child.

Take the State of New York. It has a personal per capita income of $3,000. It has 260,764 children who fall within this definition, and they are going to get $91,893,000, or a payment of $353 per child.

This is three times the amount of money on a per-child basis as Alabama will get, which witness after witness testified is one of the areas where help is needed the most, in areas where there is a low educational level, and where persons with low incomes are not able to provide the tax funds in order to raise the standard of their schools so that they can afford to pay a teacher $7,000 or $8,000 a year to start, as the Senator from New York [Mr. KENNEDY] has just stated is done in the State of New York.

There are many other States to which I should like to refer, merely because they fall together on the chart.

Take the States of New York and North Carolina. New York, with 260,764 children, will receive $91,893,000. North Carolina, with 303,000 children, will receive only $48 million.

I cannot think of a more glaring injustice than this kind of proposal where there are more children in a given State, and more highly concentrated, but they will receive only half the amount of money which will be given to a richer State in terms of the actual payment per child who qualifies under the bill. They will receive $353 in New York, and only $160 in North Carolina.

Madam President, I could go on and on. Mississippi is another example. Texas is another. All will get the low end of the stick from the point of view of receiving additional funds to provide these programs for the purpose of trying to help the children in the area.

At this point, I believe that it might be wise to quote once again from a Representative from Oregon, a colleague of the present occupant of the chair. I quote from page 5 of her statement before the Rules Committee:

> At the session this morning in the Rules Committee, Congressman MADDEN, of Indiana, talked at some length about the number of rejectees under the Selective Service System and he took Congressman GOODELL to task for apparently letting the States continue to have the kind of inadequate educational system that would produce such a high percentage of young men rejected by the Selective Service because they could not pass the mental test. May I respectfully suggest that in this bill if we do not change the formula those very States that have the highest number of rejectees will be the very States that receive the smallest amount of money per poor child under this legislation.

Madam President, what I am saying is really fairly simple. There is a basic inequity in the formula of the bill. Either we are going to provide a general-aid-to-education bill on a preconceived formula or if we are not doing that—and everything in the bill, and the Chairman's words, are to the effect that we are not—there is inequitable distribution under the formula, and we are not doing the job.

The Senator from New York just finished saying what I was sure would come up—because it has come up many times in committee hearings during the process of discussion, and I mentioned it before the subcommittee; namely, the fact that it costs a great deal more to live in New York than it does in Mississippi. I just heard the Senator from New York [Mr. KENNEDY] finish saying that the basic starting salary of a teacher in New York under the public school system is $7,000 to $8,000 a year, whereas in other States—and he included Colorado—it is $5,000. The figure for Colorado is higher than that, but I am not going to get into an argument on a comparison of figures. I was using the argument to try to state that it costs more to live in New York and to operate an educational system than it does in the State of Mississippi.

Madam President, what does your colleague Mrs. GREEN say about this? Again I quote from page 5:

> Now I know that it has been said that it costs more to provide education in New York than in Mississippi. I expect that there would be a very sizable number of people in Mississippi if they had the same per capita income as the people in New York who would like to try to attract the best teachers with salaries in the $7,000 or $8,000 bracket, which is the average in New York. In addition, Mr. Chairman, this argument hardly holds because the cost of providing education in New York is no different than in California or Ohio or Illinois or even Alaska where the cost of living is probably the highest in any of the 50 States. Yet in no two of these States do we have a formula which would provide the same amount of money for each poor child as defined.

Madam President, I should like to go into that point from this chart. Alaska, on a per child basis, will get $270 per child, under the definition provided in the bill. In California, it is $265 per child. In Illinois, it is $239 per child. In Ohio, it is $223 per child. In New York it is $353 per child.

Every one of them is different. Not one of them is trying to provide a basic formula, so that the money can be properly distributed.

I believe it would be useful, for the purposes of the record, to put in the RECORD at this point the full table. It was previously included in the RECORD during a House debate. My colleagues in the Senate will be able to look at it before tomorrow's debate. This is the record which shows how the funds would be distributed under the present category if it were to remain unchanged insofar as title I is concerned.

I ask unanimous consent that the table may be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Per capita personal income, 1963	Estimated number of children in poverty category as defined in H.R. 2362, as reported	Estimated allocation of funds under title I of H.R. 2362, as reported	Estimated amount received per child in poverty category under title I of H.R. 2362	Effort index based on per capita income, 1963-64 (percent)
National average	$2,443				4.60
Alabama	1,656	226,700	$31,738,000	$140	4.21
Alaska	2,819	5,299	1,430,938	270	5.41
Arizona	2,115	42,890	9,757,481	227	5.93
Arkansas	1,598	139,702	21,095,002	151	5.09
California	2,930	276,093	73,145,300	265	5.53
Colorado	2,386	37,784	8,454,110	223	5.45
Connecticut	3,162	25,997	7,175,172	276	3.84
Delaware	3,250	7,899	1,966,851	249	3.98
District of Columbia	3,398	17,924	4,633,354	258	2.69
Florida	2,111	143,795	27,896,230	194	4.45
Georgia	1,865	225,699	34,517,871	153	4.43
Hawaii	2,476	10,585	2,127,785	201	3.97
Idaho	1,934	15,136	2,311,382	152	4.37
Illinois	2,945	181,047	43,360,809	239	3.71
Indiana	2,475	80,398	18,772,978	233	4.82
Iowa	2,274	75,988	17,325,264	228	5.05
Kansas	2,231	44,560	9,752,736	218	5.60
Kentucky	1,789	188,101	28,215,150	150	3.77
Louisiana	1,768	189,996	37,904,234	199	5.64
Maine	2,008	20,673	3,907,179	189	4.44
Maryland	2,778	58,716	14,356,074	244	4.41
Massachusetts	2,850	58,959	13,988,754	237	3.26
Michigan	2,528	144,908	32,729,320	226	4.97
Minnesota	2,332	82,002	20,876,677	254	5.65
Mississippi	1,379	232,603	28,028,704	120	5.04
Missouri	2,508	128,242	26,866,755	209	3.73
Montana	$2,239	15,967	$3,750,273	$234	5.63
Nebraska	2,293	36,093	6,793,169	188	4.26
Nevada	3,372	3,414	658,184	191	4.48
New Hampshire	2,303	7,540	1,609,796	213	4.14
New Jersey	2,900	71,113	20,196,092	283	4.14
New Mexico	1,887	40,634	8,931,560	220	6.57
New York	3,000	260,764	91,893,253	353	4.69
North Carolina	1,813	303,475	48,556,000	160	4.71
North Dakota	2,030	24,323	5,069,610	208	5.57
Ohio	2,483	164,613	36,708,699	223	4.48
Oklahoma	1,953	88,966	15,596,196	175	4.58
Oregon	2,515	29,190	7,893,807	270	5.51
Pennsylvania	2,444	204,287	49,519,506	242	3.76
Rhode Island	2,398	14,986	3,746,500	250	4.06
South Carolina	1,584	192,597	25,519,125	132	4.54
South Dakota	1,932	31,232	6,249,152	200	5.33
Tennessee	1,776	213,694	31,092,525	145	4.23
Texas	2,046	386,599	74.580,048	193	4.81
Utah	2,129	13,989	2,627,783	187	6.31
Vermont	2,092	8,043	1,556,327	193	4.24
Virginia	2,066	168,285	29,433,775	175	4.22
Washington	2,505	44,195	11.275,168	255	5.60
West Virginia	1,872	104,943	15.741,450	150	4.37
Wisconsin	2,380	64,653	16,078,428	248	4.72
Wyoming	2,427	5,817	1,470,960	253	6.08
U.S. total		5,161,198	1,060,082,973		

Sources: Cols. 1 and 5, "Education Statistics Digest," Office of Education, p. 68; col. 2, Office of Education estimate based on 1960 census; col. 3, H. Rept. 143, 89th Cong., p. 5.

Mr. DOMINICK. Madam President, we have heard a great deal of talk about whether this situation had come up before in discussions in the Senate. It is very interesting. We hear from the Democratic side that one of the principal proponents of the original concept of Federal aid to education was Senator Robert Taft.

Therefore, I went back in the RECORD. I did not have the privilege of serving under the Senator from Ohio, although I knew him. I was very much interested to find that the Educational Finance Act of 1949 actually passed the Senate and was sponsored and led by Senator Taft.

What did he say? He said that it was absolutely necessary to pinpoint Federal aid into the area of need and not simply spread it out like a mushroom all over the country. He said—and this has been said time and time again before the committee and in the Senate—that if we can raise the educational qualifications of various districts, the increase in the educational capability of the State will boom the population, will boom industry, will probably boom the material wealth of the area, and therefore the Federal program itself will be a self-liquidating proposition; in other words, the district could pull itself up by its own bootstraps. Here are some quotations from the debate, on May 2, 1949, from Senator Taft. He starts by saying:

> In 1944, when a bill of this kind first came up, I opposed Federal aid on the ground that the States themselves were able to look after education. Basically I think that is still true. There is an objection on the ground of possible Federal control, and there are other objections. There is the appeal that we have a heavily overburdened budget.

Madam President, we have these objections now, particularly with respect to an even more heavily overburdened budget.

> At that time I opposed Federal aid to education on the theory that the States could do the job. However, in the development of that job, and in the study of the figures which were evolved, we found that some of the States were entirely different from other States. Some of the States had an income so low that they were not able to do their educational job, no matter how much they might desired to do it.

Senator Taft went on to say that he put a table on every Senator's desk, similar to the one which I put in the RECORD, and which I will put on every Senator's desk either tonight or tomorrow morning. He continued:

> I calculated the figures for some of the typical States, and for some of the States which were discussed here on Friday. They include Alabama, Arkansas, North Carolina, Mississippi, New York, Ohio, Texas, Missouri, and California.

All these States have been discussed here today.

He continued:

> It will be seen that today the State of Mississippi is spending $54 per child, as compared to $232 per child in the State of New York. In the State of Ohio we are spending $151 per child, as compared to $70 in the State of Alabama.
>
> It may be said that the people in the States spending the larger amounts for education per child are more willing to educate their children than are the people in the States spending smaller amounts for education; but in the second column of the table is shown the percentage of their income which those States are spending for education.

He referred to column 5 in the table, which shows the percentage effort made by each State in order to provide for its own educational needs.

> It will be seen—

Said Senator Taft—

> that the national average for money spent on schools is 1.88 percent of the total income of all the people of the United States. In Alabama almost exactly the national average is being spent for education, and yet Alabama is able to spend only $70 per child, which is less than half of the national average.

The debate continued. Senator Taft spoke in opposition to the amendment offered by Senator Lodge.

Mr. CLARK. I believe that what the late—and I am prepared to say great—Senator Taft had to say about education many years ago has a certain amount of historical interest, but it occurs to me that it is not particularly pertinent in connection with the argument between the majority members of the Committee on Labor and Public Welfare and the majority members of the Subcommittee on Education. This argument went on in a rather spirited style before the Committee on Labor and Public Welfare not long ago.

I do not wish unduly to interrupt the Senator, and I shall not undertake to do so again, but I wish merely to point out that if the Senator starts with a false premise, his conclusion is bound to be false. Having laid his premise, everything from there on is completely logical; in fact it is devastating. However, I believe that if the Senator was present—and I was not—to listen to the remarks of the junior Senator from New York [Mr. KENNEDY], in which he established the justification for the present formula from the point of view of the wealth of the industrial States, he might perhaps address himself to that argument, which to my way of thinking ends with the conclusion that the Senator has started from a false premise.

Mr. DOMINICK. I appreciate the Senator's comment. His comments are always able and pertinent, and usually short. I do not intend to be overly long myself tonight. However, I believe that this is pertinent to the discussion we have had. I believe that the remarks of Senator Taft are worth putting in the RECORD. The States involved are almost the same. Senator Taft went on to say, in answer to the statement as to whether he would not be downgrading the industrial States by the formula that he was putting in:

> In the first place, I maintain that the formula offered by the bill is the only effective formula which can possibly determine the relative wealth of States. There is no other formula that I know of, nor do I think one can find a very much better formula. What is the formula? The formula is based on the concept to which the distinguished Senator from Massachusetts objects.

I would add the Senator from Pennsylvania. Continuing to read:

> It is that we take all the income of all the people of the States; we take Mr. A's income and we add it to Mr. B's income and to Mr. C's income, and we take the rich and the poor and add their income all together, and that is the total income of the State.

Then he goes on to say:

> The question is, What percentage of its total wealth, wherever it gets it, is spent on education? That is the only question. It does not make any difference whether the State has an inheritance tax or sales tax. If it does not spend for education 2 percent of its total income payments, which is more than the national average, we will not give it any Federal aid. But it can raise it by any kind of tax it wishes.

Madam President, the point I am making throughout is that the debate has gone on before. It is a debate which is extremely fundamental. It involves the question of whether we are or are not going to use Federal funds for this purpose and, if there is a real decided need for it, pinpoint the use to the need; or whether we are merely going to support a measure which would cause the rich to become richer and the poor, poorer, as stated in the minority views.

One of the points that has bothered me in the discussion before the subcommittee, on which the Senator from Pennsylvania has spoken—I would never make this statement except the Senator is in the Chamber—is that in the process of our committee debates the Senator implied that we had to be practical about this question; that the bill might not be the right bill or might need some amendments; but if we amended it, it could not be passed through the Congress.

If that statement is true—and I would say that it is not—it is a pretty sad commentary on our whole legislative system.

Mr. CLARK. Madam President, will the Senator yield?

Mr. DOMINICK. Not now, because I know what the Senator would say. He would say that we have a pretty sad legislative system.

Mr. CLARK. The Senator has said it for me.

Mr. DOMINICK. If we are going to accept the theory that the Senate cannot consider as ably as the House of Representatives, or more ably, any particular piece of proposed legislation, we are, indeed, in a sad position. If we are going to say that, because the gentleman down the avenue in the White House has said, "Pass the bill as it is," the Senate must turn around and "fall dead" on account of that, the Senate is in a bad position.

A purpose of the Congress is to try to enact a bill, and to see if the two separate bodies can come to a conclusion and a reasonable analysis between them.

Operating on that theory, I submitted an amendment to change the formula in title I so that it would provide the very things which Senator Taft tried to provide in 1949, and which he actually got through the Senate.

What would the amendment do? It would take the total number of children in the United States who fall within the definition as provided in the bill and divide that number into the amount authorized in the bill. That is the so-called Representative Green formula.

But I added something else. I added an incentive factor, so that a State would receive an additional dollar for each child for each one one-hundredth of a percent that the State-local effort might exceed the national average. The proposal is designed as an incentive to get the local areas to provide more of their own funds in order to bring in more funds from the Federal Government as time goes by. That is quite an impact. It would increase the cost of the bill. It would increase it by $133 million, I believe.

Second, it would have an impact in that it would redistribute the wealth, so to speak, as first determined under the chart that I previously submitted.

What States would receive increased amounts? Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and West Virginia.

The distinguished Senator from West Virginia [Mr. RANDOLPH] said that the formula proposed was fine with him. My amendment, if adopted, would give the State of West Virginia $5.25 million more money than the State of West Virginia would receive under the original bill. The State of West Virginia would receive $5.25 million more. The Senator opposed my amendment in the subcommittee and in the full committee. Obviously that is his option. Recently he announced that he would oppose it again. I am sorry, because I think my proposal would be helpful to the children in West Virginia who fall within this category.

Mr. CLARK. Madam President, since the Senator from West Virginia is not present in the Chamber——

Mr. DOMINICK. I discussed this subject with him when he was in the Chamber.

Mr. CLARK. Madam President, will the Senator yield briefly?

Mr. DOMINICK. I am happy to yield.

Mr. CLARK. I am sure that the Senator from West Virginia in committee—and I am sure if he has not, he will do so on the floor of the Senate—made a point of which I would hope the Senator from Colorado would be tolerant. The bill is a national bill, and has been designed to solve a national problem. There is really not a very strong ethical basis for merely voting one's State in this connection. I honor the Senator from West Virginia for his willingness to view the problem as a national and not a parochial problem. I would dislike to see the day when Senators would feel that in every instance of a bill coming before this body they would have to take the position that if there was not something in it for their State, they would be against it.

Mr. DOMINICK. I share the viewpoint of the Senator from Pennsylvania. In view of the fact that my proposal would take more money from the State of Pennsylvania, I would hope that this would be no objection to him in considering the merits of my amendment.

Mr. CLARK. Madam President, will the Senator yield further?

Mr. DOMINICK. I am happy to yield.

Mr. CLARK. To put all the cards on the table, we should also point out that the amendment of my good friend the Senator from Colorado would increase the take which his State would get over what it would receive under the presently proposed formula by 20 percent.

Mr. DOMINICK. I am happy to hear that. It is reflected in that way because of the fact that Colorado has a high average in relation to local effort in its school system. The national average is 4.6 percent. Colorado's average is 5.45 percent. In passing, I might say that the local effort in Pennsylvania is only 3.76 percent as compared with the 4.6 percent national average.

Mr. CLARK. Madam President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. CLARK. The Senator's statistics are entirely accurate, but not particularly comprehensive. I do not know the situation in Colorado, but I suspect that there is a far higher percentage of schoolchildren of Colorado who go to public schools than there is in Pennsylvania where, as the Senator from Pennsylvania knows, a large proportion of the population prefers to pay out of their own pockets for a private school system, and therefore they are not as zealous as they might otherwise be to make that extra effort for the public school system which the citizens of Colorado seem to make.

Mr. DOMINICK. Fine. I appreciate the Senator's explanation.

Madam President, because I think it will again be of interest to every Senator, I wish to emphasize two points, and then I shall put the whole table in the RECORD. Senators will recall that I said previously that there were in round figures, 260,000 children in the State of New York who would fall within the definition which I have stated. New York would get $91 million, whereas North Carolina, with 303,000 children, would get only $48 million.

Under the revision proposed in my amendment, New York would get $54 million, and North Carolina would get $64 million, so the statistics reflect the increased number of children who fall within the definition in each of the States.

The purpose of the amendment is to try to show that where there are more children who are expected to need help under the bill, as stated in its own policy, there will be more money with which to help them. So I ask unanimous consent that table No. 2 be printed at this point in the RECORD.

There being no objection, table No. 2 was ordered to be printed in the RECORD, as follows:

Dominick amendment to H.R. 2362

	Per pupil distribution	Increase or decrease (per pupil)	Estimated allocation	Increase or decrease
Alabama	$200	+$60	$45,340,000	+$13,962,000
Alaska	281	+11	1,489,019	+58,081
Arizona	333	+106	14,282,370	+4,524,889
Arkansas	249	+98	34,785,798	+13,690,796
California	293	+28	80,895,249	+7,749,949
Colorado	285	+62	10,768,440	+2,314,330
Connecticut	200	−76	5,199,400	−1,975,772
Delaware	200	−49	1,579,800	−387,051
District of Columbia	200	−58	3,584,800	−1,048,554
Florida	200	+6	28,759,000	+862,770
Georgia	200	+47	45,139,800	+10,621,129
Hawaii	200	−1	2,117,000	−10,785
Idaho	200	+48	3,027,200	+715,818
Illinois	200	−39	36,209,400	−7,151,409
Indiana	222	−11	17,848,356	−924,622
Iowa	245	+17	18,617,060	+1,291,796
Kansas	300	+82	13,368,000	+3,615,264
Kentucky	200	+50	37,620,200	+9,405,050
Louisiana	304	+105	57,758,784	+19,854,550
Maine	200	+11	4,134,600	+227,421
Maryland	200	−44	11,743,200	−2,612,874
Massachusetts	200	−37	11,791,800	−2,196,954
Michigan	237	+11	34,343,196	+3,386,124
Minnesota	305	+51	25,038,060	+4,161,383
Mississippi	244	+124	56,755,132	+28,726,428
Missouri	200	−9	25,648,400	−1,218,355
Montana	$303	+$69	$4,838,001	+$1,067,728
Nebraska	200	+12	7,218,600	+425,431
Nevada	200	+9	682,800	+24,616
New Hampshire	200	−13	1,508,000	−101,796
New Jersey	200	−83	14,222,600	−5,973,492
New Mexico	397	+177	16,131,698	+7,200,138
New York	209	−144	54,499,676	−37,393,577
North Carolina	211	+51	64,033,225	+15,477,225
North Dakota	297	+89	7,223,931	+2,154,321
Ohio	200	−23	32,922,600	−3,786,099
Oklahoma	200	+25	17,793,200	+2,197,004
Oregon	291	+21	8,494,290	+600,483
Pennsylvania	200	−42	40,857,400	−8,662,106
Rhode Island	200	−50	2,997,200	−749,300
South Carolina	200	+68	38,519,400	+13,000,275
South Dakota	273	+73	8,526,336	+2,277,184
Tennessee	200	+55	42,738,800	+11,646,275
Texas	221	+28	85,438,379	+10,858,331
Utah	371	+184	5,189,919	+2,562,136
Vermont	200	+7	1,608,600	+52,293
Virginia	200	+25	33,657,000	+4,224,225
Washington	300	+45	13,258,500	+1,983,332
West Virginia	200	+50	20,988,600	+5,247,150
Wisconsin	212	−36	13,706,436	−2,371,992
Wyoming	348	+95	2,024,316	+553,356

Mr. DOMINICK. Madam President, at this point, I send my amendment to the desk. The amendment is sponsored by me, by the Senator from North Carolina [Mr. ERVIN], by the senior Senator from Colorado [Mr. ALLOTT], and the Senator from Arizona [Mr. FANNIN]. I ask that it be printed and lie on the table.

The **PRESIDING OFFICER.** The amendment will be received and printed, and will lie on the table.

Mr. **DOMINICK.** Madam President, we had a specific debate or discussion on this subject. When I say "specific," I suppose the discussion lasted for a half hour or more in the Subcommittee on Education and somewhat less than that time in the full committee. The general impression I received was that a large number of the majority members of the committee—some of whom voted with me, I might add—felt sympathetic to this type of proposal. But as the Senator from Oregon [Mr. MORSE] said earlier, when we have a general aid for education bill, he will be glad to support me, but not when the bill is designed, as it is, for a specific purpose. Here we have a specific purpose, but the money is not to be used for that purpose; it will go to other areas.

It strikes me that so long as we are trying to concentrate on a specific purpose, we had better use the money for that purpose; otherwise, we shall not get anywhere so far as solving the problem we are dealing with is concerned.

Let me be a little more specific, because this will appear in the RECORD before tomorrow's discussion. At page 3430 of the RECORD of House proceedings on February 24, 1965, appears another table. It shows the 10 wealthiest counties in the United States and the assistance they receive as compared with the 10 poorest counties of the United States and the assistance they receive. To me, it is extraordinary that the 10 poorest counties in the United States, where the per capita income is low and the concentration of children from families having less than $2,000 income is high, will receive only $4,507,000, while the 10 richest counties in the country, where the per capita income is high, will receive $8,918,087—almost twice the amount the poorest counties will receive. Not only will the 10 richest counties receive twice the amount, but the percentage of children from low-income families in those counties is far, far smaller than it is in the others. This does not seem equitable to me, so far as trying to solve the problem is concerned.

Madam President, I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Administration's school-aid bill—Federal funds for the wealthy

County and State	Family income data			School-age children		Funds for county in 1st year under administration's school bill
	Median income	Under $3,000	$10,000 and over	Number in families with less than $2,000 income	Percent of all school-age children	
		Percent	*Percent*			
United States	$5, 660	21. 4	15. 1	4, 911, 143	11	$972, 726, 965
10 wealthiest counties:						
Montgomery (Md.)	9, 317	5. 5	44. 6	2, 343	2	572, 864
Arlington (Va.)	8, 670	6. 0	38. 6	1, 347	4	235, 725
Fairfax (Va.)	8, 607	5. 8	37. 8	1, 994	3	348, 950
Du Page (Ill.)	8, 570	5. 9	36. 0	1, 853	2	443, 794
Marin (Calif.)	8, 110	8. 8	33. 4	1, 278	4	338, 670
Westchester (N.Y.)	8, 052	8. 0	36. 3	6, 210	3	2, 189, 026
Bergen (N.J.)	7, 978	6. 4	32. 1	4, 631	2	1, 315, 204
Union (N.J.)	7, 746	7. 8	30. 5	3, 743	3	1, 063, 012
Montgomery (Pa.)	7, 632	7. 4	30. 7	3, 535	3	857, 238
Fairfield (Conn.)	7, 371	9. 3	29. 1	5, 629	4	1, 553, 604
Total eligible children and funds				32, 563		8, 918, 087
10 poor counties:						
Grant (W. Va.)	$2, 437	64. 0	3. 0	833	35	124, 950
Falls (Tex.)	2, 287	60. 6	4. 0	2, 233	41	432, 086
Sunflower (Miss.)	1, 790	68. 1	3. 9	6, 184	42	745, 173
Knox (Ky.)	1, 722	70. 5	1. 7	3, 137	39	470, 550
Tensas (La.)	1, 683	70. 9	3. 3	1, 651	41	329, 375
Williamsburg (S.C.)	1, 631	68. 3	2. 5	6, 118	41	810, 000
Sumter (Ala.)	1, 564	72. 3	2. 7	2, 790	43	390, 600
Holmes (Miss.)	1, 453	72. 0	2. 8	4, 543	52	547, 432
Breathitt (Ky.)	1, 432	76. 0	2. 0	1, 998	39	299, 700
Tunica (Miss.)	1, 260	77. 8	3. 7	2, 965	54	357, 283
Total eligible children and funds				32, 452		4, 507, 149

Sources: U.S. Department of Commerce, Bureau of the Census, "County and City Data Book"; Committee on Education and Labor, House of Representatives, "Education Goals for 1965" (Committee print), pp. 65–126.

Mr. MORSE. Madam President, will the Senator from Colorado yield for a question on procedure?

Mr. **DOMINICK.** I am happy to yield.

Mr. MORSE. Would the Senator from Colorado be willing to help the chairman of the subcommittee, who has the responsibility of managing the bill on the floor of the Senate, in this respect: We have discussed the formula, at great length today, and the points of view have been pretty well written into the RECORD. Would the Senator from Colorado, in view of the fact that he is submitting the amendment, be willing to make it the pending amendment for action tomorrow? Sooner or later we shall have to vote on the amendments; and if we make this the pending amendment, we shall have a better chance of at least pinpointing and directing debate to that amendment. I should like to leave the legislative situation when we adjourn tonight one in which the Senator's formula amendment would be the pending amendment.

Mr. **DOMINICK.** I cannot say yet that it would be the pending amendment. I do not wish to call it up now. I have other amendments that I shall offer first.

Mr. MORSE. I do not ask that the Senator call it up now; I am asking whether, after he has submitted his other amendments——

Mr. **DOMINICK.** I intend to submit them for printing tonight. I do not wish to commit myself yet as to which amendment I desire to call up first. I have not had an opportunity to ascertain what the distinguished Senator from Vermont [Mr. PROUTY] wishes to do as to procedure.

Mr. MORSE. I do not wish to interfere with the procedure the Senator from Colorado desires to follow. The Senator knows that when the debate begins tomorrow, there will be a parliamentary situation in which some amendment will have to be offered. I thought in view of the fact that a record has been made today on the formula question, it might be possible to make the Senator's amendment on that subject the first amendment to be considered. I shall follow whatever procedure the Senator from Colorado desires to adopt.

Mr. **DOMINICK.** Madam President, because I believe your distinguished colleague from Oregon, Mrs. GREEN, performed an outstanding service in the House Committee on Rules, I ask unanimous consent to have printed in the RECORD her statement on this subject. It includes not only the discussion as to whether the proposed legislation is sound public policy, but also discusses some of the unsound constitutional issues I am sure we will hear about from time to time.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY BY THE HONORABLE EDITH GREEN BEFORE THE RULES COMMITTEE, MARCH 22, 1965

Mr. Chairman, there is no question in my mind but what educational opportunities must be expanded and the quality of education in elementary and secondary schools of this country must be improved. I have voted, I believe, for almost every education bill that has been before this Congress since I've been here—and I strongly supported the Murray-Metcalf general aid bill which did pass this House a few years ago.

On the bill that is now before this committee I have some of the same reservations that were expressed by spokesmen for many of the organizations that opposed the legislation.

I believe amendments in three specific areas would greatly strengthen it. I am concerned about the (1) formula; (2) whether this legislation as drafted is sound public policy, and (3) the constitutionality of this legislation.

First, Mr. Chairman, let me read the "Declaration of Policy" as found on page 70 of the bill:

"SEC. 201. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in this title) to local educational agencies serving areas with concentration of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children."

Now if this is really the intent to provide better educational programs for the needs of educationally deprived children who come from families with low incomes (and in this bill defined as families with less than $2,000 income) then it is exceedingly difficult for me to reconcile the results produced by this formula.

Let me take a few examples. Kentucky has 188,101 educationally deprived children as defined in this bill as coming from families with less than $2,000 income. Louisiana has just about a thousand more—189,996. And yet under this formula Louisiana gets $191 for each poor child and Kentucky gets $150. And the total for Louisiana is $37,904,230 and the total for Kentucky is $28,215,150.

Let me make another comparison between New York and California. New York has a total of 213,201 poor children as defined in this bill and gets a total of $91,893,253. California has 14,000 more poor children than New York or a total of 227,007 and yet gets only $73,145,300 or approximately $18 million less than New York's $91 million. May I also point out that as far as effort is concerned, California is spending more per child in relation to the per capita income of the State than is New York.

Let me make two other comparisons.

The State of Arkansas has 139,702 educationally deprived children as defined in this bill as coming from families with less than $2,000 income. Michigan has 131,794 educationally deprived children. And yet under this formula Michigan gets $226 for each poor child and Arkansas gets $151. The total for Michigan is $32,729,320 and the total for Arkansas is $21,905,002. In other words, Arkansas with approximately 8,000 more educationally deprived children as defined in the bill would get $11.6 million less.

And then finally, Mr. Chairman, let's take the two extremes. New York has 213,201 educationally deprived children as defined in the bill. Mississippi has 232,603 poor children as defined in this bill. And yet New York receives $91,893,253 under the existing formula and Mississippi receives $28,028,704. In actual fact this legislation would provide only $120 under this formula for every poor child in Mississippi and $353 for every poor child in New York. May I say to my liberal friends in the House who have talked so much about inadequate educational opportunities in Mississippi, that I find this kind of solution far from satisfactory and I wonder if we are really as concerned about providing adequate educational opportunities for these deprived youngsters in those areas as we pretend.

At the session this morning in the Rules Committee, Congressman MADDEN, of Indiana, talked at some length about the number of rejectees under the Selective Service System and he took Congressman GOODELL to task for apparently letting the States continue to have the kind of inadequate educational system that would produce such a high percentage of young men rejected by the Selective Service because they could not pass the mental test. May I respectfully suggest that in this bill if we do not change the formula those very States that have the highest number of rejectees will be the very States that receive the smallest amount of money per poor child under this legislation.

Now I know that it has been said that it costs more to provide education in New York than in Mississippi. I expect that there would be a very sizable number of people in Mississippi if they had the same per capita income as the people in New York who would like to try to attract the best teachers with salaries in the $7,000 or $8,000 bracket, which is the average in New York. In addition, Mr. Chairman, this argument hardly holds because the cost of providing education in New York is no different than in California or Ohio or Illinois or even Alaska where the cost of living is probably the highest in any of the 50 States. Yet in no two of these States do we have a formula which would provide the same amount of money for each poor child as defined.

It has also been argued that this formula would provide the greatest percentage increase in the budget of the poor States. This hardly seems to me the criteria to measure the worth or the results that we might expect from this bill. But rather we should ask do we have a formula which is fair and equitable on a nationwide basis and that would actually result in raising the standard of educationally deprived children who come from families with incomes of less than $2,000, no matter what State they may reside in.

If you want to change the "Declaration of Policy" on page 70 of this legislation and say that those States that are spending the most already on education will get the most then perhaps this formula could be justified.

Now assurance has been given to me that this will be subject to review and change in 1 year. If I were not aware of the efforts through the last several years by Republican and Democratic administrations to change the formula for Federal impact legislation, I would be more impressed. But once a formula is frozen into a bill, the tendency is to examine not the equity on a nationwide basis but rather how many dollars would "my district" or "my State" gain or lose. And if the administration has sent this bill up with a formula based on 75 percent instead of 50 percent of what each State spends then all other formulas would be compared to actual dollars each State or congressional district would get under the 75-percent formula. I suggest that the time to change the formula is now, if we are really anxious to improve education programs for poor children.

Let me give a couple of other examples at the county level. In Dallas County, Ala., where Selma is located, we have about 5,259 poor children as defined in this bill. And Monroe County in New York has 4,684—approximately the same number. Now in recent days we have heard much about Selma, Ala., and the urgent needs in that area. And yet we have designed a formula in the bill which would provide a total of $736,260 for Dallas County in Alabama and $1,925,708 for Monroe County in New York when both of the counties have almost the same number of children. Is this justice?

Let me take two other counties. Sunflower County in Mississippi has 6,184 poor children (as defined in this bill) and under this formula they would receive $745,173. Westchester County in New York with a much higher per capita income has 6,210 poor children (as defined in this bill)—approximately the same number as in Sunflower County, Miss. And yet Westchester County, N.Y., would get $2,189,026 as compared with $745,173 for Sunflower County, Miss. If I may be permitted, Congressman COLMER, I can only suggest that apparently the drafters of this legislation were saying that the educational needs and programs in Westchester and Monroe Counties in New York were much greater—2½ to 3 times as great—as in Sunflower County, Miss., and in Dallas County, Ala.

May I turn now, Mr. Chairman, to the second point—Is this legislation as drafted sound public policy.

May I first quote from a statement which was made to the subcommittee by Dr. Philip A. Johnson, the executive secretary of the Division of Public Relations, National Lutheran Council:

"Study groups in the National Lutheran Council have pointed to the danger of a rapid proliferation of 'institutionalized creedal rivalries' if there is to be sufficient support for nonpublic education at elementary and secondary levels as to make the establishment of such schools economically feasible for many groups. There are indeed signs that the number of such schools already is growing at an accelerated rate, under the sponsorship of many religious and other private groups. Obviously such a development poses a serious threat to the quality of public education in a community where public schools would have many rivals. The already fragile civic unity which is found in many communities across the land would be subjected to further strain.

"It would be ironic if a laudable concern for improving the quality of education should, by stretching the public benefit theory to the limit, lead to the erosion of the public school system."

His views reflect some of my own deep concerns about this legislation in titles I and III. In the report may I call your attention to pages 6 and 7 on which we find the list of all—or at least some—of the possible programs for educationally disadvantaged children. These include teaching personnel to reduce class size, all kinds of programs, equipment, and the bill itself calls for the construction of facilities. On page 7 the report says that no provision of the bill authorizes any grant for providing any service to a private institution. This, Mr. Chairman, I consider as a half truth, because this bill does authorize funds and I have read the large print and the fine print and I find no limitation against making any or all of the programs and services and projects available both in public and private schools. This is not a shared-time bill (as has been represented) where the funds be spent exclusively in public schools and be made available to children in the private schools but rather this is a shared-services program and the services would be made available in either the private or the public school. The only limitation is that the application or plan will be submitted by the local educational agency and approved by the State agency and the public agency will control the funds and retain title to the property. I can retain "title" to a home or building and lease it for $1 a year. Or I can retain title to funds and still spend them for a variety of programs.

In section 205 are spelled out the criteria to be used in approving a basic grant or incentive grant. Paragraph 2 makes it mandatory for the local educational agency to provide special educational services and arrangements for children in all private schools.

I call the attention of the committee to the fact that if the local education agency does not meet this criteria then that local school district would not be eligible for one dime for either private or public schools.

Every service mentioned on page 6 of the report—in my judgment—could be provided in the public or in the private school in those areas where there is a high concentration of children from low income families.

As I see it—this might lead to a great proliferation of private elementary and secondary schools.

Is this sound public policy?

Let me give an example. In Portland we have the Christian Freedom Center—closely allied with Billie James Hargis. We also have our own John Birch Societies. As I read this legislation an elementary school set up by the Christian Freedom Center operated by the Reverend Walter Huss in Portland, or one set up in Oklahoma by Billie James Hargis—or an elementary or secondary school set up by Harding College in Searcy, Ark., would be just as eligible for programs, services and projects as any school that had high academic standards and operated by the Catholics, the Lutherans or the Seventh-day Adventists—the three groups having at present the largest number of private schools.

May I read, Mr. Chairman, section 605:

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction."

May I point out it does not say that this legislation would prohibit the use of funds for construction of facilities where religious worship or instruction might take place.

As I see it, also, there is nothing in this bill which would prevent any religious denomination from using its Sunday educational classrooms on Monday, Tuesday, Wednesday, Thursday, or Friday for programs, projects, and services if they were in areas where there is high concentration of children from low-income families if the local educational agency approved.

And I do not see how the local educational agency could discriminate in favor of one private school and against another.

Mr. Chairman, we do not eliminate controversy but what we do accomplish perhaps is to shift this controversy from the Congress to the local community. This may have a very divisive, a very disruptive effect in a community and actually harm local educational efforts.

Since there is no limitation in this bill on which services may be provided and where, there will be no limitation on the pressures placed on the local school boards. And as a result of our action, school board members may be appointed or elected on the sole basis of their religious affiliation and beliefs. This could set the ecumenical movement back 30 years.

Mr. Chairman, let me make two other minor points if I may. On page 77 there is a section entitled "Special Incentive Grants" which can be described in no other way than an open-end appropriation. To the best of my knowledge there have been no estimates presented to the committee on the possible cost and it might run up to several billion dollars a year.

I have always defended Federal aid and have actually felt that we have not had Federal control. But may I point to the textbook part of the bill under title II which says in effect that if the State cannot give textbooks to students in private schools because of State laws or a State constitution then this legislation allows the Commissioner of Education to bypass the local educational agency and do it directly. It seems to me that this should be avoided in any future legislation because I would look at this as Federal control. And perhaps we started this in the National Defense Education Act when we allowed the Commissioner of Education to bypass the local agency and give tests in the private schools under the guidance and counseling section of the bill.

May I turn now to my third point—constitutionality. The very immensity of the innovations possible under this bill makes all the more difficult and impossible the task and responsibility for me (and others, I believe) to decide whether this bill is constitutional or as the distinguished lawyer from New York, Congressman SCHEUER said:

"The infinite variety of the innovations possible under this bill makes it difficult for Congressmen to foresee all these possibilities and to guard against programs which might be conducted in an unconstitutional manner." Congressman SCHEUER continued: "I voted for this bill in committee and I believe it to be constitutional. However, I share with several committee members, as well as with many of the witnesses who have appeared before the committee, a real concern over the possibility that the bill may be administered in an unconstitutional fashion in some local programs."

Therefore, at a minimum, I hope a judicial review section will be added to the bill.

I wanted a judicial review section in the Higher Education Facilities Act. I know time honored arguments that the Congress has its own responsibility to determine the constitutionality. But because of the "infinite variety of innovations" and the broad leeway we give to local educational agencies it seems to me it would be wise to add this provision.

I do not want a judicial review which would allow suits by every crackpot in the country. Neither do I want suits which would bring about endless litigation.

But unless we add a judicial review section there may be no way to test the constitutionality in the courts. I would hope that the House would add a severability clause that in the event one section is declared invalid, other sections of the bill would remain operative.

Let me quote from a Department of Health, Education, and Welfare memorandum prepared by the Justice Department and HEW when we were considering the Higher Education Facilities Act. In it they said:

"It should therefore be emphasized that the questions discussed in this memorandum are probably not open for judicial determination, unless adequate special statutory provisions are enacted to authorize judicial review.

"The difficulties of obtaining a court test of legislation in this area impose a solemn responsibility upon both Congress and the Executive to be especially conscientious in studying the Constitution and relevant Supreme Court decisions so that any enactment will scrupulously observe constitutional limitations."

In the Higher Education Facilities Act the Justice Department approved and drew up a judicial review section allowing an institution of higher education to bring suit.

Let me quote from their memorandum of June 7, 1963:

"Despite these decisions, some scholars feel that the rule denying standing in the Federal courts to a Federal taxpayer to attack the validity of a Federal expenditure may be argued to be merely a rule of procedure—not intended to rest on constitutional grounds, and that if Congress authorized a taxpayer to raise a constitutional issue respecting a Federal statute of this importance in the Federal courts, there is a fair chance that the Federal courts would take jurisdiction and decide the matter on the merits. Even if there is any likelihood that this view will ultimately be adopted, it seems to us that as a matter of policy the public interest would be better served by not granting taxpayers the right to sue in this kind of case. Not only would the Federal courts soon be bogged down by such litigation, but a provision of this kind 'with its attendant inconveniences' (cf. *Frothingham* v. *Mellon, supra,* 262 U.S. at 487) would establish a harmful precedent and open the dam to a flood of similar enactments respecting many other related fields—foreign aid, veterans' benefits, and numerous aid and welfare programs, which could for years hold up the operation of such programs."

But more important the Assistant Attorney General continued:

"No doubt, considerations of this kind prompted the committee considering the pending legislation during executive session to eliminate the provision for suit by taxpayers such as was originally embodied in H.R. 4797.

"The judicial review authority granted to institutions under the proposed amendment to H.R. 6143, however, stands on an entirely different footing and in my opinion, would probably survive constitutional attack. The key section of this proposal provides as follows:

"'Any institution of higher education which is or may be prejudiced by the order of the Commissioner making such a loan in a particular year to another institution of higher education, or such a grant in such year to another institution of higher education in the same State, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the institution which is or may be prejudiced, may bring a civil action for declaratory relief to determine whether the order of the Commissioner extending the loan or grant to such other institution is consistent with the first amendment to the Constitution of the United States.'

"Unlike the interest of a taxpayer in the U.S. Treasury which is 'too indeterminate, remote, uncertain, and indirect to furnish a basis for an appeal to the preventive powers of the Court over their manner of expenditures' (cf. *Doremus* v. *Board of Education, supra,* 342 U.S. at 433), the interest of an institution given standing to sue under the above provision is direct, concrete, and substantial. It is contemplated that under this act Federal grants-in-aid would be allotted in specified, limited amounts under a formula basis to each State yearly to be distributed to all eligible institutions of higher education in the State. If a Federal court should find that certain institutions were disqualified by the first amendment from receiving this aid, allotments to eligible institutions would be correspondingly increased. This potential additional benefit or gain by some institutions arising from the denial of allotments to others held to be barred by the first amendment from participating in the Federal aid programs for higher education, is substantial and immediate enough to meet the test laid down in *Frothingham* v. *Mellon, supra,* and related cases.

"The interest of the prejudiced institution in these Federal funds is something more than a general interest in the proper execution of the laws. Its suit would be unlike the situation in *Frothingham* v. *Mellon* where the question of the validity of the Federal appropriation was deemed to be a matter of public, not private concern, and where the taxpayer's interest was negligible at most. Here the aggrieved institution would have the requisite financial interest in the outcome of the suit. Here, the amount available to each institution from a common fund provided by the Federal Government for use within a State, would be an interest personal to each institution which is qualified by law to participate in the Federal aid program. Such a claim for relief is of the character which may constitutionally be the subject of adjudication by the Federal courts."

In this legislation I am also confident a similar judicial review section could be added.

In conclusion, Mr. Chairman, let me say that I believe a judicial review section has the highest priority. I realize that a change in formula is probably hopeless but I think that a change is needed and would strengthen the legislation. And finally, that very serious consideration should be given by this Congress to whether or not the bill as presently drafted is sound public policy.

The American Association of University Women in their statement to the committee gave this warning: "We have been concerned that Federal assistance through nonpublic schools could—while rescuing individual children—tend toward weakening the public school system."

Another witness put it in about these words: "If we have a proliferation of private schools the public schools may be abandoned to the children of the poor and to the children of nonwhite minority groups."

Mr. DOMINICK. Madam President, several other things bothered me during the consideration of the bill. We were told that the bill is designed to provide assistance to educationally deprived children. Title II contains the library resources provision. It provides $500 million for additional aid to install libraries in the school systems. However, there is no provision in the bill that this amount should be concentrated in areas where there are educationally and economically deprived children.

I offered an amendment in committee to correct this defect. I did not press it too hard, because it was obvious that a majority of the committee would not accept any amendment at that place. So I send the amendment to the desk for printing, because I believe the bill shows very clearly that title II is designed to be general in nature. The bill does not even conform to the recommendations of Dr. Flemming, of the National Council on Religion, who spoke about the constitutional issue involved with respect to library aid. I think the amendment points up specific examples of some of the other problems that will be discussed as we continue the debate on the education bill.

I send the amendment to the desk for printing.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. DOMINICK. Madam President, one thing that has concerned several of us in the discussion on the bill—and we have talked with many witnesses about it—is whether or not State agencies will have the right to approve the locations of the supplemental educational centers that are provided for in title III. I have drafted an amendment which would accomplish this purpose, and I send it to the desk for printing.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. DOMINICK. Madam President, similarly, with respect to supplemental services, under title III, I had prepared and submitted to the committee an amendment which would require supplemental services to be provided in areas where there is a heavy concentration of educationally and economically deprived children. This amendment, also, was rejected in committee. I now send it to the desk for printing and ask that it lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. DOMINICK. Madam President, I now come to the last amendment which I shall submit for printing. It deals with the fundamental question of whether or not we are seeking to provide Federal aid to church-supported institutions.

It involves a constitutional issue which has been skirted, and on which there has been a great deal of testimony. There is no provision in this bill for judicial review of suits brought by individuals. There is very little provision for judicial review of any kind in the bill, to be truthful.

I believe that some other Senator will offer an amendment along this line. However, one of the things that bothered all of us was the fact that section 605, which purports to take away from the bill the possibility of using funds for facilities which would involve religious instruction does not prohibit aid to a sectarian institution which is teaching religion or teaching religious teachers.

It will be recalled that we put this prohibition in the Higher Facilities Act of 1963. I have an amendment which would conform the language of section 605 to the language in the Higher Facilities Act of 1963.

I send this amendment to the desk for printing at this time.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. DOMINICK. Madam President, I have been and shall continue to be mindful of the educational needs of this country. I have been active on this subject in my State. I have supported the tax credit program for higher education and worked very closely with the Senator from Connecticut [Mr. RIBICOFF] to have this accomplished. I intend to continue to work with him on the same situation this year.

There was testimony during the process of this hearing that perhaps the entire proposal of Federal aid to needy school districts could best be accomplished by having a Federal tax credit for a portion of the property tax which each property owner pays for the support of their local school. This proposal was put forward by Dr. Roger Freeman, who is a senior staff member of the Hoover Institution on War, Revolution, and Peace, at Stanford University in California. His statement is found in volume 5, at page 2757.

Mr. Freeman points out very clearly in this testimony that he is not sure that general aid is—in fact, he is rather sure it is not—needed for elementary and secondary schools. The same general aid need was stated before there was evidence brought up that the local districts could not possibly finance the needed expansion of schoolrooms and facilities. However, they did it, and did much more, without too many problems. I am sure they had problems and needs and still do.

In my opinion, these needs should be and could be, pinpointed. Unfortunately, the proposal that we made cannot be offered, as I understand it, as an amendment to this bill for the specific reason that it would be subject to a point of order on the ground that it would be a tax bill originating in the Senate. So it cannot be offered at all. Second, I should say that it came at such a late date that we did not have time to analyze its effects thoroughly. The procedure, however, should be considered. The procedure is to provide additional income in those districts so that, where they need it, the local school districts could raise the building levy to pick up this additional income and help out the revenues of their own schools.

According to the figures that were generated and placed in this statement, this would provide approximately $3 billion of additional revenue for local school purposes, if it were put into effect, as opposed to the $1 billion contained in title I of the bill.

I mention this because I think it is important. It is something that we ought to think about. It is something that perhaps we ought to start working on as a method by which we might raise additional funds without having the religious constitutional issue injected into a Federal aid bill.

As I said, I have been a supporter of the educational system. I have done work on this matter at the State level. I have been introducing educational bills since I first arrived in Congress. However, it strikes me that this bill would not do what it is intended to do.

Madam President, in all humility, I think it is vital to change this formula now. The Senator knows as well as I know that the minute a State gets into a position where it has a certain amount of money coming from an existing program and it tries to change that program so that it will get less, it is far more difficult than trying to find a needle in a haystack. It is almost impossible. Everyone comes in—a series of pressure groups. They say, "You cannot do that to us. Our school budgets have been based on the amount of money the Federal Government is going to give." The theory which has been expounded so often here today is that we can go ahead, put this formula in, and then change it. That simply does not work. We must either do it this time or we shall not be able to do it at all.

I yield the floor.

Mr. CLARK. Madam President, it is not my intention to reply in detail to the able address of the junior Senator from Colorado. That has been done already far better than I could do it, by the Senator in charge of the bill, the chairman of the Subcommittee on Education of the Committee on Labor and Public Welfare, the senior Senator from Oregon. His brilliant defense of the bill and of the formula was supplemented by an extraordinarily able and well marshaled defense of the formula by the junior Senator from New York [Mr. KENNEDY]. The two Senators, in my opinion, pretty well demolished the position taken by my good friend the Senator from Colorado.

I shall confine my support of this bill to a discussion of the basic philosophical concepts which resulted in its being written and submitted to Congress.

EDUCATIONAL AND THE PROMISE OF AMERICAN LIFE

THE EDUCATIONAL PROBLEM

H.R. 2362, the Elementary and Secondary School Act of 1965, is addressed to America's most grievous social failure. For generations, education has been the vehicle by which Americans of humble origin have emerged into productive and prosperous adulthood. But now, in 1965, a congeries of circumstances in operation for several decades has combined to make of too many of our schools a training camp for idleness and discontent rather than a preparation for the promise of American life.

In brief, the worst schools are located in areas most desperately in need of the very best. Modern life, both urban and rural, tends to bring together, in concentration, people of the same economic class. And the public services our society provides tend to reflect the quality of the areas in which they are provided. The worst slums, both urban and rural, and the worst schools thus coexist in a partnership of privation and despair.

This creates the cruel circumstance that President Johnson described in his education message in which ignorance breeds poverty and poverty all too often breeds ignorance in the next generation. We might call it the life cycle of despair.

H.R. 2362 seeks to break this vicious cycle by an attack on ignorance. It is an imaginative attack and it is an ambitious one.

The Congress has been trying for many years to enact legislation to provide financial help of sufficient scale to hard-pressed local school districts so that an education of respectably minimal quality can be assured for all American children. Our failures to do so have been chronicled by Robert Bendiner in his book "Obstacle Course on Capitol Hill"—which points out the difficulties which the passage of an education bill present to our legislative body.

THE PHILOSOPHY OF THE BILL

Now we have a bill that deserves to traverse the obstacle course. This bill is the product of our experience with earlier proposals. If it does less than some of us might like, and it does, one cannot argue that it does more than we can afford.

H.R. 2362 seeks to confront a condition and not a theory. It seeks to deal, not with the sterile controversies of the past, but with the pressing problems of the present. The bill before us has been relieved, so far as is humanly possible, of what the Senator from Arkansas [Mr. FULBRIGHT] has called the political burden of extraneous controversial issues.

H.R. 2362 is based on the explicit assumption that the presence in any school district of large numbers of children from low-income families poses educational problems that require Federal financial assistance to solve and that such assistance should help, in part at least, all children, whether in public or private school.

The validity of this assumption was attested to by the large number of witnesses, representative of nearly every major organization with educational concerns, who testified before our subcommittee.

There were comprehensive and extensive hearings, in depth, on this bill. Nothing could be less accurate than to say that this bill was railroaded through, without adequate consideration, under executive pressure not to cross a "t" or dot an "i," but to pass the bill as passed by the House. This bill represents the considered judgment of 16 members of the committee. All 16 agreed that the bill should be reported by the committee. I do not need to tell my listeners that when we get 16 Senators to agree to report a bill to the floor, we do not have a bill that has been railroaded through on short notice, without adequate consideration.

Mr. MORSE. Madam President, will the Senator yield?

Mr. CLARK. I am glad to yield.

Mr. MORSE. I am glad the Senator has made that point. It is really the answer to the question as to whether or not there was any "railroading" in connection with the bill. We know our colleagues on the committee. We know what the unanimous vote to report the bill out of committee really meant. They thought it was a good enough bill to vote for if they could not get it amended.

Mr. CLARK. The Senator is correct.

Mr. MORSE. I have hopes that they will vote for it if it is not amended.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. MORSE. Or almost all of them.

Mr. CLARK. I yield to the Senator from Colorado to direct an inquiry to the Senator from Oregon.

Mr. DOMINICK. I remind the chairman that when the bill came out of committee, I reserved all rights, including the right to vote against it.

Mr. MORSE. I was about to point that out. As I interpreted the vote to send H.R. 2362 to the floor, the members of the committee thought it was good enough to get to the floor. They did say they reserved certain rights to offer amendments or to try to have it amended. My friend from Colorado said that it included his right to vote against the bill. He has that right.

What I am pleading for, in case he does not succeed in having the bill amended, is that he could still vote to send it to the President, just as he voted to report it to the Senate. I want only to tell the Senator how proud I am of the cooperation I have received, from both sides of the table, which has resulted in having this bill reported to the Senate by unanimous consent. That means something. We did not vote in a vacuum.

Mr. CLARK. To continue, most of that testimony was overwhelmingly favorable, a small portion was critical in part, and there was very little testimony in outright opposition to the principle embodied in this bill.

THE PRIVATE SCHOOL PROBLEM

It is true that the bill is objected to by those who have created the fiction that any assistance to a pupil in a private school is an attack on the principle of separation of church and state because it makes attendance at the private school more attractive. But it is important to realize that this position is built upon a fiction. It finds no support in our tradition, in the history of public education, in the record of the Congress, nor in the decisions of the Supreme Court. The GI bill of rights, the school lunch program and the National Defense Education Act are all testimony to this.

I quite agree with those who argue that nonpublic schools have no right to public funds. H.R. 2362 does not seek to establish any such right. The question posed by this bill is one of wise public policy, not of constitutional right.

We are faced with the very concrete fact that almost 6 million American schoolchildren—or 1 in every 7—are educated in nonpublic schools. In my own State of Pennsylvania the proportion is much higher, nearly 1 in 4, with 630,000 pupils in private schools.

H.R. 2362 simply asserts the pragmatic recognition that the education of so substantial a proportion of our children is a public concern. If the private schools were to be closed there would be utter chaos in public education. The public interest is served by the assistance that public funds can provide in keeping alive and raising the quality of education in nonpublic schools. And the public interest is protected by the erection of safeguards to insure that all of the educational programs authorized by this legislation are publicly controlled, publicly sponsored, and publicly administered.

THE BASIS FOR FEDERAL ASSISTANCE

But much more fundamental to this bill is the basic formula on which Federal assistance is apportioned. This formula embodies the frank recognition that help should be scaled to the poverty level of each community.

This is a new concept. As I said earlier, it is an imaginative concept, and it makes of this bill an integral part, indeed an essential part, of the national war on poverty.

Under title I of this bill, for example, more than $124 million of the $1,060 million of public expenditures it calls for would go to the counties of Appalachia, including those in my own State. In other words 8.5 percent of the Nation's population would receive nearly 12 percent of the assistance it provides. And can anyone doubt that the national interest will be served by this emphasis on our most impoverished areas?

THE PROBLEM OF FINDING MONEY FOR EDUCATION

> The great economic anachronism of our time—

John Kenneth Galbraith told the Joint Economic Committee in February—

> is that economic growth gives the Federal Government the revenue while, along with population increase, it gives the States and especially the cities the problems.

Nowhere is this more true than in the field of elementary and secondary education. In the next 5 years 4 million more students will be in our elementary and secondary schools. They will require 400,000 new classrooms, while even now more than a million and a half of our classrooms are over 30 years old.

Yet, the 1963 Economic Report of the President pointed out that about 94 percent of taxes on personal and corporate income—the tax sources that are most productive in an affluent society—is paid to the National Government.

While corporate profits and the earnings of employees account for more than 80 percent of our national income, these tax sources are scarcely open to school authorities because of the structure of the American tax system.

Our modern industrial economy produces wealth in forms which the Federal Government taxes. Local—and State—taxes are raised from sources which may all too often be unrelated to wealth or expansion. Frequently the imposition of taxes on these sources may even decrease wealth and retard expansion.

The clear result is that State and local educational effort, our most important public responsibility, is effectively deprived of access to the wealth by which that responsibility can be discharged.

Only the Federal Government can eliminate this great economic anachronism. If the wealth that derives from economic growth cannot be marshaled in support of education, then, in spite of the most earnest efforts, our educational system, which should spearhead social progress, will lag behind and that lag will aggravate all our other social problems.

Rising costs, increasing responsibilities and declining sources of revenue—this is the lot of our local school districts whose tax revenues are closely tied to property values.

THE URBAN EDUCATIONAL PROBLEM

In my home city of Philadelphia, for example, nearly 85 percent of the money raised locally in support of the school system comes from a real estate tax. The city provides 65 percent of the total school budget. The State provides nearly an additional third, while the Federal Government contributes only 2.5 percent.

At the same time, a recently published study of urban school districts in Pennsylvania by the highly respected Fels Institute of Local and State Government of the University of Pennsylvania concluded that—

> Disproportionately large numbers of urban public school pupils have special needs produced by the negative, progressive effects of social and economic deprivation.

Mr. MORSE. Madam President, will the Senator from Pennsylvania yield at that point?

Mr. CLARK. If the Senator will let me finish the quotation I shall then be glad to yield to him.

The quotation continues:

> These special needs require new and expanded educational programs and services to enable pupils so disadvantaged to achieve adequate educational development.

I am happy to yield to the Senator from Oregon.

Mr. MORSE. I hesitate to interrupt the Senator. I do not wish to interfere with the continuity of his speech, but I should like to offer my interpretation as a supplement to the point he has just made—and I am so glad that he made it—because it adds to the vital statistics that the junior Senator from New York [Mr. KENNEDY] placed in the RECORD this afternoon, in the brilliant speech he made, which I said at the time in my judgment devastates the case of the opponents of the formula in this bill.

The Senator has just pointed out the large contributions which property owners in Philadelphia must make to support their schools; and yet they receive only a 2.5-percent contribution from the Federal Government.

That is the burden of my answer to the opponents of the formula, that although the so-called richer States such as Pennsylvania, New York, Ohio, and Illinois, will receive more dollars under the bill than the so-called poorer States such as Mississippi, Alabama, Georgia, and others, the fact remains that the poorer States will receive a much larger percentage of contributions from the Federal Government to the school budget of a given school district than will the Philadelphia school system, or Pennsylvania as a whole, or, for that matter any school district in New York, or New York as a whole. This will also be true of other wealthier States.

Therefore, my argument goes, if we are to be fair, to the taxpayers who are really making the major contribution to the support of schools in their respective States, the taxpayers whom the Senator from Pennsylvania has just mentioned; namely, the property owners, we have an obligation to do justice to them under the formula. That is what we seek to do, in view of the fact that the poorer States will receive dramatically larger percentage.

I pointed out that the highest percentage which will go to the so-called wealthier States, from the standpoint of individual school districts, will be somewhere in the neighborhood of 2.5 to 2.7 percent, but many are between 1 and 2 percent; whereas the contribution of the Federal Government, on a percentage basis, to the school budget in the poorer States will be up from 20 to 30 percent. In one of the cases I cited this afternoon it will be more than 40 percent.

Consequently, the formula as I see it does equity to the poorer States. To change it could do great injustice to the property owners in the wealthier States who are really being overtaxed so far as school contributions are concerned.

I do not know anyone who is better qualified than the Senator from Pennsylvania to point out what he has just pointed out. As a former mayor of Philadelphia, he had to suffer through the problem which I have just outlined. We all know what a serious problem it is that faces every mayor of any large city in this country in a wealthy State; or, for that matter, in the cities of any State in the Union.

However, I am glad that the Senator drove his point home so well.

Let me say, in closing, that the Senator from Pennsylvania has not been on the floor today when I wished to make a comment, because he was engaged in conference on another bill.

However, I wish the RECORD to show that the Senator from Pennsylvania has stood with me through thick and thin, through good times and bad times on educational legislation for many years in the Senate.

I am indebted to him. I am also greatly indebted to him for the wonderful cooperation and support he has given me on the pending bill, because like me, the Senator from Pennsylvania would sit down and write, in some respects, different language in connection with some sections of the bill, as he has suggested in his opening remarks.

However, he and I have agreed that this is a good bill, that it is good enough to vote on from the floor of the Senate and to send directly to the White House.

That is why he and I are urging that the Senate do that; and next year, after 1 year's experience, consideration can be given to possible amendments to the bill.

Mr. CLARK. I thank my friend the Senator from Oregon for his more than kind words. I find myself in complete agreement with the emphasis he has given to the difficulties confronting the real estate owners of the country in the vast burden of school taxes which are imposed upon them at an increasing rate every year.

The problem of upgrading the schools becomes more difficult each year. The school dropout rate, the problems of minority groups, the difficulty of getting an educational system at the local level to be something more than mediocre, are getting worse, not better.

Nevertheless, we find that the sources of local revenue, and, indeed, the sources of State revenue also, which are used to supplement in my Commonwealth the efforts of local communities are just inadequate to the task. We are faced with the straight decision: Do we wish to have a mediocre or worse educational system in America, or are we prepared to put the massive assistance of the Federal Government behind our efforts to give the boys and girls of the United States of America the greatest educational opportunities of any children in the world?

To return to my text, Madam President, the study then added that it was imperative that these special needs be taken into account both in educational policy and in the fiscal policy which relates to education. But the high cost of the broad range of municipal services that large urban areas must provide creates a tax burden that prevents these cities, without other assistance, from financing adequately their educational costs even though there may well be, in the abstract, a considerable concentration of wealth in the cities.

We have heard a great deal about local effort in support of education during the debate over this bill. But it is nearly meaningless to isolate a single municipal service and determine the burden of taxpayer support of that service without taking into account what other municipal services that some taxpayer is supporting. If this is not done, comparisons are misleading at best, meaningless at worst.

Madam President, this was done in great detail by the junior Senator from New York [Mr. KENNEDY] this afternoon, whose speech I commend to all readers of the CONGRESSIONAL RECORD, as the best documented argument in support of the formula contained in the bill and in opposition to any efforts which may be made to change that formula.

I am aware that it is possible to demonstrate statistically that the residents of many of our poorer States are contributing a larger portion of their income to education than are the residents of our heavily populated urban centers. But those poorer States, because they are less heavily populated, are not required to support the range of Government services that population density requires. Our cities, however, are required to support mass transit systems, juvenile delinquency programs, and a host of other costly services which are unnecessary in sparsely populated areas.

If it is the purpose of this bill to apportion assistance to those areas where the taxpayer deserves a break because of the heavy burden he is presently carrying then we should look at that total burden and not just a part of it. If that is not the purpose of this bill then we should stop talking about local effort. It is local need that dictated the formula for distributing funds in this bill, and I believe that we should retain that formula. Our purpose is not to relieve taxpayers but to assist children.

In the areas of rural poverty the impact on education is the same even though the problem is more easily described. Here there is simply lacking even the appearance of wealth to support the kind of educational program required by the children of the economically disadvantaged.

Some way must be found by which the relative affluence of the Federal Government, which derives from its position in the tax structure, can be shared with our increasingly hard-pressed local governments in meeting the problem of education. We have had to learn this lesson in other fields. H.R. 2362 now seeks to apply this lesson explicitly to education.

It does so because, in the society in which we live, the consequences of an inadequate education are visited on society itself. As President Johnson has said, we presently spend about $450 a year on a child in our public schools but we spend $1,800 a year to keep a delinquent youth in a detention home. Can we not come to a frank recognition that we need not wait until lives are ruined before the public responsibility for a sane and healthy society can be asserted? It is my belief that this bill is a step in just that direction.

A COORDINATED ATTACK ON IGNORANCE

I should like to see the 89th Congress take its place in history as the Congress which first recognized the need for a truly coordinated attack on the social and economic ills of our society—and the primary place of education in that attack.

This is the essential concept of the Great Society: that America possesses the resources, properly marshaled and directed by social purpose, to rid our civilization of the ills that have plagued mankind from the beginning of time.

But a constantly rising level of affluence requires a constantly rising level of education. Education not only makes affluence possible, it provides also the sense of tolerance, the practice of civility, the capacity for leisure, and the respect for creativity that the good society requires.

MANPOWER ASPECTS OF EDUCATION

And it is the foundation upon which we must rely for the trained manpower we need to run the Great Society. In the last two decades we have seen a manpower revolution in this country in which the number of jobs for those with strong backs has continually diminished while the number for those with advanced educational skills grow and grow.

Stoop labor and repetitive work are rapidly being absorbed by advancing technology opening up whole new fields of employment for those who were formerly tied to the production line or the farm field. In the future only those properly prepared and educated can win those new jobs. Our farmers have themselves become technicians operating highly complicated machinery. Our educational system, in the final analysis, is the foundation upon which a full employment economy must rest.

The educational system must provide the advances in knowledge upon which economic advance depends. And it is the only pervasive device we have for lifting those bypassed by the manpower revolution up to the skill levels needed for them to participate as wage earners in the Great Society, too.

IMPACT OF EDUCATION ON SOCIAL PROGRESS

In recent years the Congress has passed a large number of far-reaching measures to achieve further social and economic progress. In case after case we have had to learn, often very late, that the success of these programs in such disparate fields as housing, urban renewal, manpower retraining, civil rights, the Appalachia program, the poverty program, and a host of others is fundamentally dependent on the quality and pervasiveness of American education.

But at the same time, while the Congress has been able to enact legislation to provide specialized assistance, as with the National Defense Education Act, or to act in special areas, notably higher education, we have not been able to enact legislation that would provide less specialized assistance to the schools.

We can no longer afford to delay. To do so is to jeopardize gravely the success of our efforts across the whole range of public policy.

I must confess to certain misgivings, and I am confident that they are shared by others in this body, about the administration of some of the programs I have voted for in recent years. That they are addressed to genuine problems I do not doubt; that the conceptions underlying them are sound I am confident. But I question whether we have today an adequate supply of trained manpower to administer them with ability, with compassion and with understanding. No less important is it that those citizens upon whom these programs impinge possess those qualities which genuine education imparts; if they do not, programs—such as the poverty program—may well fail.

The plain truth is that our educational system is simply not producing in adequate quantities the kind of educated person who can convert the Great Society from a vision to a reality.

That is why I view this education bill as the cornerstone of our efforts. And that is why I applaud the principle of selective assistance, the concentration on low-income families, that this bill provides.

Poverty, unemployment, intolerance, delinquency and vice are the companions of ignorance. This legislation seeks to deal with the cause and not the symptoms of our social ills.

The National Government has, on the whole, moved in recent years with imagination and vigor to deal with these symptoms. It has moved far more slowly in seeking to deal with the cause.

THE FORMULA

It is, of course, possible to criticize the formula for allocating funds under this bill. I support that formula, but let me be candid about it.

This bill as it came from the House through the Senate committee to the floor is a "soak the rich" bill. By that I mean that in this, as in other programs of Federal aid, the wealthier States will get back far less than they will pay in. As a Senator from one of the wealthier States I am prepared to support that formula nonetheless.

I do so primarily because education in America is a national as well a State and local problem. There are areas in Pennsylvania that desperately need the help this bill provides. This bill makes it easier for wealthy areas in Pennsylvania to assist poorer areas and to do so more equitably and more generously than the State government is likely to do. But, in addition, I support it because I have always believed that the health of my State depends upon the health of the Federal union of States.

Having said that, let me add that the genius of the formula contained in this bill is that it pushes this principle about as far as the wealthier States can be expected to accept. Any alteration of this formula to push this principle any further will almost certainly jeopardize that acceptance.

The States and their school districts have made, in many cases, heroic efforts to meet their responsibilities. Expenditures on education by State and local governments have risen dramatically in the postwar period.

But commendable as these efforts have been, the continuing disparity in the quality of our schools has served mainly to emphasize the national nature of the problem. Wealth is simply not evenly distributed among the States. Hence vigorous local efforts, acting on an uneven base, cannot produce even substantial equality of educational opportunity.

SUMMARY OF BILL AND CONCLUSION

The National Government must use its resources to assure that goal of substantial equality and that is what this bill is designed to do. That the National Government must be the instrument is the lesson of experience. That the goal deserves the very highest national priority is the obvious lesson of contemporary events.

This assertion is in complete harmony with the repeated finding of the Joint Economic Committee of the Congress, stated most recently in March, "that few investments, public or private, can yield such rich returns to the Nation as a broad and coordinated program to increase educational facilities, techniques, and programs." H.R. 2362 is precisely such a broad and coordinated program.

Title I provides over a billion dollars for improving the education of economically deprived children. The language of the bill is broadly permissive and would authorize a wide range of programs, at the discretion and under the control of local school authorities who best know their needs, that will have a beneficial effect on the entire educational system.

Title II institutes a 5-year program for the improvement of school library resources, including the most modern instructional materials, and the textbooks used in the Nation's schools.

Title III institutes a 5-year program to provide educational services, not broadly available presently, through supplementary centers. Special personnel and equipment will be made available in this way to serve the educational needs of whole communities.

Title IV proposes to step up educational research and dissemination of the results of that research, as well as the creation of regional educational laboratories, in order to improve the quality of teaching in our schools.

Title V proposes a 5-year program for strengthening State departments of education and thereby the educational leadership resources across the Nation.

These five titles collectively comprise a comprehensive and detailed approach to the improvement of the quality of elementary and secondary education in America. This bill is overdue; it is carefully aimed at the economic areas of greatest concern; it is thoughtfully designed to assist those portion of the educational complex—research and development—where the returns will be most lasting and consequential. It deserves our support.

On one thing both the supporters and the opponents of this bill agree. If passed it will be but a beginning. I unhesitatingly voice my hope that this is so. Let us begin by passing this bill. And then let us continue by further generous and comprehensive support of education in this country. Nothing this Congress does is more likely to earn it the respect and gratitude of posterity.

Madam President, does the Senator from Colorado desire the floor again?

Mr. DOMINICK. I have no immediate desire for it. I am willing to call it a night and go home.

Mr. CLARK. I would be glad to move that the Senate stand in adjournment, but my good friend the senior Senator from Oregon [Mr. MORSE] was called to the telephone. He said that he would return in a minute or two. So I think I should suggest the absence of a quorum in order to give him an opportunity to return to the Chamber.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Madam President, I wish to make a very brief statement which I believe is owed the President of the United States. I make this statement most respectfully.

While I fully understand the point of view of my highly esteemed colleagues on the minority, I feel that I owe it to the President to point out that the majority of the committee is not reporting the bill and urging that it be adopted by the Senate without amendment under any dictation from the President of the United States. The majority does not feel that it is under any pressure from the President of the United States or suffering from any so-called arm twisting by the President of the United States. I assure my good friends, the minority members of the committee, that the majority members of the committee are urging the passage of H.R. 2362, without amendment, on the basis of our independent value judgments as to how best we can serve the boys and girls in these elementary and secondary schools of our country which most need our help.

I have not talked with a single one of the Senators on the majority who has reported to me that the President has ever had a conference with him about the bill. Only the chairman of the subcommittee and the majority leader of the Senate, to my knowledge, have had a conversation with the President in regard to the bill.

This afternoon I reported on the floor of the Senate, as it was due the President to report, that the President agreed with the position that the majority on the committee had taken that the bill ought to be reported without amendment; and that it ought to be sent from the Senate to the White House so that it can become law, avoiding any of the possible risks that are always involved in connection with an education bill in conference sessions.

On the basis of this record in connection with the bill, the President of the United States is not deserving of any criticism that he is dictating to the majority of the committee or that he is dictating to the Senate. If one takes a look at the individuals who constitute the majority of the committee and each of their records, judicial notice can be taken that the President could not dictate to these Senators anyway. Merely because the President finds himself in agreement with us in regard to the legislative policy which we feel ought to be followed; and the mere fact that we find ourselves in agreement with the President's conclusions also as to the legislative policy that should be followed, does not, in my judgment, justify giving the impression to the country that the President is in any way dictating to the committee or to the Senate.

Mr. CLARK. Madam President, will the Senator yield?

Mr. MORSE. I yield to my friend from Pennsylvania.

Mr. CLARK. The Senator from Oregon is one of the most outstanding constitutional lawyers in the country today. He has wide experience in the whole general field of constitutional law, and particular experience and erudition in the area of the inter-relationship between the 3 coordinate branches of our Federal Government—the legislative, executive, and judicial. I wonder what he thinks of the suggestion of our friends on the other side of the aisle that when the Senate passes a bill which comes over to us from the House without amendment we are, in effect, endangering the whole fundamental constitutional structure of our Federal Government.

Mr. MORSE. I do not believe that there is any basis in fact, from the constitutional standpoint or otherwise. Yet, I do not wish to seem to be criticizing Senators on the minority side of the aisle, because I am not. I know they would like to amend the bill. I should like to have them to attack me and to attack my colleagues on the committee, rather than to attack the President of the United States. We are the ones who are responsible for the legislative strategy that the bill be sent to the President without amendment.

I have only reported—and I did this in committee; it is not a new report from me, because for quite some time I have reported to my colleagues on the committee—that the President agrees that the best way we can give assurance that we are going to provide aid to the educationally deprived in our elementary and secondary schools is to pass the House bill without amendment, because it is a good bill. But I take full responsibility for having urged the committee to accept the bill without amendment. In fairness to the President, I want to relieve him of any responsibility for having influenced or directed members of the committee in respect to the proposals I have made.

Mr. DOMINICK. Madam President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOMINICK. I always welcome the Senator's comments. I have never before known the Senator from Oregon to worry about what the House would or would not do.

Mr. MORSE. I have worried many times.

Mr. DOMINICK. If he thought there was a proposal which was better in the national interest, he went ahead regardless of what the situation was.

Mr. MORSE. I would now, too.

Mr. DOMINICK. The situation at the present time seems a little strange to me. Time after time today the Senator from Oregon, the Senator from Pennsylvania, and the Senator from West Virginia have said on the floor of the Senate, in effect, "We will pass the bill as it is this time. Next year, if amendments are needed, we will seek to amend the law."

Mr. MORSE. We do not say that amendments will be needed. We do say that if amendments are shown to be needed after a year's experience, we will support them. But we want to have a year's experience.

Mr. DOMINICK. The Senator from Oregon never answered my comments about the difficulty of trying to overcome the allocation problem under the grant program after it went into effect.

Mr. MORSE. I do not believe there will be any difficulty if facts can be shown which will justify a change. I have great confidence in the legislative process of the Senate and in the judgment of Senators. If a case can be made to justify a change, I think a change can be made.

Mr. DOMINICK. The Senator's colleague in the House, Mrs. GREEN, referred specifically to the difficulty of changing the allocation of funds under the impacted area act and some of the grants-in-aid programs that have been enacted.

Mr. MORSE. I have great respect for my colleague in the House, but I believe she is in error in her conclusion, because Congress has amended the impacted area legislation several times. Congress has amended rather extensively the National Defense Education Act and the coverage and formulas of the Vocational Education Act several times. I say most respectfully that I think my colleague in the House made her argument without fully examining the record.

Mr. DOMINICK. It has been suggested to me that perhaps this proposal ought to be called "legislation by trial marriage"; that we should wait a year to see what happens.

Mr. MORSE. No; I think we ought to legislate by basing our votes on what the record shows we now need.

OVERWHELMING COSTS OF PROTRACTED, SEVERE ILLNESS

Mr. McCARTHY. Madam President, the Association of Minnesota Internists recently adopted a resolution to be presented at the 1965 convention of the American Society of Internal Medicine.

The concern of the Minnesota group is about "the overwhelming costs of protracted, severe illness wherever it may strike."

They state:

> In order for a solution to this problem to be truly effective, it cannot direct its efforts toward a part of the problem; it must seek to protect all Americans when catastrophe strikes. As a consequence, ASIM should depart from the existing pattern, and seek a national policy of medical insurance for all who fall victim to overwhelming medical expense.

I do not share the view of the Minnesota Association that we should defer action on medical care for the aged until the entire problem is restudied. The problems of those over 65 are of a special type and I believe we should act now to meet that particular problem. However, I believe the resolution adopted by the Minnesota Association in reference to the problem of overwhelming medical expense, no matter what one's age, is an example of constructive approach which this organization is taking to the basic problem of health and medical services for citizens. I ask unanimous consent that the resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution No. 1 of Association of Minnesota Internists To Be Presented at the 1965 ASIM National Convention

Whereas legislation is presently pending in the Congress of this Nation which will, if passed into law, drastically affect the practice of medicine; and

Whereas the overwhelming preponderance of practicing physicians in this country have indicated their dissatisfaction with some principles embodied in the aforesaid legislation; and

Whereas the Association of Minnesota Internists embarked on a program of evaluation of national health legislation approximately 9 months ago, for the purpose of proposing action on the part of ASIM during 1965: Therefore be it

Resolved, That the American Society of Internal Medicine proceed, with the utmost diligence, to formulate its own policy as to national health legislation, with such policy to embody all parts of the following recommendations which, after additional careful study on a national level, are proven to be workable in solving the Nation's health problems.

RECOMMENDATIONS

1. National health legislation policies can be soundly formulated only through careful correlative studies, involving, at the very least, representatives of the Government, the insurance industry, and the medical profession. Because of this, it is deemed advisable that:

(a) Representatives of ASIM seek liaison with interested individuals in other fields related to the problems concerned in the further development of all important concepts.

(b) The American Medical Association encourages the study and formulation of ideas on the matter among members of the profession. Because of this, the American Society of Internal Medicine has the unparalleled opportunity of using its unique concentration on socio-economic matters toward solving the biggest problem of the medical profession during the 20th century. Once formulated, the findings and conclusions of ASIM should be submitted to the governing bodies of the AMA in a timely manner, in order that organized medicine can utilize what is meritorious therein in presenting its case to Congress and the American people.

(c) It is specifically recommended that Members of Congress be enjoined to hold a national conference on health legislation, with representatives from all involved groups present, prior to the passage of any pending legislation on health insurance, in order that such can embody the experiences of each.

2. Whereas the target of most national health legislation proposals has been those Americans over an arbitrarily selected age, the real problem created by the advances in medical science consists in the overwhelming costs of protracted, severe illness wherever it may strike. In order for a solution to this problem to be truly effective, it cannot direct its efforts toward a part of the problem; it must seek to protect all Americans when catastrophe strikes. As a consequence, ASIM should depart from the existing pattern, and seek a national policy of medical insurance for all who fall victim to overwhelming medical expense.

3. In a like sense, there is no wisdom in affording protection in situations where need is nonexistent. Doing so would be open invitation to overusage. There is no evidence that, in the United States, there is a need for Federal legislation to provide for medical expense coverage for either short-term medical care, or for the ordinary routine care of the common chronic illnesses. The indigent are covered by existing Federal and State laws, and, if any such need exists, it can most efficaciously be taken care of by extending them. New health legislation should be directed toward major medical expense alone, and ASIM should pursue such a direction.

4. At the present time, private health insurance is available which protects its beneficiaries from medical expenses beyond a minimal deduction and up to maximums of $10,000 to $15,000. Such coverage would appear to characterize the real needs of the American people generally.

While it is not within the province of a group of physicians alone to set the deductible amount which the overwhelming preponderance of Americans could sustain in a short time, such a figure would appear to be between $300 and $500. Coverage of the above type, for a family of two adults and two children, covering an illness for a period up to 3 years, would cost the average wage earner about 1½ percent of his monthly income.

Since the goal of this program is to include all people, some of whom may not be eligible under existing coverage through private insurers, the Government must assume some fiscal responsibility for collection and distribution of premiums.

5. The relationships between the degree of governmental regulatory control of medical facilities and medical costs has a long record of direct proportionality. Because costs of government at all levels are approaching their limits of tolerance, and because medical expenses on a national basis could severely aggravate such a condition, it would appear to be sound policy to limit the role of the Federal Government to that minimal one commensurate wth success of the plan. In our opinion, this role would include the following:

(a) In order to get all people into the program, it appears necessary that subscription be compulsory. The Government is best equipped to accomplish this through the use of the income tax agencies. Along with tax payments, payments can be made for health insurance. The simplest method of allowing individuals to procure their own insurance thereafter would appear to be the return to the taxpayer (or income tax return filer) of a certificate from the Internal Revenue Bureau, which he could use to procure his choice of private major medical insurance. As will be seen later, such a choice can be of considerable importance in a plan covering citizens of all ages.

(b) A special fund, perhaps labeled as the tax insurance fund, would be set up nationally as a depository for health insurance payments made to the Government, with premiums paid from such funds to insurance carriers as health plan certificates are turned in by them. This fund would be under governmental control. It seems possible that, during an initial adjustment period, moneys from the general fund would be needed as supplements to the tax insurance fund, until experience ratings determined the true costs involved. After an experience period, the tax increment paid by individuals would equal the value of certificates, plus an additional amount needed to cover insurance company losses in providing such coverage.

(c) In turn, private insurance companies participating in the program would establish a reinsurance pool among themselves. This pool would be administered, collectively, by them, and the companies, individually and collectively, would report to and share in the experience of the reinsurance pool on all coverage provided under the proposal.

If benefit payments plus expenses of the private insurers, as reflected in the operation of the reinsurance pool, exceed the premiums collected, the Government would subsidize the reinsurance pool from moneys held in the tax insurance fund (or taken from the general fund). As experience under the program emerges over a period of years, the individual contribution level would be adjusted to reflect the actual benefit costs plus administrative expenses incurred in providing the coverage.

6. In order to prevent overutilization of medical service after payment of the initial deductible amount, it would appear wise to include a coinsurance feature in all coverage. Such a feature would entail payment by the insured of a small part of additional costs. How such payments should be applied might best await the development of this concept by insurance experts. As an example, however, the individual might be expected to pay 20 percent of the cost of the first thousand dollars; 10 percent of the cost of the next thousand, etc.

7. Coordination between the compulsory major medical program and other aspects of private health insurance as presently established is a factor of considerable significance in the formulation of such a program.

(a) Private industrial corporations have already established extensive group health insurance plans for their employees. Where such plans exist, major medical premiums under the above plan can be used to supplement them: either by extending such coverages or otherwise.

(b) By combining compulsory major medical with other types of coverage, private carriers could continue to maintain a competitive relationship with each other, to the public's benefit.

8. From the standpoint of what medical services would be included in the coverage of major medical insurance, a number of factors are of importance. These include the following:

(a) It would appear reasonable to cover charges by qualified physicians, both in the hospital and out of it. This is true because:

1. While most office charges would be unlikely to exceed the deductible amount, follow-up care after discharge from a hospital would be in excess of the deduction.

2. Under currently existing private health care plans, there is an undeniable waste, due to the fact that hospitalization occurs so that patients may be covered by their insurance. Were coverage for office charges to be a part of such plans, the public would be saved the cost.

3. There is a real possibility that, if Government-sponsored and other insurance plans were to cover the hospital but not the office, private practitioners would be forced to forfeit income to hospitals, and patient care would degenerate through substitution of the hospital-employed doctor for the private physician.

(b) Hospital and nursing home care, which comprise the greatest expense among modern medical costs, would necessarily be covered under the plan.

(c) Home nursing care, properly supervised and developed, can readily serve as a means of precluding hospitalization. They should be included and encouraged as part of the health care plan.

(d) The costs of drugs and appliances prescribed by physicians outside of the hospital should probably be included in the plan, though such might well need more careful study and regulation than other aspects of care.

9. Utilization review boards, on a hospital staff basis, are becoming a significant factor in the practice of medicine, and are a healthy development when kept within the profession, whether connected with Government-sponsored health insurance or not. They should be developed within the profession, and cannot logically include lay people, who cannot judge the merit of medical procedures, and, therefore, could only add confusion to the functioning of such groups.

10. In strict contrast, provisions in pending legislation in Congress provide for granting certain powers of discretion as to utilization to the Secretary of HEW and, through him, to State health agencies. They also provide for the creation of a Hospital Insurance Advisory Council to assist the Secretary. It would appear that such powers and appointments are both inadvisable and unnecessary under our proposed plan for the following reasons:

(a) The primary purpose of national health legislation at this time is to alleviate financial disasters to people created through medical expenses. There is no indication that existing regulations, within the profession and outside of it, are not adequate for the policing of the care doctors are giving their patients.

(b) If overutilization is a matter for consideration, a serious look at its presence or absence in Government-sponsored institutions should serve as a guide to the capabilities of Government agencies in this regard.

(c) The presence of a deductible amount and of a coinsurance clause in Government-sponsored health coverage, such as is recommended in our proposal, is far more effective in curbing overutilization that are Government boards and councils devoted to this matter.

11. Summary: The prime target of national health legislation should be determined initially before such legislation is passed into law. It is our contention that this target must be the amelioration of financial disasters, following in the wake of catastrophic illness, and that previously recommended concepts have been aiming wide of the mark. Our recommendations have been made with the thought of covering the need, the whole need, and nothing but the need. It is our opinion that, if such a policy is adhered to, in any consideration as to health legislation, the public welfare will be maximally benefited and minimally harmed.

GOLD FLOW AND BALANCE OF PAYMENTS

Mr. McCARTHY. Madam President, I am somewhat concerned that the United States is overreacting to the problems of gold flow and the balance of payments.

The strength of the dollar does not depend primarily upon gold reserves; rather, it depends upon the world's most productive and efficient economy.

The strength of the dollar rests upon the world's strongest creditor position.

The strength of our dollar rests upon the world's most favorable trade position.

And it rests upon a most important factor, a stable government with the power and potential to determine tax and fiscal policy which is necessary to maintain the stability of the dollar.

I suggest the following U.S. policies to achieve these goals:

Our efforts to reduce direct military expenditures and foreign aid, however limited this possibility is, should be continued.

American bankers should be encouraged to give further attention to the problem of international finance and to increase their involvement in the area of international finance.

We should look to the suspension of those policies presently in effect which set restrictions upon the use of the dollar as an international currency and upon the free movement of the dollar in international trade, and upon American investment abroad.

The interest equalization law should be most carefully reconsidered and voluntary programs recommended to industry and finance in the country also weighed most carefully by the Government and by the businessmen and financiers who may be moved to comply.

Tax policies which unduly discourage foreigners from investing in the United States should be changed; tax policies which discourage the repatriation of earnings by American firms established overseas should be modified.

Along with these basic efforts, continued attention must be given to a system of improving international exchange so that the temporary imbalances can be quickly and easily adjusted and the needs of expanding trade more effectively met.

A combination of these policies would eliminate the principal economic or fiscal considerations regarding the strength of the dollar and should eliminate altogether the unfounded fear and suspicion which may run against the dollar and our international monetary and currency position.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

PRINTING OF REVIEW OF REPORTS ON NEW YORK HARBOR (ANCHORAGE AREAS), NEW YORK (S. DOC. NO. 17)

Mr. McNAMARA. Madam President, I present a letter from the Secretary of the Army, transmitting a favorable report dated July 10, 1964, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the reports on New York Harbor (anchorage areas), New York, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted July 16, 1957. I ask unanimous consent that the report be printed as a Senate document, with an illustration, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—AMENDMENTS

AMENDMENTS NOS. 74, 75, AND 76

Mr. DOMINICK (for himself and Mr. ALLOTT) submitted three amendments, intended to be proposed by them, jointly, to the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 77

Mr. DOMINICK (for himself, Mr. ERVIN, Mr. ALLOTT, and Mr. FANNIN) submitted amendments, intended to be proposed by them, jointly, to House bill 2362, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 78

Mr. DOMINICK (for himself, Mr. PROUTY, and Mr. ALLOTT) submitted an amendment, intended to be proposed by them, jointly, to House bill 2362, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILL

Mr. CLARK. Madam President, on April 1, 1965, the junior Senator from Illinois [Mr. DIRKSEN] introduced a bill (S. 1660), which was cosponsored by several other Senators, to incorporate the Italian-American War Veterans of the United States.

On behalf of the Senator from Illinois, I ask unanimous consent that the names of the senior and junior Senators from Maryland (Mr. BREWSTER and Mr. TYDINGS), and myself, be added as cosponsors at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MORSE. Madam President, I move that the Senate adjourn, in accordance with the order previously entered, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 13 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, April 8, 1965, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 7, 1965:

OFFICE OF ECONOMIC OPPORTUNITY

Jack T. Conway, of Michigan, to be Deputy Director of the Office of Economic Opportunity.

Glenn W. Ferguson, of Maryland, to be Assistant Director of the Office of Economic Opportunity.

Otis A. Singletary, of North Carolina, to be Assistant Director of the Office of Economic Opportunity.

Theodore M. Berry, of Ohio, to be Assistant Director of the Office of Economic Opportunity.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the Coast and Geodetic Survey:

To be captains

John O. Phillips
Robert C. Darling
Miller J. Tonkel

To be lieutenant

William R. Curtis

DEPARTMENT OF JUSTICE

John Doar, of Wisconsin, to be an Assistant Attorney General.

Harold Leventhal, of the District of Columbia, to be U.S. circuit judge for the District of Columbia circuit.

Robert B. Green, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma for the term of 4 years.

INTERSTATE COMMERCE COMMISSION

The following-named persons to the positions indicated:

Rupert L. Murphy, of Georgia, to be Interstate Commerce Commissioner for a term of 7 years expiring December 31, 1971.

John W. Bush, of Ohio, to be Interstate Commerce Commissioner for a term of 7 years expiring December 31, 1971.

EXTENSIONS OF REMARKS

Senior Citizens' Health Programs

EXTENSION OF REMARKS

OF

HON. ELMER J. HOLLAND

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1965

Mr. HOLLAND. Mr. Speaker, under leave to extend my remarks, I want to call to the attention of the membership my views on medicare as outlined in my monthly report to the residents of my congressional district last month.

SENIOR CITIZENS' HEALTH PROGRAMS

(From Congressman ELMER J. HOLLAND, 20th District of Pennsylvania)

At long last it appears that Congress—both the House and the Senate—will act favorably on legislation to provide adequate hospitalization, nursing home care, home nursing care and diagnostic services for our elder citizens, 65 and over, the program will come under the Social Security Act, as I have long advocated.

President Johnson sent the following message to a recent luncheon meeting held in Washington and sponsored by the Senior Citizens Golden Ring Council of New York. In substance, he said:

"The crusade for health care is on the verge of victory.

"The long debate is drawing to a close. There is going to be a program of health insurance for older people in this country. And the basis of that program is going to be our great social security system.

"For far too long older Americans have had to cope as best they could with the steeply rising costs of hospital care and other health services that you need.

"You have been patient in your actions, progressive in your thinking. Now your patience is to be rewarded by action."

Congressman MILLS, chairman of the House Ways and Means Committee—attended that luncheon, and told the guests the health care package would include the following:

1. A basic social insurance program of hospital care, based on the King-Anderson bill.
2. An increase in social security cash benefits.
3. An optional supplementary program covering many health expenses—not included in the basic hospital insurance program—to be partially financed from Federal funds.
4. Improvements in the existing Kerr-Mills Act (medical assistance for the aged)—to include provisions for medical care to needy children, as well as the needy elderly who cannot qualify under the social security program.

The bill—including the four programs—was reported out by the Ways and Means Committee on March 23. It is now in the Rules Committee awaiting a rule under which it will be considered by the House. (The Rules Committee determines whether a bill comes out under a closed rule—meaning no amendments can be offered from the floor—or an open rule—meaning that amendments can be offered by the Members for consideration.)

One thing is certain—however—the bill will reach the floor of the House for a vote. Early this session, Members of the House passed a resolution reinstating the 21-day rule—which authorizes the Speaker of the House to call up for House action any bill approved by a legislative committee that has not been cleared for House consideration by the Rules Committee within 21 days. In other words, the Rules Committee received the legislation on March 24, and if it takes no action, Speaker MCCORMACK can have the measure placed before the House for consideration after April 14. Therefore, we will soon have the opportunity to vote for the legislation.

In 1956, when I ran for Congress in a special election, I campaigned on a platform stating my support of the Forand bill to provide hospitalization, medical care and drug costs for persons receiving social security and railroad retirement benefits. After my election, I introduced the Forand bill and became a cosponsor (84th Cong.).

I have reintroduced that bill each Congress—up to the present—(89th Cong.). This session I cosponsored the King-Anderson bill (H.R. 1813). The administration backed the King-Anderson program, and while it did not provide broad coverage, I have stated I would vote for it if a better program was not obtainable. However, I felt the provisions of the Forand-Holland bill were preferable. In an effort to appease the American Medical Association, the administration deleted the portion of the old Forand-Holland measure "to provide coverage of medical and drug costs" and kept the hospitalization and nursing care coverage.

The AMA was not to be appeased, however, and it opposed even the limited version. That organization, over the years, has prevented the legislation from coming before Congress.

The AMA first opposed, then endorsed—and finally supported—the Kerr-Mills Act (medical assistance for the aged). This is a welfare program under which all persons 65 and over, who are on relief, can receive needed medical and hospital care, plus dental and eye care, diagnostic services, home nursing services and drugs with all costs paid by the State and Federal Governments. Under that program persons, 65 and over, who are receiving Social Security and Railroad Retirement benefits are entitled to hospitalization and nursing home care only, provided the pensioner can prove that he and/or his children cannot afford to pay for such care. * * * His income is below a certain amount * * * and * * * he has no private life insurance or property over a specified amount. (Each State is different.)

Pennsylvania citizens—65 and over who are on relief or pensions—do not receive any benefits under the Kerr-Mills Act which they did not already have under the State welfare program. The only help the act gives our State is to reduce the cost to the State, as the Federal Government now pays half the costs. Several other States with welfare programs similar to ours—New York, Michigan, New Jersey, etc.—also participate in the Kerr-Mills program, since it authorizes the Federal Government to share in the State's cost. Many States, however, do not wish to pay their share of the cost—so they do not participate in the program; consequently, their elder citizens (with or without pensions) receive no health care.

In the November 1964 election, the people of America elected a President and Vice President, as well as Congressmen and Senators, who campaigned on platforms including adequate health care for our senior citizens. There was little doubt that the limited program—under the King-Anderson bill—would be enacted into law.

However, the American Medical Association—in a hysterical, last-ditch stand—came up with a fancy-named program, eldercare, and it claims to cover everything at no cost to any individual (just the State and Federal Governments * * * who are really you and me), but in the fine print—you find out that maybe you will have to pay something after all.

Supposedly, the main concern of the AMA is the lack of health insurance coverage for doctors' fees and medicines, yet, this coverage was provided by the Forand-Holland bill, and the AMA claimed it would result in socialized medicine. Now, it laments for the poor pensioners because inadequate care is not offered under the original King-Anderson bill. But under the King-Anderson bill, as amended by the committee, this is not true.

The amended King-Anderson bill has a provision of considerable interest to our pensioners not included in the other bills. It grants a 7-percent increase to the 20 million social security beneficiaries (about $1.3 billion a year).

Another section of the amended bill increases the Federal share of public assistance programs in the various States, helping old-age assistance recipients, blind pension recipients, and persons receiving assistance because of disability (other than social security disability). Needy children—on relief—will also be included.

Federal funds to the States will be increased under this section—for programs conducted in behalf of the aged in mental and tuberculosis institutions.

Following is a résumé of the major medical care proposals. You may judge for yourself, the true facts.

Résumé

Provisions	King-Anderson bill (medicare)	Herlong-Curtis bill (eldercare)	Byrnes bill (GOP)
Who is eligible?	All persons 65 years of age and over	All persons 65 years of age and over	All persons 65 and over.
Benefits	60 days inpatient hospital care; patient to pay cost for 1 day (approximately $40). 60 days in nursing home if posthospital care required and patient is transferred from a hospital. 240 health care visits at home. Outpatient hospital diagnostic services; patient to pay ½ amount required under inpatient service (approximately $20) for each 30-day period of diagnostic service furnished. Optional voluntary insurance to cover doctors' fees, surgical fees, and medicines, $3 per month by pensioner and $3 per month by Federal Government.[1]	Would depend upon type of contract that State would make with private insurance companies. Would hope to have all medical and hospital costs covered.	Would pay first $1,000 (except for $50) and 80 percent of remaining costs of hospital and 80 percent of medical costs.
Who would administer the program?	Social security system	States, either through the department of welfare or the department of health.	Department of Health, Education and Welfare and Treasury Department of Federal Government.
How program would be financed.	Increase in social security taxes; not over 50 cents per week, $26 annually, and general revenue taxes for those not covered by social security or railroad retirement (persons on relief).	Federal Government and State government would participate, and in many cases the pensioner would have to pay part or all of the premium, other than Government share, if personal income so merits. (States will decide maximum income allowed to permit pensioner full benefits, free of personal cost, like Kerr-Mills.)	Graduated premium contribution by pensioner based on income, by State and Federal contribution.
Estimated maximum yearly cost to individual.	$26 while working	Would depend upon State plan	$114 after age 65.
Total cost of program (estimated).	$2,000,000,000 (without optional insurance)	$2,100,000,000	$3,400,000,000.

[1] Private insurance companies, that pool resources to provide, on a nonprofit basis, approved low-cost health insurance to the elderly for health costs not covered under social security plan; the Federal Government will exempt them from antitrust laws.

Eldercare: Let's look at it—calmly.

This is a medical insurance program for all persons 65 and older—and would be voluntary on the part of the States and individuals—(meaning the State legislatures would have to vote to take part in the plan before it would be available to its citizens—same as the Kerr-Mills program). Benefits would differ with the various States (according to private insurance policies contracted by the States) * * * and financed by "matching funds" with the Federal Government paying up to 84 percent to States to help pay costs of private insurance coverage.

Now—here is an interesting item, little publicized or discussed, the legislation provides that "recipients would pay all, part or none of the premium costs, depending on their income and the State plan. * * *

"Participants would certify their income to the State agency administering the program. Persons paying the full premium would have the benefit of an income tax deduction for payments, as well as statewide bargaining for * * * health insurance" (Congressional Quarterly, Mar. 5, 1965). States could administer the program through their department of health or department of welfare (as Kerr-Mills), and private insurance companies—such as Blue Cross and Blue Shield—could also help administer it through contract with the State.

The cost would depend on, if and how, the States used the plan. It has been estimated, however, that $2.1 billion of State and Federal funds would be required.

There is little doubt the American Medical Association is spending millions of dollars on spot announcements on 792 radio stations, the ABC television network and 166 independent channels, on page-size ads in the three national newspapers chains, small weekly publications, and in the 14 million pamphlets and circulars distributed in doctors' offices throughout the Nation.

Yet the sponsor of the AMA's eldercare bill, Congressman A. S. HERLONG, rebuked the association last week, as reported by the New York Herald Tribune:

"'These advertisements,' Representative HERLONG said, 'stated or implied that if and when H.R. 3727 (the eldercare bill) passed, these comprehensive hospital, medical, and drug benefits would automatically follow.' This is 'not accurate,' he said, 'because such benefits would flow only if a State chose to participate in eldercare.'

"'I knew what was in the (eldercare) bill before I sponsored it,' Representative HERLONG said. 'I was strongly for it' because the States would determine a patient's eligibility and the extent of benefits he would receive. 'I am still for that principle and I don't think you have to make any exaggerated claims for it.'"

PERTINENT FACTS

1. Our population now has more than 18 million persons—65 and over.
2. Four out of five have a chronic ailment.
3. After age 65—over 90 percent are hospitalized at least once, 66 percent are hospitalized two or more times.
4. Persons over 65 usually stay in hospital twice as long (15 days) as younger persons.
5. One-half of aged couples—where one is hospitalized sometime during the year—have total medical bills over $800 in 1 year.
6. Fifty-four percent of aged have no hospitalization insurance and many have inadequate coverage. Two-thirds of aged—with incomes less than $2,000—have no hospital insurance.

On the basis of the information furnished, I feel certain you will approve my vote in support of the administration's King-Anderson program.

A Resolution To Declare Election Day a National Holiday

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1965

Mr. FINO. Mr. Speaker, today I have reintroduced a resolution to declare election day a national holiday.

In my opinion, there is no reason why election day should not be a national holiday. Even when the election being held on the first Tuesday after the first Monday of November is a State or municipal election, the day itself is still a day of democratic decisionmaking characterizing the American way.

I believe that this one day a year when the American public makes its great political decisions ought to be a legal holiday. I urge the Congress to make it such.

Small Bank and Small Town in Wisconsin Show How in Cooperation With the Small Business Administration They Have Created 4 Industries Employing 400 People

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EXTENSION OF REMARKS

OF

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1965

Mr. O'KONSKI. Mr. Speaker, each day I have received half dozen letters from people in small towns asking why the Government does not establish some business in their town to create jobs. If the Federal Government were to build a plant in every small town in our Nation, we would go into bankruptcy overnight.

The people and the banks of the small towns must do the job themselves and the sooner the people of our small towns awaken to this fact, the better it is going to be for their communities.

The job of obtaining industries and creating jobs can be done if the people in the little towns will cooperate and if the banks in their little towns will cooperate and enlist the services of the Small Business Administration.

My good friend Walter Jensen, president of the First Bank of Grantsburg, of Grantsburg, Wis., has furnished me with a résumé of what they have done in their town. There is no reason under the sun why every town in our Nation cannot do the same thing if they just have the will to do it, and if they are determined that their community will not die. I doubt whether there is anyplace in America where a small-town bank has done so much for the attracting of industry as has this little bank in northwestern Wisconsin.

I am putting the accomplishments of this little town and this little bank in the pages of the CONGRESSIONAL RECORD for all Americans to see what can be done if there is the will to do it among the people in a community.

Grantsburg is a village of 900 people in Burnett County. The Congress of the United States salutes Grantsburg, Burnett County; Walter Jensen, the First Bank of Grantsburg, and the Small Business Administration for a job well done and an inspiration to the people of our great Nation.

We have analyzed the results of financing industrial development in our area the past 9 years and we thought some facts and figures may be of interest to other small banks, our Congressmen, State officials, and others engaged in trying to build industry for their community.

We find that most industries need long-term financing for the purchase of machinery, land, and buildings and they also need a considerable amount of short-term credit on a seasonal basis for the production of goods and the carrying of inventory. We are happy to state that excellent help and advice along with a participation in industrial loans has been furnished us by the Small Business Administration. We are also glad that we have had much help from our correspondent banks in furnishing overline financing of inventory and accounts receivable. In all instances our bank has participated in both the long-term financing as well as the short-term financing. We would like to give some facts and figures on three companies all of whom have been assisted by SBA and by correspondent bank financing.

Company No. 1: This company needed long-term financing for the purchase of additional production machinery and vehicles to increase production and to cut the cost of production. The company secured an SBA-bank loan the early part of 1956 for $30,000 and such loan was increased to $70,000 in the early part of 1959 at which time the original loan had been paid down to $15,767, so the total investment by the SBA and bank in long-term finances amounted to $84,232. In the early part of 1956 the company had 32 men working, with gross income that year of $260,545 and a total payroll of $86,974. The following year after additional machinery and equipment was added, sales jumped to $406,798, employment increased to 40 men and a payroll of $95,251. During 1964, this same company had a gross volume of business of $1,209,705 with a total payroll of $349,000 and during the period of 1956 through 1964 the company paid State and Federal income taxes of $176,886. At the present time, the company has 111 employees with a payroll of over $370,000. The bank-SBA long-term loan has now been paid in full.

Company No. 2: This company obtained a bank-SBA long-term loan of $40,000 in the early part of 1957 which was later increased to $66,000 in 1960 and again increased to $95,000 in 1962. Actual total loans after deducting payments during the period amounted to $130,342. In early 1957, the company employed 28 persons and had gross income of $241,811 with a payroll of $81,189. The company has shown a growth each year since 1957 and in 1964 it had gross sales of $757,000 with a payroll of $269,000 and a total of 86 employees. During the period from 1957 through 1964, the company paid Federal and State income taxes of $74,678.

Company No. 3: In the latter part of 1958 this company was in dire need of additional machinery, equipment, and working capital. A bank-SBA long-term loan was completed for $160,000 and in 1962 such loan was increased to $200,000 and in 1963 an additional loan of $35,000 was granted for the purpose of adding to their plant building and modernizing their heating plant. After deducting interim payments on the real estate-chattel mortgage loan granted by the bank and SBA, total loans to this company is $344,591. In 1959 the company had gross sales of $611,109 with a total payroll of $285,304. At that time they employed 98 people. The company has showed continuous growth and has now more than doubled the sales since 1959. In 1964 total sales were in excess of $1,300,000 and at the present time production is on an annual basis of $1,750,000. Total payroll in 1964 was $663,000 and the company employed 160 people. Since the first SBA loan was made the company has paid Federal and State income taxes of $126,000.

Summarizing the results of three loans made in cooperation with the Small Business Administration and with help on short-term financing by our correspondent banks, the results would be as follows: Total employment increase from 158 to 357 persons, gross payroll has jumped from $453,367 to $1,281,518, gross sales has increased from $1,113,000 to $3,367,000. During the period covered above, the three companies received bank-SBA long-term loans of $559,165 and during the same period have paid Federal and State income taxes of $377,600.

The above figures do not tell the whole story. The 357 employees also pay income tax to the State and Federal Governments and they create buying power which is beneficial to small town businessmen and to the bank. In the above analysis we have not taken into consideration fringe benefits paid to employees by these companies.

Company No. 4: Figures and facts relating to this company are not included in the above figures. We just completed a new $76,500 bank—ARA–SBA participation loan for the purpose of purchasing the plant occupied by the company and for constructing additional manufacturing spaces. Also included are funds for the purchase of modern machinery to step up production. In this case the bank has handled all the financing for the company for the carrying of seasonal variations in inventory and now they are set up with long-term financing on buildings and machinery and the bank will continue to finance seasonal inventory loans. The company started with 5 employees and will now employ 40 to 50 people.

In all fairness to these industries, we must give them credit for sound management and for creating wealth locally that is beneficial to local governments as well as the tens of thousands of dollars such industries spend each year for other machinery, equipment, and supplies which also creates employment and profits to others.

With a continued downtrend in farm income and with the prospects of fewer and fewer farms it is highly desirable that we continue to promote industry in our small towns if our towns are to grow and prosper and if our banks are to continue to grow and prosper. Our deposits have increased from $5 million in 1956 to $10 million as of December 31, 1964. We feel this could not have been possible without the growth of these industries and these industries would not have grown and prospered without financial assistance from the Small Business Administration, our correspondent banks, and our bank.

From the above information it would appear that industrial development is simple. It is not my intention to convey or suggest that building industry in a small town or anywhere else, for that matter, is easy. First of all, we need someone with an idea, then we need men who are trained and have the ability to operate and manage an industry. Also we need men who are willing to furnish risk capital ahead of the bank and SBA.

There is a lot of untapped human resources in every community and men who are willing to risk funds if they are given some cooperation and encouragement.

At this time I want to give high praise to the Small Business Administration for the wonderful job that they have done in this community. Besides paying the SBA loans back with interest, in a matter of 5 years these industries will pay in Federal taxes more than the amount of the loans that they have received from the Small Business Administration. In other words, the Small Business Administration is making taxpayers out of Americans instead of taxeaters.

I hope that these examples furnished by this small town of Grantsburg, Wis., will be an inspiration to the thousands of other small towns in America as to what can be done.

Voting Rights Act of 1965

EXTENSION OF REMARKS

OF

HON. JOE D. WAGGONNER, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1965

Mr. WAGGONNER. Mr. Speaker, I know of no man in either body for whom I have more respect, both professionally and from a standpoint of personal probity, than the venerable senior Senator from Virginia. Harry Flood Byrd. It behooves all of us in both Houses to hearken when he speaks; to consider at length his position on any item of legislation. He speaks with a wisdom that comes only from long years of unselfish dedication to the cause of responsible Federal Government.

His statement of April 2 on the so-called Voting Rights Act of 1965 is required reading, in my opinion, before any Member of the Congress casts his or her vote on this proposal. There are Members who have not had an opportunity, I am sure, to read all of his statement and, with unanimous consent, I insert it at this point in the Record.

I urge every Member to read each sentence. Take this issue of the Record home with you, if necessary, and study Senator Byrd's remarks. We are given, in this statement, every reason any man needs to defeat this proposal, now, before it is too late; before, in future years, we have to undo the mischievousness this bill will create if it is hastily and unwisely enacted.

The statement is as follows:

Statement by Senator Harry F. Byrd, Democrat, of Virginia, on the Administration's So-Called Voting Rights Act of 1965

To the People of Virginia:

This is a statement about the administration's so-called "Voting Rights Act of 1965." I am making it as a Member of the U.S. Senate representing Virginia under oath to uphold the Federal Constitution.

I am intensely aware of the democratic liberties to be achieved through our form of government, and to be guarded by it.

I am also dedicated to preservation of the principles and requirements of our State-local-Federal system and the checks and balances necessary to protect it.

The Federal Government of this country has worked itself into fiscal, monetary and military difficulties which are exceedingly serious.

Now the Federal administration is allowing itself to be influenced beyond reason by the emotion of domestic hysteria; and by its own actions it is inflaming so-called civil rights issues.

The so-called voting rights bill now before Congress is an act of the present administration. It admittedly was drafted by the Federal Attorney General.

It is a vicious bill. It clearly bears the unreasonable stamp of hysteria. Even Chairman Emanuel Celler, the New York chairman of the House Judiciary Committee, has called it "harsh."

The administration has pushed its consideration ahead of everything else. Committee hearings have been arbitrarily limited. Efforts to amend it are discouraged.

There is a terrific administration pressure to pass the bill before Easter. But this statement is not made with such intemperate haste. Instead, it is made with all deliberate speed.

I have analyzed all provisions of the bill. They are iniquitous in effect and contemptible in design. The administration has been advised of the odium in which I hold its proposal.

I have also studied the Federal Attorney General's testimony. He admits drafting the bill. Neither the bill nor the testimony is worthy of men entrusted with high office in the National Government of this country.

The proposal is made in the name of voting justice. It would be less hypocritical and more accurate to describe it as Federal law designed for vindictive use against six States selected in advance.

It is a proposal grossly to offend Virginia; and not only this. It is subversive of the Constitution of the United States and the whole system under which we are governed.

The Attorney General has documented his own cynicism. He has proclaimed his impatience with judicial process, and his lack of faith in it.

I quote directly from the prepared testimony of the Federal Attorney General before the Senate Judiciary Committee on March 23, 1965. He said:

"The judicial process, upon which all existing remedies depend, is institutionally inadequate to deal with practices so deeply rooted in the social and political structure."

I never expected to hear a responsible member of the legal profession or an Attorney General of the United States take such an attitude or make such a public statement about the judicial process.

Based on this rejection of government by law and not men, this Federal Attorney General seeks in a voting rights bill to arrogate judicial power to himself in areas of his own choosing.

A written Constitution protects us from despotic rule. For this protection against oppressive government we rely on the checks and balances of division of power and separation of powers.

The power of government is divided between State and Federal Government. And in both State and Federal Government, legislative, judicial, and executive powers are separated.

The Federal Attorney General, speaking for the administration, is demanding that the legislative branch of the Federal Government empower him—a political appointee in the executive branch—to preempt the judicial branch in areas he has chosen to punish.

That is not all. He is demanding power by Federal legislation to usurp the constitutional power of States he has already chosen to be his victims.

There is more. He is demanding this power under general Federal law which by his own design is limited to enforcement in only a handful of States.

He decries racial discrimination in voting practices, but he deliberately wrote this bill to exempt all voting discrimination in a four-fifth majority of the 50 States from its application.

The Federal Attorney General tortures legal reasoning in the scheme he contrived to include and exclude States from the vengeful clutches of his bill.

The States he wants to incriminate are caught by his own dictates combined with a devious statistical formula. Under terms of the bill—

The Federal Attorney General—by asserting that the voting requirements in a target area are racially discriminatory—may indict a whole State or any subdivision as violating the Constitution of the United States and Federal law; and

If 50 percent of the voting age people in the area were not registered to vote on November 1, 1964, or if 50 percent did not choose to vote in the 1964 presidential election, the State or locality—with never a day in court—is automatically guilty of the Federal Attorney General's indictment.

When a State or locality is convicted by this kangaroo procedure, the Federal Attorney General orders invasion of the State or subdivision by an unspecified number of Federal registrars.

Occupation of the State or subdivision by the Federal registrars will continue for an unspecified and indefinite period of time.

The purpose of the Federal registrars is to impose and enforce the will of the Federal Attorney General with respect to voting laws, ordinances, and practices in the State or locality.

The practices, operations, and locations, etc., of the Federal registrars are limited only by the whim of the Federal Attorney General, but they will include registration of persons to vote when they claim they have been disqualified under State or local requirements. And the Federal registrars will collect annual poll taxes in States where they are imposed.

(And the Federal Attorney General says he will extend his authority to all elections—Federal and State, general and primary, and local and district, including those for bond issues and the like.)

The State or locality has no rights to any sort of judicial appeal until it is actually incriminated by the Federal Attorney General's drumhead court. Then it may enter an appeal from the position of a culprit already convicted and sentenced.

The appeal in that position cannot be to test the validity of the Federal Attorney General's action. It is in the nature of an appeal for a pardon which is necessary before the State or locality can be released from the clutches of the Federal Attorney General and his Federal registrars.

But like the State or locality, the pardon appeal is virtually prejudged by the terms of the bill.

The appeal can be made only in a remote specially selected three-judge Federal court in Washington, D.C. (The Federal Attorney General says this is desirable for uniformity of decision.)

The State or locality is convicted by the Federal Attorney General of racial discrimination in voting practices, but much more than this is involved in getting a pardon from the Federal Attorney General's special court at the doorstep of the Federal Justice

Department in Washington, which is headed by the Federal Attorney General.

This court is allowed to grant a pardon to a State or locality only when it is able to prove to the court's satisfaction that for 10 past years—

Not only the State or locality, but also everybody in it, "acting under color" of its laws or ordinances, has been totally innocent.

Not only of racial discrimination in voting practices, but also totally innocent of all discrimination suggestive of voting discrimination.

(The Federal Attorney General says complying with the "equal but separate education" doctrine of the Federal Supreme Court which stood as the law of the land for a half-century would be an example of a practice suggestive of voting discrimination.)

Until a State or locality convicted by the Federal Attorney General is given such a pardon, under such conditions, by such a court, it is not allowed to enforce any change in any of its election laws or ordinances without permission from a district Federal court in Washington.

The extremes to which the administration and its Attorney General have gone to exempt the majority of States and convict a minority are beyond the realm of reason.

They demonstrate the bias and prejudice under which the bill was conceived and with which it will be enforced. The bill itself is literally based on discrimination as between States.

There is nothing in the Virginia constitution or statutes which can be honestly interpreted as discriminatory with respect to voting rights or registration.

I doubt that the Federal Attorney General can find a State where it is simpler or easier for anyone to register than it is in Virginia, or where election practices are cleaner.

If in truth, or consequence, there is any evidence of discriminatory voting practice or procedure in Virginia I am unaware of it.

If there is any evidence of racial discrimination in the registration laws or voting practices in Virginia, the Federal Attorney General has not given it the usual Federal fanfare.

Even the Federal Civil Rights Commission—with all of its bias and prejudice and snooping—has found that—

In Virginia there appears to be no racial discrimination with respect to voter registration and that Negroes "appear to encounter no significant racially motivated impediments in voting."

Despite all the activity of his own agents combined with that of the Civil Rights Commission agents, the Federal Attorney General says there is no widespread voting discrimination in Virginia.

But the Federal Attorney General persists in misrepresenting Virginia as a State with discriminatory registration laws or engaging in discriminatory voting practices.

He admits that this bill which he has drafted for the administration is fixed so that he can incriminate Virginia.

He admits also that he has designed this administration bill so that he can exempt Texas from its application.

In advance he has said that he will incriminate Virginia and exempt Texas.

He says Virginia is caught in his numbers game because 41 percent (not 50 percent) of its voting-age people voted in the presidential election of November 1964.

But he says Texas, where 44 percent (not 50 percent) of its voting-age people voted in the presidential election of November 1964, is not to be subjected to the application of his numbers racket.

When the Federal Attorney General was asked why Texas was to be exempt, he said:

"Texas is out for the reason that it does not have a literacy test. The literacy tests are the devices that have been primarily used in order to prevent Negroes from registering."

For those who may be misled by the Federal Attorney General into believing that Virginia has a literacy test, I shall compare the so-called voting tests and other requirements for voting in Virginia and Texas.

Both States voted less than 50 percent in the presidential election of November 1964.

Both States have a relatively high percentage of nonwhite population.

Both States in November 1964 required the payment of poll taxes as a prerequisite for voting in all but Federal elections.

The voting lists for the 1964 presidential election in Texas were composed of the names of persons certified by the poll tax collectors as having either paid their $1.75 poll tax, or as having formally applied for and received a certificate of exemption from payment for voting in the Federal election.

Like Texas, Virginia voters were exempt from payment of their $1.50 poll tax as a requirement for voting in the 1964 Federal election. The voting lists in Virginia were composed of the names of persons who had been registered under the Virginia voting registration laws.

In Texas, the so-called test is applied to prospective voters by the tax collector when they undertake to pay their poll tax; or when they formally apply for a certificate of exemption.

In Virginia the prospective voter is billed for his poll tax along with other taxes. He is asked simple questions of identification when he registers to vote at the office of a registrar.

In Texas the prospective voter must be able to understand the questions asked by the tax collector, and give the answers. In certain cases a husband can apply in behalf of his wife, and a wife can apply in behalf of her husband.

In Texas, article 5.14 of the election code requires the following questions to be answered:

Name?
Age?
Sex?
Race? (This is presumed to have been outlawed by a recent Federal court decision).
Occupation?
Length of residence in the State of Texas?
U.S. citizenship?
Native-born or naturalized citizen?
State or county of birth?
Length of residence in county.
Texas post office address (if residence is in an incorporated city or town give the ward, street, and number of residence in lieu of post office address, and length of residence in such city or town)?
Political party affiliation?

In Virginia, title 24, section 68, of the code requires the following questions to be answered in writing by the person registering, without assistance:

Name?
Age?
Date and place of birth?
Residence?
Occupation?
Have you ever voted before?
State, county and precinct where you last voted?

(Members of armed services are required to give their service, serial number and discharge date where pertinent.)

(Naturalized citizens are required to give date, court and State where they received their naturalization papers, along with their petition and certificate numbers.)

All persons registering are required to sign the following oath:

"I ——— do solemnly swear (or affirm) that I am entitled to register under the constitution and laws of this State, and that I am not disqualified from exercising the right of suffrage by the constitution of Virginia."

But the Federal Attorney General, while admitting that both States are ensnared in his voting numbers trap, reveals that he has written this bill for the administration so that—

He can exempt Texas by simply asserting that Texas has no literacy test. But he can incriminate Virginia by inferring that Virginia has some kind of a voting test that will not get his approval.

The fact is that in State and local elections on questions of bond issues, debt, and other matters of public finance, Texas voters must own taxable property.

There is no such requirement in Virginia.

For State and local elections Texas requires payment of poll taxes for 1 year; Virginia requires their payment for 3 years, but the 3-year requirement does not apply to new voters coming of age or moving into the State.

What does the Federal Attorney General do about poll taxes? He exempts Texas from application of his bill. But his bill provides that his Federal registrars sent to poll tax States will collect the taxes for 1 year—as in Texas—from persons they qualify to vote.

Beyond this, he has testified that neither he nor his Federal registrars will "recognize" the 3-year poll tax requirement—as in Virginia.

But while the Federal Attorney General refuses to recognize the requirement to pay poll taxes for 3 years as a requirement to vote, he provides in his bill that he and his Federal registrars can disenfranchise persons they have qualified to vote contrary to State laws if they do not vote "at least once during 3 consecutive years while listed."

The people of Virginia, and the Nation, are justified in the condemnation of legislation such as the Federal administration and its Attorney General propose in the so-called Voting Rights Act of 1965.

They would pin a rose on Texas, but incriminate Virginia.

And when they incriminate Virginia, they deny it the judicial process accorded a murdered.

They would convict Virginia of voting discrimination, but deny it a pardon until it has proved its innocence of something else for 10 years.

They admit there is already ample law under which allegations of discrimination can be tested in the judicial process, but they want this special law to bypass judicial process for the punishment of the States of their choice.

For purposes of this law, the Federal administration and its Attorney General condone an eighth-grade education voting test in New York, but they want the power to qualify a moron to vote in Alabama.

They decry discrimination devices, but they have proposed a law which in itself is a discrimination device.

The Federal Attorney General has no patience with the judicial process for the victims of this bill. He wants the power to deal with them himself.

The Federal administration and its Attorney General propose to incriminate certain States by means of dictator-type decree and a statistical formula.

They demand for themselves the right, under certain conditions which they name, to disenfranchise people they themselves qualified to vote.

The Federal administration and its Attorney General propose by a single Federal statute to take away the constitutional rights of States and substitute Federal Executive decree.

If this can be done for this administration, for the purposes of this bill, to punish the

States it has chosen, it can be done at other times for other purposes to destroy the constitutional rights of others, the Constitution notwithstanding.

It is significant that this bill would extend Federal control over all elections—Federal, State, local, and party primaries.

Federal agents are not to confine their control only to elections for political office. They extend it to State and local elections with respect to public finance—bond issues, credit, expenditures, etc.

Simply by changing the statisical formula the Federal administration and its Attorney General can be empowered to extend their control over any and all States they wish to give this treatment.

What would remain of our form and system of government if all elections in all States and localities were controlled by the Central Government.

Only last month 99.9 percent of the people in Moscow voted in an election of candidates who had no opposition. And when Mr. Khrushchev voted, he was not required even to produce identification.

Congressman Zablocki Discusses General de Gaulle's European Policies

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1965

Mr. REUSS. Mr. Speaker, in a statement broadcast yesterday over station WAUK in Milwaukee, the gentleman from Wisconsin, Representative CLEMENT J. ZABLOCKI, gave a thoughtful and informative appraisal of General de Gaulle's policies toward Germany and Eastern Europe.

Congressman ZABLOCKI's talk also includes a concise description of the European policy proposed for the United States by Dr. Zbigniew Brzezinski, director of Columbia University's Research Institute on Communist Affairs.

I believe that Representative ZABLOCKI's remarks will be of wide interest in the House:

DE GAULLE, FRANCE, AND THE WESTERN ALLIANCE

(Broadcast by Hon. CLEMENT J. ZABLOCKI, of Wisconsin, on WAUK's "Report from Washington," April 4, 1965)

One of the most significant trends of the early 1960's has been the growing breach between France and the United States—two traditional allies. Today, I would like to explore briefly some of the causes, effects, and implications of this growing foreign policy problem.

France today is led by one of the great men of its history—President Charles de Gaulle. He is a strong leader who has brought France into the ranks of the world's prosperous nations, while liquidating its colonial empire.

For many years this otherwise brilliant man has had an unreasonable prejudice against those he terms "Anglo-Saxons," that is, the British and the Americans.

Part of this attitude may result from still-smoldering resentment at his treatment by Prime Minister Churchill and President Roosevelt during World War II. Those two leaders often acted in ways that enraged De Gaulle.

There is more to the rift in the Western Alliance, however, than De Gaulle's personal pique. He views France as a great nation with a glorious past and an even more promising future.

He believes that France can best work out its destiny as the leader of a Europe which is free of the influence of England and the United States.

The Europe which De Gaulle envisions goes far beyond the six nations of the Common Market—France, West Germany, Italy, Netherlands, Belgium, and Luxembourg.

His vision encompasses also Eastern Europe and at least that part of the Soviet Union west of the Ural Mountains in west-central Asia. To this end France has been developing friendships with East European states, including Poland.

Through this policy he hopes to help Germany to achieve reunification within a European framework.

Although France and Germany have been age-old enemies, De Gaulle has attempted to bind the two nations closely together. He appaerntly believes that a reunited Germany, led by France and dependent upon France for nuclear protection, would no longer be a threat to Europe, but rather the opportunity for Europe to emerge as a third great power.

At the same time, De Gaulle opposes any organized unity in Europe. He seeks to keep ties between Western European nations loose in order to allow the eventual admission of the eastern bloc countries into his federated states of Europe.

To achieve both the reunification of Germany and free intercourse with Eastern Europe, De Gaulle knows he must have the agreement of the Soviet Union.

For that reason he has made efforts to enlist the Soviet Union as a collaborator. The Russians, eager to exploit any trend which weaken NATO, the Western Alliance and the position of the United States in Europe, have been receptive to these moves.

France and Russia appear to be alining their policies on the future of Germany.

Both want to exclude the United States and Great Britain from discussions on German unity, the frontiers of the German state and the level of armaments which it will be allowed to maintain.

They want to substitute as negotiators the neighbors of East and West Germany—including Poland and Czechoslovakia.

The United States, of course, vigorously opposes such a move. It is still the American presence in Europe which is the principal deterrent to a Soviet attack on Berlin and Germany. Our nuclear-armed planes and missiles still form a protective umbrella over all Europe—including France.

The present German Government—and the opposition German Socialist Party—recognize the necessity for continued American influence in European affairs. Germany, therefore, has not been enthusiastic about De Gaulle's so-called grand design for Europe.

While the United States has opposed initiatives by President de Gaulle, our own policies in Europe largely have been frustrated—often largely because of the hostility of the French leader to any concepts that originate in Washington.

President Kennedy's European policy largely was centered around the concept of encouraging increased economic and political unity among the states of Europe, including Great Britain. This integrated Europe would then deal closely with the United States in a political and economic alliance.

This strategy, for all its merits, was wrecked by De Gaulle's refusal to allow Great Britain to join the European Common Market.

Also thwarted have been U.S. efforts to fortify NATO by creating a nuclear-armed fleet of ships to operate in European waters with crews of mixed nationalities. Once again, France refused to cooperate. Our other European allies—with the exception of Germany—also were generally reluctant and so the plan has been shelved.

That is the situation today. We are attempting to stop initiatives by France, and France is attempting to short circuit our policies in Europe. The result has been virtual stalemate and the deterioration of the Western Alliance.

Many feel that there is a great danger that America may cease to be relevant or important to the future of Europe, and that Europe itself may become increasingly dominated by narrow nationalisms.

Among them is Dr. Zbigniew Brzezinski, the noted Polish-American expert on communism. Dr. Brzezinski, who is director of Columbia University's Research Institute on Communist Affairs, recently testified before the House Foreign Affairs Subcommittee of which I am chairman, during hearings on the Sino-Soviet split.

In his testimony, Dr. Brzezinski presented a program for American initiatives in Europe which he proposed as a Johnson plan.

Although I do not agree entirely with all aspects of this proposal, I think it deserves careful study at the highest levels of policymaking in our Government. Dr. Brzezinski believes that American policy in Europe should have five main objectives:

First, to convince the East Europeans—particularly the Poles and the Czechs—that East Germany limits their freedom without enhancing their security. This would require greater contacts with Eastern Europe by the United States while isolating East Germany.

Second, to promote Polish-German reconciliation. This would require an American declaration that the present Oder-Neisse frontier would be formally and finally recognized at the very moment that Germany is reunified.

Third, Dr. Brzezinski proposes that U.S. policy should aim to minimize Russian fear of Germany by encouraging West Germany to assure the Russians that under no circumstances will it develop a nuclear capability.

Fourth, it should relate the expansion of trade with Eastern Europe to more extensive cultural and social contacts with the people of that area. In this way, Dr. Brzezinski believes, the position of the Communist governments can be undercut.

Fifth, he believes that the United States should promote multilateral ties with West Europe and in East Europe. As Soviet control wanes and Eastern European nationalism reasserts itself, it should be the goal of American policy to promote political and economic integration—both in East and West Europe.

To achieve these goals, Dr. Brzezinski proposes a general all-European economic development plan which would cut across present East-West partitions, in which the United States would take the initiative and participate.

The Columbia University professor believes that by seizing the initiative for reuniting Europe, the United States would thwart the ambitions of President de Gaulle and reestablish our influence on the Continent.

This is one proposed solution to the present impasse in Europe—caused largely by President de Gaulle. Undoubtedly there are other approaches. The President and the State Department presently are giving the situation careful study.

I am confident that their policy decisions will be aimed at retaining for the United States its historic role in fostering a new Europe from the ashes of nations ruined by World War II.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 8, 1965

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., used these words of Scripture, James 4: 8: *Draw nigh to God, and He will draw nigh to you.*

Almighty God, we are uniting in a moment of prayer and joining hearts in a covenant with Thee and one another to walk in Thy ways of love and loyalty.

Thou art always beseeching us to open widely the windows of our soul that we may fortify our spirit as we face the darkness that bewilders us and seems to be settling over so many areas of the world.

Grant that we may never compromise and surrender to the forces of evil lest we betray our blessed Lord who alone is able and willing to deepen our faith in the power of righteousness.

May special blessings of insight and vision be given to our President, our Speaker, and all who share in the responsibilities of leadership as they seek to translate the lofty ideals of democracy into practical realities and make them regnant in the life of our Republic and mankind everywhere.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 30. Concurrent resolution to honor the victory over poliomyelitis.

CALL OF THE HOUSE

Mr. ANDERSON of Illinois. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 69]

Ashley
Baldwin
Baring
Blatnik
Bonner
Brademas
Buchanan
Cohelan
Dent
Holifield
Ichord
Jones, Ala.
King, Utah
Leggett
Mailliard
Powell
Purcell
Toll

The SPEAKER. On this rollcall 415 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SOCIAL SECURITY AMENDMENTS OF 1965

Mr. MILLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6675, with Mr. DINGELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from Arkansas [Mr. MILLS] had 3 hours and 15 minutes remaining; the gentleman from Wisconsin [Mr. BYRNES] had 2 hours and 48 minutes remaining.

The Chair recognizes the gentleman from Arkansas [Mr. MILLS].

Mr. MILLS. Mr. Chairman, I yield 1 minute to the distinguished minority leader, the gentleman from Michigan [Mr. GERALD R. FORD].

PROGRAM FOR THE PERIOD PRIOR TO AND SUBSEQUENT TO EASTER

Mr. GERALD R. FORD. Mr. Chairman, I have asked for this time to inquire of the distinguished majority leader, the gentleman from Oklahoma [Mr. ALBERT], the schedule for the period of time prior to and subsequent to Easter.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Chairman, I am happy that the majority leader has brought this matter up, because I do want to keep the House fully informed.

Mr. Chairman, we had thought that we would have up for consideration the Department of Defense authorization bill which, of course, is a very important bill, on Wednesday following Easter. However, that bill will not be ready for consideration.

We therefore have no legislative program for the week following Easter, and it will be our plan to adjourn over 3 days at a time, within the rule, so Members can govern themselves accordingly.

Mr. GERALD R. FORD. In light of the situation in the House Committee on Armed Services with reference to the committee report on the $15 billion-plus Department of Defense authorization bill, I fully concur with the decision of the majority leader and the Speaker in not programing or scheduling any legislation during the week following Easter.

Mr. ALBERT. Mr. Chairman, if the gentleman will yield further, we appreciate the cooperation which the minority leadership has shown in this matter. He has been very cooperative and I am happy to make this announcement to the House.

Mr. GERALD R. FORD. Would the majority leader give us an indication as to when the House will conclude its business next week?

Mr. ALBERT. The only bill we have of any consequence for consideration is the presidential succession bill, which we hope to consider on Tuesday or Wednesday. We do not have any District bills for Monday.

I cannot promise the Members that they can leave Washington at the close of business on Wednesday, but I know of no important business for Thursday of next week.

Mr. GERALD R. FORD. I thank the gentleman very much.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. When is Pan-American Day next week? Do we have any business on that day? Usually we do not. Will there be any business scheduled after that? I understood Pan-American Day was on Wednesday of next week.

Mr. ALBERT. Wednesday of next week has been designated as Pan-American Day.

Mr. MILLS. Mr. Chairman, I yield to the distinguished gentleman from New York [Mr. KEOGH] 15 minutes.

Mr. KEOGH. Mr. Chairman, I should like first and immediately, even though obviously inadequately, to commend our great Speaker in his typical and gracious designation of a talented young man to act as Chairman of the Committee of the Whole. It was this young man's father with whom I had the distinct pleasure of serving in this body for almost 20 years, and on the Committee on Ways and Means for a number of years.

Mr. Chairman, you are indeed to be commended for the proud manner in which you have carried on the tradition of that great father of yours whose name will forever and closely be associated with this monumental program we are about to enact into law.

Mr. Chairman, the decisions embodied in the pending bill have been quite adequately explained in detail by those great men who have preceded me.

There are, however, Mr. Chairman, two specific provisions in the pending bill in which I have a deep and abiding interest, and I should therefore make bold to detain the committee briefly in order that the RECORD with respect to these two provisions may be clear.

As Members of the House are aware, there is a large number of our citizens who heretofore have been deprived of the protection of the Social Security Act simply because of the form in which their income is received. For many years I have pointed out that this is extremely unfair to these individuals and I have sponsored legislation to provide for their coverage. I refer, of course, to those individuals who receive their income in the form of tips and gratuities. In the 87th Congress I introduced legislation to remedy this glaring gap in social security coverage, and have consistently espoused the proposal on every available opportunity.

Therefore, it is with a sense of considerable pleasure and satisfaction that I point particularly to the provision in

H.R. 6675 which will extend social security coverage to more than 1 million individuals and their families who receive their income in the form of tips and gratuities. These individuals and their families have needed the protection which is offered through the Social Security Act for many years.

There have been two problems which had to be met. The principal difficulty has been to devise a fair and practical system for obtaining information on the amounts of tips received by an individual which could serve as a basis for contributions and benefit credits. The other problem has been the question of whether tips should be taxed as wages or self-employment income.

As is more fully pointed out in the committee report, it is a matter of common knowledge that in an occupation where employees customarily receive tips, the regular wages of these employees are generally far below those of other employees with comparable training and duties. We have received information to indicate that, on the average, about one-third of the work income of employees who receive tips in the course of employment is in the form of tips. For many, tips constitute the major source of earnings. Since the regular wages of employees who customarily receive tips are relatively low, the benefits based on those wages are likewise low. The amount of tips received by employees who regularly receive tips is estimated at more than $1 billion a year. Under existing law, only a small fraction of this amount can now be counted. This situation will be remedied by the provision in H.R. 6675.

The Committee on Ways and Means concluded, after considering this entire problem very carefully, that the decision which it reached in connection with the legislation last year was a fair one, and that the only equitable way of counting tips toward benefits is on the basis of actual amounts of tips received and that the only practical way to get this information is to require employees to report their tips to the employer. Thus, the plan which is included in this bill, H.R. 6675, in that regard is identical to the provision which was contained in the social security bill which was passed last year, H.R. 11865.

I might also point out that the committee received full and complete information on this subject from both employers and employees before taking action in connection with this bill. Indeed, before including a similar provision in the bill last year, the committee invited written comments from employers on any technical or other problems which might be encountered in connection with such a proposal. This year, the committee heard in executive session from representatives of the employer groups most closely affected—the National Hotel and Motel Association and the National Restaurant Association representatives, in addition to the employee representatives.

Mr. Chairman, I am convinced that these provisions contained in this legislation are sound, and I again commend my colleagues for including this provision which will benefit so many individuals and their families in the years to come.

Mr. Chairman, another area with regard to social security coverage which has concerned me greatly for a number of years has been the failure to permit some form of coverage of Federal employees under the program. As I have stated on numerous occasions in the past, I can perceive no valid reason why the employees of the largest employer in the United States should be precluded by law from receiving the benefits and the protection under this act. In connection with the consideration of the bill which became the Social Security Amendments of 1960, I sought for inclusion of a provision which would have afforded Federal employees an opportunity to participate in this program. I was not successful on that occasion. However, the Committee on Ways and Means agreed that efforts of the executive branch should be expedited in evolving an appropriate and sound method for coverage of Federal employees. To that end, we included a provision in the report accompanying the 1960 bill requiring the Department of Health, Education, and Welfare to submit a report to us and urging the interested departments and agencies of the executive branch to accelerate their efforts in finding a workable and sound solution to this problem and report it to the Congress at the earliest opportunity.

Mr. Chairman, I regret to advise the membership that the report which we requested in 1960 was not submitted to the committee until late in the stages of completing committee action on the pending bill. It obviously was too late for the committee to study fully the suggestions contained in the report.

The committee was advised by the Department of Health, Education, and Welfare that the executive branch has initiated an overall study of retirement provisions for Federal personnel. On the strength of this and in the face of inadequate time, the committee, reluctantly I believe, refrained from including a provision in this legislation. I do, however, invite the attention of the entire membership to the statement in this regard which is contained in pages 103 and 104 in the report of this bill, particularly the statement that it is the committee's expectation that the current study which is underway will be completed not later than December 1, 1965, and that the deadline will be met. We have delayed too long on this.

I should like to point out that the report of the Department of Health, Education, and Welfare did contain one suggestion which, although far from meeting the problem, does afford some minimum measure of solace, and I have introduced a bill to carry out that limited degree of assistance.

The gentleman from Virginia [Mr. BROYHILL] has introduced an identical bill. In effect, these bills will provide social security protection for Federal employees and their survivors who do not have protection under the civil service retirement system. This would be accomplished by providing that the period of civil service of an individual who has no right to a civil service retirement annuity, deferred or otherwise, may be transferred to the social security system and counted as covered employment for social security purposes.

I want to make clear, Mr. Chairman, as forcefully as I can, that I do not consider the bills which we have introduced to be the total solution to this problem. It is what we regard as an absolute minimum which should be done immediately. The long-range solution involves much more than is contained in these limited bills, and I hope, when I say "long range" that we will be able to accomplish a solution to the larger problem well before the end of this Congress.

Mr. Chairman, I have pointed to these two particular areas of H.R. 6675 because they were areas of special concern to me which had not been covered in a detailed way by the speakers who preceded me. I subscribe to the comments which have been made by my chairman with regard to the monumental provisions of this bill extending medical care for the aged, in the extensions of the public assistance provisions and in the very noteworthy changes in benefits and in coverage of the old-age, survivors, and disability insurance program.

Mr. Chairman, this too is a day that will live long in history. For this day is the day when the Committee of the Whole and the House of Representatives will have risen to heights unprecedented and will have taken the first long step in the direction of providing adequate medical coverage for our senior citizens.

Mr. Chairman, the Great Society is on its way.

Mr. Chairman, I yield back whatever time I have remaining.

GENERAL LEAVE TO EXTEND REMARKS

Mr. MILLS. Mr. Chairman, I ask unanimous consent that all Members desiring to discuss the bill, H.R. 6675, may be permitted to extend their remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GRABOWSKI. Mr. Chairman, I rise today to voice my support of H.R. 6675. I take particular pleasure in supporting this bill because it is my belief that this is a great event in the social and economic history of the United States.

The medicare bill, when passed, will have the greatest impact on this Nation of ours of any legislation since the original Social Security Act. It will affect a segment of our society greatly in need of help. It will contribute to the war on poverty. It will remove from many the stigma of "charity" and it will guarantee to our elderly that they will receive medical attention at the time of life when illness comes most frequently and when their financial resources are low.

As you know, I have introduced legislation identical to this bill now under consideration. I did so in the sincere belief that this is excellent legislation and that the gentleman from Arkansas, Chairman MILLS, and the House Ways and Means Committee have done a superlative job in considering all the proposals forwarded in the area of medical care for the aged and in formulating a bill which is not only workable but which looks to the needs of the future as well as those of today.

This bill actually is divided into four parts: Medical care for our elderly citizens; a part dealing with maternal and child health, crippled children and mentally retarded programs; a part revising and improving the benefits and coverage of the old-age, survivors, and disability insurance program, and the part improving and expanding public assistance programs.

There has been a great deal of controversy stemming from this legislation. I know that my office, and I am sure the offices of my colleagues, reflects this controversy in the amount of mail, telegrams, phone calls, and visits from delegations which this bill has engendered. There has been every shade of opinion expressed, from complete opposition to any kind of Government assistance for the elderly to opposition to any form of social security financing to complete support for medicare under social security.

We all have had to sift these opinions and evaluate them and we have had to be guided by our own knowledge of the situation and our consciences.

When I think of some of the letters I have received, letters from old people telling of living on $54 or $70 a month for all the necessities of life, of insurance companies dropping health policies when elderly policyholders become ill, of hundreds of dollars in medical bills when these people cannot pay, of their shame at having to ask for welfare—which to them is nothing more than charity, then I ask how can anyone refuse to support this legislation.

This is a great bill. This is a bill which will bring innumerable benefits to a group of people which needs these benefits badly. I urge your vote for H.R. 6675.

Mr. KARTH. Mr. Chairman, as Americans we are filled with pride for our Nation's advanced technology and our great wealth. However, until very recently we have lagged behind some Western European nations in providing social services for our disadvantaged citizens.

The administrations of Presidents Kennedy and Johnson have been sensitive to our Nation's shortcomings in this area and have made great strides to overcome these deficiencies.

A national system of providing health care is an example where our country is far behind most of the advanced nations. Many of us remember when in the 1940's and early 1950's, Senators Murray and Wagner and Congressman Dingell advocated a national health program. At that time their proposal failed to get widespread support. Yet the various hearings which were held disclosed the plight of the aged sick and stirred many consciences. So while the idea of comprehensive health care lingered and vanished as a legislative issue, that of medicare for the aged persisted through the years. Vehement attacks on medicare whittled down the proposed program to such a modest "package" that even its advocates apologized for its obvious inadequacies.

Ironically, the foes of medicare unintentionally made H.R. 6675, as a health care bill, a far better piece of legislation. They accomplished this by educating the public, through their well-financed publicity campaign, to the shortcomings of the medicare bill.

President Johnson and Vice President HUBERT HUMPHREY last fall made a health care program for the aged a major election issue. Their overwhelmingly victory practically assured it favorable consideration by the 89th Congress.

I think it is particularly fitting that at this moment we should pay special tribute to those of our colleagues who did the pioneers work on this legislation: The late Congressman Dingell and Senators Murray and Wagner. We owe a special debt to Congressman Aime Forand and CECIL KING, Senator CLINTON ANDERSON, and others in Congress who in more recent times worked so diligently for medicare.

Much has already been written of Chairman WILBUR MILLS' unique genius in bringing out of the House Committee on Ways and Means a bill which incorporates the finest features of the different approaches to health care for the aged. He has rightly earned the thanks of the millions of people whose lives will be made better by his most influential leadership.

I will vote for the adoption of H.R. 6675 because I believe that we need to give this measure of justice and security to the aged and to the needy sick.

Mr. LANGEN. Mr. Chairman, our action on the Social Security Amendments of 1965 is going to set a pattern that the citizens of this Nation will have to live with for many years to come. We can either set an orderly pattern based on the real needs of our senior citizens or we can enact a patchwork piece of legislation that not only fails to provide all of the needed services but threatens the soundness of our social security system and paves the way for socialized medicine.

I fully realize and support the principle of adequate health facilities being made available to the aged. We have a responsibility in this field and should act. However, such aid should be made available at a reasonable cost to the taxpayers of the Nation.

This House should support a plan to assist our elder citizens in obtaining adequate health care. But we should not support a plan that saddles the wage earners of America with an increase in the regressive payroll taxes they pay. To force these wage earners to finance medical assistance for every senior citizen, regardless of whether it is needed, is unconscionable. That is why I believe we should support the substitute proposal before us, so that we will have a program that will meet the medical needs of the aged at less cost without burdening the social security system.

What is so interesting, Mr. Chairman, is that the principle of voluntary health insurance as contained in the alternate proposal is the same principle as adopted by the majority in the medical services program which was added to the administration's original medicare bill. We in the minority are, of course, pleased that they saw fit to improve the bill to the extent of adopting a number of our proposals. However, the substitute bill before us would improve the package even more, coordinating all of the benefits under one system instead of two separate and conflicting systems.

It is difficult for me to understand the wisdom of financing some medical care through social security taxes and the rest through voluntary insurance systems. What you end up with is half of the so-called medicare bill calling for compulsory coverage paid for by the wage earners, some who cannot afford to pay for medical care for others, and the other half calling for voluntary contributions from individuals and general revenues of the Government. And even with both of the programs in effect, our older citizens would still not be sufficiently protected from the unusually high costs of extended illnesses or expensive drugs.

As we note in the minority views in the report on the bill before us, the hospitalization program proposed in this bill, as the majority now admits, was "oversold." Many of us have long contended that the medicare provisions were completely inadequate. In an effort to stave off the inevitable disillusionment, a number of Republican proposals were tacked onto the bill. I should agree that these additions were sorely needed. Now we have the opportunity of going all the way by adopting the alternate proposal with its voluntary provisions.

The alternate proposal, which I believe we should support, would meet all of the medical needs of the aged, both in and out of the hospital. It would also cover catastrophic illnesses to a greater extend than the administration bill. Under the program, all persons 65 years of age or older would be eligible on a uniform basis and their participation would be voluntary, without a means test. Our social security system would not be threatened because financing would come from general revenues of the Government and from the people themselves. Social security would only be used as a factor in determining the cost of the insurance for the individual. Insurance plans already in effect would not be disrupted. And the young wage earners of today would not be taxed for medical benefits for those who do not need it.

Mr. Chairman, it makes good sense to eliminate the duplication of coverage that is inherent in H.R. 6675 by combining all medical benefits in a single, comprehensive insurance program. We would provide greater benefits and protection for less money.

It is hoped that a majority here will cast an affirmative vote for the elderly and for the wage earners of America by supporting the alternate proposal. It is the better of the two plans. The other, as reported to us from the committee, is unacceptable because it does not provide all of the needed benefits and the method of financing seriously endangers the entire concept of social security, putting the Nation dangerously close to complete socialization of the medical profession.

Mr. PIRNIE. Mr. Chairman, the subject before us has evoked widespread interest throughout the Nation. With the possible exception of civil rights, the question of health care for the elderly has received more attention than any other program before this 89th Congress.

There appears to be unanimous consent that some form of assistance with medical expenses for our senior citizens is needed; I have found little disagreement with that basic premise.

However, as can be observed in this Chamber today, there is some disagreement respecting what may be termed the specifics of the program to be adopted. Who will be covered? What benefits will be included? How will the program be financed? Who will handle its administration?

I long have taken a position in support of a program that is soundly financed on a contributory basis during one's earning years. I believe that the individual should prepare for his retirement years when he must anticipate medical expenses will be higher during the period of his reduced income. The simple, direct way to thus prepare is through a contributory plan operating during his working years. You might say that this is the "buy now, pay later" theory in reverse. To me, it is sound.

Further, I believe that use of the existing social security structure to collect moneys for the program has real merit because it eliminates the necessity of establishing wasteful, duplicate collection mechanisms. This proposed program is of necessity costly and far reaching; therefore, we have an obligation to put forth every effort to make it as economical and equitable as possible.

Also, I have advocated that a trust fund be established for the program, separate from the social security fund, so that Congress and the American public would have the capability of checking on the financial status of the plan at any given time in order that timely adjustments could be authorized to insure its stability.

Our obligation will not cease upon passage of this bill. We must be ever mindful of our responsibility to keep a watchful eye on the adequacy of the funds in reserve today for those who will require assistance tomorrow.

Mr. Chairman, I, like my colleagues here and millions of Americans across the country, have given much serious thought to the type of coverage that should be included in a health care for the elderly program.

I have maintained that we should endeavor to establish a basic hospital plan for all those to be covered, as well as a supplemental plan, available at a minimal additional charge to those who voluntarily elect to participate, to cover related doctor and drug expenses.

I have long expressed an interest in developing a program that would permit a partnership between the Government, the people, and private insurance companies and I trust that maximum consideration will be given to the full utilization of the capabilities of private agencies in serving this program.

One other aspect of this bill warrants particular note. In addition to coping with the health care question, it also calls for an increase in social security benefits, in essence, a cost-of-living adjustment.

In addition, it calls for the continuation of benefits to age 22 for certain children in school, provides for actuarially reduced benefits for widows at age 60 and grants benefits to certain persons currently 72 or over now ineligible. Further, it liberalizes the definition for disability insurance benefits, increases the amount an individual is permitted to earn without suffering full deductions from benefits, revises the tax schedule and increases the earnings counted for benefit and tax purposes so as to fully finance the changes made.

Many of us, during the last Congress, cast affirmative votes on a bill to increase social security benefits and to bring about several much-needed revisions in the program. We were gratified by the favorable action of the House. However, as you know, we were later disappointed when the Senate sought to include other controversial amendments which kept the measure from again coming to the floor.

Now it is a different story. We have before us a plan which incorporates sound proposals adopted from several different sources. Areas of previous disagreement have been skillfully compromised. As a result, we have a bill which is not an administration measure nor a Republican bill. It is a composite approach, far more acceptable to many of us. It is one I feel can provide desired and needed benefits for our senior citizens, present and future.

Mr. FARBSTEIN. Mr. Chairman, this is a great day for the elderly of our country. We are finally making it possible for them to overcome their longtime fears of medical disaster by passing this legislation. We are also liberalizing the social security law in various of its facets. I am therefore proud to vote for this bill.

One-tenth of the people of our Nation are faced with the threat that ill health could, at any moment, wipe them out financially, reducing them to wards of the Nation's charities. These people are our senior citizens; those men and women who have lived fruitful and productive lives, yet who must now, for a number of reasons, hover on the brink of impending debt and despair.

Of these 18 million people, more than half have incomes of less than $1,000 a year. A full third have no assets whatsoever besides this meager income, while half have assets of less than $1,000. What makes limited finances such as these so frightening is that, when a husband or wife is hospitalized, aged couples today face medical bills averaging about $800 a year. Our elderly citizens require three times as much hospital care as the young and, when they go to the hospital, they stay, on the average, twice as long. Moreover, the rapidly increasing costs of medical care hit them hardest because whatever income they do have is generally fixed.

In 1960, Congress took limited steps to meet this problem by passing the Kerr-Mills Act. This act was deficient in two respects. First of all, it mistakenly assumed that health care problems in old age are limited to the very poor. We have just seen from the previous statistics that this is not true. Even people who have lived quite comfortably throughout their working lives face the prospect of limited funds when they reach retirement. But the more pertinent fact is that the extended periods of illness that usually accompany life's later years can undermine the economic independence of even the most secure.

The second and more critical weakness of Kerr-Mills is that it leaves the application of a suitable aid program to the jurisdiction of the individual States. After 5 years, 9 States have not bothered to comply with the provisions at all, and only 7 of the remaining 41 have anything approaching an adequate program.

I am proud to say that my own State of New York has instituted one of the better programs under Kerr-Mills, but even there it is not a complete arrangement. It necessarily uses the welfare approach and, as such, can never hope to be the ultimate answer to the real needs before us.

I, therefore, rise to voice my support for the bill which I believe does answer these needs—the proposed amendments to the Social Security Act, better known as medicare.

This bill, as reported by the Ways and Means Committee, would give three levels of protection, each one being more comprehensive than the old Kerr-Mills Act.

First, it would provide a basic plan of hospital insurance financed through the social security system. This section would provide compulsory protection to all persons 65 and over and would be financed by equal contributions by employee and employer to a separate hospital insurance trust fund. The benefits under this section would include:

First. Hospital inpatient services—60 days for each spell of illness with $40 deductible.

Second. Posthospital extended care—at least 20 days and maximum of 100 days following transfer from hospital, in facility having agreement with hospital.

Third. Outpatient hospital diagnostic services—available as required with $20 deductible during a 20-day period.

Fourth. Posthospital home health services—up to 100 visits after discharge from hospital or extended care facility.

The second level of protection involves a supplementary plan covering physician's fees and other medical services. All persons over 65 would be eligible for this plan on a voluntary basis. There would be an annual deductible of $50. Then the plan would cover 80 percent of the patient's bill for the following services:

Physicians' and surgical services in hospital, clinic, office or home; mental hospital care for 60 days in spell of illness—180-day lifetime maximum; home health services, without requirement of prior hospitalization, for up to 100 visits a year; other medical and health services in or out of medical institution including diagnostic X-ray and laboratory tests; electrocardiograms; certain ambulance services; surgical dressings; splints, casts; rental of certain medical equipment as iron lungs, oxygen tents, braces, artificial limbs.

As a third section, the bill incorporates an extension of the Kerr-Mills program. Believing that this old plan would provide an excellent underpinning to the other programs, H.R. 6675 extends the coverage to include the blind, the disabled, and families with dependent children, and increases the Federal matching share for cash payments for those needy persons.

In addition, the bill includes a number of excellent child health programs and public welfare amendments, and provides for some much needed increases in general social security benefits.

But, while the comprehensiveness of the provisions takes steps toward securing economic stability for our elder citizens, the way in which they are applied promises to affirm a dignity for these people that previous plans have neglected. No longer must our aged be subjected to humiliating means tests. No longer must they seek protection in the form of degrading handouts. These benefits are not charity or welfare. Under this program, the individual will have contributed financially to his own security and that of his family. The benefits will be paid because the person has earned them.

Many people have been worried that such a program might lead to Government control of the medical profession. This is not the case, and in fact, the bill specifically prohibits the Federal Government from exercising "any control over the practice of medicine or the manner in which medical services are provided." Further, the bill allows the beneficiary to choose whichever doctor, hospital, or agency he desires.

It would seem to me that, rather than fettering medicine with new restrictions, this bill opens up new vistas of freedom in treatment that the profession has never known before. For no longer must a physician weigh his diagnosis in terms of what the patient can afford. He can now practice his art as it was meant to be—prescribing care solely upon what he analyzes the patient's need to be.

I am excited about this bill. I believe it to be one of the most significant pieces of social legislation to come before this Congress in years. What is more important, I know my constituency is decidedly in favor of it as well. It is for this reason that I took steps to make sure that it did not expire in committee as so many of its predecessors have. Last year, I personally had printed and circulated cards throughout my district whereby voters could express directly their feeling for this bill. The response was great and overwhelmingly in favor of the bill. I submitted this material to the Committee on Ways and Means so that its members might be aware that the people of my district and even of the entire Nation want this bill and want it now.

For too many years in the past we have allowed important measures such as this to die in the web of legislative procedure, making Congress a symbol of inaction in the face of need. Let us repudiate the "do nothing" Congresses. Let us become a "do something" branch and pass quickly this legislation which is so desperately needed and which embraces the hopes of every elderly person in our Nation.

In the above, I stated my full support for the medicare bill. I do have one serious reservation about it, however. This concerns the omission of any provision for drug costs. In many cases, drugs can present a ruinously high cost of illness, and this is particularly true of the elderly who are chronically ill.

Certainly, many of our aged will be able to meet drug costs if they have, as I assume they will, protection of medicare. I do not propose to subsidize all drug costs, but only those of the greatest in need.

For this reason, I plan to introduce legislation to set up a drug stamp program which will be quite similar to the very successful food stamp plan. Under this proposal, a person who is within a maximum income limitation would be issued coupons redeemable at any approved retail drugstore. Full freedom of purchase will be maintained as it has been in the food plan.

I believe this measure will plug the one remaining hole left in the bulwark we built for our elderly. I urge your consideration of it and hope to see it passed as a companion measure to the medicare bill.

Mr. **SCHMIDHAUSER**. Mr. Chairman, I would like to add my voice in support of H.R. 6675. First of all, I would like to compliment Chairman MILLS and the members of the Ways and Means Committee for reporting a bill which will enable our senior citizens to receive the best possible medical attention without fear of having their lifetime savings wiped out due to a major illness, or creating a financial burden for their children. It is the solemn duty of this, the wealthiest and greatest nation on earth, to provide this program for those who have contributed so much to the building of our society when they are no longer able to participate in the labor market.

I feel that the basic plan of this bill which will provide for hospital care and posthospital care financed through the social security payroll tax is the proper answer to the problem of ever-increasing costs of hospital care that are burdening our older citizens. Also, the inclusion of a voluntary plan to provide for physicians' services, diagnostic and laboratory services, and home health services is a most fitting supplement to the basic hospitalization plan. This program, based on small monthly payments by those who choose its coverage along with a like contribution raised from the general revenues, is in the finest American tradition of free choice.

Further, this proposed bill would not only strengthen the Kerr-Mills program by establishing minimum standards for medical assistance, provide for less stringent "means test," increase the contribution of the Federal Government, but would extend coverage to all needy persons regardless of age.

I feel that we have had presented to us a bill that is financially sound. The basic plan will be administered from an actuarially sound separate trust fund, and will cost those employees who contribute to it less than 40 cents per week. The voluntary supplemental plan can be paid for by those who choose it with no loss in their present social security benefit rate.

Finally, Mr. Chairman, I feel that we owe a large debt of gratitude to Chairman MILLS and the members of the Ways and Means Committee who were able to combine the best features of several proposals into one comprehensive program of medical assistance that has few parallels in the history of legislative responsibility.

Mr. **SICKLES**. Mr. Chairman, one of the most pressing questions of our times—the issue of how to pay for the increased medical expenses that face many elderly Americans—will be substantially resolved by the program established by the bill to be voted on today. This bill is now on the last leg of a long legislative journey.

For a number of years, most people have recognized that our elderly citizens—who because of the miracle of modern medicine and science are enjoying longer lives—need financial assistance to protect them from the steep hospital and medical bills they frequently incur in their retirement years when their income is reduced.

To aid the elderly, Congress is considering legislation which makes a three-pronged attack on the problem.

First, and perhaps most important of all, the bill proposes a basic plan of hospital insurance protection financed primarily by an increase in payroll taxes, which will be deducted along with social security from the worker's paycheck. These funds will establish a hospitalization program available to almost every American at age 65 and over. Briefly, the program provides for: Up to 60 days of hospital care for each illness, with the first $40 deductible; up to 20 days of posthospital nursing home care, with 2 additional days for each day that a person's hospital stay was less than 60 days; posthospital home health services for up to 100 visits, including, for example, daily visits by a nurse; outpatient hospital diagnostic services, with a $20 deductible clause.

As a companion feature to the basic hospitalization plan, elderly Americans would be permitted to participate in a voluntary program to help them meet the cost of physicians' services. This supplementary plan would be financed by a $3 monthly contribution by the individual participant, which would be matched by an equal contribution by the Federal Government from general tax revenues.

The program would cover 80 percent of the cost of doctors' services, home health services, hospital services in mental institutions, and other health services, after a $50 deductible. Briefly, the program provides for: Physicians' and surgical services whether furnished in the home, hospital, clinic, or office; hospital care for 60 days in a mental hospital, with a 180-day lifetime maximum; home health services, without prior hospitalization, for up to 100 visits, during each calendar year; additional medical and health services, whether provided in or out of a medical institution, including X-ray and laboratory tests, X-ray, radium, and radioactive isotope therapy, ambulance services, and other miscellaneous services, such as surgical dressings, casts, rental of wheelchairs, braces, and artificial limbs. Eyeglasses and dentures are not included.

In addition to the hospitalization and supplementary medical services plan, the existing Kerr-Mills program would be revised and expanded to provide care for a limited number of needy elderly persons who lack the money required to receive full health care.

The improved Kerr-Mills program would require a State to provide inpatient and outpatient hospital services, laboratory and X-ray services, skilled nursing home care, and physicians' services, in order to receive Federal grants. The States would be required to establish a flexible income test, geared to the size of the medical bill confronting the elderly person. The States will also be required to help needy elderly persons pay the various deductible costs required to participate in the supplementary voluntary program I mentioned earlier.

This three-pronged attack on the health problems of the elderly: Basic hospitalization coverage, the voluntary program for medical services, and the improved Kerr-Mills program, constitute a tremendous step forward for America.

Also included in the bill is a 7-percent, across-the-board increase in social security benefits, and many other amendments liberalizing the basic social security program.

I am giving this bill my full support because it is a major step toward the goal of providing adequate health care and financial security during retirement years for every elderly American.

Mr. ROOSEVELT. Mr. Chairman, I rise in support of H.R. 6675, the Social Security Amendments of 1965, which will provide a hospital insurance program for the aged under the Social Security Act. It also provides for an optional supplementary health benefits and medical assistance program, financed by individual premiums and Federal Government matching payments, and operated through private insurance carriers.

I have long fought for legislation to provide medical and hospital care for our senior citizens, and commend the magnificent work done in this 89th Congress by the Ways and Means Committee, and its chairman, the gentleman from Arkansas [Mr. MILLS].

Building upon the provisions of the King-Anderson bill, this bill utilizes the basic social security approach commended by both the Kennedy and Johnson administrations, which approach I thoroughly endorse.

Mr. Chairman, I have some very vivid memories, very personal memories, of the controversies that raged when the first social security bill was put forward. There were predictions of dire consequences, breakdown in the moral fabric of America, and expressions indicating little faith in the American people. All of these fears have proved to be without foundation, and the social security principle has proved a sound one.

In addition, this measure provides for a program of supplementary medical care and assistance which is available to all persons age 65 or over, on an optional, voluntary basis, regardless of whether or not they are eligible for social security, railroad retirement, or other benefits.

Here we offer the American people a program consistent with both the Federal concern for the basic welfare of all Americans, and the individual and private responsibility for self and family.

There are now more than 18 million people in the country who are 65 or older, and their numbers continue to increase. Most of them have little or no financial protection against serious illness. On the average their incomes are one-half those of younger people. At the same time, their need for health care is about twice that of people under 65.

This program will make it possible for people to build insurance protection in their working years against the high cost of illness in their old age—just as they now build social security protection for themselves and their families against the loss of earnings accompanying old age, disability, or death in the family.

In addition, this far-reaching program increases by 7 percent all old age, survivors, and disability insurance benefits, with a new minimum benefit of $44 per month.

One of the most significant provisions of the bill is that which permits payment of children's insurance benefits to the age of 22, provided the child is a full-time student. With so much emphasis placed today on the need for higher education, this continuing assistance will be of immeasurable benefit to the children of disabled workers, as well as orphans, who could not otherwise realize their full potential by the completion of their education. Last year I introduced legislation to accomplish this worthwhile purpose, and I am particularly gratified that the Committee on Ways and Means has included it as a part of this package. It will benefit an estimated 295,000 young people.

An especially humanitarian provision of this measure is that which permits widows to begin receiving reduced benefits at age 60, if they so choose. We are well aware of the difficulties women face at this age in finding employment, if they are fortunate enough to enjoy sufficient good health to permit them to work Some 185,000 widows who are not physically capable or otherwise qualified for full-time employment will find this aspect of the bill will greatly alleviate their plight.

Liberalized disability insurance eligibility requirements will benefit an estimated 155,000 disabled workers; while liberalized eligibility requirements for benefits will aid an estimated 355,000 persons 72 or older.

Finally, this comprehensive bill improves the Kerr-Mills program by expanding State medical assistance programs not only to the indigent aged, but also to needy persons who are part of the dependent children, blind, and permanently and totally disabled programs, increases the Federal share of payments under all State public assistance programs; and increases Federal authorization for maternal and child health services and for crippled children services.

Next week I will analyze and report in greater detail exactly what a person 65 or older can expect from this bill—how much money, how and where to obtain it, and what total benefits he can anticipate.

Mr. Chairman, we have the opportunity today to add another vital brick to the foundation of President Johnson's Great Society, and to add a significant weapon to our growing arsenal for his war against poverty.

We also have the opportunity to say to some 18 million aged Americans that the great wealth and plenty of this country, toward which their own contribution has been immeasurable, shall not bypass them, and that they shall share with younger Americans the abundance of necessary goods, the freedom from crushing worry, and the dignity of spirit afforded by our great American way of life.

Mr. GILBERT. Mr. Chairman, I have sponsored and worked for a program of medical care for our senior citizens since coming to Congress. The realization that we are about to enact this program is a source of great satisfaction to me.

The bill before us, H.R. 6675, "The Medicare and Social Security Amendments Act of 1965," represents the culmination of 13 years of surveys, studies, and very careful consideration of the health needs of an increasing elderly population, and how those needs might best be met.

I commend the chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], and members of the committee for their outstanding accomplishment, and I congratulate the chairman for his brilliant and informative analysis of the bill on yesterday.

I rise in support of H.R. 6675, and I call upon my colleagues in the House to join me in voting prompt approval of this legislation.

No one can dispute the increase in public awareness of the health needs of the aged and the growing realization that it is our Government's responsibility to help finance a medicare program. This bill offers realistic and responsible methods of meeting a great need. I am confident it is financially sound and that it will not endanger the existing social security system. The various aspects of the proposal have been studied thoroughly on the basis of actuarial funding, financing, and administration. It presents a workable solution to the problem of financing health costs of the elderly.

The basic hospital program will be financed by employee-employer social security taxes, except for persons 65 and over who are not eligible for social security or railroad retirement benefits, whose portion will be financed from general revenues. The supplementary voluntary medical program provides that one-half shall be paid out of general revenue funds and the other half by premiums of those who choose to participate.

The need for the hospital and medical programs provided in H.R. 6675 is obvious. Government statistics show that the number of Americans 65 and over has more than doubled in the past 20 years—from about 9 million to 20 million. Since 1950, doctors' fees have gone up 51 percent and hospital rates have gone up 139 percent. The field of medicine leads all others in terms of increased percentages. Older people have been hurt the most by these increases. They require three times the hospital care of younger people and they stay nearly twice as long when hospitalized—and yet the income of older couples is less than a third of that of younger couples. As age increases, so do chronic illnesses; 8 percent of all citizens 65 and over suffer some kind of chronic ailment. Nine out of ten elderly are hospitalized at least once during their retirement years. The inability of millions of elderly people to purchase costly private policies has been brought out in committee hearings and revealed in Government surveys. Almost one-half of the elderly now receiving social security benefits have less than $12.50 a month in retirement income outside of their social security checks. They either cannot afford private insurance programs or they are considered too poor a risk.

Mail from my constituents has been overwhelmingly in favor of medical care under the social security program. Hundreds of letters have described pathetic circumstances of bare existence on small social security and other pensions as the only source of income. I have been reminded over and over of the tragedy of these older citizens, already barely able to afford the necessities of life, amidst spiraling rents and other living costs. A serious or prolonged illness could leave them, as it often does, in a state of complete destitution and fright.

The program of medical care provided in H.R. 6675 will help these senior citizens maintain their dignity and independence; it will provide them economic security and will eliminate the necessity of charity.

Mr. Chairman, I want to mention the main benefits of this program. The basic hospital plan, available to all 65 and over—an estimated 20 million—provides: Hospital care up to 60 days for each spell of illness, with the patient paying the first $40; posthospital extended care of at least 20 days and a maximum of 100 days following transfer from the hospital to a hospital-affiliated nursing home; outpatient diagnostic services, with the patient paying the first $20—credited to the hospital in-patient deductible of $40 if hospitalized within 20 days; and up to 100 posthospital home visits by a nurse, therapist, or health aid. This part of the program provides for hospital care, nursing home, diagnostic services and home-health care; it does not pay for doctor's services, for drugs outside the hospital, or for eyeglasses, false teeth, hearing aids, and artificial limbs.

The voluntary supplementary medical plan covers doctor's fees and other medical services. All persons age 65 and over will be eligible on a voluntary basis. Those who choose to enroll will pay a monthly premium of $3, and an equal amount will be paid by the Government out of general revenue funds. If a person is receiving social security benefits, the $3 premium will be deducted from his social security check. After an annual deductible of $50, the insurance would pay 80 percent of the cost of the following services: Doctor and surgical services in a hospital, clinic or home; up to 100 home service visits a year without the requirement of prior hospitalization contained in the basic hospital plan; X-ray and lab tests, electrocardiograms, radium therapy, rental of equipment such as wheelchairs, oxygen tents, iron lungs, braces and artificial limbs, and certain ambulance services; and hospital care in a mental hospital and limited payment for treatment of mental conditions outside a hospital.

Mr. Chairman, I have strongly supported the 7-percent increase in social security benefits which H.R. 6675 provides, retroactive to January 1, 1965. Too many of our 20 million now receiving social security benefits—the aged, disabled, widows, and orphaned children; who are the most economically disadvantaged in our country—have only their small social security checks as a major source of income.

I am pleased also that the bill contains other provisions I have long supported and worked for—to continue social security benefits for a child up to age 22, if he is attending school. I never felt these benefits should stop at age 18, when a child is in school and is in the most expensive years of his life.

Another feature of the bill which I sponsored in a separate bill and I am pleased was included is that tips received by employees shall be considered as part of wages for social security purposes. Many employees work in industries where a large portion of their income is in the form of tips, and while they have had to count these tips as wages in paying income taxes, they have not been included as part of the wages on which social security benefits are computed.

Other important provisions in H.R. 6675 are: Persons eligible for social security payments whose outside earnings are between $1,700 and $2,400 will receive less of a reduction in their benefits. While this is an improvement, I would have preferred the inclusion of my own proposal to remove altogether the limitation on the amount of outside income. Widows will have the option of receiving benefits at age 60 instead of 62, with the amount actuarily reduced to take into account the longer period over which the benefits will be paid.

Mr. Chairman, H.R. 6675, the Medicare and Social Security Amendments Act of 1965, is a far-reaching and important bill which will improve the economic security of every American family. It is not a perfect bill, but it will solve most of the health problems of those who can least afford medical and hospital care. This legislation will free persons 65 and over from the threatened burden of vast medical expenses; it will provide protection that will permit our elderly citizens to live out their lives in dignity instead of in constant dread of imposing financial burden on their children or the necessity of turning to welfare agencies.

No one in this Congress could be more pleased than I am that, after so long a time, we are about to fulfill the promises made to our senior citizens to give them a program of medicare.

Mr. ZABLOCKI. Mr. Chairman, at the outset I want to commend the House Ways and Means Committee and its illustrious chairman, Mr. MILLS, for reporting to the House of Representatives the Medicare and Social Security Amendments of 1965.

This comprehensive, far-reaching measure is a tribute to the Congress and our American system. It proves anew that our Government can act effectively to meet the needs of our people. As an original cosponsor of the medicare measure proposed by our former colleague, the gentleman from Rhode Island, Aime Forand, and a sponsor and supporter of the King-Anderson proposals, I am most gratified that the House of Representatives will at last have the opportunity to express the national consensus on health care for the aged.

I have no doubt about the outcome, for two reasons. First, the need for new legislation to meet the health needs of our elderly citizens long has been recognized. Second, the bill we have before us today provides a practical and prudent remedy to the problem of medical care for the aged.

By combining a hospital and nursing home care program under social security with a voluntary supplementary plan providing doctors' and other medical fees financed by individual contributions and Federal matching funds, and with improvements in the Kerr-Mills Act, the legislation before us today mounts a three-pronged attack on the health problems of our aged.

It will also assist our senior citizens by increasing basic social security benefits by 7 percent, thereby helping them cope with increasing living costs and strengthening their purchasing power.

Mr. Chairman, today in my own State of Wisconsin, there are some 440,000 individuals who are over 65 years of age, according to the U.S. Census Bureau. By 1970 the State will have 482,000 elder citizens. Over 10.5 percent of the State's population is in the 65-plus age category, as compared to an average of 9 percent for the rest of the United States.

At present, if a financially disastrous illness strikes a Wisconsin senior citizen, he or she has only two choices. One is to go "on the county" with all the demoralizing and degrading connotations of that term. The other is to apply for aid through the State's Kerr-Mills program.

Although Wisconsin is reputed to have one of the better Kerr-Mills plans in the country, it still has fallen far short of need. For example, the State is able to provide only 45 days of hospital and nursing home care, in contrast to the

120 days recommended by the Department of Health, Education, and Welfare.

Our State, like many others, is hard-pressed to raise sufficient revenues to finance many necessary and expensive State programs. For that reason, although the enabling legislation envisioned a $5 million biennial appropriation, the State budget provided only $2,842,500 for the first 2 years of the program.

Adding in the Federal matching contribution, and figuring the program as established in Wisconsin on an annual, per capita basis, it divides out to $7.15 per elder citizen in the State.

This is one-fifth the average expense of a single day in a hospital, when one includes room, board, nursing care, and medical supplies.

Of course, because of income and other restrictions, many of the State's elder citizens have not been eligible for Kerr-Mills assistance. An estimated 180,000 are eligible, however. For them the annual per capita share is about $16.60 per year. That is $6 less than the average daily rate for a semiprivate room in a Milwaukee hospital.

From these figures it is evident that, while it has helped ease the problem, the Kerr-Mills program in Wisconsin has been only a stopgap measure. It has not provided the answer to the pressing medical problems that plague the elder years of so many of our citizens.

Facts and statistics, no matter how impressive, can never convey the feelings of misery and hopelessness that have accompanied old age for so many of our citizens.

To gain an appreciation of the plight of the aged, one must listen to the personal experiences of our senior citizens. Many persons have written to me on this problem, citing cases which they knew intimately. Because of the compelling nature of these letters, I would like to quote brief excerpts from a few.

From a Milwaukee man:

> I believe that my wife's father would still be alive today if we had medical care under social security. He was too proud to ask for help when he needed it.

From a West Allis, Wis., man:

> My father had a stroke and my mother had a gall bladder operation which was covered by the insurance they carried. Then came the time to renew their hospital insurance. My father sent the check in well before it was due but the insurance company claimed they never received it. The company said they could renew their policy at a very substantial increase in rates which my parents could not afford. Now they are at a time in their lives when they need protection most and they don't have it. It is time for the Government to act to protect these people.

From a retired Milwaukee man and wife:

> My wife and I cannot seek medical care on the small pension checks we receive, which we need so badly now. Please vote for the medicare bill.

From a West Allis man about his mother-in-law:

> She could not afford hospital and surgical insurance so all of her savings were spent. My wife's sisters and brothers borrowed money also to help and their resources were used up. In addition, some had sons and daughters in college and this made it very difficult. This is a real problem in the United States. We are far behind most industrialized countries in furnishing medical care.

From an elderly man in Palmyra, Wis.:

> My wife and I have to live on $109.50 a month with no other income. If you think it is easy to get along on that just try it once for about 2 months * * *. Total hospital and doctor bills amounted to $1,600.48 for 2 years. I had to sell my home in order to pay for it.

From a Milwaukee retired worker:

> I have retired * * * due to a heart condition on doctor's orders. Due to this condition, it is quite hard to get coverage for my protection. The requirement and premium asked for by the insurance company that I contacted was impossible for me to get protection in my case. My pension check will not cover the amount asked for by the insurance company for my wife and myself. When you pass 70 years of age, it gets to be a problem to get by.

From a Milwaukee man:

> Being one of your constituents, I would like you to know that I am a little tired of waiting for action on the medical bill for the aged * * *. Too many lives are at stake.

From a South Side elder citizen:

> Had a heart attack in the year 1962. Was protected by a policy I had taken out in 1955. Unfortunately, had no surgery clause. It was necessary to operate on my leg on account of a clot that formed there while lying in the hospital. Was in the hospital 40 days. My protection was only for 31 days. The hospital bill was $2,040.15. I paid $973.75. In addition, I paid approximately $900 in doctor and surgeon bills for which I was not protected.

Mr. Chairman, by enacting the program embodied in the Medicare and Social Security Amendments of 1965, the Congress will provide benefits to every man and woman in this country who is over 65. For the first time many Americans will know security in old age. Banished will be nagging worries that illness might force them to lose all they have gained during years of labor and that they will be relegated into a life of poverty.

The opportunity to act against this evil in our society has been long in coming. After years of a hard-fought campaign, victory is in sight. We must not fail now to exercise our clear-cut responsibility in acting favorably on the meritorious and historic measure before us today.

Mr. Chairman, I trust the recommittal motion will be defeated and that the bill as reported by the Committee on Ways and Means will receive the overwhelming approval of this august body.

Mr. FUQUA. Mr. Chairman, we all recognize that many of our elder citizens have difficulty in meeting their medical bills. I am not insensitive to this fact. Some method must be found to assist those who are in need of medical assistance and cannot afford the care that they need. But let me emphasize how strongly I feel should be considered the word and the fact—need.

For some 20 years now some form of compulsory Federal health care under social security has been presented to the Congress. Today we are to vote on a bill which is supposed to meet that problem, and a bill which has many sections of merit. But, Mr. Chairman, in my humble judgment this is not the bill that should be passed by this Congress.

This bill would cover only a segment of our population, not our entire elderly population and without regard to their needs. Benefits would accrue to all those so covered, regardless of whether they have need for such benefits or not. The cost would be tremendous. I am informed that this bill would impose on the workers today a staggering sum of $35 billion for hospitalization benefits for those already over age 65.

I am well aware of the needs of the people in my particular district in regard to this legislation which I think might well be somewhat typical of other parts of the Nation. I know full well of the dire need of many of our citizens. I also know full well that many, many of those who would be covered under this program have no real need for such coverage.

Its cost would be shifted to the working man today. Those paying the bill are not prepaying for future benefits for themselves; they are paying a payroll tax for benefits for those who would immediately be covered.

It matters not whether the recipient of this program has adequate hospitalization insurance or whose bills might be rather mild and that he would have no problem meeting them. This is not considered.

For when you lump those who have a real and earnest need in with those who have no such need, you have a situation where a tremendous burden is placed upon the back of the American taxpayer.

I have stated consistently that while we have a need, while there is a dire need on the part of so many, the solution to this problem should be based on need.

This bill does not follow that concept. In my opinion it does not take into consideration the fact that hundreds of thousands who will be covered and receive benefits have no real need for those benefits. By the same token, many thousands who have a real and dire need and who are not covered by social security are left to the mercy of the world. I simply cannot believe that this is the proper approach to the solution of this problem.

Mr. Chairman, I think further that the American taxpayer should not be deluded into thinking he is getting something for nothing. At the outset of this program, the tax will be only a fraction of what it must ultimately become to make the program financially successful.

The bill we are now debating provides for a mandatory hospitalization program financed by a payroll or social security tax, together with a voluntary program for medical services financed partially by contributions and partially out of the general revenues of the Treasury. And still it does not attack the problem on the basis of the needs of the individual American citizen.

Illness does not strike just those who are covered by social security. Those in need who are not covered are left almost in an unfortunate position as they are today. A truly good program would have been to attack this problem on this one basis—to provide care for those who cannot afford to pay.

The benefits would be obvious. Allowing those who could afford to pay their own medical bills to do so, when multiplied by the thousands upon thousands of such individuals, would cut the cost to a portion of what it is today.

I think of two individual cases of the past year involving constituents of mine. One involved a father who had brain surgery, remained in a coma for over a month and then passed away. The medical bills were staggering in this case. The cost of such specialized surgery and equipment is beyond the means of most families to pay. A program that would have helped in this case is justified.

But there was another father of about equal age who entered the hospital with a rather minor ailment for a week. After treatment, he was returned to health and released, paid a hospital bill of less than $200, which he could afford, and has not had a health problem since. He did not need a program; he was fully able and willing to pay his own way. I can see no justifiable reason why the working man should be shouldered with an additional tax to help pay costs for a case such as the latter.

This bill provides for 60 days of hospital care and related benefits for the aged irrespective of financial need, without any financial contributions from those already over age 65, and without regard to whether the individual may already be adequately protected against such costs.

This does not take into account the results of catastrophic illnesses. A long and serious illness might easily run beyond this point of limited days, and again I emphasize, this program does not have its basis in meeting the real need of such cases of prolonged and serious illness.

Further, this bill automatically extends these benefits to all of those presently over age 65, and to those who attain that age before 1968, without regard to coverage under the social security system, except that the bill excludes certain Federal civil service employees and their families, irrespective of age.

Anyone reaching age 65 after 1967 must have the specified quarters of coverage under the social security system to be eligible for hospital benefits. It thus excludes all those in need who attain the age of 65 without the required quarters of social security coverage. It excludes those Federal civil service employees I have mentioned. It does not meet their need, which might be just as acute as that of any of those covered by its provisions.

If experience is any basis, we can reasonably expect that the tax rate in the bill will not be adequate to meet the financial demands of the program. Our experience is that the tax rate will be increased and that the wage base will be "updated" and expanded to provide additional funds to meet the increases in the cost of service.

And all the while, Mr. Chairman, there will be thousands of American citizens in dire need of medical assistance, who will not be covered and assisted. At this same time, there will be hundreds of thousands who will be receiving benefits who have no real need for them and would willingly forgo them in return for a program that was based on need, at a much less cost and burden to the American taxpayer.

I have studied and restudied this bill and all of its provisions. I sincerely believe that while it has its merits, while there are provisions which I can support and would like to support, there are major provisions that I feel are not in the best interest of the American people. I am deeply concerned that it does not meet the needs that it was originally designed for—the aged who cannot afford the high cost of medical care.

I sincerely urge that the House not pass this bill in its present form and that it will send it back to the committee for further study and evaluation, in an effort that we might come forth with a program which has its basis in need, and would truly serve our elderly who cannot afford adequate medical attention.

Mr. O'BRIEN. Mr. Chairman, this is a historic day in the legislative history of the House of Representatives. At long last, we are demonstrating that our great Nation has the will and the way of meeting the health problems of our elderly people without stripping them of their dignity.

While this bill covers the full spectrum of the aged, I am particularly elated over what it will do for a vast army of middle income and small business people, who labor all their lives to insure a decent standard in their declining years.

These are the people who, through their taxes, have shouldered such a heavy share of our humane programs.

Too often, I and our colleagues have witnessed the impact of a grave and costly illness upon these people in their old age.

Where have they been able to turn? I know the gates of public welfare are there, but the key to them has been too costly for these people. Strip yourselves of dignity and the fruits of your past diligence, we tell them, and we will patch your aged bodies without cost.

Now, under this bill, these people can march into the golden twilight years with heads high. No longer will they be forced to choose between death and poverty. They will be insured, not only against the costs of ravaging illness, but against the loss of all the fruits of their diligence.

I am proud to support this bill and I am proud of my country for the support a majority of its citizens have and are giving this humane bridge to a better tomorrow.

Mr. RODINO. Mr. Chairman, I rise today in support of one of the greatest measures which has ever been before Congress in my time. Every year for many years now, the question of medical care for the aged has been pressing upon us, until it has grown and swelled into the comprehensive bill before us today.

And I believe that this measure is inevitable. There is room for argument on what the results of the bill may be, but there can be little argument over the necessity of this legislation. Some kind of medical care bill is inevitable and it is my contention that the bill before us today offers the best possible solution to the problems it seeks to confront.

I believe the moral character of a nation can be accurately judged by the way it treats its elderly.

It is to America's credit that this country has recognized, met and eased many of the special needs and unique problems that beset our aged citizens after their years of fruitful labor are ended and they enter that strange new era of sharply curtailed income known as retirement.

The social security program, established 30 years ago in the darkness and despair of the great depression, has provided a basis for financial independence for millions of senior citizens.

Through the years, Congress has authorized a succession of increases in the monthly payments under social security to compensate for the inexorable rise in living costs that strikes so cruelly at those who struggle to make ends meet on a fixed budget. Increased benefits notwithstanding, Congress has seen to it that the social security program remains actuarially sound.

Many other measures have been enacted by Congress to enhance the economic and social well-being of our Nation's elderly, including tax relief, a senior citizens' housing program and expanded social welfare services.

The biggest single unmet need—and many of us have been emphasizing it for years—is in the area of medical care. Just as a disease untreated becomes a plague, so the neglected medical problem has increased in complexity and urgency.

Those who argue that the bill before us is contrary to the traditions of this country, the tradition of self-help and independence; those who argue that this measure or one like it is no more inevitable than the downfall of private medicine that will surely follow; remind me of an image evoked by Sydney Smith, the English parson, in writing about the need for electoral reform in 19th century England: "In the midst of this sublime and terrible storm, Dame Partington was seen at the door of her house with mop and pattens, trundling her mop, squeezing out the sea water and vigorously pushing away the Atlantic Ocean."

This comparison of the House of Lords' attempt to stop reform to that of Mrs. Partington against the ocean may be applied equally well to the situation in which we find ourselves today. I believe the medicare bill is a necessity in terms of needs, in terms of our ideals, in terms of our traditions. This legislation is the logical step in the evolution of our welfare programs that has progressed since the Social Security Act became law in 1935.

The bill is not, as its detractors claim, a radical proposal, but is simply just the next step in providing services and finances to select groups of those who are in need.

The medical care portion of the bill, part I, amends the Social Security Act by adding two new titles—XVIII and XVIX—to the Social Security Act. It establishes three new programs for health insurance and medical care for the aged. The first of these creates a basic plan providing protection against the costs of hospital and related care; the second authorizes a voluntary supplementary plan providing physicians' services and other medical and health services to cover certain areas not included in the basic plan; the third expands the Kerr-Mills medical care program for the needy and medically-needy and combines all the vendor medical provisions for the aged, blind, disabled, and families of dependent children, now in five titles of the Social Security Act, under a uniform program in a single new title. This expanded medical assistance program is estimated to provide new or increased medical assistance to about a million needy persons during an early year of operation.

Let me pause for a moment to examine just why these programs are necessary in terms of need, in terms of our traditions, and in terms of our ideals.

The number of elderly individuals receiving old-age assistance under the Social Security Act for November, 1964 was 2,161,464, with an additional 217,336 receiving medical assistance for the aged. In my State of New Jersey alone, in November there were 13,872 individuals receiving old age assistance with payments averaging $81.25, $18.87 of which went as vendor payments for medical care, an average which is considerably larger than that of the country as a whole. In November in New Jersey there were 5,287 individuals receiving medical assistance for the aged, the average payment in this instance being $250.27, again a figure that is considerably larger than the average of the Nation as a whole.

What do these figures mean? The average payment to a recipient of old-age assistance is so low as to mean that there are a significant number of our elderly who cannot afford medical care adequate to the needs of their age. Let me quote at this time from the report of the Committee on Ways and Means:

> Today, few older people are free of the fear that costly illness will exhaust their savings. In many instances the one or more episodes of hospitalization which virtually all aged people will experience can quickly dissipate whatever savings they have been able to accumulate for their later years. The frequent medical attention required by older people suffering from chronic illness can also be a serious drain on their financial resources. A large and growing proportion of the elderly applying for public assistance have had to do so only because they cannot afford needed health care. Frequently the assistance for which they must apply is very limited in scope and inadequate to meet their needs.

Mr. Chairman, the fear of major illness hangs like a sword of Damocles over the heads of our senior citizens. One strike is sufficient to wipe out a lifetime of savings at a time of life when it is impossible to replace. When that modest, hard-earned nest egg is gone, everything is gone. Those carefully nourished dollars are the difference between a fulfilling existence and a drab retirement. Without the nest egg, hope gives way to despair and the glowing sunset years become chill, dark and empty. There are too many of our elderly who must regard death as did the poet Shakespeare as "Just death, kind empire of men's miseries." There are too many of our elderly we feel, as did King Henry VI, that "Having nothing, nothing can they lose."

Too many of our older citizens continue to exist in the threatening shadows of poverty and financial ruin, through no fault of their own. They have been trapped by the ever-rising cost of illness that has soared high above their ability to pay. The dollar that was set aside, often at considerable sacrifice, some 10 or 20 years ago, buys only a fraction of a dollar's worth of medical care at today's prices.

This is not as it should be in a country that prides itself on its prosperity and on the concern it has for its citizens. This is not as it should be in a country that wishes its people to have freedom from want, from fear and from hunger. For the elderly in this country today do not have that freedom. The bill before us seeks to give them at least freedom from the fear of the cost of sickness so that they may use their income to equip themselves against the pangs of hunger and of want.

I have heard in the controversy that has accompanied this legislation that the bill is not justified by experience. I do not think that this is true; but if it were true, nations are sometimes compelled to act without experience for their guide, and to trust to their own wisdom for the anticipation of consequences. The instances where this country has been thus compelled to act have been eminently successful to date. Where were the precedents for the midnight ride of Paul Revere, or the legislation of the New Deal which helped to get this country back on its feet after a paralyzing depression? To those events, contrary to experience and unsanctioned by precedent, we owe the structure of this country today.

Extolling the past at the expense of the present is a sign of old age, and this is not a nation of old men. But it must be a nation that gives to its elderly the option of equipping themselves with an easily affordable insurance plan to provide for the payment of doctors' and other specialists' services. At the very least, it must be a nation that gives to its citizens the vehicle by which they can contribute during their working lives to the fund out of which their health expenses will be paid when they no longer are strong enough to earn the money with which to pay those expenses.

The medicare provisions of this bill are but a continuation of the old-age insurance system that was initiated with th Social Security Act. They provide for the financing of payments through a separate payroll tax and separate trust fund. It has been estimated that approximately 17 million insured individuals—who are presently eligible for social security benefits—and 2 million uninsured would qualify for benefits on July 1, 1966. The cost of providing basic hospital and related benefits to people who are not social security or railroad retirement beneficiaries would be met from general revenues. There will be no problems in obtaining the revenues with which to finance these new programs.

The voluntary plan with premiums of $3 are to be paid by social security beneficiaries by deductions from their benefits—which, by the way, will be increased a minimum of $4 per month for all beneficiaries so that all who so desire may participate—and matched equally by Federal revenue contributions. Moreover, the provision in the income tax law which limits medical expense deductions to amounts in excess of 3 percent of adjusted gross income, as well as the present limitation on medicine and drugs for persons under 65 are abolished. Provision is thus made for partial or full recovery of Government contribution from enrolled persons with incomes high enough to require them to pay income taxes.

During the almost 2 months of deliberation over this measure I have heard much criticism of the architects of the bill. Now that it is before us, we realize the injustice this does to its authors. Men cannot sit down and draw up a plan as complex as this with as much ease and as much exactness, and with as complete gratification of their wills, as an architect can do in building or altering a house. The works of legislators are not the works of calm wisdom—they are not the best that a dreamer of dreams can imagine. It is enough if they are the best plans which the times in which they act will permit.

This bill does fit the needs of the moment. It is tailored to meet the needs of our elderly through its medical care provisions, the increase in the benefit and coverage provisions and the revision of the financing structure of the Federal old-age, survivors, and disability system, and in the expansion of existing public assistance programs.

Mr. Chairman, I would like to mention briefly these additional features of the bill. Old age benefits are increased by 7 percent across the board, with a $4 minimum increase for a worker retired at 65, an increase I have long supported. I have been a strong advocate, too, of reducing the retirement age at which eligibility begins, to 60, as I am delighted to see the provision which provides actuarially reduced benefits for widows at age 60. I am delighted also to see the continuing benefits up to age 22 for certain children in school, the liberalization of the definition and waiting period for disability insurance benefits, and the increase in the amount an individual is permitted to earn without suffering deduction from benefits. The tax schedule and the earnings base are revised to finance the changes made.

The public asistance programs are expanded by: increasing the Federal matching share for cash payments in State programs for the needy aged, blind, disabled, and families with dependent children; eliminating limitations on Federal participation in public assistance to aged individuals in tuberculosis and mental disease hospitals under certain conditions; and affording the States broader latitude in disregarding certain earnings in determining need for aged recipients of public assistance. It is estimated that some 7.2 million persons will be eligible for increased cash payments under the Federal-State matching programs.

Finally, this bill contains a provision aimed at helping another needy segment of our population. This provision increases the amount authorized for maternal and child health and crippled children's services over current authorizations of $40 million in 1966 by $5 million for fiscal 1966 and $10 million in each succeeding fiscal year to reach $60 million in 1970 and after. In addition, it authorizes $5 million for fiscal 1967, and up to $17.5 million for each succeeding year, for grants to institutions of higher learning for training professional personnel for health and related care for crippled children, particularly mentally retarded children and those with multiple handicaps. A new provision is added authorizing a 5-year program of special project grants to provide comprehensive health care and services for children of school age or preschool children, particularly in areas with concentrations of low-income families. And last, there is a provision providing grants of $2,750,000 for fiscal year 1966-67 to assist the States to implement and follow up plans and other steps to combat mental retardation authorized under section 1701 of the Social Security Act.

Mr. Chairman, I do not want it said of the 89th Congress that we were afraid of change for the sake of change. I have said before that there can be little argument over the necessity of legislation of this sort. And it is heartening that even those groups and individuals who were most outspokenly opposed to medical care for the elderly have come at last to recognize that the problem can no longer be ignored.

I honestly believe that this is the best bill to meet our needs today. The bill and the problems it seeks to confront do fit so exactly that we can say they were made for each other. There will be mistakes at first as there are in all changes, but reasonable men who know what to expect will find that a very great good has been obtained.

It has been said of this country that it is exempted, by its very newness as a nation, from many of the evils of the old governments of Europe. It has no mischievous remains of feudal institutions, and no violations of political economy sanctioned by time, and older than the age of reason.

The Social Security Act is not sacrosanct. It has been amended and improved in the past, so let us improve and amend it today. Let us remove the ominous specter of major illness, and most of our elderly will find they can enjoy their autumn years in relative comfort and with new peace of mind, secure in the knowledge they will not live out their lives as demeaned charity cases beholden to Government doles.

I am certain that this bill will lengthen and strengthen the warm glow of the sunset years for all of our older citizens—today, tomorrow, and for generations to come. I urge its swift, unanimous approval.

Mr. Chairman, to borrow again a phrase from Shakespeare, "Let us make this the certain glory of an April day."

Mr. O'NEILL of Massachusetts. Mr. Chairman, a generation ago the United States established a system of contributory social insurance providing protection against the loss of earnings due to retirement in old age. This social security program has been broadened and improved so that today it covers practically all kinds of employment. It provides protection for families of retired workers as well as for the worker himself, for survivors of deceased workers, and for totally disabled workers and their dependents. The program has been adjusted from time to time to improve the protection provided, thus responding to social and economic changes in our society.

However, an examination of the adequacy of social insurance protection for the aged clearly shows that the existing programs providing cash benefits are not enough to meet another pressing problem faced by today's aged—the problem of unpredictable costs of health care and low incomes with which to meet these costs. I am convinced that the bill before us for consideration would meet this problem; its major thrust is to enable people to contribute from earnings during their working years for protection against hospital and related costs after age 65 when their income is generally curtailed. In addition, the bill would provide for a voluntary supplementary plan—financed out of monthly premiums from beneficiaries with matching amounts from Federal general revenues—for protection against the cost of physicians' services and a variety of other health costs. And the bill before us would make important improvements in the existing social security program and in the Federal-State public assistance programs.

NEED FOR PROTECTION

The financial resources of older people are extremely limited. They have, on the average, only half as much income as younger people, and they have little in the way of assets that could be used to supplement this income. One-fourth of aged families, and one-half of the aged living alone, are at or below the poverty level. This situation is not likely to improve substantially. The increasing frequency of early retirement plus a longer life span will mean more years over which retirement resources will need to be used.

While their incomes are low, total health expenditures of people past 65 are very high—twice as high as those of younger people. In the case of hospital expenses, the ratio is almost three to one. Thus, older people have a special problem arising from the cost of health services—they need more care and they have less money to pay for it. This need is aggravated by the fact that health costs are rising and will undoubtedly continue to rise. As a result, many aged people have been crippled financially by high health costs and have had to rely on their children for help, obtain medical care through private charity, apply for public assistance or go without adequate attention.

Although the problem of financing health costs of younger people is being met to a large extent by private insurance organizations, most of the aged cannot purchase effective health insurance protection at a price they can afford to pay. Despite years of effort and hard work by voluntary insurance organizations, only a little over half of the elderly have any kind of health insurance coverage and most of what they do have is very limited. The basic difficulty has been that the cost of private insurance is necessarily high because the aged need so much in the way of health care. They are unable to pay the cost of premiums for adequate insurance from low retirement incomes and can ordinarily obtain health insurance only on the expensive individual, nongroup basis. As a result, most voluntary health insurance within reach of the pocketbooks of the aged is very inadequate, covering perhaps 20 percent of their medical costs.

And public assistance programs cannot and should not be relied upon to meet the problem of high health costs and low incomes of the aged. Because of financial priorities, some States have not developed medical assistance programs, and other States are forced to severely restrict the help that can be given. Public assistance by its very nature can only benefit the very needy—there must be a requirement that the person demonstrate he can no longer get along on his own. This "means test" often involves investigation of the aged individual's personal affairs, and those of his family. Many aged people would rather forgo needed medical care, even to the detriment of their health, rather than ask for charity. These are serious deficiencies in public assistance but the most serious deficiency is that public assistance does nothing to preserve the financial security of the great bulk of the aged who are able to get along unless or until serious and costly illness occurs; public assistance does nothing to remove this threat to independence and self-support.

It is clear then that public assistance programs and private health insurance cannot, by themselves, meet the problem created by the combined effect of high health costs and low income in the aged. The problem requires an approach that does not depend on payment of the entire cost of protection after retirement but instead enables individuals to pay for protection against the major cost of illness in old age over the course of their working lifetimes. The method of contributory social insurance, which underlies the present social security program, offers the only practical way of making sure that almost everyone will have hospital protection in their old age. This bill provides this essential part of the answer to the problem.

PROVISIONS OF THE BILL

I would like now to comment briefly on the two health insurance programs for persons over age 65, which would be provided for in this bill. The basic plan will provide protection against the costs of inpatient hospital care, and related services which can frequently take the place of inpatient hospital care, for 19 million older people. Over 99 percent of the aged would receive protection under the basic plan. In addition to the inpatient hospital care, the basic plan would cover posthospital extended care, organized home health services and outpatient hospital diagnostic services. Coverage of these important alternatives to inpatient hospital care would help subordinate financial considerations to medical considerations in decisions on whether inpatient hospital care or some other form of care would be best for the patient.

The basic hospital insurance plan will be financed by a special, earmarked earnings tax paid by employers and by workers during the years while they earn and are best off.

Mr. Chairman, in addition to the basic plan, this bill offers a supplementary plan for people who are age 65 and over. Individuals who voluntarily enroll in this program would receive protection against the cost of physicians' services and other medical and health services in and out of medical institutions. This program would be financed through small monthly premiums paid by participants and matched by a Federal Government general revenue contribution.

Mr. Chairman, I congratulate the members of the Committee on Ways and Means from this side of the aisle who have presented us this fine bill. And I express my great admiration for the leadership of the great chairman of that committee, my esteemed colleague from the State of Arkansas, who exercised statesmanship of the highest order in constructing a bill which can have very wide support. I can assure the Members of this body that, in the words of our President, "a tremendous step forward for all of our senior citizens" will have been taken when we pass this great piece of legislation.

Mr. BOLAND. Mr. Chairman, when President Franklin D. Roosevelt signed the Social Security Act of 1935, on August 14 of that year, he described it as a "cornerstone" upon which a great system for the protection of the American people would be built. That August day exactly 30 years ago marked a momentous change in our way of life. To my mind it sets the point at which we recognized that we had matured as a Nation. For then, for the first time in our country's history the Federal Government recognized that meeting its responsibility for promoting the general welfare in a rapidly industrializing society called for this new kind of protection. As Mr. Justice Cardozo said, in delivering an opinion of the Supreme Court on the social insurance programs, we had come to the place in our country's history where "needs that were narrow or parochial a century ago may be interwoven in our day with the well-being of the Nation." He continued:

> What is critical or urgent changes with the times. The problem of preventing want in old age is plainly national in area and dimensions.

Thursday, April 8, 1965 will, I believe, go down as another great day in American history for it will be recorded that the House of Representatives on that day adopted one of the greatest social security bills since the original act. For upon the cornerstone built on behalf of the well-being of the American people 30 years ago is being erected the structure of a great social security system—one which will provide true protection against want in old age, and one which is "plainly national in area and dimensions."

The Social Security Amendments of 1965 face up to the growing need of older people for protection against the mounting costs of the fine medical care available in this country today. As the able report of the Committee on Ways and Means points out:

> Today, few older people are free of the fear that costly illness will exhaust their savings. In many instances the one or more episodes of hospitalization which virtually all aged people will experience can quickly dissipate whatever savings they have been able to accumulate in their later years. The frequent medical attention required by older people suffering from chronic illness can also be a serious drain on their financial resources.
>
> A large and growing proportion of the elderly applying for public assistance have had to do so only because they cannot afford needed health care. Frequently the assistance for which they must apply is very limited in scope and inadequate to meet their needs.

The bill before us today meets this problem in a number of ways. First, it establishes three new programs for health insurance and medical care for the aged under the Social Security Act by setting up first, a basic hospital insurance plan providing protection against the costs of hospital, related posthospital care—skilled nursing home and home health visits—and outpatient diagnostic services for individuals 65 or older, financed largely through the social security method; second, a voluntary "supplementary" plan providing physicians' and other medical and health services financed through monthly premiums of $3, matched equally by Federal Government revenue contributions; and third, an expanded Kerr-Mills medical care program for the needy and medically needy which would combine all the vendor medical provisions for the aged, blind, disabled, and families with depending children, now in five titles of the Social Security Act, under a uniform program in a single new title, with the Federal matching share also being increased.

To improve the health services available to our young people as well, the bill would, among other provisions, greatly strengthen existing programs for maternal and child health and crippled children's services and establish a new 5-year program of special project grants to provide comprehensive health care and services for children of school age or preschool children, particularly in areas with concentrations of low-income families.

I am also pleased to see that the cash benefits program is strengthened in a number of ways. The 7-percent increase across the board—the first since 1958—is not only a greatly needed liberalization but it will also make it possible for many people to purchase the $3 a month supplementary plan. The liberalization of the earnings limitation is another adjustment to modern times which will be welcomed by many people. Finally, I was particularly pleased that the committee added the provision adopted last year, but lost when the bill died in conference, which would continue benefits to dependent and surviving children beyond age 18 and up to age 22. For, as the committee report states:

> A child who cannot look to a father for support (because the father has died, is disabled, or has retired) is at a disadvantage in completing his education as compared with a child who can look to his father for support.

Mr. Chairman, the Committee on Ways and Means is certainly to be congratulated for the careful but comprehensive consideration and wisdom they have shown on all parts of the bill they reported to this body. It is, indeed, a great bill, and a historic bill. It meets the challenge of our President as to our obligation for advancing the Nation's health in a way which, I believe, calls for bipartisan support. For, as the President said in his health message:

> The health of our people is, inescapably, the foundation for fulfillment of all our aspirations.

And it recognizes that—

> what is critical or urgent changes with the times.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in opposition to the portion of this bill which would impose a compulsory payroll tax in order to finance a system of hospital benefits. I support most of the other provisions in this bill.

The disadvantages of the compulsory payroll tax in financing a program of hospital benefits are so substantial as to outweigh the advantages in other parts of the bill, and therefore, it is my intention to support the Republican motion to recommit, and to oppose the committee's bill.

Every American, regardless of his religious beliefs, should have an opportunity to make his own decision regarding participation in a Government program of hospital insurance. First, this program assumes that all citizens over 65 have similar needs for hospitalization help. In actuality, though the need of some is beyond question, many others have neither a need nor a desire for outside help in paying for their costs of illness. Second, many Americans feel deeply about their own self-reliance, and would reject the imposition of Government programs. They are determined to take care of themselves and of their families. And I submit this is a character trait we should encourage, not discourage.

In addition, this is an inefficient way of providing help where it is needed. The taxes paid by younger workers under this bill will not be commensurate with the benefits received by those over 65. We need to formulate programs with greater efficiency.

I also want to indicate that this bill imposes a liability of approximately $35 billion on the social security system, or on all employed persons presently paying social security taxes. This endangers the strength of the system itself, and raises the question as to just what upper limit we in the Congress think taxpayers will tolerate in payments into the system in order to keep it solvent.

The bill provides only modest increases in the payroll tax in the early stages of the program. But sharp increases come later. This is another example of political scheming, and is like telling the country: "Yes, we are fiscally irresponsible, but we in Congress have enabled the country to delay the day of reckoning. The big bills will come later."

The bill is also not entirely fair to taxpayers, because a payroll tax is a regressive tax. It hits the lower and middle income people the hardest. No consideration is given to an individual's ability to pay.

I support several provisions of the bill. It is gratifying, for example, that after years of delay, the need is now recognized for liberalization of the earning test for the aged who seek to supplement their social security benefits with outside earnings of their own. My bill, H.R. 5236, on this issue is only one of many, and action on this point is long overdue.

I also support the 7-percent increase in cash benefits, the provision for lowering the eligibility age from 62 to 60 for widows, and the amendments to the Kerr-Mills program.

The Republican proposal is for a national health insurance fund financed partly through voluntary participation and partly through general revenues. This program provides comprehensive care, and would not seem to promise more to needy people than it can produce.

It is completely voluntary, it preserves the role of the States in providing individual assistance, and its cost would be more in line with actual benefits received.

I want to emphasize that persons over 65 who need financial help should have it. I regret that those of us who oppose a compulsory payroll tax are pictured as somehow being against senior citizens. I oppose the compulsory payroll tax not because I am against senior citizens but precisely because I want to see the Government do the most effective job possible for them.

The compulsory payroll tax will not do the job. It will bind us all more closely to the rigid structure of Government direction without providing the most effective help possible.

We need a voluntary program with financing assistance from general revenues, and I am hopeful that we can achieve it.

Mrs. SULLIVAN. Mr. Chairman, the House of Representatives is taking a great and historic step forward in the passage of the most important social security bill since the original act was written into law in the first administration of Franklin D. Roosevelt—the 1935 act which was condemned and attacked in the 1936 election as a "tax on payrolls" and as a disaster for American labor and American business. The original act, of course, was no disaster—it was one of the firmest foundations ever constructed for our continuing prosperity and economic stability.

I am proud to support this bill as reported by the Committee on Ways and Means. It is far better, in the coverage it contains and the financial hazards it helps our older citizens to guard against, than we had dared to hope for just a few months ago. For the bill now not only contains a prepayment hospitalization insurance program such as called for in the King-Anderson bill, but also includes the essential features of a voluntary health insurance program for the retired such as we have had for some years for retired Government employees. The bill, furthermore, authorizes a very substantial broadening of the Kerr-Mills program which we passed in 1960, but which some States, like Missouri, I am sorry to say, have never implemented. I hope Missouri will finally put the Kerr-Mills program into effect.

Furthermore, the cash benefits of retired workers and their dependents, and of the widows and dependent children of workers who have died, will all be increased by this legislation now before us.

MISINFORMATION ABOUT THE LEGISLATION

Mr. Chairman, I have been deeply concerned over the misinformation which was spread so wildly about the possible effects of this legislation. Quite a number of older people now living on small social security annuities have written me in fear and distress that adoption of a prepayment hospitalization insurance program for the retired, and of a voluntary health insurance program such as this bill also authorizes, would bankrupt the social security fund and jeopardize their monthly cash benefits.

One poor woman wrote to me:

> I do not want to take the risk of having my $87 a month cut off because the fund is broke from paying the hospital expenses of wealthy people who don't need any help.

Others voiced similar fears. Of course, the hospitalization insurance program will be financed under a completely separate fund—just as is the social security disability program—so that the monthly annuities received by retired workers or by survivors of workers could not be adversely affected in any way, no matter what might happen to the special hospitalization insurance fund. A special payroll tax will be levied just to cover hospitalization insurance. All money received from that special tax will go into a separate fund just to cover insured hospitalization expenditures. The main social security fund, covering old age and survivors insurance, will not be subject to any withdrawals for hospitalization or health insurance or disability insurance or for the Kerr-Mills program or any separate and distinct social security programs.

OPPOSITION IS BASED ON WRONG PREMISES

I can understand, if not agree with, the fears expressed by many of the doctors that because the Federal Government is going to help pay part of the hospitalization costs of elderly people covered by social security, that in some way the Federal Government will insist upon telling the individual doctor what treatment to provide, or which patients to send to the hospital for operations. No such thing can happen under this legislation. The Federal Government administers a health insurance program for millions of active and retired Federal employees, but does not tell any doctor what to prescribe, or what to charge, or how to treat any patient, or what patient he may or may not send to the hospital for an operation.

Thirty years or so ago when the Blue Cross program was being started, the American Medical Association, as I recall, was extremely critical and unhappy about this idea, too. The same fears were expresed, only that time it was that a hospital administrator—rather than a Federal bureaucrat—would attempt to tell the physician how to prescribe, or what to provide in the way of treatment, or which patients to send to surgery. Since then, the medical societies have learned the value of the prepayment insurance idea, and the Blue Shield program is a good example of how this lesson was put to use.

The voluntary health insurance program set up under the social security bill now before the House of Representatives will make it possible for all of our elderly citizens to obtain insurance—for which they will pay a monthly premium—to assist in the payment of medical bills. The advertising campaign in behalf of the AMA's so-called eldercare bill as a substitute for the King-Anderson bill, stressed the limitations in the King-Anderson bill, which did not provide any assistance in paying doctors' bills and other medical expenses. Now the social security bill has been amended to cover a portion of such costs. So anyone who opposed the King-Anderson bill on the ground that it did not go far enough to help the elderly meet the high costs of medical care should be able now, in good conscience, to support this new bill which meets this problem directly.

DOCTORS AND THEIR FAMILIES TO BE INCLUDED UNDER SOCIAL SECURITY

The opposition of the American Medical Association over the years to anything and everything about social security has had the consequence of keeping all self-employed physicians out of the social security system. They are the only professional people, or self-employed people, not now covered. Their spokesmen maintained that doctors as a group never retired—that they worked right on through their later years—and thus would never benefit to any large extent from the social security retirement program.

What the spokesmen for the profession failed to point out, or apparently to consider, was that many young physicians die each year from heart attacks, overwork, or other causes before they can establish any real financial security for their families, and their widows and children—alone among all groups of Americans—received no survivorship benefits under social security. I know personally of a number of cases of this nature, where the widow has faced a real struggle. This bill ends this discrimination, which has been self-imposed by the medical professional against the families of young practitioners who die leaving widows with small children. I am glad to see this discrimination ended, just as I was when we made the same change some years ago for dentists, lawyers, and all other self-employed workers and professionals except physicians.

REPRESENTATIVE WILBUR MILLS ACCOMPLISHES ONE OF THE GREATEST ACHIEVEMENTS IN CONGRESSIONAL HISTORY

Mr. Chairman, I want to express my deep personal gratitude to Chairman WILBUR MILLS, of the House Committee on Ways and Means, and to all of the Democratic members of that great committee, for unanimously joining in reporting this outstanding social security bill. Mr. MILLS has accomplished one of the greatest achievements in the history of the House of Representatives, in winning the combined support of all of the liberal and conservative Democrats on the Ways and Means Committee for a bill which takes a giant step forward in social security coverage. The Mills bill is, as I said, the most important social security bill since the original act was passed just 30 years ago. Of all of the legislation those of us in the Congress today have been privileged to vote for during our congressional careers, this social security bill we are now passing will be one of those measures we will always look back upon with the greatest pride for the part we have been given the opportunity to play in the legislation's passage.

Every bill we pass is touched with great importance to some Americans. This one represents a most vital matter—vital in the literal sense of longer, healthier lives—for every American. I salute Chairman MILLS for guiding it to committee approval and House passage, and I salute President Johnson for giving this greatly expanded bill his official support, even though it goes far beyond his original recommendations. This is a proud moment for each of us voting "yea" on this bill.

Mr. GILLIGAN. Mr. Chairman, I rise in support of H.R. 6675, and I want to congratulate the chairman and members of the Commitee on Ways and Means for their very fine work in this most difficult task.

This is a good bill, well designed in every respect to meet the urgent needs of this country's elderly citizens for adequate health care. For too long has this need been unfulfilled because of partisan conflicts and entanglements. Now is the time for all of us on both sides of the aisle to join in passing this bill without a dissenting voice. This bill will pass—about that I have no doubt. The larger the margin of approval, the better it will be for everyone in this Chamber and throughout the country.

Mr. Chairman, I have read this bill carefully and the hearings with close attention, and I have listened closely to the debate. I have searched the corners of my mind for possible unwarranted assumptions and have found none. I have examined each section of the bill and found nothing objectionable. I have heard nothing in this debate to arouse any doubt about the necessity and wisdom of this bill.

I will vote against the motion to recommit and vote for the bill on final passage, and I ask that whoever is inclined to do otherwise carefully reexamine his intentions if they spring from party considerations.

Mr. WOLFF. Mr. Chairman, at an earlier date, I spoke before this august body on the medicare bill. At that time, I set forth the pressing need for a medical program to give security to our senior citizens. This need is still with us.

Before the House, we have a new and better medical security proposal. This plan now offers comprehensive coverage. It meets all objections to the previous proposal; in short, it is a superlative piece of legislation. Those sections of the original medicare bill, the eldercare bill, and other proposals which had merit have been combined into one legislative work. Not only have all objections that may have been raised to the medicare bill been abrogated, but we now have a bill that has additional strength through incorporating the good points of these alternative plans.

This is a bill which meets the needs of our country head on. This is a bill that can satiate our demands for medical security. I have worked hard for, and in fact cosponsored, the medicare legislation for this Congress. It is indeed gratifying to see the fruition of this work, this excellent bill, before this House.

The American people must bear the fruit of this proposal; we must pass this bill.

Mr. COHELAN. Mr. Chairman, I rise in support of this farsighted and long-needed bill to provide adequate yet reasonable health care protection for our Nation's older citizens.

The dimensions of the problem which necessitate this bill are familiar, but a few facts are worth repeating, worth emphasizing, and worth remembering.

People over 65 have a far greater need for hospital and medical care than their younger neighbors. They use hospitals nearly three times as much and their health costs are fully twice as high.

But this increased requirement comes at a time when these older Americans are least able to afford it. It comes when the costs of health insurance are highest and when their incomes, on the average, and in the great majority of cases, are the lowest.

Almost half of those 65 and over and living alone receive less than $1,000 a year, and three-fourths receive less than $2,000 a year.

Only half have any health insurance at all and only a handfull—perhaps 1 in 20—have protection against as much as 40 percent of their health costs.

The discoveries of medical science have been exciting. The increase in life expectancy—from 49 to 70 years of age in the last 65 years—has been remarkable. But it is not enough for a great society to add new years to life. We must also add new security, new protection, and new meaning to that life.

Mr. Chairman, from the extensive mail I have received on this subject and from the opinion polls I have sent to my constituents, I am firmly convinced that most Americans do not want this problem met by more lenient welfare programs. What they want, and what they need, is an insurance system under which all workers can pay, during their productive years, for protection against the hospital and medical costs which they will increasingly meet in their later years.

This bill meets that test, and it does more. But it does not remove individual responsibility. Rather it increases it, and this is as it should be.

I am particularly pleased, Mr. Chairman, that the Committee on Ways and Means has added a voluntary, supplemental plan to the basic protection against hospital and nursing home care. By covering payments for physicians and related costs through small monthly premiums, a great area of need, otherwise all too often neglected, is being met.

I am also pleased that the committee has provided for a 7-percent increase in social security cash payments. Not only is this increase long overdue, but the minimum increase of $4 per month will insure that no worker will be excluded by reason of cost from the supplemental plan.

There are provisions of this bill I would change. For example, I am opposed to the deductible which must be paid for hospital and medical care. I am in complete sympathy with its purpose but the fact remains that some who are in need will be excluded and no one should be subjected to the humiliation and degradation of a means test.

But on balance, Mr. Chairman, this is a good bill. It is an essential, fair, and reasonable bill. It is a bill we have discussed a decade now and more and it should be passed with strong support as a constructive response to a pressing national problem.

Mr. WILLIAM D. FORD. Mr. Chairman, it is indeed a proud moment in my life, to be recognized by my dear friend and fellow Michigan Congressman, JOHN DINGELL. We of Michigan are all proud that our colleagues in the U.S. House of Representatives have chosen you to be the presiding officer of this great legislative body during the entire debate on the medicare bill during the past 2 days.

During our campaign for Congress in the fall of 1964, you and I shared many speaking platforms from which we promised the people of our districts that we would support President Johnson's program of adequate medical care for senior citizens as an extension of benefits under the Social Security Act.

We are, Chairman DINGELL, extremely fortunate to be here at this moment, with you in the Speaker's chair, and me on the floor of Congress, working together for the passage of this law. I believe that this Congress will accept the mandate of the people who voted in November 1964 and will pass this legislation. We cannot only report back to Michigan, the faithful keeping of our promise to support this legislation, but the fact of our success and the reality of the adoption of the greatest piece of legislation to come before the Congress in many, many years.

We, who represent Michigan are also extremely proud in the knowledge that our own MARTHA GRIFFITHS, of the 17th District of Michigan, as an influential member of the Ways and Means Committee, was one of the chief architects of H.R. 6675 as we find it before the House of Representatives today.

I want to offer my wholehearted and enthusiastic support for H.R. 6675, the Medicare and Social Security Amendments of 1965. I firmly believe that this action is long overdue, and that we have too long ignored the health care needs of America's older citizens. The need for improving amendments to the Social Security Act contained in this bill is equally urgent.

The most serious threat to the security and peace of mind of our senior citizens is the high cost of illness and medical care. Statistics show that 8 out of every 10 persons aged 65 or older have some type of serious illness. They require hospital care more often than younger persons, and they must stay for longer periods of time. And yet, nearly half of America's retirees have no form of health insurance.

Scientific advances have and are adding years to man's lifespan. In the United States today are more than 18 million persons who have passed the age of 65, and their ranks are increased each year by another 1,500,000. By 1975, we shall have more than 33 million over 65. Unfortunately, this is the most neglected segment of our society. I consider it a national disgrace that our Nation has delayed so long in making adequate health-care provisions for our senior citizens.

Thirty years ago, we established a social security system to provide some measure of financial independence for retirees. But we have done virtually nothing to free them from the fear of becoming a financial burden on their children due to illness.

These millions of Americans contributed from their paychecks for many years to help assure themselves of independence and security with dignity in their old age. I think that they are entitled to this as a matter of right, not as a matter of welfare or benevolence.

Our senior citizens, Mr. Chairman, are a valuable and important segment of our population. Let us not forget that the benefits we enjoy today are the results of their work and dedication in past years.

As President Johnson has so aptly stated, "compassion and reason dictate that this logical extension of our proven social security system will supply the prudent, feasible, and dignified way to free the aged from the fear of financial hardship in the event of illness."

Mr. Chairman, I urge the immediate passage of H.R. 6675.

Mr. BARRETT. Mr. Chairman, I am wholeheartedly in favor of H.R. 6675, the Social Security Amendments of 1965, now before the House for consideration. It has been many years since the first plan to provide health insurance for the elderly was introduced, and it is indeed a great moment to finally have this bill scheduled for debate and a vote. We have the opportunity to go down in history as a Congress which has made manifest the Nation's concern for its elder citizens.

This bill is so comprehensive that in the brief time allotted to me I will concentrate on the health insurance provisions, which will help more than 17 million older Americans.

Other parts of the bill also make important and necessary improvements in our whole pattern of social legislation. The bill extends the benefits of the Kerr-Mills program to other groups in the population who are as disadvantaged as the elderly—the blind, the disabled, children who cannot be adequately supported by their parents—and who would not be able to provide necessary medical care for themselves.

This bill also authorizes increases in expenditures for the maternal and child health and crippled children programs which are designed to help mothers and handicapped children in need. A new provision is added to the Social Security Act which will authorize special health care to unfortunate young children, who need this help in order to do adequate schoolwork and to lead a normal life.

The Social Security Amendments of 1965 will help our elderly citizens in many ways since it authorizes improvements in the basic social security system as well as begins a new program of health insurance. The basic hospital insurance plan will give protection to Americans over 65 against the costs of hospital, related posthospital care—skilled nursing home and home health visits—and outpatient diagnostic services. These benefits would be financed through a separate payroll tax and a separate trust fund. Those senior citizens who are not eligible for social security benefits would be covered out of general revenue.

This basic plan, which would lighten the dark cloud of financial worry that hovers over the elderly, would be supplemented by a voluntary plan providing physicians' and other medical and health services financed through monthly premiums of $3 by individuals matched equally by Federal Government revenue contributions. Most of our older Americans would join this plan. They would be able to do so because of the 7-percent across-the-board increase in social security benefits, which would more than cover the cost of premiums.

I do not call this proposed legislation revolutionary. It is a natural development, given the comparatively low financial position of the elderly and their lack of resources to cover medical expenses. Americans over 65 are more likely to have serious illnesses, and need hospital care, than are any other age group; and they are least able to pay either out of savings or through private health insurance, which is too expensive for their limited budgets.

Today too many senior citizens are denied even all the necessities of life because of the burden of illness and the fear of dependence. We in Congress have the opportunity, and the duty, to make the life of these older Americans a more pleasant one, to allow them to enjoy their later years in the peace and comfort which we all hope will surround our own years of retirement.

Mr. MICHEL. Mr. Chairman, I find myself in a very difficult situation today, for this bill, H.R. 6675, entitled "The Social Security Act Amendments of 1965," embodies what has been paraphrased as "the best of bills and the worst of bills."

It includes such excellent provisions as a badly needed and long overdue increase in social security benefits, the establishment of a more realistic minimum benefit for those whose participation in the system had been minimal, through no fault of their own, before reaching the age of 65.

I would point out again that these benefits should have been made available to social security recipients almost a year ago if the administration had not seen fit to deliberately doom the enabling legislation by attaching their now discredited original medicare bill to it.

Quite frankly, Mr. Chairman, I like the provision in this measure that would continue benefits to age 22 for children attending school.

Over the years I have been reluctant to propose lowering the age of retirement when, as a matter of fact, advances in medical science and a better way of life are increasing life expectancy more and more. Notwithstanding this feeling, I cannot have too much objection to the provision providing actuarily reduced benefits for widows at age 60, and I would emphasize the point that to choose retirement at an earlier age, the benefit must be reduced, to keep any kind of system actuarily sound.

I believe the provision liberalizing the definition and waiting period for disability insurance benefits has a great deal of merit.

I am particularly glad to see the provision increasing the amount an individual is permitted to earn without losing benefits.

Mr. Chairman, I wish it would have been possible to include all these improving amendments in one package, set apart from the real "hooker" in this legislation, the hospitalization section of the bill—or so-called medicare provision—which is financed through the medium of a payroll tax on wage earners, many of whom may be least able to pay for medical insurance for others, and who themselves cannot participate in the benefits until age 65.

I have referred to the medicare section of this bill as the real "hooker" in the legislation, for if we were to vote on it as a separate provision, I am confident it would be soundly defeated. It cannot, as a matter of fact, stand on its own, and that is the reason we find it enveloped in all these "goodies"—that is, improving amendments to the current act to which I have previously alluded. We are actually being blackmailed here to take medicare along with the good features of the bill, or we are going to have to vote against the whole proposition.

I have a real concern for the future and those millions of our elderly citizens who are counting on social security benefits as their sole source of income for retirement. With this medicare feature, and its attendant increased payroll taxes, we are going to find ourselves in a position in a few years where the Congress will not be able to provide cost-of-living increases in retirement benefits because we have preempted the tax base for this medicare feature. I would point out, Mr. Chairman, that we are not only increasing the base from which we take the tax from the current $4,800 to $6,600, but we are also increasing the rate for the employee and the employer. As a matter of fact, together, by the year 1973, the total social security tax from employee and employer will be 10.6 percent. By the year 1987 with no additional improvements or broadening of the coverage, the tax will be 11.2 percent. Now for the self-employed, and this would include that great number of farmers in our congressional district, the tax will be raised to 7.5 percent by 1973 and 7.8 percent by 1987.

Let us make no mistake about it; this payroll tax is a regressive tax; and let me cite, if I might, just a few figures that our young people ought to take to heart.

Do you realize that if a young worker begins working next year—1966 at the age of 21—and has deducted from his paycheck the full amount of these social security taxes for the next 44 years, until he reaches retirement at age 65, he could have, if he were to invest his deduction, plus his employer's deduction, at 4 percent compounded interest, a nest egg after 44 years of approximately $81,000. Now, if he were self-employed over the same period and in the same given set of circumstances, he would have a nest egg of better than $55,000.

Not only are these increases in tax frightening for the individual, but they should cause great alarm and concern for business and industry to compete in the future. For example, a telegram I have just received from Caterpillar Tractor Co. reads in part as follows:

> H.R. 6675 abandons criterion of need. Heavy cost to employers will decrease competitiveness of U.S. firms in world markets at same time administration requesting manufacturers to increase contributions to international payments flow. The two positions do not square with each other.

Mr. Chairman, I said at the very outset of my presentation here this afternoon that I find myself in a very difficult situation, for I should like to vote for the good features of this bill and vote to cut out the bad features, as I see them. But under the closed rule under which we are considering this measure, I do not have that opportunity. And so, I am going to vote for the motion to recommit the bill with instructions to implement our Republican-sponsored substitute, which for all practical purposes provides all the benefits, except the objectionable medicare feature, financed with a social security payroll tax.

If the motion to recommit fails—and I suspect with the overwhelming odds against us, it will—I believe that, notwithstanding all the good features of this legislation, I will be compelled as a matter of conscience to vote against the bill on final passage to point up the great concern I have for the future integrity of the social security system and the tremendous increase in tax burdens that will be involuntarily thrust upon every working man and woman in this country.

As a matter of fact, in this morning's mail I received a letter from Mr. Peter Cioni, secretary of Local Union No. 422, International Hod Carriers, in which he says:

> When are the politicians going to tell the public the truth of how social security benefits are derived at and how the low-income groups' benefits keep shrinking each year despite these 7- or 8-percent increases. Those increases sound good, but politicians being what they are, Republicans and Democrats alike, fail to tell the story that each year as the base from which benefits are derived at are raised—despite these increases, those who need these benefits most, benefits keep getting smaller and smaller, and those in higher income brackets who need them least, get bigger and bigger.

I should point out that several years ago I introduced my own health care bill that would have met this problem by way of an income tax credit in the amount of the premium that individuals would be paying for their medical care insurance.

I do believe our Republican substitute here this afternoon is a very comprehensive program, financed partly by premium contributions and partly by general revenues. The relative advantages of the Republican proposal are as follows:

The basic hospitalization program in the committee bill is extended automatically and compulsorily to all eligible persons over 65. The Republican program would be wholly voluntary. When coupled with the payment of a premium contribution, this reduces the duplication of coverage for those already covered under private programs. It preserves the insurance concept.

In the committee bill, the hospital program is extended to all persons presently over age 65—except certain Federal employees—at no cost. The Republican program requires the participants, including those presently over age 65, to make a contribution toward the cost of their insurance. This reduces the cost which under the committee bill must be borne by taxpayers under age 65. It also acts as a deterrent to excessive utilization of benefits on the part of those enrolled.

The hospitalization program in the committee bill is, in fact, a part of the social security tax system. An additional liability of upwards of $100 billion is imposed on the social security tax structure by the adoption of that program. The Republican program is financed out of the general revenues, wholly apart from the social security system. This reliance on general revenues utilizes the general tax system, based on ability to pay. It avoids the regressive payroll tax and does not jeopardize future increases in cash benefits.

In financing the hospitalization program through the payroll tax, as a part of the social security system, the committee bill gives rise to the concept of "entitlement." It creates the erroneous impression that the wage earner is "prepaying" for a specific hospital benefit. This precludes revision of benefits in the future, except to increase the scope of the program. The Republican program preserves the ability to revise the programs as conditions dictate. When the insured is required to pay a premium for the benefits, both premiums and benefits can be modified as the need arises.

Benefits of the combined hospitalization program and medical services program in the committee bill fall short of the benefits provided for in the Republican program. The committee bill does not meet the problem of the catastrophic illness. The Republican program covers the catastrophic illness up to a lifetime maximum of $40,000 in benefits. The Republican bill also covers prescribed drugs while the committee bill excludes this item.

The Republican program provides these more extensive benefits at a lesser cost. By eliminating duplication of coverage and combining all medical benefits in a single comprehensive insurance program, the Republican program will provide more protection for less dollars.

The committee bill offers hospital and medical service benefits to the aged without regard to need. The Republican proposal provides for premium contributions related to cash benefits under social security, coupled with a tax recoupment of the subsidy attributable of individuals with incomes over $5,000. This eliminates "need" as a basis for qualification without extending benefits to those who are, in fact, able to pay the full cost of their insurance.

The Republican proposal also incorporates the underlying principles proposed in the eldercare bills. It makes specific the right of the States to enter into private contracts of health insurance for those eligible under the State-administered old-age assistance and medical-assistance-for-the-aged programs.

In conclusion, Mr. Chairman, may I say that we have recently circularized our district with questionnaires, posing two specific questions on this subject. While we have received about 15,000 returns, we have not yet had an opportunity to tabulate them; but in just a spot check of 100 we find that on the question—"Do you favor 60 days of hospital and nursing home care for those over age 65, financed by added social security taxes, under a compulsory program?"—a reply of 14 yes, 73 no, and 13 undecided.

In reply to the second question—"Do you favor medical, surgical, hospital, nursing home, and drug benefits for those over 65, financed by a tax credit or from general revenues for private insurance, under a voluntary program?"—we received a reply of 70 yes, 18 no, and 12 undecided.

Mr. Chairman, I suspect that complete tabulation of our questionnaire will pretty well bear out this ratio, since our spot check was taken completely at random, with no thought of prejudicing the outcome.

Notwithstanding this tabulation, there is no question but that the popular vote here in the House today is going to be one in support of this legislation on final passage; but I for one, as I have indicated in the course of my remarks, will be one of those voting for the motion to substitute the Republican proposal and if that fails to vote against the bill on final passage, and hope that it helps to draw attention to this horrendous tax burden that is going to be thrust upon every American and every future generation.

Mr. DANIELS. Mr. Chairman, I am proud to rise in support of H.R. 6675. This week we are witnessing the end of a 20-year struggle to provide a better life for our senior citizens. There are still many Members of this House who can remember stalwart battlers for this type of program like the late father of our distinguished colleague from Michigan, the Honorable JOHN D. DINGELL, whose fame as a champion of medical care for the aged spread from coast to coast. As a newer Member, I am proud to have had the privilege of serving with former Congressman Aime Forand of Rhode Island, the sponsor of the original medicare bill, to whom this victory will be especially sweet. No one deserves more credit for his support of our aged than the sponsor of H.R. 1, the basis for this legislation, the very able gentleman from California, CECIL KING.

Briefly, the bill provides 60 days of hospitalization during each period of hospitalization for all persons who have reached the age of 65, financed by an additional tax on employers and employees under the social security system and the Railroad Retirement Act. Those persons over 65 who are not covered by railroad retirement or social security will receive medical care financed by general tax revenue.

The committee plan provides additional care for those who require medical attention after leaving the hospital. The bill allows posthospital care up to 20 days after each stay of 3 days or more in a hospital.

H.R. 6675 provides outpatient diagnostic care with a $20 deductible feature for services provided by the same hospital during a 20-day period. If, however, within 20 days after receiving the outpatient diagnostic care the patient became an inpatient in the same medical facility, the $20 he has already paid would be credited to the $40 he would have to pay as an inpatient.

The bill also provides for 100 visits to the home of the patient by a nurse after being discharged from a hospital or nursing home.

In addition to the basic plan which is similar to that proposed in H.R. 1, the Ways and Means Committee has added a supplementary plan to cover doctor's fees. Elderly citizens can obtain this coverage by paying a $3 monthly premium which can be deducted from their social security payments. The Government will match this $3 premium with a similar contribution from general tax funds. The State could also obtain the benefits from the supplemental program by enrolling their old-age recipients and paying the premium.

I am happy to support the provision granting a 7-percent across-the-board increase in social security monthly benefits with the added provision that no recipient shall receive less than a $4-a-month increase. It is hard to imagine in this rich and prosperous Nation that we have senior citizens eking out a meager living on such a small monthly income, but such are the facts. Every great city has its neighborhood of shabby lodging houses where these poor people, lonely and destitute, struggle to keep body and soul together. These are not mendicants or parasites but honest Americans who have fallen victim to the crime of growing old without means to support themselves after their productive years have ended. I commend the committee for including this feature into the bill. Naturally, I would have hoped it would be larger, but to these poor people living at a marginal level even a little bit is a lot.

I am of course glad to see the provisions of the Kerr-Mills bill improved by providing more generous financing of the health care to needy children under the program for dependent children. Similarly, the provisions of the Kerr-Mills Act under H.R. 6675 will be extended to the blind and the permanently, totally disabled.

This bill also increases the Federal contribution for the maternal and child health services by $5 million for 1966 and by $10 million for each succeeding year. Similarly, the Federal contribution for crippled children will be increased by the same amount.

Candor requires me to state this bill is not all that the Congress might enact, but, on the other hand, it is the most outstanding piece of legislation in this area that has ever been brought before this House. Those who oppose this bill but cloak their opposition by saying that this bill does not go far enough have argued that this bill does not cover all the medical needs of our senior citizens of the United States. But they fail to mention that this bill does more than any bill that has ever been voted upon in this House.

Mr. Chairman, I am proud to support H.R. 6675. Every Member who votes today in favor of this bill can say that he has done his share in a great cause. This is a great day for every American who feels that we have an unending obligation toward our older Americans. They have done much for us. Now it is our turn to do just a little for them.

Mr. CLANCY. Mr. Chairman, liberalization of social security eligibility requirements and increases in benefits are overdue. I strongly supported making the necessary adjustments last year when we approved the Social Security Act amendments that would put benefits in line with the rising cost of living. Social security recipients would have been receiving larger checks each month for some time now had the bill not been saddled in the Senate by inclusion of the administration's compulsory hospitalization plan which the House conferees would not agree to.

To insure that the more than 20 million beneficiaries of the social security program enjoy at least minimum standards of health and comfort, I introduced earlier this year a bill (H.R. 4144) to increase benefits by 7 percent. My bill would continue benefits to age 22 for children attending school and would provide actuarially reduced benefits for widows at age 60. In these respects my proposals do not differ from the bill under consideration today.

In fairness to older persons who were unable to acquire the necessary quarters of coverage, my bill would liberalize the eligibility requirements so that certain persons 70 years or older could qualify for minimum benefits. The administration's bill would require that these persons attain the age of 72 before being eligible.

My bill would also provide greater liberalization of the retirement test. Because many elderly persons must or desire to work to supplement their social security payments, I included a provision which raises the amount of outside earnings a social security recipient can receive without penalty to $3,000.

I bring this up today because I want to make it crystal clear that I favor those portions of the bill under consideration today which would improve our social security system.

At the same time, I want to make it equally clear that I am strongly opposed to the concept of financing of hospital benefits through the social security system. In good conscience I cannot vote for the imposition of a regressive payroll tax on wage earners, many of whom may be least able to provide hospitalization and other kinds of health care to persons over 65, regardless of their financial needs. H.R. 6675 would impose upon today's workers a liability of approximately $35 billion for hospitalization benefits just for those already over 65.

A worker entering the work force at the age of 21 will pay a payroll tax for 44 years, which his employer will match, to finance health care benefits if this bill is approved. The actual cost of the hospitalization program per worker entering the work force at age 21, with interest at 3½ percent per year, will amount to $8,590. If the same amount were invested in private health insurance, the worker could obtain far more extensive benefits than are provided under the hospital program contained in the bill.

In not voting for the administration's compulsory hospitalization plan, I follow not only the dictate of my conscience, but also the wishes of an overwhelming majority of the fine people I am privileged to represent, the residents of the Second Congressional District of Ohio. For the RECORD, I include the results of a preliminary tabulation of their answers in response to a multiple-choice question on medicare asked in a recent opinion poll I made. Each major program was briefly and impartially summarized, and the respondent was asked to check the one he favored:

	Percent
King-Anderson bill	9
Bow bill	16
Curtis-Herlong eldercare bill	47
No Federal participation	20
No answer	8

It is obvious from the foregoing figures that less than 10 percent of my constituents who responded subscribe to a compulsory Government hospitalization program. And, frankly, I am inclined to believe that the percentage would be even smaller if all those who favor this approach realized the ramifications of this far-reaching welfare proposal—chief of which are the inevitable regimentation of medicine, possible deterioration of the quality of health care judging from past experience in other countries, and soaring costs.

I would also like to point out that I think it is particularly significant that one-fifth of the respondents favor no Federal participation in this field.

Their reasoning is no doubt predicated on the fact that where you have Federal participation you risk Federal interference. In an attempt to mollify those who do not want bureaucrats in Washington running their lives, the drafters of the legislation insert a statement that any Federal interference is prohibited. If you only read to page 9 of the bill where the prohibition against Federal interference appears, you might believe this. But if you read the next 70 pages, you will see how the Federal Government plans to run the show.

In place of the Ways and Means Committee bill, the minority Members offer us a substitute measure which would be voluntary rather than compulsory, provide more comprehensive benefits, and would be financed partly from general revenues and partly by payments by those participating. No compulsion. No threat to the integrity of social security cash benefits. No discriminatory eligibility provisions.

I support the concept that adequate health insurance should be made available to the aged at a reasonable cost. But I believe such a program should be voluntary. Therefore, I will support the motion to recommit the committee bill with instructions to substitute in its place the Republican bill, H.R. 7057. This bill would make all the improvements in the social security system proposed in the administration bill but would substitute a voluntary program of health insurance for the compulsory plan.

Mr. YATES. Mr. Chairman, seldom has a subject received a more searching or extended examination than the subject of health care for the aged. This issue has been talked about, discussed, analyzed, debated, and argued in every part of our country. Numerous bills have been introduced in previous sessions of Congress and some were nearly enacted. The volumes of testimony taken during the congressional hearings into this subject would fill a small library.

During this long period many of us were impatient over what seemed to be an endless series of roadblocks and delays. And finally today, the drive of a decade is nearing its goal as we are about to pass a truly historic bill which will protect the health and dignity of our elderly citizens.

If it takes a decade to perfect a medicare bill, then I say it has been a decade well spent, for the bill before us today is a remarkable example of legislative craftsmanship. Perhaps the Roman poet Ovid was right when he wrote "Delay matures the tender grapes and ripens grass into lusty crops." One by one, the criticisms and charges leveled against previous medicare bills have fallen by the wayside.

It was once charged that medicare ignored those not on social security. Now, virtually all older Americans are included in the bill.

It was charged that doctor bills would not be covered. Now, the bill includes a voluntary plan to cover doctor services.

It was charged that doctors would be placed under the bureaucratic direction of the Social Security Administration. Now, the bill finances all doctor services through existing private insurance organizations such as Blue Cross.

It was charged that medicare might someday bankrupt the social security trust fund and jeopardize future retirement benefits. Now, the bill sets up a separate trust fund for hospital care. Both are actuarially sound.

It was charged that medicare ignored the existing Kerr-Mills program of aid to the needy. Now, the bill expands and improves the Kerr-Mills program as a supplement to health care for all elderly citizens.

Mr. Chairman, I think every Member of Congress will agree that we have a serious problem in providing for the health of our elderly citizens, and I am sure that every Member wants to do something about it. What are the dimensions of this problem?

There are 18 million people over 65—about 10 percent of our total population—and the percentage is increasing. Most of these people are poor. The average income for an elderly couple is about $2,500 a year—or below the poverty level of $3,000 established in the antipoverty program. One-third of the old people have no assets and one-half have less than $1,000.

The medical needs of older people are greater. They go to the hospital three times as often as younger people, and they stay twice as long.

Most of these elderly people do not have adequate incomes or savings to provide for the health care they need. Although private insurance is available, most elderly citizens cannot afford comprehensive coverage.

Mr. Chairman, I believe the bill before us, H.R. 6675, is an effective answer to these problems. The distinguished chairman and members of the Committee on Ways and Means are to be commended for reporting it to the House. It is a reasonable and carefully designed proposal which combines the best features of the original administration bill, the AMA-sponsored eldercare bill, and the bill sponsored by the gentleman from Wisconsin [Mr. BYRNES].

The bill will provide up to 60 days of full hospital care per illness for virtually all Americans over 65. This part of the program will be financed through a separate payroll tax similar to social security.

Secondly, it provides all persons over 65 with a voluntary plan covering physicians and surgical services; care in mental hospitals; home health services and other medical services. Persons who choose to participate will pay premiums of $3 a month which are matched by the Federal Government. The plan will pay 80 percent of all bills in excess of an annual deductible of $50.

The third part of the bill expands and improves the existing Kerr-Mills program. It extends coverage to needy persons who are handicapped and requires the States to offer a minimum level of services and to establish a flexible income test.

And finally the bill improves the existing social security program and raises benefits by 7 percent.

What will this bill mean to the average citizen? It will mean that for the first time in our history, Americans will be able to live out their declining years free from the worry of crushing medical expenses. No longer will they need to live with the haunting fear that tomorrow may bring an illness which will sweep away their small savings, their home, their security, and compel them, for the first time in their lives, to apply for relief.

Younger people with elderly parents will not be burdened with heavy medical bills at a time when their own family expenses are greatest. Many of our younger people have had to make severe financial sacrifices in order to meet their parents' medical expenses. All too often, funds diligently saved up for a college education or new home disappear overnight to meet the unexpected and catastrophic medical bills on an aging parent.

But this bill provides dignity as well as dollars. The hospital care portion financed through the social security system is a form of insurance and not charity. Each person pays into the fund during his productive years and is entitled—as a matter of right—to adequate hospital care in his later years. He need not pass a degrading means test or go on relief to prove his eligibility.

Mr. Chairman, I have received a good deal of mail on the so-called eldercare plan sponsored by the American Medical Association.

The principal criticism advanced by the eldercare advocates was that the administration bill covered only hospital expenses and did not cover doctor bills. I am glad to see that this defect has been remedied. The bill now before us contains a voluntary plan for doctor services at a price which elderly people can afford.

However, many of the other claims advanced during the AMA's campaign on behalf of eldercare did not make sense. For example, they would have us believe that somehow, by some financial sleight of hand, eldercare would provide more benefits at less cost. How can this be possible? A medical expense is a medical expense and it is going to cost the same regardless of the financing method. There is no magical shortcut to cheap medical care. Actually, the administration's social security approach is somewhat cheaper because it costs less to administer.

Equally misleading were the glowing descriptions of the benefits available under the eldercare bill. Even the sponsor of the bill had to publicly complain about some of the misleading advertising which was put out in behalf of eldercare. These benefits would depend upon a State's decision to participate. Most States simply do not have the money.

And so, Mr. Chairman, we are about to embark upon a new era in meeting the needs of our elderly citizens.

We are about to extend its time-tested principles to the field of hospital insurance. I anticipate that within a few years hospital insurance through social security will also achieve the near universal support the social security program—that is old-age and survivors disability insurance—now enjoys.

Mr. McGRATH. Mr. Chairman, passage today by the House of Representatives of this medical care measure will be a giant step toward the most comprehensive program of medical assistance to senior citizens anywhere in the world.

The bill which we can adopt today provides far wider coverage than we dared hope for when the 89th Congress convened in January. Combining the best features of medicare and eldercare in its provisions, the bill's passage will be considered a red-letter day for our Nation's elderly citizens.

Furthermore, liberalization of social security benefits included in the measure's provisions will be a boon to all Americans, particularly the section providing a 7-percent hike in social security payments.

I am proud to be a Member of this Congress which has moved toward fruition a much-needed health-care plan which has been debated for some four decades.

I, therefore, urge all Members to vote against recommittal of this bill and to vote for final passage of this great medicare bill.

Mr. RONAN. Mr. Chairman, I take particular pleasure in supporting the provision of H.R. 6675 under which benefits will be paid to children age 18 to 22 who are in full-time school attendance. This is an especially fine and forward-looking provision. It will extend the survivorship protection of the social security program and enhance the educational opportunities we offer our young people.

A child who has lost parental support through the retirement, disability, or death of his mother or father is considered dependent under the present social security program if he is under age 18 or if he has a disability which began before he reached age 18. I strongly concur in the committee's view that a child who is in full-time school attendance after reaching age 18 is similarly dependent. It is simply not realistic today to stop a child's benefits on his 18th birthday and tell him that he is now presumed to be able to go to work and to support himself. While some children can and do become economically independent by the time they are 18, most children cannot be financially independent at 18 because they have not finished high school, and they must look for a living to an economy that has little use for the untrained, unskilled, and uneducated worker. It is time we recognize that this is the situation, that this situation will continue, and that a child who has reached age 18 and is still continuing his education is as dependent on social security benefits to replace lost parental support as he was when he was younger.

Under the bill about 295,000 children age 18 to 22 would get benefits this September, when the school year begins. Many of these youngsters would not be able to continue their education without the benefits this bill will provide. It will mean a great deal to them and to their parents, so many of whom have written to us asking that the benefits be continued.

Mr. ST GERMAIN. Mr. Chairman, I am more than proud today to speak in support of the Social Security Amendments of 1965.

My predecessor, Aime Forand, was the pioneer in this field. It was he who in 1956, first introduced legislation providing for medicare for our senior citizens. He retired from the Congress prior to its passage, but he left a legacy to his successors and this is his crowning achievement.

The principle embodied in his original legislation is carried through in the legislation we are considering today. When he first introduced the measure he knew that it would undergo a great deal of amendment. He knew the fight would be long and hard. He knew that the opposition would be strong and that opponents of the legislation would fight right to the end of the line. But, he also knew that the principle of medicare for our senior citizens was desired by the people of the United States, because it was, and is an absolute necessity.

The legislation we are to vote on today fortunately goes further than the original measure in many respects, and unfortunately does not go as far in others.

This legislation is a tribute to the members of the House Ways and Means Committee who worked so hard and diligently. It is a tribute to Aime Forand, to the late President John Fitzgerald Kennedy, and to President Lyndon Baines Johnson, each of whom put all the weight of their offices and all the strength at their command behind it.

It is a tribute to the people of America—the thousands upon thousands—the millions—who took time, year after year, to write their Members of Congress and inform them of their burning desire and keen interest in this legislation.

This legislation goes beyond providing for medicare and the voluntary insurance program—it also embodies many improvements to the social security system.

The Ways and Means Committee and its staff have gone to great lengths to insure that these benefits will accrue to the people for whom they are intended. I do hope and pray that as a result of these increased benefits the individual States will not attempt to take advantage of these people who need additional help by effecting decreases in the help now being provided. The legislation has been carefully drafted to avoid any such occurrence, for we have seen it happen in the past. I realize there are those who may seek loopholes—but let there not be any loopholes.

The Great Society continues to move forward and this legislation, in my opinion, and in the opinion of many Americans, is the greatest stride it has taken to date.

Mr. DENT. Mr. Chairman, I am honored to rise today in support of H.R. 6675, the Social Security Amendments of 1965. My sincere congratulations go to the gentleman from Arkansas and his able committee for presenting the House with a bill upon which all parties interested in the welfare of the elderly may securely stand. It is not only a milestone in our legislative deliberations, but is also a masterpiece of equity and compassion.

Mr. Chairman, it is entirely appropriate for me to note that the great majority of mail coming into my office concerns the very subject of health care for the elderly. The medicare versus eldercare controversy will probably be remembered by all of us as one of the most heated within memory's reach. It is not only a credit to the gentleman from Arkansas and the Committee on Ways and Means, but a credit to the Congress that this bill embodies the best features of both proposals. It is difficult for me to recall in my experiences, any other legislation, either before the House or the legislature in my own State, which has been worked on more diligently and which considers the vast differences of opinion on the necessary character of the legislation than does this legislation.

The bill before us is referred to as the Social Security Amendments of 1965. This package includes long-overdue and well-needed increases in OASDI benefits. Its main thrust, however, is obviously in the provisions for health care insurance. In light of this, I would like to address the remainder of my remarks to this new feature of our social security program.

Mr. Chairman, it is not the responsibility of the Federal Government to look throughout our society in search of potential responsibility. This would not only be contrary to our entire system of government, but especially contrary to our great and lasting Constitution. It is the responsibility of the Federal Government, however, to satisfy a need—in this instance a physical and social need—when such need is not presently nor properly being met. It is further evident that the individual States cannot meet the problems of the elderly as regards basic health protection. It is therefore incumbent upon the Federal Government, and in accord with our traditions, to provide relief for those who suffer through no or little fault of their own. This is not a giveaway program, nor is it per se a welfare program. It is an insurance program, much of which is voluntary.

This program does not demand a statement or confession of desperate financial inability or the familiar "means test"—and it properly should not. We have already had an experience with that force and found it practically useless. No self-respecting citizen, despite the financial strains upon him, would think of placing himself at the doorstep of welfare and acknowledging his desperate condition before a public entity.

Mr. Chairman, we are a proud and self-respecting people. I daresay that our pride and self-respect is more important to us than most else in life, including our physical condition and social status. This bill will do nothing to provide more individual virtue; but it will, on the other hand, not force many to sacrifice individual virtue. The alternative proposal would do exactly that. They would force a man to swallow hard and lay open his private business for all to see. They would force him to plead poverty and ask for help. The bill before us asks no such sacrifice.

Although it is true that many who can afford basic hospitalization charges will nonetheless be eligible for these new social security benefits. It is also true that millions more who cannot afford such charges will likewise be eligible. These millions are the rightful concern of the Federal Government, and the legislation before us recognizes that concern and accommodates it.

Mr. Chairman, approximately one-tenth of our citizens are over 65. In my own district, some 35,000 good people are aged 65 or over. I am concerned because they have contributed so much to our country in its development and progress and in the defense of its ideals. They are entitled to anticipate their later years with hope and a feeling of security. They should not have to live their years in fear or despondency and drift. I therefore ask the House to acknowledge these citizens and their problems with compassion and understanding. Let us rise as one and remind them, as well as ourselves, that we do recognize their contribution as well as their needs; and let us rise as one and play our role in their future security.

Mr. FINDLEY. Mr. Chairman, this legislation is so completely centered on methods of financing for medical services, that an important, plain fact is almost obscured from sight.

That fact is this: The medical needs of our elderly citizens are being met today in a superior manner. Those who go without needed medical care are rare exceptions. I have substantial evidence in support of that statement.

Our private medical care system does serve well the needs of the American people. It is regarded as the best the world has ever known. It can and should be improved still more, but let us give credit where it is merited.

To the best of my knowledge, no one has contended that the total effect of this legislation will make medical care in the United States still better. It will make for a substantial change in paperwork, and in the methods of financing medical bills, but it will not increase the number of doctors. It is not apt to make the medical profession more appealing for young people planning careers. So far as I know, it will not add one single additional hospital bed.

On the other hand, it may have an adverse effect on medical care. Judging from the experience of Britain with a similar system, we will have difficulty maintaining our present doctor-patient ratio.

However, my purpose at this moment is not to argue the effect of this legislation on the level of medical care, but rather to provide some solid evidence that the medical needs of the people are presently being met in a superior manner.

For more than a year I have conducted in my home district a continuing survey of medical needs. I have done it through what I describe as my medical care referral service.

This service has convinced me that the medical needs of the 445,000 people in my district are being adequately met on a surprising complete basis.

The drumfire of publicity in behalf of the King-Anderson approach to medical care for the elderly has been continuous during the 4 years I have served in the House of Representatives.

One result of all publicity, I am sure, was to widen the illusion that the health needs of elderly citizens are not being met adequately. The Kerr-Mills program never got the attention it deserved.

In Illinois, for example, my experience indicates that few people ever heard of Kerr-Mills, and most of those who have heard about it have misconceptions concerning it and the way it is administered.

On February 26 of last year, I began my medical care referral service, intended mainly to provide information to constituents about the Kerr-Mills program in Illinois and to assist them in getting medical care if cases of inadequate care were found to exist.

My announcement was carried widely by press wire services. The text follows:

> WASHINGTON.—An Illinois Congressman today announced his own medicare program. Representative PAUL FINDLEY, Republican of Illinois, has promised prompt medical attention to any constituent who is not getting adequate medical care.
>
> He said, "Doctors in each major community have assured me of their full cooperation in making this possible." Explaining his new service in a statement issued yesterday to constituents, FINDLEY said,
>
> "All Americans should receive the medical care they need, regardless of personal financial circumstances. This is a principle to which I heartily subscribe, and one that is well rooted in our way of life.
>
> "If you know of anyone in the 20th District who is not getting adequate medical care, please let me know.
>
> "A number of medical service programs, both public and private, are available to help needy citizens. The most recent in Illinois—and perhaps the least known—is the Kerr-Mills program, which provides full reimbursement of all medical expenses to those over 65 who are in need.
>
> "Unfortunately, many people are not aware of what is available, and perhaps occasionally some will go without needed medical care for lack of information. My referral service is intended to meet this problem."

In preparation I had consulted several times with Newton DuPuy, M.D., an official of the Illinois State Medical Society and an outstanding member of the medical profession in Quincy, Ill. He supplied me with the names of doctors in each community who were willing and anxious to cooperate in a referral service. Twelve of the fourteen counties were represented in this list of physicians. The two exceptions were small and sparsely populated, served largely by nearby medical centers.

From the date of announcement to this date, I have had 382 individual responses, almost all of them letters. Other Congressmen in Illinois have had inquiries, I might add, because news of my referral service appeared in newspapers throughout the State. Several of them asked me for details on how I have handled this service.

During the first 4 months, I referred each letter immediately and directly to the doctor on my referral list located nearest to the person involved. This was done regardless of the content of the letter.

My acknowledgment letter read as follows:

> Thank you for writing to me concerning your medical care problem. I am transmitting your letter immediately to a medical doctor who is cooperating in this service, and I am sure you will be contacted soon.
>
> Thanks for giving me this opportunity to be of service.

If the letter concerned the medical problem of someone else, the first sentence was altered accordingly.

At the same time this transmittal note was sent to the doctor selected from my referral list:

> Thanks very much for cooperating in the medical care referral service. As you know, in announcing the service I asked to be informed of anyone in the 20th Congressional District who is not presently getting adequate medical care.
>
> The enclosed letter is a response to my announcement. I will count on you to get in touch with the person involved—or see that another medical doctor does so—and to do whatever you consider to be warranted.
>
> I would appreciate a note from you indicating ultimate disposition, together with any impressions or suggestions you may have.
>
> Your fine cooperation is deeply appreciated.

Copies of correspondence were sent to the Illinois State Medical Society office in Springfield.

You will note that my announcement did not concern the medical problems of the elderly only. Constituents were invited to notify me of anyone not getting adequate medical care. The invitation was intentionally broad. You will note also that the payment aspect of medical care was not mentioned in any way.

Since making the initial announcement, I have repeated the same basic information in speeches throughout the district, and in several newsletters to constituents. I will continue to publicize it as widely and as frequently as I can.

The response was much smaller than I had anticipated, especially so in view of the broad character of the invitation.

After 4 months of direct contact with physicians, I changed somewhat the referral procedure. All responses are now transmitted directly to the Springfield office of the Illinois State Medical Society, where Harold Widmer does the initial checking.

The change was made in the interest of efficiency for all concerned, to make possible maximum speed in processing and to make the load as easy as possible on the doctors who are cooperating.

Mr. Widmer usually makes a telephone call to the Department of Public Assistance, usually checking directly with the county office nearest the person involved. The check turns up any case history which may be on file. Usually, he will then telephone the person whose medical care is involved. Sometimes, the case is adequately settled by telephone. In other cases, personal interview with a nearby physician is arranged.

Of the 382 letters only 6 cases suggested the possibility that someone was not getting adequate medical care.

In many cases, the person contacted felt better, with a more confident mental outlook. Many of them had never heard of the Kerr-Mills program, and were comforted to know that such a program existed whether they themselves qualified at that time or not.

Several qualified for assistance under this program as the direct result of the referral service. I do not know the exact number, because I have had no reason nor desire to pry into details.

Since changing to direct contact with the Illinois State Medical Society, I have begun to supply information on Kerr-Mills directly in the cases where information seems clearly to be the only need. The information I supply is duplicated, as follows:

ILLINOIS MEDICAL CARE INFORMATION, KERR-MILLS

This is a system of Federal matching grants to provide medical care to the near-needy aged. It helps those who are otherwise self-supporting but unable to pay medical bills. It became effective in Illinois on August 1, 1961.

A. SERVICES PROVIDED

1. In-patient hospital services.
2. Physicians' service during hospitalization.
3. Physicians' visits for 30 days after hospitalization.
4. Drugs and medications for 30 days after hospitalization.
5. 90 days nursing home care (convalescent or rehabilitation) following hospitalization, including physicians' services and necessary drugs.

B. GENERAL ELIGIBILITY REQUIREMENTS

A resident of Illinois, 65 years of age or older, is entitled to benefits when:

1. Annual income from all sources does not exceed:

Single person	$1,800
2 persons (spouse and dependent)	$2,400

(Add $600 for each dependent.)

2. Cash and marketable assets do not exceed:

Single person	$1,800
2 persons (spouse and dependent)	$2,400

(Add $400 for each additional dependent.)

In determining amount of marketable assets, do not count:

1. Homestead and contiguous real estate.
2. Automobiles, household furnishings, clothing.
3. Life insurance with cash value up to $1,000.
4. Personal property used in producing income.

C. ADMINISTRATION

Administered by the Illinois Public Aid Commission through its county departments of public aid. Those in the 20th Congressional District include:

Adams County: 640 Hampshire Street, Quincy.
Brown County: 233 West South Street, Mount Sterling.
Calhoun County: 308 South County Road, Hardin.
Cass County: 209 West Second Street, Beardstown.
Greene County: 425 South Fifth Street, Carrollton.
Hancock County: 526 East Locust Street, Carthage.
Jersey County: 215 South Jefferson Street, Jerseyville.
McDonough County: 124½ North Lafayette Street, Macomb.
Macoupin County: 213 North East Street, Carlinville.
Morgan County: 205 West State Street, Jacksonville.
Pike County: American Legion Building, Pittsfield.
Sangamon County: 628 East Adams Street, Springfield.
Schuyler County: 213 West Washington Street, Box 111, Rushville.
Scott County: 128 West Cherry Street, Winchester.

D. FINANCING

Federal Government provides 50 percent of the cost of operating Kerr-Mills in Illinois and the rest is State funds.

Similar benefits are available to those who qualify for public welfare. For information, contact the Illinois Public Aid Commission office in your county. In many counties, assistance is available to those in hardship circumstances by township supervisors. For information, contact your county clerk. War veterans may be eligible for medical care and rehabilitation. For information, contact the Illinois Veterans Commission, your nearest American Legion post, or Veterans of Foreign Wars post, or the Veterans' Administration, Washington, D.C.

Important: When hospital care is needed, application must be made before or immediately after entering hospital. This must be done.

All letters which give even the slightest indication that someone may not be getting adequate medical care—or which present specific information problems—are referred immediately to the Illinois State Medical Society.

Our referral service has been developed by trial and error. It is now functioning smoothly and helping a number of people to get the information and assistance they need, thanks to the splendid cooperation by the Illinois State Medical Society, Dr. DuPuy and the associates he has selected, and thanks also to the truly constructive, efficient, and enthusiastic support by officials of the Illinois Department of Public Assistance, the agency which administers the Kerr-Mills program.

Now, a look at the responses. The quotations are directly from the letters. The facts and allegations are not verified.

Six letters suggested a lack of medical care due to inability to pay medical expenses. Two were directly from the person seeming to lack medical care. Here is a quote from one of these two letters:

I am writing about information on the Kerr-Mills medical assistance for the aged program as I am on the low-income social security. I was in the hospital 9 days last July with pneumonia—had to go back for a recheck. The ——— Co. paid a part of my bill, but by borrowing from the bank and the help of my sister, the hospital bill is paid, but I have been unable to pay my doctor bill up to date, so I have not been doctoring, as I want to pay on doctor bill first. Please let me know if I have any assistance as there is always none left on $40-a-month social security.

Four letters were from friends or relatives. Here are three typical quotes:

A minister wrote:

A lady from our church and from your district recently had major surgery. She had a little hospitalization insurance but not enough to cover the bill by any means. She didn't want the surgery because she didn't know how she would pay the bill, in fact she left the hospital the first time and then had to be taken back and have the surgery. My concern and question is, Would the Kerr-Mills program be able to help Mrs. ——— with her medical bill?

From Adams County:

My wife's father was in need of a doctor. He called one and the doctor very plainly told him if he had $25 in cash he would come to see him. If not he should come to his office. Mr. ——— did not have the money and the doctor would not come. At this time he is in need of medical care. I know of other people right near here that cannot afford to go to the doctor—they just can't pay the charges.

From Springfield:

My mother, who is 78, fell about 2½ years ago and broke her left hip. She is now an invalid who suffers very much and is in generally poor health. I love my mother dearly, but we can't afford her medical expenses and right now she needs a doctor and medicine. We do everything else for her that we can, but we have gone broke from our own medical expenses. The last time she was sick, I called the office of public aid but was refused any help. There is more mercy shown our animals, we just shoot them, but our elderly are left to commit suicide or worse.

Twenty-nine letters asked for general information on the Kerr-Mills program, without stating specific problems. Several of them sharply questioned certain provisions of the program, for example, contending they would risk losing their homes by accepting Kerr-Mills assistance. This, of course, was erroneous and suggests that misinformation about the program is widespread.

Here are typical quotes:

In regard to your recent letter which we received—thank you for answering it, but we have decided not to bother about it. We own our home and pay taxes. We don't think it right to take the home property for medical care. We are paying for the medical aid and pension for aged people that haven't any home of their own. I am 73 years old and cannot get medical help or pension because we own our home.

I am most grateful for the help you have given me in trying to get a doctor and some medicine. I received a letter from Dr. ——— but I do not understand the Kerr-Mills program. I did not write or contact him because he mentioned the State public aid office. I had been told to go to them for help quite some time ago, which I did. However, they sent some case worker to investigate me and then sent a letter demanding that I sell my car. I have a crippled knee cap (left leg) and walk with a cane. In fact, I couldn't walk two blocks—even to get groceries.

I just can't see about the medical care. I had a stroke and in the hospital 6 weeks and a blood clot. They thought I wasn't going to come out of it and when I did they thought I would have to be sent to a home until I could be taken care of. When I got home they came around and wanted us to sign our old home over to them for us to get home help. So we knew when our home was gone we wouldn't have a place to stay.

It seems to me that the person who has tried to make his way along in life, saved some money and owns his own home, he doesn't necessarily qualify under this bill. Whatever medical bills are paid by the county, a lien is taken against the house, and the bills are only paid as a loan. The man who saved nothing, who doesn't own a home, he is more qualified to receive this aid. Am I right?

Twenty letters were in response to my announcement, but merely took the opportunity to criticize a variety of things, such as the social security program, the public aid commission, doctors' fees.

Here are typical quotes:

I also know a doctor who came to ——— approximately 5 years ago, broke and not even enough money for a downpayment on a car. Today, he owns two homes plus two large farms and is considering buying a third. I am in favor of people getting adequate medical attention, but I also believe if the "squeeze" were put on these nickel-grabbing doctors, people would be able to pay their own medical bills.

—

If you ever hear they cut Blue Cross please let me know, as you know there are lots of poor people who can't afford it and probably would lose what they put in Blue Cross—I don't want to cause any trouble, but I wish they would quit raising it all the time.

—

Very unfortunately, on April 17 of this year, I suffered a hip fracture. Knowing my hospitalization would be large, I had the temerity to ask for some help through our office here. Very quickly I was voted ineligible. The denial may be due to the fact that I own my own small home and have minimum social security ($40). Perhaps I do not understand details of plan, but my complaint is Kerr-Mills fails to live up to its commitments.

—

I work for a living and am a Republican but cannot see voting for something that helps some older citizens with their medical bills, and then others they will not help at at all.

—

Now here I am about old enough to die and still worrying—69. I just got into the lower bracket of social security $40 per month, and it doesn't go very far. I understand Canada puts the lower bracket at $60 which would help a lot.

—

Having worked in welfare 18 years (12 in Illinois) I feel I know something of the need. The Kerr-Mills is a joke and as you know, so considered by many States who turned it down.

Many, many people who receive social security even in small amounts try to get along and not apply for public assistance because of their pride. They do not have money for medical bills so do not go to a doctor. Again their pride keeps them from going to public assistance offices and having all their family contacted first for help which the Kerr-Mills makes necessary.

In Montana all doctor and hospital bills were paid by the company and everyone who did not have the money to pay these bills were taken care of and it works much better than the Kerr-Mills—but I think coverage under OASI is what these people want and not county or public aid which they refuse to ask for and yet need medical care—these are poor people and do not have money for a lobby like the AMA.

The doctors sponsor Blue Cross and Blue Shield, yet they are starting to defeat their purpose. March 1 my bill for this increased almost $1 per month. How long are self-supporting people going to be able to pay these increases that come all to often. The doctors, I realize, are busy, but must they put everyone in the hospital for a sore toe if they are insured. Also send them into the hospital overnight when it's really an outpatient need. The doctors must surely take their share of the blame for these increases and for the need for OASI coverage for some sort of a medical plan. It's easy to see why many doctors fight this—they have really made money in Illinois under the plan now in effect—many of the hospitals favor King-Anderson or a similar bill.

Again I want to say I'm most interested in the needs of poor people and that they can get medical care needed and still keep their pride. The AMA and their lobby need no one to speak for them.

The largest category of letters—327 in all—were from people who seem to be receiving adequate medical attention but who are struggling to repay hospital and doctor bills, or are trying to pay their parents' bill while supporting their own family.

Letters giving Kerr-Mills information were sent to them, either by one of the physicians, the Illinois State Medical Society or myself. In several cases we received word that they did qualify for assistance. In most cases, however, we do not know how many followed through and were ultimately accepted for assistance.

It is apparent that many of them had no previous knowledge of Kerr-Mills and others had inadequate and inaccurate information.

Here are typical quotes:

Born in Illinois have lived here all my life and am 74 * * * Am in need of medical help. I have arthritis and have two shots a week and lots of medicine, which amounts to a lot of money * * * We have spent our life savings and sold everything except the house we live in. Have two hospitalization insurances but there is always a balance which I am trying to pay now at ______ hospital. We have one daughter that helps us all she can.

—

I was cut off all medical aid about 2 years ago. I am 73 years old. I never could pay the doctor and hospital bills. It has been more than 10 years. Once in a while I can manage a few pain pills. Poor people should be executed when they reach the age of 50. * * * I need medical help now.

—

I sure hope you can help me. I am writing about my mother. She is 92 years old and has no funds whatsoever * * * The old age assistance has notified my mother that after this month, she will no longer receive the pension * * * They said her son had to give her $70 a month * * * he isn't able to * * * When the pension office does something like this to her she sits and worries and cries all the time. * * * If there is anything you can do to help her, it would be the answer to her prayers.

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Our close neighbors need medical care. The man is 86 and his wife 85. They have worked hard all their lives. They did own a home which they sold a few years ago for about $3,000. About 2 years ago she had a cancer operation and he has a serious heart condition. That operation and their hospital and doctor bills since that time has just about taken all of their savings. They are trying to keep enough money to take care of their funeral expenses.

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My total income is $480 a year. During 1963 I spent $252.70 alone on medicines and doctors and $160 on health and life insurance.

—

My husband was 65 on April 22. On May 9 he had a stroke and was in the hospital which meant hospital bills plus doctor bills and being under a doctor's care for quite some time. * * * He is now forced to retire and go on social security and we would like to know if we might be able to receive medical assistance. He is partially paralyzed and has not been able to talk since he had the stroke.

—

My wife has not been in the best of health for several years and the medical expenses have been a strain on my salary but I have managed to keep them paid. However, last month, due to anemia and a heart condition, she had to be hospitalized. * * * She was allowed to come home from the hospital twice, but I had to take her back within 2 or 3 days. Now the doctors do not know when she will be discharged. As you can imagine, the hospital and doctor bills are mounting rapidly. I do not own my home and so have nothing to mortgage to pay the bills. I would deeply appreciate any assistance you could give to help get these medical bills paid.

—

My wife and I have been on social security for about 8 years * * * I had a serious operation during this time which cost plenty—about $1,000, and am at the present time under doctor's care taking medicine every day * * * monthly average medical bills approximately $20 * * * I have no hospitalization. * * * Trying to make ends meet on $91.70 per month. * * * Am I entitled to medical assistance?

In most respects, I am pleased with the medical care referral service. I plan to continue it. I recommend it to other Congressmen as a means of providing helpful information to constituents. If other Congressmen decide to begin the referral service, I am sure the medical societies will cooperate fully.

Indeed, I strongly urge the medical societies to take the initiative by volunteering to cooperate with any Congressmen who may be interested.

If all Congressmen, working in cooperation with medical societies, were to establish this referral service, thousands of American citizens—especially those in their declining years—would be better off, mentally if not physically. They would have confidence that government will meet all—not just part—of their medical expenses if they get in a pinch. They would know they can get this aid and still keep their home, car, and other essential items.

They would know, too, that doctors in their community stand ready to provide adequate medical care, whether they get paid for it or not.

My referral service attracted wide attention in news columns. It also resulted in this editorial, which appeared in the March 2, 1964, issue of the Illinois State Register, Springfield, Ill.:

A Unique Approach—Representative Findley's Medical Care Referral Service

U.S. Representative Paul Findley, the Pittsfield resident who represents this 20th District in Congress, has come up with his own medicare program, promising "prompt attention to any constituent who is not getting adequate medical care." This is a unique approach to the medical care issue, and it also focuses new attention on the duties and obligations of a Congressman.

Lest someone get the wrong idea, we might explain that the Congressman doesn't plan to treat the people's medical ills himself—he's not a physician. Nor does he plan to pick up the tab for anyone's medical treatment. What he is setting up is a referral service which will direct constituents to agencies which will arrange for care and treatment. He has been promised doctors' cooperation in his efforts.

> The Illinois State Register does not question the primary motives of Congressman FINDLEY in setting up his medicare program. He says he subscribes to the principle that all American citizens should receive the medical care they need, regardless of personal financial circumstances. We can only assume then that his principal reason for establishing a medical referral service is to help assure that no one goes without medical care for lack of information about availability of such care. That is a laudable motive.
>
> But Congressman FINDLEY is an outspoken foe of proposals to establish a program of medical care for the elderly under the social security system. Could it be that a secondary motive behind the Congressman's referral service is to gather ammunition for the fight against medical care through social security? To be able to say: "Everyone in my district is being taken care of. I know because I'm seeing to it."
>
> If this is the case, there is one aspect of the medical care situation being ignored by the Congressman. It is true that under present programs—particularly the Kerr-Mills program which FINDLEY touts—needy people can get medical aid. But the key word is needy. And a person becomes needy only after all his personal funds have been exhausted.
>
> Under present laws, a person over 65 who retires with modest saving and a small pension, must live in fear of a serious illness, because it can wipe out those savings in a hurry. Only after they are gone can he apply for assistance in meeting his medical bills. But under a social security program, this same person would have no fear of financial disaster stemming from such an illness.
>
> These are the people—retired people without medical insurance—who are not adequately provided for under present programs. And no referral service can answer their needs.
>
> But beyond these considerations, we wonder about other effects of Congressman FINDLEY's referral service. Congressmen traditionally help constituents with personal business matters in the Nation's capital. This type of activity frequently takes as much or more of a legislator's time than does actual lawmaking. Adding to those duties the obligation to see that everyone in his district is getting adequate medical care could prove rather burdensome.
>
> Furthermore, where does this type of thing stop. Might the logical next step be that the Congressman set up a referral service for persons who think their education is inadequate or those who consider their jobs inadequate.

Mr. Chairman, the editorial suggests that one reason for the referral service is to gather ammunition for the battle against medical care for the elderly financed under the social security program.

The primary purpose of the referral service is to serve my constituents. I freely confess that it is helpful as a means of gathering accurate information on the health needs of my district.

As a result of the referral service, for example, I drafted proposed improvements in the Kerr-Mills program proposals which were later embodied in the eldercare bill, which I introduced. In Illinois, at least, Kerr-Mills needs to be simplified, particularly as it relates to family responsibility. Eligibility standards are too complicated.

But this experience buttressed my confidence in the private system of medical care as it has developed in this country, and it has provided me with strong evidence that, by and large, the health needs of my constituents are being met adequately.

This fact should not obscure the opportunities and responsibilities to make still further improvements, in our system of private enterprise medical care.

Unquestionably the United States has the best medical system in all the world, but it can be still better.

An effective nationwide referral service—operated through congressional offices—is one possible avenue for improving this great system. To be effective, it must be more than just an information service—important as information is. It must utilize the willingness—indeed the desire—of doctors and hospitals to render medical services without charge in those rare, exceptional, uninsured cases which do not fit any public assistance program.

Mr. HANSEN of Iowa. Mr. Chairman, history was made today. Few men have had the opportunity to participate in the performance of such a great and historic act as have those of us who are Members of the 89th Congress. I shall long remember having had this great privilege.

The Hospitalization and Medical Services Act passed today is a clear and positive answer on the part of our Great Society to the age-old biblical question put by Cain, "Am I my brother's keeper?"

This society—our society in these United States—is being fully responsive to the call for the provisions of this bill that have long been heard. The senior citizens of our country can now retain their dignity even though they may be required to undergo major hospitalization.

At long last the primary objections are a reality. We are following the example and reinstating into practice a principle which was set by our pioneer ancestors of three generations ago. Then it was common for three generations to be assembled in one family unit—a custom which provided care for the aged and housing for the elderly on a pay-as-you-go basis.

In our more complex society, care of the senior citizen was being pushed into the background. Coming from a State where the percentage of persons over 65 is the highest in the Nation, I am extremely pleased that we have recognized their individual worth and have protected their dignity through this legislation.

The leadership of the President in this positive legislation must not be overlooked. With his tremendous ability to clarify and his abundant energy to pursue the aims of the Great Society, he has helped in putting before the American people the needs and benefits of this progressive program.

I am proud to have been a part of this historic event.

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 6675, one of the truly great pieces of welfare legislation since social security was enacted 30 years ago.

I do not intend to expound today, in the manner in which so many users of the U.S. mails have seen fit to write me during the past several months, on the relative merits or demerits of this bill as compared with some alternative proposal.

Many of the authors of these communications show a regretful lack of accurate information on the medical programs being considered by this House. It appears that they were writing at the behest of another, and the views expressed did not represent the considered judgment of the writers.

Mr. Chairman, I should like to emphasize the need that is already well recognized, and to suggest that H.R. 6675 represents the best available plan, or the best combination of available plans, if you will, to fill that need.

We know, of course, that the problems our elderly citizens face in financing the cost of health care has become serious and widespread. We have repeatedly witnessed the tragic situation where older persons are reduced to a state of abject poverty after their modest life savings have been wiped out by serious illness. More damaging perhaps than the disappearing financial resources under such circumstances is the inevitable loss of self-reliance and self-respect.

If today's health cost is admitted to be a matter of serious consequence to the elderly, the question then comes to mind: Is it a problem of national concern?

Our Committee on Ways and Means has provided us with the answer. It estimates that approximately 19 million individuals would qualify on July 1, 1966, under the bill's basic plan which provides protection against the costs of hospital and related care. The problem is not localized in any one State or even any one region. It exists in my own State of Hawaii just as much as it is found in any area from Maine to Florida. Coupled with the national scope of this problem is the fact that the number of persons over 65 years of age is rapidly increasing and will reach an estimated 22 million by 1970. It is therefore a matter of great urgency that we provide suitable health care to Americans in this age group.

In selecting the medical program to fill this need, we should bear in mind a paramount consideration. And that is this, to extend to these citizens a medical program which is based on charity would, if I may use that well-known figure of speech, be pouring salt into an open wound.

There are of course many other factors to be considered. For example, the medical program which is adopted must be placed on a sound actuarial basis. Further, while flexibility from the standpoint of choice of medical coverage is to be desired, the plan must not be so loose in its application that it does little or nothing to meet the need for which it is intended. Finally, the selected plan must lend itself to universal application, that is, it must be administered with equal effectiveness irrespective of the size and geographical characteristics of a particular State. In short, it should do the work equally well in Hawaii as in California, New York, or any other State in the Union.

These admittedly are not easy criteria to meet. We know this. This august body has in this and prior years considered many proposed medical programs. Many contained objectionable features. Others were illusory in that they would have never filled the need. I submit that none has proposed to meet all of the requirements as well as H.R. 6675. The historic importance of this legislation has led us to study the bill at quite some length and in detail. I do not intend, therefore, to recapitulate its provisions. Our able chairman [Mr. Mills] and members of his committee have accomplished that task beyond improvement.

Mr. Chairman, the opponents of this bill have alleged that its passage will have dire consequences upon members of the medical profession. After listening to the debate I am convinced that upon gaining an understanding of its provisions, the overwhelming majority of our doctors will approve this legislation.

Mr. Chairman, we are today writing an epic in American history. This piece of legislation will mark the boldest and most significant step the Congress has taken in insuring the health and happiness of ourselves and our posterity, for age we all must.

I urge a resounding defeat of the recommittal motion and an overwhelming vote to pass H.R. 6675.

Mr. GALLAGHER. Mr. Chairman, I am happy to give my full support to the medicare bill. Its passage by Congress will mean a happier and fuller life for millions of older Americans now and in the future. Approval of this bill was part of the great mandate which our people gave to President Johnson last November. And I do not need to remind you that passage of this bill was one of the great dreams of our late beloved President Kennedy. I have fought for such a measure for a number of years and was the sponsor of a similar bill to this one.

Someday in the future, Americans will look back on this moment as a great step, which can be compared to the adoption of the social security system itself. In this bill, we will establish a way that young people, in the prime of their working life, can set aside modest sums that will add up to better health and peace of mind in their older years. And so it should be. I do not know any American who wants a handout because he is old, unable to work and in poor health. This preserves his dignity and enables him to help pay his own way. As a result, the older man and woman in American society will be able to play a more respected and meaningful role. They are entitled to that respect and I am pleased that this bill helps to make it possible.

Mr. Chairman, this legislation is divided into four major parts. First, it provides a basic insurance program of hospital care. This will be financed in a manner similar to the regular social security system, by a tax on workers and employers. The program will provide up to 60 days of hospitalization and related nursing home service for all persons when they reach the age of 65.

The second part is voluntary. It covers doctor's fees in and out of the hospital. Aged persons who elect this coverage will pay a $3 monthly premium which can be deducted from their social security cash benefits and this will be matched by a similar contribution from the Government. Hospital and medical benefits under these programs will be available beginning July 1, 1966.

The third major section of the bill calls for a 7-percent increase in social security monthly cash benefits. Under this provision, no primary beneficiary will get less than a $4-a-month increase so all of the aged may purchase the optional medical program with no loss of income.

Finally, the bill makes many substantial improvements in the Kerr-Mills program for the poor and includes more liberal financing of health care services to needy children, the blind, and the disabled. It also strengthens and expands the maternal, child health, and crippled children's programs.

Mr. Speaker, the Nation will not be able to measure the effects of this bill in cold dollars and cents. How can you set a value on a happy, healthy life? During my lifetime, I have known many older citizens who have remained sick rather than ask for charity in the way of hospital care. Thank God, this will change that. It will remove most of the fears and dread of growing old alone with no one to care. It allows one to well meet the gathering years with dignity, with comfort, and confidence. Let us speed this bill to the President as fast as we can, so the Great Society can begin to take shape.

Mr. ROBISON. Mr. Chairman, I shall not take the time of the Committee to detail my position on this measure because its pros and cons have been fully and ably presented and discussed here on this floor both today and on yesterday.

Beyond that, all of us other than the newcomers to Congress this year have, for several years now, had to wrestle with the serious and complex policy questions inherent in the action it now appears we are about to take. I am sure those policy questions—which in many ways are vastly more important than the mechanical details contained in the bill now finally before us—are well understood by all of us and by the general public to whom we bear the ultimate responsibility.

This measure contains much of which I wholly approve—much which, in the past, I have wholeheartedly endorsed—and, in severeal respects, encompasses certain legislative proposals I, myself, have made, either in this or in a prior Congress, in an effort to improve and to update our vastly important social security system which, by now, has developed into a keystone of our whole economic structure.

It is not necessary for me to detail that portion of the bill of which I approve, and which has my full support; I believe my position on these matters has been fully made known to my constituents and is understood by them.

In the same fashion, I am equally sure that my constituents have been made fully aware of and understand my opposition—expressed so many times in the past—to the financing of any system of medicare or hospicare or any program involving service benefits as contrasted to cash benefits through resort to the payroll tax device which is, and has been, and should remain, in my judgment at least, free of any possible erosion as the future financial foundation on which the soundness of that basic social security system must continue to rest.

However, what seems about to happen here later on this afternoon will illustrate what all of us have surely known; that is, that any real consideration of such a viewpoint became as politically impossible as that position of opposition on my part became academic once the electorate had made their decisions in the presidential and congressional elections of last fall.

Those of us who have so been opposed to the adoption of the unfair and regressive payroll tax as the means for financing the broadened hospital care program now presented us—who have tried to point out to all who would listen the dimension of the future burden on the younger employees, particularly those just entering the labor force, and also on the self-employed person whose net earnings put him in the lower economic categories, that will thus be imposed—have done what we could to resist this decision.

We will make our last effort to prevent the seemingly inevitable conclusion to this longstanding debate, when the Republican recomittal motion is offered. I intend to support that motion and, even though the hour for decision is nearly upon us, I still urge all of you to give it your most serious and objective consideration, because I deeply believe it offers us the soundest and, as time will tell, the wisest method of financing "medicare" or whatever the program now proposed may properly be called. That Republican alternative also offers you a better—or perhaps I should say it offers the intended beneficiaries—a better and more comprehensive answer to the health needs of our senior citizens; I am confident that if you have given it the study this proposal deserves you will be inclined to agree that what I have said is so. The Republican proposal is particularly designed, as you will note, to meet that continuing problem—unsolved by the committee bill—of costly catastrophic illness, a problem which, if we do not meet it now, will come back to haunt us.

Let us talk figures for a minute. Under the committee bill an estimated burden of somewhere in excess of $133 billion will be placed on that payroll taxing mechanism—a direct tax on the job-creating segment of our economy at a time when more and more businessmen and industrialists have had, in part as a result of foreign competition, to reluctantly consider automation as the answer to ever-increasing production costs. Surely there is a limit to what our economy can carry in the way of such a tax—and I must caution that we may be about to exceed that limit.

Surely, also, there is a limit to what we can ask a young worker, just entering the labor force, at, say age 21, to pay, not toward whatever future benefits he may hope to receive under the "medicare" part of this bill, but to finance similar benefits for those already retired or soon to retire; and, again, I must caution that we may be about to exceed that limit.

We have to ask ourselves about this, because the "prepayment" principle that we hear, time and time again, with respect to the committee bill's approach is an utter myth, since not only the basic social security trust fund but also the new, separate medical-care fund, will be operated on what amounts to an annual pay-as-you-go basis.

The net result of this is, then, that we are probably about to place a ceiling on the cash benefits now being paid or, in the future, to be paid to retirees and dependents under the basic social security system. I do not think we can, by recourse to this means of financing, go in both directions at once and, while this may indeed exert some sort of restraining influence on future improvements for medicare, it may well also have the effect of preventing our keeping that basic cash-benefit system in step with the inevitable toll of an inflationary economy until some alternative system for financing medicare is agreed upon—as some day I predict it will have to be.

In the meantime, however, I am today faced with a near intolerable decision. Under the closed or "gag" rule imposed upon us, those of us who are still flashing the red light of caution and concern for the dangers we see inherent in the decision about to be made, are required to weigh what we know is good in this bill—much of which, incidentally, has been put there by persistent Republican efforts to improve the bill before us—against that which we believe to be bad, and then to vote the bill "up" or "down."

As I have said, I endorse and support and will vote for the Republican recommittal motion. I hope that motion will carry and, as of this moment, I believe it has a chance.

However, fully recognizing that there is a very real, unsolved problem with respect to the health-care needs of our senior citizens—which problem has not yet been solved—and fully recognizing the need for action, now, on those other portions of this bill, the benefits of which could have been made available to those in need thereof last year except for the political decisions that were made, I will, with reluctance and with considerable reservations, nevertheless vote for this bill even if the Republican alternative is refused.

I shall do this with and in the hope that this Congress—or perhaps the next Congress, as seems more likely—will continue to give this matter the continuing study it urgently requires, and will correct the fundamental mistake I believe we are making by enacting a compulsory health-insurance program financed by a regressive and discriminatory payroll tax.

Mr. DOLE. Mr. Chairman, as debate on H.R. 6675 draws to a close it is apparent that the real opposition to the bill stems from the fact hospitalization benefits are to be financed by a compulsory payroll tax administered by the Social Security Administration.

It is obvious the great majority of Members, Republican and Democrat, would support H.R. 6675 if it were not for this feature. To support this statement I remind my colleagues of the action taken by this body July 29, 1964, on H.R. 11865.

The principal provisions of that bill—H.R. 11865—as taken verbatim from the committee report were as follows:

A. FIVE PERCENT ACROSS-THE-BOARD INCREASE IN INSURANCE BENEFIT PAYMENTS

The bill would increase the insurance benefit payments under present law by 5 percent for all persons now on the benefit rolls and for all future beneficiaries.

1. Workers', dependents', and survivors' benefits

For workers retiring at age 65 with average monthly earnings of $400 or less, monthly payments would range from $42 to $133.40 for primary beneficiaries as compared with $40 to $127 under present law. Primary benefits ranging up to $143.40 would be payable to people who retire and come on the benefit rolls in the future as the increase in the earnings base that the committee is recommending makes possible the counting of up to $5,400 of annual earnings toward benefits along with the 5-percent increase in payments. Survivors' and dependents' benefits would also be proportionately increased.

2. *Family benefits*

Under present law, the ceiling on the total amount of family benefits payable on a worker's earnings record ranges from $60 to $254 a month, depending on the worker's average monthly earnings. Under the bill the minimum amount of monthly benefits for a family would be raised to $63 and the maximum would be $281.20 at the $400 average monthly earnings level, which is the highest possible under the present $4,800 earnings base. In the future, maximum family benefit amounts up to $300 would be payable as the $5,400 earnings base that the bill would provide becomes effective and average monthly earnings rise above $400.

3. Number of beneficiaries and effective date

The 5-percent across-the-board increase would be effective for the 20 million beneficiaries on the rolls in their benefit payments which are due for the second calendar month following the date of enactment.

For the first full year, 1965, it is estimated that $925 million in additional benefit amounts would be paid as a result of this 5-percent increase.

B. PAYMENT OF BENEFITS TO CERTAIN AGED PERSONS

The bill would provide limited benefits for certain aged individuals who have some social security coverage but not enough to meet the minimum required by existing law.

A special provision would liberalize the eligibility requirements so that certain aged people who do not meet the work requirements in present law could qualify for benefits on the basis of as few as three quarters of coverage. Upon attaining age 72, a worker or widow who qualifies under these provisions would get a monthly benefit of $35; a wife who qualifies would get a benefit of $17.50.

C. PAYMENT OF CHILD'S INSURANCE BENEFITS TO CHILDREN ATTENDING SCHOOL OR COLLEGE AFTER ATTAINMENT OF AGE 18 AND UP TO AGE 22

The bill would provide for the payment of child's insurance benefits until the child reaches age 22, provided the child is attending school, including a vocational school, or college as a full-time student after he reaches age 18.

This provision would become effective for the month following the month of enactment, or September 1964—whichever is later. It is estimated that 275,000 children will benefit in the total amount of $175 million under this provision in 1965.

D. BENEFITS FOR WIDOWS AT AGE 60

The bill would provide for the payment of benefits to widows beginning at age 60 at their election, with the benefits payable to those who claim them before age 62 actuarially reduced to take account of the longer period over which they will be paid. (Under present law widow's benefits are payable at age 62.)

This provision would be effective for months after the month of enactment. In the first full year, 1965, it is estimated that 180,000 widows will take advantage of this provision and receive $150 million in benefits.

Mr. Chairman, the vote on final passage in favor of the measure was an overwhelming 388 to 8. This bill could have been enacted last year if the administration had not insisted on additional provisions financed by a regressive payroll tax. The point is that nearly everyone supports the concept that adequate medical protection should be made available to the aged but it should be voluntary and should reflect ability to pay.

In conclusion let me restate my support for those provisions embodied in H.R. 11865 last year and now contained in H.R. 6675. Let me also state that it is unfortunate that the provisions in H.R. 6675 relating to compulsory hospitalization under social security will compel many of us to vote against the measure. This one provision poses an enormous threat to the cash benefit programs under the social security system by imposing upon that system a liability to finance undetermined future service benefits. Therefore, in my opinion, this bad feature necessarily outweighs the beneficial provisions.

Mr. HATHAWAY. Mr. Chairman, the bill before the House today marks a historic milestone, as many have noted, on America's journey to fulfill the pledge in the Preamble to our Constitution to "promote the general welfare."

As the wealth of our Nation increases, we have established the humanitarian principle of using some of that great wealth for the betterment of all our citizens. The medicare bill which we will soon enact into law enables all American citizens to hold their heads higher, to speak proudly of our commitment to our senior citizens.

I have the privilege of representing part of the State of Maine here in Washington. This legislation is particularly important to my State because of the nature of our population.

Whereas only 9 percent of this country's population is 65 years of age or older, we in Maine have 11 percent of our citizens enjoying those golden years. And while 13 percent of the Nation is 60 years of age or older, Maine boasts 15 percent of her population in that group.

The medicare bill will mean added peace of mind and a more secure life to all of the almost 110,000 people in Maine who are 65 years of age or older. Whether or not these people are now receiving social security, this bill will let them participate in the basic hospital program. And each of these people will also have the option of enrolling in the additional, supplementary voluntary insurance program, covering doctors' bills and other items.

I believe special commendations are in order to the members of the House Ways and Means Committee. Their study of the bill was one of the most thorough ever undertaken in the House. The broader bill which emerged from that committee reflects the deep concern of the members for all the medical and economic problems which have plagued the senior members of our country.

I am pleased to be a Member of the Congress which is today making history. I am happy to help fulfill one of the President's pledges. I believe the confidence expressed by the people of Maine in their overwhelming support for the President last November has been justified.

Mr. ANDERSON of Illinois. Mr. Chairman, I firmly believe that it is most unfortunate that we are being called upon to vote up or down with one vote and to be denied the parliamentary opportunity to make the social security bill before us into a better bill. Indeed, I do sincerely believe it is most unfortunate that while this bill contains features which are essentially good and recommendations that I have made myself over the years, that each member of this body is being asked to decide with a single vote either to accept provisions in this bill which he finds objectionable or to reject those provisions which are highly meritorious and which he favors.

I voted for all the benefits that passed the House last year such as the provisions to increase monthly benefit payments to our social security retirees by 7 percent across the board with a $4 minimum increase for each retiree, providing tax exemption for certain religious groups, to continue benefits for certain children in school to age 22, provide actuarily reduced benefits for widows at age 60, provide benefits on a transitional basis to certain persons currently 72 or over who are now ineligible, liberalize the definition for disability insurance which in many instances the Social Security Administration presently interprets in a manner that is contrary to the intent of the original enactment of this provision in the law, as well as modifying the earnings limitation to increase the amount an individual can earn without suffering full deductions from his monthly social security benefits.

These social security amendments were agreed upon by the confidence committee in the 88th Congress. They should have been enacted into law last year. They would have been had it not been for the fact that the administration wanted to withhold those advantages of this bill purely and simply as a bargaining device like the frosting on a cake in order to force the membership of this body into accepting the ill-advised concept of using a regressive payroll tax for a hospital room and board program which many of our 18 million senior citizens over 65 were led to believe at that time was the answer to all of the medical care problems.

However, largely because of Republican efforts in the House, who were concerned about the more than 25 percent of the medical health care costs that the administration's compulsory program would only pay by way of room and board in a hospital, I am pleased to see in the bill the Republican recommendations for a voluntary supplementary health insurance plan providing for physicians' and other medical and health services that would be financed through small monthly premiums by individual participants. These individual payments would be matched equally by a Federal contribution from the general revenues in the Treasury.

I am also glad to see Kerr-Mills Act improvements in the bill which will enable our State of Illinois to improve its already extensive Kerr-Mills program.

However, I am terribly disappointed that the committee bill falls far short of the Republican bill in far too many important respects. While the Republican bill would provide far more benefits than the committee bill, it would do so with joint contributions from individual participants who would pay only a nominal fee with the balance paid for out of general revenues in the Treasury. The Republican bill would not use a regressive payroll tax. It would not jeopardize future increases in cash benefits, which the committee threatens to do. The hospitalization program in the committee bill imposes a $133 billion liability on the social security tax structure.

Amazingly enough, the committee bill fails to provide for catastrophic illness, the largest single factor which might be used to justify a program of subsidized medical care for those over 65 and which concern has been reflected in some of the letters that I have received on the subject. The Republican bill on the other hand would provide for catastrophic illness to the extent of a lifetime maximum of $40,000.

The committee bill excludes prescribed drugs while the Republican bill would pay for them.

Duplication of coverage envisioned by the committee bill will not provide the best protection for the least dollars. It will needlessly force duplication of coverage for those over 65 who are already adequately covered at no cost to themselves under adequate programs of group health insurance, provided by their employers, their unions or by other organizations. These people have no need for a government program.

There is no deterrent in the committee bill to excessive utilization of benefits on the part of those enrolled.

Further, the committee bill gives false rise to the concept of entitlement by creating the erroneous impression that a wage earner is prepaying for his hospital benefits. A participating individual will pay for 44 years in advance for benefits afforded to those already 65 and those reaching 65 before him.

When you consider what the committee bill is going to impose on every wage earner in the way of a tax and project this from age 21 to the time such an individual reaches age 65, it is shocking to find that the total social security tax on wage earners is going to rise to the unbelievable height of 11.2 percent. If this same wage earner were to keep these funds and invest them at an interest rate of 4 percent, compounded semiannually, which incidentially is today's prevailing interest rate, this employee's contribution forcibly taken from him by the provisions of the committee bill will amount to the fantastic sum of $81,000.

Indeed, Mr. Chairman, there are many inherent advantages in the Republican proposal that make it far superior and less costly than the committee bill. By eliminating duplication of coverage and combining all medical benefits in a single comprehensive insurance program, the Republican program will provide more protection for less dollars.

The Republican proposal would eliminate need as a basis for qualification without extending benefits to those who are able to pay the full cost of their own insurance. It would do this by providing for premium contributions related to cash benefits under social security, coupled with a tax recoupment of the subsidy to individuals with incomes over $5,000.

When you take note of the foregoing observations that I have made, I am confident that one would have to conclude that the Republican program of voluntary medical health insurance is vastly superior to the one envisioned by the committee bill.

In my remarks, I must in all justice commend the committee for the other amendments that it saw fit to incorporate into this bill. With the exception of the shortcomings some of which I have enunciated beforehand, I think the committee has done an admirable job. In other words, I would commend the committee for coming up with a bill with the exception of the compulsory payroll deduction portion, and perfectly frankly admit that with the exception that I have noted, the bill has broad support among Democrats and Republicans alike.

Mr. Chairman, it is obvious I think from what I have already said that many Members of this body will face a difficult decision with respect to what they should do if the motion to recommit does not prevail. I sincerely hope that the motion to recommit will receive the support of a majority of this House. For as I have already indicated it would bring to the American people a vastly superior bill, free of all of the inherent dangers which lie beneath the surface of the administration bill like so many submerged icebergs.

Mr. Chairman, if the motion to recommit does not prevail, I cannot in good conscience vote for the final passage of the administration bill. I cannot thereby put my stamp of approval on what is essentially a blackmailing tactic to literally force Members of this House to swallow unsound and dangerous provisions along with those which are not controversial. The administration bill reminds me of a line from the popular song: "A Spoonful of Sugar Makes the Medicine Go Down."

Mr. Chairman, this is precisely why I voted in the Committee on Rules for an open rule. I did not want to see this House driven to make the kind of decision it is being forced to make today. I have always supported our social security system insofar as its cash benefit provisions are concerned. Indeed, as I have already pointed out, last year I voted to extend and improve the cash benefits paid under that system. I would so vote today if that were the sole issue before us. However, with the transmutation of our social security system from one which pays cash benefits to one which is now going to provide medical services we are witnessing merely the first step not only toward the ultimate socialization of the medical profession but the first step toward what may be the eventual wrecking of an otherwise soundly conceived social security system. I certainly cannot in good conscience, with so much at stake, give my vote of approval to any such ruinous course of conduct.

Mr. CLEVENGER. Mr. Chairman, the 89th Congress will be remembered, I am sure, for many fine accomplishments. It is gratifying to me individually and as a Representative from the 11th District of Michigan to have been able to cast my vote along with my colleagues for the bold and new programs being put together here to insure that all of our people have an opportunity to participate in the growth and vitality of this Nation. I look on our action on medicare as one of the most significant of this Congress.

The passage of medicare will climax a long struggle on behalf of our senior citizens for a program which will help them provide for themselves adequate health care in their declining years.

Under this measure, we have moved to ease the burdens of retirement, to end the fear of a life's savings vanishing overnight as a result of serious or prolonged illness. This program is equally important to our younger families who often have had to make heavy sacrifices in order to carry the burden of health care for aged parents.

This program is going to mean a great deal, not only to the more than 45,000 of our senior citizens in the 11th District of Michigan, but to all our citizens in the 11th District, in the State of Michigan, and in the United States.

We have many serious economic problems in the 11th District of Michigan, not the least of which is adequate health care for our older citizens. The right of our older citizens to dignity in their declining years under the assurance that they will have shelter over their heads and adequate food and clothing was established firmly with the adoption of the social security system.

At that time, many of the arguments we have heard in the last few years about medicare were used to raise the fear that social security would not work; that it would be too expensive; that it would turn us into a nation of sheep dependent on an all-powerful master in the form of the Federal Government. This was not the case as the history of the social security program has demonstrated.

The medicare program, in my opinion, adds a new dimension to the principle involved in our social security program. It is the dimension of insuring during our working years that we will have protection against devastating onslaughts of illness in our retirement years. It has been made clear in the debate—and I want to emphasize it again—that this medicare program is a pay-as-you-go program; it is not charity. It is an insurance program under which all of us will contribute from our earnings to make sure that we can meet the health problems of our old age.

I am pleased to note at the same time the proposed increase of 7 percent in social security benefits which accompanies this bill. This increase in benefits is certainly in tune with the needs of our retirees and the economic reality of the times.

I am sure this increase will make it possible for many of our older citizens to take advantage of the optional part of the medicare program which will provide insurance coverage for up to 80 percent of doctors' bills for a small monthly premium.

Mr. GROVER. Mr. Chairman, we have taken up in 2 days of intensive debate one of the most controversial legislative programs of recent years in H.R. 6675, the so-called medicare bill.

There can be no question about the needs of many of our senior citizens. Inflation, high taxes, competitive employment markets, and a variety of factors have caused severe economic hardship to settle on many. I have seen the severe financial impact of catastrophic illness on these people.

I have in the past and still do find the Kerr-Mills approach an excellent one, although I am realistic enough to know and admit that Kerr-Mills has not been used in many of our States where many aged indigents reside and suffer without proper medical and hospital care.

I believe the eldercare and the Byrnes approach, with their noncompulsory features, their broader coverage and means test are preferable to the social security vehicle, which is a regressive approach, one which burdens the low- and middle-income wage earners.

Thus, in supporting this revised omnibus bill, I am looking affirmatively to the noncompulsory medical coverage and to a much-needed increase in benefits and earnings limitation, but with cautious reservation on the social security approach.

And so, Mr. Chairman, I caution the Congress and urge the Ways and Means Committee and other appropriate committees to screen and study the application and progress of this legislation to the end that its shortcomings can be corrected and the program improved to protect hospital and medical care recipients and to protect the medical profession from the deterioration which the profession has experienced in other countries where government interference and control was excessive.

We must constantly review from the actuarial point of view the vague and gray areas which some have referred to in the funding of our social security system.

We have come a long way since the 1930's, when the social security system in this country was conceived and implemented. It has had its critics over the years, but few are heard who would abolish it. It has become a part of the American scene. But something must come from something. I feel this new program goes as far—and we hope not too far—as a sound funded system could possibly go.

I am sure that all of my colleagues who express this reservation hope with me that our fears of instability will never be realized.

Mr. SCHEUER. Mr. Chairman, today we are finally within sight of an achievement so important, that if the 89th Congress did nothing more than enact the medicare program, it would be remembered in American history as one of the greatest Congresses ever to convene in Washington.

Exactly 30 years ago the monumental social security program became law. Its highly organized and vocal opponents accused President Roosevelt of fascism and communism, freely predicted the end of private enterprise, individual initiative, and the American way of life, and promised its repeal.

Social security has, of course, proved to be one of the most enduring and popular laws ever passed in this Nation. Today no candidate anywhere on the political spectrum would seriously urge its abandonment. Social security, far from ending the American way of life, has become the American way of life itself—a way of life which says to the world that ours is a generous and humane society which values and respects human dignity.

The 89th Congress is now on the point of dramatically reaffirming these values by enacting a program of medical insurance for the aged which will rival social security itself as an example of the greatness and compassion of the American society.

THE SOARING SPIRAL OF MEDICAL COSTS

The cost of medical care is the fastest rising cost of any component of the Consumer Price Index. Hospital care has been, by far, the most rapidly advancing element of medical care costs. In the 14-year period, 1950–1964, medical care costs increased 63 percent; hospital daily service charges over the period increased 150 percent. In contrast, the total Consumer Price Index rose during this period by less than 30 percent.

The average daily cost of hospital care is nearly $40, and according to the American Hospital Association, we can expect an annual increase of about 5 percent during the next 5 years.

The spiraling movement in medical costs is only partially due to inflation. It also reflects the improved quality of medical care—the myriad new lifesaving drugs, techniques, and procedures. These developments do not, and cannot, come cheaply.

THE PLIGHT OF THE AGED

More than any other segment of our society, the aged have borne the brunt and burden of skyrocketing costs of medical care. A few simple statistics make this clear beyond doubt:

Half of aged couples have total incomes of less than $2,600 annually.

Half of aged persons living alone have incomes of less than $1,100 annually.

About half of aged family units have liquid assets of less than $1,000: Many have none.

One in six of the aged is hospitalized each year.

Nine out of ten older persons are hospitalized at least once after age 65.

About half the aged have no hospital insurance. Available coverage is either woefully inadequate or costs more than the older person can afford to pay.

One-third of families considered poor are headed by a person above the age of 65. Nine out of ten couples, with at least one member 65 years or more and receiving no public welfare nor help from private voluntary agencies, had medical costs that averaged $442 in 1962. One out of four of the couples had at least one member hospitalized in 1962 and the average medical cost of these one out of four couples was $1,200. Couples with no hospitalized member during the year had medical costs of $233, on the average. Unmarried aged persons had a median income of $1,180, and spent $1,000 for an average hospital stay.

In short, millions of our elderly citizens have been paying the equivalent of 50 to almost 100 percent of their annual incomes on medical expenses. These figures clearly tell the inhuman story of staggering debt and physical deprivation on the part of our senior citizens that has increasingly been a dark blot on America's conscience.

Furthermore, there is no way of being certain how many of our aged have died because they were simply unable to avail themselves of the excellent American medical care which is available to more fortunate Americans. One study in Michigan found that 45 percent of the people with incomes of less than $1,000 had one or more untreated symptoms. Only 10 percent of people with family incomes of $5,000 and over, had untreated symptoms. A Boston study showed that twice as many of the poor over 65 had untreated symptoms as the well-to-do over 65.

A VICTORY IN THE WAR AGAINST POVERTY

Probably the strongest evidence of the need to help the aged meet their medical requirements was given by Secretary of Health, Education, and Welfare Celebrezze in his testimony at the executive hearings of the Ways and Means Committee on Medicare:

> Some three-fifths of the aged going on public assistance—old age (OAA) and medical assistance for the aged (MAA) together—do so because of health costs. Today over one-third of all public assistance expenditures for the aged are for health costs.

What Secretary Celebrezze's statement means is that most of our aged citizens would be able to support themselves in dignity, independence, self-respect, and security, if it were not for the single devastating factor of serious illness, and the unbudgetable cost of medical care.

Thus, the medicare program, in the broadest sense, can be considered a great victory in the war against poverty. For it is clear that it will prevent poverty for millions of Americans, and relieve them of the indignities of asking for public assistance after a lifetime of productive labor and independence.

OPPOSITION DIES HARD

Mr. Chairman, in spite of these undisputed facts, the opposition to medicare over the past several years has been highly organized, unremitting, and until this moment, all too successful.

The American Medical Association has been almost universally criticized for its continuing scare campaign against health insurance under social security. It is an old story, and I will not once more detail the AMA's sorry record of irresponsible opposition.

It is important, however, to see this opposition in historical perspective. For the truth is that the American Medical Association has opposed virtually every hard-earned inch of progress in social welfare for the past three decades. Its opposition to medicare is as bankrupt as its opposition to social security 30 years ago, when it called that program "the first step in the breakdown of American democracy."

This powerful organization has done untold damage to the prospects of the medicare program in past years. Today, as we are near victory, we can perhaps afford a measure of magnanimity in our view of the AMA. But surely in the eyes of the vast majority of Americans its long record of unrealistic nay-saying has lost it any legitimate claim to determine the means and techniques of disturbing medical services in this country.

OVERWHELMING APPROVAL HOPED FOR

Mr. Chairman, it is my hope that this body will speedily give H.R. 6675—the medicare program—its overwhelming approval. After years of hope deferred, the aged citizens of this country have a right to feel that the Congress is finally heeding their needs.

I firmly support this program, and it is overwhelmingly supported by my constituency. I am particularly gratified that the bill finally covers those whose incomes include cash tips. This corrects the gross injustice suffered by retired persons who in their working years relied heavily on tips for their income—income on which they paid Federal taxes. Covering tips in social security would benefit a million employees and their dependents. These employees are estimated to receive over $1 billion in tips each year.

ONE UNFORTUNATE EXCEPTION

The bill as it stands, with its combination of basic compulsory coverage of the costs of hospital and home care, and additional voluntary coverage to cover physicians' fees—a combination which is a stroke of genius—is a better and stronger piece of legislation than its proponents could have dared hope for even a year ago.

It has one important deficiency, however, which the Congress would do well to correct. H.R. 6675 would exclude from payment under the basic hospital program, the services of radiologists, pathologists, psychiatrists, and anesthesiologists even if they are employees of the hospital or, by arrangement, have the hospital collect their fees for them.

The services of these specialists are often included as a routine hospital expense, a practice which H.R. 6675 as it now stands will surely kill.

The American Hospital Association does not want a change in present practices. It has been estimated that the services of these specialists account for a fifth or more of the hospital bill.

It is very likely that these specialists' fees will rise considerably once they are no longer collected by the hospitals with which they are associated. If H.R. 6675 is not amended to remove the exclusion, the aged who do not participate in the voluntary medical plan will have to bear these charges themselves. And to the extent that the voluntary insurance is subscribed to, the Federal Government will be made to bear the burden of increased fees.

I therefore urge the Congress to amend H.R. 6675 to cover the services of these hospital specialists under the basic hospital insurance plan as outlined in the bill.

In a historic test case, the Supreme Court of the United States upheld the Social Security Act of 1935 with these stirring words, written by Justice Cardoza. The hope behind the act, he wrote, was "to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near."

Mr. Chairman, the same simple human hope inspires the medicare program of 1965. That hope must be fulfilled.

Mr. HUOT. Mr. Chairman, I rise in support of H.R. 6675, which I consider one of the most important and needed bills to come before the Congress in this decade.

I would also like to take this opportunity to commend all the members of the House Ways and Means Committee for their recommendations that a basic plan and a voluntary supplementary plan be established. I believe this bill meets the objections of some who say that the hospitalization plan was insufficient to meet the needs of our senior citizens.

This bill is needed, and in testimony I would like to submit a brief argument regarding the State of New Hampshire and what I consider its urgent need for this legislation.

New Hampshire has a population of a little over 600,000. By 1970 it is projected that those over the age of 65 will number over 85,000. As can be seen by these figures there is a high population of elderly in New Hampshire.

There are no adequate statistics developed concerning the average income of persons over 65 in my State. A national study completed in 1963 on the basis of a sampling revealed the following median annual income for persons over 65: married couples, $2,875; nonmarried men, $1,365; nonmarried women, $1,015. It was found that almost 3 in every 10 couples had less than $2,000 yearly income.

Everywhere in this country the costs of hospital care and nursing home care are rapidly rising. Without this legislation, Mr. Chairman, the earnings and savings of a large percentage of our population may be wiped out with just a month of illness requiring a stay in a hospital and convalescence in a nursing home.

The basic plan under H.R. 6675 will meet these problems which so many of our senior citizens face today. The average premium of about $19 a year which will be paid during their working years is indeed cheap enough for the sweeping benefits they will receive when they attain the age of 65 when these benefits are really needed.

The voluntary supplementary plan enables the person 65 or over to add to these benefits if he feels his income is sufficient to pay the $3 monthly premiums.

The other sections of this bill, I believe, strengthen the existing Federal and State obligations to the welfare of the American people.

After careful consideration it is my opinion that this legislation does not affect the doctor-patient relationship necessary to maintain high quality medical care for our senior citizens.

The society in which we live has offered much in the way of a better life for all. We are a prosperous Nation and a country which is fulfilling its obligation to provide for the common welfare.

With a high percentage of elderly whose median annual income is less than $2,000, New Hampshire's senior citizens have gone on record in favor of this legislation.

Mr. Chairman, I urge the Members of the House to join me in voting for H.R. 6675.

Mr. DERWINSKI. Mr. Chairman, it is often said that "a politician is a man who thinks of the next election while a statesman is one who thinks of the next generation." In voting against final passage of this measure, I am taking what I believe to be a statesmanlike position, with the long-term interests of the public in mind, rather than the politically motivated position of the administration which is propelling the bill through the House with a minimum of debate and review.

The increases in the social security tax found in this bill will impose a constant drain on all American wage earners. We witness in this bill the fantastic development by which a person supporting an average-size family and drawing an average national wage will be paying a larger social security tax than personal income tax.

As we look into the future, we see clear signs of rigid governmental control of our medical system which can only be detrimental to all our citizens. At the risk of oversimplification, may I state that this bill is a sugar-coated pill that is being swallowed in an easy fashion, but its ill effects will be felt in the ultimate crippling of our medical services and unwarranted, regressive tax burden on our citizens.

It is especially tragic that alternative proposals which would have used free enterprise insurance coverage and would have provided legitimate coverage for older citizens truly in need have been arbitrarily rejected by this politically motivated administration.

Mr. Chairman, as part of my remarks I include a letter from a constituent which very effectively states the citizen's point of view on this subject:

CHICAGO HEIGHTS, ILL.,
April 5, 1965.

Hon. EDWARD J. DERWINSKI,
House of Representatives,
Washington, D.C.

DEAR MR. DERWINSKI: As my Representative in Congress, I urge you, sir, to vote against the King-Anderson bill (H.R. 1) currently before the 89th Congress, commonly referred to as medicare, for the following reasons:

1. Social security benefits and the corresponding taxes are already reaching the saturation point, as far as the middle-income taxpayer is concerned. With tax increases already scheduled for social security under present law of 8.25 percent on $4,800 of income as of January 1, 1966, or $198 per year on each employee and employer, and with additional taxes (9.6 percent on $5,400 of income) and increased benefits contemplated under the existing social security system, I for one, Mr. DERWINSKI, do not want to pay another $16.80 per year for medicare. If all these increased welfare taxes go through, social security taxes will be pushed above 10 percent, but will this be the end of it? More importantly, can the existing social security system stand the additional load of medicare benefits? As you know only too well, this is only the beginning of an insatiable drain on the Federal Treasury, if the recent experiences of France, Italy, and other Western European countries with health care for the aged are any reliable indication.

2. Medicare does not permit; it compels every wage earner to participate in the plan. The wage earner is taxed; he does not contribute.

3. Medicare would call for higher payroll taxes on all wage earners to pay for benefits for everyone over age 65, the rich and well to do as well as the needy. Contrary to the current Democratic administration's pronouncements, the elderly of this country are quite well off. I'm sure that you are aware that on the average the net worth of the family whose head is at least age 65 is $30,718, considerably higher than the average net worth for most younger family age groups. Moreover, current statistics tell us that 80 percent of 65-plus families own their own home free of any mortgage, and 82 percent of elderly families owe no installment debt. Only one-third of the total income of Americans over age 65 ($35 billion) comes from social security and other Government retirement programs.

In view of the above, Mr. DERWINSKI, is it morally right or fiscally sound to tax the younger wage earner to pay for the hospital bills for older people who, in the main, can afford to pay their own bills? I for one am trying to create or accumulate moneys for my later years, to buy a home, and to send my children to college, and I do not think it is morally right to have young workers pay medicare taxes during their wage earning years to pay the heavy medical costs of today's beneficiaries. Of course, tomorrow's benefits would have to be paid by tomorrow's taxpayers—my children. My children are already going to have to pay for my social security pension out of their taxes, why add my medical bills?

4. Current surveys show that 96 percent of the elderly people over age 65 do not owe any money to a doctor, a dentist, or a hospital, and 60 percent of the elderly already have protected themselves against the cost of illness through health insurance and other prepayment plans.

5. Medicare hits those least able to pay—people like myself, for example. The $5,600-a-year worker would be forced to pay as much tax as the $56,000-a-year executive.

6. Medicare in its present form, although I understand Mr. WILBUR MILLS' House Ways and Means Committee has recently rectified this to some extent, does not provide anything for the following: doctors' bills, surgeons' fees, bills for drugs, medicine, medical appliances, dentures, eyeglasses, and hearing aids. Medicare would provide only for hospitalization care on an inpatient basis and some nursing home care for 60 days maximum after discharge from the hospital.

7. Medicare if passed would permit the Federal Government to exercise an undesirable degree of direct control over hospitals and doctors. Free choice of hospital, nursing home, and physician would be impossible under medicare in most cases. If a hospital chosen by the patient was not participating under the medicare plan, the patient would have to go elsewhere. If the patient's personal physician was not on the staff of a participating hospital, the elderly patient would have to accept another doctor.

8. Finally, and perhaps most important of all, I don't think that the majority of the people in this country fully understand this vital issue. According to a recent Gallup poll published in the Nation's newspapers on January 4, 1965, 77 percent of the American people do not fully understand the provisions and limitations of the medicare tax plan. Does this indicate a mandate to the current administration to pass this bill, when 150 million people don't know what they are getting? Is this democracy in action?

What am I for? I am for, and I urge you to support, either the Herlong-Curtis eldercare bill (H.R. 3727) or the proposal introduced by Representative JOHN W. BYRNES, Republican, of Wisconsin. I say either bill because I think either of these bills would go a long way toward rectifying the many ills of the King-Anderson medicare bill listed above, and in addition both the eldercare bill and the Byrnes proposal would utilize Blue Cross, Blue Shield, and other private health insurance companies, who are experienced administrators and operators in this field.

I thank you, Mr. DERWINSKI, for giving this letter whatever attention you could, and I urge you, again, to vote against medicare.

I am,

Very truly yours,

JOHN R. GLENDINNING.

Mr. HARVEY of Indiana. Mr. Chairman, although I stand opposed to H.R. 6675, the administration's medicare bill, I would like to point out that this does not mean that I am unmindful of the problems that prompted this legislation in the first place. Rather, my concern is with how best these problems can be solved. Through compulsory payroll tax deductions for everybody under social security, the authors of "medicare" say that the public interest will best be served. I cannot agree with this. The Republican alternative actually offers a more comprehensive program of medical insurance, financed partly by premium contributions, and by the general revenue tax system based on ability to pay.

Under the provisions of King-Anderson all people 65 and over would be eligible for benefits. The Republican program is voluntary, thereby reducing appreciably the costly duplication of coverage. The King-Anderson measure takes everyone 65 and over and makes them "wards of the state" insofar as hospital benefits are concerned. To me this is not only an insult to the American people, but lacking in understanding. The senior citizens of this country want to be independent and, above all else, they do not want to be a burden on the working men and women of this Nation. The proposal offered by the Republican leadership will enable these people to make small contributions, which they themselves are willing to do to keep their independent status.

Pollsters have stated that over three-fourths of the total civilian population and 60 percent of the aged population, had some form of private health insurance as of December 31, 1962; and that there is reason to predict that senior citizen's participation in private health insurance programs will increase appreciably in the years ahead. It would seem to me that King-Anderson goes too far. Actuarial experts have projected that a young man entering the work force will have paid into the social security fund a staggering amount of money by the time he reaches 65. Had this money been invested privately and interest accrued the total figure is slightly over $38,000—hardly an insignificant sum. Insurance companies in the United States have stated a willingness to offer more comprehensive coverage for less cost. While it is true that the administration's bill does have a voluntary enrollment provision whereby for a small monthly premium doctor's and related services will be paid, the Republican proposal, at no extra charge, covers cases of a catastrophic nature as well as doctor's fees and drugs. Last but certainly not least, among my objections are the cost estimates of the program under social security.

I do not believe that even the experts actually know just how much this program is going to cost the American taxpayers. Having recognized the importance and need for constructive legislation in this field, in January of this year I reintroduced a bill to provide a completely voluntary medical care insurance program. I introduced similar proposals in the 87th and 88th Congresses. It does not require action by State legislatures. It contains no "means test." It is based upon a completely confidential relationship between each individual and the Treasury Department, the health insurance carrier of choice, the doctor, and the hospital. It does not discriminate. It is a true free-enterprise plan to help Americans take care of themselves.

Under the provisions of the Harvey bill every American who is 65 or over would file a Federal income tax return whether or not he owed any tax. A simple, easy-to-file return is recommended. If an individual or a married couple owed no tax, the Treasury Department would give a medical care insurance certificate. The certificate could be used to obtain the kind of medical care insurance the citizen desired. The insurance carrier, in turn, would receive payment of the premium cost, up to $150 per person, by presenting the certificate to the Treasury.

Also in this regard I think it is noteworthy to mention that there is a growing trend in the United States toward the purchase of health insurance for retired employees by former employers. The Harvey bill encourages this practice by offering the same $150 credit to the employer who provides health insurance for retired employees. As of March 1965, 40 States and 4 territories have initiated the legislative authority for implementation of the Kerr-Mills program of medical assistance for the aged who are recipients of old-age assistance. My proposal is intended as a supplement to the Kerr-Mills law and other programs which assist in medical care for senior citizens. To a great degree, the provisions in the Harvey measure would replace the other programs. There would be approximately 14.5 million Americans over 65 who would be eligible for benefits. Maximum possible cost of the program would be 14.5 million multiplied by $150. This figure would be reduced somewhat by several factors, including: (1) the amount spent by the Government under other programs would be reduced appreciably, and (2) there would be a displacement of most income tax deductions now claimed for illnesses. First full-year cost estimates under King-Anderson are $2.3 billion. Under the Harvey bill, first full-year cost estimates predict $1¼ billion. This amount, however, would not appear as an additional appropriation but rather as a reduction in the general revenue. By comparison of the two programs and the effect the King-Anderson bill will have on the economy and the social security programs, I invite my colleagues to join me in opposing this ill-conceived legislation.

Mr. FRASER. Mr. Chairman, the bill we are considering today, H.R. 6675, is the most significant legislation to improve the quality of living for retired Americans since the enactment of the social security law.

I have supported the principle of providing hospital insurance for the elderly under social security since I was first elected to Congress. In both of my election campaigns I stressed the importance of enacting the King-Anderson medicare bill. I believe that the people of my district strongly support medicare.

In its consideration of the proposals on health care for the aged, the Ways and Means Committee wisely rejected proposals which would have us rely solely on welfare programs. Welfare programs are very necessary, but they should be for those who have come to the bottom of the economic ladder. The Kerr-Mills program in my own State requires an applicant to pass a rather rigid means test, even though this test is more liberal than under our old-age assistance program. Thus, in the words of our Commissioner of Welfare, "even Kerr-Mills is still a program only for the very poor."

In the United States we have not been satisfied with only welfare programs. Early in this century we established workmen's compensation—our first venture into social insurance. Then came unemployment insurance, followed by social security. This is the American way. We ask Government to provide social insurance where such insurance will do the job better than by leaving each individual to his own resources. We do not tell the injured workman, or the man without a job, or the retired worker, to first exhaust his assets and then go down to the welfare office. We have provided social insurance benefits as the second line of defense, so that a person need not exhaust—or nearly exhaust—his personal assets.

This is why I favor the King-Anderson bill. It provides a second line of defense against the catastrophic effects of medical expenses. It is earned as a matter of right, and can be taken into account by people as they plan for their retired years, just as people now plan their retirement around social security.

H.R. 6675 is an even better bill than the original King-Anderson proposal. Besides the basic hospital and related care for the elderly, it provides for a voluntary supplementary plan covering physicians' and surgical fees and related services. In addition, it makes a number of liberalizing changes in the Kerr-Mills law, thus improving our basic welfare program.

This bill is a sensible approach to a very serious problem. It meets the needs of all Americans in the ways best suited to the individual. It is also a fiscally sound bill and will help immeasurably the financial situation of the elderly. For this reason I urge its adoption.

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 6675. In my initial campaign for election to the House of Representatives in 1960, I pledged my support of legislation to provide a program of medical care for the aged plus needed liberalizations in the regular social security program. I believe that I have lived up to that pledge. I have been a cosponsor of the King-Anderson bill, and I have sponsored many other bills to bring needed benefits to the people.

The Committee on Ways and Means is to be commended for its dedicated work this Congress to get this measure before the House. In my opinion they have given us an excellent and comprehensive bill and one that will really meet many of the needs of our senior citizens. Through answers to my questionnaires and through direct mail to me, I know that a large majority of the citizens of my congressional district enthusiastically support this progam.

In addition to the increase in monthly benefits, optional benefits to widows at age 60, liberalized eligibility requirements for disability and for persons 72 years of age or older, I was particularly pleased that benefits for children will be continued to age 22 so long as the child is attending an accredited school or college as a full-time student, legislation which I have introduced in every Congress I have been here.

Mr. Chairman, I could speak at length on the merits of this bill, the peace of mind it will bring to our senior citizens, but it has all been said so well by our distinguished chairman of the Committee on Ways and Means that I will only say that I support H.R. 6675 wholeheartedly and I urge my colleagues to do the same.

Mr. CULVER. Mr. Chairman, the passage of the medical care insurance bill by the House of Representatives today represents a historic pledge by a nation to uphold the honor and dignity of its elderly citizens. This is particularly significant in Iowa where our 343,000 persons of retirement age represent the largest percentage of elderly found in any State.

The bill provides a wide range of insurance programs to assist in meeting the medical and hospitalization requirements of our older citizens. In this respect it combines many of the best features of the medicare, eldercare, and Byrnes proposals and represents a reasonable legislative compromise in the finest sense of the word. Of equal importance, it is financed in a manner which will enable an individual to contribute substantially to the cost of his own protection; yet at the same time, the bill maintains the fiscal soundness of our social security program.

I feel that this bill successfully combines the abilities and resources of the Federal and State Governments, the medical profession, and private insurance organizations in a most desirable manner, to insure the independence of our medical profession and the personal dignity of our senior citizens.

Mr. RUMSFELD. Mr. Chairman, I have repeatedly voiced my support of the social security system, and during the 88th Congress, supported the Social Security Act Amendments of 1964 which regrettably never became law. According to the chairman of the House Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], the provisions of that bill are now encompassed by the bill we consider today, H.R. 6675, with but one minor exception.

Further, I have repeatedly voiced my deep desire to see that individuals in need of health care assistance receive that aid. Certainly, at this point in time, few in our country would suggest that those of our fellow citizens in need of medical attention should be denied that aid for lack of funds.

The real issue before the House today is not whether or not we should pass the social security benefit increases and amendments. Certainly, the vast majority of Members agree on these. The issue is not whether or not the Kerr-Mills Act should be strengthened and improved as proposed by the eldercare bill proposals. Most Members are in agreement on this. The issue is not whether the Byrnes proposal as adopted by the committee should pass and thereby provide a voluntary insurance program covering doctors' bills and related charges for all citizens over 65 years of age. Most Members are in agreement on this. Finally, the issue is not whether or not we should pass a measure to provide some assistance to help defray evermounting hospital expenses for the elderly. Most Members have demonstrated agreement on this. So, there is no real debate on roughly three-quarters of this bill.

The only real issue before the House today in the minds of the vast majority of the Members, and certainly in my mind, is which approach to this problem of hospitalization costs for elder citizens is better—that which is contained in title I of the committee bill, commonly called "medicare," or that which has been proposed in the Byrnes bill and which will be offered in the motion to recommit with instructions.

This bill is being considered under a closed rule, with no opportunity for amendment. The motion to recommit with instructions is the minority party's only opportunity to gain a record vote on any alternative proposal other than the whole omnibus bill which is voted on at final passage.

In brief, the Byrnes' motion to recommit encompasses the following provisions which are also in the committee bill:

First. The Social Security Act amendments and benefit increases as provided by the bill which passed the House during the 88th Congress, and which I supported, to strengthen, improve, and expand this program;

Second. Certain Curtis-Herlong "eldercare" proposals to amend, expand, and strengthen the existing Kerr-Mills program which I support;

Third. Some concepts of the Bow bill providing tax deductions for the cost of certain health care insurance, which I support; and

Fourth. The Byrnes proposal for a voluntary enrollment program covering supplemental medical services—doctors' and related charges—financed partly by a monthly premium and partly by general revenues which I also support.

Thus, each of these sections of the committee bill, which I support and which, I believe, a majority of the Members of both parties support, are contained in the Byrnes motion to recommit with instructions.

The only major difference in the Byrnes bill versus the committee bill is title I, relating to the method of financing hospital care for the aged.

The committee bill provides for a compulsory program of hospital and related benefits, financed under the social security system by the regressive payroll tax.

The Byrnes proposal, to be offered by Representative JOHN BYRNES, the ranking minority member on the House Ways and Means Committee, is for a voluntary comprehensive program of medical insurance financed partly by premium contributions and partly by general revenues and which would in fact provide broader benefits than the related section in the committee bill.

Following is a summary description of the relative advantages of the Byrnes proposal for health insurance for the aged prepared by the minority staff of the House Ways and Means Committee:

1. Voluntary: The basic hospitalization program in the committee bill is extended automatically and compulsorily to all eligible persons over age 65. The Byrnes program would be wholly voluntary. When coupled with the payment of a premium contribution, this reduces the duplication of coverage for those already covered under private programs. It preserves the insurance concept.

2. Contributory: In the committee bill, the hospital program is extended to all persons presently over age 65 (except certain Federal employees) at no cost. The Byrnes program requires the participants, including those presently over age 65, to make a contribution toward the cost of their insurance. This reduces the cost which under the committee bill must be borne by taxpayers under age 65. It also acts as a deterrent to excessive utilization of benefits on the part of those enrolled.

3. Not payroll financed: The hospitalization program in the committee bill is, in fact, a part of the social security tax system. An additional liability of upwards of $100 billion is imposed on the social security tax structure by the adoption of that program. The Byrnes program is financed out of the general revenues, wholly apart from the social security system. This reliance on general revenues utilizes the general tax system, based on ability to pay. It avoids the regressive payroll tax and does not jeopardize future increases in cash benefits.

4. Flexibility: In financing the hospitalization program through the payroll tax, as a part of the social security system, the committee bill gives rise to the concept of "entitlement." It creates the erroneous impression that the wage earner is "prepaying" for a specific hospital benefit. This precludes revision of benefits in the future, except to increase the scope of the program. The Byrnes program preserves the ability to revise the programs as conditions dictate. When the insured is required to pay a premium for the benefits, both premiums and benefits can be modified as the need arises.

5. More comprehensive: Benefits of the combined hospitalization program and medical services program in the committee bill

fall short of the benefits provided for in the Byrnes program. The committee bill does not meet the problem of the catastrophic illness. The Byrnes program covers the catastrophic illness up to a lifetime maximum of $40,000 in benefits. The Byrnes bill also covers prescribed drugs while the committee bill excludes this item.

6. Lower cost: The Byrnes program provides these more extensive benefits at a lesser cost. By eliminating duplication of coverage and combining all medical benefits in a single comprehensive insurance program, it will provide more protection for less dollars.

7. Needs test recognized: The committee bill offers hospital and medical service benefits to the aged without regard to need. The Byrnes proposal provides for premium contributions related to cash benefits under social security, coupled with a tax recoupment of the subsidy attributable to individuals with incomes over $5,000. This eliminates "need" as a basis for qualification without extending benefits to those who are, in fact, able to pay the full cost of their insurance.

8. Recognition of eldercare: The Byrnes proposal also incorporates the underlying principles proposed in the eldercare bills. It makes specific the right of the States to enter into private contracts of health insurance for those eligible under the State-administered old-age assistance and medical assistance for the aged programs.

Mr. Chairman, it is my intention to support the Byrnes alternative proposal as encompassed in the motion to recommit with instructions. In addition to the above comments, it should be emphasized that—

First. The alternative proposal offers broader benefits for those in need. For example, the committee bill does not provide for one of the worst disasters that can strike a family today, namely, catastrophic illness, whereas the alternative proposal does.

Second. I believe that the dignity of the individual citizen requires that those who can afford to pay should pay for these expenses. However, under this compulsory system, there is no choice. Even those fortunate citizens now adequately covered by personal wealth or business, union, or private health programs will be covered.

Third. The committee bill's regressive payroll tax will hit hardest at those least able to pay whereas the general fund financing of the alternative proposal would not.

Further, if the motion to recommit fails, it is my intention to oppose the bill on final passage. Admittedly, the committee bill is neither all bad nor all good. In fact, it is considerably better now than when the administration introduced it, in that, as mentioned above, a variety of improvements have been added to it in committee such as those sponsored by Mr. BYRNES, Mr. CURTIS, Mr. HERLONG, and Mr. BOW.

I would suspect that, because of the many fine, necessary provisions in this bill, many Members after supporting the alternative proposal, and if it is defeated, will vote for the bill. Just as the now popular song from "Mary Poppins" says, "a spoonful of sugar helps the medicine go down." Indeed, there is a good deal of "sugar" in the bill.

The problem in this age is one of communications. To support the alternative and then vote yes could be interpreted as being for the undesirable aspects of the bill even though the real intent was simply that the individual was for three-fourths of the bill and against one-fourth.

Conversely, to support the alternative and then oppose the committee bill on final passage could be interpreted as being against all aspects of the bill. To avoid any such misinterpretation, I am stating categorically that this is not the case.

Mr. Chairman, I am strongly in favor of most of this bill. I am equally strongly opposed to the parts of title I which provide for a compulsory program of hospitalization benefits under the regressive payroll tax of the social security system. This method of financing will prove, I believe, to be a bad mistake for the following reasons, as has been stated in the minority views and by the ranking minority member of the committee, Mr. BYRNES of Wisconsin:

1. This approach threatens social security. For the first time, a service benefit rather than a cash benefit would be tied to payroll tax under social security. The future costs of service benefits are impossible to estimate; we do know they are constantly rising in the medical field. There is a limit to the money which can be extracted from workers through a payroll tax. If mounting hospital costs raise the tax to that limit, adequate cash benefits under social security could well be jeopardized in the future.

2. This approach is unfair to workers. The cost of the hospitalization program will be paid for by those now working. Benefits for those now over 65, who will not pay for any of the cost, will eventually total $35 billion. A worker earning $3,600 annually, with a wife and children to support, will pay $250 in income and social security taxes in 1966, including $18 hospitalization tax. A retired couple with $3,600 income will receive the protection paid for by the young worker, yet, with lower living costs, will pay no income tax, no social security tax, no hospitalization tax.

3. A regressive tax hits those least able to pay the hardest and the payroll tax is one of the most regressive taxes known. It applies to the first dollar of earnings. There are no exemptions for dependents, no deductions for unusual expenses, no exclusions and no tax credits. There is no consideration of ability to pay. The president of a corporation pays the same amount as his worker. A man with good health and no family pays the same as a man with a large family and heavy doctor bills.

Mr. Chairman, some of the elder citizens of this Nation need assistance with the costs of health care. It is my hope that the Byrnes proposal will pass, thereby providing those individuals a more comprehensive series of benefits, on a voluntary rather than compulsory basis, at less total taxpayer cost, and financed not by the regressive payroll tax but by general revenues.

Mr. SKUBITZ. Mr. Chairman, the technique which the majority intends to follow in promoting its Great Society program is now apparent. It now appears that henceforth, the majority will draft legislation, and when the wheels have been properly greased, measures will be presented to us on a "take it or leave it" basis.

On three different occasions, I have heard President Johnson, in addressing this body, quote from verse 18 of chapter I of the Book of Isaiah, "Come now and let us reason together." I presume that I have been somewhat naive in assuming that what the President intended was that this the greatest deliberative body on earth would, after free and frank discussion, attempt to resolve its differences.

But what are the facts? This bill has come before us under a closed rule. It permits 10 hours of discussion but denies to any Member the right to amendment. I ask, what good can come from 10 hours of discussion if the right to remove objectional provisions, clarify ambiguities, or add amendments which the majority feel might improve the bill, is denied?

Yesterday, while chatting with one of my good friends on the other side of the aisle, I suggested that perhaps we should all heed President Johnson's favorite Biblical quotation, "Come now and let us reason together." He laughed and replied, "You're right, we should reason together on our terms." He suggested that I read verse 18 which I did. Now I understand the majority position thoroughly, for I found these words:

> If ye be willing and obedient, ye shall eat the good of the land. But if ye refuse and rebel, ye shall be devoured with the sword.

The bill that is before us contains 296 pages and the report that accompanies it has 264 pages. It is one of the most comprehensive bills that has ever been presented to this body since I came to Congress. Yet open hearings were not held upon it. Interested parties were not privileged to come before the committee and express their views.

Mr. Chairman, what is wrong with open hearings on a measure of this nature which affects the lives of every person—young or old? What is wrong with letting the people know the ramifications of this bill so that they may notify their representatives of their views? Why the big rush? Congress is not adjourning. The major provisions of this bill do not become effective until July 1966 and we are talking about a bill that is going to cost over $6 billion.

Mr. Chairman, I know of the mental anguish that our aged endure when they find themselves living on a fixed income while the cost of living continues to go up and up. I know of the fear that tortures their minds when illness strikes and they wonder whether they will be able to meet their medical bills and still be able to survive without asking for relief or becoming a drudge upon their children. Every Member of this body recognized the problem facing our aged people with respect to proper medical care. The real issue before us, therefore, is, how do we take care of those over 65? What is the best method of financing? How do we protect ourselves from going down the road toward socialized medicine?

Mr. Chairman, as the chairman of the Ways and Means Committee has stated, this bill can be broken down into four parts. First, the part dealing with medical care for our aged; second, programs for child health, crippled children, and the mentally retarded; third, improvement and revisions in benefit coverage for the aged; fourth, expenses of the public assistance programs.

Last year this body passed a bill which included most of the provisions of this bill with the exception of medical care for the aged. H.R. 11865 provided for an increase in social security payments; continuing benefits for children up to 22 years of age; liberalized benefits for widows at age 60 and assistance to those over 72 years of age not previously covered. I supported this bill. It would have been law now if the Senate had not attached its version of a medicare bill to it.

The bill before us and the alternative proposal by Mr. BYRNES are quite similar in every respect. The major differences in the two proposals are their treatment of hospital care and medical services. The administration proposals provide for 60 days hospitalization and 20 days extended care in an approved facility during any one "spell of sickness." The overall maximum can be extended to 100 days if fewer days are spent in the hospital. Following each "spell of sickness" there must be a 60-day lapse before one again becomes eligible for hospitalization. The administration bill provides that the costs shall be borne by a payroll tax. Eligibility begins at age 65 but the tax becomes applicable to those who pay social security. The second part of the administration medical package provides for physicians' care and additional home health visits.

The alternative proposal, by Mr. BYRNES, is by far broader and more comprehensive than that proposed by the administration. The benefits are patterned after the high-option plan which we have provided for ourselves and all Federal employees. It provides for long, catastrophic illnesses. Not so with the administration bill. And how is it financed? In the first place, it is a voluntary plan. Those who care to receive it make the decision at age 65. There is no means test. Those who want it pay an average of $6.50 per month and the remainder of the cost is paid by the Federal Government out of the general fund. Thus, the social security fund is not endangered.

Yesterday, the distinguished Congressman from Wisconsin [Mr. BYRNES] called to our attention that last year when the committee discussed the 7-percent increase, for social security, to meet the increased cost of living, the administration advised that it had to be held to a 5-percent increase so that medicare could be added to social security. Let us keep in mind that as living costs go up we are going to be asked to increase cash benefits under social security. I agree wholeheartedly with Mr. BYRNES that if we tie medicare to social security then we will not have sufficient funds with which to make increases in cash benefits.

It is unfortunate that the administration has encompassed the provisions of H.R. 11865 which we passed last year into H.R. 6675 and thus place many of us in a position where we must, in good conscience, vote against the bill unless, of course, the Byrnes alternative is adopted. For many of us feel that social security must be maintained on a sound basis at any cost; that medical care must not be socialized; that our young people between the age of 21 and 65 are also entitled to some considerations.

Mr. KEITH. Mr. Chairman, in listening to the debate by members of the Democratic Party, one might conclude that we on this side of the aisle are opposed to medical care for the aged. As a matter of fact, some of my colleagues have tried to imply that we Republicans have been opposed to social security since its inception, and particularly opposed to any innovations.

I am one of many who resent these charges—and the implication that we, as a party, are opposed to the inclusion of medical care in the social security system.

I would like to remind my colleagues on both sides of the aisle that the Republicans have played a positive and, in fact, a leading role in the improvement and the expansion of the whole social security system. It was a Republican Congress and a Republican President who are to be credited with the incorporation of disability benefits into the social security system. And may I also point out that the agency which now administers this program and the other programs of a social nature that are so necessary in this industrial society in which we live, namely the Department of Health, Education, and Welfare, is the product of a Congress and an executive branch in which the Republican Party was in the position of leadership. And certainly, many Republicans in prominent places such as the Congress, the Cabinet, industry, and the State legislatures have consistently sponsored a sound and reasonable expansion of social security. They have been vitally interested in the proposition that the system be expanded to take care of the unpredictable and extraordinarily costly expenses of medical care that threaten those who are retired under the benefits of the Social Security Act.

I know, of course, that individuals on both sides of the aisle have historically opposed development of this social security system—and that they have had the right and the responsibility to express their sentiments on this subject. But certainly the public recognizes that both parties have, on balance, shared this concern and supported the development of this program.

In recent years, while medical science has helped add considerably to our lifespan, the costs of hospital care have increased from $4 a day to, in some parts of the country, $40 a day. And sociologists, both within and without the Government, have been seeking some way to help shoulder this prospective burden of hospital expenses—a burden which could not have been foreseen during the working years of those who should now be able to enjoy in retirement the fruits of their labors.

More than 3 years ago, in a newsletter to my constituents, I discussed this entire question. And, Mr. Chairman, for the record, I would like to include in my remarks excerpts from that newsletter of March 1962, I said:

> My studied conviction [is] that social security is the logical vehicle to finance hospital and nursing home care for the elderly.

Both political parties are agreed that a substantial number of those over 65 have inadequate income, insurance, or savings to pay for the extensive hospitalization or nursing home care which old age often requires. Recognizing Federal responsibility to meet this need, Congress acted under the general "welfare" clause of the Constitution in 1960. Under Kerr-Mills, Federal funds were provided to match State and local contributions for paying the medical bills of those aged persons who cannot afford the care they need.

This approach has serious weaknesses. Social security financing, however, makes it possible to save during working years for the expense of hospital and nursing home care during retirement years. It enables the costs of the program to be borne by those who will receive the benefits. It is a "user's tax." It does not affect the relationship of doctor and patient, nor provide for the payment of doctor bills, so it avoids the dangers of socialized medicine—most importantly, it would preserve individual responsibility and personal dignity, because recipients would have made contributions to their own future.

I went on to say, in conclusion, in this newsletter that:

> The issue then is a very simple one; what is the proper way to provide for the payment of our hospital bills when we are no longer working and earning a salary?

In the years that have intervened since I first became involved in this subject, I have publicly suggested that the Government, the insurance industry and the medical profession should get together and come up with an adequate proposal. They have failed to do so.

In my most recent newsletter I had this to say about medical care for the aged:

> The administration wants a medicare program and, controlling Congress as it does by a 2-to-1 majority, it will have its way. It seems settled now that financing will be on a pay-as-you-go basis, with contributions coming from both the employer and employee.
>
> It's quite possible the final plan will not be as elaborate as the administration proposal—and will provide only for hospital care. This protection will be paid for during the employee's working years.
>
> To supplement this basic program, if the plan is enacted as I have projected, the individual could buy (hopefully for a very modest premium) coverage from an insurance company or through Blue Shield. (Such coverage would pay doctors' and surgeons' fees, as well as extra hospital expenses.) Those unable to pay these premiums, or unable to pay medical costs out of pocket, could still obtain help from medical assistance for the aged under currently existing State-Federal programs.

But the Ways and Means Committee did not stay with the original and basic proposal. Largely under the stimulus of the American Medical Association they added two layers of frosting to a cake that was, in my opinion, adequate to do the job in the first instance. And, in so doing, they have made the plan much more extensive than is necessary.

My objections to the committee's bill concern the second and third layers of the medical care "cake." Like the Byrnes plan, they involve a very significant departure from the principle of social insurance. This optional plan should be opposed because the Government is, in effect, subsidizing the insurance industry. This could lead to Government intrusion on a large scale—ending possibly in a Federal insurance plan whereby a person could choose to buy insurance from either the Government or a private company. This has happened in other parts of the world.

In addition, this portion of the bill presents the possible threat of eventual socialization of the medical profession—although this program is the outgrowth of the proposals advanced by the AMA under their eldercare bill.

In my view, it would have been much better had we adopted the original medicare proposal and built on that with private insurance plans.

However, in conclusion, Mr. Chairman, the basic proposal of the original bill—that hospital costs be financed through the social security system—is still a major part of the legislation being debated. It gives the American people the opportunity to finance hospital care for the aged in accordance with sound fiscal principles. On balance, therefore, taking the bad with the good, I shall support the Ways and Means Committee's proposal.

I must say, however, Mr. Chairman, that it is my hope that the Senate will review this legislation and the debate which has taken place in the House. With the more open rules of that body, it is hoped that a bill will be perfected that will solve the basic problem of providing for the hospital costs of our aged citizens. At the same time, this legislation should assure that necessary supplemental protection be achieved in a way that will allow more flexibility and freedom of choice than that contained in the proposal which will be passed by the House today.

Mrs. MINK. Mr. Chairman, it is with sincere enthusiasm that I rise to support this most progressive piece of legislation, which goes far toward meeting the needs of our elderly citizens.

For many years now, the country has debated its national responsibility for providing our senior citizens that kind of hospital care which is both dignified and adequate. At first, its opponents challenged the need; later they admitted the need but argued that a means test was necessary and, further, that the program should be voluntary.

We have tried to solve this serious problem by permitting the means test to be set by the States, but this provided help for only a small percentage of the elderly. As this crisis worsened, private voluntary plans groped and yet failed to meet the growing needs on a realistic basis.

This bill, which I am confident will become law, meets this challenge of providing the elderly adequate medical care in sound and fiscally responsible manner.

First, virtually all of the 19 million persons now over age 65 can be assured of reasonable hospital care under this basic plan of protection. It provides benefits including 60 days of hospital inpatient services for each spell of illness, of which $40 is payable by the beneficiary; from 20 to 100 days of posthospital extended care in a facility having an agreement with a hospital to provide such services; outpatient diagnostic services as required, with a $20 deductible provision which is credited against the hospitalization deduction if the patient is hospitalized within 20 days after undergoing a diagnostic study; and up to 100 posthospital home health service visits after discharge from a hospital or extended-care facility.

This program would be financed the first year by a separate insurance payroll tax of 0.35 percent, with the maximum earnings base set at $5,600 through 1970. The same rate would be paid by employers, employees, and the self-employed.

Two million persons not covered now by the social security or railroad retirement systems will be covered by this program.

As the program matures, virtually 100 percent of the elderly will come under its provisions, and the trust fund will be self-supporting.

Second, a voluntary supplementary health insurance plan will enable the aged to cover the greater part of their doctors' and other medical and health bills by payment of a small monthly premium of $3. It is estimated that 80 to 95 percent of those eligible, or 15.2 to 18 million individuals, will avail themselves of this provision.

Benefits, after a $50 annual deductible provision, will include 80 percent of a patient's bill for the following services: Physicians' and surgeons' fees in hospital, home, or office; up to 60 days' mental hospital care per mental illness, up to a lifetime maximum of 180 days; up to 100 days of home health services, whether or not the patient is hospitalized; such medical services as X-rays and lab tests, dressings, splints, and certain ambulance and medical equipment costs, and up to $250 worth of mental, psychoneurotic, and personality disorder treatment outside hospitals.

To finance this plan, initial enrollees would pay a premium of $3 a month, to be matched by Government contributions. Premium costs would be fully met by an increase in social security benefits.

To encourage the purchase of hospital insurance by all taxpayers, a new tax deduction will be permitted of half the cost of hospital insurance premiums, whether or not these are in excess of the 3 percent floor on medical expenses, if the taxpayer itemizes deductions.

Additionally the bill provides that the States will receive additional Federal aid, not only for the aged but for the blind, the disabled, and dependent children programs.

It is estimated that the new program will increase the Federal Government's contributions by about $200 million over existing programs in the first full year of operation. This increase could rise to an estimated $238 million if all States take full advantage of the program.

The bill also includes several extensions and improvements of basic social security provisions. It is estimated that 20 million persons will benefit from the 7-percent—$4 minimum—increase in cash benefits. The maximum payable benefit for a family would rise from the present $254 to $286.80. It is estimated the 7-percent increase will result in $1.2 billion in additional benefits in 1965 and $1.4 billion in 1966.

Another provision increases the duration of dependent children's benefits up to 22 years of age if they are enrolled in full-time educational programs. Currently these dependent children's benefits are cut off at age 18. For most children, this will mean the continuation of these benefits for the time it takes to complete a 4-year college course.

Still another provision of the bill will allow widows to qualify for benefits at age 60. At present, widows are eligible for survivors' benefits at age 62. Under this provision, they can elect to take reduced benefits at age 60.

The bill also has several other liberalizing provisions, among them one allowing payment of a wife's or widow's benefits for certain divorced women who had been married at least 20 years before the divorce.

The bill also includes a noteworthy child health program, including a new provision establishing a 5-year program of comprehensive health care for children of preschool and school age, with emphasis on those from low-income families.

A total of $185 million would be authorized for this new and forward looking diagnosis and treatment program. In addition, the bill would: Boost authorizations for existing maternal and child services by $5 million in each of the next 3 years and $10 million annually thereafter; boost authorizations for existing crippled children's services by the same amounts; authorize appropriations of $15 million in the first 2 years and $17.5 million annually thereafter to pay for training of professional persons to work with crippled children including the mentally retarded, and authorize payment for hospital expenses of beneficiaries under the maternal, child health and crippled children's programs. Also authorized is a $5.5 million, 2-year program of mental retardation planning.

Surely, there can be no greater goal than that of a healthy mind in a healthy body. I am particularly happy to point out that the role of the physician as our chief and guiding light is recognized and upheld in the provisions of the bill. Not only is the Federal Government specifically prohibited from exercising control over the practice of medicine and operation of medical facilities, but the physician is acknowledged as the determinant of treatment needs.

Mr. Chairman, this bill can go far to supplement the efforts already started to provide all of our Nation, young and old alike, with the fullest measure of the benefits of the advances of medical science.

Mr. Chairman, this bill is a landmark of enlightened legislation. It provides, on a sound financial basis, a comprehensive and farseeing approach to solving one of the most vexing problems of our society, to wit, adequate medical care. I strongly urge my colleagues to support it.

Mr. TUNNEY. Mr. Chairman, today, I am giving my full support to a bill which will give our 18 million senior citizens protection against the high costs of medical care.

No issue facing our country at this time shows more clearly the work that must be done before we can truly fulfill the dream of a great society. The fact that we are presently voting on this matter shows that we are progressing toward a society which adequately meets the medical needs of its citizens.

Not since the days of Franklin D. Roosevelt have so many people fought so hard and displayed such great support for a single piece of legislation. At that earlier time a social security insurance program was enacted to enable a person during his productive years to set aside a small amount of his wages so that he would have a guaranteed income upon disability or retirement. The Social Security Act is one of the great landmarks of American history.

Today we are entering the second stage in this long fight by expanding social security to insure care for the medical needs of our senior citizens.

How can we stand idly by while serious illness wipes out retirement savings of many of the aged.

The war on poverty will reach a new level of intensity with the passage of this medical care bill.

I am sure that we all want a society which protects its citizens against poverty and gives them the best opportunities for advancement.

The medical care bill we are considering today will be amongst this generation's greatest contributions to the well-being of Americans and I am proud and humble to stand beside those who will cast their votes in its favor.

Mr. CLEVELAND. Mr. Chairman, the Republican medical care proposal to be offered as the Byrnes amendment, is far superior and much fairer than the administration's medical care plan, which is included as part of H.R. 6675, the Social Security Amendments Act of 1965.

I shall vote for the Republican amendment and I urge the House to accept it in place of the administration's bill. If the Republican amendment is not adopted then I shall vote for H.R. 6675 but with some reluctance.

While I am glad that Congress is about to enact an improved program of medical care for the aged, I am sorry that it has chosen what I consider a less satisfactory plan than some of these which have been proposed. It is regrettable that the issue of medical care for the aged is not presented to the House as a separate bill rather than as part of a massive program of social security reforms which includes many areas not related to medical care problems. This method of mixing a variety of major issues in one bill may be clever politics but it is a bad way to legislate. It is indeed regrettable that a bill 296 pages in length has not been scrutinized at public hearings.

MANY IMPROVEMENTS IN BILL

The bill contains many improvements which I have urged since I came to Congress. I am in accord with amendments in the bill which would increase benefits by 7 percent across the board with a $4 minimum increase for a worker although I do not consider these increases enough for those in greatest need. I am also in accord with amendments to continue benefits to age 22 for certain children while they are in school, provide tax-exemption for certain religious groups, such as the Amish, liberalize and clarify the definition for disability insurance benefits, and increase the amount an individual is permitted to earn without suffering full deductions from benefits. I voted for all of these improvements that were offered in last year's bill, and have urged adoption of the others. The monthly increase in benefits to the very needy, however, are far too low as I have indicated.

The minimum benefit that a person can now receive under social security is $40 a month. This bill would raise that to the "munificent" sum of $44. This does not begin to touch the amount needed to make up for the increasing cost of living caused by the lowered buying power of the dollar—in other words inflation.

GOP PLAN BROADER AND SOUNDER

If the Republican medical care program were adopted instead of the plan that is in this bill, additional funds would be available to bring these monthly benefits to a realistic level. That is because the Republican program would cost less at the start and would not become the great burden on the social security system which the administration program will be.

It is unsound to lock the medical care program into the social security program. This means the imposition of a heavy payroll tax that is scheduled to be increased over the years and which may well have to be raised far beyond present expectations.

A payroll tax is the harshest kind of tax. It is paid by rich and poor in equal amounts. It falls lightly on the rich but presses heavily upon those of modest means, and is bad for small business. The president of a corporation pays the same as the employee and both will usually receive the same benefits.

ONLY LIMITED FUNDS AVAILABLE

There is only so much money available for medical care. Every drain on the total pool for unnecessary purposes lowers the amount available for vital purposes—that is, helping those that are in real need. Yet, under the administration's bill, large sums will be allocated to those who can pay their own bills. Other basic Federal programs recognize this and are geared to place their benefits where they are most needed. Federal housing, veterans pensions, student loans, old-age assistance, aid to dependent children, and others help those in need but cannot be used to enrich those who are not.

Furthermore, the new schedule of payroll taxes imposed by the bill threatens to wipe out the benefits of the income tax reductions for many.

OTHER GOOD AMENDMENTS IN BILL

There are other amendments in this bill which I have supported in the past; providing for medical aid to dependent children, the blind, and the disabled; services for maternal and child health, crippled children, and the mentally retarded; and a 5-year program of special grants for health services for children. I fully support these amendments.

I also support the system of voluntary insurance that will supplement the basic medical care provisions. We Republicans have consistently pointed out the inadequacies of that basic program and I wish only that Republican principles had been adopted for the entire plan.

The Republican program would be financed wholly apart from the social security system and would never threaten the ability of the system to meet future increases in cash payments. Under the Republican program, a participating individual would pay only when he reached the age of 65, not for up to 44 years in advance. It would be voluntary and would reduce or eliminate the duplication of coverage for those who already have private programs.

The administration bill does not meet the problem of catastrophic illness. The Republican bill covers catastrophic illness up to a lifetime maximum of $40,000. Drugs and physicians' costs also are included in our bill but the administration bill omits these.

The Republican bill is flexible and could be opened up or changed with relative ease in the future. The administration's bill is rigid and will not be easy to alter.

It is well to enact a medical care program, Mr. Speaker, but let us do it wisely. We are building something permanent for all the foreseeable future. Let us do it right at the outset.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this historic legislation which will give our Nation's senior citizens a new lease on hope and confidence during their major illnesses in old age.

This undoubtedly is the most significant piece of legislation to come before the Congress of the United States in this decade.

The provisions of this historic bill are sweeping in scope, but they have been carefully designed to provide the highest degree of protection for the complete freedom of the American medical profession, while at the same time giving our senior citizens full access to their hospital and surgical needs in old age.

I have never been more proud to cast my vote for any legislation than I am today in support of this medicare bill.

This bill also provides for our senior citizens a 7-percent across-the-board increase in their monthly benefits, with a

$4 a month minimum for those who have retired at age 65 or older.

It provides continuing benefits to age 22 for children attending school. It also provides actuarially reduced benefits for widows at age 60.

This bill also liberalizes the definition and waiting period of disability insurance benefits, thus providing a new source of assistance to those heretofore denied disability benefits under social security.

It also provides for the payment of benefits on a transitional basis to persons currently 72 years of age or older who are now ineligible.

This bill also increases the amount an individual is permitted to earn without losing social security benefits.

This bill also, for the first time, brings under its coverage self-employed physicians, waiters and waitresses, and other people whose main source of income comes from cash tips.

The medicare amendments and other amendments being proposed here today constitute the most sweeping overhauling of the Social Security Act since its adoption some 30 years ago.

Every one of these amendments has been carefully considered in the light of the good it will do for the people of America.

Mr. Chairman, I think it is significant to see how many people will benefit from each of the categories provided in this bill.

More than 17 million senior citizens who are now drawing social security benefits, and 2 million additional old people who are not under social security will qualify for extended hospital coverage beginning July 1, 1966.

These senior citizens will be able to select their own doctor and the hospital of their choice for their hospital care under this bill.

A similar number of Americans will be able to purchase additional coverage to include all surgical care through the doctor of their own personal choice for the modest sum of $3 a month.

Also, Mr. Chairman, 20 million Americans now receiving social security benefits will receive the 7-percent increase in monthly benefits. In the case of a husband and wife who are on social security, the 7-percent increase will apply to each individual.

More than 295,000 children will continue to draw social security benefits up to the age of 22 if they are in school.

More than 185,000 widows will come under social security coverage through the reduced age for widows in this bill.

An additional 355,000 persons will be able to benefit from social security payments under the reduction in eligibility requirements for certain persons age 72 or over under the bill before us today.

Finally, Mr. Chairman, an additional 155,000 workers and dependents will be able to qualify for social security benefits under the liberalized requirements for disability.

Throughout my district, Mr. Chairman, tens of thousands of my constituents will find increased benefits under the bill we are about to approve today.

Mr. Chairman, I think it is important to note the additional cost of these benefits to all wage earners effective January 1, 1966.

Under the provisions of this bill the average American worker will contribute an additional $20 in 1966 for the extended hospital benefits to senior citizens. In 1967 the figure will go up to $28 a year. In 1971 it will go up to $33 a year. By 1975 it will go up to $36 a year.

This additional money will be placed into a special health benefits fund and will not be commingled with the rest of the social security funds from which senior citizens draw their monthly retirement benefits.

I am confident that when those who oppose medicare become fully familiarized with the provisions of this legislation and especially the unequivocal guarantees against any socialization of the American medical profession, they will be satisfied that this is very worthy legislation.

Mr. DUNCAN of Oregon. Mr. Chairman, one of the great rewards of legislative service is to watch the growth of a great legislative concept from its birth as an idea of the mind, perhaps, of a single citizen, through the long years of tempering, in the forge of public opinion and legislative debate, to its maturity, as the law of the land.

The course is frequently a stormy and tortuous one, it is seldom a straight one, it is often a long one. And on this voyage the child gets stronger and stronger, sometimes appearing to go under but always reappearing.

With respect to these major concepts one knows, or one senses, that time is on their side. They will, ultimately, prevail. And there inevitably comes a time when they must prevail, because they have grown in the great democratic marketplace of ideas into adulthood.

Along this tempestuous course many contributions are made to the vitality of this idea. Some contributions come from friends, some from foes; each adds to its strength.

So with medical care to the aged. The time is ripe. The idea whose time has come and, than which there is no stronger force, is upon us. It has thrived on praise and, even more, on criticism, for from its severest critics have come its most vigorous attributes.

I have been criticized for saying that I hoped ultimately out of this crucible would come a bill which would enjoy the support of all. There were those who wrote and said that anything the doctors were for they were against, for the doctors had been the most vigorous of medicare's enemies. With these people I disagreed, for upon the medical profession depends so much the success or failure of this great innovation in American life—for these people are the practitioners of the healing arts who have made in our time progress far exceeding our fondest dreams. Without their cooperation, tacitly or otherwise, this bill cannot succeed. I am confident it will have their support for the will of the majority will today speak. And the Nation will enjoy, as always, their wholehearted cooperation.

And while this bill does not today yet enjoy the vocal support of the medical profession, it will tomorrow. Today this great legislative concept is ripening into maturity and no group has made a greater contribution toward its ultimate shape than has the medical profession albeit unwillingly and perhaps unwittingly.

The doctors' greatest fear has been not that King-Anderson included them within its bounds for it did not. They feared, rather, their eventual inclusion in proposals still to come which they feared would destroy their freedom and their historic patient-doctor relationship. I have consistently advocated that provisions for the handling of doctors' bills be frozen at the outset into the private sector of our economy—handled through private insurers—so as to obviate that fear and so as to broaden the coverage. Today we have accomplished this. Tomorrow the medical profession will laud our wisdom.

We have further insisted upon a deductible provision, to guarantee, as near we can, against abuses, though we have still another guarantee; namely, the integrity of the medical profession who will, I know, require hospitalization for none who do not need it, but who will be able to prescribe solely for medical reasons, rather than having their judgment contaminated by economical considerations unrelated to the requirements of the infirmity.

In effect, today we free the medical profession in the treatment of the aged from shackles forged from dollar signs.

The integrity of the old-age and survivors insurance fund and the disability fund is preserved. Traditional social security benefits and an improved Kerr-Mills is made more workable. In short, many of the valid criticisms leveled at the King-Anderson proposal have been silenced.

Costs, we were told, are high. There is no change in the costs. The need exists as everyone now admits. We will either fail to meet that need—which no one advocates—or we will pay it one way or the other—by private charity, by service rendered free of charge by the doctors themselves, or by an insurance program paid for by those who use it, making contributions during the productive years of their lives, that they may have security and care during their nonproductive years. There is no cheap way—neither the way we are now inadequately meeting the need, nor the alternate Byrnes proposal, nor what we will this day do. We choose today only between methods and are choosing one which will render service with dignity, and which will permit the medical profession, to which we owe so much, to continue to practice with freedom and with dignity. I would, as would all of us, prefer that this problem would have been handled by the private insurers. But they have not and, I am convinced, cannot.

Today our elder citizens will thank us; tomorrow the medical profession and the entire country will thank us.

Mr. RANDALL. Mr. Chairman, in just a few moments we are going to be asked to vote on the substitute proposal of the gentleman from Wisconsin [Mr. BYRNES]. As we deliberate whether to accept the substitute, it is important to keep firmly in mind the general provisions of the main bill as reported by the committee. Therefore, let me recapitulate briefly a few salient points about the basic structure of the committee proposal.

In addition to the health care package contained in H.R. 6675, the committee bill provides for improvement and expansion of benefits in the social security system and for certain other improvements in child care and public assistance programs. These provisions do not seem to be contested on either side of the center aisle, but they are nevertheless important.

The old-age, survivors, and disability insurance program will be improved in several important respects. First, the beneficiaries of the social security program will receive an across-the-board increase in benefits of 7 percent, with a minimum increase of $4 per month. Second, payment eligibility requirements will be liberalized to permit assistance to some 990,000 new beneficiaries—295,000 dependent children will benefit by receiving benefits when they continue in school up to age 22; 185,000 widows will be able to participate in the program at age 60 by receiving actuarially reduced benefits; 355,000 persons 72 years and older will be able to receive transitional social security benefits for the first time. Finally, 155,000 workers and dependents will receive eligibility as a result of much needed changes in definitions under the disability benefit program.

The medical package contained in the Social Security Amendments of 1965 is divided into three separate, but complementary, packages. They are first, a basic plan of hospitalization and nursing care insurance; second, an optional program to pay for doctors' fees and other specialized health care; and third, improvements of existing medical programs under the social security and Kerr-Mills programs. It is here that the controversy centers, for these are the provisions which would be changed under the Byrnes substitute.

The first part of the medical package is establishment of a separate social security trust fund, financed through a separate payroll tax, to provide protection against the cost of hospital and nursing care. With certain revisions to protect further the independence of specialized medical personnel, this part of the package is similar to the so-called King-Anderson proposal. Persons entitled to benefits under the plan would be eligible to have payments made for inpatient hospital care and for important additional benefits covering posthospital extended care, posthospital home health services, and certain outpatient hospital diagnostic studies. Over the long run, virtually all citizens who have attained the age of 65 will earn entitlement for this program.

The second part of the medical package is a supplementary and voluntary program providing money for the payment of physicians' fees and other medical and health services over and above those contained in the first part. This program of voluntary insurance would cover physicians' services, additional home health visits, care in psychiatric hospitals and a variety of medical and other services not covered in the basic hospital insurance plan. The plan will pay for 80 percent of the cost of such services above an initial $50 deductible.

This optional program will be financed through $3 monthly contributions from individual participants, matched by $3 per participant paid from general Federal revenues. Since the minimum increase in social security payments will be $4, most older citizens will have additional income available to make payments. However, changes have been made in the Kerr-Mills program to permit the States to make a $3 payment on behalf of any individuals who for financial reasons would be unable to enroll in the plan.

Mr. Chairman, inclusion of this supplementary option in the committee bill has met one of the major criteria on which I have previously conditioned my support for medical care to the aged. I have always believed that once the most basic and most expensive medical needs have been guaranteed, the Congress should permit the individual to decide for himself the extent to which he further desires to receive federally supported medical care. Now, under this bill, the citizen will not only have an option respecting payment of physicians' services, but he will also get an additional tax break on any private health insurance program in which he might wish to enroll.

I might also point out that provisions relating to payment of doctors' fees under this section of the bill are almost identical to provisions governing payment of doctor bills in the Republican substitute motion. Physicians are given identical treatment in both proposals. As Chairman MILLS so eloquently pointed out in yesterday's debate, there is not one solitary thing in this committee bill that carries any threat to the medical profession of this country that could not also be said of the bill offered in the form of a substitute by the gentleman from Wisconsin.

Both bills deal only indirectly with physicians. Both bills permit the physician to make his own payment arrangements with patients if so desired. And both bills leave the choice of physician up to the individual enrollee. Moreover, both bills have strong provisions giving physicians, through their professional associations, a large role in establishing standards for quality medical care.

A third part of the medical package in the committee bill is a group of revisions which improve existing provisions of the Kerr-Mills program, by which generous Federal matching grants enable the States to provide medical care on behalf of aged persons having enough income for their basic maintenance, but not enough income for medical care costs. These changes will have at least three beneficial effects.

First, they guarantee that if State medical care is given to the needy, it will at least provide for payment of deductibles under basic hospital insurance provisions of the main bill. Such deductibles amount to the first $40 of inpatient hospital care, for each spell of illness, and $20 for outpatient diagnostic services.

Second, all needy persons receiving medical benefits under current provisions of the Social Security Act will receive equal treatment from the States under the new law. No State plan will be permitted to discriminate in eligibility requirements or in amount, scope, or duration of medical assistance among different groups of the needy recognized by State or Federal laws. Thus the most needy in a State having a Kerr-Mills type program will receive no less comprehensive care than those who are not as needy. The blind, the permanently disabled, the dependent children, and the elderly who now receive medical aid under existing social security provisions would be made an integral and equal part of any Kerr-Mills program of aid to the needy.

Third, the Kerr-Mills changes include certain minimum program standards designed to eliminate inequities in some State programs, as revealed in recent House and Senate testimony. The most important of these standards relate to eligibility requirements for participation in State programs. Under existing law, several States have been permitted to establish so-called means tests, setting a hard and arbitrary cutoff point for medical assistance related solely to personal income. Henceforth under the changed committee bill, any financial eligibility tests will have to take into account the financial burden caused by the illness itself, in addition to the regular income of the recipient. Thus in no instance may a State require the use of income or resources which would bring the individual below the test of eligibility under the State plan. For instance, if the test of eligibility should be $2,000 a year, an individual with income in excess of that amount shall not be required to use his income to the extent he has remaining less than $2,000. This simple change makes the Kerr-Mills program far more workable and equitable than it was as originally written.

What does the gentleman from Wisconsin propose to substitute for the program I have just outlined? The gentleman would preserve intact all provisions relating to social security revisions and public welfare. He and his colleagues would even accept as beneficial the Kerr-Mills' changes, despite traditional Republican dissent from previous Democratic critiques of its inadequacies. But in place of the two separate programs to provide adequately and conservatively financed medical care to the aged, he would substitute a single voluntary insurance program financed by recipient payments and from general Federal revenues.

Mr. Chairman, I am opposed to this substitute proposal. I am not only opposed to the false claims that it would treat the doctor-patient relationship differently than the administration bill, but I also reject the absurd claim that somehow the Republican substitute can provide more care for less money. There are only two ways that the substitute plan could cost less, and provide more benefits. One would be to use different and less conservative assumptions about the expected cost of medical services. The other would be to pass the costs on to the elderly themselves. The first would be fraudulent, and the second would be cruel.

But Mr. Chairman, we can take the gentleman's cost estimates at face value. The big argument still remains that the Republican proposal will be paid for out of tax funds, whereas the committee bill will be based on a payroll deduction which would be an element of cost and absorbed as a part of production. Those who are really sincere about deficit financing and those who are honestly concerned about the size of our national debt should be genuinely concerned about the Byrnes proposal to increase our national debt by $3 billion. Not only will the proposal lead to an initial debt increase, but it will also be more likely to expand rapidly than a program based on payroll taxes.

I hazarded a prediction in debate earlier today that when the present opponents find out what the real content of this measure is, they would change and become its strongest proponents.

I am going to be brave enough to make a second prediction. It is that this bill will become increasingly acceptable to the medical profession. Over the years ahead physicians will look upon the plan with enthusiasm along with all the recipients as they see the plan in operation.

Today is a historic day in this House. The scene here is quite dramatic because within the past 10 days this House of Representatives will have passed two historic measures—the bill to provide for Federal assistance to elementary and secondary education, and this great health bill. If there was ever an instance of democracy at work in a constructive manner and in a cycle of dynamic action, it has been in the last 2 weeks in this House of Representatives.

Mr. QUIE. Mr. Chairman, I have just had to make the most difficult decision of my political career.

There are many portions of this bill to provide medical care for the aged which I support. Many of these portions I have long advocated and I must admit that it is with great regret that they are united in the same bill with such an unwise, unsound, and regressive method of taxation to finance one portion of this bill as is the payroll tax. It is unreasonable in the threat which it poses to the entire social security system, which is the basic retirement system on which millions of our elderly people depend. It is unsound in that it is unfair to those who are now working. It is regressive because it puts the heaviest burden on those who are least able to pay.

Mr. Chairman, it is my duty as a Congressman to think not of political benefits, not of just one segment of our population, but of every citizen. I believe that a bill which discriminates against one portion of the population in order to give vast compulsory benefits to another segment is unjust and unfair. I think that any bill which threatens the future well-being of any segment of the population by threatening the retirement benefits for which they have paid throughout their working lives is unjust and unfair.

If I were to stand alone in my opposition, I would have to do so, for this is a matter of principle and this bill is wrong in principle.

And I regret it, because it applies only to one portion of the bill. That is the "hospicare" portion which was originally sold to the American people under the false label of "medicare." It took the energy and devotion to fairness and duty of the Republican side of the aisle to bring this bill as far along the road to equity as it has gotten. Unfortunately, the last milestone toward reason will have been missed if this afternoon's motion to recommit does not prevail. If it does, I can wholeheartedly support this measure when it comes back in revised form.

And what, you ask, do I find wrong with the "hospicare" portion of this measure?

First. It is a threat to the entire social security system. There are over 20 million Americans drawing social security benefits right now. Are we to risk their futures for the sake of what started out, at best, as a hastily concocted political pipedream of the 1962 elections?

It would risk the entire social security system because the future costs of service benefits are impossible to accurately estimate. We do know that the costs of hospital services are constantly rising. There is a limit to the money that can be extracted from the workers through a payroll tax. And we do know that both of the existing funds—both the disability trust fund and the old-age assistance trust fund—have been constantly shrinking. If mounting hospital costs raise the amount of benefits, the entire social security system could well be in jeopardy.

Second. It is unfair to workers because, in its regressive nature, it is begun on the first dollar earned and continues up to $5,600 of earnings, where it stops. In other words, the worker on the assembly line or in the office or on the farm pays just as much as does the president of the corporation.

As my colleague, the gentleman from Wisconsin [Mr. BYRNES], who has sponsored such an outstanding alternative to this bill has pointed out, a worker earning $3,600 annually, with a wife and two children to support, will pay $250 a year in income and social security taxes in 1966 if this bill passes. A retired couple with $3,600 income will receive the protection paid for by the young worker, yet, with lower living costs, will pay no income tax, no social security tax, and no hospitalization tax.

Mr. Chairman, I submit that when the elderly people of this Nation find out what this program is doing to their children they will find no justification in it. But they will not be able to drop it—for it is compulsory.

As can be seen from the illustrations this regressive tax hits those least able to pay the hardest. And I note that there are no exemptions for dependents, no deductions for unusual expenses, no exclusions, and no tax credits. There is no consideration of ability to pay. A man with good health and no family pays the same as a man with a large family and heavy doctor bills.

Back home in Minnesota, they are now debating the merits of a State sales tax. The argument is often used by the Democratic administration of my State that a sales tax is "regressive." Mr. Chairman, a sales tax pales in comparison to the insidious regressiveness of this tax which the national Democratic administration now offers.

Mr. Chairman, in good conscience can I—can any of us—threaten the retirement benefits of 20 million Americans, place our children and our children's children under the grinding yoke of taxation which this bill promises and, to complete the calumny of the situation, take heaviest by comparison from the "have-nots" rather than the "haves"?

Mr. Chairman, my conscience does not allow it. If this payroll tax is not removed from this bill, I will vote "no." I would hope that a majority of my colleagues would do likewise. There is nothing sacrosanct about H.R. 1—the King-Anderson bill—which heads this bill. There is nothing sacrosanct about the idea of this being "our No. 1 item of business."

As far as I am concerned, it is still a No. 1 item of business—if we can only start over and have a reasonable bill.

In this regard, I would like to commend the gentleman from Wisconsin [Mr. BYRNES] who has sponsored the Republican alternative of which I spoke earlier. It is a fine piece of legislation. Some portions of it have been incorporated into this bill now before us.

I should also like to commend the American Medical Association for giving us the benefit of the eldercare proposal. I note that portions of it have also been included in the final version.

If either one of these two pieces of legislation stood before us alone, I could support them. Chopped up, tacked together, and imprisoned side by side with the regressive features of hospicare they are robbed of much of their potency. But I predict that if this unwise measure gains passage that these two portions of the bill are the ones which we shall remember as having truly been in the interests of the American people.

I should also like to commend the committee and all those responsible for including a liberalization of basic social security benefits in this bill, although I believe they should have been considered separately so that all of us could have voted in favor of them. I have long advocated them. After all, there has been no increase in these benefits and no liberalization of requirements since 1958 and the cost of living and many other economic factors have changed drastically since that time.

Mr. Chairman, I believe that a comparison of the Republican substitute with the committee bill now before us will clearly show why I support this substitute which will be offered by the gentleman from Wisconsin [Mr. BYRNES].

Comparison of programs of health insurance for the aged

	Committee bill (H.R. 6675)		Republican substitute (H.R. 7057)—Comprehensive insurance program
	Hospitalization program	Medical services program	
Eligibility	Persons over age 65 (excluding Federal employees retired after 1959) without regard to social security status, and persons reaching age 65 after the year 1967 with required social security coverage.	All persons over age 65 without regard to social security coverage.	All persons over age 65 without regard to social security coverage.
Enrollment	No enrollment required	Enrollment and payment of premium required. Premium may be paid by social security allotment.	Enrollment and payment of premium required. Premium may be paid by social security allotment.
Cost to the insured.	Benefits extended to eligible persons without cost to the insured.	Premium contribution of $3 per month required of the insured.	Premium contribution required of insured based on cash benefits under social security. Average premium about $6.50 per month.
Benefits	1. Hospital charges for up to 60 days of hospitalization followed by 20 days of nursing home care subject to a $40 deductible. Hospital period may be exchanged for nursing home care on a 1-to-2 ratio up to a total of 100 days of nursing home care. Benefit limitations apply to a "spell of illness," which continues until lapse of 60 consecutive days during which no benefits are received. 2. Home health services up to 100 visits following a period of hospitalization. 3. Hospital outpatient diagnostic services subject to a $20 deductible for each 20 days.	Physicians' and doctors' services, home health services, limited psychiatric hospitalization, and miscellaneous medical services in and out of medical institutions, subject to a deductible of $50, with 20 percent of the charges to be paid by patient.	1. Hospital charges for room and board up to $1,000 without a deductible. 2. All additional hospital charges, including room and board subject to a deductible of $25 with 20 percent to be paid by patient. 3. Any and all other recognizable medical expense, in or out of the hospital, including physicians, surgeons, private nurses, and prescribed drugs. Subject to a deductible of $25 to $50 overall, with the patient paying 20 percent of the charges. 4. Benefits are subject to a lifetime maximum of $40,000, with restoration of maximum where annual benefits do not exceed $1,000.
Financing	Payroll tax beginning with a rate of 0.70 percent on $5,600 and increasing to a maximum of 1.60 percent on $6,600, applicable to employers, employees, and self-employed alike.	Premium contributions by the insured (½) and general revenues (½).	Premium contributions by the insured (⅓) and general revenues (⅔).
Benefits financed by tax revenues, 1st full year.	$2,300,000,000 [1]	$560,000,000 based upon 80-percent participation.[1]	$2,000,000,000 based upon 90-percent participation.[1]

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[1] Benefit cost will also be offset by savings in other Federal programs and by increased Federal tax revenues. Total offset under combined programs in committee bill and under Republican program would be approximately the same—about $300,000,000 to $500,000,000.

In conclusion, Mr. Chairman, I shall vote to recommit this measure so that it can be improved by inclusion of the Republican substitute provisions for hospital care so that we can have a truly equitable and reasonable system in the United States, providing medical-surgical and hospital care for our elderly citizens. But if the motion to recommit fails, I must follow my conscience and vote "no."

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KEITH].

Mr. KEITH. I wanted to ask the gentleman a question. As I attended the Rules Committee hearings on this bill, the question of participation of State employees came up. As I understand it, retired State employees can be covered in their current status but there is only a reopening for a limited period of years for currently employed State employees. My question is: Can the currently employed State employees join in just the health portion of this program or must they join both?

Mr. MILLS. They would have to join the cash benefit program as well as the basic health benefit program.

Mr. KEITH. Thank you, Mr. Chairman.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. UTT].

Mr. UTT. Mr. Chairman, I take the floor at this time to place into the RECORD some of the reasons why I oppose the bill. I have no idea that I am going to influence anybody's vote, but I do believe the RECORD should be complete on some of the areas which I believe have been misrepresented.

I do not happen to be one of those who is dazzled by the great majority President Johnson obtained last November. It seems that when every bill comes up now it is referred to as a mandate of last November's election—the school bill, the medicare bill, the Appalachia bill, and I assume the voting bill.

I wish someone were wise enough to allocate the number of votes that belongs to each one of those programs. The President did carry about one-third of my district, I would say, and he carried it mainly because he was not going to put troops in South Vietnam. I should like to know the number of votes one might assign to the President for saying that Mr. Goldwater was "trigger happy" and might bring on a war, and therefore, "if you don't want war, vote for me."

I remember that back in 1916, the slogan was to elect Mr. Wilson, "He kept us out of war."

I remember that 16 years later, someone said, "I hate war, and Eleanor hates war," so we elected another President, and almost before he was inaugurated again, we were in the middle of a big war.

Let us not attach all of the majority the President won in the last election to a mandate to pass social security amendments, medicare, school aid, and these other programs.

I believe we are advancing on three false assumptions.

First, in my estimation, we are saying here that everyone over 65 is a pauper and everyone under 65 is rolling in wealth. The young man on a payroll, working and putting his children through school, it is said, can take care of his medical expenses. He can dress his children, clothe them, and also make a great contribution toward paying medical costs of older people. That simply is not so.

A great number of people over 65 have their homes paid for. They have incomes. They are able to take care of their own medical expenses. We now have a program to take care of the indigent.

So do not believe that all we are doing here is passing out benefits, because for every benefit we give, there is a tax. Do not forget that we will pass today a $6 billion tax bill. Somebody will have to pay it. The man who has an income will pay and the man on a payroll will pay on a payroll tax. It is not all for free.

I can recall when we talked about a tax reduction and what a stimulant that was going to be to the country, to plow $11 or $12 billion back into the economy. Today, we are taking $6 billion out of the economy again, and we will take it from one to give it to another. That does not create prosperity. It is class legislation. It is like taking water out of one bucket and putting it in another bucket and saying, "We have more water." We cannot do it. We do not create wealth and do not create prosperity by so doing.

This same committee will be before us next month seeking a reduction in excise taxes. I support it.

I have not voted in 12 years to continue the Korean excise taxes. I am for a reduction in them. But the great argument is that a $2 billion cut in excise taxes will immediately help the economy. If a $2 billion tax cut will help the economy, what will taking $6 billion out of the economy do, except to cause a drag on the economy?

We are going on the assumption that this is not socialized medicine. Let me tell you here and now it is socialized medicine. Others are going to tell you that there will be intermediaries determining the costs and benefits to be given, and in no way is it socialized. The speaker just before me said that we are taking our first step today into the Great Society, which is the welfare state.

As we move on into the area of socialized medicine to the extent that Great Britain has today, the price tag will be in excess of $22 billion for socialized medicine alone. That would mean a doubling of the tax rate which we have at the present time. Today that is so high that we are hearing rumblings and recommendations coming out of the White House to the effect that there should be a graduated social security tax and not a flat tax. Otherwise, give us a $1,000 or $2,000 deduction for the man in the low bracket or a man who has a family, give him exemptions for that, and immediately it would cause a skyrocketing of the base so that it would be paid for by those in the high income brackets.

I am supporting a motion to recommit on one ground and on that one ground only, namely, it leaves the practice of medicine in the private segment of our economy. The committee bill, with its hospitalization and supplemental insurance, puts it exactly into the public sector of our economy. There will be people who argue that that is not so, but let me tell you the difference between them. Under the committee bill they will go to your hospital and will say, "We are going to put our patients in there at cost." The profit system is eliminated. It was the profit system which built America. They will go to hospital A and say, "What are your costs?" They will answer that they are so much per day. Then they will say, "Well, you have to eliminate your bad debt as part of cost. You have to eliminate your charity cases and shift the cost of taking care of older people onto the younger people." As a result there will be no profit and there will be a denial of the use of the best hospitals in America to these people. They will be forced to go to a nonprofit hospital. Let me tell you something about that now. The daily cost in a nonprofit hospital is oftentimes higher than it is in an efficiently operated hospital run for profit. So I think we should not eliminate profit. The Byrnes bill provides that you shall pay the reasonable going cost in the area.

Therefore you are allowed to make a profit. Profit is the only motivation for excellence. We are going to have a decline in the quality and the quantity of medicine in America. That is the thing which I oppose. I am not worried about the doctors. They are pretty smart boys and are able to take care of themselves. But when I have a child or a grandchild who needs some attention, I want him to have it now and not have to go on a long waiting list, just as they do in England where 200,000 or 300,000 people will be waiting 2 or 3 years before they can go to the hospital.

Since World War II under the system of socialized medicine in Great Britain there has been one hospital built. At the same time in America, with our private system of medicine, we have built 802 new hospitals. So, make your choice as to whether you want good quality medicine and good quantity of medicine or whether you are going to think you will get something for nothing, because if you think you are going to get something for nothing, you are not going to get anything which is very good. Let us not go on the assumption here that we are not destroying the quality and the quantity of medicine and that we are not socializing medicine, because that is exactly what we are doing.

Mr. Chairman, for those reasons I urge the support of the recommittal motion and the adoption of the Byrnes proposal and a final no vote if the Byrnes recommittal motion is not passed.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE LATE HON. MELVIN D. EDDY

Mr. ROUDEBUSH. Mr. Chairman, it is my sad duty today to report to the Members of this body that a very distinguished American has passed away.

I refer to Mr. Melvin D. Eddy, of Belmont, Mass., who was serving as National Commander of the Veterans of World War I, at the time of his death today in his home community.

I am sure that many Members of this body were well acquainted with Mr. Eddy, and are aware of the fine job he performed as national commander of the Veterans of World War I.

Mr. Eddy also was a member of the American Legion and the Veterans of Foreign Wars, two memberships he cherished very dearly.

I wish to express my sincerest condolences to Mr. Eddy's widow, Gertrude, and his 4 children, 1 stepchild, 19 grandchildren, and 2 great grandchildren.

Mr. Eddy, who would have been 68 years old this fall, was born on October 22, 1897, in North Harpersfield, N.Y.

He enlisted on May 17, 1917, in the U.S. Navy, at Albany, N.Y., and served aboard the U.S.S. *Pennsylvania*, and the U.S.S. *Canandaigua*.

His duty carried him overseas to Scotland, and he was engaged in minelaying activities from the North Sea to the English Channel, as our naval forces tried and succeeded in stemming the great German U-boat threat to our English allies, and our own shores.

Mr. Eddy was honorably discharged on January 22, 1918, as a yeoman, second class.

His present duties as National Commander of the Veterans of World War I, date back to his election on September 16, 1964.

Mr. Eddy, who became ill last December, had been a salesman for 15 years, and for the past 22 years before his recent retirement he was associated with the Raytheon Co., of Newton and Waltham, Mass., as a machinist, toolmaker, and diemaker.

For the past 11 years he also was a precision inspector of machine parts.

Mr. Eddy's long service to his country and veteran's organizations dates back to 1919 when he became a member of the North Sea Mine Force Association.

Since 1956, Mr. Eddy had held elective and appointive office in the Veterans of World War I.

He had served this organization as barracks senior vice commander of his own barracks, up through the ranks to the position of top national leadership he held at the time of his death.

He also was a charter member and helped to organize the Belmont, Mass., Barracks No. 457, and served as his barracks commander in 1957.

He subsequently served as national-aide-de-camp in 1957–58; senior vice commander of the department of Massachusetts, 1958; department commander, 1958–59; national legislative commission member, 1958–59; national legislative director, 1961–62; national junior vice commander, 1962–63, and national senior vice commander, 1963–64.

Mr. Chairman, we have lost a truly great American and a distinguished veteran. The loss of Commander Eddy will be felt.

Commander Eddy will be sorely missed. Thank you.

Mr. MORSE. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am delighted to yield to the gentleman from Massachusetts.

Mr. MORSE. Mr. Chairman, I share the shock and grief of other Members of the House at the passing of Melvin D. Eddy, National Commander of the Veterans of World War I.

As Deputy Administrator of Veterans Affairs and as a Member of Congress, I had frequent contacts with Mr. Eddy and found him always a gentleman, always concerned with the welfare of veterans of all wars. Although his primary activities were on behalf of the Veterans of World War I, Mr. Eddy was an active member of the American Legion and the Veterans of Foreign Wars.

Long active in Massachusetts veterans affairs, Mr. Eddy was a well-known figure and his untiring effort on behalf of veterans was known all over the Commonwealth.

I was proud to call Melvin Eddy my friend and I share the grief of his wife and family on this sad day. He leaves a noble legacy of public service that will not be forgotten.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentlewoman from Michigan, [Mrs. GRIFFITHS].

Mrs. GRIFFITHS. Mr. Chairman, on behalf of the Michigan delegation I would like to thank the Speaker for inviting the distinguished gentleman from Michigan [Mr. DINGELL] to preside over the Committee of the Whole during the consideration of this social security bill which includes medicare. The gentleman from Michigan is an ardent supporter of medicare as was his distinguished father before him. It is fitting that the son preside over the materialization of the father's dream.

On my own I would like to thank the gentleman from Arkansas [Mr. MILLS], the chairman of this committee, for his patient and painstaking effort to produce this excellent bill which far exceeds in benefits at this time the wildest hopes of the most devoted supporter of medicare.

This bill is no rubber stamp to the administration. It is a better bill than any administration ever supported. And yet, in my opinion, the benefit program is conservatively estimated. It has already been mentioned, but as a Member of the majority, I should like to express my gratitude also to the gentleman from Wisconsin, the ranking minority Member for this great assistance in the drafting of this bill.

It has been suggested that when this bill goes into effect hospital costs will rise. The answer is, Mr. Chairman, that whether this bill goes into effect or not hospital costs will rise and the tax levied in this bill anticipates that rise and provides for it.

At the present time hospital wages are less than 70 percent of the mean average of industrial wages. Hospitals, as you are aware, employ an unusually high percentage of women. Many of these, the nurses, the technicians, the dietitians, are some of the most highly skilled of all women. And now I want to make it absolutely clear that when I vote for this bill I hope these women do get a raise in their wages.

The average nurse today, working as a nurse, draws $4,000 per year. She is not even drawing the social security base pay. A factory worker, a sweeper on his first day at work in the city of Detroit, makes more money than a trained nurse.

In addition, the factory sweeper in most plants is furnished with clean uniforms at the expense of the factory. In a hospital, insofar as I know, all doctors are furnished with clean uniforms. Most male orderlies are furnished with clean uniforms. However, few hospitals furnish clean uniforms to nurses.

Mr. Chairman, perhaps, this is why one-half of the trained nurses no longer practice their profession. As this bill goes into effect, it is time that the administrators of hospitals take cognizance of what industry has known for a long time; the better trained the work force, the lower the unit cost. That is, three ward orderlies do not really replace one trained nurse. They are merely more expensive.

Mr. Chairman, if this bill is effective it must employ the skilled services of women. In my judgment they should be paid in accordance with their skill.

Mr. Chairman, there is one other thing which I would like to mention in regard to women hospital employees. In this bill the Secretary of the Department of Health, Education, and Welfare is authorized to set up several advisory committees. I suggest that since women are going to have to do the work that the Secretary put some women on these committees and seek their advice at the policymaking level.

Mr. Chairman, I am for this bill. The increased cash benefit payment programs and the medical benefits, will in my opinion have a stimulating effect upon the economy. It is not necessary to reiterate that those people 65 and over seriously need the medical benefit part of this program. But, even if I were opposed on any grounds to the medical benefit program—and I assure you I am not—as a woman I would still consider supporting it.

Mr. Chairman, the medical benefit program is the second social security program that pays exactly the same benefits whether you are a man or a woman; that is, the woman does not receive one-half the benefits of her husband while he lives and 82 percent of his benefits when he dies. If you are a working wife, you are not permitted to choose between your rights as a worker or your rights as a wife or widow and select the greater benefit.

In this program, Mr. Chairman, you may be treated for different diseases, but whether you are a man or a woman worker, or a wife, a widow or a widower, the benefit period is exactly the same. It is unlike all other benefit programs but one. In all other programs the first question asked of a beneficiary is this: Is the claimant a man or a woman?

Mr. Chairman, I commend the chairman of the Committee on Ways and Means for his enlightened approach to this program and I heartily recommend that all other social security programs be hastily amended to provide benefits in the same manner.

The obstacle, of course, to the uniformity of the benefit payment has been created by time, the mores of our society and circumstance.

When the social security bill was first passed, approximately 21 percent of the labor force was female. Today it is 34.8 percent. Every young girl can now anticipate that she will work 25 years outside of her home. She will earn her own social security rights, but those rights are not as good as the rights earned by a man. Except for this medical program and one other program, the payment required to obtain her smaller benefit is the same payment that her male contemporary makes to secure a larger benefit.

Mr. Chairman, let me show the members of the committee how it works. Support Mr. X who is married to a nonworking wife pays in on a $4,800 base. At retirement he will draw $127 and his wife will draw $63.50, for a total of $190.50.

Suppose Mr. Y has a working wife and each of them pays in on a $2,400 base? Mrs. Y, because she works and pays into the program, can draw as a wife or a worker but not as both.

At retirement, although Mr. and Mrs. Y have paid in exactly the same amount of tax as Mr. X paid alone—both Mr. and Mrs. Y will draw $84 each for a total of $168 as opposed to a total of $190.50 by Mr. and Mrs. X. And if Mr. X and Mr. Y die, Mrs. X, the nonworking wife, will draw $105 and Mrs. Y, $84.

It is worse if Mrs. X and Mrs. Y die. Mr. X will draw $127 and Mr. Y, $84. Obviously Mrs. Y is helping to subsidize Mrs. X. It is also obvious that the social security paid by the Y's should be added together, and they should be permitted to draw on that basis—this would cost the social security system $1.8 billion annually.

For all of those lovers of means tests, I would like to show you now the meanest means test in the whole social-security program.

Supposing Mr. Y dies and Mrs. Y, after a period of mourning, and a quick look at that $84 per month, decides to marry again. She marries a retired man drawing $60 a month in veteran's pension. Naturally she assumes that since she is supplying one-half of the monthly income, her new husband will surely draw one-half of her social security. But she would be wrong. Social security will inquire into the whole circumstances and if by chance the new husband owned a house they could count the rent of that house at $25 a month and deny him the social security; but if Mrs. Y dies and Mr. Y marries again, they will ask the new Mrs. Y one question: "Are you drawing social security as a worker?" If her answer is "No," she gets one-half the amount Mr. Y receives, even if she is as rich as Doris Duke.

The original theory of social security, of course, was that men work and support wives and families, but this is not true any more. Women comprise more than one-third of the working force. They support 10 percent of all families. The medical benefits program for the second time in social security history has treated women as equals and pays exactly the same benefits to all, for which I am most grateful to the gentleman from Arkansas.

Wives have no vested right in social security, that is, originally in the social security setup, when a man died his widow was entitled to social security as long as she remained his widow. The moment she remarried she became somebody else's responsibility, and if he drew social security, after an appropriate time she drew as his wife. If he died and she did not have an established claim, she was out. This was corrected some time ago to permit her to return to her first husband's rights.

But a wife, married for 30 years to a man who paid into social security, and then divorced by him at a time too late to establish her own rights under social security, could not claim under the divorced husband. This bill to some extent corrects that situation—if they were married 20 years, and there is a decision of support, she can draw, or she can return to a dead first husband's rights.

There remain those people drawing social security and living in sin in racy Miami, who have discovered that the social security payment for a widow is greater than that for a wife—or that second marriages are penalized by reduced payments. The answer to this situation, it seems to me, is that payments should be on the total amount a couple pays into social security, and that the right of a wife should be as great as that of a widow.

These are problems that I feel will be solved by reexamination of the social security program in the light of the work experience and the need of beneficiaries of the last half of the 20th century, just as the medical benefits program has met that need in that reality.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Chairman, there are sweeteners in this bill and there are sweeteners in the hills of my home, the Ozarks. In logcabin days they used to keep a sweetening barrel by the door. One time a young man fell headfirst into the barrel and he came up licking his chops and said, "Oh, Lord, give me the tongue for this occasion."

I make the same prayer, today.

I come before you today as a physician—a member of the profession which is deeply and inextricably involved in the great issue before us.

Since coming to Congress, I have stood in the well of this House many times. Always, I have stood here in pride, and in appreciation for the honor bestowed on me by my fellow citizens who sent me here to represent them.

Whatever the matter before us on those occasions, I have searched with you for the answer to the one overriding question:

"What is best for the United States of America?"

That is the question we are striving to answer today. It is the spirit in which I am speaking to you now. Our opinions may differ, it is true, but our aim is the same. It must always be so if the noble heritage of which we are the trustees, is to endure.

Today, perhaps more than any other, I am honored to be standing here. For I am speaking not only for my constituents but for my profession. I am speaking for a system of health care which is universally recognized as the finest in the world. As a physician, I could not have a greater opportunity or responsibility. As a Representative in Congress, one must be delving, perceptive, informed, and decide judiciously.

The members of the medical profession, of which I am one, believe we have a responsibility to call to the attention of the public—our patients—any projected development which threatens the quality of medicine in this country.

On us falls the ultimate responsibility for treating the sick, overcoming disease, and assuring that medicine's achievements of the last 25 years will continue and multiply to the benefit of all mankind. That has been our task through our professional lives; it will still be our task when the tumult and the shouting on this issue dies and Congress turns to other questions of the hour, expressed in the vast store of bills awaiting its consideration.

The question is not, as stated by one who preceded me in this so-called debate, the care of senior citizens, but how best to assure them needed quality care. I shall vote for the motion to recommit, and against final passage regardless of the sweetening.

We are the ones who will be expected to go on providing "only the best" of medical care, care tailored to fit individual needs, to which Americans are accustomed, and which they properly demand. In the last analysis, we are the ones who must contend directly with this program and try to make it work.

PHYSICIANS' ACTIVITIES UNDER H.R. 6675

Page 15, line 20: "(2) a physician certifies (and recertifies)."

Page 16, line 3: "(A) in the case of inpatient hospital services."

Page 16, line 10: "(B) in the case of inpatient tuberculosis."

Page 16, line 18: "(C) in the case of posthospital extended care."

Page 17, line 8: "(D) in the case of posthospital home health services."

Page 17, line 24: "(E) in the case of outpatient hospital diagnostic services."

Utilization Review Plan

Page 74, line 16: "For such review to be made by either (A) a staff committee composed of two or more physicians."

Page 75, line 10: "For notification to the attending physician of any finding by the physician members of (the committee) that any further stay in the institution is not medically necessary."

Consequently, we cannot stand idly by now, as the Nation is urged to embark on an ill-conceived adventure in Government medicine, the end of which no one can see, and from which the patient is certain to be the ultimate sufferer.

For make no mistake about it: The medical profession will never deprive the people of high-quality medical care and the fruits of progress of medical science. That will come when the Government begins meddling and interfering with medical freedom.

What are some of the factors which, added together, clearly point to a deterioration of health care under a program of Government controlled medicine for any segment of the population? Let me list a few:

First. The basis for quality medical care is the voluntary relationship between the doctor and his patient. This would begin to disappear as the Government supplants the individual as the purchaser of health services.

An obvious attempt has been made in this legislation to conceal the grant of power which would be extended to the Secretary of Health, Education, and Welfare to interfere with administration and medical practice in participating hospitals. But the power is in the bill and its use by Government employees in carrying out their responsibilities toward the expenditure of Government funds cannot be doubted.

The result would inescapably be third-party intrusion in the practice of medicine. The physician's judgment would be open to question by others not responsible for the patient's well-being. His diagnostic and therapeutic decisions would be subject to disapproval by those controlling the expenditure of tax money. Paradoxically, his cooperation is required for proper function and certainly to avoid the abuse factor.

Second. As the Government fixed prices for service rendered—as indeed it must to protect the public purse—financial incentive would begin to melt away.

Third. The incentive of competition with one's peers, invariably the spark which ignites the flame of creative progress, would also fade since rivalry would be eliminated by virtue of centralized direction, be it practice or all-important bedside research.

Fourth. As physicians and health facilities became more and more subject to intervention in their work by Government employees, a decline of professionalism would be certain.

Fifth. The overutilization and abuse of a "free" service to which everyone had a "right" would result in increasing physician harassment which could not fail to lead to a form of medicine abuse factor and had occupancy alien to these shores—medicine on an assembly-line basis.

Sixth. Quality medicine would be dealt a further blow by the loss of able entrants in the health field because young men, viewing a profession under partial or total Government domination, could be expected to seek careers in other fields.

These things will not happen tomorrow, or the day after, or next week, or next month. But as surely as the tides move tonight in Chesapeake Bay, they will come if this measure is enacted into law.

America today has the finest physicians and scientists in the world—a fact frequently demonstrated over the last decade when the Nobel Prizes have been handed out, or by your life expectancy, or by those seeking postgraduate training. These intelligent, highly trained, superbly skilled men and women will continue to serve the health needs of the Nation, and because they are professionals, who have devoted their lives to this system of ours, they will continue to do the best they can, no matter what adverse conditions they are suddenly confronted with.

But what happens when this seed crop is gone? I suggest you look across the Atlantic for an answer. The other night I heard this sentence in a Chet Huntley broadcast discussing the current struggle between physicians and the Government in the British National Health Service:

> Britain has been losing doctors at the rate of almost 500 a year. The number of medical students is declining, and already below the level of 1938. Meanwhile, the population grows.

You see, there are some things which cannot be handled by a law. Men bred in freedom learn to like the taste of it. Few engineers would want a government employee telling them how to draw a line. Most bookkeepers, I suspect, have little desire for advice from Washington on how to add a column of figures. I have yet to meet a lawyer who has spoken of his desire to have the legal profession brought under the surveillance of the Department of Justice.

It is as simple as that, gentlemen. This is not merely a controversy over whether Government should tax one group of citizens to provide health care benefits indiscriminately, regardless of need, to another group. This is not merely a disagreement over the best means of providing health care for our older citizens. Rather, this conflict is testing again whether the art and science of medicine will be permitted to grow and flourish in freedom, or whether progress in medicine will be stunted and shriveled by an excess of Government control, third-party interference.

Here let me nail down one of the most patent falsehoods that has been uttered by do-gooder proponents of H.R. 6675 in their campaign of abuse and vilification against the whipping-boy medical profession. This is the whispered charge that doctors are "really against the program because it would affect their income; that their fees would somehow be reduced by the Government."

Nothing could be further from reality. Doctors' incomes would probably be more assured, not less, if this bill is enacted. Anyone knows there is more money in mass production. It is principle, freedom, research, and insurors who will suffer.

Seventeen and a half million older citizens would become eligible for hospitalization, nursing home and home nursing care, financed from the Federal Treasury. Those lured to take advantage of the program by the prospect of a "free" benefit would need a physician's certificate to enter a hospital. Physicians would be expected to care for them while they were in hospitals or nursing homes. Who can say how many new patients physicians would acquire as a by-product of this legislation? It is safe to say the number would be sizable.

But that is really beside the point, or at least only a tangent. The American system of medicine is a system of quality medicine, not mass production or assembly-line medicine. It is a system of private medicine, practiced by private doctors treating private patients, free to make decisions based on the patient's specific medical needs and nothing else, except a confidential relation—privileged, if you please.

Forget for a moment the cost of staggering, though uncertain, proportions of the program before us. Ignore the administrative problems that it would create, and the burden it means for wage earners at the low end of the income scale. Neglect the new bureaus we are entailing.

Look only at the intrusion of Government in the field of medicine, which cannot be avoided, which goes hand in hand with this plan—the regimentation of hospital admission and discharges, arbitrary limitations on nursing homes available to care for aged patients, and the implicit responsibility placed on hospitals and physicians to keep the cost of this program under control.

Bureaucratic regulation cannot be mixed with medicine without diluting the quality of medical care anymore than gasoline and sugar in the modern combustion engine. In this case, furthermore, the availability of medical services to the aged would be governed by the availability of tax money, not by the medical needs of these citizens. If quantity is thus restricted, quality would inevitably suffer.

Under our system as we have always known it, treatment of the individual comes first, and financing second. It is the patient, in the role of the customer, that exacts the utmost from the doctor-patient relationship through his ability to choose freely.

The physician, in turn, responds to this show of confidence by the exercise of his knowledge and skill to his greatest capacity, guided solely by what is best for his patient.

This is not a public works project of stone and steel that we are dealing with, or the purchase of overcoats for the army. This is a fragile, perishable relationship, perhaps the most delicate in all human ties, and founded on American tradition and principle. It cannot withstand third-party tampering without serious harm. Are we to callously overthrow it by legislative process?

Standing here, I wish with all my heart I could get this point across to you. It is fundamental. Someday it will come back to haunt our memory.

Should the Govenrment become the customer—the outside party striving to reconcile the demands of the patient for high quality care and the demands of the taxpayers for efficient use of tax funds—the emphasis must shift from quality to cost. The Government can resolve these conflicting demands in only one way. It must tighten the reins on services to keep them within budgetary limitations; either that, or the Department of Health, Education, and Welfare must be repeatedly pleading with Congress to bail out the program with higher payroll taxes.

We doctors want to continue to be free to give our patients the best advice and the best treatment we are capable of giving, without the pressure of outside considerations that have nothing to do with the quality of health care. We oppose any course of action which threatens the professional independence of the physician and imperils the wholly voluntary relationship which now exists between doctor and patient, thereby striking at the heart of our magnificent health care system which has accomplished so much for mankind in an atmosphere of freedom.

If this legislation is enacted, the aged would be the first to feel its effects on the quality of health care. But is it possible for health care to operate in one way for one segment of the population and in a different way for everyone else? The question answers itself. This is our first venture into providing service in lieu of cash benefits on a payroll deduction tax basis. What of the further effect of devalued dollars and inflation on these senior savers who secured their own future?

INFLATION ARGUMENTS

Mr. Chairman, for every action there is a reaction. This fundamental principle in Newton's law of motion is no less true today.

The action we are about to take allegedly will provide Federal aid for persons over age 65. But at the same time this help is being offered, have we truly considered the ways in which we will be undercutting their ability to secure their own future?

The financing provisions of the administration bill involve a substantial increase in both the tax base and the tax rate, reaching 11.2 percent of payroll in a few years.

Every cent of this tax increase will come from employee and employer. As such, every cent will be an increase in the cost of production of all goods and services in the United States. One does not have to be an economist to understand that every time you increase the cost of production you also increase the cost of the product.

The employer's contribution under this program is not going to come out of the pocket of the employer. It will come out of the pockets of those who buy his goods and services.

The employee's contribution under this program will come out of his own pocket, thus reducing his take-home pay, and correspondingly reducing his purchasing power and further detracting from the value of his dollar.

It surely does not take an economist to know that the senior citizen and the younger citizen as well will, in 1966, when this bill becomes law, have to pay a little more for everything he buys including the very necessities of food, clothing, and shelter. How else could it be? The additional contributions from employers will be added to the cost of everything they produce.

The millions of older citizens who manage to live solely on their social security earnings, pensions or savings, are already in the poverty class if we go by the strict administration definition of poverty as being those who earn less than $3,000. But the cost of everything they buy will go up when the cost of this bill becomes reflected in the rising price index.

Inflation is the cruelest tax of all, because it affects most drastically those living on fixed incomes, be it social security, or pensions, or private retirement programs.

Make no mistake. This bill, with its tremendous cost factors, will be inflationary.

Would that we were honest enough with ourselves to admit it.

This is no great humanitarian program, for it will not take a penny from the pockets of those who will take credit for it. None of our senior citizens in this body will contribute toward the program, at least insofar as their congressional salaries are concerned.

I wish, as this House acts on the bill before it, we were honest enough with ourselves to recognize that, as these new taxes take effect, it will raise the cost of every other vital need. And it will do it, not only to our senior citizens, but to our younger ones as well, including those just beginning to make their way in life.

Inflation and devaluation of saved-moneys are cruel and treacherous ways of dealing with an unsuspecting people.

If the quality of care for older citizens is lowered—under the pressure of overuse of facilities, of limitations on available funds, of physician harassment by outside intervention—it will be lowered for all.

Further, I believe it can be reasonably stated that consideration of this proposal cannot be limited to its merits or demerits as it would apply to a single group of citizens at the outset. We are aware that a former distinguished member of the House, Mr. Forand, has termed it a foot-in-the-door program.

The legislation, as now written, applies to all Americans aged 65 or older. But the minimum age for retirement is now 62. Does anyone seriously suggest that one of the first proposals after enactment of the bill would not be to reduce the age to 62 as a starter?

All the cost estimates and tax rates we are now trying to untangle would thereupon go out the window. Approximately 2 million more Americans between the ages of 62 and 65 would become eligible for benefits from the Federal treasury toward which they had paid little or nothing in taxes. Costs of the program would go up; the potential burden on our hospitals and other health care facilities would be measurably increased; controls would necessarily have to be tightened to guard against the added danger of saturation of these facilities by millions of persons seeking a "free" Government service to which they had a "right."

What is true of the legislation immediately, would be equally true as it expanded to include the rest of the population. What would begin as "socialized medicine for the elderly," would become "socialized medicine" for every man, woman, and child in the country.

At a time when American medicine leads the world, we are being asked to adopt a system under which one nation after another has lost its former leadership in medical science. We are urged to start down the same road that has been traveled by other countries whose health care today is marked by turmoil, bureaucratic controls, overburdened facilities, precarious financing, and distracted, frustrated doctors.

It would be impossible to believe if I were not here to see it.

One serious shortcoming in the bill approved in committee is that the abuse factor has not even been considered, much less, compensated for. Yet, we know now that this factor of abuse is what accounts for the severe crisis now confronting both the British and French systems of government medicine. Many more patients will be admitted to hospitals for diagnostic services under this bill, far more than ever before.

The bill apparently will depend on doctors to maintain hospital turnover, even though they will have less practical authority to carry out this responsibility, under the bill.

We all realize that the average length of hospital stay under this bill is certain to increase and the sum total will be that proportionately fewer and fewer private patients are going to be admitted as more hospital beds are occupied by persons eligible for free care under this bill.

Most certainly after this bill becomes effective, it will require a crash program of hospital construction under Hill-Burton, as well as another crash program of nursing and convalescent homes.

The $64 question in most people's minds is bound to be, "will doctors participate?" Of course, it will take time to implement, and the answer will be partly determined by how this is done. A new fee schedule and signup of doctors who will participate will be a first order of business.

I predict that American physicians will sign up and participate because they are first of all humanitarians, imbued with the mission of serving people.

Perhaps the most incredible part of this whole operation, has been the utter disregard of the doctor's viewpoint by the social engineers who drafted this four-layer cake. This in spite of the fact that the program cannot possibly work without the cooperation of the doctors—13th amendment, neglected or voided in consideration.

It might be compared to building a space satellite without engineers, or developing a battle plan without consulting the Joint Chiefs of Staff. I cannot help but wonder what Walter Reuther might say if the doctors should recommend that collective bargaining agreements be made up by business alone without consulting labor.

That is exactly what we have under this bill. Without the doctor, this bill is nothing more than 300 pages full of words signifying nothing. Yet, at no time during the week this bill was drafted, were the Nation's doctors asked to contribute to the deliberations or to comment upon the feasibility of the bill insofar as they, their professional skill, and their ability and willingness to serve is concerned. This decision to ignore and even belittle the practicing physician whether it was made by President Lyndon Johnson, or Wilbur Cohen, or Mr. Celebrezze, or by the majority members of the Ways and Means Committee, will stand in the record as the most brazen act of ommission ever committed on a piece of major legislation. It will have its reverberations for as long as anyone of us is privileged to look into the future.

As one voice in this Chamber, as a physician whose lifetime of service in his profession has meant a very great deal to him, I can only ask you to pause and reflect and weigh this issue with prayerful consideration. It is not a simple matter. Of this, we are all aware.

But on balance, when you cast your vote, I hope you will be thinking of the next generation of Americans and all those who will come afterwards—and not so much about the next election.

I hope and pray, you will vote at least to recommit, on the least of two evils.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am delighted to yield.

Mr. CAHILL. This may not be precisely apropos of what the gentleman is discussing, but I know the gentleman is extremely qualified to answer this question. I, for one, and I am sure many of our colleagues in the House, are deeply concerned about the number of qualified young men and women of this country who are anxious to become physicians and who, having scholastically qualified, find themselves unable to pursue their medical education because of the insufficient number of medical schools and the inadequacy of seats in those medical schools. At the very same time all of us recognize that there is in America today a great need for more doctors.

I am wondering if the gentleman can say to me what the medical profession is doing, or what the AMA is doing, what we are doing, to provide more medical facilities to get more medical doctors to take care of more Americans?

Mr. HALL. Yes, I think I can; and I appreciate the gentleman's asking the question. If the gentleman heard the first part of my remarks he knows about how we have maintained the doctor-patient ratio of approximately 1:750—1 physician to 750 patients—and certainly the gentleman knows that in this day of better communications and transportation you can get a patient to an adequate workshop—hospital, and so forth—under the care of a specialist more quickly than we used to be able to do it, in the days when we hitched up the shay and brought them into town where perhaps there were 5 doctors in some small community; and he can receive much better care.

As to the second part of the gentleman's question, I pointed out that the medical schools have been increasing in number, from 64 at the end of World War II to 85 at this time, and there are 9 more in process of building. They are all class A. There are no longer any substandard schools. And specifically the AMA's Council on Medical Education is urging continued building.

Let me put the lie immediately to the bandied-about phrase that these schools are inadequate, or that the AMA is a strong organization that is preventing the erection of adequate numbers of new medical schools. The gentleman will recall that only last week I reported on a poll all over the country with reference to the preference that young people had for certain professions. They were: Supreme Court No. 1; physicians No. 2; politicians No. 11; and so on down the line. We are doing pretty well.

The fact is, in answer to the gentleman's question that a great number of fine young people at this time would like to become physicians, and under our private competitive system of medicine are applying at a ratio of about 15 for every vacancy in medical schools. But I deny that the output is inadequate for the projected need. General elementary and secondary educational classroom availability for 1960, for instance, was once estimated as being inadequate, but local school boards built adequately and so will local medical schools and universities. We do not legislate on "projected needs," they often care for themselves through local initiative.

Mr. CAHILL. Mr. Chairman, my point is that where there are 15 applicants who are qualified and only 1 of those 15 can be accepted in a field where admittedly there is an inadequacy of practitioners, does the gentleman feel we are doing enough?

Mr. HALL. I do not admit that there is an inadequacy of practitioners.

Mr. CAHILL. The gentleman does not admit that?

Mr. HALL. Not if we still have a ratio of one doctor to 750 patients that we had in 1950, with improved transportation and communications and the enhancement of facilities that we have developed, to say nothing of the ancillary aids such as better nursing.

Mr. CAHILL. Does the gentleman concede that some of our physicians today work less hours than some of our physicians used to?

Mr. HALL. I am sure a lot of them do, just as some Congressmen like to go home on Thursday night and not return until the following Tuesday. But this is not the whole medical profession.

Mr. CAHILL. Mr. Chairman, I think the gentleman is being not only completely irrelevant, but completely illogical, he is not answering my question.

But, the gentleman is being completely illogical when he refers to the Congress. The gentleman is not answering my question. I wish the gentleman would answer my question that I have asked.

Mr. HALL. I certainly do not concede that there are not enough physicians, and I do not believe that simply because there are 15 applicants for each vacancy that it necessarily follows that this constitutes inadequacy. Actually, the point to be learned is that we will kill such initiative and selectivity—yes, even desire to serve people—if we legislate away our freedoms and competitive enterprise.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman, the gentleman from Missouri [Dr. HALL], has indicated in his remarks that the number of physicians in relation to the population has remained more or less constant. While this is a correct statement, the gentleman neglected to point out that the number of physicians in private practice per 1,000 has declined from 109 in 1950 to 97 in 1963. Expressed in another way—the relationship of family physicians to the potential patient load has changed from 1,300 patients per physician in 1950 to 1,700 patients per physician in 1960, and an estimated 2,000 patients per physician in 1970. Is this in actual practice constancy in the relationship of physicians to population?

I am sure that every Member of this House recognizes the need for medical care for the elderly and all of our citizens even though there may be some divergency in opinion as to the road to travel to obtain the objective. I would also say that with very few exceptions, every Member of this House would recognize the insufficiency of medical schools in the United States. I have been informed by accredited authorities that in the past 10 years, the output of medical schools has lagged behind the population growth and that in many areas it has only been because of the foreign-trained doctors that we have been able to maintain the performance in any degree in some of our larger hospitals.

Many of these foreign-trained doctors who are so desirable in many of our areas because of the acute shortage are graduates of schools which would not be accredited by the American Medical Association here in the United States.

For the gentleman from Missouri or any other Member of this House to say that we have sufficient medical schools and sufficient doctors is in my judgment a denial of the realities of everyday life. I am told that if we are to keep our present physician-patient ratio over the next 10 years, it is estimated that we must increase our medical school capacity by at least 50 percent.

In the year 1963, for example, approximately 55 percent of all qualified applicants to medical schools were enrolled. In other words, out of approximately 16,000 applicants, about 9,000 were accepted. This means that 7,000 young men and women of America who had a real desire and apparently were qualified were denied admission into medical schools. What is the reason?

Obviously there was no room for them in the medical schools. What does this point out? Clearly that we need 50 percent more medical schools than we have in the United States.

Why do we not have these medical schools? Why are we not training all of the young men and young women of America who want to be doctors? Why must we rely upon foreign-trained physicians to fill the needs of our communities? Why must we accept men to administer to our ill who attend foreign medical schools which would not meet the requirements here in the United States as imposed on our medical schools by the medical societies?

I know from my personal experience a number of qualified and outstanding young men in my district who have been unable to get into a medical school. I have interviewed a score or more of these young men and can attest to their personal qualifications and their dedicated desire to join the medical profession in treating the illnesses of our society. It has been disheartening for me throughout my years in public life to point out repeatedly to qualified young men that there was, in fact, no real reason for their nonacceptance except the insufficiency of classrooms in our medical schools.

It is clear to me and I am sure it is clear to all Members of this House that with the population growth not only will the need be greater, but there will be an increase in the number of qualified applicants each year. My research indicates that in 1959 it was estimated that about 3,500 more medical school graduates would be needed by the year 1975. This would necessitate additional facilities equal in size to 35 medical schools of average size.

I would certainly express the hope today that the American Medical Society, instead of restricting the number of enrollees and the number of medical schools, would liberalize their programs and would take the leadership in America to bring new facilities into being and to provide new opportunities in the field of medicine for the youth of America.

It is difficult for me to understand why we in the Congress and why the men of medicine are expending so much money on medicine in space when some mothers are giving birth in this country unattended by qualified doctors, when some families are being subjected to pioneer medicine because of the unavailability of a physician in their community, when families in the dark of the night are unable because of the demands upon existing practitioners to obtain the services of a qualified physician.

I do not criticize nor condemn the doctors. I know that all of them are seriously and genuinely interested in caring for the physical needs of their communities. There is only so much, however, that one man can do. Doctors, like all other men, need time to spend with their families; need recreation and change; and require a certain amount of sleep.

The problem is not that the doctors are not doing their best. The problem is that their best is not enough with the demands upon them by the ever-increasing patient loads.

We do not need criticism for the doctors. We need more medical schools, more hospitals, and more doctors.

I find it difficult to understand why some plan is not conceived utilizing the existing collegiate educational facilities which abound in the United States. Why cannot young men and women start their medical career in the colleges of our country? Why is it necessary that they attend, at least for the theory part of their education, qualified medical schools in existence? It seems to me that many of the subjects which constitute a medical curriculum can be taught just as effectively in an institution not associated with a hospital. Why cannot the theory be separated from the practice? Thus, if we were to train our medical students in institutions not associated with existing medical schools, we probably could, in a reasonable period of time, increase appreciably the number of physicians in the United States.

In my State, I am informed that we have 143 physicians for each 100,000 population; but that only 109 of these physicians are in private practice.

How many of us know personally men who have devoted a lifetime to medicine but who now, because of advanced age, personal illness, financial security, or some other personal reason, have found it possible, desirable, or necessary to devote only a part of their day and their week to the practice of medicine? How many of us know men of specialized skills in the field of medicine who take off an entire summer because their income is so high that our tax laws make it not worth their while financially on a year-round basis? How many of us know good doctors in their sixty's who, because of some personal physical reason, have restricted their practice to 3 or 4 days a week? How many of us know surgeons who operate only on a very limited basis? In other words while some statistics that have been asserted here today spell out a sufficiency in doctors, the fact remains that in actual practice we have a complete scarcity of doctors in almost every area of this country.

Let us remember in passing this needed legislation helping the aged of our country, that we cannot provide them with the proper medical care until we have a sufficient number of medical practitioners. Let us not forget that we cannot have a sufficient number of qualified doctors until we increase the number of our medical schools. Let us, therefore, here in the Congress of the United States, recognize that if we are to properly and adequately implement the program we are discussing today, we must do something in the immediate future to provide more medical schools to train more young Americans to become future doctors so that the aged and all citizens of this country can enjoy the type of medical service which they deserve and to which they are entitled.

I urge all of the Members of this House to examine the situation as it exists in their own congressional districts and then to take appropriate steps to urge the leaders of medicine of this country to join hands with the leaders of Government in this country to find a way to provide these much needed facilities at the earliest possible moment.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. JENNINGS].

Mr. JENNINGS. Mr. Chairman, I speak today in strong support of H.R. 6675, the hospital insurance-social security amendment bill we are considering. This is a most significant piece of legislation, and I am proud to have been a member of the Committee on Ways and Means that developed its provisions.

I commend and congratulate my chairman, the Honorable WILBUR D. MILLS, for his leadership in drafting this bill in committee, and upon his excellent presentation to the House. Chairman MILLS has again demonstrated his ability and wisdom in working toward committee approval of legislation needed by the Nation and desired by the people. I associate myself with his remarks in every respect.

The year of 1965 will count some notable events in the history of social security in America. Last January we completed 25 years of monthly social security payments. This month—April—the old-age, survivors, and disability insurance system will reach the mark of 20 million men, women, and children receiving benefits each month—more than 1 out of every 10 of our total population. In August we will be celebrating the 30th anniversary of the original Social Security Act. Even before this 30th anniversary, a fourth historic event will undoubtedly be entered on the record—the enactment of this social security-hospital insurance bill that has now come to the House for discussion.

I certainly feel that H.R. 6675 is among the major bills that have been debated during my tenure here. I rank it among the most far reaching of the bills we have considered to meet the needs of our people. The President has called it a "tremendous step forward" for our senior citizens. His special message on health benefits earlier this year was the beginning of our new effort to provide legislation of this nature. He said:

> We can—and we must strive now to assure the availability of and accessibility to the best health care for all Americans, regardless of age or geography or economic status.

This legislation meets that goal. I would propose that my colleagues, who may question this bill in any respect, again read the President's message of last January. No more eloquent statement in support of the bill can be found.

Mr. Chairman, we can all visualize the need for this legislation on a national scale. The statistics are cited in our committee's report. However, I am certain that each of my colleagues daily receives letters from his constituents that more directly and dramatically reveal the need for approval of this bill and the hope with which it is viewed by millions of individuals.

I have not only had letters, but I have had dozens and dozens of conversations with my constituents—all outlining their needs and stating their only hope as being under social security.

These requests come from widows who can barely survive on their present benefits, and who deny themselves the hospital and medical care needed.

These requests from orphan children who await the ending of their benefits with fear and despair, and who would continue their educations if minimum funds could be provided.

These requests come from the retired and disabled who are caught in an economic situation where they cannot help themselves, and they find that help from other sources is too often not available.

We decided 30 years ago, as the President has said, that our citizens' later years of life should "not be years of despondency and drift."

We adopted our social security program, which has been shaped and modified both by longstanding traditions and by changing economic and social conditions. We are making further changes today. And, they are all for the good.

Details of H.R. 6675 have been clearly and adequately presented by Chairman MILLS. I shall not repeat these. I wish to comment, however, on certain sections.

We have presented a coordinated approach for health insurance and medical care for the aged. It reflects the wish of the majority on the Ways and Means Committee to provide a program that meets the needs. There were several proposals before the committee and none of them really provided all that was desired. H.R. 6675 has utilized the best features of each.

The "basic" hospital insurance plan—the first of the three layers in the proposed system—would be established for the aged and financed through the contributory social security system. Employees, employers, and the self-employed would pay the costs. It is estimated that more than 18 million persons would be eligible. This includes those receiving social security and railroad retirement benefits, and those persons not eligible for such benefits, but who would be covered under a special arrangement to pay costs from the Government's general revenues.

I have long stated that any program of hospital insurance under social security should be financed from a separate trust fund. This would provide the protection needed to maintain a sound system. We can see immediately where there were problems with financing. This has been provided in H.R. 6675. It is an excellent feature. An earmarked hospital tax would go into the separate hospital trust fund.

The second of the three layers in this program would provide a supplementary "voluntary" health insurance program for the aged to pay for physicians and related services not covered in the basic program. Again, it is soundly financed with the Government paying one-half and the persons electing to take this coverage paying one-half.

I am particularly pleased over the inclusion of coverage for hospital care in psychiatric and tuberculosis hospitals. I favored this provision and proposed it during the committee's actions. It meets a great need.

The third layer of the three-part health insurance program is the expanded and improved Kerr-Mills plan. This will assist the States in providing services for the medically indigent, aged, blind, and disabled persons, dependent children and their parents. I hope the States accept their responsibilities and fully implement the revised plan.

There is a major section in the bill relating to expanded services for maternal and child health, crippled children, and the mentally retarded, and to establish a 5-year program of special project grants to provide comprehensive health care and services for needy children of school or preschool age. Another section relates to the expansion of the programs of public assistance through increased Federal contributions and elimination of certain provisions in the law. Each of these features are excellent in their potential effects.

Mr. Chairman, I wish to turn now to the revisions that are proposed in the benefit and coverage provisions of the Federal old-age, survivors, and disability insurance system. These are comprehensive and will meet many of the requests that have been presented to me through letters and personal conversations with my constituents.

We are providing a 7-percent across-the-board increase for those now receiving social security benefits or who will qualify in future years. This would be—if the bill is passed as reported—retroactive to January 1, 1965. The minimum increase per month would be $4 for the individual and $6 for a couple. An estimated 20 million persons would benefit from the increase this year. It is needed. It is deserved. It will make the lives of many people more enjoyable, because they will be able to afford a few more necessities for themselves and their families.

The bill provides for the continued payment of benefits to children after they reach the age of 18—until 22, if they remain in school. Children of deceased, retired, or disabled workers would be included. I have long advocated such a change in the basic law. Only this week two of my young constituents, who will soon be 18 and who wish to become nurses, wrote to me about the ending of their social security benefits when they become 18. They were concerned over the lack of opportunity to further their education and to make a contribution to our society as nurses. With this new provision in the law, plus assistance they might secure from the institution they elect to attend, they can reach their goal. This is among the best changes we have ever made in the basic coverage of the Social Security Act, and it is a monument to this 30th anniversary of the system.

The eligibility age for widows would be reduced from 62 to 60. Benefit payments for those electing the lower age would be actuarially reduced to compensate for the costs of this change. I regret this necessity, but it was clear the financial soundness of the whole program was involved. This will be helpful to an estimated 185,000 widows who are now in need of their benefits. Particularly, it will be helpful in areas of my district where coal mining has been the primary source of employment. Wives have become widows at lower ages due to the nature of their husbands' employment. There is not always employment for widows in this area and the resulting need for benefits at a lower age is greater. I had hoped that even a lower eligibility age might be established for widows.

Another important feature of this bill is to provide benefits for persons 72 and over who have a very few quarters of coverage. This is an excellent feature and will aid many of our senior citizens who otherwise would not be eligible.

These amendments to the social security program also provide important changes for the disabled. First, the present requirement that a worker's disability must be expected to result in death or to be of long-continued and indefinite duration is eliminated. We would provide that an insured worker would be eligible for disability benefits if he has been totally disabled throughout a continuous period of at least 6 calendar months. Second, the period during which an individual must be under a disability prior to entitlement to benefits is reduced by 1 month—from 6 to 5 months. These are important and helpful changes. There are several others in the bill which I shall not mention in these remarks.

This legislation makes two significant changes in coverage that have long been both advocated and opposed. Self-employed physicians would be covered. Employees who receive tips as a part of their income would be provided opportunity to have these tips counted for social security and tax purposes. This latter extension of coverage has created quite a controversy within the restaurant-hotel-motel industry. However, it is a needed change in the law and the procedures established would not work unjust hardship on the industry. The responsibility of repotring tips is placed upon the employee. If he does not act within a prescribed time, there is no obligation upon the employer. It is expected the employers affected can work these procedures into their normal payroll operations with a minimum of time and expense.

Mr. Chairman, we have a far-reaching bill before us today. It is soundly drafted and soundly financed. It meets the needs of our people in the best American traditions. It is not "unjust and dangerous" as described by the major national organization in opposition. It is modification of our social security system that has been warranted for several years.

We have spent months and weeks in consideration of all features of the program that is proposed. I urge its immediate passage.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Don H. Clausen].

Mr. DON H. CLAUSEN. Mr. Chairman, yesterday and today, the Members of this House have once again been granted the privilege of enjoying what I consider to be the "greatest show on earth." I say this with an affectionate tone of respect for the chairman and all members of the Ways and Means Committee as they present their point of view on the legislation before us, H.R. 6675 by the gentleman from Arkansas [Mr. Mills] and H.R. 7057, by the gentleman from Wisconsin [Mr. Byrnes], the alternative to be presented to the Committee in the motion to recommit.

It is interesting to note that H.R. 1, the original King-Anderson proposal of the administration, has for the greatest part been abolished by the Ways and Means Committee and we have before us now what most appropriately might be called the Mills-Byrnes bill, due to their lead roles in drafting this legislation.

Also, it is somewhat ironic that for all practical purposes the benefits under the two proposals are almost identically the same, leaving the major issue before us on just how the program of benefits are to be financed.

So it can rightfully be said, this is a great day for the old folks, particularly those in need of medical and hospital care, but it can also be said that it's a sad day for the young folks. Herein lies the major points that divide the Members on this issue. I believe it would be helpful to once again spell out the basic differences between the two bills.

H.R. 7057 contains all of the amendments to the social security laws that are contained in H.R. 6675 except for parts 1 and 2 of title I, which contain the hospitalization program financed under social security, the program for voluntary supplemental medical insurance, and the additional payroll tax to finance the hospital program.

For parts 1 and 2, H.R. 7057 substitutes a comprehensive program of health insurance for the aged that is financed partly by premium contributions and partly by the general revenues. In addition, H.R. 7057 makes even more specific the authority of the State to use and implement the eldercare approach. The States are specifically authorized to set up private health insurance programs for the aged.

At this point, I want to specifically go on record as being in support of the Byrnes proposal, H.R. 7057, and will cast my vote accordingly.

Further, I want to commend the committee and record my support in favor of the 7-percent increase in cash benefits for social security recipients, the extension of benefits for widows with children in college to age 22, and permission for some to increase their earning limitations. Incidentally, I believe this could have been broadened to permit those who do not qualify for maximum benefits to earn, in addition to the existing $1,200 annual income, an amount equal to the difference between their current social security payment and the maximum benefit paid to those who qualify as fully insured. Last year I introduced a bill to accomplish this and while I am pleased with the committee's inclusion of this approach in the bill, I do not believe they have gone far enough. Were it not for the restriction of the closed rule on this bill, I would have asked that the contents of my bill be amended into this act. This would permit those not receiving maximum benefits to supplement their earnings without jeopardizing or losing their social security payments.

With my position firmly recorded on what I am supporting today, I would now like to direct a few remarks on why I support the general revenue method of finance rather than the increase in payroll tax approach.

When I said it was a great day for the old folks and a sad day for the young folks, I really believe this to be the case, with one possible exception—if I know senior citizens, I think they are a very proud lot. I firmly believe they have a burning desire to maintain their dignity and self-respect in their twilight years. The Byrnes health care proposal gives these wonderful people the chance to retain their pride by participating in the premium payment to the best of their ability. The balance will be paid from general revenues collected from all the people of the United States. This concept, I might add, is very similar to the proposal made by Senator Ribicoff, the former Secretary of Health, Education, and Welfare in the Kennedy administration.

There is no doubt in my mind that the upward spiraling costs of hospital and medical care plus the inflationary fiscal policies of the Federal Government have created a health and financial crisis for our elder citizens on fixed incomes and pensions. It is our obligation to help them out of this dilemma. The burden for a solution to this problem must be the responsibility of this entire Nation and its total tax base—not just be placed on the shoulders of our lower income wage earners. These people can least afford it because of the continuing increases projected for cost of living, education, and other personal family responsibilities.

Yes, it is a sad day when we legislate a program that takes away the dignity and self-respect of our revered senior citizens and heap an increasing burden on the young wage earner who has to struggle now to keep his head above water financially. It is a sad day because an alternate plan is available but this young man and woman will not have the chance to vote on it. He is forced to accept this whether he likes it or not. I wonder if he has been told what financial burdens are being voted on his shoulders this week. I wonder what his reaction would be if he were told the truth—the whole story.

What is the whole story? My able friend, the gentleman from Illinois [Mr. Collier], a member of the Ways and Means Committee, has advised the current annual cost to workers and employers of $174 each will increase in 5 years to $316 each under this new payroll tax. How much of a load can one carry? And this is compulsory—he has no choice—you have practically eliminated the freedom of choice under this system of compulsory health care. If one is not satisfied, where is his recourse?

The self-employed and the small businessman are really hit the hardest. This is just one more burden for the person doing his best to take care of himself or expand his business to create jobs.

The costs will continue to rise and the problems of administration will increase. Further, I will predict that each Congressman's mail over the next decade will increase tenfold as he finds himself in the position of claims adjuster for disillusioned and dissatisfied constituents.

There is a substantial difference between administering a program to provide cash benefits under social security and the administrative requirements for hospital service and medical care. In the case of cash benefits for social security recipients, you are dealing with known factors. The amount prescribed by the social security law is paid under clearly defined provisions when the insured either reaches the established retirement age—65 and 62, unless disabled—or he or she dies. It is comparatively simple for the actuary to be consistent in his cost estimates of this program because of existing mortality tables to compute the average life span beyond 65, both for the annuitant or his beneficiary. But yet under the best circumstances heretofore described, we all know the history of demands for increased benefits and costs as inflation has cut into the purchasing power of the dollar and the cost of living has gone up. And now in both of these proposals we quite properly have up for approval the 7-percent increase in cash benefits to further substantiate this point.

With some of the problems associated with comparatively stable factors, just imagine what we are going to have when we add the many variable factors if the administration of hospital service and medical care programs is placed with the Social Security Administration. Again, Mr. Congressman, do not complain as the mail from disenchanted constituents increases in your office.

Early in the year, I met with members of the Ways and Means Committee individually to discuss and present what I thought to be an adequate guideline of objectives and recommendations for a comprehensive health insurance plan for all persons 65 and older:

A plan designed to pool the financial resources of the public and private sectors and direct them toward the creation of a program providing the maximum range of benefits—a plan that could ultimately be integrated with existing private individual and group hospital service and insurance programs—a plan that would someday see all American citizens covered by a maximum of benefits at the lowest possible cost because of the mass market created by this integrated insurance concept—a plan that would guarantee the same freedom of choice in the selection of your doctor, your hospital, and your insurance carrier—a plan designed to minimize the duplications in our multiplicity of overlapping Government programs.

For the Record and the benefit of my colleagues, I would like to present a copy of my projection as presented and circularized on January 5, 1965. In particular, I would like to draw your attention to the comparability of this guideline to the proposals before us today:

> Advances in medical care which extend life and increase the cost of health maintenance make it increasingly difficult for the elderly to finance their own medical care, in spite of a significant improvement in their general economic status. Although presently available plans have taken a great step in the proper direction, new methods are needed to assist this group.
>
> I propose a legislative program whereby a comprehensive health insurance plan would be made available to all persons 65 or older, regardless of income.
>
> (a) For those of restricted income, Government would reimburse all or part of the costs of the plan. The amount of reimbursement would be determined on a sliding scale according to the individual's ability to pay, based on income tax information supplied by the individual and verified by a Government body.
>
> (b) Those of adequate income could purchase the same comprehensive plan at the lowest possible cost, because of the mass market created by Government participation and the efficiency of the existing private health industry.
>
> The insurance plans would be written by private insurance carriers and other private purveyors of medical care. It is the intent that broad and comprehensive, though practical, definitions of total medical care be used and that acceptable plans cover a minimum of 80 percent of total expenses as defined in the "Components of an Adequate Health Insurance Program" of the State medical associations. Some element of coinsurance by the insuree, whenever he is financially able, would be desirable in order to avoid overutilization. Total medical coverage should be provided when necessary by the responsible agencies of Government by supplementing the basic insurance benefits with the use of existing health plans and facilities and/or by the purchase of additional insurance.
>
> The moneys for this program would come from Federal, State, and county general tax funds. There would be Federal reimbursement to State governments on a matching ratio basis according to each State's ability to pay based on the per capita income of that State.
>
> Local medical review committees would be established and charged with the responsibility for maintaining high-quality medical care. Such review committees would review claims and thus prevent abuse and overuse of services by both the purveyors of medical case and the insurees.
>
> Regional boards with adequate representation from the health industry, Government and consumer, would be established and charged with the responsibility of determining the economic value of medical services. The regions would be as large as possible and as small as necessary to recognize the geographic variations that occur in the cost of medical care. In those areas where relative value scales are used the board would ascertain and utilize the prevailing conversion unit. In those areas where the relative value scale is not in use, usual, customary and reasonable fees would prevail. In such areas the board would be advisory to the insurance industry to insure that medical expenses are proper. There would be provision that at regular intervals the regional boards would review the remunerations for medical services and keep them current.
>
> It is suggested that if the principles embodied herein are adopted this type of program might serve as a substitute for some existing health care programs and as a model for future Government participation should such need arise.

In closing, Mr. Chairman, I urge the Members to carefully weigh the factors presented—vote independently on the plans before us. Again, the prime issue before us is not the benefits proposed in the bill—we are in general agreement on this—but it is a question of whether we want to vote for what amounts to a gross income tax increase on those who can least afford it. To take more money out of the pockets of our working people, to pay for a problem they did not specifically create, is not only unfair but is counter to the basic concepts of sound financing under our private enterprise system.

One final thought—I personally advocate the implementation of a tax structure revision that would provide more incentives and tax credits for people, employees, employers, self-employed alike desirous of providing for their own hospital and medical needs or that of a friend or relative. This would motivate the volunteer participation of our people—it would strengthen our voluntary health programs instead of destroying them. This type of effort could conceivably "show the way" in establishing medical and hospital protection programs for the balance of the free world to follow—designed to provide the security and peace of mind as well as the feeling of satisfaction and pride that accompanies that well-known expression, "The ability to stand on your own two feet." This objective can only be accomplished by taking advantage of the choices offered through our private enterprise system—an objective designed to preserve the dignity and self-respect of our senior citizens—an objective designed to create incentives for future generations to become self-sufficient in their own right and less dependent upon a Federal bureaucracy. This is the American way.

With this in mind, I urge you to reject the payroll tax increase and adopt the general fund method of finance as recommended by the gentleman from Wisconsin [Mr. Byrnes], by adopting his motion to recommit. The committee has accepted most of our recommendations, now let us complete the job and make this a great day for all the American people.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, for more than 3 years I have insisted that the health needs of our retired citizens demand a program of hospitalization and medical services under Federal sponsorship to protect them against the mounting costs of prolonged or very severe illness. I have done everything in my power to convince the medical profession and my Republican colleagues that Kerr-Mills was not enough and something more must be done. I have believed it imperative to rescue large numbers of middle and lower income senior citizens from the threat of indigence caused by the expenses of modern medical care.

H.R. 21, my medical care insurance bill, was the first and for a long time the only House Republican proposal to solve this problem. I continue to believe it is the best, the most simple and the most certain solution. If I could have convinced my medical friends of the inevitability of health care legislation and if I could have obtained their support for my proposal, I believe it could have been enacted into law.

The pending bill requires me to make a very difficult decision. Although I have long recognized and spoken out about the need for action, I have also been one of the most outspoken critics of a program financed by social security taxes and administered by that agency. I still believe this is a serious defect and that in the long run it will prove inefficient and cause much unhappiness.

The question I have had to decide is whether the inclusion of the social security basic hospital plan in this bill should outweigh all of the meritorious features of the bill for which the Republican members of the House Ways and Means Committee are largely responsible. I refer specifically to the voluntary major medical plan which is so similar in many respects to my own bill; the badly needed increase in social security retirement benefits, and the other adjustments in the Social Security Act that I have personally advocated, including the much-needed extension of a child's benefits.

My conclusion is that the good in the bill outweighs the bad. After years of talking about health care for the aged, the time has come to take action. To wait for a bill that is perfect would be an injustice to millions of our elderly citizens for whom the problem becomes more pressing every day. I cannot place myself in the position of opposing this solution to their problems simply because my own solution has not been adopted. I will vote for the bill.

Experience has shown that every new Federal program has its imperfections. We are assuming here today a heavy responsibility to follow the development of this medical care program very carefully and to make certain that it does solve the problem without bringing about Government-controlled medicine. If experience shows that it is either too costly a burden on wage earners and the self-employed or that it is too cumbersome and restrictive in its administration, I will again press for consideration of a comprehensive voluntary hospital insurance program based on the principles of H.R. 21—the Bow bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will be delighted to yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I think that the gentleman from Ohio [Mr. Bow] deserves a great deal of credit from all Members of the House for the interest and the work he has done and the concern that he has shown in the problem which our aged face as far as their medical needs are concerned. Certainly as one member of the committee and of the House, I want to voice my great appreciation for the work he has done and the interest he has shown.

Mr. BOW. I thank the gentleman from Wisconsin.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BOW. Yes. I am glad to yield to the chairman.

Mr. MILLS. Mr. Chairman, I would like to join my friend from Wisconsin in also calling attention to the contribution that the gentleman from Ohio [Mr. Bow] has made to a solution of the problem that we are facing and trying to solve here today. The gentleman from Ohio has talked to me on numerous occasions about his feeling that something additional ought to be done and that we had not up to this point adequately resolved this problem. He has taken the lead in the introduction of such legislation on his own. I want to commend the gentleman not only for this background of constructive effort on his part, but I want to congratulate him also for what he has said on the floor here today.

Mr. BOW. I thank the gentleman, the chairman of the committee.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 13 minutes to the gentleman from Montana [Mr. Battin], a member of the committee.

Mr. BATTIN. Mr. Chairman, certainly, as probably the newest member of the Committee on Ways and Means, I would be very remiss if I did not say a special thank you to the chairman of the committee, for whom I have high regard, and to our ranking member, the gentleman from Wisconsin [Mr. Byrnes]. Actually the programs that will be considered here today are more than complicated. As a matter of fact, there are several issues involved. Some have been discussed and some are completely new concepts, and from the dialog which has developed in the country thus far are not fully understood. It was a week or so ago in the local newspapers here in the District of Columbia that an editorial discussed the fact that the bill was so comprehensive that it should be fully debated and full hearings should be held.

As a new member of the Ways and Means Committee I have not had the opportunity to participate in hearings over a number of years as have some of my colleagues. I voted at the outset of hearings on H.R. 1, the forerunner of H.R. 6675, to hold open hearings so interested people both for and against the legislation could express themselves on the King-Anderson bill, the Byrnes bill and the Herlong-Curtis bill. The working press of the country could then have advised the people of all 50 States on what the proposals were, the arguments for and against, and then we as representatives of the people could have had an expression from our constituents on their thinking.

The reaction in committee was that no public hearings were necessary—full speed ahead. And ahead we went, running into one pitfall after another, changing section after section, rewriting the bill, adopting parts of eldercare and the Byrnes bill and keeping the compulsory features of social security.

By the end of some 7 weeks, if other Members felt as I did, they would have come to the conclusion that we perhaps had had a dose of our own medicine. A bill has been reported that can properly be described as a conglomeration of thought, ideas, and, of course, some compromise. It is part compulsory, part voluntary, part permissive. It covers, for the most part, the entire field of medical and hospital care. It puts the great insurance industry of the country into a "cocked hat" position. What is not covered by this bill probably will not be covered by private insurance because of the cost factors involved.

What I am trying to express is the confusion that prevails, at least in my mind, and I am sure in the minds of others. No one in this House, I am sure, wants to do harm or violence to our hospitals, doctors, or insurance companies. We have an obligation to meet a need that exists in the country.

The high cost of medical care both for hospital and doctor has its effects on the person over 65 and who because of retirement lives on a fixed income. We could better help the senior citizen by attacking the problem at its core. The passage of this bill, like the passage of pay increase bills for Federal employees and military personnel, the increase in cash benefits to those on social security and other measures only administer the medicine and are not designed to attack the disease. They in no way attack the problem at its core. For some reason we continue to overlook the basic problem.

Let me use an example. A married couple in 1939 were talking about retiring in 1954—some 15 years later. They were covered by social security and would have an annuity from the company the husband worked for payable on retirement. They would have the house they lived in paid in full, their children would be grown, educated and probably married. Who could ask for a brighter future?

The World War II intervened and the country went into an inflationary spiral. After the war and in 1954 the husband died and his widow, my mother, still lives. The money from social security and other income planned for in 1939 has been so eaten up by inflation that the wonderful feeling of security evaporates.

Those who have earned and paid their way now suffer the inflation caused by unbalanced budgets and are convinced of the fallacy of the economists who proudly proclaim we have no debt for we owe it to ourselves.

One of our colleagues yesterday on the floor read from history some of the positions the Republicans had taken in the past on social security, and I was intrigued, because if he believes so much of what was said in the past maybe we should read some more. On January 5, 1939, a budget message to Congress from Franklin Delano Roosevelt, read in part—I am sure you all know it and remember it well:

> The ordinary expenses of Government should continue to be met out of current revenues.
>
> But I also hope that these revenues in time of prosperity will provide a supply which can be applied against the public debt which the Government must incur in lean years because of the extraordinary demands upon it.

Mr. Chairman, I wonder if that is the approach that is going to be applied, or maybe the approach of Harry Hopkins when he said that he believed in "tax, tax, spend, spend, elect, elect."

If we in Congress could sit down at the collective bargaining table and represent those on fixed retirement income, the senior citizen, we could win no better concession than to stabilize the purchasing power of the dollar, and this can only be done by following the procedures of a balanced budget, a reduction of our national debt, and a complete repudiation of those who think we can spend ourselves rich.

The hospitals raise prices because they are required to stay in the business of caring for the sick. Doctors compete in the same society and are entitled to raise their charges as cost pressures apply to them, and yes, we should never criticize our senior citizens for wanting protection, because they are caught in the mousetrap of Government spending and can do little to protect their investments.

We will continue to pass legislation to increase spending on all fronts so long as we keep on the merry-go-round of inflation.

The tax increase built into this bill will also have its effect on the present generation and future generations of workers, for they are going to pay heavily on their gross incomes to finance the cost of this and future programs. It is particularly bad, because they need the money now to raise a family. Yet we have the planners among us who sincerely believe that all real necessities can and should be provided by Government.

Now I do not want to be misunderstood. I labor under no delusions that my remarks today are going to sway anyone or change a vote. I am sure the press releases are already placing a great additional burden on the Post Office Department advising the people at home that their problems are now taken care of and no new worries can be foreseen. I wish we were right, but we are not. We are not even close.

Taking conditions as they are, most features of the bill are good and very helpful. Certainly those on the Republican side have long advocated many of the changes incorporated in the bill. Unfortunately, we are not permitted to vote on the merit of each change in the law. We have a choice of voting the bill up or down, taking all or nothing. Some will say that anyone who votes against the bill is against the senior citizen. Yet if someone on the Republican side votes for the bill these same people will question their motives and intentions. I have no doubts that a bill will pass and I hope that all who are interested in the full medical needs of the senior citizen will follow the debate and pay particular attention to the gentleman from Wisconsin [Mr. BYRNES], when he further discusses the motion to recommit. It was the Honorable Wilbur Cohen, Assistant Secretary of HEW, who said the Byrnes proposal was as comprehensive a program of medical care as offered by any insurance company today. And it was Mr. Robert Myers, the chief actuary for the Social Security Administration who estimated that at least 90 percent of the people over 65 would subscribe to this voluntary comprehensive medical coverage.

The insurance approach used by Congressman BYRNES is patterned after the Government employees high option policy we make available to Government employees. We should do no less for our senior citizen. We should vote for the motion to recommit so we can pass a better bill. It might even be such a good bill that the other body can just accept it without a lot of extra work. It will not place upon today's worker the regressive payroll tax. It will be more comprehensive and, yes, even though it has been questioned it will give more services at less cost than H.R. 6675.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I yield to the gentleman from Massachusetts.

Mr. KEITH. I am very much interested in this program, and have been for some time. In particular have I been of the opinion that the social security approach was the best way to provide the platform for the hospital care in this legislation. I would like to ask, with reference to the supplemental services provided by the doctor or surgeon, would the gentleman not think it would be more advisable for insurance companies to do this independently of the Government by issuing a policy for $6, $8 or $10 a month covering the doctors' and surgeons' fees above the hospital?

Mr. BATTIN. And have that as a part of the program?

Mr. KEITH. No, just above the basic plan, the so-called King-Anderson plan, or the President's original plan, and leave the rest of it to the insurance industry to fill a gap at a cost of approximately $10 a month?

Mr. BATTIN. I am sure the gentleman knows my opinion. The insurance companies have done an excellent job. I wish the gentleman from Missouri [Mr. CURTIS], had gone into the number of people today that are covered, by private medical plans. Is the gentleman suggesting that the program he mentioned also be financed from the general fund?

Mr. KEITH. I am suggesting that the legislation would have been better had it had solely the social security package that was proposed historically by the King-Anderson and Forand bills.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I strongly support H.R. 6675 and urge my colleagues to do likewise.

This legislation will be of inestimable benefit to the citizens of our Nation and to our economy, both individually and collectively. As one of those who has been urging enactment of legislation providing for many of the changes which are embodied in this bill, I should like to commend the chairman of the Committee on Ways and Means for his brilliant leadership in developing H.R. 6675. This bill will not only mark the beginning of a new era in our social security program by providing medical care for the aged, but also contains tremendous improvements in the existing cash benefits program.

In the some 30 years since the social security program was enacted, it has become the principal source of income for nearly every American family when the wage earner's income is cut off by old age, disability, or death. Because so many of our people depend upon this program for their continued economic well-being and peace of mind, it is necessary that it be kept current with the changing times and in tune with changing economic conditions.

As a member of the Committee on Ways and Means, I am proud to state to the membership that the committee has explored in a most painstaking manner every major facet of this legislation and I can assure the membership that the bill is actually sound and fully financed. This is in accord with the tradition which the Committee on Ways and Means has established over the years.

Mr. Chairman, so much was said yesterday in debate about the method of financing the committee bill as compared to the so-called Byrnes substitute that I feel constrained to nail down several issues which I think are very crucial. First, let us make it clear exactly how the committee bill is financed.

The "basic" hospital program is financed through a separate payroll tax with a separate trust fund. The "supplemental" benefits are financed by a contribution from individuals matched by a contribution in equal amount from the general funds. Now why would we provide a payroll type of financing for the "basic" hospitalization program? It is quite simple, Mr. Chairman. We did so because this is the most expensive part of the program and because payroll financing is the most conservative approach which could possibly be adopted. It is conservative because the benefits cannot be increased without a consideration at the same time by the same committee of the Congress of the cost of any increase in benefits. Therefore, benefits are tied directly to cost and must necessarily be related to cost and must necessarily be considered at the same time that cost is considered. Those of us who have been in the Congress even for just a few years recognize how easy it is when general fund financing is used for a program to increase authorizations through one committee and then obtain appropriations from another committee. This type of operation cannot take place with regard to the basic hospital program envisioned in this bill.

It has been the history of the Committee on Ways and Means in the case of every benefit increase, with regard to the cash benefit program, that tax rate increases are provided in the same legislation at the same time. I am confident this would not have been true had the cash benefits been financed out of the general funds. Fiscal control is much greater over any system where the financing and the benefits are within the jurisdiction of the same committee of the Congress.

In addition to the social security trust fund from which social security cash benefits are paid, we also have another example of the manner in which trust funds and dedicated taxes provide fiscal control; namely, the highway trust fund. In 1956, when the greatly expanded highway program was enacted, a special trust fund was created out of which the expanded highway program had to be financed. On several occasions, because of the increase in costs due to inflation, and so forth, and because of additions to the Interstate System, the Committee on Ways and Means has reviewed the financing and has provided increased funds for the trust fund. I am confident if we had not created such a trust fund, there would not have been the additional financing provided at the time when the costs increased but on the contrary, we would simply have created a much greater deficit in the general funds of the Treasury thus increasing the public debt and deficit financing. The conservative way to finance the most costly part of this medical care program is to do so by the payroll and trust fund method. It is ideally suited for this type of program. It will enable us to keep our eye constantly on the costs. It will prevent unsound expansion. It will foreclose the addition of extravagant benefits unaccompanied by the funds with which to pay for them.

Returning now, Mr. Chairman, to the impact of the bill, the cash benefits not only affect the people who receive these benefits directly but, because they are spent on the necessities of life, they are of direct benefit to the merchants and businesses in the communities where these beneficiaries live. In addition to that, the hospital and health insurance provisions in this bill will release funds that the aged citizens of our country have not felt free to spend because of the threat of costly illness. The 19 million aged Americans over age 65 will have basic hospital insurance assured and have the opportunity to enroll voluntarily in a plan providing supplemental health insurance. Safeguards have been included so that there can be no interference in the practice of medicine.

H.R. 6675 is a milestone in the history of social legislation. The impact of the improvements made by this bill will be felt for many years to come. One million people not now getting benefits will become eligible for monthly benefits. Twenty million people who now get benefits will have their benefits increased. Many thousands in the State of Illinois and the city of Chicago will benefit directly. The across-the-board increase along with the basic social security hospital insurance and the voluntary supplemental health insurance will be worth $20 a month to the average retired worker, and $36 a month to the married worker whose wife is age 65. Many thousands of children in Illinois and in the city of Chicago will be able to complete their education by virtue of the provision in the bill continuing child's benefits to age 22 while in school.

The changes provided for by H.R. 6675 make the social security system more flexible and, as a result, more responsive to the economic needs of our citizens. Mr. Chairman, I believe this program to be one of the important stabilizers in our economy, and I believe that the action we are taking now undoubtedly will help prolong the present prosperity.

While H.R. 6675 will make a significant contribution to our Nation's economy, we should not overlook for a minute the longrun effect that this bill will have. I point out the economic benefits as only another favorable aspect of these amendments, because these changes certainly stand on their own merits. In fact it would be easy to underestimate the effect of these amendments on our older citizens. We should not forget that social security cash benefits are practically the only source of regular income for many millions of our retired citizens. About one-half of the aged social security beneficiaries have less than $12.50 a month in continuing retirement income other than their social security benefits. So when we talk about social security benefits paid to these people we are talking about the wherewithal for food, shelter, clothing, and the other necessities of life.

I am especially pleased that the increase in benefits will be retroactive to January. Last summer this House passed a general benefit increase and the other body also provided for a general increase in benefits. But because the conference committee could not agree on matters unrelated to a benefit increase the 20 million people who live on these payments did not get improved benefits. H.R. 6675 will correct this situation. I want to heartily endorse this provision as a very responsible action.

I am pleased to have had a part in formulating this program. We took into account not only the impact of the fine benefits under this program, but also the economic effect of the social security trust funds. Our committee has assured that these reserves will not build up in the near future to the extent that they would hurt consumer demand and the Nation's economy. Our committee has also provided for some relief for the self-employed by making future increases in the contribution rates for self-employed people less than the 1½ times the employee rate as under present law.

Mr. Chairman, the speakers who have preceded me, including the extremely able chairman of the Committee on Ways and Means, the distinguished gentleman from Arkansas, have explained in detail the provisions of this legislation. I would, however, like to point out as another example of the assistance which this legislation will give to the people in the State of Illinois the changes which were made in the public assistance medical vendor provisions. The table on page 75 of the report shows that without the expenditure of a single additional cent of money the State of Illinois will, by spending the same amount it is presently spending on medical payments under public assistance, receive more than 18 million dollars over and above what it is now receiving. This obviously will be of considerable and lasting benefit to our needy citizens.

The provisions of H.R. 6675 are going to benefit the entire country, Mr. Chairman. These monthly checks go to every part of every city, to every village and hamlet, and they are a continuing source of income coming in every month. In my opinion our committee has reported a very fine bill and it deserves your support.

I certainly would like to make the observation that while I am a somewhat new member of the Committee on Ways and Means, I have never had the pleasure before of seeing gentlemen work in a committee in such accord for the benefit of the people of this country, and I certainly would be remiss if I did not commend every individual on that committee for making the outstanding contribution that they have made, particularly Mr. BYRNES, who was most constructive in his observations on this legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. KLUCZYNSKI] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KLUCZYNSKI. Mr. Chairman, in the 15 years I have been privileged to serve in the House of Representatives, we have had before us many measures of vital—often urgent—importance to this great Nation of ours. We have worked diligently, and I believe successfully, to meet and deal with the increasingly complex domestic and international problems that have confronted us in the 20 years since the end of World War II.

We take pride, and justly, in the legislative achievements that have contributed so much to the work toward world peace, to the struggles for independence and advancement around the world, to the magnificent—often almost incredible—advances in scientific and technical fields, and to the upward progressive march of our own culture and economy.

With all this, though, I do not believe we have enacted any legislation that reaches deeper into the hearts of our people than does the measure before us today. In one form or another we have been reaching for this goal throughout the years I have served here. I have actively supported all the efforts that bear fruit here today, and it is a very real personal satisfaction to me, as I am sure it is to all of us, that we are at last meeting our obligation to the people who have made us what we are.

Our senior citizens are the people who built this great country of ours. They came from all over the world; they worked in the fields and the factories and in the mines and the mills; theirs was the labor that constructed the foundation of our splendid standard of living, theirs the toil that educated the children who now sustain this country in its world leadership. They gave us the opportunity to become great. Now, having realized so much of that opportunity, and with so much more before us, it is our responsibility to insure that their twilight years shall be years of peace and contentment. It is to our parents and grandparents, the senior citizens of today, that we owe the tradition of determined individual independence that is the cornerstone of our national life. We would be unworthy of their untold gifts to us if we failed now to make it possible for them to maintain that independence in their remaining years.

Through the program we enact today, our senior citizens will be able to face the future without the haunting fear of crushing debt, or the humiliation of dependence upon their children, that all too often comes with the illnesses of age. And we do it, not only for the senior citizens of today, but for those of our own generation and the generations to come. And by so doing, we help to insure not only that our older people will be more secure, but that our younger people will be more free to raise new families with fewer burdens and achieve greater and greater things.

Most of what has been written and said about this legislation has been concerned, and rightly so, with the medical care it provides. I am equally pleased, however, that it also provides the long overdue increase in general social security benefits, that it extends its protection to widows, to dependent children, and to the disabled. There is probably no legislative field that affects more directly the needs of our people as individuals and reaches into the American family to sustain it.

It was not planned to happen this way, of course, but I think it is fitting that we have this legislation before us at this time. The winter is behind us and our earth renews itself once more. And in this season we again renew our dedication to humanity. We could not demonstrate that dedication more surely than we do now in this program.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. Annunzio] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 6675. I am proud to have the opportunity to take part in this historic debate. There can be no doubt in anyone's mind as to the result of our deliberation here this afternoon. At long last, Congress is about to enact a sound program for assuring America's senior citizens adequate medical care.

Proposals to provide medical care for the elderly have been under consideration for 10 long years. As time has passed, the problem has grown in scope—the need for the program has become increasingly urgent.

We all know what the miracles of modern medical science have accomplished. Infant mortality has been reduced, dozens of fatal and crippling diseases have been eliminated, the life span of the average American citizen has been extended by decades.

What we have been slow to recognize is that these very successes have created new problems in place of the old. The most advanced technology is of little value unless its benefits are available to those whose need is greatest. Extra years of life are a dubious gift unless they can be lived in dignity.

Yet, consider the circumstances which confront America's elderly. Past their peak earning years, people over 65 must live on pensions, social security payments, and whatever savings they have been lucky enough to accumulate. Generally these sources produce an income that is hardly enough to meet their daily needs.

At the same time, older people face drastically increasing medical expenses. Older people get sicker more often, have to enter hospitals more frequently, must stay in hospitals for longer periods, and require more treatment than persons who have not borne the burdens of life for so many years. Fully 80 percent of the 17 million Americans over 65 years of age have some chronic diseases for which they desperately need medical treatment.

The problems involved in paying for this treatment out of an already meager income have been compounded in recent years by a startling increase in medical costs. The fact is that the cost of good health has been going up drastically—faster than almost any other cost factor of daily living. Over the last decade, the consumer price index has increased by some 12 percent—a reasonable increase in a growing, vibrant economy. But the cost of medical care has gone up by 36 percent and the cost of hospital care by 65 percent in the same period of time. And these are costs that retired people not only must meet out of a fixed income but out of an income that was fixed by retirement plans based on the lower earnings and the lower prices that prevailed in past years.

People living on $2,000 or $3,000 a year simply cannot afford $35 a day for hospitalization. Yet that is the average cost today. Nor can they look with much hope to private health insurance plans; for the premiums, even when coverage is available, are prohibitive to people in this income group. The inevitable result is that millions of elderly Americans face the prospect of choosing between pain and poverty and all too often they suffer both.

The program we are about to enact recognizes that such a state of affairs is intolerable. It also recognizes that the only feasible way to come to grips with the problem is through a program of health insurance financed under the social security system.

We have examined many other alternative solutions. We have given the Kerr-Mills program, which was enacted over the objections of those who foresaw that it could not meet the need, a fair trial; it has proven to be inadequate. Only 25 States have chosen to participate in Kerr-Mills and the extent and quality of coverage varies from State to State.

So now the time has come to place medical care for the elderly where it belongs—under the uniform and universal provisions of social security. This is the logical extension of the system of compulsory social insurance that was enacted 30 years ago.

Just as opponents of social security focused their criticism three decades ago on the compulsory elements of the system, so the enemies of H.R. 6675 try to convince us now that such a health insurance plan denies Americans the freedom of choice.

But clearly the American people have made their choice. They made it at the polls—most recently and most overwhelmingly last November. Perhaps no other single issue lost so many votes for the Republican Party as the issue of placing social security on a so-called voluntary basis. For the American people know that in the end this would destroy the system, rob the aged of earned benefits, and place an intolerable strain on the welfare resources of the Nation.

We can enact this bill as it stands today, confident in the knowledge that historians of the future will mark this day as the time when we took one more giant step toward the Great Society.

Mr. Chairman, I want to take this opportunity to commend the great chairman of the Ways and Means Committee, the Honorable Wilbur Mills, of Arkansas, for the tremendous skill he has displayed in bringing before this House a bill that is designed to serve the needs and wants of all Americans.

I also want to commend the members of the Ways and Means Committee for their support of the chairman of this great committee.

Mr. Chairman, I am proud to support this bill, H.R. 6675, and to vote for its enactment because it represents a new day, a new era in the behalf of the people of America.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. Helstoski] may extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HELSTOSKI. Mr. Chairman, this will long be remembered as the day upon which our senior citizens and their families were freed from the specter of financial ruin caused by major illness.

The elderly of our Nation—and indeed all citizens—owe a debt of gratitude to Representative Wilbur Mills and his committee for their determined and tireless work. This labor, it is certain, will result in final passage of this vital legislation. The committee's perseverance, under the inspiring leadership of Mr. Mills, and its recognition of the needs of the great majority of our senior citizens will be looked upon with gratitude and blessings across the Nation.

Voluminous testimony has proved beyond doubt the great need for old-age health insurance. Its passage will correct what must be considered one of our national shortcomings—the fact that this Nation, 30 years after establishing the social security system, still has not enacted a similar program extending health care to the elderly. It is almost unbelievable that we have let so many of our aged, and their children upon whom they depend, face financial catastrophe in times of illness during the past three decades.

Statistics tell the story, Mr. Chairman. Four out of five persons 65 or older have some type of serious illness. They spend twice as much time in hospitals as young people, so it costs them twice as much. And because these older people in most cases are no longer employed and are ineligible for employer-employee health plans, almost half of them have not a penny of health insurance.

More than 3,500 constituents of the Ninth New Jersey District previously indicated by their letters and personal calls to me their concern over this legislation. These communications, received before our proposal emerged in its present form, indicated that 67 percent were in favor of medicare. The evolution of the legislation as now proposed, with its supplementary voluntary health insurance program, has brought an even more favorable response. Since this new program was announced I have received 480 letters commenting on its value. Mr. Chairman, 80 percent of these people urged me to support this legislation.

Furthermore, spokesmen for several senior citizens organizations have visited my district office, urging support of this bill. Their pleas carry much weight, for they know best the day-to-day threat illness imposes upon the pensioner living on a fixed income.

Mr. MILLS' committee has taken many arguments and objections under consideration and has included in its proposal recommendations made by the administration as well as those of the American Medical Association and Republican committee members.

This legislation represents a solution based on logic—no argument overshadows the commonsense of putting pennies away while you are employed in order to be able to pay big dollars out in medical costs when you are beyond working age.

Freedom from medical bankruptcy will be achieved through the basic hospital insurance programs. Further protection will be afforded at nominal cost by the optional supplementary medical program providing physicians' services. Together, these two programs will free older citizens to become participating members of society. Secure from financial worries, they can become useful volunteers in their communities. And since this hospital care will have been purchased during their working years there will be no stigma of accepting charity. They will be getting only what they have already earned.

And as a further aid to our pensioners, who find it increasingly difficult to keep up with today's rising costs of living and property taxes, the legislation includes a 7-percent increase in social security benefits.

Medical help for the aged is long overdue. I welcome the opportunity to come to the aid of our senior citizens and pledge my wholehearted support of this program.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Chairman, the House membership is attempting to resolve a medical problem which is complicated, as evidenced by the bill before you of nearly 300 pages, by the committee report of some 264 pages, which includes the report of the majority and the report of the minority. To those of you who have not had the opportunity of sitting with the House Ways and Means Committee for the past nearly 3 months, let me attempt to give you my impression in summary fashion of the real problem that is before us.

First of all, no one denies that some of our senior citizens have difficulty in meeting the expense of illness. In attempting to solve the problem for them, there are three considerations which can each be treated in the alternative. They are as follows:

First. Do we attempt to provide medical care to every aged person who has difficulty in meeting the expense of illness or do we provide medical care for all aged persons?

Second. Should we make whatever program which is decided upon a part of our social security system or is the better course to keep it entirely separate, using general revenue for financing?

Third. In setting up a program, should we best assign the administration of whatever program we decide upon to the States, which are closest to the problems, or do we use a bureau of the Federal Government?

After having listened to several hundreds of hours of testimony and reading reams of tables and statistics, this fairly junior member of the Ways and Means Committee has reached a decision in each of these three areas. It is my considered opinion that it is far more preferable for Government to provide total medical care for every person who needs it rather than to give less than total care to every person in the aged class. In reaching this decision, I see that my thinking is in accord with past decisions of the Congress in the more than 20 Federal welfare programs which are presently on the books.

These programs include low-cost housing, tuition under the Federal Defense Education Act, the four categorical public assistance programs, the many veterans programs and even the cash benefits program of the Social Security Act, to name but a few.

In the housing program we do not provide housing for all persons—of course not. We provide housing for the families with inadequate levels of income.

In the Defense Education Act we do not provide tuition for all students; rather, only those good students whose families cannot afford the cost of providing their bright child a college education.

The four categorical programs all are for those who cannot fend for themselves.

And so it goes down the list.

The second consideration, as to whether we establish a program closely associated with social security or apart from it and using general funds, I resolved in favor of avoiding any connection with social security—and I mean any. I am aware that you are being told that there is a safety factor because we have a separate trust fund and I know from examining the record that this is an illusionary safety factor, because in 1956, when Congress established a separate trust fund for the disability program, it was claimed that this would safeguard any inroads on the cash benefits insurance program and the record clearly shows that within 10 years, or by 1966, this fund would have been bankrupt or will be bankrupt but for the 50 percent increase provided in the reallocation of social security tax income, which reallocation is a part of the administration's bill which you are presently considering. I know that too many people are depending upon our social security insurance system to undergird their retirement program. Many people, with the help of commercial insurance companies, have built a retirement plan using social security as a base or foundation, and I, for one, do not choose to be a party to any legislation which will endanger the solvency and actuarial soundness of that foundation stone of retirement of millions of American people.

The third consideration which I mentioned earlier is whether Congress should in any legislation which is passed assign the job of administering the program to State governments or to a bureau of the Federal Government. I am certain that the closer we get to the people and the problems which they have, the more realistic and more efficient system will be produced. But I am not unyielding in my views and I would even forego and, in fact, have foregone this third objection which I have to the administration's measure when I signed the minority views and thereby supported the Republican alternative health plan.

But I am unyielding on the first two points. I cannot for the life of me change my thinking this late in the game as to espouse any legislation which involves the Federal Government in providing goods or services to any segment of the population which can itself make provision from its own assets. Nor can I be yielding, as I have said earlier, in any threat to the social security insurance system in the face of the many failures which are around us everywhere in the world, including the recent experiences in England, France, Italy, Belgium, and Japan—to name but a few.

Let us look briefly at the experience of some of these foreign nations which have adventured into the heady brew of government medicine. Here is what the NBC News Commentator Chet Huntley had to say on March 23, 1965, about the 23,000 general practitioners who recently made threats to quit the British National Health Service:

> The row, however, began when doctors asked for a pay increase. Well, as hot as the money issue is, that isn't all of it.
>
> The general practitioner in Britain claims that he is simply too overworked, too ill equipped, and that he is forced to live under a kind of new tyranny exercised by the patients, who now feel that health care and doctor's attention are theirs by right.

> Britain has been losing doctors at the rate of almost 500 a year. The number of medical students is declining, and already below the level of 1938. Meanwhile, the population grows. * * *
>
> Well, the program simply has not done well. So, there is genuinely a lot of dissatisfaction with the British National Health Service, but it might be of some profit to us to know and understand precisely what the complaints are, now that we are about to step gently into the area of public health care.

Amen, Chet, Amen.

Now, what about France?

U.S. News & World Report carried this item in its September 28, 1964, issue:

> De Gaulle has a new problem, and he can't seem to locate the answer in the back of the book. Problem, familiar to American taxpayers, is the rising cost of social security. * * *
>
> France's social security system, perhaps world's most extensive, is for the first time running in the red. Deficit now is a modest $250 million. Deficit expected in 1970 is put at $3.4 billion—almost as much as De Gaulle now spends on defense. * * *
>
> But: Costs are going up. Medical insurance bills have more than doubled in past 5 years, now amount to about 3 billion.
>
> And: Social security coverage keeps expanding.

Many other nations—Italy, Belgium, Mexico, Japan, to name a few—have been plagued by protest demonstrations by physicians and allied health care personnel.

A frustrated and unhappy profession does not produce the kind of high quality care we Americans have come to expect.

A frustrated and unhappy profession does not attract the outstanding young students who seek and deserve a demanding intellectual and physical challenge and the just rewards of overcoming such challenges.

Let us give this some thought.

The experts from the Department of Health, Education, and Welfare enjoy one of the rarest privileges accorded to any department employees. These men are permitted, with a concurrence of the majority of the House Ways and Means Committee, to sit daily with the committee throughout every session. They have the right to comment on the testimony of witnesses who are called before the committee. The Department's actuary always seems to have the last word.

In the administration's bill, which is before you, at present day cost figures and with the Department's advice, the committee's majority has attempted to put into the program approximately $12 per month for every aged person for those portions of the bill covered by social security and also $6 a month into that portion of the bill not covered by social security, which was borrowed from the Republican proposal, for a total of approximately $18 per month. Now, of course, figures that we use on today's market and the goods and services that these dollars buy may not be too meaningful in the future, but you must understand that the committee has provided a package for about $180 a year per aged person when the Department of Health, Education, and Welfare itself furnishes us with the average cost of medical services for every aged person as being $360 per year.

You may properly ask, what has the committee done? Have they provided half of the average proper health services for each person, or have they provided a good medical benefits program which is only 50 percent fully financed? And that is a good question, because for the really needy person with a major illness, it does not avail us to provide him with 50-percent recovery or 50 percent of his needed health services.

Let me nail down this $360 health expenditure per year on the part of the aged. HEW last estimated the average cost for the person over 65 at the beginning of 1962 as being $315 annually. Since that time, they have been applying a 5 percent per year compounded increase in cost. This, then, produces an average cost of approximately $360.

In the executive hearings, which, as you know, began in January and did not end until about a week ago, testimony was taken from many witnesses. The Health Insurance Association of America brought several actuaries before our committee and left us with a warning that HEW's estimate of level cost—0.96 percent of payroll—missed its mark by some 0.42 percent of payroll. The insurance industry estimate was 1.38 percent of payroll. Those estimates will be found on page 437 of volume I of the printed executive hearings.

But the estimates of the Social Security Administration, which take into account a very small factor for overuse simply because the program becomes free, misses the mark completely when you compare the anticipated utilization of health facilities under a government program with actual use, the closest example to us in point of geography being the 20-year experience that the Province of Saskatchewan has had, wherein hospitalization utilization rose almost 300 percent in the first 13 years of that program's experience. A repetition of that experience would certainly play havoc with the soundness of the social security system.

But, then, we are told to disregard the actual experiences of other countries because this country will be different. I am afraid we are going to have to disregard a lot of experience and good advice if the majority of the members of this body vote to adopt the administration's bill. We are going to have to disregard as well the advice of the two groups most expert in the provision and payment of medical care; that is, the physicians of this country and the health insurance industry of this country.

As one of the original 35 sponsors of the eldercare bill, I believe it to be far superior to the so-called medicare approach in H.R. 6675.

I would also emphasize that the medical profession has thrown its support behind the eldercare bill, and that Congress has been deluged by a flood of letters supporting the eldercare concept.

My preference for the eldercare approach over the medicare plan is based on the fact that the eldercare proposal avoids compulsion, minimizes Federal regimentation and allows a broad range of benefits under State-administered programs.

Under eldercare, the extent of aid to the recipient would be based on his need for Government assistance, thus making the best possible use of tax dollars.

I have maintained that the quality of medical care and medical science would deteriorate under a Government-operated health care system. While it is true that the health care benefits under H.R. 6675 are provided principally for the elderly, it is unrealistic to believe that the program will not expand.

It is difficult to realize that the modern history of attempts to provide health care through a federalized system began 30 years ago when there were some recommendations for a health insurance title in the original social security bill.

In 1939, Senator Robert F. Wagner introduced a bill which included a national health program, one of Federal grants increasing over a 10-year period.

A few years later, the Wagner-Murray-Dingell bill proposed a compulsory national health service system for most citizens.

Public appeal for the Wagner-Murray-Dingell type of legislation diminished in the 1950's and compulsory programs for the general population failed to become a major legislative issue.

Then, in 1957, Congressman Aime Forand introduced a bill which would have provided broad hospital, surgical, and nursing home benefits under the social security system for all those eligible for the old-age and survivors benefits.

The 1957 Forand bill did not get anywhere and neither did a similar proposal in the following 86th Congress.

In 1960, the Kerr-Mills bill establishing a Federal-State program to help the needy and near-needy elderly obtain health care was passed into law.

But this did not have the effect of slowing down the efforts of the proponents of social security financing.

A series of King-Anderson bills—watered down versions of the Forand bill—were introduced in succeeding Congresses.

The avowed aim—to open the door to social security medicine.

Let us give this some thought.

Now, here we are today, pondering a three-layer cake, providing the biggest and costliest welfare program since social security itself began.

It is going to cost us $6 billion a year in 1967.

And it would raise the maximum social security payroll tax from the present $174 to $252 in 1967—a $78 jump.

Mr. Chairman, the debate on this measure is not to be construed as involving the question of who is for the old folks; it is not concerned with any questions of compassion for those who have need of Government assistance. We are all for helping the aged and we would all like to do even more than is proposed to be done here. But as a businessman I can tell you that a significant part of this debate involves the question of how best to finance whatever it is that we do in the way of providing benefits.

For a number of reasons I am opposed to financing any health service-type benefits by means of a payroll tax within the framework of social security. I have already expressed concern that obligating the social security system for service-type benefits may impair the program's ability to meet its obligations to pay cash benefits. My concern is not allayed by the subterfuge of a separate tax and a separate trust fund when we have involved the same program, the same taxpayers, the same employers, the same recipients, and the same Government agency. The sameness is there in the eyes of the people even though we go through the useless gesture of legislatively prescribing different labels.

The payroll tax that the majority proposes as a means of financing its compulsory medicare program constitutes the most regressive type of taxation. In this case it will strike hardest at those least able to afford it. Service-type benefits under the system will not be wage related. Benefits will be paid with respect to many of our aged who have no need for Government subsidy and these benefits will be paid for by increased taxes—for the most part on persons who are raising families and seeking to educate their children.

Mr. Chairman, as a part of my supplementary individual views that begin on page 258 of the committee report, I included at the end of those views six tables which my esteemed colleague, the gentleman from Missouri [Mr. CURTIS], and I requested the able staff of the Joint Committee on Internal Revenue Taxation to prepare. I would like to direct your attention to these tables which are set forth on pages 262 through 264 of the report and comment briefly on them. I will use rounded figures for ease of reference.

As I proceed, bear in mind that these tax rates and these tax burdens apply to individuals and employers alike. In combination, they tend to reduce take-home pay, increase the cost of goods and services, reduce return on investments, and discourage the creation of employment opportunities—hardly the professed objectives of the Great Society.

In table 1 we see that in the year 1965 a rate of 3⅝ percent is applied to a taxable wage base of $4,800 to produce a tax on the employee of $174, which is matched by a similar tax on his employer to total $348. Next year this combined tax will increase by $100 if the employee earns as much as $5,600. And these totals are only for the cash benefit part of the program and assume no future liberalizations in the program; they do not include the so-called basic health insurance program. Beginning on January 1, 1973, the combined employer-employee tax for only cash benefits will be $635.

Table 2 relates to the self-employed and shows similar data as I have described with respect to employed individuals in table 1.

Table 3 sets forth the tax rates and amounts applicable to individuals and employers for the basic program of health benefits. These are over and above the rates and amounts delineated in tables 1 and 2. As you can see, even under the proposed bill these tax increases continue going up for 22 years or until 1987, and if I am correct in my concern about this progam being underfinanced, this is just the beginning.

Table 4 particularly merits the attention of those of us who are working to sustain and expand the economic growth of our free enterprise society. This table in terms of billions of dollars indicates the total tax burden on individuals and employers—for the years 1965 through 1972 under present law and the pending bill. In 1965 total social security taxes will amount to $17.2 billion and next year, if H.R. 6675 is enacted, the total of such taxes will amount to $21.9 billion—or an increase of $4.7 billion. In 7 years the tax burden will nearly double to an aggregate amount in excess of $33 billion. Now, all of this increase is not solely attributable to H.R. 6675, but I submit to you that in their effect on the economy it makes no difference whether the tax increases occur as a result of existing law or because of the bill now before us. A tax increase is a tax increase by any other name.

Dwelling a bit further on table 4, I would like to call your attention to two recent comments of concern over taxation that bear on the significance of the data presented in that table. The first of these is contained in the majority views of the report by the Joint Economic Committee on the President's Economic Report. On page 9 of Joint Economic Committee report, the following expression appears:

> The committee is concerned, however, over the possible repercussions of the rise in social security contribution rates scheduled for January 1, 1966, and urges that the Federal Government be prepared to take decisive action if the forward progress of the economy is checked.

The second comment to which I will refer is a remark made by the recently retired Secretary of the Treasury, the Honorable Douglas Dillon, before a group meeting under the auspices of the American Bankers Association a few weeks ago in Washington, D.C. At that time, Mr. Dillon asserted that taxes imposed on our low-income citizens are too high and need to be reduced. Mr. Chairman, I agree with the observation by the Joint Economic Committee majority and I agree with Mr. Dillon. The tax impact of this bill is in conflict with the majority of the Joint Economic Committee and with the concern expressed by Mr. Dillon.

Table 5 on page 264 of the committee report shows that the combined tax rate under the committee's bill ultimately reaches 11.2 percent applicable to a taxable wage base of $6,600. It is to be remembered that this rate applies before deductions and exemptions. It is in effect closely akin to a gross income tax.

Table 6 reveals the total tax to be paid with respect to an employee and we learn that it reaches an ultimate level of $740. I remind you that this ultimate tax rate and this ultimate tax burden are only for the social security program as it will be modified by the bill now before us. If we want to liberalize benefits in the future or add to the health care program, we will have to add taxes on top of the taxes we propose to add under H.R. 6675.

Mr. Chairman, it is easy to vote for greater benefits but, as we do, we must remember that the benefits we propose must be offset by the taxes we impose. The Government can giveth only if the Government taketh first.

Although there are many provisions in H.R. 6675 which I believe to be meritorious, the dangers in the compulsory health care features of the bill are so serious that I must oppose the bill as reported by the committee.

I have repeatedly stated that one of the major problems of the elderly is to see that social security cash benefits keep up in some measure with the rising cost of living.

Accordingly, I am in favor of the 7-percent increase in social security pensions.

At the same time, I wish to point out that the hospital and nursing home care benefits, supported by social security tax dollars, will mean that there will be less funds available to provide cash increases in the future. We may even preclude forever the opportunity to raise cash benefits.

I would also point out that part of the frosting on the committee's three-layer cake would include physicians under the social security system.

This is plainly another slap at a profession which has served us so nobly and so well.

The other professions, such as law and dentistry, were given an option to elect social security coverage.

Physicians, who have steadfastly voted as a profession against social security coverage, should be accorded the same privilege. Physicians in my district tell me that most doctors do not retire at age 65 and, therefore, do not need and do not want social security coverage. Furthermore, a substantial portion of the doctors are in private practice and would be subject to the self-employment tax, which is equivalent to 150 percent of the employee social security tax.

Moreover, it it ironic that H.R. 6675 would allow the Amish and members of other religious sects which oppose social security to withdraw from this program at their option.

Gentlemen, we have been given an awesome responsibility.

Will we be known as the body which admitted its hasty actions and came to honest grips with the problem?

Or will we be known as the House which opened the door to a new concept of welfarism which slowly but inexorably eroded the vitality of a great nation?

Certainly we can go along with what we mistakenly believe to be the majority view.

But will our consciences go with us?

I submit that the people have given us a mandate—not on specific legislation—but to use our minds for the best interest of our Nation.

In the past several months, I have detected a certain disdain among my colleagues regarding the views of the medical profession on this important matter.

Flushed with the November bounty, they have scarcely heeded the warnings of physicians regarding the inherent danger of social security medicine.

The medical profession—especially in the past 29 years—has brought us into a virtual "golden age of medicine." Indeed, there is general agreement that "there has been more medical progress in the past two decades than in the previous two centuries."

American physicians—educated in a tradition of freedom and excellence—have been the architects of this golden age.

Are we now—as in that childhood story—about to kill the goose that lays the golden egg?

Let us give this some thought.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, Congressmen who introduce bills on subjects they consider exceptionally important often find themselves in a dilemma when the time comes to vote—not on their bill, but on a bill directed toward the same goal.

Rarely does the bill meet all of the Congressman's expectations when measured against his own legislation. The question is whether the right course is to accept a somewhat different approach or to hold fast to one's own ideals of how the legislation should be constituted.

Many of us must make that decision today.

For 30 years, this country has been at odds over how it should help its elderly citizens protect themselves against the high cost of illness.

As early as 1935, responsible groups were asking the President and Congress to develop a national health insurance plan which would be workable and fair.

Mounting costs of hospital and nursing care, coupled with a steady increase in our elderly population, have made health protection for the aged a major national problem.

The need is plain as the figures and the cases increasingly demonstrate. More and more, we hear of an entire family's savings wiped away by the high cost of hospital or nursing home care. Science and the medical profession have made wonderful advances in making it possible for people to live longer.

As a result this country's population over age 65 is increasing at the rate of 1,000 a day. This year, it passes the 18 million mark. By 1980, the census tells us, our aged will number 24,458,000—an increase of more than a third in the next 15 years.

Almost one-half of the over-65 population in the United States must live on income of less than $2,500 a year. Worse, nearly half of the aged who live alone have incomes of less than $1,000 a year. One-half have liquid assets of less than $1,000. About 40 percent have less than $5,000 total assets, including homes.

Added to the problem of scarce funds is the fact that one-half of our over-65 citizens have no health insurance. Many more have grossly inadequate coverage.

Yet four out of five have a chronic ailment. With this high tendency to illness, our over-65 citizens need three times as much hospital care as younger people. And the aged are the primary users of nursing homes and chronic disease hospitals. In New York City alone, there are nearly 11,000 nursing homes.

And the cost of hospitalization is rising rapidly. Even in 1961, the latest complete figures we have, the average cost of each day in the hospital was $35.

The total cost of health care for persons over 65 is estimated at more than $5 billion a year. Nearly half of this goes into hospital and nursing home care, including custodial and mental hospital care.

The facts are before us: The growing number of elderly citizens, the financial problems many of them face, the high cost of and therefore the lack of insurance, the tendency of the aged to chronic ailments, and the increased cost of hospital care.

The basic question we face as a nation is how best to help our aged meet this problem. I suggest that a broad-scale health insurance program for all of our aged, financed through a payroll tax, is the best kind of help we can give.

The payroll tax—the same financial source that the social security program uses—can be applied to most of the working force of our Nation; has a wide base; is easily collected, and does not fluctuate as much as the income tax. Further, we could not load a broad program of hospital care for the aged onto the progressive income tax or the corporate income tax. Higher rates in those areas would, in my opinion, have a serious impact on our incentive to increase profits and income through growth.

Some years ago, then consistent with these principles, I introduced proposed legislation that would provide a broad program of hospital care financed by a measured pay-as-you-go system—the broad-based payroll tax. I believe the payroll tax is fair—it is shared 50-50 by employers and employees, and is paid by the self-employed during their working years. It creates an insurance fund financed by the broadest possible tax base. Some would argue that a hospital plan should be financed totally by general revenues. It is argued that this would remove the involuntary feature of the payroll, or social security tax. But I know nothing voluntary about the income taxes that we pay to make up the U.S. Government's general revenues.

My bill differed from H.R. 6675 chiefly in its option feature. Under this option in the Lindsay-Tupper bill a beneficiary could convert the value of his interest in the fund at age 65 into cash to be applied to the premiums of a qualified private health insurance program. H.R. 6675, on the other hand, provides a different option. It adds a voluntary insurance program for nonhospitalization medical costs. I cannot say that the difference is so great as to make me vote against the provision in H.R. 6675. Both methods will encourage the growth and development of private health insurance and voluntary prepayment plans, particularly in the field of catastrophic illness. This I believe is desirable.

I note with satisfaction that H.R. 6675 establishes a separate health—or hospital—insurance trust fund. I believe that my original proposal was the first to have drafted in it this separation.

Thus, plan A of the bill before us is very similar in content and scope to the Lindsay-Tupper bill, as it is known, and I think represents a step forward. The option feature of the Lindsay-Tupper bill was designed to create flexibility and to encourage the private sector. I believe this feature has been substantially satisfied by plan B in the bill before us, the voluntary, contributory insurance plan.

One may ask, why not a total bill made up of plan B, as has been proposed in somewhat different form? The answer is that it is too costly and too much to load on general revenues. Eventually, I am sure, it would require an increase in the income tax. Hospitalization, as I pointed out, is by far the highest cost factor of the medical problems of people over 65. They also happen to be the "mechanical" costs; that is to say, they have nothing whatever to do with the practice of medicine as such. I am firmly convinced, then, that the sound way to finance such a program is through the broad-based payroll tax.

Now then, Mr. Chairman, let me talk more specifically about H.R. 6675. Under the rule of procedure under which we are operating, no amendments are permitted. So we must talk about the bill as it stands. Features of the Lindsay-Tupper bill not already adopted are no longer possible of inclusion.

First, it need hardly be said that this bill represents one of the most significant pieces of legislation to come before Congress since I have been a Member of the House.

The bill is an effort to insure that no American who is 65 or older will go without basic hospital care during a time of illness because of need. It further offers a voluntary insurance program which would—among other benefits—pay the fees of physicians and surgeons. Persons 65 or over may participate in the plan or not, as they wish. The premiums are reasonable. One of the current problems, of course, is the unreasonableness of premiums for persons over 65, if they are insurable at all.

The basic plan, which is the hospitalization part, would be financed by a separate payroll tax, as is the existing social security system. It is known as plan A. The proceeds of the tax, which would be carried equally by employers and employees, would be paid into a hospital insurance trust fund in the Treasury Department. The program is to be administered by the Department of Health, Education, and Welfare.

Plan A, the basic hospitalization plan, does not exclude those persons who are not receiving social security benefits. They are covered automatically if they presently are age 65 or more, or if they will be 65 before 1968.

Plan A is to go into effect July 1, 1966, except for extended case services, which are to be allowable July 1, 1967. The supplemental voluntary insurance plan for physicians' services and other medical expenses also provides that benefits be paid starting July 1, 1966.

The benefit schedule under the basic Plan A, is as follows:

The services for which payment would be made include—

First. Inpatient hospital services for up to 60 days in each spell of illness with the patient paying a $40 deductible amount; hospital services would include all those ordinarily furnished by a hospital for its inpatients; however, payment would not be made for private duty nursing or for the hospital services of physicians except services provided by interns or residents in training under approved teaching programs;

Second. Posthospital extended care—in a facility having an arrangement with a hospital for the timely transfer of patients and for furnishing medical information about patients—after the patient is transferred from a hospital—after at least a 3-day stay—for up to 20 days in each spell of illness; 2 individual days will be added to the 20 days for each day that the person's hospital stay was less than 60 days—up to a maximum of 80 additional days—the overall maximum for posthospital extended care would then be 100 days in each spell of illness;

Third. Outpatient hospital diagnostic services with the patient paying a $20 deductible amount for each diagnostic study—that is, for diagnostic services furnished to him by the same hospital during a 20-day period; if, within 20 days after receiving such services, the individual is hospitalized as an inpatient in the same hospital, the deductible he paid for outpatient diagnostic services—up to $20—would be credited against the inpatient hospital deductible—$40; and

Fourth. Posthospital home health services for up to 100 visits, after discharge from a hospital—after at least a 3-day stay—or extended care facility and before the beginning of a new spell of illness. Such a person must be in the care of a physician and under a plan established within 14 days of discharge by a physician calling for such services. These services would include intermittent nursing care, therapy, and the part-time services of a home health aid. The patient must be homebound, except that when equipment is used the individual could be taken to a hospital or extended care facility to receive some of these covered home health services in order to get advantage of the necessary equipment.

No service would be covered as posthospital extended care or as outpatient diagnostic or posthospital home health services if it is of a kind that could not be covered if it were furnished to a patient in a hospital.

A spell of illness would be considered to begin when the individual enters a hospital or extended care facility and to end when he has not been an inpatient of a hospital or extended care facility for 60 consecutive days.

The deductible amounts for inpatient hospital and outpatient hospital diagnostic services would be increased if necessary to keep pace with increases in hospital costs, but no such increase would be made before 1969. For reasons of administrative simplicity, increases in the hospital deductible will be made only when a $5 change is called for and the outpatient deductible will change in $2.50 steps.

Basis of reimbursement: Payment of bills under the basic plan would be made to the providers of service on the basis of the "reasonable cost" incurred in providing care for beneficiaries.

The basic plan would be financed as follows:

Separate payroll taxes to finance the basic plan, paid by employers, employees, and self-employed persons, would be earmarked in a separate hospital insurance trust fund established in the Treasury. The amount of earnings (wage base) subject to the new payroll taxes would be the same as for purposes of financing social security cash benefits. The same contribution rate would apply equally to employers, employees, and self-employed persons and would be as follows:

	Percent
1966	0.35
1967–72	.50
1973–75	.55
1976–79	.60
1980–86	.70
1987 and thereafter	.80

The taxable earnings base for the health insurance tax would be $5,600 a year for 1966 through 1970 and would thereafter be increased to $6,600 a year.

The schedule of contribution rates is based on estimates of cost which assume that the earnings base will not be increased above $6,600. If Congress, in later years, should increase the base above $6,600, the tax rates established can be reduced under these assumptions.

The cost of providing basic hospital and related benefits to people who are not social security or railroad retirement beneficiaries would be met from general revenues. This is expected to cost about $200 million per year at the outset of the program.

The supplemental voluntary program, sometimes referred to as plan B, would be financed through the payments of premiums by those individuals over 65 who desire the insurance. The initial premium would be $3 per month, deducted, when applicable, from social security or railroad retirement benefits. The Government would match the premium with $3 paid from general fund revenues. The minimum increase in cash social security benefits for retired workers, as provided elsewhere in H.R. 6675, is $4 per month, or $6 per month for a man and wife receiving benefits based on the same earnings record. Thus the benefit increases would fully cover the amount of monthly premiums. The premiums would be deducted from social security or railroad retirement benefits.

The procedure for enrolling in the supplemental plan is as follows:

Persons aged 65 before January 1, 1966, will have an opportunity to enroll in an enrollment period which begins on the first day of the second month which begins after enactment and ends March 30, 1966.

Persons attaining age 65 subsequent to December 31, 1965, will have enrollment periods of 7 months beginning 3 months before attaining 65.

In the future general enrollment periods will be from October to December 31, in each odd year. The first such period will be October 1 to December 31, 1967.

No person may enroll more than 3 years after close of first enrollment period in which he could have enrolled.

There will be only one chance to reenroll for persons who are in the plan but drop out and that must be made within 3 years of termination of previous enrollment.

Coverage may be terminated first, by the individual filing notice during enrollment period, or second, by the Government, for nonpayment of premiums.

A State would be able to buy in for its public assistance recipients who are receiving cash assistance.

Benefits to be provided in the supplemental insurance plan are as follows:

The supplementary plan would cover physicians' services, home health services, hospital services in psychiatric institutions, and numerous other medical and health services in and out of medical institutions.

There would be an annual deductible of $50. Then the plan would cover 80 percent of the patient's bill—above the deductible—of the following services:

First. Physicians' and surgical services, whether furnished in a hospital, clinic, office, or in the home;

Second. Hospital care for 60 days in a spell of illness in a mental hospital—180-day lifetime maximum;

Third. Home health services (without regard to hospitalization) for up to 100 visits during each calendar year;

Fourth. Additional medical and health services, whether provided in or out of a medical institution, including the following: Diagnostic X-ray and laboratory tests, electrocardiograms, basal metabolism readings, electroencephologrames, and other diagnostic tests; X-ray, radium, and radioactive isotope therapy; ambulance services—under limited conditions; and surgical dressings and splints, casts, and other devices for reduction of fractures and dislocations; rental of durable medical equipment such as iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home; prosthetic devices—other than dental—which replace all or part of an internal body organ; braces and artificial legs, arms, eyes, and so forth.

There would be a special limitation on outside-the-hospital treatment of mental, psychoneurotic, and personality disorders. Payment for such treatment during any calendar year would be limited, in effect, to $250 or 50 percent of the expenses, whichever is smaller.

I wish to point out two largely unpublicized aspects of the bill which I think will prove to be of considerable concern to older people.

The first is that persons 65 and older will no longer be able to deduct all of their medical expenses on their Federal income tax returns. H.R. 6675 would amend the Internal Revenue Code so that these persons, like all persons under 65 in present law, may deduct only those medical expenses exceeding 3 percent of their adjusted gross incomes, and only those expenses for drugs and medicines which exceed 1 percent of their adjusted gross incomes.

Second, the bill would amend the code so that all taxpayers—irrespective of age—will no longer be allowed to deduct all of their expenses for health insurance. The bill would limit the deduction for medical insurance premiums to one-half the amount paid during the tax year, up to a maximum of $250.

I do not think that either of these provisions should have been included in the bill. They place the Congress in the position of bestowing a health insurance program with the one hand, while with the other repossessing part of what it earlier had given.

Since, as I have said, we are prevented by the rules from offering an amendment, I can only express the hope that if and when the bill goes into conference with the Senate the section will be eliminated. I agree with the general principle that the jerry-built scheme of deductions and exemptions in the Internal Revenue Code should be reformed. I submit, however, that this is no way to attain that end.

H.R. 6675 is not solely concerned with health insurance; it makes dramatic changes in other sections of the social security program.

First, the bill provides a 7-percent across-the-board increase in benefits to social security recipients, retroactive from January 1, 1965. The minimum increase for retired workers at age 65 will be $4 per month. These increases will affect some 20 million beneficiaries.

Monthly benefits for workers who retire at 65 or older would be increased to a new minimum of $44 and to a maximum of $135.90. The present figures are $40 and $127.

To finance these increases, the social security taxes paid by employers and employees will be increased in steps to 4.8 percent for the year 1973 and years thereafter. The taxable earnings base would be increased from $4,800 to $6,600 between January 1, 1966 and 1971.

The bill also provides that social security recipients may earn more without suffering reductions in their benefits. The bill provides that the States may double the present $10 exemption for a recipient's monthly earnings. Also, the States may exempt one-half of the next $60 earned. The present exemption is one-half of $40. These provisions could go into effect January 1, 1966.

While I shall not attempt to list all the effects of what is an extremely complex and comprehensive piece of legislation, I should mention that cash tips received by an employee are to be reported for purposes of social security payroll tax deductions and later, social security benefits. The bill provides for employer withholding of such taxes on tips employees report. This coverage would commence next January 1.

In conclusion, I have sedulously compared my health insurance bill with the legislation before us. I find that H.R. 6675 will accomplish much that my bill was intended to achieve. It incorporates two of the fundamental procedures set forth in my bill: Financing of hospitalization insurance through the payroll tax—a sound and responsible method of financing such a program and the establishment of a basic hospital plan for which the need is immediate and great. I believe the bill should be enacted and I intend to vote for it.

Mr. KEOGH. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Chairman, I believe that no one in the House of Representatives—and I am sure no member of the Committee on Ways and Means—wishes to do anything which would take away the opportunity of the people over 65 years of age to have their medical needs taken care of, when required, after they are in retirement.

In the study I was privileged to participate in as a new member of the Ways and Means Committee, I would have to say that every member of that committee studied diligently the question of solving this quite complex problem, always keeping in mind not only the desire to solve it but the very great need to do the job without having any degree of Federal interference in the administration of our hospitals or any invasion into the practice of medicine by the Federal Government.

Certainly, I believe that all of us have striven to avoid the genesis of state medicine.

The chief bone of contention then comes not on whether to do what we are trying to do—that is, to solve the problem of medical needs of the aged—but how to do it.

My distinguished, learned, and able friend from Wisconsin [Mr. BYRNES] has suggested that we do this by a device which he has labeled a completely voluntary program but which would be subsidized to a great extent, about two-thirds, from the general revenues of the Treasury. In addition his plan would put a very heavy burden on the participants after they passed through their best earning years requiring a contribution from the retired people on an average of about $6.50 a month according to Mr. BYRNES.

The gentleman said yesterday in the debate, in which he participitated in an able and eloquent way—I quote from page 6966—

> But may I point this out, Mr. Chairman? My objection to the committee bill is not on the basis of the cost. My objection is to the means used to finance the benefits; namely, the payroll tax.

It is with that feature I wish to deal very briefly.

Let us see exactly what H.R. 6675 does with the general funds. It takes $275 million per year from the general funds to blanket in, so to speak, those 2 million uninsured people for hospital benefits under the basic hospital program.

H.R. 6675 also requires about $600 million per year to support the voluntary plan for those who would come under the program and take the supplementary benefits.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. At that point I believe we should have an understanding.

As to the general funds which are used to finance part of the hospitalization costs—and this is directed toward the costs of those people who today are not eligible for old-age and survivors insurance cash benefits—can the gentleman tell me the rationale for making the distinction of financing their benefits of the general fund but of financing the benefits of other people over 65 who are retired today out of the payroll tax.

I think it would be interesting if we could have an explanation as to why that distinction is made and these people are put into two different categories.

Mr. LANDRUM. I think that distinction was made yesterday in the colloquy between the gentleman from Wisconsin and the gentleman from Arkansas [Mr. MILLS] but I will try to address myself to that briefly before I close my remarks, if time permits.

Now, this makes a total of $875 million from the general fund for the first year's operation for the hospital insurance and supplementary health insurance benefit programs of H.R. 6675. Now, for H.R. 7057, Mr. BYRNES' substitute, $2.86 billion would be taken the first year from the general fund on the same assumptions that H.R. 6675 takes $875 million.

Now let us look just a little bit at the philosophy of this question which has bothered people all over the country just as it has bothered Members of the Congress and as it has bothered me over the last several years.

Our principal aim, as I have said, has been to resolve this problem without going down the road to socialized medicine. We want to resolve it without having any invasion into the practice of medicine by the Federal Government. We do not want the Federal Government in the operation of hospitals. Now, I ask you, Which is the swifter more certain path to a complete and total socialized program? Is it financing this program out of general revenues or financing it with a prepaid program and limiting the general fund contribution to the very minimum required to support the voluntary program in H.R. 6675? There is only one way to get money out of the general fund, and that is through the legislative branch of the Government exercising its authority to appropriate. The legislative Members of the Government appropriate money based on what the people of the country require and need. When we say we want to avoid socialized medicine and when we say that we want to avoid deficit financing, how can we support a motion to recommit which furnishes the asphalt to pave the road further into deficit financing; to pave the road into a socalized medical structure? We are not, under H.R. 6675, saying to any hospital who can come in and who must be kept out. We are not saying to any person what doctor he must use or what doctor he must not use. All we are saying is that we want a program available when our earning years are over so that we will not be a drain on the general revenues and so that we will not year after year have to increase this initial $2.86 billion that the motion to recommit calls for. That motion calling for $2.86 billion this year can be expected to increase and perhaps to double within the next decade, for as our people over 65 increase in numbers and the chances for them to achieve the capacity to meet their medical needs on their own resources decreases, then greater and greater demands will be made on the general revenues and greater and greater pressures will be brought to bear on the Members of the legislative branch of the Government to appropriate to meet the needs. When you do that you will, as I have said, pave the road to socialized medicine.

The day will come when the great men and women of the medical profession today will hail H.R. 6675 as the device that saved their profession from the socialization they rightly fear. All reasonable men can fully appreciate the apprehension and concern of the men and women of the medical profession for the preservation of the high ethical standards the profession enjoys and the close and intimate, confidential relationship that exists between the doctor and his patient. We do nothing in H.R. 6675 to invade or distrub those standards and relationships.

Mr. Chairman, now I want to make one additional point that concerns me greatly about this motion to recommit. I heard yesterday, as I have heard today and as I have heard over the few weeks that I have been privileged to be a member of this great Committee, statements of great admiration and respect for the Chief Actuary of the Social Security Administration, Mr. Robert Myers. Upon having a question propounded to him about H.R. 7057, he provided a memorandum dated April 6 about the actuarial balance of the OASDI system under H.R. 7057, the proposed substitute in the motion to recommit. I would like to read this statement from Mr. Myers:

> H.R. 7057, introduced by Mr. BYRNES on April 1, would establish a program of voluntary, comprehensive health insurance for all persons aged 65 and over—

And get this now—

> and would also modify the OASDI system in the same manner as H.R. 6675. However—

That word "However" covers lots of things.

> However, H.R. 7057 would significantly affect the cost of the OASDI system because the premium for the voluntary health insurance would be paid from the OASI trust fund with respect to insured workers aged 65 and over who are not receiving cash benefits because of the retirement test. In other words, H.R. 7057 includes a further liberalization of the retirement test over that provided by H.R. 6675. The cost of this change is estimated at 0.07 percent of taxable payroll and, accordingly, affects the actuarial balance of the program.
>
> Under H.R. 6675, there is a small lack of actuarial balance of the OASDI system amounting to .08 percent of taxable payroll, which is less than the established limit of 0.10 percent of taxable payroll as the maximum actuarial imbalance that can be present for the system to be said to be sufficiently close to actuarial balance. Under H.R. 7057 the lack of actuarial balance would be increased 0.15 percent of taxable payroll or beyond the acceptable limit. On this basis, it would seem that H.R. 7057 should carry additional financing, such as having an ultimate combined employer-employee contribution rate of 9.7 percent beginning in 1973.

Now, then, we have under the committee bill only 9.6 percent for 1973.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. Not at this point, please. I shall in a minute.

Mr. BYRNES of Wisconsin. I thought I would yield the gentleman additional time.

Mr. LANDRUM. I shall yield in just a moment, please.

Mr. BYRNES of Wisconsin. I do not care whether you do or not.

Mr. LANDRUM. What I am trying to say at this point is this. Whether you are for or against the committee bill should not influence your attitude about this motion to recommit. You cannot be for this motion to recommit and expect to keep your OASDI system in appropriate actuarial balance.

The Chief Actuary of the Social Security Administration tells us—and I heard the gentleman from Wisconsin [Mr. BYRNES] yesterday express his deep admiration and respect for Mr. Myers, and I agree with him, and I heard the chairman express the same admiration and respect for Mr. Myers—that we cannot accept H.R. 7057 as a substitute if we want to keep the OASDI system in appropriate actuarial balance. That is, regardless of how you feel about the committee bill. So I say if you are concerned, as I have heard many say they are concerned about the actuarial soundness of this social security system, and I am not concerned—I think it is sound, I think it has been proven to be—but if you are as I have heard many say they are, concerned about it then you cannot support the motion to recommit, with instructions. I say that without regard to how you may feel toward the passage of the committee bill and its enactment into law.

Now, I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. I will take my own time. Thank you.

Mr. LANDRUM. Thank you, sir.

Now, Mr. Chairman, let me reiterate: I believe we will take a step today as significant as the step that was taken 30 years ago when the social security system was enacted into law. I heard some of our political leaders of that day say—and as a matter of fact I joined in some of that thinking—that the social security system as it was enacted would take us into socialism. I have heard the same people 30 years later say it was that system, it has been that social security system, that has prevented us from going into socialism. It has saved us from becoming a complete welfare state.

Mr. Chairman, I say today that by taking the step we are about to take, while disagreed to by many at the present, that in the days to come the people, the doctors, all Americans everywhere, will sing the praises of those who had the courage and the foresight to stand against the substitute and enact a law that will preserve the high ethics and lofty standards established by the great men and women who make up the medical profession of this country.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I asked the gentleman to yield in order to save time, possibly, to report to him and to the other Members of the House that the motion to recommit will revise that section to which he was alluding and to which he referred that does have an effect on the old-age survivors disability insurance fund. I think the method used in bill H.R. 7057 is a good method.

As the gentleman pointed out, it is a relaxation of the work clause. However, the basic bill provides some relaxation in the work clause which I think is a salutary move. This would have been a little further move in the relaxation of the work clause. I would point out, however, that the cost of the proposal to the social security system would have been seven one-hundredths of a percent of payroll.

The social security trust fund today is out of balance by eight one-hundredths of 1 percent after this bill is enacted, as reported by the committee. Another seven one-hundredths percent would not put it in the danger area. We have been advised by the actuary of the Social Security Administration that we need not become exercised as long as we kept the imbalance, as far as their estimates are concerned, within a tolerance of twenty-five one-hundredths of 1 percent out of balance. So even if this is in the bill it would not be of any great moment, I would suggest to the gentleman from Georgia. But because of the fact that there is some concern that maybe this does make an exception as far as the use of social security funds are concerned, the decision has been made that bill H.R. 7057 would be amended so what we will use in the case of the adjustment necessary for these people who are over 65 but still working is the same method of adjustment as is contained in the committee bill with reference to the adjustments that have to be made to these same people under the voluntary portion of the committee plan. It will be identical in that respect in the motion to recommit.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I speak to you concerning H.R. 6675. The die is cast; the Rubicon is almost crossed.

Since I hail from Appalachia, where it seems now they always have the blues, I thought today I might recount a short history of medical practice in one of these depressed and desolate areas—the medical history of the county of Monroe—referred to by Kentucky's leading newspaper as the scrub hill county of Monroe.

After World War II two relatively young physicians entered the practice of medicine in this hill county. The nearest hospital was 26 miles away. So these physicians, country doctors if you will, were forced to do much surgery in their offices and in homes. A jeep was a necessary instrument of that practice. So far as I know, no one was turned away from the physicians' doors. Calls were made into the hills and on two occasions patients' husbands lost their way in taking the physicians to their homes.

In 1952 this impoverished people, by public conscription and a bond issue and with Hill-Burton funds, started a hospital which was completed in 1953. Since that time no patient has been turned away because of lack of funds or for any other reason. After the hospital was built patients from Monroe and adjacent counties came in increasing numbers. Instead of two active physicians, there are now eight in this county.

The first bond issue was paid off in 10 years and a 24-bed addition was completed in 1964 with a second bond issue and a second Hill-Burton grant.

Two small group practices now flourish in this county whose average individual income is approximately $1,400. They are housed in modern clinics with excellent X-ray and laboratory facilities. And both were constructed without Federal aid.

The nonprofit hospital has accumulated operating capital of $15,000 to $20,000—part of which was used in a recent modernization of the portion constructed in 1953.

It is acknowledged that the Kerr-Mills program has been extremely helpful.

Gentlemen, this is an example of what the free and unfettered practice of medicine can do, even in impoverished Appalachia. How do I know this? It happens, gentlemen, that at the age of 54 I am the oldest physician in this county.

We now are embarking on a new adventure in medical practice, one in which the rich will enjoy the same free medical care we have always given the poor. I would ask if the expenditure of these vast sums of money is necessary to help the rich instead of the poor who really need the help. I would ask if medical practice will remain free of the fetters of Federal control. I would ask if our young people desire to increase their already heavy burden of taxation.

As one of the last country doctors, I am not here to criticize medical care for the aged, but rather to support it.

I ask my colleagues, who along with me have given this proposal serious study, to vote to recommit H.R. 6675, a bill which will within a few years cruelly overburden the social security system and the young workers with growing families, who will be forced to pay higher and higher social security taxes. By providing aid on the basis of need, the Byrnes proposal would assure that both Federal and State dollars were providing the greatest amount of care where they are the most needed.

Under the Byrnes proposal, the Government would have no reason to intervene in the practice of medicine. Protected by his insurance policy, the citizen's freedom of choice of doctor, hospital, or nursing home would remain the same as it has always been.

Returned questionnaires which I have just sent out from my office indicate that an overwhelming majority of the people of my district prefer this approach over medicare. Let us not be inveigled into blindly supporting the medicare program under social security when, with a longer view, we can see a better plan to help our needy, elderly citizens meet their doctor and hospital bills.

I humbly ask your consideration of recommittal of this bill and your consideration of the Byrnes proposal, which was formulated with the assistance of physicians who are most experienced in the needs of our ill and infirm.

For myself, I will continue in such time allotted to me for the practice of medicine and surgery with the motto learned may years ago of "service before self." And as good citizens, come what may, we will always comply with the law of the land.

Mr. KEOGH. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RHODES].

Mr. RHODES of Pennsylvania. Mr. Chairman, every Member of this House, as Dr. HALL, our distinguished colleague suggested, will make their decision on this legislation based on what is believed best for our country and its people.

Everyone is interested in quality medical service and there is no intent to harm in any way the medical profession. In fact some of the Nation's most dedicated and able physicians see the necessity for this legislation.

Mr. Chairman, enactment of the legislation now under consideration will be a historic decision. It has been hailed as the biggest social security bill in history and the most important and far-reaching step forward since the start of the program during the New Deal administration of Franklin D. Roosevelt.

I wish to commend the gentleman from Arkansas, the Honorable WILBUR D. MILLS, the distinguished chairman of our House Ways and Means Committee, for his leadership in bringing this comprehensive social security bill to the House floor for a decision. No one in the Nation is better informed on this question than our distinguished chairman. Under his able leadership, it was possible to bring forth a bill which I believe has widespread public support and approval. It is a privilege to serve with him as a member of his committee. I know I speak for all committee members in commending him for his fairness, as well as for his devoted and dedicated leadership.

This legislation will mean much in meeting the needs of our aged and retired citizens. This advance in social security is part of President Johnson's effort for a Great Society. It is part of the war against poverty. It is a recognition of the responsibility of government to bring adequate medical and hospital care within the reach of all of our aged citizens, without, as in many cases, exhausting all their assets and life savings. It gives the elderly the opportunity to benefit from the marvels and advances made in medical science.

The enactment of this bill will result in a better balance in our economy. It will add to the economic strength and well-being of our Nation. Improved consumer purchasing power through increased social security benefits will create additional job opportunities for many workers who are being displaced by automation, and for young folks who leave school each year to enter the labor market.

Congressional approval of this legislation will be a recognition, by this administration, of the overwhelming mandate which the voters of the Nation gave in electing as President and Vice President, Lyndon B. Johnson and HUBERT H. HUMPHREY, and a Democratic Congress. It will be the redemption of a platform pledge by those of us who made this a campaign issue last year.

There will be those who will oppose this bill, Mr. Chairman, just as there were bitter opponents who fought against social security when it was first enacted, and against every advance that has since been made. Just as predictions of national bankruptcy, regimentation, and the loss of freedom were made in bygone years, so will voices of fear and reaction be raised again, by enemies of social and economic progress. We hear repeated requests for delay, for further study and more time for debate, but everyone here knows we would hear these wornout arguments even if the decision was postponed a week, or even another year. But there will be others, who will see the need of further improvements to make the social security program more adequate in meeting the needs and problems of the aged, the disabled, and the less fortunate among us. Despite the progress that this bill represents, the new minimum cash benefit will be but $66 a month for a retired couple. This is far from enough to meet basic needs today.

There are other inadequacies which require amendments for further improvements. In this age of automation, employment opportunities will continue to decline for persons 45 years of age and over. All of which points to the need for a reduction in the social security retirement age.

A number of bills have been introduced to lower the age requirements for full retirement benefits to 60 years. This proposal, I believe, deserves first priority in making additional improvements in the program.

There is also the need for liberalization of the disability provision, which now requires 40 quarters of social security coverage to be eligible for benefits. When crippling disability strikes a young worker, it frequently leads to years of economic distress for him and his family. Bills which have been introduced to lower the requirements for disability benefits deserve prompt consideration and favorable action.

The social security program should also be amended, as the distinguished gentleman from Florida [Mr. PEPPER] said yesterday—to provide benefits to families stricken with catastrophic illnesses. It is social injustice to ignore the plight of families, who have a tremendous expense and a heavy financial burden, in addition to the suffering and hardships associated with such illnesses.

I am confident, Mr. Chairman, that eventually these changes will come. But they are not possible unless we give more serious thought and attention to financing additional improvements.

For this reason, I believe the Federal Government should contribute to the social security fund, matching payments by employees and employers. A one-third Federal contribution would increase social security fund reserves by 50 percent. This would strengthen the fund and make possible badly needed improvements without an additional unjust tax burden on low-income wage earners. It would finance a needed increase in benefits, a reduction of retirement age to 60, disability benefits after 1 year of coverage, and other needed improvements.

Such an expansion in the social security program would further provide job opportunities for young people, as more older folks retire. The economy would be strengthened through the increase in purchasing power that would follow.

Expansion of social security is essential in the building of the Great Society and for a better and more fair distribution of the national income, wealth, and prosperity. The advance of automation, the shut-down of obsolete industrial plants and out-dated government installations require prompt and favorable action on this type of legislation, as well as on other administration proposals for a full employment economy.

In most of the advanced democracies, particularly in Western Europe, the Federal Government contributes to the financing of the social security and medical assistance programs.

Even conservative critics, of the legislation now before us, make a good case for Federal contributions when they point to the heavy burden of social security taxes on wage earners.

The extreme right Manion Forum publication, in its most recent issue, makes a good case for my proposal for Federal contributions. In their criticism of the present social security tax, Dean Manion said, and I quote:

> The person who has been paying social security taxes for years gets no more service and attention under medicare than the person who has never paid any social security taxes at all, and this may be a very wealthy person whose income is derived entirely from rentals, interest, and dividends.

The Pennsylvania Medical Society was critical of financing improvements in the present bill with increased payroll taxes whereby they say, and correctly so, that "a $5,600-a-year worker would have to pay as much medicare tax as the $75,000-a-year executive."

Unintentionally these conservative forces make a good case to place some of the social security costs on high incomes and on interest and dividends which escape this tax, as Dean Manion admits.

It seems to me that there should be a ceiling established on payroll taxes. When the individual tax reaches 6 percent it is time to consider additional means of support for the social security fund.

One of the Nation's best-known and most popular statesmen has recently suggested that consideration be given to Federal contributions.

I speak of the distinguished junior Senator from New York, the brother of our late President, John F. Kennedy, who has contributed so much to the progress of the legislation we expect to approve today. The gentleman from New York made the suggestion at the 14th annual meeting of the National Council on the Aging at the Shoreham Hotel in Washington, D.C., on March 2, 1965, only a few weeks ago.

With permission of the House already granted, I include the Senator's address with my remarks:

ADDRESS BY SENATOR ROBERT F. KENNEDY AT THE OLLIE A. RANDALL AWARD AND DINNER, 14TH ANNUAL MEETING, THE NATIONAL COUNCIL ON THE AGING, MARCH 2, 1965, SHOREHAM HOTEL, WASHINGTON, D.C.

Mr. Shelley, Dr. Dosco, President Meyer, Mrs. Mathiasen, and distinguished guests, I am pleased to be with you at this year's meeting of the National Council on the Aging. Since its founding in 1950, the Council has played a leading role in the effort to help older people lead more comfortable, more complete, more dignified lives. Your work has ranged over the whole spectrum of problems of the elderly—housing and employment, retraining and retirement, medical care and medical indigency. For all, you have contributed substantially to the search for constructive solutions. I therefore feel especially honored that you have asked me to address you.

And it is especially appropriate that we meet today. This year, as we mark the 30th anniversary of the passage of the Social Security Act, we will enact the medicare bill—a charter of freedom from undue fear of illness and injury—into which President Kennedy put so much of his energies and efforts.

I need not dwell here on the significance of medicare. The costs of hospital and related care for the elderly have risen sharply as time has passed, and with each rise in cost, an increasing number of older Americans are unable to afford adequate medical care. We all know that medicare does not solve all the medical-cost problems of the aged. But it is a significant first step—and it is an imperative step.

I would like to talk this evening about what comes next—about a thorough evaluation of the basic structure of the social security system. Social security was designed to give our elderly a hope for decent life in retirement, a new chance to live out their days in dignity and peace instead of poverty and despair. When Franklin Roosevelt transmitted the original social security bill to the Congress, he pointed out that the Nation had a plain duty to establish a sound means of averting the dreadful consequence of economic insecurity. The bill, he said, was directed "toward a greater future economic security of the American people." I think it is time we took a careful look to see whether social security is now fulfilling that purpose—and what we must do to insure that it does afford our older citizens the measure of protection which they need and deserve in their last years.

I do not wish to minimize the importance of other, related problems. We face equally great challenges in finding ways to utilize the skills and abilities, the experience and knowledge of our older citizens; in providing adequate housing for the aged; and in expanding research into the causes and prevention of the illnesses and diseases associated with the aging process. But my major subject this evening is the economic security—or lack of it—which the social security system gives our retired citizens.

The basic fact is that, in the midst of unprecedented prosperity, our older citizens live in poverty. The Bureau of Labor Statistics estimates that it costs about $3,000 for a retired couple to live at a modest but adequate level in a big city, and $2,500 in a smaller community. Yet in 1962, half of the 5,400,000 aged couples in this country had incomes of less than $2,875, and 30 percent had incomes less than $2,000. The modest but adequate level for retired individuals is $1,800, and two-thirds of the 8,700,000 people in this category had less than this amount. Half had less than $1,130.

These shocking and shameful income figures are closely related to the level of social security benefits. For more than a third of its individual beneficiaries, and nearly 20 percent of couples receiving benefits, social security is the sole source of income. But in 1964, the benefits paid to retired individuals averaged $74 a month—just $888 a year. Benefits for aged couples averaged $130 monthly—$1,560 annually. Those millions who depend on social security for their entire support live in poverty.

We have, to paraphrase President Kennedy, continued to add to the years of life; but we have not yet met our responsibility to add new life to those years. Social security may provide a floor of protection to our elderly. But it is a floor without a carpet; and the nails come through.

We have always relied on individual savings and pensions to supplement social security. But for too many, there are no adequate supplements. This is by definition the case for the millions of elderly people who live in poverty. These are the people whose lives have always been a struggle, the people who were never able to save significant sums, the people who never worked for a firm which had a private pension plan. For these millions the sole hope upon retirement is an adequate pension under social security.

We have a long way to go.

The figures I have cited demonstrate that increases of 100 percent or more are needed for the lowest-income groups if we are to provide them with adequate benefits. We must recognize that this is going to be a costly proposition. How, then, are we going to foot the bill?

Within the present scheme, there are two ways of getting greater contributions—raise the payroll-tax contribution rates, and increase the maximum earnings base subject to contributions and creditable for benefits.

There does not seem to be too much room left for doing the former. Many are reluctant to raise the rate much over 10 percent for the employer and employee combined, and increases already projected will bring us to around that level. Increasing the maximum earnings base will be of some help. If, for example, the base were increased to $7,200, as this year's Advisory Council report recommended, individuals who earn $400 a month on the average would get benefits of $144 monthly instead of $127. Couples with those earnings would get $226 a month in benefits instead of the present $190.50. Some have suggested that the maximum earnings base could realistically be raised as high as $9,000 or $9,600, but even that would not be enough to provide the level of benefits essential to a life of modest comfort and dignity.

To provide these benefits, I think we must begin to consider a limited use of general revenue financing for the system.

Economically, a limited turn to general revenues makes a good deal of sense. The payroll tax is highly regressive. Its major justification has been that a payroll tax is basically contributory. In the main, the worker gets out during the years of retirement what he put in during the working years.

Yet, to a significant extent, this is no longer the case. Considerations of social justice have modified the strict relation between benefits and earnings. We have provided benefits to poorer and more irregularly employed workers; to widows and orphans; to those disabled by injury and illness. And we have always paid benefits to workers who were too old when the program began to make a full contribution for the benefits they are receiving.

In all these ways, the social security system has responded to genuine social needs. Through it, we are now providing benefits to deserving people who properly were not asked to pay for them. But we are doing so out of payroll contributions of others—and the payroll tax is highly regressive. That is why I say a limited turn to general revenues would make a good deal of sense.

Financing the extra benefits which I have mentioned out of the progressive income tax instead of the regressive payroll tax would greatly ease the burden on middle and lower income wage earners. It would allow a return to use of the payroll tax as a basically contributory device; and it would free a substantial sum to be used for the benefit of those who had contributed it.

Nor is there anything revolutionary in suggesting that we must be considering a limited use of general revenues in the social security system. The first presidentially appointed Council on Economic Security, whose report preceded the enactment of the Social Security Act, said that Government contributions to the system would eventually be needed, adding prophetically that, "It will not be necessary to have actual Government contribution until after the system has been in operation for 30 years."

The 1938 Advisory Council made the same recommendation, giving as its reason that "the Nation as a whole, independent of the beneficiaries of the system, will derive a benefit from the old-age security program. * * *" The Council also said, pertinently, that "with the broadening of the scope of the protection afforded, governmental participation in meeting the costs of the program is all the more justified. * * *" The 1938 Council stated the principle to be one of distributing the eventual cost of the old-age insurance system by means of approximately equal contributions by employers, employees, and the Government.

The social security board itself in 1939 called it "sound public policy to pay part of the eventual cost of the benefits proposed out of taxes other than payroll taxes, preferably taxes such as income and inheritance taxes levied according to ability to pay." The board added that "the wider the coverage, the more extensive this contribution from other tax sources might properly be."

In 1946 the House Ways and Means Committee's technical staff recommended a continuing Federal subsidy up to "a third of the year's total of benefit and expense payments." The 1948 Advisory Council called a Government contribution a recognition of the interest of the Nation as a whole in the welfare of the aged and of widows and children. I might just add that these advisory councils were not composed of wild-eyed radicals. Both the 1938 and 1948 groups included such highly respected names as Edward R. Stettinius, Jr., and Marion B. Folsom.

There is, therefore, sound historical basis for undertaking now to consider utilizing a contribution from general revenues to help provide adequate benefits for the lowest-income participants in the social security system and to help finance the payments of benefits to other beneficiaries who were never able to contribute in full for what they are now receiving. And there is sound economic basis as well. We will, over the next few years, have more than sufficient general revenues for a constructive contribution to social security without any increase in taxes. The present growth rate of the economy is 3½ percent annually. Some say it will be even greater, but even at 3½ percent the present tax rates will generate an annual revenue increase of $6 billion. By 1970, the income tax will be yielding the Federal Government an estimated $30 billion more every year than it is today. I think we can certainly afford to contribute some of this to social security. By doing so we will considerably ease the pressure on State and local welfare costs which are now skyrocketing. The dollars we put into raising social security benefits for the lowest income retirees to an adequate level will directly lighten the load on public assistance—a load, I might add, which is often financed by regressive State and local sales and property taxes. If we are going to deal with the problem, I think it makes a great deal of sense to use the income tax to do it.

I would like now to turn to some specific items, some particular things which we ought to do to improve the overall adequacy of the social security system.

First, specific action is needed to improve the position of the widow under social security. The average widow's payment is now only $67 a month—$804 a year. Widows should receive benefits of the same magnitude as their deceased husband's primary benefit. Widows deserve disability coverage, too, as do disabled wives of retired or disabled workers. The lack of coverage in this area represents a significant threat to economic security.

Second, I think it is imperative that we modify the retirement test, which causes reductions in benefits for workers earning over $1,200. As the law now stands, unless a man can earn quite a substantial sum, he will begin actually losing money as he earns over $1,700; at that point his tax-free social security dollar will be replaced by taxable earned dollars on a 1-for-1 basis. It is important to the policies underlying social security that there be an earnings test, but I think that at present it goes into operation at an inequitably low level, and should be raised significantly.

Third, disability benefits are, in my judgment, in need of certain reforms. At present the law requires that a disability be expected to be of indefinite duration, in effect permanent. President Kennedy recommended in 1961 that the requirement of permanence be removed, leaving only the requirement that the disability be total. Coupled with a provision for payments immediately upon determination that a total disability exists, this would provide the economic security needed. Further, the requirement of inability to engage in any substantial gainful activity is unduly hard on older workers who, though unable to perform their usual work could theoretically, though not practically, obtain other employment. I would liberalize the definition of disability for workers over age 55 so they need not show inability to engage in any and all substantial gainful activity, but only in the activity in which they were previously engaged.

These things we must do—and we will do them. But we must above all not rest content with the achievements of yesterday or today. We must continue our concern, and our attention for these problems—never allowing the passage of time and the change of circumstances to outmode our solutions. We must learn to pay better and more regular attention to the need for increased benefits. Even during the past 4 years, during which we did a good job in holding the line against rises in the cost of living, consumer prices rose about 5 percent. If we are not going to provide any automatic formula for increase—as we have done under the civil service retirement system and the military service pension system—we must be prepared to legislate regularly to raise benefits, not only to keep pace with the cost of living, but to allow our elderly to share in the rapid gains in productivity which we have been experiencing. Our inaction does not leave things as they are. It allows them to deteriorate.

But the basic choice is a plain one. Social security, for many of our senior citizens, will be only a way of keeping partial reliance on public assistance from turning into total reliance—unless we do whatever is necessary to provide an adequate income for all retired Americans. We must insure that "the best is yet to be, the last of life, for which the first was made." It is up to us.

Another proposal for financing needed improvements, Mr. Chairman, comes from an editorial in the Senior Citizens Sentinel, Los Angeles, Calif. The Sentinel is the voice of the National League of Senior Citizens headed by Mr. George McLain, one of the Nation's foremost leaders of senior citizens. The Sentinel editorial follows:

BRING IT UP TO DATE

For 25 years millions of Americans have been receiving monthly social security checks. Yet, there are still more people who find this reality hard to accept, who appear to believe the system is only a transient, radical idea destined to be abolished just as soon as we can teach people the simple virtues of thrift and foresight.

Certainly anyone in touch with social reality knows that social security is here to stay and that its promise of security for every American family is also realistic in our technologically developed economy. This was the intent of the original legislation. And the only thing holding back this promise is the failure of our lawmakers to keep the system up to date, to provide new financing for rising living standards of retired people, and to make up the losses caused by inflation.

There are those who have deliberately tried to make the payroll tax deduction as burdensome as possible in order to disillusion the average worker with the whole idea of social security, playing on his fears of bigger and bigger tax bites to finance the benefits. But it is not necessary to continue taxing the small wage earner.

Instead of raising the percentage on a low tax base, which is now a maximum of $4,800, the tax base itself should be raised. Tax base is the taxable portion of a worker's income. When social security first started in 1935 it was $3,000 and in 1965 it is still only $4,800. It has not kept pace with rising wages in the inflationary spiral. A base of $14,500 now would be comparable to $3,000 in 1935, covering 95 percent of total covered earnings.

The tax base should be raised now to at least $7,500, without changing the percentage of payroll deduction. It still wouldn't catch up with inflation. But it would provide additional revenue with which Congress could raise benefits by as much as 50 percent. The report of the Advisory Council on Social Security, recently released, confirms the soundness and necessity of adjusting the taxable base upward to a realistic level so that the burden will be shared by higher income groups. As President Johnson said, in connection with other legislation, Congress must not "delay, hesitate, or compromise our purpose."

Another interesting editorial was published in the Washington Post of February 25, 1965. It pertains to the sharp rise in social security payroll taxes and the financing of social security improvements. The Post editorial follows:

FINANCING SOCIAL SECURITY

There is now a broad consensus in Congress on social security legislation. Retirement benefits are to be substantially in-

> creased this year, and, barring an unlikely political upset, Congress will establish a modest program of hospital insurance. A great deal of attention has been given to expanding social security benefits, but the important question of how they are to be financed has been neglected. And therein lies a danger. By adhering to the maxim that benefits must be paid out of current payroll taxes, the economy may be dealt a severe deflationary blow.
>
> Under the administration's King-Anderson bill increases in regular social security retirement benefits would be made retroactive to January 1, and assuming its passage by July 1, net benefits payments, measured at annual rates, would increase by $2.6 billion in the second half of this year. This fiscal stimulus, coming at a time when the growth of private expenditures may be tapering off, is most welcome. But unless the King-Anderson bill is carefully amended, the economy may be rudely jolted by the $5 billion increase in social security taxes that will become effective on January 1, 1966.
>
> If this sharp rise in payroll taxes is not cushioned, the economy may again be plagued by a fiscal drag. By suddenly boosting social security taxes, the full employment surplus—the budgetary surplus that would obtain if the economy were operating with only 4 percent unemployment—will be increased. And with a higher full-employment surplus, greater diversions of taxes from the income stream will dampen economic activity.
>
> The fiscal threat inherent in the planned tax hikes may be easily averted without weakening the social security trust funds. Congress should defer any increase in payroll taxes until the end of 1966, and beginning in 1967, the tax should be raised in a series of small steps. Shortfalls in meeting social security claims can be paid out of general tax revenues. But, given the growth of social security receipts at current tax rates, these contributions would not be large. And as the scheduled increases in tax rates were effected, the need for Treasury contributions to the trust funds would be rapidly diminished.
>
> The need for cushioning the impact of a boost in social security payroll taxes is urgent. But Congress should also consider other deficiencies of the present social security system. By limiting the increase in the payroll tax base to $5,600, the King-Anderson bill consigns social security a minor role in providing adequate retirement incomes. The Advisory Council on Social Security proposes a $7,200 income base, a level which would permit a lowering of payroll tax rates and opportunity to increase the benefits conferred upon those in the lowest income groups.
>
> Steps should also be taken to lift the limitation on earnings by retired persons. If social security benefits are an earned right, paid for by the insured during their working years, no means test should be interposed.

Mr. Chairman, these editorials and remarks by the junior Senator from New York deserve most serious consideration by the Congress.

In conclusion, Mr. Chairman, let me say that the new social security bill which is now on its way to final enactment, was approved by the Ways and Means Committee after many months and even years of study and debate. Volumes of testimony have been printed and distributed expressing all points of view presented by every interested group.

During the last few weeks, before the decision was made, the committee invited testimony again from interested parties. Dr. Donovan F. Ward, president of the American Medical Association, appeared before our committee with two aids. Among other expert witnesses who testified in recent weeks were representatives of hospitals, nurses, nursing homes, group health organizations, doctors favoring medicare, senior citizens, and other groups. Few pieces of legislation ever had such lengthy hearings. The issue has been widely debated and discussed in Congress and throughout the Nation.

Proponents of "eldercare" influenced support for the voluntary health insurance feature of the medical care program. The AMA charge that medicare was inadequate because it was confined largely to hospital and related care brought support for a comprehensive bill. The claim that eldercare would provide broader coverage than King-Anderson helped to influence the decision to include additional benefits through subsidized voluntary health insurance.

A difference of opinion among physicians was quite evident. Many of them supported medicare and requested the inclusion of physicians under the social security program.

Mr. Chairman, H.R. 6675, the Social Security Amendments of 1965 had my full support in committee. I will vote for the legislation today and I hope and believe it will pass by an overwhelming vote.

Finally, Mr. Chairman, I want to pay a personal tribute to some of the pioneers whose efforts have helped pave the way for enactment of this legislation.

The Nation's senior citizens owe a debt of gratitude to these pioneers. Among them is our distinguished colleague from California, the Honorable CECIL R. KING, a cosponsor of the King-Anderson bill. He has been a target for reactionary attacks because of the leadership he gave in fighting for this legislation. To mention a few others, I also include our former colleague, Aime Forand, who back in 1957 began the campaign by introducing the Forand medicare bill. The deceased father of our distinguished colleague, JOHN DINGELL, JR., who has presided as Chairman in the Committee of the Whole during debate on this historic legislation, was another courageous leader in this fight. A former chairman of the House Education and Labor Committee, John, senior, was one of the original sponsors of legislation such as we expect to pass in this House today.

Much credit, too, belongs to our beloved late President John F. Kennedy, one of our most brilliant Chief Executives. His efforts for this legislation has been a substantial contribution to the cause of social justice and human progress and the success that seems evident when the House decision is made today.

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Chairman, this is a day to remember. I know that our citizens over 65, who have been praying for inexpensive health insurance for so many years, will see the introduction of this bill, the Social Security Act of 1965, as a sign that the future holds new hope, new freedom from the constant fear of catastrophic illness. A wise man once said, "It is not the end of joy that makes old age so sad, but the end of hope." Often it has been illness which has caused the end of hope for our senior citizens. Their financial resources painfully accumulated over many years have disappeared and they face a growing apprehension that the future will only bring larger medical bills and no way to pay them.

The Social Security Act of 1965, which I am proud to support, will establish a basic hospital insurance plan to provide protection against the costs of hospital, skilled nursing home care, home health visits, and outpatient diagnostic services for individuals 65 or older. Benefits would be financed through a separate payroll tax and separate trust fund. Those aged individuals who are not currently social security or railroad retirement beneficiaries will be covered through payments made from general revenue. It is estimated that a total of 19 million citizens over 65 will be helped by this basic health insurance plan.

Basic health insurance is supplemented by a voluntary plan which provides benefits to pay for physicians' and other medical and health services. This plan is financed through monthly premiums of $3 by individuals, matched equally by Federal Government revenue contributions. Probably more than 80 percent of the elderly would participate in this supplemental plan: the payments of $3 a month will be more than covered by the 7-percent across-the-board increase in social security benefits which is also provided in the bill under discussion. Certainly these two plans, which complement each other beautifully, will give the elderly the financial security they so desperately need. They will be able to plan better ways to spend their small incomes, when they are not hampered by the fear of illness. Too often today they must use money which should go for necessities to pay health insurance premiums designed for younger folk who are still working and can afford to pay the cost of adequate insurance coverage. We must enact this legislation now: hearings have been held, and never has a measure received such detailed and careful consideration as have the health insurance provisions of the Social Security Act of 1965.

The bill also reforms many aspects of existing welfare legislation, and improves the general structure of the social security system by increasing benefits, continuing benefits up to age 22 for children in school, providing reduced benefits for widows at age 60, liberalizing the retirement test and extending coverage to more of our working population.

Not only the aged, but all of us will be helped by this measure. Our social security system will be brought up to date and made a part of our prosperous America which has not forgotten its debt to senior citizens. The bill also expressed our concern for the problems of those who are less fortunate, and recognizes that the Kerr-Mills program should be extended to other needy groups besides the aged. This bill is an illustration of the American way of solving social problems: thoughtfully, with slow deliberation, but with final action which will result in immediate and long-range improvements.

Mr. Chairman, I urge all my colleagues to vote against the recommittal and to support the bill.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Chairman, it is with great reluctance that I must oppose this legislation, which admittedly is aimed at relieving some of the financial burdens of our older citizens. Through the years I have consistently worked to improve the social security system and to broaden its coverage and benefits. I always have been guided by the desire to make the program one of maximum usefulness so long as its basic fiscal soundness is not impaired. As for the increase in social security benefits, this increase also is included in the substitute bill. I voted for an increase in social security last year as did most Members of this body but the realization of this increase was blocked by the administration.

We could with proper legislation make great progress in bettering the medical and hospital service for our elder citizens but the bill before us today unfortunately strikes at the future solvency of the social security system. It also would threaten to place our medical profession in a quagmire of governmental bureaucratic control and inefficiency and defeat the very purpose that we are attempting to attain.

It also is unfortunate that the committee did not propose a voluntary system such as that embodied in the substitute bill which will be offered. It is regrettable that the committee bill does not involve a contributory feature for those over 65, for this means that the total burden of this program will be born by taxpayers under 65. While I believe in giving assistance where it is needed I think it is totally unrealistic to make these benefits completely available to all persons regardless of income. The substitute offers a deductible feature for persons with incomes in excess of $5,000 per year.

The substitute bill offers greater benefits and includes most of the principles of the so-called eldercare. The substitute also includes coverage of catastrophic illness, at a lesser cost.

Mr. Chairman, I am sorry that the Committee on Ways and Means did not see fit to have full public hearings this year on this very important legislation.

I regret the fact that we will not have an opportunity to vote on individual features of this legislation but will merely be able to vote for or against it after the substitute is accepted or rejected.

In other words, I am far from satisfied with the form in which this question is presented to us for it leaves me no choice but to vote against the bill unless the substitute bill prevails.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield to the gentleman from Illinois [Mr. COLLIER], a member of the committee, 10 minutes.

Mr. COLLIER. Mr. Chairman, few bills that have reached the floor of this House have undergone greater legislative surgery or subsequent transformation than the bill before us today. In fact the original measure which was recommended by the administration was totally inadequate to meet the very needs which its proponents declared were so demanding of attention. In some areas the present bill does not even remove the arguments for the type of hospital insurance program which requires the extension of the Kerr-Mills concept.

Let there be no understanding that the Kerr-Mills program, which was the target of constant attack by the proponents of the King-Anderson bill, will in any manner be eliminated. Rather it will be expanded and will undoubtedly embrace wider participation than in any of the previous years since its adoption. I should make it clear that I am not in opposition to this phase of the bill but merely make this observation as necessary to the legislative history of it.

The legislation with which we are dealing has been substantially improved but could stand a great deal more improvement. It leaves much to be desired, particularly because it further burdens the social security system through increased payroll tax which I believe is neither necessary nor wise.

I shall not, however, indulge in any discussion on the philosophy of compulsory participation nor the alternate proposals. I would leave it to others who have and will explore all of the facets of this during the many hours of debate.

First let me state as I did on the opening day of consideration of this bill before the House Ways and Means Committee that I believe that title III of the bill should have been a separate and distinct item of legislation. In fact, it could have been passed weeks ago because this is the section which deals with the increase in old-age, survivors, and disability benefits and certain other changes in the existing law which were substantially those we passed by an overwhelming majority in the 88th Congress.

The fact of the matter is that it should have been law so that the elder citizens would already have been receiving an increase in benefits had the other body not insisted on medicare in conference a year ago and thus temporarily scuttled the entire bill.

I say that this should be separate legislation because the medicare provisions introduce a whole new concept into our social security structure, and I agree with Representative TOM CURTIS in stating that this portion should have been handled in public hearings. It is my understanding that the other body would not hear to separating the two distinctly different portions of the bill; undoubtedly because the sweeteners in title III were presumed the provide pressures for Members to vote for the whole package regardless of the fact that they might well have been wholeheartedly for the provisions of title III and not so enthusiastic about the face-lifted sections of the other titles.

For years social security has been a bargain at the price tag it carried for millions of retired citizens. But it certainly will not be a bargain for those who will be entering the labor market tomorrow or in the years ahead. In fact, I think that many workers today will be somewhat disenchanted as the whole story of the social security payroll tax is unfolded. If you look briefly at the social security system, you get some idea of what I mean in dollars and cents. I trust that as a supporter of the principle of social security, I will not be charged with tearing up a social security card in the next election.

Here are a few basic facts and figures which are, I believe, indeed revealing. In 1939 an employee earning $550 a month paid $30 per year into the social security trust fund and his employer paid a like sum. At that time the maximum monthly benefit was $58 and the survivor family benefit $85. By 1950 the same employee paid $45 a year and his employer paid $45, and the maximum single benefit was $80 and the maximum family survivors' benefit $150.

This year the same employee paid $174, making the combined annual contribution $348, with single maximum benefits at $127 and family survivor benefits at $254. Now bear in mind that I am taking the maximum benefits in each instance.

But by 1973, an employee with the same monthly earnings will pay $353.10, so that the combined payment will be $706.20, and the benefits $167 on the individual maximum and $368 on the survivors' family benefits.

This means that we have seen an increase of more than 480 percent in the amount the worker is paying from the inception of the program to the present, while his maximum benefits have increased only 119 percent. Now here is a really significant figure: As the bill before us is written, the worker's payment into the fund will show an increase from its inception of over 1,000 percent, with his retirement benefits by 1973 increasing 189 percent.

Now, of course, those arguing the case for expansion of social security will point to the many other provisional benefits which have been added to the program, including disability benefits and other broadening programs applying to orphan children, increased widow's benefits, and so forth. This poses a formidable argument in fact but not in figures.

However, the perpetual disparity in respect to new entrants between the value of tax and the value of benefits constantly arises. This is because increased payroll taxes must be sufficient not only to pay future benefits for new entrants but also to provide income which is the equivalent of interest on a nonexistent reserve fund.

Whether you agree or disagree with the need to do this, the fact remains that social security, as I stated before, was indeed a bargain for the price tag it carried for many years, but I don't think it is a bargain for those entering the labor market right now.

Perhaps the best way to emphasize this point is to take the example of a young man who is entering the labor market next January first at the age of 21 years. Let us assume that he were to deposit each year the contribution that he will be paying as a payroll tax in any financial institution with an interest rate of 4¼ percent per annum.

Do you realize that at the age of 65 he would have $42,000? Now add thereto another $42,000, which is the matching sum his employer or employers would pay into the trust fund over the duration of his pre-retirement years, and you come up with a figure of $84,139.

If both he and his wife live to be 77 years of age and draw the maximum social security benefits for a married couple for each year from the date of his retirement, he stands to draw in total retirement benefits $6,000 less than his own interest-compounded contribution and more than $48,000 less than the interest-compounded, combined contribution of his and his employer's.

If you would like to figure out what the self-employed person under the same conditions would get, you will find a much greater disparity.

You might respond by saying, "Look at the protection he has under this program all these years," but I submit that every protection provided under the social security program could be purchased privately and leave this young man with a very substantial balance at the age of 65, which he, of course, could leave in a savings account to draw interest while using only the funds he needed to live comfortably in his retirement years. I submit that these figures have been based upon no further changes in the social security law beyond those which are before us today; no further increase in benefits; no further liberalization and no further increase in payroll taxes. But then you and I know that it has become almost standard procedure to increase social security benefits from time to time out of need through increased cost of living, as well as a smattering of political expediency or motivation.

I cite these figures and examples to restress the fact that unless there is reasonable discretion used in burdening the social security program, particularly when needs can be met without doing so, that we place in jeopardy the goose that laid the golden egg, or, better yet, reach the point where the system is one of diminishing returns.

Certainly we have an obligation to improve the program for those already in retirement and those soon to reach retirement, but it seems to me that we also have some responsibility to the generations yet to come, millions of whom may be paying more in the payroll tax under social security than they pay in income taxes, even though they will, of course, in many cases be paying an income tax upon the social security payroll tax withheld.

Separate fund or no separate fund, the manner in which the social security program is being expanded in every direction is going to reestablish the age-old fact that you cannot get 3 pounds of rice out of a 2-pound bag; and you are likely to have many future workers urging Members of Congress not to do anything more for them in this area because they just will not be able to afford it.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, first of all, I want to express my appreciation of the vigorous leadership of our distinguished chairman, the Honorable WILBUR MILLS. As our chairman, he encouraged the analysis of every viewpoint, weighed every recommendation, utilized every suitable suggestion, to develop the best possible result. I am proud to have had a part in the drafting of this bill.

There are those who may find imperfections in our work, and imperfections there may be, but when related to the tremendous, far-reaching scope of the work, they become much less significant. This is a "good" law, a needful enactment motivated by high purposes for the general welfare of the elderly, the near-elderly and the elderly of the future.

I consider this bill the best improvement to social security since its enactment 30 years ago. Long overdue, this measure is designed to effectively remove the fear of "old age" which was the intent and promise of the original legislation.

In my district, and it is reasonably representative of a large urban district, there are over 100,000 people who live on social security benefits, actually and fully retired.

The question is raised as to how they manage. Those who have been reasonably provident and fortunate, have managed. Those who have suffered illness are indeed in a dreadful plight.

When the late President Roosevelt first talked about our freedoms he omitted a reference to the freedom of fear from illness. With the passing years the skyrocketing costs of hospital and medical care have multiplied this inherent fear of our elderly into a persistent nightmare.

In my community, the last opportunity for those over 65 to enroll under Blue Cross occurred almost 2 years ago. The rate for 70 days hospitalization insurance on that occasion was $9.95 per month. The rate was not related to costs and imposed tremendous burden upon the younger groups to subsidize the coverage for the elderly.

Since that time, the only available coverage occurred under the Ohio 65 plan which was sold for $12.50 a month and paid hospital bills up to $15 per day for a period of 31 days. The cruel fact of this offering was that there were no hospital rooms available in the community under $38 per day thus leaving the so-called assured exposed to the colossal expenses not included in the coverage. A comprehensive policy under the Ohio 65 plan with substantial deductions was offered at $23 per month or $276 per year.

With average benefits totaling $88.50 per month, just how would the average social security beneficiary be capable of paying for coverage which under many circumstances would cost 26 percent of his income? At these prices, adequate health insurance could only be acquired by reducing expenditure for other essentials such as food, shelter, and clothing.

A great deal is said about the cost of subsidizing hospital care of the aged through the payroll taxes of those who are working and the subsidizing of the medical care of the aged through general revenues. The simple fact is that the immense cost of this burden must be subsidized one way or the other. If these responsibilities are not handled through this type of program, they must be undertaken by citizens individually. There is no doubt that this is the most preferable way to meet this critical problem.

There is another important consideration. One of the prime purposes of social security is the creation of inducements to retirement. There are 1¼ million people in America today who continue in their jobs and who have not taken advantage of their retirement benefits although they are fully eligible. Hundreds of thousands of these workers who are eligible for retirement are reluctant to retire because of their grave concern of their capacity to pay for medical and hospital needs. This bill may provide the needed incentive for their retirement. It is possible that this bill could encourage the retirement of 300,000 or 400,000 persons who now hold job billets which are needed by others coming along.

The Government's cost of this program is minute when related to these increased job opportunities which this legislation may generate. Other agencies and other job-creating programs spend as much as $5,000 to $35,000 per job created. This bill can create these job billets at a fraction of the Goverment cost in other programs. These are permanent jobs and the billets will be created every year as workers are encouraged into a retirement where health and medical needs are assured.

In my community as in others throughout America, we will need additional hospital facilities. In my community at the present time there are no extended care facilities. We will have to undergo extensive construction programs to provide adequate extended care and hospital facilities. It is high time that America commenced an extensive and adequate program to provide these facilities. This construction will create jobs and contribute to the betterment of general economic conditions.

At the present time, the antipoverty program is shaping up throughout America to train and prepare the millions of disadvantaged Americans who search for opportunities to work. This bill and its incentives will provide an area and need for trained hospital and medical staff workers who can be trained in the antipoverty program to do needful and necessary things for the aged and the infirm who need this care. No more worthy program could be developed. Now is the time to prepare these people for hospital and medical work. This bill therefore provides new areas for utilizing the antipoverty program and developing skills and manpower where they are most urgently needed.

The impact of this new bill will be far reaching. In the early stages, we must expect that the administration of this program will be difficult and perhaps disappointing. The success of the program will depend in great extent upon the cooperation of the medical profession which must ultimately develop policies directed toward the most effective hospital utilization and the most efficient and economical utilization of medical and nursing services.

No one can dispute the need for this program or the high purposes which impel its adoption. With early diagnosis and treatment, there is hope that good health in later life can be extended to the same degree that modern science has extended life itself. The senior health sciences will indeed be stimulated by this program which may ultimately provide every citizen with a longer, healthier expectancy. The years of good health we add to life, may indeed be our own.

Mr. BETTS. Mr. Chairman, I yield 8 minutes to the gentleman from Alabama [Mr. MARTIN].

Mr. MARTIN of Alabama. Mr. Chairman, at the outset of my brief remarks I would like to commend the chairman and other members of the Committee on Ways and Means for the very able work they have done in preparing the Social Security Amendments of 1965. I would also commend them for the leadership they have lent to this debate. It is quite evident that we are not all in accord on how best to deal with the health care problems of the aged but no one can deny the responsible and constructive manner in which this matter is now being considered.

As one who is not an expert in social security matters, I would have preferred that hearings be held on the specific legislative proposals now before us so that I could study that record. However, the committee report, I think, is most informative—both the majority and the minority views—and I commend those responsible for its preparation. My Republican colleague from Virginia [Mr. BROYHILL] merits special commendation for his additional separate views in which he comments on the reasons why he considers the eldercare approach superior to the medicare approach in providing for the health needs of our senior citizens. Mr. Chairman, as one who was privileged to be a cosponsor of the eldercare bill, I am grateful to my Virginia colleague for setting forth for the record his very significant statement.

Mr. Chairman, I would next like to comment briefly on some of the substantial provisions of this bill.

I approve of the increase in cash benefits provided under the bill. As I understand the matter, the last general benefit level increase occurred in 1958 and in the intervening period the cost of living has increased so that the OASDI recipients need this adjustment in their benefits. I would have preferred to see the minimum benefit raised somewhat higher than is proposed in this bill but I recognize the limitations that are imposed on any benefit increases by the requirements of actuarial soundness and restraint in use of the taxing power. I will have more to say on the tax aspects of this bill later in these remarks.

Another provision in the bill that I consider particularly meritorious concerns the liberalization of the retirement test so as to give greater discretion and flexibility to our aged in combining periods of retirement and periods of some work. I have always believed that our elder citizens should be encouraged to continue some working activity in the interest of advancing their own well-being and the change in the retirement test will make that possible. Also, this retirement test improvement will increase the equity of the social security program as it applies to our individual citizens.

Mr. Chairman, I would like to commend the membership of the Committee on Ways and Means for including in this bill a provision continuing cash benefits with respect to children up to age 22 who are attending school. To the extent that this modification enables our young citizens to continue their education it will serve a very meritorious purpose. The provisions of the bill that strengthen the Kerr-Mills program of health care for our medically indigent are also very desirable and I am particularly pleased that the eldercare concept has been adopted by these changes.

But, Mr. Chairman, all is not good in this bill. There are some changes proposed in H.R. 6675 that I wish the committee had not proposed or I wish that the committee had decided to deal with in another way. An example of a change that I would like to see deleted is that provision which includes cash tips in the taxable wage base. My concern over this provision is that the administrative complexity it involves will outweigh the other considerations that prompted the committee to include it in the bill.

Mr. Chairman, I am opposed to the compulsory medicare provisions of H.R. 6675. As one of the sponsors of the eldercare bill I fully subscribe to the views of the gentleman from Virginia [Mr. BROYHILL] as they are set forth in the committee report. I object to medicare because it is needlessly compulsory and because it is financed by a regressive payroll tax that will reduce the take-home pay of many people who cannot afford to pay additional taxes. Medicare threatens to involve our health services, our health professions, and our aged in a great bureaucracy that will impair the quality of our Nation's high medical standards. I also share the view expressed today that the inclusion of service-type benefits in the social security program may impair the ability to meet future cash benefit obligations. I will not belabor the point by reiterating the dangers and disadvantages that are inherent in the medicare approach to the problem of assuring that our aged citizens receive adequate health care. Suffice it to say that H.R. 6675 would risk these dangers and impose these disadvantages needlessly. There is a better way and that better way is clearly provided by the alternative being offered by the Republican members of the Commitee on Ways and Means. I support that alternative and urge others to do so because of the many superior features this alternative approach provides. It is voluntary, more comprehensive in coverage, recognizes the principle of ability to pay, and is not financed by regressive payroll taxes.

Mr. Chairman, I am a businessman and have worked all my adult life in the competitive world of our free enterprise system. I am also an employer. I know first hand what mounting tax burdens do to stifle the growth potential of business and the employment opportunities a growing business provides. It is in part because of my business background that I am gravely concerned over the payroll tax burdens that will result from this bill. We are proposing to take almost $5 billion more in taxes next year just for social security purposes. The present $17 billion that we now collect in social security taxes will almost double by 1972 and the total will continue to mount after that. Mr. Chairman, that is another reason why I am concerned over using the social security mechanism to finance medicare. I submit to my colleague there is a better way and we should adopt it. I will vote in favor of the motion to recommit H.R. 6675 with instructions to the Committee on Ways and Means to report the bill back to the House with that better way included.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. FULTON].

Mr. FULTON of Tennessee. Mr. Chairman, during my campaign for the Congress in 1962, one of the most important pledges I made to the people of Tennessee's Fifth Congressional District was a promise to vote for the medical care for the elderly program. The year was 1962.

Last year, in 1964, it was necessary to renew that pledge because the House of Representatives had not had the opportunity to consider this program.

As a candidate it was my belief that commitment to this program was all I could offer.

However, it was also my belief that as a Member of this body I could contribute to enactment of this program in a more positive way if given the opportunity. On January 7, of this year, my Democratic colleagues gave me that opportunity by honoring me with a seat on the House Ways and Means Committee.

In the past several weeks it has been a privilege to sit with all the members of this committee in the deliberations which led to the writing of the bill now before us.

As a result of those deliberations, guided by the skilled and very able leadership of Mr. Chairman MILLS—with a rather surprising assist from some very unexpected quarters—the committee has reported this bill which goes much further in meeting health needs of our senior citizens as well as providing for their general welfare than any previously considered.

We also must recognize the contributions made to this bill by such organizations as the Senior Citizens, the AFL–

CIO, HEW, and the millions of Americans who have lent their support by word, letter, and deed.

Members of the medical profession, hospital administrators, insurers, and other groups rendered constructive assistance by providing the committee with very useful information, facts, and data.

It is a privilege and honor for me to rise in support of H.R. 6675. The programs and benefits in this legislation will contribute significantly to the solution of one of the major social concerns of our time, the needs of the elderly. In addition, it will provide that priceless ingredient so important to secure retirement with peace of mind by eliminating fear of economic deprivation through major illness and medical expense which constantly nags at the hearts of millions of Americans who are 65 or older. This bill will also free millions of young Americans from the heavy financial burden they are forced to carry in financing the medical care of aged parents and relatives.

The **CHAIRMAN**. The time of the gentleman from Tennessee has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FULTON of Tennessee. Mr. Chairman, some 2 years ago, there were three major programs which I supported in my campaign for Congress. Of those three programs one was the medical care for the elderly under social security, one was Federal aid to education, and one was equal opportunity for all of our citizens of the United States. Last year I had the pleasure of casting a vote for one of those major programs, namely, to give to every American equal opportunity. Only 2 weeks ago I had the pleasure of voting for another of those major programs in my campaign, that is, a bill to give Federal aid to education, and today I am looking forward, as we close debate on this bill, to casting a vote on the third major program which I promised the voters in 1962.

Mr. Chairman, once again it is an honor and a privilege for me to rise in support of this bill.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HALPERN].

Mr. HALPERN. Mr. Chairman, I rise to support the comprehensive legislation for health care now before the House.

I believe without hesitation that passage of this bill as it stands reflects the opinion of the overwhelming majority of Americans. We are all familiar with the many years of debate which has preceded floor consideration today, and I would hope that we are about to reach a conclusive determination.

I do not wish to detail the various elements of the bill, with which I am sure my colleagues are familiar. The legislation offers four approaches: First, a hospital care program financed through increased payroll taxes; second, a voluntary plan covering physicians' surgical expenses and other health services; third, an extension of the Kerr-Mills program; fourth, improvements in the old-age, survivors, and disability insurance program.

The provisions are far reaching. There is no doubt that we are recognizing a Federal responsibility toward the medical care of the elderly, though it is clear that this responsibility was already established through Kerr-Mills.

Mr. Chairman, I have been privileged to sponsor and testify in behalf of like legislation through the years of my service in the Congress. Since 1959, when I was privileged to be associated with our former colleague, the distinguished and beloved gentleman from Rhode Island, Aime Forand, in the sponsorship of legislation that pioneered the bill before us, I have participated in the continuing effort to win an effective health care program for the elderly. I cannot help but feel how thrilled our friend, Aime Forand, must feel today to see the cause he led so gallantly for years finally come within near realization. And it is significant to point out, with the passing of time since the legislation's original introduction, the urgency of realistically meeting the medical needs of elderly citizens has grown.

I dare say the bulk of testimony and record that has accumulated on this one issue probably outweighs any other. We know that today only one-half of the Nation's elderly hold hospital insurance; this percentage consists predominantly of the very old, those in poor health, the unemployed, and those with the lowest incomes.

And for those who are enrolled in commercial plans, the coverage is wholly inadequate to meet spiraling medical costs. The Special Committee on Aging of the Senate reported in July 1964 that only 1 in 4 older people hold insurance which the American Hospital Association claims as adequate.

A Bureau of the Census survey indicated that where one or both spouses had been hospitalized during 1962, couples had total medical expenses approximating $1,200, of which $600 represented hospital costs. By this accounting, half of the medical expenses of the aged are nonhospital items, and coincidentally, these items are precisely those which are inadequately covered through commercial plans.

Thus the supplementary and voluntary approach for nonhospital services in H.R. 6675 is appropriate and necessary. The committee estimates that above the annual $50 deductible, the plan will cover 80 percent of the patient's nonhospital treatment.

We know that hospital costs represent a substantial portion of the retiree's medical expenses. The average cost per day for inpatient care, including room, board, and miscellaneous laboratory and medication fees, reaches $40 or more. Hospital expenses have risen about 7 percent every year during the 1960's. The elderly use hospitals about three times as much annually as younger people in other age brackets.

Mr. Chairman, in summary, we are dealing with an age bracket wherein the need for health care is most acute, but where the resources to meet the need are most lacking. In most cases, medical care represents an overwhelmingly large slice of their annual budgeting. And we are similarly aware that millions of people are unable to afford the kind of treatment they need.

In 1960, 45 percent of those over 65 had an annual income of less than $1,500. In this bracket there is almost a total lack of alternative financial resource in case of emergency.

There are endless statistics indicating the stringent demands of the elderly for health care they simply cannot afford.

H.R. 6675 similarly raises the benefits to a minimum $4, and also increases the permissible outside earnings for those receiving benefits. Widows at age 60 would become eligible for actuarially reduced benefits.

I am especially pleased that the bill contains a provision extending child's insurance benefits to age 22 to children attending school or college beyond the age of 18. Last year and additionally in the present Congress I introduced amending legislation to accomplish this just objective, and it will greatly assist young widows with children who are faced with financing higher education; we know the ever-expanding urgency of education as a prelude to employability. This provision will take effect on January 1, 1965, and approximately 295,000 children will become eligible for these education benefits.

H.R. 6675 additionally corrects an inequity which has long burdened an important employee segment of the economy. Tips paid an employee have always constituted taxable income; yet the Social Security Administration has been reluctant to consider tips as wages for social security purposes. Since a waiter's salary is depreciated in adjusting to tips, he has found himself in the lowest social security scale. H.R. 6675 rectifies this injustice by providing for the reporting of tips for social security purposes.

In returning momentarily to the health care portions of the bill, H.R. 6675 additionally authorizes $5 million for fiscal 1966 for child health and maternal services; amounts are authorized for crippled children's service and for grants to educational institutions to train professional personnel in the care and health of disadvantaged, particularly retarded, children. HEW is authorized to initiate a 5-year program, in cooperation with State health authorities, for projects providing broad health care to children of especially low-income families.

Mr. Chairman, this is comprehensive legislation offering the Nation's elderly the whole panorama of health care so that they may live out their lives in reasonable comfort and dignity. I am convinced that the bill does not jeopardize the valued and important doctor-patient relationship; the choice of doctor is left completely to the enrollee. The bill does give the aged the necessary resources to secure needed medical care, and I do not believe this violates any professional or private ethic.

This Nation has advanced momentously in the field of medical science. No other people can boast of comparable knowledge and facilities. The cost of this expertise is steadily increasing. Does this mean that only the well-to-do, only those with sustained income in their later years, are eligible to receive health services? Illness does not discriminate between rich and poor, though we do know statistically that lower income families are more susceptible to almost every kind of sickness.

Medical attention, I must insist, is not a common retail commodity. In the final analysis we are dealing with people's lives, and with the health of the body politic. This is the real issue. We have amassed steadily distressing evidence that the overwhelming majority of older people cannot afford proper care when illness and emergency strike, and this is a legitimate interest of the National Government.

The system prescribed in H.R. 6675 can work if we apply it intelligently and with prudence. I urge the House to take this necessary step and pass this legislation.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. HALPERN. I am pleased to yield to my distinguished colleague, the gentleman from New York.

Mr. HORTON. Mr. Chairman, I take this opportunity to rise to commend the chairman of the committee and the members of the Committee on Ways and Means for the excellent work they have done on this bill and also to take this opportunity to indicate my support for H.R. 6675.

THE PROBLEM

The primary problem of America's senior citizens is how to meet the costs of health care at a time when income is lowest and potential or actual disability is highest.

Two factors are present in this problem. First, the aged population of our country is growing considerably; there now are approximately 18 million people in the United States who are over the age of 65. Second, rapid progress in medical science has not been paralleled by the economic progress of older citizens; they are caught in an increasing squeeze between sharply reduced income in retirement years and increased medical expenses.

Let us look for a moment at the dimensions of this second factor, namely, the heavy medical costs of old age when incomes typically are low.

Based on comparable family circumstances, income for the over-65 age group is less than half that earned by younger people; yet, health costs for the older Americans are twice as much. Fully half of the aged couples have incomes of under $2,800 annually. The average senior citizen living alone—and one out of every four over 65 does—has little more than $1,200 a year.

On the other hand, medical care costs have doubled since 1947. Daily hospital service charges have tripled during that same postwar period. Additionally, hospitalization insurance premiums have shown a 100-percent increase since 1952, an increase greater than any other important item in the consumer price index.

The reasons for these higher costs are real. New advances in the healing arts—new medical techniques, new drugs, new progress in therapy—have multiplied man's ability to control and conquer disease. Still, these strides have been expensive and part of the expense must be borne by the beneficiaries.

As would be the expected result of this imbalance between science and economics, the impact of higher medical costs is felt most heavily by the aged. They require more medical services than the younger population and for longer times. Statistical evidence reveals that four out of five people over 65 have a disabling or chronic condition. Further, they go to the hospital more frequently and stay twice as long as those in the under-65 population.

Among the aged of this country, there is very little freedom from the fear that serious illness will wipe out their financial resources. The choice is between going without needed medical attention or exhausting their savings for it and then living out their lives dependent on others or as public charges. I think we can agree this is not a desirable choice.

PROPOSED SOLUTIONS

For the past 20 years, there have been proposals before Congress to establish some system for national health care.

In 1950, the Social Security Act was amended to authorize Federal participation in the cost of medical care benefits made available to the needy aged under State and local welfare programs. Several times since then Congress has extended and expanded Federal support of these programs.

The most significant of these improvements was the Kerr-Mills Act of 1960. This authorizes matching payments to the States to aid in financing medical care for aged persons. An individual's eligibility is based on a means test and administration is through public assistance agencies. These two elements of Kerr-Mills are considered its chief stumbling block.

Therefore, proposals for a national health insurance program financed by payroll deductions, similar to social security, have been heard more and more.

These measures for a health care program financed under social security commonly are called medicare. But while the name is the same, their legislative language over the years has varied widely. Since 1961, this kind of legislation, also, has carried the name King-Anderson, after its two principal congressional sponsors.

THE PENDING PROPOSAL

While H.R. 6675 has medicare in it, it also is much more. In fact, the bill is a five-part measure.

The first part deals with hospital and nursing home care for our elderly citizens. These benefits would be paid out of a separate trust fund to which payments would be made from payroll deductions. It is strictly a hospital insurance program. No doctors' bills or other related medical services are included in the benefit provisions made available by this part.

The second part of the bill offers older people the opportunity to participate in a medical insurance program to help them pay physicians for the cost of treatment. This is voluntary. If a person wants this coverage, he signs up for it, pays a monthly premium, and the Federal Government matches his contribution from general revenues.

The third part revises and improves the benefit and coverage provisions of the present social security old-age, survivors, and disability program.

The fourth part expands existing provisions of medical assistance for the needy aged. It will bring better benefits to more people through Federal-State cooperation.

The fifth and final part deals with added amounts of money to be provided the States from the Federal Treasury to serve mentally retarded, maternal and child health, and crippled children programs.

At this point, I would like to highlight the principal provisions of each part.

PART 1—BASIC HOSPITAL INSURANCE

The plan would pay for—

Inpatient hospital services for up to 60 days for each period of illness, with the patient paying the first $40. All services usually furnished by a hospital are covered;

Posthospital care for up to 20 days per illness after a minimum of 3 days in the hospital. For every day the person's hospital stay was less than the 60 days, he would be eligible for 2 additional days of this nursing home care, up to a maximum of 80 days.

Outpatient hospital diagnostic services. The patient would pay the first $20 for these services provided by the same hospital during a 20-day period. If within 20 days of his receiving such services, he should become a hospitalized patient, the $20 would be credited against the first $40 requirement.

Up to 100 home visits for health care by a visiting nurse or similar specialist after the patient was discharged from a hospital or nursing home.

Under the terms of the bill, the hospital benefits would become effective on July 1, 1966, and the other benefits on January 1, 1967.

The financing of the program would come from a payroll tax levied uniformly on employers, employees, and the self-employed.

It would begin at 0.35 percent in 1966 and increase to 0.80 percent by 1987. Additionally, the earnings base to which the tax would apply is increased from the present $4,800 to $5,600 a year in 1966; to $6,600 in 1971.

For those not covered by social security or railroad retirement, general revenue would support the system.

The payroll taxes and general revenues go to a separate hospital insurance fund in the Treasury.

Administration of the plan would be by the Health, Education, and Welfare Secretary with assistance from the States and private organizations and advice from an Advisory Council created by the bill.

PART 2—SUPPLEMENTAL MEDICAL INSURANCE

This is a voluntary plan to provide physicians and other medical and health services. Three-dollar monthly premium payments by individual participants would be matched equally by the Federal Government out of general revenues, and after an annual deduction of $50, would pay for 80 percent of these costs—

Doctors' and surgeons' services provided in the hospital, clinic, office, or home.

Other medical and health services, in or out of an institution, including X-rays, laboratory tests, EKG's, basal metabolism readings, radium and isotope therapy, surgical dressings and casts, artificial limbs and eyes, certain ambulance services, and certain equipment rentals.

Hospital care for mental illness up to 60 days per confinement, with a maximum lifetime benefit of 180 days.

Up to 100 home visits each year with no prior hospitalization requirement.

A social security allotment is authorized for payment of the individual's $3 monthly premium payment.

The bill sets up periods for enrollment in each odd-numbered year from October 1 to December 31. Special periods also are established at the start of the program. The benefits would become effective on July 1, 1966.

Again, the Secretary of Health, Education, and Welfare would be responsible for administration of the program. Private insurance carriers, under contract, would carry out the major administrative functions, such as determining rates of payment and fund disbursement.

A separate section of the supplemental plan also affords a tax deduction for taxpayers of all ages, amounting to one-half the cost of premium for medical care insurance. This would be in addition to presently permitted deductions for medical costs.

PART 3—SOCIAL SECURITY

The 30-year-old social security program of monthly benefits for those who are retired, disabled, or survivors is improved under H.R. 6675. Benefits are increased across-the-board for some 20 million people. They would be made retroactive to January 1, 1965.

In terms of dollars, the monthly benefit range for 1965 would go from the present $40 to $127 to a new $44 to $135.90. In 1966, the maximum monthly payment would increase to $149.90. In 1971, it would be $167.90.

Additionally, the bill sets these new benefits—

Continuation to age 22 for covered children where the beneficiary attends school full time. The present age limit is 18.

Widows' eligibility beginning at age 60, rather than 62.

Disability coverage if a covered worker has been totally disabled for 6 consecutive months.

Reduction of minimum covered work requirement for people 72 and older or their widows.

Increased outside earnings limitation and the exemption of certain income for determining earnings.

Coverage for divorced wives or widows if married to an eligible worker for at least 20 years.

New coverages also are added in the bill. These take in self-employed physicians, farmers, and those employees receiving tip income.

The bill revises the rate schedule for employer-employee contributory financing in graduated steps from the present 3.6 to 4.8 percent by 1973. In line with the basic hospital insurance section, the annual earnings base for computation of payroll deductions is enlarged from the present $4,800, to $5,600 on January 1, 1966, and to $6,600 in 1971.

I want to point out that the provisions in this social security section of H.R. 6675 are very comparable to those I offered on February 17 with my introduction of H.R. 5039. These provisions in many respects are based on the bill we passed here in the House during the 88th Congress and which also cleared the Senate in the last Congress. Of course, that measure never left conference owing to the disagreement over the Senate's addition of a health benefits amendment.

PART 4—KERR-MILLS

Another principal section of this bill extends and expands the existing Kerr-Mills program of Federal assistance to State programs providing medical help to needy older people. This enlargement will be used to increase the Federal matching share from the present maximum of 80 to 83 percent, and also to cover medical costs for the needy who now receive help under the dependent children, blind, and disabled programs.

PART 5—CHILD HEALTH AND PUBLIC ASSISTANCE

The bill provides more Federal funds for a number of child health programs presently authorized and also adds new care and services for youngsters from low-income families. The Federal share for all State public assistance programs is increased. Further, the present limitation on Federal participation in public programs aiding patients in tuberculosis and mental hospitals is removed.

COMMITTEE ACTION

The Ways and Means Committee brought forth H.R. 6675 as a more comprehensive measure than any one of the single legislative proposals which had been introduced for committee consideration. And, there were many proposals.

In some senses, H.R. 6675 borrowed from a number of the plans proposed for aged health care.

The Byrnes bill to establish a national health insurance program for hospital and medical care is found in the supplemental system of insurance for doctors' services. While this bill also sought a similar system for hospital care costs, the committee chose a payroll tax for this area.

Thus, a dual approach is in H.R. 6675: basic hospital care is financed by a payroll tax to let a person in his working years pay into a trust fund; and for supplemental medical care, the individual can elect to contribute into an insurance fund when he gets to be 65, putting up one half the cost of premiums and having the Federal Government match that from general revenues.

I understand the committee also considered the eldercare proposal for a health insurance program in which general revenue funds from the Federal Government could be used to match State grants to buy private insurance coverage. This plan requires the individual to participate in the premium payments based on his means.

But, eldercare is not before the House for a vote, save for its suggestions on Kerr-Mills expansion to the needy aged. These, as I have outlined, are very much a part of H.R. 6675.

Other programs, too, that came before the committee are not up for debate and decision. The question then is whether H.R. 6675 shall be accepted or rejected.

CLOSED RULE

This "take it or leave it" situation is the result of the parliamentary procedure customarily employed for House consideration of tax, tariff, and social security legislation. In order to ward off piecemeal amendments that could threaten the overall structure of such complex bills—and H.R. 6675 runs 296 pages—the rule allows no amendments.

There is, in the so-called motion to recommit, one opportunity to alter a bill considered under a closed rule.

In this instance, the motion to recommit would substitute in place of the basic hospital insurance plan—which H.R. 6675 finances via a payroll tax—the type of financing found in the bill's supplemental plan; namely, premium payments by those over 65 to be matched from the Treasury and on a voluntary participation basis.

Because the basic plan is intended as as minimal benefits plan—a floor of coverage—I believe the bill's basis is sound and sensible. It is not comparable with the supplemental medical insurance section and should not be intermixed.

As I pointed out earlier, there is a priority need to set a minimum standard for basic hospital care available to all older Americans. Because it is so fundamental, I believe it clearly fits our concept of providing Government-protected insurance, financed during working years for security in retirement years.

Prolonged hospitalization imposing a despairing drain on personal and family resources is the one single threat to our present pensioners which to date we have not solved satisfactorily. To insure their independence, I feel it is appropriate and accurate to build this floor of coverage through the formula of payroll deductions into a separate and distinct insurance fund.

FINAL PASSAGE

Mr. Chairman, I believe in the merits of this measure. I believe its passage will create a climate and condition of new security for millions of senior Americans.

The enactment of H.R. 6675 will establish a meaningful program of hospital and medical insurance for the elderly and a series of other benefits for the general good of our Nation.

Therefore, I shall vote for it and work for its strength and soundness in the days to come.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida [Mr. HERLONG].

Mr. HERLONG. Mr. Chairman, I had not intended to speak on this bill and I do so even now with some reluctance.

Mr. Chairman, I certainly do not mind speaking out what I think on a matter, and with reference to the statement made by the gentleman from Tennessee [Mr. FULTON] a few moments ago as to the measures on which he campaigned, I must say that I campaigned in the congressional district, which it is my honor to represent, on the opposite side of each one of those three issues, and we are both here. So that does not prove a thing.

Mr. Chairman, the provisions of this bill have been pretty well covered both pro and con in the debate and anything that I will say will certainly, at least to a degree, be repetitive.

Mr. Chairman, my problem with reference to this bill is not one of whether we should go into a program of medical and hospital assistance. Even though it is going to be an expensive program, I believe it is necessary. Any doubts that I have about this bill stem from the method of financing the hospital care portion of it.

Mr. Chairman, I have never believed that hospital care should be financed through social security taxes. I have had some very illustrious company in my beliefs, including the beloved and distinguished chairman of our committee. This bill sets up a slightly different approach in that there is a separate trust fund and the tax is not called a social security tax. What name is bears, however, does not make any difference. It is, as is social security, a payroll tax and as such bears more heavily in proportion to income against people in the lower income brackets. I do not see how so many people who are in these lower brackets could be sold on the idea that they should pay a proportionately larger part of the bill, especially when a part of their money will be used for the purpose of paying hospital bills for people who are well able to pay these bills themselves. This simply cannot be justified to the workingman back home—and I for one do not believe that the majority of them do favor this method of financing.

If there is a problem in this area, and there is, it is a problem of all the people in this country, and it should be paid for by all of the taxpayers in this country. I am in favor of the across-the-board social security increases. I am in favor of most of the other social security provisions that have been added to the bill. I like the voluntary insurance program and expansion of the Kerr-Mills program that are included, but I still do not like the very unfair payroll tax method of paying for hospital benefits.

I therefore expect to vote for the motion to recommit, which gives all the benefits I favor, but does not include the payroll tax method of financing.

Mr. BETTS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. Mr. Chairman, H.R. 6675 is a three-part bill and this House should have been permitted to have worked its will on each one of its parts. For this House to be denied the opportunity to amend such a comprehensive bill—denied even the opportunity to strike one of its titles—is beyond belief. The Democratic-minded American people will never believe it. I well realize that our Democrat friends hold more than a 2-to-1 majority in this House, that they have a 2-to-1 majority on all committees, that they have the votes to demand and receive the "gag" rules they want from the Rules Committee for the consideration of any bills, and that they have the votes to pass any legislation—in the form they decree—they want to pass. These matters were decided in a majority of the congressional districts by the electorate in those districts last November. However, in making this decision, I doubt very seriously whether they voted for this House to abdicate its responsibility to at least properly consider and amend legislation before "rubberstamping" it.

Certainly the American people will long remember the procedure being used to pass this compulsory, limited hospitalization plan often referred as "medicare." Every working man and woman will remember the sharp increases in social security taxes called for in this bill. These good people will be asking—as I am asking today—why the administration and the medicare backers were afraid to let this so-called medicare part of this bill come to the floor of the House by itself—or at least under a rule permitting amendments—and be voted up or down on its own merits. What were they afraid of? If this is such a good plan, it could have withstood House scrutiny and amendment. Instead, medicare has been made a part of a comprehensive three-part bill labeled the "Social Security Amendments of 1965," making it necessary for a Congressman to vote yes on medicare in order to be recorded as voting yes on the other two parts of this bill and presented to us under a no-amendment rule.

Personally, I favor the title in this bill which amends the existing Social Security Act and increases benefits. The House passed a bill last session which I supported containing most of the amendments provided for under this title. Unfortunately, these benefits were denied our social security recipients last year when the bill died in the conference after the administration insisted on attaching medicare to it. In fact, I favor a greater increase in social security benefits than the 7-percent increase with a $4 minimum as provided for under the bill we are now considering. However, the "gag" rule which has been imposed upon us by the Democrat majority precludes us from even attempting to increase these benefits. Now, may I ask how much good will a $4 a month increase be to a social security recipient in these inflationary times? Anyone who has been to the grocery store lately can answer this question.

I also favor the other title in this bill which incorporates the Republican plan to permit our senior citizens to subscribe to a voluntary insurance program to pay physicians' and other medical and health services at a cost of $3 per month. Why the administration has agreed to a voluntary medical program—the cost of which is not placed on the working men and women through increased social security taxes and has steadfastly insisted on a compulsory hospital plan financed by higher social security taxes is more than I can understand.

Mr. Chairman, I have just sent a questionnaire into my district posing questions on this legislation and I can say without a shadow of doubt that a great majority of the people in the Fifth District of Ohio do not favor a compulsory hospitalization plan financed by increased social security taxes. In fact, of the more than 15,000 questionnaires already returned to our office, not quite 20 percent of those voting in favor of a hospitalization plan favored medicare. When one considers that almost 43 percent of those returning questionnaires to date indicated they did not favor any interference by the Federal Government into this field, you can readily comprehend how little support there is in the district for this compulsory medicare plan. Now, why do they object? First, the people of the Fifth District of Ohio dislike compulsion. Second, the working men and women object to the increase in social security taxes. Third, the people of the district fear that medicare will lead to socialized medicine and a decrease in the quality and availability of medical and hospital services. Mr. Chairman. I could comment at length on each of these objections but the time allotted me will not permit. Let it suffice then for me to say that I know how much it costs to maintain a family and I know that a family man making $5,600 annually cannot afford the overall $69.60 increase in his social security taxes next year as called for in this bill. Neither will he be able to pay $323.40 in social security taxes in 1971 if his earnings reach $6,600.

If this administration is bound and determined to saddle the country with its medicare plan, the least it could do would be to find some other method of financing it instead of putting it on the backs of our working men and women and those responsible for their jobs. The administration could even do the unexpected and call a halt to some of its wasteful spending and finance it out of current revenues.

Mr. Chairman, I am deeply sorry that the parliamentary situation under which we are operating will not permit a vote on the eldercare bill by this House. The people in my District voting for a hospitalization plan overwhelmingly favored eldercare over medicare. I would have liked the opportunity to cast my vote for eldercare. This opportunity will not present itself today. I, therefore, intend to support the motion to recommit this bill to the Ways and Means Committee with instructions to substitute the voluntary Byrnes hospitalization plan for the medicare title and to include the other two titles of H.R. 6675. Everyone in this House is well aware of the fact that the motion to recommit will be the crucial vote on this bill. The vote on final passage will be anticlimatic as this bill is going to pass—with or without my vote. Believing as I do that medicare is the first step towards socialized medicine in America, I intend to vote "no" on final passage. I do so with great reluctance as I am in favor of the other two titles in this bill but the "gag" rule under which we are considering this bill has made it impossible for me to cast my "yea" votes for them. To do so by voting for medicare, is a condition I refuse to accept.

Mr. MILLS. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Chairman, I congratulate the very able and distinguished chairman, the gentleman from Arkansas [Mr. MILLS], and the members of the Ways and Means Committee for bringing H.R. 6675 before the House for action.

This legislation results from many months of public hearings and thorough study of all the issues invovled in meeting the most urgent medical needs of the aged. To say that the purposes of this legislation have been the subject of long, and at times, bitter controversy, is to understate the case. To say that the legislation now before the House represents substantial improvements in actual benefits, over and above the proposals set forth in the medicare bill, is a fair statement of the case.

The able chairman of the committee, Mr. WILBUR MILLS, deserves the gratitude of millions of Americans whose need for the medical services provided for in this legislation is well known. They have waited long for this action by Congress, and they have worked diligently to turn the spotlight of truth on all aspects of the problem. Their patience and their labors are about to be rewarded by enactment of forward-looking legislation pointed at providing a remedy for the most urgent medical needs of our senior citizens.

H.R. 6675 provides for a coordinated approach for health insurance and medical care for the aged under our time-proven Social Security Act. The basic plan gives the aged protection against the costs of hospital and related care. This is supplemented by a voluntary plan which provides payments for physicians and other medical and health services. Through this method the individual has a free choice as to the extent of medical insurance desired while at the same time being protected against the basic and larger costs of hospitalization and related care.

The bill also provides for expanded medical assistance programs for the needy, including the aged, blind, disabled, and families with dependent children.

These provisions alone argue for the passage of H.R. 6675. Some 17 million insured individuals and 2 million uninsured will qualify for the basic benefits involved by July 1, 1966. Further, an estimated 8 million needy persons will qualify for new or increased medical assistance, through the revised Kerr-Mills program.

H.R. 6675 provides other benefits through long overdue changes in key provisions of the Social Security Act. During the 88th Congress and again in this Congress I have introduced specific legislation to:

First. Increase widow's benefits and benefits to surviving children of deceased insured workers.

Second. Permit payments of child's insurance benefits after the age of 18 years in the case of a child attending school.

Third. Increase allowable earned income by retired workers.

Fourth. Increase old-age survivors and disability insurance benefits.

H.R. 6675 incorporates these changes which I have sponsored. It provides for an across the board increase of 7 percent in benefits to widows and surviving children and to old-age survivors and disabled persons. It is estimated that 20 million Americans will be the beneficiaries of this increase in monthly payments. The change authorizing payments of child's insurance benefits after 18 years and up to the 22d year, for those attending school, is expected to help 295,000 surviving children of deceased workers. By raising the ceiling on allowable earned income of retired workers, conditions of life for many of our aged citizens will be substantially improved.

I thank the committee for its favorable action on these amendments to the basic provisions of the Social Security Act. They are in tune with the times, they are realistic in terms of the needs of our people, and they deserve enactment by this Congress.

For these reasons I will vote for and urge passage of H.R. 6675.

Mr. MILLS. Mr. Chairman, I yield such time as he may desire to the gentleman from Missouri [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 6675 as reported by the Committee on Ways and Means.

Before proceeding further, I wish to express my appreciation on being given this time to express some thoughts in connection with this measure. First, I think our great chairman of the Committee on Ways and Means deserves the commendation of everyone because of the leadership he has exhibited these last few days and because of the years of hard work he has devoted to hearings upon the several different proposals for hospitalization insurance and medical care for our senior citizens. Compliments are also due every member of the Committee on Ways and Means for the several months of hard work they have just finished. They have reported a bill that most Members will find it possible to support.

Correspondence on the general subject of medical care for the elderly has been coming into my office in substantial volume during each of the 6 years I have been a Member of the Congress starting with the Forand bill back in 1959. This mail has not simply been in an amount of hundreds but in the volume of thousands of letters. In answer to this large volume of correspondence I have tried to be consistent over the years when I have repeated I would not blindly oppose legislation of this type because in my opinion its passage was inevitable. Instead, I have said I would try to contribute to an improvement of these measures in a way or manner that would be acceptable to those who had written in opposition. In most of this mail I pointed out I thought there was some room for an improved plan of administration and that there should by all means be some alternatives, choices, or options left to the recipient and the entire plan should not be compulsory without the benefit of some preference of selection or latitude as to choices. As the hearings of the last 2 months progressed, it became apparent that the committee would request a closed rule and that this would mean Members would be cut off from offering amendments to the bill when it reached the floor of the House. Knowing this might be the case, the only avenue that remained was to urge the members of the Ways and Means Committee to set up alternatives or choices within the framework of the legislation, before finally reporting it from committee.

Over the past weeks I have made repeated contacts with members of the committee urging such optional plans. It is my belief that dozens of other Members of the House followed this same procedure. Anyway, the Ways and Means Committee finally came up with a bill that provided not only for basic hospitalization program but also set up an optional or voluntary supplementary medical program which was made available on a purely voluntary basis regardless of whether or not a person were eligible for social security or railroad retirement or other benefits.

While the cost to the individual was established by actuaries to be $3 per month a person was left free to participate in this program or refuse it and certainly there was nothing about this part of the plan that was in any way compulsory or involuntary. Under the supplementary plan, the Secretary of the Department of Health, Education, and Welfare is authorized to enter into an agreement with any State before July 1, 1967. The bill provides that either a State agency may act as a carrier in the State with respect to this supplementary plan or may enter into an agreement providing for another carrier so that insurance benefits, coinsurance and other items can be paid under the benefits provided in the supplementary plan.

I am sure that all of you who had preferred the inclusion of alternatives are thankful and grateful to the committee for the form and content of the measure they reported.

Almost any proponent would admit the bill is not perfect. As a matter of fact that is true of nearly everything in the world. There are not very many diamonds that are exactly perfect. Just about every one of them has some kind of a flaw. Our brilliant sun which is the center of our solar system is not perfect. It has its sun spots. There is so much good in this bill that it is like a large piece of gold surrounded by some of the baser metals. The gold will never rust. It will always be there to shine through. In like manner, the great merits of this bill will always shine through its slight imperfections.

In some recent correspondence I received in my office writers have suggested I had already reached a decision and it was useless to write in opposition. Well, as I have stated over the years, I favored some kind of a workable plan. But my mind was never made up until this bill was finally reported and until after I had an opportunity to study all of it and in particular its three principal parts including the basic hospitalization program; the optional supplementary medical program and the other provisions including increased social security benefits and liberalized disability benefits as well as improvement in the Kerr-Mills program. But after a clean bill was filed as H.R. 6675 and the accompanying report was printed the longer I studied it with its many, many beneficial provisions the better it seemed to become.

Mr. Chairman, one wonders quite frequently whether any of the debate here in the Committee of the Whole ever changes the viewpoint of a single Member. Yet I have a feeling this bill might be an exception because I know I have talked to several Members who are sort of on the fence or wavering whether to vote for or against this bill on final passage. Many of them would prefer to be in favor of the bill but their mail has been so heavy in recent weeks against the committee report and in favor of what has been called eldercare or in favor of the Byrnes substitute that they have considered opposing the bill on final passage.

Over the years I am certain the majority of those who corresponded with this office have favored some type of health plan for the elderly. In recent weeks, those in favor have neglected to write and our mail has been quite substantial against this bill. Some have freely and frankly admitted they have been asked to write by their physician. Others have joined in a petition that has been circulated by office employees or clerks in the offices of physicians. Some of the letters came from those who have been urged to write by their physician and state quite candidly and freely they have not had a chance to become familiar with the entire content of the bill but nonetheless went ahead to urge our opposition.

Although I have answered all of these letters I would like to say for the record that it is my opinion that these same people who are now opposed because they have been asked to be opposed by someone, will later become more familiar with the provisions of this bill. After it has been fully explained to them, I predict they will be glad the bill was passed by the Congress.

I hazard the prediction when these very same people who are opposed today to the bill because of lack of information about it, will in a short while learn about the layer after layer of benefits it contains. They will discover there are so many good provisions in H.R. 6675 that these people who have in recent weeks voiced their opposition will in the months ahead say that they were wrong and be truly grateful that the bill passed this body and is on its way to becoming law.

To enumerate a few of the provisions these include an increase in social security benefits by 7 percent; the establishment of a new minimum; the optional benefits for widows at age 60; the liberalization of eligibility requirements for about 155,000 presently disabled workers; increase maternal and child health services and for crippled children's service. Even the Kerr-Mills program was extended and expanded to include not only the indigent aging but added the requirement that States provide a flexible income test for eligibility.

Yes, Mr. Chairman, when more people become more familiar with the multiplicity of benefits contained within the several parts of this bill all of which contribute to supplementing its major provisions, I would say to those Members who may be harboring the thought of voting against this bill you will be held accountable or responsible for participating in an effort to deny to the people all of these good things.

It is my considered opinion that before too long the present opponents will wake up to the good things they have not been told about in this bill and when they do they will never forgive those Members who are against this bill today.

Mr. MILLS. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. CAMERON].

Mr. CAMERON. Mr. Chairman, I want to join with my many colleagues who have today paid tribute to the chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS]. He and his committee have truly brought before the House a monumental piece of legislation that will virtually enshrine his and his committee's efforts in the hearts of all Americans.

I also would like to pay tribute to you, Mr. Chairman, for the manner in which you have conducted this Committee of the Whole House, and the honor that your chairmanship pays to your late, esteemed father. I remember full well, when shortly after I was discharged from the Marine Corps in 1946, joining a speaker's bureau on behalf of similar legislation which your father had introduced in this body. I am sure that as the Committee rises tonight you will feel a sense of satisfaction, knowing that the work which your father began over 20 years ago has finally come to fruition.

Mr. Chairman, though I am a wholehearted supporter of this legislation in all of its facets, I would like to call to the attention of the House one slight defect in the measure of which I am aware. My discussions with members of the Ways and Means Committee and with staff thereof clearly indicated that it was the intent of the committee to provide appropriate language in each required instance to assure that the American people will have the opportunity of free choice with respect to vision care. Throughout this bill, there are a number of places where provisions have been made to allow the beneficiaries of the legislation to determine their choice as to disciplines which will meet their vision needs.

Most Members are fully aware, from the debate that surrounded H.R. 12 during the 88th Congress, of the continued rivalry between medical doctors who practice opthamology and doctors of optometry. In order to assure that the American people have a free choice of vision care, it has been necessary to specifically stipulate in all legislation dealing with health care that beneficiaries may choose between optometry and medicine for this service.

Unfortunately, there is an area in H.R. 6675 that does not make this choice clear. The way section 532(b), which appears on page 150 of the bill before the House, is drafted precludes this choice of vision care for some 10 million schoolchildren. Certainly, this inadvertency is understandable in drafting such a monumental piece of legislation. I am sorry that it is not possible to make a correction of this here on the floor. As you know, Mr. Chairman, the bill is being considered under a closed rule and, therefore, it is not possible to amend. I would hope, Mr. Chairman, that the clear intent of the committee and the expressed will of Congress over the years with respect to providing this very necessary option to all beneficiaries of governmental medical programs would be corrected in the Senate. Surely, amendments will be made to this bill in Senate committee. It seems to me that this should be one of the first orders of business when the bill reaches the other body. I know full well from past history on this same subject that there would be no hesitancy on the part of this body to accept such an amendment coming from Senate-House conference.

Again, Mr. Chairman, I pay tribute to you, to the chairman of the Ways and Means Committee, to the members of the committee and to the staff who have today given us the opportunity to vote on what will surely be among the most significant pieces of legislation enacted during the tenure of any Member.

Mr. MILLS. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, this is indeed a historic day—the day when the House will finally approve of hospital care for our senior citizens through social security. I want to join in commending the distinguished chairman of the Ways and Means Committee for his leadership on the floor yesterday and today.

Social security was originally enacted 30 years ago, and no legislation since then has taken such sweeping steps toward insuring our Nation's health and welfare. I have been fighting for this kind of legislation throughout my service in Congress. At the opening of this session of Congress I joined our distinguished colleague, the gentleman from California [Mr. KING], in sponsoring H.R. 1, the well-known King-Anderson bill. In the 87th Congress I signed a discharge petition in an effort to bring the King-Anderson bill to the floor for a vote. Now it is here as part of a bill which will broaden and improve the whole social security program. H.R. 6675 is, as President Johnson said, "a tremendous step forward for our senior citizens." But it is more than that. It is a recognition of our society's growing awareness that with our riches and abilities we can, and we must, insure all American citizens at least a minimal opportunity to the pursuit of health, life, liberty, and happiness.

Mr. Chairman, in 1957, our former colleague, Aime Forand, predicted that it would take 10 years for Congress to enact medicare legislation. I am confident now that 1965 will be the year of medicare.

According to a survey made early this year by Louis Harris, the American public rates the problem of medicare as the Nation's No. 1 domestic issue. This is readily understandable—the number of persons living on a small fixed retirement income continues to increase as do their needs for health care and the prices they must pay for such care. The average cost of 1 day of hospital care has risen from $9 to nearly $40 since 1946. This is compounded by the fact that every year, one out of six persons over age 65 is hospitalized and, on the average, the aged hospital patient spends three times as long in the hospital as does a younger person.

About 1 out of every 10 Americans over the age of 65 lives in New York State. Also, about every 10th citizen of our State is a senior citizen.

Let us look for a moment at the financial situation of our senior citizens. In both New York City and in the State of New York as a whole, more than one-fifth of the families with an aged head had less than $2,000 a year in income at the time of the last decennial census. The situation among the unmarried aged was worse. About 45 percent had an income of less than $1,000 a year. These figures include social security benefits, which at the present time are received by 770 persons out of every 1,000 persons aged 65 or over in our State. These statistics, we must bear in mind, are for one of the country's richest States.

Until it became abundantly clear with this session of Congress that some form of medicare bill might be enacted, foes of medicare insisted that private health insurance and the Kerr-Mills program made it unnecessary. These claims do not stand up. According to a report of a subcommittee of the Senate Special Committee on Aging, which held hearings on the subject of private health insurance for older persons, only about half of the aged had hospital insurance and among these, only one in four had insurance that was adequate according to the definition of adequacy of the American Hospital Association. The report maintained that Blue Cross plans generally have come closest to offering adequate hospital insurance but under the pressure of competition, they, too, have had to increase premiums or decrease benefits.

The fact that private health insurance cannot offer the aged adequate protection at reasonable prices has been amply demonstrated in New York.

Last year, the New York Blue Cross plan, the Associated Hospital Service of New York, on the ground that it was paying out monthly $5 million more than its income, asked the New York State Insurance Department for permission to increase premiums for all subscribers. It also requested permission to adopt a form of experience rating. Under experience rating, premiums are based on the frequency with which a person or a group is hospitalized so that rates for younger persons are lower than for older persons rather than all persons or groups paying the same premium regardless of whether they are low risks or high risks. The Associated Hospital Service of New York was granted an increase, effective as of July 1, 1964, that averaged about 32 percent, rather than the 40 percent it had sought. It was denied its request to adopt experience rating which, according to New York State Senator George Metcalf, might have increased premium charges to the elderly as much as 100 percent within 3 years.

The New York 65 Health Insurance Association, made up of private insurance companies which have been permitted to act in concert in order to offer the elderly more protection at lower rates, was granted permission to raise its rates 21 percent, effective as of February 1965. A spokesman for the association said that between October 1962 and December 1963 it had run up a deficit of $2 million and without the increase its accumulated deficit by the end of 1965 would total over $5 million. It is interesting to note that the spokesman said the program was never intended to be the insurance industry's answer to proposals to put medical care for the aged under social security. He called it rather "another way" of providing health insurance for the aged.

Even Governor Rockefeller, at the New York State Conference on Aging in 1962, said:

> I reluctantly came to the conclusion that it would not be possible to assure medical care for all the aged through the private insurance route, even though it could give protection for a substantial percentage of senior citizens with the financial means. And, at the same time, our studies of the possibility of a State plan, providing catastrophic health insurance for all citizens, also made clear that the costs of such a plan would be so high, in terms of payroll tax, as to place New York at a very serious competitive disadvantage with other States in the business and industrial field.
>
> Therefore, I reluctantly concluded that this was one field in which we would have to look to the Federal Government to act on a national basis.

The Kerr-Mills program also is totally inadequate to meet a need that requires a national and uniform approach. The program is in its fifth year of operation; yet it has not been adopted by all the States. Because each State sets up its own eligibility requirements and benefit package, Federal money is not used equitably for persons in like circumstances and persons are penalized merely because they happen to live in a particular State of the Union. Moreover, applicants for aid, and sometimes even their relatives, must submit to a humiliating means test.

The eldercare bill that is advertised on the commercials of the American Medical Association is little more than an extension of the Kerr-Mills program. It has most of the defects of Kerr-Mills as an answer to a national problem, to which it adds some of its own. The intent of eldercare is to encourage States to provide medical aid to the aged in the form of private insurance protection by increasing Federal matching by 5 percent over the present Kerr-Mills levels for aid furnished this way. Coverage would be open to all persons 65 years of age or over who are not recipients of old-age assistance but those with incomes above a State-set level would be required to pay part or all of the premium cost, depending upon the degree to which their income exceeds the level set by the State. A serious defect of eldercare is that, on the one hand, the income limit set by the State for its payment of premium can be so low that no new beneficiaries would be added to the rolls; at the same time, the bill neither sets a limit on premium rates that private insurance may charge nor does it establish minimum benefits. Therefore, the extra Federal matching might benefit the profits of the insurance companies more than the health of the aged. Under eldercare actual benefits would be determined by the States. If they have not been able to afford them under the present Kerr-Mills program, how will they be able to finance an expanded program?

H.R. 6675 presently before the House provides for two coordinated health insurance plans for persons 65 years of age or over—a basic hospital insurance program and a related supplementary voluntary health insurance program.

The basic health insurance program would provide persons 65 years of age or over who are eligible for social security or railroad retirement benefits with benefits similar to those contained in the King-Anderson bill, namely inpatient hospital care, posthospital extended care, home health services, and outpatient hospital diagnostic services. The bill, however, does not cover the services of radiologists, and three other specialists that, under certain circumstances, would have been covered under King-Anderson. Benefits would be financed by a compulsory payroll tax imposed on employers, employees, and the self-employed who are subject to the social security tax or the railroad retirement tax and the proceeds would be placed in a separate trust fund. Persons who are not eligible for social security or railroad retirement payments but who reach 65 within the next few years also would be eligible for benefits, which would be financed from general revenues.

The voluntary program is intended to supplement the benefits offered in the basic program. After an annual deductible of $50, the insurance would pay 80 percent of a variety of medical costs, including payment for physician and surgeon services regardless of where rendered, electrocardiograms, basal metabolism readings, and the rental of iron lungs and oxygen tents. Persons who enroll in the program would pay a monthly premium of $3, which would be matched from the general revenues of the Federal Government. In order to keep collection costs to a minimum, participants who receive social security or railroad retirement benefits would have their premiums deducted from these benefit checks.

Unfortunately, the bill calls for the repeal of the medical and drug deduction now extended persons 65 or older by the Federal income tax law.

I have long urged that medical and dental expenses should be completely deductible for all taxpayers and have introduced H.R. 4656 to accomplish this.

The bill would permit taxpayers who itemize their deductions to deduct half of the cost of their health insurance premiums up to $250, regardless of the 3-percent floor on medical deductions. This provision would apply to all taxpayers of all ages.

Mr. Chairman, the combined coverage of these two plans will provide protection of a type that few older people can now afford. If a person does not choose to participate in the voluntary program, he still would have hospitalization costs covered. I would think, however, that most aged persons would participate in the voluntary insurance plan. The increase in cash social security benefit payment provided in the bill will cover the monthly premium cost.

Mr. Chairman, the citizens of this country have been most patient, while Congress has discussed health insurance for the aged. It is time for affirmative action.

In addition to the health insurance plans, the bill before us provides for the first general benefit increase since 1958. The bill provides a 7-percent, across-the-board benefit increase effective retroactively beginning January 1, 1965, with a minimum increase of $4 for retired workers at age 65. The committee states:

> These increases will be made for the 20 million social security beneficiaries now on the rolls.

This increase is greatly needed. Since 1958 per capita disposable personal income—the spending money after taxes—has increased from $1,825 to $2,000, an increase of 20 percent. The cost of living has increased about 8 percent.

The increase of 7 percent is really a modest proposal. An increase of at least 10 percent would still give our older citizens only half as much as the average increase for the rest of the population. I realize, however, that the social security system must be kept actuarially sound. The 7-percent increase is a welcome updating of a system upon which so many Americans depend.

The bill before us makes other changes in our social security system which are urgently needed. I am most pleased that it includes a provision to continue to pay a child's insurance benefit until the child reaches age 22, provided the child is attending public or accredited schools, including a vocational school or a college, as a full-time student. I have long urged the adoption of such an amendment and introduced H.R. 3732 to accomplish this result.

The committee rightly points out in its report:

> A child over age 18 who is attending school full time is dependent just as a child under 18 or a disabled older child is dependent, and that it is not realistic to stop such a child's benefit at age 18. A child who cannot look to a father for support—

Because the father has died, is disabled, or is retired—

> is at a disadvantage in completing his education as compared with the child who can look to his father for support.

The amendment for schoolchildren should receive our wholehearted support.

Another amendment liberalizing widows benefits also seeks to increase aid to the disadvantaged. Under this amendment widows will receive an option of receiving benefits beginning at age 60. The benefits payable to those who claim them before age 62 will be actuarially reduced to take account of the longer period over which they will be paid. Under present law, full widow's benefits are payable at age 62. The committee estimates that 185,000 widows will be able to receive benefits immediately under this provision.

Another needed change is the libralization of the outside earning provision. Under existing law the first $1,200 a year in earnings is wholly exempted, and there is a $1 reduction in benefits for each $2 of earnings up to $1,700 and $1 for $1 above that amount. This bill increases the $1 for $2 "band," as it is called. It will apply between $1,200 and $2,400, with $1 for $1 reductions above $2,400. In the 88th Congress I introduced H.R. 1967 and in the 89th Congress I introduced H.R. 3735 both of which increased the amount of outside earning a secial security recipient could receive without a reduction in benefits. In this Congress my bill increases that amount to $3,600. The bill before us today obviously falls far short of that goal. However, it is a step in the right direction and deserves our support.

I have long advocated legislation to provide that tips received by an employee in the course of his employment may be included as part of his wages of the purpose of old-age, survivors, and disability insurance. I have urged the adoption of such a proposal since my election to Congress. My bill this year is H.R. 4183. There are millions of employees who earn a substantial percent of their income from tips.

Under the present law they are not permitted to pay into the social security system. This presents a particular hardship as these employees are by in large earning less than many other Americans. Therefore, they and their dependents, are hit hardest by old age and disability. The bill before you seeks to correct this gross injustice. The employer will be required to withhold social security taxes on tips reported to him within 10 days after the end of the month in which they were received. The employer would pay over his own and the employee's share of the tax on these tips and would include them with his regular reports of wages. If the employee does not report his tips to his employer within 10 days after the end of the month involved, the employer would have no liability. In such a case the employee alone would be liable for the amount of both the employee and employer tax.

Mr. Chairman, another important feature of the bill is its provision to make it easier for a substantial number of our older citizens who have not had the opportunity to be covered under social security to receive coverage. The present law requires a minimum of six quarters of coverage for insured status. As a result, although the general requirement for insured status is one quarter of coverage for each year elapsing after 1950 and up to retirement age, people who reached retirement age in 1956 or earlier must have more than one quarter for each year that elapsed after 1950 to qualify for benefits. This bill eliminates this injustice.

The bill provides that the minimum would be three quarters of coverage rather than six, and therefore people who reached retirement age in 1954, 1955, or 1956 can qualify for benefits if they had one quarter of coverage for each year that elapsed after 1950 and up to retirement age. People who reached retirement age prior to 1954 can qualify if they had three quarters of coverage instead of six. The committee estimates that 355,000 people will immediately become eligible for social security payments under this provision.

Mr. Chairman, I have outlined the highlights of the amendments in H.R. 6675 which liberalize our present social security laws. These provisions combined with the health insurance plans make this a truly important piece of legislation—a milestone in the field of social insurance.

I urge my colleagues to send H.R. 6675 to the other body with an overwhelming vote.

Mr. MILLS. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan [Mr. FARNUM].

Mr. FARNUM. Mr. Chairman, I rise in support of H.R. 6675 and wish to take this opportunity to commend the gentleman from Arkansas, Chairman WILBUR MILLS, and the other members of the Ways and Means Committee who worked long, hard hours in producing this fine piece of legislation.

No amount of oratory will keep our older citizens from getting sick, or will put money in the savings accounts of retired persons who have exhausted their savings and cannot find jobs. I am grateful, therefore, to have the privilege to vote in this Chamber today for a measure which will not only insure adequate medical care for our older citizens and retirees, but will also give a long-overdue increase in social security benefits to them.

Today, ample proof has been presented that we have the opportunity, the means, and also the will to aid in one stroke the ailing aged, students, widows, crippled children, and others worthy of our serious concern.

Let us give overwhelming evidence of this concern. Let us do what is right because it is right.

Mr. MILLS. Mr. Chairman, I yield such time as he may require to the gentleman from West Virginia [Mr. KEE].

Mr. KEE. Mr. Chairman, I rise on the floor of the House to pay tribute to Chairman WILBUR MILLS of the Ways and Means Committee. It is because of his able leadership, his wisdom and his judgment that we in the U.S. House of Representatives will this afternoon pass this overdue and absolutely essential legislation.

In conclusion, I should like to say that every American citizen, those of us here today, our older folks and our children and our grandchildren and the generations yet to come all owe Chairman MILLS a debt of deepest gratitude, a debt for which we will not be able to adequately express our appreciation. Because of his leadership and because Congress is going to enact this legislation, America is going to continue to move forward.

Thank you, Mr. Chairman—I salute you, sir.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. Minish].

Mr. MINISH. Mr. Chairman, it seems particularly appropriate that the year 1965 should see the enactment of legislation which is so important right now to people who were born at the turn of the century, or earlier, and have now achieved their 65th birthday. In their lifetime they have participated in the tremendous changes in our way of life which have occurred during this period. They found themselves, in their thirties in the midst of the greatest depression this country has ever known. In their forties they weathered the greatest war this country has ever known. In their fifties they continued to build the mightiest economy this country has ever known. It is altogether fitting and proper that, in 1965, they are rewarded with the greatest social security bill this country has ever known.

If ever any legislation had a clear mandate from the people, the proposal to provide medical care for the aged is that legislation. It was clearly pressed as an issue in the election of 1964, and the results are in. But, as President Johnson has said, there has been an increasing awareness since World War II of the fact "that the full value of social security would not be realized unless provision were made to deal with the problems of the costs of illnesses among our older citizens." The facts showed that four out of five persons 65 or older have a disability or chronic disease and that people over 65 go to the hospital more frequently and stay twice as long as younger people. The facts showed that health costs for older men and women are twice as high as for the younger age groups and that almost half of the elderly have no health insurance at all because they cannot afford it.

Another poll, in early March of this year, spoke again for the American people. The Harris poll of March 8, 1965, showed that 62 percent of Americans prefer the social security method for meeting these health costs over the last-ditch proposal of the American Medical Association, in spite of the expensive ads and mountains of "give-away" pamphlets on their so-called eldercare plan. For the people knew that, just as the Kerr-Mills program has been found inadequate because it depends upon State matching money and a means test, eldercare would be subject to the same limitations in spite of the broad claims made for it. As the 47-year-old wife of a janitor in Buffalo told the pollster, "It would be easier if everybody shared the load for medical care when people get old." And a 39-year-old farmer in Utah spoke for his generation when he said, "Now it seems like those who need the most get the least. When you're older and need the help is when you need the money. We all will face that problem one day."

Mr. Chairman, the Committee on Ways and Means, after due deliberation, has come up with a great bill. It is a bill which provides three new programs for health insurance and medical care for the aged under the Social Security Act by establishing, first, a basic hospital insurance plan providing protection against the costs of hospital and related care—including home health visits and posthospital care in a skilled nursing home, as well as diagnostic services; second, a voluntary "supplementary" plan providing physicans' and other medical and health services financed through monthly premiums of $3 equally matched by Federal funds; and third, an expanded Kerr-Mills medical care program for the needy and medically needy which would combine all existing medical programs for this group into a single new title with generous Federal matching money.

I am glad to see that this omnibus bill also goes further to modernize and bring up to date our existing social security and public assistance programs as well. The 7-percent increase in cash benefits will not only recognize the changes which have occurred in our economy since 1958, when the last across-the-board increase was passed, but will also help to finance the cost of the new voluntary supplementary insurance plan. Indeed, one feature of the bill is to allow an automatic $3-a-month deduction from the social security benefit if the individual chooses such coverage. Other features of the bill which are especially important, in my mind, are the continuation of benefits for children attending school beyond age 18 and up to age 22, as well as the liberalization of the earnings limitation. All of these changes are important.

But I am particularly glad to have the opportunity to vote in favor of the new health insurance programs contained in this bill. This is, indeed, landmark legislation. This is a vote I shall brag about to my grandchildren and, hopefully, to my great-grandchildren. For, as the President has said, "Compassion and reason dictate that this logical extension of our proven social security system will supply the prudent, feasible, and dignified way to free the aged from the fear of financial hardship in the event of illness." The needy is national, the people have spoken, and we are at long last ready to vote this proposal into law.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. Roncalio].

Mr. RONCALIO. Mr. Chairman, I deem it one of the great honors of my life to rise in support of the able and great chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. Mills], and to support this legislation. My vote comes 25 years after my first associations on Capitol Hill, which began as an employee of the Senate, when I first heard what were the beginnings—in 1941—of years and years of debate, deliberation, and of hearings on this vital subject.

Mr. Chairman, today the Congress of the United States, in keeping with the highest and best principles of American democracy, will enact a piece of legislation that promises to fulfill the long-cherished dream of America's elderly citizens and answer the monumental mandate of her voters.

House bill H.R. 6675 is a carefully constructed and a thoroughly representative compromise, geared to give the American people a program of health and hospital care for the aged that meets what is now acknowledged as a just and worthy need.

Public concern over the problems faced by our elderly citizens is not new. Legislation to remedy their hardships is not new. The halls of Congress have resounded with debate over this issue for over 30 years. That is long enough.

Never before was the issue so dramatically focused than in the 1964 election when the American people were offered a choice—and that choice included the solution to the crises faced by the elderly in obtaining medical and hospital care.

The verdict was unmistakable. The people want a program that could best supply these services under a sound system that implements Government participation with private supplementary programs.

The bill presented today incorporates features of many proposed programs, truly representing the thinking of many conscientious leaders of both parties who recognize the moral and practical considerations that made this bill necessary.

By choosing to meet this moral obligation through the social security system, lawmakers have again exposed themselves to the critics of social progress who would have the American people renounce their obligations in a spirit of negative defeatism over what were once considered the insurmountable challenges of cruel circumstance.

A NEW SPIRIT

Today a new spirit leads this land, a spirit that fires hope in the hearts of those who would otherwise reconcile themselves to the forces of misfortune they could not control.

Today the American people have set forth on a road that will not be barred by these forces, and in following this path they are again harassed by those who would resign man to the mercies of his environment.

Their arguments, not unfamiliar to those that rocked these halls when President Roosevelt proposed social security, ring as hollow now as they did then. What was questioned then has been answered, but the answer has fallen on deaf ears.

The social security system is sound. It has fulfilled the promise it held forth in those dark days, and it will continue to fulfill them. These amendments, administered through the reliable social security system and a supplementary voluntary private plan, will equally confound critics with undeniable success.

The health care bill we are voting on today incorporates the best features of several measures considered by the committee, including the basic plan for hospital, diagnostic, and posthospital health services for all persons over age 65, administered through the social security system as provided in the original King-Anderson bill. H.R. 6675 provides a voluntary supplementary plan covering physicians and surgical fees including radiology and pathology charges and related services, to be administered by private insurance carriers, as suggested in the AMA-sponsored "eldercare" and the Republican minority bill, sponsored by JOHN W. BYRNES, of Wisconsin.

In addition, H.R. 6675 increases social security benefits by 7 percent and makes a number of other changes in the Kerr-Mills law and in the Social Security Act. The measure has been carefully designed to safeguard the actuarial soundness of the social security system and to protect the independence and integrity of the professions. Without this assurance for the doctors and their colleagues in medicine, I would not support this bill.

The poet Browning said:

Grow old along with me!
The best of life is yet to be,
The last of life, for which the first was made.

The part of the 89th Congress in the realization of this poetic dream is indeed "our finest hour."

Because the people of Wyoming and elsewhere will be confronted with the question of "How does this legislation affect me?"—I ask unanimous consent to include at this point in the RECORD a brief summary of the major provisions of H.R. 6675, consisting of three tables, and containing pertinent information on each major part of this important bill.

The analysis is as follows:

SUMMARY ANALYSIS OF MAJOR PROVISIONS OF H.R. 6675: MEDICARE AND SOCIAL SECURITY AMENDMENTS OF 1965

(House version—April 1965)

This analysis of the Medicare and Social Security Amendments of 1965 (H.R. 6675), as acted on by the House is in three parts: (1) a description of the basic hospitalization program; (2) a description of the optional supplementary medical program; and (3) a description of amendments to the Social Security Act, the Kerr-Mills law, and other miscellaneous provisions.

PART 1—BASIC HOSPITALIZATION PROGRAM (UNDER SOCIAL SECURITY SYSTEM)

Eligibility

All persons aged 65 years or over who are now, or will in the future, be entitled to monthly social security or railroad retirement benefits (except Federal employees who retired after 1959).

All persons aged 65 years or over, or who will reach age 65 before 1968, who are not elibible for monthly social security or railroad retirement benefits. This part of the program to be paid for from general revenues of the Federal Government, not paid for out of social security trust funds.

Effective date

July 1, 1966 (except for services in extended care facilities, which will be effective Jan. 1, 1967).

Enrollment

No enrollment necessary. Coverage is automatic to those eligible.

Cost to the individual

Benefits extended to eligible persons without cost as a matter of right; no "needs test" required.

Benefits

(1) Inpatient hospital charges for up to 60 days of hospitalization in each spell of illness, subject to a $40 deductible amount.

(2) Twenty days of nursing home care in each spell of illness, after transfer from hospital; 2 additional days of nursing home care (if needed) can be added for each day that the patient's hospital stay was less than 60 days, to a maximum total of 100 days.

(3) Outpatient hospital diagnostic services, subject to a $20 deductible amount for such services furnished by the same hospital during a 20-day period.

(4) Posthospital home health services for up to 100 visits after discharge from hospital or nursing home (when patient is under care of physician).

Financing

Through the social security system—payroll taxes from employee, employer, and by self-employed persons. Taxes paid into separate hospital insurance trust fund to assure that actuarial soundness of trust funds and the entire social security system is safeguarded. Tax rates for employee (matched by employer) will be: 1966, 0.35 percent; 1967–72. 0.50 percent; 1973–75, 0.55 percent; 1976–79, 0.60 percent; 1980–86, 0.70 percent; 1987 on, 0.80 percent.

These amounts would be automatically deducted from payroll check (as at present) on first $5,600 earnings a year during 1966–70 period. Thereafter, they would be based on first $6,600 of annual earnings. Program will cost each employee and employer only 38 cents a week, rising to about 54 cents a week for each during 1967–72 period.

PART 2—OPTIONAL SUPPLEMENTARY MEDICAL PROGRAM (UNDER PRIVATE INSURANCE CARRIERS)

Eligibility

All persons age 65 or over, on an optional, voluntary basis, regardless of whether or not they are eligible for social security, railroad retirement, or other benefits.

Effective date

July 1, 1966.

Enrollment

Enrollment for persons age 65 years or over before January 1, 1966, will begin 2 months after enactment of bill and continue to March 31, 1966. Regular enrolling periods thereafter.

Cost to the individual

If a person chooses to participate in this program, it will cost him $3 per month. Amount would be automatically deducted from monthly benefit check of those persons receiving social security or railroad retirement benefits. Others would pay their contribution into special trust fund directly.

Benefits

In addition to the benefits listed in part 1, those choosing to participate in the supplementary medical program would be entitled to:

(1) Physicians' and surgical services furnished in a hospital, clinic, office, or in the home.

(2) Hospital care for 60 days in a spell of illness in a mental hospital (180-day lifetime maximum).

(3) Home health services (without regard to hospitalization) for up to 100 visits during each calendar year.

(4) Additional medical and health services, provided in or out of a medical institution, including: diagnostic X-ray and laboratory tests, electrocardiograms, basal metabolism readings, and other diagnostic tests; X-ray, radium, and radioactive isotype therapy; ambulance services (under limited conditions); surgical dressings, splints, casts, iron lungs, oxygen tents, artificial limbs, eyes, etc.

Benefits under this program are subject to an annual deductible amount of $50. Then the program will pay 80 percent of the patient's bills (above the $50 deductible).

Financing

Persons participating in this program will pay $3 a month ($36 a year). An additional $3 per person, per month will be paid into fund by Federal Government out of general revenues.

PART 3—OTHER PROVISIONS

Social security benefits

Increases by 7 percent (with a minimum increase of $4 a month) all old-age, survivors, and disability insurance benefits. Increases would be retroactive to January 1, 1965. New minimum benefit raised from $40 to $44 a month.

Child's insurance benefits

A child's insurance benefits would continue to be paid until the person reaches age 22 (instead of age 18) if child is attending accredited school or college as a full-time student after he reaches age 18. Will be effective as of January 1, 1965, and benefit estimated 295,000 young people.

Optional benefits for widows at age 60

Widows may have option of receiving social security benefits at age 60, with actuarial reduction of benefits they would otherwise receive at age 62. Effective for second month after enactment of bill, benefiting estimated 185,000 widows.

Disability insurance amendments

Liberalizes eligibility requirements and waiting period for persons covered by disability insurance provisions of Social Security Act. Will benefit estimated 155,000 disabled workers.

Benefits to persons at age 72 or over

Liberalizes eligibility requirements by providing a basic benefit of $35 a month at age 72 or over to certain persons with a minimum of three quarters of coverage under the Social Security Act, acquired at any time since the beginning of the program in 1937. Will benefit an estimated 355,000 persons.

Retirement test

Liberalizes the social security earned income limitation. Beginning in the 1966 tax year, a person receiving benefits will be able to earn $1,200 a year without having his benefits reduced; earnings between $1,200 and $2,400 a year would be subject to a $1 reduction in benefits for each $2 of earnings up to $2,400; a $1 reduction in benefits for each $1 of earnings above $2,400 would take place. Existing law limits this provision to $1,700 instead of $2,400.

Miscellaneous amendments

Other amendments to the Social Security Act authorize benefits to certain divorced women, coverage of self-employed physicians and interns, amendments affecting annual gross earnings of farmers, coverage of cash tips received by an employee after 1965, and an exemption from social security taxes of self-employed persons of the Amish and other religious sects.

Improvement of Kerr-Mills program

Extends the provisions of expanded State medical assistance programs not only to the indigent aged, but also to needy persons who are part of the dependent children, blind, and permanently and totally disabled programs. Establishes a single and separate medical care program to replace the differing provisions for the needy in other parts of the Social Security Act. Provides a level of medical services States must offer to receive Federal payments. Requires States to provide a flexible income test for eligibility.

Public assistance amendments

Increases the Federal share of payments under all State public assistance programs, effective January 1, 1966. Contains other amendments providing Federal incentive to States to benefit aged persons in tubercular and mental institutions.

Child health program amendments

Increases Federal authorization for maternal and child health services and for crippled children services. Authorizes grants to higher education institutions to train professional personnel for health and related care of crippled children, particularly mentally retarded children with multiple handicaps. Authorizes a new 5-year program of special project grants to provide health care and services for children from needy areas. Authorizes grants to help States to implement mental retardation plans.

Financing improved social security benefits

Improvements in the regular social security program and increased benefits provided in the bill would be financed through a revised payroll tax schedule. Taxes on employees, employers and self-employed persons are paid into social security trust fund as in the past 30 years. Rates of tax are designed to guarantee the actuarial soundness of the social security system.

The revised tax schedule and the rates under existing law are—

[In percent]

Years	Employee and employer tax rate (each)		Self-employed tax rate	
	Existing law	Proposed in bill	Existing law	Proposed in bill
1965	3.625	3.625	5.4	5.4
1966-67	4.125	4.0	6.2	6.0
1968	4.625	4.0	6.9	6.0
1969-72	4.625	4.4	6.9	6.6
1973 on	4.625	4.8	6.9	7.0

As in the past, these amounts would be automatically deducted from payroll check. Tax would be paid on first $5,600 (instead of present $4,800) during the 1966–70 period. Thereafter, they would be paid on first $6,600 of annual earnings.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. THOMPSON].

Mr. THOMPSON of Texas. Mr. Chairman, there is one little matter I should like to clear up for the House. It has been said in years gone by that I was the swing vote on the committee keeping the medicare bill as we have had it in bygone years from passage. Of course that is sheer bunk, and we will knock it over right now.

It is true that after the Kerr-Mills bill was passed, I did say I thought we ought to try it before we tried something else. We did try it. It has become apparent that some other method must be tried. We have come up with it. It is before you now. I believe it is absolutely sound. I voted for it in the committee and I shall vote for it on the floor.

I should like to say that I have served under quite a few committee chairmen in the years I have served in the Congress—and the years are now getting to be quite a few. There have been some who were exceptionally good. But I have never served under a chairman who showed the patience, the perseverance, the knowledge of his subject to compare with WILBUR MILLS. This bill and the program following it will be a monument to him as long as the memory of man continues. It has been a great pleasure and a privilege to work with him.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, this is a truly historic occasion and it is a privilege to be a Member of this body and to take part in it.

H.R. 6675 establishes two great principles:

First, it establishes the principle of extending the social security system to cover a major portion of the costs of medical care for older people; the cost of extended hospitalization. And it does this on the same basis as social security itself—on a uniform, widecoverage basis—with the benefits accruing as an earned right, not charity.

Second, this bill establishes the principle that general revenues may properly be used to help older people meet their major medical costs without any means test. General revenues under this bill will be used to pay for the hospitalization of those over 65 who are not under social security already and also, to pay the Government's share of the voluntary system for coverage of doctors' bills.

The first legislative act of my career as a Member of Congress was to agree to become a sponsor of H.R. 1, the original King-Anderson bill as it was introduced this year. This was truly an honor. This was a good bill, providing as it did for hospital and related benefits under social security and for substantial improvement in the basic social security program. Among these improvements was a provision to include tips as part of income for social security purposes—as they have been for income tax purposes—thus correcting a longstanding injustice to many of our citizens who depend on tips for their livlihood.

As H.R. 1 was considered by the Ways and Means Committee, it was improved in many respects. Most importantly, a supplementary voluntary health insurance program has been added, to be paid by equal contributions, one-half by the individual and one-half from general revenues. The $3 monthly premium each participant will pay is less than the minimum increase in retirement benefits. Thus, no participant who elects this additional coverage will get less in monthly cash payments when the program takes effect.

Under this voluntary program, the benefits will include payment for physicians, services in the hospital, office or home; 60 days of hospital care in a psychiatric hospital; and home health services. The senior citizen will pay the first $50 for such services and the program pays 80 percent of costs over this amount.

Another important improvement, which had been a subject of many letters to me and which I had urged upon the Ways and Means Committee, was to extend social security benefits for young people continuing their education up to age 22. This will undoubtedly encourage many youngsters to go on to college and professional schools who would otherwise have been unable to do so.

The bill we will, I trust, adopt tomorrow is a great bill—a milestone in the march made by this country toward the realization, for all our citizens, of the full opportunities and potentialities offered by our uniquely rich and powerful economy.

We proudly boast that this land of ours is the land of the free. The enactment of this bill will go a long way to make this boast come true for our older people; for the first time they will be free from destitution as a result of illness and from the fear of such destitution. They will be free, in most cases, from degrading means tests. They will be free from the miserable need to beg their children for help, their children who, in the past, may have had to choose between better education for their own children and medical care for their parents.

Last year, I must confess, I had occasion during my campaign to say some unkind things about the distinguished chairman of the Ways and Means Committee. Today I am happy to say that he has proved me wrong. With the deepest sincerity, I congratulate the chairman and the members of the Ways and Means Committee, and particularly my very able colleague, the gentleman from New York [Mr. KEOGH], on a magnificent achievement.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. POOL].

Mr. POOL. Mr. Chairman, I am one of the Members of Congress who introduced the so-called eldercare plan several weeks ago. I felt that it was far better for the States to handle this problem instead of the Federal Government. Since that time, the Ways and Means Committee has adopted several of the eldercare provisions. However, I feel that so long as this project is tied to social security or a payroll tax that it is still obnoxious to my philosophy of government in that the Federal Government will still control the program. I do not think that it is wise to solve this problem by political devices such as this bill. I feel that the eldercare bill will provide where possible, for individual initiative and responsibility of our people; and that the medicare bill still is a matter of Federal intervention into a purely local problem. What we are doing here today and tomorrow, if the bill passes, is the first step in socializing our medical profession.

I hope, that Congress, in its wisdom, would see fit to not pass legislation which would allow Federal agents to go snooping around looking at medical records, talking to doctors and their patients, and destroying the doctor-patient relationship which is a very personal and privileged right of our citizens.

And then again, I think of the politics that will be involved when Washington bureaucrats get into this picture. What is going to keep utilization committees that will be set up from being political in nature keeping some patients out of certain hospitals?

And what is to keep this same political committee from moving a patient from a hospital before his treatment ends? There will be many arguments against this supposition. But we all recognize that in such a program as this, there will be a day when the money well will run dry. And then the question will arise as to who gets the benefits. Will this be based on politics and how you stand in Washington? Are we going to run to the Federal Government in Washington with all of our problems, or are we qualified at home to solve most of them?

I sincerely hope that this Congress will be realistic and pass legislation in this field that will allow Americans to keep on striving for success and will provide incentive for our young people, middle-aged people and our aged citizens. Let us not take this first step toward socialized medicine.

Mr. MILLS. Mr. Chairman, I yield 8 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, it is with great reluctance that I arise to oppose H.R. 6675 in its present form. I especially regret to do this because I believe strongly in the principles of the social security program; and I fully agree that as a state and nation we need to do more for the care of our elder citizens. And, I am not unmindful that it would be easier to simply cast my vote rather than to stand here and openly voice my objections to an administration bill, advocated by our great President and my personal friend for many, many years; and to oppose the general approach of a measure so eloquently presented to this House by one of the most knowledgeable legislators in my memory, the gentleman from Arkansas, the Honorable WILBUR MILLS.

Our Government needs to do more to improve our aid to the elderly and in many of the other broad fields which have been explained; but, Mr. Chairman, which government? Where does the real responsibility lie?

There is no question in my mind as to the need for comprehensive programs of medical care for aged Americans who are unable to pay for necessary health services. I do question, however, the approach we are asked to take through this particular measure, which largely disregards the rightful roles of the States, and finances health care benefits to many millions of older Americans who are self-supporting, and may not need Government assistance.

In this connection, Mr. Chairman, I want to say that the State of Texas has approached the problem of medical care for the aged with understanding and foresight. Texans are justly proud of our positive, highly effective State programs that render the medicare section of H.R. 6675 unnecessary for our citizens.

The State of Texas has implemented the Kerr-Mills Act to provide hospital, medical, surgical, radiation and nursing home benefits for the needy aged. I would like to tell the House something about our program. The State purchased an insurance policy from Blue Cross for some 230,000 needy aged, representing 30 percent of the entire over-65 population in Texas. Up to 9,000 patients are being hospitalized each month through coverage provided by the program. Almost 11,000 are receiving nursing home care.

In my opinion, this Texas program is regarded as one of the finest in the Nation.

We also have cooperative-type senior citizen insurance programs sponsored by private companies—such as the Texas 65 plan which is specially tailored for the aged.

As a result of these efforts, Texas now ranks first among all States in the percentage of the aged who have one or more health insurance policies. Seventy-two percent of the elderly in Texas are covered by health insurance.

More than 250,000 elderly have been admitted to Texas hospitals since the Kerr-Mills program was placed into operation on January 1, 1962. During the first 2 years of this program's operation, the State provided needy elderly citizens with hospital and medical services totaling $60,205,652. Here is how it works:

Under this program, each person on the old-age assistance rolls in Texas is covered by Blue Cross insurance at a premium of $8.76 per month. This entitles the individual to $10 per day for the first 15 days of hospitalization—plus ancillary costs—and $6 per day thereafter.

There is no redtape or delay in processing claims.

The welfare department simply certifies that the person is a recipient of old-age assistance, and the individual is admitted to any licensed hospital on the recommendation of his physician. Less than 3 percent is spent on administration costs.

Studies last year showed that the average hospital stay per patient was approximately 9 days, with an average per day cost of some $25. Also, physicians' services totalling $3,682,829.51 were provided in over 177,000 cases at an average per-patient cost of $46.67.

Another feature of this program is financial aid to old-age assistance recipients in nursing homes—over and above the old-age assistance grant. Studies during the past year showed that nearly 16,000 persons in nursing care—representing an average stay of 183.6 days and a total expenditure of $7,807,767.75.

The eyes of the Nation have focused on Texas since it was the first State to provide health care for its needy aged on an insured basis. So, I repeat, Mr. Chairman, Texas is proud of its positive program for the aged.

I would sincerely hope that other States would act in the same responsible manner. In this way we can avert an even greater tragedy than the medicare situation with which we are faced today.

Let us give the Kerr-Mills approach to this complex program a further opportunity to prove itself—as it has done in Texas. Already this joint Federal-State program has been adopted in 40 States, the District of Columbia, and 3 territories.

If I could vote for a reasonably expanded version of the Kerr-Mills approach, I would gladly do so.

If I could vote for the 7 percent increase for social security benefits, I would certainly do so; because it is needed.

If I could vote for the provision that raises the amount that a person can earn under old-age, survivors insurance from $1,200 to $2,400, I would do so. I would welcome the chance to support measures that would improve this program along these and other lines. Also, I might add that the substitute has a lot to be desired.

I object to this bill primarily because of the payroll approach.

In addition, I do not think it is fair to include in the bill requirements for the restaurant owner to report tips for social security income purposes. It will be extremely difficult—if not impossible—to administer.

The same would be required of barbers, beauty parlor operators, filling station attendants, shoeshine boys, grocery clerks, or anyone who receives tips. And I think that in one provision it would certainly be fair to allow a person who has visual problems to choose whether he would go to an optometrist, as well as a physician.

I do not have a choice, however, to vote on any of these particular phases of the bill; and I recognize the rules of the House, along with the facts of life.

Mr. Chairman, let me make one other point.

I think we have the greatest medical profession in the world; and I will admit that our physicians, or hospitals, or the legislatures, have not been, in many instances, as progressive as they should have been; and I believe that they realize this. But in my State of Texas, they are trying to find the right kind of answer in this medical care field. They are taking a positive approach. We do have a good program. Some of you may think that we should go much further—and, indeed, we will; because the State of Texas this past November approved a constitutional amendment which will permit additional persons to receive medical care through vendor lien payments who are not now covered under the old-age assistance program. I am confident our legislature will establish the limit of at least $2,000 or more; or perhaps it will be based on need, as this may be the best approach. The main point, however, is that there should be an amount or point beyond which Government should not compete against industry. This would bring many more thousands of persons under the program. But my State is doing a good job. I regret that all States have not done enough in this field; but I am sure each State has its own individual problems. As long as my State is doing a good job, in my opinion, I want to give them a right to continue and improve their present program rather than to put on them the payroll tax provision with the inherent problems of bigness and expansion that are attendant and with a result that will greatly overburden our hospitals at this time.

I say to the House, give each State a further opportunity under the Kerr-Mills program to do its job. I am confident we will do it.

Mr. CABELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this bill in the full knowledge that any such opposition can be misconstrued and the motive for such opposition distorted.

And it is difficult because the fundamental purpose of the bill is a noble one—the proper care for our senior citizens.

It is not the objective that I oppose; it is the means proposed to attain this objective.

I have consistently favored in the past, and will continue to favor in the future, legislation to assist any senior citizen, who needs this assistance, in obtaining medical and hospital care.

When I cite need as a criterion for such assistance, I do not imply that we should be penurious to the extent that we have been in previous measures.

I mean to include coverage to those who have a decent subsistence and who have sufficient assets to insure this subsistence—but whose assets would not weather the onslaught of a severe or lingering illness.

But this bill taxes the workingman with a low income in order to provide benefits to those who do not need such assistance.

Not only does it increase the direct payroll taxes of these people, but it will inevitably increase their cost of living because the manufacturer, the processor of foods, and the distributor must raise the price of his goods and services to compensate for his increased contribution to the social security fund.

If you were going after a hawk in the henhouse, I ask you, Would you cut loose inside the henhouse with both barrels of a scatter gun?

In order to kill the hawk of need of our senior citizens, we are wounding and crippling all the chickens in the henhouse.

Under the rule amendments are limited, which is just as well, because a bill of this magnitude cannot be written on the floor.

So I ask you to defeat not only this bill as presented but also the substitute—not because we do not want the ultimate and exemplary objective—but in order to start from scratch and then pass out a bill that not only accomplishes our real objective but does so in a form with which we can live.

Thank you.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Burton].

Mr. BURTON of California. Mr. Chairman, I wish to commend the dean of our delegation, the gentleman from California, the Honorable Cecil King, because the proposal pending before us today is due in significant measure to his determination and effort over the years.

I would also like to add my voice to commend the Committee on Ways and Means for its many months and years of study, and its development of this fine proposal.

I would like to express the highest praise for the distinguished and able chairman of the Committee on Ways and Means, the gentleman from Arkansas, Wilbur Mills, who has constructed, in my view, a legislative product that is truly a marvel, a product that legislative historians will record as truly one of the great landmarks in the history of man's effort to wage war against one of his ancient enemies, the war on disease.

Those of us in California have ample reason to support this legislation which will provide to our State, that has the largest number of people over 65 of any State in the Nation, some $308 million of medical benefits the first year—$220 million of basic benefits, and $88 million in supplemental benefits.

This legislation will provide also some $28 million to our State for our crippled children, and for tubercular and mental health services.

This bill is going to put into the pockets of my fellow Californians some $213 million its first year, $190 million to the old-age, survivors, and disability insurance beneficiaries, and some $23 million to our public assistance recipients.

All in all, our fair State and its people in the first year will be favored to the tune of some $550 million, a not modest sum.

In this connection, I have some four questions I should like to pose to the chairman of our committee. These are questions which, would be helpful to our State department of social welfare, in implementing the provisions of this bill when it becomes law.

Question No. 1: Section 1902(A), paragraph 10, says:

> (A) A State plan must provide equal medical assistance to individuals receiving aid under other categories; and (B) If the plan provides assistance to persons not receiving aid under other categories, the medical assistance given must be the same.

Can this be interpreted to mean that funds as provided under section 1903 would be available for a plan which in its first phase provided medical service only to recipients of assistance under other social security act titles? Subsequent phases would be concerned with additional medically indigent groups to the extent State resources permitted?

Mr. MILLS. The answer to the question is, "Yes."

Mr. BURTON of California. I have three questions with reference to those combination social security beneficiaries who concurrently receive public assistance.

If the social security beneficiaries have had deducted the $3 amount from their old-age survivors and disability insurance check, am I correct in assuming that the State agency administering the public assistance programs should not consider that $3 as income in determining the amount of the public assistance payment?

Mr. MILLS. The answer is, "Yes."

Mr. BURTON of California. In other words, in California, where there is a ceiling on the total amount of public assistance grants, plus other income, the $3 should not be taken into account as other income in the determination of the amount of the public assistance grant, nor as income in determining income for purposes of determining whether the grant plus other income exceeds the State's ceiling in that regard?

Mr. MILLS. The gentleman is correct.

Mr. BURTON of California. Of course, any medical care that results from the $3 deduction will be considered in determining how much medical care the individual needs?

Mr. MILLS. That is correct.

Mr. BURTON of California. I thank the chairman very much.

Mr. MILLS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. Gray].

Mr. GRAY. Mr. Chairman, it is a great privilege today to rise in support of the committee bill, a bill which when enacted into law, will be a milestone in our history of progress in our beloved country.

The late beloved President Kennedy said that although we have the strongest and richest country on the face of the earth, there are 35 million people living just on the outskirts of hope. I know this bill will bring great hope to the elderly people who need medical care and are now living and dying on the outskirts of proper medical care hope.

My heart is heavy as I rise today, because of the campaign being waged by the American Medical Association against this bill. All throughout my district there are billboards saying, "Vote for eldercare, because medicare is no good." They have spent large sums of money for TV, radio, and newspaper ads in trying to discredit the committee bill and sell support for the eldercare bill.

I have this one telegram that is evidence of the type of bitter campaign they have waged against this bill.

> I am bitterly opposed to the outrage being forced on us in the guise of medicare. You know this is against the future of the people who support you. It is a vote getter with future results destined to pull the American taxpayers further into financial slavery by the hands of Congress.

This is the kind of brainwashing being perpetrated upon the American people by the American Medical Association. As we come to the close of debate on this historic bill, I would like to put this argument in proper perspective.

The American Medical Association in opposing this bill has advanced three major arguments. First of all, they say that eldercare will give more benefits to more people at less cost. I once saw an automobile dealer in my district who advertised that he was selling automobiles below cost. I said, "How can you sell cars below cost and still stay in business?" He said, "I could not do it if I did not have a volume business." They argue that under eldercare we are going to get more benefits for more people at less cost—and you know it is not so.

The second argument they have been advancing is that the committee bill will soak the young people for the benefit of the old. When you buy an insurance policy at age 21, you do not expect to die the next day. You pay the premiums over a long period of time so that when you do pass on, your loved ones will have some kind of income. That is all that this committee bill does. It allows young people to pay in a small amount monthly on their social security taxes so that when they reach 65 years of age, they will have a good medical care program for themselves without marching in and signing a pauper's oath to get help as is now required by law in many States including Illinois.

Third, the argument advanced by the American Medical Association is that the social security approach will lead to socialized medicine. This is the same argument that was advanced on the floor of this House of Representatives in the 1930's against the Social Security Act. Yet, there has not been one person to drop in a bill to repeal the social security law. This would be a disaster. I say to you that after this bill becomes law, there will not be one bill dropped in the hopper to repeal this important program. This great bill that we are soon going to vote on is similar to the social security program in respect to the manner of collecting and spending from a trust fund. It will be financially sound and will not jeopardize the present social security payments.

All we do in this committee bill is to take some funds from the general revenue fund and to have the individual pay in at the local level and some funds from a payroll tax. This is spreading the cost evenly and giving the benefits evenly.

The eldercare bill would not provide the benefits that people need in many States. You could have a relative living in one State who needs medical care and another relative living in another State in need of medical care. If a rich State should participate in the program and a poor State did not, one relative would get benefits and the other relative would not. This bill provides even benefits fairly to all throughout the United States.

I once knew a man who built a wall,
A wall unfriendly, grim and tall.
I knew this man couldn't be bad.
Maybe timid or even sad.
So I built a tower by this wall so grim
And looked down and smiled on him.
This noble man's heart was about to break,
So he tore down the wall and built a gate.

This argument of eldercare versus medical care is just that simple. On one side of the wall you have the so-called voluntary plan called eldercare that you can climb if you are tall enough and if the State wants to help pull you over, and the committee bill provides a gate with which all can enter with dignity and hope.

Yes, there were those who opposed the social security plan 30 years ago who now drive their big automobiles down to the postoffice and get that monthly check and then endorse the check with a gold-plated fountain pen and then cash it. They think it is a wonderful program. They will do the same thing under this program of medical care after this Congress passes it and it becomes law.

Let us vote down this substitute and let us pass this bill. Let us open up the gates for a decent and honest medical program for our elder citizens. Let us build a healthier and happier America by supporting the bill that has been reported to you by your committee after years of study.

The committee bill provides medical care to all age 65 and over beginning in 1966. It allows a 7-percent increase across the board to all now drawing social security effective January 1 of this year, it provides more money to the States for needy welfare programs such as aid to the blind, children of unemployed fathers, and so forth, and many other worthwhile benefits, and yet it provides for insurance for those who want coverage to pay doctor's bills with no strings attached, any doctor of your choice. In closing, this bill will help everybody. Thank you very much.

Mr. MILLS. Mr. Chairman, I yield 8 minutes to the gentleman from Missouri [Mr. JONES].

Mr. JONES of Missouri. Mr. Chairman, first I want to join the many other Members who have paid their respects to the chairman of this great committee, a man in whom we have had confidence for many years and a man who has rendered invaluable service to this Nation.

I have followed his leadership in this field for a long time and it is with some difficulty and regret that I say that I cannot go all the way with him. I can appreciate the very great difficulty he has been under. I think I recognize the great pressure that is upon him.

I believe he has tried his best to bring out a bill to give the services needed and at the same time maintain as much responsibilty as possible.

My apprehension today with respect to this bill is based on the belief that we are going too far too fast, creating obligations in excess of our ability and our capacity to fulfill.

The estimates which I have received indicate that with the implementation of this legislation in July 1966, we will be faced with a shortage of some 250,000 hospital beds. In other words, we will create an obligation to furnish hospitalization and medical services to people, but there will not be available the physical facilities, not to mention the professional and technical services necessary to render the service we wish to make available, and which is promised under this bill.

If we tried to provide such hospital facilities by 1966, it would be an impossible task, not to mention the fact that it would involve an investment of some $6.5 billion, much of which would have to be added to the cost of this program.

I believe it has been pointed out during this debate many times that through the fantastic advances we have made in medical technology, we have today the best medical care program of any nation, as attested by the ever-increasing life span of our people. To make the modern techniques and facilities available to all, we passed the Kerr-Mills bill a few years ago. While it has not been fully implemented in all States, it does provide an opportunity of health care to every person who otherwise would be unable to receive such care.

The Kerr-Mills program is a good program and, so far as I have observed, the areas in which it is inadequate and in which it can be improved we have an opportunity to amend. I am happy to say that this bill today would make improvements in that law.

Also, through the Hill-Burton Act and other programs too numerous to mention, we can increase the physical facilities needed to provide adequate care for all who need it.

But we cannot get that done by the time this bill would go into effect. Our problem today—and I agree there is a problem which needs to be met—is one of a shortage of facilities and a lack of competition, brought on to a large degree by the medical profession itself, which in my opinion has not used the influence it has in encouraging the education and training of more doctors.

When we provide the facilities the cost will be reduced. On the other hand, if we continue to increase the load without increasing the facilities, we will encourage more inflation. There will be, I believe, an increase in hospital costs. There will be an increase in medical fees to the doctors.

Only this month I received a statement from a doctor with whom our family does business in the Washington area. He said that effective May 1, an office call will be increased from $7 to $8. That is typical of what is going on and one of the things about which I am apprehensive in this bill.

I read the tables in the report. I note that by 1990—someone will say, "that is 25 years from now, and we do not have to worry about that"—the cost of the basic health program alone will rise to $9 billion annually, and that does not take into account the cost of other programs we are including in this bill.

Through the many programs that we have before the Congress today—I believe it is safe to predict most of which will be passed—we are providing increases in income, improvements in living conditions, the building of more homes, the providing of more education, and increases in the ability of all of our citizens to provide not only the essentials but many of the luxuries. I believe we have failed to take into consideration the overall picture and the costs that we will face.

Within the next few weeks our great chairman here will be before this House asking for the approval of a new debt ceiling. I think it is inevitable. The budget for 1966 calls for deficit spending. I do not agree that we are considering any $100 billion budget this year. I think it is closer to $121 billion, and I think that deficit will be reflected when we are called upon to approve a new debt ceiling. In addition, we are being asked to reduce taxes. Now, I want to know where we are going to get the money to pay for this. I want to ask the chairman when he thinks we are going to have the nerve, the courage, to assess enough taxes to pay for these programs that we are getting. When are we going to do it, Mr. Chairman?

Mr. MILLS. Mr. Chairman, will the gentleman yield to me?

Mr. JONES of Missouri. I will be happy to yield to the chairman.

Mr. MILLS. The gentleman asked me to advise him when we will levy enough taxes to take care of these programs?

Mr. JONES of Missouri. Yes.

Mr. MILLS. Let me call the gentleman's attention to just what this bill does do in that respect. As I pointed out yesterday, although there may be, as has been stated, approximately $6 billion in benefits to be paid out, that is divided in this way: $4.2 billion of it would come from the trust funds. The remaining $1.366 billion would come from the general funds of the Treasury. Now, let me point out here to the gentleman, since we are comparing proposals, that all under both bills $1.9 billion would come from the trust funds. So taxes are levied both in Mr. BYRNES' proposal and in the committee proposal to take care of these items in the OASDI system.

Mr. JONES of Missouri. Where are you levying these taxes?

Mr. MILLS. Oh, I can assure you that this hospital trust fund and this social security trust fund, the OASDI fund, are actuarially sound based upon increased tax rates which go into effect on January 1, 1966, and from then on at future dates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 4 additional minutes.

Now, we have done what the gentleman claims that we have not done historically with respect to the general fund of the Treasury. We have maintained these expenditures on an actuarially sound basis supported by payroll taxes that has prevented the general fund of the Treasury putting out any money. That is what I would think any conservative-minded person would have us do, and I know that my friend appreciates the fact that we have done it.

Mr. JONES of Missouri. Would the gentleman tell me this: Am I correct here? As I read this bill, the increase in the withholding tax is going to be thirty-five one-hundredths or, in other, words, about one-third of 1 percent. That is the increase in the tax.

Mr. MILLS. That is for the hospitalization program.

Mr. JONES of Missouri. For the hospitalization.

Mr. MILLS. That is right.

Mr. JONES of Missouri. That means for the person with an income of $5,600 that he is going to pay in about $18.40 a year.

Mr. MILLS. It is $19.20, I believe, but I would not quarrel with the gentleman on that.

Mr. JONES of Missouri. It is in that neighborhood. Maybe my arithmetic is wrong.

Mr. MILLS. Yes.

Mr. JONES of Missouri. But I cannot conceive that that is going to provide enough money to pay for the hospital care when you figure that the cost of an insurance policy to pay for that same type of program runs up to about $360 a year.

Mr. MILLS. If my friend from Missouri will yield, I am not an actuary. I cannot tell you that I know it will. All I can tell you is that we have proceeded in this instance on the basis of taking the actuary's high-cost estimates for the purposes of determining what this program will cost us. The gentleman from Wisconsin [Mr. BYRNES], I am sure—and I think he has already stated so—has the same high degree of confidence in this actuary that I have myself. I have been dealing with him since 1942 on the Committee on Ways and Means. Many times it has been a little difficult for me to believe that the tax rate should go as high as he said it had to go. I found that he was right and I was wrong. He has been completely objective; he has been completely accurate, so far as I know, in the estimates he has made to help guide our committee.

I cannot argue with the gentleman; he may be right. But I am telling him that we have the best actuarial judgment that tells us on the basis of high cost estimates that we are properly financing this program.

Mr. JONES of Missouri. The only thing I can go on is this. I have been in this House for 16 years. Each year I have had hopes that we were going to reduce the national debt and each year it has grown larger.

Mr. MILLS. I agree with the gentleman.

Mr. JONES of Missouri. The gentleman knows that we have talked about this, but we do not bring out a realistic figure. The debt continues to go up. We still think we can pay the debt by reducing taxes, but it has not worked. I hope that the same actuary that the gentleman has confidence in will start working for the administration and that they will try to get this debt down.

Mr. MILLS. The gentleman means that we need him in the Bureau of the Budget. Maybe we do. If the gentleman will yield further to me, I know that the gentleman realizes the difference in the choice that we have posed here this afternoon.

Mr. JONES of Missouri. I am not sure. That is what I have been wrestling with my conscience on for several days and I cannot come up with the answer.

Mr. MILLS. Let me think with the gentleman for just a minute. I pointed out how the moneys in this bill were obtained, and how they would be spent, the sources from which we would get those moneys, both from the trust funds and from the general funds of the Treasury. I pointed out that those items in this bill from the general fund of the Treasury are budgeted with the exception of one item, and that is the item of the Federal Government's participation in the supplemental health program to which the individual makes his monthly contribution.

The reason that is not budgeted is it does not go into effect until July 1, 1966. Let us take that; that is in this high budget that we are talking about. But the proposal of the gentleman from Wisconsin [Mr. BYRNES] does not use the payroll method for financing any part of this. His Government financing is all from general funds and we all know that the Government is now in a deficit position, so Mr. BYRNES' proposal would mean deficit financing. He says, "I want to do more than you want to do, Mr. Committee. You have not done enough. You have not included drugs that would be used any and everywhere or private day nursing service. You have not done things like that. I want these people to have these things and I am going to give them to them." I think he said that earlier in the course of the debate, that the benefits in his bill amounted to more. He tried to convince me. He did not do it yesterday and he has not done it yet—that is, that you can give people more and have it cost less.

Mr. JONES of Missouri. I agree with the gentleman.

Mr. MILLS. And I do not think he can convince my friend from Missouri about that. But even if it is going to cost the same under his bill, as it does under the committee bill, where does he get the money? Out of the general fund of the Treasury, this very fund that the gentleman has been trying to preserve and protect and to reduce the national debt. The gentleman from Missouri will not go for anything like that, I am sure.

Mr. JONES of Missouri. May I say this to the gentleman? I do not want to embarrass the gentleman by saying this, but I have great confidence in the Kerr-Mills bill.

Mr. MILLS. I do, too.

Mr. JONES of Missouri. I still have great confidence in that bill. I regret that we did not bring out four bills instead of this one. I could have gone down the line for three bills that could have been taken out of it, but the fourth one is the one that is causing me the trouble that is in this bill. The Kerr-Mills bill takes care of the people who need that care and they will get it. I think if we pass this bill we are going to discourage the States who have not yet come into it, and I do not think they will ever come into it.

Mr. MILLS. Mr. Chairman, if the gentleman will yield to me further, under the provisions of the committee bill which are also included I think you are going to find that all the States will participate within just a very short period of time.

I believe the gentleman from Wisconsin [Mr. BYRNES] would agree with me on that. We are doing that for Kerr-Mills.

Mr. JONES of Missouri. I thank the chairman, and I want to reiterate the confidence I have in him. I have spent hours studying the various proposals; I want to provide the needed services, especially for those who cannot afford the catastrophic costs that accompany some operations and terminal illnesses. From a selfish standpoint I would be tempted to vote for this bill, and to guarantee myself a lifetime hospital and medical care insurance policy at a cost of about $6 a month—but I have grandchildren who would be saddled with this debt all of their lives, and I do have concern for them and other young people.

The difficulty I have been experiencing is trying to justify voting for a bill which I believe in my heart is not only inadequately financed but which puts a much greater proportionate burden on those least able to pay and gives to the more fortunate a bargain-rate program, a large portion of which will be financed out of the Public Treasury which is going deeper in the red each year.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I would like to take this opportunity to ask the chairman of the Committee on Ways and

Means, the gentleman from Arkansas [Mr. MILLS], a question, if I may have the gentleman's attention, with respect to the provision contained in the bill designed to change the definition of "disability."

I have heard from some of my constituents who are concerned about this change in definition which liberalizes the definition of "disability."

They are particularly concerned about the overlapping of benefits to a person who is disabled with respect to the workmen's compensation plans in the various States.

I was wondering if the gentleman from Arkansas could illuminate a little more on his initial comments with reference to this subject as contained in his opening statement on yesterday?

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Arkansas.

Mr. MILLS. I shall be glad to respond. There is, to some extent—how significant it is we do not know yet—some degree of overlap between the disability benefits that are paid under the Federal program and some of the benefits which are supplied by the State Workmen's Compensation Acts of the various States. To the extent that we may have provided disability benefits for an additional 155,000 workers and dependents, as we do in the committee bill, we may have included some others where there would be an overlapping. We just do not know.

But we were concerned about the matter in the committee. I would direct the gentleman's attention to the committee report and the gentleman can find this covered in the paragraph dealing with this subject matter on page 90 where we take notice of this situation. We were disturbed somewhat about the manner in which it appears to work so we have called upon the Department of Health, Education, and Welfare to meet with the people handling workmen's compensation, and others, and report back to us, giving us more factual data than we have available today so that we might better know how to proceed with respect to this problem, if it develops that it is serious enough to justify such action.

Mr. QUIE. The gentleman and his committee expects a report from the Council before December 31, 1966, so that if they do find sufficient overlapping, corrective action could be taken prior to the end of this Congress?

Mr. MILLS. If the gentleman from Minnesota will look further down on that page, the next paragraph, the gentleman will see that we requested that the report covering the results of this study, and such other facts relating to the problem as are found relevant, be made on or before December 31, 1966. It would be available, therefore, for the next Congress.

Mr. QUIE. So the gentleman does not contemplate any action on this until after that deadline date?

Mr. MILLS. I would not want to be specific either way. If the report comes to us before this date, we shall consider it as our schedule permits and certainly we expect to receive it by that date.

Mr. QUIE. If they should find in the early days of their study some dramatic instances of overlapping, we could expect that there would be a report on that?

Mr. MILLS. Yes, I would expect such a situation to be called to our attention at an earlier date.

Permit me to point out to the gentleman that because of this very situation that has been called to the gentleman's attention, we did specifically prevent the overlapping with respect to workmen's compensation and both of the two new medical programs.

Mr. QUIE. And with respect to the next program, did the gentleman and his committee hear from anyone during the committee hearings in regard to the insurance field or from any representatives from industry at all?

Mr. MILLS. Yes, we heard, and I am sure other members of the committee have heard, from many people about this, and from the insurance industry as well as other industries. People connected with State workmen's compensation also have written me about it.

Mr. QUIE. Is there anything in the hearings about it?

Mr. MILLS. I am told that there is a reference to it in the hearings by some representative of the insurance industry. It is in one of these two volumes.

Mr. QUIE. Rather than take the time now, will the gentleman extend his remarks at this point, and put it in the RECORD?

Mr. MILLS. I will be glad to. The following is an excerpt from the testimony of J. Henry Smith, vice president, Equitable Life Assurance Society of the United States—page 393, printed executive session hearings on medical care for the aged, February 4, 1965:

> Section 1809(e) prevents payments in certain circumstances where duplication of benefits would otherwise result. We recommend extension of this sound antiduplication principle to other areas such as workmen's compensation, occupational disease or similar benefits, and benefits paid under voluntary health insurance.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. Mr. Chairman, I take this time to pose a question to the chairman of the committee, the gentleman from Arkansas [Mr. MILLS].

In this bill we are making certain changes in the widows' benefits. I would like to ask this question of the chairman: Suppose a widow is married to her first husband for more than 20 years. After his death she remarries, and her second husband is killed on their honeymoon. Can she elect to take benefits under her first husband's account?

Mr. MILLS. The answer to the gentleman's question is, "Yes." She was married to the second husband for a period of less than 20 years?

Mr. LATTA. Yes.

Mr. MILLS. She could resume her benefits on the basis of her first husband's work record.

Mr. LATTA. I thank the gentleman.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. MOELLER.]

Mr. MOELLER. Mr. Chairman, in spite of all that has been said against this legislation, particularly relative to the burden it will place on our young people of today, I say that our children and our children's children will rise up someday and call us blessed for passing this legislation.

In my professional life I have dealt almost daily with sick people. Not only spiritual problems confronted these people. Also weighing heavily on their minds was the problem of how they would pay hospital bills and how they were going to pay doctor bills. Those were serious problems. But, H.R. 6675 gives us the means to correct a bad situation and lift this mental plague.

We have heard much, Mr. Chairman, about what can be done through other kinds of legislation, but I fear that a lot of misinformation has been circulated with respect to the medical bill. If the chairman of the committee will reply, I would like to ask him two questions. No. 1, does Ohio qualify for assistance under the present Kerr-Mills legislation?

Mr. MILLS. It is my understanding that the State of Ohio has not implemented this program. I was told that is right. They do have old-age assistance, however.

Mr. MOELLER. If Ohio does not participate in the Kerr-Mills legislation, what benefits would the citizens of Ohio beyond age 65 get if the so-called eldercare bill had been passed?

Mr. MILLS. They can get no benefits under the so-called eldercare bill until the State has implemented the program.

Mr. MOELLER. In other words, the effort being put forth back in Ohio trying to sell our people on the idea of eldercare, and you know who is doing this, is misleading and false information to our elderly citizens?

Mr. MILLS. It is not a Federal program solely. It is a Federal-State program, a Federal program of assisting the States, just as the Kerr-Mills Act does.

Mr. MOELLER. Yes. So, even if passed by Congress there would have been no benefits of any kind in the eldercare bill for the people of Ohio unless the State implemented it.

There is also a very sane and moral position to hold with respect to this legislation. There is no nation on earth which gives away so much money per year under welfare programs as does the United States. Now, this program is going to call on people to start laying aside a little money in their employable years, to put aside funds for a rainy day, to become self-reliant in their later years. Is that not correct, Mr. Chairman?

Mr. MILLS. Yes; that is the way I look at it.

Mr. MOELLER. Now, Mr. Chairman, we are approaching the moment that I have dreamed of and worked toward for a long time. We are getting ready to pass the medical care program for the elderly—and I am confident that we are going to pass it by a truly fantastic majority.

This vote will serve unmistakable notice that the House of Representatives will not be and cannot be intimidated or browbeaten by the ruthless cynics who control the American Medical Association.

Down through the years, the American Medical Association has spent countless millions of dollars to defeat urgently needed and compassionate health programs—to slam the hospital door in the face of the elderly—to throw up one roadblock after another in the steady march of medical progress.

I am talking now about the leadership of the American Medical Association, the little group of cynical men who have appointed themselves as would-be czars of the health and welfare of this Nation.

I know personally that many doctors are as contemptible of the leadership of the American Medical Association as I am; I have been personally assured by a large number of doctors in my 10th Congressional District that the bill we debate here today—H.R. 6675—is vastly superior and infinitely more desirable than the so-called eldercare proposal.

Mr. Chairman, the latest drive by the leadership of the AMA to retard medical progress was doomed to defeat from the start, for its slick propaganda campaign was built on a foundation of exaggerations, deceptions, and outright falsehoods. The truth crushed to earth, even by the officialdom of the AMA, always rises again.

I am not surprised in the least by the tactics employed by the American Medical Association against the medical care program for the elderly. It has a long and sorry record of blind opposition to any legislation, to any program designed to promote the health and welfare of the ordinary people of this Nation. Let us look at the record:

In 1930, the American Medical Association branded as "communistic" the Sheppard-Towner Act for maternal and child health, for crippled children, and for child welfare. For good measure, the AMA denounced this compassionate program as "Federal bureaucratic interference with the sacred rights of the American home."

In 1939, the editor of the Journal of the American Medical Association condemned the old-age assistance program as "a definite step toward either communism or totalitarianism." He charged that the social security program represented "the first breakdown of American democracy."

Later, the American Medical Association bitterly opposed the extension of social security benefits to the permanently and totally disabled at age 50. The AMA somehow managed to see this refinement as constituting "a serious threat to American medicine."

When Congress eliminated the means test in the crippled children's program the American Medical Association was beside itself in denouncing this step as "socialistic."

The American Medical Association fought against the creation by Congress of free diagnostic centers for tuberculosis and cancer. These centers were viewed by the AMA with its usual alarm as "unwarranted socialization" and "an encroachment upon the field of medicine."

We have heard a great deal from the American Medical Association about the virtues of voluntary health insurance. Such, of course, was not always the case.

The Journal of the American Medical Association, in 1933, condemned group hospitalization plans as "half-baked experiments in changing the nature of medical practices." The Journal also described voluntary health insurance as promoting "socialism and communism—inciting to revolution."

In 1950, an authorized spokesman for the American Medical Association denounced as "impractical and harmful to national defense" a plan before Congress to guarantee medical care for dependents of men in the Armed Forces, including those fighting in Korea.

The list of healthful and necessary medical programs that the American Medical Association has seen fit to brand as "socialistic" or "communistic" or "totalitarian" or "dangerous" goes on and on.

Fortunately, neither Congress nor the overwhelming majority of the American people have been taken in by these pronouncements of doom from the American Medical Association.

Mr. Chairman, I am especially glad today that my constituents saw fit to return me to Congress as their Representative. They have given me the opportunity to do what I said I would do in my campaigns of 1962 and 1964, and that was to help pass a medical care program for the aged.

I recall that in 1962, when I advocated a medical care program, I was attacked and vilified as a "Socialist," as one dedicated to destroying the freedom and liberty of our people. The campaign against me was so lacking in any semblance of fairplay that it attracted nationwide attention, as an example, I suppose, of the lengths that the AMA will go to punish anyone who refuses to kowtow to its dictates. In any case, Drew Pearson finally exposed those who were behind this scheme to destroy me.

It is with great pleasure, Mr. Chairman, that I repeat my firm support of H.R. 6675 and urge its passage. I am sure that this legislation will in a short time rank in acceptance and popularity with the Social Security Act and other measures that have contributed so much to the health, happiness, and security of the American people.

Mr. MILLS. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. KREBS].

Mr. KREBS. Mr. Chairman, during the course of the debate on this bill, we have heard from a few opponents to medicare legislation that this bill is not the right approach to this problem. Some of these remarks bring back to my mind my own campaign a few months ago in which I indicated my support of medicare. During the hectic days of campaigning we were told by the medicare opponents that this bill was not needed.

I replied that the 19 million elderly Americans are proof of the need. Approximately only half of those have hospitalization insurance, and half of those so insured hold policies that inadequately cover only hospital care.

It is no secret that 80 percent of the elderly suffer from chronic ailments; that these older citizens require at least three times as much hospital care as younger people; that 90 percent of those over 65 years of age require hospitalization at least once and their hospital stays are nearly double the duration of those for younger people.

Thus, today the person over age 65 can anticipate an average hospital stay of about 15 days as compared to the average 7 days for those under 65.

That the need for this legislation exists, therefore, cannot be doubted by any reasonable person who wants to look at the facts.

Looking further into the hard facts, we see that to pay for these inevitable hospitalization costs, at least 91 percent of the single, elderly persons have an income under $3,000. Among the married elderly couples, 29 percent are estimated to have less than $2,000 income, and 80 percent have less than $5,000.

When it is shown, as indeed it has been adequately demonstrated during this debate, that a full one-tenth of our population is directly affected by the ever-increasing health costs to be paid out of the ever-decreasing income, then I say it is time for the Nation to come to grips with this problem.

I believe this bill represents a sensible combination of social security experience with Kerr-Mills legislation, that in the past has received the support of important segments of the medical profession. The Ways and Means Committee is to be commended for the thoroughgoing work that went into the drafting of this bill, and I rise today in support of that bill which the gentleman from Arkansas, Chairman MILLS, has so ably guided through the debate.

I would say to my colleagues on the Republican side of the aisle who made reference to the negligible effect the amount of $4 could have, which would be given to the recipients, when you compare $4 to the millions of dollars the American Medical Association has spent in opposition to this legislation, and when you compare this $4 to the $74 received by recipients of social security, it represents a 5-percent increase, I say this 5 percent is equal to a pint of milk a day for everybody over 65, and I think this can very well make the difference between their good health or the lack of it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield 12 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. FORD].

Mr. GERALD R. FORD. Mr. Chairman, I have listened with great interest to the debate on the measure now before us which would make many significant improvements in our social security system and which would also provide a three-tier approach purportedly to improve the health care security of our aged.

For the most part, the improvements that would be made under this legislation are meritorious and desirable. I am sure that they have the support of virtually every Member of this body. Such improvements include the cash benefit increase, continuing benefits for young people up to age 22 who are in school, the liberalization in the retirement test so that our aged will have greater fredom in determining the extent to which they want to continue working, the changes in the coverage opportunities for certain of our citizens who are over age 72, the strengthening of the public assistance titles of the act, and the voluntary health insurance program.

Most, if not all, of these improvements were included in a bill introduced by the able ranking minority member of the Committee on Ways and Means early in January. These improvements could have been enacted long ago if the administration had not insisted that the controversial compulsory medicare plan had to be a part of any social security package. In fact, these specific improvements to which I have alluded largely could have been enacted last year with substantial Democrat and Republican support—and did in fact pass the House—but final action was thwarted by the advocates of compulsory medicare.

During the portion of the debate that occurred yesterday, there were some overtones of partisanship. They were few, but they did occur. When they did occur, I could not help but wonder whether the spokesmen were being more interested in politics than in people. To me, the legislation before us is not a political issue; it presents the honest question of how best to deal with a recognized problem in a manner that meets the tests of adequacy, fairness, and effectiveness. Compassion for the aged and concern for the taxpayers are without party labels. The entire membership of the Committee on Ways and Means—Republican and Democrat alike—warrants the commendation of the House of Representatives for the diligent effort that has been devoted to the development of this legislation. I believe it is also appropriate to recognize the fact that many other Members of the House who do not serve on the Committee on Ways and Means have made constructive contributions to this legislation by the thought and advocacy they have given to approaches to dealing with the problems of our aged.

Thus, in a short time we will vote. I would like to suggest that we recognize that our votes are not for or against an adequate social security system nor is there involved the question of: Should our aged receive adequate health care? Rather, the vote is on which alternative you prefer. It is with respect to those alternatives that I would like to address the balance of my remarks.

I have said that this bill would provide a three-tier program to finance the health care requirements of our aged. One tier involves the existing Kerr-Mills program and would strengthen it by adopting the essential elements of the eldercare proposal so that our needy aged can be assured of comprehensive medical assistance under State administered programs. This tier has virtually unanimous support.

A second tier is based on a plan originally advanced by the gentleman from Wisconsin [Mr. BYRNES] and his Republican colleagues on the Committee on Ways and Means. It would provide a voluntary system of health insurance available to the aged that would recognize ability to pay and not involve the imposition of a payroll tax on the working population. This second tier is taken from a Republican proposal, as I have said, and has been adopted by the Democratic administration, praised by the President, and approved by the members of the Committee on Ways and Means. In the order of things as this second tier appears in the committee's bill, it is referred to as the voluntary supplementary plan.

The third tier is referred to as the basic plan and it is the administration's so-called medicare proposal. It is compulsory, is financed by a payroll tax, and provides only limited benefits in a restricted range of health services.

Mr. Chairman, when it is realized that the proposal advocated by the Republican members of the Committee on Ways and Means would strengthen the existing Kerr-Mills program and would establish a more comprehensive voluntary system of health insurance for the aged, the question inescapably arises why are some people insisting on this third tier—the medicare approach? When that question is asked, the issue becomes clear. It brings into sharper focus what the proponents of medicare are really advocating. They are not advocating the only way in which the aged can be protected against the economic adversity of illness because the Republican alternative—which has been endorsed in principle by the Democrats—gives the aged more comprehensive protection. The medicare proponents are not advocating the only way to adequacy, economy, or efficiency in a health care program because I submit to you that the Republican alternative based truly on the insurance concept is the proven and time-tested way. What then are the medicare proponents really advocating? They are proposing compulsion and higher payroll taxes and that alone. Compulsion and regressive payroll taxation are the essence of their approach to this matter.

If compulsion is so necessary, why do not the medicare proponents have the courage of their convictions and go all the way with it? Why should they tolerate any voluntary aspect in the program? If payroll taxation is so sound, why do not the medicare proponents go all the way with payroll taxation to finance the entire program? Under the dual hodgepodge system that the medicare advocates have put together, we are going to find our aged bewildered by a multiheaded bureaucratic maze of confusion over what program covers what and who is on first base. Many of the aged will learn too late that their health needs are being only partially met by the plan of so-called insurance imposed upon them under medicare. The compulsion in medicare can only mean compelled confusion rather than improved protection for the aged.

Mr. Chairman, during the past 2 years we experienced the pleasant novelty of witnessing the Democratic Party embracing the traditional Republican concept that lower taxation would encourage economic growth. The Congress was urged to approve a tax reduction program to advance the economy on the promise of spending restraint and we did, although the expenditure restraint has failed to materialize. Presumably, later this year we are going to have the opportunity to bring out a reduction in certain excise taxes—again as an economic stimulant. Just the other day, the distinguished new Secretary of the Treasury said that tax cuts can help our Nation solve its very serious balance-of-payments deficit.

I wonder if the Secretary of the Treasury knows about this bill. In significant part, this bill will be responsible for social security payroll tax collections for 1966 exceeding by almost $5 billion the amount to be collected with respect to the current year. These increased taxes will not be premised on any concept of ability to pay. They will be imposed at a higher rate applicable to a higher taxable base as virtually a gross income tax; they will be imposed at the low end of the income scale on the working population to pay health care expenses for the elderly population in total disregard of the substantial ability of many of the aged to provide for themselves. To the Secretary of the Treasury I say, "Mr. Secretary, what does the major tax increase under this bill do to your urgent endeavors to deal with our critical balance-of-payments situation?" We might also ask ourselves how the war on poverty will be advanced by increasing the cost of employment and do we really help Appalachia when we make it more costly and difficult for our domestic steel producers to compete with imports? I submit, Mr. Chairman, that we are rapidly reaching the point where we have more programs than we have policy, where we have more solutions than we have consistency.

Mr. Chairman, in attempting to justify the medicare approach, much is made of the fact that by imposing what will ultimately be a tax of up to $740 a year on a worker and his employer, we will have a funded system that provides for prepayment of protection. One need only read the Republican views in the committee report to recognize the fallacy in these assertions. The program is not funded and in fact medicare will add billions and billions of dollars to the already staggering unfunded obligations of the OASDI program of the social security system. There will be no prepayment because the taxes paid today will be used to provide benefits for those persons currently aged and the future security of the present working population will be contingent on the willingness of the workers at that time to bear the burden of the higher taxes we are imposing on them.

Much has been made of the fact that there is some magical safeguard involved in providing a separate payroll tax and a separate trust fund for the medicare program. Mr. Chairman, I submit that the exigencies of tomorrow arising from the expediency of today will prove these so-called safeguards mere myths. The

American people will not distinguish the OASDI cash benefits from the medicare service-type benefits. Both are being provided in the same bill. The taxes the people pay will apply to the same earned income and the debts we leave to the next generation will comprise one encumbering burden regardless of how we attempt to compartmentalize the debts by nomenclatures. Therefore, regardless of the various labels that we may subscribe to today to distinguish between the cash benefit program and the service benefit program, the danger that medicare poses to the ability of the OASDI program to meet its cash benefit obligations cannot be denied. In support of my contention that these trust funds are not inviolate, I need only point out to you that in this bill now before us is a provision increasing the allocation of funds to the disability trust fund to the detriment of the old-age and survivors trust fund.

Mr. Chairman, the arguments against the medicare approach and in favor of the approach contained in the Republican alternative could be discussed at considerably more length than I will take today. These arguments have been well stated by people who have preceded me in this debate and will also be discussed by those who follow me.

It does seem to me that with the Democrats having embraced the Republican approach in substantial part, they have an obligation to explain their apparent inconsistency in insisting on both the compulsory approach and the voluntary approach. They have an obligation to explain why they use payroll taxes in part and other financing methods in part. Some of the Members from the other side of the aisle have an obligation to explain why a proposal that seemed unsound last year is suddenly sound this year.

Mr. Chairman, it will be my purpose to support the Republican alternative embodied in the motion to recommit. It is to be recognized that on this particular issue under the existing parliamentary situation, such a vote in my judgment is not a negative vote but is, indeed, a positive vote for an improved bill that treats our retired people more adequately and our working citizens more equitably.

I conclude with these observations. The House Republican Policy Committee and the House Republican Conference have endorsed H.R. 7057, the Byrnes bill, as the motion to recommit. H.R. 7057 was unanimously endorsed by all of the Republican members of the Committee on Ways and Means. I commend the Republicans on the committee for their hard and constructive work. I especially commend the gentleman from Wisconsin, Congressman JOHN BYRNES, for his leadership in drafting H.R. 7057 which is constructive legislation, far preferable to the committee proposal.

As far as final passage is concerned, if the motion to recommit fails, neither the House Republican Policy Committee nor the House Republican Conference have recommended any guidelines. This is quite understandable. The committee bill, H.R. 6675, is to a substantial degree Republican legislation, except that part which incorporates the administration's King-Anderson proposal for hospital care financed by a payroll tax.

Many of my Republican colleagues, in weighing the Republican portions of H.R. 6675 against the administration's part of the same bill, with understandable logic will vote for the bill on final passage. On the other hand some of us, including myself, have strongly and consistently opposed the regressive payroll tax method of financing hospital care for the aged.

In my judgment that portion of H.R. 6675 which is unsound, outweighs the good. In the final analysis it is one's own conscience, not a Republican policy position, that will determine how Republicans will vote on final passage.

I conclude, however, by reemphasizing that the Republican motion to recommit is sound. It is our policy as a party. I urge that my colleagues support the Byrnes substitute, H.R. 7057.

Mr. MILLS. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma, the distinguished majority leader [Mr. ALBERT].

Mr. ALBERT. Mr. Chairman, I join the distinguished and able Republican leader [Mr. FORD] in commending the outstanding performance of the members of the Committee on Ways and Means in preparing this bill and presenting it to the Members of this House and of this Committee. I doubt that in all the history of the Congress a bill has been more thoroughly considered or more thoroughly debated. I doubt that ever before the quality of debate on any bill has been more penetrating or more cogent than it has been on this bill.

The gentleman from Michigan [Mr. FORD] has properly paid tribute to all the members of this committee. The accolades which have been accorded to the distinguished chairman of this committee by Member after Member only begin to suggest the compliments which this House and this country owe him for the job he has done in shepherding this bill through the committee and through the House.

Typical of the work of the distinguished gentleman from Arkansas, this bill represents tremendous effort, matchless ability, and sincere dedication.

When I first came to the Congress I was told that back in the very early days of social security when a bill was tied up in the great Committee on Ways and Means, the rising star from Arkansas first demonstrated before the House his genius for handling difficult legislation. The distinguished gentleman from Arkansas [Mr. MILLS] worked out the solution which made possible the enactment of one of the great early social security bills. He has continued to develop these great skills and this body and the entire country have been well served as a result.

I cannot agree with my distinguished friend from Michigan on that portion of the bill which he opposes. I have heard this argument about the payroll tax being repressive ever since I can remember hearing about social security. I have heard the argument about its being involuntary ever since the first social security message was sent to the Congress. I have heard the argument, yes, although it has been softened somewhat, about its being socialistic. But I have never in my lifetime seen any senior citizen of this country drawing a social security check who did not believe that social security was one of the finest things the Congress of the United States ever did for the senior citizens of this country. Our citizens are willing, and I think the employers of this country are willing to increase the payroll taxes, through a new tax, under a separate account, in order to enact into law the benefits of that portion of the bill which come under the social security tax provisions. I am sure that all those who have given it reasonable consideration favor this proposal.

As for this matter having been properly considered, in the first place I know the extent to which the gentleman from Arkansas considers this type of legislation. I know how well he does his homework. When the gentleman from Arkansas brings out a bill it is well prepared and well considered. This was true of the tax bill last year. It was true of the trade bill. It has been true of every bill managed by the distiguished gentleman from Arkansas. He and his committee, in my opinion, have minutely examined every possible fiscal taxation, actuarial element involved in this measure. Knowing the chairman and his committee as I know them I am confident that they have consulted the Secretary of the Treasury, the Bureau of the Budget, the Social Security Administration, the President's economic advisers, and all those who could make contributions in this matter. This is a great, progressive bill. This is a bill for humanity. This is a bill for people. This is a bill which the American people want and they want it enacted in 1965.

This bill, I say to my colleagues, Republicans and Democrats alike, is a bill which in my opinion will serve well those of us who support it, politically and otherwise, through the years. This is landmark legislation which offers a truly unique opportunity to serve millions of older Americans.

Mr. Chairman, this legislation is sound. It is just. It is past due. I hope it will be enacted by an overwhelming vote.

Mr. MILLS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. FISHER].

COMPULSORY TAX FEATURE OF MEDICARE BILL IS FRAUGHT WITH DANGER

Mr. FISHER. Mr. Chairman, I hold in my hand a letter from a Texas constituent, in which he states:

> I have a mother, mother-in-law, and an aunt, who have benefited under the Kerr-Mills plan. They do not have an income at all. Two of these are in a rest home. The other has had a major operation, in hospital for 15 days. Kerr-Mills takes care of these without expense to me. This plan helps those that really need it.

It would appear from this that the Kerr-Mills plan of aiding needy elderly people in meeting their hospital and medical costs is fairly adequate, or at least can be made that way if and when deficiencies arise.

We all recognize the obligation society owes to elderly people who are faced with hospital and medical bills they are unable to pay. And there should not, of course, be any semblance of a "pauper's oath" required in order to get it. That objective is attainable under the Kerr-Mills plan. Because of that sense of obligation to these people, I voted for the Kerr-Mills Act when it was approved in Congress 5 years ago. Under it the Federal Government makes substantial grants to the States to help finance the cost. It is administered by the various States which choose to make use of it.

This approach appeals to me because it divorces the Federal Government from the management and operation of the program, and when properly implemented by the States it can function successfully and adequately. That fact has been demonstrated. The very manner of its administration constitutes a built-in guarantee against the socialized medicine concept. And it is much less expensive than what is now being proposed.

Then why the necessity for another approach, costing the taxpayers billions of dollars? Can we afford the luxury of financing two of these health programs at the same time? The taxpayers I hear from seem to think the cost of Government is already too high. They would like to see tax reductions, not tax increases. Someone suggested that the increase in social security taxes under the pending bill would be about like increasing personal income taxes by 10 percent on the average taxpayer—perhaps even more.

Now what will this new concept cost? There are around 20 million people over 65 who would benefit from the pending bill. This number includes the rich, the poor, and those with moderate incomes. Yet whether they need it or not, everyone will get the same benefits. Official estimates are that it will cost $35 billion to finance hospitalization for these elderly people.

This program is to be financed by a compulsory increase in the payroll taxes. Under the pending bill that tax will gradually increase until it reaches the total of 11.2 percent. This is an alarming increase, and undoubtedly puts the stability of the social security system in jeopardy.

This payroll tax will be applied to the first $6,600 of income from wages. Even the wage earner who makes only $3,600 a year will find his social security taxes exceed his income tax each year. That wage earner, with a wife and two children, will pay a total of $250 a year in 1966, including income and payroll taxes, of which $162 will be on the wages and $18 of it will apply to hospitalization.

It is pointed out in the committee report that under the pending bill, a worker entering the work force at the age of 21 will pay his tax for 44 years—matched by his employer. The actual cost of the hospitalization program per worker, of this 21-year-old person, with interest at 3½ percent per annum, will total $8,590. That will be paid, under compulsion, to help finance hospital benefits for those already retired. And it is pointed out that the same amount invested in private health insurance would provide the worker with far more extensive benefits than are provided under the hospital program as contained in this bill.

Another significant point that is made refers to the prepayment concept in the bill, which the minority characterizes as a myth. It is pointed out that when the 21-year-old worker becomes 65, there will not be $8,590 waiting for him, to finance his hospital needs. That money will have been used to pay benefits for those who preceded him. Indeed, the estimated set-aside will cover the cost of only 1 year's benefits.

The most serious and dangerous aspect of the medicare proposal, as I see it, is the financing method. This follows the pattern employed to finance socialized medicine in Britain, France, Holland, and elsewhere. That method of financing has weakened the integrity of the social security systems in some of those countries. The Minister of Health in France, for example, recently said their system was facing bankruptcy because of the burden of the medicare feature.

It has been the history of these programs, financed through social security taxes, that they start out on a modest basis, then grow and grow until there is coverage for everybody—rich and poor, sick and well. And along with the strain of finances there has been a deterioration of the quality of both medical and hospital services in practically every country that has gone in for state medicine. Will history repeat itself in this country? This will, of course, depend largely upon how much expansion there is to be in the future. That calls for an examination of the motivations of the architects of this compulsory system.

Former Congressman Aime J. Forand, a chief supporter of this method of financing hospital costs, explained the ultimate goal in January of 1961, in these words:

> If we can only break through and get our foot inside the door, then we can expand the program after that.

Walter Reuther, another of the prime architects of this method, said in Atlantic City last year, he favored "a national health plan to provide comprehensive medical care for all Americans without regard to their ability to pay for it."

Former Postmaster General Edward Day, who was in the Kennedy cabinet, who opposes the pending method of financing health care, in an article in Nation's Business last year, foresaw pressures to expand coverage once the compulsory financing scheme is put into effect.

A spokesman for the Socialist Party in the United States was recently quoted as saying such a system would be "capable of indefinite expansion until it includes the entire population."

Mr. Chairman, I certainly do not question the motives or the good faith of the members of the Ways and Means Committee who reported this bill. I am sure they would not want the coverage to expand in the manner proposed by Mr. Forand, Mr. Reuther, and others. But these members will not always be around to act as watchdogs. In the natural evolution of things we simply must assume that once the compulsory feature is adopted, there will be constant pressures to expand it. The Assistant Secretary of Health, Education, and Welfare, Mr. Wilbur Cohen, now in office, an advocate of this method of financing medicare, once told a Senate committee that he favored a social security payroll tax of 20 percent on a wage based on $9,000 per year.

Once this compulsory tax method is adopted, we must assume that there will in the future be candidates for Congress who will say to voters: "Look, you are paying heavy taxes for medicare. You pay it every year, whether you want to or not. If you do not pay it they will put you in jail. Yet, if you get sick the Government will not pay a dime on your hospital and doctor bills unless you are at least 65 years of age. You are paying for it now and you are entitled to the benefits now. Elect me to Congress and I will go to Washington and try to get some justice for you."

Reacting to pressure groups, political platforms of both major parties will probably soon begin to include planks calling for expansion of medicare coverage in the future.

Mr. Chairman, there is no point in belaboring this issue. It is so important that we take this step with our eyes open. We have in this country the most advanced and efficient medical and hospital service in the world. We know from the experience of others that political medicine is not good medicine. We know something of the risks that will be taken by getting the foot inside the door. We will be embarking on a dangerous course, despite good intentions, which can be quite disastrous. Because of my opposition to the medicare feature of this bill I shall be constrained to vote against it.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I would echo the sentiment of the majority leader expressing a certain satisfaction with the method in which the debate on this bill has proceeded, and I think it has been on a very high level.

Mr. Chairman, I am not too sure how much that debate, however, has influenced any votes. But I think it has made a clear record of the issues and of the problems and of the area of agreement that are involved in the legislation that is now pending before us.

Mr. Chairman, the gentleman from Arkansas [Mr. MILLS], chairman of the Committee on Ways and Means, however, has suggested a short while ago that I still had not convinced him, and apparently I had not convinced some others with respect to how we could present, as we do in the alternative program, a better medical package at less cost to the general taxpayers.

Mr. Chairman, if I might borrow, therefore, from the words of our President which I believe are words taken from the Bible, "Let us reason together," I would like in these few remaining minutes of this debate to try to reason with the gentleman from Arkansas and some others as to how this is possible.

Let me to say to all of my colleagues that I have been as interested in getting the true cost of both programs as anyone could be, because I believe that is an important element. I am fearful, however, that there are some who while professing to be interested in the costs involved, have been a little more concerned with trying to blow up the cost of the substitute proposal simply as a means of discrediting it. As a fundamental proposition I believe they will have difficulty in discrediting it in vew of the fact that the majorty on the committee have accepted the underlying principles of the substitute bill, that of being voluntary and that of being contributory. These are fundamental parts of the committee bill. They have adopted from us—and I support them in doing so—a proposal to take care of supplemental medical benefits under a voluntary contributory system. But while adopting these principles, they point to the overall cost of the substitute package as being the inherent evil.

We had for instance, Mr. Chairman, a very odd situation yesterday where we had been given an official, and what I thought was a final estimate, by a recognized actuarial expert as to cost of my bill.

We had up until yesterday what we thought was a firm and a final estimate from the chief actuary of the Social Security Administration as to the cost of the proposal I had made. That estimate was submitted in a letter of February 26, a little more than a month ago. But then, yesterday I was informed, and this body was informed by the chairman of the Committee on Ways and Means, that as late as the day before, on April 5, he had obtained a new memorandum containing a new estimate of the cost of my bill. I must confess that this came as a surprise to me because I have been trying to keep close to this legislation, hoping to make some contribution to it, and I did not know that information would be presented here that had not been made available to the rest of the members of the committee.

Even yesterday, I thought when the chairman called my attention to that memorandum of April 5, that this would be the last word; that the actuary had finally made up his mind as to what the substitute proposal would cost.

But, lo and behold, in this morning's RECORD we find a further revision of the estimate in the form of a memorandum from the chief actuary of the Social Security Administration, dated April 7—that is yesterday. Whether the chairman had that memorandum during the course of our debate yesterday or whether that memorandum was prepared after the debate, I do not know, but to my great surprise in the RECORD this morning I find even a later estimate. Whether I will find another estimate after today's debate, when I read tomorrow morning's RECORD, or a couple of days from now, I do not know.

At the close of my remarks, Mr. Chairman, I will place in the RECORD a copy of the letter which I directed to the chief actuary under date of February 12, this year, and a copy of his reply under date of February 26.

You will note in that letter I sought to clarify the prior estimates and asked him to give me an estimate of what he in his judgment, not mine, estimated the cost of my bill would be during the first full year of operation. I did not give him any assumptions because he is the expert, not I. I did not ask him for any self-serving estimate. I wanted to know as near as the actuary could tell me what my bill would cost during the first year it was fully operative.

Here is what he said:

> If there were 100 percent participation, the Federal cost for the first full year of operation (which could be assumed to be fiscal year 1966–67) is estimated at $2.4 billion, while the participants themselves would contribute about $1.25 billion. With 80 percent participation, the Government cost would be $1.9 billion, while the participants would pay $1 billion, and with 50 percent participation the corresponding figures would be $1.2 billion and $0.6 billion, respectively.

I should point out here also that in a prior estimate he recognized that complete participation, that is 100 percent, wil never come about because of the parallel existence of other health insurance plans for persons under the Civil Service Retirement Act, health insurance for retirees provided by their former employers, and for other reasons. Of course, you are not going to get 100 percent participation. With that in mind, the $2.4 billion, which he estimated as the cost to the general revenue, was high.

I do not know what assumptions the chairman of the committee requested the actuary to make in estimating the cost under H.R. 6675, or what assumptions he asked him to make with respect to his later estimates of the substitute bill. I do not know in fact whether the same assumptions would be valid to the proposal I made because there are different approaches which the committee bill takes as compared to my bill. All I can say is that I left the whole question of actuarial estimating of the cost of the actuary of HEW. He made the assumptions. I did not know and I do not know what assumptions he would make with respect to the cost of H.R. 6675—or with respect to the cost of my bill.

The fact of the matter is, however, it is acknowledged that the committee bill will cost the taxpayers about $2.8 billion, and the actuary estimates our bill will cost the taxpayers about $2 billion.

Let me go into the question of why there is that difference. Maybe we can get an understanding here between ourselves where there will be recognition of the fact that the substitute proposal costs less. There has to be a difference in the cost of the two bills.

While the insurance benefit package of the two bills differ, I have been reliably informed that the cost of the two benefit packages, as insurance packages, was approximately the same. There are some benefits in the committee bill that will cost more, frankly, than in the substitute bill. There are some items in the substitute bill that will cost more, such as the item of drugs.

For instance, even as to the hospital benefit, after the payment of the deductible under the committee bill, their program pays the full hospital cost for a longer period than does the substitute bill. The committee bill pays all of the costs for 60 days. The substitute bill, however, does not have a cutoff point. We continue to pay hospital benefits beyond 60 days, but after the first $1,000 of benefits the hospital cost is financed on a coinsurance basis, with the patient paying 20 percent and the insurer paying 80 percent.

But if we could come to an understanding, and I think we could, Mr. Chairman, that there is not a great deal of difference as far as the cost of the benefit package is concerned, even though our plan is more comprehensive in scope, and covers the catastrophic illness because we do not have the 60-day limitation that is contained in the committee bill, if we could reach this understanding, then you are faced with the fact that as far as the benefit package is concerned, there will be no substantial difference in the premium that will be required to provide the combined package of the committee bill or the package in the substitute bill. If we could get an agreement on that point, then I think we could proceed with the understanding as to why the difference.

In the first place, since the committee bill provides a higher ratio of Government subsidy—and let me make this clear, both proposals provide a governmental subsidy—but the Government's subsidy under the committee bill is a higher percent of the total cost than the subsidy provided by the substitute bill. Why? Because the hospitalization package in the committee bill is subsidized 100 percent. It is financed by the payroll tax on today's worker to pay 100 percent of the cost of the benefit for today's retired people, namely those over 65 drawing benefits. For the supplemental insurance the committee bill provides a 50-percent subsidy. But when you combine the two, the basic subsidy in the committee bill is higher—substantially higher—than the basic subsidy in the substitute bill.

As I said in my remarks yesterday which appear in the CONGRESSIONAL RECORD, under the committee bill the Government subsidy represents about five-sixths of the cost in those instances where the individual takes the voluntary program in addition to the compulsory hospitalization program. In other words, if the individual takes the full package of benefits provided by the committee bill, the Government pays five-sixths of the cost of that policy.

Under the substitute proposal I will offer, the Government subsidy is about two-thirds or four-sixths of the cost of the benefit package. That is one of the reasons why it costs the Government less. It cannot help but be less costly. The degree of subsidization is lower. In other words, there is a difference of about 16 percent in the amount of the subsidy as between the two bills.

And, let us remember this always—the proposal that will be offered in the motion to recommit is a voluntary proposal. My difference with the committee in this matter was not solely the matter of financing. That is the important difference—financing through a payroll tax as opposed to financing through the general funds on an ability to pay basis.

But there is also a very serious distinction in the matter of whether the program should be voluntary or whether it should be compulsory. I say it should be voluntary; that those who have satisfactory coverage from other sources should not automatically be blanketed in. We should make the health insurance available to everybody over age 65—without discrimination—which the committee bill does not do, and I believe it should be made available to everybody without discrimination. But let the individual make the basic choice as to whether he wants the insurance.

Now how many will participate under the bill I offer? It is acknowledged that you would not have 100-percent participation because you have people who already have adequate protection at no expense to them. You have, for instance, the automobile workers who have policies furnished by their employers. You have others. You have those who are opposed to the idea of insurance or to medical practice. They would not necessarily desire to be covered and they need not be covered. I use the same assumption that is used by the committee with respect to participation under the voluntary proposal in the committee bill—which they recognize as profitable—participation would be somewhere between 80 and 95 percent. Using that same assumption, we must recognize that we would not have 100 percent and that our participation probably would be within the same range.

Mr. Chairman, as we reason together, let us just recognize when we get to the fundamentals involved that this is a subsidized policy that is being offered. For those people who do not elect to participate, there is a saving to the Government as compared to what the cost would be on the basis of a 100-percent participation. The committee bill does not have this saving as far as its fundamental basic program is concerned. It automatically attains a 100-percent participation. There can be no savings because there is no election.

Since our whole program is voluntary, for every person who does not elect to participate there is a saving. For each of those we save the amount of the Federal subsidy for that individual policy. There is the difference in cost.

I do not see how anybody can have any difficulty in understanding how we can offer a more comprehensive package and do so at a lower cost to the taxpayers because those two factors taken together are bound to give you a reduced cost, and the actuary admits it.

Let me say this, in conclusion, as we come to the end of this debate. I would repeat what I said in opening the debate on yesterday that it is regrettable that this bill could not have been broken up into at least two packages. This is a monumental bill. We all acknowledge that. The chairman acknowledges that it is really four monumental bills in one.

It would only be my hope that we would divide it into two monumental bills, so at least we would have had the chance to vote intelligently on those sections which have to do with the basic social security system, the old age and survivors and disability insurance system, and let the House work its will on the medical aspects of the program. There is no difference fundamentally so far as the need and the advisability of the basic social security amendments that are contained in those sections of the bill. The difference is only in the medical aspect and fundamentally, Mr. Chairman, I cannot quarrel with you on the voluntary part of that program.

I would have great difficulty voting against it, because it accepts the basic fundamental premise of the bill I proposed earlier this year, which is contained in the substitute to be offered in the motion to recommit.

This brings me to the compulsory hospitalization program. Why am I opposed to that? First, because of the compulsion. I think we serve a much better purpose when we move into the health field if we limit ourselves to voluntary contributory programs.

As we further reason together, my major disagreement is with respect to the use of the payroll tax to finance these benefits. I would say to my friend the majority leader, that I do not say the payroll tax is inherently a bad tax. When it is used for the purpose of financing benefits that are wage-related benefits, it is a good and a sound source of raising revenue. Up to this point that is what we have reserved the payroll tax for. We have used it for that purpose, and for that purpose only—for wage-related benefits.

We use the payroll tax to provide unemployment compensation, where the recipient receives a benefit based on his wage record. It is wage related.

We used the payroll tax for the cash benefits of the social security system. How do we figure the cash benefit? The cash benefit a person receives is related to the wages he has earned and on which the tax has been applied.

But now, for the first time, we are departing from that concept, and that is what I warn is a dangerous departure. Now we are not going to use the payroll tax for a wage-related benefit, but we are going to use it for a fixed service with no relationship to wages at all. The same package of benefits is to be provided no matter what the wage level.

Of course we should not tailor medical benefits to what the wage level of the individual has been. We should have a package that is the same for everybody. But when we do that we should not finance it on a payroll tax which is related to wages. That is the most regressive tax we have. It is a tax, I remind the Members, that applies to the worker the first day he goes to work as a young boy, on the first dollar he earns. There are no exemptions and no deductions. It is a gross income tax on the lowest level of income in our country.

That is what I object to and that is why I say we are making a very serious mistake. I do not object to the payroll tax, but I object to perverting it and using it for a purpose of providing benefits that are not wage related.

I suggest that we have no justification for imposing a liability on today's workers to the degree—to the extent—that we are under the committee bill through a regressive tax. We are imposing on today's generation of workers a liability of some $40 billion as we enact the hospitalization program under the committee bill and say to our older people, "This is yours as a matter of right."

Do we have a right to impose that liability and then say it shall be paid for with a regressive payroll tax? I do not believe we do. If we wish to provide these benefits, we should impose that liability on the country as a whole, and say that the society of the United States should take care of these older people and assume that liability. Then the burden will rest on all of the people, and it will be borne in relation to ability to pay.

That is why, Mr. Chairman, I shall offer a motion to recommit, offering a substitute on a voluntary and contributory basis.

Mr. MILLS. Mr. Chairman, I yield to the gentleman from Louisiana, the majority whip [Mr. BOGGS] 10 minutes.

Mr. BOGGS. Mr. Chairman and Members of the Committee, we have come to the end of truly a historic debate. It has been, as many Members have said heretofore, a very good debate on both sides of the aisle, and on both sides of the aisle there has been recognition of the truly phenomenal job performed by the great chairman of the Committee on Ways and Means, the gentleman from Arkansas [Mr. MILLS]. I have served on this committee for many years now, and I have followed this particular legislation with tremendous interest, because I do not think that there is anything we will do here this year or, for that matter, within this generation, of more importance than what we are about to do now. I must say to you, Mr. Chairman, that there has never been a more thorough, a more conscientious job done than has been done by the Committee on Ways and Means under the direction of the gentleman from Arkansas [Mr. MILLS].

As we come to the end of the debate, let me try, if I can, to put in perspective what we are about to vote on. At the outset, social security is a part of our economy today. Now, it was not always so. Thirty years ago—and I say this without any reflection upon anybody, because one of the great privileges of being an American and the high privilege of being in this body is the right to disagree—in 1935, when this monumental piece of legislation had its inception there was vast disagreement over it among my Republican colleagues. Whereas today I hear expressions about the validity of the payroll tax, at that time it was described by some as dictatorship, socialism, the chaining of the American society and the American economy. Today, however, everyone recognizes that in this society of ours, which is becoming increasingly urbanized, where we have become more and more interdependent upon one another, that the social security system is absolutely essential to the people of our country and to the economy of our country. Today we have 94 million people insured under the program. We have 20 million people drawing social security benefits in the United States today. Now we have something like 9 out of every 10 people who reach the age of 65 who are qualified for social security benefits.

Now with H.R. 6675 we come to another milestone in this program. Let me try, if I may, to answer just a few arguments which have been advanced here. No. 1, I have not heard very much talk today, by anyone who studied this legislation, about socialized medicine. I can remember for 15 years every time we had a piece of legislation that sought to do something in this area we heard "socialized medicine." We do not hear that on this floor today, and I can tell you the reason why. I mean, we do not hear it from Members of this body who have studied this matter and who are familiar with what is being debated here. The reason is that these bills, the bill from the committee and the substitute offered by our distinguished friend and able colleague from Wisconsin, Mr. BYRNES, insofar as the medical profession is concerned, are almost identical. There is no difference from their point of view. And I might say that under each proposal there is no compulsion of any kind, either involving the medical profession in the practice of medicine or in the historic doctor-patient relationship throughout our country. I might say in passing that in recent campaigns I have had some friends of mine in the profession, who were misinformed—let me put it that way—who fought me rather vigorously. I never engaged in a counteroffensive against this great profession. I know of no finer men individually than members of the medical profession. I took the position that I was not an expert on how to operate on a patient or how to treat an illness and by the same token some public relations firm was not an expert on how to draft or pass legislation or on what ought to be in the legislation.

And I predict that within a relatively short period of time, as the medical profession understands this bill, it will become not only acceptable to the profession but very popular, indeed, with the profession.

Nobody on the Democratic side of the aisle, despite the heat of campaigns, in my judgment, has ever engaged in any controversy with the American Medical Association or with any members of the medical profession. I have a profound respect for the American medical profession. I do not think there is any profession in the world comparable to it in the advances it has made for the benefit of all of our people. This is a tribute that it deserves, and we want it to continue in that tradition.

Let us look at the bill and let us see what is really before us. There is no question about socialized medicine. Let us get that out of our minds. As a matter of fact, the program advanced and advocated by the American Medical Association, as advertised by the public relations firm, was critical of the bill before our committee, H.R. 1, because they said it did not do enough, not that it did too much. I saw some advertisements on television and in the newspapers where they had checkmarks—"check off here"—and they said, "This is what we do under our proposal and this is what the King bill fails to do." They had boxes checked off.

Then my dear friends on the minority side quite properly said, "We must make recommendations in this field," and they came up with a program which is essentially the motion to recommit on which you will be called upon to vote in a matter of a few minutes.

Let me try to analyze these two proposals. First let us analyze them from the historic concept of social security. What is that concept? Well, it is the insurance concept. I buy insurance and you buy insurance; and I hope I never will have to use it. I have insurance on my house, on my automobile, on my life. I hope none of them will ever have to be used; of course, I know at least one of them will be. The man who insures his house pays for the insurance of the man whose house is destroyed. The whole theory of insurance is that you spread the risk.

Historically, when we adopted social security we had this basic argument. We had people come in and say, "Take the money out of the general fund and let the county and the State and the municipality run these programs on a welfare basis." We said, "No, the American worker, the American businessman, ultimately the American professional man—practically everyone is covered now—has the right to participate in the program."

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. BOGGS. Then, Mr. Chairman, we had advocates of various proposals here when I first came to Congress—we had a petition filed here on the Speaker's desk every year to discharge the Townsend bill, for example.

Now, Mr. Chairman, the Townsend bill was a general pension paid out of the general revenues of the Government of the United States. They had steering committees for the Townsend plan, and so on.

The reason you do not hear about the Townsend plan any more is because the social security program founded on insurance principles has filled that gap.

Now, Mr. Chairman, let us see what is the more fiscally responsible proposition, whether you pay for it on a payroll basis as you go along in an orderly fashion or whether you pay for it out of the general fund of the United States.

Now, Mr. Chairman, the proposal of the Townsendites was that you pay for it out of the general fund of the United States. I must say that the proposal which has been offered by my distinguished friend, the gentleman from Wisconsin [Mr. BYRNES] is based on just exactly the same concept. Somehow or other the impression has been left here that you are going to get the Byrnes proposal for nothing.

Well, let me give you the figures. Incidentally, the discussion that the gentleman made here a moment ago about cost, I am not going to try to go into it, but if you will take a look at the RECORD for yesterday on page 7210 and on page 7226, you will find that the distinguished chairman of the committee, the gentleman from Arkansas [Mr. MILLS], put all of these figures into the RECORD. What happened was that we had three estimates of the cost. We had a high estimate which was considered the maximum, we had an intermediate estimate which was neither high nor low, and we had a low estimate.

Incidentally, the gentleman from Wisconsin referred to two different recent estimates, one dated April 5 and the other dated April 8. The only difference in those two estimates is that the later one is based on the average contribution from the participants of $6.50 per month, as stated frequently by the gentleman from Wisconsin, whereas the earlier one used a figure of $6 which is believed to be a better figure.

Mr. Chairman, what did we do? We took the highest estimate, because we wanted the system to be completely actuarially sound so there would not be a deficit in the trust fund created under this proposal.

So, Mr. Chairman, if you want to talk about fiscal responsibility, if you want to be against deficit financing, if you believe in the pay-as-you-go principle, then you will vote for the committee bill and you will vote against the substitute.

Now, let us talk about what happens as the taxpayer is concerned. He has been talked about here a great deal yesterday and today, and properly so.

Let me give you the cost figures.

The best estimates that we have are that the Byrnes proposal will cost $4.08 billion per annum. Now, that will be paid for with $2.75 billion out of the general fund of the Treasury of the United States. I hope that you heard that figure, $2.75 billion.

Now, let us transfer that again in terms of what the recipient pays for it, as to whether or not he himself is going to be better pleased with this plan.

Aside from what he pays in higher income taxes to finance the general revenues, he would also pay according to Mr. BYRNES, when he reached the age of 65, $6.50 per month under the voluntary plan; whereas, under the committee supplementary plan he would pay $3, or he would pay under the Byrnes plan over twice as much as he would pay under the committee plan.

Now, Mr. Chairman, under the Mills plan, under the committee plan, $2.3 billion will be financed by a payroll tax.

But let us translate this into terms of percentages of payroll. Remember, we are talking about millions and millions and millions of people, so that we spread this risk across the Nation.

What does the hospital insurance tax actually amount to as far as the worker is concerned? In 1966 it will amount to

.35 percent, translated into terms of dollars of $1.63 a month if he earns the maximum amount. In 1987 and thereafter—this is a few years down the road—our best estimates show that the tax will be .80 percent, still less than 1 percent on the worker.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. MILLS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I will be happy to yield to our distinguished Speaker.

Mr. McCORMACK. Mr. Chairman, we are coming to the close of a dramatic and historic debate. In this Chamber within the past 10 days we have seen the elementary and secondary school education bill, which was a historic measure, passed. Today we are concluding another historic debate.

I can remember over 30 years ago, reference having been made by a number of speakers to the original Social Security Act, when I was one of the members of the Committee on Ways and Means that drafted the original Social Security Act. I can remember the opposition on that occasion, and the difficulty we had in getting a bill through.

We are now debating this bill today. It is constructive democracy in dynamic action in accordance with the economic conditions that exist today, and will confront our people in the decades that lie ahead.

We have two bills, one the committee bill, which has been well considered for many years under the able and brilliant leadership of the gentleman from Arkansas, which as it came out of the committee contains a comprehensive plan, joining with him and the other members of the committee, and countless talented persons throughout the country in bringing about this contribution. It is a fiscally responsible bill. The substitute represents fiscal irresponsibility.

In voting for the substitute bill, those who vote for it are voting for a measure that will bring about fiscal irresponsibility as compared with the bill reported out by the committee, and now before the House.

I heartily favor and support the bill reported by the committee, and I hope that the substitute offered by the gentleman from Wisconsin [Mr. BYRNES] will be defeated. In passing the committee bill we will make another historic contribution in the course of the consideration of this great body.

Mr. BOGGS. Mr. Chairman, let me say in conclusion that the Speaker has succinctly defined the issue as far as the substitute is concerned. The substitute in essence says that we would take $2.75 billion out of the general fund of the United States. My Republican colleagues have always pointed with considerable alarm to the deficit position of the Treasury, but now they would increase that deficit position by $2.75 billion. In the process, the committee bill, in fact, will certainly make it possible for the American worker to have an insurance program which he so desperately needs in this area as well as in the area in which he is already protected.

Mr. Chairman, I have the great honor and high responsibility, as Speaker Rayburn used to say, of having served in this body for well over 20 years—I do not know of any piece of legislation involving the people of the United States that I consider more important, in the years I have been here, than this pending legislation. For me this is going to be a proud and happy vote to cast, because I know when this becomes the law of the land it will do more to lift the burdens off the old people in our country, whose numbers are increasing twofold every decade, and more to help the young people who themselves are struggling to rear, house, educate, and take care of growing families and at the same time care for aged parents.

I hope the substitute will be rejected, and that this body will pass the committee bill by an overwhelming majority.

Mr. ROYBAL. Mr. Chairman, today is a historic occasion for the people of Los Angeles, the State of California, and, indeed, in the life of our Nation.

I would like to take this opportunity to congratulate the leadership, as well as the individual Members of the House, on both sides of this debate, on the statesmanlike manner in which we have considered and now overwhelmingly approved, on a nearly 3-to-1 vote of 313 to 115, the landmark Medicare and Social Security Amendments of 1965.

As one of the bill's original sponsors, I am proud to have offered my full support and to have played some part in the passage of this progressive and forward-looking legislation.

The measure not only contains the most comprehensive medicare health insurance plan for America's senior citizens ever adopted by either House of Congress, but it also includes the largest increase in social security benefits approved since the program was started 30 years ago.

We owe a special debt of gratitude to both President Lyndon Johnson and former President John Kennedy for the outstanding national leadership they demonstrated in the long struggle to bring this urgent matter before the people of the country and before their elected representatives here in the Nation's Capital.

The historic action we have taken today is of particular benefit to California's 1½ million elderly citizens, as well as the 17 million other Americans over the age of 65, for it will enable them to prepay in their earlier, more productive working years, most of their own hospital and related health expenses during retirement.

In addition, the bill provides an optional supplementary health insurance plan available at minimum cost to all persons over 65 and designed to cover their major medical and doctor bills.

Finally, the measure includes a long-overdue 7-percent across-the-board cost-of-living increase in social security benefits for some 20 million Americans—a real help to them by raising the minimum level of their basic economic protection.

These three key provisions of the Medicare and Social Security Amendments of 1965, plus several other substantial improvements in current federally assisted health programs, make this bill the most significant piece of health and social welfare legislation in American history.

Mr. Chairman, I have always been convinced that the elderly are not asking for charity.

But they do want and deserve, and I believe this measure will help give them, a system offering an opportunity to plan for the future—to permit them to live their remaining years in earned dignity, secure in the knowledge that they have provided adequately for their own needs during retirement years.

Because of the tremendous importance of this legislation to every citizen, I will insert at this point in the CONGRESSIONAL RECORD information outlining its provisions.

The first statement, entitled "A Brief Overall Summary," is a short description of the bill, and the other article, entitled "A Summary Analysis of Major Provisions," contains a more detailed explanation of the Medicare and Social Security Amendments of 1965.

The statement and article follow:

BRIEF OVERALL SUMMARY

The bill establishes two coordinated health insurance programs for persons 65 or over under the Social Security Act: (1) a "basic" plan providing protection against the costs of hospital and related care, financed through a separate payroll tax and trust fund; and (2) a voluntary "supplementary" plan covering payments for physicians' and other medical and health services financed through small monthly premiums by individual participants matched equally by a Federal Government general revenue contribution.

Undergirding the two new insurance programs would be a greatly expanded medical care program for the needy and the medically needy. This program would combine all the vendor medical provisions for the aged, blind, disabled, and families with dependent children now in five titles of the Social Security Act under a uniform program and matching formula in a single new title. The Federal matching share for cash payments for these needy persons would also be increased; services for maternal and child health, crippled children, and the mentally retarded would be expanded; a 5-year program of "special project grants" to provide comprehensive health care and services for needy children of school age, or preschool, would be authorized; and present limitations on Federal participation in public assistance to aged individuals in tuberculosis or mental disease hospitals would be removed under certain conditions.

With respect to the old-age, survivors, and disability insurance system the bill would increase benefits by 7 percent across the board with a $4 minimum increase for a worker, cover certain currently uncovered occupations and wages (doctors, and income from tips), continue benefits to age 22 for certain children in school, provide social security tax exemption of self-employment income of certain religious groups opposed to insurance, provide actuarially reduced benefits for widows at age 60, and pay benefits, on a transitional basis, to certain persons currently 72 or over now ineligible; liberalize the definition for disability insurance benefits, increase the amount an individual is permitted to earn without suffering full deductions from benefits, revise the tax schedule, and increase the earnings counted for benefit and tax purposes so as to fully finance the changes made, and make certain changes in allocations to the old-age and survivors insurance and disability insurance trust funds.

Summary Analysis of Major Provisions—H.R. 6675—Medicare and Social Security Amendments of 1965 (House Version, April 1965)

This analysis of the medicare and social security amendments of 1965 (H.R. 6675), as acted on by the House is in the three tables—(1) a description of the basic hospitalization program; (2) a description of the optional supplementary medical program; and (3) a description of amendments to the Social Security Act, the Kerr-Mills law, and other miscellaneous provisions.

TABLE 1—BASIC HOSPITALIZATION PROGRAM (UNDER SOCIAL SECURITY SYSTEM)

Eligibility: All persons aged 65 years or over who are now, or will in the future, be entitled to monthly social security or railroad retirement benefits (except Federal employees who retired after 1959).

All persons aged 65 years or over, or who will reach age 65 before 1968, who are not eligible for monthly social security or railroad retirement benefits. This part of the program to be paid for from general revenues of the Federal Government, not paid for out of social security trust funds.

Effective date: July 1, 1966, except for services in extended care facilities, which will be effective January 1, 1967.

Enrollment: No enrollment necessary. Coverage is automatic to those eligible.

Cost to the individual: Benefits extended to eligible persons without cost as a matter of right; no "needs test" required.

Benefits:

1. Inpatient hospital charges for up to 60 days of hospitalization in each spell of illness, subject to a $40 deductible amount.

2. Twenty days of nursing home care in each spell of illness, after transfer from hospital; 2 additional days of nursing home care (if needed) can be added for each day that the patient's hospital stay was less than 60 days, to a maximum total of 100 days.

3. Outpatient hospital diagnostic services, subject to a $20 deductible amount for such services furnished by the same hospital during a 20-day period.

4. Posthospital home health services for up to 100 visits after discharge from hospital or nursing home (when patient is under care of physician).

Financing: Through the social security system—payroll taxes from employee, employer, and by self-employed persons. Taxes paid into separate hospital insurance trust fund to assure that actuarial soundness of trust funds and the entire social security system is safeguarded. Tax rates for employee (matched by employer) will be: 1966, 0.35 percent; 1967–72, 0.50 percent; 1973–75, 0.55 percent; 1976–79, 0.60 percent; 1980–86, 0.70 percent; 1987 on, 0.80 percent.

These amounts would be automatically deducted from payroll check (as at present) on first $5,600 earnings a year during 1966–70 period. Thereafter, they would be based on first $6,600 of annual earnings. Program will cost each employee, employer only 38 cents a week, rising to about 54 cents a week for each during 1967–72 period.

TABLE 2—OPTIONAL SUPPLEMENTARY MEDICAL PROGRAM (UNDER PRIVATE INSURANCE CARRIERS)

Eligibility: All persons age 65 or over, on an optional, voluntary basis, regardless of whether or not they are eligible for social security, railroad retirement, or other benefits.

Effective date: July 1, 1966.

Enrollment: Enrollment for persons age 65 years or over before January 1, 1966, will begin 2 months after enactment of bill and continue to March 31, 1966. Regular enrolling periods thereafter.

Cost to the individual: If person chooses to participate in this program, it will cost him $3 per month. Amount would be automatically deducted from monthly benefit check of those persons receiving social security or railroad retirement benefits. Others would pay their contribution into special trust fund directly.

Benefits: In addition to the benefits listed in table 1, those choosing to participate in the supplementary medical program would be entitled to:

1. Physicians' and surgical services furnished in a hospital, clinic, office, or in the home.

2. Hospital care for 60 days in a spell of illness in a mental hospital (180-day lifetime maximum).

3. Home health services (without regard to hospitalization) for up to 100 visits during each calendar year.

4. Additional medical and health services, provided in or out of a medical institution, including diagnostic X-ray and laboratory tests, electrocardiograms, basal metabolism readings, and other diagnostic tests; X-ray, radium, and radioactive isotype therapy; ambulance services (under limited conditions); surgical dressings, splints, casts, iron lungs, oxygen tents, artificial limbs, eyes, etc.

Benefits under this program are subject to an annual deductible amount of $50. Then the program will pay 80 percent of the patient's bills (above the $50 deductible).

Financing: Persons participating in this program will pay $3 a month ($36 a year).—An additional $3 per person per month will be paid into fund by Federal Government out of general revenues.

TABLE 3—OTHER PROVISIONS

Social security benefits: Increases by 7 percent (with a minimum increase of $4 a month) all old-age, survivors, and disability insurance benefits. Increases would be retroactive to January 1, 1965. Now minimum benefit raised from $40 to $44 a month. Will benefit an estimate 20 million persons.

Child's insurance benefits: A child's insurance benefits would continue to be paid until the person reaches age 22 (instead of age 18) if child is attending accredited school or college as a full-time student after he reaches age 18. Will be effective as of January 1, 1965, and benefit estimated 295,000 young people.

Optional benefits for widows at age 60: Widows may have option of receiving social security benefits at age 60, with actuarial reduction of benefits they would otherwise receive at age 62. Effective for second month after enactment of bill, benefiting estimated 185,000 widows.

Disability insurance amendments: Liberalizes eligibility requirements and waiting period for persons covered by disability insurance provisions of Social Security Act. Will benefit estimated 155,000 disabled workers.

Benefits to persons at age 72 or over: Liberalizes eligibility requirements by providing a basic benefit of $35 a month at age 72 or over to certain persons with a minimum of three quarters of coverage under the Social Security Act, acquired at any time since the beginning of the program in 1937. Will benefit an estimated 355,000 persons.

Retirement test: Liberalizes the social security earned income limitation. Beginning in the 1966 tax year, a person receiving benefits will be able to earn $1,200 a year without having his benefits reduced; earnings between $1,200 and $2,400 a year would be subject to a $1 reduction in benefits for each $2 of earnings up to $2,400; a $1 reduction in benefits for each $1 of earnings above $2,400 would take place. Existing law limits this provision to $1,700 instead of $2,400.

Miscellaneous amendments: Other amendments to the Social Security Act authorize benefits to certain divorced women, coverage of self-employed physicians and interns, amendments affecting annual gross earnings of farmers, coverage of cash tips received by an employee after 1965, and an exemption from social security taxes of self-employed persons of the Amish and other religious sects.

Improvement of Kerr-Mills program: Extends the provisions of expanded State medical assistance programs not only to the indigent aged, but also to needy persons who are part of the dependent children, blind, and permanently and totally disabled programs. Establishes a single and separate medical care program to replace the differing provisions for the needy in other parts of the Social Security Act. Provides a level of medical services States must offer to receive Federal payments. Requires States to provide a flexible income test for eligibility.

Other provisions

Public assistance amendments: Increases the Federal share of payments under all State public assistance programs, effective January 1, 1966. Contains other amendments providing Federal incentive to States to benefit aged persons in tubercular and mental institutions.

Child health program amendments: Increases Federal authorization for maternal and child health services and for crippled children services. Authorizes grants to higher education institutions to train professional personnel for health and related care of crippled children, particularly mentally retarded children with multiple handicaps. Authorizes a new 5-year program of special project grants to provide health care and services for children from needy areas. Authorizes grants to help States, to implement mental retardation plans.

Financing improved social security benefits: Improvements in the regular social security program and increased benefits provided in the bill would be financed through a revised payroll tax schedule. Taxes on employees, employers, and self-employed persons are paid into social security trust fund as in the past 30 years. Rates of tax are designed to guarantee the actuarial soundness of the social security system.

The revised tax schedule and the rates under existing law are:

[In percent]

Years	Employee and employer tax rate (each)		Self-employed tax rate	
	Existing law	Proposed in bill	Existing law	Proposed in bill
1965	3.625	3.625	5.4	5.4
1966–67	4.125	4.0	6.2	6.0
1968	4.625	4.0	6.9	6.0
1969–72	4.625	4.4	6.9	6.6
1973 on	4.625	4.8	6.9	7.0

As in the past, these amounts would be automatically deducted from payroll check. Tax would be paid on first $5,600 (instead of present $4,800) during the 1966–70 period. Thereafter, they would be paid on first $6,600 of annual earnings.

Mr. DONOHUE. Mr. Chairman, it is my very deep and earnest conviction that H.R. 6675 should be overwhelmingly approved.

In a prudent comprehensive design this measure projects three new programs for health insurance and medical care for the aged under the Social Security Act by establishing, first, a fundamental hospital insurance plan to help meet the burdensome costs of hospital and posthospital treatment; second, it establishes a voluntary plan through which doctors' and other medical services are paid for by monthly premiums of $3 matched by an equal Government payment; thirdly, it establishes an expanded Kerr-Mills program for the needy which will combine all the existing medical programs for this group into a single new program with greater Federal financial participation.

This measure before us also is designed to more realistically improve our current social security and public assistance programs. The provision to grant a 7-percent increase in social security benefits not only takes into account the advanced living costs that have occurred over the past several years but it will also help to finance the cost of the new voluntary supplementary insurance plan. Indeed a special phase of the bill is to permit an automatic $3 a month deduction from the social security benefits if the individual chooses such coverage.

Other vitally important features of this measure are, in my judgment, the continuation of benefits for children attending school beyond the age of 18 up to the age of 22, as well as the desperately needed liberalization of the earnings limitation, so long overdue.

Mr. Chairman, the most distinguished chairman and diligent members of the House Ways and Means Committee have, after extended hearings and studied deliberations, provided us with a prudent, sensible, modern, and acceptable solution to a most difficult and longstanding problem that is of imperative urgency to an increasing number of older citizens and, indeed, younger ones, in this country. This House and this Nation owes them a great debt of patriotic gratitude.

Not the least of the reasons to influence us toward approval of this measure is our common knowledge of the legendary scholarship, prudence, and patriotic dedication of the esteemed committee chairman who has presented this measure to us and recommended its passage after so many years of conscientious scrutiny and judgment of this controversial subject. He has told us that he advocates approval of this bill and I quote his words, "with every bit of energy at my command."

Mr. Chairman, the President himself has perhaps summed up better than anyone else the sense and the substance of this measure when he said:

> Compassion and reason dictate that this logical extension of our proven social security system will supply the prudent, feasible and dignified way to free the aged from the fear of financial hardship in the event of ailments.

Mr. Chairman, in the firmest belief that this measure is "good for all Americans" I urge my colleagues here to resoundingly adopt this landmark legislation without further delay.

Mr. DINGELL. Mr. Chairman, it is with a great deal of pleasure that I observe the House today considering legislation to provide for hospitalization through the framework of the social security system and for payment of other medical, surgical, and auxiliary services from the general fund. I know this legislation is going to pass, and it is my principal regret that my beloved, deceased father, former Congressman John D. Dingell, is not with us today to see the House of Representatives take this great step. It was he who joined with the beloved late Senators Wagner and Murray in sponsorship of the first legislation to accomplish this end in the 78th Congress back in the year 1943.

What we are doing today is adequate proof that high pressure lobbying tactics and huge expenditures of funds cannot prevail against the will of the American people where the need is as clear as that which cries for enactment of H.R. 6675.

Our senior citizens have the highest incidence of medical need in every category. Their hospitalization is over twice as long and vastly more frequent than other segments of the society. Their bills for payment of doctors and surgical care and for hospital stays are far in excess of that faced by the usually more affluent younger members of our society. Their ability to meet this crushing burden of health care is less than any other segment of the society. Their median income, per capita income, and liquid assets are far below that of other segments in the society. They fear illness, but they live more in fear of being pauperized by the high cost of illness.

Their circumstances jeopardize their slender savings every time they go to the doctor or to the hospital.

The aged are often preyed upon by predatory and unscrupulous sellers of relatively valueless health insurance. Often, responsible insurers will not accept them. They often find premiums of worthwhile health insurance far beyond their limited means. Where they are able to maintain a policy of health insurance they ofttimes find the policies canceled at the first real evidence of heavy medical need.

I rejoice at the other features of the bill. It is most desirable that we participate in the education of the children of our social security beneficiaries; it is vitally important that we permit earlier retirement at age 60 for widows who might otherwise agonize in a limbo of unemployment and deprivation while awaiting that milestone of age 62 to qualify for benefits.

The social security increases are of great importance; the moneys for liberalization of other parts of the Social Security Act are greatly needed. However, Mr. Chairman, nowhere in the history of the whole amendatory process since the original enactment of the Social Security Act has there been a measure so desperately and vitally needed by the senior citizens of this Nation as that providing for Federal payment of hospitalization and medical care for the aged.

Our whole society and whole economy will benefit.

Our aged will have an opportunity to have adequate hospitalization and medical care. Our young people will know that the health needs of their parents and loved ones are adequately cared for in retirement.

Our private insurance plans, like the great Blue Cross-Blue Shield system and many of the other fine private plans, will be able to offer all a better standard of health, hospitalization, and medical-surgical protection at a lesser cost. They will no longer need to subsidize the high risk cost of the aged, who cannot afford decent insurance.

Doctors and hospitals can eliminate now for the first time a large portion of their so-called charity patients. Ratepayers and beneficiaries of hospital and doctor and nursing home benefits will know that their payments do not go, in large part, to subsidize the cost of some unfortunate aged person cared for as a part of the regular charity load of the individual or institution.

My old dad would be proud that the legislation that he fought for since the original H.R. 2861 of the 78th Congress is well on the way to enactment. My dear dad reintroduced that measure in each Congress until his death. This partial realization of his dream means protection of our aged from the most desperate need faced by them.

Mr. MILLS. Mr. Chairman, that concludes the general debate.

The CHAIRMAN. Does the gentleman from Wisconsin have any further requests for time?

Mr. BYRNES of Wisconsin. I have no further requests for time, Mr. Chairman.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

No amendment shall be in order to the bill except amendments offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

Mr. MILLS. There are no committee amendments, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Dingell, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes, pursuant to House Resolution 322, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BYRNES of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BYRNES of Wisconsin. I am, Mr. Speaker, in its present form.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Byrnes of Wisconsin moves to recommit the bill (H.R. 6675) to the Committee on Ways and Means, with instructions to report the same back to the House forthwith with the following amendment:
>
> Strike out all after the enacting clause and insert the text of H.R. 7057, with an

amendment striking out (in H.R. 7057) line 12 on page 34 and all that follows down through line 24 on page 36 and inserting in lieu thereof the following:

"PAYMENT OF PREMIUMS

"Deductions from social security benefits; transfers from Federal Old-Age and Survivors Insurance Trust Fund

"SEC. 119. (a)(1) In the case of an individual who is entitled to a benefit for any month under title II of the Social Security Act, his monthly premium for such month under the insurance program established by this title shall (except as provided in subsection (d)) be collected by deducting the amount of such premium from the amount of such benefit. Such deduction shall be made in such manner, and at such times, as the Secretary shall by regulations prescribe.

"(2) The Secretary of the Treasury shall, from time to time, transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund to the Comprehensive Health Insurance Fund for the Aged the aggregate amount deducted under this subsection for the period to which such transfer relates from benefits under title II of the Social Security Act which are payable from such trust funds. Such transfer shall be made on the basis of a certification by the Secretary of Health, Education, and Welfare and shall be appropriately adjusted to the extent that prior transfers were too great or too small.

"Deductions from railroad retirement annuities or pensions; transfers from railroad retirement account

"(b)(1) In the case of an individual who is entitled to receive for a month an annuity or pension under the Railroad Retirement Act of 1937, his monthly premium for such month under the insurance program established by this title shall (except as provided in subsection (d)) be collected by deducting the amount of such premium from such annuity or pension. Such deduction shall be made in such manner, and at such times, as the Secretary shall by regulations prescribe after consultation with the Railroad Retirement Board.

"(2) The Secretary of the Treasury shall, from time to time, transfer from the Railroad Retirement Account to the Comprehensive Health Insurance Fund for the Aged the aggregate amount deducted under this subsection for the period to which such transfer relates. Such transfer shall be made on the basis of a certification by the Railroad Retirement Board and shall be appropriately adjusted to the extent that prior transfers were too great or too small.

"Individuals entitled to both social security and railroad retirement benefits

"(c) In the case of an individual who is entitled both to monthly benefits under title II of the Social Security Act and to an annuity or pension under the Railroad Retirement Act of 1937 at the time he enrolls pursuant to section 116 in the insurance program established by this title, subsection (a) shall apply so long as he continues to be entitled both to such benefits and to such annuity or pension. In the case of an individual who becomes entitled both to such benefits and to such annuity or pension after he enrolls pursuant to section 116 in such insurance program, subsection (a) shall apply if the first month for which he was entitled to such benefits was the same as or earlier than the first month for which he was entitled to such annuity or pension, and otherwise subsection (b) shall apply.

"Payment of premiums where benefits are insufficient for deduction

"(d) If an individual to whom subsection (a) or (b) applies estimates that the amount which will be available for deduction under such subsection for any premium payment period will be less than the amount of the monthly premiums for such period, he may (under regulations prescribed by the Secretary) pay to the Secretary such portion of the monthly premiums for such period as he desires.

"Other individual participants

"(e) In the case of an individual who participates in the insurance program established by this title but with respect to whom neither subsection (a) nor subsection (b) applies, the premiums shall be paid to the Secretary at such times, and in such manner, as the Secretary shall by regulations prescribe.

"Deposit in trust fund

"(f) Amounts paid to the Secretary under subsection (d) or (e) shall be deposited in the Treasury to the credit of the comprehensive health insurance fund for the aged.

"Premiums during waiting period

"(g) In the case of an individual who enrolls pursuant to section 116 in the insurance program established by this title, monthly premiums shall be payable commencing with the month immediately preceding the beginning of his benefit period; except that this subsection shall not apply to (1) any month before 1966, or (2) the month in which the individual attains age 65."

Mr. BYRNES of Wisconsin (interrupting the reading of the motion to recommit). Mr. Speaker, I ask unanimous consent that further reading of the motion to recommit be dispensed with and that it be printed in the RECORD at this point, inasmuch as it was explained earlier.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. BYRNES of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 236, answered "present" 1, not voting 5, as follows:

[Roll No. 70]

YEAS—191

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Baring
Bates
Battin
Beckworth
Belcher
Bell
Bennett
Berry
Betts
Bolton
Bonner
Bow
Bray
Brock
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cahill
Callan
Callaway
Carter
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conte
Cooley
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Downing
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Findley
Fisher
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Fulton, Pa.
Fuqua
Gathings
Gettys
Goodell
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Hansen, Idaho
Harsha
Harvey, Ind.
Harvey, Mich.
Hébert
Henderson
Herlong
Hosmer
Hull
Hutchinson
Jarman
Johnson, Pa.
Jonas
King, N.Y.
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
McClory
McCulloch
McDade
McEwen
McMillan
MacGregor
Marsh
Martin, Ala.
Martin, Mass.
Martin, Nebr.
Mathias
Matthews
May
Michel
Minshall
Mize
Moore
Morse
Morton
Mosher
Natcher
Nelsen
O'Konski
O'Neal, Ga.
Passman
Pelly
Pickle
Poff
Pool
Quie
Quillen
Reid, Ill.
Reifel
Reinecke
Rhodes, Ariz.
Rivers, S.C.
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Satterfield
Saylor
Schneebeli
Scott
Selden
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Smith, Va.
Springer
Stafford
Stanton
Stephens
Stubblefield
Talcott
Taylor
Teague, Calif.
Thompson, La.
Thomson, Wis.
Tuck
Tupper
Tuten
Utt
Waggonner
Walker, Miss.
Watkins
Watts
Whalley
White, Tex.
Whitener
Whitten
Widnall
Williams
Wilson, Bob
Wyatt
Wydler
Younger

NAYS—236

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Aspinall
Ayres
Bandstra
Barrett
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brooks
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cabell
Cameron
Carey
Celler
Clark
Clevenger
Cohelan
Conyers
Corman
Craley
Culver
Daddario
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dow
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Flood
Fogarty
Foley
Ford, William D.
Fraser
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffiths
Hagen, Calif.
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Harris
Hathaway
Hawkins
Hays
Hechler
Helstoski
Hicks
Holifield
Holland
Horton
Howard
Hungate
Huot
Ichord
Irwin
Jacobs
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Krebs
Landrum
Leggett
Lindsay
Long, Md.
Love
McCarthy
McDowell
McFall
McGrath
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Matsunaga
Meeds
Miller
Mills
Minish
Mink
Moeller
Monagan
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pike
Pirnie
Poage
Powell
Price
Pucinski
Purcell
Race
Randall
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts
Rodino
Rogers, Colo.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schweiker
Secrest
Senner
Shipley

Sickles
Sisk
Slack
Smith, Iowa
Staggers
Stalbaum
Steed
Stratton
Sullivan
Sweeney
Teague, Tex.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tunney
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Weltner
White, Idaho
Willis
Wilson, Charles H.
Wolff
Wright
Yates
Young
Zablocki

ANSWERED "PRESENT"—1

Hardy

NOT VOTING—5

Ashley
Baldwin
Jones, Ala.
Mailliard
Toll

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Mailliard for, with Mr. Ashley against.

Mr. Hardy for, with Mr. Jones of Alabama against.

Mr. HARDY. Mr. Speaker, I have a live pair with the gentleman from Alabama [Mr. Jones]. If he were present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 313, nays 115, not voting 5, as follows:

[Roll No. 71]

YEAS—313

Adams
Addabbo
Albert
Anderson, Tenn.
Annunzio
Ashmore
Aspinall
Ayres
Bandstra
Barrett
Bates
Beckworth
Bingham
Blatnik
Boggs
Boland
Bolling
Bonner
Bow
Brademas
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Callan
Cameron
Carey
Cederberg
Celler
Chamberlain
Chelf
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Daddario
Dague
Daniels
Dawson
de la Garza
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Dow
Dowdy
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Farnsley
Farnum
Fascell
Feighan
Fino
Flood
Fogarty
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harvey, Mich.
Hathaway
Hawkins
Hays
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Krebs
Kunkel
Landrum
Leggett
Lindsay
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Martin, Mass.
Mathias
Matsunaga
Matthews
Meeds
Miller
Mills
Minish
Mink
Minshall
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pike
Pirnie
Powell
Price
Pucinski
Purcell
Race
Randall
Redlin
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Pa.
Rivers, Alaska
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Scott
Secrest
Senner
Shipley
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stalbaum
Stanton
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Willis
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Zablocki

NAYS—115

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, George W.
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Baring
Battin
Belcher
Bell
Bennett
Berry
Betts
Bolton
Bray
Brock
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson
Burton, Utah
Byrnes, Wis.
Cabell
Callaway
Carter
Casey
Clancy
Clausen, Don H.
Clawson, Del
Collier
Colmer
Curtis
Davis, Ga.
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Dorn
Downing
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Findley
Fisher
Flynt
Ford, Gerald R.
Fuqua
Gathings
Gross
Hagan, Ga.
Hall
Halleck
Hansen, Idaho
Harsha
Harvey, Ind.
Hébert
Hosmer
Jarman
Jonas
Jones, Mo.
Kornegay
Laird
Langen
Latta
Lennon
Lipscomb
Long, La.
McMillan
MacGregor
Mahon
Marsh
Martin, Ala.
Martin, Nebr.
May
Michel
Mize
Morton
Nelsen
O'Neal, Ga.
Passman
Pickle
Poage
Poff
Pool
Quie
Quillen
Reid, Ill.
Rhodes, Ariz.
Rivers, S.C.
Roudebush
Rumsfeld
Satterfield
Selden
Shriver
Skubitz
Smith, Calif.
Smith, Va.
Springer
Steed
Stephens
Teague, Tex.
Thomson, Wis.
Tuck
Utt
Waggonner
Walker, Miss.
Whitten
Williams
Wilson, Bob
Younger

NOT VOTING—5

Ashley
Baldwin
Jones, Ala.
Mailliard
Toll

So the bill was passed.

The Clerk announced the following pairs:

Mr. Toll with Mr. Ashley.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that Members desiring to do so may have 5 legislative days in which to extend their remarks in the Record on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

DUMPING FEED GRAIN SURPLUSES

Mr. QUIE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. Mr. Speaker, Agriculture Secretary Orville Freeman has now made an unprecedented and rare admission that he manipulated farm prices by dumping Commodity Credit Corporation feed grain surpluses on the market over the past 4 years to hold down farm prices.

I have suspected this for a long time and have said so many times, but I almost fell off my chair when the Secretary testified to it before the House Agriculture Committee.

Secretary Freeman made the voluntary admission in testimony April 6 before the House Agriculture Committee.

It was certainly discouraging to learn that the agriculture programs are being administered in such a way that they do not benefit the farmer but are used to promote the extension of costly bureaucratic machinery.

The Secretary testified that the CCC dumped some 500 million bushels of wheat and 30 million tons of feed grains on the market and that this tended to keep prices below support—to make the program effective.

To make it worse, the Secretary charged that Congress had "intended" and "directed" that this be done. Now, I am in Congress and I remember that we even took some of the authority away from him in section 3 of that bill. In fact, I have joined with my colleagues many times in asking the Secretary to stop this practice after that bill was passed.

I have introduced a bill to prohibit the Commodity Credit Corporation from making domestic sales of feed grain commodities at prices less than 125 percent of current support prices. This bill is supported by such diverse groups as the Farmers Union and the Farm Bureau.

The Secretary said, in his testimony: "We must not yield to the temptation to make prices so high the programs become unworkable. The feed grain program has worked excellently. It has been well worth the cost. But the cost has been high and if it goes higher, the program will be gravely threatened."

In 1961, the Secretary promised that farm prices would rise to 90 percent of parity under his administration. Parity has never reached 90 percent since he took office, and in fact, today is at 75 percent. Now he tells us that we cannot "yield to the temptation" of letting prices go up, because his farm programs might not work. The Secretary of Agriculture has now made this startling admission. The Budget Director wrote in his annual report that he thinks 2.5 million farm families could not be supported on the land. The President, in his state of the Union message, said nothing at all about the farmer. Farm income is nowhere near the 90 percent of parity promised. I intend to work harder than ever for passage of my bill to raise the resale formula to 125 percent, thus stopping the Secretary from further surplus dumping to hold farmers' prices down.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5721) entitled "An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 325, Rept. No. 229) which was referred to the House Calendar and ordered to be printed:

H. RES. 325

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4714) to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

REORGANIZATION ACT OF 1949

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 326, Rept. No. 230), which was referred to the House Calendar and ordered to be printed:

H. RES. 326

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4623) further amending the Reorganization Act of 1949. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENTS

Mr. COOLEY submitted the following conference report and statement on the bill (H.R. 5721) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes:

CONFERENCE REPORT (REPT. NO. 228)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5721) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 9, 10, 11, 13, 15, and 17 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 per centum of such estimated utilization and exports"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "like manner, except that the five years 1960 to 1964, inclusive, may be used instead of the period 1959 to 1963, as determined by the Secretary"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following: "the sum of 50 per centum of the average of the three highest years and 50 per centum of the national average yield goal but not less than"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment insert the following: "except that in lieu of the five consecutive crop years beginning with 1959 the years 1960 to 1964, inclusive, may be used, as determined by the Secretary"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "120 per centum in the case of Burley tobacco for the first year for which marketing quotas are made effective under this section"; and the Senate agree to the same.

Amendment numbered 14; That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"'(h) Notwithstanding any other provision of this section, for any year subsequent to the first year for which marketing quotas are made effective under this section for Burley tobacco—

"'(1) the farm acreage allotment for Burley tobacco under this section shall not be less than the smallest of (A) the acreage allotment established for the farm for such first year, (B) five-tenths of an acre, or (C) 10 per centum of the cropland; and

"'(2) the farm marketing quota for Burley tobacco under this section shall not be less than the minimum allotment provided by clause (1) multiplied by the farm yield established for such first year for such farm.'

"Farm acreage allotments and marketing quotas to which the provisions of (1) and (2) are applicable shall be subject to adjustment for overmarketing or undermarketing or reductions required by subsection (f).

"The additional acreage and quotas required under this subsection shall be in addition to the national acreage allotment and national marketing quota.

"'Whenever the Secretary proclaims a quota on an acreage allotment basis (in lieu of on an acreage poundage basis)—

"'(A) the minimum acreage allotment for Burley tobacco for any farm shall be determined under the provisions of the Act of July 12, 1952, as amended (7 U.S.C. 1315) instead of under the preceding provisions of this subsection;

"'(B) clause (1) of the Act of July 12, 1952, shall for such purpose read as follows: "(1) the allotment established for the farm for the last preceding year for which a quota was proclaimed on an acreage allotment basis"; and

"'(C) the proviso of that Act shall for such purpose read as follows: "*Provided, however,* That no allotment of seven-tenths of an acre or less shall be reduced more than one-tenth of an acre below the allotment established for the farm for the last preceding year for which a quota was proclaimed on an acreage allotment basis";'; and the Senate agree to the same."

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "120 per centum in the case of Burley tobacco for the first year for which marketing quotas are made effective under this section"; and the Senate agree to the same.

Harold D. Cooley,
John L. McMillan,
W. M. Abbitt,
Frank A. Stubblefield,
Paul B. Dague,
Managers on the Part of the House.

Allen J. Ellender,
Spessard L. Holland,
Herman E. Talmadge,
B. Everett Jordan,
Milton R. Young,
John Sherman Cooper,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 5721, to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The Senate made 17 numbered amendments to the House bill, most of which are of a technical nature.

The conferees agreed to accept 10 of the Senate amendments without change and to the revision and acceptance of the other 7 amendments.

Following is an explanation by number of the amendments agreed to by the conferees:

(1) Prevents downward adjustment of the national marketing quota under section 317(a) either (i) by more than 15 percent of estimated domestic consumption and exports, or (ii) so as to reduce supplies below the reserve supply level.

(2) Provides for use of the 1965 (instead of 1964) farm acreage allotment in computing the 1965 Flue-cured farm acreage allotment for the purpose of the acreage-poundage quotas.

(3) Provides that the "community average yield" shall be determined for other kinds of tobacco in the same manner as for Flue-cured except that the 5 years 1960–64 may be used instead of 1959–63.

(4) This Senate amendment made 120 percent of the community average yield the upper limit on preliminary farm yields (striking out the downward adjustment provided in the House bill for yields above that level). The revised amendment agreed to by the conferees makes no change in the House provisions on preliminary farm yields up to 120 percent of the community yields and will permit preliminary farm yields above that level based on 50 percent of the farm yield plus 50 percent of the national yield goal.

(5) Provides for use of the base period 1959–63 or 1960–64 in determining preliminary farm yields for kinds of tobacco other than Flue-cured.

(6) Permits the Secretary to conduct the first referendum on acreage-poundage quotas for any kind of tobacco (except Flue-cured in 1965) as long as 45 days after proclamation of the quota.

(7) Makes it clear that quotas on an acreage basis continue in effect if quotas on an acreage-poundage basis are disapproved under section 317(c).

(8) Provides that insofar as practicable notices of farm marketing quotas shall be mailed at least 15 days prior to the first referendum on acreage-poundage quotas for any kind of tobacco (except Flue-cured in 1965).

(9) Limits the farm yield for new tobacco farms to not more than the community average yield.

(10) Makes it clear that the bill does not grant authority for leasing allotments for burley or other tobacco not now covered by section 316.

(11) Provides for increasing acreage allotments transferred prior to the date the acreage-poundage quotas become effective for 1965 in the same proportion that acreage allotments are increased for 1965 under the acreage-poundage provisions.

(12) Provides that in the case of burley tobacco for the first year that acreage poundage quotas are in effect, the amount which may be marketed without penalty and be accorded price support shall be 120 (instead of 110) percent of the farm marketing quota.

(13) Technical. Strikes out quotation marks.

(14) Under existing law, burley allotments of one-half acre or less are protected from general acreage cuts. The amendment provides similar protection under acreage-poundage for small burley farms. Acreage allotments and poundage quotas for the first year under acreage-poundage would be established for all old burley farms on the same basis. For subsequent years, the farm acreage allotment would not be less than the smallest of that first-year allotment, five-tenths of an acre, or 10 percent of the cropland; and the farm marketing quota would not be less than that minimum allotment times the farm yield established for the farm the first year that acreage-poundage is in effect. The minimum allotments would be subject to adjustment due to overmarketing, on the same basis as all other farms. As amended, the amendment also provides that if quotas are later returned to an acreage basis, the farm's minimum allotment would again be based on the act of 1952 and its acreage allotment the last year the acreage program was in effect, before shifting to acreage-poundage. It is the purpose of the amendment to provide an acreage and poundage floor for small burley farms—fixed at one-half acre or 10 percent of the cropland, as in present law, or the first year's acreage and poundage established for the farm, whichever is smallest.

(15) Provides that if acreage-poundage quotas are approved for the 1965 Flue-cured crop, the Secretary will consult with representatives of the tobacco industry concerning each kind of tobacco, conduct a study, and report to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry, recommending any modifications needed to improve the program and adapt it to other kinds of tobacco.

(16) Technical. To conform to amendment No. 12.

(17) This amendment is intended merely to preserve the status quo in a court action now pending. It is the understanding of the conferees that the adoption of the Senate amendment incorporated as section 4 in the bill as it passed the Senate would in no way add to or detract from any of the rights of the parties in the case of *Brown et al.* v. *Freeman* now pending in the courts and would not add any factor which the courts could take into consideration in deciding that case.

Harold D. Cooley,
John L. McMillan,
W. M. Abbitt,
Frank A. Stubblefield,
Paul B. Dague,
Managers on the Part of the House.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 5721) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, and to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, are the amendments to this bill, if any, germane to the bill?

Mr. COOLEY. All of them.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so have permission to extend their remarks in the Record on the conference report just adopted.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HECHLER. Mr. Speaker, on behalf of the many small growers of burley tobacco in the State of West Virginia, I would like to say we are very pleased with the fact that an amendment was added in the other body, and adopted by the conference, for the protection of small burley growers. There are many such tobacco growers in my district, and for them this is their only source of cash income. I have discussed this amendment with the gentleman from North Carolina [Mr. Cooley], and also discussed the amendment with Senator John Sherman Cooper, of Kentucky, and I am gratified that the provisions of this acreage-poundage bill contemplate future protection of the small growers of burley tobacco. It is in my district of West Virginia that the preponderance of burley tobacco is raised, and my many tobacco farmers are grateful for this protection.

TENTH ANNIVERSARY OF SALK'S DEVELOPMENT OF VACCINE AGAINST POLIOMYELITIS

Mr. ALBERT. Mr. Speaker, I offer a resolution (S. Con. Res. 30) and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

S. Con. Res. 30

Whereas April 12, 1965, is the tenth anniversary of one of the most significant medical achievements of our time, Doctor Jonas Salk's development of a successful vaccine against poliomyelitis; and

Whereas in the ten years since the introduction of the Salk vaccine, there has been a 99 per centum reduction in the number of cases of polio in the United States; and

Whereas this dread disease which once attacked as many as fifty-seven thousand Americans in a single year and made the summer months a time of fear and apprehension for parents across the Nation has now been eliminated as a public health problem; and

Whereas this great medical victory was won through a unique partnership between the American people and medical scientists like Doctor Salk, under the auspices of the National Foundation March of Dimes, and with the outstanding cooperation of the United States Public Health Service; and

Whereas a leading example of how this partnership is continuing and expanding is the Salk Institute for Biological Studies in La Jolla, California; and

Whereas this institute was conceived as a research center where scientists of international reputation could come and map out the high strategy of man's fight for health; and

Whereas Doctor Salk and his colleagues from all over the world are now at work on projects aimed at discovering the basic concepts of life itself; and

Whereas from this research can flow the specific methods to control disease and to promote the health and better understanding of man and his full potential: Now be it

Resolved by the Senate (the House of Representatives concurring), That Doctor Jonas Salk and the National Foundation March of Dimes be congratulated on this 10th anniversary of the announcements of the world's first effective vaccine against polio, that the Nation express its gratitude to Doctor Salk and to his colleagues concerned with this historic discovery and to the Foundation and that our confidence be expressed that the work of the National Foundation March of Dimes—especially its fight against birth defects—and of the Salk Institute for Biological Studies will bring about the blessings of better health for our society and all its citizens.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

UNITED STATES ROLE IN SOUTH VIETNAM

Mr. CRALEY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRALEY. Mr. Speaker, I should like to extend my congratulations to President Johnson for his lucid, penetrating, and convincing presentation of the United States role in South Vietnam.

More than that, and I think I speak for many of my fellow Congressmen, I should like to express my deep gratitude and intense enthusiasm for his projected policies in southeast Asia.

President Johnson has indicated that while we will keep the sword bared, we will carry in the other hand the olive branch; that we welcome negotiation, an "unconditional discussion," with many or few, now or later, on the basis of old or new treaties. As he reminds us this is the only path of reasonable men and we would be reasonable men. We are, in other words, anxious and ready for peace in that far off land where our young men are dying, but if peace is to be negotiated, the interests of that helpless and hapless nation of southeast Asia, namely, South Vietnam, to which we are and remain committed, must be preserved. We will not embrace a peace that requires a desertion.

Moreover, I should like to applaud particularly and concur in President Johnson's positive program for southeast Asia. Not only are we endeavoring to terminate the use of military arms as rapidly as possible, but to commence an all-out war on poverty in that vast area of underprivileged human beings, deprived not of the comforts of life alone, but of the necessities of human existence. The President perceives that our "weapons are symbols of human failure" necessary, but to be decried; that they should be supplemented, ultimately, and hopefully replaced, with the symbols of the greatness of our civilization, namely, material aboundance, health, education. Specifically, his request for disbursement of food and clothing by means of our farm surpluses is a recognition of both a waste, on the one hand, and a want, on the other. Finally, his request for $1 billion as an investment in southeast Asian peace and progress appears to me as both judicious and enlightened.

The breadth and deep humanity of this message reminds one of the phrase, "no man is an island," a truism carrying with it profound responsibilities for all of us. The policy project for southeast Asia gives credit to the President and his administration whose chief concern is with unity, harmony, both at home and abroad; with peace, progress, humane enrichment for all men. In this view we become what we are, or let me say we acknowledge what is a fact, that we are citizens of the world, keepers of our brother, fellows of the human race.

We Americans do have a dream. Sometimes we forget to advert to it, but it is always there. It is our real "manifest destiny." It is this we must carry first and foremost to all the world; it is what makes food and money and volunteers significant. It is what this strong, wealthy, powerful Republic is really all about. The American dream is ancient in origin, but young in execution, in fact, it remains to be completed. This dream pictures all men as equal before their Creator and the law; as reasonable and perfectible, although weak and fallible. It draws no national boundaries, it knows no discrimination. The speech of President Johnson last night at Johns Hopkins University recaptures and recalls to us these principles, embodied in our Declaration of Independence and in the constitutional endeavors of the founders of this Nation.

The early settlers in America looked upon this New World as a city seated upon a hill, as a leader and an example to all the world. It is a long way from the Atlantic coast to Asia, but that far the American dream reaches today.

My colleagues, in the light of President Johnson's excellent and exceptional address, may I present to you a telegram and a suggestion which I received from one of my constituents, Mr. Peter Wambach of radio WCMB in Harrisburg, Pa. The message reads:

> Congratulations on Johns Hopkins speech. It indicates once again that our President has the vision, the humanity and human kindness necessary in this time to bring men to peaceful existence one with another. Any program to accomplish its purpose must have a spark to lend interest to its promotion. I respectfully submit that your suggestions, in the committee headed by Eugene Black, be labeled the SAVE program—southeast Asia victory endeavor. To build, to aid and help is virtually to save and the word fits the purpose you have unfolded for this endeavor. The non-English interpretation of the word, Latin, Spanish, et cetera is "knowledge" or "to know" or "connotes wisdom" and it would be so accepted in non-English speaking countries. I am hopeful indeed that this program will save southeast Asia and bring it to the future for which all men pray. Please accept this suggestion with my compliments and highest regards and let us get forward with the work.

I should like at this time to endorse and support this commendable recommendation from my fellow Pennsylvanian. I find it eminently suitable, imaginative, and meaningful. I should like to propose acceptance of this suggestion and that any ensuing legislation, forthcoming project, office, bill or otherwise be given the title of SAVE, embodying, as it does, the full meaning of our commitment in southeast Asia.

JOHNSON PLAN FOR PEACE IN VIETNAM

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, last night the President presented the Johnson plan for peace in Vietnam. The initiative taken by the President clearly poses a set of reasonable and constructive goals which would brighten the lives of all the peoples of southeast Asia, a ray of hope in a cauldron of trouble that has known the scourge of war for decades. The President has offered an economic bread and butter olive branch. The Johnson plan delineates the peace as an alternative to war.

If those who have been involved in aggression in southeast Asia are genuinely concerned with the welfare of the people, they cannot but join in support of the President's proposals.

The President's speech was evidence of our resolve both to persevere against aggression in Vietnam and project our primary aim of peace, order, and a decent standard of living for all the peoples of southeast Asia.

BILLION-DOLLAR BOONDOGGLE

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, President Johnson has done well to clarify the position of his administration before the American people and the world. I approve of the declaration—with one exception, however, and that is his proposed new $1 billion boondoggle to aid southeast Asia.

We should have long since discovered that money does not buy friends. We have already expended $7,701 million in southeast Asia—without winning friends or influencing people.

To suggest that private enterprise invest its money, at its own risk, in such an uncertain area, is one thing, but to dump more millions of the American taxpayers' money over there, on top of what we have already done, means, it seems to me, that we will be going from bad to worse.

In addition to the amount quoted above, an unitemized $2,304 million has been spent in the Far East.

FUNDS FOR MEDICAL EDUCATION BUT NOT FOR HEALTH CARE?

Mr. SCHISLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SCHISLER. Mr. Speaker, I would like to call attention to a rather ironic situation. The AMA News published by the American Medical Association has been filled with articles denouncing the administration's proposed program of medical care for our senior citizens. All of us are familiar with the dire warnings issued by this official AMA publication of the dreadful results of Federal programs.

Yet in the February 22, 1965, issue of AMA News, there is a report of the great benefits derived from Federal funds in support of medical education in this country. The article quotes from a speech made before the 61st Annual Congress on Medical Education by C. Arden Miller, M.D., dean of the University of Kansas Medical School.

According to the report in AMA News, Dr. Miller told 1,000 educators at the conference that the Federal Government has been the most potent external force affecting medical education during the past 20 years. Dr. Miller said quite frankly:

> Medical schools could not function without the financial support provided by Federal agencies in the name of research and research training.

The doctor also said "fear of Government control appears to have waged a poor contest against the need for increased funds" in our Nation's medical schools. He even went on to say that the hazards which some individuals and organizations predicted would accompany Federal funds for medical education, have not materialized.

The AMA News also puts Dr. Miller on record as saying:

> Freedom of medical schools has increased as the limitations of relative poverty has eased; medical schools and medical education have not been sacrificed to external controls; and within recent years a new degree of autonomy has been introduced by general research support grants.

Mr. Speaker, in the face of the national campaign being waged by the AMA against a Federal health care plan, it is refreshing to discover in the AMA's own publication firm evidence that something good can come from Federal funds, even in the field of medicine.

It seems to me, Mr. Speaker, entirely proper to ask a question. If Federal funds can be used in the field of medical education, is it too much to ask why Federal funds cannot also be used to provide better care for elderly patients who visit these doctors who are trained in medical schools which benefit from Federal funds? Why should not the "most potent external force" in medical education also be available for use in meeting the health needs of our senior citizens?

There are, Mr. Speaker, 18 million senior citizens in our Nation awaiting the answers to these questions. They know that the training of doctors is essential to the well-being of our people, but they also know that their own health problems deserve proper attention.

If our doctors are receiving good training, Mr. Speaker, then surely their patients are entitled to the good care which the high standards of our medical profession demand but which the financial burden of high costs too often denies.

SNOOPERS IN YOUR MAIL

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, if anyone in this House has ever doubted that this Federal bureaucracy is now so large, so complex, and so confused, that the right hand does not know what the left hand is doing, a story in this morning's Washington Post confirms this suspicion to a degree never before experienced.

On Monday of this week, during the House action on the Post Office and Treasury Departments appropriations, I placed in the CONGRESSIONAL RECORD a letter from the General Counsel's office of the Post Office Department, confirming my charge that there have been 14 seizures of first-class mail since December of 1962, under an agreement between the Post Office Department and the Internal Revenue Service.

Furthermore, the General Counsel confirmed that the last seizure took place on October 27, 1964, and that the Department is continuing to seize mail whenever requested to do so by the Commissioner of Internal Revenue.

Now comes Postmaster General Gronouski, presumably addressing a ladies' tea, since the story of his remarks is carried on the society page, and our Postmaster General says he learned about this innocuous practice of violating the fourth amendment to the Constitution, and ordered it stopped after a phone call to the Secretary of the Treasury last August.

Mr. Speaker, I suggest that the Postmaster General and his General Counsel need to communicate. The General Counsel says the last seizure occurred in October, 3 months after the Postmaster General says he ordered it stopped. Furthermore, the General Counsel says seizures of first-class mail are still being done when requested by the Commissioner, while the Postmaster General says they are not.

I hope we can get to the bottom of this, and toward that end, I have been invited to appear before the Senate Subcommittee on Administrative Practices and Procedures, which has been conducting hearings on mail cover. I look forward to doing so next Tuesday.

The editorial from yesterday's Washington Daily News on this subject, follows:

SNOOPERS IN YOUR MAIL

> Since the U.S. postal service began, it has been axiomatic that first-class mail en route to its destination cannot be seized and opened without a search warrant.
>
> First-class mail, we have been assured over and over by postal authorities, is private property belonging to the person to whom it is mailed. It is protected against "unreasonable searches and seizures" by the fourth amendment to the Constitution—just as private households are.
>
> Unfortunately, it now turns out, this is so much hot air.
>
> Through a tortuous interpretation of two separate legal codes, attorneys for the Post Office Department and the Internal Revenue Service have decided that IRS does, in fact, have the right to open first-class mail.
>
> And for some time postal authorities have been intercepting the mail of certain tax delinquents and passing it on to the revenue boys, who search it to see if it contains anything on which they can levy to collect the taxes overdue.
>
> This has been brought to light by Representative DURWARD G. HALL, Republican, of Missouri, who put into the CONGRESSIONAL RECORD an admission from the Post Office Department that there have been at least 14 such cases in the last 2 years.
>
> The Department's legal eagles agreed with Representative HALL that the seal on first-class mail is supposed to be sacred. But, they explained, Congress also had passed the Internal Revenue Code. And in that code, nothing was said about exempting mail from seizure for tax collection purposes. So the Government lawyers decided this gave tax agents the right to ignore the fourth amendment and snoop into private mail.
>
> Representative HALL doesn't think this is what Congress intended at all. Neither do we. And we think the appropriate House and Senate committees should look into the matter with a view to correcting the loophole in the law.

LEGISLATIVE PROGRAM FOR THE WEEK OF APRIL 12

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. **GERALD R. FORD.** Mr. Speaker, I asked for this time for the purpose of inquiring of the distinguished majority leader concerning the schedule for next week.

Mr. **ALBERT.** Mr. Speaker, will my distinguished friend yield to me?

Mr. **GERALD R. FORD.** I yield to the gentleman.

Mr. **ALBERT.** First, I advise the House that we have completed the legislative business for this week and it will be our purpose to ask unanimous consent to go over after the announcement of the program for next week.

Mr. Speaker, Monday is District day. There are no bills scheduled for consideration.

Tuesday and Wednesday there will be for consideration House Joint Resolution 1, the Presidential inability and vacancy in the office of the Vice-Presidency legislation, which is to be considered under an open rule, with 4 hours of general debate.

The program for Thursday is undecided.

For Friday and the balance of the week there will be no legislative business.

Mr. Speaker, may I advise also that pursuant to a previous announcement, there will be no legislative business during the week of April 19.

This announcement, of course, is made subject to the usual reservation that any further program may be announced later and that conference reports may be brought up at any time.

Further, Mr. Speaker, I will advise the House that we expect to have up the conference report on the manpower retraining bill on Tuesday.

Also, I advise the House that Wednesday is Pan-American Day.

ADJOURNMENT TO MONDAY NEXT

Mr. **ALBERT.** Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY RULE

Mr. **ALBERT.** Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZATION TO RECEIVE MESSAGES AND TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. **ALBERT.** Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next, the Clerk may be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found duly enrolled.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE DISPOSAL OF MUNICIPAL SEWAGE

Mr. **REID** of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **SAYLOR.** Mr. Speaker, on March 24 the Committee on Government Operations issued House Report No. 204, "The Disposal of Municipal Sewage," a publication that merits close scrutiny at this time in view of impending consideration of the water pollution control bill recently reported out of the House Committee on Public Works.

Based on a study by the Natural Resources and Power Subcommittee, whose chairman is the gentleman from Alabama [Mr. JONES], Report No. 204 states without qualification that America's streams are no longer able to cope with the ever-increasing loads of pollutional materials discharged into them. It points out that municipal pollution has increased substantially as a result of growing population, obsolescence of older treatment plants, failure to construct needed sewage treatment plants, increased interception of industrial wastes by municipal sewers, and the ever-increasing number of water-using devices—multiple baths, garbage grinders, automatic laundries, and so forth—in the home.

The report quotes testimony of Assistant Secretary of Health, Education, and Welfare, James Quigley, our former colleague from Pennsylvania, who recommends a step-up in research by his Department's regional laboratories as well as in universities and research centers.

Mr. Speaker, I have for some time recommended emphasized research in the field of water pollution, for the people in our part of the country have long realized that adequate supplies of fresh water are slowly being depleted and that a long rainless period could bring hardship and even tragedy into the homes of our area. I have proposed that the techniques of desalination might be applied to our brackish water problem, and last year I arranged for Dr. H. Beecher Charmbury, secretary of the Department of Mines and Mineral Industries of Pennsylvania, to visit the U.S. Navy desalination plant at Guantanamo Bay in Cuba with a team of experts in the interests of such a project.

Inasmuch as one of the specific recommendations of Report No. 204 is increased emphasis in research on municipal sewage treatment techniques, and because the water pollution bill as finally adopted will no doubt provide for expanded research under the auspices of HEW, Congress should be reminded of a project currently in process under sponsorship of the Office of Coal Research. Secretary of the Interior Stewart L. Udall announced on November 16, 1963, that an 18-month contract had been consummated between OCR and a Cleveland, Ohio, firm for the use of coal in treating sewage and industrial waste.

As author of the legislation establishing OCR, I have, of course, been acutely interested in all activities of that Office, and I was intrigued with the plan to explore the utilization of the properties of coal as an absorbent, settling agent, flocculent, and filter aid for removal of sewage and industrial wastes from water. It is now my understanding that the experiment has already provided remarkable findings and that responsible officials in Cleveland are elated at the possibilities that may develop out of the project. Polluted water filtered through a bed of coal is shown to become crystal clear and free of visible impurities, after which the heating value of the coal combined with the intercepted solids may be used to provide incineration heat or to generate steam for use in other phases of the treatment process or for other purposes. Thus, while developing the use of coal as an agent in removing pollutants from water, the experimentation may provide a new market for as much as 10 million tons of coal annually.

With the 18-month life of the contract approaching expiration, it would seem important for both Congress and HEW to study whatever progress reports OCR may be able to provide. For this reason I am today inviting representatives of HEW and OCR to meet with me to discuss the most effective approach to expediting research in the field if indeed acceleration is feasible.

NEW ENGLAND GOVERNORS IN WASHINGTON IN SEARCH OF SOLUTIONS TO THEIR ECONOMIC PROBLEMS

Mr. **REID** of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **SAYLOR.** Mr. Speaker, Tuesday was a busy occasion for six New England Governors who came to Washington in search of some solutions to their economic problems. Theirs was a trying time—trying to walk both sides of "international commerce street."

For a visit with the Honorable Buford Ellington, head of the Office of Emergency Planning, the six distinguished chief executives assumed a most elegant international appearance—each a bon vivant in his own right whose tastes cannot be possibly satisfied with the prosaic products of one's native land.

They are extremely concerned over the decision to retain controls on residual oil imports, the suave New England delegation explained in most articulate global grammar. The Government's lid on incoming shipments from alien refineries tends to open domestic fuel markets to coal produced in this country, a condition that is counter to the philosophy of the New England Governors when they speak in behalf of world commerce and industry.

According to the distinguished gentleman from New Hampshire [Mr. CLEVELAND], the Governors also had an important mission with Federal executive departments and with their delegations in Congress. By now—wearing their other hats, American made I hope—the Governors had suddenly turned protectionists, alarmed at the economic injury created by imported products. Their chore is recorded on page 7182 of the CONGRESSIONAL RECORD for April 6:

> One of the leading subjects of their concern is the problem of low-cost woolen imports, which are taking a heavy toll of jobs in New England.

There followed in the RECORD a presentation by Gov. John H. Chaffee, of Rhode Island. One point that should concern every Member of Congress is that in the past 10 years imports have taken a toll of 15,000 jobs in Rhode Island alone.

I abhor the trade policy which is so disdainful of American jobs, Mr. Speaker, and I agree that limitations should be made on wool imports to protect industry and labor in this country. Our New England friends should similarly object to the policy that permitted residual oil imports to increase by 167 million barrels in the past 10 years. That volume is equivalent to more than 40 million tons of coal in energy value, and to produce that amount could provide jobs for many more than 15,000 miners and railroad workers.

I only regret that the Governors could not have stopped in to see some of the coal area delegations so that we might have been able to learn more of their hybrid foreign trade theory.

In view of this unfortunate anomalous position, it appears that America's fuel producers are not going to receive from the New England Governors any semblance of the treatment they seek for their own area. For the time being, then, it is evident that we who are sympathetic to the domestic coal and oil industries will have to continue our stand without the support of our good friends from that part of the country.

But we have another ally which the wool interests, alas, may not be able to claim, and which must decide the issue in our favor in the weeks ahead. I refer to the interest of national security, and I consider President Johnson's speech of last night a most forceful argument in favor of continued and more rigid controls on foreign residual oil moving into this country. With the international situation so critical in view of Communist aggression in Asia and Communist agitation in Europe, it is mandatory that the Federal Government undertake at once to guarantee fuel sufficiency for our defense structure.

I trust that the Office of Emergency Planning which has been charged with the responsibility of making a determination—or at least a recommendation—on the oil import control program, will lose no time in providing the answers to these questions:

First. What military bases and defense plants are using foreign residual oil, and in what volume?

Second. Which are not equipped to convert on short notice to a substitute fuel in an emergency?

Third. Is there assurance of ample supplies of substitute fuels, and is there assurance that transportation facilities would be available to move those fuels?

I am confident that the Director of the OEP will seek the answers without delay, for he understands the vital issue involved in fuel security. If there is also some doubt about the availability of an adequate supply of wool for a military effort, the matter can be taken up in its order of importance.

HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES TO INVESTIGATE THE KU KLUX KLAN

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. YOUNGER. Mr. Speaker, recently a friend of mine sent me the ADA legislative newsletter of March 2, 1965, because the letter so clearly sets forth the ADA policy relative to the House Un-American Activities Committee, with which I disagree. It occurred to me that the letter should receive wide circulation so I have asked permission to insert the entire letter in the RECORD. As I understand the situation the President has expressed satisfaction that the House Un-American Activities Committee is going to investigate the Ku Klux Klan. The letter follows:

[ADA legislative newsletter]

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE APPROPRIATION

Under the leadership of Congressman DON EDWARDS, Democrat, of California, liberals registered the most votes against the House Un-American Activities Committee since 1946: 58 Congressmen supported recommitting the House Un-American Activities Committee authorization; 6 Congressmen paired for recommital; 29 Congressmen opposed the authorization on the final vote; 3 were paired against it. ADA and ACLU worked in close cooperation with Congressman EDWARDS.

A. NEED FOR RECOMMITTAL MOTION

The basic strategy to increase opposition to House Un-American Activities Committee necessitated concentrating on the motion to recommit. A motion to recommit is a parliamentary device open to opponents of the pending bill or resolution. The motion is usually made by the most senior minority party member of the legislation's parent committee opposed to the pending issue. Next the most senior member of the minority party opposed to the bill may offer the recommital motion. Since no Republican opposed the House Un-American Activities Committee appropriation on final passage, the recommital motion had to be offered by a Democrat.

Congressman EDWARDS' recommittal motion referred the House Un-American Activities Committee authorization back to the House Administration Committee with instructions to hold public hearings on House Un-American Activities Committee's budget. If the motion carried, the committee's opponents and supporters could document their case on whether or not House Un-American Activities Committee should exist.

In previous years liberals have opposed authorizing funds for House Un-American Activities Committee. In 1963 Congressman ROOSEVELT, Democrat, of California, and LINDSAY, Republican, of New York, proposed transferring House Un-American Activities Committee's jurisdiction to the House Judiciary Committee. The Rules Committee rejected the proposal 12 to 1. When the issue came to the House floor, no alternatives to opposing the authorization were presented.

Congressmen are reluctant to oppose funding House Un-American Activities Committee. Their reluctance is not limited to fearing political repercussions from an anti-House Un-American Activities Committee vote. Indeed, some Congressmen argue that a standing committee of the House is entitled to receive funds. To these Congressmen the appropriate means of depriving House Un-American Activities Committee of its funds is to abolish it at the opening of Congress when Congress adopts its rules.

The difficulty with abolishing House Un-American Activities Committee on opening day is that in order to propose a rules change, the Speaker must recognize the maker of the change. Both this year and in 1963 this was impossible since efforts were concentrated on rules reform and enlarging the Rules Committee. At any rate it is highly unlikely that the Speaker would permit this issue to be voted on at the opening of Congress unless a majority of the House Democrats supported abolishing the committee in their caucus. At this point abolition of House Un-American Activities Committee lacks sufficient support to make this approach possible.

To maximize the vote against House Un-American Activities Committee liberals evolved the recommittal strategy as the principal vote. This would encourage senior Democrats to oppose House Un-American Activities Committee by voting for the recommittal motion even though many would vote for the funds on final passage. The liberal strategy worked; the recommittal became the key vote.

One alternative open was to recommit the House Un-American Activities Committee authorization by slashing its funds. In the 88th Congress, House Un-American Activities Committee had the third largest staff of any standing committee. However, Government Operations and Public Works Committees, which have larger staffs, have 31 and 32 Congressmen respectively, while House Un-American Activities Committee only has 9 members. House Un-American Activities Committee has the largest staff per member of any committee.

Since its inception in 1945, only three bills have become law, and one of these bills was a minor correction of an existing law. The House Un-American Activities Committee staff files long reports which basically expose individuals' political activities for the sake of exposure.

On February 8 Congressman CURTIS, Republican, of Missouri, a senior conservative Republican on the House Ways and Means Committee, delivered a major speech on the House floor in which he said: "It would be helpful if the House Administration Committee would hold public hearings at the time the budget of the House Un-American Activities Committee is under consideration and invite the critics of the House Un-American Activities Committee to be heard in full." The importance of Curtis' remarks was its conservative source rather than its substance. Liberal strategists agreed that the best strategy would be a recommittal motion incorporating Curtis' ideas for opening hearings.

3. LIBERAL GROUNDWORK LAID FOR HOUSE UN-AMERICAN ACTIVITIES COMMITTEE OPPOSITION

Congressman Edwards began making preparation for the fight against the House Un-American Activities Committee shortly after the November elections. Meetings were held with other liberal Members. Speaker McCormack was fully informed of the thoughts and plans of the anti-House Un-American Activities Committee Congressmen.

Once the recommittal strategy was formed, a letter was sent to all potentially interested House Democrats and Republicans, explaining the strategy.

Congressmen were asked to be on the House floor and to support a rollcall vote on the recommittal motion. Opponents of the House Un-American Activities Committee appropriation were not going to request a rollcall vote on the final authorization although it was expected that Chairman Willis would make such a request since he expected, as did the liberals, that many Congressmen who voted for the recommittal motion would also vote for the final authorization.

Liberals made additional preparations. A number of liberal Congressmen introduced resolutions which would eliminate the House Un-American Activities Committee and would give to the Judiciary Committee expressed jurisdiction over "sabotage and other overt acts affecting internal security." As Congressman Bingham, Democrat, of New York, said on the House floor, "such a change would be logical, since it would give the Judiciary Committee the power to make investigations and recommend legislation dealing with all crimes, instead of having a limited number of crimes handled in a different fashion. It would also remove the temptation to investigate thought and discussion which is now embodied in the broad and highly questionable jurisdiction of the House Un-American Activities Committee."

These resolutions have been referred to the House Rules Committee, and are not expected to be seriously considered by that committee. Although the House will not have an opportunity to vote on diminishing the House Un-American Activities Committee's jurisdiction and transferring it to the Judiciary Committee, the liberals strengthened their case by proposing alternative options.

To further build the liberal case, Congressman Edwards presented documented and effective testimony before the Subcommittee on Accounts of the House Administration Committee against the need for the House Un-American Activities Committee's authorization.

For the first time in the House Administration Committee an attempt to reduce funds was made. Congressman Thompson, Democrat, of New Jersey, moved to cut the committee's budget from $370,000 to $170,000. While the motion failed, he gained the support of Congressmen Bingham, Democrat, of New York, and Brademas, Democrat, of Indiana. On the committee's final vote the House Administration Committee was prompted to cut the House Un-American Activities Committee budget by $10,000. While this is a piddling sum, it marks the first time that the House Administration Committee has voted to cut the House Un-American Activities Committee budget.

C. FLOOR DEBATE

Floor debate was instructive. The normal hour was given for debate, divided between supporters and opponents of the House Un-American Activities Committee. In the allotted time the liberals organized the debate to establish their essential points. Speaking on the floor in support of Edwards were Congressman O'Hara, Democrat, of Illinois; Rosenthal, Democrat, of New York; Mink, Democrat, of Hawaii; Conyers, Democrat, of Michigan; Farbstein, Democrat, of New York; Hawkins, Democrat, of California; Moorhead, Democrat, of Pennsylvania; Wolff, Democrat, of New York; Brown, Democrat, of California; Bingham, Democrat, of New York; Tenzer, Democrat, of New York; Scheuer, Democrat, of New York; Burton, Democrat, of California, Ryan, Democrat, of New York, and Lindsay, Republican, of New York.

The heart of the constitutional case against the House Un-American Activities Committee was developed by Congressman Edwards in opposing such investigations of Ku Klux Klan and minutemen beliefs.

"It is expected that my committee, the Judiciary Committee, will be considering amendments to the Civil Rights Act of 1964. Should we also contemplate as extension of the Federal law to punish individuals who violate the civil rights of others, then it might be appropriate to subpena witnesses who are members of the Ku Klux Klan, or a bill to proscribe private armies might require hearings at which minutemen are called to testify.

"But there is no congressional power under the Constitution that would license the Judiciary Committee or any other committee to subpena Ku Klux Klan members for purposes of exposing them to the country as members of this primitive sect and to bring upon them the disgrace and calumny associated with membership.

"Our Constitution is explicit. Only the courts can punish and only then pursuant to due process. The legislative branch has no power to punish. Only in totalitarian countries can this awesome power be found in the legislature.

"This House of Representatives, through its authorized committee, the House Committee on Un-American Activities, punishes citizen after citizen for prior actions, opinions and associations which are not crimes, but which the committee considers so distasteful that the citizen must be punished regardless, and by the committee, not the courts."

The effect of the liberal fight against the House Un-American Activities Committee should result in the committee's being more contained and quiescent in its investigations. While the ultimate goal of abolishing the House Un-American Activities Committee seems out of reach, the strong liberal fight has helped remind both the committee and the public that the day of total political fear by legislators in opposing the House Un-American Activities Committee is at end.

JOB OPPORTUNITIES AND PUBLIC POLICY

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS. Mr. Speaker, it has long been my feeling that certain public policies, such as the minimum wage and the rapidly growing payroll tax burden, have an adverse effect on employment opportunities for young people as well as other inexperienced or unskilled individuals. In order to determine whether these programs, which serve useful social ends, have such unwanted and harmful side effects, I wrote 66 leading corporations on January 15, 1965, asking whether their experiences indicated a relationship between such public policies and the apparent decline in job opportunities for the unskilled and the acceleration in the introduction of laborsaving equipment. Of the 23 replies received, 15 supported to some degree the contention that certain public policies tend to reduce employment opportunities for the marginal worker and to cause a speedup in the process of automation. I ask unanimous consent that a copy of my letter appear in the Record at the conclusion of these remarks.

The points of view most commonly expressed with regard to the minimum wage laws are twofold. Companies whose lowest wages are in excess of the minimum wage required by law find that any increase in the minimum wage inevitably brings upward pressure to bear on the general level of wages. This is so because of efforts to maintain the relative wage differentials now prevailing for varying degrees of skill.

The second point concerns the fact that the services of the unskilled and/or uneducated worker are often not worth the minimum wage. Faced with this problem, companies often increase their investment in labor-saving devices rather than hire new workers. The substitution of capital for labor renders unemployable a further segment of the labor market—particularly the poorly trained and educated. W. S. Vaughn, president of Eastman Kodak summarized the problem as follows:

> In the second place, raising the minimum wage would tend to widen even more the existing gap between such a wage and the relative value of the work which can be performed by many unskilled or inadequately educated individuals. The value of the work which such individuals are able to perform must be related realistically to current employment needs and conditions. Since minimum wage laws deny an employer the right to hire a person whose services are not worth the statutory minimum to him, it seems to us that then the difficulty is compounded, and the problem accentuated, by an increase in the statutory minimum which, in effect, renders virtually unemployable a further segment of the poorly trained and poorly educated.

An adjunct to the above argument is the degree to which continuing increases in the minimum wage rate may inhibit on-the-job training programs. The cost of these programs is directly affected by changes in the minimum wage, and any increase would force industry to raise their hiring requirements.

Socially desirable goals, such as job training, are also impeded by the burden of reporting and Federal regulation which certain policies impose on the businessman. As Andrew Parker, president of Woodward & Lothrop, pointed out:

> The employer is hesitant to participate in Government-sponsored training programs

> due to the restrictions placed on the discharging of unsatisfactory trainees. The Secretary of Labor has the right to review all discharges.
>
> The amount and complications of reporting necessary to establish and maintain an apprenticeship or other training programs discourage many employers from undertaking these.

There is general agreement among employers that any increase in the overtime premium as provided for under the Fair Labor Standards Act would not force employers to hire more people, as it is designed to do. Instead, an increase in the overtime penalties would encourage either greater mechanization or a reduction in output. This is especially true of the steel industry where a large proportion of overtime cannot be converted into steady jobs for new workers. Moreover, in areas of labor shortages qualified people simply are not available to fill many of the jobs that might be created by a reduction in overtime. Job vacancies and unemployed people are frequently hard to match. President Vaughn writes:

> The purpose behind the double overtime premium is clearly punitive and conceived with the idea that, by deterring employers from scheduling overtime work, it would force them to hire additional people. I believe this reasoning is largely fallacious even though it might be true in some marginal instances. The argument in support of this proposed legislation ignores that fact that, as a matter of good business practice, every employer tries to develop a full-time force which can handle normal operations in his business on a regular 40-hour schedule. Overtime work is usually a response to an emergency situation; the employer tries to avoid such situations, but he would rarely resort to the extreme of hiring people whose services would be required only for a temporary situation.

The payroll tax and the increasing amount of Federal paperwork clearly increase the costs of doing business. Either the consumer must bear the burden of the increased cost, or the company must introduce laborsaving devices. One retail food company reports that the cost of placing people on the payroll and of removing them at the end of any period of employment is likely to total $250, entirely aside from the carrying costs during the time they worked.

Other opinions on this issue follow:

> Charles Pfizer, Inc.: "With regard to the Federal paperwork burden created by the Government regulations, coupled with the paperwork burden created by State and local regulations, the business community has certainly felt the impact. Much time and effort is expended in complying with Government regulations. This is not limited to clerical effort to prepare reports and other documents, but a good deal of middle and top management time is spent on interpreting and complying with such regulations."
>
> Beers Construction Co.: "As to the paperwork imposed in connection with any employment, it has long since been a burden which the small firm, without benefit of advanced computer accounting, has to reckon."

On the question of the payroll tax, I would like to draw your attention to a recent colloquy I engaged in with the Director of the Bureau of the Budget, Kermit Gordon, before the House Ways and Means Committee. I refer you to the March 22 issue of the RECORD in which this colloquy appears, starting on page 5609. Basically, I believe, as the discussion shows, that an increase in the payroll tax above the 10-percent level and/or an expansion in the $5,600 base will accelerate automation, thus creating greater unemployment as the results of the survey indicate.

At the same time, we should be aware of the mounting burden of other nonwage costs faced by employers. It has been estimated that supplementary wage costs now amount to nearly 25 percent of total employee compensation. As John Whitlock, assistant to the president of Gerber Baby Foods, said:

> We should not lose sight of the fact that the minimum wage requirement is only a part of the total cost of labor. Various fringe benefits—insurance, hospitalization, vacations, holidays—as well as payroll taxes for social security and workmen's compensation add to labor costs. In our own company, this amounts to an average of 79.8 cents per hour per employee.

Most employers feel that the impact of the payroll tax, minimum wage, overtime premium, et cetera, would fall heaviest on small businesses engaged in providing services and those businesses which cannot substitute additional capital to overcome higher labor costs. H. W. Beers, Jr., president of Beers Construction Co., writes:

> The construction industry, which has long lagged behind other segments of the economy in automation, is finally being driven to it by virtue of the high wages and high cost of administration. In any given situation where we can replace two men with a machine, it would not only cut labor costs but also the cost of administration since the machine enjoys no payroll deductions.

And on the same subject A. H. Galloway, president of R. J. Reynolds, comments:

> I feel that the impact of the factors that you have enumerated fall heaviest upon the small businessman, particularly businesses engaged in providing services, and those businesses which cannot substitute additional capital to overcome higher labor costs.

The most commonly proposed solution to the problem of unemployment among the young and poorly trained was more education and better training. Decisions on such policies as the minimum wage, overtime penalty, and payroll tax are hard to reverse, as certain employers pointed out. Justin Dart, president of Rexall Drug & Chemical Co., wrote:

> Technological advancement, the growth of services industries, public policies such as the minimum wage and the introduction of labor-saving equipment are conditions of our time from which we cannot very well retreat.

Assuming then, that the minimum wage, overtime penalties, payroll taxes, and Federal paperwork are here to stay, the need is to control the size and proliferation of these policies. At the same time, much greater efforts must be undertaken to further educate and retrain the disadvantaged and unskilled worker, whom automation and increasing costs have made virtually unemployable. John D. Gray, president of Hart Schaffner & Marx, said:

> However, it is my own opinion that this trend will be most difficult to arrest and that the only solution to this problem lies in education. A comprehensive educational program needs to be developed to provide training for unskilled labor. Each potential worker should be trained to produce to maximum capacity in our economy. It is also my opinion that any investment made in a training program would be much more productive than having a work force on relief.

Mr. Speaker, I think it is clear that any action which tends to raise wage costs too rapidly tends to eliminate job opportunities for certain citizens, particularly those with little experience, education or skills. High wage rates have an unfavorable effect on some of those who need jobs the most. Even the Department of Labor has noted the displacement effects of minimum wage extension and admitted that these are likely to be "concentrated among unskilled and inexperienced workers, including teenagers."

Several steps are called for. In the first place, collective bargaining contracts should permit lower wage rates for unskilled teenagers. Secondly, a broadening of training exemptions under the minimum wage laws should be granted by the Federal Government. Finally, as recommended by the minority members of the Joint Economic Committee, a careful study is needed of the entire system of the Nation's economic security programs, both public and private, on an integrated basis and with particular emphasis on the employment consequences of these programs. In the Government sector, particularly, study is needed on the economic impact of the social security payroll tax and the level at which the payroll tax begins to act as a deterrent to adding new employees and as an incentive for the introduction of labor-saving machinery and equipment.

Until this administration displays a greater willingness to consider this aspect of the unemployment problem, we are unlikely to have much success in getting the chronically jobless back to work.

My letter referred to previously, follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 15, 1965.

> DEAR ———: During my years of service as ranking minority member of the Joint Economic Committee and as a member of the House Ways and Means Committee, I have developed a deep concern about the high level of unemployment among teenagers as well as among other relatively unskilled and uneducated members of the labor force. Today's problem is likely to persist far into the future—and may even grow more severe—as a tidal wave of teenagers, including many dropouts, floods the labor market in the coming years.
>
> It seems clear that one cause of the problem is the fact that accelerating technological advancement and the rapid growth in the service industries are creating a demand for more educated and more highly skilled workers. At the same time, many job opportunities on the lower rungs of the skill ladder are not expanding and may even be

declining. Considerable thought has been devoted to this aspect of the problem.

However, too little attention has been paid to the degree to which certain public policies may act as impediments to the employment of unskilled and uneducated workers. Increasingly, economists are beginning to ask whether the minimum wage and the payroll tax, and perhaps even the Federal paperwork burden, may not have an important effect in reducing employment opportunities for the marginal worker and in speeding the introduction of labor saving equipment.

I am writing you and a number of other business leaders in the hope that your experience and that of your company might provide some badly needed insight into the relationship, if any, that exists between public policies, such as those I have mentioned, and the apparent decline in job opportunities for the unskilled and uneducated and the introduction of labor saving equipment. Any information or experience on labor practices which have a bearing on this problem, even though not directly involving public policies, would also be appreciated.

Your comments would prove helpful to me in my own work on this problem as well as to my colleagues on some of the other committees that have jurisdiction in this area. If you wish, I would, of course, keep your comments confidential.

With appreciation for any assistance you can give me in this project,

Sincerely,

THOMAS B. CURTIS.

SECRETARY OF AGRICULTURE FREEMAN ADMITS DUMPING

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NELSEN. Mr. Speaker, yesterday, Secretary of Agriculture Orville L. Freeman testified on the Food and Agriculture Act of 1965 before the House Committee on Agriculture. I suspect that millions of farmers like myself will wonder who has been getting all the money Mr. Freeman said we are making. I was so happy to learn that we farmers have been rolling in clover since 1961.

However, I discovered several startling admissions in the testimony. Mr. Freeman disclosed that out of 3 million farmers—we apparently lost another one-half million farmers since the January administration figures—only 400,000 earn even close to parity of income. It must sound impossible to anyone not connected with agriculture that such a low percentage of our farmers are earning a decent income, but Mr. Freeman went on to explain the reasons. In a rare admission of a practice long suspected, it was proudly proclaimed that the Commodity Credit Corporation has dumped some 500 million bushels of wheat and 30 million tons of feed grains on the depressed market in the last 4 years. I thank the Secretary for these figures and inform him that I have more exact figures if he wants them. Almost all of these sales have been at prices well below both parity and market prices. I might comment that the Secretary of Agriculture must consider 75 percent of parity as being adequate for the farmer since that is where he has kept it this past year with his dumping policy.

The sparkling climax of the Secretary's testimony came with this justification for these dumping practices. It was admitted that dumping depressed the market price for this reason:

> We must not yield to the temptation to make prices so high the (Government) programs become unworkable.

So now in formal testimony we learn that the agriculture programs are being designed not to improve the welfare of the farmers, but to promote the extension of the costly bureaucratic machinery. I am sure that my colleagues on both sides of the aisle will be interested in this philosophy of empire building within the executive branch.

INCENTIVE TAX TREATMENT FOR TEACHERS

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NELSEN. Mr. Speaker, today I have introduced a bill to correct certain inequities in current rulings by the Internal Revenue Service relating to tax deductions for educational expenses of teachers.

Under the current rulings, a teacher may deduct expenses incurred to maintain his position, but no deduction is allowed if the additional education would lead to a promotion. In other words, the rulings discourage those teachers who would voluntarily return to college for the purpose of becoming a better qualified teacher.

If my bill were enacted, all deductions now available to teachers would be continued. In addition, my bill would provide important improvements in the present tax treatment of teachers.

First. Teachers would no longer be required to rely upon Internal Revenue Service rulings. Their claims would be based on precise language in the Revenue Code.

Second. Deductible expenses would include: tuition and fees, expense of travel away from home, and up to $100 per year for books and related materials.

Third. It would no longer be necessary for a teacher to be threatened with the loss of his or her position in order to qualify for a deduction.

Fourth. These deductions would be extended to include part-time teachers, thus easing the burden on many assistant college teachers.

Fifth. The travel expenses deduction would be extended to include travel necessary to pursue a course of study or to work on an academic degree. This would help the teacher working on a thesis or dissertation which requires out-of-school experimentation and fieldwork.

Mr. Speaker, I believe this legislation is necessary to encourage the better qualified teachers to improve their skills and remain within their profession. At a time when our Nation is becoming increasingly aware of the need for more and better trained teachers, our tax regulations actually penalize the very teachers who are most interested in self-improvement and advancement. I believe that this bill should have the support of my colleagues who are seeking to improve our educational system. Surely, there is no better way to improve the quality of our children's education than to encourage their teachers to continue their professional training.

TRIBUTE TO AIRMEN FROM KANSAS FOR BRAVERY IN VIETNAM

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHRIVER. Mr. Speaker, today as we contemplate the significance of the President's remarks on United States policy in Vietnam, it is important that all Americans recognize that our Nation is engaged in an undeclared war against the Communists in southeast Asia.

Americans are dying and many are missing or wounded in this war which the President last night described as "dirty and brutal and difficult." Approximately 400 American military men have paid the supreme sacrifice in defense of peace and freedom for the people of South Vietnam.

I rise today to pay special tribute to three young men from my congressional district who have died or are missing in recent actions in Vietnam.

The United States is indebted to Maj. Frank E. Bennett, 1418 Community Drive, Derby, Kans., who was killed in action Sunday during an air raid on a bridge and power station at Thanh Hoa, south of Hanoi. Major Bennett, a native of Providence, R.I., is survived by his widow, Dorothy, and five children. He was on temporary duty in Vietnam from McConnell Air Force Base in Wichita, Kans.

As a result of that same air action on Sunday, Capt. James A. Magnusson, Jr., 878 English Court, Derby, Kans., is reported missing. He also is permanently assigned to McConnell Air Force Base. Captain Magnusson, a resident of Mesa, Ariz., has a wife, Marian, and two children.

On March 11, 1965, another young Air Force officer, Capt. Richard D. Smith, 737 South Green, Wichita, was reported missing in action in Vietnam. Captain Smith's status is still listed as "missing in action" today. His wife, Sally, resides in Wichita and his mother, Mrs. Georgia E. Smith, resides at 807 South Crestway.

Mr. Speaker, we extend our heartfelt sympathy to Mrs. Bennett and her family and we pray that Captain Magnusson and Captain Smith will be found alive and returned to their families.

We have a solemn responsibility and a huge debt to these men—and to all Americans who are on the frontlines in the fight against communism. We must make certain that the sacrifices which have been made, and will yet be made by Americans in southeast Asia, shall not have been in vain.

Our goal must be peace with honor, and not peace at any price.

THE SHIFT OF POLICY IN VIETNAM

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. Callaway] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CALLAWAY. Mr. Speaker, early in February the United States began retaliatory attacks against North Vietnam. Greatly encouraged, I wrote to the President on February 8, supporting these moves and expressing the hope that they were an indication of America's firm purpose in dealing with the Communist threat in southeast Asia.

On February 25 Secretary of State Rusk said:

> What is still missing is any indication that Hanoi is prepared to stop doing what it is doing * * * against its neighbors. The absence of this crucial element affects the current discussion of negotiations.

On March 13 the President restated those exact words, and on March 25 said:

> We seek no more than * * * a reliable agreement to guarantee the independence and security of all in southeast Asia. At present, the Communists have given no sign of any willingness to move in this direction.

And now comes word that the Chinese Communists have ceased putting obstacles in the way of Soviet arms shipments to North Vietnam. And that North Vietnam has just appointed as its new Foreign Minister a Chinese Communist sympathizer whose appointment may well bring a more militant stand by Hanoi. And further that the Vietcong is today holding an American hostage, and threatening to kill him if the United States executes the terrorist who bombed our embassy on March 30.

Are these the friendly indications for which President Johnson was waiting before announcing our decision to negotiate?

For last night, the "paper tiger" indeed materialized with the President's announcement that he was ready to begin without prior conditions, diplomatic discussions to end the war in Vietnam, and that he would ask Congress for a $1 billion American aid investment in southeast Asia that could eventually include North Vietnam.

Overnight we have changed our 2-month-old policy of firmness based on strength to one of weakness based on buying friendship. The problem is compounded by the fact that it comes at the very time that the Communists are again testing our resolve on the access rights to Berlin.

At the same time, the President stated that American "patience and determination" in prosecuting the war were unending.

I suggest, Mr. Speaker, that we try telling this to the half-million Vietnamese soldiers who are vitally dependent on our aid to carry on their fight. For I am afraid that they might say, as I do, that American "patience and determination" ran out last night.

SEGREGATION IN THE SOVIET UNION—THE TRUTH VERSUS PROPAGANDA

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. Cleveland] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the problems encountered by the United States in its drive for equal rights are spread the world over by the active Soviet propaganda mechanism. Stories of brutality and unequal treatment in the United States are sent out by the Communists as examples of the failure of our society. How people of other races are treated in the Soviet Union however, we seldom learn from the controlled Soviet press.

An article on the front page of the New York Times puts an interesting light on the situation behind the Iron Curtain. It is reported not by the official voice, but by 29 Negro students who felt the brunt of brutality and segregation at its worst. News items such as this one, based on real experiences within the Soviet Union, are small voices against the roar of propaganda, but however faint these voices, they provide the world with the truth about life on the other side.

[From the New York Times, Apr. 7, 1965]

KENYANS CHARGE SOVIET BRUTALITY; STUDENTS FLY HOME AND TELL OF RACIAL DISCRIMINATION

(By Lawrence Fellows)

Nairobi, Kenya.—Twenty-nine Kenyan students told today after their return from the Soviet Union of misery, hostility, and beatings suffered while at a university in Baku.

"It was more of an indoctrination camp than a university," one student said. "Most of our studies were taken up with brainwashing and learning the Communist doctrine."

"It was hell," another exclaimed. "May God let us all forget that place."

"All the people hated us," one student said. "They just didn't like black people. If we went into restaurants, they refused to serve us. They don't allow you to dance with white women and if we tried to dance with a Russian girl in a club we were beaten up."

He pulled up the sleeve of his jacket to show a scar he said was inflicted during an attack on him by a group of Russian youths.

Cut off from the world and unwilling to stay in Baku unless they were given better protection, they said, the students staged a 2-week strike at the university.

When that failed to get results, the students moved in a body to the Baku railway station and camped on wooden benches there for 8 days. Finally Soviet authorities put the students, hungry and cold, aboard an Aeroflot plane for home. Two of them were women.

None of the African students at Baku were pleased with their lot, those who returned said, and the strike had been kept from growing larger because the African groups at the university were kept from communicating with one another.

The strike had begun with 84 students and was pared down by sickness to 77 students by the time they moved to the railway station.

There, in freezing weather and with only enough money to buy a few soft drinks and cakes at the station, many of the students fell ill and returned to the university. Others were bribed away with money or promises of women, they said.

By Sunday, when authorities gave them an ultimatum to return to the university or suffer the consequences, the 29 remaining students stood firm and were given 50 minutes to prepare for the flight home.

The Kenyan Government, which had been notified of the expected arrival of the students only after they were underway, had some officials on hand at the airport to meet the students and to rush them off to a dormitory at the Kenya School of Administration at Kabete, on the edge of Nairobi.

This morning, John Ole Konchellah, Assistant Minister of Education, met with students in a closed session for about 4 hours.

Afterward, Mr. Konchellah said: "The problem arose at Baku when the students wanted a transfer to any other university in the Soviet Union. There were allegations that they were beaten up, that the population was savage, hostile, would attack anybody among the students."

LEGISLATION TO DESIGNATE VIETNAM AS A COMBAT ZONE FOR FEDERAL TAX PURPOSES

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Minshall] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MINSHALL. Mr. Speaker, I am today introducing a bill to amend section 112 of the Internal Revenue Code to designate Vietnam as a combat zone for Federal tax purposes.

Our men who served in Korea were granted tax exemption on their gross income. I am disturbed that the same consideration is not been accorded to our American military now involved in the ugly and brutal Vietnamese conflict.

Legislation has been pending in the Committee on Ways and Means since February 22 to amend the code and correct this injustice. As of today, the committee has not acted. I am hopeful my bill will recall this unfortunate oversight to the committee's attention.

It is my understanding that the same action can be achieved through an Executive order issued by the White House. Accordingly, I have written to the President as follows:

April 8, 1965.

The President,
The White House,
Washington, D.C.

My Dear Mr. President: Today I have introduced legislation designating Vietnam as a combat zone for Federal tax purposes. My bill is identical to a measure introduced on February 22 which has not yet been accorded action by the Committee on Ways and Means, and it is my hope that my action today will help arouse interest which will spur the committee to favorable consideration.

It is my understanding, however, that the President can accomplish the same ends by issuing an Executive order declaring the area as a combat zone. In view of the committee's delay, I would respectfully urge you to exercise this prerogative. I am sure you agree that it is unrealistic and unjust to deprive those serving in our Armed Forces the same tax relief granted to our military during the Korean conflict.

I know of your deep concern for our men in this critical matter, and am certain of your desire to relieve them of at least this much of the burden they are carrying.

Respectfully,

William E. Minshall,
Member of Congress.

Let us hope that the Congress and the White House will show an equal concern in this matter.

The Cleveland Plain Dealer summed the situation up in an excellent editorial on April 6:

Viet Inequity

Denial to American military personnel in Vietnam of income tax exemptions that historically have been allowed in combat zones is one of the sillier examples of Government refusal to face the facts.

A request by Senator John L. McClellan that Vietnam be designated a combat zone for income tax purposes has been made to President Johnson.

Section 112 of the Internal Revenue Code provides for the exclusion of gross income pay received by members of the Armed Forces while serving in a combat zone. But the President has not designated Vietnam such a zone.

Thus Americans being ambushed in jungles, shot down in low-flying helicopters and bombed in quarters within civilian areas are losing hundreds of dollars because the miserable conditions under which they are serving their country do not have the proper label.

Senator John Tower introduced a bill in January to designate Vietnam a combat zone for tax purposes. Regardless of how it is accomplished—by congressional action or Presidential directive—the same tax break that was given to Americans who served in Korea should be given to those risking their lives in Vietnam.

MEDICARE FOR THE AGED UNDER SOCIAL SECURITY

Mr. REID of New York. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. Reid] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. REID of Illinois. On March 24, the House Committee on Ways and Means reported out H.R. 6675—a 296-page bill placing medicare for the aged under social security and containing many other amendments to the Social Security Act, with a total estimated annual cost of $6 billion. No public hearings whatsoever were held on this far-reaching measure by the committee during this Congress. Furthermore, it was brought to the House floor under a closed rule which prevented any amendments being made by Members of the House of Representatives. In other words, the bill had to be accepted or rejected as a whole—with no chance for improvement or rejection of any single part.

Many of the provisions of this bill, such as the liberalization of benefits for which I voted last year and which I still support, have great merit.

Also, I feel that action is necessary to provide adequate medical care for our senior citizens who need assistance, as evidenced by the fact that I personally introduced an alternative plan to meet the need. I am convinced, however, that placing medical care for the aged under social security does not offer the proper solution to the problem. This feeling seems to be shared by the overwhelming majority of residents of my congressional district. Individual letters have been running 100 to 1 against the administration's medicare proposal, and 85.7 percent of the residents of my congressional district who answered my recent questionnaire expressed opposition to the administration's plan to place medicare for the aged under social security.

I plan to vote for the Republican motion to recommit H.R. 6675 with instructions to the Committee on Ways and Means to report out an alternative and more acceptable plan offered by the gentleman from Wisconsin, Congressman Byrnes, ranking Republican on the House Ways and Means Committee. This vote will not be a vote against either medical care or liberalization of social security benefits. In voting for this recommittal motion, I am voting for the following:

First. A voluntary and more comprehensive program of medical insurance available to all persons over 65 without regard to social security coverage to be financed partly through premium contributions and partly from general revenues rather than through the regressive payroll tax called for by H.R. 6675. The Republican program covers the catastrophic illness up to a lifetime maximum of $40,000 in benefits—and covers prescribed drugs which are excluded in H.R. 6675.

Second. A 7-percent across-the-board increase in social security cash benefits.

Third. Extension of benefits from age 18 to age 22 for certain children in school.

Fourth. Social security benefits for widows at age 60 rather than at age 62, and benefits—on a transitional basis—to certain persons currently 72 or over now ineligible.

Fifth. Liberalization of the definition for disability insurance benefits.

Sixth. Increase in the amount an individual is permitted to earn without suffering full deductions from benefits.

If this recommittal motion fails, I will have no alternative but to vote against final passage of H.R. 6675 in accordance with my convictions—and in so doing, I shall be voting against:

First. A compulsory program of limited medical care benefits for the aged under social security which I feel will surely lead to complete socialized medicine which has proven a failure in so many other countries.

Second. A threat to the very financial soundness of the social security system.

Third. A greatly increased tax burden on individuals still working and paying into social security to finance the medicare program for those already retired and who did not contribute to such program.

Fourth. A greatly increased tax burden on employers as their share of payments to the social security fund—the cost of which eventually must be passed on to the consumers in the form of higher prices on products.

DR. JOHN H. BUCHANAN, OF BIRMINGHAM, ALA.

The SPEAKER pro tempore (Mr. Albert). Under previous order of the House, the gentleman from Alabama [Mr. Buchanan], is recognized for 60 minutes.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in the Record on the subject I am about to discuss.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, 13 years ago, in 1952, my father, Dr. John H. Buchanan, of Birmingham, delivered a speech entitled "America at the Crossroads" which later in that year won a Freedom Foundation Award. His words have proven prophetic and particularly pertinent at this point in our Nation's history.

This is my father's 79th birthday, and I have therefore chosen this day to request unanimous consent to include his speech at this point in the body of the Record.

America at the Crossroads

(By Dr. John H. Buchanan)

I come to you today not primarily as a minister. I come to you as an American citizen, speaking to American citizens. I hope the day will never dawn in this country when a man responding to a call of duty and entering the ministry feels by that decision he is disposed of any responsibility of citizenship in the land which he calls his own. I come representing no group. I come representing no political party. I come championing the cause of no political personality. I have the right, I think, as an American citizen—thank God, we still have that right—to stand on my feet anywhere and give voice to the convictions of my own soul.

I am the son of a poor Baptist preacher who left the practice of medicine to enter the ministry and gave his life in serving the smaller churches in the Southland. Since the day I was 17 years old, I have had to make my own way, pay for my own education. And, therefore, by the furthest cry I cannot be identified with any class other than the middle-class American. I am proud of the fact that I am an American. I look back with a degree of pardonable pride that from the Revolutionary War until this conflict that rages now in Korea members of my family have been on the battlefields of every war in which this country has engaged since its beginning. My wife went to Mississippi just a few weeks ago to bury the body of my nephew who was killed in Korea. It was on Sunday and my duty held me here. I think by virtue of the traditions of my family I have a right to speak my convictions as one American to another. Coming back in these recent years from tours abroad—summer before last from a visit to South America, Africa, and Europe, and this last summer again to Europe and the Middle East—to this blessed land, I have thanked God for the heritage that has been mine. A land where the fullest measure of freedom enjoyed on this earth is a heritage of every citizen.

It didn't just happen, gentlemen. In 1776 our Founding Fathers instituted on these shores a new political philosophy, a new conception of the relation of government to its citizens. For the 6,000 years of recorded history mankind had lived under the domination of some form of statism; but there was created here what was called in those early days "a noble experiment," a government organized not to control, not to direct the citizen, not to be his master, but rather a government to be his servant. A government whose only function would be to protect him in his right in the pursuit of liberty, of prosperity, of happiness. It was something new. In one form or another through 6,000 years man had been the vassal of the state until they founded this Nation. You and I have enjoyed in the span of our lives the fruits of their wisdom. We have demonstrated that here in this blessed land the individual can come to his finest fruition when he is left free, untrammeled, unregimented, uncontrolled by the statism that held mankind in a partial slavery for 6,000 years. And, therefore, we've made more progress, and humanity has made more progress, under the guidance of freemen since the birth of our Nation than in all the combined 6,000 years that preceded its birth.

But having said that, may I say to you, although you may not agree with me, yet we'll still be friends if you do not agree with anything I say, there is just one thing you cannot question, my sincerity. I come with but one sincere motive—to awaken you, if you are not already aroused, to the fear and the apprehension that fills my own heart and mind today. In my judgment, this blessed America of ours faces right now the greatest threat that it has faced in all of its history. It is not a threat from forces without, but its jeopardy, in my judgment, lies in the threat of forces within our own Nation. I still have faith to believe that we have reservoirs of manhood, of material and of ingenuity which can be marshaled and organized and trained to successfully resist the invasion of any foreign foe. This, of course, will be a tremendous price. There is that danger and of it we are all aware. However, that does not, in my judgment, present the supreme threat to America in the year 1952.

We have already fought within the span of my generation two global wars. We may be on the threshold of a third world war. We have spent more billions of dollars and have sacrificed more millions of lives in these global conflicts than in any century of recorded history preceding our generation. The Congress that adjourned last December passed the largest appropriation bill in the history of this Nation, a defense bill to prepare us against the threat of a third world war. From what and from whence has come the thing that has plunged our world into two global conflicts? They came because of the clash of two ideologies, two philosophies of government, two ways of life.

There has been revived on European shores the old statism that kept mankind in the thralldom of semislavery to the state for 6,000 years. A philosophy known as the totalitarian form of government. Already it has taken into its fold 800 millions of people of our earth. Its aim and objective is to dominate the whole world. We have gone with our allies and joined battle against this philosophy. We have spent these billions of dollars and sacrificed these millions of lives to maintain the other ideal, which ideal is a philosophy of government and way of life that recognizes the dignity and the worth of the individual and guarantees to him the fullest measure of freedom. I am sure that none of us regrets the sacrifice we've made in the past in defeating the triumph of this totalitarian philosophy. We rejoice in the fact that there are still free peoples left on the earth. But, gentlemen, as certain as you listen to my voice today, there are certain trends and tendencies infiltrating our American life that if they go unchecked and unhindered, are as certain to destroy our democracy as the night follows the sunset.

I want to read an extract from a speech made by Lenin. You know who Lenin was. He, together with Trotsky, implemented Karl Marx's philosophy of the socialistic, totalitarian state. They helped to produce in Russia, in Germany and in Italy the totalitarian form of government. I quote from Dr. Preston Bradley, pastor of the People's Church of Chicago, who delivered this address on October 8, 1951. I haven't checked it in the library yet but I have checked with some people who know Dr. Bradley and they tell me that he is a man of absolute, unquestioned intellectual integrity and if he gives this as an authentic quotation, it is documented. He said, speaking to a national convention, "Did you read the address that Lenin gave outside the walls of the Kremlin in the city of Moscow? Of course, you didn't. It is in English and it is published. That address outlined the pattern, and everything that Lenin said outside the walls of Moscow has worked out according to the pattern, and what was it?" He concluded that address by saying, "We will win the Western World for communism without shedding a drop of a single Russian soldier's blood." And he said, "How?" and he went on with his unprecedented eloquence before a quarter of a million Russians who were underpaid and were hungry and were in revolt, and said, "We will create fear, suspicion; we will work inside by creating racial hatreds, religious antagonisms; we will pit father against son; wife against husband; we will inaugurate campaigns to hate Jews and to hate Catholics and to hate Negroes; we will inspire strikes and riots; we will plant the seeds of turmoil and we will cover it all with an inflation which will lead to economic disaster until we have 14 million unemployed people on the streets of the democratic country of imperialistic America. We will break their economy; we will send their dollar down until it is not worth 10 cents. We will destroy the future security from life insurance, from old-age pensions, until a life annuity that someone felt would be substantial for the last of life will buy but a loaf of bread. We will break their currency; we will break their spirit. We will frighten them; we will scare them. We will create political chicanery; we will confuse international diplomacy; we will do these things."

Remember, my friends, that this statement was made by Lenin outside the walls of the Kremlin. He indicated this would be the pattern by which they would wreck our Western World by working from within.

I have some friends who are far better capable of reading and interpreting history than I, who have given me 20 characteristics which they find as they go back and read the history of the lands where the totalitarian form of government has come into existence. Twenty trends, twenty characteristics that obtained in those lands; that produced or created eventually the totalitarian pattern of government. I'm going to read them. I suggest you go back and read your history and check for yourself to see if these historians have been accurate in their diagnosis. As I read them, I want you to make a diagnosis of our own Nation to note the trends that are current here and see how many of these characteristics have already infiltrated our American way of life. If human experience has taught us anything, it has taught us that there are some laws that are inexorable in their working. One of them is this: We have discovered that certain causes always produce the same effects. That law of cause and effect cannot be legislated out of existence or out of life. If these things produced as an effect the totalitarian form of government in the other places of the earth, what hope have we if they continue to infiltrate our American way of life, to escape the same effect here? Now what are the 20 characteristics which these historians tell me produced the totalitarian states in the premise?

The 20 trends are: (1) excessive borrowings; (2) a huge national debt; (3) unbalanced budgets; (4) deficits piled upon deficits; (5) confiscatory taxation; (6) extravagant public works; (7) subsidies to various groups of citizens; (8) concentration of powers in the chief executive; (9) sapping the independence of the courts; (10) administrative laws, regulation by men rather than by written statutes; (11) a planned economy for the nation; (12) a greatly enlarged bureaucracy; (13) private investments restricted; (14) individuals denied the freedom to own gold; (15) subversive forces encouraged; (16) class conflicts stimulated; (17) thousands of publicity experts to carry out the government's program of indoctrination; (18) encroachment upon freedom of the press ending in complete control of the press; (19) attacks upon industry which destroyed its morale and created antagonisms on the part of consumer and worker; (20) gained control of educational system.

Now these historians tell me that these are the 20 characteristics that spawned, that produced the totalitarian state in the lands where it has now come into power.

I ask you to examine carefully, critically, without prejudice the recent decades of American political life and seek to discover for yourselves how many of these characteristics have already infiltrated our own way of life. Now, gentlemen, Joe Stalin, who has already gathered into his fold 800 million people of the earth, has never been able to invade and take over any country of the world until the economic structure of that country has been destroyed. Communism makes no headway with prosperous nations. It moves in and capitalizes on the economic disaster of a nation. I'm no businessman. I do not profess to be. But I have enough horsesense to know this: It matters not whether it be John Buchanan, the individual; Southside Baptist Church, of which I am pastor; the First National Bank of this city; the Tennessee Coal and Iron Co., our strongest corporation; or any individual or corporation, when it reaches the point where its liabilities exceed its assets, it is on the brink of bankruptcy. This statement applies with equal force to government.

The national debt is already $258 billion. According to the present program if it continues even at a reduced rate, by 1956 it will be $300 billion. When we reach $300 billion indebtedness in this Nation, we've come dangerously near the saturation point where our liabilities would exceed the assessed valuation of everything we own. When we reach that point, we may be able to stave off by legislation for a brief period the inevitable; but as certain as God is on his throne, we cannot reverse the verdict of an inexorable law of economics.

Now, maybe it doesn't give you any concern that the Truman administration in 6 years has raised by taxation more billions of dollars and more billions of dollars have been appropriated by the Federal Government in these 6 years than the Federal Government spent from the days of George Washington through Roosevelt's administration. As I said to the Rotarians, Roosevelt was no piker in his spending during his 16 years in Washington. I'm concerned about it. For if history can teach us anything, it is this: when the economic strength of this Nation is destroyed, we wreck the foundations upon which our homes, our businesses, our schools, and our churches rest. In that event, we can but expect to reap what has transpired in these totalitarian sections of our world.

I stood on the corner of First and 20th Streets a few weeks ago talking to a gentleman of this city—a very fine gentleman—about my concern. He said, "Well, what are you worried about? You're getting a good salary, and I'm making more money than I've ever made in my life. In the last 3 years I have made more money than ever before. I'm not worried." But I said, "May I ask you a question? How many children do you have?" He said, "I have three." "How many grandchildren?" He said, "I have five." And I said, "I want you to go home tonight and before you go to sleep, I want you to turn this over in your pure mind. I'll grant you that you may be making more dollars than you've ever made in your business before, but I want you to ask yourself this question: If the prosperity that you are now enjoying may not be at the expense of those children and those grandchildren, if you are not binding about their necks a millstone of indebtedness which will keep them in economic slavery throughout their lives even if this country survives. A debt thrust upon them by a prodigal government of your day and mine." He saw me a day or two after that. He said, "Doctor, I didn't sleep much that night. I thought it through and I've come back to tell you I think perhaps you're right. We'd better stop and take notice where we're going."

Gentlemen, I have but one boy, and I want that boy to have just the same chance I had; no one to give him anything; no one to plan his life; no one to guarantee his security economically, but rather let him live in the kind of land in which I have lived where he will be left free to bring to its finest and fullest fruition the possibilities of his own personality and his character. But that way of life is threatened as certain as you listen to me today. We can lose it by attrition. We'll lose it by continuing to listen to the siren voice of politicians whose objectives are ulterior and selfish, who have put political objectives above the well-being and security of the Nation that gave them birth.

It is time for you and me, who love this land and who have no political aspirations, to rise up and face a crucial hour and say to those on any level of government: "You must stop and think before you lead us further down the path which will inevitably bankrupt this Nation." You ask me what we as individuals can do? I answer, "The first thing you can do, along with every other American citizen, is to register and vote." No citizen of Birmingham has a right to throw any stones at Washington, Montgomery or any group occupying political office if that citizen did not exercise his God-given right and his sacred duty as a good citizen in casting his ballot. When only a little more than 50 percent of the qualified voters of this Nation go to the polls in a national election, it is time for us all to be concerned. This is our duty. Then there are certain qualities that you and I must develop within our own personal character. After all, no organization—international, national or domestic—can be builded stronger and more enduring than the strength of the personalities that make up the brick and mortar of the structure.

Republican self-government has always depended upon six elements of personal character. What are they? First, self-reliance; second, personal responsibility; third, thrift; fourth, courage; fifth, individual initiative; and sixth, and most important, spiritual faith. Our system of constitutional government cannot exist without citizens who still hold in their character these six elements of strength: self-reliance, personal responsibility, thrift, courage, individual initiative and spiritual faith. Death of a free government will come when any policy is introduced which weakens any of these six elements, causing them to decay.

There's your job. There's my job. To see that we develop within our own personality and character these six elements upon which, and upon which alone, a free government can exist.

I made this speech at Rotary day before yesterday. They were gracious enough to applaud me most generously. The next day a friend of mine said, "Well, John, I came down the steps yesterday with two Rotarians who had applauded very vigorously your speech. I happened to hear them as they talked. One said, 'Have you the papers with you? If so, we had better go at once to see about that $5 million Federal grant.' I said to them, 'I thought you applauded John Buchanan's speech.' And they replied, 'Oh, we did.' And I said to them, 'And here you're going right out to try to get $5 million more from the Federal Government.' They replied, 'Somebody is going to get it and we want to get our share.'"

Now, gentlemen, there's the crux of the whole thing. There is an individual responsibility resting upon you and upon me to check Government expenditures. There is also the responsibility upon you and upon me to go to the polls this year, disregarding personalities and disregarding political parties but putting America first.

God grant that we may keep for ourselves and children and our children's children the most blessed way of life that has yet been evolved in the history of mankind. It is our glorious heritage. God give us courage, God give us strength, God give us wisdom to keep what our fathers have bequeathed to us, the most glorious heritage that any people have enjoyed on this earth.

Mr. GLENN ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Alabama.

Mr. GLENN ANDREWS. Mr. Speaker, I take this opportunity to congratulate Dr. John H. Buchanan on his 79th birthday, and it has been a pleasure for me to read the wonderful speech that gentleman made which won the Freedoms Foundation Award some few years back.

I am delighted to sit with his son in this body. I am beginning to understand where some of the great ideas his son expresses came from, and this is an opportunity to honor him again on his birthday.

Mr. BUCHANAN. I thank the gentleman for his remarks.

Mr. CALLAWAY. Will the gentleman yield?

Mr. BUCHANAN. I gladly yield to my colleague from Georgia.

Mr. CALLAWAY. Mr. Speaker, as a member of the board of directors of the Freedoms Foundation at Valley Forge, Pa., I am especially pleased today to join with those honoring the 79th birthday of Dr. John Hall Buchanan, winner of the Freedoms Foundation 1952 George Washington Medal of Honor. Dr. Buchanan is the father of Congressman JOHN BUCHANAN, of Alabama, who is as justly proud of his father as his father is of him. It is therefore fitting today that we review the honors and achievements of Dr. Buchanan.

Dr. John Hall Buchanan, born 1887, in Blue Mountain, Miss., was graduated from Mississippi College with a bachelor of arts degree in 1910.

Following a tour of duty with the U.S. Army as chaplain during World War I, he returned to finish his studies for the degree of Th. M at Southern Baptist Seminary in 1921.

He has served as pastor of the Booneville Baptist Church, Mississippi, the Finchville Baptist Church, Kentucky, the Paris Baptist Church, Tennessee, the First Baptist Church of Meridian, Miss., the First Baptist Church of El Dorado, Ark., the First Baptist Church of Lynchburg, Va.

In 1937, he accepted a call to the Southside Baptist Church of Birmingham. His retirement from the church in 1957 marked 20 years of devoted, progressive leadership. As a counselor, as a teacher, as a pastor, he has led his church and his community through calm and crisis, and has earned a place of high respect within the city and the State.

Dr. Buchanan has assumed leadership in all phases of Southern Baptist work. As an educator, he has served as trustee of Union University, Tennessee, Ouachita College, Arkansas, Averett College, Virginia, and Howard College, Birmingham.

He holds the honorary degree of doctor of divinity from Ouachita and Howard Colleges.

He is a member and past president of the Birmingham Rotary Club, and of the Protestant Ministers Association; a trustee of the Young Women's Christian Association and the Young Men's Christian Association, and a vice president of the community chest. A member of the executive committee of the Birmingham Sunday School Council, he has also served on the board of the Jefferson County Chapter of the American Red Cross.

He served as president of the city parole board. He has had formal citations from the city commission for his civic leadership and from the Jefferson County Coordinating Council of Social Forces. The U.S. Treasury Department recognized his outstanding work in the war finance program with the award of honorable mention in 1945.

In recognition on the part of his community, he was chosen Man of the Year by the Young Men's Business Association in 1956.

Among the present positions held by Dr. Buchanan, are a trusteeship of the YWCA, and one of eight life memberships on the board of directors of the community chest.

Indeed this gentleman is an outstanding southerner and an outstanding American. I am sure that all who know him join with me today in congratulating him both on his 79th birthday and on his long and brilliant career.

Mr. BUCHANAN. I thank the gentleman for his remarks.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I gladly yield to my colleague, the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, having grown up in Birmingham and lived there for 25 years, I have known Dr. John Buchanan, both personally and by reputation.

I do not know of any one man who has had a greater influence for good on the people of Birmingham than Dr. Buchanan. Although I am not a Baptist, I can well remember how many times my fellow Presbyterians and Methodists would slip away from our own churches as youngsters just to hear Dr. Buchanan preach.

Whenever there has been a need for spiritual leadership in the city of Birmingham, Dr. Buchanan has been in the forefront, leading his people in the right direction.

Because of his own exemplary life, he has led untold thousands to follow in the path of righteousness, one of whom is his own son, the Honorable JOHN BUCHANAN, JR., the gentleman who is ably representing the Sixth Congressional District of Alabama in this great body of the Congress. Congressman BUCHANAN, like his father, served as a Baptist minister prior to assuming the high and noble position of a Member of Congress.

So, today I join in the salute to Dr. John Buchanan, a man who has led a superior life, a man who has been a credit to his high calling, a man who has given tirelessly of his time, talent, and energy to his fellow man.

We can say no more of any man than this: "Because he passed our way, the world is now a little better." Dr. John Buchanan fits this description perfectly.

Mr. BUCHANAN. I am very grateful for the gentleman's contribution.

Mr. GEORGE W. ANDREWS. Will the gentleman yield?

Mr. BUCHANAN. I yield to the distinguished dean of the Alabama delegation.

Mr. GEORGE W. ANDREWS. Mr. Speaker, under leave to extend my remarks I am privileged to use this means of extending warmest birthday greetings to a very distinguished gentleman, Dr. John Hall Buchanan, who is 79 years old today. Dr. Buchanan has assumed leadership in all phases of Southern Baptist work, serving pastorates in Tennessee, Mississippi, Arkansas, Kentucky, Texas, Virginia, and Alabama. As an educator, he has served as trustee of Union University, Tennessee, Ouachita College, Arkansas, Averett College, Virginia and Howard College, Birmingham, Ala.

In recognition of his devoted interest in community affairs and civic leadership he has received various commendations. The U.S. Treasury Department recognized his outstanding work in the war finance program with the award of honorable mention in 1945. He was given a Freedom Foundation Award in 1952 and was chosen Man of the Year by the Young Men's Business Association in Birmingham in 1956, to name a few.

Dr. Buchanan is the proud father of my colleague, JOHN H. BUCHANAN, JR., who represents the Sixth District of Alabama in this Chamber of Congress. Dr. Buchanan's daughter married an outstanding Baptist preacher, J. Sherrill Jones, who was formerly pastor of the First Baptist Church in my hometown of Union Springs, Ala.

It is indeed a pleasure for me to extend to him my warmest personal greetings and best wishes that he will have many more happy birthdays.

Mr. MARTIN of Alabama. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I gladly yield to my distinguished colleague.

Mr. MARTIN of Alabama. Mr. Speaker, I am honored and indeed consider it a rare privilege to join with my worthy colleague and friend from Alabama, Congressman JOHN BUCHANAN, JR., in paying tribute to his father, Dr. John Hall Buchanan.

I would like to express, as I know thousands of his friends are expressing today, best wishes to Dr. Buchanan on his 79th birthday. Here is a man of God who has truly been an inspiration to generations of Americans. He is a noble son of the South whose life has reflected in every detail his deep religious convictions and his patriotism.

It has been my good fortune to know Dr. Buchanan and because I have known him and have been privileged to hear him speak and to read his sermons, I am a better Christian, a better American.

I wish all Americans, in this trying hour in our country's history, could read the speech for which he was awarded the Freedom Foundation Award in 1952, and which his son is memorializing as a part of the CONGRESSIONAL RECORD by inserting it today. The deep and abiding truths contained in Dr. Buchanan's remarks are born of the faith which created America and the American dream and has enabled us, through the years, to make steady progress toward the fulfillment of that dream for all Americans.

I could not close these remarks without observing the good works and the dedicated service of the son of the man we honor, Congressman and Minister JOHN BUCHANAN, JR. I can say it no better than by repeating an old adage, and in this case so true, "like father, like son."

Mr. DICKINSON. Will the gentleman yield?

Mr. BUCHANAN. I gladly yield to my colleague, the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, it affords me a great deal of pleasure to join with my colleagues in paying tribute to a great Alabamian, a great American, and a great man, Dr. John Hall Buchanan.

On this day, Dr. Buchanan celebrates the 79th anniversary of his birth, which is just another milestone in his long and illustrious career.

While I could enumerate his many accomplishments, I feel it would be redundant in view of the comments of my colleagues who have referred to them.

While Dr. Buchanan has by no means crowned his career, and I assure you we are looking for bigger and better accomplishments for many years to come, one thing of which he can be most proud is being the father of another great Alabamian—my friend and colleague, JOHN M. BUCHANAN, JR.

Mr. BUCHANAN. Mr. Speaker, I yield to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Speaker, I am pleased to join in this tribute to the 79-year-young father of our colleague and friend from Alabama. Dr. John Hall Buchanan who through many years of dedicated service rose to the chairmanship of the executive committee of the Southern Baptist Convention, once held a pastorate at the First Baptist Church of Lynchburg, Va., in the congressional district I am privileged to represent. From 1932 until he accepted a call to the Southside Baptist Church of Birmingham in 1937, Dr. Buchanan and his young son, JOHN, served the Lynchburg church. While many years have intervened, he is still remembered lovingly by the congregation of First Baptist, and it is my pleasure to deliver in their name a birthday salute to this grand gentleman.

I am certain, however, that Dr. Buchanan's most prized gift is the knowledge that his son has begun a new career of service which we confidently predict will be of long duration with success crowning his efforts.

"A wise son maketh a glad father."

Mr. HARRIS. Will the gentleman yield?

Mr. BUCHANAN. I gladly yield to the distinguished chairman of the Interstate and Foreign Commerce Committee.

Mr. HARRIS. Mr. Speaker, it is a pleasant occasion indeed to join my colleague, the gentleman from Alabama [Mr. BUCHANAN], in paying tribute to a man who I love, admire, and respect, and who has many achievements to his credit beyond being the proud father of our distinguished colleague from Alabama.

It has been my privilege to have known Dr. John H. Buchanan for many, many years. Dr. Buchanan was the pastor of my church, the First Baptist Church, in El Dorado, Ark. In 1934, he officiated at the wedding ceremony held in our church which tied the marital knot between my beloved wife and myself. For this act of his, I have had occasion to be grateful to him for as long as our marriage has lasted and this has been some time, in fact, for 31 years next month.

Unfortunately for El Dorado, but fortunate for Birmingham, he left us and spent more than 20 years at the Southside Baptist Church of Birmingham, one of the largest Baptist churches in the United States, and probably the largest in the South.

After retiring from the ministry, Dr. Buchanan devoted most of his time and energy to the problems of hospitalization for Baptist denomination in Alabama. As a spokesman for the Baptist hospitals, Dr. Buchanan came before the Committee on Interstate and Foreign Commerce in 1958 and pleaded for an amendment to the Hospital Survey and Construction Act which would authorize the making of loans in addition to the making of grants, so that the Baptist denomination might be in a position to avail itself of such loans for the construction of Baptist hospitals. So convincing and persuasive was his testimony that the amendment was enacted and many Baptist institutions have availed themselves of that privilege.

Dr. Buchanan has assumed leadership in all phases of Southern Baptist work. His accomplishments and the recognitions which have come to him because of his achievements are too many to list. It is a great privilege for me to stand in the well of this House today and to wish Dr. Buchanan, who is celebrating his 79th birthday, a happy birthday, good health, and continued enjoyment of his retirement from the ministry in which he has served his denomination, his region, and the whole United States so outstandingly.

In felicitating the outstanding and nationally known and recognized man of God, who has given his life to the ministry, Mrs. Harris and I wish for Dr. and Mrs. Buchanan many years of continued happiness and enjoyment.

Mr. BUCHANAN. Mr. Speaker, I am deeply grateful to the distinguished gentleman from Arkansas and to my other colleagues for their comments. I simply add to them that my father's public image has been matched by the high caliber of his private life. He brought his religion home with him and in his dealings with his family lived out the religion which he proclaimed from his pulpit.

I would say in conclusion that the greatest gift I have ever received has been the name, JOHN BUCHANAN, because my father has made it represent all that is fine, all that is strong, and all that is Christian in a man. My name shall, therefore, always be to me both a challenge and an inspiration.

Mr. SELDEN. Mr. Speaker, I would like to join my colleague from Alabama [Mr. BUCHANAN] in paying tribute to his father, Dr. John H. Buchanan, Sr., on the occasion of his 79th birthday.

Dr. Buchanan, an outstanding minister and past president of the Alabama Baptist State Convention, has had a long and distinguished record of service to his fellow man. Not only has Dr. Buchanan earned a position of high respect in his native Birmingham but throughout the entire State of Alabama as well.

I join with Dr. Buchanan's many friends in extending congratulations and good wishes to him on his 79th birthday and in wishing him many additional years of devoted service to the people of Alabama.

PRESIDENT JOHNSON'S ADDRESS ON VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. ZABLOCKI] is recognized for 15 minutes.

Mr. ZABLOCKI. Mr. Speaker, last night—as did millions of other Americans—I watched on television the address on Vietnam given by President Lyndon Johnson at Johns Hopkins University in Baltimore.

The President's speech was an eloquent, admirable statement of American policy toward Vietnam and southeast Asia, and he is to be commended for making it.

I was particularly impressed by the dramatic and bold initiative seized by the President in proposing a massive program of cooperative development for southeast Asia.

By asking for the participation of the Soviet Union in such a project and including North Vietnam as among the recipients of assistance—once its aggression ceases—the President has issued a challenge to the Communist nations to prove their often-stated desire for peace in the world.

To use a popular expression—the monkey is squarely on the backs of the Communists.

While there is no doubt in my mind what the President meant in his address, there apparently has been confusion because of certain interpretations of his remarks.

Some commentators and some reporters and news analysts have taken one word in the President's speech and blown it out of all proportion. That word is "unconditional" as expressed by the President in his statement that the United States remains ready for unconditional discussions.

This has been widely misinterpreted as a dramatic departure from past U.S. policy.

Nothing could be further from the truth. The President simply was restating what many of us always believed the policy of the United States in South Vietnam to be.

The President has promised that the United States will keep the pledge we have made to support the South Vietnamese against internal terror and external infiltration and aggression.

Where is the sharp departure from past policy here?

The President has declared that the United States must be prepared for a long continued conflict as we fight for values and principles in Vietnam.

The President has emphasized that peace in Vietnam demands an independent South Vietnam, securely guaranteed and able to shape its own relationship to all others.

In calling for unconditional discussions, the President has not meant unconditional appeasement. The United States has never set any preconditions for negotiations on Vietnam. We have not called for unconditional surrender by the Vietcong or by those who direct them from Hanoi.

At the same time, we have recognized that negotiations would be fruitless until and unless there is some indication from North Vietnam that they are ready and willing to end their aggression against South Vietnam.

This is the position, in my view, that the President was so ably restating.

It is regrettable that in some quarters the principal object of the President's speech has been shunted to secondary consideration.

That is the bold move to stabilize southeast Asia and assist the peaceful progress of the people in that area through a multinational program of economic assistance, directed by the United Nations, in which Communist nations would be invited to participate.

Certainly the President in his address has dramatically presented a bold initiative for peaceful development in southeast Asia.

Even here there is no change in basic policy. The United States always has been committed to the economic and social development of the countries of southeast Asia so that the people living there might one day enjoy the fruits of modern, technological society.

What is new in this suggestion is the firm pledge by the United States to give a billion dollars to this effort, and the invitation to other countries, including the Soviet Union, to join us in this effort.

It is my earnest hope that those interpreting the President's remarks at Johns Hopkins will grasp its true meaning, lest friend and foe alike of this country be misled about America's firmness, determination, and intentions.

Mr. Speaker, I am confident the people of our country and the peace-loving peoples of the entire world applaud and join President Johnson in his sincere effort in the quest of peace and prosperity in southeast Asia.

Mr. ALBERT. Mr. Speaker, the President has shown by his Baltimore speech our firm determination to resist Communist aggression. He stated flatly he intends to keep the promise made by every American President since 1954 of support for the people of South Vietnam.

All of us recall the experience of the 1930's. Hitler moved from one aggression to another without being stopped—the Rhineland in 1936, Austria in the spring of 1938, Czechoslovakia later in 1938 and 1939. Finally in the fall of 1939 when Hitler moved into Poland because he had not been stopped before, a great war broke out.

The President, with his determination in Vietnam, is trying to stop a repetition of this history of the 1930's. We are taking limited risks now to prevent the big war which would inevitably flow from unchecked aggression.

Therefore, as the President said, we will do everything necessary to maintain the independence of South Vietnam, to help it to achieve freedom from attack. To the world the President proclaimed: We will not be defeated. We will not grow tired. We will not withdraw.

The President also appealed to the other side for peace which all reasonable men want. But until peace comes, we will use our power—with restraint and wisdom—but we will use it.

Much attention has focused on the President's remark about our readiness for "unconditional discussions." But, as the speech makes clear, there is a difference between discussions and negotiations. Discussions are much less formal. What the President is saying is that we are willing to engage in informal talks without conditions. And even those talks must be with governments. We will not talk with the National Liberation Front of South Vietnam, which is purely an agent and puppet of Hanoi.

The President made clear our conditions for settlement. South Vietnam must be independent. It must be securely guaranteed. It must be free from outside interference. And we do not expect it to adhere to an alliance or give us military bases.

We have no intention of using South Vietnam to threaten North Vietnam or Communist China, but at the same time South Vietnam must be protected against threats from them. It must be able to call in outside assistance if threatened.

As part of a settlement along these lines, we believe it important to undertake a major campaign for improving the lives of the people in South Vietnam and elsewhere in southeast Asia. For that reason the President calls upon the countries of this area to work together and upon all the industrial nations of the world to join in a great effort for the economic advancement of these peoples.

Mr. EDMONDSON. Mr. Speaker, the President, in his great speech to the American people and to the world last night has once more taken a stand on solid middle ground. He has taken a stand that will command very wide support both at home and abroad. But because it is a stand of moderation—a stand on middle ground—we can expect it to be attacked by the critics on both sides. Indeed, this attack has already begun.

To be in favor of negotiations while clearly reaffirming our commitment to Vietnam is not appeasement. In the dangerous situation which we face in southeast Asia, and in our continuing effort to command the support of our allies, we must be willing to establish and maintain communication with our antagonists. We must be willing to search constantly for the honorable terms on which peace might be made. To do less would be folly. It would increase the risks of miscalculation. We might very well miss the opportunity—the strategic moment—when negotiations can be fruitful and can bring peace on terms that are acceptable.

The President made absolutely clear that he was not proposing to appease the enemy. He stated:

> We will not be defeated. We will not withdraw, either openly or under the cloak of a meaningless agreement.

His definition of the kind of peace we desire will, I believe, command the support of the overwhelming majority of the Members of this House and of the American people. He said that—

> Peace demands an independent South Vietnam—securely guaranteed to shape its own relationships to all others, free from outside interference, tied to no alliance, a military base for no other country.

It is equally clear that those who say that the United States seeks to buy peace with economic aid badly misunderstand the character of the President's proposals. The President has outlined a picture of the southeast Asia that might be if war could be brought to an end, and has indicated American willingness to help build a better Asia with the help of the free world. Certainly this is the kind of Asia we would all like to see—an Asia developing in peace and freedom rather than an Asia ruled by communism and ravaged by war. I am certain that the American people will willingly join in making a contribution to the development of a free and independent Asia, particularly if such a contribution will help to check Communist aggression in that area and advance the cause of a peaceful world.

Mr. MOORHEAD. Mr. Speaker, President Johnson has put the world on notice that the United States will not hesitate to use its power to maintain peace. While our record in the world would seem to speak for itself, there are many seemingly short memories, and it is necessary from time to time that we make crystal clear what our intentions, our purposes, and our motives are. This the President has done at just the right moment.

We are dealing with a ruthless and cynical adversary who seeks to conquer by the use of force. As we have learned from bitter experience, failure to resist such an evil purpose cannot bring peace but more aggression leading inevitably to war. Resistance produces a language the aggressor can understand, and we are speaking in that language now.

Of equal importance, however, is the fact that the President has shown the aggressor ways to achieve vast improvement in the lot of the underprivileged peoples of his own country without use or threat of force. In other words we have shown not only our determination to support justice at any cost but our willingness to forgive and forget, once the aggressor has abandoned his destructive course.

There are some who might regard the expenditure of a billion dollars to help Asians help themselves as a very costly undertaking. I do not regard it so when the cost of war, not only in human lives and suffering but in material costs, is considered. These very heavy costs which we and our allies are now bearing are as nothing compared to the cost of unlimited war which would surely be the end result of a policy of weakness or capitulation.

I congratulate the President for the leadership he has given to the American people in a critical hour. I sincerely hope that this may prove to be a real turning point in the history of this generation.

Mr. PRICE. Mr. Speaker, last night the Nation and the world heard a speech from a man of peace—a speech which may well prove to be one of the crucial public addresses of our time. The speaker was the President of the United States. The subject was the continuing crisis in southeast Asia. The message was one of determination, of affirmation and of hope. I am proud to associate myself fully with that speech and with the vision and courage which animates the man who made it.

We have heard, Mr. Speaker, that we must be willing to negotiate the struggle in Vietnam. Last night, the world heard, in unmistakable terms, that the United States is willing to negotiate—that we will talk "with the governments concerned; in large groups or in small ones; in the reaffirmation of old agreements or their strengthening with new ones." Those who have demanded negotiation can ask for no more evidence of the willingness of this country to explore every possibility of peace.

But we also heard a courageous and unflinching expression of our determination not to let aggression succeed. We heard a clear statement of our intentions and our purpose—to help secure the independence of South Vietnam. The President made it crystal clear that we "will use our power with restraint and with all the wisdom we can command. But we will use it."

Those who have told themselves that we would allow the people of South Vietnam to have their freedom torn forcibly from them—those who believed that the patience of the American people was unequal to the task to which history has called them—those who hoped that we would turn inward and forget our commitments to freedom in our supposed preoccupation with comforts and material well-being—all of these have been placed on notice that the American will has been tested and found firm. There can be no doubt remaining in Hanoi or Peiping or in any quarter of the globe. This Nation is ready to do what it must to defend freedom, and ready, too, to do what it can and what we would all prefer—to seek an honorable peace at the conference table.

This much of the President's speech, Mr. Speaker, was a reaffirmation of what we have said before. But it was a needed reaffirmation and one which must have warmed the hearts of men everywhere to whom war anywhere is the height of folly.

But the President said more. He did not content himself with voicing our determination not to be pushed around and our equal determination to negotiate with any government which will negotiate in good faith. He addressed himself, too, to the question of making peace a workable, constructive reality in all of southeast Asia. In addressing himself to the concept of an international effort to help develop the vast resources of southeast Asia, the President offered to the people of that area hope—hope of peace with freedom and a better way of life.

Last night, Mr. Speaker, we heard a truly great speech. It was eloquent, and for that alone it can be praised. But deeper than its eloquence, Mr. Speaker, more glowing than its phraseology, was its pledge and its promise—a pledge of continued resistance to aggression, and a promise of a road to peace. Pray God, Mr. Speaker, that "his sound is gone out unto all lands and his words unto the ends of the world."

Mr. O'HARA of Michigan. Mr. Speaker, I want to commend the President's speech last night in which he underscored our pursuit of a lasting peace in southeast Asia.

President Johnson spelled out with great clarity why we are deeply committed in South Vietnam. We are pledged to assist that small nation in defending itself from a thinly disguised aggression from outside its boundaries. He made it clear—as it should have been from the start to Hanoi and other Communist capitals—that we are not going to scuttle and run—that we are going to stand fast in South Vietnam until Hanoi agrees to peaceful terms.

Obviously even more than the fate of a single beleaguered nation is at stake. As the President said:

> Let no one think that retreat from Vietnam would bring an end to conflict.

A retreat either before or at a conference table would only convince the Asian Communists that they have the green light to take over South Vietnam, and proceed to the next names on their target list: Thailand, Malaysia, and the rest of the free nations in that area. I believe that if we were to withdraw our forces in Vietnam without securing our objective—an independent and secure South Vietnam—that we would probably be forced to return to a new trouble spot in southeast Asia within a year.

Now we must wait for a response from Hanoi. In the meantime, our military actions will not be indiscriminate, but American and South Vietnamese armed persuasion will be applied in measured amounts until Hanoi realizes the futility of further aggression. No one should be deceived that a quick response is readily in sight. This could be a long, hot summer in Vietnam. But our military forces and power are more than equal to the task at hand. And I think that we will find the support of the American people in this difficult but just endeavor is more than equal to what is needed.

Mr. Speaker, the choice is now up to Hanoi. The leaders of North Vietnam can either choose to expose their hard-earned physical resources to destruction or they can choose the path of peace. They have the opportunity to share in exciting new plans for developing southeast Asia, and bringing not hunger and death to their nation, but a better life than their people have ever known. The Mekong Valley project alone promises to benefit some 48 million people in southeast Asia, and that could be merely the start of a new day for that whole area. Surely, North Vietnam's leaders cannot deny their people their rightful share.

As the President has said:

> We hope that peace will come swiftly. But that is in the hands of others beside ourselves.

Mr. ROOSEVELT. Mr. Speaker, the President of the United States has defined the components for peace in southeast Asia with remarkable clarity and balance. He has in a statement addressed to the entire world demonstrated the unique capability of the United States to stand firm and resolved in the face of international terrorism and to devote its resources to meaningful peace and security.

He has shown that this country continues to support the rights of free nations to determine their own destiny, as an essential of real world progress. He has shown that he intends that this Nation will resist both the threat and the actuality of Communist aggression, as a basic tenet of our own security. He has given hope for the possibilities of peace and human welfare without pretending that their achievement comes easily or merely wishfully. He has made unmistakably clear that as the leader of this Nation he rededicates this Nation to the principle of respect for and pursuit of the highest conditions of men, and that this Nation does not commit itself blindly on the single, exclusive course of either thoughtless counteraggression or naive relaxation.

The power to achieve these goals does not rest solely with the United States. The behavior of the aggressor states is of course crucial to the search for security and order in the world. The willingness of other Western industrialized nations to commit their resources to the task is essential. The capacity of nations from the less-developed, uncommitted world to hold a complete and unprejudiced picture of the problem rather than an emotional and distorted one also counts heavily. Yet the President has committed the United States to its maximum role in the effort, and has provided leadership for the rest of the world of unparalleled statesmanship.

Moreover, he has identified true peace for what it is, integrally related with the basic health, living standards, aspirations of mankind. With grinding poverty, disease, and hopelessness rampant among great sections of this planet's population, there will inevitably be destructive discontent, turmoil, chaos. This is the basic fact of war and peace. So the President commits our national resolve and our great military power to bring about a cessation of naked, contemptuous aggression and simultaneously requests assistace to attack the root cause of that violence. He does so with compassion and calm, and a pledge that the United States seeks these wider goals for itself as a member of the family of nations, as part of all mankind, and not with narrow interests or selfish designs.

There is one further point. By his emphasis on our willingness to pursue a peaceful settlement unconditionally, the President means what he says—there are no conditions, that this concept works both ways. We will not cease what military steps we regard to be necessary to convince the enemy that he will not be allowed to succeed in his aggression, such as our air strikes on North Vietnam. We will take the steps necessary to apply our great military power in the manner which is effective, that we will not tire or retreat.

So this great Nation will proceed on the path of resolve and reason, not gripped by emotionalism, not blinded to reality, contributing what resources we have, open to honest representations for peace. I support him. I am personally grateful to him. I am sure that the American people agree.

TO CARRY OUT PRESIDENT JOHNSON'S DRIVE FOR PEACE IN VIETNAM, WE MUST BRING THE UNITED NATIONS BACK TO LIFE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin [Mr. REUSS] is recognized for 60 minutes.

Mr. REUSS. Mr. Speaker, the President in his forthright address last night has reaffirmed the U.S. objective in Vietnam: to negotiate a settlement which will give the people of South Vietnam an opportunity to determine their own future in peace, and then to let the United States depart.

This is an honorable objective. Either the North Vietnamese will negotiate toward that objective, or they will not.

In either case, the world needs a United Nations that has risen from its sickbed and is able to take part in the peacekeeping. That need is now.

If North Vietnam is willing to negotiate—if it is willing to talk about something other than the subjugation of South Vietnam by armed force—a revivified United Nations, through its economic aid, its peacekeeping presence, and its election-supervising machinery, could be the indispensable ingredient of a settlement which includes the maintenance of peaceful conditions and self-determination for both portions of Vietnam.

A U.N. VIETNAM PEACE FORCE

If North Vietnam proves unwilling to negotiate, and the military action continue, it is even more essential that the United Nations revive. We are now assuming the task, on a go-it-alone basis, of preventing a Communist takeover of South Vietnam by force. South Vietnam is important. But it is not Hawaii or Alaska—or Japan or Formosa or the Philippines, for that matter. The farther away a battleground becomes from our essential national interest, the more important it is that the flag under which aggression there is repelled be that of the U.N. rather than that of the United States. If negotiations fail, therefore, I urge again what I have urged many time before—that the United States request the United Nations to participate in the defense of South Vietnam, with our help, until such time as a peaceful settlement can be negotiated, and that the United States offer to refrain from its unilateral role unless the United Nations, having been tendered its responsibility, rejects it.

But the sad truth—as the Senator from Vermont [Mr. AIKEN] pointed out in a fine recent speech—is that the United Nations, when the world needs it most, is nowhere within reach. Its General Assembly is powerless because its members are confronted by article 19, requiring that any member more than 2 years in arrears in its assessments "shall have no vote in the General Assembly." Because of the failure of the Soviet Union and France to pay for various General Assembly peacekeeping operations, the members of the Assembly are afraid either to invoke, or not to invoke, article 19.

THE AUGUST 1964 RESOLUTION

And while the impasse does not affect the Security Council directly, with two out of five permanent members of the Security Council immediately involved, the Council likewise can hardly function while the General Assembly lies impotent.

Mr. Speaker, what can we do to bring the United Nations back to life, so that it may be available to help in the Vietnam crisis?

Let me first recall to Members the concurrent resolution passed by the House on August 17, 1964, and by the Senate on August 20, 1964. That resolution provided:

> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President should direct the Permanent United States Delegate to the United Nations to continue efforts toward securing payment by members of the

> United Nations of their assessments in arrears. It is further the sense of the Congress that if, upon the convening of the Nineteenth General Assembly, the arrears of any member of the United Nations equals or exceeds the amount of contribution due from it for the preceding two full years, the President should direct the Permanent United States Delegate to make every effort to assure invocation of the penalty provisions of article 19 of the Charter of the United Nations.

It was not only the Congress which painted itself into a corner by that resolution. The resolution was specifically requested by the Department of State. On August 10, 1964, Secretary of State Rusk wrote to the chairman of the House Committee on Foreign Affairs to urge the enactment of the concurrent resolution. The Secretary of State said:

> I consider it useful for the Congress now to take the additional step proposed in the concurrent resolution. It would strengthen the hands of the President and of the permanent representative of the United States at the United Nations in dealing with the problem of United Nations financing. The resolution would serve as a clear indication of the united support of the Congress and the American people for the vigorous and impartial application of the charter, and would demonstrate our determination that the obligations of the charter shall be given effect.

HISTORY OF THE U.N. ARREARS CRISIS

Let us review briefly the recent history of the U.N. arrears crisis, and how we got where we are.

By the time the 19th General Assembly convened on December 1, 1964, members owed the United Nations about $148 million. Of this amount $122,870,589 represented arrears on the two special peacekeeping accounts: $34,898,227 for the Middle East force and $87,972,370 for the Congo operation. Eight countries were more than 2 years in arrears and thus subject to the sanctions penalty of article 19 of the U.N. Charter. A dozen more were threatened by sanctions as of January 1 unless they made sufficient payments to avoid the penalty provisions by that time.

Collection of payments to the regular budget has never been a problem. Arrears have never reached more than 15 percent of assessments, and members have without exception paid up before they have fallen more than 2 years behind. The problem centers on the two special peacekeeping accounts and on the political unwillingness rather than the financial inability of some members to pay their assessments for these operations.

The chief delinquents are the Soviet Union and France. When the 19th General Assembly opened, the Soviet Union alone owed $56,509,686 on the Middle East and Congo accounts; France, which has paid all its Middle East assessments and even made voluntary contributions to the Middle East force but has paid nothing to the Congo operation, owed $17,031,152.

Both these countries have made their position on the arrears problem quite clear.

FRANCE AND RUSSIA REFUSE TO PAY

The French representative has repeatedly expressed the view that only peacekeeping operations authorized by the Security Council under chapter VII of the charter are compulsory, and only expenditures authorized by the Council for such operations are obligatory. Decisions of the General Assembly, including resolutions on financing, are in the French view recommendatory rather than obligatory, binding only on those members which accept them. Thus, the French argument is that the UNEF and Congo peacekeeping assessments are not obligatory expenses of the organization in terms of article 17 of the U.N. Charter, and that the sanctions provision of article 19 is thus not applicable.

The Soviet argument goes one step further. The Soviets insist that peacekeeping operations are the exclusive prerogative of the Security Council. From the Soviet point of view, both the Middle East and Congo operations were illegal, since the Middle East operation from the beginning, and the Congo operations later, were handled by the General Assembly. Thus, the Soviets also contend that there is no legal basis whatsoever for the compulsory collection of funds for these operations, and that article 19 is not applicable.

THE INTERNATIONAL COURT'S OPINION

The French and Soviet positions run diametrically counter to an advisory opinion of the International Court of Justice handed down in July 1962. Because the U.N. Charter contains no explicit budgetary provisions concerning special peacekeeping accounts, the U.N. General Assembly asked the Court for its opinion concerning whether peacekeeping expenses should be considered "expenses of the organization" within the terms of article 17 and therefore obligatory. The Court said yes. Thereupon many of the countries which had previously been unwilling to consider these assessments obligatory, such as the Latin American countries, accepted the view of the Court as settling the matter. Both France and the Soviet bloc countries, however, have never agreed to the advisory opinion of the Court, and were quick to point out that the Court's opinion, being advisory rather than a judgment, lacked binding force.

Thus, while on the surface the problem of collecting peacekeeping arrears appears to be a straightforward question of collecting funds which members are obligated to pay, in fact it is a complicated constitutional issue deriving from concepts of what kind of organization the United Nations should be.

The Soviet Union and France, by insisting that only the Security Council can bind members to support peacekeeping operations, are in fact insisting on great-power control of U.N. peacekeeping and are refusing to give in to majority rule in the General Assembly.

"EVERY EFFORT" TO ABOLISH ARTICLE 19

The majority of U.N. members, on the other hand, by accepting the advisory opinion of the International Court of Justice, have adhered to the principle that a General Assembly majority can exact financial support for peacekeeping operations from all members, even from those which oppose a particular peacekeeping action.

This brings us to the concurrent resolution of last August calling on Ambassador Stevenson "to make every effort to assure" that the delinquent Soviet Union and France be denied the right to vote under article 19. Starting with the convening of the General Assembly last December, Ambassador Stevenson did make "every effort."

As the 19th General Assembly limped on, U.S. officials labored to convince other member nations to support loss of vote sanctions if the issue came up. But the United States could never count on the necessary majority to back sanctions.

The reason was not that members felt the Soviet Union, France, and other delinquents should be absolved of their obligations or that they agreed with the Soviet and French position. A number of countries which supported the U.S. position of collective financial responsibility for peacekeeping expenses expresed strong reservations about applying sanctions against the great powers, because they feared that the consequences to the United Nations of applying sanctions would be far more serious—possibly fatal—than the consequences of a moratorium on arrears.

U.N. MEMBERS DRAW BACK FROM INVOKING ARTICLE 19

The Indian representative, for example, told the General Assembly on December 14, 1964:

> We met here on December 1 in an atmosphere of confrontation. I am glad the confrontation has been avoided. It would indeed have been disastrous for the Assembly and the Organization itself if we had decided to vote on the question of whether or not article 19 of the Charter was applicable to the Members who had not contributed toward the costs of peacekeeping operations in the Congo and Gaza. The result of the vote either way would undoubtedly have led to considerable diminution in the strength and vitality of our Organization. While we ourselves believe in collective responsibility and have contributed millions of dollars toward the costs of peacekeeping operations and have also supplied thousands of troops and tons of material to the United Nations, we at the same time recognize that no Member State can be compelled to contribute either troops or funds to such operations.

So also the delegate of Senegal said at the 19th General Assembly:

> To deprive the Soviet Union of its right to vote would be to create a disequilibrium fatal to the United Nations and, finally, to peace. We believe that the application of article 19 is not desirable and would be inopportune. The United Nations cannot live with the United States alone, nor with the Soviet Union alone.

Even a close friend of the United States, Canada, warned of the danger of a collision course and urged compromise at a meeting of the special U.N. working group on financing in early October:

> At this moment these (peacekeeping) differences have set the membership on a collision course which, if not diverted, can only have very grave consequences for the Organization whatever the outcome. It follows, therefore, that it is in the interest of each of us to make superhuman efforts to formulate a modus vivendi for the future to which we can all subscribe. If our search for such a modus vivendi is to be made in good faith, then we must recognize that each of us will

have to accept some modifications of previously held positions and make concessions to the points of view of those who differ with us, concessions made freely as a contribution to the common objective of finding an acceptable solution.

The issues which confront us involve the strongly held views of sovereign nations—no solution that relies on intimidation will work. On the other hand, if we are to make any progress, we must count on the readiness of each delegation, when confronted with the hard choices which inevitably will arise, to weigh very carefully the consequences of failure to reach agreement. It is the hope and expectation of my delegation that when such tests arise each member government will decide in its own interest that the importance of maintaining the United Nations as an effective organization for peace and security outweighs other considerations which may previously have seemed to be of overriding importance.

THE ASSEMBLY ADJOURNS INGLORIOUSLY

In the course of the brief 19th General Assembly session it became apparent that the vast majority of the U.N. membership wanted to prevent a confrontation on article 19 at all costs. In fact, the subterfuge to which the Assembly succumbed in order to avoid voting turned the Assembly into a parody before the end. Because there were two contenders for one of the seats on the Security Council, the Assembly President held consultations in his office with each delegation in order to take their votes privately rather than provoke a showdown in the Assembly. As one delegate wryly remarked: "We go into the back room and vote and then say we have not voted." The consternation which arose on next to the last day, when the Albanian delegate proposed that the Assembly resume voting, subsided only when U.S. Ambassador Stevenson announced that the United States would not raise the arrears issue in connection with a vote on a proposal by the President to rule the Albanian suggestion out of order, since the President's proposal was a procedural rather than a substantive issue. The Albanian proposal was duly ruled out of order by a 97-to-2 vote. And so the Assembly session ended.

The scene made good television viewing. But this was the only official vote of a session which was scheduled to consider over 90 agenda items. Those who want to turn the U.N. into a mere debating society had succeeded beyond their wildest dreams.

Where does all this leave us?

If the United States invokes article 19 when the Assembly reconvenes in September, the United States may well be on the losing side of the vote. This would be a blow to the prestige of the United States in the United Nations. It would weaken the organization. It would increase discontent with the U.N. among the Congress and among our citizens.

On the other hand, if the United States should come out on the winning side of a confrontation over article 19, it might well be a pyrrhic victory. The Soviet Union has threatened to withdraw from the U.N. if its vote is taken away. So might France. To be victorious at the cost of sending the United Nations the way of the League of Nations offers little satisfaction.

BECAUSE OF THE DEADLOCK, THE U.N. CANNOT BE USED TODAY

Perhaps the worst course of all is to muddle ahead as we are now, with the U.N. incapable of action, and with a collision facing us when the Assembly reconvenes in September. As the congressional resolution now stands, the executive has no alternative—unless it wishes to disregard Congress clear expression of last August—but to move to invoke article 19. That the resolution was passed by the last Congress, rather than this Congress, seems irrelevant. It is still the unrepealed voice of Congress. It must be listened to, just as the administration keeps listening to another resolution passed by the last Congress—that endorsing the President's firm stand in Vietnam.

I believe it most unwise, Mr. Speaker, for Congress to continue the executive in this inflexible position where it must, whatever the consequences, invoke article 19. We hoped that a tough position on article 19 last December would work—but it failed. We must now put the executive in a position where it can revalidate the U.N., so that the U.N. may be requested to play a peacekeeping role in Vietnam. For this, the executive needs flexibility. We should not wait until tomorrow. The time to repair the U.N. is today.

NEEDED: A NEW RESOLUTION

Accordingly, I have today introduced House Concurrent Resolution 386, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President should direct the permanent U.S. delegate to the United Nations to continue efforts toward securing payment by members of the United Nations of their assessments in arrears.

House Concurrent Resolution 386 retains the first sentence of last year's concurrent resolution, directing the U.S. delegate to continue efforts toward securing payment of arrears, but strikes out the final sentence relating to the invocation of article 19.

By striking this final sentence, Congress would in no way be directing the executive to desist from efforts to make nations in arrears pay up. The sentence of the resolution which would be retained assumes that the executive would continue diligently to exert all possible persuasive pressure on delinquents to honor their obligations. The executive would still be able to invoke article 19, if deemed wise; it could still threaten to invoke article 19, if tactics call for this. But it would not be compelled to invoke article 19.

THE U.N. REHABILITATED

With the article 19 obsession out of the way, a revivified U.N. would then be available for a U.S. request for U.N. action on the Vietnam question. If the Security Council failed to act, the question could come before the Assembly under the uniting for peace procedure.

As long as the threat of invoking article 19 hangs over the General Assembly, however, no such solution is possible. As the concurrent resolution of last August stands, it is the sense of the Congress that the U.S. delegate to the U.N. should invoke article 19 whenever an issue comes up for a vote in the General Assembly. If we went before the U.N. tomorrow with the Vietnam question, as we should, we would frustrate ourselves because our first order of business would have to be a demand for a confrontation under article 19.

I wish to make it clear that just as I am not proposing that the United States should cease efforts through negotiation to get France, the Soviet Union, and other delinquent to pay up their Assembly peacekeeping obligations, so also I am not suggesting that deadbeatism in general in the payment of U.N. obligations should be condoned. Article 19, whatever its weaknesses, was written into the charter for a purpose—to discourage nonpayment. Up to the 19th General Assembly it had never needed to be invoked because members have without exception paid arrearages on the regular U.N. budget before they have fallen 2 years behind. Several Latin American countries, for example, which had allowed themselves to fall more than 2 years in arrears, recently made substantial payments in order not to fall under the sanctions provision. Article 19 has even exerted some beneficial pressure with regard to peacekeeping assessments, for a number of countries made arrears payments to the peacekeeping accounts during late 1964 and early 1965 to avoid the sanctions penalty.

NO DEADBEATS ALLOWED

No member should be allowed to get away without paying his U.N. obligations simply because he does not feel like paying them. But the refusal of countries like France and the Soviet Union to pay peacekeeping expenses for political reasons poses a problem of a wholly different order. The United Nations is not a world government, but an assembly of sovereign states which, by ratifying the U.N. Charter, pledged to work for certain goals within the international community. Each member, however, still has the freedom to consent to or oppose specific actions of the organization. The current crisis over financing peacekeeping has simply proved what should have been self-evident: that it is unrealistic to expect sovereign nations to support peacekeeping actions which they consider inimical to their own best interests and which they have explicitly objected to.

This is indeed the central issue of the current U.N. financial crisis: Can we expect sovereign nations to pay for peacekeeping operations which they oppose? For example, if a General Assembly majority should decide to launch a peacekeeping operation in South Africa which the United States considered an illegal intervention in the internal affairs of another state, would we not balk at paying for it?

VOLUNTARY FINANCING IS NEEDED

In sum, it appears that the assessment method of financing U.N. peacekeeping operations is simply not feasible, and that in considering possible methods of financing future operations we should turn back to ad hoc solutions, mainly to schemes of voluntary financing. Because of the publicity of the Middle East and Congo operations and of the article 19 issue, it is frequently forgotten that of the more than a dozen peacekeeping operations undertaken by the United Nations, only two—the Middle East and the Congo—have been financed by the special assessment method.

Over half of them—smaller operations involving truce commissions, military observer groups, or U.N. mediators—have been financed out of the regular budget. Thus, for example, U.N. mediators have been sent to Palestine, Jordan, Laos, and Cambodia/Thailand. Military observer groups or special U.N. commissions have gone to Indonesia, Greece, Palestine, Korea, India/Pakistan, and Lebanon.

Several more extensive peacekeeping operations have been financed on a voluntary basis. The 1950–53 Korean war was financed completely through voluntary contributions, with 37 countries contributing manpower, money, materials, or all 3. Several recent peacekeeping actions have also been financed by some kind of voluntary scheme. Thus, the costs of the U.N. temporary executive authority in west New Guinea, operating from October 1962 to May 1963, were divided equally between the Netherlands and Indonesia. The U.N. Yemen observation mission, from June 1963 to September 1964, was paid for by Saudi Arabia and the United Arab Republic.

THE CYPRUS PRECEDENT

The best precedent for the future is perhaps the Cyprus operation, initiated in March 1964. Involving some 6,000 troops, approximately the same number as the Middle East operation, it is being financed wholly by voluntary contributions. Eight different countries have provided troops for the force, and a large number of countries have made financial contributions toward the more than $6 million needed quarterly to finance the force. Although the Secretary-General has been forced several times to make special appeals for funds, eventually the necessary contributions have been forthcoming, and the Cyprus force has now been in operation for nearly a year.

The purpose of House Concurrent Resolution 386 is clear. It is not to encourage capitulation, but to allow compromise. For too long now the United Nations has been deadlocked over the arrears problem. There are only two ways of breaking the deadlock: (1) by a potentially disastrous confrontation on the arrears issue; or (2) by persistent negotiation to reach a mutually satisfactory agreement on what I consider the basic issue at stake—how to preserve the United Nations as a peacekeeping organization.

FREEING THE PRESIDENT'S HAND

It is time to look to the future possibilities of the United Nations rather than to the past difficulties. Indeed, a solution of the arrears problem may be easier if a scheme for the future can first be worked out which will meet some of the objections of certain members. According to a dispatch from the United Nations today, the Secretary General has advocated a solution for the peacekeeping problem under which permanent Security Council members which oppose or abstain may be exempted from financing the peacekeeping operation. Clearly, an incident of such a solution is going to have to be easing up on our tough article 19 position against the Soviet Union and France.

There is no getting around this: no solution is possible so long as members rigidly insist upon the positions they now hold. The United Nations cannot function effectively so long as the threat of article 19 hangs over it.

I hope that the administration will support House Concurrent Resolution 386, and that the Congress, by promptly passing it, will free the administration's hand to rehabilitate the U.N. Then the U.N., if its members have the will, can play its rightful role in bringing peace to southeast Asia.

CLEVELAND ARMY TANK PLANT—EMPLOYMENT ASSURED UNTIL OCTOBER 1969

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 15 minutes.

Mr. FEIGHAN. Mr. Speaker, announcement will soon be forthcoming of the award of multiyear contracts for the manufacture of the 155-millimeter self-propelled howitzer, M–109, and the General Sheridan armored reconnaissance airborne assault vehicle, XM–551, in the Cleveland tank plant. The M–109 production period will run from June 1966, until August 1968. The XM–551 production period will run from September 1966, until October 1969. Since the chassis of these new vehicles will be similar to the M–114 and experimental models have been made in the tank plant, and the tooling for these advance models is in place here, it is almost a certainty that General Motors will be able to retain the workers presently employed. In addition, many more skilled and specialized workers will be needed to produce these sophisticated vehicles.

The Army officials involved in these negotiations and procurement, should be complimented for their fairness in handling the situation. There has been much misinformation and emotions flared many times in the process of contract bidding and awards. The underbrush that many thought was there never really existed. The main point, however, is the end result, that is, many Cleveland families will be assured of continuing and steady employment. I am most happy and pleased to make this announcement to the people of Cleveland and particularly the workers at the tank plant. I have worked in a cooperative spirit with the Secretary of the Army to secure these contracts and the results are gratifying to me. In the course of this work I also enjoyed the full support and cooperation of Ed Skinner, president of United Auto Workers, local 755.

The people of Cleveland will be proud of the contribution they will be making to the security of our country and the free world by producing these modern, hard-hitting, powerful combat vehicles. I have obtained details on the characteristics of these vehicles which I feel is of interest to all concerned.

GENERAL SHERIDAN ARMORED RECONNAISSANCE AIRBORNE ASSAULT VEHICLE, XM–551

This vehicle will fire the new Shillelagh missile as well as a 152-millimeter conventional round. The Sheridan will be used in armored cavalry units for reconnaissance and security, and in lieu of the tank in airborne divisions. This vehicle will be deployed worldwide for this role. Design and development of the vehicle were accomplished in the Cleveland plant by the Cadillac Division, General Motors Corp.

The unique feature of this vehicle is that the gun will fire a conventional 155-millimeter shell and the Shillelagh missile from the same barrel. The Shillelagh missile will seek out the target and can be fired from safe distances far beyond the gun range of an enemy tank. This will make the new Sheridan a most formidable addition to the U.S. combat inventory. The Sheridan is not a tank, but a mobile, hard hitting, track vehicle with great mobility and speed.

ONE-HUNDRED-AND-FIFTY-FIVE-MILLIMETER SELF-PROPELLED HOWITZER, M–109

This howitzer is air transportable and weighs approximately 25 tons. It is used in direct artillery support in armored division, mechanized divisions, and cavalry regiments worldwide. In addition to the Army, the U.S. Marine Corps utilizes this howitzer. Foreign customers include the Federal Republic of Germany, United Kingdom, and Denmark. This vehicle was developed by Cadillac at the Cleveland plant and was first produced by them in October 1962.

BASIC COMBAT TRAINING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, many of us here in the House have had occasion in the past to debate the validity of the present-day draft laws.

The Defense Department is currently readying a report on this subject and hopes to have it before the Nation in May. This is none too soon. Along with many other colleagues, I am going to take a very careful reading of this report and ascertain whether it deals sufficiently with the inadequacies and inequities of the system. If proper administrative corrections are not forthcoming, then the Congress has the obligation and the responsibility to review the matter.

At the moment I would like to touch upon an institution which is intimately connected with the peacetime draft, and that is the form of training to which the draftees are subjected in the Army. All must undergo basic combat training.

A very enlightening and thoughtful report on this subject has been brought to my attention, written by a young man who underwent training at the center at Fort Gordon, Ga. His recommendations were submitted in the late fall of 1963.

I think my colleagues will be interested in this, and under unanimous consent I wish to include this report at this point in the RECORD:

BASIC COMBAT TRAINING

I. PREMISE

(a) The professional competence of the individual soldier is of paramount importance to the Army and the Nation.

(b) Basic combat training retains a crucial role in shaping the worth of the individual soldier.

(c) The prevailing system of basic combat training in operation at Fort Gordon, Ga., is incapable of producing a soldier of credible military value.

II. THESIS

The following structural and operational suggestions offered:

A. *Lengthen basic combat training from 8 to 12 weeks and restrict the training program to fundamental instruction*

At present, the trainee cannot absorb or retain in the 8 weeks allowed the range of training conducted. Even under the simplified schedule now in effect, important training is dangerously rushed with an almost total lack of individual attention. There are two immediate shortcomings: The training period as a whole is too short and the instruction lacks specification. The breadth and variety of the existing effort, crammed inadequately into 8 weeks, cannot produce a man drilled and qualified in the fundamentals of soldiery, which is admittedly the prime objective (reference Headquarters, 1st Training Regiment memorandum, subject: Policy mission, dated Aug. 1, 1963). Experience has shown that the average graduate from basic training at Fort Gordon is unable to confidently operate his weapons, lacks sufficient knowledge of military tradition and conduct, has not reached proper physical fitness, and is insufficiently indoctrinated in elementary military subjects.

The first prerequisite, within an expanded program, is that greater stress be placed upon mental and physical conditioning. The training companies are responsible for the latter, and generally, after an initial few weeks, physical training is deemphasized, mainly through lack of time. The training schedule should allow for a minimum of 3 hours physical training daily, programed in the morning and late afternoon. The physical combat proficiency test should be administered four times through the cycle.

The total aim is to produce a soldier skilled in "basic combat," two words which have been erroneously interpreted. The enlarged 12-week program should emphasize: physical fitness, military drill, courtesy and tradition, discipline, and elementary combat techniques. Rifle qualification, drill and ceremonies, physical training, tradition and courtesy, bayonet and grenade training, first aid, footmarch and bivouac, individual and squad tactics, and CBR warfare are the only subjects to be included within the contemplated 12-week training program. The lengthening of the program will permit a reemphasis upon the fundamentals of soldiery and combat which are now being inadequately grasped by the individual recruit.

It is further recommended that proficiency testing be radically revised or eliminated altogether from the training program. This all-inclusive, oral examination, climaxing the training period, has become a deceptive and warped indicator of what the individual trainee, or the company as a whole, has actually learned. Both petty and flagrant cheating have marred its usefulness. It has become repetitive and petty; the various topics are scrubbed into technointricacies which ignore essence and suggest very little of the competent fighting capacity which is needed.

It fails also in measuring a company's achievement, or lack of it. Pure chance decides the input of a company, or by inference the personal and educational qualities of its member-trainees; these predetermined factors, rather than the training process itself, will principally influence the testing results. Company personnel, although they are held solely accountable by higher echelons for the averaged scores, are severely restricted in their capacity to extract interest and effort from their flock, mainly because the whole program, integrally, cannot meet this demand. Adding to this inconsistency is the fact that headquarters detachments are responsible for most fields of instruction, though they escape responsibility for the tangible results. The value of this finale fades absolutely when it is seen that neither reward nor punitive action (such as recycling) accompanies the results; there is no real increment to success, beyond the fact that higher headquarters are apt to view these statistics with importance; and so the mutual deception continues.

Unless the results of the examination are made to have some meaningful effect upon the soldier and his particular status, the testing will remain purposeless and highly suspect. And a more truthful representation must await basic alterations in the training program itself, which is at the root of the problem. It is therefore recommended that responsibility for proficiency testing be delegated to battalion and unit commanders on a voluntary basis. An alternative to this suggestion is that the testing remain a regimental function and that the results be given more weight to effect the soldier and his status within a much improved training operation.

B. *Permanent party strength of each training company should be increased and their quality improved*

The training companies, under existing induction processes, are regularly filled by 250 men or more. Handicapped even by these strained conditions, training units are nevertheless sufficiently equipped, in most instances, to supply one field infantryman as cadre to each platoon. The ratio of trainees to 1 noncommissioned supervisor varies, but frequently reaches 60 to 1 or greater. This proportion is intolerable, and would even be deficient under the proposed 12-week program, or in support of a comparatively small company of 150 recruits.

The fact is that allocated field cadre strength, under existing prescriptions, is insufficient. Authorized field cadre strength for each company is set at between 7 and 9; 1 of these usually becomes the senior field first sergeant, without platoon assignment; even at full strength, a platoon of approximately 60 recruits can be accorded at most 2 supervisors. But in practice full cadre strength is never reached, and many companies, for varying stretches of time, must operate with less than four platoon sergeants (the companies are composed of four platoons). Moreover, it often occurs that units which are fortunate to obtain full authorization, itself inadequate, have their men siphoned off to temporary or special duty assignments elsewhere. A realistic appraisal, furthermore, cannot ignore the fact that as servicemen they incur additional duties within the unit unrelated to the training function, such as charge of quarters and senior training requirements; these circumstances serve only to increase the lack of direct supervision which practice and structure make imperfect at the outset.

It is impossible to belittle the task. Within the existing 8-week timetable, a company of 250 civilians must be initiated into military life. This is no mean undertaking. But within a program already crippled by its brevity and complexity, these appear, nonetheless, gaping expanses of aimlessly wasted hours because of insufficient supervision and manpower. The inevitable consequence of this triple-edged adversity is a platoon of recruits lacking in discipline, poorly drilled, and barely semi-informed of elementary military procedures. Very few trainee-graduates, for example, are able to properly execute the hand salute, report to an officer, or respond without error to basic drill commands.

In view of the foregoing, it must be recognized straightaway that the demands of properly training and disciplining future soldiers, without any prior military experience, cannot possibly be met unless the ratio of direct supervision and guidance be lowered to 20 to 1 or below.

Such a ratio could be attained within existing cadre strength allotments if the number of trainees in each company was substantially decreased. But this raises inevitable problems regarding available facilities, and would probably upset the induction processes.

In addition, it is imperative that noncommissioned officers assigned as cadre be of superior quality. At the present time training outfits are manned without reference to any set of individual and professional qualifications. The result is abundantly clear: a substantial portion of the enlisted party is professionally, morally, and physically unfit to train young recruits. The danger in this situation cannot be underestimated, for in this manner the inadequacies of these career personnel are being perpetuated.

At the beginning it must be realized that the training and handling of recruits is a special type of work. Not all career soldiers are appropriately suited for the job. This is a place where the best is required; nothing less will suffice if the pupil is to become a confident and credible instrument of war. Accordingly, assignment must be based upon selection, through which the prospect is thoroughly screened as to personal and professional capabilities.

It is likewise apparent that a man without a genuine interest in training is very nearly worthless; the work is of such breadth and variety that however excellent the program itself may be, it will remain unfulfilled without an unusual and skilled expenditure of time and effort on the part of the trainee's closest supervisors. It is important, therefore, that eventually assignment be made voluntary, and within this context some form of inducement to candidature should be instituted, not excluding the financial. At this juncture procedures must be guaranteed to cause reassignment of cadre members who do not fulfill the high prerequisites for which they were originally chosen.

C. *Eliminate irrelevant activities from the program*

It is readily apparent to even the casual observer that the 8-week training program, inordinately short, is excessively punctured by a vast category of official and semiofficial activities wholly unrelated to the mission.

Foremost within this context is preliminary medical and administrative processing. The training center and subordinate units are being saddled with a host of collective and individual responsibilties toward the trainee which should not concern them. They have become a catchall for unfinished business. It is recommended that steps be taken immediately to insure that all initial dental, medical, and administrative work is attended to at induction and reception centers, before recruits commence actual combat training. At the present time this elementary processing is undermining the integrity and purpose of the training units and hindering their essential work.

However, it is chiefly the semiofficial and obligatory activities, including those conceived of (deceptively) as morale boosters, which are corruptive and place the greater demands upon time. It is precisely these unrelated and varied chores which have made the training companies chaotic and often dispirited organizations: they see precious time preempted by the insignificant; they see the individual recruit lose untold man-hours of training and learning; and they are continually harrassed by administrative actions wholly irrelevant to their obligation to train.

Through the training cycle both the commercial photography and company yearbook trusts are permitted to secure their business. Insurance solicitation, financial allotments, collections for various welfare funds, Government bond purchases, blood donations, security clearances, officer candidate applications, and other miscellaneous items crowd available time. Good public relations and the morale factor dictate required attendance at certain sporting events, including the talent show and its attendant rehearsals. The command encouragement of family visits, in addition to producing pandemonium on Saturdays, is another prerogative which in the final analysis subverts discipline and purpose. Far from building morale, these latter intrusions divert attention from the training objective, when already the program as it currently operates is misdirected, insufficiently demanding, and woefully short. At the same time, it is seen that entirely the wrong morale is being artificially promoted.

Basic combat training cannot be made a pleasant affair in the usual sense, for the prerequisites of war are instantly unpleasant. This must be recognized, for only then can we field a capable combatant whose training has not been diluted by superficiality and an abundance of the common pleasures. The proper morale in a military grouping is developed only insofar as the participants believe, even vaguely, in what they are doing; and there must be a sense of accomplishment which commands respect. The trainee can arrive at the proper morale only when he feels his induction becoming worthwhile. Consequently, it is necessary that basic combat training be rid of the accumulated irrelevancies, exemplified by those listed above, which can only hurt the soldier in the long run, as it does the Nation.

Additionally, it is unfortunate that the training companies are viewed as easy sources of troop labor. That fully one-third of a trainee's time is expended on various work details is not an exaggeration. He is expected to paint, saw, draw, sweep, clean, garden, type, drive, cook, and assist in the training to such an extent that he instinctively comes to question the validity of his status. And then he is essentially lost as a soldier because he no longer takes his service seriously. He loses respect in himself, his uniform, and the Army: he suspects that the system is a sham.

In keeping with the first requirement that basic training companies produce soldiers who are trained to contribute some military value to the Nation's security posture, it is suggested that these extraneous and largely nonmilitary activities of the recruit be starkly reduced.

It is to be observed that all these diversions are essentially corruptive of the training effort. Their principal impediment is that they infringe upon valuable time, when time itself is all important. And as a further consequence they tend to corrode the serious resolve which must lie at the base of the training mission.

In conclusion, the forced insertion of nonmilitary pursuits in the training program, compounded initially by preliminary medical and administrative action, has drastically impaired the objective of producing capable soldiers within an already deficient structure. The following suggestions are put forward: (1) Equip induction and reception centers with the necessary facilities and personnel to handle all dental, medical, and administrative processing so that training units may later devote full attention to the training effort; (2) reduce to a minimum the man-hours which trainees expend on miscellaneous work details; (c) insure that sufficient time is reserved, either at the reception center or early in training, for the semiofficial tasks which are deemed necessary, or which otherwise affect the soldier's rights; (d) eliminate the excess of irrelevant and non-military activities; (e) insure that induction and reception stations are able to detect the more obvious physical and personal imperfections which disqualify the individual from service, thereby eliminating the burden of assorted discharges which the training center presently must handle.

D. Eliminate special privileges from the program

The recruit is a favored individual. His complaint carries greater weight than that of the career noncommissioned officer. His comfort and needs are catered to on a scale unheard of in earlier days. This general approach is not only unnecessary, but extremely harmful to the recruit's welfare within the Army and destructive of his potential service to the Nation in time of war. There has grown within the military a hypersensitivity regarding injustice or maltreatment of the basic recruit which is seriously damaging this Nation's preparedness; undoubtedly it has political and public-oriented roots; at the same time it can be seen that the disease is lowering the morale and spirit of those directly entrusted to train. The pendulum has swung to the other extreme, to such an extent that it invites corruption, disobedience, and the flouting of standard military conduct. It is suggested that appropriate echelons review this matter; the greater responsibility must rest with equipping the country with a combat soldier who is militarily credible and capable of defending himself, rather than weakening his fighting capacity by succumbing to the variable political and social pressures of a nation at peace.

Within this context it is also recommended that the full weight of the Uniform Code of Military Justice, which also embraces corresponding civil codes of conduct and behavior, be implemented against the trainee as is deemed necessary. At the present time the recruit is a privileged soldier before the law. Though in many cases this preference is excusable, the trend has developed to the point where existing leniency constitutes an open inducement to break the law. (This situation exists to a more serious degree in advanced individual (infantry) training.) Very often the cause is simply that the companies, overburdened and undermanned, lack the time and the means to initiate proper proceedings. But at the regimental, or review level, the tendency to drastically dilute imposed sentences involving recruits, whose offenses were all the while knowingly punishable, is hardly in keeping with the objectives sought in training the soldier.

Similarly, the extent of the chaplain's influence is becoming harmful, although this often depends upon the chaplain himself and his own conception of his work. However, it is clear that several cases inevitably arise where his influence on behalf of an individual trainee is seriously detrimental to discipline in the group as a whole. Recruits can, and do, procure special privileges unknown to the neediest careerist. It is suggested that the chaplain's sphere of activity be confined to religious matters, and that all other grievances and the like be handled, as they should and later will be, through proper military channels.

Since it is logical that training for combat be conducted with the least artificiality possible, consideration should be given to eliminating a whole assortment of training practices which tend to make the recruit's experience unnecessarily unreal, developing at the same time a false sense of confidence. For example, it is incomprehensible that trainees be given earplugs to wear on firing ranges, or that they be prescribed not water, but ice water, to drink in the field. Nor is it militarily convincing to prohibit marches because of the summer heat. And is it necessary to order that orange juice be made available after the company has concluded its physical combat test? These and a host of similar regulations suggest that commanders are motivated, overly so, by unmilitary considerations, both overt and covert. If they are allowed to govern decisioning excessively, as they do today, combat preparedness is weakened because the training lacks the authenticity with which it could be endowed. And, unfortunately, much of what is occurring today indicates that we are sacrificing far too much potential fighting capacity.

It is recommended that the entire subject of preferential treatment toward the trainee be reviewed with the object of eliminating unnecessary civilities and privileges which are incompatible with the education of a man for war. The current trend is not only dangerous but could prove to be nearly treasonable in its effect.

E. Strengthen the battalion headquarters

At Fort Gordon, the battalion headquarters, staffed in each case by approximately five men, are intermediate commands operating in the chain between the training companies and regiment headquarters. Although their practical usefulness in the training function varies, their principal preoccupation is the transmittal of correspondence and information to and from regiment headquarters and the companies.

The battalion units are without power to influence the training program, which is organized and directed at the regiment level and implemented by the companies. Almost all administrative and accounting processes are handled directly between the companies and higher units, without reference to the battalion commands. Even their signature on routine correspondence has become meaningless, for through practice they are bound to pass everything upward and downward irregardless of the matter at hand, and are more often than not ignorant of the particular situation. Although their supervisory powers are of potentially great benefit to the subordinate companies, this area is hardly ever explored to a useful degree. It is true that battalion commanders advise the regimental commander on a continual basis; but the value of this contact is questionable, both because the regimental commander is usually content to pursue his own course, and because the battalion officers have failed to represent the companies honestly and effectively.

Because of their relative impotence, it is not surprising that most battalion units have become little more than petty bureaucratic irritants, encroaching overly upon the responsibilities of the companies, choking off their own initiative. This infringement is usually neither appropriate nor useful since it is confined to narrow details over which the battalions have secured some authority but which should be left to the discretion of company commanders. Nor, in all their idleness, have the battalions consciously sought to assist, administratively or otherwise, in the significant operations of their subordinate units. A more unfortunate consequence is that they have made essential relationship between regiment headquarters, where policy is made, and the companies, where it is executed, infinitely more cumbersome. Far from representing accurately the interests of the training companies, battalion headquarters have contributed toward misunderstanding and the dilution of responsible command.

It is, therefore, recommended that this intermediate command be strengthened so that it may more fully justify its existence. The battalion headquarters could be given maneuverable authority within the training schedule. And they could be directed to assist in, and held more intimately responsible for, the multitudinous activities, both operational and administrative, which the companies must shoulder. Without greater responsibility and authority, battalion headquarters will not fulfill a meaningful function in the training mission.

F. Reform the training structure

After contemplating the aforementioned inadequacies and proposals for change, a wholly new and more efficient training structure must of necessity assert itself. It has been affirmed that field cadre in the training units must be substantially increased and their personal and professional standards improved through selection and voluntarism; that the term of training should be increased to 12 weeks with greater emphasis upon the basics of combat preparedness; that the battalion units must be delegated more authority and responsibility over their subordinate companies; and that the lack of precision, accountability, and purposeful resolve has created an unpardonable gap between what the authorities believe is occurring and what is actually taking place.

At the present time, particular subjects covered in the training schedule are taught by detachments at regiment headquarters. These men form training committees, or faculties, which continue to function today although several technically advanced classes have already been removed from the schedule. Now it must be admitted that these committees, staffed by noncommissioned officers, are only specialized in a particular field to the extent that they obtain the necessary information from training directives or lesson plans, a procedure open to any competent soldier. Further, it is undeniable that all senior noncommissioned officers of the infantry should possess the necessary knowledge to instruct basic recruits in the fundamentals of soldiery, whether the subject be rifle familiarization, hand-to-hand combat, or grenade throwing; this is their profession; it should only require intermittent refreshing and some guidance on changes which occur. Once the sole emphasis in training is placed upon those elementary topics listed earlier, and once the program is lengthened, there should be no need for a headquarters faculty or committee group which, incidentally, is left with far too much free time compared to those men assigned directly to the companies: today the brunt of the effort is unevenly weighted.

It is suggested that, after the training company is supplied with at least 20 field infantrymen (representing per platoon a trainee-cadre ratio of 20 to 1), these senior careerists be made collectively responsible for all training during the cycle. Training units should be furnished with an executive officer who, with the officer in command and the battalion staff, would share most of the group instructorship. Under this arrangement, the regiment headquarters would establish broad guidelines, such as the number of hours to be relegated to each subject throughout the 12-week cycle; their personnel would keep lower units informed of alterations in training directives, would retain supervisory and inspecting authority, and would direct all aspects of cadre training, which has been seriously neglected. The battalion command would increase its staff substantially and would possess that immediate control over scheduling for its four subordinate companies which the regiment now exercises over 16 individual units. The power and responsibility of battalion units would hereby be enhanced; the plan would make for more effective control over the training function and eliminate the vagueness, misunderstanding, and duplicity which the present structure creates. The present system, which centralizes training responsibility, is unwieldy and often chaotic; there is insufficient attention paid to individual needs; and, as we have seen, the battalion units are wholly impotent. Moreover, the system wastes the professional talents of company cadre who today simply march the recruits from one area of instruction to the next.

But by far the most beneficial result is that the training would become more individualized; platoon sergeants would become more aware of the needs of their group and act accordingly; the sense of involvement, of accomplishment, would enhance their esprit and status; their work would become more stimulating and rewarding. And in the end the responsibility for producing the future soldier would come to rest precisely where it should: with the individual's closest supervisors and the unit to which he belongs. Here accountability is definite.

Of course, the proposal is untenable unless the recommendations made earlier are acted upon: the lengthening of the program, the increase in cadre strength, the elimination of preferential treatment and artificiality, and the removal of nonmilitary activities and obligatory processing so as to restore meaning and purpose to the experience.

G. Miscellaneous suggestions

1. Armorer's Slot in the Companies

The enlisted strength of each training company maintains a slot for an armorer. This is unnecessary because even though the individual may be occupationally qualified, he is prohibited from handling and repairing weapons by regulation, and units are not provided with the necessary tools and parts, on a continual basis. It is suggested that this slot be filled by a supply clerk or vehicle driver MOS.

2. Transportation

One driver, qualified to handle both ¾-ton and 2½-ton trucks, should be permanently assigned to each training company. This task should no longer be delegated to basic trainees, a number of whom, through each cycle, are exempt from vital training. In addition, one ¾-ton truck and one 2½-ton truck should be permanently assigned to each training unit; the existing procedure of securing vehicles through prior request is cumbersome and impractical, mainly because the need can never be accurately forecast, and very often there is simply nothing available. Training units require constant utilization of military transport for the supply function, field training, mess operations, and routine business. At the present time, assigned personnel within the companies are excessively pressed to use their own vehicles for official work in order to effect efficient operations. The situation is wholly unnecessary and unfair.

3. Reform Administrative Responsibilities

It is suggested that prompt consideration be given to eliminating within the companies the varied paperwork and accounting procedures which do not immediately affect training operations.

Many of the recurring requirements have become purposeless and redundant. Each company is required to have a safety council, which in reality never meets; nevertheless, its reports are written and duly forwarded each month. Reports on fire inspections, which never take place, are typed and dispatched; several personnel rosters, all bearing similar information, must be sent regularly to disparate commands; unit fund council meeting minutes, equally fraudulent, are prepared on a monthly basis. Comprehensive training records, deftly manipulated, are kept on all cadre, although classes are seldom attended; full accounting of man-hours for each working day, grossly distorted, are maintained. The obvious fact is that training companies have made a falsity of administrative business not only because they lack the time and resources to treat it validly, but because the great bulk of the material is largely irrelevant and inapplicable to their essential being.

Who can honestly justify the use of formal unit orders for often nebulous and obvious appointments? What, in truth, can a formal safety program mean to a basic training company? Why is it required, by the Third U.S. Army safety division, to prepare a long and explanatory form because a recruit broke his ankle accidentally in a touch football game? Of what possible value can the latter procedure be? Higher headquarters at Fort Gordon, moreover, will press upon the clerk that there had to be a causative agent, or a supervisory failure, while in reality there was neither.

It is beyond the means of this brief commentary to specify the widespread duplicity and deception which contaminate the administrative arena. It is enough to conclude, however, that a very real crisis exists. Companies and command groups are endlessly guilty of flagrant falsification of routine records; there is hardly a piece of correspondence which is not in some way handled dishonestly or fraudulently. Not infrequently does this result from command pressure. Companies are the object of a mass of dictum which in the end they cannot or will not obey; the result is corruption and evasion, which is really a conspiracy, left unsaid: the upper echelons are painfully aware of the state of affairs. It must be realized that this situation is damaging to training operations; it sets prerogatives which should not be there; it infuses the whole system with superficiality and callousness. Inevitably, a measure of petty fraud will creep in; but the gap between theory and reality has broadened to such an extent that it is damaging substance.

The need for easing administrative burdens in the training companies is stressed because they are peculiarly volatile organizations, faced with a massive and constant turnover of personnel. Yet, it is clearly evident that this is not grasped; for the tendency has been to fix the priority upon technical and administrative requirements at the expense of efficient, effective training operations. Experience suggests that within the 8-week training cycle, the company, already inadequately staffed, must expend substantial resources in meeting vast categories of administrative demands which might otherwise be diverted to the training process. Unconciously, the thrust of effort and concern within the unit is being shifted from the actual training of the soldier to the purely administrative front. The reasons for this imbalance are curious and complex. In one sense the Army has permitted itself to become overly involved in the personal affairs of its servicemen. Overbureaucratization is another cause. In the training companies, the annual general inspection, in addition to the less-important ones, will deal predominately with technical and administrative matters, and whether such are in accordance with existing directives; the teams will not examine the effectiveness with which the company is fulfilling its training mission per se.

But the brunt of responsibility must rest with higher headquarters, for within the command structure, their concerns become the concerns of subordinates as well. Unwittingly or otherwise the decisionmakers have imposed upon the system a faulty set of priorities. Consumed by paperwork and considerations which should be secondary, commanders have become incorrectly motivated; their attention is riveted toward matters basically unrelated to the recruit and his military training, and this bias is automatically communicated downward to the training units. Essentially, those who formulate policy have become distracted from the elementary fact that the training company exists, as does basic combat training, for the sole purpose of furnishing this Nation with the human instruments of war. Nowhere is this deformation of objective more apparent than in the lowest stratum, the company itself.

4. Reform Promotion Procedures

It has become evident that the promotion policy existing at Fort Gordon in the basic training regiments is inconsistent and unfair. Enlisted personnel simply appear before a board of officers who proceed to question them for approximately 10 minutes. Although this procedure is perhaps inevitable, and of some value, it is to be observed that the individual's performance on the job is practically ignored. There is no essential correlation between performance and promotion. In the basic training company, enlisted personnel are aware that their handling of recruits, their leadership and training capabilities (or lack of them) will remain unknown to the promotion board. Hence, promotion does not really constitute an honest incentive to qualified daily performance.

It is true that the soldier's commanding officer must first "recommend" him for promotion. But in practice this gesture is in most cases routine.

This unhealthy situation is eventually improved upon with promotion to pay grade E–7 and above. Here the promotion board is informed of the soldier's background, rated by a complicated point system, and is given a simple form outlining the individual's professional characteristics, prepared at his own unit.

It is recommended that promotion procedures for pay grades E–3 through E–6 be decentralized so that evaluation of the soldier's on-the-job performance can be given greater consideration. A more formal and continuous system of evaluation should be established. The promotion policy must center incentive at the individual's working assignment.

5. The Cycle Break

It is recommended that following the graduation of a training company, the unit be prescribed a minimum of 14 days before training operations recommence.

Taking account of the manifold duties and expenditure of time required of company cadre, it is important that they be given some relief. Current lack of personnel nearly prohibits a flexible policy of leavetaking; if the proposal mentioned earlier to increase personnel is implemented, cadre members, during the predetermined break from training operations, will be able to plan on leavetaking accordingly, as best correlates with the training schedule. The cycle break becomes even more imperative if the recommended 12-week program is adopted. It is believed that reception centers will be able to adjust to this suggestion after the initial impact of change.

III. CONCLUSION

The foregoing recommendations are intended as a first step in rectifying the pervasive structural and operational inadequacies of basic combat training at Fort Gordon, Ga. Most of the discussion is of a fundamental nature and therefore equally applicable elsewhere; it is broadly examined because the errors being perpetrated throughout the chain are the result of basic policy. The tangible effect of the disarray is worse than the sum of its parts might indicate. None of the defects, considered apart, is as critical as their interaction make them; the net result at the unit level is a badly trained and ill-prepared soldier.

Fundamentally, today's failure arises from a simple misconception. The objectives of the program have become twisted beyond recognition. The assumption must be made at the beginning that the experience is intended to prepare every man, in the best way possible, for basic combat situations. Unless this remains at the forefront of official thinking, the program loses its rationale. And this is precisely what is happening. One cannot argue that most servicemen will never face the enemy, that most will sit at desks, and that therefore it does not matter. Such an excuse is an incalculable risk. In accepting this philosophy it would be preferable not to waste the tax dollar; the argument flatly denies even a remote possibility of full armed encounter, refutes the utility of the draft, and implies that the policymakers are being deceived in attaching any military value to the thousands who parade through their service obligation. The concept of basic combat training makes sense only insofar as it trains men to face war.

Because this objective has become blurred the program is suffereing from superficiality, irrelevance, and structural flaws. The primary need today is to correlate the soldier's training more intimately with the prerequisites of war. And yet, curiously, the history of peacetime training has constituted a phase retreat from this vital connection. It is imperative to reverse the trend.

In a very real sense we are deceiving the Nation. Conscription is partially a fraud because the country is not fully realizing translated gains to its security. The fighting capacity of the soldier is weakening at a time when events are uplifting the importance of professionalism. The Army cannot fulfill its constitutional duty unless it insures that its men, enlisted or conscripted, are as competently trained as possible to meet the demands of armed conflict. This must begin with basic combat training.

THE FAILURE OF URBAN RENEWAL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. WIDNALL] is recognized for 20 minutes.

Mr. WIDNALL. Mr. Speaker, it is said, by some proponents of the Federal urban renewal program that it is too early to judge it; while some of its critics say that since the program began in 1949 it has certainly operated long enough to be open to review.

Herbert J. Gans, an associate professor of sociology at Teachers College, Columbia University, long a nationally recognized friend of urban renewal, has some interesting and significant things to say about this Federal program in a major article in the April 1965 issue of Commentary magazine. The editors of Commentary are to be commended for their willingness to bring this article to national attention, and I include it here for the information of my colleagues.

This year, as in the last session, Republican members of the House Housing Subcommittee have developed and presented a major housing and urban renewal bill. I have introduced H.R. 6501, the gentlewoman from New Jersey [Mrs. DWYER] H.R. 6623, the gentleman from New York [Mr. FINO] H.R. 6740, and the gentleman from Michigan [Mr. HARVEY] H.R. 6826. The adoption of the proposals contained in titles II and V of these bills will improve the operation of the Federal urban renewal program, as did the code enforcement and rehabilitation proposals put forward by the Republican members of the Housing Subcommittee last year, which were included in the Housing Act of 1964 and singled out for commendation by the President.

The article by Professor Gans follows:

[From Commentary magazine, April 1965]

THE FAILURE OF URBAN RENEWAL—A CRITIQUE AND SOME PROPOSALS

(By Herbert J. Gans)

Suppose that the Government decided that jalopies were a menace to public safety and a blight on the beauty of our highways, and therefore took them away from their drivers. Suppose, then, that to replenish the supply of automobiles, it gave these drivers a hundred dollars each to buy a good used car and also made special grants to General Motors, Ford, and Chrysler to lower the cost—although not necessarily the price—of Cadillacs, Lincolns, and Imperials by a few hundred dollars. Absurd as this may sound, change the jalopies to slum housing, and I have described, with only slight poetic license, the first 15 years of a Federal program called urban renewal.

Since 1949, this program has provided local renewal agencies with Federal funds and the power of eminent domain to condemn slum neighborhoods, tear down the buildings, and resell the cleared land to private developers at a reduced price. In addition to relocating the slum dwellers in decent, safe, and sanitary housing, the program was intended to stimulate large-scale private rebuilding, add new tax revenues to the dwindling coffers of the cities, revitalize their downtown areas, and halt the exodus of middle-class whites to the suburbs.

For some time now, a few city planners and housing experts have been pointing out that urban renewal was not achieving its general aims, and social scientists have produced a number of critical studies of individual renewal projects. These critiques, however, have mostly appeared in academic books and journals; otherwise there has been remarkably little public discussion of the Federal program. Slum dwellers whose homes were to be torn down have indeed protested bitterly, but their outcries have been limited to particular projects; and because such outcries have rarely been supported by the local press, they have been easily brushed aside by the political power of the supporters of the projects in question. In the last few years, the civil rights movement has backed protesting slum dwellers, though again only at the local level, while rightists have opposed the use of eminent domain to take private property from one owner in order to give it to another (especially when the new one is likely to be from out of town and financed by New York capital).

Slum clearance has also come under fire from several prominent architectural and social critics, led by Jane Jacobs, who have been struggling to preserve neighborhoods like Greenwich Village, with their brownstones, lofts, and small apartment houses, against the encroachment of the large, high-rise projects built for the luxury market and the poor alike. But these efforts have been directed mainly at private clearance outside the Federal program, and their intent has been to save the city for people (intellectuals and artists, for example) who, like tourists, want jumbled diversity, antique charm, and narrow streets for visual adventure and esthetic pleasure. (Norman Mailer carried such thinking to its furthest point in his recent attack in the New York Times Magazine on the physical and social sterility of high-rise housing. Mailer's attack was also accompanied by an entirely reasonable suggestion—in fact the only viable one that could be made in this context—that the advantages of brownstone living be incorporated into skyscraper projects.)

But if criticism of the urban renewal program has in the past been spotty and sporadic, there are signs that the program as a whole is now beginning to be seriously and tellingly evaluated. At least two comprehensive studies, by Charles Abrams and Scott Greer, are nearing publication, and one highly negative analysis—by an ultraconservative economist and often irresponsible polemicist—has already appeared: Martin Anderson's "The Federal Bulldozer."[1] Ironically enough, Anderson's data are based largely on statistics collected by the Urban

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[1] MIT Press, 272 pages, $5.95.

Renewal Administration. What, according to these and other data, has the program accomplished? It has cleared slums to make room for many luxury-housing and a few middle-income projects, and it has also provided inexpensive land for the expansion of colleges, hospitals, libraries, shopping areas, and other such institutions located in slum areas. As of March 1961, 126,000 dwelling units had been demolished and about 28,000 new ones built. The median monthly rental of all those erected during 1960 come to $158, and in 1962, to $192—a staggering figure for any area outside of Manhattan.

Needless to say, none of the slum dwellers who were dispossessed in the process could afford to move into these new apartments. Local renewal agencies were supposed to relocate the dispossessed tenants in "standard" housing within their means before demolition began, but such vacant housing is scarce in most cities, and altogether unavailable in some. And since the agencies were under strong pressure to clear the land and get renewal projects going, the relocation of the tenants was impatiently, if not ruthlessly, handled. Thus, a 1961 study of renewal projects in 41 cities showed that 60 percent of the dispossessed tenants were merely relocated in other slums; and in big cities, the proportion was even higher (over 70 percent in Philadelphia, according to a 1958 study). Renewal sometimes even created new slums by pushing relocatees into areas and buildings which then became overcrowded and deteriorated rapidly. This has principally been the case with Negroes who, both for economic and racial reasons, have been forced to double up in other ghettos. Indeed, because almost two-thirds of the cleared slums units have been occupied by Negroes, the urban renewal program has often been characterized as Negro clearance, and in too many cities, this has been its intent.

Moreover, those dispossessed tenants who found better housing usually had to pay more rent than they could afford. In his careful study of relocation in Boston's heavily Italian West End,[2] Chester Hartman shows that 41 percent of the west-enders lived in good housing in this so-called slum (thus suggesting that much of it should not have been torn down) and that 73 percent were relocated in good housing—thanks in part to the fact that the west-enders were white. This improvement was achieved at a heavy price, however, for median rents rose from $41 to $71 per month after the move.

According to renewal officials, 80 percent of all persons relocated now live in good housing, and rent increases were justified because many had been paying unduly low rent before. Hartman's study was the first to compare these official statistics with housing realities, and his figure of 73 percent challenges the official claim that 97 percent of the Boston west-enders were properly rehoused. This discrepancy may arise from the fact that renewal officials collected their data after the poorest of the uprooted tenants had fled in panic to other slums, and that officials also tended toward a rather lenient evaluation of the relocation housing of those actually studied in order to make a good record for their agency. (On the other hand, when they were certifying areas for clearance, these officials often exaggerated the degree of "blight" in order to prove their case.)

As for the substandard rents paid by slum dwellers, this is true in only a small proportion of cases, and then mostly among whites. Real estate economists argue that families should pay at least 20 percent of their income for housing, but what is manageable for middle-income people is a burden to those with low incomes who pay a higher share of their earnings for food and other necessities. Yet even so, Negroes generally have to devote about 30 percent of their income to housing, and a Chicago study cited by Hartman reports that among nonwhite families earning less than $3,000 a year, median rent rose from 35 percent of income before relocation to 46 percent afterward.

To compound the failure of urban renewal to help the poor, many clearance areas (Boston's West End is an example) were chosen, as Anderson points out, not because they had the worst slums, but because they offered the best sites for luxury housing—housing which would have been built whether the urban renewal program existed or not. Since public funds were used to clear the slums and to make the land available to private builders at reduced costs, the low-income population was in effect subsidizing it own removal for the benefit of the wealthy. What was done for the slum-dwellers in return is starkly suggested by the following statistic: only one-half of 1 percent of all Federal expenditures for urban renewal between 1949 and 1964 was spent on relocation of families and individuals; and 2 percent if payments are included.

Finally, because the policy has been to clear a district of all slums at once in order to assemble large sites to attract private developers, entire neighborhoods have frequently been destroyed, uprooting people who had lived there for decades, closing down their institutions, ruining small businesses by the hundreds, and scattering families and friends all over the city. By removing the structure of social and emotional support provided by the neighborhood, and by forcing people to rebuild their lives separately and amid strangers elsewhere, slum clearance has often come at a serious psychological as well as financial cost to its supposed beneficiaries. Marc Fried, a clinical psychologist who studied the west-enders after relocation, reported that 46 percent of the women and 38 percent of the men "give evidence of a fairly severe grief reaction or worse" in response to questions about leaving their tight-knit community. Far from adjusting eventually to this trauma, 26 percent of the women remained sad or depressed even 2 years after they had been pushed out of the West End.[3]

People like the Italians or the Puerto Ricans who live in an intensely group-centered way among three-generation extended families and ethnic peers have naturally suffered greatly from the clearance of entire neighborhoods. It may well be, however, that slum clearance has inflicted yet graver emotional burdens on Negroes, despite the fact that they generally live in less cohesive and often disorganized neighborhoods. In fact, I suspect that Negroes who lack a stable family life and have trouble finding neighbors, shopkeepers, and institutions they can trust may have been hurt even more by forcible removal to new areas. This suspicion is supported by another of Fried's findings—that the socially marginal west-enders were more injured by relocation than those who had been integral members of the old neighborhood. Admittedly, some Negroes move very often on their own, but then they at least do so voluntarily, and not in consequence of a public policy which is supposed to help them in the first place. Admittedly also, relocation has made it possible for social workers to help slum-dwellers whom they could not reach until renewal brought them out in the open, so to speak. But then only a few cities have so far used social workers to make relocation a more humane process.

These high financial, social, and emotional costs paid by the slum-dwellers have generally been written off as an unavoidable byproduct of "progress," the price of helping cities to collect more taxes, bring back the middle class, make better use of downtown land, stimulate private investment, and restore civic pride. But as Anderson shows, urban renewal has hardly justified these claims either. For one thing, urban renewal is a slow process: the average project has taken 12 years to complete. Moreover, while the few areas suitable for luxury housing were quickly rebuilt, less desirable cleared land might lie vacant for many years because developers were—and are—unwilling to risk putting up high- and middle-income housing in areas still surrounded by slums. Frequently, they can be attracted only by promises of tax writeoffs, which absorb the increased revenues that renewal is supposed to create for the city. Anderson reports that, instead of the anticipated four dollars for every public dollar, private investments have only just matched the public subsidies, and even the money for luxury housing has come forth largely because of Federal subsidies. Thus, all too few of the new projects have produced tax gains and returned suburbanites, or generated the magic rebuilding boom.

Anderson goes on to argue that during the 15 years of the Federal urban renewal program, the private housing market has achieved what urban renewal has failed to do. Between 1950 and 1960, 12 million new dwelling units were built, and fully 6 million substandard ones disappeared—all without Government action. The proportion of substandard housing in the total housing supply was reduced from 37 to 19 percent, and even among the dwelling units occupied by nonwhites, the proportion of substandard units has dropped from 72 to 44 percent. This comparison leads Anderson to the conclusion that the private market is much more effective than Government action in removing slums and supplying new housing, and that the urban renewal program ought to be repealed.

It would appear that Anderson's findings and those of the other studies I have cited make an excellent case for doing so. However, a less biased analysis of the figures and a less tendentious mode of evaluating them than Anderson's leads to a different conclusion. To begin with, Anderson's use of nationwide statistics misses the few good renewal projects, those which have helped both the slum dwellers and the cities, or those which brought in enough new taxes to finance other city services for the poor. Such projects can be found in small cities and especially in those where high vacancy rates assured sufficient relocation housing of standard quality. More important, all the studies I have mentioned deal with projects carried out during the 1950's, and fail to take account of the improvements in urban renewal practice under the Kennedy and Johnson administrations. Although Anderson's study supposedly covers the period up to 1963, much of his data got no further than 1960. Since then, the Federal bulldozer has moved into fewer neighborhoods, and the concept of rehabilitating rather than clearing blighted neighborhoods is more and more being underwritten by subsidized loans. A new housing subsidy program—known as 221(d)(3)—for families above the income ceiling for public housing has also been launched, and in 1964, Congress passed legislation for assistance to relocatees who cannot afford their new rents.

None of this is to say that Anderson would have had to revise his findings drastically if he had taken the pains to update them. These recent innovations have so far been small in scope—only 13,000 units were financed under 221(d)(3) in the first 2 years—and they still do not provide subsidies sufficient to bring better housing within the price range of the slum residents. In addition, rehabilitation unaccompanied by new construction is nearly useless because it does not eliminate overcrowding. And finally, some cities are still scheduling projects to clear away the nonwhite poor who stand in the path of the progress of private enterprise. Unfortunately, many cities pay little attention to Federal pleas to improve the program, using the local initiative granted them by urban renewal legislation to perpetuate the practices of the 1950's. Yet even with the legislation of the 1960's, the basic error in the original design of urban renewal remains; it is still a method for eliminating the slums in order to "renew" the city, rather than a program for properly rehousing slum dwellers.

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[2] See the November 1964 issue of the Journal of the American Institute of Planners. The article also reviews all other relocation research and is a more reliable study of the consequences of renewal than Anderson's.

[3] See "Grieving for a Lost Home," in the Urban Condition, edited by Leonard Duhl.

Before going into this crucial distinction we first need to be clear that private housing is not going to solve our slum problems. In the first place, Anderson conveniently ignores the fact that if urban renewal has benefited anyone, it is private enterprise. Bending to the pressure of the real estate lobby, the legislation that launched urban renewal in effect required that private developers do the rebuilding, and most projects could therefore get off the drawing board only if they appeared to be financially attractive to a developer. Thus, his choice of a site and his rebuilding plans inevitably took priority over the needs of the slum dwellers.

It is true that Anderson is not defending private enterprise per se but the free market, although he forgets that it only exists today as a concept in reactionary minds and dated economics texts. The costs of land, capital, and construction have long since made it impossible for private developers to build for anyone but the rich, and some form of subsidy is needed to house everyone else. The building boom of the 1950's which Anderson credits to the free market was subsidized by income tax deductions to homeowners and by FHA second VA mortgage insurance, not to mention the Federal highway programs that have made the suburbs possible.

To be sure, these supports enabled private builders to put up a great deal of housing for middle-class whites. This in turn permitted well-employed workers, including some nonwhites, to improve their own situation by moving into the vacated neighborhoods. Anderson is quite right in arguing that if people earn good wages, they can obtain better housing more easily and cheaply in the not quite private market than through urban renewal. But this market is of little help to those employed at low or even factory wages, or the unemployed, or most Negroes who, whatever their earnings, cannot live in the suburbs. In consequence, 44 percent of all housing occupied by nonwhites in 1960 was still substandard, and even with present subsidies, private enterprise can do nothing for these people. As for laissez faire, it played a major role in creating the slums in the first place.

The solution, then, is not to repeal urban renewal, but to transform it from a program of slum clearance and rehabilitation into a program of urban rehousing. This means, first, building low- and moderate-cost housing on vacant land in cities, suburbs, and new towns beyond the suburbs, and also helping slum dwellers to move into existing housing outside the slums; and then, after a portion of the urban low-income population has left the slums, clearing and rehabilitating them through urban renewal. This approach is commonplace in many European countries, which have long since realized that private enterprise can no more house the population and eliminate slums than it can run the post office.

Of course, governments in Europe have a much easier task than ours in developing decent low-income projects. Because they take it for granted that housing is a national rather than a local responsibility, the government agencies are not hampered by the kind of real estate and construction lobbies which can defeat or subvert American programs by charges of socialism. Moreover, their municipalities own a great deal of the vacant land, and have greater control over the use of private land than do American cities. But perhaps their main advantage is the lack of popular opposition to moving the poor out of the slums and into the midst of the more affluent residents. Not only is housing desperately short for all income groups, but the European class structure, even in Western socialist countries, is still rigid enough so that low- and middle-income groups can live near each other if not next to each other, and still "know their place."

In America, on the other hand, one's house and address are major signs of social status, and no one who has any say in the matter wants people of lower income or status in his neighborhood. Middleclass homeowners use zoning as a way of keeping out cheaper or less prestigious housing, while working-class communities employ less subtle forms of exclusion. Consequently, low-income groups, whatever their creed or color, have been forced to live in slums or near slums, and to wait until they could acquire the means to move as a group, taking over better neighborhoods when the older occupants were ready to move on themselves.

For many years now, the only source of new housing for such people, and their only hope of escaping the worst slums has been public housing. But this is no longer a practical alternative. Initiated during the depression, public housing has always been a politically embattled program; its opponents, among whom the real estate lobby looms large, first saddled it with restrictions and then effectively crippled it. Congress now permits only 35,000 units a year to be built in the entire country.

The irony is that public housing has declined because, intended only for the poor, it faithfully carried out its mandate. Originally, sites were obtained by slum clearance; after the war, however, in order to increase the supply of low-cost housing, cities sought to build public housing on vacant land. But limited as it was to low-income tenants and thus labeled and stigmatized as an institution of the dependent poor, public housing was kept out of vacant land in the better neighborhoods. This, plus the high cost of land and construction, left housing officials with no other choice but to build high-rise projects on whatever vacant land they could obtain, often next to factories or along railroad yards. Because tenants of public housing are ruled by a set of strict regulations—sometimes necessary, sometimes politically inspired, but always degrading—anyone who could afford housing in the private market shunned the public projects. During the early years of the program, when fewer citizens had that choice, public housing became respectable shelter for the working class and even for the unemployed middle class. After the war, Federal officials decided, and rightly so, that public housing ought to be reserved for those who had no other alternative, and therefore set income limits that admitted only the really poor. Today, public housing is home for the underclass—families who earn less than $3,000 to $4,000 annually, many with unstable jobs or none at all, and most of them nonwhite.

Meanwhile the enthusiasm for public housing has been steadily dwindling and with it, badly needed political support. Newspaper reports reinforce the popular image of public-housing projects as huge nests of crime and delinquency—despite clear evidence to the contrary—and as the domicile of unregenerate and undeserving families whose children urinate only in the elevators. The position of public housing, particularly among liberal intellectuals, has also been weakened by the slurs of the social and architectural esthetes who condemn the projects' poor exterior designs as "sterile," "monotonous," and "dehumanizing," often in ignorance of the fact that the tightly restricted funds have been allocated mainly to make the apartments themselves as spacious and livable as possible, and that the waiting lists among slum dwellers who want these apartments remain long. Be that as it may, suburban communities and urban neighbhoods with vacant land are as hostile to public housing as ever, and their opposition is partly responsible for the program's having been cut down to its present minuscule size.

The net result is that low-income people today cannot get out of the slums, either because they cannot afford the subsidized private market, or because the project they could afford cannot be built on vacant land. There is only one way to break through this impasse, and that is to permit them equal access to new subsidized, privately built housing by adding another subsidy to make up the difference between the actual rent and what they can reasonably be expected to pay. Such a plan, giving them a chance to choose housing like all other citizens, would help to remove the stigma of poverty and inferiority placed on them by public housing. Many forms of rent subsidy have been proposed, but the best one, now being tried in New York, is to put low- and middle-income people in the same middle-income project with the former getting the same apartments at smaller rentals.

Admittedly, this approach assumes that the poor can live with the middle class and that their presence and behavior will not threaten their neighbors' security or status. No one knows whether this is really possible, but experiments in education, job training, and social welfare programs do show that many low-income people, when once offered genuine opportunities to improve their lives and given help in making use of them, are able to shake off the hold of the culture of poverty. Despite the popular stereotype, the proportion of those whom Hylan Lewis calls the clinical poor, too ravaged emotionally by poverty and deprivation to adapt to new opportunities, seems to be small. As for the rest, they only reject programs offering spurious opportunities, like job-training schemes for nonexistent jobs. Further, anyone who has lived in a slum neighborhood can testify that whatever the condition of the building, most women keep their apartments clean by expenditures of time and effort inconceivable to the middle-class housewife. Moving to a better apartment would require little basic cultural change from these women, and rehousing is thus a type of new opportunity that stands a better chance of succeeding than, say, a program to inculcate new child-rearing techniques.

We have no way of telling how many slumdwellers would be willing to participate in such a plan. However poor the condition of the flat, the slum is home, and for many it provides the support of neighboring relatives and friends, and a cultural milieu in which everyone has the same problems and is therefore willing to overlook occasional disreputable behavior. A middle-income project cannot help but have a middle-class ethos, and some lower class people may be fearful of risking what little stability they have achieved where they are now in exchange for something new, strange, demanding, and potentially hostile. It would be hard to imagine an unwed Negro mother moving her household to a middle-income project full of married couples and far removed from the mother, sisters, and aunts who play such an important role in the female-centered life of lower class Negroes. However, there are today a large number of stable two-parent families who live in the slums only because income and race exclude them from the better housing that is available. Families like these would surely be only too willing to leave the Harlems and black belts. They would have to be helped with loans to make the move, and perhaps even with grants to buy new furniture so as not to feel ashamed in their new surroundings. They might be further encouraged by being offered income-tax relief for giving up the slums, just as we now offer such relief to people who give up being renters to become homeowners.

Undoubtedly there would be friction between the classes, and the more affluent residents would likely want to segregate themselves and their children from neighbors who did not toe the middle-class line, especially with respect to child rearing. The new housing would therefore have to be planned to allow some voluntary social segregation for both groups, if only to make sure that enough middle-income families would move in (especially in cities where there was no shortage of housing for them). The proportion of middle- and low-income tenants would have to be regulated not only to minimize the status fears of the former, but also to give the latter enough peers to keep them from feeling socially isolated and without emotional support when problems arise. Fortunately, nonprofit and limited dividend institutions, which do not have to worry about showing an immediate profit, are now being encouraged to build moderate-income housing; they can do a more careful job of planning the physical and social details of this approach than speculative private builders.

If the slums are really to be emptied and their residents properly housed elsewhere, the rehousing program will have to be extended beyond the city limits, for the simple reason that that is where most of the vacant land is located. This means admitting the low-income population to the suburbs; it also means creating new towns—self-contained communities with their own industry which would not, like the suburbs, be dependent on the city for employment opportunities, and could, therefore, be situated in presently rural areas. Federal support for the construction of new towns was requested as part of the 1964 Housing Act, and although Congress refused to pass it, the legislation will come up again in 1965.[4]

To be sure, white middle-class suburbanites and rural residents are not likely to welcome nonwhite low-income people into their communities even if the latter are no longer clearly labeled as poor. The opposition to be expected in city neighborhoods chosen for mixed-income projects would be multiplied a hundredfold in outlying areas. Being politically autonomous, and having constituencies who are not about to support measures that will threaten their security or status in the slightest, the suburbs possess the political power to keep the rehousing program out of their own vacant lots, even if they cannot stop the Federal legislation that would initiate it. On the other hand, experience with the Federal highway program and with urban renewal itself has demonstrated that few communities can afford to turn down large amounts of Federal money. For instance, New York City is likely to build a Lower Manhattan Expressway in the teeth of considerable local opposition, if only because the Federal Government will pay 90 percent of the cost and thus bring a huge sum into the city coffers. If the rehousing program were sufficiently large to put a sizable mixed-income project in every community, and if the Federal Government were to pick up at least 90 percent of the tab, while also strengthening the appeal of the program by helping to solve present transportation, school, and tax problems in the suburbs, enough political support might be generated to overcome the objections of segregationist and class-conscious whites.

Yet even if the outlying areas could be persuaded to cooperate, it is not at all certain that slum dwellers would leave the city. Urban renewal experience has shown that for many slum dwellers, there are more urgent needs than good housing. One is employment, and most of the opportunities for unskilled or semiskilled work are in the city. Another is money, and some New York City slum residents recently refused to let the Government inspect—much less repair their buildings because they would lose the rent reductions they had received previously. If leaving the city meant higher rents, more limited access to job possibilities, and also separation from people and institutions which give them stability, some slum residents might very well choose overcrowding and dilapidation as the lesser of two evils.

These problems would have to be considered in planning a rehousing program beyond the city limits. The current exodus of industry from the city would of course make jobs available to the new suburbanites. The trouble is that the industries now going into the suburbs, or those that would probably be attracted to the new towns, are often precisely the ones which use the most modern machinery and the fewest unskilled workers. Thus, our rehousing plan comes up against the same obstacle—the shortage of jobs—that has frustrated other programs to help the low-income population and that will surely defeat the War on Poverty in its present form. Like so many other programs, rehousing is finally seen to depend on a step that American society is as yet unwilling to take: the deliberate creation of new jobs by Government action. The building of new towns especially would have to be coordinated with measures aimed at attacting private industry to employ the prospective residents, at creating other job opportunities, and at offering intensive training for the unskilled after they have been hired. If they are not sure of a job before they leave the city, they simply will not leave.

The same social and cultural inhibitions that make slum residents hesitant to move into a mixed-income project in the city would, of course, be even stronger when it came to moving out of the city. These inhibitions might be relaxed by moving small groups of slum residents en masse, or by getting those who move first to encourage their neighbors to follow. In any case, new social institutions and community facilities would have to be developed to help the erstwhile slum dwellers feel comfortable in his new community, yet without labeling him as poor.

Despite its many virtues, a rehousing program based on the use of vacant land on either side of the city limits would not immediately clear the slums. Given suburban opposition and the occupational and social restraints on the slum dwellers themselves, it can be predicted that if such a program were set into motion it would be small in size, and that it would pull out only the upwardly mobile—particularly the young people with stable families and incomes—who are at best a sizable minority among the poor. What can be done now to help the rest leave the slums?

The best solution is a public effort to encourage their moving into existing neighborhoods within the city and in older suburbs just beyond the city limits. Indeed, a direct rent subsidy like that now given to relocatees could enable people to obtain decent housing in these areas. This approach has several advantages. It would allow low-income people to be close to jobs and to move in groups, and it would probably attract the unwed mother who wanted to give her children a better chance in life. It would also be cheaper than building new housing, although the subsidies would have to be large enough to discourage low-income families from overcrowding—and thus deteriorating—the units in order to save on rent.

There are, however, some obvious disadvantages as well. For one thing, because nonwhite low-income people would be moving into presently white or partially integrated areas, the Government would in effect be encouraging racial invasion. This approach would thus have the effect of pushing the white and middle-income people further toward the outer edge of the city or into the suburbs. Although some whites might decide to stay, many would surely want to move, and not all would be able to afford to do so. It would be necessary to help them with rent subsidies as well; indeed, they might become prospective middle-income tenants for rehousing projects on vacant land.

Undoubtedly, all this would bring us closer to the all-black city that has already been predicted. For this reason alone, a scheme that pushes the whites farther out can only be justified when combined with a rehousing program on vacant land that would begin to integrate the suburbs. But even that could not prevent a further racial imbalance between cities and suburbs.

Yet, would the predominantly nonwhite city really be so bad? It might be for the middle class which needs the jobs, shops, and culture that the city provides. Of course, the greater the suburban exodus, the more likely it would become that middle-class culture would also move to the suburbs. This is already happening in most American cities—obvious testimony to the fact that culture (at least of the middlebrow kind represented by tent theaters and art movie houses) does not need the city in order to flourish, and the artists who create high culture seem not to mind living among the poor even now.

Nonwhite low-income people might feel more positive about a city in which they were the majority, for if they had the votes, municipal services would be more attuned to their priorities than is now the case. To be sure, if poor people (of any color) were to dominate the city, its tax revenues would decrease even further, and cities would be less able than ever to supply the high quality public services that the low-income population needs so much more urgently than the middle class. Consequently, new sources of municipal income not dependent on the property tax would have to be found; Federal and State grants to cities (like those already paying half the public school costs in several States) would probably be the principal form. Even under present conditions, in fact, new sources of municipal income must soon be located if the cities are not to collapse financially.

If nonwhites were to leave the slums en masse, new ghettos would eventually form in the areas to which they would move. Although this is undesirable by conventional liberal standards, the fact is that many low-income Negroes are not yet very enthusiastic about living among white neighbors. They do not favor segregation, of course; what they want is a free choice and then the ability to select predominantly nonwhite areas that are in better shape than the ones they live in now. If the suburbs were opened to nonwhites—to the upwardly mobile ones who want integration now—free choice would become available. If the new ghettos were decent neighborhoods with good schools, and if then occupants had jobs and other opportunities to bring stability into their lives, they would be training their children to want integration a generation hence.

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[4] Meanwhile, several private developers are planning new towns (for example, James Rouse who is building Columbia near Baltimore, and Robert Simon who has already begun Reston, outside Washington) in which they propose to house some low-income people.

In short, then, a workable rehousing scheme must provide new housing on both sides of the city limits for the upwardly mobile minority, and encouragement to move into older areas for the remainder. If, in these ways, enough slum dwellers could be enabled and induced to leave the slums, it would then be possible to clear or rehabilitate the remaining slums. Once slum areas were less crowded, and empty apartments were going begging, their profitability and market value would be reduced, and urban renewal could take place far more cheaply, and far more quickly. Relocation would be less of a problem, and with land values down, rebuilding and rehabilitation could be carried out to fit the resources of the low-income people who needed or wanted to remain in the city. A semisuburban style of living that would be attractive to the upper-middle class could also be provided.

At this point, it would be possible to begin to remake the inner city into what it must eventually become—the hub of a vast metropolitan complex of urban neighborhoods, suburbs, and new towns, in which those institutions and functions that have to be at the center—the specialized business districts, the civil and cultural facilities, and the great hospital complexes and university campuses—would be located.

Even in such a city, there would be slums—for people who wanted to live in them, for the clinical poor who would be unable to make it elsewhere, and for rural newcomers who would become urbanized in them before moving on. But it might also be possible to relocate many of these in a new kind of public housing in which quasi-communities would be established to help those whose problems were soluble and to provide at least decent shelter for those who cannot be helped except by letting them live without harassment until we learn how to cure mental illness, addiction, and other forms of self-destructive behavior.

This massive program has much to recommend it, but we must clearly understand that moving the low-income population out of the slums would not eliminate poverty or the other problems that stem from it. A standard dwelling unit can make life more comfortable, and a decent neighborhood can discourage some antisocial behavior, but by themselves, neither can effect radical transformations. What poor people need most are decent incomes, proper jobs, better schools, and freedom from racial and class discrimination. Indeed, if the choice were between a program solely dedicated to rehousing, and a program that kept the low-income population in the city slums for another generation but provided for these needs, the latter would be preferable, for it would produce people who were able to leave the slums under their own steam. Obviously, the ideal approach is one that coordinates the elimination of slums with the reduction of poverty.

As I have been indicating, an adequate rehousing program would be extremely costly and very difficult to carry out. Both its complexity and expense can be justified, however, on several grounds. Morally, it can be argued that no one in the Great Society should have to live in a slum, at least not involuntarily.

From a political point of view, it is urgently necessary to begin integrating the suburbs and to improve housing conditions in the city before the latter becomes an ominous ghetto of poor and increasingly angry Negroes and Puerto Ricans, and the suburbs become enclaves of affluent whites who commute fearfully to a downtown bastion of stores and offices. If the visible group tensions of recent years are allowed to expand and sharpen, another decade may very well see the beginning of open and often violent class and race warfare.

But the most persuasive argument for a rehousing program is economic. Between 50 and 60 percent of building costs go into wages and create work for the unskilled who are now increasingly unemployable elsewhere. A dwelling unit that costs $15,000 would thus provide as much as $9,000 in wages—one and a half years of respectably paid employment for a single worker. Adding four and a half million new low-cost housing units to rehouse half of those in substandard units in 1960 would provide almost 7 million man-years of work, and the subsequent renewal of these and other substandard units yet more. Many additional jobs would be created by the construction and operation of new shopping centers, schools, and other community facilities, as well as the highways and public transit systems that would be needed to serve the new suburbs and towns. If precedent must be cited for using a housing program to create jobs, it should be recalled that public housing was started in the depression for precisely this reason.

The residential building industry (and the real estate lobby) would have to be persuaded to give up their stubborn resistance to Government housing programs, but the danger of future underemployment, and the opportunity of participating profitably in the rehousing scheme, should either convert present builders or attract new ones into the industry. As for the building trades unions, they have always supported Government housing programs, but they have been unwilling to admit nonwhites to membership. If, however, the rehousing effort were sizable enough to require many more workers than are now in the unions, the sheer demand for labor—and the enforcement of Federal nondiscriminatory hiring policies for public works—would probably break down the color barriers without much difficulty.

While the Federal Government is tooling up to change the urban renewal program into a rehousing scheme, it should also make immediate changes in current renewal practices to remove their economic and social cost from the shoulders of the slum dwellers. Future projects should be directed at the clearance of really harmful slums, instead of taking units that are run down but not demonstrably harmful out of the supply of low-cost housing, especially for downtown revitalization and other less pressing community improvement schemes. Occupants of harmful slums, moreover, ought to be rehoused in decent units they can afford. For this purpose, more public housing and 221 (d)(3) projects must be built, and relocation and rent assistance payments should be increased to eliminate the expense of moving for the slum dweller. Indeed, the simplest way out of the relocation impasse is to give every relocatee a sizable grant, like the $500 to $1,000 paid by private builders in New York City to get tenants out of existing structures quickly and painlessly. Such a grant is not only a real incentive to relocatees but a means of reducing opposition to urban renewal. By itself, however, it cannot reduce the shortage of relocation housing. Where such housing now exists in plentiful supply, renewal ought to move ahead more quickly, but where there is a shortage that cannot be appreciably reduced, it would be wise to eliminate or postpone clearance and rehabilitation projects that require a large amount of relocation.

Nothing is easier than to suggest radical new programs to the overworked and relatively powerless officials of Federal and local renewal agencies who must carry out the present law, badly written or not, and who are constantly pressured by influential private interests to make decisions in their favor. Many of these officials are as unhappy with what urban renewal has wrought as their armchair critics and would change the program if they could—that is, if they received encouragement from the White House, effective support in getting new legislation through Congress, and, equally important, political help at city halls to incorporate these innovations into local programs. But it should be noted that little of what I have suggested is very radical, for none of the proposals involves conflict with the entrenched American practice of subsidizing private enterprise to carry out public works at a reasonable profit. The proposals are radical only in demanding an end to our no less entrenched practice of punishing the poor. Yet they also make sure that middle-class communities are rewarded financially for whatever discomfort they may have to endure.

Nor are these suggestions very new. Indeed, only last month President Johnson sent a housing message to Congress which proposes the payment of rent subsides as the principal method for improving housing conditions. It also requests Federal financing of municipal services for tax-starved communities, and aid toward the building of new towns.

These represent bold and desirable steps toward the evolution of a Federal rehousing program. Unfortunately, however, the message offers little help to those who need it most. Slum dwellers may be pleased that there will be no increase in urban renewal activity, and that relocation housing subsidies and other grants are being stepped up. But no expansion of public housing is being requested, and to make matters worse, the new rent subsidies will be available only to households above the income limits for public housing. Thus, the President's message offers no escape for the mass of the nonwhite low-income population from the ghetto slums; in fact it threatens to widen the gap between such people and the lower-middle-income population which will be eligible for rent subsidies.

On the other hand, as in the case of the war on poverty, a new principle of government responsibility in housing is being established, and evidently the President's strategy is to obtain legislative approval for the principle by combining it with a minimal and a minimally controversial program for the first year. Once the principle has been accepted, however, the program must change quickly. It may have taken fifteen years for urban renewal even to begin providing some relief to the mass of slum dwellers, but it cannot take that long again to become a rehousing scheme that will give them significant help. The evolution of Federal policies can no longer proceed in the leisurely fashion to which politicians, bureaucrats, and middle-class voters have become accustomed, for unemployment, racial discrimination, and the condition of our cities are becoming ever more critical problems, and those who suffer from them are now considerably less patient than they have been in the past.

MEDICARE MAKES SECOND-CLASS CITIZENS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, when the motion to recommit H.R. 6675 failed by a 191 to 236 vote today, it was obvious that this body was not going to give adequate consideration to the real health and welfare needs of our Nation's senior citizens. I supported this motion and opposed the so-called medicare bill for many reasons. At the same time, there were good portions of the bill which, standing alone, would have received my wholehearted support. In fact, several parts of this package bill contained almost identical provisions to those in H.R. 4613 which I introduced on February 9 of this year and in previous sessions of the Congress.

I think that H.R. 6675, the new medicare bill, should be known as the "Second-Class Citizens Act of 1965." It furthers the discriminatory pattern which separates the American taxpayer from their elected leaders and Government officialdom. While we provide superior, voluntary programs for ourselves and Government employees the effort is now made to press down upon our citizenry an inferior, compulsory program which has a little something for everybody but not enough for those who truly need it. It represents the carrot-and-stick approach which leads us on by the illusion that we are going to get something. In truth, there are good sections of the bill which have been added as a sweetener to gain support. Four specific legislative proposals which I have worked for over the past years are incorporated in the bill. It was natural that there would be mixed emotions in voting against a bill which contained provisions I have worked for during these three terms in Congress and yet this was the only honorable course I could take since it is my feeling that H.R. 6675 marks the beginning of a long trip down the wrong road, at least as far as it relates to medical care is concerned.

The Democrats did respond to the overwhelming weight of the evidence which we represented in the past 5 months and improved H.R. 1 which was to be their medicare bill. The Republican proposals in this area, notably the Bow and Byrnes bills, in addition to the eldercare measure, put the majority party on the spot and they soon abandoned the inferior King-Anderson approach by adopting much of the Byrnes bill. Yet this bill as passed still represents a step backward, not forward. The thrust of modern insurance, whether in the areas of sickness, accident, fire, or personal liability has been toward comprehensive coverage. This bill, comprising 296 pages, represents a retrogression in that it divides up the individual's medical bill and in effect says: "This is covered, this is not; this is partially covered, this is not." Its obsolete approach separates the various categories of health needs.

Its second major defect is the same one which plagues most social welfare programs. In endeavoring to set up an umbrella which will cover everyone over 65, the coverage must be limited and those who are truly in need will suffer the most. It is only commonsense to reason that paying for medical expenses of rich and poor alike means that the rich will get some assistance they really do not need and the poor will not get as much as they require. This represents a political solution to the problem not a medical or economic approach. Take the example of the needy person who has a prolonged stay in the hospital—the major medical-type illness. Spokesmen for the Department of Health, Education, and Welfare retort that only about 5 percent of the people over 65 have a stay in American hospitals beyond 60 days. The answer is very plain: True, but these are precisely the people who need assistance the most but medicare turns a deaf ear toward them. In short, medicare is not geared to the catastrophic loss, the real area of need in my opinion.

The third major defect is in tying medicare to the social security system. It is an extension of the payroll tax which is one of the most unfair taxes we have devised. In the payroll tax, the tax rate is levied uniformly against the lowest part of a man's income and a $4,800 a year man pays the same as a $48,000 a year executive. H.R. 6675 contemplates raising this base to $5,600, which would mean a substantial hike to the low-income person but relatively nothing to the $56,000 per year man. There are no personal exemptions for dependents. Income from interest, dividends, rent, royalties, and capital gains is excluded. Many large corporations support medicare for this very reason—they will pay less by shifting the burden from income or general taxes to a payroll tax.

As I have noted before, little attention is given to the true condition of the social security trust fund. We play the same game—promise the benefits now and let the future generations pay. During the last full year reported, the fund again was hit by red ink. With over 75 million covered Americans paying into the fund and 17 million receiving benefits, $1,388 million was paid out in excess of receipts. This meant that the 5-year total deficit added up to $4.055 billion. To add medicare where the program cost has been underestimated would further jeopardize the trust fund.

There are other objections. By vesting authority in HEW to determine accreditation of hospitals, a powerful Federal lever will be held over these institutions. As the bill now reads, at least one fine hospital in the 17th District would not be accredited. It would create two classes of medicare recipients. For its employees, the Federal Government gives options and superior plans under voluntary programs. For everyone else it would demand a compulsory program which is inferior at best and which they may not want, extracting from them a payroll tax while exempting all Federal employees from paying it. In promoting a deficient out-of-date, compulsory program with an unfair and discriminatory payroll tax the administration backers of H.R. 6675 indicate they neither recognize the true problem of medical care for the elderly nor care to tailor a program to these real needs.

While opposing this outdated program, Mr. Speaker, I have joined many of my colleagues in promoting health insurance plans which would work while at the same time avoiding the pitfalls of the compulsory, inferior program adopted today. I introduced the eldercare proposal and had hoped we could pass a modified combination of the eldercare bill and Congressman Frank Bow's very excellent tax credit proposal. To adequately do the job, we need more than a new bill, we need an entire change in the economic and political outlook in Washington.

The first step in attacking the problem of medical care for the elderly is, in my opinion, not even the adoption of a new program but a basic change in attitude regarding the role of government. Those in the ascendancy at the present time have a philosophy that has as its core the expansion of the Government's services into every field and compulsory coverage regardless of need. This is socialism. The income tax is the key to their social policy.

Most Americans over the age of 65 are not needy, uncovered in insurance protection or even a burden on family or society unless catastrophic illness or injury strikes. To help them, we should be giving more tax deductions or even tax credits to help them take care of themselves. When you encourage people to help themselves, they will do so. You can then give adequate help to those who are in true need without creating a great burden. Liberal advocates of medicare and centralized control reject this theory and plot the exact opposite course. They favor reducing or removing the deductions for insurance and medical expense and have even taken the position that the additional $600 deduction for our senior citizens 65 years and over be abolished. You can readily see why: Removing the ability of people to take care of themselves through abolishing tax concessions makes them more dependent on Government programs.

The liberal professors who have set out policies in these matters since 1961—men such as Walter Heller, Arthur Schlesinger, Jr., Stanley S. Surrey, to name a few—have promoted the dependency theory. Mr. Surrey's views are particularly significant since he is the key man in the Treasury Department on medicare legislation. You may recall that I pointed out his theories during a debate on profit sharing plan tax treatment in the 87th Congress. He said:

> (Social security retirement payments) * * * when coupled with the additional $600 old-age exemption * * * and the increased medical expense allowance for the aged, persons over 65 become a distinctly favored class under the income tax.

According to Mr. Surrey, medical expense deduction should be "strictly confined to the aspect of extraordinary expenses." He opposed the theory that we reduce the citizen's tax burden by granting deductions "not because their incomes are low but because they are aged, or blind, or sick or unemployed, or homeowners, or veterans." He noted "Without any necessary relation to differences in levels of income, our income tax mechanism favors older over younger age groups, sick over healthy persons and so forth." I feel we should favor the older; I feel we should favor those who pay their medical expenses—in short, I would first grant a deduction for all of a person's medical expenses including insurance, not the restricted amount which presently allows only that portion over 3 percent of the individual's adjusted gross income. Changing this attitude, in my judgment, is the first constructive step. H.R. 6675 rejects the Surrey approach and at least partially improves medical deduction opportunities.

Then we must face up to the needs of those who cannot help themselves and have major medical expense. I am worried about the precise group that medicare overlooks—those with long illness, with the type of expense which makes them lose their home, borrow, or burden their family if they are moderately well fixed but totally unable to meet if they are indigent. As I pointed out last week, medicare proponents say "Oh well, only 5 percent of the people have a stay in the hospital over 60 days." Yes, and these are the ones who need the most help and our programs should be tailored to assist them.

The Bow bill is particularly good since it would prevent the vast bureaucratic expansion which is inevitable if the social security approach is utilized. Of all four it is the best, I believe. Paradoxically, it has the poorest chance. Administrative costs of the social security system jumped from $57 million in 1950 to $202 million in 1960 and for the brief 4-year period from 1960 to 1964 skyrocketed 50 percent to $307 million. If medicare is added, as the saying goes, "you ain't seen nothing yet."

During the debate yesterday, Representative MILLS pointed out that approximately 6,000 new employees would be required to administer the program contained in H.R. 6675. There are currently 34,783 employees administering the social security system so this will boost the bureaucratic administration to over 40,000.

This bill represents a substantial tax increase. The rate is increased to an eventual 11.2 percent on a base of $6,600. The bill will cost an additional $6 billion for the first full year of which $4.2 billion will come out of the trust funds, $1.4 billion from general funds, and about $500 to $600 million in contributions from individuals for the voluntary supplemental insurance.

On the plus side, there is a general increase in social security benefits. The American people would be getting these benefits right now if President Johnson had not let the increase we voted last fall die in a conference committee. I supported that increase and introducd H.R. 4613 this year to give a cost-of-living increase to those who through no fault of their own find their dollar shrinking in purchasing power. At the same time, the bill also exempts self-employed members of the Amish and other religious groups from social security coverage, something I have supported for these three terms in Washington. On the other hand, it forces self-employed physicians into the coverage of the Social Security Act. H.R. 6675 contains other good features which deal with youth, earnings limitations, and coverage which standing alone would certainly get my favorable vote. One of the first bills I introduced in 1961 was one to raise the earnings limitation to $2,500 for social security recipients. I have always felt that the $1,200 figure is arbitrarily low and prevents many Americans from supplementing their retirement income.

The bill does inject control into the medical field. Do not let anyone argue otherwise. Up to now, social security benefits have been cash benefits. In this bill it now switches to a new course which will include services and you can be sure that regulations will be handed down dealing with these services—where a recipient can obtain them and where they cannot, and so forth. America today has the best medical care system in the world and our physicians are the envy of every other nation. The list of Nobel Prize winners indicate that our free medicine has excelled all others. It is not by accident that the Duke of Windsor, Sir Anthony Eden, Grace Kelly, and others come to this Nation for medical care when it is a matter of life or death. The sad commentary on today is the fact that this free system could have been strengthened, rather than weakened and our citizens could have received a superior, voluntary insurance program rather than the label which they received.

The label won. Medicare is a reality. The majority made second-class citizens out of America's needy and deserving senior citizens. Mr. Speaker, I include my own bill, H.R. 4613, at this point in the RECORD:

H.R. 4613

A bill to amend title II of the Social Security Act to provide a 7-percent benefit increase, to provide child's insurance benefits beyond age 18 while in school, to provide widow's benefits at age 60 on a reduced basis, to liberalize the retirement test, and to provide minimum benefits for all individuals not otherwise entitled at age 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Act Amendments of 1965".

SEVEN PER CENTUM INCREASE IN OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE BENEFITS

SEC. 2. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS

"I		II	III		IV	V
(Primary insurance benefit under 1939 Act, as modified)		(Primary insurance amount under 1958 Act, as modified)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$13.48	$40	----------	$67	$42.80	$64.20
$13.49	14.00	41	$68	69	43.90	65.90
14.01	14.48	42	70	70	45.00	67.50
14.49	15.00	43	71	72	46.10	69.20
15.01	15.60	44	73	74	47.10	70.70
15.61	16.20	45	75	76	48.20	72.30
16.21	16.84	46	77	78	49.30	74.00
16.85	17.60	47	79	80	50.30	75.50
17.61	18.40	48	81	81	51.40	77.10
18.41	19.24	49	82	83	52.50	78.80
19.25	20.00	50	84	85	53.50	80.30
20.01	20.64	51	86	87	54.60	81.90
20.65	21.28	52	88	89	55.70	83.60
21.29	21.88	53	90	90	56.80	85.20
21.80	22.26	54	91	92	57.80	86.70
22.29	22.68	55	93	94	58.90	88.40
22.69	23.08	56	95	96	60.00	90.00
23.09	23.44	57	97	97	61.00	91.50
23.45	23.76	58	98	99	62.10	93.20
23.77	24.20	59	100	101	63.20	94.80
$24.21	$24.60	$60	$102	$102	$64.20	$96.30
24.61	25.00	61	103	104	65.30	98.00
25.01	25.48	62	105	106	66.40	99.60
25.49	25.92	63	107	107	67.50	101.30
25.98	26.40	64	108	109	68.50	102.80
26.41	26.94	65	110	113	69.60	104.40
26.95	27.46	66	114	118	70.70	106.10
27.47	28.00	67	119	122	71.70	107.60
28.01	28.63	68	123	127	72.80	109.20
28.69	29.25	69	128	132	73.90	110.90
29.26	29.68	70	133	136	74.90	112.40
29.69	30.36	71	137	141	76.00	114.00
30.37	30.92	72	142	146	77.10	116.80
30.93	31.26	73	147	150	78.20	120.00
31.37	32.00	74	151	155	79.20	124.00
32.01	32.60	75	156	160	80.30	128.00
32.61	33.20	76	161	164	81.40	131.20
33.21	33.88	77	165	169	82.40	135.20
33.89	34.50	78	170	174	83.50	139.20
34.51	35.00	79	175	178	84.60	142.40

"TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS—Continued

"I (Primary insurance benefit under 1939 Act, as modified)		II (Primary insurance amount under 1958 Act, as modified)	III (Average monthly wage)		IV (Primary insurance amount)	V (Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
$35.01	$35.80	$80	$179	$183	$85.60	$146.60
35.81	36.40	81	184	188	86.70	150.40
36.41	37.08	82	189	193	87.80	154.50
37.09	37.60	83	194	197	88.90	157.60
37.61	38.20	84	198	202	89.90	161.60
38.21	39.12	85	203	207	91.00	165.60
39.13	39.68	86	208	211	92.10	168.80
39.69	40.33	87	212	216	93.10	172.80
40.34	41.12	88	217	221	94.20	176.80
41.13	41.76	89	222	225	95.30	180.00
41.77	42.44	90	226	230	96.30	184.00
42.45	43.20	91	231	235	97.40	188.00
43.21	43.76	92	236	239	98.50	191.20
43.77	44.44	93	240	244	99.60	195.20
44.45	44.88	94	245	249	100.60	199.20
44.89	45.60	95	250	253	101.70	202.40
		96	254	258	102.80	206.40
		97	259	263	103.80	210.40
		98	264	267	104.90	213.60
		99	268	272	106.00	217.60
		100	273	277	107.00	221.60
		101	278	281	108.10	224.80
		102	282	286	109.20	228.80
		103	287	291	110.30	232.80
		104	292	295	111.30	236.00
		105	296	300	112.40	240.00
		106	301	305	113.50	244.00
		107	306	309	114.50	247.20
		108	310	314	115.60	251.20
		109	315	319	116.70	254.00
		110	320	323	117.70	255.00
		$111	$324	$328	$118.80	$256.80
		112	329	333	119.90	258.80
		113	334	337	121.00	260.40
		114	338	342	122.00	262.40
		115	343	347	123.10	264.40
		116	348	351	124.20	266.00
		117	352	356	125.20	268.00
		118	357	361	126.30	270.00
		119	362	365	127.40	271.60
		120	366	370	128.40	273.60
		121	371	375	129.50	275.60
		122	376	379	130.60	277.20
		123	380	384	131.70	279.20
		124	385	389	132.70	281.20
		125	390	393	133.80	282.80
		126	394	398	134.90	284.80
		127	399	403	135.90	286.80
			404	407	136.90	288.40
			408	412	137.90	290.40
			413	417	138.90	292.40
			418	421	139.90	294.00
			422	426	140.90	296.00
			427	431	141.90	298.00
			432	436	142.90	300.00
			437	440	143.90	301.60
			441	445	144.90	303.60
			446	450	145.90	305.60
			451	454	146.90	307.20
			455	459	147.90	309.20
			460	464	148.90	311.20
			465	466	149.90	312.00"

(b) Section 215(c) of such Act is amended to read as follows:

"Primary insurance amount under 1958 Act, as modified

"(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed as provided in, and subject to the limitations specified in, (A) this section as in effect prior to the enactment of the Social Security Act Amendments of 1965, and (B) the applicable provisions of the Social Security Amendments of 1960.

"(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223 before the date of enactment of the Social Security Act Amendments of 1965 or who died after December 1964 and before such date."

(c) Section 203(a) of such Act is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) when two or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for any month which begins after December 1964 and before the enactment of the Social Security Act Amendments of 1965, on the basis of the wages and self-employment income of such insured individual, such total of benefits for any month occurring after December 1964 shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B)(i) with respect to the month in which such amendments are enacted or any prior month, an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to the enactment of such amendments, for each such person, for such month, by 107 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10, and

"(ii) with respect to any month after the month in which such amendments are enacted, an amount equal to the sum of the amounts derived by multiplying the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section), as in effect prior to the enactment of such amendments, for each such person for the month of enactment, by 107 percent and raising each such increased amount, if it is not a multiple of $0.10, to the next higher multiple of $0.10;

but in any such case (I) paragraph (1) of this subsection shall not be applied to such total of benefits after the application of subparagraph (B) of this paragraph, and (II) if section 202(k)(2)(A) was applicable in the case of any of such benefits for any such month beginning before the enactment of the Social Security Act Amendments of 1965, and ceases to apply after such month, the provisions of subparagraph (B) shall be applied, for and after the month in which such section 202(k)(2)(A) ceases to apply, as though paragraph (1) had not been applicable to such total of benefits for such month beginning prior to such enactment."

(d) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after December 1964 and with respect to lump-sum death payments under such title in the case of deaths occurring after the month in which this Act is enacted.

(e) If an individual is entitled to a disability insurance benefit under section 223 of the Social Security Act for December 1964 on the basis of an application filed after enactment of this Act and is entitled to old-age insurance benefits under section 202(a) of such Act for January 1965, then, for purposes of section 215(a)(4) of the Social Security Act (if applicable) the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215(c) of such Act) instead of the amount in column IV equal to his disability insurance benefit.

PAYMENT OF CHILD'S INSURANCE BENEFITS BEYOND AGE 18 IN CASE OF CHILD ATTENDING SCHOOL

SEC 3. (a) Section 202(d)(1)(B) of the Social Security Act is amended by striking out "either" before "(i)", and by striking out "or (ii)" and inserting in lieu thereof ", (ii) was a full-time student and had not attained the age of twenty-two, or (iii)".

(b)(1) So much of the first sentence of section 202(d)(1) of such Act as follows subparagraph (C) is amended to read as follows: "shall be entitled to a child's insurance benefit for each month, beginning with the first month after August 1950 in which such child becomes so entitled to such insurance benefits and ending with the month preceding whichever of the following first occurs—

"(D) the month in which such child dies, marries, or is adopted (except for adoption by a stepparent, grandparent, aunt, or uncle subsequent to the death of such fully or currently insured individual),

"(E) in the case of a child who is not under a disability (as defined in section 223(c)) at the time he attains the age of 18 and who during no part of the month in which he attains such age is a full-time student, the month in which such child attains the age of 18,

"(F) in the case of a child who is a full-time student during the month in which he attains the age of 18, the first month (beginning after he attains such age) during no part of which he is a full-time student or the month in which he attains the age of 22, whichever occurs earlier, but only if in the third month preceding such earlier month he was not under a disability (as so defined) which began before he attained the age of 18,

"(G) in the case of a child who first becomes entitled to benefits under this subsection for the month in which he attains the age of 18 or a subsequent month and who in the month for which he becomes so entitled is not under a disability (as so defined) which began before he attained the age of 18, the first month (after he becomes so entitled) during no part of which he is a full-time student or the month in which he attains the age of 22, whichever occurs earlier,

"(H) in the case of a child who after he attains the age of 18 ceases to be under a disability (as so defined) which began before he attained the age of 18, and who either (i) attains the age of 22 before the close of the third month following the month in which he ceases to be under such disability or (ii) was a full-time student during no part of such third month, the third month following the month in which he ceases to be under such disability, or

"(I) in the case of a child who after he attains the age of 18 ceases to be under a disability (as so defined) which began before he attained the age of 18, but who has not attained the age of 22 before the close of the third month following the month in which he ceases to be under such disability and is a full-time student in such third month, the earlier of (i) the first month (after such third month) during no part of which he is a full-time student, or (ii) the month in which he attains the age of 22."

(2) The second sentence of section 202(d)(1) of such Act is repealed.

(3) Section 202(d) of such Act is further amended by adding at the end thereof the following new paragraphs:

"(7) A child whose entitlement to child's insurance benefits on the basis of the wages and self-employment income of an insured individual terminated with the month preceding the month in which such child attained the age of 18, or with a subsequent month, may again become entitled to such benefits (provided no event specified in paragraph (1)(D) has occurred) beginning with the first month thereafter in which he is a full-time student and has not attained the age of 22 if he has filed application for such reentitlement. Such reentitlement shall end with the month preceding whichever of the following first occurs: The first month during no part of which he is a full-time student, the month in which he attains the age of 22, or the first month in which an event specified in paragraph (1)(D) ocurs.

"(8) For the purposes of this subsection—

"(A) A 'full-time student' is an individual who is in full-time attendance as a student at an educational institution, as determined by the Secretary (in accordance with regulations prescribed by him) in the light of the standards and practices of the institution involved, except that no individual shall be considered a 'full-time student' if he is paid by his employer while attending an educational institution at the request, or pursuant to a requirement, of his employer.

"(B) Except to the extent provided in such regulations, an individual shall be deemed to be a full-time student during any period of nonattendance at an educational institution at which he has been in full-time attendance if (i) such period is four calendar months or less and (ii) he shows to the satisfaction of the Secretary that he intends to continue to be in full-time attendance at an educational institution immediately following such period.

"(C) An 'educational institution' is (i) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or (ii) a school or college or university which has been approved by a State or accredited by a State recognized or nationally recognized accrediting agency or body, or (iii) a school or college or university for which there is no such agency or body or which has been in operation an insufficient period of time for such approval or accreditation, but which is approved by the Secretary in accordance with regulations prescribed by him."

(c)(1) Section 202 of such Act is amended by inserting immediately after subsection (r) the following new subsection:

"CHILD AGED 18 OR OVER ATTENDING SCHOOL

"(s)(1) For the purposes of subsections (b)(1), (g)(1), (q)(4), and (q)(6) of this section and paragraphs (2), (3), and (4) of section 203(c), a child who is entitled to child's insurance benefits under subsection (d) for any month, and who has attained the age of 18 but is not in such month under a disability (as defined in section 223(c)) which began before he attained such age, shall be deemed not entitled to such benefits for such month, unless he was under such a disability in the third month before such month.

"(2) Subsection (f)(4), and so much of subsections (d)(6), (e)(4), (g)(4), and (h)(4) of this section as precedes the semicolon, shall not apply in the case of any child unless such child, at the time of the marriage referred to therein, was under a disability (as defined in section 223(c)) which began before such child attained the age of 18 or had been under such disability in the third month before the month in which such marriage occurred.

"(3) Subsections (c)(2)(B) and (f)(2)(B) of this section, so much of subsections (d)(6), (e)(4), (g)(4), and (h)(4) of this section as follows the semicolon, the last sentence of subsection (c) of section 203, subsection (f)(1)(C), of section 203, and subsections (b)(3)(B), (c)(6)(B), (f)(3)(B), and (g)(6)(B) of section 216 shall not apply in the case of any child with respect to any month referred to therein unless in such month or the third month prior thereto such child was under a disability (as defined in section 223 (c)) which began before such child attained the age of 18."

(2) So much of subsection (b)(1) of such section 202 as follows subparagraph (C) is amended by inserting "(subject to subsection (s))" after "shall".

(3) So much of subsection (c)(2) of such section 202 as precedes subparagraph (A) is amended by inserting "(subject to subsection (s))" after "shall".

(4) So much of subsection (d)(6) of such section 202 as follows subparagraph (B) is amended by inserting "but subject to subsection (s)" after "notwithstanding the provisions of paragraph (1)".

(5) So much of subsection (e)(4) of such section 202 as follows subparagraph (B) is amended by inserting "but subject to subsection (s)" after "notwithstanding the provisions of paragraph (1)".

(6) So much of subsection (f)(2) of such section 202 as precedes subparagraph (A) is amended by inserting "(subject to subsection (s))" after "shall".

(7) So much of subsection (f)(4) of such section 202 as follows subparagraph (B) is amended by inserting "but subject to subsection (s)" after "notwithstanding the provisions of paragraph (1)".

(8) So much of the first sentence of subsection (g)(1) of such section 202 as follows subparagraph (F) is amended by inserting "(subject to subsection (s))" after "shall".

(9) So much of subsection (g)(4) of such section 202 as follows subparagraph (B) is amended by inserting "but subject to subsection (s)" after "notwithstanding the provisions of paragraph (1)".

(10) So much of subsection (h)(4) of such section 202 as follows subparagraph (B) is amended by inserting "but subject to subsection (s)" after "notwithstanding the provisions of paragraph (1)".

(11) (A) The next to last sentence of subsection (c) of section 203 of such Act is amended by striking out "for any month in which" and inserting in lieu thereof "for any month in which paragraph (1) of section 202(s) applies or".

(B) The last sentence of subsection (c) of such section 203 is amended by striking out "No" and inserting in lieu thereof "Subject to paragraph (3) of such section 202(s), no".

(12) The last sentence of subsection (f)(1) of such section 203 is amended by inserting "but subject to section 202(s)" after "Notwithstanding the preceding provisions of this paragraph".

(13) Subsections (b), (c), (f), and (g) of section 216 of such Act are each amended by inserting before the period at the end thereof "(subject, however, to section 202(s))".

(14) Section 222(b) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) The provisions of paragraph (1) shall not apply to any child entitled to benefits under section 202(d), if he has attained the age of 18 but has not attained the age of 22, for any month during which he is a full-time student (as defined and determined under section 202(d))."

(15) Section 225 of such Act is amended by adding at the end thereof the following new sentence: "The first sentence of this section shall not apply to any child entitled to benefits under section 202(d), if he has attained the age of 18 but has not attained the age of 22, for any month during which he is a full-time student (as defined and determined under section 202(d))."

(d)(1) The amendments made by this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act for months after the month in which this Act is enacted; but only, except as provided in subsection (b), on the basis of an application filed in or after the month in which this Act is enacted.

(b) In the case of an individual who was entitled (without the application of subsection (j)(1) of such section 202) to a child's insurance benefit under subsection (d) of such section for the month in which this Act is enacted, such amendments shall apply with respect to benefits under such section 202 for months after the month in which this Act is enacted.

REDUCED BENEFITS FOR WIDOWS AT AGE 60

SEC. 4. (a)(1) Paragraph (1)(B) of section 202(e) of the Social Security Act is amended by striking out "age 62" and inserting in lieu thereof "age 60".

(2) Paragraph (2) of such section is amended by striking out "Such" and inserting in lieu thereof "Except as provided in subsection (q), such".

(b)(1) Paragraph (1) of section 202(q) of such Act is amended to read as follows:

"(1) If the first month for which an individual is entitled to an old-age, wife's, husband's or widow's insurance benefit is a month before the month in which such individual attains retirement age, the amount of such benefit for each month shall, subject to the succeeding paragraphs of this subsection, be reduced by—

"(A) 5/9 of 1 percent of such amount if such benefit is an old-age or widow's insurance benefit, or 25/36 of 1 percent of such amount if such benefit is a wife's or husband's insurance benefit, multiplied by

"(B)(i) the number of months in the reduction period for such benefit (determined under paragraph (5)), if such benefit is for a month before the month in which such individual attains retirement age, or

"(ii) the number of months in the adjusted reduction period for such benefit (determined under paragraph (6)), if such benefit is for the month in which such individual attains retirement age or for any month thereafter."

(2) Paragraph (2)(A) of such section is amended—

(A) by striking out "wife's or husband's insurance benefit" each place it appears and inserting in lieu thereof "wife's, husband's, or widow's insurance benefit"; and

(B) by striking out "age 62" and inserting in lieu thereof "age 62 (in the case of a wife's or husband's insurance benefit) or age 60 (in the case of a widow's insurance benefit)".

(2) Paragraph (2)(C) of such section is amended by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, or widow's".

(4) Paragraph (2)(D) of such section is amended by striking out "wife's or husband's" and inserting in lieu thereof "wife's, husband's, or widow's".

(5) Paragraph (2) of such section is amended by adding at the end thereof the following new subparagraph:

"(E) If the first month for which an individual is entitled to an old-age insurance benefit (whether such first month occurs before, with, or after the month in which such individual attains the age of 65) is a month for which such individual is also (or would, but for subsection (e)(1), be) entitled to a widow's insurance benefit to which such individual was first entitled for a month before she attained the age of 62, then such old-age insurance benefit shall be reduced by whichever of the following is the larger:

"(i) the amount by which (but for this subparagraph) such old-age insurance benefit would have been reduced under paragraph (1), or

"(ii) the amount equal to the sum of the amount by which such widow's insurance benefit was reduced for the month in which such individual attained the age of 62 and the amount by which such old-age insurance benefit would be reduced under paragraph (1) if it were equal to the excess of such old-age insurance benefit (before reduction under this subsection) over such widow's insurance benefit (before reduction under this subsection)."

(6) Paragraph (4) of such section is amended by adding at the end thereof the following new subparagraph:

"(D) No widow's insurance benefit for a month in which she has in her care a child of her deceased husband entitled to child's insurance benefits shall be reduced under this subsection below the amount to which she would have been entitled had she been entitled for such month to mother's insurance benefits on the basis of her deceased husband's wages and self-employment income."

(7) Paragraph (5) of such section is amended—

(A) by striking out "wife's, or husband's" and inserting in lieu thereof "wife's, husband's, or widow's";

(B) by striking out "or husband's" in subparagraph (A)(i) and inserting in lieu thereof ", husband's, or widow's"; and

(C) by striking out "age 65" in subparagraph (B) and inserting in lieu thereof "retirement age".

(8) Paragraph (6) of such section is amended—

(A) by striking out "wife's, or husband's" and inserting in lieu thereof "wife's, husband's, or widow's"; and

(B) by striking out "and" at the end of subparagraph (B), by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(D) in the case of widow's insurance benefits, any month in which the reduction in the amount of such benefit was determined under paragraph (4)(D)."

(9) Section 202(q) of such Act is further amended by adding at the end thereof the following new paragraph:

"(8) For purposes of this subsection, the term 'retirement age' means age 65 with respect to an old-age, wife's, or husband's insurance benefit and age 62 with respect to a widow's insurance benefit."

(10) The heading of section 202(q) of such Act is amended by striking out "or Husband's" and inserting in lieu thereof "Husband's, or Widow's".

(c) Section 223(a)(3) of such Act is amended to read as follows:

"(3) If, for any month before the month in which an individaul attains age 65, such individual is entitled to an old-age, husband's, widow's, widower's, or parent's insurance benefit, or to a wife's insurance benefit which is reduced under section 202(q), such individual may not, for any month after the first month for which such individual is so entitled, become entitled to disability insurance benefits; and a period of disability may not begin with respect to such individual in any month after such first month."

(d) The amendments made by this section shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act for months after the month in which this Act is enacted, but only on the basis of applications filed in or after the month in which this Act is enacted.

INCREASE IN AMOUNT AN INDIVIDUAL MAY EARN WITHOUT SUFFERING DEDUCTIONS FROM BENEFITS

SEC. 4. (a) Subsection (f)(3) of section 203 of the Social Security Act is amended by striking out "$100" and inserting in lieu thereof "$250".

(b) Subsections (f)(1), (f)(4)(B), and (h)(1)(A) of such section 203 are each amended by striking out "$100" and inserting in lieu thereof "$250".

(c) The amendments made by this section shall be effective with respect to taxable years ending after the date of the enactment of this Act.

MINIMUM BENEFITS AT AGE 70

SEC. 5. (a) Section 202 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Benefit Payments to Persons Not Otherwise Entitled Under This Section

"(v)(1) Every individual who—

"(A) has attained age 70,

"(B) is not and would not, upon filing application therefor, be entitled to any monthly benefits under any other subsection of this section for the month in which he attains such age or, if later, the month in which he files application under this subsection,

"(C) is a resident of the United States,

"(D)(i) is a citizen of the United States, and has resided in the United States continuously for not less than eighteen months before the month in which he files application for benefits under this subsection, or (ii) has resided in the United States continuously for the ten-year period preceding the month in which he files application for benefits under this subsection, and

"(E) has filed application for benefits under this subsection,

shall be entitled to a benefit under this subsection for each month, beginning with the first month in which he becomes so entitled to such benefits and ending with the month preceding the month in which he dies. Such individual's benefit for each month shall be equal to the first figure in column IV of the table in section 215(a).

"(2)(A) If—

"(i) any individual is entitled to a benefit for any month under this subsection, and

"(ii) it is determined that a periodic benefit or benefits are payable for such month to such individual under any other law of the United States or a State or under a pension or retirement system established by any agency of the United States or of a State or political subdivision thereof (or any instrumentality of the United States or a State or a political subdivision or subdivisions thereof which is wholly owned thereby),

then the benefit referred to in clause (i) shall be reduced (but not below zero) by an amount equal to such periodic benefit or benefits for such month.

"(B) If any periodic benefit referred to in subparagraph (A)(ii) is determined to be payable on other than a monthly basis (excluding a benefit payable in a lump sum unless it is a commutation of, or a substitute for, periodic payments), the reduction of such individual's benefit under this paragraph shall be made at such time or times and in such amounts as the Secretary finds approximates, as nearly as practicable, the reduction in subparagraph (A).

"(C) In order to assure that the purposes of this subsection will be carried out, the Secretary may, as a condition to certification for payment of any monthly benefit to an individual under this subsection (if it appears to the Secretary that such individual may be eligible for a periodic benefit which would give rise to a reduction under this paragraph), require adequate assurance of reimbursement of the Federal old-age and survivors insurance trust fund in case periodic benefits, with respect to which such a reduction should be made, become payable to such individual and such reduction is not made.

"(D) Any agency of the United States which is authorized by any law of the United States to pay periodic benefits, or has a system of periodic benefits, shall (at the request of the Secretary) certify to him with respect to any individual such information as the Secretary deems necessary to carry out his functions under this paragraph. For purposes of this subparagraph, the term 'agency of the United States' includes any instrumentality of the United States which is wholly owned by the United States.

"(3) Benefits shall not be paid under this subsection—

"(A) to an alien for any month during any part of which he was outside the United States;

"(B) to any individual for any month during all of which he was an inmate of a public institution; or

"(C) to any individual who is a member or employee of an organization required to register under an order of the Subversive Activities Control Board as a Communist-action organization, a Communist-front organization, or a Communist-infiltrated organization under the Internal Security Act of 1950, as amended."

(b)(1) The following provisions of section 202 of such Act are each amended by striking out "or (h)" and inserting in lieu thereof "(h), or (v)":

(A) subsection (d)(6)(A),
(B) subsection (e)(4)(A),
(C) subsection (f)(4)(A),
(D) subsection (g)(4)(A), and
(E) the first sentence of subsection (j)(1).

(2) Section 202(h)(4)(A) of such Act is amended by striking out "or (g)" and inserting in lieu thereof "(g), or (v)".

(3) Section 202(k)(2)(B) of such Act is amended by striking out "preceding".

(c)(1) With respect to every individual who becomes entitled to a benefit under title II of the Social Security Act by reason of the amendment made by subsection (a), the Secretary of the Treasury shall transfer to the Federal old-age and survivors insurance trust fund, from the general fund of the Treasury, an amount equal to the sum of:

(A) The total amount of employee and employer taxes that would have been paid under the provisions of sections 3101 and 3111 of the Internal Revenue Code of 1954 (or the corresponding provisions of prior law) if such individual has been paid wages (as defined in section 209 of the Social Security Act) equal to the first figure in column III of the table in section 215(a) in each month of the period beginning with January 1951 (or January of the year after the year in which he attained age thirty-one, if that is later) and ending with December of the year in which he attained age sixty-nine (or, if later, December 1964); and

(B) Interest, compounded at 3 percent per annum, on the total amount determined under subparagraph (A), for each year in the period referred to in such paragraph.

(2) The transfer of funds from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund with respect to any individual pursuant to paragraph (1) shall be made not later than the end of the calendar quarter following the calendar quarter in which such individual becomes entitled to benefits under title II of the Social Security Act by reason of the amendment made by subsection (a).

(d)(1) Section 202(m) of the Social Security Act is amended by striking out "no other individual" and inserting in lieu thereof "(1) such benefit is payable to an individual who attained age seventy in or before such month, or (2) no other individual".

(2) Such section 202(m) is further amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of this section, the total of the benefits under this section of any individual for any month shall, if he attained age seventy in or before such month, be increased to the extent such total is, after any reduction under subsections (k)(3) and (q), less than the first figure in column IV of the table in section 215(a)."

(3) The last sentence of section 203(a) of such Act is amended by inserting "and a benefit increased as the result of section 202(m)" after "disability insurance benefit".

(e) The amendments made by subsections (a) and (b) shall apply only in the case of monthly benefits under title II of the Social Security Act for months beginning on or after the thirtieth day after the date of the enactment of this Act based on applications filed on or after such thirtieth day. The amendments made by subsection (d) shall apply only in the case of monthly benefits under title II of the Social Security Act for months beginning on or after such thirtieth day.

ALABAMA BOYCOTT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Nix] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. NIX. Mr. Speaker, in these days when Dr. Martin Luther King is being criticized for his expressed intention to push the Alabama boycott, let it be clearly understood that I fully agree with him, that I will lend any and all aid to him, and that I applaud his courage and ingenuity.

These kindly souls who deplore this boycott say they are fearful that the admitted slight gains in Negro-white relations might be destroyed; they say the good and decent white people of Alabama who are timidly beginning to favor Negro demands will be discouraged and will again retire to the sidelines. To these timid souls, I say that you are in effect saying to Dr. King, to the Negroes engaged in a great and just social revolution that they are moving too fast—that they must walk softly—that time and more time must be given to the whites of Alabama.

Mr. Speaker, these detractors, these objectors, do not say that the boycott is illegal, they do not say that the boycott violates the moral law, they do not say that this act will bring hardship to the innocent. If they mean that hardship will come to the Negroes of Alabama, the answer is, let it come. No suffering can match the suffering that has been endured in the past and is being endured now by the Negroes of Alabama.

If they mean that the good white people of Alabama will suffer, then let these good and moral people become militant and articulate in the cause of justice. Let them denounce the bombers. Let them lift the curtain of silence behind which their brutal police hide. Let them repudiate the union which has made them brother to the murderer, the oppressor, the disseminator of false racial doctrines. Let them face the fact that there are not two Gods—one for the whites and one for the Negroes, and that these Gods require a different church for each. Let them demand and get equality in registration in voting before the law.

In short, let them cleanse their minds of blind and unreasoned prejudice. Let them cast out their distorted moral values and revert to the true and eternal values governing mankind.

When that time comes even the people of Alabama will readily see that in this month of April 1965, the 358th year of Negro oppression in America, it is more than reasonable for Dr. Martin Luther King to voice the demands of the Negroes of Alabama to:

First. Call upon industries and businesses to abandon any plans for expanding in Alabama—and if there are no results,

Second. Ask private institutions, churches, and labor unions to reexamine placement of pension funds in Alabama for investment.

Third. Ask the U.S. Government to withdraw U.S. tax dollars from Alabama banks.

Fourth. Consumer boycott against specific products.

Mr. Speaker, I conclude by reminding the Members of this House of Representatives, the critics of Dr. King and the good people of Alabama that meeting the simple conditions listed below will eliminate this boycott.

These conditions are:

First. An end to the poll tax in all elections.

Second. Allow voter registration at times convenient to working people—(nights and weekends).

Third. Appointment of Negroes to policymaking positions on State boards and agencies.

Fourth. Stop police brutality, and assure equal protection before the law for all citizens.

Fifth. Repudiation of the practice of using inflammatory racist utterance in political statements.

NEW YORK CITY IN CRISIS—PART XL

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article from the New York Herald Tribune of February 28, 1965, describes the situation vis-a-vis the mayor and the borough presidents in New York City.

It is a further installment in the series on "New York City in Crisis":

New York City in Crisis: Borough Presidency Shorn of Power—A Buffer for Mayor

(By Alfonso Narvaez and Barry Gottehrer)

In this city of 8 million, there are at least five people who firmly believe that the position of borough president remains essential and important to the citizens of New York.

The five are Constance B. Motley, borough president of Manhattan; Abe Stark, borough president of Brooklyn; Joseph F. Pericini, borough president of the Bronx; Mario J. Cariello, borough president of Queens, and Albert V. Maniscalco, borough president of Richmond.

There are many others, however, who firmly believe that the only thing important about the job of borough president anymore is its annual salary—$35,000.

Only the mayor and the comptroller get more.

Stripped of many of his duties and most of his patronage by the city charter revisions which took effect in January 1963 the borough president today has, in many respects, been reduced to a ceremonial figurehead whose chief function is to serve as a buffer between the mayor and the people of the city.

Yet at the same time the duties of their jobs were being stripped away, the five borough presidents, who control 10 of the 22 votes on the board of estimate, voted unanimously—with the full support of the mayor—not to slash their salaries but rather to increase them, from $25,000 to the present $35,000 a year.

LIMITATIONS

The decline in the office's power was highlighted by the restrictions faced by Mrs.

Motley, who was chosen city councilwoman from Manhattan.

Of the 90 jobs in the office of the Manhattan Borough president, Mrs. Motley can fill only 9 with people of her choice. The other jobs are already filled by career civil service workers, who are not subject to removal when a new boss takes over.

This in itself is a far cry from the days when the borough president was a major power both in city politics and in city government, and could use his far-ranging appointive powers to reward the party faithful and deliver votes at election time.

Under the old charter, there were more than 1,700 positions in the office of the Manhattan Borough president, many of which could be—and were—used to pay political debts.

Yet it isn't only in the political patronage arena that the office has lost its significance. When the new charter went into effect, many of the functions of the office—as well as its personnel and equipment—were taken away from it. Among these were the planning and construction of streets and highways and the control of testing laboratories, sewers, street signs, and comfort stations. These duties were turned over to the departments of highways and public works.

More than 5,000 jobs and various pieces of equipment were handed over to these two departments and the staffs of the five borough presidents were cut to about one-tenth of their former size.

In essence, the borough president today acts as an intermediary between city hall and the citizens of his borough, but even here his power has been reduced.

At the time of the charter revision, the city created the posts of a deputy commissioner of highways and a deputy commissioner of public works for each borough.

The holders of these 10 positions were to act as liaison between the people in the various boroughs and the agencies concerned—at an additional cost of some $130,000 in salaries each year.

These jobs never existed before 1963.

CONTENTION

Yet in its interim report to the mayor last December, the temporary commission city finances commissioner of highways as "departments, divisions thereof, or functions which may have, in whole or in part, outlived their usefulness or which are duplicated by other private or public agencies or which generally seem to be of questionable value."

As for the borough president's office itself, there have been repeated demands that the positions be eliminated entirely.

At the time of the charter revision, the City Club of New York, a nonpartisan civic organization founded in 1892, charged that the positions were no longer needed. Dr. Charles Garrett, chairman of the City Club's charter revision committee, said:

"Their legislative powers could be adequately carried out by the borough representatives in the city council. Their administrative duties, matters of mere housekeeping, could be readily handled by the city departments."

The "housekeeping" duties were eliminated by the charter revision, but the legislative powers of the office remained with them.

Yesterday, Seymour Claubard, former member of the Commission on Governmental Operations of the City of New York and long a student of municipal government, echoed Dr. Garrett's words and said that the borough president merely served "ceremonial and propaganda functions."

"Their presence in the city government only detracts from the useful functioning of the city council, which was designed as a strong council under the terms of the new charter," he said. "I am in favor of eliminating the office entirely and giving their responsibilities to the city council."

Challenges to the borough president's office have come from many quarters. With the city in desperate need of money, the citizens budget commission has suggested the elimination of the five borough presidents' offices as an austerity move. It has said that the city could save millions of dollars through elimination of the offices and the administrative structure they entail.

As for the elective office itself, the city charter states the individual must reside in the borough and can appoint a number of assistants and personal staff members. It also states that the borough president must maintain a topographical bureau (which keeps maps of streets and supplies engineering information to architects and surveyors) and that he can appoint civic leaders to nonsalaried positions on borough community planning boards. These boards advise the borough president and other city agencies on matters which affect the welfare of the borough.

The borough president is also the chairman of the borough improvement board, of which the councilmen of the borough are members. As a member of the site selection board he participates in the selection of sites for all capital projects. He makes recommendations to the mayor and other city officials as to the needs of his constituents.

The most important function of the borough president is, to sit as a member of the board of estimate, where he has two votes out of a total of 22. He participates in many legislative and administrative decisions which affect the entire city.

HARMONY

Despite the apparent importance of his board of estimate position (he passes on budgets, budget revisions, and the control of city-owned property) the borough president is far less important when it comes to making legislative decisions. The mayor, the comptroller, and the president of the city council, who are the other members of the board of estimate, have 4 votes apiece—for a total of 12. And what Mayor Wagner wants, the mayor invariably gets from his borough presidents—including Republican-liberal, Joseph Periconi, of the Bronx.

It is all one big happy family and, whatever disagreements may come up, they are all well hidden by the secret curtain of the board of estimate's executive sessions.

If some disagreement should arise, the mayor has the charter on his side.

The charter states that a quorum for the board of estimate "shall consist of a sufficient number of members thereof to cast 12 votes, including at least 2 of the members authorized to cast 4 votes each."

The charter further states that the "board shall act by resolution adopted by a majority of the whole number of votes authorized to be cast by all the members of the board."

In effect, this gives the mayor and his men virtual control of the board. Together they control 12 votes, enough for a quorum and enough for a majority.

Not surprisingly, however, the borough presidents are convinced of the need for their jobs and for the services they perform. Where they differ is on whether or not the power of the office has declined.

"The responsibilities of the borough president have increased, not decreased," Bronx Borough President Periconi maintains. "The borough presidents are more representative of the people and more responsive to their needs now.

"BOROUGH'S EAR

"Our office is a clearinghouse for millions of complaints. Every voice has to be heard. We are making a true partnership of government and community. The ties have been strengthened."

A spokesman for his office said that a lot of the work was ceremonial, but he added: "There is a great need for the borough president. He's the borough's voice at city hall."

A spokesman for the Manhattan office noted that "power had declined according to the new charter, but most critics of the office do not look beyond the surface of the position. They do not know what the president can or cannot do.

"The city is a huge operation and the people with complaints usually get short shrift when they try to see the heads of city agencies. The borough president is elected and has to serve the people. These others are appointed and don't have to respond to the people's complaints.

"The borough president is an effective spokesman for the legitimate complaints of the people. He has a sympathetic ear for their problems."

At the Brooklyn Borough president's office, there was a more determined effort to show the need for the office. A spokesman there cited two reports, both favorable to the continuance of the office. One was made in the time of Mayor Fiorello La Guardia in 1936, and the other was dated 1962.

In the more recent study, Charles Tenney, formerly city administrator and now a Federal judge, expressed the need for the office. In his report, he wrote:

"FOCAL POINT

"The new charter reduces the number of functions to be performed by the borough presidents, effective January 1 (1963), yet many important duties remain with the borough president, particularly those which reflect his position as the prime community representative, as the center for exchange of information between the people and the government and as an official vitally concerned with the development and improvement of local public facilities."

The spokesman at the Brooklyn office described Borough President Abe Stark as the focal point of all local community activities in Brooklyn. He safeguards the needs of the borough in the capital budget and meets with city, State, and Federal agencies to plan for the needs of Brooklyn.

In Staten Island and Queens, the borough presidents seem to be overwhelmed with complaints about sewers and streets, two functions that were taken away from their jurisdiction.

Spokesmen at the Queens office said that they had received more than 10,000 complaints about sewer and street construction from taxpayers and homeowners addressed directly to the borough president.

"Many of them interceded for direct action by his office," the spokesman said. "It's a challenge to try and meet all these local problems."

On Staten Island a spokesman complained that construction and maintenance of highways and sewers were not done as efficiently as when they were in the hands of the borough president.

"We're so far away from someone in Manhattan that it takes time to get something done," he said. "We've gotten all kinds of complaints. All orders have to come from through Manhattan, and naturally there's some delay."

Spokesmen for each borough president were quick to point out last week the various functions and meetings their bosses had to attend. Decisions on street lights, school and hospital sites, and the proposed closings of Government facilities, all of which involve not only the borough presidents but other city officials, were given as items that occupy a good deal of each borough president's working day.

The work of the community planning boards, set up to give the citizens another voice under the new charter but, according to many critics, operational and effective only in the Bronx and Manhattan so far, also was given as a function consuming much of the borough president's time.

Spokesmen for the borough presidents, who pointed to their superiors' roles with the community planning boards, failed to mention that each borough also has a director of community planning boards who receives $9,000 a year.

What the mayor and other officials think of the office can best be illustrated by a recent occurrence in the Bronx.

On February 9, Mayor Wagner and Governor Rockefeller jointly announced plans for the largest housing cooperative ever built in the Nation.

However, the plans for the 15,500-apartment cooperative were announced in the absence of the Bronx Borough President Periconi—and without the consent of the board of estimate.

At a board of estimate meeting later in the week, Mr. Periconi complained:

"The announcement of the largest cooperative housing venture ever built in the Nation, to be located in the Baychester area of the Bronx, without the consent of the board of estimate, not only degrades the dignity of the board, but makes their functions a farce. I, as a member of the board of estimate, was neither consulted nor informed of the joint announcement by the Governor and the mayor. * * * I did not consider this a personal affront, but common courtesy and respect for the office of borough president should have dictated the presence of the Bronx borough president at this meeting."

Borough President Periconi was not alone in his annoyance.

As long as the job pays $35,000 a year, there will always be at least five people in this city ready to defend the job of borough president at all times.

NEW YORK CITY IN CRISIS—PART XLI

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article in the series on New York City in Crisis which describes the economic consequences to New York City, in connection with the World's Fair.

The article appeared in the New York Herald Tribune of March 1, 1965, and follows:

NEW YORK CITY IN CRISIS: BEAME LINKS TAX LOSS TO LAGGING FAIR—LESS THAN HALF THE EXPECTED $55 MILLION

(By Fred Ferretti)

The city will realize "less than half" the $53.6 million in tax revenues it expected from the world's fair's first season, Controller Abraham D. Beame said yesterday.

Mr. Beame thus implied that some of the blame for the city's money deficit must fall on the fair and its financially disappointing first season.

Last April 15 Mayor Wagner released concurrently his budget requests for the 1964–65 fiscal year and his projected revenues for the same year, which ends this June 30. He included among his revenues $28.5 million from sales taxes, $16 million from general business and financial taxes, $6.5 million from amusement taxes, and $2.6 million from hotel room taxes, all directly attributable to the world's fair. The taxes added up to $53.6 million.

Mr. Beame said there will be "substantially less * * * disappointingly less * * * less than half" that amount when the fiscal year ends.

This means that at most the city can expect about $26 million in tax revenues as a byproduct of the fair's 1964 season.

And it is a far cry from the fair's own estimate, made in 1963 in a pamphlet entitled "The Economic Benefits of the New York World's Fair 1964–65." Then it was stated by the Fair Corp.: "New York City will derive between $200 and $300 million from tax revenues on expenditures brought about by the New York World's Fair."

Asked what is projected for the budget for 1965–66 fiscal year, presently under preparation, in the way of tax revenues as a result of the fair's next season, Mr. Beame said: "I have no idea. Check with the budget director."

William Shea, the city's budget director, was unavailable for comment last night.

The controller said that he is getting his auditors cranked up for their audit of the fair's financial books and records scheduled to begin Wednesday if the fair does not file for a stay of the order compelling it to give its books to Mr. Beame.

The order was signed by Supreme Court Justice Louis Capozzoli on Friday after the fair announced its intention of filing an appeal to Justice Capozzoli's decision the day before in which he affirmed Mr. Beame's right to subpena and audit the records.

Fair attorney, Charles Preusse, asked for a week to prepare his appeal, but Justice Capozzoli gave him 2 days. Unless a motion to stay the supreme court is filed by Wednesday, the city will begin its audit.

Yesterday Mr. Beame said that as part of that audit "it would be my duty to point up instances" which on their surface may look like "conflicts of interest."

He said he had "no idea what he might find, but we want to make what is called a management analysis. As far as conflicts arising * * * I haven't heard of anything particularly, but 'if what looks like inordinately large fees' come up they are the things we may call attention to.'"

Asked if the fair is being operated properly in his opinion, Mr. Beame said, "I'm in no position to say. That's what I'd like to find out * * * there is a lack of information."

He said he'd like to find out why the fair had a $17.5 million first-year deficit "in the face of an estimate made by Mr. (Robert) Moses of a surplus of $50 million."

Even if the controller gets his audit, the books are not going to show the fair's projections of the 1965 season. The fair—basing its projections on budgetary cuts, reduced operating expenditures, revenue and rental expectancies, and an estimated 37,500,000 paid admissions—is privately predicting a profit at the end of the season of $37,780,000.

It was learned that this figure was presented to the Franklin National Bank when the fair's interim financial advisor, George E. Spargo, was negotiating for a $3 million loan from the Mineola Bank early last month.

The fair told Franklin National's president, Arthur T. Roth, that it expected its operating budget for the 6 months of 1965 to be $17,590,446, slightly more than half the $33,299,000 figure for the 1964 season. It also predicted a paid attendance of 37.5 million, more than 10 million over last season's total of 27,148,280 paid.

In its negotiations, which have since bogged down, the fair said that based on this attendance and budgetary cuts—estimated at $500,000 a month thus far for January, February, and March—the fair would show a 2-year profit of $37,780,000.

Of this estimated profit, the fair told the Franklin National it would use $22,372,000 to repay the remaining 75 percent of its 6 percent notes; $1.5 million for postfair administration, and $8 million for demolition of fair buildings. This would leave a surplus of $5,908,000, very far from fair president Robert Moses' once-predicted surplus of $53 million. It would be enough, however, to begin making Flushing Meadow the crowning park of his midborough chain of parks.

The Franklin National questioned the attendance estimate, and asked the fair to base further negotiations on an attendance of 27 million, the same as last year's. Accounting sources say the profit estimate drops sharply when this is done, and full repayment to noteholders becomes questionable.

Also left out the fair presentation was the fact of whether attendance estimates, whether they be 37.5 million of 27 million, included the 14,136,590 tickets sold in 1964 but never used. In its audit the fair says that it used the moneys from these tickets for 1964 expenses. If they are counted in attendance figures this year, as they can be, it is apparent that the money cannot be considered in 1965 revenue.

Republican-Liberal city councilman, Theodore Kupferman, has already called this a misuse of funds in requesting Mr. Moses' ouster.

Mr. Beame said yesterday he "wouldn't venture an opinion" as whether Mr. Moses should be removed as president. "That's up to the members of the board of directors," he said.

Last week 8 of the 21 members of the fair's executive committee gave Mr. Moses a unanimous vote of confidence, so if any removing is going to be done, it will have to come from a special meeting of the board.

Mr. Beame said, however, that Mr. Moses' impeding of his request to audit the books was uncharacteristic of a good public servant and tended to creat further doubt in the public mind about the fair. "I try to be mild," Mr. Beame said on WNBC–TV's "Searchlight" program, "and say I'm astonished. These tactics don't befit Mr. Moses."

The controller was backed up yesterday by the Citizens Union, which urged the fair corporation to submit to audit. "The fair authorities are plainly unwise in resisting him [Mr. Beame]. If there is nothing wrong, then they should welcome public disclosure," the union's chairman, Milton M. Bergerman, said. He said he hopes the fair will accept the decision in good grace.

But Democratic Councilman at Large Paul O'Dwyer said he disagrees with Beame's approach to the fair, contending that the city's inaction and carelessness has done as much * * * to place the fair in jeopardy.

He said the city's failure to insist that the $24 million advanced to the fair be a loan and not a gift has weakened the city's right to inspect the fair's books * * * Sniping at this late hour is only complicating the situation. We will have Mr. Moses for the rest of the season and we may as well make the best of it.

ANTARCTICA—THE LAST FRONTIER

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GRABOWSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, one of the vast areas of the world which is now undergoing intensive interest and research by the scientific community is the icy, harsh area of the Antarctic.

Scientists of many nationalities are gathered on this icecap at the south of the world, working together to learn as much as they can from this area, to learn about the limited forms of wildlife which exist there, about the mineral deposits which may be needed by mankind someday, about the food forms which one day may be needed to feed a hungry world.

Mr. William J. Clew, assistant managing editor of the Hartford Courant, visited this region with the Navy's 1964–65 Operation Deep Freeze expedition.

He reported on the work being done in Antarctica, on the lives of the men there, on his own experiences.

The series of articles which he sent back to the Courant by means of shortwave radio and special telephone hookup have been reprinted in a fine booklet entitled, "The Last Frontier."

He praises the men who are performing these arduous duties and cites the many Connecticut men who were in Antarctica. These include Lt. Richard Gadd of Simsbury, with the Air Force; James Mercik, a scientist from Thompsonville, and Thomas O'Meara, with Navy Aviation and from Torrington, all from the Sixth Congressional District of Connecticut.

Mr. Speaker, I ask unanimous consent that articles written by Mr. Clew be included at this point in the RECORD and to include extraneous matter.

Reports by Radio: Courant Editor Visits U.S. South Pole Base

(By William J. Clew, assistant managing editor)

(The following dispatch was received by the Courant Sunday night by a shortwave radio and telephone hookup.)

BYRD STATION, ANTARCTICA.—I have just completed two flights over the high and icy mountains of the Antarctic Continent. The first trip took me to the South Pole, where the temperature was 21 degrees below zero.

I am here with a group of scientists, Navy leaders and Members of Congress.

The raw atmosphere and strong winds left me gasping for breath and drained my strength until I was able to adjust myself to this harsh environment.

VAST ICE FIELD

The South Pole, marked by the Stars and Stripes, is on a plateau nearly 11,000 feet above sea level. About 95 percent of all the world's ice and snow are in Antarctica, and at the pole this frozen layer is over 9,000 feet thick. Like standing in a desert, one can imagine here that he can see the curvature of the earth because this snow-covered plateau is so vast and unobstructed.

I had the unusual experience of being welcomed to the South Pole by name. I was greeted by James Mercik, son of Mr. and Mrs. Henry Mercik of Thompsonville, who is stationed here with the scientists and explorers.

He called to me through the howling winds and then helped me struggle up the short incline from the landing strip to the entrance of Amundsen-Scott station.

The rarefied atmosphere and the weight of my heavy Antarctic gear left me weak and trembling after my arrival. Then I became adjusted to the conditions. This experience was common to nearly all members of our party.

Mercik arrived at the pole a month ago. He is a June graduate of Georgetown University in Washington and will spend the next year studying the aurora austrailis, the South Pole counterpart of our northern lights (aurora borealis).

THREE STATE MEN HERE

There were three Connecticut men at the pole at this occasion. The third was Hartford attorney and retired Navy Comdr. Max M. Savitt, here as a member of the advisory group to visit the headquarters and South Pole station commanded by Rear Adm. James R. Reedy.

The scientific and exploratory program directed by Admiral Reedy is known as Operation Deep Freeze.

The headquarters for the operation is on Ross Island in McMurdo Sound, an arm of Ross Sea.

The trip to and from the pole covered nearly 1,800 miles. Roald Amundsen was the first man to reach the pole, racing to the spot in December of 1911.

The English explorer Robert Scott arrived only 35 days later, in January of 1912. Scott died on his way back to his camp.

Only about 800 men have reached the pole itself, and our party is now a part of this distinguished group.

The second leg of our trip from the interior was to this station named after Adm. Richard E. Byrd, located about 600 miles from the pole and 700 miles from the headquarters at McMurdo Sound. The station is completely under the surface of the ice and snow. The buildings are connected with tunnels, the whole station forming a labyrinth of about 3 miles.

So far, since we left Hartford in late November, we have covered more than 13,000 miles in military aircraft.

There are now three icebreakers, two from the Navy and one of the Coast Guard that have reached the McMurdo headquarters. They have broken a lane through the ice pack in the Ross Sea so that supply vessels can reach the headquarters base.

The Last Frontier: Man Has Conquered the Antarctic, Learning To Live There in Comfort

(By William J. Clew)

MCMURDO STATION, ROSS ISLAND, ANTARCTICA.—You stand behind the pilot's seat in the cockpit of the giant Air Force cargo plane.

Maj. Bob Galt, graying veteran of the Military Air Transport Service, turns in his seat, lifts his intercom receiver off one ear and begins to talk about details of the scene unfolding 25,000 feet below.

We are over the seas surrounding the Antarctic Continent. The water looks black. It is filled with thrashing floes of pack ice.

Major Galt points ahead. There is a heavy white cloud layer, dazzling in the brilliant sunlight. Suddenly we break through it. Before us is a scene of wild, sinister beauty like nothing we have ever encountered. For hundred of miles there are ice-covered mountains. There are glaciers that slope like giant stairways, whose movement to the sea is so slow it is measured by centuries. The clouds play about the towering peaks.

The pilot points downward to his left. Jutting out from the ice mass, where the Ross Sea joins the oceans, is Cape Adare, lonely and forbidding. The sight staggers the senses. In God's name, I thought, what brought man here and what am I doing here? Bob Galt speaks again and I bend to hear amid the roar of the four powerful turboprop engines. Down below, he says, under that blanket of cloud and a few miles inland from Cape Adare, lies Hallett Station, a base for explorers and scientists manned by Americans and New Zealanders. A week before, he continued, he and his crew landed their big C-130 Hercules on the ice and dropped off a load of supplies. Unbelievable as it seemed in this vast, frozen area, ice and snow do melt and the ice runway at Hallett had begun to soften.

The men at the base had set up a plumb line, which registered a bend in the ice of only an inch and a half. "We felt we would be safe if the ice gave as much as 5 inches," said the major. Now, a week later the thaw of early Antarctic summer had set in and Hallett will get its supplies by air drop or from lighter planes.

As overwhelming as the sight of the South Polar Continent was, this little story restored my perspective. So there were men here and they were surviving in a land where survival is the uppermost consideration, minute by minute, hour by hour, day by day. In this harsh land, the temperature plunges in minutes far below zero and blizzards spring up, blotting out everything, completely disorientating a man even a few feet from the safety of a shelter.

Despite all the dangers, all the storms, all the loneliness and the almost unbearable cold, the big story of antarctic is that man has conquered it and is learning to live there in reasonable comfort.

Only a few hours ago, we had taken off from the airport at Christchurch, New Zealand and a few hours before that from Andrews Air Force Base in Washington, D.C., from the same tarmac where the presidential planes are parked. There had been an overnight stop in Honolulu and 2 days of rest in "Chi Chi," (Christchurch) where Rear Adm. James R. Reedy, U.S. Navy has his administrative headquarters for Operation Deep Freeze. This is the name given the program, headed by the Navy, in which the Army and Air Force are joined, that supports the scientific study of the Antarctic Continent. The Armed Forces group is known as Task Force 43 and Christchurch is its staging area.

About 30 of us had been invited. There were 10 newspapermen from United States, Europe, and Australia; Vice Adm. John Bush of the British Navy, Adm. Francois Picard-Destellan of the French Navy; Quincy Mumford, the Librarian of Congress; Herbert B. Powell, Ambassador to New Zealand; Dr. Allen Waterman, the distinguished physicist and leading figure in the National Science Foundation, who was a friend and colleague at Yale of the late Professor Harry W. Foote, father of the Courant's managing editor; four Members of Congress, a number of other scientists and military and naval men and an old friend, Judge Max M. Savitt, of West Hartford, who had been asked by the Navy Department to come out of retirement as a Navy commander to do some legal work for the expedition.

He took part in discussions with respect to questions of jurisdiction contained in the treaties governing the continent.

ISSUED SPECIAL GEAR

Admiral Reedy was aboard the plane with us on the way from Christchurch to McMurdo Station. He had met us on our arrival and now he was on his way to spend the next several weeks at his antarctic headquarters, directing the activities that are crammed into the only part of the year that is reasonably safe in this south polar land. The season extends from October 1 to about April 1. During this period there are about 1,300 men in Antarctica. Most of them are Americans. The rest are New Zealanders, Russians, Australians, English, and South Americans, manning the stations that dot the continent.

Before leaving Christchurch, we were issued special clothing. This included a change of woolen socks for each day we were "on the ice," as a visit to the continent is called. There were two suits of thermal underwear, long, heavy and warm, constructed with open meshwork. There were a heavy woolen sweater, two woolen shirts, woolen trousers, and a lined windbreaker. These were standard armed services issue, for cold weather service. But in addition there was a heavy pair of lined trousers, called "many pockets." These were held up with suspenders. The most important item was a pair of heavy, white thermal boots with thick insoles of nylon and felt. Another pair of boots was issued for comfort indoors. These were like a pair of conventional high shoes. A woolen scarf, a fur-lined cap with earflaps and a fur-lined hood for the jacket completed the outfit.

LEAVE SUMMER CLIMES

New Zealand is a beautiful country and Christchurch a charming old city of more than 200,000, situated on the South Island. It was warm and summery when we left, wearing our basic antarctic clothing. We were briefed about the dangers of Antarctica and the physical condition of everyone was checked. I was relieved to see that there were several men older than I who had dared to make the trip. With one exception, an elderly man who came down with a touch of pneumonia at the South Pole, we all were destined to come through the adventure unharmed. A large crowd of New Zealanders gathered at the airport to see us off. We took uncomfortable canvas seats around the sides of the plane and strapped ourselves in. The center of the big fuselage was filled with boxes of supplies, mail sacks and our duffelbags.

Maintaining a balance between the warmth of our clothing and the temperature in the plane was a minor problem but as we neared the end of our 8-hour flight the temperature of the plane was lowered. This was done to help us acclimatize to our new environment and give us a chance to don our heavy outer garments. We landed on the ice of the Ross Ice Barrier in McMurdo Sound, where the landing strip is known as Williams Field, in honor of an expedition member who was killed a few years ago. The clear, cold air as we emerged from the plane was breathtaking. It was about 12 above zero. A fleet of Sikrosky helicopters lifted some of the group and heavy snowtrack vehicles took others up from the ice to McMurdo Station 7 miles away.

THERE IS NO DARK

We were anxious to get settled before dinner and "before dark," forgetting that there was to be no dark. At this season the sun shines around the clock on Antarctica. Some people found it difficult to sleep and came down with a condition known on the ice as "big eye." They went about tired looking, with staring eyes. But morning newspapermen are used to sleeping in the daytime and I had no trouble except to overcome the temptation to stretch the day into exhaustingly long hours. One night I was just going off to sleep when my roommate, Max Savitt, came in and asked what happened to the lights. "Where's the light switch?" he demanded. "Take off your sunglasses," I growled. The midnight sun was streaming through our window in BOQ (bachelor officer's quarters) 10.

Max and I argued good naturedly over who was to take the upper bunk. He contended that seniority in age and rank entitled him to the lower berth. We put it up to Admiral Reedy, who humorously declared that weight was the determining factor and gave the lower bunk to me. But the young Navy and Air Force officers in BOQ 10 came to Max's aid and gave him a ladder to mount to his perch.

Most of us wore our own light underwear under our thermal longies. We were put on the honor system to take only one bath a week and we paid for this by shoveling snow into a big tank where it was melted for the shower room. We did get enough water to shave and take sponge baths but despite this and changes of shorts and shirts there was a certain gaminess about all of us when midweek shower time came around.

Antarctica covers 5½ million square miles. It is bigger than the United States and Western Europe combined. Ninety-eight percent of it is covered by ice and snow and more than 90 percent of all the world's ice and snow are here. At the South Pole, which we visited, the ice and snow are more than 9,000 feet deep. This mass has pressed the earth under it into the core of the globe and accounts for the fact that the world is not a perfectly formed round ball but rather pearshaped.

Antarctica has its own built-in control system that maintains a precarious, delicate balance with the forces of nature. Its snow and ice do not build up so rapidly or melt so fast that the world is thrown out of orbit. If all the ice and snow here were to melt rapidly, the oceans of the world would rise 200 feet, wiping out all coastal cities. If the snow and ice were to accumulate without limit the world would indeed be off balance.

Scientists have been able to measure the snow and ice that have been building up over the centuries. The layers can be identified because the summer and winter deposits have different characteristics. There are other means used to determine the age of the snow and ice. One of my souvenirs from a visit to Byrd Station near the South Pole is a bottle of water melted from snow that fell in 850 A.D. It was brought up from a depth of 700 feet in a hole drilled to a depth of 1,200 feet. The scientist who gave it to me, John Katsufrakis, of Stanford University, said it would have been possible to bring up a sample of snow that fell at the time of Christ.

(Characteristics of the continent will be discussed in a later chapter.)

The summer population of Antarctica drops off sharply when the long, dark Antarctic winter returns. Only about 200 men "winter over." Once is usually enough but there are men who have done it more than once.

LONG TRIP

The trip from Washington to New Zealand was made in a C-135 four-engine jet cargo plane and from New Zealand to Antarctica in a turboprop C-130 Hercules.

Washington is about 300 miles from Hartford; Honolulu's Hickam Field about 5,000 miles from Washington; Christchurch about 4,500 miles from Honolulu; and McMurdo Station about 2,100 miles from Christchurch. Our roundtrip journey was to cover nearly 24,000 miles. In addition, there was an 1,800-mile roundtrip to the South Pole from McMurdo and another 1,500 miles to Byrd Station.

McMurdo Station looks like an open pit mining town. It is one of the rare places on the coast where Antarctica's land is visible. The temperature was in the 20's when we came up from the landing strip on McMurdo Sound. The little town is on a slope of black volcanic hills, reaching high above the cluster of huts. In the comparative warmth of the just-below-freezing temperature the snow on the hills was melting and running down through the muddy streets.

Everyone ate in a big general messhall, cafeteria style, the high rankers and low rankers without distinction. The food was good and plentiful. The sleeping quarters were warm and comfortable. Time turned backward, however, with respect to other facilities, which were like those prevailing in the rural sections of America long ago, before the age of indoor bathrooms. A modern plumbing system, however, was nearly ready for dedication as we left for home. McMurdo has a power and light plant run by atomic power. Unlike the one being built in Haddam it does not require millions of gallons of water an hour to cool its reactor. The cold Antarctic air does the job. It was shut down during our visit for maintenance but Admiral Reedy suggested that hereafter the maintenance be done when the summer population leaves.

ICEBREAKERS ARRIVE

McMurdo is the key supply base for the Antarctic scientific observation stations. Early in the South Polar summer, supplies are flown in daily by plane, both Navy and MATS (Military Air Transport Service) from Christchurch. Then they are distributed by air to the outposts. As the season progresses and the ice softens the American Navy and Coast Guard icebreakers appear. They plough out the ice fields and enable freighters and tankers to dock at McMurdo and unload vital necessities before the ice closes it again.

Our barracks stood on a bluff over McMurdo Sound, an arm of the Ross Sea. Nearby was the helicopter landing pad. To our rear, behind the town's black hills, was Antarctica's only active volcano, Mount Erebus, with its plume of smoke. In the clear air it looked to be within comfortable hiking distance. Actually its slopes and 13,000-foot summit were 30 miles away. Across the sound was Victoria Land and the chain of mountains known as the Royal Society Range. These, too, looked near enough to touch. They were 40 miles away.

Temperature inversions, in which the heat radiation causes the air to become warmer instead of cooler as it rises from the ice, result in mirages that can be seen from McMurdo. The most awesome is the Fata Morgana, a phenomenon that distorts images in the perpendicular. Looking out across the ice to the C-130's parked on the ice and the nearby huts of the airbase, we saw them one morning looming as high as skyscrapers and in the background what appeared like cliffs at the base of the mountains and glaciers.

PENGUINS SIGHTED

From nearby Scott Base, the New Zealand observation station, a sled pulled by 10 Eskimo dogs appeared on the ice one day, just after the departure of a lone penguin, which stayed in the same spot for several days. The dogs, bred here from an ancestral strain imported from the Arctic, are friendly and affectionate with men but will attack each other.

It was several days before we saw penguins in numbers. On that occasion we also saw several of the Weddell seals. But the skua bird, the antarctic gull, which also has some characteristics of the eagle, was around in large flocks from the time we arrived.

Penguin habits have been studied for years by scientists, who were especially interested in their homing instinct. Five penguins were caught a few years ago near Wilkes Station, banded and flown to McMurdo in a U.S. Navy plane. Months later two of them had returned to their original base, a distance of 2,800 miles. "Apparently," explained a scientist, "they had walked back, probably cussing the Navy every step of the way."

ANTARCTICA: MAN, LAND, AND ICE

(By William J. Clew)

McMURDO STATION, ROSS ISLAND, ANTARCTICA.—Antarctica, where nature is most violent, is one of the most peaceful lands on earth.

Man has had to curb his passions here. There is no aggressive move by any of the 12 nations actively interested in Antarctica to stake out the icy real estate as its own exclusive possession. A treaty signed by the 12 in 1959 has resulted in complete peaceful, happy cooperation for the good of mankind and science. Here the Russians and the Americans get along like brothers, exchanging personnel between their stations and sharing scientific information.

There are no firearms in Antarctica. The 1,300 men who work here do not carry so much as a .22 caliber rifle. Some have hunting knives strapped to their belts but these are useful tools rather than fighting weapons.

Even the Russians acknowledge the United States as the leading power in Antarctica. Only the Stars and Stripes, a beautiful sight in the vast snowy plateau at the bottom of the earth, flies at the South Pole. "Ninety degrees south" is America's but the station there is named for two great explorers from Europe, Roald Amundsen, of Norway, first to reach the pole, and Robert Falcon Scott, the Englishman, whose spirit dominates this continent, even though he came in second, 35 days late, in the race to reach the pole first.

ANTITHESIS OF ARCTIC

There is an amazing lack of knowledge about Antarctica. People confuse it with the Arctic. A newspaperman from another New England city predicted I would be embarrassed by having to explain to close friends, even the intelligent ones, that Antarctica does not have Eskimos or polar bears. He was right. He preceded me here by 4 years and when his articles about Antarctica appeared he was congratulated by one of his readers, who inquired about conditions in Alaska.

There are no Eskimos or polar bears in Antarctica. Penguins, skua birds, and seals live here, and in the waters there are several varieties of fish and crustaceans, edible ones. And there are killer whales and finback whales. But these forms of life can live elsewhere and when you come right down to it the real native life on Antarctica consists of insects and their relatives, the mites. These can be found under rocks, and rocks can be found usually only along the coast in places swept clear of ice and snow by the winds. Only 2 percent of the continent's earth is visible.

To simplify the picture, the difference between North Pole and South Pole, between Arctic and Antarctic, is this: The North Pole, center of the Arctic regions, is situated in the ocean, frozen over a good part of the year and surrounded by land. The South Pole is in the center of a continent, which is surrounded by oceans.

ONCE IT WAS WARM

Antarctica is the loftiest of all the continents and in some places the icecap is more then 16,000 feet thick, from the surface to the bedrock beneath. It has been thus for hundreds of thousands of years. Once, however, even the Antarctic was warm. There are fossilized remains of trees and a low grade of coal and these could only have been produced in a place where heat and moisture existed. Despite all the ice and snow the atmosphere is dry, like a desert, differing only in temperature. At the South Pole, where you can actually walk around the earth through all the converging time zones in a matter of seconds, you can see the great ice sheet of the South Polar Plateau stretching for hundreds of miles in all directions. The surface has a grained appearance called zastrugi, which means it is covered with wavelike ridges formed by the wind although the axes are at right angles to the wind.

SUMMER RIVER FLOWS

Fortunately for the equilibrium of the globe the weight of the icecap forces itself to move toward the sea, slowly but relentlessly. These great rivers of ice, or glaciers, feed into the ice shelves all around the edge of the continent. This ice extends across the sounds, the bays and the seas which man has to overcome to reach the land on which to set up his operating bases.

Ever since Nathaniel Palmer, the young Stonington sealing captain, sailed into these awesome seas to become one of the first to realize that a continent existed here, man has dared to tackle the power of the Antarctic. Palmer made his voyage in a sailing ship in 1820. Today, about this time every year, three sturdy steel icebreakers make their way through the Ross Sea into McMurdo Sound right up to the shores, breaking away floes as big as football fields and sending them out to sea. They are the Navy's *Glacier* and *Staten Island* and the Coast Guard's *East Wind*.

One sunny, windy day a group of us made our way around the base of Observation Hill above McMurdo Station and crossed the edge of the ice shelf to visit Scott Base, manned by a score of New Zealanders. The base is named after the explorer, although the base he used at McMurdo is on the tip of Hut Point. Scott's headquarters hut is still there and has been sealed in for protection awaiting complete restoration. He died on his way back from the Pole, only 11 miles from a supply cache. Hut Point was his goal. His men erected a cross in his memory on Observation Hill. It faces toward the Pole. In their headquarters at Pram Point, 7 miles from McMurdo Station the New Zealanders study weather conditions and the movements of the sea ice. They took us out to show how pressure ridges build up when the sea ice begins to crack and move and jams between the land and the ice shelf. Despite the cold there were open places where water had gathered and tiny plant life was beginning to appear. A few miles away the melting snow and ice was beginning to form the Onyx River, which flows briefly every summer through the largest area free of ice. It is in the McMurdo area that a large land area lies exposed, enabling studies that cannot be made anywhere else.

The United States spends nearly $19 million a year supporting the scientific and exploratory missions here. It cannot very well give up its stake in Antarctica for besides learning many new facts about cosmic rays, weather and the life of the continent itself, Antarctica has strategic military and political importance. It would be fatal to permit a potential enemy to establish a nuclear missile base here. The nations that have banded together to promote science and keep the place peaceful are the United States, Great Britain, Australia, New Zealand, Argentina, the Soviet Union, Belgium, Holland, South Africa, Japan and Poland. Norway withdrew from Antarctica a few years ago and Poland has been unable to maintain a permanent base. Japan suspended operations 2 years ago. Belgium also withdrew but with the help of Holland has resumed operations.

Icebreakers in the Antarctic Ice

(By William J. Clew)

McMurdo Station, Ross Island, Antarctica.—The sun shines brightly 24 hours a day in the South Polar region at this time of the year and one morning it woke us early when only a few people in McMurdo were about.

Even in this air age ships can stir the emotions of some people and that is what happened to us as we stood on the bluff outside our barracks and gazed out over the frozen Ross Sea. Above the black crest of the volcanic rock of Hut Point, where stands the headquarters shelter used by Capt. Robert Falcon Scott 50 years ago, three small ships appeared in the icefield. They were steaming slowly in line and the Stars and Stripes were snapping at the gaffs on their mainmasts.

These were the icebreakers, nearing the end of their long voyage from home. To the men of Task Force 43 in McMurdo they were a welcome sight and when the news spread of their coming all those who were not on duty turned out to watch. Weeks before, the ships had left their home ports. They were the U.S. Navy's *Glacier*, and the Coast Guard's *East Wind*, from Boston and the Navy's *Staten Island* from Seattle.

OPEN SHIPPING LANE

For the next few days we watched their slow progress. Their job was to cut two parallel lanes, about three quarters of a mile apart and then to slice up the ice between and send it out to sea. This would open up the route to the base at McMurdo for fuel tankers and other supply ships.

Antarctic native life also would get some side benefits. When we were able to get out to the ships and board two of them, the *Glacier* and the *Staten Island*, we found they were being followed through the broken pack ice by seals, penguins, and skua birds. Next would come the killer and finback whales but these had not shown up while we were at McMurdo.

The executive officer of the *Staten Island* is Lt. Cmdr. James F. Newman, whose wife was Marlis Smith, daughter of Mr. and Mrs. J. McClung Smith of Glastonbury. Mr. Smith is a vice president of the Travelers Insurance Company. He is a former resident of Chicago. The Newmans, who have four children, live in Seattle.

The *Glacier* was the first to make port. It tied up alongside the shelf of Hut Point near the Scott hut after pushing through the 6-foot-thick ice. We boarded this just before its 48-hour stay in port was up and stood on the bridge with Lt. Cmdr. Vie J. Vaughan, the skipper, as he directed the ship down the lane he had carved open coming in. It was filled with jammed, broken ice and in places was frozen in solid again.

SPECIAL HULLS

Icebreakers do not simply slice through thick Antarctic ice. It's not that easy. Their bows are shaped like a forepaw, jutting out above the deep, wide-bellied ship's hull. This projecting bow enables them to climb up on the ice. The weight of the ship breaks down the ice. If the icebreaker gets stuck on unusually thick ice, the ship is able to roll from side to side until it breaks loose. This rolling or heeling action is performed by the rapid transfer of water, more than 140,000 gallons in all, from one side of the ship to the other, back and forth. The special tanks that hold this water make it impossible for the icebreakers to carry keels.

Their rounded bottoms and absence of keels make a voyage in the open sea an ordeal in stormy weather. Icebreakers have been known to roll as much at 85 degrees and the truth is that many of their well-conditioned sailors get seasick. It is not too much to say that the crews welcome the sight of the icepack because in the element for which it was designed to operate an icebreaker is a comfortable home. There are usually 20 officers and from 200 to 260 sailors aboard an icebreaker, enabling it to carry on operations around the clock.

As we steamed down the chopped-up lane to rendezvous with the *Staten Island* and the *East Wind*, where McMurdo Sound joins the Ross Sea, the slicing up of the ice continued. Floes of 20 acres and more were broken off and drifted seaward. On this voyage of the icebreakers a strip of shelf ice 5 miles long broke off from the continent, hastening the clearance of the channel.

It was a dark, stormy afternoon as we sailed toward Cape Royds and late in the day snow began to fall and the ice-filled sea became choppy. Our group was to go ashore in a small boat to visit the penguin rookeries on the cape but a frozen fuel line in the boat delayed things so long the venture had to be called off. We got in close to the cape and could see the hut used by Shackleton, the famous English explorer and several penguins along the shore.

Penguins and seals appeared on the ice on either side of the open water. The seals usually dove into the water as the ship approached but the penguins solemnly watched and didn't move until the last second. Their troubles were to begin with the appearance of the killer whales. When the whales enter the bay the penguins are in danger. Groups of penguins sometimes stand in line, with that peculiar feet-out, hunched-up appearance of an old man. The line nudges the bird nearest the water over the side of the ice. If he is not grabbed by a killer whale the rest follow him and begin fishing.

We did get out in an open boat that evening, climbing down a ladder and were brought to the side of the *Staten Island*. Up the ship's side on a rope ladder we climbed and into the wardroom we went to get out of the storm. We chatted with Commander Newman and visited in his cabin. His family had sent his Christmas gifts and they were spread under a small Christmas tree.

It was a warm, comfortable trip back to McMurdo, where the lighter *Staten Island* had difficulty maneuvering into the berth vacated by *Glacier* which remained at sea to take its turn at ice cracking. Finally the bow was nosed into the shore and down a ladder we went again. In the brief history of Antarctic activity, since it was resumed on its present scale in 1956, this was the earliest that the icebreakers have been able to make it into McMurdo. It is the farthest south they come at any time.

ANTARCTIC FLYING RISKS MADE EASY

(By William J. Clew)

McMURDO STATION, ROSS ISLAND, ANTARCTICA.—Some of the world's best pilots are on duty with the American expedition, Task Force 43, in the South Polar continent.

Our Navy, Air Force, and Marine flyers carry out missions in routine fashion under conditions that would keep them grounded back home. They take off and land, using ice and snow runways, during storms that wipe out all visibility. They contend continually with strong winds, some so violent that supply planes, heading here from Christchurch, New Zealand, 2,100 miles away, often have to turn back.

Shortly after our arrival, word came into the headquarters of the VX-6 squadron, which does all the flying here, that a C-47 transport plane was down in the snow between McMurdo and the South Pole. A C-130 Hercules transport plane, piloted by Marine Lt. Roland W. Banks, of Dallas, flew to the scene with a new Pratt & Whitney engine and a hoist to lift out the old engine and install the new.

The equipment sank in the soft snow and a platform had to be built before the operation could proceed. Then, working for several days in the subzero cold and protected only by canvas tarpaulins from the fierce winds, the crews made the engine change. Old engine and hoist were loaded into the C-130 and preparations were made to return to base. The lighter C-47 had no difficulty but Lieutenant Banks found he would have to plough out his own runway before he could make it. The drag on his ski-equipped airplane kept him from getting up sufficient speed to lift off. The nose ski kept dropping back on each attempt. Banks ploughed up and down more than a dozen times in order to smooth out a track from which he finally freed the giant plane.

EQUIPPED WITH SKIS

The United States has spent a half million dollars on each of the C130s used here to equip them with heavy steel skis, or sleds. It is the best way to equip a plane for intracontinental flying under South Polar conditions. The skis are so arranged that they can be alternated with the landing wheels for use in New Zealand, where there is no ice or snow at the sea level airports.

It is the airplane and, specifically, the transport plane such as the C-130, that is helping man conquer this deadly continent. Oddly, the C-130 with its heavy body and stubby wings, doesn't look as though it would fly at all as it sits on the runway. But actually it is a graceful performer and takes off after a short run, climbs swiftly to its cruising height with heavy loads and does its best work at between 25,000 and 30,000 feet. In the insulated, heated fuselages of the C-130's on Antarctic duty, a trip from McMurdo to the South Pole is made easy. It takes only about 3 hours and is comparatively comfortable.

The day we left McMurdo for Christchurch, we had another example of the mastery of these Antarctic pilots. After more than a week of sunny weather, in which the temperature at McMurdo was in the twenties (it was 30° below at the pole) we finally encountered a real Antarctic storm. The thermometer dropped, the winds howled in from the pole and snow blotted out everything. We were all confined to the limits of McMurdo Station and warned it would be fatal to go beyond these limits. Late in the day the storm eased a bit and we were all driven to Williams Field, the airstrip on the Ross ice shelf. Visibility was less than a quarter of a mile. Strong winds blew the snow into a white mass that obscured the runway and obliterated all landmarks. Under ordinary conditions the lack of contrast in all this whiteness is bad enough but now all the things that help depth perception were wiped out. Nevertheless, we took off safely and within minutes were above the storm and out over the South Polar seas.

HELICOPTER RESCUE

Two Sikorsky helicopters of VX-6 were lost during our stay on the ice. One crashed in a storm and the other went down when a smoke bomb, which was to have been dropped as a wind gage, went off prematurely in the cabin and blinded pilot and crew. No one was hurt in either accident.

A few days before we reached McMurdo, a Time-Life photographer, Mike Rougier, slipped at the top of a glacier where he was taking pictures and rolled over and over down the slope for 1,800 feet. Three vertebras were chipped and several ribs broken and he came near dying from the cold as he lay helpless. Fortunately a VX-6 helicopter was nearby and it picked up a doctor and brought him to the scene. Due to the slope, the helicopter had to perform a delicate landing operation so its rotors would not smash against the ice. It dropped off the doctor with a stretcher and when Mike was made ready for the trip back to camp the helicopter came in again and he was hustled aboard. His body temperature had dropped several degrees and he would not have been able to withstand both cold and shock. A young, hardy man who grew a beard during his stay here, Mike was well enough to fly back home on the same plane assigned to our visiting group. He was still on a stretcher but was able to turn over and move about and he was cheerful about it all despite the pain.

DANGERS OF ANTARCTIC ARE CITED

(By William J. Clew)

McMURDO STATION, ROSS ISLAND, ANTARCTICA.—The dangers of the Antarctic were brought home forcibly to me when I was trapped for several minutes under the 6-foot-thick ice of the Ross Sea.

Along with other visitors I had taken my turn in climbing down the rungs of a ladder in a steel tube to a steel and glass observation chamber 15 feet under the ice. The tube and chamber had been set up 5 miles out on the Ross ice shelf, to which we flew from McMurdo in Sikorsky helicopters. A young scientist was stationed nearby, in a hut on the ice, to study the Weddell seals. He had brought his own seal from a point several miles distant, cut a breathing hole in the ice under the hut and put the seal in it. The seal was a captive subject because his life depended on coming up through the breathing hole every 28 minutes for fresh air. During the interval he swam and hunted under the ice and could be observed from the chamber through the thick windows. The tube and chamber had been lowered 50 feet from the hut.

I climbed down without difficulty and sat in a chair for 15 minutes studying the undersurface of the ice. The Antarctic sunshine filtered through and I could see ice crystals floating in the dark water. I noticed that the underside of the ice also was crystalized, with fernlike spikes. I could hear the seal splashing about between the submerged chamber and his breathing hole but could not see him. This was the limit of my observations.

EVER-PRESENT DANGER

When I tried to climb out I couldn't make it. Anxious faces peered down from above. I took off my jacket, wrapped my wallet and other belongings that I removed from my pockets and sent the package aloft on a rope that was lowered. The trouble, however, was not due to my bulk or the heavy clothing I wore. My legs just wouldn't fit in between the lower rungs of the tube and those just above. The difficulty lay partly with my heavy thermal boots, the soles of which were 3 inches thick. Removal of these would have put an end to the ordeal but also would have been uncomfortable. We decided to try another method. A stirrup was rigged in the rope and I put one foot in it. With one strong pull I was lifted above the point of difficulty and made my way up unassisted the rest of the distance.

Aside from some joshing that I was not important enough to have an Antarctic mountain peak named after me but might be considered for having my name affixed to that hole in the ice, the incident centered attention on the constant dangers that lurk in this environment. By ordinary standards, despite improvement since the days of Amundsen and Scott conditions here are still rugged.

Despite all the ice and snow there is little available water here and the big threat to safety is fire. There have been fires in buildings at the South Pole and Byrd Stations, threatening the lives of the men on duty at these outposts. Besides the loss of shelter, fire can destroy food supplies and regular nourishment is essential in the severe climate. For this reason Antarctic stations usually consist of separate buildings erected some distance from each other. Supplies are stored in tunnels under the ice, safe from building fires. The principal bases have refuge huts, set apart from the central station, where food and other supplies are kept. If the main station should be burned out these huts would be crowded and food would have to be rationed, but help would be only a few hours away. Fire is fought with chemicals because the only water is obtained by melting snow and ice in tanks heated from fuel brought in from the outside.

WATER IS EXPENSIVE

Even today water is expensive and has to be rationed, because men have to go outside in the severe cold, load snow on sleds and haul it to their buildings for melting. Sometimes the cold is so extreme that men using unusual exertion would damage their lungs. When the temperature drops to subzero levels or when there is a blizzard, the water supply runs short. At the South Pole station, when these conditions prevail the men sink a shaft underneath their camp and literally mine ice and snow for melting. McMurdo is much warmer than the South Pole or Byrd Station and therefore pure snow is scarce. For this reason a distillation plant to transform sea water into fresh water is planned for the near future.

Blizzards and drifting snow are so dangerous that many of the early stations have been abandoned as studies have increased men's knowledge about the continent. The late Adm. Richard E. Byrd's station at the Bay of Whales, established in 1929, is one of these. His station, including a 75-foot radio tower, are now buried in the snow. Today sites are found where the snow accumulation is small. Buildings are erected in tunnels carved out of the snow by special equipment and are then roofed over. The roofs are supported by steel arches and a protective cover of snow blown over them. This type of construction has prevented the collapse of the buildings.

Besides the dangers to their living quarters men are threatened by the ever-present possibility of falling into deep crevasses, some of which are hidden by treacherous snow bridges. In order to carry on their studies and observations men have to work outside and are constantly exposed to the threat of falling into deep holes. They can disappear deep into the snow or ice in midcontinent and if they fall through the sea ice they can live only a few minutes.

Trip to South Pole; Padres of the Snows

(By William J. Clew)

McMurdo Station, Ross Island, Antarctica.—The South Pole often registers a temperature of more than 100 degrees below zero. The average temperature is 57 degrees below and the highest ever registered is five below zero.

We were about the 800th person to reach the South Pole as near as could be told from the records. The pole was discovered by Roald Amundsen 53 years ago this month. He was followed 35 days later, in January 1912, by Capt. Robert Falcon Scott, who died on his way back to his base at McMurdo, only 11 miles from a food cache.

Between 1912 and 1956, when Antarctic explorations and scientific studies were resumed, no one came to the South Pole. Adm. Richard E. Byrd flew over the pole and dropped an American flag in November 1929. Adm. George Dufek came here in the fall of 1956 for the first of the Operation Deep-Freeze expeditions and the traffic has been steady, but small, ever since.

It is a test of a man's physical and mental condition to be able to withstand the South Polar experience. In common with other members of the group, this reporter had difficulty breathing for several minutes upon first stepping out of the plane that landed near the polar station. Some members of our party required oxygen and one man got a touch of pneumonia as a result of the rarefied atmosphere and the cold winds. But most of us were able to navigate normally after a 10-minute rest.

VISIT TO THE POLE

The temperature that day ranged from 21 to 30 degrees below zero. In a previous story I told of being greeted by name by a young scientist, James Mercik, of Thompsonville. He was a welcome sight to a heavily clad newsman struggling up an incline toward the subsurface station, where a small number of Americans live throughout the year.

The sun was bright, the wind strong, and the vast polar plateau, stretching for hundreds of miles in every direction, was an impressive sight. We were at an altitude of nearly 10,000 feet. The snow and ice under our feet were more than 9,000 feet thick. The heavy weight of the ice and snow on Antarctica presses down the earth at this point and gives the world a pear-shaped appearance. More than 90 percent of all the ice and snow on the globe is here.

We went to the geographical pole, marked by flags, stood around and talked, and took pictures. The magnetic South Pole changes its position radically and swiftly, in contrast to the North Pole where the change is slow. Both Amundsen and Scott disagreed on their calculations and their markers, now buried, are about half a mile apart. The station named after these two great explorers is about a quarter-mile away. Some think an error was made in American calculations when the station was established because of its distance from the pole.

We stayed several hours before flying back to McMurdo. We rode back to the station in sleds and were given a swift ride around the flagstaff as we left. Actually, it was a ride around the world, through all the time zones, which converge here—in a matter of seconds.

PADRES OF THE SNOWS

The next day was Sunday and many of our group attended church services in the Chapel of the Snows, the little chapel at McMurdo station used by all denominations. Inside this famous little church are memorials to all the men who took part in Antarctic exploration and to all those who died here.

The church is rounded, as though cut from a huge barrel. It has a small, conventional steeple over the front door.

One of our party, George Ivey, owner of a chain of department stores in the South, presented the Protestant chaplain with a Bible, the gift of a distinguished friend, the Rev. Billy Graham. Ivey, who lives in Charlotte, N.C., brought the Bible with him all the way. It replaced a well-worn Bible that had been in service here for several years. The Protestant chaplain is the Rev. Donald A. Weir, who holds the rank of lieutenant commander, and is a minister of the Presbyterian Church, North, in the United States.

The Catholic chaplain is Father Walter L. Driscoll, of Boston, a lieutenant in the Navy. He humorously claims to have the world's largest Catholic parish. He and the Reverend Mr. Weir visit the stations around Antarctica by plane. The young priest's claim is true. Antarctica is as big as the United States and Europe combined. As a youth, before he entered on his seminary studies, Father Driscoll worked in the offices of the old Boston Braves. This was back in the days when Louis Perini operated the club, before anyone thought of moving to Milwaukee. The late Charles Blossfield was business manager of the farm club in Hartford. Father Driscoll recalls all the old Braves group.

ADMIRAL ALTAR BOY

It was an unusual occasion, that mass after the visit to the Pole. Father Driscoll said most of it in English, the first time the new liturgy had been used in Antarctica. Rear Admiral James R. Reedy, commander of Operation Deep Freeze, who had accompanied us to the Pole, was among the worshipers. And Father Driscoll's altar boy was an admiral of the French Navy, Francois Picard-Destellan, one of the members of the visiting group.

Antarctica—The House Mouse

(By William J. Clew)

McMurdo Station, Ross Island, Antarctica.—It is fairly pleasant in the vicinity of McMurdo Sound, that arm of the Ross Sea, at this time of the year, which is the Antarctic summer, when the sun travels in a big circle overhead 24 hours a day.

The temperatures rival Hartford's in December and are sometimes warmer, usually hovering in the twenties. They are subject, however, to swift dives below zero, with dangerous winds and heavy snows and everyone here is warned against complacency. There are times when you feel you are dressed too warmly. This creates another problem. You are warned against perspiration and to avoid this you are told to peel off your heavy outer garments so you won't get overheated and catch cold if a sudden Arctic gale begins to tear at you. The people who come here, the scientists, the military men and even the press, are specially selected and usually well adjusted. They obey the rules and there are few accidents and little sickness.

The summer extends from late October to the middle of February. The sun first shows at McMurdo about August 20 and continues a slow, steady rise. It appears for the last time about April 23. Then the winter comes, lasting from late April until the following August. The summer population of Antarctica is cut from 1,300 to 200, including the men in the outlying bases. The last ships leave before the Ross Sea and McMurdo Sound freeze over again. It is dark and cold and it is dangerous to leave the warm, prefabricated shelters, dangerous even to venture out to the snow "mines" to bring back pure snow to be melted for water.

INTRODUCING THE "MOUSE"

Winter closes down the harsh continent, with its tiny population of brave men. If you dared to stand in the doorway of your shelter and throw a cup of scalding water into the 70° below zero atmosphere the water would freeze instantly and crackle before it hit the ground.

This change of seasons is a desperate, frantic period for the men who "winter over." They hasten to get all the outside work done and say goodby to those leaving by ship and plane. Suddenly the quiet and the darkness descend together. The fuel and food are all in and at those New Zealand stations where Eskimo dogs are kept for emergency travel, the frozen carcasses of seals are sliced up and stored for winter dog food. All equipment is put under cover and made accessible. Man's ordeal—the fight for survival—begins.

If men venture out on errands such as to feed the dogs staked out on the ice, they attach ropes to themselves so they can find their way back. If a tractor-sled carries a party from New Zealand's Scott Base to McMurdo, a distance of 7 miles, men are roped before they venture ahead to find the markers on the trail. Inside the barracks a warm, comfortable round of life begins, centered around the "house mouse." Everyone takes a turn at being "house mouse." He is the man who collects the snow for water, sets the table, washes the dishes, brings in the supplies for the cook, makes sure the oil-fed heating system is working and sweeps and washes down the barracks. He has a long tour. At night he stays up and checks the scientific instruments and keeps the records. If he is on duty on Sunday, which is cook's day of rest, he fills in for the cook. His reward is the weekly bath, a luxury in a land lacking in readily available water, despite the fact it has more than 90 percent of earth's ice and snow.

POPULAR SPOT

We met the "house mouse" the day we arrived at McMurdo from Christchurch, New Zealand, and were assigned to BOQ (bachelors officers quarters) 10, which proved to be the most popular spot in McMurdo. "Bachelors officers quarters" is not a true description of a man's actual marital status. It simply means he is living as a single man. In most cases he has left a family back home.

BOQ 10 stands at the edge of McMurdo Station, overlooking the sound. Next door is the weather station, where we could get up-to-date data on conditions at South Pole and Byrd Station. We found out one day that a weather observer who had flown over the Pensacola Mountains thought he had found another active volcano. A party was sent out to investigate but the final word on the accuracy of his observation hadn't come in during our time on the ice. Mt. Erebus, 30 miles from McMurdo, is the only known volcano on the continent.

The BOQ contained a complement of young Navy and Air Force officers, some of whom doubled up to accommodate the influx of visitors. Fortunately, most of us had been in the service and we fitted into the limited accommodations without any trouble. Rear Adm. James R. Reedy, commander of the expedition which runs the Antarctic operations, dropped in for short visits occasionally. The skippers of the three icebreakers, or their executive officers, also called. It was a pleasant place for social gatherings and a center of information.

All of the regulars living in BOQ 10 took their regular turn as "house mouse" and while we were there enlisted most of the visitors to help out. The most arduous task was shoveling snow for the ice melters. We had our own bar, to which all of us contributed our liquor allotment and even a small galley. Life was very pleasant.

UNCOVERING ANTARCTIC SECRETS

(By William J. Clew)

McMURDO STATION, ROSS ISLAND, ANTARCTICA.—Dr. Alan T. Waterman, one of America's most distinguished scientists, stood in the pilot's cabin of the C–130 Hercules transport plane as we headed across the midcontinent of Antarctica toward the South Pole.

Dr. Waterman is 72 years old. A former instructor of physics at Yale University, he is one of the leading spirits of the National Science Foundation and his interest in Antarctica has kept alive the scientific work in the cruel continent since inauguration of the intensive study program in 1957. Of medium height but with the broad shoulders and slim waist and hips of an athlete, Dr. Waterman set a pace that shamed many of the younger men in this group of military and naval men, scientists and newsmen who were being introduced to the South Polar regions.

Our heading was 347 degrees. We were nearly 30,000 feet aloft. We passed over Mt. Discovery, Minna Bluff, Darwin, Byrd and Nimrod Glaciers and the Queen Elizabeth range of mountains. Then we came in sight of a giant stairway of ice and snow. This was the famous Beardmore Glacier. A big, silent mountain loomed nearby, reaching up into the cloud layer. Dr. Waterman took a picture of it, smiled, and took a seat in the rear of the cabin. The mountain peak had been named after him in honor of his scientific record. It was the first time he had seen it.

FIRST VISIT

Indeed, this modest man, who has done so much to inspire the quest for increasing man's knowledge of the world we live in, was making his first visit to the South Polar continent.

A few days before, he had given us a little talk about the value of scientific research. He asked for a little patient understanding of pure research as opposed to applied research. He pointed out some of the practical values of applied research such as the study of the world's weather patterns, some of which are born here and the findings that have resulted from the studies of the upper atmosphere. Pure research, he said, often leads to great discoveries. He cited the findings of the English physicist Michael Faraday, in the field of electricity. The British Prime Minister, Gladstone, visited him one day and asked what good all these discoveries were. "Some day you will be able to tax them," replied Faraday. His discoveries, in fact, are the basis of all the giant electrical power and light systems without which we could not function today.

Dr. Waterman said a friend asked Benjamin Franklin what good his inventions and discoveries were. "What good is a newborn baby?" asked Franklin.

Dr. Waterman used these stories to support his claim that Antarctic research is of great value to mankind. Compared to that other remote region, the North Pole, Antarctica is more valuable to science, he said, because Antarctica is a continent and offers a more stable site for studies.

WHAT ABOUT FUTURE?

The scientific approach to Antarctica has enabled man to conquer it, live here in reasonable comfort and continue his studies. The danger to life is always present but the emotional attitudes have been changed by scientific knowledge. Man no longer approaches this place in fear. In an age that prides itself on intellect and scientific progress Antarctica can no longer be considered of little value despite its isolation, its vastness, its icy covering and its cold and wind. Its mineral deposits may be needed by a rapidly growing world population someday and it may even be called upon to supply food from its seas.

It will be some time before women are allowed to live in the community as it is now set up, a big force of scientists, Navy, Air Force and Army men in the Antarctic summer and a standby group in the winter. It's an all male affair right now and for the forseeable future.

It also will be some time before Antarctica has a tourist season. Development of aircraft that can fly here and land and take off safely, however, is advancing so rapidly that this situation could change in the next few years.

Basic scientific research will remain the chief objective for some time. "Practical" discoveries will come forth from time to time to satisfy Government budget makers. (Study of the metabolism of seals, for instance, is now heading toward applied help to people who suffer from overweight). And there will continue to be room here for those who seek adventure. There is no other place like it anywhere. It is truly the last frontier.

WILLIE AND THE PENGUINS: DRAMA BENEATH ICE SHELF WARMS ROVING EDITOR WHO TRAVELS TO ANTARCTICA TO VISIT SCIENTISTS AND THE "LITTLE NATIVES"

(By William J. Clew)

When I left Antarctica last December the penguins were beginning to arrive.

They came in as preparations were being made to take off from McMurdo Station, where Operation Deep Freeze headquarters are located. Our group was returning to Christchurch, New Zealand, the staging area for the scientific expedition to the frozen continent, which is supported by the U.S. Navy's Task Force 43.

Winter Quarters Bay, which lies off McMurdo and is part of McMurdo Sound, an arm of the Ross Sea, had been cleared of ice and brash by the three sturdy little American icebreakers assigned to the South Polar regions. They were the Coast Guard's *Eastwind*, flagship of the flotilla, and the Navy's *Glacier* and *Staten Island*.

Some of us had gone up the Ross Island coast about 15 miles to Cape Royds to see the penguin rookeries, but the weather was stormy and for once, the sun, which is overhead 24 hours a day at this time of the year, had disappeared. We could not get ashore in small boats and we went back to port on the *Staten Island*, which took the place of the *Glacier* for a 2-day rest period at McMurdo. Far out on the icepack of the Ross Sea, the *Eastwind* continued its work of slicing off floes and pushing them out toward the open sea.

As we came up the channel that had been opened by the icebreakers, the Weddell seals, the Adelie penguins (a breed small in stature) and the Emperor penguins, which stand as high as 4 feet, began to follow us. This was the earliest the icebreakers had ever made it to McMurdo and it was the earliest the penguins had reached the station.

Sailors, scientists, and visitors were on hand to greet the penguins, which are amusing to most people but a serious object of study to the scientists of the U.S. Antarctic research program.

Sir Francis Drake first observed these birds centuries ago. Their preservation and protection is one of the major concerns of the scientists. Scientific interest has resulted in increasing the number of the strange birds, who are like caricatures of humans. Conservation measures, based on respect for the privacy of the birds during mating season, have stopped the attrition that began to be noticed several years ago.

The penguins use the sun as a guide to navigation and travel thousands of miles with an unerring homing instinct. They have been carried across the vast Antarctic Continent by planes hundreds of miles from their home base, tagged and released. They always make their way back unless their natural enemies, the killer whales and the leopard seals, snatch and eat them. This homing instinct and the ability of the penguins to survive in the severe Antarctic weather are continuing objects of study.

A Johns Hopkins University scientist, Dr. Richard L. Penney, designed a special radio broadcasting set to attach to the flippers of penguins taken from their natural homes and released several hundred miles away. They are flown by the men of the Navy's Air Development Squadron Six (VX–6) whose home station is at Quonset Point, R.I. The radio signals from the penguins are received in the aircraft and at McMurdo Station. Dr. Penney said the studies seek to determine whether the penguins taken from their homes will orient themselves and follow a homing pattern as they waddle (they can't fly) across the icy continent. Aircraft are used to follow the birds and map their progress.

It was Dr. Penney, in 1959, who experimented with the Adelie penguins, a small species weighing 15 pounds, by bringing five of the birds to McMurdo from their homes 2,800 miles away. They were tagged and released. Eight months later three of them had come back home. They had walked the entire distance and as a scientist said, "probably cussin' the Navy every step of the way." The penguins do not travel at night so it was estimated that they had averaged about 8 miles a day.

Scientists and Navy men use living equipment and a subice observation chamber to study the Weddell seal and other sea life. Rear Adm. James R. Reedy, the leader of the Antarctic expedition, has donned Scuba diving gear and gone under the ice with three of the men making the studies, Dr. Carlton Ray, Lt. David Lavallee and Peter Gimble. One of the objectives is to find out what bodily equipment the Weddell seal has that enables him to dive as deeply as 1,500 feet in search of food, without any ill effects. A captive seal, with instruments attached to a harness, is used in the studies.

The subice observation chamber was built at Davisville, R.I., and flown to McMurdo Sound, where it was lowered through a hole cut in the 6- to 8-foot thick ice. The scientists reach it through a tube equipped with iron rungs. They sit 15 to 20 feet below the ice for their studies. Nearby is a warm hut, with no floor. In the ice under the hut another hole is cut for the captive seal to come up and breathe. Escape is not a factor because this is the only breathing hole for miles around. When the icebreakers come and open up the sound, the captive seal is joined by a female that has come in from the open sea.

The seals stay down for exactly 28 minutes and then come up to breathe. They do not appear to fear the men and sometimes leap out on the ice floor of the hut. They spend their time searching for fish and swimming back and forth between their breathing hole and the chamber.

It was in this chamber that I sat for 20 minutes watching life under the ice and then spent several uncomfortable minutes when I found I couldn't get out. The length of my leg between knee and sole, plus my heavy thermal boots and two heavy pairs of trousers prevented me from fitting between the first and second rungs of the escape trunk ladder.

I remember that afterwards I was surprised I didn't panic. A big man trapped in a small place is a problem. After several attempts to climb out I stripped off some of my heavy outer clothing, removed my wallet, notebook, and other bulging objects from my pockets and sent everything aloft on a rope that was lowered. Because of the subfreezing temperature I kept my boots on and made one more try, this time via the rope, in which a sling was fashioned. I stepped into this and while a crew under Lt. Comdr. Sid Wright of Cape Cod hauled away I rose high enough to use the ladder. I climbed the rest of the way myself, so warm from my exertions that I sat on the supporting framework of the tube on the surface of the ice without noticing the cold. The sun was shining, lighting up the slopes of distant Mt. Erebus, the Antarctic's only active volcano.

Far away in the icepack the three little icebreakers were busy opening up the channel. It was great to be free again.

THE AUTHOR—MARK VAN DOREN

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. Grabowski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, seldom has a nation produced such a gifted individual as the United States has in the person of Mark Van Doren, a resident of Cornwall, Conn., which I represent.

Mr. William Claire, former assistant to Congressman Conte, has written a biographical article on the life and works of Mr. Van Doren and I now ask permission that this article, "The Author—Mark Van Doren" which appeared in "The Booklover's Answer," be inserted in the Record.

The Author—Mark Van Doren

(By William F. Claire)

In his celebrated autobiography, Mark Van Doren has said that his birthplace (Hope, Ill., June 13, 1894) would be "hard to find on any atlas, though it still exists as Faith and Charity, its sister villages named a century ago, do not."

The son of a rugged country doctor, he moved at the age of 6 to Urbana, where he attended the University of Illinois and began a writing career that has spanned a half-century of excellence in poetry, fiction, and criticism.

At the university, he studied under Stuart Sherman and wrote the first of his many books, a critical study of Thoreau. Commenting some 46 years later on a reissue of the book, Stanley Edgar Hyman called it a brilliant, even staggering, accomplishment by a student.

He served in the Army during World War I and later joined his brother Carl Van Doren on the Columbia University faculty. His Ph. D. study of John Dryden became his second book and one of the first to appear under the imprint of Alfred Harcourt, Donald Brace and Will D. Howe.

While his earliest published poem had been accepted by H. L. Mencken for the smart set during his college days, it was not until 1924 that his first volume, "Spring Thunder," was printed. T. S. Eliot, whose review in England of the Dryden book had much to do with establishing its permanent fame, also wrote favorably of the new poetry.

From 1924 to 1928, he set a productive pace that has been unmatched by any other major writer. He brought out two new volumes of verse, wrote a critical study of Edwin Arlington Robinson, served as literary editor of the Nation, collaborated with Carl on a study of British and American literature, compiled his famous "Anthology of World Poetry" and continued teaching at Columbia. During this period he and his wife, the former Dorothy Graffe, also produced two children.

An epic poem, "Jonathan Gentry," came out in 1931, and after a winter spent on his Cornwall, Conn., farm, he wrote another narrative poem, "A Winter Diary." In this 1935 book, he also included 33 sonnets, which Allen Tate in a recent review said amounted to the "finest work in its genre of this century." This book, still another collection and a series of new poems entitled "America's Mythology" were undoubtedly strong factors in his Pulitzer Prize Award for collected poems (1939).

Important critical works were also written during the thirties, the most prominent of which was "Shakespeare." Writing in 1942, however, in a preface to his "Private Reader," he announced his farewell to formal criticism by stating that he "no longer felt at home, even—or especially—in its finest rooms." The publication of the "Happy Critic" recently indicates that his announcement was somewhat premature. The demand for his comments on literature continues and while his approach is appreciative rather than critical in the academic sense, the essays are masterpieces of penetration and insight. Writers examined include Hardy, Herrick, Mann, Cervantes, and Whitman among others.

A legendary teacher at Columbia for 39 years, Van Doren retired in 1959. He has served since as Boylston professor of rhetoric at Harvard sharing that chair during an academic year with Robert Lowell. He is the present chancellor of the American Academy of Arts and Letters.

At Columbia he taught such diverse people as Lionel Trilling, Allen Ginsburg, Thomas Merton (perhaps the best description of Van Doren the teacher can be found in Merton's spiritual autobiography, "The Seven Story Mountain"), Clifton Fadiman, John Berryman and the recent Pulitzer Prize winning poet, Louis Simpson.

The late James Thurber has described his impact when he said, "Mark Van Doren is so many men that I have to open my front door and my windows when he visits me in order to let all of him in."

Needless to say, Van Doren's accomplishments stagger the imagination. To his poetry and criticism can be added three novels, innumerable short stories, a play ("The Last Days of Lincoln," widely read but as yet unproduced by a major company) and books such as "Liberal Education," "Invitation to Learning" (after the CBS radio show), children's books, mystery stories and a series of illuminating introductions, ranging from the Limited Editions Club volumes to recent paperbacks.

Each generation seems to discover Van Doren in its own special way. While it is impossible to estimate the number of readers he has had during his career, his influence has been considerable. Not surprisingly, the autobiography represents the best view of Van Doren's total commitment to life and literature.

Matters have been somewhat complicated (if, as many people assume, a writer has to be placed) by the fact that Van Doren has never joined a particular school of poetry. Like Conrad Aiken, he has assiduously avoided the limelight, although it has often been thrust upon him. Critics have compared him to Frost, Hardy, and Robinson but most have been in agreement that he has forged a body of poetry unique in this century.

In recent years, Van Doren has been collecting his work in a series of books, and his next is expected to contain all of the longer poems he wishes to preserve. At the same time, he continues to write new material that demonstrates his absolute mastery of form and ever-increasing awareness of the mystery and beauty of the world.

His is the sure touch of genius. It may be an eon or two before we produce another inspired writer in this country with quite the same grasp of life in all of its particular and universal aspects. Meanwhile, he gives us some hint of the music he hears in "Undersong," a majestic poem he wrote recently which begins:

"In wonderment I walk to music pouring
Out of so dark a source it makes no sound"—

And ends, after more than 80 remarkable lines—

"Evenly, unevenly as rhymes
Rival the pure chimes
Of never ending truth that for so long
Has sung to such as me this undersong."

H.R. 2465 COINTRODUCED

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PEPPER. Mr. Speaker, I understand that the Ways and Means Committee could not accomplish everything in this bill which is an important step forward in helping our retirees and senior citizens through this great country of ours to obtain the much needed help and care that they deserve, but I deeply deplore that the Ways and Means Committee did not approve and incorporate the provisions of my widows remarriage bill, H.R. 2465, which has been endorsed by 80 Members of the House and by 5 Members of the Senate as of today. This response was in answer to a questionnaire that I sent them 1 week ago asking for their support in my fight to help our senior citizens not only in my wonderful State of Florida and my district of Dade County, but also throughout this great and wondrous land.

Why should these elderly couples have to pay these reduced benefits for a little companionship in the twilight of their lives? What they get now is so meager—$80 a month at the most for a widow and on the average getting only $67.85 a month. Why should they have to lose $20 to $30 a month of this tiny sum when the Social Security Administration says the cost of change of the system would be "negligible." Why should they have to choose any longer between real sacrifice and their living standards in living alone the rest of their lives?

I am very proud that this bill, H.R. 2465, has been cointroduced by the following distinguished Members of the House or who will support it when it comes to the floor for a vote, they being Congressmen William R. Anderson,

George W. Andrews, Farnk Annunzio, Richard Bolling, George E. Brown, Jr., James A. Byrne, Earle Cabell, Ronald Brooks Cameron, Tim Lee Carter, Frank M. Clark, Robert J. Corbett, James C. Corman, Glenn Cunningham, Paul B. Dague, John H. Dent, John D. Dingell, Thaddeus J. Dulski, Ken W. Dyal.

Also Congressmen Leonard Farbstein, Michael A. Feighan, Paul A. Fino, John E. Fogarty, William D. Ford, Samuel N. Friedel, E. C. Gathings, Sam Gibbons, Kenneth J. Gray, Seymour Halpern, James M. Hanley, John R. Hansen, Augustus F. Hawkins, Chet Holifield, Elmer J. Holland.

Also Congressmen Donald J. Irwin, Joseph E. Karth, James Kee, Eugene J. Keogh, Melvin R. Laird, Phil M. Landrum, Richard D. McCarthy, Harris B. McDowell, Jr., Thomas C. McGrath, Jr., James A. Mackay, Charles McC. Mathias, Jr., Spark M. Matsunaga, D. R. (Billy) Matthews, Lloyd Meeds, Thomas G. Morris, F. Bradford Morse, John E. Moss, Abraham J. Multer, William T. Murphy, Lucien N. Nedzi.

Also Congressmen James G. O'Hara, Arnold Olsen, Thomas P. O'Neill, Jr., Carl D. Perkins, J. J. Pickle, Roman C. Pucinski, John A. Race, Joseph Y. Resnick, George M. Rhodes, Ralph J. Rivers, James Roosevelt, J. Edward Roush.

Also Congressmen John P. Saylor, James H. Scheuer, John R. Schmidhauser, Robert L. F. Sikes, B. F. Sisk, Robert E. Sweeney, Herbert Tenzer, Paul H. Todd, Jr., John V. Tunney, Stanley R. Tupper, Lionel Van Deerlin, Joseph P. Vigorito, E. S. Johnny Walker, Charles H. Wilson, and Lester L. Wolff.

Also supporting my measure are the Honorable Senators Howard W. Cannon, Joseph Clark, Ernest Gruening, Vance Hartke, and Thomas J. McIntyre.

So, Mr. Speaker, I ask that this august body ask the Ways and Means Committee to hold hearings on this matter in this session of Congress. Surely no one can turn a deaf ear to so many Members who are offering their support for our senior citizens by introducing similar bills.

MARGARET SHANNON

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. Weltner] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WELTNER. Mr. Speaker, for the past 3 years my constituent Miss Margaret Shannon has observed and duly reported the action and nonaction of the U.S. Congress, and of the members of the Georgia delegation. As Washington correspondent for the Atlanta Journal, her diligence and incisiveness have combined to create an accurate and perceptive chronicle of the Nation's Capitol.

Now it becomes my opportunity to "report" Miss Shannon and to observe with pleasure the signal honor that has come her way. On April 9, 1965, the Atlanta chapter of Theta Sigma Phi, honorary journalism sorority, will bestow upon her its coveted Brenda Award for outstanding contributions to her field.

Recognition is nothing new to Margaret Shannon, for several years ago she was chosen Atlanta's woman of the year for professions. Here is continuing evidence of her ability. I join her many friends, admirers, and readers in offering congratulations upon this high honor and well-deserved recognition.

A BILL TO IMPROVE TECHNOLOGY IN LOCAL INDUSTRY

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado [Mr. McVicker] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McVICKER. Mr. Speaker, I am pleased today to introduce a bill designed to permit the Federal Government to join with state governments, universities, and local industry in stimulating the industrial and economic growth of States and regions in the Nation through the application of science and technology.

My bill is addressed to those problems about which we read every day—long-term unemployment, regional pockets of poverty, industries which are losing their competitive positions, and increasing foreign competition in both domestic and world markets. The objective I hope will be attained through this bill is devising a system for bringing the latest developments in technology into the production lines and plants of our local industry.

These mechanisms would be concentrated on the local level, utilizing local leadership, local initiative, local resources, and local participation. Federal funds, on a matching basis, would be used to encourage the establishment or expansion of local institutions specifically designed to meet the needs of the local economy.

A State wishing to participate in the program would designate an institution, either a State university or agency, to administer and coordinate the State's technical services program. This institution would prepare a 5-year plan, outlining the technological and economic situation in the State, the major regional and industrial problems, and the means to be used in assisting in their solution. The institution would also prepare an annual technical services program, including the objectives for the first year, the budget, and the responsibilities assigned to each qualified institution participating in the program.

The 5-year plan and the annual program would be submitted to the Secretary of Commerce. Federal matching funds would be made available to the designated institution to support eligible programs. The Secretary of Commerce would establish a formula designating the maximum annual Federal payment, taking the following criteria into consideration: First, population; second, level of industrial and economic development and productive efficiency; and third, technical resources.

The formula will be weighted to provide funds to States and regions where industrial development has lagged behind its potential and where technical resources are weak. The population criteria will be applied in a manner which will permit even the smallest and least populous States to participate in a meaningful and profitable program.

There are a variety of effective programs of university-industry cooperation in operation in 28 States at the present time. One especially notable program is conducted under the auspices of the Denver Research Institute, an integral part of the University of Denver, which engages in sponsored research for government and industry. To stimulate the process of technology transfer, the DRI has developed a highly motivated staff of engineer-economists, engaged in effectively interpreting the significance of scientific and technological advancements to the commercial entrepreneur. These economists are studying new techniques for coupling technological innovations with potential users in industry, thereby providing the bridge between the generation of advanced technology and its use in technologically oriented as well as underdeveloped industries. In addition, these men are carrying out fundamental research on the processes by which technology is diffused and applied, seeking new ways to accelerate the transfer of knowledge into use.

The Denver Research Institute consists of seven operating divisions: chemistry, electronics, electromagnetic propagation, industrial economics, mechanics, metallurgy, and physics. Research interests in these divisions cover a complete spectrum from basic investigations to directed developmental efforts. A number of large research programs are also conducted by the institute outside of the divisional structure.

But such programs, effective as they are, are still small in comparison to the need and opportunity in their regions. If we are to promote our economic growth to the fullest possible extent; if we are to achieve and sustain a high level of employment throughout our Nation; and if we are to improve our competitive position in world trade—the gap between the technological developments in our laboratories and their application in our industries must be erased. For the sake of our economic growth and prosperity, I urge passage of these measures.

HOME RULE—DISTRICT OF COLUMBIA

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Sickles] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SICKLES. Mr. Speaker, today I would like to discuss with you the bill which would give home rule to the residents of the District of Columbia. This bill, supported by President Johnson and many Members of Congress, including myself, would give the District residents the right to elect their own governing officials, a right which should be enjoyed by all Americans in every part of this country, but a right which is now denied to the residents of our Nation's Capital.

All of us are concerned with the voting rights of minority groups in this country. The President has called for, and the Congress is now working on, a bill which would insure that no one is prevented from voting because of his race, religion, or national origin. We are working to do away with all the roadblocks of discrimination which prevent minorities from voting, which flaunt the intentions of the U.S. Constitution.

However, while some of our citizens are being disenfranchised by discrimination, the citizens of the District of Columbia are being disenfranchised by law. And, surely, we should all be as interested in abolishing laws which prevent our citizens from voting because of geography as we are interested in abolishing all roadblocks which prevent our citizens from voting because of bigotry.

Thus, all Americans, whether they live in California or Maryland, Alaska or Florida, should be interested in seeing that the residents of the District receive home rule, interested because all Americans should have the right and privilege of voting, interested because this right and privilege does not exist now in our country's Capital.

The District of Columbia is unique among all governmental units in this country; unique because, while it is a metropolitan city, it is also the seat of our Federal Government. Therefore, I believe that while the citizens of the District should be given control over their own affairs, the Federal Government must be allowed to retain legal safeguards in order to protect its rights. I believe that the home-rule bill will accomplish this delicate balance between District freedom and Federal safeguards.

District citizens would have control over their own affairs because they would have the right, under the home-rule bill, to elect their own mayor and their own 15-member District Council. The home-rule bill also provides for a delegate from the District to the House of Representatives.

Now, the mayor would be a strong type mayor elected for a 4-year term. He would be the Chief Executive official of the District and have the power to appoint and supervise the work of all officials who have previously been appointed and supervised by the Board of Commissioners.

The 15-member Council would be elected from 15 wards established within the city. Each member would serve for 2 years. The home-rule bill would abolish such boards as the Board of Education, the Zoning Commission, and, of course, the Board of Commissioners and transfer their functions to the District Council. The District Council would thus be the legislative branch of the District's government.

Finally, the District of Columbia would be represented in Congress by a delegate elected by the voters. He would have no vote but would be given the right to debate on the floor of the House, and the right to sit on the House District Committee and, therefore, the ability to make the wishes of his constituents known to the Congress.

The home-rule bill would also guarantee the Federal interest in the District. The fiscal affairs of the District would be supervised by the General Accounting Office. The bill also insures that the Federal Government will pay its fair share of the cost of running the District. In addition, Congress would not be deprived of its right to legislate for the District, and Congress could repeal or modify acts of the District Council. The bill also provides for an absolute veto by the President of any act of the Council which would harm the Federal interest in the District.

I hope that all Americans will join with us in support of this assurance of voting rights for the citizens of our Nation's Capital.

A HISTORIC SOCIAL PROGRAM

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. PATTEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATTEN. Mr. Speaker, we all know that our vote today on hospitalization for the aged and the other features of this bill will be very important to every American. I am proud and happy to put my fingerprints on this great document and to vote for it.

There are over 20,000 persons in the district I represent who receive old-age benefits and there are also many not presently covered by social security who would become eligible to receive benefits under the proposed bill.

The benefits would be numerous: a basic hospital insurance program; a voluntary supplementary health insurance program; a broadened and liberalized Kerr-Mills program for the medically indigent.

Also a 7 percent increase in social security benefits; improved disability insurance; modification of the retirement test; extending social security benefits to youngsters in school up to age of 22; payment of benefits to widows at the age of 60; and other gains.

This is a vote I will always remember and cherish, because it will not only help our estimated 18½ million senior citizens, but also the untold millions who will be protected in the future. Today we are taking action on one of the most historic social programs in our generation.

I am also confident that eventually, almost every American will approve of this far-reaching program just as the great majority of our people now approve of social security.

PLANNING FOR PEACE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, today I am reintroducing a resolution calling for further administration efforts to achieve disarmament under effective international control. Senator JOSEPH S. CLARK joined by 21 cosponsors is also reintroducing this planning-for-peace resolution in the other body.

I am particularly pleased to join with Senator CLARK. His dedication to the cause of world peace and his untiring efforts to accomplish this noblest of goals deserve the admiration of all his colleagues. His work serves as a great source of inspiration to all who desire peace with freedom.

The resolution would put the Congress on record as follows:

> *Resolved by the Senate (the House of Representatives concurring)*, That the President should be supported in his efforts to achieve peace and disarmament under legally effective controls and to develop international institutions capable of permanently keeping the peace.
>
> SEC. 2. The President is hereby requested to formulate as speedily as possible specific and detailed proposals for the implementation of the foreign policy objectives of the United States regarding the establishment of an international authority to keep the peace under conditions of general and complete disarmament effectively guaranteed by adequate inspection and controls. In formulating such proposals, the President is requested to consider whether the development of effective international machinery for the supervision of disarmament and the maintenance of peace, including (1) an International Disarmament Organization; (2) a permanent World Peace Force; (3) world tribunals for the peaceful settlement of all international disputes not settled by negotiations; (4) other international institutions necessary for the enforcement of world peace under the rule of law; and (5) appropriate and reliable financial arrangements for the support of such peacekeeping machinery, may best be achieved by revision of the Charter of the United Nations, by a new treaty, or by a combination of the two.
>
> SEC. 3. The President should make such proposals available to the Congress and to the public generally.
>
> SEC. 4. The President is requested to transmit copies of this resolution to the heads of government of all the nations of the world and to urge them to initiate within their governments studies of matters germane to this resolution and to formulate and make generally available recommendations based upon such studies.

Mr. Speaker, this resolution in essence asks for implementation of our already established commitment to disarmament under effective international controls. President Kennedy on June 10, 1963, clearly articulated this commitment when he stated:

> Our primary long-range interest is general and complete disarmament, designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms.

In his famous speech before the United Nations in September 1961, President Kennedy spoke of the "nuclear sword of Damocles" which hangs over the heads of all men, women, and children on this planet. As a nation we are committed to the removal of that awesome threat.

In the last few years progress has been made toward the goal of disarmament. The test ban treaty was a major step. Lesser agreements, such as the "hot line," and the consular agreement soon to go to the Senate, are most important steppingstones toward peace. The passage of the planning for peace resolution would be another steppingstone.

Yesterday President Johnson said:

> We often say how impressive power is. But I do not find it impressive at all. The guns and bombs, the rockets and warships, are all symbols of human failure.

In another part of that speech the President told the world:

> Our generation has a dream, we have the power, and now we have the opportunity to make that dream come true (the dream is a) dream of a world where disputes are settled by law and reason.

Mr. Speaker, let us begin to fulfill that dream by passing this resolution.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Reuss, for 30 minutes, today; and to revise and extend his remarks.

Mr. Zablocki, for 15 minutes, today; and to revise and extend his remarks.

Mr. Feighan, for 15 minutes, today; and to revise and extend his remarks.

The following Members (at the request of Mr. Reid of New York) to revise and extend their remarks and to include extraneous matter:

Mr. Halpern, for 10 minutes, today.

Mr. Cahill, for 30 minutes, on Tuesday, April 13.

Mr. Widnall, for 20 minutes, today.

Mr. Ashbrook, for 30 minutes, today.

Mr. Ryan (at the request of Mr. Gonzalez), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Steed (at the request of Mr. Gonzalez), for 30 minutes, on April 12; and to revise and extend his remarks and include extraneous matter.

Mr. Weltner (at the request of Mr. Gonzalez), for 30 minutes, on April 26; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Rhodes of Pennsylvania his remarks during general debate today and to include extraneous matter.

Mr. Pelly and to include an editorial.

Mr. Bow.

(The following Members (at the request of Mr. Reid of New York) and to include extraneous matter:)

Mr. Fino.

Mr. Robison.

Mr. Harvey of Michigan.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Hanna.

Mr. Murphy of New York.

Mr. Donohue.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4527. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.) under its previous order, the House adjourned until Monday, April 12, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

899. A letter from the Comptroller General of the United States, transmiting a report of inadequate administrative controls over Federal funds used for financing Federal-State programs, Department of Labor; to the Committee on Government Operations.

900. A letter from the Comptroller General of the United States, transmitting a report of failure to utilize available excess components in the production of aircraft arresting barriers, Department of the Air Force; to the Committee on Government Operations.

901. A letter from the Assistant Secretary of the Interior, transmitting a report that no change in the repayment obligation occurs relative to the request of the Belle Fourche irrigation project to reclassify certain lands under contract No. Ilr-1555, pursuant to 43 U.S.C. 485; to the Committee on Interior and Insular Affairs.

902. A letter from the Chairman, Federal Communications Commission, transmitting a monthly report on the pending applications and hearing cases backlogged in the Commission as of February 28, 1965, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER: Committee on Science and Astronautics. Report of Panel on Science and Technology, sixth meeting, aeronautics; without amendment (Rept. No. 227). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOLEY: Committee of conference. H.R. 5721. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes. (Rept. No. 228). Ordered to be printed.

Mr. BOLLING: Committee on Rules. House Resolution 325. Resolution providing for the consideration of H.R. 4714, a bill to amend the National Arts and Cultural Development Act of 1964 with respect to the authorization of appropriations therein; without amendment (Rept. No. 229). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 326. Resolution providing for the consideration of H.R. 4623, a bill further amending the Reorganization Act of 1949; without amendment (Rept. No. 230). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLATNIK:

H.R. 7294. A bill to amend title 38 of the United States Code to exclude from income pension and annuity payments under the Railroad Retirement Act of 1937 for the purpose of determining eligibility for a veteran's pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. CELLER:

H.R. 7295. A bill to provide penalties for certain offenses committed in connection with highway construction; to the Committee on the Judiciary.

By Mr. DAGUE:

H.R. 7296. A bill to provide for the enforcement of support orders in certain State and Federal courts, and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders; to the Committee on the Judiciary.

H.R. 7297. A bill to make it a crime to move or travel in interstate or foreign commerce to avoid compliance with certain support orders, and for other purposes; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 7298. A bill to amend section 5(l) of the Railroad Retirement Act of 1937 to provide benefits for children of deceased railroad employees who are over the age of 18 and below the age of 22 and who are attending an educational institution as full-time students; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNT:

H.R. 7299. A bill to amend the Internal Revenue Code of 1954 to provide for the prompt issuance of determination letters relating to the status of a trust under sections 401(a) and 501(a) of such code; to the Committee on Ways and Means.

By Mr. GROVER:

H.R. 7300. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 7301. A bill to provide for expanded research in the oceans and the Great Lakes, to establish a National Oceanographic Council, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HUOT:

H.R. 7302. A bill to provide grants for public works and development facilities, other financial assistance, and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions; to the Committee on Public Works.

By Mr. JOHNSON of California:

H.R. 7303. A bill to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters; to the Committee on Public Works.

By Mr. DON H. CLAUSEN:

H.R. 7304. A bill to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters; to the Committee on Public Works.

By Mr. KEE:

H.R. 7305. A bill to amend the Employment Act of 1946 to require the Council of Economic Advisers to advise the President regarding the effect of the importation of petroleum and petroleum products on employment in the United States; to the Committee on Government Operations.

By Mr. MATSUNAGA:

H.R. 7306. A bill to amend section 601 of title 38, United States Code, with respect to the definition of the term "Veterans' Administration facilities"; to the Committee on Veterans' Affairs.

By Mr. MURPHY of Illinois:

H.R. 7307. A bill to establish a Federal Commission on Alcoholism, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7308. A bill to authorize certain modifications of the project for Calumet Harbor and River, Ill. and Ind.; to the Committee on Public Works.

By Mr. PERKINS:

H.R. 7309. A bill to provide Federal assistance for teacher preparation programs and continuing education; to the Committee on Education and Labor.

By Mr. PHILBIN:

H.R. 7310. A bill to amend titles 10 and 37, United States Code, so as to provide authorization of 4 years' constructive service credit to veterinary officers now on active duty with the uniformed services, and that those veterinarians hereinafter appointed as veterinary officers, be so credited; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 7311. A bill to amend the National Housing Act to encourage and facilitate the provision of larger family dwelling units in small rehabilitation projects being carried out under the section 220 urban renewal housing mortgage insurance program; to the Committee on Banking and Currency.

By Mr. TUPPER:

H.R. 7312. A bill to provide for the best care, welfare, and safeguards against suffering for certain animals used for scientific purposes without impeding necessary research; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNGER:

H.R. 7313. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and undue burden upon interstate commerce, certain property tax assessments of common carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 7314. A bill to provide grants for public works and development facilities, other financial assistance, and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions; to the Committee on Public Works.

By Mr. BOW:

H.R. 7315. A bill relating to the National Museum of the Smithsonian Institution; to the Committee on House Administration.

By Mr. DOLE:

H.R. 7316. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. DYAL:

H.R. 7317. A bill to encourage the States to extend coverage under their State unemployment compensation laws to agricultural labor; to the Committee on Ways and Means.

H.R. 7318. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. ERLENBORN:

H.R. 7319. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the individual income tax for certain expenses of higher education; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 7320. A bill to exempt oceanographic research vessels from the application of certain vessel inspection laws, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LOVE:

H.R. 7321. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. MAY:

H.R. 7322. A bill to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive departments; to the Committee on Post Office and Civil Service.

By Mr. NELSEN:

H.R. 7323. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 7324. A bill to amend title II of the Social Security Act to provide that dependent parents of individuals entitled to old-age or disability insurance benefits, as well as surviving parents of deceased insured individuals, shall be eligible for parent's insurance benefits; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 7325. A bill to provide that where the entitlement of a veteran, widow, or child to a pension from the Veterans' Administration is based upon the veteran's having served in World War I, II, or Korean conflict, the beneficiary shall if otherwise eligible have the right to elect payment of pension under either the provisions of title 38 as in effect on June 30, 1960, or as amended by the Veterans' Pension Act of 1959, whichever provides the greater benefit; to the Committee on Veterans' Affairs.

By Mr. RIVERS of South Carolina:

H.R. 7326. A bill to amend section 1552(c) of title 10, United States Code, to provide for the deduction of interim earnings from the payments of active duty pay and allowances found due members or former members of the uniformed services as a result of the correction of their military records; to the Committee on Armed Services.

H.R. 7327. A bill to repeal section 7043 of title 10, United States Code; to the Committee on Armed Services.

By Mr. TEAGUE of California:

H.R. 7328. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted during a calendar year from $1,200 to $1,800 without deduction from benefits thereunder; to the Committee on Ways and Means.

By Mr. BOB WILSON:

H.R. 7329. A bill to provide for the conveyance of certain real property of the United States to the city of San Diego, Calif.; to the Committee on Armed Services.

By Mr. WYATT:

H.R. 7330. A bill to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters; to the Committee on Public Works.

By Mr. YATES:

H.R. 7331. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. DOW:

H.R. 7332. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 7333. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for tuition and other expenses paid by him for his education or the education of his spouse or any of his dependents; to the Committee on Ways and Means.

By Mr. HOSMER:

H.R. 7334. A bill to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McVICKER:

H.R. 7335. A bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise; to the Committee on Interstate and Foreign Commerce.

By Mrs. MAY:

H.R. 7336. A bill to provide assistance to the States of California, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters; to the Committee on Public Works.

By Mr. MINSHALL:

H.R. 7337. A bill to designate Vietnam as a combat zone for Federal tax purposes; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 7338. A bill to provide for the greater protection of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 7339. A bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise; to the Committee on Interstate and Foreign Commerce.

By Mr. SHRIVER:

H.R. 7340. A bill to amend title II of the Social Security Act to increase widows' benefits thereunder; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H. Con. Res. 384. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H. Con. Res. 385. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. REUSS:

H. Con. Res. 386. Concurrent resolution expressing the sense of the Congress with respect to securing payment by members of the United Nations of their assessment in arrears; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Con. Res. 387. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. HALPERN:

H. Con. Res. 388. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Con. Res. 389. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mrs. KELLY:

H. Con. Res. 390. Concurrent resolution relating to freedom for Baltic States; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California:

H. Con. Res. 391. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER:

H. Con. Res. 392. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. ROBISON:

H. Res. 323. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. CRALEY:

H. Res. 324. Resolution expressing the sense of the House of Representatives with respect to the President's proposal to aid southeast Asia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

189. Mr. MORRIS presented a memorial of the Legislature of the State of New Mexico, requesting that a Job Corps training center be established at Camp Luna near Las Vegas, N. Mex., which was referred to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRIDER:

H.R. 7341. A bill for the relief of Dr. Ricardo R. Fuste; to the Committee on the Judiciary.

H.R. 7342. A bill for the relief of Dr. Angel Fernando Golderos; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7343. A bill for the relief of Mr. Ip Ping; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 7344. A bill for the relief of Splendora Capponi; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 7345. A bill for the relief of Jennifer Johnson Mojdara; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.R. 7346. A bill for the relief of Nvenka Brajkovich; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 7347. A bill for the relief of Maria de Fatima Dias Pereira; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 7348. A bill for the relief of Orazio Aiello, his wife, Antonia Romeo Busceti Aiello, and their child Giorgio Aiello; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 7349. A bill for the relief of Dr. Moises Mitrani, M.D.; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 7350. A bill for the relief of Miss Freni Bankwalla; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 7351. A bill for the relief of 1st Lt. David A. Staver, U.S. Air Force; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7352. A bill for the relief of Mrs. Bahtiyar Hattat (nee Dinc); to the Committee on the Judiciary.

By Mr. WELTNER:

H.R. 7353. A bill for the relief of Jose Ripoll; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 7354. A bill for the relief of Norman Morris Rains; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 7355. A bill for the relief of Lt. Col. Claude E. Tabor, Jr., U.S. Air Force; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 7356. A bill for the relief of Winston A. O. Dawes; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 7357. A bill for the relief of Dr. Felipe V. Lavapies; to the Committee on the Judiciary.

H.R. 7358. A bill for the relief of Dr. Nermin Demirbag Lavapies; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

160. By the SPEAKER: Petition of the executive director, National Liquor Stores Association, Inc., Worcester, Mass., with reference to requesting the reduction in the taxes on alcoholic beverages; to the Committee on Ways and Means.

161. Also, petition of Henry Stoner, Avon Park, Fla., with reference to promoting representative democratic constitutional government in the U.S. foreign policy; to the Committee on Foreign Affairs.

SENATE

THURSDAY, APRIL 8, 1965

The Senate met at 10 o'clock a.m., and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of our fathers, and our God: At the day's beginning, we humbly bow at this shrine of our sustaining faith, that above the babel of crashing systems, we may hear the imperatives of Thy voice, as in these days of destiny Thou art sifting out the souls of men before Thy judgment seat.

Move our hearts with compassion, we pray, so that the vision of a unified world which denies the divisive heresy that east is east and west is west and never the twain shall meet will be fulfilled, so that for all Thy children may be solved the pressing problems of food and shelter.

Make us pioneers of the glad day when Western and Eastern hands shall be clasped in mutual concern for the liberty and dignity of every individual under all skies, as enmity shall give way to strengthened and expanded bridges of understanding and cooperation, tying together in a resistless crusade peoples and lands, one in heart and purpose—though they be half a world away.

We ask it in the name of the Elder Brother of us all, who hath declared, "The field is the world." Amen.

THE JOURNAL

On request of Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 7, 1965, was dispensed with.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4527) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and it was signed by the President pro tempore.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

PRESIDENT JOHNSON'S SPEECH ON SOUTHEAST ASIA—VIETNAM

THE DOOR IS OPEN

Mr. MANSFIELD. Mr. President, last night, at Johns Hopkins University, the President of the United States delivered an address of profound importance to the people of the Nation. It is to be hoped that his remarks will echo in Vietnam and southeast Asia, in China and the Soviet Union, and that their significance will be appreciated throughout the world.

Mr. Johnson dwelt upon the meaning of the conflict in Vietnam and the purposes for which we have engaged ourselves in that distant land. They are, as he made very clear, the purposes of freedom, not of conquest; and of construction, not destruction. We seek the security of our freedom through the security of others, not by the domination of others.

The President left no doubt that this Nation prefers the course of peace in Asia, not a year hence or 6 months hence, but as soon as it is possible to still the guns of war. We have pledged our assistance for more than a decade to the people of South Vietnam, in order that they may have opportunity to pursue their lives and destiny in freedom. That is all that we desire in that sorebeset land. If others are prepared to accept this keystone of peace, peace can be achieved.

The door is open to the statesmen of this Nation, of Asia, Europe, and the world to find the way to that peace. The door is open to the leaders of Vietnam, North and South, to find a way to put aside the destructive instruments of war and take up the tools of national construction.

And the President has made clear that we are prepared to do our part with other nations to convert that peace, once it is obtained, into a dynamic peace, a peace of constructive benefit, not only to the people of Vietnam, North and South, but to southeast Asia as a whole. Mr. Johnson has stressed again, as he stressed in

1961, on his return from southeast Asia, that the fundamental need of that impoverished corner of the world is not for the implements of war, but for the energies of peace; not for the alienations of conflict, but for a great concentration of many nations on the immense social tasks of education, health, and of ending human hunger and want.

Mr. President, in the course of international events, there are moments of critical decision. That this is such a moment was recognized by the President in his profound statement last night. We are at a crossroads in Vietnam, and not only for the Vietnamese and ourselves; the entire world trembles at it. It would be my hope that there exist in all the nations concerned—and all nations are concerned—the wisdom and perception to turn from the skidding path to war to the high road of a dynamic and constructive peace in Vietnam and southeast Asia. It would be my hope that at Geneva or in any forum, large or small, this wisdom and perception will begin to be displayed without delay.

Mr. President, I ask unanimous consent that the statement of the President on Vietnam be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Remarks by the President at Shriver Hall Auditorium, Johns Hopkins University, Baltimore, Md.

My fellow Americans, last week 17 nations sent their views to some dozen countries having interest in southeast Asia. We are joining these 17 countries in stating our American policy which we believe will contribute toward peace in this area.

Tonight I want to review once again with my own people the views of your Government.

Tonight Americans and Asians are dying for a world where each people may choose its own path to change.

This is the principle for which our ancestors fought in the valleys of Pennsylvania. It is the principle for which our sons fight in the jungles of Vietnam.

Vietnam is far from this quiet campus. We have no territory there, nor do we seek any. The war is dirty and brutal and difficult. And some 400 young men—born into an America bursting with opportunity and promise—have ended their lives on Vietnam's steaming soil.

Why must we take this painful road?

Why must this Nation hazard its ease, its interest, and its power for the sake of a people so far away?

We fight because we must fight if we are to live in a world where every country can shape its own destiny. And only in such a world will our own freedom be finally secure.

This kind of a world will never be built by bombs and bullets. Yet the infirmities of man are such that force must often precede reason—and the waste of war, the works of peace.

We wish this were not so. But we must deal with the world as it is, if it is ever to be as we wish.

THE NATURE OF THE CONFLICT

The world as it is in Asia is not a serene or peaceful place.

The first reality is that North Vietnam has attacked the independent nation of South Vietnam. Its object is total conquest.

Of course, some of the people of South Vietnam are participating in attack on their own Government. But trained men and supplies, orders, and arms, flow in a constant stream from north to south.

This support is the heartbeat of the war.

And it is a war of unparalleled brutality. Simple farmers are the targets of assassination and kidnaping. Women and children are strangled in the night because their men are loyal to the government. Small and helpless villages are ravaged by sneak attacks. Large scale raids are conducted on towns, and terror strikes in the heart of cities.

The confused nature of this conflict cannot mask the fact that it is the new face of an old enemy. It is an attack by one country upon another. And the object of that attack is a friend to which we are pledged.

Over this war—and all Asia—is another reality: the deepening shadow of Communist China. The rulers in Hanoi are urged on by Peiping. This is a regime which has destroyed freedom in Tibet, attacked India, and been condemned by the United Nations for aggression in Korea. It is a nation which is helping the forces of violence in almost every continent. The contest in Vietnam is part of a wider pattern of aggressive purpose.

WHY ARE WE IN VEITNAM

Why are these realities our concern? Why are we in South Vietnam?

We are there because we have a promise to keep. Since 1954 every American President has offered support to the people of South Vietnam. We have helped to build, and we have helped to defend. Thus, over many years, we have made a national pledge to help South Vietnam defend its independence.

I intend to keep our promise.

To dishonor that pledge—to abandon this small and brave nation to its enemy—and to the terror that must follow—would be an unforgivable wrong.

We are also there to strengthen world order. Around the globe—from Berlin to Thailand—are people whose well-being rests, in part, on the belief they can count on us if they are attacked. To leave Vietnam to its fate would shake the confidence of all these people in the value of American commitment. The result would be increased unrest and instability, or even war.

We are also there because there are great stakes in the balance. Let no one think that retreat from Vietnam would bring an end to conflict. The battle would be renewed in one country and then another. The central lesson of our time is that the appetite of aggression is never satisfied. To withdraw from one battlefield, means only to prepare for the next. We must say in southeast Asia—as we did in Europe—in the words of the Bible: "Hitherto shalt thou come, but no further."

There are those who say that all our effort there will be futile—that China's power is such it is bound to dominate all southeast Asia. But there is no end to that argument until all the nations of Asia are swallowed up.

There are those who wonder why we have a responsibility there. We have it for the same reason we have a responsibility for the defense of freedom in Europe. World War II was fought in both Europe and Asia, and when it ended we found ourselves with continued responsibility for the defense of freedom.

OUR OBJECTIVE IN VIETNAM

Our objective is the independence of South Vietnam, and its freedom from attack. We want nothing for ourselves—only that the people of South Vietnam be allowed to guide their own country in their own way.

We will do everything necessary to reach that objective. And we will do only what is necessary.

In recent months, attacks on South Vietnam were stepped up. Thus, it became necessary to increase our response and make attacks by air. This is not a change of purpose. It is a change in what we believe that purpose requires.

We do this in order to slow down aggression.

We do this to increase the confidence of the brave people of South Vietnam who have bravely borne this brutal battle for so many years and with so many casualties.

And we do this to convince the leaders of North Vietnam—and all who seek to share their conquest—of a simple fact:

We will not be defeated.

We will not grow tired.

We will not withdraw, either openly or under the cloak of a meaningless agreement.

We know that air attacks alone will not accomplish all these purposes. But it is our best and prayerful judgment that they are a necessary part of the surest road to peace.

We hope that peace will come swiftly. But that is in the hands of others beside ourselves. And we must be prepared for a long continued conflict. It will require patience as well as bravery—the will to endure as well as the will to resist.

I wish it were possible to convince others with words of what we now find it necessary to say with guns and planes: armed hostility is futile—our resources are equal to any challenge—because we fight for values and a principle, rather than territory or colonies, our patience and determination are unending.

Once this is clear, then it should also be clear that the only path for reasonable men is the path of peaceful settlement.

Such peace demands an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others—free from outside interference—tied to no alliance—a military base for no other country.

These are essentials of any final settlement.

We will never be second in the search for such a peaceful settlement in Vietnam.

There may be many ways to this kind of peace: in discussion or negotiation with the governments concerned; in large groups or in small ones; in the reaffirmation of old agreements or their strengthening with new ones.

We have stated this position over and over again, 50 times—and more—to friend and foe alike. And we remain ready—with this purpose—for unconditional discussions.

And until that bright and necessary day of peace we will try to keep conflict from spreading. We have no desire to see thousands die in battle—Asians or Americans. We have no desire to devastate that which the people of North Vietnam have built with toil and sacrifice. We will use our power with restraint and with all the wisdom we can command.

But we will use it.

This war, like most wars, is filled with terrible irony. For what do the people of North Vietnam want? They want what their neighbors also desire: food for their hunger—health for their bodies and a chance to learn—progress for their country, and an end to the bondage of material misery. And they would find all these things far more readily in peaceful association with others than in the endless course of battle.

These countries of southeast Asia are homes for millions of impoverished people. Each day these people rise at dawn and struggle through weary hours to wrestle existence from the soil. They are often wracked by disease, plagued by hunger, and death comes early, at the age of 40.

Stability and peace do not come easily in such a land. Neither independence nor human dignity will be won by arms alone. It also requires the works of peace.

The American people have helped generously in these works.

Now there must be a much more massive effort to improve the life of man in the conflict-torn corner of the world.

A COOPERATIVE EFFORT FOR DEVELOPMENT

The first step is for the countries of southeast Asia to associate themselves in a greatly expanded cooperative effort for development. We would hope that North Vietnam will take its place in the common effort just as soon as peaceful cooperation is possible.

The United Nations is already actively engaged in development in this area. I would hope that the Secretary General of the United Nations could use the prestige of his great office—and his deep knowledge of Asia—to initiate, as soon as possible, with the countries of the area, a plan for cooperation in increased development.

For our part I will ask the Congress to join in a billion-dollar American investment in this effort when it is underway.

And I hope all other industrialized countries—including the Soviet Union—will join in this effort to replace despair with hope, and terror with progress.

The task is nothing less than to enrich the hopes and existence of more than a hundred million people. And there is much to be done.

The vast Mekong River can provide food and water and power on a scale to dwarf even our own TVA.

The wonders of modern medicine can be spread through villages where thousands die for lack of care.

Schools can be established to train people in the skills needed to manage the process of development.

And these objectives, and more, are within the reach of a cooperative and determined effort.

I also intend to expand and speed up a program to make available our farm surplus to assist in feeding and clothing the needy in Asia. We should not allow people to go hungry and naked while our own warehouses overflow with an abundance of wheat and corn, rice and cotton.

I will very shortly name a special team of patriotic and distinguished Americans to inaugurate our participation in these programs. This team will be headed by Mr. Eugene Black, the very able former president of the World Bank.

In areas still ripped by conflict, development will not be easy. Peace will be necessary for final success. But we cannot wait for peace to begin the job.

THE DREAM OF WORLD ORDER

This will be a disorderly planet for a long time. In Asia, as elsewhere, the forces of the modern world are shaking old ways and uprooting ancient civilizations. There will be turbulence and struggle and even violence. Great social change—as we see in our own country—does not always come without conflict.

We must also expect that nations will on occasion be in dispute with us. It may be because we are rich, or powerful—or because we have made mistakes—or because they honestly fear our intentions. However, no nation need ever fear that we desire their land, or to impose our will, or to dictate their institutions.

But we will always oppose the effort of one nation to conquer another.

We will do this because our own security is at stake.

But there is more to it than that. For our generation has a dream. It is a very old dream. But we have the power and the opportunity to make it real.

For centuries nations have struggled among each other. But we dream of a world where disputes are settled by law and reason. And we will try to make it so.

For most of history, men have hated and killed one another in battle. But we dream of an end to war. And we will try to make it so.

For all existence most men have lived in poverty, threatened by hunger. But we dream of a world where all are fed and charged with hope. And we will help to make it so.

POSSIBILITIES OF PEACE

The ordinary men and women of North Vietnam and South Vietnam—of China and India—or Russia and America—are brave people. They are filled with the same proportions of hate and fear, of love and hope. Most of them want the same things for themselves and their families. Most of them do not want their sons to die in battle, or see the homes of others destroyed.

This can be their world yet. Man now has the knowledge—always before denied—to make this planet serve the real needs of the people who live on it.

I know this will not be easy. I know how difficult it is for reason to guide passion, and love to master hate. The complexities of this world do not bow easily to pure and consistent answers.

But the simple truths are there just the same. We must all try to follow them as best we can.

We often say how impressive power is. But I do not find it impressive. The guns and bombs, the rockets and warships, are all symbols of human failure. They are necessary symbols. They protect what we cherish. But they are witness to human folly.

A dam built across a great river is impressive.

In the countryside where I was born, I have seen the night illuminated, the kitchens warmed and the homes heated, where once the cheerless night and the ceaseless cold held sway. And all this happened because electricity came to our town along the humming wires of the Rural Electrification Administration. Electrification of the countryside is impressive.

A rich harvest in a hungry land is impressive.

The sight of healthy children in a classroom is impressive.

These—not mighty arms—are the achievements which the American nation believes to be impressive.

And—if we are steadfast—the time may come when all other nations will also find it so.

We may well be living in the time foretold many years ago when it was said: "I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing: therefore choose life, that both thou and thy seed may live."

This generation of the world must choose: destroy or build, kill or aid, hate or understand.

We can do all these things on a scale never dreamed of before.

We will choose life. And so doing we will prevail over the enemies within man, and over the natural enemies of all mankind.

THE PRESIDENT ON VIETNAM

Mr. CHURCH. Mr. President, I believe most Americans will applaud President Johnson's address at Johns Hopkins University last night. I was much encouraged by it.

The President was certainly correct when he said that the only path for reasonable men is the path of peaceful settlement. Those of us who have been urging an attempt to open negotiations over the struggle in Vietnam should join in commending President Johnson's indicated willingness to participate, unconditionally, in discussions on the prerequisites for a peaceful solution. Even if the offer of discussions is rejected, nothing has been risked by making it. Rather, our position has been strengthened in the eyes of the world. All Americans who have studied the problem in southeast Asia know that more than military might is required to meet the tremendous difficulty there.

The President's emphasis last night on developing the vast Mekong River area to provide food, water, and power for all southeast Asia represents a constructive and imaginative proposal which I hope all Members of the Congress will support.

In the days ahead, instead of serving as a bearpit for the bellicose, I hope that this Chamber will be the center for a widening debate on the premises and principles which should underlie a sound American policy in southeast Asia.

I, for one, plan to continue to speak out on Vietnam. I know that other Senators will join in widening the dialog for peace. There continues to be a great need for us to indicate what, in our judgment, might constitute an acceptable framework for a political settlement in southeast Asia.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. I congratulate the Senator from Idaho upon the statement he has made. I desire to associate myself with the views he has expressed today and with the views he has expressed heretofore.

It was with great pride and a feeling of relief that I listened last evening to the magnificent address that our President made at Johns Hopkins University. Of course, all of us should realize that in this grim period of international anarchy, the 700 million Chinese and the other Communists throughout the world will not simply cease to exist, and that we are confronted throughout the world, as in southeast Asia, with the problem of striving honorably for coexistence with our neighbors or else facing ultimate co-annihilation.

I commend the distinguished senior Senator from Idaho for his statesmanlike address.

Mr. CHURCH. I thank the Senator from Ohio.

Mr. DIRKSEN. Mr. President, I shall have something further to say later about the President's speech last night. I made a brief statement at that time. However, work on the voting rights bill is crowding me at the moment, so I presume I must first pursue that duty.

Mr. BARTLETT. Mr. President, last night, in his speech to the Nation, President Johnson announced our Nation's willingness to participate in "unconditional discussions" looking toward a negotiated settlement of hostilities in Vietnam. The President made clear to all the importance of southeast Asia to the interests of America and American determination to see that our interests are protected and our commitments honored. There has never been any doubt in my mind—nor I am sure in the minds of anyone who knows and respects our President—that these interests and commitments would be upheld.

Nor, Mr. President, have I doubted that the President has a true grasp of the complexities of southeast Asian affairs and the limitations which history and geography place upon their resolution.

There will be no permanent or lasting settlement of the problems of southeast Asia in our lifetime. Borders in Indochina now existent were established in 1954. There is nothing permanent about them. The pushing and shoving of the Lao, Cambodian, the Thai, the Vietnamese, and the Chinese peoples on the small peninsula of Indochina have gone on for many centuries. They will continue for many more. The status quo in southeast Asia is one of change. We must recognize this and we must not cast our lot and the lot of the free world in a quixotic attempt to preserve a stability which does not exist. We should not, and we have not, pledged ourselves to such an effort.

What we have pledged is considerably less and considerably easier of attainment: We are pledged to maintain the right of self-determination for the people of South Vietnam. We are pledged to insure to these people the right to choose their own form of government unimpeded by interference from their neighbors. We are not obligated to preserve a particular government in power or to support one clique over another. It is not for us to say who will make up the Government of South Vietnam. That is for the South Vietnamese to say. It is certainly not for us to rule out the possibility of a coalition government, of a government wider in representation than the present regime.

There is great room for flexibility in our handling of the Vietnam struggle. As I said to this body on February 25 of this year, "We have more than demonstrated our determination and our power to insure that South Vietnam will not be engulfed by her neighbor to the north. We shall not be speaking from weakness when we go to discussions. As we play our cards in the Vietnam crisis we need have no fear, we have a strong hand and a skilled player."

What do we have to discuss? A great deal.

First. An end to the bombing which, were it to continue, would level the industrial capacity of North Vietnam; and a general cease fire in both North and South Vietnam.

Second. A resumption of trade between North and South Vietnam. The North Vietnamese are hard pressed for the rice which once they received from the south.

Third. The possibility of a return to the 1954 agreements with their pledge of noninterference in Vietnam affairs from the great powers.

Fourth. The possibility of mutual nonalinement pledges from both North and South Vietnam with guarantees of the maintenance of such pledges from the great powers.

Fifth. The declaration of a general amnesty in South Vietnam with the recognition that many non-Communists took an active and gallant role in the national revolution against the French and that many continued in honorable opposition to the Diem and military regimes. A coalition government embracing these elements for the first time could well be possible.

Sixth. Understandings could be reached leading to general elections in both North and South Vietnam in due course, and leading also, in due course, to a referendum on the unification of these two countries which once were one.

Seventh. The question of increased economic assistance for the short run and of the long run development of the Mekong Delta for the benefit of all Indochina could be profitably discussed.

The above indicate the latitude in which we have to move as we seek an honorable means to end the shooting and killing now underway.

Mr. President, on February 19 of last year, in speaking of Vietnam, I said:

> We must be willing to discuss anything with anybody who is willing to discuss in a rational and responsible manner. We are the greatest power on earth and we have no need to fear Red China and no need to fear negotiations.

I say that again.

On August 6 of last year, speaking in support of the resolution requested by the President on his policy in Vietnam, I said:

> In the long run the only satisfactory way of concluding what is a desperate situation, not only for the South Vietnamese, but for us must be arrived at around the conference table.

I say that again.

In another speech last summer, I supported the commitment of American military strength in Vietnam. I went on to say:

> There is no reason, however, why at the same time as we fight we should not be willing to go to the conference table whenever and with whomever it serves our purpose to do so. We need have no fear of conferring. This is so because of our strength in the area and the war we are waging. The war shows our enemies we are serious and committed. We go to conference because we are willing to fight; there is no point to the fighting if we are not willing to confer.

I say that again.

And on February 25 of this year I said:

> I welcome negotiations not because I believe the United States should or could pull out from its commitment in South Vietnam but because I believe this commitment lacks purpose, sense, and direction unless we are willing to work on all fronts, diplomatic as well as military, in our efforts to stabilize the area. "War is but a political instrument," said Von Clausewitz, and Churchill added, "We arm to parley." We arm and we war for nothing if we refuse to parley.

I say that again.

And so, Mr. President, I commend our President for his speech of last night. The American eagle holds in his claws not only arrows but also an olive branch. Our President made clear last night that in Vietnam, as everywhere else in the world, the olive branch, as well as the arrows, is part of our foreign policy.

Mr. McGOVERN. Mr. President, first, I wish to commend the Senator from Alaska [Mr. BARTLETT] for the constructive statement he has made on the Vietnam crisis. He has been one of the clearest voices on this subject for a long time.

It seems to me that the President's Baltimore speech of last night is by far the most constructive statement he has made on the Vietnam crisis. It represents a significant part of the course that some Senators have been urging for many months. It sets forth the willingness of this country to explore the possibility of a peaceful settlement without insisting on prior conditions before those explorations begin. It also recognizes that the basic problems of the people of southeast Asia are hunger, disease, and misery, and that the solution of those problems can best be found in regional cooperation under the auspices of the United Nations.

I had intended to make a rather lengthy address today on the subject of Vietnam. However, because of the urgency of the education bill, and also to give me some time properly to assess the President's address of last night, I decided to hold off on giving my address until probably Tuesday of next week. At that time I hope to discuss quite in depth the historic background of our involvement in Vietnam and the course that has taken us to our present position in that part of the world, and then to make some further suggestions of steps that we might consider that would move us toward a settlement.

The news reports of our efforts in Vietnam for the past many months have centered on bombing raids, helicopter attacks on villages, and the growing casualty lists on both sides.

It is a refreshing addition to this grim news to hear the President set forth, as clearly as he did last night, the possibility of discussions leading to a better life for the people of Asia.

After a good many years of mistakes and violence on both sides—and I emphasize that there have been mistakes and blunders on both sides—the Vietnamese conflict has degenerated into a complicated mess of the worst kind. There is no way to get out of that kind of problem in a blaze of glory.

President Johnson did not create it. That crisis has its roots at least 20 years in the past, going back to the end of World War II, when we made what I regard as a tragic mistake in supporting the efforts of the French to reassert their colonial control over this part of the world.

We have labored under two false assumptions, as I see it, in Vietnam. The first is that as an outside power we could successfully intervene in what is basically a civil conflict. The second false assumption is that we have tried to impose a military solution on an area of overwhelming political instability.

Last night the President pointed the way to a more hopeful course. What he did, in effect, was to combine realism with idealism in a way that should give pride to all Americans. He made it clear that we will keep our military commitments, that we will not be forced out of Vietnam by military action; but at the same time he made clear to the people of Vietnam and to the world that we have more to offer than bombs and bullets.

The President's pledge to negotiate with any of the governments concerned without prior conditions, and to work for the goal of a demilitarized, rather than a militarized, Asia is clear proof of our concern for the real victims of the Vietnamese war—the peasants and villagers.

In making his generous offer of help through the United Nations, President Johnson used a very meaningful phrase. He spoke of the "works of peace." Peace in Asia, as anywhere else in the world, means more than just the cessation of bombing. It means more than just propping up from day to day regimes which have no wider concern than the prestige of an individual dictator. It means more than just continuation of an unsatisfactory status quo. It means precisely the kind of imaginative effort the President proposed last night, including regional development of water resources, including use of our own farm products, including spread of cheap electric power, including health programs, including expert and experienced assistance from the best people available in the field of international development.

It is time indeed to emphasize "the works of peace," for in the long run the best way to prevent the ravages of war is to work, constructively and intelligently, for the cause of peace.

President Johnson's proposals recognize both problems, the need to end the warfare in Vietnam as soon as possible and the need to move ahead with positive proposals for all of southeast Asia.

As the President so eloquently affirmed, all of the peoples of Asia, including North Vietnam and China, face the same kind of problems and the same aspirations. By emphasizing the areas in which we can cooperate, by urging the Soviet Union to join in that cooperation with us, we are offering a more serious long-term challenge to communism than any number of napalm bombs. The work of peace desperately needs to be undertaken, and as President Johnson made very clear, the United States is ready to make a significant beginning.

Mr. MOSS. Mr. President, I should like to commend the Senator from South Dakota [Mr. McGovern] for his comments on the President's address of last night on the subject of Vietnam, and also to indicate my very strong support of the statement of policy the President pronounced last night.

We have offered to take the first step, to go the long mile, to do everything in our power to terminate the hostilities and the war that exist in Vietnam. We have done this without surrendering our objective that the Vietnamese people should have the right to choose their own government, and to live in freedom without aggression. I believe this represents a major breakthrough in the international posture. I should expect the nations of the world would rally behind this pronouncement of the President.

Mr. SMATHERS. Mr. President, the iron hand in the velvet glove is an old principle of statesmanship.

The glint of that iron was as evident as the texture of the velvet last night in President Johnson's address at Johns Hopkins University on the crisis in Vietnam and the problems of southeast Asia.

It was a speech that bears careful study and rereading to measure the breadth of its impact.

To me, the major emphasis was not a proposal for a $1 billion development for southeast Asia—as some of my colleagues seem to think—but on a very clear enunciation of our doctrine for Vietnam.

To the aggressors, the President of the United States has said that the United States remains ready to discuss "unconditionally" the many roads open to peaceful settlement of the Vietnamese crisis.

But he also warned them unconditionally—

> We will not be defeated, we will not grow tired, we will not withdraw, either openly or under the cloak of a meaningless agreement.

If Hanoi concludes that in South Vietnam they have the makings of another Dienbienphu, they are mistaken.

We are not an economically racked nation trying to hang on to a corner of Asia with a tiny force.

Hanoi should know—Communist China should know—that the United States has deployed only a fragment of its unparalleled military power.

President Johnson has repeated yet again—51 times—that ours is the path of peace—but that we are not going to let communism take the next step toward pushing the United States out of Asia.

With that view I stand foursquare.

On August 10, 1964, all but two Members of the Congress voted to support a joint resolution approving the President's determination "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent any further aggression."

We have seen that doctrine applied by the Commander in Chief with firmness—yet with restraint.

I am confident that the President intends to carry out that policy as Commander in Chief.

For not only has he invited the leaders of North Vietnam to show their good faith, he has also laid down the ground rules that the United States will require for settlement of this crisis.

We must have an independent South Vietnam—a country which will have insured the right to carve out its own relationship with other nations—not a satellite or a staging point for future aggression.

No one wishes to see any more American boys die in that far corner of the world. Nor does anyone wish to see "tyranny in a teacup" spread across the face of Asia, a threat so ominous that in time it would threaten all civilization.

I support as strongly as I can the President's forthright position on bringing peace to Vietnam.

Now, Mr. President, let us look just for a moment at the proposal to add $1 billion to a cooperative United Nations effort to redevelop southeast Asia.

As I see it, the President is suggesting not an extension of foreign aid but a refocusing of American aims in those areas of the most wretched human misery.

The cost of military operations is infinitely higher and, if forced to escalate in the face of aggression, could be the highest of all costs.

The President's speech must be read in totality.

It must be reread by every American and, we hope, by every leader in Hanoi and Peiping.

I need not point out that when the United States accepted an invitation to assist the people of South Vietnam in 1954, it did so largely in economic support.

Sustained efforts from 1954 to 1959 were producing agrarian reforms, better rice and rubber production, new schools and better health.

It was North Vietnam which chose to substitute terrorism and warfare for economic progress.

After 2 years of bloody assassination and slaughter, the Republic of Vietnam appealed to the United States to help them.

President Kennedy responded promptly.

The ensuing years have led to a shifting, turbulent situation that led to frustration at home and abroad.

Some voices here in Congress have been raised in recent months urging that we stop the agony and negotiate now—or then.

But the President's response—and I believe it to be the correct response—is that we could not negotiate from a position of weakness. A man flat on his back—with his shoulders pinned to the mat is in no position to negotiate.

Thus, the President called for a systematic retaliatory response, stepped up air raids against the supply lines to the north.

The air attacks were not intended to be our ultimate answer but they have served their purpose.

They have provided just enough of a view of the iron hand so that now, when the President states we are ready to discuss peace, he speaks from a position far stronger than would have been the case had he followed the advice of those well-intentioned persons who counseled abrupt withdrawal and immediate discussion.

There is a quotation from the Gospel of the Buddha which underscores the attitude of the United States.

Asked if it is wrong to go to war to protect one's homes, families and property, the Buddha replied:

> All warfare in which man tries to slay his brother is lamentable, but those who go to war in a righteous cause, after having exhausted all means to preserve the peace, are not blameworthy. He must be blamed who is the cause of war. Struggles must be, for all life is a struggle of some kind.
>
> But he that struggles should look to it lest he struggle in the interest of self against truth and righteous.

The United States will move only in the path of justice, Mr. President. The President's speech must be read and reread carefully, for it must not be misunderstood either at home, or in Hanoi, or in the capitals of the world.

Mr. TOWER. Mr. President, I am one who long had urged the President to make a major policy speech on Vietnam, and I was most pleased that the speech was forthcoming. It was a strong speech, for the first time clearly outlining, in public, the firm policy our Nation has for several months been following toward southeast Asia.

The President made it clear that the United States is ready to carry on the defense of South Vietnam until that country's independence is secure. He also pointed out the role of Communist China in the war; a belligerent, long-range role that makes the southeast Asian fight America's fight, too.

The President offered increased economic aid to the area. If this can be worked out, it could contribute measurably to the stability of the smaller nations of Asia, although we have not been particularly successful in past attempts to buy peace with dollars.

However, I have noted some lack of understanding of the President's speech among those elements who have pressed in months past for peace at any price in Vietnam. Some of these groups and nations have interpreted the speech as a major reversal of American policy and determination.

They are making a grave mistake if they see only the olive branch portion of our policy and not the sword.

In pledging "unconditional" talks, I believe that the President was forcefully restating what he has said many times before. America will talk to anyone, at any place, at any time in the quest for peace.

I should remind those who today cry "reversal" that "unconditional" talks do not in any sense mean unconditional settlement, or unconditional peace, or unconditional surrender.

I fully support the President in his definition of an acceptable peace as one demanding "an independent South Vietnam." And, I suggest that those clamoring for negotiations direct their message to the North Vietnamese.

Mr. TYDINGS. Mr. President, yesterday evening it was the privilege of Johns Hopkins University in my State, the State of Maryland, to be host to the President of the United States. During the course of the evening, the President delivered a most inspiring address to the people of Maryland, the people of the United States, and, indeed, to the people of the world.

The President in his address to the Nation outlined the objectives of our southeast Asia policy. His address came at a most opportune time. At a time when a number of responsible Americans had expressed doubts about our course, last night's speech was an assurance that we are proceeding in the proper direction.

At a time when some of our adversaries across the world are still scornful of our will to resist aggression, last night's speech was a reaffirmation of our firmness. At a time when all of southeast Asia longs for peace, the President's speech last night was a message of hope.

That part of the President's address which outlined a constructive alternative policy in southeast Asia that would assist the people of that strife-torn area of the world to help themselves offered a bright glimmer of hope in the world in which we live today.

The people of both North and South Vietnam have every reason to wish for peace. In his speech the President stated that the United States is willing to sit down at any time with any responsible group to work out a constructive peace, so that young, independent nations can grow undeterred by warlike aggression. That statement must be a welcome ray of light in that section of the world.

Because of the President's speech, I think that all over the world today the respect in which the United States is held, and the hope of peace, are far stronger than they were last night.

Mr. BREWSTER. Mr. President, yesterday evening I had the distinct pleasure and great honor of accompanying President Johnson to Johns Hopkins University in Baltimore where he delivered a major foreign policy speech on southeast Asia and, in particular, Vietnam.

In his speech, the President reassured the people of the world that the United States will continue to lead in the search for peace. He made it equally clear, however, that our military power will be used when necessary to stop aggression against our free world allies.

As a long time advocate of increased United Nations participation in the confrontation in southeast Asia, I was extremely pleased to hear President Johnson call on Secretary General U Thant to use his good offices to foster an economic development cooperation plan for that underdeveloped region.

I share the President's belief that we must intensify the fight against poverty, hunger, disease, and ignorance. By fighting these problems, by replacing despair with hope, freedom becomes more tangible.

As the Baltimore Sun points out in its editorial today, the President's speech does not mean that peace will be established at once. It does, however, offer a challenge to the Communist side to match America's willingness to negotiate for a peaceful solution in Vietnam.

Mr. President, I ask unanimous consent to place "the President's speech" in the Record. I am sure that my colleagues will not want to miss reading this editorial which appeared in one of this country's leading newspapers.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Baltimore (Md.) Sun, Apr. 8, 1965]

The President's Speech

President Johnson struck the right note in his speech last night at the Johns Hopkins University. He lifted the discussion of the war in Vietnam from the purely military measures to the higher ground of an American policy that puts the proper emphasis on our desire to search for a peaceful settlement and our readiness to contribute generously to a program of economic development for southeast Asia, which could include North Vietnam.

The President thus has supplied what, to many Americans, seemed to be a missing element in previous official explanations of the U.S. policy. His speech does not mean that peace will be established at once, since the Communist side has yet to show whether it is ready even to discuss a settlement, but it widens the approaches to negotiations and it thus strengthens the U.S. position.

Mr. Johnson repeated his earlier statement that the United States would never be second in the search for peace and went on to declare that "we remain ready—with this purpose—for unconditional discussions." This is an important move forward from previous indications that discussions would be agreed to only after the Communist side stopped its aggression against South Vietnam.

The President was explicit in saying that he will ask Congress to "join in a $1 billion American investment" in the economic development of southeast Asia when peace is assured, and in expressing his hope that U Thant, the Secretary General of the United Nations, will use the prestige of his office and his own knowledge of Asia to initiate, "as soon as possible," with the countries of Asia a plan for cooperation in increased development. This helps to make it clear to Asians, as well as to others, that the United States is concerned first with peace rather than with military action.

In the President's speech there is an inducement for the Communists to end the war and an inducement for other governments to join in the effort to obtain a settlement. The present military action by the United States will continue and it should be noted that the President pointed out that patience and determination will be required to see it through, but everyone concerned should now have a better understanding of our policy and purpose.

We can all agree with the President's statement that we have no wish to see thousands of Asians or Americans die in battle, or to see North Vietnam devastated, and approved his promise that our military power will be used with restraint and with all the wisdom we can command.

Mr. MORSE. Mr. President, the President's speech of last night is being described as the carrot that goes with the stick, the offer and the promise to go with the use of force. Presumably, the air raids on the North were designed to force North Vietnam to a conference table more or less on our terms.

Now, so the argument goes, we can say that we have offered to negotiate a peace and if the offer is not accepted it is the fault of someone else, not the United States.

Yet 2 months ago, when the air raids on the North began, American voices were saying that we had to step up our military activity so that we could bargain at the conference table from a position of strength. How often that phrase has been thrown out in Washington in the last few months. But I have never heard any explanation of why it is a policy that only our side could or should adopt.

Is anyone going to say now that North Vietnam should not undertake any negotiations from a position of weakness, but should increase her own military activity so that when any negotiations do begin, she can bargain from a position of strength?

I heard nothing in the President's speech that suggests to me he has any negotiations in mind at all. There was a lot of lipservice paid to the theory of peace, grandiose utopian verbiage was plentiful, and the dollar sign was liberally displayed, apparently in hopes of quieting criticism from abroad. But there was no language that suggested that the United States is going to return to the rule of law in Southeast Asia or that we are actively seeking a peaceful solution to its problems. There was no word that the United States plans henceforth to observe either the United Nations Charter or the Geneva Agreement of 1954.

All I heard in the President's speech was that the United States is going to continue shooting fish in the barrel until they are all dead. And yesterday 35 jet aircraft dropped 20 tons of rockets and napalm on a mission that resulted in the destruction of 7 trucks and the damaging of 4 others. That is roughly 2 tons of bombs per truck and it makes me wonder if we are not already running out of targets.

One cannot read that address of last night without being struck by the peculiar shifting description of who we are fighting in Vietnam. In one place we read that:

> The first reality is that North Vietnam has attacked the independent nation of South Vietnam.

Several paragraphs later we read that it is the deepening shadow of Communist China that is urging on the rulers in Hanoi.

Yet the enemy that the United States must deal with if there are to be any peace negotiations for South Vietnam are the rebels within South Vietnam. They control much of the territory and much of the population of the south. In many districts they operate all the functions of government.

We will not have any real negotiations until we talk to the people we are fighting, and we will not have a genuine offer to negotiate from the White House until the offer is directed to the people we are fighting and not the shadows behind them.

In short, what the President did not say was far more meaningful and significant than what he did say. He did not mention the peacekeeping functions and duties of the United Nations, nor the obligations of the United States under the United Nations Charter. He did not mention that South Vietnam refused to hold the elections in 1956 which were supposed to reunite Vietnam under one government. The most meaningful negotiations that could be held with the north are those that were supposed to have taken place in 1956 to decide the details of a countrywide election.

I ask the President, when are we going to conduct those negotiations? The President is quite wrong in thinking that he can call upon others to observe the 1954 agreement while at the same time he insists that South Vietnam must be guaranteed as an independent nation. The 1954 agreement did not create a sovereign South Vietnam. It created one Vietnam, divided into two zones, to be reunited within 2 years by elections supervised by the International Control Commission. If the President wants an independent South Vietnam he must negotiate a new agreement. If he wants the old agreement observed, then he must go ahead with the reuniting of Veitnam under one government. But we cannot have it both ways unless we are expecting only to use this line as an excuse for war, and that is how we have been using it for 10 years.

Most of all do I regret the reference the President made to the United Nations and its Secretary General. Clearly, the President sought to invoke the sanctity of the United Nations while at the same time repudiating its most vital function—that of keeping the peace. I say to the President that U Thant could use the prestige of his office, and his deep knowledge of Asia, to initiate peace talks. The good offices of the Secretary General are infinitely more meaningful to peace than they are to the presiding over of a billion dollar development program. Surely the President well knows that peace must come to that area before any kind of development plan can proceed.

When, Mr. President, are you going to make use of the United Nations and of the Secretary General for the one purpose they were created to serve—to save mankind from the scourge of war?

Unfortunately, the American policy in Asia is not saving mankind from war nor from communism, either. And I fear that to continue the war, as we have been doing, is going to help communism make even more gains in Asia, because our policy tells the people of Asia that we would rather see them dead than see them live under Communist control.

RESOLUTIONS OF THE MASSACHUSETTS GENERAL COURT

Mr. KENNEDY of Massachusetts. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself, I present a certified copy of a resolution entitled "Resolution Memorializing the Congress of the United States To Enact Legislation Granting to Veterans of World War I Pensions Comparable to Grants to Veterans of American Wars Prior to World War I," passed by the house of representatives on March 23, 1965, and by the senate on March 29, 1965.

I ask that this resolution be appropriately referred.

There being no objection, the resolution was referred to the Committee on Finance, as follows:

RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION GRANTING TO VETERANS OF WORLD WAR I PENSIONS COMPARABLE TO GRANTS TO VETERANS OF AMERICAN WARS PRIOR TO WORLD WAR I

Whereas the national policy of the United States concerning veterans of the United States has been to grant assistance to them in declining years by a pension, in consideration of their military services to their country; and

Whereas there has been no general pension granted to veterans of World War I by the United States: Now, therefore, be it

Resolved, That the General Court of Massachusetts hereby urges the Congress of the United States to enact legislation granting a pension to veterans of World War I comparable to grants to veterans of American wars prior to World War I; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress, to the Members thereof from the Commonwealth, and to the members of the Veterans' Affairs Committee in the House of Representatives of the United States.

House of representatives, adopted, March 23, 1965.

WILLIAM C. MAIERS,
Clerk.

Senate, adopted in concurrence, March 29, 1965.

THOMAS A. CHADWICK,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 339. A bill to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes (Rept. No. 150).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 702. A bill to provide for the disposition of judgment funds on deposit to the credit of the Quinalielt Tribe of Indians (Rept. No. 152); and

S. 795. A bill to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State (Rept. No. 153).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 1570. A bill to increase the amounts authorized for Indian adult vocational education (Rept. No. 151).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 1744. A bill for the relief of Sydney Cecil Phillips; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. HILL):

S. 1745. A bill to amend the Civil Service Retirement Act, as amended, to provide for the recomputation of annuities of certain retired employees who elected reduced annuities at the time of retirement in order to provide survivor annuities for their spouses, and for the recomputation of survivor annuities for the surviving spouses of certain former employees who died in service or after retirement; to the Committee on Post Office and Civil Service.

By Mr. McGEE (for himself and Mr. SIMPSON):

S. 1746. A bill to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BREWSTER:

S. 1747. A bill for the relief of Elmer Royal Fay, Sr.; and

S. 1748. A bill for the relief of Virgilio Acosta-Martinez; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1749. A bill to amend the Employment Act of 1946 to require the Council of Economic Advisers to advise the President regarding the effect of the importation of petroleum and petroleum products on employment in the United States; to the Committee on Banking and Currency.

By Mr. HOLLAND (for himself, Mr. ROBERTSON, Mr. CARLSON, Mr. BENNETT, and Mr. JORDAN of North Carolina):

S.J. Res. 69. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress Building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes; to the Committee on Public Works.

Mr. HOLLAND subsequently said:

Mr. President, earlier today, on behalf of the distinguished Senator from Virginia [Mr. ROBERTSON], the distinguished Senator from Kansas [Mr. CARLSON] and the distinguished Senator from Utah [Mr. BENNETT], who comprise the Senate members of the Madison Memorial Commission, I introduced a joint resolution in a new form which has been worked out for the building of a new building for the Congressional Library, and certain important aspects in connection with that building to be dedicated to James Madison. The name for the entire building would be given the name of "James Madison Memorial Building."

At this time I ask unanimous consent that a brief statement with reference to Mr. Madison, who is, I think, unchallenged as the father of the Constitution of this country, be printed in the RECORD. I ask that the statement appear on behalf of the four Senators whom I have mentioned—the Senator from Virginia [Mr. ROBERTSON], the Senator from Kansas [Mr. CARLSON], the Senator from Utah [Mr. BENNETT], and myself.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MEMORANDUM RE THIRD LIBRARY BUILDING TO BE DESIGNATED "JAMES MADISON MEMORIAL LIBRARY" AND TO INCLUDE A MADISON MEMORIAL HALL

James Madison is unchallenged as the Father of the Constitution and chief architect of the Bill of Rights. Madison drafted the Virginia plan on which the Constitution was based. He knew the strength and weaknesses of all the ancient and modern confederacies and he was immediately recognized as the wisest man in the immortal assembly that had gathered to draft a new Constitution. He participated in the debates on every issue being absent from the Convention only for a few minutes on rare occasions. He had his own form of shorthand and recorded the debates and transcribed them at night by candlelight in his little Philadelphia boardinghouse room.

After the approval of the Constitution by the Convention, Madison went to New York and persuaded the Continental Congress to approve the Constitution and submit it to the 13 States. He then collaborated with Alexander Hamilton and John Jay in writing the Federalist Papers in support of the adoption of the Constitution by the States. Then he returned to Virginia and largely through his efforts and leadership in the Virginia Constitutional Convention the Constitution was adopted by a vote of 89 to 79.

At George Washington's request, Madison became a candidate and was elected a Member of the First House of Representatives to assist Washington in putting the Constitution into effect. He prepared the Bill of Rights and presented it to the House of Representatives in a historic speech and eventually secured its approval by the Congress for submission to the States. He became Jefferson's Secretary of State, fourth President of the United States and chancellor of the University of Virginia.

The designation of the Library as the James Madison Memorial Library and the inclusion of a Madison Memorial Hall would memorialize Madison in such a way as to bring to the attention of the American people and particularly students who come to Washington by the hundreds of thousands each year, the principles of government conceived by Madison which are embodied in the Constitution and the Bill of Rights.

Mr. HOLLAND. I understand also that my distinguished friend, the chairman of the Joint Committee on the Library, the Senator from North Carolina [Mr. JORDAN], also desires to have his name appear as a cosponsor of the joint resolution, and we are honored to have him join as a cosponsor. I ask unanimous consent that his name be added as a cosponsor of the joint resolution.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, it is so ordered.

The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 69) to authorize the Architect of the Capitol to construct the third Library of Congress Building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes, introduced by Mr. HOLLAND (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

CONCURRENT RESOLUTION PLANNING FOR PEACE

Mr. CLARK submitted a concurrent resolution (S. Con. Res. 32) planning for peace, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate of April 1, 1965, the following names have been added as additional cosponsors for the following bills:

S. 1654. A bill to amend sections 241 and 242 of title 18, United States Code, to specify the punishment if personal injury or death results from a violation of such sections: Mr. LONG of Missouri.

S. 1670. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months: Mr. MOSS and Mr. YARBOROUGH.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MUNDT:

Address entitled "A Choice for Americans," delivered by Senator THURMOND before the Aberdeen, S. Dak., Chamber of Commerce, on January 9, 1965.

FEARS ABOUT PESTICIDES DISPELLED

Mr. DIRKSEN. Mr. President, in these days of rapid advances in science one must continually reevaluate the facts to insure that we really do progress. By the same token we must insure that we do not hinder progress by acts based on hysteria, half-truths, or insufficient information.

I was pleased to see a report in the Chicago Tribune written by an eminent columnist whom I am quite certain most of us know and respect as being factual. I speak of Walter Trohan.

Mr. Trohan's March 31 column deals with pesticides and a House Appropriations Committee investigation of the subject. He reports that committee investigations have developed reassuring facts which dispel many of the fears of conjectural possibility raised during the past years.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago (Ill.) Tribune,
Mar. 31, 1965]

UNIT OF HOUSE IS REWRITING "SILENT SPRING"

(By Walter Trohan)

WASHINGTON, March 30.—The House Appropriations Committee staff is rewriting "Silent Spring," the best-selling book of the late Rachel Carson, which aroused many to the alleged dangers that would result from the use of pesticides, particularly the so-called persistent pesticides, which linger in the soil. Miss Carson, author of "The Sea Around Us," portrayed a world without songbirds, and with depleted wildlife, and ravaged populations.

Miss Carson, who died of cancer, wrote so beautifully and effectively that various Government units began limiting the use of pesticides, and Congress held hearings on the use of various pesticides, especially the persistent pesticides—heptachlor and dieldrin.

For a time it appeared that the Government was going to make a Bible of the Carson novel and ban all pesticides. Now the House committee has undertaken a review of the conclusions of "Silent Spring" and its allegations. The committee will release a report in April, which will temper her tale of threatened death and destruction from the use of pesticides.

In 1964, Secretary of the Interior Stewart L. Udall banned the use of chlorinated hydrocarbons on lands administered by his Department. The Department has been unable to find any satisfactory substitutes for employment against western forest pests, particularly the spruce budworm. The prohibition is expected to be abandoned after this year, but much damage has already been done to forests.

GYPSY MOTH SPREADS EXTENSIVELY

In the same year Connecticut abandoned spraying programs against the gypsy moth. The moth has spread extensively in the State and in other New England areas where the use of pesticides was curtailed.

Some years back the Food and Drug Administration ruled that no pesticide residues would be allowed in milk. At the time of the ruling for so-called zero tolerance, most milk could pass the test. Since that time tests have been improved and most minute amounts of residue can be detected—an almost incomprehensible level of three parts per trillion of liquid.

Using new tests, pesticide residues were found in Maryland and Virginia milk, which was barred from sale in the District of Columbia market. Later milk sales were prohibited in other States. About $9 million of taxpayer money was appropriated to compensate dairymen for condemned milk.

Among the residues detected in milk were heptachlor and dieldrin. Now from the South comes the cry that there is no satisfactory substitute for heptachlor in combating the plague of fire ants. Also alfalfa growers in many States anticipate heavy losses from weevil because they cannot use the two persistent pesticides.

NO CASE OF INJURY TO HUMAN BEING

A major cause for alarm in the use of persistent pesticides was the allegation that their residue accumulates in human fat. Miss Carson contended that this accumulation would grow until it would constitute a grave threat to health.

Witnesses told the House committee staff that scientific research does not support this theory; not a single case of injury to human beings has been reported. Witnesses also reported wildlife is flourishing. The Interior Department was given an appropriation by Congress of a million dollars to control thriving blackbirds in the Arkansas-Mississippi belts where pesticides were widely used. These birds are eating farmers out of house and home.

There is one loser in the furor over pesticides, the old familiar loser—the taxpayer. More than $25 million has been appropriated for new studies of pesticide effects and close to $9 million, as mentioned above, has been paid to dairymen whose milk went down the drain.

Also Government agencies are fighting for more power. The Public Health Service would like to have more authority in the pesticide field. The Interior Department wants the Forest Service of the Department of Agriculture. Inevitably all will want bigger appropriations for study and for the administration of whatever policy they develop.

THE NEED FOR MORE COMMUNITY COLLEGES

Mr. YOUNG of Ohio. Mr. President, I am happy to state that it is my intention to follow the magnificent leadership of the distinguished senior Senator from Oregon [Mr. Morse], who is handling the administration's elementary and secondary education bill that is now being debated in the Senate.

For more than a century the pride of America has been its fine system of public school education. It was founded on the premise that education is the heart of a democratic society and is the birthright of every American boy and girl.

Though our system of public education has worked well, I maintain we could do better, much better.

One of the large voids in the structure of our American educational system that must be filled immediately is the lack of higher educational opportunities for thousands of young men and women. This void has been created by the increasing costs of higher education and the inability of State and private universities to cope with the ever-increasing number of students seeking admission.

Our State and private institutions are faced with increasing operating costs. These, in large part, are passed on to the students.

At the same time, increased enrollments have strained their physical facilities to the limit. They have not been able to expand fast enough. As a result, officials of many colleges and universities are becoming more selective. They seek to enroll only the most promising of applicants.

Thousands of young people in every city and town want to continue their education beyond the high school level. However, because they cannot afford to do so or because they fail to meet the extremely high standards set by officials of overcrowded universities, they are deprived of a college education. As a result, the Nation suffers.

We should provide further aid for organizing more community colleges in the towns and cities throughout the Nation. With community colleges in cities throughout the United States, the cost of higher education so necessary nowadays will be cut drastically. Every high school graduate should be able to attend college in his own home city if funds are lacking to send him or her away from home. Community colleges will become to higher education today what the high school was to education in my youth.

Community colleges would provide hope for those who had not dared aspire to go on. They would solve the financial problems for most students, because they could live at home and work at part-time jobs while attending college. Students having the desire and ability to pursue an education beyond the high school level could take advantage of the opportunity offered by community colleges. These schools might also provide motivation to students who might otherwise become high school dropouts, because the schools would show them an educational line of development that makes sense to them and which would help them gain a better place in society. Community colleges would also take the heavy load from our larger colleges and universities.

Almost every city and town in the country has fine high school facilities that in all probability go unused in the late afternoon hours, during the evening, on weekends, and during the summer recess. This is outrageously wasteful. We should make use of high school facilities and high school faculties. Why use a fine, modern educational plant such as a high school from only 8 a.m. to 3 or 4 p.m. and then close it up?

Let us make maximum use of the tremendous government and private investment in educational facilities by using them 14 to 16 hours a day. A college education for our youngsters is just as important now in this fast-moving space and scientific age of change and challenge as was a high school education 30 or 40 years ago. The hour is late. We must afford and encourage youngsters to have an opportunity for a higher education. Let us start now.

A FITTING TRIBUTE TO SENATOR RUSSELL LONG

Mr. RIBICOFF. Mr. President, one of the most perceptive and able newspapermen in the field of journalism today has written a most perceptive article about a most perceptive and able man.

The article by Tom Wicker in the New York Times magazine section of April 4, 1965, catches the flavor and the character of the Senate Democratic whip. Those of us who work with him in this body know him well. I commend this article to my colleagues so that we may have a better understanding of how the distinguished Senator from Louisiana got where he is and what the future may hold for him and for all of us as we work together in the years ahead.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Son of the Kingfish

(By Tom Wicker)

Washington.—One March afternoon in 1949, two young Senators rose to make their maiden speeches. One was Hubert Horatio Humphrey, of Minnesota, aged 37, who had obtained special permission to break into a southern filibuster against President Truman's civil rights legislation.

The other was Russell Billiu Long, aged 30, then the youngest man in the Senate, the son of the famous Louisiana Kingfish, Huey P. Long.

The two freshmen Senators were good friends, former students together at Louisiana State University, and neighbors in the Chevy Chase suburb of Washington. Senator Humphrey spoke first, in support of the Missouri Valley Authority bill. Senator Long followed—and reopened the civil rights filibuster.

In the press gallery that day was Tom Sancton, a New Orleans reporter, who later, in the Nation, drew a sensitive southerner's melancholy comparison:

"Humphrey's concern was the future of the West, Long's concern was the past of the South. * * * As Long rose, those glowing images of power projects, irrigation dams, and reclaimed land which hung in the air were crowded from the scene by the old tragic unfinished business of the Senate, and the arguments of the filibuster."

Young Long conceded that he would rather have made his first speech in some more constructive cause, but, as Sancton saw it 16 years ago: "Humphrey's whole political future is tied up with the issues of western liberalism, and Long's with the interminable and bitter conflict of the southern race question."

The reporter—the liberal southerner—was certainly right about Humphrey's riding the wave of the future. But was he right about Russell Long?

At 46, newly bumptious and obviously enjoying himself, the Kingfish's son is the controversial successor to Hubert Humphrey as Democratic whip—assistant leader—in the Senate. He is the most powerful Senator on the important Senate Finance Committee—a position that gives him almost unlimited opportunity to do and demand favors, bargain for position, "wheel and deal," and stay in the headlines. Thus, he is a hot betting choice on Capitol Hill to move into the place once accorded Robert S. Kerr, of Oklahoma, as "uncrowned king of the Senate."

And after that, what?

Senator Long, a man of sometimes shocking candor, concedes readily that he would like to be majority leader, not by overthrowing Mike Mansfield, of Montana, but when "there's a vacancy." As for wider national ambitions, he professes in more conventional political style not to have "the talent or the support."

Perhaps not. Only two acts beyond his control made it possible for Russell Long to emerge from the comparative obscurity predicted for him when he arrived in Washington. They were the death of Senator Kerr and the selection of Senator Humphrey for the Vice Presidency.

The first gave him his place as second-ranking Democrat on the Finance Committee and, owing to the age and static views of its chairman, Senator Harry Byrd of Virginia, its most effective leader. The second gave him the chance to become the Democratic whip.

These events gave the general public its first chance to see that Russell Long might, after all, be a man of impressive guile, ability and political skill. When the openings came, Long—a popular figure in the Senate, experienced on more than a half-dozen committees and one of the best catch-as-catch-can debaters in Washington—was more than ready to fill the gaps.

He had hardly moved into the Finance Committee when he won high praise for his skill in handling the Kennedy-Johnson tax-reduction bill. First, he helped beat off crippling amendments in committee—notably a big cut in excise taxes pushed by Everett McKinley Dirksen, the Republican leader. Then, with high enthusiasm and considerable homework, he managed the bill on the floor—effectively enough to win the following tribute from Senator William Proxmire, of Wisconsin, an opponent:

> "Mr. President, if a man murdered a crippled, enfeebled orphan at high noon on the public square in the plain view of a thousand people, I am convinced after today's performance that, if the Senator from Louisiana represented the guilty murderer, the jury would not only find the murderer innocent, they would award the defendant a million dollars on the grounds the victim had provoked him."

Typically enough, Mr. Long had balanced this performance with earlier activities that helped force the administration to abandon far-reaching tax reforms—reforms which, among other things, might have endangered the 27.5 percent depletion allowance for oil and gas producers, a powerful group in Louisiana.

Nevertheless, a photograph of President Johnson hangs in Senator Long's outer office with the following inscription—not, perhaps totally without its political purpose:

> "To Russell: Your courageous leadership and diligent application gave us the biggest and best tax reduction bill in our history. Except for you, we could not have had such a bill. You are a great Senator and a good friend—Lyndon B. Johnson."

As for his pursuit of the job of whip, Mr. Long had not waited for Mr. Humphrey to vacate it. According to friends, he foresaw early last year that Mr. Johnson eventually would choose the Minnesota Senator for Vice President, and he was convinced the Johnson-Humphrey ticket would win. He went to work to round up the necessary votes, campaigning as effectively as he had when he gave away free ice cream to win the presidency of the LSU student body on a platform of improved laundry service.

In the opinion of at least one experienced Democrat, he already had the whip election in the bag by the time the other candidates, the lash-tongued Senator John O. Pastore, of Rhode Island, and Senator A. S. Mike Monroney, of Oklahoma, announced their availability.

Long was taking no chances, however, and his fence mending is illuminating. One side effect was to help save the life of the Democrats' scheme to provide medical care for the aged through the social security system—a program which Long had voted against when it passed the Senate last year. But when the bill went to a Senate-House conference, he was one of the conferees who stood steadily in favor of it. Without his stand, the opponents of the bill would almost certainly have won the day. That would virtually have ended hope for tying the program to the social security system. The opponents were seeking other rises in social security benefits and taxes that would have made a future increase for medical-care benefits out of the question.

The Senator does not concede that he switched his position in order to win the votes of medicare advocates in the impending whip election. He says, instead: "I could not jerk the rug right out from under the President when he was running for office." Then he adds with a characteristic chuckle: "If I had, I suppose he might not have wanted me to be whip." As it was, Mr. Johnson, Vice President Humphrey and Senator Mansfield, the majority leader, all maintained their silence about the contest. It did Long no harm.

Even so, every vote counted. Senator Long feared the loss of only one southerner, Olin D. Johnston of South Carolina; he has close labor connections, and labor was opposing Long because of his record of opposition to civil rights and medicare.

It happens that the seat once occupied in the Senate by Huey P. Long had been, far back in Senate history, occupied by the great John C. Calhoun of South Carolina. Russell Long had for years held the same seat and was sentimental enough about it to deny it, some years ago, to J. Strom Thurmond of South Carolina, who coveted it as a matter of State pride.

"I told Strom, 'John C. Calhoun don't mean a damn thing more to you than Huey Long does to me,'" recalls Senator Long—a veteran of many a childhood fistfight in defense of his father's honor.

But winning the vote of Olin Johnston in the whip election was something else. When the new Congress met last January, Mr. Thurmond, who had won reelection in November as a Republican, moved across the aisle. Mr. Johnston—who believed that Mr. Thurmond had been occupying the Calhoun chair—applied for it. Mr. Long's sensitive political antennas picked up the request.

"I said to myself. 'Please forgive me, daddy, but this time I'm going for broke.'" Senator Long offered the seat to Mr. Johnston, who took it. (Senator Long promptly moved into another seat once occupied by his mother, Mrs. Rose McConnell Long, who served out her husband's term after his assassination in 1935. He is the only Senator in history who could have made such a switch.) In the whip election on January 4, Mr. Johnston backed Senator Long. He won—on the second ballot—with 41 of 68 votes.

But the game of political chairs did not end with the election. As whip, Russell Long was entitled to a down-front chair at Mike Mansfield's elbow. He promptly waived it in favor of the 87-year-old patriarch, Carl Hayden of Arizona, the Senate's President pro tempore. In the "gentleman's club" on Capitol Hill, gestures like that are highly appreciated; they make friends for a man.

Making friends is one of the secrets of success in the Senate and Huey Long's son learned it long ago. (The other secrets, he says, are "how to stall, and how to get something done," and there are witnesses aplenty to testify that he has learned those, too.)

In addition, "Russell is very winsome," as Senator Paul Douglas, of Illinois, puts it. He "can get along with anyone," a White House aid claims. Finally, a longtime student of the closed little world of the U.S. Senate believes:

> "He's a politician's politician. If he's against you, he'll tell you so. If he's with you, he'll stand there and fight until the moon turns green."

None of that could have been foreseen the day Russell Long made his first Senate speech "on the interminable and bitter conflict of the southern race question." Nor could it have been foreseen that nearly two decades later the southern moon might be turning slightly green at last, and that men like Russell Long might still have the chance to fight in more constructive causes.

The passage of the sweeping Civil Rights Act of 1964 and the progress of the civil rights movement in the South have gone far to lighten the load of racial politics on southern Senators and Congressmen. Russell Long's father hankered for the bigger ring of national politics 30 years ago. Lyndon B. Johnson eventually made the transition from southerner to national figure.

Given the shift, moreover, of southern conservatism toward the Republican Party (Barry Goldwater got almost 50 percent of the old Confederacy's popular vote and the South now has 16 Republican Representatives and 1 Republican Senator), it is not too farfetched to imagine a future election in which the Democratic Party might want to reach out to the South for a moderate vice-presidential candidate who could help hold that region's 128 electoral votes—just as John F. Kennedy reached for Mr. Johnson in 1960.

There are significant indications that by then Russell Long might well have been able to establish an acceptable enough position on civil rights to fill the bill. After all, the Longs of Louisiana never were race baiters.

If President Johnson sent a voting rights measure to Congress, the Senator said recently, "you won't need to put closure on Russell Long to pass it." In fact, he suggested, there would not be enough southerners opposed strongly enough to such a bill to make a filibuster successful. "I might even vote for it myself," he added.

Now that the President, spurred by the Selma crisis, has proposed such a bill, it looks as if Senator Long was right. No filibuster is in sight and Russell Long himself has taken a moderate position on the matter.

This is no sudden spurt of idealism. Senator Long can read the handwriting on the wall, particularly when it says: "Negroes in the South soon will vote in large numbers."

One way or another, Senator Long believes, that surely will happen. A politician to the bone, he concedes freely that when it does, southern politicians will have to seek Negro support or risk being voted out of office. In his own East Baton Rouge Parish (county) in Louisiana, 18 percent of the electorate are Negroes—and "you either get them all or lose them all." Russell Long wants them all and one reason, however deep in his mind, might well be this: "When southern Senators get adjusted to playing for the Negro vote," he said recently, "the Presidential blackball on them will disappear."

There are those who scoff at the idea of Russell Long as a national political figure.

During the years of his obscurity, for instance, he sometimes seemed to pay little attention to Senate business, and developed a reputation as something of a playboy. The latter impression persists, although few Members of the Senate any longer believe that Russell Long is an indolent lightweight. More important handicaps are his family name, which inspires no great national confidence, and his frequent participation in filibusters and other battles against civil rights legislation.

Yet, through all the bitter southern political wars of the last decade, he never has bolted the Democratic Party—not even for Dwight D. Eisenhower. At one Democratic National Convention, he denounced Leander Perez, the Louisiana racist, for threatening a bolt. And, like Lyndon Johnson before him, all his political life the Kingfish's son seems to have been steering a course instinctively or deliberately, that could keep him in office in a Southern State, yet not disqualify him nationally.

As a young Louisiana attorney with a good war record and a famous name, he became the Governor's executive counsel in rambunctious Uncle Earl Long's first gubernatorial term. The two rushed through the legislature an old-style Louisiana Long program of pensions for the aged, free school lunches, higher teachers' salaries, a veterans' bonus, public works, and $80 million in new taxes—including a big, new levy on gas and oil extraction.

When Russell ran in a special Senate election in 1948—at an age younger than Ted Kennedy's when he was campaigining in 1962—the powerful oil companies opposed him. He won anyway, but by only 10,000 out of a half million votes. Young Long promptly extended the olive branch to the interests, the opposition faded and he easily won reelection in 1950. By 1956, he had no opposition at all, and in 1962 he won another term, 3 to 1.

For years, he proceeded on a quiet course that earned him a Washington reputation for getting things done in the Senate. He showed few flashes of the old Huey—although he did refer to Supreme Court Justices as "screwballs," and offered a motion one quiet day to abolish the Republican Party.

"The difference between Russell and Huey," according to a Senator who served with both, "is that Huey had the quickest mind I ever saw. He would rush in and take a position on anything and then he wouldn't back down. Russell thinks before he moves and when he takes a position he knows how to defend it."

Throughout these years, Russell Long never became quite identified: a recent article called him a conservative liberal. Despite his participation in the southern wars against civil-rights legislation, he has played a leading part in protecting small businessmen against monopoly. He is a low-interest rate man, and has an extensive record of Senate achievement in welfare and social security legislation. "Except for oil and gas and civil rights," a colleague says of him, "Russell Long is a poor man's legislator."

Time and circumstance seem to be altering the civil-rights situation. As for the other, Senator Long concedes his position frankly. "If I wasn't looking after oil and gas," he maintains, "I wouldn't be looking after Louisiana."

Since oil and gas account for 40 percent of industrial employment in Louisiana, that has a certain logic. "Those folks don't control me," Senator Long insists, somewhat as if he were suggesting that Al Capp does not really control Li'l Abner. "Of course, on their essential economic interests, I support 'em."

Local interests powerfully affect almost every Member of Congress. Oil and gas happen, however, to be a pair of dirty words in politics, mainly because of the 27.5 percent depletion allowance, the industry's general success in avoiding tighter regulation and the common belief that its lobby is the most powerful on Capitol Hill. It may be.

"Oil pervades everything around here," contends a Senator who is mixed in his devotion to Russell Long. "How do you think he got to be whip? Hell, how do you think he got on the Finance Committee?" Yet it is a fact that Russell Long won the support of a number of antioil liberals like Paul Douglas, of Illinois, and Joseph S. Clark, of Pennsylvania in his campaign for the whip post.

Most liberals, in fact, are more concerned by Senator Long's Finance Committee power than by his leadership job. They charge him with acute sensivity to the needs of the interests for favorable tax legislation, and they believe his refusal, early this year, to permit the addition of two Democrats to the committee was an effort to keep it tightly within his own control. In response, Senator Long contends that the committee already was too large for effective discussion.

Politics begins at home, of course, and the youngest of the Longs may not find his role as part of the Senate leadership team much help to him in Louisiana. In that role, he will have to act as spokesman and vote-getter for much of President's liberal legislative program. Yet Louisiana cast its votes for Barry Goldwater in a year when Russell Long's candidate for Governor was defeated in a Democratic primary. And the man who won, Gov. John J. McKeithen, is considered a strong political opponent in the senatorial race of 1968—backed as he is by Uncle Earle's influential widow, Blanche Long.

Thus, Russell Long will have to pay close attention not only to his Senate work but to his political fences in Louisiana. The other side of the coin is that his southern electorate and his personal views may force him into disagreements with the administration that could estrange him from the President.

Two likely areas for conflict are medicare and foreign aid. Despite the numerous increases in social security benefits he has sponsored, the Senator opposes tying medical care to the system. He hopes a bill can be worked out somewhat nearer the one proposed by Representative Wilbur Mills, providing a separate payroll tax for medical care purposes, and greater benefits for the elderly.

In foreign aid, he has a pithy, four-point program that also could make trouble with the administration:

"1. Do nothing for a country that it can do for itself.

"2. No grants if a loan will do the job.

"3. No soft loans if a hard loan can be made.

"4. Coordinate public and private activities in foreign aid."

The Senator lives quietly with his wife and two daughters, largely out of the Washington social picture. He is a somewhat rumpled man, given to speaking so quickly that he stumbles over his own words. His Senate office is dim and old fashioned and a portrait of Huey Long looks down approvingly on his son's disorderly desk. He spends most of his time these days on Capitol Hill and a good deal of that at his homework. He is seldom found unprepared in the Finance Committee or in Senate debate. He seems well aware—even a little proud—of his new importance, and quite ready to take advantage of it.

"Russell knows the ropes," says one Senator not entirely pleased with the prospect, "and now he's in position to pull most of them."

Where Huey Long couldn't enter, in other words, his son may now be ready to go.

BERNARD GIMBEL AT 80 YEARS YOUNG

Mr. RIBICOFF. Mr. President, an old and dear friend is Bernie Gimbel. He is a very worthy resident of the State of Connecticut. He is a man of unusual character who loves his fellow human beings and is in turn dearly loved by them.

Those of us who know him appreciate his youthful optimism and loyal friendship.

I ask unanimous consent to insert in the Record a joyful article about Bernie Gimbel from the New York Times magazine section of April 4, 1965.

There being no objection, the article was ordered to be printed in the Record, as follows:

Don't Run Up Hills or Run Down People

(By Charlotte Curtis)

When Bernard F. Gimbel was approached to play the role of Santa Claus in the movie, "The Miracle on 34th Street," that mighty merchant turned it down, apparently caring as much about what Macy's would have thought of such chutzpa as he did for the sensitivities of his own executives and relatives at Gimbels.

Nevertheless, he is well qualified for the part. "He loves people," says his friend Louis Marx, the toymaker. Like St. Nick, Mr. Gimbel gives away toys—plastic miniatures of gnomes, hula girls, and other assorted characters. He also looks like Santa, a resemblance never more apparent than when the white-haired chairman of the board of Gimbel Bros., Inc., tries to deny it. He crumples his freckled yet pinkly cherubic face into ripples of cheerful disbelief. Horizontal crevices appear above the bridge of his round nose, drawing his thick, bushy eyebrows down and closer together. Then his mouth collapses into a thin, hard line and, in the wake of an inability to produce a recognizable scowl, he says: "I am a simple man."

It is not an act.

Mr. Gimbel—80 on April 10—is not given to artifice or stratagem (except at the gin-rummy table). He is sincere, straightforward and devoid of pretension and ostentation.

This simplicity, plus an extraordinary gregariousness and a capacity to love every man, woman and child at least a little bit, explains his passion for the bustling city. It is an enthusiasm he tries to assuage by involving himself in scores of voluntary civic enterprises and philanthropic causes, by calling up a half-dozen friends a day just to say "Hello", by frequenting racetracks, boxing matches and Turkish baths, and by daily, and some say joyous, bouts with the restive herd that stampedes the subway during rush-hours. Instinctively, he identifies himself with his customers.

"The trouble with most people in powerful and important positions is that they just want to do things with people like themselves," he said recently. "They want everyone to do things their way. Now, I don't like that."

That kind of statement, which may well be among Mr. Gimbel's best efforts at being cantankerous, is as close as he ever comes to thinking of himself in association with the powerful and the important. For although he cannot converse very long without bringing up the names of such pals as Gene Tunney and Louis Marx; James A. Farley, politician turned Coca-Cola executive; John C. Clark, former president of Hialeah Race Course; Robert Moses, and Thomas J. Deegan, the public relations expert, the aristocratic multimillionaire thinks of himself as "just another man, but a man who had some breaks along the way." It is a concept he gave some attention to not long ago in that hour before lunch he usually devotes to the odds and ends of his business life.

When he is in New York, he spends that hour in a big leather swivel chair behind a huge executive desk in a sizable and only mildly cluttered office on the 10th floor of the Gimbels store on Greeley Square. Here, beneath an oil painting of his father, Isaac Gimbel, he reluctantly reviewed his own life and the growth of his $535 million empire.

He talked of his boyhood in Vincennes, Ind., a frontier outpost when his Bavarian grandfather, Adam Gimbel, begain his peregrinations up and down the Mississippi River, carrying an oilcloth pack full of yard goods, laces, and other things to delight eyes of the pioneer women. The first store, opened in 1842, was stocked with bolt of cloth, a set or two of harness, and a miscellany of backcountry necessities. But by 1887, 2 years after Bernard Gimbel was born, the family had tucked a Milwaukee store under its wing, and when he was 9, it had an outlet in Philadelphia, where his father eventually settled the family.

Young Bernard went to the University of Pennsylvania, acquiring a heavyweight boxing championship as well as a bachelor of science degree in economics. In 1907 he joined Gimbels. Shortly thereafter, he was pleading with his elders to purchase the site on which the Manhattan Gimbels now stands. And when he won, he jubilantly shoveled the first dirt for the 10-story building. That was in 1910, the year the first trains operated out of the new Pennsylvania Railroad Station.

THIS IS THE PHILOSOPHY OF BERNARD GIMBEL, WHO WAS BORN A MERCHANT PRINCELING, BECAME A MERCHANT KING AND NOW, AT 80, BEAMS OVER A $535 MILLION EMPIRE

After that came such landmarks as the Empire State Building and its private club, of which he was a charter member; the Madison Square Garden Corp., in which he was first a stockholder, then a director, and always a patron; the Waldorf-Astoria ("My friend Louis Horowitz built that hotel"); the Midtown Tunnel under the East River ("I got out and talked that up. The traffic was so messed up every shopper's life was in actual danger"); and the demolition of the Sixth Avenue elevated, opening the way for the subway he rides to work.

"Everything that's big and looks new is new," he said, referring to Park Avenue. "I like the glass buildings for a change. I wouldn't like the whole city that way. I like the different architectures."

New York, according to Mr. Gimbel, a director and member of the executive committee of the New York Convention and Visitors Bureau, "is the most exciting city in the world and always has been. It can offer more and better for a price than any city in the world." He calls it "the biggest market in the world, the salesroom of the world," and "a competitive city where things happen."

"Anyone who lives in this city and doesn't make a contribution to it is like a barnacle on a boat," he says.

Since the twenties, Mr. Gimbel's most impressive contributions to retail distribution have been as a financier and manager-politician. Because he has always believed Gimbels could not do well unless New York did too, he has advocated projects he thought would benefit the city and served on countless committees that grappled with such problems as offstreet parking, health and medical research, water supply, labor disputes, hospitals, subways, and general finance. In 1939 he was a director of the World's Fair. And at the moment, although he and his friend Mr. Moses do not see eye to eye on the operation of the current New York World's Fair—a subject he flatly refuses to discuss—he is a fair director and a member of the executive committee.

"I don't like talking about me at all," he said, hooking his plump thumbs through his gray and black monogrammed suspenders. "People think too much in the past. If you do, you're cooked. I'd rather think about the future—about space, maybe. The whole world has changed and continues to change."

On that note, Mr. Gimbel dropped the subject, hunched forward, put his hands on his knees (thus revealing that when a multimillionaire loves a shirt he doesn't care whether it has frayed cuffs or not) and scooted his chair closer to his desk.

"Now, look here," he said, opening the top drawer on the left. "What do you think of that?"

Inside, looking like a mound of chunky confetti, was Mr. Gimbel's plastic-toy collection—hundreds of tiny Donald Ducks, Grumpys, Dopeys, Docs, Mickey Mouses, Jiminy Crickets, bicycle riders and ballerinas.

"And there is more," he said happily, groping for the pockets of his size-46, custom-made Saks suit.

He reached first into his right pocket, pulling out two Donald Ducks, an aerialist, three pieces of cellophane-wrapped hard candy and some lint, and then into his left one. All the pocket contained was candy. He dumped everything into a heap on his desk and was just beginning to separate the candy from the little figures when a telephone buzzer sounded.

"That was the doctor," he said when he had finished talking. "He made me think of Father Duffy. I was the one that got his statue up there in Times Square. Al Smith and I and another fellow, we did that."

The doctor, as it turned out was Mr. Farley. All cronies in Mr. Gimbel's set are called "doctor," regardless of their occupations. Two explanations for this are advanced. One has it that Mr. Marx once said his friends were better for each other than psychiatrists, and therefore were "doctors." The other is that among them, the men have something like a dozen honorary degrees. All are familiar with Mr. Gimbel's toys.

"I give the candy to my girls here," he said, neatly sorting it into a pile. "The toys are for people I meet."

Mr. Gimbel presses toys into the hands of children, little old ladies, teenage boys, ushers at race tracks, caddies, grown men who ask him for goodluck pieces, and that variety of women he calls "lookers." Mr. Marx, who supplies the toys, explains Mr. Gimbel's generosity thus:

"He has only nice thoughts. He likes to see people smile. He only stands for good and let us let it go at that."

Ten years ago, Mr. Gimbel tried to distill the meaning of his stores and his general approach to retail merchandising. He said: "Our undertaking collects from distant points and offers at a center conveniently located to consumers merchandise of good quality used by them in everyday life. The prices must constitute good value to the buyer and yield fair profits to the seller." He still thinks this is a good definition.

"No one man does all of this himself," he said, citing his father, his uncles and his son Bruce, president of the corporation since 1953. "There were a lot of people and you have to have some breaks. Now, it didn't hurt Saks Fifth Avenue when Rockefeller decided to build that center there across the street. And another thing, I know I made progress in this business faster than I would have if a lot of the senior Gimbels hadn't passed away."

This may be true. But what Mr. Gimbel neglected to mention was that in 1923, at the age of 38—4 years before becoming president of the corporation—it was he who succeeded not just in convincing his father and uncles that Gimbels should buy out the Saks stores, but that he engineered the deal himself. He and the late Horace A. Saks settled matters while seated on an empty coffin in the privacy of the baggage car of a moving train.

At the start of World War II, Mr. Gimbel pulled off another coup. He borrowed millions of dollars to stuff his regular warehouses with goods, and to rent other warehouses which he also proceeded to cram with merchandise. Then, when the supplies of other stores began to dwindle, Gimbel's proudly advertised hard-to-get items.

"NEW YORK," HE SAYS, "IS THE BIGGEST MARKET IN THE WORLD, THE SALESROOM OF THE WORLD, A COMPETITIVE CITY WHERE THINGS HAPPEN"

"Retail is one of the most interesting of all businesses," he said, his blue eyes widening at the very thought. "You've got to know how to organize, how to get along with other people, how to be observing. You have to know the other fellow's viewpoint.

"Our business is more competitive than it ever was," he said. "We used to be competing with other department stores. Now, we're in competition with drugstores, supermarkets, five-and-dimes and discount houses. They're all in retail distribution. You can get overshoes at drugstores, you know, and dresses for ladies at the five-and-dime."

Although he has turned the major responsibilities of the empire over to his son Bruce, Mr. Gimbel is very much up on what is going on. He presides over the board meetings and periodically turns up on the first Tuesday after the 20th of each month to meet with the store heads. He modestly disclaims detailed knowledge of the business ("You can't possibly get into all the details today"), but he has a good idea of the individual earnings of all 53 of his stores—22 Gimbels, 27 Saks and four Saks-34ths.

He has always pursued his extracurricular activities, whether familial, social, civic or athletic, with the same enthusiasm and gusto he has for business. But now that he has more time for such pursuits, his schedule seems even busier. One reason is that he has never learned or wanted to learn how to sit still or look at life from the sidelines.

"I sleep about 5 hours a night, and always have," he said. "That figures to about 6 years less sleep than the average fellow. Now, I don't recommend this, but it's given me a pretty good handicap * * * I'm not quick, and I know it. It takes me a long time to read everything I want."

Mr. Gimbel is usually up before 7:30 a.m., whether at the Chieftains, his 200-acre estate in Greenwich, Conn.; his Fifth Avenue apartment, or his Palm Beach, Fla., house. And by 8, he has shucked the long-sleeved, knee-length English woolen undershirt he wears to bed, shaved—a ritual he customarily concludes by rubbing his face with Elizabeth Arden's Eight-Hour Cream—and is working his way through the morning newspapers and a big bowl of Kellogg's Special K and skim milk. He and his waistline are always at war.

"I eat too much," he said, confessing to what he regards as a major crime.

Mr. Gimbel's passion for corned beef and cabbage knows no bounds; it has become a regular dish at the Gimbels' table, even when they have guests. And he has never been known to turn away rare roast beef, lobster, corn on the cob, baked potatoes, or Jack Daniels bourbon—with or without lemon and honey, or water. His delight in things edible is matched only by the fun he has indulging himself in sports, the most obvious result being that although he jokes about losing 1,000 pounds a year in the Biltmore Hotel steam baths, he is seldom more than 20 pounds overweight.

He also is the steam bath's acknowledged athletic star, being the only man in his crowd who can swim the length of the pool without coming up for air. He performs this feat five afternoons a week when he is in New York, always after having first rubbed his parboiled body with salt.

"I lose between 3 and 5 pounds a day," he said sadly, "but the next day, it's back on again. I know I lose 25 to 30 pounds a week. In the last 25 years, I suppose I've lost 12 tons."

In Greenwich and Palm Beach, he gets his exercise by walking, swimming and playing 18 holes of golf. He has given up boxing and horseback riding ("I'm better at elevator riding these days"), but no one can stop him from running into the whiz of traffic on Sixth Avenue, chasing after a taxicab.

"Only two things are bad for the heart," he says. "Running up hills and running down people."

"When I got married, my wife tried to make an intellectual out of me," he said. "I went to the New School with all those hard chairs and brain fellows. It wasn't for me. The only fun I had out of it was when a friend said to me, 'Bernie, do you know Walter Lippman?' and I said, 'Yes,' jokingly. 'He used to sit next to me at the New School and look over my shoulder and copy all the answers.' Lippmann heard about it and he didn't like it."

Mrs. Gimbel had equally bad luck when she tried to interest him in the opera. He was asleep while Caruso was singing on stage when a pair of binoculars crashed down from the balcony, landing on his foot.

"If it had hit me on the head it'd have killed me," he told his wife. "No more opera for me. It's too dangerous."

Mr. and Mrs. Gimbel, the former Alva Bernheimer, met at a small dinner in 1910, when he was still commuting to and from Philadelphia. This year they are celebrating their 53d wedding anniversary.

"My mother said I was too young to go to the party," Mrs. Gimbel said, remembering their meeting. "Well, I did go, and there was my divine husband. He sat next to me. He asked, 'What does your mother call you?' and I said 'Baby,' and he said. 'Your mother is right.' The next day he called me, and mother said to tell him she wouldn't let her baby talk with an older man. He was older—24, I think. Then the next year I had scarlet fever so I couldn't see him when he came to New York. But the year after that I didn't have scarlet fever and mother had given up saying I couldn't talk with him, and we were married."

Mr. Gimbel allows his wife certain freedoms. She may tie little red ribbons to all his coat lapels, signifying his possession of the French Legion of Honor, or see to it that the orange button of the Order of Orange-Nassau is removed from a dinner jacket before it goes to the cleaners. But she may not touch the actual medals because she once teased her husband into thinking she was going to wear them as jewelry. She is also forbidden to do anything constructive about the baggy pants, ancient golf cap and battered T-shirts he wears to play golf.

"What I said about the breaks in business applies to Mrs. Gimbel," he said. "I married a wonderful girl—a girl who was very helpful to me."

Besides Bruce, the couple's children are Caral (Mrs. M. Joseph Lebworth), Hope (Mrs. David Solinger), and Peter, undersea photographer, explorer and maker of documentary films. None seem to share their father's devotion to race tracks and prizefights.

At the track, Mr. Tunney says, Mr. Gimbel probably reads more printed matter on horses and jockeys and listens to more tipsters than any man he has ever seen. He consults with stable boys, ushers, strangers at the rail and anyone else with whom he comes in contact. Then, at the last minute, he rushes off to make his bet. He never says how much he wins or loses.

"Bernie always likes to sit up front," Mr. Tunney said. He was speaking of the prizefights the two have been attending for 40 years, but the statement applies to all things in which Mr. Gimbel is interested. "He doesn't want to miss anything. I don't think he does."

PROPOSED CONTINUATION UNTIL 1970 OF SUBSIDIES TO COMMERCIAL HELICOPTER COMPANIES

Mr. LAUSCHE. Mr. President, at the present time, Congress is considering a proposal to continue until 1970 the payment of Federal subsidies to commercial helicopter companies. This subsidy began 17 years ago as an experiment to determine whether helicopter service, without Federal subsidy, would be feasible.

Presently, subsidized helicopter companies are operating in three cities—Chicago, Los Angeles, and New York. These companies are engaged in local-commuter and short-haul service.

While the cost of this program to the Federal Government can be readily ascertained, the relative value derived from promoting private enterprise with public money cannot be determined as easily. Since the inception of this experiment in 1947, it has cost the Federal Government $48 million; and it has been estimated that only 1 out of each 1,000 persons who fly regularly, uses the helicopter service.

To show the amount of subsidies paid over the years by the Federal Government to the airline industry, I submit the following information:

SUMMARY, ALL CERTIFICATED CARRIERS

Estimated subsidy accruing, by carrier groups, fiscal years 1954–65

[In thousands of dollars]

Fiscal year	Alaskan	Hawaiian	Helicopter	International	Local service	Trunkline	Grand total
1954	8,303	689	2,574	18,714	24,299	3,848	58,427
1955	7,902	293	2,656	3,757	22,358	2,825	39,791
1956	7,619	291	2,735	6,632	24,122	1,819	43,218
1957	7,707	216	3,771	6,903	28,445	1,585	48,627
1958	8,179	45	4,419	4,911	32,703	2,283	52,540
1959	7,337	168	4,860		36,452	1,201	50,018
1960	8,671	330	4,930		51,808		65,739
1961	9,271	504	5,538		57,023		72,336
1962	9,085	338	5,781		65,269		80,473
1963	9,605	520	5,000		68,390		83,515
1964	9,787	802	4,300		68,413	2,628	85,930
1965	9,524	995	3,358		67,000	3,326	84,205

HELICOPTER OPERATORS

Estimated subsidy accruing, by carrier, fiscal years 1954–65

[In thousands of dollars]

Fiscal year	Helicopter operators[1]			
	Chicago	Los Angeles	New York	Total
1954	432	684	1,458	2,574
1955	423	816	1,417	2,656
1956	444	848	1,443	2,735
1957	909	941	1,921	3,771
1958	1,425	942	2,052	4,419
1959	1,644	935	2,281	4,860
1960	1,662	1,041	2,227	4,930
1961	1,887	1,074	2,577	5,538
1962	1,784	1,468	2,529	5,781
1963	1,178	1,803	2,019	5,000
1964	800	1,600	1,900	4,300
1965	(2)	(2)	(2)	3,358

[1] San Francisco-Oakland began certificated operations Nov. 26, 1963, on nonsubsidy basis.

[2] Total shown for carrier group only.

LOCAL SERVICE CARRIERS

Estimated subsidy accruing, by carrier, fiscal years 1954–65

[In thousands of dollars]

Fiscal year	Allegheny	Bonanza	Central	Frontier	Lake Central	Mohawk	North Central	Ozark
1954	1,718	922	1,709	2,780	1,507	1,021	2,294	1,882
1955	1,659	814	1,919	2,554	1,421	664	1,768	1,734
1956	2,116	1,183	2,088	2,477	1,361	1,107	1,374	2,248
1957	2,651	1,179	2,332	2,534	1,508	2,061	1,766	2,711
1958	3,283	1,678	2,673	2,453	1,927	2,811	3,255	2,770
1959	3,228	2,072	2,731	3,936	1,532	1,980	4,267	2,577
1960	4,483	2,893	3,070	6,903	1,690	2,388	6,978	4,094
1961	6,043	3,326	3,360	6,003	2,704	4,004	7,326	3,837
1962	6,439	3,268	4,241	7,027	4,191	4,421	7,985	4,463
1963	6,359	3,173	4,545	7,551	4,046	4,652	8,376	4,746
1964	5,926	3,439	4,326	8,209	3,847	4,609	7,901	4,977
1965	5,795	3,063	4,064	7,229	3,984	4,372	7,850	5,237

Fiscal year	Pacific	Piedmont	Pioneer	Southern	Trans-Texas	West coast	Total
1954	1,102	2,011	1,295	1,901	2,636	1,498	[2] 24,299
1955	975	1,848	[1] 1,234	1,706	2,467	1,595	22,358
1956	1,341	1,676	1,153	1,721	2,470	1,807	24,122
1957	2,063	2,481	405	2,026	2,882	1,846	28,445
1958	2,152	2,476	--------------	2,190	2,954	2,081	32,703
1959	2,317	3,029	--------------	2,342	2,940	3,501	36,452
1960	3,678	4,154	--------------	3,259	2,917	5,301	51,808
1961	3,544	4,257	--------------	3,992	3,308	5,319	57,023
1962	3,983	4,681	--------------	4,836	4,487	5,247	65,269
1963	4,017	5,242	--------------	5,829	4,639	5,215	68,390
1964	3,745	5,645	--------------	5,638	5,279	4,872	68,413
1965	3,789	5,583	--------------	5,195	6,025	5,251	[3] 67,000

[1] Continental effective Apr. 1, 1955; all subsequent subsidy on former Pioneer route.

[2] Includes $23,000 for Wiggins.

[3] Includes estimated profit sharing of $446,000.

Mr. President, I think these facts reinforce the argument that once a subsidy is granted, the need will continue, and the likelihood of its termination will be remote. Subsidies by their very nature grow until they become monstrous liabilities.

In contrast to the amount of Federal aid required to sustain this commercial service, I was heartened to learn about the operation of a Cleveland local-service airline which has never even seen a subsidy but continues to operate efficiently and profitably. TAG Airlines is unique, and is a fine example of what private enterprise can do without governmental aid. I read now from an article entitled "Handy Tag":

> It surely isn't the world's largest airline, but it may be the handiest. And the spunkiest. The reference is to tiny TAG, the busy bee of Burke Lakefront Airport.
>
> TAG just began zippy flights to Columbus and Cincinnati, aimed at the businessman trade. The unique line has a perfect safety record, has never seen a subsidy and owns no jets. It has made a whale of a success on its Cleveland-Detroit run, which now offers 30 round trips daily. TAG's new service is another contribution to commerce, industry, and convenience in Greater Cleveland.

FEDERAL SUPPORT FOR INTERNATIONAL PROGRAMS AT THE STATE UNIVERSITIES

Mr. NELSON. Mr. President, on February 19, I joined Senators MCGOVERN, MANSFIELD, RIBICOFF, RANDOLPH, MONTOYA, MOSS, BAYH, MCCARTHY, MCGEE, INOUYE, LONG of Missouri, YARBOROUGH, and MUSKIE in introducing S. 1212, a bill to put on a new basis the Nation's use of colleges and universities in the oversea technical assistance program.

At that time, the distinguished Senator from South Dakota [Mr. MCGOVERN], said that while this bill proposed a new basis for technical assistance through the colleges and universities, the proposal is actually an old, tested, and successful pattern of Federal and university partnership.

The bill is an adaptation of the method used in the Hatch Act of 1887 to support the agricultural experiment station system in the land-grant universities. It is the product of a series of thoughtful studies of the problem of university involvement in the foreign development program.

We have received many endorsements of S. 1212 from educators and from those who have served on committees and commissions, studying the problem of AID-university relationships.

Today, I received an excellent statement from my own State university, the University of Wisconsin, outlining the need for Federal support on a continuing basis for international development programs at the State universities. Vice President R. L. Clodius had previously written that S. 1212 merits the fullest kind of support.

Wisconsin's interest in land economics is well known and dates back many years. Not so well known is the fact that for the past 3 years the university has been studying land tenure problems in Latin America under a contract arrangement with AID. Under the provisions of its contract with AID, the land tenure center at the university has work currently underway in Colombia, Chile, Brazil, Bolivia, and Central America.

Joseph Thome, a young Colombian law scholar who has worked in this institute recently, helped others in his national government draft a new water use code for Colombia.

Already more than 75 young Latin Americans have been involved in the land tenure center's activities.

I ask unanimous consent that this excellent, informative statement, prepared by the University of Wisconsin, which supports the need of the program in S. 1212, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FEDERAL SUPPORT FOR INTERNATIONAL PROGRAMS AT THE STATE UNIVERSITIES

THE ISSUE

Never before in history have the progress and welfare of this Nation been so closely linked with that of others. Never have the contrasts between "have" and "have not" been so generally recognized and their ominous consequences for international relations so widley acknowledged. This issue concerns American universities as certainly as it does those agencies which develop and and conduct U.S. foreign policy. But conscientious study has not yet satisfactorily answered a question that for nearly 20 years has perplexed all of these groups: Why have American universities so seldom achieved their full promise as partners in our oversea programs for economic development?

Since World War II the United States has carried on continuing efforts to relieve critical day-to-day shortages of food, clothing, medical supplies and industrial materials overseas. These programs themselves require considerable reservoirs of technical knowledge and skill if we are to be sure of investing wisely our time and resources. But food, clothing, and manufactured goods—no matter how generously supplied—do not offer lasting relief to the problems of the emerging nations. Positive steps must also be taken to increase levels of productivity and economic participation. If the resulting benefits are to be widely shared, it may require opening up of rigid class structures, reform in feudalistic systems of land ownership, relief from political oppression, and the extension of education.

To contribute fully to efforts of this kind, U.S. foreign aid programs will increasingly need specialized knowledge and analytical processes not always easily available within governmental agencies. The U.S. Agency for International Development (AID) has recognized this by putting increasing reliance on contracts with American universities for research and other kinds of technical services for oversea aid programs.

Generally speaking, U.S. universities have shown a willingness to grapple with meaningful problems of our time, and for the most part they have recognized that no task is more meaningful than that of removing barriers to the development of the emerging nations. Universities have been willing, within the limits of their resources, to contribute generously to this end. They, like no other public institutions available in this country, possess a unique combination of resources for development work because research, teaching, and public service are tied together. That they have not been more effective is explained, we think, by an inadequate visualization of how a university's resources can best be mobilized and used in a task of this kind.

There is growing recognition in government and in universities of the difficulty of the development task and the nature and magnitude of the resource needed to meet it. No one actually believes that the services and skills required from a university can be stocked like so much equipment in a warehouse, to be brought out, priced, and purchased when and where needed. Nor does anyone believe that a sound unified university program can emerge from individual support for highly specific tasks by separate agencies of the Federal Government. Yet present support procedures assume these things to be true.

A great deal of our oversea efforts can and should be individually contracted. But certain institutional resources must, if a university is to participate effectively, be created and permanently maintained for use as needs arise. These institutional resources, and the task of institution building for international service, cannot be readily financed by any mechanism the universities now have before them. Instead, each time a university organizes for an oversea venture it must assemble personnel, equip them with language skills and other special local knowledge, acquire library materials and other necessary data, and set up an administrative structure to handle recruiting, budgets, finance, travel, shipping, clearance and customs, medical problems, and the host of other matters incident to oversea programs. When the project ends there is no choice but to wastefully dismantle this structure or engage in a frantic effort to keep it in operation beyond its planned term and find other jobs to justify its continued life.

This approach is much more wasteful than appears on the surface. One consequence not fully recognized is that the present approach may actually encourage a university, after a project has ended, to avoid disseminating the technical and policy information or special knowledge it has accumulated because, without continued financing, it does not want to be faced with a foreign demand which it cannot afford to service. Support that would permit an institution to retain at least modest facilities to support its overseas programs would in the long run, we are confident, abundantly pay for itself in more efficient and more satisfying university contributions to international programs. The problem is one of making such a continuing structure possible.

The State universities in the U.S. support their teaching, research, and other scholarly work from a variety of sources. Student fees have always been an important source of income, but usually are related directly to and expended on teaching needs. Grants and contracts with the Federal Government have been increasingly important in recent years, but in international programs these have been for specified research objectives or activities.

The basic source of State university support continues to be the appropriations voted annually or biennially by State legislatures. It is a tribute to these bodies that they have never insisted upon a limited and confined view of higher education, nor have they restricted their financing to fields of immediate local and practical application. Yet it is always difficult to persuade a State legislature, pressed with a multitude of demands for tax moneys, to put a high local priority on programs exclusively focused on overseas problems.

The significance of this fact to U.S. programs abroad should be obvious. Although everyone agrees that the State universities represent an indispensable reservoir of skills and knowledge vital to U.S. foreign policy goals, their capacity to mobilize fully for those goals will depend on the willingness of the Federal, rather than State, Government to build the institutional strength that will be required.

A PROGRAM EXAMPLE

The University of Wisconsin's experience with the Land Tenure Center may clarify and help emphasize the point we are making.

Wisconsin's interest in land economics is well known and dates back many years. It was logical for the U.S. Agency for International Development to bring to this university a request for assistance in the study of land tenure problems. In 1962, therefore, a formal program of research and training concerning the economic, social, political, legal and administrative aspects of land ownership, land tenure and agrarian development in Latin America was started through the University of Wisconsin Land Tenure Center. Research under this program is done primarily overseas with support from AID.

Wisconsin had, over a period of years, developed as much interest and competence in this field as had any other university in the world. It possessed books and documents not easily accessible elsewhere, and its students and staff were potentially in ideal position to concentrate on Latin American problems.

The Land Tenure Center operates more broadly than the name may suggest. An interdepartmental committee of the university with representatives from economics, law, political science, rural sociology, agricultural journalism, commerce and Latin American studies helps to plan the research and assists with the training and policy interpretations.

Work is currently under way in Colombia, Chile, Brazil, Bolivia, and Central America as well as at the University of Wisconsin. It became quicky evident through this undertaking that Latin American administrators, students and policy makers wanted more than just the research results called for under the contract. They wanted interpretations, a chance to learn analytical procedures, and consultation in taking bold new steps forward.

In Chile, for example, Peter Dorner, of the University of Wisconsin, and a young Chilean are studying agricultural productivity and investments in labor and equipment on large farms. One study evaluated voluntary reform programs now being tried on some large farms in central Chile. The young Chilean coworker has since been asked to assist the new Frei government in developing plans for agrarian reform. This is an example of how not only the research but the training are put to immediate local use.

In Colombia, Joseph Thome, a young law scholar, worked side by side with national and international legal experts to help draft a new water use code for Colombia. His understanding of water use control came from studies underway as a part of the land tenure center research.

Information obtained from studies of rural areas of Colombia by A. Eugene Havens is pointing up the importance of local and rural organizations in the growth, stability, and development of rural communities.

Norman Rask helped farmers in southern Brazil determine which combinations of crop and livestock enterprises are most profitable. His material is being published in Portuguese for local use. The same is true of a study by George Hill in Costa Rica, where rural people are trying to establish their rights to the land they have been using for many years.

These examples illustrate how research into social problems can be oriented to public policy and problems of change. More than 20 research workers are engaged in similar activities in Latin America at the present time. Already more than 75 young Latin Americans have been involved in various aspects of these programs; many have responsible jobs in government, universities, and agricultural agencies as a result of their experience.

The same State universities which have done so much for agriculture in this country learned more than half a century ago that research results are useless if allowed to lie idle in laboratories and libraries. The Land Tenure Center sends research reports and research news to every country of Latin America. Yet it is called on increasingly to make information more readily available and more useful.

A special land tenure and rural development reference library containing more than 20,000 items is being developed in Wisconsin. A series of low-cost research films document rural conditions and land relationships in Bolivia, Colombia, and Chile, and add an important visual dimension to written documentation. They are in demand for Peace Corps training and other programs in addition to use at the University of Wisconsin, but although their production can be justified as part of the research effort their distribution and wide use involves another kind of cost not presently covered.

Publications pose a similar problem. A part of every research job is the preparation of materials and information which can help local administrators, policymakers, U.S. Government agencies, and other experts plan and direct development activities. But short-term limitations and restrictions on current research funds make it virtually impossible to develop the facilities which could respond adequately to these needs.

These facts highlight the need for institutional facilities to assure availability of resources essential to maximize output from programs like the Land Tenure Center. For instance, the land tenure research goals of AID could only be met by social scientists with field fluency in Spanish and Portuguese, whereas a land economist dealing more broadly with worldwide comparative questions might have been content with a reading knowledge of one of these languages and necessary reliance on translations. Other problem areas also appeared. How much is AID justified in spending funds under the heading of a research contract for buying, cataloging, and operating a general Latin American library collection on economic and social questions, or for general publications costs in these areas? But is a State university justified in committing State appropriations, far beyond the duration of AID contracts, for such a purpose in competition with other urgent needs?

How could AID under its research contract procedure authorize Wisconsin to hire, on a long-term basis, people prepared to invest a great deal of time studying such fields as Luso-Brazilian land law, or community social structure in Colombia or the media and channels of communication in rural Chile, and acquiring the language background and the intimate knowledge of country and people and politics that such specialization would require? But could the University of Wisconsin honestly encourage faculty members to acquire competence of this kind with the knowledge that a lifetime commitment was being made of scarce staff resources when that staff member probably would not have an opportunity to maintain his specialized knowledge beyond the life of the research contract?

INSTITUTIONAL FACILITIES NEEDED

For the reasons we have outlined, the University of Wisconsin is now at a point where support is vital for an ongoing institutional facility that will permit us to make permanent, rather than merely temporary, plans and commitments for contributions to development work abroad. The scholarly resources needed by the U.S. Government in its oversea development programs will exist only if someone takes the initiative to give them a more adequate institutional setting. We may have developed, through the Land Tenure Center experience, an awareness of this need earlier than some other universities. But we think it will soon be recognized as essential for any American university or research agency which is expected to maximize its potential contribution to U.S. programs abroad.

The facility we envision would have to be in a position to retain able people whose skills and competences had been developed in previous international assistance programs of the university so that they would be available later to help U.S. and foreign institutions in other development work. As a part of this effort, universities would also need to be ready to publish and distribute research materials in a usable and readily available form for administrators, political leaders, and others who carry the real responsibility for social, economic, and political change abroad.

But these facilities are not being maintained under existing support provisions at a level needed to meet our U.S. foreign policy objectives. State legislatures cannot justify commitments for these facilities. Foundations have only a limited resource for U.S. institutions and thus desire to preserve their flexibility in programing grants. AID at present cannot assure the future of such facilities because of the short-term nature of its contracts. Neither has it been able to demonstrate that it can by itself bring together the vast resource needed to accomplish our international research, training, and technical service objectives.

This is a place where the State universities are ready to demonstrate their willingness and competence in providing for a long-range capability in the international development field. These facilities need to be a part of our foreign policymaking resources—they are no less than military strength a part of our arsenal for the maintenance of free societies.

LABOR MANAGEMENT RELATIONS

Mr. TOWER. Mr. President, a recent article published in U.S. News & World Report, written by Mr. Woodrow J. Sandler, is worthy of note by all of the Senate. Mr. Sandler is a specialist in labor-management relations, and his comments are useful and thought-provoking.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Mar. 15, 1965]

ANOTHER WORRY FOR EMPLOYERS

(By Woodrow J. Sandler)

(Should a union's right to represent workers in union-management negotiations be determined only by a secret ballot among those workers? What are management's rights if an election is disregarded, or not even held? Can an employer be sure a union speaks for his workers if the Labor Relations Board says so? In some cases, union pledge cards—not ballots—are used to determine whether a union is supported by a majority of a firm's employees. But are pledge cards a reliable guide? In the following, a New York lawyer who is an authority on labor law examines a Government practice that has become controversial.)

If Congress amends the Taft-Hartley law at this session, there is one subject that should be high on the agenda. That is the National Labor Relations Board's power to determine a union's majority by a count of pledge cards.

Under the law, every employer must recognize and deal with a union that represents a majority of his employees. To find out whether a majority wants the union, the Board uses either of two methods:

1. An election by secret ballot; or
2. A count of the signed union pledge cards.

In 1947, many practitioners in the labor-relations field thought that Congress had abolished the second method when it enacted Taft-Hartley.

In 1948 the Board itself said: "The Taft-Hartley law prescribed the election by secret ballot as the sole method of resolving a question concerning representation."

It didn't turn out that way, however. When a union demands recognition, the employer still has no absolute right to a secret-ballot election in all cases.

To obtain one, he must have an honest doubt—which he has the burden of proving—that the union has a majority. If he launches a campaign of coercion and intimidation, or otherwise fails to prove a good faith doubt, the Board will order him to recognize the union, based upon a majority of signed cards obtained by the union during the organizing campaign.

Union pledge cards are actually most unreliable as proof of the employees' true wishes.

Many employees are solicited to sign up under the scrutiny of union organizers or fellow employees.

Organizers and employee leaders sign up employees in the street, at meetings, in restaurants, in bars, in the company's lunch room or restrooms, or at the employees' homes.

The fact that an employee signs often means very little. Many will sign out of ignorance, or even fear. The average employee wants to be "one of the boys," and he also wants to stay out of trouble. He may follow the path of least resistance and sign just to get the organizer "off his back."

The AFL–CIO itself doesn't think much of pledge cards as proof of anything. In its "Guidebook for Union Organizers" (1961) it says: "NLRB pledge cars are at best a signifying of intention at a given moment. Sometimes they are signed to 'get the union off my back.' * * * Whatever the reason, there is no guarantee of anything in a signed NLRB pledge card except that it will count toward an NLRB election."

The term "NLRB pledge cards" is obviously a misnomer.

What's more, some overly enthusiastic organizers are not averse to persuading an employee to sign by making statements, such as:

"Everyone else has signed up—you'd better, too, or you'll be out."

"This card is just so we can get 30 percent for an NLRB election. You can still vote any way you want to."

"Sign up, or when we get in, you'll be out."

"Do you like to go home every night?"

An NLRB trial examiner recently said: "Bandwagon psychology is always an important factor in inducing hesitant employees to sign union authorization cards." (TMT Trailer Ferry, Inc.)

Statements like these aren't always necessary as "persuaders." In one case, two employees testified that they signed cards in the belief that by so doing they would be invited to a union party.

Unfortunately, the Board has held that it doesn't care what the employee thought he did—it's what he did that counts.

WHAT IS A UNION PLEDGE CARD?

Pledge cards—or authorization cards—are used by a union when it is seeking a representation election among a company's workers.

The cards are usually distributed to employees by union representatives. Sometimes cards are mailed to the worker's homes.

The fact that a man signs such a card does not mean that he is a member of the union, or, necessarily, that he intends to join the union. What a signature on a card does is authorize the union to act for the employee in negotiations with management.

Wording on the cards varies from union to union. One of the country's largest unions uses two different types. One of them is marked "confidential," and usually is mailed to the worker's home. It reads:

"CONFIDENTIAL AUTHORIZATION CARD

"In order that the National Labor Relations Board may conduct a secret-ballot election, one-third of the employees must sign and return this card. If you care about your condition, don't delay. Sign today. Stick down edge and mail. Confidential.

"Date ______.

"I hereby authorize the ______ union to represent me in collective bargaining on wages and working conditions. It is my understanding that I will be invited to join should the union be elected to represent me."

Below this are lines to be filled in with a signature and other data.

A second card used by the union is not marked "confidential." It reads:

"Yes, I want [name of union]

"I, the undersigned, an employee of (company) hereby authorize the [union] to act as my collective-bargaining agent with the company for wages, hours, and working conditions. It is my understanding that I will be invited to join the [name of union]."

Space is provided for signature, date, address, and other information, followed by this footnote:

'This authorization to be signed and dated in employee's own handwriting. Your right to sign this card is protected by Federal law."

In one case (Peterson Bros., Inc.) the trial examiner held an employee named Matthews to have joined because: "If Matthews did not read the card before he signed, this omission was his own choice and was not attributable to the union representatives."

In another case, employee La Disa was gathered into the union fold as follows (Philamon Laboratories, Inc.):

La Disa: "In the beginning I didn't want to join, until they kept getting into me. She (his aunt) was away and they told me not to tell her. * * * If I would tell her, I would have no friends in the shop. * * * The last day they got at me, I said I would sign it. I said that maybe they won't bother me no more. When my aunt got back, I told her. We got together and I said I made a mistake, because she knows a lot about the unions."

The examiner, with Board approval included this card, saying, "His designation of the union was his own voluntary act * * *."

Sometimes signed cards are undated. They may be relics of a prior unsuccessful campaign conducted a year or more before.

The Board attempts to screen out the old cards, and also those which have been signed because of the organizer's coercion or misrepresentation. But such testimony is not easy to come by, because of employees' fear.

Also, it is not unusual to find that some employees' names have been placed on cards without their knowledge or consent. Despite the protests of these employees, their "signatures" are counted by the Board in some instances (Peterson Bros., Inc.): An employee denied that he had authorized anyone to sign his name for him. Two employees contradicted him. The Board believed the two employees and counted his card.

An illiterate employee's wife signed his name and mailed the card in, which made him "annoyed," as he had not authorized her to do this. The Board counted his card because he "had made no attempt to recover the card or rescind her action."

Is it realistic to expect any employee to ask the union to return his card to him?

In the past, Board decisions have called union pledge cards "notoriously unreliable," in situations where two unions are organizing simultaneously. They found that in many cases a majority of employees signed cards for both of the competing unions.

In a typical case, a previous Labor Board said: "This Board has also long recognized that authorization cards are a notoriously unreliable method of determining majority status of a union * * * where competing unions are soliciting cards * * *." (Sunbeam Corp.).

They are no more reliable when a single union seeks to organize the employees.

ONCE "THE DIE IS CAST"

Union recognition is like a marriage. It's easy to tie the knot, but most difficult to untie it if dissatisfaction develops.

Actually, it's almost a "double wedding." The employer and the employees "marry" the union. Once the ceremony is performed, the die is usually cast for many years to come.

In view of this fact, it is unfair to compel law abiding employers to recognize a union based on a count of pledge cards. They should be entitled to an election by secret ballot.

Let's not forget the employees, either. They, too, are entitled to be able to vote in private before they say, "I do."

True, many employees sign cards because they really want to join the union. But they rarely know anything about the costs or the obligations of unionism when they sign.

In most cases, when the employee signs a card he has heard only the union's side of the story. Is he aware of the costs of joining? Has he ever heard of assessments? Does he know what the union rules are? That he can be brought to trial for their violation and fined if found guilty? That he may be called on to do picket duty? That the union doesn't have to keep its campaign promises? Does he know anything about the reputation of this particular union? Usually not.

Employee sophistication doesn't extend this far. He should have an opportunity to weigh all these factors before making his final decision. The employer is usually more than happy to enlighten him.

HOW VOTES AND CARDS CAN CONFLICT

After hearing both sides, many employees who previously signed cards change their minds and vote against the union in the secret-ballot election. In a speech made August 7, 1962, Board Chairman Frank W. McCulloch pointed out that, even though a majority of employees had signed cards for particular unions, such unions had lost in the subsequent secret-ballot elections almost half the time.

Nevertheless, the Board holds that the employer may insist on an election by secret ballot only if he does so "in good faith." He must honestly doubt that the union has obtained a majority of signatures, and must have good reasons for his doubt. Here's what the Board says (Maphis Chapman Corp.): "Expressions of doubt * * * standing alone amount to nothing more than bare assertions of a belief and, in the absence of more cogent facts, do not amount to a good-faith doubt of the union's majority status."

In that case, the employer claimed that his employees had been with him such a long time without complaining, he simply couldn't believe that they would join a union. He gave this as a basis for a "reasonable doubt."

The trial examiner made short shrift of this argument, calling it "nothing more substantial than an unsupported theory," and the Board agreed.

An employer who simply feels that an election is a better barometer of his employees' wishes than signed cards can't obtain an election for this reason alone. The unreliability of pledge cards is not a basis for a "good faith" doubt. If it were, law-abiding employers could always insist on an election.

For example, in one case the union offered to have a third party count its cards, but the employer refused. He told the union he would agree to an election by secret ballot, but not to a card count. He was not guilty of any illegal acts. However, he made some remarks to the effect that he wasn't too happy about the possibility of being unionized. These were legal statements, but they were termed a "rejection of the collective-bargaining principle" (George Groh & Sons).

The Board's trial examiner said: "The evidence establishes no unlawful activity, but based on other record evidence, I am convinced and find that the [company's] refusal to recognize and bargain with the union was motivated not by a good-faith doubt of the union's majority status but by a rejection of the collective-bargaining principle."

"BAD FAITH"—WHAT IS IT?

In other words, it is not necessary for an employer to illegally intimidate and coerce for the Board to find "bad faith," which may be: "manifested as well by attitudes as by more overt, readily discernible [illegal] conduct" (George Groh & Sons).

Several recent Board decisions make crystal clear the rule that an employer who violates no law, who commits no "unfair labor practices," may still be guilty of "bad faith" and will be denied an election (Snow & Sons, George Groh & Sons, Kellogg Mills, Dixon Ford Shoe Co., Inc.; "dictum" in Fleming & Sons, Bernel Foam, Peterson Bros., Inc.).

Apparently, the executive secretary of the Board, Ogden W. Fields, placed a different interpretation on these decisions when he wrote to the Washington (D.C.) Evening Star on February 22, 1965, in part as follows:

"An employer who believes that cards do not reflect the true choice of his employees does not have to abide by those cards, or find evidence that they do not reflect their true choice. All he has to do is wait for the Board to determine the issue in a secret-ballot election and commit no unfair labor practices in the meantime."

With all due respect, this statement is inaccurate. Would that the law were that simple. The Board's rule is much more stringent, as shown in the examples above.

Contrary to the Board's executive secretary, the employer does have to "find evidence that [the cards] do not reflect [the employees'] true choice." If he doesn't, how can he prove to the Board that his doubts of the union majority is in "good faith"? He can't merely sit back and "wait" and content himself with the fact that he is committing no "unfair labor practices," as the Board secretary's letter would lead one to believe. It sounds good, but it just isn't so.

Of course, if the employer violates the law and engages in a campaign of coercion or makes illegal promises of benefit, he is guilty of bad faith. In such cases, he has made a free election difficult to achieve, and the Board compels recognition if a majority of cards is proven.

The Board's position here is entirely reasonable. The employer, by his illegal acts, has dissipated the union's claimed majority and forfeited his right to demand an election.

To hold otherwise would permit the employer to profit from his own violation of the law.

Thus the law-abiding employer today is a in a real dilemma when he receives a union demand for recognition.

If he insists on an election by secret ballot, and the Board concludes that he hasn't a "good faith" doubt of the union's majority, he will be compelled to deal with the union without an election.

The employees, too, are thereby deprived of their opportunity to hear both sides and vote by secret ballot.

On the other hand, if he does inspect the cards and then signs up, the Board says he does this "at his peril." So capitulation is not necessarily a good solution, either.

In some cases (e.g., *N.L.R.B.* v. *Bernhard Altmann*) the employer did recognize the union without an election, and later on the Board found that the union did not represent a majority, and held the employer and the union both guilty of violating the law.

This can easily happen if the Board finds some of the cards to be old, coerced or unsigned. Also, it may be that the employee group agreed on was not "appropriate" as a bargaining group. Or perhaps part-timers, or temporary employees, or seasonal employees should—or should not—have been included in the count.

Certainly, these are matters for the Board's expertise and not for an inexperienced employer to determine.

FIGURES THAT ARE MISLEADING

In the Washington Star of February 17, 1965, the Board's executive secretary cites statistics to show that "the number of cases in which a union's majority status was based on cards would not equal 1 percent" of the number of secret-ballot elections—20,535—held over a 3-year period.

Even if these figures are correct, they are misleading. How about the hundreds and perhaps thousands of employers who, knowing in advance that the Board wouldn't grant them an election, sign up without going to the Board?

These are situations that rarely reach the Board and therefore would form no part of the Board's statistics.

At any rate, Mr. Field's argument that, in effect, "if we're wrong about this, we're wrong only 1 percent of the time," doesn't hold water. One percent of 20,535 is 205 cases, which is just 205 too many. This is not a wrong through inadvertence. It is an injustice to both employers and employees which can and should be rectified—not sloughed off with a statistic.

How much safer and more clear cut is the election procedure.

The Board watches over its secret-ballot elections like a mother hen to be certain that they are held in what it terms a "laboratory atmosphere."

Last-minute misstatements by the victor will lead the Board to set aside the results of the election. Not only that, but the Board screens all preelection propaganda for coercion, intimidation, or illegal promises of benefit.

An NLRB election freezes the employees' intent, all at the same time, by secret ballot, after both sides have had an opportunity to be heard. If the union wins, it obtains a "certification," which is something akin to a Government seal.

CARD-COUNT METHOD PROTECTS NO ONE

Majority proof by the card-count method protects no one. It is inaccurate and unfair. It freezes the intent of the employees, one at a time, in an organizing atmosphere which is badly in need of policing by the Board.

On February 19, 1965, a Board trial examiner said the following (Conren, Inc.):

"An examiner is disturbed to make a finding of majority status based on cards obtained in (this) haphazard fashion. * * * A significant number of these cards were undated. Why this slovenly practice should still continue passes understanding."

Moreover, when the Board does find that some cards were procured by misrepresentation or coercion, it mathematically excludes those particular cards from the count. But isn't it probable that employees repeated the union misrepresentations and "word got around"?

The Board should hold that the entire atmosphere was poisoned, regardless of how few employees were coerced. When an employer makes coercive statements, the Board has repeatedly said: "The number of instances of interference * * * are not material to the issue * * *. It is impossible to measure the effect of such interference upon the exercise of their right of franchise either by the employees directly concerned or by other employees who might have learned of the interference" (U.S. Rubber, 86 NLRB 3).

Why not the same holding when a union coerces or misrepresents? In one old case (Wells, Inc., 68 NLRB 545), the Board did throw out the entire "majority" where only 10 percent of the employees had been coerced by the union, and all the rest of the employees had signed cards. But since then there has been one rule for employers, and a different one for unions.

Clearly there is no "laboratory atmosphere" when a majority is obtained and proven by signing up employees in a "goldfish bowl." If there is, it's a laboratory that has a taint of the septic rather than the antiseptic.

THE SECRET BALLOT IS BEST

The secret-ballot election is the best means we've been able to devise to determine what people want.

The Taft-Hartley law should be amended to provide employees, unions and law-abiding employers with the absolute right to such an election.

It can't happen soon enough.

RETENTION OF SECTION 14(b) OF TAFT-HARTLEY LAW

Mr. TOWER. Mr. President, the board of directors of the San Antonio Home Builders Association recently adopted a resolution calling for retention of section 14(b) of the Taft-Hartley law. I fully support their position, and in order that other Senators may share their views, I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE SAN ANTONIO HOME BUILDERS ASSOCIATION

Be it resolved, That the duly elected board of directors of the San Antonio Home Builders Association, in duly constituted meeting of March 9, 1965, have unanimously voted that said association is unequivocably opposed to the repeal of section 14(b) of the National Labor Relations Act, as amended, for the reason that this association is opposed to compulsory union membership. Such compulsory union membership would cause great injury to the business operations of its members, increase homebuilding costs and be detrimental to the best interests of employees and customers of its members.

Dated at San Antonio, Tex., this 9th day of March 1965.

THE SAN ANTONIO HOME BUILDERS ASSOCIATION,
LLOYD W. BOOTH, *President.*
Attest:
CARL E. NIEMEYER, *Secretary.*

TAFT-HARTLEY AND MEDICARE RESOLUTIONS

Mr. TOWER Mr. President, the Anderson County, Tex., Teenage Republicans recently adopted two most succinct and powerful resolutions. I am always pleased when our younger citizens take an active part in government by informing themselves on the issues and then informing their elected representatives of their considered views.

Therefore, in order that other Senators may be advised of the content of these resolutions, I ask unanimous consent to have them printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

TAFT-HARTLEY RESOLUTION PASSED BY ANDERSON COUNTY TEENAGE REPUBLICANS ON MARCH 25

Whereas section 14(b) of the Taft-Hartley Act protects the right of American workers to be employed without paying tribute to any labor organization; and

Whereas the right to work is a basic American freedom; and

Whereas the State of Texas has taken advantage of section 14(b) of the Taft-Hartley Act by passing the right-to-work law: Therefore be it

Resolved, That, the Anderson County Teenage Republican Club is opposed to all efforts to repeal section 14(b) of the Taft-Hartley Act and urges Congress to defeat any such measures.

ANDERSON COUNTY TAR's,
ROY L. WARDELL, *President.*

MEDICARE RESOLUTION PASSED BY ANDERSON COUNTY TEENAGE REPUBLICANS ON MARCH 25, 1965

Whereas the King-Anderson medicare bill, if enacted, would provide medical care at public expense for those who do not need it; and

Whereas the proposed eldercare bill, of the American Medical Association, would provide help only for those unable to help themselves; and

Whereas the King-Anderson medicare bill would undermine the social security system; and

Whereas the eldercare bill would be independent of social security and would be partially financed by the respective States; and

Whereas the King-Anderson medicare bill is only another socialistic guise of something-for-nothing and would lead us further into socialism; and

Whereas the eldercare bill is an honest effort to help the helpless without causing them to become dependent on the Federal Government: Therefore be it

Resolved, That the Anderson County Teenage Republican Club opposes the King-Anderson medicare bill and urges the Congress to defeat it; and be it further

Resolved, That the Anderson County Teenage Republican Club favors passage of the American Medical Association's eldercare bill.

ANDERSON COUNTY TAR's,
ROY L. WARDELL, *President.*

THE 1965 COTTON POLICY OF WEST TEXAS CHAMBER OF COMMERCE

Mr. TOWER. Mr. President, the West Texas Chamber of Commerce has recently adopted its 1965 cotton policy via a resolution.

Since we have received a farm bill from the administration which does not treat the cotton situation, I believe that it would be useful for the views of this experienced chamber to be made available for widespread consideration both by the Senate and the executive branch.

Therefore, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE 1965 COTTON POLICY OF THE WEST TEXAS CHAMBER OF COMMERCE

We believe that a strong U.S. cotton industry is vital to our best national interests, to a healthy agricultural economy, and to a favorable balance of payments in foreign exchange; and

We believe that in order to continue as a strong industry, U.S. cotton must become less dependent upon Government subsidy and control; must be fully competitive in domestic and world markets; and must maintain and expand present acreage, production and markets as a minimum: Now, therefore, be it

Resolved, That the board of directors of the West Texas Chamber of Commerce, in session on January 29, 1965, in Del Rio, Tex., favors legislation which continues support of an export subsidy making U.S. cotton competitive in foreign markets; establishes a realistic one-price system making cotton available to foreign mills and domestic mills at the same price by using market subsidies; and moves toward less dependence on Government by gradually phasing downward the export and domestic market subsidies over a limited period of years as cost of production permits. Reduced income for the farmer as a result of the downward reduction of subsidies should be offset by increasing acreage, and

The board of directors also favors (1) that the domestic allotment plan be dropped from all future cotton programs and be returned to base allotments for all farmers; (2) the export portion of the farm allotment should be continued with an increase in export planting from 5 to 10 percent or more for farmers desiring to grow cotton for world markets; (3) the release and reapportionment of cotton acreage be continued under regulations as prescribed in 1964 and (4) allotments should continue on an acreage basis so long as a cotton program is necessary under Federal legislation.

BEEMAN FISHER,
President.
JACK G. SPRINGER,
Executive Vice President.

ASSATEAGUE—SAND, WIND, AND WAVES

Mr. BREWSTER. Mr. President, the April 3, 1965, issue of the New Yorker magazine contains a wonderfully descriptive article about Assateague Island.

Peter Matthiessen, the author of the the article, has managed to capture in words the marvels of Assateague's "sand and wind, and waves."

It is extremely difficult to convey in words alone the wonderful feeling one gets from standing on the island's powdery white beach, under a clear sky, with only nature as a surrounding.

The summer visitor enjoying the inviting blue water of the Gulf Stream finds it hard to believe that this same island is pounded by gray winter waves that submerge whole areas of it, nor is he aware of the bitter winds that shift the dunes. The wind that meets the summer visitor to the shore is the refreshing breeze that cools and envigorates him.

Mr. Matthiessen has managed to relate the wonders of Assateague to the interesting history of our continuing fight to preserve the island in its natural state for this and future generations of Americans.

Mr. President, I ask unanimous consent that this article from the New Yorker be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAND AND WIND AND WAVES

The wild late-winter storm of March 1962, which did not qualify as a hurricane, caused more damage along the Atlantic coast from Cape Cod to Cape Hatteras than any hurricane of the past decade. On the ocean beaches of Long Island during the sixth and seventh days of that month, waves and wind swept along the dunes, seizing a house here and there capriciously and lunging onward. At Sagaponack, where I live, the high dunes between the salt pond and the sea we struck away entirely. On March 8, a huge old whale skull lay half embedded in the sand where these dunes had been; my children helped me dig it out, and we roped it up and dragged it home behind a pickup truck. Such prizes from the dune ruins, it seemed, would be the only good blown by that March wind, but now, 3 years later, another benefit may come of it to help atone for the millions of dollars' worth of damage. It may be that the storm's fury will have prevented a desolate barrier beach called Assateague Island, off the Maryland-Virginia shore, from becoming just one more in the long line of raffish summer resorts that litter our coast.

South of New England's granite, the shores of the Atlantic are low and flat—an ancient coastal plain that is characterized by barrier beaches; these long, narrow strips of fine quartz-and-garnet sand and dune grass, broken by sheltered hollows of low woods, are separated from the mainland by shallow bays or sounds. Wind and sea are always changing the narrow reefs, and Assateague itself has been an island only since 1933, when another great storm, breaching the dunes just south of Ocean City, Md., cut off the southern part of the Fenwick Peninsula, which had extended from southern Delaware down the whole ocean coast of Maryland and 12 miles into Virginia. The new island, 33 miles long but rarely as much as a mile wide, retained the name that had been given to that part of the peninsula by the Nanticoke Indians, an Algonquin tribe that abandoned the Eastern Shore in the early 18th century. The Nanticokes took with them, among other things, the explanation of the name Assateague, which means "stony river;" Assateague possesses a number of distinctive topographical features, but neither stones nor rivers are among them. Normally, the tons of sand dredged up and carried by storm seas rapidly seal any break in a barrier beach such as that made in 1933, and one good blow might have rejoined the island to the peninsula in a day and a night. But the new inlet south of Ocean City was stabilized by jetties, guaranteeing access to the ocean for charter boats and other craft that flocked to the area. Today, Ocean City is a lesser Atlantic City—billboards, boardwalk, saltwater taffy and all—and if local real-estate agents and developers have anything to say about it Assateague will finish the same way. In the face of President Johnson's recent proposal to set the island aside as a national seashore, a big sign erected just outside Ocean City enjoins the wayfarer to—

"ASK ABOUT ASSATEAGUE ISLAND REAL ESTATE"

Behind the sign, on the far side of the inlet, the narrow, sandy wilderness stretches away to the southern horizon.

As a small boy, I read and reread books about pirates and wild ponies on that coast, and I have always wanted to see it for myself, so I readily accepted an invitation last fall to accompany some people from the National Park Service on an inspection of Assateague. Early one morning in October, accordingly, I drove southward, across New York City, under the Hudson, and through a nether world of industrial vapors that obscured the sky over the Jersey Meadows, to emerge at last into a countryside of woods and farmland, pervaded by the more agreeable mists of Indian-summer leaf fires. Beyond Trenton, a turkey vulture, which I took to be a harbinger of the south, patroled the turnpike, seeking small victims of night tires, and 2 hours later I had crossed the Delaware River and was well away onto the great Eastern Shore, which includes just about all of Delaware, part of Maryland, and two small counties of Virginia—insufficient reason, in my opinion, for calling it, as some signs do, the Delmarva Peninsula. Though a good deal of the Eastern Shore lies north of Washington, it firmly proclaims itself as Southland; near Blackbird, Del., I began to encounter signs touting Clabber Girl and Stuckey's Pecan Divinity and Dr. Pepper. I had arranged to meet the National Park people on the eve of our expedition to Assateague in Pocomoke City, Md., but I reached it so early in the afternoon, and the day was so beautiful, that I followed an impulse to sail right on into Virginia. I went all the way to Cape Charles, which had recently been connected to the mainland near Norfolk by a bridge-tunnel running nearly 20 miles across the wide mouth of Chesapeake Bay. As the land narrowed, I abandoned the highway for the back roads that lead, on both seaside and bayside, to little white towns like Oyster and Harborton. Soybean plantings, not yet harvested, were walled in by high, dark pine forests, as the plantations of the first settlers must have been three centuries ago, and, thus isolated from all its neighbors, each farm had the aspect of a domain.

Solitary tupelos in the mass of pine had turned a warm bronze purple, and migrating kestrels looked nearly orange in the autumn sunlight; four or five of these tiny falcons would perch together like swallows on the telephone wires while another hovered in the wind over golden stubble. The roads—even those that trailed off to dead ends—were uniformly good, but not all of them were lined with telephone poles. Despite rich, sandy soil, which grows fine crops, and salt bays densely set with fish and shellfish, most of this lower peninsula remains as it has been for centuries. There is a pervasive emptiness—the great silence of old field and forest. Here, if anywhere, it seemed to me, one might still have an ample house with its own fields and tidal creek and dock, all out of sight beyond a wood. "Heaven and earth," John Smith wrote of the Cape Charles region after a visit there in 1608, "seemed never to have agreed better to have framed a place for man's commodious and delightful habitation."

My own habitation that evening lay back up the highway at the Twin Towers Motel, just south of Pocomoke City, and I was met there by Robert Bergman, who is with the Division of National Park System Studies in Washington, and Richard Wittpenn and Frank Ugolini, both from the Park Service's regional office in Philadelphia. Wittpenn, a landscape architect who worked on the planning of the Fire Island National Seashore, had already made two visits to Assateague, and he and Bergman and Ugolini patiently added to my knowledge of the area over a fine mess of soft-shell crabs fresh from the Chesapeake.

The Park Service, I learned, has been coveting Assateague since at least 1935, when a survey showed that the island had a great deal to recommend it. A wide, unbroken beach, shelving gradually into the ocean and with no undertow, offered surf fishing and marvelous, safe swimming, and there was fine clamming in the sheltered coves and harbors of Chincoteague Bay, which separates Assateague from the mainland. The bayside marshes were a famous haunt of waterfowl, and the outer beach, a concentration point for migrating peregrines and merlins, drew falconers from all over the country. And then, of course, there were Assateague's wild ponies, thought to be descended through the years from stock escaped out of a 16th-century Spanish ship that was wrecked off the shore.

The island was well situated, being almost equidistant from the great Middle Atlantic cities of Philadelphia, Wilmington, Baltimore, Washington, and Norfolk—all of which lay within a radius of 150 miles in a populous region that had not yet been granted a single national park. In 1935, there were no national seashores whatever—only a troubled realization that the last shorelines still open to the public were being lost one by one to private development. During the next two decades, several bills were introduced in Congress proposing that Assateague be made into a national seashore, but although Virginia's end of the island became the Chincoteague National Wildlife Refuge in 1943, they were not given serious consideration. By 1955, when Assateague was surveyed for a second time, developers had already gained control of a sizable portion of Assateague and the first of 5,000 or more projected houses were being built. Land prices, of course, had been going up for some time, and hopes for a new national seashore seemed more remote each day.

The major resistance to private development, I was told, came from the barrier beach itself. Most of the high dunes required for the protection of beach cottages had been blown away by storms. There was no bridge access to the island, and no road once one arrived there; intermittent ferry service had been established, but island travel remained restricted to beach vehicles equipped with four-wheel drive. Building costs were high, and the difficulties of providing water and sanitation facilities on this low land were becoming increasingly apparent. Ocean Beach, Inc., which had been formed by the property owners who controlled the great middle section of the island, met the most immediate of its problems by constructing a rather skimpy 12-foot dune and, behind it, almost exactly at sea level, a sand-asphalt road, which was dignified by the name of Baltimore Avenue in the hope that it might be regarded as an extension of a thoroughfare of that name in Ocean City. Early in 1962, Assateague property owners were much heartened when the Maryland Legislature appropriated $1.5 million for the construction of a bridge from Sinepuxent Neck, on the mainland, to a small State park that was to be developed on the island; a bridge, all the private developers agreed, would transform Assateague into South Ocean City in no time. Construction work was speeded up.

By March 4, 1962, there were at least 50 houses on the Maryland beach of Assateague. A few days later, after the worst storm in a decade, there was just 18, of which 7 were badly damaged. Most of the rest had disappeared, and so had the 12-foot dune and the greater part of Baltimore Avenue, leaving the beach in its natural state, only slightly the worse for wear. The dune was restored during the summer at the expense of individual property owners, but a series of smaller storms washed most of the new dune after the old. When winter came, a few subdivision signs flapped in the wind, inscribed with the numbers of streets that never were, and the gulls cracked shellfish on the last black outcroppings of Baltimore Avenue.

As a result of that March storm, people in the Department of the Interior saw hope of a reprieve for Assateague, and at a meeting on June 18, 1962, Secretary of the Interior Stewart Udall and Gov. J. Millard Tawes, of Maryland, decided to undertake a joint study of the new situation. The Department's Bureau of Outdoor Recreation hired a firm of consulting economists, and after due investigation they concluded that Worcester County, Md., which includes Assateague, Ocean City, and all the adjacent communities in Maryland, would derive far more benefit from public development of the island than it could ever hope to from private development. And in some minds there was growing doubt about whether private development was feasible at all. In an article entitled "Hell and High Water," which appeared in the Long Island Sunday Press a few weeks after the great storm of 1962, Robert Moses declared that the periodic devastation of Fire Island resulted from "the building of houses and other structures and improvements too close to the ocean and attempting to maintain barrier beaches too low and narrow to withstand these terrific onslaughts of storm." This statement was still more applicable to Assateague, which, with a mean elevation of 3 to 5 feet—and even less in the subdivision area—was mostly awash in time of storm. Though dune building was still a primitive science, studies made at Fire Island and Cape Hatteras had suggested that in order to provide real security for residential and commercial development, a barrier beach required the construction down its entire length of a gently sloping dune from 16 to 20 feet high and 50 feet across the top, with a base much wider still, the whole to be tied down with dune grass and weighted with a concrete road along the crest.

The cost of such a dune was variously estimated at between half a million and a million dollars per mile. Undaunted, the developers expressed full confidence that all of Assateague's problems would be met by the State and the Nation, since neither was likely to stand by while the shoreline washed away. In order to obtain Federal aid, however, private owners would have to assume half the expense of a multi-million-dollar dune constructed by the Army Corps of Engineers. And, according to corps specifications, the seaward slope would start 200 feet back from mean high water, thus more or less obliterating what had been advertised as choice lots along the oceanfront. Even under these painful circumstances, it was by no means certain that Government subsidies would be available for low-density residential development on Assateague. Secretary Udall stated emphatically that "if large amounts of public funds are to be spent, all the taxpayers should benefit by having available the use of the island."

Protecting their houses from being washed or blown away was only one of the problems besetting private landowners on Assateague. The most plentiful source of safe drinking water was at the southern end of the island, and it lay 450 feet below the surface—a depth usually considered prohibitive for private wells. A limited amount of well water was available from lenses of an aquiclude (a rock stratum that confines water) toward the northern end, but the sands through which the shafts would have to be sunk were below sea level, so ordinary wells would soon be spoiled by salt water. And, what was more serious, they would be exposed to quick pollution from the septic tanks that the developers had planned for each half-acre plot. The State health department declared in 1963 that the island was far too low for individual sewage systems, and Robert M. Brown, head of the Maryland Department of Environmental Hygiene, referred to the proposed subdivision as a "cesspool paradise."

The Bureau of Outdoor Recreation's report recommending public purchase of Assateague, published 13 months after the storm that had prompted it, drew favorable reactions from Governor Tawes and from four members of Maryland's congressional delegation—Senators J. Glenn Beall and DANIEL BREWSTER and Representatives CLARENCE D. LONG and CARLTON SICKLES. On September 10, 1963, Secretary Udall transmitted to Congress a bill sponsored by these four legislators "to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes." As defined in this bill, the new national seashore would incorporate both the wildlife refuge, at the Virginia end of the island, and the State park, at the Maryland end, but each would retain its distinct identity; Maryland could either purchase the 9-mile length of Assateague lying north of the State park or release it to the seashore. Private owners would be paid for their property at "fair market value," and the proposed legislation would permit those few people whose houses were still standing after the storm to go on occupying them for 25 years. By that time, most of the beach houses would very likely be moored like houseboats at the water's edge, my informants said, since the whole shoreline was eroding westward at the rate of 3 to 4 feet a year.

Despite the difficulties already encountered by private developers, and despite the recommendations of the highest dignitaries of their State, Worcester County officials clung to the opinion that a southward extension of Ocean City-style development was a shining probability, awaiting only the completion of the new State bridge to become a reality. The county's chief argument against the seashore was that it would take a large and promising piece of property off the tax rolls, even though it has been demonstrated that public ownership brought no losses to the mainland communities near Cape Hatteras, where the first national seashore was established, in 1953. The tax base of Dare County, N.C., was $11 million in 1950; 8 years later, the figure had risen to $25 million.

In a speech before the Advertising Club of Baltimore a few weeks after the Assateague legislation was sent to Congress in the autumn of 1963, Secretary Udall said, "The whole history of the development of the national park system is the history of local opposition at the outset, but it always has a happy ending. Without hesitation, I will predict today that if the advice of your State officials is followed and Assateague is added to our national park system, Worcester County will benefit most of all." Yet the opposition continued, and neither the bill endorsed by the Secretary nor a compromise measure, providing for both public and private ownership, that was introduced by Representative ROGERS C. B. MORTON, of Maryland, ever came to a vote.

Meanwhile, real estate prices on the island continued to rise. Even the storm of 1962 did not lower them, I was told, though no one had been rash enough to build, or even rebuild, since that time. The pioneers of Assateague, far from being grateful for an opportunity to get their ill-starred holdings off their hands, were emboldened by the revival of Federal interest to voice the most ardent attachment to their half acres. A year after the storm, the anguish of the owners had raised the cost of purchasing private holdings on Assateague to some $6½ million, and by the summer of 1964, according to Department of Interior estimates, the price had more than doubled—still a bargain, perhaps, for the Nation at large, but an indication of one consequence to be expected from further delay.

Having been presented, that evening in Pocomoke City, with what seemed to me a very strong case for the preservation of Assateague Island in its natural state, I was most anxious to see the place. Wittpenn felt confident that the manager of the Chincoteague National Wildlife Refuge, whom he had met on his previous visits, would lend us a vehicle with four-wheel drive to explore in, and early the following morning we headed south. To reach the Virginia end of Assateague, one must cross Chincoteague Island, which is approached by an embankment road dredged out of the salt marsh. The Chincoteague National Wildlife Refuge, like the wild ponies and a celebrated variety of oyster, takes its name from this small island, but actually the refuge, the ponies, and the best of the oysterbeds are all to be found on Assateague, and we proceeded directly to the larger island. Its first landmark, seen from the Chincoteague end of a connecting bridge, is a fine brick-red lighthouse, thrust up incongruously out of a wood. Owing to its width, this southern end of Assateague supports old forest of red oak, pine, black willow, sweetgum, and persimmon. Although Virginia's end of Assateague is less than a third of the island's length, its 9,000 acres represent nearly half the total area, and one day the Virginia part may be the larger, for northeast storms and currents tend to leach sand from the northern shore and deposit it in the south.

At the far end of the bridge, we found a small crowd of men in a sunny pine grove. Because a herd of miniature sika deer, descendants of five Japanese exotics released on Assateague by Boy Scouts in 1928, had increased to an unmanageable number—there were about 1,100 of them on the refuge—hunting permits had been issued, and now, though it was not yet 8 o'clock, hunters were returning to the checkpoint. One man had gutted his small quarry and was wiping the bright blood out of the cavity with a white rag. As the dead animals were brought in, a biologist took samples of their blood to be checked for antibodies, in order to determine whether the deer were carriers of a mosquito-transmitted encephalitis germ. The tame and crowded sikas, many taken with buckshot at point-blank range on open ground, were providing more meat than sport, and a gun went off so close to the checking station that the assistant refuge manager, a young Tennessean named Dave Hall, yelled violently at the offender. Another man swore contemptuously and shook his head. "They's some of them feller will take and shoot them pore, small critters 'thout getin' out of their Chevro-lette," he said.

A green pickup truck stopped near us, and a man got out who was introduced to me as

Charlie Noble, the manager of the refuge. Wittpenn took some maps out of our car and showed them to him. Noble, a short, ruddy man, asked about a boundary line that encircled the island. Wittpenn explained that one purpose of the boundary was to discourage a local practice of following tidal creeks right up into the refuge and shooting game birds from boats. Noble pointed out that the line also ran outside some oyster beds just offshore. "Once the local people understand that their shellfish rights aren't affected, they won't object," Wittpenn remarked. Noble looked at him dubiously.

Noble said that he liked the idea of having undeveloped land next to his own refuge, but he expressed doubts about an access road, also sketched on the map, that would be built down the island from the new Maryland bridge to within 2 miles of the refuge boundary. Already a public highway runs to the beach across refuge property, and he was sure that there would be local pressure to join the roads. "If the National Parks can keep control, then I don't mind," Noble said. He gazed joylessly at a young man in greasy overalls coming down the road with a deer draped over his shoulders and added, "But I don't think they can keep control—not around here." Noble went on to talk about the local opposition to "Federal encroachment"—a battle cry in Chincoteague. Half a century ago, this region was a center for the market gunning of wild waterfowl, and although the practice is now illegal, the region remains a center for it to this day. Chincoteaguers have never accepted and have rarely obeyed the Federal laws protecting migratory waterfowl, nor have they taken kindly to the presence of a wildlife refuge on what was once prime gunning ground. Swivel cannons and multiple punt guns are no longer used, but shooting before and after legal hours is common, duck limits are treated with contempt, and the trapping of wild birds by the hundred in small wire traps baited with corn is the basis of a thriving trade with unscrupulous clubs and restaurants throughout the East. As a result, there is a heavy concentration of Federal game agents in this area, and, as Dave Hall told me, they are not popular men. In 1947, an agent named John Buckalew nearly died after being hit by two blasts from the shotgun of a duck trapper resisting arrest, and more recently another agent was badly beaten. Until 1961, when duck trapping for commercial purposes was made a felony instead of a mere misdemeanor, small fines were considered part of the trapper's overhead; now the penalty can run to $500 and 6 months in jail. The change was heartening to game agents, who had often crouched for 4 nights in a swamp to catch a trapper, only to see the man fined $50, payable over 6 months. But in Chincoteague the new law was simply further evidence, if further evidence were needed, of the ruthlessness of the Federal Government, and because of all this accumulated ill-feeling the proposed National Seashore is viewed by many as one more example of "Federal encroachment."

Shotgun blasts were still echoing through the woods, and Noble's vehicles were all being used just then to transport or check deer hunters, but Dave Hall, who was driving up toward the Maryland border, offered to take us that far with him in his truck. As we moved northward, small bands of horses came into view in the inner marshes and behind the dunes. They were the size of cow ponies—much bigger than I had expected—and they came in all colors: mouse, bay, palomino, chestnut, black, white, and a number of pinto combinations. Some of them had fine heads and were very pretty indeed, but others had roughhewn heads and ugly markings, and almost all had tight, fat, gassy bellies, the result of a diet restricted to salt hay and bayberry leaves. I never once saw a wild pony run. Like the black bears of Yellowstone, they are far more apt to stand about near the public road biting the hands that feed them. There are about 150 of the ponies on Assateague Island, and they are owned by the volunteer firemen of Chincoteague, who sell off a number of them each July, after a roundup and festivity called the Pony Penning.

The truck passed large, shallow impoundments of fresh water; here sorghum and millet had been planted, to supplement the widgeon grass that is a native duck food. Like Brigantine, in New Jersey, and Bombay Hook, in Delaware, Chincoteague is a key waterfowl refuge on the Atlantic flyway, and numbers of brant and snow geese winter here, along with a great variety of ducks. Someday, the refuge people hope, a vast "wash flat" between the forest at the south end and the wooded marshes known as Ragged Point will be closed off by dunes and banks and converted to fresh-water marsh. "Wash flat," I discovered as we drove along, very well describes those areas where the Atlantic has broken down the dunes and washed straight across the island to Chincoteague Bay, taking all plant life with it. After about 5 miles, the wash flats gave way to low, mosquito-ridden woods of willow and bayberry. Overhead, an egret veered off, and in front of us, with one bounding flick, a brown creeper crossed the trail and landed neatly on the trunk of a wild cherry. The truck churned on, flaring a few black duck and pintail from a slough; bands of sandpipers flew down across a swale; and a solitary yellowlegs circled above, yelping in mixed outrage and alarm.

To these Ragged Point marshes, Dave Hall told us, the snow geese come in thousands to feed on the roots of salt hay, and he added that on the previous day one of the local deer hunters had shot down a snow goose out of season and left it where it lay. Hall's only comment was an eloquent gesture of fatigue. We turned east, toward the beach. Ahead of us, enormous on the empty sands, the old Pope's Island Lifeboat Station, on the Maryland-Virginia line, lay askew behind the dunes. In the 1950's, the Coast Guard turned it over on loan to the refuge, which used it as a base for game patrols. But the famous storm—still called "that March storm" here, identification of the year being unnecessary—shifted and gutted the buildings, which were abandoned to that final desolation of an old hulk stranded on a coast.

Hall could not take us any farther, so we returned to the mainland in the afternoon and drove up into Maryland to approach Assateague from the northern end. After crossing the recently completely bridge across the sound from Sinepuxent Neck, we were met and greeted by L. Monroe Lewis, proprietor of a tavern in Ocean City, who favors the establishment of a national seashore, and who had agreed over the telephone to conduct us into the disputed area. Lewis, a tall, quietspoken man, was at the wheel of a corn-colored International Scout with four-wheel drive. We got into it, and were driven immediately onto the beach. At low tide, the sand by the water's edge is hard and flat, and the car struck southward at a good clip. The plan was to take advantage of the low tide by covering the 15 miles to the old lifeboat station as quickly as possible and return at a more leisurely pace on the upper beach, following the course of what had once been Baltimore Avenue. This Maryland segment of the ocean beach is narrower than that in Virginia, and most of it is covered at high water. The water remains shallow for some distance, and that afternoon the waves broke far out to sea and rumbled harmlessly across the flats in a tumble of white water. There was a cold, strong onshore breeze, and a wind-whipped scud collected at the water's edge, forming balls and loaves of light, quaking viscosity that rolled away across the beach and caused the sanderlings to jump and flutter. Bumped and distracted from their pursuit of sand fleas at the water's edge, the little birds would have just found a ball-free ground when our vehicle roared down upon them and sent them off again, chattering wildly. Here and there, the skeletons of ships thrust up gaunt black bones.

Farther on, grotesque in the salt water, was a forest of cedar stumps, stretching away for miles down the long coast; it seemed that a bayside forest had been overwhelmed and then buried by the sandy island's westward retreat from the sea. According to Lewis, the old stumps were laid bare periodically in time of storm, and "that March storm" had uncovered a vast stretch of them. One might suppose that the unnatural spectacle of sea-washed stumps would chasten any eager planners of subdivisions, but, to judge by lengths of snow fencing placed all along the beach for the accumulation of new dunes, it has not done so. Putting out snow fencing is the simplest device for piling up wind-blown sand, and in an effort to save building lots that have already been sold or are now for sale new fencing has been put far out in front of the natural dune line. "It may last till the first storm," Lewis said, "but I kind of doubt it."

While Bob Bergman and Frank Ugolini were taking pictures of the dead cedar fields, I asked Lewis about attitudes in Ocean City. As he saw it, all the "good-thinking folks" were in favor of the seashore; they agreed with him that private development could only produce "eyesores." He acknowledged that not everybody in Ocean City felt as he and his friends did, and that its real estate agents, in the main, had no intention of sitting by while a large and almost unexploited property, separated from their offices by a mere inlet, was taken away from them through "Federal encroachment"—a term as prevalent in Maryland as in Virginia. Lewis pointed out a cluster of heavy pilings sticking up out of the sand, and told me that the few beach houses that survived the storm had been built on pilings, which permitted most of the storm water to rush past unresisted, but that many such houses had vanished with the rest. Behind the pilings we could see the remnants of Baltimore Avenue, like black scabs on the beach, and its telephone poles reeled away at crazy angles across the deserted wash flats. Barely visible in the mist, like a faint smudge, was the ruined lifeboat station in Virginia.

Turning inland, we entered the woods trails of a region known as Green Run Bay. The trails led to duck hunters' cabins on the bayside, uninhabitable at this time of year because of the mosquitoes, which rose in gasps from an undergrowth of glossy sumac and powdery, white-tufted groundsel. The mosquitoes, bouncing in ominous silence against the windshield, imprisoned us in the car. We worked slowly back north, crisscrossing the broken spine of Baltimore Avenue. A twisted sign, all the more lonely looking for its optimism, read "100th street." Here and there among the staring wrecks of houses, the beach was stained a dirty rust, apparently from old iron in a ship wrecked on the bar. A bit farther on, we gazed from our car at a rare sheltering scrap dune that had been spoiled by heaps of tin cans—the residue of some gargantuan beer party.

At one of the wrecked houses, we came upon a falconer, named James Rice. He led us inside the house, which was broken-backed and sadly tilted, and there, secured to a crossbeam by leg bands and leather thongs, perched two young female peregrines. (To falconers, only the females are falcons; the males, or tercels, are smaller, and therefore less desirable as hunters.) The birds were hooded in leather helmets with bright crowns—one red, one blue—on top of which were sprays of upright feathers and fur, giving them an appearance both sinister and regal. Rice, a weathered man in weathered clothes, told us he had caught both birds in the few days he had been camping in the ruin, and he removed their hoods so that we might get a good look at them. The bird in the red crest, even after her hood had been replaced, tried repeatedly to fly, and was snapped short violently each time by the light thong. Her struggle seemed less frantic than remorseless, as if she understood its hopelessness but had to try anyway. Between leaps, she held her powerful wings half open, like a cape; the wings of the peregrine, which is one of the swiftest of all birds, look too big and heavy for the body. On the floor beneath the beam was a crate of small, seedy street pigeons, which Rice was using as falcon food and also as lures. After checking to make sure that the late-afternoon wind still blew from the northwest—a fair wind for southbound falcons, which descend toward evening to feed and rest—Rice loaded the doomed pigeons into a gray jeep and set off down the beach.

We drove on northward. It was nearly twilight, and a small flight of monarch butterflies had settled on the tall stalks of beach goldenrod. Slamming into a low gear, Lewis drove up the slope of a small dune and invited us to enjoy the view from the highest point on Assateague Island. We got out and stared back toward the south. The surf's white bands, the plain of sand, and the pine woodland of the inner shore converged gradually and disappeared into sea mists. Seen from a distance, the broad dimensions of the island reduced man's litter to insignificance. The collision of sand and wind and waves, I thought, could soon restore to the island its stripped, gaunt beauty. A flock of scoters passed offshore—black, heavy-bodied sea ducks down from Canada. The sun had vanished for a moment in a shifting sky, and the birds were etched in a hard silver light. The wind was cold, and we went on again. To the west, where the sky still shone, a large band of ponies trailed across low, grassy inland dunes. These ponies of northern Assateague are wilder than the ones that haunt the roadsides of the refuge, and they moved off as the car approached. In silhouette against an autumn sunset, its last light glinting in their shaggy manes, they closely resembled the wild horses I had always wanted to see.

The next morning, having said goodby to my friends from the Park Service, I went back to the town of Chincoteague to look around on my own. It is a pretty cluster of white oyster shacks and poultry sheds and old, sun-battered framehouses set on brick pillars, and its neat waterfront is lined with small oysterboats. In the warm sun behind a shucking house, I got into conversation with two baymen, who told me that a blight in the local oysterbeds had put them out of work. A James River dredger was unloading a cargo of oysters brought across the Chesapeake and around Cape Charles, and as we watched some of the alien oysters—very inferior, I was informed—being carted from the boat decks to the shucking trays, the two idlers, both white men, inveighed against the Negro crewmen from the dredger. "They all right in they place," the older of the two remarked loudly. He eyed me a moment, not without amusement. "I ain't lookin' to hurt 'em none. But I sure'n hell ain't gonna let 'em up."

To change the subject, I said I wondered what he thought about the plan to make Assateague into a national seashore. The younger man broke in, with a curse, to ask if the wildlife refuge wasn't bad enough for me already. However, once he had dutifully recorded a dislike of Government regulation, he did concede that the seashore might have a good effect on the local economy. "There are people will go miles," he explained, "just to get away from other people."

"Gov'mint might's well take the rest of Assateague, too," the old man said then. "They run ever'thing else around here." In the foreground, the Negro crewmen moved somberly back and forth. "Think they got us licked!" the old man said defiantly, almost shouting. But once again a faint look of amusement appeared in his eyes, and he said quietly, "And, by God, I guess they do." We grinned at each other, and he said he had to be going. I walked with him along the wharf, past sheds and oyster boats. He had lived here all his life, he told me. "Used to go guidin'," he recalled. "Guided all them sports down from the cities. By God, I've shot my share of ducks right off this dock!" His voice was rising again, but subsided—rather sadly this time. "That was afore that Federal outfit." He nodded in the direction of the refuge. "Since they come, they ain't been birds enough to feed a cat." I said something about market hunting and overshooting, but he dismissed the notion fiercely. "Lord God give us them birds to shoot!" He peered about conspiratorially. "You know how gluey wild ducks' aigs is?" he said. "Well, a feller told me one time people in Europe was shippin' wild ducks' aigs out of Canada and all up there—two, three shiploads a day—for makin' glue out of 'em. That's where them ducks went to. And them so thick here once you couldn't see through 'em. Just clouds of 'em!" We stood in silence for a while, staring out across the piles of oystershells and the white boats at the bright October bay. The forenoon was windless, the air dense with boggy warmth, and white clouds drifted in black mirrors of still water; the sun caught a flash of shore birds on a far mud hummock. On every side, the salt grass stretched away like a rank, olive-colored meadow, broken by tidal creeks and sagging duckblinds and old, black, bony creosoted poles marking forgotten channels. "Clouds of birds," the old man said softly. "Just clouds of 'em. What you think happened to them birds?"

—PETER MATTHIESSEN

SENATOR MAGNUSON, OF WASHINGTON

Mr. JACKSON. Mr. President, the Wall Street Journal of Friday, April 2, paid deserved tribute to the senior Senator from Washington [Mr. MAGNUSON] in an article, by Dan Cordtz, entitled "The Senate's 'MAGGIE': In a Casual Way. Washington's MAGNUSON Gets Much Done."

This article captures with great perception the warm and gracious style of our colleague and the deep respect and affection with which he is held by his fellow Senators—and, in fact, by all in Government who have contact with him. It accurately measures the great influence he exercises in our Nation's affairs. But, as Mr. Cordtz says:

> Many of his contributions, his admirers say, go unnoticed because Senator MAGNUSON avoids attracting attention.

True enough; and, fine as the article is, it misses an important area of his quiet accomplishments—those that grow out of his constant concern for the health and well-being of people. This has been the continuing theme of his work in Congress. His concern for the personal and social needs of people has made him a creator and prime mover on behalf of cancer research, the programs of the National Science Foundation, educational TV, the communications satellite program, oceanography, and the public accommodations section of the 1964 civil rights bill.

Mr. President, I ask unanimous consent that the article concerning our beloved colleague be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 2, 1965]

THE SENATE'S "MAGGIE": IN A CASUAL WAY, WASHINGTON'S MAGNUSON GETS MUCH DONE

(By Dan Cordtz)

WASHINGTON.—If a Senate poll were taken to pick that clubby group's half-dozen most popular, most influential and most anonymous Members, chances are that on all three lists would appear one name: "MAGGIE."

That's the way it would be put down on most ballots, too. For to his affectionate colleagues, the full name of WARREN G. MAGNUSON is somehow too stiff to go with his casual, unbuttoned informality. Even after 20 years as Democratic Senator from the State of Washington, he exudes an air of good fellowship that prompts total strangers to call him by his nickname.

Presiding over a public hearing in his bluff, rambling fashion, chewing a big cigar and with his dark-rimmed spectacles slipping down his ruddy nose, he can appear a faintly comic figure. Grammatical slips, mispronunciations and malapropisms are not unknown to him, and he persistently confuses such terms as "balance of trade" and "balance of payments."

If this manner occasionally traps an outsider into taking Senator MAGNUSON for less than he is, it doesn't deceive his peers. His name may mean little to the public outside his home State, but within the club it carries unmistakable weight. This point is being proved once more in the case of the proposed law to require health warnings on cigarette packages. The introduction of a Magnuson bill was the signal for 2 weeks of full-dress hearings which wind up today. If he cares to declare himself, the Senator from Washington will undoubtedly have a great deal to say about whether the final law applies to cigarette advertising as well as package labels.

Senator MAGNUSON's official credentials alone guarantee attention to his views. He is chairman of the Committee on Interstate and Foreign Commerce, whose legislative jurisdiction affects an estimated 90 percent of the Nation's industry and commerce; he is chairman of the Independent Offices Subcommittee of the Appropriations Committee, which holds the purse strings of most Federal regulatory agencies; and he is chairman of the Democratic Senatorial Campaign Committee, which doles out contributions to colleagues at election time.

Senator MAGNUSON also enjoys the special status that goes with long service (he ranks eighth in seniority), a place on the Democratic policy committee and membership in the Senate's shadowy inner circle. He is one of the few active remnants of the fading "establishment" which helped Lyndon B. Johnson run the Senate for nearly 8 years. The President and Senator MAGNUSON, in fact, share a close personal friendship that goes back almost to the day in 1937 when both were sworn into the House of Representatives.

PRESIDENT WAS BEST MAN

"We came here together, went to war together and came back together," the Senator declares proudly. He modestly omits the fact that the President served as best man last year when Senator MAGNUSON married Mrs. Jermaine Peralta, a Seattle widow.

More important than official rank and highly placed friends, though, is the all but universal fondness felt for Senator MAGNUSON by men of the most diverse political persuasion. Conservative Senator CARL HAYDEN, Democrat, of Arizona, who has spent 38 years in the Chamber, labels him "a Senator's Senator." (One popular definition: "A man who, if he can't help you win, helps you look good losing.") Majority Leader MIKE MANSFIELD, of Montana, declares, "'MAGGIE' doesn't have an enemy on either side of the aisle." Adds liberal Democrat PHIL HART, of Michigan: "He's just one of the really nice guys in this place."

A psychiatrist might contend the 60-year-old Senator's desire for friendship reflects a childhood insecurity. Orphaned at the age of 3 weeks, he was adopted by a Swedish family in Minnesota. But at the age of 17, he worked his way West—riding freight trains and doing farm labor—until he reached Seattle. Seven years later, he had worked his way through the University of Washington and its law school and in 1933 won his first election, to the State legislature. Since then he has been in 23 more and won them all, although he received the scare of his life in 1962 when an unknown minister came within 45,000 votes of turning him out of his Senate seat.

Like many of those in the Senate, Senator MAGNUSON seems to find most of his pleasure in the company of his fellow club members. He plays poker with a congressional group almost every Thursday night, attends football and baseball games with Senator RICHARD RUSSELL, of Georgia. A good companion, he is fond of telling funny stories about his fellow Scandinavians. Before his marriage, he was one of the Capital's gayer bachelors; now he spends most evenings reading and works at painting on the weekends. He is an unabashed sentimentalist, a quality that endears him to his frequently thick-skinned Senate mates.

But popularity on Capitol Hill is more than a matter of being a pleasant, amusing, nice guy. To get along, goes the proverb, go along. And Senator MAGNUSON tries hard to help his colleagues wherever possible. Some outside critics suggest he is a bit too accommodating and even something of a "wheeler-dealer." But the most sternly moralistic among his fellow Senators deny there is anything sinister about his horse-trading.

"'MAGGIE' wouldn't compromise with principle," one realistic Senate veteran says, "but he's not of those fellows who looks for a moral issue in every little political proposal. He's not dogmatic or doctrinaire. He can give a little on most things. Some of these birds around here see everything in such categorical terms they never have any room to maneuver."

Placing Senator MAGNUSON within the ideological spectrum is not easy. Both the Americans for Constitutional Action and the Americans for Democratic Action rate him, on his voting record, as a solid liberal. He wears that badge proudly but adds that he is a conservative in fiscal matters. "I helped cut $6 billion off the Federal budget in the last 10 years," he declares. Some of his friends describe him as an instinctive conservative whose natural bent is tempered by political realism and a soft heart.

Even when he is shepherding an administration proposal or one of his own through his committee, moreover, Senator MAGNUSON is always seeking the sort of consensus so dear to his friend in the White House. And if he finds it impossible to get, he's quite content to let the matter rest until a better day. "We seldom pass a bill in the Commerce Committee that isn't pretty well agreed on," he remarks.

NO ARM TWISTER

Nor is such agreement the grudging result of any arm twisting on his part. The chairman of a Senate committee enjoys broad power, and more than one has been known to use it tyrannically at times. But not the senior Senator from Washington. His permissiveness makes the public hearings of the Commerce Committee the most relaxed in town. It encourages many members to indulge their penchant for comedy and occasionally reduces the time schedule to a shambles. Once the doors are closed on executive sessions, committee members say, their chairman is brisker but never domineering.

So adroitly has Senator MAGNUSON steered clear of controversy that he has really only been embroiled in a couple of bitter, knockdown battles. One was the dispute over construction of a multipurpose dam in Idaho's Hells Canyon in 1956, and the other was the 1959 wrangle over Senate confirmation of Adm. Lewis Strauss as Secretary of Commerce. (Senator MAGNUSON suffered one of his infrequent defeats when the big dam was rejected in favor of two low-level dams, but he was on the winning side as Admiral Straus was retired to private life.)

When he is forced into the line of fire, Senator MAGNUSON usually emerges magically unscathed. He pushed the public accommodations section of the civil rights bill and the communications satellite bill through his committee without alienating either the southerners violently opposed to the first or the liberals adamantly against the second. Second-ranking committee Democrat JOHN O. PASTORE, of Rhode Island, on the other hand, was raked from both sides and lost the election for assistant majority leader partly as a result.

But his fellow Senators don't just like Senator MAGNUSON; they trust him. "Everybody knows 'MAGGIE's' not out to do anybody in," explains a colleague of years' standing. "He has no further political ambitions, so he's not trying to take anything away from somebody else. All he wants is to be liked." This attitude, plus his acceptability to L.B.J. and the Senate's elders, was responsible for Senator MAGNUSON's selection (over then-Senator HUBERT HUMPHREY) as head of the senatorial campaign committee.

As they trust his good faith, moreover, Senator MAGNUSON's colleagues also trust his instincts and judgment. "I doubt," asserts a strong liberal, "that 'MAGGIE' ever read the civil rights bill clear through. He doesn't have a mind that focuses on detail and niceties. But he came down hard on the right side." And if he is no deep thinker, he is also far from ill informed where his own legislative specialties are concerned.

RELIANCE ON STAFFS

He relies heavily on personal and committee staffs whose abilities are acknowledged by Democrats and Republican Members alike. (So many persons work for Senator MAGNUSON directly or indirectly that one long corridor of the Senate Office Building is known as "MAGGIE's Alley." And unlike many in Congress, he does not spread himself thin. He specializes in his committee's concerns, with particular interest in fisheries, merchant marine, and the like which mean bread and butter to his home State.

It's a rare Senator, therefore, who can bring himself to turn Senator MAGNUSON down when he entreats for support. "He'll go to a fellow like JOHN STENNIS, for example, and tell him how desperately the Pacific fishing industry needs help," says an admiring associate. "STENNIS won't give a damn one way or another, but 'MAGGIE' will be so earnest and so determined that he'll figure if 'MAGGIE' feels that strongly about it he must be right. Anyway, the demand is never outrageous and it never involves taking something away from somebody else. If 'MAGGIE' usually gets what he wants, it's because he usually wants what he can get."

Nonetheless, his modest goals have resulted in such legislative plums as a $10 million Federal grant for the 1962 Seattle World's Fair; a chain of dams along the Columbia and Snake Rivers; and an amendment to the food-for-peace program adding fish to the surplus foods which can be sold to foreign countries under special, easy terms. (The only fish currently in surplus in the United States just happens to be pink salmon, most of which is caught and canned in the Pacific Northwest.) And Washington, 23d State in population, collects one of every six Federal public works dollars.

Many of his contributions, his admirers say, go unnoticed because Senator MAGNUSON avoids attracting attention. In fact, his manner of operating may have been best described by President Kennedy when he spoke at a 1961 dinner honoring Senator MAGNUSON's 25th anniversary in Congress.

"Most Members of the Senate," President Kennedy said, "have developed the art of speaking with precision and clarity and force. The secret of Senator MAGNUSON's meteoric career has been the reverse. He may make clear speeches to you on great public occasions, but in Washington he speaks in the Senate so quietly that few can hear him. He looks down at his desk—he comes into the Senate late in the afternoon—he is very hesitant about interrupting other Members of the Senate—when he rises to speak, most Members of the Senate have left—he sends his messages up to the Senate and everyone says, 'What is it?' and Senator MAGNUSON says, 'It's nothing important.' And Grand Coulee Dam is built."

SIXTEENTH ANNUAL INSTITUTE ON FOREIGN TRANSPORTATION AND PORT OPERATIONS AT TULANE UNIVERSITY IN NEW ORLEANS

Mr. ELLENDER. Mr. President, on March 18 and 19 of this year the Tulane University Institute on Foreign Transportation and Port Operations was fortunate in having two excellent speeches delivered on the condition of our foreign commerce.

The distinguished senior Senator from Alaska [Mr. BARTLETT] spoke to the institute on the grave condition of the American merchant marine. Mr. Louis C. Purdey, president of the American Association of Port Authorities, delivered a forceful speech on our foreign trade.

Mr. President, I ask unanimous consent to have both these speeches printed in the RECORD at this point.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

SINK OR SWIM

(By Senator E. L. (BOB) BARTLETT before the Tulane University 16th Annual Institute on Foreign Transportation and Port Operations, March 19, 1965)

It is a pleasure to be here in the great international port city of New Orleans and it is an honor to speak to you today on ships and the shipping industry. The U.S. merchant marine has had a glorious past. You and I are determined that its future will also be glorious.

As you know, basic Federal policy was set by the Merchant Marine Act of 1936. This gave encouragement and direction to the industry. The partnership between Government and industry which was there established has, in many ways, been productive and satisfactory. The construction and operational differential subsidies authorized in the 1936 act have paid substantial dividends. Since 1938, the net construction differential subsidy paid to American shipyards has totaled $596.9 million. Over the last 26 years, a total of $1.7 billion has been paid in the form of operational differential subsidies. And what are the dividends? The U.S. merchant marine now has four times as many 20-knot cargo vessels as all the rest of the world's fleets combined.

This is good, but it is not good enough. The Merchant Marine Act set forth our Nation's basic maritime policy. It is U.S. policy, said the act, "to have a merchant marine sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce * * * and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign waterborne commerce at all times."

Twenty-six years after those words were written, U.S.-flag vessels were last year able to carry but 9.1 percent of our total oceanborne foreign commerce. Our U.S. privately owned fleet has now slipped to 6th place in the number of total vessels. We are behind the Soviet Union and Japan. This is not good enough.

Last year American taxpayers paid out over $350 million in subsidies and in cargo preference freight rate differentials. This kind of money should go a long way toward building and operating a modern fleet capable of serving the Nation's trade commerce and national security. It has gone a long way, but not long enough. Because of the emphasis placed on liner-type vessels by the 1936 act our liners and general cargo freighters are in good shape. Such is not the case with our tanker fleet. From both the economic and the security standpoint, it is not in our national interest to rely so heavily on foreign-flag tonnage for the transportation of imported oil. Our tanker fleet is the oldest of any in the world; the average age per ship is 13 years 7 months. We are behind, too, in the development of an adequate and efficient bulk-type cargo fleet. The challenge presented by the rapidly expanding commerce in bulk cargo has not yet been met by the American fleet.

Nor has our domestic fleet kept up to date. Over the last 10 years the number of vessels engaged in our domestic trade has declined from 425 to 295. Forty- and fifty-year-old ships are still operating on the Great Lakes. The industry has a role to play in the expansion of our domestic economy but the industry will not play it with ever fewer, ever older vessels.

Thus it is, that despite the accomplishments of the 1936 act, the United States does not have a well-balanced merchant fleet at the present. The Nation, the economy, the industry have changed in 25 years. The needs of 1965 are not those of 1936. And the 1936 act as it now stands is not meeting these needs.

Only last month the Senate Committee on Commerce obtained a special appropriation of $25,000 for a new effort to consolidate the U.S. maritime statutes. With this money we can revise and compile our present laws. In my opinion, very few changes in wording would be necessary in the formal revision of these maritime laws—and it should be made quite clear that these laws will in no way be weakened.

Recently I suggested an improvement which, I believe, should be carefully considered. One of the major factors in the success of the ship replacement program has been the so-called capital reserve fund. This fund allows subsidized operators to set aside certain sums in tax-free accounts for later vessel construction. I would like to see an extension of this reserve fund to the nonsubsidized tramp-bulk carriers and to the nonsubsidized domestic steamship companies.

I have been aware for many years that labor and industry would like to see an upswing and an updating of our policies. Not only labor and the industry are aware of this need: the Government itself is deeply concerned. The President, in his state of the Union message, called for "a new policy for our merchant marine." The Maritime Administrator, Nicholas Johnson, speaking here in this port, said, "The American merchant marine is at the crossroads" and that "basic decisions must be made." These decisions will be made and they will require the best efforts, the most constructive thinking and the hard work of the Government, labor and the industry working together.

This is no time for castigation, for generalities, or for pipedreams. This is a time for concrete proposals, specific ideas—and for action.

In January, here in New Orleans, the Lykes Bros. Steamship Co. proposed a radically new concept in ocean shipping—the barge-carrying ship. The American Hawaiian Steamship Co. is now exploring the feasibility of a nuclear-powered containerized ship for use in intercoastal trade. There is a feeling growing both in the industry and in Washington that the United States can no longer put off the development of a nuclear-powered fleet. The Russians are building atomic-powered icebreakers. The West Germans are building atomic-powered large bulk carriers. The Japanese are building atomic-powered oceanographic research vessels. Now the Greeks are talking atomic power. And it is American industry that is supplying many of these reactors.

I have gone over much of the available material. I have talked with many experts. I believe nuclear power could substantially help America regain her rightful place in the world's merchant marine fleet.

Our scientific knowledge, our basic research on atomic power, leads the world. We have an advance on the world and we are not taking advantage of it.

The opponents to atomic-powered ships say that such vessels are unjustifiably expensive. I question their methods of cost accounting. When atomic-powered ships are priced, the cost of the reactor core is included in the calculations and yet, this is the cost of the fuel and should not be included in the calculation of construction expenses. Incidentally, last fall a large U.S. manufacturer said that it is developing a reactor which will require refueling only once during the life of the ship.

When the opponents to atomic-powered ships consider cost, do they include the continued savings of a clean ship? The average ship spends $6,000 to $8,000 a year in cleaning her boilers and blowing her stacks—not to mention the additional costs of topside damage caused by the corrosive mixture of water and stack gases. The atomic-powered ship has no such costs.

The atomic-powered ship gives up none of its payload to carry its fuel. It is said that a conventionally powered 60,000 deadweight ton tanker would give up approximately 6 percent of its payload for its fuel, when making the run from the Persian Gulf to New York. Have the cost accountants included this?

In the past, certain reactor fuels cost $500 per pound. These same fuels can now be mass produced at $10 per pound. The instantaneous and always available power reservoir of a nuclear ship provides abundant electricity for increased automation. We are now developing smaller, cheaper reactors with less shielding, more power, and vastly improved safety features. Certain chemical and physical developments offer the possibility of supplying nuclear fuel in a gaseous form. It is now possible to conceive of a practical fusion reactor which derives its fuel from the atmosphere. And I wonder whether these technological benefits and advances are being included.

Yes; a nuclear-powered merchant marine will be expensive and will cost money—but wasn't Henry Ford's automobile more expensive than the horse and buggy which it replaced? It is now my belief that oil-fired boiler plants have reached a certain technological plateau—that it is time for us to proceed from fossils to fission.

Your Government requested $10.5 million this year for research and development in the merchant marine field. Three-fourths of this figure was intended for the operation of the *Savannah*—our lone nuclear ship. By this I mean $7.5 million will go, not for scientific research but to pay the operating cost of the *Savannah*, even though the future of this ship is in doubt. I, for one, do not like to have the Federal Government in the business of running merchant ships. Instead, I would like to see the Government's money go toward basic research and work toward the development of new equipment and systems.

A recent report to the Maritime Administration concluded that a system which featured high-speed nuclear ships would provide a merchant marine capable of meeting our national needs. The ships in such a fleet would be of the newly developed warehouse type, which utilizes cargo-handling advances such as roll-on, roll-off capability while remaining flexible enough to compete in the cargo-handling environment of today. It is my understanding that these ships would steam economically at 30 knots—the upper practical limit for displacement-type hulls—and would be competitive with oil-burning 21-knot replacement ships using current cargo-handling methods on the Atlantic route, assuming that neither ship is subsidized. The report continued by saying that without any increase in total cargo carried, nuclear power would now be competitive at high speeds and, within a relatively short time, would be competitive with conventional power at today's speeds.

Nuclear power is a great hope but it is not our only hope. Our private industries, working with the Maritime Administration, taking a leaf from the space sciences, have made significant advances in the understanding of the hydrofoil. We are developing the hovercraft and we are gaining new knowledge of the captured-air-bubble concept in waterborne transportation.

So there is much to be done.

In the months ahead, as new policies are hammered out and first steps taken, we must remember that a modern balanced fleet will not be achieved by turning industry against Government, company against company, union against union. We are all in this together and in it, we will sink or swim.

There will be changes in the months and years ahead. Let us be sure that these changes are considered carefully. Let us not wantonly destroy what we have labored so hard to achieve. Let us strive to accept change directed by reason and to reject change proposed without examination and let us not use these luncheons and forums primarily as social gatherings; let us use them to provide the thoughts and the stimulus for all those who would strive for an efficient American merchant marine.

WAKE UP

(Address by Louis C. Purdey, executive director, Toledo-Lucas County Port Authority; president, the American Association of Port Authorities, address for Tulane University, Institute on Foreign Transportation and Port Operations, March 18, 1965, International House, New Orleans, La.)

In preparing for this presentation tonight, I tried to put myself in your place. You've just undergone 4 days of intensive classroom study of foreign transportation and port operations. Quite frankly, if I were down there right now, I'd be making big plans to fall asleep right after the dessert.

That's not the reason, however, why my talk is titled "Wake Up," although if I use it often enough and loud enough it may have a certain shock effect.

Naturally, we're all interested in the commercial implications of international trade. We want to make money. For some firms the ability to buy certain things from abroad is crucial to the growth of the organization. To others, exports constitute a substantial portion of the company's total output. Some plants, however, punch out parts as suppliers and never even consider where the completed machines go after their components are inserted. Some firms are so shortsighted as to condemn nearly all imports as unfair competition to American industry.

When we prepare an ocean bill of lading, file a ship's manifest with customs, prepare entry forms, verify documents presented with letters of credit, or find an oversea market for some outmoded stock, we usually feel that the day's work is done.

Well, let me tell you, as international tradesmen, our job responsibilities go far beyond that. We are actually fiddling around with international economies and politics. We must wake up and take a more active role in incerasing our country's favorable position in world trade.

A wide-awake approach to international trade, generously distributed throughout American industry, can add even greater vitality to our economy at home, cause emerging Nations to see the advantages of freedom, and appreciably reduce problems of labor and unemployment.

Why, you can even do the cause some good at the local meeting of your PTA.

In the first place, don't shrug off somebody's comment that cheap foreign labor is chopping into our free enterprise system.

It is literally impossible to determine the relationship of wages against the labor costs to an employer. Fringe benefits and so-called social charges—country by country, industry by industry, and by industries within any country—preclude accurate comparisons of wages as true measures of comparative labor costs. Even if we could somehow correlate these statistics, which we can't, it is still axiomatic that a nation can only be hurt if it excludes imports which can be obtained more cheaply from abroad.

Although the United States can produce many kinds of goods more cheaply, we will gain by buying, from foreign sources, those products for which we have a relative disadvantage and thus gain the opportunity to export commodities for which we have an advantage because of our superior natural resources, skills, and techniques. (Balance of payments—President's meeting.)

The most popular excuse for a lethargic attitude toward exports is that we can't compete successfully because of the low wage scales overseas. Let's talk about that.

Labor costs are governed, generally, by how much labor is available in relation to the other factors of production.

Let me cite this example (the figures are a bit dated but the formula remains the same): In India the labor-capital ratio is so high that the average worker is assisted by about $300 of capital equipment. Conversely, our worker's productivity is assisted by more than $5,000 worth of capital equipment. Therefore, wages in India must be lower than those here.

Still, our country, as a unit, stands to gain by importing labor-intensive products of India. In return, we can export capital-intensive products of this country.

What I've been trying to illustrate is that the high productivity of the U.S. economy, reinforced by high capital investment per worker, can offset the lower wage levels abroad.

Any decline in the U.S. share of world trade will not necessarily reflect disadvantages due to wage levels.

The truth is—countries which are increasing their exports at the expense of our share in the total, are also increasing their wage levels at the same time.

The advantage we had after World War II couldn't last forever. We were the only major source of exports and we milked the situation for all it was worth. So-called "dumping" still goes on.

There are acute labor shortages in the more affluent areas of Europe which are raising wages and labor costs. If these countries are to continue to raise wages materially, they must go outside their domestic market and export. Exclusion of their products would only serve to perpetuate wage differentials which are so pompously pegged by some as a threat to us here in America.

Increased American exports will serve to reduce disparities until products will be judged on merit alone, using the formula of cost compared with quality.

There are alarming indications that we are not making adequate provisions to strengthen our lead as an exporting Nation. Our tax laws may have some influence. Whatever the reasons, it is a fact that our philosophy of mass production for mass markets is being copied very successfully in Western Europe, Japan, and the United Kingdom. We still hold the unquestionable lead in capital equipment, managerial capacity, and mass production know-how, but we must continue to modernize, innovate, and—above all—sell.

Everyone of you here tonight either is, or will be, in a position to exert pressures on industrial management to at least bid on foreign business. Who knows? If the company is cost-conscious enough and wants more business strongly enough, mangement may, in the process of assessing bid prices, find new and cheaper ways to build their "widgets" without a sacrifice in quality.

Research of the product can also result in modifications which more adequately fit the economic needs and local customs of the foreign buyer.

Wake up, open your mouth when you have an opportunity and don't let the old cheap labor excuse go around the table unchallenged. There are good markets overseas. Wake up and find them.

Foreign investments? There was a time when the shoe was on the other foot.

As the tale goes, a fellow by the name of Ross Baker came to the United States in 1882 to join his brother. With financing supplied by a family business in Scotland, he started a sawmill in Indiana. He bought black walnut logs, cut them up, and sold them to people for miles around. By the time he had become an American citizen, his business had prospered, and while most of his profits had been invested in American property, the parent firm in Scotland continued to receive regular dividends.

Remember, this business venture began in the late 1800's. Long before this, however, foreign investment had backed the Virginia and Massachusetts Colonies and financed a large part of the construction of our canals and railroads.

With just such initial aid from foreign capital, our American economy has been enriched again and again, and along with such financial investment have come skills and techniques to further the industrial growth of our country.

In 1963, private U.S. business paid out to foreign investors $796 million and the U.S. Government paid $400 million, for a total of $1.196 billion.

That same year, foreigners paid us a total of $4.6 billion in interest and dividends as income on our investments abroad. Of this amount, $4.1 billion came from private investment abroad and $0.5 billion was interest paid—mainly by foreign governments—to our Government on loans made since World War II. This amounts to a 4-to-1 ratio—which can be considered excellent business at any time.

In spite of our excellent position in commerce and capital investments of American firms abroad, we still have a disturbing adverse balance of payments of somewhere near $2.6 billion.

As the world grows smaller and the study of economics becomes more complex, we must be certain of our facts before we hang a foreign or domestic label on anything.

Two eloquent illustrations of this were published recently; one appeared in the Cincinnati Post & Times-Star, and the other in Newsweek. Let me read them to you.

En route to a shopping spree, the lady bought 10 gallons of Shell gasoline and had the service station man check her Dunlop tires.

At the supermarket, the lady bought several cans of Crosse & Blackwell soup, two cans of Libby peas, six Nestle candy bars, a package of Lipton tea, a box of Rinso, four bars of Lifebuoy soap, a tube of Pepsodent toothpaste, and a carton of Raleigh cigarettes.

At the department store she bought daughter a new dress and noticed an "American Enka" label describing the synthetic material.

At a record shop she bought a Capitol release which her teenage son had described in twisty detail.

Back home, the lady checked to see that a broken window had been repaired as promised by the hardware; in the corner of the new pane was stuck an "American St.-Gobain" trademark. Then she used the family's Underwood typewriter to drop a note to her sister.

And when the younger kids came home from school they each got a Good Humor ice cream bar as a snack.

Ah, isn't it wonderful that American companies can come up with such a variety of products for the lady?

Every one mentioned in the story is made by a firm wholly or partly owned by Europeans:

Shell Oil is 70 percent owned by the British-Dutch giant firm called Royal Dutch-Shell.

Crosse & Blackwell, Nestle, and Libby products are tied to the Swiss firm of Nestle.

Dunlop tires are made by British-controlled Dunlop Rubber, Ltd.

Capitol Records are 98 percent owned by Britain's Emi, Ltd.

American St.-Gobain Glass by France's Compagnie De St.-Gobain.

American Enka fiber production is ruled by the Netherlands United Rayon Manufacturers.

Underwood typewriters by Italy's Olivetti Corp.

Raleigh and Viceroy cigarettes are made in the United States by Brown & Williamson, but it's a subsidiary of British-American Tobacco headquartered in London.

Leaving his TWA jetliner, the executive pickup a Hertz rent-a-car at the airport and drives downtown to his office, where he ascends in an Otis elevator. In a crowded business day, he talks to Price Waterhouse & Co. about his firm's forthcoming audit, the Diebold group about a marketing study, Hill & Knowlton about publicity for a new product, Foote, Cone & Belding about his advertising budget, the Chase Manhattan Bank about a loan to build a new plant, Manpower, Inc. about a temporary office help, and American Express about his credit card statement.

The only odd thing about the schedule is that the executive isn't in the United States, where all these companies are headquartered. He is in Paris. And the profusion of U.S. goods and services at his disposal there illustrates vividly the depth and diversity of the U.S. business stake in Europe.

There is a fundamental difference in the trade objectives of free nations and the U.S.S.R.

We want to promote economic growth around the world. The Soviet bloc is dedicated to the institution of communism.

If economically weak countries are having difficulty in selling their goods elsewhere, they can usually depend on Russia to buy—particularly if the goods are considered "surplus" on the world market.

The Soviet Union pays off, however, not in money but in products produced within the Soviet bloc. Since the countries with which they trade can't afford to buy much of anything anyway, the barter system is a good deal. These exchanges are generally followed by the arrival of Russian technicians who not only help the emerging nation—they also sell communism.

If the barter system doesn't promise to do the job for the commies, they can always sell at attractively low prices commensurate with what the traffic will bear and still achieve the same political objectives.

Therefore, as we bury the wornout philosophy of "buy American at any price," we fire hefty salvos of economic bullets in the peaceful war to insure a free society for all people.

Try that one on your PTA. You also might try it on those junior Congressmen who perennially promote some form of buy American legislation.

Although the scales weigh heavily in our favor, we can't do any unqualified crowing, however, about our aggressiveness or super salesmanship on the world market.

It sometimes takes an enterprising European industry to light the fire here at home in the best interests of our domestic economy.

Henry Ford II, in discussing automobile imports and their effect on Detroit, told his stockholders, "What really started this market upheaval was an unusually severe dose of foreign competition. Because the automobile industry is fighting back hard in the marketplace, the whole country is going to benefit from the competition. It will benefit through improved industrial efficiency, through heightened scientific and technological advances, and through a strengthened economy."

My problem now is, "Where do I stop?" Illustrations of how you can influence the American economy and our image and prestige abroad are unlimited.

Just let me say this, in closing. More than 3 million Americans are employed in the handling or production of our present volume of exports. For each billion dollars of trade expansion, 150,000 new jobs will open up.

All groups—not only you pro's, all groups: Civic, educational, labor, management—everyone must "wake up" to the growing sophistication of world industry. All of us must either develop or get behind trade expansion. Not only will we assist our local communities, but we can help to make our entire country grow.

Foreign competition is a challenge, not a threat.

Work to your full capacity—innovate, pioneer, invent, sell.

Wake up to your best potential as a professional. Live up to your obligations as a good American.

Have I oversimplified the subject of international trade?

Certainly, I have.

Have I overemphasized the influence of world trade on our lives? Perhaps.

Have I influenced just one of you to greater endeavor?

If I have, my evening here has been successful.

Thank you.

TO AN OLD FRIEND, DR. CHARLES M. GOETHE, ON HIS 90TH BIRTHDAY

Mr. KUCHEL. Mr. President, a touching event in California recently signaled the reaching of the 90th milestone in a productive, varied, and colorful career for Dr. Charles M. Goethe, a widely known conservationist and philanthropist whose life efforts have been the furthering of causes for betterment of his fellow man.

The imposing record of good works performed by Dr. Goethe has been an inspiration, indeed, to all who had the privilege of knowing him. Friends and admirers from throughout California and all over the Nation signified this at the recent banquet marking Goethe Recognition Day, reflecting gratitude and esteem felt for a truly moumental character.

The far-ranging sentiment with which Dr. Goethe is regarded was summed up expressively in an editorial in the San Francisco Chronicle, which I ask unanimous consent to have printed as part of these remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TO AN OLD FRIEND ON HIS 90TH

For some 50 years now, communications signed "C. M. Goethe" have been appearing in the "Letters to the Editor" column of this newspaper—seldom without begetting numerous others from readers who testify in effect: "This gentleman never fails to enlighten and delight. I wish to thank him."

The Chronicle now wishes also to thank him—the occasion being his 90th birthday today. It thanks him for itself, and for thousands of Californians who would shower him with thanks if aware of the debt of gratitude they owe.

For Charles Matthias Goethe, native and continuing resident of Sacramento, is not only a letterwriting naturalist, conservationist, botanist, geologist, ornithologist, philosopher, and world traveler. He is also a great philanthropist. To him and his late wife (the former Mary Glide, member of a family preeminent in California's Methodist history) Californians are indebted for various large acreages of virgin redwoods that survive as parts of the State park system. Among these is the Jedediah Smith grove that the couple purchased and gave to the State to preserve the name of a Methodist that Goethe reveres as "the Bibletoter." Another is the Mary Glide Goethe grove, his memorial to the wife who shared his travels and enthusiasms and constantly appears in his letters in such phrases as "my sweetheart and I" and "We Two."

The scope of those enthusiasms is indicated by the title of "Honorary Chief Naturalist," conferred on Goethe by the National Park Service, and by an item in the Chronicle of February 25, 1912. It reports that Goethe, then in India, had been appointed by the Governor of California "a special commissioner to study and investigate children's playgrounds in cities throughout the world."

As examples of the Goethe style we cite this excerpt from one of his more recent letters, dealing with the remarkable survival mechanism of alligators: "The philosophizing naturalist wonders why man, alone of all animals, carelessly disregards nature's provision for survival. He wastes everything, from California's yesteryear sugar pine forest near Hetch Hetchy, to transplanting English sparrows and starlings to displace our native birds." Then, in reply to a query from us about his letterwriting, he says: "I cannot recall just when a certain very wise newspaperman suggester that the research of us two ought to be radiated to those who are blind to the miracles-of-God-in-nature. It must have been a half century ago."

It would be nice to anticipate, on this occasion, another half century of radiation.

POLITICAL ACTION VITAL FOR A LATIN AMERICAN INTEGRATION

Mr. KUCHEL. Mr. President, the American people are ardently devoted to the cause of a united Western Hemisphere in defense of their freedoms in the interchange of their cultures, and in the economic and social development of all the nations in the hemisphere.

With this as a background, our distinguished colleague the senior Senator from New York [Mr. JAVITS] spoke in Mexico City last Monday. He addressed the American Chamber of Commerce of Mexico. With vision and clarity Senator JAVITS spoke of the problems of economic integration in the countries of Latin America.

He referred to Adela, the Atlantic Community Development Group for Latin America, which he himself initiated.

I regard the speech of the distinguished Senator from New York as thought provoking, and as required reading for all Americans who wish this great Western Hemisphere to be at peace and to improve the lot of the peoples in its many nation-states.

I ask unanimous consent to have the address delivered by the Senator from New York printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

POLITICAL ACTION VITAL FOR LATIN AMERICAN INTEGRATION

It has been more than 3 years since the signatories of the Declaration of Punta del Este agreed to accelerate the integration of Latin America so as to stimulate economic and social development in the continent.

In these years we have witnessed substantial gains in the economic integration of Latin America. We have seen both the Latin American Free Trade Association (LAFTA) and the Central American Common Market (CACM) make substantial cuts in tariffs, and intraregional trade has increased.

Despite these accomplishments; despite these gains, true economic integration and the harmonization of economic policies has not been achieved, particularly in LAFTA. In short, reality has not been able to match the plan of Punta del Este; actions have not yet been able to fulfill the manifest destiny of Latin America—a continental economic union, cemented by mutual interest, and designed to allow the peoples of Latin America to realize the potential of their resources, natural and human.

It is evident that this destiny of true economic integration of the Americas can be realized only through full political commitment to it at the highest levels and with the strong support of democratic political parties, trade unions, men of influence in all walks of life, and the peoples concerned. Even though the Inter-American Committee on the Alliance for Progress (CIAP), ministerial groups, experts and private enterprise hemispherewide organizations such as the Inter-American Council for Commerce and Production (CICYP) fully realize this need, such commitment has not been made evident today to any appreciable degree.

Unless widespread political support develops the great gains of LAFTA, CACM, and the Alliance for Progress could be dissipated with the most damaging consequences to the future of freedom and well-being in the hemisphere.

I invite today, therefore, leaders of democratic political parties and trade unions of the Americas—which excludes the extremist right and the Communist left—and Latin American personalities devoted to the cause of democratic reform and unity to join me in the establishment of an Action Committee for an Economic Union of the Americas.

This committee should dedicate its heart and soul and its influence to bringing about a true continental economical union by rallying strong political support behind the idea of a treaty for a Latin American Common Market, composed of all the nations of Latin America, to be followed, in due course, as the Latin American members agree, by a treaty for a Western Hemisphere free trade area, including the United States and Canada.

To those who would dismiss this call as being unrealistic—or at least premature—let me refer you to the comment that was the fashion in the capitals of Europe on the future of Western European economic integration in the early 1950's: "A common market of all Europe is a wonderful idea, and it may even happen someday, but how can anybody expect it to succeed when the nations of Europe have been rivals for centuries?"

Who indeed, would have thought that in the next decade, a European Common Market would become one of the most powerful economic forces in the world? Who indeed, but Jean Monnet and his Action Committee for the United States of Europe. The Committee I propose today, like Monnet's group would derive its strength from a membership agreed on the necessity of achieving the goal of a continental economic union, and committed to influence their respective parliaments, trade unions, and public opinion in general, to realize that goal.

The problem of political leadership in Latin American economic and political unification is becoming clearer daily to the governments and people of the hemisphere. What is needed now is a final, well-organized drive to overcome that inertia and that provincial view of nationalism which separates the hemisphere from the realization of these goals.

The experience of the Monnet group in Europe can teach us much about how such goals can be realistically achieved.

Monnet's group came into existence in late 1955 following the Messina Conference of the Foreign Ministers of the six countries of the European Coal and Steel Community, which recommended the initiation of "a common European market, free from all customs duties and all quantitative restrictions" on the basis of "appropriate institutional means for the realization and operation" of enlarged economic organisms. The ministers created an intergovernmental committee under Paul Henri Spaak to draft the relevant treaties or arrangements.

As in the case of Latin America today, the European integration movement was well underway at this time and had succeeded in the creation of the European Coal and Steel Community. LAFTA, the Central American Common Market, CIAP, and the Inter-American Bank represent the victories so far of the economic integration movement in the hemisphere.

But the parallels between Euprope in the early 1950's and Latin America today do not stop here. Monnet and his group realized that there was a lack of organized, Europewide political support to insure that governments would implement the recommendations of the Spaak committee.

Similarly, more and more dissatisfaction is being heard today over the lack of political support for the meaningful economic integration of Latin America. There has not been an important inter-American conference during the past several months which did not recommend in one form or another a means to remedy this lack. What has been absent, however, is a focal point—a central group—that could give direction and purpose to the diverse groups working toward the same goal.

Similar ferment in Europe—a similar feeling that not enough was being done—brought about the creation of Monnet's action committee in late 1955. It brought together a coalition of divergent forces which were agreed on one point, the important one—the need for European unification. It created conditions which made certain that any draft treaty put together by the Spaak committee would fall on the ears of receptive parliamentary and public opinion. Its members were party and union leaders of the democratic left who were agreed on the principle of economic integration and who were prepared to build up the necessary political support to make this goal realizable, without further delay. Largely through the work of this group, the Spaak committee's draft treaty establishing the European Economic Community and the European Atomic Energy Community was approved in Rome by the Foreign Ministers of the six nations joined in the European Coal and Steel Community.

It is my belief that a similar action committee in Latin America in 1965 can have the same effect as Monnet's European group in 1955. Certainly there are many divergent forces in Latin America. But there is ample evidence that there is one central idea which is gaining credence in all sections of the hemisphere—the need for Latin American economic unity.

This is true, because many Latin American economic and political leaders are now becoming aware that the process of Latin American economic integration is not proceeding fast enough and many basic problems remain. For example:

1. Seventy-five percent of Latin America's foreign exchange income is still generated through exports of oil, coffee, meat, cotton, copper, sugar, wool, iron ore, and bananas.

2. Developed countries—especially in Europe but including the United States—continue to impose restrictive measures on Latin American exports such as coffee, lead, zinc, and oil—a situation which has been condoned by Latin-American exporters desiring the benefits of selling in protected, high-price markets.

3. Wide disparities remain between the development of economic sectors within individual countries as well as between the levels of development of individual countries of Latin America—per capita annual income ranges between $1,120 in Venezuela to less than $100 in Bolivia.

4. Development planning often takes place without the full participation of the private sector.

5. The heavy external debt burden of many Latin American countries impedes their economic development efforts.

6. Intra-LAFTA trade still constitutes only 8 or 9 percent of the LAFTA countries' total trade. Intra-CACM trade accounts for only 13 percent of that region's total trade.

7. Tariff cutting procedure in LAFTA is permissive rather than automatic or across-the-board which allows member countries to protect indefinitely against effective competition the most sensitive areas of their economies.

8. Industrial integration among countries is still only in the talking stage.

9. Real monetary and fiscal stability is still lacking in many of the member countries of LAFTA.

10. Expansion of intra-LAFTA trade in manufactured goods has been quite limited due to the reluctance of the more advanced member countries to reduce their high tariffs on such goods because of a fear of exposing their heavily subsidized industries to competition from abroad.

It is becoming more evident each day that the resolution of Latin America's economic problems can best be effected within the framework of a genuine Latin American Common Market, within which goods, persons, and capital can move more freely. With the emergence of a common external tariff and a phased, across-the-board reduction of tariffs on intraregional trade, there would emerge in such an arrangement a mass market of 220 million people with a combined annual gross national product of between $70 and $80 billion, $18 billion of foreign trade, and $2.5 billion in gold and foreign exchange reserves.

Such a common market with a unified commercial policy would greatly increase Latin America's leverage with the industrial countries of Western Europe, North America, and Japan in the field of trade. It would also provide a powerful pull on private capital from the United States, Western Europe, and Japan which is essential for Latin America's more rapid industrial development. It would permit the establishment of a rational, regional transportation system, in coastal shipping as well as inland road and rail transportation. It could provide a great stimulus to economic growth through the strengthening of competition in the region, and the expansion of additional local manufactures. Further diversification in production of domestic manufactures would help to reduce Latin America's dependence on the exportation of primary commodities.

At the same time, the process of establishing a Latin American Common Market can receive great impetus from the industrially advanced nations of the world. These nations, under the leadership of the United States, have already recognized the importance of trade to developing nations and the need to take urgent action to improve their terms of trade. In a statement of May 1963 the ministers of the contracting parties of GATT agreed that in the forthcoming GATT negotiations every effort would be made to reduce barriers to the exports of developing countries and that the more advanced industrialized countries would not expect to receive reciprocity from the developing nations.

I strongly believe that in line with the May 1963 GATT ministerial declaration the United States could now call on the industrialized nations of GATT to extend preferential treatment to specified American exports. The United States itself could take the lead by taking such a step, provided that the other GATT nations involved follow suit and that Latin American nations agree to accelerate the process of Latin American economic integration in a competitive atmosphere. Low-cost, efficient, modern industries, established in regions which offer the best combination of accessibility to markets, resources, and training manpower and ready to face competition from abroad, are the best assurance that competitive conditions would prevail during this process.

Once such a Latin American Common Market is a reality, and in agreement with its member countries, the United States and Canada could effectively establish a new economic relationship with it. Such a relationship could take the form of a Western Hemisphere free trade area—but limited at first to raw materials. Under this arrangement, the United States, Canada, and the Latin American Common Market would reduce their trade restrictions—both tariffs and import quotas—on raw materials originating in the Western Hemisphere on a phased annual basis until such trade restrictions, say in 10 years, were at zero.

As the Latin American Common Market becomes more industrialized and is able to compete with the more efficient industries of Western Europe, Japan, and the United States, this limited Western Hemisphere free trade zone could be expanded to cover specified manufactures and semimanufactures and could develop further by negotiating arrangements with other regional trading groups, such as the European Economic Community. Its existence would also insure that the Latin American Common Market would be outward looking and competitive.

If such an economic union is to succeed, however, Latin American nations must improve the climate for private initiative, while at the same time providing for social justice. These ends are not in the least incompatible. But we must recognize that Latin America would be trying to achieve in a decade what we in the United States, after a century of trying, have not perfected—the operation of private business in the public interest. What is needed is a new spirit both on the part of government and of private enterprise in the achievement of common goals of progress without sacrificing their own self-interest. In many Latin American countries, leadership in developing such a spirit has been demonstrated to a heartening degree.

Proof that businessmen of the hemisphere are becoming more and more conscious of their responsibility to play a major part in solving the profound problems facing Latin America was evidenced in the meeting last month of the Executive Committee of the Inter-American Council of Production and Commerce (CICYP). The committee decided to form a committee to represent private enterprise before LAFTA and to send a delegation to the upcoming LAFTA Foreign Ministers' conference as well as to promote a multilateral system of investment guarantees for private capital in Latin America and to undertake a number of measures to expand Latin American export possibilities in cooperation with the Inter-American Committee for the Alliance for Progress.

This proof is also provided in the formation of the multinational, multiprivate enterprise investment company last September to implement the Atlantic Community Development Group for Latin America (Adela) which I had the honor to initiate. Adela is designed to revitalize private enterprise in Latin America by bringing the capital and the talents of many enterprises in many nations into a partnership with Latin American business.

The implementation of Adela represents a unique experiment. It recognizes that even all the governments of the free world together are not possessed of the combination of capital, skills, initiative and knowledge needed for the successful economic development of Latin America without the indispensable aid of the private sector.

Latin America has the resources and I believe many of its political and business and trade union leaders now have demonstrated their desire to bring about an economic union which will benefit all the peoples of the continent. It is my hope that an Action Committee for the Economic Union of the Americas will now be formed to translate these resources and these desires into organized action to make Latin America the great independent free world economic force it has every right to be.

PHILIPPINE GOVERNMENT AWARDS ITS HIGHEST HONOR TO DR. EDWARD W. MILL, OF OCCIDENTAL COLLEGE

Mr. KUCHEL. Mr. President, the intimate relationship and unique friendship between the United States and the Philippine Republic, once a ward of our Nation and now a full-fledged thriving, freedom-loving, independent member of the family of nations, always have depended upon full understanding, personal associations, mutual respect, and common purpose.

A dedicated and imaginative worker in this field is a California resident, Dr. Edward W. Mill, distinguished professor on the faculty of Occidental College, of Los Angeles. For conspicuous services in assisting and helping guide the Philippine Government in the tortuous area of foreign affairs, Dr. Mill was awarded the highest honor within the capability of the Republic of the Philippines to bestow, the Order of Sikatuna. The presentation occurred at a public ceremony in Los Angeles by Minister Alejandro Holigores, the Philippine consul general stationed there.

I appreciate the opportunity of bringing this meaningful event to the attention of the Senate because Dr. Mill's award was made primarily for his work as director of the Philippine Foreign Affairs training program of the U.S. Department of State which functioned from 1945–48. Today 30 of the graduates of this program hold the high rank of Ambassador or Minister in the Philippine diplomatic service. They provide the core group of the career service of the Philippines.

A graduate of the Universities of Wisconsin and Michigan, Dr. Mill received his doctorate from Princeton University. He has since combined a career in government service and the academic world. In addition to his work in training Philippine diplomats, Dr. Mill has held Foreign Service reserve assignments in Indonesia and the Philippines. He spent the summer of 1963 in intensive study in Vietnam and Malaysia. He is currently the chairman of the Chevalier program in diplomacy and world affairs at Occidental College in Los Angeles.

Under the leadership of President Arthur G. Coons, Occidental has acquired a worldwide reputation in the field of international affairs. This has been greatly spurred since 1957 by the establishment of the Chevalier program in diplomacy and world affairs. Mrs. Stuart Chevalier founded this program in honor of her late husband, the well-known attorney, Stuart Chevalier. The high honor given Dr. Mill by the Philippine Government attests to the increasing recognition given Occidental in world affairs.

REGULATION OF LABELING OF CIGARETTES

Mr. KENNEDY of New York. Mr. President, the Senate Commerce Committee recently completed lengthy hearings on S. 559 and S. 547, two bills which would regulate the cigarette industry in connection with the serious health hazards inherent in cigarette smoking.

Because the overwhelming consensus of medical opinion at the hearings and in general is that cigarette smoking is dangerous, it has become apparent that some warning to smokers, and particularly to potential smokers, is needed. It is particularly important that a warning be required in cigarette advertising, which otherwise can mislead young people into believing that smoking is a sign of maturity and adulthood. It is for this reason that I submitted to the committee a statement in support of Senator NEUBERGER's bill (S. 547), which would require that cigarette advertising contain a warning as to the dangers of smoking.

Even more significant, whatever bill is enacted, it is especially important that Congress do nothing to prevent the Federal Trade Commission from regulating deceptive cigarette advertising. That body is the one Federal agency which acted promptly in the wake of the Surgeon General's report to adopt rules requiring an appropriate warning in cigarette advertising.

Because I think it is so critical that our young people be adequately educated about the dangers of smoking, and that they not be subjected to a massive campaign of misleading advertising, I ask unanimous consent that my statement before the Commerce Committee, which discusses the Federal Trade Commission problem in more detail, be printed in the RECORD at the close of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ROBERT F. KENNEDY, HEARINGS BEFORE THE SENATE COMMITTEE ON COMMERCE, S. 559 AND S. 547, BILLS TO REGULATE LABELING OF CIGARETTES

The testimony at these hearings leaves no doubt that cigarette smoking is a public health problem of great and growing seriousness. The overwhelming consensus of medical opinion holds that smoking is the principal cause of lung cancer, which kills more than 40,000 Americans every year; that it is a major cause of chronic bronchitis; and that it is associated with, and may well be a cause of, heart disease, emphysema, and other serious diseases which each year brings death to large numbers of Americans. In New York City there were 2,761 deaths from lung cancer alone last year, to say nothing of the other diseases, and Dr. George James, the city's commissioner of health, estimates that, viewed conservatively, at least 70 percent of these deaths were attributed to cigarette smoking.

A public health problem as grave as cigarette smoking demands prompt and effective action in the public interest. But what does the record show has been done to protect the public? The answer is not nearly enough. The cigarette companies themselves, who certainly bear the brunt of the responsibility, have not undertaken significant action. Not only do they continue to deny that cigarette smoking is an established health hazard, but they have tried to dampen public awareness of this hazard through massive advertising. These campaigns seek to impress the American people with the untenable notion that cigarette smoking is consistent with health and vigor. and that it is a mark of sophistication and maturity and a gateway to glamor and romance.

Since evidence of the health risks of cigarette smoking began to appear, the cigarette companies have spent millions of dollars to advertise their product—mainly to television and radio audiences including large numbers of children and teenagers. Too often, youngsters are swayed by advertising that conveys the idea that if they want to act like grownups they should light up a cigarette. They are too young to realize the seriousness of the dangers to their health when they smoke; these dangers seem too remote and distant. They are not, however, too young to obtain cigarettes and thus acquire a habit very difficult, if not impossible, to break in later life. Once a youngster becomes a confirmed smoker, he may never be able to break the habit, even after he grows up and gains an insight into the health dangers.

In the absence of any significant effort by the cigarette companies to face the problem—and current cigarette commercials demonstrate that the much-publicized cigarette advertising code adopted by the manufacturers has made no meaningful change in cigarette advertising—private groups like the American Cancer Society have tried to educate the public to the dangers of cigarette smoking. But their efforts have been modest and have been mostly lost in the tide of advertising by the cigarette companies.

Government—Federal, State, or local—also has not done enough to cope with this great public health problem. In contrast to other potentially harmful products, cigarettes are promoted and distributed without restriction. Although drugs which may have harmful side effects are labeled to alert the purchaser, cigarettes are not. Hard liquor is not advertised on television; cigarettes are. Alcoholic beverages are not sold to minors; it is not uncommon to see children in the seventh grade smoking cigarettes. No one can drive an automobile without being licensed; anyone can smoke cigarettes. The fact that cigarettes are sold and promoted without restriction (either self-imposed by the cigarette manufacturers or imposed by the Government) helps explain why many Americans do not yet, despite the evidence, fully understand and accept that cigarette smoking may kill them.

The only agency that has made a serious effort to cope with this problem is the Federal Trade Commission, whose duty is to prevent unfair or deceptive advertising of products sold in interstate commerce. On the basis of hearings in which the views and opinions of all interested parties, including the cigarette manufacturers, were considered, the Commission determined that it is unfair and deceptive to sell cigarettes without disclosing on the package and in all advertisements that cigarette smoking is dangerous to health and may cause death from cancer and other diseases. The Commission's trade regulation rule, embodying this determination, is due to become effective on July 1, 1965. Cigarette manufacturers who after that date fail to comply with the rule and continue to label or advertise their cigarette without warning the public will be subject to administrative enforcement actions by the Commission.

The restraint imposed by the Commission's rule on the cigarette industry is a minimum one. The rule does not prevent the sale or distribution of cigarettes to anyone; it does not forbid anyone to smoke; and it does not prevent the advertising or other promotion of cigarettes. But it does represent a vital and indispensable first step in coping with the public health problem posed by cigarette smoking. By requiring a statement of the established health hazards of cigarette smoking in all cigarette labeling and, more important, in all cigarette advertising, the Commission's rule would prevent cigarette labeling and particularly advertising, from being used to obscure the fact that there is a health problem in smoking cigarettes. It is deceptive for cigarette companies to advertise and promote their products without a hint of the dangers of cigarette smoking. Our children should not be exposed to such advertising. The Commission's rule would not prevent cigarette manufacturers from advertising their product to young people but it would at least prevent them from giving a one-sided view of cigarette smoking in their advertising. It would make them give the whole picture—which is that while cigarette smoking may be enjoyable to some, it is at the same time a cause of disease and premature death.

What are the responsibilities of Congress in respect to the public health problem of cigarette smoking? There are many things that we can do; there is very clearly one thing that we should do first, and this is strengthen the Federal Trade Commission's authority to enforce its rule requiring a cautionary statement in all cigarette labeling and advertising. Before the cigarette manufacturers could be compelled by law to comply with the Commission's rule, it is almost certain that there would be protracted litigation to test the Commission's authority to make such a rule. Such litigation could delay the effective date of the rule for some years, and in this period the public would be without protection. Congress, however, can eliminate all question of the Commission's authority to make its rule by expressly enacting the requirements of the rule into law. This, in effect, is the approach taken by Senator NEUBERGER's bill, S. 547, which this committee has under consideration.

The other bill under consideration by this committee, Senator MAGNUSON's bill (S. 559), takes essentially the same approach, but it is limited to labeling. Chairman Dixon, of the Federal Trade Commission, has testified—and I think any lawyer considering the question objectively would agree—that the Magnuson bill would leave undisturbed the Commission's authority to enforce that part of its trade regulation rule which requires a cautionary statement in all cigarette advertising.

I favor the approach taken in S. 547. But if Congress acts only on the labeling problem, then it should use S. 559 to do so.

One point requires special emphasis: Legislation preventing the Federal Trade Commission from regulating cigarette advertising would be directly contrary to the public welfare in view of the grave health hazards of cigarette smoking. There is no justification for punishing the Commission for promptly applying general consumer-protection legislation to cigarette advertising. The result of such punitive legislation would be completely anomalous. It would discourage the Commission from taking needed steps in controversial areas in the future. The Commission would remain free to enforce its general consumer protective legislation by requiring in advertising an affirmative statement whenever, for example, a seller's motor oil was reprocessed rather than new, or that the advertised product was of foreign rather than domestic origin. But the Commission would no longer have the power to prevent consumer deception regarding cigarettes. It could not require disclosure in cigarette advertising that cigarette smoking is hazardous, despite the consensus of medical opinion that cigarette smoking is dangerous to health. The Commission would be powerless to act, even though in its trade regulation rule proceeding it made painstaking findings—which have not been controverted—that the requirements of a cautionary statement in cigarette advertising is necessary to prevent the deception of many consumers. The Commission could not regulate cigarette advertising even though it has already found that a cautionary statement limited to the label alone would not give adequate protection to consumers. Thus, the only area in which the Commission's power would be curtailed is also the only area in which there has been a special study by the Surgeon General finding the product involved dangerous to health.

Legislation dealing with the marketing of cigarettes in light of the health hazards of smoking has its origin, of course, in mounting public concern and in the now overwhelming evidence that those dangers are real and not merely conjectured. For such legislation to include any provision that would prevent the Commission from exercising its authority to prevent deceptive cigarette advertising would be a regressive step. It would mean that Congress was curtailing the Commission's authority with respect to the advertising of this commodity, and this commodity alone, despite public concern and medical evidence that cigarette smoking is dangerous. That, surely, would be a paradoxical and untenable result.

I, therefore, urge this committee and the Congress not to accede to the powerful pressures being applied by those who have a stake in the unrestricted sale and promotion of cigarettes. Congress should not adopt legislation that would curtail the Federal Trade Commission's authority to require truthful cigarette advertising. I would urge this committee and the Congress to support legislation that strengthens the Commission's authority to protect the public against unfair and misleading cigarette advertising.

I do not mean to leave the impression that I regard a warning statement in cigarette advertising and labeling as a complete answer to the problem of cigarette smoking and health. The British, for example, have banned all cigarette advertising on television, and are studying limitations on advertising in other media at the present time. Basically, however, the problem is one of education, and this will be a difficult task. Cigarette smoking is attractive to young people as a sign of maturity and sophistication, and the cigarette habit, once acquired, is very difficult to break.

If there is to be any hope of changing the smoking habits of American youth, it is essential that some restriction be placed on cigarette advertising. Just as cigarette advertising many years ago made cigarette smoking by women socially acceptable, so contemporary cigarette advertising has sought and seeks to make cigarette smoking the symbol of adult and sophisticated life, and as such an irresistible attraction to many young people. The minimum restriction on such advertising is to require the inclusion of a warning statement in all cigarette advertising; such a restriction holds out some hope, at least, of reducing the effectiveness of misleading cigarette advertising. But it is only a small first step in the campaign of public education that is necessary if we are to deal effectively with the problem of cigarette smoking and health.

SENATOR SPARKMAN OPPOSES VOTING RIGHTS BILL

Mr. SPARKMAN. Mr. President, I have read and studied the voting rights bill (S. 1564), on which debate may start in the Senate on April 9.

It is my intention to analyze the bill on a section-by-section basis, in the attack that I shall make on it during the coming days. I expect to fight it section by section, and I expect to fight against its final passage.

While I have never opposed the free right of all qualified citizens to vote, my astonishment grows as I read and consider the far-reaching provisions of this drastic proposal. Every concept of our Founding Fathers embodied in article I, section 2, of the Constitution, which states that "the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature" seems to be cast aside by this bill.

The Federal Government would be empowered to send registrars appointed by the Civil Service Commission in Washington, D.C., into any State in which less than 50 percent of the voting-age population voted in the 1964 presidential election. These registrars, whose presence in itself would offend a large part of the local population, could proceed to make up the voter-registration lists that are applicable to all elections—Federal, State, and local.

One thing that I have looked for in the bill is a provision as to just what standards these superimposed registrars would use. The bill attempts to refer to the Constitution, by saying that the registrar shall interpret and apply State law as to qualifications; but at the same time, and in the same line—line 8, page 5—the bill states that he shall do this "in accordance with instructions" received from the Civil Service Commission, after consultation with the Attorney General.

As though this were not harsh enough, or unconstitutional enough, the bill goes on, at page 7, to empower the Civil Service Commission to issue regulations governing registration. It specifically authorizes the Commission to "instruct examiners concerning the qualifications required for listing."

If Congress has the power to do this—and I think that it does not, under the Constitution—then it should not delegate this power to the Civil Service Commission. That would be compounding the felony. It would be imposing one unconstitutional act of delegation of powers on another act of unconstitutional assumption of power.

In other words, State and local registration and voting laws and procedures would be written in Washington by the Civil Service Commission and the Attorney General.

The people of the Nation should know this; and I shall oppose it with all the strength that I have, as in the past I have so opposed the three previous civil rights bills.

EFFECTIVE WORDS ON CREATIVE FEDERALISM

Mr. BIBLE. Mr. President, at the Public Land Management Congress, in Reno, Nev., last week, the new Under Secretary of the Interior, John A. Carver, Jr., expressed what I consider to be some penetrating and constructive thoughts on modern federalism. He spoke at length about the new emphasis on partnership with State and local governments, not only in the area of conservation and natural resources, but also across the broad spectrum of Government activities.

I endorse Secretary Carver's observations, and I commend them to this body as excellent reading and reference material.

Mr. President, I ask unanimous consent that the full text of Secretary Carver's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PIONEERS IN PARTNERSHIP

(Address by John A. Carver, Jr., Under Secretary of the Interior, at the Public Land Management Congress, Western Region District, National Association of Counties, Reno, Nev., Apr. 1, 1965)

The preparation of speeches presents a valued opportunity to sharpen and focus my own thoughts on the substance and direction of programs in the Department of the Interior.

At the outset of reflecting on these remarks, I became sidetracked on whether I should ignore the fact I am speaking on April Fool's Day.

About the time I was trying to think of how I could pay homage to this day, my reflections turned to the title assigned for these remarks and I immediately saw in it a piece of foolishness out of the past that warranted comment.

A few years ago a major political party attempted to persuade the American people that a new era of governmental "partnership" was in the making. There were a great many speeches about partnership of one kind or another.

Before long, many of the individuals and organizations associated with the conservation movement added the term "partnership" to their lexicon of naughty words—along with "exploit," "pollute," and other such terms. The word became identified with evil. As is typical of the Pavlovian method by which many people react to conservation issues, partnership became a word of which a number of politicians wished they had never heard.

It was not until President Johnson began to practice a new kind of partnership in Government affairs that the idea and the word came back into proper focus.

Visceral reactions to such words show how deeply conservation is rooted in the American conscience. They also suggest that we who labor in the vineyards of conservation have to recognize the emotionalism and political overtones inherent in words and terms.

Of course, the issue over this word was a foolish one, because no one could seriously contend that partnership in government is either nonexistent or undesirable. The fundamental structure of our Federal society requires cooperative enterprises at all levels of government and private activity.

Nevertheless, the new thrust of President Johnson's emphasis on creative federalism does offer new opportunities to pioneer new roads in partnership. The President's deep interest in unifying the directions in which Federal, State, and local governments are working—from the poverty program to public land management—offers great opportunity.

In this whole field there are myths and misconceptions that need exposure.

At the local level there is weeping and wailing about Federal land management programs being run without local involvement. One of the little understood and often unappreciated facts about many Federal land management programs is the degree to which these programs are conducted in a framework substantially oriented to local concerns and interests. Indeed, local involvement is much institutionalized.

Every national forest has an advisory board of local citizens. The membership of soil and water conservation districts is entirely local. Some national parks have local advisory boards that meet regularly and are consulted often. Reclamation districts and water users organizations have a substantial role in the management of Federal reclamation and water programs. The Federal grazing districts have statutory local advisory boards.

It is a vexing paradox of public land management that the consistent criticism from many quarters is that these programs are too locally oriented, too concerned with local interests.

As you know, the National Advisory Board Council of the Department of the Interior was expanded 4 years ago by Secretary Udall to include a broader base of membership. Your association is represented on the Board and in the work of the State advisory boards in the Western States.

We have been very much impressed by the work of your association on these boards and by the sophistication of county representatives on a broad range of resources problems and issues. The growing significance of the work you are doing contradicts the gloomy prophets who are predicting the decline of counties as a major force in American Government.

The existence of even a variety of mechanisms for consulting local interests and people, however, does not assure that Government administrators have always made the best use of local advice or that local citizens, including county governments, have been as well informed or as deeply involved as they should be. I am convinced we have a long way to go in adequately informing people about what their Government is doing and why.

I should observe, though, that almost every time a Federal agency attempts a broader information and education effort, a loud protest can be expected from some operators, on the grounds that anytime the Government dispenses information it is trying to propagandize.

On the whole, I am impressed by the rather fine job I think most Federal land managing agencies have done in consulting with local bodies and in bringing local and regional opinion into the decision-making and policy-formulating process.

The Federal Government, on balance, does a substantially better job of this than the average State highway department, if I read local newspapers correctly.

In the structure of our governmental system, and particularly in the relationships between the Executive and the Congress in the field of public land management, there is sound basis for local consultation. The Congress has in many ways evidenced the intention that the public's resources should sustain the private sector of the economy, and some of the acts are explicit, such as the Oregon and California Act.

National Parks, since they are distinctly creations of the Congress, cannot become a reality without very broad congressional support. A broad base of congressional support is generally quite unlikely without substantial local consensus—though I think it is essential that people in local governments and communities recognize that areas having national significance do not belong exclusively to the immediate locality.

There are several recent examples of the degree to which the framers of national conservation and land management policy have deeply involved local interests and opinion. Let me cite only one or two. During the years that the wilderness bill was being considered by Congress hearings were held by both congressional Interior and Insular Affairs committees in nearly a dozen locations on 18 occasions. Under the procedures called for in the Wilderness Act, local hearings are required in the process of considering additions to the wilderness system.

Similiar hearings were held around the country during consideration of the land and water conservation fund bill a year ago.

This pattern is not unusual at all on major pieces of policy legislation.

Within the executive departments a similar pattern exists. Just a few days ago a hearing was held in Washington, D.C., at which Judge Rea and George Ricca testified on behalf of your association relating to regulations governing two very important pieces of public land legislation on multiple use management and classification of public domain lands and public sales.

More than 60 preliminary discussions with people in western communities had been held before the text of the proposed rules was formally announced.

During the Washington hearing, testimony endorsing the regulations as proposed was received from more than a dozen citizen groups, while another dozen groups suggested rather extensive revisions. Several witnesses observed that interest in county land use planning and rural zoning had been heightened in their home States as a result of the Public Sale Act, which made zoning a condition precedent to land sales. Probably few activities of this association will prove more important and of more significant than the effort you are making this year to broaden the adoption of zoning codes to include those counties not now having them. In this effort you will occupy a key position in guiding the future of our cities, towns, and countryside.

The Washington, D.C., hearing on the new land use regulations will be followed by 4 days of hearings in the West so that local views and opinions may be taken into account. These will be at Twins Falls, Idaho, April 9, here in Reno April 12, Albuquerque April 14, and Grand Junction April 16.

Similar examples of soliciting public views and opinions can be taken from virtually every field of public land management, and it is certain that there will be even more of it in the future. I was recently asked to predict whether I thought major land use actions would be preceded by public hearings. My prediction, and I stand by it, was that I was certain that public hearings will precede every major land use decision and that I could think of no better assurance that local opinions would receive full consideration in the decisionmaking process.

It is perhaps inevitable that relations between the Federal Government and local governments have an inherent instability and exist in a constant state of at least potential conflict. It is certainly also probably inevitable that some of those conflicts can be resolved only in a way that local interests regard as detrimental to them.

For example, it is not often enough recognized that county governments depend almost exclusively on the ad valorem real property tax as a source of revenue. Localities which also derive a part of their revenue from taxes on personal property are in the minority.

When land formerly in private ownership is taken for a Federal program, such as a national park, there is no question but what reduction of the tax base can work hardship on a county's financial structure. The probable long-term benefits which can accrue to a community from development of a major recreational asset—and there are ample statistics to prove that in the long run the benefits can be very impressive—are understandably regarded as irrelevant by county officials faced with next year's budget within last year's law.

Statistical hocus-pocus by Federal bureaucrats does not solve the immediate problems faced by people and communities where a major land use change has been made. This problem is real, and it is immediate. It should not be ignored or brushed aside in economic predictions of better times coming at some unspecified future date.

Recognition was given to this kind of problem by the Congress with passage of the Revenue Sharing Act, under which counties can benefit annually from the various forms of income derived from the national wildlife refuges under a formula tied to land values. Your association assisted enormously in the passage of this legislation which had the effect of taking the waterfowl refuge program out of a period of stagnation.

The O. & C. counties in western Oregon are perhaps the best possible example of the benefits to be derived from a generous revenue-sharing formula. This arrangement has permitted development of a management system for which, given the complex pattern of forest land ownership it is difficult to conceive of a workable substitute. Here the degree of cooperation between the Federal Government and the county goes far beyond simple financial arrangements.

Even in cases where counties do receive distributed payments as result of Federal resource programs—such as shared timber sale revenues—the strings that have been attached to the funds often hinder a county's ability to make effective use of the money. Where funds are distributed solely for schools and highways, for example, the county may end up with a bulging treasury of school funds and not have enough in its coffers to pay for law enforcement or for a needed sewage treatment facility.

Though I am aware there is considerable reluctance to tamper with existing formulas and reopen some of these questions, both the Federal Government (including the Congress) and the States and counties are going to have to reexamine some of these longstanding policies and formulas if they are adequately to meet future needs.

If in the past the Federal Government has been guilty of failing to take adequate account of local interests and needs, local interests have also too often ignored a national interest and need which may admittedly infringe on their own real estate.

If the Federal Government has attempted to dismiss local concerns with a check covering the fair market value of the land it acquires—with inadequate attention to the concurrent financial problems of the communities—local interests too have often stubbornly ignored the long-term economic benefits of which they will be a prime recipient.

The answers to these problems and dilemmas rest largely in the kind of reasoned approach which the President has called for in the whole field of intergovernmental relations. Federal and local officials must get together more often and reason together on issues of mutual concern. It is a great satisfaction to me for this reason to have opportunity to meet here with you at your meeting whose theme and emphasis would not have been possible only half a decade ago.

The Federal system of Government is one of the great products of the American political genius. This system contemplates and expects that each of the several levels of government will play its proper role in meeting the demands of a complex social and technological environment. The obligation of staying close to the people falls alike on each level of the system. Centralized government need not be cold or remote or authoritarian. As demonstrated by several Federal natural resource programs, it is neither remote nor divorced from local preferences and participation.

With specific reference to Federal action, popular demand and local consensus create the motivation. Congress has never forced a flood control project or a national park or a major irrigation and power facility upon a protesting State.

Finally, Federal management of vast natural resources provides a major asset to the private economy and substantial revenues to the public treasuries of the States and counties.

Antifederalism has had its heyday in the West. It can no longer pass intellectual muster under the kind of scrutiny which you ought to be devoting to it in your meetings here.

The essence of creative federalism is change. As President Johnson said in his inaugural address:

"I do not believe that the Great Society is the ordered, changeless, and sterile battalion of the ants.

"It is the excitement of becoming—almost becoming, trying, probing, falling, resting, and trying again—but always trying and always gaining."

The role which county governments will play in the Great Society is limited only by our collective imagination and willingness to innovate. Several of the major pieces of the Great Society inevitably fall heavy on the shoulders of county governments—education and the war on poverty being prime examples.

But of only slightly less importance is the quest for quality in national life, in restoring and keeping the beauty of our cities and towns and the natural beauty of our landscape. Much of this burden will fall on county and city zoning codes across the Nation.

A few days ago I referred to the counties as a great sleeping giant. I also had in mind the concert of effort that a meeting such as this can produce. I see evidence on every hand that the giant is stirring. We will look forward to working with you on the jobs and opportunities ahead.

NEVADA RESOLUTION ON LEGISLATIVE APPORTIONMENT

Mr. BIBLE. Mr. President, the issue of State legislative apportionment, as raised last year by the U.S. Supreme Court, is a thorny one in Nevada, as it is in many other States. It is uncertain now whether the legislature will find a solution or whether the people of Nevada will have the Federal courts imposing an apportionment of legislative representation, under the Supreme Court mandate.

It is this very situation that has lent a note of urgency to proposals for a constitutional amendment that would permit the voters of each State to determine what system of representation they prefer. I am a cosponsor of one of these proposals; and I have expressed my position at length, in testimony before the Senate Judiciary Subcommittee on Constitutional Amendments. In essence, I believe the choice should be left to the voters, not to the Federal judiciary. The junior Senator from Nevada and the Honorable Grant Sawyer, Governor of Nevada, took similar positions before the same subcommittee.

I have just received from the Nevada Legislature a copy of Assembly Joint Resolution No. 2, in which this stand receives additional support. Although no decision on actual reapportionment was reached by the legislature, the resolution strongly indicates extensive support for a constitutional amendment along the lines I have discussed.

In my opinion, the resolution reflects a gratifying solidarity on this important issue, Mr. President, among Nevada political leaders. I ask unanimous consent that the resolution be printed in full in the Record, so that it may be considered by Senators, who undoubtedly will soon have an opportunity to vote on the question of whether a proposal to amend the

Constitution will be submitted to the States, for ratification.

ASSEMBLY JOINT RESOLUTION 2

Resolution requesting the Congress of the United States to propose an amendment to the Constitution of the United States permitting one house of a bicameral legislature to be apportioned other than according to population

Whereas the Supreme Court of the United States has ruled that membership in both houses of a bicameral State legislature must be apportioned according to population and has thus asserted Federal judicial authority over the basic structure of government in the various States; and

Whereas this rule denies to the people of the respective States the right to establish their legislatures upon the same pattern of representation deemed advantageous for the Congress of the United States and provided by the Federal Constitution; and

Whereas this action of the Supreme Court goes so far as to restrict the ability of the citizens of the respective States to designate the manner in which they shall be represented in their respective legislatures thereby depriving the people of their right to determine how they shall be governed; and

Whereas the implications of this action by the Supreme Court has raised serious doubts as to the legality of the present form of the governing bodies of many subordinate units of government within the States: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada (jointly), That this legislature respectfully requests the Congress of the United States to propose an amendment to the U.S. Constitution which would provide:

"ARTICLE —

"SECTION 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

"SEC. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

And be it further resolved, That certified copies of this resolution be immediately transmitted by the secretary of state to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

Passed by the senate, January 29, 1965.

PAUL LAXALT,
President of the Senate.
LOELA H. ARMSTRONG,
Secretary of the Senate.

Passed by the assembly, January 22, 1965.

WM. D. SWACKHAMER,
Speaker of the Assembly.
NATHAN T. HURST,
Chief Clerk of the Assembly.
GRANT SAWYER,
Governor of the State of Nevada.

The PRESIDING OFFICER. Is there further morning business?

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

Mr. ROBERTSON. Mr. President, there is something ironic about the prospect of the Senate voting this week to promote education and next week, or later, to discourage literacy tests for voting.

No one believes more strongly in education than I do. I also want to see every citizen who is qualified register and vote without discrimination. However, I am convinced that both the control of education and the qualifications of voters are among the functions of government that were reserved to the States when the Founding Fathers wrote the Constitution.

Even if there was no argument over constitutionality, it would seem a little inconsistent to me to appropriate Federal money to further education one day, and then vote a week later to interfere with literacy tests for voters—at least in some of the States.

Thomas Jefferson once said any nation that expects to be both ignorant and free expects what never has been and never will be.

In fact, the unique form of government under which sovereign states delegated enough powers to a central government to enable it to function, without depriving the States of the major part of their sovereignty, was a tribute to the wisdom of the men who wrote our Constitution.

One of the areas reserved for exclusive State action was education at all levels. Jefferson, for example, wanted the Philadelphia Constitution to authorize a national university, but that proposal was fought bitterly by representatives of powerful New England States like Massachusetts and Connecticut.

Not until the Supreme Court, contrary to early court decisions and the opinions of those who framed the Constitution, held that the general welfare clause was an unlimited grant of power to Congress did Congress undertake to appropriate for any type of educational activity—except during reconstruction days, when it created Howard University.

I repeat that no one believes more in education than I do. In this complicated and scientific age it is almost a sine qua non for personal success. But I think it would be far better for the preservation of the type of government the Founding Fathers intended us to have if we do not take from the States their constitutional right to control their State systems of public education.

That is just what Federal aid to elementary schools is going to do, because not only does Federal control follow Federal funds, but it is the constitutional duty of a Congress which appropriates Federal money to supervise its expenditure.

I am aware that the pending bill, as it came from the House, contains the usual stipulation that the Federal Government is not to exercise any supervision over textbooks, curriculum, or administration of local schools. But history shows us that Federal control inevitably follows Federal money, and any provision to the contrary we write into this bill can be changed or repealed by a subsequent Congress.

Those who feel they have erected an ironclad safeguard against Federal control of schools need look no further for a different conclusion than the Federal-aid highway program. The States are becoming increasingly dependent on Federal aid for highways, and a substantial part of that program is now going into an interstate system, for which the Federal Government puts up 90 percent of the cost.

Unfortunately, Federal aid for any purpose looks very attractive to most State officials and to many citizens, who labor under the delusion that they are transferring part of their tax burden to someone else.

All they are doing, actually, is increasing the national debt, which the administration estimates will be nearly $317 billion on June 30 this year, and more than $322 billion in June of 1966.

Those who brush aside the size of the debt as unimportant console themselves with the thought that Government debt does not have to be paid off in any given period, as our private debts must be paid. But we must pay the interest on this mounting debt, and that figure is now more than $11 billion a year.

Citizens who think of Federal aid as easing their local tax burden should give some thought to this huge annual interest payment on the national debt. A part of that interest is being paid by them as they file their annual income tax returns in the next few days.

So, Mr. President, I think we would be better off if we kept our schools as a State and local responsibility, as the Founding Fathers intended us to do.

By the same token, I am convinced that our unique form of government can best be preserved by leaving with the States their constitutional right to determine the qualifications of voters—provided, of course, that no one is discriminated against because of his race, and, provided further, that prerequisites for voting shall not be greater for the election of Federal officials than are required for the election of the most numerous branch of the State legislature.

Yet, the pending voting bill seeks not only to take that control away from the

States, but it also moves in the opposite direction of this educational-aid bill, in that it purports to improve the quality of representative democracy by the participation in all elections, at all levels, of illiterates.

The great Edmund Burke said that nations do not learn by experience. Those familiar with our national history know that we tried the experiment of letting Federal referees go into the States to register voters, and it proved so disastrous that Congress repealed it more than 70 years ago.

Some of my colleagues may recall that during the 1960 civil rights debate the distinguished junior Senator from Georgia [Mr. TALMADGE] gave the Senate a detailed analysis of what happened in this country under an earlier Federal voting referee law, passed in 1871 and repealed in 1894. When repeal was being considered the debate developed complaints from all sections of the country.

In 1960 the Eisenhower administration had proposed the appointment of Federal voting referees, and Senator TALMADGE brought out the fact that it was not a new idea, but a revival of the discarded 1871 law.

Senator TALMADGE pointed out that it marked the second time in 90 years that the Republicans had come forth with the idea that "what this country needs is to have Federal court officials decide who can and cannot vote."

This year substantially the same idea is being advanced, this time with bipartisan support in the Senate.

Mr. President, I recently came across an election form which shows that as late as 1896 it was possible for a person who could not sign his name to make his mark on a printed form and thereby empower an election official to enter the booth and cast a vote for candidates whose names were printed on the form.

The printed form which came to my attention was obviously intended to be used by persons who could not write.

I am glad the distinguished Senator from Louisiana [Mr. LONG] is present, because this form came from my old 10th Congressional District. It came from the historic County of Nelson. This ballot, in 1896, was for a colored man who could not read or write, who could not sign his name, and who made a mark.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. LONG of Louisiana. I do not know whether the State of Virginia had any such experience, but I would suspect it had, but in the old days of paper ballots, prior to voting machines, there was a practice that was called the endless chain. One would send the first voter in to bring out an unmarked ballot. Then some corrupt person would mark the ballot and pay him $5 to put it in the box and to bring in a clean ballot. It was called an endless chain. He did not need to know how to read and write; he was paid $5.

Mr. ROBERTSON. I do not think we ought to go back to Reconstruction days, too much, but I want the majority leader to hear this. This is history. Do Senators know who was defeated as a result of the use of that voting form? None other than Henry Delaware Flood, the uncle of the distinguished Senator, HARRY FLOOD BYRD. He was defeated for Congress in 1896. He had served with distinction, was on the Foreign Relations Committee, and had made a great reputation, and he was a great Member of Congress and a great statesman.

This is how the form read:

> To the judge of election, appointed and designated to enter the voting booth and prepare my ballot:
>
> Please take notice that I am unable to prepare my ballot. I hereby request and require you, as the law directs, to properly prepare my ballot, to enable me to cast my vote at this election for the McKinley and Hobart presidential electors, and for J. Yost for Congress.
>
> I give this notice freely and willingly and have signed my name thereto, by my mark, in the presence of a witness, in order that you may know how I desire to vote, and that there may be no error in the preparation of my official ballot, so that my vote may be correctly counted, certified, and returned for the McKinley and Hobart presidential electors and for J. Yost for Congress.

As I have said, it should be of interest to my Senate colleagues to know about the form I have quoted, under which former slaves who could not even write their names were prevailed upon to sign a blank form. Then somebody went in and cast their vote for the straight Republican ticket. As I have indicated, it resulted in defeating the distinguished uncle of Senator HARRY FLOOD BYRD. Popular as William Jennings Bryan was in all farm areas of the Nation, the Virginia vote in 1896 Bryan carried by a vote of only 19,597.

The above happened after the repeal of the Force Act, which authorized the appointment of Federal referees to register voters and supervise elections, but we must not overlook the similarity of the present law with that old law which proved to be so objectionable, namely, the referees, or examiners, will be appointed by the party in power and if they run true to the normal political pattern will be able to rise above principle when the political success of their party is being threatened.

As so eloquently pointed out in a statement by the senior Senator from Virginia [Mr. BYRD], published in the CONGRESSIONAL RECORD of April 5, commencing at page 6927, registration to vote in Virginia is as simple as in any State, but we do require a person to be able to read and write—at least to sign his name—and there is no justification for imposing Federal voting registrars, or examiners, in our State, on the specious plea that that simple requirement of equal application to all prospective voters, violates the 15th amendment.

Mr. President, in conclusion, I repeat what I said at the outset, that we all deplore illiteracy. We all realize the necessity for more education and better schools, but it is highly inconsistent to vote for a Federal program to improve education and to abolish illiteracy at one time, and immediately thereafter to vote to turn our election over to the illiterates of the Nation on the ground that we will thus improve the quality of representative democracy.

Mr. MOSS. Mr. President, I rise to speak about the Elementary and Secondary Education Act of 1965. For enduring supporters of Federal aid to elementary and secondary schools, this is a historic bill. It has been so skillfully drafted that it bypasses the pitfalls which tripped earlier bills, and now it appears assured of passage. I feel as though we are witnessing a legislative miracle.

I have long felt that we could not assure a quality education to each American child until the Federal Government assumed its rightful responsibility for sharing the cost of that education. I have watched in the past with deep regret as one education bill after another was lost in the legislative mill because conflicts it engendered could not be settled. Each debacle over segregation, separation of church and state, and other issues, was more disheartening. Each failure postponed once more the day when we could begin to transfuse into all of our States and counties the money they must have if our standards of education are to substantially improve.

It now appears that we have found a formula under which such assistance can be rendered without doing violence to our Constitution, or to any of our traditions, and we are at last ready to move on a great national problem. The schoolchildren of America owe a debt of gratitude to everyone whether in the executive or legislative branch of the Government, who has had a hand in this massive accomplishment.

Enactment of Federal aid to education legislation is not a new departure in our history. Actually, the Federal Government has contributed to the cause of education for nearly 2 centuries. More than 160 Federal aid-to-education laws have been enacted by Congress since 1785.

The Morrill Act of 1862 establishing land-grant schools was expanded in 1890 to authorize payments of Federal funds to land-grant colleges and universities. The Smith-Hughes Act of 1917 provided Federal assistance to the schools for vocational education. In 1950, we enacted Public Laws 815 and 874, under which schools in federally impacted areas have received millions of dollars.

In the last few years, and particularly in the 88th Congress under the vigorous leadership of the Democratic Party—we have expanded and improved the National Defense Education Act, given financial assistance for academic facilities in our colleges and universities, improved vocational education, manpower development, and training and educational television, expanded the library services and construction program, instituted an antipoverty program which stresses education assistance, and provided other categorical aids.

Through enactment of these measures we have greatly strengthened the superstructure of American education. We are now going to enlarge our educational foundation by providing substantial assistance to the Nation's public elementary and secondary schools.

The greatest feature of the bill before us today is its fundamental objective to strengthen the educational fiber of our economically deprived areas. The bill is, therefore, first and foremost a solidly based effort to provide educational opportunities to millions of young Americans who come from poor families—who are poor children.

It is hard to believe that in this abundant country of ours there are five million American children between the ages of 5 and 17 who come from families with an annual income of $2,000 a year or less. But there are, and many of them will continue in the cycle of poverty if they are not helped to break that cycle. Deviations in the quality of our schools result in school dropouts, in poor academic performance, in mediocre educations, and in young people poorly prepared with skills needed in today's job markets. The major thrust of this bill is at these two problems—poverty and lack of schooling. It commits $1 billion, or roughly 1 percent of the national budget, to this program of special aid to the educationally deprived youngsters of the country.

The second great feature of the bill is that it represents a sensible effort to provide certain forms of assistance to both public and private schools without infringing on the constitutional doctrine of separation of church and state.

Third, the bill is an incentive to educators to lift the quality of education through research and training and innovation, and through strengthening State departments of education.

Whether the program it launches will be a success depends on what is done at the State and local levels—but I am here to predict today that passage of this measure will increase the level of education in all parts of the United States.

Under this bill, Utah will receive in fiscal year 1966 a total of $4,113,039. This will do much to help strengthen education in my State. There are some aspects of the legislation, however, which have given me considerable concern. We have in Utah 10 of our counties—most of them in sparsely settled areas—which can qualify for funds under title I on the basis that more than 3 percent of their schoolchildren between the ages of 5 and 17 qualify under the poverty test established by this bill. But in each county there are less than 100 children in this category. The only sin of which these counties are guilty is that they have not joined in the population explosion. They do not have concentrations of children who come from low-income families—that is, families which qualify under the $2,000 a year poverty criterion.

These are the counties which particularly need help in meeting their school needs. As we all know, most of the school revenues in this country come from property taxes—homes, farms, businesses, and industries. The fewer there are, the less in taxes. The school board in a county with many small homes and marginal farms and no industry has just as hard a time in raising money for its schools from its low-income inhabitants as does the school board in the well-populated area, even though it may be a slum area. What is more, the expenses per pupil in the sparsely settled area are increased by the necessity of busing the children to school, and by the problem of hiring and holding qualified teachers.

So I would like to ask two or three questions of the sponsor of the bill who is now acting as the Senator in charge of the bill, the Senator from New York [Mr. KENNEDY]. I would ask if he could respond to the following questions from me so that we could make legislative history here on the floor of the Senate.

First. Am I correct in understanding that any school district in which 3 percent of its students meet the poverty test established by this bill will be eligible for assistance under the provisions of title I, as long as there are more than 10 students in this category? In other words, the fact that the school district has less than 100 children in the poverty category will not matter, as long as the number of children in this category totals 3 percent of the school population between the ages of 5 to 17, and there are more than 10 children.

Mr. KENNEDY of New York. The Senator from Utah is correct. The point is covered in section 203(b)(1) on page 7 of the bill, lines 1 through 9, which read as follows:

> The number of such children of such families in the school district of such local educational agency shall be—
>
> (A) at least one hundred, or
>
> (B) equal to 3 per centum or more of the total number of all children aged five to seventeen, inclusive, in such district, whichever is less, except that it shall in no case be less than ten.

Mr. MOSS. Is it the Senator's opinion that this provision is mandatory, or could the administrators cut off a county or school district when 3 percent of the pupils are from families with poverty incomes, but their total number is more than 10 but less than 100?

Mr. KENNEDY of New York. It is mandatory and is covered clearly by the proposed legislation.

Mr. MOSS. I thank the Senator from New York. I am pleased to have that assurance and I shall so inform the superintendents of the Utah school districts who have expressed concern to me that they might be bypassed under the provisions of title I: Beaver, Garfield, Grand, Kane, Morgan, Piute, Rich, Summit, Wasatch, and Wayne. It will be most heartening to them to know that some assistance—however small—will be coming their way. We sometimes forget here in Washington, where we are accustomed to thinking in millions and even billions, of how much difference only a few dollars can make in some parts of this country. As I estimate it, the counties involved would be eligible to from about $5,000 to $15,000. This would give them a substantial lift with their school costs.

There is one county in Utah, Daggett, which under present estimates would not qualify in either way for title I funds. This county is by far our most sparsely settled on the basis of the number of inhabitants per square mile. Yet, because most of its children live on ranches, they must be bused long distances to school, and school costs are high.

In the interest of Daggett County, and all other counties with wide-open spaces and small populations, I would like to ask one more question of the distinguished Senator from New York. Is there any provision in the bill which would prevent two or more school districts, contiguous or otherwise, from joining together to make an agreement under this bill to operate a program on a joint basis, and thus qualify for a Federal contribution to the joint district?

Mr. KENNEDY of New York. Under title I, the unit is broken down to counties and the determination is made on the basis of counties. Therefore, it would not be possible for counties to get together and pool their resources to become eligible under the bill, unless they would be eligible anyway. As far as Utah is concerned, all counties in Utah, with the possible exception of Daggett County, would be eligible to receive funds under title I. I point out, as the Senator knows, that Daggett County has four children, and so Daggett County would not be covered by the bill.

Mr. MOSS. I thank the Senator. It is true that Daggett County at present appears to have only four pupils who would qualify under the poverty test for funds. That is a very small number and, of course, a very small amount of money would be involved. What I was concerned with was the principle of trying to reach all the children who would qualify.

Mr. KENNEDY of New York. I understand. Under the proposed legislation as it is written at the present time, they would have to be eligible as a county, and Daggett County, because of the small number of children that would be involved, would not be covered.

Mr. MOSS. Daggett County would not reach the 3 percent figure.

Mr. KENNEDY of New York. That is correct.

Mr. MOSS. I thank the Senator.

Mr. KENNEDY of New York. I should like to add my word of commendation for the efforts that have been made by the Senator from Utah in relation to the proposed legislation. I know of his long continued efforts while he has been in the Senate and his interest in the field of education for a long period prior to that time. I commend him for his helpful statement on the floor of the Senate today.

Mr. MOSS. I thank the Senator from New York for clearing this matter up. I shall pass on this good word to those in my State who are interested.

This will be a most welcome bill throughout Utah. My State is making the greatest effort of any State in the Nation—with the exception of our neighbor, New Mexico—to support its schools, as measured by the percent of income devoted to education. Despite this relatively great effort, Utah has not been able to finance its schools at a level equal to the average of the United States. One reason is that 68 percent of our total land area is owned by the Federal Government. Another 8 percent is in State or local government ownership. This leaves only 24 percent in private ownership to serve as the primary tax base for the support of schools. Accordingly, I think my State is an example of the great need for the Federal Government to assume an equitable share of the responsibility for financing the education of our children.

Earlier this year, under our first Democratic Governor in 16 years, Calvin L. Rampton, a Democratic State legislature took action to increase school support including the salaries of Utah's teachers. As a result, the NEA sanctions against the State have been lifted. But we still have much to do. We must strive to elevate the standards of teachers to the levels the importance of their jobs demands; we must pay teachers the salaries which the required skills warrant; we must cut the student-to-teacher ratio to the point good teaching requires; we must build the classrooms which are needed; we must give every child in Utah and in the country at large the educational opportunity—from kindergarten through college—which too few have today.

This bill before us today takes a long and historic stride in that direction. I strongly support it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado [Mr. DOMINICK] is recognized.

AMENDMENT NO. 78

Mr. DOMINICK. Mr. President, I call up amendment No. 78, for myself, the Senator from Vermont [Mr. PROUTY], and the Senator from Colorado [Mr. ALLOTT].

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado for himself and and other Senators will be stated.

The LEGISLATIVE CLERK. It is proposed on page 43, at the end of line 4, to strike out the period and insert "and has been approved by that agency."

Mr. DOMINICK. Mr. President, this particular amendment was part of an amendment we offered in subcommittee, and again in full committee. We have divided it and taken the second part of it so that the Senator from Vermont [Mr. PROUTY] will have the opportunity of speaking and supporting it.

I think it is more important than the brief nature of it would indicate from reading it. It deals with title III, which provides for supplemental educational centers and services. This title is designed to provide educational centers for the dissemination of new programs and curriculums, and programs of this type, which will be developed under title IV. It is to be under the control, by and large, of the U.S. Commissioner of Education, who is a very fine gentleman, and I am sure his successor would be a fine person, but again we get into the question of whether or not we should retain in the States the opportunity to decide where these centers should be located and in what type of activities they should be engaged.

For the purposes of the RECORD in bringing this point specifically home to my colleagues, I should like to try to outline in some detail what title III of this bill would do. I call the attention of my colleague to page 25 of the report. It states that these are grants to the local public educational agencies. When one reads the heading, it sounds as though the Commissioner makes grants to the local public educational agencies, which are the ones that decide how the money shall be spent. This is not a fact, so the very title under the subheading in the report is not accurate.

If Senators will read on, they will see that grants under title III are made from State allocations by the Commissioner to local public educational agencies for the purpose of financing supplemental educational centers and services.

During the process of the hearings on this particular bill, the Senator from New York [Mr. KENNEDY] and I constantly asked the Commissioner of Education whether or not we were actually going to accomplish the stated objective of trying to improve the quality of our local schools.

I remember—and if I am wrong, I hope the junior Senator from New York [Mr. KENNEDY], who is on the floor, will correct me—his saying several times, and I joined him, that we did not feel that money alone was sufficient to solve the problem; that it simply anchored in existing inequities and inequalities within districts, without actually accomplishing anything new which would stimulate quality of education within the district.

As a result of our concern, we agreed on the idea of having supplemental centers and having some type of experimental programs to see what might be done in an area in order to increase the quality of schools.

Nevertheless, I feel, and I believe the cosponsors of this amendment feel very strongly that we must retain in the State and local school boards control over what programs are going to be put into effect in any particular district.

I for one am not ready to take from the local school boards their control of the school systems within their areas.

The States and the local school boards have done a fantastic job in increasing the quality of our schools and increasing their ability to handle the vast influx of students who have come into the elementary and secondary levels immediately following World War II.

In all the debates we have had on the floor of the Senate and in the House, I remember Member after Member rising on the floor of the Senate or the House of Representatives, or persons at public meetings, saying that the local school districts and States cannot do the job; that we must have Federal funds to make the work go forward.

Yet in that same period the States and local districts have bonded themselves to build 700,000 schoolrooms for the benefit of the children of the local districts, to the extent of $3 billion for that purpose, and have done a highly capable and commendable job.

In our own school system all kinds of changes were made, and, by local incentive and ability, we changed our districting system. We consolidated districts, we had bond issues, and we taxed. We were in a fast-growing area, and we were always 1 year behind in tax sources. But we went ahead and did it. But we find ourselves having a problem, as all districts do, and will continue to do, apparently, in finding financial resources to supply the necessary opportunity for education for all people.

I greet the supplementary educational center on service with considerable enthusiasm as an idea, but I certainly do not wish to see the Federal Government, through its Commissioner of Education, no matter who he may be or by whom he may have been appointed, tell the State educational agencies where they should put centers and what they should teach.

The question is the interrelationship between title III and title IV of the bill. Under title IV, there are experimental programs financed by grants from the Federal Government for the purpose of designing new textbooks, new curricula, new ideas of teaching, new methods of hiring teachers. Under title III, which is the title with which we are concerned in amendment No. 78, the Commissioner is given power to establish supplemental centers for the purpose of disseminating the curriculums, the development of textbooks, and all the other provisions which may be established under title IV.

Unless the State educational agency and/or local districts have an opportunity to review, to determine whether this is the type of education which they wish in their State, we will be, in fact, going forward with the rapid acceleration of Federal control of education, which I do not believe any Senator wishes.

I invite the attention of Senators to the wording in the report, after the first sentence which I have already quoted. It states as follows:

> In order to assure that programs under this title will be developed which will enrich educational experiences and opportunities for elementary and secondary school students, the local educational agency must involve persons broadly representative of the cultural and educational resources of the area to be served in the planning and carrying out of the supplementary programs.

I emphasize the following:

> Such resources include organizations like State educational agencies, institutions of higher education, nonprofit private schools, libraries, museums, artistic and musical organizations, educational radio and television, and other cultural and educational resources. After making provision for the participation of such persons during the planning and operation of a proposed supplementary service, the local educational agency would submit an application to the Commissioner for a center or service based entirely on the local agency's perception of need and interest.

Mr. President, that sounds great. However, I invite attention to the bill, on page 41, subsection (b), which provides:

> (b) Applications for grants under this title—

That is for the educational supplementary centers—

> may be approved by the Commissioner only if—

Then it goes on through the four separate categories. No. 4 is the category I am trying to amend, which states:

> (4) the application has been submitted for review and recommendations to the State educational agency.

In other words, all that the Commissioner would be required to do under the terms of the bill would be to submit his proposal to the educational agency for review and recommendation. He would not be required under any term or phrase of the bill to accept whatever recommendation may have been made by the State educational agency.

Mr. President, the purpose of my amendment is to see that the State educational agency must approve whatever the Commissioner is going to do before the proposal can go forward.

On page 27 of the report, it deals with the particular title of the bill, as follows:

> Under the terms of this title many kinds of supplementary services could be provided by individual local public educational agencies or by associations of such agencies to enrich the programs of local public elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs. Such services—

And this is what I wish to emphasize—

> might include guidance, counseling, remedial instruction, school health, psychological, and social work services. Special educational programs and study areas, operated during periods when schools are not regularly in session, might be provided under the terms of this title. Model or exemplary educational programs designed to encourage the adoption of improved or new educational programs could be established.

Mr. President, I am sure that Senators will recall what I stated earlier, that grants were to be given for the establishment of just such a program under title IV and put into effect under title III.

Continuing reading:

> Specialized instruction and equipment for teaching foreign languages, science, or other academic subjects which are not taught in the schools at present or which could be provided more effectively on a centralized basis could be supported. Programs under the auspices of the local public educational agency could be supported under this title which would make available special equipment or specially qualified personnel, such as artists or musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions. The provisions of this title would allow local educational agencies to support educational radio and television programs.

Please note that the word "public" is not included so that any local educational agency, whatever it might be, private or public, could jump into this kind of program.

Continuing reading:

> This title would permit support of physical education and recreational programs not available at present. The title would permit the provision of special educational and related services for persons in or from rural areas or who are or have been isolated from normal educational opportunities.

This is an interesting philosophy—the idea that someone from a rural area has been deprived of an adequate educational opportunity. I, for one, would deny that emphatically. There are many rural areas in my State. We have very good school districts and educational opportunities in the State of Colorado, whether they be in the metropolitan or suburban areas or in the rural areas.

The report goes on:

> Also, title III could provide for the establishment of instructional materials centers in our cities and States for the purpose of furnishing modern instructional equipment and materials to the schools in those areas, and equipment, materials, and staff for such centers could be provided.

I am reminded of what Representative GOODELL—who has long been a champion of the educational system of this country—said about the bill in the House debate. He asked question after question. He said:

> Not what might we do under the bill, but what is going to happen under it?

Time after time it was said, "We might do this," or "perhaps we could do that." The answer was, he said:

> We can summarize the whole debate by saying that no one knows what will occur under this bill.

Mr. President, in this kind of situation, it seems to me that the local educational agency and the State educational agency should have the right to determine which of these programs will be instituted in their States, but this will not be done under the bill.

I refer my colleagues in the Senate to a part of the debate in the House bearing on this specific subject, which occurs in the CONGRESSIONAL RECORD of March 26, 1965, at page 6113. I believe it was Representative FINDLEY who was speaking. He said:

> Mr. Chairman, as I speak for this amendment, I might point out also there will be other amendments which will be offered to title III which will have as their purpose the requirement that the State educational agency have more authority to decide whether and where the supplemental centers shall be constructed. One of the big, one of the serious problems that I am confronted with in this title, and why I cannot support it as it is, is that it goes for any purpose and the title does not permit proper authority to be exercised by the State educational agency. The State educational agency is established by the legislature as are our local school districts and the authority in the State really lies primarily with the State legislature.
>
> I think that when the Federal Government steps in and makes these centers available for any purpose, making them Federal-local schools, financed 100 percent by the Federal Government, this brings in a Federal influence on the State and on the communities in which they are constructed, which should not be permitted.

I believe this brings to the attention of my colleagues, in a very pertinent and direct manner, what a very fine lady from Colorado testified to on behalf of the National Council of Jewish Women. She is Mrs. Philip Frieder. I know Mrs. Frieder. She and I have not agreed on all points in the past on educational problems, but she is a fine lady, and certainly there could be no group that is more interested in the educational quality of this country than the National Council of Jewish Women. I quote from what she said, as printed in the hearings at page 1509, part 3. She speaks about the special educational centers. She does not hit exactly the point that is before us in the pending amendment, but she is concerned, and she is concerned for the same reasons that I have already outlined. I would like to read what she says:

> The proposal for a 5-year program to create special educational centers and provide supplementary services not available in most elementary and secondary schools offers important potential help for improving American education.

I agree with her on that point.

> These programs would serve as working laboratories—as models of excellence, spreading the benefits of vital, educational reforms to help our schools meet the complex changing demands of the 20th century.

Perhaps. We do not know. No one knows what the supplementary educational centers will do. We cannot find out what they will do.

All we can say is that they will start new programs under title IV and disseminate them in the educational centers, financed by the Federal Government.

Then she goes on to say:

> We feel strongly, however, that the policy and planning responsibilities and administration of such projected programs, which are to be financed by Government funds, must be in the hands of public officials and public educators.
>
> On the basis of long years of experience in the field, the National Council of Jewish Women is increasingly convinced that substantial Federal support of education is essential if we are to prepare our young people for the challenges they must meet.

As an outline, this is certainly debatable, to say the least.

She goes on to point out that in the special educational centers the influence of the local educational agencies is not restricted to the local public educational agency, and can be a private agency.

For example, it could be the Episcopal schools—and I am an Episcopalian—or it could be the Catholic schools. It could be any part of a religious-oriented school system that would be active in this matter and could be the prime interest to determine what should be done under the federally financed school centers which would be set up under title III.

I would say, therefore, that my amendment has far more importance than its very short nature might indicate. It states once again—and I wish to repeat this—not that the centers should be taken out, not that we wish to abandon them, not that they are a bad idea, not that we are opposed to them, but that we do not know what they are going to do. So far as the bill is concerned, no one has yet said what they are going to do. They will be federally financed. As long as this pattern and principle is in effect, it strikes me that the local State educational agency, the public educational agency, should have control over whether the supplementary centers are to be set up in any particular State, and, if so, what type of program will be spelled out.

Let me suggest an "if," that was mentioned in the report. Let us consider psychology. Are we to have, at the elementary and secondary level, a federally supported institution for the purpose of teaching psychology? Are we to have mental clinics in operation through the supplementary centers, taking the place of the ordinary outpatient clinics to deal with these problems? We have many of them in Colorado. Are we suddenly to go into the medical field in these supplementary centers?

It seems to me that before we take this step, to provide this type of activity, we should, at the very least, have control over the program and over the location of the supplementary centers by the State agency.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. LAUSCHE. I am not a member of the committee. I have read the report of the House committee, but I have not had an opportunity to read the report of the Senate committee. With respect to title III, do the words "local public educational agency" mean a governmental agency, or do they mean a governmental agency and a private institution?

Mr. DOMINICK. I would be happy to refer that question to the Senator from Oregon, but the interpretation that the National Council of Jewish Women has placed on that term shows that it could be private, or could be an amalgamation of both public educators, who serve on school boards or on State education boards, and private, forming a new group and going forward in that way.

Mr. LAUSCHE. What I have in mind is that for the past 15 years I have always been concerned that when the Federal Government sends money into a State it ought to be administered by the people elected at the polls; that is, by governmental agencies.

Recently in a bill that principle was completely circumvented and a new principle was adopted, allowing the money to be allocated to private agencies which have no responsibility to the electors and permitting them to administer the fund without the deterring influence of having to answer to the public at election time. The Senator from Colorado——

Mr. DOMINICK. If the Senator will permit me to interrupt him at that point, I should like to congratulate him upon that philosophy. It seems to me that it is extremely important. I refer the Senator to section 304(a) of the bill, which appears on page 39. The first clause reads:

> A grant under this title for a program of supplementary educational services may be made to a local educational agency or agencies—

That provision states nothing about "public." So the grant would not necessarily be made to a public agency.

Mr. LAUSCHE. I should like to ask the Senator in charge of the bill whether under the language he has read moneys could be given to a private agency engaged in welfare or social work and administered by it, as distinguished from money being granted to a local school board to administer?

Mr. DOMINICK. Mr. President, I ask unanimous consent that I may yield for the purpose of determining whether the Senator from Oregon can answer the question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUSCHE. I refer to title III. Moneys will be allocated for the establishment of educational centers and services. As stated on the page of the bill mentioned by the Senator from Colorado—and I ask him again to read that language——

Mr. DOMINICK. The first clause of section 304(a) on page 39 reads:

> A grant under this title for a program of supplementary educational services may be made to a local educational agency or agencies—

Mr. LAUSCHE. Does that language mean that the grant could be given to a private agency as distinguished from a governmental agency, to which the officials are elected by the people?

Mr. MORSE. On page 76 of the bill, line 23, subsection (f) reads:

> (f) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

I believe it is perfectly clear that it is limited to public schools and public agencies.

Mr. LAUSCHE. The Senator from Oregon interprets that language definitely to mean that it must be a governmental agency, and that the word "public" in effect means a governmental agency?

Mr. MORSE. I do not interpret it. It so states, and very clearly, I think. I do not believe any other interpretation could be made.

Mr. LAUSCHE. It is a public——

Mr. MORSE. A governmental agency.

Mr. DOMINICK. I should like to say once again that that is not the interpretation that has been placed upon it by some of those who have testified on the question before the committee. So far as I know, we do not have any legal interpretation on it, and I am happy to have the RECORD bear that out.

Mr. MORSE. The Senator from Colorado has performed a great service, as he always does. But I give him my word that that is the interpretation of the Department. That is the intent of the bill. As the Senator in charge of the bill on the floor of the Senate, I here and now make that the record so far as the intent of the bill and the legislative history are concerned.

Mr. DOMINICK. If I may go a little further and perhaps address another question in order to clear the record on that point, during the hearings there was some discussion, as I remember, on the possibility of creating a new public agency within a State which would not be the school board as we know it, and which would not be the school board of education, as we know it.

It would be an area group which would be constituted under a nonprofit corporation of some kind by the Governor for the purpose of administering this type of program. Would that statement be accurate? Would such a group fall within the meaning of a local educational agency?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. LAUSCHE. I should like to read from page 25 of the Senate report. It reads as follows:

> Grants under this title are made from State allocations by the Commissioner to local public educational agencies for the purpose of financing supplemental educational centers and services. In order to assure that programs under this title will be developed which will enrich educational experiences and opportunities for elementary and secondary school students, the local educational agency must involve persons broadly representative of the cultural and educational resources of the area to be served in the planning and carrying out of the supplementary programs. Such resources include organizations like State educational agencies, institutions of higher education, nonprofit private schools, libraries, museums, artistic and musical organizations, educational radio and television, and other cultural and educational resources.

I am at a loss to understand how private institutions and interests will be woven into what is called the public agency that will be assigned the responsibility of administering the fund and the program. How do they come into it? Do they come into it as an advisory group? If it is an advisory group, why has it not been so stated in the report?

Mr. MORSE. Mr. President, will the Senator yield so that I may answer the question?

Mr. DOMINICK. Mr. President, I ask unanimous consent that I may yield to the Senator from Oregon without losing my right to the floor.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Without objection, it is so ordered.

Mr. MORSE. As I explained yesterday, the money goes to the public agency. The bill encompasses a discretionary right on the part of public agencies, in accordance with State and local policy, to devise cooperative programs with private schools. That is up to the local agency and not up to the Federal Government.

As I explained yesterday, under title III the supplemental educational centers and services are to be administered by the local public agency. The local educational agencies can work out cooperative arrangements with community organizations including private schools in the area.

Mr. LAUSCHE. That would mean that the governmental agencies could enter into a cooperative arrangement with the private school and private institution to administer the program?

Mr. MORSE. Not to administer the program, but to implement the program substantively.

Let us consider an example. I explained yesterday the almost miraculous work that is being done with the blind, with the deaf, and with the other handicapped children. Such work would be permissible under this section. The public agency could work out with a private blind school a program which would benefit the whole educational program of the district. But the administrative control, the power of decision, would rest in the public agency at the local level.

We continue to say in our debates on education, "We will not interfere. We will not have the Federal Government dictating to the local school authority."

We have kept that principle intact in title III, too.

I ask the Senator to turn to page 95 of part I of the hearings.

Let us first refer to page 94; then I shall turn to page 95 in a moment. Does the Senator from Ohio have page 94 before him?

Mr. LAUSCHE. Yes.

Mr. MORSE. I direct his attention to the third paragraph from the bottom, Secretary Celebrezze is speaking:

> Now, what will the service center do? And that is on the next chart. Bear in mind that this is for the total community now, not just for the schoolchildren.
>
> What is a supplementary educational service? Well, it can be vocational education, guidance counseling, testing, arts and music, dramatics, community services, foreign languages, aid to the handicapped, science, adult education.
>
> This again adds quantity and quality to local efforts. In other words, it focuses supplementary services. I might say when this is established, if there is an effort going on in the community under the Economic Opportunities Act that title III activity must be coordinated with that, so that you do not have two duplications.

The Senator will note on page 95 a chart entitled: "Chart XIII—What Is a 'Supplementary Educational Service' "? In the center of the chart we read "Supplementary Educational Center or Service." Around that designation are listed the types of programs envisaged:

> Vocational education, remedial reading, adult education, science, aid to handicapped—

That brings in the blind, the deaf, and the crippled, including polio cases—

> foreign languages, educational television, community service, dramatics, art and music, testing, guidance, and counseling.

Mr. LAUSCHE. I thank the Senator from Oregon. Will the Senator from Colorado yield further?

Mr. DOMINICK. Yes. But first, if the Senator from Ohio and the Senator from Oregon will turn to page 39 of the bill itself, they will see, beginning in line 9 and going through line 16, the provision that there must be satisfactory assurance given by the local educational agency—whichever it may be—that in the planning of the program—and that is fine—and in the establishment and carrying out of that program there will be participation of persons broadly representative of the cultural and educational resources of the area to be served. So the language repeats almost word for word what is contained in the report.

My question, which I hope has been answered—but I am not sure that it has been—is, What degree of authority will those people have over the program? As I understand, under this language they will have to participate in the planning and will have to participate in the programing and carrying out of what is planned; and the only real function of the local educational institution will perhaps be to yield to the pressure of the community to apply for a grant. The Federal program will be administered by a nonpublic agency, so far as I can see.

Mr. LAUSCHE. Let me address a question to the Senator from Colorado. The Senator from Oregon has just said that a private nonprofit educational institution for the blind could be called upon to cooperate. Does it follow, then, that a private denominational school could ask to administer a program, and if the general spirit were carried out, would it be assigned that duty?

Mr. DOMINICK. I do not believe there is any doubt about it. That is why I read into the RECORD a short time ago the comments made by spokesmen for the National Council of Jewish Women. They expressed the view, as appears on page 1507 of the hearings, that some amendment should be made in title III to make certain that the denominational schools will not be the ones which will operate the system. Mrs. Frieder, one of the spokesmen, wants the program to be kept under the public agencies, just as the distinguished Senator from Ohio has brought out.

Mr. LAUSCHE. May I ask the Senator from Oregon whether if the execution of the program can be given to a private nonprofit educational institution for the blind, it follows that the same assignment of execution could be given to a private nonprofit denominational school.

Mr. MORSE. No. If the Senator from Ohio will turn to page 40 of the bill, line 3, such a plan will "provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant."

The control continues throughout the title to vest in a public agency or a public body.

Mr. LAUSCHE. I still am not clear about what the language means; but I am grateful to the Senator from Oregon and the Senator from Colorado for the elucidation they have given to me.

Mr. DOMINICK. I wish to emphasize this point again. I referred a moment ago to page 1507 of the hearing record; I meant page 1509. I shall read one sentence of what Mrs. Frieder said:

> We feel strongly, however, that the policy and planning responsibilities and administration of such projected programs, which are to be financed by Government funds, must be in the hands of public officials and public educators.

She indicated in her presentation that perhaps some agencies were needed, under title III, to attain that objective.

Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. MORSE. The Senator from Ohio and the Senator from Colorado know, as a matter of law, that in determining the legislative intent and meaning of an act, the courts place strong reliance upon the statements of the manager of a bill on the floor of the body in which the statements were made.

Although I am disappointed that I have not cleared up the matter to the complete satisfaction of the Senator from Ohio, let me, as the Senator in charge of the bill, state again that the control rests in the applicant. The applicant has to be the local public educational authority or agency, and the supervision continues to rest in that public agency from the beginning to the end of the particular program that is involved.

Also, the record is perfectly clear that when this question was raised in the House of Representatives, the bill was changed to meet the very point that the Senator from Ohio and the Senator from Colorado are raising. The bill was changed in the House, and the language that the Senator from Oregon has cited in this debate became a part of the bill as a result of the action in the House.

I conclude by saying that there is no question, in the opinion of the manager of the bill, that the meaning of the language in the bill is that the control rests in the applicant, which has to be the public body, the public agency, the public school. That is clearly also the view of the Department of Health, Education, and Welfare. I have expressed here naught but the views of the Department. I expressed that view in the subcommittee hearings, and I stress that this is the intent of the bill.

Mr. DOMINICK. I thank the Senator from Oregon for making that statement plainly in the RECORD. I think it strongly supports the pertinency of my amendment, because it means that an application would not be submitted and approved unless the State educational agency had approved it; and that point is not set forth in the bill at present. All that the State agency is entitled to do, under the bill, is to review and recommend to the Commissioner what grants and what programs should be put into effect. It is that very uncertainty that I am trying to correct, in order to make certain that the agency shall have control over the program.

Mr. President, I ask unanimous consent that, without losing my right to the floor, I may yield to the distinguished Senator from Connecticut [Mr. RIBICOFF], who wishes to make a short speech on the bill.

Mr. LAUSCHE. Before the Sentaor from Colorado yields, I should like to comment on the amendment offered by the Senator from Colorado. It proposes to add to line 14, on page 43, this phrase: "and has been approved by that agency."

Mr. DOMINICK. That is correct. "That agency" refers to the State educational agency. It means that the programs of the supplemental centers will have to be approved by that agency before they are put into effect by the Commissioner of Education in Washington, the one making the grant.

Mr. LAUSCHE. And that is all that the amendment would provide?

Mr. DOMINICK. That is all that the amendment would provide.

Mr. LAUSCHE. The agency in control of education would have to approve the program that might be adopted by a local agency?

Mr. DOMINICK. The Senator is correct. They will have to approve the program under which the Commissioner would make his grant.

Mr. President, I now yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I rise to speak in behalf of the children of the United States. I speak in behalf of the education of our children, and so the future of our Nation.

We have come to a moment of surpassing importance in our affairs as a nation. The prospect of the Elementary and Secondary Education Act of 1965 becoming law brightens our national horizon as well as our hopes and dreams as individual Americans.

We speak here of a moment, not a millenium. Essentially, we are at a beginning—a point of departure.

Our journey has been long, and the pathways thorny. The fact that it has been made at all—considering the obstacles and barriers along the way—in itself pays tribute to the devotion and determination of many men and women. They have seen clearly that basic education of quality underlies every other effort in our society.

As a former Governor of the State of Connecticut, I am thoroughly familiar with the absolute necessity of Federal support for elementary and secondary education. Where the local units of our Government cannot or will not do the job alone, the Federal Government must step in—or all our children are the losers.

And, as a former Secretary of the Department of Health, Education, and Welfare, I also know the enormous difficulties—the pressures, if you will—of the many past attempts to give the principle of Federal support for the education of our children life in Federal law.

Year after year we have seen aid to education bills founder on the shoals of controversy. Year after year administration and other proposals have suffered defeat in the Congress. But it was never the administration—it was never this Senator or that Congressman—who was dealt a body blow. It was rather the millions of young children of our Nation—our youth, our boys and girls.

When the aid to education bill was defeated in 1961, President Kennedy said:

> Everyone is for education, but they are all for a different education bill. So it is going to require a good deal of good will on all sides.

In 1965, President Lyndon Johnson has been able to find and harvest the good will necessary to pass this bill in the other body after a vote of 263 to 153—and to bring it to the floor of the Senate. This is an outstanding accomplishment—one which is in itself a great tribute not only to the wisdom, skill, and understanding of the President—but to such men as Secretary Celebrezze, Assistant Secretary Wilbur Cohen, and Commissioner Frank Keppel, of the Department of Health, Education, and Welfare. All have labored diligently to formulate this program and present it to the Congress. All have shown creativity, persistence, and persuasiveness in their tasks.

And, Mr. President, we owe a great deal to the efforts of our distinguished colleague, the Senator from Alabama [Mr. Hill], chairman of the Committee on Labor and Public Welfare. All of the members of the Education Subcommittee headed by the Senator from Oregon [Mr. Morse] are especially to be congratulated for their fine cooperation in reporting out this bill.

I am pleased that the senior Senator from Oregon is in the chamber. I want especially to emphasize the role of leadership and consistent support of the Senator from Oregon. During my days as Secretary, the Senator from Oregon and I worked closely together in the face of great odds and opposition in the cause of education. The Senator from Oregon was always patient and cooperative. The many battles we fought together—all of our labors—now bear fruit in the Education Act of 1965. This and future generations of Americans will forever be in the debt of the Senator from Oregon. In a brilliant public career, he has achieved much. But when history records the great deeds of the Senate, the name Morse will shine brightly on our education bills. The senior Senator from Oregon has waged a consistent and determined fight against all odds and all discouragement in an effort to help education.

During my days as Secretary, when everyone was running away in the face of the tough issues, when people were seen running in all directions, the one man in Congress who understood the overriding needs in the field of education was the senior Senator from Oregon.

The senior Senator from Oregon was the one man who understood what we were driving at and trying to achieve. The Senator from Oregon was always present, whether it was day or night, morning or afternoon. He worked steadily and steadfastly.

It is a crowning achievement that now this work of many years will finally be accomplished. When the name Morse appears on an education bill, the present generation of children and children yet unborn will be assured that that bill stands for the one man, who in my opinion—more than any other single individual in the whole history of our Nation—has helped further the cause of education in the United States of America.

I pay this tribute to him, not only as a fellow Senator, but as a man who realized the frustrations and the problems of these many years. I am glad to be in the Senate voting with the senior Senator from Oregon when this achievement will finally be realized.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am delighted to yield to the senior Senator from Oregon.

Mr. MORSE. Mr. President, it is not an experience of mine ever to find myself at a loss for words. However, I am just about at that point now.

The Senator from Connecticut, the former Secretary of Health, Education, and Welfare, has made me feel very humble, indeed. All I can say from the bottom of my heart is that I appreciate his kindness in giving me undue credit. I am very pleased with his statement.

Before I make further comment, let me say that my good friend, the junior Senator from Florida [Mr. Smathers], whispered in my ear, "Would you like to have me get up and move that the words of the Senator be stricken from the Record?" I certainly do not want them stricken from the Record. I shall always be proud to have my descendants read those words.

Because of the high regard in which I hold the Senator from Connecticut, not only for his ability as a Senator, but also for his magnificent record as Secretary of the Department of Health, Education, and Welfare under the Kennedy administration, I should like to have the Record show that it was Senator, then Secretary, Ribicoff who was really the master draftsman of S. 580, the Kennedy omnibus education bill. I am in a position to so testify. I was a member of the team. But the captain of the team was the then Secretary of the Department of Health, Education, and Welfare.

I say to the Senator from Connecticut that we would not have made the educational record of the last 2 years, which caused President Johnson to say that the 88th Congress will go down in history as the "Education Congress," if it had not been for the groundwork that the Senator from Connecticut laid, the foundations that he built for this fine record, in the 88th Congress, during the time when he was Secretary of the Department of Health, Education, and Welfare.

I thank the Senator from Connecticut very much for the great assistance he rendered to the Senate when he was Secretary of the Department of Health, Education, and Welfare, and the great assistance that he has been to me and the members of my subcommittee since he has been a Senator.

I wish that I could express my feelings more adequately in regard to the kind things the Senator has said. The words of the Senator should be taken not only in my behalf, but also in behalf of every member of my subcommittee, for this record of the Subcommittee on Education also is a team product.

I owe this tribute to every member of the committee, on both sides of the committee table, Democratic and Republican alike, for if we did not have the bipartisan approach we have had, there would be no education bill before the Senate today. Of all the assistance I received, however, other than from my subcommittee colleagues, none has been more helpful than the assistance I received from the Senator from Connecticut.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. SMATHERS. I must now divide my remarks which fall in the category of commendation for the work that has been done on this education bill. I wanted originally to rise and agree with the able Senator from Connecticut in the very deserved remarks which he made about the able Senator from Oregon. There are many issues on which we do not agree, but I must state to the Senate and to the able Senator from Connecticut that on this issue I totally agree with him. I particularly agree with the remarks on the steadfast efforts the Senator has made in an endeavor to enact some kind of education bill that would be useful and of benefit to the young people of this Nation. His dedication has made it possible for us to have the bill on the floor. I hope it will be passed either tomorrow or next day.

I join in commendation of the able Senator from Connecticut. I agree that it was he who spearheaded the effort, under the late, beloved President Kennedy, of getting the idea across that there should be some kind of education bill. His energy and efforts in that respect have enabled the legislative branch to do its work in this particular field.

Having said that, I wish to ask one question of the Senator, and then I shall take my seat and let him proceed with his speech.

I expect to support the bill before the Senate. I think it is desirable. It is not exactly what I would like to have. But I have come to understand, in earlier discussions with the able subcommittee chairman on this particular matter, that if we were to begin to adopt amendments we would be likely to make the mistakes we have made with previous education bills; that if we adopted amendments merely because we would like to improve the bill a little more to our liking, we would be in danger of pulling out one of the props, so that the whole bill would collapse.

Mr. DOMINICK. Mr. President, I have no objection to the Senator from Florida asking the Senator from Connecticut or the Senator from Oregon a question. I wish to make sure that I have unanimous consent that I do not lose the floor.

Mr. SMATHERS. Mr. President, I ask unanimous consent that that be so. I did not know the Senator from Colorado had the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMATHERS. Is it the Senator's judgment that if we accept an amendment of any Senator with respect to this particular bill, we upset the highly delicate formula which has been put together with regard to the whole bill, and thereby inevitably the totality of the bill, with the probable result of our having no bill? Is that the Senator's opinion?

Mr. RIBICOFF. First, I thank the Senator for his kind remarks.

I have followed the debate very closely, and I understand the position of the Senator from Oregon. As this body knows, there is no one in the Senate more jealous of the legislative function than the Senator from Oregon. He never hesitates to offer amendments, or fight for amendments, or fight for the right of any Member of this body to offer an amendment.

Furthermore, I have also read the criticism leveled at the President for insisting on this bill as it is. The President would be the first to admit that this legislative body, or any legislative body, has a right to work its will.

In answer to the Senator's question, I want to be practical. The basic reason why education bills have gone down the drain and have suffered defeat in this body or in the other body was that nowhere could there be found a consensus as to what should be in the bill. There has always been a failure to recognize that education is a continuing process, from preschool and kindergarten—for which this bill provides—through the elementary, secondary, college, and university years. Even those most interested in education were looking for Federal help only for their particular piece of education.

One of the most heartbreaking experiences of my life occurred when I was Secretary of Health, Education, and Welfare. I saw that people were not really willing to submerge their differences in the interest of a good education program. One group wanted a certain priority. Another group wanted another priority. If they could not get that priority, they pulled down the whole keystone, and basic bills for education failed in one Congress after another.

The Senator from Oregon, in his debate and exposition yesterday, came to the heart of the problem when he said we are finally at the threshold of a breakthrough for the greatest bill on education we have ever had before us. The last Congress was known as the Education Congress. But there is not a piece of legislation in the field of education that Congress passed last year that has the significance of the bill before us today.

Once we start amending the bill, we get back into the same position in which we have been in the past decade. This resulted in failure and ruined our efforts in the education field. And it placed our Nation a decade behind in the education of our children.

There are certain provisions I would like to have in the bill, which are not now included. But the committee has labored hard. I point out that the bill before us today is not the result of only this year's work. It is the end result of 10 years of effort. It is the end result of the hard work of many persons. It is the end result of defeat after defeat, each defeat making it more possible to achieve what will be achieved this time.

The Senator from Oregon, who everyone knows is in favor of preserving the prerogatives of the Senate, does not want the bill amended. This is not because he does not think every Member of the Senate has the right to offer amendments, but because, having fought for and seen so many bills go down to defeat, he fears the failure of this education bill.

The Senator from Oregon recognizes that the Senate cannot afford to make the mistakes of the past. He does not want to see a divide-and-ruin policy. He wants to achieve unanimity and finally place this education bill on the desk of the President.

The education bill before us is not merely for the President. The education bill is not only for the Senator from Oregon. The education bill is a bill for every boy and girl in America. For, as responsible Members of this body, we must recognize that education is power, education is happiness, education is strength.

In the last analysis, this Nation will rise or fall on the sum total of our educated people. The greatest challenge to America, as the Senator pointed out so well yesterday, is in education. Civil rights, poverty, health, reaching the moon, Vietnam—whatever phase we talk about—we always come back to an educated citizenry. This breakthrough is so important that we should fight shoulder to shoulder with the Senator from Oregon to resist any and all amendments.

Mr. SMATHERS. I thank the Senator.

Mr. RIBICOFF. Mr. President, some final words about the past before we turn to the brighter future. The defeat of the education bill of 1961 was a deep disappointment to President Kennedy and me. It seemed to me that our failure to improve the education of our young people resulted from a strange situation: American people wanted their children to receive an excellent education. They wanted their boys and girls to achieve the highest potential of which they were capable. They wanted their boys and girls to cultivate the talents they had, and put these talents to constructive use. But the issues were not in sharp focus for the individual American father and mother.

The American people did not connect the improvement of our schools and colleges with our national purpose and power. They did not realize that a basic education of quality was essential to our very strength and survival.

And so I embarked on a journey in behalf of education. Before large groups and small, before men and women of many faiths and persuasions, in many parts of this great land of ours, I strove to explain the problems of education and show our people that we could not imperil our children's future by denying them proper schooling.

Then, 2 years ago next month, I spoke on the Senate floor about the chief controversy which was holding us back in education: the religious controversy. I believe I was frank, and that I called a spade a spade.

I pointed out that the controversy over financing the education of students in private schools runs throughout the country. I pointed to the depth of feeling surrounding it, to the intensity of emotion it causes. I stated my firm feeling that an effort must be made to resolve this controversy—that for too long the debate had been dominated by proponents of the extreme—that it was time for voices of moderation to be raised. I suggested a program of compromise which might contribute to a new consensus.

I am pleased to point out that most of the suggestions I made have a place in the elementary and secondary education bill now before us. Shared time—special education centers—special education services like preschool training programs and classes for superior students—these are included in our new package. I am also pleased with that part of the bill dealing with the problems of schooling our poor. During the long hot summer of 1961, we suggested a similar program of aid to communities with inadequate classrooms and so forth. But it went down with the rest of our program.

Now we stand at the moment of beginning, with a great consensus in support of this bill. The issues have been fully debated. The bill has received the support of almost every major professional educational association, and almost every major religious group. We have, with the help of the men I have mentioned—and of many others—finally put behind us the years of travail and controversy. We have opened ahead of us years of greatness and fulfillment.

Truly, the controversies of the past have been deep. No one will gainsay the sincerity of any Member of this body, for the issues have gone to the very heart of American life.

Some have felt—as I have said—that any bill like this would breach the wall of separation between church and state. But there is nothing in this bill which will breach that wall. I am certain that constitutional guidelines of sufficient clarity have been set down so that reasonable men can seek out areas of agreement rather than disagreement. They can find out what can be done, instead of asserting what cannot be done. I am pleased that under the leadership of the Senator from Oregon, reasonable men have devised a legislative program consistent with court decisions that improves the educational opportunities of all American children.

Fundamentally, it recognizes two things: first, that poor children have special educational problems, and that we are going to make special efforts to help them, wherever they are found; second, that we are going to have high quality education in America, and we are going to end the neglect of basic American education, wherever there is neglect.

Other Members of this body have felt that there was no way in which the Federal Government could aid education without intruding itself upon local educational policies. They have feared Federal control of education. But this bill, in its every part, will preserve and strengthen local control of education. It gives the fullest possible recognition to the proposition that educational policy should, must, and will remain locally controlled—responsive to the varying needs of each community. The principle of local control goes far beyond good sense, it is a vital necessity.

We are now ready, at long last, to take this fundamental and long-awaited step to improve our elementary and secondary educational system. In doing so, we will be making a sound investment in the future strength of our country, and a profound commitment to the effort to achieve greatness in American life.

In his state of the Union message, on January 4, President Johnson said:

> Our * * * goal is to improve the quality of American life.
>
> We begin with learning.

Just about 4 years earlier, President Kennedy had said, in his education message:

> The human mind is our fundamental resource.

And that is the heart of the matter. For knowledge is power. Many embellishments can be added to the arguments for this bill, but that is really what it is all about.

We cannot effectively fight poverty, we cannot effectively reduce unemployment, we cannot combat disease—unless we first attack ignorance.

This is the wealthiest, the most powerful nation in the world. But all our power, all our wealth, all the possibilities of full and free life under our democratic society, will mean nothing to the children we do not educate.

We can educate all of our children. We will educate them. This legislation is the breakthrough we have sought so long.

Its main thrust is the billion-dollar program in title I, to help our poor children. It is a direct attack on the disheartening cycle of poverty and ignorance in one generation—the cycle which is directly translated into ignorance and poverty in the next generation.

Twenty-five hundred years ago, the Greek poet, Alkaios wrote:

> Poverty—our painful and uncontrolled disease—you maim great peoples with your sister Helplessness.

Mr. President, the proposition upon which this Elementary and Secondary Education Act of 1965 is founded is that American society cannot afford to be crippled by self-perpetuating poverty, ignorance, and helplessness.

There are over 8 million adults in this country who have completed less than 5 years of school. There are 5 million children in this country living in families with incomes of less than $2,000 per year.

Studies show that the lower a family's income, the greater the chance that the children of that family will drop out of school. Forty percent of our young people fail to complete high school; one in eight never gets beyond the eighth grade.

And what happens when they drop out? What does it mean? Probably the same thing for their children. For we know that if a man has less than 9 years of education today, the chances are two out of three that he and his family will be living in poverty.

One-third of the children in the 15 largest school systems in the country need special educational help. Their disadvantage increases; by the time they have reached the eighth grade, these children are 3 years behind in educational achievement. In effect, they are not really being educated.

These costs are too great.

They are too great both in human and in economic terms. What greatness, what talent, is wasted we can never know. But the costs of unemployment are clear; the toll of crime and delinquency is measurable. As President Johnson put it in his education message:

> We now spend $450 a year per child in our public schools. But we spend $1,800 a year to keep a delinquent youth in a detention home, $2,500 a year for a family on relief, $3,500 a year for a criminal in State prison.

The funds authorized by title I of the bill will be spent by local educational agencies in a wide variety of programs to meet the special educational needs of disadvantaged children. This is by far the largest part of the expenditures authorized by the bill; almost $1.1 billion of the total of $1.3 billion authorized, are to be used to meet the needs of poor children. Funds will be allocated on the basis of a realistic, practical, and equitable formula which takes into account the present average and expenditure per pupil in a State, and the number of children within the State who live in families with incomes of less than $2,000, or in families receiving aid for dependent children who may receive more than $2,000 a year.

As I have said, the entire bill gives full recognition to the necessity of local control of educational policy. In title I funds will be administered by State educational agencies. The State agency will approve a local program designed and fitted to local needs by a local educational agency. The legislation does not specify what programs a community must adopt; each community will adopt the programs and projects which offer the greatest promise of meeting the special needs of educationally deprived children in that community.

The bill puts a premium on local judgment and discretion. It will provide assistance to local school districts in meeting the needs of these children, whether they are in full-time attendance at the public schools or not. The local school district, again in its own way, and following its own needs, will provide for special educational services and arrangements consistent with the number of educationally deprived children who are enrolled in nonpublic schools. Then, such children can participate in special services like dual enrollment, educational radio and television, educational media centers, and mobile educational services and equipment. Administrative supervision and control of all such programs, or title to any property which is contracted or purchased for use in these programs, is to be retained by the local public educational agency.

In short, what each local school district does under title I will depend upon what the community needs most, and what it is capable of doing. Some communities may choose to employ additional teaching personnel to reduce class size; others may choose supplementary instructional materials, special or remedial instruction, or programed learning;

others may choose special counseling or guidance.

Last, local responsibility for education is encouraged by the special incentive grants provided for in title I. Under this provision, those school districts which increase local support for education, as measured by per pupil expenditure, will get an increased amount of Federal support in the succeeding fiscal years.

Title II deals with an equally pressing aspect of this country's educational crisis. It authorizes an expenditure of $100 million to make school library resources and instructional materials available for the use of all schoolchildren. The size of the deficiency in library resources is truly appalling:

More than 53 percent of the 102,400 public schools do not have libraries.

If we look only at elementary schools, the figure reaches almost 70 percent.

These figures mean that there are more than 10 million students in our public elementary and secondary schools alone, without school library facilities.

Under title II, a State would submit a plan designating either a State agency or local public agencies to administer the plan. The plan would provide a program of acquisition of library resources, including audiovisual materials, textbooks, and other printed and published instructional materials. These will be used by the children in elementary and secondary schools of the State. The books and materials provided will be those that are approved for use in the public schools of the State; they will, however, be available to children in nonpublic schools on a loan basis.

This provision of the bill is a great step in meeting a great need. Libraries, and library resources, are essential to a child's education. The Commissioner of Education has said, in fact, that the school composed chiefly of classrooms may be obsolete. There is a direct relation between the availability of good library resources and educational achievement.

Title III authorizes the Commissioner of Education to make grants, from allocations to each State, to local public educational agencies to create supplemental educational centers and services. The $100 million in Federal grants available under this title challenges the imagination and creativity of every community across the Nation to find new ways of using the varied resources of the community to enrich its educational and cultural life.

The local community centers will bring quality to a community's educational effort. Because they enrich education, they will ultimately enrich our national life. In most cases, the individual community could not support them alone. How each community goes about using these funds will depend upon local needs. For example, several local public educational agencies could join together in offering supplemental centers or services to a whole area. Funds could be used to provide common facilities for a group of schools—such as science or language laboratories, theaters, counsel or guidance services, or vocational education or educational television facilities. Gifted men and women—artists and musicians, for instance—could offer their talents in part-time programs of instruction; dual enrollment in such programs could give fuller educational opportunity to an entire community.

Title IV authorizes the expenditure of $100 million over a 5-year period to construct national and regional educational research facilities. We finally realize that—in comparison to our expenditures for research and development in other fields—we have been giving far too little attention to research and development in education. While we spend about $34 billion each year on education, we spend only $72 million, about one-fifth of 1 percent, for research and development.

Pilot research centers are now established at the Universities of Pittsburgh, Oregon, and Wisconsin, and at Harvard University; they are already producing results. The centers to be created under title IV will work closely with the supplementary educational centers provided for in title III, so the results of educational research will be brought quickly and directly to the student, which is as it should be. The centers will draw upon the skills of many different people—historians, mathematicians, psychologists, artists, linguists, writers—who will work to train teachers and to develop curriculums. Scholars, researchers, local schoolteachers and administrators—all will be involved in the development effort. Schools everywhere will be the better for this program of research and development.

Title V authorizes $25 million for programs to strengthen State departments of education. As I have emphasized several times, the entire bill is founded upon the proposition that control of education will and must remain at the local level. If that proposition is to hold true, State departments of education, which bear the greatest responsibility for providing professional advice and assistance to local schools, must be strengthened. This title of the bill is absolutely essential if American education is to remain decentralized.

So we arrive at a moment of beginning. It is a great moment. Our needs cry out to be remedied.

We are approaching the day when one-half of our population will be under 25 years of age. This country cannot afford young people who are ill-educated, undereducated, or uneducated. We cannot afford it economically, socially, or militarily.

President Johnson called the 88th Congress the "education Congress." In truth the 88th Congress should be proud of its accomplishments in education. We passed the Vocational Education Act of 1963, the Higher Education Facilities Act of 1963, and the Health Professions Education Assistance Act of 1963. We expanded the National Defense Education Act, the Manpower Development and Training Act, and the Library Services and Construction Act.

All of these were necessary. All of these were constructive. But none can touch in significance the legislation we now consider.

Whatever accolades we have earned in the past, I do not know what measure of dreadful criticism would be accorded us if we fail to pass the Elementary and Secondary Education Act of 1965.

I wholeheartedly support the bill, and commend it to all Senators as fully deserving of their support.

Do we now leave behind us the years of controversy? Shall we open up years of promise for many years to come? Do we fail our children, and our children's children? Or shall we take a bold and constructive forward step, as a vigorous and modern nation, to enrich and change their lives?

The answers, Mr. President, are ours to give. Let us, then, write them clearly and affirmatively in the pages of history.

Again I thank the Senator from Colorado [Mr. DOMINICK] for his courtesy in yielding to me. I am most appreciative.

Mr. DOMINICK. The Senator from Connecticut has made a moving and very fine speech. I know of his fundamental and sincere interest in education. However, I cannot let this occasion pass without saying that the Senator from Connecticut and I have been fighting for years together to try to get a tax credit for higher education, which I believe would be the best thing we could possibly do for this country in the way of giving students an opportunity to receive a higher education.

Therefore, when I say that I know of his interest in education, the Senator knows how completely sincere I am.

It is interesting that the chief educational officer of the State of Connecticut is unqualifiedly against title III. This fact comes out on page 2671 of the record of the hearings, to which I invite the attention of the Senate.

I believe that the amendment which I have proposed, if it could be supported by the Senator from Connecticut, perhaps might take away the objection which this gentleman has.

Mr. President, at this point I should like to cite some of the problems.

Mr. Allen, who is the commissioner of education of the State of New York, came before our committee; and this is what he said, on page 2650, about title III, the title with which we are dealing in this amendment:

> Title III again raises some constitutional questions in New York State which cannot be answered, I think, until we have explored it more fully. I believe, however, that the grantee under title III should be limited to the local educational agencies or to a cooperative group of local educational agencies and to the State educational agency. I see no reason why under such arrangements such centers could not be open to all children.

He continued:

> This title authorizes unmatched grants. In my judgment, these proposed supplemental centers would be more effective if both the State and local educational agencies were required to provide some matching of funds, based on financial capacity.
>
> Again I would like to raise the point that I do not like the fact that the grants shall be made directly by the U.S. Commissioner of Education to the local sponsoring agency, with the State education agency having only a reviewing role.

It is this very objection which my amendment would cure, if it were adopted.

He goes on to say:

> I believe that this is an unwarranted bypassing of the State education agency and that it poses a threat to the orderly development of a State education program that New York and many other States have worked for a long time to achieve. I believe, also, that the State agency, not a Federal office, is in the best position to determine whether an applicant has met the requirements under section 304 (a) and (b).

That is exactly the point to which the amendment goes.

At page 2667, Dr. Edgar Fuller, executive secretary of the Council of Chief State School Officers, is quoted as having testified that he had sent questionnaires on the bill to approximately 40 officers, and that he had permission to publish the answers of 20 of them. All 20 deal with title III, the area with which they are concerned. Then he introduced the statements. Without being longwinded on this point, I wish to quote what he said. At the top of page 2671 of the hearings he is quoted as testifying:

> However, for the purpose of title III, which gives us the most concern, at least I believe that on the returns from 40 States to date it gives the State officers more concern than any other title, I would like to put these 20 original Sentigram returns in the record, and note here the States they come from and their answers as they are compiled on title III alone.
>
> Favoring title III without qualification are South Dakota, Tennessee, Alabama, and American Samoa, four.
>
> Opposing without qualification are South Carolina, Kansas, Georgia, New Mexico, Maryland, Connecticut, Wyoming, Idaho, Florida, and Massachusetts, 10.
>
> Amendments which amount to favoring title III, Illinois, one.
>
> Amendments amounting to opposition, Maine, Oklahoma, Wisconsin, Vermont, four.
>
> And then a statement, leave it to the courts, one—Oregon. A total of 20.

If we add these up, we see that of the 20 officers, 15 say we should not pass title III at all or, if we do, we should pass it only with an amendment.

I suggest to Senators that if we can adopt the amendment, we can at least lessen a great deal of the opposition of the chief State school officers to this type of program.

Mr. RIBICOFF. May I respond?

Mr. DOMINICK. I should be happy to have the Senator respond.

Mr. RIBICOFF. I should like to respond to the distinguished Senator from Colorado on two points. While I am with the Senator from Oregon shoulder to shoulder on the pending bill and against the Senator from Colorado, it is still my intention to welcome the continued support of the Senator from Colorado in pushing for tax credits. Here I know we will be against the Senator from Oregon.

As to the second half of the Senator's statement, let me say that the Commissioner of Education of the State of Connecticut is my appointee. I appointed him when I was Governor of the State of Connecticut. Commissioner Saunders is one of the most able men in the field of education. I considered the State of Connecticut fortunate when I was able to induce him to head the educational system in Connecticut.

Under the leadership of the Senator from Oregon, we are now ready for a great breakthrough in education in the United States. The time has come to reject the counsel of negative groups. For it is my opinion that the Senators on the subcommittee and Senate as a whole are better aware of the needs of the people of our Nation in the field of education than such groups.

While I respect the Senator from Colorado, and expect to be fighting again with him shoulder to shoulder on the tax credit proposal, I believe that the Senator from Colorado is mistaken about this amendment. I fear, divisiveness in the field of education. Having finally reached a consensus, I am overjoyed that the Senator from Oregon will have his hard work and patience crowned in the next few days with the overwhelming passage of the bill.

I believe he will be able to overcome all amendments. It will be a great day, not only for the Senator from Oregon, but also for every youngster in America of this and future generations.

I cannot support the Senator from Colorado on his amendment, even though he cites the chief school officer of my State, who happens to be an appointee of mine, who is doing a good job for education in the State of Connecticut and whom I respect and like. I am proud of the job he is doing. However, he stands shoulder to shoulder with many of his colleagues in the Council of Chief School Officers. In this instance it is my opinion that they are wrong, and that the Senator from Oregon is correct.

Mr. DOMINICK. Mr. President, I appreciated the fact that this might be somewhat embarrassing to the Senator from Connecticut. That is why I brought it out into the open, instead of having it get out otherwise. I know that I would get an impassioned reply. I have in no way attacked the Council of Chief State School Officers, many of whom are doing a fine job. I have not recommended or commended them. I am only citing what the record shows. The result shows that they feel the title ought to be eliminated or amended. That is the point I am making.

The so-called sentigram, which is reproduced at page 2674 shows the signature of William J. Saunders. It shows that he is in favor of titles I, II, IV, and V, and opposed to title III.

Mr. RIBICOFF. The Senator does not embarrass me at all. I am never embarrassed by men whom I appoint to office, and with whom I disagree. I respect people for their integrity and their courage in stating their own opinions. I believe Mr. Saunders is wrong in this instance. I appointed him. The people of Connecticut elected me. As an elected representative of the people it is my duty to speak for their interests and in their cause.

Mr. DOMINICK. Which the Senator does very forcibly.

Mr. RIBICOFF. The Commissioner of Education, William J. Saunders, has been and continues to be a friend of mine. I believe he always will be. He has rendered great service in education. I believe that, overall, he favors the bill. The Senator from Colorado and the chief State school officers happen to be wrong. I believe the Senator from Oregon and I are correct in this instance.

Mr. DOMINICK. Mr. President, I wish to say one more word for the RECORD. The Senator from Connecticut should understand that I have not stated what I shall do on the bill. I have not intimated anywhere along the line what I shall do. The Senator from Oregon said last night that he hoped that I would vote for it. I say there is need for some amendments. That is what I am trying to bring about.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MORSE. The strongest beverage that I drink is coffee; and I will bet the Senator from Colorado a cup of coffee that he will vote for the bill.

Mr. DOMINICK. I now yield to the Senator from Vermont.

Mr. PROUTY. I thank my friend the Senator from Colorado for yielding to me.

In supporting the amendment of the distinguished junior Senator from Colorado, I am doing so as one who intends to vote for the bill on final passage, regardless of whether amendments are included or not.

Title III of this bill, unlike titles I and II, sets up a direct Federal-local partnership that bypasses the State governments. It is not enough to say that the power of review and recommendation, which the State is given with regard to proposed programs at the local level, is "no empty power." The fact of the matter is that the local educational agency and the Federal Commissioner can enter into a deal over the most strenuous protests of a State commissioner of education.

This situation reminds me of an analogous provision of last year's poverty legislation. Under that bill as it came before this body, Governors of States were magnanimously given the august right to comment on proposed community action programs within their States. I am happy to recall that this body preserved State control of the poverty war by adopting an amendment to give the Governors a veto.

This bill presents the same question. It is whether a State official—in this case the chief State officer—shall have any function in the establishment of these supplementary programs other than the rather pathetic one of demanding that carbon copies of all applications be piled on his desk.

During testimony on this bill, the junior Senator from New York engaged Commissioner Keppel in a discussion of possible waste of funds under title I. In reply, the Commissioner said:

> May I point out that the local school district under title I has to present a plan to the State department of education as to how these funds would be spent primarily for the benefit of children of low-income families. The State is responsible for overseeing this. Under title V of the act, we are proposing that the State departments themselves be aided in order to raise the quality of their

own staff. There is, then, this check by the State over the way in which the money is to be spent.

Mr. President, I can conceive of no more appropriate argument for requiring the State educational agencies to play a role in the administration of title III. If it is an advantage in the eyes of the Commissioner for the State commissioner to oversee title I programs of Federal assistance, what is the difference which pushes him out of the picture in title III?

I find another ironic result of this strange situation. It is urged by the administration that title V will go far to enable State educational agencies to administer efficiently programs entrusted to their charge. Yet at the same time the advocates of that argument are shelling out $100 million behind the backs of the State commissioners, who have only the solace of knowing what is being done in their State slightly before they read about it in the papers.

Some very strong testimony was taken by your committee advocating an enhanced State role in title III. Dr. James E. Allen, Jr., the highly respected commissioner of education of the State of New York, testified as follows:

> On one point in (title III) I wish to enter a strong dissent. Section 303 provides that grants shall be made directly by the U.S. Commissioner of Education to the local sponsoring agency with the State educational agency having only a reviewing role. I believe that this is an unwarranted bypassing of the State education agency and that poses a threat to the orderly development of a State education program that New York and many other States have worked for a long time to achieve. I believe, also, that the State agency, not a Federal office, is in the best position to determine whether an applicant has met the requirements under section 304 (a) and (b).

Dr. Rex M. Smith, superintendent of Public Instruction for the State of West Virginia, made the same point when he said with regard to this title that "I believe that the chain of Federal school support should be made through the State educational office."

Two important groups have adopted policy statements opposing the kind of programs envisioned under title III. The 1964 delegate assembly of the National School Boards Association adopted a policy that "funds from Federal or other sources outside the State, intended for the assistance of public education should be administered by the State education agency through local school boards in accordance with State policy and without restriction other than simple accounting of receipts and disbursements."

And the New York State Board of Regents stated:

> Federal funds for the support of public elementary and secondary education should be apportioned to, and administered by, the States through the legally constituted State education agency, and not to educational entities within the States.

Mr. President, I had hoped to offer a completely rewritten title III which would have put the supplementary programs on the same basis as the programs under titles I and II. Since it is apparent that no one wants to read through a lengthy draft amendment, I am happy to support the amendment of the Senator from Colorado, which in a much simpler way attempts to grapple with this problem.

Mr. DOMINICK. I sincerely appreciate the comments of the Senator from Vermont in support of my amendment. As I have said over and over, it strikes me that the amendment may be short in length, but it is of extreme importance in trying to get a consensus behind the bill. Title III is a most important title.

Mr. MORSE. Mr. President, I shall take only a few minutes to comment on the speech of the Senator from Connecticut [Mr. RIBICOFF].

It is my understanding that then the Senator from Colorado will call for a quorum. I shall associate myself in that quorum call, so that ample time can be given to notify Senators that we are about to vote. When Senators arrive in the Chamber, the Senator from Colorado [Mr. DOMINICK] will be in charge of the procedure from that point on. I shall be ready to vote at any time after the quorum call.

Mr. President, I do not know how the bill could possibly obtain better, stronger, more authoritative support on the floor of the Senate than it has received in the past hour from the lips of the Senator from Connecticut [Mr. RIBICOFF]. I consider it battalion support from one man, for I think that the Ribicoff battalion, represented by the speech which the Senator has made, is of great importance in strengthening the committee in its endeavor to obtain the approval of the bill without amendment.

Senators will recall that in the course of his remarks, the Senator from Connecticut, at the time Secretary of Health, Education, and Welfare, expressed his great disappointment—and I know how disappointed he was; I shared that disappointment—when we lost S. 1021 the Kennedy bill in the field of elementary and secondary education in the 87th Congress. Even though it had passed the Senate. The higher education bill of the 87th Congress which had passed both House and Senate was also lost as an outcome of conference action. The Senator from Connecticut has pointed out, that as a result of those two legislative failures, students at every educational level of this country became the real losers. One of these important bills went down the legislative drain due to the fact that it had to go to conference.

The Secretary of Health, Education, and Welfare at the time [Mr. RIBICOFF] and I had many conversations on that subject. Incidentally, we had conversations with the then President of the United States, too. We were in agreement that the trouble was that the grassroots of America were not fully informed as to the real nature of the educational crisis in this country. I remember the occasion when I recommended to President Kennedy that he authorize me as chairman of the Subcommittee on Education to vary the omnibus approach to the handling of the proposed education legislation. I had had the privilege of introducing the omnibus bill.

The Kennedy omnibus educational bill consisted really of 24 topics. The committee conducted hearings on a part of the bill. It became evident to me that if we tried to pass the omnibus bill in its entirety, we would be headed for a great disappointment. The Senator from Connecticut [Mr. RIBICOFF] can be my witness when I tell the Senate that I went to the President and said, "Mr. President, I think this is a mistaken legislative procedure for us to follow. I should like to have your permission to have the bill considered topic by topic. I shall do my very best, to the extent I can carry out the promise I now make to you, to try to get a vote in the Senate during your 4-year term in office. I believe this is the best way to carry out the great educational program you have envisioned."

The Secretary of Health, Education, and Welfare [Mr. RIBICOFF] agreed with me that what I had said was in accordance with the political realities of the situation. I am proud to stand before the Senate today and say that we have already voted on 20 of the 24 topics contained in the Kennedy omnibus education bill and a part of the improvement of educational quality title III of S. 580 is contained in the present bill we are debating. That does not mean that we have passed each provision in exactly the form in which President Kennedy submitted it to us; but we have not sacrificed any major principle of the sections on which we have voted.

Would that President Kennedy were here to see the extent to which we have already succeeded in carrying out the promise we made to him. But after the debacle that the Senator from Connecticut referred to in connection with the list of elementary and secondary school officials, the Secretary of Health, Education, and Welfare pointed out that it was necessary for us to go to the people; and the President recognized that it was important to have the Secretary go to the people. He went to the people with the full approval, understanding, and support of the President.

The Senator from Connecticut cannot say this today, because he is a modest man; but I can say it, because he deserves to have it said. Remarkable unity exists today among the education associations, public and private, secondary, elementary, and higher education. There is unity of support behind the bill from those who are in a position to know what it means, from those whose very lives and beings are wrapped up in the educational process. The great educational associations are urging the passage of the bill without amendment. We are in that position, in my judgment, if I were to name the primary cause, the most important part of the cause-to-effect relationship that puts us in this position this afternoon, because of the educational work that the Secretary of Health, Education, and Welfare [Mr. RIBICOFF] did when he held that distinguished post. He took the problems of education across the country to the people of the Nation.

That is what I believe aroused the educational groups.

The Senator from Connecticut may recall that as to a part of the educational program I agreed to accept an assignment to speak in Chicago before the American Council on Education, a group composed of the college presidents and deans of the United States. My task was to support the Secretary of Health, Education, and Welfare. But I felt that as a Senator I could say some things to that group that perhaps the Secretary might be a little reticent in saying. So in my speech to that conference on educational problems, I made the plea that the college presidents and college deans recognize their tremendous stake in the passage of legislation affecting elementary and secondary education. Some of those persons sit in the gallery at the moment I now speak. They will recall what I said to them. I said, "I want to express to you my disappointment that I did not receive from you as an organization, at the time the secondary and elementary education bill was before Congress, the support I thought we were entitled to receive from you. Unless there is united support on the part of all the education groups of the country, you run the risk of the use of the old divisive tactics of divide and conquer. I hope that before we proceed again to consider an elementary and secondary school education bill, we will have the support of the American Council on Education." We have that support today on H.R. 2362 as our hearings record shows.

The Senator from Connecticut [Mr. Ribicoff] knows that I, also, during the period of education that he was carrying on across the country, appeared before a meeting of the top officials of the National Education Association in Washington, D.C. Representatives of that body also are in the gallery at the present time. They know that I pleaded for unity and for united action on their part with the American Council on Education in connection with higher education, because at that time there was some division among the education associations.

I said to them, "After all, whom are you training? A large percentage of the boys and girls in the grade schools and high schools are being trained to go on to higher education. You, too, have a great obligation to work in unison with all other groups in American education that seek to have education legislation passed that is of immediate concern to their particular groups. No matter what the particular piece of legislation is, it is of vital concern to all groups." We had that support for the Morse-Green Higher Education Facilities Act of 1963.

But what I said was de minimis in comparison with what the Secretary of Health, Education, and Welfare [Mr. Ribicoff], did in achieving the type of unity that I think exists throughout the country today within the educational world in support of this bill on elementary and secondary education.

This tribute is due the Senator from Connecticut because, as Secretary of Health, Education, and Welfare, he paved the way for the great record that the 88th Congress made with Secretary Celebrezze as head of the Department of Health, Education, and Welfare, with Commissioner Keppel as Commissioner of Education, and Assistant Secretary Wilbur Cohen, who was a top aid of Senator Ribicoff when he was the Secertary of Health, Education, and Welfare, as he is now a top aid of Secretary Celebrezze.

I wanted this statement of history to be part of the debate on the bill, because I do not stand before the Senate managing a bill that lacks the unified support of all the education groups of the Nation. I hope the Senate will take due notice of what the Senator from Connecticut [Mr. Ribicoff] said in the Senate today. So far as the senior Senator from Oregon is concerned, no witness can excel the Senator from Connecticut in qualifications and authority to speak on this subject. I feel we have received in the Senate today the testimony of the best witness that could be offered in support of the bill.

I want Senator Ribicoff to know that I deeply appreciate his testimony. I look upon his speech not only as testimony from an expert and an authority in this field, but also as a speech by a highly qualified Senator from Connecticut.

Mr. Ribicoff. Mr. President, will the Senator yield?

Mr. MORSE. I yield the floor, but before I do, Mr. President, I ask unanimous consent to have printed at the beginning of my remarks the text of a telegram I have received from the executive secretary of the Oregon Education Association, asking that the bill be passed without amendments. The education association of my home State has gone on record in opposition to judicial review amendments, in opposition to amendments to change the formula, and in opposition to all other amendments.

I also ask unanimous consent that other telegrams to the same effect, from other educational groups in the country, be printed in the Record.

There being no objection, the communciations were ordered to be printed in the Record, as follows:

Portland, Oreg.,
April 6, 1965.

Senator Wayne Morse,
Washington, D.C.:

We urge support of H.R. 2362 in present form and hope you will resist any amendments.

C. W. Posey,
Oregon Education Association.

April 7, 1965.

(Copy of telegrams sent to Senator Morse).

The Eighth National Conference on School Finance presently assembled in Chicago urges immediate passage of H.R. 2362 without amendments. This conference, composed of knowledgeable representatives from 25 State departments of education, 33 State education associations, and 27 colleges and universities, has voted overwhelming endorsement of the bill as passed by the U.S. House of Representatives.

E. L. Lindman,
Chairman.

April 7, 1965.

The committee on Educational Finance of the National Education Association urges immediate passage of H.R. 2362 without amendments. The prompt passage of this bill is vital to the improvement of American education.

E. L. Lindman,
Chairman, Committee on Educational Finance.

Mr. RIBICOFF. Mr. President, I am deeply grateful for the generosity of the senior Senator from Oregon. As I indicated before, one of the reasons why it is important to pass the bill without any amendment is that having achieved this unity among all groups in the field of education, when all groups were fragmented in 1961, we are now making a start that will enable America to go thoroughly into the entire field of the educational process with support from all groups, because they learned their lesson from what happened in 1961.

That lesson is the unity and the necessity of how essential it is that education be a unified whole from the earliest educational years of the living child, through graduate work, and after his formal education is over.

That is why today, the overcoming of religious controversy, the controversy of local control as against Federal control, and a slaying of the myths that have kept education back are a great breakthrough. While the Senator has been so complimentary, I still must repeat that in my experience—much of which is in my own heart and much of which I have never disclosed—I have seen jealousy and pettiness. I have seen men and women break their word and jockey for position in order to receive credit.

The one man in the entire United States who stood like a rock, the one man who was willing to forgo personal credit and glory, the one man who was consistent throughout those early struggles was the senior Senator from Oregon.

I say this in the Chamber as testimony. Many who take credit do not deserve it, but the one man who deserves the credit and thanks of everyone in the field of education, as the true friend of education, is the senior Senator from Oregon. No matter what credit he may lavish upon me and no matter what credit anyone takes, I want the record to show and I want history to show that when the name Morse is on education bills, the name Morse belongs on those bills.

When future generations talk about the Morse bills, when history records the breakthrough of the Morse bills on education, the name Morse is there because it is rightfully there. The name Morse belongs on those bills.

The senior Senator from Oregon fought this fight with patience, courtesy, and consideration. When people were leaving our side in the course of these fights, at private conferences in the White House, the man whom the then President Kennedy could always rely on was the senior Senator from Oregon. The man whom President Johnson can rely on is the present senior Senator from Oregon, and rightfully so.

Let history record that the name Morse on all education bills belongs there because the senior Senator from Oregon is the one who was the most consistent and truest supporter of all educational bills.

Mr. PROUTY. Mr. President, I concur completely with what the distinguished Senator from Connecticut has said about my distinguished friend, the senior Senator from Oregon.

I paid the Senator from Oregon an altogether too brief tribute during the debate yesterday. However, I associate myself with the remarks of the distinguished Senator from Connecticut.

I recall reading a magazine article a year or two ago which was authored by the distinguished junior Senator from Connecticut. This article impressed me greatly. In the article, the Senator from Connecticut suggested that Congress had failed to exercise its responsibility in the field of legislation.

As I recall, in this article the Senator suggested that we had merely attempted to vote the legislation submitted by the administration up or down.

The article stated that Congress did not originate legislation of its own. The Senator felt that this procedure was contrary to the best interests of the country, and that Congress was not measuring up to its responsibility in that regard.

I agree wholeheartedly with the Senator on that particular article. That is why I am so concerned over the statement that we must accept the bill exactly as it came from the House of Representatives, without agreeing to any amendments whatsoever. It seems to me that we are not fulfilling our obligation as U.S. Senators. I know of no amendment proposed to be offered which would endanger a meeting of the minds in conference. There may be some. If there are, I shall oppose them. I think it is ridiculous to say that we are endangering the bill simply because we would have to go to conference.

The House passed the bill by an overwhelming majority. I am sure that the bill will pass in the Senate by an overwhelming majority. It is not perfect in its present form. I am certain that some members of the majority, both on the full committee and on the subcommittee, were sympathetic toward some of the amendments offered by the members of the minority. If these members had had the opportunity to do so, they would have supported them, and might have offered amendments themselves.

We are negligent and delinquent in our responsibility as Senators if we say that merely because the House passed the bill and the President wants the bill to be passed without change, we must accept it.

Mr. RIBICOFF. Mr. President, I have the highest regard for the Senator from Vermont.

The Senator may have been absent from the Chamber when I engaged in a colloquy with the Senator from Colorado on the same subject. I still subscribe to the article that the Senator mentioned, which article appeared in the Saturday Evening Post. I still believe that too often the legislative branch forfeits its duties by rubberstamping what the executive branch sends down. I still believe that Congress must work its will. However, in making a point on this bill and stating why it should pass as it is, I pointed to the history of what has happened to educational bills in Congress in the past; and while apparently we have unanimity of all educational groups, many phases of the program are still tenuous so far as support is concerned.

I do not believe that Congress should accept whatever the executive branch sends down. However, the majority of the committee that handled this bill voted for the bill as it is.

I respect and recognize the right of the Senator from Vermont or of the Senator from Colorado and all other Senators to offer amendments.

Mr. PROUTY. Mr. President, I suggest that I voted to report the bill, as did all members of the minority.

Mr. RIBICOFF. And the minority has made a great contribution. The minority may offer amendments, but the Senate will have the opportunity to vote all the amendments up or down. It is my feeling that after all these years, we are now reaching the final moment of breaking through the dam at the elementary and secondary levels that has held progress back. It would be most unfortunate if we then were to become involved in differences and controversies. In the past I have seen these differences and controversies in the field of education arise in conferences when the differences were not great, but nevertheless led to the basic defeat of educational programs.

The committee has worked its will and brought out a good bill. I believe this bill is an excellent bill. While some might have preferred some minor changes, the bill has the quality and purpose which will achieve its objective. That is why it should be passed.

Mr. PROUTY. Mr. President, will the Senator yield further?

Mr. RIBICOFF. I am glad to yield.

Mr. PROUTY. I understand that the chairman of the House Education and Labor Committee will shortly hold hearings to bring forth another bill to correct the deficiencies in the bill which is now before us for consideration. That news has been reported in the press, I believe. If it is a fact, it seems to me a silly approach. I think the place to make the changes is here, if a majority of the Senate believe certain changes should be made.

Mr. RIBICOFF. I did not read that statement, but I agree that, if there are defects, they should be corrected. However, my understanding, as I followed the debate and the statements of the senior Senator from Oregon, is that it is his belief and feeling that the bill basically is sound: that the bill not only represents a consensus of this year's hearings, consultations, and testimony, but that it is the end result of a decade of efforts to achieve an education bill. I believe that is the point the Senator from Oregon has been making in seeking to have the bill passed. If my basis is wrong, my whole thesis is wrong, but I am under the impression that that is the point the Senator from Oregon has been making.

Mr. MORSE. Mr. President, that is exactly my position.

Mr. JAVITS. Mr. President, I should like to join my colleagues in praise of the Senator from Oregon [Mr. MORSE]. I do not think this approbation is in any way changed by being linked with the present discussions on amendments. There is an old saying by Solomon, the sage and king, that this, too, shall pass away. The amendments will pass away, and the Morse achievement for Federal aid to elementary and secondary education will remain.

Mr. MORSE. Mr. President, I am deeply moved. I never thought I would have the experience of attending my own funeral, which I almost feel I have been attending, with these eulogies. I would be less than human if I did not recognize them and express appreciation for them. But I am not going to take them in my own behalf. I am going to take them for the Senator from New York [Mr. JAVITS], the Senator from Vermont [Mr. PROUTY], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Texas [Mr. TOWER] on the minority side of the committee. I am going to take them on behalf of every member of the committee, because we did it together.

It is true that there are some differences on amendments, although the differences were not so great as to cause any member on the committee not to vote to send the bill to the Senate. I think that is the symbolic thing. It is the significant thing.

I have said before that this is, for the most part, a 1-year authorization bill. I am pleading only for trying it for 1 year, and then adopting any amendments that may be needed next year. My prediction is that we shall not hear a murmur in favor of amendments after a year's experience.

Mr. JAVITS. I am glad the Senator feels the way he does about the rest of us. When it comes to handling a bill like this one, notwithstanding the fact that the Senator has often been a maverick, he has the subtlety and delicacy of a master in terms of management of a bill. That is best shown by the fact that he had a unanimous vote to report the bill from committee, because it was felt that argument and debate would not only be full and fair on the floor so we would have a chance with our amendments. It was also felt the Senator from Oregon would address himself to the substantive merits at all times, and would not try to choke off consideration of amendments which were offered.

Mr. President, I wish to support the pending Dominick amendment. First we must get by the issue about which the minority feel very strongly, as shown by the minority views, that the bill should be amended if amendment is required—and we feel that this bill should be amended. The pending amendment is a desirable amendment because it pertains to what is worrying so many people in this country. I refer to the hierarchy of control of education. It not only should be made crystal clear in terms of authority, but in terms of organizational pattern, as to what is to be done with respect to assuring State responsibility in education. It is an axiom that with responsibility must go authority. The Senator from Colorado is trying to put the authority where the responsibility would rest—at the State education agency level.

It is almost inconceivable that the bill will go through the Senate without amendment, although the Senator from Oregon may "pull it off," as the saying goes. If there be any thought that there should be some amendments, this one commends itself most highly, as it is addressed to a deep concern of millions of Americans on the issue of the role of the Federal Government in primary and secondary education.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I thank the Senator for his support and comments. He has put the whole problem very succinctly as to what we are trying to do, so that we may know what we are voting on. So far as I am concerned, I am willing to have a quorum call at this time, if the Senator from Oregon is willing.

Mr. SMATHERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMATHERS. Is the Senate operating under a time limit?

The PRESIDING OFFICER. There is no time limitation in effect.

Mr. SMATHERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I shall take only 2 minutes to explain my amendment in summary, because some Senators now in the Chamber could not be present before.

The amendment has received strong support from diverse persons in State education organizations, and also in the Senate.

What the amendment does can be put this way: It provides, in title III, which deals with supplementary educational centers, that the State education agency shall have the right to approve the program before the grants go directly to the local education agency.

This is a simple amendment for what it does, but it is of extreme importance in trying to preserve the method of administration of grants, to make sure that the State will not be bypassed and that the Federal Office of Education will deal directly at all levels with the State agency.

Mr. TOWER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. TOWER. The Senator's amendment makes allowance for the fact that most of the educational agencies or authorities are merely creatures of the State government and, therefore, the central education agency—which has the responsibility for establishing the educational program for the State—would have the final voice as to how the program would be administered.

Mr. DOMINICK. The Senator is absolutely correct. I appreciate his bringing this point to the attention of the Senate in such a clear way.

Mr. MORSE. Mr. President, the amendment is opposed by educational associations which support the bill. The amendment is also opposed by the Department whose arguments appeared earlier, and in committee as well. The bill would guarantee local control at the local level. It provides for review of the recommendation by a State agency.

I do not have to tell the Members of this body that some of the hottest educational rows ever carried on have been over the authority of a local group vis-a-vis a State group. This is a "hassle" in which we should not involve ourselves at the Federal level.

To me, it is inconceivable, because, if we should give this recognition to the State agency to review and recommend, the local school districts would have to have a strong case before they would receive approval of the project. I believe that they should have the right to have approval of the project, if it is found, on its merits, that the project should be approved.

Mr. LAUSCHE. I should like to ask a question of the Senator from Colorado [Mr. Dominick].

Mr. DOMINICK. I shall be glad to answer the Senator's question.

Mr. LAUSCHE. If the Senator's amendment should be adopted, will all the rights now declared in title III remain as they are, except that before a program can be put into effect it will have to have the approval of the State authorities on education?

Mr. DOMINICK. The Senator is correct.

Mr. LAUSCHE. So if the local public governmental agency assigns the execution of part of the program of title III to a private, charitable, nonprofit institution, that will be permissible, provided it is approved by the State government.

Mr. DOMINICK. The Senator is correct.

Mr. LAUSCHE. The Senator's amendment does not in any manner affect the rights which will finally be lodged in the local public agency, except for the limitation which gives the State board the right to determine whether the project shall or shall not be approved.

Mr. DOMINICK. The Senator is correct. I personally would like to go even further, but we are not doing so in the pending amendment.

Mr. LAUSCHE. When the Senator states that he would like to go even further, that is because he indicated some doubt as to who would actually execute the program on the local level, whether it be a public governmental body or a private, nongovernmental agency.

Mr. DOMINICK. The Senator is correct. The wording specifically refers to local representatives of broad cultural interests, and so on, as participating in the planning and administration of the program.

I should like to do something about that, but I am not seeking to do it in this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. Dominick]. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. Bayh], the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from Oklahoma [Mr. Monroney], and the Senator from Alabama [Mr. Sparkman] are absent on official business.

I also announce that the Senator from South Carolina [Mr. Johnston], and the Senator from Missouri [Mr. Symington] are absent because of illness.

I further announce that the Senator from West Virginia [Mr. Randolph], and the Senator from Georgia [Mr. Russell] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Bayh], the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], the Senator from Oklahoma [Mr. Monroney], and the Senator from West Virginia [Mr. Randolph] would each vote "nay."

On this vote, the Senator from Missouri [Mr. Symington] is paired with the Senator from Pennsylvania [Mr. Scott]. If present and voting, the Senator from Missouri would vote "nay and the Senator from Pennsylvania would vote "yea."

Mr. KUCHEL. I announce that the Senator from Delaware [Mr. Williams] is absent on official business and if present and voting, would vote "yea."

On this vote, the Senator from Pennsylvania [Mr. Scott] is detained on official business and is paired with the Senator from Missouri [Mr. Symington]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Missouri would vote "nay."

The result was announced—yeas 39, nays 49, as follows:

[No. 45 Leg.]

YEAS—39

Aiken
Allott
Bennett
Boggs
Byrd, Va.
Carlson
Cooper
Cotton
Curtis
Dirksen
Dominick
Eastland
Ervin
Fannin
Fong
Hickenlooper
Holland
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
McClellan
Miller
Morton
Mundt
Murphy
Pearson
Prouty
Robertson
Saltonstall
Simpson
Smith
Stennis
Talmadge
Thurmond
Tower
Young, N. Dak.

NAYS—49

Anderson
Bartlett
Bass
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Douglas
Ellender
Fulbright
Gore
Gruening
Harris
Hart
Hill
Inouye
Jackson
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Mondale
Montoya
Morse
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Ribicoff
Smathers
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—12

Bayh
Dodd
Hartke
Hayden
Johnston
Monroney
Randolph
Russell
Scott
Sparkman
Symington
Williams, Del.

So Mr. Dominick's amendment was rejected.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLARK. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Texas without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLD WAR VETERANS ENCOUNTER EMPLOYMENT PROBLEMS

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Pennsylvania for yielding to me.

I have in my hands the findings of a study of civilian employment experiences of retired military personnel by Hon. Willard Wirtz, Secretary of Labor. This initial study of the status of the 504 former officers and 1,444 former enlisted men shows that of the former officers, 17 percent were unemployed; of the former enlisted men, 21 percent were unemployed, as against a national average of unemployment of only 4 percent. Neither the officers nor the enlisted men could find employment. The study shows that the opportunities for those men are lower than for the average citizen. Most of the officers who were employed were employed as salesmen; most of the enlisted men were either salesmen or in service training.

These are men who have passed up their educational benefits under the World War II GI bill as well as the Korean GI bill, choosing instead to defend their country. Now that the benefits under these two GI bills have expired, these men are faced with readjusting to civilian life without any assistance. This group of retiring military men illustrate another reason why the cold war GI bill is necessary if we are not to waste precious human potential, for these men could be helped greatly by educational assistance.

This same study indicated that 60 percent of the retiring enlisted men had not finished high school, and 10 percent of the officers lacked a high school education. Only 25 percent of the officers were college graduates. Of these retiring men, 49 percent of the officers and 37 percent of the enlisted men felt that they required additional training—training which they would be provided under the cold war GI bill.

It is important to mention that cold war veterans of from 2 to 4 years are encountering the same employment difficulty, although it is hard to measure because statistics are not kept on these veterans by the Veterans' Administration or the Department of Labor. However, in the individual counties where records are kept on these returning cold war veterans, their unemployment rate is from two to three times higher than that of the nonveteran.

Mr. President, here is statistical proof that we are allowing a "pocket of poverty" to be created among those men who made sacrifices to defend our country. Before we have an unemployment situation that overshadows all of our efforts to combat poverty, the cold war GI bill should be enacted to give these veterans a chance in life.

Nothing more strongly shows the need for a GI bill. This situation is an outrage. It is an outrage that the rate of employment for retired military personnel, both officers and enlisted men, is five times that of nonmilitary persons according to this most recent study made by the Secretary of Labor.

I ask unanimous consent that the report of Secretary Wirtz be printed in full in the Record with my remarks.

There being no objection, the report was ordered to be printed in the Record, as follows:

Wirtz Reports First Findings From Study on Civilian Employment Experiences of Retired Military Personnel

First findings from a Department of Labor study of the job-seeking experiences of retiring military personnel with 20 to 22 years of career service indicate that an unusually difficult period of transition takes place between Armed Forces duty and civilian employment. An initial report on the study—covering the experiences of 504 officers and 1,444 enlisted men—was released today by Secretary of Labor W. Willard Wirtz.

The study is being conducted by the Bureau of Social Science Research, Inc., of Washington, D.C., under contract to the Department's Office of Manpower, Automation and Training. It was prompted by the increasingly large number of career veterans who are yearly retiring from military service. Such veterans now number around 400,000. By 1980, it is expected, the total will be over a million.

"The most disturbing aspect of this report," Wirtz commented, "lies in the fact that 17 percent of the officers studied and 21 percent of the enlisted men were still unemployed 6 months after the date of their separation from service.

"Two problems are of serious concern in this regard," Wirtz said.

"The first is that there is an obvious waste of highly trained, and often highly skilled manpower involved. The second is a more personal one. The vast majority of these men are family heads in their early forties.

"This means that in most cases they are at a point in family life at which financial burdens are heaviest. In such circumstances, retirement payments are simply inadequate to meet the everyday demands imposed upon income.

"Yet," Wirtz continued, "the findings also clearly indicate that these abnormally high unemployment rates are not the product of unfriendly or disinterested attitudes on the part of employers. Rather, they strongly suggest that military personnel contemplating retirement must begin preparing for civilian job opportunities well in advance of the close of their tours of duty. They also indicate that present Armed Forces programs for preretirement counseling and guidance might well be intensified in both volume and duration."

The initial report also contains these additional findings:

The median yearly salary for employed former officers was around $7,000; yet 23 percent reported salaries of less than $5,000. For employed former enlisted men, the median was around $4,500; with 33 percent reporting salaries of less than $4,000.

The largest group of officers studied was in sales work; the second largest in business and managerial positions. Only 21 percent were in professional occupations. Leading occupations for enlisted men were in the skilled craftsmen and trades category, followed by sales and clerical work, and then service occupations.

Educational levels among the enlisted men were comparatively low. Sixty percent of them had not completed high school. While 90 percent of the officers had, only about a fourth were college graduates.

Only 20 percent of the enlisted men and 32 percent of the officers had obtained civilian jobs prior to separation from service.

Of those who obtained employment during the 6 months following separation, 49 percent of the officers felt they required additional training while 37 percent of the enlisted men felt this need.

A fuller consideration of the report will appear, in April, in the first edition of a new, bimonthly Department of Labor periodical, Manpower Training Facts. This publication will be available to the public upon request from the Office of Manpower, Automation, and Training, U.S. Department of Labor, Washington, D.C., 20210.

PLANNING FOR PEACE—CONCURRENT RESOLUTION

Mr. CLARK. Mr. President, for the information of the Senate, the time during which the rule of germaneness is in effect having expired, I propose to make a nongermane speech for about 10 or 15 minutes. I point out how unfortunate it is that the Senate does not have an adequate rule of germaneness. If it did, I would not be able to interrupt the consideration of this important education bill. Perhaps the best way to obtain a rule of germaneness is, every now and then, to invite the attention of one's colleagues to the situation in which we find ourselves.

I desire to speak on the subject of planning for peace. On February 3, 1965, President Johnson, speaking before the Anti-Defamation League of B'nai B'rith, said:

> The success of all that we undertake, the fulfillment of all we aspire to achieve, rests finally on one condition—the condition of peace among men.

Last night in his historic address on the crisis in Vietnam, the President said:

> For centuries nations have struggled among each other. But we dream of a world where disputes are settled by law and reason. And we will try to make it so.
>
> For most of history, men have hated and killed one another in battle. But we dream of an end to war. And we will try to make it so.

In order to help to achieve the noble objectives of President Johnson, objectives which were shared by his predecessor, President Kennedy, and his predecessors, President Eisenhower, Truman, and Roosevelt, I submit, for appropriate referral, a concurrent resolution which I have entitled "A Concurrent Resolution for Planning for Peace." I ask that the resolution may be held at the desk until April 19, 1965, for additional cosponsors.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, without objection, the resolution will lie on the desk, as requested.

The concurrent resolution (S. Con. Res. 32) was received and referred to the Committee on Foreign Relations.

Mr. CLARK. Mr. President, I am proud indeed to be joined in submitting this concurrent resolution by 21 other Members of the Senate; namely, Senators Bartlett, Bayh, Burdick, Church, Brewster, Hart, Inouye, Javits, Long of Missouri, McGee, McGovern, Mondale, Morse, Moss, Neuberger, Pell, Proxmire, Randolph, Tydings, Williams of New Jersey, and Young of Ohio.

For a number of years I have been submitting to the Senate resolutions of this sort. I am happy to note that, although I deplore the absence of two former cosponsors, John Fitzgerald Kennedy and Hubert Horatio Humphrey, the names of more cosponsors appear on the resolution today than ever appeared before. I hope, as a result of that, and of the strong urging for peace which President Johnson has enunciated so clearly and eloquently, we shall be able to obtain hearings before the Committee on Foreign Relations on this concurrent resolution. Seeing the distinguished senior Senator from Tennessee [Mr. Gore], chairman of the Subcommittee on Disarmament, in the Chamber, but not wishing to embarrass him, I express the hope that he will give prayerful consideration to calling witnesses from all over the country, and perhaps administration witnesses, as well, in order that we may thoroughly ventilate the problems posed by the concurrent resolution.

I realize, of course, that under the system of subcommittees that is in effect in the Committee on Foreign Relations, the subcommittees do not have legislative authority. But I would hope that the chairman of the Committee on Foreign Relations [Mr. Fulbright] would be receptive to the suggestion that hearings be held on the concurrent resolution; and I hope that the Senator from Tennessee will take an active interest in it when the time comes.

An identical resolution is being offered in the House of Representatives today by Representatives George J. Brown, Jr., Don Edwards, Leonard Farbstein, Donald M. Fraser, Edith Green, Seymour Halpern, Robert W. Kastenmeier, William F. Ryan, and Benjamin S. Rosenthal.

The purpose of the concurrent resolution is to express our support and encouragement for new initiatives to lessen the danger of war by pressing for disarmament and strengthening the rule of law in dealings between nations. We believe that Congress can and should be a source of strength to the President in his search for a just and enduring peace.

Mr. President, I ask unanimous consent that the complete text of the resolution be printed at this point in my remarks.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

Whereas it is the policy of the United States, as stated by President Johnson in his communication to the Congress on arms control on January 15, 1965, to be "vigilant for opportuntities for improving the hopes for peace"; and

Whereas the steps taken toward peace in the past 4 years, including the adoption of the limited Nuclear Test Ban Treaty, the hot-line agreement, the United Nations resolution against weapons in space, and the pursuit of a policy of mutual example in reducing excessive defense expenditures, have contributed to the relaxation of international tensions; and

Whereas these developments have enhanced the prospect for the negotiation of further international agreements based upon mutual interest and calculated to advance the cause of world peace; and

Whereas the basic purpose of United States foreign policy is the achievement of a just and lasting peace, which can best be attained through the development of the rule of law in the international community; and

Whereas the United Nations General Assembly, at its 14th session, unanimously adopted "the goal of general and complete disarmament under effective international control," and called upon governments "to make every effort to achieve a constructive solution of this problem"; and

Whereas President Eisenhower stated on September 22, 1960, to the 15th General Assembly, "Thus, we see as our goal, not a superstate above nations, but a world community embracing them all, rooted in law and justice and enhancing the potentialities and common purposes of all peoples"; and

Whereas President Kennedy stated on September 25, 1961, that we must create "worldwide law and law enforcement as we outlaw worldwide war and weapons," and stated further on June 10, 1963, that "our primary long-range interest" is "general and complete disarmament—designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms"; and

Whereas the U.S. program for general and complete disarmament in a peaceful world, introduced at the 16th session of the United Nations General Assembly, defined the objective of the United States as "A world where there shall be a permanent state of general and complete disarmament under effective international control" and the "institution of effective means for the enforcement of international agreements, for the settlement of disputes, and for the maintenance of peace in accordance with the principles of the United Nations" and called for the creation of an International Disarmament Organization to insure compliance with disarmament obligations, a U.N. Peace Force to keep the peace during the period of disarmament and thereafter, and improved processes for the peaceful settlement of international disputes; and

Whereas President Kennedy, in addressing the 18th session of the U.N. General Assembly on September 20, 1963, called for the revision of the Charter of the U.N. to permit the development of that body into "a genuine world security system," and declared that the peacekeeping machinery of the United Nations must be strengthened by the adoption of sound financial arrangements and the maintenance of standby peace force contingents by member nations, and that resort to special missions for the conciliation and adjudication of international disputes be increased; and

Whereas the realization of these goals through international negotiations, U.N. Charter revision, or otherwise, is a matter of urgency because (1) technological and political developments have given rise to new perils to peace through the increasing spread of nuclear weapons, as evidenced by the successful detonation of a nuclear device by the Chinese Communists, the continued development of an independent nuclear deterrent by France, and the possibility that several other nations, which have the capacity to make nuclear weapons, will follow a similar course; and (2) the increasing cost of the arms race is preventing human needs from being met in all the countries of the world; and

Whereas the U.N. General Assembly, during recent sessions, has resolved to keep in being the Committee on Arrangements for the purpose of reviewing the charter, and has further resolved to ask the Committee to submit periodic reports, with recommendations, to future sessions of the General Assembly; and

Whereas the achievement of an international accord for general and complete disarmament under effective controls and the development of international peacekeeping machinery require not only the support of the Congress, but also an informed public opinion in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should be supported in his efforts to achieve peace and disarmament under legally effective controls and to develop international institutions capable of permanently keeping the peace.

Sec. 2. The President is hereby requested to formulate as speedily as possible specific and detailed proposals for the implementation of the foreign policy objectives of the United States regarding the establishment of an international authority to keep the peace under conditions of general and complete disarmament effectively guaranteed by adequate inspection and controls. In formulating such proposals, the President is requested to consider whether the development of effective international machinery for the supervision of disarmament and the maintenance of peace, including (1) an International Disarmament Organization; (2) a permanent World Peace Force; (3) world tribunals for the peaceful settlement of all international disputes not settled by negotiations; (4) other international institutions necessary for the enforcement of world peace under the rule of law; and (5) appropriate and reliable financial arrangements for the support of such peacekeeping machinery, may best be achieved by revision of the Charter of the United Nations, by a new treaty, or by a combination of the two.

Sec. 3. The President should make such proposals available to the Congress and to the public generally.

Sec. 4. The President is requested to transmit copies of this resolution to the heads of government of all of the nations of the world and to urge them to initiate within their governments studies of matters germane to this resolution and to formulate and make generally available recommendations based upon such studies.

Mr. CLARK. Mr. President, I should like to review briefly the purport of the most important portions of the concurrent resolution. It contains a number of preambles. The first preamble recites President Johnson's statement that it is the policy of the United States to be "vigilant for opportunities for improving the hopes for peace." The second preamble refers to progress toward peace in the past few years, including the adoption of the limited nuclear test ban treaty, the hot-line agreement, the United Nations resolution against weapons in space, and the pursuit of a policy of mutual example in reducing excessive defense expenditures.

The concurrent resolution states that the time has come for us to take further steps in the search for peace. It goes on to state that the basic purpose of our foreign policy, the achievement of a just and lasting peace, can best be attained through development of the rule of law in the international community, and our support of the United Nations.

It sets forth statements in support of enforcible world law as a means to peace hitherto made by President Eisenhower and President Kennedy. It refers to the U.S. program for general and complete disarmament in a peaceful world, which is presently pending before the 18-Nation Disarmament Conference at Geneva. It refers to the great speeches of President Kennedy in support of that program of general and complete disarmament under enforcible world law.

Then it states that the realization of the goal of general and complete disarmament under enforcible world law will call for a revision of the United Nations Charter or the establishment of some other form of international organization. It states the urgency of steps in that direction because of the technological and political developments which have given rise to new perils to peace through the increasing spread of nuclear weapons.

It refers to the action of the United Nations General Assembly during recent sessions in resolving to keep in being the Committee on Arrangements for the purpose of reviewing the charter of the United Nations.

It recites that the achievement of an international accord for general and complete disarmament under effective control, and the development of international peacekeeping machinery require not only the support of Congress but also of an informed public opinion in the United States.

The resolving clause of the concurrent resolution provides that the President should be supported in his efforts to achieve peace and disarmament under legally effective controls and to develop international institutions capable of permanently keeping peace.

The resolution then requests the President to formulate as speedily as possible specific and detailed proposals for the implementation of the foreign policy objectives of the United States regarding the establishment of an international authority to keep the peace under conditions of general and complete disarmament effectively guaranteed by adequate inspection and controls. The resolution calls upon the President to consider whether the development of this type of effective international machinery for the supervision of disarmament and the maintenance of peace would not require: first, an International Disarmament Organization; second, a permanent World Peace Force; third, world tribunals for the peaceful settlement of all international disputes not settled by negotiations; fourth, other international institutions necessary for the enforcement of world peace under the rule of law; and, fifth, appropriate and reliable financial arrangements for the support of such peacekeeping machinery. The resolution further calls upon the President to determine whether that could best be achieved by revision of the Charter of the United Nations, by a new treaty, or by a combination of both.

The President is requested to transmit these proposals to Congress and to the public generally and to transmit copies of the resolution when adopted to the heads of government of all the nations of the world and to urge them to initiate within their governments studies of matters germane to the resolution, and to formulate and make generally available recommendations based on this subject.

Mr. President, we are today close to the verge of war. One cannot but hope that as a result of the fine and conciliatory speech of the President of the United States last night we shall avoid that brink, that we shall withdraw from further brinksmanship, and that while standing firm in our determination to support the cause of freedom all over the world, we shall be able to avoid the dreadful result of a third world war fought with nuclear weapons.

I am confident that this concurrent resolution can make a useful contribution toward fulfilling the desires of all the peoples of the world and, in particular, the people of the United States of America, for a just and lasting peace.

I hope that a number of other Senators will cosponsor this resolution during the time that it is left at the desk. I hope also that we may have substantial hearings on it before the Committee on Foreign Relations.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. GORE. Mr. President, I appreciate the provocative suggestion and remarks of the able senior Senator from Pennsylvania.

The resolution which the Senator has submitted, with the cosponsorship of so many of our colleagues, deserves careful consideration. It will be my purpose, with the approval of the chairman of the Committee on Foreign Relations, to direct public attention to it.

Mr. CLARK. I thank my friend the Senator from Tennessee very much for his helpful suggestion.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. CLARK. I am happy to yield.

Mr. GORE. I listened with interest to the references made by the distinguished Senator from Pennsylvania to the address made by President Johnson in Baltimore last evening. I, too, found encouragement in that address. In large part, as I see it, the President recovered from a position, which was to me unwise, if not untenable, of appearing to oppose negotiations for peace.

The able Senator from Pennsylvania knows, as I know, that this has not been the real position or the intent of President Johnson. However, it was the image in which he appeared to the world.

I would that this speech had been made last fall. I thought then, and I still think, that negotiations would then have been possible. How fruitful they would have been, no one can tell. Since then, positions have been so hardened, along with other developments and possible developments within the North Vietnamese Government itself, that fruitful negotiations may not now be possible.

However, I hope it is not too late to begin a peace offensive through which an atmosphere may be created, out of which can come a settlement of this horribly costly, devastating, and unnecessary war.

That President Johnson has now launched this peace offensive is important. It is not so important that the senior Senator from Pennsylvania or the senior Senator from Tennessee agree with every facet of that peace offensive. It is all important, not only to the United States, but also to the mankind of the world, that the United States of America, standing as it has, and as it does, for peace, be in the peaceful posture.

I hope and pray that President Johnson's aims in this regard will be achieved.

Mr. CLARK. Mr. President, I strongly commend the senior Senator from Tennessee for his excellent statement. I share both his fears and his hopes, but more particularly I share his aspirations, and so does the President of the United States.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

Mr. SIMPSON obtained the floor.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. PROUTY. Mr. President, I send an amendment to the desk and ask that it be stated.

The legislative clerk read as follows:

On page 34, line 20, strike out all that follows through line 18 on page 35, and insert the following:

"APPORTIONMENT AMONG STATES

"SEC. 302. (a) (1) From the sums appropriated for carrying out this title for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, America Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this title. From the remainder of such sums the Commissioner shall first apportion $200,000 to each State and thereafter shall apportion to each State an amount which bears the same ratio to the remaining funds being apportioned as the product of—

"(A) the number of children aged five to seventeen, inclusive, in such State, and

"(B) the State's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

"(2) For purposes of this subsection—

"(A) the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(B) the allotment ratio for any State shall be 1.00 less the product of (i) .50 and (ii) the quotient obtained by dividing the income per person for the State by the income per person for all the States.

"(3) The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and annually thereafter, on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce."

Mr. PROUTY. Mr. President, I send the amendment to the desk at this time so that it may be pending at the conclusion of the remarks made by the distinguished Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, we are now considering one of the major pieces of legislation that will come before the Congress this year. I have always taken an active interest in educational matters because I know of their importance to the country. Because of this interest, I have served in the past as a member of the local school board in my hometown, Cody, Wyo. I served for 16 years on the board of trustees for our State university. For 13 of those years I was president of the board. I served as president of the National Association of Governing Boards for State Universities and Allied Institutions. I was a member of the educational committee of the National Chamber of Commerce. I state these experiences, not to be bragging, but to disclose some qualifications that I have to speak out on a matter which brings me great concern.

The bill we are now considering calls for Federal funds in the first year of $1.3 billion for our elementary and secondary schools. Almost every conceivable type of Federal aid has been called for in this bill. Funds would be used to supplement the resources of over 90 percent of the Nation's school districts; give books and educational materials to our public, parochial, and private schools; construct and operate educational centers; expand educational research; and strengthen our State education departments.

Because the Federal Government has a secondary responsibility in the field of education, it is appropriate that Congress continue in its efforts to see that our educational system is properly functioning and carrying out the awesome task of properly educating our young Americans.

The President and his spokesmen in Congress are asking for the adoption of this piece of legislation to attack the educational problems they feel exist. Before such a proposal is rubberstamped, we must ask ourselves several questions:

First, is there a need for Federal action?

Second, is there a constitutional basis for the proposed solution to the problem?

Third, is the proposed solution worth the cost—in dollars—and the price—in freedom?

The late Senator Robert Taft is often applauded for his stand on Federal education. His statement is one to which I can ascribe:

> Education is primarily a State function. But in the field of education, as in the fields of health, relief, and medical care, the Federal Government has a secondary obligation to see that there is a basic floor under those essential services for all adults and children in the United States.

In carrying out its responsibility of assuring a basic floor, we find, if we are willing to look, that the States have done a marvelous job in meeting the educational needs of our Nation.

Immediately after the war, President Truman, anticipating the needs of more educational facilities, called for a program to double in 10 years our educational facilities. Our State and local authorities, looking forward to the demands that would be created by the war babies, went to work and expanded the educational facilities for our primary and secondary schools sevenfold. Their pace of construction far exceeded what the Federal planners thought would be necessary. We should all be proud of our local school boards and State educational departments because this year, 1965, the bumper crop of the war babies is graduating from our high schools.

This is indeed a festive occasion because it was with their birth that the Federal planners started demanding Federal aid for education. The States have not needed it. They have done it by themselves.

The pressure is now off, but we must keep improving our educational system. Our school population has doubled since 1946. Our plant facilities have increased sevenfold. In the next 10 years it is estimated that the school population will grow only by another 15 percent. Our lower grades will even experience a reduction in number because of the dropoff in births since 1961.

The Office of Education informs us that the average classroom size has shrunk to 25 students per teacher—the smallest since the records have been kept. Salaries for our teachers, once a pitifully low figure, have climbed by 65 percent over the income paid to our teachers 10 years ago. This is one-half again the pay increment of the average worker.

This record is outstanding and one of which we can be proud. However, it does not mean that we can relax in our efforts to improve our educational system. Nor does it mean that all of our Nation's schools are as they should be. We need to prod some States into upgrading their schools and in some instances aid may be needed. But just because there may be a few poverty-stricken school districts does not mean the Federal Government should pour out a billion dollars of aid to all schools, rich and poor, as is contemplated by this bill.

The Federal Government must now look at the overall picture to see where we have been and where we are going. If we will approach the problem objectively; that is, free from political motives, greed, and desire for personal power, we will find that the rate of school enrollment has decreased considerably amid ample evidence of the success of State and local school authorities in rising to meet the challenge of the postwar enrollment growth.

The facts clearly show us that there is no need for this broadside attack on our educational system because the premise on which the proposed solution is based is erroneous; to wit, that the States cannot meet the problems of education.

That just is not so. Unfortunately, the proponents and opponents of the Federal-aid programs have become so deeply entrenched in their thinking that the facts have little bearing on their thinking and judgments. The proponents are unwilling to accept the facts of 1965. They are still using the arguments of 15 years ago in predicting what would be needed in the 1960's. Many of us thought they were wrong then, and history has proven them to be wrong, but that has not changed their arguments.

Now Congress is filled with men who will rubberstamp anything proposed by the White House, as evidenced by the Senate committee's unwillingness to consider any improving amendments. Consequently, we will have a bill enacted into law based upon the erroneous arguments concocted years ago.

My loyalties are to my God, my country, and my conscience. Thus, I am compelled to look at the facts which clearly show that there is no need for Federal action, as contemplated in this bill.

If we would come to the erroneous assumption that there was need for Federal action, we would still need to look at the constitutional basis for this proposed legislation. I fully believe that there is constitutional authority for the Federal Government to give Federal aid to public schools, if there is the need and the States are anxious to participate. However, this bill calls for the distribution of Federal money to parochial and private schools which, in my judgment, may be a violation of the 1st and 14th amendments to the Constitution.

Because of the wording of the bill, no one knows exactly how much is intended to go directly and indirectly to private and religiously affiliated schools. But whatever the amount may be, we know that it can lead to the weakening of our public school system, as has been the case in other countries.

Forty-one State constitutions bar the use of public money for the support of private or religiously affiliated schools. This bill bypasses the State constitutions and the wishes of the American people. It is another attempt to circumvent State authority and to put the control of education in the hands of a few.

I have serious reservations about the constitutionality of this bill because I believe that which is unconstitutional through direct means is unconstitutional through indirect means. I feel strongly that a provision should be adopted which would allow the testing of this bill when it becomes law.

The third question that needs to be considered is whether or not such a broad-scale proposal is worth the dollar costs and the loss of local control that goes with any Federal program.

In my own State of Wyoming, $363 is the amount the State would get in return for losing control. We have one of the finest systems in the country, with a foundation program to affect the primary and secondary grades.

Under the provisions of this bill, the Commissioner of Education is given great authority, even though in the Senate report the need to limit his activities is recognized. The bill leaves a good deal of flexibility between the State and local authorities, but almost everything must be done in accordance with the directives of the Commissioner of Education. Whenever we put power and money in the hands of one man or one office we subject ourselves to abuses.

Congress has repeatedly delegated this authority to the Chief Executive; and when we have not delegated it, the Supreme Court has taken it away from us.

Because Federal aid brings with it Federal control, I am fearful the Federal planners will soon be running our schools. I have seen what the Federal planners have done to agriculture, and I do not want that to happen to education. There are those who will try to make us believe that Federal control is not inherent with Federal aid. This is contrary to the facts and contrary to the position taken by the U.S. Supreme Court when it ruled in a landmark case that the Federal Government had the responsibility, the duty, and "the power to fix the terms upon which its money allotments to the States shall be dispersed."

The thing I fear most of all is the unchecked use of power in administering our educational programs. I have been told that I need not be concerned about the possibility of abuse. However, the fact of the matter is that power can be, and is, abused by those who have it.

A good example of such an abuse is the manner in which this bill has been handled by the administration and its rubberstamps in Congress. The Senate was not permitted an opportunity to study the bill because it was made the pending business before the report was even printed. No amendments were seriously considered by the Senate committee and no amendments will be adopted on the Senate floor. I have heard no one argue that the bill is perfect—just that we have to pass it. There is to be no real discussion or debate on the bill. We are confronted with a numbers game. The simple fact is that there are more Senators who are willing to rubberstamp the Democrat administration's proposal, without thinking, than there are Senators who are willing to study the matter and come to an independent decision on the merits of the bill.

I am not beholden to any special interest group. Consequently, I have had the freedom to study the proposal and I have come to the conclusion that this gigantic scheme is not needed, is subject to serious constitutional questions that should be answered or at least permitted to be taken to the Court, and that it is not worth the costs in freedom that would be lost to our State and local educational authorities. Consequently, I must vote against it, and I urge my colleagues to do likewise.

Mr. TOWER. Mr. President——

The PRESIDING OFFICER (Mr. Inouye in the chair). The Senator from Texas is recognized.

Mr. TOWER. Mr. President, a big part of our educational cost is, and will continue to be, the construction throughout the country of new school buildings. In 1965 alone, more than $4.2 billion will be spent to build some 10,000 new public and private schools. This is approximately $200 million more than we spent last year.

The fact that the Federal Government is going to help local school boards with their financial problems should not, and must not, encourage local boards to be any less prudent in insisting on full value for every dollar they spend.

Federal money—and I happen to think, State and local money as well—should be spent for modern, comfortable, attractive, efficient school buildings; but we must insist that these funds must not be wasted on expensive and unnecessary frills and furnishings that are not necessary to a good educational environment.

I am sure that most of us are completely sympathetic with the president of the school board in Cedar Rapids, Iowa, who just recently tossed out plans to put wall-to-wall carpeting in the schools, making the point that this plush carpeting would cost more than four times as much as the usual flooring for schools and, he said:

> It's pretty hard to say we'll spend three teachers' salaries for carpeting this year when we are faced with raising teachers' salaries.

The problem with a luxury such as wall-to-wall carpeting is not only that it costs more to install, but it costs twice as much to keep clean, and under heavy use will wear out much sooner than the more durable materials.

Certainly we in the Congress should make it clear that we are assuming that first things will be put first—that above all, we want and need more teachers, better teachers and better-paid teachers, especially in the underprivileged sections of our society; and that, while the building of new schools is vital, it is not vital to siphon off these urgently needed funds to indulge in wholly unneeded luxuries.

One point that should be made clear is that many of the problems of our educational system in the United States are not connected with lack of adequate funds, or adequate equipment, or adequate plants, but with substantive matters such as teacher training and curriculums. I believe that it is high time to reemphasize the basic academic disciplines in our school curriculums to the extent that we can develop the intellects of our children. This could be done without the expenditure of 1 additional dime. We must continue adequate spending for construction, but primarily for teachers' salaries and teacher preparation; but I hope that we shall not lose sight of the fact that much of that which is wrong with American education is that we have not universally succeeded in establishing high academic standards in our schools.

Mr. PROUTY. Mr. President, as the bill stands, funds authorized under title III would be apportioned among the States as follows:

First. The Commissioner would reserve up to 2 percent for the use of U.S. possessions.

Second. The Commissioner would allocate a flat $200,000 to each of the 50 States and the District of Columbia.

Third. Half of the remainder of the available appropriations would be distributed among the States in proportion to the ratio that State's 5- to 17-year-old population bears to the national total.

Fourth. The other half of the remainder would be distributed among the States in proportion to the ratio of the total population of the State to the National total.

My amendment would retain the first and second provisions relating to U.S. possessions and flat grants to the States.

In place of provisions three and four, the remainder of the appropriations would be distributed on the basis of the product of the population aged 5–17 in the State and a State allotment ratio.

The State allotment ratio is essentially that used in section 103d of the Higher Education Facilities Act of 1963, relating to public community colleges and technical institutes.

Mathematically, the allotment ratio is 1 minus the product of 0.50 and the ratio of each State's per capita income to the national figure. The funds are distributed according to the proportion this overall product bears to the sum of the individual products of all the States.

For example, the State of Alabama has a 1963 per capita income of $1,656, which is 67.6 percent of the national figure of $2,443. The allotment ratio for Alabama would then be 1 minus one-half of 0.676, which comes out to be 0.662. The product of the fraction of the Nation's children aged 5–17 in Alabama—1.956 percent—and the allotment ratio is 1.292. Alabama's share of the pie under title III would then be the proportion this figure of 1.292 bears to the sum of the corresponding figures for all the States. If the $200,000 flat grant is included, Alabama would then receive approximately $2,440,000, compared to the $1,844,000 contained in the present bill. States with higher than average per capita income would of course lose money under the amendment.

The arguments made for including State per capita income in distribution formulas have been made on many occasions in this body, and I will not detail them again. Suffice it to say only that recognition of the State per capita income does tend to equalize educational opportunities across the Nation by helping the poorer States which are least able to provide the needed services. The present $100 million title III makes no recognition of the relative needs of different States. My amendment would recognize those needs.

In discussing the distribution formula under title I, a staff memorandum prepared by the majority of the House Education and Labor Committee in conjunction with the Office of Education makes an interesting statement. In discussing and rejecting alternative methods of distributing title I funds, the memorandum states:

> It would be possible to make allocations to States on the basis of the number of schoolchildren in the State, modified by per capita income, but this would be more useful for a general aid bill than for programs directed to disadvantaged children.

Now can it be said that title III of this bill is anything but a general aid provision? When an amendment was offered in the subcommittee to direct this title toward the specific needs of educationally deprived children, that amendment was voted down by the majority on the ground that title III is not and should not be a poverty-related title. Title III is clearly a general aid provision. The majority and the administration admit the feasibility of the amendment I am offering. The only question is whether the Senate wishes to provide proportionately more and better supplementary centers and services to the poorer States, or whether it wishes to distribute funds strictly according to numbers of people, regardless of need.

Mr. President, I have prepared a table showing the calculations for each State and the amounts they would get under my amendment, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Distribution of title III funds under Prouty allotment formula, H.R. 2362

State	(1)	(2)	(3)	(4)	(5)	(6)	(7)	
	Children, 5 to 17, 1963	Percent of U.S. children 5 to 17, 1963	Per capita income, 1963	Ratio, State to U.S. per capita income, 1963	Allotment ratio	Product of (2) and (5)	Approximate total funds, including $200,000 grant	
							(a) Prouty plan	(b) H.R. 2362
United States	*Thousands* 48,005	(100.0)	$2,443	(1.000)	(0.500)	50.574	*Thousands* $97,983	*Thousands* $98,000
Alabama	938	1.956	1,656	.676	.662	1.292	2,440	1,844
Alaska	67	.140	2,819	1.150	.425	.060	304	318
Arizona	418	.870	2,115	.863	.569	.495	1,058	935
Arkansas	498	1.038	1,598	.652	.674	.700	1,412	1,098
California	4,328	9.030	2,930	1.196	.402	3.624	6,500	8,240
Colorado	504	1.050	2,386	.975	.512	.538	1,134	1,107
Connecticut	657	1.370	3,162	1.292	.354	.451	982	1,433
Delaware	124	.258	3,250	1.329	.336	.087	351	425
District of Columbia	162	.338	3,332	1.360	.320	.108	387	534
Florida	1,329	2.761	2,111	.861	.569	1.570	2,920	2,703
Georgia	1,146	2,387	1,865	.762	.619	1.468	2,841	2,229
Hawaii	187	.390	2,476	1.011	.495	.193	530	530
Idaho	193	.402	1,934	.790	.605	.243	621	536
Illinois	2,529	5.270	2,945	1.202	.399	2.101	3,842	4,929
Indiana	1,246	2.596	2,475	1.010	.495	1.288	2,430	2,452
Iowa	707	1.475	2,274	.928	.536	.790	1,570	1,488
Kansas	563	1.172	2,231	.911	.545	.639	1,309	1,231
Kentucky	831	1.732	1,789	.730	.635	1.100	2,108	1,688
Louisiana	966	2.017	1,768	.721	.639	1.288	2,430	1.878
Maine	251	.523	2,008	.280	.540	.282	689	659
Maryland	874	1.820	2,778	1.132	.434	.790	1,570	1,779
Massachusetts	1,256	2.619	2,850	1.162	.419	1.096	2,100	2,581
Michigan	2,168	4.520	2,528	1.031	.484	2.185	3,992	4,052
Minnesota	930	1.940	2,332	.952	.524	1.014	1,960	1,863
Mississippi	663	1.381	1,379	.562	.719	.993	1,921	1,338
Missouri	1,059	2.202	2,508	1.026	.487	1.073	2,060	2,189
Montana	191	.398	2,239	.914	.543	.216	574	538
Nebraska	369	.769	2,293	.936	.532	.409	910	879
Nevada	95	.198	3,372	1.379	.311	.062	307	377
New Hampshire	159	.332	2,303	.941	.529	.176	506	495
New Jersey	1,558	3.247	2,900	1.185	.408	1.325	2,498	3,150
New Mexico	294	.613	1,887	.770	.615	.377	854	698
New York	4,037	8.400	3,000	1.225	.388	3.260	5,850	8,010
North Carolina	1,305	2.720	1,813	.741	.630	1.712	3,170	2,508
North Dakota	178	.371	2,030	.830	.585	.217	576	513
Ohio	2,608	5.440	2,483	1.018	.491	2.671	4,830	4,912
Oklahoma	606	1.264	1,953	.798	.601	.760	1,518	1,322
Oregon	477	.994	2,515	1.028	.486	.483	1,037	1,067
Pennsylvania	2,770	5.780	2,444	1.000	.500	2.890	5,210	5,392
Rhode Island	211	.440	2,398	.979	.510	.224	588	601
South Carolina	729	1.519	1,584	.647	.676	1.027	1,980	1,449
South Dakota	193	.402	1,932	.790	.605	.243	622	541
Tennessee	977	2.038	1,776	.725	.637	1.298	2,450	1,966
Texas	2,737	5.700	2,046	.836	.582	3.320	5,950	5,083
Utah	289	.581	2,129	.870	.565	.328	769	690
Vermont	105	.219	2,092	.854	.573	.125	416	390
Virginia	1,114	2.321	2,066	.845	.578	1.341	2,525	2,215
Washington	765	1.591	2,505	1.024	.488	.776	1,547	1,589
West Virginia	490	1.021	1,872	.766	.617	.630	1,291	1,070
Wisconsin	1,063	2.218	2,380	.972	.514	1.139	2,171	2,118
Wyoming	92	.192	2,427	.992	.504	.097	368	363

Source of figures: Col. 1—Population estimates, Bureau of the Census, No. 294, Nov. 5, 1964. Col. 2—"Digest of Educational Statistics," U.S. Office of Education, 1964, p. 67. Figure for District of Columbia is estimated. Col. 7a—$17,000 discrepancy due to rounding.

Mr. PROUTY. Mr. President, I intend, at the appropriate time, to suggest the absence of a quorum. It will be a live quorum. I note that many Senators are unable to be in the Chamber because of other commitments. I wish only to have an opportunity to indicate how each State would benefit under the amendment. Therefore, I ask unanimous consent that at the appropriate time I may suggest the absence of a quorum, and that I be recognized at that time. I assure the Chair that I shall be very brief.

The PRESIDING OFFICER (Mr. BASS in the chair). Is there objection?

Mr. MORSE. I wholeheartedly endorse it.

Mr. PROUTY. The amendment?

Mr. MORSE. The unanimous-consent request. [Laughter.]

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from Vermont is agreed to.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. DOMINICK. It gives me great comfort to see the distinguished Senator from Vermont, a member of the committee, present this type of amendment. This approach to a problem that we have in connecton with the bill is exactly the type of approach that I shall be putting forward with respect to title I in the very near future. One of the great problems that we have in connection with the bill—and I shall say it over and over again until I hope it will eventually sink in—is that if we are to provide aid for educationally deprived children, as they are called in the bill, we should put the money where it is needed, where there is the greatest concentration of people in this category. I congratulate the Senator for bringing this amendment to the Senate. I sincerely hope it will be adopted.

Mr. PROUTY. I am grateful to the distinguished Senator from Colorado. This seems to be an equitable approach, one which we should consider seriously.

I point out that the amendment would not add even a nickel to the cost of title III.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. PROUTY. Perhaps the senior Senator from Oregon may wish to speak on the amendment.

Mr. MORSE. Mr. President, I rise to oppose the amendment for the major reasons that I set forth yesterday in opposing other proposals to change the formula in other parts of the bill. The bill and formula as currently stated recognize that continuing adult education programs are an integral part of a comprehensive supplemental education program. The proposed amendment to the formula would do more than place emphasis on improving education opportunities of our young people; it would provide for no recognition of the importance of adult education programs. The educational programs being conducted at Flint, Mich., and the program being established at Cleveland, Ohio, provide excellent examples of the supplementary centers and services programs being envisioned under this title. They locate in one place all kinds of educational services for different elements of the population from preschool through continuing adult education. The present formula recognizes the number of persons to be served by the title. Section 304(b)(2) provides for equitable distribution within each State based on such criteria as the relative need of persons in different geographic areas including their financial ability to provide services and activities envisioned under this title.

Since the thrust of this title is toward supporting services at the local level, it is important to provide for the allocation of funds among the States based on all persons to be served rather than the per capita income of the States.

The bill is directed, in title I, to the educationally deprived child; and in title III, to which the formula refers, to the number of people that are to be served.

So far as the apportionment among the States in the amendment is concerned, section 302(a)(1) provides:

> APPORTIONMENT AMONG STATES
>
> SEC. 302. (a)(1) From the sums appropriated for carrying out this title for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this title. From the remainder of such sums the Commissioner shall first apportion $200,000 to each State and thereafter shall apportion to each State an amount which bears the same ratio to the remaining funds being apportioned as the product of—
>
> (A) the number of children aged five to seventeen, inclusive, in such State, and
>
> (B) the State's allotment ratio (as determined under paragraph (2)), bears to the sum of the corresponding products for all the States.

The amendment of the Senator from Vermont does not take into account the number of people that would be served by the special services program. The amendment would change completely the formula of this part of the bill.

The majority of the committee stands in the same position in which we stood in committee. We urge that the amendment be rejected.

For the information of Senators, I ask unanimous consent that there may be printed in the RECORD at this point a table entitled "Estimated Federal Payments Under the Elementary and Secondary Education Act of 1965," which gives the amount of all the allotments that are involved in the committee bill's formula and the amount of money each State will get thereunder.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Estimated Federal payments under the Elementary and Secondary Education Act of 1965, H.R. 2362

	Title I, education of children of low-income families	Title II, school library resources, textbooks, and other instructional materials	Title III, supplementary educational centers and services	Title V, strengthening State departments of education	Total Federal payments
United States and outlying areas	$1,060,082,973	$100,000,000	$100,000,000	$21,250,000	$1,281,332,973
50 States and District of Columbia	1,038,881,314	98,000,000	98,000,000	20,825,000	1,255,706,314
Alabama	31,738,000	1,734,277	1,843,542	411,619	35,727,438
Alaska	1,430,938	118,854	318,293	121,337	1,989,422
Arizona	9,757,481	815,164	935,099	238,848	11,746,592
Arkansas	21,095,002	937,854	1,098,100	270,243	23,401,199
California	73,145,300	9,308,483	8,239,821	1,672,034	92,365,638
Colorado	8,454,110	1,065,929	1,107,310	280,701	10,908,050
Connecticut	7,175,172	1,392,995	1,432,727	312,652	10,313,546
Delaware	1,966,851	256,903	425,115	139,737	2,788,606
Florida	27,896,230	2,604,055	2,702,679	549,680	33,752,644
Georgia	34,517,871	2,174,706	2,229,496	495,621	39,417,694
Hawaii	2,127,585	391,124	530,441	159,850	3,209,000
Idaho	2,311,382	370,581	536,393	165,497	3,383,853
Illinois	43,360,809	5,361,699	4,929,120	875,820	54,527,448
Indiana	18,772,978	2,528,237	2,451,748	517,718	24,270,681
Iowa	17,325,264	1,483,765	1,487,761	335,566	20,632,356
Kansas	9,752,736	1,146,723	1,230,857	292,294	12,422,610
Kentucky	28,215,150	1,549,486	1,687,506	351,893	31,804,035
Louisiana	37,904,234	1,922,905	1,878,224	398,520	42,103,883
Maine	3,907,197	525,829	659,025	182,826	5,274,877
Maryland	14,356,074	1,809,594	1,779,430	379,359	18,324,457
Massachusetts	13,988,754	2,622,125	2,581,226	477,050	19,669,155
Michigan	32,729,320	4,671,827	4,051,798	828,465	42,281,410
Minnesota	20,876,677	1,988.186	1,863,225	399,197	25,127,285
Mississippi	28,028,704	1,128,307	1,338,363	319,780	30,905,154
Missouri	26,866,755	2,309,246	2,188,807	460,057	31,824,865
Montana	3,750,273	382,828	537,823	162,626	4,833,550
Nebraska	6,793,169	775,144	879,119	220,497	8,667,929
Nevada	658,184	211,763	377,415	137,894	1,385,256
New Hampshire	1,609,796	336,232	495,293	147.601	2,588,922
New Jersey	20,196,092	3,233,812	3,150,198	576,593	27,156,695
New Mexico	8,931,560	590,702	698,347	198,805	10,419,414
New York	91,893,253	8,293,725	8,010,486	1,288,213	109.485,677
North Carolina	48,556,000	2,435,404	2,507,564	547,459	54,046,427
North Dakota	5,069,610	347,300	512,900	156,051	6,085,861
Ohio	36,708,699	5,406,689	4,912,452	946,737	47,974,577
Oklahoma	15,596.196	1,266,877	1,322,315	327,809	18,513,197
Oregon	7,893,807	975,757	1,067,258	267,391	10,204,213
Pennsylvania	49,519,506	5,908,219	5,392,267	939,966	61,759,958
Rhode Island	3,746,500	427,974	600,568	157,218	4,932,260
South Carolina	25,519,125	1,320,035	1,449,458	340,190	28,628,808
South Dakota	6,249,152	386,888	541,281	162,285	7,339,606
Tennessee	31,092,525	1,826,346	1,965,556	428,208	35,312,635
Texas	74,580,048	5,345,745	5,083,486	1,035,640	86,044,919
Utah	2,627,783	587,662	690,284	207,310	4,113,039
Vermont	1,556,327	208,027	390,283	131,119	2,285,756
Virginia	29,433,775	2,095,347	2,215,361	467,894	34,212,377
Washington	11,275,168	1,591,758	1,588,747	372,829	14,828,502
West Virginia	15,741,450	924,800	1,070.069	265,521	18,001,840
Wisconsin	16,078,428	2,278,827	2,118,449	415,673	20,891,377
Wyoming	1,470,960	187,468	363,035	133,422	2,154,885
District of Columbia	4,633,354	345,817	533,880	153,685	5,666,736
Outlying areas	21,201,659	2,000,000	2,000,000	425,000	25,626,659

NOTE.—Includes only amounts distributed by State allotment formulas.

Mr. MORSE. Let us face up to the issue. There will be a drive made on the floor in connection with the formula. We have observed the first formula attack. It is an attack which seeks to penalize the wealthier States. I am asking for fair treatment of wealthier States as I did yesterday, because H.R. 2362 is not a general aid bill. It is a bill through which we are seeking to bring some assistance to special projects, special services, and special needs.

As I pointed out yesterday, we must take into account New York, Ohio, Illinois, Michigan, and other wealthy States. The Senator from New York [Mr. KENNEDY] also pointed that out in the eloquent speech to which I shall refer at some length later today when we reach the major formula amendment. When we take into account the tax payments that are made by the individuals in those States, when we take into account the higher costs that exist in those States in the field of education for those special services for educationally deprived children, it is not fair to apply a so-called equalization formula that has the alluring, seductive, siren call of passing more money to the so-called poorer States.

Mr. President, under the bill those facts are all taken into account, as the table which I have just put into the RECORD shows; and through this formula we are doing justice to the individuals who will be served in the poorer States and in the wealthier States, too.

But we are not following a program whereby we would say to the wealthier States, "You will have to pay more by way of a contribution, in that we are going to syphon off and pass into the poorer States an even larger amount of money." That would not be fair.

I am now speaking about the general formula problem, although it applies somewhat in connection with this pending one, too. As the department pointed out in the hearings, and as we discussed the point so many times in our markup proceedings, only a certain amount of money can be spent efficiently and effectively in the first year. The majority of the committee is satisfied that that amount will be allowed in connection with each project under the special services program, and in connection with the formula under title I; for school districts. To try to change the formula in any title now on the floor of the Senate in my opinion would be to jeopardize the bill.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. I have examined this document showing what the different States will receive under each of the titles.

In part 1 of the testimony, pages 90 and 91, there is set forth an illustration of how the money would be channelized from Washington down to the local districts. It shows that the initiation would be in Washington through the allocation of about $1 billion or more.

Mr. MORSE. Is the Senator referring to title I?

Mr. LAUSCHE. Title I.

Mr. MORSE. We are now talking about an amendment to title III.

Mr. LAUSCHE. I desire some information. From Washington the money would go to State capitals, then from the State capitals to the county authorities, and from the county authorities to the separate school districts within the county.

Let us assume that a certain county is extremely rich and capable of financing its own school operations. Let us assume that it has within it a pocket of destitute people. Does the bill contain any provision that would make mandatory the expenditure of allocated moneys by the county officials in the pockets of destitution?

Mr. MORSE. Those are the only places to which they could go.

Mr. LAUSCHE. That is, the county would be allowed to use the money in accordance with its discretion?

Mr. MORSE. Oh, no. It must be given to the poverty-stricken school districts.

Mr. LAUSCHE. For my information, where is such language contained in the bill?

Mr. MORSE. Page 11. While it starts at line 3, on page 11 of the bill, the essence appears at line 6. I shall read from line 3:

> (1) that payments under this title will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) (A) which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families and (B) which are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting those needs, and nothing herein shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this title.

Mr. LAUSCHE. Was it the intention of the drafters of the bill and the committee that the money would mandatorily be used to serve only the indigent?

Mr. MORSE. The school districts must meet the qualifications for being declared poverty-stricken school districts. There must be a certain number of children in that district who qualify the district for poverty-stricken aid. If there were not the required number, the district would not get anything.

I should like to read to the Senate a statement I made on the floor of the Senate yesterday:

> A State agency cannot shift the money from county to county. The money is received in the county school districts on the basis of a program which the local authorities send to the State. The duty of the State planners and program reviewers is to distribute the money to the school districts in the counties so that the schools having a higher concentration of educationally deprived children can undertake programs which will give these children opportunities similar to those in higher income level schools.

Mr. LAUSCHE. I ask the Senator to consider the county of Montgomery. Somewhere I saw a table which showed that Montgomery County has the highest median income of any county in the United States, and that that median income is about $10,000 a year. In that county there is a pocket of destitute and underprivileged children. When the money from the Federal Government is sent to Maryland and Maryland sends it down to Montgomery County, the Montgomery County officials will be obligated to use that allocation to take care of the destitute.

Mr. MORSE. Such school districts as Toby Town, with which the Senator is familiar. Toby Town is a shocking poverty-stricken district not far from Washington. We spoke about Toby Town yesterday on the floor of the Senate when we talked about the 10 richest counties in the country, about which we have heard so much in the way of their obtaining substantial sums of money, and the 10 poorest counties.

Mr. LAUSCHE. How much would Montgomery County receive? Does the Senator know?

Mr. MORSE. The information that the Senator desires can be found in the committee print entitled: "Elementary and Secondary Education Act of 1965," on pages 128 and 129. It shows in table 2, "Estimated Payments to School Districts, by County, Under S. 370."

TABLE II.—*Estimated payments to school districts, by county, under S. 370*

MARYLAND

County	Less than $2,000 annual income		Percent of total population, aged 5 to 17
	Population, aged 5 to 17	Amount	
Allegany	2,620	$640,591	13
Anne Arundel	2,760	674,820	5
Baltimore	4,160	1,017,120	3
Baltimore City	20,902	5,110,540	10
Calvert	496	121,273	10
Caroline	1,004	245,479	21
Carroll	1,319	322,496	11
Cecil	992	242,545	8
Charles	829	202,691	8
Dorchester	1,366	333,988	20
Frederick	1,837	449,147	10
Garrett	1,109	271,151	19
Harford	1,325	323,963	7
Howard	568	138,876	6
Kent	665	162,593	18
Montgomery	2,343	572,864	2
Prince Georges	2,820	689,490	3
Queen Annes	741	181,175	18
St. Marys	1,152	281,664	11
Somerset	1,152	281,664	24
Talbot	815	199,268	16
Washington	2,349	574,331	11
Wicomico	1,570	383,865	13
Worcester	1,308	319,807	22
Total	56,202	13,741,401	7

I wish to discuss the educational expenditures in the 10 richest counties of the country that are used by some as a basis for changing the formula.

Educational expenditures in Montgomery County, in thousands of dollars, were $44,073. Estimated fiscal 1966 Federal payment, in thousands of dollars, is $573,000, or 1.3 percent.

I should like to discuss Federal contributions to the budget of individual school districts.

Mr. LAUSCHE. That is at present separate and apart from the bill?

Mr. MORSE. To be provided under the bill.

Arlington County, Va., Federal contribution, 1.7 percent.

Fairfax County, Va., 1.3 percent.

DuPage County, Ill., 1.3 percent.

Marton County, Calif., which I have previously discussed, 2 percent.

Westchester County, N.Y., 2.1 percent

Bergen County, N.J., 1.8 percent.

Union County, N.J., 2.4 percent.

Montgomery County, Pa., 1.7 percent.

Fairfield County, Conn., 2.6 percent.

Those are the rich counties we hear so much about. The highest percentage of the contribution of dollars from the Federal Government that go into those counties is 2.6 percent of the schools' budget. Most of them, as will be seen, receive less than 2 percent.

Let me discuss now the 10 poorest counties, for that is the important test. By the way, the 10 poorest counties receive all the way from 20 percent of their school budget as high as 40 percent of their school budget contributed by the Federal Government. As I said yesterday, that is the heart of the whole argument with respect to the formula. Under this program, the poverty-stricken school districts would receive an enormous contribution from the Federal Government in all the poverty stricken counties. But I shall use the 10 poorest to illustrate my point about the gap between the 10 richest and the 10 poorest.

The poorest school districts under the bill will receive very large Federal contributions; the 10 richest counties will receive insignificant contributions, because they have only a few schools that are poverty stricken in the area. However, the total amount of money seems large for, as the Senator from New York [Mr. Kennedy] stated yesterday, there are reasons why, in the richest States, the contributions must be larger; namely, the cost of construction, differences in teachers' salaries, and differences in the cost of living.

This is not a bill that seeks to bring the poverty-stricken school district in Mississippi up to or near the level of the rich school districts in Westchester County, N.Y., Cleveland, Ohio, or Detroit, Mich. The bill seeks to narrow the gap between the poverty stricken school districts in a given State—Mississippi, Alabama, Georgia, New York, Ohio, Michigan, and the others; between the educational opportunities that are offered youngsters in the poorer school districts, but closer to the opportunities offered youngsters in better school districts.

Let me state the percentage of Federal contributions to the 10 poorest counties. Under the bill, these are the percentages of the school budgets that the Federal Government would contribute to the poverty-stricken school districts in the following 10 poorest counties:

Grant County, W. Va., 24.7 percent.
Falls County, Tex., 28.7 percent
Sunflower County, Miss., 33.9 percent.
Knox County, Ky., 31.9 percent.
Tensas County, La., 26.4 percent.
Williamsburg County, S.C., 36.1 percent.
Sumpter County, Ala., 37.3 percent.
Holmes County, Miss., 44.6 percent.
Breathitt County, Ky., 26.6 percent.
Tunica County, Miss., 57.6 percent.

Yet it is argued that we shall be imposing some kind of hardship on the poorer counties unless we now change. In the 10 richest counties, the amount of Federal contribution varies from a high point of 2.6 percent to a low point of 1.3 percent. No one would fight harder for an equalization formula than the Senator from Oregon if we were dealing with a general Federal aid bill. I fought for that kind of formula for years. I shall again when, I hope, next year we shall have a general aid bill. But this is not a general aid bill; it is a special bill, in that most of the money—more than $1 billion—will go to deprived children, who constitute 11 percent of the school population.

It is a bill that comes to the aid of every child, it comes to the aid of deprived children.

The last point I wish to make—I made it yesterday, too—is that we should not forget what the Department tells us about the necessity for the 30 percent cutoff provision. If we take the formula we shall have before us before the day is over, a formula broader than the present Prouty-Dominick formula, we shall need to have a 30-percent cutoff provision, says the Department of Health, Education, and Welfare. Since an expansion beyond that point in one year poses problems. It will not be possible to spend the money that would be given to some school districts. They could not get themselves ready, so the result would be a waste of money. I am sure that neither the Congress or the Federal Government would wish that to happen.

H.R. 2362 is a 1-year program as far as formula and funds are concerned. We shall have until next year in which to decide whether we wish to change the formula. In this bill I am proposing a formula, under which the money would be spent wisely, effectively, and efficiently. It is a formula that would constitute Federal contributions to the school districts involved in the maximum amounts that ought to be allowed now.

I know the Senator from Ohio is always interested in this point. The bill makes it perfectly clear that the money cannot be used unwisely, and shuts off any attempt to spend more than can wisely be spent for the children.

Mr. LAUSCHE. Was there any discussion in committee of a proposal that the rich counties—for instance, Montgomery County, Md., which has a median income of $10,000 a year—ought to take care of their own impoverished children? If the median income is so large, why cannot that county carry its own responsibility in bringing up the impoverished districts more closely to the level of what the general education system is in the country? I am not a member of the committee.

Mr. MORSE. I shall answer the Senator from Ohio not by using Montgomery County as an example, but Westchester County, N.Y., instead. The result would be the same.

Mr. LAUSCHE. Westchester County is included in the list of the 10 richest counties.

Mr. MORSE. I shall read a statement I made yesterday, which appears on page 7311 of the Record.

> Moving down the coast, let us look at well-publicized Westchester County. One out of twelve families in 1960 were earning less than $3,000 in the county as a whole. In seven communities with thousands of families, however, the percentage of families with incomes under $3,000 was over 20 percent with a high of 28.9 percent. Remember that this, too, is a high-cost area.

The purpose of the bill is to come to the assistance of children in low-income families who attend very poor schools in the great Westchester County. What is difficult for some Senators to realize is that in every State, no matter how wealthy the State, there are some terrible slum school areas. The purpose of the bill is to come to their assistance.

The Senator from Ohio now asks, if I understand him correctly, "Why do you not take the position——"

Mr. LAUSCHE. I am asking whether that question was raised.

Mr. MORSE. It was. The Senator from Ohio asks: "Why not take the position that the rich counties themselves should pay for the cost of improving the schools in slum areas?" The answer is that they do not and will not and in many cases because of statutory limitations they cannot. The answer is in some that the voters will even turn down a school bond issue. This happens in many counties, because the tax burden in such instances is already so heavy that they will not vote more money.

It is not for me to pass judgment on that attitude, but it is for me, I say, to keep my eyes on those boys and girls who are suffering. The bill seeks to bring some relief to this vast problem by bringing into the wealthy counties a small Federal contribution, which is at least something.

So it is necessary to decide whether to say, "They ought to do it themselves, but they have not done it themselves, and they are not going to do it themselves, so we are not going to vote the money." But that will not take care of the welfare of the children who suffer as a result of that course of action.

We could not get a bill through if we did not have at least this much uniformity, and thus give some assistance to the poor school districts in the wealthy States. I do not know where we would get the votes in the Senate from the wealthy States if we were to eliminate the poor school districts in those States.

The Senator must face up to what we are confronted with. This is a matter of legislative process. We must be fair to every State concerned.

Mr. LAUSCHE. Mr. President, is it true that in county X in which county there are many citizens with affluent incomes, but of them being in poor school districts, the school facilities in the poor districts are far inferior?

Mr. MORSE. That is the common practice.

Mr. LAUSCHE. Mr. President, is that because the district provides the facilities in one instance in a district that is poor, and in another instance in a district that is rich?

Mr. MORSE. The district that is poor does not have the tax base to support a better school. The district that is rich does. The district that is rich is not going to pay those taxes over to the district that is poor. The school taxes must be limited within the territory of the rich district. What we are trying to do, as I said earlier, is to raise the level of those poor school districts to the level of the higher school districts.

Let me read a colloquy that I had with Senator Ellender on yesterday. It reads as follows:

> Mr. Ellender. So if there is a school in Montgomery County with 2 or 3 percent who come from poor families, that school will not necessarily receive any of this money; but if it can be shown that there are pockets of poverty within Montgomery County, the whole of that money or most of it will go to supply the funds necessary to properly conduct the schools in the poverty areas?
>
> Mr. Morse. If the students go to a school district that does not qualify under the provision of the act, those deprived people will

not get the money, because they are getting an education in the better schools. The purpose of the bill is to provide funds to raise the level of the so-called deprived or slum school to somewhere nearer the level of the better schools in that State.

Mr. President, I stress that if a child from a poverty-stricken family lives in an area in which there are not enough poverty stricken children for that district to qualify under the bill, he is already getting a better education. If the youngsters in the same county go to what we call a slum school, they do not have a chance for a better education because the school does not supply the facilities and training that the better school does.

Mr. LAUSCHE. Then, to summarize, is it fair to say that the testimony shows that there are rich areas with pockets of impoverished children who are not compelled to attend schools of inferior quality?

Mr. MORSE. The Senator is correct.

Mr. LAUSCHE. The purpose of the bill is to definitely tie the money, given from the Federal level, to the service of an impoverished school area?

Mr. MORSE. It does tie it in. Not a dollar of it can be spent in the rich school.

Mr. LAUSCHE. I thank the Senator.

Mr. PROUTY. Mr. President, I suggest the absence of a quorum. I also suggest that the quorum will be live. I shall speak very briefly following the quorum call, and a vote can be expected shortly thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 46 Leg.]

Aiken
Allott
Anderson
Bartlett
Bass
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gruening
Harris
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mondale
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. MONTOYA in the chair). A quorum is present.

The Senator from Vermont [Mr. PROUTY] is recognized.

Mr. PROUTY. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, I shall be very brief.

My amendment proposes to change the formula for the allocation of funds under title III.

If Senators will look at page 35 of the bill, they will see that after $200,000 is allocated to each State—my amendment does not affect that provision—the remainder of the balance is distributed, 50 percent, based on the ratio between the number of children aged 5 to 17, inclusive, and the number of such children in all States.

The second provision relates to 50 percent of such remainder as the population of the State bears to the population of all States.

In short, my amendment takes care of the children in States where the money is needed most desperately.

At this time, without getting into the intricacies of the formula, I should like to read the names of the States which would benefit under my formula or proposed amendment: Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Mr. President, I believe that adoption of my amendment would bring about a far more equitable means of distributing the funds, because they are funds based upon need rather than on some other formula. Mr. President, I am ready to vote.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont [Mr. PROUTY].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business.

I also announce that the Senator from South Carolina [Mr. JOHNSTON] and the Senator from Missouri [Mr. SYMINGTON] are absent because of illness.

I further announce that the Senator from Georgia [Mr. RUSSELL] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Sentor from Oklahoma [Mr. MONRONEY], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

The result was announced—yeas 38, nays 56, as follows:

[No. 47 Leg.]

YEAS—38

Aiken
Allott
Bass
Bennett
Carlson
Cotton
Curtis
Dominick
Eastland
Ervin
Fannin
Fulbright
Gore
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Long, La.
McClellan
McIntyre
Miller
Morton
Mundt
Pearson
Prouty
Robertson
Simpson
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—56

Anderson
Bartlett
Bayh
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Dirksen
Douglas
Ellender
Fong
Gruening
Harris
Hart
Hayden
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McNamara
Metcalf
Mondale
Montoya
Morse
Moss
Murphy
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Tydings
Williams, N.J.
Young, Ohio

NOT VOTING—6

Dodd
Hartke
Johnston
Monroney
Russell
Symington

So Mr. PROUTY's amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. McCARTHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MORSE. Mr. President, the Senator from Kansas [Mr. PEARSON] has an amendment which he wishes to present next. He states that it will take a very few minutes for him to explain the amendment. Senators may wish to remain in the Chamber in order to vote on it. I shall reply to the Senator from Kansas in less than 2 minutes. I ask for the yeas and nays on the Pearson amendment.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The amendment will be stated, first.

AMENDMENT NO. 73

Mr. PEARSON. Mr. President, I call up, for myself and the Senator from Texas [Mr. TOWER], amendment No. 73.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill add a new section as follows:

AMENDMENT TO PUBLIC LAW 874, EIGHTY-FIRST CONGRESS, TO PROVIDE FOR MORE GRADUAL REDUCTION OF PAYMENTS AS A RESULT OF TERMINATION OF ACTIVITIES OF THE DEPARTMENT OF DEFENSE

SEC. 606. (a) Clause (B) of paragraph (2) of subsection (c) of section 3 of the Act of September 30, 1950, as amended (20 U.S.C. 238(c)(2)(B)), is amended to read as follows:

"(B) amounts to 3 per centum or more of the total number of children who were in average daily attendance during such year and for whom such agency provided free public education, except that—

"(i) such 3 per centum requirement need not be met by such agency for any period of two fiscal years which follows a fiscal year during which such agency met such requirement and was entitled to payment under the provisions of this section, but the payment under the provisions of this section to such agency for the second fiscal year of any such two-year period during which such requirement is not met, shall be reduced by 50 per centum of the amount thereof; or

"(ii) in the case of any local educational agency which fails for any fiscal year (following a fiscal year in which such agency met such 3 per centum requirement) to meet such 3 per centum requirement because of the termination of activities of the Department of Defense, the per centum requirement pursuant to this paragraph for such year and thereafter shall be 1 per centum; or

"(iii) in the case of any local educational agency which fails for any fiscal year (following a fiscal year in which such agency met the per centum requirements of this paragraph) to meet such 1 per centum requirement because of the termination of activities of the Department of Defense, such agency need meet no per centum requirement pursuant to this paragraph for such year and the three succeeding fiscal years, but the payment under the provisions of this section to such agency for such year shall be computed as though such agency had exactly met such 1 per centum requirement, and for the first such succeeding fiscal year when such agency does not meet any per centum requirement pursuant to this paragraph, such payment shall be reduced by 50 per centum of the amount thereof, for the second such succeeding fiscal year by 66⅔ per centum of the amount thereof, and for the third such succeeding fiscal year by 75 per centum of the amount thereof."

(b) The amendment made by this section shall be effective on and after July 1, 1964.

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORSE. Mr. President, I yield now to the Senator from Illinois [Mr. DIRKSEN]. Then I shall yield to the Senator from North Carolina for the presentation of a conference report.

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THE DAY

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader about the plans for the remainder of the day.

Mr. MANSFIELD. Mr. President, I have been discussing the situation with various Members of the Senate on both sides of the aisle. The leadership has agreed that the Senate should remain in session until about 9 o'clock or thereabouts. We are hopeful that we can continue to make the progress we have made this afternoon on the bill and bring it that much closer to a conclusion.

Mr. DIRKSEN. I should like to ask whether the majority leader feels there is a possibility of completing action on the bill tonight.

Mr. MANSFIELD. There is a slight possibility. It depends on the Senate.

ACREAGE-POUNDAGE MARKETING QUOTAS FOR TOBACCO—CONFERENCE REPORT

Mr. JORDAN of North Carolina. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5721) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that an explanation of the conference report be printed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXPLANATION OF CONFERENCE REPORT ON H.R. 5721

Under the conference report the House would recede from its disagreement to 10 of the Senate amendments and agree to them exactly as adopted by the Senate.

With respect to the remaining seven amendments the House would recede with amendments.

The Senate amendments which would be amended under the conference report are as follows:

Amendment No. 1: The Senate amendment limited any downward adjustment of the national marketing quota in any year to 10 percent of domestic utilization and exports. The conference report would limit such reduction to 15 percent, thereby allowing the Secretary slightly more authority to bring supplies down to the reserve level.

Amendments Nos. 3 and 5: The Senate amendments required by the Secretary, in determining community and farm yields for all kinds of tobacco, to use the same base years, 1959–63, as he uses in the case of Flue-cured tobacco. The conference report would permit the Secretary to use 1960–64 as the base years for kinds of tobacco, other than Flue-cured, if he determined that those years would provide a better base.

Amendment No. 4: The House bill, as it came to the Senate, would have permitted a preliminary farm yield as high as the higher of (A) 120 percent of the community average yield, or (B) 75 percent of the actual average yield for the farm plus 25 percent of the national average yield goal.

The Senate amendment struck out the latter limitation, restricting the preliminary farm yield to not more than 120 percent of the community average yield. The conference report would permit the preliminary farm yield to be as high as (A) 120 percent of the community average yield, or (B) 50 percent of the actual average yield for the farm, plus 50 percent of the national average yield goal.

Amendments Nos. 12 and 16: The Senate amendments would have permitted burley tobacco growers to market 120 percent of their farm marketing quotas without penalty or loss of price support. The conference substitute would limit these provisions to the first year for which acreage-poundage quotas are effective. In subsequent years burley tobacco growers would be subject to the same 110 percent limit applicable to growers of other kinds of tobacco.

Amendment No. 14: The Senate amendment preserved the minimum allotments now provided for burley tobacco. The conference report makes some slight changes in the manner in which this is done; but it is designed to preserve those minimums, giving the producers on minimum allotment farms essentially the same protection under an acreage-poundage quota system as they have today under the acreage system. The conference report also makes provision for preserving those minimums essentially as they are today in the event that we return to an acreage allotment basis after a period of acreage-poundage controls.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HOLLAND. Mr. President, I voted against this bill when it was passed by the Senate. I served as a conferee on the bill. Of course, I tried to maintain the position of the Senate. However, I could no more vote for the conference report than I could vote for the bill when it was originally before the Senate. I shall therefore vote against the conference report.

I wish to make very clear that I believe the bill is an unjust one. Our Florida and Georgia producers of type 14 tobacco have not contributed to the setting up of the immense surplus of Flue-cured tobacco that now exists, and I do not think that they should be penalized because others have created that vast surplus—particularly when the law allows the Secretary of Agriculture to take action—as I think he should have taken—to delcare that type 14 tobacco is a separate kind of tobacco, does not contribute to the setting up of the surplus, and should have been entitled to different treatment in the making of allotments by the Department. I believe that the growers of Florida, Georgia, Alabama—and there are a few from Alabama—and from the lower part of South Carolina, who produce type 14 Flue-cured tobacco, are being grossly discriminated against by the conference report.

Second, I think those producers in my State particularly are being hurt because the growers, upon recommendation of the Department of Agriculture last December, cast an affirmative vote of more than two-thirds in a referendum for another kind of reduction of production; namely, cutting off 19½ percent of the acreage.

The growers in my State have already planted their crops. Before the conference report becomes law, which will then be followed by a 30-day period for a referendum, the tobacco in Florida will be half grown. Large crops in Georgia will be in the same situation, and growers in Alabama will also face the same situation. There will be no way in the world for those growers to make further plantings to catch up with the much smaller acreage reduction which is proposed to be made when the conference report is agreed to, which is about 5 percent.

Mr. President, it is not right to impose that kind of penalty upon people who have not created the surplus, who have proceeded under existing law, who have gone so far that they cannot be compensated as to this year's crop.

Mr. President, without further statement, I merely wish to add that I shall not ask for a yea-and-nay vote on the conference report. I wish the RECORD to show that I oppose the conference report vigorously because I believe it is unjust and departs from the kind of fairness that we have always tried to have exist in the matter of cutting down the production of agricultural crops.

Mr. COOPER. Mr. President, I was a member of the Senate-House conference committee, which completed its work on the acreage-poundage tobacco bill earlier today. I am glad that the conference adopted, in whole or in part, all the amendments to the House bill which I secured in the Senate Committee on Agriculture and which were adopted by the Senate.

The Senate will adopt the conference report in a few minutes, the House is expected to act tomorrow or Monday, so the acreage-poundage bill will be enacted—and at least in Flue-cured, and next year or later in burley, Dark-leaf, and other areas if the Secretary of Agriculture so decides, tobacco growers will have the choice between their present program and the acreage-poundage method of production controls provided by this bill.

I will vote for the bill in its final form, as the decision to shift to acreage-poundage requires the approval of two-thirds of the growers of each kind of tobacco, because I believe our tobacco program is in some difficulty and may be headed for serious trouble, and because I think the bill has been improved by the amendments I secured.

Briefly, my amendments assure that two-thirds of the farmers must approve acreage-poundage; protect burley growers having small allotments of one-half acre or less; permit a burley producer to market up to 120 percent of his poundage quota the first year and 110 percent in succeeding years; protect growers against too drastic cuts by the Secretary under acreage-poundage; provide ample notice of an acreage-poundage referendum and of each farm allotment and quota prior to the referendum; continue to prohibit the lease and transfer of burley allotments; fix the base years to be used in computing farm yields and poundage quotas; make clear that if acreage-poundage is rejected in the referendum the present acreage allotment and price-support program remains in full effect; and assure consultation with growers and the leadership of farm organizations in each type of tobacco, and a report to the House and Senate Agriculture Committees on modifications needed, before a determination is made to hold an acreage-poundage referendum for any type of tobacco except Flue-cured.

I believe that all of us—tobacco growers, Members of Congress from the tobacco-growing States, and all who work with tobacco—must join together to secure the best means to protect and continue the price-support program, without which the tobacco grower would suffer great loss. We have worked hard throughout the years to protect our tobacco program and make it successful. We will continue to do so.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. Pearson].

Mr. PEARSON. Mr. President, the pending amendment seeks to help communities which are suffering staggering blows to their educational systems because of the closing of defense installations and the resulting loss of impacted area school funds.

The amendment would extend the tapering off period of Public Law 874, the so-called impacted areas law, and would, as a result, cushion some of the impact by relieving a heavy burden of educational cost incurred directly as a result of the closing of defense installations.

The impacted area legislation which now exists provides that, because of the existence of Federal installations not on the local tax rolls, which bring into school districts the pupils of families working or attached to military bases, veterans' hospitals or other installations, such as the FAA record center, school districts in such areas will receive Federal funds.

The formula and the justification under the law as it now exists provides that if 3 percent of the average daily attendance—with a minimum of 10 students—of the total enrollment within a school district is attached to a Federal installation, the district shall receive an amount of money agreed to between the State superintendent and the Federal Office of Education.

That amount has varied.

If there is a double connection, in instances in which a family not only lives but works on a Federal installation, the amount would be a certain amount. If a family worked but did not live on the same installation, the amount would vary accordingly.

To continue, under the existing law, if in a school district that average falls below 3 percent, that district continues to be paid on a per pupil basis by agreement with the State superintendent and the Federal Office of Education on the same basis that it would normally receive for the first year. But in the second year, if the district should fall below, the school district would receive one-half of the previous year's amount, and in the third year Federal aid would be cut off altogether.

Mr. President, under my amendment, which relates to Federal installations and military installations only, if there is a phasing out of operations under the orders of the Department of Defense, the amendment provides that the qualification percentage could be reduced from 3 percent to 1 percent, and the district would still receive money as before and would still be subject to the agreement between the State and the Federal agency.

The amendment further provides that if the average falls below the 1-percent level as the military installations are phased out, for the first year the district shall receive one-half of the 1-percent level; for the second year, one-third of the 1-percent level; for the third year, one-quarter of the 1-percent level; and the fourth year, it shall receive no further aid under the impacted-area program.

Under this amendment, these percentages would be effective as of July 1, 1964, to be included in the fiscal year 1965.

A period of economic adjustment is needed during the closing of the military installations. I am advised that these closings will result in a loss of some $6 million in impacted-area funds. An adjustment period is necessary for those districts.

To illustrate, school districts today have contracts for teachers and personnel and for goods and services. They are obligated for maintenance requirements for school buildings and facilities that have been built, instituted, and maintained for the large enrollment that was expected.

Also, while it would be of little relief, some help would be provided in the payment of bond principal and interest, even though the bond issues may extend over many years beyond what the amendment might anticipate.

Another advantage of a longer period for impacted-area aid lies in the possibility that many of the lands now used for Federal installations could conceivably be returned from their Federal-exempt status to the tax rolls in the 4 years ahead.

The amendment is completely compatible with the philosophy of the bill, which, in a word, seeks to aid depressed school districts throughout the country. It seems to me it makes little difference as to how the districts might become depressed, whether through a poverty situation, economic conditions, or the phasing out and closing of military establishments.

Four hundred school districts in 33 States would be affected by the amendment. I ask unanimous consent that a list of the 33 States be printed at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

> The number of States affected by the closing of military installations by the Defense Department totals 33. They are: Alabama, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Massachusetts, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, Wyoming and Wisconsin.

Mr. PEARSON. Mr. President, 71 districts in Pennsylvania; 12 districts in Mobile, Ala., alone; 16 districts in my own State of Kansas; and in one city, the city of Salina, where Schilling Air Force Base will be phased out in a short period of time, within a year, the school district affected will lose one-seventh of its total budget.

I hope the Senate will favorably consider the amendment, on which I believe the yeas and nays have been ordered.

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). The yeas and nays have been ordered.

Mr. TOWER. Mr. President, I am pleased to have the opportunity to support the amendment offered by the distinguished junior Senator from Kansas and to join him in offering it. I am gratified that he felt, as I do, that this matter should be brought up as an amendment to the bill. It is the first major education bill of the session, and is an appropriate vehicle for the amendment.

The amendment applies directly to elementary and secondary schools, so this is an appropriate time for the proposal to be considered by the Senate.

My own State of Texas has been affected, as have virtually all other States, by the closing or phasing out of military establishments which the Department of Defense feels are no longer necessary for national security. I have been pleased with the efforts of the Department and the individual communities involved to lessen the impact of the closings. However, it appears obvious that an additional step could be taken to assist those communities in the vital field of education if we are sincere about enhancing the educational program of our country.

As now constituted, Public Law 874, which the amendment affects in the manner so ably pointed out by the Senator from Kansas [Mr. PEARSON] provides a system of cutting off funds for the school districts that fall below certain levels of enrollment for federally connected children.

The amendment proposes that the tapering-off period be liberalized so as to stretch out the economic impact caused by the curtailment of such funds when a defense base is closed, thus reducing the enrollment of federally connected children in a school system.

I have discussed this subject with many school superintendents. They point out the importance of impacted area funds in their budget planning. They correctly state that such planning must be plotted several years ahead, so that sufficient classrooms, teachers, and programs will be available.

I believe that a longer tapering-off period for impacted areas aid would be of vital benefit to the affected school districts. The Federal Government already has recognized its obligation to assist communities in the realinement of their economies to make up for the loss of a defense base. Congress has recognized its responsibility to make certain that education is not denied to the Nation's children.

I should like to recall to the Senate the situation in which Texas finds itself—a situation that is certainly echoed in other States.

Four major defense installations are being phased out or curtailed in Texas under the most recent Department of Defense cutback. A total of 6,498 children now counted as federally connected will not be so counted when the curtailment is complete. The total amount of Federal funds paid for those children in fiscal year 1964 was $873,115. That is a sizable figure. It affects the areas around Amarillo, Abilene, Waco, and Fort Worth, specifically.

The school districts in those areas trained children from the defense bases when the Nation's security demanded that bases be maintained there. Now, in good faith, those districts are entitled to a most generous consideration as the funds with which they planned are withdrawn.

I believe that a liberalization of the withdrawal schedule would vitally assist those districts. It amounts to a matter of good faith.

I urge the Senate to consider the amendment on its merits and not to consider the pressure that has been put on the Senate to pass the bill in the form in which it came to us from the House of Representatives.

I thank the distinguished Senator from Kansas for bringing this matter before the Senate. It is vital to many States. The junior Senator from Kansas is to be commended.

Mr. PEARSON. I thank the Senator from Texas. I acknowledge his leadership on this particular subject. It was the introduction of his bill, S. 1256, in which I joined as a cosponsor, that brought this matter to the attention of the committee and the Senate. I appreciate his support and his comments.

Mr. CARLSON. Mr. President, will my colleague yield?

Mr. PEARSON. I yield to my colleague from Kansas.

Mr. CARLSON. I wish to associate myself with the remarks of my colleague from Kansas [Mr. PEARSON] and the remarks of the Senator from Texas [Mr. TOWER] in regard to the pending amendment.

A real problem exists in communities where the closing of Air Force bases and other Federal facilities is vitally affecting schools. We have had such experiences in our State, and I know that is true of other States. Therefore, I sincerely hope that the Senate will adopt the amendment.

Mr. MORSE. Mr. President, I oppose the amendment. I feel certain that whatever merit there is in the proposal—and I think the hearings will show there is considerable—an accommodation will be reached. The Subcommittee on Education has never had the amendment before it; therefore, no hearings have been held and no views of the administration have been received. So it is unwise, in my judgment, to legislate at this time on this subject, in the absence of the facts and official views on the merits or demerits of the proposal.

However, I assure the Senators from Kansas and the Senator from Texas that officials who are in charge of the impacted area program are themselves just as desirous as are those Senators to arrive at a fair change in the formula after the study I now announce to the Senate is reported to Congress.

It will be recalled that last year Congress included in S. 3060 a provision which required the Department of Health, Education, and Welfare to make a study of the problem of impacted areas legislation, its administration, and the policies that are concerned therewith, by June 30 of this year. A contract was then entered into by the Department of Health, Education, and Welfare with Stanford University Research Associates.

This organization is in the midst of preparing its study. As many Senators know, the problems that the Senator has raised this afternoon, concerning what we shall do as to facilities in schools and the school districts if we do not provide for some financial tapering off by way of support to that school district, will create great hardships and injustices. There are other problems that caused the contract for a study to be let to the Stanford University Research Associates. We are familiar with some of the reports of the Comptroller General of the United States, in which he has reported to Congress in the past few years the need for some careful checking on the use of the impacted area money, which seems to be somewhat irregular in some school districts.

In my own State, for example, there are practices with respect to the application of State equalization of school funds to the impacted area school districts which should be reviewed.

We have received a good many complaints of this type. That is the reason why Congress enacted this legislation last year, with the study provision in it. The study will be completed in the near future. When the study is completed, I assure the Senator from Kansas and my former colleague on the committee, the Senator from Texas [Mr. TOWER], that hearings will be called by my subcommittee immediately after we receive the facts of that study, together with the recommendations based upon it from the Office of Education. The Senator can then introduce whatever amendment he desires on the basis of facts set forth in the study—which I think will be helpful to him.

I must respectfully say that it would not be fair for us this afternoon to agree to this amendment when this is the first time we have heard of it.

All I can do is to give my word to the Senator—and I keep my word—that this amendment will be offered and subjected to hearings before my subcommittee as soon as the June 30, 1965, report is placed in my hands. That report must be furnished by June 30 next, but I have been advised that it can perhaps be furnished at an earlier date.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. TOWER. What we are concerned with here is not the problem of an impacted area, but an area that is becoming unimpacted.

Mr. MORSE. It is involved in the impacted area legislation.

Mr. TOWER. It is involved in the phasing out process of school facilities. A number of districts discover that they have planned and contracted for the construction of additional classrooms. They must pay for this construction whether they use the classrooms or not. It works a hardship on school districts which have acted in good faith.

I would not want to support anything that would provide any abuse of an impacted area. I know that there are problems. I have talked with superintendents of school districts which have acted and are acting in good faith.

Mr. MORSE. Mr. President, I do not say that that is incorrect. But this is not the appropriate vehicle to which to attach the amendment. The appropriate vehicle is the impacted area legislation that will be before us before Congress adjourns. No school district would suffer thereby. Whatever financial adjustment is to be made, it would be made available to them for the next fiscal year.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PEARSON. Mr. President, I am aware of the study to which the Senator from Oregon referred, which study is being made by the group at Stanford University. This is a reevaluation study and concerns impacted areas.

The authorization for that study occurred long before we had an order from the Department of Defense shutting down many installations throughout the country.

As the Senator from Texas observed, it is not so much a case of reallocation of additional money for impacted areas. It is the problem of $6 million being dropped. I should think, in the spirit of the philosophy of the bill and the urgency involved in it, that that urgency might also apply to the impacted area provision.

Mr. MORSE. Mr. President, replying briefly to the Senator from Kansas, so far as urgency is concerned, the urgency will be taken care of under the procedure that the chairman of the subcommittee has just outlined.

We shall have a better vehicle. We shall have a record on which we can stand. Furthermore, I think we shall have a surprising amount of cooperation from the impacted area officials themselves. I have been in contact with them.

I urge that the amendment be defeated.

Mr. PEARSON. Mr. President, let me say finally—and I am prepared to vote—that I appreciate the statement of the Senator from Oregon. Whatever may be the outcome, I appreciate the reassurance of the Senator at this time.

Mr. MORSE. Mr. President, the Senator will find me a colleague with him in trying to show that injustice is being done to certain school districts which, all at once, are cut off from all assistance whatsoever. The children are still there. In many instances, there will not be a great reduction in population, but there will be a surprising increase in unemployment, which would make the situation in the school districts worse. However, this is not the vehicle for handling the problem.

Mr. PEARSON. The Senator has described the urgency that I had in mind.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Iowa [Mr. Hickenlooper]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], and the Senator from Oklahoma [Mr. Monroney] are absent on official business.

I also announce that the Senator from South Carolina [Mr. Johnston], and the Senator from Missouri [Mr. Symington] are absent because of illness.

I further announce that the Senator from Georgia [Mr. Russell] is necessarily absent.

I further announce that if present and voting the Senator from Indiana [Mr. Hartke], the Senator from Oklahoma [Mr. Monroney], and the Senator from Missouri [Mr. Symington] would each vote "nay."

On this vote, the Senator from Virginia [Mr. Byrd] is paired with the Senator from Connecticut [Mr. Dodd]. If present and voting, the Senator from Virginia would vote "yea" and the Senator from Connecticut would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. Hickenlooper] is detained on official business and his pair has been previously announced.

The result was announced—yeas 32, nays 59, as follows:

[No. 48 Leg.]

YEAS—32

Aiken
Allott
Bartlett
Bennett
Boggs
Carlson
Cooper
Cotton
Curtis
Dirksen
Dominick
Fannin
Fong
Hruska
Jordan, Idaho
McIntyre
Miller
Morton
Mundt
Murphy
Nelson
Pearson
Prouty
Robertson
Scott
Simpson
Sparkman
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—59

Anderson
Bass
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Douglas
Eastland
Ellender
Ervin
Fulbright
Gore
Gruening
Harris
Hart
Hayden
Hill
Holland
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
McCarthy
McClellan
McGee
McGovern
McNamara
Metcalf
Mondale
Montoya
Morse
Moss
Muskie
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saltonstall
Smathers
Smith
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—9

Byrd, Va.
Dodd
Hartke
Hickenlooper
Johnston
Mansfield
Monroney
Russell
Symington

So the amendment offered by Mr. Pearson for himself and Mr. Tower was rejected.

Mr. MORSE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. RANDOLPH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 77

Mr. DOMINICK. Mr. President, I call up my amendment No. 77 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record at this point.

The amendment (No. 77) offered by Mr. Dominick is as follows:

On page 4, line 13, strike out "(except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State" and insert in lieu thereof "an amount equal to the Federal share (established pursuant to subsection (c))".

On page 5, line 6, strike out "percentage of such per pupil expenditure" and insert in lieu thereof "share (established pursuant to subsection (c))".

On page 5, beginning on line 11, strike out "For purposes of this subsection" and all that follows down through the period on line 19.

On page 6, beginning on line 4, strike out everything down through line 11, and on line 12, strike out "(4)" and insert in lieu thereof "(3)".

On page 8, beginning on line 3, strike out "percentage" and all that follows down through "respectively" on line 6, and insert in lieu thereof "share for the fiscal year ending June 30, 1966, shall be $200 plus an amount equal to $1 for each .01 per centum by which the State effort index exceeds the national effort index, and the 'low-income factor' for the fiscal year ending June 30, 1966, shall be $2,000. The term 'effort index' means the per centum expressing the ratio of the expenditures on elementary and secondary education to personal income."

On page 8, line 10, insert "the effort index and" following "determine".

Mr. HICKENLOOPER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Colorado may proceed.

Mr. DOMINICK. Mr. President, while there are a sufficient number of Senators in the Chamber, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DOMINICK. I am now very glad to yield to the Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, I wish the Record to show that at the close of the last yea-and-nay vote 2 minutes ago, I had been sitting in the reception room for the preceding 20 minutes. For some reason, I did not hear the bell, and no one notified me. I came into the Chamber just as the result of the vote was announced by the Presiding Officer. Therefore, I do wish the Record to show that I would have voted "yea" on the amendment.

Mr. MORSE. Mr. President, will the Senator from Iowa yield?

Mr. HICKENLOOPER. I yield.

Mr. MORSE. I apologize to the Senator from Iowa. I did not realize that he had not voted. I was engaged in conversation in the Chamber at the time. Had I known the Senator was not in the

Chamber, I would certainly have tried to delay announcement of the vote until the Senator could come into the Chamber.

The majority leader accommodated the Senator by giving him a live pair.

Mr. HICKENLOOPER. I understand that, and I appreciate it very much. However, I do not expect anyone to assume any responsibility for my absence except myself. Therefore, I am not blaming anyone. I merely wish the Record to show that there was an inadvertence, and that I was actually in the reception room at the time the vote was being called.

I thank the Senator from Colorado for his courtesy in yielding to me.

Mr. DOMINICK. Mr. President, if I may have the attention of Senators for a short time, I do not believe I need to speak very long on the amendment, which has to do with the formula of title I. A copy of the amendment, a statement on the effect of the amendment has been sent to the office of every Senator prior to this time, and a copy is now being placed on the desk of each Senator in the Chamber.

However, I should like to explain why I believe the amendment is important.

With the possible exception of some amendments which may come later, I would say that this amendment is even more important than any of the amendments which have been offered so far.

The President, when he sent his message on education to Congress, emphasized the fact that we needed a Federal aid program which would be specific in meeting the needs of deprived children. The policy of the bill set out in title I specifically recognizes the same thing. In order to bring this issue into focus, let me quote the specific section:

> In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families, to expand and improve their educational programs by various means which contribute particularly to meeting the special educational needs of educationally deprived children.

Over and over again, in a program in which established policy is designed to take care of the educational needs of low-income families, it seems absolutely extraordinary to me that when we come to the bill and consider how it operates, we find that the policy so established is not being followed.

What is happening, on the other hand, is that the rich become richer and the poor grow poorer.

The bill, if it is passed in its present form, will build in the existing inequities in local resources which are the background of all our local school education wherever there is a low-income capability. This will not help in trying to raise the standards so that local school education could become equal to that in some of the better districts in the country.

Mr. President, am I the only one who believes this? Am I the only one who is bringing it up as a kind of ridiculous idea out of which I hope to get some publicity?

Representative Green, the distinguished colleague of the chairman of the subcommittee, the Senator from Oregon [Mr. Morse] and the junior Senator from Oregon [Mrs. Neuberger] appeared before the House Rules Committee. Yesterday, I placed in the Record and should like to read to the Senate some of the points which Mrs. Green made in the process of debate on the floor. I am talking about the existing amendment.

She states, after quoting the declaration of policy:

> Now assurance has been given to me that this will be subject to review and change in 1 year. If I were not aware of the efforts through the last several years by Republican and Democratic administrations to change the formula for Federal impact legislation, I would be more impressed. But once a formula is frozen into a bill, the tendency is to examine not the equity on a nationwide basis but rather how many dollars would "my district" or "my State" gain or lose.

All Senators are practical enough to know that this would be true, that once the formula is built in, as it now exists, we shall not get rid of it for years and years.

What does she say about the question of whether the rich grow richer and the poor grow poorer? This is important. She says:

> Now if this is really the intent to provide better educational programs for the needs of educationally deprived children who come from families with low incomes (and in this bill defined as families with less than $2,000 income) then it is exceedingly difficult for me to reconcile the results produced by this formula.
>
> Let me take a few examples. Kentucky has 188,101 educationally deprived children as defined in this bill as coming from families with less than $2,000 income. Louisiana has just about a thousand more—189,996. And yet under this formula Louisiana gets $191 for each poor child and Kentucky gets $150. And the total for Louisiana is $37,904,230 and the total for Kentucky is $28,215,150.
>
> Let me make another comparison between New York and California. New York has a total of 213,201 poor children as defined in this bill and gets a total of $91,893,253. California has 14,000 more poor children than New York or a total of 227,007 and yet gets only $73,145,300 or approximately $18 million less than New York's $91 million. May I also point out that as far as effort is concerned, California is spending more per child in relation to the per capita income of the State than is New York.

She makes some further comparisons. Senators will find her statement at page 7335 of the Record of yesterday, April 7, 1965.

I believe that some of these comparisons are very important. They deal with specific counties.

In my breakdown I do not have a comparison of counties, except 10 rich and 10 poor. I believe everyone will be interested to see whether the formula in the bill would accomplish what we are talking about. Mrs. Green stated:

> Let me give a couple of other examples at the county level. In Dallas County, Ala., where Selma is located, we have about 5,259 poor children as defined in this bill. And Monroe County in New York has 4,684—approximately the same number. Now in recent days we have heard much about Selma, Ala., and the urgent needs in that area. And yet we have designed a formula in the bill which would provide a total of $736,260 for Dallas County in Alabama and $1,925,708 for Monroe County in New York when both of the counties have almost the same number of children. Is this justice?

I also ask: Is this justice?

She goes on to say:

> Let me take two other counties. Sunflower County in Mississippi has 6,184 poor children (as defined in this bill) and under this formula they would receive $745,173. Westchester County in New York with a much higher per capita income has 6,210 poor children (as defined in this bill)—approximately the same number as in Sunflower County, Miss. And yet Westchester County, N.Y., would get $2,189,026 as compared with $745,173 for Sunflower County, Miss.

I ask again: Is this justice?

Is this the way to provide the funds for educationally deprived people, by penalizing them and giving them far less money on a per capita income basis? What would my amendment do? It is designed to remedy the basic problem, and to reallocate the funds authorized under title I. I did not know how the formula would come out when I started. It would put the money into the areas where there is a heavy concentration of educationally deprived children, as defined in the bill.

It divides the total number of children who qualify under the bill into the total amount authorized and comes out with a flat figure on a per-child basis. That figure is multiplied by the number of children in the State. That is the first basic figure we get.

My concern with the formula, which was the basic Green formula, was that it did not recognize the extra effort that some States are making on behalf of their own educational programs.

Therefore, we added to that amount one dollar per child in each State for each one hundredth of 1 percent by which the local and State effort exceeded the national average.

Senators will find, if they examine the table, that the national average of the States varies considerably. It goes from a high in the great State of New Mexico—I wish the Senator from New Mexico were present—of 6.57 down to a low in the State of Massachusetts of 3.26. It is interesting to note that by virtue of this formula we find that the States which have the highest per capita income turn out to have the lowest effort on a local basis for the support of their school children; yet they are getting more money out of the present formula.

It is not right. It is not fair. It is not fulfilling the purposes that the President asked us to work on. It does not fulfill the purposes announced in the bill.

Yesterday, I put into the Record the comments that Senator Taft made on almost the identical problem, which was debated at length in 1949. He is always cited as the Republican in favor of Federal aid to education. However, he said very clearly, in remarks which I included in the Record yesterday, that he was in favor of Federal aid pinpointed to the area of need, not spread like a mushroom all over the country, which someone can use because it tastes good, and that we should not deceive the American people into believing that Federal aid as a whole is something that comes down from heaven like dew. It comes from the pockets of the taxpayers. If we are to use it, we should put it in the area of need, not funnel it all over the country.

One of those who came up on the other side in support of the reallocation of the formula was Mr. Zagri, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, who commented on the bill on February 4, 1965.

Thus we have the whole gamut, in a newspaper sense, from former Senator Taft of Ohio, that distinguished Republican Senator, all the way to the Teamsters Union, who say that if we are to do it, we should change the formula to make it equitable.

I call attention to the pages of the testimony, beginning at page 2806, in part 5 of the hearing record, where Senators will find the statement of Mr. Zagri.

It is interesting to note that on the 1949 bill, to which I referred, and in connection with which the same debate was had, the senior Senator from Oregon [Mr. Morse], the cosponsor and the author and the chairman of the subcommittee, stood shoulder to shoulder, so he said himself, with Senator Taft on this type of proposal. One of the cosponsors of the bill was the Senator from Louisiana [Mr. Ellender], who tried to get the same equity into the formula.

I am a relatively newcomer to this field. But I assure Senators that I feel as deeply about this issue as I have ever felt in the past or will in the future.

Once again I say to the Senator that we shall hear declarations in opposition to my amendment to the effect that we cannot cut out the great industrial States of our country. They contribute more to the Federal Treasury. It costs more for education in those areas. They pay their teachers more.

I heard those statements yesterday while I was present in the Chamber.

I believe that Mrs. Green summarized her answers in a pretty good and effective style. She said:

> I know it has been said that it costs more to provide education in New York than in Mississippi, and I expect that there would be a very sizable number of people in Mississippi, if they had the same per capita income as the people in New York, who would like to try to attract the best teachers with salaries in the $7,000 and $8,000 bracket, which is the average in New York.

If we put the money into the areas of need, into the concentrations of poor people, where we are trying to help children get a better education than they had before, then we shall provide the necessary money for the teachers, equipment, libraries, and resources that are needed for schools in such areas. But if we funnel the money back into the great industrial States, what will we be doing? We shall be concentrating the inequities in our present educational system that the bill is designed to overcome.

The amendment is a necessary amendment if we wish to accomplish the very things that the bill itself sets out as its policy.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to my colleague.

Mr. ALLOTT. First, I congratulate my colleague on a clear exposition of the very great and fundamental weakness of the bill. I intend to speak to the point later, but now I wish to point out that the Senator has performed a notable service to the Senate and to the people of our country, particularly for the benefit of the educational system of our country. In my opinion, the formula outlined in title I of the bill is inequitable and unjust. It would make the poor areas poorer; it would deprive those who need the assistance the most. It would give to those who have greater ability to do for themselves an unjust and inequitable portion.

I thank the Senator very much for his clear statement. I hope that his amendment will be adopted. I intend to speak on the subject later.

Mr. DOMINICK. I very much appreciate my colleague's support on the amendment.

I ask Senators who are present in the Chamber, if we are really interested in equality of opportunity, why do we not put our money where our tongue is? Why do we not put it in areas where the opportunity is lacking? Why do we not put it in areas where the help is needed rather than building in the present inequities?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Colorado was present in the Chamber when I received certain information from the Senator from Oregon about how the allocation of funds would help impoverished areas. I have been highly impressed by the figures stated by the Senator from Colorado dealing with Dallas County in Alabama and Westchester County in New York. According to a book supplied to me today entitled "Elementary and Secondary Education Act of 1965," Westchester County is shown as having 6,210 children who would qualify under the proposed act. Westchester County would receive $2,189,000. I believe that I am correct in my calculation that Westchester County would receive approximately $3,000 per child. I wish to examine the statistics to determine whether or not my figures are correct. Is it $3,000 or $300 per child? Does the Senator know?

Mr. DOMINICK. I am not that fast a mathematician.

Mr. LAUSCHE. We must divide $2,189,000 by 6,210.

Mr. WILLIAMS of Delaware. I believe it would be about $353.

Mr. LAUSCHE. In Dallas County, Ala., the number of children shown is 5,279. The amount to be received is $736,260, which would mean that in Dallas County, Ala., the amount allocated would be about $150 a child.

Mr. DOMINICK. It would come to about $140, I believe.

Mr. LAUSCHE. My inquiry is as follows: Why should 1 of the 10 richest counties in the United States receive more than $300 per child, while one of the poorest counties in the United States would receive only $140 per child? It would require a rather ingenious mind to justify that disparity of figures. If the argument is that the teachers in Westchester County are paid much more than the teachers in Dallas County, the answer would be, "Give more money to Dallas County so that it can pay more money to its teachers."

Mr. DOMINICK. Exactly.

Mr. LAUSCHE. I did not make a memorandum showing what other counties the Senator from Colorado identified as being in the category of great disparity in the aid provided for the poorer counties and the richer counties. I should like to have the Senator reidentify those counties if he will.

Mr. DOMINICK. On page 7335 of yesterday's Record there is a list of the 10 wealthiest counties in the country and a list of the 10 poorest counties in the country. The Senator will find that the 10 wealthiest counties in the country would get almost $9 million, and the 10 poorest counties in the country would get $4.5 million. There is almost a 2 to 1 discrepancy in favor of the 10 richest counties in the country.

Specifically answering the Senator's question, the other counties that I referred to directly were mentioned by Mrs. Green, and they included Sunflower County in Mississippi, which is shown in that table; Westchester County in New York; Dallas County in Alabama; and Monroe County in New York. Monroe County is not mentioned in that list.

Mr. LAUSCHE. The tabulation appearing on page 7335 of the Record of yesterday's proceedings shows a proportion of about 2 to 1. That proportion practically corresponds to the portion allocated to Westchester County in New York and that allocated to Dallas County in Alabama.

Is that statement substantially correct?

Mr. DOMINICK. That is correct.

Mr. MANSFIELD. Mr. President, will the Senator allow me to ask a question at that point?

Mr. DOMINICK. Yes.

Mr. MANSFIELD. The figures with respect to counties have been mentioned several times in the past 2 days. On a percentage basis, how does that factor apply to the discrepancy on a quantitative basis in the counties mentioned? In other words, it is true that if an increase or an allocation based upon expenditures in those counties, ranging from 0.7 percent to 2 percent or 3 percent in the rich counties, and anywhere from 13 or 14 percent to 30 or 35 percent in the poorer counties——

Mr. DOMINICK. Is the Senator talking about the concentration of children that would be found in those counties?

Mr. MANSFIELD. No; the funds allocated, based upon the amount of funds spent in those counties at the present time on educational facilities in the depressed schools in the depressed school districts.

Mr. DOMINICK. I have a State-by-State percentage analysis of the effort that is made to put local taxes behind the school system, but I do not have the analysis broken down by counties. In some of the so-called wealthy States an effort is made to support their own schools in terms of a percent of income that is below the national average.

Mr. MANSFIELD. That is correct; but it is my recollection that the distinguished Senator from New York [Mr. KENNEDY] stated comparative figures yesterday which indicated that so far as percentages were concerned, more funds were being allocated to the poorer counties than to the richer counties, based upon the amounts of money expended by those counties for educational purposes.

Mr. KENNEDY of New York. That is correct.

Mr. DOMINICK. I believe that was on a per-child basis, and was not related only to children who would come within the terms of the bill.

Mr. MANSFIELD. I thought it related to children in depressed areas.

Mr. KENNEDY of New York. We have those figures.

Mr. LAUSCHE. Will the Senator from Colorado allow me to proceed with one or two more questions?

Mr. DOMINICK. I am happy to do so.

Mr. LAUSCHE. Is it not true that if a poor county, because of the paucity of money available, is spending a little, even though the Federal aid granted is small compared with the aid granted to a rich county, the percentage is extraordinarily high?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. That is, if a person who has nothing is granted just a little, the percentage of increase is great, even though the rich person be granted much more than the poor person is granted. Is that not correct?

Mr. DOMINICK. That is correct.

Mr. LAUSCHE. Is it fair to say that the analogy of trying to reach a conclusion on the percentage of aid given is fallacious? I shall not ask the Senator to answer that question. I asked the Senator from Oregon these questions earlier today.

If the amendment offered by the Senator from Colorado were adopted, would the rich States receive less and the poor States more?

Mr. DOMINICK. That is correct; that would be exactly the effect.

Mr. LAUSCHE. Does that not also mean that if the poor areas receive more and the rich areas less, the amendment proposed by the Senator from Colorado is in greater conformity with the declaration of policy contained in the bill than with the present formula?

Mr. DOMINICK. I thank the Senator for his inquiry. I agree with him. That is exactly why I have offered the amendment.

Mr. CLARK. Mr. President, will the Senator from Colorado yield?

Mr. LAUSCHE. Do not allow the Senator from Pennsylvania to take me off the track, please.

Let us assume that city X is a rich area, but that it contains pockets of poverty. Does that mean that city X provides inferior school facilities and teaching to the poverty quarter of X city than it gives to the rich areas?

Mr. DOMINICK. No. This is a very good point. I am glad the Senator from Ohio has raised it.

One point which I think should be emphasized is that there is compulsory education in all except two States. Every child of the age group which would be affected by the bill is required to go to school. In the two States where education is not compulsory, the children receive education anyway, because education is a part of our national pattern.

If one has a low income and has a child attending a local school, and the local school happens to be located in a rich district, the child will receive exactly the same schooling as children from rich families receive. So it depends on the location of the district and the overall support that that district receives in the school system.

Where the problem arises is in the concentration of a number of children in a district. This is clearly shown in the chart on page 7335 with respect to the 10 poor counties. The ratio of children who would be qualified under the bill to the total number of children in the district is set forth, and it runs anywhere from 35 to 54 percent of the total number of children. In the wealthy counties, which receive twice as much money, the ratio, with the same total number of children in the districts, ranges from 2 to 4 percent, as opposed to 35 to 54 percent in the poor counties.

Mr. LAUSCHE. The Senator from Colorado is a member of the committee which heard the testimony that was given. Is he able to tell the Senate whether any evidence was submitted that in a given community there was a difference in the type of schools provided for the rich and the poor? For instance, let us suppose that in city X three-fourths of the people are rich and one-fourth are poor. Were worse facilities, lower paid teachers, and other inferior services provided for the poor than were provided for the rich?

Mr. DOMINICK. I cannot answer the question on a blanket basis, because within a given city there might be more than one school district. But wherever the city was within a school district, it is apparent that the schools within that district would be operated on the same pattern, whether the children attending them come from rich families or poor families.

Mr. LAUSCHE. Let us assume that city X has rich and poor. In my State, I know of no place where, in a given school district, service inferior to that rendered the rich was rendered to the poor.

The Senator from Oregon has said that the District of Columbia operates in that way. If it does, Congress is in charge of the District of Columbia, and it ought to rectify the condition. But I know of no place in my State where that is done.

Mr. DOMINICK. I agree with the Senator from Ohio. If that is true with respect to the District of Columbia, my bill should be passed to establish a separate school system, so that the schools can be operated in one pattern. This might be helpful.

But going beyond that, the Commissioner of Education repeated again and again, in answer to questions submitted by the Senator from New York [Mr. KENNEDY] and me, that there was a noticeable correlation between low-income families and the inability of the children of such families to get the same educational advantage from a school as a child who comes from a wealthy family receives. This was said time and again.

So what he was urging and what I have been urging is that if we are to spend the money, we should spend it on a program that will help those children, and not children in general.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. DOMINICK. I yield.

Mr. CLARK. The Senator and I have had some good-natured exchanges about his position and mine with respect to the validity of the formula in the bill and his suggested substitute.

It has been my experience—and I hope that, drawn from his financial background, the Senator from Colorado has had the same kind of experience—that there are three kinds of lies—ordinary lies, big lies, and big statistics. If we pull the right statistics out of the hat, we can prove almost anything.

I hold in my hand a book entitled, "Statistical Abstract of the United States, 1964" which is Comstock, 185, 2d session of the 88th Congress.

As I was idly looking through it the other day, I ran across table No. 381, the "Per capita Federal grants to State and local governments, by persons."

This table listed the States in alphabetical order. I call to the attention of my friend the statistics with reference to Colorado and Pennsylvania, since that is the subject with reference to which we have been enlightening each other for the past several days.

Under Colorado, we find that the total of grants for various Federal projects was $120 million. The grants in Pennsylvania were $423 million. These are for the years 1960 to 1962.

Then we find, somewhat to my surprise—and I invite the attention of the Senator from Colorado to this—that the average per capita income for Colorado was $2,332. The average per capita income for Pennsylvania was $2,301. From this table, it would appear that Colorado is a richer State than Pennsylvania on a per capita basis.

I congratulate the Senator from Colorado on the economic prosperity of his State.

Mr. DOMINICK. I only wish it were true.

Mr. CLARK. This document is an official publication of the U.S. Congress.

The table then shows that the per capita grants to Colorado, for all kinds of

Federal programs, were $63.28. The comparable figure for Pennsylvania is $37.14 per person.

We come now to Federal aid to education. Of course, in those days the National Defense Education Act, the Impacted Areas Act, and various other programs were on the books. We find that the per capita grant for education in Colorado was $5.77, whereas the per capita grant for education in Pennsylvania was $1.27.

I wonder if the Senator from Colorado would agree that that shows a substantial inequity with respect to Pennsylvania as opposed to the great State of Colorado.

Mr. DOMINICK. Mr. President, yesterday I understood from my good friend, the Senator from Pennsylvania, that if we decided to say which State was going to get more and which State was going to get less, we would not be acting in the national interest.

Mr. CLARK. The Senator is quite correct. It so happens that, in my considered judgment, I am acting in the overall national interest. It is a happy coincidence that it happens to be in the interest of my own State.

Mr. DOMINICK. Mr. President, I am unhappy that I have been unable to persuade the Senator on the merit of my position. My position is taken solely for the purpose of trying to do something in conformity with the policy set out in the bill. If we continue under the formula set up now, it does not seem that we will accomplish this aim.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. CLARK. The reason I raise that point is that it tends to emphasize, to my way of thinking, the point I made to the Senator from Colorado yesterday, and in committee, that we must look at the whole picture and not merely a formula for the bill in order to determine whose ox we are going to gore.

I thank the Senator.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. FANNIN. Mr. President, I thank the Senator from Colorado. I speak as a cosponsor of the pending amendment.

The distinguished Senator from Colorado has ably diagnosed the many serious defects of H.R. 2362. He has offered a constructive amendment to correct what is perhaps one of the most glaring deficiencies in the bill.

All of us are motivated by the common desire to help educationally deprived children from low-income families, regardless of where they may live. The American people have been told this is the major objective of the bill, and the bulk of the Federal funds would be authorized for this purpose. But it is obvious to even a casual reader that this bill simply will not accomplish what it presumably was drafted to accomplish.

On the contrary, its formula for distribution of more than a billion dollars of Federal funds clearly will result in a gigantic windfall for some of the wealthiest counties in the Nation. At the same time, some of the truly poverty-stricken counties would receive far less assistance by comparison.

In plain language, this is a something for everybody bill that would throw Federal largesse to more than 94 percent of all counties in this country.

The amendment goes a long way toward pinpointing the areas of actual need in the allocation of money.

Instead of funneling millions into the wealthy suburban counties surrounding some of our metropolitan centers, this amendment would channel more of the funds to really poor counties where they are needed. It would also give proportionately more help to those States whose taxpayers already are spending a relatively higher percentage of their total personal income on elementary and secondary education.

Countless examples were submitted in the committee to demonstrate the inequities of the pending bill and to point out how the amendment could improve it. These were rejected with little or no discussion or consideration.

As a Senator from Arizona, I believe the poor children in my State deserve help just as much as the poor children in any other State.

I must protest against a formula that would give the 10 wealthiest counties in the United States nearly $9 million dollars and 10 of the poorest counties only half as much, all under the guise of helping to provide better education for poor youngsters.

Throughout the language of this bill there is woven the implication that the Federal Office of Education can do better what the States and local school districts have been doing since the beginning of our Republic.

Let me cite one of the reasons why I am not convinced that this is so.

In my State we happen to have a continuing demonstration of the Federal Government's competence in this field.

I refer to the thousands of Indian children on reservations whose families are truly stricken and handicapped by the most grinding kind of poverty. They are at the absolute bottom of the economic scale.

This situation exists, notwithstanding the solemn treaty obligations of the United States to provide these children with adequate education and health facilities. The Government has clearly failed to live up to its responsibilities in this area.

I submit this is a clear-cut living example of how well the Federal Government has performed over a long period of time, from 1868, as a matter of fact, up to the present day on the Navajo Reservation.

The 1964 Bureau of Indian Affairs census listed a total of 23,191 Navajo children between the ages of 6 and 18 on the Arizona portion of the reservation. Virtually all of them come from families that would qualify as poverty stricken.

Of this number, approximately 3,500 were not enrolled in any kind of school.

In other words, after nearly a century of Federal responsibility, about 15 percent of all Navajo children of school age on the reservation are not even attending a school of any kind.

The chairman of the Navajo Tribal Council, Mr. Raymond Nakai, has estimated that about three-fourths of the adult population on the reservation cannot read, speak, or write the English language.

This is hardly the kind of record to inspire confidence in Federal ability to administer educational programs as compared to local supervision.

The Federal Government's failure to fulfill its responsibilities to the Indians was openly admitted last month by another Federal agency—the Office of Economic Opportunity.

I have with me two bulletins released by that agency last month, which announced the grant of more than $1 million to the Navajo Tribal Council for antipoverty projects.

I want to read them because they point out in the Government's own language how bad a job has been done in the past.

The first bulletin relates to the Navajo Tribal Council at Window Rock, Ariz., and reads:

> Five hundred Navajo children living in primitive conditions will soon go to a school designed exclusively to implement an attack on poverty.
>
> A Federal grant of $214,300 to the Navajo Tribal Council in Window Rock, Ariz., will establish a program of first-class education at the Lukachukai School in the northeastern corner of Arizona. Sargent Shriver, Director of the Office of Economic Opportunity, announced the grant today.
>
> A recently built facility of the Bureau of Indian Affairs, the school will employ a new curriculum and advanced techniques, including language laboratories to teach English. Most of the children speak only Navajo.
>
> Courses in Navajo culture and history are expected to instill a sense of cultural pride in the students. Preschool sessions will give the youngest children an early start in their growth out of poverty.

I now wish to refer to a bulletin of the Office of Economic Opportunity:

> An antipoverty grant of $920,400 will be invested in improving the conditions of life for more than 93,000 Navajo Indians suffering severe deprivation on reservations in Arizona, New Mexico, and Utah.

That is less than $10 per person.

Continuing the quotation:

> The award was announced today by Sargent Shriver.

I feel it is imperative that I bring this matter to the attention of our colleagues when we talk about education of the children of our country, when we realize how we have failed in this regard, and how our Indian people have suffered some of the inequities mentioned in this discussion.

The proposed amendment would not correct all of these inequities, but would certainly help overcome part of the problem.

I feel that it is highly essential that this amendment be adopted, as it would do much of what we have failed to do in previous legislation for our Indian people, as well as many other children throughout the Nation who are underprivileged.

Mr. DOMINICK. Mr. President, I accept with gratitude the contribution of my distinguished friend from Arizona.

It seems to me he has made a very important statement. Indians, wards of the Government, who needed education, apparently were not given an opportunity to go to the local school district to get an education. I gather that the Bureau of Indian Affairs, the Federal agency designed to do something for those people, has not done it. Perhaps if we can get more money into Arizona something can be done about taking care of this pressing problem.

Mr. ELLENDER rose.

Mr. DOMINICK. Mr. President, if the distinguished Senator from Louisiana [Mr. ELLENDER] will permit me to do so, I wish to yield to the Senator from Vermont [Mr. PROUTY], and then I shall be glad to yield to the Senator from Louisiana.

Mr. PROUTY. Mr. President, I regret very much that I am unable to support the Senator's amendment, because I am sympathetic toward the purpose he has in mind. However, we are primarily concerned not with poverty-stricken children, but children who are educationally deprived. I think that should be the purpose of the legislation.

My own State is very small. We are making a valiant effort to raise our educational standards, which compare at the present time very favorably with those in other States. We have one of the highest State income taxes in the country. We are doing our utmost to improve our educational system generally.

I note, however, that the table submitted by the distinguished Senator from Colorado indicates that my State would show a net gain of $52,293 under his proposal. However, there is an error in the figure for Vermont's current expenditures per pupil in average daily attendance. This error is in no way due to the Senator from Colorado. There was a mixup in estimating Vermont's 1963-64 current expenditures, and this error appears in the 1964 Digest of Educational Statistics upon which the Senator relies in computing his figures.

In brief, Vermont is listed as having $387 current expenditures per pupil, when in fact the figure, as certified by the Research Division of the Vermont Department of Education, is $437. The same basic error underestimates Vermont's effort index. Instead of the 4.24 figure given, recalculation on the basis of the correct current expenditure figure yields 4.70, which compares favorably with the national average of 4.60.

Under the bill as it now stands, Vermont would receive $218.50 per eligible child, while under this amendment, Vermont would receive only $200 per child.

The net effect of the amendment being offered by the Senator from Colorado would result in a net loss to Vermont of $67,870.

Mr. DOMINICK. Mr. President, I do not know how any error crept into the figures. I took the figures from the Office of Education's statistics. I wonder if we may not be comparing oranges and apples, and whether the Senator is considering all pupils, and I am talking about pupils in the poverty deprived definition—in other words, as an educationally deprived child is defined in the bill.

Mr. PROUTY. The information was given to me by the Vermont Department of Education. I am sure its figures are accurate.

Mr. DOMINICK. I yield now to the Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Mr. President, I have prepared a table showing the estimated public expenditures for the elementary and secondary schools in each State for 1964-65; the fund allocation under title I of the current bill, and the percentage of each State's education budget which those allocations represent.

Before referring to that table, I wish to say that one of the difficulties we had in 1948 in preparing an aid to education bill was in arriving at how to divide the money that might be appropriated. The late Senator Taft and I found no method by which it could be done to satisfy everybody.

As I stated yesterday, in order to be able to enact a bill, we found it necessary to give to each State a certain amount per child.

Mr. DOMINICK. A basic share per child.

Mr. ELLENDER. We started out by seeking to make it possible for each State to spend a minimum of $40 per child in 1947, and raised it to $45 or $50 in the bill which finally passed the Senate in 1949. We also provided that each State would receive no less than $5 per child in Federal funds, as I recall. That put a little sugar under the beehive.

Mr. DOMINICK. We have a floor of $200 under this proposal.

Mr. ELLENDER. If the Senator will permit me, I will use this table to indicate that the education budgets of some of the poorer States will be benefited by the formula in the current bill to a much greater degree than the budgets in some of the richer States will be. For instance, the State of Mississippi holds first place in this table. The amount of Federal funds that would be allocated to that State if the bill is passed represents 15.7 percent of Mississippi's estimated budget for the operation of its public elementary and secondary schools. Its 1964-65 school budget amounts to $178,500,000.

Under this bill, Mississippi would receive $28,029,000, or 15.7 percent of the money being spent for education in Mississippi this year.

In Nevada, which would receive the smallest percentage figure under the bill, the State spends $68,100,000 for education. Under this formula, it would receive $658,000, or 0.9 percent of its lower education budget should this bill be enacted into law as written.

The State whose school budget would receive the second highest percentage in Federal aid is Arkansas. Arkansas will spend an estimated $153,952,000 in 1964-65. That State would receive $21,095,000 from the Federal Government if this bill should be enacted, which would be 13.7 percent of all funds being spent for schools in that State.

Arkansas, of course, is not so well to do as some of the others of our Nation, which this table indicates will receive a very small percentage increase in their education budgets.

I do not wish to discuss the situation in every State, but with the permission of my good friend, the Senator from Colorado, I should like to place this table in the RECORD. I believe that it is indicative of the fact that the States which are more in need do receive relatively more aid than the richer States. The States from the South, and I believe West Virginia, would make up the 10 States receiving the highest percentage of Federal funds in proportion to what each State spends of its own funds.

One of the richer States mentioned quite a few times today is New York.

New York spends $2,722 million for schools. Under the formula written into the bill, it would receive $91,983,000, which represents 3.3 percent of what is being spent by New York State this year. It is not among the 10 richest States.

Mr. DOMINICK. What is not among the 10 richest States?

Mr. ELLENDER. By that I mean it is not among those 10 States receiving the lowest percentage of Federal sums in comparison to the amount which the States spend. There are, of course, other factors in the percentage figures which do not show up in this table.

In other words, the table has, in one column, the estimated expenditures for public schools, 1964-65, by the States, including capital outlay and interest. Then the funds allocated under title I of the bill are shown in column 2 and those allocations, as a percentage of the State educational budget, appear in column 3.

Mr. DOMINICK. I would suggest to the Senator that the Senator from Ohio answered it very easily. He referred to the fact that if one has a little money, and he receives a little more, then that additional amount is a big percentage. If one has a lot of money, and receives a large sum in addition, then he has received only a small amount in terms of percent.

Mr. ELLENDER. I was merely pointing out that no matter what formula was used, everyone would not be satisfied that justice was being done. This formula, it would seem to me, indicates that the States which need it the most will get the largest percentage, in proportion to what it spends, than the richer States.

Mr. DOMINICK. Let me say to the Senator——

Mr. ELLENDER. I am not wedded to the formula. I should like to see a better one, but irrespective of what the formula contains, we are going to take from someone in order to give to others.

One formula which was presented to the Senate yesterday would have given the State of Louisiana, I believe, $27 million more than the formula which is now in the bill. But in giving that much more to Louisiana, we would have to take from others.

It is very difficult to work out a formula which provides aid more or less equally to all. The idea that I had, when we first tried to provide Federal funds for elementary and secondary schools in the States, was to create a huge equalization fund and to draw from that fund sufficient money in order to give to a child—no matter where he lived—a fair amount of education. That would be the formula I should like to propose, but I doubt that we could get such a formula through. It would deprive many States which would receive no funds at all. I doubt that the Senate could be persuaded to pass such a bill. Unless we in some way provided money for all States, I doubt that we could enact any bill to assist elementary and secondary schools that really need it the most.

Mr. DOMINICK. Let me say to the Senator from Louisiana that I know that he has been involved in these flights and debates for quite a long time. I quoted from Senator Taft in 1949 when the Senator said that he stood shoulder to shoulder with him. I quoted directly what Senator Taft had said; namely, that the only way in which we could get this on an equitable basis was on a per capita basis, and that if we add it all up, how much is going to education, one can see how much of the income of a State, or the wealth of a State, is being used for educational purposes. The States which the Senator from Louisiana mentioned are putting forth a far greater effort in the educational system of their States, in terms of per capita income, than are the wealthy, industrial States of New York, Illinois, Pennsylvania, and so forth.

Mr. ELLENDER. Would the Senator from Colorado permit me to place this table in the Record?

Mr. DOMINICK. I should be happy to have him do so.

Mr. ELLENDER. I thank the Senator very much.

Mr. President, I ask unanimous consent to have this table printed in the Record. The 10 States which will have the greatest percentage of their elementary and secondary school budgets supplied under title I allocations are marked with A–1 to A–10. Those receiving the smallest percentage are marked by B–1 to B–10.

There being no objection, the table was ordered to be printed in the Record, as follows:

[In thousands]

	Estimated expenditures for public schools, 1964–65, by States, including capital outlay and interest	Funds allocated under title I of education bill	Title I allocations as percent of State education budget
Alabama, A–4	$247,125	$31,738	12.8
Alaska	38,779	1,431	3.6
Arizona	175,000	9,757	5.5
Arkansas, A–2	153,952	21,095	13.7
California, B–4	3,191,000	73,145	2.2
Colorado	274,750	8,454	3.0
Connecticut, B–3	348,150	7,175	2.0
Delaware, B–10	70,993	1,967	2.7
Florida	625,003	27,896	4.4
Georgia, A–10	387,518	34,518	8.9
Hawaii	75,080	2,128	2.8
Idaho	68,450	2,311	3.3
Illinois	1,249,396	43,361	3.4
Indiana	594,470	18,773	3.1
Iowa	314,346	17,325	5.5
Kansas	272,500	9,753	3.5
Kentucky, A–5	$234,750	$28,215	12.0
Louisiana, A–9	359,350	37,904	10.5
Maine	92,525	3,907	4.2
Maryland	454,848	14,356	3.1
Massachusetts, B–8	534,000	13,989	2.6
Michigan, B–9	1,170,000	32,729	2.7
Minnesota	503,500	20,877	4.1
Mississippi, A–1	178,500	28,029	15.7
Missouri	435,500	26,867	6.1
Montana	93,600	3,750	4.0
Nebraska	156,100	6,793	4.3
Nevada, B–1	68,100	658	.9
New Hampshire, B–5	68,490	1,610	2.3
New Jersey, B–6	865,100	20,196	2.3
New Mexico	137,400	8,932	6.5
New York	2,722,000	91,893	3.3
North Carolina, A–6	414,877	48,556	11.7
North Dakota	73,225	5,070	6.9
Ohio	1,201,300	36,709	3.0
Oklahoma	239,160	15,596	6.5
Oregon	280,800	7,894	2.8
Pennsylvania	1,076,824	49,520	4.5
Rhode Island	84,275	3,747	4.4
South Carolina, A–3	196,350	25,519	12.9
South Dakota	81,025	6,249	7.7
Tennessee, A–8	293,300	31,093	10.6
Texas	1,079,000	74,580	6.9
Utah, B–2	148,600	2,628	1.7
Vermont	40,210	1,556	3.8
Virginia	424,500	29.434	6.9
Washington, B–7	462,200	11,275	2.4
West Virginia, A–7	146,650	15,741	10.7
Wisconsin	502,200	16,078	3.2
Wyoming	52,300	1,471	2.8
District of Columbia	83,054	4,633	5.5

Sources: (1) "Estimates of School Statistics," 1964–65, p. 31, National Education Association Research Division. (2) Rept. No. 146 of the Senate Committee on Labor and Public Welfare, accompanying H.R. 2362.

Mr. DOMINICK. Mr. President, I yield the floor.

Mr. MORSE. Mr. President, the Senator from Louisiana has made the case. I am not going to take the time of the Senate. I have already discussed it at great length.

I ask unanimous consent to have printed in the Record the statement against the amendment formula which I used in committee.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Proposed Amendment to H.R. 2362 by Senator Dominick

This proposed amendment includes two changes in the present formula: (1) The use of a flat $200 payment per deprived child supplemented by (2) a bonus of $1 for each .01 percent that the State's elementary and secondary educational effort exceeds the national average. "Effort" in this case is the ratio of elementary and secondary expenditures to personal income.

THE USE OF A FLAT RATE PAYMENT PER DEPRIVED CHILD

The following points can be made relative to the use of a flat rate payment per deprived child:

1. Title I is not a foundation program designed to equalize educational programs at a fixed level of support.

2. It is a compensatory program designed to provide the extra effort needed in each school district to offset the disadvantages of the educationally disadvantaged child.

3. It takes more money in a high expenditure State to make the same relative extra effort than it does in a low expenditure State.

4. The use of a flat rate expenditure per child would overcompensate in some school districts and undercompensate in others. The use of the present State average expenditure per child will result in such high percentage increases in some low expenditure districts that it will be necessary to provide a 30 percent cutoff for the first year in order to assure prudent expenditure of funds. The use of a flat rate would simply compound this problem while reducing the ability of high expenditure States to meet their needs.

5. The present formula is a combination of self-compensating factors. The poverty level measure is fixed, but the level of expenditure is variable. We know, for example, that a $2,000 level of family income in rural Mississippi is not the same level of poverty as a $2,000 family income in New York City. The higher Federal payment per child in New York does, however, compensate for the lack of a higher income level for poverty in that State. The use of the effort factor actually increases the disparity rather than compensates for it.

THE USE OF AN EFFORT INDEX

There are at least four important reasons why an effort index is not appropriate as a part of the basic allocation formula in the proposed "Elementary and Secondary Act of 1965."

1. Special educational needs: This legislation is designed to meet the special educational needs of educationally deprived children. These needs exist regardless of the effort of the individual States. If they do not exist, then programs for such children cannot be justified, and no payments will be made. In virtually all special State programs for the handicapped, which are similar in concept to this legislation, payment is made for the extra costs of such programs without regard to the wealth or effort of the local educational agency. The present formula is designed to give a fair distribution to the States to meet the relative impact of these extra costs. The proposed formula would reduce the ability of some high educational cost States to meet these extra needs by reducing their total allocation even though they are making an above average effort as defined under the amendment.

2. Effort measure is incomplete: Use of educational expenditures alone does not give a true measure of the States fiscal effort. If viewed selfishly from an educational point of view, other governmental functions may be ignored; but, in fact, they are important to the ability of the State and local tax systems to supply the necessary funds. The use of a combined effort index gives a different distribution than the one proposed.

Even a combined index, however, ignores privately supplied services which may vary extensively from State to State. This becomes particularly important for the educational function with its wide variation in the proportion of public versus private expenditures at all levels of education. Generally, the same group of States which is penalized by the use of a flat payment per child will also be penalized by the lower effort measure which results if all educational expenditures are not included.

3. Effort measure is not uniform: While this effort measure is expressed in percentage terms, it does not necessarily follow that a 5-percent effort in one State is the same as a 5-percent effort in another. Without getting into the technicalities of marginal income concepts it may be generally noted that a wealthy State can afford to spend a higher percentage of its total income on any or all governmental functions than a poor State because there will still be more left in the private sector in per capita dollar terms than in the poor State. It is probably not possible to indicate exactly how

this varies because it is difficult to deduct the extra cost of living portion from higher personal incomes, but it is possible to see the philosophical relationship to the wealthy individual versus the poor. Ten percent of a $100,000 net income after taxes does not represent the same sacrifice as 10 percent of a $2,000 net income. Ample funds are left for basic needs from the $90,000 remainder; whereas the $1,800, or even the original $2,000, may not provide for basic needs.

4. Effort bonus is already supplied: The special incentive grants included in the proposed legislation will supply, beginning in fiscal year 1967, additional sums to local educational agencies that make an extra effort in their educational expenditures. They will not be handicapped by State averages which deny them aid because other local agencies have chosen not to make the effort, as the proposed amendment would. Under the present language each local educational agency will be able to reap the benefits of its extra efforts, in matching dollars for programs for the educationally deprived, assuming that the State support remains at least constant.

REMOVAL OF 30-PERCENT LIMITATION

It should also be noted that the proposed amendment removes the 30-percent prudent expenditure provision of the current language while increasing by 50 percent or more the allocations in those States where the prudent expenditure limitation would largely apply. It seems inconceivable that a school district would be able to virtually double its expenditures in 1 year without great waste and yet that is being invited by this type of amendment. It must be remembered that this is not a general aid bill, but even if it were, it is doubtful that these districts could absorb so much, so fast. It is next to impossible where plans must be submitted and approved for special programs.

CONCLUSION

This amendment would provide a distribution which is unlikely to improve the situation for the deprived child over the present distribution in the States receiving the greatest gains and will seriously reduce the benefits to deprived children in the States receiving the greatest reductions.

Mr. MORSE. The test is the assistance which the Federal Government gives to the so-called slum schools or lower quality schools in the deprived areas of the country. The Senator from Louisiana has pointed them out.

Mr. President, I ask unanimous consent to have printed in the RECORD a table covering the expenditure of the 10 wealthiest counties in the United States as well as the 10 poorest counties in the United States and the Federal contribution to the educational budget of each group.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Administration's school-aid bill—Federal funds for the wealthy

County and State	Family income data			School-age children		Funds for county in 1st year under administration's school bill
	Median income	Percent under $3,000	Percent $10,000 and over	Number in families with less than $2,000 income	Percent of all school-age children	
United States	$5,660	21.4	15.1	4,911,143	11	$972,726,965
10 wealthiest counties:						
Montgomery (Maryland)	9,317	5.5	44.6	2,343	2	572,864
Arlington (Virginia)	8,670	6.0	38.6	1,347	4	235,725
Fairfax (Virginia)	8,607	5.8	37.8	1,994	3	348,950
Du Page (Illinois)	8,570	5.9	36.0	1,853	2	443,794
Marin (California)	8,110	8.8	33.4	1,278	4	338,670
Westchester (New York)	8,052	8.0	36.3	6,210	3	2,189,026
Bergen (New Jersey)	7,978	6.4	32.1	4,631	2	1,315,204
Union (New Jersey)	7,746	7.8	30.5	3,743	3	1,063,012
Montgomery (Pennsylvania)	7,632	7.4	30.7	3,535	3	857,238
Fairfield (Connecticut)	7,371	9.3	29.1	5,269	4	1,553,604
Total eligible children and funds				32,563		8,918,087
10 poor counties:						
Grant (West Virginia)	2,437	64.0	3.0	833	35	124,950
Falls (Texas)	2,287	60.6	4.0	2,233	41	432,086
Sunflower (Mississippi)	1,790	68.1	3.9	6,184	42	745,173
Knox (Kentucky)	1,722	70.5	1.7	3,137	39	470,550
Tensas (Louisiana)	1,683	70.9	3.3	1,651	41	329,375
Williamsburg (South Carolina)	1,631	68.3	2.5	6,118	41	810,000
Sumter (Alabama)	1,564	72.3	2.7	2,790	43	390,600
Holmes (Mississippi)	1,453	72.0	2.8	4,543	52	547,432
Breathitt (Kentucky)	1,432	76.0	2.0	1,998	39	299,700
Tunica (Mississippi)	1,260	77.8	3.7	2,965	54	357,283
Total eligible children and funds				32,452		4,507,149

Sources: U.S. Department of Commerce, Bureau of the Census, "County and City Data Book"; Committee on Education and Labor, House of Representatives, "Education Goals for 1965" (committee print), pp. 65–126.

Mr. MORSE. The 10 wealthiest raise $466,683,000, in round numbers. The Federal Government contributes $8,919,000, or 1.9 percent of their budget. The 10 poorest counties raise $13,197,000, and the Federal Government contributes $4,508,000, or 34.2 percent of their budget, under the program.

The Federal Government will pay a substantially higher amount, percentagewise, in the poorer school districts than in the higher school districts.

That is a fair formula.

If we adopt a different formula, we shall discriminate against the deprived children in the slum school districts of New York City and in the slum school districts in Chicago and in every other slum school district in the country.

Why do I say that? It is because we will then be interfering with the carrying out of the objective of the bill, as intended by the policy of the bill.

Why do I say that? I say it because the bill—and the educational people of the country are united on this point—is designed to narrow the gap between the poor quality school districts in each State and the better quality school districts in each State. That is what we are seeking to do.

However, if we follow the formula of the Senator from Colorado, we shall not accomplish a narrowing of that gap in the slum school districts in New York City or in Chicago or in Detroit to the same degree that we will in Mississippi, Alabama, or any of the so-called poor counties.

I do not believe that is fair. Senators may say, "But they still pay a great deal more money." We are trying to give the students in each poor State the same advantages that the students in the better districts receive. That is the theory of the bill. The Senator from Colorado attacks the whole theory and policy of the bill. He would assume that it is a general aid bill. It is not a general aid bill.

Title I is clearly a title that goes to a special class of students, called the educationally deprived students. The money does not go into any rich school district without such children. It goes into the poor school districts. It is to be used for educationally deprived children. I think it is very unfair, on the basis of that policy, in effect, to give less to the poor schoolchildren in New York City.

Senators may say, "They will get more money than those in Mississippi." That is true. But they need more money in order to help bring them up to the overall level of the school districts in New York City and in other areas of the country.

I shall make one more comment and then take questions before I close.

The Senator from Colorado would accomplish his purpose by increasing the amount to be authorized by the bill by $128 million.

Therefore, we should keep in mind that the pending bill would cost much less than it would with the amendment offered by the Senator from Colorado.

I close my comments by saying that we have a formula which has been worked out by the educational groups of the country. It has been worked out by the people in the office of education, in the Department of Health, Education, and Welfare, and in the Bureau of the Budget.

This causes me to make a quick comment about the 30 percent cutoff. If we take the amount of money that the Senator from Colorado proposes, in many school districts there will be a recapture of the funds because, as the testimony shows, they could not wisely spend the money this year. This is a 1-year authorization. They could not spend the money this year without waste. They should not expand their budgets beyond 30 percent a year. If they receive funds beyond the 30 percent expansion of their present budget they must return the money to the Treasury of the United States if this provision is returned as it should be.

We shall have a chance 1 year from now to review the authorizations. If we find that some changes should be made, we can make them. However, the bill is ready to be put to work. In my judgment the bill ought to be adopted without adding to it the amendment of the Senator from Colorado.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. Do I correctly understand that the apportionment formula is one which applies to the allocation of the total amount of money between the States, rather than primarily to the allocation to school districts within a State?

Mr. MORSE. The money that goes to the States is to be allocated in terms of the number of school districts in the State that qualify under the criteria required to be applied in the determination of the number of deprived children in a given school district.

As I said to the Senator from Louisiana yesterday and the Senator from Ohio today, unless there are that number of deprived school children in a district, it does not get a dollar. If among the school districts there is a so-called high-level school district, and if in that school district there are a few deprived children, that school district does not get a dollar, because those children are already getting the benefit of higher quality education.

I was surprised this afternoon to hear my friend from Ohio take the position that he thought the quality of education in a given city school district was the same as in any other school district in the city. One need only go within a few blocks from where I am speaking to know that that is not true. Or one could go with the Senator from New York to visit in one of the slum areas in New York City. We see a great disparity in the quality of education so far as the various school districts in New York City are concerned. Or we could go with my friend from Illinois to the city of Chicago and find the same situation.

I wish to stress this point. What the Senator from Colorado is trying to do is to compare the amount of money among the States, rather than to compare the amount of money in terms of what the deprived children in a given State get in relationship to what the State already supplies students in the better school districts.

Mr. DOUGLAS. That is what I was trying to approach. I understand that the allocation between the States is determined not merely by the number of children in the families of abject poverty, but also is modified by the amount that is actually spent on education in the State. Is that correct?

Mr. MORSE. Yes; and there is a guarantee that they will not spend less.

Mr. DOUGLAS. Is there any requirement that in the allocation of the State figure between the various school districts the amounts spent by the local school districts are also taken into account, or is it merely the number of children in families who are in abject poverty?

Mr. MORSE. The only check is that the bill provides that they cannot spend less than they spent last year in order to get the money under the bill.

Mr. DOUGLAS. But it is intended that the money should be allocated between the different districts in proportion to the number of children who are in abject poverty. Is that correct?

Mr. MORSE. Yes.

Mr. DOUGLAS. Suppose we consider communities like Grosse Pointe, Mich., Scarsdale, N.Y., Lake Forest, Ill., and so forth, which, in the main, consist of extremely wealthy people, but which also have some children who are poor. Will the sums granted to such a district be used to raise the general level of education, or will they be used for special education to be given to the poor children?

Mr. MORSE. If school district X in any one of these cities or communities qualifies for assistance under the Act, the plan that is submitted by the local authorities will be a variable plan. For example, they may find that they wish to solve a remedial reading problem or that what they need is a school breakfast program, because some of their youngsters are sent to school hungry. They can use it for those purposes, but the local authority must determine the answer by the programs they submit, which are approved by the State agency as being in conformity with the objectives of this bill, and the funds are granted on that basis.

Mr. DOUGLAS. We are making legislative history tonight.

Mr. MORSE. Yes.

Mr. DOUGLAS. And that will guide the Department of Health, Education, and Welfare in the interpretation of the law.

Mr. MORSE. We made the statement in the report, and I covered the subject yesterday, too. I would be glad to repeat it.

Mr. DOUGLAS. I should like to have the point clinched. In the allocations which would be made to specific school districts, is it the purpose of the bill that the money should be used predominantly for the benefit of the children of needy families?

Mr. MORSE. That is the entire purpose.

Mr. DOUGLAS. The money would not be used to subsidize general education, of which the children of the wealthy and the wealthy school districts would be the primary recipients?

Mr. MORSE. They could not get the money.

Mr. DOUGLAS. That is an important point.

Mr. MORSE. They could not get the money.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. KENNEDY of New York. Have we not found in our hearings that districts in areas of the United States which are considered to be wealthy have deprived children whose education is suffering?

Mr. MORSE. In every State there is a surprising number of what I have constantly referred to as so-called slum school districts or deprived school districts, and a few blocks or perhaps a few miles away from such districts, there will be a very wealthy district.

Mr. KENNEDY of New York. For example, I believe we would all consider that New York City is a wealthy part of the United States.

Mr. MORSE. That is correct.

Mr. KENNEDY of New York. Is it not true that, according to statistics that were placed before the committee, a child in Harlem, for example, between the third grade and the sixth grade in New York City loses 10 points because of IQ?

Mr. MORSE. I understand he loses 10 IQ points when retested. As the Senator from New York pointed out in the hearings, the dropout problem is created in such areas. We must do something in the Harlem school district in order to get the level of the quality of education up nearer to the level of education in Westchester County.

Mr. KENNEDY of New York. Is it not true that we found that by the eighth grade many of the children in the Harlem school district are already 2 years behind?

Mr. MORSE. By the eighth grade I fear too many of them are lost.

Mr. KENNEDY of New York. Is it not also true that we found that even in the case of States such as the State of New York, the State of Illinois, or any of the other States which have been mentioned today, in some parts of such States three times the amount of money and three times the amount of effort is made in the more wealthy areas of such States, and the children who go to school in deprived areas in those States suffer?

Mr. MORSE. That is correct.

Mr. KENNEDY of New York. A number of references to the State of New York have been made which might give the impression that New York was playing the role of Shylock. We have heard that a great deal of money would come to New York, which is a wealthy State, while other States would suffer. The record indicates quite to the contrary, does it not?

Mr. MORSE. I know that the Senator from New York does not wish to take the time to repeat what he so eloquently said yesterday, though I wish he would give a summary of his statement. His statement yesterday in regard to the bill vis-a-vis the wealthier States and the equity to which they are entitled in connection with the bill is devastating in answer to the argument that we would be justified in funneling huge sums off certain States to be put into the slum school districts of other States, thereby discriminating against their own slum school districts. I wish the Senator from New York would give a brief summary of that statement.

Mr. KENNEDY of New York. As the Senator from Oregon pointed out, there is no question that education is a national problem. It is not merely a problem of New York, Mississippi, or Alabama. If we make progress in education in the State of Mississippi, it will help in the State of New York. If we make progress in the State of Massachusetts, it will help in the State of Alabama or the State of California. The problem is a national problem, and we all must make an effort to solve it. The effort must be made, as the Senator from Louisiana said, on a nationwide basis. In the State of New York, where classrooms are at least 50 percent more expensive than they are in some of the other States mentioned, where the salaries of teachers are at least 50 percent more than they are in some of the other States, a great effort must be made.

I point out that under title I the State of New York will pay $143.1 million, while it will receive in funds under that title $91.9 million. In other words, it will pay about $50 million more than it will receive back.

Alabama, which has been mentioned, will pay $10.3 million in taxes, and will receive $31.7 million back.

North Carolina, which has been mentioned, will pay $15 million in taxes, and will receive $48 million back.

Texas will pay $45 million in taxes and will receive $74 million back.

West Virginia will pay $7.2 million, and will receive $15.7 million back.

I believe that we in New York have a responsibility. In the New England States there is a responsibility. There is a responsibility in the industrial States to other parts of the United States. There is a responsibility on the part of other areas of our country where there is greater wealth to areas where there is less wealth. But I think it should also be pointed out, so the Record will be completely clear, that the role of the State of New York and the industrial States is not that of a Shylock. Money will not be collected from the poorer States to be used in the State of New York. At the same time, we have problems in the State of New York and all the other industrial States. We have the problem of crime in the cities and crime on the streets.

That problem arises from the fact that there is a lack of education and a lack of hope. A sufficient effort must be made by the local community and the State. We need also the help of the Federal Government. We must pool all our resources in a formula that cannot be absolutely fair. Obviously there will be inequities.

There are indications in the State of New York to the effect that the poverty level is $2,000, not $3,000. In the State of New York there are children on relief who would not qualify for help and assistance under the proposed program. But I support the chairman of the subcommittee on the basis that the proposed legislation is an effort to evolve, in a fair and equitable way, a program which will be helpful to our children all over the country.

Mr. MORSE. I thank the Senator from New York. The Senator from Louisiana [Mr. Ellender], the Senator from New York [Mr. Kennedy], and the Senator from Montana [Mr. Mansfield] have made my case. I am ready to rest my case.

Mr. DOMINICK. Mr. President, will the Senator yield for one question?

Mr. MORSE. I yield.

Mr. DOMINICK. If the amendment is adopted, New York will not be broke. It will still receive more than $54 million from the Treasury.

Mr. MORSE. That would not make it fair so far as its discriminatory effect against New York is concerned.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. COOPER. I know that the differences between the formula of the bill, and that of the amendment proposed by the junior Senator from Colorado cannot be oversimplified. Nevertheless, I believe I am correct in saying that the thrust of the amendment offered by the Senator from Colorado [Mr. Dominick] is to set a nationwide standard and that funds provided in the bill would be applied, either to raise or lower contributions in order to approximate that standard, whereas, under the bill the standard would be limited to the State.

Mr. MORSE. That is correct.

Mr. COOPER. The bill would provide funds to move toward the most effective level which the State provides, rather than a nationwide level or standard.

Mr. MORSE. That is the great difference between the two approaches. The Senator from Colorado would like to have us adopt a formula which would be a replica of the so-called equalization formula that we support when we are dealing with a general Federal aid to education bill. But the bill now before the Senate is not that kind of bill. It is a bill which would deal with 11 percent of our schoolchildren, and they are the deprived schoolchildren.

The bill would pinpoint the aid, not to all school districts in the State, but only to the so-called low quality, slum, deprived school districts—whatever adjective the Senator might wish to use to describe it.

Mr. COOPER. I have followed these proposals and listened to the arguments with great interest. I recall my experience as a member for 5 years of the Committee on Labor and Public Welfare. We considered many education bills, some providing aid for elementary and secondary schools, some of which I introduced or joined as a sponsor. Two of such bills have passed the Senate, perhaps three. None has ever passed the House. I recall that members developed formulas, as I did which we thought would be the most equitable. And this is the case today, as alternatives to the bill are proposed.

Comparing allocations made to my State of Kentucky under the bill, and under the amendment, my State would gain under the amendment. But I have come to the conclusion that we must make a start; and the bill is a start. I will vote for the committee proposal to make the necessary start to provide funds for educational opportunity to the young men and women in our elementary schools and high schools.

Mr. MORSE. I thank the Senator from Kentucky for his support. I rest my case.

(At this point Mr. Bass assumed the chair.)

Mr. ALLOTT. Mr. President, I wish to address myself to the amendment offered by my distinguished colleague from Colorado and myself.

It has been said—and we all know it to be a fact—that the bill cannot be amended. It was rushed through the House of Representatives. It went to the floor of that body under a rule, and it was not amended there.

The bill comes to us at this time under rather unusual circumstances for a bill of this significance. I shall make only one comment on that point. I have before me the printed record of hearings of the committee. As nearly as I can determine, they are about 8 inches thick. The hearings first became available to Senators yesterday. The reported bill first became available to Senators yesterday. The report of the committee first became available to Senators yesterday. Under these circumstances, it is inconceivable to me that any reasonable Senator would go to his constituents and try to make them believe that he had had an opportunity to study the hearings adequately, or study the report adequately, or study the bill adequately in the time that has been available to us. Were it not for the fact that my colleague the gentleman from Colorado [Mr. Dominick] is a member of the Committee on Labor and Public Welfare, on which I had the honor to serve from 1955 to 1959, I myself would be without adequate guidance in this matter.

I deplore any necessity to comply with the hope, as has been indicated, that the Senate would vote on the bill tonight. I can assure Senators that the vote on the final passage of the bill will not take place tonight, in case any Senator had such an idea.

Mr. MORSE. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. MORSE. I assure the Senator from Colorado that the manager of the bill does not expect to vote on the passage of the bill tonight. I am not urging that the Senate vote on it. We can go as far as we can tonight and proceed again tomorrow.

Mr. ALLOTT. I am glad to hear the manager of the bill say that, because I have heard him make statements similar to the one I just made. I thought I should put the Senate on warning that the bill will not be passed tonight, even if we remain here until 6 o'clock tomorrow morning.

I wish to address myself to the purpose of the amendment that has been offered. I observe that the distinguished junior Senator from New York [Mr. Kennedy] has had to absent himself from the Chamber for a few minutes, but I shall first address myself to the subject of the "bad boy" States—the States that are robbing others, and so forth. I do not intend to discuss this phase at length. I do not believe that that would serve any purpose in resolving the problem before us. If we are to equitably help the districts and the areas which contain more than 10 students from families having incomes of less than $2,000 a year, we shall have to do so upon some sane, sensible basis.

I, too, have worked with such formulas in the Senate in other areas as well as in the education area. Many different approaches could be taken. The first and obvious one is that we might give assistance to every child in any given district in the United States equally upon the basis of the number of poor children in each district. There are reasons, of course, why this would not be entirely equitable. We could consider the per capita income of a State; or, as the distinguished Senator from New York did a while ago, we could consider the comparative amounts a given State contributes to the National Government and the amount it receives in Federal aid. But all such methods beg the question and do not reach the fundamental principle of what is an equitable way to award assistance to the areas where it is needed. I cannot follow the argument of the Senator from Oregon that in the case of New York the districts that needed assistance the most would be penalized. That is not true.

I speak in support of the amendment, and the wisely revised distribution formula embodied in the amendment. It vividly displays the folly of hasty action in a matter of such vital concern as the national education system. It also portrays vividly that the Senate has a right—indeed, it has a mandate—to work its will upon the bill. I cannot believe that I could go home and face my constituents—and I do not believe any other Senator could go home and face his constituents—and say, "The word of the Lord came down through the House of Representatives, and no Member of the Senate had a single constructive idea to add to the bill." Has the bill become a new Bible? Is it a new New Testament?

There is another way in which we might consider the distribution of assistance under the bill. I must be perfectly frank. I have always been wary of Federal assistance to education in a general manner. Although this bill purports not to do that, that is almost what it does, and that is what it will do within a matter of a year or two.

The only other equitable method that can be produced for assisting States, after we have ascertained the number of children in a district who are under the arbitrary $2,000 classification which the bill contains—and someone had to select such a figure; I am perfectly aware of that—is to decide not the amount at which their land is assessed, not how much they provide the National Government and how much they receive from the National Government, or anything else of that sort. The only fair and equitable way to proceed is the one that my colleague has suggested. It is similar to an amendment I suggested to the 1958 School Construction Act. I am sure the Senator from Oregon, who is the manager of the bill, will remember that. It is based upon ascertaining what the States are capable of providing.

It is true that some States have low per capita incomes, and that some States make less effort to support their schools from their per capita income. The hearings of some years ago on the School Construction Act illustrate that adequately.

So the amendment strikes a ratio between the wealth of the State and the amount that the State spends per capita on its students for education, and provides that the funds shall be allocated upon that basis.

This carefully conceived formula is not only progressive and fair and equitable, but it also strikes at the target with a degree of accuracy which the formula in the bill cannot even approach.

I must confess that I am completely at a loss to discover any adequate reason why this amendment was not adopted in Committee. I fail to see any logic in the reasons given this afternoon in the Senate Chamber for not adopting it as a floor amendment.

I remind the Senators that this applies a principle somewhat similar—not exactly the same but similar—to those already adopted by the Senate in the school construction program in title III of the 1958 National Defense Education Act.

Senators on this side of the aisle have long held the conviction that the root of poverty and deprivation is in ignorance, and that the only lasting results in the amelioration of poverty and deprivation are to be gained through education and training.

Public doles cannot elevate societies. They only fill empty bellies, temporarily. Massive public works programs do not improve a man's ability to provide for himself and his family, if he has no skill. These kinds of program only give temporary relief to the symptoms and do nothing to the cause.

A man with a brain tumor may receive temporary relief from his headaches if he takes aspirin, but if his supply of aspirin is cut off, his headaches will return with greater intensity.

The espoused concept behind this bill is contained in section 201, entitled "Declaration of Policy." Lest we lose right at this point our sense of direction, let me read it. It reads as follows:

> "SEC. 201. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

We have said that we recognize the "special educational needs of children of low-income families," and have impliedly said that they are different from those of children from high- or middle-income families. Since more than $1 billion will be distributed under this title, I assume that it is safe to say that the educational needs of the poorer children require additional and special efforts. It would seem to follow that the greater the concentration of poor children the greater the effort should be. It would also seem to follow that since this is a Federal aid program, Federal aid should be greater in the area of the higher incidence of poverty. It would seem to follow. But it does not, according to the proponents of the bill. By some strange mental gymnastics, they have arrived at a formula that grants more to New York than it does to Texas.

I am not trying to belabor New York because it is a big or wealthy State. There are 50 States. We must make some comparisons with what will happen if we do not vote for this amendment. I am not picking on the State of New York, with its 17 million people. I am merely pointing out, as one must do, what the results of the amendment to the bill are, and what the results would be if the amendment were not adopted.

I cannot understand why New York would receive more than Texas. According to the figures given to us by the Office of Education, Texas has more poverty-stricken children than any other State in the Union.

Mr. President, I ask unanimous consent that a table showing this fact may be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Per capita personal income, 1963	Estimated number of children in poverty category as defined in H.R. 2362, as reported	Estimated allocation of funds under title I of H.R 2362, as reported	Estimated amount received per child in poverty category under title I of II R. 2362	Effort index based on per capita income, 1963-64 (percent)
National average	$2.443				4.60
Alabama	1,656	226,700	$31,738.000	$140	4.21
Alaska	2 819	5,299	1,430,938	270	5.41
Arizona	2,115	42,890	9.757,481	227	5.93
Arkansas	1,598	139,702	21,095.002	151	5.09
California	2,930	276,093	73,145,300	265	5.53
Colorado	2.386	37.784	8,454,110	223	5.45
Connecticut	3,162	25,997	7.175,172	276	3.84
Delaware	3,250	7,899	1,966,851	249	3.98
District of Columbia	$3,398	17,924	$4,633,354	$258	2.69
Florida	2,111	143.795	27,896.230	194	4.45
Georgia	1,865	225.699	34.517,871	153	4.43
Hawaii	2,476	10,585	2,127,785	201	3.97
Idaho	1,934	15,136	2,311,382	152	4.37
Illinois	2,945	181,047	43,360,809	239	3.71
Indiana	2,475	80,398	18,772,978	233	4.82
Iowa	2,274	75,988	17,325,264	228	5.05
Kansas	2,231	44,560	9,752,736	218	5.60
Kentucky	1,789	188,101	28,215,150	150	3.77

	Per capita personal income, 1963	Estimated number of children in poverty category as defined in H.R. 2362, as reported	Estimated allocation of funds under title I of H.R. 2362, as reported	Estimated amount received per child in poverty category under title I of H.R. 2362	Effort index based on per capita income, 1963-64 (percent)
Louisiana	$1,768	189,996	$37,904,234	$199	5.64
Maine	2,008	20,673	3,907,179	189	4.44
Maryland	2,778	58,716	14,356,074	244	4.41
Massachusetts	2,850	58,959	13,988,754	237	3.26
Michigan	2,528	144,908	32,729.320	226	4.97
Minnesota	2,332	82,092	20,876,677	254	5.65
Mississippi	1,379	232,603	28,028,704	120	5.04
Missouri	2,508	128,242	26,866,755	209	3.73
Montana	2,239	15,967	3,750,273	234	5.63
Nebraska	2,293	36,093	6,793,169	188	4.26
Nevada	3,372	3,414	658,184	191	4.48
New Hampshire	2,303	7,540	1,609,796	213	4.14
New Jersey	2,900	71,113	20,196,092	283	4.14
New Mexico	1,887	40,634	8,931,560	220	6.57
New York	3,000	260,764	91,893,253	353	4.69
North Carolina	1,813	303,475	48,556,000	160	4.71
North Dakota	2,030	24,323	5,069,610	208	5.57
Ohio	2.483	164,613	36,708,699	223	4.48
Oklahoma	$1,953	88.966	$15,596,196	$175	4.58
Oregon	2.515	29,190	7,893,807	270	5.51
Pennsylvania	2,444	204.287	49,519,506	242	3.76
Rhode Island	2,398	14,986	3,746.500	250	4.06
South Carolina	1,584	192.597	25,519.125	132	4.54
South Dakota	1,932	31,232	6,249,152	200	5.33
Tennessee	1,776	213,694	31,092,525	145	4.23
Texas	2,046	386.599	74,580,048	193	4.81
Utah	2,129	13,989	2,627,783	187	6.31
Vermont	2,092	8,043	1,556,327	193	4.24
Virginia	2,066	168,285	29,433,775	175	4.22
Washington	2,505	44,195	11,275,168	255	5.60
West Virginia	1,872	104,943	15,741,450	150	4.37
Wisconsin	2,380	64,653	16,078,428	248	4.72
Wyoming	2,427	5,817	1,470,960	253	6.08
U.S. total	----------	5,161,198	1,060,082,973	----------	----------

Source: Cols. 1 and 5, "Digest of Education Statistics," Office of Education, p. 67, 1964 ed.; col. 2, Office of Education estimate based on 1960 census; col. 3, H. Rept. 143, 89th Cong., p. 5.

Mr. ALLOTT. Mr. President, there are 386,599 deprived children in the State of Texas, as opposed to only 260,764 in New York. Yet New York will receive $91,863,253. Texas will receive only $74,580,048. In other words, New York will receive $17,313,205 more to spend on 125,835 fewer deprived children.

These same statistics show that the per capita income in New York is $3,000, while it is only $2,046 in Texas. What kind of aid program helps most those best able to help themselves?

The argument has been used in the Chamber this afternoon that they need more money in New York, for example, than they do in Texas. First of all, let me point out that what we are doing, if we adopt this bill with its present formula, is building in a perpetuation of poverty as far as schools in the United States are concerned. We are perpetuating the poverty-stricken areas with respect to assistance to their schools, because if we continue with this formula next year—and we probably will, if we pass it this year—we would continue the lesser support, to use the example I have just used, in Texas, where they need it more because they do not have the wealth that New York has. We would endlessly through the years give less help to the States that need it most, and give a lion's share to the States that do not need it because of their higher income.

The second point that I should like to make with regard to this particular argument that the big States need more is that in every 1 of the 10 years that I have been a Member of the Senate, we have had arguments pro and con with respect to minimum wages. Of course, those of us who represented areas which had large agricultural and nonurban areas have always contended that a minimum wage which was across the board was not a fair one.

Senators who represent large industrial States have never bought this argument. The distinguished Senator in charge of the bill does not buy that argument. Yet, today they are using the very same argument that I have used against a nationwide minimum wage. They are using the same argument today because they are saying, in effect, that it costs more to live in New York than it does to live in Texas, it costs more to live in Michigan than it does to live in Louisiana, and that is the reason for the differential in the formula.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. I yield.

Mr. LAUSCHE. Has an answer been given to the Senator from Colorado on the argument just now made?

Mr. ALLOTT. Not to my knowledge. I have not heard one this afternoon.

With a few exceptions, the statistics show that the States already making the greatest effort in terms of their ability would be the recipients of the increased allocation under the Dominick amendment. Those States have demonstrated their willingness to assume the burden of educating their children, within their ability to do so. But, if it is recognized, as I believe section 201 of the bill does, that most of the poorer States need help from an outside source—and by poorer States I must assume the formula of per capita income; I think that is a pretty good expression of a State's wealth—that help should be distributed in a manner that will help those who need it most and will reward those who have done the best they can, and also, encourage them to do more. This is what the Dominick amendment does. To penalize the poorer States for not being able to do more, as the formula in the present bill does, is like kicking a man when he is down.

Earlier this year we passed a bill to grant special assistance to a region of this country because of its special poverty condition. I refer to the Appalachia bill. Arguments in favor of that bill were characterized by such statements as "poverty breeds more poverty"; "that outside help was needed to break the chain of poverty"; "that if we are to help this region of the country assume its proper share of the burden of this country we must help it achieve the benefits of our society"; "that money spent in that area will bring a long-range return to the country through increased tax revenue resulting from higher incomes in the area."

The policy of that measure was to concentrate our assistance in this area of great need in order to lift it out of its depressed condition and cause it to contribute more than it cost. The formula in the administration's education bill reverses that policy. Of all the States making up the Appalachia area, only the highly industrialized States will receive more than $200 per poor pupil under title I; namely, Maryland, New York, Ohio, and Pennsylvania. All the other States for which such a strong case was made as to poverty and the necessity of a great Federal aid program to lift them out of poverty, because poverty perpetuated poverty, will receive less than $200 per poor pupil.

To put it another way, with the exception of these four wealthy States, all of the States of Appalachia will receive less than $200 floor established by the Dominick amendment.

Let me review those figures. Alabama will get $140 per poor pupil. Georgia will get $153. Kentucky will get $150. North Carolina will get $160. South Carolina will get $132. Tennessee will get $145. Virginia will get $175.

The State which we were told had the greatest need and is receiving the greatest amount under the Appalachia program, West Virginia, is to receive only $150 per pupil.

Let us contrast these figures with the allocations to the richer industrial States in Appalachia. Maryland will get $244 per pupil. New York will receive $353. Ohio will receive $223. Pennsylvania will get $242 per poor pupil.

From this it appears that our policy seems to be to build roads where the poverty concentration is greatest, and build schools where it is the least.

Superhighways are nice to have, and in our industrial States they have become a great necessity. But it seems to me that if we want to make a lasting contribution to the economy of Appalachia, we should be building schools, and not roads. A fancy road is of little use to the man who does not have enough education and training to earn enough to support his family and buy a car to drive on that road.

The Dominick amendment puts a reasonable floor under the assistance given to improve the educational opportunities for deprived children, and yet it strikes a balance in terms of rewarding greater local effort based on ability. It says to those States that are receiving the minimum, "Do more on the local level and you will receive more from the Federal level."

We have established our income tax on the basis of "ability to pay." This philosophy, I believe, has been pretty well accepted throughout the country as the fairest method of apportioning our national tax burden. Yet this bill ignores this time-tested principle and bases its rewards strictly on a basis of what is being spent. Of course, what is being spent does not bear any relation to the need.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. LAUSCHE. If the allocation is based on the amount that is being spent, instead of the amount that is needed, does that mean we are helping those who have the most money the most and helping those who have the least money the least?

Mr. ALLOTT. That is what it means. That is a very good explanation of the difference between the pending bill and the pending amendment.

Finally, if we were to apply a principle to the income tax law that disregarded one's ability to pay, I daresay the proponents of this measure would pronounce it grossly unfair. Yet, in effect, that is what they are doing in this approach to the distribution of these funds.

The Dominick amendment recognizes this great principle of "ability to pay" in distribution of the funds. Because of this, and the fact that it tends to concentrate the aid in the areas of greatest need, I support it.

I would like to raise another question. I find it rather curious that the formula in the bill is purportedly effective for only 1 year. I would like to think that in such a far-reaching measure as this, providing for an expenditure of $1.3 billion, the committee would be more certain of the formula they want to give to the bill than to throw in a stop-gap bill.

With due deference to the chairman of the committee and the committee, is it not a more reasonable conclusion that it is a tacit admission that they are not sure of the formula and that the bill has not really received the consideration it should receive? This bill ought to be on the floor and pending on the calendar for 6 weeks. Then it ought to be debated for another 3 or 4 weeks before it is passed.

I would guarantee if we did take a reasonable time to consider this bill, the Members of the Senate would receive messages from their homes and literally from almost every State of the Union so loud and clear that there would be a real modification of the bill.

Before I conclude, I wish to refer to a sheet of statistics which I have already offered for the RECORD and give two or three comparisons. The statistics are from a combination of sources, but they include the "Digest of Education Statistics," from the Office of Education, page 67, the Office of Education Estimate Base on 1960 Census, and House Report No. 143, 89th Congress, page 5.

I invite attention to the fact that based upon the effort index of the States and their ability to pay, they follow in this order:

New Mexico, 6.57 percent. It makes the greatest effort of any State in the Union on the basis of its per capita income. Yet, it does not receive $353 per student; it receives $220.

The second highest State in point of effort, using the same criteria, is Utah. Utah has an effort factor of 6.31 percent. Do its students receive, or does the school district receive, for the benefit of its students, the sum of $300 or $353, or $225? Not in the least. Utah, which makes the second highest or greatest effort—and this means sacrifice, remember—will receive $187 per student.

The third largest and third greatest effort is made by my neighboring State, Wyoming, represented in part by the able and distinguished Senator from Wyoming [Mr. SIMPSON]. The effort factor of the State of Wyoming is 6.08 percent. It is third in the effort which it makes to support its educational institutions. But, does it receive $353, or $300? No, it ends with $253.

The fourth State is the great State of Arizona. It has an effort factor of 5.93 percent. It does not get up to the $300 class, either, in this game of checkers. It ends with $227—not $275, not $300, not $353, but $227.

The State of Minnesota, which has an effort factor of 5.65 percent, does not end in the $300 class, either, it ends with $254. The sixth State in this list which is ably represented in part by the great majority leader, the Senator from Montana [Mr. MANSFIELD], has an effort factor of 5.63 percent; yet it ends with only $234.

Let me remind the Senate that the people in Montana, as well as the people of Colorado—even though Colorado is down a little further on this list—work just as hard to contribute to the support of their schools as do those in the industrial States in the East.

Mr. President, I do not intend to follow this list all the way through. It has been introduced into the RECORD, and those who care to do so may look at it.

I ask unanimous consent to have printed in the RECORD a table entitled "Dominick Amendment to H.R. 2362," which has been prepared by my able colleague. It shows the per pupil distribution as a result of the amendment, the increase or decrease per pupil, and the estimated allocations per State and the increase or decrease as compared with the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Dominick amendment to H.R. 2362

	Per pupil distribution	Increase or decrease (per pupil)	Estimated allocation	Increase or decrease
Alabama	$200	+$60	$45, 340, 000	+$13, 962, 000
Alaska	281	+11	1, 489, 019	+58, 081
Arizona	333	+106	14, 282. 370	+4, 524, 889
Arkansas	249	+98	34, 785, 798	+13, 690, 796
California	293	+28	80, 895, 249	+7, 749, 949
Colorado	285	+62	10, 768, 440	+2, 314, 330
Connecticut	200	−76	5, 199, 400	−1, 975, 772
Delaware	200	−49	1, 579, 800	−387, 051
District of Columbia	200	−58	3, 584, 800	−1, 048. 554
Florida	200	+6	28, 759, 000	+862, 770
Georgia	200	+47	45, 139, 800	+10, 621, 129
Hawaii	200	−1	2, 117, 000	−10, 785
Idaho	200	+48	3, 027, 200	+715, 818
Illinois	200	−39	36, 209, 400	−7, 151, 409
Indiana	222	−11	17, 848, 356	−924, 622
Iowa	245	+17	18, 617, 060	+1, 291, 796
Kansas	300	+82	13, 368, 000	+3, 615, 264
Kentucky	200	+50	37, 620, 200	+9, 405, 050
Louisiana	304	+105	57, 758, 784	+19, 854, 550
Maine	200	+11	4, 134, 600	+227, 421
Maryland	200	−44	11, 743, 200	−2, 612, 874
Massachusetts	200	−37	11, 791, 800	−2, 196, 954
Michigan	237	+11	34, 343, 196	+3, 386, 124
Minnesota	305	+51	25, 038, 060	+4, 161, 383
Mississippi	244	+124	56, 755, 132	+28, 726, 428
Missouri	200	−9	25, 648, 400	−1, 218, 355
Montana	$303	$+69	$4, 838, 001	+$1, 087, 728
Nebraska	200	+12	7, 218, 600	+425, 431
Nevada	200	+9	682, 800	+24, 616
New Hampshire	200	−33	1, 508, 000	−101, 796
New Jersey	200	−83	14, 222, 600	−5, 973, 492
New Mexico	397	+177	16, 131, 698	+7, 200, 138
New York	209	−144	54, 499, 676	−37, 393, 577
North Carolina	211	+51	64, 033, 225	+15, 477, 225
North Dakota	297	+89	7, 223, 931	+2, 154, 321
Ohio	200	−23	32, 922, 600	−3, 786, 099
Oklahoma	200	+25	17, 793, 200	+2, 197, 004
Oregon	291	+21	8, 494, 290	+600, 483
Pennsylvania	200	−42	40, 857, 400	−8, 602, 106
Rhode Island	200	−50	2, 997, 200	−749, 300
South Carolina	200	+68	38, 519, 400	+13, 000, 275
South Dakota	273	+73	8, 526, 336	+2, 277, 184
Tennessee	200	+55	42, 738, 800	+11, 646, 275
Texas	221	+28	85, 438, 379	+10, 858, 331
Utah	371	+184	5, 189, 919	+2, 562, 136
Vermont	200	+7	1, 608, 600	+52, 293
Virginia	200	+25	33, 657, 000	+4, 224, 225
Washington	300	+45	13, 258, 500	+1, 983, 332
West Virginia	200	+50	20, 988, 600	+5, 247, 150
Wisconsin	212	−36	13, 706, 436	−2, 371, 993
Wyoming	348	+95	2, 024, 316	+553, 356

Mr. ALLOTT. Mr. President, in conclusion I ask unanimous consent to have printed in the RECORD the table shown on page 7335 of the CONGRESSIONAL RECORD, which shows the 10 wealthiest counties and the 10 poorest counties and the distribution of funds under the formula in the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Administration's school-aid bill—Federal funds for the wealthy

County and State	Family income data			School-age children		Funds for county in 1st year under administration's school bill
	Median income	Under $3,000	$10,000 and over	Number in families with less than $2,000 income	Percent of all school-age children	
United States	$5,660	*Percent* 21.4	*Percent* 15.1	4,911,143	11	$972,726,965
10 wealthiest counties:						
Montgomery (Md.)	9,317	5.5	44.6	2,343	2	572,864
Arlington (Va.)	8,670	6.0	38.6	1,347	4	235,725
Fairfax (Va.)	8,607	5.8	37.8	1,994	3	348,950
Du Page (Ill.)	8,570	5.9	36.0	1,853	2	443,794
Marin (Calif.)	8,110	8.8	33.4	1,278	4	338,670
Westchester (N.Y.)	8,052	8.0	36.3	6,210	3	2,189,026
Bergen (N.J.)	7,978	6.4	32.1	4,631	2	1,315,204
Union (N.J.)	7,746	7.8	30.5	3,743	3	1,063,012
Montgomery (Pa.)	7,632	7.4	30.7	3,535	3	857,238
Fairfield (Conn.)	7,371	9.3	29.1	5,629	4	1,553,604
Total eligible children and funds				32,563		8,918,087
10 poor counties:						
Grant (W. Va.)	2,437	64.0	3.0	833	35	124,950
Falls (Tex.)	2,287	60.6	4.0	2,233	41	432,086
Sunflower (Miss.)	1,790	68.1	3.9	6,184	42	745,173
Knox (Ky.)	1,722	70.5	1.7	3,137	39	470,550
Tensas (La.)	1,683	70.9	3.3	1,651	41	329,375
Williamsburg (S.C.)	1,631	68.3	2.5	6,118	41	810,000
Sumter (Ala.)	1,564	72.3	2.7	2,790	43	390,600
Holmes (Miss.)	1,453	72.0	2.8	4,543	52	547,432
Breathitt (Ky.)	1,432	76.0	2.0	1,998	39	299,700
Tunica (Miss.)	1,260	77.8	3.7	2,965	54	357,283
Total eligible children and funds				32,452		4,507,149

Sources: U.S. Department of Commerce, Bureau of the Census, "County and City Data Book"; Committee on Education and Labor, House of Representatives, "Education Goals for 1965" (committee print), pp. 65–126.

Mr. ALLOTT. Mr. President, in conclusion, looking at the wealthy counties—the discrimination against the poorer counties has already been shown—I say to all Senators, that there can be no more equitable way to distribute the money to the school districts than to distribute it upon the ratio of the effort that a school district makes to support its schools, in relation to its per capita income.

Those who do less should receive less. If they do more, they should receive more. The only natural consequence of the formula which is written into the bill is to keep the poor school districts poor and never give them an opportunity to raise themselves up to the quality of the other school districts because they do not have the per capita income.

I cannot agree that the pockets of poverty which are to be found in the large cities—of course they exist—would remain pockets of poverty, if the Dominick formula should be adopted. On the contrary, the reverse would be true. If we are to be equitable and just, if we are to disburse this money to the school districts with the responsibility which I believe our constituents require, I do not believe that we can do it under the formula contained in the bill.

Mr. President, I urge the adoption of the amendment of my colleague, and again I pay my respects to him for his very worthwhile addition to the bill.

Mr. DOMINICK. I very much appreciate the helpful comments which my colleague has just made. I believe that it is particularly important that he has pointed out the application of the amendment to the Appalachian States. I believe that it is also particularly important that he pointed out that although under the existing formula we may narrow the gap between Harlem and Westchester County, we do not narrow the gap between Mississippi and New York. At a time when there is such mobility in the people of this country, it seems to me that we should be working on an arrangement so that when someone comes from Mississippi to New York, he will be ready to go into the school system.

I believe that this effort will have an enormous impact. I also believe that all Senators should be really impressed with the analysis which the Senator has made of this very difficult problem.

Mr. HOLLAND. Mr. President, will the Senator from Colorado yield?

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Does the Senator from Colorado yield to the Senator from Florida?

Mr. DOMINICK. I yield.

Mr. HOLLAND. I wish to congratulate the distinguished Senator on having made one of the most logical presentations on a complicated subject which I have ever heard on the floor of the Senate. I believe that he has made a very fine statement.

Years ago, in my own State, we set up a minimum foundation plan which had already been set up in some States, and which has been followed by many other States, which recognizes one of the principles to which the Senator from Colorado [Mr. ALLOTT] has addressed himself. That is, that it is not only an obligation but also a privilege of those better off—and I am thinking now of the counties in the State which are better off—to help afford a minimum standard of educational opportunity to those in poorer counties who are not able to supply that standard of education.

On the second principle which the Senator argued so eloquently, let me say that not only in my State but also in other States of which I know, the second factor which he has mentioned is also being given strong consideration.

In my State, for instance, the grant of the State, in a minimum foundation amount, is conditioned upon the local county doing what it can to supply its own funds for the education of its children; but, having done all that it can, it is lifted up to a level of minimum opportunity such as is represented in the speech of the distinguished Senator from Colorado, and under the amendment offered by his able colleague, which I strongly support.

It seems to me that any program offered in this important field must recognize those two principles, the principle that there must be a minimum standard of education, at least, recognized and established in the poorer places where opportunity is now being withheld, and the other principle that in order to participate in any degree, the grant by the Federal Government in this instance, and the grant of the States in the other instance, the State and the local community, must do its best to take care of its own problem and its own children.

I commend the distinguished Senator. I believe that he has made a splendid and a highly logical argument.

Mr. ALLOTT. I thank the distinguished Senator very much. I agree with him. In conclusion, I wish to say that the choice my colleague from Colorado pointed out is very true. The bill may help to lift the quality of education within a given community in a given place, but only the formula which has been offered by the Dominick amendment would help to equalize the educational opportunities throughout the United States. This we cannot forget.

I yield the floor.

Mr. RANDOLPH. Mr. President, I shall detain the Senate for only a few minutes. Our colleagues are prepared, I realize, to vote on the pending amendment.

On yesterday and today we have had analyzed for the membership of the Senate the formula in the administration bill, the bill which has passed the House of Representatives, the bill which I believe will pass the Senate. We have had discussed the formula which has been offered by the distinguished and knowledgable Senator from Colorado [Mr. DOMINICK]. And only a brief time ago the able senior Senator advocated the formula of his Colorado colleague

[Mr. DOMINICK], the author of the State educational allotment proposal.

At this evening hour, immediately prior to the vote, it is not timely or necessary to present further argument. Implied in the comments of both Senators from Colorado is an interest in the Appalachian region and, pinpointed often in these remarks, an interest in West Virginia.

In good humor, I state that both Senators from Colorado, for whom I have a personal esteem, and whose judgment on many occasions I recognize, had an opportunity to support the Appalachian Regional Development Act. They did not do so, either on September 25, 1964, or on February 1, 1965. Yet now, in this debate, we have had it implied that what we did in the Appalachian bill was a valid legislative principle enacted into law. In effect we are told that what we are attempting to do in the bill 2362, is wrong, because in a sense we would shortchange the people of Appalachia. Our esteemed colleague [Mr. ALLOTT] also criticized that portion of funds in the Appalachian Act for highway construction. It is true that there was an emphasis in that legislation on developmental and access roads. Isolation and less than adequate transportation have been a serious deterrent to progress in the area. This is a fact. But I would also stress strongly the fact that funds were included within the legislation for health and hospital facilities, for aid to vocational schools, for water and sewage treatment plants, for a water resource study, for timber development, and for conservation of the soil, and other constructive purposes. There was $90 million for the application of grant-in-aid programs on the statute books prior to the passage of the Appalachian Act.

Very frankly, and I say it in the best spirit, this concern seems to be a belated interest in Appalachia, as expressed by the Senators from Colorado.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am pleased to yield.

Mr. ALLOTT. My interest in Appalachia is probably as great as the interest of anyone else outside Appalachia. Let the record be clear in showing that I voted against the Appalachia bill. I would vote against it today were it before the Senate again. I could not possibly justify a vote for a bill when it contained 67 counties that could not be classified as distressed counties. It would have been a better bill if some of the money that was used for roads had been used to build schoolhouses for some of the people in those communities.

Mr. RANDOLPH. The argument has been made repeatedly by both Senators from Colorado—at least it is implied, and the RECORD will so disclose—that we attempted to do something for Appalachia and that we did aid Appalachia; but both Senators from Colorado abstained from endorsing with their votes the Appalachia assistance bill.

Mr. ALLOTT. We did not abstain; we voted against it.

Mr. RANDOLPH. The concern shown for West Virginia and Appalachia by the two Senators from Colorado is a very belated concern. It comes at the 13th hour. But even though we disagree on the formula in the education bill, I am sure we are all vitally concerned with strengthening our school system, and giving help to needy children.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Virginia [Mr. BYRD] are absent on official business.

I also announce that the Senator from South Carolina [Mr. JOHNSTON], and the Senator from Missouri [Mr. SYMINGTON] are absent because of illness.

I further announce that the Senator from Georgia [Mr. RUSSELL] is necessarily absent.

On this vote, the Senator from Missouri [Mr. SYMINGTON] is paired with the Senator from Virginia [Mr. BYRD]. If present and voting the Senator from Missouri would vote "nay" and the Senator from Virginia would vote "yea."

On this vote the Senator from Connecticut [Mr. DODD] is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting the Senator from Connecticut would vote "nay" and the Senator from Oklahoma would vote "yea."

I further announce that, if present and voting, the Senator from Michigan [Mr. HART], and the Senator from Indiana [Mr. HARTKE] would each vote "nay."

The result was announced—yeas 38, nays 53, as follows:

[No. 49 Leg.]

YEAS—38

Allott
Bass
Bennett
Burdick
Carlson
Curtis
Dirksen
Dominick
Eastland
Ervin
Fannin
Gore
Harris
Hickenlooper
Hill
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Kuchel
Lausche
McClellan
Miller
Morton
Moss
Mundt
Murphy
Pearson
Robertson
Simpson
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—53

Aiken
Anderson
Bartlett
Bayh
Bible
Boggs
Brewster
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Cotton
Douglas
Ellender
Fong
Fulbright
Gruening
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Mondale
Montoya
Morse
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—9

Byrd, Va.
Dodd
Hart
Hartke
Hayden
Johnston
Monroney
Russell
Symington

So Mr. DOMINICK's amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

THE PRESIDENT'S FINE EDUCATION BILL SHOULD BE ENACTED

Mr. GRUENING. Mr. President, I am a cosponsor of President Johnson's education bill. The bill as reported by the Senate Committee on Labor and Public Welfare will strengthen and improve the educational quality and the educational opportunities in our elementary and secondary schools.

America urgently needs the tools embodied in the Elementary and Secondary Education Act of 1965.

Congress has moved swiftly to provide these tools.

Only 86 days have passed since President Johnson sent this great education program to Congress. On the same day, S. 370 and H.R. 2362 were introduced as companion bills. Since that day, January 12, lengthy and informative hearings have been held. The House has approved H.R. 2362 by a majority exceeding 100. The rollcall vote on March 26 was 263 to 153. It was a ringing endorsement for improved education.

Now the Senate is considering this bill of historic purport. Education and democracy are one and inseparable. The foundation of a democratic society is a citizenry able to think for itself—and not merely willing, but determined to do so.

In 1810 Thomas Jefferson wrote:

> The information of the people at large can alone make them the safe, as they are the sole, depository of our political and religious freedom.

Thomas Jefferson said many times that education was the most effective weapon men had against tyranny.

He wrote in 1818:

> If the children * * * are untaught, their ignorance and vices will, in future life, cost us much dearer in their consequences, than it would have done, in their correction, by a good education.

We know he was right.

Bold action in the field of Federal aid to education is long past due.

The Great Society now being built cannot come into being until the educational need for all—not only a part—of our Nation's children is met fully, and that includes making it possible for each child to have the capacity to benefit from the exposure to educational opportunities.

When I testified in support of S. 370 before the Senate Subcommittee on Education, I stressed the role of the Federal Government in assisting the States and localities throughout the Nation in meeting their obligations to educate the children of those States and localities.

In his education message to the Congress, the President pointed out that we spend about $450 a year per child in our public schools, but simultaneously spend $1,800 a year to keep a delinquent youth in a detention home, $2,500 a year for a family on relief, and $3,500 a year for a criminal in a State prison. The disparity is appalling. It makes as much sense as studying by candlelight would in this nuclear age.

The interrelationship of the States and the problems of education, delinquency, poverty, and crime must be recognized, because the problems of one State easily can become the problems of another.

We seek no fences of containment around the States. The lack of such fences has made our United States great. The free and easy access from one State to another is desirable. But freedom creates new problems, and their solutions are attendant on our understanding and the understanding of the residents of the many States.

The delinquent youth now confined in the detention home at the cost of $1,500 a year in State A is not necessarily a resident of State A. To the extent that lack of educational opportunities has contributed to his delinquency, the fault lies with the State from whence he came—and in all too many cases that may not be State A. The same can be said of our families on welfare and of the criminals in our prisons.

The lack of development of educational opportunities in one State does not necessarily mean that the citizens and taxpayers of that State will, in the years to come, bear the burden of welfare and education costs. Due to the ease of movement between States, that burden can easily shift.

For this reason, there is a vital stake which each and every State of the Union has in making certain that the educational opportunities of every other State are raised to the highest level possible to give each and every young man and young woman the opportunity to develop their educational potential to the fullest.

Those who use the States rights argument in opposition to this bill are taking a narrow and shortsighted view of the interrelation of all the States of the Union.

As Governor of the Territory of Alaska, I stated in my message to the territorial legislature in January 1949:

> If education fails, Government by consent of the governed is bound ultimately also to fail. No duty of Government is more inescapable than giving our children the best educational opportunities possible.

Mr. President, the bill before us is a good one. It is a vital bill. It should be passed speedily.

I look upon this bill as more than a critical weapon in the President's arsenal in the fight against poverty on the road toward building the Great Society. I look upon it rather as the weapon, without which the fight will be lost.

Without this weapon, the Great Society cannot be attained, for I cannot conceive of a Great Society in the democratic tradition in which the innate capacities and skills of a large segment of the population are not utilized, because of lack of educational opportunities, and in which countless citizens are doomed to lives of poverty and privation, although they have within themselves the capacity to achieve and to contribute.

Long ago, James Russell Lowell said:

> It was in making education not only common to all, but in some sense compulsory on all, that the destiny of the free Republics of America was practically settled.

The thought is good, and in many senses is true. But the requirement for compulsory education becomes a meaningless one unless our boys and girls have available to them the highest possible level of excellence in the schools within their reach. To compel boys and girls to go to inadequate schools is worse than useless; it leads to the very dangers which we seek to combat.

Given the wherewithal, I am confident that the schools in our country will fulfill their missions and will give us in future generations leaders fully trained and capable of making the awesome decisions which will be required of them in years ahead in this nuclear age.

This bill will help each State.

The chairman of the Senate Education Subcommittee, the senior Senator from Oregon [Mr. MORSE], knows what the problems of education are. He has worked to correct them. He believes this bill will strengthen America's education program. No Member of the Senate is more knowledgeable in this important field. America is stronger and America will be wiser because the senior Senator from Oregon serves in the Congress of the United States.

The bill before us will help Alaska.

Title I authorizes $1,060,082,972 for the education of low-income families. Alaska's share would be $1,430,938.

The Senate committee's report on the bill is an excellent document. On pages 10 and 11 appears a list of possible programs for educationally deprived children. The list, of course, can be expanded. I ask unanimous consent that the list be printed in the RECORD at this point in my remarks, for it should be given wide distribution.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Inservice training for teachers.

Additional teaching personnel to reduce class size.

Teacher aids and instructional secretaries.

Supervisory personnel and full-time specialists for improvement of instruction and to provide related pupil services.

Institutes for training teachers in special skills.

Employment of consultants for improvement of program.

Programs to train teacher aids.

Supplementary instructional materials.

Curriculum materials center for disadvantaged children.

Classes for talented elementary students.

Special classes for physically handicapped, disturbed, and socially maladjusted children.

Preschool training programs.

Remedial programs, especially in reading and mathematics.

Enrichment programs for grades 1, 2, and 3 on Saturday mornings and during summer.

Programed instruction.

Instructional media centers to provide modern equipment and materials.

English programs for non-English-speaking children.

Special audiovisuals for disadvantaged children.

Programs for the early identification and prevention of dropouts.

Increased guidance services for pupils and families.

School-job coordinators.

Home and school visitors and/or social workers.

Early identification of gifted and handicapped among disadvantaged.

Supplemental health and food services.

Language laboratories, science and reading laboratories, laboratories for modern instruction in other subject areas.

School health, psychiatric, and psychological services.

Provision of clothing, shoes, and books where necessary.

Financial assistance to needy high school pupils.

School plant improvements—elementary school science laboratories, libraries, kitchens, and cafeterias.

Equip elementary classrooms for television and radio instruction.

Purchase of musical recordings of classical nature, and recordings of poems and addresses.

Mobile learning centers.

Educational summer camps.

College coaching classes.

Arts and crafts programs during summer vacation.

Summer school and day camp.

Summer programs for development of language skills.

Full-day summer school.

Shop and library facilities available after regular school hours.

Work experience programs.

On-the-job training for high school students.

Field trips for cultural and educational development.

Expansion of libraries in major disciplines.

Scheduling of concerts, dramas, and lectures; mobile art exhibits and libraries.

Saturday morning special opportunity classes.

Bookmobiles—home oriented.

Afterschool study centers.

Preschool pupil transportation.

Pupil exchange programs (semester, year, summer).

Mr. GRUENING. Mr. President, title II of the act authorizes $100 million for school library resources and instructional materials. Alaska's share would be $118,854. The libraries in the majority of our public schools are inadequate.

The Office of Education reports that in many schools there is an average of less than one-half book per child, and that some cities spend less than 15 cents a year per child for library books. The Office of Education also reports that two out of every three public elementary schools have no libraries.

We do little to enhance the knowledge of our children if we—however unintentionally—deprive them of the wonderful adventures so easily found in the world of books. Books are quiet, knowledgeable friends that demand only to be opened and occasionally dusted. With a minimum of upkeep, books can provide the maximum in knowledge.

Title III authorizes $100 million for supplementary educational centers and services. Alaska's share would be $318,293. This money would be used to initiate reforms in science and language instruction, which badly needs to be improved.

The provisions of this title would allow local educational agencies to support educational radio and television programs. Both radio and television can, and should, play a more important role in education. Radio, especially, deserves increased attention, because it is not an outmoded tool; rather, it is a temporarily forgotten one.

Radio in Alaska, for example, can reach the smallest village, and can do so inexpensively; television may not.

Title IV authorizes $100 million for educational research and training. The money would be used to expand the existing program which seeks to disseminate national research findings made at a particular institution, so that education's whole may benefit.

Title V authorizes $25 million for strengthening State departments of education. Alaska's share would be $121,337. Under this title, the States could strengthen their leadership resources, and could modernize their collection, processing, and analysis of education data, for example. Some of the funds could be used to help educate exceptional children. This makes sense, for poverty of the mind can be debilitating.

The total share for Alaska would be $1,989,422.

I support this bill, and hope it will be enacted promptly and sent to the President for signature at the earliest possible date.

ELEMENTARY AND SECONDARY SCHOOL BILL SHOULD PASS

Mr. FONG. Mr. President, I strongly support the purpose of H.R. 2362, the Elementary and Secondary Education Act of 1965; and I shall vote for the bill.

I believe that this bill, like the other landmark acts Congress has passed during the life of these United States, is an investment that will yield fine returns, not only to schoolchildren and educators, but also to our entire Nation.

It is a bill which recognizes many of today's problems in basic education. Therefore, it is designed to improve America's elementary and secondary schools, not only through better school buildings and facilities, but also through better means of teaching and communicating.

It is designed to improve the opportunities for schoolchildren to obtain better fundamental educational guidance and training, and to encourage them to remain in school at least through 12 grades.

It seeks to help them become better equipped to find jobs and to earn a livelihood; to have an adequate foundation upon which to build their adult lives; to help the poor, through knowledge and training, to break the bonds of poverty; and to help produce better citizens of the future.

A STEP IN THE RIGHT DIRECTION

No one claims this bill is a cure-all for the many difficult and complex problems facing our schools. But it is a step in the right direction; and I support it as such.

NEED URGENT

The need to improve our educational facilities is perhaps more urgent now than ever before.

Our society has grown more and more complex, more and more specialized, and at the same time, more and more interdependent. Studies indicate that the extent of education has a direct relationship to jobs and employment. Unemployment is highest among those with the least education. Unemployment is lowest among those with the greatest education.

Education has a direct relationship to the earning capacity of men and women. On the average, over their entire working life high school graduates earn $46,000 more than high school dropouts, and $76,000 more than grade school dropouts. The lifetime earnings of college graduates average an estimated $170,000 more than those of high school graduates.

Education also has a direct bearing on our technological achievements and economic progress as a nation. Indeed, in this missile and space age our national security and defense depend on skilled and trained men and women.

Even everyday citizenship demands greater education and training.

If America is to compete successfully with other lands which respect and encourage educational attainment, we must increase the opportunities for our young people to acquire knowledge and skills to the utmost of their ability. We must pay our teachers salaries commensurate with their duties and with their valuable contribution to our communities.

In a world of 3 billion people, America numbers only 192 million—6 percent of the world's population. What we lack in numbers, we must make up in quality; and that quality can come only with the best educational facilities we can afford our people.

If freedom and liberty are to endure, the utmost effort of an informed citizenry is required. An ignorant people cannot hope to make a success of self-government and representative government.

It is very difficult for our kind of government to function successfully. It is impossible to overemphasize the role of education in the well-being of our people and in the success of America and our form of government.

EDUCATION MEANS PROGRESS

American initiative and know-how have brought within our grasp the conquest of man's ancient enemy—hunger; and we have made great strides in conquering disease and ignorance. We now know how to produce more food than our people require. We know how to prevent or cure many once fatal and now debilitating diseases; and we are on the threshold of new victories against illness. We have come a long way toward eradicating illiteracy.

To a great extent, we can thank our system of free education in elementary and secondary schools for America's tremendous progress.

My own State of Hawaii offers eloquent testimony to the role of education in the advancement of our citizens. History records the influx of various immigrant groups to Hawaii—the Chinese, the Japanese, the Filipinos, the Koreans, the Polynesians, the Portuguese, and other Western Europeans, and other groups brought in as laborers. Many of them were illiterate, as were their parents and their parents' parents, and so on, back through generations.

In Hawaii, all elementary and secondary schools were open, free, to all youngsters of these immigrants, as well as to the children of the native Hawaiian people. In the 1800's, the missionaries from mainland United States wisely set up a system of universal education, open to all, such as existed in the United States.

In these schools in Hawaii, both natives and immigrants discerned a bright and shining hope—hope for their children to escape the bondage of ignorance and poverty and to find a better life. And so it came to pass.

But the basic education that sufficed when America was predominantly rural does not suffice in a nation that now is predominantly and increasingly urban.

MODERN SCHOOLS NEEDED TO BREAK POVERTY CYCLE

Here we find, not so much immigrants caught in a vicious cycle of poverty, but native Americans. Our schools and curriculums need modernizing so that they may become the instruments to help young Americans break the chains of poverty.

I do not intend or imply criticism of State and local governments. They performed a very commendable job of meeting post-World War II needs for schools and educational facilities. Even as we debate this bill, we pay full credit to them and to the private institutions, as well, which also expanded and improved their schools at all levels of education.

But as a nation we must do more.

Throughout America's history, we have recognized the indispensable value of education to our goals of equal opportunity for all and to our progress as a people.

LONG HISTORY OF FEDERAL SCHOOL AID

A brief review of congressional acts providing assistance to States for educational purposes reveals a long history of Federal assistance. Even prior to the adoption of the U.S. Constitution, Congress provided by law that one section of each township shall be used for public schools.

The Northwest Ordinance stated the policy of Congress that "schools and the means of education shall forever be encouraged."

In 1862, Congress enacted the Morrill Land-Grant Act, which gave to each State, for agricultural and mechanic arts schools, 30,000 acres of land for every seat in Congress to which that State was entitled. The University of Hawaii, which I am proud to say I attended, is a land-grant school.

As a student at the University of Hawaii, therefore, I was a beneficiary of the Morrill Act, passed by the Congress of the United States. This, therefore, makes me a product of Federal aid to education. Without such Federal assistance, perhaps I might not be here today.

In another move to aid education in the States, Congress authorized Federal moneys for States to use for practical research under the Hatch Act of 1887.

Federal grants for vocational training in public schools were approved by Congress in the well-known Smith-Hughes Act of 1917.

In 1941, Congress voted financial aid to areas throughout the Nation which experienced an influx of servicemen. This act, the Lanham Act, also provided training benefits for veterans of World War II.

Congress approved schooling for hundreds of thousands of World War II veterans throughout the entire Nation, under the GI bill of rights, enacted in 1944. By making training available at technical schools, and colleges and universities, this act enabled veterans to prepare themselves for vocations and careers as they returned to civilian life.

The benefit our Nation derived from this mass development of our country's brainpower is incalculable. Without a doubt, this accounts in great measure for the tremendous economic progress of our country since World War II.

Since 1946, the Federal Government, under congressional enactment, has furnished funds for school lunches for children in every State.

Since 1950, the Federal Government has underwritten loans for colleges and universities to use in building dormitories.

Since 1950, under Public Law 815 and Public Law 874, the Federal Government has furnished financial assistance for construction and for operation and maintenance of elementary and secondary schools in impacted areas.

Under Public Law 815, Congress has appropriated to local school districts in federally impacted areas more than $1.2 billion to be used for school construction.

Under Public Law 874, Congress has, in effect, been contributing to salaries of teachers, through its payments, to federally impacted school districts, for operation and maintenance costs. Under this program, funds are provided each year, for more than 4,000 school districts, in which are located about 30 percent of all public school children in the United States. Since this program began, Congress has appropriated more than $2.3 billion for elementary and secondary schools in impacted areas.

In 1958, Congress passed the National Defense Education Act, providing scholarships and fellowships for study in science, mathematics, engineering, and modern languages. In that act, Congress also authorized Federal funds for public school facilities needed for instruction in these subjects.

Since then, Congress has broadened, extended, and strengthened that act.

THE 88TH CONGRESS ENACTED MAJOR SCHOOL MEASURES

The 88th Congress, in 1963 and 1964, enacted major education measures, and earned a special place in history as the Congress which has done the most for education.

The 88th Congress enacted the Health Professions Educational Assistance Act of 1963 to help students of medicine, dentistry, and osteopathy obtain training, and to help the schools build the necessary facilities with which to train them.

The 88th Congress also enacted a major law—the Higher Educational Facilities Act of 1963—to help colleges and universities.

Vocational education programs were expanded and strengthened by Congress in the Vocational Education Act of 1963. Congress also enacted major amendments to the National Defense Education Act, and continued impacted-areas legislation.

The 88th Congress provided—in the Mental Retardation Facilities and Community Health Centers Construction Act of 1963—aid for education of handicapped children.

The 88th Congress improved and extended the Manpower Development and Training Act by amendments approved in 1963.

The 88th Congress passed the Library Services and Construction Act, which became law in February 1964.

Congress also enacted a Public Health Training Act—Public Law 88-497—which became law last August; and a nurse training bill, which became law last September.

STRONGLY SUPPORTS BETTER EDUCATION

I have always been a stanch advocate of better schools, higher pay for teachers, and wider opportunities for education and training for all Americans. I am proud to say that since taking office in 1959, I have voted for every educational measure passed by the Senate.

Now I intend to vote for the Elementary and Secondary School Act of 1965. This bill is similar to S. 370, which I had the privilege to cosponsor earlier this year.

PROVISIONS OF H.R. 2362

Briefly, the pending measure (H.R. 2362) provides as follows:

In title I, a 3-year program of Federal grants to local school agencies, for primary and secondary education of children of low-income families. This is accomplished by amending Public Law 874 and by extending Public Law 874 for 2 years, to June 30, 1968.

These grants would be used for hiring additional and special staff, construction of facilities, acquisition of equipment, and all appropriate costs of a public-school system.

A total of $1,060 million is authorized for the first year. Congress would subsequently have to determine the amount available for the remaining 2 years of the program.

The grants to be allocated, under a formula for the first year, would be equal to one-half the average expenditure per pupil in each State times the number of children age 5 to 17 in families with less than $2,000 annual income and the number of children age 5 to 17 in families receiving aid to dependent children, even if their income exceeded $2,000.

Title II authorizes a 5-year program of Federal grants for the acquisition of school library resources, textbooks, and other printed and published instructional materials for use by children and teachers in public and private elementary and secondary schools.

For the first year, $100 million is authorized. Congress would have to decide later how much to authorize for the remaining 4 years.

Allotments are to be made on the basis of the number of children enrolled in elementary and secondary schools in each State.

As safeguards, the library resources, textbooks, and other instructional materials are to be made available to children and teachers, not to institutions.

They would be made available on a loan basis only, and the public school authority must retain title and administrative control over them.

The materials must be those approved for use by the public school authority in the State.

Books and materials are not to supplant those now being provided, but are to supplement them.

Title III authorizes a 5-year program of grants for supplemental educational centers and services and to help develop elementary and secondary school programs to serve as models for the regular school programs.

For the first year, $100 million is authorized, to be allocated to the States on a formula based on relative school-age populations and the total population of the State. From the State allocations, grants to local public educational agencies will be made.

Title IV amends the Cooperative Research Act of 1954 by authorizing grants to universities and colleges and other private or public nonprofit organizations and persons for research, surveys, and demonstrations in education, for the dissemination of information derived from research, and for the provision of arrangements for these activities.

Under present law, $25 million is authorized each year.

This title of the bill would also authorize $100 million for use in the construction of national and regional research facilities, over a 5-year period.

Title V authorizes a 5-year program of grants to State departments of education, to strengthen the leadership resources of these agencies. Programs might include long-range educational planning, improved statistical services, data processing, and improvements of teaching preparation.

For the first year, $25 million would be authorized. Congress would have to decide later how much would be authorized for the remaining 4 years. Out of 85 percent of the $25 million, each State would receive $100,000, plus a share of the remainder, apportioned on the basis of the relative number of public school pupils within the State.

The balance—15 percent of the $25 million—is to be reserved for special grants to State education agencies, to pay part of the cost of experimental projects likely to help other States with similar problems.

As reported by the Senate Labor and Education Committee, H.R. 2362 is identical to the bill as it was passed by the House of Representatives. This is not because the Committee unanimously believed the House version is perfection and cannot be improved. All of us understand that the order to accept the House version of the bill came to the

Committee and to the Senate from the White House.

ADMINISTRATION STAND AGAINST IMPROVEMENTS

The administration has insisted that no changes whatever are to be made. This opposition extends even to amendments to improve the bill, and is most unfortunate.

In view of the overwhelming vote—263 yeas to 153 nays—in the House, on March 26, for this bill, it is difficult to see how technical, perfecting amendments made by the Senate could possibly hinder the enactment of H.R. 2362.

Although the administration now opposes any amendments, even corrective ones, I am certain that when Congress later considers the formulas and the amounts to be authorized after the fiscal year 1966, the administration will recognize that this bill contains flaws, and will ask Congress to make changes in provisions which the Senate is today pressured to approve without change.

But these are the instructions under which the Senate of the United States, an arm of government coequal with the executive branch of our Government, today labors.

I am confident that in the next 12 months, we shall receive from the administration recommendations to expand the Elementary and Secondary School Act of 1965, in order to take care of more children of low-income families than this bill will. There is no logic or justification in denying funds for the children of families with earnings in the $2,000 to $3,000 bracket.

BILL DOES NOT HELP ENOUGH POOR CHILDREN

Because the formula in H.R. 2362 excludes these children, I believe the bill is inadequate. It will not help enough children of low-income families.

Congress ought to face up to this problem this year, here and now. I believe Congress would do so, too, except for the stubborn opposition of the administration toward helping more children.

Despite the known and admitted shortcomings of this bill, I shall support it. It is a move in the right direction. It is in the long tradition of Federal assistance to schools throughout America.

AMERICA CAN AFFORD SCHOOL AID

There is no doubt in my mind that this Nation can afford this program. Out of a $99-billion Federal budget, we spend $54 billion a year for our Military Establishment, and $3½ billion more for foreign aid. Surely, we can afford to spend the $1.3 billion proposed for 1966 to improve our greatest resource, the youth of America.

A people that spends billions of dollars each year on recreation, billions on alcohol, and billions on tobacco are not going to begrudge Federal spending of slightly more than $1 billion to help our elementary and secondary schools, a program with so necessary and so worthy a purpose.

Daniel Webster once said:

> If we work upon marble, it will perish.
>
> If we work upon brass, time will efface it.
>
> If we rear temples, they will crumble to dust.
>
> But if we work upon men's immortal minds, if we imbue them with high principles, with the just fear of God and love of their fellow men, we engrave on those tablets something which no time can efface, and which will brighten and brighten to all eternity.

Mr. President, I strongly support enactment of the pending bill.

I ask unanimous consent to have printed at this point in the RECORD communications in support of this proposed legislation, which I have received from various organizations in Hawaii.

There being no objection, the letters and radiogram were ordered to be printed in the RECORD, as follows:

HAWAII EDUCATION ASSOCIATION,
April 2, 1965.

Hon. HIRAM L. FONG,
U.S. Senator from Hawaii,
Congress of the United States,
Washington, D.C.

DEAR SENATOR FONG: I have been informed by the legislative division of the National Education Association that H.R. 2362, the Elementary and Secondary Education Act of 1965, which was passed by the House of Representatives, is expected to reach the Senate floor Wednesday, April 7.

H.R. 2362, as passed by the House of Representatives, is the same as its companion measure in the Senate, S. 370, of which you are a sponsor.

The Hawaii Education Association respectfully urges you to vote against all amendments or motions to recomit H.R. 2362 when it reaches the floor of the Senate and to vote for final passage of the bill as it was sent to the Senate by the House.

We are deeply grateful and appreciative of the splendid support that you are giving to this important legislation to aid the Nation's elementary and secondary school children. We are all proud that you are one of the sponsors of the companion measure, S. 370.

Thank you for the consideration that you give this request.

Truly yours,
JAMES R. MCDONOUGH,
Executive Secretary.

HONOLULU, HAWAII,
April 2, 1965.

Hon. HIRAM L. FONG,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FONG: We have received word that H.R. 2362, the Elementary and Secondary Education Act of 1965, is expected to reach the Senate floor on Wednesday, April 7, 1965. We respectfully request your continued vigorous support of this bill for which you have sponsored a companion measure, S. 370. We urge you to vote against all amendments or motions to recommit this bill. We believe your efforts in support of this bill will bring about its passage because of the high respect your distinguished colleagues have for you.

The members of the Hawaii Education Association Legislation Commission are as follows:

Masami Fukuoka, Molokai-Lanai.

Masao Kuniyoshi, Hawaii.

Kiyoto Mizuba, West Hawaii.

Edward Morita, Kauai and political action chairman of Kauai Teachers Association.

George Sano, Maui.

Mrs. Yoshiko Hamada, Oahu (central) and legislation committee chairman of Oahu Education Association.

Joseph Kuroda, Leeward Oahu and legislation committee chairman of Leeward OEA.

Leonard Murayama, Windward Oahu and legislation committee chairman of Windward Education Association.

Mrs. Marjorie Lau, Oahu.

Harold Look, Oahu.

Mrs. Louise Machado, Oahu.

Mrs. Kuulei Taira, Oahu.

Miss Jane Takamine, Oahu and legislation committee chairman of Oahu Classroom Teachers Association.

Fred Takebayashi, Oahu and political action committee chairman of Oahu Education Association.

Nelson Underwood, Oahu and president of Hawaii Classroom Teachers Association.

Mrs. Misue Lum, Oahu and vice chairman of HEA Legislation Commission.

James R. McDonough, consultant.

They join me in thanking you again for your efforts to bring about improvement in our public education system. They also appreciate the many kindnesses you and your staff extended me as their representative and chairman during my recent work in Washington, D.C.

Truly yours,
Mrs. GENEVIEVE T. OKINAGA,
Chairman,
HEA Legislation Commission.

HAWAII ELEMENTARY SCHOOL
ADMINISTRATORS' ASSOCIATION,
Honolulu, Hawaii, April 5, 1965.

Hon. HIRAM L. FONG,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FONG: Aloha. We have been recently informed that S. 370 which you cosigned will probably be considered on the floor Wednesday, April 7, 1965. We concur with you in the merits of this bill and humbly ask that you continue your earnest support of S. 370 (the Elementary and Secondary Education Act of 1965); and to prevent any amendments or motions that will cause this bill to be recommitted.

The Hawaii Elementary School Administrators' Association and I send you our Mahalo Nui Loa for your distinguished achievements in Congress and for your sincere efforts in seeking the best for Hawaii and the Nation.

The Hawaii Elementary School Administrators' Association includes all levels of educational officers from all of the islands.

Aloha pumehana,
DANIEL K. AKAKA,
President.

HAWAII STATE CLASSROOM TEACHERS
ASSOCIATION,
April 3, 1965.

Hon. HIRAM L. FONG,
U.S. Senator from Hawaii,
Congress of the United States,
Washington, D.C.

DEAR SENATOR FONG: We have received word that H.R. 2362, the Elementary and Secondary Education Act of 1965, is expected to reach the Senate floor on Wednesday, April 7, 1965. We respectfully request your continued vigorous support of this bill, for which you have sponsored a companion measure, S. 370. We urge you to vote against all amendments or motions to recommit this bill.

The officers and members of the Hawaii State Classroom Teachers Association join me in thanking you for your splendid work to bring about improvement in our public education system.

Truly yours,
F. NELSON UNDERWOOD,
President.

STATE OF HAWAII,
DEPARTMENT OF EDUCATION,
Honolulu, Hawaii, March 1, 1965.

Hon. HIRAM L. FONG,
U.S. Senate,
Senate Office Building, Washington, D.C.

DEAR SENATOR FONG: May I bring to your attention the fact that the Hawaii State library system has made substantial gains in the last few years and beginnings have been made to insure for all citizens of the State equal access to the finest and best of book collections in their libraries. However, we have yet a long way to go to give that quantity of service which meets the many and varied demands of our public.

To further enable our citizens to have the best resources available, I request your support for an additional appropriation (effective July 1, 1965) to the Library Services Act now being considered by the Health, Education, and Welfare Subcommittee. I further request your support for H.R. 2362 (S. 370), H.R. 2361, and H.R. 3220.

Very sincerely yours,
JAMES R. HUNT,
State Librarian.

HAWAII RETIRED TEACHERS ASSOCIATION,
March 4, 1965.

Hon. HIRAM FONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FONG: The executive committee of the Hawaii State Retired Teachers Association has instructed me to inform you that they join with the Hawaii Education Association in support of Senate bill 370.

I personally concur.

Respectfully yours,
R. RAY SCOTT,
President.

Senator FONG,
U.S. Senate,
Washington, D.C.:

Leeward Oahu Education and Classroom Teachers Association HEA affiliates urge yea vote S. 370.

WALTER TANAKA,
VERNA LEE,
Presidents.

STATEMENT IN SUPPORT OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. MONDALE. Mr. President, I commend the chairman of the Education Subcommittee, the distinguished senior Senator from Oregon [Mr. MORSE], for his very cogent and able presentation, on yesterday, of the philosophy and the arguments supporting the proposed enactment of the Elementary and Secondary Education Act of 1965. I was fortunate enough to be present in this Chamber to hear his presentation. I also consider myself fortunate to be a Member of this 89th Congress—the Congress which will finally act decisively on an issue which has been debated for as long as I can remember—the Congress which will finally authorize major Federal assistance to help educate the children of this Nation—the Congress which will finally recognize that it has a responsibility to assist our State and local governments in the tremendous task of providing an adequate system of education for all our children.

John Adams once stated:

> Laws for the liberal education of youth, especially of the lower class of people, are so extremely wise and useful, that, to a humane and generous mind, no expense for this purpose would be thought extravagant.

His terminology may be outdated, but his sentiments are surely not.

The President, in his special message, on education to Congress, recalled the declaration of the Continental Congress in the Northwest Ordinance of 1787:

> Schools and the means of education shall forever be encouraged.

The measure of this Nation's future lies in the steps we take to prepare our youth to assume their responsibilities as the custodians of that future. While this legislation is designed primary to elevate the educational level of the disadvantaged—of the children of poverty, it will provide a major "shot in the arm" for our total educational system.

For my own State of Minnesota, it will provide some $25 million in needed assistance—assistance needed, not because my State is failing in its efforts, but, rather, because the people of Minnesota have taxed themselves to the point where the local property taxes just cannot provide the necessary added funds, nor can State taxes.

There has been some attack on the formula by which these funds will be distributed. These attacks come both from friends who wish to see the bill do more for some of the poorer States, and from foes of this legislation who seek thereby to divide and overcome the broad support this bill has generated. I believe the proposed formula for the distribution of the bulk of these funds—those authorized under title I—is a sound one. It recognizes that poverty is not uniformly distributed across this land of ours, State by State, county by county, or by school districts; it also recognizes that an equal educational opportunity also differs in cost from one area to another; and it recognizes there is a "cost-of-education index," just as there is a cost-of-living index, which varies from city to city, city to village or rural district, and State to State. Finally, this formula recognizes and rewards local effort, and thereby avoids the pitfall of permitting the local area to rely on the Federal Government as a source of funds for the education of the children.

My State of Minnesota ranks fifth among all the States in the percentage of average personal income spent on elementary and secondary education. I think such effort should be rewarded. For each child of poverty, the school districts of Minnesota will receive an estimated $254. This compares favorably with the national average of $200, but is a just recognition of the superior State and local effort to pay our teachers a better-than-average salary, and to provide decent school buildings and resources for learning.

The 9 percent of the children in Minnesota who come from homes with family incomes of less than $2,000 a year constitute 1.59 percent of this Nation's total of such children. These children in Minnesota will receive 1.97 percent of the funds appropriated under title I of this act, despite the fact that the Federal Government collects only 1.57 percent of its total revenue receipts from my State.

Yes, this bill is good for my State; but, in the final analysis, I support this proposed legislation because of its effect on children—because of what it will do for the sharecropper's child in South Carolina, the Negro child in Harlem, or the child of Mexican descent in Phoenix—as much as for what it will contribute to the future of the child of a widow in Minneapolis, or the child of an underemployed worker in the cutover area of northern Minnesota, or the child of a struggling farmer on one of Minnesota's smaller farms.

This legislation is for children. Its purpose is to provide them with an equal chance in life—an equality of opportunity which can be achieved for the underprivileged only through the medium of a better education. This bill recognizes that a child from the slums—whether urban or rural—needs supplementary educational opportunities and special programs, to help him overcome his cultural handicaps.

Whether such opportunities will be provided through a program for preschoolers, special Saturday classes, supplementary instructional materials, remedial reading programs, summer schools or day camps, or after-school study programs, is for the States and local school districts to determine. This legislation will permit, for the first time, local initiative, imaginative teachers and other school personnel, to function effectively, because it will provide the funds which will permit them to "raise their sights"—to introduce programs based on new research and to effectively attack the problems of the underprivileged—the undereducated.

Lest some misunderstand me, I point out that my warm support of this bill does not mean that I am without reservations concerning some aspects of it or some local programs which may be initiated under its provisions. But to attempt to limit this act in such a way as to preclude all such possibilities and to satisfy all such doubts would be to provide a straitjacket of Federal controls which would deny opportunity to local initiative, would demonstrate a shocking lack of confidence in the intelligence of our people, and would appear to be based on the assumption that all wisdom resides in Congress.

Mr. President, I do not claim perfection for this proposed legislation. I oppose the adoption of changes, in the belief that only through experience—only through the test of time—can perfection be achieved. It is, therefore, in a spirit of faith in our people, faith in the power of education, faith in the future, and with a strong desire to prepare our children for that future, that I join others in supporting this bill, and ask, with Cicero—

> What greater or better gift can we offer the republic than to teach and instruct our youth?

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I should like to ascertain from the majority leader whether an effort will be made to secure a limitation of debate on other amendments and whether the schedule has changed since I last made inquiry of the majority leader about 5 o'clock this afternoon.

Mr. MANSFIELD. I am afraid I cannot report success in my attempts to arrive at a consent agreement on the Ervin amendment, which I understand will next be pending. Of course, we have no intention of seeking to complete consideration of the bill tonight, but we want to get action as far as we can and then come in early tomorrow morning and finish consideration of the bill at an expeditious time, so as to allow Senators to keep engagements, if they can do so, which they had planned for months.

I understand that some Senators have been discommoded, so to speak, this evening. Unfortunately, neither of the leaders knew anything about it until the past hour. The membership has been informed that the Senate will be in session until 9 o'clock or later this evening.

I had hoped that a unanimous-consent agreement could be reached, to accommodate the distinguished senior Senator from North Carolina [Mr. Ervin], who has been consistently and continuously in attendance in the Committee on the Judiciary. The only opportunity he would have had to be in the Chamber would have been at the conclusion of the hearings of that committee today. The hearings of that committee had been underway until about 6:15 or 6:30 this evening. So I assumed on the basis of what the Senator from North Carolina said that he would not have wished me to propose a unanimous-consent request, much as I should have liked to. I would hope that the Ervin amendment would be called up next; then we shall proceed with its consideration.

Mr. DIRKSEN. I am hopeful that the distinguished jurist, the senior Senator from North Carolina, will be back in the Committee on the Judiciary tomorrow morning.

Mr. MANSFIELD. Mr. President, a ray of light has appeared on the horizon. I ask unanimous consent that on the Ervin amendment, which I understand will be the next pending order of business, the debate be limited to 2 hours, 1 hour on a side, 1 hour to be under the control of the distinguished senior Senator from North Carolina [Mr. Ervin] and 1 hour to be under the control of the distinguished senior Senator from Oregon [Mr. Morse], the Senator in charge of the bill.

The PRESIDING OFFICER (Mr. Bass in the chair). Is there objection?

Mr. MANSFIELD. One moment. We have an excellent Presiding Officer. I wish to add: Plus 5 minutes to a side after the Senate convenes tomorrow morning, after which a yea-and-nay vote will be taken on the proposal.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. PROUTY. Mr. President, reserving the right to object, do I correctly understand that there will be no vote tonight?

Mr. MANSFIELD. That is correct; but I would hope there would be no lemming rush out of the Chamber, because this is an important bill, and we ought to listen to the arguments of the proponents and opponents of the amendment as long as we can.

Mr. PROUTY. I agree.

Mr. MANSFIELD. The plan is to have the Senate convene at 10 o'clock tomorrow morning. Then there would be 5 minutes on a side, to be followed by a yea-and-nay vote on the amendment.

Mr. PROUTY. I have no objection.

The PRESIDING OFFICER. The Chair will put the unanimous-consent request to have the Senate convene at 10 o'clock tomorrow morning. Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object, does the unanimous-consent request include a provision for a quorum call prior to the beginning of the allotted time of 5 minutes to a side?

Mr. MANSFIELD. Oh, yes; there will be a quorum call at 10 o'clock.

Mr. HOLLAND. Prior to the beginning of the 5 minutes allotted to each side?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent request reduced to writing is as follows:

Ordered, That following a quorum call to be taken on Friday, April 9, 1965, after the Senate convenes at 10 o'clock, further debate on the amendment to H.R. 2362, an act to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools, offered by the Senator from North Carolina [Mr. Ervin], numbered 70, shall be limited to 10 minutes, to be equally divided between the Senator from North Carolina [Mr. Ervin] and the Senator from Oregon [Mr. Morse].

The PRESIDING OFFICER. The unanimous-consent request now pending is for 1 hour of debate on each side, 1 hour to be controlled by the Senator from North Carolina [Mr. Ervin] and 1 hour to be controlled by the Senator from Oregon [Mr. Morse]. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Plus 5 minutes for each side after the quorum call at 10 o'clock tomorrow morning.

The PRESIDING OFFICER. That was provided for in the previous agreement.

Mr. MANSFIELD. Everything has been cleared?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Including the yeas and nays at the conclusion of the 10-minute period tomorrow morning?

The PRESIDING OFFICER. The chair informs the Senate that the amendment must be offered before the yeas and nays can be ordered.

AMENDMENT NO. 70

Mr. ERVIN. Mr. President, I call up amendment No. 70, which is offered for myself, the Senator from Kentucky [Mr. Cooper], and the Senator from Mississippi [Mr. Stennis]. I ask unanimous consent that the reading of the amendment be dispensed with, but that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add a new title designated as title VI reading as follows:

"Sec. 601. Not less than thirty days before making any disbursement or grant under the provisions of this Act or any appropriation Act implementing it, the Commissioner shall cause to be published in the Federal Register a notice that he proposes to make such disbursement or grant on a day to be specified in such notice. At any time before the day so specified, any taxpayer of the United States suing in behalf of himself and all other taxpayers may bring a civil action in the nature of an action for a declaratory judgment against the Commissioner in the United States District Court for the District of Columbia alleging that the proposed disbursement or grant is inconsistent with the first amendment, fifth amendment, or any other provision of the Constitution of the United States. Nothwithstanding any decision, statute, or rule to the contrary, the United States District Court for the District of Columbia shall have jurisdiction to entertain, try, and determine such civil action, and to enjoin the making of the proposed disbursement or grant in case it adjudges that the proposed disbursement or grant is inconsistent with the first amendment, fifth amendment, or any other provision of the Constitution of the United States. Upon the bringing of such civil action, the Commissioner shall refrain from consummating the proposed disbursement or grant and withhold the amount of the proposed disbursement or grant until the final determination of the civil action. In the event two or more civil actions are brought under the provisions of this section challenging the constitutional validity of the same proposed disbursement or grant, the United States District Court for the District of Columbia may consolidate such civil actions for the purpose of trial and judgment."

On pages 74 to 80, both inclusive, renumber title VI as title VII and sections 601, 602, 603, 604, and 605 as sections 701, 702, 703, 704, and 705.

Mr. ERVIN. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, is the Senate operating under controlled time?

The PRESIDING OFFICER. The Senate is operating under controlled time. The Senator from North Carolina is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield me half a minute?

Mr. ERVIN. Mr. President, I ask unanimous consent that I may yield to the majority leader without his remarks being charged to my allotted time.

The PRESIDING OFFICER (Mr. Bass in the chair). Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I yield myself 20 minutes, or so much thereof as I may use.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 20 minutes.

Mr. ERVIN. Mr. President, the first amendment to the Constitution of the United States provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

History makes it crystal clear that the Founding Fathers drafted and ratified this constitutional provision to erect a "wall of separation between church and state," to secure to every man the right to worship God according to the dictates of his own conscience, and to outlaw forever the congressional appropriation of tax-raised funds for the direct or indirect support of any and all religious institutions and their activities.

As the late Justice Robert H. Jackson so well declared in the *Everson* case, 330 U.S. 22, 26:

One of our basic rights is to be free of taxation to support a transgression of the constitutional command that the authorities "shall make no law respecting an establish-

> ment of religion, or prohibiting the free exercise thereof." * * * This freedom was first in the Bill of Rights because it was first in the forefathers' minds, it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the States' hands out of religion, but to keep religion's hands off the State, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse.

Four times in the past 16 years, namely in the *Everson* case, the *McCollum* case—333 U.S. 203; the *McGowan* case—366 U.S. 420; and the *Torcaso* case—367 U.S. 488; the Supreme Court of the United States has expressly declared that the first amendment means at least these things:

> Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disblief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state."

The first amendment forbids the Federal Government to grant support to religious educational institutions. It does not merely prohibit Federal support of the religious activities of religious educational institutions. It prohibits aid to their secular activities as well. Consequently, Congress cannot divorce religious activities of a religious educational institution from its other activities and support the latter.

This is made plain by statements in the *Everson* case—pages 33 and 46–47; the *McCollum* case—page 212; and the *Zorach* case—343 U.S. 306, page 314, that Government cannot aid or support the blending of secular and religious instruction. By this it is meant that the Federal Government cannot support a sectarian school which offers both secular and religious instruction. This is made crystal clear by Justice Douglas in his concurring opinion in the Abington School District case, which was handed down on June 17, 1963. See pages 3–5. I quote the words of Justice Douglas:

> The most effective way to establish any institution is to finance it, and this truth is reflected in the appeals by church groups for public funds to finance their religious schools. Financing a church either in its strictly religious activities or in its other activities is equally unconstitutional, as I understand the establishment clause. Budgets for one activity may be technically separable from budgets for others. But the institution is an inseparable whole, a living organism, which is strengthened in proselytizing when it is strengthened in any department by contributions from other than its own members.
>
> Such contributions may not be made by the State even in a minor degree without violating the establishment clause. It is not the amount of public funds expended, as this case illustrates; it is the use to which public funds are put that is controlling. For the first amendment does not say that some forms of establishment are allowed, it says that "no law respecting an establishment of religion" shall be made. What may not be done directly may not be done indirectly lest the establishment clause become a mockery.

Unfortunately, however, there is grave doubt as to whether a judicial determination of the question of the constitutionality of congressional authorizations of disbursements or grants of tax-raised moneys for the benefit of sectarian schools or their pupils can be obtained. This is true because of certain language used by Justice Sutherland in the opinion of the Supreme Court in the cases of Massachusetts against Mellon, and Frothingham against Mellon—cases which are reported as one case in 262 U.S. 447.

I might add that this is not merely my opinion. It is the opinion of the Department of Health, Education, and Welfare. When it advocated the passage of a bill authorizing Federal aid to institutions of higher learning before a House committee several years ago, the Department of Health, Education, and Welfare admitted this to be true. As I have stated, the fear that existing Federal procedures bar a court test in cases of this nature arises out of certain statements made in *Frothingham and Massachusetts* v. *Mellon*, 262 U.S. 447.

This bill provides, in section 201(a), on page 25, that:

> The Commissioner—

That is, the Commissioner of Education—

> shall carry out during the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years, a program for making grants for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools.

It contains other provisions for the furnishing, at the taxpayer's expense, of other services to such schools and their pupils.

There are in the United States five decisions—I say five because in one case there was a review of one decision, so apparently there are six, but there are actually five decisions—which deal with the right to furnish textbooks at the expense of taxpayers to sectarian schools or to pupils of such schools.

Two of these decisions held that it was permissible to furnish such textbooks. Two decisions were handed down before the Supreme Court of the United States held that the 14th amendment made the 1st amendment applicable to the States.

On the contrary, these two decisions were handed down at a time when it was held by the Supreme Court of the United States that the first 10 amendments applied only to the Federal Government, and not to the States, and for this reason they are not authorities on this point.

One of those decisions was the decision of the Supreme Court in *Cochran* v. *Louisiana State Board of Education*, which is reported in 281 U.S., at page 370. In this case the Supreme Court of the United States reviewed a decision of the Louisiana Supreme Court in the case of *Borden* v. *Louisiana State Board of Education*, 168 La. 1005. In that case the constitutionality of the furnishing of textbooks by the State of Louisiana to the pupils of sectarian schools was not attacked on the ground of the first amendment, for the reason, as I have just stated, that at that time the Supreme Court of the United States held that the first amendment applied only to the Federal Government, and not to the States.

The only other decision to that effect in the United States is a decision of the Supreme Court of Mississippi, in *Chance* v. *Mississippi State Textbook Rating and Purchasing Board*, 200 Southern 706. The Mississippi case merely followed the decision in the Borden case, which did not involve the question whether the first amendment was applicable, because the first amendment was not then made applicable to the States by the Supreme Court.

Since that time there have been three other decisions, by State courts. *Dickman* v. *School District No. 62C, Oregon City*, a decision of the Supreme Court of Oregon, which is reported in 366 Pacific 2d 533.

The law of Oregon involved in this case was virtually identical with the provisions of this bill. It provided that the title to the textbooks was to be held by a public agency. It provided that the textbooks were to be loaned by the public agency to the pupils. It authorized loans of the textbooks to pupils of public schools as well as to pupils of sectarian schools.

When the Supreme Court of Oregon, handed down this most illuminating decision on this question in 1961, it held that the law of Oregon which permitted the furnishing or loaning of textbooks to the students in sectarian schools was unconstitutional under the Oregon Constitution. In so holding, the Oregon court stated that the Oregon Constitution, article I, section 5, prohibited the use of public moneys "for the benefit of any religious or theological institution, and was designed to keep separate the functions of the State and church and to prevent the influence of one upon the other. In this respect our constitution follows the general pattern of other State constitutions and may be regarded as expressing, in more specific terms, the policy of the first amendment as it has been explained in the Everson case."

The Supreme Court of Oregon had this to say in the Dickman case:

> Defendants' principal argument in support of the statute is that the expenditure of public funds for the purpose of furnishing books to pupils of parochial and public schools benefits the pupils who receive these books and not the schools themselves.

That is the argument we hear now. This argument was rejected by the Oregon court.

I read now from page 543 and 544 of the opinion in the Dickman case:

> We attach no significance to the fact that the books are loaned to the pupil or school rather than given outright; in either event

a substantial benefit is conferred upon the recipient.

We recognize that whether an expenditure is an aid to a religious institution in its religious function or in some other capacity is a question of degree. But it seems clear that the line must be drawn to include within the constitutional proscription the furnishing of textbooks to pupils of parochial schools. This conclusion is compelled because such books are an integral part of the educational process. As we have already pointed out, the teaching of the precepts of Catholicism is an inseparable part of the educational process in the St. John's school. Considering the purpose of article I, section 5, we are unable to see any substantial distinction between the furnishing of textbooks and the furnishing of blackboards, desks, laboratory instruments, or other equipment clearly necessary to the operation of the school. In comparing these various essential tools we agree with the dissenting opinion in *Everson* v. *Board of Education of Ewing Twp.*, 133 N.J.L. 350, 359, 44 A. 2d 333 (1945) that there is no way of "satisfactorily distinguishing one item of expense from another in the long process of child education."

I ask unanimous consent that the Dickman decision be printed at this point in the body of the RECORD as a part of my remarks.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[Supreme Court of Oregon, En Banc. Argued and submitted Sept. 6, 1961. Decided Nov. 15, 1961.]

Dickman *v.* School District No. 62C, Oregon City

William H. Dickman, Harold E. Salisbury and Lawrence Smelser, Appellants, v. *School District No. 62C, Oregon City, of Clackamas County, Oregon,* a municipal corporation, Dale Jacobs, Sherman Washburn, Gene Bonniksen, Howard Klemsen and Laurin Hinman, each in their official capacity as directors of the district school board of defendant school district; and Edwin C. Ditto, in his official capacity as clerk of defendant district, defendants-respondents, Ivan B. Carlson, intervenor-respondent.

Taxpayers brought a suit in equity against a school district, its board, and its clerk to enjoin them from supplying free textbooks for the use of pupils enrolled at a parochial school, and the taxpayers also sought a judicial declaration that the free textbook statute does not authorize free distribution of textbooks to parochial schools or, if so construed, is unconstitutional. The Circuit Court, Clackamas County, Ralph M. Holman, J., rendered a judgment adverse to the taxpayers, and they appealed. The Supreme Court, O'Connell, J., held that an expenditure under the statute violates that section of the Constitution prohibiting use of public money for benefit of any religious institution.

Judgment reversed, and circuit court directed to enter decree in accordance with prayer in taxpayers' complaint.

Rossman, J., dissented.

1. Parties—76(1):

Failure of defendants by proper pleading to raise issue of alleged lack of standing of plaintiffs to maintain suit constituted waiver by defendants of that issue.

2. Constitutional law—84: Schools and School Districts—91:

Expenditure under statute authorizing distribution of free textbooks to parochial schools violates section of the Constitution prohibiting use of public money for benefit of any religious institution. (ORS 337.150; Constitution, art. 1, sec. 5.)

3. Constitutional law—84: Section of the Constitution prohibiting use of public money for benefit of any religious institution was designed to keep separate the functions of state and church and to prevent influence of one on the other. (Constitution, art. 1, sec. 5.)

4. Constitutional law—84: Expenditure by school district of about $4,000 for textbooks used in parochial school constituted substantial benefit so as to bring expenditure within proscription of section of Constitution prohibiting use of public money for benefit of any religious institutions. (ORS 337.150; Constitution, art. 1, sec. 5.)

5. Constitutional law—84: Constitutional prohibition against use of public money for religious institutions requires State to be a neutral in its relations with groups of religious believers and nonbelievers. (U.S.C.A. constitutional amendment 1; Constitution, art. 1, sec. 5.)

6. Constitutional law—84: Neither Federal Constitution nor State Constitution prohibits State from conferring benefits on religious institutions where that benefit does not accrue to institutions as religious organizations, and proscription is against aid to religious functions. (U.S.C.A. constitutional amendment 1; Constitution, art. 1, sec. 5.)

7. Constitutional law—211: Denial of use of free textbooks to pupils solely because they attend parochial schools does not deny equal protection. (U.S.C.A. constitutional amendment 14.)

John D. Mosser, Portland, and Leo Pfeffer, New York City, argued the cause for appellants. With them on the briefs was Steve Anderson, Salem.

Paul R. Biggs, Oregon City, and Roy F. Shields, Portland, argued the cause and submitted a brief for defendants-respondents and intervenor-respondent. With them on the brief were F. Leo Smith and Randall B. Kester, Portland.

Robert Y. Thornton, Atty. Gen., and Catherine Zorn, Asst. Atty. Gen., submitted a brief amicus curiae in support of ORS 337.150.

Before McAllister, C. J., and Rossman, Warner, Perry, Sloan, O'Connell, and Goodwin, J. J.

Justice O'CONNELL. This is a suit in equity brought by plaintiff taxpayers against school district No. 62C, its board and clerk, to enjoin defendants from supplying textbooks without charge for the use of pupils enrolled in St. John's the Apostle School, a parochial school maintained and operated by the Catholic Church. Plaintiffs also seek a judicial declaration that the so-called free textbook statute (ORS 337.150), under which distribution was made to the St. John's school and other parochial schools, does not authorize defendants to supply textbooks free of charge to church or parochial schools, or if the statute is so construed that it be declared unconstitutional.

Ivan B. Carlson, a resident within school district No. 62C, whose children were enrolled in the St. John's school intervened.

The statute in question, ORS 337.150, reads as follows:

"337.150 (1) Each district school board shall, in the manner specified by ORS 328.520 and 328.525, provide textbooks, prescribed or authorized by law, for the free and equal use of all pupils residing in its district and enrolled in and actually attending standard elementary schools or grades seven or eight of standard secondary schools.

"(2) For the purpose of ORS 328.520, 328,-525 and 337.150 to 337.250 a school shall be standard when it meets the standards of the State board of education, except with respect to those standards applying to the ratio of pupils to the acre of school site, the square feet of classroom floor space per pupil and the ratio of pupils to teachers in classrooms, and when all teachers engaged in classroom instruction in said school hold a valid Oregon teaching certificate of the proper teaching level. The holding of such a teacher's certificate shall be evidenced by annual registration with the county school superintendent of the county in which the school is situated."

Plaintiffs attack the constitutionality of the statute on four grounds; (1) it authorizes State aid to religion at public expense in violation of the 1st amendment to the U.S. Constitution as made applicable to the States by the 14th;[1] (2) the furnishing of such textbooks constitutes a benefit to religious institutions contrary to the provisions of article I, section 5 of the Oregon constitution;[2] (3) it, in effect, imposes a tax for a nonpublic purpose and thus deprives plaintiffs of property without due process of law, and (4) it authorizes the expenditure of money not exclusively for the support and maintenance of the common schools and is, therefore, in violation of article VIII, section 2 of the Oregon constitution.[3]

Plaintiffs rely principally upon the first two grounds in attacking the constitutionality of the statute. The trial court held ORS 337.150 constitutional. Plaintiffs appeal.

For a period of several years the defendant district has furnished free textbooks for the use of the pupils of St. John's school. In a period of 3 school years these books have cost the district approximately $4,000. The books were purchased by the district from money in its general fund, a part of which was derived from taxes levied upon real property in the district, including real property owned by plaintiffs. Books furnished by the district under ORS 337.150, whether to public or to parochial schools, are delivered to the persons in charge of the schools—not to the pupils individually. The district also furnishes teacher's editions of each text. The district retains title to the books, a matter of little practical significance, however, because the books are not ordinarily retrieved by the district. Textbooks furnished for the use of parochial school students do not differ from those delivered to public schools. A school is not entitled to receive free textbooks unless it complies with standards established by the Oregon statutes as implemented by administrative regulation. The St. John's school met these standards.

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[1] The first amendment provides as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

[2] Art. I, sec. 5 provides: "No money shall be drawn from the treasury for the benefit of any religeous (sic), or theological institution, nor shall any money be appropriated for the payment of any religeous (sic) services in either house of the legislative assembly."

[3] Art. VIII, sec. 2 provides: "The proceeds of all the lands which have been, or hereafter may be granted to this State, for educational purposes (excepting the lands heretofore granted to, and [aid] in the establishment of a university) all the moneys, and clear proceeds of all property which may accrue to the State by escheat, or forfeiture, all moneys which may be paid as exemption from military duty, the proceeds of all gifts, devises, and bequests, made by any person to the State for common school purposes, the proceeds of all property granted to the State, when the purposes of such grant shall not be stated, all the proceeds of the 500,000 acres of land to which this State is entitled by the provisions of an act of Congress, entitled 'An act to appropriate the proceeds of the sales of the public lands, and to grant premption (sic) rights, approved September 4, 1841,' and also the 5 percent of the net proceeds of the sales of the public lands, to which this State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a seperate (sic), and irreducible fund to be called the common school fund, the interest of which togather (sic) with all other revenues derived from the school lands mentioned in this section shall be exclusively applied to the support, and maintenance of common schools in each school district, and the purchase of suitable libraries, and apparatus therefor."

The evidence establishes, and the trial judge found, that the purpose of the Catholic Church in operating the St. John's school and other similar schools under its supervision is to permeate the entire educational process with the precepts of the Catholic religion. The study guides used by the teachers in St. John's school indicate that, to some extent at least, the use of the textbooks furnished by the district is inextricably connected with the teaching of religious concepts. These study guides were prepared by the superintendent of schools of the Archdiocese of Portland. There is no doubt that the teaching of the subject matter in this manner in a public school would be contrary to law.[4]

Defendants first challenge plaintiffs' standing to raise any constitutional issue other than the violation of the due process clause of the 14th amendment. Plaintiffs have not shown, it is argued, a deprivation of any freedom guaranteed by the first amendment since they do not sue as schoolchildren, parents of schoolchildren, or as persons whose own religious liberty is threatened. As will appear below, we have chosen to decide the issues presented in this case solely upon the basis of the Oregon constitution. It is not necessary, therefore, to decide whether under Federal law defendants' contention with respect to standing is sound.[5]

The question of plaintiffs' standing to assert article I, section 5 in this cause is not directly raised by defendants. The Oregon cases on standing do not provide us with a clear guide. It has been held that for some purposes at least a person contesting a public expenditure must plead and prove that the threatened action probably will result in a general increase in taxation.[6] Plaintiffs did not expressly allege in their complaint that the expenditures made by the defendant district increase the tax burden upon them or upon taxpayers generally, although the claim that such an increase occurs might be inferred from the allegations that plaintiffs are taxpayers, that public moneys were appropriated and expended in the purchase of textbooks for distribution to St. John's school and that this "constitutes the imposition of a tax."[7] The precise question of whether a taxpayer has standing to contest the expenditure of public moneys for the support of religious education has been passed upon by other courts. In some of the adjudicated cases the taxpayer has been accorded standing even in the absence of allegation or proof that he will be damaged in a pecuniary way.[8] And there is support for the proposition that the problem of standing will be overlooked when an issue of unusual importance is presented.[9]

(1) In the instant case the issue of plaintiffs' standing was not raised by defendants' pleadings. If standing were a jurisdictional matter then, of course, defendants could raise the question at any stage in the proceedings. But we do not so regard it and we hold, therefore, that defendants' failure to raise the issue by a proper pleading constitutes a waiver of that issue.[10]

The first amendment, as interpreted in *Everson* v. *Board of Education*, 330 U.S. 1, 67 S. Ct. 504, 91 L. Ed. 711, 168 A.L.R. 1392 (1946) and article I, section 5 of the Oregon Constitution prohibit the use of State funds for the benefit of religious institutions. The principal issue presented to us is whether the expenditure of public funds by the defendant school district for the purpose of furnishing textbooks free of charge to pupils of a parochial school is within these constitutional prohibitions.

(2) We have concluded that the expenditure authorized by ORS 337.150 is within the proscription of article I, section 5 of the Oregon constitution. It is unnecessary, therefore, to consider plaintiffs' contention that the statute violates also the 1st or 14th amendments to the U.S. Constitution. Nor is it necessary to consider whether article VIII, section 2 of the Oregon constitution has been violated.

(3) Article I, section 5 prohibiting the use of public moneys "for the benefit of any religious (sic) or theological institution," was designed to keep separate the functions of state and church and to prevent the influence of one upon the other. In this respect our constitution follows the genera pattern of other State constitutions and may be regarded as expressing, in more specific terms, the policy of the first amendment as it has been explained in the Everson case.[11]

The historical setting in which constitutional provisions such as article I, section 5 were written and the factors which prompted their adoption have been thoroughly explained elsewhere; it is not necessary, therefore, to restate those observations here.[12] We need only say that we regard the separation of church and state no less important today than it was at the time article I, section 5 and its counterpart in other constitutions were adopted.[13]

The general policy is clear. Our problem is to determine whether that policy is violated by the distribution of free textbooks to parochial schools under ORS 337–150. A simple solution would be to declare that article I, section 5 prohibits the Legislature from conferring any benefit upon religious institutions including church supported schools, no matter how indirect it might be. But the principle of separation of church and state has not been applied in such strict form. A certain amount of interplay of influences exercised by state and church has been permitted. It is not difficult to cite examples. Thus, we find that provision is made for chaplains in both Houses of Congress and in the Armed Forces; for chapel services at West Point and Annapolis; sessions of the legislature are opened with prayer; the Bible is used to administer oaths, and many other religious practices and connotations are found in the functioning of government, both State and Federal.[14]

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[4] Annotation 45 A.L.R. 2d 742 (1956); Annotation 141 A.L.R. 1144 (1942); Annotation 5 A.L.R. 866 (1920). See note, 41 Va. L. Rev. 789, 795–98 (1955); note, 47 Colum. L. Rev. 1346 (1947).

[5] *Everson* v. *Board of Education*, 330 U.S. 1, 67 S. Ct. 504, 91 L. Ed. 711, 168 A.L.R. 1392 (1946) recognized the standing of a taxpayer to assert the first amendment in contesting State expenditures for parochial schools. See Jaffe, "Standing To Secure Judicial Review: Public Actions," 74 Harv. L. Rev. 1265 (1961).

[6] *Morris* v. *City of Salem et al.*, 179 Oreg. 666, 174 P. 2d (1946). Cf., *State ex rel. Durkheimer* v. *Grace*, 20 Oreg. 154, 25 P. 382 (1980); *State ex rel. Shaw* v. *Ware*, 13 Oreg. 380, 10 P. 885 (1886). See also, *Portland Gen. Elec. Co.* v. *Judd*, 184 Oreg. 386, 401–404, 198 P. 2d 605, 612–613, 6 A.L.R. 2d 547), which distinguishes cases holding that a taxpayer has no standing to attack election procedures from cases holding that a taxpayer may restrain an illegal expenditure of public funds. There is some confusion as to whether a representative suit instituted for the benefit of the public at large must be brought by or in the name of the State of Oregon or the appropriate State agency. Compare *Terwilliger Land Co.* v. *City of Portland*, 62 Oreg. 101, 123 P. 57 (1912) with *Gosso* v. *Riddell*, 123 Oreg. 57, 261 P. 77 (1972), and *Vinton* v. *Hoskins*, 174 Oreg. 106, 147 P. 2d 892 (1944).

[7] Accord *Berghorn* v. *Reorganized School Dist. No. 8*, 364 Mo. 121, 260 S.W. 2d 573 (1953).

[8] See, for example, *Chance* v. *Mississippi State Textbook Rating & Purchasing Bd.*, 190 Miss. 453, 200 So. 706 (1941); *Mitchell* v. *Consolidated School Dist.*, 17 Wash. 2d 61, 135 P. 2d 79, 146 A.L.R. 612 (1943). In some cases the question of standing is not discussed. *Rawlings* v. *Butler*, 290 S.W. 2d 801, 60 A.L.R. 2d 285 (Ky. 1956); *Smith* v. *Donahue*, 202 App. Div. 656, 195 N.Y.S. 715 (1922); *Gerhardt* v. *Heid*, 66 N.D. 444, 276 N.W. 127 (1936); *Swart* v. *South Burlington Town School Dist., Vt.*, 167 A. 2d 514 (1961) (U.S. Supreme Court appeal pending).

[9] *Kuhn* v. *Curran*, 294 N.Y. 207, 61 N.E. 2d 513, rehearing denied 294 N.Y. 963, 63 N.E. 2d 188 (1945), followed in *Elkind* v. *City of New Rochelle*, 5 Misc. 2d 296, 163 N.Y.S. 2d 870 (1957); *Peters* v. *New York City Housing Authority, Sup.*, 128 N.Y.S. 2d 224 (1953), modified 283 App. Div. 801, 128 N.Y.S. 2d 712 (1954); 3 Davis, Administrative Law, sec. 22.09, p. 246 (1958).

[10] See *Portland Gen. Elec. Co.* v. *Judd*, 184 Oreg. 386, 394, 396, 398 P. 2d 605, 609, 610, 6 A.L.R. 2d 547 (1948). See also, 3 Davis, Administrative Law, sec. 22.01, pp. 209–210 (1958).

[11] For various types of constitutional provisions. see 50 Yale L.J. 917, 920 (1941); note, 60 Harv. L. Rev. 793, 794 (1947).

[12] See *McCollum* v. *Board of Education*, 333 U.S. 203, 213, 68 S. Ct. 461, 466, 92 L. Ed. 649, 659 (1947) (concurring opinion); *Everson* v. *Board of Education*, 330 U.S. 1, 67 S. Ct. 504, 91 L. Ed. 711, 168 A.L.R. 1392 (1946); *Judd* v. *Board of Education of Union Dist. No. 2*, 278 N.Y. 200, 15 N.E. 2d 576, 118 A.L.R. 789 (1938); Carey, "A History of the Oregon Constitution" (1926); Hudspeth, "Separation of Church and State in America," 33 Tex. L. Rev. 1035 (1955); Konvitz, "Separation of Church and State: The First Freedom," 14 Law and Contemporary Problem 44 (1949); note, 60 Harv. L. Rev. 793 (1947); note, 50 Yale L.J. 917 (1941).

[13] Some of the reasons for this separation, as expressed by the courts and legal writers, are: *Everson* v. *Board of Education*, supra, 330 U.S. at 11, 67 S. Ct. at 509, 91 L. Ed. at 721, "The people * * * reached the conviction that individual religious liberty could be achieved best under a government which was stripped of all power to tax, to support, or otherwise to assist any or all religions * * *"; *Judd* v. *Board of Education*, supra, 278 N.Y. at 209, 15 N.E. 2d at 581, "A policy of that kind [state aid to religion] * * * would open the door for a dangerous and vicious controversy among the different religious denominations as to who should get the largest share of school funds"; Fahy, "Religion, Education and the Supreme Court," 14 Law and Contemporary Problem 73, 90 (1949), "This policy * * * is a recognition of an ancient realization of the distinct functions of a temporal government and of a church concerned with the supernatural"; note, 50 Yale L.J. 917, 926, n. 58 (1941), "Acceptance of public funds by Catholic schools would result in state control over the manner in which the funds were used, and the schools would lose much of their present independence."

[14] Fellman, "Separation of Church and State in the United States: A Summary View," 1950 Wis. L. Rev. 427, 474 (1950).

Moreover, the wall of separation has not been regarded as a barrier preventing all financial aid to religious institutions. In some instances the aid is direct and substantial.[15] In others the financial aid flows indirectly and incidentally as a result of a tax exemption or other favored treatment,[16] or through an expenditure for a governmental purpose clearly within constitutional limits.[17]

For the most part these cases afford us little assistance in the interpretation of our own constitution. This is so because in some of them the controlling constitutional provision differs from ours or is seen against a different historical background. In many instances it is obvious that constitutional principles have been sacrificed to serve urgent needs of the community and State; [18] and in others there simply has not been any real analysis of the problem.[19] Some of these cases are strongly relied upon by defendants. We do not propose to appraise each of the numerous cases which have attempted to draw the line of distinction between expenditures which are within and expenditures which are outside constitutional limits.[20] The reasoning employed in these cases will be examined as we consider defendants' argument.

Defendants' principal argument in support of the statute is that the expenditure of public funds for the purpose of furnishing books to pupils of parochial and public schools benefits the pupils who receive these books and not the schools themselves. The leading case for this proposition is *Borden* v. *Louisiana State Board of Education*, 168 La. 1005, 123 So. 655, 67 A.L.R. 1183 (1929). In that case a statute similar to ORS 337.150 was attacked on constitutional grounds essentially the same as those asserted in the case at bar. The Louisiana court, with three justices dissenting, sustained the statute on the ground, among others, that the expenditure was for the benefit of pupils and not in aid of schools.[21]

This so-called child benefit theory has been applied in other cases in which the expenditure of public funds is made for the purpose of meeting the educational needs of pupils, including those attending parochial schools.[22] The difficulty with this theory is, however, that unless it is qualified in some way it can be used to justify the expenditure of public funds for every educational purpose, because all educational aids are of benefit to the pupil. This criticism is made in *Gurney* v. *Ferguson*, 190 Okl. 254, 255, 122 P. 2d 1002, 1003–1004 (1942). In passing upon expenditures for the transportation of children attending parochial schools the court said: "* * * It is true this use of public money and property aids the child, but it is no less true that practically every proper expenditure for school purposes aids the child. We are convinced that this expenditure, in its broad and true sense, and as commonly understood, is an expenditure in furtherance of the constitutional duty or function of maintaining schools as organizations or institutions. The State has no authority to maintain a sectarian school. Surely the expenditure of public funds for the erection of school buildings, the purchasing and equipping and the upkeep of same; the payment of teachers, and for other proper related purposes is expenditure made for schools as such. Yet the same argument is equally applicable to those expenditures as to the present one."

And, as observed by the same court, if the expenditure is not in aid of schools the use of school funds would be unauthorized and illegal.[23]

The leading case rejecting the child benefit theory is *Judd* v. *Board of Education*, 278 N.Y. 200, 15 N.E. 2d 576, 118 A.L.R. 789 (1938). In that case the validity of a statute authorizing the expenditure of public funds for the transportation of pupils to and from parochial and private schools was in question. The court said: "* * * Free transportation of pupils induces attendance at the school. The purpose of the transportation is to promote the interests of the private school or religious or sectarian institution that controls and directs it. 'It helps build up, strengthen and make successful the schools as organizations.' (*State ex rel. Traub* v. *Brown*, 6 W.W. Harr., 36 Del. 181 [187], 172 A. 835, 837, writ of error dismissed Feb. 15, 1938, Del. Sup., 197 A. 478.) Without pupils there could be no school. It is illogical to say that the furnishing of transportation is not an aid to the institution while the employment of teachers and furnishing of books, accommodations and other facilities are such an aid." (Id. 278 N.Y. at 212, 15 N.E. 2d at 582.)

The furnishing of textbooks even more clearly constitutes an educational aid. In the Everson case the expenditure for the transportation of parochial school pupils was upheld on the theory that the State could provide for the protection of all schoolchildren from traffic hazards irrespective of the religious or public character of schools which they attended. Assuming that the Court's reasoning in Everson is sound, it is not applicable to the case at bar. The expenditure of public funds for textbooks supplied to pupils of parochial schools is clearly identified with the educational process, and does not warrant the assumption made in the Everson case that the expenditure is for the general welfare thus justifying the use of the State's police power.

The most recent appraisal of the child benefit theory which has been brought to our attention is *Matthews* v. *Quinton, Alaska*, 362 P. 2d 932 (1961). In that case a statute authorizing the transportation of children attending nonpublic schools was held to be in violation of the Alaska constitutional provision prohibiting the appropriation of public money for the support or benefit of any sectarian, denominational or private school. After a careful examination of the cases in which the child benefit theory had been considered, the court rejected the theory, holding that the furnishing of transportation to pupils of nonpublic schools constituted a direct benefit to those schools. Mr. Justice Rutledge's dissent in the Everson case was relied upon to support this conclusion. There it was said:

"Finally, transportation, where it is needed, is as essential to education as any other element. Its cost is as much a part of the total expense, except at times in amount, as the cost of textbooks, of school lunches, of athletic equipment, of writing and other materials; indeed of all other items composing the total burden. Now as always the core of the educational process is the teacher-pupil relationship. Without this the richest equipment and facilities would go for naught. (See *Judd* v. *Board of Education*, 278 N.Y. 200, 212, 15 N.E. 2d 576, [582,] 118 A.L.R. 789.) But the proverbial Mark Hopkins conception no longer suffices for the country's requirements. Without buildings, without equipment, without library, textbooks and other materials, and without transportation to bring teacher and pupil together in such an effective teaching environment, there can be not even the skeleton of what our times require. Hardly can it be maintained that transportation is the least essential of these items, or that it does not in fact aid, encourage, sustain and support, just as they do, the very process which is its purpose to accomplish. No less essential is it, or the payment of its cost, than the very teaching in the classroom or payment of the teacher's sustenance. Many types of equipment, now considered essential, better could be done without." (330 U.S. 1, 47-48, 67 S. Ct. 504, 527.) [24]

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[15] *Bradfield* v. *Roberts*, 175 U.S. 291, 20 S. Ct. 121, 44 L. Ed. 168 (1899) (appropriation for building a ward on property owned by a Catholic hospital); *St. Hedwig's Industrial School for Girls* v. *Cook County*, 289 Ill. 432, 124 N.E. 629 (1919) (state payment to a church owned and operated industrial school); *Dunn* v. *Chicago Industrial School for Girls*, 280 Ill. 613, 117 N.E. 735, L.R.A. 1918B, 207 (1917) (State payment to a church owned and operated industrial school); *Millard* v. *Board of Education*, 121 Ill. 297, 10 N.E. 669 (1887) (parochial school supported as a public school); *State ex rel. Johnson* v. *Boy*, 217 Ind. 348, 28 N.E. 2d 256 (1940) (parochial schools operated as a part of the public school system); *Rawlings* v. *Butler*, 290 S.W. 2d 801 (Ky. 1956) (parochial school supported as a public school).

[16] 26 U.S.C., sec. 501(c) (2), (3), 501(d) (1958) (exemption from income tax of religious organizations and corporations); 26 U.S.C. sec. 107 (1958) (exclusion from gross income of a rental allowance or home given a minister); 26 U.S.C. sec. 170 (1958) (individual taxpayer's deduction for contribution to religious organizations); *St. Patrick's Church Society* v. *Heermans*, 68 Misc. 487, 124 N.Y.S. 705 (1910) (free water furnished to a parochial school under a lease to a private company of city owned waterworks); *Gubler* v. *Utah State Teachers' Retirement Bd.*, 113 Utah 188, 192 p. 2d 580, 2 A.L.R. 2d 1022 (1948) (teachers' retirement act allowed credit for time spent teaching in parochial schools). See Paulsen, "Preferment of Religious Institutions in Tax and Labor Legislation," 14 Law and Contemporary Problem 144 (1949); note, 3 Rutgers L. Rev. 115 (1949).

[17] See, *Bowker* v. *Baker*, 73 Cal. App. 2d 653, 666, 167 p. 2d 256, 262 (1946).

[18] *St. Hedwig's Industrial School for Girls* v. *Cook County*, 289 Ill. 432, 124 N.E. 629 (1919); *Dunn* v. *Chicago Industrial School for Girls*, 230 Ill. 613, 117 N.E. 735, L.R.A. 1918B, 207 (1917); *Rawlings* v. *Butler*, 290 S.W. 2d 801 (Kentucky, 1956).

[19] *Cochran* v. *Board of Education*, 281 U.S. 370, 50 Supreme Court 335, 74 L. Ed. 913 (1930); *Bradfield* v. *Roberts*, 175 U.S. 291, 20 Supreme Court 121, 44 L. Ed. 168 (1899); *Millard* v. *Board of Education*, 121 Ill. 297, 10 N.E. 669 (1887); *Borden* v. *Louisiana State Board of Education*, 168 La. 1005, 123 So. 655, 67 A.L.R. 1183 (1929); *St. Patrick's Church Society* v. *Heermans*, 68 Misc. 487, 124 N.Y.S. 705 (1910); *Gubler* v. *Utah State Teachers' Retirement Bd.*, 113 Utah 188, 192 p. 2d 580, 2 A.L.R. 2d 1022 (1948).

[20] For a treatment of some of these casés see Cushman, "Public Support of Religious Education in American Constitutional Law," 45 Ill. L. Rev. 333 (1950); Fellman, "Separation of Church and State in the United States; A Summary View," 1950 Wis. L. Rev. 427 (1950); Sullivan, "Religious Education in the Schools," 14 Law and Contemporary Problem 92 (1949); note, 60 Harv. L. Rev. 793 (1947); note, 3 Rutgers L. Rev. 115 (1949); note 50 Yale L.J. 917 (1941).

[21] The Borden case was followed in *Cochran* v. *Louisiana State Board of Education*, 168 La. 1030, 123 So. 664 (1929). The latter case was appealed to the U.S. Supreme Court (281 U.S. 370, 50 Supreme Court 335, 74 L. Ed. 913). The only question on that appeal was whether the act authorized the taking of private property for a private purpose in violation of the 14th amendment. The applicability of the 1st amendment was not considered.

[22] *Bowker* v. *Baker*, 73 Cal. App. 2d 653, 167 P. 2d 256 (1946) (transportation furnished to students of parochial schools); *Borden* v. *Louisiana State Board of Education*, 168 La. 1005, 123 So. 655, 67 A.L.R. 1183 (1929) (textbooks furnished parochial school students); *Adams* v. *County Commissioners of St. Mary's County*, 180 Md. 550, 26 A. 2d 377 (1942) (reimbursement to parochial school for the expense of transporting its students); *Board of Education* v. *Wheat*, 174 Md. 314, 199 A. 628 (1938) (transportation furnished to students of parochial schools); *Chance* v. *Mississippi State Textbook Rating & Purchasing Bd.*, 190 Miss. 453, 200 So. 706 (1941) (textbooks furnished parochial school students); *Everson* v. *Board of Education of Ewing Twp.*, 133 N.J.L. 350 44 A. 2d 333 (1945) (transportation furnished to students of parochial schools).

[23] *Mitchell* v. *Consolidated School Dist.*, 17 Wash. 2d 61, 67, 135 p., 2d 79, 81–82, 146 A.L.R. 612 (1943), "We cannot, however, accept the validity of the argument that transportation of pupils to and from school is not beneficial to, and in aid of, the school. Even legislation providing for transportation of pupils to and from public schools is constitutionally defensible only as the exercise of a governmental function furthering the maintenance and development of the common school system."

See also note, 60 Harv. L. Rev. 793, 797, n. 51 (1947).

We concur in the view that expenditures which aid a child as a pupil of a religious school cannot in that respect be regarded as serving the public welfare as that term is used in defining the State's police power. The reason is stated by Mr. Justice Rutledge in his dissent in *Everson* v. *Board of Education*, 330 U.S. 1, 53, 67 S. Ct. 504, 529, 91 L. Ed. 711, 742, 168 A.L.R. 1392 (1946): the first amendment "has removed this form of promoting the public welfare from legislative and judicial competence to make a public function. It is exclusively a private affair." [25] The dissenting opinion in *Borden* v. *Louisiana State Board of Education*, 168 La. 1005, 1030, 123 So. 655, 664, 67 A.L.R. 1183 (1929) expresses the same idea: "Nor is there any room here for the application of the State's police power. That power is not absolute and cannot be invoked to sustain legislative acts which in their operation defeat the objects and purposes of the organic law." [26] We are of the opinion that this analysis is correct.

It is argued that the aid to school children is for a public purpose because the compulsory school law compels all children to attend school and that the State may, therefore, make expenditures to further compliance. But this begs the basic question—the State may not compel compliance through the device of furnishing aid to religious schools if that aid is in violation of the Constitution.[27] Moreover, the State does not compel pupils to attend parochial schools; "their attendance upon the parochial school or private school is a matter of choice and the cost thereof not a matter of public concern." *Judd* v. *Board of Education*, *supra*, 278 N.Y. at 211, 15 U.E. 2d at 582.

The theory has been advanced in some cases that since the parochial schools are performing a task which the State itself must perform through the use of the public schools, the expenditures made are not "aid" but "remuneration" for services rendered and, therefore, not prohibited by the constitutional principle of separation of church and state.[28] The distinction is specious and its application could be urged in the justification of the expenditures of public moneys for all educational needs of parochial schools.

(4) In the instant case the evidence establishes that the defendant school district expended approximately $4,000 for textbooks used in the St. John's school. This constitutes a substantial benefit. The benefit is of such a character as to bring it within the proscription of article I, section 5.

(5) It seems obvious that as long as church and state continue to exist side by side there cannot be a complete isolation of each, with neither exerting influence upon the other. It is to be expected that in the operation of the state residual benefits will accrue to the various religious groups, not because they are religious organizations but because they are, like other organizations, a part of the community which the state will, and must, serve indiscriminately. As Mr. Justice Black observed in the Everson case, the first amendment (and its counterpart in State constitutions) "requires the state to be a neutral in its relations with groups of religious believers and nonbelievers; it does not require the state to be their adversary. State power is no more to be used so as to handicap religions, than it is to favor them." (330 U.S. 1, 18, 67 S. Ct. 504, 513.)

(6) Neither the Federal nor the State constitutions prohibit the state from conferring benefits upon religious institutions where that benefit does not accrue to the institution as a religious organization. The proscription is against aid to religious functions. The benefits of police and fire protection, sewage disposal, and other community financed services accrue to churches, not as religious organizations but as owners of property in the community.[29] And, the same principle applies when public expenditures benefit individuals who are engaged in carrying out a religious function. A Government pension paid to a clergyman for his services in the Armed Forces may benefit religion but it is not constitutionally prohibited; in such case he receives the bounty not as a cleric but as any other citizen. On the other hand, the state obviously could not pay the clergyman's salary. The point is clearly seen by Cushman, "Public Support of Religious Education in American Constitutional Law," 45 Ill. L. Rev. 333, 348 (1950):

"The difference between providing police protection and providing teachers does not lie in the identity of the beneficiary but in the way in which the aid is extended. Aid is not normally extended to individuals or institutions by name, but rather to groups or classes of individuals or institutions. Any individual or institution falling under the restrictions of the law, or falling heir to its benefits, does so only as a member of such a group. An individual may be a pupil, a pedestrian, a property owner, and a parent. A church is at once a corporation, a piece of property, a building, a meeting place, a religious institution, and a nonprofit institution. Furthermore, a church may receive police protection when classed as property, tax exemption when classed as a nonprofit institution, sewage connections when classed as a building, and yet be denied financial aid when classed as a religious institution, since such a class may not validly be given public aid. Since the aid goes to groups rather than the individual components of any one group, the eligibility of an institution to receive public aid would seem to depend on which group it is classed in, rather than on its individual characteristics." [30]

The author then correctly concludes that where the aid is to pupils and schools the benefit is identified with the function of education and if the educational institution is religious, the benefit accrues to religious institutions in their function as religious institutions. And so it is in the case at bar. Granting that pupils and not schools are intended to be the beneficiaries of the State's bounty, the aid is extended to the pupil only as a member of the school which he attends. Whoever else may share in its benefits such aid is an asset to the schools themselves. (*State ex rel. Traub* v. *Brown*, 36 Del. 181, 172 A. 835 (1934).) The St. John's school shares in this benefit in a direct and vital way.[31] We attach no significance to the fact that the books are loaned to the pupil or school rather than given outright; in either event a substantial benefit is conferred upon the recipient.[32]

We recognize that whether an expenditure is an aid to a religious institution in its religious function or in some other capacity is a question of degree. But it seems clear that the line must be drawn to include within the constitutional proscription the furnishing of textbooks to pupils of parochial schools. This conclusion is compelled because such books are an integral part of the educational process. As we have already pointed out, the teaching of the precepts of Catholicism is an inseparable part of the educational process in the St. John's school. Considering the purpose of article I, section 5, we are unable to see any substantial distinction between the furnishing of textbooks and the furnishing of blackboards, desks, laboratory instruments, or other equipment clearly necessary to the operation of the school. In comparing these various essential tools we agree with the dissenting opinion in *Everson* v. *Board of Education of Ewing Twp.*, 133 N.J.L. 350, 359, 44 A. 2d 333 (1945) that there is no way of "satisfactorily distinguishing one item of expense from another in the long process of child education."

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[24] In some cases it is admitted that the parochial schools are aided by a particular expenditure but that the aid is so unsubstantial that it does not come within the constitutional prohibition against aid to sectarian institutions. *Nichols* v. *Henry*, 301 Ky. 434, 444, 191 S.W., 2d 930, 935 (1945) held that the aid was so indirect that it was not "sufficient to defeat the declared purpose and the practical and wholesome effect of the law." And it is pointed out that "many expenditures of public money give indirect and incidental benefit to denominational schools" as for example, sewers, sidewalks, streets, police and fire protection. *Bowker* v. *Baker*, 73 Cal. App. 2d 653, 666, 467 P. 2d 256, 262 (1946).

[25] "By no declaration that a gift of public money to religious uses will promote the general or individual welfare, or the cause of education generally, can legislative bodies overcome the amendment's bar." Rutledge, dissenting in *Everson* v. *Board of Education*, 330 U.S. at p. 52, 67 Supreme Court at p. 529.

[26] Accord. *Mitchell* v. *Consolidated School Dist.*, 17 Wash. 2d 61, 135 P. 2d 79, 146 A.L.R. 612 (1943).

[27] *Judd* v. *Board of Education*, 278 N.Y. 200, 215, 15 N.E. 2d 576, 584, 118 A.L.R. 789 (1938).

[28] *St. Hedwig's Industrial School for Girls* v. *Cook County*, 289 Ill. 432, 124 N.E. 629 (1919); *Trost* v. *Ketteler Manual Training School for Boys*, 282 Ill. 504, 118 N.E. 743 (1918); *Dunn* v. *Addison Manual Training School for Boys*, 281 Ill. 352, 117 N.E. 993 (1917); *Dunn* v. *Chicago Industrial School for Girls*, 280 Ill. 613, 117 N.E. 735, L.R.A. 1918B, 207 (1917); *Murrow Indian Orphans Home* v. *Childers*, 197 Okl. 249, 171 P. 2d 600 (1946); *State ex rel. Atwood* v. *Johnson*, 170 Wis. 251, 176 N.W. 224 (1920). Contra. *Cook County* v. *Chicago Industrial School for Girls*, 125 Ill. 540, 18 N.E. 183, 1 L.R.A. 437 (1888); *Synod of Dakota* v. *State*, 2 S.D. 366, 50 N.W. 632, 14 L.R.A. 418 (1891). But cf., *State ex rel. Orr* v. *City of New Orleans*, 50 La. Ann. 880, 24 So. 666 (1898). See Cushman, "Public Support of Religious Education in American Constitutional Law," 45 Ill. L. Rev. 333 (1950).

[29] *Bowker* v. *Baker*, 73 Cal. App. 2d 653, 666, 167 P. 2d 256, 262 (1946) erroneously concludes that because "many expenditures of public money give indirect and incidental benefits to denominational schools" as for example, expenditures for sewers, sidewalks, streets and roads, expenditures for the transportation of pupils to parochial schools is also authorized. Since the expenditures in the two types of cases relate to two different functions of the parochial school the court's conclusion is not logically sound.

[30] See also, Mr. Justice Jackson's dissent in the *Everson* case, supra 330 U.S. at 25, 67 Supreme Court at 516, 91 L. Ed. at 728.

[31] We do not regard as significant the fact that our Constitution does not contain the phrase "directly or indirectly" as some constitutions do. But cf., *Judd* v. *Board of Education*, supra. See note, 60 Harv. L. Rev. 793, 795 (1947).

[32] See *Borden* v. *Louisiana State Board of Education*, 168 La., 1005, 123 So. 655, 67 A.L.R. 1183 (1929) (dissenting opinion).

It is argued that the strict notions of separation in vogue at the time of the adoption of our constitutional provisions no longer exist and that these provisions should be interpreted to reflect this change in attitude.[33] Conceding that such change has occurred, there are still important considerations warranting the resolve that the wall of separation between church and state "must be kept high and impregnable." (*Everson* v. *Board of Education, supra,* 330 U.S. at p. 18, 67 S. Ct. at p. 513.) Among other things, the extension of aid to religious educational institutions could, as observed in *Judd* v. *Board of Education, supra,* 278 N.Y. at 209, 15 N.E. 2d at 581, "open the door for a dangerous and vicious controversy among the different religious denominations as to who should get the largest share of school funds."[34] More important, perhaps, is the danger that the acceptance of state aid might result in state control over religious instruction. Some religious leaders, including leaders in the Catholic Church, have opposed the acceptance of public funds on this ground.[35] These considerations convince us that the wall of separation in this State must also be kept "high and impregnable" to meet the demands of article I, section 5.

We are not unmindful of the fact that parents who send their children to Catholic schools must bear the double burden of supporting not only their own parochial schools but the public schools as well. But the added burden is self-imposed; instruction in the public schools is available to all. Catholic schools operate only because Catholic parents feel that the precepts of their faith should be integrated into the teaching of secular subjects. Those who do not share in this faith need not share in the cost of nurturing it. Article I, section 5 so ordains.

(7) Defendants argue that the denial of the use of free textbooks to pupils solely because they attend parochial schools would constitute a violation of the equal protection clause of the 14th amendment. The argument is without merit. The classification which excludes such pupils from the State's bounty is not only reasonable, it is commanded by the Constitution itself.

The principle announced in *Pierce* v. *Society of Sisters,* 268 U.S. 510, 45 S. Ct. 571, 69 L. Ed. 1070 (1925), relied upon by defendants, is not germane to the problem before us. That case simply recognizes the constitutional right of a parent to pursue freely his religious beliefs by sending his children to parochial schools. The court did not hold, nor was anything said in the case from which it could be implied, that the State must pay for the child's education if the parent elects to use the parochial schools.

The trial judge was of the opinion that the expenditures in question constituted a violation of the constitutional principle of separation of church and state, but he concluded that he was bound by *Everson* v. *Board of Education,* 330 U.S. 1, 67 S. Ct. 504, 91 L. Ed. 711, 168 A.L.R. 1392 (1946). A decision of the Supreme Court of the United States holding that certain legislation is not in violation of the Federal Constitution is not an adjudication of the constitutionality of the legislation under a State constitution. In such a case it is not only within the power of the State courts, it is their duty to decide whether the State constitution has been violated. Our views on the policy or interpretation of a particular constitutional provision do not always coincide with those of the Supreme Court of the United States. As we have indicated, *Everson* v. *Board of Education, supra,* is distinguishable from the case at bar. Even if it were not, our conclusion would be the same.

The judgment is reversed. The trial court is directed to enter a decree in accordance with the prayer in plaintiffs' complaint.

Justice ROSSMAN. I dissent.

Everson v. *Board of Education,* 330 U.S. 1, 67 S. Ct. 504, 91 L. Ed. 711, 168 A.L.R. 1392, spent unusual effort upon a case which was governed by the same principle of law that governs the case at bar. It stated the principle with clarity and sustained the constitutionality of the challenged statute. We should apply the same principle of law in this case and recognize as valid the statute under attack. Certainty of law governing the relationship between the State and religious organizations, although difficult of expression, is peculiarly desirable. Confusion and controversy are certain to arise when the U.S. Supreme Court and this court interpret differently a constitutional principle that should have a single meaning. The Everson decision affords a good opportunity to achieve a high degree of certainty. It should not be cast aside; it should be embraced.

I will now state an additional reason for my dissent. It is commonly recognized that if more than one reasonable interpretation can be placed upon a statute which is challenged as invalid, one of which will sustain its constitutionality and the other of which will render it unconstitutional, the courts must accept the former. The most recent of our decisions which so held is *Federal Cartridge Corporation* v. *Helstrom,* 202 Or. 559, 276 P. 2d 720. I believe that a simple reasonable interpretation can be placed upon ORS 337.150 (the act under attack) which will assure its validity.

A free textbook statute, applicable only to public elementary schools, was enacted in 1931. Oregon Laws 1931, chapter 61, section 1, page 74. Oregon Laws 1941, chapter 485, section 1, page 878, amended the act just cited by expanding its scope. The amended act read:

"The board of directors of each and every school district in the State of Oregon hereby is authorized, empowered and directed, in the manner hereinafter provided, to provide textbooks, prescribed or authorized by law for the free use of all pupils residing in its respective districts and enrolled in and actually attending standard elementary schools. For the purpose of this act a school shall be standard when it meets the standards of the State board of education and all teachers engaged in classroom instruction in said school shall hold a valid Oregon teaching certificate of the proper teacher level. * * *"

It is clearly evident that the legislature, in making the amendment to the 1931 enactment, wished to improve the quality of the denominational schools. It, therefore, rendered textbooks available also to pupils who were enrolled in denominational schools that met qualifications for "standard elementary schools." But prior to the 1941 act a denominational school could select any textbook it prefered and use it in the classroom. Let us at this point assume that the members of the 1941 legislative assembly, in voting to extend the free use of textbooks to the pupils in denominational schools, thought that the pupils in those schools would receive superior instruction if the schools adopted the books chosen by the State board of textbook commissioners (ORS 337.010 and 337.050); under those circumstances we surely would be forced to hold that the legislature had in mind the pupils and superior instruction for them—not financial gain for the schools. ORS 337.260 is a clear indication that the legislature is vitally concerned with the contents of the textbooks that are used in teaching the youth of Oregon. We see from the facts just mentioned that when a denominational school requests the local school board to render available to its pupils the use of free textbooks it must accept books chosen by the officials of the public school district and not by itself.

The majority concede that although churches and denominational schools pay no taxes they nevertheless receive many benefits from public moneys. For example, if a fire breaks out in a church the local fire department undertakes to extinguish it. That obviously is done because the church is a local asset and also because the fire, if left unextinguished, might spread to other structures. If a thief invades a church or denominational school he is prosecuted by the public authorities because if he were left to go his way the property of others might be taken. However, in all instances of that kind the benefits to the religious organization is secondary or incidental. For example, the street adjacent to a church or denominational institution may be improved at public expense, not for the purpose of conferring a benefit upon the church, but in order to enable traffic to move expeditiously. A church or a denomination school likewise may be enabled to hook up to the public sewer lines, not in order to confer a benefit upon the church, but because to do otherwise might cause an epidemic of disease to arise. The majority quote from a textwriter as follows:

"* * * Furthermore, a church may receive police protection when classed as property, tax exemption when classed as a nonprofit institution, sewage connections when classed as a building, and yet be denied financial aid when classed as a religious institution * * *."

Classifications of that kind solve nothing. They represent wishful thinking whereby cases are solved according to preconceived ideas. To me, it seems we must in all instances endeavor to determine why the statute under attack was enacted. A good instance is ORS 421.035, which reads as follows:

"There shall be appointed by the board two chaplains of the Oregon State Penitentiary, two chaplains of the Oregon State Correctional Institution and two chaplains of the MacLaren School for Boys. One shall be a non-Catholic clergyman, the other a Catholic clergyman of the archdiocese of Oregon, in each instance. They shall:

"(1) Look after and attend to the spiritual wants of the inmates of the penitentiary, the correctional institution and the MacLaren School for Boys and of all other public institutions in Marion County, when called upon so to do by the inmates, respectively.

"(2) Visit their respective charges for the purpose of giving them religious and moral instructions * * *."

That enactment represents a clear appropriation of public funds for religious purposes. Yet, when the legislature enacted the statute it was not prompted by a desire to improve the finances of any church, religious denomination, or clergyman. It was thinking of the unfortunate individuals who are confined in our penal institutions and was prompted by a hope that if a clergyman, Bible in his hand, called upon them a new light might enter their lives and turn them from lawbreaking to worthy aspirations. A Salvation Army band, clothed in tattered uniforms but playing some of the church's favorite hymns as it marches through skid row, is a greater force for law compliance than a battalion of police officers.

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[33] Sullivan, "Religious Education in the Schools," 14 Law and Contemporary Problems, 92, 107 (1949): note, 36 Geo. L.J. 631 (1948). But cf., Murray, Law or Prepossessions," 14 Law and Contemporary Problems 23, 24–26 (1949).

[34] *Everson* v. *Board of Education,* 330 U.S. 1, 59, 67 Supreme Court 504, 91 L. Ed., 711, 168 A.L.R. 1392 (1946) (dissenting opinion); *Williams* v. *Board of Trustees,* 173 Ky. 708, 191 S.W. 507, 514, L.R.A. 1917D (1917); Fellman, "Separation of Church and State in the United States; A Summary View," 1950 Wis. L. Rev. 427, 444–45; note, 47 Colum. L. Rev. 1346, 1355 (1947); note, 60 Harv. L. Rev. 703, 794 (1947).

[35] 13 Cath. Encyc. 560 (1912); note, 50 Yale L.J. 917, 926 n. 58 (1941).

As I have indicated, the act in question clearly can be deemed an educational act. Its purpose was to bring to the avail of the pupils in denominational institutions textbooks which the legislature favored. The legislature was not concerned with any church, but with the youth of Oregon and believed that textbooks chosen by the State board of textbook commissioners would afford superior education to those selected by the denominational schools.

I add that a parochial school is in no sense enriched through the operation of the statute under attack. If, prior to the enactment of ORS 337.150 the parochial school did not provide for its pupils free textbooks, then obviously ORS 337.150 did not relieve it of any burden. But if, prior to the enactment of ORS 337.150 the parochial school provided free textbooks, then the act under question does not give to the parochial school any books whatever. ORS 337.200(2) renders it clear that the books are entrusted to the pupil and are not the property of the school. In fact, ORS 337.190 states:

"All textbooks purchased under ORS 337.150 are, and shall remain, the property of the school district. Upon receipt thereof, each of said books shall be immediately and properly labeled as the property of the school district."

ORS 337.200 renders it the duty of the superintendent of public instruction to see to it that all of the books thus rendered available to the pupils are returned to the school board. Without further analysis, I express my conclusion that the act under review is constitutional and that this court should adhere to *Everson* v. *Board of Education, supra.*

Mr. ERVIN. Mr. President, in addition to the Dickman case, there are two other cases in which it is held that the first amendment, or comparable sections of State constitutions, forbid the use of public funds for furnishing textbooks to sectarian schools or to children in sectarian schools. One of these was a decision of the Supreme Court of New Mexico, *Zellers et al.* v. *Huff et al.*, 55 New Mexico 501 236 P. 2d 949; and the other was the decision of the Supreme Court of South Dakota, *Haas* v. *Independent School District No. 1 of Yankton*, reported in 9, Northwestern 2d 707.

Mr. President, I ask unanimous consent to have these two decisions printed at this point in the RECORD as a part of of my remarks:

There being no objection, the decisions were ordered to be printed in the RECORD, as follows:

ZELLERS *v.* HUFF

(Cite as 236 P. 2d 949)

(*Zellers et al.* v. *Huff et al.*, No. 5332, Supreme Court of New Mexico, Sept. 20, 1951)

Lydia C. Zellers and others brought action against Raymond Huff and others for a declaratory judgment and to enjoin certain defendants from teaching sectarian religion in the public schools. The district court of Santa Fe County, E. T. Hensley, Jr., J., entered a judgment, and the plaintiffs appealed, and the defendants cross-appealed. The supreme court, McGhee, J., held that certain defendants who had violated statute providing that no teacher shall use any sectarian or denominational books in schools or teach sectarian doctrine in the schools should be forever barred from teaching in the public schools, that evidence established intent on part of certain of the defendants to violate such statute, that religious garb and religious insignia must not be worn by teachers while teaching in public schools, and that a church cannot be permitted to operate a school system within public school system.

Judgment affirmed in part.

1. Appeal and error—843(2):

Fact that if State board of education and archbishop of Roman Catholic Church continued policies announced in resolution and letter religion would no longer be taught in public schools, and conditions of which plaintiffs complained would be entirely eliminated, would not make appeal by plaintiffs moot, since plaintiffs were entitled to an authoritative declaration of law on the subject.

2. Injunction—1:

The granting or denial of an injunction is to a great degree a matter resting in the conscience of the chancellor.

3. Religious societies—6:

Payment to religious orders by teachers of money received by them from teaching in public schools did not constitute State aid to religion as denounced by the Federal or State Constitutions (1941 Comp. sec. 55–1102; Const. art. 9 sec. 14; art. 12, sec. 3; art. 20, sec. 17; art. 21, sec. 4; U.S.C.A. Const. Amendments 1, 14).

4. Constitutional law—84:

Religious garb and religious insignia must not be worn by teachers during the time that the teachers are on duty as public school teachers (1941 Comp. sec. 55–1102; constitutional art. 9, sec. 14; art. 12, sec. 3; art. 20, sec. 17; art. 21, sec. 4; U.S.C.A. constitutional amendments 1, 14).

5. Constitutional law—84:

Teachers while teaching in public schools, must refrain from the teaching of sectarian religion and doctrines and dissemination of religious literature (1941 Comp. sec. 55–1102; constitutional art. 9, sec. 14; art. 12, sec. 3; art. 20, sec. 17; art. 21, sec. 4; U.S.C.A. constitutional amendments 1, 14).

6. Schools and school districts—147:

Public school teachers must be under the actual control and supervision of responsible school authorities (1941 Comp. sec. 55–1102; constitutional art. 9, sec. 14; art. 12, sec. 3; art. 20, sec. 17; art. 21, sec. 4; U.S.C.A. constitutional amendments 1, 14).

7. Constitutional law—84:

A church cannot be permitted to operate a school system within the public school system (1941 Comp. sec. 55–1102; constitutional art. 9, sec. 14; art. 12, sec. 3; art. 20, sec. 17; art. 21, sec. 4; U.S.C.A constitutional amendments 1, 14)

8. Appeal and error—151(6):

Where archbishop of Roman Catholic Church who had title to church property, was not a party to suit, teachers who were members of Roman Catholic Church, and who were parties to the suit, had no standing on appeal to attack portion of judgment enjoining rental of building owned by church for school purposes where public school authorities did not have absolute control of building (1941 Comp. sec. 55–1102; constitutional art. 9, sec. 14; art. 12, sec. 3; art. 20, sec. 17; art. 21, sec. 4; U.S.CA. constitutional amendments 1, 14).

9. Constitutional law—1: Statutes—142, 158:

Constitutional and statutory provisions are not amended or repealed by failure of officials to enforce them.

10. Constitutional law—84: Schools and school districts—165:

Where certain sisters and brothers of the Roman Catholic Church, who were employed as teachers in public schools, knowingly taught sectarian religion during regular school hours, they were properly enjoined permanently from teaching in the public schools (1941 Comp. sec. 55–1102; constitutional art. 9, sec. 14; art. 12, sec. 3; art. 20, sec. 17; art. 21, sec. 4; U.S.C.A. constitutional amendments 1, 14).

11. Constitutional law—275(1):

Relationship between teachers and their school boards was protected by the Federal Constitution against arbitrary deprivation or impairment.

12. Criminal law—13:

A penal statute so uncertain in meaning or capricious in application as to provide no intelligent standard, is void.

13. Constitutional law—275(1); schools and school districts—127:

Statute providing that no teacher shall use any sectarian or denominational books in the schools or teach sectarian doctrine in the schools, and that any teacher violating statute shall be immediately discharged, his certificate to teach school revoked, and be forever barred from receiving any school moneys and employment in the public schools of the State, is not so vague and uncertain as to deny teachers due process of law (1941 Comp. sec. 55–1102).

14. Schools and school districts—165:

Evidence established intent on part of certain sisters and brothers of Roman Catholic Church, who were teaching in public schools, to violate statute providing that no teacher shall use any sectarian or demoninational books in the schools or teach sectarian doctrine in the schools (1941 Comp. sec. 55–1102).

15. Administrative law and procedure—231; declaratory judgment—210:

Taxpayers and citizens were not barred from maintaining an action for declaratory judgment and for injunction to restrain sisters and brothers of the Roman Catholic Church, who were teaching in public schools, from teaching sectarian doctrine in the schools in violation of statute because the taxpayers and citizens did not exhaust their alleged administrative remedies, where no provision was made by statute for proceedings by a dissatisfied taxpayer or citizen, and any appeal to State board of education or any mandamus action would have been an idle gesture (1941 Comp. secs. 55–105(g)1, 55–1102, 55–1113).

Harry L. Bigbee, Santa Fe, for appellants.

Watson, McIntosh & Watson, Santa Fe, John A. Danaher, Washington, D.C., for appellees.

Joe L. Martinez, attorney general; Philip H. Dunleavy, assistant attorney general, for the State of New Mexico.

R. Lawrence Siegel, New York City, Pearce C. Rodey, Albuquerque, amici curiae.

McGhee, Justice:

This is a class action brought under sections 19–101, rule 23(a) and 19–601, N.M. S.A., 1941 Comp., by the plaintiffs as citizens, taxpayers and parents of school children for themselves and others similarly situated seeking a declaratory judgment and injunctions against members of the State board of education, as such, members of the county, independent or municipal boards of education having jurisdiction of the schools involved, R. H. Grissom as State educational budget auditor and various sisters and brothers who are members of Roman Catholic religious orders teaching in the affected schools.

The general objects of the first cause of action were to have the teaching of sectarian religion in the public schools declared illegal, to bar permanently certain teachers from teaching in the public schools for having taught sectarian religion therein, to have all members of Roman Catholic religious orders declared ineligible to teach in the public schools of the state, and to have the expenditure of public funds in aid of Roman Catholic parochial schools declared illegal.

In the second cause of action injunctions were asked to put into effect the declarations of law which might be made in the declaratory judgment.

Under our statutes the county, town, and independent boards of education named as defendants employed and had the supervision of the sisters and brothers (hereafter called the religious) as teachers. Many additional facts regarding the religious were pleaded, but it would unduly lengthen this opinion to detail them.

An abstract of the material facts as found by the trial court will be set out hereafter and serve as a guide for the declarations of law made by the trial court and to be made by us. For purposes of simplicity and brevity specific findings applicable to a number of schools have been grouped together under single statements; some findings have been incorporated in others; and the schools concerned have, in the main, been treated in two groups, the first being those found by the trial court to be parochial schools of the Roman Catholic Church, and the second being those where there is no separation between the Roman Catholic Church and the State of New Mexico, although not declared by the trial court to be parochial schools.

DIGEST OF FACTS FOUND BY THE TRIAL COURT

1. Plaintiffs brought this action on behalf of themselves and other residents, taxpayers, and parents of children of school age similarly situated.

2. Plaintiffs have no adequate remedy at law.

3. An actual controversy exists between the plaintiffs and all defendants herein.

4. The statutes of the State of New Mexico provide an administrative remedy, but that remedy in a situation as here presented is one of form and not of substance, and plaintiffs have exhausted said remedy prior to the filing of the petition herein.

5. There is no separation between the Roman Catholic Church and the State of New Mexico in the following named schools, all located in the State of New Mexico:

First group

Santa Rita Grade School, Carrizozo.
Mount Carmel School, Socorro.
St. Mary's School, Belen.
San Fidel School, Valencia County.
St. Nicholas Grade School, Sandoval County.
Sacred Heart Academy Grade School, San Juan County.
Lumberton School, Rio Arriba County.
Park View School, Rio Arriba County.
Penasco School, Taos County.
Old Town Junior High School, Las Vegas.
St. Francis School, Ranchos de Taos.
St. Joseph's School, Rio Arriba County.

Second group

Cubero School, Valencia County.
Cuba School, Sandoval County.
Pena Blanca School, Sandoval County.
Blanco Grade School, San Juan County.
Chama School, Rio Arriba County.
Dixon School, Rio Arriba County.
San Juan School, Rio Arriba County.
Pecos Independent School District, Pecos.
Santa Cruz School, Santa Fe County.
Costilla School, Taos County.
Villanueva School, San Miguel County.
Ribera School, San Miguel County.
Mora School, Mora County.

6. All of the schools named in these findings are situated in the archdiocese of Sante Fe, except the schools in Cubero and San Fidel, Valencia County, and Blanco, San Juan County, which are located in the archdiocese of Gallup, N. Mex.

7. The schools comprising the first group above are, in fact, Roman Catholic parochial schools being subsidized in part by funds raised through taxation by the State of New Mexico through the employment of teachers, furnishing of free bus transportation and free textbooks; and funds so expended are used in furtherance of the dissemination of Roman Catholic religious doctrines to students attending these schools in compliance with the New Mexico compulsory attendance law. In all of the schools named in the first group, the following conditions exist, to-wit:

(a) Church buildings owned by the Roman Catholic Church are used 5 days each week during the school term for school buildings.

(b) Religious are employed as teachers by the State of New Mexico and paid as such from funds raised through taxation in the State of New Mexico.

(c) Pupils attending these schools are given religious instruction in the principles of the Roman Catholic Church, commonly known as the catechism, during school hours by the religious employed as teachers by the State of New Mexico.

(d) Students are taught and recite prayers during school hours which are peculiar to the Roman Catholic Church.

(e) Roman Catholic literature, pamphlets, leaflets and comic books are distributed to the students during school hours.

Certain variations in these practices are found from school to school and are detailed hereafter, to wit:

(a) Lumberton School, Rio Arriba County, and Old Town Junior High School, Las Vegas, are not named as schools receiving free bus transportation for their pupils.

(b) Park View School, Rio Arriba County, and St. Francis School, Ranchos de Taos, are schools in which religious instruction was given during school hours by the parish priests of the Roman Catholic Church.

(c) Students at Santa Rita School, Carrizozo, were not found to have been learning or reciting prayers peculiar to the Roman Catholic Church during school hours.

(d) Neither the Santa Rita School, Carrizozo, nor the Lumberton School, Rio Arriba County, were declared to be distributing Roman Catholic literature, etc., to their students during school hours.

(e) St. Joseph's School in Dixon, Rio Arriba County, is not included in some of the findings made by the court common to all of the parochial schools, but the court specifically found this school is in fact a Roman Catholic parochial school being aided by the State of New Mexico through funds produced by taxation in the employment of teachers, the furnishing of bus transportation and textbooks without charge. (There is abundant evidence that the procedure followed in this school is essentially the same as that followed in the remainder of the schools found to be parochial.)

8. With respect to the schools enumerated in the second group, the court found:

(a) Religious are employed to teach in all of these schools by the State of New Mexico and paid out of tax funds. Free textbooks and free bus transportation are furnished the pupils in said schools through funds raised by taxation by the State of New Mexico, and funds so expended are used in furtherance of the dissemination of Roman Catholic religious doctrines to students attending in compliance with the New Mexico compulsory attendance law.

(b) In every school religious instruction in the principles of the Roman Catholic Church is given pupils during school hours by the religious employed as teachers and paid by the State of New Mexico out of tax funds.

(c) In 10 of these schools, students, during school hours, are taught and recite prayers peculiar to the Roman Catholic Church. (Santa Cruz School, Costilla School, and Villanueva School not being included in this finding.)

(d) Church buildings owned by the Roman Catholic Church are used 5 days each week during the school term in 10 of these schools (there being no finding as to Chama School, Pecos Independent School District and Ribera School).

(e) Roman Catholic literature is distributed during school hours in seven of these schools, to wit: Cubero School, Blanco Grade School, San Juan School, Santa Cruz School, Castilla School, Villanueva School, and Mora School.

9. Tierra Amarilla School, Rio Arriba County, is not included in the number of schools where the court found there was no separation of the State of New Mexico and the Roman Catholic Church; however, by the findings of the court, this school observed all the practices as the schools enumerated in the second group, except that church buildings were not there used for school buildings.

10. In certain of the schools from each group, parochial and otherwise, students are released from school attendance during school hours for the purpose of attending mass or confession held in the Roman Catholic Church, and there are pictures on the walls of the schoolrooms portraying themes peculiar to the Roman Catholic Church.

11. With respect to all of the schools in both groups, the court found the children attending said schools are under the supervision of the teachers from the time they arrive on the school ground and so long as they remain thereon at the end of the school day.

12. A complete line of textbooks has been adopted by the State of New Mexico for use in Catholic schools only and is furnished to the Catholic parochial schools and certain public schools without charge.

13. The religious are employed as teachers and are paid salaries by the State of New Mexico out of funds produced by taxation in each of the schools involved, with the exception that in some schools the salaries are paid direct to the religious order to which the particular religious belongs.

14. All of the religious named as defendants were dressed in the distinctive garb of their order at all times while school was in session and in a number of schools the religious are employed to teach in said school by the superior member of the order to which they belong.

15. In 1941 the Rio Arriba County Board of Education entered into a contract with the Mother Superior acting on behalf of the Franciscan Sisters of Our Lady of Perpetual Help, wherein said board agreed to employ sisters of said order for a period of not less than 5 years, which contract was approved by the archbishop of the Catholic Church in St. Louis, Mo.

16. All of the defendant religious were, or had been at times material to this case, conducting regular classes of instruction in the principles of the Roman Catholic Church during school hours to students attending school in compliance with the New Mexico compulsory attendance law, except defendant sisters named as teachers in the schools at Abiquiu, Tucumcari, and in the Catron County schools, all in New Mexico.

17. Students attending school at Abiquiu are taught the principles of the Roman Catholic Church by sisters, not employed by the State of New Mexico, in the Catholic Church at Abiquiu immediately after the schoolbuses arrive each schoolday and before secular classes commence.

18. The Old Town Junior High School at Las Vegas and the Sacred Heart Academy Grade School in San Juan County are owned by the Christian Brothers, an order of the Roman Catholic Church, and the physical plant is under the direction, control and supervision of the brother superior of said order.

19. The Catholic brothers who were employed as teachers in the Old Town Junior High School, Las Vegas, refused to teach female students and additional teachers were

employed and likewise paid out of tax funds for the purpose of teaching classes composed of girls.

SUMMATION OF FACTS

The record and trial court findings clearly establish that a part of the schools involved in this appeal (if not all except the Abiquiu school) were operated as Roman Catholic parochial schools where the religious taught. The following practices were extant in these schools.

Schoolbus schedules were so set that in schools where sectarian religion was taught between the hours of 8:30 and 9 in the morning, buses would arrive at 8:30; or, where religious training was given in the afternoon at the end of regular clases, buses did not leave until the conclusion of the 30-minute period of religious instruction. The large majority of pupils were transported by bus and the above outlined procedure was followed in all schools except perhaps two or three which did not have bus service.

Non-Catholic children were of necessity required to attend religious instruction and services during inclement weather where the schools did not have a library or assembly room, and even in such schools they were required to be present and hear Roman Catholic prayers.

The compulsory school attendance law served as a vehicle for getting the children to school and religious instruction. Catholic literature was distributed by the religious to the pupils at the public schools.

Two sets of free textbooks were adopted by the State board of education—one for the public schools and the other for Roman Catholic parochial schools—the latter being delivered free of charge to both classes of schools.

Many of these schools displayed Roman Catholic religious pictures of various kinds on their walls.

A number of the religious testified they did this or that in connection with religious instruction on the orders of the local priest who, they say, was their religious superior.

The religious who taught in the public schools were selected and assigned to various schools by the heads of their respective orders and were accepted by the school boards without question. In addition, transfers and substitutions were made at will by the same authority and these were likewise accepted by the boards. Indeed, in this extremely long record involving so many schools in different counties, there is only one instance where a county board of education attempted to assert its authority in the selection of a teacher and that was in the Cuba School in Sandoval County. There the board asked the mother superior of the order not to send back the principal of the Cuba school for the coming school year, but requested that two other sisters be retained there as teachers. The request went unanswered for months but the mother superior finally appeared at Cuba, questioned the local resident of the board, said the complaint against the principal was trivial, that she would not have her sisters shoved around and if there were any more complaints about her sisters she would take all of them out of the school. The sister to whom the board had objected was returned to the school for the following year and the sisters the board had desired to retain were transferred.

In short, New Mexico had a Roman Catholic school system supported by public funds within its public school system.

HISTORY OF PRESENT CONTROVERSY

A showdown finally came between irate school patrons, some of whom are plaintiffs in this case, and the school authorities over the teaching of religion in the Dixon schools, a rural community where the Roman Catholics and Protestants are about evenly divided. Public school had been held in that district for many years in church property with religious as teachers. The Protestants objected to the holding of public school in Roman Catholic-owned buildings where sisters taught the regular curriculum and in addition taught sectarian religion, but were advised by the county board of education that funds were not available to erect a public school building. The Protestants then donated money and labor, erected a school building, gave it to the county and asked that it be opened and staffed with lay teachers. This request was denied and the new school was placed under a sister as principal and the teaching of sectarian religion continued. Later a committee of Protestants appeared before the county board of education and demanded, among other things, that it stop the teaching of sectarian religion in the Dixon schools. The board held it did not have jurisdiction and declined to act, referring the protestors to the State board of education. They then appeared before the State board and were told it was an appellate board and as it had no written appeal it could do nothing. The committee offered to make a tender of proof in support of their protests but the offer was summarily denied following an objection by an attorney who later represented the religious at the trial of this case. The meeting evidently waxed warm and for the first time the members of the State board became exercised over the matter. After the protestors had been dismissed and the board had been in practically closed session for a time the State superintendent of public instruction, who was also a member ex officio of the State board, called on the archbishop of the diocese of Santa Fe, the Very Reverend Edwin V. Byrne, and solicited his help. Another meeting of the board was held and finally the directive relative to the operation of the school at Dixon was adopted, the material portion of which is as follows:

"In an earnest effort to solve the community school problems of Dixon, the State board of education recommends and insists that the following plan be carried out:

"1. That the new school recently completed at Dixon teach the first six grades, including the prefirst.

"2. That this new school have all qualified lay teachers, with a lay principal.

"3. That the public school, taught by Catholic Sisters, teach the 7th to 12th grades.

"4. That schoolbuses bringing children to Dixon run on a schedule that would bring the children to school in time, but not necessarily earlier.

"5. That no religious instruction be given in either school by the teachers on school days. * * *" (Minutes of the State board of education, Sept. 15, 1947.)

The archbishop directed a letter to all religious teaching within the archdiocese of Santa Fe, which, omitting formal parts, reads as follows:

"In view of the present agitation against Sisters in public schools and to avert grave future difficulties that could prove disastrous to the continuation of Sisters in public schools in the State of New Mexico, I request that no religious instructions be given in public school buildings by the teachers on school days. Catechism should be taught on Saturdays and Sundays.

"Schoolbuses bringing children to school will run on a schedule that will bring the children to school in time, but not necessarily earlier, and will leave immediately after school."

A special letter accompanied the copy of the foregoing letter sent to the religious at Dixon in which the archbishop advised the religious to remove all religious emblems from public school rooms, forbidding the saying of prayers or giving of religious instruction in the school on schooldays, and further stating that if any Sister did not obey these orders, her removal from the Dixon school would be effected.

The archdiocesan superintendent of Roman Catholic schools in the diocese of Santa Fe, Monsignor Bradley, accompanied two representatives of the department of education to Dixon to put the directives into effect. School was being held in the public school building and in the church property rented by the county. At that time the teachers in the church property were Sisters and those in the public school were lay teachers. Monsignor Bradley delivered the orders to Sisters and then the representatives of the department of education gave the orders of the State board to the lay teachers at the public school. The directives did not at that time effectively stop the teaching of sectarian religion. The State board of education did not give any orders to any other schools.

Thus, it is apparent that it is the archbishop to whom the people of New Mexico are indebted for the cessation of sectarian religion training in public schools where members of Roman Catholic orders taught, and not the public officials charged with such duty. Note the language of his directive quoted supra. He not only directed that the teaching of religion be stopped on schooldays, but also directed a change in the arrival and departure times of the schoolbuses.

JUDGMENT OF THE LOWER COURT

Some portions of the declaratory judgment will be abstracted and others set out in full, our numbering corresponding to that of the judgment.

1. That 139 of the defendants (religious) be forever barred from receiving any school moneys and employment in the public schools of New Mexico.

2. That school students are subject to the supervision of school authorities and teachers from the time that they arrive at the school in the morning until they leave in the afternoon and this entire period of time is hereby adjudged and decreed and declared to be a part of the school day for all such children.

3. That section 17, article 20 of the constitution of the State of New Mexico requires that the members of the New Mexico State Board of Education adopt a uniform system of textbooks.

4. That the adopting of sectarian indoctrinated textbooks and furnishing the same to the tax supported schools of the State of New Mexico by the State of New Mexico or the members of the New Mexico State Board of Education violated section 4, article 21 of the constitution of the State of New Mexico and the 1st amendment to the Constitution of the United States as made applicable to the States by the 14th amendment to the Constitution of the United States.

5. That the furnishing of free textbooks to schools other than tax supported schools of this State, violates section 14, article 9 of the constitution of the State of New Mexico and section 3, article 12 of the constitution of the State of New Mexico.

6. That the furnishing by the State of New Mexico of sectarian indoctrinated textbooks or textbooks for Catholic schools only to private parochial schools is in violation of the first amendment to the Constitution of the United States.

7. It is hereby adjudged, decreed, and declared that the furnishing by the State of New Mexico of free schoolbus transportation to pupils of parochial schools is in violation of section 3, article 12, and section 14, article 9 of the constitution of the State of New Mexico and the 1st amendment to the Constitution of the United States as made applicable to the States by the 14th amendment of the Constitution of the United States.

8. That the teaching of sectarian doctrine in the tax-supported schools of this State violates section 4, article 21 of the constitution of the State of New Mexico and section 9, article 12 of the constitution of the State of New Mexico and the 1st amendment to the Constitution of the United States as

made applicable to the States by the 14th amendment to the Constitution of the United States.

9. That the holding of tax-supported school classes in buildings which have religious emblems such as crosses, grottos, religious statuary and religious pictures, all peculiar to a certain denomination, violates the 1st amendment to the Constitution of the United States as made applicable to the States by the 14th amendment to the Constitution of the United States.

10. That the holding of tax-supported school classes in a building owned by the Roman Catholic Church or an order thereof or an official thereof, part of said building being retained by said order, church or official, for use as a private or parochial school is in violation of the 1st amendment to the Constitution of the United States as made applicable to the States by the 14th amendment to the Constitution of the United States.

11. It is hereby adjudged, decreed and declared that there is no separation between Church and State as contemplated and required by the 1st and 14th amendments to the Constitution of the United States in 27 named schools in New Mexico.

12. The members of the State board of education, all local boards of education and their members who are named as defendants were declared to be barred and prohibited from renting, leasing or acquiring for use in any way buildings or space in buildings for use as public school or public school rooms when such building does not remain under the absolute control of the State or one of its subdivisions or when such building is of a nature to exert a sectarian influence.

13. The providing or authorizing free schoolbus transportation for pupils attending a parochial or sectarian school was declared unlawful, and the members of the State board of education were prohibited from authorizing or furnishing it.

14. The furnishing or providing of free textbooks for private, parochial or sectarian schools was adjudged unlawful, and the members of the State board of education were prohibited from furnishing such books to such schools, or using tax funds for such schools.

15. That the furnishing or providing, buying or contracting for or authorizing sectarian indoctrinated textbooks as a part of the State's free textbook system by the members of the State board of education is hereby declared to be illegal.

16. That it is unlawful to make or approve any budget providing for the payment of public funds to any of the defendants herein who are teaching sectarian doctrine in the tax-supported schools of this State by the defendant, R. H. Grissom (State educational budget auditor).

17. That 12-named schools are in fact Roman Catholic parochial schools being illegally subsized in part by funds raised through taxation by the State of New Mexico.

18. That public funds expended by the State of New Mexico in furnishing bus transportation for pupils and free textbooks are illegally used in furtherance of the dissemination of Roman Catholic doctrines to students attending in compliance with the New Mexico compulsory attendance law in 24-named schools.

On the second cause of action the following judgment was entered:

1. That each of the defendants listed in paragraph No. 1, above, of the portion of this judgment and decree relating to the first cause of action, be and the same are each hereby permanently enjoined and restrained from henceforth receiving any school moneys or employment in the public schools of this State.

2. That the defendants named and designated in paragraph 12 of this judgment relating to the first cause of action be and each of them are hereby permanently enjoined and restrained from permitting, allowing, or consenting to the transportation of pupils attending parochial schools by transportation furnished by the State of New Mexico in connection with the furnishing of schoolbus transportation.

3. That each defendant named in the complaint herein as being a member of the State board of education or member of any other board of education and all boards of education named as defendants in this action who are named and designated in paragraph No. 12 of the portion of this judgment relating to the first cause of action and each of them are hereby permanently enjoined and restrained from permitting or allowing the holding of tax-supported school classes in buildings which have religious emblems, such as crosses, grottos, religious statuary, and religious pictures peculiar to a certain denomination or in allowing the holding of tax-supported school classes in a building or buildings owned by the Roman Catholic Church or an order thereof or an official thereof when part of said building is retained by said church, order, or official for use as a private or parochial school and are hereby enjoined and restrained from renting, leasing, or acquiring for use in any way buildings or space in buildings for use as a public school or public school room when said building does not remain under the absolute control of the State or one of its subdivisions or when such building is of a nature to exert a sectarian influence.

4. That the defendants, Raymond Huff, Floyd D. Golden, Miss Margaret Kennedy, Mrs. Aileen Roat, Adelino Sanchez, Thomas J. Mabry, and Charles L. Rose, being members of the State board of education of the State of New Mexico, be and the same are hereby permanently enjoined and restrained from:

(a) Adopting a system of free textbooks that is not uniform.

(b) Adopting or furnishing sectarian indoctrinated textbooks to tax-supported schools of the State of New Mexico.

(c) Furnishing free textbooks to schools other than tax-supported schools of the State of New Mexico.

(d) Furnishing sectarian and indoctrinated textbooks or textbooks for Catholic schools only to private or parochial schools at the expense of the State of New Mexico.

(e) Providing, permitting, or authorizing, free schoolbus transportation for pupils attending a parochial or sectarian school.

5. That the defendant, R. H. Grissom, is hereby permanently enjoined and restrained from approving or making any budget providing for the payment of public funds to any of the defendants herein named in paragraph No. 1 of the portion of this judgment and decree relating to the first cause of action.

6. That the county board of education of Rio Arriba County and its members, to wit: H. H. Kramer, J. C. Martinez, Albert Amador, Jr., Augustine Vigil, and Juan B. Martinez, be and the same are each hereby enjoined and restrained from allowing or permitting the holding of tax-supported school classes in the portion of the St. Joseph's School in Dixon that was used at the time of hearing in this cause partly for the holding of a parochial school and partly for the conducting of high school classes supported by tax funds.

7. That the defendants herein who are members of any board of education named as defendants herein and all boards of education who are named as defendants herein the same being named in paragraph No. 12 of the portion of this judgment and decree relating to the first cause of action be and each of them are hereby enjoined and restrained from using or permitting the use of tax funds for the purpose of subsidizing parochial schools.

8. That all defendants other than those named as sisters, brothers, or reverends are hereby enjoined and restrained from conducting, permitting, or authorizing the operation or paying tax funds to schools in the State of New Mexico designated and referred to in this action during any period of time when said schools or any of them named and designated in paragraph No. 11 of the portion of this judgment and decree relating to the first cause of action are conducted or operated under circumstances found by this court as existing in its decision resulting in a failure to separate the church and state as found by this court is required by the 1st and 14th amendments to the Constitution of the United States or to pay or permit the use of public funds for the hiring of teachers, furnishing of free textbooks or free schoolbus transportation to any parochial school or schools where there is no separation between church and state as contemplated by the 1st and 14th amendments of the Constitution of the United States.

The plaintiffs appealed in an effort to get more relief than was granted by the trial court.

The attorney general appealed on behalf of the members of the State board of education and educational budget auditor, but as he has not filed assignments of error we will not further notice his appeal, save on the right of the plaintiffs to maintain a declaratory judgment action against the State officers.

The religious who were enjoined from again teaching in New Mexico likewise appealed.

QUESTION OF MOOTNESS OF APPEAL

The religious appellees urge the questions raised by appellants in their brief (the teaching of religion, teaching by the religious in public schools, teaching in religious garb, and the failure of the court to enjoin all religious named as defendants who have taught in the public schools) are moot for the following reasons:

1. Teaching of religion by the religious on schooldays has been discontinued since the direction so to do by the archbishop of the diocese of Santa Fe, N. Mex., by his directive to all the religious teaching in public schools set out above in the portion of this opinion designated "History of Present Controversy."

2. The State board of education by resolution dated March 6, 1951, adopted a policy of prohibiting the wearing of religious garb by teachers in the public schools of New Mexico, declaring that church property shall not be used for public school purposes except in cases of emergency, the resolution, omitting recitals, reading as follows:

"It is hereby resolved and adopted as the policy of this board that all nuns, brothers, or priests of the Catholic Church, or members of any other sectarian religious group, wearing clothing of religious significance, should be removed from the public schools throughout the State as expeditiously as circumstances (of) each locality allows; and, it is further adopted as the policy of this board that insofar as possible no property owned by religious groups shall be leased or rented by the State from such religious or sectarian organization unless exceptional circumstances require such action."

3. Following the adoption of the foregoing resolution by the State board of education, the archbishop of the diocese of Santa Fe advised the State board of education that contracts by religious would not be renewed at the close of the 1950–51 school year, and that no church property in this State was being used for public school purposes. The material part of his letter reads as follows:

"Please be advised that contracts by religious teaching in the public schools of New

Mexico, will not be renewed at the close of the present school year.

"Moreover, it should be noted, there is no church property in the State of New Mexico being used by the public schools.

"I am submitting these advices to the end that you will have been informed, well in advance, so that you may make appropriate plans for the coming school year."

We were advised at the argument in June that no religious would be employed as teachers in the public schools of New Mexico for the 1951–52 school year.

The State board has now adopted a uniform system of textbooks and we are advised it no longer furnishes any schoolbooks to sectarian or denominational schools.

(1) If the State board of education and the archbishop continue the policies announced in the resolution and letter just quoted, then, indeed the conditions of which plaintiffs so strongly complain would be entirely eliminated; but we must remember the membership of the board changes somewhat with each administration and we have changes from time to time in the individual holding the high church office of archbishop. Lacking an authoritative declaration of law on the subjects the individuals holding such offices may change their policies when and as they might be advised. We decline to treat the questions as moot and will proceed to a decision of the matters raised by the appeal of the appellants and the cross appeal of the religious.

APPLICABLE CONSTITUTIONAL PROVISIONS

Many of the assignments of error made by the plaintiffs relate to the right of the religious to teach in the public schools, wear religious garb while teaching, draw public money for acting as such teachers, and further urge that payment of tax money to such members is, in fact, an aid to a religious order in aid of its particular religion (as the religious all take vows of poverty and turn their earnings over to their respective orders) all in violation of the first amendment to the U.S. Constitution, provisions of our Enabling Act and certain sections of our State constitution. Therefore, we quote hereafter various constitutional and statutory provisions relative to the separation of church and State, and to our schools.

The first amendment to the Constitution of the United States reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

This provision is made applicable to the States by the 14th amendment of the U.S. Constitution, *Everson* v. *Board of Education* (330 U.S. 1, 67 S. Ct. 504, 91 L. Ed. 711, 168 A.L.R. 1392).

Section 2 of the Enabling Act for New Mexico, Act of June 20, 1910, 36 Statutes at Large 557, ch. 310, reads in part:

"And said convention (meaning our constitutional convention) shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State—

"First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; * * *.

"Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control, and that said schools shall always be conducted in English. * * *.

"All of which ordinance described in this section shall, by proper reference, be made a part of any constitution that shall be formed hereunder, in such terms as shall positively preclude the making by any future constitutional amendment of any change or abrogation of the said ordinance in whole or in part without the consent of Congress."

The following are quotations from our New Mexico constitution:

"Every man shall be free to worship God according to the dictates of his own conscience, and no person shall ever be molested or denied any civil or political right or privilege on account of his religious opinion or mode of religious worship. No person shall be required to attend any place of worship or support any religious sect or denomination; nor shall any preference be given by law to any religious denomination or mode of worship" (art. 2, sec. 11).

"Neither the State, nor any county, school district, or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association or public or private corporation" (art. 9, sec. 14).

"A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the State shall be established and maintained" (art. 12, sec. 1).

"The schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the State, and no part of the proceeds arising from the sale or disposal of any lands granted to the State by Congress, or any other funds appropriated, levied or collected for educational purposes, shall be used for the support of any sectarian, denominational or private school, college, or university" (art. 12, sec. 3). See also sec. 8, Enabling Act, supra.

"Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law" (art. 12, sec. 5).

"No religious test shall ever be required as a condition of admission into the public schools or any educational institution of this State, either as a teacher or student, and no teacher or student of such school or institution shall ever be required to attend or participate in any religious service whatsoever" (art. 12, sec. 9).

"Provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the State and free from sectarian control, and said school shall always be conducted in English" (art. 21, sec. 4).

Section 55–1102, N.M.S.A. 1941 Comp., reads: "No teacher shall use any sectarian or denominational books in the schools or teach sectarian doctrine in the schools, and any teacher violating the provisions of this section shall be immediately discharged, his certificate to teach school revoked, and be forever barred from receiving any school moneys and employment in the public schools in the State: *Provided*, That this section shall not be construed to interfere with the use of school buildings for other purposes authorized by the county board after school hours."

This statute, substantially as above, has been in effect in New Mexico for many years.

Money for the support of our public school system comes from taxation and the income from lands granted the State by the Congress of the United States.

Without further prefatory material, we will now proceed with the determination of the issues in this controversy.

FAILURE OF DECREE TO ENJOIN ALL RELIGIOUS TEACHERS

The first point raised by the appellants respects the refusal of the trial court to enjoin all of the religious defendants from thereafter teaching in the public schools of New Mexico who the record shows violated the provisions of section 55–1102, N.M.S.A. 1941 Comp., supra.

(2) It is true the findings and record show that many of the religious who had taught religion and used sectarian books, such as the Baltimore Edition of the Catechism, in the public schools while employed as teachers were not enjoined. However, a study of the record reveals that violations were in different degrees and there were more violations by some teachers than by others. It is difficult to determine where the trial judge drew the line and an opinion by him revealing his mental process in this case (where he did a remarkably fine job) would have been of considerable assistance to us. However, as the granting or denial of an injunction is to a great degree a matter resting in the conscience of the chancellor, we will accept his decision on this point and decline to direct an injunction against the religious he did not enjoin for violating this statute. In reaching this decision we are not unmindful that members of the religious have served as teachers in the communities involved for many years and have in the past rendered fine service in the cause of education in remote communities. The fact they were teaching religion in the public schools in violation of the State and Federal Constitutions was well known to the school authorities, both local and State, by them condoned and in many cases encouraged.

EFFECT OF RELATION BETWEEN THE RELIGIOUS AND THEIR CHURCH

It is argued by the plaintiffs that members of the religious are bound by their oaths of obedience to obey their superiors in the church. They quote from Codex Juris Canonici, the official body of laws and regulations governing the Roman Catholic Church, as follows:

"Canon 499: All members of religious orders are subject to the Roman Pontiff as their supreme superior, to whom they owe obedience, also by virtue of their vow of obedience.

"Canon 501: Superiors and Chapters, according to their constitutions and common law, have right of dominion over their subjects.

"Canon 592. All religious are subject to the general obligations of the clerics in Canons 124 to 142 unless otherwise expressly stated.

"Canon 127: All clerics specially priests with special obligation must render obedience and reverence to the diocesan authority.

"Canon 128: As many times as the church needs it, according to the Bishop's judgment, and unless a legitimate impediment prevents it, they must faithfully fulfill any obligation imposed on them by the Bishop."

A number of the religious testified they were bound to obey their superiors, the priest or the archbishop, in matters of religion, and that teaching of religion before or after classes was within the jurisdiction of their superiors. By virtue of section 9 of article 12 of our constitution, supra, no religious tests can be prescribed for any teacher, or a member of any faith denied the right to teach because of his or her religious beliefs. But do the vow of obedience and the historic position of the Roman Catholic Church as to public schools and their own schools, the fact that all money received for teaching by members of the Religious is turned over to their Orders (which it is claimed is State aid to religion), and the wearing of religious garb disqualify them from teaching in the public schools?

For the position or policy of the Roman Catholic Church as to schools, we have no better information than that given by Mr. Justice Jackson of the U.S. Supreme Court in his dissenting opinion in *Everson* v. *Board of*

Education (330 U.S. 1, 67 S. Ct. 504, 514, 91 L. Ed. 711, 168 A.L.R. 1392), as follows:

"The function of the church school is a subject on which this record is meager. It shows only that the schools are under superintendence of a priest and that religion is taught as part of the curriculum. But we know that such schools are parochial only in name—they, in fact, represent a worldwide and age-old policy of the Roman Catholic Church. Under the rubric Catholic schools, the canon law of the church, by which all Catholics are bound, provides:

"'1215. Catholic children are to be educated in schools where not only nothing contrary to Catholic faith and morals is taught, but rather in schools where religious and moral training occupy the first place * * * (canon 1372).

"'1216. In every elementary school the children must, according to their age, be instructed in Christian doctrine.

"'The young people who attend the higher schools are to receive a deeper religious knowledge, and the bishops shall appoint priests qualified for such work by their learning and piety (canon 1373).

"'1217. Catholic children shall not attend non-Catholic, indifferent, schools that are mixed, that is to say, schools open to Catholic and non-Catholic alike. The bishop of the diocese only has the right, in harmony with the instructions of the Holy See, to decide under what circumstances, and with what safeguards to prevent loss of faith, it may be tolerated that Catholic children go to such schools (canon 1374).

"'1224. The religious teaching of youth in any school is subject to the authority and inspection of the church.

"'The local ordinaries have the right and duty to watch that nothing is taught contrary to faith or good morals, in any of the schools of their territory.

"'They, moreover, have the right to approve the books of Christian doctrine and the teachers of religion, and to demand, for the sake of safeguarding religion and morals, the removal of teachers and books. (Canon 1381.)' (Woywod, Reverend Stanislaus, the New Canon Law, under imprimatur of Most Rev. Francis J. Spellman, archbishop of New York and others, 1940.)"

These being fundamental laws of the church, the religious having dedicated their services to the church and the teaching of the youth, and our school authorities having condoned or even encouraged the religious in the teaching of religion in the public schools, it is a small wonder we find the religious overstepping constitutional bounds. They were doing what they believed to be commanded by the church and, of course, to be right in the eyes of their Lord. The question is are they so bound in their consciences and by the laws of their church that they cannot serve as teachers in the public schools and perform their duties in accordance with the Federal and our State constitutions, as announced in *People of State of Illinois ex rel. McCollum* v. *Board of Education* (333 U.S. 203, 68 S. Ct. 461, 92 L. Ed. 649, 2 A.L.R. 2d 1338), and the Everson case, supra.

(3) The religious have taken vows of poverty and all their earnings go to their respective orders, the religious in return receiving care, housing, clothing, and maintenance. In all probability, the money received by the orders exceeds such cost. However, they receive only the same salary as other teachers and we do not feel this is the aid to religion or the church denounced by the Federal and our State constitutions. *O'Connor* v. *Hendrick* (184 N.Y. 421, 77 N.E. 612, 7 L.R.A., N.S., 402, 6 Ann. Cas. 432).

The Supreme Court of Missouri in the case of *Harfst* v. *Hoegen* (349 Mo. 808, 163, S.W.2d 609, 613, 141 A.L.R. 1136) did bar the religious from teaching in the public schools under constitutional provisions substantially like ours and on quite similar facts. In the course of the opinion it is stated: "There is another constitutional inhibition which respondents do not observe. It forbids a school district to make payments from any public fund to sustain any private or public school controlled by any sectarian denomination. Respondents might argue that the St. Cecelia school is controlled by the school board and not by the church, but we find from the record that the nominal supervision by the school board is but an indirect means of accomplishing that which the Constitution forbids. The statement of the county superintendent of schools that 'We put the St. Cecelia parochial school into the public school system' is fully borne out by the facts in evidence. It was not only put there but it was maintained there with public funds."

The Sister Superior of the order to which the religious there belonged (Sisters of the Most Precious Blood) testified that members of her order had dedicated their lives to teaching and to the Catholic faith, that she had given religious instruction in all her teaching experience and, finally, "that she could not teach any differently." In the course of the opinion, the court stated: "From her testimony (Sister Superior) we must conclude that the members of her religious order, their lives dedicated to the training of children both in religion and education, come within this constitutional interdiction as teachers of religion, and payment to them from public school funds is forbidden."

While the compulsory school attendance laws, public funds and public buildings may not be used for the teaching of sectarian religion, and, as stated in the Everson case, supra, and affirmed in the McCollum case, supra, there must be a wall of separation between church and state; still we are unwilling to follow the Missouri court on this point and bar the religious as teachers in our public schools by virtue of their membership in a religious order.

RULING RESPECTING WEARING OF RELIGIOUS GARB BY PUBLIC SCHOOL TEACHERS

The plaintiffs strongly that in any event the religious should not be allowed to wear religious garb and insignia while discharging their duties as teachers, as this gives the Roman Catholic Church an advantage over all other churches and sects. In addition to the Everson and McCollum cases, supra, they rely on *O'Connor* v. *Hendrick*, supra, and *Knowlton* v. *Baumhover* 182 Iowa 691, 166 N.W. 202, 5 A.L.R. 841).

In the O'Connor case the New York State superintendent of schools made a regulation prohibiting the wearing of religious garb by teachers in the public schools. One teacher, a member of a Roman Catholic Order, refused to comply with the regulation and brought suit for salary accruing after the effective date of the regulation. The constitution of that State provides substantially the same as ours, that public property, credit or money shall not be used directly or indirectly in the aid of any school under the control of any religious denomination. Applying this provision of the constitution to the facts as above noted, the court said:

"Here we have the plainest possible declaration of the public policy of the State as opposed to the prevalence of sectarian influences in the public schools. The regulation established by the State superintendent of public instruction through the agency of his order in the Bates appeal is in accord with the public policy thus evidenced by the fundamental law. There can be little doubt that the effect of the costume worn by these Sisters of St. Joseph at all times in the presence of their pupils would be to inspire respect, if not sympathy, for the religious denomination to which they so manifestly belong. To this extent the influence was sectarian, even if it did not amount to the teaching of denominational doctrine (184 N.Y. 421, 77 N.E. 614)."

It is worthy of note the court approved the strong dissenting opinion of Mr. Justice Williams in *Hysong* v. *Gallitzin Borough School District* (164 Pa. 629, 30 A. 482, 26 L.R.A. 203, 44 Am. St. Rep. 632), where a majority of the Pennsylvania court had refused to enjoin the wearing of religious garb in their public schools, quoting from the dissent as follows: "The teachers, said Mr. Justice Williams * * *, 'come into the schools, not as common schoolteachers or as civilians, but as the representatives of a particular order in a particular church, whose lives have been dedicated to religious work under the direction of that church. Now the point of the objection is, not that their religion disqualifies them. It does not. * * * It is not that holding an ecclesiastical office or position disqualifies, for it does not. It is the introduction into the schools as teachers of persons who are by their striking and distinctive ecclesiastical robes necessarily and constantly asserting their membership in a particular church, and in a religious order within that church, and the subject of their lives to the direction and control of its officers.'"

The O'Connor case was based on a regulation, but the reasoning of the court is equally applicable here. In view of the fact we now have a like regulation made by our State board of education, we give specific approval to the holding of the New York court on that subject.

The O'Connor case and the dissenting opinion of Justice Williams in the Hysong case were likewise approved in *Knowlton* v. *Baumhover*, supra. The material facts in the case present a situation almost identical to the one we have in a number of schools in this case. A school building was closed and one room utilized as a public school was rented from the local priest of the Roman Catholic Church. A religious was employed to teach in the public school room while another religious taught in a room where a Roman Catholic parochial school was maintained. In the actual teaching, however, both rooms were operated the same, with the religious teaching the catechism, having prayers and displaying Roman Catholic and religious pictures on the walls. When protest was made against the teaching of religion in the public classroom, it was discontinued, but the children of Catholic parents and others who wished to attend were marched to the adjoining church for religious instruction before school. The Iowa court in an exhaustive review of the authorities held the so-called public school was in fact a Roman Catholic school; that wearing of religious garb and the crucifix was an introduction of sectarian religion in the school, bound to make a strong impression on all children. Therefore, the court required the school directors to forthwith move out of the church property and enjoined the payment of public money to the religious for teaching in her garb. While the opinion is lengthy, it is an able one and should interest those concerned with the subject.

The religious rely strongly on the case of *Gerhardt* v. *Heid* (66 N.D. 444, 267 N.W. 127), where the court refused to enjoin the religious from teaching or the wearing of religious garb while teaching. However, it must be observed the court said there were no such conditions prevailing in the North Dakota school as had existed in the Iowa school. In the school before the court there was no teaching of religion or wearing of emblems, except for a few days at the opening of the school term, nor were there religious pictures on the walls. There is a strong intimation, as we read the opinion that if the conditions which obtained in the Iowa school had been present in North Dakota, a different result might have been reached.

(4) So long as the ressolution of March 6, 1951, by the State board of education barring the wearing of religious garb by teachers in our public schools is in effect and is enforced, there is, of course, no need for the issuance of an injunction preventing this practice. However, in view of the frequent changes in the personnel of the State board of education and the danger of a restoration of such practice, we feel compelled to announce our decision that the wearing of religious garb and religious insignia must be henceforth barred, during the time the religious are on duty as public school teachers. We hold the trial court erred in denying an injunction on this feature of the case. Not only does the wearing of religious garb and insignia have a propagandizing effect for the church, but by its very nature it introduced sectarian religion into the school.

(5–7) If the religious are again employed as teachers in our public schools they must not dress in religious garb or wear religious emblems while in the discharge of their duties as such teachers. They must also refrain from the teaching of sectarian religion and doctrines and the dissemination of religious literature during such time. Furthermore, they must be under the actual control and supervision of the responsible school authorities. A church cannot be permitted to operate a school system within our public school system.

CROSS APPEAL OF THE RELIGIOUS

The first point raised by the religious is that the trial court erred in enjoining the rental of church property for school purposes where the school authorities did not have absolute control of such building. They agree the school authorities must have such control during school hours, say 9 a.m. to 3:30 p.m., but not so in other hours.

(8) A sufficient answer to this claim is the attorneys for cross appellants represent only the religious. The title to the property is in the archbishop and he is not a party to the suit. The school boards who were the tenants do not complain of the decree. Cross appellants have no standing to attack this portion of the judgment.

BARRING CERTAIN OF THE RELIGIOUS FROM AGAIN TEACHING

Certain of the religious were permanently barred as teachers in the public schools of New Mexico by virtue of the provisions of section 55–1102, supra, because they had taught sectarian religion in the public schools in which they were employed as teachers.

It is first claimed the regular religious instruction was given either before or after regular school hours, and that such time has not until the rendition of the decree in this case been considered as a time when "school is in session." It is further urged the statute is penal in nature and, therefore, requires a strict construction.

(9, 10) We have already pointed out that under the system in operation the school day actually embraced the 30-minute period devoted to religious instruction, in addition to such time as was devoted to prayers in some of the schools. The practices prevailing in each of the schools where religion was taught were so uniform that we must conclude they were a part of a general plan and design to circumvent the constitutional and statutory provisions prohibiting the teaching of sectarian religion in the public schools. The religious are intelligent people and the course they pursued proves they were aware of the laws on the subject and the penalty. Neither are we impressed by the facts that county boards of education encouraged such practices and that members of the State board of education and other public officials charged with the enforcement of our laws ignored and even encouraged the violations. Nor does the fact that such violations have continued for a long period of time justify us in refusing to give effect to a statutory penalty passed in aid of applicable constitutional provisions.

Constitutional and statutory provisions are not amended or repealed by the failure of officials to enforce them. *State ex rel. State Tax Commission* v. *San Luis Power & Water Co.*, (51 N.M. 294, 183 P. 2d 605). The religious by their actions having made the thirty minute period a part of the regular school day and had the buses operate in cooperation with such plan, and, in addition, utilizing the compulsory school attendance law, cannot be heard to say they were holding such religious classes only before or after school hours.

Appellee teachers next contend the punitive decree forever barring them is in the nature of a criminal penalty for violation of a statute so vague and uncertain as to deny them due process of law.

(11–13) We agree with their contention that the relationship between them and their school boards is protected by the Federal Constitution against arbitrary deprivation or impairment. *State of Indiana ex rel. Anderson* v. *Brand* (303 U.S. 95, 58 S. Ct. 443, 82 L. Ed. 685, 113 A.L.R 1482). We also agree that a penal statute so uncertain in meaning or capricious in application as to provide no intelligible standard is void. *State* v. *Diamond* (27 N.M. 477, 202 P. 988, 20 A.L.R. 1527). We disagree, however, with their interpretation of the statute. It follows the prohibitions of article 12, sections 3 and 9 of our New Mexico constitution, quoted supra, and need not be misunderstood by those who seek a reasonable interpretation. Neither do we agree that the trial judge arbitrarily or capriciously applied it. Conversely, it seems to us he was very charitable in its application.

(14) The religious further urge that a specific intent on their part to violate section 55–1102, supra, is a pre-requisite to its violation and constitutionality. To this we answer the record, in our opinion, clearly establishes such intent.

QUESTION OF FAILURE TO EXHAUST ADMINISTRATIVE REMEDY

The religious appellees next urge this suit could not be maintained against them for violation of section 55–1102, supra, until the plaintiffs had exhausted their administrative remedies provided by statute. Section 55–113, N.M.S.A. 1941 Comp., reads: "No teacher having a written contract shall be discharged except upon good cause and after hearing on written charges, which, together with written notice of the time and place of hearing, shall be served upon said teacher at least 5 days prior to such hearing. Such teacher shall have the right to appeal within 10 days to the State board of education, which board shall hear the matter de novo at a time and place to be by it fixed and the decisions of such State board of education shall be final. Pending its decision upon appeal, such teacher shall be entitled to receive the salary contracted for."

Section 55–105, N.M.S.A. 1941 Comp., provides the State board of education shall have certain powers and subsection (g) thereof is as follows: "(1) To revoke teachers' certificates for incompetency, immorality or for any cause which would have withheld its issuance in the first instance, but action hereunder shall only be taken after service of the accusation upon the accused person and hearing or opportunity to be heard thereon shall have been given the accused."

The procedure established by section 55–1113, supra, is in general use by various boards and we have required such use before a teacher may be discharged. See *Stapleton* v. *Huff* (50 N.M. 208, 173 P. 2d 612). It is adequate where a board desires to discharge a teacher for cause, or to dispense with future services of one having tenure. However, no provision is made therein for proceedings by a dissatisfied taxpayer or citizen, and we are advised no rules for hearings on protests or action thereon have been established by the State board of education or any local board. The plaintiffs did attempt to use the machinery of such section in connection with the operation of the Dixon school and appeared before the Rio Arriba County Board of Education. As heretofore stated, they were denied a hearing by both the county and State boards. It is true they might have brought mandamus against the county board, but with the violations that were known and condoned by the local board, and with no right of appeal to the State board from an adverse decision, such action would, indeed, have been an idle gesture. The same is true in the other counties where there were violations. With the known attitude of the State board and its violations of the Constitution with regard to a single system of textbooks and its aid to the Roman Catholic schools, an appeal to it would likewise have been an idle gesture. The provision for an appeal by the teacher only strongly indicates section 55–1113, supra, is intended only for use by the local board when a majority of its members determines a hearing shall be held to decide whether the services of a teacher are to be discontinued.

(15) The people of the State of New Mexico are not by this administrative act to be denied their constitutional rights to prevent the teaching of sectarian religion in their public schools and the expenditure of public funds in aid of sectarian or denominational schools, and to invoke a penalty for so doing.

JURISDICTION OF EQUITY COURT

The appellee teachers contend that apart from the question of administrative procedure, a court of equity has no jurisdiction to decree the individual defendants shall be forever barred from serving as teachers in the public schools of New Mexico, and that although the court may have had jurisdiction to enter the declaratory judgment and restrain the officials, it erred in forever barring appellees as teachers in the public schools.

Certainly the State board of education, after hearing, could have revoked the licenses of the teachers it found had taught religion, but there was no likelihood of the board as then constituted ever taking such action, nor could there be any assurance future boards would not reinstate the violators. There is a presumption of law that officials will perform their duties, but the record in this case firmly establishes that the then State board was doing just the opposite in connection with the subject under discussion.

The penalty is drastic but it is the only one provided by statute, and the trial court invoked it only against those who had committed the more flagrant violations. We affirm the action of the trial court in this regard, except as to those teacher appellees we hereafter find were entitled to a dismissal for want of proof. To declare otherwise would leave the people of New Mexico who oppose the teaching of sectarian doctrine in the public schools helpless.

FAILURE OF PROOF RESPECTING CERTAIN RELIGIOUS WHO WERE FOREVER BARRED

It is next urged the decree denies due process of law to a number of appellee teachers as to whom no evidence whatever was introduced before the district court, namely: Sister M. Genevieve, Sister Mary Jolenta, Sister Mary Severine, Sister M. Alexia, Sister M. Noberta, Sister M. Vicentia, Sister Virdiana, Sister Eulalia, Sister Anthony Louise, Sister Mary Ida, Sister John Ellen, Sister Mary Noel, Sister Michaela, Sister Mary Cyrill, and Sister Ann Thomas. It is then said: "Under these circumstances, the decree barring such teachers forever from the public schools of New Mexico plainly deprives these teachers of liberty and property without due process of law and of equal protection of the laws of New Mexico."

With this statement, insofar as it is supported by the record, we heartily agree, but a painstaking search of the more than 2,200 pages of testimony requiring many days of work shows the bald statement is true only in part. We summarize the result of our labor on this point as follows:

(a) We find no testimony in the record that Sister Mary Severine, Sister M. Noberta, Sister Vicentia, Sister Anthony Louise or Sister Mary Ida did or did not teach religion in the public schools or elsewhere.

(b) There is affirmative testimony that Sister Eulalia taught domestic science at Penasco and did not teach religion. There is no testimony to the contrary.

(c) There is affirmative testimony that Sister Michaela went to Tierra Amarilla as a teacher after the teaching of religion in that school had been discontinued, and that she did not teach religion. There is no testimony to the contrary.

(d) Sister John Ellen was principal for a time at San Juan School, Rio Arriba County, and later at Mount Carmel School in Socorro, but she was not a defendant and her name is not included in the decree.

(e) There is substantial evidence in the record that the remaining teachers taught sectarian religion in the public schools while employed as teachers therein.

The writer of either brief could have saved us much time and labor here had he put forth a little effort and given us a summary of the record on the point. Instead, one carelessly stated there was no evidence to sustain the findings as to any named Sister, while the other with as little care entered a general denial.

That part of the decree enjoining the Sisters named in subparagraphs (a), (b), and (c) will be reversed and the lower court is directed to vacate the injunction as to them. It is affirmed as to the remainder.

VALIDITY OF DECLARATORY JUDGMENT ACTION AGAINST STATE OFFICIALS

One question remains and that respects the making of the State board of education and its members and the educational budget auditor parties defendant in the case.

On hearing of a motion to dismiss as to these defendants, words were deleted from the complaint so as to leave them named solely as individuals, and the case proceeded to trial and judgment in that manner.

The decree as it related to the State board of education and educational budget auditor has been set out above.

We say without qualification that the provisions of the decree under which these defendants were enjoined are correct if the trial court had jurisdiction to render them in a declaratory judgment action. We held, however, in *Taos County Board of Education* v. *Sedillo* (44 N.M. 300, 101 P. 2d 1027), that such an action could not be maintained against a State officer without the consent of the State of New Mexico and no consent was given for the present suit. Although after amendment the complaint purports to be against the members of the State board of education (only two of whom are still in office) and the educational budget auditor solely as individuals, it was in effect a suit against them as State officers and against State agencies. *Vigil* v. *Penitentiary of New Mexico* (52 N.M. 224, 195 P. 2d 1014). The injunction against these defendants must be dissolved.

We are advised the State board of education has by rule complied with the decree and in view of our declarations on the subject it is unlikely it will rescind or fail to enforce them.

In declaring the trial court correctly interpreted the law in enjoining these defendants, if there was jurisdiction to do so, we are departing from our rule of not making such declarations unless the matter is before us for decision. We do so only because of the grave importance of the matters involved, as was done by this court in *First National Bank of Raton* v. *McBride* (20 N.M. 381, 149 P. 353).

Our holding on this point in no manner affects the remainder of the unreversed part of the decree or its binding effect on the other defendants.

EXTENT OF PERMISSIBLE RELIGIOUS INSTRUCTION

The question as to how much, if any, religious instruction may be given in a public school under the doctrine of an absolute wall of separation of church and state will, we hope, be settled by the Supreme Court of the United States in a case now pending before it, namely, *Doremus* v. *Board of Education*, 5 N.J. 435, 75 A. 2d, 880, decided by the New Jersey court on October 16, 1950. As the highest court of our land has held the provisions of the 1st amendment to the U.S. Constitution were made applicable to the various States by the 14th amendment, its decision will be binding on this court and the State of New Mexico. We have another case pending before us which involves only one school, *Miller* v. *Mabry*, our No. 5250, which will serve as a vehicle for the adoption of the correct rule when it is announced by our highest court.

New Jersey has a statute requiring the daily reading, without comment, of at least five verses of the Old Testament of the Bible in each school, and permitting the recital of the Lord's Prayer. The New Jersey court in the Doremus case, supra, in a strong and persuasive opinion, held that as the reading and recital are not designed to inculcate any particular dogma, creed, belief or mode of worship, the practice was not prohibited by the first amendment of the U.S. Constitution. This is the decision which will be reviewed.

We think it better to await their decision than to announce a rule on the subject at this time. However, we take this occasion to say that while we oppose the teaching of sectarian religion or the giving of control of the state or any of its agencies to any sect or combination of sects, yet we know religion itself is so intermingled in the daily life of our people and in the administration of and in the affairs of state that no wall of absolute separation of religion and state can be maintained—but few would want it.

The judgment of the district court will be affirmed in all things with the following exceptions:

(a) The enjoining of the Sisters where we have found there was no evidence to support a finding they taught religion. The injunction as to them will be vacated.

(b) Its refusal to bar the wearing of religious garb by teachers in public schools while in the discharge of such duties. The decree shall be modified in accordance with the ruling of this court.

(c) The enjoining of the members of the State board of education and the educational budget auditor. The injunction as to them will be vacated.

It is so ordered.

Lujan, C.J., and Sadler, Compton, and Coors, J. J., concur.

HAAS *v.* INDEPENDENT SCHOOL DISTRICT NO. 1 OF YANKTON

(Cited as 9 N.W. 2d 707)

(*Haas* v. *Independent School Dist. No. 1 of Yankton et al., No. 8510, Supreme Court of South Dakota, May 27, 1943*)

1. Schools and school districts—168:

To justify school authorities in furnishing textbooks free to school pupils, authority must be found in constitutional or statutory provisions.

2. Schools and school districts—55:

School boards are corporations with limited statutory powers and can exercise no power not expressly conferred by statute or arising from necessary implication.

3. Schools and school districts—168:

In statutes relating to independent school districts, the interchange of phrases "public schools of the county" and "schools of the county" indicate the synonymy thereof to be a matter of legislative intent. S.D.C. 15.1706.

(NOTE.—See "Words and Phrases," permanent edition, for all other definitions of "public schools of the county" and "schools of the county.")

4. Schools and school districts—168:

The purpose and intent of statute relating to independent school districts is to insure uniformity in textbooks used in the public school system of the county and to provide the machinery for distribution of such school books to the several school districts therein. S.D.C. 15.1706.

5. Schools and school districts—168:

The phrase "pupils of such district" in statute relating to furnishing of textbooks by independent school districts to pupils cannot be considered as a separate phrase or as being otherwise than a part of the law relating to the public school system of the State. S.D.C. 15.1706.

(NOTE.—See "Words and Phrases," permanent edition, for all other definitions of "pupils of such district.")

6. Statutes—179:

The legislative definition of the word "district" in statute relating to public schools is binding on court in the construction of such word wherever it appears in that title. S.D.C. 15.2001.

(NOTE.—See "Words and Phrases," permanent edition, for all other definitions of "District.")

7. Schools and school districts—168:

In statute relating to public schools, reference to the board of education of any "independent district" maintaining a 4-year high school course alludes to the district in its corporate capacity instead of as a geographical unit, since the function of maintaining a high school is one for exercise by a school corporation only. S.D.C. 15.1706.

(NOTE.—See "Words and Phrases," permanent edition, for all other definitions of "independent districts.")

8. Schools and school districts—168:

In statute relating to public schools, the word "such" in phrase "such independent district" means of that kind; of the same or like kind; identical with or similar to something specified or implied; being the same as what has been mentioned or indicated; and "such independent district" has reference to the same district previously mentioned and specified in the section. S.D.C. 15.1706.

(NOTE.—See "Words and Phrases," permanent edition, for all other definitions of "Such" and "Such Independent District.")

9. Schools and school districts—168:

In statute relating to furnishing by independent school district of textbooks to "pupils of such district," the word "district" refers to the corporate entity which maintains the high school and which has adopted and purchased textbooks for the use of pupils attending its schools. S.D.C. 15.1706.

10. Constitutional law—46(1):

A court will pass on the constitutionality of a law only when necessary to the determination upon the merits of a cause under consideration, and will first ascertain whether a construction of the statute is fairly possible by which the constitutional question may be avoided.

11. Constitutional law—48:

Where the validity of a statute is assailed and there are two possible interpretations by one of which the statute would be unconstitutional and by the other it would be valid, court should adopt the construction which would uphold it.

12. Schools and school districts—168:

Under statute providing for furnishing of textbooks by independent district maintaining 4-year high school course to "pupils of such district," textbooks could not be furnished to pupils of private, sectarian or parochial schools or to any other person not actually enrolled in and in attendance upon some school maintained as a part of the public school system of the State. S.D.C. 15.1706.

13. Schools and school districts—11:

A parochial school is no part of the "public school system." S.D.C. 15.1706.

(NOTE.—See "Words and Phrases," permanent edition, for all other definitions of "public school system.")

Appeal from circuit court, Yankton County; A. B. Beck, judge.

Action by Leonard Haas, a minor, by Elizabeth Haas, guardian ad litem, against Independent School District No. 1 of Yankton, S. Dak., and others for a declaratory judgment as to whether plaintiff is entitled to have the defendants furnish plaintiff, a pupil in the fifth grade of Sacred Heart Catholic School, a sectarian institution, maintained and conducted by the Sacred Heart Catholic Church of Yankton, within the boundaries of defendant school district, such textbooks as are furnished to the pupils in the same grade in the public schools of Yankton. From a judgment for defendants, the plaintiff appeals.

Affirmed.

H. A. Doyle, of Yankton, and F. D. Wicks, of Scotland, for appellant.

W. W. French, of Yankton, and C. M. Stilwill, of Sioux City, Iowa, for respondents.

Bakewell, circuit judge:

Appellant, Leonard Haas, on whose behalf this action is instituted, is a resident of the city of Yankton of school age and a pupil in the fifth grade of Sacred Heart Catholic School, a sectarian institution, maintained and conducted by the Sacred Heart Catholic Church of Yankton, within the boundaries of respondent school district. Respondents are Independent School District No. 1 of Yankton, its clerk, and the members of its board of education. Independent School District No. 1 is a school corporation maintaining in addition to its grade school a 4-year high school course. As such it has adopted and furnished all textbooks for the free use of the pupils enrolled in and attending the schools operated by the district.

Prior to the commencement of this action, appellant demanded of the defendant district and of its board of education the free use of all such textbooks as are furnished to the pupils of the fifth grade of the public schools of Yankton to be used by him in his studies in the Sacred Heart School. These having been refused him he has brought this action for a declaratory judgment adjudging him entitled thereto. The trial court denied the relief sought and entered judgment adjudging that respondents had neither the right, the power, nor the duty to furnish free textbooks to appellant. The appeal is from this judgment.

(1, 2) To justify school authorities in furnishing textbooks free to school pupils authority must be found in constitutional or statutory provisions since such boards are corporations with limited statutory powers and can exercise no power not expressly conferred by statute or arising from necessary implications (*Honaker* v. *Board of Education* (42 W. Va. 170, 24 S.E. 544, 32 L.R.A. 413, 57 Am. St. Rep. 847); *Honey Creek School Township* v. *Barnes et al.* (119 Ind. 213, 21 N.E. 747; *Board of Education* v. *Common Council of Detroit* (80 Mich. 548, 45 N.W. 585); *Segar* v. *Board of Education* (317 Ill. 418, 148 NE. 289), *Attorney General ex rel. Marr* v. *Board of Education* (133 Mich. 681, 95 N.W. 746); *Ries* v. *Hemmer et al.* (127 Iowa 408, 103 N.W. 346)).

If then the respondent school board can be compelled to furnish plantiff with free textbooks it is because the legislature in the exercise of a constitutionally unrestricted power, has delegated to such board the authority and fixed upon it the duty so to do. As relates to independent districts such as Yankton Independent District No. 1 this authority and duty is expressed by S.D.C. 15.1706 which is embodied in S.D.C. 15.17 entitled "Text Books." S.D.C. 15.17 is found in part III of title 15, code of 1939. Part III is entitled "The Public School System" while title 15 embraces the entire subject of "Education" and is so entitled.

(3,4) Analysis of the phraseology of S.D.C. 15.17 discloses an interchange of the phrases "public schools of the county" and "schools of the county" which indicates the synonymy thereof to be a matter of legislative intent. The manifest purpose and intent of the chapter as a whole is to insure uniformity in the textbooks used in the public school system of the county and to provide the machinery for the distribution of such textbooks to the several school districts therein. No mention is made in this chapter of private, sectarian, or parochial schools, nor is representation of such schools on the county textbook committee provided. The distribution of the books by the auditor or county superintendent of schools is to the several school districts within the county and not to the pupils thereof. The cost of such books is charged to and paid by the district receiving them, no provision being made whereby any pupil may acquire such books free or otherwise. The books adopted and purchased in pursuance of S.D.C. 15.17 are available to all school districts in the county including independent districts maintaining 4-year high schools courses, but the latter may if they so elect, adopt and purchase their own textbooks under the provisions of S.D.C. 15.1706, which reads as follows: "The board of education of any independent district maintaining a 4-year high school course may adopt and purchase all textbooks for any such independent district for a duration of time as may be decided by such board and furnish the same to the pupils of such district free as now provided by law. Such textbooks may be paid for from the school funds of such district."

It is appellant's contention that the phrase "pupils of such district" as it appears in this section means all the pupils residing within the geographical limits of the district and it is not limited in its application to the pupils attending the public schools thereof; that since he resides within the boundaries of Independent School District No. 1 of Yankton and is of school age he is a pupil "of such district" within the purview of the statute, notwithstanding he does not attend any school maintained by the district, but is in fact enrolled in and in actual attendance upon a private sectarian school.

(5) Considered separately and apart from the statutes relating to the public school system this phrase has the broad signification accorded it by appellant. The word "district" is defined by Webster as a "division of territory" and for all practical purposes the words "of" and "in" convey the same meaning which is that of location in or attachment to a place or thing. But we may not for the purpose of statutory construction consider this as a separate phrase or as being otherwise than a part of the law relating to the public school system of this State (*Bartron* v. *Codington County*, (S.D., 2 N.W. 2d 337, 140 A.L.R. 550); *Granger* v. *Lorenzen* (28 S.D. 295, 133 N.W. 259); *Starks* v. *Presque Isle Circuit Judge* (173 Mich. 464, 139 N.W. 29, 43 L.R.A.N.S., 1142); *State* v. *Johnson* (23 S.D. 293, 121 N.W. 785, 22 L.R.A.N.S., 1007); *Meade County Bank of Sturgis* v. *Reeves* (13 S.D. 193, 82 N.W. 751); *Jones* v. *Fidelity Loan & Trust Co.* (7 S.D. 122, 63 N.E. 553); *Van Dusen* v. *Fridley* (6 Dak. 322, 43 N.W. 703); Sutherland statutory construction, secs. 239–241)).

(6) Having returned this phrase to its proper setting we find that S.D.C. 15.2001 defines the term "district" as follows: "Any territory heretofore or hereafter organized for school purposes is defined to be a school district and any such district may sue and be sued, contract and be contracted with, purchase, hold, and use personal and real property for school purposes, and sell and dispose of the same. The term 'district' wherever used in this title without qualifications or descriptive words shall mean any school corporation, except where a contrary intent plainly appears."

Since S.D.C. 15.1706 from which the phrase under consideration was taken is a part of the title in which the foregoing definition is found, the interpretation of the word or term "district" is binding upon us in the construction of such word wherever it appears in that title (*Kistner* v. *Iowa State Board of Assessment and Review* (225 Iowa 404, 280 N.W. 587); *Emery Bird Thayer Dry Goods Co. et al.* v. *Williams et al.* (8 Cir., 98 F. 2d 166); *W. J. Sandberg Co.* v. *Iowa State Board of Assessment and Review* (225 Iowa 103, 278 N.W. 643, 281 N.W. 197); *State et al.* v. *City of Des Moines* (221 Iowa 642, 266 N.W. 41); *Gilson Bros. Co.* v. *Worden-Allen Co.* (220 Wis. 347, 265 N.W. 217); *Greenleaf & Crosby Co., Inc., et al.* v. *Coleman* (117 Fla. 723, 158 So. 421); *Von Weise et al.* v. *Commissioner of Internal Revenue* (8 Cir., 69 F. 2d 439); *McCarthy* v. *State* (170 Wis. 516, 175 N.W. 785); *In re Monrovia Evening Post* (199 Cal. 263, 248 P. 1017); *Montana Beer Retailers' Protective Ass'n* v. *State Board of Equalization* (95 Mont. 30, 25 P. 2d 128)). Substituting the term "school corporation" for the word "district" makes the phrase read "pupils of such school corporation" thus entirely eliminating the geographical import of the phrase and attuning it with the spirit and manifest intent of the section in which it appears.

(7, 8). In the light of this interpretation of such phrase let us now consider as a whole the statute authorizing the adoption and distribution of textbooks by independent districts. The first mention of the word "district" in S.D.C. 15.1706 relates to the board of education "of any independent district maintaining a 4-year high school course" and unmistakably alludes to the district in its corporate capacity instead of as a geographical unit since the function of maintaining a high school is one for exercise by a school corporation only. The word next appears preceded by the word "such," the phrase being "such independent district." "Such" means: "Of that kind; of the same or like kind; identical with or similar to something specified or implied; * * * being the same as what has been mentioned or indicated" (*In re Hull* (18 Idaho 475, 110 P. 256, 257, 30 L.R.A.N.S., 465).

In its ordinary sense it signifies: "The same as previously mentioned or specified; not other or different" (*State ex rel. Anaconda Copper Min. Co.* v. *District Court* (26 Mont. 396, 68 P. 570, 574, 69 P. 103).

So defined the phrase "such independent district" has reference to the same district as previously mentioned and specified, which is the district which maintains in its high school a 4-year course and does not refer to some district other or different (*State ex rel. Anaconda Copper Min. Co.* v. *District Court*, supra).

(9) The next use of the word "district" is in the phrase "pupils of such district," the interpretation of which is under consideration here. The word "such" preceding the word "district" in this phrase again links the word "district" to the corporate entity which maintains the high school and which

has adopted and purchased textbooks for the use of the pupils attending its schools. It short, it refers to the public school corporation and not to the territory embraced within its jurisdiction.

(10) There are other factors bearing on the question of legislative intent in the adoption of the uniform textbook statute, but in view of the interpretation we have given to the statute itself discussion of the same would serve no useful purpose. Neither is it necessary or proper that we consider the constitutional questions so ably and exhaustively discussed both in oral argument and in the briefs of counsel. One of the most firmly established doctrines of constitutional law is that a court will pass on the constitutionality of a law only when necessary to the determination upon the merits of a cause under consideration. (*In re Forming and Organizing Common School District* (61 S.D. 79, 246 N.W. 245); *Baker* v. *Grice* (169 U.S. 284, 18 S. Ct. 323, 42 L. Ed. 748); *In re Johnson's Estate* (139 Cal. 532, 73 P. 424, 96 Am. St. Rep. 161); 11 Am Jur. 721; 16 C.J.S. constitutional law, sec. 94, p. 208, and cases cited in note 43 thereon, and will first ascertain whether a construction of the statute is fairly possible by which the constitutional question may be avoided; *Wright* v. *Vinton Branch of Mountain Trust Bank* (300 U.S. 440, 57 S. Ct. 556, 81 L. Ed. 736, 112 A.L.R. 1455); *Goetsch et al.* v. *Home Owners' Loan Corporation* (67 S.D. 194, 291 N.W. 575)).

(11) It is said to be an elementary principle that where the validity of a statute is assailed and there are two possible interpretations by one of which the statute would be unconstitutional and by the other it would be valid, the court should adopt the construction which would uphold it (*Clark Implement Co.* v. *Wadden et al.* (34 S.D. 550, 149 N.W. 424, L.R.A. 1915C, 414; 11 Am. Jur. 725, 728)).

(12) For the reasons herein expressed we are convinced that it was neither the intent nor the effect of SDC 15.1706 to empower or require public school corporations to furnish textbooks either to pupils of private, sectarian, or parochial schools or to any other person not actually enrolled in and in attendance upon some school maintained as a part of the public school system of this State.

(13) A parochial school is no part of such public school system (*Hlebanja* v. *Brewe* (58 S.D. 351, 236 N.W. 296); *In re Formation and Organization of Common School District* (58 S.D. 19, 234 N.W. 763)).

Finding no error in the record the judgment of the learned trial court is affirmed.

Bakewell, circuit judge, sitting for Polley, J., disqualified.

All the judges concur.

Mr. ERVIN. Mr. President, all of the decisions on this point subsequent to one time the Supreme Court held that the 14th amendment made the 1st amendment applicable to the States hold that the 1st amendment prohibits the use of tax moneys to furnish textbooks to sectarian schools or the pupils in sectarian schools.

The PRESIDING OFFICER. The Chair advises the Senator from North Carolina that 20 minutes of his time has expired.

Mr. ERVIN. I thank the Chair. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 10 additional minutes.

Mr. ERVIN. We are confronted by a serious constitutional question. The three State decisions interpreting the provisions of State constitutions similar to the provisions of the first amendment put in serious doubt the question whether the provision of the bill authorizing the use of Federal tax money to procure textbooks for the use of pupils in sectarian schools are valid under the first amendment.

The Senator from Kentucky [Mr. COOPER], the Senator from Mississippi [Mr. STENNIS], and I, have offered this amendment for the purpose of enabling Congress hereafter to legislate in constitutional light instead of in constitutional darkness.

We have no Federal decision on this point. Unfortunately, we have no certainty that any taxpayer of the United States can gain access to a Federal court to contest the question of the constitutionality of the aid which the bill would give sectarian schools, or to the students in sectarian schools.

All we ask is that a method of judicial review be provided which would make it certain that such access would be granted.

Under this amendment, any taxpayer can bring a suit in behalf of himself and all other taxpayers against the Federal Commissioner of Education in the U.S. District Court for the District of Columbia to determine the constitutionality of the disbursements or grants or loans which the Commissioner may propose to make under this bill for the benefit of sectarian schools or their pupils. The amendment restricts jurisdiction of such cases to the U.S. District Court for the District of Columbia in order to make it certain that the Commissioner will not be harassed by suits in all areas of the United States. It prevents a multiplicity of trials of such suits in the U.S. District Court for the District of Columbia by providing that if two or more actions are brought to test the validity of the same proposed disbursement or grant, the U.S. District Court can consolidate all such actions for the purpose of a single trial and judgment. It provides, in substance, that the action must be brought within a limited period of time specified by the Commissioner himself. It prevents the loss of any lawful proposed disbursement or grant by specifying that when an action is brought to test its validity, the Commissoner shall hold the amount of the proposed disbursement or grant in escrow until the case is determined.

The Federal Commissioner of Education can obtain a speedy review by the Supreme Court of any judgment adverse to him which may be entered in the U.S. District Court for the District of Columbia. This is true because a direct appeal would lie from the U.S. District Court of the District of Columbia to the Supreme Court of the United States under the provisions of section 1252 of title 28 of the United States Code.

The procedure established by the amendment is unlike the procedure invoked by the single taxpayer in the Mellon case. Since the taxpayer suing under the amendment sues in behalf of himself and all other taxpayers, he asserts an interest sufficient to require the court to entertain jurisdiction of the case. Moreover, the amendment does not authorize a challenge to any appropriation made by Congress. It merely affords a means of challenging upon constitutional grounds only administrative action which the Federal Commissioner of Education may propose to take in respect to a specific grant or loan to a specific college or university.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield at that point for a question?

Mr. ERVIN. I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. Why is it necessary to adopt this amendment? Why cannot a taxpayer now bring the same type of suit as the Senator from North Carolina contemplates in giving authority to such taxpayer?

Mr. ERVIN. The answer to that question is that the Supreme Court of the United States held in the Frothingham and Mellon cases that the interest of an individual taxpayer, in the amount of money involved in an appropriation or proposed expenditure is so infinitestimal that he does not have standing to sue. For that reason we insert in the amendment the provision that a taxpayer may sue not only for himself but also in behalf of all other taxpayers. Under the amendment, the plaintiff is the representative of all the taxpayers for the purpose of testing the constitutionality of a proposed disbursement or grant to a sectarian school or its pupils. As such, he has standing to sue.

Mr. LAUSCHE. That is the Supreme Court, under the doctrine of de minimis non curat lex.

Mr. ERVIN. Precisely. That maxim means that the law does not fish for minnows.

Mr. LAUSCHE. That is the Latin maxim?

Mr. ERVIN. The Senator is correct.

Mr. LAUSCHE. Unless the amendment of the Senator from North Carolina is adopted, under the previous decision, the court will say that the individual taxpayer's interest is so negligible and of such a minimal character that it will not give consideration to him?

Mr. ERVIN. That is true. That is the reason why the amendment is necessary. My good friend the Senator from Oregon [Mr. MORSE], I am sure, will argue that the question might possibly be determined in a State court. Unfortunately, however, since the decision in the Everson case, which misapplied the sound constitutional doctrine on this point, State courts have decided cases on the basis of their own constitutions rather than on the basis of the first amendment.

This has been true in a number of cases dealing with State tax aid to sectarian schools. State courts have usually held such aid unconstitutional under State constitutions rather than undertaking to explain the misapplication of the sound doctrine in the Everson case.

Mr. LAUSCHE. Unless the amendment is adopted under the previous decision of the United States Supreme Court, it will say to the petitioner, "Your interest is so minimal and so negligible that you have no right in this court."

Mr. ERVIN. That is precisely what the Federal Courts may say.

Mr. LAUSCHE. The Senator from North Carolina is therefore proposing that the complaining citizen who feels that his rights have been aggrieved together with the aggrievement of the rights of his fellow citizens shall have the right to go to court and ask for the decision on the constitutionality of what is being done.

Mr. ERVIN. That is exactly the purpose of the amendment. The only purpose of the amendment is to make it clear how far Congress can legislate in this field and where its limitations are.

When all is said, there is no reasonable basis for objection to the Cooper-Stennis-Ervin amendment. Congress ought to legislate in constitutional light, and not in constitutional darkness. The amendment will enable Congress to obtain a speedy answer to the question whether or not Congress is exceeding the power it possesses under the Constitution when it undertakes to authorize disbursements or grants of tax-raised moneys for the benefit of sectarian schools or their pupils. If the court should adjudge that disbursements or grants of this character do not violate the Constitution, its decision would remove the basis for any constitutional objection to them. But if the court should adjudge that disbursements or grants of this nature do violate the Constitution, then such disbursements or grants ought not to be made by a Congress whose members are bound by a solemn oath or affirmation to uphold all of the Constitution, including the first amendment.

Congress cannot assume that it will obtain an answer to this constitutional question in a suit now pending in the State Courts of Maryland, which challenges the validity under the first amendment and the Maryland Constitution of certain grants or loans of State funds to certain religious colleges in Maryland. This is true because the Maryland Court may emulate the examples set by other State Courts in recent years, which have adjudged State grants to religious schools unconstitutional under State Constitutions and laws without considering the first amendment at all. This happened in the following cases:

Matthews v. *Quinton* (Alaska), 362 P. 2d 932;

Silver Lake Consolidated School Dist. v. *Parker* (Iowa), 29 N.W. 2d 214;

McVey v. *Hawkins* (Missouri), 259 S.W. 2d 927;

Zellers v. *Huff* (New Mexico), 236 P. 2d 949;

Judd v. *Board of Education of Union Free School Dist. No. 2.* (New York), 15 N.E. 2d 576;

Dickman v. *School District No. 62C* (Oregon), 366 P. 2d 533;

Haas v. *Independent School Dist. No. 1 of Yankton* (South Dakota), 9 N.W. 2d 707;

Visser v. *Nooksack Valley School District No. 506* (Washington), 207 P. 2d 198; and

State v. *Nusbaum* (Wisconsin), 115 N.W. 2d 761.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. I yield myself 5 additional minutes.

Be this as it may, the Cooper-Stennis-Ervin amendment deserves the support of all Senators and Congressmen who believe in the rule of law. This is true because a constitutional or legal right is without value unless there is a procedure for its enforcement. Certainly Congress ought to make it clear by retaining the Cooper-Stennis-Ervin amendment in H.R. 2362 that it is unwilling to nullify the first amendment, and that American citizens can challenge the constitutionality of congressionally authorized disbursements or grants of tax-raised moneys to sectarian schools or their pupils in our Federal courts, which are vested with the judicial power of the Federal Government.

If Congress fails to do so, it will necessarily engender in the minds of millions of Americans the conviction that it is unwilling to have its constitutional power under the establishment of religion clause of the first amendment subjected to judicial determination.

I know of nothing which could bring Congress so low in the estimation of the American people than for the feeling to go abroad in the land that Congress is unwilling to have the limits of its legislative power in this field tested in the Federal courts.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield to my friend from Mississippi, who is a cosponsor of the amendment.

Mr. STENNIS. I thank the Senator for the opportunity to be a cosponsor of the amendment with him. All this goes back to the splendid argument the Senator made on a previous occasion with reference to a similar amendment on another bill. He is certainly rendering the Senate and the Nation a service in making this splendid presentation of these sound legal principles.

I should like to ask the Senator this question. Is it not correct to say—and I say this with great deference to the bill—that the bill contains some very delicate and far-reaching constitutional questions?

Mr. ERVIN. There is no question about it.

Mr. STENNIS. That is accepted as common knowledge by all of us.

Mr. ERVIN. Yes.

Mr. STENNIS. Is not the only, real purpose of the amendment to make it clear and to provide an open road, so to speak, whereby any citizen can honestly and promptly test the constitutionality of the provisions of the law? Is that not the sole purpose?

Mr. ERVIN. That is the sole purpose of the amendment. Congress should have it made clear by decisions in the Federal courts as to what power it possesses under the Constitution in this particular field. Congress should do this so that it may confine itself to the limits of its constitutional power.

Mr. STENNIS. The right to a test case under our Constitution is cut off by the doctrine that, there being millions of taxpayers, the court cannot give all of them the right, and therefore Congress is providing a way. Is that not the only reason?

Mr. ERVIN. Yes. As I pointed out, this amendment has been carefully drawn to make it certain that the determination may be speedily had, and also to prevent the Commissioner of Education from being harassed by a multiplicity of actions in all sections of the country in the case of each challenged disbursement or grant.

Mr. STENNIS. The Senator has made his argument so clear and logical and convincing that I cannot add anything to it, except to underscore it and to give it moral support, which I shall certainly do. I again thank the Senator.

Mr. ERVIN. Mr. President, before yielding the floor, I should like to say that I reserve the remainder of my time for the use of my able and distinguished cosponsor of the amendment, the Senator from Kentucky [Mr. COOPER].

Mr. COOPER. How much time is remaining?

The PRESIDING OFFICER. Twenty-five minutes, on the Senator's side.

Mr. COOPER. I do not believe I shall take all the time. Probably the Senator from North Carolina will use the remainder of the time which has been allotted.

COLUMBIA, S.C., ALL AMERICA CITY FOR 1964

Mr. MORSE. Mr. President, with the understanding that the Senator from South Carolina [Mr. THURMOND] will take a minute and a half on my time, I yield such time to him now.

The PRESIDING OFFICER. Without objection, the Senator from South Carolina may proceed.

Mr. THURMOND. Mr. President, I am pleased to announce to the Senate that the city of Columbia, S.C., has been selected as an All America City for 1964 by the National Municipal League and Look magazine. Columbia is 1 of 11 cities in the Nation to be chosen for this high honor.

The award is based on the solid record of progress which the people of Columbia have made in community relations and improvements. Much of the progress attained by the city of Columbia has been made possible by the work of various citizens committees in conjunction with efforts and leadership by the mayor and city council, the county legislative delegation, county officers, and officials, and citizens of the surrounding areas.

I am very proud of the people of Columbia for bringing this significant honor to the State of South Carolina and have today sent the following telegram to Mayor Lester Bates, the city council, and the citizens of Columbia:

> Congratulations on being selected as an All America City for 1964. This high honor casts great credit not only on the people of Columbia and the city of Columbia but on the entire State of South Carolina.

Mr. President, on behalf of the citizens of Columbia, I invite my colleagues to visit our capital city of South Carolina so we may extend to them a portion of the hospitality and demonstrate the many other attributes of the city which have made it possible for this great honor to be bestowed upon the people of Columbia.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

Mr. COOPER. Mr. President, in October 1963, at the time of the Senate's consideration of the higher education facilities bill, the distinguished Senator from North Carolina and I offered an amendment to the bill. The amendment was similar to the one which we have offered today. It provided a procedure to enable the initiation of an action in Federal court, and to assure review by the Supreme Court, to determine the constitutionality of the use of tax funds in support of nonpublic schools. It was adopted by the Senate but was stricken in conference. The amendment which we propose this evening has the same purpose and would have the same effect. It, too, would provide a procedure by which action could be brought in Federal court to test the constitutionality of the use of tax funds, if they should be used, for the general support of sectarian schools.

As the Senator from North Carolina has explained, the amendment is necessary, because in the case of Frothingham against Mellon, decided in 1923, the Supreme Court held that an individual cannot question an appropriation made by Congress, unless he could show a substantial interest, separate from his interest as an individual taxpayer.

I shall not discuss at length the history of the first amendment to the Constitution or the decisions interpreting it. Two years ago the Senator from North Carolina [Mr. ERVIN] made a very fine statement describing the long history of the development of the first amendment and the interpretations of the amendment by State and Federal courts. But certain principles have not been controverted in this body. The section of the first amendment which is at issue is as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

A clear statement was made by the Supreme Court of the United States in the case of Everson against Board of Education decided in 1947. Justice Black, speaking for the majority of the Court in the Everson case, had this to say:

> No tax, in any amount, large or small, can be levied to support any religious activity or institution, whatever they may be called, or whatever form they may adopt, to teach or practice religion.

That principle was confirmed in later cases. In the cases of McCollum against Board of Education, 1948, and of Zorach against Clauson, 1952, the Court said in substance, "We confirm the principle enunciated in the Everson case."

It has been interesting that the prayer cases arising from State determinations brought to the fore the same basic and fundamental issue, which has been before this country since its founding. I wish to bring these general principles into focus and to ask the question, "What is the applicability of the decisions in these cases to the pending bill?"

As I said yesterday in the colloquy with the distinguished Senator in charge of the bill, the Senator from Oregon [Mr. MORSE], the bill does not direct that Federal tax funds shall be used in the general support of sectarian schools.

On the other hand, the bill does not prohibit their use. The nature of the use of tax funds would be determined by the agreement between the States and the Commissioner of Education.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MORSE. I do not intend to interrupt the Senator.

Mr. COOPER. I shall not be long.

Mr. MORSE. I merely wish to enter a caveat at this point. I do not believe that is a correct interpretation of the bill. I do not think that any agreement entered into at the local level, which was discussed yesterday, could involve any funds that could be used for any religious purpose whatsoever.

Mr. COOPER. I understand. They could not be used for religious purposes. However, that is not the question. The question, as it has been stated by the court, is whether tax funds can be used in general support of religious institutions.

I believe we are all aware that the Supreme Court has decided in the Everson case, although the decision was limited to a particular state of facts, that is in relation to the transportation of nonpublic schoolchildren, tax funds can be used for incidental purposes where the direct benefit is for the pupil.

It is wholly possible that in the use of tax funds under the bill, such funds might be used properly under the Everson case. I know that there are borderline cases where all would not agree. I believe that the courts, as well as Congress, have been generous in their interpretation of borderline situations. That is evidenced by the passage of the National Defense Education Act, which I had the honor to cosponsor, and which provides benefits to pupils who are in sectarian schools as well as public schools. It is evidenced by the Congress enacting legislation to provide loans for the construction of dormitories in church schools and health services and other direct benefits have been properly made available to all students.

I should like to say again, as I said in my colloquy yesterday with the Senator from Oregon [Mr. MORSE], that from my study of the bill I believe that action could be instituted in the State courts to test the constitutional issue which I am discussing tonight.

I make this statement for the following reasons: The bill provides that allocations will be made to State educational agencies. It provides that State educational agencies, at least under title I and title III, would distribute and allot the amounts granted to local public educational agencies. These provisions, and the further fact that Federal and State funds would be commingled, lead me to believe that action could be brought in a State court to determine the constitutionality of any distribution of Federal funds which might be made under this bill.

The question would still remain as to whether or not the Supreme Court would review the decisions in State courts. I would have to say that in view of the fact that the Supreme Court did take jurisdiction of the Everson case, begun as a State action, and took jurisdiction of State actions in other cases, including the prayer cases, I believe that this line of cases gives evidence that the Supreme Court would review actions involving constitutionality, brought in a State court.

The question might then be asked, "Why is it necessary to believe that the amendment we propose should be annexed to the bill which would enable a taxpayer to bring an action directly in the Federal courts and assure Federal review?"

I believe it should be done for the following reasons:

As I have said, I intend to vote for the bill because I am satisfied that an action could be brought in the State courts.

Nevertheless, as we are embarking for the first time upon the general provision of Federal aid to elementary and secondary schools, and as no one can foresee the limits to which this principle may be extended, Congress should take the responsibility of asking that the constitutionality of the program be determined so that guideposts can be established for future action that Congress might take in this field.

Second, the recent line of cases—the Everson case and others—and the interest that has been shown in the prayer cases, is proof that this question, which has been before our country since its institution, is of growing importance. It would be wholly illogical if in contradiction of the interest manifested in this great constitutional question, that Congress should close its eyes, evade the issue, pretend it does not exist, and shift responsibility to the States, where action may be initiated and finally reach the Supreme Court.

I shall not speak longer, because I have expressed myself on this issue in past years. I know, as well as all of us do, that this is a difficult issue, a controversial issue, one which raises emotions, one which causes in some cases, I have no doubt, prejudice and even bigotry. I know that all of us despise any connection of this issue with prejudice or bigotry. On the other hand, the issue exists. It is a constitutional issue. It is one from which we cannot hide. It is one which we cannot evade. It goes to the fundamentals of our Constitution and our system of government.

I have the greatest admiration and respect for all of our sectarian schools. They bring to our system of education and to the Nation a variety, creativity, and a richness that we would not enjoy if we relied only upon our public school system. I support those constitutional means to provide direct aid to their pupils. But it is as important to them as it is to all of our country that there shall not be instituted practices which might reach into the sphere of religion and into the exercise of conscience.

The year before last, when I spoke upon this issue, I quote what Bryce said when he wrote the "American Commonwealth." He said:

> Of all the differences between the old world and the new, separation of church and state is perhaps the most salient.

I shall vote for the bill for two reasons: First, because I have satisfied myself, at least in my own conscience, that action can be instituted in the States and can reach the Supreme Court to test the question of constitutionality. I shall vote for the bill, because with this assurance, there is nothing I think more beneficial and important to our country than to provide equality of opportunity through education to the young people of our land.

But I insist again that it is the responsibility of Congress not to evade, not to hide from the constitutional issue which we know exists. It is our responsibility to provide a means by which guideposts can be set for the future. This is the purpose of the amendment I offer with Senator Ervin.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am glad to yield to the distinguished Senator from Ohio whatever time remains.

The PRESIDING OFFICER. The Senator from North Carolina has 7 minutes remaining.

Mr. LAUSCHE. I shall not use the entire time.

I deeply believe that every citizen of the United States should be accorded the full enjoyment of his constitutional privileges. I believe in the sanctity, the soundness, and the reflection of the general moral character of our people as enunciated in the Constitution.

If we are to pass the pending bill, I also go to the extent of wanting it to be applicable to all children in all schools. But there is a challenge to the constitutional right to provide that enjoyment for all. I want to give that right; but at the same time I want to provide for the right of a citizen whose constitutional privileges may have been denied the ability to enter a court of our Government.

Written into the law is the principle: No citizen whose rights have been denied shall be prohibited from entering a court and begging for rectification of a wrong that he has suffered.

In the law of English jurisprudence, there once was a time when, because of the strict technicalities of the common law, citizens were not permitted to enter a court to obtain redress of the wrongs which they believed they suffered.

Out of that situation grew the law of equity. I recall that the case which illustrated how the law of equity had its institution quoted the young woman who was wronged by a lord. She wrote to the king and said, "Your excellency, I have been wronged. I have gone to the court of common law, and I cannot obtain relief. My name is Mary. I am poor. I have no funds to fight this lord. You, your excellency, my king, are the only one who can provide relief for me in the deep aggrievement which I have suffered."

The king turned that plea of Mary over to his chancellor, the keeper of the king's conscience. Out of that case grew the great law of conscience that insured that everyone who suffered a wrong shall have a right in court.

How can we say that it is improper to provide for a wronged citizen the ability to go to court and ask for a rectification of the wrong? If the provisions of the bill are sound, if they are supported by the Constitution, no one needs fear to give poor Mary the right to go to court. If she is wrong, the court will deny relief; if she is right, she will have the ability to ask the court to correct and remedy the wrong she has suffered.

I have heard and read "To every citizen, the doors of the court shall be opened. They shall have the right to ask justice for their cause." That is all that the amendment of the Senator from North Carolina would provide.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Ohio if Congress could not destroy the Constitution by closing the courthouse doors.

Mr. LAUSCHE. There are various methods of nullifying the Constitution. It can be done by a tyrant in charge of the Government. Respectfully, I say to my colleagues that it can be done by circumvention of Members of Congress. A situation can be created in which a citizen has been wronged, but Congress refuses to provide for that citizen the ability to go to court. That is what we shall do unless we adopt the amendment of the Senator from North Carolina, which amendment has no other purpose than to say, "No one shall suffer, when he comes to the court of justice, closed doors preventing him from going before the judge and asking that remedy be provided for a wrong that he has suffered."

I want aid to be provided for all children. Likewise, I want every citizen to have the right to enter our courts of justice and have his rights litigated.

The PRESIDING OFFICER (Mr. Mondale in the chair). The time of the Senator has expired. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. Mr. President, how much time have the opponents of the amendment remaining?

The PRESIDING OFFICER. The opponents of the amendment have 58½ minutes remaining.

Mr. MORSE. And the proponents have how much time remaining?

The PRESIDING OFFICER. The proponents have used their time.

Mr. MORSE. Mr. President, I yield such time as he may need to my distinguished colleague from New York, the former Attorney General of the State of New York, who is one of the most brilliant lawyers not only in Congress, but also in the country.

Mr. JAVITS. Mr. President, I am very grateful for that wonderful sendoff and for giving me the time that I shall need.

Mr. President, there are many people in the country who feel very strongly about the need for an amendment such as this one in this bill. Indeed, they have felt so strongly about it for so long that we have never been able to enact a bill for aid to elementary and secondary school education. The legislation has generally been wrecked upon this rock, the church-school difficulty.

My attitude toward this matter is dictated by what I think would reconcile the best interests of those who, at long last, want such a bill and, at the same time, those who have deep feelings that the bill must be tested constitutionally in those aspects which are likely to help private or parochial school pupils.

It seems to me that the developing law on the issue gives us the possibility of resolving this. It is summarized in a very pithy way at page 35 of the report of the committee. I should like to point out that it is our duty as Senators always to look at the fine print as well as at the big picture.

The big picture is that those who have qualms about extending any kind of help—whether on a dual enrollment basis, without the ownership of any facilities, or just giving it to the parochial and private school pupils themselves—are entitled to an adjudication as to whether it is proper under the Constitution.

The question is whether they can obtain such an adjudication without either jeopardizing the passage of this bill or delaying its effectiveness for so long as to very materially defeat its total effect. I believe that they can get such an adjudication under the developing case law. That is my reason for opposing this amendment.

The whole body of the law is now developing toward, at the very least, affording an opportunity to test these questions in the highest courts of the States and then on a writ of certiorari to the U.S. Supreme Court.

Mr. President, I ask unanimous consent that there be printed in the Record at this point in my remarks the section of the committee report dealing with this matter.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

COMMITTEE COMMENT ON JUDICIAL REVIEW

The committee considered carefully recommendations to it in testimony that an explicit provision be added to afford judicial review of the constitutionality of provisions of the act and of its administration. After consideration of all facets of the problem, it was the general view of the committee that in this legislation such a provision is unnecessary in view of the developing state of the law on the subject. The committee, in considering the matter, discussed the following factors: (1) Litigation raising analogous issues is presently pending before courts of at least one State, and could reach the U.S. Supreme Court. In view of the recent Supreme Court decisions in the school prayer cases, which also arose in State courts, it would appear more likely than ever before that the issues under this act could similarly be tested. (2) Since the determination of the Supreme Court against taxpayers' suits in *Massachusetts* v. *Mellon* (262 U.S. 447 (1923)), there have been subsequent decisions which also suggest the possibility of a test in the Federal courts of the provisions of this act in the absence

> of specific language. *Larson* v. *Domestic and Foreign Corporation* (337 U.S. 682, 689, 690 (1948)), was cited as an example. (3) The bill presently contains three specific and limited judicial review positions, which parallel those in other Federal education legislation: section 211 of title I, section 207 of title II, and section 509 of title V. It is possible that these issues can also be raised in suits brought by States against the Commissioner of Education under those provisions. (4) It is not the practice to insert broad judicial review clauses in Federal legislation, particularly as this might be construed as an invitation to a multiplicity of time-consuming suits which could bring to a temporary halt an enormous range of Federal activities.

Mr. JAVITS. Mr. President, as we analyze these epitomized by the school prayer cases, to which we refer in the committee report, we find that slowly but surely, in cases brought by people who have children in school, the highest courts of the States are testing the question whether practices are valid under the Constitution of the United States. And in these cases, the U.S. Supreme Court is undertaking to review these decisions on petitions for certiorari.

Mr. President, the best answer to the proponents of this amendment is that the body of case law which we now have, as, for example, in the school prayer cases, has come from appeals to the highest courts of the States. In addition, although this is saying more than we need to for this purpose, such cases have even come up to the Supreme Court through the Federal courts.

One of the major cases in respect to the school prayer issue is the case of *Abington School District* v. *Schempp*, 374 U.S. 203, which decided two cases, one from the highest court of Maryland, but the other from a three-judge Federal district court in Pennsylvania.

The Federal court specifically held that it had jurisdiction over the suit—201 F. Supp. 815, 820—and its jurisdiction was not questioned by the Supreme Court. So that, either through the State court route or conceivably through the Federal court route, the constitutional questions can be tested.

In addition to these routes, the bill itself contains provisions for legal review in the Federal courts in titles I, II, and V at the instance of State educational agencies which are adversely affected by a finding of the Commissioner of Education with respect to what aid they should receive under the bill. Once the cases are in court, constitutional questions can be raised. For example, in the most elementary way, a State may submit to the commissioner plans which include aid to private or parochial schools and then the Commissioner of Education may contest that plan under this bill. The State would then have the right of judicial review and could test the constitutional issues.

I said that we should look at the fine print when we read this amendment. When we do, we realize that it contains two provisions, both of which are critically important as to whether we should or should not adopt it.

The question is whether we will invite long deferral of the application of school aid to both private and public schools by inviting a multiplicity of suits. I heard the eloquent argument of my colleague and opponent on this amendment, the Senator from North Carolina. But I point out that line 4 on the first page of his amendment speaks of "any disbursement or grant."

There will be an enormous multitude of disbursements and grants under this bill, and each disbursement or grant could be tied up in a taxpayer's suit. Suit could be brought by any taxpayer of the United States. He would not even have to be a taxpayer of the State to which the grant or disbursement was to be made.

Furthermore, reading from page 2, lines 16 to 20 of the amendment, it states:

> Upon the bringing of such civil action, the Commissioner shall refrain from consummating the proposed disbursement or grant and withhold the amount of the proposed disbursement or grant until the final determination of the civil action.

This provides for a built-in stay of an enormous range of disbursements and grants, touched off by the mere institution of a suit by any taxpayer of the United States.

The proponents of the idea that there shall be judicial review start out with what is superficially an excellent case: Why should not the courts test the constitutionality of this act? But inevitably their amendments include a provision for a stay and immediately destroy themselves. For, without the provision for a stay, the proponents themselves in effect concede that their amendments do not add anything to the law and that there are many ways to test constitutionality. Without a stay they do not get what they are after.

What they are really after is that the whole operation of the law shall be stayed and brought to a complete standstill until there is a final judgment. That is exactly what we who think it is high time that this legislation is passed at long last do not want.

These four reasons are set forth in the report of the committee. First, a case can get to the Supreme Court raising constitutional questions, with the Supreme Court's permission, of course, from the State courts. Second, there is some chance, and we have cited some of the cases, that it can be done through the Federal courts, though that is not necessarily in order to have the question determined. Third, the bill itself contains provisions for judicial review which enable the States to raise the issues in the Federal courts.

Finally, reading the fine print of the amendment, what it would do is issue a broadscale invitation to any individual to bring suit. The minute he sues, it holds up a grant, or a whole multiplicity of grants, depending on what the suit is and what grant or disbursement the suit is directed to.

It seems to me that this is self-nullifying in terms of what we are trying to accomplish in the law, and at the same time it lacks the benefit of what those who feel there should be a constitutional test are really after.

The test will come, I am sure, because all the indicia of what the courts are doing in this field point to that. At least the test will come responsibly and will not throw an embargo upon the effect of this statute.

With the greatest respect and regard for those, including my colleagues, who are sponsors, who feel that there should be such an opportunity for test, and because I feel, by virtue of the decisions, that a constitutional test will be attained, but in such a way as not to nullify for a considerable time the effect of a much-needed statute, for all these reasons I urge the Senate to reject the amendment.

Mr. President, I suggest the absence of a quorum, and ask unanimous consent that it not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I shall be brief in my statement tonight, for the case has already been made in opposition to this amendment.

I thank the Senator from New York for the brilliant argument he has just made, which I think is a complete answer to the amendment offered by the Senators from North Carolina and Kentucky.

Yesterday, the Senator from Kentucky [Mr. COOPER] in his colloquy with the Senator from New York, completely rebuted the Ervin-Cooper amendment. I point out the statements made by one of the authors of the amendment itself which I believe leaves no foundation on which the amendment can stand.

Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator has 45 minutes.

Mr. MORSE. The Senator from Kentucky [Mr. COOPER] said:

> I direct the Senator's attention to a question which is controversial, and which raises emotions; nevertheless, it is an important question, and it must be discussed. It is the question whether the bill contravenes the first amendment to the Constitution.
>
> Let me say that I have studied the bill in light of the issue, and I intend to vote for the bill. But I would like to have the Senator's interpretation of this issue.
>
> I believe the Senator, great lawyer that he is, will agree with me that a very serious question has been raised in several cases, among them being the Everson case, which held in substance that taxes could be used for incidental purposes directed to the benefit of the pupil in private and parochial schools, the case held, of course, that tax funds should not be used for the general support of private church schools. As I understand the pending bill, it does not prescribe that Federal funds shall be used for private or sectarian schools. On the other hand, it does not prohibit their use in certain cases, if the State desired to so use them, and such use were approved by the Federal Commissioner of Education.
>
> Mr. MORSE. The reason I hesitated to give the Senator an immediate answer is that I

do not wish my answer to seem in the slightest degree to be equivocal; therefore, I start in this colloquy on the subject of judicial review—and I am indebted to the Senator from Kentucky for raising it in this debate—by saying that in my judgment, the bill would not authorize the State to spend any public funds for any private school purpose that might constitute an unconstitutional expenditure of funds. That is my first premise.

Next, I should like to read to the Senator from Kentucky what the bill itself provides, beginning at the bottom of page 79:

"SEC. 605. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction."

The bill contains the same prohibition that I have always insisted upon; namely, that the money cannot be spent for religious purposes or religious instruction.

If the Senator from Kentucky will bear with me a moment longer, I believe that perhaps a better foundation could be laid for some of the questions he may wish to ask me if I tell him what happened in committee.

The committee itself did not think well enough of the Ervin-Cooper amendment to even have anyone on the committee offer it in committee.

Continuing:

Some members of the committee reserved the right—which they always have anyway—to offer such an amendment on the floor of the Senate, or to support such an amendment on the floor of the Senate.

As the Senator from Kentucky knows, I believe in giving credit where credit is due. Here and now I give great credit to the Senator from New York [Mr. JAVITS] for the position he took in regard to this matter, which reinforced the position taken by the chairman of the subcommittee. After the Senator from New York had set forth his reasons for joining the chairman in opposition to adding a judicial review amendment to the bill, it was agreed by the committee—even those who had reserved the right to offer an amendment later—that the Senator from New York [Mr. JAVITS] had performed a valuable service, which I had asked him to perform.

I said that I agreed with everything the Senator from New York had said, and that I would like for him to sit down with counsel—and this was only yesterday morning—and put in succinct form the argument that he made, which the chairman of the subcommittee completely supports.

Mr. President, I then placed in the CONGRESSIONAL RECORD yesterday afternoon the statement in the committee report. I shall not take time to read it, but ask unanimous consent that it be printed in the RECORD once more. It appears on page 35 of the report, and is headed "Committee Comment on Judicial Review."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The committee considered carefully recommendations to it in testimony that an explicit provision be added to afford judicial review of the constitutionality of provisions of the act and of its administration. After consideration of all facets of the problem, it was the general view of the committee that in this legislation such a provision is unnecessary in view of the developing state of the law on the subject. The committee, in considering the matter, discussed the following factors: (1) Litigation raising analogous issues is presently pending before courts of at least one State, and could reach the U.S. Supreme Court. In view of the recent Supreme Court decisions in the school prayer cases, which also arose in State courts, it would appear more likely than ever before that the issues under this act could similarly be tested. (2) Since the determination of the Supreme Court against taxpayers' suits in *Massachusetts* v. *Mellon* (262 U.S. 447 (1923)), there have been subsequent decisions which also suggest the possibility of a test in the Federal courts of the provisions of this act in the absence of specific language. *Larson* v. *Domestic and Foreign Corporation* (337 U.S. 682, 689, 690 (1948)), was cited as an example. (3) The bill presently contains three specific and limited judicial review provisions, which parallel those in other Federal education legislation: section 211 of title I, section 206 of title II, and section 509 of title V. It is possible that these issues can also be raised in suits brought by States against the Commissioner of Education under those provisions. (4) It is not the practice to insert broad judicial review clauses in Federal legislation, particularly as this might be construed as an invitation to a multiplicity of time-consuming suits which could bring to a temporary halt an enormous range of Federal activities.

Mr. MORSE. Mr. President, that is the bill which the committee brought to the Senate by unanimous vote. So far as reporting it to the floor of the Senate is concerned, Members reserved their right to support or offer amendments from the floor.

My committee knows what I now wish to stress upon the Senate, that the Ervin-Cooper amendment happens to be the rock which can wreck the ship in which this bill is riding if the amendment should be adopted.

I would have the Senate think of those thousands upon thousands of educationally deprived children in the elementary and secondary schools of this country whose educational improvement will be seriously risked if the amendment is added to the bill.

We have been through this argument before. As one who is not opposed to a general judicial review bill, an independent bill, I am at a loss to understand why we would wish to single out an elementary and secondary school bill and run the risk of jeopardizing its enactment by Congress. But, as the Senator from New York [Mr. KENNEDY], the former General Attorney, pointed out in this Chamber a few moments ago, if we adopt this amendment we will provide the means to hold up for some years the implementation of project after project and program after program encompassed in the bill.

It can be held up until it runs the gamut of its course. Therefore, I do not believe that there is justification from the standpoint of the educational needs of the little boys and girls for whom I have pleaded so many years in the Senate, to give them an opportunity to develop their intellectual potentials to the maximum extent possible. I do not believe that there is any justification for endangering the benefits which can flow to those children by offering a judicial review amendment which, in my opinion, will jeopardize the program.

Let me tell the Senate what I am willing to do and have always been willing to do, which I discussed yesterday on the floor of the Senate but will not take time to read the colloquy which took place. I ask unanimous consent to have the colloquy between the Senator from Kentucky [Mr. COOPER] and myself on this judicial review amendment printed in the RECORD. I shall come back to a paragraph or two involving what I consider to be an admission from the Senator from Kentucky which, in my judgment, pulls the rug out from under his own amendment.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Mr. MORSE. I yield now to the Senator from Kentucky [Mr. COOPER].

Mr. COOPER. Mr. President, I know the Senator from Oregon has been on the floor for a long time.

Mr. MORSE. That is all right.

Mr. COOPER. I wish to address a few questions to you. But first, I would like to say that all of us owe a debt to the Senator from Oregon for his work on this bill, as well as other education bills in the Senate.

Mr. President, I do not intend to speak on the bill at this time, for I intend to make some remarks on the bill later in the debate. In 1948 I had the opportunity to join the Senator from Oregon, former Senator Alexander Smith of New Jersey, and former Senator Thomas of Utah, in cosponsoring the Taft-Ellender bill. Only today I read again the debate on the Taft-Ellender measure in 1948. In some respects this bill embodies principles of the Taft-Ellender bill.

I direct the Senator's attention to a question which is controversial, and which raises emotions; nevertheless, it is an important question, and it must be discussed. It is the question whether the bill contravenes the first amendment to the Constitution.

Let me say that I have studied the bill in light of the issue, and I intend to vote for the bill. But I would like to have the Senator's interpretation of this issue.

I believe the Senator, great lawyer that he is, will agree with me that a very serious question has been raised in several cases, among them being the Everson case, which held, in substance, that taxes could be used for incidental purposes directed to the benefit of the pupil in private and parochial schools, the case held, of course, that tax funds should not be used for the general support of private church schools. As I understand the pending bill, it does not prescribe that Federal funds shall be used for private or sectarian schools. On the other hand, it does not prohibit their use in certain cases, if the State desired to so use them, and such use were approved by the Federal Commissioner of Education.

Mr. MORSE. The reason I hesitated to give the Senator an immediate answer is that I do not wish my answer to seem in the slightest degree to be equivocal; therefore, I start in this colloquy on the subject of judicial review—and I am indebted to the Senator from Kentucky for raising it in this debate—by saying that, in my judgment, the bill would not authorize the State to spend any public funds for any private school purpose that might constitute an unconstitutional expenditure of funds. That is my first premise.

Next, I should like to read to the Senator from Kentucky what the bill itself provides, beginning at the bottom of page 79:

"SEC. 605. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction."

The bill contains the same prohibition that I have always insisted upon; namely, that the money cannot be spent for religious purposes or religious instruction.

If the Senator from Kentucky will bear with me a moment longer, I believe that perhaps a better foundation could be laid for some of the questions he may wish to ask me if I tell him what happened in committee.

We decided in committee against a judicial review amendment. A judicial review amendment was not offered in committee. Some members of the committee reserved the right—which they always have anyway—to offer such an amendment on the floor of the Senate, or to support such an amendment on the floor of the Senate.

As the Senator from Kentucky knows, I believe in giving credit where credit is due.

Here and now I give great credit to the Senator from New York [Mr. Javits] for the position he took in regard to this matter, which reinforced the position taken by the chairman of the subcommittee. After the Senator from New York had set forth his reasons for joining the chairman in opposition to adding a judicial review amendment to the bill, it was agreed by the committee—even those who had reserved the right to offer an amendment later—that the Senator from New York [Mr. Javits] had performed a valuable service, which I had asked him to perform. I said that I agreed with everything the Senator from New York had said, and that I would like to have him sit down with counsel—and this was only yesterday morning, because we wished to get the report printed last night—and put in succinct form the argument that he made, which the chairman of the subcommittee completely supports. Here it is.

I believe that I should read from page 35 of the committee report and make it the foundation for my discussion with the Senator from Kentucky. It reads as follows, under the subheading "Committee Comment on Judicial Review":

"The committee considered carefully recommendations to it in testimony that an explicit provision be added to afford judicial review of the constitutionality of provisions of the act and of its administration. After consideration of all facets of the problem, it was the general view of the committee that in this legislation such a provision is unnecessary in view of the developing state of the law on the subject. The committee, in considering the matter, discussed the following factors: (1) Litigation raising analogous issues is presently pending before courts of at least one State, and could reach the U.S. Supreme Court. In view of the recent Supreme Court decisions in the school prayer cases, which also arose in State courts, it would appear more likely than ever before that the issues under this act could similarly be tested. (2) Since the determination of the Supreme Court against taxpayers' suits in *Massachusetts* v. *Mellon* (262 U.S. 447 (1923)), there have been subsequent decisions which also suggest the possibility of a test in the Federal courts of the provisions of this act in the absence of specific language. *Larson* v. *Domestic and Foreign Corporation* (337 U.S. 682, 689, 690 (1948)), was cited as an example. (3) The bill presently contains three specific and limited judicial review provisions, which parallel those in other Federal education legislation: section 211 of title I, section 206 of title II, and section 509 of title V. It is possible that these issues can also be raised in suits brought by States against the Commissioner of Education under those provisions. (4) It is not the practice to insert broad judicial review clauses in Federal legislation, particularly as this might be construed as an invitation to a multiplicity of time-consuming suits which could bring to a temporary halt an enormous range of Federal activities."

That is what the committee had to say on the subject. I do not believe that a judicial review amendment should be added to an elementary and secondary school bill. I do not believe it should be added to a separate higher education bill. I believe that it should be an independent bill.

I have on my desk—I try to come prepared for developments in debate—the judicial review amendment, which the Senator from Kentucky was so kind as to say, last year, that he would cosponsor, along with other advocates of judicial review, when the judicial review amendment was passed in the Senate. It was dropped in conference, for reasons the Senator from Kentucky well knows.

I have that bill in such form that it can be introduced at any time during debate, if the consensus of opinion seems to be that we should not rely upon the suggestions made by the Senator from New York [Mr. Javits] in this part of the report, with which I completely associate myself, as do a majority of the members of the committee.

I have now concluded my statement.

If the judicial review route should be followed, it should be followed in a separate, independent judicial review bill, along the lines of the original Morse-Clark bill which is the bill that is ready for introduction.

I do not believe that the present Presiding Officer of the Senate, the Senator from New York [Mr. Kennedy] will object. I believe he should have feelings of great pride concerning it. The Morse-Clark judicial review amendment, which we prepared some 3 years ago, was the product of the Office of the Attorney General of the United States when the present Presiding Officer was the Attorney General of the United States.

After discussion with the Senator from Pennsylvania [Mr. Clark] and me, the present Presiding Officer of the Senate assigned to us as our leading legal counsel the then and still present Solicitor General of the United States, Mr. Cox; and we worked out the provisions of the bill which is now before the Senate. The Attorney General of the United States, now the Presiding Officer in the Senate, deserves my thanks—and he has received them many times—as well as the thanks of many others, for the cooperation he extended in the preparation of this bill.

I believe the bill would meet all the tests. However, I do not believe an independent judicial review bill is needed. I believe that in the not too distant future a decision will be rendered "on the nose," as we lawyers say, by the Supreme Court, telling Congress how far it can go under the first amendment in giving aid to religious schools. I believe there is a case already on the way to the Supreme Court. It is the Horace Mann case in Maryland. The first decision has been rendered by the lower court. I believe that case will go all the way, so to speak. My judgment is that it will be very difficult for the Supreme Court not to give us a broad decision which will cover the very issue that must be settled.

Let us face it. We are going into Federal aid for elementary and secondary schools in the bill through the back door. I have said this many times, as the Senator from Kentucky knows. This is a back-door entrance into Federal aid to education for elementary and secondary schools for 11 percent of the schoolchildren of America who are deprived It is an entrance through the back door by way of an entirely constitutional legislative vehicle, or Wayne Morse would not be supporting it on the floor of the Senate this afternoon if he did not honestly believe it.

Mr. Cooper. I thank the Senator. As he knows, I have supported in past years many bills whose purpose was to provide aid to our public elementary and secondary schools. As the Senator has said, the cases which have arisen, and which have been determined by the Supreme Court, particularly the Everson case, the Zorach case, and the McCollum case, have raised the question of the applicability of the first amendment to Federal aid to education. Of course, the prayer cases have also brought this issue to the fore.

I do not know of anything that is more important than providing educational opportunity of the highest quality for the children of our country.

However, I direct my questions to the specific issue of constitutionality, for it must be met. I believe the Senator will agree that the Mellon case would prohibit any taxpayer—using that term in the broad sense to include any agency or individual or entity—from bringing suit in Federal court to test the constitutionality of the pending bill.

Mr. Morse. The Senator is correct. That is true in the Federal court, but it is not true in the State courts. The Maryland case is a State case, in which the judge held that the taxpayer had the right to raise the question.

Mr. Cooper. My question was directed solely to the ability of a taxpayer to bring an action in the Federal court.

Mr. Morse. Yes. He cannot do it under the Mellon case.

Mr. Cooper. My next question goes to the right to test in State courts the constitutionality of this bill or any other educational bill using tax funds for private or church schools. I know about the Maryland case, instituted in the State courts of Maryland. Of course, the Supreme Court could say, "We do not wish to review the case."

We do not know what the Court will say. The Senator is well acquainted with the Doremus case, in which the Court refused to review a similar issue. I believe the Senator would agree that later cases would indicate that the Supreme Court would take jurisdiction of the Maryland case.

Mr. Morse. That is what I was about to say.

Mr. Cooper. I have studied the pending bill, and it is my judgment, noting that State educational agencies must make application to the Commissioner of Education for Federal funds, that funds would be allocated to the State educational agency, and then by the State educational agency to the local educational agency; that this would provide the basis for suit by an individual, in State courts, to test the constitutionality of the bill. I do not know whether the Senator would care to comment on that point, but I must say that this viewpoint has been of great influence in leading me to make my decision to vote for the bill.

Mr. Morse. That is my judgment. Although it is true that in the past the Supreme Court has followed a general policy, in a case involving a constitutional issue of trying to decide the case without deciding the constitutional issue, if possible, I believe this situation would raise directly the constitutional issue, and the Supreme Court would be in a position where it would have to decide it.

Furthermore, I believe we have come to the point where it is recognized that the issue must be put behind us.

Mr. Cooper. It must be settled.

Mr. Morse. Yes; that is what I mean. It must be settled. I believe it will be settled and put behind us soon because once we get that decision on the issue, even those who may disagree with the decision will agree that we cannot maintain a government of law unless we support the decisions. It is the decision that is important. I believe we are on our way to a decision. That is why I am pleading with the Senate, if it wishes to insist on judicial review legislation, to let us do it by way of an independent bill. I give the Senate my word, if that is what the Senate wishes, that I shall introduce a bill before the debate is over, and pledge to schedule hearings on it forthwith.

Mr. COOPER. I know the Senator agrees with me that the line is not an easy line to draw.

Mr. MORSE. I know that.

Mr. COOPER. I joined the Senator in sponsoring the National Defense Education Act, which provides aid to pupils who may choose to attend private and sectarian schools. I believe we have agreed that in those situations, while there might be a close line, the benefit ran primarily to the individual in line with the holding of the Everson case. At least I have no problem about that. I know the value of private and sectarian schools, and the contribution they make to our country. They impart richness and variety to our education. I am sympathetic with the work they are doing, but I believe that the constitutional question must be determined.

Last year the Senator from North Carolina [Mr. ERVIN] and I submitted an amendment to the Higher Education Facilities Act. It was debated and passed by the Senate, but taken out in conference. I do not feel the same concern about the pending bill that I felt about the other bill, for I believe there will be a right to judicial review through action in the State courts.

The same question was raised in 1948.

Mr. MORSE. I was about to mention that.

Mr. COOPER. Two amendments were offered in 1948. One was offered by former Senator Donnell, of Missouri, a fine lawyer who wished to place in the bill a prohibition on the use of funds for any purpose in any nonpublic school.

Mr. MORSE. For any purpose.

Mr. COOPER. For any purpose, including health, school lunches, and the like. Another diametrically opposed amendment was offered by the former and great Senator, Senator McMahon, of Connecticut, who wished to prescribe how these moneys should be used. I remember that the late Senator Taft took the position—and he spoke at length on the issue—that it was a matter for the States to determine, and that the matter could reach the Supreme Court through the State courts.

I wish to raise these questions. I am very happy to have the interpretation of the Senator from Oregon.

Finally, while I believe action to test constitutionality can be taken through State courts, I believe it would be better to provide a means to test in the Federal courts.

But on the whole, the bill is safeguarded, and it does provide an opportunity to lift the quality of education and to broaden its availability to the millions of young people who hold the future of this Nation.

Mr. MORSE. I am glad the Senator has raised these questions. The Senator from Kentucky and I have served on the Committee on Labor and Public Welfare, which has jurisdiction over education, for more years than perhaps we would like to remember.

Back in those days the Senator and I were not only members of the committee, but were also members of the Subcommittee on Education.

Mr. COOPER. And we were both Republicans.

Mr. MORSE. We were both Republicans. I have learned something since. I appreciated the Senator's great support then, and I appreciate his support now. I am greatly indebted to him for his teacher services to me, because he has taught me many things.

Mr. COOPER. A few minutes ago the Senator spoke about certain counties in Kentucky. Unhappily, I must say that in Kentucky there are counties that are in a dire state, a condition which concerns me, which saddens me and all of us who live in our great State. He mentioned a fine county—Knox—a county with fine people, officials, and an outstanding county school superintendent, the Honorable Jesse Lay. But, in tribute to my State, I wish to say that in its educational efforts, Kentucky is making a greater effort in terms of the proportion of its revenue that it applies to education, than many of the richer States. I shall not include West Virginia, but I believe Kentucky makes a greater effort, in terms of the percentage of its revenues that it applies to education, than its neighbors, including the rich States of Ohio, Illinois, and Indiana. So, not in defense, but in commendation of the officials of my State and of its people, I want to make this statement.

Mr. MORSE. The figures in the record of the hearing show that. I discussed the Knox County situation only because it is involved in the record.

Mr. COOPER. It is only two counties away from Pulaski, in which I live.

Mr. MORSE. Mr. President, I have always stood willing to support an independent judicial review bill not attached to some segment of education, but a bill which would take into account the whole question of grants and loans by the Federal Government to religious institutions in connection with the whole series of Federal aid programs, not limited entirely to education aid.

I invite attention to the amendment which the Senator from Pennsylvania [Mr. CLARK] and I worked out with the Attorney General of the United States, then Mr. ROBERT KENNEDY, and now a Senator from New York, as well as the Solicitor General of the United States at that time who is still the Solicitor General, Archibald Cox, one of the brilliant lawyers of this administration, and one of the able and brilliant professors of law at Harvard University for some years, before he came into the position of Solicitor General of the United States.

The judicial review bill that we worked out with the Attorney General and the Solicitor General in 1961 was in connection with S. 1021 and we reworked it in 1963 at a time when there was another drive on in Congress for adding a judicial review amendment to the higher education bill of that session.

I took the same position then which I take tonight, that if we are going to have a judicial review provision in our law, we should have it as a separate and independent bill. It should cover not only education legislation but also all other Federal programs involving Federal grants and loans. I am satisfied that the bill would meet all the constitutional tests. I am satisfied that the bill, if enacted into law, would bring the first amendment under a review by the U.S. Supreme Court. It would end up by giving us, as we lawyers say, "a decision on the nose."

That is a decision which would go to the heart of this troublesome question that has plagued us in the matter of Federal aid programs, grant programs, loan programs, involving not only education but also a great many other Federal grants and loans, the beneficiaries of which, in part, may be colleges and universities of a religious denomination. We find it in the national science program. We find it in the national health program. We find it in the national defense program. We find it in the whole series of Federal programs.

I believe we once had a compilation before our committee that there were more than 11 Federal aid programs administered by the Federal Government at the present time, which provide for some loans and grants to institutions of a religious denomination.

Mr. President, let me read part of the bill which was introduced to provide for a judicial review:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the approval or disapproval of an application of any public or other non-profit agency or institution for a loan or grant under—

(1) the Higher Education Facilities Act of 1963,

(2) title VII of the Public Health Service Act,

(3) the National Defense Education Act of 1958, or

(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

shall be effected by an order of the Federal officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this Act.

Then it goes on to grant the authority to bring the action that would result in a judicial review of a Federal program involving grants or loans.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2350

A bill to provide for judicial review of the constitutionality of grants or loans under certain Acts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the approval or disapproval of an application of any public or other nonprofit agency or institution for a loan or grant under—

(1) the Higher Education Facilities Act of 1963,

(2) title VII of the Public Health Service Act,

(3) the National Defense Education Act of 1958, or

(4) the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963,

shall be effected by an order of the Federal officer making such grant or loan which shall be conclusive except as otherwise provided in this Act. Notice of such order shall be published in the Federal Register and shall contain such information as the Federal officer issuing the order deems necessary to effectuate the purposes of this Act.

SEC. 2. Any public or other nonprofit institution or agency which is or may be prejudiced by the order of the Federal officer making such a loan or grant in a particular year to another such agency or institution, by virtue of the fact that the making of such loan or grant serves to reduce the amount of funds available for loans or grants in such year to the agency or institution which is or may be prejudiced, may bring a civil action for declaratory relief to determine whether the order of the Federal officer extending the loan or grant to such other agency or institution is consistent with the first amendment to the Constitution of the United States. Defendants in such action shall be the Federal officer and the agency or institution whose application has been approved. Such an action may be brought no later than sixty days after the publication of the order of the Federal officer in the Federal Register.

Sec. 3. Any citizen of the United States upon whose taxable income there was imposed an income tax under section 1 of the Internal Revenue Code of 1954 for the last preceding calendar or taxable year and who has paid any part of such income tax may bring a civil action against the Federal officer making such a loan or grant to restrain or enjoin him from taking any action under any of the Acts enumerated in section 1 of this Act which the plaintiff challenges as invalid under the first amendment to the Constitution. No additional showing of direct or indirect financial or other injury, actual or prospective, on the part of the plaintiff shall be required for the maintenance of any such action.

Sec. 4. Any public or other nonprofit institution or agency whose application for a loan or grant under any of the Acts enumerated in section 1 of this Act has been denied by the Federal officer having appropriate authority on the ground that such loan or grant would be prohibited by the first amendment to the Constitution may bring a civil action to obtain a review of the final decision of such Federal officer.

Sec. 5. (a) Any civil action under the preceding section shall be brought in the District Court of the United States for the District of Columbia, and such court shall have jurisdiction without regard to the amount in controversy. Any such action pending before the district court or court of appeals for hearing, determination, or review shall be heard, determined, or reviewed at the earliest practicable time and shall be expedited in every practicable manner. All process, including subpenas, issued by the district court of the United States for any such district may be served in any other district. No costs shall be assessed against the United States in any proceeding under this Act. In all litigation under this Act, the Federal officer shall be represented by the Attorney General.

(b) The judgment of the district court shall be subject to review as provided in sections 1291 and 1254 of title 28 of the United States Code.

Sec. 6. (a) After receipt of notice of the agency or institution of an action under this Act, the Federal officer shall, pending final determination of such action, make no payment on a grant or loan pursuant to the order which is claimed to be invalid in such action.

(b) When and if any judgment becomes final that declares invalid an order of the Federal officer under this Act, the agency or institution receiving the grant made by the Federal officer pursuant to such order shall refund the same, and if a loan has been made pursuant to such order it shall be refunded with accrued interest at the rate fixed therefor, for credit to the appropriation from which it was paid. The Federal officer may in his discretion permit deferment for a reasonable time of repayment of the grant or loan including interest thereon.

(c) If the Federal officer's order in favor of a defendant agency or institution is finally set aside pursuant to a judgment under this Act and the Federal officer has determined that, but for such order, the plaintiff agency's or institution's application would have been approved for a grant or loan chargable to the same grant or loan allotment or appropriation, such allotment or appropriation shall be available for making such grant or loan to the plaintiff except to the extent that payments therefrom have been made to the defendant agency or institution and are not recovered under this Act.

Sec. 7. If any provision of any Act referred to in the first section, or the application of such provision to any person or circumstance, shall be held invalid under this Act, the remainder of such Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. MORSE. Mr. President, I am going to modify that bill following the vote tomorrow, if the vote results in the defeat of the Ervin-Cooper amendment—as I hope it will—from the standpoint of the best interests of the deprived children of America who will benefit from the program provided for in the bill. I shall modify it to see to it that the bill that we now have under consideration, once it becomes law, shall be added to this list of Federal aid programs and included in the bill.

I shall introduce it and leave it up to Congress to work its will on the bill. That is the fair and proper way to handle that matter.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. ERVIN. I should like to ask the Senator if it would not be perfectly permissible for him, under the rule, to offer that bill as an amendment to the pending bill.

Mr. MORSE. Of course, but I shall not offer it as an amendment to the pending bill, because to do so would have the same effect, so far as the vicissitudes of the bill are concerned, that his amendment would have. I want to see H.R. 2362 passed. Then I shall be perfectly willing to have Congress consider an independent bill, a broad bill, which covers all the Federal grant and loan programs in which religious institutions are involved, separate and distinct from the education bill.

Mr. ERVIN. Mr. President, will the Senator yield for another question?

Mr. MORSE. I am delighted to yield.

Mr. ERVIN. The attachment of the Senator's amendment as an additional amendment to the bill would not have the effect of defeating the bill unless the proponents of the bill were unwilling to have the Federal courts pass upon the provisions of the bill.

Mr. MORSE. My bill is quite different from the amendment of the Senator from North Carolina and the Senator from Kentucky. My bill does not have the inhibitory effects upon the jurisdiction of the equity courts that the Senator's amendment does. It does not result in preventing any implementation of the programs while the cases go through their long trials and tribulations of getting finally up to the U.S. Supreme Court.

Mr. ERVIN. In other words, the Senator's bill would only lock the stable after the horse was stolen.

Mr. MORSE. Not at all. The Senator, being the brilliant lawyer that he is, knows that an institution could be a beneficiary under the bill and allowed money to go ahead with the program authorized by the bill, and could be held responsible for reimbursement in case the Supreme Court finally decided that it was not entitled to the money made available to it.

This was the argument 2 years ago. It was the reason why the senior Senator from Oregon, the manager of the bill 2 years ago, when the amendment was attached to the bill—although I am satisfied that 2 days after it was adopted, if we had not required a two-thirds vote, we could have had the Senate reverse itself before it went to conference—and the Congressional Record will show this—said to the Senate:

> Do not send me to that conference if you wish me to go to the conference to support that amendment, because I cannot support the amendment, because of what it does to the jurisdiction of the equity courts. If I go to the conference I want the Senate to know, before the Senate votes on the bill, that I shall move to recede on the amendment, unless the House will accept an amendment to the amendment that will restore to the equity courts their jurisdiction, so that the money can proceed to be expended by the institution which it is intended to benefit, and that it will be required subsequently to reimburse the Federal Government in case the Supreme Court should decide that the authorization was illegal.

That provision will be in my bill when I introduce it.

I wish to go back to the colloquy with the Senator from Kentucky yesterday. I do not understand how he can support the pending amendment and hold the view that he expressed yesterday on the floor of the Senate in regard to the possibility of bringing an action under the bill in the Federal court. I read from the Record:

> Mr. Cooper. I thank the Senator. As he knows, I have supported in past years many bills whose purpose was to provide aid to our public elementary and secondary schools. As the Senator has said, the cases which have arisen, and which have been determined by the Supreme Court, particularly the Everson case, the Zorach case, and the McCollum case, have raised the question of the applicability of the first amendment to Federal aid to education. Of course, the prayer cases have also brought this issue to the fore.
>
> I do not know of anything that is more important than providing educational opportunity of the highest quality for the children of our country.
>
> However, I direct my questions to the specific issue of constitutionality, for it must be met. I believe the Senator will agree that the Mellon case would prohibit any taxpayer—using that term in the broad sense to include any agency or individual or entity—from bringing suit in Federal court to test the constitutionality of the pending bill.
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> Mr. Morse. The Senator is correct. That is true in the Federal court, but it is not true in the State courts. The Maryland case is a State case, in which the judge held that the taxpayer had the right to raise the question.
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> Mr. Cooper. My question was directed solely to the ability of a taxpayer to bring an action in the Federal court.
>
> Mr. Morse. Yes. He cannot do it under the Mellon case.
>
> Mr. Cooper. My next question goes to the right to test in State courts the constitutionality of this bill or any other educational bill using tax funds for private or church schools. I know about the Maryland case, instituted in the State courts of Maryland. Of course, the Supreme Court could say, "We do not wish to review the case."
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> We do not know what the Court will say. The Senator is well acquainted with the Doremus case, in which the Court refused to review a similar issue. I believe the Senator would agree that later cases would indicate that the Supreme Court would take jurisdiction of the Maryland case.
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> Mr. Morse. That is what I was about to say.
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> Mr. Cooper. I have studied the pending bill, and it is my judgment, noting that

State educational agencies must make application to the Commissioner of Education for Federal funds, that funds would be allocated to the State educational agency, and then by the State educational agency to the local educational agency; that this would provide the basis for suit by an individual, in State courts, to test the constitutionality of the bill. I do not know whether the Senator would care to comment on that point, but I must say that this viewpoint has been of great influence in leading me to make my decision to vote for the bill.

The Senator from Kentucky made it perfectly clear yesterday that, irrespective of the judicial review amendment being added or not being added to the bill, he will vote for the bill.

On the basis of this very important legal point, I believe it is perfectly clear that under the terms of the bill—and I shall put the sections in the Record without commenting upon them—action could be brought through the State courts which would result in the case ultimately going to the U.S. Supreme Court for decision.

I replied to the Senator from Kentucky by saying:

Mr. Morse. That is my judgment. Although it is true that in the past the Supreme Court has followed a general policy, in a case involving a constitutional issue of trying to decide the case without deciding the constitutional issue, if possible, I believe this situation would raise directly the constitutional issue, and the Supreme Court would be in a position where it would have to decide it.

Furthermore, I believe we have come to the point where it is recognized that the issue must be put behind us.

Mr. Cooper. It must be settled.

Mr. Morse. Yes; that is what I mean. It must be settled. I believe it will be settled and put behind us soon, because once we get that decision on the issue, even those who may disagree with the decision will agree that we cannot maintain a government of law unless we support the decisions. It is the decision that is important. I believe we are on our way to a decision. That is why I am pleading with the Senate, if it wishes to insist on judicial review legislation, to let us do it by way of an independent bill. I give the Senate my word, if that is what the Senate wishes, that I shall introduce a bill before the debate is over, and pledge to schedule hearings on it forthwith.

Mr. Cooper. I know the Senator agrees with me that the line is not an easy line to draw.

Mr. Morse. I know that.

Mr. Cooper. I joined the Senator in sponsoring the National Defense Education Act, which provides aid to pupils who may choose to attend private and sectarian schools. I believe we have agreed that in those situations, while there might be a close line, the benefit ran primarily to the individual in line with the holding of the Everson case. At least I have no problem about that. I know the value of private and sectarian schools, and the contribution they make to our country. They impart richness and variety to our education. I am sympathetic with the work they are doing, but I believe that the constitutional question must be determined.

Last year the Senator from North Carolina [Mr. Ervin] and I submitted an amendment to the Higher Education Facilities Act. It was debated and passed by the Senate, but taken out in conference. I do not feel the same concern about the pending bill that I felt about the other bill, for I believe there will be a right to judicial review through action in the State courts.

One of the cosponsors of the bill is saying:

I do not feel the same concern about the pending that I felt about the other bill, for I believe there will be a right to judicial review through action in the State courts.

The Senator from Kentucky continued:

The same question was raised in 1948.

I do not believe we can escape a review through the State courts.

Mr. President, the review process is already on its way.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. MORSE. I shall yield in a moment, after I have made this insertion. The review process is already on its way. I hold in my hand the opinion in the circuit court for Arundel County, Md., in the case of Horace Mann League of the United States, plaintiff, against J. Millard Tawes, Governor.

I have the controlling excerpts from the opinion. I ask unanimous consent that they be printed in the Record tonight, and in the morning I will ask to have printed in the Record the full opinion.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From the Decision of Judge O. Bowie Duckett on March 11, 1965

(*The Horace Mann League of the United States of America, Inc., et al., Plaintiffs* v. *J. Millard Tawes, Governor, et al., Defendants*—in the circuit court for Anne Arundel County, No. 15,850 equity)

OPINION

Questions for decision

The primary question to be decided in this case is whether or not it is lawful for the State of Maryland to appropriate large sums of money to four church-connected colleges. The main obstacle to these grants is the first amendment to the U.S. Constitution which invalidates any law which advances or suppresses religions.

There are also several subordinate questions such as the right of the plaintiffs to sue and the effect of the Maryland constitution on the appropriations, especially article 36 of the Maryland Declaration of Rights, which provides, inter alia: "nor ought any person be compelled to * * * maintain or contribute * * * to maintain, any place of worship, or any ministry."

Facts

The General Assembly of Maryland during 1962 and 1963 made four separate grants totaling $2½ million to four Maryland colleges for the purpose of aiding in the construction of several school buildings. A summary of these grants is as follows—statute, recipient, purpose, and amount, respectively.

Chapter 546, acts of 1963, Western Maryland College, science wing and dining hall, $500,000.

Chapter 545, acts of 1963, St. Joseph's College, science building, $750,000.

Chapter 88, acts of 1962, Hood College, dormitory and classroom building, $500,000.

Chapter 66, acts of 1962, College of Notre Dame of Maryland, science building, $750,000.

Each act provided that the recipient would privately obtain elsewhere an equal and matching sum for the aforesaid buildings.

The parties agree that all of the colleges involved are related in some way and some degree to religion and to a particular church. The extent of this church relationship varies and it is one of the difficult questions in the case to decide, whether one or more of these institutions is legally sectarian as contrasted to secular * * *.

(Brief descriptions of colleges omitted.)

Preliminary question

The first question to be decided is whether the plaintiffs have standing to bring this suit. The answer to this question in so far as the Horace-Mann League is concerned is clearly "No." The Horace-Mann League pays no State taxes, nor does it claim to have any other interest which could conceivably be injured by the alleged unlawful expenditure of public funds. The law is well established that such a nonprofit corporation has no standing in its own name to complain of legislative action even though it affects the rights of its members of stockholders. (References omitted.)

A determination of whether the individual plaintiffs have standing to sue present some difficulty. All of these individual plaintiffs are taxpayers and pay taxes on real estate totaling an assessed value of approximately $160,000. Moreover, this is a taxpayer's suit and is not only brought by the above mentioned plaintiffs but also on behalf of all other taxpayers of the State similarly situated.

The law on this question was recently reviewed by Judge Horney in *Citizens Committee* v. *Co. Comm.*, 233 Md. 398 (1964). I find that the Maryland Court of Appeals in recent years has become more demanding in requiring that Plaintiff taxpayers show a special interest before attacking the legality of legislation. Some of the broad language in the Citizens case may appear to hold that the individual plaintiffs have no standing to maintain this suit. However, in my opinion, the present plaintiffs under the particular circumstances alleged do have sufficient standing to sue. First, because of the importance and urgency of the question and its ripeness for decision; and secondly, the plaintiffs are real and personal property taxpayers and therefore have a special interest in the appropriations, different from that of the general public and even from other classes of taxpayers. The statutes involved in this case levy only real and personal property taxes and those in an amount merely sufficient to fund the challenged expenditures. Moreover, it must be realized that the court of appeals in the recent opinion quoted above cited with approval many of its older decisions, one of them being *Sun Cab Co.* v. *Cloud*, 162 Md. 419 A. 132 (1932) where Chief Judge Bond, speaking for the court said, on page 427:

"[T]axpayers interested in avoiding the waste of funds derived from taxation which would be involved in conducting the void referendum may make application to the court for the remedy * * *. The property loss to them, or the loss of civil rights, which according to our rules must be established as a foundation for the interposition of a court of equity, may be small, when apportioned among them. Probably the loss to one taxpayer in any such proceeding seldom amounts to $20, the minimum of the debt or damage which a court of equity many consider * * *. But, when a suit is instituted by one or more taxpayers in representation of all, the case is quite different. The amount involved and sought to be protected is then the total amount of loss to taxpayers, or the total amount which may be wrongfully expended * * * (A) bill filed in the name of one or more of the taxable inhabitants for themselves and all others similarly situated the court should regard as 'in the nature of a public proceeding to test the validity of the corporate acts sought to be impeached and deal with and control it accordingly' * * *. Therefore the conclusion of the court is that the taxpayers' suit may be maintained in this instance."

The Sun Cab Co. case has not been overruled by our Highest Court and I am of course bound by it * * *. (References omitted.)

Burden on plaintiffs

Not only is the burden of proof on the plaintiffs in this litigation, but in considering the validity of these enactments it is well established that "Every intendment must be resolved in favor of the constitutionality of an act of the assembly. We must not try to find reasons to hold a law unconstitutional. If it is not clearly so, its constitutionality must be upheld." *Johns Hopkins Univ.* v. *Williams,* 199 Md. 382 at 401, 86 A. 2d 892, 902.

Subordinate question

Does the Maryland constitution forbid grants of public money to church-connected institutions?

Plaintiffs appear to have abandoned their reliance on all sections of the Maryland constitution except article 36 of the Maryland Declaration of Rights, therefore, I shall not discuss the other sections of the Maryland constitution alleged in the bill of complaint but merely hold them inapplicable for the purpose of this decision.

Article 36 of the Maryland Declaration of Rights provides, in part:

"nor ought any person be compelled to * * * maintain, or contribute * * * to maintain, any place of worship, or any ministry."

A review of the cases on the general subject decided by the court of appeals leads me to the conclusion that our Highest Court makes little or no distinction between a sectarian or secular institution receiving an appropriation, provided the money is used to perform a public service as, for example, health, education, and general welfare of our citizens.

Back in 1876, the court of appeals in *St. Mary's Industrial School* v. *Brown,* 45 Md. 310, said at page 336:

"The fact that the institution may be under denominational or religious control, can in no manner affect their qualification for assuming such relation to the city, or for the full and faithful discharge of the duties that they may contract to perform. Charity, to say the least of the matter, is quite as likely to be fully and faithfully administered under such auspices as it could be under any other. It could, therefore, be no objection that the institutions are or may be under the control and influence of those belonging to any particular church or denomination."

Likewise, in *Finan* v. *M. & C.C. of Cumberland,* 154 Md. 563 (1928), the court of appeals upheld the validity of a municipal appropriation in aid of the construction of a hospital operated by a group of Roman Catholic nuns in Cumberland, Md.

The most noted case in Maryland is *Bd. of Ed.* v. *Wheat,* 174 Md. 314, 199 A. 628 (1934), involving the validity of bus transportation for parochial schoolchildren. Chief Judge Bond, speaking for the majority of the court, upheld the law and said at page 323:

"This conclusion that the act must be regarded as one within the function of enforcing attendance at school, renders it unnecessary to consider separately the objection that a religious institution is aided. Article 36, Declaration of Rights. The institution must be considered as aided only incidentally, the aid only a byproduct of proper legislative action."

I shall not discuss the exhaustive dissenting opinion by Judge Parke as parts of this opinion are favorable to each side of the controversy * * * (References omitted.)

Introduction to main question

Before discussing the primary question as to whether these appropriations establish or prohibit religion, I wish to make several observations

First, it is now firmly established that the first amendment's mandate that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, * * *" has been made wholly applicable to the States by the 14th amendment."[1]

NOTE.—All footnote numbers in this document have been changed.

In 1947, the Supreme Court of the United States set forth in the Everson case[2] the minimum scope or meaning of the establishment clause of the first amendment as follows:

"The 'establishment of religion' clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and state.'"

A purpose of the establishment of the religion clause of this amendment was based upon the awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand and the belief that the union of government and religion tends to destroy government and degrade religion.[3]

The generally recognized and approved neutrality position of the Government over religion requires the Government to be neutral not only between sects but in a larger sense between believers and nonbelievers.

While a Government grant to build a church or conduct a theological seminary is void, there is no prohibition against teaching factually and objectively about religion as contrasted to teaching religion.

The proper answer to the question is not only legal but philosophical as the amendment reflects the philosophy that church and state should be separate.[4] In addition to the numerous opinions, countless books and articles have been written on the question.

Finally, I heartily agree with Professor Kurland when he said: "Anyone suggesting that the answer * * * is clear one way or the other is either deluded or deluding.

Main question

Does the first amendment to the U.S. Constitution prohibit the within grants to church-connected colleges?

As previously stated, we are concerned with the establishment clause of this amendment entitled "Freedom of Religion" and providing, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

The test which I find to be most apposite in considering the above clause is found in the recent "school prayer" case, where Mr. Justice Clark, speaking for the majority of the Supreme Court, said:

"The test may be stated as follows: What are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the establishment clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion" (374 U.S. 203).

(After reviewing the well-known decisions under the establishment clause, Judge Duckett continued.)

Finally, in the case of *Abington School District* v. *Schempp,* to which was joined the Maryland case of *Murray* v. *Curlett,* 374 U.S. 203, 10 L. Ed. 2d 844 (1963), the Supreme Court reviewed all its previous decisions and held that the required reading from the Bible and recitation of the Lord's Prayer was in violation of the first amendment. Mr. Justice Clark, speaking for an almost unanimous Court, said: "The establishment clause has been directly considered by this Court eight times in the past score of years and, with only one judge dissenting on the point, it has consistently held that the clause withdrew all legislative power respecting religious belief or the expression thereof." The Court then sets forth the test which I have adopted and set forth on page (7) of this opinion. Continuing, the Court said:

"The place of religion in our society, is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the state is firmly committed to a position of neutrality."

The Court, after stating the above rules, said that its application "requires interpretation of a delicate sort," which is, of course, true in most difficult cases. It must be admitted that regardless of the established law of separation of religion and government that this has never been completely accomplished and would be practically impossible. Government programs providing milk, school lunches, and medical inspections are given to both religious and public schools. Our Government erects chapels and employs chaplains serving our Military, Naval and Air Academies where religious attendance is compulsory. The inscription "In God We Trust" appears on our coins, our dollar bill and on some of our postage stamps. The Holloway plan, designed to obtain a needed supply of naval officers, has established units at church-related colleges, such as Notre Dame University. Veterans are even permitted to attend theological seminaries under the GI bill of rights. The sessions of Congress and State legislatures are invariably opened with prayer, in Congress by chaplains who are employed by the Federal Government. We have chaplains in the Armed Forces and in our penal institutions. Oaths in court are administered through the use of the Bible. Public officials take an oath ending with "so help me God." Religious institutions are tax-exempt throughout the Nation, and the Supreme Court itself is opened with the supplication "God save the United States and this Honorable Court."

To me, the test laid down by the Supreme Court in the "Prayer" case means that if either the legislative purpose or the primary effect of the enactment advances or suppresses religion, the legislation is invalid, otherwise, it is valid.

As to the legislative purpose, it seems crystal clear that the Maryland Legislature was in no way concerned with religion in making the appropriation because (a) the language of the acts themselves show that the grants were intended for science buildings, dormitories, dining halls and classroom buildings, all of a secular nature; (b) members of the legislature are presumed to know that the grants, if for a sectarian nature, would be invalid; (c) that the Maryland Legislature for the past 175 years has made similar grants to private colleges and universities, including many denominational institutions.[5]

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[1] *Abington School District* v. *Schempp,* 374 U.S. 203, at 215, 10 L. Ed. 2d, 844 (1963).

[2] *Everson* v. *Bd. of Ed.,* 330 U.S. 1 (1947).

[3] *Engel* v. *Vitale,* 370 U.S. 421, 8 L. Ed. 2d 601.

[4] *Zorach* v. *Clauson,* 343 U.S. 306, 96 L. Ed. 954.

I now reach the difficult question in the case; namely, is the primary effect of one or more of these enactments to advance religion?

In the appropriation to Hood College and Western Maryland College, the answer is clearly "No." The grants to these colleges are for the construction of secular college buildings in no way connected with religion. Neither college trains for the ministry or other religious work and the faculty and students of both institutions are selected without regard to any religions affiliation. It is interesting to note that Hood, although connected with the United Church of Christ, has a student body of 146 Episcopalians and 108 Presbyterians as compared to 89 students affiliated with the United Church, in addition to other students of many denominations.

As to Hood, the only religious connection appears to be a United Church chaplain and 7 United Church trustees in a board of 30 members. Two semester hours out of 124 are required in an objective study of the Bible and some attempt is made to require the students to attend 14 evening services in the chapel and 7 Sunday services also in the chapel per semester, less 6 cuts permitted for both. At the services, ordained ministers of various denominations act as speakers.

Western Maryland College, associated with the Methodist Church, is but slightly different from Hood except that the student body is approximately 40-percent Methodist. Its governing body numbers 40, of whom one more than one-third are required to be Methodist ministers. Three semester hours in Biblical literature out of a total of 128 are required for graduation. During each semester, 10 chapel services, 7 lecture assemblies, and 3 evening concerts are scheduled. Of these 20 events, students are required to attend 13. From the above, I must conclude that the primary effect of these two enactments is secular and that their effect on religion is most subordinate and incidental.

The grants to Notre Dame and St. Joseph's may also be considered together, but present a much more difficult question. In the case of both of these institutions, the appropriations are for the construction of science buildings. The testimony establishes that there will be no religious services conducted in either of these buildings.

In considering the validity of the enactments, a distinction can be made between young adults of college age whose attendance is voluntary, and a child in elementary school where attendance is compulsory. Thus, in *Hamilton* v. *Regents*, 293 U.S. 245 (1934), the Court held that a student who voluntarily attended a State university where military training was required, had no ground to complain when he was not excused because of his religious scruples. On the other hand, in *Board of Education* v. *Barnette*, 319 U.S. 624 (1943), a student in a grade school was held to be entitled to be excused from saluting the flag on a showing that this practice was contrary to his religious beliefs. Therefore, it follows that a college student is usually mature enough to have made the decision to attend college and to select the institution best suited to his career objectives. At some sectarian institutions he is not required to study religion but if he chooses an institution where religious instruction is mandatory, he is merely asserting his constitutional right to the freedom of religion.

It has been suggested that many factors should be considered in determining whether particular colleges are religious educational colleges. Some of these factors are: (1) stated purpose of the college; (2) college personnel; (3) college's relation to religious organizations; (4) place of religion in the college program; (5) the result and outcome of the college program. I agree that these are proper factors in determining the degree that the institutions are connected with religion, but this is not the real issue and it has been conceded from the beginning that all of the four colleges are are both church related and denominational. The issue is whether the primary effect of providing the means for the construction of secular buildings at these institutions advances religion.

If the grants were for the construction of a church or chapel at any of the institutions, the answer would clearly be in the affirmative. I must also admit that if I accept some of the exhibits and publications of these two Catholic institutions literally or at face value that I would be inclined to hold that the receipt of these grants would advance religion to a substantial degree. Some of these publications are, for example, (1) a chart of Notre Dame dated November 1959, showing that the core or center of all education at that institution is philosophy and theology from which branches all secular subjects, such as science and mathematics; (2) statements appearing in the catalog of both colleges to the effect that the institutions are for the education of Catholics only; and (3) the general statements in the publications to the effect that religion is primary, permeating all study, thereby making education secondary.

While the above may have been the objectives and the desire of many of the devout founders and leaders of these institutions, I do not find that they exist at this time. Even the stated objectives of the institutions in their charters must give way to the situation as actually existing. The buildings sought to be constructed are for secular purposes and the testimony in this case clearly establishes that the secular courses, such as science, English, and mathematics, taught in these institutions are practically identical with the courses at nonreligious colleges.

Most everyone acknowledges that Roman Catholics are more rigid in their doctrinal views (which are currently being diminished) than most Protestant religions and therefore there are more religious requirements and greater religious atmosphere at these two institutions than the others. However, non-Catholic students and faculty are freely admitted to both instiutions, and no attempt is made to convert non-Catholic students and faculty or to interfere with the free exercise of their religion. If we distinguish between church related colleges on the basis of the degree of their relationship to a particular denomination, we would discriminate between different religions which is likewise prohibited by the first amendment.

There is another point which I feel should be discussed in this case. The plaintiffs concede that public grants to religious institutions, such as hospitals, orphan asylums and other noneducational institutions are valid when affecting health, safety and welfare of our citizens. While the circumstances and historical knowledge of the framers and the electors during the proposal and ratification of this amendment between 1789 and 1791 are pertinent, it appears more important that I determine the current legislative purpose and effect of the enactments in question, especially with reference to public welfare.

It was not until World War I and, perhaps, as late as World War II that higher education, especially in the sciences, became necessary in preserving the safety of our Nation. For example, in World War I the uneducated but deadly rifleman, Sergeant York was worth a dozen college graduates. During World War II, with the creation of the atomic bomb and other numerous scientific inventions, the higher education of our citizens became paramount. As President Truman announced, our Nation's monopoly of the atom hydrogen bomb ended in 1949. Since that date, our knowledge of the sciences has become more important.

Most of us know that the Government maintains Military, Naval, and Air Academies, but that it lacks a Science Academy. All of our scientists, therefore, must come from the public and private institutions of higher learning. According to the testimony in this case, there are a total of approximately 1,189 private institutions of higher learning in the United States and of this total, 817 are church related. Our source for obtaining scientists would be very limited if confined to the small number of nonreligious institutions.

Article 43 of the Maryland Declaration of Rights impresses upon the legislature the necessity of exercising for the public good the various powers which it possesses. It would therefore seem to me that the scientific education of college students is most vital to our public safety and welfare, perhaps more so than training juveniles at St. Mary's Industrial School, even though it did produce Babe Ruth.

For the above reasons, I find that all the appropriations are valid and constitutional, necessitating the dismissal of the bill of complaint with costs.

O. BOWIE DUCKETT,
Judge.

Mr. MORSE. I wished to get the excerpts in the RECORD tonight because it is these excerpts that are on the point of the discussion. What we have here are grants encompassed in legislation passed by the Maryland Legislature for West Maryland College, a denominational college, for a science wing and a dining hall, $500,000; St. Joseph's College, science building, $750,000; Hood College, dormitory and classroom building, $500,000; College of Notre Dame of Maryland, science building, $750,000. The issue was raised that the action would violate the first amendment. In that case the court held that it did not. I am satisfied that that case is on its way "upstairs," as we say, and will ultimately rest before the Supreme Court.

Mr. President, that is not the only case that will soon be on its way. There are bound to be cases coming out of the bill itself.

The Senator from New York pointed out one of the sections of the bill that provide for judicial review. It appears on page 32 of the bill, line 21, section 207, "Judicial Review." There are other sections also that bear on the point. I ask unanimous consent that all these sections be printed at this point in the RECORD.

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[5] See Grants enumerated in *Johns Hopkins University* v. *Williams*, 199 Md. 382, pp. 399–400; *Board* v. *Williams*, 174 Md. 314, at pp. 335–337.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

JUDICIAL REVIEW

SEC. 211. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 206(a) or with his final action under section 210, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, many remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

JUDICIAL REVIEW

SEC. 207. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 203(a) or with his final action under section 206(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

JUDICIAL REVIEW

SEC. 509. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of an application submitted under section 504(a) or with his final action under section 508(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Mr. MORSE. The point I wish to make, before I yield to my friend, the Senator from North Carolina, is that the bill itself contains ample language, in my judgment, to permit of getting cases before the Supreme Court ultimately that will raise the question of the first amendment. The proposal is made to add to the bill a judicial review amendment of the Ervin-Cooper type. As I have already stated, in my judgment, the Senator from Kentucky, to all intents and purposes, made perfectly clear that he does not consider the question of vital importance because he will vote for the bill, anyway. He has already said that he thinks that we can get review through State cases that will be taken on up to the Supreme Court. As Senator in charge of the bill, I point out that adoption of the amendment would, in my judgment, be the rock that would run the risk of wrecking this legislative ship. On that ship we would drown the passengers, who happen to be the thousands of educationally deprived children in this country who would derive a great deal of benefit, in terms of their educational needs, from the program.

The Senator from Oregon is not taking the position that he wishes to block all judicial review. There is already enough in the bill in the language that it now contains. We already have cases which establish precedents that those cases can be taken through State jurisdiction.

Third, I shall give the Congress an opportunity to work its will on an independent judicial review bill that will not be limited to this program as the basis, as the springboard, for taking the case on up to the Supreme Court, and will not tie up a program so sorely needed by the deprived school districts of this country, that involve thousands of deprived students, denying them the opportunity to have the benefits of those programs for whatever period of time it takes to get the bill in its present form to the Supreme Court for final decision, which might be 7 or 8 years.

No. I know the view of those who disagree with me in the Senate when I continue to plead as Senator in charge of the bill, "Give me the bill in its present form."

I wish to say—and I am sure he will not object to my saying it—that within the past half hour I talked with the President of the United States. He pointed out then that I am the only Senator other than the majority leader to whom he has been talking about the bill—which is a complete answer to some of the charges that have been made that the President is seeking to exercise pressure on the bill. The bill is his bill. It is the administration's bill. As the Senator in charge of the bill and the chairman of the Subcommittee on Education, I have talked with the President many times about the bill. As a result of those talks and conferences that I have had at the White House and down at the Department of Health, Education, and Welfare before the bill was ever introduced, many changes were made in the bill from its first draft. To one of those conferences I took members of my subcommittee. Several members of my subcommittee talked both with the White House staff and with the staff of the Department of Health, Education, and Welfare about our recommendations for changes. We did not talk directly to the President as a group about those changes. It is true that on an occasion or two I suggested to him that I thought some changes were meritorious; and when the bill came to the Congress, some of those suggestions for changes were in the bill.

Within the past 30 or 45 minutes the President expressed to me his great pleasure and approval with relation to the action taken by the Senate today. It is his hope that we shall be successful in passing the bill tomorrow without any amendment so that the bill might go immediately to the White House for signature.

I am proud that the President feels that way. I am proud that those of us who are supporting the bill in the committee agree with the President that this is the wise policy to take.

I am convinced that if the Ervin-Cooper amendment is added to the bill, we shall endanger the bill. I do not wish to run that risk. I do not wish to run that risk when I believe the Senator from North Carolina [Mr. ERVIN] and the Senator from Kentucky [Mr. COOPER] are adequately protected in regard to judicial review for the reasons that I have set forth, and because they can join with me—and I hope they will join with me—in cosponsoring an independent judicial review bill that will cover all Federal loan and grant programs in which we find religious colleges involved.

I hope that the Senator will accept my apology. I merely wished to complete my statement.

I yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask my friend from Oregon, in the words of Shakespeare, whether the bill which the Senator has introduced has not been "sleeping in the tomb of the Capulets."

Mr. MORSE. Not at all. It has not been sleeping at all. At one time my friends the Senator from North Carolina and the Senator from Kentucky suggested that they would be glad to cosponsor the bill.

Mr. ERVIN. Yes; but the bill has been sleeping in the tomb of the Capulets.

it has been accumulating dust in some committee.

Mr. MORSE. No.

Mr. ERVIN. I rose to ask the Senator another question. Does not the Senator think it is rather peculiar that Congress should be required to depend upon State courts to entertain, in the first instance, a question of whether a bill or an act of Congress violates the provisions of the Federal Constitution?

Mr. MORSE. Not at all, when the bill provides for a State program.

Mr. ERVIN. Does not the Senator think it would be more seemly to have the Federal courts made the initial interpreters of the constitutionality of an act of Congress rather than to leave that question to the State courts?

Mr. MORSE. I do not believe it makes any difference by what avenue the issue gets before the Supreme Court. I am for both avenues. My independent bill would create what I would agree would be a Federal avenue, but I am for an avenue that would lead to the Supreme Court and not to a roadblock, which would prevent the proposed program itself from ever being implemented.

Mr. ERVIN. The quickest avenue by which we could get to the Supreme Court would be to adopt the Cooper-Stennis-Ervin amendment. Is that not correct?

Mr. MORSE. Quite to the contrary. I believe it would get to the Supreme Court much faster by going through the State court route. It is on its way. From the standpoint of keeping the procedure from being connected with any specific bill, I believe the cleanest way of proceeding is to have the general bill that I have introduced that covers all of these programs come before the courts.

Mr. ERVIN. Does not the Senator from Oregon agree with the Senator from North Carolina that the Maryland case, to which the Senator from Oregon referred, deals merely with the question of construction grants made by the State of Maryland, and not with the use of Federal moneys for school purposes?

Mr. MORSE. It raises the question as to whether or not taxpayer money under the first amendment can be used to support religious schools.

Mr. ERVIN. But it deals with the question of the use of tax money raised by the State of Maryland rather than tax money raised by Congress.

Mr. MORSE. That is not a controlling factor in connection with the constitutionality of the issue we are talking about.

Mr. ERVIN. With reference to the speed of getting a hearing, the Maryland case has been pending for 3 years, and has just recently been heard in the lowest court of Maryland having jurisdiction.

Mr. MORSE. That is correct.

Mr. ERVIN. And after passing this first step, it will have to go to the Court of Appeals of Maryland before it can ever reach the Supreme Court of the United States.

Mr. MORSE. The Senator from North Carolina is proving my point. That is exactly the kind of delaying tactic that would be possible under the Ervin-Cooper-Stennis amendment in regard to the program under the bill.

Mr. ERVIN. I shall respectfully disagree with my good friend from Oregon, because the amendment provides that suit shall be brought in one court in the District of Columbia. There would be only one trial; and then, under the amendment, there could be a direct appeal from that court to the Supreme Court of the United States. So at worst there need be only two steps, but there would be three steps if a case starts in a State court.

Mr. MORSE. Merely by saying that there would be two steps in one instance and three steps in another does not mean that it would take less time to take the two steps than it would to take the three steps.

The Senator from North Carolina is too good a lawyer for that. He knows from his own judicial experience that he cannot stand on the floor of the Senate tonight and say that he could get a case through the Supreme Court more quickly under his proposal than under the State approach or under the approach that I shall make in my independent bill, because my independent bill will seek, at least, to have the kind of shortcut route the Senator from North Carolina is talking about.

Mr. ERVIN. If an independent bill is introduced, the objection will be raised that too many issues would be brought under it. So I think it better to narrow the bill. With all due respect for my good friend from Oregon, I say it is easier to get where one is going when he has to take only two steps than when he has to take three.

Mr. MORSE. I have all the fish in the basket. The Court cannot very well escape deciding this issue in respect to at least one of the programs under the bill that I shall introduce.

Mr. ERVIN. All I ask for is a way to find out whether any of those fish are constitutional.

Mr. MORSE. Just help me to get hearings on the independent bill, and we shall be on our way. But do not try to throw the roadblock of this amendment in my way in trying to secure the passage of the education bill that is before us, a bill that would benefit the educationally deprived children of the country.

Mr. President, I am about to close.

Mr. President, I hope that tomorrow the Senate will defeat the Ervin-Cooper-Stennis amendment. I hope the Senate will take note of what the Senator from Kentucky has said; namely, that he believes the bill should be supported without any judicial review amendment. He also believes that the legal situation is different from the situation that existed in the Higher Education Facilities Act of 2 years ago, because it is possible to proceed with judicial review in a State case, whereas the cases we were discussing 2 years ago involved so-called Federal jurisdiction in the initial step.

Also, I would have the Senate remember tomorrow that even in the language of the bill itself—the sections I have already placed in the bill—adequate language is provided to secure the necessary judicial review.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL REPORTS OF COMMITTEES

The following additional reports of committees were submitted:

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

S. 1135. A bill to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1967 (Rept. No. 154).

REPORT ENTITLED "THE MIGRATORY FARM LABOR PROBLEM IN THE UNITED STATES"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 155)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, I submit a report entitled "The Migratory Farm Labor Problem in the United States," pursuant to Senate Resolution 290, 88th Congress, 2d session. I ask that the report be printed, together with the individual views of Senators Dominick, Murphy, and Fannin.

The PRESIDING OFFICER. Without objection, the report will be received and printed, as requested by the Senator from New Jersey.

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. HILL:

S. 1750. A bill to provide that contributions toward the reward being offered for the apprehension of those responsible for the recent bombing activities in Birmingham, Ala., shall be deductible for Federal income tax purposes, and that such reward when paid shall be exempt from Federal income tax; to the Committee on Finance.

By Mr. CURTIS:

S. 1751. A bill to amend the Internal Revenue Code of 1954 to increase the exemption from the tax on club dues and fees; to the Committee on Finance.

By Mr. JAVITS (for himself and Mr. Murphy):

S. 1752. A bill to prohibit unjust discrimination in employment because of age; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

PROHIBITION OF UNJUST DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

Mr. JAVITS. Mr. President, on behalf of myself, and the junior Senator from California [Mr. Murphy], I introduce, for appropriate reference, a bill to prohibit discrimination in employment because of age.

For many years, dating back as far as 1957, I have introduced in the Senate legislation to provide a means for redressing this basic grievance, which is becoming increasingly significant in our national economy. The proposal would ban such discrimination in employment because of age in interstate commerce and would authorize the Labor Department to enforce the ban, subject to judicial review in the Federal circuit courts of appeals.

The gratifying increase in longevity made possible by our medical advances has brought with it the parallel result of an ever-expanding population of older citizens who have the health, energy, and experience to be highly productive participants in the economy, yet are afforded an ever-diminishing opportunity for competing in a society which places greater and greater emphasis on youth. While we place great importance—and rightly so—upon training the young in programs such as the Manpower Development and Training Act, the Economic Opportunity Act and the Area Redevelopment Act, we should not lose sight of the need at the same time to keep open to the mature, skilled citizen the opportunities to use his skills and maturity.

A number of States recognize that this is a problem which can and should be embodied in the law and have included age within the subjects administered by their State antidiscrimination-in-employment agencies. Such States are California, Colorado, Connecticut, Delaware, Massachusetts, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington, and Wisconsin.

In the hearings on equal employment opportunity in the Senate Labor and Public Welfare Committee last year, the General Counsel of the New York State Commission for Human Rights, Henry Spitz, testified that the age discrimination aspect of the New York law was a successful and important part of our State's program against discrimination in employment.

During consideration of the Civil Rights Act of 1964, age discrimination was considered, at my insistence, by the Labor and Public Welfare Committee and a section of the equal employment opportunity title, title VII of the act, contains in section 715 a requirement that the Secretary of Labor makes a special study of the factors which might tend to result in discrimination on the economy and individuals affected. This report is due on June 30 of this year and it is very much my hope that it will contain recommendations for legislation along the lines I am now proposing.

The nature of the problem for older workers has already very clearly been delineated. The President's Manpower Report, transmitted to the Congress last month, made the following findings:

> The rapidly growing number of older workers in the population also have difficult unemployment problems and consequent need for counseling and placement services. The number of people in the 45- to 64-year-old age bracket increased by 5.4 million during the past decade; it is expected to grow another 5.7 million by 1970. A high proportion of these people are in the labor force, although they often encounter serious difficulties in obtaining employment. Despite the protection of seniority and other fringe benefits, once these workers lose their jobs their prospects of returning may be seriously limited.

In its report filed last month, the Senate Special Committee on Aging concluded that:

> One important means of improving the economic position of America's senior citizens is to make it possible for those to work who can work and want to work. At present, one-third of the total income of older Americans comes from their employment. This belies the stereotype of idleness, dependency, and unproductivity which is too often associated with these Americans.

The committee also noted that the Executive Order 11141, issued on February 12, 1964, declared a public policy against discrimination in employment because of age under Federal contracts, except upon the basis of a bona fide employment qualification, retirement plan, or statutory requirement.

What is clearly necessary is a full implementation of this Federal policy throughout the national economy. The bill now being introduced would carry out that purpose and will, I hope, receive early attention by the Labor and Public Welfare Committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1752) to prohibit unjust discrimination in employment because of age, introduced by Mr. JAVITS (for himself and Mr. MURPHY), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MORSE. Mr. President, I move in accordance with the previous order that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 9 o'clock and 15 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Friday, April 9, 1965, at 10 o'clock a.m.

EXTENSIONS OF REMARKS

Results of Fifth Annual Questionnaire

EXTENSION OF REMARKS
OF

HON. JAMES HARVEY

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 8, 1965

Mr. HARVEY of Michigan. Mr. Speaker, under leave to extend my remarks, I am happy to announce the results of the fifth annual congressional questionnaire in Michigan's Eighth District. I am indeed most grateful for the tremendous response—over 14,000 questionnaires have been received. As tabulation was started several days ago, the results are based on the returns of 11,465.

I am inserting a news release on the results which follows:

WASHINGTON, D.C., April 7, 1965.—In record numbers, Michigan's Eighth District voters called for less Federal taxes in Congressman JIM HARVEY's fifth annual questionnaire. Obviously delighted with the number of returns, Congressman HARVEY said that 11,465 returns were tabulated, far and away the greatest response ever. "It was necessary," he said, "to turn over the returns on hand last week so that the results would not be unduly delayed. Returns still are coming in and I would estimate that we have received over 13,000."

Congressman HARVEY added, "As I have done each year, I intend to have the results published in the CONGRESSIONAL RECORD and sent along to the President. The questionnaire has many values but none as important, I believe, than to encourage citizen interest in our Government."

With only two exceptions—one on the question of increasing trade with Communist countries of Europe and the other on balancing the budget except in periods of recession or national emergency—the voting was relatively close. On the Communist trade issue, voters turned down any expansion by 70.3 percent to 22.7 percent, and decisively supported a balance budget by 92.1 percent to only 4.2 percent.

Among the closest votes on an issue which remains of paramount importance, present United States policy of military and economic support in South Vietnam, some 51.1 percent supported the Nation's current course, while 36.9 percent objected. Many of those not voting on this question, 12 percent, added such notes as "What policy[" or "I don't have all the facts to answer this."

The closest vote of all dealt with increasing social security benefits and liberalizing existing earning limitations, accompanied by appropriate increases in social security taxes. This was just slightly favored, 51 percent to 43.8 percent. Without question, the need to raise taxes to support the increase deterred acceptance of this proposal. Without the overwhelming support of those voters who indicated they were retired, it never would have carried. The retirees supported the question, 73.6 percent to 18.8 percent.

Congressman HARVEY was particularly interested in the results on the elimination of the Federal excise taxes on automobiles and another question concerning the right of any State to apportion one house of its legislature on factors other than population. Eighth district voters strongly supported Congressman HARVEY who has introduced legislation on both of these matters.

Voters carried the elimination of the excise taxes on automobiles by a margin of 61.5 percent to 32.5 percent, and were even stronger for the right of States to handle apportionment of their legislatures more freely by a vote of 66.6 percent to 24 percent. On the question of repealing section 14-2 of the Taft-Hartley Act, nullifying State right-to-work laws, only 24.9 percent favored it, while 60.2 percent were opposed. It was interesting to observe that even hourly employees failed to favor such action, turning it down 46 percent to 41.3 percent.

Altering immigration laws to base admission on skills rather than country of birth gained good backing, 62.1 percent to 29.3 percent.

Voters also approved Federal funds for public school construction and teachers' salaries by a 53.3 percent to 37.4 percent margin. Though it was fairly close, textbooks, special teachers, and library aid for private and parochial schools were turned down, 54.4 percent to 33.8 percent.

A new Federal medicare program for elderly citizens, by the social security approach, was firmly rejected, 62.2 percent to 21.8 percent. A health program for the elderly to be financed from the Government's general funds, together with an average of $6 monthly premium to be paid by participants, carried by a rather slim margin, 47.2 percent to 35.7 percent.

Here are the results of the questionnaire:

	Percent—		
	Yes	No	Undecided
Do you favor—			
1. A new Federal medicare program for our elderly citizens:			
(a) To be financed by increased social security taxes on employers and employees?	21.8	62.2	16.0
(b) To be financed from the Government's general funds, together with an average $6 monthly premium to be paid by participants?	47.2	35.7	17.1
2. Elimination of Federal excise taxes on automobiles?	61.5	32.5	6.0
3. Increasing trade with Communist countries of Europe?	22.7	70.3	7.0
4. Repeal of sec. 14(b) of the Taft-Hartley Act, nullifying State right-to-work laws?	24.9	60.2	14.9
5. Balancing the budget, except in periods of economic recession or national emergency?	92.1	4.2	3.7
6. Altering immigration laws to base admission on skills rather than country of birth?	62.1	29.3	8.6
7. An additional $1.2 billion in aid to education for—			
(a) Public school construction and teachers' salaries?	53.3	37.4	9.3
(b) Textbooks, special teachers, and library aid for private and parochial schools?	33.8	54.4	11.8
8. Present U.S. policy of military and economic support in South Vietnam?	51.1	36.9	12.0
9. Legislation increasing social security benefits and liberalizing existing earning limitations, accompanied by appropriate increases in social security taxes?	51.0	43.8	5.2
10. Guaranteeing the right of any State to apportion 1 house of its legislature on factors other than population?	66.6	24.0	9.4

New York Journal-American's Subway Protection Program

EXTENSION OF REMARKS

OF

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 1965

Mr. MURPHY of New York. Mr. Speaker, I would like to call to the attention of my colleagues the fact that the New York American, one of the outstanding evening newspapers in the United States, has been in the forefront of the effort to curb the horrendous crime running rampant through the New York City subway system.

The Journal American has suggested a program for action which would be aimed at providing safety for the millions of New York subway riders. This program includes the use of highly trained and skilled police dogs in the subway system as a major deterrent to the armed thug, the rapist, the mugger, and the young tough.

Our experience here in Washington and particularly on the Hill with these marvelous police dogs is evidence of the high regard in which they are held in many areas of the country.

Urban areas of Philadelphia as well have had great success in the use of these police dogs.

One of the highlights in the recent Police Show in Madison Square Garden was the effectiveness with which these dogs can be trained to attack criminals and thugs and subdue them at the command of the master.

The Journal-American is to be praised for its leadership in this field. Not only has it reported the news of crime and its devastating aftermath, but it has led the campaign to do something about this crime. With these dogs in our parks and subways New York will not be permitted to become "6 o'clock town" with people afraid to venture out at night.

Father Lemieux Retires

EXTENSION OF REMARKS

OF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 1965

Mr. PELLY. Mr. Speaker, I should like to take a few minutes today to pay tribute to a very close friend of mine in Seattle, the Very Reverend Albert A. Lemieux, S.J., a man who is greatly admired and highly respected by all who know him.

Since 1948, Father Lemieux has been president of Seattle University, and the list of his achievements there is a long and brilliant one. Under his dedicated and untiring leadership, the university has flourished to an extent that in itself stands as a silent tribute to his love of humanity and devotion to duty.

Father Lemieux retires today from the position to which he has been so faithful, and if, as he hands over the reins of administration to another, he looks back with pride at his contribution to the cause of good citizenship, he will find his feeling shared by all of us who have followed his activities through the years.

We have seen that his service has not been limited to the students who have drawn upon his magnificent store of education and experience, but has been equally generous in response to calls for participation in civic affairs, charitable endeavors, guidance programs, and so forth. In fact, I do not think I am wrong in saying that his beneficial influence has been felt in every aspect of community life. His years in Seattle have been years of concern for the welfare of every citizen.

The outstanding ability of Father Lemieux has not been without formal recognition, for he has received awards and honors from several civic and educational groups. In 1952, he received an honorary doctor of laws degree from Portland University, Portland, Oreg.; 1956 brought him a Seattle First Citizen Award from the Seattle Real Estate Board, and in 1958, he was given a distinguished service award by the Seattle University Alumni Association. In 1959, the Seattle Chapter of B'nai B'rith honored him with its man of the year award, and in 1962, Gonzaga University, Spokane, Wash.—where Father Lemieux had spent time as a student and instructor before coming to Seattle—presented him with an honorary doctor of laws degree.

So, Mr. Speaker, it is with great pride that I take this means of congratulating Father Lemieux for having expanded to such an extent the work begun by the two members of the Society of Jesus who came to Seattle in 1891 to establish a church and school. These two priests, the Reverend Adrian Sweere, S.J., and the Reverend Victor Garrand, S.J., in erecting these first buildings, imbedded deeply in our soil the roots of the splendid institution that is Seattle University today. The university's growth has been assisted by a great many excellent faculty members and generous benefactors since that time, who will always be remembered with love and gratitude, but I am sure that no single one of these has done more than has Father Lemieux to earn a place of honor in the hearts of all of us. I feel I can speak for all citizens of Seattle in expressing thanks for a job well done, as well as extending to this distinguished educator our best wishes for the future.

An editorial in a recent issue of the Seattle Times adds emphasis to all I have just said, and I should like to quote the editor's words at this point:

> Under the 17-year leadership of the Very Reverend A. A. Lemieux, Seattle University grew from a little two-block college to become the largest private university in the State. The university is now an asset of incalculable worth to the community and the Northwest.
>
> This week Father Lemieux departs the office in which he has so ably served. His last special project here has been raising funds for a $3.5 million library which will become the academic center for the campus of 4,000 students.
>
> Friends of Seattle University have thought, from the very beginning of the fundraising project, that the library should be considered a monument to Father Lemieux's leadership.
>
> This feeling was made official Thursday evening at a farewell, appreciation banquet, when it was announced that the magnificent new addition to the campus will be named Lemieux Library.
>
> Indeed, a fitting tribute.

National Museum Act of 1965

EXTENSION OF REMARKS

OF

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 1965

Mr. BOW. Mr. Speaker, I have introduced today legislation to enlarge the present activities of the Smithsonian Institution in national and international research, training, and publication in the museum field. The bill is known as the National Museum Act of 1965.

The recent growth in the number of museums, their collections, and activities, has far outstripped the ability of the museum profession to provide trained personnel for the study, planning, coordination, and staffing of the Nation's museums. The achievements of a few outstanding museums in investigating new techniques for display, cataloging, and conservation, new relationships between historic, scientific, and artistic objects, and new concepts of communication, reveal how much remains to be done to make effective the universal opportunities for education and cultural progress which these institutions could offer to the public.

The primary responsibility for the support of the individual museum should remain with the community which it serves. However, needs for a national and international program of cooperative research and training to assist museums large and small to make their maximum contribution require national recognition and leadership.

Much is already being done. The U.S. Office of Education has taken a constructive interest in the educational activities of museums, particularly with regard to the functions of the museum as a support facility for university and public school education. The National Science Foundation is considering the role of museums in furthering scientific research and raising the level of public scientific awareness. The Department of State has made a number of leader grants to foreign museum professionals to stimulate the international exchange of ideas and experience in the museum field. The Smithsonian Institution, in one of its primary roles as the National Museum, has long recognized its responsibilities to the national museum profession. It has recently undertaken to introduce a limited number of museology interns in its museums and has engaged in a joint program with the American Association of Museums in the complementary areas of museum training, education, publications, and a continuing survey of museum problems and resources.

It is proposed that the present activities of the Smithsonian Institution in museum research, training, and technology be recognized and strengthened by the passage of a National Museum Act which would establish within the National Museum a coordinated program of national and international research, training, and publication in the museum field. The program would be supervised by the Director of the National Museum under the direction of the Board of Regents and Secretary of the Smithsonian Institution.

H.R. 2362 Should Be Promptly Approved in the National Interest

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 1965

Mr. DONOHUE. Mr. Speaker, I most earnestly hope and trust that the Senate will promptly and overwhelmingly approve this afternoon, H.R. 2362, the Elementary and Secondary Education Act of 1965, that this House resoundingly adopted just a week ago.

It is practically the unanimous judgment of most educational and legislative authorities that this measure is the best practical compromise that could be reasonably developed to meet and dissolve the conscientious objections of the various groups who sincerely desire to effect the fundamental objectives of this measure.

In substance this bill will provide: First, a 3-year $1.06 billion program of Federal grants to States for allocation to school districts with large numbers of low-income families; the uses of the funds to be decided by local school districts, subject to State and Federal approval; second, a 5-year program of grants for the purchase of books and library materials; third, a 5-year program for the establishment of supplementary education centers and services; fourth, 5-year programs to improve educational research and to strengthen State departments of education; and fifth, a 2-year extension of school aid to districts impacted by the presence of Federal installations.

Let us all be reminded of the fact that $1 billion of the expenditures proposed in this bill will be directed at raising educational quality for deprived children and these funds will be distributed into and throughout more than 90 percent of the Nation's school districts.

The 2-year extension of assistance to impacted areas, although in my opinion it should be extended for at least 5 years for proper school planning purposes, is at least an acceptable adjustment and is imperatively needed in a great many school districts.

Let us also remind ourselves that no Federal money may, by this bill, be provided directly to nonpublic schools and that the bill specifies that none of its provisions authorizes any Federal control over school curriculums, instruction, and administration of personnel, or the selection of teaching materials. The bill also states that nothing in it "shall be construed to authorize the making of any payment for religious worship or instruction."

Mr. Speaker, for some 20 years this country and this Legislature has been trying to reasonably solve the problem of providing this type of Federal aid to our elementary and secondary education groups. Very likely the bill that we passed here a few days ago and is now being debated in the Senate constitutes the last, best chance to provide it. Let the Congress, finally, stop talking about the education of children who yearly grow older and beyond legislative assistance while we quarrel and quibble and delay. Let us exert this last effort to revitalize these particular segments of our national school system.

This bill represents merely a 1-year authorization and, if need be, it can be wholesomely amended after a year's experience. The passage of this educational bill will be, in truth, an experiment and not an irrevocable act. I urge the Senate to follow the patriotic example of this House and give it a try before this day is over.

Railroad Retirement Benefits

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 1965

Mr. FINO. Mr. Speaker, today I have introduced legislation to provide benefits under the Railroad Retirement Act of 1937 for children of deceased railroad employees who are over the age of 18 and below the age of 22 and are attending an educational institution as full-time students.

I strongly urge the Congress to make it possible for children of deceased railroad workers to go on to college by providing these benefits. It may well be that these benefits can make the difference between a family's being able to afford or not being able to afford to send a child to college. This being the case, I do not think that the Congress can, in keeping with its commitment to higher education, ignore this chance to rectify an obvious shortcoming of the Railroad Retirement Act.

It is certainly no innovation for us to acknowledge that dependency can, in case of students, legitimately extend well beyond age 18. The Internal Revenue Service, for example, acknowledges that for tax purposes a student can be a dependent well beyond the age of 18.

I commend this bill as a much needed humanization of the Railroad Retirement Act.

"A Choice for Americans"—Address by Senator Thurmond

EXTENSION OF REMARKS

OF

HON. KARL E. MUNDT

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, April 8, 1965

Mr. MUNDT. Mr. President, earlier this year, my home State of South Dakota was privileged to have as one of its visitors our distinguished colleague, the Senator from South Carolina [Mr. THURMOND].

He was the guest speaker at the annual meeting of the chamber of commerce in Aberdeen, and delivered a most forceful and thoughtful address on the problems of our times and the prospects that lie ahead for the type of free society that has been ours for nearly two centuries.

Mr. President, the fact that his speech is, indeed, a vital one is demonstrated by the fact that the publication, "Vital Speeches of the Day," printed Senator THURMOND's address in its February 15, 1965, edition.

I request permission that this important address be made a part of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A CHOICE FOR AMERICANS—THE CHALLENGE IS YOURS

(By STROM THURMOND, U.S. Senator from South Carolina, delivered before the Aberdeen Chamber of Commerce, Aberdeen, S. Dak., Jan. 9, 1965)

This gathering tonight is so pleasant and congenial that it would be appropriate on my part to fit my remarks to the occasion, and if I could not add to the good spirits, to at least refrain from saying anything that would be other than palliative, avoiding at all costs anything that is not palatable.

Yet the recent past and the apparent future course of our Nation is such that I cannot but speak to you in a serious vein of matters which to me are most discomforting.

It is possible that what I have to say would not be acceptable for even a less congenial occasion. In the book "Cold Friday," published posthumously last year, Whittaker Chambers made this observation: "The West is swayed by a profound will to die. * * * Actually, and with the profoundest vindictiveness of unhealth, it does not wish to be defended; it deeply resents anyone who would defend it and will seek to destroy him. * * * Because it cannot be defended without facing the truth about itself. Nor can anyone truly defend it without, ultimately, speaking the truth about it. That it cannot stand and so, first of all, it must long to destroy those who would save it."

Only time will tell whether Chambers' conclusion is accurate, but I feel certain that the events of the years since he recorded this observation would not have shaken his belief. It may well be that our society will not now face the truth, nor permit the truth about itself to be presented. Yet Chambers also admitted, in his words, that "truth has become the one consuming need, since nothing else has real worth." With this I am in wholehearted agreement, and to the best of my ability, I want to discuss with you the truth about where we as a nation and a society are now and where we appear to be going.

The fruits of a futile U.S. foreign policy pursued since World War II have ripened. U.S. interests are suffering at new lows everywhere.

In Vietnam, our Nation is involved in an undeclared war with the forces of communism. While we maintain the guise of mere training and assistance of the military forces of South Vietnam, we are actually engaging the enemy directly in combat, and American casualties are mounting steadily and at an increasing rate. We are not winning this war; indeed, we have not yet resolved that winning the war is our first and prime objective in the area. Despite the vague official assurances being given, the war in South Vietnam is going so badly that our policymakers are now worrying not about saving southeast Asia, but about saving face. After Gen. Maxwell Taylor, on his recent visit to the United States, reported to the President on the situation in Vietnam, the New York Times quoted Secretary of Defense McNamara saying to the President as the newsmen entered for the conference: "It would be impossible for Max to talk to these people without leaving the impression the situation is going to hell."

Certainly the fate of southeast Asia, all the way to the coast of Australia, and probably the fate of all of Asia, hangs on the outcome of the war in Vietnam. As pointed out recently by Columnist Joe Alsop, a loss or withdrawal by the United States from Vietnam will mean moving the boundary of freedom back to the beaches of Waikiki.

In Western Europe, the NATO alliance has fallen into a shambles. What was conceived and organized as a "mutual defense pact" has become a "mutual fencing pact," each with swords drawn and attempting to carve up the other, diplomatically, of course. Our Government has expressed its lack of confidence in the competence of our NATO partners to share in the control of nuclear weapons, and Western European nations have not concealed their lack of confidence in U.S. willingness to defend Europe with nuclear weapons as the agreement provides. Another new discordant element has been added to the relations, as Germany now fears that the United States will depart from our historical position on reunification of Germany in direct negotiations with the Soviets.

In Africa, the situation is chaotic. All the blame cannot be laid on the Communists. The United States, as a reaction to Communist anticolonialism propaganda, has for years followed a policy of "independence now," pressuring our allies such as France, Britain, Portugal, and Belgium to grant independence to their colonies when there was inadequate preparation for self-government, and the total lack of stability essential to, an independent government's operation. In the Congo, for instance, we were prime movers and financiers in bringing the relatively stable Katanga province under the completely unstable central Congolese Government. We supported the expulsion of Mr. Tshombe. Recently, in desperation, we supported the return of Tshombe to head the Central Congolese Government. We transported Belgian paratroopers into the Congo in an attempt to rescue white people from the Communist-supported rebels. Again, we were forced to desist by a well-operated propaganda campaign. Nasser of Egypt and Ben Bella of Algeria, as well as the Soviets and Red China, are supporting the Communist rebels with both men and arms, although both Egypt and Algeria have been the recipients of generous U.S. assistance.

In Latin America, Communist subversion, terror, and influence continue to flourish from Cuba, where communism is now an entrenched bastion. Our Government has chosen the alternative of constructing a canal as a means of circumventing the recurring crises in Panama, but that is likely to end up a blind alley. The economic feasibility of a new canal depends on the use of nuclear energy for its construction, and that route is now barred by the Treaty of Moscow, entered into in 1963.

Even in less turbulent areas, U.S. interests are suffering. Pakistan, formerly one of our staunchest allies, has been disillusioned by U.S. shipment of arms to India, while the United States refuses to consider the possibility that India may commit aggression against Pakistan as it did a short time ago against Goa—this time using American arms. Greece, where the cold war first turned hot, has now at United States urging signed a 12-point treaty with Communist Bulgaria; and Turkey, our staunch ally and an enemy of communism, has with U.S. approval, signed a trade pact with the Soviet Union.

Our policy of accommodation toward the Soviets has not caused the intended mellowing. True, at the moment, their words are milder; but this has occurred frequently in the past when the Soviets needed a surface hiatus in the cold war. Their propaganda and actions tell the true story. Their propaganda on the Congo situation is as untruthful and vicious as any ever disseminated. The Soviet leaders have thrown down the gauntlet in southeast Asia, warning the United States that any retaliation against North Vietnam or Red China by the United States would bring the Soviet Union to the assistance of their Communist allies. Meanwhile, the Soviets, far from abandoning the alternative of nuclear arms as a means of conquest—as was concluded by our Government at the time of the test ban treaty—are straining mightily at a program of weapons research and development for qualitative breakthroughs, particularly in the areas of ICBMs to carry monster bombs and antiballistic missile defenses. They are also using this breathing period for a massive program of submarine production, both nuclear and conventional.

Despite the obvious failure of our policies of accommodation, our Government has prescribed more of the same in bigger doses. The latest aspect of this policy is trade with the Soviet Union and the Communist bloc satellites. The Soviets make no pretense about their intentions. Their first priority in the current period is to build their materiel base by obtaining from the West those products, materials, and processes which will fulfill the needs that their government-managed, forced-labor, "planned" economy can never meet. Despite the fact that the Soviets have proved themselves a hopeless credit risk and invariably untrustworthy, our Government seems intent on once again bailing them out of their economic crisis. Not only will trade with the Soviets strengthen an avowed and unswerving enemy, but it was be at a net economic loss to the United States.

The United Nations, rather than becoming an instrument for solution of world problems, has virtually become a part of the problem rather than a part of the solution. The United States, after some very strong words, backed down on its threat to have a showdown with the Soviet Union on its failure to pay assessments for U.N. peacekeeping operations for which the U.N. Charter prescribes a nation shall lose its vote in the General Assembly. The financial crisis of the U.N. continues. Meanwhile, Indonesia has announced its withdrawal from the U.N., and logically we can expect other "neutralist" and not so "neutralist" nations to follow suit when they have a real or imagined pique at some action or inaction of the U.N.

Our country has placed great emphasis on attempting to create a favorable image of the United States around the world—probably, far more emphasis than was due. Yet the U.S. image across the world is at an all-time low. Our embassies are being stoned and stormed, our diplomats attacked, and our property burned.

Of far more significance is our international monetary position. In the last decade, our short-term liabilities to foreigners, which are callable in gold, have increased from $13.6 billion to $26 billion. In the same period, our gold stocks have diminished from $21.8 billion to $15.6 billion. We have been assured that no one has any basis to doubt the value of our dollar. Basis or no basis, we had better hope that none of our foreign creditors have their doubts raised to the point they start demanding gold; for at that point we will face an impossible dilemma. Nor is the situation improving. Our balance-of-payments deficit continues at about $3 billion per year.

Nor is our national defense posture reassuring. Despite the huge sums appropriated for defense, there has been a minimum of progress on qualitative advances in strategic weaponry. Although the scientific and technological revolution continues, there is a marked complacency about new concepts in strategic weaponry which causes to be ignored the inevitable toll of deterioration and obsolescence. The philosophy of arms control and disarmament wields persuasive influence on the research, development, test, and production decisions in the Department of Defense. Criticisms of false economies are parried with aversions to the mythological reductions by the Soviets in their defense spending. It is impossible, of course, to determine how much resources are being devoted by the Soviets to armaments. It cannot be measured in terms of monetary values, whether the funds come from their formal defense budget or are diverted from elsewhere. This is because the materials consumed by defense and civilian industry are not priced uniformly on an economic basis, such as cost, but rather is variably priced according to the priority of the use as established by the Soviet Government. Thus the price of steel, for instance, may be fixed for military uses at one-half the price that it is fixed for uses in consumer production.

Although we now have a clear superiority in strategic nuclear strength, the prospect for the period after 1967 is fraught with vulnerabilities. The Soviets may well draw abreast, and perhaps even surpass the United States, particularly if we go through with our announced intention of trading with them.

Our situation domestically is no less serious.

Fiscally, we are continuing down the primrose path. The formal national debt has now increased to $318.9 billion, requiring annual interest payments in excess of $11 billion. Three times during the last completed fiscal year it was necessary for Congress to increase the statutory debt limit. Last year's deficit was a resounding $8.26 billion. The total informal national debt including accrued liabilities now exceeds $1¼ trillion. This is by no means the whole picture. The total formal governmental debt in the United States has now reached $434 billion, and private debt has reached the awesome proportions of $826 billion, bringing the total of formal public and private indebtedness to $1¼ trillion. These figures tell more than a story of money. For instance, they reflect the expanded (and consequent) influence of Government. As an example, the first U.S. President, back in 1789, reported 350 civilians on the U.S. Government payrolls—1 for every 11,225 citizens. By the end of the next 100 years (1889), there was 1 Government worker for every 400 workers; 35 years later (1924), the ratio was 1 for 215. Today there is 1 U.S. employee for every 76 Americans. The gross national product of the United States has increased about 33 times since 1900, while the labor force increased 1½ times. During the same period, however, Federal Government expenditures increased by 234 times.

From this starting point, the prospects for the coming session of Congress should be considered. Another substantial tax cut is proposed. The appropriations for the poverty program are requested to be doubled. A new program for Federal aid to education, beginning at preschool level and going through graduate studies in college, at a beginning cost of $1.5 billion is demanded. In the medical field, it is proposed to go beyond research and establish regional diagnostic centers and community treatment centers. The task force which recommended this program estimated its cost at $7 billion. Separate antipoverty programs for regional application are proposed. Among the almost innumerable other demands are highway landscaping programs, new programs for controlling air and water pollution, urban park and street landscaping programs, additional conservation programs, and even a "wild rivers" bill.

Of even greater import than the fiscal aspects of these proposals are the political consequences. Each such intrusion of Government into the affairs of individuals, however beneficial to the individual from a materialistic standpoint, places more power over the individual's life and conduct in the Central Government.

Already our political and social structures have undergone drastic changes from the individual-based system envisioned by the Constitution. The Supreme Court has, of course, been the primary instrument in these drastic departures from the Constitution. One good example is the intrusion by the Federal judiciary into the political question of State legislative apportionment. The power of decision on the structure of State governments has been taken from the people and usurped by the Court in these decisions. Another major change has come through the cases on prayer and Bible reading in the public schools. The Court has declared unconstitutional a practice that had become traditional through years of unchallenged usage.

There are other areas equally significant, although less publicized, in which the Court has accomplished radical changes in traditional and constitutional concepts. For instance, the Court recently handed down a decision in a labor-management relations case. The issue in the case revolved around whether a company could discontinue one phase of operations and subcontract for it without negotiating first with the union. The Court held that the matter was negotiable, and that the company could not make what some have long called a management decision without agreement of the union. Interestingly, the Court also implied that the Government had a legitimate voice in the scope of activity of a given private enterprise, and in the nature of the investment.

Other changes are quietly in process. There is a strong movement underway to convert the Federal Bureau of Investigation into a national police force, a change which the present Director, Mr. J. Edgar Hoover, has in the past successfully prevented.

Crime is at an alltime high, particularly crimes of violence and crimes against property. The threat of violence and disorder hangs ominously over many of our communities.

Corruption and misfeasance in high places draws little public clamor, even when exposed in all its ugliness. You are familiar, for example, with the many ramifications of the Bobby Baker affair.

This, in brief, is the state of our Nation as we begin a new year.

I am reminded that the studies of R. G. LeTourneau show that the average age of the world's great governments has been 200 years, and that the general steps through which they progressed and regressed were: from bondage to spiritual faith; from spiritual faith to great courage; from great courage to liberty; from liberty to abundance; from abundance to complacency; from complacency to apathy; from apathy to dependency; and from dependency back again to bondage.

In this connection, the five basic reasons given by Gibbon in his "Decline and Fall of the Roman Empire" for the death of that great civilization are also worthy of note. As Gibbon listed them, the reasons were: "(1) the undermining of the dignity and sanctity of the home—the basis of all human society; (2) higher and higher taxes to fund the spending of public money for free bread and circuses for the people; (3) the mad craze for pleasure; (4) the building of great armaments for the defeat of an external enemy when the real enemy was within—the decay of individual morality and responsibility; and (5) the decay of religion, faith fading into mere form, losing touch with life and its power to guide the people."

I leave it to your individual judgment whether and where our Nation falls into the ladder of life of the average great government, and whether there is a parallel between the reasons isolated by Gibbon as responsible for the decline and fall of the Roman Empire and the state of our own society.

It is my fear that the forces of atheistic materialism are not conveniently confined within the Communist bloc or even excluded beyond our shores. What other reason than the dedication to atheistic materialism here in our own society can account for failure to even attempt to inspire the nations of the world with the spiritual values of liberty and free enterprise instead of our accepted traditional policy of attempting to light a guiding beacon powered by inert materialism? Do we fear to offer the world more than greater material abundance because in so doing we might have to admit to ourselves that the foundation of our own society has been shifted from spiritual values to materialistic clay? Do we refrain from pointing out to the peoples of the world the fallacies and tragic results of atheistic materialism underlying Socialist philosophy because we fear too much of the criticism might be applicable to our own society?

It has been well said that the greatness or weakness of any society depends, in the final analysis, on the outlook and attitude of the individuals which comprise it. It follows that the course and destiny of a society depend on the individual.

This is particularly true in the United States today. No longer is there a strong and balanced two-party system in the Congress to moderate the excesses of a political majority. If there is to be a moderation of our course, much less a return to original values envisioned by the Constitution, the direction must, at least for the next 2 years, come from the people themselves. Under existing circumstances, this will require something little less than a miraculous change in the sense of responsibility and capacity for effective expression previously evidenced by the individuals which comprise our society.

In the final analysis, it is not only the fate of our society which is at stake, but a final judgment on each of our personal lives. In considering this judgment, it is not amiss that we consider the judgment of the church in Laodicea, which was in these words from the Book of Revelation: "I know thy works; thou art neither cold nor hot: I would thou wert cold or hot. So then because thou art lukewarm, and neither cold nor hot, I will spew thee out of my mouth. Because thou sayest, I am rich, and increased with goods, and have need of nothing; and knowest not that thou art wretched, and miserable, and poor, and blind, and naked."

Can we, or will we, escape the same judgment?

The guidelines for those of us who choose to avoid such a judgment are clear, but demanding.

We must choose to fight for a recognition of the supremacy of God in national and individual affairs, for without Divine guidance we can accomplish nothing.

We must choose to fight for a return to the Constitution, for it is the best political charter yet devised by which men can govern themselves.

We must choose to fight for freedom, for without it our existence is meaningless.

We must choose to fight for honesty and integrity, in private and in public life, for without them our society is doomed to degradation.

We must choose to fight for law and order, for in the absence of law and order, society is reduced to mob rule.

We must choose to fight to keep the Nation strong economically through support of free enterprise, for without responsible stewardship of our resources, we forfeit our stability.

We must choose to fight to keep the United States strong militarily, for without superior military power we cannot maintain both freedom and peace: but in so doing, we must keep ever in mind that within ourselves are potentially our most dangerous enemies—spiritual poverty, preoccupation with materialism, complacency, and apathy.

It is a formidable task; I challenge you to its undertaking.

Are the Unsuspecting Being Duped Into Supporting the Communist Cause?

EXTENSION OF REMARKS

OF

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 1965

Mr. ROBISON. Mr. Speaker, there are a number of organizations operating in the United States through American agents and engaged in the business of selling gift certificates and other merchandise to those of our citizens who wish to send such items to friends or relatives living behind the Iron Curtain.

Under the usual practice, standard gift packages of food can be ordered for delivery abroad, or specific items ranging from bicycles to grand pianos can be ordered through a catalog reference for similar delivery, or gift certificates can be purchased to be mailed abroad so that the intended beneficiary can do his or her own shopping. American dollars are, of course, used in each instance, with the actual purchase being made from state stores where the same exist, or through such other retail outlets as may be available behind the Iron Curtain, and the presumption is that most, if not all, of such goods are of Communist manufacture.

To a certain extent, the humanitarian purposes which the advertisements of such services emphasize are actually achieved. However, it would be wise for those of our citizens using such services to remember two things: First, at a time when there is a mounting concern within the United States over our balance-of-payments problem, this is an effective device whereby Communist nations may build up not inconsiderable dollar credits. Second, and perhaps even more important, this type of activity could very easily place American citizens with friends or relatives living in Soviet bloc countries in a rather compromising position in that they may feel encouraged to act almost as subagents for such a trade practice because of the vulnerability of their faraway loved ones.

According to the Department of Justice there are nine such organizations in this Nation transmitting American dollars to the Soviet bloc. All are registered under the Foreign Agents Registration Act. The names of these services and the amounts transmitted within recent periods are as follows:

First. The Pekao Trading Corp., 25 Broad Street, New York, N.Y., transmitted a total of $10,505,585.53 to Bank Polska, Kasa Opieki, Poland, during the period beginning August 23, 1962, and ending August 23, 1964.

Second. The Package Express Co., 1530 Bedford Avenue, Brooklyn, N.Y., transmitted a total of $2,673,421.10 to Vneshposyltorg, U.S.S.R., during the period beginning August 24, 1962, and ending August 24, 1964.

Third. Utsch & Associates, Inc., 39 Broadway, New York, N.Y., transmitted a total of $5,547,110.42 to TUZEX Stores, Prague, Czechoslovakia, during the period beginning January 1, 1963, and ending December 31, 1964.

Fourth. Central Parcel Service, 220 South State Street, Chicago, Ill., transmitted a total of $386,653.26 to Vneshposyltorg, U.S.S.R., during the period beginning December 31, 1962, and ending December 31, 1964.

Fifth. Cosmos Parcels Express Corp., 45 West 45th Street, New York, N.Y., transmitted a total of $1,907,722.65 to Vneshposyltorg, U.S.S.R., during the period beginning January 10, 1963, and ending July 10, 1964.

Sixth. Globe Parcel Service, Inc., 716 Walnut Street, Philadelphia, Pa., transmitted a total of $1,801,315.55 to Vneshposyltorg, U.S.S.R., during the period beginning December 31, 1962, and ending December 31, 1964.

Seventh. Gramercy Shipping Corp., 118 East 28th Street, New York, N.Y., transmitted a total of $8,363.96 to Vneshposyltorg during the period beginning March 25, 1964, and ending June 25, 1964.

Eighth. Joseph Brownfield, 15 Park Row, New York, N.Y., transmitted a total of $2,805,391.90 to Monimpex, Hungary, during the period beginning November 29, 1962, and ending November 29, 1964.

Ninth. U.S. Relief Parcel Service, Inc., 245 East 80th Street, New York, N.Y., transmitted a total of $2,255,000 to Monimpex, Hungary, during the period beginning November 29, 1962, and ending November 29, 1964.

Mr. Speaker, it is not my point in bringing this information to the attention of my colleagues to pass judgment, in any way, on this particular activity. However, I do believe that this is a matter that the Congress ought to be aware of as it considers ways and means for dealing with our balance-of-payments problem, and that the appropriate legislative committees of this or the other body might well take it upon themselves to review this activity in order to insure that none of our citizens are misinformed or misled in any way concerning such gifts and the full implication thereof to all the people of the United States.

Through Difficulty to the Stars

EXTENSION OF REMARKS

OF

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 8, 1965

Mr. HANNA. Mr. Speaker, we have in our day and time no lack of consideration and comment addressed to the imaginative appeal of the new space age. The age of exploration and intrusion into the mysteries of the outer space of the universe and the inner space of the oceans. One aspect of this new era and a practical realization of the great promise and challenge it presents is the accommodation of the human physiology to the conditions of the new and often hostile characteristics of space environment.

In an articulate and imaginative presentation, our colleague from Texas, Henry B. Gonzalez, treats this theme. His forum was a most appropriate one, Brooks Air Force Base in his native State. Not only is Brooks one of the outstanding bases for the training of aerospace pilots and technicians, it also has the first and most complete medical facility dealing with aerospace medicine. I commend to the House the reading of the remarks of Mr. Gonzalez which are incorporated herein below:

Per Aspera Ad Astra

(Address of Congressman Henry B. Gonzalez at Brooks Air Force Base, Apr. 2, 1965)

I cannot conceive of a more appropriate theme for a dining in at Brooks than this one—through difficulty to the stars—which is similar to the motto of the Royal Air Force.

It was here that John Kennedy, on the eve of his death, his untimely voyage to the great beyond, said:

"And in the new frontiers of outer space, while headlines may be made by others in other places, history is being made every day by the men and women of the Aerospace Medical Center, without whom there could be no history."

Mankind has always been held in a state of fascination by mysteries, and men have ever tried to understand and conquer those things which have been beyond their comprehension. It has been this persistent curiosity that has brought us to our present state of scientific knowledge and technical understanding. Yet the deepest mysteries remain unsolved, and you are engaged in probing some of these secrets, to help solve the dark secrets of the universe itself.

Men are drawn to the shores of oceans because they cannot understand or comprehend the awesome powers and strange beauty of what Queen Isabella of Spain called the ocean sea, that fearsome water that covers most of our earth. We have learned to sail on the surface of the sea and even to dive and cruise in the borderlands of its depths, but man has yet to discover how to survive in the greatest depths of the sea, and so its deepest mysteries remain undiscovered, its awesome powers a secret yet to be opened to the mind of man. Just as men have stood on lonely beaches and pondered the awesome powers of the sea, so they have stood transfixed, gazing at the depth and mystery of the heavens, always wondering what secrets the stars held and whether there were other worlds like our own in that infinite distance of the universe.

If the secrets of the sea remain unknown, it is because men have yet to learn how to survive in the vast depths of the hostile ocean. And if the mysteries of the universe are still unknown to our inquiring minds, it is because we cannot live yet in the void of space. Only if man can live in space can he conquer it, and he can survive in space only through the efforts of men like you. If one day we do journey to the moon and beyond, and if one day the darkness of space is understood by men, it will be in no small part due to your diligence, your persistence, your energy, and your unflagging curiosity.

And what of man and the moon, what of man and the stars?

No one can truly say when a man first gazed at the stars, or what he thought because this surely happened long before history was recorded.

Ancient men worshiped the stars as gods. Thousands of years ago men believed that the stars held the keys to man's fate, that the stars could be read as signs to say whether a man would have a good or bad day, or whether his life would be happy or marred with misfortune. Astrology was popular with the Egyptians and with the Romans, and it is still a favorite practice of people all over the world. Even today, you can read your fortune in the newspapers, your fate foretold by readers of the stars. We all know that the position of the stars and the conjunctions of the planets have nothing to do with our fate and fortune, but men do not understand the stars yet, and so their mystery lends itself to the foretelling of time, through that most ancient of arts, astrology.

The Egyptians, the Babylonians, the Indians of Central America all observed the stars. They were able to see that the heavens moved in an orderly fashion, were able to construct calendars based on the movements of the universe itself. Their observations were by no means crude, for who today can match the Aztec calendar for accuracy, though the Aztecs left no key to their language, though they themselves disappeared as a civilization.

Even more astounding to us in the 20th century than the accuracy of the Aztec astronomers, is that of the men who built the circle of stones in England, at Stonehenge, perhaps as an observatory, perhaps as a temple, but perhaps as a giant calculator by which the eclipses of the sun and moon and the phases of the sun could be accurately forecast.

No one truly knows the mystery of Stonehenge today, though generations of scientists have speculated on its purposes.

But by far the most interesting theory about Stonehenge is that it was in fact an enormous calculator, a computer by which men could gage the actions of the heavens and foretell with great accuracy the phenomena of eclipses of the sun and moon.

No one can ever know absolutely why Stonehenge was built, nor what it was used for. But if the theory that Stonehenge was a calculator is true—and it is hard to disprove it—then that huge and mute circle of stones on England's lonely moor stands as a monument to the power of the stars over man's imagination, as a monument to skill and daring and curiosity.

The intensity of the power that the search for knowledge of the stars and the determination of conquest of space holds over men's minds can be attested to by the manned space flights. Every time a man is launched into space, millions of people gather quietly before their television sets, watching the great rockets thrusting men into that ultimate ocean, infinite space itself. And though we cannot see the space capsules as they cruise on the edge of space, we follow their progress through illuminated maps and count the seconds from the mission clocks, always praying that that lonely man or men will return safely from his brief dive into that vast void.

And so today, perhaps more than ever in the history of man, we have our eyes on the heavens, determined to solve the deepest mysteries of the infinite universe. And if those mysteries are solved it will be because men could go into space and live long enough to learn the secrets that are locked in that void. In the final analysis, the success or failure of manned space flight depends on people like you, because on your shoulders is the burden of devising systems that will permit men to live in space, that most hostile of all environments. The conquest of the vastness of space depends heavily on life support systems, and when that conquest is done, you will be able to take just pride in a near-impossible task well done.

II

Sometimes we seem obsessed in this country by the drive for space, and indeed the quest for knowledge is as pervasive as anything else in our lives.

There are a few central facts governing our lives, and one of these is the explosion of knowledge in this century.

In this century knowledge has advanced so far and so quickly that few men can conceive of it or grasp it. Sir Francis Bacon, the great Elizabethan scholar and philosopher, once set out to learn all he could of the world's fund of knowledge. No man today however brilliant, would dare attempt to learn everything about a single discipline, let alone all of them!

One of the aspects of the advance of knowledge is the age-old question of whether man is master over his creations, or whether he himself will be mastered by the products of his own genius. If this Pandora's box question was important a hundred or a thousand years ago, it is of supreme importance today, when our very survival depends on it. These momentous questions remain unresolved today—perhaps we may never solve them—but it seems to me that we must.

Will the atom—whose secrets were unlocked to form the deadliest of all engines of destruction almost exactly twenty years ago—become our servant or our master; will it be a great, inexhaustible genie, or will it destroy us all?

What will outer space be, when we have conquered it? Will it be a battleground or will it offer a peaceful area of exploration or even commerce? Will the life support systems we are building be used to insure man's survival in space or only insure the ability to use space to destroy life here on earth?

I do not propose to answer these questions here tonight, for no man could. What I am saying is that if our knowledge is greater, then so is our responsibility; and if our power is greater, so also is the burden on us to use that power responsibly.

As a politician I cannot avoid these issues. As scientists, neither can you. For a scientist does not work in a vacuum. His work is related to the world outside his laboratory; his experiments have an impact far beyond the confines of his test tube.

Like the chain reaction under the stadium at the University of Chicago, the discoveries of science can pose grave new problems for the world outside. But while the scientist holds some responsibility to direct the uses of his discoveries, he is not and cannot be alone in this responsibility; he and his fellow man must bear the burden together.

I believe that the scientific community has done admirably well in helping direct the new-found powers and knowledge of our time, and this is an achievement of which we can all be proud. I, for one, am grateful for the leadership of the scientific community.

But why should a scientist help direct the uses of knowledge and power? I have said that it is because he does not work in a vacuum; and his work affects the community at large. No man could give a better reason for a scientist to take up his social responsibilities than did John Donne, who wrote his immortal essays in the early 1600's. In his devotions, Donne said that "No man is an island, entire of itself." And, "Any man's death diminishes me, because I am involved in mankind." If Donne was involved in mankind, so are we today, for we literally hold the fate of all mankind in our hands. And if anyone is unconvinced of his responsibilities to mankind, let him remember Donne's words: "But I do nothing upon myself, and yet I am mine own executioner." If we fail to take up our responsibilities, if we do nothing, we may very well be acting as our own executioners.

But we have not failed, thus far. We have dealt with the great problems caused by our scientific advances, and if we have not yet solved all our problems, we have at least not taken the easy way out by refusing to think about them at all.

Thus it is that we have determined not to use space as a mere area in which to race, but have instead taken the more difficult road of a systematic, carefully planned and deliberate exploration of space. But lest any man be tempted to forget our determination to remain a free and powerful nation, we are also exploring the possible military applications of space technology. So in space, as with the atom before, we are hoping for the best by making peaceful use of our power and knowledge, and at the same time preparing for the worst by keeping our military technology strong.

As scientists, you are meeting your responsibilities to mankind by helping to meet our dual goals in space—peace, but with a strong guard up.

III

As a politician, I deal with every aspect of public policy; I decide on and cast votes dealing in issues great and small, and deal with every condition found in a city and county of 700,000 people.

I am constantly made aware that most people are not really very concerned with affairs outside of their immediate concern. That is, even though there are a great many people who are concerned about—say civil rights in Mississippi and poverty in West Virginia, most of us are not concerned at all, beyond reading the headlines and perhaps developing an opinion, one way or another.

I wonder whether we can afford this attitude of noninvolvement. As scientists and as politicians—can we limit ourselves to our test tubes and offices? I think not.

It was here in San Antonio that a great example was set * * * men dedicated to the discipline of scientific inquiry and truth met * * * several Russian scientists joined * * * no fear or reprisal * * * no taint, etc. Perhaps only in this environment may we find mankind's salvation.

I think that we must be involved in society and in the world around us. If we are not really involved, if we stand aside, we are abandoning the field to others, risking that nothing at all be done to correct blight and injustice, and risking that what is done is wrong. These are risks that, as citizens in a free society, we cannot afford to take. A free society is a thing of great passions—that is the difference between a free country and an enclosed one. For in a totalitarian country you will find indifference—noninvolvement—a dependence on decisions rendered from above. A totalitarian society is a dispassionate one, if you will; it is cold and indifferent.

Aristotle wrote that, by definition "Man is a political animal." We are indeed political animals. In our politics there are great passions, because great passions are the stuff of which freedom is made. That is why, I believe, we cannot afford to be aloof, uninvolved, and dispassionate; we cannot afford to let others suffer or be subjected to degradation and injustice. James Baldwin wrote in a fine essay not long ago that "whoever debases others is debasing himself." And this is true. We can neither afford to debase others nor stand aside while others are being debased. The essence of our free society is involvement, concern, participation. No man, no matter what his calling, can afford to abandon the political field to others. As a freeman, he is obliged to make his own decisions and to play his own role, not leave it to others.

I think that we would prefer to have a neater society. Freedom and democracy are not really very neat. Decisions are hard to arrive at in a free country, and there is always dissent. It is noisy and sometimes it is confusing; but it is good. A free, healthy society is a noisy thing, not a neat one. It has no quick and easy solution to anything, it is stubborn, hard to manage, raucous, passionate—but it is a healthy and invigorating thing. As scientists, as military men, as citizens—we are obligated to keep it that way. So our responsibility to society extends beyond the laboratory. You must help direct the uses made of your discoveries, to help insure that the knowledge is our servant rather than our master. But beyond even this awesome duty, you and I must be involved in all of the concern of our society and in all of the problems of our fellow men, because that is our responsibility as freemen in a free society.

Our challenges are great, for we live in a time of great discovery. If our problems in this world are great, so are our opportunities.

I am optimistic about our future, precisely because we do have great responsibilities, great challenges and great opportunities.

In our age, we can, by the proper use of our knowledge and power make all men free. And we will.

Per ardua ad astra.

SENATE

FRIDAY, APRIL 9, 1965

(Legislative day of Thursday, April 8, 1965)

The Senate met at 10 o'clock a.m. on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, who revealest Thyself in all that is true and pure and lovely: We beseech Thee so to cleanse our hearts of impurities, that they may be fitting audience chambers for Thy presence, knowing that it is the pure in heart who see God.

O Thou who art light, and in whom there is no darkness at all, help us so to fling open the windows of our lives and to lift its curtains, that we may be flooded with Thy effulgence.

We pause amid relentless duties, to acknowledge our human frailties and to lean our weakness against the pillars of Thy almightiness. Grant us, we pray Thee, wisdom, courage, and understanding adequate to meet the perplexing demands of each recurring day. Make us worthy ministers of Him whom we remember with adoration, these days of the passion, and whose love alone can conquer hate. Help us to heal our sorely wounded world. And may our own attitudes to all other members of Thy human family help to break down the barriers to human brotherhood. Wherever and whenever we touch other lives, grant us the grace to take Thy sweet flowers of peace and plant them there.

We ask it in the name of the Prince of Peace. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Thursday, April 8, 1965, was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5721) to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 30) to honor the victory over poliomyelitis.

The message further announced that the House had passed a bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6675) to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance, to increase benefits under the old-age, survivors, and disability insurance system, to improve the Federal-State public assistance programs, and for other purposes, was read twice by its title and referred to the Committee on Finance.

AUTHORIZATION FOR COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Special Subcommittee on Air and Water Pollution of the Committee on Public Works was authorized to meet during the session of the Senate today.

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Post Office and Civil Service was authorized to meet during the session of the Senate today.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, is the Senate now operating under controlled time?

The ACTING PRESIDENT pro tempore. The Senate is operating under controlled time.

Mr. ERVIN. Mr. President, I yield 2 minutes to the able and distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I speak in support of the amendment that I have cosponsored with the Senator from North Carolina [Mr. Ervin] and the Senator from Mississippi [Mr. Stennis]. Last night I spoke in support of the amendment. After I had spoken, the distinguished Senator from Oregon [Mr. Morse] responded and referred to the colloquy which took place on the floor of the Senate the day before, in which I expressed the view that under the bill, actions in State courts, reviewable by the Supreme Court, could be initiated to test constitutionality, and the Senator from Oregon assented to my view. Last night the distinguished Senator stated that he could not understand why the pending amendment was necessary, or why I was supporting it in view of the possibility of review initiated in State courts. I should like to respond.

I did say that it is my view that actions can be initiated in State courts, and reviewed by the Supreme Court to test the provisions of the bill; if I did not so believe I could not support the bill, as much as I believe that the availability and quality of education must be improved.

But saying that does not argue against the amendment; it is an argument for it.

We know that a constitutional issue is at stake. No Member of the Senate can deny it. Everyone knows it. We know that in recent years this issue has been brought to the fore. Great interest has been manifested throughout the country in the decisions of the Supreme Court, particularly in the so-called prayer cases. Even if action may be brought in State courts, Congress should assume its own responsibility in connection with its legislation—this bill—and, by adopting our amendment, provide a procedure to assure that action can be brought in the Federal courts which we know cannot be done today.

We are embarking on a new course of Federal aid to elementary and secondary schools, a course which I support in principle; but we should enable the courts to provide clear constitutional guideposts. The administration is evading this serious issue. If Congress also evades, pretends the issue does not exist, it will not meet its responsibilities, it will appear cowardly.

Mr. ERVIN. Mr. President, since the Supreme Court held that the 14th amendment made the 1st amendment applicable to States, there have been three State decisions on the question as to whether or not State-raised tax funds may be used to provide textbooks for sectarian schools or students attending sectarian schools. One was an Oregon case, another a South Dakota case, and the third a New Mexico case. Every one of those cases held that under the State constitutional provisions similar to the first amendment of the Federal Constitution it was an unconstitutional act to use tax-raised moneys for the furnishing of textbooks to sectarian schools or their students.

Unfortunately, there is no Federal decision on this question, and Congress is legislating in constitutional darkness rather than constitutional light.

We who sponsor the amendment merely propose that there be a Federal statute to provide that taxpayer suits may be brought in the U.S. District Court for the District of Columbia to test the constitutionality of the provisions of the bill which authorize the use of Federal tax funds for aid to sectarian schools or their pupils.

The distinguished Senator from Oregon [Mr. Morse], the able manager of the bill, admits that there ought to be provision for court review, but raises the question that perhaps such review may be had in State courts. Why should Congress depend on State laws and State courts rather than on Federal laws and Federal courts for enlightenment on the subject of what Congress can do under the Constitution of the United States? There ought to be access to Federal courts, even if State courts afford a remedy, which is far from certain.

Then my good friend from Oregon thinks that perhaps sometime in the future Congress may pass a law to permit judicial review in Federal courts of the constitutionality of an act of Congress authorizing the use of tax moneys for the benefit of sectarian schools or their pupils. I heard those beguiling words 2 years ago. They promise us pie in the sky by and by. I say let us pass such a law now. Let us pass a court review law now. Let us find out whether Congress has constitutional power to authorize the use of Federal tax moneys for the benefit of sectarian schools or the pupils of sectarian schools. We can do that by adopting the pending amendment. Congress ought to know what the Constitution means on this point.

The amendment would establish a very simple court review procedure. It provides that the suits must be brought in the District Court of the District of Columbia. An appeal would lie under existing Federal statute from any decision adverse to the Commissioner to the Supreme Court. There could not be any more speedy mode established to test the constitutionality of the proposed disbursements or grants. The amendment provides that if more than one suit is brought to test the same proposed disbursement or grant, the suits could be consolidated for the purpose of trial. It would allow one taxpayer to sue as the representative of all taxpayers.

Congress ought to provide for a judicial review of the constitutionality of aid to sectarian schools or their pupils. If Senators wish to degrade Congress in the minds of the American people, they ought to vote against this amendment and thus convince the American people that Congress is unwilling to ascertain or learn the extent of its own power under the first amendment to the Constitution. Otherwise, Senators ought to vote for the amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator from North Carolina has expired.

Mr. MORSE. Mr. President, I desire to make two or three points by way of summary. In my judgment, my very dear and respected friend from Kentucky [Mr. Cooper] has admitted a large part of my case. I pointed out last night, as he admits again this morning, that he recognizes that in all probability it is now possible to get this issue through State courts to the Supreme Court. Some of the cases that have already reached the Supreme Court are State cases, and other State cases are already on the way to the Supreme Court.

I hold in my hand an article referring to a Maryland court case on this subject, in which the Maryland court upheld aid to church colleges. The type of aid is similar to that provided under the National Defense Education Act. So such cases are on their way to the Supreme Court, and that procedure is already available.

Next, the bill contains two judicial review sections, section 207 and section 509, whereby actions can be taken by State officials against decisions of the Commissioner of Education. As I said last night, it is inconceivable to me that such appeals can be taken without becoming involved in the first amendment to the Constitution.

Next, as I said last night, there will be introduced—and I hope the Senator from Kentucky and the Senator from North Carolina will cosponsor it; they have in the past said they would—an independent bill for judicial review. That bill will cover all Federal programs of grants and loans to institutions of religious denominations. There are approximately 11 such programs.

This amendment should not be attached to the elementary and secondary school education bill. To do so would delay implementation of the procedures involved in the bill, because it could operate against the educationally deprived children from 5 to 17 years of age attending private schools of the benefits provided in the bill. Such an amendment as this should not be attached to the bill. Think of the 5 million educationally deprived children in this country, to be affected by the bill, whose hope for educational improvement would be shipwrecked by the amendment. Why? Because the amendment would stop the implementation of the program for all the years it would take to go through the courts to gain a final resolution in respect to the judicial review amendment. It could bring to an end the jurisdiction of the equity courts of the country.

Congress should be allowed to move ahead with the program. Subsequently, if the courts decide that the funds should not have been awarded to the schools, the institutions can refund them.

The distinguished senior Senator from New York [Mr. Javits], formerly attorney general of the State of New York, wrote in the committee report a section on judicial review, at the request of the members of the committee, because he made a study and a presentation in committee that caused the committee to decide not even to take up an amendment on judicial review.

My plea this morning is to defeat the amendment so as to make certain that the educationally deprived children of the Nation will have the benefit of the implementation of the act. Then let Senators who favor a judicial review amendment join with me in the introduction of the Morse-Clark judicial review bill which will be made applicable to all Federal programs in the Nation.

Let us get to a vote. It seems to me that is the test as to whether we really ought to have a judicial review on a bill passed by the Congress. I shall be ready to drop a bill into the hopper as soon as this bill is signed. However, in the meantime I am not going to take my eyes from the 5 million or more educationally deprived children in the country who would be benefited by enactment of H.R. 2362. That benefit could be lost for years if we were to agree to this amendment.

The ACTING PRESIDENT pro tempore. All time has expired. The question is on agreeing to the amendment of the Senator from North Carolina [Mr. Ervin]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MILLER (when his name was called). On this vote I have a pair with the junior Senator from Kansas [Mr. Pearson]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. NELSON (when his name was called). On this vote, I have a pair with the Senator from Indiana [Mr. Hartke]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. ANDERSON (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Virginia [Mr. Robertson]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BURDICK (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Missouri [Mr. Symington]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote, I have a pair with the senior Senator from Georgia [Mr. Russell]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. LAUSCHE (after having voted in the affirmative). On this vote, I have a pair with the distinguished Senator from Connecticut [Mr. Dodd]. If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote, I have a pair with the distinguished Senator from Virginia [Mr. Byrd]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], and the Senator from Virginia [Mr. Robertson] are absent on official business.

I also announce that the Senator from South Carolina [Mr. Johnston] and the Senator from Missouri [Mr. Symington] are absent because of illness.

I further announce that the Senator from Georgia [Mr. Russell] is necessarily absent.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. Pearson] is absent because of illness in his family and his pair with the Senator from Iowa [Mr. Miller] has been previously announced.

The result was announced—yeas 32, nays 53, as follows:

[No. 50 Leg.]

YEAS—32

Allott
Bass
Bennett
Bible
Cannon
Cooper
Curtis
Dirksen
Dominick
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Hickenlooper
Hill
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
McClellan
Mundt
Simpson
Sparkman
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—53

Aiken
Bartlett
Bayh
Boggs
Brewster
Carlson
Case
Church
Clark
Cotton
Douglas
Fong
Gruening
Harris
Hart
Hayden
Inouye
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Smith
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—15

Anderson
Burdick
Byrd, Va.
Byrd, W. Va.
Dodd
Hartke
Johnston
Lausche
Mansfield
Miller
Nelson
Pearson
Robertson
Russell
Symington

So Mr. Ervin's amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. Harris in the chair). The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 69

Mr. JAVITS. Mr. President, I call up my amendment No. 69, on behalf of myself, the Senator from New Jersey [Mr. Case], and the Senator from Colorado [Mr. Dominick], and ask that it be stated. I wish to advise the Senate that it will not take much more than 10 minutes to discuss. I hope Members will remain. I shall ask for the yeas and nays.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment may be dispensed with, and that it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, beginning with line 3, strike out all through line 8, and insert in lieu thereof the following:

"(c) For the purposes of this section—

"(1) for the fiscal year ending June 30, 1966, and each of the two succeeding fiscal years, the 'Federal percentage' and the 'low-income factor' shall be 50 per centum and $2,000, respectively, and

"(2) for each of such two succeeding fiscal years, an additional amount shall be determined using a 'Federal percentage' of 25 per centum and a 'low-income factor' of $3,000 but more than $2,000 (excluding children counted under section 203(a)(2)(B)), and added to the basic grant, if (A) such amount is matched by State or local funds, or both, to be used for the same purpose as such basic grant and (B) at the option of the State educational agency of each State, such agency elects to receive for such year the amount determined under this clause (2) in lieu of a special incentive grant pursuant to section 204.

Any amount contributed by a State for the purpose of clause (2) shall be in addition to regular payments of State aid made by such State, and any amount made available by a local educational agency for the purpose of such clause with respect to any fiscal year shall represent an increase in such year in current expenditures of local funds for elementary and secondary school education by such agency over the amount of such expenditures in the previous fiscal year."

On page 9, line 16, after "shall" insert ", if no election has been made to receive the amount determined pursuant to section 203 (c)(2) in lieu thereof,".

On page 10, line 2, after "shall" insert ", if no election has been made to receive the amount determined pursuant to section 203 (c)(2) in lieu thereof,".

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the pending amendment, 10 minutes to a side, the time to be divided between the Senator from New York [Mr. Javits] and the Senator from Oregon [Mr. Morse].

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I can explain the amendment very quickly.

The PRESIDING OFFICER. Will the Senator state how much time he allots to himself?

Mr. JAVITS. Five minutes.

Mr. President, the purpose of this amendment is to set a realistic level for the definition of "poverty," as this is a bill directed to help children of poor families. The amendment sets for the second and third years of the program—this being a 3-year program—a $3,000 level, in lieu of the $2,000 level which is set forth in the bill; provided, however, that in the second and third years, in administering the $3,000 level, there shall be a matching contribution by the State and/or local school district of one-half of what the Federal Government contributes.

As there is no matching contribution now at the $2,000 level, it will be a sharing program between the Federal and State and/or local governments in the second and third year for those children who fall in the bracket coming from families of $2,000 to $3,000.

The reason for not applying this amendment to the first year is clear: The program now has appropriation amounts which have been agreed upon. Therefore, we would not wish to tamper with them for the first year. But in the second and third years, we shall have gained 1 year's experience and the appropriation amounts yet remain to be fixed. Therefore, it is now possible to affect the administration of the law for those years.

The reason for the $3,000 level is as follows: It is realistic in the big cities. The big cities house over 70 percent of American families, and they are the seat of poverty.

Mr. President, I make a prediction that, no matter what we do with this amendment today, during the second and third years, this is the way the program is going to operate. I am confident of that. Therefore, rather than wait until then to consider new programing for those who really need it, which always takes a year, let us let the State and local educational authorities know now, so that they can plan and prepare to enjoy the benefits of what will happen in the second and third years. We are going to do it anyhow, so let us, for once in our lives, give them notice which will enable them to really enjoy these benefits.

The money which is involved in this particular amendment is approximately $300 million for the second year. This is not money which is in addition to what we already provide under the bill, because the bill now contains a section for incentive grants in the second and third year to match the improvements in educational efforts by the various school districts during those years.

No estimate of the amount which the incentive grants will cost is given us at the present time. Hence, the best estimate we can make is that it will be something in the order of magnitude of what is contemplated by the amendment.

The amendment provides that if a district takes the incentive grants, it cannot get the benefit of this amendment. If it takes the matching grants under the amendment it does not get the benefit of these incentive grants. There is an option. So there is no real increase in the money. Look at the increase in benefits. There is a 60 percent increase in the number of children who will benefit. It goes from roughly the area of magnitude of 5 million children to over 8 million children when we up the limit right now.

All the bill as it now stands will affect will be 11 percent of school children. By this amendment, we will put that up to the respectful figure of 20 percent and still keep well within the poverty level.

The $2,000 level is a new arbitrary level. The $3,000 level is the established level. The Office of Economic Opportunity, for example, in connection with its programs, for preschool children, known as Project Head Start, has a $3,000 poverty level. The administration's higher educational bill fixes a $3,000 poverty level in setting forth the requirements for a student to receive a scholarship incentive under S. 600.

In short, if a youngster is in the preschool period, the poverty level is $3,000. If he is in his college years, the poverty level is $3,000; but if he is in an elementary and secondary school the poverty level is only $2,000 according to this bill.

Mr. President, I believe that the Senate would be extremely wise to adopt this amendment. For once in a long while let us give educational planners the opportunity for notice and preparation as to what is the intention with respect to this law. It will practically double the number of children and cost little in the way of money.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. We know what the figure is. It is still only one-third of the aggregate sum we are setting aside in return for the vast increase in the number of children who will benefit.

Upon this ground, I hope that the Senate will approve the amendment.

Finally, let me point out that the Senator from Colorado [Mr. DOMINICK] is one of the most ardent proponents of the idea of a change in the formula, for which he has pleaded with the greatest conviction.

I should like to pay tribute to him. It is a real exercise of statesmanship on his part to have felt that if he could not have his way on an issue which he is deeply convinced is right, at least he wishes to make the program meaningful in another way and he has joined me in cosponsoring my amendment.

Therefore, I invite the attention of all Senators to the unique position of intellectual integrity which has been demonstrated by my good friend the Senator from Colorado.

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I am glad to yield.

Mr. DOMINICK. I appreciate those very kind words from the Senator from New York. I should like to ask him a few questions, in order to make the situation crystal clear.

Subsection (1) of the proposed amendment not only establishes for the first year what the poverty level will be, but for the 2 succeeding years also as a base program for this proposed legislation; is that not correct?

Mr. JAVITS. The Senator is correct. The first section remains at $2,000 for the first year, and in the second and third years it goes to $3,000 with the matching funds.

Mr. DOMINICK. Even in the second year, as I understand, it will still be $2,000 as the base?

Mr. JAVITS. Exactly.

Mr. DOMINICK. Then the Senator is adding onto that in the second year, for the purpose of taking in the children who are now on welfare, whose parents earn $2,000?

Mr. JAVITS. The Senator is correct.

Mr. DOMINICK. I thank the Senator from New York.

Mr. JAVITS. Mr. President, I reserve the remainder of my time.

Mr. MORSE. Mr. President, the senior Senator from New York [Mr. JAVITS] has raised through his amendment a concept which I am reluctantly constrained to oppose. The effect of the distinguished Senator's amendment would not be felt in the first year. It relates to that which will take place in the second and third years of this program.

The thrust of the amendment would have been far more appealing if in this bill, we were setting up, or wished to set up, formulas regarding funds allocation in the second or third years.

Let me point out that for the second year of the program we shall receive a recommendation from the President either for an increase or a decrease in funds. We should at that time decide upon the formulas for the various titles on the basis of what we know the funds available are going to be. We voted on this amendment in committee and the committee rejected it.

Under amendments to the bill which have been accepted by the House of Representatives, the determination of the formula and the amounts of money to be expended for the purposes of the act is reserved for the Congress. The House insisted upon that. The administration must come before us next year with its recommendations as to how much money can be devoted to this purpose and how that sum of money can best be allocated amongst the States. My first point is, therefore, that we ought not to tie the hands of the Congress on intent as to what we will do next year at this time. We should wait to see what our problem will be a year from now. We should reserve to ourselves, next year, decisions on this point.

Second, with respect to the 25-percent factor which is inherent in the Senator's amendment in the second and third year, here we are dealing essentially with a matching provision.

The major objection to be raised against this proposal is the provision for matching funds. While such provisions have been common in Federal categorical aid legislation in the past, it would be quite inappropriate to apply this principle to title I of this legislation involving, as it does, educationally deprived children. Such an amendment, I believe, would tend to work the greatest hardship upon those school districts where the need is greatest.

Poverty is the key determinant in the distributions, and the purpose of the aid is to assure the establishment of programs to remove the educational disadvantages of children living in deprived conditions.

These programs have not been established as widely as needed in the past because the poorer school districts have been unable to provide the necessary additional funds. Where supplemental funds for special programs, such as those under title III of the National Defense Education Act, have been conditioned upon matching provisions, there have been many cases where only the more well-to-do districts have been able to take full advantage of the available funds. While this may not be a critical flaw in enrichment-type programs, it does become a matter of vital concern in programs designed to assure a basic educational foundation.

If the purpose of the matching provision is to provide an incentive for additional expenditures by those districts able to do so, this is already included in the incentive provisions of the bill.

If the purpose of the matching provision is to assure maintenance of effort by the local school district, this, too, is already provided in the language of the bill.

Since the matching provision would not seem to provide any advantages for this legislation, and would, in all likelihood, be of limited value to many needy districts, there would seem to be little, if any, merit to its adoption.

As for the addition of a new income level, this matter could best be handled as a part of the overall review of the distribution formula for fiscal year 1967 rather than making a preliminary and perhaps partial change at this time.

In conclusion, let me say to my friends from the more wealthy States that I believe we have been exceedingly fair to them in connection with the action taken yesterday on the formula. I do not think there could be any justification for binding ourselves to a formula applicable to the situation as it will exist 2 or 3 years from now. We shall have a chance to review the act in regard to the formula, next year. There is a further point to be considered as we decide on this amendment. It is that the program which would flow from the adoption of the amendment would accrue in large part to the advantage of the wealthier States. Perhaps they should be given that advantage when the funds and formulas are reviewed next year, but in my judgment we cannot justify tying the hands of Congress 2 or 3 years from now when the matter will be reviewed next year. This is an important consideration particularly since the House has made very clear its position on this matter. Therefore, I urge that the amendment be rejected.

I assure the Senate that this issue will be before our committee when we meet to determine the formula for funds distribution next year. I hope therefore we shall not encumber the bill with the pending amendment.

Mr. McCLELLAN. Mr. President, I have a problem in that I must be at a meeting of the Judiciary Committee as it marks up the voting rights bill. I ask unanimous consent that I may proceed for 5 minutes, with the time not to be charged to either side.

The PRESIDING OFFICER. Is there objection?

Mr. MORSE. I urge that the request be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, during the more than 26 years I have served in Congress, I have devoted much of my time to legislation and programs for the developing of the natural resources of this Nation. We now have before us legislation to assist in the development of another of our great resources—indeed, our greatest resource—the youth of this country.

Our public school system has done much toward the development of our youth. The pending bill seeks to provide aid so that our public school system can do more. To that end it would establish a program of Federal aid to education calling for the expenditure of $1.2 billion in fiscal year 1966.

To maintain our arsenal for security, and to attain the further goals to which the American people aspire, we must constantly develop the full potential of our abundant resources, particularly our human resources. But to me, education has always been a function and the primary responsibility of the State and local governments. And I have always been concerned that with Federal aid for education this control would pass out of the hands of these local bodies into the grasp of the Federal Government.

The question arises, therefore, can there be Federal aid without Federal control? Section 604 of the pending measure undertakes to answer this question in the affirmative. I quote from this section as follows:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

Notwithstanding this explicit provision against any Federal control, some measure of danger may still exist. But, I know that the Congress has the power to and can at all times strike down any unwarranted encroachment on State and local prerogatives. I am confident that it will stay alert to its responsibility in that field.

Mr. President, I am strongly sympathetic with and support the basic aim of this legislation. Education is vital, not only in the protection of our liberties and freedoms, but also in guiding our destiny through the course of history. We have an obligation to ourselves and to posterity to prepare for the challenges of a world beset with clashing conflict and irreconcilable ideologies that are contesting for the mind of man and for ultimate supremacy. Education is the very foundation of this preparation.

I have reflected long on this problem of control. And, as one who has espoused for years the traditional concept of local control of public education, I have deliberately subjected the problem to the closest possible scrutiny. I find that the pending bill offers to supplement, not supplant, our local public school system. If properly administered, it will do just that. I have confidence in our public school system. It should be able to work with the Federal Government without being subservient. It should receive and make good use of this aid without yielding its principles. It can accept the needed aid offered by this bill without surrendering its present prerogatives of local control.

I still have reservations regarding those provisions in the pending measures offering aid indirectly to private sectarian schools. I frankly confess that the church-state issue that is involved here is very difficult for me. This gives me the greatest concern about this bill.

When the President first announced this Federal aid program, with its provisions for aid to private school students, I was reminded of the recent prayer case decision. And I thought, how can the Constitution be interpreted to mean that it forbids prayer in public schools while that same Constitution would allow tax funds to be used for educating private school students? In making a study of this issue, I found other decisions of the Supreme Court which are also relevant to this issue.

On the question of constitutionality, several points are worth noting. One very important fact in the New Jersey schoolbus case was that the State aid was given to students instead of to private schools, and one of the chief characteristics of this bill is its emphasis on aiding the child rather than the school attended by the child. I also recognize that the House made a sincere effort to modify the bill to meet constitutional objections which have been raised. Title I was modified by the House in an effort to make sure that funds provided would not inure to the benefit of any church or religious organization, as such, and that the sole authority for administering funds, property, or services would be vested in public authorities. Language was added by the House to title II to require that legal title to library resources and other instructional materials be vested solely in a State or local public agency. Amendments to title III by the House provide that grants are to be made only to local public educational agencies. Under title IV, amendments were added to prohibit grants for work to be done in a divinity school or seminary for training in religious education or for the purpose of benefiting religious institutions.

There were other changes, but the ones I have mentioned indicate that the House did recognize the problem in this very difficult area and undertook to deal with it effectively. Overall, the bill represents a sincere and, I trust, a successful effort to achieve its expressed aims within acknowledged constitutional limitations. I hope the constitutional questions which this bill raises will be reviewed and resolved by the Supreme Court at an early date.

Mr. President, this measure will make educational opportunties available on a wider scale and at a higher level than those that exist at present. The schoolchildren of my State will obtain very significant benefits from it, and in the final analysis, this is what persuaded me to vote for the bill. I want the children of Arkansas to have as good educational opportunities as are available anywhere in the United States. We have made continuing effort to improve our public school system in Arkansas with the resources which we have, but we need to do better. We were spending four times as much per pupil in 1962 as we were in 1945, and we simply do not have sufficient tax revenues at this time to meet all of our educational needs.

The various title of this bill will provide approximately $23,400,000 additional needed funds for education in Arkansas. If these additional funds are prudently expended, and I am sure they will be, then the standard of education in my State should and, I believe, will be substantially improved.

Although I am not fully satisfied with all of the provisions of this measure, and I think it could have been improved by some amendments that have been rejected, I shall vote for it. I believe the advantages it offers—the good in it—outweigh the objections and reservations I have expressed.

Mr. JAVITS. Mr. President, I yield myself 1 minute. I should like to answer the argument made by the manager of the bill, the Senator from Oregon [Mr. Morse]. First, the poverty level set by the Office of Economic Opportunity, which is the real fountainhead of information on this subject, is $3,000 as to preschool children.

I ask unanimous consent that I may insert in the Record at this point excerpts from the pamphlet "Project Head Start, a Program for Preschool Children," issued by the Office of Economic Opportunity.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Who Is Eligible for Head Start?

Federal assistance is available only for programs which serve neighborhoods with a high rate of poverty. Necessarily, funds for Head Start are limited. Priority will be given to projects serving children in greatest need.

Poverty is evidenced by high unemployment rates, the proportion of a community's families on welfare and the number of families with incomes below $3,000. Other local factors may also be important in a particular community.

Head Start programs may be sponsored or operated by a community action agency, a department or departments of the local government (welfare or health), schools, a college or university, a voluntary agency (settlement house or charitable religious group) or any other nonprofit, nonpolitical organization (for example, Grange, women's clubs, fraternal groups, sorority, church or parochial schools). However, programs must be open to the whole neighborhood—not restricted just to members of the sponsoring organization. Admission to a program may not be based on race, religion, national origin, or color. Programs must be conducted on a nonsectarian basis. Family income need not be a specific requirement for admission, as long as the program is primarily reaching the poor within the neighborhood.

Projects sponsored by groups with religious affiliations will be approved only if, as a practical matter, the neighborhood cannot be served by another organization. Furthermore, there will be certain special restrictions on projects undertaken by religious groups, including a prohibition on the use of Head Start funds for the teaching of religion, religious proselytization, or religious worship.

Sponsoring organizations must show that they can provide health, social services, and educational activities. Their program must contribute to the physical and mental development of a child, not simply to his custodial care and protection. The precision and quality of applications will be a factor in deciding which projects will be aided.

Some communities will have a number of organizations and neighborhoods wanting to apply for Head Start support. Since funds for any particular community may be limited, it is important that communities themselves try to decide which applicants will provide the greatest benefit for the community as a whole.

When a local community action agency exists, it should take part in the planning of the Head Start project and submit the application to the Office of Economic Opportunity in Washington. As stated before, an information copy of the application should also be sent directly to Washington by the sponsoring group itself.

Where no community action agency exists, a sponsor should prepare an application based on the needs and resources of the neighborhood and apply directly to Washington.

Mr. JAVITS. Mr. President, I read one excerpt:

> Poverty is evidenced by high unemployment rates, the proportion of a community's families on welfare and the number of families with incomes below $3,000.

Next, I should like to point out that what we are doing here is making a substitution for the incentive grant, which is an indeterminate figure. What we are doing is not rewarding the wealthy district which is spending more money——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

What we are doing, then, is rewarding the poor district which has spent less money because of its poverty; and we are giving the true definition to what is meant by poverty. We would make the bill mean what it says, by putting the incentive grant on the poverty level in a more meaningful way to keep it true to its purpose.

The $2,000 definition now in the bill is completely arbitrary. The $3,000 level is the one that is generally accepted.

Therefore, if the bill is to be what it says it is said to be, a bill to aid the poor families, it should meet the definition of what is a poor family in the United States, and that represents a $3,000 level.

For these reasons I hope the Senate will approve the amendment.

Mr. MORSE. To return to another point about which the Senator has spoken, I suggest that Senators view with care an amendment which would commit them to change the policy in regard to incentive programs. I suggest we need very thorough hearings on that subject. What are the incentive programs? The incentive programs are programs which could provide more funds for many of the special services for the educationally deprived students so sorely needed in many of our schools. In this context, I refer particularly to programs to help the blind child, the deaf, the crippled child. Such programs as are designed to meet the remedial reading problems of students, about which I have talked already. It is a subject dear to the heart of the Senator from Vermont [Mr. Prouty] who is more responsible for obtaining clarification of the definition of the term "educationally deprived" in the bill and establishing that it includes such handicapped youngsters. He is more responsible for this advance than any other man, in my judgment, in the entire Congress.

I do not wish to see adopted an amendment now which would give an arbitrary alternative choice in regard to types of incentive programs. We shall certainly need to take a look at that subject next year. Under the amendment as proposed, in effect we would now pass quick judgment on incentive programs, and to this extent we would be leaving it up to others to determine the format.

I pledge the Senate that when we consider recommendations for funds to be authorized for the next year and for later years, which under H.R. 2362 we will do a year from now, I shall see to it that the amendment of the Senator from New York, if he still finds then that he wants his amendment—and I would not be surprised if by then he will not want it—is given complete hearings in depth.

I am only asking the Senate not to tie the subject down now for a commitment 2 or 3 years hence, when the Congress has already in the bill reserved its prerogative to review the question prior to the end of the next fiscal year.

Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I have one other problem, which is the same as that of the Senator from Arkansas [Mr. McClellan]. I must attend the marking up session of the voting bill in the Committee on the Judiciary. I should like to make some general remarks on the bill. Therefore I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. JAVITS. Mr. President, I ask unanimous consent that the remarks I make on the bill may appear after all amendments have been discussed.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Javits appear at a subsequent point in the Record.)

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. Javits]. All time having expired, and the yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr.

Byrd], the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from Rhode Island [Mr. Pell], and the Senator from Virginia [Mr. Robertson] are absent on official business.

I also announce that the Senator from South Carolina [Mr. Johnston] and the Senator from Missouri [Mr. Symington] are absent because of illness.

I further announce that the Senator from Georgia [Mr. Russell] is necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. Hartke] and the Senator from Rhode Island [Mr. Pell] would each vote "nay."

On this vote, the Senator from Connecticut [Mr. Dodd] is paired with the Senator from Missouri [Mr. Symington]. If present and voting the Senator from Connecticut would vote "yea," and the Senator from Missouri would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. Pearson] is absent because of illness in his family and, if present and voting, would vote "nay."

The result was announced—yeas 24, nays 66, as follows:

[No. 51 Leg.]

YEAS—24

Allott
Bennett
Boggs
Case
Cotton
Curtis
Dirksen
Dominick
Fannin
Fong
Hickenlooper
Hruska
Javits
Jordan, Idaho
Kuchel
McIntyre
Morton
Murphy
Prouty
Saltonstall
Scott
Thurmond
Tower
Williams, Del.

NAYS—66

Aiken
Anderson
Bartlett
Bass
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Church
Clark
Cooper
Douglas
Eastland
Ellender
Ervin
Fulbright
Gore
Gruening
Harris
Hart
Hill
Holland
Inouye
Jackson
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McNamara
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Proxmire
Randolph
Ribicoff
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—10

Byrd, Va.
Dodd
Hartke
Hayden
Johnston
Pearson
Pell
Robertson
Russell
Symington

So the amendment offered by Mr. Javits for himself, Mr. Dominick, and Mr. Case was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIBICOFF. Mr. President, yesterday the junior Senator from Colorado and I engaged in a colloquy about the position of the Council of Chief State School Officers on the bill now before us. In the course of his remarks, the Senator from Colorado pointed out that William J. Sanders, secretary of the State Board of Education of Connecticut, was opposed to title III of the bill. That was the situation on January 25, 1965.

Last night my attention was called to a letter written by Mr. Sanders indicating that after the addition of amendments which are now part of the bill, he withdrew his objections to the bill. I am pleased to learn that Mr. Sanders and I stand shoulder to shoulder on this question as we have stood together on so many other questions in the past.

I ask unanimous consent that a letter from Mr. William J. Sanders to Mr. Charles Lee of the subcommittee staff, dated March 19, 1965, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Connecticut,
State Board of Education,
Hartford, Conn., March 19, 1965.

Mr. Charles Lee,
Committee on Labor and Public Welfare, Subcommittee on Education, New Senate Office Building, Washington, D.C.

Dear Mr. Lee: This will advise you in response to your inquiry of March 12 that my opposition to the Elementary and Secondary Education Act of 1965 was directed particularly at title III, because in the original draft it was possible for nonprofit agencies other than public educational agencies to receive grants to carry on educational programs.

The subcommittee amendments to section 304(a) requiring that grants be made to a local public educational agency or agencies and that in planning, establishing, and carrying out the programs there will be participation of persons broadly representative of the cultural and educational resources of the area to be served are satisfactory to me and I withdraw my objection.

Very truly yours,
William J. Sanders,
Secretary.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Vermont without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. On page 8, line 5, it is proposed to delete the words "50 per centum and $2,000" and insert in lieu thereof the words "32 per centum and $3,000".

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may yield briefly to the Senator from Michigan without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNAMARA. Mr. President, the Senate is about to take final action on the most important school aid legislation ever to come before this body.

I cannot let this occasion pass without complimenting the senior Senator from Oregon [Mr. Morse] for his skillful and devoted leadership on the bill.

As chairman of the Education Subcommittee of the Senate he has handled this proposed legislation with consummate skill and dedication. During the extensive public hearings we held on this bill, during the Education Subcommittee deliberations, and during action by the full Committee on Labor and Public Welfare, his patience, persistence, and tolerance have been remarkable. He deserves the gratitude of the entire Nation.

As we approach final passage of the Elementary and Secondary Education Act of 1965, I feel a sense of deep satisfaction and fulfillment. Ever since I came to the Senate, over 10 years ago, Federal support for elementary and secondary education has been one of my primary objectives.

In every Congress, I have introduced school aid legislation. In addition, I have associated myself with administration bills to accomplish the same purpose. For 10 years, this dream has been denied. But now it is about to be realized.

I am proud to be a cosponsor of this historic legislation. I am proud to cast my vote for it.

Under the Elementary and Secondary Education Act of 1965, my own State of Michigan will receive an estimated total of $42,281,410.

Although Michigan is counted among the wealthier States, every penny of this money is badly needed to improve the quality of education in our State, particularly the $32,729,320 under title I, which will be used to enrich educational opportunities for children of low-income families.

All of it, I am certain, will be used wisely and well.

In conclusion, Mr. President, I should just like to say that April 9, 1965, is a great day. It is a great day for the children of America. It is a great day for their teachers. It is a great day for their parents. And it is a great day for the country.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MORSE. Mr. President, the Senator from Michigan is the ranking Democratic member of my subcommittee after the chairman of the full committee. Whenever I have asked the Senator from Michigan to do anything in connection with an education program, he has always given me the benefit of his wisdom and thought upon the problem. He has always been of great assistance to me, as has the chairman of the full committee, the Senator from Alabama [Mr. Hill].

I again publicly thank the Senator from Michigan for the wonderful cooperation that he has given to me. I say to the people of Michigan from my desk today that they have a great supporter of education in the Senate.

Mr. McNAMARA. Mr. President, I thank the Senator.

Mr. YARBOROUGH. Mr. President, before discussing the Elementary and Secondary Education Act of 1965, as a cosponsor of the Senate version of H.R. 2362, I want to pay tribute to the President who advocated it, and all of those legislators in both Houses who have pushed it so near fruition.

In the Senate, first and foremost stands the distinguished senior Senator from Oregon, chairman of the Senate Education Subcommittee, able, energetic, diligent, quick in analysis, considerate in council, probing in hearings, a leader in educational legislation in every sense of the word. Members of the subcommittee who made real contributions to the advancement of the bill by their attendance and work include both of the able Senators from New York. The able junior Senator from Vermont also made valuable contributions to the advancement of the bill.

It has been a high privilege to work on a subcommittee that included them and so many other gifted Senators, all of whom actively participated in the work on this education bill.

THE BLEAK WORLD OF THE EDUCATIONALLY DEPRIVED

Mr. President, let us loose our imaginations for a few moments and try to imagine a world which few of us in this body have any really close acquaintance with, but which exists all across this land as a hidden and forgotten backdrop to the affluence with which we prefer to content ourselves. The world of the culturally and educationally deprived is with us, yet often unnoticed.

A child growing up in this underworld exhibits—in the words of a paper issued by the great cities program for school improvement—"extreme deviant behavior and learning problems."

The paper continues:

> Different bases of motivation and aspiration exist for the disadvantaged child. In his world, there is a lack of experiences appropriate for school learning and little reinforcement of school experiences in the home. Parental indifference is general, and the parent is not knowledgeable of what to do when he is concerned.
>
> The disadvantaged child is handicapped by cultural experiences which are frequently limited to those in his immediate community. He often has never been to a museum, the public library, a concert, a play, or to the zoo, a downtown department store, a large office building. The teacher faces cultural values that are unfamiliar and sometimes distasteful to her. The neighborhood will reveal in many instances few supporting community agencies, no library, few yards, little grass, few or no flowers, few trees. On the business streets there may be taverns every third or fourth door, cheap floor shows, pool halls, groups of idle men, evidences of alcoholism and dope addiction. Persons who operate businesses in the neighborhood, agency personnel, teachers, and clergymen frequently live outside the community. Local leadership is limited, often discouraged, and requires the consistent help of agency personnel. Much of the adult population is passive, disinterested, apathetic toward community or civil activities.

An unhappy picture exists also for many rural youth. Their education is limited by the difficulties of learning in unheated, overcrowded, obsolete schoolhouses. They do not have enough books or writing materials. They do not have enough teachers. They do not have access even to the minimum necessary educational facilities and materials, let alone the latest advances.

Moreover, we are faced, in the words of the Secretary of Health, Education, and Welfare, with an "enrollment explosion." Today there are approximately 48 million students aged 5 to 17 in public and private elementary and secondary schools. By 1970, this figure is expected to rise to 52 million. Of today's 48 million children, 5 million are in families that earn less than $2,000 annually—the children to which this bill is primarily directed. Of the 3.7 million children enrolled in the Nation's 15 largest school systems, one-third need special education help.

At this point some might wonder whether the situation were not hopeless. The existing pattern appears to be one of vicious circles, of children of poverty growing up to produce more children of poverty. Of course some escape, but escape from poverty is not so easy today as it was in some bygone golden age, because education is so much more important today than it was only a generation ago.

But the situation certainly is not hopeless. With an adequate investment of resources much can be done. At a recent conference on educationally disadvantaged youth, the following findings were reported:

> The culturally deprived pupil can learn as other pupils do, although possibly at a slower rate and with materials related to his experiences. It is a serious mistake to think of him as uneducable.
>
> Special efforts can be successful in bringing some culturally deprived pupils up to the national norms in school subjects, especially reading and arithmetic.
>
> Teacher and pupil morale are important factors in the success of a program.
>
> Guidance and counseling services can be expanded to give more attention to each pupil.
>
> School social workers with special insight into the home problems of culturally deprived children can help teachers, pupils, and parents with problems involving home-school relationships.
>
> It is possible to involve the parents of culturally deprived children in parent-teacher group conferences if meetings are held at times and places convenient for parents.
>
> A program for improving human relations in the community which the school serves can help improve the general atmosphere of the school.
>
> The programs which have succeeded have been organized and conducted by teachers and school administrators who have demonstrated a large measure of zeal and dedication to the future welfare of their pupils.

The problem lies in channeling sufficient resources into this area of need.

Throughout most of our history, the primary responsibility for elementary and secondary education has rested with the States. However, in keeping with the pragmatic nature of our society, the Federal Government has never failed to respond to special needs. The Northwest Ordinance, the two Morrill Acts, the Smith-Hughes Act, the World War II and Korean GI bills, the impacted areas aid, the National Defense Education Act, and the great legislative enactments of the education Congress in 1963 and 1964, were each directed to special needs.

The Elementary and Secondary Education Act of 1965 directs our attention to specific needs of the present day. Title I will assist local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means, including preschool programs, which contribute particularly to meeting the special educational needs of educationally deprived children.

Title II recognizes the great need for more adequate library resources in schools. The national standard desired is 10 books per child. The actual national average in 1961 was 5.67 books per child.

Funds authorized under title III will be spent on supplementary educational services which are needed in communities. Guidance, counseling, remedial instruction, advanced foreign language, and science instruction, music, physical education, recreation, art, and educational radio and television programs are only a few of the programs that could be carried out under this title.

Title IV provides funds for educational research and training. Title V provides grants to strengthen State departments of education.

Mr. President, I ask unanimous consent that a short analysis of the bill be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

TITLE I

Proposal

Title I adds a 3-year program to Public Law 874 (school assistance for local educational agencies in areas affected by Federal activity) which is designed to encourage and support the establishment, expansion, and improvement of special programs, including the construction of minimum school facilities where needed, to meet the special needs of educationally deprived children of low-income families.

Public schools would be eligible for payments for programs designed to meet the special educational needs of children in school attendance areas having high concentrations of disadvantaged children. In these areas, the school district would design special educational services and arrangements, including those in which all children in need of such services could participate without full-time public school attendance. These special programs might include dual enrollment (shared services) arrangements, educational radio and television, mobile educational services, remedial education, preschool or afterschool programs, additional instructional personnel, equipment and facilities, and others judged necessary for improving the education of disadvantaged children.

Local educational agencies in a given county would be eligible for payments equal to one-half the average per pupil expenditure in that State multiplied by the number of children in that county (aged 5–17) in families having an annual income of less than $2,000, or receiving aid to families with dependent children.

TITLE II

Proposal

Title II provides for a 5-year program to make available for the use of school children school library resources and other printed and published instructional materials including textbooks essential to improved educational quality in the schools of the Nation.

A State plan would provide for a method of making available books, periodicals, documents, magnetic tapes, phonograph records, and other printed and published materials for the use of all schoolchildren in the State.

Materials purchased with Federal funds would not be used for sectarian instruction or religious worship and when made available for the use of students in nonpublic schools would be the same as those used or approved for use in the public schools of the State. In those States legally unable to provide materials for students in nonpublic schools, the Commissioner of Education would make available to such children those materials used in the public schools of the State.

Funds would be allotted to the 50 States, District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands on the basis of the number of children enrolled in public and nonprofit private elementary and secondary schools in each State or territory. The previous level of non-Federal support for those materials would be maintained and, if possible, increased.

TITLE III

Proposal

Title III proposes a 5-year program to provide vitally needed educational services not available in sufficient quantity or quality in elementary and secondary schools and to develop and establish exemplary elementary and secondary school educational programs to serve as models for regular school programs. Special personnel, equipment, and other costly educational services not normally available in most schools would be made available for the widest possible participation of the entire community.

Grants would be made to a supplementary educational center and services organization created to establish and coordinate a program of supplementary educational services. Funds would be made available on the basis of an application reviewed by the State educational agency and approved by the Commissioner of Education. The governing board of the organization would include representatives of the agencies and institutions participating in the conduct of the program. The participants would include at least one local educational agency and one or more of the following: institutions of higher education, State educational agencies, public agencies such as health and welfare units, and private nonprofit agencies including nonpublic schools, museums, art galleries, educational television stations, and other cultural organizations.

Federal funds would be used for planning, pilot projects, and the establishment and operation of programs offering a diverse range of educational experience to children and adults of varying talents and needs. Programs might include guidance and counseling; remedial instruction; school health, psychological, and social work services; enriched academic programs; afterschool study halls; continuing adult education; dual enrollment (shared services); specialized instruction and equipment; specially qualified personnel (including artists and musicians) on a temporary or other basis; educational radio and television programs; special educational services for persons in isolated rural areas; and other specially designed educational programs. Grants could also be used for the lease or construction of necessary facilities.

Children attending nonpublic as well as public schools and out-of-school youth and adults would have the opportunity to receive the services and participate in these educational and cultural activities.

An Advisory Committee on Supplementary Educational Centers and Services would advise the Commissioner on the action to be taken on each application for a grant.

Initially, American Samoa, Guam, and the Virgin Islands would each receive $50,000. The 50 States, District of Columbia, and Puerto Rico would each receive $200,000. The remainder of the funds would be distributed among the States and territories on the basis of (1) the number of children aged 5 to 17 and (2) the total population of each jurisdiction.

TITLE IV

Proposal

Title IV would amend the Cooperative Research Act of 1954 (Public Law 83-531) by authorizing the training of research personnel and improved dissemination of information derived from educational research and development. Authority would be granted to utilize the research competence of research organizations not now eligible to contribute to the program, such as private noncollegiate research organizations and professional associations. In addition, the program would provide for the construction and operation of centers to improve the quality of teaching in our schools and for the purchase of research equipment.

Together, these amendments would permit the continued growth of educational research programs in the United States and an accelerated funding of research and development centers or regional educational laboratories. The goal: a national network of federally supported but State- and university-operated research centers.

Regional educational laboratories offer a promising way of meeting problems of research, development, and dissemination. They will help to train teachers and improve curriculums. They will draw equally upon educators and the practitioners in all the fields of learning—mathematicians, scientists, humanists, historians, economists, social scientists, linguists, musicians, artists, and writers.

These laboratories will have close ties with the State departments of education. They will also work directly with the schools and supplementary education centers in order to bring innovation directly to the student. They will train teachers as well as those who teach teachers.

First-year cost of these amendments would be $45 million, in addition to the regular cooperative research budget of $25 million in fiscal year 1966.

TITLE V

Proposal

Title V proposes a 5-year program to stimulate and assist in strengthening the leadership resources of State educational agencies. The State educational agency would identify educational needs of the State and design programs to meet these needs.

Programs and activities might include long-range educational planning, improved collecting, processing, and analyzing of educational data (including use of automated data systems), conducting, sponsoring, or cooperating in educational research, developing the competency of individuals who serve State or local educational agencies and provide leadership, administrative or specialist services, cooperation with institutions of higher education and local educational agencies to improve the quality of teacher preparation, including student teaching, and other special needs of State departments of education.

Eighty-five percent of the funds appropriated would be apportioned as follows: $50,000 each to Guam, American Samoa, and the Virgin Islands and $100,000 to each of the States, District of Columbia, and Puerto Rico. The remainder of the 85 percent would be apportioned among the States and territories based on the number of public school pupils. State agencies would apply to the Commissioner for a grant or grants for part of the costs of their proposal. The Commissioner would approve applications if he determined that the proposal would be within the purposes of the law.

Fifteen percent of the funds appropriated would be reserved to the Commissioner to make special grants for research and demonstrations and for the establishment of special services which promise to help solve educational problems common to all or several of the State educational agencies.

First-year authorization would be $10 million.

A second part of title V would permit an interchange of personnel between States and the Office of Education for cooperative educational activities and technical and other assistance which would assist in the strengthening of American education.

Mr. YARBOROUGH. Mr. President, I would now like to direct my remarks to a few specific points connected with this legislation.

PRESCHOOL PROGRAMS

One of the programs which can be instituted under title I is preschool education for deprived children. Certainly if psychiatry and psychology have taught us anything, it is that the early years are of enormous importance in determining an individual's personality traits. The preschool programs are one of the most promising that could be carried out under title I.

Mr. President, in a recent letter to me, Prof. John R. Silber, chairman of the department of philosophy at the University of Texas, made the following point:

> Psychologists have found that verbal stimulation at the very early ages of childhood is absolutely essential if the individual is to develop the capacity for symbolic thought and communication. And this capacity, as you know, is an essential element in higher education and a prerequisite for employment in an industrial society. If a child does not have adequate verbal stimulation from the ages of 3 to 6 his brain will not develop adequately to sustain as much additional education as would be possible if such verbal stimulation occurred. There is, apart from poverty and social problems, a tragic loss in personal fulfillment in such cases.

Mr. President, I ask unanimous consent that the letter to me from Dr. Silber and a paper written by Professor Silber entitled "Proposal for a Measure Attacking Poverty at Its Source" be printed at this point in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF TEXAS,
DEPARTMENT OF PHILOSOPHY,
Austin, Tex.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: At the reception for Secretary of the Interior Udall in Austin, I spoke to you about aspects of the antipoverty bill. You asked that I put my thoughts on the subject into writing and send them to you. They are in brief as follows:

1. The antipoverty measure, I fear, will not provide a long-range solution to the problems of poverty and the associated problems of discrimination due to inequality of education, opportunity, economic position, all of which reinforces the more serious form of discrimination—racial discrimination—unless there is built into the measure a means of attacking the problem of poverty at its source.

2. One of the basic causes of poverty in the United States at the present time lies in the fact that the desperately poor are not sufficiently educated and/or motivated to benefit from the opportunities for economic and social development that are already available. The inability of the desperately poor to profit from these educational and economic opportunities derives in part from

the fact that they are partially retarded by the lack of education at a sufficiently early age—by lack of verbal stimulation and experience in symbolic communication that is a normal part of the childhood experience of children in middle-class homes.

3. We cannot solve this problem, however, by introducing programs of education for young men and women aged 17 or 18. Such programs are doubtlessly of temporary value. But if there is to be a long-range solution to the problems of the poor, an educational program must be introduced for children at the age of 3. We need to provide education for all children in these poverty stricken families during the preschool years, from 3 through 6.

4. Children born into Negro families and families whose native language is other than English are not sufficiently stimulated verbally or are insufficiently trained in English to compete successfully in the public schools whose programs are designed for English-speaking children.

5. Psychologists have found that verbal stimulation at the very early ages of childhood is absolutely essential if the individual is to develop the capacity for symbolic thought and communication. And this capacity, as you know, is an essential element in higher education and a prerequisite for employment in an industrial society. If a child does not have adequate verbal stimulation from the ages of 3 to 6 his brain will not develop adequately to sustain as much additional education as would be possible if such verbal stimulation occurred. There is, apart from poverty and social problems, a tragic loss in personal fulfillment in such cases.

6. In light of these facts, I hope that under the terms of the present antipoverty bill it will be possible to set up a few pilot programs to experiment in the early education of children from deprived families. I suggest that this measure should take the form of public kindergartens, available without cost to children from underprivileged homes, or children from homes in which the language spoken is other than English. If such kindergartens are established, children from such homes can receive training in hygiene; they can be given proper food for this critical period of their physical development; and they can receive the kind of verbal stimulation essential to their further educational development. It should also be possible to combine with this kindergarten program, programs in home economics training for the mothers of children who attend the kindergarten. Such a kindergarten program would, moreover, enable some mothers to seek gainful empolyment during the hours in which the children were in school, and thus supplement the meager economic resources of their families.

7. I suggest that such pilot programs might be instituted in Austin. I can provide specific information on when and where such kindergartens might be established and staffed, if you are interested. Wherever established, pilot programs would not be expensive.

8. Such pilot programs should provide the model for the establishment of kindergartens throughout the United States, and eventually it would seem desirable that all children, whether deprived or not, might attend the kindergartens at reasonable cost or free of charge from the ages of 3 to 5.

9. Such a program, though an innovation in the United States, is an accepted part of life in many European countries. Germany has had kindergarten facilities for a very low cost ($3 or less per month per child) for many years.

Knowing your splendid record in the area of educational legislation, I hope you will be able to do something for the education of the child from 3 to 6. I can think of no program of education so vital to the elimination of poverty and to the long-range future of the United States.

Sincerely yours,

JOHN R. SILBER.

PROPOSAL FOR A MEASURE ATTACKING POVERTY AT ITS SOURCE

(By John R. Silber)

If slums in the United States are to be erased, the stultifying atmosphere in which slum children live must be transformed. Slum children must have kindergarten stimulation from the age of 2 or 3; their family lives must be improved through the education of slum mothers and the development of male counselors for these children. In order to overcome resistance to the Federal Government in these important areas of education, the curriculum and direction of remedial programs should be partly in the hands of members of local women's civic organizations, who will serve in VISTA.

A program to put an end to our slums must include the following:

1. Education for pre-school-age children: Kindergartens should be instituted for children of slum parents from the age of 2 through 6, and schools should provide verbal stimulation and instructive play for children of this age group. While in school these children should have the further advantages of hygienic conditions, remedial medical care, and nourishing food.

2. Education of mothers of slum children: Mothers of slum children should accompany their children to the schools and become acquainted with the ways in which children are stimulated, taught to learn, and motivated to learn. The mothers should be paid the minimum wage for their maid service at the schools. In addition, the mothers should be provided with training in the household arts—cooking, sewing, housecleaning, budgeting—and a productive economic skill should be developed if the mother has the requisite ability. The mother should also be given adequate nourishment, instruction in hygiene, and remedial medical care.

3. Schools in renovated slum houses: The kindergartens for children and training schools for mothers should be housed in renovated slum houses. Slum mothers learn nothing about improving their own homes by moving into nice houses or new buildings in other parts of their cities. (By and large they work in such surroundings.) On the other hand, if they bring their children to renovated slum houses, and if they themselves are instructed in such dwellings, they can see what they can do to improve their own homes, and they may be motivated to do so. It would be desirable to supply paint and the necessary carpentry work for mothers who desire to improve their own homes.

4. Tutors for slum children: Each child attending such a kindergarten should be assigned a tutor on entrance to the first grade. The tutor, a "preventive parole officer" and academic counselor, should, if possible, be a male schoolteacher who will follow the child's career from the first grade through graduation from high school. This male figure will, in part, be a father surrogate, since a large percentage of slum children live in fatherless families. Each tutor will have approximately 10 students whose careers he will follow and whom he will counsel on academic and personal matters until his charges graduate from high school. The tutor will be on the lookout for signs of academic failure and delinquency and will recommend remedial steps when any such signs are noticed. Providing supplementary income to male members of the teaching profession is also an advantage of this program.

5. Remedial summer schools: Summer school programs from the first through sixth grades should be available to those children who need remedial summer work in order to maintain their position with their classmates. Regular public school teachers of exceptional ability should be recruited for the teaching duties in such remedial summer programs. The additional income accruing to these teachers should obviate the need for their moonlighting. Tutors should be used for such remedial work whenever possible, thus providing further supplement to the incomes of male teachers.

6. Local direction of this program: In order to insure local control of all ideational content of this educational program and thereby overcome opposition to the Federal Government's taking part in the education of slum children, it will be highly desirable to recruit personnel to direct this program from the membership of the Junior League, the League of Women Voters, and comparable civic organizations at the local level. These women can determine curriculum policy of the kindergartens and the remedial programs and can make the selection of faculty for the remedial summer schools. By using these educated women—usually wives of influential members of the local community—there should be a great reduction in local hostility to this program. Moreover, the sympathy of the favored elements of our communities toward the problems of slum dwellers may be greatly increased.

7. Personnel: Other personnel for these kindergartens and schools can perhaps be recruited by VISTA from college students and professional men and women in the communities. Some should hold civil service appointments.

8. Building costs: By renovating slum houses for kindergarten purposes and by using public school facilities for the summer school programs the building costs of this program should be minimal.

9. Indirect assistance to teachers: By appointing public school teachers as tutors for slum children and as teachers for the remedial summer programs, money will be diverted into experienced hands and increase the attractiveness of the teaching profession, particularly for male teachers.

10. Pilot and massive programs: If such a program is enacted it will be wise to develop it by means of pilot programs in several of the major cities and by means of a massive crash program in one or two communities of a moderate size. It might be highly desirable to establish this program for all slum children and slum mothers in one of our cities of approximately 100 to 200,000 citizens. Such a city might be made a national showcase to encourage the continuation and further development of this kind of program on a national scale. I am confident that such a program would more than pay for itself in the reduction of costs to society from crime, juvenile delinquency, and unemployability of the slum citizens.

11. Research: Any research connected with this program should be commenced after 2 or 3 years; but no interests in research should be allowed to delay the development of this program. We already know enough to put a sound program into effect. It is imperative that we do so unless we are to lose the opportunity to solve the problem of poverty for at least another generation. If such a program is not begun with the mandate for social progress evidenced by the election of the Johnson administration, it is not likely that the program will be undertaken in the foreseeable future.

CENTRAL IMPORTANCE OF STATE AND LOCAL EFFORT

Mr. YARBOROUGH. Mr. President, State and local effort are of central importance in elementary and secondary education. The Federal Government can provide money and some guidance, but the real responsibility for the success or failure of this effort lies with the

States and the local education agencies. I wish to make very clear that the funds authorized by this bill are intended to be used for specific purposes. This bill is not intended as a substitute for local effort.

The intent of this program is for the States and the Federal Government to join hands in a cooperative effort. This bill is not being passed for the purpose of giving any State government a free ride, but rather for the purpose of improving American education.

For example, suppose that the level of teachers' salaries is too low in a given State, as indeed it is in most States. Could a State then use funds authorized by this bill to raise the level of teachers' salaries across the board for all the teachers in the State? The answer to this question is "No," as contained in a memorandum from the Office of Education printed on page 517, part I of the hearings. The answer is:

> Under two conditions, teachers might receive higher salaries: (a) regular teachers who participate in programs that are conducted outside the normal schoolday would receive additional compensation; (b) if it were determined that an entire school district serves primarily low-income children, it may be desirable to raise the level of teachers' salaries to attract additional qualified teachers as part of the overall educational improvement program. Both practices would be monitored by the State educational agency under regulations of the Commissioner of Education in their review of the local educational agency proposal under title I.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. MORSE. I commend the Senator for bringing out this point. I find that even some teachers, as well as superintendents and administrators at the State level, have misunderstandings about the bill.

Mr. YARBOROUGH. I wish the floor manager of the bill would clarify this point. I have seen headlines to the effect that the bill would raise teachers' salaries across the board.

Mr. MORSE. I wish to clarify it as a matter of legislative history. I do not think it needs to be clarified for subsequent use in the courts, but we must make a legislative history for other purposes, as well.

Before I do so, I wish to express my appreciation to my colleague. Our association in working for young people has been a continuing one over the years we have served together in the subcommittee. To show why we should be appreciative of the Senator from Texas, my colleagues need look only at the six volumes of hearings. Those volumes set forth in black and white the contributions of the Senator from Texas time and time again in the hearings.

I hope Members of the Senate will make use of these volumes and the committee report in handling what I am sure will be a considerable amount of mail that they will receive this year and next year on the education bill.

I am very proud of the hearings. I think they represent some of the best hearings ever held before our committee. Members of Congress can find valuable material in them with which to answer their mail. That is also true of the committee report.

I use this material as an exhibit to express my thanks to the Senator from Texas, because he has made contribution after contribution in these volumes.

In answer to the question, I wish to stress the fact—and I use the word "stress" advisedly—that the bill in title I and the funds provided for therein cannot be used by any State for a general State salary increase program. That is not the purpose of title I. Such teachers' salaries as can be affected by the bill are very limited—for example, if a teacher is a special teacher, doing special work such as remedial work, or if a teacher serves primarily in areas having high concentrations of children from poverty families. The Office of Education and the Congress, I assure the Senator, will be reviewing the reports on the operation of the bill during the first year. Both will check closely the purposes for which the funds are used. The whole program will be reviewed after the first year is up.

The funds in title I must be used to help the educational needs of educationally deprived children, not to remove any State responsibility from any State in providing education for its children.

I ask the Senator to turn to page 9 of the committee report, under the heading of "Uses of Funds for School Districts." I believe that answers the question and supplies the answers the Senator needs as to the purposes of the bill. The report reads:

> Under the terms of the legislation, a local public school district may use funds granted to it for the broad purpose of programs and projects which will meet the educational needs of educationally deprived children in those school attendance areas in the district having high concentrations of children from low-income families. It is the intention of the proposed legislation not to prescribe the specific types of programs or projects that will be required in school districts. Rather, such matters are left to the discretion and judgment of the local public educational agencies since educational needs and requirements for strengthening educational opportunities for educationally deprived elementary and secondary school pupils will vary from State to State and district to district. What might be an acceptable and effective program in a school district serving a rural area may be entirely inappropriate for a school district serving an urban area, and vice versa.
>
> There may be—

I stress this—

> circumstances where a whole school system—

This does not mean a State—

> is basically a low-income area and the best approach in meeting the needs of educationally deprived children would be to upgrade the regular program.

Under that, they could upgrade the salaries of teachers of deprived children. That is the only circumstance in which they could do it.

The report continues:

> On the other hand, in many areas the needs of educationally deprived children will not be satisfied by such an approach.

Mr. President, without reading them, I ask unanimous consent that pages 10 and 11, down to the next heading, be printed in the RECORD, which make the point raised by the Senator from Texas.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

> The committee received a wealth of evidence and testimony from educational specialists as to new techniques of instruction and educational innovations which were being developed as a result of research and experimentation in education. Many new devices employing audiovisual material, electronic equipment, use of educational television, and other similar equipment are being employed, some only in demonstration projects, and offer promise of increasing the educational opportunity of elementary and secondary students. Hopefully their use will broaden as a result of this legislation. To the maximum extent possible, this legislation gives encouragement to local school districts to employ imaginative thinking and new approaches to meet the educational needs of poor children.
>
> The committee also received testimony from witnesses as to the following possible programs for educationally deprived children:
>
> Inservice training for teachers.
>
> Additional teaching personnel to reduce class size.
>
> Teacher aids and instructional secretaries.
>
> Supervisory personnel and full-time specialists for improvement of instruction and to provide related pupil services.
>
> Institutes for training teachers in special skills.
>
> Employment of consultants for improvement of program.
>
> Programs to train teacher aids.
>
> Supplementary instructional materials.
>
> Curriculum materials center for disadvantaged children.
>
> Classes for talented elementary students.
>
> Special classes for physically handicapped, disturbed, and socially maladjusted children.
>
> Preschool training programs.
>
> Remedial programs, especially in reading and mathematics.
>
> Enrichment programs for grades 1, 2, and 3 on Saturday mornings and during summer.
>
> Programed instruction.
>
> Instructional media centers to provide modern equipment and materials.
>
> English programs for non-English-speaking children.
>
> Special audiovisuals for disadvantaged children.
>
> Programs for the early identification and prevention of dropouts.
>
> Increased guidance services for pupils and families.
>
> School-job coordinators.
>
> Home and school visitors and/or social workers.
>
> Early identification of gifted and handicapped among disadvantaged.
>
> Supplemental health and food services.
>
> Language laboratories, science and reading laboratories, laboratories for modern instruction in other subject areas.
>
> School health, psychiatric, and psychological services.
>
> Provision of clothing, shoes, and books where necessary.
>
> Financial assistance to needy high school pupils.
>
> School plant improvements—elementary school science laboratories, libraries, kitchens, and cafeterias.
>
> Equip elementary classrooms for television and radio instruction.
>
> Purchase of musical recordings of classical nature, and recordings of poems and addresses.
>
> Mobile learning centers.
>
> Educational summer camps.
>
> College coaching classes.

Arts and crafts programs during summer vacation.

Summer school and day camp.

Summer programs for development of language skills.

Full-day summer school.

Shop and library facilities available after regular school hours.

Work experience programs.

On-the-job training for high school students.

Field trips for cultural and educational development.

Expansion of libraries in major disciplines.

Scheduling of concerts, dramas, and lectures; mobile art exhibits and libraries.

Saturday morning special opportunity classes.

Bookmobiles—home oriented.

Afterschool study centers.

Preschool pupil transportation.

Pupil exchange programs (semester, year, summer).

The above enumeration is not intended in any way to limit the possible uses of funds by the local school district in improving public elementary and secondary education. It should be noted that a school district is required to develop programs and projects designed to meet the special educational needs of all educationally deprived children in the school attendance area, regardless of whether such children are presently attending school. Such programs could take the form of special part-time programs, or programs to return to school children who have dropped out. However, the listing is illustrative of the many possibilities for uses of funds which are already being considered and conducted by educators.

Mr. MORSE. Mr. President, take a look at the variety of programs set forth on page 10 which the school district handling deprived children can adopt under the bill. This is not exclusive. There are many other programs which could be included. This is an example of the kind of program which title I of the bill is designed to help finance.

I close my comments on the point raised by the Senator from Texas by stating that it is not a program designed to raise salaries throughout the State. In fact, it cannot be used to raise teachers' salaries—I mean throughout the State—it can be used only by way of deciding what program will be necessary in the deprived school district. If that includes a teachers' increase in salary, it can be included in the program. But also, do not forget that the program must be submitted for authorization and going through the procedures called for in the bill, and that the Department and Congress will be receiving reports on those plans and assurances that the programs financed are encompassed within title I of the bill.

Mr. YARBOROUGH. Mr. President, I thank the Senator from Oregon. The bill needs no clarification. This is a reemphasis to place in the record, in view of the fact that there have been headlines in the paper saying that it could be used for across-the-board teacher increases.

I wish to congratulate the Senator from Oregon on calling the attention of the Senate to the six-volume report of the hearings. I attended more of those hearings, I believe, than any other Senator except the distinguished chairman, who was one of the most faithful chairmen I have ever seen in being in attendance at all times.

In addition to the questions, Senators will find invaluable material in each volume of the report, State by State, and what the States have done and are doing in behalf of education.

It is not merely a staff report, it is also a staff and Senate report. The report has been worked on with contributions from practically every member of the committee. The report is invaluable.

The Senator from Oregon has rendered a valuable service to the Senate and to the Nation. He ran the committee as a seminar and had all views expressed. This was not a hearing held solely to gain support for the bill, or opposition thereto. He set out the original line of research into the subject, which has resulted in a very fine report. It covers many points on which Senators had expressed some doubts.

DISTRIBUTION FORMULA OF TITLE I

Finally, Mr. President, I wish to turn to a matter where I find myself in disagreement with a provision of the bill as presently drafted. I do not intend by my remarks which follow to indicate any basic disagreement with the broad purposes of this legislation. As a coauthor of the bill, I fervently support it. However, I am deeply concerned about a defect in the distribution formula of title I. I want a bill, and will vote for and support this bill in the hope that the distribution formula may be corrected next year.

This is an imperfect bill, but so much more perfect than the society it serves, that it will become one of the greatest educational advances in the history of the country. But I do wish to point out this defect prefatory to discussing what I consider to be erroneous information in the record.

As the bill now stands, the amount paid to each State is the product of the number of children, aged 5 to 17, coming from families with annual incomes of less than $2,000, or receiving aid to dependent children, times one-half the average annual school expenditure per pupil in the State. Since the bill is tied to the average per pupil expenditure in each State, the poorer States will receive less Federal money per pupil. For instance, Alabama will receive $140 for each poor child and Mississippi, only $120. On the other hand, New York will receive $353 for each poor child.

Officials from the wealthier States admit that this is true, but point out that it costs more to educate a child in a wealthier State because the cost of living is higher.

Thus, the education of a child is considered to be 3 times more valuable to the country, if the child lives in New York, than if it lives in Mississippi or Alabama. We hear many people say they wish to remedy things in Mississippi and Alabama. If they really wish to do so, why not vote for money for them? Why try to stomp on them? Why not give them enough money to educate their people?

I do not deny that it costs more to educate a child to a given standard of educational attainment in some of the wealthier States. As a matter of fact, I would be satisfied if the bill were tied to a cost-of-loving standard. It is not tied to a cost-of-living standard. Unfortunately, we do not have cost-of-living figures on a State-by-State basis.

Although part of the difference in the average per pupil expenditures of the various States is due to basic differences in the cost of financing an education of a comparable level, a larger part of the difference is traceable to the higher quality education offered in the wealthier States. In 1961–62, Mississippi spent an average of $229.44 per pupil annually. New York spent $628.53. A part of this is due to cost differences. It costs more to build a school and hire a teacher in New York than it does to build a comparable school and hire a comparable teacher in Mississippi. But most of the difference is due to quality, higher quality schools and higher quality teachers in New York than in Mississippi. It is much higher there, because they have more money there.

The aim of this bill should be a more equal opportunity for the children in each State, not a built-in recognition of a permanent, inferior status for the poorer State.

This is not to say that the people of Mississippi are not trying hard. Quite the contrary, they are trying harder than the people of New York, because their effort index is higher than that of New York. In 1963, Mississipi spent 5.04 percent of its personal income on education, while New York spent only 4.69 percent of its personnel income. The difference is even more marked when we realize that Mississippi is making this effort with a per capita income in 1963 of only $1,390 per year, while New Yorkers earned $3,013 each in 1963. The strain is greater on the poorer State.

On an effort basis, the poorer State of Mississippi is making a greater effort than New York.

Both the Green amendment, offered in the House, and the original formula miss the point of what we are attempting to do with this proposed legislation. The Green amendment fails to allow for the differences in the cost of education between the various States, because each State would receive the same amount for each poor pupil under the Green amendment.

The present formula will tend to perpetuate quality differences between the States. This is also undesirable. Many of our social problems today are basically caused by educational differences between the various regions of the country. This is especially true in the case of civil rights. Figures released by the White House recently show that of the 182 poorest counties in the country, all but 10 are in Southern or border States. The annual per capita income of these counties ranges from $424 to $749.

I ask unanimous consent to have printed in the RECORD an article published in the Washington Post, of March 29, 1965, on certain poverty counties in the United States.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE HUNDRED AND EIGHTY-TWO COUNTIES ELIGIBLE FOR POVERTY AID

The White House listed 182 counties yesterday that are eligible for 100-percent Federal aid in the antipoverty program because they are too poor to help themselves. All but 10 of the counties are in southern or border States.

Under the law the Federal Government will pay the entire cost of a full-scale offensive against poverty in these counties.

The 20 poorest counties in the United States, based on Census Bureau figures, and their average annual per capita income are:

Wade Hampton, Alaska, $424; Wolfe, Ky., $435; Magoffin, Ky., $455; Fayette, Tenn., $470; Owsley, Ky., $474; Webster, Ga., $475; Hancock, Tenn., $480; Leslie, Ky., $487; Jefferson, Miss., $494; Issaquena, Miss., $505; Kemper, Miss., $506; Lowndes, Ala., $507; McCreary, Ky., $516; Carroll, Miss., $521; Greene, Ala., $525; Lee, S.C., $527; Breathitt, Ky., $529; Starr, Tex., $534; Williamsburg, S.C., $536; and Wilcox, Ala., $543.

The other 162 counties eligible for full-scale help, in ascending order of per capita income:

Baker, Ga., $544; Knott, Ky., $546; Clay, Ky., $548; Newton, Ark., $549; Greene, N.C., $555; Quitman, Miss., $555; Noxubee, Miss., $564; Fentress, Tenn., $569; Tunica, Miss., $570; Marshall, Miss., $572; Hale, Ala., $578; Tallahatchie, Miss., $579; Menifee, Ky., $579; Martin, Ky., $583; Van Buren, Tenn., $583; Sumter, Ala., $585.

Benton, Miss., $585; Perry, Ala., $588; Clarendon, S.C., $593; Mora, N.M., $593; Casey, Ky., $594; Holmes, Miss., $595; Jefferson Davis, Miss., $598; Humphreys, Miss., $602; Quitman, Ga., $603; Clinton Ky., $604; Atkinson, Ga., $604; Wilkinson, Miss., $604: Leake, Miss., $605; Bledsoe, Tenn., $606.

Lincoln, Ark., $609; Tate, Miss., $610; Knox, Ky., $612; Early, Ga., $613; Claiborne, Miss., $618; Sioux, N. Dak., $619; Hancock, Ga., $620; East Feliciana, La., $621; Marion, Ga., $622; Jackson, Tenn., $625; Haywood, Tenn., $628; Choctaw, Miss., $629; Burke, Ga., $629.

Clay, Tenn., $632; Hardeman, Tenn., $633; Jackson, Ky., $635; Lee, Va., $640; Clay, N.C., $640; Pickett, Tenn., $641; Wayne, Ky., $643; Lee, Ark., $644; Sunflower, Miss., $644; Meigs, Tenn., $644; Sharkey, Miss., $645; Stone, Ark., $647; Jones, N.C., $649; Worth, Ga., $651; Elliott, Ky., $652; Greene, Miss., $653; Panola, Miss., $654.

Zapata, Tex., $655; Madison, Miss., $655; Tyrrell, N.C., $655; Tensas, La., $656; Calhoun, S.C., $659; Morgan, Ky., $660; Cumberland, Va., $661; Warren, Ga., $661; Rockcastle, Ky., $663; Bolivar, Miss., $664; Bullock, Ala., $666; Bertie, N.C., $671; Dawson, Ga., $671.

Northampton, N.C., $674; Kobuk, Alaska, $675; Shannon, S. Dak., $675; Talbot, Ga., $676; Sandoval, N. Mex., $677; Covington, Miss., $679; Claiborne, Tenn., $680; Warren, N.C., $680; Scott, Tenn., $680; Taliaferro, Ga., $682; Gates, N.C., $684; Henry, Ala., $687.

West Feliciana, La., $689; Glascock, Ga., $690; Lincoln, Ga., $690; Crenshaw, Ala., $692; Dillon, S.C., $692; Long, Ga., $692; Wilcox, Ga., $693; Robeson, N.C., $697; Johnson, Tenn., $699; Amite, Miss., $699; Russell, Ky., $700; Zavala, Tex., $700; Pender, N.C., $701; Jasper, S.C., $703; Dooly, Ga., $704; Tattnall, Ga., $704; Calhoun, Ga., $705.

Overton, Tenn., $705; Adair, Okla., $706; Montgomery, Miss., $706; Webster, Miss., $710; De Soto, Miss., $711; Costilla, Colo., $712; Lee, Ga., $713; Jasper, Miss., $714; Smith, Miss., $715; Bladen, N.C., $716; St. Helena, La., $717; Fulton, Ark., $719; Walthall, Miss., $719.

Pontotoc, Miss., $720; Miller, Ga., $720; Madison, Ark., $721; Taos, N. Mex., $721; Union, Ga., $722; Cumberland, Ky., $722; Morgan, Tenn., $722; Sharp, Ark., $723; Madison, N.C., $723; Duplin, N.C., $724; Jefferson, Ga., $725; Clay, W. Va., $726; Searcy, Ark., $727.

Conecuh, Ala., $727; Highland, Va., $727; Oglethorpe, Ga., $727; Martin, N.C., $729; Taylor, Ga., $730; Oliver, N. Dak., $731; Buckingham, Va., $731; Todd, S. Dak., $732; Sampson, N.C., $732; Towns, Ga., $732; Scott, Miss., $733; Sussex, Va., $733; Calhoun, Miss., $734.

Treutlen, Ga., $735; Brooks, Ga., $736; San Jacinto, Tex., $737; Grainger, Tenn., $738; Irwin, Ga., $739; Sheridan, N. Dak., $739; Clarke, Miss., $740; Lauderdale, Tenn., $741; Crawford, Ga., $742; Perry, Miss., $742; McCormick, S.C., $743; Screven, Ga., $744.

Graham, N.C., $744; Hoke, N.C., $744; Terrell, Ga., $746; Wheeler, Ga., $746; Seminole, Ga., $747; Van Buren, Ark., $749; Candler, Ga., $749; Telfair, Ga., $749; Macon, Ga., $749.

Mr. YARBOROUGH. Mr. President, all of us wish nothing more than to bind up the wounds which for more than 100 years have agonized our Nation. This being what we want, we are not going to get it by chastising the South, heaping abuse on the South, and remaining in state of undeclared war with the South. We will bind up our wounds only when we remove the cause of our affliction. We must educate, not subjugate.

Lowndes County, Ala., where the tragic murder of Mrs. Liuzzo occurred, has an annual per capita income of $507.

There has to be a connection between low income with its result—poor education—and the kind of racial strife that exists in a place like Lowndes County. It is anomalous indeed for the Federal Government to pay Westchester County, N.Y., one of the richest counties in the country, with many resources to tax, $353 for every poor child, while it pays Lowndes County, Ala., only $140 for every poor child. Not for each child, mind you, but for each poor child. The bill puts a value on training each poor child in New York nearly three times as high as training a poor child in Mississippi or Alabama. I question having the Federal Government pay three times more money per poor child to a rich State to aid it in maintaining a higher quality educational system than for the poor child in a poor State.

I question a system that recognizes and would freeze in a status position educational poverty, but I support the bill as the best we can get now, hoping to correct this injustice next year.

We should have a formula which would allow for a cost of living difference. The principle of the payment, however, should be on the basis of equally high quality education, rather than higher quality for those areas which already have higher quality and lower quality education for those areas which lag behind. A number of homely old sayings come to mind here, which I would resist using if they were not so much to the point. But the present formula seems to have been written on the basis of "Them that has, gets," or "The rich get richer and the poor get poorer."

Mr. President, I believe that this bill even with the present formula is of enormous importance to the future of this Nation. Today we can take the first step toward bringing the poorer in each State forward toward the better standard of education in their own State. That is what this bill does. What is needed also is to bring the educational standard of the poorer States up toward the better educational standard of the richer States. This the present bill fails to do. I did not fail to sponsor this bill because it did not do everything. It is a long step forward. It is badly needed. It is within the realm of the practical this year. If we waited for a fairer bill, the ideal bill, this year, then we might lose all. We cannot risk losing these vast gains in our delay for the perfect bill.

I serve notice now that we shall try to perfect it next year, because under the terms of the bill it will be up for review next year. We can take this first step for poor children everywhere today, then take the second step next year, and an important and badly needed step, of bringing the education systems of the poorer sections of our country up to the level of the rest of the country.

As long as substantial educational deficiencies persist in certain regions, we will continue to suffer civil strife.

Therefore, I proposed in subcommittee an amendment which had two purposes:

First. To allow for the differences between States in the cost of financing an education of a given level, and so

Second. To have the grant rest basically upon a foundation of equal educational quality in all the States, rather than on perpetuating higher quality education in those States that already have higher quality.

My amendment would have allotted one-half the funds on the basis of one-fourth of the average per pupil expenditure in the State, and one-half the funds on the basis of one-fourth of the national average per-pupil expenditure. In other words, my amendment would have allotted half of the funds on the basis of the current formula and half on the principle of the Green amendment. In addition, I would have raised the maximum Federal percentage of a school district's budget from 30 percent to 50 percent, thus amending section 203a(3).

We would thus be allowing for both of the factors that bear on what we are attempting to do. No amendment has been offered on the floor that does that. We would be allowing for the legitimate cost differences between the States while removing the undesirable effect of perpetuating quality differences. We would not be giving preferable treatment to the poorer States. We would only be giving more nearly equal treatment. Mr. President, I ask unanimous consent that the text of my amendment and a table entitled "Distribution of Funds Under Title I of H.R. 2362" be printed at this point in the RECORD.

There being no objection, the amendment and table were ordered to be printed in the RECORD, as follows:

On page 4, lines 15 and 16, strike out "the average per pupil expenditure in that State", and insert in lieu thereof "one-half the average per pupil expenditure in that State plus one-half the average per pupil expenditure of the United States".

On page 5, line 19, immediately after the period add the following sentence: "For the purposes of this subsection, the 'average per pupil expenditure' of the United States shall be the average of the 'average per pupil expenditure' for all the States."

On page 6, line 7, strike out "30 per centum" and insert in lieu thereof "50 per centum".

On page 6, line 10, strike out "30 per centum" and insert in lieu thereof "50 per centum".

Distribution of funds under title I of H.R. 2362

	Per capita personal income, 1963	Estimated number of children in poverty category as defined in H.R. 2362, as reported	Estimated allocation of funds under title I of H.R. 2362, as reported	Estimated amount received per child in poverty category under title I of H.R. 2362	Estimated distribution of funds under Yarborough amendment to Elementary and Secondary Education Act of 1965 (H.R. 2362)	Effort index based on per capita income, 1963-64 (percent)
National average	$2,443					4.60
Alabama	1,656	226,700	$31,738,000	$140	$40,352,600	4.21
Alaska	2,819	5,299	1,430,938	270	1,287,869	5.41
Arizona	2,115	42,890	9,757,481	227	9,510,860	5.93
Arkansas	1,598	139,702	21,095,002	151	25,635,317	5.09
California	2,930	276,092	73,145,300	265	66,390,586	5.53
Colorado	2,386	37,784	8,454,110	223	8,307,727	5.45
Connecticut	3,162	25,997	7,175,172	276	6,395,154	3.84
Delaware	3,250	7,899	1,966,851	249	1,836,626	3.98
District of Columbia	3,398	17,924	4,633,354	258	4,252,469	2.69
Florida	2,111	143,795	27,896,230	194	29,478,083	4.45
Georgia	1,865	225,699	34,517,871	153	41,634,536	4.43
Hawaii	2,476	10,585	2,127,785	201	2,206,864	3.97
Idaho	1,934	15,136	2,311,382	152	2,790,379	4.37
Illinois	2,945	181,047	43,360,809	239	41,233,588	3.71
Indiana	2,475	80,398	18,772,978	233	18,069,473	4.82
Iowa	2,274	75,988	17,325,264	228	16,869,336	5.05
Kansas	2,231	44,560	9,752,736	218	9,688,848	5.60
Kentucky	1,789	188,101	28,215,150	150	34,422,375	3.77
Louisiana	1,768,	189,996	37,904,234	199	39,471,685	5.64
Maine	2,008	20,673	3,907,179	189	4,186,174	4.44
Maryland	2,778	58,716	14,356,074	244	13,519,365	4.41
Massachusetts	2,850	58,959	13,988,754	237	13,362,057	3.26
Michigan	2,528	144,908	32,729,320	226	32,014,724	4.97
Minnesota	2,332	82,092	20,876,677	254	19,304,274	5.65
Mississippi	1,379	232,603	28,028,704	120	39,135,584	5.04
Missouri	2,508	128,242	26,866,755	209	27,283,514	3.73
Montana	2,239	15,967	3,750,273	234	3,599,680	5.63
Nebraska	2,293	36,093	6,793,169	188	7,294,520	4.26
Nevada	3,372	3,414	658,184	191	697,804	4.48
New Hampshire	2,303	7,540	1,609,796	213	1,619,218	4.14
New Jersey	2,900	71,113	20,196,092	283	17,778,142	4.14
New Mexico	1,887	40,634	8,931,560	220	8,854,252	6.57
New York	3,000	260,764	91,893,253	353	74,109,138	4.69
North Carolina	1,813	303,475	48,556,000	160	57,053,408	4.71
North Dakota	2,030	24,323	5,069,610	208	5,161,797	5.57
Ohio	2,483	164,613	36,708,699	223	36,132,446	4.48
Oklahoma	1,953	88,966	15,596,196	175	17,406,426	4.58
Oregon	2,515	29,190	7,893,807	270	7,099,424	5.51
Pennsylvania	2,444	204,287	49,519,506	242	46,822,857	3.76
Rhode Island	2,398	14,986	3,746,500	250	3,491,738	4.06
South Carolina	1,584	192,597	25,519,125	132	33,559,930	4.54
South Dakota	1,932	31,232	6,249,152	200	6,497,632	5.33
Tennessee	1,776	213,694	31,092,525	145	38,625,214	4.23
Texas	2,046	386,599	74,580,048	193	79,042,824	4.81
Utah	2,129	13,989	2,627,783	187	2,824,596	6.31
Vermont	2,092	8,043	1,556,327	193	1,646,916	4.24
Virginia	2,066	168,285	29,433,775	175	32,891,560	4.22
Washington	2,505	44,195	11,275,168	255	10,410,752	5.60
West Virginia	1,872	104,943	15,741,450	150	19,204,677	4.37
Wisconsin	2,380	64,653	16,078,428	248	15,021,630	4.72
Wyoming	2,427	5,817	1,470,960	253	1,363,608	6.08
U.S. total		5,161,198	1,060,082,973		1,076,850,256	

Mr. YARBOROUGH. Mr. President, we have heard in the debate numerous statistics regarding the relative financial burdens of the rich States and the poor States. The statistics offered in an attempt to justify the present formula revealed nothing new. They show the following things: The rich States have more money. They also have more expenses. I do not believe that either of these two arguments reach the point which I have been stating; namely, that the difference in per pupil expenditures between the States reflects both cost and quality differences, and that the present formula does not allow for both of these.

For example, the Consumer Price Index in 1963 showed the following:

Atlanta	$105.8
Baltimore	107.5
Houston	106.7
New York	109.9
Philadelphia	108.5
San Francisco	109.9

The Consumer Price Index measures the prices of goods and services purchased by wage earners. For this index, the figure 100 is used as the national average for the prices of over 300 goods and services between the years 1957 and 1959. The prices of these 300 goods and services during 1963 in each of the cities listed, are given in relation to the 1957-59 national average.

Thus the cost of living is only about 4 percent higher in New York than it is in Atlanta, yet New York will receive 131 percent more per pupil than Georgia will receive. It is true that classroom construction costs may be much higher in New York, but in 1964 capital outlay for public school expenditure was only 15 percent of total school expenditures. Moreover, the price index for housing showed the following comparison:

Atlanta	$104.7
Baltimore	106.8
Houston	105.5
New York	110.8
Philadelphia	108.5
San Francisco	112.5

There is some variation in these figures, but not much, and certainly not nearly as much as the different amounts of money per poor pupil going to each of these States. The cost of housing in New York is only 5 percent higher than in Houston, yet New York will receive 80 percent more per poor child under this bill than will a schoolchild in Houston.

The following per capita figures for State and local taxes were inserted in the RECORD Wednesday:

New York	$309
Alabama	132
North Carolina	157
Texas	183
West Virginia	170
Colorado	255
Vermont	232

The per capita was higher in New York than the others listed because it is so much richer. New York is fourth among the States in its average per capita income of $3,013 per person. By contrast, Texas is 34th among the States with a per capita annual income of $2,068.

A much different picture is presented if we look at figures showing State and local revenue per $1,000 of personal income:

New York	$124.61
Pennsylvania	103.22
Alabama	108.67
North Carolina	110.91
Texas	115.86
West Virginia	114.42
Colorado	133.23
Vermont	129.80
Louisiana	150.05
Mississippi	140.19

Source: Bureau of the Census.

I believe the difference in the two sets of figures speaks for itself. New York takes $124.61 for each $1,000 of personal income in the State. Pennsylvania takes the amount of $103.22. On the other hand Louisiana takes $150.05 for each $1,000 of personal income. Mississippi takes $140.19. The poor States are breaking their backs in comparison to the rich States.

Furthermore it should be noted that it is a much greater effort for a poor State than it is for a rich State to spend around $125 per $1,000 of personal income, because in a poor State there are fewer increments of $1,000 per person and therefore each of these $125 expenditures comes relatively more out of essentials in a poor State than it does in a rich State.

And finally, Mr. President, I should like to point out the great corporate wealth in certain States. We have been talking about income, but corporate wealth is even less evenly distributed than personal income.

Although the following figures do not allow for the fact that some corporations file tax returns in New York yet have some or all of their operations elsewhere, nevertheless they give an indication of the relative annual corporate income of a few selected States:

Corporate income less deficit, 1961-62

[In thousands]

Alabama	$286,549
California	2,978,631
Mississippi	66,817
New York	13,631,453
Pennsylvania	2,398,925
Texas	1,522,921

Source: U.S. Department of the Treasury.

I certainly do not mean by my remarks to imply anything critical of the great industrial States such as New York. This Nation is one economic entity. Certainly the whole Nation is indebted to New York for the economic and cultural leadership which she gives the Nation. And a good income in one section means a good market for the goods of a less favored section. We mention these facts not to criticize the great State of New York. It is a compliment to her, but they show the need for improvements in this law next year. We are also grateful for the willingness of the legislators representing the great industrial States to take the larger view of what is best for the whole Nation rather than the parochial view of what might be most advantageous for their particular States.

Mr. President, I shall not offer my amendment at this time. I have come to this decision, after much deliberation, because I feel that this bill, even with the title I formula to which I have raised questions, is such a long step in the right direction, so great a step, so great an advance, that I do not wish to do anything which might seriously jeopardize its chances of enactment. I shall not offer my amendment to the allocation of funds for the first year of the program.

However, I wish to serve notice that I shall do all in my power, when the formula comes up for review 1 year hence, to see that necessary changes are made so that the money will go in more equitable amounts to those areas where it is most needed and where it will do the most good.

And now, Mr. President, one last observation. In 1956 the U.S. Office of Education spent $5.1 million on higher education and $123.9 million on elementary and secondary education. In 1966, if the bill before us now and the higher education bill are both passed, the Office of Education will spend $1.2 billion on higher education and $1.8 billion on elementary and secondary education.

The great good in this bill far outweighs the shortcomings. We are beginning to move at all levels of education. These bills take the hand of the little 3-year-old child and says, "Come with me, learn the language of Shakespeare and Tennyson, of Churchill and Kennedy, get a speaking knowledge now of this sweet English tongue and the gift of learning will never leave you." What vistas and visions it opens up before them. Nothing must be permitted to jeopardize this bill. We must pass it now. It should be corrected. We must pass it now and correct it next year.

The Senator from Vermont is recognized.

Mr. ERVIN. Mr. President, will the Senator from Vermont yield to me about 4 minutes. I have been awaiting in the Chamber a long time, and holding up the markup of a bill in the Committee on the Judiciary?

Mr. PROUTY. I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. I desire to ask the Senator in charge of the bill, the Senator from Oregon [Mr. MORSE], if I interpret the bill correctly. The bill would authorize aid to sectarian schools or, more properly, to the students of sectarian schools, in some cases, in the field of educational television, in the field of what is called shared time, and also with respect to library resources, textbooks, and other instructional materials.

Mr. MORSE. I appreciate the Senator from North Carolina giving me this opportunity to make the legislative history on the questions he has in mind. My answer to his first question is that his interpretation is completely correct. I call his attention to page 11 of the bill, line 17:

> (2) that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools—

In many instances that would be a religious school.

I continue to read—

> such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate;
>
> (3) that the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property—

Making perfectly clear that the private school would get no title; the private school would have no administrative control; but it is the deprived child in the private school who would be the beneficiary under the procedures set forth in that title.

Mr. ERVIN. In a case in which a shared time arrangement is involved, there would be no obligation, of course, on a State to permit shared time use of State property if the State law did not permit it.

Mr. MORSE. The Senator is completely correct. Let me stress the point. Under the bill it is the State program that must be submitted and approved. It is under the administrative control of the public officials at all times, and the public officials would be acting illegally if they proposed a program that would violate their State law. The State law would be controlling.

Mr. ERVIN. I wish to ask a question with reference to the plan which the State must submit under title II. Would the State be required to submit a plan which would embrace the furnishing of library resources, textbooks, and other instructional materials to sectarian schools or their pupils in cases where the State law prohibits such action?

Mr. MORSE. On page 31 of the bill, line 1, subsection (b)—

> (b) In any State which has a State plan approved under section 203(b) and in which no State agency is authorized by law—

That means State law. Continuing to read—

> to provide library resources, textbooks, or other printed and published instructional materials for the use of children and teachers in any one or more elementary or secondary schools in such State, the Commissioner shall arrange for the provision on an equitable basis of such library resources, textbooks, or other instructional materials for such use and shall pay the cost thereof for any fiscal year ending prior to July 1, 1970, out of that State's allotment.

But it is the State law that prevails.

Mr. ERVIN. I should like to ask another question with reference to subsection (B) of section 203 on pages 28 and 29 with reference to the plan. The section uses the following terms:

> That the plan shall provide assurance that, to the extent consistent with law, such library resources—

And so forth—

> will be provided on an equitable basis—

And so forth. The reference to "to the extent consistent with law" is a reference to State law?

Mr. MORSE. To support the position of the Senator from North Carolina, I wish to stress that the law that controls is the State law.

Mr. ERVIN. I should like to ask one other question. I notice that in the bill there is no specific separability clause. I have a high respect for the legal opinion of my good friend the Senator from Oregon. I should like to ask him if he thinks these provisions, and the provisions with reference to aid to public schools are separable to such an extent that if a court were to strike down aid to sectarian schools or their pupils as unconstitutional under the first amendment, would that invalidate also aid to the public schools?

Mr. MORSE. I wish to make two points in answer. The first is with respect to the status of the law in respect to the existence or nonexistence of a separability clause in a piece of legislation. A separability clause is not necessary or essential for a court to declare separability if it finds that the law in fact is separable.

My second point is that the bill is obviously separable, because the titles are such that their purposes, their objectives, and what they seek to accomplish, have little relationship one to another. In this case, having a legislative history, the court can clearly find that separate and independent pieces of legislation are included in one bill. If something were found wrong in title II, title I would be separable, title III would be separable, title IV would be separable, and so with the other parts of the bill. If something were found wrong in title IV or any other title of the bill, the other parts of the bill would still stand.

As a former teacher of legislation, I think I may say that although a separability clause in a bill is always helpful to the court if there is a dispute as to what the intent of Congress was, the court does not have to have a separability clause in a bill to carry out its inherent judicial power. That is, when it passes upon an act and finds some parts of it unconstitutional, it need not find the entire act unconstitutional if it finds that the provisions of the act are separable. I believe this bill would have to be found separable for the reasons I have already set forth.

Mr. ERVIN. I thank my friend from Oregon for his answers to my questions. I assure him that they relieve my mind of a considerable burden in several respects.

There are some parts of the bill that I strongly favor. There are some parts of the bill of which I do not approve. There are some parts of the bill that I should like to see changed.

Like the Senator from Texas [Mr. YARBOROUGH], I do not like the allocation formula in the bill. But this is one of the situations in which I favor a part of the bill and am opposed to a part of the bill. On the whole, I think the good in the bill outweighs what I consider to be unfortunate provisions of the bill. For that reason, since I never expect to find a bill of major importance with which I fully agree, I expect to support this bill on final passage, because it is my conviction that the good in the bill, on the whole, outweighs the bad.

I trust that the Federal courts will find some way to afford judicial review of the provisions of the bill which I fear are unconstitutional. I shall have to look to the Federal courts for enlightenment, since my amendment to provide for Federal court review failed of adoption. I believe one Federal court will eventually hold that the use of tax moneys for extending aid of one type specified in one bill violates the first amendment. I am compelled to admit, however, that there is no Federal decision on this specific question up to the present moment. Despite my hope that the Federal courts will assume jurisdiction to determine this question even in the absence of a specific court review statute, I shall continue to urge Congress to enact such a statute.

Mr. MORSE. I cannot begin to tell the Senator from North Carolina how happy I am upon hearing the statement he has just made. I am sure he knows of my high regard for him. I always feel better when we are voting together than when we are voting differently. I deeply appreciate his statement of intention to support the bill in spite of his reservations and real objections to certain parts of the bill.

I shall continue to cooperate with the Senator from North Carolina in trying to work for a bill that will remove at least some of his objections. I think that will happen, as we review the bill after a year's experience.

If the bill is passed in its present form and is signed by the President, I shall be at the Senator's doorstep next week with my bill for independent judicial review, asking him if he will not be a cosponsor, because I shall introduce such a bill.

Mr. ERVIN. I thank the Senator from Oregon.

I thank my friend from Vermont [Mr. PROUTY] for his courtesy in yielding to me so that I might ask these questions before returning to mark up the bill before the Committee on the Judiciary.

Mr. MORSE. Mr. President, I should like to ask the Senator from Vermont one question, with his answer not to be considered with mathematical exactness. Can the Senator from Vermont tell us how long he intends to speak?

Mr. PROUTY. Depending on interrogations, perhaps 40 minutes.

Mr. MORSE. I thank the Senator from Vermont.

Mr. FULBRIGHT. Mr. President, will the Senator from Vermont yield 2 or 3 minutes to me, without losing his right to the floor?

Mr. PROUTY. Mr. President, with the understanding that I shall not lose the floor, I ask unanimous consent that I may yield to the Senator from Arkansas.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, first I compliment the committee, and particularly the manager of the bill, who is chairman of the Subcommittee on Education, for bringing to the floor of the Senate a bill which I not only can support, but am very happy to support. I believe it will be passed.

In 1947, I cosponsored a Federal-aid-to-education bill with the late Senator Robert Taft, of Ohio. That bill was the forerunner of many which have come before the Senate. To this day I believe that its enactment would have done more to mitigate the problems of rural poverty, racial tension, and unemployment than any of the emergency measures which the Congress has enacted in recent years.

It was my belief when I first came to the Senate, as it is today, that the most serious mistake that can be made in our democratic system and free enterprise economy is to fail to educate children because they happen to live on an Ozark hill farm, or a Mississippi Delta plantation, or a slum in Harlem. Time lost in the course of a student's educational career is never recaptured. The latent talents and skills which are neglected are forever lost to these Americans, our society, and the economy. Even if some can be salvaged through adult education programs, the cost is high and more often the cost is measured by the budgets of welfare agencies and police departments.

I have sponsored aid-to-education bills when, for extraneous reasons, this was not a popular cause with many people in my State, because it has been and is now my belief that education is the most important and essential ingredient of economic development and social betterment and that Federal aid is the only realistic way to improve the schools in poor States and in some tax-deficient areas in rich States.

It is a matter of great satisfaction to me that this bill is before the Senate today and that its prospects for passage are considerably better than many of those which preceded it. The bill is not perfect in every respect, but it is a start. I am happy to be a sponsor of it.

Through the passage of this legislation and the appropriation of funds to implement it, over a billion dollars will be channeled into school systems across the country to help them adapt and develop their programs to meet the needs of students on the bottom rung of the educational, economic, and social ladder. The philosophy of this bill differs in some respects from other Federal aid legislation the Senate has considered in times past. The emphasis is not on institutions so much as on students, not on geography but on providing the means to help the children of poor families whether they are located in Maine or Mississippi.

Mr. President, some Members of the Senate have objected to the formula for the disbursement of grants under title I of this bill. While Arkansas school systems are handicapped by lack of adequate tax bases and can use every dollar they can get, I can offer no objection to the allocation of substantial funds to meet the overwhelming educational need in slums of our great cities. I would observe that to a considerable extent the mounting pressures on schools located in slum areas of New York, Chicago, and Philadelphia are direct results of the past failures of the Congress to insure adequate education for students in the public schools of Arkansas, Mississippi, and Kentucky. It is no time, however, to lament our past mistakes. We must deal with things as they are, and I believe the national interest will be served by the sizable investment in education provided for in this bill and directing that investment, as it is directed by this legislation, to the two great problem areas in American public education—rural sections and city slums.

It is true that States in greatest need of additional financial resources for education are helped the most by this legislation proportionate to school population. Because there are many youngsters in my State who come from families with incomes of less than $2,000, Arkansas school districts will receive assistance which is substantial both in terms of dollar figures and in relation to the funds allocated to other States. Under the formula in title I Arkansas school districts will receive over $21 million to finance public school programs and projects to meet the educational needs of deprived children.

American public education generally is subject to many new and unique pressures which mark the age of automation, urbanization, and increasingly complex legal and social institutions. Meeting these challenges is particularly difficult for a State such as my own which lacks the tax base of a large metropolitan area and where agriculture is still the mainstay of the economy.

Our situation in Arkansas was summarized very well in a report issued by the Arkansas Economic Expansion Study Commission which was established by the Arkansas State Legislature to review the economic potential of our State. To quote the commission:

> A good case can be made for Federal assistance. Arkansas is already making a greater effort on the basis of its ability to pay than is the Nation. Data for 1962–63 from the U.S. Census of Governments indicate that Arkansas is spending on public schools for each $1,000 of personal income $20.47 as compared to the national expenditure of $17.40. Yet the results of this effort on a per capita basis are only $30.78 in Arkansas compared to $41.11 for the United States. Furthermore, Arkansas with a higher proportion of young people than is true for the Nation is under growing pressures to pro-

> vide education for its population, some of whom may remain in Arkansas but many of whom will move to other States across the Nation. The Nation, therefore, has a stake in seeing that educational opportunities are made available throughout the country. It can be argued that the less prosperous States in the country, including Arkansas, probably cannot or will not in its system of priorities commit enough resources to approach anything like the national standards. Therefore, just as local communities call upon the State government for financial need, certain States and certain regions of the country could call upon the Federal Government for help in this mammoth task of educating the youth of the Nation.

This makes the case not only for the pending bill but also for a general Federal aid program beyond that before us today.

For many years aid to education legislation has been plagued by the church-state issue on the one hand and the question of school desegregation on the other.

On the question of aid to private schools the bill before the Senate is a wise and equitable approach which is both fair and constitutional. Textbooks and library materials will be available to private nonprofit schools, but the all-important judgment as to which books will be used will be made by the local public school board elected by the citizens whose taxes provide the main financial support for public education. School boards may also make provision for participation of private school students in public school activities on a dual enrollment basis. It is highly significant that title to all equipment, textbooks, and other materials purchased with funds available under this bill will be vested in local public educational agencies. Thus, educationally deprived children who attend private schools will benefit from this legislation to the extent to which private school programs are placed under public authorities.

Perhaps equal to the church-state issue as a deterrent to the passage of meaningful education legislation has been the explosive question of race relations and school desegregation. For better or for worse this issue was to some extent laid to rest with the enactment of the Civil Rights Act of 1964 which gave the Attorney General authority to sue for school desegregation and in which Congress directed that Federal funds be withheld from schools operating on a segregated basis. The Arkansas State department of education has submitted a State plan of compliance with the Civil Rights Act which has been accepted and approved by the Commissioner of Education. Local school districts in my State, over half of which have thus far signed certificates of compliance, are making the difficult adjustments demanded by the act. Thus, race is not a factor in the consideration of this bill. In fact, many school systems will be helped immeasurably in meeting the problems of desegregation with the programs which can be financed by title I grants.

I am pleased that special attention is given in this legislation to the improvement of libraries and the provision of textbooks which in many poor school districts cannot be provided without charge to students and their families. Without such basic materials no school system can begin to do its job.

Mr. President, every title of this bill acknowledges the principle of local control of education. Title I grants will be made in response to applications developed by local school agencies to meet local educational needs. Textbooks and library materials purchased under title II must be approved by the public school authority in the State. If any doubt remains as to whether this legislation pushes the Federal camel's nose too far under the tent it should be laid to rest by title V which provides additional financial support for the State departments of education to help them meet their new responsibilities under the act. The leadership which is being given at the State level to maximize the effectiveness of increased Federal, State, and local investments in education is exemplified by the Arkansas State Education Commissioner, Mr. A. W. Ford, who recently called for the reorganization of Arkansas school districts to make maximum use of their own resources and the assistance which will be available when the pending bill is enacted. I have no doubt that my State will take the necessary steps to utilize fully the assistance embodied in this bill while maintaining the integrity of State and local educational agencies.

Mr. President, this legislation deals not so much with institutions as with our American young people. It is forward-looking investment in them, their future, and the future of our country. In recent years the Congress has enacted a great deal of legislation to mitigate the heritage of ignorance and misery occasioned by past neglect. The Manpower Development and Training Act has provided training for over 300,000 adults who are otherwise unemployed. The Economic Opportunity Act lays stress on the education of adults who failed to gain fundamental and essential skills through public school systems. Less productive but equally costly welfare programs burden the Federal, State, and local governments. It is worth noting that we now spend about $450 a year for each child in our public schools but we spend $1,800 a year to keep a delinquent youth in a detention home, $2,500 a year for family on relief, and $3,500 a year for a criminal in a State prison. Beyond that, it is impossible to calculate the enormous loss of earning power and productivity that is attributable to lack of education.

Again and again we have tried to lock the gate after the horse was gone, dealing with the social problems which arise from ignorance rather than attacking ignorance in the first instance. Our economy demands increasingly skilled workers; our increasingly complex society demands skilled citizens. The Elementary and Secondary Education Act of 1965 goes to the heart of the problem by strengthening public school systems to meet the most fundamental of public needs. It is an investment which will return greater dividends to our society than perhaps any other ever authorized by the Congress.

Mr. President, the author of the 24th chapter of Proverbs wrote:

> A wise man is strong—yea, a man of knowledge increaseth strength.

Many years later Francis Bacon, himself a man of knowledge, boiled down this truth to simply:

> Knowledge is power.

In a sense, Mr. President, the Elementary and Secondary Education Act of 1965 is concerned with power. The passage of this legislation will add to the strength and power of America by strengthening the educational systems of our Nation to serve more adequately today's youngsters who tomorrow will be the workers, educators, and statesmen of our country.

I thank the Senator from Vermont for yielding to me, inasmuch as I have an appointment. It was very kind of him to do so.

Mr. PROUTY. Mr. President, before discussing the amendment now pending, I should like to take a few moments to set forth again very clearly the rationale behind title I of the bill. In doing so I will be happy to yield to the distinguished senior Senator from Oregon, so that he may comment on any misunderstandings I may have. I am reasonably sure, however, that the Senator and the Department of Health, Education, and Welfare share the views I am about to express on this important point, which has been a confusing one to many Senators and to some members of the press.

Now, Mr. President, what is the object of title I of this bill? Is it to remedy poverty, or is to remedy educational deprivation? A staff memorandum prepared by the majority staff of the House Education and Labor Committee in conjunction with the Office of Education answers this question very concisely:

> In this legislation, we are not concerned with poverty per se. We are primarily concerned with low educational attainment.

In other words, the target of title I of this bill is not the poor child, as such, but the educationally deprived child. This title is not a poverty title. It is an aid to education title. The special kind of aid it contemplates is designed for and aimed at a special kind of child—one who is educationally deprived or, to use an equivalent term, culturally disadvantaged.

Now, let us ask this question: Who is the educationally deprived child? In answer to precisely this question, the Department of Health, Education, and Welfare provided me with an excellent paper by Frederick Bertolaet, executive secretary of the Research Council for the Great Cities Program for School Improvement. I should like to read a portion of this paper so that the idea of educationally deprived or culturally disadvantaged child—these terms are used interchangeably—is made crystal clear. The full statement of Dr. Bertolaet appears on page 1193 of the Senate hearings. It reads as follows:

> Who are these culturally disadvantaged youth? In general, they are among those who are newcomers to the city who have had limited opportunities for intellectual, social,

aesthetic, and physical development; not-so-new residents of the city who are oblivious to the opportunities which surround them; or residents of the city who have rejected these opportunities because of feelings of insecurity, an inadequate or distorted sense of values, lack of familial encouragement, or limited aspiration.

As the teacher sees the culturally disadvantaged child in her classroom, she may note these characteristics: Lack of response to conventional classroom approaches; inadequate performance in communication skills; socially unacceptable behavior; indifference to responsibility; nonpurposeful activity; physical defects and poor health habits; exaggerated importance of status symbols.

Further study of the child reveals that—

He is overage for his grade. In a typical city, 11 times as many culturally disadvantaged children are overage for their grade as are the children in a more normal area.

His school attendance is poor. In one city, the disadvantaged child is absent twice as much as other children and in twice as many instances is his absence due to truancy.

He has a high rate of failure. Failures in elementary school in a culturally disadvantaged area in a typical city are six times greater than in another locale in the same city, while subject failures in high school are 2½ times greater.

He has a high dropout rate. The rate at which culturally disadvantaged children leave school before high school graduation in a typical city is three times greater than it is for other children.

His aspiration level is low. The educational and occupational aspiration levels of culturally disadvantaged children are significantly lower than those of more typical youth.

He is without kindergarten experience. Six times more culturally disadvantaged children enter first grade without kindergarten experience than do children in other areas in a typical city. First-grade failures among them are correspondingly high.

He has low achievement in reading and in arithmetic. The median grade level achievement in reading of the culturally disadvantaged child in grade 8B is 6.1 compared with 10.1 in a contrasting area in a typical city. His median achievement in arithmetic is 6.6 compared with 9.3 in another community in the city.

His participation in cultural activities is negligible. He frequently has never been to a museum, the public library, a concert, a play, or to the zoo, a downtown department store, a large office building. His cultural experiences are often limited to those in his immediate community and to poorly chosen television programs.

His potential appears to exceed what test data show. Often the teacher finds achievement far beyond that anticipated on the basis of test data or detects a spark that neither achievement nor mental tests have found.

Located in the most densely populated areas of the city, the school the culturally disadvantaged child attends may have—

A large enrollment: In one city the average enrollment of schools in one area occupied by the culturally disadvantaged is 2,286 children, compared with an average enrollment of 852 in a less crowded community.

Large classes: Although the schools in crowded areas in one city have the same total number of teachers, based on enrollment, as do schools in less crowded communities, their average class size is 40.9 compared with 35.8, because there is an insufficient number of classrooms for all assigned teachers.

Half-day sessions: In spite of accelerated building programs, in crowded sections of the city, the culturally disadvantaged child may attend school for a half-day session. In a crowded district in one city, 33 percent of the pupils are on half-day sessions and 76 percent of the schools in the area have some pupils attending a half day.

Inadequate gymnasium, lunchroom, and auditorium facilities: Older schools in the central city area may have inadequate third or fourth floor gymnasiums and may have no auditorium or lunchroom facilities.

An unattractive and uninviting appearance: Many school buildings in the central section of the city where the culturally disadvantaged may go to school are uninviting, forbidding in appearance, have little play area or landscaping around them, often are in need of frequent painting and sandblasting, and do not represent a place of beauty in the community.

Inexperienced teachers: Because of rapid pupil population growth, because teachers tend to transfer to schools close to their homes, and because many of them find it difficult or unsatisfying to work with culturally disadvantaged children, many schools in crowded areas, while they have a core of experienced teachers, have large numbers of young teachers not yet permanently certificated. In a district where large numbers of culturally disadvantaged children go to school, there are 10 times as many temporarily certificated teachers as in another type of district in the same city.

Mobile pupil population: The mobility of the culturally disadvantaged within the city as well as from one part of the country to another produces a high degree of transiency in schools attended by the culturally disadvantaged. In such a district in one city, the average transiency, as indicated by transfers-in plus transfers-out, averaged 79 percent of the pupil population compared with 26 percent in another district.

Difficult day-to-day maintenance problems: Schools attended by culturally disadvantaged children frequently have intensified repair and maintenance problems, the result of use of facilities by large numbers of children as well as by those whose values and whose attitudes toward public property, due to their different background, are not in accord with those of the prevailing metropolitan culture.

Rapid consumption of instructional materials: In schools attended by the culturally disadvantaged, there may be heavy losses of instructional materials due to the transient pupil population and because of hard usage.

Study of the culturally disadvantaged child's home and family is likely to reveal: Low formal educational level; limited vocational and economic competence; low social and economic expectancy; vulnerability to exploitation; conflicting social mores; disoriented and disrupted family patterns; indifference to health needs; high level tension and emotional response; lack of cultural resources; lack of privacy for family members; apathy toward school and community responsibilities.

Study of the community from which the child comes reveals—

Inadequate housing: In one city 6.4 percent of the dwelling units in the city as a whole are overcrowded (occupied by more than 1.5 persons per room) while 25 percent of the dwellings occupied by the culturally disadvantaged are overcrowded. In an area in which large numbers of culturally disadvantaged live, only 75 new dwelling units have been added since 1950 compared with 774 new units in another community.

High population density: The population density in areas occupied by the culturally disadvantaged is almost twice that of other communities—51,100 persons per square mile compared with 27,000 persons per square mile in the city as a whole.

High rate of public assistance: Almost three times as much money is given in public assistance to families in a particular culturally disadvantaged area in one city than is given to families in a community of similar size that is not culturally disadvantaged—22.3 percent of the total funds distributed, compared with 7.5 percent.

High crime rate: Almost 2½ times as many juveniles are involved in incidents handled by the police in one culturally disadvantaged community as in another community in the same city.

Absence of positive influences: A walk through a culturally disadvantaged community will reveal, in many instances, no library, few facilities for sports activities, no yards, no grass, no flowers, few trees. There may be, on the other hand, taverns every third or fourth door; cheap floor shows; pool halls, groups of idle men standing on the street, many of them obviously intoxicated; evidences of dope addiction.

Excessive mobility: There is much movement of families from one area to another within the city. Residence in 8 to 12 or more schools in an 8-year elementary period, if the child has been in the city that long, is not uncommon. This type of mobility is caused by economic problems in many instances. Clearance for housing and highway projects create mobility. Movement of children from one parent to another and hence from one school to another is common. In other instances, the family moves to improve its housing as this becomes economically possible.

Inadequate community services: Experience indicates that health, group work, casework, and similar services are inadequate.

Limited local leadership: Persons who operate business and industry in the community, agency personnel, teachers, and, frequently, the best trained clergymen live outside the community. Local leadership of block clubs and similar organizations is limited, often easily discouraged, and requires the consistent help of agency personnel. Much of the adult population is passive, disinterested, apathetic toward community or civic activities.

That, Mr. President, is a comprehensive portrait of the culturally disadvantaged, educationally deprived child who is the target of this title.

Now, notice one thing about this extensive description. Nowhere in this description does it say that the educationally deprived child is poor. Almost all of the characteristics described, however, we intuitively associate with poverty. And that leads us to the next question: How does the income of a culturally deprived child's family enter into the discussion?

Let us begin to answer this question by posing another. Suppose a social scientist wanted to take an exact, nationwide census of educationally deprived children. Leaving aside the question of practicability, how would he proceed in principle? He would collect 48 million social workers case reports, one for each of the Nation's 48 million school-age children. From these reports he would learn about such things as the emphasis on culture and achievement motivation in each home, the child's performance in communication skills, how frequently the family has relocated, the school attendance rate of the child, the amount of privacy in the home, the education of the child's parents, and a host of similar factors as described in the Bertolaet paper. By assigning relative weights to each of these hundreds of factors, our all-competent researcher would be able to devise a way of identifying those children whose ability to profit from ordinary educational opportunities is below some arbitrarily chosen line of acceptability.

Now, of course, this cannot be done in practice. Those who would identify the number and distribution of educationally deprived children in our society must, of necessity, turn to some other more readily available factor. That factor must be known to correlate strongly with these aforementioned characteristics of educational deprivation.

After a great deal of study, the Department of Health, Education, and Welfare selected as that factor the income of the child's family. The staff memo I referred to above states:

> Recent studies have adequately shown the positive relationship between educational attainment and income.

Commissioner Keppel put it this way before our committee:

> We reached the conclusion of the low-income family, the number of children, to use our language, as a reasonably accurate definition of genuine economic poverty and a measurement of educational deprivation.

In other words, to borrow the language of the new mathematics, the set of educationally deprived children is not identical to the set of economically deprived children. There are some educationally deprived children who come from families earning quite respectable incomes. Similarly, there are some children from very low income families who are clearly not educationally deprived. But now here is the important point: Although the set of educationally deprived children and the set of poor children do not exactly coincide, they very nearly coincide. In the opinion of the researchers at the Office of Education, they come so close to coinciding that the number of children in one set may be safely used as the number of children in the other.

Now if this is true—and there is little reason to suspect it is not—the administrator of a program of Federal aid to educationally deprived children has a yardstick for determining who and where these children are. Instead of going at it from the impossible approach of 48 million case reports, he need only turn to the census figures which show the incidence of poor families. These figures are available for every county in the Nation for income levels of $1,000, $2,000, $3,000, $4,000, and up, and may be found, for example, in table 463 of the 1964 statistical abstract. Although they do not appear in the abstract, data on the total number of children aged 5 to 17 from families in the same income groups is available from the Census Bureau and has been reproduced for the case of $3,000 families in an Office of Education fact sheet dated February 1, 1965.

Now, I have established that although poverty and educational deprivation are not identical, there is a very strong link between them—so strong that one may be used to measure the other. Now let us look at how these programs under title I will operate.

Let us suppose that State X has in fact 10,000 children who share the characteristics of educational deprivation, as described in the Bertolaet paper. These children do not wear badges that say, "I come from a poor family." Some come from wretchedly poor families; others come from moderately affluent circumstances. The important fact is that there are 10,000 educationally deprived children in State X that need help.

Now suppose the Federal program contemplated in title I of this bill is begun to offer that help. In devising some formula for allocating the money, Congress must use some objective, readily available criterion that correlates well with educational deprivation. Since the incidence of the deprivation itself cannot be directly measured, the measure chosen is family income.

So Congress specifies that funds for title I programs be distributed according to the number of children from families with less than some arbitrarily chosen low-income factor—say $2,000. The Census Bureau provides the figures for each county. Using those figures, along with a dollar amount established by Congress, the Commissioner of Education computes the amounts for which each county in State X is eligible. Assuming the appropriations are available, the Commissioner then transmits to State X its slice of the Federal pie. The State in turn distributes portions of that slice to each county in the State in accordance with the allocation formula.

Now each county has its portion of the pie. On whom does it spend it? Does it spend it on the children from families with less than $2,000 annual income? Or does it spend it on the children who are educationally deprived?

The answer is the latter, Mr. President, and I want to emphasize that point very strongly. The local school administrator spends his portion of the Federal pie on the children who need programs designed to help the educationally deprived. He does not spend it on the children from sufficiently poor families as such, although by and large these are the children who are educationally deprived. For example, a mentally retarded child from a $10,000 home would be entitled to participate in a remedial reading program; a child prodigy from a $1,000 family would not be helped.

This point, I repeat, is very important. Suppose there are, in State X 9,000 or 11,000 children from families below the $2,000 income level. When the time comes to dole out the Federal pie, the Administrator does not deal with 9,000 or 11,000 plates. He deals with 10,000 plates—one for each child who is in fact educationally deprived.

I have dwelt at some length on this point, Mr. President, because I wish to make clear one thing: It does not make the least bit of difference in the local school how many children were used in the allocation formula—whether it be all those from $1,000, $2,000, $3,000 or any other income level. Regardless of what the arbitrarily chosen low income factor may be, the same number of children will receive benefits.

Having, I hope, made all this transparently clear, I turn now to the subject of my amendment—the low income factor in the bill.

The Office of Education has set forth four criteria for a measure of educational deprivation:

First. The measure must identify a distinct poverty group and be broad in its coverage.

Second. The measure must be applied uniformly among the States and local units. Its definition cannot vary from locality to locality.

Third. The measure must be administratively feasible to tabulate on an objective and timely basis, and the data must be available from official sources.

Fourth. The measure must be convertible into numbers of disadvantaged children at a desirable geographical level of allocation.

Against these criteria a number of measures were tried. Property valuation per child runs afoul of No. 2, for assessment practices vary from place to place. Per capita income runs afoul of No. 4, because it is not convertible into numbers of children. ADCU payments satisfy Nos. 3 and 4, but fall short on Nos. 1 and 2. Housing density per room fails on No. 1. Caseworkers reports succumb to criterion 3. The measure that best satisfied all four of the criteria is the level of family income.

Now does this acceptance of a family income factor as a correlated measurement of educational deprivation imply any particular level of income, for instance, $2,000? The answer is, "No." It is a matter of opinion whether using the number of children from families with incomes below $1,000, $2,000, or $3,000 as a measure gives the best correlation with the incidence of educational deprivation. Selection of the level to be used is a matter of individual judgment. The basis of that judgment is the answer to this question: "Which income level yields the closest coincidence between the set of 'poor' children and the set of educationally deprived children?"

My amendment, Mr. President, changes the low-income factor to $3,000, in place of the present $2,000, for reasons I will shortly explain. In order to retain the total amount authorized by title I at approximately the same level, the Federal percentage is changed from 50 percent to 32 percent. In dollars, my amendment would authorize $1.084 billion, compared to the $1.060 billion authorized by the bill before us. My amendment leaves undisturbed the 2-percent allocation to U.S. possessions and the provision for including ADCU children from families with incomes above the low-income factor.

Before setting forth my argument for this change, Mr. President, I would like to grapple with a misapprehension fostered by one of the bill's sponsors in the other body.

Occasionally during the hearings the question of using $3,000 as a low-income factor, arose. Not infrequently the argument against it was made, as follows:

> There are nearly twice as many children under the $3,000 level as under the $2,000 level. Thus to go to a $3,000 figure in the computation would mean that Congress would have to appropriate nearly twice as much money. Since the President thinks $1

> billion is as much as the Congress will approve, changing the low-income factor would doom the legislation.

This argument involves an unspoken assumption; namely, that the Federal percentage of 50 percent is retained throughout. Like the choice of a low-income factor, this Federal percentage is arbitrary. It could just as easily be 60 or 17 or 39.244 percent. The truth is that there are two parameters that can be changed. A change in one—say the low-income factor—can be compensated for by a change in the other, the Federal percentage. That is what my amendment does, Mr. President. The total amount authorized by my amendment is some $23 million in excess of the present bill. It could have been made the same to the very dollar, but I did not wish to use a lengthy decimal fraction for the Federal percentage, and so I settled for a round figure of 32 percent.

Now, Mr. President, for what reason did the administration settle on the figure of $2,000 as a low-income factor? Commissioner Keppel explained it as follows:

> The $2,000 family income level is not, of course, a perfect measure of poverty. However, this figure clearly does identify an unquestioned hard core of poverty.

At another point, the Commissioner stated that the administration intended to "start where we can be utterly sure the need is desperate." A powerful case could certainly be made that the administration could be even more utterly sure—if that is possible—by choosing a $1,000 income level. I intend to make the case that a more plausible argument can be made for the figure I now propose.

The $3,000 figure as the poverty level for a family of four was first advanced in the now famous 1964 report of the President's Council of Economic Advisers. In that report, the advisers stated:

> By the poor we mean those who are not now maintaining a decent standard of living—those whose basic needs exceed their means to satisfy them * * * for our society today a consensus on an approximate standard can be found * * * (various studies) provide support for using as a boundary, a family whose annual money income from all sources was $3,000 (before taxes and expressed in 1962 prices).

The advisers did not hesitate to say that this figure of $3,000 was not sacred, and have since suggested some revisions. But even with their qualifications, the $3,000 figure soon became the magic level that divided poverty from affluence in America. Representatives of the Census Bureau took cognizance of this fact before the House committee on this very bill.

Since the proclamation of this poverty level, the Congress has enacted the war on poverty legislation. Title I–C, section 122, of that act incorporated the $3,000 figure when it based the distribution of work-study funds in part on the number of children under 18 from under-$3,000 families. More recently, the administration has offered the $3,000 figure as a basis for distributing college scholarship funds under S. 600, the Higher Education Act of 1965 now before the Congress.

There have even been hints that the $3,000 figure might be too low. Sargent Shriver, appearing before the Senate to urge passage of the war on poverty bill last June, said:

> There is no question that some people who have an income of more than $3,000 in a particular year are poor, and some people who have less than $3,000 in a particular year are not poor.

The distinguished senior Senator from Texas, speaking on behalf of the poverty bill last year, told the Senate:

> The sum of $3,000 is obviously not too long a yardstick with which to measure the extent of poverty when we consider that that is the yardstick that the Council of Economic Advisers selected for a family of four.

Now what does the Office of Education reply to the charge that its $2,000 figure does not represent an optimum low income factor for the purpose of determining the incidence of educationally deprived children? It says the following:

> While there are undoubtedly disadvantaged children in families with above $2,000 annual income, not all disadvantaged children can be included at this time.

Now as I have pointed out earlier, Mr. President, this is something of a misstatement because all educationally disadvantaged or deprived children will benefit from this bill, except where there are so few of them in a school district that no feasible program can be carried out. What the Commissioner means to say here, I am sure, is that although he recognizes that the existence of educationally deprived children from families with incomes above $2,000 detracts from the validity of the $2,000 cutoff; he does not want to include them in the allocation formula. He is not willing to vary the twin factors of low-income level and Federal percentage to obtain a more accurate representation of the distribution of the educationally deprived. Why this is so we can only guess.

(At this point Mr. RIBICOFF took the chair as Presiding Officer.)

Mr. PROUTY. Mr. President, some impressive testimony was taken by the committees handling this bill to show the advisability of a higher low-income factor.

Dr. Carl F. Hansen, Superintendent of Schools in the District of Columbia, told the House committee that the $2,000 figure was conservative, and that his school board uses the $3,000 figure as the breakoff point.

Joseph M. Brooks, executive secretary of the Los Angeles Teachers Association, told the committee that his city used $4,100 as the dividing line, and said that he had some question about $2,000 as the overall broad figure.

Dr. Bernard Donovan, executive deputy superintendent of the New York City public schools, told the Senate committee that "the $2,000 figure is extremely low" and advocated "at least $3,000 which we think would do the job better."

And Dr. Samuel Brownell, superintendent of schools of Detroit and a former U.S. Commissioner of Education, stated:

> It may be that there are cases where families with incomes between $2,000 and $3,000 are at least as impoverished as families below $2,000, again depending on the size of the family and other circumstances.

Other statements made during the hearings indicated that a $3,000 level might be desirable in subsequent years. This position was taken by the representative of the AFL–CIO. Chairman POWELL of the House committee stated:

> We are going to see that the criteria for this legislation will be much more than just $2,000. We will use the criteria of the Economic Opportunities Act.

Secretary Celebrezze himself remarked that in coming years "we might want to go up" with the low-income factor.

Now, from these statements, Mr. President, it seems to me that there is a strong likelihood that the administration and its backers in the Congress will argue for a $3,000 low-income factor next year, when Congress will be asked to establish new factors under this bill. Hence the question: Why next year and not this year?

The only rational answer to this question, I submit, would be this: That as of today, the $2,000 level correlates better that any other with the incidence of educational deprivation. But as of a year from today, the $3,000 level will be more appropriate.

From a scientific point of view, I should think there would be very little basis for such an assertion. But using political logic instead of scientific logic, the reasoning becomes a little less cloudy.

Suppose the administration wants to increase the title I authorization for fiscal year 1967—and I am sure it does.

From a political standpoint, how might this best be done? There are only these choices: Congress must either raise the Federal percentage, or raise the low-income factor, or possibly some combination of the two. Now what political appeal is there, Mr. President, in the administration's coming down here and urging Congress to change 50 percent to 75 percent? What kind of headlines will that get? How will the man in the street react to this bloodless manipulation of percentages?

No Member of this body is such a neophyte in politics as to think that this approach will make political hay. No; the way to ask for an increased authorization is to come down here and plead passionately for a $3,000 low-income factor to include all these thousands of poor, suffering children in the benefits of the bill. It will make no difference that all educationally deprived children, whether in the under $2,000 or under $3,000 or over $3,000 categories, will have been aided by the present bill. It will be made to look like children from above $2,000 families have been excluded the first year due to lack of funds, and that the administration is seeking an additional billion dollars to correct the situation.

Mr. President, cynics will say that this is playing politics with poor children.

For myself, I say only this: If $3,000 better represents the incidence of the educationally deprived than $2,000, and there is ample evidence that it does, let us adopt $3,000 as the low-income factor here and now.

Now, I admit that this will make it difficult for the administration to catch the headlines at this time next year. Asking for an increase of the low income factor from $3,000 to $4,000 will arouse a great deal more resistance than asking for an increase from $2,000 to $3,000. On balance, it seems to be that the administration would be better serving the educationally deprived children of the Nation if it adopts the most accurate factor today, at the outset, and exhibits enough confidence in the reasonableness of the Congress to come back and ask for greater appropriations next year without embarrassment or political scheming.

Before calling for a vote on my amendment, Mr. President, I would like to note two additional ways in which it would be an improvement over the present formula. In practically all cases it would remove the anomaly of an ADCU child being counted for allocation purposes even though his family's income is over the low-income factor, while the child of a poor wage earner making the same annual income is not included.

The use of the price level in the last 7 years argues for a partial rise in the low-income factor. The income figures used are those of 1959. Based on the Consumer Price Index rise in the intervening years, the $2,000 level of 1959 would be about the $2,150 level today.

I call to the attention of Members a sheet I have prepared showing a comparison of amounts allocated to each State by the existing bill and by my proposed amendment. Thirty-six States would be helped by this amendment. I hope each Senator makes it a point to see how his State will fare before casting his vote. Mr. President, I ask unanimous consent that this table be included in the RECORD at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Comparison table: Administration and Prouty proposals for allotments under title I of H.R. 2362, Elementary and Secondary Education Act of 1965

State	Total aged 5 to 17 population from families under an annual income of [1]—			Current expenditures per pupil in average daily attendance, 1963–64 [2]	Total Federal payment under title I	
	$2,000	$2,000 plus ADC children	$3,000		H.R. 2362, administration plan [3]	Prouty plan [4]
United States and outlying areas					$1,060,082,973	$1,083,907,830
50 States and District of Columbia	4,911,143	5,161,198	8,211,720		1,038,881,314	1,062,229,678
Alabama	226,700	226,700	343,201	$280	31,738,000	30,750,810
Alaska	5,001	5,299	8,102	634	1,430,938	1,643,734
Arizona	40,000	42,890	65,701	455	9,757,481	9,566,065
Arkansas	139,702	139,702	214,900	302	21,095,002	20,767,936
California	227,007	276,093	396,207	530	73,145,300	67,196,707
Colorado	34,599	37,784	63,100	460	8,454,110	9,288,320
Connecticut	22,301	25,997	39,902	552	7,175,172	7,048,289
Delaware	7,899	7,899	13,799	498	1,966,851	2,199,009
Florida	143,795	143,795	265,891	[5] 388	27,896,230	33,013,027
Georgia	225,699	225,699	373,102	306	34,517,871	36,534,148
Hawaii	9,476	10,585	18,259	402	2,127,585	2,348,838
Idaho	13,799	15,136	27,000	316	2,311,382	2,730,240
Illinois	155,694	181,047	269,794	479	43,360,809	41,354,024
Indiana	78,904	80,398	140,803	467	18,772,978	21,041,600
Iowa	71,694	75,988	126,789	456	17,325,264	18,501,051
Kansas	41,604	44,560	79,102	448	9,752,736	11,340,063
Kentucky	188,101	188,101	279,697	300	28,215,150	26,850,912
Louisiana	189,996	189,996	304,694	399	37,904,234	38,903,330
Maine	20,000	20,673	41,999	378	3,907,197	5,080,199
Maryland	56,202	58,716	102,302	489	14,356,074	16,008,217
Massachusetts	50,200	58,959	96,402	[6] 475	13,988,754	14,653,104
Michigan	131,794	144,908	223,193	452	32,729,320	32,282,636
Minnesota	75,694	82,092	133,793	509	20,876,677	21,785,514
Mississippi	232,603	232,603	321,205	241	28,028,704	24,771,330
Missouri	123,903	128,242	209,006	419	26,866,755	28,023,524
Montana	15,000	15,967	26,600	493	3,750,273	4,196,416
Nebraska	35,995	36,093	68,593	385	6,793,169	8,450,658
Nevada	3,297	3,414	5,998	464	658,184	890,283
New Hampshire	6,799	7,540	13,697	427	1,609,796	1,871,558
New Jersey	62,597	71,113	112,998	568	20,196,092	20,538,516
New Mexico	37,998	40,634	63,400	440	8,931,560	8,926,720
New York	213,201	260,764	402,401	705	91,893,253	90,781,665
North Carolina	303,106	303,475	474,008	320	48,556,000	48,538,419
North Dakota	23,203	24,323	41,704	420	5,069,610	5,605,018
Ohio	158,006	164,613	271,407	446	36,708,699	38,735,207
Oklahoma	84,303	88,966	145,404	351	15,596,196	16,331,777
Oregon	25,399	29,190	46,597	549	7,893,807	8,186,151
Pennsylvania	185,197	204,287	342,197	485	49,519,506	53,108,974
Rhode Island	13,599	14,986	23,799	500	3,746,500	3,807,840
South Carolina	192,597	192,597	286,799	265	25,519,125	24,320,555
South Dakota	30,701	31,232	49,801	403	6,249,152	6,422,337
Tennessee	213,694	213,694	334,893	291	31,092,525	31,185,236
Texas	386,599	386,599	652,698	387	74,580,048	80,830,120
Utah	12,696	13,980	23,397	394	2,627,783	2,949,894
Vermont	7,700	8,043	16,698	[7] 387	1,556,327	2,067,880
Virginia	167,594	168,285	275,490	350	29,433,775	30,854,880
Washington	37,401	44,195	70,702	515	11,275,168	11,651,690
West Virginia	103,695	104,943	154,895	300	15,741,450	14,869,920
Wisconsin	58,200	64,653	111,001	498	16,078,428	17,689,119
Wyoming	5,399	5,817	10,900	540	1,470,960	1,883,520
District of Columbia	14,800	17,924	27,700	517	4,633,354	4,582,688
U.S. possessions (2 percent of total)					21,201,659	21,678,152

[1] Source: Fact sheets, Department of Health, Education, and Welfare, 1965; CONGRESSIONAL RECORD of Mar. 25, 1965, p. 5997.

[2] Source: National Educational Association estimates, from "Digest of Educational Statistics," U.S. Office of Education, 1964, p. 68.

[3] Based on the number of children aged 5 to 17 in each State from families with less than $2,000 annual income and from families with more than $2,000 annual income due to ADC payments, and a Federal percentage of 50 percent.

[4] Based on the number of children aged 5 to 17 in each State from families with less than $3,000 annual income, and a Federal percentage of 32 percent.

[5] Adjusted by NEA Research Division to include expenditures for public junior college programs (note in original source).

[6] Includes interest payments to holding companies (note in original source).

[7] This NEA estimate is incorrect. The actual figure for Vermont, 1963–64, was 437. (Source: Vermont Department of Education). For purposes of uniformity, the erroneous NEA figure is retained in these computations.

Mr. PROUTY. Mr. President, at the appropriate time I shall ask for a live quorum. I ask unanimous consent that after the live quorum has been established I be recognized for not more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. DOMINICK. I should like to ask whether the Senator's amendment has a tendency to reapportion title I funds in a manner at least similar to the amendment which I offered, even though the formula for providing it is different.

Mr. PROUTY. The Senator is correct. Both have the same objective.

Mr. DOMINICK. Would the result of the Senator's formula put additional funds into the areas which have a higher concentration of educationally deprived children?

Mr. PROUTY. Yes; it is basically designed to help the educationally deprived children. I may have answered the Senator's initial question erroneously. I should point out that some States which were helped under the Senator's formula would not be helped under my formula. It is impossible to come forth with a formula that will be acceptable and fair to everyone. However, I believe that under my proposal the educationally deprived children will be taken care of. I am sure that is what the Senator from Colorado had in mind in connection with his amendment.

Mr. DOMINICK. Is the Senator preparing to put on each Senator's desk a copy of the chart showing how his formula would affect each State? The distinguished Senator from Pennsylvania, who is not in the Chamber, indicated yesterday that he thought we thought we should not look at this subject on a State-by-State basis. However, most Senators like to see what defenses they have to put up and what pride they can take in a vote.

Mr. PROUTY. I believe all Senators feel that way. I have tried to show what each State would receive under my proposal.

Mr. DOMINICK. Will the Senator tell me whether or not a fairly large portion of the redistribution would go to the Southern States?

Mr. PROUTY. Under my proposal it would go to some of them. Louisiana, Georgia, Virginia, Florida, and Texas would benefit. Alabama, I believe, would lose slightly. It is a matter of a few thousand dollars. I will give this table to the Senator from Colorado, so that he may examine it.

Mr. DOMINICK. How does it happen that Alabama, which has been said to be a low-income State, would not receive any particular increase?

Mr. PROUTY. Because most of the children in that State come from families which are below both the $2,000 and the $3,000 level.

Mr. DOMINICK. Being below the $2,000 level, they were already included, and the Senator's formula would not add any more children. Is that correct?

Mr. PROUTY. Yes. It would not add proportionately as many in Alabama as it would in some other States.

Mr. DOMINICK. Does the Senator's formula have the effect of equalizing the per capita child payment? The Senator will recall that in the original formula variations were included that went from $120 to $353 per child. Would this equalize the situation?

Mr. PROUTY. It is based on the current expenditure per child. It would not be changed.

Mr. DOMINICK. But on the per capita payments under the Senator's formula, does the Senator show any change in the amount per pupil that would be put into the respective States?

Mr. PROUTY. What we are concerned about is the amount that will be available for educationally deprived children. Frankly, we do not know what that number is. For example, in one school that qualifies there may be some youngsters from affluent families. They might be as much deprived as the children from a family having an income of $2,000 and less.

Mr. DOMINICK. I understand. Of course, under our system of education, children attend the school in the district in which they live, regardless of what the income of their families may be. That is not what I have reference to. Under the proposal I submitted yesterday, which was defeated, a basis of at least $200 per so-called educationally deprived child would be provided. An additional amount was allowed for the local and State effort which was made to support the school system.

Is there any such equalization type of program in the Senator's program, or would we still, under the Senator's proposal, go from $120 to $353 for each child? I believe those are the extreme figures.

Mr. PROUTY. It would be based on the current State expenditure.

Mr. DOMINICK. Therefore the amount per pupil that is now being spent by the States would in effect be the basis under the Senator's proposal, as opposed to creating any national formula. Is that correct?

Mr. PROUTY. The Senator is correct. That is also true in the case of the bill.

Mr. DOMINICK. I appreciate the effort made by the Senator from Vermont to change the formula. From the brief view I have had of it, I believe it is a better formula than the one in the bill. As I believe my questions show, it does not really conform to the theory that I had in mind in connection with my amendment.

Mr. PROUTY. The Senator is correct. The Senator had a very logical approach in many respects. Frankly, I am sorry it was defeated, although I was compelled to vote against it because it would have been detrimental to my State from a financial standpoint. However, I believe his general approach is sound, and that it is one which we may have to come to eventually.

Mr. DOMINICK. On the question of whether it was detrimental to the Senator's State, I shall have to make some recalculations, to see whether that is so. I believe a further study may show that some of the Senator's mathematics were wrong, because the State effort would have given the Senator's State an additional amount, which may have served as an offset.

Mr. PROUTY. I believe we checked that point carefully, but we will go into it again to make sure.

Mr. DOMINICK. I thank the Senator.

Mr. MORSE. Mr. President, I shall reply very briefly to the distinguished Senator from Vermont.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. It is my understanding that after the colloquy between the two distinguished Senators is completed, the Senator from Vermont intends to suggest the absence of a quorum. When a live quorum is achieved, will the Senator from Vermont be willing to operate on a time limitation of 5 minutes to each side of the amendment?

Mr. DOMINICK. That is satisfactory.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the colloquy between the Senator from Vermont [Mr. Prouty] and the Senator from Oregon [Mr. Morse], the Senator in charge of the bill, there be a quorum call, and that at the conclusion of the quorum call there be 10 minutes allotted for further consideration of the amendment, 5 minutes to be allotted to each side of the pending question, before the Senate votes on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, heretofore I have said in the Record, and I am pleased to say it again, that without the cooperation of the Senator from Vermont [Mr. Prouty], the Senator from New York [Mr. Javits], and the Senator from Colorado [Mr. Dominick], we would not be here today with a bill. But it is also true that I would not have been here in past years with proposed legislation if I had not had the cooperation in those instances of the Senator from Vermont [Mr. Prouty] and the Senator from New York [Mr. Javits]. The Senator from Colorado [Mr. Dominick] was not then a member of our subcommittee.

I said earlier that both the Senator from New York [Mr. Javits], the Senator from Vermont [Mr. Prouty], and this year the Senator from Colorado [Mr. Dominick], are responsible for writing into the report of the committee understandings with the Department of Health, Education, and Welfare that, as the Senator from New York said in his colloquy with me earlier, amounted in effect to amendments to the bill. We could accomplish the purposes that they had in mind without amending the bill.

I said then, and I repeat now, that if I had not had that kind of cooperation from those three Senators, I would not be standing where I am at this minute urging that the bill be passed without amendment.

I find myself in disagreement as of now with my friend from Vermont in respect to his amendment. I have communicated with the Department by telephone in regard to the amendment. I agree with the appraisal of the Department. The proposal would really amount to a reconstruction of the bill formulawise. We do not have a record that has been prepared in the committee. We do not have a hearing record in the depth that we ought to have on a proposal to change the formula for title I completely.

The bill in its present form would do a great deal of good.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROUTY. I point out that the amendment would not change the formula; it would merely change the figures in the formula.

Mr. MORSE. I shall comment on that point. I reported on what the Department replied. The amendment would certainly change the mathematics of title I. We have not had any depth discussion in the committee in regard to it. As chairman of the subcommittee, I would so act no matter what Senator was involved in a proposal at this 11th hour that has the great and drastic implications in relation to the mathematics of the bill that this proposal has. No matter what Senator might be involved, I would oppose doing it now. I would desire to have hearings on the proposal. I would wish to have witnesses before the subcommittee. I would wish to give representatives of the departments an opportunity to testify. I should like to give the State education authorities an opportunity to testify.

We have a bill which mathematically, so far as title I is concerned, would do a great deal of good for a great number of deprived children during the next year. I say that we should try it for a year. The Senator knows that come next year, on the basis of experience, if we need to modify the mathematics, the formula, or any other part of the act, we shall have an opportunity to do so. At that time we shall have had a year's experience with the program, which I believe will enable us to do the job more intelligently and reliably.

Therefore, I urge the Senate to reject the amendment.

Mr. PROUTY. Mr. President, I suggest the absence of a quorum. I hope that staff members will be reminded of the time limitation. I shall ask for the yeas and nays on the amendment.

The **PRESIDING OFFICER** (Mr. Murphy in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 52 Leg.]

Aiken
Allott
Anderson
Bartlett
Bass
Bayh
Bennett
Bible
Boggs
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gore
Gruening
Harris
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Mundt
Murphy
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER** (Mr. Ribicoff in the chair). A quorum is present.

The question is on agreeing to the amendment of the Senator from Vermont [Mr. Prouty]. The time is now under control, 5 minutes being allotted to the Senator from Vermont [Mr. Prouty] and 5 minutes to the Senator from Oregon [Mr. Morse].

Mr. MANSFIELD. Mr. President, on the pending amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, I yield myself 3 minutes.

This is a relatively simple amendment. If Senators will turn to page 8 of the bill, from line 5 I would strike out "50" and in lieu thereof insert "32," and raise the poverty level from $2,000 to $3,000. The purpose of the amendment is to take care of more educationally deprived children.

I shall read the names of the 36 States which would benefit under my amendment: Alaska, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

Mr. President, I ask unanimous consent to have printed at this point in the Record the list of States and the amounts by which they would benefit.

There being no objection, the list was ordered to be printed in the Record, as follows:

The following 36 States would receive increases from the Prouty amendment in the amounts given:

Alaska	$213,000
Colorado	834,000
Delaware	233,000
Florida	5,117,000
Georgia	2,017,000
Hawaii	221,000
Idaho	419,000
Indiana	2,269,000
Iowa	1,176,000
Kansas	1,587,000
Louisiana	999,000
Maine	1,173,000
Maryland	1,652,000
Massachusetts	664,000
Minnesota	910,000
Missouri	1,157,000
Montana	446,000
Nebraska	1,658,000
Nevada	232,000
New Hampshire	262,000
New Jersey	343,000
North Dakota	535,000
Ohio	2,026,000
Oklahoma	736,000
Oregon	292,000
Pennsylvania	3,589,000
Rhode Island	62,000
South Dakota	173,000
Tennessee	92,000
Texas	6,250,000
Utah	322,000
Vermont	512,000
Virginia	$1,421,000
Washington	377,000
Wisconsin	1,611,000
Wyoming	413,000

Mr. PROUTY. Mr. President, I have received two telegrams, one from the Commissioner of Education in Maine, the other from the Commissioner of Education in Alaska, both of whom support the amendment.

I reserve the remainder of my time.

Mr. MORSE. Mr. President, I have nothing to add to what I have already said. I announced when only a few Senators were in the Chamber that I had conversed with representatives of the Department this morning, and they verified my fears that the amendment completely changes the mathematics of title I.

Although the Senator from Vermont thinks this is a simple amendment, I believe it is a highly complicated amendment from the standpoint of its mathematical effect. It is an amendment that we have not had before the committee. It is an amendment on which we ought to have intensive hearings. I can assure the Senator that he will be afforded those hearings, if the Senate will defeat the amendment this afternoon, when we make a complete review of the act after a year's experience with it, because the bill is only an authorization for 1 year. In my opinion, we cannot justify voting for this drastic change in the bill on the floor of the Senate, as a sort of committee of the whole, without making the record that ought to be made by qualified witnesses.

I said a few moments ago that the formula as we now have it and the mathematics under title I would benefit more than 5 million educationally deprived children in the next year. We should get on with the business of benefiting them, and then on the basis of the experience after 1 year decide what, if any, changes in the mathematics or the formula, or any other substantive parts of the bill, ought to be made, before we authorize expenditures for another year.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I invite the attention of Senators to a WTOP editorial by Jack Jurey, which was broadcast over radio and television on April 7 and 8. It supports the position just stated by the able Senator from Oregon [Mr. Morse]. I am in agreement, as are the majority of the Members of this body.

The editorial reads in part:

> The administration strategy is to get passage of the present bill, then act at a later time to correct any weaknesses it may contain. We accept this approach, first, because the legislation appears basically sound and, second, because a start on improving education has to be made without further delay. What is at issue in this one bill is the need to better prepare American young people for their future responsibilities. Many of this Nation's troubles—including the recent events in Selma, Ala.—can be traced to ignorance, which Shakespeare once described as the only real darkness. To overcome ignorance certainly is the Nation's number one objective—and the education bill is a necessary weapon in the battle.

Mr. President, I ask unanimous consent that the complete editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WTOP EDITORIAL

(Broadcast on April 7 and 8, 1965, over WTOP Radio and Television)

It's been our feeling for years that nothing is more vital to the domestic well-being of the United States than an effective aid-to-education bill. Now the Senate has begun debate on an education measure which, at long last, would begin an effective program to give all this country's children the kind of schooling they need to be informed, perceptive citizens. Up to now, aid to education has been mired in the controversy between public and nonpublic schools. The Johnson bill—calling for an expenditure of more than $1 billion in the first year—appears to contain an acceptable formula for resolving this dilemma, a formula which includes shared-time facilities, supplemental education centers, and textbooks to be supplied public and nonpublic students alike. In other words, the emphasis is where it belongs—on individual students, not school systems. The object is to avoid an erosion of the fundamental separation between church and state, a separation which has to be maintained.

The administration strategy is to get passage of the present bill, then act at a later time to correct any weaknesses it may contain. We accept this approach, first, because the legislation appears basically sound and, second, because a start on improving education has to be made without further delay. What is at issue in this one bill is the need to better prepare American young people for their future responsibilities. Many of this Nation's troubles—including the recent events in Selma, Ala.—can be traced to ignorance, which Shakespeare once described as the only real darkness. To overcome ignorance certainly is the Nation's No. 1 objective—and the education bill is a necessary weapon in the battle.

This was a WTOP editorial, Jack Jurey speaking for WTOP.

Mr. MORSE. Mr. President, I agree with the editorial. The great moral obligation that confronts us is to proceed without further delay to pass a bill that will enable 5 million deprived children to receive an education.

Mr. LONG of Louisiana. Mr. President, Louisiana would receive approximately 3 percent more money under the pending amendment. However, it is also possible to change the formula around so that we might not have any bill.

Mr. MORSE. Mr. President, I want hearings to be held so that we shall know what the results will be in Louisiana. If any Senator proposed an amendment under these circumstances—the Senator from Louisiana, the Senator from North Dakota, or anyone else—when we have a matter as complex as this, and dealing with $1 billion plus, we certainly ought not to change the mathematics in respect to that $1 billion until there have been some hearings on the proposal.

Mr. PROUTY. Mr. President, I believe that if one goes to the records of the hearings, we have had a very thorough discussion of this problem both in the House and in the Senate. This amendment would maintain the same formula. It would change the percentage and place the poverty level at $3,000. That is all it would do.

I do not believe it is difficult to understand. I pointed out to the Senator from Louisiana that his State would benefit from this amendment. Under my proposal, some States would lose and others would gain. I have passed the charts around in order that Senators may know precisely what the amendment would do.

Mr. MORSE. Mr. President, there has been a good deal of discussion about the formula and mathematics. However, the fact still remains that we have not yet had the specific proposal of the Senator from Vermont before the committee.

Mr. PROUTY. The Senator is correct.

Mr. President, I yield back the remainder of my time.

Mr. MORSE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Vermont [Mr. PROUTY]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

I also announce that the Senator from South Carolina [Mr. JOHNSTON] and the Senator from Missouri [Mr. SYMINGTON] are absent because of illness.

I further announce that the Senator from Idaho [Mr. CHURCH] and the Senator from Georgia [Mr. RUSSELL] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], and the Senator from Missouri [Mr. SYMINGTON] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. SALTONSTALL] is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 27, nays 63, as follows:

[No. 53 Leg.]

YEAS—27

Aiken
Bartlett
Bennett
Boggs
Carlson
Case
Cotton
Curtis
Dominick
Eastland
Fong
Gruening
Hickenlooper
Holland
Hruska
Javits
Jordan, Idaho
McIntyre
Miller
Mundt
Pearson
Prouty
Scott
Simpson
Smith
Tower
Young, N. Dak.

NAYS—63

Allott
Anderson
Bass
Bayh
Bible
Burdick
Byrd, W. Va.
Cannon
Clark
Cooper
Dirksen
Douglas
Ellender
Ervin
Fannin
Fulbright
Gore
Harris
Hart
Hayden
Hill
Inouye
Jackson
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McNamara
Metcalf
Mondale
Monroney
Montoya
Morse
Morton
Moss
Murphy
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Randolph
Ribicoff
Smathers
Sparkman
Stennis
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—10

Brewster
Byrd, Va.
Church
Dodd
Hartke
Johnston
Robertson
Russell
Saltonstall
Symington

So Mr. PROUTY's amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, when faced with any legislative proposal which may come up for consideration before any committee upon which I serve, or before the Senate, it is my policy to ask three questions concerning it: First, is it constitutional? Second, is it wise? Third, can we afford it? I have asked myself these questions in relation to the pending proposal, H.R. 2362, and after the most careful scrutiny and soul-searching study, I am forced to the conclusion that this bill fails to meet the test.

I am aware of the fact that this conclusion is not a politically popular one, but it is a conclusion not arrived at lightly. It is a product of intense study of the principle of Federal involvement in the educational processes and system of our country, against a background of personal experience in the local educational system. When I graduated from college, I entered the teaching profession, teaching several high school subjects, including vocational agriculture, in the public school system of South Carolina. Later, I had the distinct honor and privilege of becoming county superintendent of education for my home county of Edgefield. This is an experience which I treasure, and I am proud to have had the opportunity of being connected in such a direct manner with a local education system.

During my term as Governor of South Carolina, great strides were made in the education system of the State. South Carolina is continuing to progress in the entire field of education, and the opportunity for an education is readily available for all. It is my firmly held belief that the State and the local community bear the responsibility for providing educational opportunities.

It is apparent that any outspoken critic of general Federal aid to education stands in jeopardy of being branded "antieducation," and subjects himself to the slings and arrows of the outraged proponents. This should not be the case, because the need for continued progress in the field of education and expanded educational opportunities for all the people in our country is recognized, no less by the opponents of this measure than by its proponents. That which masquerades as progress in one field, however, must not be adopted at the expense of the most progressive and farsighted governmental system yet conceived by man.

I am not unmindful that many consider it passé for Members of Congress to subject legislative proposals to a rigid constitutional test, as a prerequisite to even a consideration of the desirability or feasibility of the particular legislative proposal. Any other course, however, inevitably leads to a larcenous breach of trust by the National Legislature. My powers of rationalization are not broad enough to attribute to a legislative violation of constitutional limitations a lesser degree of moral violation than that which would attend any other breach of trust. Accordingly, I consider it no less than a sacred obligation to subject legislation to a constitutional test; and I am convinced that H.R. 2362 fails to square with either the letter or the spirit of the Constitution.

Even in our contemporary age, when respect for an adherence to the Constitution is at an alltime low, it would be difficult to find anyone who would deny that the National Government, as established by the Constitution, is one of specifically delegated powers; nor have I discovered any serious assertions that the National Government was specifically delegated a power in the Constitution to engage in any activity in the field of education. The limitations on the powers of Congress are inherent in the wording of the specific delegations of power to the Congress which appear in article I, section 8, of the Constitution. Such a conclusion was not left to implication, however, for the 10th amendment specifically states that not only is the National Government limited to the powers specifically delegated, but, indeed, it reaffirmed specifically the exact repositories of all powers not delegated. Since no power even remotely associated with the field of education was delegated to the Congress or to the National Government, it is therefore incontrovertible that the power to engage in educational activities was and is vested in the States respectively, or the people. The word "education" is not to be found in the U.S. Constitution, and it is clear that this field of responsibility has never been delegated to the National Government, but is reserved to the States.

This, for me, is sufficient to resolve all questions on Federal aid to education, for it establishes conclusively that National Government participation in the field of education violates both the word and the spirit of the Constitution.

Unfortunately, from almost the beginning of our Republic there has been a sustained effort by legal gymnasts and mental contortionists to riddle the spirit and intention of the Constitution. They have sought to suit their particular immediate purposes, by ignoring the spirit and intention of the whole document through the process of misconstruing words, phrases, and clauses, and considering them out of the context of the entire document. By such a process have we arrived at the point where many can rationalize the existence of power by the National Government to undertake education activities by virtue of a perversion of a group of words commonly referred to as the general welfare clause of the Constitution.

The words which comprise the so-called general welfare clause are contained in article I, section 8, clause 1, of the Constitution, and I quote in part:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Obviously, the so-called general welfare clause is not only not a clause but is in fact only a combination of select but not contiguous words from this particular provision of the Constitution.

No one will be shocked when I say that the prevailing construction of these selected words studiously avoids any attempt or pretext at arriving at a final understanding of their derivation, their arrangement, and the events—and thereby the intentions—which occasioned their inclusion in the Constitution. Nevertheless, it is well, at least occasionally, to review the circumstances of the framing and selection of this wording, if for no reason other than to demonstrate the devious departure from the Constitution to which our national rationalization has led us.

Under the rules of the Constitutional Convention in 1787, all of the proposals presented to the Convention were in the form of resolutions. The Convention centered its deliberation around the adoption, rejection, or amendment of the various resolutions, until a time when agreement had been reached on practically all matters of substance in the latter stages of the Convention. The Convention used a committee system to expedite its work. After reaching a compromise as to the basis of representation of the State in the National Legislature, the Convention referred the resolutions so far approved—all of which were in very general language—to a committee on detail composed of five members. At about the same time, the Convention referred the matters not yet in agreement to a committee composed of one delegate from each State. Subsequently, in the last few days of the Convention, the approved resolutions were referred to a committee on style which transformed the resolutions into the basic document which we know today as the Constitution.

As a result of the work of the committee on detail in the Constitutional Convention, the Convention adopted a recommendation of the committee that "the Legislature of the United States shall have the power to lay and collect taxes, duties, imposts, and excises." Subsequent to the adoption of this proposal, a serious controversy developed in the Convention concerning the power of Congress to pay the debts of the Revolutionary War, and the advisability of the General Government assuming and paying the existing debts of the several States. These questions were submitted to a special committee, composed of one member from each State, which subsequently recommended the adoption of this language:

> The Legislature of the United States shall have the power to fulfill the engagements which have been entered into by Congress and to discharge as well the debts of the United States incurred by the several States during the late war, for the common defense and the general welfare.

The obvious intention of this language was to limit the assumption by the United States of the debts of the several States to those which had been incurred during the then recent Revolutionary War "for the common defense and the general welfare." It appears, however, that many of the delegates were dubious as to whether even this language would require the United States to pay the Revolutionary War debts and, therefore, adopted in lieu of the proposal by the special committee the following language:

> The Legislature shall discharge the debts and fulfill the engagements of the United States.

The records of the Convention show that this new resolution was thereafter placed in the context of the Constitution, as it then stood, prior to the taxing power clause, so that the full clause read:

> The Legislature shall fulfill the engagements and discharge the debts of the United States and shall have the power to lay and collect taxes, duties, imposts, and excises.

Even this language, however, was not satisfactory to the delegates, for there was objection to making it mandatory that Congress pay all of the debts of the Revolution regardless of the circumstances under which they arose or the existing status of the debts at the time Congress undertook to pay them. For that reason, a new resolution was adopted which was subsequently placed as the first in article VI of the Constitution, and which states:

> All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

This effectively removed the question of payment of Revolutionary War obligations from the language previously incorporated with the taxing power delegated to Congress. As is obvious from the final draft of the Constitution, however, the committee on style retained in the taxing clause the phraseology earlier incorporated for the purpose of dealing with this troublesome subject.

It is quite obvious that it was the intention of the Convention, in utilizing this phraseology, to accomplish a purpose that was subsequently taken care of in another portion of the Constitution; and the troublesome language was left in the clause delegating to Congress the general power of taxation for no specific purpose. Regrettably, however, many who have sought over the years since the adoption of the Constitution to find authority for the National Government to enter new fields of endeavor have seized on this extraneous phraseolgy as a source of authority.

Shortly after the Constitution was adopted, the efforts to pervert this accidental phraseology became apparent.

The differences as to the construction which should be placed on this language were crystallized in the writings and pronouncements of two of the delegates to the Constitutional Convention, James Madison and Alexander Hamilton. Of the two opinions as to the actual intention of the Convention, Madison's view commends itself more to objective analysis; although, admittedly, Hamilton proved to be the master rationalizer of the two. It is interesting to recall that at the Convention Madison labored throughout, and was, of all the delegates, most deserving of the appellation, "Chief Architect of the Constitution." Hamilton, on the other hand, had long since departed the Convention, and Philadelphia, when the clauses in question were adopted and the Constitution was put in its final form. Madison's construction was probably the most simply stated by another, who was no mean authority on the Constitution himself. Thomas Jefferson, who thoroughly concurred in Madison's construction stated in his "Opinion on the Bank":

> The laying of taxes is the power, and the general welfare is the purpose for which the power is to be exercised. They (Congress) are not to lay taxes ad libitum for any purpose they please; but only to pay the debts to provide for the welfare of the Union. In like manner, they are not to do anything they please to provide for the general welfare, but only to lay taxes for the purpose.

Hamilton, to the contrary, advanced the theory that the general welfare language gave the National Government a power to tax and spend without being limited by other granted powers. Even Hamilton expressly concurred, however, in the opinion that the Government was not given any power to make use of such spending so as to exercise any control over the people, or over anything, except in those limited areas of activity in which there were specific delegations of power to the National Government.

After avoiding the issue during all the intervening years, the Supreme Court, in 1936, in the case of United States against Butler, in an opinion by Justice Roberts, finally succumbed to the Hamiltonian construction as refined in the "Commentaries" of Justice Story. This, in the words of the Court, is the construction adopted:

> Since the foundation of the Nation sharp differences of opinion have persisted as to the true interpretation of the phrase. Madison asserted it amounted to no more than a reference to the other powers enumerated in the subsequent clauses of the same section; that, as the United States is a Government of limited and enumerated powers, the grant of power to tax and spend for the general national welfare must be confined to the enumerated legislative fields committed to the Congress. In this view the phrase is mere tautology, for taxation and appropriation are or may be necessary incidents of the exercise of any of the enumerated legislative powers. Hamilton, on the other hand, maintained the clause confers a power separate and distinct from those later enumerated, is not restricted in meaning by the grant of them, and Congress consequently has a substantive power to tax and to appropriate, limited only by the requirement that it shall be exercised to provide for the general welfare of the United States. Each contention has had the support of those whose views are entitled to weight. This Court had noticed the question, but has never found it necessary to decide which is the true construction. Justice Story, in his "Commentaries," espouses the Hamiltonian position. We shall not review the writings of public men and commentators or discuss the legislative practice. Study of all these leads us to conclude that the reading advocated by Justice Story is the correct one. While, therefore, the power to tax is not unlimited, its confines are set in the clause which confers it, and not in those of section 8, which bestow and define the legislative powers of the Congress. It results that the power of Congress to authorize expenditure of public moneys for public purposes is not limited by the direct grants of legislative power found in the Constitution.

What has subsequently been ignored in practice, not only by the Congress, by the Executive, and indeed by the Court itself, is that the Court in the Butler case, although holding that the spending power is not limited by the specific grants of power contained in article I, section 8, found nevertheless that the spending power was qualified by the 10th amendment. On this ground the Court ruled that Congress could not use moneys raised by taxation to purchase compliance with regulations "of matters of State concern with respect to which Congress has no authority to interfere."

The Court has never attempted to impugn the rationale laid down in the Butler case, but, admittedly, in many subsequent decisions, the Court has seemingly ignored its existence insofar as the limitation on the authority of the Congress to "purchase compliance" of the States is concerned. Only Congress itself has succeeded in surpassing on the irrational side the Court's violation of this view.

Tested even under the Hamiltonian construction of the so-called general welfare clause, Federal aid to education fails miserably to come within a power authorized to be exercised by the Congress. Conceivably, there are many grants which the National Government can make, and possibly has made, in which the donation is unaccompanied by a purchase compliance of the States and the people thereof with respect to matters on which jurisdiction was reserved to the States respectively, or to the people, under the Constitution. By the nature of the limitation, however, such a grant would almost of necessity have to be a one-time donation; and conversely, it is difficult to conceive of any program of continuing grants as a condition to which Congress does not exercise regulation on the one hand, or fail in this public trust to insure the wise application of public funds on the other.

Mr. President, there is no reluctance on the part of Congress as a whole or any individual Member of Congress to supervise the distribution of public funds. Indeed, it is obvious that not to do so would be virtually malfeasance of office.

Federal aid to education is, of course, no newcomer to congressional consideration. In one degree or another, it has been before Congress for nearly a century. Many a wise legislator as well as some less endowed have wrestled in an attempt to resolve the conflict between the constitutionality of regulation and control and the responsibility to prevent the misuse and misapplication of public funds.

It is impossible to escape the established truth that he who pays the fiddler calls the tune. Even the most superficial examination must reveal that control of the purse necessarily includes power over all dependent on the contents of the purse. The desires for the power of control and regulation can be denied over and over again, but the latter must follow the former as surely as night follows the day. This power of control which necessarily accompanies any subsidy was recognized and clearly enunciated by the Supreme Court in 1942 in the case of *Wickard* v. *Filburn* (317 U.S. 111) in which the Court stated:

> It is hardly lack of due process for Government to regulate that which it subsidizes.

It has long been recognized that control would accompany grants in the field of education to as great, if not greater degree, than in other fields. In 1934, John W. Tigert, a former Commissioner of Education, wrote:

> Reason and experience both indicate that Federal money cannot be expended wisely and efficiently except by exercising Federal control and supervision, even then there is considerable waste. If we embark upon a program of turning over Federal money to schools without any strings attached, it is only a question of time until the waste, extravagance and misuse of these funds will result in a reaction or a change. The alternative is Federal control.

The late Congressman John Lesinski, while the chairman of the Education and Labor Committee of the House of Representatives, stated:

> It is impossible to draft a general Federal aid bill which will not contain a great deal of Federal control over local school systems. I am convinced after the hard study we have put to the question, that no acceptable bill preventing Federal domination of local schools can be drawn. I reluctantly came to the conclusion, but I had to face the facts.

H.R. 2632 is proof positive of the accuracy of Congressman Lesinski's reluctantly drawn conclusion. Naturally, the bill contains a disclaimer of any intention to control education from the Federal level. Section 604 of title VI reads as follows:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

Without in any way questioning the sincerity of any Member of Congress, I believe that it is impossible to effectively accomplish the laudable goal which this section pretends to achieve. The most striking example of the fallaciousness of this approach is the very next section of the bill, section 605 of title VI. This section says that:

> Nothing contained in this Act shall be construed to authorize the making of any

> payment under this Act, or under any Act amended by this Act, for religious worship or instruction.

Obviously, the duty will fall upon someone to make the arbitrary and subjective determination as to whether a particular textbook or other published material contains any matter relating in any way to religious worship or instruction. Under some most recent rulings of the Supreme Court, it is entirely possible that the Pledge of Allegiance to the Flag of the United States or the fourth stanza of "The Star-Spangled Banner" could cause a book to be ruled out, under the terms of this section.

There are numerous other provisions in H.R. 2362 which, to a greater or lesser degree, authorize and direct the Commissioner of Education to pass upon and either approve or reject the plans of State and local educational agencies. In doing so, it is obviously necessary for the Commissioner to exercise his own judgment, arbitrary though it may be. For instance, under section 205 of title I, the Commissioner must furnish "basic criteria" to the appropriate State educational agency by which the State agency must judge the application made to it by a local educational agency; section 206 of title I requires a State to furnish to the Commissioner of Education an application, in such detail as the Commissioner deems necessary, which provides assurance satisfactory to the Commissioner that the State agency will periodically demonstrate to the Commissioner that its programs are effective in "improving the educational attainment of educationally deprived children." Section 210 of title I authorizes the Commissioner to withhold funds when he finds that there has been a failure to comply substantially with any assurance which the State may have previously given him under the terms of the bill.

In a similar vein, section 203 of title II, dealing with school library resources, textbooks, and other instructional materials, requires a State to submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which among other things sets forth the criteria to be used in selecting the library resources, textbooks, and other instructional material to be provided under this title. Admittedly this section of the bill contains no specific authorization for the Commissioner of Education to disapprove of any plan because of his disagreement with the State agency in the criteria they propose to use in selecting library resources. Nevertheless, practical experience with the zealousness with which bureaucrats approach their job, forces me to the inescapable conclusion that either there will eventually be an approved book list required to be adhered to, or more subtle means of persuasion will be employed to force recalcitrant State officials into compliance. I lay claim to no omniscient powers in predicting that this will be the case. Experience with other programs clearly shows that it has happened and that it will happen in the future, specifically with regard to this proposal.

Mr. President, title II of this bill, the title providing for Federal grants for the purchase of textbooks, school library resources, and other instructional materials, strikes piercingly close to the heart of the most sensitive area of the educational process. Controversies over school texts are all too frequent at the present time. The implications of Federal involvement in buying textbooks, and thereby placing the imprimatur of the Federal Government upon them, have not been given the consideration which a problem of this magnitude warrants. No language in this bill can sufficiently guard against subsequent Federal controls, either applied directly or through the gentle art of persuasion. Federal interference of this nature in the choice of textbooks would have serious and far-reaching implications.

There are those who counsel against raising the point of Federal controls with regard to this bill. By way of answer to that advice, I would say that the opponents of this bill are not the ones who have raised the point; it is the bill itself. This is a problem which is with us now and will continue to be with us. To merely ignore it will be little solace in the years ahead.

To justify a major Federal aid program of this type it would have to be proved that the present school authorities—State legislatures and boards of education—are either unable or unwilling to discharge their responsibilities. In past years the many Federal aid to education bills were commonly advanced on the assumption that State and local governments could not or did not under their own power raise the funds necessary for adequate school support. Such an assumption is clearly implied in the pending measure. To evaluate this bill, therefore, it is necessary to review the needs and resources of the schools in the light of the record of achievement in the recent past and prospects for the future.

The burden which the public school systems of this country have faced since the end of the Second World War entitles the State and local officials to the plaudits of a grateful nation. The postwar baby boom of the past 12 years placed an additional 15 million children in the public schools, and boosted their enrollment by 55 percent over that period of time. Nothing like that had ever happened before, nor is it likely to happen again in the foreseeable future.

This challenge was met, and admirably so, by the existing educational facilities. Instead of the gratitude which should be theirs, our public school administrators are now being virtually indicted by the pending bill.

According to the renowned authority on public school expenditures, Mr. Roger A. Freeman, the provable facts for the last 10 years from the school years 1954–55 to 1964–65 are as follows:

> Pupil enrollment grew from 30 to 42.9 million, plus 43 percent. Revenues grew from $8.5 to $21.8 billion, plus 157 percent.
>
> At least 95 percent of the $13.3 billion increase in school funds was supplied by State and local governments which still account for all but 4 percent of the public school support.
>
> The number of classrooms grew from 983,000 to 1,549,000, plus 58 percent.
>
> The instructional staff grew from 1,151,000 to 1,789,000, plus 55 percent.
>
> The number of pupils per classroom dropped from 30.5 to 27.6.
>
> The number of pupils per teacher dropped from 26 to 23.9.
>
> During this period of unprecedented expansion, State and local support enabled the schools to reduce the number of pupils per classroom by three, the number of pupils per teacher by two. Teachers' salaries were raised 65 percent. (The earnings of all persons working for wages or salaries improved 44 percent.)
>
> Education's share of the national income continued to grow rapidly. In 1964, expenditures of the public schools equaled 4.45 percent of the national income, expenditures of all educational institutions (public and private, lower and higher), 7.04 percent of the national income—which is a higher ratio than, according to the best available information, prevails in any other country.

In addition to these figures, Mr. Freeman prepared a table which can be found on page 2770 of the hearings of the Subcommittee on Education of the Senate Labor and Public Welfare Committee on S. 370. This table discloses that for the school year ending in 1944, educational expenditures for public schools, both elementary and secondary, was $2 billion, or 1.44 percent of the national income. In 1954, this figure rose to $9.1 billion or 2.98 percent of the national income. By 1964, this figure had increased to the sum of $21.3 billion which represents 4.45 percent of the national income. This is a record of achievement and progress which should by no means be tampered with in the manner that is proposed in the pending bill. Mr. Freeman himself summarized this record in glowing terms:

> Twelve years ago not one of our experts in school finance foresaw such a development or thought it possible. Only a few of them hoped, or dared predict that States and school districts could do better than just keep up with enrollment growth. It took indeed a deep and abiding faith in the wisdom and judgment of the American people, and in the workings of the democratic process to foresee that by voluntary action, in tens of thousands of communities and thousands of bond and tax elections the parents, taxpayers, and voters would boost school support at more than twice the rate of growth in their income or personal consumption. This disproves the critics who have been heaping scorn upon the American people for indulging in personal luxury while starving the schools and other essential public services. The record of school support in the postwar period stands as a magnificent testimony to the workings of free local government in the United States.

Mr. President, the prospects for the future, based on past record of achievements are more than encouraging. The period of rapid enrollment growth in the elementary and secondary schools is over. It is estimated that the rate of enrollment growth in elementary and secondary schools will fall from 43 percent, which it was for the past 10 years, to 15 percent in the next 10 years. Additionally, the birth rate of the United States has been steadily decreasing for the past 7 years and stands now at one of the lowest points in the history of our country.

The classroom situation has proved to be much less of a problem than was anticipated 10 years ago. In fact, it is an encouraging note. It was estimated some years ago that by now there would be a shortage of from 370,000 to 600,000 classrooms. These figures have proved to be overly pessimistic and the latest shortage report by the Office of Education totals 124,000. Even this figure is open to dispute according to some experts.

The late President John F. Kennedy estimated in his 1961 and 1962 messages to Congress that 600,000 additional public school classrooms would have to be constructed in the succeeding 10 years. This figure was, of course, used to emphasize the need for Federal aid for school construction. However, over 600,000 classrooms—671,000 to be exact—have actually been completed in the immediate preceding 10-year period. Elementary and secondary schools have built on an average of 70,000 clasrooms annually over the past 5 years. Any reasonable projection of this figure discloses that the needs can be met even with a reduction in the rate of construction.

Those who question either the constitutionality of or the need for Federal aid to education will usually meet with a barrage of protests concerning the capacity of the State and local governments to adequately support the expanding financial needs of education. These assertions range from the sublime to the ridiculous. On one hand we are told that the States and local governments are hampered by unrealistic restrictions on tax levies which prevent a rapid enough increase in revenue to meet the expanding financial needs. This argument is successfully met merely by pointing to the record of State and local taxation over the past few years. The Office of Information itself states:

> Since 1946, State and local bonded indebtedness has risen approximately 450 percent, while Federal debt has increased approximately 14 percent. During the same period, State and local taxes have increased approximately 340 percent while Federal taxes increased approximately 140 percent—before the 1964 Federal tax cut.

However, these same figures are used by the Office of Education to supplement their newly advanced argument that Federal aid to education is required because State and local tax revenues and debt capacity rise too fast and expand more rapidly than Federal taxes and debt.

It is obvious that the same conclusion is being drawn regardless of what the facts may be. In virtually the same breath, we are told that Federal aid to education causes State and Federal revenues and debt capacity, first, to rise too slowly, and second, to rise too fast.

The logic of this argument is subject to serious question, but it nevertheless seems to be meeting with a great deal of success.

The present bill proposes to distribute funds to counties and local school districts according to the number of children from low-income families. This method differs somewhat from the formulas contained in most previous proposals of this nature, which would have geared the allocation to the per capita income of each State. The net effect should, of course, be somewhat similar in either case, in that low-income States or school districts would receive larger amounts of funds than well-to-do States and school districts.

However, it has been demonstrated that the pending bill fails to accomplish the goal toward which it is primarily directed. We are all familiar with the table which Representative Ayres inserted in the Congressional Record when this measure was being considered in the House of Representatives. This table shows that the 10 wealthiest counties in the United States will receive $8,918,087 during the first year this bill is in operation. In contrast to this, the 10 poorest counties in the United States, which have approximately the same number of family members which qualify under the terms of the bill, will receive only $4,507,149 during the first year this measure is in operation. In other words, the 10 richest counties in the United States receive almost twice the amount of funds as the 10 poorest counties in the United States.

It is obvious from these facts that the purpose of the pending proposal is not merely to supply Federal funds to needy States and local school districts. The bill aims at a fundamental change in the structure of American education. It is a complete misnomer to label this bill as one designed to furnish assistance to impoverished and neglected children. It is evident that the true purpose of this bill is to offer general Federal aid without regard to need. The underlying assumption of the bill is that the present school authorities lack the knowledge and judgment of what the educational needs in their communities are, and that only a program designed by and according to concepts of the Office of Education can meet the requirements.

Mr. President, there are constitutional methods available whereby the Federal Government can encourage and contribute substantially to the expansion of educational opportunities which are also devoid of any element of Federal control. These include tax credits for educational expenditures, either by parents or by the students themselves, and a returning to the States sources of needed revenue. The administration has suggested the elimination of some Federal excise taxes. With this in mind, I have introduced legislation proposing that the Federal Government withdraw its excise taxes on alcoholic beverages and tobacco products, so that the States can have the full benefit of these tax sources. In 1963, the Federal Government collected approximately $6 billion in taxes on alcohol and tobacco. All of the 50 States now tax alcohol and tobacco, but they are limited in their revenues here as elsewhere by the presence of the Federal Government in these tax areas. Preemption of tax sources by the Federal Government is one of the primary reasons for the gradual erosion of State and local powers of government and the shift of more and more authority to Washington. The States cannot be expected to fully meet their responsibilities unless they have tax sources readily available by which they can obtain the necessary funds. By this means, progress in education, as in other areas of concern, could be made at the appropriate level of government—by the States and localities.

The potential for shifting control from local communities, which lies in Federal aid to education proposals, is really dual in character. As I have previously mentioned, the primary one is the direct potential which is inherent in any Federal aid proposal. The second is less direct and is characterized by gradual loss of interest and initiative at the local level, as financing of a particular activity is shifted away from the local government and assumed by the Central Government. It is the invariable consequence of every further centralization of government.

This tendency was well recognized by Woodrow Wilson when he was engaged in the teaching profession. He summarized this situation in the following words:

> There can, I suppose, be little doubt that it is due to the moral influences of this policy that the States are now turning to the common Government for aid in such things as education. Expecting to be helped, they will not help themselves. Certain it is that there is more than one State which, though abundantly able to pay for an educational system of the greatest efficiency, fails to do so, and contents itself with imperfect temporary makeshifts because there are immense surpluses every year in the National Treasury which, rumor and unauthorized promises say, may be distributed among the States in aid of education. If the Federal Government were more careful to keep apart from every strictly local scheme of improvement, this culpable and demoralizing policy could scarcely live. States would cease to wish, because they would cease to hope, to be stipendiaries of the Union, and would address themselves with diligence to their proper duties, with much more benefit to themselves and to the federal system.

Mr. President, my position on the pending proposal for Federal aid to education can be summarized as follows: There is no constitutional authority upon which Congress can base the enactment of a general Federal aid to education proposal, such as is contained in the pending bill. This is, of course, sufficient reason upon which to base opposition to any measure which comes before the Senate. However, even if there were constitutional authority for the pending proposal, it would be unwise to enact this measure without adding substantial amendments designed to eliminate the serious inequities which have been pointed out. No detailed proof need be offered to show that the Federal Government cannot afford the vast expenditure of funds authorized to be appropriated by this measure. The financial condition of the United States is a matter of concern for all citizens, for at no time in my memory has the debt assumed the proportions which it has at the present time. H.R. 2362 fails to measure up to the test which I outlined at the beginning of my remarks, and for this reason I must oppose its adoption by the Senate.

Mr. President, I yield the floor.

Mr. PROUTY. Mr. President, I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The LEGISLATIVE CLERK. On page 11, lines 1 and 2, it is proposed to delete the words "(consistent with such basic criteria as the Commissioner may establish)".

On page 13, after line 19, add a new subsection 205(b) as follows and renumber the following subsections accordingly:

> (b) The Commissioner shall formulate and make available interpretive guidelines for the suggested use of State educational agencies in making determinations under subsection 205(a).

SUPPLEMENTAL FARM LABOR

Mr. HOLLAND. Mr. President, I have been waiting since Monday of this week for the opportunity to take the floor relative to the agricultural labor problem which has been a source of such great distress to several of the producing industries in my State and to agricultural producing industries in other States of the Union. I was perfectly willing to wait until the pending bill could be disposed of. However, apparently that will be such an interminable matter and the news ticker item which I have in my hand brings so much good news to so many people that I feel I should no longer delay.

I have had to request my distinguished friends the Senators from California and others to go along with me in these continuous delays from day to day because we were hoping to have some action taken by the Secretary of Labor on the request of the State of Florida for the retention in our State after April 15 of certain workers from the Bahamas and the British West Indies. These workers are already in our State, and will be needed in various numbers for various purposes up to June 30. I appreciate the courtesy of my colleagues from California and others in bearing with me. I have tried to accommodate myself to the schedule of the majority leader. I can do so no longer.

After I came to the Chamber today and advised the majority leader that we would have to speak today, and after I had told him of my inability to receive any word whatever from the Secretary of Labor, or from his staff member, Mr. Goodwin, who handles the Bureau of Employment Security, since Wednesday of this week, the distinguished majority leader himself got in touch with the Secretary of Labor.

I am happy to say that the ticker now shows that the Secretary has at last taken action in this important matter. I read the press report for the record at this time:

> FARMWORKERS
>
> WASHINGTON.—Secretary Wirtz has approved permits for hundreds of foreign farmworkers to remain in Florida to complete the harvest of several crops.
>
> Wirtz' action was announced today by Senator SMATHERS on behalf of the Florida congressional delegation.

We have all been very active and very deeply concerned about this matter.

I continue to read:

> Wirtz was said to have agreed to extend for short periods the permits for the laborers to work in this country. The permits were scheduled to expire April 15.
>
> Wirtz has agreed, SMATHERS said, to extend the permits of 3,500 offshore workers to harvest the citrus crop through May. This, he said, will provide ample time to harvest the valencia orange crop.
>
> In addition, SMATHERS said Wirtz has agreed to certify 1,000 offshore workers for the strawberry crop through April; 500 for the celery crop through April; 1,300 for the sugarcane crop (Florida sugar producers) through April and May, with 900 to continue through June; and 200 for sugarcane (Florida Fruit & Vegetable Association) to May 15, with 100 to June 15.

I understand that since this release was made by my distinguished colleague, the Secretary of Labor has himself made a similar release. I thank him for this belated recognition of a problem critical to many Florida industries producing highly perishable crops, which I think are of great importance to the Nation.

I wish to make it clear that the meeting at which this action was taken was held at Tampa, Fla., a week ago today, on Friday, April 2; and that on Monday of this week I called Mr. Goodwin, the head of the Employment Security Agency, and was told by him that we could expect action by the middle of the week or Wednesday. I called again on Wednesday and was not able to get a reply from Mr. Goodwin, though I left word at his office and with others. I did the same thing Thursday. I did the same thing this morning—all with the same result, until our distinguished friend the majority leader intervened this morning.

I had somewhat the same experience with the Secretary of Labor himself. I regret their unwillingness to reply. I say to them that I hope they will get over this feeling of resentment when Senators are concerned with presenting vital problems of their constituents. If he or his staff members had been candidates for political office and had been elected by the people they represent, they would realize a little more about the right of the people to properly request their chosen representatives to help solve their vital problems.

I hope the Secretary on future occasions—and I know there will be some others—will be more willing to reply and will be more responsive to the urgent requests of Senators and Representatives, who recognize the vital problems of their constituents and are trying to get him to take action. I express my appreciation and that of the several Florida industries affected, and I am sure my distinguished colleague [Mr. SMATHERS], and all members of the House Florida delegation, for the fact that Mr. Wirtz has taken this long delayed action. We are grateful for it.

I should say in passing that when people are on the anxious seat, and when crops are approaching a condition in which they are decaying and are being lost—and we have had several crops lost—in my opinion as the direct result of the delaying tactics of Secretary Wirtz—he should realize that there is going to be great concern and that there will be damage of one kind or another, either in the sale of crops on the trees for less than they are really worth to people who say they can get the labor, or in some other way, when remedial action, deserved action, is so long delayed.

Before I come to the matter of a recital of what has happened since my last appearance on the floor in this matter—and I am glad to see my distinguished colleagues from California on the floor and my colleagues from Colorado, and others who are affected by similar problems in another part of our great agricultural producing country—I hope I shall be just as helpful to them as it is within my capacity to help. If our own experience has given any indication as to what is required, I want them to know that nothing but assiduous, continuing, persevering effort will get any action, particularly action to solve such problems and other problems that must be solved before perishable crops are put in the ground.

As to the points I wish to make today, which I shall make as quickly as I can, I noted with interest that on March 30 a letter from Matt Triggs, assistant legislative director of the American Farm Bureau Federation, appeared in the Washington Post, which I thought set in proper perspective the misleading and highly inaccurate statements which have been made in the course of the continuing controversy between the agricultural interests of the United States and the Department of Labor over the use of a supplemental force of foreign farmworkers—a supplemental force which is nothing more than a mere fraction of the total force which is used, and never should be more.

One fallacy which Mr. Triggs explodes is the contention that this situation applies only to what the Secretary of Labor is pleased to term "factory farmers."

I ask unanimous consent that the entire letter from Mr. Triggs be placed in the RECORD in total at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> MORE ON BRACEROS
>
> Frank C. Porter's article of March 22 relating to the employment of Mexican workers by U.S. farmers is inaccurate in some respects and misleading in others.
>
> The use of the reiterated phrase "big corporation farmers" represents the substitution of sloganeering for logic. Actually very few farms are incorporated and those that have incorporated have done so primarily to facilitate passing of the title to the farmers' children.
>
> The article infers that only "big corporate operations, with powerful financial, business and legislative allies," are involved in this issue. This is erroneous. A farmer who grows fruit or vegetables or berries must employ his harvest labor, whether his operation is big, little or middle sized.
>
> In fact, in a tight labor situation the small farmer will be hurt more than his larger neighbor.
>
> When a tight farm-labor situation is created the inevitable response is a crash program of mechanization. This may be very expensive for the large farmer, but for the small farmer it is the end of the line.

> Another illustration of loaded semantics in the article is the suggestion (conveniently attributed to others) that growers are "miffed at losing a source of cheap, docile labor which they used to pay as little as 50 cents an hour." Mexican workers tend to be hard working, ambitious and reliable; their productivity is two or three times the productivity of many domestic workers. The reason is obvious. They are carefully selected, the cream of the crop in Mexico. In contrast, the seasonal domestic farm labor force has been systematically screened of those who can get permanent jobs.
>
> Furthermore, Mexican farm workers are by no means "cheap." In 1964, California farmers who employed Mexican workers paid their transportation from their homes to the place of employment and return, provided them free housing, and insurance, guaranteed them at least $1 an hour regardless of productivity, and on an average paid farm workers $1.33 an hour not including any allowance for housing, transportation and other perquisites.
>
> The article repeats the canard, manufactured by someone in recent weeks, that growers "have tried to sabotage recruitment efforts."
>
> The article neglects other substantial factors which are involved. The shifting of production of fruits and vegetables from the United States to Mexico and other Caribbean nations has been stimulated by wage differentials between such areas and the United States. Farmers in the United States will curtail their plantings of high-labor-requirement crops in 1965 unless some assurance is forthcoming concerning the labor outlook. Employment in agriculturally related industries will be reduced as a result of the above developments. U.S. exports of processed fruits and vegetables will be reduced adversely affecting the balance-of-payments situation. Crop losses will be sustained. And consumer prices will be increased.
>
> We do not see how it is possible to avoid the conclusion that each of the consequences listed will flow inevitably in some degree from present national policy.
>
> MATT TRIGGS,
> *Assistant Legislative Director, American Farm Bureau Federation.*

Mr. **HOLLAND**. This is what Mr. Triggs says:

> Frank C. Porter's article of March 22 relating to the employment of Mexican workers by U.S. farmers is inaccurate in some respects and misleading in others.
>
> The use of the reiterated phrase "big corporation farmers" represents the substitution of sloganeering for logic. Actually very few farms are incorporated and those that have incorporated have done so primarily to facilitate passing of the title to the farmers' children.
>
> The article infers that only "big corporate operations, with powerful financial, business, and legislative allies," are involved in this issue. This is erroneous. A farmer who grows fruit or vegetables or berries must employ his harvest labor, whether his operation is big, little, or middle-sized.
>
> In fact, in a tight labor situation the small farmer will be hurt more than his larger neighbor.

There can be no question that that is true. As to our own situation in the Florida citrus industry, the fact is that a substantial proportion of our citrus production in Florida comes from the groves of individuals with small acreage which in many instances represent the sole income of their owners. We have large growers in Florida, it is true; but the fact that our production is not accomplished by "factory farmers" or big corporate operations should be clearly demonstrated by the fact that we have thousands of citrus growers in Florida—more than 13,000 are members of the Florida Citrus Mutual alone. The small growers, dependent upon the sale of their fruit to live and produce the next year's crop, suffer even more severely if their crop cannot be harvested than the big corporate operations, and by their very numbers the loss of their product is a heavy blow to the economy of Florida. A letter from one of my constituents, Mrs. S. L. Collins, describes the situation which she and many others like her are facing. On a previous occasion I have inserted Mrs. Collins' letter in the RECORD, but I quote one paragraph of it again, as follows:

> I am a widow, retired, live on my grove, and depend on it for a living. This season I have lost 500 to 800 boxes of oranges at $2.35 a box because I could not get labor to harvest them. They fell to the ground and rotted. Now, as you know, that is quite a loss to a small grower. My Valencias, the late oranges, are still on the trees and I fear the same thing may happen there if help doesn't come soon.

I know that she will be happy when she reads the article in the morning newspapers indicating that Secretary of Labor Wirtz has finally agreed that the 3,500 citrus pickers from the Bahamas and the British West Indies now in Florida may remain after April 15th and into the main part of the Valencia packing harvest season.

I am told that there will be between 20 and 25 million boxes of Valencia oranges still on the trees on April 15.

The uncertainty that there will be available a sufficient number of workers to harvest the new crops brings into focus the problem of financing which is shared by both big and little growers, although obviously it is the small grower who is most severely affected. In the Nation's press, there was recently reported the changing attitude of the Bank of America toward agricultural loans. A typical article was published in the Orlando Sentinel of March 14, under the headline "Farm Labor Shortage Affects Bank's Attitude."

I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARM LABOR SHORTAGE AFFECTS BANK'S ATTITUDE

> SAN FRANCISCO.—An officer of the Bank of America says certain farmers won't get loans because of an expected labor shortage.
>
> Farmers have complained they don't have enough workers because of the end of Mexican national agricultural labor program. Earl Coke, senior agricultural vice president of the bank, said Friday that the decision was made at a statewide policy meeting and applies to all branches, including 150 in farm communities.
>
> "As of now," Coke said, "there has been no assurance that there will be sufficient labor force to harvest California's high-labor crops."
>
> The Bank of America which last year made $700 million in loans to California farmers, will continue to process all applications, Coke said.
>
> But he added that farmers who want to use all their land to grow such high-labor crops as tomatoes, lettuce, and melons probably won't get any money.

Mr. **HOLLAND**. This article shows that Earl Coke, senior agricultural vice president of that great bank, or group of banks, the largest in the Nation, said Friday, before this article was published, that the decision was made at a statewide policy meeting and applies to all branches, including 150 in farm communities, and is directly quoted as follows:

> As of now there has been no assurance that there will be sufficient labor force to harvest California's high-labor crops.

Therefore, that bank which last year, according to this article, made $700 million in loans to California farmers, will continue to process all its applications but will not grant them until there is some assurance that labor can be secured.

That the bankers of Florida share the trepidation with which the Bank of America views the future is demonstrated by a resolution adopted by that fine organization in its 71st annual convention on March 20.

I ask unanimous consent to have printed in the RECORD the entire resolution adopted by the Florida Bankers Association.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON IMPORTING AGRICULTURAL LABOR

> The Secretary of Labor of the United States has announced that the importation of laborers from the British West Indies for use in Florida agriculture will be terminated by the Federal Government as of April 15, 1965.
>
> Florida growers utilize domestic labor to the extent the domestic labor force will participate in the agricultural program, but experience has proven the necessity to supplement the available domestic labor with laborers imported from the British West Indies in order to accomplish the harvesting of the Florida sugarcane, citrus, and vegetable crops.
>
> It is the considered judgment of Florida bankers that the practice of importing British West Indies labor has not and will not adversely affect domestic employment nor the wages or working conditions of domestic workers; that the termination of the program will have far-reaching and serious adverse effects upon the agricultural industry of Florida which, in turn, will cause serious economic loss to Florida growers and producers who have made substantial investments in agriculture, to Florida bankers and others whose livelihood depends in varying degrees upon the agricultural industry. Such losses will inevitably lead to a detrimental impact upon the general economy of Florida, as well as domestic employment conditions.
>
> Florida bankers oppose the termination of the use of British West Indies labor to supplement the available domestic labor force, and urge the Secretary of Labor to reverse his announced policy and thereby protect the welfare of the agricultural industry of Florida as well as the general economy of this State and Nation.
>
> Approved by the resolutions committee, March 18, 1965.
>
> A. A. MCKETHAN,
> *Chairman.*
>
> Approved by the convention assembly, March 20, 1965.
>
> FLOYD CALL,
> *Executive Vice President.*

Mr. HOLLAND. I quote in part:

> It is the considered judgment of Florida bankers that the practice of importing British West Indies labor has not and will not adversely affect domestic employment nor the wages or working conditions of domestic workers; that the termination of the program will have far-reaching and serious adverse effects upon the agricultural industry of Florida which, in turn, will cause serious economic loss to Florida growers and producers who have made substantial investments in agriculture, to Florida bankers and others whose livelihood depends in varying degrees upon the agricultural industry. Such losses will inevitably lead to a detrimental impact upon the general economy of Florida, as well as domestic employment conditions.
>
> Florida bankers oppose the termination of the use of British West Indies labor to supplement the available domestic labor force, and urge the Secretary of Labor to reverse his announced policy and thereby protect the welfare of the agricultural industry of Florida as well as the general economy of this State and Nation.

They end with a strong expression urging the Secretary of Labor to reverse his announced policy, and thereby protect the welfare of the agricultural industry of Florida as well as the general economy of this State and Nation.

Mr. President, I know that they will be happy to hear that the Secretary of Labor, Mr. Wirtz, has taken remedial action now, at least as to the rest of the harvest.

In passing, let me comment that we have no assurance whatever as to what to expect for next year's crop, which will begin to mature in Florida in early fall. We await with trepidation, some authoritative announcement which will give us some constructive program to follow. We are willing to recruit domestic labor. We have spent countless thousands of dollars in that objective before, and we are willing to do it again. We are willing to recruit anywhere that the Secretary of Labor feels we should recruit.

This year we recruited as far north as Philadelphia and as far west as Missouri; but we wish to know that, failing the securing of appropriate qualified workers—and I should like to emphasize that word "qualified"—by recruiting methods from the domestic field, we shall have assurance without delay that we can quickly receive a supplemental force of workers from the nearby islands of the Bahamas, some 60 or 90 miles offshore, and also from the islands of Jamaica, Trinidad, and Barbados, more remote, but all in the Caribbean area.

Facing an uncertain future both with respect to the prospect of being able to harvest their crops and that of the tightening of credit which directly results from lack of assurance of being able to salvage their production, it is becoming more and more evident that growers are looking to the islands and to Mexico for arable land to which they can transfer their operations.

Mr. President, I would like to quote from the letter of Mr. Matt Triggs, published in the Washington Post, Tuesday, March 30, which I previously had placed in the RECORD which has to do with the fact that the farm labor shortage is already producing the movement of many people in our own State—as well as many other States who are looking to the Bahamas to produce their vegetable crops. The quote is as follows:

> The article neglects other substantial factors which are involved. The shifting of production of fruits and vegetables from the United States to Mexico and other Caribbean nations has been stimulated by wage differentials between such areas and the United States. Farmers in the United States will curtail their plantings of high-labor-requirement crops in 1965 unless some assurance is forthcoming concerning the labor outlook. Employment in agriculturally related industries will be reduced as a result of the above developments. U.S. exports of processed fruits and vegetables will be reduced adversely affecting the balance-of-payments situation. Crop losses will be sustained. And consumer prices will be increased.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled, "Citrus Labor Shortage Makes National Papers," published on Thursday, March 18, 1965, in the Florida Field Report.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CITRUS LABOR SHORTAGE MAKES NATIONAL PAPERS

> WASHINGTON, D.C.—Fulton Lewis, Jr., whose syndicated column is featured in the most prominent and influential newspapers throughout the United States, took up the cudgels for the citrus and vegetable industries in their bitter controversy with Secretary of Labor W. Willard Wirtz over the decertification of foreign workers to harvest the produce of the Nation's fields and groves.
>
> One of the more alarming consequences of this refusal to admit offshore labor—and one which has never yet been fully realized—is that complete dependency upon unskilled and unreliable vagrant domestic pickers may render the U.S. Department of Agriculture's monthly citrus crop estimates entirely meaningless. Both the citrus industry and its related suppliers scan these estimates with an eagle eye, and use them as a yardstick for forward planning.
>
> The canmaker, the carton and crate manufacturer, the railroads, trucklines, refrigerated car owners, label makers, suppliers of packinghouse and processing equipment, fuel oils, phosphate, fertilizer, pesticide and limestone concerns schedule their material requirements and output productions on the basis of available crops. If it now hinges on the whim and caprices of indifferent help hastily recruited by the Department of Labor—help that may be here today and gone tomorrow—it is humanly impossible to gage what the actual harvestable figures can be. Growers who lost their crops for lack of harvest hands will certainly not be in a financially sound position to order supplies next season.
>
> Some farsighted growers, already anticipating a chaotic condition in 1965–66, have leased land for vegetable raising in offshore islands. According to a telephone talk with Capt. G. S. Mowll, of the Freeport Port Authority in the Bahamas, at least 42 new Florida outfits under new names, are actively negotiating for arable acreage in the islands.
>
> The congressional delegations of States menaced by repeal of Public Law 78 are again earnestly urging growers, shippers, and canners to contact their respective trade organizations, and furnish them with instances of crop losses due to labor famine. Accompanying letters should give detailed information as to location, extent of loss, type of crop, fair on-farm value of loss, and in particular, photographs illustrating such losses.
>
> Fulton Lewis, Jr., reports that already the director of the California Department of Agriculture places his State's loss in perishables as much as $700 million and this has caused a complete reversal of position by Gov. Edmund "Pat" Brown who is now clamoring for importation of braceros. Twenty-six States are affected by Secretary Wirtz' fiat—and that makes a sizable voting bloc.

Mr. HOLLAND. I read one part which deals with the matter of our growers, looking offshore for possibilities to have harvesting of their crops assured.

> Some farsighted growers, already anticipating a chaotic condition in 1965–66, have leased land for vegetable raising in offshore islands. According to a telephone talk with Capt. G. S. Mowll, of the Freeport Port Authority in the Bahamas, at least 42 new Florida outfits under new names, are actively negotiating for arable acreage in the islands.

Mr. President, it is not right to drive our own people offshore.

Since I dictated this particular little talk, I had a visit from a group of farmers from Fort Pierce, Fla., who have leased lands in Abaco Island, who are preparing to move out there for the production of certain perishable crops.

Of course, I did my best to dissuade them, hoping that we would get a satisfactory ruling from the Secretary of Labor which would give them the assurance which they must have, because they cannot expend many thousands of dollars in the seeding, cultivating, fertilizing, and operation, and all the other work which is required to produce perishable crops on the lower east coast of Florida without having assurance that they can harvest their crops when they are ready.

The impact of a substantial movement of the production of perishable farm products outside of the country has been discussed by my colleagues and myself on this floor at some length, particularly by the Senators from California. It does not require an economist to project that impact beyond the direct losses to domestic workers who make up the preponderance of our farm labor supply, to workers in related industries such as processing, packing, transportation, and manufacturing. Neither is it necessary to belabor the effect upon the balance-of-payments situation which is rightly of great concern to the administration and to the Nation. And while at this particular time sympathy for the Internal Revenue Service may be at a somewhat low ebb, the loss of revenue from this great body of workers and producers who will pay no taxes because they will have no income is certainly worthy of mention.

I feel that sufficient emphasis has not been placed upon the foreign policy aspects of the unilateral determination of the Secretary of Labor that the employment of supplemental foreign workers is at an end.

I wish to quote the first three paragraphs of an editorial published in the March 25 issue of the Florida Field Report, a very fine newspaper in Florida which covers the agricultural industry in a particularly effective way. It is entitled "How To Lose Friends and Alienate Nations." I quote as follows:

> W. Willard Wirtz, U.S. Secretary of Labor, has clearly demonstrated his determination

not only to wreck the agricultural economy of the country, but to worsen relations with our allies, and precipitate the Nation's dwindling gold reserves.

Among the fatuous statements he recently uttered were: "There is no loss of crops in the citrus industry." Wirtz has either refused to face the facts or has been grossly misled by his subordinates.

The loss to orange and grapefruit growers to date has been placed at about $5½ million average. Mexican and British West Indies labor placement boards are dumbfounded that while Florida growers are pleading for efficient labor of any kind—and unable to find it domestically—Wirtz steadfastly refuses to allow offshore help to come in and work steadily and efficiently to gather Florida's harvests.

Mr. President, I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HOW TO LOSE FRIENDS AND ALIENATE NATIONS

W. Willard Wirtz, U.S. Secretary of Labor, has clearly demonstrated his determination not only to wreck the agricultural economy of the country, but to worsen relations with our allies, and precipitate the Nation's dwindling gold reserves.

Among the fatuous statements he recently uttered were: "There is no loss of crops in the citrus industry." Wirtz has either refused to face the facts or has been grossly misled by his subordinates.

The loss to orange and grapefruit growers to date has been placed at about $5½ million average. Mexican and British West Indies labor placement boards are dumbfounded that while Florida growers are pleading for efficient labor of any kind—and unable to find it domestically—Wirtz steadfastly refuses to allow offshore help to come in and work steadily and efficiently to gather Florida's harvests.

It is now coming to light that gross misrepresentation of actual working conditions in the State's fields and groves has been presented to out-of-State unemployed. Picture slides showing the more attractive aspects of working here are stressed—but the hard-core facts have been carefully omitted.

An example—prospective farmhands were told they would only have to pick up oranges from the ground, regardless of condition. This is a flat violation of both Federal and State agricultural regulations, which demand that only sound fruit be harvested. Others were told they would not have to tote ladders—how can you pick oranges from a 15-foot tree unless you are a giant? Recruiters informed them that they would be paid the basic average wage rate of 95 cents an hour, plus anything they could pick.

It seems that the U.S. Department of Labor has a vendetta against any form of farmwork that doesn't comply with its requirements to enlist domestic help, regardless of its efficiency, willingness, or capability.

Even the AFL–CIO, contrary to its previous testimony before the Senate Committee on Agriculture and Forestry, and which spearheaded repeal of Public Law 78 admitting offshore labor, now ruefully admits that its union has been unable to locate enough domestic workers in California to harvest the date crop there. Bud Simonson, district director, district No. 4, United Packinghouse, Food & Allied Workers, formally urged that foreign workers be allowed to harvest the date crop to assure jobs for 600 domestic packinghouse workers who had no dates to pack.

Mr. HOLLAND. In a memorandum submitted to the Secretary of Labor on April 24, 1962, by President George Meany, of the AFL–CIO, which I inserted in the RECORD in connection with my remarks on February 18 of this year, and which appears in full on page 3137 of the CONGRESSIONAL RECORD, Mr. Meany pointed out that the British West Indies agricultural labor program constituted a most effective form of foreign aid to the West Indies at no expense to the American taxpayer. His exact words were:

> These earnings show that the United States is making a substantial aid contribution to the West Indies at no cost to the American taxpayer, at no loss of self-respect to the West Indians, but merely as a fair return for a fair day's work on the part of law-abiding and ambitious West Indian workers.
>
> The gainful employment of West Indian workers on American farms constitutes a substantial relief to the serious West Indian unemployment problem where, for example, in Jamaica the rate is as high as 18 percent.

Mr. President, we are concerned, and rightly so, when our rate of unemployment is in the neighborhood of 4 to 5 percent. Mr. Meany quotes the unemployment rate in our friendly, neighboring island of Jamaica at 18 percent, and says that the use of their workers in this supplementary work on perishable crops makes a very great contribution to their employment.

Mr. Meany's statement further recites the advantages derived by domestic workers in housing, workmen's compensation, and improved working conditions wherever the BWI program has operated, and cites the improvement in racial relations in areas where the BWI workers have been stationed.

The dismay with which our West Indian neighbors view the termination of the program is set forth in an editorial in the Daily Gleaner, published in Montego Bay, Jamaica, in its issue of March 17, 1965, under the heading "Good Aid: The End?"

Mr. President, I ask unanimous consent that the editorial from the Daily Gleaner be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Daily Gleaner, Mar. 17, 1965]

GOOD AID: THE END?

Thee years ago we wrote—

"President Kennedy and his advisers have decided that the U.S. Government should contribute substantially to the economic aid of the West Indies. But there is one form of economic aid which has been in existence for many years which does not cost the U.S. taxpayer anything but does perform an extremely valuable task in creating goodwill in the West Indies, British Guiana and British Honduras, for the United States and its people. This aid is the West Indies farm labor program under which able-bodied agricultural workers from the British Caribbean territories have been entering the United States since 1944, as supplementary farm labor in areas where there is a shortage of American domestic farm workers * * * This outlet and experience for West Indian labor (amounting to only 1 percent of the American farm labor force) is of great importance to the West Indies, particularly Jamaica. We hope that President Kennedy will see that nothing is done to diminish it."

Today, we address these same petitions and remarks to President Johnson and his advisers in the U.S. Government. Because, the biggest and most serious crisis facing Jamaica today is the prospect, distressing to contemplate, of the sudden impoverishment of 8,500 Jamaican breadwinners now in the United States.

The gross earnings of West Indian workers (mostly Jamaican) in the United States since 1951 amount to nearly £70 million. Of this amount on the average one-third was sent home by the workers as savings or to help their families. Remittances to Jamaica this year would have been expected to be well over £1,400,000. All this is to go, is to be lost, unless last-minute respite is afforded our workers by the U.S. Government.

The lobby which has been active in the United States against the foreign workers program no doubt has an impressive case and has certainly influenced the U.S. Government to take this trenchant action. We are aware that the State Department has in recent years fought, on behalf of Jamaica and the West Indies, an impressive campaign to keep us in employment on U.S. farms. It can only be hoped that the Department of Labor, the U.S. labor unions and others who have mounted this campaign can be made to realize the degree to which their campaign is likely to hurt small and friendly nations.

Jamaica and the West Indies, it must be admitted, cannot rely merely on the fact that the program was started when the United States had great need of West Indian help. The program has lasted for 20 years with profit to the West Indies. But it does seem somewhat hard that a great and wealthy nation should have to put an end to such a form of honorable aid to neighbors merely because its hour of need is passed.

We hope that diplomatic representations which are being made will bear some fruit. We trust also that the terrible economic blow (if it does fall) will be accepted by all of us at home as just one of the reverses that a people have to face, even if a powerful and friendly neighbor could have so easily spared us that blow.

Mr. HOLLAND. Mr. President, I believe this editorial from the Daily Gleaner, a small newspaper, but an important one, on the island of Jamaica, is well worth careful reading by every Senator. First the newspaper quotes something it wrote 3 years ago, as follows:

> President Kennedy and his advisers have decided that the U.S. Government should contribute substantially to the economic aid of the West Indies. But there is one form of economic aid which has been in existence for many years which does not cost the U.S. taxpayer anything but does perform an extremely valuable task in creating good will in the West Indies, British Guiana and British Honduras for the United States and its people. This aid is the West Indies farm labor program under which able-bodied agricultural workers from the British Caribbean territories have been entering the United States since 1944—

It was well before that—

> as supplementary farm labor in areas where there is a shortage of American domestic farmworkers.
>
> This outlet and experience for West Indian labor (amounting to only 1 percent of the American farm labor force) is of great importance to the West Indies, particularly Jamaica. We hope that President Kennedy will see that nothing is done to diminish it.

Mr. President, that closes the quotation from this good newspaper of 3 years ago. Now, in the issue of March 17, 1965, it is stated:

> Today we address these same petitions and remarks to President Johnson and his advisers in the U.S. Government. Because, the biggest and most serious crisis facing Jamaica today is the prospect, distressing to contemplate, of the sudden impoverishment of 8,500 Jamaican breadwinners now in the United States. The gross earnings of West Indian workers (mostly Jamaican) in the United States since 1951 amounts to nearly £70 million.

That is 70 million pounds, Mr. President, not dollars.

> Of this amount on the average one-third was sent home by the workers as savings or to help their families. Remittances to Jamaica this year would have been expected to be well over £1,400,000. All this is to go, is to be lost, unless a last minute respite is accorded our workers by the U.S. Government.

I have already placed the entire editorial in the RECORD, and I have read a few paragraphs from it which I thought were particularly impressive.

There is no more meaningful form of foreign aid than this. It is mutual. We get value received, and we give value. We learn to know them, and they learn to know us. There has been great good will generated by this annual exchange. As this small newspaper in Jamaica stated, this whole program is being threatened because some well-intentioned, socially minded people in the United States think that a person who is either out of work or on skid row in one of our large cities and unemployed is necessarily either a good citruspicker or a good canecutter or can do efficiently some of this hard work—and it is very hard work—which is required on the part of these supplementary laborers.

It is passing strange that at a time when emphasis is being placed on foreign aid as an adjunct to our foreign policy, and when the administration is seeking amendment to our immigration laws to facilitate the admission of aliens on the basis of their skills, the Secretary of Labor in his discretion in dealing a massive blow to both programs. At one and the same time, he is canceling one of our most effective foreign aid enterprises, and refusing to use the provision of existing immigration laws under which aliens can be admitted on the basis of their skills, denying entrance on even a temporary basis to aliens whose skills are critically needed and not in sufficient domestic supply.

Mr. President, I wish to amend that particular statement in my prepared remarks, because I have already expressed my gratitude and my happiness because the Secretary has at last relented for the time being and has permitted us to retain 6,500 of some 13,800 offshore friends who have been working in our fields and groves since January 1, and who fortunately were here under the program existing at that time.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I congratulate the Senator from Florida on his persuasive ability with the Secretary of Labor in bringing about this great relief to the people in his State who are in need of this labor. I would appreciate it very much if he would use his persuasion, which is so far superior to mine, to persuade the Secretary of Labor to come to the assistance of the Senators from California and the Senators from Oregon and the Senators from some other border States who have a problem which is just as serious as the problem of the Senator from Florida. I am delighted to take advantage of this opportunity to appoint him as my emissary.

The Senator has been doing a great job as chairman of the senatorial group that has been trying to work out a program that will give us at least the same remedy throughout the country where the remedy is needed. I congratulate the Senator. I think he has already been of help to us, because the action taken may pave the way now for getting some similar relief and assistance.

Mr. HOLLAND. Mr. President, I thank my distinguished friend. He has greatly overstated any small ability that I possess, and I know that he has greatly understated the immense ability which he possesses. I believe that it is critical in this matter that we preserve unity between Senators and the producing groups who are affected at one time or another during the course of the year by this very serious question. I am ready to help in any way I can. I shall continue; and in spite of the fact that the Secretary apparently feels a little hurt because I have continued rather vigorously, as I indicated in the beginning of my remarks, I shall pay no attention to that whatever. I am so happy about the action that he has taken today that I am willing to overlook almost anything except his continued refusal up to now to give any assurance to the great West that it can have some promise of the availability of workers, because it cannot plant its huge crops of tomatoes and other perishable vegetables without first obtaining credit from the banks.

Some are like the Senator from Oregon and myself. They must go to the banks occasionally. All of them must be sure that they can get labor before they are justified in putting in their own revenue, much less any loans that they can get from the banks.

Mr. MORSE. Mr. President, will the Senator yield for a comment?

Mr. HOLLAND. I am glad to yield.

Mr. MORSE. I see present in the Chamber my colleagues from the West coast, the Senators from California [Mr. KUCHEL and Mr. MURPHY]. Not a single one of the three of us would ever ask for any help by way of the importation of foreign labor if it could be shown that we did not need it. We have asked only on the basis of need. There are powerful informational forces at work that seek to put us in a light of inaccuracy in regard to our true position on this subject. Those of us who have been asking for relief for the farmers and producers of our States repeat here and now to the Secretary of Labor, "You provide the domestic labor; do not simply say that you think we will get it." Farmers cannot plant crops on the basis of the assumption that they might get the labor, when all the evidence that I have seen shows that we do not have the slightest chance of getting the help that we shall need to harvest the crops on the basis of available domestic labor. If domestic labor can be supplied, we shall not ask for the importation of foreign labor. But I wish we could have some assurance from the Secretary of Labor along the lines that the Senator from Florida has been able to get. I congratulate him. By getting that help, I believe he has been helpful to us. We are entitled to some assurance that, as we present the facts to him showing that he cannot supply us with domestic labor because it does not exist, he will give us some promise of relief so that we can in turn inform our producers and farmers, and they can decide whether or not in California they will put those acres into the vegetables that the people will need for our domestic market, or whether they will put them into alfalfa at a great loss, but at least they would not lose their crops if they put the acres into alfalfa, which they would lose if the Secretary of Labor did not follow a labor program that would give some assurance of harvesters to harvest the crops.

Mr. President, we talk about foreign aid. I will tell the Senate what the result will be. The result will be to send down to Mexico and other areas—but I speak particularly of Mexico—our vegetable, fruit canning, and packing plants. We hear talk about savings to American housewives. We shall find that in a relatively few years we shall be importing a good deal of the product that we now can grow in our own country. We shall be importing it from Mexico. That may be a good foreign aid program for Mexico, but as Senators will hear me say ad infinitum in the not too distant future on the floor of the Senate—I bow to my majority leader, whom I see sitting in front of me, because he will be in charge of the procedure at that time—I am for taking care of our people first. That is the kind of foreign aid that I am for. I am for a great Marshall plan for the underprivileged in the United States. I am for a great Marshall plan at home first, and then we shall talk about foreign aid abroad.

Mr. HOLLAND. I thank my distinguished friend.

Mr. President, I appreciate the fact that I am holding up my distinguished friend in the completion of action on an important bill which he has handled with exceeding skill. I hope he will pardon me, but I have been waiting since Monday, as he well knows. I wish to make it clear that my colleague and I have worked together tirelessly and assiduously on this question, and we have had the tireless and assiduous support of our delegation in the other body without any exception.

Mr. President, although the Secretary of Labor has maintained in the face of uncontrovertible proof that there have been no crop losses due to lack of adequate and capable harvesting labor, the evidence to the contrary continues to build up in great abundance.

In an editorial in the Orlando Sentinel of March 13, entitled "Wirtz Fiddles

While the Crops Rot," appears a brief discussion of the losses which have already occurred and are in prospect in Florida and California. The editorial is a little salty. I had anticipated, before the happy announcement of today, the pleasure of reading it. I now ask unanimous consent that it may be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Orlando (Fla.) Sentinel, Mar. 13, 1965]

WIRTZ FIDDLES WHILE THE CROPS ROT

The "noble experiment" of U.S. Labor Secretary Willard Wirtz is traceable in part, if not in toto, to organized labor, the Los Angeles Times charges.

California is having just as much trouble getting qualified agricultural labor as Florida, perhaps a little more since its bracero system under which Mexican nationals are imported as farmworkers expired December 31.

Florida's offshore (West Indies) laborers will not leave until April 15.

In California, more than $500 million in vital crops are endangered by the Labor Secretary's refusal to cope promptly and realistically with the mounting crisis in agriculture.

The Times traces Mr. Wirtz' refusal to permit Californians—and we would include Floridians in this—to continue the bracero system to organized labor. "Given a fair trial," the Times quotes, "they (labor) said unemployed U.S. workers could do the job. Ideally, this would ease domestic unemployment and put the final quietus on a plan which almost everybody agrees is a stopgap arrangement."

However, in California, even though as many as 10,000 more workers have been in the fields than was the case in 1964 with braceros, the number has fallen short of the increasing need.

"It is now apparent," the Times says, "that domestic workers cannot meet the need. We join with Senator THOMAS H. KUCHEL in urging the administration to instruct Wirtz to stop his shilly-shallying and take action before economic tragedy hits."

Says Senator KUCHEL: "I do not want to have this point proved by rotting farm crops in California and elsewhere. Then it is too late."

It will also be too late in Florida, Mr. Wirtz.

Mr. HOLLAND. So concerned over the situation is the Florida State Chamber of Commerce that by direction of the full chamber, a plea for intervention was telegraphed to President Johnson. I have in my hand a newsstory that appeared in the Pompano Beach Sun-Sentinel of March 11, reporting on this wire to the President. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Pompano Beach (Fla.) Sun-Sentinel, Mar. 11, 1965]

CROP LABOR EXPERIMENT HURTS FLORIDA, L.B.J. TOLD

ORLANDO.—The agricultural division of the State chamber of commerce accused the U.S. Labor Department Wednesday of an "experimental" attempt to find work for domestic laborers that cost Florida growers millions of dollars.

The charge was in a telegram sent to President Johnson on the vote of members of the division. Harold Colee, executive vice president of the chamber, said the telegram had the endorsement of the full chamber.

The demand for a complaint to the President was made at a meeting of the division to prepare its legislative program. The members brought up for discussion Florida's unsuccessful efforts to win authority for more foreign laborers to harvest citrus and other crops, and also for an extension of the April 15 deadline for offshore laborers already in the State to leave.

Labor Secretary Willard Wirtz has stood firmly on the Department policy of seeking to solve labor shortages with domestic rather than foreign workers.

"The Department of Labor has cost Florida agriculture millions of dollars since January 1 by its insistence that crops remain unharvested while the agency undertakes to meet critical and overdue labor shortages in an experimental effort with inexperienced workers from distances up to beyond 1,000 miles," the telegram to Johnson said.

The seven-page message added that "such recruitment efforts by necessity have been directed at recipients of welfare and among those who have been rejected by other industries."

Such efforts, the telegram said, "have utterly failed to meet labor demands in spite of the agency's propaganda to the contrary."

It charged that a seven-page contract required by the Government between growers and domestic workers they might hire contains demands which "would do nothing more nor less than charge the agricultural industry with the full responsibility of carrying out a poverty program even more ambitious than the program sought by the administration's own poverty program."

"Florida respectfully urges you to personally take those steps you find necessary to relieve the immediate situation and to assure affected industries and the public that these abuses and harassment by administrative officials and by administrative agencies of the Federal Government will be halted," the telegram said.

Mr. HOLLAND. Mr. President, I should like to quote a paragraph of that article, which comes from a resolution of the State chamber of commerce.

"The Department of Labor has cost Florida agriculture millions of dollars since January 1 by its insistence that the crops remain unharvested while the agency undertakes to meet critical and overdue labor shortages in an experimental effort with inexperienced workers from distances up to beyond 1,000 miles," the telegram to Johnson said.

Mr. President, our chamber of commerce, of which I have been a director since 1932, is composed, with the exception of the speaker, of most of the outstanding men in our State. They do not word a telegram like that to the President of the United States, for whom they have great respect, and who they know is submerged now in questions of terrible importance affecting our whole Nation, unless they feel moved to do so in the interest of the State of which they are a part, and in which they have their life investment.

Mr. President, I believe that this article, the resolution, and the telegram about which it speaks are well worth the attention of Mr. Wirtz, because there have been great losses, and well worth the attention of the general public, and particularly the attention of the Members of the Senate and the House.

An interesting aspect which deserves notice is the fact that on March 17, in an interview printed in the San Francisco Examiner, George L. Mehren, Assistant Secretary of Agriculture, conceded that a labor shortage threatens the production of food in California.

I ask unanimous consent that the article from the San Francisco Examiner be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Francisco (Calif.) Examiner, Mar. 17, 1965]

U.S. AID CONCEDES CALIFORNIA CROP CRISIS

(By Ray Christiansen)

George L. Mehren, U.S. Assistant Secretary of Agriculture, conceded here yesterday that a labor shortage threatens the production of food in California.

At the end of a 4-day fact-finding mission, Mehren said California "agribusiness" may take a $500 million loss this year.

Mehren met for 3 hours at the commercial club with officers of canning firms that process 90 percent of California's fruits and vegetables.

"These people fear imminent and drastic decreases in food production as a consequence of a labor shortage," Mehren said.

"I questioned them at length, and I have the feeling that they gave me a factual account.

"California agriculture and allied industry are in trouble—real trouble.

"Within the next 30 days, we will know whether California farmers will take a $130 million fall and whether the California economy will lose $500 million of the $14 billion generated by its largest industry."

Canners told Mehren that production commitments from growers total no more than 20 percent of last year's figures at this time.

Before they sign contracts, growers want to know whether they will be able to get supplementary labor to harvest their stoop-labor crops.

"If they get no assurance of foreign labor within the next 30 days," Mehren said, "it is estimated that they will commit themselves to production of only 40 to 50 percent of last year's volume.

"If they are assured of supplementary labor, I was told that they probably would produce as much or almost as much as last year."

Charles Paul, State director of agriculture, who attended the meeting, told Mehren that the estimated loss to agriculture will range from $500 million to $750 million if no supplementary harvest labor is provided.

Others told him that a shortage of labor may result in a reduction in the asparagus pack and drastic decreases in acreage commitments for the production of tomatoes.

The conference was arranged by M. A. Clevenger, executive vice president of the Canners League of California. Mehren will return to Washington today.

Agriculture Secretary Orville Freeman's report to Labor Secretary W. Willard Wirtz on the food production crisis in California will be supplemented by data from the Canners League.

Mr. HOLLAND. Yet, on March 24, 1 week later, Secretary Wirtz was widely quoted in the Nation's press as continuing to maintain that no such losses had occurred.

Earlier in my remarks reference was made to the fact that Fulton Lewis, Jr., in his syndicated column had discussed the crisis in agriculture. In this column, which appeared in the Pompano Beach

Sun-Sentinel of March 9, Mr. Lewis said, in part, as follows:

> Growers in Pasco County, Fla., have been forced to abandon 80,000 boxes of tangerines. Workers have not been found.
>
> A $50-million-a-year cooperative, the Tri-Valley Growers of Stockton, Calif., will shut down part of its tomato canning operation because labor is not available.
>
> The director of the California Department of Agriculture estimates that his State's economy may be damaged by as much as $700 million.
>
> Even Gov. Edmund "Pat" Brown is worried—so worried, in fact, that he has reversed his position and now calls for the importation of braceros. Last month Brown sent State Employment Director Albert Tieburg to Washington to plead for a return of braceros. In a meeting with Secretary Wirtz Tieburg argued:
>
> "We're behind 1,000 workers in recruitment of lemon pickers in Ventura County and the number will soon rise to 2,000. By March we'll need 4,000 asparagus workers in the San Joaquin Valley and soon we'll need vegetable pickers in Monterey County.
>
> "Date growers cannot recruit enough Americans to pick dates even though recent piece rates earned pickers from $1.83 to $3.03 an hour."
>
> Wirtz listened with a deaf ear.

The end is not in sight; indeed the crisis in Florida may not come in full force until the peak of our huge Valencia orange harvest in late April, after the present certification of offshore workers is scheduled to come to an end. In a recent statement, Robert W. Rutledge, executive vice president of Florida Citrus Mutual, estimated that almost 30 million boxes of fruit will remain for harvest on April 15, when the certifications are due to expire. I note a later figure of 25 million boxes of Valencias is stated as the present estimate of what will remain on the trees on April 15, in an article on April 1 in the Florida Times-Union, of Jacksonville, reporting on the meeting to take place.

Mr. President, I shall omit the next part of my speech as I had planned it, because of the happy announcement made belatedly by our well-meaning, social-minded Secretary of Labor today, which I placed in the RECORD at the beginning of my remarks.

I know from what information I have been able to get from Florida that apparently between 20 and 25 million boxes of Valencia oranges will remain on the trees on April 15. I believe that the objective people in the country, however they might feel about the question of importation of offshore labor, will realize that the Secretary of Labor was completely correct in allowing the 3,500 people now in our citrus groves, admitted only for the period to end April 15, to remain for the remainder of the Valencia orange season, so that the crop may be picked by them and by the much larger number of domestic workers who will be working with them on the ladders. The workers whom we have brought in from offshore are supplemental workers. We use every worker we can get. We employ highly trained, skilled workers in difficult jobs, like climbing long, high ladders and picking citrus fruit, but we do not have enough of them, and we cannot get enough of them even by the extensive recruiting effort we have made at the expenditure of our own money to the tune of many thousands of dollars.

I hope that that excellent newspaper, the Florida Times-Union, was correct in saying that grassroots opinion would surely seep through to the understanding of the Secretary of Labor, and that he would give the badly needed relief that he has now given, for which we say, "Thank you" and "Thank you again."

But I hope it was because of the facts learned as to the pitiful situation which would have resulted after April 15, rather than the continued pressure that we have had to exert, and which we shall continue to exert if we are to be faithful to the people whom we represent, and who are of great importance to the housewives, general consumers, and financial economy, as well as the continued employment of hundreds of thousands of workers in this country.

We have 200,000 workers in the fields and groves in Florida. We have never had more than 20,000 at the time of greatest need who were imported from offshore as supplemental labor, to fill out the needs in handling our perishable crop.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the pertinent portion of the article published in the Florida Times-Union, of Jacksonville, on April 1, 1965.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> [From the Jacksonville (Fla.) Times-Union, Apr. 1, 1965]
>
> GRASSROOTS OPINION STILL HAS WEIGHT
>
> It is more than coincidence that the meeting between Federal officials and citrus growers in Tampa tomorrow to discuss reinstatement of needed offshore workers in the citrus harvest follows closely on a formal declaration by the Florida State Chamber of Commerce calling for such action.
>
> As spokesman for the State's business community, the chamber has joined with agricultural leaders and the Florida delegation in Congress in protesting the injustice and unworkability of the new Federal policy barring offshore harvest workers, which is causing heavy production losses.
>
> The chamber's formal expression of its position came in adoption by the board of directors of its annual declaration of policy on a number of current issues, new and old, and incorporating a recommendation for modification of the policy barring offshore harvest workers.
>
> It is a foregone conclusion that the bureaucratic ruling, once made, would never have been voluntarily reversed without the constant efforts of all those who led the protest, and the Labor Department's agreement to join in tomorrow's meeting is a result of that effort.
>
> The meeting gives reassurance that Washington bureaucracy is still inclined to listen when grassroots opinion is brought to bear firmly and intelligently, and gives encouragement to leaders of such opinion to stand firm when their position is sound, even when the cause appears lost.

Mr. HOLLAND. Mr. President, an article published in the Orlando, Fla., Evening Star of Thursday, April 1, quotes the decision by Secretary Wirtz. The headline reads "Wirtz Refuses Plea on Labor." We were all unhappy about that, but that unhappiness is temporarily arrested by the decision of the Secretary of Labor today. The Secretary said:

> It is not my understanding that there is an obligation on the Government * * * to assure a labor supply.

He said this in answer to a telegram from House Agriculture Committee Chairman Harold Cooley, of North Carolina.

Mr. President, it is my understanding that under a law enacted many years ago, when there is a deficit of labor, it is incumbent upon the Secretary of Labor and upon the Immigration Service, to find supplemental laborers who are skilled and are willing to work, and who come from many of our nearby, neighboring nations, and to help us get them in to fill the vital need at the time. I do not concur in any way with the statement attributed to Secretary of Labor Wirtz that the Department of Labor has no obligation in this matter. It has a heavy obligation, and I congratulate the Secretary upon having recognized it, at least today in the announcement which he made.

So we come to the consequences. To the direct losses to growers must be added the loss in wages to employees of processors whose plants have shut down due to the shortage of picking crews. I have in my files the records of telegrams from employees of packinghouses in the Indian River area expressing their fear of curtailment of employment if the owners were unable to obtain enough fruit, including Valencia oranges, to keep the packinghouses open. I sent 64 of these wires to the White House for ultimate delivery to Secretary Wirtz. On March 3 I received a report that because of lack of pickers up to and including February 1, Zellwood Fruit Distributors had found it necessary to abandon its picking for fresh fruit sales in order to use all its picking crews to harvest fruit for the processing plants.

The processing plants that produce concentrate are producing for the year-round market. They must be kept in operation because, important as it is, the fresh fruit market is a temporary one, so the processing plants often have to discontinue packing for the fresh fruit market. All of us know how good fresh citrus fruits from Florida are at this time. If everyone in the United States ate as much citrus fruit as I do, there would be no trouble disposing of the surplus citrus crop.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield to the Senator from Oregon.

Mr. MORSE. The Senator has reminded me that after 3 weeks, each morning at breakfast, as a result of the wonderful basket of grapefruit he sent, I ate the last one this morning.

Mr. HOLLAND. All I can say is that I hope there are some more down in Florida. We shall have to look and see.

Mr. AIKEN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield to the Senator from Vermont.

Mr. AIKEN. I wish to advise the Senator from Florida that I have one grapefruit left; but inasmuch as I hope to be going home next week, I do not believe it would be advisable to send more at this time, although they have been much appreciated.

Mr. HOLLAND. I thank the Senator from Vermont. I can only say, again, that it was a pleasure for the people who sent them to do so at the request of the two Senators from Florida. The producers are public-minded citizens. They have done this for years, both when they had critical problems and when they did not. As Senators know, the producers have been glad to share our packed-up sunshine of citrus with all Members of the Senate.

Mr. AIKEN. Perhaps I am inviting trouble, because we have not had a good maple sirup season up to now, but probably the best way to eat grapefruit is to bake it and put maple sirup over it.

Mr. HOLLAND. I have tried it that way, and I must confess that it is a delightful dish.

Mr. AIKEN. We are hoping to have enough warm weather up home so that we can obtain more maple sirup.

Mr. HOLLAND. It is understood that the Senator is talking about Florida citrus fruit and Vermont maple sirup.

This necessity, as forced by Secretary Wirtz, resulted in closing down the packinghouse, which handles fresh fruit, from February 2 to February 26, and laying off 70 packinghouse workers who applied for unemployment compensation.

When that is such a clear result of the extremely unwise policy which, up to this time, has been followed, I do not think we have to remind him of the need for a more careful examination of the requirements of producers of perishable crops and a meeting of those needs for supplemental labor, when that need exists, after every reasonable effort has been made to get domestic labor.

Consider also the losses in income to the truckers whose occupation is the transportation of the fruit from the groves to the packinghouse and processing plant, and from there to the markets; to the manufacturers and distributors of cans and other containers; to the manufacturers and retail establishments supplying fertilizer, sprays, and equipment to growers who face not only the inability to pay for the purchases made to make the present crop, but the likelihood of being unable to contract for materials to bring the next crop into production.

One of our noted Florida columnists and a close observer of conditions in Florida for many years is Russell Kay. In an article entitled "Wirtz Puts Growers Up a Tree," appearing in the Florida Business Leader of March 29, Mr. Kay briefly but concisely recites the situation, and points out that the biggest loser in the long run will be the consumer.

I ask unanimous consent that that article be printed at this point in the Record. It is a very interesting article. Mr. Kay is a very salty writer.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Florida Business Leader, Mar 29, 1965]

Wirtz Puts Growers Up a Tree

(By Russell Kay)

It is unfortunate that the housewives of the Nation are not aware of a situation that in the months ahead is going to cost them millions of dollars in increased food prices.

If they could see the tons of fruit and vegetables rotting on the trees, plants and vines, for want of labor to harvest them, food that should be reaching their tables and kitchen shelves at a reasonable price, they would rise in their might and demand that something be done about it.

LOSS IS STAGGERING

The loss to growers throughout the Nation is staggering and still mounts. It has already caused many farmers to curtail plantings on the grounds that it is ridiculous to waste money on seeds, plants, trees, irrigation, fertilizer and other requirements only to see their crops rot in the field or on the tree.

Responsibility for the pitiful situation the Nation finds itself in today can be charged to the arbitrary action of the U.S. Department of Labor which has denied growers and farmers the use of offshore labor and required that domestic labor be employed.

The thought, of course, was to use domestic labor to help the unemployed. It sounds sensible and worthwhile but it isn't. If all the country's unemployed were experienced farm laborers it would be fine but unfortunately the bulk of those unemployed today are factoryworkers, city people with no knowledge of farmwork, no physical ability to undertake it and above all no desire to engage in it.

The Department of Labor carried on a recruitment program to provide workers for our farms and groves.

Thousands of unemployed, delighted with a free trip to Florida, California or some other point, signed up. Then what happened? A large percentage of them untrained and unfit for the work, walked off, leaving the grower holding the bag while his crops continued to rot.

Mr. HOLLAND. Mr. President, in an editorial published in the Miami Herald on March 30 entitled "Mr. Wirtz' Social Experiment," the point that in the end the consumer is hard hit is clearly made. I read in part from the editorial because I believe the editorial from the Miami Herald is well worth noting. It reads, in part, as follows:

> Mr. Wirtz' proposals to equate farmworkers with other industrial labor are bound to cause serious disruptions. Florida's $600 million citrus and winter vegetable industry would be a major victim.
>
> Mr. Wirtz says the social experiments, which will add greatly to production costs, will bring only insignificant price increases in the retail stores.
>
> Other experts disagree. They say food costs will soar.
>
> This is the more likely result of the new look in an important segment of American agriculture. When original costs go up they seem to increase at each step in the journey to the dinner tables. The cycle must end there. It is the ultimate consumer who pays.

Mr. President, I ask unanimous consent that this editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Miami Herald, Mar. 30, 1965]

Mr. Wirtz' Social Experiment

Proposals by Labor Secretary W. Willard Wirtz to end the use of alien farmworkers will revolutionize the production of fruits and vegetables in Florida and California.

The importation of workers is now a dead issue, the Secretary said after a tour of California farms. Growers must compete with industry for domestic labor and attract it by higher pay and better conditions.

The aim of the Government, he said, is to develop a stable, and economically and socially satisfactory, supply of farm labor.

Florida's experience with the beginnings of the program has not been happy. Reports which Senator Spessard Holland put in the Congressional Record show many domestic workers recruited by citrus growers were inefficient and quit after a short period. West Indians, traditionally used in the groves at harvest time, are well-trained professionals. Their earnings are an important dollar source for the countries that supply them.

Mr. Wirtz envisions a minimum-wage law covering farmworkers—a proposal that south Dade growers say would ruin them—and a nationwide chain of trailer parks to house workers as they follow the harvest season.

Once farm labor is organized to bargain for itself, he declares, other benefits will accrue.

The plight of the domestic migrant laborer has indeed been pitiful and pressure to do something about this has been growing. A great deal in fact has been done.

Mr. Wirtz' proposals to equate farmworkers with other industrial labor are bound to cause serious disruptions. Florida's $600 million citrus and winter vegetable industry would be a major victim.

Mr. Wirtz says the social experiments, which will add greatly to production costs, will bring only insignificant price increases in the retail stores.

Other experts disagree. They say food costs will soar.

This is the more likely result of the new look in an important segment of American agriculture. When original costs go up they seem to increase at each step in the journey to the dinner tables. The cycle must end there. It is the ultimate consumer who pays.

Mr. HOLLAND. In the unsubsidized business of producing fresh food and vegetables for American tables, the law of supply and demand still operates. These are not industries that have price supports. They do not want price supports. The further away they can get from control or regulation by Uncle Sam, the better they like it. It is economically naive to presume that a sharp reduction in supply when crops rot unharvested in the fields and groves, coupled with the greatly increased cost of putting the remainder on the market due to the forced use of unproductive workers at premium wages, will not substantially increase the cost to the housewife.

The failure of the Department of Labor's "crash recruitment" program which promised 1,175 domestic workers in a 2-week period—2 months ago—and delivered a total of 788—419 of whom were still on the job at the end of 2 weeks—merely confirmed the experience of Florida agricultural interests over a period of years in interstate recruitment efforts. Through regular State employment service channels, through newspaper, radio, and television advertising, through distribution of handbills, and through direct and personal efforts of recruiters for individual growers, Florida's fruit and vegetable growers had already combed to the scalp all of the areas where Secretary Wirtz asserted that enough workers could be found to fill the demand.

On March 1 the DeLand Sun News ran an editorial using an old Bahaman proverb as a title, "When Eye No See, Mout' No Shud Talk."

Mr. President, I ask unanimous consent that this editorial may be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the DeLand (Fla.) Sun News, Mar. 1, 1965]

When Eye No See, Mout' No Shud Talk

The U.S. Department of Labor "backed up" late last week on its heretofore adamant position concerning importation of offshore citrus workers to Florida. And, in backing up, the Department really took its first forward stride since the raging controversy began.

Citrus and vegetable producers throughout Florida hailed Secretary of Labor Willard Wirtz' decision to allow about 3,500 offshore workers to remain in Florida until April 15, rather than to reduce the vital labor force by 1,500 effective March 1.

The immediate crisis which had been faced by citrus and vegetable growers was eased. But in West Volusia and the rest of central Florida, a huge Valencia orange crop still will mature in April and must be harvested.

The Wirtz plan—which could appropriately be termed the "nertz plan"—to cut back the offshore labor force on April 15 could be a staggering blow to growers and to a segment of the region's economy.

As we see it, Wirtz at his worst is typical of Federal foolishness in support of the U.S. Government's fleecy flight toward ivory tower ideals without sufficient thought to or knowledge of actual situations, especially on a regional level.

We add our voice to those of Florida's representatives to the playground on the Potomac in patiently trying to present the facts of why offshore labor is required for harvesting Florida's citrus and vegetable crops:

First, the imported workers are good at their jobs—they know how to pick oranges, are happy to be employed and make fair wages under prevailing rates (established generally by the citrus market).

Many Bahamans who return year after years to work in Florida's citrus groves become expert pickers. Such experts on the domestic scene, made wayward by welfare, have all but vanished. Indeed, growers would have a hard task recruiting 25 percent of a needed picking crew locally.

Neither do migrant workers from Northern and other Southern States show an interest in picking citrus fruit. Very often they arrive in Florida with false information regarding the citrus industry and return to whence they came to spread fearful tales of woe—the thorns are too sharp, the ladders too high, the boxes too big, the sun too hot, the wind too cold, the boss too mean, the pay too low—and the work too hard.

If they tell their tales well and long enough they receive pats on the back from the Federal Government, along with unemployment compensation. And eventually there will appear the inevitable television documentary, based on exaggerated incidents and inadequate facts, chastizing Florida's growers.

We realize the citrus and vegetable industries in Florida are not ideal. But anything rarely is. The Labor Department certainly can't make them ideal by striking damaging blows.

Perhaps the Labor Department should mull the old Bahaman proverb: "When eye no see, mout' no shud talk."

Mr. HOLLAND. Mr. President, Lyle C. Wilson's column, "Washington Window," which was carried in the Orlando Evening Star of March 12, discusses the wide discrepancy between the position taken by the Department of Labor and the agricultural interests directly concerned with the need for offshore workers.

I ask unanimous consent that the column of Lyle C. Wilson, "Washington Window," published in the Orlando Evening Star of March 12, 1965, may be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Orlando Evening Star, Mar. 12, 1965]

Florida, California Hit Hardest

President Johnson's Great Society has run into some bad trouble at the grassroots. More accurately, the bad trouble is at the roots of truck gardens and of citrus growers in all areas of the United States where farmers raise perishable crops.

The worst of the trouble is in California and in Florida. Truck farmers and citrus growers in these States are pleading with Secretary of Labor W. Willard Wirtz for farm laborers to harvest their crops.

Wirtz is not tuned in to their pleas. The Secretary hears more clearly the voices of President Johnson's liberal partners in the Great Society. Most clearly, Wirtz can hear the voices of organized labor and of Americans for Democratic Action (ADA). Big labor, ADA, and others have long protested the custom of importing Mexican and West Indian labor to harvest American truck and citrus crops.

The West Indians came in great numbers to the citrus groves of Florida, to the potato and snap bean farms of Long Island and elsewhere along the east coast. The Mexicans, familiarly known as braceros, streamed across the border to earn U.S. dollars in Texas and California. They were not compelled to work for U.S. dollars. They came to the United States on their own.

Under authority voted him by the U.S. Congress, Wirtz is moving to bar the Mexicans from the United States, and to compel the West Indians to go home. He has canceled work permits of 13,800 foreign farm laborers now in the United States and ordered them out.

L.B.J.'s partners argue that U.S. farmworkers labor under shocking conditions. Further, they contend that big growers take advantage of foreign and domestic workers alike but, especially, utilize the foreign imports to keep labor costs down. Wirtz and his Labor Department policymakers argue that there are 4 million unemployed Americans among whom the truckfarmers and citrus growers should and must recruit their pickers, thus reducing unemployment totals which embarrassed the late John F. Kennedy's administration and continue to embarrass his successor.

Sounds like a good idea, the growers reply, but they claim they have tried to recruit Americans for these picking jobs without success. The Americans either will not or cannot do the work. So say the growers.

The growers further assert that their losses will be in the millions of dollars unless Wirtz relents, thereby hiking the prices of fruits and vegetables.

It is not unreasonable to believe that Wirtz fears that ADA and big labor would have his head if he doublecrossed them on this matter of imported farm labor. The shame of it is that the average citizen—to whose food budget this dispute is important—has no means of ascertaining the facts for himself. If he distrusts Wirtz on suspicion of playing politics for leftwing votes, the average Joe may also distrust the growers on suspicion of demanding foreign labor because it is cheap.

Fortunately, however, there are some neutral voices. John S. Knight's well-edited Miami (Fla.) Herald kids neither itself nor its readers. The Herald remarked editorially that Florida employers at their own expense had recruited jobless Americans to pick and pluck.

"But it hasn't worked out," the Herald reported. "The Americans are not properly trained and don't do the job. Many vanish after a few days." They get to sunny Florida and go over the hill.

How about that, Mr. Secretary Wirtz? Answer up clearly, please.

Mr. HOLLAND. Mr. President, some illusions concerning the art of picking oranges, the usefulness of unemployed factory workers in citrus groves, and the alleged low rate of pay for this occupation, are dissipated in a brief editorial which, under the title "Tricks to the Picker's Trade," appeared in the February 16 Orlando Evening Star. I point out that the world's champion citrus picker mentioned in this editorial is a native American from my home county in Florida.

I ask unanimous consent that this editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Orlando Evening Star, Feb. 16, 1965]

Tricks to the Picker's Trade

What's so difficult about picking citrus? Looks like anybody could do it.

Well, picking citrus is just like anything else. You have to know how to do it. You have to have a system. The better the system, the more you can pick, and the more you pick the more money you make.

Lewis Matthews, who works for Zolkos & McGraw in Davenport, is the world's champion citrus picker. He has won the championship in a free-for-all contest in 3 successive years.

He says you should place your ladder deep within the tree so that you can pick fruit from all angles. You should have a good bag from which you can empty the fruit through the bottom, and you should keep it between the knees and the ladder while picking. Then you don't pull the orange off, you twist it.

There are other tricks in this trade and no doubt Matthews knows them all. He can pick 26 boxes an hour.

And Matthews knows better than most that an inexperienced, careless picker can do more damage to the trees than the total value of the fruit he picks. Fruit is damaged too.

Of course most anyone can pick oranges off a tree, but they can't do it on a commercial basis without experience, skill, and care. A band of clumsy, careless pickers can do more damage to fruit and groves than locusts in a wheat field.

Mr. HOLLAND. Mr. President, that the recruitment efforts which Florida growers have maintained continuously over the years in search of domestic workers are still continuing is illustrated by an article in the March 19 issue of the Orlando Sentinel entitled "Urgent Call Goes Out for Pickers."

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Orlando Sentinel, Mar. 19, 1965]

URGENT CALL GOES OUT FOR PICKERS

Officials of the Florida State Employment Service yesterday issued an urgent call for citrus fruitpickers.

According to C. D. Wilder, Jr., of the service's Winter Park Office, fruitpickers are now needed in "unlimited" numbers to serve through June.

Organized crews of pickers seeking employment should contact Wilder at the employment service office in the State Building, Winter Park.

Individuals seeking this work should contact the regular interviewers at the employment service.

Those wishing to apply for jobs as pickers need not have prior experience, but must be physically able to perform this type of work.

Mr. HOLLAND. Mr. President, the Florida State Employment Service was carrying articles in the newspapers, over the radio, and over the television asking for workers and stating the critical need for workers.

Mr. President, the desperate nature of the need for workers to harvest the crops and the appeal of the good earnings to be made are having an unexpected effect which has brought about shock and concern on the part of State and Federal officials alike.

I ask that Senators listen to this. Recent issues of our Florida papers have reported the discovery that an increasing number of youngsters are skipping school to work as fruitpickers, a situation which has commanded the attention of school authorities and officials of both the State industrial commission and the department of labor. A typical article was published in the Fort Lauderdale News of March 19 under the headline, "Citrus Picking Truant Pupils a Big Problem."

This article is so interesting that I should read it in full. I do not believe that many people have the information that a great displacement of our schools has been brought about by this very difficult problem.

I ask that Senators listen to this article. This is a rather sardonic expression of what has happened. The article speaks of thousands of schoolboys. Of course, we know it is not football time. I expect that these big, sturdy, well-trained youngsters from our high schools have been happy to make $18 or $20 a day, which they can do picking fruit. I shall read the article:

[From the Fort Lauderdale News, Mar. 19, 1965]

CITRUS PICKING TRUANT PUPILS A BIG PROBLEM

LAKELAND.—Truant officers are turning out in force after kids skipping school in the Florida Citrus Belt to work as fruitpickers.

A special investigator for the Florida Industrial Commission workmen's compensation division, F. Milton Brown, reported yesterday the total of such youngsters may be in the thousands. In most cases, he said, parents think they are in school.

Gordon Wilson, of the U.S. Labor Department Wage and Hour Division, added there are some underage workers whose parents know they are cutting classes to work.

"QUITE SERIOUS"

"Some parents welcome it—and then wonder why their children spend the rest of their lives as fruitpickers. These children deserve the right to get an education," he said.

He said the situation has become "quite serious" in the citrus belt as the Valencia harvest picks up and both he and Brown have had calls from school and juvenile court officials seeking help in curbing the class cutting.

Both officials promised a crackdown "as extensive as necessary to stop these violations." State law requires that youngsters under 16 have a permit before being allowed to work.

Several labor crew leaders have been warned in the past few days about hiring underage workers, the officials said. They said violators of child labor laws will be prosecuted—including parents if they are involved.

Mr. President, I doubt very seriously if the right hand knows what the left hand is reporting over at the Department of Labor. Here is a report from fieldworkers for the Wage and Hour Division of the Department of Labor which tells about the large truancy problem in the Florida schools. Incidentally, this took place at the time that Mr. Wirtz ordered compulsory 2-week vacations on the part of 3,500 citrus pickers. We were forced to keep them on, house them, feed them, and do everything else in the hope that the Secretary of Labor would let them go back to work at the end of those 2 weeks. To further illustrate the need we have for them, we kept them there, housed them and fed them. I must say to the everlasting credit of the Secretary of Labor that he finally let them go back to work.

I read from the article:

> "Some parents welcome it—and then wonder why their children spend the rest of their lives as fruitpickers. These children deserve the right to get an education," he said.

That is Mr. Gordon Wilson, of the U.S. Department of Labor, Wage and Hour Division, speaking. I do not suppose Mr. Wirtz would learn about this if I did not put the information in the RECORD. That is the reason why I am putting it in the RECORD. I want the Secretary to know that his own field inspectors for the Wage and Hour Division are reporting the serious truancy which is occurring in an effort to keep our fruit from rotting in Florida. More power to those boys.

I continue to read from the article:

> He said the situation has become "quite serious" in the citrus belt as the Valencia harvest picks up and both he and Brown have had calls from school and juvenile court officials seeking help in curbing the class cutting.
>
> Both officials promised a crackdown "as extensive as necessary to stop these violations." State law requires that youngsters under 16 have a permit before being allowed to work.
>
> Several labor crew leaders have been warned in the past few days about hiring underage workers, the officials said. They said violators of child labor laws will be prosecuted—including parents if they are involved.

We have Mr. Wirtz' fieldmen not only covering the situation, but putting out news articles to the effect that they intend to prosecute if the parents do not keep their boys in school instead of in the citrus fields.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LAUSCHE. Is it not possible that we may put the list of truants in the dropout class and authorize about $1 billion to take care of them?

Mr. HOLLAND. I hope we shall not do that. These boys are motivated by a patriotic urge. They know this is a problem. They hear their fathers, uncles, and neighbors talking about the serious problem. They also hear that they can make $18 a day as citrus pickers of Valencias. They think that this is not such a serious part of the school year, having finished with the football program and others, and ask themselves why they should not help out in the emergency. I do not find much fault with that. They are trying to do the right thing. But I admit the Senator is right in that when we are trying to deal with an educational bill, one of the important purposes of which is to cure the dropout problem, we see here this sad news on the part of the Department of Labor, which is a party to it in a way. I will not say that the Department encourages this practice, but it has brought on a condition in which it is necessary for hundreds or thousands of boys to be down there picking fruit.

I shall not take longer, because I see Senators in the Chamber who desire to make remarks on this subject. I have an article about strenuous efforts to develop a mechanical picker. What if we do develop a successful mechanical picker? Does it help to have workers who have been in a field of activity removed, who have earned good earnings several months each year? I do not think that would help.

In an article in the citrus edition of the Orlando Sentinel of March 28, the writer faces the dilemma of the citrus industry confronted with a nonexistent supply of domestic labor and the refusal of Secretary Wirtz to allow the importation of foreign workers, and comes up with the question, "Is Mechanical Picker the Answer?"

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LABOR HARVESTING STORY: IS MECHANICAL PICKER THE ANSWER?

Florida's ability to produce a golden harvest of approximately 170 million boxes of oranges within the next 10 years can easily turn into a giant fiasco of economic loss because of an inadequate labor supply to harvest the fruit.

Indeed, labor has been the top citrus story during the past year and it continues.

The only foreseeable hope for the future lies in the development of a mechanical harvester that will do the job fast enough and cheap enough without killing the trees.

Until this comes about, however, it is a story of growers fighting the U.S. Labor Department and its head man, Secretary of Labor Willard W. Wirtz.

Simply stated, the problem is as follows: In certain areas of the country, large percentages of unemployment exist. To help ease the situation, the Labor Secretary wants to put the unemployed of the Nation to work picking agricultural crops.

Citrus industry officials are in sympathy with the plan. They have long used U.S. domestics for fruit harvest but the supply has never been large enough. To augment it, they have used workers from offshore islands who have become highly skilled.

Gradually, Secretary Wirtz has been reducing the number of offshore workers permitted to enter the country to work in citrus and in other areas of agricultural harvest.

To replace them, his office has engaged in a recruitment program wherein U.S. unemployed have been sent to the State to harvest citrus.

After careful appraisal of the results, the industry has termed the experiment "noble and nothing." Others say the labor situation has gone from "bad to Wirtz."

Florida citrus people say they are more than willing to hire able-bodied men who want to work. And they are willing to pay good wages for the work.

However, workers sent here under the Wirtz program have not wanted to work and in fact, have left citrus growers with a staggering financial loss.

Despite the combined efforts of the industry and its leading organizations, Secretary Wirtz has remained adamant about certifying sufficient offshore laborers.

The battle has been fought in the Florida press—in which the Sentinel has played a major role in the industry's behalf—at Government hearings, and on the floors of the House and Senate in Washington. Industry people now say that any decision to give relief will have to come from President Lyndon B. Johnson.

Not only has the industry suffered large financial losses from the Wirtz program but hundreds of growers watched midseason crops of oranges fall to the ground because sufficient harvesters were not available.

Rutledge has estimated the loss to growers from midseason crops not being picked at from $4 to $6 million.

What about Valencias?

The crop will be sufficiently mature for full harvest during the first 2 weeks in April. But at that date, the 3,500 offshore workers in the country will have been sent home unless Wirtz changes his present status.

Rutledge says almost 30 million boxes of fruit will remain for harvest at April 15.

"In order to cope with this immediate problem, the Florida citrus industry needs and must have from some source—domestic or offshore—a supplemental labor force of qualified workers of at least 3,500 or 4,000 persons to avoid economic losses which would aggregate many millions of dollars," he said. This is in addition to the estimated 10,000 domestic workers expected to be available at that time.

Other agricultural States have experienced the same sad record with Wirtz, especially this season.

Unless relief is granted, the situation is even more bleak for the future.

Mutual estimates that by the 1967–68 season, nearly 40,000 workers will be needed to harvest the crop.

Failing in an amicable arrangement with Wirtz, the only answer lies in the fast development of a mechanical fruit picker.

Currently under way at the Lake Alfred Citrus Experiment Station is such a mechanical harvester. Private companies are also working on the problem.

The work at Lake Alfred is under the direction of Glenn Coppock, a mechanical engineer working for the Florida Citrus Commission.

Coppock has devised a machine which grapples onto the limbs of the tree and shakes the fruit loose.

Mr. HOLLAND. For the growers of tree crops, this may be the only answer, however long it may be in coming. Unlike the growers of tomatoes, strawberries, celery, lettuce, and other annual crops, the citrus grower can neither cut down his production nor move his operation to another country between seasons. He has invested 5 years of his time and thousands of dollars to bring each tree to bearing age, and the trees will not desist from blossoming and setting fruit simply because there will be no one to pick it when it reaches maturity. Can the many small growers, unable to sell their crops and continue the grove care necessary to protect their investment, survive until a practical mechanical picker is developed, and could they afford one when that time arrives? While Secretary Wirtz is dead wrong now in his contention that only the "factory farmer" is affected by his obstinacy, if he persists in it that may well be the case by the time a substitute for supplemental foreign workers is available to the citrus industry.

I find it incomprehensible that the Secretary of Labor holds adamantly to an attitude which does violence to at least five of the programs which are regarded as vitally important to the President in the fulfillment of his promises to the American people in his plan for the development of a great society. These are:

First. The foreign-aid program.

I have dealt with that at some length.

Second. Help to the American farmer. In this instance broad and important segments of agriculture which produce crops that are not price supported are being seriously damaged, rather than helped.

Is that helping the American farmer?

Third. Education: While on the one hand the administration proposes measures to discourage school dropouts, the Secretary of Labor creates a situation which encourages them.

Fourth. The poverty program, which proposes intensive efforts to reduce unemployment, while the Secretary of Labor pursues a course which will eliminate the jobs of workers in packing plants, processing plants, transportation, and in the large group of what I term handmaiden industries producing fertilizers, insecticides, agricultural equipment, boxes, cartons, and cans, and numerous other commodities which are produced largely for the service of agriculture and the great consuming public which is dependent upon the fruit and vegetable growers for the greatest part of its food supply.

Fifth. The balance-of-payments problem, which will certainly not be improved if the bulk of our foodstuffs must be imported from other countries to which growing and canning of perishable crops are transferred.

It must be assumed that Secretary Wirtz has either not comprehended the plans of the administration in these fields, or is not in accord with the programs to which the President has signified his dedication. There is no other way to explain the damage which he is doing not only to the programs on which the administration has placed so much emphasis, but to the economy and the people of this Nation.

Mr. President, I close by again stating that I hope there will be unity on the part of people who love agriculture and agricultural producers by fundamental constitutional thinking about the work that goes on in our rural areas that is not to be found to the same degree in other sections of the Nation. I hope we shall be pooling our efforts. I pledge myself, as I have already stated, that now that we have gotten around the corner in Florida, we not remain still until next fall. We have great apprehension about what may happen next fall, when our need will be much greater. It will be progressively acute until the following year.

I am glad to yield now to the Senator from California [Mr. MURPHY].

Mr. MURPHY. Mr. President, I congratulate my colleague the distinguished Senator from Florida [Mr. HOLLAND], for his remarks. He has covered the situation extremely well, much better than I could. I congratulate him for the fact that he has been able through his efforts to obtain relief for his State.

I assure him that my colleague the senior Senator from California [Mr. KUCHEL], and I will not rest. This seems to be a makeshift arrangement. I believe the farmers of America have the right to plan for the future, to know under what conditions they can operate, and to know what rules and regulations they may expect from the Secretary of Labor. Therefore, I have no intention of resting, and will press on until there is an entire resolution of these questions.

We have explained the problems to the Secretary; we have recited the history of the situation; we have told him of the need for immediate action; we have warned him of the damage to our largest industry, for which he must take full responsibility. He alone of all those involved makes it impossible for us to arrive at a practical solution.

It has been continually explained with facts and figures that the Secretary's plan for domestic recruitment has been a dismal failure and that, excellent though it may have been in theory, in practice it will not and cannot work.

I wish to put into the RECORD a letter to Secretary Wirtz from Governor Brown, of California, who agreed with Secretary Wirtz until February 19, in which letter he states:

> As a followup on our telephone conversation of February 18, I want to inform you that, in spite of our concerted efforts to recruit American farmworkers, all of the evidence indicates that in the very near future it will be necessary for our department of employment to certify to the need for a substantial number of foreign workers to work in our California crops.

Those foreign workers have been certified. They have been certified under the regulations and criteria fixed by the Secretary. They have not been forthcoming.

I ask unanimous consent to have the entire letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, February 19, 1965.

Hon. W. WILLARD WIRTZ,
Secretary of Labor, U.S. Department of Labor, Washington, D.C.

DEAR BILL: As a followup on our telephone conversation of February 18, I want to inform you that, in spite of our concerted efforts to recruit American farmworkers, all of the evidence indicates that in the very near future it will be necessary for our department of employment to certify to the need for a substantial number of foreign workers to work in our California crops.

Our lemon harvest in Ventura County is now short some 1,000 workers despite very active recruitment efforts in all parts of California. The San Joaquin Delta area asparagus harvest has begun and between March 15 and March 31 the labor requirements will exceed 4,000 workers.

In the lemon harvest we have not yet received a request for foreign workers, but we understand that a request will be forthcoming in the near future. The citrus industry has complied fully with the conditions required by your regulations and their request will therefore receive our prompt certification. Lemons shipped from January 1, 1965, to date amounted to 1,955 carloads as compared with 3,571 carloads for the same period in 1964.

We anticipate that there will be a greater demand for asparagus cutters than can be supplied through intensive recruitment efforts. Your own Department of Labor farm experts will tell you that great economic loss can result from even a 2-day delay in cutting an asparagus bed.

The southern California strawberry harvest, the northern California vegetable cultivation work and the south coast vegetable harvest will present further potential labor shortage problems within the next 6 weeks.

The date pollination in Coachella Valley is not being accomplished despite the growers' willingness to meet your general adverse effect wage standards including a very satisfactory piece-rate wage schedule. Al Tieburg feels that the higher piece rates will produce higher earnings for qualified workers than the $1.50 per hour wage guarantee with the old piece rates.

As you know, I have consistently insisted that American workers be given every opportunity to fill our farm jobs under the conditions specified in your regulations. I have also insisted that when farm jobs remain unfilled after every opportunity has been afforded our American workers, then foreign workers, under Public Law 414, should be utilized in order to maintain California's important agricultural economy.

Because of the serious damage to our State's economy which would result from farm labor shortages, I most urgently request that you take the following actions:

1. Authorize the California director of employment to transfer those Japanese workers who are now on "standby" status to such other California areas and crop activities as have a need for their services.

2. Modify your amended regulation of February 5, 1965, to permit our date growers to offer higher piece rates with the same hourly guarantees as are required of other growers. These are the same piece rates you indicated as satisfactory on February 3, 1965, and later confirmed as satisfactory in your letter of February 5 to Al Tieburg.

3. Make necessary arrangements with the Mexican Government to insure the prompt processing of Mexican workers into this State if their services become necessary within the next month.

I am informed that you will meet with some of our California Congressmen on February 24 to discuss California's farm labor situation. I have asked Al Tieburg, Charlie Paul, and Irv Sprague to represent me at this meeting.

I hope that as a result of this meeting you will be satisfied that we are making every effort to give American workers the first opportunity for employment in our available farm jobs. I also hope that we will be assured that you will authorize foreign workers under Public Law 414 if our recruitment efforts do not produce enough domestic workers to fill all of the farm labor needs of California.

I will be most anxious to hear from your western representative, Ken Robertson, in the hope that he can assist us in solving this pressing problem.

Kindest personal regards.

Sincerely,

EDMUND G. BROWN,
Governor.

Mr. MURPHY. Mr. President, the Secretary is destroying existing jobs, forcing important industries out of State—millions of dollars of payroll have gone over the border to Mexico—and denying work to thousands of people who need it badly. He is forcing good citizens, small landowners, and farmers who have for many years provided the backbone of our economy of our State to give up their life's work, to go out of business, or face possible bankruptcy. It seems that he has declared war on the American farmer.

I object to it. I see no reason for it. I challenge him to make his case in public.

The Secretary of Labor, in my opinion, is charged with the general welfare and well-being of the members of the work force of our Nation, and not merely the whims, plans, or policies currently popular with a few labor leaders, or sociologists with little or no practical experience, to the detriment of the most important industry in our State.

As a longtime member of labor unions, I have had extensive experience in matters affecting the rank and file of labor and the general welfare of my community. I find myself appalled, first, at his apparent lack of understanding of the situation and, second, at his shocking disregard for what is obviously the public interest.

The Secretary went to California to look at the farm situation firsthand, and it was our hope that when he returned he would suggest some relief for an unbelievable and unbearable situation existing there.

I believe that it is appropriate to mention my disappointment in Secretary Wirtz' visit to California. Apparently, the testimony of the State's two U.S. Senators, its Governor, its director of employment, leading union officials, as well as almost everyone involved in the State's largest industry is not enough for our Secretary of Labor.

He insisted on seeing it firsthand. I welcomed the Secretary to my State and expressed hope that he would go to California with open eyes, open ears, and open mind. After reading the reports of his trip, I can only conclude that his mind was made up before he went and that his visit was nothing more than theatrics staged to display evidence to support his preconceived opinion. At the invitation of his office to submit suggestions and recommendations regarding his trip, I suggested that California's able and knowledgeable young assemblyman, Jack Veneman, a Modesto farmer, accompany the Secretary.

Assemblyman Veneman was told there was not room. Therefore he could not go. It would seem that if the Secretary were truly interested in securing all points of view and if he were sincere in his invitation for suggestions, he would have made room. Perhaps what he really meant was there was no room for any opinions other than his own.

All of the leaders of the State—both civic and political—are in agreement as to the need. The press has been loud and clear.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published on Wednesday, April 7, in the Press-Telegram of Long Beach, Calif., entitled "Bring Back the Bracero"; from the Los Angeles Times of Thursday, April 1, 1965, an editorial entitled "Hope Won't Harvest Crops"—and they are not referring to my old friend, Bob Hope; an editorial published in the San Francisco Examiner of Wednesday, March 31, 1965, entitled, "Wirtz Follows His Script"; and an editorial published in the San Francisco Examiner of Tuesday, March 16, 1965, entitled "Growers Need Labor Guarantee," which points out that the crisis will not come tomorrow or next week, but is here today, that 30 percent of the planting time for the tomato crop has already passed, and that producers cannot get their crops in the ground, because there is no guarantee that they will have the labor to harvest them.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Long Beach (Calif.) Press-Telegram, Apr. 7, 1965]

BRING BACK THE BRACERO

Because Secretary of Labor Willard Wirtz refuses to admit the realities of the farm labor problem in California, this State faces an agricultural crisis which can affect the economic well-being of millions of citizens.

The crisis stems from the expiration, last December, of the program under which Mexican farmworkers came to California to help harvest crops of fruits and vegetables.

It was and is the contention of Secretary Wirtz that domestic American labor is sufficient to do this work. Unfortunately, the need for farmworkers is not being met by domestic labor, with the result that agricultural production suffers.

Despite the end of the so-called bracero program, Secretary Wirtz has the power under Public Law 414, an immigration act, to let foreign workers enter this country temporarily. He has refused to exercise this power.

When the bracero program ended, he immediately slammed the door against further imports of farm labor. Growers couldn't get enough American workers to pick crops. In desperation, State Employment Director Albert Tieburg asked Wirtz to authorize the use of 5,100 Mexican nationals in the vegetable fields. Governor Brown, himself, echoed the request. Wirtz merely answered that he was not satisfied that growers had cooperated fully in recruiting farm help from the State's unemployed. About 10 days ago, after a tour of California farm areas, he criticized living quarters offered by some growers and declared that the farmers must just learn to live without the importation of Mexican nationals.

Meanwhile, fruit and vegetables rotted on the ground. Farmers began to curtail plantings because of the uncertainty of getting labor to do the harvest. Some canners were reported thinking about moving their operations to Mexico. The Bank of America announced it would not lend money to farmers to plant crops requiring stoop labor if there was no reasonable expectation of adequate labor to harvest crops.

Right now is the period of smallest need for harvest workers, and yet the farmers are having trouble. There has been a reported drop of approximately 40 percent in tomato plantings this year from last. If difficulties are encountered now, what will the problem be next September at the peak of operations?

Senator GEORGE MURPHY, who is leading the campaign to permit the importation of Mexican farmworkers, contends that the stubborn attitude of Secretary Wirtz is hurting small growers very seriously, driving agriculture to Mexico, and creating unemployment. Teamsters and longshoremen are suffering loss of work. Cutbacks in production of vegetables can eliminate the jobs of cannery workers and raise the prices which housewives must pay at the grocery store.

At the heart of Secretary Wirtz' opposition to the bracero program is the contention that it was a slave-labor program which exploited Mexican workers while denying jobs to California's unemployed. But columnist Caspar Weinberger recently pointed out:

"The Mexican workers signed up years in advance, hoping their names would be drawn so they could come to California to work. Their working, living, and traveling conditions were carefully regulated and improved by governmental and private agreements. And, most important of all, there never were anywhere near enough domestic workers willing to harvest the row crops that make up the staple of California agriculture."

The Department of Labor tried to recruit American workers but fell flat on its face. Willing domestic workers were found to be insufficient in quantity and quality; and when they did appear for work, they could not be depended upon to stay on the job. It was more rewarding to go on relief.

A point which Secretary Wirtz evades is that the law requires domestic labor to be hired before foreign workers are authorized. The bracero can be hired only in the absence of the domestic. Thus, it's not actually a question of putting willing American workers out of jobs.

During the bracero program, California growers used about 90,000 Mexicans and about 40,000 domestic workers. This offers some idea of the vacuum of labor which has been created.

Why did Mexicans clamor for the slave jobs on California farms? The answer is that in terms of the cost of living in Mexico, they were well paid. The bracero program was a happy situation for them, for Mexico, for the California growers, for the California economy, and for just about everybody—except Secretary Wirtz.

The experiment since last December has proven that domestics cannot or will not fill the needs of California growers. It has produced economic hardships; it promises further, more serious hardships. Therefore, the time has come for Secretary Wirtz to admit that the bracero is needed and to proceed with the negotiations necessary to assure his services for California growers. Further delay will cause irreparable damage.

[From the Los Angeles Times, Apr. 1, 1965]

HOPE WON'T HARVEST CROPS

Labor Secretary W. Willard Wirtz ended his California tour more convinced than ever that substantial importation of foreign labor is no longer needed to help harvest crops.

We hope he is right.

We hope that higher minimum wages will attract enough willing and able domestic workers to replace the 107,000 Mexican braceros who were so essential to California agriculture last year.

We share the Labor Secretary's disgust at the deplorable living conditions he found at some farm labor camps during his inspection trip last week. These hovels are shameful and they must be improved.

Nevertheless, there is still no assurance that either increased wages or improved housing conditions will lure unemployed Americans in sufficient numbers to the fields. Governor Brown and Albert Tieberg, head of the State department of employment, conceded this when they formally requested 8,000 Mexican workers for the April harvest.

With the expiration of the bracero program (Public Law 78) last December 31, Brown called for a gradual 5-year phaseout of the use of foreign workers. Wirtz, however, seems intent on making the transition period much shorter.

By keeping pressure on the growers who have previously used braceros, the Labor Secretary hopes to make them try harder to recruit domestic workers and to improve living conditions. He has already increased the minimum wage to $1.40 per hour for American labor on farms whose owners want to use braceros.

The Governor Tuesday announced a four-part program to better farm housing in response to Wirtz criticism, but it seems unlikely that any major progress can be made during the critical 1965 harvest period. As Brown said "this year is going to be tough."

Just how tough a year will in part be up to the Governor.

He has the support of virtually all Californians in seeking a reasonable and effective end to the importing of foreign labor. He must, however, make certain that the crops are picked and that California's biggest industry is not imperiled.

The jobs of tens of thousands of persons depend upon the proper solution of California's farm labor dilemma. And upon Governor Brown falls much of the responsibility for finding it.

[From the San Francisco Examiner, Mar. 31, 1965]

WIRTZ FOLLOWS HIS SCRIPT

Labor Secretary Willard Wirtz could have written the script for his conclusions on California's farm labor plight without coming west.

The Secretary had telegraphed all his punches beforehand. He did not come to California with an open mind, or to study and learn. He came to sell a preconceived attitude.

That attitude was, and is, unfair. If he persists in it, it can do major injury to all Californians and most Americans.

Secretary Wirtz built a strawman on the issue of bringing back the old bracero (Mexican labor) program by substituting Public Law 414 for the expired Public Law 78.

Nobody asked him to do that or wanted it.

What Californians urgently asked and desperately want and need is an assurance of an adequate farm labor supply at the moment of greatest need. That moment will be when crops will have to be harvested or left to rot in the fields.

Secretary Wirtz showed his greatest blind spot in his proposal of higher California farm wages and the related higher consumer costs of farm products. His blindness was to two basic factors: California farm wages are already the highest in the Nation. And California farm products must compete with the products of other States where farm wages are substantially lower.

On another phase of the problem, the criticism leveled by the Secretary against housing, sanitation, and food in some farm labor camps, the growers should make sure their house is in order. The quality of shelter and of food supply should meet the highest standards.

Secretary Wirtz came to California fully persuaded and went away firmly convinced. The trip was window dressing. His attitude will get crops neither planted nor harvested. It will be on his hands and the hands of the national administration if food shortages result from either insufficient planting or crops left in the fields for lack of adequate and competent labor.

[From the San Francisco Examiner, Mar. 16, 1965]

GROWERS NEED LABOR GUARANTEE

California growers have taken their case for emergency importation of foreign farmworkers to President Johnson in sheer desperation.

Secretary of Labor Willard Wirtz had adamantly refused adequate relief.

Secretary of Agriculture Orville Freeman has turned a deaf ear.

The crisis is real and grave. That fact has been thoroughly documented to the President. More than the growers have pleaded the case, not for restoration of the old bracero (Mexican labor) program with its obvious faults, but for a standby supply of supplementary bracero labor.

Bankers who finance crop plantings see the crisis. Teamster Union officials who fear a loss of 10,000 jobs from cannery cutbacks see it. So do canners, produce men, cartonmakers.

Most impressive of all is that the bankers see it. To them, the imminence of planting time without assurance of sufficient stooplabor at harvest time is a major crisis. It deeply affects the banks' willingness to make loans to growers. Under this cloud, California tomato plantings this year will drop at least 23 percent, perhaps 50 to 55 percent.

The appeal to President Johnson is for the setting up of an emergency labor supply capable of being thrown into the breach when the supply of domestic labor falls short of need. Wirtz and Freeman have blind spots here. The President should be more keenly perceptive, at least to the political implications.

The President should be quick to see that a profound and drastic change in the California political climate would occur if the vital food crops of California should rot in the fields for lack of labor. Insufficient plantings because of the failure to guarantee adequate labor would do the same. Wirtz and Freeman obviously are lacking in their comprehension of both the economic and political facts of life here involved.

Mr. MURPHY. Mr. President, spokesmen for the Teamsters Union have endorsed the call for foreign labor, pointing out that, in 1964, California used 90,000 Mexican workers to help harvest perishable crops. "Where are we going to get the 90,000 domestic workers to replace them this year?" Teamster officials ask.

I recently spoke with Mr. Unruh, Democratic speaker of the California Assembly, and he is in agreement. Governor Brown said at a recent press conference:

> I think Secretary Wirtz will realize that despite great efforts to provide domestic labor, there is a need for foreign farm labor.

> Even more labor will be needed when the harvesting work reaches its peak and new hands from the ranks of domestic labor cannot be trained speedily enough to meet the demands.

State Employment Director Tieburg recently described Secretary Wirtz' stopgap authorization of workers here and there around California as inadequate and called for assurances of additional workers for considerable periods of time on a firm plan which can be counted on in the future.

At the present moment, California's tomato industry offers the most concrete evidence of the impact of Mr. Wirtz' stubborn refusal to recognize the facts of life.

In 1964, California growers planted 143,000 acres of tomatoes. By March 15, 28,364 acres, only 29.3 percent of the 1964 acreage, had been committed. The canners estimate that in the absence of further assurance from Secretary Wirtz of a labor supply, the total acreage planted in 1965 will be about 52,000. This would mean a decrease of 43.62 percent in tomato tonnage which they would process. This decrease would result in $21,797,000 less being paid to tomato growers and projected to the entire tomato industry it would result in $125 million less production from California farms.

This is the damage being done today in California, and I speak only of one crop.

It would affect about 10,000 jobs in canneries. It would accelerate the exodus of California's growing and canning industries to Mexico which has already started because of the strict attitude imposed by Washington. When this fact was pointed out, to Mr. Wirtz, he said it left him cold.

It does not leave me cold, Mr. President. It is of great interest to me, to my colleagues, and to the people of my State.

The Secretary of Labor talks about a minimum wage law. He talks about $1.40, and $1.25. Actually, these people who are hired only when domestics are not available at no other time, are paid $17 or $20 or more a day when they are capable of doing the work, and we are glad to pay them.

Mr. AIKEN. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. AIKEN. Let me say, since the last discussion on this subject, that I have heard from the apple growers in Vermont and northern New York, who are fearful that they might not be able to employ the usual experienced Canadian labor in certain orchards there. I do not know how it is coming out this fall, but the Senator from California mentioned the rate which the Secretary of Labor says they must pay.

That is not what bothers them. In picking apples, as in picking other fruits, they make far more money than the Secretary of Labor says should be the minimum rate. But what does bother the growers is the apparent effort of the Secretary of Labor to put the pickers on an hourly basis rather than a bushel basis. We cannot put them on an hourly basis unless we also put the weather on an hourly basis—up in our country at least; because they have to work when the weather is right. I am sure they earn far more than the Secretary of Labor says they should be paid. But that is not the story at all. The main complaint is that when they can get the labor such as the Secretary says they should hire, it takes years to train them to do the work properly.

As I have stated, putting them on an hourly basis instead of a bushel basis for picking the fruit means that we have to depend on the weather, and that could make for all kinds of trouble.

Mr. MURPHY. It affects more than that. It has been found in California that even in good weather some workers on an hourly basis will not do a day's work for a day's pay. The farmers out there, therefore, must compute the cost of their harvest into the net cost to the housewife.

In the lemon groves it was found that the cost of a box of lemons had been raised 40 cents, because of the people who had been recruited and sent in there—and there were few of them—at the end of 8 weeks only 17 percent were still on the job.

Mr. AIKEN. I might add that the earnings of fruitgrowers who pick according to the weather on a bushel basis compare most favorably with the earnings of the well-paid industrial workers in my State.

Mr. MURPHY. Then they do very well, indeed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article having to do with financing, which points out that those who are customarily advanced loans against their contract crops cannot get the loans and prepare the ground. This article is entitled "Bank of America Balks at Crop Loans," and was published in the San Francisco Examiner for March 13, 1965.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BANK OF AMERICA BALKS AT CROP LOANS—LACK OF LABOR POOL CITED

(By Ray Christiansen)

Bank of America, the world's largest private bank, decided yesterday that it could not lend money for stoop-labor crops in the absence of "a reasonable expectation" of sufficient harvest labor.

The decision was made at a State-wide policy meeting called by Earl Coke, senior agricultural vice president.

All applications for loans to prepare land and plant seeds will receive sympathetic consideration. Individual requirements of farmers will be given special attention.

NO BAD MONEY

But farmers who want to use all their land to grow such high-labor crops as tomatoes, lettuce, and melons probably won't get any bank money.

Bank loans are made on the crops. The crop is the security for the loan. And if the banker cannot see how the farmer is going to get his crop harvested, there is little chance that the farmer is going to get a loan.

Although California banks and farmers have taken great risks in the past, the odds against a profitable harvest of crops requiring stoop labor have increased since Congress discontinued the Mexican labor import program.

"As of now," said Coke, "there has been no assurance that there will be a sufficient labor force to harvest California's high-labor crops.

"In the absence of this assurance, neither the bank nor the grower wishes to invest money in crops that cannot be harvested."

Growers who plant much of their lands to beans, alfalfa, grains, and other crops requiring little labor, and a small portion of their land to high-labor crops, probably will be able to obtain loans. Incomes from the low-labor crops will reduce the risk on the others.

But this kind of hedging will result in a drastic reduction in available supplies of tomatoes, lettuce, strawberries, and all the other row crops that are harvested by hard, stoop labor.

At a summit conference here Thursday, growers, shippers, and food processors pointed out that a 20-percent cutback in California's vegetable production could send shock waves throughout the economy. More than 10,000 Teamster cannery workers, for example, would be thrown out of work.

BIG LOANS

The Bank of America made about $700 million in loans to California farmers last year. Although it has 870 branches, most loans were relatively small sums granted by 150 branches in farming communities. Fifteen bank officers from all sections of the State met with Coke here yesterday.

Coke said California may never see its tomatoes, melons, and lettuce rotting in the fields.

"Unless growers can have some assurance beforehand that qualified supplementary seasonal labor will be available to harvest these costly labor-intensive crops," he said, "they simply won't plant them."

The Council of California Growers, the Farm Bureau Federation, and individual growers, shippers, and processors have asked President Lyndon B. Johnson to set up a program to guarantee supplementary harvest labor.

Mr. MURPHY. It has been placed in the RECORD before that for the tomato crop it costs $250 an acre to prepare the ground for the crop. These loans are not forthcoming.

Mr. President, as a result of this disclosure, one of the labor leaders in California—in order to retaliate against this bank, which he said is threatening the situation threatens to take out the funds invested in the bank by the labor union. I do not believe that this will happen. I do not believe that the officers of the unions and the rank and file would permit it.

I have received a message today concerning an article in the Los Angeles Times from Mexico which said Mexico is in no position to comment officially on the situation but indicates that the Mexican people off the record are concerned about the amount of money which usually flows into the economy as wages to their workers and which will not be forthcoming this year. The article begins as follows:

> Mexico is in no position to comment officially. This country has not enjoyed watching some of its finest workers being forced to cross the border to earn a living because there is no work here. However, officials admit privately that the bracero program when in full swing took a considerable load off Mexico's chronic unemployment problem.

Let me point out that in the foregoing article about the banks' position it was stated that California may never see its crops rotting in the fields because the growers will not plant them unless they have assurance beforehand of a harvest labor supply.

Citrus fruits, as well as tomatoes, represent another very critical situation.

In the lemon groves of Ventura County, Calif., there is unfortunately starting to be evidence of crop loss on the trees. Because of the lack of adequate labor supply the lemon harvest has fallen far behind schedule, and the fruit is becoming overripe on the trees.

This results in two serious conditions for farmers.

First, many limbs of the trees will break from the heavy, overripe fruit, and, second, the fruit is good only for byproducts, which return a much lower price than the fresh fruit sales.

I spoke previously of the growers' experiences with domestic workers, which showed that after 8 weeks only 17 percent of the recruits remained on the job. This obviously imposes a disastrous overhead cost on the farmers.

In addition, the farmers in Ventura County found that for an average of about 3,000 to 4,000 workers in the field they paid during the period from January 1 to April 1, over $200,000 in unearned pay. That is the difference between the pickers' piece rate earnings and the $1.25 per hour minimum imposed by Secretary Wirtz. Also, they had paid $48,000 for transportation of the workers to the area, which adds to the cost of the housewife.

Secretary Wirtz' swing through California resulted in much publicity, but nowhere did I see any claim by him that the program to recruit domestics into the agricultural work force has been a success.

It has been stated time and time again that there has been a falsification of records. Five of the top people in this area have been released from their duties.

I ask unanimous consent to place in the RECORD an article published in the San Francisco Chronicle of April 3, 1963, entitled "90-Percent Padding of Labor Records."

These men made a practice of going into the fields and taking the names of people who were already working and sending these names in as though they had been recruited. This sort of thing has been going on for some time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FARM WORK SCANDAL—90-PERCENT PADDING OF LABOR RECORDS

(By Jerry Burns)

A State department of employment worker admitted yesterday that as many as 90 percent of certain farm labor records were falsified at one office before scandal rocked the department early this year.

Testifying at a State personnel board hearing here, Paul R. Dalpino told how false records were made at the department's farm labor office in Union City in southern Alameda County.

"I'd make a survey of nearby fields," he said, "and if I saw a crew of agricultural workers I'd make an entry in our books as if the workers were referred by our office."

Dalpino, asked how he started falsifying records, said he "just broke into it when I came into the office."

SUSPENSION

Dalpino was one of 15 department of employment farm labor employees who were disciplined when the record falsifying came to light in January. He was given a 30-day suspension from State service, and is now back at his job.

He was one of several witnesses yesterday at an appeals hearing by three former farm labor officials who were fired as a result of the disclosures.

Dalpino said the office staff in Union City discussed "going legit" on the records in the fall of 1964, but decided it would look suspicious if the records changed sharply.

"How much of a drop would have occurred in job referrals if you suddenly got honest?" asked Personnel Board Hearing Officer Robert L. Hill.

GASPS

"Probably 90 percent," said Dalpino. His disclosure brought gasps from department of employment officials in the audience, including Department Director Albert B. Tieburg.

"That figure surprised us," Tieburg said later. "We based our disciplinary action on sampling just some of the referral records. We couldn't go through thousands of them."

Dalpino was asked if he discussed the false records with August R. Gubser, farm labor area supervisor in San Francisco and the highest official fired in the scandal. He is one of the three appealing.

Dalpino admitted he and Gubser never talked about falsifying records as such, but said the former supervisor told him to sharpen your pencil.

Another Union City farm labor office employee who was temporarily suspended, John Dempewolf, said the record falsification was most frequent in the fall when job placement orders normally slacked off.

"It was important to keep the placements up," he testified. "I'm not sure why, but if the number fell, it could effect the number of personnel in the office."

Dempewolf was asked by the State's attorney, Thomas Griffin, why he falsified the records.

"I don't know," he said. "It was going on at the office when I arrived there in 1962 and it was made known to me I should do my share."

Dempewolf also said the Union City staff discussed stopping the falsification, but worried it would look suspicious.

He said the office manager, Thomas J. Howard, suggested a slow tapering off of the fake records.

When he was called to testify, Howard said only that he was aware of some falsification going on.

Howard said he permitted the faking to continue in order to maintain the office's level of placements.

Mr. MURPHY. Mr. President, finally, Mr. Wirtz' statistics do not take into account the fact that most of these referrals have stayed on our farms only a few days, a week or so, and therefore are not becoming a permanent part of our farm labor force.

Let me stress again the fact that the period we have been dealing with so far is the slack period in California farm employment. We are at the low period. In the high period we go to a peak position where we will need 70,000 or 80,000 supplemental workers. The total last year was about 113,000 foreign workers for all of 1964. I do not know where the workers will come from this year. I sincerely hope that the Secretary, because of the indication that he has seen fit to let workers remain in Florida, may look to the West, follow the sun across the horizon, and realize that our problem out there is as great, if not greater.

Mr. President, I ask unanimous consent to place in the RECORD petitions from boards of supervisors; one from the board of supervisors of Riverside County; another from Solano County; another from Santa Cruz County; also a table showing that 28 States are affected by this shortsighted policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION CONCERNING FARM LABOR POLICIES

Whereas the Riverside County Board of Supervisors in two public hearings on February 2, 1965, at Indio, and February 9, 1965, at Riverside, for the purpose of "investigating the impact of existing farm labor regulations on the economy of Riverside County," has heard testimony from all segments of the agricultural industry, businessmen, churchmen, organized labor, and county officials and has concluded therefrom as follows:

1. The agricultural industry is the dominant industry of Riverdale County and the most important base of the county's economic well-being;

2. The agricultural industry of Riverside County cannot sustain itself in competition with other production areas without an adequate, reliable labor supply, particularly for seasonal work;

3. The recruitment of capable domestic farm workers to replace foreign supplementary labor which became unavailable with the termination of U.S. Public Law 78, has been unsuccessful, and no provision has been made for an emergency work force of foreign supplementary labor;

4. The minimum wage rates established by the Secretary of Labor for California and Riverside County are discriminatory when compared with competitive areas, and interfere with the mutual benefits to growers and skilled workers of the previous piecework payment program;

5. The failure to recruit adequate capable domestic farm labor has caused a cutback of vegetable production amounting to in excess of 33 percent, and threatens the loss of 75 percent of the 1965 date crop and substantial losses in citrus, grapes, melons, and deciduous fruits;

6. Some growers have transferred up to 60 percent of their truck crop production to lands in Mexico, and others are even now conducting experimental grape and citrus plantings in Mexico with a view to transferring operations to that country, with consequent severe damage to the domestic agricultural economy;

7. A minimum of 3,000 jobs in processing, packaging, hauling, and allied industries are threatened by the cutback in agricultural production;

8. Present losses have seriously reduced local commerce in farm implements, to the extent of 75 percent.

9. Upon 1 week's notice an emergency supply of foreign supplementary labor can be made available to avoid individual crop losses within the county of Riverside;

10. Even though supplemental labor supply is relatively small, consisting of 13 to 20 percent of the total agricultural labor requirements, it is crucial to the successful operation of Riverside County's agricultural industry;

11. Through the years, individuals in the foreign supplemental labor supply working in the fields of California have benefited their home areas by the advanced processes and methods learned in their experience here, which has had the salutory effect of developing some of the United States finest foreign friends and supporters: Now, therefore, be it

Resolved by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on February 23, 1965, That this board does hereby recommend to the President of the United States the Governor of California, the U.S. Senators from California, the congressional delegation from California, and the U.S. Secretary of Labor that they undertake to provide an adequate supply of farm labor to the farmers of Riverside County and other areas making provision to:

1. Establish at a reasonable level a uniform national minimum wage for agricultural workers, with provision for the incentive benefits of piecework rates;

2. Establish a system whereby emergency foreign supplemental labor can be made available within a period of 1 week to avoid crop loss which would otherwise result from the nonavailability of capable domestic supplementary farm labor;

3. Establish a system, on principles similar to those of the Peace Corps, having a twofold purpose: (1) To extend to citizens of other friendly Latin American countries the same benefits that have been accrued to Mexican nationals under the bracero program in the areas of foreign relations, cultural exchange, and economic benefits; and (2) to offer the citizens of the several Latin American countries the opportunity to work on our farms on a similar basis as has previously been afforded to the Mexican nationals and bring this assistance to our agricultural industry; be it further

Resolved, That the clerk of this board is directed to send a certified copy of this resolution to each of the persons referred to above, to the State senator and assemblyman from Riverside County, to the board of supervisors of each county in California, and to other interested persons and agencies.

I certify that the foregoing is a true copy of a resolution which was unanimously adopted by the Board of Supervisors of the County of Riverside, State of California, on February 23, 1965.

DONALD D. SULLIVAN,
County Clerk and ex Officio Clerk of the Board of Supervisors.

RESOLUTION CONCERNING FARM LABOR POLICIES

Whereas investigation has disclosed the following:

1. The recruitment of capable domestic farm workers to replace foreign supplementary labor which became unavailable with the termination of U.S. Public Law 78, has been unsuccessful, and no provision has been made for an emergency work force of foreign supplementary labor;

2. The minimum wage rates established by the Secretary of Labor for California and Solano County are discriminatory when compared with competitive areas, and interfere with the mutual benefits to growers and skilled workers of the previous piecework payment program;

3. The failure to recruit adequate capable domestic farm labor has caused a cutback of vegetable production amounting to in excess of 33 percent, and threatens the loss of 75 percent of the 1965 date crop and substantial losses in citrus, grapes, melons, and deciduous fruits;

4. Some growers have transferred up to 60 percent of their truck crop production to lands in Mexico, and others are even now conducting experimental grape and citrus plantings in Mexico with a view to transferring operations to that country, with consequent severe damage to the domestic agricultural economy;

5. A minimum of 3,000 jobs in processing, packaging, hauling and allied industries are threatened by the cutback in agricultural production;

6. Present losses have seriously reduced local commerce in farm implements, to the extent of 75 percent;

7. Upon 1 week's notice an emergency supply of foreign supplementary labor can be made available to avoid individual crop losses within the county of Solano;

8. Even though supplemental labor supply is relatively small, consisting of 13 to 20 percent of the total agricultural labor requirements, it is crucial to the successful operation of Solano County's agricultural industry;

9. Through the years, individuals in the foreign supplemental labor supply working in the fields of California have benefited their home areas by the advanced processes and methods learned in their experience here, which has had the salutary effect of developing some of the United States finest foreign friends and supporters: Now, therefore, be it

Resolved by the Board of Supervisors of the County of Solano, State of California, in regular session, That this board does hereby recommend to the President of the United States, the Governor of California, the U.S. Senators from California, the congressional delegation from California, and the U.S. Secretary of Labor; that they undertake to provide an adequate supply of farm labor to the farmers of Solano County and other areas making provision to:

1. Establish at a reasonable level a uniform national minimum wage for agricultural workers, with provision for the incentive benefits of piecework rates;

2. Establish a system whereby emergency foreign supplemental labor can be made available within a period of 1 week to avoid crop loss which would otherwise result from the nonavailability of capable domestic supplementary farm labor;

3. Establish a system, on principles similar to those of the Peace Corps, having a twofold purpose: (a) To extend to citizens of other friendly Latin American countries the same benefits that have accrued to Mexican nationals under the bracero program in the areas of foreign relations, cultural exchange, and economic benefits; and (b) to offer the citizens of the several Latin American countries the opportunity to work on our farms on a similar basis as has previously been afforded to the Mexican nationals and bring this assistance to our agricultural industry; be it further

Resolved, That the clerk of this board is directed to send a certified copy of this resolution to each of the persons referred to above and to the State senator and assemblyman from Solano County.

LARRY BALL,
Attest: *Clerk.*
By ELLEN STARMER,
Deputy.

RESOLUTION 118-65

Resolution of the Board of Supervisors of Santa Cruz County, Calif., requesting revival of bracero program

Whereas those engaged in agricultural pursuits in California have grown dependent upon foreign agricultural workers to assist in the production of agricultural commodities and products; and

Whereas agriculture is an important facet in the economy of this county; and

Whereas, existing Federal law and regulations inhibit the recruiting of foreign agricultural workers: Now, therefore, be it

Resolved and ordered by the Board of Supervisors of Santa Cruz County, Calif., That: (1) This board requests the President of the United States and the Congress to reestablish the laws permitting the recruiting of foreign workers for agricultural work in the United States; (2) this board of supervisors finds and declares that the supply of American citizens willing and able to do agricultural work is woefully short of that necessary to meet the needs of agriculture in this State; (3) this board of supervisors has information that agricultural production in this State is already severely curtailed through inability to get crops harvested and failure to plant new ones as a result of the action of the Federal Government in prohibiting the introduction of foreign workers into the United States to perform agricultural labor; (4) this board of supervisors can safely predict that unless the Federal Government acts to alleviate this intolerable situation which it has created, the economic and social effects of the action of the Federal Government on the people of this State and of the United States will be highly damaging to all of them without benefit to any of them.

RUSS MCCALLIE,
Chairman of the Board.
Attest:
TOM M. KELLEY,
Clerk of the Board.

Number of foreign workers admitted for temporary employment in agriculture, by State and country of origin, 1964

State	Mexico [1]	British West Indies [2]	Canada [2]	Japan
United States	177,736	----------	----------	[3] 25
Arizona	16,768	0	0	0
Arkansas	4,572	0	0	0
California	112,096	0	0	[3] 25
Colorado	8,615	0	0	0
Connecticut	0	1,390	0	0
Florida	0	14,032	0	0
Indiana	35	0	0	0
Kansas	300	0	0	0
Louisiana	0	271	0	0
Maine	0	0	6,984	0
Massachusetts	0	578	333	0
Michigan	9,929	211	0	0
Montana	1,481	0	0	0
Nebraska	1,781	0	0	0
New Hampshire	0	21	329	0
New Jersey	0	814	0	0
New Mexico	1,437	0	0	0
New York	0	490	31	0
Oregon	187	0	0	0
Rhode Island	0	0	59	0
South Dakota	52	0	0	0
Texas	18,171	0	0	0
Utah	339	0	0	0
Virginia	0	977	0	0
Vermont	0	0	81	0
West Virginia	0	370	0	0
Wisconsin	584	0	0	0
Wyoming	1,389	0	0	0

[1] Number of workers contracted.

[2] Peak number employed in 1964. State peak figures are not additive to a U.S. total because they occur at different times of the year.

[3] Only 25 admitted in 1964 but peak employment about 1,200. Nearly all of these workers were already in the country at the beginning of 1964.

Mr. MURPHY. Mr. President, I am glad that the Senator from Florida mentioned the balance of payments. The biggest type of shipment going out of the Port of Oakland, Calif., consists of fruits and vegetables from the Central Valley and the northern counties. Five hundred million dollars worth of these crops are shipped abroad from California annually, and half of that can be lost this year. Our total industry affects indirectly $13½ billion, and half of this can be lost. It creates directly $3½ billion income, and half of that can be lost because of the shortsighted, stubborn position taken by a man who obviously does not understand the situation.

I am gratified that he has seen fit to permit some workers to come into Florida. I hope that soon the people in California will be permitted to have workers come in also. Thirty percent of the planting time for tomatoes has already passed. We cannot make up that time. Nature does not wait. I sincerely hope, because of the remarks that have been made here today, and the pressure that must be coming from all sides, that the Secretary will finally see that his position has been erroneous, that his facts and figures were not correct, and that his judgment, therefore, was not in the best interest of our country.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. HOLLAND. First, I compliment the Senator on his speech. The RECORD should show that California produces $3.5 billion worth of crops a year. There is no other State—my State or any other State—that begins to compare with California. Furthermore, California is somewhat in the same position as my State. Only 7 percent of our total production is price supported. The remainder is nonprice supported. Most of the rest is in perishable commodities. Most of the rest of it is produced under the private enterprise system by people who try to figure what the market will take. The same thing applies to California. I know, because over the years I meet frequently with the Fruit Export Council of America. Most of them come from California. There are prunes, raisins, peaches, dried fruits, lemons, oranges, asparagus, dates, and so on. I could go on naming them until the housewife would have to look a long way to find a market tray that did not have something on it from that great State.

Mr. President, I commend the Senator and his distinguished colleague from California upon the fact that they are going to bat for the vital interest of the biggest industry in even that great State. The 3½ billion represent their biggest activity in California. We must all stick together in seeing to it that in the critical situation confronting the producers of perishable products they are given fair treatment by the Secretary of Labor, who is, I am sure, well meaning. I find him a decent gentleman to meet. However, he has been very impractical in connection with this matter. I hope that the temporary relief which he has given us today marks the first step toward a more practical position, which will recognize that the problem does not exist after the fruit is on the tree or after the vegetables are about to be picked but, that it is necessary to see a little ahead and decide a little ahead what can be done by way of supplying supplementary labor. This problem should be handled with decency to those who have millions of dollars invested in the effort to feed our Nation the most superb food under the highest standards of living which any people in the world enjoy. Those are the people we are talking about. I congratulate the distinguished Senator from California.

Mr. MURPHY. I thank the distinguished Senator.

Only this morning I received a letter from a friend of mine in Orange County reciting the case of two fine Japanese gentlemen, third generation Americans, and fine citizens of the United States. They have lost 50 percent of their strawberry crop because they could not get labor to harvest the crop. They had to sit there and watch a $30,000 investment washed out by early rains, a crop that could very well have been in the marketplace. A thousand Japanese workers are in camp, who are able to work on our farms, but who were not permitted to work. They are available and could have been put to work in no time at all.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. MURPHY. I yield to my distinguished colleague.

Mr. KUCHEL. I thank my colleague.

Mr. President, once again in this Chamber the record has been made clear. I salute the Senator from California [Mr. MURPHY] for his assiduous devotion to the problem and his attempt to find a means of solving it properly.

What my colleague from California has demonstrated is that the American farmer who happens to live in my State today cannot find sufficient American labor to help him harvest his crops. Under the laws, the Government of our country is required, or ought to be required, to give assistance to the American farmer who happens to live in California exactly as today it has given assistance to the American farmer who lives in Florida.

Who has said that the California farmer is in trouble? A Senate delegation from California has said so. The Governor of California has said so. Governor Brown the other day said:

> The State faces a need for more than 10,000 braceros in the near future, about 6,500 for the lettuce fields of Monterey County, and 4,000 for harvesting asparagus.

Mr. President, what my colleague from California, my friend GEORGE MURPHY, has said; what my colleague from Florida, my friend SPESSARD HOLLAND, has said; what my colleague from Oregon, my friend WAYNE MORSE has said, is correct: The American farmer is in trouble today.

There are laws in existence under which the Secretary of Labor can authorize on a temporary basis assistance to that important sector of our economy during its hour of crisis. If my colleague will permit me to do so, I ask unanimous consent to have printed at this point in the RECORD a letter from the Tri-Valley Growers, San Francisco; a letter from Ventura County Farm Labor Association, Oxnard, Calif., and a letter from Talbert Farmers Association, Inc., Huntington Beach, Calif., and a column by Harry Bernstein entitled "Wirtz Stokes a Revolution" published in the Los Angeles Times of last Sunday, April 4.

There being no objection, the letters and article were ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF.,
March 18, 1965.

Hon. THOMAS H. KUCHEL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: Your effective representation of California's agricultural industry in contending with the vast problems arising from its needs for qualified supplemental farm labor prompts us to write to you concerning the very critical situation now facing our asparagus producing members. Our membership involves 19 separate farming operations on which a total of approximately 3,000 acres of asparagus are produced. These fields are presently producing asparagus for the fresh market but within the next few days the growers will be preparing to deliver to our canning operations for the balance of their harvest season which normally extends up to July 1. To provide appropriate background to the labor problems which are in prospect, it is pertinent to summarize details of the producing history of this segment of California's agriculture.

For many years, asparagus was produced almost exclusively in California and the production was localized in the peatlands of the delta formed by the confluence of the Sacramento and San Joaquin Rivers. In the early years the production was limited almost entirely to so-called white asparagus. This type of asparagus is formed by ridging the soil over the asparagus beds so that as the spears emerge from the crown, they are sheltered from the sunlight by the ridged soil. In the absence of sunlight, the normal processes which produce chlorophyll and thus color the spear green are prevented. Thus, the spear is culturally bleached and a unique flavor and texture is imparted to it. This is the manner in which virtually all European asparagus has been produced historically and is produced today.

Changing patterns in domestic food habits, prompted in part by the introduction of asparagus plantings in other areas of the country where soil and climate does not permit the culture of white asparagus resulted in the emergence of the green style as the preferred type, both in the fresh and processed form. Today, relatively little white asparagus, either fresh or processed, is consumed in the United States.

As the result of this changing demand and because fields which have produced asparagus must be "rested" for many years before they may be replanted to this commodity, the delta production has tended to move from the peat lands to heavier loam type soils bordering this district. Better yields and a longer producing season of the green style can be accomplished in this heavier ground.

Following World War II, export opportunities began to develop for canned white asparagus with the particular demand arising in Western Europe, especially West Germany. Since the remaining acreage in the peat lands could not adequately fulfill this market opportunity, many of the plantings in the heavier soil were ridged and it was thus found possible to produce the white style in this ground. The significance of the export market is revealed by the fact that last year California's canning industry exported approximately 2 million cases worth $15,100,000. Our own company exported nearly 90 percent of its total production of white asparagus, with a total sales value of about $1 million. Last year white asparagus represented nearly two-thirds of our company's total asparagus pack.

The production of white asparagus in the heavier ground raises unique requirements from the standpoint of the physical capabilities and skill of the harvest labor. At best, asparagus harvesting is a most arduous task involving almost continuous stooping to cut the spears with a long bladed knife, to assemble the spears in orderly groupings and, lastly, to load them on a sledlike vehicle that is drawn through the fields. In the case of white asparagus, this task is all the more demanding since the cutting knife must be plunged through the ridged soil to cut the spear. This is obviously a far more difficult job in heavier ground than in the light and fluffy peat soil. Furthermore, great care must be exercised in the harvest of white asparagus since excessively deep cuts or missed cuts will damage the crown from which the spear emerges and the resultant damage will greatly reduce both the future yield and the life expectancy of the producing crown. Since asparagus beds ordinarily have a producing life of from 8 to 15 years, any damage thus inflicted correspondingly reduces the grower's ability to recover the investment in his plantings.

Because of the physical demands and the need for adaptability by the harvesting crew to the necessary training required to develop the vital skills in harvesting asparagus, producers have historically relied almost entirely on Mexican nationals to perform this work. In the past, many efforts have been undertaken to employ domestic labor for this work, but the experience has not been satisfactory because of the unreliability of these workers from the standpoint of physically being incapable or objections to the physical demands, or because of the inability to accomplish adequate training as the result of the heavy turnover normally experienced.

As contrasted to our experience last year, we must now anticipate that only 15 percent of our members' asparagus will be produced in the white form this year unless qualified supplemental labor is authorized. The proportion expected to be produced in the white form will come from our only acreage now on the peat land. These growers will convert to white asparagus because this type of soil will not enable as long a harvesting season and therefore as high a yield with green asparagus and because the peat soil conditions make the harvesting of white asparagus relatively less objectionable to domestic labor.

It is quite evident that the production intentions of our growers—as influenced by the unsettled labor outlook—will also be reflected in general industry experience this year. This will result in a curtailment of California's white asparagus pack which will be disastrous in terms of our participation in foreign markets and which, in the long run, may cause us to virtually surrender these markets to other competing sources.

Furthermore, the shifting of fields which normally have produced white asparagus to the production of green asparagus will likely result in a supply excessive in relation to normal processing requirements. In the canned green asparagus market, we must compete with production from the Northwest, in middle western areas, and on the Atlantic seaboard; all of which competes effectively with California because of inherently lower labor and transportation costs. In these circumstances, it is entirely likely that California processors will be unable to absorb the potential green asparagus production, thus further limiting the marketing opportunity of growers. Thus we are now faced with the prospect, not only of losing our foreign markets, but also of reducing gross income to growers because of the inability of the industry to effectively market the potential production of green asparagus to be derived from fields which normally have produced the white style.

The Secretary of Labor has frequently reacted to grower pleas for vital supplemental labor by pointing out these growers have had an opportunity to prepare for this eventuality since the termination of Public Law 78 last year. The delta district asparagus growers have responded to this eventuality by plowing out upwards of 20,000 acres of asparagus in production last year. The figure no doubt will be even higher since some fields are currently being withdrawn from production. These plowouts will leave the total acreage available for harvesting in the current season at approximately 45,000 acres. The significance of this acreage reduction may be drawn from the following statistics supplied by the California Asparagus Growers Association which show acreage available for cutting and annual plowouts for the past 10 years:

Acres available for harvest:

1964	60, 859
1963	61, 488
1962	62, 434
1961	62, 004
1960	69, 622
1959	74, 369
1958	73, 728
1957	73, 764
1956	76, 957
1955	75, 390

Acres plowed out in prior year:

1964	4, 901
1963	6, 085
1962	5, 765
1961	10, 586
1960	9, 696
1959	9, 123
1958	6, 115
1957	8, 703
1956	2, 734
1955	4, 198

From reading the handwriting on the wall as indicated by earlier spring crops, asparagus producers are convinced they will be required to pay inflated wage rates for this year's harvest. Because of the character and lack of reliability of the domestic labor available to them, they foresee the probability of lost production and of crop damage in the current season. They are also anticipating limited marketing opportunities with processors because of the loss of the white asparagus market and the inability of the green asparagus market to absorb this production. For these reasons they are currently attempting to negotiate field prices which reflect approximately a 50-percent increase over those prevailing in 1964. Their motivations for these demands are reasonable and just in light of the labor uncertainties facing them and the very real prospects of economic losses arising from curtailed production. However, the competitive aspects of these field price demands indicate the disappearance of California as a significant supplier of canned asparagus.

As a footnote to the above, we think it is most relevant to note that many tomato growers are looking to the treatment of the asparagus producers in regard to supplemental farm labor as being indicative of what they may anticipate when their tomato plantings reach maturity. We are convinced that if the asparagus growers are subjected by Department of Labor's administration of the supplemental labor program to the imposition of the economic losses now in prospect, a substantial proportion of whatever tomato acreage is now being planted will be plowed under before growers' investments in these crops become greater. We are in no need to impress upon you the extreme seriousness and urgency of the situation as it relates to these asparagus growers and to California agriculture generally, but we do want to emphasize the broad ramifications involved with the asparagus labor situation as it relates to grower intentions with other important annual crops.

We trust the foregoing may be of some assistance to you in the vital efforts which you are carrying forward to assure a reasonable and equitable treatment of California agriculture in the administration of the supplemental farm labor program under Public Law 414.

Sincerely yours,
WILLIAM F. ALLEWELT, Jr.,
General Manager.

VENTURA COUNTY
FARM LABOR ASSOCIATION,
Oxnard, Calif., March 11, 1965.

Senator KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As you possibly know I am manager of the Ventura County Farm Labor Association located in Oxnard, Calif. This organization is a nonprofit cooperative formed under the agricultural code of the State of California and consists of most of the row and vegetable crop farmers in Ventura County.

On December 30, 1964, we recruited 76 domestic workers to replace our foreign national workers. Those 76 domestic workers were recruited in Oakland, Calif.; then on January 2, 3, and 4, we recruited 156 other domestic workers in Los Angeles, Calif. Still later, on January 21, 22, 23, and 24, we recruited 158 domestic workers in the San Joaquin and Sacramento Valleys. These workers were all recruited on the specific understanding that they would remain with the association in Oxnard, Calif., doing what farmwork was necessary to be done for a period of at least 90 days. In return for this consideration and the work to be performed for the members of the association we guaranteed the workers that we would advance their transportation and meals en route from the point of agreement to the association headquarters in Oxnard, that the transportation money would be deducted from their first earnings and when they completed one-half of the agreed 90 days it would be returned. We also agreed that we would pay their transportation back home when they completed their 90-day work period. We further agreed to furnish them with free housing and to afford them an opportunity to eat in a cafeteria-type facility located on the camp property at cost not to exceed $1.75 per day and that they would be furnished with at least three-fourths employment or would be paid for it and in the event they failed to work 64 hours in each 2-week period due to lack of opportunity to be employed that their board would be paid for each 8 hours or any portion thereof that they fell below the 64 hours.

At the time of recruiting the work conditions and living conditions were most carefully outlined to the worker applicants; only those who fully understood and who completely agreed to accept the conditions offered were brought to this area. The worker applicants were screened by the California Department of Employment officials prior to being interviewed by the undersigned. In spite of all of these precautions our experience with this program were such that it would be disastrous to continue with an identical one if we are unable to obtain a better type of worker. There was no question that the worker applicants selected were able to do the work required of them. They were most carefully trained by the foreman and the farmers that utilized them and of the entire group only seven have been discharged.

Nevertheless we now only have 40 of these men out of 398; 40 have remained for any considerable portion of the time that they agreed to stay. Some of them left without going to work. Some of them worked 1, 2, 3, 4 days; one-third of each group recruited quit, left the facilities of the association the first week that they were here, another third left the second week, the remaining third have disappeared by gradual attrition.

We have attempted to secure an exit interview with each one of the workers that left, however, failed to do so since many would disappear at night without any prior notice. In addition the U.S. Department of Labor and the California Department of Employment have attempted to interview those departing. Those departure reasons vary widely, however not one of them stated to me or to any member of my organization that they were leaving because the wage was inadequate, because they were not furnished enough hours, because they were not furnished adequate training, because they were not treated properly by their supervisors, or because of the living conditions.

I have extended these figures to see how many workers we would have to recruit during the remainder of the year in order to get our work done in this county in row and vegetable crops alone. Based on our normal usage of out-of-area workers over the past 4 years it would require that we bring into this area in excess of 7,000 workers between now and the first of July and would require in excess of 27,000 workers between now and the first of December. Of those we would not at any time have in excess of 900 workers from out-of-area employed prior to July 1, and at no time would have in excess of 2,500 workers employed in the latter part of the year during our peak employment season from September through November. Of course these figures were based on the experience that we have had with our recruitment earlier this year.

I think that you can readily see that such a task is almost impossible to be achieved by the entire resources of the U.S. Government. I am convinced that sheer numbers alone would prevent us doing so. After all this association is only a small one when it is compared to the needs of all of California agriculture. I believe that I am correct in saying that last year all of California agriculture required in excess of 60,000 supplemental foreign agricultural workers in addition to employing all of those resident within the State or all of the migrant domestic workers that came into this State. If our rather insignificant needs are then projected to cover 60,000 foreign national worker vacancies as experience last year I think that you will find that it would take more than one-half million people to come to California to get the agricultural work done.

Our problem is not the only problem that this program creates. Since we have only recruited single male workers we had no problem involving the schools or the school systems of the area, however, they did not depart from the area once they quit our employment but remained in the vicinity and undoubtedly you are aware, they have created some considerable police problem in Oxnard, Ventura, and the surrounding cities within the county.

Senator I am not proposing at this time a reinstitution of any foreign labor program, however, I do think that it is absolutely imperative that the U.S. Department of Labor and the departments of employment of the States with which they operate take immediate steps to set up a system whereby they identify qualified willing workers for referral to agriculture. Our problem is not created by the worker, we have many local resident domestics who are regularly employed on the farms in this area, these workers do their job and do it very satisfactorily. A small percentage of those that we have recruited and that have been recruited by other organizations within this State have also done their jobs satisfactorily and have created no particular problem in the communities where they lived temporarily.

However, under the present system, it is extremely possible and not only possible but frequently occurs that when a man is recruited by this organization, for example, in Sacramento, brought to Oxnard, put to work, then decides he does not want to work in the activities that we have, he quits, goes a block or two blocks to the farm placement office and is immediately, without question, referred to another organization for farm work also. After he has been referred two or three times by the local farm placement office to each of the prospective employers in this area he can then depart from this area and go through the same procedure and the same experience in any other community within the State of California. There is no reference to satisfaction of prior employment; the worker applicant's word is taken for its face value; no attempt apparently is made by the Department of Employment to check on any work record either within or without of the area where the person is applying for work.

I think that this feature alone is of equal importance to the continuation of agriculture to any substantial degree in the State of California as is the feature of whether there will be sufficient bodies available.

It appears that the officials of the various governmental agencies concerned with the placement of agricultural workers or the reporting of location and number of agricultural workers available for employment are of the opinion that any unemployed person is an agricultural worker. Senator, this is not so. At this time there are in excess of 4,000 unemployed in the county of Ventura alone. By far the large majority, if not all of those unemployed, would readily tell you or anyone else that they would not consider working in agriculture; that they will attempt any other kind of work and will wait and wait and wait prior to going to agriculture. Why they have this attitude I do not know. I have been told many things by various persons that I have personally interviewed concerning their reluctance or refusal to work in agriculture. A young lady who works in a drugstore in Oxnard, 48 hours a week, making $1.25 an hour, informed me that she formerly had been employed on the farm but that she would not return for twice the wage that she is earning in the drugstore. I questioned her quite closely concerning this, asked why she would refuse to return to the farm at twice the wage she was making at her present employment, and she finally responded that she did not go to school to work on the farm and even for one-half the wage she would continue to work in a store or in an office. It appears that such attitude is quite prevalent.

Very truly yours,

JESSE G. FRYE,
General Manager.

TALBERT FARMERS ASSOCIATION, INC.,
HUNTINGTON BEACH, CALIF.,
March 20, 1965.

Senator THOMAS H. KUCHEL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: The following is our recruitment labor information. We have placed orders and hired referrals from the local farm labor office. In addition we have recruited men from Los Angeles, Brawley, San Ysidro, and Texas. This recruiting has been done by me as well as the individual members of this association.

This report is on a week-to-week basis, as submitted by our members from their payrolls:

Workers hired

Week ending:	
Jan. 8, 1965	43
Jan. 15, 1965	17
Jan. 22, 1965	14
Jan. 29, 1965	33
Feb. 5, 1965	22
Feb. 12, 1965	28
Feb. 19, 1965	25
Feb. 26, 1965	62
Mar. 5, 1965	59
Mar. 12, 1965	96
Mar. 19, 1965	11
Total workers hired	410

Workers quit

Week ending:	
Jan. 8, 1965	6
Jan. 15, 1965	16
Jan. 22, 1965	17
Jan. 29, 1965	17
Feb. 5, 1965	27
Feb. 12, 1965	10
Feb. 19, 1965	14
Feb. 26, 1965	32
Mar. 5, 1965	26
Mar. 12, 1965	48
Mar. 19, 1965	10
Total workers quit	223

As a basis for comparison, the week of March 15, 1964, our records showed 310 workers.

The peak of our hiring season was during the month of June, at which time our 1964 records showed 755 workers, both domestics and Mexican nationals.

Our busy season is from the first week in April, through September, when we harvest celery, asparagus, strawberries, string beans and market tomatoes.

For this anticipated shortage of workers, our association has now begun to recruit men from the border towns since thus far those referred to us by the Farm Labor Office, have been both unwilling and unable to work.

Trusting that this detailed report will be helpful to you I am,

Sincerely,

HORACIO SERRANO,
Manager.

[From the Los Angeles Times]

WIRTZ STOKES A REVOLUTION—CONGRESS ENDED FOREIGN FARM LABOR, BUT HE CALLS THE SHOTS

(By Harry Bernstein)

A major revolution is going on in agriculture, and W. Willard Wirtz may go down in history, for better or for worse, as its guiding light.

And oddly enough, if Wirtz does leave his mark as one of the most influential Secretaries of Labor, it will be for his role in agriculture and farm labor, rather than in urban and unionized labor, that facet which occupied most of his predecessors' time.

The revolution, particularly in California, devolved from the use for the last century of foreign workers and for a time of migrants from the dust bowls of Arkansas and Oklahoma. This farm labor force, while supplemental, was critical in the history of U.S. agriculture.

But all that is ending.

After his recent tour of California farm areas, Wirtz said that growers must compete for American workers, and no longer rely on the use of imported labor. This is the core of the revolution, in which Wirtz figures so prominently.

The last major foreign farm labor import system, the bracero program or Public Law 78, was halted last December 31 by action of Congress.

LIMITED NUMBER

Growers insist there are not enough Americans to replace the braceros, and they warn of disaster if some new system of foreign labor is not used, at least during a transition period.

They contend the Nation's regular immigration law could be used to bring in foreign workers on a large scale.

But Wirtz has said no, and agrees only to allow the entry of a limited number of foreign workers for a transition period.

The result, all sides agree, have already been startling, and may be even more so in coming years.

Temporary farmworkers have long been on the lowest rungs of America's economic ladder. The late James Mitchell, Secretary of Labor under President Dwight Eisenhower, called farmworkers "the Nation's forgotten people."

Their annual income was, and in many cases still is, less than half that of urban workers. Migrants' living conditions have produced protests for years from every religious denomination.

UNIONS' FAILURE

Unions tried and failed to organize farmworkers.

Then Congress ended Public Law 78. Wirtz ruled that only a comparative handful of foreigners will be allowed to replace the hundreds of thousands of Mexicans who had been coming to work on U.S. farms, mostly in California, Texas, Arizona, and Florida.

Here are some indicators of the scope of the revolution which is resulting from this change in the composition of the work force:

Farm wages have soared over 40 percent in 4 months on the average and in many cases beyond that. Workers now often have their transportation paid.

Efforts are being made to improve housing conditions, and Congress is expected to approve funds for such purposes. Governor Brown is pressing for State action to improve farmworkers' living conditions.

SERIOUS EFFORTS

There are serious efforts, aided by growers, to get a national minimum wage for farmworkers, allow them to join such programs as social security, unemployment insurance and workmen's compensation (already available in California).

But the revolution has its negative aspects. Those involved are concerned that dramatic, sudden changes might wreck or seriously damage agriculture, which is California's largest industry.

This damage to growers would come, it is feared, not just from the raises in standards of living for farmworkers, but from what many believe is still a fact; no matter how many dramatic improvements are made in farm jobs, Americans don't want such work—at least not enough of them.

Although Wirtz has established criteria which growers must meet before requests for foreign labor will be considered, there is still no minimum wage for foreign workers.

Wirtz is annoyed that unions and church groups on the one hand and growers and their allies on the other all seem to personalize the decisions which are forcing the revolution, and blame or credit him for almost all that is happening.

"Congress, not the Secretary of Labor," is responsible, Wirtz insists.

THE FINAL RITES

But most people tend to personalize history, and while it is true that Congress killed the farm labor import program, Wirtz is administering the final rites.

The move to eliminate foreign labor is resulting in dramatic changes, but the fact that it was a long time in coming can be seen by a quotation from Charles E. Warren, a fruitgrower, who told the San Francisco Commonwealth Club in 1918:

"We all know we (growers) need labor. There is only one thing that will furnish the labor for the State of California. What we need is 40,000 to 50,000 good young Chinamen."

The next immediate major decision faced by Wirtz is in Florida, where growers are still using 15,000 British West Indians whose contracts expire April 15.

The use of West Indians has brought, with much justification, protests from California growers who cry discrimination, and talk of the influence of Florida's two Democratic Senators, Spessard Holland and George Smathers.

LACK OF CONSISTENCY

Even those who are generally satisfied with the conduct of Wirtz are disturbed by what seems to be a lack of consistency in permitting the Floridians to continue using British West Indians, at least until their contracts expire April 15, but halting the California use of Japanese whose contracts are still valid.

In the broad picture, however, the key was the Mexican workers who comprised the bulk of foreign farm labor, and all of these have left U.S. farms.

The revolution is a continuing one, and if it succeeds with no serious damage to the agricultural industry and simultaneously helps provide thousands of jobs for unemployed Americans and raises living standards for farmworkers, then Wirtz will long be remembered as something of a hero, despite his reluctance to accept credit or blame for the revolution.

If there is chaos, history will remember him anyway, but as something less than heroic.

Mr. KUCHEL. I have long urged the Secretary of Labor, in hearings, in meetings, and on the telephone to encourage the entering into of an agreement, on a standby basis, between the growers and the representatives of the Republic of Mexico. He has assured Members of Congress and delegations of growers and processors from my State that our crops would not spoil and that we would have the necessary labor to harvest them. The planting of tomatoes has fallen off drastically. The asparagus crop is now nearing time for harvest. Lemons are now being harvested. Growers have been reluctant to risk their resources. So have the banks. As I conclude, I should like to say that I intend to stand next to my California colleague [Mr. Murphy] and my other friends in the Chamber, Republican and Democrat alike, in seeking to obtain justice for an important segment of our economy, so that what happened today with respect to the Secretary's order in relation to Florida, I firmly hope, may be reflected in similar recognition of the problem which faces our people in California, where the largest values with respect to American agriculture are centered.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. GRUENING. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. GRUENING. At 1 o'clock, when the germaneness rule expired, I yielded out of courtesy to my friend the distinguished Senator from Florida [Mr. Holland] with the understanding that when he had concluded he would yield to me. I now find that one Senator yields to another, and he yields to still another. I am therefore deprived of the privilege which I was granted. I ask that the Chair assure the Senate that I had the floor, and I therefore ask for recognition.

The PRESIDING OFFICER. The Chair informs the Senator from Alaska that the procedure was not pursuant to a unanimous-consent order. The Senator from California now has the floor, and he is yielding to the Senator from Colorado.

Mr. MURPHY. Mr. President, if the Chair will permit me, I should like to say to the distinguished Senator from Alaska that I think we can get on with the debate and conclude it very quickly.

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. MURPHY. I yield to the majority leader.

Mr. MANSFIELD. I request the distinguished Senator from Alaska to have just a little more patience. Senators who have been discussing the subject are almost through. I understand the position that the Senator from Alaska is in, and I am quite certain that he will be granted recognition promptly.

Mr. GRUENING. I thank my friend the distinguished majority leader, who always pours oil on troubled waters.

Mr. HOLLAND. Mr. President, will the Senator yield to me briefly for an explanation of the present situation?

Mr. MURPHY. I yield.

Mr. HOLLAND. Not at 1 o'clock, but some time after 1 o'clock we first had an opportunity to speak on this subject, for the rule of germaneness expired at that time. I went to the desk and found that my distinguished friend the Senator from Alaska [Mr. Gruening] was ahead of me. I explained the situation. He yielded to me most graciously. I told him that I would try to get out of his way expeditiously, and I expected then to yield the floor back to him. Of course, I did not tell him that I would not yield for questions or for participation in the colloquy. When I yielded to my distinguished friend the Senator from California, I really thought it was for that purpose, as I have explained to the Senator from Alaska.

I hope we can bring the discussion to an early conclusion, because I feel under some obligation to the Senator from Alaska, who has been most courteous to me, and I wish to be equally courteous to him.

Mr. GRUENING. No one could exceed the courtesy of the Senator from Florida.

Mr. MURPHY. Mr. President, we shall conclude the discussion quickly. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I can understand the feelings of the Senator from Alaska. I have found myself in the same position many times. I spent 5 hours on the floor of the Senate yesterday in order to obtain the floor. I should now like to say a word about the subject under discussion.

First, I wish to say to the distinguished Senator from Florida and the distinguished Senators from California that I concur wholeheartedly in what they have said. Colorado is fortunate because this year we have not yet faced the problem that they have already faced, but we in Colorado will face it. The rulings of the Secretary of Labor will actually convert the type of agriculture carried on in Colorado because we cannot get the necessary labor to do the work that is needed to be done in our beet fields.

I ask unanimous consent to have printed in the Record a letter contained in a clipping from the Times Call in Longmont, Colo., which I just received.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRACERO PAY

DEAR EDITOR: Much has been written regarding the bracero program the past few months. The farmer, as usual, like a sheep led to slaughter, meekly surrenders and accepts the abuse piled on his overworked shoulders by uninformed column writers and others who seem to take delight in "biting the hand that feeds them."

As a farmer's wife and partner, I would like to clarify several facts. Our braceros have never been mistreated, underpaid, or taken advantage of in any way. Our men averaged $22 a day last summer. (A fair amount considering some city employers pay their help less than $1 an hour). They receive any eggs, milk, or garden produce we can spare. Their living quarters are clean and adequate. Over the years we receive letters from former employees who beg to return.

Hiring high school boys and girls has been tried and failed dismally. They were paid (by the hour) to weed beets, but chose to swim in the irrigation ditches while the weeds were running rampant.

No man, least of all an irresponsible teenager, who does not understand the urgency of this work could possibly qualify. Any man worth his salt has a steady job, why wish the flunkies on the farmer?

Why accuse the farmer of being unpatriotic because we are happy and satisfied with our Spanish boys? What about the foreign cars in this country. If every foreign made car on the road were one manufactured in the United States, I'm sure it would create work for millions.

What about the young adults who attend schools in foreign countries—the people who receive social security and retire overseas—movie stars whom we patronize and adore live in Europe to avoid paying U.S. taxes, imported clothing, sweaters, meat, etc.

If all of this labor (and money) remained in our country we would have no unemployment except for those who find the welfare check more desirable.

It is time the public found another scapegoat to pick on.

The farmer is too busy minding his own business and being a good citizen.

Sincerely,

MRS. NORMAN BOLL.

PLATTEVILLE, COLO.

Mr. ALLOTT. I read only a portion of that clipping. The writer states:

> As a farmer's wife and partner, I would like to clarify several facts. Our braceros have never been mistreated, underpaid, or taken advantage of in any way. Our men averaged $22 a day last summer. (A fair amount considering some city employers pay their help less than $1 an hour.) They receive any eggs, milk, or garden produce we can spare. Their living quarters are clean and adequate. Over the years, we receive letters from former employees who beg to return.

I have in my possession a series of letters from people in Colorado who have requested permission to bring in specific workers from Mexico, and they have been refused. We in this country must take care of this problem. Agriculture is the most important activity to Colorado. I believe it is significant to note that when everyone is talking about the high price of support programs—and in Colorado that applies mainly to the wheat and feed programs—the area of agriculture that will be affected most by the arbitrary stand of the Secretary of Labor, who, I am sorry to say, regards this as a bunch of statistics, and does not understand the situation himself, people who will be affected most are those who are not on support programs—those who raise perishable vegetables and fruits. They are the ones who need the help. There are also those in the same area who raise sugarbeets.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. MURPHY. I yield.

Mr. SIMPSON. I wish to associate myself with the remarks of the distinguished Senator from California. I particularly wish to commend the junior Senator from California [Mr. MURPHY] for his magnificent presentation of this very vexatious problem that confronts the American people.

The State of Wyoming is similarly situated. Sixty thousand acres of sugarbeet production has been curtailed by virtue of the fact that we cannot get laborers in my home county of Park in northwest Wyoming. I understand that 24 farmers had to give up their beet acreage because they cannot procure the stoop labor necessary to harvest the crop.

I shall continue to associate myself with the junior Senator from California and my other colleagues on both sides of the aisle in an effort to bring about an end to this bad situation.

Mr. MURPHY. I thank the distinguished Senator from Wyoming.

Again I thank all Senators who have concerned themselves with the problem.

I point out that this is not a partisan political problem at all, as has been suggested in some places. For the first time, I believe, in history we find the State of Florida and the State of California locked together with a mutual aim because of mutual necessity. I sincerely hope that the Secretary of Labor, having read the abundant evidence and having heard the testimony and knowing the situation for what it truly is, will see fit to relax his position and take a practical, productive approach to the problem.

I thank the distinguished Senator from Florida more than I can tell him for his help.

Mr. HOLLAND. I thank the distinguished Senator from California.

Mr. DOMINICK subsequently said: Mr. President, I wish to join my friend from Florida [Mr. HOLLAND] and other Senators who have been speaking out on the farm labor problems. It appears that the Secretary of Labor is going to continue to ignore our problems and I certainly commend Senator HOLLAND for the service he has performed and continues to perform in this regard.

We need some action and we need it now. The crops will soon have to be harvested and acute labor shortages are already present in many areas. I completely fail to understand why this situation is being ignored. It is a shocking disregard of these farmers.

I ask unanimous consent that letters which I have received on this subject and some miscellaneous editorials and articles may be included in the RECORD at the appropriate point in the RECORD where the colloquy was had between the Senator from Florida [Mr. HOLLAND] and the Senator from California [Mr. MURPHY].

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver (Colo.) Post, Mar. 12, 1965]

SKIP IMPORT LABOR, PROVE POINT, GROWERS TOLD

(By Judith Brimberg)

Bernard E. Teets, head of the State employment department, Friday urged sugarbeet growers, processors, canners and vegetable growers to prove their point by going along with the U.S. Labor Department policy banning the use of braceros this year.

"Prove to them that they are wrong and that we in Colorado must have foreign help if we are to process our crops," Teets said.

About 80 persons attended a meeting sponsored by the U.S. Labor Department at the State labor department offices, 1210 Sherman Street, Jack S. Donnachie, Deputy Director of the Labor Department's Office of Foreign Labor, and Robert C. Goodwin, Administrator of the Bureau of Employment Security, were in charge.

Teets disagreed with Goodwin that increasing farm labor pay would aid recruitment efforts. He said that Colorado employers have sent buses to Indian reservations and have had them return empty or only one-tenth full. Teets likewise disagreed that young people could fill the need for farm labor.

"We're not going to convince the theorists until we can demonstrate that we can't process our crops without foreign labor," Teets said.

"I know this places you in a position of almost complete frustration because this is your financial life," he told the group. "Unfortunately, some areas of the country have cried wolf. They have said they could not get along without bracero labor, but they could.

"We intend to press hard to exhaust all reasonable avenues to obtain qualified labor," he declared.

Teets said Labor Department officials appear to be adamant in excluding bracero help, but "if we do this (adhere to the Labor Department's program) diligently, no honest man can prohibit you from seeking to import farm labor," he stated.

"You will have labor at a greater cost and with considerably more problems, but you will have it in time to process your crops," he told the group.

Goodwin said Labor Department officials were not talking theoretically. He said it has been demonstrated that domestic workers were obtainable in California by growers there.

Earlier Goodwin estimated that 200,000 foreigners worked on the Nation's farms last year, the last year of the bracero program.

He said the major problem was not replacing the braceros, but keeping domestic workers from leaving the farm. Goodwin estimated that about 200,000 farmworkers have left the farm every year since 1955.

Goodwin called for labor cost adjustments to make farm labor competitive.

"You have been paying more for machinery and fertilizer. You should let your labor costs go up, too," he said, pointing out that productivity on American farms has increased tremendously in the past decade.

Leon Hamilton of Salt Lake City, Utah, representing the Salt Lake City Farm Labor Association, said attempts to hire youths and

Indians have proved fruitless and that Utah is in danger of losing some canning concerns.

He agreed that only 500 foreign workers were in Utah last year, but said that these were necessary to aid the State's small farmers. The small farmer is just as much entitled to harvest a crop as the big one," he declared.

States represented were Colorado, Wyoming, Utah, Iowa and Montana.

[From the Grand Junction (Colo.) Daily Sentinel]

FARM CRISIS HERE

The first gusty squalls of an agricultural hurricane spawned in the union-dominated Labor Department are buffeting growers in Florida.

These first squalls should be reason enough to hoist the storm warnings on farms across the Nation and to send bureaucrats scurrying to shelters. Probably it will take greater loss to fully alert agriculture interests and their supporters, and to convince the official know-it-alls that there is trouble afoot.

These first squalls indicating a farm crisis of major magnitude are seen in news reports that millions of dollars worth of citrus, vegetables and sugar cane are "turning to garbage" under the Florida sun.

Farm leaders in that State say the reason for this loss is a labor shortage created by the Federal Government.

For 20 years Florida's crops were harvested largely by labor imported from the British West Indies and the Bahamas. But not this year. Those sources were cut off when Congress, under pressure and persuasion of Labor Department officials and union bosses, refused to extend the migrant labor act.

California Department of Labor has launched a crash program to recruit domestic workers to help lemon and date growers who claim they stand to lose millions of dollars because of the labor shortage.

Secretary of Labor Wirtz, operating like a seasoned bureaucrat, has hoisted the minimum wage scale to as high as $1.40 an hour in an effort to attract American farmworkers. A $1.15 minimum set for Florida is 20 cents higher than the scale paid foreign workers, but the plan isn't working.

Domestic workers refuse to do stoop labor and farm tasks they consider menial despite the wage scale.

Industrious workers can earn more than the scale under a long standing piece-rate system in many sections.

The unskilled and lazy workers, if they do report at the farm, are a burden on the farmer and are not worth their wages.

Then, too, despite the claims of the labor bosses, the huge ranks of unemployed refuse to dash to the farm so long as they can get unemployment insurance, welfare payments, and idleness subsidies without lifting a hand.

These squalls in Florida and California should be sufficient warning to western slope agricultural interests that there may be a big blow coming, and now is the time to batten down to meet it.

[From the Christian Science Monitor, Mar. 5, 1965]

CALIFORNIA: PLEA FOR BRACEROS

(By Harlan Trott)

SAN FRANCISCO.—The cry "bring back the braceros" is drowning out the other voices of spring in California. Gov. Edmund G. Brown is making himself heard above the rest.

He says he is wondering if Congress acted too abruptly in halting the seasonal entry of Mexicon nationals (braceros) to work on California farms.

Repeal of Public Law 78 was meant to afford farm jobs for domestic workers. Some labor unions were for it, but not the Teamsters Union. So were the National Council of Churches of Christ in America and the National Catholic Rural Life Conference. So was Governor Brown.

The unions mainly felt enough domestic workers could be found—if farmers paid wages on a par with other industries.

Growers in this farm State say they are ready any time to match farm-wage rates in other States. But they insist they can't pay more than competing farm areas offer.

In the 60 days since the bars went up against the braceros, California's $3 billion farm economy has been rocked by disputes. The growers insist they are facing serious trouble. The California Labor Federation replies the farmers are "crying wolf."

TOMATOES CUT BACK

A cannery near Modesto, Calif., announced it was shutting down its tomato lines due to the uncertain picture. Last year the plant processed 40,000 tons of tomatoes. The State AFL–CIO termed the announcement "poppycock." Thomas J. Pitts, State labor leader asserts the growers are trying to "sabotage" the Government's policy favoring farm jobs for domestic workers.

Observers are wondering if the Modesto tomato cannery's dropout is a portent of things to come in general. Since 1961, they point out, a half-dozen giant food processors like Campbell and Heinz have set up plants in Mexico.

At any rate, Governor Brown has swung over to the farmers. He has asked Secretary of Labor W. Willard Wirtz to consider importing braceros "in substantial numbers and in the very near future" to head off possible crop loss in the State's leading industry.

Secretary Wirtz is believed to have been feeling his way through the last 2 months. He wants to be sure that backers of the bracero ban can rustle up the domestic labor supply they contend is on hand. But can he risk testing the home-labor market much longer?

BANK-LOAN TIME

This is the time of year when banks normally make loans to launch the growers' season. Right now the tomato industry is all at sea.

"Tomato growers should be planting right now," says manager Bob Holt of the California Tomato Growers Association. "Until this labor scare is ironed out, three-fourths of our growers are left stranded. Banks just aren't willing to lend our people the funds they need to start planting. It would be plain stupid to plant before you're sure you can harvest.

This is the fix that three-fourths of the State's tomato growers are said to be in. The other one-fourth are those who plant, till, and pick by machinery. Mr. Holt cites this machine segment as a portent of a long-range solution to the farm-labor crisis. In the end, machines will plant, tend, and pick the crops.

The tomato growers are waiting on the bankers. The bankers are said to be waiting on Secretary Wirtz. If he certifies growers can import braceros when and where they are needed, the bankers' risks will be resolved.

Mr. Wirtz has promised there will be no crop losses in 1965 if he can help it. The growers say this is a safe statement—if no crop gets planted.

Growers are not seeking reenactment of Public Law 78. This is the 1951 law letting in braceros. Growers feel existing laws are good enough.

AMERICAN FARM BUREAU FEDERATION,
March 17, 1965.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At a recent meeting of the board of directors of the American Farm Bureau Federation the board—reflecting the growing concern of our members relative to the farm labor situation—took action to recommend the modification of present national policy relating to farm labor employment.

The current and prospective shortage of farmworkers stems, of course, from national policy relating to the number of foreign farmworkers admitted to the United States for temporary employment in agriculture, and the requirements which must be met by farmers who wish to be eligible to employ such workers.

Experience with the administration of such policies so far this year provides factual data that warrant their reexamination.

Secretary of Labor Willard Wirtz quite properly has established the principle that no foreign farmworkers shall be admitted so long as unemployed domestic workers, willing and qualified to accept such employment, are available.

With this basic concept we have no quarrel. We must, however, express our conviction that the administration of this concept involves two major errors which, if not modified, will have undesirable consequences not only for farmers but for agricultural processors, related service and marketing concerns, many workers employed in processing and service industries, and ultimately consumers.

First, the assumption that there are substantial numbers of unemployed persons who are willing, qualified, and available for seasonal farmwork is erroneous.

According to the monthly labor force reports of the Department of Labor, approximately 2.8 million out of a total of 3.8 million unemployed workers have been unemployed for less than 14 weeks. This is basically frictional unemployment. These workers are temporarily unemployed. In the vast majority of such instances it would be foolish and shortsighted for the worker to leave home to accept seasonal temporary employment in agriculture. To do so would seriously reduce his opportunity to obtain more permanent employment in line with his skills and experience.

This leaves less than 1 million workers who have been unemployed for 14 weeks or more. At any particular time, most of these million unemployed are unavailable for employment in agriculture for any one of, or a combination of, the following reasons:

1. Many of these unemployed persons are currently unemployed working wives whose husbands are employed. (The unemployment rate for women over 20 years of age is 33 percent more than that for men.) Obviously these unemployed women should not be expected to leave home to accept temporary farm jobs.
2. Many of the unemployed are located at long distances from the area of employment. An unemployed factory worker in Chicago or New York is hardly a potential farmworker in Florida or California.
3. Many of the unemployed are physically handicapped or otherwise not qualified for farm employment. Many are elderly or feeble. Farm work is commonly hard and monotonous work.
4. Many of the unemployed are voluntarily so, or in no particular need to accept employment not to their liking; perhaps the recipients of unemployment benefits.

We believe it follows that at any particular time or place there is a very limited number of unemployed persons who are actually available, willing and qualified for farm work, and who live within a reasonable distance of the area in which such work must be done.

We think this has been clearly demonstrated by the massive Department of Labor recruitment programs in California and Florida during January and February. These programs have not resulted in a substantial increase in the number of domestic farm workers.

We submit that it is inequitable to compel farmers to spend large amounts of money in vain efforts to recruit workers from the ranks of the unemployed or to provide transportation for substantial distances to workers who do not stay on the job.

We submit that under these circumstances it is unreasonable to hold adamantly to the policy that no foreign farmworkers shall be admitted in 1965.

Second, the assumption that hourly earnings guarantees should be imposed on a piece rate wage system is inequitable and unreasonable.

The widely used farm piece rate wage system provides individual incentive and is preferred by both employers and employees.

It is one thing to require farmers to establish piece rates which will permit a worker of average capability who works with reasonable diligence to earn specified amounts.

It is something entirely different to require farmers to guarantee that each worker be paid specified amounts per hour regardless of the amount produced.

Because farm labor employment by a particular farmer may vary from zero to many workers in a few days' time, and because most farm labor employment is for a harvest period of a few weeks, or at most a few months—farmers have historically, and of necessity, employed on a piece rate basis virtually anyone who is available at harvesttime—the ambitious and the shiftless, the capable and the incapable, the able bodied and the handicapped.

A guarantee of hourly earnings cannot be imposed on this system without disruptive and inequitable consequences. The less productive are rewarded for their nonproductivity. In the short run farmers' costs are exorbitant. In the long run no benefit will result to the less productive workers, because in the long run farmers cannot afford to hire them. By such action we effectively deny employment to those persons most needing it.

We submit that experience in the early months of this year already provides evidence that a guarantee of hourly earnings added to a piece rate wage system is unreasonable and unworkable.

We submit that if farmers pay piece rates that result in acceptable earnings by average workers this is all that can reasonably be required, and that the criteria should be modified accordingly.

The consequences of present policy are far more adverse than has been yet recognized. It appears to us that included among such consequences are the following:

1. The expansion of fruit and vegetable production in Mexico and in the Caribbean area is well documented in the January hearings on this issue by the Senate Agriculture Committee. This shifting of production from the United States to other nations has been stimulated by wage differentials between such areas and the United States, and by critical labor shortages. It will be further stimulated as the wage-cost differential is widened. The more farm wage costs are pushed up in the United States, the more an expansion of competitive production in such other areas can be anticipated. Some of this development is by U.S. farmers, processors and capital.

2. Farmers in the United States will curtail their plantings of high-labor-requirement crops in 1965 unless some assurance is forthcoming concerning the labor outlook. In many cases it is reported that banks are unwilling to finance production of such crops in the light of the current farm labor situation.

3. Employment in agriculturally related industries will be reduced as a result of the above developments. Once an expansion of an industry occurs in another country, it is not likely that the lost employment can be regained.

4. U.S. exports of processed fruits and vegetables will be reduced; U.S. imports of fresh and processed fruits and vegetables will be increased; both changes adversely affect the balance-of-payments situation.

5. Crop losses will be sustained. Already the Florida Citrus Mutual has reported "a loss in unharvested, over-ripe and spoiled fruit of from $4 to $6 million, all directly attributable to insufficient pickers." We do not believe it is possible to administer the present policy without causing additional losses.

6. Some farmers, and particularly small farmers, will be forced out of the production of crops with high labor requirements. The inevitable response to a tight farm labor situation is a crash mechanization program; although to be sure this cannot be done overnight. Small farmers do not have the volume of production over which to spread economically the heavy costs of a crash program of mechanization.

7. An increase in prices to consumers and a reduction in quality of fresh and processed food products that require large amounts of hand labor.

It would be impractical to make quantitative estimates of the significance of each of these factors. But we do not see how it is possible to avoid the conclusion that each of the consequences listed will flow inevitably in some degree from present national policy.

Your consideration of the need to modify existing policy in the light of the above considerations is respectfully requested.

Very truly yours,

Charles B. Shuman,
President.

Bistline Brokerage Co.,
Denver, Colo., February 10, 1965.

Senator Peter H. Dominick,
Senate Office Building,
Washington, D.C.

Dear Sir: I am writing in connection with the administrative claim that foreign labor is unneeded by U.S. fruit and vegetable growers.

I am sure you know that such labor is a definite need in Colorado as well as in Arizona and other States in this general area, and that past efforts to substitute for it have been failures.

In our own business here we represent products of Minute Maid and Chun King Corp.—the former dependent on Florida for oranges and the latter on the harvest of Florida vegetables. Both are very much aware of the labor shortage in that State—obviously the problem exists in areas other than our own.

I urge you to oppose legislation that will curtail supply of foreign labor for harvesting fruits, sugarbeets and vegetables.

Yours truly,

Jean N. Bistline.

Denver, Colo.,
February 10, 1965.

Senator Peter Dominick,
U.S. Senate,
Washington, D.C.

Honorable Sir: We all know that Florida, Colorado, California, and Arizona sadly lack labor to harvest the vegetable, fruit, and date crops. In fact these producers stand to lose many millions of dollars, and no doubt this will reflect on the economy of the State affected as well as the whole country.

I would appreciate it very much for your support in getting a supply of foreign labor for the harvesting of these crops.

Yours very truly,

Earl R. Cottrell.

Franklin Farms,
Grand Junction, Colo.,
March 14, 1965.

Hon. Peter H. Dominick,
Senate Office Building,
Washington, D.C.

Dear Senator: Enclosed is a copy of my letter to Secretary of Labor, Willard Wirtz, pertaining to our immediate vegetable crop labor problems.

I know that you have been concerned with this same problem, and the only purpose of this letter is to again urge on you the necessity of doing all in your power to bring about a solution to this very urgent and critical problem that some of the bureaucrats in Washington have gotten the American farmer into.

We are bending every possible effort toward weed control by herbicides and complete elimination of hand labor for weeding. However, this is not in the immediate future. Mechanical harvest of tomatoes in Colorado is not in the forseeable future, either.

I do not need to point out to you the economics of these crops to our State, and if we are to raise them this year, 1965, we must have an adequate supply of foreign labor and the assurance of such soon so that we can plan and plant accordingly.

Sincerely yours,

C. R. Franklin.

March 14, 1965.

Willard Wirtz,
U.S. Secretary of Labor,
Washington, D.C.

Dear Secretary: I write this letter not only on my behalf but on behalf of every beet and tomato grower in western Colorado and eastern Utah. The horizons might be much broader but I speak specifically for the area in which I am acquainted.

The failure of a disinterested and misinformed Congress to renew Public Law 78, and the punitive campaign of the Labor Department against the American farmer is bringing and can only bring additional hardships for the food suppliers of this country who for the past decade have been battling against a spiraling production cost and a declining per unit income. We have met this problem to date by increased efficiency and per acre yields. Some of us have managed to survive this nationwide cost-price squeeze and have idly stood by while tens of thousands of our neighbors have had to move to town and look for a job for which they were unqualified.

We all would like to see the Nation's unemployed go to work, but those of us who for years have offered farm work to these people know that they will not or cannot do the job we must have done. Many are physically disqualified for manual labor in the hot sun, most are positively undependable and will never do farm stoop-labor type work regardless of wages offered. We have always used what local help was available and will continue to do so, but we must have additional qualified, willing, dependable labor commensurate with our income if we are to continue to raise vegetable crops.

I urge you as Secretary of Labor to reconsider the program you have so dogmatically followed the past few months, urge Congress to reenact Public Law 78 or its equivalent, and immediately make provisions whereby we can be assured of an adequate foreign labor supply to hoe and harvest our crops.

Planning season is past, planting time is here, and we must have a workable solution to our labor problems now—not just mere promises.

Sincerely yours,

C. R. Franklin.

ANCHOR SALES CO.,
DENVER, COLO., *March 15, 1965.*
Hon. PETER DOMINICK,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR DOMINICK: We in Colorado have been most fortunate to be represented by you down in Washington, especially in the field of Colorado agriculture, as you are most knowledgeable concerning Colorado problems.

In this connection, I am writing you in behalf of a large group in Colorado concerning the agricultural labor situation within our State, and in particular the reactivation of the bracero program.

Mexican nationals, during the work with sugarbeets, pickles, and tomatoes, have been most necessary for the economy of these industries within our State.

Is there anything further you can suggest where we may impress the administration of the necessity for this bracero program?

Very truly yours,
OTTO PFRETZSCHNER.

LONGMONT CHAMBER OF COMMERCE,
Longmont, Colo., March 17, 1965.
Mr. WILLARD WIRTZ,
U.S. Department of Labor,
Washington, D.C.

DEAR SIR: The people of the Longmont trade area wish to call to your attention some of the problems that are facing them as a result of the discontinuance of the bracero program.

We all understand and appreciate the desirability of providing work for our own citizens and thereby reducing the rate of unemployment in our own country. However, we do not feel that this result will be achieved in this manner—in fact the contrary is likely to happen.

The kind of labor that is required in the best fields is not available locally. Our farmers have not been able to hire field labor locally for a number of years. This is no reflection on the local labor supply but merely a fact of life. The work of thinning and weeding beets is of such a seasonal nature that our local people can't afford to quit permanent jobs in construction work, processing, etc., for this type of work. This is as it should be since we certainly would not want to burden the welfare department and employment departments with people who could not earn a living with their seasonal type of work. It is also true that as the people who formerly did this type of work, become better educated and more skilled, they do not seek field work.

The economic impact of the beet industry is vital to the agricultural life of northern Colorado and Longmont in particular. In the Longmont district alone over 320 farmers raise beets for which they receive some $3 million annually. Approximately 100 men are employed year around at the Longmont factory with the payroll rising to 450 during the campaign from October through January. We would like to point out that this factory campaign comes at a time when construction work, farm work, etc., is at a seasonal decline and therefore aids the employment picture significantly.

The local factory requires the use of 100 railroads cars daily during the campaign and provides a significant market for coal and limestone which are mined nearby.

This is but a brief picture of the importance of the beet industry here in Longmont. We could expand in its effect on the automobile, farm machinery, clothing, hardware, petroleum, grocery businesses, and many more.

We also believe that this bracero program has had a significant impact on the improvement of agriculture in Mexico. Many of these people who come to our area learn of improved methods and take this knowledge home with them along with as much money as they are able to earn in a whole year at home after spending a period of 2 months here.

The pace of agricultural mechanization has been rapid and it will continue to grow. Likewise the use of agricultural chemicals has been amazing, but we do not feel that the technology has reached the point where hand labor is not needed, therefore until it does we respectfully request your consideration of an extension of the bracero program as long as it is needed.

Sincerely yours,
WILLIAM G. DUTCH,
Chairman, Agriculture Committee, Longmont Chamber of Commerce.

FOREIGN LABOR

First you want them to go, then you want them to stay, then you want them to go, then you want them to—

Like some unfunny parody on Jimmy Durante's old song, the dilemma of what to do about foreign labor is spreading.

In recent years Britain has turned from free immigration from the Commonwealth to a policy of control. This year Switzerland is beginning to restrict the entry of foreign workers. Last month a public-opinion poll in West Germany found that a majority of more than 2,000 men and women questioned would willingly work an extra hour a week if it would lead to the withdrawal of foreign workers.

Yet these are all countries of virtually full employment. They have absorbed hundreds of thousands of temporary and permanent immigrant workers.

In the United States unemployment remains relatively high. While general immigration policies are in process of being liberalized, the entry of foreign farm labor is being officially discouraged.

Labor and church groups have supported the refusal of Congress to extend Public Law 78, under which thousands of Mexican and other foreign agricultural workers had been imported each year. It expired at the end of last year.

The law had served to "perpetuate the degration of the hired man in agriculture," said a spokesman for the National Council of Churches. There seems no doubt that, although braceros sent back millions of dollars to Mexico, they were often exploited, though not to the same degree as the illegally entering "wet-backs." And they helped depress wages of U.S. workers.

For individuals it could be a harsh way to keep down costs for farmers and thus for the public.

However, the effort to end importation of workers at the moment seems to raise as many problems as it is intended to solve.

Mexico, for example, has its own unemployment problem. This is now increased, though President Diaz Ordaz welcomed the congressional decision as an opportunity for Mexico to "face up once and for all to our rural problems."

And the United States may face not only higher prices on fruits, for example, but the actual inability to harvest certain crops effectively. A poorer competitive position with other countries would follow, along with losses to people dependent on processing, etc., and perhaps a flight from specialty crops to something like potatoes, leading to new surpluses.

The Department of Labor is set to begin a large-scale drive to recruit domestic workers to replace those formerly imported. There seems no reason why growers should not have to pay wages competitively with other sources of employment. But they rightly urge that the Government set up standards of classification for recruited workers. From bitter experience, they know the unreliability of those not fitted for the work or not interested in expending much energy on it.

If growers fail to find suitable domestic labor, after fulfilling certain criteria, it appears that they may be permitted to import foreign workers. It is essential that the Labor Department look ahead sufficiently to provide the machinery for importing workers if its recruitment fails.

In the long term any irresponsible threat that the "harvest will be lost" should not be made an excuse for keeping agricultural workers at a disadvantage. But certainly during this first year after the expiration of Public Law 78 there must be enough flexibility to save the crops.

[From the Packer, Feb. 27, 1965]

LABOR PROBLEM: MENDELSON CALLS FOR VAST INDUSTRY PROTEST TO STAY ALIVE

SAN FRANCISCO,
February 25, 1965.

TO THE PACKER:

Your industry and my industry has a battle on its hands, a battle to stay alive, to stay alive under the conditions which made its success possible. This, gentlemen, is no time for contemplation; this is a time for massive indignation and protest.

THE SINCERE BUT MISGUIDED SECRETARY

I honestly feel it would be wrong to attribute any actions of Labor Secretary Wirtz to ulterior motives, political pressures, or ambition for publicity but only to a sincere desire to help the many thousands who today are unemployed. No man could stand up under the beating the Secretary has received without being unequivocally dedicated to his position. And may I say that our industry, too, has been and is willing to continue to be an ally in the effort to assimilate at least a portion of our agricultural labor force with domestics.

At the same time this industry cannot survive under misguided, albeit sincere efforts. There is a lot more at stake than the zeal of Secretary Wirtz, a zeal that is unquestionably tearing down the whole structure of American agriculture and its distribution.

I propose that we arise in massive indignation and protest, that we "hit the bricks" and hit the press of America with a well-organized story of what is happening and the catastrophic effect on the entire American economy. Up to now, it has been a hit-or-miss thing, a shotgun which everyone hopes and prays will strike something, or anything. "Florida Protests" or "California Fears Shortages" or "West Virginia Complains." Somehow there should be more direction given our publicity.

ARE WE BEING PUNISHED?

I hesitate to use the word "persecution" but tell us, Secretary Wirtz, is our multibillion-dollar industry being punished for something? Perhaps the fact that we now reach into every corner of the world with our products? Could it possibly be because we have voluntarily, and at great cost, raised our quality standards to the highest in agricultural history? This is wrong? Criminal? I wonder if our superior packaging could have been a total error, or perhaps the millions of dollars expended on new and experimental seed strains have forced us to drink the bitter, frustrating tea you are having us drink.

Sir, do you realize what it means to substitute incompetent field labor for experienced, fast, and qualified workers It isn't only that the fruit is dropping on the ground in Florida or that the slow labor force we have been using will divert a tremendous percentage of California crops to processors. It isn't only that the lettuce shipments are such that any grower or shipper with pride is ashamed to load them on cars. It isn't only that strawberries, one of the most expensive and delicate crops grown, will be ruined by slow, impossible workers who are here today and gone tomorrow, and here today and gone tomorrow, and here today and gone tomorrow.

It is not alone for these reasons, sir. It is that the growers throughout the many States that used bracero labor will simply not plant with this risk of a work shortage or an incompetent work supply as a constant specter. Speaking from first hand information, I know of two growers with a total of 1,675 acres of tomatoes who have decided that this rampant confusion is too much for them and have decided not to plant. And may I say these are only two of the thousands in California, Arizona, Texas, and Florida.

FACTS AND FIGURES

Permit me to underline my statements with definite facts and figures. I have before me exchanges of letters between State and Federal labor departments and the famous Rancho Sespe of Fillmore, Calif. T. A. Lombard, president, writes:

"As chairman of Governor Brown's Agricultural Export Advisory Committee I wish to bring to your attention the very serious problem on crop harvesting which now faces Ventura and Santa Barbara lemon growers.

"These counties are large exporters of lemons * * * 15 to 20 percent of the crop going abroad and this due to years of work and sales development.

"In the month of January we brought in 3,400 people from as far away as Texas. Of these some 74 percent have already left us. We are now short about 3,000 lemonpickers and the fruit is rapidly deteriorating.

"Due to the inefficient labor, the rising cost of harvesting, up as high as 100 percent since the first of the year, will also force exclusion of our products from world markets. I estimate we will probably lose in 1965 some $200 for every acre of lemons grown."

WE ARE VICTIMS

To the pleas of Florida, California, and other growers of fruits and vegetables Mr. Wirtz roars down from Olympus an emphatic "No" as these panicky growers ask for a standby force of Mexicans to avoid complete chaos.

On what grounds, sir? You have said that it was the intent of Congress in the expiration of Public Law 78 to stop such importing of labor. What happened to the intent of Congress when they originally enacted Public Law 414 which, it may surprise you, is still on the books but you have deliberately made it inoperative by edict. Has it been the intent of Congress for one man to set up minimum laws for agricultural labor when it has defeated such plans before? If we are going to talk about the intent of Congress let's go down the line all the way.

Why should our industry suffer the loss of competent help because of the truly unfortunate situation of American unemployed? Is this our responsibility? Did we cause the unemployment? Why do you hold our feet to the fire of incompetence and the resultant threatened ruination of our production because of a situation that we did not cause nor certainly for which we should be made the whipping boy.

You allow Basque sheepherders under Public Law 414, and Canadian woodsmen. Our Government I am sure would not hesitate to import space engineers from Europe regardless of whether there were American space engineers unemployed. Possibly, for the very reason that in certain areas they do a better job. Can you say less for the competent and efficient Mexican bracero? And above all, when it is purely and simply a standby force not usable if Americans are available.

CALIFORNIA'S GOVERNOR SPEAKS OUT

As we write this, Gov. Edmund G. Brown, of California, has sent to Washington, Director of Employment Al Tieburg, Director of Agriculture Charles Paul, who will be seeing Secretary Willard Wirtz together with a group of California Congressmen to point out the most serious situation in this State. Governor Brown, whose recommended phaseout of 20 percent per year of braceros was the best program we have seen, has publicly acknowledged that there is absolutely no possibility of California being able to harvest its crops without supplemental foreign labor.

I am sure his decision occurred because right today there are thousands of lemon pickers short, the same for lettuce, the same for asparagus, the same for tomatoes, the same for strawberries, and he asks that immediately preparations be made for setting up the machinery to import the Mexicans as needed. And in 2 weeks the problem will be magnified fivefold.

The Department of Labor's plan to "wait another 30 days" is to say the least, sudden death. The Secretary has refused to certify shortages even after herculean efforts on the part of our State officials have proven that insufficient American laborers are available. If this is the case now, you can imagine what will happen in a few short weeks when all of California will be screaming for immediate help.

I can only say that Mr. Wirtz has the ability to affect irreparable harm to American agriculture. He shouldn't have the power to do so.

The business of raising fruits and vegetables is tough enough without this wrecking of the edifice by governmental edict. Someone should tell Secretary Wirtz that when a man plants a crop 100 days ahead of harvesting he has no idea of what he will receive for it. The risk and gamble against weather, competitive areas and general market conditions is more than enough without the added harassment of bureaucrats bent on settling one social problem even if it means the creation of another one.

Call this an epilog if you will. I fervently hope that it will be, instead, a prolog as perhaps we can get back on the track of doing our job of raising and distributing fresh fruits and vegetables.

Permit me to say to Washington—you can force us to employ slow, incompetent workers; you can force us to ship substandard packages; you can ruin our fields and our orchards; you can price us out of the market; you can force us to pay wages that can only lead to bankruptcy; you can do all of these things, but I leave you with this warning—you can't force us to plant.

PALMER MENDELSON.

Mr. SIMPSON. Mr. President, I want to voice a concern that the State of Wyoming has for the problem that we are now discussing.

Certainly this administration and Secretary Wirtz must be educated to the need for a bracero program that will supplement our domestic labor supplies. I have been literally shocked by the utter disregard that has been demonstrated by Secretary Wirtz. Wyoming will not suffer as much as the States of Florida and California. But we will suffer irreparable damage because of the refusal to protect the economy of the Nation and our State.

It is a known fact that "you make the best eats from Wyoming sugarbeets." Wyoming has over 60,000 acres of topgrade sugarbeet land. The beets grown on these lands must be weeded and thinned. This calls for about 6 to 8 weeks of labor in the early summer. We need 1,100 Mexican nationals to do the work or, based upon actual statistics, 1,700 domestic laborers to do the job.

From the experiences I have had from living in Wyoming and serving as Governor of that great State, I know that it will not be possible for our beet farmers to acquire a sufficient number of laborers to do this work from the State of Wyoming or the surrounding States.

The directors of the Goshen County Beet Growers Association met with the Holly Sugar Corp. last January to discuss terms for the 1965 beet crop. The directors refused the contract, not because of the terms of the contract, but because of the labor conditions. They felt that it was not reasonable to plant beets when they did not know what labor costs would be or even whether they would be able to get labor. In the past they had made every effort to obtain local labor. They had even tried to organize school children, but they had met with very little success.

I just learned today that 24 farmers from the Powell, Wyo., area turned back their sugarbeet acreage allotments because they could not be assured of laborers. A lot of acreage is involved in this transaction and its effect will be detrimental to our economy. Our farmers are entitled to know that the Government will be fair with them. To date the Secretary of Labor has not been considerate of our needs.

The Wyoming State Employment Security Commission has tried in the past to obtain laborers but to no avail. In February of this year a spokesman for the Employment Security Commission of the State of Wyoming told the members of the Wyoming Sugarbeet Council that Wyoming could not supply their expected needs for sugarbeet workers. A survey completed by the commission indicated that less than 300 Wyoming residents would be willing to go into the sugarbeet areas of the State to hoe beets.

The spokesman also informed the beet growers that the number of Texas beet workers who could be recruited would probably be less than a year ago, due to the expected increased competition of agriculture employers nearer to Texas who are expected to offer higher pay and longer periods of steady work. A further complicating factor is that Texas laborers must drive over 1,000 miles to work in Wyoming for only 8 weeks. We must remember that Wyoming does not have the fruit and vegetable jobs to extend their employment.

The Wyoming Employment Service sent orders to Texas offering transportation costs, housing facilities without charge, and piece wages with a guaranteed earning rate of $1.25 per hour to qualified beet workers, if their piece-rate earnings fell beneath that average in any 2-week pay period.

I was not surprised, nor were State officials, when we were not able to acquire a sufficient labor force to handle our cash crop of sugarbeets. On February 3, I personally wrote Secretary Wirtz and told him of the plight Wyoming sugarbeet industries would be encountering this spring. I told him of our past history and the difficulties that we have had and tried to tell him that Wyoming was in a unique and difficult position in that we do not have a large labor force and it is not economical for domestic laborers to drive to and around the State of Wyoming to work for such a short period of time in our beetfields.

As we now know, my plea in urging for assistance fell on deaf ears and no promises came. Then on February 22 I again wrote the Secretary and in more detail presented the Wyoming need. I ask unanimous consent to have a copy of that letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
February 22, 1965.

Hon. W. WILLARD WIRTZ,
Secretary of Labor, Department of Labor, Washington, D.C.

DEAR MR. SECRETARY: I have in my hand your letter of February 17 in reply to my request of February 3 that a sufficient number of stoop laborers be permitted to come to the State of Wyoming from Mexico to assist us in thinning and weeding our sugarbeet crop.

I felt that my letter to you had adequately refreshed your memory and the memory of your assistants in the Labor Department of the unique position that Wyoming is in, but, unfortunately, your response indicates that you are not familiar with Wyoming's difficulty and need for Mexican nationals.

As stated in my earlier letter, Wyoming needs at least 1,100 bracero workers because we cannot get a sufficient number of willing workers, either in-State or out-of-State, for the 6-week working period that is required. The Wyoming State Employment Service and the U.S. Employment Service representatives have met on this problem in the past and again this year and have confessed that it is not probable or even possible that enough domestic workers can be found to meet the needs of our sugarbeet farmers.

Our Wyoming State Employment Service, after a thorough and exhaustive study, is now willing to certify the shortage of domestic workers for the current season, even though it realizes that under your regulations it could not do so until a full-scale recruiting program has been conducted in other areas of the country and that it was shown positively that these programs were unsuccessful.

Mr. Secretary, Wyoming is a small State in population. We do not have a large corps of unemployed, and those who are unemployed are not willing to do the type of work required. In the past we have been unsuccessful in bringing the unemployed from other States to the State of Wyoming for the short season and, thus, it is imperative that you exercise your authority under Public Law 414 and allow Mexican nationals to come to the State to help us farm this basic agricultural crop.

It is unrealistic on your part and the part of the Department of Labor to suggest that an adequate number of domestic laborers can be hired to take care of the 1965 crop. My office is filled with letters from our Wyoming beet growers wanting to know whether or not they should plant their sugarbeets this spring. If you do not take administrative steps to assure them that bracero labor will be available, it would be foolish for them to plant their seed because they know from experience, and I know as a matter of fact, that their beets could not be thinned or weeded.

The sugarbeet industry in the State of Wyoming is an important part of our total economy. If this crop were to fail because of a lack of stoop laborers, a substantial portion of our work force, both on the farm lands and in the sugar refineries, would be denied employment, and our towns would suffer from the inactivity and the depression brought about because the Department of Labor refused to look at Wyoming as a unique State and in desperate need of an outside labor source which can only be supplied by our good neighbors south of the border.

I call on you once again to reconsider your position so that the farmers of my State can be assured, prior to their planting season, that there will be laborers to take care of this most important cash crop in the State of Wyoming.

With kindest regards, I am,
Sincerely yours,
MILWARD L. SIMPSON,
U.S. Senator.

Mr. SIMPSON. Mr. President, of course, the Secretary, in his calculated way, refused to use the authority that he has to bring assistance to us. The Wyoming sugarbeet farmers find themselves in a precarious position with little help from the Federal Government, which seems to be cold and callous to their needs.

I ask unanimous consent for the editorial from the Riverton Ranger to be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ISOLATION

Two-facedness is a common practice in Washington—do one thing and tell your constituents you are really doing something else.

A perfect case in point is the present controversy over foreign labor—the bracero worker.

Isolation and protectivism is supposed to be a field reserved for big business, and the conservative interested in protecting domestic markets. The livestock industry is accused continually of being isolationist.

The Federal Government, on the other hand, has set itself up in the public's eye as big-hearted and liberal, concerned with protecting a certain part of the great American marketplace for foreign sugar, foreign meat, and so on through the insidious device of quotas.

In effect, the executive branch of the Government whether it is the Department of Agriculture, State Department, or what, has said that in all fairness foreign sugar or what have you has a rightful share of the American marketplace coming to it.

The two-facedness of the Federal Government shows its ugly physiognomy in the Department of Labor where Secretary of Labor Willard Wirtz is playing the role of an isolationist.

The Secretary is insisting that all the labor for the sugarbeet fields or the fruit orchards must be supplied by domestic sources. He has isolated the farm work force from a competitive position.

Both of Wyoming's Senators, and all the representatives of Wyoming's sugarbeet industry, are in direct opposition to Secretary Wirtz protectivist methods, but to no avail.

His statement that "growers must now compete in the markeplace with other elements of the Nation's economy for their workers" is an asinine position.

Surely he must know that his policy will but accomplish three things:

1. Raise the cost of production to the farmers which ultimately will raise the cost of the crop to the consumer who will assume the final penalty of Wirtz' blindness.

2. Eventually completely eliminate the hand labor jobs as agriculture is forced to automate to stay competitive.

3. Penalize the willing Mexican worker who needs the job and is going hungry just across the border because the Department of Labor is practicing the worst possible type of isolationism.

Wake up, Mr. Wirtz, you're paddling the wrong canoe.

Mr. SIMPSON. Mr. President, I had an opportunity to go to Mexico to visit with their Government officials on the Interparliamentary Conference. The most talked about subject was the bracero program. This program was, of course, of great value and interest to the Mexican people. It is second only to tourism as a source of the dollar.

It helps them to help themselves and, as those of us know who realistically look at the agricultural picture, it is vital to us. We came back to the States to learn that once again the Secretary of Labor was turning down all requests.

The situation in the State of California became so acute that Secretary Wirtz flew to California last month to make a firsthand inspection tour. Cliff Hansen, Wyoming's great Governor, and I personally wired Secretary Wirtz and asked him to stop in the State of Wyoming so that he might briefly visit with the Governor and our sugarbeet people but, of course, he was too busy to be concerned with our problems.

It will soon be planting time in Wyoming and all I can do for my Wyoming people is to protest and to speak out in an effort to get the Secretary of Labor, Willard Wirtz, to exercise his authority to bring a sufficient number of Mexican nationals to help us with a vital cash crop. Unless Secretary Wirtz and this administration can be more responsive to the needs of agriculture and, in particular, the needs of the sugar beet farmers, we will suffer greatly. I have no way of knowing the total number of jobs that would be lost if our sugar beets were not planted or properly weeded and thinned, but it would be a substantial number. The economy of the State of Wyoming is at stake and I am confident in my own mind that this is more important than the political considerations Secretary Wirtz may have.

I represent people who help feed this nation and who need help. Since the special interests groups who have pushed Secretary Wirtz into this position will not help solve this labor problem by supplying the needed men and no other entity can supply the needed domestic workers, we must again appeal to the Secretary of Labor to exercise his authority to bring in the eager, willing, and able Mexican nationals to handle the weeding and thinning of our beets. I am hopeful that this debate will bring about the needed action.

Mr. PEARSON. Mr. President, I wish to associate myself with other Senators who today deplore the present labor situation relating to foreign migratory workers. Although Kansas is known through the world as the Wheat State, and ranks among the top three States in oil and beef production, we also are 13th in the Nation in sugarbeet production.

The latter crop has historically relied on seasonal workers, from neighboring countries, during harvesttime. Right now, our sugarbeet growers in western Kansas are farming more than 20,000 acres; and unless some standby agreement can be reached with the Department of Labor, an acute shortage of workers in western Kansas could result within a short time.

The situation has already become so alarming in my State of Kansas that Gov. William Avery has promised appropriate State action in an effort to give some relief to the sugarbeet producers.

Kansas beet growers and certain hybrid milo growers will require some seasonal labor soon after May 15; thus, it is imperative that we have the machinery ready to provide the needed workers, and be prepared for any eventuality.

I ask unanimous consent to have printed in the RECORD two newspaper articles relating to the need for foreign labor in sections of Kansas.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Salina Journal, Apr. 2, 1965]

WEST KANSAS BEET CROP IS IN DANGER

TOPEKA.—The 1965 sugarbeet crop in western Kansas is threatened by an acute labor shortage.

William Davis, Goodland, chairman of the Governor's advisory committee on sugarbeets, said: "There is a mere possibility and distinct probability that we will be short of labor at harvest time."

The committee Friday alerted Gov. William Avery to the problem so help could be sought. Avery promised to confer with other Governors to obtain labor to harvest the crop.

Davis said the labor shortage, at a time when so many persons in the Nation are unemployed, is because many laborers cannot or will not perform the "stoop labor" required by the beet industry.

In past years, Mexican nationals have worked the beet crop in the Goodland area, but the Federal Government did not extend the law which permitted the laborers to enter the country.

"Let me make it clear, we are highly in favor of using American labor when and where we can attract it, but this availability is our big problem," Davis said.

Davis said the group would also work to retain or increase the domestic sugarbeet acreage for Kansas to allow guaranteed production to supply new processing plants.

"We now face a 20-percent acreage cut and fear there will be more next year," he said.

FUNDS SOUGHT

Prior to the acreage cuts, sugarbeet growers in the Goodland area had hoped for an increase in the allotments to justify building a processing plant in the area. The committee asked Avery about State funds for a refinery.

He took under advisement a request for State funds to help locate a sugarbeet refinery in the State. The money would not necessarily be used for an actual plant but would help with preliminary costs in planning and arrangements.

The figure of $10,000 was mentioned in talk at the breakfast he attended with members of the committee representing the industry and other groups.

TOO LATE NOW

Avery said it would be too late to obtain money this year, even if State policy would allow.

Avery will discuss with Governors of other sugarbeet States the possibility of obtaining foreign labor under a statute which permits them for brief periods. Authorization for the other labor would have to come from the Department of Labor and Department of State.

Laborers brought in under that law would not be Mexican nationals, the Governor said.

Kansas needs about 1,500 persons to harvest the crop, about half of whom have come from Mexico in recent years.

[From the Wichita Eagle, Apr. 3, 1965]

AVERY TO SUPPORT BEET GROWERS' LABOR NEED

TOPEKA.—Gov. William H. Avery assured members of his advisory committee on sugar beets Friday that he will lend support to alleviating an anticipated labor shortage in working the 1965 crop.

His cooperation, involving contact with at least 25 Governors whose States also are expected to incur "bracero"—Mexican national—labor shortages, was expressed as Avery breakfasted with the committee.

Pointing to the critical consideration of his legislative program that is now at its peak, the Governor told the group, "I won't be able to do much this week but will try to help you next week.

"I'm optimistic about getting any help from Washington (on the labor matter). I've been through the sausage grinder on this numerous times.

"But I will, if you get a list of the Governors together, get a wire off to them pointing up this need."

Don Christy, Scott City, said the urgency of the matter—some labor will be needed soon after May 15—means "If we don't get in position now on solving this, there are some who won't plant.

"This is more than just a problem of the beetgrowers. It affects hybrid milo growers and others."

At the same session, Governor Avery delayed any decision of whether the State would or should appropriate an estimated $10,000 for furthering the committee's efforts.

First indications were that this money would be to direct efforts to locating a sugar processing plant in the State. However, under further questioning and after the Governor had departed, committee chairman William Davis, Goodland, said this was not the prime need of funds. Instead, he said, the committee will need "some financing" to attend hearings (actual expenses only, no salaries) in hopes of stabilizing or increasing the State's acreage allotments, and handling related problems.

Mr. TOWER. Mr. President, the Secretary of Labor has today heaped insult atop the injury he is causing many farmers in my State.

For months, Texas farmers and I have been urging the Secretary to reverse himself, admit that some bracero workers are vital to the farm economy of our State and Nation, and allow such workers to enter the United States.

Today, the Secretary has acknowledged the error of his position and has admitted thousands of West Indian workers to assist the citrus harvest in Florida. But the Secretary has refused to apply his reversal to Mexican migrant workers.

It is hardly understandable that, having admitted the mistake of his position, he should only partially remedy the error.

I call upon the Secretary to make his ruling applicable to all farmers who need bracero labor. I urge him to open his eyes and see that the economic chaos which faced Florida also faces Texas and California and many other States.

The Government has caused a nationwide farm labor shortage problem. The remedy must be applied nationwide.

PRESS CONFERENCES NO SOLUTION TO FARM LABOR PROBLEM

Mr. HRUSKA. Mr. President, the Department of Labor is continuing its costly experiment in agricultural labor.

A representative of the sugar beet growers in Nebraska has informed me that the growers are gambling on the Department of Labor assurance that adequate labor will be available. The critical point in the labor supply is in late May when the beets must be thinned. In the past, this surge in the need for workers has been filled in by the braceros. If adequate labor is not available at the proper time, the planted beet acreage will have to be destroyed.

In reaching the figures for available farm labor, the Department of Labor uses lump figures for unemployment. From the great numbers of unemployed persons that exist in this country, we must deduct the temporarily unemployed and those having handicaps or health impairments that would prevent them from working in dusty or hot conditions. Figures for Nebraska in 1964 show an average of 14,000 to 18,500 total unemployed during the beet thinning season or a rate of 2.2 to 2.7, about 38 percent of whom are women, and most of the total are located in the eastern part of the State—hundreds of miles from the beet fields. Almost everyone except Secretary Wirtz and his representatives realize that limitations exist on the ability of women to do stoop labor.

As reported in a news article from the Scottsbluff Star-Herald, the Labor Department is quoted as telling beet growers in Wyoming that "they must exhaust every source of domestic labor—even church groups and spry housewives," before applying for imported Mexican braceros. This certainly explains some of the great difficulty which recruitment efforts are meeting.

The Secretary of Labor has conducted a press relations campaign in his adamant efforts to exclude foreign workers. It has been reported that he has held 11 of the 28 news conferences held by Cabinet members in recent months. This is a clear indication that he is exerting every effort to have this matter decided on the basis of public opinion rather than the facts on the farms. Press conferences do not solve the farm labor problem. His policy seems to be one of coercion rather than cooperation. The result is confusion.

An editorial from the Omaha World-Herald points out the confusion resulting from the policy of the Department of Labor. It sums up the matter in the statement that "the harvest promises to be one of more confusion and fewer sugar beets."

The Lincoln Journal, in an editorial entitled, "Seasonal Farm Labor," suggests that "* * * Since perishable crops are involved, it is not out of line that the program be reviewed." I urge the Secretary of Labor to follow this advice.

The labor statistics show that only 2.3 percent of the long-term unemployed, that is, those unemployed for 15 weeks or over, are farm laborers. In Nebraska, over 1,800 additional workers will be required over presently available beet workers. The estimates run as high as 2,000. Last year, 1,600 of the total of the 4,958 workers in the beet industry were recruited locally. Extensive recruiting efforts in other areas brought in 2,146 domestic workers. An additional 1,206 Mexican nationals were brought in to meet the needs.

It should also be observed that the 1,206 Mexican workers worked 22,889 acres or an average of 18.98 acres per worker. The 3,752 domestic workers worked a total of 26,759 acres or an average of 10.76 acres per worker. While domestic recruited workers averaged 12.47 acres per worker, an additional 1,836 domestic workers must be recruited to replace the 1,206 Mexican nationals.

While a total of 4,700 workers will be needed in Nebraska, only 2,700 have been found in Texas and Oklahoma. This is only about one-fourth of the number needed to replace the Mexican nationals. The need is clear. The remedy is obvious. More press releases by the Secretary of Labor will not solve the problem. One can only speculate whether Mexicans will again revert to their former practice of illegally entering this country to take advantage of the ready availability of employment. That would be an entirely unsatisfactory solution.

Representatives of the sugar beet industry inform me that it is only a matter of time before the need for field workers will be eliminated by new machines. It would be unreasonable to assume that higher wages will draw more workers into an occupation which is doomed. Surely, Secretary Wirtz can understand the desire of beet growers to phase out the need for field workers gradually. When the machines move in, there are going to be over 3,000 domestic workers looking for jobs. Adding to that number is beyond logic.

When we consider the potential of automation, one can only ask whether a computer as Secretary of Labor would not be more flexible and reasonable on the question of farm labor than Secretary Wirtz. His numbers and his logic do not add up as far as the beet growers are concerned.

I ask unanimous consent that the articles to which reference has been made be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Seasonal Farm Labor

There has been a growing debate between growers of perishable foods and the Federal Government. Congress ended an agreement which permitted Mexican workers to come into the United States during harvest periods.

The Government had hoped to cut the ranks of unemployed in the United States by eliminating the foreign labor force.

It contended that American workers were available if the growers were willing to pay the going wage rate. The growers have claimed that Americans were unable and unwilling to perform this type of "stoop" labor.

Now the American Farm Bureau Federation has called on President Johnson to modify the policy. Federation President Charles B. Shuman says that the "massive" recruiting program sponsored by the Labor Department in California and Florida this year failed to produce any substantial increase in the number of domestic farm workers.

Shuman says he has no quarrel with the basic concept but challenged the assumption that there are substantial numbers of domestic unemployed persons who are physically qualified or who live near enough to the points needing them to be interested in short-time jobs.

Beetgrowers in western Nebraska will be hit by the policy and are dubious that local labor will be available. Vegetable growers on the west coast, who had an unhappy experience with domestic labor, are already experimenting with mechanized harvesters.

Possibly the Government can properly claim that the growers have not given the program a chance to work. But since perishable crops are involved it is not out of line that the program be reviewed.

More Confusion on the Farm

Nebraska sugarbeet growers, meeting in Scottsbluff, expressed the opinion that beet acreage will be materially reduced in Nebraska this year if they can't solve, pretty quickly, the labor problem which the Government has shoved onto their shoulders.

Much of the labor in beet fields has been performed by Mexican nationals. But Congress, prodded by labor unions and the U.S. Department of Labor, terminated last January 1 the law which permitted "braceros" to seek seasonal employment in the United States. The Mexican nationals are as unhappy over this situation as are their American part-time employers, for their working conditions were good and the wages, compared to what they can earn in Mexico, attractive.

The Labor Department has held out the hope that it can recruit enough unemployed Americans to work the beet fields and do the other jobs which the "braceros" used to do. But it has not come up with much in the way of concrete results, and the planting season is just around spring's fast corner. Moreover, the department has ordered farmers to pay domestic laborers a 40-percent wage increase.

Government meddling in farmers' business seldom has produced good results. In this instance, the harvest promises to be one of more confusion and fewer sugarbeets.

Sugarbeet Labor Problem Termed "Mostly Political"

Casper.—Wyoming's sugarbeet labor problem was termed "mostly political" by the chairman of the Wyoming Sugarbeet Council in a talk before the State agricultural conference Thursday.

Leo Scheuerman said the U.S. Department of Labor had told beet raisers they must exhaust every source of domestic labor—"Even church groups and spry housewives"—before applying for imported Mexican braceroes to weed and thin the crops.

Scheuerman said to date the employment service has found only 30 domestic workers willing to work in the beet fields in the Worland area. This, he said, is only a drop in the bucket as compared to the labor force needed.

He called the bracero labor program "the best foreign aid labor program we ever had," and declared it should be continued long enough for growers to solve the tough problem of eliminating weeds.

STILL OFF COURSE IN VIETNAM

Mr. GRUENING. Mr. President, the air strikes against North Vietnam reported this morning show clearly that the President's talk to the Nation last Wednesday night was far off the course needed to insure peace.

It shows that the President is following the poor advice he has been consistently receiving from his advisers on the southeast Asia situation.

The speech does, however, strike one encouraging note. The previous position, that the United States would negotiate only on condition that Hanoi conceded defeat in advance, was untenable. I am therefore pleased to note that the President did announce that the United States is now prepared for "unconditional discussions."

To that extent his speech is a net gain. However, the refusal to concede that the fighting in South Vietnam is essentially a civil war and that to bring that fighting to a halt it is necessary to discuss the issues with the principals—the Vietcong—is tantamount to retaining a precondition to our willingness to negotiate.

In addition, our continued bombing of North Vietnam is not conducive to bringing about peace in Vietnam—it is asking North Vietnam to parley with a gun at its head.

Furthermore, our continued insistence upon a free independent South Vietnam tragically and unwarrantedly disregards the clear commitments of the Geneva Convention of 1954 for free, supervised elections designed to unify the two parts of Vietnam. The elections pledged by the Geneva accord were rejected by the South Vietnam Government with the counsel and approval and indeed at the instance of the United States. It was a flagrant violation of a promise and commitment. Then and only then did the civil war in South Vietnam begin.

I associate myself completely with the brilliant analysis of the situation in Vietnam contained in the remarks on the floor of the Senate on April 8 by my able and distinguished colleague, the senior Senator from Oregon [Mr. Morse].

However, except for this gain, that I have mentioned, the willingness to negotiate without preconditions, the remainder of the President's speech is illogical and sidesteps the main point of what is involved in the Vietnam crisis.

There is, in the President's speech, the obvious attempt to downgrade the fact that there is a civil war going on in South Vietnam. The President said: "Of course, some of the people of South Vietnam are participating in attack on their own government."

That is all the lip service the President paid to the basic civil war being waged by the Vietcong aimed at the reunification of all of Vietnam. That civil war began—let me repeat because this is crucial to the issue—when the Diem regime—at our urging—refused to carry out the provision contained in the Geneva agreement of 1954 to hold elections for the reunification of Vietnam. That was one of the underlying conditions of the Geneva agreement. The United States went back on that agreement. The civil war began and has continued with intensified fury ever since.

It is a complete oversimplification of the problem to say, as the President did Wednesday night at Johns Hopkins University that "it is an attack by one country upon another." Of course, North Vietnam is aiding the Vietcong—but on a scale nowhere near comparable to our aid to the South Vietnamese. Not only that, but in terms of measurable aggression that of the United States is and has been not only greater, but came first.

It is wrong to seek, as the President does, to give the impression that the civil war in South Vietnam is under the absolute control of Hanoi. The Vietcong will take direction and control from Hanoi just so long as Hanoi's objective is to aid the Vietcong in its civil war against the government of South Vietnam. But Hanoi cannot turn the civil war off like turning off the water in a faucet. It is unrealistic to contend that Hanoi can turn the civil war in South Vietnam on or off at will.

For over 800 years, before its conquest by France, Vietnam was a united country. The majority of the people of Vietnam still want a united country. After defeating the French in 1954, the Vietminh went to the conference table at Geneva agreeing to a settlement only on condition that reunification elections be held.

Yet nowhere in the President's statement Wednesday night is there held out a hope of the ultimate reunification of Vietnam. He conditioned the ultimate peace "upon an independent South Vietnam" instead.

I am also deeply disturbed by the attempt by the President to tie his unconditional negotiation proposal to economic assistance to southeast Asia.

If—as the President contends—Hanoi is running the war in South Vietnam, it is difficult to see how the offer of economic aid can constitute anything less than a bribe. Today it is $1 billion, tomorrow it will be $2 billion—and so on ad infinitum.

If—as the President contends—Hanoi is running the war in South Vietnam, it is difficult to see why Hanoi should cease the fighting on a promise to develop economically a South Vietnam which must, the President insists, contrary to the Geneva Agreement, remain free and independent of Hanoi.

If—as the President contends—Hanoi is running the war in South Vietnam, it is difficult to see the logic in a proposal that North Vietnam join in the economic rebuilding of the rest of southeast Asia when North Vietnam itself needs so much economic development.

But the glaring omission from the President's speech is the lack of an offer to suspend our bombings of North Vietnam for a limited period of time so that discussions can take place amidst surroundings not disrupted by the sound of falling bombs or the crackle of installations burning from fires set by our napalm bombs. This morning's air strikes at North Vietnam underscore the illogic of this position.

An offer of a cease-fire for a limited time should be a sine qua non of our offer of unconditional negotiations.

I earnestly hope that the President will speedily amend his statement to announce such a cease-fire, which I have urged for over a year.

Our actions are of deep concern to people all over the Nation—not to mention our friendly allies in the free world.

Last Sunday, the New York Times published a moving statement signed by 2,500 ministers, priests, and rabbis. It was fittingly entitled "Mr. President: in the Name of God, Stop It." The statement is as follows:

> We are aware of the awesome responsibilities you carry; we can imagine the difficulties of making important decisions in the face of conflicting advice from many sources; nor do we doubt your devotion to this Nation or to the great goal of peace among all nations. Yet in offering our concerns over American involvement in Vietnam we must be as blunt as honesty requires us to be.
>
> Mr. President, every one of us is deeply, personally dismayed by the role the United States is playing in Vietnam.
>
> It is not a light thing for an American to say that he is dismayed by his country's actions. We do not say it lightly, but soberly and in deep distress. Our Government's actions in Vietnam have been and continue to be unworthy either of the high standards of our common religious faith, or of the lofty aspirations on which this country was founded.
>
> Now the United States has begun the process of extending the war beyond the borders of South Vietnam, with all the attendant dangers of precipitating a far greater conflict perhaps even on a global and nuclear scale.
>
> Mr. President, we plead with you to reverse this course. Let us admit our mistakes and work for an immediate cease-fire. Let us call a conference of all the nations involved, including China, not alone to conclude peace but to launch at once a major and cooperative effort to heal and rebuild that wounded land.
>
> Let us declare our intention to withdraw our troops, calling on other states to do the same, thereby allowing the Vietnamese the right of self-determination. We cannot dictate their course, and we may well regret it, but the risk is to be preferred over the certainty that the moral bankruptcy of our present policy is setting the stage for the ultimate victory of totalitarian forces, and even of thermonuclear war.
>
> The prophets and teachers of our Judeo-Christian faith admonished the people of their day, and of all times, to go beyond the old restraints by which injuries might be exactly recompensed, and instead to deal with their enemies with love and good deeds. Yet in Vietnam this Nation, so proudly self-described as "under God" is not content even with "eye for an eye" retaliation, but returns evil for evil on a multiplying scale.
>
> No nation has ever saved either its life or its soul by such methods, and ours will not be an exception. As men and women who have committed their lives to the attempt to explain and interpret the will of God, we have no alternative but to assert on every occasion and in every way open to us our conviction that these methods are not God's methods, but will bring the judgment of God upon our Nation.
>
> Mr. President, we plead with you with the utmost urgency to turn our Nation's course, before it is too late, from cruelty to compassion, from destruction to healing, from retaliation to reconciliation, from war to peace. (Clergyman's Emergency Committee for Vietnam.)

Heading the list of 2,500 signatures were: Bishop John Wesley Lord, Washington area, Methodist Church; Dr. Dana McLean Greeley, president, Unitarian Universalist Association; Dr. Edwin T. Dahlberg, former president, National Council of Churches; Father Peter Riga, moderator, Catholic Council on Civil Liberties; Dr. Isidor B. Hoffman, chaplain to Jewish students, Columbia University; and Dr. Henry J. Cadbury, biblical scholar, former chairman of the American Friends Service Committee.

The noted author, Lewis Mumford, president of the American Academy of Arts and Letters and holder of the Presidential Medal of Freedom, has written a letter to the editor of the San Francisco Chronicle, in which he sets forth cogently and with feeling the untenable position in which the United States today finds itself because of its policies in Vietnam.

I shall read into the Record the entire letter by Mr. Mumford because it is one worth hearing and on its words we should all ponder:

> Mr. President: The time has come for someone to speak out on behalf of the great body of your countrymen who regard with abhorrence the course to which you are committing the United States in Vietnam. As a holder of the Presidential Medal of Freedom, I have a duty to say plainly, and in public, what millions of patriotic fellow citizens are saying in the privacy of their homes. Namely, that the course you are now following affronts both our practical judgment and our moral sense.
>
> Neither your manners nor your methods give us any assurance that your policy will lead to a good end: on the contrary, your attempt to cure by military force a situation that has been brought about by our own arrogant, one-sided political assumptions cannot have any final destination short of an irremediable nuclear catastrophe. That would constitute the terminal illness of our whole civilization, and your own people, no less than the Vietnamese and the Communists would be the helpless victims.
>
> In embarking on this program, you are gambling with your country's future, because you have not the courage to discard a losing hand and start a new deal, though this was the magnificent opportunity that your election presented to you. Your games theorists have persuaded you to play Russian roulette. But you cannot save the Government's face by blowing out our country's brains.
>
> From the beginning, the presence of American forces in Vietnam, without the authority of the United Nations, was in defiance of our own solemn commitment when we helped to form that body. Our steady involvement with the military dictators who are waging civil war in South Vietnam, with our extravagant financial support and underhanded military cooperation, is as indefensible as our Government's original refusal to permit a population election to be held in Vietnam, lest communism should be installed by popular vote. Your attempt now to pin the whole blame on the government of North Vietnam deceives no one except those whose wishful thinking originally committed us to our high-handed intervention: the same set of agencies and intelligences that inveigled us into the Bay of Pigs disaster.
>
> Instead of using your well-known political adroitness to rescue our country from the military miscalculations and political blunders that created our impossible position in Vietnam, you now, casting all caution to the winds, propose to increase the area of senseless destruction and extermination, without having any other visible ends in view than to conceal our political impotence. In taking this unreasonsable course, you not merely show a lack of decent respect for the opinions of mankind, but you likewise mock and betray all our country's humane traditions.
>
> This betrayal is all the more sinister because you are now, it is plain, obstinately committing us to the very military policy that your countrymen rejected when they so overwhelmingly defeated the Republican candidate.
>
> Before you go further, let us tell you clearly your professed aims are emptied of meaning by your totalitarian tactics and your nihilistic strategy. We are shamed by your actions, and revolted by your dishonest excuses and pretexts. What is worse, we are

> horrified by the immediate prospect of having our country's fate in the hands of leaders who, time and again, have shown their inability to think straight, to correct their errors, or to get out of a bad situation without creating a worse one.
>
> The Government has forfeited our confidence; and we will oppose, with every means available within the law, the execution of this impractical, and above all, morally indefensible policy. There is only one way in which you can remove our opposition or regain our confidence; and that is to turn back from the course you have taken and to seek a human way out.
>
> LEWIS MUMFORD.
>
> AMENIA, N.Y.

It is obvious that President Johnson has from the beginning been receiving poor advice from his advisers. It would be far, far better for President Johnson to admit this openly and as openly to change his course of action and his advisers. However much we may seek to cloak our warlike actions with talk of massive economic aid, the disguise is too thin. It is time to cease our warlike action and walk in the paths of peace.

Our decision to bomb North Vietnam was a serious error brought about by poor advice. As Mr. Drew Pearson, the noted columnist, said in his column at the time:

> What happened was that Ambassador Taylor, an able but severely harassed man who has seen his hitherto great prestige gradually eroded in Vietnam, seized this opportunity to recommend retaliatory raids. He sincerely believed this was a Hanoi plot. Ordinarily his recommendation might have been discounted in Washington, but it happened that McGeorge Bundy, White House adviser on security matters, was in Saigon at precisely that time.
>
> Bundy's brother William is Assistant Secretary of State for the Far East and has long advocated a stronger hand in Vietnam, inincluding bombing the North. When McGeorge Bundy, therefore, joined Taylor in rushing back a premature, exaggerated account of the Pleiku raid, the White House finally yielded to advice which the Bundy brothers had been giving for some time and which has now caused serious loss of American prestige, demonstrations against American Embassies around the world, even in pro-West countries, and eroded the better understanding Mr. Johnson had personally built up with the new leaders in the Kremlin.

For the sake of the future of the United States, President Johnson should either change his close advisers or listen to those who do not have a stake in proving, at any cost, that their previous advice was correct, even though subsequent facts prove their previous advice was devastatingly wrong.

As the St. Louis Post Dispatch stated in its editorial on April 2, 1965, written before the Johns Hopkins speech, but no less applicable, entitled "A Time To Question Bad Advice":

> At every stage of military escalation in Vietnam, the President's advisers have assured him that just this one more expenditure of lives and arms would turn the trick for victory. Expanding the South Vietnamese Army would do it, they said. When that failed, more American "advisers" were needed. Then all it would take was a retaliatory air strike or two. Then more advisers. Then massive air strikes against the North. Then a landing by the marines. And so on, step by step, deeper and ever deeper into the Asian morass.
>
> How long does a President go on receiving this kind of unreliable advice before he begins to question the wisdom of the advisers who are giving it?
>
> If Ambassador Taylor is now recommending, as reported, the incredible policy of trying to triple the size of the South Vietnamese Army, there is more reason than ever for President Johnson to pull up short and insist on thinking through the basic assumptions of the warhawks. South Vietnam is already strained to the limit trying to recruit and hold the 350,000 men it nominally has under arms. It could not hope to expand this force threefold without a massive increase in American "advisers," and in the end there is very little question that undisguised American combat troops would have to go in.
>
> In October 1963, Ambassador Taylor and Secretary McNamara, after an inspection tour of Vietnam, gave it officially as "their judgment that the major part of the U.S. military task can be completed by the end of 1965." They promised a withdrawal of 1,000 U.S. military personnel by the end of 1963 as a starter. There were 15,000 American troops in Vietnam then. Today there are 25,000.
>
> Is it not time, is it not long past time, that the President asked himself seriously whether a policy which has repeatedly failed is the right policy to go on pursuing.
>
> Is it not time to question whether troops and more troops, weapons and more weapons, gas attacks and bombing terror and forest firestorms, are really the answer to our problem in Vietnam?
>
> Is it not time at least to consider some other advice from some other advisers?
>
> It is not surprising that former Vice President Richard M. Nixon should enthusiastically support Mr. Johnson's present policy. After all, it is his policy. Barry Goldwater supports it also, and why not? It is his policy.
>
> Yet the fact remains that Richard M. Nixon, who tried to sell the American people an Indochina war in 1954 and failed, was not elected President last November; Lyndon Johnson was. Barry Goldwater was not elected President by the largest popular majority in history; Lyndon Johnson was, and he won that majority by promising the voters a policy of peace and conciliation directly opposite to everything Barry Goldwater stood for.
>
> Senator Goldwater lost the election and won the war—an Asian land war which military thinkers ranging all the way from Omar Bradley to Douglas MacArthur have solemnly warned the Nation against.
>
> In view of that background it is depressing to find Secretary of State Rusk mouthing the cliches of the far right, equating honest negotiation with Munich-type appeasement, refusing to recognize the difference between international aggression and civil war. It is discouraging to find President Johnson resorting to stale Goldwaterisms which imply that the more people we kill in Vietnam the better we defend the freedom of 100 other small underdeveloped nations. If the President were to ask those 100 underdeveloped nations for advice, they would tell him overwhelmingly to negotiate instead of expanding the war.
>
> The question is not whether we defend freedom, but how. The lesson of history is that in some situations it cannot be defended by military means. All the evidence of 20 years of French and then American military intervention shows that Vietnam represents such a situation.
>
> The question is not whether the United States should get out of Vietnam tomorrow; few responsible persons propose any such abject retreat, and certainly we do not. But between withdrawal and senseless escalation there lies a broad terrain of potential policy where the President, if he once set foot upon it, could work toward a peaceful settlement that would do more for his stated aims than the military measures which have demonstrably failed to advance them.

The editorial concludes with a call for the cessation of hostilities and the appointment by the President of an advisory commission on Vietnam to replace the President's present advisers.

As it is the President's latest approach, achieved with so much preparation and advanced publicity at Johns Hopkins University and with so much followup with newspapers and columnists and editorial writers and our colleagues in the Senate, does not offer any appreciable hope or prospect of stopping our totally unjustified bloody war in southeast Asia. At the very least we have to stop the bombing of North Vietnam and call for a cease-fire. And that would only be a beginning. Then we must also recognize, which the President has deliberately failed to recognize, that this is a civil war, the control of which does not rest in the capital of North Vietnam—Hanoi, nor in Communist China, which we are apparently baiting to come into the conflict.

Mr. MORSE. Mr. President, will the Senator yield for a moment?

Mr. GRUENING. I yield.

Mr. MORSE. As the Senator from Alaska knows, I share his views, and have shared his views for well over a year, in regard to the crisis in southeast Asia. I associate myself with his remarks this afternoon, but at a later date I shall expand my views along the lines of the Senator's. The fact that I do not comment this afternoon should not be misunderstood by him. I have some obligations in regard to the education bill, and I want to get on with it, but I do associate myself with his remarks.

Mr. GRUENING. I thank the Senator. He has taken a very stalwart and courageous position on this matter for well over a year. My hope was to find a peaceful solution, instead of avoidance of the basic facts, which is all we have before us as a program.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

Mr. PROUTY. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The Senator's amendment is pending.

Mr. PROUTY. Mr. President, my amendment to title I, section 205(a), relates to applications for assistance by local educational agencies.

The flow of funds in title I proceeds in the following manner: The local educational agency makes an application for aid to the State educational agency. The State agency sets the local application alongside eight criteria specified by section 205(a). Briefly, these criteria are:

First. That projects are aimed at educationally deprived children, and are of sufficient size, scope, and quality to promise results.

Second. That non-public-school children shall have the chance to participate.

Third. That administration of funds will be in public hands.

Fourth. That State and Federal construction policies will be observed.

Fifth. That methods of measuring the progress of educationally deprived children will be employed.

Sixth. That an annual report will be submitted.

Seventh. That coordination will be maintained with local community action programs under the antipoverty act.

Eighth. That the results of educational research will be made available to teachers and administrators.

The State educational agency, however, is required to make this determination "consistent with such basic criteria as the Commissioner may establish." Now the question was quite properly raised early in the history of the bill, "What does this power of establishing basic criteria mean?"

When the hearings on this bill began in the Senate, I submitted a set of questions in writing to the Secretary of Health, Education, and Welfare. Among those questions, which appear at page 1183 of the hearings, was the following:

> 19. Does the clause "consistent with such basic criteria as the Commissioner may establish" in section 205(a), introduce an element of Federal control into local school board activities?

I quote in full the reply of Secretary Celebrezze:

> 19. The clause, "in connection with such basic criteria as the Commissioner may establish," in section 205, does not introduce an element of Federal control into local school board activities. Section 604 of S. 370 a section which bears the same number in the bill now before us specifically prohibits such Federal control. The basic criteria provision is primarily designed to allow the Commissioner to prohibit certain types of activities which are not consistent with the intent of title I and to make the necessary basic definitions of terms in the act so that there may be some degree of uniformity in its application among States.

Now, this answer tells us several things, in addition to reiterating the boilerplate disclaimer of Federal controls.

First, it tells us that the first purpose of the language is to permit the Commissioner to prohibit certain types of activities presumably at the local level—which are not, in his opinion, consistent with the intent of title I.

Second, it tells us that the second purpose of the language is to enable the Commissioner to make the needed definitions of the words contained in the eight criteria written into the act itself.

Third, it tells us that there are the purposes for which the "basic criteria" clause is primarily designed. It thus suggests that there may be other secondary purposes of the language which the Secretary has not chosen to make known to us.

I will have occasion to return to these points later. But, now let us look at the debate of the other body on this point.

In the House Education Subcommittee, the ranking Republican, Congressman GOODELL, of New York, engaged in a colloquy with Secretary Celebrezze. In it he expressed the fears of a great many of us when he made the following statement, at page 147:

> I have read and reread in every single education measure that comes up here this nice high sounding sweet little paragraph that there will be no control. Then you go right into the center of this bill where the power is, and it is right on page 8. The Commissioner sets the basic criteria for every State plan. The State gets the money only if they have a plan that meets the Commissioner's basic criteria. It described the criteria in some detail and your regulations will end up being written so they go the way the Federal Government wants them to go. You can say it is not control, but they are telling them exactly how to go about it.

I think Mr. GOODELL here came to grips with the focal point of Federal power and control in this bill, and it is instructive to see what replies were made by the administration.

First, the administration vehemently denies that there is any Federal control in this bill, and cites section 604 to prove their point—as if saying it enough times made it true.

Second, the administration argues that this bill does not impose anything on the States. In Secretary Celebrezze's words, "They can participate in a program or they don't have to." It should be pointed out, however, that the taxpayers of States that choose not to participate will still pay the bills. Like all Federal grant programs, especially where no State matching funds are involved, there is no real choice of participating or not participating. The choice is only between losing all the tax money that went to Washington to pay for the program, or getting back what portion of it you can by going along with Federal requirements.

Third, and more relevant to the present discussion, the administration took a new tack on its interpretation of the purpose of the "basic criteria" clause. This was stated most concisely by Dr. Wilbur Cohen, Assistant Secretary of Health, Education, and Welfare, at page 177 of the House hearings:

> "Basic criteria" doesn't mean here that the Commissioner may establish, just out of the blue, elements that he thinks the States have to comply with. "Basic criteria" here means definitions and explanations or guidelines, whatever you want to call them, of the terms and conditions that are specified here.

The same view is expressed by the Department of Health, Education, and Welfare in the letter appearing on page 9 of the committee report.

It is worth while to compare the position taken by Dr. Cohen—with Secretary Celebrezze and Commissioner Keppel at his side—with the earlier statement by the Department. In the first statement, emphasis was placed on the Commissioner's power to prohibit certain activities inconsistent, in his opinion, with the intent of title I. Clarifying the words used in the eight specific criteria occupied a secondary role as a purpose of the basic criteria clause. The word "primarily" gave the impression that the Department might have some unspoken additions to the functions of that clause.

But then, in Dr. Cohen's brief and lucid statement, what was previously the secondary objective—clarification—becomes the sole objective. Gone from his remarks is any reference to the Commissioner's power to prohibit activities inconsistent with the intent of the title, as viewed by the Commissioner.

Mr. President, I can only conclude that rumblings from the Congress forced the Department of Health, Education, and Welfare to retreat from its earlier frank admission that this basic criteria clause is a lever that the Commissioner can use to veto certain programs he finds incompatible with his interpretation of the intent of the title.

We have often heard that the road to hell is paved with good intentions. While not intending to draw the analogy too closely, I suggest the road to the Great Society may be paved by the same contractors. It is all too easy for administrators who are fighting for a new program to give solemn assurances that language in their bill will be given the narrowest and most restrictive meaning. But when the shouting is over and the bill becomes law the bureaucrats, subject only to the most general supervision by Congress, will run things the way they want to. I suggest that we are seeing here a tactical retreat from an overly candid position. I think that after this bill is passed, the original interpretation placed on this basic criteria language may well take precedence over this later and more sober view.

Further light on the intent of the Department in administering this clause, and the understanding of it by the bill's sponsors, is revealed by a colloquy between Congressman GOODELL and Commissioner Keppel near the end of the House hearings, when the Commissioner was recalled to the stand to clear up points raised in the public testimony. After a lengthy discussion of this point, beginning on page 1734, Mr. GOODELL posed this question:

> As a matter of legislative history, are you saying, then, that if you as Commissioner find the State educational agency's determination is inconsistent with your basic criteria you don't have the authority to withhold the funds?

Commissioner Keppel never had a chance to reply. Congressman PERKINS, sponsor of the bill and chairman of the subcommittee broke in instantly to say, "Wait, now; he didn't say that." Then Congressman PERKINS went on to say that it was clear to him that if the State educational agency ignored the guidelines established by the Commissioner under the basic criteria clause, the Commissioner certainly would have the power to withhold the money. Let us be clear about it. This is not the tuning knob. This is the on-off switch.

I should like to make one last point before proceeding to a vote on my amendment. The question arises as to the nature of the eight criteria spelled out in section 205(a), paragraphs 1 to 8. Are these also "basic criteria"? Or are they some other kind of criteria?

The point is important for this reason. The language of the bill authorizes the Commissioner to establish basic criteria. If these eight paragraphs represent "basic criteria," the bill is giving the Commissioner authority to establish a new set of criteria as broad and far reaching as those spelled out by Congress in the bill. In other words, Congress would be listing eight requirements and delegating its complete authority to the Commissioner to formulate and establish however many more requirements the Commissioner thought would be useful. Should this be the correct interpretation, I fear this might not only be an unwise, but also an unconstitutional delegation of power to an executive officer, of the kind that was struck down by the Supreme Court years ago in the Blue Eagle case.

As I see it, legislative history on this point is not clear. In the House hearings Congressman GOODELL stated—erroneously in my opinion—in the course of a question that "on page 8 the basic criteria are described in broad terms," citing the first of the eight paragraphs of section 205(a). In replying to the question, Secretary Celebrezze gave no indication that he viewed those eight paragraphs as other than "basic criteria."

I do not believe for an instant that this exchange was a subtle trap into which the Secretary unwittingly fell. But I do believe that if this amendment fails, the legislative history of this bill should state clearly that the Senate understand that:

First. The eight paragraphs of section 205(a) are not examples of basic criteria, as that term is used in that subsection.

Second. The basic criteria referred to are only fundamental definitions of terms used in the subsequent eight paragraphs.

Third. There is no purpose to the basic criteria clause other than to enable the Commissioner to make these definitions; that is, that the term "primarily" used in the Secretary's answer to me is devoid of meaning.

Fourth. The basic criteria clause does not give the Commissioner independent authority to set forth additional criteria by which the school district or State must abide, or by which the Commissioner might cut off payments.

The actual language of my amendment is very simple. It would strike out the words "consistent with such basic criteria as the Commissioner may establish." In their place a new subsection would be added to section 205 which would read:

> The Commissioner shall formulate and make available interpretive guidelines for the suggested use of State educational agencies in making determinations under subsection 205(a).

This amendment would be a powerful safeguard against insiduous Federal controls on the local educational process—controls nonetheless real for all the solemn assurances that they are not.

Mr. President, I believe that this represents a compromise with an amendment which I offered in committee, and I believe that it can be justified.

I hope that my amendment will be approved.

Mr. LAUSCHE. Mr. President, will the Senator from Vermont yield for a question?

Mr. PROUTY. I am glad to yield.

Mr. LAUSCHE. Is it the purpose of the Senator from Vermont to have an amendment adopted which will require the Secretary of Health, Education, and Welfare to establish criteria which will definitely guide the State agency to process the applications?

Mr. PROUTY. If the Senator will look on page 11, he will see that the eight definite criteria are spelled out.

At the top of page 11, on the first line I read the words "(consistent with such basic criteria as the Commissioner may establish)."

It seems to me that the language gives the Commissioner authority to go far beyond the eight criteria which are established in the bill.

My amendment provides that the Commissioner shall establish guidelines in order that the eight criteria may be carried out, but that he will not have authority to establish a completely new set of criteria which do not appear in the language of the bill.

Mr. LAUSCHE. Mr. President, I read from section 205(a) as follows:

> A local educational agency may receive a basic grant or a special incentive grant under this title for any fiscal year only upon application therefor approved by the appropriate State educational agency, upon its determination—

Then follows the language the Senator has read—

> (consistent with such basic criteria as the Commissioner may establish).

Is it the fear of the Senator from Vermont that the words contained in parentheses may grant to the Commissioner greater authority than is intended?

Mr. PROUTY. Spelled out or intended; yes.

Mr. LAUSCHE. The Senator from Vermont wishes to remove that ambiguity and to make it clear that it is not intended to give him added authority; is that correct?

Mr. PROUTY. Yes.

Mr. LAUSCHE. No more authority than is contained in the bill.

Mr. PROUTY. The Senator is correct. In committee I offered an amendment to strike out the words "(consistent with such basic criteria as the Commissioner may establish)."

That amendment was voted down in committee.

Mr. LAUSCHE. What are the criteria that the Commissioner is directed definitely to establish? Are they the eight criteria?

Mr. PROUTY. No. Congress defines the eight criteria which appear in the bill.

Mr. LAUSCHE. If those are the criteria upon which he may act, and is required to establish, it is the position of the Senator from Vermont that the bill ought to be clear, that those are the criteria, and that he shall not establish any additional criteria. Is that correct?

Mr. PROUTY. That is exactly the way I feel. I might point out that on the House side, in answer to a question concerning this language, the Department submitted a 35-page memorandum explaining why it was necessary to have the words "consistent with such basic criteria as the Commissioner may establish" in the bill.

I have not had an opportunity to read that memorandum. However, it seems to me that when we set up eight criteria we should also give the Commissioner the right to suggest certain guidelines to the States.

Mr. LAUSCHE. Am I correct in saying that if the eight criteria specifically outline what the Commissioner may do, it would be better to say "the appropriate State educational agency, upon its determination, consistent with the eight paragraphs heretofore set forth"? That is the effect of what the Senator is attempting to accomplish, is it not?

Mr. PROUTY. That is exactly it.

Mr. LAUSCHE. The language in parentheses carries the implication that he may go beyond that.

Mr. PROUTY. Yes.

Mr. MORSE. Mr. President, may I ask my friend from Vermont whether he will desire a yea and nay vote on the amendment?

Mr. PROUTY. I think it is important enough to have a yea and nay vote on it.

Mr. MORSE. I ask for the yeas and nays.

The yeas and nays were ordered.

MANPOWER ACT OF 1965—CONFERENCE REPORT

Mr. CLARK. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Manpower Act of 1965.'

"Sec. 2. Section 101 of the Manpower Development and Training Act of 1962, as amended (hereinafter referred to as the 'Act'), is amended by inserting before the last sentence thereof the following new sentence: 'The Congress further finds that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions, where such training would further the purposes of this Act.'

"Sec. 3. (a) Section 102(5) of the Act is amended by adding a comma after the word 'arrange' and inserting 'through grants or contracts,' immediately following the comma.

"(b) Section 102 of the Act is further amended by striking out 'and' at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu of such period '; and', and by adding at the end of such section the following new paragraph:

"'(6) establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems of worker groups such as the long-term unemployed, disadvantaged youth, displaced older workers, the handicapped, members of minority groups, and other similar groups. In carrying out this subsection the Secretary of Labor shall, where appropriate, consult with the Secretaries of Health, Education, and Welfare, and Commerce, and the Director of the Office of Economic Opportunity. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare. He shall also seek the advice of consultants with respect to the standards governing the adequacy and design of proposals, the ability of applicants, and the priority of projects in meeting the objectives of this Act.'

"Sec. 4. (a) Title I of the Act is amended by renumbering sections 103 and 104 as sections 106 and 107, respectively, and by inserting immediately after section 102 the following new sections:

"'JOB DEVELOPMENT PROGRAMS

"'Sec. 103. The Secretary of Labor shall stimulate and assist, in cooperation with interested agencies both public and private, job development programs, through on-the-job training and other suitable methods, that will serve to expand employment by the filling of those service and related needs which are not now being met because of lack of trained workers or other reasons affecting employment or opportunities for employment.

"'LABOR MOBILITY DEMONSTRATION PROJECTS

"'Sec. 104. (a) During the period ending June 30, 1967, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness in reducing unemployment of programs to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed.

"'(b) Loans or grants provided under this section shall be subject to such terms and conditions as the Secretary shall prescribe, with loans subject to the following limitations:

"'(1) there is reasonable assurance of repayment of the loan;

"'(2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

"'(3) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

"'(4) the loan bears interest at a rate not less than (A) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (B) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes; and

"'(5) the loan is repayable within not more than 10 years.

"'(c) Of the funds appropriated for a fiscal year to carry out this Act, not more than $5,000,000 may be used for the purposes of this section.

"'TRAINEE PLACEMENT ASSISTANCE DEMONSTRATION PROJECTS

"'Sec. 105. During the period ending June 30, 1967, the Secretary of Labor shall develop and carry out experimental and demonstration projects to assist in the placement of persons seeking employment through a public employment office who have successfully completed or participated in a federally assisted or financed training, counseling, work training, or work experience program and who, after appropriate counseling, have been found by the Secretary to be qualified and suitable for the employment in question, but to whom employment is or may be denied for reasons other than ability to perform, including difficulty in securing bonds for indemnifying their employers against loss from the infidelity, dishonesty, or default of such persons. In carrying out these projects the Secretary may make payments to or contracts with employers or institutions authorized to indemnify employers against such losses. Of the funds appropriated for fiscal years ending June 30, 1966, and June 30, 1967, not more than $200,000 and $300,000, respectively, may be used for the purpose of carrying out this section.'

"(b) Section 102(2) of the Act is amended by striking out '104' and inserting in lieu thereof '107'.

"Sec. 5. Section 202(i) of the Act is amended by striking out ', and such persons shall be eligible for training allowances for not to exceed an additional twenty weeks.'

"Sec. 6. (a) Section 203(a) of the Act is amended as follows:

"(1) Amend the second sentence thereof to read as follows: 'Such payments shall be made for a period not exceeding one hundred and four weeks, and the basic amount of any such payment in any week for persons undergoing training, including uncompensated employer-provided training, shall not exceed $10 more than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available: *Provided*, That the basic amount of such payments may be increased by $5 a week for each dependent over two up to a maximum of four additional dependents: *Provided further*, That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of his total allowance, including payments for dependents, shall receive an allowance increased by the amount of such excess.';

"(2) Amend the second paragraph thereof to read as follows:

"'With respect to any week for which a person receives unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law which is less than the total training allowance, including payments for dependents, provided for by the preceding paragraph, a supplemental training allowance may be paid to a person eligible for a training allowance under this Act. The supplemental training allowance shall not exceed the difference between his unemployment compensation and the training allowance provided by the preceding paragraph.';

"(3) Insert the words 'under the training program' after 'compensated hours per week' in the third paragraph of such subsection;

"(4) In lieu of the fourth paragraph of such subsection insert the following:

"'The training allowance of a person engaged in training under section 204 or 231 shall not be reduced on account of employment (other than employment under an on-the-job training program under section 204) which does not exceed twenty hours per week, but shall be reduced in an amount equal to his full earnings for hours worked (other than in employment under such an on-the-job training program) in excess of twenty hours per week.'

"(b) (1) Section 203(b) of the Act is amended by striking out the matter following 'to defray transportation' and preceding 'Provided', and by inserting in lieu of such matter the following: 'expenses, and when such training is provided in facilities which are not within commuting distance of the trainee's regular place of residence, subsistence expenses for separate maintenance of the trainee:'.

"(2) Such subsection is further amended by inserting immediately before the period at the end thereof the following: ', except in the case of local transportation where he may authorize reimbursement for the trainee's travel by the most economical mode of public transportation, and except that in noncontiguous States and in areas outside the continental United States where the per diem allowance prescribed under section 836 of title 5, United States Code, exceeds the maximum per diem allowance prescribed under that section for contiguous States, the Secretary may provide for a reasonable increase in the transportation and subsistence expenses in such amounts as he may deem necessary to carry out the purposes of this Act, and subject to such limitations as he may prescribe'.

"(c) Section 203(c) of the Act is amended as follows:

"(1) Strike the words 'not less than' in the first sentence and insert 'at least' in lieu thereof;

"(2) Strike out everything in the first sentence after the words 'gainful employment', and insert the following in lieu thereof: ': *Provided*, That he shall not pay training allowances to members of a family or a household in which the head of the family or the head of the household as defined in the Internal Revenue Code of 1954 is employed, unless the Secretary determines that such payments are necessary in order for the trainees to undertake or to continue training: *Provided further*, That no allowances shall be paid to any member of a family or household if the Secretary of Labor determines that the head of such family or household has terminated his employment for the purpose of qualifying such member for training allowances under this section.';

"(3) Amend the last sentence to read as follows: 'The number of youths under the age of twenty-two who are receiving training allowances (or who would be entitled thereto but for the receipt of unemployment compensation) shall, except for such adjustments as may be necessary for effective management of programs under this section, not exceed 25 per centum of all persons receiving such allowances (or who would be entitled thereto but for the receipt of unemployment compensation). The Secretary of Labor may authorize continued payments of allowances to any youth who becomes twenty-two years of age during the course of his training, if he has completed a substantial part of such training.'

"(d) Subsection (d) of section 203 of the Act is repealed and subsections (e), (f), (g), (h), (i), and (j) of such section are redesignated as (d), (e), (f), (g), (h), and (i), respectively.

"(e) The first sentence of section 203(g) (2) of the Act (as redesignated by section 5(d) of this Act) is amended by striking out everything that follows "all of such benefits paid" and inserting in lieu thereof a period.

"Sec. 7. Section 208 of the Act is repealed.

"Sec. 8. Section 231 of the Act is amended by striking out the second and third sentences and inserting in lieu thereof the following: 'Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. The State agency shall be paid not more than 90 per centum of the cost to the State of carrying out the agreement, unless the Secretary of Health, Education, and Welfare determines that payments in excess of 90 per centum are necessary because such payments with respect to private institutions are required to give full effect to the purposes of the Act: *Provided*, That for the period ending June 30, 1966, the State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.'

"Sec. 9. (a) Title II of the Act is amended by adding part C to the end thereof to read as follows:

" 'PART C—REDEVELOPMENT AREAS

" 'Sec. 241. The Secretaries of Labor and of Health, Education, and Welfare, in accordance with their respective responsibilities under parts A and B of this title, are authorized to provide a supplementary program of training and training allowances, in consultation with the Secretary of Commerce, for unemployed and underemployed persons residing in areas designated as redevelopment areas by the Secretary of Commerce under the Area Redevelopment Act or any subsequent Act authorizing such designation. Such program shall be carried out by the Secretaries of Labor and of Health, Education, and Welfare in accordance with the provisions otherwise applicable to programs under this Act and with their respective functions under those provisions, except that—

" '(1) the Secretary of Labor, in consultation with the Secretary of Commerce, shall determine the occupational training or retraining needs of unemployed or underemployed individuals residing in redevelopment areas;

" '(2) all unemployed or underemployed individuals residing in redevelopment areas who can reasonably be expected to obtain employment as a result of such training may be referred and selected for training and shall be eligible for training allowances under this section: *Provided*, That the amount and duration of training allowances under this section shall in no event exceed the amount and duration of training allowances provided under section 203(a) of this Act;

" '(3) the Secretaries of Labor and of Health, Education, and Welfare shall, each with respect to his functions under this section, prescribe jointly with the Secretary of Commerce such rules and regulations as may be necessary to carry out the purposes of this section; and

" '(4) no funds available under this section shall be apportioned to any State pursuant to section 301 of this Act, nor shall any matching funds be required.'

"(b) Sections 16 and 17 of the Area Redevelopment Act (42 U.S.C. 2513 and 2514) are repealed. The repeal of these sections shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into pursuant to the Area Redevelopment Act prior to the effective date of the repeal of such sections.

"(c) This section and the amendments made by it shall take effect on July 1, 1965.

"Sec. 10. Section 301 of the Act is amended by striking the period at the end thereof, inserting a colon, and adding the following proviso: '*Provided*, That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the sixth month of such fiscal year and only upon 30 days' prior notice to such State of the proposed reapportionment, except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year.'

"Sec. 11. Section 302 of the Act is amended by striking the word "and" following "the Smith-Hughes Vocational Education Act" inserting a comma in lieu thereof, and inserting "and the Vocational Education Act of 1963," following "the Vocational Education Act of 1946,".

"Sec. 12. Section 304 of the Act is amended to read as follows:

" 'APPROPRIATIONS AUTHORIZED

" 'Sec. 304. (a) For the purposes of carrying out title I, there are hereby authorized to be appropriated not in excess of $46,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

" '(b) For the purpose of carrying out parts A and B of title II, there are hereby authorized to be appropriated not in excess of $385,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

" '(c) For the purpose of carrying out part C of title II, there are hereby authorized to be appropriated not in excess of $22,000,000 for the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.

" '(d) For the purpose of carrying out title III, there are hereby authorized to be appropriated not in excess of $1,000,000 for the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.'

"Sec. 13. The following subsection is added to section 305 of the Act to read as follows:

" '(e) The costs of all training programs approved in any fiscal year, including the total cost of training allowances for such programs, may be paid from funds appropriated for such purposes for that fiscal year; and the amount of the Federal payment shall be computed on the basis of the per centum requirement in effect at the time such programs are approved: *Provided*, That funds appropriated for the fiscal year ending June 30, 1966, may be expended for training programs approved under this Act prior to July 1, 1965.'

"Sec. 14. Subsection (a) of section 306 of the Act is amended by inserting after 'procedures,' the following 'including (subject to such policies, rules, and regulations as they may prescribe) the approval of any program under section 202, the cost of which does not exceed $75,000,'.

"Sec. 15. Sections 309(a) and 309(b) of the Act are both amended by striking 'Prior to March 1, 1963, and again prior to April 1, 1964, April 1, 1965, and April 1, 1966' and inserting in lieu thereof: 'Prior to April 1 in each year'.

"Sec. 16. Section 310 of the Act is amended by striking out '1966' wherever it appears and inserting in lieu thereof '1969' ".

And the House agree to the same.

Joseph S. Clark,
Jennings Randolph,
Pat McNamara,
Claiborne Pell,
Edward M. Kennedy,
Gaylord Nelson,
Winston L. Prouty,
Jacob K. Javits,
George Murphy,
Managers on the Part of the Senate.

Adam C. Powell,
James G. O'Hara,
Dominick V. Daniels,
Roman C. Pucinski,
Sam M. Gibbons,
William D. Hathaway,
William H. Ayres,
John M. Ashbrook,
Albert H. Quie,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. CLARK. I ask unanimous consent that a floor memorandum outlining the resolution of the nine substantive differences between the two versions of S. 974 may be printed in the Record at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

FLOOR MEMORANDUM

There were nine substantive differences between the versions of S. 974 as it passed the Senate and House of Representatives. The House conferees accepted five of the Senate's amendments to the act with two language changes. The Senate amendments to which the House receded were as follows:

1. An additional finding of Congress that there is a need for brief refresher and reorientation training courses for unemployed professional workers.

2. Authorization permitting the Secretary of Labor to pay when necessary training allowances to a trainee family member where the head of the family is employed, and

Disqualification of training allowances for any trainee whose family head terminates his own employment to qualify his dependent for training allowances.

3. Authorization for continued payments of training allowances to youths who become 22 years old if they have substantially completed their training.

4. Guidelines for the States to follow in determining whether to conduct training in private institutions.

5. Specific authorization figures for fiscal year 1966.

The Senate accepted a House amendment permitting the Secretary of Labor to exceed the 10-cent-a-mile limit on transportation expenses paid to trainees where the most economical mode of local public transportation costs more than 10 cents per mile.

The Senate receded from one minor difference in the State matching provisions of the act. The Senate version permitted full Federal financing of training programs in any State without constitutional authority to contribute to adult, noncollegiate, public education.

A compromise was reached with respect to the effective date for repeal of the present training provisions of the Area Redevelopment Act and for the substitution of the new redevelopment area training provisions of the Manpower Development and Training

Act. The Senate accepted the House version which made these provisions effective as of July 1, 1965. In addition, the saving clause contained in the Senate version of S. 974 was accepted by the House.

With respect to the differing termination dates of title II of the Manpower Development and Training Act, the Senate version extended the act to June 30, 1970, while the House version contained an extension until June 30, 1968. The conference committee agreed to a termination date of June 30, 1969.

Mr. McNAMARA. Mr. President, I should like to make some legislative history on this subject. I should like to pose a question to the Senator from Pennsylvania.

As I understand, the basic objective of the Manpower Development and Training Act is the reduction of hardcore unemployment, unemployment which results from the fact that the potential employee lacks the skills essential to performance in an existing job vacancy. The bill was designed for situations where there is a demand for labor, but in which prior training or a specific skill is a substantial prerequisite for employment in the given job.

Mr. CLARK. The Senator is correct.

Mr. McNAMARA. It is not intended to cover industries, such as the garment and apparel industry, where minimal training is needed, where traditionally the employer has provided the necessary on-the-job training, and where there exist a substantial number of experienced and able workers who are presently unemployed. As I understand it, we do not intend to give a competitive advantage to one employer over another by having the Manpower Development and Training Act pay costs which usually and traditionally the employer has assumed, nor do we intend hereby merely to transfer unemployment from one area to another. We do not expect use of the Manpower Development and Training Act training programs in highly mobile, highly competitive industries where minimal employee training is needed and now is undertaken by the employer. I feel that Manpower Development and Training Act assistance in such cases would only add to industrial dislocation. It would be a waste of manpower resources, and in the long run would serve only to discredit the Manpower Development and Training Act and detract from its value.

Mr. CLARK. The Senator from Michigan has correctly stated my understanding of the congressional intent.

However, I would like to point out, Mr. President, that a question arose in conference committee with regard to the language on page 22 of the House committee report with respect to safeguarding against Manpower Development and Training Act substitution for private training efforts. It was agreed by the conference committee that the language used in the House report refers to the institution of Manpower Development and Training Act programs in unskilled or minimally skilled occupations for which prior training or possession of a specific skill has not traditionally been a prerequisite to employment. It is the belief of the committee that Manpower Development and Training Act training in such situations would substitute for threshold training normally undertaken at the expense of the employer and would not add to achieving the manpower goals which are the objectives of the Manpower Development and Training Act. The committee did not intend to imply that Manpower Developement and Training Act programs would not be available for training persons in technical and skilled occupations in the garment industry or any other industry for which prior training or the possession of specific skills has traditionally been a prerequisite to employment. For example, it might be appropriate, under the proper circumstances, for Manpower Development and Training Act training to be utilized to provide skilled personnel for employment in repairing, adjusting, maintaining, and rebuilding machinery used in the apparel industry.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PROUTY].

Mr. MORSE. Mr. President, I rise to oppose the amendment offered by my good friend from Vermont. I wish to say, however, before I set forth my reasons in opposition, that I believe on this subject matter the Senator from Vermont has been very helpful. In committee, it is true, he raised these points, and it is true, from what he said, that he is still not satisfied. However, I wish only to say that I believe he has been very helpful.

H.R. 2362 in its present form, coupled with the committee report, to which I shall refer momentarily, gives us a good bill on this subject matter, and we should not in any way change this part of the bill at this time.

However, as I have been heard to say so many times, if some changes are necessary after a year's experience under it, we can make them when we come to Congress for the authorizations next year. However, the Senator from Vermont has created a situation, so far as the chairman of the subcommittee is concerned, such that my eyes will be on that problem all next year. I have no concern about what the Commissioner will do on the basis of the record made in committee and on the basis of the record the Senator from Vermont has made this afternoon on the floor of the Senate.

I do not believe there is any cause for concern that the Commissioner will do anything which is not completely consistent with what we made very clear. Certainly he will lay down some criteria, but I do not believe there is any basis for fear that the Commissioner will exceed his authority, so as to result in any Federal interference in the educational processes at the local level. My reasons for objecting to the amendment are as follows:

As interpreted in the report of the committee and by the Department of Health, Education, and Welfare, the authority given the Commissioner to establish "basic criteria" to assist State educational agencies in reviewing the applications of local educational agencies under section 205(a) of title I is carefully limited to its proper sphere: that of defining and clarifying the requirements of section 205(a) for the purposes of assisting State and local educational agencies in carrying out title I and for assuring a reasonably uniform application of its provisions throughout the Nation.

If that policy is not followed, the administration of the program could become a helter-skelter hodge-podge. All kinds of varied interpretations of permissible programs could be offered. The purpose of the criteria, at least, is to keep within what we consider to be a reasonable framework in order to carry out the objectives of the title.

The limitations placed on this power of the Commissioner are greater and more appropriate in several respects than those contained, I respectfully submit, in the proposed amendment of the Senator from Vermont:

First. The committee report states very clearly that the Commissioner has no authority to establish requirements beyond those specifically stated in paragraphs 1 through 8 of section 205(a). He is limited to those requirements. The proposed amendment carries no such limitation.

Second, the committee report makes it crystal clear that the basic criteria established by the Commissioner must be set out in regulations. The proposed amendment would place no limitation on the manner in which the Commissioner could promulgate his guidelines.

Third. The committee report makes it very clear that the Commissioner is to define and clarify the requirements of section 205(a) for the purpose of assuring a reasonably uniform application of its provisions throughout the Nation. The proposed amendment would limit the authority of the Commissioner to the establishment of guidelines for "the suggested use" only of State educational agencies in making determinations under section 205(a). The result of this amendment would undoubtedly be a different interpretation of section 205(a) in each of the States and outlying territories.

Mr. President, I ask Senators to turn to page 9 of the report. On page 9 we cover the problem very well. As I have said, the Senator from Vermont had much to do, in my opinion, with getting the information from the Department that made it possible for us to write the following language into the report:

> In this connection, the committee has been advised by the Department of Health, Education, and Welfare, as follows—

I now read from the memorandum of the Department, which is found on page 9, which in large part, resulted from the work of the Senator from Vermont and, as I recall it, both the Senator from New York [Mr. Javits] and the Senator from Colorado [Mr. Dominick], who raised the problem in the committee. It reads as follows:

> The authority given the Commissioner in subsection (a) of section 205 to establish "basic criteria" does not, of course, authorize him to establish requirements beyond those specifically stated in paragraphs (1) through (8) of that subsection. Instead, these "basic criteria" will be set out in regulations of the Commissioner and will define and clarify the requirements of section 205(a) for the purpose of assisting State and local educational agencies in carrying out title I and of assuring a reasonably uniform application of its provisions throughout the Nation.
>
> The following are examples of concepts in section 205(a) which will require more specific delineation in the light of the purposes of title I and its legislative history: "special educational needs," "educationally deprived children," special educational services and arrangements "in which (children enrolled in private elementary and secondary schools) can participate," and "appropriate objective measurements of educational achievement."

The Department has committed itself to those policies. One further point should be stressed. The Subcommittee on Education will not go into hibernation between now and the authorization date next year. If any indication is given to me as chairman of the subcommittee that the Commissioner—and it is unthinkable to think that he would—would go beyond the restrictions which the language of the bill and the memorandum imposes upon him, the chairman of the subcommittee will ask the subcommittee to go into action on the question.

Mr. President, I urge that the amendment be rejected.

Mr. LAUSCHE. Mr. President, I should like to ask one question of the Senator from Oregon. If the description given by the Secretary of Health, Education, and Welfare, as read by the Senator from Oregon, is correct, that is, that he will establish guidelines only as directed by the paragraphs marked in the numerals 1 to 8, why was it necessary to put in parenthesis the words "on line 1, page 11"? If the words in parenthesis are omitted, then it is really clear that the paragraphs marked by the numerals 1 to 8 are the utmost limit to which the Secretary may go.

Mr. MORSE. They need not be eliminated now that the legislative history and the memorandum of the Department make perfectly clear that he will be so limited. So in my judgment—and I say most respectfully—the Senator is engaging in somewhat of a needless gesture to eliminate punctuation that we need not eliminate. The meaning of the language in point has already been made clear by the legislative history, by the committee report, and by a memorandum from the Department itself.

Mr. LAUSCHE. I concede that the Secretary of Health, Education, and Welfare attempted to point out that he will conform only to the criteria contained in the eight paragraphs identified by the numerals. The amendment of the Senator from Vermont would make clear the language—"upon its determination that—paragraphs 1, 2, 3, 4, 5, 6, 7, 8."

Mr. MORSE. There is one point that my friend has overlooked. That is the meaning of the word "its" in the language which he has read. The word "its" refers to the State agency.

Mr. LAUSCHE. That is correct.

Mr. MORSE. If it refers to the State agency, the Senator need not worry about the language.

Mr. LAUSCHE. That is, its determination of what the Secretary of Health, Education, and Welfare shall establish as the guidelines in conformity with the direction in the eight separate paragraphs.

Mr. MORSE. His job is related to guidelines, and not to criteria. The criteria are already set out in the eight paragraphs.

Mr. LAUSCHE. In the letter sent by the Secretary of Health, Education, and Welfare the Secretary has committed himself to do the things that are outlined in the eight paragraphs.

Mr. MORSE. Not only that, but I assure the Senator that we will hold his nose to that grindstone, too.

Mr. LAUSCHE. There is only one weakness. We are trying to achieve by legislative history that which the Senator from Vermont wishes to do by direct wording of the bill itself, and it is for that reason that I shall support the amendment of the Senator from Vermont.

Mr. MORSE. The objective of the Senator has been accomplished. I have no more to say on the subject.

Mr. PROUTY. Mr. President, I point out that the chairman is now taking a position which is completely in conformity with the amendment that I am suggesting. Prior to that, however, he did not, and that was the reason for the amendment. That is why I believe the amendment should be adopted. I say respectfully to my good friend the Senator from Oregon, that the amendment is one that we could adopt and upon which we would not even need a conference. A conference would last 5 minutes, and no longer. I do not think it would be controversial to the extent that it would endanger the passage of the proposed legislation in any way, shape, or manner.

Mr. MORSE. I rest my case.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], the Senator from Oregon [Mrs. Neuberger], and the Senator from Virginia [Mr. Robertson] are absent on official business.

I also announce that the Senator from South Carolina [Mr. Johnston] and the Senator from Missouri [Mr. Symington] are absent because of illness.

I further announce that the Senator from Georgia [Mr. Russell] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], the Senator from Oregon [Mrs. Neuberger], and the Senator from Missouri [Mr. Symington] would each vote "nay."

The result was announced—yeas 32, nays 60, as follows:

[No. 54 Leg.]

YEAS—32

Aiken
Allott
Bennett
Boggs
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Fannin
Fong
Hickenlooper
Holland
Hruska
Javits
Jordan, Idaho
Lausche
Miller
Morton
Mundt
Murphy
Pearson
Prouty
Saltonstall
Scott
Simpson
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—60

Anderson
Bartlett
Bass
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Douglas
Ellender
Ervin
Fulbright
Gore
Gruening
Harris
Hart
Hayden
Hill
Inouye
Jackson
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Mondale
Monroney
Montoya
Morse
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Smathers
Smith
Sparkman
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—8

Byrd, Va.
Dodd
Hartke
Johnston
Neuberger
Robertson
Russell
Symington

So Mr. Prouty's amendment was rejected.

Mr. MORSE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from New Mexico [Mr. Anderson] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES PLANNING ACT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 21) to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning, which was to strike out all after the enacting clause and insert:

SHORT TITLE

Section 1. This Act may be cited as the "Water Resources Planning Act".

Statement of policy

Sec. 2. In order to meet the rapidly expanding demands for water throughout the Nation, it is hereby declared to be the policy of the Congress to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise with the cooperation of all effected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned.

Effect on existing laws

SEC. 3. Nothing in this Act shall be construed—

(a) to expand or diminish either Federal or State jurisdiction, responsibility, or rights in the field of water resources planning, development, or control; nor to displace, supersede, or limit any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(b) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this Act with respect to the preparation and review of comprehensive regional or river basin plans and the formulation and evaluation of Federal water and related land resources projects;

(c) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water and related land resources, or to exercise licensing or regulatory functions in relation thereto; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, or of the International Boundary and Water Commission, United States and Mexico;

(d) to deprive any court of the United States or of any State of jurisdiction over a matter in controversy affecting water or any water course.

TITLE I—WATER RESOURCES COUNCIL

SEC. 101. There is hereby established a Water Resources Council (hereinafter referred to as the "Council") which shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, and the Chairman of the Federal Power Commission. The Chairman of the Council shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council. The Chairman of the Council shall be designated by the President.

SEC. 102. The Council shall—

(a) maintain a continuing study and prepare an assessment biennially, or at such less frequent intervals as the Council may determine, of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and the national interest therein; and

(b) maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation, and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; it shall appraise the adequacy of existing and proposed policies and programs to meet such requirements; and it shall make recommendations to the President with respect to Federal policies and programs.

SEC. 103. The Council shall establish, after public notice and hearing, and with the approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. Such procedures may include provision for Council revision of plans for Federal projects intended to be proposed in any plan or revision thereof being prepared by a river basin planning commission.

SEC. 104. Upon receipt of a plan or revision thereof from any river basin commission under the provisions of section 204(3) of this Act, the Council shall review the plan or revision with special regard to—

(1) the efficacy of such plan or revision in achieving optimum use of the water and related land resources in the area involved;

(2) the effect of the plan on the achievement of other programs for the development of agricultural, urban, energy, industrial, recreational, fish and wildlife, and other resources of the entire Nation; and

(3) the contributions which such plan or revision will make in obtaining the Nation's economic and social goals.

Based on such review the Council shall—

(a) formulate such recommendations as it deems desirable in the national interest; and

(b) transmit its recommendations, together with the plan or revision of the river basin commission, and the views, comments, and recommendations with respect to such plan or revision submitted by any Federal agency, Governor, interstate commission, or United States section of an international commission, to the President for his review and transmittal to the Congress with his recommendations in regard to authorization of Federal projects.

SEC. 105. (a) For the purpose of carrying out the provisions of this Act, the Council may: (1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable, in accordance with the civil service laws and Classification Act of 1949, as amended; (5) procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals; (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

(b) Any member of the Council is authorized to administer oaths when it is determined by a majority of the Council that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Council may be made available for public inspection during ordinary office hours.

(d) Upon request of the Council, the head of any Federal department or agency is authorized (1) to furnish to the Council such information as may be necesary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such Council on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The Council shall be responsible for (1) the appointment and supervision of personnel, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditure of funds.

TITLE II—RIVER BASIN COMMISSIONS

Creation of commissions

SEC. 201. (a) The President is authorized to declare the establishment of a river basin water and related land resources commission upon request therefor by the Council, or request addressed to the Council by a State within which all or part of the basin or basins concerned are located if the request by the Council or by a State (1) defines the area, river basin, or group of related river basins for which a commission is requested (2) is made in writing by the Governor or in such manner as State law may provide, or by the Council, and (3) is concurred in by the Council and by not less than one-half of the States within which portions of the basin or basins concerned are located, and, in the event the Upper Colorado River Basin is involved, by at least three of the four States of Colorado, New Mexico, Utah, and Wyoming or, in the event the Columbia River Basin is involved, by at least three of the four States of Idaho, Montana, Oregon, and Washington. Such concurrences shall be in writing.

(b) Each such commission for an area, river basin, or group of river basins shall, to the extent consistent with section 3 of this Act—

(1) serve as the principal agency for the coordination of Federal, State, interstate, local and nongovernmental plans for the development of water and related land resources in its area, river basin, or group of river basins;

(2) prepare and keep up to date, to the extent practicable, a comprehensive, coordinated, joint plan for Federal, State, interstate, local and nongovernmental development of water and related resources: *Provided,* That the plan shall include an evaluation of all reasonable alternative means of achieving optimum development of water and related land resources of the basin or basins, and it may be prepared in stages, including recommendations with respect to individual projects;

(3) recommend long-range schedules of priorities for the collection and analysis of basic data and for investigation, planning, and construction of projects; and

(4) foster and undertake such studies of water and related land resources problems in its area, river basin, or group of river basins as are necessary in the preparation of the plan described in clause (2) of this subsection.

Membership of commissions

SEC. 202. Each river basin commission shall be composed of members appointed as follows:

(a) A chairman appointed by the President who shall also serve as chairman and coordinating officer of the Federal members of the commission and who shall represent the Federal Government in Federal-State relations on the commission and who shall not, during the period of his service on the commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the Federal Government;

(b) One member from each Federal department or independent agency determined by the President to have a substantial interest in the work to be undertaken by the commission, such member to be appointed by the head of such department or independent agency and to serve as the representative of such department or independent agency;

(c) One member from each State which lies wholly or partially within the area, river basin, or group of river basins for which the commission is established, and the appointment of each such member shall be made in accordance with the laws of the

State which he represents. In the absence of governing provisions of State law, such State members shall be appointed and serve at the pleasure of the Governor;

(d) One member appointed by any interstate agency created by an interstate compact to which the consent of Congress has been given, and whose jurisdiction extends to the waters of the area, river basin, or group of river basins for which the river basin commission is created;

(e) When deemed appropriate by the President, one member, who shall be appointed by the President, from the United States section of any international commission created by a treaty to which the consent of the Senate has been given, and whose jurisdiction extends to the waters of the area, river basin, or group of river basins for which the river basin commission is established.

Organization of commissions

SEC. 203. (a) Each river basin commission shall organize for the performance of its functions within ninety days after the President shall have declared the establishment of such commission, subject to the availability of funds for carrying on its work. A commission shall terminate upon decision of the Council or agreement of a majority of the States composing the commission. Upon such termination, all property, assets, and records of the commission shall thereafter be turned over to such agencies of the United States and the participating States as shall be appropriate in the circumstances: *Provided,* That studies, data, and other materials useful in water and related land resources planning to any of the participants shall be kept freely available to all such participants.

(b) State members of each commission shall elect a vice chairman, who shall serve also as chairman and coordinating officer of the State members of the commission and who shall represent the State governments in Federal-State relations on the commission.

(c) Vacancies in a commission shall not affect its powers but shall be filled in the same manner in which the original appointments were made: *Provided,* That the chairman and vice chairman may designate alternates to act for them during temporary absences.

(d) In the work of the commission every reasonable endeavor shall be made to arrive at a consensus of all members on all issues; but failing this, full opportunity shall be afforded each member for the presentation and report of individual views: *Provided,* That at any time the commission fails to act by reason of absence of consensus, the position of the chairman, acting in behalf of the Federal members, and the vice chairman, acting upon instructions of the State members, shall be set forth in the record: *Provided further,* That the chairman, in consultation with the vice chairman, shall have the final authority, in the absence of an applicable bylaw adopted by the commission or in the absence of a consensus, to fix the times and places for meetings, to set deadlines for the submission of annual and other reports, to establish subcommittees, and to decide such other procedural questions as may be necessary for the commission to perform its functions.

Duties of the commissions

SEC. 204. Each river basin commission shall—

(1) engage in such activities and make such studies and investigations as are necessary and desirable in carrying out the policy set forth in section 2 of the Act and in accomplishing the purposes set forth in section 201(b) of this Act;

(2) submit to the Council and the Governor of each participating State a report on its work at least once each year. Such report shall be transmitted through the President to the Congress. After such transmission, copies of any such report shall be sent to the heads of such Federal, State, interstate, and international agencies as the President or the Governors of the participating States may direct;

(3) submit to the Council for transmission to the President and by him to the Congress, and the Governors and the legislatures of the participating States a comprehensive, coordinated, joint plan, or any major portion thereof or necessary revisions thereof, for water and related land resources development in the area, river basin, or group of river basins for which such commission was established. Before the commission submits such a plan or major portion thereof or revision thereof to the Council, it shall transmit the proposed plan or revision to the head of each Federal department or agency, the Governor of each State, and each interstate agency, from which a member of the commission has been appointed, and to the head of the United States section of any international commission if the plan, portion, or revision deals with a boundary water or a river crossing a boundary, or any tributary flowing into such boundary water or river, over which the international commission has jurisdiction or for which it has responsibility. Each such department and agency head, Governor, interstate agency, and United States section of an international commission shall have ninety days from the date of the receipt of the proposed plan, portion, or revision to report its views, comments, and recommendations to the commission. The commission may modify the plan, portion, or revision after considering the reports so submitted. The views, comments, and recommendations submitted by each Federal department or agency head, Governor, interstate agency, and United States section of an international commission shall be transmitted to the Council with the plan, portion, or revision; and

(4) submit to the Council at the time of submitting such plan, any recommendations it may have for continuing the functions of the commission and for implementing the plan, including means of keeping the plan up to date.

Powers and administrative provisions of the commissions

SEC. 205. (a) For the purpose of carrying out the provisions of this title, each river basin commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable;

(2) acquire, furnish, and equip such office space as is necessary;

(3) use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States;

(4) employ and compensate such personnel as it deems advisable, including consultants, at rates not to exceed $100 per diem;

(5) arrange for the services of personnel from any State or the United States, or any subdivision or agency thereof, or any intergovernmental agency;

(6) make arrangements, including contracts, with any participating government, except the United States or the District of Columbia, for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for or continuing in another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel;

(7) purchase, hire, operate, and maintain passenger motor vehicles; and

(8) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

(b) The chairman of a river basin commission, or any member of such commission designated by the chairman thereof for the purpose, is authorized to administer oaths when it is determined by a majority of the commission that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of each river basin commission shall be made available for public inspection during ordinary office hours.

(d) Upon request of the chairman of any river basin commission, or any member or employee of such commission designated by the chairman thereof for the purpose, the head of any Federal department or agency is authorized (1) to furnish to such commission such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The chairman of each river basin commission shall, in accordance with the general policies of such commission with respect to the work to be accomplished by it and the timing thereof, be responsible for (1) the appointment and supervision of personnel employed by such commission, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds available to such commission.

Compensation of commission members

SEC. 206. (a) Any member of a river basin commission appointed pursuant to section 202 (b) and (e) of this Act, shall receive no additional compensation by virtue of his membership on the commission, but shall continue to receive, from appropriations made for the agency from which he is appointed, the salary of his regular position when engaged in the performance of the duties vested in the commission.

(b) Members of a commission, appointed pursuant to section 202 (c) and (d) of this Act, shall each receive such compensation as may be provided by the States or the interagency respectively, which they represent.

(c) The per annum compensation of the chairman of each river basin commission shall be determined by the President, but when employed on a full-time annual basis shall not exceed the maximum scheduled rate for grade GS–18 of the Classification Act of 1949, as amended; or when engaged in the performance of the commission's duties on an intermittent basis such compensation shall be not more than $100 per day and shall not exceed $12,000 in any year.

SEC. 207. (a) Each commission shall recommend what share of its expenses shall be borne by the Federal Government, but such share shall be subject to approval by the Council. The remainder of the commission's expenses shall be otherwise apportioned as the commission may determine. Each commission shall prepare a budget annually and transmit it to the Council and the States. Estimates of proposed appropriations from the Federal Government shall be included in the budget estimates submitted by the Council under the Budgeting and Accounting Act of 1921, as amended, and may include an amount for advance to a commission against State appropriations for which delay is anticipated by reason of later legislative sessions. All sums appropriated to or otherwise received by a commission shall be credited to the commission's account in the Treasury of the United States.

(b) A commission may accept for any of its purposes and functions, appropriations, donations, and grants of money, equipment, supplies, materials, and services from any State or the United States or any subdivision or agency thereof, or intergovernmental agency, and may receive, utilize, and dispose of the same.

(c) The commission shall keep accurate accounts of all receipts and disbursements. The accounts shall be audited at least annually in accordance with generally accepted auditing standards by independent certified or licensed public accountants, certified or licensed by a regulatory authority of a State, and the report of the audit shall be included in and become a part of the annual report of the commission.

(d) The accounts of the commission shall be open at all reasonable times for inspection by representatives of the jurisdictions and agencies which make appropriations, donations, or grants to the commission.

TITLE III—FINANCIAL ASSISTANCE TO THE STATES FOR COMPREHENSIVE PLANNING GRANT AUTHORIZATIONS

SEC. 301. (a) In recognition of the need for increased participation by the States in water and related land resources planning to be effective, there are hereby authorized to be appropriated to the Council for the next fiscal year beginning after the date of enactment of this Act, and for the nine succeeding fiscal years thereafter, $5,000,000 in each such year for grants to States to assist them in developing and participating in the development of comprehensive water and related land resources plans.

(b) The Council with the approval of the President, shall prescribe such rules, establish such procedures, and make such arrangements and provisions relating to the performance of its functions under this title, and the use of funds available therefor, as may be necessary in order to assure (1) coordination of the program authorized by this title with related Federal planning assistance programs, including the program authorized under section 701 of the Housing Act of 1954 and (2) appropriate utilization of other Federal agencies administering programs which may contribute to achieving the purpose of this Act.

Allotments

SEC. 302. (a) From the sums appropriated pursuant to section 301 for any fiscal year the Council shall from time to time make allotments to the States, in accordance with its regulations on the basis of (1) the population, (2) the land area, (3) the need for comprehensive water and related land resources planning programs, and (4) the financial need of the respective States. For the purposes of this section the population of the States shall be determined on the basis of the latest estimates available from the Department of Commerce and the land area of the States shall be determined on the basis of the official records of the United States Geological Survey.

(b) From each State's allotment under this section for any fiscal year the Council shall pay to such State an amount which is not more than 50 per centum of the cost of carrying out its State program approved under section 303, including the cost of training personnel for carrying out such program and the cost of administering such program.

State programs

SEC. 303. The Council shall approve any program for comprehensive water and related land resources planning which is submitted by a State, if such program—

(1) provides for comprehensive planning with respect to intrastate or interstate water resources, or both, in such State to meet the needs for water and water related activities taking into account prospective demands for all purposes served through or affected by water and related land resources development, with adequate provision for coordination with all Federal, State, and local agencies, and nongovernmental entities having responsibilities in affected fields;

(2) provides where comprehensive statewide development planning is being carried on with or without assistance under section 701 of the Housing Act of 1954, or under the Land and Water Conservation Fund Act of 1965, for full coordination between comprehensive water resources planning and other statewide planning programs and for assurances that such water resources planning will be in conformity with the general development policy in such State;

(3) designates a State agency (hereinafter referred to as the "State agency") to administer the program;

(4) provides that the State agency will make such reports in such form and containing such information as the Council from time to time reasonably requires to carry out its functions under this title;

(5) sets forth the procedure to be followed in carrying out the State program and in administering such program; and

(6) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for keeping appropriate accountability of the funds and for the proper and efficient administration of the program.

The Council shall not disapprove any program without first giving reasonable notice and opportunity for hearing to the State agency administering such program.

Review

SEC. 304. Whenever the Council after reasonable notice and opportunity for hearing to a State agency finds that—

(a) the program submitted by such State and approved under section 303 has been so changed that it no longer complies with a requirement of such section; or

(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Council shall notify such agency that no further payments will be made to the State under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such State under this title.

Payments

SEC. 305. The method of computing and paying amounts pursuant to this title shall be as follows:

(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each State under the provisions of this title for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Council may find necessary.

(2) The Council shall pay to the State, from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such State for any prior period under this title was greater or less than the amount which should have been paid to such State for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, at such times and in such installments as the Council may determine.

Definition

SEC. 306. For the purpose of this title the term "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

Records

SEC. 307. (a) Each recipient of grant under this Act shall keep such records as the Chairman of the Council shall prescribe including records which fully disclose the amount and disposition of the funds received under the grant and the total cost of the project or undertaking in connection with which the grant was made and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources and such other records as will facilitate an effective audit.

(b) The Chairman of the Council and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this Act.

TITLE IV—MISCELLANEOUS

Authorization of appropriations

SEC. 401. There are authorized to be appropriated not to exceed $150,000 annually to carry out the provisions of title I of this Act, not to exceed $6,000,000 annually to carry out the provisions of title II, and not to exceed $400,000 annually for the administration of title III: *Provided*, That, with respect to title II, not more than $750,000 annually shall be available for any single river basin commission.

Rules and regulations

SEC. 402. The Council is authorized to make such rules and regulations as it may deem necessary or appropriate for carrying out those provisions of this Act which are administered by it.

Delegation of functions

SEC. 403. The Council is authorized to delegate to any member or employee of the Council its administrative functions under section 105 and the detailed administration of the grant program under title III.

Utilization of personnel

SEC. 404. The Council may, with the consent of the head of any other department or agency of the United States, utilize such officers and employees of such agency on a reimbursable basis as are necessary to carry out the provisions of this Act.

Mr. ANDERSON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, that it ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Mr. HARRIS] appointed Mr. ANDERSON, Mr. JACKSON, Mr. CHURCH, Mr. KUCHEL, and Mr. ALLOTT, conferees on the part of the Senate.

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

The Senate resumed the consideration of the bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. TOWER. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that for all remaining amendments there be a 30-minute limitation, 15 minutes to be allowed to the sponsor of the amendment and 15 minutes to the sponsor of the bill, the distinguished senior Senator from Oregon.

Mr. TOWER. Mr. President, so far as my amendment is concerned, I am prepared to make it 10 minutes to a side.

Mr. MANSFIELD. Let us keep it uniform, if we can do it.

Mr. TOWER. I am agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 72

Mr. TOWER. Mr. President, I call up my amendment No. 72.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the end of the bill insert a new title as follows:

Title VII—Southeast Asia combat veterans' educational assistance.

Mr. TOWER. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment is to insert a new title at the end of the bill, as follows:

TITLE VII—SOUTHEAST ASIA COMBAT VETERANS' EDUCATIONAL ASSISTANCE

SHORT TITLE

SEC. 701. This title shall be known as the "Southeast Asia Combat Veterans' Educational Assistance Act".

Amendment of title 38, United States Code

SEC. 702. (a) Title 38 of the United States Code is amended by adding after chapter 39 the following new chapter:

"CHAPTER 40—EDUCATION OF VETERANS WHO SERVE IN THE SOUTHEAST ASIA THEATER OF OPERATIONS

"SUBCHAPTER I—DEFINITIONS

"Sec.
"1908. Definitions.

"SUBCHAPTER II—ELIGIBILITY

"1910. Entitlement to education or training generally.
"1911. Duration of veteran's education or training.
"1912. Commencement; time limitations.
"1913. Expiration of all education and training.

"SUBCHAPTER III—ENROLLMENT

"1920. Selection of program.
"1921. Applications; approval.
"1922. Change of program.
"1923. Disapproval of enrollment in certain courses.
"1924. Discontinuance for unsatisfactory progress.
"1925. Period of operation for approval.
"1926. Institutions listed by Attorney General.

"SUBCHAPTER IV—PAYMENTS TO VETERANS

"1931. Education and training allowance.
"1932. Computation of education and training allowances.
"1933. Measurement of courses.
"1934. Overcharges by educational institutions.

"SUBCHAPTER V—STATE APPROVING AGENCIES

"1941. Designation.
"1942. Approval of courses.
"1943. Cooperation.
"1944. Use of Office of Education and other Federal agencies.
"1945. Reimbursement of expenses.

"SUBCHAPTER VI—APPROVAL OF COURSES OF EDUCATION AND TRAINING

"1951. Apprentice or other training on the job.
"1952. Institutional on-farm training.
"1953. Approval of accredited courses.
"1954. Approval of nonaccredited courses.
"1955. Notice of approval of courses.
"1956. Disapproval of courses and discontinuance of allowances.

"SUBCHAPTER VII—MISCELLANEOUS PROVISIONS

"1961. Authority and duties of Administrator.
"1962. Educational and vocational counseling.
"1963. Control by agencies of United States.
"1964. Conflicting interests.
"1965. Reports by institutions.
"1966. Overpayments to veterans.
"1967. Examination of records.
"1968. False or misleading statements.
"1969. Information furnished by Federal Trade Commission.
"1970. Effective date and retroactive allowances.

"Subchapter I—Definitions

"§ 1908. Definitions

"(a) For the purpose of this chapter—

"(1) The term 'basic service period' means the period beginning on January 1, 1961, and ending on such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress;

"(2) The term 'southeast Asia theater of operations' means any area in southeast Asia in which armed conflict or warlike conditions exist as determined by the President. The geographic description of any such area shall be prescribed by the President from time to time by Executive order. Any change in the geographic limits of any such area by the President shall not affect the eligibility of any veteran who qualified for benefits under this title prior to such change.

"(3) The term 'eligible veteran' means any veteran who is not on active duty and who—

"(A) served on active duty in the southeast Asia theater of operations at any time during the basic service period;

"(B) was discharged or released therefrom under conditions other than dishonorable; and

"(C) served on active duty for a period of more than one hundred and eighty days (exclusive of any period he was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established course offered to civilians, or as cadet or midshipman at one of the service academies), or was discharged or released from a period of active duty, any part of which was performed in the southeast Asia theater of operations during the basic service period, for an actual service-connected disability.

"(4) The term 'program of education or training' means any single unit course or subject, any curriculum, or any combination of unit courses or subjects, which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(5) The term 'course' means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specific amount of related subject matter for which credit toward graduation or certification is usually given.

"(6) The term 'dependent' means—

"(A) a child of an eligible veteran;

"(B) a parent of an eligible veteran, if the parent is in fact dependent upon the veteran; and

"(C) the wife of an eligible veteran, or, in the case of an eligible veteran who is a woman, her husband if he is in fact dependent upon her.

"(7) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, scientific or technical institution, or other institution furnishing education for adults.

"(8) The term 'training establishment' means any business or other establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprentice committee, or the Bureau of Apprenticeship established in accordance with chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training.

"(9) The term 'State' includes the Canal Zone.

"(10) The term 'Commissioner' means the United States Commissioner of Education.

"(b) Benefits shall not be afforded under this chapter to any individual on account of service as a commissioned officer of the Coast and Geodetic Survey, or of the Regular or Reserve Corps of the Public Health Service.

"(c) The Congress of the United States hereby declares that the veterans' education and training program created by this chapter is for the purpose of providing vocational readjustment and restoring lost educational opportunities to those service men and women whose educational or vocational ambitions have been interrupted or impeded by reason of active duty performed in the southeast Asia theater of operations during the basic service period, and for the purpose of aiding such persons in attaining the educational and training status which they might normally have aspired to and obtained had they not served their country.

"Subchapter II—Eligibility

"§ 1910. Entitlement to education or training generally

"Each eligible veteran shall, subject to the provisions of this chapter, be entitled to the education or training provided under this chapter.

"§ 1911. Duration of veteran's education or training

"(a) Each eligible veteran shall be entitled to education or training under this chapter for a period equal to one and a half times the duration of his service on active duty during his basic service period (or to the equivalent thereof in part-time training), except that—

"(1) in computing the duration of such service, there shall be excluded a period equal to any period he was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians or served as a cadet or midshipman at one of the service academies;

"(2) the period of education or training to which an eligible veteran shall be entitled under this chapter shall not, except as provided in subsection (b), exceed thirty-six months reduced by a period equivalent to any period of educational assistance afforded him under chapters 33 and 35 of this title; and

"(3) the period of education or training to which an eligible veteran shall be entitled under this chapter together with vocational rehabilitation training received under chapter 31 of this title, and education or training received under part VIII of Veterans Regulation Numbered 1(a), and section 12(a) of the Act enacting this title shall not, except as provided in subsection (b), exceed thirty-six months in the aggregate.

"(b) Whenever the period of entitlement to education or training under this chapter of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester and after a major part of such semester or quarter has expired, such period shall be extended to the termination of such unexpired quarter or semester. In all other courses offered by educational institutions, whenever the period of eligibility ends after a major portion of the course is completed such period may be extended to the end of the course or for nine weeks, whichever is the lesser period.

"(c) In the case of any eligible veteran who is pursuing any program of education or training exclusively by correspondence, one-fourth of the elapsed time in following such program of education or training shall be charged against the veteran's period of entitlement.

"§ 1912. Commencement; time limitations

"(a) No eligible veteran shall be entitled to initiate a program of education or training under this chapter after three years after his discharge or release from active duty or after three years after the date of enactment of this chapter, whichever is later. Notwithstanding the preceding sentence, any otherwise eligible veteran whom the Administrator determines to have been prevented from initiating a program of education or training under this chapter within the period prescribed by the preceding sentence because he had not met the nature of discharge requirements of section 1908(a)(1)(B) of this title before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, shall be permitted to initiate a program of education or training under this chapter within three years after the date of his discharge or dismissal was so changed, corrected, or modified, or within three years after the date of enactment of this chapter, whichever is later.

"(b) The program of education and training of an eligible veteran under this chapter shall, on and after the delimiting date for the veteran to initiate his program, be pursued continuously until completion, except that an eligible veteran may suspend the pursuit of his program for periods of not more than twelve consecutive months, and may suspend the pursuit of such program for longer periods if the Administrator finds that the suspension for each such period was due to conditions beyond the control of the eligible veteran.

"§ 1913. Expiration of all education and training

"No education or training shall be afforded an eligible veteran under this chapter beyond eight years after his discharge or release from active duty or eight years after the enactment of this chapter, whichever is later, except that any veteran who is eligible to initiate a program of education or training by reason of the second sentence of section 1912(a) of this title shall be permitted to pursue, subject to the other provisions of this chapter, such program for a period of not more than five years after the date of initiation thereof.

"Subchapter III—Enrollment

"§ 1920. Selection of program

"Subject to the provisions of this chapter, each eligible veteran may select a program of education or training to assist him in attaining an educational, professional, or vocational objective at any educational institution or training establishment selected by him, whether or not located in the State in which he resides, which will accept and retain him as a student or trainee in any field or branch of knowledge which such institution or establishment finds him qualified to undertake or pursue. Notwithstanding the foregoing provisions of this section, an eligible veteran may not pursue a program of education or training at an educational institution or training establishment which is not located in a State, unless such program is pursued at an approved educational institution of higher learning. The Administrator in his discretion may deny or discontinue the enrollment under this chapter of any veteran in a foreign educational institution if he finds that such enrollment is not for the best interest of the veteran or the Government.

"§ 1921. Applications; approval

"Any eligible veteran who desires to initiate a program of education or training under this chapter shall submit an application to the Administrator which shall be in such form, and contain such information, as the Administrator shall prescribe. The Administrator shall approve such application unless he finds that such veteran is not eligible for or entitled to the education or training applied for or that his program of education or training fails to meet any of the requirements of this chapter, or that the eligible veteran is already qualified, by reason of previous education and training, for the educational, professional, or vocational objective for which the courses of the program of education or training are offered. The Administrator shall notify the eligible veteran of the approval or disapproval of his application.

"§ 1922. Change of program

"(a) Subject to the provisions of section 1921 of this title, each eligible veteran (except an eligible veteran whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application) may, at any time before the end of the period during which he is entitled to initiate a program of education or training under this chapter, make not more than one change of program of education or training.

"(b) Each eligible veteran, who has not made a change of program of education or training before the expiration of the period during which he is entitled to initiate a program of education or training under this chapter, may make not more than one change of program of education or training with the approval of the Administrator. The Administrator shall approve such a change if he finds that—

"(1) the eligible veteran is not making satisfactory progress in his present program and that the failure is not due to his own misconduct, his own neglect, or his own lack of application, and if the program to which the eligible veteran desires to change is more in keeping with his aptitude or previous education and training; or

"(2) the program to which the eligible veteran desires to change, while not a part of the program currently pursued by him, is a normal progression from such program.

"(c) As used in this section the term 'change of program of education or training' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second.

"§ 1923. Disapproval of enrollment in certain courses

"(a) The Administrator shall not approve the enrollment of an eligible veteran in any bartending course, dancing course, or personality development course.

"(b) The Administrator shall not approve the enrollment of an eligible veteran—

"(1) in any photography course or entertainment course; or

"(2) in any music course—instrumental or vocal—public speaking course, or course in sports or athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning or credits as an integral part of a program leading to an educational objective; or

"(3) in any other type of course which the Administrator finds to be avocational or recreational in character;

unless the eligible veteran submits justification showing that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation.

"(c) The Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution for any period during which the Administrator finds that more than 85 per centum of the students enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under this chapter, chapter 31 of this title, or section 12(a) of the Act enacting this title.

"§ 1924. Discontinuance for unsatisfactory progress

"The Administrator shall discontinue the education and training allowance of an eligible veteran if, at any time, he finds that, according to the regularly prescribed standards and practices of the educational institution or training establishment, the conduct or progress of such veteran is unsatisfactory.

"§ 1925. Period of operation for approval

"(a) The Administrator shall not approve the enrollment of an eligible veteran in any course offered by an educational institution when such course has been in operation for less than two years.

"(b) Subsequent (a) shall not apply to—

"(1) any course to be pursued in a public or other tax-supported educational institution;

"(2) any course which is offered by an educational institution which has been in operation for more than two years, if such course is similar in character to the instruction previously given by such institution;

"(3) any course which has been offered by any institution for a period of more than two years, notwithstanding the institution has moved to another location with the same general locality; or

"(4) any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree.

"§ 1926. Institutions listed by Attorney General

"The Administrator shall not approve the enrollment of, or payment of an education and training allowance to, any eligible veteran in any course in an educational institution or training establishment while it is listed by the Attorney General under section 3 of part III of Executive Order 9835, as amended.

"Subchapter IV—Payments to Veterans

"§ 1931. Education and training allowance

"(a) The Administrator shall pay to each eligible veteran who is pursuing a program of education or training under this chapter, and who applies therefor, an education and training allowance to meet in part the expenses of his subsistence, tuition, fees, supplies, books, and equipment.

"(b) The education and training allowance for an eligible veteran shall be paid, as provided in section 1932 of this title, only for the period of the veterans' enrollment as approved by the Administrator, but no allowance shall be paid—

"(1) to any veteran enrolled in an institutional course which leads to a standard college degree or a course of institutional on-farm training for any period when the veteran is not pursuing his course in accordance with the regularly established policies and regulations of the institution and the requirements of this chapter;

"(2) to any veteran enrolled in an institutional course which does not lead to a standard college degree or in a course of apprentice or other training on the job for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays established by Federal or State law during which the institution or establishment is not regularly in session or operation; or

"(3) to any veteran pursuing his program of education exclusively by correspondence for any period during which no lessons were serviced by the institution.

"(c) No education and training allowance shall be paid to an eligible veteran for any period until the Administrator shall have received—

"(1) from the eligible veteran (A) in the case of an eligible veteran enrolled in an institutional course which leads to a standard college degree or a course of institutional on-farm training, a certification that he was actually enrolled in and pursuing the course as approved by the Administrator, or (B) in the case of an eligible veteran enrolled in an institutional course which does not lead to a standard college degree or a course of apprentice or other training on the job, a certification as to actual attendance during such period, or (C) in the case of an eligible veteran enrolled in a program of education or training by correspondence, a certification as to the number of lessons actually completed by the veteran and serviced by the institution; and

"(2) from the educational institution or training establishment, a certification, or an endorsement on the veteran's certificate, that such veteran was enrolled in and pursuing a course of education or training during such period, and, in the case of an institution furnishing education or training to a veteran exclusively by correspondence, a certification, or an endorsement on the veteran's certificate, as to the number of lessons completed by the veteran and serviced by the institution.

Education and training allowances shall, insofar as practicable, be paid within twenty days after receipt by the Administrator of the certifications required by this subsection.

"§ 1932. Computation of education and training allowances

"(a) The education and training allowance of an eligible veteran who is pursuing a program of education or training in an educational institution and is not entitled to receive an education and training allowance under subsection (b), (c), (d), (e), or (f) shall be computed as follows:

"(1) If such program is pursued on a full-time basis, such allowance shall be computed at the rate of $110 per month, if the veteran has no dependent, or at the rate of $135 per month, if he has one dependent, or at the rate of $160 per month, if he has more than one dependent.

"(2) If such program is pursued on a three-quarters time basis, such allowance shall be computed at the rate of $80 per month, if the veteran has no dependent, or at the rate of $100 per month, if he has one dependent, or at the rate of $120 per month, if he has more than one dependent.

"(3) If such program is pursued on a half-time basis, such allowance shall be computed at the rate of $50 per month, if the veteran has no dependent, or at the rate of $60 per month, if he has one dependent, or at the rate of $80 per month, if he has more than one dependent.

"(b) The education and training allowance of an eligible veteran who is pursuing a full-time program of education and training which consists of institutional courses and on-the-job training, with the on-the-job training portion of the program being strictly supplemental to the institutional portion, shall be computed at the rate of (1) $90 per month, if he has no dependent, or (2) $110 per month, if he has one dependent, or (3) $130 per month, if he has more than one dependent.

"(c) The education and training allowance of an eligible veteran pursuing apprentice or other training on the job shall be computed at the rate of (1) $70 per month, if he has no dependent, or (2) $85 per month, if he has one dependent, or (3) $105 per month, if he has more than one dependent; except that his education and training allowance shall be reduced at the end of each four-month period as his program progresses by an amount which bears the same ratio to the basic education and training allowance as four months bears to the total duration of his apprentice or other training on the job; but in no case shall the Administrator pay an education and training allowance under this subsection in an amount which, when added to the compensation to be paid to the veteran, in accordance with his approved training program, for productive labor performed as a part of his course, would exceed the rate of $310 per month. For the purpose of computing allowances under this subsection, the duration of the training of an eligible veteran shall be the period specified in the approved application as the period during which he may receive an education and training allowance for such training, plus such additional period, if any, as is necessary to make the number of months of such training a multiple of four.

"(d) The education and training allowance of an eligible veteran pursuing institutional on-farm training shall be computed at the rate of (1) $95 per month, if he has no dependent, or (2) $110 per month, if he has one dependent, or (3) $130 per month, if he has more than one dependent; except that his education and training allowance shall be reduced at the end of the third, and each subsequent, four-month period as his program progresses by an amount which bears the same ratio to $65 per month, if the veteran has no dependent, or $80 per month, if he has one dependent, or $100 per month, if he has more than one dependent, as four months bears to the total duration of such veteran's institutional on-farm training reduced by eight months. For the purpose of computing allowances under this subsection, the duration of the training of an eligible veteran shall be the period specified in the approved application as the period during which he may receive an education and training allowance for such training, plus such additional period, if any, as is necessary to make the number of such months of such training a multiple of four.

"(e) The education and training allowance of an eligible veteran pursuing a program of education or training exclusively by correspondence shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution, as certified by the institution.

"(f) The education and training allowance of an eligible veteran who is pursuing a program of education or training under this chapter in an educational institution on a less-than-half-time basis shall be computed at the rate of (1) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same course to pay, or (2) $110 per month for a full-time course, whichever is the lesser.

"(g) Each eligible veteran who is pursuing an approved course of flight training shall be paid an education and training allowance to be computed at the rate of 75 per centum of the established charge which similarly circumstanced nonveterans enrolled in the same flight course are required to pay for tuition for the course. If such veteran's program of education or training consists exclusively of flight training, he shall not be paid an education and training allowance under one of the preceding subsections of this section; if his program of education or training consists of flight training and other education or training, the allowance payable under this subsection shall be in addition to any education and training allowance payable to him under one of the preceding subsections of this section for education or training other than flight training. Such allowance shall be paid monthly upon receipt of certification from the eligible veteran and the institution as to the actual flight training received by the veteran. In each such case the eligible veteran's period of entitlement shall be charged (in addition to any charge made against his entitlement by reason of education or training other than flight training) with one day for each $1.25 which is paid to the veteran as an education and training allowance for such course.

"(h) No eligible veteran shall be paid an education and training allowance under this chapter for any period during which (1) he is enrolled in and pursuing a course of education or training paid for by the United States under any provision of law other than this chapter, where the payment of such allowance would constitute a duplication of benefits paid to the veteran from the Federal Treasury, or (2) he is pursuing a course of apprentice or other training on the job, a course of institutional on-farm training, or a course of education and training described in subsection (b) on a less than full-time basis.

"§ 1933. Measurement of courses

"(a) For the purposes of this chapter (1) an institutional trade or technical course offered on a clock-hour basis below the college level involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of thirty hours per week of attendance is required with not more than two and one-half hours of rest periods per week allowed, (2) an institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of twenty-five hours per week net of instruction is required, and (3) an institutional undergraduate course offered by a college or university on a quarter or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required.

"(b) The Administrator shall define full-time training in the case of all types of courses of education or training other than institutional on-farm training and the types of courses referred to in subsection (a); except that, the Administrator shall not define full-time apprentice training for a particular establishment other than that established as the standard workweek through bona fide collective bargaining between employers and employees.

"§ 1934. Overcharges by educational institutions

"The Administrator may, if he finds that an institution has charged or received from any eligible veteran any amount in excess of the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same course to pay, disapprove such educational institution for the enrollment of any veteran not already enrolled therein, except that, in the case of a tax-supported public educational institution which does not have established charges for tuition and fees which it requires nonveteran residents to pay, such institution may charge and receive from each eligible veteran who is a resident an amount equal to the estimated cost of teaching personnel and supplies for instruction attributable to such veteran, but in no event to exceed the rate of $10 per month for a full-time course. Any educational institution or training establishment disapproved under this section shall also be disapproved for the enrollment of any veteran not already enrolled therein under chapter 31, or for the enrollment of any eligible person not already enrolled therein under chapter 35.

"Subchapter V—State Approving Agencies

"§ 1941. Designation

"(a) Unless otherwise established by the law of the State concerned, the chief executive of each State is requested to create or designate a State department or agency as the 'State approving agency' for his State for the purposes of this chapter.

"(b)(1) If any State fails or declines to create or designate a State approving agency, the provisions of this chapter which refer to the State approving agency shall, with respect to such State, be deemed to refer to the Administrator.

"(2) In the case of courses subject to approval by the Administrator under section 1942 of this title, the provisions of this chapter which refer to a State approving agency shall be deemed to refer to the Administrator.

"§ 1942. Approval of courses

"(a) An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education or training offered by an educational institution or training establishment only if such course is approved by the State approving agency for the State where such educational institution or training establishment is situated or by the Administrator. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Administration with a current list of educational institutions and training establishments, specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Administrator as it and the Administrator may determine to be necessary to carry out the purposes of this chapter. Each State approving agency shall notify the Administrator of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

"(b) The Administrator shall be responsible for the approval of courses of education or training offered by any agency of the Federal Government authorized under other laws to supervise such education or training. The Administrator may approve any course in any other educational institution or training establishment in accordance with the provisions of this chapter.

"§ 1943. Cooperation

"(a) The Administrator and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Administrator and each State approving agency under the veterans' educational programs. To assure that such programs are effectively and efficiently administered, the cooperation of the Administrator and the State approving agencies is essential. It is necessary to establish an exchange of information pertaining to activitives of educational institutions and training establishments, and particular attention should be given to the enforcement of approval standards, enforcement of wage and income limitations, enforcement of enrollment restrictions and fraudulent and other criminal activities on the part of persons connected with educational institutions and training establishments in which veterans are enrolled under this chapter.

"(b) The Administrator will furnish the State approving agencies with copies of such Veterans' Administration informational material as may aid them in carrying out this chapter.

"§ 1944. Use of Office of Education and other Federal agencies

"(a) In carrying out his functions under this chapter, the Administrator may utilize the facilities and services of any other Federal department or agency. The Administrator shall utilize the services of the Office of Education in developing cooperative agreements between the Administrator and State and local agencies relating to the approval of courses of education or training as provided for in section 1945 of this title, in reviewing the plan of operations of State approving agencies under such agreements, and in rendering technical assistance to such State and local agencies in developing and improving policies, standards, and legislation in connection with their duties under this chapter.

"(b) Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall (except in the case of the Office of Education) be made either in advance or by way of reimbursement, as may be provided in such agreement. Funds necessary to enable the Office of Education to carry out its functions under this chapter are authorized to be appropriated directly to such Office.

"§ 1945. Reimbursement of expenses

"The Administrator is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in (1) rendering necessary services in ascertaining the qualifications of educational institutions and training establishments for furnishing courses of education or training to eligible veterans under this chapter, and in the supervision of such educational institutions and training establishments, and (2) furnishing, at the request of the Administrator, any other services in connection with this chapter. Each such contract or agreement shall be conditioned upon compliance with the standards and provisions of this chapter.

"Subchapter VI—Approval of Courses of Education and Training

"§ 1951. Apprentice or other training on the job

"(a) Apprentice or other training on the job shall consist of courses offered by training establishments whenever such courses of training are furnished in accordance with the provisions of this section. Any training establishment desiring to furnish a course of apprentice or other training on the job shall submit to the appropriate State approving agency a written application setting forth the course of training for each job for which an eligible veteran is to be trained. The written application covering the course of training shall include the following:

"(1) Title and description of the specific job objective for which the eligible veteran is to be trained;

"(2) The length of the training period;

"(3) A schedule listing various operations for major kinds of work or tasks to be learned and showing for each, job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task;

"(4) The wage or salary to be paid at the beginning of the course of training, at each successive step in the course, and at the completion of training;

"(5) The entrance wage or salary paid by the establishment to employees already trained in the kind of work for which the veteran is to be trained; and

"(6) The number of hours of supplemental related instruction required.

"(b) The appropriate State approving agency may approve a course of apprentice or other training on the job specified in an application submitted by a training establishment in accordance with subsection (a) if such training establishment is found upon investigation to have met the following criteria:

"(1) The training content of the course is adequate to qualify the eligible veteran for appointment to the job for which he is to be trained.

"(2) There is reasonable certainty that the job for which the eligible veteran is to be trained will be available to him at the end of the training period.

"(3) The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job and not on such factors as length of service and normal turnover.

"(4) The wages to be paid the eligible veteran for each successive period of training are not less than those customarily paid in the training establishment and in the community to a learner in the same job who is not a veteran.

"(5) The job customarily requires a period of training of not less than three months and not more than two years of full-time training, except that this provision shall not apply to apprentice training.

"(6) The length of the training period is no longer than that customarily required by the training establishment and other training establishments in the community to provide an eligible veteran with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran will need to learn in order to become competent on the job for which he is being trained.

"(7) Provision is made for related instruction for the individual eligible veteran who may need it.

"(8) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

"(9) Adequate records are kept to show the progress made by each eligible veteran toward his job objective.

"(10) Appropriate credit is given the eligible veteran for previous training and job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such credit advances him, and his training period shortened accordingly, and provision is made for certification by the training establishment that such credit has been granted and the beginning wage adjusted accordingly. No course of training will be considered bona fide if given to an eligible veteran who is already qualified by training and experience for the job objective.

"(11) A signed copy of the training agreement for each eligible veteran, including the training program and wage scale as approved by the State approving agency, is provided to the veteran and to the Administrator and the State approving agency by the employer.

"(12) Upon completion of the course of training furnished by the training establishment the eligible veteran is given a certificate by the employer indicating the length and type of training provided and that the eligible veteran has completed the course of training on the job satisfactorily.

"(13) That the course meets such other criteria as may be established by the State approving agency.

"§ 1952. Institutional on-farm training

"(a) An eligible veteran shall be entitled to the benefits of this chapter while enrolled in a course of full-time institutional on-farm training which has been approved by the appropriate State approving agency in accordance with the provisions of this section.

"(b) The State approving agency may approve a course of institutional on-farm training when it satisfies the following requirements:

"(1) The course combines organized group instruction in agricultural and related subjects of at least two hundred hours per year (and of at least eight hours each month) at an educational institution, with supervised work experience on a farm or other agricultural establishment.

"(2) The eligible veteran will perform a part of such course on a farm or other agricultural establishment under his control.

"(3) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts.

"(4) The eligible veteran will receive not less than one hundred hours of individual instruction per year, not less than fifty hours of which shall be on such farm or other agricultural establishment (with at least two visits by the instructor to such farm each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

"(5) The eligible veteran will be assured of control of such farm or other agricultural establishment (whether by ownership, lease, management, agreement, or other tenure arrangement) until the completion of his course.

"(6) Such farm or other agricultural establishment shall be of a size and character which (A) will, together with the group-instruction part of the course, occupy the full time of the eligible veteran, (B) will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply to the operation of his farm or other agricultural establishment the major portion of the farm practices taught in the group-instruction part of the course, and (C) will assure him a satisfactory income for a reasonable living under normal conditions at least by the end of his course.

"(7) Provision shall be made for certification by the institution and the veteran that the training offered does not repeat or duplicate training previously received by the veteran.

"(8) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency.

§ 1953. Approval of accredited courses

"(a) A State approving agency may approve the courses offered by an educational institution when—

"(1) such courses have been accredited and approved by a nationally recognized accrediting agency or association;

"(2) credit for such course is approved by the State department of education for credit toward a high school diploma;

"(3) such courses are conducted under sections 11–28 of title 20; or

"(4) such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree.

For the purposes of this chapter the Commissioner shall publish a list of nationally recognized accrediting agencies and associations which he determines to be a reliable authority as to the quality of training offered by an educational institution and the State approving agencies may, upon concurrence, utilize the accreditation of such accrediting associations or agencies for approval of the courses specifically accredited and approved by such accrediting association or agency. In making application for approval, the institution shall transmit to the State approving agency copies of its catalog or bulletin.

"(b) As a condition to approval under this section, the State approving agency must find that adequate records are kept by the educational institution to show the progress of each eligible veteran. The State approving agency must also find that the educational institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the trainng period shortened proportionately and the vetrean and the Administrator so notified.

"§ 1954. Approval of nonaccredited courses

"(a) No course of education or training (other than a course of institutional on-farm training) which has not been approved by a State approving agency pursuant to section 1953 of this title, which is offered by a public or private, profit or nonprofit, educational institution shall be approved for the purposes of this chapter unless the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.

"(b) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official and includes the following:

"(1) Identifying data, such as volume number and date of publication;

"(2) Names of the institution and its governing body, officials and faculty;

"(3) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

"(4) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

"(5) Institution policy and regulations relative to leave, absences, class cuts, makeup work, tardiness and interruptions for unsatisfactory attendance;

"(6) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student);

"(7) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

"(8) Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

"(9) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

"(10) A description of the available space, facilities, and equipment;

"(11) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

"(12) Policy and regulations of the institution relative to granting credit for previous educational training.

"(c) The appropriate State approving agency may approve the application of such institution when the institution and its nonaccredited courses are found upon investigation to have met the following criteria:

"(1) The courses, curriculum, and instruction are consistent with quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.

"(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

"(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

"(4) The institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the veteran and the Administrator so notified.

"(5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the veteran upon enrollment.

"(6) Upon completion of training, the veteran is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

"(7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

"(8) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.

"(9) The institution is financially sound and capable of fulfilling its commitments for training.

"(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency (A) has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and (B) has, if such an order has been issued, given due weight to that fact.

"(11) The institution does not exceed its enrollment limitations as established by the State approving agency.

"(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

"(13) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the veteran fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the veteran for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.

"(14) Such additional criteria as may be deemed necessary by the State approving agency.

"§ 1955. Notice of approval of courses

"The State approving agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter to such institution setting forth the courses which have been approved for the purposes of this chapter, and will furnish an official copy of such letter and any subsequent amendments to the Administrator. The letter of approval shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

"(1) date of letter and effective date of approval of courses;

"(2) proper address and name of each educational institution or training establishment;

"(3) authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;

"(4) name of each course approved;

"(5) where applicable, enrollment limitations such as maximum numbers authorized and student-teacher ratio;

"(6) signature of responsible official of State approving agency; and

"(7) such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

"§ 1956. Disapproval of courses and discontinuance of allowances

"(a) Any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the appropriate State approving agency. An educational institution or training establishment which has its courses disapproved by a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

"(b) The Administrator may discontinue the education and training allowance of any eligible veteran if he finds that the course of education or training in which such veteran is enrolled fails to meet any of the requirements of this chapter or if he finds that the educational institution or training establishment offering such course has violated any provisions of this chapter or fails to meet any of its requirements.

"(c) Each State approving agency shall notify the Administrator of each course which it has disapproved under this section.

"Subchapter VII—Miscellaneous Provisions

"§ 1961. Authority and duties of Administrator

"Payments under this chapter shall be subject to audit and review by the General Accounting Office as provided by the Budget and Accounting Act of 1921 and the Budget and Accounting Procedures Act of 1950.

"§ 1962. Educational and vocational counseling

"The Administrator may arrange for educational and vocational counseling to persons eligible for education and training under this chapter. At such intervals as he deems necessary, he shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent he deems practicable.

"§ 1963. Control by agencies of United States

"No department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, State educational agency, or State apprenticeship agency, or any educational institution or training establishment. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or training establishment, or to prevent the furnishing of education or training under this chapter in any institution or establishment over which supervision or control is exercised by such other department, agency, or officer under authority of existing provisions of law.

"§ 1964. Conflicting interests

"(a) Every officer or employee of the Veterans' Administration, or of the Office of Education, who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or service from, any educational institution operated for profit in which an eligible veteran was pursuing a course of education or training under this chapter shall be immediately dismissed from his office or employment.

"(b) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible veteran was pursuing a course of education or training under this chapter, he shall discontinue making payments under section 1945 of this title to such State approving agency unless such agency shall, without delay, take such steps as may be necessary to terminate the employment of such person and such payments shall not be resumed while such person is an officer or employee of the State approving agency, or State department of veterans affairs or State department of education.

"(c) A State approving agency shall not approve any course offered by an educational institution operated for profit and, if any such course has been approved, shall disapprove each such course, if it finds that any officer or employee of the Veterans' Administration, the Office of Education, or the State approving agency owns an interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, such institution.

"(d) The Administrator may after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Veterans' Administration, of the Office of Education, or of a State approving agency, if he finds that no detriment will result to the United States or to eligible veterans by reason of such interest or connection of such officer or employee.

"§ 1965. Reports by institutions

"(a) Educational institutions and training establishments shall, without delay, report to the Administrator in the form prescribed by him, the enrollment, interruption, and termination of the education or training of each eligible veteran enrolled therein under this chapter.

"(b) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Administrator under this chapter, an allowance at the rate of $1 per month for each eligible veteran enrolled in and attending such institution under the provisions of this chapter to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications. Such allowances shall be paid in such manner and at such time as may be prescribed by the Administrator, except that if any institution fails to submit reports or certifications to the Administrator as required by this chapter, no allowance shall be paid to such institution for the month or months during which such reports or certifications were not submitted as required by the Administrator.

"§ 1966. Overpayments to veterans

"Whenever the Administrator finds that an overpayment has been made to a veteran as the result of (1) the willful or negligent failure of the educational institution or training establishment to report, as required by this chapter and applicable regulations, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or (2) false certification by the educational institution or training establishment, the amount of such overpayment shall constitute a liability of such institution or establishment, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the veterans. This section shall not preclude the imposition of any civil or criminal liability under this or any other law.

"§ 1967. Examination of records

"The records and accounts of educational institutions and training establishments pertaining to eligible veterans who received education or training under this chapter shall be available for examination by duly authorized representatives of the Government.

"§ 1968. False or misleading statements

"In each case where the Administrator finds that an educational institution or training establishment has willfully submitted a false or misleading claim, or where a veteran, with the complicity of an educational institution or training establishment, has submitted such a claim, he shall make a complete report of the facts of the case to the appropriate State approving agency and where deemed advisable to the Attorney General of the United States for appropriate action.

"§ 1969. Information furnished by Federal Trade Commission

"The Federal Trade Commission shall keep all State approving agencies advised of any information coming to its attention which would be of assistance to such agencies in carrying out their duties under this chapter.

"§ 1970. Effective date and retroactive allowances

"The provisions of this chapter shall take effect as of January 1, 1965. In the event this chapter is enacted subsequent to such date, the Administrator shall prescribe regulations for making retroactive payments of education and training allowances, upon application therefor, to eligible veterans for education or training pursued by them on or after January 1, 1965, and prior to the date of the enactment of this chapter."

(b) The table of contents at the beginning of such title is amended by inserting immediately after

"39. Automobiles for Disabled Veterans .... 1901".

the following:

"40. Education of Veterans Who Serve in the Southeast Asia Theater of Operations................ 1908".

"(c) The table of chapters at the beginning of part III of such title is amended by inserting immediately after

"39. Automobiles for Disabled Veterans .... 1901"

the following:

"40. Education of Veterans Who Serve in the Southeast Asia Theater of Operations.................1908".

(d) Such title is further amended—

(1) by inserting in section 102(a)(2) immediately after "chapter 33" the following: "or 40", and by striking out "chapters 19 and 33" in section 102(b), and inserting in lieu thereof "chapters 19, 33, and 40";

(2) by striking out in section 111(a) "33 or 35", and inserting in lieu thereof the following: "33, 35, or 40";

(3) by inserting in section 211(a) after "1761," the following: "1961,";

(4) by striking out in section 1662(b) "chapters 31 and 35" and inserting in lieu thereof the following: "chapters 31, 35, and 40";

(5) by striking out in section 1711(b) "chapter 31 or 33", and inserting in lieu thereof the following: "chapter 31, 33, or 40";

(6) by striking out in section 1734(a) "chapter 31 or 33" and inserting in lieu thereof the following: "chapter 31, 33, or 40";

(7) by striking out in section 3013 "and 35" and inserting in lieu thereof the following: "35, and 40";

(8) by inserting after "chapter 35" in section 1611(a)(2) the following: "or education or training under chapter 40"; and

(9) by inserting in section 1634 immediately before the comma following "therein" the following: "under this chapter or chapter 40".

SEC. 3. (a) Chapter 37 of title 38, United States Code, is amended by adding at the end of section 1801(a) the following new paragraphs:

"(3) The term 'basic service period' means the period beginning on January 1, 1961, and ending on such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress.

"(4) The term 'southeast Asia theater of operations' means any area in southeast Asia in which armed conflict or warlike conditions exist as determined by the President. The geographic description of any such area shall be prescribed by the President from time to time by Executive order. Any change in the geographic limits of any such area by the President shall not affect the eligibility of any veteran who qualified for benefits under this title prior to such change."

(b) Chapter 37 of such title is further amended by inserting immediately after section 1817 the following new section:

"§ 1818. Veterans who serve in the southeast Asia theater of operations

"(a) Each veteran who served on active duty in the southeast Asia theater of operations at any time during the basic service period, shall be eligible for the benefits of this chapter (except sections 1813 and 1815, and business loans under section 1814, of this title), subject to the provisions of this section, if his total service was for a period of more than one hundred and eighty days, or if he was discharged or released from a period of active duty, any part of which was performed in the southeast Asia theater of operations during the basic service period, for a service-connected disability.

"(b) No veteran shall be eligible for benefits under this section so long as he is eligible under this chapter for any unused benefits derived from service during World War II or the Korean conflict. Any veteran who is eligible for benefits under this section and who has obtained benefits under this chapter by reason of service during World War II or the Korean conflict shall have his benefits under this section reduced by the amount of any benefits previously obtained under this chapter. Benefits shall not be afforded under this section to any individual on account of service as a commissioned officer of the Coast and Geodetic Survey, or the Regular or Reserve Corps of the Public Health Service.

"(c) Loans may be guaranteed under this section if made before the expiration of ten years after the date of discharge or release of the veteran from a period of active duty any part of which was performed in the southeast Asia theater of operations during the basic service period. If a loan report or application for loan guaranty is received by the Administrator before the expiration of the ten-year period, not to exceed one year will be allowed in addition for the disbursement of the loan and issuance of evidence of guaranty. Direct loans authorized by this section shall not be made after the expiration of ten years after the date of discharge or release of the veteran from a period of active duty any part of which was performed in the southeast Asia theater of operations during the basic service period, except pursuant to commitments issued by the Administrator on or before that date.

"(d) A fee shall be collected from each veteran obtaining a loan guaranteed or made under this section, and no loan shall be guaranteed or made under this section until the fee payable with respect to such loan has been collected and remitted to the Administrator. The amount of the fee shall be established from time to time by the Administrator, but shall in no event exceed one-half of 1 per centum of the total loan amount. The amount of the fee may be included in the loan to the veteran and paid from the proceeds thereof. The Administrator shall deposit all fees collected hereunder in the revolving fund established under the provisions of section 1824 of this title."

(c) The table of sections at the beginning of chapter 37 of such title is amended by inserting immediately below

"1817. Release from liability under guaranty."

the following:

"1818. Veterans who serve in the southeast Asia theater of operations."

(d) Section 1822(a) of such title is amended by striking out "or 1813", and inserting in lieu thereof "1813, or 1818".

Amend the title so as to read: "An Act to strengthen and improve educational quality and educational opportuntites in the Nation's elementary and secondary schools, and to provide educational assistance to veterans who serve in the Armed Forces in the southeast Asia theater of operations."

Mr. TOWER. Mr. President, it is my belief that veterans whose military service approximates that of wartime are entitled to educational and loan benefits such as those extended in the Korean and World War II GI bills.

This amendment is the Vietnam GI bill, which I introduced earlier this session as S. 458. It will extend 1½ days of educational assistance for each day of service, not to exceed 36 months of schooling. The aid would be in the form of a monthly cash allowance to the veteran enabling him to select his own school, technical training program, or correspondence course.

The Vietnam GI bill also provides home and farm loan assistance with a loan fee included to offset any losses.

Six months of active service would be necessary to qualify for the benefits.

In addition, widows would be eligible for the loan benefits, and children of combat dead would be eligible for the education benefits.

What this amendment does, Mr. President, is to provide readjustment assistance for veterans of the southeast Asian theater who perform active duty between January 1, 1961, and the termination date of the draft law—now July 1, 1967. The 1961 beginning date was selected because that marks the beginning of the American force buildup in southeast Asia.

To be eligible, a veteran must be discharged under conditions other than dishonorable.

The President is empowered by the amendment to delimit the southeast Asian theater periodically. Thus, men fighting both in Vietnam and in the lands and waters adjacent thereto could be eligible.

I should like to explain in more detail the educational and vocational training assistance the Vietnam GI bill would provide.

Eligibility for the education benefits is conditioned upon more than 6 months of active duty or upon discharge for service-connected disability. The educational benefit period cannot exceed 36 months and is computed on the basis of 1½ days of benefits for each day of active duty.

During the educational period the monthly benefit allowance would be:

One hundred and ten dollars for full-time college attendance by a veteran with no dependents; $135 for a veteran with one dependent; and $160 for a veteran with more than one dependent.

Lesser benefits are prescribed for proportionately less study.

To utilize these benefits a veteran would have to begin his study within 3 years after his discharge or after enactment of the amendment, whichever comes later. And, he would have to complete his study within 8 year after his discharge or enactment of this amendment.

Under the provisions of the amendment, education and training would be terminated 10 years after expiration of the draft law.

It is worth repeating what I said before—children of combat dead are eligible for the education benefits which would have accrued to their father.

May I note here that estimation of the amount of benefits granted under this amendment is difficult. The Vietnam war is an unusual one. The U.S. troops committed there are unusually well educated already. There is a disproportionate commitment of officers and top noncommissioned officers. Therefore, not all of the Vietnam veterans need educational benefits.

For that reason, a rough estimate reveals that at the present level of U.S. forces there, benefits from this section of my amendment would be in the neighborhood of $300 million.

Thus, for less than one-fourth of the cost of the pending education bill, the United States can fulfill its obligation to the men who fight for us in Vietnam.

Now, Mr. President, I should like briefly to outline the loan benefits my amendment would provide for southeast Asian theater veterans.

Again, eligibility is conditioned upon more than 6 months of active duty, and in this instance widows of veterans who died with service-connected disabilities, or in combat, are eligible for the loan benefits that would have been available to their husbands.

Available loans are for purchase of homes and farms, farmlands, and livestock. Banks or other lenders would make the loans with the Federal Government guaranteeing 60 percent up to $7,500 on residential real estate and 50 percent up to $4,000 on nonresidential real estate.

Loans would be subject to a guarantee fee not to exceed one-half of 1 percent of the loan amount. Funds from these guarantee fees would be used to cover any defaulted loans.

Direct loans not exceeding $13,500 may be made to veterans in small towns and rural areas when private capital is not available for guaranteed loans. Interest rates and maturities of loans are controlled by laws applicable to World War II and Korean veterans.

Under Public Law 86-73 the maximum interest rate is now set at 5¼ percent per annum.

Termination date for the loan program section of my amendment is 10 years after the end of the draft law. No loan commitments could be made after that date.

Those two sections then, Mr. President—education benefits and loans—are the key parts of the pending amendment. I believe they are reasonable and necessary.

America always has granted benefits to those who fight for our interests and for the free men of other nations. It seems to me only right that this tradition be extended to encompass the present war in southeast Asia.

I hope the Senate will assume leadership in providing to American servicemen in today's battle zone the recognition and the subsequent opportunities which our Nation has afforded for service in combat zones of the past.

Mr. President, I ask for the yeas and nays on the Vietnam GI bill amendment.

The yeas and nays were ordered.

Mr. MURPHY. Mr. President, as a cosponsor, I urge the adoption of Senator TOWER's amendment. If there were any doubt that the United States is engaged in a war in southeast Asia, the increasing number of U.S. casualties should remove any lingering doubts. Whether one cares to characterize the U.S. effort a "war" as in World Wars I and II, a "police action" as in Korea, or "the role of military adviser," the currently popular euphemism in Vietnam from a practical standpoint really does not matter.

While it is true, Mr. President, that the rose may smell sweet under another name, it is equally true that the horrors and hell of war cannot be disguised by any euphonic slogan.

Americans in Vietnam face the dangers of death daily as they protect the freedom of that small nation. It is high time that the Great Society pause from its highlighting of the deficiencies in our country and recognize those who represent the best in our society, the American soldier guarding against the spread of communism.

Mr. President, I view with great alarm the administration's proposal to establish a billion dollar aid program to assist southeast Asia. It is my understanding that the very people whom we are fighting would benefit. It would be well if the Great Society would channel some of these funds to enable the American soldier to enjoy GI benefits. The benefits that have resulted from previous GI bills are well documented and certainly justice demands that we extend them to the American soldier engaged in actual combat.

I salute my distinguished colleague for bringing this amendment before the Senate and I sincerely urge its adoption.

Mr. MORSE. Mr. President, I urge the Senate to defeat the amendment offered by the Senator from Texas, not that there is no merit in it, but this is not the proper vehicle for the amendment. It has not received any hearings of any sort by my committee or any other committee. We have received no administration views on it. We have no estimate of the cost and no way of knowing what its relationship to other programs of veterans' educational assistance this amendment may have. At the very least, hearings are essential to develop a full and clear legislative record.

There is some question in the minds of members of my subcommittee whether, in fact, the appropriate jurisdiction for such legislation lies with the Subcommittee on Education. At least, we would want to know the relationship of this bill to the meritorious program offered by the senior Senator from Texas [Mr. YARBOROUGH] in the so-called cold war GI bill, which I have always supported, and continue to support.

It seems inappropriate to attach this type of amendment dealing with higher education benefits and the like to a bill exclusively concerned with the improvement of our elementary and secondary schools.

If it is determined that the appropriate jurisdiction of such an amendment is with the Subcommittee on Education, I would hope that the Senator's amendment would be considered in connection with S. 600, the Higher Education Act of 1965, on which my subcommittee is now holding hearings with a view toward early action in this session of Congress.

I give the Senator from Texas my pledge that if his amendment is sent to my committee to be considered in connection with the higher education bill, he can testify in my subcommittee in the next weeks, because I hope to be continuing the hearings on higher education within the next 2 weeks, and he will find me supporting the amendment. But I do not think it has any place in this bill, which is for elementary and secondary schools, without having had any hearings, without having had any cost estimates, and without having had any report on it from the administration.

The distinguished Senator from West Virginia [Mr. RANDOLPH], who has worked side by side with me on this bill has told me that although he is a cosponsor of the Tower bill he could not support the amendment in the context of H.R. 2362.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. SALTONSTALL. I agree with the Senator from Oregon. I introduced a bill on behalf of myself and other Senators on this general subject, going back to the Korean war, and carrying on. This proposal is in line with the other bill. It is broader, but covers educational requirements of men who have served in Korea and southeast Asia. I believe that this subject should be considered by the committee.

Mr. MORSE. As the Senator knows, the Saltonstall and Yarborough bills could be brought before my subcommittee in connection with a higher education bill. I plead with my friend the Senator from Texas to give me help in having it considered in the next hearing on the higher education bill.

Mr. TOWER. Mr. President, I yield myself 1 minute.

Mr. President, I point out that this is not something that has been hastily "cooked up." It has been said that there have been no hearings on it, and that no committee has studied it. It is true that this particular bill as such has not had hearings or study, but the substance of it has. This program has been studied in connection with World War II and Korean war veterans. There has been a program in operation for many years. I merely wish to extend to men in combat in Vietnam the privileges I had as a veteran of World War II. I believe they deserve it.

I yield back the remainder of my time.

Mr. MORSE. I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Virgina [Mr. ROBERTSON], the Senator from Arizona [Mr. HAYDEN], are absent on official business.

I also announce that the Senator from South Carolna [Mr. JOHNSTON], and the Senator from Missouri [Mr. SYMINGTON] are absent because of illness.

I further announce that the Senator from Georgia [Mr. RUSSELL] is necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Missouri [Mr. SYMINGTON], would each vote "nay."

The result was announced—yeas 27, nays 64, as follows:

[No. 55 Leg.]

YEAS—27

Allott
Bennett
Boggs
Carlson
Cotton
Curtis
Dirksen
Dominick
Eastland
Fannin
Fong
Hickenlooper
Hruska
Jordan, Idaho
Kuchel
McClellan
Miller
Mundt
Murphy
Pearson
Prouty
Simpson
Smith
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—64

Aiken
Anderson
Bartlett
Bass
Bayh
Bible
Brewster
Burdick
Byrd, W. Va.
Cannon
Case
Church
Clark
Cooper
Douglas
Ellender
Ervin
Fulbright
Gore
Gruening
Harris
Hart
Hill
Holland
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Mondale

Monroney
Montoya
Morse
Morton
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Sparkman
Stennis
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—9

Byrd, Va.
Dodd
Hartke
Hayden
Johnston
Neuberger
Robertson
Russell
Symington

So Mr. TOWER's amendment was rejected.

Mr. MORSE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. RANDOLPH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 75

Mr. DOMINICK. Mr. President, I call up my amendment No. 75, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 80, beginning with "religious," on line 6——

Mr. DOMINICK. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment (No. 75) offered by Mr. DOMINICK, is as follows:

> On page 80, beginning with "religious" on line 1 strike out all through the period at the end of line 2 and insert in lieu thereof the following: "the construction of facilities or for the hiring of teachers at schools or institutions where there is religious worship or sectarian instruction."

Mr. DOMINICK. Mr. President, under the time limit, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 6 minutes.

Mr. DOMINICK. Mr. President, if Senators will bear with me, I believe that I can explain the amendment rapidly. Before I do so, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, this section of the bill has to do with the limitation of payments under the act. It is the very last section of the act. It is designed to do something about the proposed constitutional issue of giving tax funds to private institutions which are, perhaps, sectarian in nature.

The wording as now contained in the bill is:

> Nothing contained in the Act shall be construed to authorize the making of any payment under this Act, or under any Act amended by this Act, for religious worship or instruction.

In other words, there is a prohibition against giving money solely for the purpose of constructing a chapel, for example, or for the purchase of religious books for use in instruction in churches.

My amendment would change this wording, and strengthen the degree of the prohibition. It would strike the word "religious" and provide that the money cannot be used for the "construction of facilities or for the hiring of teachers at schools or institutions where there is religious worship or sectarian instruction."

This is the exact wording proposed by the administration itself in the higher education bill, S. 600, which is now up for review before our committee.

This is the wording which has been used in almost all previous types of legislation in this field. To the best of my knowledge, the wording in the present bill is being used for the first time. It is far less restrictive than has been the wording on prior occasions.

Is this important?

If we consider the bill and look at the provisions under titles II, III, and IV, we can see all kinds of times and occasions when the bill will be used for private institutions.

Mr. MORSE. Mr. President, may we have order so that we can hear the Senator?

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

Mr. DOMINICK. Mr. President, there are all kinds of provisions in the bill directing the use of the money for the benefit of private institutions. I do not know whether this would be an unconstitutional use of tax funds. We have had some discussion of the subject in connection with the judicial review amendment.

Prior to this time some courts have held that tax funds could be used for religious facilities of one sort or another, but never for religious services, and never, as under the provisions of the bill, to build an entire wing on a school which may be controlled by the Catholics, the Episcopalians, the Jews, the Seventh Day Adventists, or anyone else.

Mrs. GREEN even posed the situation, when she appeared before the Rules Committee, that the Christian Freedom Fighters in her area might be able to build a whole institution in this way and that tax funds could be directed into that kind of institution.

What I am trying to do is to show that we are primarily concerned with the improvement of the instructional curriculums in the public schools. I realize that this will have some impact on private schools, no matter what language we put in the bill—an impact for the purpose of helping out in the financial situation. However, when we already have a bill, which is now being considered, and which has been sent to Congress by the administration for the purpose of assisting higher education, containing the words I am proposing as an amendment, we should be consistent and retain that language throughout.

These are some of the problems that were mentioned by Dr. Fuller, executive secretary of the Council of Chief State School Officers. His testimony appears at page 2670 of the hearings. I quote from his testimony as follows:

> As a practical matter, this provision raises serious questions in the minds of many chief State school officers about public participation in and supervision of expenditures of tax-raised funds for education.

The PRESIDING OFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 4 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 additional minutes.

Mr. DOMINICK: I quote further:

> The currently indicated majority [of chief State school officers], however, believe with varying degrees of intensity that this title—

This is title III—

> would set up a parallel system of education and educational service centers, often privately controlled and operating in ways that would violate the principle of most if not all State constitutions, laws, and educational policies. There is grave doubt that tax-raised State or local funds could be used in most States in the manner contemplated in regard to Federal funds by this title III.

An analysis would indicate that the same thing is true of funds which are allocated under titles II, I, and IV, as well as III.

Mr. President, 41 States have constitutional provisions prohibiting the use of taxpayer funds for the support of private institutions or sectarian institutions. By indirection and by bypassing the provisions and the constitutions of 41 States, we are putting the same tax funds, collected by the Federal Government, into the same States.

I say to my colleagues in the Senate that we are doing by indirection what 41 States have specifically prohibited. I do not believe we should take this step.

I call attention again, as I have done before, to the testimony given by the very capable and fine head of the National Association of Jewish Women, Mrs. Frieder, when she brought up this same point in her testimony before our committee. It appears at page 1507 of the hearings.

She specifically stated that there should be some method by which funds which are to be used will be funneled into the public school system and not into the private and sectarian school system.

Over and over again during the course of this testimony, witnesses were concerned over the emotional divisiveness of this method of assisting private schools.

Mrs. Green, in her testimony before the Rules Committee of the House said, referring to this specific section:

> May I point out, it does not say that this legislation would prohibit the use of funds for construction of facilities where religious worship instruction might take place. As I see it, also, there is nothing in this bill which would prevent any religious denomination from using its Sunday educational classrooms on Monday, Tuesday, Wednesday, Thursday, or Friday for programs, projects, and services if they were in areas where there is a high concentration of children from low-income families, if the local educational agency approved. I do not see how the local educational agency could discriminate in favor of one private school as against another.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. DOMINICK. I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. DOMINICK. We have skirted this problem from the very beginning. We did not seriously discuss it in any depth except at the very beginning, when I asked and received from the Department of Health, Education, and Welfare an analysis of all the constitutional provisions that exist, in order to determine how many of them prohibited aid to private schools. This study was carried through. It is in the record, in part I of the hearings. However, there was no serious discussion among the committee members. I presented this amendment to the full committee. It was voted down by a split vote.

I am hopeful that the debate that we have had on this particular bill in the past 2 or 3 days will bring this provision and its importance even more to the attention of my colleagues in the Senate, so that we may get some action to close the loopholes in the bill.

Mr. MORSE. Mr. President, I rise to oppose the amendment. I thank the Senator from Colorado. I believe he offered his amendment in committee and it was agreed by the committee that I should request a memorandum from the Department of Health, Education, and Welfare. I have that memorandum. I think the memorandum I received is perfectly satisfactory. I thank the Senator from Colorado for making the contribution he has made by offering to the committee his amendment. I wish to quote from the memorandum, which appears at page 36 in the committee report. It is from the Department of Health, Education, and Welfare, and reads as follows:

> An amendment offered by Mr. Dominick would amend section 605 of H.R. 2362 to provide that nothing in the act shall be construed to authorize the making of any payment for "the construction of facilities or for the hiring of teachers wherever there is religious worship or sectarian instruction." As passed by the House of Representatives, section 605 provided that nothing in the act shall be construed to authorize the making of any payment for "religious worship or instruction."
>
> Section 605 must be considered in relation to other provisions of the bill which seek to enforce the principle of separation of church and state. Titles I and III of the act expressly require that title to any facility constructed under those titles must be in a public agency; and title IV prohibits the construction of research facilities for research or related activities in the field of sectarian instruction. Titles II and V do not authorize construction.
>
> With respect to other activities which would be financed under titles I, II, and III of the act, various provisions assure that payments will be made only to public agencies and that public agencies will administer these activities. Title IV, which is limited to research and research training, prohibits the making of grants for training in sectarian instruction or for the financing of research in the field of sectarian instruction. Title V relates to strengthening State departments of education only.
>
> Underpinning these separate and more detailed provisions are the language of section 605 and the many carefully drafted clarifying statements which the committee has included in its report for the purpose of insuring that the bill will be interpreted and administered in a manner consistent with the establishment of religious provision of the first amendment of the Constitution.
>
> It is our opinion that these safeguards are more than adequate to assure that payments under this act may not be made for the construction of facilities or for the hiring of teachers for the provision of religious worship or sectarian instruction. For these reasons we do not favor the amendment offered by Mr. Dominick.

I think that statement clarifies the situation. As I did in regard to the last previous amendment considered by the Senate, I assure the Senate that my subcommittee will watchdog this subject to see to it that there will be no question about the Department carrying out what I believe is a very clear commitment set forth in the memorandum.

Mr. DOMINICK. Mr. President, I have only one comment to make on that subject. I am happy that we obtained some ruling from the Department of Health, Education, and Welfare. I do not believe that the Department of Health, Education, and Welfare was necessarily correct on the point, as the Senator knows.

Second, I point out that paragraph 2 of title I would make it mandatory for the local educational agency to provide special educational services and arrangements for children in all private schools. If we do not get that, we do not get a nickel's worth of money into the public agency. So we are dealing with services, shared time services, that have never been ruled on, in the private schools.

It seems perfectly apparent to me that the proposal is nothing but a subterfuge to pass the bill without regard to the problems which are involved. I resent the whole procedure.

The PRESIDING OFFICER. Does the Senator from Oregon yield back the remainder of his time?

Mr. MORSE. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Colorado yield back the remainder of his time?

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having expired, the question is on agreeing to the amendment offered by the Senator from Colorado. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN (when his name was called). On this vote I have a pair with the Senator from Louisiana [Mr. Ellender]. If he were present and voting, I understand that he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. Dodd], the Senator from Louisiana [Mr. Ellender], the Senator from Michigan [Mr. Hart], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from Oregon [Mrs. Neuberger], and the Senator from Virginia [Mr. Robertson], are also absent on official business.

I also announce that the Senator from South Carolina [Mr. Johnston], and the Senator from Missouri [Mr. Symington] are absent because of illness.

I further announce that the Senator from Georgia [Mr. Russell] is necessarily absent.

I further announce that if present and voting, the Senator from Connecticut [Mr. Dodd], the Senator from Michigan [Mr. Hart], the Senator from Indiana [Mr. Hartke], the Senator from Oregon [Mrs. Neuberger], and the Senator from Missouri [Mr. Symington] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from North Dakota [Mr. Young] is detained on official business.

The result was announced—yeas 20, nays 68, as follows:

[No. 56 Leg.]

YEAS—20

Allott
Bennett
Burdick
Byrd, Va.
Cooper
Curtis
Dominick
Ervin
Fannin
Hickenlooper
Holland
Hruska
Jordan, N.C.
Jordan, Idaho
Morton
Pearson
Simpson
Talmadge
Thurmond
Tower

NAYS—68

Aiken
Anderson
Bartlett
Bass
Bayh
Bible
Boggs
Brewster
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cotton
Dirksen
Douglas
Eastland
Fong
Fulbright
Gore
Gruening
Harris
Hill
Inouye
Jackson
Javits
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Moss
Mundt
Murphy
Muskie
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Smith
Sparkman
Stennis
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—12

Dodd
Ellender
Hart
Hartke
Hayden
Johnston
McClellan
Neuberger
Robertson
Russell
Symington
Young, N. Dak.

So Mr. Dominick's amendment was rejected.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TEXTBOOKS TEACHING SEGREGATION

Mr. PROUTY. Mr. President, I do not rise to offer an amendment but to raise a question that has worried me with regard to title II.

Numerous times during the hearings in both Houses, representatives of the Department of Health, Education, and Welfare took a very strong position that nothing in this act could be construed to authorize any Federal inquiry into the contents of textbooks. For instance, at page 160 of the House hearings, Secretary Celebrezze stated unequivocally:

> The Federal Government cannot under any circumstances tell them (meaning local school boards) what books to use.

Similarly he told our committee:

> The Federal Government in no instance will dictate to any State or to any school district what books it must use or what books it must not use. That is a decision left solely for the State and the local school districts.

These are strong statements by the Secretary, and I for one heartily applaud them. If this was all there was to the matter, I would rest satisfied that the present administrators of this act had a clear and unshakable hands-off-textbooks policy.

But then another colloquy took place which shook my faith a little. Representative GOODELL asked the Secretary this question:

> Suppose a textbook in a State teaches segregation, approved by the State education officials. Can Federal funds be used to purchase that textbook?

Now here is truly an agonizing dilemma, Mr. President. On one hand, title VI of the civil rights bill of 1964, which clearly applies to this act—as stated on page 36 of the report—provides:

> No person * * * shall, on the ground of race, color or national origin, * * * be subjected to discrimination under any program or activity receiving Federal financial assistance.

For the Federal Government to pay for textbooks invidiously discriminating against a minority group, such as Negroes, would be a clear violation of Federal policy, and, in the opinion of at least one lawyer who helped draft title VI of the civil rights bill, might well be a violation of Federal law.

On the other hand, the only alternative seems to be for the Commissioner to look into textbooks he is furnishing to see if they are consistent with the Civil Rights Act. And no matter how this is described, this is precisely the Federal inquiry into local textbooks that the minority of this body and—I will wager—the great majority of the majority are dead set against.

Returning for a moment to Mr. GOODELL's question; Secretary Celebrezze's reply was as follows:

> I think that would be—I am trying to think whether title VI of the Civil Rights Act would have a bearing on that * * * I wouldn't be able to answer your question specifically. Title VI comes to mind.

Here, it seems to me, the Secretary has come to a very crucial point; whether or not his own inclination is to avoid any inquiry into textbooks, and recognizing that no language in this bill authorizes any inquiry into the contents of textbooks, may it not be true that the Civil Rights Act requires him to inspect textbooks regardless of his own desires?

Representative GOODELL followed up by asking the Secretary for an opinion as to "whether the Civil Rights Act bars the use of these funds for textbooks that have segregationist material."

To this the Secretary replied:

> I will submit the question to the Justice Department. They are more qualified to give you an opinion.

Mr. President, I have contacted both the majority and minority counsels of the House Education Subcommittee and to this day no brief has been submitted by the Justice Department to shed light on this crucial point.

I do not know why this brief was not supplied, Mr. President, because this issue is clearly one of the utmost importance. In thinking about it I let my imagination wander until this thought struck me: Suppose it is the considered opinion of the Justice Department that title VI of the Civil Rights Act does require that the Commissioner refuse to pay for textbooks with discriminatory material in them. If that opinion were known, Mr. President, it would be apparent that the sincerely made statements of the Department expressing its deep-rooted commitment to a policy of no interference in textbook selection would be of no consequence. The civil rights law would require the Commissioner to read textbooks to make sure materials therein did not discriminate between races, colors, or nationality groups. And if the Federal Commissioner is forced into the business of reading textbooks and library books, Mr. President, title II of this bill immediately appears in a different and infinitely more ominous light—a light so sinister as to imperil the entire future of this piece of legislation.

Mr. President, I should like to read from a document entitled "The Treatment of Minorities in Secondary School Textbooks." This was printed by the Anti-Defamation League of B'nai B'rith. I shall merely include the summary. It reads:

> SUMMARY
>
> When compared against the findings of the 1949 report, the treatment of American Negroes in 24 secondary school social studies textbooks in 1960 bears these characteristics:
>
> (a) The Negroes' position in contemporary American society continues to be very largely ignored. There is a tendency to treat racial inequality and attempts at its eradication with complacent generalizations, not hard facts. In most cases, the presentation of the 1954 Supreme Court decision on public school desegregation bypasses any consideration of the underlying principles and of the subsequent, oncoming attempts at both compliance and evasion. The achievements of living Negro Americans are mentioned in only a small minority of books. Residential segregation by race is seldom discussed.
>
> (b) Historically, American Negroes continue to be portrayed primarily as simple, childlike slaves and as uneducated, bewildered freedmen. Most textbooks do not chronicle the achievements of this people in the years from 1876 to the present. Where attention is given to outstanding Negroes in American history, the presentation is insufficient to counterbalance the previously created stereotype of a racially inferior group.
>
> (c) The scientific knowledge of underlying sound understanding of the basic similarity and equality of the races of mankind is absent from the great majority of the textbooks.
>
> (d) With few exceptions, photographs and other illustrations in textbooks continue to portray America as an all-white Nation, not as an interracial and increasingly integrated one.

At this point I would like to ask Members of the Senate who helped to frame the Civil Rights Act how they interpret its provisions as applied to title II of the pending bill. And I should also like to ask the sponsors of the bill if they can offer any explanation why this brief to be submitted by the Justice Department has never appeared?

Mr. MORSE. Mr. President, I appreciate the courtesy of the Senator from Vermont in making the legislative history on the question that he has raised.

I was advised a short while ago that the Senator from Vermont intended to raise the question of legislative history. I got in touch with the Department. The Department worked with counsel and my committee. I am authorized to say at this time that the Department takes the position that the bill in no way whatsoever gives the Commissioner or anyone connected with the Department any authority to censor any book. They have no intention of censoring any book in connection with this bill, and they assure Congress that they will not attempt to exercise any authority to censor any book. They do not believe that any interpretation of this Education Act will authorize any such function on their part.

Second, the Department has asked me to make clear to the Senate that the civil rights bill is no part of this bill. It has no connection with this bill; and whatever might be decided subsequently by the courts, as imposing any duty upon the Secretary of Health, Education, and Welfare, or any of the people serving under him in that Department, including the Commissioner, to take any action under the civil rights bill, would be action taken separate and distinct from the bill. Therefore, they feel that question or problem of the Senator from Vermont is answered by their assurance that they will exercise no authority because they do not believe that any authority is given to them. Had authority been given to them, they would have sought not to have it included in the bill. However, they will exercise no authority and use no power that might be interpreted as the exercise of the power of censorship.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. COTTON. Mr. President, I thank the Senator for his speech. The Senator emphasized several times the assurance of the Department that there was absolutely no intention of exercising any censorship of textbooks. I assume that is the Department of Health, Education, and Welfare.

Mr. MORSE. The Senator is correct.

Mr. COTTON. I believe the Senator also said—I am not sure—that the Department indicated that it did not interpret the bill as giving any such power. The important thing is whether they have such power.

Mr. MORSE. The members of the Department bluntly said in conversations that the bill does not give them one iota of power to exercise censorship in any way.

Mr. COTTON. Is that the position of the manager of the bill?

Mr. MORSE. That is the position of the manager of the bill. I do not see anything in the bill that gives the power of exercising censorship to anyone connected with the administration of the bill at the Federal level.

Mr. COTTON. I thank the Senator.

Mr. PROUTY. Mr. President, my concern is that some of the textbooks, particularly history books, contain statements which are not correct. Is it the intention of the administration to allow textbooks which distort history, perhaps, to be paid for by the Federal Government?

Mr. MORSE. It is entirely up to the States to determine what their textbooks shall be. It is not up to the Federal Government at all. There cannot be local control of education if the Federal Government starts dictating to the States what their textbook policy is to be. So the power rests, in the opinion of the manager of the bill—and I think it is perfectly clear—completely in the control of the State and local authorities to determine what their textbooks shall be.

Mr. PROUTY. Some of the textbooks which have been called to my attention cause me great concern. I merely wished to know what the views of the administrator would be in this field.

Mr. MORSE. I thank the Senator for raising the point.

Mr. President, I ask unanimous consent that the memorandum from the Department of Health, Education, and Welfare to which I have alluded be printed at this point in my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, APRIL 9, 1965

The question has been asked whether under title VI of the Civil Rights Act the Commissioner would be required to determine whether library resources, textbooks, and other instructional materials made available to children with funds provided under title II discriminate on the basis of race, color, or national origin, and to forbid the making available of any such books or materials which do so discriminate.

The answer to this question is that the only limitation on the kinds of books and materials which may be provided to children under title II is that the books or materials must be approved for use, or be used in, one or more public schools of the State. Neither title II of this bill nor title VI of the Civil Rights Act would empower the Commissioner to act in effect as a censor over the books and materials provided under title II.

Indeed, it could be fairly said that no book, in itself, is discriminatory. Almost any book, however, may be used in such a manner that does result in invidious discrimination. If books made available under title II are used in a manner which results in discrimination, that discrimination like any other form of discrimination, would fall within the purview of title VI of the Civil Rights Act and bring into play its provisions.

AMENDMENT NO. 76

Mr. DOMINICK. Mr. President, I call up my amendment No. 76.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Colorado.

The LEGISLATIVE CLERK. It is proposed, on page 43, after line 8, to insert a new subsection as follows:

(d) All grants made under this title shall be for supplemental services and centers in school attendance areas having a high concentration of educationally and economically deprived children.

The PRESIDING OFFICER. Does the Senator from Colorado yield himself time?

Mr. DOMINICK. I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMINICK. Mr. President, this is the last amendment I shall offer. I want to call to the attention of my colleagues one thing that may not have been made clear to them up to this time in spite of all the debate that has occurred. Title III of the bill as it is now written does not apply to educationally deprived children. This is the whole format of the bill. This is where all the emphasis has been.

Mr. President, may I have the attention of my colleagues for a moment? I shall not take very long.

Mr. MORSE. Mr. President, may we have order? I want to hear what the Senator has to say, and I cannot hear him.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOMINICK. Title III does not go to the educationally deprived children. It is not restricted in that way. It takes in programs for everybody—children, adults, men, women, psychology, everything one can think of. Even medical clinics could be set up under this title. We are authorizing the appropriation of $100 million for it. We give almost sole discretion to the Commission to establish the criteria for what is to be taught and what programs will be approved under the title. We appropriate $200,000 to each State, and then we apportion the rest of it in accordance with population.

We do not try to pinpoint that the centers are to be in areas in which there is a need because there is educational deprivation. We merely say, "Put them wherever you want, Mr. Commissioner. Whenever a program comes along that a local agency proposes and you think it is good and it fits in with the State allocation, go ahead."

The purpose of my amendment is once again to try to emphasize this point for this body, as one Senator who has served on the committee and has been interested in the bill, who would like to have the supplementary program put into areas where it is needed.

The need is for educationally deprived children. This has been the emphasis all the way through.

Only the other day we had testimony on the higher education bill. The Commissioner of Education came before us. He said a Negro graduate from a college in the South had the equivalent only of an eighth grade education.

If we are to have supplementary centers to try to do something about improving education, we ought to put them where they can do some good and get education to people who need it. I have no idea whether the testimony was accurate, but his assumption gives us some background. The supplementary centers ought to go where they are needed, where basic education is inadequate, and where the colleges themselves are not adequate for persons to get a good education, as is possible for some of the rest of us in this great country of ours. That is the statement of policy that has been made. It is the statement of the administration. The speeches that have been made on this subject have emphasized this point.

Mr. President, it is not a difficult amendment. It is not hard to understand. It provides that if we are to provide for supplementary centers in each of the various States, we should concentrate those centers where there is a need, where there is a large concentration of educationally and economically deprived children.

I have been fighting, ever since I came here, for equality of opportunity, whether it be in the voting field, the economic field, or the educational field. This bill does not promote that purpose as it should. All we are doing is giving to one man, regardless of who he may be or what the administration is, the power to decide where the money is to go, where the supplementary centers are to go, and what kind of education will be put in those areas.

This is not right. We should be putting them where the need is, and not spreading the program like marshmallows all over the country and having people think they are getting something for nothing. We should provide the centers where there is a need.

I reserve the remainder of my time.

Mr. MORSE. Mr. President, I am opposed to this amendment.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. MORSE. As much time as I may need.

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. MORSE. We must keep in mind that it is title I of the bill that is for deprived children. Title II and III are not for deprived children alone. The library part of the bill is not for deprived children alone. Title III, providing supplementary educational centers and services, is not for deprived children alone. The supplementary educational and service centers are for the purposes among others of providing remedial reading for the handicapped, the crippled children, the blind, the deaf, the unfortunate youngsters, and those who have other serious handicaps. One of the purposes of this title of the bill is to help those handicapped children.

It also provides for assistance in connection with adult education; that is included in this title III relating to the supplementary educational centers and services.

The Senator from Colorado took the position, both in regard to title II on the libraries, and title III on the supplementary services program, that they should be limited to deprived children.

However, that does not happen to be the objective of these titles of this bill. I am glad that it is not.

I do not believe that we should deny the special educational skills that we seek to develop in title III for dropouts, for post school training, or the benefit of research programs under this and other titles to just the title I beneficiaries. We should make available to all handicapped children the special knowledge that we can bring to bear upon their handicaps. I am not going to take my eyes off the plight of handicapped children. I do not care from what homes they come. We need in title IV to develop model schools which can serve as beacons of excellence to schools all over our States. These should not be restricted, neither should title II or title III program.

That is the purpose of the bill.

Mr. President, I ask all Senators to turn to page 27 of the report under the heading "Uses of Funds."

I read as follows:

> Under the terms of this title many kinds of supplementary services could be provided by individual local public educational agencies or by associations of such agencies to enrich the programs of local public elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs. Such services might include guidance, counseling, remedial instruction, school health, psychological, and social work services. Special educational programs and study areas, operated during periods when schools are not regularly in session, might be provided under the terms of this title. Model or exemplary educational programs designed to encourage the adoption of improved or new educational programs could be established. Specialized instruction and equipment for teaching foreign languages, science, or other academic subjects which are not taught in the schools at present or which could be provided more effectively on a centralized basis could be supported. Programs under the auspices of the local public educational agency could be supported under this title which would make available special equipment or specially qualified personnel, such as artists or musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions. The provisions of this title would allow local educational agencies to support educational radio and television programs. The title would permit support of physical education and recreational programs not available at present. The title would permit the provision of special educational and related services for persons in or from rural areas or who are or have been isolated from normal educational opportunities. Also, title III could provide for the establishment of instructional materials centers in our cities and States for the purpose of furnishing modern instructional equipment and materials to the schools in those areas, and equipment, materials, and staff for such centers could be provided.

Over the years I have been much impressed by the progress in American agriculture which has been made possible by means of the demonstration stations. As a former teacher, I believe very strongly that title III will offer us a similar opportunity for nationwide improvement of education. Under this title, I believe we must work toward the establishment of a great many demonstration schools in which there would be an intensive use of modern educational tools. These schools should have complete book libraries, complete libraries of audiovisual materials, and complete sets of equipment in every classroom. The teachers should be trained, and qualified professional personnel should be provided to help the teachers make the best possible use of these materials. I am confident that through the use of this type of demonstration center we will be able to show great improvement in education, and we will be able to induce educators throughout the country to follow their lead.

Title III can also provide for the establishment of instructional materials centers in our cities and rural areas, to provide modern instructional equipment and materials to the schools in those areas. The Federal grants could be used to pay for equipment, materials, staff, and other expenses of such centers.

Mr. President, I ask unanimous consent that all of the excerpt under the heading "Uses of Funds" may be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

USES OF FUNDS

The conception, establishment, and administration of programs under this title rest on several perceptions pertinent to the needs and requirements of the Nation's schools. One of the first of these requirements is that the initiative and responsibility for the operation of school programs rest with State and local authority. Another is that the financial strain on the budget of many local educational agencies serves to make it impossible for them to implement many types of programs and services which researchers and educators deem essential to the effective operation of the schools. A third significant point is the growing feeling that local educational agencies ought not to have to underwrite the full burden of providing model or exemplary school programs which benefit the rest of the State or Nation by demonstrating what new ideas of teaching, learning, and school administration can accomplish when transplanted from the laboratory to everyday operation. The programs authorized under title III would stimulate and assist local public educational agencies in the provision of supplementary educational services that are not at present available in sufficient quantity or quality. In addition, the title authorizes the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

Under the terms of this title many kinds of supplementary services could be provided by individual local public educational agencies or by associations of such agencies to enrich the programs of local public elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs. Such services might include guidance, counseling, remedial instruction, school health, psychological, and social work services. Special educational programs and study areas, operated during periods when schools are not regularly in session, might be provided under the terms of this title. Model or exemplary educational programs designed to encourage the adoption of improved or new educational programs could be established. Specialized instruction and equipment for teaching foreign languages, science, or other academic subjects which are not taught in the schools at present or which could be provided more effectively on a centralized basis could be supported.

Programs under the auspices of the local public educational agency could be supported under this title which would make available special equipment or specially qualified personnel, such as artists or musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions. The provisions of this title would allow local educational agencies to support educational radio and television programs. The title would permit support of physical education and recreational programs not available at present. The title would permit the provision of special educational and related services for persons in or from rural areas or who are or have been isolated from normal educational opportunities. Also, title III could provide for the establishment of instructional materials centers in our cities and States for the purpose of furnishing modern instructional equipment and materials to the schools in those areas, and equipment, materials, and staff for such centers could be provided.

Criteria developed in the title provide that the Federal funds could not be used to supplant funds normally available to the localities, that the money granted to local public educational agencies would be used for programs accessible to all appropriate children in the area to be served irrespective of their school enrollment, and that local educational agencies will utilize the best available talents and resources in the area to be served.

Money available under the terms of this title could be used for planning and taking other steps leading to the development of supplementary educational centers or services, including the establishment of pilot projects. Funds could be used for the establishment, maintenance, and operation of such supplementary or exemplary programs, including the lease or construction of necessary facilities. The bill provides that where new construction is contemplated under this title, such facilities should include areas adaptable for artistic and cultural activities, consistent with the other uses to be made of the facilities. This provision can be satisfied in a variety of ways, including plans for such areas in future extensions or additions to the facility in a phased construction program.

In this title the committee has reviewed the language "centers and services" in order to provide local public educational agencies with the greatest flexibility possible within which to exercise local discretion and judgment with respect to the types of projects which will best serve the educational needs of the community. Nothing in this title is designed to enable local public educational agencies to provide services or programs which will inure to the enrichment of any private institution. The bill does not authorize funds for the payment of private school teachers, nor is it intended that this provision authorize the financing of instruction for nonpublic schools. Facilities are not to be constructed nor equipment procured which will be to the pecuniary advantage of any nonpublic institution. Rather it is intended that the local public educational agency, through its preserved autonomy over local school matters, will have wide latitude in fashioning programs of direct benefit and advantage to elementary and secondary school pupils regardless of whether they are enrolled in public schools.

Mr. MORSE. American education is now a big enterprise—as some have described it, the biggest industry in our country. If we are to make substantial progress toward better classroom instruction, we need far more than title III of National Defense Education Act can provide. We need instructional materials centers. We need more instructional materials. We need a much greater supply of modern instructional equipment. And the need for these is greatest in the poorer areas, which have a difficult time raising the matching funds which are required under the National Defense Education Act. We need demonstrations, inservice training of teachers, dissemination of information about modern methods, and especially, we need leadership. All these things we expect this new bill to provide.

During our committee's hearings we saw many interesting examples of the applications of these modern tools in improving instruction. As my colleagues will recall, we arranged for a full afternoon of demonstrations February 24, in the Senate auditorium. We have been very much impressed at the great opportunities for the improvement of education which are offered by these modern tools.

I therefore want to place it in the RECORD that, as one of the original sponsors of this bill, it is my hope that the new educational media such as films, filmstrips, slides, and tapes, shall be included whenever appropriate throughout the title of the act.

Mr. President, I invite the attention of the Senate now to the memorandum, in order to make legislative history, which on behalf of the committee and under the instructions of the committee I have received from the Department.

It is stated, in part:

COMMENTS ON SENATOR DOMINICK'S PROPOSED AMENDMENT TO TITLE III OF H.R. 2362

(Memorandum from the Department of Health, Education, and Welfare, Office of Education)

> Senator DOMINICK's proposed amendment would effect this change in title III. It would limit the awarding of grants for supplementary educational centers and services to only those areas where there are high concentrations of educationally and economically deprived children.
>
> We recommend the disapproval of this change for the following reason. The criteria already developed in the legislation require that in awarding grants the Commissioner take into consideration, among other things, the financial ability of different groups within the States' population to provide the proposed services and activities and the relative ability of particular local educational agencies within the State to provide those services and activities (sec. 304 (a)(2) (C) and (D)). In other words, need is already present or a criteria. The entire character of title III is to provide models and essentially new kinds of educational services which are not now being provided even in many of our wealthy school districts. The purpose is to improve education in every school district.

Mr. President, this is particularly true in connection with services to handicapped children.

The Senator from Vermont [Mr. PROUTY], as I have stated before, has made the greatest contribution of any of us in regard to handicapped children in respect to remedial reading. I note that the Senator is not now in the Chamber. He has probably decided that it was not necessary, but he was going to ask me to make legislative history on that point; and I could do so. It is not intended that the assistance under the bill which can be made available to handicapped children in regard to remedial reading problems, to crippled children, and others I have mentioned, should be limited to deprived children. But under this title, we have the facilities to make available assistance to all children regardless of the economic status of their parents.

Mr. DOMINICK. Mr. President, I invite the attention of Senators to the discretion given until title III.

For example, on page 41 of the bill, subsection (B)—the question of whether application for a grant under the title will be made or not—it is stated:

> Applications for grants under this title may be approved by the Commissioner only if—

Then it gives four criteria.

Then under (2):

> The program set forth in the application is consistent with criteria established by the Commissioner for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of—

Then it gives four specific points—the size of population, geographic distribution, relative need, and relative ability—all in his own discretion. The Commissioner to decide. No one else.

On page 43 of the bill, under section 306, the Commissioner would have the right—in fact, the duty—to establish an advisory committee of eight men without regard to Civil Service. No criteria are set forth.

It goes on, at the bottom of page 44, under subsection (b), to provide that he can appoint such special advisory committee and technical experts and consultants as he may deem useful in carrying out the functions of the advisory committee. He could set up a whole empire under the bill, with no criteria, really, fundamentally set down in the bill, on which the Commissioner must act.

Time and again I have heard that all we have to do is to try it for a year and if it does not work, we can come back and amend the defects. I have heard this from the distinguished Senator from Oregon time and again in committee. I have heard it on the floor of the Senate from almost every Senator.

All I can say to the Senate is that every time we enact a legislative proposal, which involves the distribution of funds at the State level, and create a bureau or any kind of group in Washington, we have automatically created a vested interest which it takes many years to try to change or to overcome—if it ever can be overcome at all.

We still have emergency war taxes in effect, which the Senate will be taking up soon. Perhaps they will not now be repealed, in view of what is going on in Vietnam. Perhaps there will be no relief at this time. Who knows? All I can say is that they have been in effect for many years. All kinds of programs have been continued without change, because they involve vested interests.

I say to my esteemed colleagues in the Senate that if we are to write legislation and act as a responsible legislative body, we should put forth the standards and the criteria on which we believe the bill should be operable.

One of the things that strikes me as being important is to concentrate the bill in the area of need. Perhaps the rest do not care. Perhaps the rest of the majority on the other side of the aisle are saying, "We are going to accept the bill because this is what someone has told us to do."

Mr. President, I do not accept that policy. I do not believe that is good legislative procedure. I do not believe that is the way the Senate should conduct itself. I say to the Senate that if we are to spend taxpayers' money, we should put that money where the funds are needed. Let us not spread it out at the discretion of one man, wherever he wishes it to go, because a local agency is being pressured by a group of people around him and sends him an application for money which can be used, or otherwise the States will lose it.

I repeat that if we can have some amendments to the bill adopted, we can make a good bill out of it and we can make it something for the future of which we can be proud.

I for one am not proud of the bill the way it is written now.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. Four minutes.

Mr. DOMINICK. I yield.

Mr. LAUSCHE. Mr. President, I give support to the argument made by the Senator from Colorado. I do so because I believe the formulators of the bill have approached the problem sincerely when, in the declaration of policy, they state, in effect, that the purpose of the bill is to give aid to local educational agencies serving areas with concentrations of children from low income families, and to expand and improve their educational programs by various means.

The drafters of the bill either meant what they said in that declaration, or they did not. I take them at their word that the purpose of the bill is to serve the poor.

When we examine the bill, do we find that the purpose has been carried out by the language contained in the several titles in the bill? Let us not forget that for more than a decade efforts have been made to induce the U.S. Government to enter into the financing of the construction and the operation of schools. The efforts failed each year. Someone conceived the idea, "Develop a beautiful, appealing facade, and say that we will help the poor. Then no one will dare to speak up and point out the weaknesses of what is being done."

Mr. DOMINICK. I subscribe to what the Senator has said.

Mr. LAUSCHE. It is a demagogic approach. It is intended to silence anyone who would dare point out the weaknesses, because there would be hurled at him the argument that he does not want to help the poor.

It has been demonstrated on the floor that the rich counties will receive many more dollars than the poor counties. I therefore justifiably put the question, What becomes of the declaration of purpose? It is completely nullified.

Let us consider Westchester County, N.Y., or Montgomery, Md., and compare either with some poor counties. The rich counties will get dollars in huge quantities, and the poor counties will get them, supposedly, in a large percentage, but in few dollars.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield me some time?

Mr. MORSE. How much time have I remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. MORSE. I yield 3 minutes to my friend from Ohio. In doing so I believe I should point out that most of what he says is completely irrelevant to title III. He is quoting policy from title I. Everything he says has to do with title I. He should be commenting on title III.

Mr. LAUSCHE. I point out to the Senator from Oregon that every argument I have heard on the bill has been, "Help the poor." I respectfully say to the Senator that while we are giving a little help to the poor, we are giving more help to the rich. Apparently we are giving it to the rich in order to get their votes. We do not dare say to Ohio, "We will help the poor."

Mr. MORSE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. MORSE. I know that the hearing of the Senator is good. I have pleaded time and time again that the Senate take note of the fact that a billion dollars go to the poor, under the provisions of the bill, out of a total of $1,400 million in the bill.

Mr. CASE. Mr. President, will the Senator yield?

Mr. LAUSCHE. I have only a few minutes. I felt for a moment that I could support the bill, and I wished to support it. My support was commanded by the conviction that what we did would honestly help the poor.

After listening to the arguments for the last 2 days, I have become convinced that the argument "help the poor" was devised only as a means of inducing Congress to approve a program which was sought to be adopted for more than a decade and was rejected every year.

Mr. President, the bill will be passed. I was asked why I should vote against it, because everyone else will vote for it. I could remain silent, or I could go along with the crowd. Upon reflection, I feel I cannot do it. I do not feel that the bill should be passed.

The States have multiplied by seven times the facilities and services that were available at the beginning of World War II. The contributions have been brought up since that time. The crisis has been met. The States and local governments have done the job. Now we are about to put a billion dollars into the program, under title I, and about $300 million into the other titles. That is a beginning. What will it be 4 years or 5 years from now? No one can tell.

I shall vote against the bill. I shall vote in support of the Senator's amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. If the Senator from New Jersey does not wish me to yield to him, I yield back the remainder of my time.

The PRESIDING OFFICER. All time for debate has expired. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. DOMINICK]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Indiana [Mr. HARTKE], the Senator from Arizona [Mr. HAYDEN], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Virginia [Mr. ROBERTSON], are absent on official business.

I also announce that the Senator from Missouri [Mr. SYMINGTON] and the Senator from South Carolina [Mr. JOHNSTON] are absent because of illness.

I further announce that the Senator from Indiana [Mr. BAYH], the Senator from Georgia [Mr. RUSSELL] and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Missouri [Mr. SYMINGTON] and the Senator from Maryland [Mr. TYDINGS] would each vote "nay".

The result was announced—yeas 23, nays 66, as follows:

[No. 57 Leg.]

YEAS—23

Allott
Bennett
Byrd, Va.
Cotton
Curtis
Dirksen
Dominick
Fannin
Hickenlooper
Holland
Hruska
Jordan, Idaho
Lausche
Mundt
Murphy
Pearson
Saltonstall
Scott
Simpson
Stennis
Thurmond
Tower
Williams, Del.

NAYS—66

Aiken
Anderson
Bartlett
Bass
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Douglas
Eastland
Ellender
Ervin
Fong
Gore
Gruening
Harris
Hart
Hill
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Morton
Moss
Muskie
Nelson
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Smathers
Smith
Sparkman
Talmadge
Williams, N.J.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—11

Bayh
Dodd
Fulbright
Hartke
Hayden
Johnston
Neuberger
Robertson
Russell
Symington
Tydings

So Mr. DOMINICK's amendment was rejected.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(By unanimous consent the following remarks, previously made, appear at this point in the RECORD.)

Mr. JAVITS. Mr. President, I am extremely proud of the role of the minority on the pending bill. The manager of the bill, the Senator from Oregon, has already paid his tribute. I am the ranking minority member on the Committee on Labor and Public Welfare. I am extremely proud of the constructive and statesmanlike work of the ranking minority member on the subcommittee, the Senator from Vermont [Mr. PROUTY]. That is true of every member of the committee and the subcommittee in the way they have handled the bill on the floor.

Uniquely, because we were blocked from making amendments, we argued—and we feel very strongly about it—to latch into the bill in an effective way, in terms of its administration through the agreements arrived at with the administration. Normally the subject would have been encompassed in an amendment, but because of the embargo on amendments, these points represent agreements for administration between the committee, as it were, and the HEW, which will administer the law.

It is important that the Senate be seized of this information so that the Senate will be able to act upon the bill in the light of those agreements, a number of which are incorporated in letters exchanged between the chairman of the subcommittee, the Senator from Oregon [Mr. MORSE], and the Department of Health, Education, and Welfare. I therefore ask unanimous consent that I may have printed in the RECORD and included as a part of my remarks a list of the 13 subjects upon which we have agreed in terms of administration with the Department of Health, Education, and Welfare as an essential condition for enacting the proposed legislation. I should like to call attention very quickly to one or two of them.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THIRTEEN ITEMS OF LEGISLATIVE INTENT INCLUDED IN COMMITTEE REPORT

1. The Commissioner of Education is restrained from establishing "basic criteria" beyond those stipulated in section 205(a) (p. 9 of committee report).

2. Questions of conflict, duplication and overlapping between the Office of Economic Opportunity and the Office of Education on programs contemplated under titles I and III are resolved to a degree far beyond that contained in the House report. It is made clear that community action programs under the Economic Opportunity Act will only supplement those programs contemplated by title I and title III of this bill (pp. 12–14 of committee report).

3. Assurances were given by the Office of Education with respect to recapture of payments under section 207(a)(1) (pp. 14–15 of committee report).

4. The handicapped may be considered as educationally deprived and thus be included as beneficiaries of title I in addition to poverty-related children (pp. 15–16 of committee report).

5. Parents of handicapped children will be eligible to participate in the programs under title I (p. 16 of report).

6. The Commissioner of Education must consult with the State educational agency before making arrangements under section 203(b) for the provision of books and instructional materials (p. 24 of committee report).

7. The Commissioner of Education will consult, when appropriate, with the State educational agency before making grants, contracts or cooperative arrangements under section 2(a)(1) of title IV for educational research to be conducted within the State (p. 24 of committee report).

8. Children will not be discriminated against merely because they attend a private vocational, trade, or other school which meets State standards but is operated for profit (p. 25 of committee report).

9. In administering title IV, the Office of Education will be guided by the requirement that regional educational laboratories should be geographically distributed in an equitable manner so as to serve all areas of the United States (p. 31 of committee report).

10. The Bureau of the Budget will continuously monitor stipends to bar unreasonably large amounts (p. 31 of report).

11. Consultative and technical services to local schools for the education of the academically gifted and creatively talented can be offered under section 503(a) of title V (p. 34 of report).

12. Basic grants in accordance with congressional formula are given priority over incentive grants for the second and third years of the bill where the sums appropriated are insufficient (p. 9 of report).

13. Certain nettling questions with respect to church-state relationships are clarified (pp. 11–12 of report).

Mr. JAVITS. Mr. President, the most important one, by far, is the fact that there shall be no overlap between the antipoverty program and the program about which we are speaking. The opportunity for overlap is enormous. The antipoverty program is now carrying on educational projects which could be carried on under the bill before the Senate.

On pages 12 to 14 of the report it is made crystal clear that we expect no duplication. We expect the greatest cooperation. We expect that when the question is a close one, the educational impact will determine the situation, and that that will go down to the ground, including the community action program at the actual operational level.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have 1 additional minute.

Mr. MORSE. I yield an additional minute.

The PRESIDING OFFICER. The Senator from Oregon yields 1 additional minute to the Senator from New York under the bill.

Mr. JAVITS. The second point which I think is of extreme importance to all of us is as follows: In this program we are not only dealing with children deprived in educational terms because of poverty, but we are also dealing with educationally deprived children; that is, handicapped children and even gifted children at the other end of the scale.

Through the extraordinary efforts of the Senator from Colorado [Mr. Dominick], the Senator from Vermont [Mr. Prouty], and other Members of the minority, that definition is now agreed to by HEW to take in the whole field of educationally deprived children, and not merely those who happen to be in poverty-stricken families.

I believe that that is an extraordinary development of the concept of the bill, information on which the Senate should be fully seized.

In summary, because we could not get amendments into the bill, we have done what I consider to be not quite as good, but the next best thing. The result will depend upon the good faith of the Department, the good faith of the Senate, and the good faith of the committee. Therefore, if we are locking it in in that way in the report, it should be the basis for the Senate's action. For that reason I have made these remarks.

Mr. MORSE. Mr. President, I yield myself 3 minutes on the bill.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 3 minutes.

Mr. MORSE. In reply to the Senator from New York [Mr. Javits], when this subject was considered in the House of Representatives, the gentleman from Illinois, Representative Pucinski, offered a modification of the bill, which was accepted, whereby the children under the so-called welfare program—the aid for dependent children program—would be included in the bill. The House accepted that to be the program for the first year, leaving until next year for determination what the formula would be for the following 2 or 3 years.

The Senate committee took the same position.

I should like to say to my very good friend from New York, before he leaves the Senate Chamber, that I repeat everything I have said by way of commendation of the minority for the great cooperation that they have given to us. Without their cooperation we would not have a bill in the Senate today. Without the modifications that the minority helped us to work out in the bill by way of agreements with the Department, about which the Senator has spoken, we would not have a bill today. I do have a little caveat to file with the Senator, however, in relation to his statement that the minority members were prevented from having amendments adopted. They did not have the votes. If they had the votes, they could have added those amendments.

The democratic process prevailed. We found them convincing in regard to their amendments, and that was all.

The PRESIDING OFFICER. The bill is open to amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MORSE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BIBLE. Mr. President, it seems that Congress has been writing more and more significant pages in our Nation's history of growth and development in recent years. Now, it seems, we are about to complete another that will begin a new and significant chapter in national progress.

Thus I am proud to support passage of this legislation to provide Federal assistance to education. I think this badly needed support to the hard-pressed finances of local school operations is long overdue. Frankly, it is about time the greater financial resources of the Federal Government were brought to bear effectively on the vital public function of education.

Federal aid to education has always been a controversial subject—as we have recognized only too clearly in the debate of this body. But I have always believed the Federal Government can aid education without controlling education. This legislation, in my mind, is designed to achieve that benefit.

Another Senator stood in this Chamber many years ago and effectively voiced the importance of education. At the same time I think he also voiced the basic philosophy behind our historic move to bring Federal financing to the direct aid of education. His name was Daniel Webster, and he said:

> On the diffusion of education among the people rest the preservation and perpetuation of our free institutions.

Certainly this bill aims at better diffusing education among the people. And certainly it aims at preserving and perpetuating our free institutions.

We are not talking about Federal control or Federal influence or Federal domination in education. We are talking about a blue chip investment. It is an investment in our Nation's most valuable resource. It is an investment with a minimum of risk and a maximum of profit. Our Nation operates for the people and by the people. If it is to continue to grow and prosper and to remain a great nation, the people must be an educated people.

I would like to make it clear that there is no substance to recent reports that some needy school districts, including those in Nevada, will not receive Federal funds under this legislation. As a matter of fact, Nevada will be allocated an estimated $1.4 million this coming fiscal year on the basic provisions of four titles in the bill. It stands to gain even more should it see fit to do so under another title. In addition, my State will receive nearly $2 million under the provisions of title I extending the impacted areas aid.

I have long regarded the impact program as a working example of how the Federal Government can provide assistance to schools without exerting controls. The success of this program and the success of the broader aid program we act on today is tied to one important factor—a no-strings-attached distribution of money.

Another important selling point is the fact that the bulk of the aid to schools will be based on the needs of underprivileged school children. This legislation is a genuine move to diffuse education more widely and more thoroughly than ever before in our Nation's history. We shall not see the benefits immediately, but I predict the ultimate good of this program will exceed our greatest expectations.

Mr. HOLLAND. Mr. President, I realize that a great deal of conscientious work has been put into this bill by a great many able and good men. I have no criticism to make of any of them. Since I cannot in good conscience vote for the bill, I wish to state briefly in the Record why I cannot do so. I have been engaged in some branch of education most of my life. I have taught in high school; I have taught in college. I have been chairman of my local school board; I have been chairman of the State board of education in my State. I am a member of the board of trustees for three universities or colleges, all of which are sectarian institutions.

I think I have as much interest in education as any other Member of this body. But the mere fact that I have an interest in education does not impel me to vote for a bill that I think is wrong constitutionally and discriminatory in the method of its distribution of public funds. I shall not dwell long on either of these aspects.

First, the bill is wrong constitutionally, because there is no doubt in the world that it would make contributions to sectarian institutions. I tried, along with the Senator from North Carolina [Mr. Ervin] and the Senator from Kentucky [Mr. Cooper] to provide for a quick and definite check, legally, upon that feature of the bill. We were prevented from adopting that amendment, an amendment which I thought was not only fair, not only in favor of constitutional determination, but was so stated as to be very short in order to avoid the multiplicity of suits which might conceivably result. The Senate in its wisdom has rejected that amendment. I regret that decision.

The entire Nation is talking about discrimination. The bill is about as full of discrimination when it comes to the distribution of public funds as it is possible to make a bill. Let me cite a few figures for the record, to illustrate my position.

I notice that the great and rich State of New York—I have nothing against that State; it is one of our finest States; it used to be our State having the largest population—is asking for and will receive under the bill an amount of $353 a year for each of the students in that State who is classified in the poverty category under the provisions of the bill. The States that really need help are not given anything like that amount of help.

West Virginia, the State from which my mother came, a State which I love, a State for which I voted in connection with the Appalachia bill—I doubt whether I would have voted for the Appalachia bill but for the State of West Virginia—is a State which is now probably harder pressed economically than any other State in the Union. I note from looking at the schedule of distribution that that fine State, consisting of good people, receives $150 a year for every pupil falling within the poverty category in that State, compared with $353 in the State of New York. I do not see how I could vote for the bill with that kind of discriminatory provision as between one of our richest States, one of our States most able to take care of her own problems, and a State which has been struggling with the results of the shutdown in the coal industry and other difficulties. I believe every Senator has sympathy in his heart for the problems of the people of that State. But he will not show that sympathy by voting for this bill.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I am glad to yield to the Senator from Texas.

Mr. TOWER. I should like to raise a question concerning the Senator's argument at this point, because I know that the two Senators from West Virginia [Mr. Randolph and Mr. Byrd] voted against amendments that would have given their State more money. Perhaps there are good and valid reasons why the formula as it is should exist.

Mr. HOLLAND. I do not make this a personal matter. Each Senator will have to decide this question in his own conscience. I am merely stating why, in my own conscience, I cannot support the bill. I cannot vote to give one of our greatest and richest States more than twice as much per poverty-stricken pupil as would be received on behalf of such a poverty stricken pupil from West Virginia.

I have no particular complaint about the bill so far as my own State is concerned. But let us consider the discrimination in other fields. We have been talking about the economic situation in West Virginia. We have been talking about Mississippi in connection with its own vital problems. I love Mississippi. I think every Senator does. It is a great State, having many wonderful people and wonderful potentialities.

I find from looking at the bill that the people of Mississippi are to receive under it $120 a year for every poverty-stricken pupil in that State, compared with $353 for each such pupil in the State of New York, or about one-third as much. How do we square our consciences by voting for such a bill containing such manifest discrimination? I challenge any Senator to measure this discrimination against his own conscientious views as to what he believes is right. If he wants to vote for the bill, he answers only to his own conscience and to his own people.

When I further examine the bill, I find that it contains a pattern quite similar to what I have discussed concerning the States of New York and Mississippi. I look at the State of Alabama, which adjoins my State of Florida. There is only an imaginary line between much of the State of Alabama and much of the northwest portion of my State. We are one people. One cannot tell when he moves from one State into the other. When I was running for Governor, I found myself on one occasion mistakenly speaking in a precinct of Alabama, in my appeal for Democratic votes. Obviously, I did not get any there. But that indicates how close together those two States are.

Looking at the formula, I note that for every pupil in the poverty category in the fine State of Alabama, which has certainly been passing through a Gethsemane experience in recent times—I have heard many Senators express sympathy for Alabama and wonderment about how we can help to straighten out her problem. What is needed in Alabama is education. The munificent sum which will go to the State of Alabama for every child in the poverty-stricken category in that State is $140 a year. How do Senators square that against their frequent expressions that education is really at the bottom of the solution of much of the problem that exists in the troublesome field of civil rights as between one portion of the Nation and another?

I could continue to go through the bill State by State. I observe the great State which is the mother State of many of us in Florida—the State of Georgia, my father's State. I note that the munificent amount of $153 is given for every poverty-stricken child in Georgia, as compared with $353 for every such child in the State of New York. How do Senators in their consciences square such discrimination between a State which manifestly needs better education for more children and a State which is well able to handle its own problems if it would only make up its own mind to supply the funds to handle those problems?

I could continue with this illustration. Let us look at the State of South Carolina. $132 would be provided for every poverty-stricken child in that State, as compared with $353 in the great Empire State of New York. How would Senators in their own consciences square such a difference, such a discrimination between the treatment to be accorded to an American child in the Empire State of the South, Georgia, and a similar child in the Empire State of the North, New York? We cannot square that difference. It is discrimination.

I shall not detain the Senate longer. I shall make one more comparison, not because I have any ill feeling for the great State of Massachusetts, but because it happens to be almost identical in population with my own State of Florida. Florida is the 9th State in the Union. Massachusetts is the 10th State. Up to 2 years ago, those positions were reversed.

If one looks at the effort index, he will see that in accordance with our income in Florida, we are taxing ourselves more heavily for the cause of education than are the good people of the grand State of Massachusetts. One will see the list incorporated on pages 7562–7563 of the Record of yesterday.

In Massachusetts, the effort index is 3.26 percent. In the State of Florida, which I represent in part, the effort index is 4.45 percent. We are taxing ourselves in accordance with our capacity, our wealth, and our average income sizably more than is the grand State of Massachusetts for the education of her children. That is all right. That is her business. It is also our business.

I note that in the case of Massachusetts, the bill would give the State of Massachusetts $237 for every poverty-stricken child in the State, out of the Federal largess supplied out of the pockets of all of our people in all the States, whereas in the State of Florida, $194 would be given to that State, or a difference of more than $40.

I make no complaint of that. Florida is not a supplicant here. It is not a supplicant anywhere. We shall pay our own way. I call attention to this because it is such a manifest discrimination. It is a difference which cannot be explained logically, a difference which is not explained by the bill.

I cannot vote for a bill which makes such manifest discriminations. I could go into some of the poorer States in other parts of the country, but I shall not do so. One can look them up for himself.

In the same list, it will be seen that the other States are being less generously treated than are the richer States of New York, Connecticut, New Jersey, and others which I might mention. I have nothing against any of those States.

I am willing to help any of those States get anything which they have a right to get.

Mr. President, they do not have a right to receive out of the Federal funds better treatment for their poverty-stricken children than is received by any poverty-stricken children in other States. I shall never agree to such a principle. I can never vote for such a bill. I will not vote for such a bill, in spite of my interest in education.

I wanted the record to show why I cannot vote for this bill, and why I shall vote against it on passage.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. MORTON. As the former Governor of a great State, can the Senator tell us whether the State of Florida has an equalization program?

Mr. HOLLAND. It has. I helped to set it up when I was Governor. I appointed the committee from which the program arose, and as a result my own county, which happens to be a wealthy one comparatively—not by the standards of New York, New Jersey, or Massachusetts—is of help out of its taxes to those counties which are not so fortunately situated in our own State.

Mr. MORTON. Mr. President, we have such a program in our State. The affluent counties receive less than the poorer counties. I happen to come from one of the affluent counties. We receive far less than do some of the poorer counties. I think it is right. Senators will agree that this is the basis that the Senator from Louisiana and the late great Senator from Ohio had, that Federal aid to education program should be based on a need.

The Senator from Florida has made it abundantly clear that this bill does not have anything to do with need.

It would merely transfer from the local government to the Federal Government the responsibility for education at the primary and secondary levels.

For those reasons, I agree with the Senator from Florida. He has made a great contribution to this debate. I hope that his position will be maintained.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from Kentucky. I did not mention the State of Kentucky.

I note that it draws, likewise, the munificent sum of $150 as compared to $353 in the case of New York, for each poverty-stricken child in that State.

I know something about east Kentucky. I know something about the problems there. Many of my people live in West Virginia, just across the line from east Kentucky. I have been in east Kentucky. If there is any place which is comparable to some of the States which I have mentioned which do need education, it is east Kentucky.

I do not see how any Senator, looking at the parsimonious treatment under this bill of the States which really need increased educational opportunity for children in the poverty category, and then looking at the amount proposed to be given to the States that are better able to take care of their own children, could possibly vote for this bill.

In the case of our own foundation program, we not only have a sharing of revenue up to a standard which we regard as the minimum amount which every child should have, but we also have a requirement that even poor counties must do the best they can for their own situation.

I mention that in connection with the disparate efforts made by so many States shown on this list to take care of their own problems. They ask to be given much larger sums than are proposed to be given under the bill to States which really have this educational problem and which are entitled to have some help in curing it.

I am one of the Senators who voted for the bill offered by the great Senator from Louisiana and the great former Senator from Ohio, Mr. Taft, because an effort was made to recognize the principle that aid should be given by the Federal Government where aid was needed. In accordance with aid, this bill does no such thing. It cannot be justified as doing any such thing by anyone who looks at the table of figures showing what would be received.

I thank the Senator for raising that question.

Mr. MORTON. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. MORTON. Is it not true that a child might come from a family with an income of less than $2,000, and still be in one of the greatest school districts in the country? That does not deny an educational opportunity to that child. As the Senator from Louisiana so well pointed out on the floor the other day, 1.7 percent of the people of Knox County, Ky., have an income of $10,000. He also pointed out that in Montgomery County, Md., there is a median income of some $9,700.

Here we find ourselves in a position of helping school districts that are really wealthy. This is not the equalization bill that Senator Taft was for. This will not raise educational standards. We transfer to the Federal Government the cost of education 5 percent this year, 10 percent next year, 15 percent next year, 20 percent next year. Sooner or later, the Federal Government will take over the whole cost of primary and secondary schools.

Mr. HOLLAND. This bill is about as far removed from the philosophy of the bill the Senator has mentioned as it could be. I shall never forget the eloquent speech made by the late Senator from Utah, Mr. Thomas, in support of the bill. He pointed out that under that bill we were trying to assure minimum reasonable standards of educational opportunity for the boys and girls, wherever they were. I voted for that bill. I was commended for it by the Senator from Alabama [Mr. HILL], because it was clear that in my own State we would pay more than we would get. That is in the RECORD. I was glad to vote for it. I would be glad to vote for it now. I voted for similar measures in my own State as between counties. But I cannot vote for a bill which is so discriminatory and which gives greater relief where it is not needed and a pittance where real relief is needed.

I shall vote against the bill.

Mr. HICKENLOOPER. Mr. President, because this bill is so maladjusted, because it is one great leap forward for control of local affairs by the Federal Government, because it does not reach equitably to the States that need it, and because of the political manipulation emanating from the White House in connection with the consideration of the bill in the Senate, the adamant refusal of those who sponsor the bill to accept amendments, though admitting on the floor that many of these amendments were meritorious, but that on the no-amendment philosophy they should be voted down, and because it is a further step to take control of American education away from the local communities, I intend to vote against the bill.

In voicing my opposition to the passage of the bill, I do not diminish in any way my lifelong support for better schools and better education, but I do adhere to the principle of prime responsibility for education in local areas, such as States and school districts, and I also express my concern over the rapid expansion of Federal controls over the educational system of our country. Some of the reasons, in short, why I must oppose this bill, in spite of the fact that it undoubtedly will pass by a big majority, are as follows:

First. The bill was reported out of committee the evening before it was taken up on the floor of the Senate for consideration and with no opportunity to even read the committee report before action began on the bill. The bill is complicated, far reaching, and its provisions are little understood by many Members.

Second. It is generally understood that the administration had issued what amounted to orders that no amendments were to be adopted, regardless of merit, and none were adopted either by the committee or on the floor. The RECORD shows that on many occasions advocates of the bill stated that certain amendments were most desirable but the no-amendment order would be carried out.

Third. The bill actually keeps full control of the program and the money in the Federal Government, with no really effective voice in the local area, other than so-called consultation and amendments which would give the States and local areas a constructive approval of the programs was defeated.

Fourth. The bill proposes to go into every school district to control and direct all programs, and even into the textbook field, and it certainly lays the basis for Federal control over our educational system by Washington.

Fifth. Under the bill, the States will increasingly lose the responsibility and control over the education of their children.

Sixth. The allocation of funds per child is unfair in proportion to the local State effort in support of education, and amendments to correct this deficiency were defeated. This unfair allocation is significantly applicable to my own State.

Seventh. There is a serious constitutional question involved in this bill as to the allocation and use of funds, but an amendment to permit judicial review was defeated.

Altogether this bill represents a dangerous innovation in our State-Federal relationship, and from a legistlative standpoint it represents unconscionable strong-arm methods used by the administration, coupled with a surrender of the deliberative process and the obligation of correcting manifest weaknesses on the part of the Congress.

Mr. DOMINICK. Mr. President, it is with some reluctance that I must announce that I cannot support or vote for H.R. 2362.

I participated actively in the weeks of hearings before the Education Subcommittee, of which I am a member. I faithfully attended the subcommittee and full committee meetings. I endeavored to make constructive suggestions where I detected weaknesses in the bill or objectionable provisions. I offered amendments to strengthen the bill and to make it conform more nearly with its expressed intent. I think Senators can imagine my frustration when every effort was met with the warning: "The Senate cannot change the House-passed bill. You cannot change a title, a section, a subsection, a phrase, a word, a period, or even a comma of this bill. You must swallow it in one big gulp or not at all."

I have long had a deep and abiding interest in the education of our children from kindergarten through college and the graduate level. As a member of the Colorado State Legislature and an interested citizen, I worked hard on obtaining tax credits for the expenses of education and financing our local schools. I continued this work while a Member of the House of Representatives and while a Member of the Senate have pushed hard, particularly for tax credits for the expenses of higher education.

Since being a Member of Congress, I have supported and voted for the strengthening of National Defense Education Act and vocational education. I have also supported and voted for impacted areas legislation which channels Federal funds into specific areas of need that have already been pinpointed. But however, you view it, H.R. 2362 is a massive Federal aid program to elementary and secondary education. It paints the entire field with a broad brush; and contrary to statements by its supporters, it does not pinpoint the aid in areas of real need.

I have four basic objections to this bill:

Title I purports to grant $1 billion to aid educationally deprived children or those who come from low-income families. Actually it would further enrich the wealthy counties and States at the expense of the less fortunate counties and States.

During the hearings on this bill, it was my hope that the Labor and Public Welfare Committee and the full Senate would have a chance to work its will and to work out fair and equitable legislation. I hoped that we could provide the incentive for the States and local school districts to develop new programs, techniques and ideas in order to increase the educational opportunities for those who do not receive the necessary stimulus in their homes or in their present local school systems. I strongly believe that equality of opportunity should be furthered not only in voting rights, jobs, and in religious fields, but in the educational field as well. I offered an amendment designed to accomplish this based upon the number of educationally disadvantaged children in a State combined with the State's present effort in this field. However, as we all know, this was defeated as were all other amendments because the "powers that be" decided that there will be no amendments to this bill. Instead we have legislatively frozen into an American crazy quilt the inequities and the disparities now present between the various States and school districts. Make no mistake about it, once we begin to make grants under the allocation formula now in the bill, we will have to move heaven and earth to change the formula, even when the poorer States and local school districts discover the inequities.

Let us look for a moment at some of the more glaring examples of what I have been talking about. Representative EDITH GREEN, in her testimony before the House Rules Committee, pointed out:

> Let me give a couple of other examples at the county level. In Dallas County, Ala., where Selma is located, we have about 5,259 poor children as defined in this bill. And Monroe County in New York has 4,684—approximately the same number. Now in recent days we have heard much about Selma, Ala., and the urgent needs in that area. And yet we have designed a formula in the bill which would provide a total of $736,260 for Dallas County in Alabama and $1,925,708 for Monroe County in New York when both of the counties have almost the same number of children. Is this justice?
>
> Let me take two other counties. Sunflower County in Mississippi has 6,184 poor children (as defined in this bill) and under this formula they would receive $745,173. Westchester County in New York with a much higher per capita income has 6,210 poor children (as defined in this bill)—approximately the same number as in Sunflower County, Miss. And yet Westchester County, N.Y., would get $2,189,026 as compared with $745,173 for Sunflower County, Miss. If I may be permitted, Congressman COLMER, I can only suggest that apparently the drafters of this legislation were saying that the educational needs and programs in Westchester and Monroe Counties in New York were much greater—2½ to 3 times as great—as in Sunflower County, Miss., and in Dallas County, Ala.

Unfortunately, these examples are not isolated exceptions—they are typical of the entire allocation of $1 billion under title I. Under my allocation amendment Dallas County, Ala., would have received $1,051,800 instead of $736,260; Monroe County, N.Y., would have received $978,956 instead of $1,925,708; Sunflower County, Miss., would have received $1,508, 896 instead of $745,173; Westchester County, N.Y., would have received $1,297,890 instead of $2,189,026. In our own 7 State area, Colorado will receive $223 per child, Utah $187 per child, New Mexico $220 per child, Arizona $227, Wyoming $253 per child, Nebraska $188 per child, and Kansas $218 per child. Why? Are the children so different? Is this justice? I could go on and on with these comparisons, but I think that everybody who has a basic knowledge of mathematics can get the point.

I am not willing to sacrifice the needy children of the Southern, Central, and Western States on the altar of the wealthy industrial States in the East.

I am extremely concerned with the bill's language which extends Federal aid to nonpublic schools. Debate on the floor of the House and the Senate has clearly shown that there is no agreement among proponents, much less the opponents of such aid. But the provisions for public aid to private and sectarian institutions are there, nevertheless, and no amount of debate or language in committee reports is going to avoid the serious constitutional problems. The constitutions of 41 States explicitly prohibit public aid or funds to private or sectarian institutions. I am not impressed with statements by the bill's supporters that the aid goes to the children in private or sectarian schools and not to the institutions themselves. We are walking a constitutional tightrope with such arguments, and I fear that many States like my own State of Colorado may be prohibited from receiving any funds under title I because of the requirement of section 205(a)(2) of the bill that provision must be made for including special educational services and arrangements in which children in private and sectarian schools can participate. This danger is succinctly expressed by Congresswoman EDITH GREEN in her testimony before the House Rules Committee:

> Mr. Chairman, we do not eliminate controversy but what we do accomplish perhaps is to shift this controversy from the Congress to the local community. This may have a very divisive, a very disruptive effect in a community and actually harm local educational efforts.
>
> Since there is no limitation in this bill on which services may be provided and where, there will be no limitation on the pressures placed on the local school boards. And as a result of our action, school board members may be appointed or elected on the sole basis of their religious affiliation and beliefs. This could set the ecumenical movement back 30 years.

Amendments similar to language contained in the Aid to Higher Education Act of 1965 were offered in order to try to eliminate this danger, but these met the same fate as did all other constructive amendments. It is not only possible but probable that the supporters of various educational institutions backed by their respective religious denominations will be once again fighting each other to receive a fair share of the funds and thus more divisiveness will be created.

Our State and local educational systems have made great strides in improving educational opportunity for all children, particularly since World War II when our population began to burgeon. During the past 10 years almost 700,000 additional classrooms have been constructed and local school districts have bonded themselves on the average of almost $3 billion per year to pay for them. Yet here we are superimposing a new and massive Federal program on top of these efforts despite the fact that the percentage of increase in the numbers of pupils in the classrooms has sharply decreased as the first wave of World War II children are now graduating from high school.

Starting salaries for teachers have increased substantially, and the local taxpayers of this country have supported this effort willingly, recognizing that education under our system of local controls is the key to the continued growth and prosperity of this country and the fulfillment of our wish for a true land of opportunity. This bill as now drawn is the first step in the breakdown of this system and the realization of our highest goals.

One of my most serious and fundamental misgivings about this bill is the degree and extent of centralized control which it will grant the Central Government over heretofore locally controlled education. Local supervision and direction of elementary and secondary education is one of the cornerstones of our way of life. Perhaps in no other area of endeavor is the principle of local control so vitally important. Remember we are dealing with children—they are not "little men and women" who only require time to grow into responsible and mature men and women. They need facts and theories, ideas and problems to work, and most important of all guidance and sympathetic counseling. I will always believe that these needs can best be attended to if they are controlled and supervised on the local and State level with a minimum of outside interference.

Nevertheless, taken as an integrated whole of interrelated titles, H.R. 2362 draws a pattern for Federal power over educational research and curriculum development, a "national network"—Commissioner Keppel's phrase—of educational laboratories and demonstration centers, teaching teachers how to teach the new curriculums and what the goals of American education should be. Title I of H.R. 2362, according to its sponsors, is innocent of any Federal control whatsoever—except for the quite proper accounting for Federal funds spent. However, Mr. President, I ask my colleagues to turn to pages 6 and 7 of the House report and note the many purposes for which the Federal money to aid educationally deprived children may be used:

> The committee also received testimony from witnesses as to the following possible programs for educationally disadvantaged children:
>
> Inservice training for teachers.
> Additional teaching personnel to reduce class size.
> Teacher aids and instructional secretaries.
> Supervisory personnel and full-time specialists for improvement of instruction and to provide related pupil services.
> Institutes for training teachers in special skills.
> Employment of consultants for improvement of program.
> Programs to train teacher aids.
> Supplementary instructional materials.
> Curriculum materials center for disadvantaged children.
> Classes for talented elementary students.
> Special classes for physically handicapped, disturbed, and socially maladjusted children.
> Preschool training programs.
> Remedial programs, especially in reading and mathematics.
> Enrichment programs for grades 1, 2, and 3 on Saturday mornings and during summer.
> Programed instruction.
> Instructional media centers to provide modern equipment and materials.
> English programs for non-English-speaking children.
> Special audiovisuals for disadvantaged children.
> Programs for the early identification and prevention of dropouts.
> Increased guidance services for pupils and families.
> School-job coordinators.
> Home and school visitors and/or social workers.
> Early identification of gifted and handicapped among disadvantaged.
> Supplemental health and food services.
> Language laboratories, science and reading laboratories, laboratories for modern instruction in other subject areas.
> School health, psychiatric, and psychological services.
> Provision of clothing, shoes, books where necessary.
> Financial assistance to needy high school pupils.
> School plant improvements—elementary school science laboratories, libraries, kitchens, and cafeterias.
> Equip elementary classrooms for television and radio instruction.
> Purchase of musical recordings of classical nature, and recordings of poems and addresses.
> Mobile learning centers.
> Educational summer camps.
> College coaching classes.
> Arts and crafts programs during summer vacation.
> Summer school and day camp.
> Summer programs for development of language skills.
> Full-day summer school.
> Shop and library facilities available after regular school hours.
> Work experience programs.
> On-the-job training for high school students.
> Field trips for cultural and educational development.
> Expansion of libraries in major disciplines.
> Scheduling of concerts, dramas, and lectures; mobile art exhibits and libraries.
> Saturday morning special opportunity classes.
> Bookmobiles—home oriented.
> Afterschool study centers.
> Preschool pupil transportation.
> Pupil exchange programs (semester, year, summer).
>
> The above enumeration is not intended in any way to limit the possible uses of funds by the local school district in improving public elementary and secondary education. However, the listing is illustrative of the many possibilities for uses of funds which are already being considered and conducted by educators.

Now, who is to do all this measuring and evaluating of the federally financed programs? Presumably the local and State school officials. But, if we turn to the bill, we find that under title V, grants to strengthen State departments of education, it provides for exchange of personnel between the Federal Office of Education and the States. We also find that one of the purposes for which Federal funds would be granted would be "support for statewide programs designed to measure the educational achievement of pupils."

In other words, Federal employees—members of the U.S. Commissioner's staff—will assist, if not actually direct, the evaluation of all of the programs under title I.

I submit, Mr. President, that having his representatives in the States greatly increases the Commissioner's power under this title.

Under title II, "Library Resources, Textbooks, and other Instructional Materials," the U.S. Commissioner not only is empowered to insist on detailed State plans, but he is given direct control over distribution of library resources, textbooks, and so forth, to parochial and other private schoolchildren in States which forbid such distribution.

The bypassing of State government and the selection and issuance of textbooks to private schoolchildren unnecessarily increases the Commissioner's power.

With respect to State plans for distribution of library resources, the Commissioner's representatives in the States under title V, would be in position to report directly to the Commissioner and further increase his unnecessary power.

Under title III, "Supplementary Education Center and Services," the U.S. Commission is empowered to by-pass the State governments and make direct grants to agencies that submit plans consistent with criteria written into the bill and such other criteria as the Commissioner in his discretion may establish.

Under titles I and II, the Commissioner's power over title III programs would be greatly increased by having his representatives in the States under title V. It would facilitate his operation of what might well amount to a separate Federal-local school system competing while coexisting with the State-local systems in every State in the Union.

Under title IV, which amends and extends the Cooperative Research Act, the Commission is again authorized to bypass State governments.

Now, Mr. President, we come to title V, "Grants To Strengthen State Departments of Education," a title which I believe to be grossly misnamed. I believe, although some $25 million would be granted to the States allegedly to strengthen their departments of education, that title V would considerably weaken the independence of the States in the field of education and greatly increase the powers of the U.S. Commissioner not only under all other titles of H.R. 2362 but under the National Defense Education Act as well.

Mr. President, in outlining my reasons for opposing this bill, I do not intend to cast any reflection on the motives of anyone who supports this bill. As I have said, I have studied the bill carefully and thoroughly and have tried conscientiously to improve it. I do not think anyone can say that I have not done my homework.

There are many professional educators, various groups, and interested citizens who support this bill. No doubt they sincerely believe that its passage will help solve the perplexing problems in elementary and secondary education. But I cannot help but think that they fail to see the forest for the trees. We might characterize the whole country as the forest and the States and local school districts as the trees. Each tree wants to grow, prosper, and progress as best it can and it must constantly compete for the resources to do so. Similarly, the States and local school systems must compete for local financing in order to keep up with increasing population, new techniques and methods, and new educational facilities in order to cope with the resultant demands.

But I remind them that Federal aid is simply money from the Federal Treasury extracted from all of us in the form of Federal taxes. It is not "pennies from heaven." It is money earned by sweat and toil—the very resource which has made this country great. As the programs under this bill begin to grow, more and more taxes will have to be extracted from all of us to pay for them, thus leaving a smaller tax base in the States to take care of other needs. And let me also remind them that the control and direction of their education systems will be transferred to the Central Government as surely as the night follows the day. Let us not delude ourselves—the seeds of this control and direction are in this bill and they will grow.

In short, Mr. President, reluctantly and because of the complete unwillingness of this administration to permit the U.S. Senate to fulfill its constitutional role in our system of government, I have come to the conclusion that I cannot support the bill. I cannot support a bill which will make the rich richer, the poor poorer, will walk through the Federal cash register with the taxpayers' funds, will create a situation where those who are economically most unable to get an adequate education get, on a per capita basis, far less than those who are far more affluent; a bill which may disrupt the entire local school administrative system in this country and may pit one religion against another in an effort to get their share of taxpayers' funds. These problems could have been solved. This bill could have become one of the great landmarks in increasing educational opportunities for the underprivileged in this country, but the arbitrary, fearful attitude of this administration has prevented such results.

Mr. MORSE. Mr. President, much has been said against the formula used for the distribution of funds under title I of this bill. So that each Senator may know how much his State will receive for each child of school age in his State from this title, I ask unanimous consent to insert a table in the RECORD.

With respect to other points raised, I note only that the language on page 12 of H.R. 2362 is completely clear. It reads:

> (3) that the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Amount per school-age (5 to 17) child (Apr. 1, 1960) of total estimated amounts under title I, Elementary and Secondary Education Act of 1965, as amended by H.R. 2362

	Total estimated amount, title I	Apr. 1, 1960, total school-age (5 to 17) population	Amount per school-age (5 to 17) child
		Thousands	
United States and outlying areas	$1,060,082,973	44,728	$23.70
50 States and the District of Columbia	1,038,881,314	43,881	23.67
Alabama	31,738,000	900	35.26
Alaska	1,430,938	55	26.02
Arizona	9,757,481	350	27.88
Arkansas	21,095,002	474	44.50
California	73,145,300	3,704	19.75
Colorado	8,454,110	440	19.21
Connecticut	7,175,172	582	12.33
Delaware	1,966,851	108	18.21
Florida	27,986,230	1,140	24.47
Georgia	34,517,871	1,061	32.53
Hawaii	2,127,585	170	12.52
Idaho	2,311,382	186	12.43
Illinois	43,360,809	2,309	18.78
Indiana	18,772,978	1,156	16.24
Iowa	17,325,264	680	25.48
Kansas	9,752,736	525	18.58
Kentucky	28,215,150	798	35.36
Louisiana	37,904,234	893	42.45
Maine	3,907,197	240	16.28
Maryland	14,356,074	770	18.64
Massachusetts	13,988,754	1,160	12.06
Michigan	32,729,320	1,990	16.45
Minnesota	20,876,677	867	24.08
Mississippi	28,028,704	626	44.77
Missouri	26,866,755	993	27.06
Montana	3,750,273	177	21.19
Nebraska	6,793,169	340	19.98
Nevada	658,184	66	9.97
New Hampshire	1,609,796	144	11.18
New Jersey	20,196,092	1,368	14.76
New Mexico	8,931,560	273	32.72
New York	91,893,253	3,645	25.21
North Carolina	48,556,000	1,248	38.91
North Dakota	5,069,610	172	29.74
Ohio	36,708,699	2,369	15.50
Oklahoma	15,596,196	572	27.27
Oregon	7,893,807	445	17.74
Pennsylvania	49,519,506	2,627	18.85
Rhode Island	3,746,500	192	19.51
South Carolina	25,519,125	698	36.56
South Dakota	6,249,152	179	34.91
Tennessee	31,092,525	921	33.76
Texas	74,580,048	2,477	30.11
Utah	2,627,783	256	10.26
Vermont	1,556,327	98	15.88
Virginia	29,433,775	1,006	29.26
Washington	11,275,168	712	15.84
West Virginia	15,741,450	506	31.11
Wisconsin	16,078,428	984	16.34
Wyoming	1,470,960	87	16.91
District of Columbia	4,633,354	142	32.63
American Samoa	21,201,659	8	25.03
Canal Zone		----------	
Guam		19	
Puerto Rico		810	
Virgin Islands		10	

Mr. MORSE. Mr. President, the tremendous impetus which the Senate has tonight, through its vote on sending H.R. 2362 to the President for signature, given the education of those young people in our elementary and secondary schools who need it the most will long be remembered with gratitude by the Nation.

There are a great many men and women who have worked long and hard to achieve this result. I cannot possibly in the short space of time that I have, adequately express to each of them my personal appreciation as floor manager of this bill for their dedicated and conscientious service and help.

My first thanks go to my majority leader who has given me magnificent support in this joint endeavor. Senator MANSFIELD could not have done more, or more effectively, to make the achievement of this great educational advance a reality.

I do wish, however, as I have from time to time during the course of the debate to renew my expressions of gratitude to the chairman of the Committee on Labor and Public Welfare, the most distinguished senior Senator from the State of Alabama. Senator LISTER HILL's name will grow in luster over the years as the truly great magnitude of his contribution to education legislation assumes its proper perspective in relation to his equally magnificent record in the field of health.

As the chairman of the Education Subcommittee, I say now what every chairman of a subcommittee in the Senate knows in his heart—the work of a subcommittee is not the work of its chairman. He is but one member of a team of hardworking men equally dedicated to the cause they serve. No subcommittee chairman could ever ask for a more loyal backing, more assiduous performance of duty, than I have been privileged to receive from my colleagues. I owe a debt of gratitude which cannot be repaid to Senator HILL, to Senator MCNAMARA, Senator YARBOROUGH, Senator CLARK, Senator RANDOLPH, and Senator KENNEDY of New York, on the majority side. Each was more than diligent. Each was dedicated to getting the best bill possible piloted through safely from hearings to passage tonight.

I am also indebted to the ranking Republican member of the subcommittee, the distinguished Senator from Vermont [Mr. PROUTY], to the able Senator from New York [Mr. JAVITS], and to the effective junior Senator from Colorado [Mr. DOMINICK], whose searching questions caused us to inquire most carefully into the matters before us. The members of the minority on the subcommittee worked hard and they are imprinted in the listing of this legislation.

I have said before, and I repeat again a hallmark of educational legislation in the Senate is the truly bipartisan nature of our operations. While we cannot in every instance agree in full with the way in which educational policy, through legislation, is formulated, we have found ourselves most happily in agreement upon subcommittee procedure, which has expedited consideration of the substantive matters.

But education legislation is not solely a prerogative of a subcommittee or even of the full committee having jurisdiction and here I want to thank Senator WILLIAMS of New Jersey, Senator PELL, Senator KENNEDY of Massachusets and Senator NELSON of Wisconsin as well as our new colleagues Senator MURPHY of California, and Senator FANNIN of Arizona on the minority. It is a matter in which every Senator is vitally concerned. The RECORD of our debate on H.R. 2362 will, I am sure, fully substantiate that statement. The contributions in floor debate made by Senators on both sides of the aisle were materially helpful. Many of those Senators who participated actively in the debate are men and women who have retained their abiding interest in our work even though they may serve the Senate on other committees. Some like Senator RIBICOFF, of Connecticut, brought it with them when they came.

But Senators do not serve their States and the Nation singlehandedly. They have staff associates upon whom they rely. Senator MANSFIELD and the Senate are ably served by Frank Valeo, our secretary to the majority. I want to thank him, and those who work with him for the help they have been during the work on the floor.

I have only the highest commendation for the staff of the Senate Committee on Labor and Public Welfare for their professional assistance to us at every stage of the passage of this bill. I want particularly to mention Jack Forsythe, our committee counsel, who with Minority Counsel Steve Kurzman and Pete La Roux, of the Office of Senate Legislative Counsel, were lawyers' lawyers. Their work was indispensible as was that so ably performed by Charles Lee for the majority and Roy Millenson for the minority as professional staff members. Stewart McClure, our efficient committee clerk, Steve Coffey, our capable printing clerk and each of the secretaries of the office who worked on this bill deserve thanks for a job well done.

I want to make special mention of my personal appreciation for the help he gave in working out many of the procedural problems to Senator PROUTY's very able administrative assistant, Tom Hayes. I am sure that I speak the consensus of the committee when I do so. I was greatly distressed to learn that only today he underwent an operation, and I know that all of us wish for him a speedy and complete recovery. I know that Tom would appreciate my saying that John McClaughry was a most able pinch-hitter for him.

No course of debate on a major bill in the Senate can ever be properly concluded without recognizing the very special and wonderful talents of our official reporters of debate and their hard working Chief Clerk Dino. I thank them most sincerely.

Mr. President, I now wish to pay my deserved tributes to Secretary Celebrezze, to Director Sargent Shriver, to Secretary Wirtz, all of whom from their positions of Cabinet responsibility have provided us with advice and counsel. To each of them and to their staff associates I want to say that without the contribution they have given, the result we have helped to place upon the statute books could not have been achieved.

Because of its primary responsibility of carrying forward the mandate given by this legislation, the Office of Education must be given high commendation. Commissioner Keppel and his staff have worked long and hard on bringing to us the factual material upon which to base our decisions. Assistant Secretary Cohen and his staff associates have been particularly helpful in overcoming many of the day-to-day difficulties which impeded our progress. I thank them both on behalf of the educationally deprived school children.

I wish to thank from the bottom of my heart all those in the great national organizations who, after soul-searching and travail, united in the determination that this year shall be a banner year for the achievement of the first steps in the road which ultimately can lead to the goal of equality of educational opportunity which should be the birthright of every citizen.

Mr. President, earlier in the debate I made reference to the Maryland case. I ask unanimous consent that the text of Mr. Justice Duckett's decision be printed at this point in my remarks and that it be followed by certain letters, telegrams, and memorandums pertaining to the debate on H.R. 2362.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[In the Circuit Court for Anne Arundel County, No. 15,850 Equity]

THE HORACE MANN LEAGUE OF THE UNITED STATES OF AMERICA, INC., ET AL, PLAINTIFFS, *v.* J. MILLARD TAWES, GOVERNOR, ET AL, DEFENDANTS

DECREE

The Bill of Complaint and Answers thereto having come on for hearing, testimony taken, exhibits introduced, memoranda of law filed, arguments heard, proceedings read and considered, the Court for the reasons set forth in the accompanying Opinion, finds that the Statutes mentioned in the Bill of Complaint are valid and constitutional;

Wherefore, it is, this 11th day of March, 1965, by the Circuit Court for Anne Arundel County, adjudged, ordered and decreed that the aforesaid Bill of Complaint be, and the same is hereby, dismissed with costs.

O. BOWIE DUCKETT,
Judge.

Attest:

LOUIS N. PHIPPS,
Clerk.

By R.E.W.
Deputy.

OPINION

(By O. Bowie Duckett, Associate Judge, Fifth Judicial Circuit)

Questions for decision

The primary question to be decided in this case is whether or not it is lawful for the State of Maryland to appropriate large sums of money to four church connected colleges. The main obstacle to these grants is the First Amendment to the United States Constitution, which invalidates any law which advances or suppresses religions.

There are also several subordinate questions such as the right of the Plaintiffs to sue and the effect of the Maryland Constitution on the appropriations, especially article 36 of the Maryland Declaration of Rights, which provides, inter alia: "nor ought any person be compelled to * * * maintain or contribute * * * to maintain, any place of worship, or any ministry; * * *".

Facts

The General Assembly of Maryland during 1962 and '63 made four separate grants totaling 2½ million dollars to four Maryland Colleges for the purpose of aiding in the construction of several school buildings. A summary of these grants is as follows:

Statute, recipient, purpose, and amount

Chapter 546, Acts of 1963: Western Maryland College, science wing and dining hall, $500,000.

Chapter 545, Acts of 1963: St. Joseph's College, science building, $750,000.

Chapter 88, Acts of 1962: Hood College, dormitory and classroom building, $500,000.

Chapter 66, Acts of 1962: College of Notre Dame of Maryland, science building, $750,000.

Each act provided that the recipient would privately obtain elsewhere an equal and matching sum for the aforesaid buildings.

The parties agree that all of the Colleges involved are related in some way and some degree to religion and to a particular Church. The extent of this Church relationship varies and it is one of the difficult questions in the case to decide, whether one or more of these institutions is legally sectarian as contrasted to secular.

A thumbnail sketch of the four institutions, making special reference to religious connections and purposes follows:

Hood College

Hood College of Frederick, Maryland was founded in 1893 by the Reformed Church in America, now the United Church of Christ. It is controlled by a Board of 30 Trustees of whom 7 are selected by the United Church. There is no requirement that the administrative officers or members of the faculty have any religious affiliation except the chaplain, who is required to be a member of the United Church of Christ. One of its charter provisions is the maintaining of a college for the promotion and advancement of education of women and the cultivation and diffusion of literature, science and art. In an enrollment of 676, the students are roughly affiliated as follows: Episcopalian, 146; Presbyterian, 108; United Church of Christ, 89; Methodist, 83; Roman Catholic, 72; Lutheran, 55; Jewish, 29; Baptist, 11; Non-affiliated, 4; other various religions, 79.

Hood grants the Degrees of Bachelor of Arts and Bachelor of Science in Home Economics. It requires 124 semester hours of credits for graduation, but no course is designed as training for the ministry or other religious life except that 2 semesters are required in religion in which the Old Testament and New Testament are covered including an introduction to the Bible, which is a critical study of Biblical History, Literature, and Religion. Hood makes some attempt to require its students to attend approximately 14 Wednesday evening services in the Chapel and 7 Sunday evening services also in the Chapel per semester; 3 cuts are permitted from each of these programs. The College invites ordained ministers of various denominations to act as speakers.

Hood receives approximately $45,000 annually from the United Church of Christ for operational purposes, which amounts to approximately 2.2 percent of its operational budget. Hood has also received funds from the National Science Foundation for the purchase of scientific equipment and an award from the Atomic Energy Commission for the purchase of laboratory equipment, in addition to other governmental grants and awards.

Western Maryland College

Western Maryland College, founded in 1867 and located in Westminster, Maryland, is a co-educational liberal arts college associated with the Methodist Church. Its charter prohibits any religious or civil test for the admission of any student, teacher, or official.

The management of the College is entrusted to an independent self-perpetuating Board of Trustees currently numbering 40. One more than one-third of the number of such Trustees are required to be Methodist Ministers. Courses of instruction are offered in all subjects ordinarily taught in a liberal arts college. There are no courses in the curriculum specifically designed for the professional training of the ministry or other religious work, but there is a course in Biblical Literature which is required of all students for graduation. During each semester 10 chapel services, 7 lecture assemblies, and 3 evening concerts are scheduled. Of these 20 events, students are required to attend 13.

Approximately $40,000 is contributed to the College annually by the Methodist Church, which sum amounts to approximately 2¼ percent of the Defendant's operational budget. All Presidents of Western Maryland have been Methodist Ministers. In a faculty of 76, 64 are Protestant, 5 Catholic, 1 Jewish, 1 Mohammedan, and 5 unaffiliated. The student body totals 755, of which there are 303 Methodists, 82 Lutherans, 80 Presbyterians, 63 Episcopalians, 53 Catholics, 47 Jews, 35 of other religions, and 27 with no affiliation. Children of Methodist Ministers receive a 50-percent reduction in tuition. While the College frequently offers its facilities for church meetings and conferences, it also furnishes its campus buildings and grounds to nonreligious groups as, for example, the Baltimore Colt Football Team. Students are required to participate in 5 of the 10 chapel services per semester. A course in Biblical Literature consisting of 3 semester hours of credit out of a total number of 128 credits is required for graduation. The Biblical Literature course is essentially literary and a student may fulfill the requirement by taking either the Old Testament or the New Testament.

College of Notre Dame of Maryland

This College, located in the City of Baltimore and founded in 1895, was the first Catholic College for women in the United States. It was originally organized as a liberal arts college for women by the School Sisters of Notre Dame, a community of women of the Roman Catholic Church devoted exclusively to education. Since 1957, the College has operated as a separate corporate entity under a Maryland charter, its corporate purpose being to establish, take over, organize, carry on and conduct a college or university of education, for the promotion of learning and for general educational purposes. The College is governed by a Board of 7 Directors, of whom 5 are required to be Sisters of Notre Dame and 2 lay persons of no specified faith, but both of whom are, in fact, Roman Catholics. No religious affiliation is required for admission of students but approximately 98 percent of the students are Roman Catholic. With a faculty of 85, 44 are members of religious orders. There are 41 lay teachers of whom 33 are Roman Catholic and 8 non-Catholic. The student body numbers approximately 700. The College campus contains many religious statues and symbols; religious garb is worn by the religious teachers. Prayers are usually said before each class. A 3-day religious retreat was formerly compulsory and students were honor bound to attend. Finding that many students falsified their attendance, the rule was rescinded. The normal degree requirement is 128 semester hours of credit. Required courses in religion and philosophy vary from 20 to 30 credits.

St. Joseph's College

St. Joseph's College located in Emmitsburg, Maryland, was founded in 1809 by Mother Seton, a prominent pioneer in Catholic education in America. In 1902, the College was empowered by the State of Maryland to confer degrees and since that date it has continued a four-year College of liberal arts and sciences, including nursing, mainly for Catholic women, although a particular religious affiliation is not required for admission. The Board, which exercises all the powers of the Corporation may have not less than 5 or more than 15 members. Five Sisters or Nuns are named to the Board in the Charter. The remaining members are designated by the Board and may include up to 2 laymen, however, it is customary for all the members of the Board to be Sisters of the governing Order.

There are 13 administrative officers; all are Roman Catholics; 10 being religious and 3 lay. The faculty is composed of 72 teachers of which 37 belong to religious Orders and 35 lay teachers. Of the lay teachers, 8 are non-Catholics.

The present student enrollment is approximately 665, of whom 135 are Sisters or Postulants. Over 98 percent of the students are Roman Catholics. The program in Religion and Philosophy is substantially the same as that of Notre Dame. Of the 128 credits required for graduation, there are 16 required credits in Theology and 12 in Philosophy; however, students who are not Catholics are not required to enroll in religious courses. Religious services are held on the campus for Catholic students and attendance of Catholic students is required at 2 such services each week. Attendance of religious services is not required of non-Catholic students. Like Notre Dame, the College campus contains many religious statues and symbols; religious garb is worn by the religious teachers and religious holidays are observed. Generally, it is unnecessary for the College to require religious observance as the same is required by the student's religion.

Preliminary question

The first question to be decided is whether the Plaintiffs have standing to bring this suit. The answer to this question in so far as the Horace-Mann League is concerned is clearly "no". The Horace-Mann League pays no state taxes, nor does it claim to have any other interest which could conceivably be injured by the alleged unlawful expenditure of public funds. The law is well established that such a nonprofit corporation has no standing in its own name to complain of legislative action even though it affects the rights of its members or stockholders. (*Bar Assoc.* v. *District Title Co.*, 224 Md. 474 (1961) 168 A. 2d 395; *Md. Naturopathic Assoc.* v. *Kloman*, 191 Md. 626 (1948), 62 A. 2d 538; *Israel Dvorine, et al* v. *Castelberg*, 170 Md. 661, 185 A. 562.)

A determination of whether the individual Plaintiffs have standing to sue presents some difficulty. All of these individual Plaintiffs are taxpayers and pay taxes on real estate totaling an assessed value of approximately $160,000. Moreover, this is a taxpayer's suit and is not only brought by the above mentioned Plaintiffs but also on behalf of all other taxpayers of the State similarly situated.

The law on this question was recently reviewed by Judge Horney in *Citizens Committee* v. *Co. Comm.*, 233 Md. 398 (1964). I find that the Maryland Court of Appeals in recent years has become more demanding in requiring that Plaintiff taxpayers show a special interest before attacking the legality of legislation.[1] Some of the broad language in the Citizens case may appear to hold that the individual plaintiffs have no standing to maintain this suit. However, in my opinion the present Plaintiffs under the particular circumstances alleged do have sufficient standing to sue. First, because of the importance and urgency of the question and its ripeness for decision; and secondly, the Plaintiffs are real and personal property taxpayers and therefore have a special interest in the appropriations, different from that of the general public and even from other classes of taxpayers. The statutes involved in this case levy only real and personal property taxes and those in an amount merely sufficient to fund the challenged expenditures. Moreover, it must be realized that the Court of Appeals in the recent opinion quoted above cited with approval many of its older decisions, one of them being *Sun Cab Co.* v. *Cloud*, 162 Md. 419, 159 A. 132 (1932) where Chief Judge Bond, speaking for the Court said, on page 427:

"[T]axpayers interested in avoiding the waste of funds derived from taxation which would be involved in conducting the void referendum may make application to the court for the remedy * * * The property loss to them, or the loss of civil rights, which according to our rules must be established as a foundation for the interposition of a court of equity, may be small, when apportioned among them. Probably the loss to one taxpayer in any such proceeding seldom amounts to twenty dollars, the minium of the debt or damage which a court of equity may consider * * * But, when a suit is instituted by one or more taxpayers in representation of all, the case is quite different. The amount involved and sought to be protected is then the total amount of loss to taxpayers, or the total amount which may be wrongfully expended * * * [A] bill filed in the name of one or more of the taxable inhabitants for themelsves and all others similarly situated the court should regard as 'in the nature of a public proceeding to test the validity of the corporate acts sought to be impeached and deal with and control it accordingly' * * * Therefore the conclusion of the court is that the taxpayers' suit may be maintained in this instance".

The Sun Cab Company case has not been overruled by our Highest Court and I am of course bound by it. (See also: *Balto. Assoc.* v. *Liquor License Comm.*, 171 Md. 426, 189 A. 209 (1937); *Hammond* v. *Lancaster*, 194 Md. 462, 71 A. 2d 474 (1950); *McKeldin* v. *Steedman*, 203 Md. 89, 98 A. 2d 561 (1953); *Reed* v. *McKeldin*, 207 Md. 553, 115 A. 2d 281 (1955); *Pressman* v. *D'Alesandro*, 221 Md. 50, 125 A. 2d. 35 (1956); *Berghorn* v. *Reorganized School Dist.*, 364 Mo. 121, 260 S.W. 2d. 573 (1953):)

Burden on plaintiffs

Not only is the burden of proof on the Plaintiffs in this litigation, but in considering the validity of these enactments it is well established that "Every intendment must be resolved in favor of the constitutionality of an act of the Assembly. We must not try to find reasons to hold a law unconstitutional. If it is not clearly so, its constitutionality must be upheld." *Johns Hopkins Univ.* v. *Williams*, 199 Md. 382 at 401, 86 A.2d 892, 902.

Subordinate questions

Does the Maryland constitution forbid grants of public money to church connected institutions?

Plaintiffs appear to have abandoned their reliance on all sections of the Maryland Constitution except Article 36 of the Maryland Declaration of Rights, therefore, I shall not discuss the other sections of the Maryland Constitution alleged in the Bill of Complaint but merely hold them inapplicable for the purpose of this decision.

Article 36 of the Maryland Declaration of Rights provides, in part:

"* * * nor ought any person be compelled to * * * maintain, or contribute * * * to maintain, any place of worship, or any ministry; * * *".

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[1] Many courts have recognized the dangers in what has come to be known as "government by judicial decree" in which almost every action taken by the Government is subject to judicial review and approval. Time does not permit me to develop this matter and furthermore, it is unnecessary for this decision.

A review of the cases on the general subject decided by the Court of Appeals leads me to the conclusion that our Highest Court makes little or no distinction between a sectarian or secular institution receiving an appropriation, provided the money is used to perform a public service as, for example, health, education and general welfare of our citizens.

Back in 1876, the Court of Appeals in *St. Mary's Industrial School* v. *Brown,* 45 Md. 310, said at page 336:

"The fact that the institution may be under denominational or religious control, can in no manner affect their qualification for assuming such relation to the City, or for the full and faithful discharge of the duties that they may contract to perform. Charity, to say the least of the matter, is quite as likely to be fully and faithfully administered under such auspices as it could be under any other. It could, therefore, be no objection that the institutions are or may be under the control and influence of those belonging to any particular church or denomination."

Likewise, in *Finan* v. *M. & C.C. of Cumberland,* 154 Md. 563 (1928), the Court of Appeals upheld the validity of a municipal appropriation in aid of the construction of a hospital operated by a group of Roman Catholic Nuns in Cumberland, Maryland.

The most noted cast in Maryland is *Bd. of Ed.* v. *Wheat,* 174 Md. 314, 199 A. 628 (1934), involving the validity of bus transportation for parochial school children. Chief Judge Bond, speaking for the majority of the Court, upheld the law and said at page 323:

"This conclusion that the act must be regarded as one within the function of enforcing attendance at school, renders it unnecessary to consider separately the objection that a religious institution is aided. Art. 36, Declaration of Rights. The institution must be considered as aided only incidentally, the aid only a by-product of proper legislative action."

I shall not discuss the exhaustive dissenting opinion by Judge Parke as parts of this opinion are favorable to each side of the controversy.

The Court of Appeals reaffirmed its position in the *Wheat* case in *Adams* v. *St. Mary's Co.,* 180 Md. 550 (1942). See also: *Baltzell* v. *Church Home,* 110 Md. 244 (1909); *Mt. St. Mary's College* v. *Williams,* 132 Md. 184 (1918); *Colbert* v. *Speer,* 24 App. Cas. (D.C.) 187; affirmed 200 U.S. 130 (1906), upholding a private gift to Georgetown College.

Introduction to main question

Before discussing the primary question as to whether these appropriations establish or prohibit religion, I wish to make several observations.

First, it is now firmly established that the first amendment's mandate that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, * * *" has been made wholly applicable to the States by the 14th amendment.[2]

In 1947, the Supreme Court of the United States set forth in the Everson case[3] the minimum scope or meaning of the establishment clause of the first amendment are as follows:

"The establishment of religion clause of the first amendment means at least this: Neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a State nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law was intended to erect a wall of separation between church and state."

A purpose of the Establishment of the Religion Clause of this Amendment was based upon the awareness of the historical fact that governmentally established religions and religious persecutions go hand in hand and the belief that the union of government and religion tends to destroy government and degrade religion.[4]

The generally recognized and approved neutrality position of the government over religion requires the government to be neutral not only between sects but in a larger sense between believers and non-believers.

While a government grant to build a church or conduct a theological seminary is void, there is no prohibition against teaching factually and objectively about religion as contrasted to teaching religion.

The proper answer to the question is not only legal but philosophical as the Amendment reflects the philosophy that church and state should be separate.[5] In addition to the numerous opinions, countless books and articles have been written on the question.[6]

Finally, I heartily agree with Professor Kurland when he said: "Anyone suggesting that the answer * * * is clear one way or the other is either deluded or deluding.[7]

Main question

Does the first amendment to the United States Constitution prohibit the within grants to church connected colleges?

As previously stated, we are concerned with the Establishment Clause of this Amendment entitled "Freedom of Religion" and providing, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; * * *"

The test which I find to be most apposite in considering the above Clause is found in recent "School Prayer" case, where Mr. Justice Clark, speaking for the majority of the Supreme Court, said:

"The test may be stated as follows: What are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion" (374 U.S. 203).

Let us now consider the relevant decisions of the Supreme Court. The cases are complex because they involve not only technical aspects of law but political philosophies of government. While our controversy relates as previously stated to the Establishment Clause of the Amendment, I find that in many of the cases it has been necessary for the Court to also interpret the latter clause of the Amendment, guaranteeing religious freedom, and that in several instances the two clauses overlap.

One of the first cases to come before the Supreme Court bearing on the issue of religious freedom was *Reynolds* v. *U.S.,* 98 U.S. 145, 25 L. Ed. 244 (1878). Here a Mormon had been convicted of bigamy. On appeal he contended that the conviction was a violation of religious freedom guaranteed by the first amendment. The Supreme Court rejected this contention and held that the Government was free to reach actions which were in violation of social duties or subversive of good order. The importance of this opinion in the development of judicial interpretation of the first amendment lies in the precedent the Court established by which to interpret the wording of the amendment. Lacking case precedent, the Court turned to history and stated: "The word religion is not defined in the Constitution. We must go elsewhere, therefore, to ascertain its meaning, and nowhere more appropriately, we think, than to the history of the times in the midst of which the provision was adopted."

Bradfield v. *Roberts* came before the Supreme Court in 1899 and is reported in 175 U.S. 291. This case involved a Federal appropriation of $30,000 for the erection of hospital buildings operated by Catholic nuns in the District of Columbia. It was contended that the appropriation was illegal because the sums would be used for the support of religious societies and therefore contrary to the first amendment. The Court overruled this contention stating that the hospital was a legal entity, chartered by Congress and the fact that the individuals who comprised the corporation happened to be all members of one religious organization or none is of no consequence; further, that the hospital must be operated in accordance with its charter as a secular corporation, whose purpose it is to cure the sick of all faiths.

It was not until 1947 when the Supreme Court decided the famous parochial school-bus case of *Everson* v. *Board of Education.*[8] In this case, the Court upheld the right of New Jersey to finance bus transportation of children to parochial as well as public schools. Briefly, the Court held that the act protected the children from traffic accidents similarly to the employment of traffic policemen near school buildings. While this was a 5-to-4 decision on the main issue, the Court was unanimous regarding the meaning of the First Amendment and the reason for its creation. The Court differed on the question of application. It appears that the majority of the Court felt invalidating the statute would amount to interference with the freedom of religion.

Heretofore in this Opinion I set forth the meaning attributed by the Court to this Amendment. It appears therefore that the Supreme Court approved the earlier *Wheat* decision of the Maryland Court of Appeals. Continuing the Opinion for the majority, Mr. Justice Black said: "The First Amendment has erected a wall between Church and State. That wall must be kept high and impregnable. We should not approve the slightest breach. New Jersey has not breached it here."

A weakness appears today in this Supreme Court Opinion. Mr. Justice Douglas, who made up the bare majority of the Court, went out of his way to say in his Regents Prayers Opinion in June of 1962: "The Everson case seems in retrospect to be out of line with the First Amendment."[9]

In 1948, or a year after the *Everson* decision, the Supreme Court decided *McCollum*

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[2] *Abington School District* v. *Schempp,* 374 U.S. 203, at 215, 10 L. Ed. 2d, 844 (1963).

[3] *Everson* v. *Bd. of Ed.,* 330 U.S. 1 (1947).

[4] *Engel* v. *Vitale,* 370 U.S. 421, 8 L. Ed. 2d 601.

[5] *Zorach* v. *Clauson,* 343 U.S. 306, 96 L. Ed. 954.

[6] See, for example, Oaks, "The Wall Between Church and State" (1963) Katz, "Religion and American Constitution (1963); Pfeffer, "Creeds and Competition" (1958); Stoke and Pfeffer, "Church and State in the United States" (1964) Giannella, "Religion and the Public Order" (1964) S. Doc. No. 29, 87th Cong., 1st sess.

[7] Katz, "Religion and American Constitution," p. 73.

[8] 330 U.S. 1, 91 L. Ed. 711.

[9] *Engel* v. *Vitale,* 370 U.S. 421, 433 (1962).

v. *Board of Education,* 333 U.S. 203, 91 L. Ed. 649. In this case, the School Board of Champaign, Illinois provided for religious teachers to come into the public school buildings and during school hours teach a 30 minute religious course. The Court held this unconstitutional, holding that a state cannot utilize its public school facilities to aid any or all religious faiths or sects in the dissemination of their doctrines.

In a series of subsequent cases, the Supreme Court reaffirmed its holding that the meaning of the First Amendment was to maintain a separation of Church and State and that the goverment therefore must maintain a neutral position in regards to religion.[10]

It is in the light of these legal theories that the famous "School Prayer" decision of 1962 was reached. Although this case, *Engel* v. *Vitale*, creates a great amount of emotional outcry, the decision appears to be the only logical result that could have been reached. In this case, the Board of Regents of a New York State School District made up a simple non-sectarian school prayer and recommended it be recited by each class of students at the beginning of the school day. The Supreme Court ruled this action unconstitutional in violation of the Amendment, holding that in this country it is not part of the business of government to compose official prayers for any group of the American people.

Finally, in the case of *Abington School District* v. *Schempp,* to which was joined the Maryland case of *Murray* v. *Curlett,* 374 U.S. 203, 10 L. Ed. 2d 844 (1963), the Supreme Court reviewed all its previous decisions and held that the required reading from the Bible and recitation of the Lord's Prayer was a violation of the First Amendment. Mr. Justice Clark, speaking for an almost unanimous Court, said: "The Establishment Clause has been directly considered by this Court eight times in the past score of years and, with only one Judge dissenting on the point, it has consistently held that the clause withdrew all legislative power respecting religious belief or the expression thereof." The Court then sets forth the test which I have adopted and set forth on page 14 of this Opinion. Continuing, the Court said:

"The place of religion in our society, is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality."

The Court, after stating the above rules, said that its application "requires interpretation of a delicate sort," which is of course true in most difficult cases. It must be admitted that regardless of the established law of separation of religion and government that this has never been completely accomplished and would be practically impossible. Government programs providing milk, school lunches and medical inspections are given to both religious and public schools. Our Government erects chapels and employs chaplains serving our Military, Naval and Air Academies where religious attendance is compulsory. The inscription "In God We Trust" appears on our coins, our dollar bill and on some of our postage stamps. The Holloway Plan, designed to obtain a needed supply of naval officers, has established units at church-related colleges, such as Notre Dame University. Veterans are even permitted to attend theological seminaries under the G.I. Bill of Rights. The sessions of Congress and State legislatures are invariably opened with prayer, in Congress by chaplains who are employed by the Federal Government. We have chaplains in the Armed Forces and in our penal institutions. Oaths in court are administered through the use of the Bible. Public officials take an oath ending with "so help me God". Religious institutions are tax-exempt throughout the Nation, and the Supreme Court itself is opened with the supplication "God save the United States and this honorable Court".

To me, the test laid down by the Supreme Court in the "Prayer" case means that if either the legislative purpose or the primary effect of the enactment advances or suppresses religion, the legislation is invalid, otherwise, it is valid.

As to the legislative purpose, it seems crystal clear that the Maryland Legislature was in no way concerned with religion in making the appropriation because (a) the language of the acts themselves show that the grants were intended for science buildings, dormitories, dining halls, and classroom buildings, all of a secular nature; (b) members of the legislature are presumed to know that the grants, if for a sectarian nature, would be invalid; (c) that the Maryland Legislature for the past 175 years has made similar grants to private colleges and universities, including many denominational institutions.[11]

I now reach the difficult question in the case; namely, is the primary effect of one or more of these enactments to advance religion?

In the appropriation to Hood College and Western Maryland College, the answer is clearly "no". The grants to these colleges are for the construction of secular college buildings in no way connected with religion. Neither college trains for the ministry or other religious work and the faculty and students of both institutions are selected without regard to any religious affiliation. It is interesting to note that Hood, although connected with the United Church of Christ, has a student body of 146 Episcopalians, 108 Presbyterians, as compared to 89 students affiliated with the United Church, in addition to other students of many denominations.

As to Hood, the only religious connection appears to be a United Church Chaplain and 7 United Church Trustees in a Board of 30 members. Two semester hours out of 124 are required in an objective study of the Bible and some attempt is made to require the students to attend 14 evening services in the Chapel and 7 Sunday services also in the Chapel per semester, less 6 cuts permitted for both. At the services, ordained Ministers of various denominations act as speakers.

Western Maryland College, associated with the Methodist Church is but slightly different from Hood except that the student body is approximately 40 percent Methodist. Its governing body numbers 40 of whom one more than one-third are required to be Methodist Ministers. Three semester hours in Biblical literature out of a total of 128 are required for graduation. During each semester, 10 chapel services, 7 lecture assemblies, and 3 evening concerts are scheduled. Of these 20 events, students are required to attend 13. From the above, I must conclude that the primary effect of these two enactments is secular and that their effect on religion is most subordinate and incidental.

The grants to Notre Dame and St. Joseph's may also be considered together, but present a much more difficult question. In the case of both of these Institutions, the appropriations are for the construction of science buildings. The testimony establishes that there will be no religious services conducted in either of these buildings.

In considering the validity of the enactments, a distinction can be made between young adults of college age whose attendance is voluntary, and a child in elementary school whose attendance is compulsory. Thus, in *Hamilton* v. *Regents,* 293 U.S. 245 (1934) the Court held that a student who voluntarily attended a state university where military training was required, had no ground to complain when he was not excused because of his religious scruples. On the other hand, in *Board of Education* v. *Barnette,* 319 U.S. 624 (1943) a student in a grade school was held to be entitled to be excused from saluting the flag on a showing that this practice was contrary to his religious beliefs. Therefore, it follows that a college student is usually mature enough to have made the decision to attend college and to select the institution best suited to his career objectives. At some sectarian institutions he is not required to study religion but if he chooses an institution where religious instruction is mandatory, he is merely asserting his constitutional right to the freedom of religion.

It has been suggested that many factors should be considered in determining whether particular colleges are religious educational colleges. Some of these factors are: (1) stated purpose of the college; (2) college personnel; (3) college's relation to religious organizations; (4) place of religion in the college program; (5) the result and outcome of the college program.

I agree that these are proper factors in determining the degree that the institutions are connected with religion, but this is not the real issue and it has been conceded from the beginning that all of the four colleges are both church related and denominational. The issue is whether the primary effect of providing the means for the construction of secular buildings at these institutions advances religion.

If the grants were for the construction of a church or chapel at any of the institutions, the answer would clearly be in the affirmative. I must also admit that if I accept some of the exhibits and publications of these two Catholic institutions literally or at face value that I would be inclined to hold that the receipt of these grants would advance religion to a substantial degree. Some of these publications are, for example, (1st) a chart of Notre Dame dated November 1959, showing that the core or center of all education at that institution is philosophy and theology from which branches all secular subjects, such as science and mathematics; (2d) statements appearing in the catalogue of both colleges to the effect that the institutions are for the education of Catholics only and (3d) the general statements in the publications to the effect that religion is primary, permeating all study, thereby making education secondary.

While the above may have been the objectives and the desire of many of the devout founders and leaders of these Institutions, I do not find that they exist at this time. Even the stated objectives of the Institutions in their charters must give way to the situation as actually existing. The buildings sought to be constructed are for secular purposes and the testimony in this case clearly establishes that the secular courses, such as science, English and mathematics, taught in these Institutions are practically identical with the courses at non-religious colleges.

Most everyone acknowledges that Roman Catholics are more rigid in their doctrinal views (which are currently being diminished) than most Protestant religions and therefore there are more religious requirements and greater religious atmosphere at these two Institutions than the others. However, non-Catholic students and faculty are freely admitted to both Institutions, and no attempt is made to convert non-Catholic students and faculty or to interfere with the free exercise of their religion. If we distinguish between church related colleges on the basis of the degree of their relationship to a particular denomination, we would discriminate between different religions which is likewise prohibited by the first amendment.

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[10] *Zorach* v. *Clauson,* 343 U.S. 306, 96 L. Ed. 954 (1952); *McGowan* v. *Md.,* 366 U.S. 420, 6 L. Ed. 2d 393 (1961); *Torcaso* v. *Watkins.* 367 U.S. 488, 6 L. Ed. 2d 982 (1961).

[11] See Grants enumerated in *Johns Hopkins University* v. *Williams,* 199 Md. 382, pp. 399–400; *Board* v. *Williams,* 174 Md. 314, at pp. 335–337.

There is another point which I feel should be discussed in this case. The plaintiffs concede that public grants to religious institutions, such as hospitals, orphan asylums and other noneducational institutions are valid when affecting health, safety and welfare of our citizens. While the circumstances and historical knowledge of the framers and the electors during the proposal and ratification of this amendment between 1789 and 1791 are pertinent, it appears more important that I determine the current legislative purpose and effect of the enactments in question, especially with reference to public welfare.

It was not until World War I and, perhaps, as late as World War II that higher education, especially in the sciences, became necessary in preserving the safety of our Nation. For example, in World War I the uneducated but deadly rifleman, Sgt. York was worth a dozen college graduates. During World War II, with the creation of the atomic bomb and other numerous scientific inventions, the higher education of our citizens became paramount. As President Truman announced, our Nation's monopoly of the atom hydrogen bomb ended in 1949. Since that date, our knowledge of the sciences has become more important.

Most of us know that the Government maintains Military, Naval and Air Academies, but that it lacks a science academy. All of our scientists, therefore, must come from the public and private institutions of higher learning. According to the testimony in this case, there are a total of approximately 1,189 private institutions of higher learning in the United States and of this total, 817 are church related. Our source for obtaining scientists would be very limited if confined to the small number of nonreligious institutions.

Article 43 of the Maryland Declaration of Rights impresses upon the legislature the necessity of exercising for the public good the various powers which it possesses. It would therefore seem to me that the scientific education of college students is most vital to our public safety and welfare, perhaps more so than training juveniles at St. Mary's Industrial School, even though it did produce Babe Ruth.[12]

The conclusion which the Court has reached herein does not differ from a statement by Plaintiff's Senior Counsel, Mr. Pfeffer, wherein he wrote:

"When the Everson decision is coupled with the Cochran decision, they lead logically to the conclusion that a state may, notwithstanding the First Amendment, finance practically every aspect of parochial education, with the exception of such comparatively minor items as the proportionate salaries of teachers while they teach the catechism."[13]

For the above reasons, I find that all the appropriations are valid and constitutional, necessitating the dismissal of the Bill of Complaint with costs.

O. Bowie Duckett,
Judge.

March 11, 1965.

[From the New York Times, Mar. 12, 1965]

Court Backs Maryland Aid to Church Colleges—Judge Holds Legislature Was in "No Way Concerned With Religion" in Voting Help

Annapolis, Md., March 11.—The first round of a major attack against tax aid to religious institutions in the United States ended today with a ruling that it is constitutional for Maryland to help construct buildings at church-affiliated colleges.

Circuit Court Judge O. Bowie Duckett said that grants of $2.5 million made by the legislature to four small religious schools were constitutional because their primary effect was not to advance or suppress religion.

He said the grants could not have been allowed if they had been for the construction of a church or chapel at any of the institutions. They were intended, he said, for classroom and dormitory buildings, all of a secular nature.

Lawyers for the 13 Maryland taxpayers who brought the suit in Anne Arundel County said during the trial that they would appeal any adverse decision to the Maryland Court of Appeals and then to the U.S. Supreme Court, if necessary.

They had contended that the grants violated restrictions in both the State and Federal Constitutions on church-state relations.

"It must be admitted," Judge Duckett wrote, "that regardless of the established law of separation of religion and government that this has never been completely accomplished and would be practically impossible."

He cited a wide range of government involvement with religion, including providing lunches and medical services for parochial schools, chaplains for the military services and tax exemption for religious institutions.

The test that must be applied, he said, is "that if either the legislative purpose or the primary effect of the enactment advances or suppresses religion, the legislation is invalid, otherwise, it is valid."

Applying this test to the contested grants, Judge Duckett said that it seems crystal clear that the Maryland Legislature was in no way concerned with religion in making the appropriation.

The four colleges involved were Hood College, connected with the United Church of Christ; Western Maryland, a Methodist school, and St. Joseph and Notre Dame, Roman Catholic institutions.

Judge Duckett said that in the case of Hood and Western Maryland, it was clear that the primary effect of the grants would not be to aid religion.

"Neither college trains for the ministry or other religious work and the faculty and students of both institutions are selected without regard to any religious affiliation," he said.

He said the decision was more difficult in the case of the Catholic schools because of their closer ties with the church.

However, he said the buildings would be "for secular purposes and the testimony in this case clearly establishes that the secular courses taught in these institutions are practically identical with the courses at nonreligious colleges."

On the important questions of whether or not the taxpayers had the right to bring the suit, Judge Duckett ruled in their favor. He said they had a special interest because they pay property taxes, and because the grants would have been financed from the property tax.

If he had not made his ruling, the taxpayers might not have been able to appeal to the Supreme Court because taxpayers' suits cannot be brought under Federal court practice.

[From the New York Times, Dec. 1, 1964]

Maryland Grant Called a Threat—Tax Fund Help to Four Church Colleges Attacked in Court

Annapolis, Md., November 30.—Government aid to church-supported colleges was described today by a lawyer as "a grave threat" to public education in the United States.

Leo Pfeffer, attorney for the Horace Mann League, argued in Anne Arundel County circuit court that such aid amounted to use of tax funds "to support a place of worship or ministry."

Mr. Pfeffer was 1 of 3 attorneys for the league and 12 Maryland residents who are contesting the constitutionality of $2.5 million granted by the Maryland General Assembly for construction of buildings at 4 private colleges in the State. The league is a nonprofit organization for the promotion of public school systems.

THREE CHURCHES INVOLVED

The colleges involved in the suit are Western Maryland College, affiliated with the Methodist Church; Hood College, connected with the United Church of Christ; and two Catholic schools, Notre Dame of Maryland and St. Joseph's of Emmitsburg.

In his opening argument, State Attorney General Thomas B. Finan said the principles under which the grants were made had been upheld by the State's highest court, the court of appeals.

He said that at least eight decisions had been made by the U.S. Supreme Court "which demonstrate that these appropriations do not breach the wall of separation between church and state."

Mr. Finan noted, however, that the precise question raised in the case had not been decided by the Supreme Court. He called the current trial the beginning "of a journey which will no doubt take us to the highest court of this land."

Both Mr. Finan and Mr. Pfeffer spoke of the national significance of the trial.

Mr. Pfeffer said the Federal program approved by Congress last year under which funds are provided for college construction is substantially the same as the Maryland laws that are being challenged.

SIMILAR LAWS ELSEWHERE

He also said there were statutes similar to the Maryland laws in a number of other States.

Mr. Finan said the decision could affect a wide range of church-state relationships, including aid to hospitals and welfare organizations.

Mr. Pfeffer said the Maryland laws being challenged "compel the plaintiffs to contribute to a place of worship of ministry," and thus violate the Maryland constitution. He also said they violated the first amendment to the Federal Constitution.

Defending the constitutionality of the grants, Mr. Finan said the four colleges that received the funds "serve the public need for education."

He said the funds were given only for construction of buildings and were not used for religious purposes.

Mr. Pfeffer said the suit was not motivated by any "religious feelings," but rather by a belief that church-supported schools should not receive direct grants from any governmental unit.

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[12] While the facts are not directly in point, the following language of Chief Judge Phillips is to some degree relevant: "Freedom of religion * * * guaranteed by the first amendment, with respect to acts and utterances calculated to interfere with the power of Congress to provide for the common defense and to insure the survival of the Nation are qualified freedoms. They may not be construed so as to prevent legislation necessary for national security, indeed, that may be necessary to our survival as a nation." *Warren* v. *U.S.*, 177 F. 2d 596, at p. 599, C.C.A. 10th (1949).

[13] Pfeffer, "Church, State and Freedom," p. 476 (1953) quoted in Oaks, "The Wall Between Church and State," p. 60.

[From the New York Times, Dec. 13, 1964]

Maryland Scans Church-State Aid—Circuit Court Hears Heads of Four Small Colleges

Annapolis, Md., December 12.—Textbooks, courses of study, faculty, student body, and financial control of four small Maryland colleges came under close scrutiny of the circuit court here this week in a case testing the constitutionality of State aid to church-related colleges.

The court went into recess yesterday until December 22, when a day's rebuttal is scheduled. Constitutional arguments are scheduled for mid-January.

At issue is the legality of $2.5 million in matching building-fund grants from the State legislature to Western Maryland College, affiliated with the Methodist Church; Hood College, affiliated with the United Church of Christ, and two Roman Catholic institutions, Notre Dame of Maryland and St. Joseph College. The funds are being withheld pending outcome of the case.

The suit was filed by the Horace Mann League, an organization of educators, and 12 Maryland taxpayers.

Both sides have stressed the probable far-reaching impact of the case and have declared their intention to take it to the higher courts.

Lee Pfeffer, chief counsel for the plaintiffs, in his opening arguments, called it an issue on which the future of public education in this country rests.

The second week of the case closed after a week of testimony from the four college presidents and other key witnesses. Three of the presidents maintained there was complete academic freedom on their campuses.

"The church would not interfere, and if it did, I would ignore the interference," Dr. Randle Elliott, president of Hood College, at Frederick, said.

"The teachings of the Roman Catholic Church do not influence the teaching of subjects other than religion and philosophy at Notre Dame," Sister Margaret Mary O'Connell repeatedly stated in her testimony.

"Any controversial subject could be taught if the man who is teaching does so with intellectual responsibility and integrity," Dr. Lowell S. Ensor, of Western Maryland at Westminster, said.

The only president to concede that some subjects would be taboo in the college classroom was Sister Rosemary Pfaff, president of St. Joseph College at Emmitsburg. She acknowledged that the advocacy of birth control by artificial contraceptives, therapeutic abortion and divorce would not be allowed.

Sister Rosemary also said that all textbooks must be submitted to the dean of studies for approval. The three other school officials said each department ordered its own books without administration screening.

Lack of financial control of the two Protestant colleges by the affiliated churches was brought out by the defense. College officials said the Methodist Church contributed slightly more than 2 percent of the annual operating budget to Western Maryland College, and the United Church of Christ 2.2 percent of the Hood College budget.

Officials at all four schools said they required no specific religious affiliation of their faculty members. Both Catholic institutions have religious and lay instructors.

Under cross-examination, Dr. Ensor conceded that he doubted that an atheist would be employed as a faculty member at Western Maryland or any other church-related college.

Spokesmen for all the schools maintained they had no religious requirements of applicants for admission. Cross-examination revealed, however, that 97 percent of the enrollment at Notre Dame was Catholic and only four non-Catholics were attending St. Joseph.

Washington.—Even with special teachers, programs and materials, "We may find that the schools as we know them simply cannot do the job of educating slum area children," a New York educator said today.

"The instructional methods and materials deemed most appropriate for a middle-class group may be the most inappropriate for the socially depressed," Prof. A. J. Tannenbaum of Yeshiva University said.

Tannenbaum told a conference of elementary education supervisors that a study had shown him "How antiseptic, how dull, are the earliest reading materials, especially for pupils who do not live in neat little cottages surrounded by beautiful lawns and picket fences, who don't have a happy little puppy named Spot or Puff or Trixie—who don't in fact, live in a 'fun' culture."

Asserting "there may simply not be enough teachers, enough school hours, and enough money to get the job done," Tannenbaum said:

"We may have to press into action large cadres of high school and college students to help us * * * the professionals may have to rely more and more on the young amateurs to support the work of the school."

New York, N.Y.,
March 31, 1965.

Senator Wayne Morse,
Education Subcommittee,
Senate Office Building, Washington, D.C.:

In response to your inquiry about the position of the National Council of the Churches of Christ in the United States on the education bill the National Council welcomes and approves the humane concern of Congress for the improvement of our Nation's schools through Federal aid primarily directed to those children most needing it. The general board of the National Council of Churches favors Federal aid to public schools and is willing that children attending nonpublic schools share in that aid through publicly administered arrangements such as dual enrollment. These views were expressed to the committees considering the bill by Dr. Arthur S. Flemming, first vice president of the National Council and we feel that our concerns have been substantially incorporated in the bill as it passed the House. Although we have felt that a specific amendment authorizing local educational bodies to initiate court action would strengthen the existing judicial review provisions in the bill we are reassured by the statement of the Chairman of the House Judiciary Committee, Mr. Celler, that there is no aspect of this bill which raises issues of church and state that will not be subject to judicial review.

R. H. Edwin Espy,
General Secretary,
National Council of Churches.

State Department of Education,
Oklahoma City, Okla., March 15, 1965.

Mr. Charles Lee,
Education Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Mr. Lee: I am in receipt of your letter of March 12. You asked that I give you information as to the basis of my opposition to the Senate bill 370, the Elementary and Secondary Education Act of 1965. I am not opposed to the bill. As a matter of fact, I think it is legislation that has long been needed in his country. However, there are some provisions of the bill as it was originally written that I objected to and so stated in the Sentigram I sent to Dr. Edgar Fuller on January 26, 1965. I believe that most of these objections have been removed by the modifications that have been made in the House of Representatives committee.

I do not believe the constitution of Oklahoma will permit this office to administer Federal funds where any part of these funds will be used for the benefit of private and parochial schools. I think this part of the bill should have been eliminated. Also, I did not think that title V of the act was broad enough. State departments of education have to assume many responsibilities because of Federal acts. A current example is the part we have to play in the Civil Rights Act. We have the responsibility of getting the compliance agreements from our schools and assisting them in every way possible. This takes a great deal of time on the part of some of our staff members as well as several hundred dollars for postage and communication. We have no choice but to do these things because if we did not, our school districts would be penalized. However, there are no funds available at all for administration of this bill at the State level. That is the reason I feel that title V of Senate bill 370 should be written in such a way that State departments of education can use these funds to help with such acts as the Civil Rights Act, impact areas program, school lunch program, etc.

I trust this is the information you desire.

Sincerely yours,

Oliver Hodge,
State Superintendent.

State of Florida,
Department of Education,
Tallahassee, March 16, 1965.

Mr. Charles Lee,
Professional Staff Member of Education Subcommittee, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Mr. Lee: In the absence of Superintendent Thomas D. Bailey, this will acknowledge your letter of March 12 relating to hearings before the Education Subcommittee of the Senate Committee on Labor and Public Welfare pertaining to bill S. 370 known as the Elementary and Secondary Education Act of 1965.

Mr. Bailey is out of the city for a period of several days attending an educational conference. As soon as possible following his return to the office later this month, your letter will be brought to his attention.

Sincerely yours,

Mrs. Dorothy Saulos,
Administrative Assistant to the Superintendent.

Georgia State Department of Education,
Atlanta, Ga., March 16, 1965.

Hon. Charles Lee,
Professional Staff Member, Education Subcommittee, U.S. Senate, Washington, D.C.

Dear Mr. Lee: I have your letter of March 12 requesting that I write you my position opposing certain portions of bill S. 170, similar to the views I expressed there in the hearing.

In my testimony before the House committee, I took in substance the following position:

Title I. Approved.

Titles II and III. Objected to some phases of titles II and III because funds would go to church-related schools or institutions. I stated before the committee that, in my opinion, all public tax funds should be used in tax supported, publicly controlled schools or institutions. The House amendments to titles II and III have somewhat ameliorated my objections thereto, inasmuch as title to the properties will remain vested in a public body, and services will largely be administered by agencies under public control.

Title IV. I requested that title IV be amended to provide a formula for the distribution of funds to the States, or to be combined with title V of the bill, which is designed to strengthen State departments of education. The U.S. Office of Education should assist the States with research if, in their opinion, these departments are not now strong enough to administer and supervise research activities. The U.S. Office has approved 22 projects in the field of school curriculum, with 12 of these going to the University of Oregon. I am of the opinion that State departments are the agencies that should be responsible for disseminating research findings in the Nation. From the best information I am able to obtain, State departments of education have not been full partners in the approved projects of the cooperative research program in the U.S. Office of Education. Research activities within a State should be a cooperative undertaking by universities, colleges, the State departments of education, and public school systems. The colleges and universities do not have exclusive jurisdiction in the field of research activities. I think largely this program has dealt with colleges and universities, bypassing education departments and also, to a great extent, public school systems.

Title V. My principal objection to title V was the inadequacy of the funds proposed. The House amended this title by stepping up the proposed $10 to $25 million.

In general, I would like to say that the bill requires the State to submit proposals to the U.S. Commissioner of Education in using these funds. This authority granted, the Commissioner can, in my opinion, easily be abused. States need flexibility in making the best use of the funds. I am opposed to a central ministry of education issuing orders from Washington to the several States. I understand the European system of education and it appears that the Congress is more and more being influenced by the educational pattern used in many of the European countries. In Europe, I have watched such a system work, and I observed ruefully that when States must comply with a pattern dictated from a central authority and are not allowed to develop their own initiative, the result is inadequate, unimaginative, and somewhat straitjacketed school systems. I do not want this for our country. I believe that the States can do a better job when Washington leaves them with some authority.

I hope this is the information you desire. I think we are all interested in the same thing: the best education that we can devise for our people.

Sincerely yours,

CLAUDE PURCELL,
State Superintendent of Schools.

STATE OF OREGON,
STATE DEPARTMENT OF EDUCATION,
Salem, Oreg., March 17, 1965.

Mr. CHARLES LEE,
Professional Staff Member, Education Subcommittee, U.S. Senate, Washington, D.C.:

The Elementary and Secondary Education Act of 1965 (S. 370) has many important implications for education in Oregon. In my judgment, money appropriated under this act is needed to stimulate educational programs that are over and above present educational programs in the elementary and secondary schools of this State.

I support the provisions within title I that will assist financially with the development of special educational programs for the culturally and economically deprived children. Many school districts in Oregon are in need of these funds to help provide the mental and physical development of children coming from families with incomes of less than $2,000 per year. It is my opinion that school districts of this State can develop worthy educational programs through this kind of financial assistance.

I have some reservations in regard to title II of the act which proposes the program of assistance of reference resources and instructional materials for public and nonprofit elementary and secondary schools. As you know, Oregon law prohibits distribution of textbooks and related material to nonprofit private elementary and secondary schools.

Title III proposing educational centers and service ranging from remedial instruction to adult education has merit. One serious problem that may develop under this title is the organization and correlation of the related community agencies into a working team under one governing board.

I support title IV since it stimulates educational research projects and promotes the training of educational research personnel.

Title V has my enthusiastic endorsement in that it provides funds for strengthening the leadership resources of State educational agencies. State departments of education throughout the Nation have been in need of stimulative grants for the promotion of promising new instructional techniques and media for the continued improvement of education for the boys and girls of this Nation.

Occasionally my responsibilities bring me to Washington. I would welcome an opportunity to meet with you to discuss provisions contained in S. 370.

LEON P. MINEAR,
Superintendent, Public Instruction.

STATE OF SOUTH CAROLINA,
DEPARTMENT OF EDUCATION,
Columbia, March 17, 1965.

Hon. CHARLES LEE,
Professional Staff Member, U.S. Senate Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. LEE: Your letter of March 12 in which you stated that at the hearing during a discussion between Dr. Edgar Fuller, executive secretary of the council of chief State school officers and Senator KENNEDY of New York, you were requested to obtain information as to the basis of any objection that I might have to Senate bill 370, has been received.

Dr. Edgar Fuller sent a questionnaire to the chief school officers, a copy of which I do not have and cannot refer to specific remarks or statements made by me. I think that a general statement now will clarify any reference that may have been made to any statement of mine. I have always opposed Federal aid or tax money being distributed to private schools, and it was my understanding that this bill not only made it possible for Federal funds to be sent to the State agency for public schools but also for private schools. It is my opinion, and is held by the educators in the State, that the Federal Government should not finance private education when the need for public education is so great.

Yours very truly,

JESSE T. ANDERSON,
State Superintendent of Education.

THE STATE OF WYOMING,
DEPARTMENT OF EDUCATION,
Cheyenne, Wyo., March 17, 1965.

Mr. CHARLES LEE,
Professional Staff Member, Education Subcommittee, Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. LEE: I sincerely appreciate your contacting me for information as to the basis of my opposition to the Elementary and Secondary Education Act of 1965, S. 370.

The basis of my opposition is composed of two principles which I believe would be violated by this bill. These are the principle of responsibility and the principle of control, which I resolutely believe should be vested in each and every sovereign State in these United States of America. It is the citizens of each local community who should be directly responsible for the education of their children, and it is the individual State which should be responsible for providing general supervision and administration of its citizenry's educational needs. Just as it is the State which can best recognize and understand the educational needs within its own borders, so it is the State which should accept the responsibility as the legal authority for education. Our Nation has long recognized the importance of education to its welfare. It must be remembered, however, that without the States there would be no Nation, and I, therefore, must emphatically declare my support for the continuation of our system of public education wherein each State is responsible for all phases of education within its boundaries and wherein this responsibility is to its citizens, not the Federal Government. Even though the cost of education is rising to new highs, I must oppose S. 370 as it provides Federal moneys to our Nation's schools through criteria to be approved by a Federal agency; this results in Federal control of education and is a fact which cannot be eradicated. I further oppose this act as it provides public funds for private and parochial schools, which violates the principle of separation of church and state.

More specifically, title I makes provision for the State educational agency to transmit authorized amounts to local public educational agencies operating a State-approved program. These amounts are controlled and allocated by the Federal bill, and basic criteria developed by the Commissioner of Education will govern the procedures used by the State agency, which eliminates any State authority concerning such funds. Further Federal power is given by the portion of the bill stating that no intention is made to limit the possible uses of funds by the local school district, and, thus, the Federal Government may establish criteria for education programs in any area of schooling. This further reduces the authority of the State agency as State jurisdiction is retained in no specific area.

Title II contains the same limitations as does title I in that each State must have a State plan approved by the U.S. Office of Education before it can participate in funds available under this title. This requirement provides authority to the Federal agency to govern textbooks and library materials used by indiscriminating youth.

Title III provides for grants to local public educational agencies by the U.S. Commissioner of Education from moneys allocated to the States. This, in effect, would permit the U.S. Commissioner of Education to make an allocation which he himself would use for the establishment of education centers and services, which in simple terms mean schools. Such schools would be Federal schools, and the enactment of a Federal compulsory attendance law could place our youth in an educational situation totally financed, controlled, and programed by the Federal Government. Single authority over the education of our youth would constitute a greater threat to our democracy than any foe we have ever met.

Title IV, while basically sound, provides for local and Federal cooperation in research and study. No mention is made of the role of the State educational agency, which is the logical agency to coordinate such research and study and to be responsible for the dissemination of data obtained as a result.

Title V states its concern is with strengthening State boards of education. It would, in effect, bring the U.S. Office of Education into an active role in the 50 State departments of education and would promote the influence of the U.S. Office upon the individual departments. These departments would further become increasingly dependent upon the assistance of the U.S. office for funds and manpower.

I am enclosing a copy of a speech I presented to the regional conference of the National Association of State Boards of Education at their meeting last January in Cheyenne. This speech expresses my belief concerning the administration of the public educational system, a belief I have become convinced over the years is the key to an even greater prosperity and freedom in these United States of America. Free schools plus free states equal a free nation.

Sincerely,

Cecil M. Shaw, Ed. D.,
State Superintendent of Public Instruction.

Strengthening the State Boards of Education

(Cecil M. Shaw)

It has long been established in legal theory in the United States that the State is responsible for public education within its borders. Ours is not a national system of education operating under national authority as in most other countries. The control of education in the several States is an established power and function of each State separately.

The 10th amendment to the Federal Constitution which reserves undelegated and otherwise unrestricted powers to the States, the constitutions of the 50 States which make the responsibility explicit, and the long history of legislative enactments and court decisions which have consistently adhered to this principle (until recently) leave no doubt that in America it is the State, not the Federal or the local governments, which is ultimately responsible for the public schools.

In the early periods of our national history, State control was overshadowed in practice by local authority. Education was a neighborhood project. Each village had its little school for a few months of the year or as long as someone would serve as schoolmaster. This was a natural consequence of the isolation of scattered population and primitive communication. By some standards these were the good old days. But from the 1750's, as the population increased and towns grew into cities, elementary schools expanded, the public high school supplanted the academy, school attendance became compulsory in many places and each State began gradually to exercise increased official responsibility for the education of its citizens.

The Federal Government has from its beginning recognized the principle of State responsibility for public education. Even though the Federal Constitution made no specific provision for education, the Federal Government has actually from the beginning made grants-in-aid to States generally for the support of special phases of education. The Continental Congress began the policy with the Northwest Ordinance and the National Government has continued it.

It is unnecessary to recount here the various grants of land and money from the Federal Government for support of education. It is sufficient to point out that the whole policy follows the pattern of recognizing and attempting to meet some of the needs which were not being met by the States or their subdivisions and of granting aid without encroachment on the principle of State control and State responsibility.

Through the years, the State has become more active as the legal agency of control but continues to be extremely slow in actually assuming its full responsibility for providing adequate school facilities. The State must, without delay, assume its legal and moral responsibility for leadership in organization and support for adequate educational facilities; that is, if the prerogatives are to remain with the State—and I for one sincerely hope they always do.

The implications are clear for those who guide the establishment of public policy in the several States. It is a source of hope that recently there is a widespread activity on the part of legislative bodies to reorganize the machinery of education and upgrade the provisions for more stable and more adequate financial support of schools.

In the approaches that are being made to the whole problem, there are three aspects upon which attention is being focused:

1. Reorganization of the chief educational agencies at the State level to provide more competent leadership and administration of the educational system of the State.
2. Reorganization of the agent of the State at the local level, the local administrative unit, into larger and more economical units for improved instruction, leadership, efficiency and management.
3. Reorganization of the system of financial support to meet the increasing needs and to stabilize and improve financial support at both State and local levels.

It is agreed that the State is the protector of the educational rights of children.

This evening your speaker deals with the first of these aspects, reorganization of State educational agencies.

We do not have the time in this talk to pursue in depth an analysis of each State department of education or the status in general regarding: Functions of a State department of education, State board of education, chief State school officer, and the staff of State departments of education.

The conclusions of your speaker, based upon study and experience, constitute an awareness of deficiencies in the organization, authority, and the practices of State departments of education for which no reasonable justification can be found.

Public education in the several States is a major enterprise in size and importance, one of the largest single enterprises in America. With upward of 41.4 million children enrolled in public elementary and secondary schools, approximately 1,651,000 full-time and part-time public schoolteachers, 29,400 school districts, a payroll approaching $10 billion and a school plant valued in the billions of dollars, it would seem that only the most effective methods of organization and management should be employed. The facts do not disclose such management.

It is a matter of constitutional provisions in the great majority of States and legislative provision in others that State departments of education represent the administrative core of the Nation's public schools. Yet, in reality, their position in relation to local units has been too often a matter of inadequate supervision and protection of outmoded administrative structure.

Mismanagement, however, is not the only bar to effective leadership in educational matters. Obstacles in the form of legal restrictions which seriously hinder the establishment of an efficient State school system are actually written into the constitutions and statutes of many States.

Lack of coordination is one of the conspicuous characteristics of educational organization as it exists today. A variety of boards, departments, divisions, and other agencies actually are involved in the government of the schools. It is practically impossible to find a unified, coordinated system where responsibility is centered, functions are clearly defined, and authority is adequate for the performance of required duties.

Weakness at the State level can be eliminated by reorganization.

The efficient administration of a State department calls for an able executive and staff. The selection and retention of such personnel is of primary importance. Failure to provide remuneration to meet competitive offers, unsuitable methods of selection, undefined qualifications, political tenure, limitations on necessary executive authority and initiative, insufficient financial support for operation, the prevalence of patronage appointments, selection based only on politics, and money enough to get elected, have all combined to promote weakness and waste in State school administration.

Weakness at the State level can be eliminated by reorganization, by more pay and less politics.

The staffs are likewise generally inadequate. From an examination of the list of qualifications set down by the various States as requirements for the staff employees in the State departments, the conclusion must be drawn that political issues overshadow more substantial and pertinent factors as requirements for these positions—even, as they most often do for the chief State school officer. Salaries are most universally inadequate to meet competition, tenure is generally political, financial support of various functions is generally inadequate and frequently disproportionate. Weaknesses at the State level can be eliminated by reorganization, by more pay and less politics, by higher standards.

The State is the protector of the educational rights of children. This seems to indicate clearly that the State recognizes the moral and has established the legal responsibility of the State for the education of the children of the State. It indicates that the legislature is the agency responsible for providing the State board of education and the State superintendent of public instruction with the authority and support necessary to fulfill their intended purposes. It indicates further that the legislature is responsible for the necessary organization and financial support to insure a system of free public schools wherein all of the children of the State may be educated.

With this mandate, recommendations appear to be in order as follows:

1. When constitutional provisions prevent the adaptation of the educational organization to changing needs, such constitutions should be amended to provide that the public schools can function in a modern, effective manner.
2. State departments of education which fail to meet present-day managerial and service needs should be reorganized to this end.
3. The chief State school officer should be appointed by the State board of education on the basis of his professional qualifications and not for his political affiliation.
4. The term of service of the chief State school officer should be dependent only on the quality of leadership he exerts in his position.
5. There should be developed a competent staff and efficient support to fulfill specified obligations.
6. The State should take the leadership in encouraging and guiding needed school district reorganization.
7. Most States are assuming more financial responsibilities for the public schools. It is imperative that there be adequate leadership in education. Laymen everywhere should cooperate to improve their State departments of education.

The conclusions drawn from the foregoing on State departments of education in general can be set down more or less categorically.

1. The criterion by which to evaluate the status of the top educational agency, the State Department of Education in Wyoming, as elsewhere, is derived from the study and the experience of experts in government and education, of lay organizations, of high-minded and public-spirited citizens in all

parts of the Nation. It is based also on the experiences of States, few though they be, that have had the vision and the courage to establish and maintain the kind of organization, authority and service suitable to handle the stupendous responsibility of guiding the development of a State system of public education.

2. The criterion has virtually universal acceptance by citizens who believe that governmental agencies exist to provide and manage the necessary public services for the benefit of all of the people as fully, as efficiently, as democratically and as economically as possible. It is almost universally relegated to the background in the several States by those who are in control of the formulation of the public policy.

3. The criterion calls for forward looking, statesmanlike and dynamic policy, democratically derived, broad in scope, stable in direction and soundly based in current needs, but ever looking ahead to the nature of things to come.

It requires the acceptance in fact and practice of the long established legal responsibility of the State for the education of the children within its boundaries.

It requires an agency endowed with power, organization, personnel, and financial support adequate to the responsibilities in the leadership and administration of a State system of public schools.

It requires that there be a State department of education with a competent, stable board of education of five to nine members as the center of policy and control. Competence can be secured partly by establishing qualifications for members and by building up public confidence in, and respect for, the board. Stability can be secured through the manner in which members are selected and retained in office. Both can be increasingly realized to the degree that partisan, patronage, and other forms of unstatesmanlike politics are eliminated.

It requires further, that the relationship between legislatures and the boards of education be based on mutual confidence and respect. It requires the kind of confidence which would take legislatures out of the business of administration and into the business of policymaking. It would have the legislatures define the broad objectives, grant the power and appropriate the funds for the effective achievement of the objectives and hold the boards responsible for all matters of administrative policy and management. It invites legislatures to refrain from enacting legislation on details of policy, organization or management which hamper boards in the effective performance of the many duties necessary in the coordination and supervision of a State school system.

The criterion requires also that there be an able educational leader and administrator as the executive officer of the board, that he be selected and appointed by the board to serve under its authority and at a salary determined by the board. He, in turn, should be required by the board to select and recommend for appointment the necessary personnel; to make recommendations to the board on matters of policy, organization, and financial management; and be responsible to the board for these and all other executive functions of the department.

In closing this discourse and its implications come home to us, let us ask ourselves if we are helping the process of "strengthening the State boards of education."

STATE OF IDAHO,
DEPARTMENT OF EDUCATION,
Boise, March 16, 1965.

Mr. CHARLES LEE,
Professional Staff Member, Educational Subcommittee, U.S. Senate, Washington, D.C.

DEAR MR. LEE: I expressed favorable reaction to titles I and II of the S. 370 bill the way it was first presented with these questions and reservations:

Title I: I questioned the clarity of the wording in relation to the distribution of funds to school districts within a county. This question was eliminated when the bill was rewritten and I had complete explanation of the way funds would be disbursed to school districts within a county.

Title II: I had reservations about this title because the funds provided for administration of the bill were too small for a sparsely populated State after the first year of operation. I still retain this reservation. It is my belief that this program would have to be administered at the State level with a full-time supervisor and a secretary. The first year of operation would provide an estimated $18,000. This is ample funds for the first year. The second year of operation of this program would provide an estimated $11,000. This is not enough money to operate the program and would require funds from State sources to provide administrative costs. Our budget is provided by our legislature on a biennial basis and we would not have the funds available to provide the extra State funds necessary to properly administer the program.

I entirely opposed the title III section of the bill as it was originally written. The bill, as it is now amended, would eliminate my opposition to title III.

I had no comment to make on title IV.

My objection to title V was the matching requirement of State funds. The amendment eliminated this requirement for the first 2 years. This eliminates our objection for this period of time and provides us an opportunity to submit a budget to our legislature for fiscal 1968 and 1969. Appropriation by the legislature would determine participation after fiscal 1969.

I hope these comments provide the information which has been requested. The bill is a good bill and will provide much-needed funds to schools as well as provide for needed services.

Sincerely,
D. F. ENGELKING,
State Superintendent of Public Instruction.

KANSAS STATE DEPARTMENT
OF PUBLIC INSTRUCTION,
Topeka, Kans., March 18, 1965.

Mr. CHARLES LEE,
Professional Staff Member, Education Subcommittee, U.S. Senate, Washington D.C.

DEAR MR. LEE: The Elementary and Secondary Education Act of 1965, S. 370, had a number of objectionable features in its original form. These might be summarized under two general headings; namely, the appropriation of Federal funds for the support of nonpublic schools, and in several programs provided for in the bill, various forms of Federal control bypassed State departments of education and other State education agencies.

I hasten to add that amendments, which I understand have been adopted by the House Education Committee, remove most of these objections. There remain some undesirable features in connection with indirect assistance to private education through tax-supported agencies which indicate that all questions of constitutionality on this score should be cleared.

Title III, which in the original bill provided for establishment of supplementary educational centers and services, apparently did not provide for coordination of these centers with State departments of education but rather did establish agencies with services parallel to State departments of education with operational control under the U.S. Office of Education. I would object vigorously if the bill in its final form does not make provision for State departments of public instruction to coordinate the services of these supplementary educational centers with the services of State departments of education. Moreover, as I interpret title III in its original form, the provisions would be inconsistent with title V, which provides for strengthening and upgrading State departments of education.

The Elementary and Secondary Education Act of 1965, S. 370 and H.R. 2362, would provide immense benefit to education in the States and would be enthusiastically supported by this office if the question of support for private education involving questions of constitutionality and provision for channeling the administration of all features of the proposal dealing with elementary and secondary education through State departments of education were provided.

According to information I now have, the principal weakness of the proposal is failure to clearly indicate that State departments of education have authority to coordinate their services with the services of centers established by individual school systems within the State.

Sincerely,
ADEL F. THROCKMORTON,
State Superintendent of Public Instruction.

STATE OF CONNECTICUT,
STATE BOARD OF EDUCATION,
Hartford, Conn., March 19, 1965.

Mr. CHARLES LEE,
Committee on Labor and Public Welfare,
Subcommittee on Education,
Washington, D.C.

DEAR MR. LEE: This will advise you in response to your inquiry of March 12 that my opposition to the Elementary and Secondary Education Act of 1965 was directed particularly at title III, because in the original draft it was possible for nonprofit agencies other than public educational agencies to receive grants to carry on educational programs.

The subcommittee amendments to section 304(a) requiring that grants be made to a local public educational agency or agencies and that in planning, establishing, and carrying out the programs there will be participation of persons broadly representative of the cultural and educational resources of the area to be served are satisfactory to me and I withdraw my objection.

Very truly yours,
WILLIAM J. SANDERS,
Secretary, State Board of Education.

STATE OF MAINE,
COMMISSIONER OF EDUCATION,
Statehouse, Augusta, March 22, 1965.

Mr. CHARLES LEE,
Professional Staff Member, Education Subcommittee, U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR MR. LEE: I appreciate the opportunity to clarify my opposition to certain titles of the Elementary and Secondary Act of 1965 (S. 370, H.R. 2362) as expressed to Dr. Edgar Fuller in the form of a brief reply to a questionnaire sent to members of the council of chief State school officers. My original opposition to title II was based on conversations with our deputy attorney general who expressed the informal opinion that the Maine State Board of Education could not serve as agent to handle the disbursement of Federal funds to nonpublic schools in Maine. At the present time dual enrollment or shared time is not permitted because the current attorney general's opinion states that our statutes do not expressly permit such. A bill to permit shared time has received joint committee endorsement as "ought to pass" and it is expected to receive favorable votes in the Maine 102d Legislature. The amended version of H.R. 2362 removes the reasons for my previous objections and the shared time possibility in Maine should permit us to carry out the intent of the legislation.

I still opposed title III in its amended form. Originally it lacked public control. It still lacks control by the legal State agency—namely the Maine State Board of Education. The U.S. Commissioner of Education can create a parallel school system in Maine if he finds a single public school administrative unit through whom he can work. No provision of approval by the State board of education is included. This appears to be contrary to Commissioner Keppel's publicly stated views that the Federal Government should be a junior partner in the Federal-State relationships concerning education.

Title IV is acceptable although I had hoped that a specified percentage of funds for research might be allocated to State departments of education, and if not requested reallotted to other research agencies. State departments of education have not had ample funds to enter the research fields, and therefore present a poor case in requests for funds. Few departments have personnel experienced in "grantsmanship."

Title V as amended is pleasing in two aspects. The sums of money are modest enough to undertake limited programs to upgrade State departments and prove that such assistance by the Federal Government can be profitably used to improve education in the several States. Secondly, the nonmatching allotment is important because our biennial budget requests were already submitted and it is doubtful whether we could have obtained matching funds from the Governor and council during the next 2 years. Federal legislation does not coincide with State legislation and for want of a few dollars the children of our State could lose a great deal.

I hope that these personal views are helpful to the committee in its consideration of the bill as originally introduced and amended by the House Committee on March 8, 1965.

Sincerely,

William T. Logan, Jr.,
Commissioner of Education.

State of Mississippi,
Department of Education,
Jackson, Miss., March 24, 1965.

Mr. Charles Lee,
Professional Staff Member, Education Subcommittee, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Mr. Lee: Please accept my apology for not replying sooner to your letter of March 12 relative to S. 370, the Elementary and Secondary Education Act of 1965.

First of all, I should like to point out that I am not opposed to S. 370 in its entirety but I did raise some questions relative to some of the titles. In title I, for example, it was my thought that there was no particular need for special incentive grants. I would confine assistance under this title to one overall basic grant to be used for the purpose of supplementing State and local school district funds. I am concerned about having so many different grants and thus creating an administrative hodgepodge.

My reservation on title II was based on the fact that it appeared to place too much responsibility on public school officials for providing assistance to private schools. I have misgivings as to the administrative feasibility of public and private schools attempting to share materials, etc., purchased under this title. I think it is imperative that ownership be vested with public school officials.

I was concerned with title III because it appeared to place the U.S. Office of Education in the position of operating schools or educational centers in a State without having to go through State departments of education. This would be setting an entirely new, and in my opinion, dangerous precedent in the area of Federal aid to public education.

I have no particular objection to title IV. I would suggest that Congress define or restrict the organizations to which grants could be made under this title. Unless this is done, the matter of giving grants to organizations could get out of hand.

I am very much interested in title V. The strengthening of State departments of education is one of the most pressing needs in public education. I am willing to accept this title as it came out of the House Committee on Education and Labor.

Although I have raised these questions on certain points, I feel that the proposed legislation would be very helpful to public education.

Sincerely yours,

J. M. Tubb,
State Superintendent of Education.

The Commonwealth of
Massachusetts,
Department of Education,
Boston, Mass., March 25, 1965.

Mr. Charles Lee,
Professional Staff Member, Education Subcommittee, U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Mr. Lee: I wish to acknowledge your letter of March 12 with reference to Senate 370.

Your assumption is incorrect in classifying me as an opponent of this forward-looking measure. In general, I support the bill in essence but had reservations concerning certain of the titles. Additionally, I am very pleased that amendments have been offered which, in my judgment, strengthen the legislation. As examples, the vesting of library resources, textbooks, and other materials in a public agency under title II is a sound procedure. Increasing the appropriation under title V will be of substantial assistance to State departments of education throughout the Nation.

It is in this latter category concerning the leadership role of State departments that I take exception to the proposal. Title III appears to subordinate the role of our departments in establishing a more or less direct conduit between Washington and our communities. Bypassing State departments runs counter to recommendations of James Bryant Conant and many other citizens and agencies. If an effective partnership is to be established involving the Federal, State, and local governments, it is my considered judgment that the State partner must be extended the key statutory and professional role. This point of view seems to be shared by U.S. Commissioner Francis Keppel, who in a recent Detroit speech, emphasized the importance of the Federal Government's casting as a junior partner. Everyone supports the principle of education as a State function, and yet title III relegates only minor responsibilities to the agency which should be the senior partner. Not only in Senate 370 but in many other programs there are suggestions of a Federal-local relationship. If this trend continues, I can predict great confusion and inefficiency, resulting in a duplication of services which can and should be rendered by the several States.

Again, let me point out that I am in complete sympathy with the objectives of the bill but would want you and the distinguished members of the Senate Committee on Labor and Public Welfare and those serving on the Education Subcommittee to know of the Commonwealth's position concerning the defensible role of State departments of education.

In the event you would wish me to be more specific on the several sections of the bill, please do not hesitate to contact this office.

Yours very sincerely,

Owen B. Kiernan,
Commissioner of Education.

Maryland State Department
of Education,
Baltimore, Md., March 26, 1965.

Mr. Charles Lee,
Professional Staff Member, Education Subcommittee, U.S. Senate, Washington, D.C.

Dear Mr. Lee: This is to acknowledge your letter under date of March 12 inquiring as to whether or not our position on Senate bill 370, the Elementary and Secondary Education Act of 1965, has been modified by actions taken by the House Committee on Education and Labor.

We have studied the amendments rather carefully and believe that for the most part these amendments will remedy those conditions which we felt were objectionable in the original bill. Accordingly, I am willing to give my support to this proposed legislation. It will go a long way toward meeting many of the educational problems in the local school systems of the Nation.

Sincerely yours,

James A. Sensenbaugh,
State Superintendent of Schools.

Breakthrough in Education?—A Hard Look at New Education Bill

(By C. Emanuel Carlson, executive director of the Baptist joint committee on public affairs)

The House of Representatives General Subcommittee on Education has completed its work on H.R. 2362, reporting it out to the full Education and Labor Committee. The Senate continues its work on the same proposals.

The questions posed by the general public are of two varieties. Some ask, Is it a good bill for the long-term well-being of the people, the Nation, and the cause of freedom? Others ask, How will the American public, made up as it is of so many groupings, react to this bill?

Like all legislation this bill represents a kind of compromise or balance of various viewpoints and concerns, but taken as a whole it is an ingenious measure for meeting the needs of our time with a maximum of consensus. The testimony of congressional witnesses has contained a number of proposed improvements. Most of these have been worked into the new draft as approved by the subcommittee.

Since the Federal aid proposed for a particular school district depends, first, on the number of poor families in that district with incomes under $2,000, and, second, on the level of educational expenditures in the district, it appears to have a good balance between the relieving of conditions which are beyond local control and the encouragement of local and State efforts in education. Ever since the last election there seems to be little doubt that the American public wants the Federal Government to undergird the State and local programs with some financial assistance.

The bill lays down a broad policy, namely, that Federal assistance to education must flow through public channels and be administered by public agencies. This principle is clearly applied to the poverty impact grants, to the library and instructional materials, and to the proposed community agencies that offer educational resources and facilities. Not only must funds be spent by public agencies, for publicly approved projects and materials, but ownership and administrative control must also be retained in public hands.

While these aids must flow through public channels, this bill aims at the educational development of people, rather than aiming simply at the strength of institutions. In its several titles it seeks to improve the educational experiences of all pupils, including those who for religious reasons take much or most of their schoolwork in church-related schools. It aims to give some help to the children in parochial schools without nurturing the strength of church-related schools. To put it another way, the lawmakers have tried to relieve the pupils of some educational handicaps which result from having religious parents who are convinced in behalf of church-related general education.

Most people will agree that when the Government serves the needs of people religious freedom must prevent discrimination against religious families. This was finally worked out with reference to social security for ministers. It has always been true of public libraries, public school facilities, public hospitals and public health services, and many other public services to people. And yet there may be apprehension at this new program.

A high preoccupation with the conflicts of religious groups, a strong fear of one or all religious movements, or perchance a church-state theory that puts the church and the state in separate worlds—one or all of these may make it difficult for some to agree to helping parochial schoolchildren with books, even though these are public school books owned by the State government. Fortunately, the recent updating of the Roman Catholic understanding of religious liberty and their educators' increasing awareness of the importance of a broad secular education have in this instance relieved the pressure of aid to their schools as schools, so long as all children can have better educational materials and opportunities.

If these Federal resources become available in local school districts and in local communities, many of the parochial pupils will be able to learn history, government, science, biology, and much else from the same books and materials that are approved and used in public schools. Most of them will have to go over to the public school as "dual enrollment" students or other special services, but some of the specialized talents of the public schools might in some areas be sent over to the parochial school to assist the needy pupils there.

Thus the separation of church and state is maintained in separate administrative units, but the two sets of institutions become more available to the total pupil population. Separation of church and state never did mean sorting out the people between these two sets of institutions.

Few education bills have been given a larger measure of public good will, so much so that even the subcommittee members from the opposition party did not vote in opposition to this measure. They refrained from voting. The original draft contained some problematic provisions for lack of clear public responsibility, but a spirit of good will made easy a strengthening of the bill at those points.

As the measure moves forward into the full committee it has—

1. The blessing of the organized public school movement, as represented by the National Education Association and the American Association of School Administrators. The few voices who are still worried about the effect of the bill on public school education are not in the profession.

2. The responsible representatives of the major Protestant churches and their organizations are satisfied that this bill will aid the educational opportunities of the next generation. Their concerns for full public responsibility and public control have been heard and incorporated into the bill.

3. While Roman Catholic spokesmen readily admit that this bill will not do much for their schools, yet they also admit that it will do a good deal for the education of all children. They have long used the needs of the children as the basis for their plea for aid. Even their highest spokesmen for their educational interests have given their approval.

4. The remaining question marks are from civil liberties organizations, such as American Civil Liberties Union, Protestants and Other Americans United, and the Anti-Defamation League of B'nai B'rith in particular. There is a prevalent view that these question marks arise from a misunderstanding of the operation of the proposals.

5. The States' rights concern which has handicapped past Federal aid bills has not been significantly raised against this one. Giving Federal funds to local school districts, to State departments of education, or to other special special State agencies has not significantly raised the issue of Federal control of education.

The principle of Federal-State relations on which the bill is drawn is to give Federal assistance to stated purposes carried out under State and local public authority. This principle does open the possibility of some local or State abuses resulting from religious majorities in certain States or districts. If the Federal Congress tries to prevent this, it could mean too much Federal control in a field where policy should be kept close to the people.

6. Neither has the civil rights issue, connected with integration of schools, been raised significantly in the hearings on this bill. Apparently, the enactment of a Civil Rights Act has largely relieved the need and the demand for riders on this subject, a need which has significantly influenced the course of previous proposals.

In brief, the House Committee on Education and Labor now has in hand a bill which seems to please the great mass of organized public opinion. Its passage now seems probable.

Is it a good bill which can be supported with good motivation? In the face of this question one must ask, good for whom and for what? There are many values involved.

A billion dollars of assistance to school districts that serve poor people will be good for the children and for the communities. However, some who pay large income tax bills may prefer another tax cut. The results of better education for full employment and for the future of our democratic technological society are obvious.

The ideal of special public organizations or centers which serve to enrich the school studies and the cultural interests of all the people hold much promise of good. With the assistance of Federal funds public schools should be able to meet the needs of parochial pupils who may come over to the public institutions.

In the matter of interfaith controversy regarding education, this bill may contribute more toward a solution of the problem than it does to the opportunities of the professional advocate or the exhilarating experience of tension. On the other hand, there may well be enough left of this at the level of local and State dialog.

The bill does seem to be an honest effort to meet the needs of our day.

Mr. BYRD of West Virginia. Mr. President, I rise in support of the Elementary and Secondary Education Act of 1965. American schoolchildren need this bill. We have heard many tell us of this need and what this bill will do. I would like the Members of this body to know about the need of my own State of West Virginia for this legislation.

Our medium adult educational level is only 8.7 years of schooling. Based upon the past record, only 40 percent of the children entering the first grade this year will complete their high school education in West Virginia.

Only 12 percent of these same students will ever see the inside of a college classroom, compared with a national average of about 30 percent.

The standing of West Virginia on education is not the result of lack of effort. Even though we fall below the average in per pupil expenditures, high school graduates, and college graduates, education receives a heavy percentage of our State budget.

In this connection, Mr. President, I ask unanimous consent to insert in the Record at this point a clipping from the March 16, 1965, Charleston, W. Va., Daily Mail, which indicates that, for the coming fiscal year, education will get almost 62 percent of the State operating budget total.

There being no objection, the article was ordered to be printed in the Record, as follows:

Education To Get 60 Percent of Record State Budget

The West Virginia Legislature completed its 1965 session Monday by passing a record State operating budget of $179.8 million, 60 percent of which will be spent for education.

The budget bill passed 79 to 1 in the house and 28 to 1 in the senate. Twenty-five lawmakers left town prior to Monday's extended budget meeting. Senator Chester R. Hubbard, Republican, of Ohio, and Delegate Paul S. Moyers, Democrat, of Braxton, cast the only votes against passage.

Final adjournment came at 5:36 p.m. in the senate and 5:38 p.m. across the hall in the house.

The 60-day regular session ended at midnight Saturday, but the legislators had to return Monday because the budget wasn't ready.

The new budget, composed of operating appropriations from general revenue for the fiscal year beginning July 1, is a $23.7 million increase over the current year. However, this year's outlays will be upped by $2.9 million in deficiency appropriations voted this session for agencies which had depleted their funds.

The legislature also appropriated $4.5 million from surplus expected to be available at the end of the current fiscal year. This is in addition to the operating outlays and brings the combined total to $184.3 million.

Education will get almost $112.3 million—or 62 percent—of the operating budget total. Health and welfare, with appropriations of $34 million or 18 percent, get the next largest share.

County school systems will receive $73.8 million in regular State aid from general revenue, up $10.5 million from this year.

The State aid increase will cover the first year of a 3-year program of increases in public school teacher salaries and in outlays for education supporting services.

The two universities and nine State-supported colleges got operating budget increases ranging from 15 to 35 percent. This included funds for faculty pay raises and additional staff members to cope with rising enrollments.

West Virginia University's budget for the coming fiscal year will be $14,167,000, up more than $2 million. Marshall's appropriation will jump $498,993 to $3,790,700.

The total general revenue increase for all phases of education is up $17.2 million.

Mr. BYRD of West Virginia. Mr. President, in the past 4 years we have increased direct State payments for education by $18 million. In the next 3 years West Virginia is planning to increase State payments by another $33 million. These increases are designed to raise teacher's salaries and to elevate the quality of instruction in West Virginia schools. We are doing this because we are losing teachers faster than we can train them. They are leaving West Virginia and are going to States which pay higher salaries.

According to census data, 20 percent of the school-age children in West Virginia come from families with annual incomes of less than $2,000. That means that one child out of five in my State lives in poverty. A more deplorable fact is that nearly 15 percent of the children in West Virginia come from families with incomes of less than $1,000 a year.

I am not proud of these facts. I am just letting the other Members of this body know that they are dealing with the future of a great part of the children in my State—children who are depending on us to provide the assistance that West Virginia needs to give its citizens the education they deserve.

If this bill passes, we will receive over $18 million in Federal aid. That amount together with the $12 million by which we are planning to increase the State payment for education next year means that we can increase current expenditures at the local level by $30 million—by nearly one-fourth in 1 year.

I want Senators to note that I said $18 million together with $12 million on the part of West Virginia—we are increasing our own effort. We are not planning to get Government handouts and then sit back and relax. We are increasing our own effort to match the Federal effort.

Now I would like to review some of the provisions of this bill to find just what it will mean to the children of West Virginia.

Title I would provide a billion dollars of Federal funds to strengthen educational opportunities for 5 million children living in families who receive less than $2,000 a year, of which West Virginia's estimated share would be $15,741,450. These young Americans have been paralyzed by poverty and the educational services have neglected to fill the gap in their educational experiences. Left unchecked, poverty's adverse effects become chronic. Schools are overcrowded, many are obsolete and unsafe. At least 30 percent of American schoolchildren go to school in classes averaging 30 or more pupils. In remote rural areas like West Virginia's mountains, schools often offer inadequate programs and inadequate facilities.

In my State, we are short of our classroom needs by a total of 2,622 classrooms, as of the end of the 1963–64 school year. We are using 7,925 classrooms which are unsatisfactory because of age, combustibility, or location. We are using 3,776 classrooms which were built before 1920. We are using 5,436 classrooms which constitute dangerous fire hazards, and this represents 32 percent of all the classroom space in the public school system of the State.

Title I adds a 3-year program designed to encourage and support the establishment, expansion, and improvement of special programs including the construction of minimum school facilities where needed to meet the special needs of educationally deprived children of low-income families. These special programs might include educational radio and television, mobile educational services, remedial education, preschool or afterschool programs, additional instructional personnel, equipment, and facilities, and other programs and activities judged necessary for improving the education of a disadvantaged child.

It is estimated that West Virginia's fiscal 1965 outlay for education will be increased in fiscal 1966 by 15 percent, from $119 million, to more than $136 million. A further increase for fiscal 1967 is projected, to $153 million, which represents another 12 percent increase. I should hope that this bill would provide incentive bonuses for the school systems of West Virginia, which operate on a county-unit basis and are heavily dependent upon an equalized formula of State-aid payments.

Title II is addressed to the important problem of instructional resources including library resources, textbooks, and other instructional resources. Particularly lacking in American schools are electronic devices, audiovisual materials, and other modern techniques of instructional materials.

Title II of the bill would authorize $100 million to be allotted to each State on the basis of the number of children enrolled in elementary and secondary schools within that State. This textbook program would introduce a new dimension beyond the present library services available. It would recognize that every child must have access to basic materials of instruction. Our county school systems are allowed to provide free textbooks if they are able, but in many areas there are large numbers of children who are too poor to pay for a textbook fee, or for the workbooks and other instructional materials they need in order to stay in school and to keep up with their classmates. We should strive for a goal of free textbooks and working materials for every needy child, and title II will help toward attainment of this goal.

Under title II, West Virginia would receive nearly $1 million for books. If we put all of this money into textbooks, we could purchase over 150,000 textbooks.

Title III proposes a 5-year program to provide vitally needed educational services not available in sufficient quantity or quality in elementary and secondary schools. It would encourage the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs. Special personnel, equipment, and other costly educational services not normally available in most schools would be made possible in the educational centers provided under this title.

In the first fiscal year, 1966, $100 million would be distributed among the States. West Virginia's estimated share would be $1,070,069.

Title IV provides for a broadened base for the support of educational research, development, and training programs through amendment of the Cooperative Research Act. It authorizes the training of research personnel and improved dissemination of information derived from educational research and development. Authority would be granted to utilize the research competence of research organizations not now eligible to contribute to the program, such as private noncollegiate research organizations and professional associations. In addition, the program would provide for the construction and operation of research facilities. If we are truly to improve the quality of teaching in our schools, we must give more assistance to research facilities directed toward improving such quality.

The West Virginia State Superintendent of Schools, Mr. Rex M. Smith, says he feels there is great potential for the Mountain State in title IV. Additional research, surveys, and demonstration programs and projects are vitally needed in developing the best and most responsive educational program in West Virginia.

If we are given this tool to improve our school functions, we would hope to launch a greatly broadened program of experimentation, fellowships, internships, and personnel exchanges between institutions and nonprofit organizations, and we would hope to develop—under the provisions of this title—a stronger working partnership among the institutions of learning, research, and industry in the State.

In the title V program to strengthen State boards of education, a relatively small amount of money is proposed. Our share would only amount to $265,521, which certainly could be wisely spent and which holds out the promise of great returns. Even with these modest funds, we could initiate programs that might produce a harvest of tremendous future benefits.

However, I feel compelled to point out my conviction that a strong State department of education in each State will be the backbone of successful administration of this act and would be the most effective single instrument in insuring that Federal assistance to education does not become Federal control.

It would appear to me that a strong State department of education would be the core of the program, for the development of uniform excellence in education within each State, and in parity among all of the States of the Union, seems to center around State boards of education and State departments of education.

Sufficient resources should be made available to enable educational leaders and school superintendents to meet the requirements placed upon them in meeting their educational responsibilities. A default in leadership must be avoided.

In summation, the needs of West Virginia are many, and the citizens of my

State seem to understand this better every day, because we are working to solve our problems. We are improving our State, and we intend to use intelligently and in good faith all tools which are made available to us in our struggle for economic and social advancement.

We believe that the key to the continuation of this constant striving for improvement lies in the field of education, in providing better teachers with higher salaries, in eliminating substandard classrooms and building newer and safer ones, in seeing that no child needs to drop out of school because he cannot afford textbooks, and in trying bold and venturesome new programs within the problem areas of education.

But as a broader evaluation of the potential values of this measure, an investment by our Nation in educating its young in a more equitable manner is rooted in commonsense, not merely in compassion. It is an investment which will be returned not merely in national security and progression, but also in dollars and cents in increased individual income upon which taxes are paid to the Federal Government. For the greater the educational level of the individual citizen, the higher becomes the comparable income level. The Bureau of the Census, U.S. Department of Commerce, states in its 1964 Statistical Abstract of the United States:

> In 1961, males 25 to 64 who had completed elementary school had an average annual income of $4,750; those who had completed high school, $6,102; and those with 4 years or more of college, $9,530 (table 149).

I support enactment of the Elementary and Secondary Education Act of 1965. It is an investment in the future progress and security of our Nation.

Mr. WILLIAMS of Delaware. Mr. President, the Senate has before it a bill calling for a program of massive Federal aid to local elementary and secondary education, in which it is proposed that the Federal Government undertake great new responsibilities in an area of our citizens' lives which has traditionally been reserved to the States and local communities. It is on this subject of Federal aid to education that I would like to speak at this time.

I have always taken the position that our education system should be strengthened wherever possible, and as a taxpayer I have been perfectly willing to pay whatever taxes are necessary to support our school system. However, I feel very strongly that public education is something that must continue to be financed and directed by the State and local communities.

There is not a Member of this body who does not agree on the desirability of an improved education system. We are all aware of the tremendous strides that have been made in science in recent years and the vastly growing need for more scientists and engineers. I am sure that we would agree, also, that too many of our youngsters leave school today without having obtained a good knowledge of such basic subjects as reading, spelling, composition, arithmetic, history, and literature.

There are shortcomings in American education today; that is granted by virtually everyone who has concerned himself with this subject at all. And I am equally certain that the vast majority of our citizens not only recognize that we are not perfect in elementary and secondary education, but agree with the need to move forward and make vitally needed improvements in those areas which are found lacking.

The answer that we hear for these problems, however, has an all too familiar ring about it. It is that we should simply begin another new massive Federal program, pour billions of dollars somewhere, and another problem will be solved. The argument has much appeal to it, but unfortunately the majority of its appeal is purely emotional, not logical.

I am constantly amazed by the seemingly endless variety of confused and contradictory reasoning which is used to support the allegation that the Federal Government simply must rush in with billions of dollars to solve some newly discovered problem in education. During the years following World War II, when the great influx of youngsters born during and immediately following the war was making its way into the school system, there was certainly a rational basis for the argument that more classrooms and teachers were needed. Simple arithmetic showed that. But from that unarguable premise the "Federal aiders" jumped to the conclusion that only the Federal Government could handle the job. It was the first in a long series of leaping non sequiturs which were designed to convince the unthinking that what was so, really was not so.

That argument for an infusion of massive Federal aid was demolished by the American people in their communities through the land when they responded to the crisis in education by setting about to solve it, by themselves. In the decade just past, while pupil enrollment in the public schools soared by 43 percent, revenues for education purposes skyrocketed 157 percent, a good 95 percent of which was supplied by State and local governments—without Federal assistance. The number of classrooms was increased by 58 percent; the instructional staff increased by 55 percent. At the same time, in the midst of what is referred to as the school population explosion, the number of pupils per classroom actually decreased from 30.5 to 27.6 and the number of pupils per teacher decreased from 26 to 23.9. While the frantic proponents of massive Central Government were crying "panic," the American people were, on the local level, calmly solving a problem of enormous magnitude in what was certainly one of the greatest tributes to the workings of a free local government that we have seen in a good many years.

The achievement was fantastic. It was so amazing that the Federal aiders must have been badly caught off base. For their next attack was based on an utterly incredible piece of tortured logic. It was an inversion in thinking that is virtually unparalleled in politics. The Federal aiders looked at what the local communities were doing—which they said could not be done—and, instead of being delighted that the problem was being solved, raised their hands in horror. The tragedy now was that there was some terrible "imbalance," heretofore undiscovered, between local and Federal expenditures for education. It followed, logically, they said, that the only way to cope with this new dilemma was to enact a vast program of Federal aid to offset—to counteract, if you will—the problem of so much local support for education.

That argument, fortunately, fell on unreceptive ears and when the Federal aid program died a deserving death, Americans in their local communities continued to do the job that was needed as they knew it should be done.

Today the problem created for the local school systems by the influx of children born in the war years is virtually solved. The local communities met the challenge and the peak has now tapered off. The period of rapid enrollment is over for the elementary and secondary school systems in general. The rate of enrollment which was up around the 43-percent mark during the past 10 years will fall rapidly to about 15 percent for the next decade. Furthermore, the national birthrate is presently at a near-record low in our history. So the old bugaboos have been largely overcome; the classroom shortage has been substantially met, and with enrollment dropping in the coming years, it will be possible for more funds to be channeled into teachers' salaries, textbooks, libraries, and better teaching facilities.

One might have expected that these glowing statistics would warm the hearts of those who predicted such calamitous results in the past decade or so. But such is not the case. They have simply worked up another leaping non sequitur which should jar the sensibilities of any rational thinker and have hit upon another new discovery: poverty.

We are now being told that since some children in this country live in poorer areas than others—and again no one denies the truth of the premise—we must, therefore, enact a massive Federal aid to education program to solve this newly discovered problem. The proposed solution might have some validity if two factors were true: If it were proved that the States and local communities were not capable of doing the job and if the bill were aimed at the so-called pockets of poverty which it purports to eliminate. However, neither is true.

I have indicated earlier the tremendous job the States and local communities have been doing to meet the challenge of the peak postwar enrollment years, and how they have met the challenge without the aid of the Federal Government. I have also indicated—and these are matters of facts, not merely judgments—that the peak has passed, that new enrollments will be drastically reduced over the next decade, and that if ever the local communities were in a good position to devote their attentions to the special problems which this bill seeks to cure they are in that position now. Clearly, then, the bill cannot be justified on the thoroughly discredited grounds that the local communities need help and that only the Federal Government, through a grab bag such as this bill is, can help.

What, then, about the "pockets of poverty" question? Is the bill aimed at those areas that simply cannot afford to do the job themselves? I do not deny that they may exist, and for years I have urged that the Congress face this problem squarely and honestly. But the proposal for Federal aid to education that is before us today carries no distinction between those school districts which may honestly need help and those which obviously do not. In fact, it makes a mockery of its stated purpose.

If Federal assistance to education were being advanced on the premise that certain areas of our country, after making every effort possible to support their own school systems, were still unable to meet the desired standards of excellence, I would be willing to support Federal assistance to those specific areas. But certainly that is a far cry from any Federal aid to education proposal which has ever been advanced to the Congress or from the one presently pending.

Under the present bill, according to the Office of Education, money will be sent to 94.6 percent of the counties in this country. That means, then, that the administration considers that only 5.4 percent of the counties in this Nation are able to take care of themselves and that they must, therefore, be called upon to eliminate the abject poverty which apparently exists in the rest of the Nation. That is as wild an assertion as I have ever heard. It is even more wild when one considers that among the 94.6 percent of the poverty-stricken counties are Montgomery County, Md.—the wealthiest in the Nation—which will receive over a half-million dollars in the first year under this bill to stamp out its poverty; Arlington County, Va.—the second most wealthy—which will be given more than a quarter-million dollars to do the job which it apparently is unable to do by itself; and Westchester County, N.Y., which will receive more than $2 million to strike at the blight in its midst. I have not seen the list of counties which comprise the 5.4 percent now being called upon to save the rest of the Nation, and how they manage to be better able to care for their problems than the wealthiest counties in the country is a question which I will leave to the sponsors of this bill to answer.

But let us assume for a moment that the States are unable to provide adequate schooling for children in the poverty category, we are justified in asking whether this bill supplies the proper answer. My conclusion after studying the manner in which the funds are apportioned is that it most definitely does not.

Under the formula approved by the committee, the State of New York—generally considered one of the richest States in the United States—receives $353 for each child the Office of Education says is in the poverty category in that State. On the other hand, the State of Mississippi—the poorest State in the Union from the standpoint of per capita income—receives the least amount per underprivileged child of all the States, just $120.

How, in the name of combating poverty, can this administration justify a grotesque formula which offers approximately one-third the assistance to a child in Mississippi as it offers to a child in New York? Why is the underprivileged child in New York worth more than twice the expenditure that the children in Alabama, Arkansas, Georgia, Idaho, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia are worth? I do not agree for a moment that the States and local communities are unable to handle this problem. But if they are unable, and Federal assistance is required, can anyone justify this thoroughly discriminatory formula for distribution of funds?

There is another point on this question of financial need and effort which needs to be explored. Many of the States which will receive generous sums under the proposed bill have the ability to do more for their education systems than they are presently doing. For example:

The State of Texas, which certainly has some citizens who are financially able to contribute toward the support of their schools, has no individual income tax, no tax on corporations operating in that State. Yet Texas, which thus far is not taxing its own citizens as other States are doing, would, under title I of this bill, receive $74,581,048 in the first year and in turn would pay into the Federal Treasury only $46,022,442. Texas last year collected $196,360,000 in severance tax on oil. This tax in turn is passed on to all gas and oil consumers in the United States. In addition, Texas has a per capita gross State debt of only $42. Surely, Texas can afford to combat the poverty which may exist in its school system.

On the other hand, our own State of Delaware has the highest per capita gross State debt of any State in the Union—$506. Much of this debt represents our endeavor to support our own school system and, in addition, in Delaware we levy one of the heaviest State income taxes on our citizens, we have an inheritance tax, and we tax corporations doing business in the State. Yet under title I of this bill Delaware would receive a total of $1,966,851, while contributing to the Federal Treasury $4,778,854 toward the overall cost of this title. Under the formula used in the bill, then, those States which tax their citizens to provide for their own schools are penalized, while those States which do not are offered assistance. Clearly, the way to get more money from Washington is to be lax on the job at home.

This bill is certainly not justified on the basis that the States cannot handle this new problem by themselves. In most cases they are doing a splendid job, and the prospects for improvement were never brighter. In other cases the means exist for the States to improve the lot of their poorer schoolchildren, if they have the desire to do it. In any event, if 94.6 percent of the counties in this country are too poor to educate their children, where will the Federal Government get the money to hand out to them? The answer, of course, is from the very same people who apparently do not have enough for their own needs.

We must, then, look elsewhere for the motivating reasons behind this bill. It is not that the States and communities do not have the money to do the job; they clearly do. And we are told that it is not that the States and communities do not have the know-how to solve their problems. The Senate committee report on this bill states that—

> It is the intention of the proposed legislation not to prescribe the specific types of programs or projects that will be required in the school districts. Rather, such matters are left to the discretion and judgment of the local public educational agencies.

Why, then, pass the bill?

Perhaps Mr. Roger Freeman, senior staff member of the Hoover Institutions of War, Revolution, and Peace at Stanford University, summed it up best in his testimony before the Senate Labor and Public Welfare Committee. Mr. Freeman said the following:

> The conclusion to be drawn is that the conflict over Federal aid is really not one over money but over the control of activities which constitutionally and traditionally have been in the realm of State and local governments. Grants-in-aid are the primary method by which Federal departments can control State functions. The issue is not one of the magnitude of expenditures for education. The question is, Who should decide how to spend the funds? Or, plainly, Who should run the schools?
>
> It is obvious that the purpose of the pending proposal is not just to supply Federal funds to States and local districts. This plan aims at a fundamental change in the structure of American education. Its underlying assumption is that the present school authorities lack the knowledge and judgment of what the educational needs in their areas are and that only a program according to the concepts of the Office of Education can meet the requirements. Once Congress acts on that assumption, where will it stop?

Make no mistake about it. This bill, which is a sham on its face, is merely the beginning. It contains within it the seeds of the first Federal education system which will be well nurtured by its supporters in the years to come long after the current excuse of aiding the poverty stricken is forgotten. The tragedy of this legislation is that it plays on the honest desire of people across the country to assist the needy, now that the approaches used through the years have been thoroughly discredited. The needy are being used as a wedge to open the floodgates, and you may be absolutely certain that the flood of Federal control is ready to sweep the land.

We should perhaps stop now before acting on this bill and ask ourselves very seriously whether we are now prepared to make our State governments merely administrative offices of the Federal Government. It is long past time when we should ask what we believe to be the rightful future role of our 50 States. And we may as well be honest with ourselves, for in passing this legislation we will have taken one more great step in the direction of the dissolution of our States as the political entities that we know them to be today.

We are told by the proponents of this legislation that the educational fabric of our Nation needs strengthening. I agree that it does. But, Mr. President, the educational fabric of our country is not only made up of new classrooms, fancy buildings, and higher teachers' salaries, desirable though they may be. These things in and of themselves do not guarantee the education of a child.

It seems to me that the greatest need in our education system today is a strong, burning curiosity on the part of our children. More than anything else, they need to have instilled in them the desire to learn, to seek out for themselves, and to acquire knowledge.

Mr. President, this entire concept of massive infusions of Federal aid is in itself symptomatic of the state of our thinking. How are our children ever to acquire the curiosity essential to increased learning if they are constantly being told that there is no reason for them to do anything? How do they become inventive, from where do they acquire traits of self-reliance and imagination if they are taught to look to Washington for the solution to all their problems?

How can we expect our children to grow up to be intelligent, thinking, reliable adults when we constantly drill into their minds the fallacious doctrine that for anything to be done right it must be done by the Federal Government?

It seems clear to me that the solutions that are proposed to somewhat imaginary problems and the manner in which such action is justified are in themselves the keys to the cause of the problem which is said to exist. So long as we hear pleas for more and more Federal intervention into purely local matters, so long as we continue to move government farther and farther from the people of this country, just so long will our educational fabric and individual incentive continue to deteriorate.

Mr. CHURCH. Mr. President, I rise today in support of Senate bill S. 370. For too long has this great body let the Nation languish with educational inequalities detrimental to the full development of the young. We are moving rapidly toward a world in which the complexity of life and the advances of technology place on our educational system strains that cannot be met by the old ways. We should no longer deny any youngster the opportunity to develop his full potential.

The increasing importance of education has been recognized by every local district and every State government. In my State of Idaho, the legislature has this year increased by 42 percent its expenditures for public education. In one of our cities, Coeur d'Alene, a citizens' group has established a book foundation to purchase much-needed books for their school and public libraries. In another town, Salmon, the sixth-grade students, having found that the school board could afford only $100 a year for school-library books, have taken to selling candy, to help fill the library shelves. In Carey, another small Idaho town, the residents, faced with a school bond issue which was insufficient to build the school they wanted, have taken over much of the manual labor themselves. Such actions demonstrate the keen interest of the parents in adequate school facilities for their children.

Some might argue that, with this growth of State and local support, we need not act. However, Mr. President, even with the additional support voted by the Idaho State Legislature, our schools will still be inadequate. Dr. L. E. Wesche, the new president of the Idaho Education Association, summed up Idaho's position, taking into full account the recent increase in State appropriations, with these words:

> The crisis in education is not over; we have greater responsibilities ahead. The educational pot at the end of the rainbow is not full. We still are behind neighboring States in support per student.

It is, Mr. President, virtually impossible for States such as my State of Idaho, where the cash income is below average and where the people are spread thinly, to furnish the educational facilities or to match the standards of the wealthier, more densely populated States. It is only with Federal aid that we can provide Idaho students with equal educational opportunity.

Control of education, I have always felt, must rest with the parents, the local school district, and the State—in that order. Never should Federal control of education be permitted. This tenet is clearly and specifically copper-riveted into the pending bill.

I do not claim that this bill is perfect in every respect. Perhaps we could, with prolonged deliberation and another year's delay, improve it in some particulars. But, Mr. President, Congress has been marking time for a long while. Any further delay would mean another crop of students leaving school, without any of the advantages this program will supply. Therefore, I urge the Senate to delay no longer the passage of this important legislation.

Mr. MUSKIE. Mr. President, it is with deep gratification that I prepare to vote in support of H.R. 2362, the Elementary-Secondary Education Act of 1965. For many years, during my entire service in the Senate and as Governor of the State of Maine, I have shared with my colleagues and with concerned citizens in my State and others the objective of enacting a meaningful Federal program of assistance to the States for elementary and secondary education.

The bill before us is not a perfect bill. Several amendments have been proposed in both Houses which I could have supported. Undoubtedly others could have been devised to improve the bill.

I share with several of my colleagues an interest in improving the formula for distribution of funds.

I share the concern of many of my colleagues over the question of judicial review of the church-state question.

I have voted against amendments, however, because I consider it to be our principal objective to enact this legislation, to place it on the books so that we could begin this long-overdue task. To do this meant that we must avoid any diversions which might jeopardize that objective, whether the amendments were intended as diversions or not.

For these reasons I voted to support the legislation as it reached us. Once it is on the books, once we have had an opportunity to examine it in action, we can consider improvements in it.

Having said this—having raised questions about certain specifics in the bill—I want to emphasize that I consider this a landmark bill. It is a very great and very positive contribution to our objective of providing equal opportunity for education for all our children, whatever their circumstances. It is with great pride, satisfaction and gratitude to those who have drafted this legislation and pushed it forward that I cast my vote in support of H.R. 2362.

In closing I wish to comment on the basic provision of the bill: I have long felt that the definition of "Federal impact" and eligibility under Public Laws 81–815 and 81–874 has been too narrowly interpreted. This interpretation has, in effect, contributed to educational inequities among States and school districts. I see in title I of H.R. 2362 corrective legislation to help eliminate such inequities. The more realistic concept of "Federal impact" inherent in H.R. 2362 would enable Public Law 874 to function in a broader national interest.

Under title I, major financial support will be given where it is most needed—at the elementary and secondary levels, with special emphasis in areas of low economic ability and deprived cultural opportunity.

Title I proposes that the concept of "national impact" be broadened to include the problems caused by the presence of large numbers of children from low income families—those with $2,000 or less per year. Maine school districts would receive $3.9 million under this provision. I support this expansion to provide channeling of Federal funds to school districts impacted by national circumstances beyond local and State control, with the administration of such funds remaining with State and local education agencies.

Title II, which provides for a 5-year program to make available for the use of all schoolchildren school library resources and other printed and published instructional materials including textbooks, is, in my view, absolutely essential to the improved educational quality of the Nation. Under title II, Maine school districts would be allotted $525,829 for purchase of these educational materials.

As President Johnson stated in his special message on education—"Toward Full Educational Opportunity":

> Just as ignorance breeds poverty, poverty all too often breeds ignorance in the next generation. * * * This is a national problem. Federal action is needed to assist the States and localities in bringing the full benefits of education to children of low-income families.

Title III, which provides for "supplementary educational centers and services," represents an imaginative step toward the goal of improving elementary and secondary level education in certain poverty areas. I agree that the supplementary education centers must be available to public and nonpublic school students alike. I enthusiastically applaud the fundamental theory of the legislation in concentrating the new Federal aid on the students from the poor family, who need it most, and making benefits broadly available to all such students, regardless of their attendance at public or private schools.

The supplementary education centers hold great promise for improving education, especially in the cities of our Nation, such as Portland, located in my State of Maine. Such supplementary centers could furnish special courses in science, foreign languages, and the arts. They could provide special classes for economically and culturally deprived children and special instruction for gifted students.

I believe that the provisions of both titles II and III will be sufficiently under public control, and contain sufficient safeguards and restraints to assure a strengthening of the quality of American education.

With regard to the provisions of title IV—amendments to the Cooperative Research Act of 1954—it should be pointed out that the 1954 act gave the Office of Education jurisdiction over a program which would permit the Commissioner of Education to enter into contracts or jointly financed cooperative arrangements with universities, colleges, and State education agencies for the conduct of educational research, surveys, and demonstrations.

The research program which has emerged from this decade of experience has facilitated significant progress in educational research, particularly in such areas as curriculum improvement and improved teaching techniques. I am particularly pleased that under the amendments proposed by title IV, authority would be granted to utilize the competence of research organizations not now eligible to contribute to the program, such as private noncollegiate research organizations and professional associations.

I view the Cooperative Research Act as an outstanding example of Federal aid to education and I support without reservation the amendments offered under title IV of H.R. 2362.

Finally, with regard to title V, strengthening State departments of education, I have during my 7 years in the Senate and 4 years as Governor of the State of Maine maintained that American education must be kept strong and decentralized. The Federal grant program offered under title V of H.R. 2362 would provide a minimal but significant breakthrough in aiding State education agencies in expanding their staffs and strengthening their services to the local school districts. Therefore, this proposal has my full support.

In conclusion, I am very pleased to give my personal endorsement to the "Elementary and Secondary Education Act of 1965." I feel it represents one of the strongest commitments to meeting the urgent needs of the public schools ever to be presented to Congress. The legislation, if enacted, will do much to help meet the educational requirements of the State of Maine and the Nation.

In my judgment, the provisions of H.R. 2362—with a first year authorization for the State of Maine of more than $5.25 million—will do much to help strengthen education in my State. It will help elevate the standards of teachers to the levels the importance of their job demands; it will help pay teachers the salaries which the required skills warrant; it will help cut the student-to-teacher ratio to the point good sense requires; it will help build the classrooms which are needed; and it will help give every child in the country the educational opportunity—from kindergarten through college—which too few have today.

The people of Maine, the people of the entire Nation for that matter, want and deserve the best public schools and the best public education that can be provided for our youth.

I hope that the imaginative provisions contained in H.R. 2362 will evoke on the part of the U.S. Senate a willingness to move forward and make the education of our youth, as President Johnson has said, "the No. 1 business of the American people."

Mr. FANNIN. Mr. President, the administration bill was supposed to help educationally deprived children from low-income families. Not only does it fail to accomplish this objective but it also is unfair to Arizona and many other States.

I vote against the bill for these reasons—but only after making every possible attempt to amend it into a more equitable and effective piece of legislation.

Because of my experience as Governor of Arizona, I am well aware that many school districts throughout our State have pressing financial problems. The same is true in many other States.

But these problems result largely from the fact that the Federal Government already has preempted so much of the practicable revenue sources available to the States and local districts.

For years we have been trying to achieve equalization of school support in Arizona by allocating funds on the basis of need. We know this is a fundamental requirement for any lasting solution to our educational financing problem.

The administration bill not only fails to achieve equalization but, in fact, compounds the already unequal situations that exist throughout the Nation.

Both in committee and on the floor of the Senate I supported many amendments to improve the bill. In particular, I cosponsored an amendment with Senator PETER DOMINICK, of Colorado, to revise the formula for allocation of the billion dollars in Federal assistance.

Our amendment would have channeled the money into the areas of genuine need. Arizona, for example, would have received $14,282,370, compared with $9,757,481 under the administration bill.

But this administration insisted on ramming through a poorly drawn, wasteful bill with a mandate against changing even so much as a comma.

In good conscience, I cannot support an education bill that gives Federal aid to wealthy counties that do not need it, instead of to those counties throughout the Nation where the need is greatest.

Mr. BREWSTER. Mr. President, the Senate is currently considering one of the most important legislative measures to come before it this session. The proposed Elementary and Secondary Education Act of 1965 will not only channel more funds to those areas most in need, it will also encourage urgently needed new programs.

The major portion of this legislation, title I, provides money to meet the special needs of educationally deprived children of low-income families. It is patterned after the aid to federally impacted area concept which has played such a crucial role in the improvement of the public schools in my State of Maryland and throughout the country.

For 14 years, the programs of school aid to federally impacted areas have been recognized as some of the best designed and most successful Federal aid programs in existence.

In its original form, the proposed Education Act had no provision for the continuation of the programs authorized under Public Laws 815 and 874.

During the Senate Education Subcommittee hearings on S. 370, I appeared before that subcommittee to urge the inclusion of the federally impacted area programs as part of this comprehensive education legislation. I further urged that several changes be made to the existing Public Law 815 and 874 programs so that they would no longer discriminate against large school districts.

The changes I refer to are included in a bill (S. 1108) I recently introduced together with 15 of my distinguished colleagues.

I am pleased to note that the legislation reported from the Senate Labor and Public Welfare Committee provides for a 2-year extension of the Public Law 874 program. The committee's inclusion of this important program reflects credit upon the members of the committee.

In many States, such as my own, the Federal Government owns large amounts of land which is thereby removed from the local tax rolls. Less taxable land, but more children result from increased Federal activity. The combination frequently creates a severe hardship on local school districts. Aid to federally impacted areas has helped to meet this situation during the last 14 years.

Originally, I proposed to offer several amendments to the bill currently being debated. These amendments would have been aimed at making the existing programs of school aid to federally impacted areas permanent, as they should be.

However, I do not wish to risk seeing the present bill scuttled by a conference committee—the fate of other major education measures in the past. Thus, I will not offer my amendments at this time.

I have been assured that the substance of my proposals will be considered by the Senate Education Subcommittee, pending the completion of a related study being conducted by the Stanford Research Institute and scheduled for release this June. I feel confident that the subcommittee members will give my proposals the most careful consideration and thorough study.

In the meantime, the presently proposed 2-year extension will serve to give continuity to a program which has on occasion been disrupted by lagging congressional action.

Mr. President, in conclusion, allow me to say that the Elementary and Secondary Education Act of 1965 has received the overwhelming approval of the people from my State of Maryland.

This legislation is a landmark. It forms the basis for an all-out attack on the problems of inadequate education. I hope that it will be passed.

Mr. MILLER. Mr. President, I shall vote for the bill because I believe it will meet a special need in our educational system which is not being met today. Moreover, looking at this from the standpoint of my own State, I regret that it does not appear that the State legislature is inclined to appropriate the additional State aid which would enable the special need of our educationally deprived students to be satisfied. So the bill is needed.

Like other Senators, I have sat through much of the debate which has swirled over the amendments offered to the bill. I have voted for some of the amendments and against others. I might say that it has been difficult for me to preserve an objective position toward the bill when I have witnessed a cold and unreasonable rejection of all amendments. This is not the way for the U.S. Senate to live up to its finest traditions as an independent and deliberative legislative body. But the bill must be considered on its merits nevertheless.

I recognize that the formula for allocating funds under the bill may not be perfect. But it is not so discriminatory or bad as some of the opponents have suggested. It is true that the money per pupil in Mississippi and other States will be much less than the money per pupil furnished the State of New York. But the cost of education in New York is much, much greater than it is in these other States, so that if an educationally deprived child in the high-cost State is to have an equal opportunity with his contemporaries in his own State, more money will naturally have to be spent on him. But that does not mean that the educationally deprived child in Mississippi will not have as good an opportunity, because it costs much less to provide that opportunity in Mississippi and elsewhere.

I may add that those States, such as my State of Iowa, where there has been a better-than-average effort made to educate our children, and where, particularly, there has been a program to equalize educational opportunities as between the poorer districts and the wealthier districts, will find that their efforts will be rewarded under this bill, because the bill provides in title I that the average expenditure per pupil—from whatever source the funds are derived—will be taken into account.

It will be recalled that I voted against the primary and secondary education bill proposed by the late President Kennedy in 1961. I did so for two major reasons: First, the bill was a general aid to education bill, which clearly had within it the potential for Federal control over our local educational systems; and second, I did not regard the allocation of funds formula as one which either adequately recognized the relative effort by the various States or the needs of the various school districts involved. This bill is specifically directed under section 205(a) at meeting "the special educational needs of educationally deprived children," or some 11 percent of our student population. And it is replete with provisions placing the control, the programing, and the administration in the local school districts and offices of the State departments of public instruction—where it belongs, where it is now, and where it should stay.

The church-state problem, of course, always comes up in legislation of this type. The most troublesome part of the bill in this respect is title II, relating to the furnishing of textbooks and school library materials. But the bill requires that the programs under this title must be "consistent with law," so that if a State constitution is interpreted to prohibit a particular program, the program simply would not be permitted. Judicial review upon application of a State is specifically provided under title I, and we have been advised by the proponents of the bill and others who testified on the legislation that there can also be tests of title I under local State constitutions. However, it would be my hope that those who engage in working up programs under this legislation would do their best to conduct their activities in complete harmony with the philosophy of this bill, which is to help the child, the pupil, and more particularly the child who needs a better chance, as distinguished from the educational institution, be it public or private. This will minimize, if not eliminate, the church-state problem.

Four years ago, when I joined with the distinguished Senator from New Hampshire in offering the Cotton-Miller amendment to the Kennedy bill, I stated that it is difficult for the States today to meet their responsibilities because the Federal Government has taken over the major revenue raising resources. Where can they turn? How can property tax relief be provided on the local level? I think that Federal aid to education is, in some measure, the answer. We have used this approach for a long time in providing special Federal aid to those school districts impacted with abnormal numbers of Federal employees. But there are Federal aid proposals and Federal aid proposals. Some are good. Some are terrible. They cannot be good unless they leave the control of education to our State and local agencies. And they cannot be good if they siphon off an undue amount of the taxpayers' money for high administrative costs either. I believe this bill satisfies these tests.

Mr. McGEE. Mr. President, the problems of education in a modern society are not unknown problems. I suspect that if you were able to catalog all the speeches made to service clubs, ladies organizations, school groups, and similar audiences you would find—and this is a conservative estimate—at least half of them concerned with the complexities of modern life and the need for meeting the challenge of tomorrow with action today.

I believe that in the measure considered here today we are doing just that. For in whatever direction you look, education is the key. We engaged upon a frantic and perhaps superficial acceleration of science education in response to the challenge of sputnik. We speed language training to meet the need for people to carry the message and the meaning of democracy to the underdeveloped areas of the world. However, Mr. President, these are stopgap measures. A response to a special stimulus. This approach is totally inadequate to the multiplicity of problems we face. Certainly, we need specialists, but what is needed more is an education system capable of giving to each American the opportunity to develop his talents, skills, and understanding to the limit of his ability. I believe that H.R. 2362 is a giant step in that direction.

The administration of our school systems, quite properly, rests with the local community. But while the obligation to provide a good education has become increasingly difficult of fulfillment, the means by which the local units of government can meet this challenge have been severely reduced. At one time States and localities collected two-thirds of all taxes. But now the Federal Government collects the two-thirds, leaving the local governments with one-third. It is true that many localities have increased taxes considerably to meet this challenge, but it is equally true that few have been able to solve their financial problems, especially in light of the competition for local tax dollars presented by welfare, transportation, and other badly needed services. I believe that H.R. 2362 provides an equitable means of providing assistance to our schools in a manner completely consistent with our traditional concepts of educational control at the local level.

Mr. President, the critics of this legislation suggest that it is not needed or that there is a better way of accomplishing the same end. I submit, Mr. President, that the Statue of Freedom on the dome of this building looks out on schools that are a disgrace to this Nation. I submit that in some States that average teachers' salaries are only $3,610 per year. The percentage of high school teachers with masters degrees ranges in the 50 States from 8 to 76. Every State is making progress in improving education, but we cannot take the risk that what they can do will be too little and too late. And there well may be better means of accomplishing the ends of H.R. 2362, but we do not have additional decades to consider them. We have been looking at our national education problem for many years, we have gone around it in every conceivable direction without ever coming to grips with the issue. We have determined a practical and efficient means of meeting this challenge; let us now get on with the job.

Mr. President, I have had 23 years' experience as a teacher in America's educational systems, both public and private. I consider those to have been priceless years in which I perhaps learned more than my students, but which have convinced me that inherent in our school systems is the potential to provide the leadership, the skills, the understanding necessary for a democracy to function in the space age. But I am convinced that this potential can be utilized only if every possible means for support of our educational programs is utilized to the fullest. This bill provides for the prompt utilization of the resources of the National Government where they can best serve the needs of education. I am proud to support this measure and the commitment it represents of an administration and a Congress dedicated to meeting the needs of the American people.

Mr. TYDINGS. Mr. President, it is with a great deal of pride, that I cast my vote for the Elementary and Secondary Education Act of 1965.

Let us make no mistake. This is a historic measure. We have a far-reaching bill which in my judgment will go a long way to improving the quality of elementary and secondary education in the Nation. More than that, we have a bill which is supported by educators, almost all major religions and denominations, Democrats, Republicans, State officials, Federal officials, management and labor—virtually every sector of our society which is concerned with education.

But the fact that the bill has gained such wide acceptance does not alter the fact that it is a crucial milestone in the development of American public policy toward education. The entire Nation is indebted to President Johnson; to the distinguished chairman of the Education Subcommittee, Senator Morse, and to other members of the committee including the junior Senator from New York, Senator Kennedy.

While the present program of Federal aid to education is a most significant milestone in the development of American public policy, it is not unprecedented. Nearly 200 years ago the Continental Congress declared, "schools and the means of education shall forever be encouraged." The first Morrill Act of 1862 alloted to the States for educational purposes 30,000 acres of land, or its equivalent, for each U.S. Senator and Representative. With this Federal assistance, the States established the land-grant colleges and universities which are today the backbone of our system of higher education.

The second Morrill Act of 1890 expanded the program of Federal assistance to land-grant colleges with annual appropriations to finance the operation of those colleges.

In 1917, with the passage of the Smith-Hughes Act, the Federal Government embarked on a new policy of Federal participation in education. The Smith-Hughes Act extended Federal support to public secondary schools. The Act provided funds for training in agriculture, home economics, trades and industries, and for the preparations of teachers in these fields. Succeeding Congresses expanded the act to include other occupations and vocations.

In more recent years we have stepped up the level of Federal aid to education. The Vocational Education Act of 1963 provided for significantly increased Federal participation in vocational education. Public Laws 815 and 874, commonly known as the "Impacted Areas Aid," provide Federal assistance for the construction and maintenance of schools in areas which have a high proportion of nontaxable Federal land or a large number of Federal employees. The college housing loans authorized in 1950, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the medical school facilities construction program of 1963 and the Federal school lunch program all exemplify the increasing recognition tnat education is truly a national problem.

Notwithstanding the impressive lineage of the present bill, it is nonetheless a new departure. Each of the foregoing programs is, relatively speaking, modest as compared to the $1.3 billion measure which we have before us.

There is no need, Mr. President, to recite at length why Federal aid to public education is essential. Aristotle said over 2,000 years ago:

> All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth.

The late President Kennedy expressed the same thought when he said:

> Our progress as a nation can be no greater than our progress in education. Our requirements for world leadership, our roles for economic growth, the demands of citizenship itself in an era such as this, all require the maximum development of every young American's capacity.

I am particularly pleased that emphasis and focus of this bill is upon the educationally deprived and disadvantaged youngsters of our society. Plato told us in "The Republic" that "the direction in which education starts a man will determine his future life." We all know that there are children, far too many children, whose future lives will be bleak indeed unless some corrective action is taken. We are all too aware of the multiplying problems of youth.

The increased tensions and pressures of urban life upon our young people leave far too many of them with lives that are broken, wasted, and empty. Children whose parents have little education and a meager income have the highest rates of deliquency and dropout. If these children get to the eighth grade in school, they are already 3 years behind their more fortunate schoolmates. Half of the young people turned down by draft boards received inadequate education.

I have been privileged, in the last few days, to meet with Mr. Jerome Framptom, Jr., president of the Maryland State Board of Education, with several other members of the board and with the State superintendent, Dr. James A. Sensenbaugh. I am pleased to be able to say that this bill has their unqualified support.

There are in Maryland, 56,000 school-aged youths whose parents receive less than $2,000 annual income. This represents 7 percent of all the school-age youths in our State. In Maryland, we have already developed new programs to meet the educational need of this deprived group, but not nearly enough has been done. There is a need to develop new methodology and procedures which will deal effectively with these children. New and imaginative educational materials particularly adapted to their learning abilities, aptitudes, and interest will have to be developed. Teachers will require training in instructing disadvantaged pupils.

Most important of all the Maryland Department of Education feels there is a need to launch a massive attack on the problem of maladjustment in the underprivileged segment of the school population. There is a need to extend the current program of health, psychological assistance, guidance and counseling, social work, and other services in order to prevent maladjustment or to remedy it at its early stages. The $13.7 million allocated to Maryland under title I of this act will go a long way to provide the social and psychological assistance which is required if we are to keep our youth from following a course of dropout and delinquency. This sum is both substantial and significant. It represents more than 10 percent of present State aid to elementary and secondary education.

Title II of the bill will allocate nearly $1.8 million to Maryland to improve our school library system. Maryland already has a good record of school libraries. Eighty-four percent of the public schools have central libraries. Nonetheless many of these libraries have an inadequate number of volumes or insufficient trained staff. The money to be allocated to Maryland for this purpose will make an important improvement in this much-needed program.

Finally, Mr. President, I would like to call attention to title V which provides nearly $400,000 to the State of Maryland for strengthening the State department of education. I am proud of the department of education which we have in Maryland. The State board has exercised important leadership and are responsible for the fine educational system which we have in Maryland today.

The State board and the department of education would be the first to admit, however, that a better job could be done with additional financial resources. This act will enable the State department of education to add sufficient staff and supporting services to make it possible for the State to work more effectively with local school systems. The State superintendent has indicated the greatest need in Maryland at this time is additional professional personnel to provide consultative and technical assistance in academic subjects and in other areas of educational needs to the local school systems. Finally, the additional funds will enable the State department to develop a long-term plan for the continuing improvement of elementary and secondary education.

I believe this long-term plan is a vital element in our educational structure. James Conant, in his recent book, "Shaping Educational Policy," calls upon State governments to put their educational machinery in good order. He sees this as a necessary step if education is to be strengthened without Federal controls. This bill recognizes the independence of the State departments of education. Under the bill the Federal Government is only extending aid in the form of financial assistance. The key questions of educational policy are to be made at the local level. But with Federal assistance the State department of education will be able to carry out its responsibilities for planning educational policy in the State of Maryland for the years ahead. They can provide leadership, technical assistance, which would be beyond the means of any local school district but which remain in the control in the people of the State and not the Federal Government.

I am proud to support this bill and am gratified that it will pass overwhelmingly.

Mr. MOSS. Mr. President, the bold action we are taking here today for American education is long past due. This bill is the instrument through which we are achieving an objective we have sought for years.

Through it we are legislating a principle—the principle that each American child should have equal opportunity to develop his educational capacities to the fullest. He should not be deterred by the economic resources of his parents or of the school district in which he lives.

We are assuring that each American child does have this opportunity by providing Federal funds to help school districts which most seriously need help. I have long supported this objective—and deplored each delay, each disappointment, in achieving it.

I am not satisfied, however, that the formula upon which Federal assistance is based in this bill is entirely equitable. It fails to take into consideration the efforts which a State or county is making already to meet its educational needs. It fails to reward local effort measured against ability to make that effort.

My own State of Utah is penalized under this formula. Even though we in Utah make the maximum effort by putting the highest proportion of our per capita income into education, we will receive less under the formula in this bill than will the States which have greater per capita income than we do, but have chosen to spend their money for uses other than educating their children. Utah has waited a long time for this bill, but we believe that our local efforts to support education deserve more recognition in the allocation of Federal funds.

Yesterday I supported the amendment proposed by the distinguished Senator from Colorado [Mr. DOMINICK]. With few exceptions it would have given an increased allotment to States already making greatest efforts in terms of ability to pay. Under title I, Utah's per pupil allotment would have been increased from the $184 provided in the present bill to $371. The amendment faced strong opposition, and was lost, to my regret.

In deploring the diminished assistance to Utah under this bill, I recognize that my State of Utah is the recipient of many Federal dollars in other fields which come from taxpayers in the larger and wealthier States. They have helped build our Federal highways, to conserve our public lands, to build our colleges and universities, and to develop our national parks and monuments. We appreciate this assistance. But we are naturally disappointed that in the field which is most important to us, in the education of our children, we are penalized because we have tried so hard to do the job ourselves.

I have been one of the strongest supporters of Federal aid to elementary and secondary schools in this body ever since I took my seat in 1959. I have consistently sponsored, testified for, worked for, and voted for Federal aid to education bills. I shall vote for this historic measure before us today, because it establishes a principal long sought, and which I wholeheartedly support, the principle that the Federal Government does bear the responsibility of sharing the cost of educating America's children.

This is only a beginning. This measure will not completely solve our problems, by any means. Like most legislation, it has its imperfections. But it will unequestionably help us to strengthen the fabric of American education.

Next year Congress must again consider this problem. At that time I expect to seek again to modify the formula of distribution of funds so that the States making the greatest local effort—devoting the most of their per capita income—to support public education will receive a greater proportion of Federal aid. Only thus can we truly and fairly equalize opportunity for a quality education for every child in America. Only thus can we encourage and stimulate the maximum local effort to support education by matching that effort with needed Federal help.

This is a good bill; it could be much better.

ADMINISTRATION AID TO FEDERAL EDUCATION BILL UNFAIR, UNSOUND, AND UNWISE

Mr. BENNETT. Mr. President, the bill before the Senate to give Federal aid to primary and secondary schools in America is unfair, unsound, and unwise. Moreover the need for such legislation has all but vanished.

Ten years ago an argument could be made by those who believe in Federal control of our school system that Federal assistance to our primary and secondary schools was needed. Thus, President Eisenhower's 1955 White House Conference on Education concluded that educational expenditures would have to be doubled within 10 years if American school needs were to be met. Similarly, the Rockefeller brothers in a 1958 study warned that educational expenditures—in constant dollars—would have to be doubled by 1967. The study also said that 5 percent of the then hoped-for $600 billion gross national product would have to be devoted to education in contrast to the 1958 level of 3.6 percent. The Rockefeller report was filled with gloom and doom and said that the States and school districts could not meet the challenge.

But what has happened between the fall of 1953 and the fall of 1963—for which we have the last reliable data? Spending for all levels of education has more than doubled to a total of $32.6 billion annually. While elementary and secondary school enrollments have increased by 44 percent since 1954, expenditures have increased 77 percent to nearly $24 billion annually.

Make no mistake these statistics are accurate. Our expenditures per pupil in average daily attendance in public schools—in constant dollars—rose from $296 in 1953–54 to $444 in 1963–64, a 50-percent gain. Meanwhile, the number of teachers increased by 55 percent and teachers' salaries in stable dollars have increased 43 percent. At the same time, the average class size has contracted to 25 students per teacher, the smallest since the U.S. Office of Education began tallying such data. Then, too, the flow of college-trained teachers is accelerating. Last year's influx doubled that of 10 years ago, and more than 80 percent of the Nation's elementary schoolteachers now hold college degrees, compared with the 50 percent of a decade ago. Since the fall of 1954, we have invested $30 billion in public school construction, and built nearly 700,000 classrooms.

This tremendous achievement is made even more impressive by looking at the data since 1946. Since that time, our State and local school authorities have in the aggregate met the challenge of postwar enrollment growth. They have expanded the revenues and outlays more than sevenfold since 1946. This far exceeds the "double in 10 years" goal that both Presidents Truman and Eisenhower concluded would require Federal aid if it was to be met. Moreover, the school systems are already well ahead of the spending levels recommended by the 1958 Rockefeller Fund report. Indeed, the goal has virtually been reached in 7 rather than 10 years.

President Kennedy estimated that the Nation would need to build 600,000 classrooms over the next 10 years, or 60,000 per year. In the past 5 years, we have averaged 70,000 classrooms each year, and there is no sign of a decline in this rate. Mind you, these are official figures taken from the U.S. Office of Education and the National Education Association.

DOUBLE IRONY EXISTS

What makes this bill doubly ironic is that it will be passed in 1965, the year of high school graduation for the bumper crop of war babies whose impact on school enrollments in the late 1940's brought forth the cries for Federal help in the first place.

Moreover, the enrollment surge is ebbing fast. In the decade ending in the fall of 1963, elementary and secondary school enrollment increased 45 percent, in contrast to a projected 13 percent likewise projected in the decade ahead. In short, we have met the crisis effectively. The additional modest increases can be handled easily without any notable increase in effort.

In short, the bill would give too much too late.

It appears to be a product of the frustrations of those who want to federalize our aid-to-education system and who were thwarted in their efforts during the only time when there appeared to be a need; namely, 10 years ago.

Unfortunately, first the House and now the Senate leadership have refused to debate facts, by merely voting to confirm preconceived prejudice. The American people are going to have Federal aid to education whether they need it or not. The whip cracks from the White House and the Members of Congress are expected to rubberstamp a bill regardless of its merit.

Indeed, Congress has been told that it must not alter so much as a comma of the bill, and it is shocking to see Members of Congress abrogate their constitutional rights to White House dictation. So pronounced has been this congressional conformity that even so well-known a liberal exponent of Federal aid as Representative **Edith Green** charged on the floor of the House:

> I have been a Democrat all of my life, and one reason I have been proud to be a Democrat is because we believe in protecting the rights of the minority.

There was a man long ago who said "I may disagree with what you say, but I will defend to death your right to say it." Today it seems to me we have in the House a determined effort to silence those who are in disagreement.

UNFAIR AND INEQUITABLE PROPOSAL

Not only is there little or no need for the present bill, but it is one of the most unfair and inequitable measures to be considered on the floor of the Senate. The bill purports to aid children living in poverty. Yet funds are going to 94 percent of the counties in America, including the richest counties. Indeed the 10 richest counties are receiving more than twice as much as the 10 poorest counties. It is incredible that supposedly this bill would give cash handouts to 94 percent of our counties.

It is obvious that the money is being thrown to the wind, regardless of the bill to be paid and regardless of the wealth of the counties. Quite obviously the reason behind this dissipation of assistance is political. It is a clear intent of its sponsors to make as many school districts as possible dependent on a Federal gravy train. This, then, will furnish a nationwide lobby with ammunition for support of great new expansions in Federal aid in future years.

The Wall Street Journal for April 6, 1965, quoted one House liberal who said gleefully:

> Once the school districts around the country start depending on Washington for part of their budgets, even the most conservative Congressmen are going to have to back them up.

Thus, the bill is unfair, first, because it pretends to benefit the poverty stricken, but, in fact, benefits the wealthy far more; second, the formula is grossly unfair. In addition, not only does it fail to consider need adequately, but it also totally ignores local effort. Consider Utah as an example.

UTAH SCHOOL EFFORTS OUTSTANDING

Utah puts forth more effort in meeting its school problems than nearly all of the other States in the Union. According to one effort index, Utah is first in the Nation. However, I shall rely on the figures of the National Education Association which rates Utah as second only to New Mexico in effort; that is, in direct expenditures of State and local governments for all education as a percentage of personal income. In per capita State and local government expenditures for local schools, Utah is third in the Nation.

Yet under the fantastic formula in the bill, Utah is 45th in the Nation in per capita benefits under the Johnson administration bill now before the Senate. The highest State will receive $13.28 per capita while Utah will get only $3.81 in Federal aid per capita.

This shocking result comes about because the administration formula allocates funds by multiplying 50 percent of the average expenditure per pupil in a State by the number of children of school age whose families have annual incomes of less than $2,000. Because Utah is a poor State economically, the average expenditure per pupil in the State is low even though Utah's effort is among the first in the Nation. Utah is 31st in the Nation in per capita disposable income—$2,119 compared to the U.S average of $2,449 and the high in Nevada of $3,386. Thus, even though we use our tax resources to the hilt and exert ourselves more than nearly all other States, our average expenditure per pupil is only 84 percent of the national average, which places Utah 35th in the Nation.

The formula further discriminates against Utah by using the annual income of less than $2,000 approach. Our people believe in working for a living rather than getting the Federal dole. If the husband cannot provide adequately, Utah wives tend to go to work to help out. Thus, even though Utah is a relatively poor State, our people, because of industriousness, pride, and willingness to work, keep their incomes for the most part as a family above $2,000.

In the light of these discriminatory factors in the bill, is it any wonder that Utah receives so little relative help under the bill, ranking 45th among the 50 States in per capita benefits.

MYSTERIOUS ADMINISTRATION FORMULA

Always in the past our professional educators who have supported Federal aid have done so in the name of Federal equalization. Consequently, the traditional formulas in such bills as the Murray-Metcalf bill of some years ago did indeed provide a measure of equalization. The formulas under these bills almost always considered effort and need on rational bases rather than the mysterious formula of the administration bill, which can only be described as irrational. As a result of the political formula in the administration's bill, Utah, which makes great effort and has great need, will receive less in dollar benefits than it must pay out in our proportional share of Federal taxes. The Library of Congress has prepared a table showing the allocation by State of the $1,281,300,000 to be allocated by titles II, III, and V of the bill. The table shows that Utah will receive $4.1 million in benefits but will have to pay almost $5 million in taxes. In short, Utah's taxpayers will pay $844,000 more than they will receive under the bill. Is this equalization?

Utah, because of its serious problems and purported great need was singled out for sanctions by the National Education Association. Yet the NEA-supported bill will take more away from us than we will get. Utah thus would be far better off if this bill did not pass and if the Governor convened a special session of the legislature to raise taxes by $4.1 million in place of the $5 million yearly we will have to pay to the Federal Government. I ask unanimous consent that the table appear at this point in my remarks.

There being no objection, the table was ordered to be printed in the **Record**.

Estimated Federal tax contributions of taxpayers in each State compared with estimated Federal aid payments under titles I–III and V of the proposed Elementary and Secondary Education Act of 1965 as recommended by the House Committee on Education and Labor, fiscal year 1966

(Estimates of relative tax contributions are based largely on data for 1963. They do not reflect changes which may have resulted from subsequent tax legislation and changes in the tax base)

[Amounts in thousands]

Region or State	Estimated percentage of Federal taxes[1]	Allocation of Federal aid total of $1,281,300,000 under titles I-III and V		Difference	
		Estimated amount derived from taxpayers in each State	Estimated payments for schools in each State	Taxes derived exceed school aid	School aid exceeds taxes derived
Total United States and outlying areas	100.00	$1,281,333.0	$1,281,333.0	----------	----------
New England	7.06	90,462.2	45,064.4	$45,397.8	----------
Maine	.42	5,381.6	5,274.8	106.8	----------
New Hampshire	.33	4,228.4	2,588.9	1,639.5	----------
Vermont	.17	2,178.3	2,285.7	----------	$107.4
Massachusetts	3.39	43,437.2	19,669.1	23,768.1	----------
Rhode Island	.50	6,406.7	4,932.3	1,474.4	----------
Connecticut	2.25	28,830.0	10,313.6	18,516.4	----------
Middle Atlantic	24.00	307,519.9	198,402.4	109,117.5	----------
New York	13.28	170,161.0	109,485.7	60,675.3	----------
New Jersey	4.35	55,738.0	27,156.7	28,581.3	----------
Pennsylvania	6.37	81,620.9	61,760.0	19,860.9	----------
East North Central	21.28	272,667.6	189,945.4	82,722.2	----------
Ohio	5.49	70,345.2	47,974.6	22,370.6	----------
Indiana	2.32	29,726.9	24,270.7	5,456.2	----------
Illinois	6.94	88,924.5	54,527.4	34,397.1	----------
Michigan	4.54	58,172.5	42,281.4	15,891.1	----------
Wisconsin	1.99	25,498.5	20,891.3	4,607.2	----------
West North Central	7.06	90,462.1	112,100.8	----------	21,638.7
Minnesota	1.62	20,757.6	25,127.3	----------	4,369.7
Iowa	1.16	14,863.5	20,632.5	----------	5,769.0
Missouri	2.26	28,958.1	31,824.9	----------	2,866.8
North Dakota	.20	2,562.7	6,085.9	----------	3,523.2
South Dakota	.22	2,818.9	7,339.7	----------	4,520.8
Nebraska	.64	8,200.5	8,667.9	----------	467.4
Kansas	.96	12,300.8	12,422.6	----------	121.8
South Atlantic	12.13	$155,425.7	$234,839.8	----------	$79,414.1
Delaware	.53	6,791.1	2,788.6	$4,002.5	----------
Maryland	2.04	26,139.2	18,324.5	7,814.7	----------
District of Columbia	.69	8,841.2	5,666.8	3,174.4	----------
Virginia	1.85	23,704.7	34,212.4	----------	10,507.7
West Virginia	.63	8,072.4	18,001.8	----------	9,929.4
North Carolina	1.56	19,988.8	54,046.5	----------	34,057.7
South Carolina	.70	8,969.3	28,628.8	----------	19,659.5
Georgia	1.45	18,579.3	39,417.7	----------	20,838.4
Florida	2.68	34,339.7	33,752.7	587.0	----------
East South Central	3.86	49,459.4	133,749.3	----------	84,289.9
Kentucky	1.06	13,582.1	31,804.1	----------	18,222.0
Tennessee	1.33	17,041.7	35,312.6	----------	18,270.9
Alabama	.98	12,557.1	35,727.4	----------	23,170.3
Mississippi	.49	6,278.5	30,905.2	----------	24,626.7
West South Central	6.90	88,412.0	170,063.0	----------	81,651.0
Arkansas	.51	6,534.8	23,401.2	----------	16,866.4
Louisiana	1.15	14,735.3	42,103.8	----------	27,368.5
Oklahoma	.92	11,788.3	18,513.2	----------	6,724.9
Texas	4.32	55,353.6	86,044.8	----------	30,691.2
Mountain	3.36	43,052.8	48,944.7	----------	5,891.9
Montana	.27	3,459.6	4,833.5	----------	1,373.9
Idaho	.24	3,075.2	3,383.9	----------	308.7
Wyoming	.17	2,178.3	2,154.9	23.4	----------
Colorado	.99	12,685.2	10,908.0	1,777.2	----------
New Mexico	.35	4,484.7	10,419.4	----------	5,934.7
Arizona	.67	8,584.9	11,746.6	----------	3,161.7
Utah	.39	4,997.2	4,113.1	884.1	----------
Nevada	.28	3,587.7	1,385.3	2,202.4	----------
Pacific	14.35	183,871.4	122,596.7	61,274.7	----------
Washington	1.55	19,860.7	14,828.5	5,032.2	----------
Oregon	.90	11,532.0	10,204.3	1,327.7	----------
California	11.43	146,456.4	92,365.6	54,090.8	----------
Alaska	.12	1,537.6	1,989.4	----------	451.8
Hawaii	.35	4,484.7	3,208.9	1,275.8	----------
Outlying areas	----------	----------	25,626.7	----------	25,626.7

[1] Estimated "allocation of the Federal net budget tax burden," by Tax Foundation, Inc., Jan. 13, 1965, table 1 in a memorandum, "Allocation of the Federal Tax Burden and Federal Grants in Aid by State," issued February 1965.

NOTE.—Because of rounding, detail does not necessarily agree with totals shown.

Mr. BENNETT. Mr. President, one of the problems facing Utah schools, according to the Utah Education Association, is the loss of teachers to high salaried areas in surrounding States, particularly to California. Yet, as the gentlewoman from Oregon, Representative GREEN, observed in the House, California will receive $265 for each eligible child while Utah will get only $187. In Mrs. GREEN's words in describing this disparity:

> It would widen the gap, because the States already having the most would still have more money, and you would be in a less competitive position to attract teachers.

ALSO UNFAIR AMONG DISTRICTS

To make matters worse, the bill is inequitable and unfair in the manner by which it allocates funds not only among States but also among the school districts and counties within a State. Many of those school districts that need help the most in Utah will receive proportionally less assistance than those that need it least. In other words, the formula is just as absurd within a State as it is among States. In short, the bill is a monstrosity.

The bill also fails to face up honestly to the question of relationship between church and state. In my opinion, the Members of Congress should face up to this problem and not try to evade it as this bill does. Judicial review of its constitutionality should be provided for in the bill. Unfortunately the administration has cracked the whip and its supporters in Congress have been rubberstamps once again.

For all of these reasons, Mr. President, I shall vote against the bill, knowing, however, that it will pass, based upon the votes already taken in the Senate and House. It is the first step toward federalization of our primary and secondary school systems, gives aid when it is no longer needed, and is obviously intended to make the school districts of America dependent on Washington. If we are to have such legislation, then the formula should have been changed so that we could have equalization instead of the bill's inequitable, irrational means of allocation of funds among the States.

Mr. METCALF. Mr. President——

The PRESIDING OFFICER (Mr. HART in the chair). The Senator from Montana is recognized.

Mr. METCALF. Mr. President, I have three questions to ask the Senator in charge of the bill, the Senator from Oregon [Mr. MORSE], in order to make the legislative history.

On title I, referring to the words "mobile educational services and equipment" in section 205(A)(2), on line 23 of pages 11–12, is it required that this equipment be in connection with some sort of a mobile educational service, or does the word "mobile" as used here mean that the equipment can be moved around to different school buildings, and may thus be ordinary equipment such as projectors, tape recorders, and the like?

Mr. MORSE. Mr. President, I answer this question and the other questions which I know the Senator from Montana will ask me, in my capacity as Senator in charge of the bill, in order to make legislative history on the floor of the Senate.

I wish to assure the Senate that the answers I give have the complete approval of the Department of Health, Education, and Welfare, that they share my views, and that the answers I shall give constitute the meaning of the bill and also constitute my intent as Senator in charge of the bill from the standpoint of making legislative history.

Mr. METCALF. I thank the Senator.

Mr. MORSE. Mr. President, if the equipment is mobile or portable in nature, there certainly would be no requirement that it have wheels on it or that it be transported in a special mobile laboratory. If the logical way to supply equipment under this provision of the bill is to lend a piece of equipment to help private school children, for example, increase their reading skills, I see no reason why such equipment would have to be housed in a mobile laboratory. In other words, my answer to your question is that as long as title to the equipment remains in the public agency, the objective of this portion of the bill would be met by lending equipment for use in private schools.

Mr. METCALF. The second question relates to title III. I should like to ask for clarification paragraph (6) on line 19, page 38, under title III of the committee print.

Here it states that one of the purposes for which funds may be used is "developing, producing, and transmitting radio and television programs for classrooms and other educational use."

I should like to clarify the point that the word "transmitting" does not include the acquisition of TV or radio broadcasting facilities, which would permit the setting up of statewide broadcasting networks which would exhaust all funds under title III for any of the other laudable purposes enumerated in the bill.

Mr. MORSE. My answer, as Senator in charge of the bill, in order to set forth the legislative history, is that the Senator's concern in not wishing the funds for title III to be exhausted in setting up statewide broadcasting facilities, is warranted. I believe that funds for construction of television transmitting equipment for educational purposes are now available, and are contemplated under other programs specifically intended for that purpose. Under H.R. 2362, the funds are intended to cover only the cost of developing, producing, and transmitting programs. This does not authorize the purchase or construction of transmitting, broadcasting, or closed-circuit TV and radio equipment. In effect, there is a distinction between giving someone a dime to make a phone call, or providing the necessary capital to set up a phone company.

Mr. METCALF. I thank the Senator from Oregon. The last question is: Title V, on page 8, line 15, paragraph (5) reads: "publication and distribution, or support for the publication and distribution, of curricular materials collected and developed at curriculum research centers and elsewhere."

Is it intended that the State department of education may use these funds for the manufacture or publication of curriculum materials? Will a State be authorized to go into the textbook business, or produce films and records using the funds authorized under this act?

Mr. MORSE. Mr. President, my answer as Senator in charge of the bill is definitely not. The funds will not be used to manufacture, but to provide information about the curriculum. It should be very clear that this will provide for information about curriculum materials, explaining and demonstrating their use. It will not finance the States going into the manufacturing, publishing or production of materials, but dissemination of information about their use.

Mr. METCALF. I am grateful to the Senator from Oregon for answering these questions. I believe that they make a significant contribution to the legislative history on this bill.

Mr. MORSE. I thank the Senator from Montana for helping me make this legislative history.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Connecticut [Mr. Dodd]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Connecticut [Mr. Dodd], the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], the Senator from Oregon [Mrs. Neuberger], and the Senator from Virginia [Mr. Robertson] are absent on official business.

I also announce that the Senator from South Carolina [Mr. Johnston] and the Senator from Missouri [Mr. Symington] are absent because of illness.

I further announce that the Senator from Georgia [Mr. Russell] is necessarily absent.

On this vote, the Senator from Missouri [Mr. Symington] is paired with the Senator from Virgina [Mr. Robertson]. If present and voting, the Senator from Missouri would vote "yea" and the Senator from Virginia would vote "nay."

I further announce that, if present and voting, the Senator from Indiana [Mr. Hartke], the Senator from Arizona [Mr. Hayden], and the Senator from Oregon [Mrs. Neuberger] would each vote "yea."

The result was announced—yeas 73, nays 18, as follows:

[No. 58 Leg.]

YEAS—73

Aiken
Allott
Anderson
Bartlett
Bass
Bayh
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Dirksen
Douglas
Ellender
Ervin
Fong
Fulbright
Gore
Gruening
Harris
Hart
Hill
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Miller
Mondale
Monroney
Montoya
Morse
Moss
Mundt
Muskie
Nelson
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Saltonstall
Scott
Smathers
Smith
Sparkman
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—18

Bennett
Byrd, Va.
Curtis
Dominick
Eastland
Fannin
Hickenlooper
Holland
Hruska
Jordan, Idaho
Morton
Murphy
Simpson
Stennis
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NOT VOTING—9

Dodd
Hartke
Hayden
Johnston
Lausche
Neuberger
Robertson
Russell
Symington

So the bill (H.R. 2362) was passed.

Mr. MORSE. Mr. President (Mr. McNamara in the chair), I move that the vote by which the bill was passed be reconsidered.

Mr. RANDOLPH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

REPORT OF U.S. ADVISORY COMMISSION ON INFORMATION

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Chairman, U.S. Advisory Commission on Information, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated March 1965, which, with the accompanying report, was referred to the Committee on Foreign Relations.

REPORT OF COMMITTEE ON APPROPRIATIONS ON INVESTIGATION OF ELIMINATION OF AGRICULTURAL RESEARCH STATIONS AND LINES OF RESEARCH (S. REPT. NO. 156)

Mr. HOLLAND. Mr. President, on behalf of the entire Senate Committee on Appropriations, I send forward at this time a report having to do with our meticulous investigation into the proposed elimination of agricultural research stations and lines of research which proposed elimination was announced by the Secretary of Agriculture in a release of December 31, without prior consultation with any Members of either the Senate or House, so far as I have been able to discover, and without prior consultation with any of the communities or the commodity groups that were affected.

This report is not the basis for legislation, but is merely for the information of the Senate and public as to the findings of the Committee on Appropriations concerning this matter.

I ask that the report be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, the report will be received, and printed in the RECORD.

REPORT ON THE PROPOSED ELIMINATION OF AGRICULTURAL RESEARCH STATIONS AND LINES OF RESEARCH—GENERAL STATEMENT

The committee reports herewith on its general findings and recommendations in regard to the proposed elimination of agricultural research stations and lines of research, which was announced by the Secretary of Agriculture in a press release dated December 31, 1964. The announcement of the Secretary of Agriculture was accompanied by a listing of locations at which it was proposed to discontinue or curtail research activities at a stated savings of $5,151,000 annually.

This announcement, affecting a number of long-term research activities, was made prior to the transmittal to Congress of the President's budget for fiscal 1966.

Soon after the convening of Congress for this session, it was brought to the attention of the committee and to various Members of the Senate that the research projects proposed to be eliminated would be eliminated prior to the normal consideration of the budget by the Appropriations Committees and final action by the Congress. The committee was advised that several stations were to be closed by April 1, 1965. So far as the committee knows, this proposal of the Secretary of Agriculture to reduce expenditures for research without following the normal procedures of consideration and action by the Congress is without precedent.

Agricultural research was initiated over 100 years ago, and over the years research results have contributed substantially to profound advancements in American agriculture and agricultural technology.

Agricultural research, thus, is of a long-term nature, and it is expected that from time to time original research objectives will be attained or that it is no longer feasible to continue to investigate certain aspects or problems affecting agricultural production, marketing, or new uses for agricultural commodities. In other words, the committee expects the phasing out of research activities from time to time in the normal course of agricultural research investigations. It supports and encourages economy in the conduct of research and in every phase of governmental activity.

Heretofore, changes in agricultural research programs have normally been presented as a part of the President's budget and justified before the committee in connection with the processing and consideration of the annual agricultural appropriation bill.

CONGRESSIONAL REVIEW OF PROPOSED ELIMINATIONS

In view of the widespread opposition received from Members of the Senate, as well as by representatives of the State experiment stations and affected industry organizations, the committee recommended in its consideration of House Joint Resolution 234, making supplemental appropriations for the Department of Agriculture for fiscal 1965, the inclusion of a provision therein which precluded the Department of Agriculture from proceeding to close out any line of research or any station prior to July 1, 1965. In conference, this date was changed to May 1, 1965, with the understanding of this committee that it would conduct special hearings and make its recommendations prior to May 1. The committee believes in strong executive leadership, but it also insists that the legislative branch of our Government has a joint responsibility in connection with any policy determination affecting agriculture, whether it be in connection with enacting farm legislation or in making changes in appropriation requests to finance operations of any farm program or activity.

The legislative branch cannot compel the executive branch to spend moneys appropriated, but certainly there is no doubt that the legislative branch has the final authority by its actions to limit the use, to increase, and to decrease amounts requested by the executive branch to conduct any project or activity for which appropriations are authorized by law.

The research program of the Department of Agriculture is authorized by a number of statutes and the committee hearings, on pages 8 to 34, inclusive, provide a summary of the 35 different statutes which in whole or in part authorize the various agricultural research activities.

PROCESS AND EFFECT OF BUDGETARY ACTIONS

It is readily apparent from the hearings conducted by the committee that until the President, at a Cabinet meeting on November 19, 1964, set forth some new criteria for formulating the budget estimates for fiscal 1966, that the Department of Agriculture had previously taken no action whatsoever, in the original formulation of its budget estimates for 1966, to reduce, to eliminate, or to propose to close any of the research projects or activities included in the announcement by the Secretary of Agriculture on December 31, 1964. Apparently the decisions of the Secretary of Agriculture, as announced on December 21, 1964, were developed in negotiations between himself and the Bureau of the Budget which took place in the 6 weeks following November 19, 1964.

The committee believes it is a prerogative of the executive branch to make recommendations to the Congress involving adjustments upward and downward in the financing of various projects and activities authorized by law. In general before such changes can become effective, they must be approved by the Congress. The hearing record shows that prior to the Secretary's press release, no prior discussion took place between officials of the Department of Agriculture and the State agricultural experiment stations or the industries most affected by these proposed research eliminations. The record also shows that in most instances the Department recommends that continued research proposed on these various research activities should be undertaken by the affected State experiment stations or by industry. There are some projects in which the research objectives have been achieved and the work can be terminated.

The committee hearings are very complete and demonstrate that several mistakes in judgment occurred in the executive branch in the hasty formulation of its arbitrary proposals to reduce sharply or to eliminate long-term research activities outside of the normal budgetary process.

This unparalleled action affecting long-term research activities has caused much distress among the State experiment stations, and among producers and industry, and has resulted in a burdensome workload in the committee.

The committee expects that the Department will not attempt to repeat this procedure in future fiscal years, and it expects the Department to examine its research program and then come to the Congress with an orderly program of adjustment in research activities where such examination shows that work should be discontinued, or be continued by the State agricultural experiment stations or by industry.

NEED FOR AN EVALUATION OF AGRICULTURAL RESEARCH PROGRAMS

Two years ago in its Committee Report No. 497, accompanying the agricultural bill for fiscal year 1964, this committee encouraged the Department to collaborate with the land-grant colleges in making a systematic and continuous review of research programs, including project reviews, to make certain that worthwhile projects are undertaken and that current project investigations are phased out upon completion or discontinued when they showed no useful results. The committee report stated also that it was evident that there is further need to refine the classification of research programs as between Federal and State programs in order that there be more similarity in the classification of the subject matter fields of research as between the Federal and State programs, thereby providing a basis for more accurate reporting of research by types, together with improved reporting on research expenditures by major classifications. A better and more consistent classification of research activity would also result in more efficient use of personnel and research facilities, and form a sounder basis for the orderly redirection of research activity. The departmental officials have not followed the committee's suggestion to date, which they should do without further delay.

Based upon the experience of the committee in dealing with the departmental proposals to eliminate research, it is now recommended that the Secretary of Agriculture give immediate consideration to the establishment of an appropriate Research Review Committee comprised equally of representatives of the land-grant experiment stations, departmental research activities, affected producer organizations, and with appropriate industry representation to examine fully each and every line of agricultural research conducted by the Department and by the State experiment stations.

Such a committee should make a thorough evaluation of the agricultural research activities throughout the Nation and following its evaluation report its findings directly to the committees in Congress, to the Department of Agriculture, and to the land-grant educational and research institutions.

The committee recommends that the Secretary of Agriculture, in close cooperation with the appropriate representatives of the State experiment stations, develop and submit to the committee within the next 60 days a program proposal setting forth the general outline of the content and scope of such a review of the research programs conducted by the Department, by the States, and financed by cooperating industry contributions, which would be directed toward the general objective of making recommendations on the respective roles, responsibilities, and areas of cooperative effort that should be examined to arrive at an overall evaluation as the basis for future recommendations involving the realinement and reassignment of research responsibilities for existing programs, and also to be used as the basis for projecting agricultural research requirements for the next several years.

SUMMARY OF COMMITTEE RECOMMENDATIONS

The committee recommends the elimination or the reduction of research activities, to be effective July 1, 1965, totaling $2,521,300, and recommends the indefinite continuation of various lines of research, and research at various stations in the total amount of $2,629,700.

The specific recommendations of the committee by line of research and by location or by research station, as listed in the summary of justification material transmitted by the Secretary of Agriculture to the committee on February 18, 1965, are as follows:

Farm research (items involving proposed elimination and reduction of research lines conducted at one or more locations)

(1) Proposed closing of fertilizer research at Beltsville, Md., $492,800:

The committee concurs in the proposal of the Department to eliminate the fertilizer research investigations conducted at the Agricultural Research Center at Beltsville, Md., at an estimated annual rate of $492,800, to become effective July 1, 1965.

The recommendation of the committee is contingent upon its being furnished with a copy of an agreement between the Secretary of Agriculture and the Administrator of the Tennessee Valley Authority which shall set forth the intent of the latter agency to continue to maintain a similar research program on fertilizers and to make its research findings and recommendations available to the Department of Agriculture, to the State experiment stations, and to interested industry.

The committee has been assured by officials of the Department that the TVA has the most modern research facility available for conducting all types of fertilizer research including the use and labeling of isotopes in fertilizer and the statistical reporting on national fertilizer use. These two activities should be agreed upon as a part of the activities to be carried on by the TVA.

The TVA program of fertilizer research is supported by appropriations at a current annual rate of $3,314,000.

(2) Elimination of farm research on fibers other than cotton (Belle Glade, Fla., Experiment and Savannah, Ga., Beltsville and Glenn Dale, Md., Raleigh, N.C., and College Station, Tex.), $278,900:

The committee concurs with the Department in its proposal to eliminate the farm research carried out at the Belle Glade, Fla., station on fibers, other than cotton, which is currently being conducted at an annual expenditure of $278,900.

Although commercial production has been attained for these crops, it is not economical to produce them under peacetime conditions.

This research was first authorized in 1934 and was intensified in 1943 at the request of the Office of Defense Mobilization. Shortly thereafter it was further augmented by special funds provided for research of critical and strategic materials. The research was again expanded and additional funds were provided during the Korean conflict.

Research on these items was originated as a possible domestic substitute for jute, sisal, abaca, and other cordage crops. The Office of Defense Mobilization does not feel that the continuation of this research program is either vital or necessary in the interest of national defense at the present time, since the newly developed synthetic fibers are replacing the need of domestic cordage crops.

The State of Florida has advised the committee that it has plans to carry on the experimental work on kenaf at State research stations, but does not consider it advisable to continue the investigations on ramie and sanseveria.

(3) Elimination of farm research on bamboo (Auburn, Ala., Savannah, Ga., and Beltsville, Md.), $63,600:

The Department has proposed to eliminate the research investigation program on bamboo, as an alternate commercial pulp crop, and the committee concurs in the plan of the Department to eliminate this research program, effective July 1, 1965, at an annual savings of $63,600.

The departmental investigations on the development of bamboo as a commercial pulp crop have been underway since 1919, and some species have been made available to commercial nurseries in limited quantities. To date, the production and processing problems which would enable bamboo to compete as a commercial crop have not been overcome. The Department also reports that the need for developing an alternate source of woodpulp to meet future requirements is not essential at this time due to increases in available timber resources, and due to the constantly changing technology in papermaking which increasingly permits the wider use of hardwoods in the pulp industry. The collection of planting stocks will be preserved at the Federal staton at Mayaguez, P.R.

(4) Elimination of all fur animal research (Petersburg, Alaska, Fontana, Calif., Ithaca, N.Y., Pullman, Wash., Madison, Wis., and Beltsville, Md.), $235,800:

The committee recommends that the fur animal research program be continued indefinitely, except for the research on rabbits at Fontana, Calif. The continued program amounts to $161,100 for research on mink, marten, and other animals, and the decrease recommended is $74,700.

The committee hearings show that the economic value of the mink is $130 million at the producer level and about $500 million at the retail level. The research program on mink is strongly supported by cooperative research at the State experiment stations.

(5) Elimination of research on tung (Cairo, Ga., Bogalusa, La., and Beltsville, Md.), $221,300: The committee recommends that the production research on tung be continued indefinitely at an annual expenditure of $221,300. The production of tung is regional in nature and the hearing record shows that on the average only 50 percent of our domestic requirements of tung is met by U.S. production. In order to step up domestic production of tung, the research program should be continued to cope with various problems of cold resistance, cultural, nutritional, harvesting, and related problems of production.

(6) Elimination of research on sesame (Experiment, Ga., Beltsville, Md., and College Station, Tex.), $64,000:

The committee partially concurs in the departmental proposal to eliminate research on sesame and recommends that $30,000 of the $64,000 be continued.

The committee believes that the reduced amounts for sesame research of $30,000 annually should be used to develop improved varieties suited to direct combining in order to improve the economic importance and the production potential of sesame.

(7) Elimination of research on sugar sorghum (Cairo and Experiment, Ga., Beltsville, Md., and Meridian, Miss.), $75,200: The committee recommends the indefinite continuance of research on sugar sorghum at an annual rate of $75,200. Sorghum is produced in 29 States as silage, sirup, or as a molasses crop. The farm value of the crop is estimated at $80 million. Due to the wide area of production and the need for continuing research, there appears to be little basis for proposing to discontinue this line of research which is effectively conducted at a low rate of expenditure in relation to the value of the crops produced.

(8) Elimination of research on rye (Tifton, Ga., Beltsville, Md., and Stillwater, Okla.), $39,800: The committee recommends that the insect research on rye be continued. The annual expenditure is $39,800 and the results apply throughout the rye-producing area. Production of rye has increased over the past 16 years both for forage and grain purposes. Rye is now produced in 31 States with an estimated farm value in excess of $35 million annually.

(9) Reduction in research on castorbeans (Davis, Calif., Experiment, Ga., Beltsville, Md., and Stillwater, Okla.), $118,600:

The committee concurs in the proposed reduction in castorbean research of $118,600 per annum. The remaining production research amounting to $59,000 annually appears to be adequate to meet the current research needs of castorbean production.

The research program on castorbeans was initiated in 1950 at the request of the Munitions Board to develop a new oil crop. Most of the major production problems have been solved, but domestic production only fulfills about one-third of U.S. requirements. The current production area appears to be concentrating in the High Plains of Texas, where the development of the castorbean as a commercial crop appears to be most promising, and it is expected that the continuing research will be concentrated in that area.

(10) Closing agricultural engineering research on fertilizers and reducing research on planting, cultivating, etc., principally in surplus crops (Athens, Ga., Beltsville, Md., and Bushland, Tex.), $92,500:

The committee has not concurred in the proposal to close agricultural engineering research on fertilizers and to reduce research on planting, cultivating, etc., principally in surplus crops in the amount of $92,500.

In its justification material submitted to the committee, the Department listed a number of research investigations that should be continued and stated that the results of research findings were important to over 400 million acres of pastureland, over 80 million acres of small grain production, and about 3.4 million acres of commercial vegetables.

In the hearings the departmental officials stressed the application of research results to corn. It is evident that further study and a thorough evaluation of this line of research should be undertaken through joint consultation with the State experiment stations, and the results of such reexamination together with the joint recommendations resulting therefrom should be submitted to the committee for its consideration in connection with a future annual budget request.

(11) Terminating research under cooperative agreements (18) on bloat and mucosal disease of cattle and on ornithosis and air sac of poultry in 14 States (California, Colorado, Connecticut, Delaware, Indiana, Maryland, Massachusetts, Minnesota, Mississippi, New York, Oregon, Texas, Virginia and Wisconsin), $223,600:

The committee concurs in the proposal to eliminate a number of cooperative research agreements in the amount of $223,600. These investigations deal with the bloat and mucosal disease of cattle and of ornithosis and air sac diseases of poultry. The Department justifies these reductions on the basis that the new national animal disease laboratory at Ames, Iowa, can concentrate on the cattle disease problems. This livestock laboratory also conducts research on poultry disease problems and that laboratory, together with the new poultry research laboratories, appears to be capable of dealing adequately with the several disease problems associated with livestock and poultry production.

The record shows that it is still proposed to continue some cooperative projects on this subject in some States at an annual rate totaling $120,400; and it is recommended that some of these remaining funds be redirected to complete essential work on any of those projects proposed for elimination that would require continued financing beyond next July 1.

(12) Terminating research under cooperative agreements (13) on dairy cattle, beef

cattle, and swine husbandry in 11 States (California, Illinois, Indiana, Michigan, Minnesota, Nevada, North Carolina, South Dakota, Texas, Virginia, and Wisconsin), $104,000:

The committee recommends the continuation of cooperative research agreements with the States on dairy, beef cattle, and swine. These several projects deal primarily with animal husbandry research and amount to $104,000 annually.

In view of the widespread production of livestock and the problems of cost of production, the committee believes that these projects should be continued. In addition, last August 7, 1964, in the committee report accompanying the Agricultural appropriation bill, funds were earmarked and general directions were given to the Department to make a thorough study of the current livestock research, together with a request that a report on findings and recommendations for a long-range program be submitted to the committee. It is expected that when this report is received it will include concrete and specific recommendations for the livestock research program of the Department, as well as the general research program requirements for the State experiment stations.

Closing of miscellaneous research at 11 locations and eliminating lines of research at 9 locations

(13) Arizona: Glendale—Poultry husbandry, $60,300:

The committee recommends that the poultry husbandry research conducted at the Federal station at Glendale, Ariz., at an annual Federal expenditure of $60,300 be continued indefinitely.

The research results achieved by experiments conducted at this station apply to a large area of the Southwest. The Department advises that this is the only Federal research station dealing with poultry production in the high temperature, semiarid environment, and estimates that approximately 28 million people live in this 5-State region.

In general, poultry production is affected by depressed conditions and some of the current investigations at this station are directed toward the solution of egg production problems that will greatly benefit the producers of cottonseed, as well as the producers of eggs. It is evident from the hearing record that this station has produced and continues to produce outstanding research results on a limited budget, in an important line of research, the results of which apply to a regional area of increasing importance.

(14) Arkansas: Clarkedale—Weed control research, $15,200: The committee concurs in the elimination of weed research at Clarkedale, Ark., at an annual rate of $15,200. The Department states that this project, which was started in 1959 to solve the problem of waterstargrass and aquatic weeds in drainage systems. The research has been concluded, and the position is vacant.

(15) Florida: Quincy—Tobacco insects, $24,400:

The committee recommends that the research on tobacco insects located at Quincy, Fla., at an annual expenditure of $24,400, be continued indefinitely.

The demand for wrapper leaf type of tobacco currently exceeds the available supply. The total producer return from this type of tobacco averages $48 million annually and this type of tobacco does not receive any Government price support. This expenditure of $24,400 annually is the only Government program assistance on the shade-grown type of tobacco.

It is obvious that the decision to propose discontinuance of this research project was arrived at hastily, and the alternate proposal to continue the research activity on these particular insect problems at a location several hundred miles distant under so-called controlled conditions does not meet with the concurrence of the committee.

If it is the current and general view of scientific leadership in the Department that research investigations at field locations should be abandoned in favor of controlled environmental research chambers for the conduct of farm research, the committee will need a good deal more justification from the Department before it concurs in such a basic and major change in the conduct of farm research investigations.

(16) Georgia: Fleming—Drainage and related soil management, $52,400:

The committee does not concur in the proposal to eliminate research on drainage and related soil management problems on the lower coastal plains and tidewater lands. The current expenditure of $52,400 is applicable to a 6-million-acre area in which an estimated 10,000 families live.

The committee recommends that the research investigations at this Federal station be continued until the Department has made a reexamination of this work and reported to the committee on the bases, if any, for apparent changed views in regard to the soil and water conservation research investigations.

In last year's hearings the record shows that the Department proposed additional amounts of financing for this station in future years, rather than recommending that it be closed.

The committee does not take the position that research programs and their objectives are to be considered as permanent undertakings, but it questions the apparent year-to-year changes in departmental research policy.

As stated earlier in this report the committee expects that departmental intentions to propose changes in research projects are to be jointly examined with the State experiment stations affected, well in advance of proposed elimination of any line of research or proposed closing of a research station.

(17) Idaho: St. Anthony—Dryland erosion problems and moisture conservation, $13,000:

The committee concurs in the discontinuance of research on dryland erosion problems and moisture conservation at St. Anthony, Idaho, at a cost of $13,000 annually.

The Department advises the committee that there is a continuing need for this research activity which was started in 1935, and that it will be continued as a part of the research program to be conducted at the new soil and water conservation research facility at Twin Falls, Idaho. The new laboratory will conduct broad soil and water research investigations, the results of which should be applicable to the entire Snake River Valley.

(18) Montana: Huntley—Soil management under irrigation, $22,300:

The committee does not concur in the proposal to eliminate research on problems of soil management under irrigation located at Huntley, Mont. This research activity operates on an annual budget of $22,300, together with a strong cooperative program of research supported by State funds.

The research results are applicable to 34 million acres of dry lands and 600,000 acres of irrigated land. This is another case which reflects the result of hasty decision-making within the Department, because last year's hearings show that an additional appropriation of $14,800 was then recommended for accelerating the research at this location rather than to eliminate it.

The full hearing record shows that the Department has vigorously encouraged the formation of a rural areas development program in the Huntley, Mont., area involving complete resource development while at the same time proposing to eliminate research that contributes to resource development. The need for a restudy as to the justification for this proposed elimination of research as well as the development of better coordination between the various program administrators within the Department is quite evident.

(19) New Hampshire: Durham—Clover diseases and gully erosion, $45,400:

The committee recommends that the research on clover diseases and gully erosion, conducted in cooperation with the New Hampshire experiment station, be continued indefinitely. This program of research was initiated at the request of the Department and the annual expenditures for both projects amounts to $45,400.

The justification material submitted to the committee and printed in the hearings shows that both research projects deal with projects of regional significance and importance in the New England States of Vermont, New Hampshire, and Maine. This is the only agricultural research activity conducted by the Agricultural Research Service in New Hampshire. This regional area, to which research findings apply, has an annual agricultural production estimated at $373.4 million. The hearing record also shows a continuing need for research on both clover production and gully erosion as well as good cooperation between the Department and the State experiment station.

(20) South Dakota: Newell—Beef cattle husbandry and irrigated soil management, $165,800:

The committee recommends the continuation of research at the Federal station at Newell, S. Dak., at an annual rate of $165,800.

The committee has dealt with the research objectives of this station in previous years, and a few years ago, based upon the redirected program objectives presented by the Department, additional funds were appropriated to carry out the realined research program. A year ago the responsible departmental officials proposed that a further increase of $20,700 be recommended for future years.

The hearing record shows that research results are directly applicable to 17.5 million acres of Pierre soils and generally applicable to 50 to 60 million acres of grassland and about 100,000 acres of irrigated lands.

As previously stated, the committee expects that the Department will continue the experiments at this research station pending a complete reevaluation by the Department in partnership with the affected State experiment stations as to the requirements of the long-term research program for soil and water research in this section of the country.

The committee expects that the general reexamination of soil and water research recommended in several places in this report should embody the basic needs of research in each area or region of the country and take cognizance of the future agricultural needs for soil and water conservation practices under present and future cropping, irrigation, or related types and systems of farm production.

(21) West Virginia: Morgantown—Watershed hydrology, $14,000:

The committee concurs in the proposal to discontinue the watershed hydrology project headquartered at Morgantown, W. Va., at an annual cost of $14,000.

This project was established in fiscal 1958 to study factors affecting storm surface runoff from pastures on shallow shale soil, and to evaluate the effect that chiseling shale soils has on runoff volumes. The results have been recorded for a representative period of time and research results are in the process of publication.

(22) Wisconsin: Lancaster—Soil management for erosion control, $68,500:

The committee recommends that the research on soil management for erosion control headquartered at Lancaster, Wis., be continued. This cooperative research program is supported by a Federal appropriation of $68,500, and is concerned with experimentations dealing with the modification of crop and tillage systems in an area of the northern Mississippi Valley. Research results are applicable in an area of over 8 million acres, with over 40,000 farms and annual farm sales of $150 million.

The committee notes that the Department proposes to absorb this type of research at other locations, as workload adjustments permit at such other locations. This program of research should be reexamined in consultation with the various affected State experiment station officials, as a part of the reevaluation of the soil and water conservation research program.

(23) Wyoming: Cheyenne—Horticultural crops, farm windbreaks, and new crops, $206,200:

The committee recommends that the research program conducted at the Cheyenne, Wyo., station, at an annual expenditure of $206,200, be continued indefinitely. This station was established pursuant to a specific authorization act, approved March 19, 1928, to conduct research investigations on shade, ornamental, fruit, and shelterbelt trees, shrubs, vines, and vegetables as are adapted to the conditions and needs of the semiarid or dryland regions of the United States.

It is apparent from the hearing record that the research findings derived from experiments at this research station are applicable to the horticultural interests of Wyoming, Colorado, parts of Kansas, Nebraska, and South Dakota, an area larger than 12 Northeastern States.

(24) Kansas: Hays—Soil management, $7,900: The committee concurs in the proposal to eliminate soil management research at Hays, Kans., in the amount of $7,900. The Department states that current studies underway at Cherokee, Okla., will provide information applicable in the physiographic area served by the current research at the Hay station.

(25) Mississippi: State College, and Maryland: Beltsville—Farm housing, $8,000: The committee concurs in the proposal to eliminate farm housing research on building foundations in expansive soils at Beltsville, Md., and State College, Miss., in the amount of $8,000. The experimental foundation piers have been established, and the engineering data is being accumulated.

(26) Nebraska: Mitchell—Soil management under irrigation, $58,800:

The committee recommends that the research on soil management problems of soils under irrigation practices at Mitchell, Nebr., in the amount of $58,800, be continued. At this location there is strong cooperation by the State research agency in this and related research programs.

The findings from research investigations are applicable to crops with an estimated annual value of $113 million, which are grown on over 7,000 farms in an irrigated area of 1.4 million acres. The Department indicates the need for development of an automatic system for water application and other studies, but believes this work should be undertaken by the State experiment station.

The entire research program involving soil and water conservation research should be reexamined in consultation with State officials and the research mission and objectives at this location and at other locations in the Midwest area should be mutually agreed upon between Federal and State officials concerned, and then be presented for future consideration by the committee.

(27) New Mexico: University Park—Soil physics of irrigation; soil management, $23,100:

The committee concurs in the proposed elimination of research on the soil physics of irrigation and soil management at University Park, N. Mex., in the amount of $23,100.

The Department states that the research investigations on this subject underway at Federal research stations at Weslaco, Tex., and Tempe, Ariz., will contribute to the solution of remaining conservation management problems applicable to the agricultural land in this area.

(28) New York: Geneva—European chafer, $22,600:

The committee recommends that the research program on the European chafer, headquartered at Geneva, N.Y., be continued indefinitely. This research program costs $22,600 annually and is regional in scope. This is another example of an arbitrary decision to eliminate a small project in the face of the continuing spread of the insect into adjacent areas.

The committee is advised that the current control methods rely upon soil applications of persistent chemicals—the very type of pesticides for which the Department requested and received a large increase in research appropriations for fiscal 1965 in order to develop new control methods.

(29) Oklahoma: Woodward—Dryland soils, $15,100: The committee concurs in the proposal to eliminate research on dry lands located at Woodward, Okla., at an annual cost of $15,100. The Department states that the original research objectives of this dryland station have been achieved and that the remaining problems in need of research can be coped with through the research investigations on the same subject which are carried on at the Federal stations at Bushland and Big Springs, Tex.

(30) Texas: Brownsville—Cotton breeding, $15,300: The committee concurs in the proposal to eliminate research on cotton breeding at Brownsville, Tex., in the amount of $15,300. This research investigation, which deals with the isolation of morphological and biochemical characters which influence the behavior of the boll weevil, was undertaken at the request of the Department in fiscal 1960. The Department maintains that the activity should be eliminated at Brownsville and moved to the Texas State College at Bryant, Tex., where this research project can be more closely associated with the other basic research on all phases of cotton production, control of diseases, and control of insects.

(31) Utah: Logan—Sugarbeet and vegeton production, control of diseases, and concurs in the proposal to discontinue research on sugarbeet and vegetable insects at Logan, Utah, at an annual cost of $14,700. The field station was established in 1936 to study the biology and methods of control of the beet leafhopper vector which damages sugarbeets and other vegetables. Effective control methods have been developed and the Department maintains that further research on these insects can be continued at the research station at Twin Falls, Idaho.

Elimination of utilization research and development

(32) Honey (Philadelphia, Pa.), $142,700:

The committee recommends that the research on honey, currently being conducted at the eastern utilization research laboratory located near Philadelphia in the amount of $142,700, should be continued indefinitely.

Honey bees are used to pollinate some 60 different crops produced in various sections of the country, having an estimated annual farm value of about $1 billion. Honey production is to a large extent the end product of beekeeping. In view of the great importance of beekeeping to agricultural production, the committee sees no reason why the honey utilization research program should be terminated.

(33) Maple (Philadelphia, Pa.), $142,700:

The committee recommends that the utilization research on maple, also being currently conducted at the eastern utilization laboratory at Philadelphia at a level of $142,700, should be continued at a reduced level of $71,350. Maple is produced in 14 States by approximately 10,000 producers and has an annual farm value of approximately $10 million.

The committee recommends that the continued research on maple should be reexamined by the Department in consultation with the States, the pertinent advisory groups, and the affected industry. The committee recommends that the Department follow this course of action and report back to the committee in a later annual budget request in regard to the scope, participation, and financing for maple research.

Based upon information available to the committee, it is believed that more emphasis should be given to research on new and improved food products and on processing technology.

(34) Molasses (Peoria, Ill.), $12,200:

The committee concurs with the Department in its proposal to eliminate the utilization research on molasses for the present.

Molasses has a current annual value of approximately $120 million. It is not in surplus today and finds a ready market as a feed additive and as a fermentation substrate. The committee does not find that this product is facing any serious problems at the present time, but if any develop this research can be reestablished.

(35) Sugarbeets (Albany and Pasadena, Calif.), $169,400:

The committee concurs in the proposal of the Department to eliminate the utilization research on sugarbeets which is currently being conducted at Albany and Pasadena, Calif., at a level of $169,400.

Sugarbeets are grown in 21 States and have an annual farm value of $246 million. The committee believes that since sugar is not in surplus today, and in view of the current status of sugarbeet processing technology, this reduction may be justified for the present. If any problem arises which the industry itself cannot solve, the research can be reinstituted at any time.

(36) Sugarcane (Houma and New Orleans, La.), $218,100:

The committee concurs in the proposal of the Department to eliminate the research on sugarcane. This research is being conducted at New Orleans and Houma, La., at an annual cost of $218,100.

The 1963 crop value of sugarcane is approximately $350 million. As in the case of sugarbeets, the committee concurs with the departmental views that the current status of technology in the processing of sugarcane products and byproducts warrants the discontinuance of this research for the present, with the understanding that it can be reactivated in the future whenever such action is warranted.

(37) Elimination of utilization research on tung (New Orleans, La.), $93,400:

The committee concurs with the Department in its proposal to eliminate the utilization research on tung which is being carried on at New Orleans, La., at a level of $93.400.

Tung is produced in six States and has an average value of approximately $6,600,000. The committee was advised that there is no pressing need facing the tung industry in the utilization field at the present time; however, since this research is conducted at the south regional laboratory at New Orleans, La., it can be reactivated in the future if such action is warranted.

(38) Elimination of utilization research on rice (Albany and Pasadena, Calif., and New Orleans, La.), $152,700:

The committee does not concur in the proposal to eliminate the utilization research on rice, which is being conducted at Albany and Pasadena, Calif., and New Orleans, La. The annual expenditure is $152,700.

Rice is grown in 13 States with most production centered in the States of Arkansas, Louisiana, Mississippi, Texas, and California. The annual value of this crop is approximately $355 million.

The committee believes that this research should not be terminated without prior consultation by the Department with the industry groups and the affected States. Following such consultation the Department should submit its findings and recommendations to the committee on the research needed for rice in a future annual budget estimate.

(39) Reduction of utilization research on new crops (elimination of such research at Albany and Pasadena, Calif., New Orleans, La., and Philadelphia, Pa.), $330,800:

The committee concurs with the proposal of the Department to reduce the utilization research on new crops at Albany and Pasadena, Calif., New Orleans, La., and Philadelphia, Pa., in the amount of $330,800.

In view of the fact that the preliminary testing of such new crops is ahead of breeding and agronomic studies, the committee recommends that this work be discontinued for the present.

(40) Reduction of utilization research on castorbeans (Albany and Pasadena, Calif., and Washington, D.C.), $164,600:

The committee concurs in the proposal of the Department to reduce the utilization research in the amount of $164,600 on castorbeans. This research is being carried on at Albany and Pasadena, Calif., and Washington, D.C.

Production is presently centered in the High Plains region of Texas. The farm value of this 1964 crop was approximately $3 million.

The committee believes that the $228,100 which remains to continue utilization research is adequate.

(41) Elimination of fresh fruit and vegetable utilization research at Prosser and Puyallup, Wash., $86,200:

The committee does not concur with the proposal of the Department to eliminate the fresh fruit and vegetable utilization research at both locations of Prosser and Puyallup, Wash. The committee concurs with the decision to eliminate the utilization research at Prosser at a savings of $48,700, but does not believe that the utilization research being conducted at the Western Washington Experiment Station at Puyallup should be discontinued. The current Federal expenditure at Puyallup is $37,500.

The committee believes that the research which was started at this location in 1951 has made many substantial contributions to the fresh fruit and vegetable industry of the Pacific Northwest, and that many problems relating to varietal selection of fresh fruit and vegetables still need to be solved.

(42) Elimination of clothing and housing research division, $550,400:

The committee recommends that the clothing and housing research division located at Beltsville, Md., should be continued indefinitely. The annual expenditure for this research is $550,400. Thirty-nine percent of the total expenditures for family living is spent for clothing, housing, furnishings, and equipment.

The results of this research, originally designed to benefit the rural population, are widely used by the urban homemakers and thus serve all types of consumers. Since over half of the expenditures for the agricultural budget inures to the benefit of the general population rather than the rural population, the committee does not believe this research division should be eliminated on the basis that it benefits the general population.

The committee notes that the Secretary of Agriculture in his announcement of December 31, 1964, commented upon organizational changes within the Department to strengthen the consumer benefit programs administered by the Department of Agriculture when he announced the establishment of a new agency, the Consumer and Marketing Service. The Secretary stated in part that the new Service will be designed "to give stronger emphasis to consumer services within the Department."

It appears, therefore, that until some other Government agency is established, this research activity, which to a large extent benefits the nonfarm population, should be continued as a consumer benefit function of the Department of Agriculture.

(43) Elimination of Food Wholesaling and Retailing Research Branch under Marketing Research, $224,700:

The committee recommends that the food wholesaling and retailing marketing research be continued indefinitely. The current annual expenditure for this item is $224,700.

The accomplishments of this research have been nationally significant. In 1964, the food marketing bill was $47 billion whereas the farm value was only $22 billion, representing a spread of $25 billion to which this research effort is directed.

This is a small increment of research expenditure applied against a gap of $25 billion representing the marketing spread between producer price and consumer costs, the benefits of which can be directly attributed to both the agricultural producer and the American consumer.

Proposed elimination or reduction of research with committee recommendations

Items	Decreases recommended by Department in amounts appropriated for 1965	Proposed recommendations by Senate committee	
		Amounts recommended for elimination effective July 1, 1965	Amounts recommended for research to be continued
FARM RESEARCH BY LOCATIONS			
(1) Closing fertilizer research at Beltsville, Md.	$492,800	$492,800	
(2) Elimination of research on fibers other than cotton (Belle Glade, Fla., Experiment and Savannah, Ga., Beltsville and Glenn Dale, Md., Raleigh, N.C., and College Station, Tex.)	278,900	278,900	
(3) Elimination of farm research on bamboo (Auburn, Ala., Savannah, Ga., and Beltsville, Md.)	63,600	63,600	
(4) Elimination of all fur animal research (Petersburg, Alaska, Fontana, Calif., Ithaca, N.Y., Pullman, Wash., Madison, Wis., and Beltsville, Md.)	235,800	74,700	$161,100
(5) Elimination of research on tung (Cairo, Ga., Bogalusa, La., and Beltsville, Md.)	221,300		221,300
(6) Elimination of research on sesame (Experiment, Ga., Beltsville, Md., and College Station, Tex.)	64,000	34,000	30,000
(7) Elimination of research on sugar sorghum (Cairo and Experiment, Ga., Beltsville, Md., and Meridian, Miss.)	75,200		75,200
(8) Elimination of research on rye (Tifton, Ga., Beltsville, Md., and Stillwater, Okla.)	39,800		39,800
(9) Reduction in research on castorbeans (Davis, Calif., Experiment, Ga., Beltsville, Md., and Stillwater, Okla.)	118,600	118,600	
(10) Closing agricultural engineering research on fertilizers and reducing research on planting, cultivating, etc., principally in surplus crops (Athens, Ga., Beltsville, Md., and Bushland, Tex.)	92,500		92,500
(11) Terminating research under cooperative agreements (18) on bloat and mucosal disease of cattle on ornithosis and air sac of poultry in 14 States (California, Colorado, Connecticut, Delaware, Indiana, Maryland, Massachusetts, Minnesota, Mississippi, New York, Oregon, Texas, Virginia, and Wisconsin)	223,600	223,600	
(12) Terminating research under cooperative agreements (13) on dairy cattle, beef cattle, and swine husbandry in 11 States (California, Illinois, Indiana, Michigan, Minnesota, Nevada, North Carolina, South Dakota, Texas, Virginia, and Wisconsin)	104,000		104,000
Subtotal	2,010,100	1,286,200	723,900
CLOSING MISCELLANEOUS RESEARCH AT 11 LOCATIONS AND ELIMINATING LINES OF RESEARCH AT 9 LOCATIONS			
LOCATIONS CLOSED			
(13) Arizona: Glendale—poultry husbandry	60,300		60,300
(14) Arkansas: Clarkedale—weed control research	15,200	15,200	
(15) Florida: Quincy—tobacco insects	24,400		24,400
(16) Georgia: Fleming—drainage and related soil management	52,400		52,400
(17) Idaho: St. Anthony—dryland erosion problems and moisture conservation	13,000	13,000	
(18) Montana: Huntley—soil management under irrigation	22,300		22,300
(19) New Hampshire: Durham—clover diseases and gully erosion	45,400		45,400
(20) South Dakota: Newell—beef cattle husbandry and irrigated soil management	165,800		165,800
(21) West Virginia: Morgantown—watershed hydrology	14,000	14,000	
(22) Wisconsin: Lancaster—soil management for erosion control	68,500		68,500
(23) Wyoming: Cheyenne—horticultural crops, farm windbreaks, and new crops	206,200		206,200
Subtotal	687,500	42,200	645,300

Proposed elimination or reduction of research with committee recommendations—Continued

Items	Decreases recommended by Department in amounts appropriated for 1965	Proposed recommendations by Senate committee	
		Amounts recommended for elimination effective July 1, 1965	Amounts recommended for research to be continued
LINES OF RESEARCH DISCONTINUED			
(24) Kansas: Hays—soil management	$7,900	$7,900	----------
(25) Mississippi: State College, and Maryland: Beltsville—farm housing	8,000	8,000	----------
(26) Nebraska: Mitchell—soil management under irrigation	58,800	----------	$58,800
(27) New Mexico: University Park—soil physics of irrigation; soil management	23,100	23,100	----------
(28) New York: Geneva—European chafer	22,600	----------	22,600
(29) Oklahoma: Woodward—dryland soils	15,100	15,100	----------
(30) Texas: Brownsville—cotton breeding	15,300	15,300	----------
(31) Utah: Logan—sugarbeet and vegetable insects	14,700	14,700	----------
Subtotal	165,500	84,100	81,400
Total, farm research	2,863,100	1,412,500	1,450,600
ELIMINATION OF UTILIZATION RESEARCH			
(32) Honey (Philadelphia, Pa.)	142,700	----------	142,700
(33) Maple (Philadelphia, Pa.)	142,700	71,400	71,300
(34) Molasses (Peoria, Ill.)	12,200	12,200	----------
(35) Sugarbeets (Albany and Pasadena, Calif.)	169,400	169,400	----------
(36) Sugarcane (Houma and New Orleans, La.)	218,100	218,100	----------
(37) Elimination of utilization research on tung (New Orleans, La.)	93,400	93,400	----------
(38) Elimination of utilization research on rice (Albany and Pasadena, Calif., and New Orleans, La.)	152,700	----------	152,700
(39) Reduction of utilization research on new crops (elimination of such research at Albany and Pasadena, Calif., New Orleans, La., and Philadelphia, Pa.)	330,800	330,800	----------
(40) Reduction of utilization research on castorbeans (Albany and Pasadena, Calif., and Washington, D.C.)	164,600	164,600	----------
(41) Elimination of utilization research at 2 locations: Fruit and vegetable utilization research (Prosser (station closed) and Puyallup, Wash.)	86,200	48,900	37,300
Total, utilization research and development	1,512,800	1,108,800	404,000
NUTRITION AND CONSUMER USE RESEARCH			
(42) Elimination of clothing and housing research division	550,400	----------	550,400
MARKETING RESEARCH			
(43) Elimination of Food Wholesaling and Retailing Research Branch under Marketing Research	224,700	----------	224,700
Total	5,151,000	2,521,300	2,629,700

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of nominations was submitted:

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

Seventy-three postmaster nominations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 908. A bill to authorize the Department of Commerce to adopt improved accounting procedures (Rept. No. 157).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 1129. A bill to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product (Rept. No. 161).

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 2594. An act to clarify the application of certain annuity increase legislation (Rept. No. 158).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 664. A bill to provide for the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes (Rept. No. 160).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with amendments:

S. 893. A bill to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska (Rept. No. 159).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments, without recommendation:

S. 1564. A bill to enforce the 15th amendment to the Constitution of the United States (Rept. No. 162).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONDALE:

S. 1753. A bill for the relief of Mahvash Cohanim Armajani;

S. 1754. A bill for the relief of Harry Kim Wong; and

S. 1755. A bill for the relief of Mr. Madan Mohan Gautam; to the Committee on the Judiciary.

By Mr. WILLIAMS of Delaware:

S. 1756. A bill to provide for the appointment by the Postmaster General of postmasters at first-, second-, and third-class post offices; to the Committee on Post Office and Civil Service.

By Mr. McCARTHY:

S. 1757. A bill to amend section 709(f) of title 32, United States Code, relating to contributions to retirement systems in the case of caretakers and clerks employed by the National Guard; to the Committee on Armed Services.

By Mr. LONG of Missouri (for himself, Mr. BAYH, Mr. BURDICK, Mr. DIRKSEN, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. McCLELLAN, Mr. SCOTT, and Mr. TYDINGS):

S. 1758. A bill to provide for the right of persons to be represented by attorneys in matters before Federal agencies; to the Committee on the Judiciary.

(See the remarks of Mr. LONG of Missouri when he introduced the above bill, which appear under a separate heading.)

By Mr. McNAMARA (by request):

S. 1759. A bill to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. McNAMARA when he introduced the above bill, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S. 1760. A bill to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 1761. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a third powerplant at the Grand Coulee Dam, Columbia Basin project, Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate heading.)

By Mr. GORE:

S. 1762. A bill for the relief of Kim Sung Jin; to the Committee on the Judiciary.

By Mr. MOSS:

S. 1763. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Finance.

S. 1764. A bill to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest in the State of Utah, by the Secretary of Agriculture; and

S. 1765. A bill to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian Irrigation project, Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Moss when he introduced the first two above-mentioned bills, which appear under separate headings.)

REPRESENTATION BY ATTORNEYS IN MATTERS BEFORE FEDERAL AGENCIES—NOTICE OF HEARINGS

Mr. LONG of Missouri. Mr. President, on behalf of myself and Senators Bayh, Burdick, Dirksen, Ervin, Fong, Hart, McClellan, Scott, and Tydings, I introduce for appropriate reference, a bill to permit members of the bar of the highest court of a State to practice before administrative agencies of the United States without imposition of any additional requirements by the agencies. I introduced a similar bill in the 88th Congress (S. 1466). Hearings were held on that bill and it was approved by the Subcommittee on Administrative Practice and Procedure and favorably reported by the Committee on the Judiciary. It was ultimately passed by the Senate, but unfortunately it was tied up in committee in the House at adjournment.

The previous bill on this subject enjoyed the cosponsorship of seven of my distinguished colleagues. I am delighted to say that this new bill enjoys the cosponsorship of nine Senators.

The history of the agencies shows that they have imposed a bewildering array of regulations restricting attorneys from practicing before them. This multiple admission arrangement and refusal to recognize the right of persons who are members of the bar in their States to represent clients before these agencies is an affront, not only to the integrity and competence of the individual attorney, but also to the fine State bars which have found these attorneys worthy to be accepted into their distinguished and honored membership.

If a man is competent to practice before the supreme court of his State, he should be able to practice before a Federal agency. Yet, these agencies impose certain additional tests or requirements which have the effect of intimating that the attorney's integrity and professionalism is more subject to compromise when before the agencies than when before the courts. Such intimations are wholly unwarranted and at best are self-righteous assertions of superiority. This bill will stop this senseless practice of multiple admission requirements. The primary benefit, however, will inure to the private litigant whose legal problems in Washington may be handled by his local attorney.

I am pleased to announce that this bill has, as it has in the past, the full and determined support of the American Bar Association.

Also, I am pleased that nine of my colleagues have added their impetus and support to this legislation.

Mr. President, I introduce this bill which I have described. I also wish to announce that this bill will be one of the subjects of the hearings scheduled for May 12, 13, and 14, 1965. Any interested persons wishing to comment or appear as witnesses in regard to this bill should contact the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, room 3214, New Senate Office Building; telephone: 225-5617.

In addition, I wish to announce that the bill, S. 1523, introduced by the distinguished Senator from Arkansas, Mr. McClellan, will also be a subject of the hearings on May 12, 13, and 14. This bill would amend Section 6(a) of the Administrative Procedure Act and would provide that parties, and persons required to appear in agency proceedings may be represented by attorneys at law or other duly qualified representatives. Anyone wishing to comment or testify with respect to this bill should contact the subcommittee at the address or telephone number mentioned above.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1758) to provide for the right of persons to be represented by attorneys in matters before Federal agencies, introduced by Mr. Long of Missouri (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT OF ECONOMIC OPPORTUNITY ACT OF 1964

Mr. McNAMARA. Mr. President, by request, I introduce a bill for appropriate reference.

Mr. President, this bill contains amendments to the Economic Opportunity Act of 1964.

They have been proposed by the Office of Economic Opportunity after more than 6 months' experience with the antipoverty program which Congress enacted last year.

I ask unanimous consent that a section-by-section analysis of the bill, together with an explanation of the amendments, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the section-by-section analysis and explanation of the amendments will be printed in the Record.

The bill (S. 1759) to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964, introduced by Mr. McNamara (by request), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The section-by-section analysis and explanation presented by Mr. McNamara, are as follows:

Economic Opportunity Amendments of 1965—Section-by-Section Analysis

Section 1. Short title: Section 1 provides that the act may be cited as the Economic Opportunity Amendments of 1965.

AMENDMENTS TO TITLE I—YOUTH PROGRAMS

Section 2. Job Corps—Enrollee Affidavits: This section amends section 104(d) of the Economic Opportunity Act of 1964 (hereinafter referred to as the act), which provides that Job Corps enrollees must execute disclaimer affidavits and subscribe to an oath of allegiance. It would eliminate the requirement for affidavits and otherwise conform the provisions of section 104(d) to current requirements for certain oaths in the National Science Foundation Act and the National Defense Education Act.

Section 3. Job Corps—Application of Employees Compensation Act: This section amends provisions of section 106(c) of the act to extend Federal Employees' Compensation Act coverage to certain activities of Job Corps enrollees while on pass and during travel to or from a Job Corps site.

Under specific language in paragraph (2)(A)(i) of section 106(c), payment of disability or death benefits is precluded in the case of any enrollee who is injured or killed while on authorized leave or pass. In addition, section 106(c)(2)(A)(ii) provides that Federal Employees' Compensation Act coverage does not extend to injury or death of an enrollee while absent from his or her assigned post of duty, unless sustained while participating in an activity authorized by or under the supervision of the Corps. The amendment would modify and combine these provisions in such a way that an enrollee could be considered as engaged in an authorized or supervised activity, and thus covered, while on pass or traveling to or from a Job Corps site. This would not affect the regular exclusions established under the Federal Employees' Compensation Act for cases of willful misconduct.

Section 4. Job Corps—Enrollee work activities: This section amends section 110 of the act to provide that 40 percent of male enrollees in the Job Corps must at any one time be assigned to camps where their work activity primarily involves public natural resources of public recreational areas.

Section 5. Work-training programs—Limitation on Federal assistance: This section extends the period during which Federal assistance for work-training programs authorized under title I-B of the act may regularly cover 90 percent of the cost of these programs. Under existing provisions, this period ends on August 20, 1966. The bill would extend the authority for 90 percent Federal financing through the fiscal year 1967, the last year for which appropriations are authorized.

Section 6. Work-study program—Limitation on Federal assistance: This section amends the work-study program to extend the period during which the Federal share of student compensation may be up to 90 percent through the fiscal year 1967, the last year for which appropriations would be authorized under the bill.

A number of important amendments to the work-study program, including a program extension and transfer of authority to the Commissioner of Education, have been recommended by the President and are included in the proposed Higher Education Act of 1965. The amendment contained in this section is intended to be effective only pending enactment of these other amendments.

AMENDMENTS TO TITLE II—URBAN AND RURAL COMMUNITY ACTIONS PROGRAMS

Section 7. General community action programs—Limitations on Federal assistance: Subsection (a) extends the period during which general community action programs may regularly be financed with 90 percent Federal assistance from August 20, 1966, through the fiscal year 1967, the last year for which appropriations would be authorized.

Subsection (b) adds a new subsection (b) to section 208 under which the Director would be specifically authorized to promulgate regulations relating to the reduction of assistance below 90 percent for community action programs or component programs which have been conducted with assistance under section 205 for more than a prescribed period. As with other determinations under section 208, reductions would be made pursuant to objective criteria established in such regulations.

Subsection (c) amends provisions of section 208 of the act which require that the non-Federal share of a community action program be in addition to the aggregate of non-Federal expenditures or contributions made for similar purposes immediately prior to the extension of Federal assistance. Under the amendment, the Director would be authorized to promulgate rules and regulations establishing objective criteria pursuant to which modifications of this requirement could be permitted in situations where its literal application would result in unnecessary hardship (as in the case of a community with a sharply declining population) or would otherwise be inconsistent with the basic purpose to be served by the requirement.

Section 8. Adult basic education programs—payments; Federal share: This section amends section 216(b) of the act to extend the period during which the Federal share of the costs of State plans shall be 90 percent. Under the amendment, the 90 percent Federal share would be authorized through fiscal year 1967, the last year for which appropriations would be authorized.

Section 9. Adult basic education programs—Teacher training: This section authorizes use of up to 5 percent of the funds appropriated or allocated for the adult basic education program for the training of persons to act as adult basic education instructors.

Section 10. Voluntary assistance program for needy children: This section deletes part C of title II of the act which authorizes establishment, on a nationwide basis, of a program for voluntary financial assistance by individuals to needy children. Similar programs on a local level could, notwithstanding this amendment, be incorporated in community action programs if otherwise feasible and in accordance with applicable State and local law.

AMENDMENTS TO TITLE III—SPECIAL PROGRAMS TO COMBAT POVERTY IN RURAL AREAS

Section 11. Cooperative associations—Prohibition of loans to assist manufacturing: This section amends section 305(f) of the Economic Opportunity Act of 1964 to make clear that the prohibition against loans to cooperatives organized for manufacturing purposes does not prevent loans, if otherwise appropriate, to cooperatives processing dairy products or similar edible farm products for the benefit of low-income farmer members.

Section 12. Migrant and seasonally employed agricultural employees: This section amends part B of title III of the act, requiring the Director to develop and implement a program to assist migrant workers and their families, so as to clarify the authority granted with respect to the types and scope of assistance and the institutions through which that assistance may be extended.

AMENDMENT TO TITLE V—WORK EXPERIENCE PROGRAMS

Section 13. Payments: This section extends through fiscal year 1967 the authority for meeting costs of work experience programs from funds appropriated under the Economic Opportunity Act of 1964.

AMENDMENTS TO TITLE VI—ADMINISTRATION AND COORDINATION

Section 14: VISTA—Assignment; application of other provisions and Federal laws.

Subsection (a) authorizes the assignment of VISTA volunteers under section 603(a) (2) of the act to programs, which are authorized, supported, or of a character eligible for assistance under the act. Under section 603(a) (2) of the act, assignment of volunteers in connection with other programs under the act is now limited to programs under titles I and II.

Subsection (b) makes specifically applicable to VISTA volunteers the same oath requirements as would apply to Job Corps enrollees under section 2 of this bill. In addition, it provides that for purposes of death or disability benefits under the Federal Employees' Compensation Act, the pay of a volunteer shall be deemed to be the entrance salary for GS–7 under the Classification Act of 1949 (in lieu of the entrance salary for GS–2, as now provided for both Job Corps enrollees and volunteers).

Section 15. More National Advisory Council: This section expands from 14 to 20 the number of members (in addition to the Director) who may be appointed to service on the National Advisory Council established by section 605 of the act.

Section 16. Affidavits: This section deletes section 616 of the act, requiring a disclaimer affidavit applicable to VISTA volunteers and dairy farmers receiving indemnity benefits in view of the amendments made by section 14 to the VISTA program and the lapse of the indemnity payments program.

Authorization of appropriations

Section 17. Authorizations.

This section authorizes the appropriation for fiscal year 1966 of $1,500 million, and such sums as may be necessary for fiscal year 1967, in order to carry out the provisions of the act.

Subsection (b) of this section consists of conforming amendments which would delete from the act the separate program duration and authorization provisions contained in its several titles.

Amendment to the National Defense Education Act

Section 18. Moratorium on student loans to VISTA volunteers. This section amends the National Defense Education Act of 1958 to authorize a moratorium of up to 3 years on the repayment of student loans under that act to individuals in the VISTA program authorized under section 603 of the Economic Opportunity Act of 1964.

EXPLANATION OF ECONOMIC OPPORTUNITY AMENDMENTS OF 1965

The Economic Opportunity Amendments of 1965 would authorize appropriations for the war on poverty for fiscal years 1966 and 1967. For fiscal 1966, the bill would authorize $1.5 billion, an amount that would be approximately double the $785.4 million appropriated for carrying out Economic Opportunity Act programs during fiscal year 1965. For fiscal 1967, the bill authorizes the appropriation of such sums as may be necessary for these programs. In order to facilitate the most effective use of funds among new and still developing programs, these new authorizations would be provided on an overall or lump-sum basis as opposed to the separate program or title authorizations contained in the act for fiscal 1965.

The bill also includes a number of provisions designed to enhance the effectiveness of Economic Opportunity Act programs. These provisions do not authorize new programs. For the most part they make only technical or perfecting changes. The most notable exception relates to the level of Federal assistance under the work-training, work-study, community action, and adult basic education programs, all of which now provide Federal funding equal to 90 percent of program costs. Under the bill, this level of assistance would be extended through fiscal year 1967, the last year for which appropriations would be authorized.

The basis for this extension is set forth below, together with explanations covering the other amendments contained in the bill.

A. EXTENSION OF 90-PERCENT FINDINGS

The Economic Opportunity Act of 1964 authorizes 90 percent Federal financing of program costs under the work-training, work-study, community action, and adult basic education programs. This authority, however, extends only during the period ending August 20, 1966 (or, in the case of the adult basic education program, the fiscal year ending June 30, 1966). After that time, the regular level of Federal assistance must be reduced to 50 percent, except under the work-study program where assistance at a 75-percent level is authorized. Under the bill (sections 5, 6, 7(a), and 8) authority for 90-percent financing would be extended through fiscal year 1967.

The provisions of the act authorizing an initial, higher level of Federal assistance were designed to assure that programs could be started quickly. They provide both the initial impetus of a high level of Federal support and a time period during which participating States and communities may prepare to assume a greater share of the program costs. Experience to date in no way indicates that this approach is not basically sound. The bill, in fact, recognizes that within the next several years a reduction in Federal assistance may be appropriate for certain community action programs or components by authorizing regulations pursuant to which such reductions could be made.

The critical problem which currently exists and to which the amendments are directed is essentially one of timing. Although the act originally contemplated a 2-year adjustment period, funds did not become available until October 8, 1964, and it was some time later before regulations, instructions, program guides, forms, and other materials could be completed and made generally available. For States and communities already hard pressed to meet growing responsibilities, the effect of this delay was to enhance greatly the difficulty of a planning and adjustment problem that would never have been easy for them even under the most favorable circumstances.

It is, for example, now clear that many applicants for assistance will be unable even to qualify with meaningful, substantial programs before the cutoff date now provided in the act. These are commonly localities in isolated or rural areas that lack the staff and ability to act quickly in taking advantage of new Federal programs. Without the extension provided in the bill, such localities either will never receive the level of support now provided, or they will qualify so late that they will largely be denied advantages in such matters as initial staffing and equipment which are now enjoyed by localities commonly having greater resources.

For localities in which projects have already been approved, the problems now posed by the cutoff are hardly less difficult. If these localities are to prepare intelligently for meeting an increased share of program costs, they must have a proper basis for estimating those costs and for determining how effective their programs will be in serving local needs. Such preparations cannot be left until 1966. Because of the lead time required for budget and resources planning, most major decisions must be made at least before the end of 1965 and well before the cutoff. In many cases, they should by now already have been incorporated in regular budget planning procedures.

These decisions cannot be made today and without a change in the cutoff date it will rarely be possible to make them in time to allow any kind of sound preparation for an increase in the non-Federal share. Many programs which have qualified for assistance are not yet operational, and others have started on a limited scale which provides little basis for evaluation or estimating costs more than a year in the future. Even where programs of a substantial character are already underway, they have rarely reached the point where substantial modifications could not be expected during the next year as experience is accumulated both locally and throughout the country on the relative effectiveness of different approaches, techniques and services in serving particular needs of the poor.

By deferring the cutoff through fiscal 1967, the bill would thus accomplish two objectives. It would, first, tend to assure that the higher level of initial Federal support will be more widely and equitably distributed among applicants with varying capacities to take advantage of new Federal programs. Second, it would provide localities with necessary time to evaluate and build support for local programs which otherwise might be severely crippled before they fairly get underway. This change in the cutoff must be made this year if implementation of these Economic Opportunity Act programs is to proceed smoothly without the disruption which would necessarily flow from local efforts to compress program development work and to plan for and anticipate adjustments well in advance of the time when sound planning at the local level is fairly possible. The time lost and confusion created by a failure to act now on this change can ill be afforded. A failure to act could also result in a substantial curtailment of many programs in fiscal 1967 even should the Congress decide next year to extend the cutoff before it would otherwise become effective, since by the time the change could be approved many local decisions would have been made which could not readily be reversed.

B. OTHER AMENDMENTS

1. Job Corps—Revision of loyalty oath requirements:

The bill (section 2) would amend the loyalty oath requirements applicable to Job Corps enrollees under section 104(d) of the Economic Opportunity Act of 1964.

Section 104(d) provides that each enrollee must take an oath of loyalty to the United States and must, in addition, execute an affidavit that he does not believe in, and is not a member of any organization that believes in, the overthrow of the United States by force or violence or by illegal or unconstitutional methods. The legislative history of this provision indicates that it was originally adopted on the understanding that it conformed to provisions in the National Science Foundation Act and the National Defense Education Act of 1958. In fact, however, these acts were amended in 1962 to delete the provision for disclaimer affidavits. The bill would, accordingly, eliminate the affidavits requirement from section 104(d).

Job Corps screening procedures do not rely upon the present disclaimer requirement and thus would not be weakened or affected by the change made by the bill. Special efforts are made, and will continue to be made, to assure that enrollees are not accepted who do not have the basic motivation and honesty of purpose needed for effective and meaningful participation. This screening is backed up by continuing controls to which every enrollee is subject, on a day to day basis, during the entire period of his service in the corps.

2. Job Corps—Extension of Federal Employees Compensation Act coverage to enrollees while on authorized pass and during travel:

The bill would extend Federal Employees' Compensation Act (workmen's compensation) coverage to Job Corps enrollees while they are on authorized pass and during travel to and from their post of duty. This amendment is contained in section 3.

Under the Economic Opportunity Act of 1964, FECA death and disability benefits are not payable with respect to Job Corps enrollees who may be injured or killed while temporarily absent from a camp on pass. Thus, an enrollee who might be permanently disabled as the result of an injury sustained in or while going to or from a nearby town could receive no benefits under the act. This would be so even though his pass had been duly approved and even though he may have been in no way at fault.

The amendment is based upon the principle that while an enrollee is away from home and engaged in an authorized activity, he is subject to certain added or special risks precisely because of his status as an enrollee and that he should therefore, as an enrollee, be entitled to protection against these risks under the Federal Employees' Compensation Act. This principle clearly extends to activities of an enrollee who is on an authorized pass as a regular part of his camp or center program and to authorized travel to or from a post of duty, including travel by one who is first reporting or who is returning home at the end of his enrollment. The amendment would provide coverage with respect to these activities. It would not, however, provide coverage with respect to activities of an enrollee away from his port of duty where these were in fact unauthorized. Nor would it affect the regular exclusions in the Federal Employers' Compensation Act for injuries sustained as a result of willful misconduct.

3. Job Corps—Exclusion of young women in determining the number of enrollees to be assigned to conservation or recreational areas work activities:

The bill (section 4) would amend section 110 of the Economic Opportunity Act, which now provides that, at any one time, no less than 40 percent of Job Corps enrollees must be assigned to a Youth Conservation Corps in which their work activity will primarily involve public natural resources or developing, managing and protecting public recreational areas. The Job Corps includes young woment as well as young men, and, under the amendment, the 40 percent requirement would be limited so as to apply only to male enrollees.

In enacting section 110, Congress is believed to have intended that a substantial proportion (40 percent) of the enrollees qualified to engage in conservation and public recreation work activities would in fact be assigned to camps or centers where they could participate in such activities. Young women, however, are not generally so qualified and would not normally be expected to take part in this kind of work, much of which necessarily involves hard physical labor. Since young women cannot typically be assigned to such work, including them in the total to which the 40 percent requirement is applied produces a result that is at odds with the apparent purpose of section 110. In addition, because the number of women is made to depend upon the number of young men who can be accommodated in the Youth Conservation Corps, the existing provision has the effect of establishing an arbitrary limit on the number of young women who can be enrolled.

While the amendment would exclude young women for purposes of the 40 percent computation, no reduction is contemplated in the number of male enrollees in the Youth Conservation Corps. By June 30, 1966, it is expected that more than 19,000 young men will be in the Job Corps conservation centers while many others in urban centers may, of course, be assigned to work activities primarily involving local public recreational areas.

4. General community action programs—Authorization to adjust the local effort requirement to hardship situations:

The bill would amend section 208(b) of the Economic Opportunity Act of 1964, the so-called maintenance of effort provision applicable to localities seeking community action assistance under sections 204 and 205 of the act. This amendment, which appears in section 7(c) of the bill, would permit the director to prescribe, by regulation, objective criteria pursuant to which the maintenance of effort requirement could be adjusted for special situations where its literal application would result in an unnecessary hardship or otherwise be inconsistent with the basic purpose of the requirement.

Under section 208(b), the non-Federal contribution to a community action program must be in addition to the aggregate expenditures or contributions from non-Federal sources being made for simliar purposes prior to the extension of Federal assistance. This provision is designed to prevent a community from obtaining community action funds by simply reducing its own level of effort by the amount needed to make up the required non-Federal share, thus diverting funds or contributions from other poverty-related programs or services.

Despite the difficulties inherent in measuring expenditures or contributions made in connection with a broad range of local activities, the Office of Economic Opportunity has sought to make this local effort requirement as meaningful and effective as possible. Each applicant is required to demonstrate specifically, and to document, its expenditures in poverty-related programs and services, and to demonstrate that the non-Federal share will be in addition to these expenditures. This must be done on an overall basis as well as in connection with each component of a community action program.

In some situations, however, it is now apparent that a literal application of the maintenance of effort requirement may work a wholly unnecessary hardship. These are perhaps most likely to involve rural areas, often with high levels of poverty, which are experiencing a decline in population. To require such a locality to maintain its prior level of expenditures means that it must increase its per capita expenditures at the very time that its resources will normally be declining. Such a community typically has a greater than usual need for assistance. It is clearly unwarranted to require it to make a proportionately greater effort than other communities whose needs are likely to be relatively smaller. The amendment is designed to provide some leeway for administrative exceptions to take account of these and comparable situations where a reduction in local effort occurs because of conditions which are essentially unrelated to the purposes of the requirement or not fairly subject to local control. Such exceptions would be granted only pursuant to regulations. They would, of course, be limited to what is in fact necessary and justified, and granted only in accordance with prescribed criteria that would assure equitable treatment of localities having similar claims to relief.

5. Adult basic education program—Authorization for training of instructors:

The bill (section 9) would authorize use of up to 5 percent of the sums appropriated or allocated to the adult basic education program for the training of teachers or instructors to participate in that program.

While a variety of sources will be used to recruit teachers for the adult basic education program, it has become clear that an adequate supply of teachers can be secured only by using many otherwise qualified instructors who have had no previous experience teaching adults. If these teachers are to be effective, it is essential that they receive intensive training in adult education problems and practices either before or during their employment. The amendment would permit limited use of program funds for this purpose.

6. Voluntary assistance program for needy children:

The bill (section 10) would delete from the Economic Opportunity Act part C of title II, the voluntary assistance program for needy children.

This program was designed to provide a National Information and Coordination Center through which interested persons could secure information concerning needy children whom they might desire to assist through gifts and donations. However, while the program is laudatory in purpose, no method has been found by which it can be implemented or administered on a national scale.

One problem arises from legal and established policy restrictions which in many jurisdictions restrict or preclude release of the kind of information concerning particular relief recipients which the program contemplates. Even where these restrictions do not apply, it was found that welfare officials would often be reluctant to make such information available without some assurances as to the amount and certainty of contributions and the availability of procedures that would permit a followup on each case. These difficulties are, of course, augmented by the extremely complex problems of selection necessarily involved in a program of this kind.

Discussions with representatives of the Department of Health, Education, and Welfare and local welfare officials have suggested no practicable administrative steps to overcome these difficulties. The bill would, accordingly, delete from the act the authorization it now provides for this kind of national program. It is hoped, however, that similar programs could be instituted locally in those jurisdictions where they are legally feasible and consistent with local wishes. This can be done, of course, within the scope of a community action program under part A of title II.

7. Clarification of "manufacturing" restriction on loans to rural cooperatives:

The bill (sec. 11) would clarify the restriction against loans under title III to rural cooperatives organized for "manufacturing" purposes, particularly with respect to cooperatives processing edible dairy products.

Section 303 of the Economic Opportunity Act of 1964, authorizes loans to local cooperatives furnishing essential processing and marketing services predominately to low-income rural families. One limitation on this authority appears in section 305(f) of the act, which prohibits loans to cooperatives organized for "manufacturing purposes." It is not believed that the Congress by this limitation meant to preclude loans to cooperatives serving low-income rural families in the processing and marketing of cheese, butter, ice cream, or similar dairy or edible farm products. Under established rules of interpretation, however, processing is regarded as manufacturing when a new or different substance is produced or created. The amendment is designed, accordingly, to provide an express basis for otherwise appropriate loans to cooperative dairy establishments and other cooperatives which process and market the edible farm products of their members.

8. Revision in statutory language affecting the migratory workers program.

The bill would revise section 311 of the Economic Opportunity Act of 1964 which authorizes a special program of assistance to migrant and seasonally employed agricultural employees in order to clarify such matters as the types and scope of assistance and the institutions through which assistance may be granted.

These revisions are contained in section 12 of the bill and are essentially technical in nature. Existing language, for example, while it refers to direct loans, does not otherwise specify the types of assistance that may be extended. The amendment would, in this respect, expressly provide for grants and loan guarantees. In addition, the amendment would make it clear that in order for a program to qualify for Federal grants or other assistance, it must be administered and operated by a State or local public agency, nonprofit organization or cooperative, as opposed to programs that might be undertaken by an individual or growers' association.

The amendment would also clarify authority to assist local programs which supplement other efforts to assist migrants or which contain some services that appropriately complement assistance in the fields of housing, sanitation, education, and day care. Proposals have been received, for example, which are centered upon migrant needs in these four specified fields but also contemplate supplementary services designed to enhance the effectiveness of the overall program. These additional services may involve relatively little added cost and may sometimes be provided by the same personnel and through use of the same basic facilities as are employed in meeting housing, education, sanitation, and day-care needs. The amendment would facilitate assistance under section 311 in this type of case.

9. Continuation of Economic Opportunity Act funding of work-experience programs:

The bill (sec. 13) would extend through fiscal year 1967 the authority for meeting costs of work experience programs from funds appropriated under the Economic Opportunity Act of 1964.

Section 502 of the Economic Opportunity Act of 1964 provides that the costs of work-experience programs under title V shall be met, for the fiscal year 1965, entirely from funds appropriated or allocated under the act. By extending this authority through fiscal years 1966 and 1967, the amendment would conform section 502 to the authorization for appropriations for those years contained in section 17(a) of the bill.

10. VISTA volunteers—Assignment to programs in furtherance of the purposes of the act:

The bill (sec. 13 (a)) would authorize the assignment of VISTA volunteers generally to programs or activities of a character eligible for assistance under the act.

Under section 603 of the Economic Opportunity Act, a VISTA volunteer may be assigned (in which case his subsistence and other costs may be paid from Federal funds) only to limited categories of activities. These include work in meeting the needs of Indians, migratory workers, and residents of the District of Columbia, Puerto Rico and the territories and possessions; and work in the care and rehabilitation of the mentally ill or mentally retarded under treatment at nonprofit facilities assisted by Federal funds. In addition, volunteers may be assigned to work in furtherance of youth, community action or adult basic education programs or activities authorized or supported under titles I and II of the act.

There are many situations where volunteers may have skills and backgrounds that would make them particularly helpful to local efforts to combat poverty but where assignment is not presently possible. Very often in these cases, local funds are not available to pay for the costs of using volunteers on a referral basis. This may result in the abandonment of useful and imaginative projects; it may also result in efforts to secure Federal funds under other provisions of the act to support activities that could be carried on more appropriately and very possibly at lower cost through the use of assigned volunteers.

Existing limitations on assignment produce many disparities that are, at best, difficult to justify. Volunteers, for example, may now be assigned to work with Indians living on reservations but not with Indians, however impoverished, living as a distinct community off a reservation, or to work in federally assisted mental hospitals, but not in other federally assisted hospitals where needs may be as great. They may be assigned to work in connection with community action programs but not to work on otherwise eligible projects which have not yet been included in a community action program or on projects designed to deal with isolated ribbons or pockets of poverty in areas unable or unprepared to undertake community action programs. They may be assigned to work in connection with projects assisted under titles I and II, but in the absence of a community action program, they may not be assigned to assist the poor to set up and make going concerns of small businesses securing loans under title IV, or to aid low-income farm families in establishing cooperatives with loan assistance under title III–A, or to help in the training and counseling of needy adults participating in work-experience projects under title V.

The amendment would eliminate these anomalies by making volunteers available for assignment in connection with any kind of local program or activity which is receiving, or could receive, assistance under the act. Equally important, it would tend to assure that the relatively limited number of volunteers available for assignment could be employed most effectively in service to those localities which in fact have the greatest need for volunteer assistance on an assignment basis.

11. VISTA—Increase in imputed salary level for Federal Employees' Compensation Act purposes:

The bill (sec. 14(b)) would increase the wage base on which FECA death or disability benefits for assigned VISTA volunteers would be computed.

Under section 603(d) of the Economic Opportunity Act of 1964, FECA benefits must now be determined as though volunteers were paid the entrance salary for GS–2 under the Classification Act of 1949. This is the same imputed salary level used for Job Corps enrollees. Its effect is to limit benefits payable with respect to volunteers who are killed or disabled to amounts which are clearly inappropriate for adults who hold responsible positions and who may, in addition, have family obligations.

The bill would, accordingly, provide that for FECA purposes the pay of a volunteer shall be deemed to be the entrance salary for GS–7 under the Classification Act. This is the same wage level used for computing benefits in the case of Peace Corps volunteers.

12. VISTA—revision of loyalty oath requirement:

The bill (sections 14(b) and 16) would apply to VISTA volunteers the same modified loyalty oath requirement as would be provided under section 2 for Job Corps enrollees.

Section 616 of the Economic Opportunity Act of 1964 presently requires disclaimer affidavits on the part of individuals receiving direct payments from funds appropriated or otherwise made available for expenditure under the act. Interpretations expressed during final congressional consideration of the act indicated that this provision would not apply to recipients of loans or to beneficiaries of State or local programs being carried out with Federal assistance, but that it could apply to regular Federal employees, experts and consultants, VISTA volunteers, and dairy farmers receiving indemnity payments under section 331 of the act.

In view of requirements normally applicable to Federal personnel, and lapse of the indemnity payments authority, section 616 is no longer significant except in the case of VISTA volunteers. The bill would accordingly delete this section from the act and insert in its place a specific loyalty oath provision limited to VISTA volunteers. As in the case of Job Corps enrollees, disclaimer affidavits would not be required, since these are inconsistent with the provisions of the National Science Foundation Act and the National Defense Education Act on which both section 616 and the Job Corps loyalty oath requirements were patterned.

As a matter of administrative policy, all VISTA volunteers receive a national agency check and are subject to full field investigations whenever this appears warranted. This policy of course would not be affected by the changes made in the bill.

13. Expansion of the National Advisory Council:

The bill (sec. 15) would expand from 14 to 20 the number of members, in addition to the Director of the Office of Economic Opportunity, who could be appointed to the National Advisory Council established under section 605 of the Economic Opportunity Act of 1964.

So many groups have demonstrated an active interest in Economic Opportunity Act programs that it has been difficult, within existing membership limitations, to structure the Advisory Council so as to assure that it will be reasonably representative. The addition of six new members, as proposed in the bill, is designed to provide the Council with a somewhat broader base without, however, making it so large as to impair its effectiveness.

14. VISTA—Authorizations for moratorium on student loans to volunteers:

The bill (sec. 18) contains one amendment to the National Defense Education Act of 1958 to authorize a moratorium of up to 3 years on the repayment of student loans under that act to VISTA volunteers.

A substantial proportion of volunteers in the VISTA program are expected to be individuals who have just completed, or recently completed, their college education. Some of these may have received student loans under the National Defense Education Act with repayment obligations which may be difficult for them to meet during their period of VISTA service. Four of the first 68 volunteers have, for example, already inquired as to the possibility of a deferment or a moratorium on repayment of such loans. The provision of the bill authorizing such moratoriums is based upon a similar provision applicable to Peace Corps volunteers.

GREEK LOAN OF 1929 SETTLEMENT ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program.

The proposed legislation has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the Record at this point, together with the letter from the Secretary of the Treasury, dated March 31, 1965, and the agreement of May 28, 1964, by and between the Government of the Kingdom of Greece and the Government of the United States of America.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, letter, and agreement will be printed in the Record.

The bill (S. 1760) to authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program, introduced by Mr. Fulbright, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 1760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Greek Loan of 1929 Settlement Act".

Sec. 2. The Secretary of the Treasury is hereby authorized to accept a bond from the Kingdom of Greece (hereinafter referred to as "Greece") in the principal amount of $13,155,921 in settlement of the indebtedness of Greece to the United States under part II of the Agreement of May 10, 1929, and under paragraph 1(b) of the Agreement of May 24, 1932. The terms and conditions of such bond shall be those set forth in the Agreement between the United States and Greece of May 28, 1964. Upon the delivery of said bond by Greece to the United States, the Secretary of the Treasury is hereby authorized to surrender to Greece all the bonds issued pursuant to part II of the Agreement of May 10, 1929, and discharge Greece of its obligations under paragraph 1(b) of the Agreement of May 24, 1932.

Sec. 3. The sums paid by Greece to the United States as interest on or in retirement of the principal of the bond issued as provided in section 2 hereof shall be placed in an account in the Treasury of the United States. Such sums are hereby authorized to be appropriated to remain available until expended for use in financing educational and cultural exchange programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451–2458), in relation to Greece and the people of Greece.

The letter and agreement, presented by Mr. Fulbright, are as follows:

The Secretary of the Treasury,
Washington, March 31, 1965.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill "To authorize the acceptance of a settlement of certain indebtedness of Greece to the United States and to authorize the use of the payments resulting from the settlement for a cultural and educational exchange program."

On May 28, 1964, the United States and Greece concluded an agreement (hereinafter referred to as the "Settlement Agreement") to settle certain indebtedness of Greece to the United States arising from a loan made to Greece in 1929 and partially funded by an agreement of May 24, 1932. A copy of this settlement agreement is attached. This agreement specifies the terms and conditions of the settlement and provides that the funds arising from the settlement will be used for an educational and cultural exchange program. Congressional approval of the settlement, as well as of the proposed use of the funds arising from the settlement, is required. The draft legislation would, therefore, (a) authorize the Secretary of the Treasury to accept a bond from Greece in the principal amount of $13,155,921 in settlement of the 1929 loan, and (b) authorize the use of payments of interest and principal made by Greece for an educational and cultural exchange program provided for under the Mutual Education and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451–2458), in relation to Greece and the people of Greece.

The debt in question arose from a $12,167,000 loan granted to Greece by the U.S. Government in 1929 for the purpose of helping in the repatriation of Greek refugees from Asia Minor that was being carried out by the Refugee Settlement Commission, established under League of Nations auspices. The loan, authorized by the act of February 14, 1929 (45 Stat. 1176), had a 20-year maturity and carried interest at 4 percent per year. Payments on this loan to May 1931 reduced the amount outstanding to $11.3 million. Under a Joint Resolution of December 23, 1931 (47 Stat. 3), $400,000 of principal and $500,000 of interest due during fiscal year 1931 were funded into a separate loan by an agreement between the United States and Greece dated May 24, 1932. Greece has made only token payments on the original 1929 loan and no payments at all under the May 1932 agreement. Since the invasion of Greece in 1941, no payments at all have been received under the 1929 and 1932 agreements and thus Greece is in complete default with respect to these obligations.

Over the years a number of attempts were made to negotiate a settlement of Greece's defaulted post-World War I external debt including settlement of Greece's 1929 debt to the United States. In October 1962 the Government of Greece and the Foreign Bondholders Protective Council finally agreed upon settlement of the $36 million privately held dollar bonds. The main outlines of this 5-year renewable settlement involve forgiveness of approximately 93 percent of the interest arrearages, reduction of the interest rate to one-half of the original rate and a grace period of several years during which time interest payments are less than half the original rate.

The Settlement Agreement reached with Greece follows closely the principles used in the settlement with the private bondholders. Principal and interest due to August 10, 1933, under the 1929 agreement and the 1932 agreement have been computed at $12,208,538. In lieu of arrears of interest from August 10, 1933, $947,383 was added to the principal, giving $13,155,921 as the total indebtedness to be funded. Greece will pay interest at the rate of 2 percent a year on the outstanding principal amount. In retirement of principal, Greece will provide annually a sinking fund of one-half of 1 percent of the total principal which will be paid annually to the United States. In addition, the interest saving resulting from the reduction of principal through provision of a sinking fund (instead of payment of interest on the total principal for the entire period the loan is outstanding) will be added annually to the sinking fund and paid to the United States. Payments of interest and principal will be in U.S. dollars and will begin 1 year after enactment of legislation authorizing the Secretary of the Treasury to accept the debt settlement as provided for in the Settlement Agreement.

All necessary steps have been taken by Greece to commence payments after congressional approval of the Settlement Agreement. Section 2 of the proposed legislation would authorize the Secretary of the Treasury to accept, in settlement of the 1929 and 1932 loan agreements, a bond providing for payment under the general terms outlined above and as specifically set forth in the Settlement Agreement. Upon receipt of this bond from Greece, section 2 would also authorize the Secretary to discharge Greece of its obligations under the 1929 and 1932 loan agreements.

The United States has placed major emphasis on the settlement of Greece's post-World War I external debt. It is important that Greece reestablish its credit standing in order to obtain the capital needed for economic development. Utilization of the payments made by Greece for educational and cultural purposes constituted an important consideration in enabling Greece to reach agreement on settlement terms, and it is believed that it will create good will in Greece for the United States, and, at the same time, provide funds for our valuable educational and cultural exchange activities. The allocation of the Greek payments to this program would be similar to the use made of the principal and interest payments on Finland's World War I debt to the United States. Finnish debt payments were made available under a joint resolution of August 24, 1949 (63 Stat. 630), for an educational and cultural exchange program, which was reenacted by the act of September 21, 1961 (75 Stat. 527, 532).

The settlement agreement provides, subject to congressional approval, that principal and interest payments made by Greece will be made available by the United States for financing educational and cultural activities authorized under the Mutual Educational and Cultural Exchange Act of 1961, as amended. In order to implement this provision, section 3 of the draft legislation would authorize the appropriation of amounts equal to the Greek payments of principal and interest for activities authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended. The State Department would annually seek to obtain use of the Greek payments through its "Mutual educational and cultural exchange activities" appropriation.

The proposed legislation thus provides a number of valuable benefits. A longstanding obligation, now in complete default, will be repaid. The elimination of this default will help to restore Greece's credit standing in the international financial community and will be another step forward in the direction of self-sustaining economic growth which Greece has, with U.S. assistance, been working toward since the end of World War II. In addition, use of the funds arising from the settlement for educational and cultural exchange purposes will further the interest of the United States, benefiting both Americans and Greeks, without financial burden on the United States. I, therefore, urge the enactment of the proposed legislation.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

DOUGLAS DILLON.

AGREEMENT

This agreement made and entered into as of the 28th day of May 1964, by and between the Government of the Kingdom of Greece (hereinafter referred to as Greece) and the Government of the United States of America (hereinafter referred to as the United States);

WITNESSETH

Whereas Greece is indebted to the United States under part II of the Agreement of May 10, 1929, and under paragraph 1(b) of the Agreement of May 24, 1932; and

Whereas Greece and the United States wish to refund the aforementioned indebtedness due from Greece to the United States; and

Whereas it is the intention of the United States to use all of the funds derived from the refunding to finance a cultural and educational exchange program between the United States and Greece involving students, teachers, professors, research scholars and specialists, and other educational and cultural activities as authorized under the Mutual Educational and Cultural Exchange Act of 1961, as amended;

Now, therefore, it is agreed that:

1. The amount of indebtedness to be funded is $13,155,921, which has been computed as follows:

(a) Principal and interest due and unpaid as of Aug. 10, 1933, on the bonds issued pursuant to pt. II of the May 10, 1929, agreement	$11, 315, 496
(b) Principal and interest due and unpaid as of Aug. 10, 1933, under par. 1(b) of the May 24, 1932, agreement	893, 042
Total	12, 208, 538
(c) In lieu of arrears of interest from Aug. 10, 1933 ($12,208,538 capitalized at 7.76 percent)	947, 383
Total indebtedness to be funded	13, 155, 921

2. On the day of notification to the Embassy of Greece by the Secretary of the Treasury of the United States of the entry into force of legislation referred to in paragraph 6 below, Greece will execute in favor of and deliver to the United States a bond in the principal amount of $13,155,921, hereinafter referred to as the total principal amount, in the form attached hereto as exhibit A, whereupon the United States will surrender to Greece the unpaid bonds issued pursuant to part II of the agreement of May 10, 1929, including bonds numbered 5 and 6, and will discharge Greece, by an appropriate instrument in the form attached hereto as exhibit B, of its obligations under paragraph 1(b) of the agreement of May 24, 1932. During the period in which there remains any principal sum due and unpaid on the bond issued pursuant to the first sentence of this paragraph, Greece shall provide annually a sinking fund of one-half of 1 percent of the said total principal amount to be paid annually to redeem an equivalent amount of the principal. Payments from the sinking fund in redemption of an equivalent amount of the principal are due and payable beginning 1 year from the day of notification to the Embassy of Greece and annually thereafter until the total principal amount is paid in full.

3. Interest on the unpaid principal balance shall be at the rate of 2 percent per annum to be paid annually beginning 1 year from the day of notification specified in paragraph 2 above until said total principal amount is paid in full. An amount equal to the difference between the interest due and payable 1 year from the day of notification provided for in paragraph 2 above and the interest payable in each succeeding year shall be provided annually to the sinking fund established by paragraph 2 above and paid annually to redeem an equivalent amount of the principal as provided for in that paragraph.

4. No reduction from principal or interest shall be made for or on account of any present or future taxes, duties or any other charges imposed or levied against the bond issued pursuant to this agreement or the proceeds thereof by or within Greece or any political or taxing subdivision thereof.

5. The principal and interest payments made under the provisions of this agreement and the bond issued pursuant thereto shall, to the extent all necessary action for this purpose is taken by the United States Congress and as determined by the Secretary of State, be made available by the United States for financing educational and cultural activities authorized under the Mutual Educational and Cultural Exchange Act of 1961, as amended, including the educational exchange program between the United States and Greece established by the "Agreement Between the United States of America and the Government of Greece for Financing Educational Exchange Programs" dated December 13, 1963.

6. The entry into force of the provisions of this agreement is subject to the entry into force of legislation passed by the United States Congress and signed by the President of the United States authorizing the refunding of the debt of Greece to the United States under part II of the agreement of May 10, 1929 and paragraph 1(b) of the agreement of May 24, 1932, as provided in paragraphs 1 through 4 above and the use of the funds arising from this agreement as provided in paragraph 5 above.

7. Greece represents and agrees that the execution and delivery of this agreement have in all respects been duly authorized, and that all acts, conditions, and legal formalities which should have been completed prior to the making of this agreement have been completed as required by the laws of Greece and in conformity therewith.

In witness whereof the undersigned, duly authorized, have caused this agreement to be executed in duplicate at Athens, on the date first mentioned above.

For the Government of the United States of America HENRY R. LABOUISSE.[1]

For the Government of the Kingdom of Greece STAVROS COSTOPOULOS.[2]

EXHIBIT A

Form of bond: $13,155,921.

THE KINGDOM OF GREECE

The Kingdom of Greece, hereinafter referred to as Greece, for value received, hereby promises to pay to the Government of the United States, hereinafter referred to as the United States, or order, the principal sum of $13,155,921, hereinafter referred to as the total principal amount, and to pay interest at the rate of 2 percent per annum on the unpaid principal balance hereof annually beginning 1 year from the date hereof until said principal amount is paid in full. This bond is payable as to both principal and interest in United States dollars.

During the period in which there remains any principal sum due and unpaid on this bond, Greece shall provide annually a sinking fund of one-half of 1 percent of the said total principal amount to be paid annually to redeem an equivalent amount of the principal. An amount equal to the difference between the interest due and payable 1 year from the date hereof and the interest payable in each succeeding year shall be provided annually to the sinking fund established herein and paid annually to redeem an equivalent amount of the principal. Payments from the sinking fund in redemption of an equivalent amount of the principal are due and payable beginning 1 year from the date hereof and annually thereafter until the total principal is paid in full.

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[1] Henry R. Labouisse, United States Ambassador to Greece.

[2] Stavros Costopoulos, Minister for Foreign Affairs.

Interest payments and payments from the sinking fund in redemption of the principal shall be made in the amounts set forth in the following schedule:

Installment No.	Annual payment		Total payment	Balance after payment
	Interest	Principal		
0				$13,155,921.00
1	$263,118.42	$65,779.60	$328,898.02	13,090,141.40
2	261,802.83	67,095.19	328,898.02	13,023,046.21
3	260,460.92	68,437.10	328,898.02	12,954,609.11
4	259,092.18	69,805.84	328,898.02	12,884,803.27
5	257,696.07	71,201.95	328,898.02	12,813,601.32
6	256,272.03	72,625.99	328,898.02	12,740,975.33
7	254,819.51	74,078.51	328,898.02	12,666,896.82
8	253,337.94	75,560.08	328,898.02	12,591,336.74
9	251,826.73	77,071.29	328,898.02	12,514,265.45
10	250,285.31	78,612.71	328,898.02	12,435,652.74
11	248,713.05	80,184.97	328,898.02	12,355,467.77
12	247,109.36	81,788.66	328,898.02	12,273,679.11
13	245,473.58	83,424.44	328,898.02	12,190,254.67
14	243,805.09	85,092.93	328,898.02	12,105,161.74
15	242,103.23	86,794.79	328,898.02	12,018,366.95
16	240,367.34	88,530.68	328,898.02	11,929,836.27
17	238,596.73	90,301.29	328,898.02	11,839,534.98
18	236,790.70	92,107.32	328,898.02	11,747,427.66
19	234,948.55	93,949.47	328,898.02	11,653,478.19
20	233,069.56	95,828.46	328,898.02	11,557,649.73
21	231,152.99	97,745.03	328,898.02	11,459,904.70
22	229,198.09	99,699.93	328,898.02	11,360,204.77
23	227,204.10	101,693.92	328,898.02	11,258,510.85
24	225,170.22	103,727.80	328,898.02	11,154,783.05
25	223,095.66	105,802.36	328,898.02	11,048,980.69
26	220,979.61	107,918.41	328,898.02	10,941,062.28
27	218,821.25	110,076.77	328,898.02	10,830,985.51
28	216,619.71	112,278.31	328,898.02	10,718,707.20
29	214,374.14	114,523.88	328,898.02	10,604,183.32
30	212,083.67	116,814.35	328,898.02	10,487,368.97
31	209,747.38	119,150.64	328,898.02	10,368,218.33
32	207,364.37	121,533.65	328,898.02	10,246,684.68
33	204,933.69	123,964.33	328,898.02	10,122,720.35
34	202,454.41	126,443.61	328,898.02	9,996,276.74
35	199,925.53	128,972.49	328,898.02	9,867,304.25
36	197,346.08	131,551.94	328,898.02	9,735,752.31
37	194,715.05	134,182.97	328,898.02	9,601,569.34
38	192,031.39	136,866.63	328,898.02	9,464,702.71
39	189,294.05	139,603.97	328,898.02	9,325,098.74
40	186,501.97	142,396.05	328,898.02	9,182,702.69
41	183,654.05	145,243.97	328,898.02	9,037,458.72
42	180,749.17	148,148.85	328,898.02	8,889,309.87
43	$177,786.20	$151,111.82	$328,898.02	$8,738,198.05
44	174,763.96	154,134.06	328,898.02	8,584,063.99
45	171,681.28	157,216.74	328,898.02	8,426,847.25
46	168,536.94	160,361.08	328,898.02	8,266,486.17
47	165,329.72	163,568.30	328,898.02	8,102,917.87
48	162,058.36	166,839.66	328,898.02	7,936,078.21
49	158,721.56	170,176.46	328,898.02	7,765,901.75
50	155,318.04	173,579.98	328,898.02	7,592,321.77
51	151,846.44	177,051.58	328,898.02	7,415,270.19
52	148,305.40	180,592.62	328,898.02	7,234,677.57
53	144,693.55	184,204.47	328,898.02	7,050,473.10
54	141,009.46	187,888.56	328,898.02	6,862,584.54
55	137,251.69	191,646.33	328,898.02	6,670,938.21
56	133,418.76	195,479.26	328,898.02	6,475,458.95
57	129,509.18	199,388.84	328,898.02	6,276,070.11
58	125,521.40	203,376.62	328,898.02	6,072,693.49
59	121,453.87	207,444.15	328,898.02	5,865,249.34
60	117,304.99	211,593.03	328,898.02	5,653,656.31
61	113,073.13	215,824.89	328,898.02	5,437,831.42
62	108,756.63	220,141.39	328,898.02	5,217,690.03
63	104,353.80	224,544.22	328,898.02	4,993,145.81
64	99,862.92	229,035.10	328,898.02	4,764,110.71
65	95,282.21	233,615.81	328,898.02	4,530,494.90
66	90,609.90	238,288.12	328,898.02	4,292,206.78
67	85,844.14	243,053.88	328,898.02	4,049,152.90
68	80,983.06	247,914.96	328,988.02	3,801,237.94
69	76,024.76	252,873.26	328,898.02	3,548,364.68
70	70,967.29	257,930.73	328,898.02	3,290,433.95
71	65,808.68	263,089.34	328,898.02	3,027,344.61
72	60,546.89	268,351.13	328,898.02	2,758,993.48
73	55,179.87	273,718.15	328,898.02	2,485,275.33
74	49,705.51	279,192.51	328,898.02	2,206,082.82
75	44,121.66	284,776.36	328,898.02	1,921.306.46
76	38,426.13	290,471.89	328,898.02	1,630,834.57
77	32,616.69	296,281.33	328,898.02	1,334,553.24
78	26,691.06	302,206.96	328,898.02	1,032,346.28
79	20,646.93	308,251.09	328,898.02	724,095.19
80	14,481.90	314,416.12	328,898.02	409,679.07
81	8,193.58	320,704.44	328,898.02	88,974.63
82	1,779.49	88,974.63	90,754.12	
Total	13,575,572.74	13,155,921.00	26,731,493.74	

Upon each payment in redemption of principal a notation of the date and amount thereof shall be made hereon. Interest payments and payments from the sinking fund in redemption of the principal shall be made at the Treasury of the United States in Washington, D.C., or at the option of the Secretary of the Treasury of the United States at the Federal Reserve Bank of New York.

Greece shall have the right to prepay, on any day on which an interest payment is due and payable, all of the unpaid principal balance.

No deduction from principal or interest shall be made for or on account of any present or future taxes, duties, or any other charges imposed or levied against this bond or the proceeds thereof by or within Greece or any political or taxing subdivision thereof.

Upon default in the prompt and full delivery to the United States of any payments due to the United States under this bond, the entire unpaid principal hereof and interest thereon shall immediately become due and shall be payable at the option and upon the demand of the United States. The nonexercise by the United States of such right with respect to any particular default shall not constitute a waiver of such right with respect to any default or any other default.

In witness whereof, Greece has caused this bond to be executed in its behalf at the city of ———, ——— by its ——— thereunto duly authorized, as of ——— ———.

THE KINGDOM OF GREECE,
By ——— ———.

EXHIBIT B

RELEASE AND DISCHARGE

In consideration of the issuance of the bond provided for in paragraph 2 of the agreement between the Government of the Kingdom of Greece and the Government of the United States of America of ——— —, 196—, and under the authority of Public Law ——— ——— of ———, the Government of the Kingdom of Greece is hereby released and discharged by the Government of the United States of America from all obligations and liabilities under paragraph 1(b) of the agreement of May 24, 1932.

Dated: ——— —, 196—.

(Signed) ________________,
Secretary of the Treasury.

CONSTRUCTION OF A THIRD POWERPLANT AT THE GRAND COULEE DAM, WASH.

Mr. JACKSON. Mr. President, on behalf of my colleague, the senior Senator from Washington [Mr. MAGNUSON] and myself, I take great pleasure in introducing a bill to authorize a third powerplant at Grand Coulee Dam. I ask that the bill be printed in the RECORD at the conclusion of my remarks.

Grand Coulee already is the biggest power producer in America, with nearly 2 million kilowatts of installed capacity. The third powerplant, with 12 units of 300,000 kilowatts capacity each, will add another 3.6 million kilowatts. This will nearly triple the size of this power giant. The added units will be the largest hydro-generators installed anywhere in the United States, and are nearly three times the size of Grand Coulee's existing 18 units.

The third powerplant is necessary for two important reasons.

First, it is necessary if we are to take full advantage of the improved streamflows resulting from construction by Canada of three storage dams under terms of the Columbia River Treaty.

Second, by the time the initial four units can be brought on the line in 1973, the Northwest power consumers will need the additional prime power they can produce, plus a lot of the secondary energy and peaking capacity they will add. What is not marketed in the Northwest will be needed in the Pacific Southwest and can be marketed over the Pacific Northwest-Pacific Southwest intertie. It is estimated that the last eight units will be installed over a period of years until 1982.

It is a sound project, with a benefit to cost ratio of 3.24 to 1. It will more than pay for itself. Annual revenues from sale of power from the third powerplant are estimated to exceed by nearly $4 million per year the annual sums required to repay the capital investment in 50 years. It is supported by the Northwest States and by all Federal agencies reporting on it, including the Federal Power Commission and the Corps of Engineers.

Besides producing necessary power, the third powerplant will provide hydraulic capacity to make all of the 5.2 million acre-feet of Grand Coulee effective for flood control. At present, for lack of outlet capacity, only about 3 million acre-feet is usable for flood control.

I am advised the project will create nearly 40,000 man-years of employment on the job and in the Nation's factories. Employment at the damsite will reach about 500 the first year of construction and will peak at about 3,000 during the third and fourth years.

Total costs will be about $400 million. Power revenues from the sale of power produced by the third powerhouse will be more than sufficient to pay for this investment, with all operating expenses, over a 50-year period.

Power from the third powerplant will be marketed by the Bonneville Power Administration over 500,000-volt transmission lines interconnecting with BPA's new 500,000-volt backbone grid. It will flow to the Puget Sound area and also to John Day Dam from where it will supply either the Portland-Willamette Valley area or the intertie. Existing 230,000-volt transmission lines connecting Coulee with Spokane, northern Idaho, and western Montana will further spread the benefits of the third powerhouse.

I remember during the fight for the existing Grand Coulee project the critics wanted to know, "Who will use the power, the jackrabbits?" Well, power from Grand Coulee came on the line in time to help America win World War II. It produced the aluminum for one out of every three U.S. planes in World War II, built dozens of ships and helped produce the atomic bomb that ended that war. It has since been the keystone of the Bonneville Power system for the Pacific Northwest.

I predict that the power from the third powerplant will prove as necessary, and as valuable to the strength of the region and our Nation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1761) to authorize the Secretary of the Interior to construct, operate, and maintain a third powerplant at the Grand Coulee Dam, Columbia Basin project, Washington, and for other purposes, introduced by Mr. Jackson (for himself and Mr. Magnuson), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 1761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is hereby authorized to construct, operate and maintain a third powerplant with a rated capacity of approximately 3,600,000 kilowatts, and necessary appurtenant works, including a visitor center, at Grand Coulee Dam as an addition to and an integral part of the Columbia Basin Federal reclamation project.

(b) Construction of the third powerplant may be undertaken in such stages as in the determination of the Secretary will effectuate the fullest, most beneficial, and most economic utilization of the waters of the Columbia River.

Sec. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

AMENDMENT OF SOCIAL SECURITY ACT TO PERMIT REMARRIAGE WITHOUT LOSS OF BENEFITS FOR ELDERLY SOCIAL SECURITY SURVIVORS

Mr. MOSS. Mr. President, I am today introducing a bill to amend the Social Security Act to provide that an individual shall not be deprived of a monthly social security benefit solely because of marriage or remarriage after the age of 62. The provision in existing law, which penalizes widows and other survivors by cutting off their social security survivors' benefits if they marry or remarry, is unjustified. In a goodly number of cases, it poses a hard choice, particularly for elderly women, who must decide whether they will continue to live alone or sacrifice their social security income.

The theory behind existing law is, of course, that the widow's benefit is canceled because, upon remarriage, she will become entitled to a wife's benefit. But this is not always the case, particularly with our current aged people. Because the coverage of the social security system was limited during its early years, many men were actually excluded from coverage during their working life.

Around 2 million of the 20 million people 65 years of age and over have no social security rights. Self-employed farmers, for example, were specifically excluded from coverage until the year 1955, and as a result many of our retired farmers have no social security benefits.

Consider, for example, the case of a widow who wanted to marry such a retired farmer. She would have to give up benefits earned by her first husband if she married the farmer, and yet she would receive no wife's or widow's benefits from him.

Even if the new husband were entitled to benefits, the amount she would receive would be reduced. Instead of receiving 82.5 percent of her deceased husband's benefit, she would receive 50 percent of her new husband's benefit—generally representing a reduction of at least $20 a month in the amount she receives. When it is realized that the average retirement benefit for workers is now around $80, yielding a wife's benefit of $40—a total family income of just $120 a month—loss of income in this amount can be readily recognized as a deterrent to marriage for older men and women.

We have abundant evidence that living alone in older years often erodes both health and activity. On the other hand, married couples, who can take care of each other are more likely to retain their health and spirit as active members of the community. I am convinced that this bill, which would result in only minor costs to the social security system, is one which merits the attention of the Senate and calls for action when the Social Security Amendments of 1965 reach this body.

The PRESIDING OFFICER. The bill would be received and appropriately referred.

The bill (S. 1763) to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Finance.

ACQUISITION OF CERTAIN LANDS WITHIN THE BOUNDARIES OF THE UINTA NATIONAL FOREST IN THE STATE OF UTAH, BY THE SECRETARY OF AGRICULTURE

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest in the State of Utah, by the Secretary of Agriculture. I ask unanimous consent to have printed in the Record a report relating to these lands, which will explain the purpose for the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the report will be printed in the Record.

The bill (S. 1764) to authorize the acquisition of certain lands within the boundaries of the Uinta National Forest in the State of Utah, by the Secretary of Agriculture, introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The report presented by Mr. Moss is as follows:

Report on Lands in South Fork of Provo River, Uinta National Forest, Utah

This report concerns some 11,000 acres of privately owned lands in the drainage of the South Fork of the Provo River, a critically important watershed located within the boundaries of the Uinta National Forest, Utah.

Terrain in the watershed is mountainous. Elevations range from 5,500 to nearly 11,000 feet above sea level and slopes average 40 percent. Annual precipitation of up to 40 inches at the higher elevations is mostly in the form of snow. The several permanent streams rising in the watershed form the South Fork, an important tributary of the Provo River which supplies water for irrigation and industrial purposes in Utah Valley. Water from the area's large springs has for many years been piped to Provo City, some 16 miles distant by highway, to furnish a major part of that city's culinary water supply. Provo, a community of 25,000, is Utah Valley's center of population.

National forest lands in the watershed approximate 10,000 acres which are situated generally at the higher and more rugged elevations. Adjacent to or surrounded by them are some 11,000 acres of privately held lands that extend from the upper drainages to along stream bottoms in moderate terrain. It is essential that these intermingled lands be managed to protect and maintain unpolluted and reliable water supplies for dependent populations.

Approximately 10,000 acres of the private lands in a single ownership have recently been offered for sale, thus posing potentials for occupancies and uses which directly conflict with their primary value as watershed. If subjected to excessive or unregulated grazing by livestock the steep terrain becomes a potential source of flash floods and streamflows are reduced. Intensive occupancy of usable terrain at lower elevations would produce a constant threat of human pollution of water supplies. The mountain setting, summer climate, scenery, and accessibility by highway make parts of the offered land attractive for commercial and private development of the watershed basically incompatible with its function as a municipal watershed. Customs of commuting to employment centers have extended yearlong home and other developments to private lands located close by in Provo Canyon.

The city of Provo commission has considered these potentials and proposed that it purchase about 1,000 acres of the offered land situated along stream bottoms and near surfaced roads, since these are most susceptible to occupancies that would be inimical to the public interest. It has also proposed that the remaining acreage be acquired by the Federal Government to consolidate lands at higher elevations under a management for national forest purposes. Sales of comparable lands indicate that the property the city proposes to acquire could be purchased at about $200 per acre, and that the remaining 10,000 acres, inclusive of 1,000 acres not in the single ownership, could be acquired for $20 to $25 per acre.

One of the principal functions of the national forest is protection and management of watersheds such as are exemplified by the South Fork of the Provo River. The watershed lands include about 500 acres in stream bottom lands; about 500 acres in open, high basins; some 7,000 acres in open sagebrush and mountain brush located on the steeper terrain; and about 3,000 acres in scattered stands of aspen or mixed conifers generally located on northern or eastern exposures. Excessive grazing by livestock and wildlife in the past has reduced the quantity and quality of vegetative cover on steeper slopes and south exposures to less than is required for stabilizing the shallow, gravelly soil. Dispersal of ownership through sales could lead to accelerated use and damage. Continuing soil losses are evidenced by sheet and gully erosion. The timber stands have been heavily cut over and are without appraisable commercial value.

HENRY H. FORD, AMERICAN DIPLOMAT

Mr. CLARK. Mr. President, Henry H. Ford, our American Counsel General in the largest American diplomatic and consular establishment overseas, died March 9, in the service of his country when returning to his post at Frankfort, Germany, from a meeting with our Ambassador McGhee in Bad Godesberg.

I knew, and worked with Henry Ford in the old Army Air Corps, in which I also was an officer. He was one of our most trusted public servants. After our military service I followed Mr. Ford's career carefully. He joined the Foreign Service of the United States and rose rapidly to positions of trust and responsibility. Among other assignments, he was Consul General in Casa Blanca, Comptroller of President Truman's point 4 program, Executive Director of the State Department's Bureau of Near Eastern, south Asian, and African affairs, and budget officer of the Department of State.

Henry Ford was a dedicated soldier and public servant. His unfortunate and accidental death is not only a personal tragedy to me and his many military, Federal, and Foreign Service friends; it is a bell that tolls a loss to our Nation's service. Henry Ford had the personal competence and integrity that, in the Foreign Service, would certainly have eventually resulted in a Presidential recognition of his ambassadorial potential.

The Nation, and the Foreign Service, will miss a personality not soon forgotten by his friends.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, I wish to yield the floor, so that other Senators may dispose of whatever business they may wish to dispose of. However, I wish to have recognition when they have finished, because, as is always the case, I have certain technical things to dispose of in connection with the bill, and to make them a part of the RECORD, and to make some brief remarks.

THE PRESIDENT'S SPEECH ON THE SITUATION IN SOUTHEAST ASIA

Mr. DOUGLAS. Mr. President, on Wednesday evening, the President of the United States delivered what was in my opinion a truly magnificent address. In it, he properly said that it is the firm determination of the United States to prevent a Communist takeover in South Vietnam and in southeast Asia.

I think this policy is absolutely necessary. If South Vietnam were to fall, Laos and Cambodia would also fall. Then Thailand would be three-fourths encircled and would in all probability go over to the Communists very quickly. This would mean that Burma to the north and Malaysia to the south would be in grave danger.

I have received advice from Burma indicating that the situation there is very grave. In my judgment, Burma, threatened as it is by a Chinese invasion down the Burma Road, which it could keep back only with great difficulty, might not have the will to resist. Malaysia, caught between the Communists from the north and Indonesia, which is seven-eighths Communist, from the south, would be crushed.

Then all of southeast Asia would go into Communist hands.

Some years ago I had the opportunity of talking with a distinguished Indian diplomat, who could not be classified as pro-Western, but who was certainly not pro-Communist. He was probably a neutralist. I asked him whether India could remain non-Communist if southeast Asia were to go Communist. The reply of this diplomat was immediate and emphatic. His statement was that India could not remain outside the Communist fold for more than a year.

If we look at the map of Asia we see that this would mean that Japan would in all probability be compelled to depart from its Western alliance and become the manufacturer and provider for the mainland of Asia. It would be almost impossible for the United States to hold the Philippines. Therefore, all of Asia would go into Communist hands.

Furthermore, a Communist China and a Communist Asia would be able to make a much greater appeal to the people of Africa than could the Russians, who are predominantly a white people. The black people of Africa would find a much closer tie with the brown and yellow people of Asia than they would with the white people of Europe or of Russia. We could expect, therefore, that nearly all of Asia and Africa would come under the influence of the Chinese Communists and their more reckless anti-Western points of view.

The democratic alliance would then consist of North America and Western Europe and, we would hope, of as much of Latin America as would be possible. It would face an aggressive, anti-Western, Communist alliance of nearly all Asia and Africa.

If we learned anything during the 1930's, it was that aggression should be checked in its early stages, before it acquires momentum; that once the snowslide of aggression starts, it sweeps on with cumulative force, smothering freedom everywhere until it is firmly resisted. If we fail to check aggression wherever it occurs we permit it to gain strength and momentum until ultimately we must defend the Nation with an all-out effort. But if we wait, we must make this effort after many other countries and tens of millions of other people have been sucked into the totalitarian dictatorship.

Therefore, I think the President was absolutely wise in saying that we would resist the Communist takeover.

But the President did not confine himself to that. He also said that we would negotiate and would seek peace. He did not set specific terms for negotiation. This is what many Americans have been urging. It does not imply any weakening of the American position. It does indicate that we are ready to sit down to try to work out a durable peace with those who at present regard themselves as our enemies.

It is very significant that Communist China has rejected this proposal in the most scathing of terms, and that the press dispatches out of North Vietnam indicate that the North Vietnamese may do the same. But the door is open and we hope very much that they will accept.

In the third place, the President pledged the United States to join with other countries in an economic and social program to improve the condition of the people in southeast Asia, with special reference to the people in the great basin of the Mekong River, where work is already being carried on.

The President pledged himself to devote a billion dollars to this project. This need not be the ceiling. This is not an attempt to buy peace, as some Senators have charged. It is an attempt to use the constructive resources of the United States to reach a basis for a friendly peace in southeast Asia.

I am very happy that this great speech has been warmly welcomed by those with open minds. I am pleased that in London and in Paris it has been received with acclaim. I believe that among other people it will be received with great approval.

I am happy that the newspapers and journals of this country have rallied to the support of the policy which the President announced.

I ask unanimous consent that there be printed in the RECORD at this point an editorial published in the New York Times of April 8. In it this great newspaper, probably the best newspaper in the United States, strongly endorses the President's position and observes that his policy is one in which the country can take pride.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 8, 1965]

THE PRESIDENT OPENS THE DOOR

President Johnson last night projected an American policy on Vietnam in which the country can take pride. He indicated that the United States now may begin to apply as much determination and ingenuity to seeking peace as it has to waging war. He has wisely broken his long silence on American purposes. And, much as this newspaper and many Members of Congress have urged, he has restored the olive branch that balances the arrows in the eagle's claws.

The President's proposal to seek a Vietnam settlement through unconditional discussions with the governments concerned opens the door to peace explorations in a wide variety of forums with Hanoi, Moscow, even Peiping, although not with the Vietcong directly. He has broken new ground as well, in explicitly offering to North Vietnam American-aided regional development, food-for-peace programs, and implying the possibility of increased recognition—peaceful association with others.

In urging Secretary General Thant to initiate a plan immediately for increased development in southeast Asia to aid in the establishment of peace rather than merely to follow its restoration, he has given wings to long-pending, imaginative proposals by men such as Ambassador Chester Bowles and Canada's Prime Minister Lester Pearson.

The size of the proposed American contribution—$1 billion is half the estimated cost of the initial five-dam program of Mekong Valley development—is less important than the willingness to participate for the first time in a jointly financed aid program with the Soviet Union.

The President's speech has, in short, at last begun the essential process of changing the context of a problem that, as usually stated, appears insoluble. In proposing a South Vietnam tied to no alliance and containing no foreign military base, the President has accepted the concept of ultimate American military withdrawal and of an independent South Vietnam that would be neutral and yet free to seek outside assistance if threatened.

Most important, the President's speech nowhere repeats Secretary Rusk's vague and wornout homily about negotiations being inconceivable until the Communists leave their neighbors alone. It recognizes that negotiations are not only conceivable but necessary if that desirable purpose is ever to be achieved.

President Johnson has now provided a bold answer to the appeal made to him last week by the chiefs of 17 nonalined states and earlier by many of our allies. It would be too optimistic to expect a favorable reply from the Communist countries, at least at first. But they are provided with plenty of food for thought.

Neither they nor anyone else can dispute the fact that a serious peace offer has been made. It is now clearly up to them to make a reasonable response.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that there be printed in the RECORD at this point an editorial from the New York Post. The editorial appeared on Wednesday afternoon, before the President delivered his speech. It is interesting to note that it declared its support for a statement very similar to the one which the President gave.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Post, Apr. 7, 1965]

THE PRESIDENT'S CHANCE

President Johnson's speech tonight on United States goals in Vietnam can be more effective in shaping the outcome of the war than many bombing raids.

Even before Chou En-lai's message to U Thant, the United States had growing evidence that the Communists were as split over tactics and assessments as is opinion in the West and in Asia. Moscow, for example, has been urging negotiations between North Vietnam and the United States as the parties principally concerned.

Chou now says such talk should be with the South Vietnamese National Liberation Front (Vietcong) and exclude both Hanoi and Peking. Chou's omission of Hanoi is especially significant in the light of the report of divergences between Ho Chi Minh and the Vietcong.

Apparently there is wide argument in the Communist camp over the desirability of negotiations, who should negotiate, the terms of negotiations, the preconditions for negotiations and the extent to which the Vietnamese Communists should seek outside help.

Surely it is in the interest of both this Nation and mankind to strengthen the hands of the group that, for reasons of its own, is hospitable to the idea of a negotiated settlement—especially when even such crucial Asian allies as India and Japan show little enthusiasm for the line of our "hawks."

On "Meet the Press," Presidential aid McGeorge Bundy indicated that the United States was not putting rigid preconditions on the circumstances of negotiations. That is worth saying plainly so that the U.S. position cannot be misrepresented or misunderstood.

Bundy also defined the U.S. purpose in Vietnam as designed to uphold the right of the South Vietnamese people to determine their own destiny. Here again U.S. policy has been open to misunderstanding. Sometimes that policy is portrayed as part of an irreconciliable struggle with Asian communism, a struggle that requires a U.S. military presence on the Asian mainland.

Self-determination is negotiable; a rollback is not.

Mr. Johnson's speech can have a momentous impact on alignments in the Communist world. It could be especially meaningful if it spells out his image of a Marshall Plan for southeast Asia along with a formula for political conciliation.

Mr. DOUGLAS. The leading Republican paper of the East Coast, the New York Herald Tribune, in its editorial of April 8th, applauded the President on his effective combination of the stick and the carrot. I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Apr. 8, 1965]

MORE CARROT, SAME STICK

United States policy toward North Vietnam has been a combination of the stick and the carrot. Without letting up on the use of the stick, President Johnson last night held out a pretty fat carrot—a $1 billion American investment for the economic development of southeast Asia which North Vietnam would share. He sweetened the carrot by speaking of an independent, neutralized South Vietnam, "free from outside interference—tied to no alliance—a military base for no other country."

He combined this with an offer of "unconditional discussions" for a settlement of the conflict. That should assure friends and foes alike that Washington, far from opposing a negotiated arrangement, is ready to proceed immediately to the conference table without prior conditions by either side—if our opponents are.

Whether this does or does not represent a change in the U.S. position is hardly a subject for fruitful argument. Washington maintained that it would negotiate when the time was ripe. Perhaps the President feels that time has arrived.

He may very well be right. Sooner or later—and it may be sooner than we think—Peiping and Hanoi will have to sue for peace. The time must come—if it has not come already—when they will admit to themselves (never to others) that the game in South Vietnam is up; that the cost of continuing the venture is prohibitive in damage to North Vietnam by conventional American bombs and in potential damage to Communist China by nuclear American bombs; that the venture itself has become highly questionable since the United States directly committed itself to the war against the Vietcong in the South, as well as to a war against North Vietnam, and if necessary against Communist China, from the air.

The problem for both Peiping and Hanoi is how to pay our price, which is the cessation of Communist aggression against South Vietnam, without losing face, bearing in mind that face is about the last thing in the world that an oriental can lose. The device which they may have in mind was indicated in Premier Chou En-lai's message to Secretary General U Thant. It is to pretend that they have had nothing to do with the Vietnamese conflict and to invite the United States to conclude a settlement directly with the Communist Vietcong guerrillas in South Vietnam.

This, however, is not what Washington has in mind. The President spoke of "discussion or negotiation with the governments concerned; in large groups or in small ones. * * *" And that is what Peiping and Hanoi want to avoid because public exposure would endanger their face.

One side or the other will have to give ground as to the manner in which the Communist retreat is to be negotiated. But the manner is not as important as the substance, and it is the substance which we seek—the security and independence of South Vietnam and the rest of Asia not now in Communist hands. If Peiping and Hanoi must save face, facilities may somehow be provided. Their true face is perfectly apparent to all.

Mr. DOUGLAS. Mr. President, finally, the Baltimore Sun, the newspaper from the neighboring city, which has such high standards, commended the President for the appropriateness of his speech, for giving clarity to the discussion on Vietnam and for his emphasis on peace and development.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Balitmore (Md.) Sun, Apr. 8, 1965]

THE PRESIDENT'S SPEECH

President Johnson struck the right note in his speech last night at the Johns Hopkins University. He lifted the discussion of the war in Vietnam from the purely military measures to the higher ground of an American policy that puts the proper emphasis on our desire to search for the peaceful settlement and our readiness to contribute generously to a program of economic development for southeast Asia, which could include North Vietnam.

The President thus has supplied what, to many Americans, seemed to be a missing element in previous official explanations of the U.S. policy. His speech does not mean that peace will be established at once, since the Communist side has yet to show whether it is ready even to discuss a settlement, but it widens the approaches to negotiations and it thus strengthens the U.S. position.

Mr. Johnson repeated his earlier statement that the United States would never be second in the search for peace and went on to declare that "we remain ready—with this purpose—for unconditional discussions." This is an important move forward from previous indications that discussions would be agreed to only after the Communist side stopped its aggression against South Vietnam.

The President was explicit in saying that he will ask Congress to "join in a $1 billion American investment" in the economic development of southeast Asia when peace is assured, and in expressing his hope that U Thant, the Secretary General of the United Nations, will use the prestige of his office and his own knowledge of Asia to initiate, "as soon as possible," with the countries of Asia a plan for cooperation in increased development. This helps to make it clear to Asians, as well as to others, that the United States is concerned first with peace rather than with military action.

In the President's speech there is an inducement for the Communists to end the war and an inducement for other governments to join in the effort to otbain a settlement. The present military action by the United States will continue, and it should be noted that the President pointed out that patience and determination will be required to see it through, but everyone concerned should now have a better understanding of our policy and purpose.

We can all agree with the President's statement that we have no wish to see thousands of Asians or Americans die in battle, or to see North Vietnam devastated, and approve his promise that our military power will be used with restraint and "with all the wisdom we can command."

Mr. DOUGLAS. Mr. President, other editorials will be published, and I shall seek to insert them in the RECORD if other Senators do not do so.

However, I hope very much that we shall not only applaud the President for his speech but that we shall also exhibit some staying power to carry the program through. I urge this because I remember how, when the Korean war first broke out, and President Truman made his fateful and, I believe, courageous and correct decision to go to the aid of South Korea, there were many who praised this step at the time but who before a year had passed were denouncing our action in Korea as Truman's war, which it was not. It was a war in behalf of peace and collective security.

The war in Vietnam—though it appears to be far removed—is freedom's war and I urge the Nation and the Congress to support the determination of this Nation as expressed by the President, and to persist in that support.

I hope that this time we have not only support at the beginning, but support in the hard and difficult months and possibly years which follow.

EDITORIALS ON PRESIDENT JOHNSON'S ADDRESS ON VIETNAM

Mr. MANSFIELD. Mr. President, subsequent to President Johnson's profound address on Vietnam, at Johns Hopkins University the other night, editorials have appeared in many newspapers. Five which have come to my attention seem exceptionally well-balanced and revealing of the spirit and import of the President's statement. If these editorials stress the humanity and conciliation in his words, it is not because the editorialists are less aware of the painful fact that conflict is still the order of the day in Vietnam. They know, as does the President, that the conflict will continue without surcease before peace begins to take form, and that while words can instill hope, acts and events alone can determine the validity of that hope. But the writers also recognize that an obsessive infatuation with conflict and military power can obscure the many ways which there may be to peace in southeast Asia. The important point, as I see it, is to bring these ways out from under the smoke of battle, and begin to examine and to explore them. That, in my judgment, was a most significant achievement of the President's address, and the editorials which I shall insert in the RECORD very properly focus on it.

Mr. President, I ask unanimous consent that editorials which appeared in the New York Times, the Washington Post, the Baltimore Sun, the Philadelphia Inquirer, and the Washington Star be included at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 8, 1965]

THE PRESIDENT OPENS THE DOOR

President Johnson last night projected an American policy on Vietnam in which the country can take pride. He indicated that the United States now may begin to apply as much determination and ingenuity to seeking peace as it has to waging war. He has wisely broken his long silence on American purposes. And, much as this newspaper and many Members of Congress have urged, he has restored the olive branch that balances the arrows in the eagle's claws.

The President's proposal to seek a Vietnam settlement through "unconditional discussions" with "the Governments" concerned opens the door to peace explorations in a wide variety of forums with Hanoi, Moscow, even Peiping, although not with the Vietcong directly. He has broken new ground as well, in explicitly offering to North Vietnam American-aided regional development, food-for-peace programs and—implying the possibility of increased recognition—"peaceful association with others."

In urging Seceretary General Thant to initiate a plan immediately for increased development in southeast Asia to aid in the establishment of peace rather than merely to follow its restoration, he has given wings to long-pending, imaginative proposals by men such as Ambassador Chester Bowles and Canada's Prime Minister Lester Pearson.

The size of the proposed American contribution—$1 billion is half the estimated cost of the initial five-dam program of Mekong Valley development—is less important than the willingness to participate for the first time in a jointly financed aid program with the Soviet Union.

The President's speech has, in short, at last begun the essential process of changing the context of a problem that, as usually stated, appears insolube. In proposing a South Vietnam tied to no alliance and containing no foreign military base, the President has accepted the concept of ultimate American military withdrawal and of an independent South Vietnam that would be neutral and yet free to seek outside assistance if threatened.

Most important, the President's speech nowhere repeats Secretary Rusk's vague and wornout homily about negotiations being inconceivable until the Communists "leave their neighbors alone." It recognizes that negotiations are not only conceivable but necessary if that desirable purpose is ever to be achieved.

President Johnson has now provided a bold answer to the appeal made to him last week by the chiefs of 17 nonalined states and earlier by many of our allies. It would be too optimistic to expect a favorable reply from the Communist countries, at least at first. But they are provided with plenty of food for thought.

Neither they nor anyone else can dispute the fact that a serious peace offer has been made. It is now clearly up to them to make a reasonable response.

[From the Washington Post, Apr. 8, 1965]

SWORD AND OLIVE BRANCH

President Johnson, in his address last night, made it clear that the United States is ready for "unconditional discussions" of peace in southeast Asia and he made it equally clear that our Government is ready to carry on the defense of South Vietnam until that country's independence is secure.

His address at Johns Hopkins does not leave much room in which to argue that there is anything ambiguous about American policy. He was at great pains to explain why we are in Asia and why we cannot leave in disregard of our commitments. And he took equal pains to explain the Nation's readiness to discuss, without preconditions, the means of establishing peace. He made even more specific than he has heretofore his proposal that the nations of southeast Asia turn from war to peaceful development under a program toward which we are willing to commit a billion dollars in aid and the technical assistance of an American mission headed by Eugene Black.

It will be a tragedy for southeast Asia if the governments involved disregard either the sword or the olive branch in the President's address. They go together and they make up the joint elements of our policy. The speech, although a response to the 17 nations who addressed the American Government, was in many ways directed to the Government of North Vietnam. And it is from that Government that we hope that some affirmative response may come. There is no insurmountable conflict between the legitimate aims of North Vietnam and the justifiable aspirations of South Vietnam. It ought to be possible for both of them to turn from war to the constructive arts of peace which the President presented as an alternative to armed combat. No doubt this country would be willing to send its representatives to sit down with those of North Vietnam to discuss the means of reestablishing peace in southeast Asia. It remains to be seen whether there is in Hanoi any inclination to negotiate a peaceful solution of the kind which the President has suggested. Those who have been clamoring for negotiations now have their opportunity to direct their message to North Vietnam, upon whose willingness to participate in discussions the realization of the President's peaceful purposes depends. It is to be hoped that they will be successful. If they are not successful, even this country's severest critics will hardly be able to maintain the fiction that the war is being prolonged by American unwillingness to negotiate.

North Vietnam, the Vietcong and China simply must be persuaded that the President was in dead earnest when he said: "We will not be defeated. We will not grow tired. We will not withdraw, either openly or under the cloak of a meaningless agreement." Only the thinnest edge of American military power has made itself felt in Vietnam. There is more where that power came from.

And alongside this expression of determination must be put the President's assurance that the United States wishes nothing for itself but asks only an independent South Vietnam "free from outside interference—tied to no alliance—a military base for no other country."

Attitudes in Hanoi, judged by the statements that have been emerging in the official press and radio, are still very hard. Yet the President was right to disregard these uncompromising assertions of hostility and he was wise to indicate the willingness of the United States to discuss without preconditions the means of securing peace. In the form that the President made his gesture, it could hardly be construed as a sign of weakness. Even if the offer of discussions is rejected, nothing has been risked or lost by making it.

If the North Vietnam government is not ready for discussions now, the fight will have to go on until they are ready. For the sake of the people of both North Vietnam and of South Vietnam let us hope they will be ready soon so that an end may be put to a destruction of lives and resources needed desperately for the reconstruction of a country torn by war for more than a decade.

[From the Baltimore Sun, Apr. 8, 1965]

THE PRESIDENT'S SPEECH

President Johnson struck the right note in his speech last night at the Johns Hopkins University. He lifted the discussion of the war in Vietnam from the purely military measures to the higher ground of an American policy that puts the proper emphasis on our desire to search for a peaceful settlement and our readiness to contribute generously to a program of economic development for southeast Asia, which could include North Vietnam.

The President thus has supplied what, to many Americans, seemed to be a missing element in previous official explanations of the United States policy. His speech does not mean that peace will be established at once, since the Communist side has yet to show whether it is ready even to discuss a settlement, but it widens the approaches to negotiations and it thus strengthens the United States position.

Mr. Johnson repeated his earlier statement that the United States would never be second in the search for peace and went on to declare that "we remain ready—with this purpose—for unconditional discussions." This is an important move forward from previous indications that discussions would be agreed to only after the Communist side stopped its aggression against South Vietnam.

The President was explicit in saying that he will ask Congress to "join in a $1 billion American investment" in the economic development of southeast Asia when peace is assured, and in expressing his hope that U Thant, the Secretary General of the United Nations, will use the prestige of his office and his own knowledge of Asia to initiate, "as soon as possible," with the countries of Asia a plan for cooperation in increased development. This helps to make it clear to Asians, as well as to others, that the United States is concerned first with peace rather than with military action.

In the President's speech there is an inducement for the Communists to end the war and an inducement for other governments to join in the effort to obtain a settlement. The present military action by the United States will continue, and it should be noted that the President pointed out that patience and determination will be required to see it through, but everyone concerned should now have a better understanding of our policy and purpose.

We can all agree with the President's statement that we have no wish to see thousands of Asians or Americans die in battle, or to see North Vietnam devastated, and approve his promise that our military power will be used with restraint and "with all the wisdom we can command."

[From the Philadelphia (Pa.) Inquirer, Apr. 9, 1965]

WITH COURAGE AND REASON

President Johnson's address at Johns Hopkins University—directed to America and the world, to our friends and our enemies—was a masterful presentation of U.S. policy in southeast Asia.

It is a policy that calls for continuing courage in the defense of a far-off land against the aggression of a brutal invader. It is a policy that summons the forces of reason in quest of peace even though the foe is notoriously unreasonable and seemingly committed to the path of war.

The President balanced a strong pledge to defend freedom in South Vietnam with an equally strong promise to seek a fair peace through unconditional discussions. He capped it all with a billion-dollar offer of economic development aid to southeast Asia that ought to serve as a persuasive inducement to end the war and reap the harvest of peaceful progress.

While there were overtones of idealism in his speech the President also faced the hard truths and the harsh realities—something that many of his critics have been too timid to do.

"We must deal with the world as it is," Mr. Johnson said. "The first reality is that North Vietnam has attacked the independent nation of South Vietnam. Its object is total conquest. To abandon this small and brave nation to its enemy—and to the terror that must follow—would be an unforgivable wrong."

It was on this note that Lyndon Johnson rose to the pinnacle. His policy is based on what is right rather than on what is expedient. His firm voice of compassion for the victims of Communist terror in South Vietnam comes as a refreshing breath of hope in a world where many people and many countries are all too willing to pass by on the other side and leave the oppressed and the tormented to their horrible fate.

President Johnson emphasized that "we will not withdraw, either openly or under the cloak of a meaningless agreement."

This was a well-deserved rebuke of those who clamor for negotiations on any terms. What they really are seeking is a way to surrender.

If Hanoi is ready to talk peace, it has an open invitation. America's terms, as stipulated by Mr. Johnson, are eminently fair and clear: "An independent South Vietnam, securely guaranteed and able to shape its own relationships to all others."

Whether the Communists will consider these terms acceptable is another matter. It takes two to negotiate.

[From the Washington Evening Star, Apr. 8, 1965]

VIETNAM PEACE TALKS

A great deal of emphasis has been put on President Johnson's use of the word "unconditional" in connection with discussions looking toward a settlement of the Vietnam war. And the administration evidently wanted it that way.

When read in context, however, this phrase does not seem to mean anything greatly different from what has been said in the past. For Mr. Johnson also emphasized that a peaceful settlement "demands an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others—free from outside interference—tied to no alliance—a military base for no other country. These are the essentials of any final settlement." If the President means this, and we believe and hope that he does, his reference to unconditional discussions presumably is nothing more than a statement of willingness to discuss such a peaceful settlement without insisting upon an end to the Communist aggression or upon some "signal" from the Reds before we will even discuss peace. Thus, the use of the term "unconditional discussions" may be new in a semantic sense, but the President has said essentially the same thing privately on many occasions in the past.

The great danger lies in the possibility that the stated readiness to enter into "unconditional discussions" will be interpreted as a hint that we are weakening or wavering in our commitment to freedom for South Vietnam. We do not think that the President meant to convey any such impression, and other portions of his speech support this belief. For example, he said: "We will not be defeated. We will not grow tired. We will not withdraw, either openly or under the cloak of a meaningless agreement." And again: "Our resources are equal to any challenge. * * * We will use our power with restraint and with all the wisdom we can command. But we will use it."

It is hard to see how the case could be stated in plainer language. We are in Vietnam, as Mr. Johnson said, because if the battle is not fought there to a satisfactory conclusion, it will have to be fought on some other ground. And militant communism, in the long run, is hardly less of a threat to the United States than to Asia.

So this is a speech which should, and which of course will be, read with care in every capital of the world. The headline emphasis on unconditional peace talks and the hope for a brighter economic future, which the President also outlined, deserve close attention. But the same thing is true, if not more true, of the tough sections.

THE LATE GENERAL JOHN HESTER

Mr. MANSFIELD. Mr. President, it was with deep regret that I learned yesterday of the death of Gen. John Hester, an outstanding officer and a fellow Montanan. His death came as a result of injuries suffered when his parachute failed to open properly during a practice jump in West Germany. General Hester, in keeping with his strong sense of responsibility and dedication to duty, had gone to jump school in order to gain a better understanding of the Air Force's role in providing support for the Army. This jump which led to his death was the last of his series of five.

General Hester has had a long and distinguished career in the service of his country. His death, therefore, is a loss to the country as well as a heavy personal loss to his family and friends. From his first assignment as second lieutenant in 1938, to his last duty as commander of the 17th Air Force, he served with great devotion and ability. In China, during World War II, he flew 50 combat missions in fighters and bombers. His staff work ranged over a wide variety of assignments, including that of aide to the then Secretary of the

Air Force, Stuart Symington, the Senator from Missouri.

Mr. President, I am sure that I speak for many others when I express my deep sorrow at General Hester's death and extend my sympathy to his family.

EAST COAST MODEL UNITED NATIONS CONFERENCE

Mr. SALTONSTALL. Mr. President, this weekend, April 9 to 11, Newburyport High School, in Newburyport, Mass., will act as host to 750 students and faculty members from 8 east coast States who are participating in the 8th annual east coast model United Nations conference.

The program of the conference will be patterned after the United Nations itself, and will include committee meetings and a plenary session. The participants will hear talks, by foreign-affairs experts, on several issues of timely importance. Speakers include George C. Enninful, the bureau chief of the Ghana News Agency, whose topic will be "An African Looks at the World"; and Leon Vokov, the Soviet affairs expert of Newsweek magazine, whose topic will be "The Great Schism Between Russia and China."

I ask unanimous consent that an article describing the conference, which was published on April 4 in the Boston Sunday Herald, be printed in the RECORD at the conclusion of my remarks.

The interest being shown by these young people in the problems of international relations is certainly worthy of our praise. The issues with which they will be concerned are important to all of us. In developing this program on the activities of the United Nations, the students are presented with an excellent opportunity to increase their awareness of the domestic problems faced by the countries they have chosen to represent and to gain a broader understanding of the basic causes of international tensions and the machinery which the U.N. organization has set up to deal with them. Furthermore, they can become better acquainted with the agencies within the framework of the U.N. which work to alleviate human suffering and to raise the standards of living in the developing nations.

As a Senator from Massachusetts, I am proud that Newburyport High School has been chosen as the locale for this year's conference. I extend my congratulations to all of the faculty members and students from the participating high schools for undertaking this worthwhile project. I know it will be most informative and interesting for all who attend.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Herald, Apr. 4, 1965]

NEWBURYPORT HIGH TO HOST EAST'S MODEL U.N. MEETING

NEWBURYPORT.—East Coast Model United Nations Conference will be held at Newburyport High School on Friday to Sunday, with 750 students and faculty members expected to attend from eight east coast States.

This will be the Eighth Annual East Coast Model U.N. Parley. Principal Francis T. Bresnahan of Newburyport High said the school is probably the smallest one to host the gathering and Newburyport itself is the smallest place. But he said wonderful support is being given by the community.

Families from Newburyport and immediate area responded fast to an appeal to provide Friday and Saturday night lodging, and Saturday and Sunday breakfasts for the visitors.

The conference will be modeled after the United Nations, with committees and a plenary session.

The opening committee session will be at 3 p.m. Friday. At the evening program, an address on "An African Looks at the World," will be given by George C. Enninful, bureau chief of the Ghana News Agency, the first African journalist accredited to the United Nations.

Saturday night at the National Guard Armory, Leon Vokov, Soviet affairs expert of Newsweek magazine, will talk on "The Great Schism Between Russia and China."

Chris McGillivary, senior at Newburyport High, is secretary general of the conference. Newburyport will represent two countries, Malawi and Finland.

Last year's host school, Mount Vernon, N.Y., will represent the Soviet Union. First choice of a country goes to the host of the preceding year.

The conference won't be all serious business. One highlight will be a barbecue in World War Memorial Stadium Saturday afternoon. The plenary session of the model General Assembly will be held Sunday morning.

Two schools not in the conference were given permission to send observers who will be from "countries outside the United Nations." Oxford Hills High School of Norway, Maine, will be the Peoples Republic of China, Paul D. Schreiber High School of Port Washington, N.J., will be the Palestinian Government-in-exile.

The States represented are Delaware, Rhode Island, Maryland, Pennsylvania, Massachusetts, Connecticut, New Jersey, and New York with the District of Columbia.

Some preparatory and private schools are participants. Some Bay State schools in the model United Nations are Needham High, representing both Yemen and Saudi Arabia; Newton South High, Australia; Weymouth High, Cyprus; Haverhill High, Dominican Republic; Noble and Grennough School, Hungary; Dana Hall School, France.

Beaver Country Day School, Laos; Newton High, Netherlands; Cardinal Cushing Academy of West Newbury, Bolivia; Hingham High, Ghana; Lawrence High of Falmouth, Tanzania and Zambia; Governor Dummer Academy, Sudan; Winchester High, Tunisia.

SENATOR BREWSTER'S ADDRESS TO THE 20TH ANNIVERSARY REUNION OF THE OFFICERS OF THE 6TH MARINE DIVISION

Mr. DOUGLAS. Mr. President, on April 1, 1945, the 6th Marine Division landed at Green Beach, on Okinawa. One of our colleagues, the Senator from Maryland [Mr. BREWSTER], commanded a rifle platoon in the assault wave.

Twenty years later, on last Saturday, Senator BREWSTER addressed the 20th anniversary reunion of the officers of the 6th Marine Division, at Quantico, Va. Although many years had passed, I think it still serves a useful purpose not only to recount campaigns of World War II, but also to review the status of the armed services of the United States today.

Our distinguished colleague, Senator BREWSTER, was the youngest commissioned officer in the entire Marine Corps in the earlier days of World War II. He commanded a company in battle before he was 21; he was wounded some six or seven times in four different engagements; he received the Purple Heart, the Gold Star in lieu of a second Purple Heart, and the Bronze Star.

Senator BREWSTER's words and his toast to Gen. Lemuel Shepherd, then the commanding general of the 6th Marine Division, and later the Commandant of the Marine Corps, have particular significance now, when two reinforced Marine battalions are committed in South Vietnam, and perhaps other Marines may be on the way.

Mr. President, I ask unanimous consent to have printed in the RECORD, Senator Brewster's remarks at the 20th anniversary reunion of the officers of the 6th Marine Division. They do credit to our brave colleague and to the morale of the Marine Corps.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR BREWSTER, FOR 6TH DIVISION REUNION, QUANTICO, VA., APRIL 3, 1965

Gentlemen, I'm sure you find it as difficult as I do to believe that 20 years have passed since the memorable Easter Sunday morning when our division landed over Green Beach and captured Yontan Airfield. It is with a lump in my throat that I recall the events that followed our landing as L Company, 3d Battalion, 4th Marines, moved up the Ishikawa. Our company, led by Capt. Nelson C. Dale, moved at the head of the column up a ravine west of Yontan. Lt. Marvin Plock had the platoon on the left. Lt. "Swede" Hedahl had the platoon on the right, and my platoon moved up the center. I had hardly cleared the neck of the ravine when the whole hillside above erupted with enemy fire. Captain Dale was hit and mortally wounded. "Swede" Hedahl was hit and had to be evacuated. I was hit twice and found myself and my platoon almost hopelessly pinned down. Lt. Marv Perskie, our executive officer, took command of the situation at this point. "Let's go, men." With this command, Perskie battled his way forward, using rifles, hand grenades, flamethrowers, and guts. Marv's sudden, devastating attack overran the Japanese position and permitted what was left of my platoon to walk out of a mighty tight spot. This was the beginning of the battle for Okinawa, a battle which lasted for 100 days, a battle which took us from the landing beaches opposite Yontan to the northernmost tip of the island.

From the north, this tiger's cub of a division was called upon to turn south, where it fought across the Asa Gawa River. After many days of bloody battle, it captured Sugar Loaf Hill, where we lost 2,260 officers and men, killed or wounded, in a 10-day period of time. This battle is already recorded in history alongside Iwo's Mount Surabachi, Peleliu's Bloody Nose Ridge, Tarawa's Betio Beach, and the Battle of the Tenaru, on Guadalcanal.

I would like at this time to pay special tribute to the memory of such men as Major Courtney, Rusty Golar, "Fighting Irish" Murphy, and Lt. Bob Nelson, all of whom chose Sugar Loaf for a valiant last stand, and who gave their all for corps and country on this hallowed ground. From Sugar Loaf, the division captured Naha, made an amphibious landing in Colonel—about to be brigadier general—Metzger's amphibious vehicles, and captured Oroku Peninsula. Our division ended the campaign by raising the American flag on the southern tip of Okinawa.

There can be no doubt about the place the fighting 6th Marine Division holds in history. Formed in the field—composed of battle-tried veterans, and brilliantly led by our distinguished division commander, Gen. Lemuel C. Shepherd, Jr., it will hold a place, not only in history but in our hearts, for all times. As we reflect not only on the exploits of our division, but on the pain, the tears, the suffering of marines under fire, as they watched their comrades fall, die, with bodies shattered, and who, doubtless wounded themselves, had too much pride and devotion to corps and country to lay down their rifles and leave the battle, it is with respect that we pay tribute tonight to those men who are no longer with us on this occasion of the 20th year after our landing on Okinawa.

We are all quite familiar with our Marine Corps that ended World War II 20 years ago—the Marine Corps of which our division was a part. What about the Marine Corps today? The thought occurred to me that many of us would like to know what has happened in these past 20 years—years in which we have been engaged in a so-called cold, or limited, war environment. In fact, I am sure that many of us have wondered what effect, if any, the age of thermonuclear warfare has had on our corps. During the next few minutes I want to bring you up to date by highlighting the mission, organization, and activities of the Marine Corps. The role of the Marine Corps today is specified in law. It is charged with providing landing forces of combined arms, both air and ground, for service with the Navy's fleets. It is also required to devote primary attention to the advancement of tactics, techniques, and equipment used by any landing force in an amphibious operation. In less formal terminology, its real reason for being, then, is to provide Marine air-ground teams, capable, on short notice, of being projected ashore at any place—it is indeed a force-in-readiness—ready to land either by small boat or helicopter any place in the world today that the situation requires.

To be certain that it can perform this task, at any time, the Marine Corps believes in deploying and training as many of its units as far forward as possible.

The Marine Corps is composed of 193,000 officers and men and is exceedingly proud of the fact that 60 percent of this number are serving in the operating forces, the combat units of the Fleet Marine Force.

There has been only one major organizational change to the corps structure since you and I knew it years ago. The major combat force today is the division/wing team—Marine expeditionary force (MEF). This organization integrates a Marine division and Marine aircraft wing under a single commander. This is in contrast to having a wing in support of a division as you and I knew it during World War II. This means that we now have within a Marine expeditionary force a division headquarters, three infantry regiments, an artillery regiment, and necessary ground support units. In addition, we have the integrated tactical aviation elements required to support a Marine division, consisting of a wing headquarters, fixed wing, helicopter, and antiaircraft squadrons. These provide offensive air, assault helicopter, aerial reconnaissance, and antiaircraft protection for the force. The Marine Corps has the capability today to field three such teams, together with the necessary command and support units. In case of all-out war, it will constitute a fourth division/wing team from Reserve units. Although the structure of each division/wing team encompasses a force of some 38,000 troops, and appears to be large, the Marine Corps retains the capability of task organizing smaller units for specialized mission. In other words, the corps has the capability to effect combat on a large scale, or on a small scale, as the situation requires.

I am sure that many of you have wondered, as I have, what effect the thermonuclear capabilities of the major combatant forces of the world have had on our corps past and present. For one thing, the corps met the challenges of a possible nuclear war by developing the vertical envelopment concept. That is the use of helicopters to gain greater dispersion of both ships and personnel. We have amphibious assault ships LPHS (all helicopter carriers) in the fleet today that carry a battalion of marines and the helicopters required to land them. In addition to dispersion and greater safety, helicopters permit our marines to outflank obstacles in most instances rather than to meet them head on in a frontal attack as we had to do so often during World War II.

I would say that the threat of nuclear warfare has created an even greater need for the corps today than ever before. The United States must be able to operate under this nuclear umbrella to meet emergency situations as they arise short of all-out nuclear war. The deployment of Marine Corps forces since World War II has been designed to do just that. For example, the Marine Corps has had a battalion landing team afloat in the ships of the 6th Fleet in the Mediterranean since before the Korean war. The call for marines to land at Inchon in 1950 made it necessary for one of these battalions to proceed eastward through the Suez to join its parent regiment off the Korean coast. The Lebanon crisis of 1958 brought this segment of the Marine Corps team, and others from the east coast of the United States, into action. Last October, this unit participated with other stateside navy and Marine forces, and the Spanish Marines, in a major amphibious exercise in Spain.

In the Western Pacific, aboard ships of the 7th Fleet is another special landing force. Its home base is Okinawa, and it can be rapidly reinforced by other units of the 3d Division. This has often been required in the recent days of unrest in the Far East. At the request of the Thai Government, in the spring of 1962, this afloat battalion landed in Thailand, these marines remained there for several weeks, until national integrity was no longer in jeopardy, and the crisis had abated. This same force landed two battalions in Vietnam only last month.

The third afloat unit is deployed in the Caribbean, ready on extremely short notice to effect any one of several contingency plans. This battalion was, of course, one of the first to reach Guantanamo in October 1962. Other potential troubles in any one of several countries touching these waters keep this unit at the constant ready.

The varied capabilities of today's Marine Corps team-in-readiness, as exemplified by these particular units, give the United States a priceless strategic option. When trouble is brewing, a force can be blended together to meet the threat. The amphibious task force, without concern for overflight or base rights, is a flexible, usable instrument of national policy, available for quick reaction and possible commitment along vast areas of shoreline.

I think we can all take pride in the fact that Marine Corps posture is good and its readiness is excellent. Even so the corps continues to train to seek improvements. During the past year air-ground teams, together with the amphibious forces of the Navy, conducted amphibious assault exercises almost all over the world—excluding only those shores where they are obviously not welcome. There exercises varied in size from battalion landing teams to division-wing teams, organized for the purpose into a Marine expeditionary force. One of the latter, called back pack, involved the third MEF, made up of elements from the 3d Division and 1st wing. From their home bases in Okinawa and Japan, these units landed in Taiwan last March. Marines from the east coast and from the MED landed, as I mentioned earlier, in Spain, in October. The corps has just completed a corps-size amphibious landing, called Silver Lance. This exercise was under the command of Lt. Gen. Victor H. Krulak—former G–3 of the 6th Marine Division—who now commands the Fleet Marine force, Pacific. The primary test objective of this exercise was the employment of Marine Corps forces in a counterinsurgency environment.

Of course, one of the largest operations, in terms of time and manpower expended, has been going on in southeast Asia since April 1962. It was then that the 1st Marine Corps Helicopter Squadron arrived in Vietnam and began providing support to the South Vietnam forces, in their struggle against the Vietcong. These marines and their helicopters have given a means of transportation that goes over the jungle rather than through it. Marine Corps helicopter units and Marine Corps advisers to Vietnamese Marine and Army units were joined in February by Marine Corps Hawk antiaircraft weapons, and again in March two battalions of Marine Corps ground troops landed at Danang in Vietnam. Some people have expressed surprise that our Marine forces in Vietnam are for defensive purposes only. However, I know of no other means that could be more forceful in impact than to have U.S. marines reinforce the policies of the United States.

The fact that our marines are continuing to uphold the traditions of our corps, of selflessness and self-sacrificing service, is attested to by their actions as exemplified by Major Koelper, who, as a military adviser to the Vietnamese, and while on leave from his front-line combat unit, gave his life to aid in saving a large number of theater patrons in Saigon. Major Koelper's citation, for which he was awarded the Navy Cross posthumously, reads as follows:

"For extraordinary heroism in connection with the bombing of the Capitol Kinh-Do Theater in Saigon, Republic of Vietnam, on the evening of February 16, 1964. Upon becoming aware of a bomb being placed in the lobby of the theater, Major Koelper, who was standing nearby with a companion, unhesitatingly entered the main area of the theater and shouted to the occupants, U.S. servicemen and their dependents, to take cover. This warning provided the time for numerous unsuspecting individuals to obtain cover by lying between rows of seats. Seconds later the bomb exploded, fatally wounding Major Koelper and another person, and injuring approximately 50 others. Through his prompt and courageous actions in warning the theater patrons of the imminent explosion, Major Koelper undoubtedly saved many Americans and Vietnamese from serious injury or possible death. His self-sacrificing efforts were in keeping with the highest traditions of the U.S. naval service."

You may say this is a strange way to die for your country, for an ideal, and yet Major Koelper died for what he believed in just as much as did any American in any war in which the Nation has been involved. The attitude of Major Koelper's wife is a touching and as heroic as his deed. She said, "If my husband had to die, I'm glad he died as a marine in the service of his country for what he believed in."

In the face of an unsettled world, with crisis after crisis in Cuba, Panama, Cyprus, and Vietnam, and in all the shadows where there lurks the ugly threat of communism; in the face of those who say the vital values have been relegated to the scrap heap; to those who say that the courage of our people—proved again and again from Valley Forge, and, yes, through Gettysburg, through the trenches in France, through the islands of the Pacific, through the mud and cold of Korea—and now in the pest holes of Vietnam; to those who say that all this has been squandered in fear and appeasement and in international cowardice—I say—That so long as we have men like Major Koelper and people who believe as his family does—and so long as there are those who are ready and willing to act on these beliefs—we have nothing to fear.

HARD CHOICES AT THE UNITED NATIONS

Mr. CHURCH. Mr. President, recently I had the pleasure of reading a speech delivered at Southern Methodist University, in Dallas, by Joseph J. Sisco, Deputy Assistant Secretary of State for International Organization Affairs. In his speech, entitled "Hard Choices at the U.N.," Mr. Sisco reminds us that skeptics have been predicting the failure of the United Nations ever since it was founded. Yet, that organization continues to play an indispensable role in world peacekeeping and economic development. I ask unanimous consent that this fine speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

HARD CHOICES AT THE U.N.

(Address by Joseph J. Sisco, Deputy Assistant Secretary of State for International Organization Affairs, at the Dallas Regional Foreign Policy Conference at Southern Methodist University, Dallas, Tex., Feb. 27, 1965)

I happen to be married to a Texan, and I find she appreciates plain talk. So do I. So I am going to do some plain talking about the U.N. here today.

For weeks the newspapers have been reporting on the latest crisis at the U.N. Just last week the 114-nation General Assembly adjourned until September without dealing with its annual agenda—an agenda loaded with new issues and hardy perennials. The news weeklies and cartoonists have had time to size up the situation and again raise the question: Will the U.N. survive?

This is not the first time this question has been asked in the 20-year history of the United Nations. And it won't be the last. Just the other night, for example, I was checking something in the 1948 volume of "United States and World Affairs," published annually by the Council on Foreign Affairs. Chapter 10 was entitled "Crisis at the U.N." That was after the first 2 years of the life of the Organization.

Since then the United Nations has been sanctified and buried more times than any institution in history. Somehow we Americans seem to have an affinity for characterizing problems as crises. At the same time, we tend to expect each problem and crisis to be resolved by some single convulsive act—a summit meeting—some kind of a showdown with a yes-or-no, fish-or-cut-bait answer. We tend to expect the U.N. to usher in perpetual peace or collapse to the ground. We oversold the U.N. at its birth; and today we tend to underestimate its resilience and adaptability as it faces new problems.

But usually the world doesn't work that way. The showdown doesn't necessarily come. The fish-or-cut-bait situation does not too often arise. We keep saying that this or that situation can't continue any longer—and somehow it manages to continue for quite a bit longer. The U.N. neither rises to heights of greatness nor crumbles to ashes. In other words, it's a political organization.

In the past 20 years the United Nations has faced a whole series of external and internal crises. It is a reflecting of our times. In one way or another, it has survived them all. And in the process we have learned that neither the U.N. nor any other instrument of diplomacy can provide a quickie answer to our international problems. The job of peace is a hard day-by-day nuts and bolts process that requires patience and prudence, firmness and resolve.

None of this is meant to deprecate the fact that the United Nations is, in fact, in the throes of a constitutional crisis. Critical decisions lie ahead for the United Nations. The mere fact that it has survived crises in the past does not in itself prove that the present issue will be resolved in a satisfactory way.

Obviously the United Nations could falter—could slip back on the road toward a workable system of world order which we and most of the members have been trying to construct out of the concepts and principles of the Charter and out of the institutional framework it established. This would not be in our national interest. So plain talk requires us to say that the United Nations is once again in trouble.

NOT A LIFE-OR-DEATH ISSUE

But the point I want to make here is that the present crisis at the United Nations is not presently and need not be a life-or-death affair for the Organization.

Twenty years after World War I the League of Nations was dead. Twenty years after World War II the U.N. is in difficulty but far from dead.

I believe we have learned the lesson of the failure of the League of Nations. But it is well to remind ourselves that this lesson must be constantly relearned—it must be nurtured by the day-to-day effectiveness of the Organization or the U.N. may well become less relevant to our times.

The disability at the U.N. today is in the General Assembly. The Assembly is an important part but by no means all of the Organization.

The Security Council, which the charter says is the "primary" organ for dealing with peace and security problems, is still functioning. As a matter of fact, the Council had one of its busiest years in the life of the U.N. in 1964. In those 12 months, it had over 100 meetings, about one for every 3 days in the year.

It successfully organized the difficult peacekeeping operation in Cyprus. As a result, we have avoided, for the time being at least, a direct military confrontation between two of our closest NATO allies, Greece and Turkey.

The Security Council gave the Secretary-General a mandate to assist the United Kingdom and Yemen to resolve their differences over the Yemen-Aden border.

It sent a commission to look into the Cambodian-South Vietnam situation.

It recently called for a stop to outside interference in the Congo and is trying to help promote a peaceful solution there.

It let some steam out of the Kashmir dispute and the question of apartheid in South Africa by handling two new rounds in these bitter disputes.

Meanwhile, those U.N. soldiers of peace in the blue berets are on duty right now between warring ethnic communities in Cyprus—and on the truce line in the Gaza Strip—and on the borders between Israel and its Arab neighbors—and in Kashmir between India and Pakistana—and on the armistice line at the 38th parallel in Korea. These important field operations of the U.N. remain largely unaffected by the U.N. crisis. And we can all sleep more securely tonight because they are there.

What's more, about 80 percent of all the personnel of the U.N. and its affiliated agencies are working in the economic and social and technical fields in a range of specialized agencies and commissions and projects in over a hundred countries and territories.

Many of these agencies are deeply involved in the long-term task of helping the lesser developed nations move toward modern societies—by surveying resources, developing teaching skills, and transferring technology and know-how in agriculture, fishing, industry, transportation, public health, education, administration and other fields.

And still others are engaged in operations and regulatory work which is either done at the international level or not at all—like creating safety standards for international aviation and allocating radio frequencies for international use—like the global elimination of malaria and the design of a world weather watch.

However, the General Assembly sorts out its present problems, these extensive parts of the United Nations system are going on without interruption.

In an interdependent world in which peace—politically, economically and socially—is indivisible, such activities continue to serve the national interest of the United States. An inactive Assembly does not mean the end of such activities.

So in plain fact the United Nations is not dead. And its demise is not in our interest.

What, then, is going on?

A PERIOD OF PAUSE

On the surface, the crisis in the United Nations is about money. But only on the surface. Arrearages up to $133 million, of which the Soviet Union owes $62 million, are nothing to be sneezed at.

But the issue is primarily political. It's been our view, not entirely shared by a number of other U.N. members, that the issue is not primarily between the Soviet Union and the United States. It is an issue between the Soviet Union, France, and a few other countries on one side, and the rest of the members who have shared a general view about world order and the role of the United Nations in creating and sustaining a system of world order.

At first blush the problem is as simple as this:

1. The charter says in perfectly plain language, in article 17, that "the expenses of the Organization shall be borne by the members as apportioned by the General Assembly."

2. The charter says in perfectly plain language, in article 19, that any member more than 2 years in arrears in its assessments "shall have no vote in the General Assembly."

3. For several years the Soviet Union has refused to pay for the Middle East or the Congo peacekeeping operations. Later the Soviets said they did not have to pay because

peacekeeping expenses are not proper expenses of the Organization and therefore the Assembly does not have the authority to levy assessments to pay for them. Thus they raised a constitutional issue—a question of law.

4. This constitutional question was put to the constitutional court of the United Nations—the International Court of Justice: the question was asked whether costs of peacekeeping in the Middle East and the Congo were "expenses of the organization" within the meaning of the article 17 of the charter? The Court said yes: these peacekeeping expenses are expenses of the Organization within the meaning of the charter.

5. By an overwhelming majority, the General Assembly formally accepted the opinion of the Court—thus explicitly making the statement of law the policy of the Assembly as well.

Most members who were within the reach of article 19 accepted this and paid up their back assessments—or at least enough to remove them from the penalty of losing their votes in the Assembly. But not the Soviet bloc, France, and a very few others.

It was up to the General Assembly to decide whether to apply the loss of vote sanction of article 19 against the delinquents or whether to abandon the sanction and thus undermine the authority of its own assessment function.

Yet this is precisely what the General Assembly declined to do. The General Assembly decided not to decide—at least for the time being.

Clearly the General Assembly did face a fork in the road. If the Assembly moved down one branch and applied article 19 to the delinquents, two major powers might get up and walk out of the Assembly with unforeseeable consequences and possible damage to the Organization. Looking down this road, it seems fair to say that a number of members did not like what they saw ahead.

If the Assembly moved down the other road and set aside article 19 to allow the delinquents to vote, this would undermine its assessment authority. Looking down this road, it seems fair to say that most members did not like what they saw in that direction either.

It was a disagreeable, hard choice, like so many in international politics today. No one interested in the future of the Assembly could face it with any relish.

The Assembly could not bring itself to make a choice. It neither applied article 19 nor relinquished it. It was neither willing to enforce the concept of collective financial responsibility in practice nor abandon it in principle. While the Assembly retains its residual right under the charter to organize and finance peacekeeping operations, it has not been willing to date to force two major powers to pay for peacekeeping operations which these powers disapprove. It did what limited business it could without taking a vote. Then it decided to put the Assembly on ice for the time being—to recess, to buy more time for further negotiations.

So, the plain fact is that there is now a period of pause in the affairs of the General Assembly of the United Nations.

A pause is not a retreat—nor yet an advance. It is time—time that has to be used well if it is not going to work against the building of an effective, operational United Nations. What Emerson said about saving money can be adapted to the pause in the U.N.'s affairs: "Economy does not consist in saving the coal, but in using the time while it burns."

SOME HARD DECISIONS ABOUT CONFLICTING PRINCIPLES

Yet the issue remains. Some time has been gained to work on the critical constitutional and financial problems but the shape of the problem is unchanged.

Both sides of this dispute insist that they stand on principle. And this is important to understand because the conflicting principles involved stem from conflicting views about the United Nations—which is to say conflicting views about the elements of international order.

The U.S. view is that the Charter of the United Nations is a treaty obligation and affords the framework for an evolving system of international law and order which should be upheld and expanded by custom and by extension as world conditions permit. Our view is that while the Security Council is the primary organ for keeping the peace, this overriding duty of the Organization must not be limited to occasions when unanimity prevails among the five major powers and that the General Assembly therefore must be free to exercise its residual rights in the peacekeeping field in emergency situations when the Security Council is unable to act because of the veto. In our view, the charter did not intend to have the veto inhibit voluntary peacekeeping operations of the kind the U.N. undertook in the Congo and in the Middle East—where troops were supplied by members voluntarily and deployed on the territory of a member with its consent.

Our view is that the road to a workable system of world order is lined with international institutions with independent executive capacities for carrying out operations authorized by their memberships according to their own agreed procedures. Our view is that in any healthy international institution all the members must be willing to apply the ground rules—whatever they may be—consistently and impartially to all.

The Soviet view is, and has been, quite different. It contends the United Nations should act to keep the peace only when the five major powers agree on what to do and how to do it and how to pay for it; that the Security Council therefore has exclusive authority in the peacekeeping field, that the function of the General Assembly should be limited to the role of static conference machinery; and that the rest of the U.N. system should do very little by way of operational programs or acquire executive capacity.

For 20 years the United States and the Soviet Union and the United Nations and its members have been able, one way or another, to live with conflicting views and conflicting principles about the proper role of international organization in creating and maintaining a system of world order. The issue has been circumvented or submerged or put off during all this time; now it has been joined in a serious way.

If there was only one principle involved, it wouldn't be such a difficult problem—but then it wouldn't be world politics either. But there is another problem—how to reconcile the almost sacred principle of one nation, one vote with the earthly reality of vastly unequal resources and responsibility for what happens in the world. As a prominent statesman from a small country said recently, "arithmetic power must not be mistaken for actual power."

The United States is continuing throughout the entire U.N. system to seek ways to assure that the major supporters have a comparable voice in the management of its operations, whether they are political or economic in nature.

We have suggested, for example, that a finance committee be established by the Assembly on which the major resource contributors would have a greater proportionate representation than they have in the Assembly as a whole. Under this plan, the Assembly could decide how to apportion expenses for future U.N. peacekeeping operations only upon the recommendation of this committee.

The Soviets have been unwilling to accept this. They continue to insist on the Security Council's exclusive role. We cannot accept this negation of the Assembly's power. The Assembly's escape hatch must be available if the Council is hamstrung by the Soviet veto. On the contrary, our aim is not to cancel the Assembly's power but to work for procedures which will promote the most responsible exercise of that power.

For this reason, also, we welcome the action recently taken by the Assembly which encourages the new U.N. trade machinery, whose job will be to deal with the trade problems of the less-developed countries, to proceed by conciliation rather than by voting on issues dividing advanced and newly emergent countries.

If used in good faith, this procedure should further the interests of both the advanced and developing countries. For the resolutions of the new trade machinery will be recommendations only. And it serves nobody's interest to pass resolutions by a majority of less-developed countries addressed to a defeated minority with the real economic power which is not prepared to carry them out.

So in plain fact the U.N. is faced with a double constitutional problem. One involves the principle of collective financial responsibility. The other is an apportionment problem: how nations with highly unequal capabilities for dealing with world problems can effectively work together on those problems on the basis of sovereign equality.

In any event, the General Assembly cannot stand forever—or for long—at this complex intersection looking at the road signs. Perhaps negotiations will show the road to take. For its part, our Government stands ready—as it has for months—to work toward an acceptable solution of the issue.

THE UNITED NATIONS IN TRANSITION

This rather painful but professionally fascinating exercise is forcing a lot of people to think hard about the system of world order we have been trying to create—about the role of the United Nations and the meaning of its Charter—and about how well this organization has served the fundamental aims of our foreign policy as it was rushed into the danger spots to put the lid on explosive conflicts, as it has begun to work at the job of knitting together the developed and underdeveloped areas of the world in constructive and common enterprise, as it has performed essential international functions in an age made international by our science and technology.

And as we ponder all this, let us remember that the United Nations system of agencies, like national societies and institutions, inevitably is caught up in a process of transition—the main question being the direction in which it is going to evolve in the near future.

Remember, if you will, that the United Nations has taken on unprecedented tasks—and that many of them represent the most difficult and intractable problems which the world has inherited over centuries of less than perfect management.

Remember, if you will, that the United Nations and its family of agencies has for 20 years been in the process of very rapid and sustained growth—an experience which often leads to periods of pause for reassessment and adjustment.

Remember, too, that the United Nations includes within its membership an extremely disparate range of societies—disparate in power and wealth—in size and experience—in political, social, and economic systems—in cultural heritage and the value systems by which they live. This is inevitable in a near-universal organization and it just makes life that much more difficult in it.

Finally, remember that this organization is not a world government. It is an organization of governments participating by consent. It can move forward only as fast as its members want it to move. It can move only in the direction in which its members want it to move.

So the plainest thing I can say to you about the United Nations is that it is in another crisis; that the stakes are important; that the General Assembly is now in a period of self-imposed pause; that hard choices may still have to be made between conflicting principles; that the organization is somehow involved in a process of transition; and that we cannot know at this point how fast or in what direction it will move in the near future but the pace and the direction will be limited and controlled by a will of its members.

It is too early to draw any stark conclusions. Both the overzealous admirers and critics of the U.N. tend to state their conclusions in boldface type. One group regards any criticism of the U.N. as desecration of a religious shrine; the other never fails to point out the yawning chasm between aspirations and accomplishments. Neither group looks at the U.N. for what it is—a reflection of a turbulent and divided world, an arena for the interplay of national power and national interests.

We have been the firmest supporters of the United Nations because, whatever its weaknesses, it has promoted our interests and the cause of peace. Two World Wars, I hope, have taught all of us that world organization is a vital imperative. Peace—political, economic, and social—is too interconnected to do away with international machinery. The problems are worldwide. They require a worldwide attack.

Our influence in the U.N. will be exerted on the side of steady progress within the framework of the charter—under a single set of ground rules impartially applied—by reasonably orderly procedures—and in the direction of workable agencies with reliable capacity to act; for this is the way to promote and protect our national interests, to move toward world order and the world peace which President Johnson has characterized as the "assignment of the century."

THOUGHTS ON VIETNAM

Mr. CHURCH. Mr. President, Prof. Fariborz S. Fatemi has written an excellent article on "U.S. Policy in Vietnam." The article was published in the March 18 issue of the Wayne State University newspaper. I ask unanimous consent that his thoughtful appraisal be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Hope for Stalemate in Vietnam"—Fatemi

(By Fariborz S. Fatemi, professor of political science)

(Editor's Note.—The following article on Vietnam is the fourth in a series prepared by university faculty members.)

To those who think that every problem or crisis can be solved by military solutions or by "bombing our way to peace," I call attention to Clemenceau's reputed statement that war was too important to be left to soldiers and generals.

I might add that peace is too precious to be left to amateur columnists and writers of letters-to-editors, who glibly tell us that the issue of the Vietnamese conflict is "freedom" and, therefore, we must "go all out."

FREEDOM

Yet, none of these pundits have defined their meaning of this often overused overabused word—"freedom." Do they mean freedom in the style of Governor Wallace? Stalin? Hitler? Diem? Mao? Etc.

Has anyone ever polled the Vietnamese about their desires or views on freedom? Or for that matter, have they ever been allowed to make a free choice?

In fact, former President Eisenhower tells us in his book, "Mandate for Change," that had the Vietnamese been given a free choice through elections, "80 percent of the population would have voted for Communist Ho Chi Minh as their leader."

Therefore, my advice to these self-appointed "defenders of freedom" is what Ed Murrow used to say, "When you are unsure of your facts, admit it. When you have no solution to offer, don't pretend you have."

SUPPORT

At this juncture, I would like to indicate that I support the administration's objectives in Vietnam which to me seem to be the bringing about of meaningful negotiations.

Seen in this light, the bombings of the North can be called an escalation of diplomacy and not of the war. The United States is forcefully telling the Vietcong, the North Vietnamese and the Chinese that they cannot win this war and the United States will not be forced out.

Our hope is that a stalemate would develop and then a ceasefire agreement could be negotiated. Thereby, we would neither have to leave nor would we have a face a wider war.

DANGERS

But these are obvious dangers inherent in the present course. First, the basic criteria for a stalemate is stability in Saigon, and as long as the game of musical chairs continues among the South Vietnamese military for leadership, there is little hope that this can be accomplished.

Second, we could be heading down a one-way road which, if followed to its bitter end, could involve the United States in either a major war of attrition or a nuclear war with China and the Soviet Union.

From the beginning of our involvement in South Vietnam, the policymakers—following what Walter Lippmann has called the "Dulles system of Asian protectorates"—committed the often-made tragic mistake of subordinating political considerations to the military and their solutions.

We proceeded quickly to solve the problems of Vietnam by making the country an armed garrison state headed by the corrupt, despotic Diem and his feudalistic officials in the countryside who were completely out of touch with their own people.

FRENCH

We simply failed to accept the fact that the French suffered their Dienbienphu because of the corruption of their unpopular puppet, Bao Dei, and his regime.

The United States has been unable to grasp the fact that, in Vietnam, important as the military factors are, the political factors are even more important in the long run. A people, who fear and even hate their own government, will not serve either their government or the free world by battling against communism.

Indeed, they will not know that the world is free; they will only see that the United States has fastened a police state upon them.

As the attacks at Pleiku, the enlisted men's housing at Qui Nhon, and Bein Hoa Airbase 2 months ago showed, the people in surrounding areas either collaborated with the Vietcong or chose to turn their backs on us and the Saigon government.

GREAT WEALTH

There is no doubt that we can continue the current war effort indefinitely for our great wealth will sustain us as long as there is need, and we can even escalate the war to North Vietnam.

But one thing is certain, that is, unless a stable, liberal, and progressive government can be found which will rally the people of South Vietnam behind it, we can hardly hope to see the end of the war.

Therefore, we seem to have two options available besides our present efforts toward creating a stalemate. The first is to strive for a negotiated settlement which would guarantee the neutralization of all the area and protect it from a possible takeover after our withdrawal.

The French are favoring an "international accord excluding all foreign intervention in southeast Asia."

NAVAL POWER

They point out the war cannot be won no matter how much air and naval power the United States commits or what reprisals the Chinese may take. This is an internal war that cannot be decided by an outsider, whether it is the United States or China.

The key argument against negotiation is our experience with the 1954 Geneva accord. For we see neutralization as a cover plan for the eventual takeover of the whole area by the Communist forces directed from Hanoi and China. This is the so-called domino theory. But the fallacy of that theory is that countries are not dominos.

REGIMES

Given stable and popular regimes—not necessarily our client rulers, nor those of Hanoi or Peiping, but neither "hostile to Hanoi or Peiping" or us, in the words of Senator Fulbright—the chances for a reasonable settlement may be good.

The other option would be to escalate the conflict by attacking North Vietnam. But no knowledgeable person would admit that this would in any way solve the political and insurrectionary problems in the South.

As a U.S. general recently said in Vietnam, "If we could cut those supply lines from the North, it would help. But nobody pretends that it would end the war. This is a war in South Vietnam. It is here that the war has to be decided."

NUCLEAR AGE

In the nuclear age a great power demonstrates its greatness by restraint, not by rashness. Every strike and counterstrike vastly increases the danger to world peace. It also intensifies the pressures on Peiping and Moscow to become actively involved.

The New York Times editorial of Sunday, February 14, said, "The United States has made its point very forcefully with bombs during the last few weeks. Its power is indisputable. In the light of the strength this country has shown, it can now offer to continue its arguments over a conference table where its power will be undiminished. But the outcome might then be peace instead of war."

APPOINTMENT OF KENNETH E. BELIEU AS UNDER SECRETARY OF THE NAVY

Mr. DOUGLAS. Mr. President, recently it was my pleasure to join Members of the Senate in confirming the nomination of Kenneth E. BeLieu as Under Secretary of the Navy.

Under Secretary BeLieu is well known and genuinely admired by Members of the Senate and all others who have had the privilege of working with him. As his many friends expected, his promotion to higher responsibilities by President Johnson and Secretary McNamara has already resulted in further recognition of the high standards of leadership which Secretary McNamara has brought to the upper echelons of the Department of Defense. Secretary McNamara's wisdom in promoting Ken BeLieu was the subject of the Hearst Headline Services article entitled "Washington Parade," written by Milton L. Kaplan, chief of the Hearst Publications, Washington Bureau. In this widely read column, Mr. Kaplan pointed out how Secretary BeLieu's presence in this high civilian position within the Department of Defense is further evidence that Secretary McNamara has, contrary to some unjustified criticism, brought those with combat experience into his team.

Because of the importance of this article and the manner in which it sets forth the soundness of Secretary McNamara's selection of Ken BeLieu for higher responsibility, I ask unanimous consent that the article, entitled "Navy's BeLieu Knows War," which was published on April 6 in the New York Journal American, be printed in the RECORD.

[From the New York Journal-American, Tuesday, Apr. 6, 1965]

WASHINGTON PARADE: NAVY'S BELIEU KNOWS WAR

(By Milton L. Kaplan)

WASHINGTON.—The man in civvies looked down at the ensign in the San Diego Naval Hospital bed and said, "I know exactly how you feel." A look of skepticism crept over the ensign's face, not surprisingly, for he had lost a leg in a shipboard accident a few days before.

"I know," said the civilian, "because I lost my leg in an explosion in Korea."

Assistant Secretary of the Navy Kenneth E. BeLieu leaned over, unbuckle his right leg and handed it to the injured man. Ensign Leroy G. Hudson examined the artificial limb, equipped with sock and shoe, grinned and said: "How about that!"

BeLieu went on to assure the ensign, "You can do everything with it, including horseback riding, and you aren't as susceptible to colds—you have only one foot to get wet."

The land mine in Korea ended BeLieu's combat experience—in the Army—but the former Army colonel has proved that an artificial leg is no handicap. At 51 he has just been moved up to the No. 2 Navy job, Under Secretary.

Defense Secretary McNamara can, if he chooses, point to BeLieu to answer the familiar complaint that there aren't enough men with combat experience at the top in the Pentagon. BeLieu's World War II record includes the Normandy landings, Battle of the Bulge, the campaigns in Germany and Czechoslovakia. He was awarded the Silver Star, Legion of Merit, Bronze Star, Purple Heart, and Croix de Guerre for gallantry in action.

The elevation of BeLieu has also helped McNamara's relations with Congress, which have rarely been better than correct. BeLieu won wide respect on the Hill in the career he launched after leaving the Army in 1955.

BeLieu became a staff member of the Senate Armed Services Committee in November 1955 (he had served as executive officer to two Secretaries of the Army after his Korean service). In January 1959, he was named staff director of the Senate Committee on Aeronautical and Space Sciences, whose chairman was Senator Lyndon B. Johnson.

BeLieu also won distinction as staff director of the preparedness investigating subcommittee of the Senate Armed Services Committee. With Johnson as chairman and Edwin L. Weisl, New York lawyer, as chief counsel, the committee made possible a coolheaded appraisal of American defenses at a time when cries of anguish were heard over Soviet space achievements.

In 1961, BeLieu was named Assistant Secretary of the Navy for installations and logistics. And after he was sworn in recently as Under Secretary, he said, "I think this is the best career ladder an Army type ever had."

FREIGHT CAR SHORTAGE

Mr. MORSE. Mr. President, it gives me a great deal of pleasure to support S. 1098, by my good friend, the Senator from Washington, Senator MAGNUSON, in which I was joined as a cosponsor.

The diminishing supply of freight cars has been a matter of considerable concern for many years. Critical shortages of increased duration and severity have become almost commonplace on the national transportation scene. As of January 1, 1965, the number of freight cars owned by class I railroads had fallen to 1,550,477, a loss of one-quarter of a million cars since 1947. It is imperative that we end the recurring shortages that have been a national problem for several decades, and which have become progressively worse.

Critical shortages of freight cars have occurred almost every year, especially during peak loading periods. These shortages adversely affect the timber and grain industries as well as many others which are so vital to our Nation's growth and economy. The railroads serving these industries attempt to maintain adequate supplies of equipped rolling stocks, but once these equipped cars are off-line the owning roads have difficulty getting them back. As a result of this practice the timber industry, for example, has been unable to avail itself of the special wide-door freight cars that they must have to send lumber to market.

The primary cause of the freight car shortage, is the per diem structure which governs the use of our Nation's freight car stock.

Since the average daily return of a freight car greatly exceeds the per diem "rental" charge, many roads have found it more economical to operate someone else's equipment than to invest in their own stock. The provisions of S. 1098 would authorize the Interstate Commerce Commission to set per diem rates at levels that in the Commission's judgment will encourage the acquisition, maintenance, and efficiency of an adequate freight car fleet.

It is essential that the freight car fleet be increased. The supply has diminished to the level that when freight cars are sent to one area to alleviate a shortage, it creates a shortage in another area. Greater car utilization is certainly desired, but no matter how efficient it becomes, it cannot offset the present shortage in the number of cars. Thus, there must be an economic incentive for purchasing new cars. S. 1098 would provide this incentive.

Many Oregon lumbermen and lumber shippers have communicated with me indicating that the car shortage this year is particularly acute. The lumber industry of my State was hurt enormously by the catastrophic floods of December 1964 and January 1965. The railroad car shortage adds tremendously to the burdens of an industry that is just beginning to recover from one of the greatest natural disasters in decades.

S. 1098 has my enthusiastic support and I hope that it can be enacted before our freight car shortage becomes worse.

FLOOD DISASTER IN THE STATE OF MINNESOTA

Mr. MONDALE. Mr. President, I rise today to call the attention of the Senate to a major disaster which is now developing in the State of Minnesota and in surrounding States.

Heavy snow on top of a very heavy frost penetration has caused the accumulation of a substantial water pack on the surface of the ground. Recent heavy precipitation with more forecast today and tomorrow, coupled with high temperatures, has caused an advanced runoff and breakup of ice in our major rivers, the Minnesota and the Mississippi. Indications now are that the record high water of 1952 will be equaled or exceeded throughout much of the State. For example, the Minnesota River near Mankato, Minn., is expected to reach a maximum flood stage of over 30 feet. Normal flood stage in Mankato is 18 feet. The highest stage ever recorded at Mankato was 29.9 feet in 1881 and more recently in April 1952, at 26.2 feet.

At St. Paul, Minn., our capital city, predictions are that the Mississippi River will crest as high as 27 feet or higher on the 16th of April. The highest previous stage at St. Paul was 22 feet in April of 1952. Five feet over this record stage of 22 feet would very likely result in tremendous damage and severe flooding in the St. Paul area, and especially in South St. Paul's stockyards and packing plants.

Other rivers in central, west central, and southern Minnesota, in the State of Wisconsin, and in the State of Iowa will also be cresting at record proportions.

The warning signs of this impending disaster were clear to me several weeks ago. Knowing as we did that normal higher temperatures and spring rains could cause severe flooding, Senator MCCARTHY and I called together representatives of several Federal agencies to discuss their activities in preparation for the potential danger from floods. Agencies represented in my office at that time were the Office of Emergency Planning, Department of Agriculture, Small Business Administration, Public Health Service, Army Corps of Engineers, and the

Red Cross. High level officials of those agencies gave us detailed reports on preparations, personnel already in Minnesota, and assistance available through particular laws governing their operations. We expressed to the representatives at that meeting our very deep concern over the plight of those residents in the threatened areas and received assurances that all possible preparations were being made.

Although the exact dimensions of the damage and the toll in lives and property and human suffering is not known and cannot be known now, we can be sure that the high water will constitute a severe blow to the economic and physical health of the State of Minnesota and other Midwestern States.

I have today sent wires to officials in every Government agency which is authorized or obligated to render assistance in cases such as this. I have asked them to redouble their efforts and to make every resource available to State and officials to combat rising waters. I have also asked them to review their budget requests to insure that sufficient funds will be available to assist in the economic and physical rehabilitation of affected areas in the State of Minnesota, and other Midwestern States. I have indicated, too, that the resources of my office are available to them for whatever assistance they might need in this matter.

I am certain that the Members of the Senate and of the House are going to be anxious to render assistance to the beleaguered people of our States. Such assistance may be necessary in the very near future. It may very well be necessary to ask the Senate for emergency remedial legislation or for authorization of additional Federal funds to rehabilitate the State once the waters have receded. This has been done in the recent Alaskan disasters, and aid is being asked for the recent damaging floods that occurred in the States of Oregon, Washington, California, and Idaho.

I have attached two Weather Bureau reports indicating the seriousness of the crisis. They show clearly that predicted crests will equal or exceed those experienced in the 1952 floods.

I ask unanimous consent that these tables be inserted in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Latest report from the Weather Bureau based on a 30-foot forecast for Mankato, April 10, downstream

Location	Flood stage	Crest forecast	1952 high water
Carver	18 feet	32.01 (Apr. 14)	28.3
Chaska	do	32 (Apr. 14)	29.1
Savage	698 (sea level adjusted figure)	718 (Apr. 15)	714.2
Mendota	699	716 (Apr. 16)	712.4

Forecast elevation of the expected water surface at points along the Minnesota River Valley downwash for Mankato based on U.S. Army Corps of Engineers

Location	Flood crest	1952 high water
St. Peter	761.0	752.5
Le Sueur	746.5	742.5
Henderson	739.0	734.5
Blakely	733.0	728.5
Belle Plaine	728.5	724.0
Shakopee	719.0	716.0

River and flood conditions in the upper Mississippi Basin, including forecast issued by the Weather Bureau

River	Station	State	Latest report		Flood stage, feet	Forecast crest		Previous record	
			Stage	Day		Stage	Day	Flood stage	Year
Minnesota	Mankato	Minnesota	27.82	8th [1]	19	30.0	10th	29.9	1881
Chippewa	Durand	Wisconsin	12.0	8th	11	14.5	13th	18.4	1884
Cedar	Waterloo	Iowa	21.6	8th	15	[2] 21.6	8th	21.9	1961
Do	Cedar Rapids	do	14.4	8th	13	20.0	10th	20.1	1929
Iowa	Wapello	do	(3)	(3)	10	18.0	13th	17.02	1960
Des Moines	Des Moines	do	26.7	9th	23	27.5	10th	30.16	1954
Do	Tracy	do	21.7	9th	14	22.0	11th	26.5	1947
Mississippi	Minneapolis	Minnesota	6.5	9th	16	21.0	15th	19.5	1952
Do	St. Paul	do	7.5	9th	14	27.0	16th	22.02	1952
Do	Red Wing	do	8.3	8th	14	18.5	19th	16.85	1952
Do	La Crosse	Wisconsin	11.4	8th	12	17.5	22d	16.5	1880
Do	Dubuque	Iowa	12.6	8th	17	24.0	24th	22.70	1952
Do	Davenport	do	11.5	8th	15	19.5	26th	20.9	1868
Do	Keokuk	do	14.7	8th	16	19.0	14th	21.86	1960

[1] Evening.
[2] Estimated observed crest.
[3] No recent report.

VOTING RIGHTS

Mr. TALMADGE. Mr. President, David Lawrence, the distinguished editor of U.S. News & World Report, has been forthright in his criticism of the administration's so-called voting rights bill. As do many Members of the Senate and many legal authorities throughout the, Nation, he recognizes this proposed bill as totally unnecessary and blatantly unconstitutional, and he does not hesitate to say so.

In the April 12 issue of his magazine, Mr. Lawrence, drawing from the testimony before the Judiciary Committee of Charles A. Bloch, of Macon, Ga., a well-known constitutional authority, correctly referred to the bill as a measure designed to "lynch the States." And the way the bill is now drawn, that is exactly what it constitutes. It is directed against carefully selected States to the exclusion of others. Contrary to the American system of jurisprudence, it declares these States guilty until proven innocent. It takes from these States their constitutional right to administer literacy tests and other standards to prospective voters without any findings of fact that these tests and standards have been administered in a discriminatory fashion.

Mr. President, I ask unanimous consent that Mr. Lawrence's splendid editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the News & World Report, Apr. 12, 1965]

LYNCHING THE STATES

(By David Lawrence)

Senator SAM J. ERVIN, JR., Democrat, of North Carolina, a former associate justice of the supreme court of his State, was interrogating Charles A. Bloch, a noted constitutional lawyer, before the Senate Judiciary Committee on March 29. Mr. Bloch, who was testifying in opposition to the proposed voting law, was asked the following question by Senator ERVIN:

"Now I would like to ask you this: The only reason we hear for this bill, which would nullify or suspend section 2 of article I of the Constitution and the 17th amendment and the provision reserving to the States the rights not vested in the United States by the Constitution, is that it requires time to litigate a case in court.

"I will ask you if that is not exactly the same argument, or rather, the same justification, a mob uses when it lynches a man? It says, 'We know this man is guilty, and we're not going to waste any time trying him, because it will take some time.' Is that not exactly the argument of a mob?"

"Yes," replied Mr. Bloch. "This ought to be called a State lynching law, a law to provide for the lynching of certain States. And that is what it does."

Senator HARRY BYRD, Democrat, of Virginia, in a statement on April 2, pointed out that Attorney General Katzenbach recently testified before the Senate Judiciary Committee as follows:

"The judicial process, upon which all existing remedies depend, is institutionally inadequate to deal with practices so deeply rooted in the social and political structure."

Like the Court-packing scheme of 1937, the proposed Voting Rights Act of 1965 seeks to do indirectly what cannot be done directly. It would bypass the customary judicial process of proving guilt and then imposing punishment, and would set up instead a blanket indictment and punish certain States on the basis of an arbitrary formula of presumptive guilt.

Today a large majority of Members of both Houses of Congress are said to be in favor of the bill, which flagrantly violates the Constitution in many respects. For the proposed measure does not apply uniformly to all States of the Union. It selects certain States and uses arbitrary yardsticks to punish such States and their subdivisions.

Thus, the Attorney General would be able to abolish literacy tests in States or localities in which less than 50 percent of the voting-age population was registered or voted in the 1964 election. But the mere fact that there was such a voting or registration percentage does not constitute any proof of racial discrimination.

The administration's proposed law also violates the long-established doctrine that a statute passed by a State is presumed to be constitutional until its enforcement is tested in the courts. States and counties which fall within the 50 percent category of voters and have literacy or other tests would in the future have to go to a special court to get approval of any new voter-qualification law before it may be enforced. This procedure is unique in legal history and disregards the constitutional principle that the courts can decide only actual cases or controversies arising under specific laws.

The bill, moreover, permits—without a hearing—an arbitrary withdrawal from the citizen of the right to vote, and thus breaks down what is known as "due process of law." A person might have been ill or out of the country and yet, in certain States, he could lose his right to vote if he hasn't voted once in 3 years.

If the new bill becomes law, an illiterate in one State could be permitted to register and vote, while in another State an illiterate could not.

Under the American system of law, a person is presumed innocent until proved guilty by a court or jury. But under the new bill, the Federal Government would not have to prove that there had been denial of voting rights before imposing the penalties of the law. The State or its subdivisions would instead have to prove before a special court in the District of Columbia that, in the previous 10 years, there had not been a single instance of abridgment or denial of the right to vote for reasons of race or color—something that would be virtually impossible to prove anywhere.

The Constitution explicitly gives to the States the right to establish voter qualifications. It does not grant to Congress any power to disregard other articles of the Constitution just because the 15th amendment says that no State shall deny or abridge the right to vote on account of race or color.

The Supreme Court can declare unconstitutional State laws which violate this provision. The courts can punish officials who administer voting laws on the basis of racial discrimination. But can Congress abolish State laws which are constitutional on their face?

So the whole procedure is a roundabout way to avoid customary judicial processes. Instead, certain States in the Union, adjudged in advance to be guilty, must be punished according to capricious devices.

This is truly a system of "lynching" the States.

TAMPERING WITH MEDICARE

Mr. BASS. Mr. President, yesterday a very significant vote was taken in the House of Representatives approving the medicare bill. An outstanding editorial on the subject was recently published in the St. Louis Post-Dispatch. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Louis Post-Dispatch, Apr. 6, 1965]

Tampering With Medicare

The health care plan approved by the House Ways and Means Committee is expected to receive the same broad support in the Senate that it undoubtedly will on the floor of the House. There should be debate, however, on what Senator Douglas of Illinois rightly calls "a most serious and significant defect."

Mr. Douglas finds the bill generally sound. But he is concerned about the implications of a provision that would exclude from the basic "medicare" portion of the plan the costs of hospital services of radiologists, pathologists, anesthesiologists and physiatrists (doctors specializing in rehabilitation therapy). These costs could amount to half of a patient's hospital bill.

Although these services are traditionally hospital charges, the new bill would provide for their payment only under its proposed voluntary medical insurance coverage, and only in part. And only if a specific fee was charged by the doctor involved, rather than allowing the hospital to include the fee in its bill. As the Senator observes, neither Blue Cross nor any other public or private hospital insurance program makes such a misleading, and potentially costly, distinction.

Pressure from the American Medical Association and national "spokesmen" for these specialties is evident. They have long been rankled by the fact that such specialists usually have contractual arrangements with hospitals or are salaried. In effect, this is an attempt to use health care legislation to compel them to enter private practice, as that term is defined by doctors not yet reconciled to closer association with hospitals.

So far, the majority of doctors engaged in these four specialties have not voiced undue dissatisfaction with their present situation. Only about 1,550 of the 7,300 specialists in pathology, for example, are in private practice. Another 1,800 are still trainees.

Where hospitals provide the services of the four specialties, the costs ought to be reimbursable to the hospital under the "medicare" portion of the plan. Where specialists bill patients directly, the charge might be covered by the voluntary insurance portion. Each doctor should remain free to choose how he prefers to practice medicine. The Nation's elderly are entitled to continuation of the costs and full coverage this choice has produced in the past.

THE PUBLIC CAREER OF CLAIR ENGLE

Mr. PROUTY. Mr. President, the public career of Clair Engle was, even though he was still a young man, a very long and impressive one. Like most successful public figures, he has held elective and appointive office from the local to the national level—and, without exception, he held each of them with distinction.

It is greatly to his credit that the confidence and high regard his constituents had for him was not misplaced, but, rather, was the stimulus for him to great and effective service in their behalf.

Clair Engle and I were often together after I was first elected to Congress in 1950. We were colleagues in the House of Representatives, and were first elected to the Senate on the same day—November 4, 1958.

Coming to the Senate at the same time, we served together on three committees—Commerce, Small Business, and Aging. Our offices were directly across the hall from each other, so there was abundant opportunity for us to visit informally together.

These various incidents permitted me often to work very closely with Senator Engle and to get to know him. While we sat on "opposite sides of the aisle," as it were, we were often supporting the same side of a question. That for me, Mr. President, was always a rewarding experience.

This long and close association gave to me a great respect for the ability of Senator Engle, occasion to observe the gentlemanly qualities of Mr. Engle, and an opportunity to regard Clair Engle as a friend.

THE BALANCE-OF-PAYMENTS PROBLEM

Mr. LONG of Missouri. Mr. President, on Monday, the Louisville Times carried an editorial which I believe will be of great interest to all Members of the Senate. The editorial discusses early indications that President Johnson's efforts to solve our balance-of-payments problem are meeting with success. The editorial comments specifically on the President's request that American businessmen and bankers cut drastically their rate of investment and loans in economically developed nations. It is most encouraging to read of the response of American businessmen and bankers. It seems that the President has taken a very sound step in meeting this problem which concerns all of us deeply.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Louisville Times, Apr. 5, 1965]

What! A Dollar Gap Again?

President Johnson' program for dealing with America's balance-of-payments problem depends to a great extent on "voluntary" compliance by American businessmen and bankers. Specifically, they have been asked by Washington to cut drastically their rate of investment and loans in economically developed nations. If these "voluntary" measures failed, Johnson hinted, involuntary ones would be tried.

From the beginning, there has been a debate whether the administration was wise in asking for little more than the free cooperation of business and finance. Some observers feared the voluntary feature might boomerang by causing some businesses to invest heavily abroad, even more heavily than they had planned, for fear such investments might soon be forbidden. This paper shared that concern.

Along the same line, John Kenneth Galbraith of Harvard, former Ambassador to India and frequent economic adviser to President Kennedy, called the voluntary program "the normal reaction of those who hope that nothing will be done" and said it would penalize the conscientious businessman and banker who complied with the request.

It is far, far too early in the game to be sure yet which side is correct. But up to this point, it would seem that the voluntary program is doing the job. In fact, it is working so well that some Europeans are becoming restive. A story from Paris a couple of weeks ago reported that Les Echos, the French Wall Street Journal, "complained that there is now danger of a dollar gap or shortage that could cause deflation in Europe."

At a meeting in Paris of the Organization for Economic Cooperation and Development the other day, several European financial officials told Frederick Deming, American Under Secretary of the Treasury, they had misjudged the power of President Johnson's appeal.

A few days ago Robert Heller, of the London Observer wrote:

"Europe's insistent, thoughtless pressure on the United States to eliminate its balance-of-payments deficit is already backfiring more dangerously and more speedily than most people in Britain and the Common Market expected. The Americans' ability to put their payments in order, at least in the short term, has been grossly underestimated. So has the impact of this change from large deficit to near surplus on the European economies themselves.

"President Johnson's White House chats with bankers and business leaders are already having a quite dramatic impact for a simple reason. A relatively small number of American corporations is responsible for a huge proportion of (American investment and lending abroad). And these corporations are naturally most responsive to Johnsonian suggestion and gentle arm-twisting."

It must be conceded that not all this improvement in the dollar's position in Europe has resulted from voluntary compliance with the program. On the contrary. Heller reports: "In the first 6 weeks of the year, before Mr. Johnson got hold of their arms, U.S. corporation executives may have hastily sent a staggering $2 billion abroad in prudent anticipation."

Since then, the flow of dollars has been reversed, and the value of the dollar in Europe has been increased.

Again, it must be stressed that it is early in the game. There is no assurance that any long-term solution, let alone a permament one, to the balance-of-payments problem has been found. But for the time being at least we are ahead of the game.

FAREWELL SPEECH OF SECRETARY OF THE TREASURY DOUGLAS DILLON

Mr. DOUGLAS. Mr. President, there is very widespread agreement that Douglas Dillon, who has just retired as Secretary of the Treasury, is one of the most respected and able persons ever to hold that office. Moreover, his administration of that office over the last 4 years can properly be characterized as extremely successful.

On March 26, Secretary Dillon made his last public speech as Secretary, before the American Bankers Association meeting in Washington, D.C. The views he expressed in that remarkable address support both sound and equitable policies. For example, he effectively dispelled the notion not only of an annually balanced budget, but also of the alleged necessity that it be balanced every few years. He dealt frankly with the need for rising public expenditures. Most impressively, he argued that we ought to try to achieve a greater degree of equity in our policies, both "vertical" and "horizontal."

His statement on fair treatment of lower income taxpayers deserves notice. He pointed out—although it may be surprising to some persons—that "the fact is that, over time, the income tax bite increases more at low levels than it does at high levels." He asked that we give serious thought to the structure of our tax system at the lower income levels. We very much need to do this; and I am pleased to have this recommendation from probably the most respected source from which it could come.

Mr. President, I ask unanimous consent that Mr. Dillon's address be printed in the RECORD; and I commend it to every Member of Congress.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE DOUGLAS DILLON, SECRETARY OF THE TREASURY

(Before the American Bankers Association Symposium on Federal taxation at the Mayflower Hotel, Washington, D.C., Mar. 26, 1965)

I am particularly pleased to make this, my last public speech as Secretary of the Treasury, before a group which has contributed so much to the better understanding of economic issues over the past 4 years.

In the light of our experience during those years, I would like to consider a few of the problems and prospects that may lie ahead.

BUDGETARY POLICY

I have no doubt that, despite our better understanding of economic realities, a great deal of discussion over the next few years will continue to center around the question of budget deficits and balanced budgets. There are still many who hold that the budget should be balanced every year or at least over some very short period of years—no matter what the circumstances. This view usually assumes that a balanced budget is entirely neutral in its economic impact, neither inflationary nor deflationary, and thus has no effect at all upon the private economy.

But when we examine the facts a little more carefully, we discover that some taxes are more deflationary than others and that some expenditures are less inflationary than others—that our economic performance is affected by the structure of taxes and expenditures as well as by their level.

When we scrutinize the administrative budget—which is the budget that most people want to balance—we find a whole host of disparate items. In that budget, a loan is treated as an expenditure in exactly the same manner as wages paid, and the repayment of a debt to the Federal Government is treated as a revenue receipt just as if it were a tax collection. It would certainly be surprising if the achievement of balance between the so-called expenditures and the so-called revenues of such a budget turned out to have a neutral effect upon the private economy.

A far more realistic approach to budget-making is to consider first the essential needs that must be met by Federal expenditures. We can then estimate the impact of these expenditures on the economy in the light of foreseeable revenues. Finally, after considering the economic outlook, we can make whatever adjustments appear necessary and so put together a budget that both meets essential national needs and produces an economic impact appropriate to existing conditions.

In 1963, for example, when we first proposed the tax cut, and again in early 1964, when it was about to go into effect, our budgets reflected the imperative need for restraint in public expenditures at a time when we were giving expenditures in the private sector of our economy so large a stimulus through tax reduction.

And in his budget message of this year, President Johnson recognized that, if we are to continue our steady progress toward the twin goals of full employment and balanced budgets, we must move carefully. Thus, while the projected deficit of $5.3 billion for fiscal 1966 was $1 billion less than that projected for fiscal 1965, the President found room to include a prudent amount of excise tax reduction designed not only to remove inequities but also to insure the continued expansion of our economy.

This approach means, as President Johnson has amply demonstrated, that, while, on the one hand, we must provide for essential national needs, whether they be economic, social or defense, we must also rigorously, even ruthlessly, seek out and eliminate waste and inefficiency wherever we find them.

We see the success of this approach in the fact that, over the past 4 years, we have achieved a substantial improvement in our employment situation at the same time that we have compiled an outstanding record of price stability—a record which stands in striking contrast to the pattern of steadily rising prices in other leading industrial nations.

A proper concern for the level of employment and for the requirements of the economy need not lead to continuing deficits. If we can keep our economy moving steadily ahead, it is perfectly feasible, even after allowing for increases in budget expenditures of about $3 billion a year to foresee a balanced budget in fiscal 1968, just 3 years from now.

In evaluating budget policy—past, present, and future—we must always bear in mind that our stubborn balance-of-payments problems force us to rely less on monetary policy and more on fiscal policy in fostering economic growth. As you know, we are now well launched upon a program to bring our balance-of-payments deficits to a swift and sure end. But there is little likelihood that the success of that program will permit us to shift more of the burden of sustaining domestic economic advance to monetary policy. High interest rates abroad and other structural imbalances in the world's capital markets will force us to continue, for the foreseeable future, to place our chief reliance on fiscal policy to keep our economy healthy and strong.

FLEXIBILITY OF TAX RATES

But fiscal policy will not fulfill—as it must—its potential as a force for strong and stable economic growth, until we can employ it as a weapon to forestall—and not merely react to—recession. Thus, the President recommended in his economic message that the Congress take steps to insure "that its procedures will permit rapid action on temporary income tax cuts if recession threatens." This is a reasonable alternative to the recommendation made by the Commission on Money and Credit that the President be given discretionary authority to reduce tax rates when recession threatens. For, it allows us to deal with the problem of rapid and temporary fiscal adjustments while maintaining unchanged our traditional congressional control over taxes. It requires only the assurance of a prompt congressional vote whenever a temporary tax cut proposal is made by the President. The Congress can adopt whatever procedures it believes necessary to assure prompt action. But prompt action is absolutely essential since delay in the fact of oncoming recession could easily cost the Nation billions of dollars in production and hundreds of thousands, or even millions, of jobs.

EXPENDITURES POLICY

No matter, however, how versatile and potent a weapon we make of fiscal policy, we will continue to face critical choices in actually bringing it to bear upon our economic needs and problems. No simple arbitrary formula can tell us how to make those choices. A growing economy inevitably brings rising government expenditures—and confronts us with difficult decisions on how those expenditures should be made. A normal year's economic growth, such as an increase of $40 billion in gross national product, means that total expenditures in our society will have grown by $40 billion. For that is just what gross national product is—the sum of all the final expenditures in our economy. Much of this growth can and should be in the things we buy, privately and individually, for ourselves. But as our economy and our wealth expand, so does our need for public services, and so does the capacity of State, local, and Federal Government to meet these needs. We must decide, each year, how many of our urgent public needs we should meet out of our growing productive capacity, which programs deserve priority, and which can be cut back.

These choices inevitably involve tough decisions, like those we have recently made on Navy yards, veterans' hospitals and customs collectors. They also involve programs of enormous promise, such as the Peace Corps, improved education or the war on poverty. Too often in the past such decisions have simply been the accidental byproducts of a confrontation between an alliance of the advocates of various expenditure programs on the one side and the opponents of all expenditure programs on the other. I am not at all sure that this approach has been very effective in weeding out expenditure programs—and I particularly doubt that it has succeded in weeding out the least worthy ones.

But here again there is an alternative approach, which is simply the careful analysis of costs and benefits in particular programs. This is the kind of analysis that has gone into the development of our defense programs, into the veterans' hospital program and that is now being used in evaluating the supersonic transport program. It is in this direction—rather than in arbitrary budget ceilings—that we must seek for solutions in trying to allocate expenditures between the public and the private sectors of our economy.

Apart from the economic aspect of our fiscal policy, we must also consider its human aspects. That is why we have emphasized both the incentive and the equity aspects of our tax proposals. What we have said about incentives has fallen on fertile soil, but what we have said about equity has often fallen on harder soil.

While we all agree that we should have a tax system that is progressive in its impact, we do not all agree on just how progressive it ought to be. This is not surprising, but it has its unfortunate aspects. For a great deal of our concern about this problem of progression—or "vertical equity"—has unintentionally drawn attention away from the equally serious problem of "horizontal equity"—the unfair tax treatment of different individuals at basically similar income levels.

CAPITAL GAINS AT DEATH AND THE ESTATE TAX

Perhaps the most important problem in this area of horizontal equity lies in the treatment of capital gains at death. Under our present law, a man who accumulates wealth during his lifetime from earned income and dividends will pay substantial income taxes during his lifetime on this income—and estate taxes will also be levied on what he has left. Yet a second man whose investment has been in low dividend, high growth stocks may accumulate the same amount of wealth through increasing stock values. If he keeps these securities for his entire lifetime, he will receive the same estate tax treatment as the first man, but will never have paid any income tax on the increase in his wealth.

I see no justification for such widely disparate tax treatment of two individuals who through choice or circumstance happen to follow a different financial strategy for making money. Such treatment distorts the natural pattern of investment by placing a high premium on tax advantage. Why sell an asset whose value has increased and thereby incur a capital gains tax, if that tax can be avoided by holding on to the asset until death? By thus interfering with the free flow of capital in the market we unintentionally sap the vitality of our free enterprise system and harm both the economy and the Nation. In addition, such treatment of capital gains erodes the tax base and increases the tax burden on all who cannot benefit from this provision.

In the light of the administration's unsuccessful efforts to solve this problem in 1963, it seems likely that consideration of possible alternatives for providing more equitable treatment of capital gains at death should be coupled with a thorough review of our taxes on estates and gifts. These taxes have not been subjected to such a review for many years and their modernization deserves a high priority. For one thing, a thorough review of estate tax exemptions and rate schedules seems clearly in order.

TREATMENT OF LOWER INCOME TAXPAYERS

On the problem of vertical equity—the treatment of taxpayers at different income levels—there has been much concern over how the tax burden is distributed between the very rich on the one hand and everyone else on the other. As a result, we have given little attention to the progressivity of our system in the middle and lower income groups—which include most of our citizens.

The fact is that our tax system involves very little progression between the lowest brackets and those of taxpayers with up to about $15,000 of income. Furthermore, whatever progressivity the individual income tax has at these levels is offset to a considerable extent by regressive taxes elsewhere in our tax system.

Clearly, we do not give adequate tax relief to those with very low incomes. For instance, the biggest jump in progressivity is at the start of the very first bracket, where we jump from a zero rate all the way to 14 percent.

Although it may be surprising to some, the fact is that, over time, the income tax bite increases more at low levels than it does at high levels. In 1955 the poorest one-fifth of American families had an average income tax rate of 2.9 percent. By 1961 this had risen to 3.6 percent. On the other hand, the 5 percent with the highest incomes had an effective tax rate of 18.9 percent in both years even though, in 1955, that 5 percent included all families with incomes of over $13,000, and in 1961 it only included families with incomes of over $16,400. Clearly an income tax with fixed rates and exemptions tends to become less and less progressive with the passage of time.

These considerations bear directly upon our current intention to reduce excise taxes, which are particularly regressive. In the longer run, they require that we give serious thought to the structure of our tax system at the lower income levels. We made a beginning in this direction in the Revenue Act of 1964 with the minimum standard deduction, a new method of lessening the tax burden of those who can least afford to carry it. But both interests of tax fairness, as well as the need to lighten the burden of true poverty, call for further action.

RELATIONSHIP BETWEEN THE CORPORATE AND THE INDIVIDUAL INCOME TAX

The final issue of tax equity I would like to stress concerns the interrelationship between the corporate tax and the individual income tax. We often hear the claim that dividends are subject to double taxation. But if one devotes any time to this matter, it becomes quite clear that at some income levels and with some dividend distribution policies, the total tax burden on corporate income can be less than the total tax burden on income earned directly, say, through a proprietorship or a partnership.

One serious problem is the question of just who pays the corporate tax. There has been a great deal of theoretical speculation about this very complex problem. Yet even with the careful statistical analyses of recent years we are still far from agreement.

Should we eventually decide that the tax is largely borne by shareholders, the issue of the so-called double taxation of dividends must then be considered hand in hand with the issue of the appropriate treatment of retained earnings. For retained earnings ultimately increase stock values and so contribute to capital gains—which brings us back full circle to issues such as the treatment of capital gains at death.

These, then, are some of the many problems and prospects that lie ahead in fiscal and tax policy. What is clear is that our problems are continually changing. If we are to keep up with the times we must continually attack them with the newest and best tools of analysis in a climate as free as possible of old prejudices. That is the unchanging challenge that is always before us.

OPPOSITION TO PROPOSED CUT IN FUNDS FOR SOIL CONSERVATION

Mr. YOUNG of North Dakota. Mr. President, the first and foremost proponent of soil and water conservation in the United States was the late President Theodore Roosevelt. Since his time, many have joined in this great crusade.

Dr. Hugh H. Bennett, first Chief of the USDA Soil Conservation Service, was a true evangelist for this great cause. The Soil Conservation Service, which, in a large measure he was responsible for, has done a remarkable job of instituting soil- and water-conserving practices.

Among other things, this program has done more to beautify America than has any other single program that I know of.

One of the best articles that has come to my attention in opposition to the proposed $20 million cut in funds which go to pay for soil-conservation technicians was written by Bea Peterson, president of the North Dakota Press Women. I ask unanimous consent that this article be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the North Dakota Publisher,
March 1965]

THE BEA LINE

(By Bea Peterson)

I am all for beautifying the United States of America and fully in favor of a beautiful world, all the way around.

I do question, however, how we can make any progress in the beautification of America by cutting back on soil conservation. This plan of the Budget Bureau in Washington, D.C., to cut back conservation and resource development work on the Nation's privately owned lands will be a drastic kick in the teeth for North Dakota.

For about 30 years rural and urban citizens of our State have been working hand in hand, planting trees, planning waterways, digging drainage ditches, sowing grasses, establishing dams. We aren't anywhere near the point where we can sit back and rest from our labors, and along comes a proposal that will surely stop much progress and seriously retard our conservation activities, statewide as well as nationally.

I realize that I am writing this column principally for the North Dakota press, but who can be more influential than the man and the lady with the pen?

You may not have a shelter belt or a blowing field to worry about personally, but everyone who lives in North Dakota knows how drastic a situation we can have if we do not work diligently at conserving our soil.

Cutting a slice of $20 million off the national conservation program would take 75 people off the Soil Conservation staffs in North Dakota, about 1 to a district. The man we would lose would be the technician, the man who helps install practices, stake dams, plant trees, and all the on-the-spot jobs so important, because they must be done right.

In 1946, Dr. Hugh H. Bennett, Chief of the USDA Soil Conservation Service said, "The area of good cropland is shrinking everywhere, while population grows. The day will come when the combination of productive land and water will rank second only to people as the most important of all resources. Those who would thwart the progress of conservation, for whatever purpose, are in this day and age the enemies of mankind."

These are strong words, spoken 20 years ago, but they certainly fit this situation. North Dakotans all depend upon the soil in this agricultural State. We not only need to fight to keep the program of soil conservation we have, we need to work harder to get every landowner to participate.

If this legislation is passed in Washington it will reverse the trend, and the progress our State and the Nation has made will slow down, in many cases stop and go backward. Our congressional delegation needs letters the first part of April to help them oppose this Budget Bureau proposal.

PRESIDENT JOHNSON'S VIETNAM POLICY

Mr. McGEE. Mr. President, there has been a great deal of comment in this body and in the press following President Lyndon B. Johnson's significant policy statement on Vietnam Wednesday night.

The President spelled out—in clear, concise terms—the goals and aims of the U.S. foreign policy in southeast Asia. He made no bones about our intentions and goals in this critical part of the globe.

One of the more forthright editorials I have seen in connection with the President's remarks was the one which appeared in the April 8, 1965, edition of the Washington Daily News. Equally significant were the evaluations of the President's remarks by several distinguished columnists, William S. White, Roscoe Drummond, and Joe Alsop, all appearing in the Washington Post today.

Mr. President, I ask unanimous consent that this editorial and these articles be printed in the RECORD at this time.

There being no objection, the editorial and articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Daily News, Apr. 8, 1965]

WHY WE ARE IN VIETNAM—AND THE ALTERNATIVE

President Johnson's Baltimore speech not only was a first-class effort to clear away the persistent fog which unaccountably seems to hang over U.S. military activities in Vietnam—the President also gave the Communist world, and everyone else, the choice of an alternative.

He proposed a huge cooperative program to help southeast Asia to the development that its resources and population would make possible if it were not for the constant conflict which besets the area. He specifically invited Soviet Russia to join, and also North Vietnam "as soon as peaceful cooperation is possible."

We are not going to pull out of South Vietnam until that country has its clear independence—securely guaranteed, free from outside interference. We will not be bluffed out, chased out, negotiated out; nor will we leave because we have grown tired.

We will engage in "unconditional" discussions of any type:

"We will never be second in the search for a peaceful settlement in Vietnam"—providing this means a free South Vietnam.

But until South Vietnam is cleared of invaders and its sovereignty riveted, we will use our power, "with restraint and with all the wisdom we can command." But—"we will use it."

The President scrupulously recited again the objectives of U.S. presence in Vietnam: We are there because we are keeping a pledge to help the South Vietnamese; but also to strengthen order in the whole world, to prevent all the nations of southeast Asia from being swallowed up.

He spelled out the nature of Communist aggression, what it already had done and what it threatens. And again, as he has said so often, we fight not because we like fighting but "because we have to deal with the world as it is." Or, he could have said, as the Communists have made it.

To speed up the alternative to war, Mr. Johnson proposed that the United States join in a billion-dollar effort to develop the southeast Asia area.

That's a lot of money, a billion dollars. But it is cheap compared to the price of war, in lives lost on both sides, as well as dollars spent for bombs and guns and rockets and warships which the President aptly said are "witness to human folly."

This put it straight up to the Communists—in North Vietnam, in Red China, in Russia. So long as they force violence on others, we will resist them with all our power. But if they want to use the knowledge we now have "to make this planet serve the real needs of the people who live on it" we are ready, able and eager.

The Communists, wherever they are, ought to know by now that President Johnson means what he says, on both counts. And that the American people, regardless of small quibblings which may be heard, are solidly behind the President's resolution, as well as his purpose.

This has never been made clearer than Mr. Johnson made it last night.

[From the Washington (D.C.) Post, Apr. 9, 1965]

VIETNAM SPEECH: POLICY AS FIRM AS EVER

(By William S. White)

President Johnson's so-called new policy for dealing with Communist aggression in South Vietnam is not new in fact nor does it in the smallest way soften his real position.

To the contrary, he feels—and objective reading of what he said at the Johns Hopkins University supports him in this—that its meaning is simply firmly to establish the two bedrock necessities for remaining in Vietnam until aggression has been brought to a halt by self-enforcing peace arrangements that will not and cannot be later cast aside by the Communists as other agreements have been.

The vital words here are "self-enforcing." The President will never go along with some spurious deal resting only on Communist promises to quit attacking South Vietnam. For his own part, in short, he considers himself more deeply committed than ever before to bringing those attacks to an end. If others think he is less committed, as some seemingly do, the answer is simple: Surely, he ought to be the best witness of the intentions of Lyndon B. Johnson.

The first of the twin bedrock necessities to staying in Vietnam is a continuing American military action—which will be carried just as far as the Communists force it to be carried. The President is astonished, as to this point, that so much of the interpretation of his Johns Hopkins speech has so stressed his promise in some circumstances of American economic aid to Vietnam and southeast Asia generally and so kissed off these other passages:

"We will not be defeated. We will not grow tired. We will not withdraw, either openly or under the cloak of a meaningless agreement. * * * Peace demands an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others—free from outside interferences—tied to no alliance—a military base for no other country." How do you get any more committed than this?

This continued American military action is not merely to help protect South Vietnam. It is vital to prevent what has always been the nightmare of American policymakers, the nightmare of a total collapse in South Vietnam's morale and government which might make impossible further effective American assistance of any kind.

The second bedrock necessity is to placate, so far as may be rationally possible, the endless fretful complaint from allied governments and some sections of responsible opinion at home that the United States is offering no constructive alternatives to continued war.

It is here that Mr. Johnson's suggestion for a cooperative economic development of southeast Asia takes its place. Once the nations directly involved begin this development in good faith, he is prepared to ask Congress to authorize a billion-dollar American investment—not by the way, a mere American gift—in such an enterprise. Here, again, the President is both disappointed and surprised at some Republican criticism of this as an effort to buy peace.

In the first place, we are already spending far more than a billion a year in South Vietnam alone, putting military and economic expenditures together. In the second place, what he is speaking of as a possibility for southeast Asia generally is already taking place in South Vietnam. In the third place, the principles of such a program were in fact recommended to President Kennedy by Mr. Johnson as Vice President as early as 1961. He sees it as about what we have done widely long since in Latin America to prevent chaos and Communist encroachment.

In the fourth place, this problematical and future American carrot, though sincerely held out if the Communists will make it possible to hold it out usefully, weighs far less than the here-and-now American stick that accompanies it. No country being attacked has in all history been given a more profound and more powerful military American guarantee that the guarantee the President has now given to South Vietnam.

A GREAT SPEECH

(By Joseph Alsop)

The President's great speech on the Vietnamese war was vintage Lyndon B. Johnson.

The man is so mysterious, so outside the common run of experience, precisely because qualities are mingled in him that in most men are flat opposites. Noble aims do not often go together with extreme craftiness; yet the speech exhibited the President pursuing the noblest aims in the craftiest imaginable manner.

High aspirations and warmly humane feelings are rarely combined with extreme toughness; yet in this speech, a toughness almost verging on ruthlessness was placed at the service of very high aspirations and warmly humane hopes. Then there is that matter of Johnson's "corniness," as some people like to call it.

Read the high point of the speech, the quotation from Deuteronomy addressed to North Vietnamese Communists and their allies: "I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing: Therefore choose life, that both thou and thy seed may live." If this be corny, one is inclined to say, make the most of it; for it is as good as it is true.

Politics being politics, alas, the craftiness and toughness must be given pride of place in further examination of this remarkable Johnsonian utterance. Even the timing of the speech was crafty.

For many weary weeks on end, the President has been beseeched, urged, even bullyragged to announce his war aims, to explain his decisions, to declare his willingness to negotiate. Under this incessant barrage of advice, he kept obstinately silent; he even indulged his weakness for downright conspiratorial secretiveness—and for a quite simple reason.

When the first bombing attacks on North Vietnam were ordered, the situation in South Vietnam was critical, even acutely dangerous. The President had waited almost overlong. (That is the right lesson to draw, by the way, from the admirable series of articles by Richard Dudman of the St. Louis Post-Dispatch, which is now attracting much attention.) Overlong waiting had left the President in a position of weakness.

Offering carrots as well as sticks, inviting negotiations, proclaiming and defining aims—all these are always the wrong tactics, when acute danger has forced the adoption of a tough policy. They make toughness appear untough. They hint a flaw in the will. They seem to say, "I'll stop fighting at once if you'll just give me the smallest excuse for doing so."

The time to offer carrots as well as sticks, and to indicate willingness to talk, is after the tough policy begins to get results. General Taylor and the U.S. military staff in Saigon may perhaps be wrong in thinking that the results to date are as satisfactory as they suppose. But no one can doubt that the President's speech now will carry vastly more conviction than it would have carried immediately after the first bombing attack.

Again, the President's new carrot was as craftily offered as it was generously conceived. The North Vietnamese Communists were told, in effect, that they could make immense gains from a general southeast Asia development program—if only they would cease to be the instruments of the Chinese Communists' aggressive will.

The same must be said for what the President said about negotiations. No one can any longer say that "Johnson won't even talk." But "unconditional" discussions mean discussions in which neither side accepts conditions, and, therefore, discussions permitting our side to keep the pressure on until the desired final results begin to be in sight.

Finally, one cannot exaggerate the toughness implied by this grim speech—for it was indeed grim, as well as crafty and tough and full of high purpose and instinct with deep humane feeling. All this was stirred into one improbable mixture like a sort of oratorical marble cake. Consider this Johnsonian passage:

"We will not be defeated. We will not grow tired. We will not withdraw, either openly or under the cloak of a meaningless agreement."

That closes all the doors except one. That means that this strange man, who dislikes painful decisions and is so clever that he generally manages to elude them, has made the grim decision, this time, to go to the very end of the road if need be, in order to avoid the terrible defeat that seemed to threaten in Vietnam only a little while ago.

But the door that is still left open is a good door, through which the enemy can pass with honor and with profit. It is the door defined by the President's quotation from Deuteronomy. It is the kind of door the United States should always leave open, the kind of door the United States should never be ashamed of offering—inducements for others to choose.

L.B.J. SPEAKS OUT: LEFT NOTHING IN DOUBT

(By Roscoe Drummond)

President Johnson's strong and lucid report on Vietnam to the Nation—and to the world—leaves nothing in doubt.

Three consequences flow from it:

It will, I am certain, decisively unite the American people behind what is being done and whatever still must be done to successfully defend South Vietnam from aggression.

It puts the onus totally on Hanoi for refusing to seek peaceful settlement by opening talks with the United States.

It will enlist for the United States mounting support from world opinion—particularly the 17 unalined nations which have appealed for negotiation. It will do so because the President says that he will talk with the aggressors or other nations anytime under any circumstances without any conditions.

I am convinced that only weakness and vacillation on the part of the President in his commitment to defend South Vietnam could divide the Nation.

There is no weakness, no vacillation in the actions which Mr. Johnson has taken in the past 2 months to show Hanoi that aggression will not pay.

There is no weakness, no vacillation anywhere in the address in which he expounded those actions.

His message is clear. "We will not be defeated. We will not grow tired. We will not withdraw"—until the aggression ceases.

But the President made it equally clear that the United States does not put one single condition, one single barrier, not even one diplomatic breath in the way of our willingness to discuss an end to the war.

In his Johns Hopkins speech he told everybody that the United States stands unconditionally ready to begin "unconditional discussions." To the 17 neutral nations he said, in effect: "Yes, we will talk; see if Hanoi will, too."

Does this mean that the United States is going to negotiate away the independence of South Vietnam? Does willingness to undertake "unconditional discussions" mean that there would be no conditions on the results of such discussions?

I can say with knowledge that it means no such thing. It means that nothing will keep the United States from the conference table except the absence of Hanoi. It also means that we will have only one objective to take to the conference table: the independence of South Vietnam and its freedom from future attack.

Mr. Johnson makes this vital point: If Hanoi wants to talk and continue the aggression, we will talk and continue the pressure until the aggression is ended either by negotiations or by any other means.

He assures Hanoi—and the world—that we seek no overthrow of the North Vietnamese regime, no military base in South Vietnam, and that we stand ready to give enlarged assistance to any cooperative effort in which the nations of southeast Asia would collectively join.

The President is saying that defending South Vietnam successfully is not a road to war; it is the road to peace.

RESIDUAL FUEL OIL QUOTAS MUST BE ELIMINATED

Mr. WILLIAMS of New Jersey. Mr. President, the consumers and the oil industry of my State of New Jersey have long been burdened by an outmoded and unnecessary quota restriction on the importation of residual fuel oil. As my colleagues well know, the States of the eastern seaboard are large users of this low-cost fuel oil. The State of New Jersey, for example, has the third largest residual fuel oil consumption of any State in the Union; and, on a per capita basis, it is the largest user.

Residual fuel oil provides more industrial heat and power than do all other fuels, combined. It heats two-thirds of all apartment houses, and the majority of the State's schools, hospitals, hotels, and office buildings. This fuel must be readily obtainable at the lowest possible cost to the citizens of New Jersey, if we are to keep our economy growing.

I joined my distinguished colleagues in testifying at recent hearings, held by the Interior Department, to review the entire question of residual fuel import quotas. At that time I made absolutely clear my opposition to any continuance of these restrictions. We were most hopeful that the Secretary of the Interior would share this view, as it has long been apparent to those familiar with the problem that the quotas served no national security purpose, and, in fact, only served to protect the declining coal industry.

The Secretary's recent announcement that he intended to maintain the quotas with an increased allotment was a deep disappointment. The only thing that could be said for his decision is that half a loaf is better than no bread. Fortunately, the Secretary was persuaded that his original intention to maintain the quota in the New York marketing area, but to eliminate it entirely in other States, was wrong. Such a decision would have been the worst form of discrimination against New Jersey, which, as I have pointed out, relies very heavily on this fuel. It would certainly have encouraged bootlegging oil from nonquota States to quota States, with the attendant high costs. It is typical of the fairmindedness we have learned to expect from Secretary Udall that he changed his mind, and dropped this regrettable program.

It seems to me that the Secretary is ready to change his mind entirely on this question; and I certainly hope he does. A recent article in the New York Times states:

> Secretary of the Interior Stewart L. Udall said today that there was no national security reason to impose quotas on importing heavy fuel oil.

This is one statement with which I heartily concur. The article also stated that a special Cabinet committee, under Secretary McNamara, had decided that there was no national-security basis for continuing these restrictions. If this story is true, then we can hope that these quotas will be done away with, once and for all. I was glad to note that the Secretary of the Interior had asked the Director of the Office of Emergency Planning to make a new study of this problem. This study must be concluded swiftly. It should not be used as a device to stall positive action on a situation of such critical importance to all the States of the eastern seaboard, and to New Jersey, in particular.

Mr. President, elimination of these quotas will lower fuel costs to New Jersey consumers and industry; it will speed our great industrial growth; and it will do away with an obsolete burden on our fuel industry. I am confident that the Secretary of the Interior will take this action in the near future.

I ask unanimous consent that the article from the New York Times and my testimony before the Interior Department hearings be included at this point in the RECORD.

There being no objection, the article and the statement were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 4, 1965]

OIL IMPORT RULING IS ASKED BY UDALL—HE DISPUTES SECURITY BASIS FOR HEAVY-FUEL QUOTAS

(By Edwin L. Dale, Jr.)

WASHINGTON, April 3.—Secretary of the Interior Stewart L. Udall said today there was no national security reason to impose quotas on importing heavy fuel oil.

Mr. Udall formally requested Buford Ellington, Director of the Office of Emergency Planning, to make a "searching new study" of this issue.

Earlier this week, Mr. Udall increased the amount of heavy oil, called residual oil, that could be imported into New England and Florida but did not abolish the quotas altogether, as he originally intended. He refrained from doing so because of a legal opinion from the White House that he could not abolish the quota so long as there existed a determination that national security was involved.

Coal interests have bitterly fought the lifting of the quotas. Coal competes with residual oil as the energy source for electric power in the East.

Today Mr. Udall made public a letter to Mr. Ellington in which he said his Department had made "a thoroughgoing review of this program and its many inequities."

CALLS FOR NEW STUDY

"During the course of our analysis, it seemed inescapable that the national security determination which forms the legal foundation of this program is without substance," he said.

"I hereby request that you make a searching new study of the entire issue and make an explicit finding concerning the national security basis of this program," Mr. Udall said.

A study in 1963 by Mr. Ellington's predecessor, Edward P. McDermott, did not reach a clear cut conclusion on the question of whether residual oil imports impaired the national security.

If Mr. Ellington decides that there is no national security reason to impose quotas on residual oil, they would have to be eliminated, not only for New England and Florida but also for the entire East Coast including New York. Eliminating the quotas, according to most analyses of the subject, could mean lower electric power costs to the consumer.

CABINET PANEL IN ACCORD

In a related development, it became known today that a special Cabinet Committee under the chairmanship of Secretary of Defense Robert S. McNamara had reached virtually complete agreement on a report that found no national security basis for imposing quotas on residual fuel oil. The existence of this report was denied by official sources yesterday.

Whether the study will ever be made public was not known. But the Committee reportedly found that the future expansion of coal output in the Appalachia region rested primarily with increased exports to Western Europe. Such an increase would depend, among other things, on lower rail freight rates from the mines to the ports.

The oil quotas have been imposed under a section of the 1954 extension of the Trade Agreements Acts that was primarily designed to curb imports of crude oil and thus give protection to domestic oil producers. Abolishing import quotas on crude oil is not at issue in the current controversy, though the annual amounts are a source of continuing dispute.

The McNamara Committee, whose existence had not been formally announced, was established by the President last summer to examine a proposal by coal and railroad interests to reduce the quotas on residual oil only. This proposal was rejected yesterday.

STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY BEFORE THE INTERIOR DEPARTMENT'S HEARINGS ON OIL IMPORTS, MARCH 10–11, 1965

New Jersey consumed nearly 50 million barrels of residual fuel oil in 1963. This gave the State the third largest residual fuel oil consumption of any State in the Union; and on a per capita basis it has, by far, the largest consumption.

Residual fuel oil heats two-thirds of all apartment houses in New Jersey, the bulk of the State's schools, hospitals, hotels and office buildings and provides more industrial heat and power than all other fuels combined. In addition, about 28 percent of the State's electric power is generated by steam plants burning residual fuel oil. It is clear, therefore, that the availability of residual fuel oil in sufficient quantities and at the lowest possible price is of paramount importance to New Jersey's economic welfare.

At present such availability does not exist in New Jersey nor anywhere else on the east coast. The imports restrictions on residual fuel oil have raised prices, as the Secretary of the Interior and other Government officials have freely acknowledged, and created supply bottlenecks through inequitable distribution of import quotas. According to industry estimates, the cargo price of residual fuel oil might decline by nearly 20 cents per barrel if imports restrictions were lifted. For New Jersey this could mean an annual savings of $10 million.

There is no justification for the continuation of these restrictions, since the production of domestic residual fuel oil is rapidly phasing out. We in New Jersey are well aware of this. About 86 percent of the total refining capacity of the 17 east coast States is located within a 75-mile radius around Trenton. Yet, all of these refineries together no longer produce enough residual fuel oil to meet the demand of just our State. The reason is that now only 8 percent of the crude oil processed in these refineries is turned into residual fuel oil, compared to 21 percent in 1953. At the U.S. gulf coast, from where the east coast gets additional domestic supplies of this product, the residual fuel oil yield is even lower—only 4.5 percent per barrel of crude oil.

Hence, our only logical supply sources for this product are the export refineries of the Caribbean area where the residual fuel oil yield is over 50 percent.

The only imaginable reason for restricting the supplies from this source is to force some U.S. consumers to shift to alternate fuels, usually less suitable for their purposes. This is end-use control of fuels, even if the Government denies it, and has no room in a competitive economy. We therefore urge the Government to restore competition to the fuels sector of the east coast economy by lifting the restrictions on residual fuel oil imports.

BLUEFIELD, W. VA.—THE ALL AMERICA CITY

Mr. BYRD of West Virginia. Mr. President, it is a pleasure, both to me personally, and, I am sure, to the entire State of West Virginia, to join in the well-deserved recognition extended to the city of Bluefield, W. Va., as an All America City. Bluefield was among the cities selected most recently for this honor by the National Municipal League and Look magazine on the record of service to the populations.

Mayor Henry F. Warden, and the three existing members of the city council—H. T. Goforth, Paul Hudgins, and Woodrow Wilson—deserve great credit for the honors bestowed upon the city. City Manager R. G. Whittle and Chiefs William J. Winters of the Bluefield police department and Gordon Damron of the Bluefield fire department and all other municipal employees should also share in the honor.

I have long recognized the vital spirit that pervades this city at the southern tip of the Mountain State. I felt it a privilege to join in the city's application for its very forward-looking urban renewal project, which is now well into execution. The improvements to U.S. Highways 19 and 460 which extend through the project will serve the city well.

The study of the city's central business district, financed with Housing and Home Finance Agency aid, received my support from the first announcement that it was needed.

Bluefield is also served well by its two daily newspapers—the Sunset News-Observer and the Daily Telegraph. They have brought the piercing light of public interest to many projects that have lifted the city to a position of leadership in the State.

The jury of outstanding Americans who made the selections of Bluefield and others as "All America Cities," noted the success of the Bluefield Area Development Corporation in hunting new industries for the city. One of the most enjoyable—both as a source of recreation to the city's populace and visitors as well as a source of income to the city—is the

Ridge Runner, billed as the "world's shortest interstate railroad," and which travels three-quarters of a mile along the scenic East River Mountain.

A total of 44,000 people rode the railroad last year to admire the scenery.

Bluefield was incorporated in 1889. Since then its population has grown to 19,561 and it sees no end to its growth potential.

Once again, let me extend my congratulations to Bluefield, a city in which I once lived when I was very young, and to the countless civic and business leaders and to each citizen for the public-spirited progress which the city has made and which has now attracted the well-deserved attention of the Nation.

NATIONAL SECURITY DEMANDS MIX OF MANNED BOMBERS AND MISSILES

Mr. HRUSKA. Mr. President, on April 6, the Senate unanimously adopted S. 800 which dealt with military procurement authorizations for the fiscal year of 1966. I would like to compliment the members of both the Appropriations and the Armed Services Committees for their usual fine job. Particular notice should be taken of the exceptional work done by the Senator from Mississippi [Mr. STENNIS], who was required to shoulder additional burdens as a result of the unfortunate illness of the chairman of both of the committees, Senator RUSSELL.

It is my hope that the Secretary of Defense and the administration will take note of the unanimous approval of the Members of the Senate on this bill. This bill again expresses the will of the Senate that adequate steps be taken to insure that an adequate "follow-on" manned bomber program is started at the earliest possible moment. This position is consistent with the course urged by our leading military minds. Of particular significance is the unanimous backing by the Joint Chiefs of Staff of early action so that the work on this aircraft should proceed to the project definition phase in 1966. The $82 million added by the committees to the fiscal 1966 authorizations will allow this progress.

Even a cursory glance at long-range prospects for our strategic capabilities if such an aircraft is not developed offers convincing proof of the need for the aircraft. Gen. Thomas Power, the recently retired commander in chief of SAC, painted this alarming picture:

> Even if agreement had been reached on the desired characteristics and the decision were made today to award a contract for the development of this or any other new strategic bomber, it would take 8 to 10 years until combat wings could be equipped with it.
>
> By that time, all B-47's would have been long retired, the remaining B-52's would be worn and obsolete and the limited number of B-58's in SAC's inventory (only 80 at present) would be obsolescent at best.
>
> Thus, there would be a dangerous gap, and the gap keeps widening with every day final decision for bomber replacements is postponed.

General Power is not the only knowledgeable military man who voices this warning. This year the new chief of staff of the Air Force, General McConnell testified that the decision to proceed on this matter cannot be put off beyond next year. In this view, General McConnell is merely reaffirming what his predecessor, General LeMay, has repeatedly told both the committees of the Congress and the Nation. Shortly before his recent retirement, General LeMay stated:

> I am afraid the B-52 is going to fall apart on us before we can get a replacement for it. There is a serious danger that this may happen.

I strongly urge my colleagues in the Congress to insure that this necessary money be authorized and appropriated so that there will be no additional delay in this vital matter. I also strongly urge the administration to implement this program as soon as possible. Our national security demands that we maintain a balanced mix of missiles and manned bombers.

Surely our recent experiences in Vietnam have impressed on all of us the need for a flexible arsenal of weapons. To allow our defense posture to be dependent on an all-or-nothing missile policy arrived at by default cannot be defended either as a true economy or as sound tactics.

JAMES MADISON MEMORIAL LIBRARY ON SQUARE 732

Mr. DOUGLAS. Mr. President, I was delighted to see the introduction yesterday by Senators HOLLAND, ROBERTSON, CARLSON, BENNETT, and JORDAN of North Carolina, of Senate Joint Resolution 69. As I understand it, this resolution would authorize the construction of the third building for the Library of Congress on square 732, would name it the James Madison Memorial Building, and would provide for a Madison Memorial Hall within it.

The purposes of this joint resolution are, therefore, identical with the purposes of the legislation which Senators CLARK, LAUSCHE, and MCCARTHY, and I, introduced on July 22, 1963—namely, S. 1920, of the 88th Congress. Its purposes also are identical with those of the proposals made early in 1963 by Representative WILLIAM B. WIDNALL, of New Jersey.

Square 732 is the very large parcel of property south of Independence Avenue, across from the main Library building, which now stands vacant. As I pointed out in the Senate on November 19, 1963, at pages 22306–22309, of the CONGRESSIONAL RECORD, volume 109, part 17, the justification given Congress for clearing square 732 of its businesses and residences specifically was to provide a site for the third Library building.

Subsequent to the Federal acquisition and clearing of this property in 1962, however, the proposed use for it became entangled in a proposal for a memorial park and statute to honor James Madison. The Architect of the Capitol, who in the June 17, 1960, hearings described square 732 as "an ideal location for the Library," in 1963 began to describe it as unsuitable and too small. He proposed instead, the taking of squares 787 and 788, east of the Library Annex. These blocks contain many restored houses and a beautiful church, which, I may add, is frequently attended by the First Family. The taking of these blocks would have meant the unnecessary expenditure of millions of dollars and the unnecessary destruction of one of Capitol Hill's most beautiful residential areas.

Representative WIDNALL, I, and others argued that the original assumption under which square 732 was acquired and cleared should be followed. We showed that there clearly is sufficient space on this site for a building which would fill the stated needs of the Library. We argued that President Madison could be properly honored by naming the Library building after him and by the placement of some memorial, such as a statue, in a prominent location.

Above all, Mr. President, we sought to help secure a building for the Library, under conditions satisfactory to the taxpayers. I very much regret the delay in meeting this need for additional Library space.

Our proposal was neglected by the power structure which determines these developments on Capitol Hill. But the misuse of square 732 also was prevented.

The first ray of hope was seen when, several months ago, senior members of the responsible House committees agreed with the Widnall approach, and introduced proposed legislation to build the Library on square 732. I therefore delayed the reintroduction of my bill, so as not to take any chance of interfering with a similar resolution of the problem by members of the responsible Senate committees.

The introduction yesterday of Senate Joint Resolution 69 apparently represents the announcement of a satisfactory settlement which will result in consideration soon of the Library's needs. The Library of Congress is an outstanding institution, under excellent administration. I am encouraged by these signs that it will soon secure sufficient space, under conditions satisfactory to the taxpayers.

ORGANIZED MAIL CAMPAIGNS

Mr. CASE. Mr. President, since the session opened, I have received considerable mail concerning section 14(b) of the Taft-Hartley Act. While many have written with obvious conviction and sincerity, it has also been apparent that some letters are sent as part of an organized campaign against repeal of this section. I am sure my experience is not unique.

In this connection, I call to the attention of the Senate an editorial published recently in the Machinist, the official weekly newspaper of the International Association of Machinists. I ask that this editorial be printed in full at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Machinist, Apr. 8, 1965]

STUFFING THE MAILBOX

An organized campaign is underway to deceive Congress about the public attitude toward those so-called "right-to-work" laws.

The perpetrators of this plot are the extremist organizations, the John Birch Society, the National Right-to-Work Committee, the Young Americans for Freedom and their allies.

Like everything else they touch, the extremists are now corrupting the American right to petition Congress.

Their letterwriting campaign is as phony as a stuffed ballot box. That's exactly what the extremists try to do by writing four or five letters apiece.

EXTREMIST TECHNIQUE

Fortunately, their letterwriting technique has just been exposed in another campaign, that one directed against the Xerox Corp. It's a remarkable parallel.

As part of a promotional program last year, Xerox contributed $4 million to Telsun Foundation. The foundation used the money to produce a television series on the United Nations, one of the main targets of the John Birch Society.

The Birchers were called on for a letterwriting campaign against Xerox just as they have now been called on for letters to Congress defending section 14(b) of the Taft-Hartley Act that makes right-to-work laws legal.

Xerox reports that it has received almost 73,000 letters. Of these 14,143 were "thank you" notes from citizens who support the U.N. All the requests were attacks on the company, many of them threatening boycott.

Fortunately, Xerox was able to assign a staff to examine and catalog the letters.

A TIMELY YARDSTICK

A company official revealed to the Machinist last week that its analysis showed that the 58,771 negative letters were written by only 14,882 different individuals. In other words, each extremist is writing an average of 4 or 5 letters. Examination of the letters on the other side showed that supporters of the U.N. were satisfied with expressing their opinion in one letter.

The Xerox experience with extremist letterwriters provides Congress with a timely yardstick to evaluate the mail on 14(b)—also an extremist campaign. This, too, is an attempt to stuff the mailbox, a deliberate effort to fool Congress.

We doubt that many Senators or Congressmen will be taken in. Americans have proved at the ballot box that they want to be rid of those so-called right-to-work laws.

OUR GOOD RELATIONS WITH MEXICO

Mr. YARBOROUGH. Mr. President, another triumph has been achieved by this administration in the field of foreign relations. After many years of disagreement and squabbles with our great southern neighbor, Mexico, the United States has been setting a worthy example of how peaceful diplomacy and negotiations can solve the problems that arise between neighbors.

In December 1963, the Chamizal treaty was signed, ending a century-old border dispute with Mexico. In the past few days, an agreement settling the dispute over the salt pollution of the Colorado River has been signed with Mexico. These achievements of this administration are models of the benefits of friendly international negotiations. Our President, the State Department, and Mr. Joe Friedkin, the U.S. Commissioner on the International Boundary and Water Commission, can all take pride in these accomplishments.

It was my privilege and good fortune to accompany our President, Lyndon B. Johnson, to El Paso, Tex., in September 1964, where he met the President of Mexico, Adolfo Lopez Mateos, in a historic meeting at the new boundry marker on the new-settled and undisputed boundary between the United States and Mexico, in what was the formerly disputed Chamizal zone. A great moment in the friendly relations of all the Americas was recorded as the new Presidents of the most populous English-speaking and Spanish-speaking nations on earth stood beside the new marker, signifying greater friendship between all the Americas.

The anti-salt-pollution treaty is another such milestone, an achievement of President Lyndon B. Johnson and the President of Mexico, the Honorable Gustavo Diaz Ordaz, built on their mutual good will.

I ask unanimous consent that an editorial saluting this new agreement, published in the Washington Star, of April 8, 1965, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Apr. 8, 1965]

EXAMPLE FOR THE WORLD

In the rush of other, more spectacular events, a significant new agreement between Mexico and our country has not received the attention it deserves. Signed at Juarez, it provides for construction of an American drainage canal designed to divert the Colorado River's salt-polluted waters from harm's way. It should put an end to Mexico's understandable grievance that those waters, for several years past, have been seriously damaging cotton and wheat crops in the Mexicali Valley.

Like the earlier Chamizal Treaty, which has terminated a 99-year dispute involving questions of sovereignty over a 437-acre tract where El Paso and Juarez meet at the Rio Grande, the compact on the Colorado River is an encouraging illustration of the Good Neighbor Policy at its best. Communists have spared no vicious libel in depicting the United States as an imperialist monster intent upon destroying Mexico's crops. This new agreement makes them look silly.

At the same time it has generated a new degree of warmth and understanding in relations between the United States and Mexico. In President Johnson's words, the event "demonstrates once again that among men of good will any problem will yield to sincere and concerted efforts to resolve it." It is an agreement that sets a fine example not only for other nations in the Western Hemisphere, but for the contentious world as a whole.

REDUCTION OF BALANCE-OF-PAYMENTS DEFICIT

Mr. McGEE. Mr. President, our President, Lyndon B. Johnson, is deserving of accolades from all of our people, and for many reasons. Not the least of these is his able handling of the gold problem, his efforts to reduce the balance-of-payments deficit.

The Cleveland Plain Dealer, in an editorial published on April 6, called President Johnson's handling of this situation one of the most remarkable examples of economic cooperation in this Nation's history. It is a story of cooperation between the Government and the financial and business communities of the Nation. As the Plain Dealer has stated:

> Cooperation so far has been remarkable. Results have been equally impressive.

The balance-of-payments deficit has been cut by about one-half, in less than 2 months. There is a strong possibility that, with continued cooperation, the deficit could be eliminated, perhaps within the year.

I ask unanimous consent that the Cleveland Plain Dealer editorial entitled "'Good as Gold' Plan Cuts Deficit," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"GOOD AS GOLD" PLAN CUTS DEFICIT

In what is certainly one of the most remarkable examples of economic cooperation in the Nation's history, the U.S. financial and business communities have cut the balance-of-payments deficit by about half in less than 2 months.

Their success to date is a strong indication that President Johnson's program to curb the dollar outflow can solve the deficit problem without the need for strict legislative restraints that could conceivably act as a protracted hobble on business.

But, however encouraging the reduction in the deficit is, ultimate elimination of the problem—one of the most critical confronting the Nation—is still a long way off. Final success will hinge upon the continued cooperation of the 630 corporations enrolled in the President's "good as gold" program.

Cooperation so far has been remarkable. Results have been equally impressive.

Between January 1 and February 10, when Mr. Johnson announced his emergency program to curb the dollar outflow, the drain was at a level which would have reached about $6 billion annually, highest in the Nation's history.

Since then, the outflow has been cut in half—to about $3 billion annually.

The success has been largely the result of a cutback to almost zero in U.S. bank loans abroad, the raising of funds in Europe for U.S. corporate expansions there instead of taking the dollars from the United States, return to the United States of some short-term capital which had previously been sent abroad by some corporations, efforts to expand the Nation's volume of exports, and corporate cuts in dollar investments in Europe.

The retrenching program also is sharply cutting down the risk of a foreign run on U.S. gold reserves of the type General de Gaulle apparently tried to instigate to discredit U.S. economic supremacy in favor of the Common Market.

The U.S. business community must therefore persist in cooperating with the Johnson program as the best course toward abolishing the balance-of-payments deficit. Secretary of Commerce John T. Connor believes complete success is possible, perhaps even by the end of the year.

FAIR APPORTIONMENT: TEST FOR "STATES RIGHTERS"

Mr. DOUGLAS. Mr. President, Harry Golden has become a widely enjoyed critic of modern times, because of his disarming ability to point out the foibles and contradictions, as well as our strengths, within our society.

In a recent article he has applied this approach to point out one of the real issues in the effort to achieve fair apportionment of the State legislatures. That issue is whether the State governments will be permitted to become effective instruments in our Federal Republic, or will continue to be outmoded bodies more representative of the 19th century than of the modern world. That issue is whether the State legislatures are to be prevented from fulfilling their responsibilities or are to be pushed more and more into the background, while the people are forced to ask the Federal Government to meet their problems.

I ask unanimous consent that Mr. Golden's article, entitled "Apportionment: Test for 'States Righters,'" from the Oklahoma City Times of April 5, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APPORTIONMENT: TEST FOR "STATES RIGHTERS"

(By Harry Golden, editor of the Carolina Israelite)

Reapportionment may be a totally unexpected boon to each of the 50 States of the Union.

Reapportionment may very well result in political power drifting back from Washington to the individual State capitals.

The State legislatures are based on the idea that history has gone up in a straight line. The Founding Fathers had no idea that the agricultural society would become an industrial society, that the rural and farm civilization would become an urban and suburban civilization, with thousands of new challenges and thousands of new problems to solve, problems for which there are no precedents.

Most State legislatures have been helpless in meeting these challenges. During the great crisis of the early 1930's, most State legislatures were honest enough to cry for help.

Gov. Alf Landon, of Kansas, became the Republican nominee for President in 1936. He had balanced the budget.

But in 1934 and 1935, the Federal Government had prevented foreclosures on 3,100 Kansas farms. The Federal Government had stepped in. It was as simple as that.

It was not a scheme to usurp the power of the States. It was an emergency, an emergency to save the economy and the self-respect of America.

Now there is a good chance for the political power to flow back to the separate States through their legislatures and through reapportionment.

You take my State of North Carolina as an example. It has a vast coastline along the Atlantic Ocean and in the west we have the more beautiful section of the Great Smokies.

North Carolina has more mineral deposits than most of the States in the Union, but we have only scratched the surface of our possibilities.

The climate in the Piedmont is probably the best in the United States and my followers know that I am no chamber of commerce writer.

The felspar goes up north at a few dollars per ton and the northern potteries send it back in the form of cups and saucers at a few thousand dollars a ton.

The wealth potential is enormous. Every newcomer to North Carolina flies into the State with the ghost of a Conestoga wagon—a pioneer.

But the State (and every other State in the South) is controlled by a legislative process created in the year 1789. It meets every 2 years.

The city council of each city meets every week and when they miss a single meeting they are considered to have been derelict in their duty.

You cannot say that a State legislature meeting once every 2 years thus has one-fortieth the amount of business to transact as any one of its cities.

It is interesting that it is precisely the "States rights" boys who are fighting hardest against reapportionment.

Thus we have a right to conclude that they have never really been sincere about States rights, that all States rights has meant to them is keeping the Negro in back of the bus, and out of the schools, parks, swimming pools, movies, and restaurants.

What they have meant by States rights all along is the right of the rural counties to continue their control over the lives and destiny of the urban-industrial complex of the more densely populated cities, as well as set the pattern for the attitudes and the habits of the entire State.

The boys from the rural areas would like to hold that power and so they fight reapportionment. In the early 1930's, political, economic, and social power flowed from the enfeebled State legislatures to Washington.

This power would now be reversed and flow back to the capitol in each of our 50 States.

The struggle for reapportionment will test the sincerity of the States rights boys once and for all. Reapportionment, in fact, is a synonym for States rights.

A HIGHWAY PROGRAM FOR ALASKA NEEDED AND DUE IN ORDER TO APPROACH EQUALITY WITH THE OTHER STATES

Mr. GRUENING. Mr. President, Alaska as a territory suffered discriminations and exclusions from the Federal Government without precedents or parallel in American history. One of these was the total exclusion for 40 years, until 1956, of Alaska from participating in the Federal aid highway legislation passed in 1916. This tremendously important piece of legislation coincided with the improvement of Henry Ford's great invention, the automobile, to the point where it had become a useable instrument of locomotion.

The Congress wisely realized that this new vehicle, if it were to be widely utilized, would require a national system of highways of a fairly high standard and that this could be achieved only by Federal and State cooperation, because if it were left wholly to the States, as it had been, there would be a wide disparity in the character of the roads as between States that were well off, or highway-minded, or progressive, and those which did not have some or all of these qualities.

Therefore, under the Federal aid highway legislation as enacted in 1916, the Congress proposed a system of Federal matching, $1 of Federal money for $1 of State money, with the understanding that the States would in exchange agree to a high standard of highway construction required by the Federal Government.

But the western States, the public lands States, where large areas of public domain were not subject to State taxation and therefore produced no revenue, were under this Federal aid highway legislation, entitled to a larger share. This larger share was calculated on a complex formula in which the total area of the State, the proportion of public domain to the total area of the State, the State's population, and the existing post-road mileage, were all figured.

When the legislation was first enacted in 1916—Alaska being a territory—the Congress refused to include Alaska. Under the population part of the formula, its participation would have been small; but under the provision referring to its large area and the other provision relating to the proportion of public domain of the total area, it would have been very large, for Alaska's land at that time, was virtually 100 percent federally owned.

So, while in the 48 older States a tremendous and marvelous highway system was initiated and constructed and is now nearing completion, Alaska was totally excluded. This total exclusion continued for 40 years, until 1956.

During this time Alaska was paying all Federal taxes. It was included in the Federal income tax enacted in 1913. This was one of the many examples of taxation without representation which Alaska suffered under its territorial status.

In 1956 a further discrimination loomed up. This was when President Eisenhower proposed a vast improvement and extension of our highway system. He proposed, among other things, the new Interstate System. The President proposed to the Congress that this vastly improved network could be financed by no immediate outlay but by long-term bonding. Congress agreed with the President's purpose vastly to improve our highway system but disagreed with his proposal for financing. Congress believed—and I think correctly—that it would be unfair to burden future generations for the benefits which this generation would receive. So, instead of the long-term bonding proposal of President Eisenhower, the Congress proposed instead and enacted a pay-as-you-go system with additional taxes on trucks, trailers, tires, and gasoline. But, there was one respect in which the President and the Congress agreed. That was that Alaska should be excluded from the benefits of this new highway improvement program and indeed of the old program, but included in the new taxation.

So, for the next 3 years, whenever an Alaskan went to his gas station and said "fill her up," he was paying additional taxes on trucks, trailers, tires, and gasoline to build improved highways in the 48 lower States but not in Alaska. This was just another exacerbated example of discrimination. It was taxation upon taxation without representation.

Of course, during all these years, from 1916 to 1956, our voteless delegates in the Congress, James Wickersham, from 1916 to 1920, after the passage of the Federal aid highway legislation; Dan Sutherland, from 1920 to 1930; Wickersham again from 1930 to 1932; Anthony J. Dimond, from 1932 to 1944; and E. L. "BOB" BARTLETT, from 1944 to 1958, now our able colleague in the Senate—sought to get Alaska included in the Federal aid highway system. Despite the flagrancy of the discrimination, they were unsuccessful.

In 1956, in the wake of the proposed additional discrimination against Alaska, a friendly Senator, the late Richard Neuberger, of Oregon, sought to give Alaska some relief. Knowing that the Congress, in its then state of mind, would not include Alaska under the formula to which every State had been entitled, he proposed instead that it be included on one-half the formula. But even that was deemed too generous, and on motion of the late Senator Francis Case, of South Dakota, supported by the late Robert Kerr, of Oklahoma, this formula was reduced to one-third of what Alaska would have been entitled to in justice and equity.

So, for the next 3 years, under statehood, Alaska did have a slight participation which amounted to about $13 million a year, although, of course, it should have been three times that amount, to say nothing of the fact that justice would have required an amount sufficient to enable Alaska to start catching up for the years it had been totally excluded.

When Alaska became a State, it was automatically included in most of the provisions of Federal aid highway legislation, although still is excluded from the interstate and although continuing to pay into the trust fund for the Interstate System in the other 49 States.

As soon as Alaska became a State, I moved to do what I could to rectify this situation. I pointed out to the Eisenhower administration the extent of this discrimination—that if Alaska had been included all those years, as it should have been—for other territories, Hawaii and Puerto Rico had been included—we would then have a system of highways. The Eisenhower administration turned a deaf ear to these pleas, despite the logic and justice of them. It was only with the coming of the Democratic administration that something was done about it.

Because of the special conditions existing in Alaska and the long backlog of neglect, I sponsored a bill to carry out a formula worked out under the guidance of Dan Martin, the able Under Secretary of Transportation of the Department of Commerce, which provided, first of all, a study. This study was designed to ascertain what was appropriate and desirable in view of Alaska's long and unique neglect, its special geographic and climatic circumstances, and the other factors which justified a special approach to this unprecedented situation. The legislation which I sponsored was Senate Joint Resolution 157. The amount requested, upon the recommendation of the Department of Commerce, was $800,000. This amount was cut in half in the House, but upon consultation with the appropriate authorities it was understood that if more money were needed to complete the study, it could be sought and probably obtained.

I wish to commend the bureau of public roads, the department of highways in the State of Alaska, and the consultants who were engaged for this study, namely Transportation Consultants, Inc., and Wilbur Smith and Associates, for their thorough and constructive study. I likewise want to pay tribute to Rex Whitton, the experienced and able Federal Highway Administrator of the Bureau of Public Roads, Department of Commerce, for his support and understanding throughout. He is one of the most knowledgeable of our public servants in the field to which he has devoted most of his life.

The report makes the following recommendations:

First. Federal aid highways in Alaska need to be modernized as early as possible by utilizing both lateral and vertical stage construction;

Second. Improvements to this network should, under no circumstances be delayed beyond 1980;

Third. Standards of design of highways in Alaska should not be liberalized but austerity of design to accommodate anticipated traffic should be the objective;

Fourth. While Alaska does not need increased Federal funds to improve and extend the primary and secondary Federal aid system, the State does require assistance in building and maintaining a new category of access and service roads which may be described as a tertiary system;

Fifth. It is recommended that a specific grant be authorized from the highway trust fund in the amount of approximately $5 million per year to supplement other funds for maintaining the Federal aid highway system in Alaska. This would permit the State to devote more of its resources to the non-Federal aid highway systems where needed;

Sixth. Because under even the most optimistic estimates of future highway user revenues, income will still fall far short of costs to extend road services, assistance from additional sources will be required;

Seventh. Unique circumstances in Alaska seem to warrant extension of the period of transitional aid which followed statehood, which, in Alaska, was too short. An extension can greatly benefit the highway program;

Eighth. It is recommended that approximately $5 million per year be provided for a period of at least 5 years with the understanding that after thorough review of conditions at that time, additional extensions might be authorized.

The study found that comparisons between Alaska and the other 49 States are not usually conclusive, so that for the time being, and the foreseeable future, Alaska must be considered as a special case, requiring special consideration. The consultants noted that Alaska and its people recognize and accept the fact that they must go through a rather Spartanlike period of development and transition from territorial to statehood status.

It was found that currently about $14 million, or 28 percent of Alaska's annual tax revenues, are being allocated for highway purposes. Of this, $14 million, 53 percent, is derived from highway user tax sources, requiring general tax revenue to support the remaining 47 percent. The consultants reported:

> No other State approaches, percentagewise, this contribution to highway purposes from general revenue or nonhighway user sources.

The study also noted that while Alaskans are taxed to support the interstate highway program, the State is not eligible to benefit therefrom, being the only one of the 50 States so excluded. The consultants suggested that Alaska might be the beneficiary of $5 million a year under Federal funds in lieu of interstate participation.

A total capital expenditure of some $549 million is estimated to cover construction and reconstruction recommended for the primary, secondary, and urban Federal aid systems between now and 1980. Maintenance of the completed State systems is estimated to average about $8 million annually.

The study reaches some conclusions which I am not prepared, certainly, not in the absence of better documentation, to accept. These include recommendations against building highways across Knik Arm and Turnagain Arm, where it is held by the consultants that costs would be excessive in relation to limited benefits, and against proceeding with construction of any of the road connections up the valleys in southeastern Alaska because of the absence of any showing on the part of Canadian officials that there would be construction on the Canadian side to connect with these roadways. Further study, and particularly further consultation with our friends across the border, need to be carried on, as the highway consultants acknowledged.

One of the findings of the study which may be surprising to others, though certainly not to Alaskans, is that more than 75 percent of Alaska's area is more than 100 miles from any part of the integrated road network.

Studying a map of existing highway development in Alaska discloses that there are no highways at all north of the Arctic Circle and very few South of it.

The consultants estimate that Alaska's population will double by 1980. Obviously the 1,607 miles of primary highway and 1,707 miles of secondary roads which we had in my State as of December 31, 1963, will not be sufficient to accommodate the growing traffic.

All in all, the Alaska highway study makes a significant contribution toward a solution of one of Alaska's most pressing problems. It needs to be translated into meaningful action.

It should be understood that because of this unique discrimination by which Alaska was totally excluded from the Federal aid program for 40 years and then included on a very limited basis for the 3 years preceding statehood, Alaska finds itself in the unique and unprecedented situation unthinkable in any of the other States, by which not merely a few but a majority of our communities are unconnected by highway or railway. It would be impossible to imagine such a situation in West Virginia, Michigan, California, Delaware, Kentucky, or indeed in any of the older 48 States, and even in Hawaii and Puerto Rico, which were long since included in the Federal aid program.

The exclusion in Alaska applies to the capital of the State, Juneau. Here let it be said to the credit of the people of Alaska that, at their own expense, they authorized and floated a $30 million bond issue to create a ferry system, known appropriately as a marine highway, which links the communities of southeastern Alaska by water. This could properly have been a Federal expenditure on the same basis as the Federal highway system. But the people of Alaska financed this and are operating it out of their own pockets.

Thus, simple justice requires that Congress belatedly take the steps necessary and those recommended in the report to bring Alaska on a par with the other States, for Alaska, for nearly half a century, was denied what they had and that to which it was entitled. And it is clear from the example of what has happened in the other States that highways are essential to progress and development.

SKOWHEGAN BUSINESS & PROFESSIONAL WOMEN'S CLUB ESSAY AWARD.

Mrs. SMITH. Mr. President, Miss Mary Jane Clifford, daughter of Mr. and Mrs. Daniel Clifford, of my hometown of Skowhegan, Maine, has written an award-winning essay "What My American Citizenship Means to Me." The award was presented to this young lady by the Skowhegan Business & Professional Women's Club.

It is so moving that I ask unanimous consent that it be placed in the RECORD at this point.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

WHAT MY AMERICAN CITIZENSHIP MEANS TO ME

I am a citizen of America.

America, America—land of the great. Land of the people. Land of the free.

America, America—land of steel and iron and sweat and tears. Land of corn and cotton, wheat and tobacco. Land of desert and lake and mountain and coast. Land of physical challenge.

America, America—land of the Jew, the Catholic, the Protestant, the Hindu. Land of the Negro, the German, the Pole, the Italian. Land of many tongues, of many people from many countries with many customs. Land of the challenge to understanding.

America, America—land of the rich and the poor and the hoping and the lost. Land of the cities and the towns and the villages. Land of the millionaire and the corner grocer and the truckdriver. Land of the challenge of progress.

America, America—land of the skyscraper and the freight yards and the fishing fleets and the farmlands. Land of the superhighway and the dirt road and the narrow trail and the open fields. Land of the train and plane and bus and ship. Land of the challenge of distance.

America, America—land of cattle and sheep and pigs and horses. Land of moose and deer and buffalo and bear. Land of ranch and hut and penthouse and tenement.

America, America—land of the towering pine and the blowing wheat and the icy streams and the fragrant bluebells.

America, America—my land, my home, my future, my life, my challenge.

PROPOSED AMENDMENT TO EXISTING AGREEMENT FOR COOPERATION WITH ISRAEL

Mr. GORE. Mr. President, I wish to inform the Senate that pursuant to section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to the Joint Committee on Atomic Energy a proposed amendment to the existing Agreement for Cooperation with the Government of Israel concerning civil uses of atomic energy. The proposed amendment was received by the Joint Committee on April 2. Section 123c of the act requires that the proposed amendment lie before the Joint Committee on Atomic Energy for a period of 30 days while Congress is in session before becoming effective.

In keeping with the Joint Committee's general practice of informing Congress of the pendency of matters of this type, I ask unanimous consent, as chairman of the Joint Committee's Subcommittee on Agreements for Cooperation, to have printed at this point in the RECORD the text of the proposed amendment and supporting correspondence.

There being no objection, the amendment and correspondence was ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 2, 1965.

Hon. CHET HOLIFIELD,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. HOLIFIELD: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there are submitted with this letter: (a) An exclused "Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning the Civil Uses of Atomic Energy"; (b) a copy of a letter from the Commission to the President recommending approval of the amendment; and (c) a copy of a letter from the President to the Commission containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and approving the amendment and authorizing its execution.

I regret that this agreement is reaching the Joint Committee at a date which will not allow the full 30-day waiting period to elapse before the present agreement with Israel expires. The reasons for this delay have been communicated to the staff of the Joint Committee.

The proposed amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, amends and extends the Agreement for Cooperation with the Government of Israel which was signed at Washington on July 12, 1955, as amended by agreements signed at Washington on August 20, 1959, June 11, 1960, June 22, 1962, and August 19, 1964.

It will be recalled that, at the request of the Israel Government, the 1964 Amendment to the Agreement for Cooperation provided only for a 9-month extension of the agreement with the understanding that at the expiration of that period the agreement would expire and Israel would obtain its future requirements for special nuclear material through the IAEA. However, as was discussed with members of the staff of the Joint Committee by representatives of the Atomic Energy Commission and Department of State on March 13, 1965, and as outlined in the letter of March 15, 1965, from Mr. Hall to Mr. Conway, the Government of Israel subsequently requested that the Agreement for Cooperation be continued so that they could continue to obtain their materials requirements on a bilateral basis but agreed to accept the prompt application of Agency safeguards to materials and facilities received under the agreement. This would be in accord with our policy for prompt transfer of safeguards to the Agency. Accordingly, article I of the proposed amendment provides that the International Atomic Energy Agency will be promptly requested by the parties to assume responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement. The transfer of this responsibility to the Agency would be effected without further modification of the agreement by means of a trilateral agreement to be negotiated between the Government of the United States of America, the Government of Israel, and the Agency.

Article II of the proposed amendment provides for a 10-year extension of the agreement beyond its expiration date of April 11, 1965.

The proposed amendment will enter into force when the two governments have exchange written notifications that their respective statutory and constitutional requirements have been fulfilled.

Cordially,

JOHN G. PALFREY,
Acting Chairman.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ISRAEL CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of Israel,

Desiring to amend the Agreement for Cooperation between the Government of the United States of America and the Government of Israel Concerning Civil Uses of Atomic Energy, signed at Washington on July 12, 1955 (hereinafter referred to as the "Agreement for Cooperation"), as amended by the Agreements signed at Washington on August 20, 1959, June 11, 1960, June 22, 1962, and August 19, 1964;

Agree as follows:

ARTICLE I

Article VI bis of the Agreement for Cooperation as amended is further amended to read as follows:

"A. The Government of the United States of America and the Government of Israel, recognizing the desirability of making use of the facilities and services of the International Atomic Energy Agency, agree that the Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under this Agreement for Cooperation. It is contemplated that the necessary arrangements will be effected without modification of this Agreement, through an agreement to be negotiated between the Parties and the Agency which may include provisions for suspension of the safeguard rights accorded the Commission by Article VI of this Agreement during the time and to the extent that the Agency's safeguards apply to such materials and facilities.

"B. In the event the Parties do not reach a mutually satisfactory agreement on the terms of the trilateral arrangement envisaged in paragraph A of this Article, either Party may by notification terminate this Agreement. In the event of termination by either Party, the Government of Israel shall, at the request of the Government of the United States of America, return to the Government of the United States of America, all special nuclear material received pursuant to this Agreement and in its possession or in the possession of persons under its jurisdiction. The Government of the United States of America will compensate the Government of Israel for such returned material at the current United States Commission's schedule of prices then in effect domestically."

ARTICLE II

Article VIII of the Agreement for Cooperation, as amended, is further amended by deleting the date "April 11, 1965" and substituting in lieu thereof the date "April 11, 1975".

ARTICLE III

This Amendment shall enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such Amendment and shall remain in force for the period of the Agreement for Cooperation, as hereby amended.

In witness whereof, the undersigned, duly authorized, have signed this Amendment.

Done at Washington, in duplicate, this second day of April 1965.

For the Government of the United States of America:

JOHN D. JERNEGAN,
Deputy Assistant Secretary, Near Eastern and South Asian Affairs, Department of State.

JOHN G. PALFREY,
Acting Chairman, U.S. Atomic Energy Commission.

For the Government of Israel:

AVRAHAM HARMAN,
Ambassador,
Embassy of Israel.

Certified to be a true copy:

EARLE W. COOK,
Division of International Affairs,
U.S. Atomic Energy Commission.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 24, 1965.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commisison recommends that you approve the enclosed proposed "Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning the Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The proposed amendment which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would revise and extend the agreement between the United States of America and Israel which was signed at Washington on July 12, 1955, as amended by agreements signed at Washington on August 20, 1959, June 11, 1960, June 22, 1962, and August 19, 1964.

It will be recalled that, at the request of the Israeli Government, the 1964 amendment to the agreement for cooperation provided only for a 9-month extension of the agreement with the understanding that at the expiration of that period the agreement would expire and Israel would obtain its future requirements for special nuclear material for its research program through the IAEA. However, the Government of Israel subsequently requested that the agreement for cooperation be continued so that they could continue to obtain their materials requirements on a bilateral basis and agreed to accept application of International Atomic Energy Agency safeguards to materials and facilities received under the agreement. Accordingly, in keeping with current U.S. policy calling for the prompt transfer of safeguards to the International Atomic Energy Agency, provision has been made in article I of the proposed amendment that the Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities subject to safeguards under the agreement. The transfer of this responsibility to the Agency would be effected without further modification of the agreement by means of a trilateral agreement to be negotiated between the Government of the United States of America, the Government of Israel, and the Agency.

Article II of the proposed amendment provides for the extension of the agreement for a 10-year period beyond the expiration date of April 11, 1965.

Following your consideration, approval and authorization, the proposed amendment will be formally executed by appropriate authorities of the Government of the United States of America and the Government of Israel. In compliance with section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,
GLENN T. SEABORG,
Chairman.

THE WHITE HOUSE,
Washington, March 31, 1965.

Hon. GLENN T. SEABORG,
Atomic Energy Commission,
Washington.

DEAR DR. SEABORG: In accordance with section 123a of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me by letter dated March 24, 1965, a proposed amendment to the Agreement for Cooperation between the Government of the United States of America and the Government of Israel Concerning the Civil Uses of Atomic Energy and has recommended that I approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

Pursuant to the provisions of 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

(a) Approve the proposed amendment and determine that the performance of the agreement, as amended, will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America.

(b) Authorize the execution of the proposed amendment, on behalf of the Government of the United States of America, by appropriate authorities of the Department of State and the Atomic Energy Commission.

Sincerely,
LYNDON B. JOHNSON.

EXPANDING INDUSTRIAL DEVELOPMENT IN LOWER COLUMBIA RIVER AREA

Mr. MORSE. Mr. President, this afternoon I received extremely good news for Oregon concerning an expanding industrial development in the lower Columbia River area.

Mr. John M. Fulton, of the Crown Zellerbach Corp. of Portland, informed me by telegram that Crown Zellerbach is expanding its pulp and paper complex at Wauna, Oreg.

This is of utmost importance not only to Clatsop County, but to the State of Oregon, and the additional 1,000 jobs to be created by this expanding industrial activity will provide not only steady employment but will stimulate the business economy of the entire area.

I congratulate Crown Zellerbach for its foresight and the confidence it has demonstrated in Oregon's future by undertaking this fine plant expansion.

I ask unanimous consent, Mr. President, that Mr. Fulton's wire and my reply be included at this point in my remarks.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PORTLAND, OREG.,
April 9, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Thought you would like to know we are announcing in Portland today an additional $75 million investment to expand Crown Zellerbach's pulp and paper complex at Wauna in Clatsop County. This will provide over 1,000 new jobs. We believe this is largest single private investment ever made in Oregon.

All good wishes.

JOHN M. FULTON,
Crown Zellerbach Corp.

APRIL 9, 1965.

Mr. JOHN FULTON,
Crown Zellerbach Corp.,
Public Service Building,
Portland, Oreg.:

Delighted to receive news concerning additional $75 million investment by Crown Zellerbach to expand pulp and paper complex at Wauna.

The additional 1,000 jobs will be of tremendous benefit to Clatsop County and entire State of Oregon. My congratulations and assurance of my desire to work with you on any problems relating to jurisdiction of Federal Government.

WAYNE MORSE,
U.S. Senator.

AMERICANISM VERSUS EXTREMISM

Mr. CHURCH. Mr. President, the newly appointed probation officer of Bannock County, Idaho, Kelly Pearce, is a young man who became fluent in Chinese Mandarin, and was commissioned a lieutenant in the U.S. Army at the age of 20. He has been decorated for his work as an intelligence officer in Korea.

Since returning from a military tour in which, as he has said, he awoke "to the clatter of Communist machinegun fire across the demilitarized zone in Korea," Pearce has become concerned with the alarming growth of political extremism in America which parades beneath the self-serving banner of anticommunism. He is now presenting to groups in southern Idaho a speech entitled "Americanism Versus Extremism," which I strongly recommend to all those concerned with maintaining an open and honest dialog about the problems this country faces. I ask unanimous consent that excerpts from his excellent, carefully documented address be printed at this point in the RECORD.

There being no objection, the excerpts from the address were ordered to be printed in the RECORD, as follows:

AMERICANISM VERSUS EXTREMISM

(By C. Kelly Pearce, probation officer for Bannock County, Idaho)

"The discordant voices of extremism are heard once again in the land. Men who are unwilling to face up to the danger from without are convinced that the real danger comes from within. They look suspiciously at their neighbors and their leaders. They call for a man on horseback because they do not trust the people. They find treason in our finest churches, in our highest court, and even in the treatment of our water. Let us not heed these councils of fear and suspicion. Let us concentrate more on keeping enemy bombers and missiles away from our shores, and concentrate less on keeping neighbors away from our shelters. Let us devote less energy to organized armed bands of civilian guerrillas that are more likely to supply local vigilantes than national vigilance. Let our patriotism be reflected in the creation of confidence rather than crusades of suspicion."

These words of advice concerning extremism were spoken in 1963 by a young and vital man—a man whose brilliant life was extinguished by an extremist act—the 35th President of the United States, John Fitzgerald Kennedy.

I have with me a current paperback copy of the "Report of the Warren Commission on the Assassination of President Kennedy." I feel that at this time we might learn a deep lesson in basic Americanism by reflecting back to those days in Dallas, to the man who is accused of firing the shot felt around the world, and to that climate of hate that long before had transformed Dallas into a stronghold of extreme rightwing thought and action. I emphasize, not to criticize Dallas—or Texas, or any specific portion of the United States—but to sound the alarm, to reveal to all the extremist movements of both the left and the right—which breed hate, distrust and division among loyal Americans.

Let us look first at Lee Harvey Oswald and the extremist movement which warped his mind. Upon Oswald's arrival in the Soviet Union, he was interviewed by Aline Mosley. He told Miss Mosley: "I'm a Marxist; I became interested about the age of 15." We have been warned by Khrushchev that he will bury us. And the new Soviet leadership shows no deviation from the course set forth by Lenin, Stalin, and Khrushchev. We have been cautioned, and I hope are completely aware, of the atheistic totalitarian characteristic of communism. For make no mistake, communism is totally opposed to all that we hold dear as a free God-fearing people. Faith, freedom, morality, and religion wither where communism prevails. For communism is by far the most devastating single threat today to the lives of freemen—not only in the United States, but of freemen everywhere.

But let us take a second look at Dallas. Let us look beyond this single individual of the extreme left who lay in wait at the window of the fifth floor of the Texas School Book Depository.

Let us look at Dallas on the morning of the arrival of the President. More specifically, let us look at the mood—the political atmosphere which was to greet the President.

It was a climate of hate created by a sizable group of rightwing extremists—extremists who on the evening of October 24, 1963—just 1 month before—had placed the U.S. Ambassador to the United Nations, Adlai E. Stevenson, in an atmosphere where he was jeered, jostled, and spat upon by hostile demonstrators outside the Dallas Memorial Auditorium.

It was a mood which faced John Fitzgerald Kennedy with a city laden with handbills fashioned after the "wanted" circulars issued by law enforcement agencies. Beneath two photographs of President Kennedy, one full-face and one profile, appeared the caption, "Wanted for Treason." The President of the United States—wanted for treason.

Now, I say again—I do not vilify the city of Dallas—I do not vilify the State of Texas—I vilify extremist hate groups of both the left and the right. And, I try to bring to your attention now, what I consider to be the misguided zeal of rightwing extremist groups—their effort to brand those with whom they do not agree—with the treasonous labels of "Pink," "Red," or "Communist."

Why do I cry this alarm—because in some quarters of this great land—it is almost socially proper to pronounce to all—I am a member of the John Birch Society. Well, what is the John Birch Society? Is it the most effective nonchurch organization in the fight against creeping socialism and godless communism? I say "No." I say it is an organization which uses the tactics of smear, character assassination, and the scattering of irresponsible charges—which create division, suspicion, and distrust among loyal Americans.

It is my firm belief that the John Birch Society is a totalitarian organization designed by certain special interest financial groups which by preying on the gullibility and prejudice of Americans can bring to themselves a favorable economic situation. A group which professes the belief that the history of this great land since 1916 may be explained away as a gigantic conspiracy of Presidents, Secretaries, and lesser Government officials under operational control of the Communist Party.

Now, I direct my remarks not to the society's noble aim of fighting communism—but to its methods. I do not make a shallow charge when I say that the society is totalitarian in nature. To illustrate my charge, I quote to you from Mr. Robert Henry Winborne Welch, Jr., founder and still president of the John Birch Society. Mr. Welch states in his blue book—the bible of the John Birch Society—in laying down the guidelines for the society, he states—"The John Birch Society is to be a monolithic body" (p. 158)—and he continues "The men who join the John Birch Society during the next few months or few years are going to be doing so primarily because they believe in me and what I am doing and are willing to accept my leadership anyway. And we are going to use that loyalty, like every other resource, to the fullest possible advantage that we can. Whenever and wherever, either through infiltration by the enemy or honest difference of opinion, that loyalty ceases to be sufficient to keep some fragment in line, we are not going to be in the position of having the society's work weakened by raging debates" (p. 161).

Bryton Barron, a former John Birch Society coordinator for the Virginia-Washington, D.C., area, quit the society in 1961 denouncing what he termed "dictatorial and repressive trends" developing in the society. He said he was quiting "to sound a warning against a new trend in the society's operations." Specifically, Barron protested an order from his major coordinator and the director of field activities for the society, that he "must not write to the home office to question certain new trends within the society." He wired Welch that "this brash young man even proceeds to tell me what I may not discuss in the privacy of my home. His doctrine that one must always say 'yes' to the boss has been tried in other circumstances with unfortunate results. I want no part of it."

And we know that each new member of the society must agree to the following statement: "I agree that my membership may be revoked at any time by a duly appointed officer of the society, without the reason being stated."

Now, if that is not enough to convince you of Mr. Welch's desire for a dictatorship within the society—Let me continue. Mr. Welch states, "What is not only needed, but is absolutely imperative, is * * * some hard-boiled, dictatorial, and dynamic boss" (p. 117).

And he continues, "The John Birch Society will operate under completely authoritative controls at all levels" (p. 159).

Yet, it is also the same Mr. Robert Welch who speaks of communism in these terms—"Communism has been imposed, from the top down" (p. 73).

Let no one fool you who says Robert Welch is not the heart beat of the John Birch Society. Yet, we are repeatedly told by its members and admirers that statements by the founder and the society policy are entirely separate. Now I ask, how are we to know when Mr. Welch is speaking as an individual and when he is speaking as the founder and still president of the John Birch Society?

And what is Mr. Welch's view concerning those who might become members of the society? He calls for "strict and careful control on what every chapter is doing and even every member of every chapter" (p. 165). He calls for "disciplined pullers at the oars, and not passengers in the boat" (p. 166). I remind you—was it not Lenin who enunciated the principle of the dedicated few?

Remember, this is the superpatriotic society which is to save us—to save you and to save me—from communism and equally terrible forms of government. And what is the governing principle of this superpatriotic society concerning the American brithright of difference of opinion—the right to dissent? Mr. Welch states, "We are going to cut through the red tape and parliamentary briar patches and road blocks of confused purpose with direct authority at every turn" (p. 160). "We cannot stop for parliamentary procedures or a lot of arguments" (p. 160). And last and most strongly, Mr. Welch states, "Whenever differences of opinion become translated into lack of loyal support, we shall have short cuts for eliminating both without going through any congress of so-called democratic process" (p. 161 and 162).

It was J. Edgar Hoover in his book, "Masters of Deceit," who stated. "Honest dissent should not be confused with disloyalty. A man has a right to think as he wishes, that's the strength of our form of government" (p. 290).

Has it not always been our right as Americans to dissent? Time and time again the Birch information organ grinds out that this country is a republic—not a democracy. For as they say, majority rule is not always the best policy.

Well, what is a democracy? Webster's new international dictionary of the English language states, "Democracy is a government by the people; a form of government in which the supreme power is retained by the people and exercised whether directly or indirectly through a system of representation and delegated authority periodically renewed, as in a constitutional representative government, or republic."

J. Edgar Hoover, in his definition of democracy, states, "Basically the Communists abhor democracy as practiced in the United States, believing, as they do, in dictatorship, force, and violence, and the supreme authority of the party." (P. 319, "Masters of Deceit.") Yet, the John Birch Society claims to be the strong defender of the Federal Constitution and our American heritage. I ask you: Have they read the Constitution? Do they know its freedoms?

What does this so-called superpatriotic organization say about loyal, outstanding Americans?

In Welch's book "The Politician," he said of Dwight D. Eisenhower, soldier, statesman, 34th President of the United States, and a loyal and dedicated patriot. Mr. Welch said this of Mr. Eisenhower, "On January 20, 1953, Dwight Eisenhower was inaugurated as the 34th President of the United States. He thus became, automatically and immediately, captain and quarterback of the free world team, in the fight against communism. In our firm opinion he had been planted in that position, by Communists, for the purpose of throwing the game" (p. 133).

And again I quote from Mr. Welch, "But my firm belief that Dwight Eisenhower is a dedicated, conscious agent of the Communist conspiracy is based on a accumulation of detailed evidence so extensive and so palpable that it seems to me to put his conviction beyond any reasonable doubt" (p. 267).

And of former Secretary of State John Foster Dulles, "I personally believe Dulles to be a Communist agent who has had one clearly defined role to play; namely, always to say the right things and always to do the wrong ones" (p. 223).

I think it appropriate here to read another passage from the book "Masters of Deceit"—written by the most outstanding anti-Communist in the United States, J. Edgar Hoover, Director of the Federal Bureau of Investigation.

"Too often I have seen cases where loyal and patriotic misguided Americans have thought that they were fighting communism by slapping the label of Red or Communist on anybody who happened to be different from them or to have ideas with which they did not agree.

"Smears, character assassinations, and the scattering of irresponsible charges have no place in this Nation. They create division, suspicion, and distrust among loyal Americans—just what the Communists want—and hinder rather than aid the fight against communism" (p. 290).

Yet, Mr. Welch and the society contend that from 50 to 70 percent of American political and economic life is under Communist control. This might be loosely interpreted as meaning that more than half of us present tonight are dupes of the Communist conspiracy.

If Mr. Welch and the society have in mind the defeat of communism as their goal—why is conspicuously less time spent denouncing Communists than is spent denouncing patriotic Americans as Communist or pro-Communist? It is my belief that most far-right extremist action programs are, as irrelevant to the real threat of international communism as the Communist philosophy is to the promotion of freedom, peace, and justice.

And what about the political aspects of the John Birch Society—this defender of Americanism? Mr. Welch laid down the guidelines in the Blue Book. "Finally, and probably most important of all these courses of action, we would put our weight into the political scales in this country just as fast and far as we could. For unless we can eventually, and in time, reverse by political action the gradual surrender of the United States to communism, the ultimate alternative of reversal by military uprising is fearful to contemplate" (p. 110).

Now, over the last few months we have repeatedly been told that the John Birch Society supports no candidate—yet, Mr. Welch states, "We shall have to use politicans, support politicans, create politicans" (p. 121). I do not deny their right to do this—for to me, to deny it would be un-American. But let us look at Mr. Welch's philosophy of government? "The form of government is not nearly so important as its quality" (p. 134). "The greatest enemy of man is, and always has been, government" (p. 138). "Government is frequently evil. And we do not mean by this that they are merely dishonest. For all governments, with very rare exceptions indeed, are thoroughly dishonest" (p. 129). And last—

"Yet I had rather have for America and I am convinced that America would be better off with, a government of 300,000 officials and agents, every single one of them a thief, than a government of 3 million agents with every single one of them an honest, honorable public servant" (p. 136).

Is this the philosophy we wish to guide and produce our future politicians?

Recently, in the news, we have heard of the attempts of the John Birch Society to infiltrate the police forces of various major cities. We also know that one of the cherished rules of communism whenever and wherever they became strong enough to exert some force in a government—that one of their first objectives was to take over the police force. Even Mr. Welch alerts us to the "greater temptation to criminality on the part of those who control or influence the police power of a nation" (p. 130).

Mr. Welch, I agree. * * * But I ask you, is it less dangerous for a far-out rightist group to attempt control of the nations police power—than it is for a far-out leftist organization?

The past president of the Idaho Congress of Parents and Teachers attacked the John Birch Society as anti-American in its attempts to take over the PTA. She charged that the society literature instructs its members on how to gain control of PTA's—by heckling the President, stalling meetings until other members have gone home, and then taking over, and by gaining appointment to the program and publicity committees.

In the September 1960 Bulletin of the John Birch Society, Robert Welch wrote, "Join your local PTA at the beginning of the school year * * * and go to work to take it over * * * when you and your friends get the local PTA groups straightened out, move up the ladder as soon as you can to assert a wider influence * * * and don't let the dirty tactics of the opposition get you down."

And what about the society's pleasant sounding cliche—Let's do away with big government and big government controls? Lessening of restrictive governmental controls does have merit—but is it true conservatism which we hear from the far right? I say no. Let's take for example the proposal we most frequently hear from the rightwing, the liberty amendment. How righteous and patriotic that sounds—the liberty amendment—but what would this so-called liberty amendment do? It would repeal the Federal income tax and prohibit the Federal Government from engaging in "any business, profession, or industrial enterprise except as specified in the Constitution." If we are to be concerned with the threat of international communism—how would you propose to maintain sufficient military force to repel the international Communist conspiracy if you did away with the income tax—the source of revenue so necessary to support any military operation? Excluding the international Communist threat that would be present from the lack of military security, what would this liberty amendment really mean to you and me as citizens of this great land?

It would mean the elimination of all present Federal activity not mentioned by the Founding Fathers in 1783. Out would go the Veterans' Administration, Patent Office, Soil Conservation Service, Corps of Engineers, Bureau of Public Roads, Central Intelligence Agency, Security and Exchange Commission, Federal Communications Commission, and almost 700 other agencies. Out would go Federal grants-in-aid to States for old-age, survivors, and disability insurance—unemployment insurance, workmen's compensation, maternal and child health services, vocational rehabilitation, school lunches, child welfare, protection of fish and wildlife.

All Federal money would be cut off which is now used for land-grant colleges and agricultural extension services, public housing, Federal insurance on crops and home mortgages. None of these activities were mentioned in the Constitution.

Let's get the Government out of the business of government? True conservatism is necessary to the continuance of this Nation—but true conservatism has always been responsible. I ask you, who would grow and prosper under the provisions set forth in the liberty amendment? In 1783, at this country's birth, most children didn't have the opportunity of schools as we know them today. Children worked in factories for 50 cents a week, women couldn't vote and in Idaho when our Constitution was adopted, orientals and members of the Church of Jesus Christ of Latter-Day Saints were denied the right to vote. Is this what we wish to go back to?

Let me not infer that a situation exists where we can lessen our concern for the atheistic communistic movement. We must not underestimate the dedication and determination of communism. We are told that there are from 10,000 to 15,000 active Communists in the Nation today.

I personally have awakened to the clatter of Communist machinegun fire across the demilitarized zone in Korea. I have seen with my own eyes Communist soldiers preparing fortifications and working on agricultural projects. I was trained and served as an Army anti-Communist intelligence officer. I know the Communists and their methods. We do have to fear what would happen to this Nation if it were to go Communist. For where communism prevails—faith, freedom, morality, and religion wither.

However, we are also informed by a recent poll that there are about 2 million Americans who aline themselves with the extreme rightwing—many of whom I think are well meaning, respectable individuals who actually believe they are fighting communism but are in reality aiding communism by creating division, suspicion, and distrust among loyal Americans.

For as J. Edgar Hoover stated before the Warren Commission: "I think the extreme right is just as much a danger to the freedom of this country as the extreme left. There are groups, organizations, and individuals on the extreme right who make these very violent statements, allegations that General Eisenhower was a Communist, disparaging references to the Chief Justice. * * * Now, I have felt, and I have said publicly in speeches, that they are just as much danger. at either end of the spectrum. They don't deal with facts. Anybody who will allege that General Eisenhower was a Communist agent, has something wrong with him." (P. 595.)

Too often we find many citizens who are completely out of touch with public affairs. Their professions and their home lives, it seems, have absorbed them almost totally. The normal news media holds little or no interest for them. They are conscientious, hardworking, well-meaning citizens, but they seem to feel that they are in a separate compartment of the public that need not concern itself with the rest of the Nation. To them, concern for public affairs should be left to those individuals being paid in the various echelons of government.

It seems hard to believe that so many intelligent, responsible adults could be so disinterested in the world about them. But perhaps, in some measure, this is an inevitable byproduct of freedom—that when a nation is free and strong and responsibly governed, the people become unconcerned with the functions of government because they have become accustomed to expect that all will go well. Their interest is aroused only when something directly affects their daily lives.

Yes, the burdens of government and of life itself today are heavy. But as President Kennedy once stated, "It is the fate of this generation to live with a struggle we did not start, in a world we did not make. But the pressures of life are not always distributed by choice. And while no nation has ever faced such a challenge, no nation has ever been so ready to seize the burden and the glory of freedom."

It would be so refreshing to turn back the clock to the days of old. To their easy life and simplification—but the days of old are past and gone forever. We cannot return even if we wished. So let us not flounder on the rock of reason. Let us go ahead as pioneers, remembering we are Americans, remembering our tried and true American principles, and insuring that historians of the future will not write that these were the years when the tide ran out for the United States.

And as President Eisenhower once stated, "I don't think the United States needs superpatriots. We need patriotism, honestly practiced by all of us."

God bless you all.

THE VOTING RIGHTS BILL

Mr. SPARKMAN. Mr. President, I wish to issue a warning against the Senate's plunging headlong into a revision of the voting rights provisions of the Civil Rights Act of 1964, which amended and made more stringent the provisions of the acts of 1960 and 1957.

Hasty legislation based on the racial emotionalism of the hour is not a sensible or advisable course to follow.

The various civil rights enactments of recent years have been passed over my vigorous protests; but the fact remains that since 1957 Congress has given more time and attention to the subject of voting rights than to any other civil rights subject. We have the laws, but they have not been used sufficiently for an intelligent observation to be made as to whether they are adequate.

Less than 9 months ago, we passed title I of Public Law 88-352, the voting rights part of the Civil Rights Act of 1964. This act has not been used, except incidentally, by the agitators and demonstrators who constantly cry for more and more legislation, irrespective of what they already have.

What is to be gained by writing new legislation, when existing laws are not used?

I believe in law and order and in respect for the law and the courts. We shall never attain that end by constantly writing new laws just because demonstrators want us to do so.

We should keep in mind that by no means have the courts assumed the attitude that present voting rights laws are weak and unenforceable. On the contrary, and only most recently, the Supreme Court has applied these laws stringently. In the two cases decided on March 8, 1965; namely, Louisiana and others against the United States, and United States against Mississippi and others, the Court made clear that voting patterns and registrations that indicate racial discrimination in the right to vote will not be permitted under existing legislation. At the same time, the Court opened the way for the present laws to be applied against States themselves, not only against localities or counties and the officials thereof. Therefore, State laws and statewide practices that, on their face or by proof in court, show a denial of the right to vote on racial grounds can be nullified under existing laws and procedures.

It is unusual, to say the least, that we are now told by proponents of more and more civil rights legislation that we need a Federal police force of Federal registrars who will just walk in and take over the registration and voting process, which under our form of government is inherently and essentially a matter to be handled by the States. This radical and harsh method of enforcement is not justified by the status of present law.

Enactment of the present proposal would be action reminiscent of reconstruction days, when Federal officials were empowered and directed to rule and govern by individual edict. Such a system is repulsive to the concept of decent government and respect for the law which we have fostered and developed in this great Nation through a genuine and balanced respect for sound government that is not based on individual edicts and the emotionalism of mass demonstrations.

In 1964, voting rights provisions of the law were strengthened so as to give Government aid to aggrieved individuals who did not care to go into court alone, or who could not afford to do so. Moreover, it permits a three-judge court to hear the matter and to act promptly. In fact, it places voting rights cases in a top priority for immediate consideration, even if a large and important matter is then pending in the courts.

Is it not far preferable to pursue this course and to utilize it fully, rather than to resort to the theory of more legislation, year after year, based on the emotionalism and heated feelings generated in mass demonstrations? I believe that it is; and I will fight against a system of Federal registrars and against any further expansion of the Civil Rights Act.

L.B.J. ON VIETNAM

Mr. CHURCH. Mr. President, I am delighted that most Americans seem to share my high opinion of President Johnson's speech on Vietnam. Only a few bleary bugles from the Republican side of the aisle struck the note that the President's message might have contained "the trumpets of defeat." The peace of the world depends on rational handling of the Vietnam issue, of the kind reflected in this morning's New York Times. In the lead editorial, entitled, "New Policy, New Phase," this newspaper correctly points out:

> So long as the objective was to force Hanoi to give in and openly accept defeat before any discussions could take place, the policy was proving futile as well as dangerous. There was no mention of this demand in Mr. Johnson's address Wednesday; and it seems clear that this aspect of American policy has been dropped. Neither side will accept total defeat and neither side can hope for total victory. The President now wisely repeats—but with new meaning—"we will use our power with restraint."

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 9, 1965]

NEW POLICY, NEW PHASE

The applause of the free world and—surely—of a great majority of Americans reflects the fact that in his Johns Hopkins speech on Vietnam, President Johnson has enunciated a new policy and therefore opened a new and hopeful phase of the conflict.

An offer to negotiate without prior conditions, coupled with an offer of vast economic aid, coupled further with a restatement of support for South Vietnam until it is safely independent—these are basic ingredients for an honorable peace. This does not mean that peace will automatically or quickly follow. Hanoi is silent and Peiping has already summarily rejected the Johnson proposals. In Moscow the published account of the speech glaringly omitted the offer of unconditional negotiation. The United States has won a moral battle—mainly with itself—but the war continues.

The Vietnamese conflict is complex and deeply rooted. Vast forces are in motion and there are wheels within wheels—the confrontation of Communist China and the United States, the quarrel between China and the Soviet Union, the struggle between North and South Vietnam and between the Vietcong and Saigon.

Not the least of the elements is what the United States does, as well as what President Johnson says. Mr. Johnson, for instance, said: "We will try to keep the conflict from spreading." This has been said before in the much discredited and often repeated phrase that "we seek no wider war." But then it was accompanied by an obvious widening of the war in territory and intensity. The dangers inherent in escalating solely the military and not the political offensive was responsible to a large degree for the mounting opposition to administration policy in the United States and among our allies.

So long as the objective was to force Hanoi to give in and openly accept defeat before any discussions could take place, the policy was proving futile as well as dangerous. There was no mention of this demand in Mr. Johnson's address Wednesday; and it seems clear that this aspect of American policy has been dropped. Neither side will accept total defeat and neither side can hope for total victory. The President now wisely repeats—but with new meaning—"we will use our power with restraint."

Eloquent passages of the speech were devoted to the theme that independence and human diginty will never be won "by arms alone." This is what the Times, among others, has long argued. What was needed was an offer of unconditional discussion from a basis of strength, together with a positive, concrete, and large-scale program of economic aid for the entire region. This is now being done.

Merely negative responses from the Communists—should Hanoi and Moscow follow Peiping's lead—will only make crystal clear where the responsibility lies for pushing southeast Asia and all the world to the brink of the abyss.

VIETNAM

Mr. BREWSTER. Mr. President, today the Baltimore Sun devotes its second lead editorial to President Johnson's speech at Johns Hopkins University.

In today's editorial, the Sun rebukes those who have unjustly criticized the President's imaginative proposal.

The President's position, as the Sun's editorial clearly points out, is steadfast and reasonable. The President seized the initiative by making an offer to negotiate unconditionally at the same time that we continue to respond to military aggression from North Vietnam.

This position, coupled with the offer to assist in the economic development of the Mekong River Valley, is an excellent one, and deserves the support of all Americans.

I ask unanimous consent that this fine editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Reaction

Senator Dirksen, in runaway rhetoric, asks if this is "another case where American trumpets sound retreat." Representative Ford wants to know if President Johnson thinks we can buy "peace, friendship, security, and solid international relationships" with dollars. Abroad, adverse reaction to the President's speech ranges from suggestions in Saigon that its purpose was to placate those, in the United States and outside, who have been urging peace negotiations to the expected Moscow charge that Mr. Johnson was trying to divert attention from American aggression in Vietnam. While the last of these requires no answer, the others invite correction, misreading as they do the substance of the President's address and refusing to perceive its vision and its statesmanship.

It was a statement not of retreat but of steadfast determination, all the more steadfast for being reasonable. In proposing discussions without preconditions, Mr. Johnson was emphatically not announcing a cessation of military pressure against North Vietnam; but he was coupling with continued pressure the sensible idea, advanced by Secretary General U Thant, by representatives of 17 unalined nations who met last week in Belgrade, and by others, that the chance of negotiation might be increased somewhat if rigid conditional positions could be dropped. It is by no means a certainty, perhaps not a probability, but it is a hope; and in any case the United States has now boldly taken the initiative.

As to buying peace and friends with dollars, that is far from what the President said, and far from what he meant. He seeks to offer southeast Asia a program of rehabilitation from which might develop the conditions of peaceful security. Nor is this a proposed dole. For one thing, it involves the development of the Mekong River Valley, a vast project already underway through United Nations sponsorship but moving too slowly, and a project which has for 20 years excited the imagination of the region with its promise of cheap power and of two or three rice crops a year in paddies where one crop now grows. To help with such work is not bribery; it is investment in stability.

Finally, as to the notion that the aim of Mr. Johnson's address was to placate critics calling for negotiations: this is to charge him with hypocrisy, and it is a false charge. He did concede the validity of some of that criticism, but up to a point only, and a point far short of weakness or retreat. He was explaining, clarifying, delivering a broad statement of national policy.

In a situation of immense danger, complexity and difficulty—made no less difficult by new Chinese expressions of lack of interest in a settlement—a firm and generous American policy has now been put clearly before the world, and before the American people.

PRESIDENT JOHNSON'S SPEECH ON VIETNAM

Mr. WILLIAMS of New Jersey. Mr. President, the most encouraging and significant development on the international scene was announced Wednesday night by President Johnson, in his speech at Johns Hopkins University, in Baltimore. That speech, of course, is well known to all of us.

The President has, in my estimation, developed a masterly policy on the one hand, he has announced, once again, this country's firm and total commitment to the self-determination of nations, supported by persuasion, where possible, and by force, where necessary. On the other hand, he has opened the way for constructive peacekeeping efforts, through his proposals for unconditional discussions and an American investment in the economic development of southeast Asia.

Nowhere, I think, have I seen a more thoughtful or accurate assessment of the President's newly announced policy than in an editorial entitled "More Carrot, Same Stick," published on April 8 in the New York Herald Tribune. Because of its timely nature, I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Herald Tribune, Apr. 8, 1965]

More Carrot, Same Stick

U.S. policy toward North Vietnam has been a combination of the stick and the carrot. Without letting up on the use of the stick, President Johnson last night held out a pretty fat carrot—a $1 billion American investment for the economic development of southeast Asia which North Vietnam would share. He sweetened the carrot by speaking of an independent, neutralized South Vietnam, "free from outside interference—tied to no alliance—a military base for no other country."

He combined this with an offer of "unconditional discussions" for a settlement of the conflict. That should assure friends and foes alike that Washington, far from opposing a negotiated arrangement, is ready to proceed immediately to the conference table without prior conditions by either side—if our opponents are.

Whether this does or does not represent a change in the U.S. position is hardly a subject for fruitful argument. Washington maintained that it would negotiate when the time was ripe. Perhaps the President feels that time has arrived.

He may very well be right. Sooner or later—and it may be sooner than we think—Peiping and Hanoi will have to sue for peace. The time must come—if it has not come already—when they will admit to themselves (never to others) that the game in South Vietnam is up; that the cost of continuing the venture is prohibitive in damage to North Vietnam by conventional American bombs and in potential damage to Communist China by nuclear American bombs; that the venture itself has become highly questionable since the United States directly committed itself to the war against the Vietcong in the south, as well as to a war against North Vietnam, and if necessary against Communist China, from the air.

The problem for both Peiping and Hanoi is how to pay our price, which is the cessation of Communist aggression against South Vietnam, without losing face, bearing in mind that face is about the last thing in the world that an oriental can lose. The device which they may have in mind was indicated in Premier Chou En-lai's message to Secretary General U Thant. It is to pretend that they have had nothing to do with the Vietnamese conflict and to invite the United States to conclude a settlement directly with the Communist Vietcong guerrillas in South Vietnam.

This, however, is not what Washington has in mind. The President spoke of "discussion or negotiation with the governments concerned; in large groups or in small ones." And that is what Peiping and Hanoi want to avoid because public exposure would endanger their face.

One side or the other will have to give ground as to the manner in which the Communist retreat is to be negotiated. But the manner is not as important as the substance, and it is the substance which we seek—the security and independence of South Vietnam and the rest of Asia not now in Communist hands. If Peiping and Hanoi must save face, facilities may somehow be provided. Their true face is perfectly apparent to all.

A PROFILE OF JOHN CARVER

Mr. CHURCH. Mr. President, one of Idaho's most distinguished sons has been the subject of recent biographical articles in several of the newspapers in my State. By virtue of his capability and qualities of leadership, John Carver has moved steadily upward in the field of public service to the position he now holds as Under Secretary of the Interior.

I feel that these attributes are well portrayed in the profile on the Under Secretary that was published in both the Lewiston, Idaho, Morning Tribune, and the Boise, Idaho, Observer.

Therefore, Mr. President, I ask unanimous consent that the profile of March 21, 1965, as published in the Lewiston Morning Tribune, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Idaho's Carver Flying High and Heading Even Higher

(By Bryce E. Nelson)

Idaho's John A. Carver, Jr., has several titles; one of his less known is "Tch-aa," which means "High Eagle," given to Carver when he was made Bear Prince of Alaska's Eagle tribe. But, he is better known as the new Under Secretary of the Interior, probably the highest position in the executive branch ever attained by an Idahoan.

Carver's rapid rise through the ranks of the Federal Government has been unusual, but even more unusual is the high regard in which he is held by informed sources, both Democratic and Republican, in Washington and throughout the country. Compton I. White, Jr., Congressman from Idaho's First District, often calls Carver "the most efficient man in Washington."

"The best redtape cutter I ever found in Washington is John Carver," explain Senator Frank E. Moss of Utah.

Idaho's Republican Senator Len Jordan said recently of Carver, "He is a man of great competence and high integrity, knowledgeable in the land and water resources, and has that innate fairness that commands the respect of users of the public lands and public domain, as well as the theorists, the administrators, the wildlifers, and all."

Carver was born at Preston, Idaho, April 24, 1918, the eldest of seven children. (His brother, Dr. Terrell Carver of Boise, is Idaho's State director of health. His sister, Mrs. Harold C. Howell, lives at Pocatello; the others live in other Western States.)

Carver's father, now deceased, played a great part in influencing his children's development. The senior Carver, an attorney, was blinded at the age of 5; his wife served as his "eyes" for their long married life, both in his legal practice and in reading all the books necessary for his legal education at the University of Idaho.

In 1928 the family moved to Pocatello, where the senior Carver became prosecuting attorney. "We never had much money," according to the son. "Life was pretty much a subsistence proposition. I don't mean we ever went hungry. Food used to come to us in sacks from my mother's family and my father's family on the farms." The Carvers spent their summers on the family ranch on Mink Creek east of Preston.

In 1933 the family moved to Boise, where John A. Carver, Sr., became U.S. attorney, a position he held for the next 20 years. In 1936, he took his eldest son with him to Washington, D.C., where he was to attend a conference.

"I was 18 and I looked about 14," Secretary Carver remembers. "Some people in Senator Pope's office said that I could easily get a job at Washington. After pounding the pavement for weeks, I finally found a job at Marriott's Hot Shoppes, where I worked 6 weeks until I got a job as a messenger for Senator Wheeler's Committee on Railroad Financing. I finished my sophomore year of college at George Washington University at the same time. My father came back again to Washington the next year and decided that my work at the Senate was interfering with my studies. So I went back west. For transportation, I helped the late C. C. Anderson of Boise drive a new Cadillac from Detroit to Boise."

BACK TO WASHINGTON

After returning west, Secretary Carver compiled an almost straight A average at Brigham Young University, where he received an A.B. degree in 1939. He attended law school at the University of Montana and the University of Idaho and then returned to Washington to work as a Federal civil service personnel executive.

He had a meteoric rise in the civil service, advancing from grade 4 when he entered in July of 1940 to grade 13 in May of 1943, when he entered the military. He was later commissioned in the Air Force and served in England and Japan.

In 1942 he married Ruth O'Connor, a woman of serene beauty and kindness, who is highly respected by all who know her. The Carvers have three children: John A. Carver III, 19, a student at University of Wisconsin; Craig Roger, 16, and Candace Elaine, 13. Secretary Carver is a warm family man, who treasures the moments he can spend at home.

After the war, Carver came back to Washington to finish law school at Georgetown, where he received his LL.B. in 1947, the same year he decided to return to Boise to set up a law practice.

"I guess a person would have to be crazy to have done what I did. I had a good job in the Defense Department, but I decided I didn't want to be a personnel clerk, no matter how well paid. I had a little money saved, enough to eat for 6 months, and I used about all of it in Boise before I really got going."

In addition to opening a law office, Carver obtained a position as assistant attorney general for Idaho, a job he enjoyed and which he held for 18 months.

It was in that post where he first became well acquainted with the present Governor of Idaho, Robert E. Smylie. "He's a very capable guy, and was a good man to work for when he was attorney general," Carver said.

Carver built a successful law practice at Boise before he left in 1957 to become administrative assistant to the newly elected Democratic Senator from Idaho, FRANK CHURCH.

CHURCH recently commented, "As my administrative assistant, Mr. Carver quickly demonstrated that he had the intuition to locate the jugular vein of a difficult problem; that he could organize an office staff * * * and perhaps most of all, that he was dedicated to the public welfare."

After the Democratic victory in 1960, President Kennedy appointed Carver Assistant Secretary of the Interior Department, where he supervised the Bureaus of Land Management, Indian Affairs, Outdoor Recreation, and also the National Park Service, the Office of Territories, and the Alaska Railroad.

Carver's recent promotion to the position of Under Secretary of Interior indicates that he has the confidence of President Johnson and of the Secretary of the Interior, Stewart Udall, whom Carver respects and with whom he has a close working relationship.

Asked what had surprised him most about his service in the Interior Department, Carver commented, "On a personal level, I was surprised by the breadth of the interests and groups which reacted favorably to my promotion to Under Secretary. I have always thought that there was more to any job than getting your name in the papers, and I tend to forget about public relations. I guess I was unconscious of the fact that the word had spread around that we were getting things done in the public lands sector."

Asked what achievements he most values in his service in the Department, Carver answered, "First, I would like to list the territories area. We have done better than any other administration in giving the U.S. territories the substance of self-government rather than just the form.

"Second, this administration has better relationships with the users of the public lands than anyone would have thought possible, better than the Eisenhower administration, which was supposed to have been business oriented.

"We have this relationship because we start with the philosophy that the users have a legitimate interest in the public lands and we take this into account. We have been able to do this without offending the conservationist groups. But after all, there's more and more interrelationship between these groups—a cattleman for instance, is likely to be a hunter and want our wildlife preserved.

"In some people's minds I have come to be regarded as a champion of the users of the public lands against the conservationist impulses of the Department of Interior. I certainly have given generously of my time and energy to the users of the public lands, but I don't think this categorization is accurate.

"I am in complete accord with the conservationist aims of this Department; I don't think the two interests are incompatible."

As might be expected, one of the prime ingredients of Carver's success is that he is an energetic and diligent worker. He averages a busy 60-hour week and always works a full day on Saturday. This willingness to put in long hours does not characterize all high-level administrators at Washington.

NO RED CARPETS

As the official who commands the National Park Service, Secretary Carver could receive the red-carpet treatment at any national park or monument; he has often preferred to visit these parks with his family as an ordinary tourist to see how the park's facilities seem from the viewpoint of the user.

One technique Carver thinks is essential for a good administration is "the self-discipline of writing your own speeches. This forces you to sit back and examine your job, and to think harder about what you are doing. I don't mean that I do all the drafting on every statement I make in public, because I don't, but it is very important for me to continually think over the premises on which I operate and to be able to articulate them in my own language."

They also demonstrate Secretary Carver's great interest in and knowledge of the history of the United States, especially that which concerns the American West.

Because of the quality of his public addresses, Carver receives many speech invitations every month from groups throughout the country. His speeches seem to be well received; his address to the State Democratic convention at Idaho Falls in 1962 received a rousing ovation.

Other qualities which make John Carver a popular administrator are the personal honesty and concern he demonstrates to all those around him.

As one former associate commented, "John is so interested in getting the job done that he is sometimes brusque. Actually, he is one of the most compassionate, tenderhearted people I've ever met in my life. He's also a little shy, which few people realize."

Carver has been known to send money from his own pocket to the povertystricken who have written to his office. Carver is described as "very considerate" and "quick to applaud if you do a good job," by those who work with him. Another associate comments, "John has a great respect for human dignity."

Carver has represented the Department of Interior in Secretary Udall's absence at Cabinet meetings called by the President on several occasions. Carver is probably the only Idahoan ever to attend Cabinet meetings in an official capacity.

Although Carver is now exercising his talents on a national scale, he still is much concerned about the welfare and development of his own State, which he thinks has a great deal of undeveloped potential. "Of all the States in our area," Carver explained, "Idaho is unique—first, in our remaining unappropriated water; second, in our undeveloped land; and third, in our richness of forage and timber.

"The main task of political leadership in Idaho is to educate and encourage our State to develop its great potential of physical and human resources.

"We could do much more to encourage tourism and camping in Idaho. As for industry, although we don't have coal or other fossil fuels, we have plenty of water. Name a place that has the water resources we have. We have been more emotional than sensible in our attitude toward our uses of water. We can make our system in Idaho accommodate industrial development."

What does the future hold for this man of great administrative capability, incisive intelligence, broad interests, and concern for human welfare? Is John Carver destined to sit in the Cabinet in his own right, or will he answer the call to seek high elective office in Idaho?

There seems to be a sizable number of Idahoans who think that John Carver might be persuaded to switch his emphasis from conservation to politics and run for an elective office. Judging from the number of Idaho Republican newspapers that have published favorable editorials on Carver's appointment, he might be one Democrat who would attract Republican support. One leading Idaho Republican businessman is reported to have said: "John Carver is one Democrat I could support for Governor."

Carver's Idaho admirers have made themselves vocal. The Lewiston Morning Tribune recently editorialized: "Sooner or later, we suspect, Carver will consider turning from an appointive role in the National Government to seek elective office in his own beloved Idaho. Certainly he would be a superbly qualified candidate for Governor should his interests turn in this direction."

But whether Carver's interests turn toward seeking elective office or not, it is likely that the Idaho State Journal of Pocatello struck a prophetic note when it commented: "Carver is a man for succeeding in his assignments. His position will give him more of a chance to demonstrate his ability. He is still a young man, and Idahoans and the Nation are bound to hear a lot more of John Carver in the years to come."

OUR CONSERVATION RECORD REVIEWED BY ASSISTANT SECRETARY HOLUM

Mr. McGOVERN. Mr. President, a very fine review of the great strides we have made in the past few years in the conservation field is contained in the address made at the biennial convention of the National Farmers Union, in Chicago, on March 17.

We are tackling the need for open spaces, recreational areas, and wilderness. We have made 25 new starts on water and power development projects in the West. An electric power grid is taking shape. Water pollution and atmospheric pollution are getting the attention they merit. We are studying saline water conversion and weather modification. We have started moving forward on many fronts where early answers to resource problems are essential.

I wish to preface Assistant Secretary Holum's address with the comment that he has had a very considerable part in the encouraging progress we have made in the past 4 years in resources fields. A number of Senators and Representatives, the late President Kennedy, President Johnson, and administrators in the executive branch have joined during the period to provide unusually energetic leadership to the movement. We from South Dakota are proud that Ken Holum has been one of them.

I ask unanimous consent that Mr. Holum's address to the National Farmers Union be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Kenneth Holum, Assistant Secretary of the Interior, Water and Power Development, Before the 63d Annual Convention of the National Farmers Union, Chicago, Ill., March 16, 1965

In 1949, I was a freshman member of the South Dakota State Legislature—a position I attained incidentally, only because farmers in my home county were great admirers of President Harry S. Truman and I ran with a firm grip on his coattails.

Farmers Union helped a young and green farmer learn the legislative process. More important, it helped me identify the public interest.

Since that time, two of my former colleagues—one a Republican and the other a Democrat—and both very able, have retired from the South Dakota Legislature to give the State Farmers Union day-to-day leadership. Meanwhile, I have learned to know most of your State and national leaders.

Jim Patton is not only president of my farm organization, he is an esteemed personal friend. He is a respected national and international leader.

Farmers Union is my farm organization because I believe in its program. It is a people's organization, responsible, vigorous, and courageous. Farmers Union is dedicated to the achievement of a nationwide and worldwide community where men may live in peace under freedom and law, and where each individual has the opportunity to earn an adequate living in return for his labor and talent.

Except for the past 4 years, my life has been spent on a family-size farm in South Dakota. Since January of 1961, I have bequeathed to my associates in the Department of Agriculture, the responsibility for grappling with farm problems and concerned myself with challenges in the water and power field of your Department of the Interior.

Farmers Union has always been vitally concerned with these matters and your Washington representatives and national president have made me understand that your interest has not diminished. I shall discuss these programs in a few moments.

President Johnson has added a new and exciting dimension to our national life. He has challenged us as never before to protect the quality of our environment. In his February 8 message on natural beauty, the President said:

"To deal with these new problems will require a new conservation. We must not only protect the countryside and save it from destruction, we must restore what has been destroyed and salvage the beauty and charm of our cities. Our conservation must be not just the classic conservation of protection and development, but a creative conservation of restoration and innovation. Its concern is not with nature alone, but with the total relation between man and the world around him. Its object is not just a man's welfare but the dignity of man's spirit."

For 46 years, I lived with nature and know both its beauty and cruelty—real and potential. I know the beauty of the freshly turned furrow, corn that is knee high on July 4, and golden fields of wheat under the summer sun.

The most elegant country club cannot surpass the beauty of a newborn calf, lambs playing in fresh, spring pastures or a pen of prime beef, sleek, and ready for market.

No city slum can be more ugly than an April prairie dust storm. No environment is more unattractive than a South Dakota farm when the rains fail to come and crops die. I have survived prairie dust storms, total crop failures, and experienced with my neighbors the heartache of liquidating a carefully developed herd of breeding stock because neither forage nor pasture was available.

Now for 4 years, I have been a temporary resident of our Nation's Capital—one of America's largest cities. My family has seen the ugliness of city slums and the problems they produce.

With millions of others we breathe air that often hangs heavy with contamination. We look at the Potomac and its potential grandeur and mourn its polluted state. If we plan a picnic in one of the public areas we have learned to reserve a table a week in advance. A Sunday afternoon drive means multilane highways and a monotonous succession of suburban subdivisions interspersed with acres of asphalt parking lots surrounding garish shopping centers.

Utilitarian? Yes. Beautiful? Seldom.

Too often this is the case in city after city, where the mad rush to meet the basic demands of a burgeoning population makes us lose sight of the esthetic qualities we so badly need to bring to the planning tables.

Washington is one of our most beautiful cities. Yet we have been unable to find a single place within reasonable driving distance, where a weekend family outing is possible with any normal degree of privacy.

Each of us is a product of our environment. Poverty is a depressant, not a stimulant. It rots the soul as well as the will because it robs a person of that all-essential ingredient—hope. A few prairie dust storms may, as some have suggested, strengthen the citizen's moral fiber, but their repetition is more likely to produce discouraged adults and unhappy children.

Polluted rivers are a disgrace. Clean rivers are a necessary national goal. Contaminated air is a major health hazard. Is it too much to expect here in the world's richest nation, where we pride ourselves so much on human rights, that every child born in America has the right to inherit clean air in his community?

As a South Dakota farm boy there were many things I didn't have, and didn't miss. But I did have clean air—and lots of it. The James River wasn't spectacular—but it wasn't polluted either. We had plenty of open spaces for family wiener roasts. This is a great deal—something that farmers usually take for granted.

Some of you may wonder why I have devoted so much of my time before an assembly of family farmers to stress President Johnson's concern for cities, natural beauty, clean air and water. It is because above all else, I know the Farmers Union is deeply concerned about people and their welfare. Some of the most critical economic and social problems facing our Nation today lie within the boundaries of our cities. The relationship between the farm family and the city family is well understood by the Farmers Union.

Most of you have or will have sons and daughters living in America's cities. You have many reasons to support the President's program enthusiastically, and I know that you do.

Our growth can be measured in many ways as a nation. One is the increased competition for space. Each year for example, we lose 1 million acres of farmland to urban expansion, superhighways, and other development. Providing adequate outdoor recreation opportunities for the low- and middle-income families in our towns and cities will require the dedication of substantial quantities of land—both in public and private ownership—to those purposes.

Our planning to meet this aspect of the "quiet crisis," as Secretary Udall has referred to these problems, must be carried out at all levels of government. Our most imaginative thinking must be applied over the long range. This suggestion of retiring substantial acreages of cropland for recreation purposes has already been proposed. Other plans will be discussed as well you can be sure, as America more and more realizes that the millions of "Johnnies, Bettys, and Marys" living in New York, Philadelphia, Chicago, Los Angeles, and other great metropolitan centers need to know and experience the freedom of open areas, walks in the woods, green trees, birds, and animal life—the serenity of being able to be alone with nature.

Over the years no organization has more heavily underscored its belief in the great principles of conservation than the Farmers Union. No organization has more consistently related conservation programs to the national welfare.

My responsibilities as you know lie in the area of our water and power programs, which very substantially affect the daily lives of millions of farm families and communities.

You have a keen interest in the multiple-purpose water resource development programs of the Department of the Interior. You have been stanch and unwavering in your support. You are vitally concerned with the policies that affect these programs and the marketing of electric power.

When you met in Washington 4 years ago I told you that the "no new starts" policy would be reversed. Tonight I can report to you that 25 new starts on reclamation and power projects have been put under construction since that time. Four more are programed under the fiscal year 1966 budget request. Five of these new starts will utilize water for power generation as well as irrigation and other purposes. They will add some 577,100 kilowatts of generating capacity to the Bureau of Reclamation system, when completed.

Nearly $1.3 billion have been appropriated by Congress in fiscal years 1962 through 1965 to advance an orderly program of land and water resource development by the Bureau of Reclamation.

Between June 30, 1961, and June 30, 1964, more than 600,000 kilowatts of capacity were completed by Reclamation and 1,700 miles of transmission lines were added to distribute power to rural electric cooperatives and other consumer-owned systems.

Many hundreds of thousands more kilowatts are being added this year and are budgeted for 1966 along with associated transmission facilities.

The Bonneville Power Administration in the period from January 1961 to date has added 1,160 miles of transmission lines. Total circuit miles of transmission line under construction by BPA at this moment are 2,196 of which nearly 900 miles are for the huge Pacific coast intertie.

In the Southwestern Power Administration marketing area, 346 miles of line are now under construction and we have proposed an additional 546 miles of line in the 1966 budget now before the Congress.

So we have built a total of 2,880 miles of additional heavy transmission line to provide service to our customers and are adding thousands of miles more.

We have vigorously carried out the policies of Congress in marketing Federal power at the lowest possible cost to as many systems as possible, serving rural and domestic consumers.

As a matter of fact we have extended service to 165 more preference customers in the past 4 years. The Government has a vital and continuing role to play in providing future power supply to these systems. We shall meet these responsibilities.

Of course, the most dramatic and significant achievement of all in the power field came about last year, when the giant Pacific Northwest-Pacific Southwest intertie was approved.

It is the biggest single electric power transmission program ever conceived in the United States, with privately owned companies, municipal, State, and Federal entities pooling their resources to build an interconnection capable of carrying more than 4 million kilowatts of power from the Northwest to southern California and Arizona—and back again.

Most of you have read about this tremendous undertaking where the first 750,000-volt lines will be built in this country, and the longest anywhere.

Consumers in 11 Western States will benefit from this program, including customers of 248 rural electric cooperatives, municipalities, and public power systems. Our objective has been to include every cooperative and publicly owned system that we possibly could in the benefits of this interconnection. It continues to be our objective.

Any attempt by me to go into detail on this enormous undertaking would consume more time than we have available this evening. What is important to you, however, is the fact that the Federal interest and that of its preference customers has been completely protected.

Of equal significance is the fact that the Government, privately owned companies, and public bodies were able to harmonize their efforts in this enormous undertaking, for the good of so many Americans.

Certainly more of this kind of joint effort must be made if America is to meet the demands of 300 million people in the year 2000 who will consume as much as 10 times the amount of electricity we now use.

There is much talk today about power pooling between ssytems. President Kennedy's directive to the Department of the Interior in early 1961 stimulated a lot of thinking. You will recall he told us to develop plans for the early interconnection of areas served by Interior's marketing agencies, and to plan for further national cooperative pooling between both private and public systems.

President Kennedy's directive was most timely. The growth of power systems, technological developments in extra high voltage transmission lines and large generating units has brought the power industry to the point where interconnections and pooling was very much in order—if full advantage was to be taken of the potential economies.

A sharp upswing has occurred in large plant construction. Many new pooling arrangements have been announced. New fuel sources have been tapped. Plans for long transmission lines have been reported widely. If all of these things are done and done properly, participating utility systems will be able to cut back necessary reserves and effect great economies by utilizing various kinds of diversities between systems. The American consumer should benefit substantially.

Will the small publicly owned systems be able to share in this promise of more economically produced power? Will they be able to join in these new pooling arrangements?

The Federal Government has an important and continuing role to play in this field. We must do the best possible job with our own systems. We must encourage interconnections of Federal and contiguous non-Federal systems, and in the sharing of the economic benefits throughout the power industry.

If the basic purpose of the power industry—irrespective of ownership—is to provide the American people with the best possible electric service at the lowest cost, then this must be done.

Insofar as rural electric cooperatives are concerned, real progress has been made in the Missouri Basin. These cooperatives, municipal utilities, public power districts, and the Bureau of Reclamation have organized a pool called the Missouri Basin Systems group. The extensive Federal transmission system provides a real opportunity for cooperative arrangements.

Now the co-ops and other preference customers as well in that area will be able to join together and build large, efficient plants at sources of low-cost fuel. The basin steam, owned by farmers and financed by the Rural Electrification Administration, will be the largest lignite burning steam generation plant in the hemisphere.

In other areas where the Government has built transmission lines similar arrangements to meet the needs of our customers have been, or will be worked out.

But this is only the beginning. The task of small systems elsewhere will be more difficult. Success will not only depend upon Federal leadership, but also upon recognition by the power industry that each segment has a job to do, and that the pluralistic pattern of ownership we have has been good for the Nation and will continue.

Because farmers throughout this Nation who are served through their cooperatives have such a vital stake in this matter, Farmers Union will, I know, be in the vanguard of leadership to protect the interest of rural America.

On a number of occasions this evening I have referred to preference customers. I do not have to explain to Farmers Union members, the meaning of the preference clause and its importance.

Time after time you have stood strong and unyielding with other like-minded groups to protect the preference clause against efforts to destroy it. You have been successful and America is stronger for your efforts.

Your interest in preserving the 160-acre limitation provisions of reclamation law have been just as strongly exhibited. It is deeply rooted in the belief that Federal investment shall benefit the many, not the few. Your position is shared by many other organizations as well.

We believe strongly in this principle as well. You understand why I am proud to work for a Secretary of the Interior who has the courage to begin to right the wrongs that were done 32 years ago, when a predecessor erroneously ruled that the rich lands of California's Imperial Valley were not subject to the excess land provisions of reclamation law.

This is not an easy job that we have assumed. Enormous acreages are involved. Much of the land is held by absentee owners. Major policy questions remain undecided. But excess lands in the Imperial Irrigation District receiving water through Federal facilities will be brought into compliance with the law.

Certainly this historic decision, along with those on the Westlands Water District contract and the sale of Di Giorgio Fruit Corp. lands, clearly establishes the Department of the Interior's determination to push forward vigorously with a reclamation program geared to the family farm concept.

No administration has more firmly embraced this principle in its acts and deeds.

We intend to offer new proposals to Congress that will, we believe, adapt the reclamation program even more to family farm needs.

During the first 4 years of the Kennedy-Johnson administration some 341,800 acres of land were brought under irrigation through the Federal program. Another 127,800 acres will be added in fiscal 1965 and nearly 83,000 more are programed for the coming fiscal year budget.

The value of the Federal reclamation program in developing the West is well documented in the prosperous towns, cities, and rural communities which have been built on projects from Nebraska to the State of Washington.

That there is a continued need for an orderly program of land reclamation, and full water resource development is a sound economic judgment in my view.

You have seen such a program promulgated under the Kennedy-Johnson administrations and you will continue to see these programs advanced as part of the President's "Great Society" program.

But the very basis for full multiple-purpose development will have been seriously eroded, if we do not constantly adhere to the great principles that have been established by the Congress. We must always jealously guard the public interest.

Farmers Union is doing its job well. With your help and that of millions of other Americans, we shall continue to do ours to the best of our ability.

THE CARPETBAGGERS

Mr. CHURCH. Mr. President, it seems that no cross-country tour by the extreme rightists is complete without a swing through southern Idaho; and no town seems to receive so much of their attention as Meridian, Idaho—giving many the impression that Meridian is a central point for extremism.

This is an entirely false impression; and no one knows this better than the town's newspaper editor, Ralph Hunter. On March 11, he wrote an editorial, the title of which well summarizes the reaction of the townspeople. I ask unanimous consent that the editorial, entitled "We Are Not Cordial Hosts," from the Meridian News-Times, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Meridian (Idaho) News-Times, Mar. 11, 1965]

WE ARE NOT CORDIAL HOSTS

To the casual observer, it must sometimes seem that Meridian has become the central point for extremism in southwestern Idaho.

During the past 2 or 3 years, the high school auditorium has been rented several times for meetings that featured speakers who, in fairness, must be classified as extreme rightists. Such meetings have usually drawn large audiences, too.

But we are sure that a majority of this community's residents join us in emphasizing that we are not cordial hosts for these events—and we are not the ones who form those large audiences.

Instead, the choice of Meridian for these events is a matter of location and facilities. Our high school auditorium is one of the most modern facilities of its kind in the area, and an event here serves the entire valley area.

That is why Meridian is chosen for the appearance of such notorious extremists as Carl McIntire, who will speak at the high school this Friday. His audience, like past audiences for similar events, will include only a minor percentage of local residents.

None of this is to suggest that such extremists be denied the use of the school auditorium, upon payment of the proper fee. The rights of free speech and civil liberties cannot be granted to only those with whom we agree. They must be granted even to those whose fanaticism poses a threat to those very rights.

But we hope that no one misinterprets our attitude as one of cordial hospitality to these unwelcome visitors.

FEDERAL INTERFERENCE IN HOSPITAL AND MEDICAL PRACTICE

Mr. MOSS. Mr. President, the bill recently reported by the Ways and Means Committee of the House of Representatives, which includes provision for hospital insurance for the elderly, is different in a number of respects from the proposals which we have been discussing and debating for the past few years. Although there are some improvements in this bill which soon will be before us for consideration, there are some defects also which should receive the careful attention of the Senate.

One of these defects, which perhaps would not appear on casual reading to be of major significance, is a defect which would radically change one of the basic concepts of the legislation as introduced by the Senator from New Mexico [Mr. ANDERSON]. I refer to the exclusion from the allowable cost of hospital services of the cost of services of certain medical specialists which usually are considered necessary and customary hospital services. These specialists are pathologists and radiologists and in some circumstances anesthesiologists and physiatrists. The bill as now written provides that the costs of these professional services may not be paid as a part of hospital expense as is now customary, but must be billed separately by the physician on a fee basis. The payment of these fees is then covered under the voluntary supplementary insurance section.

We are indebted to the senior Senator from Illinois [Mr. DOUGLAS] for bringing the implications of this exclusion to the attention of the Senate in a most illuminating speech which he delivered in this Chamber last week. I would like to compliment the Senator from Illinois on his cogent and valuable contribution to the Senate's consideration of this measure. I found his presentation most persuasive that such an exclusion is inconsistent with common practice in other hospital payment programs, both public and private; that it would tend to accelerate inflation in hospital and medical costs; and would be seriously disruptive to accepted practices in hospitals throughout the country.

Mr. President, it is this last aspect of the results of this unfortunate exclusion in the hospital insurance program as it is now before the other body that I wish to emphasize.

In the past 4 years during which we have been discussing and debating the legislative proposal which we all associate with the name of the distinguished senior Senator from New Mexico, I have received letters from citizens in my State every day commenting on this bill. Many have supported it, but as we all know there has been a great deal of misunderstanding about the Anderson bill and a great many have written to oppose it. The No. 1 concern of my constituents who have written to express their misgivings about this bill has been that it might lead to some Federal interference in medical or hospital practice. I have written to each of those who raised this point and assured them that there was nothing in the proposal which need affect the relationships of doctors and hospitals, and that there was specific prohibition in the bill against any Federal interference in hospital or medical practice.

Mr. President, my response to my constituents was absolutely true until the moment the exclusion of pathologists, radiologists, anesthesiologists, and physiatrists' services in hospitals was written into the bill which we will be considering. Although the section prohibiting Federal interference remains in the bill, if this arbitrary exclusion from allowable hospital costs also remains in the bill, we will be interfering directly with customary hospital practice and with relationships of doctors and hospitals on a massive scale.

Why will the exclusion of the services of pathologists and radiologists from the cost of hospital services result in Federal interference? Let us look, for example, at the effect on the pathologist and the hospital laboratory department.

A general hospital large enough to afford and utilize the services of a full-time pathologist nearly always has one of these medical specialists on its staff. A smaller hospital may engage a pathologist part time, and such a pathologist may have arrangements with two or three small hospitals. The pathologist usually is in charge of the laboratory department of the hospital and also renders highly specialized medical services within the hospital framework.

There is a variety of contractual arrangements in effect between hospitals and pathologists governing the manner of their compensation, but the most common provide for salary or for a percentage of revenue of the laboratory department. Under either of these arrangements, the pathologist's compensation is treated as a cost of the laboratory department and is part of the hospital charge to the patient. The direct billing of fees to inpatients by a hospital pathologist is virtually never done. The Washington office of the American Hospital Association advises that such situations are so rare they cannot recall having heard of such a case.

Mr. President, we must bear in mind that these thousands of doctors across the Nation have freely entered into the arrangements they have with the hospitals in which they practice. Now it is proposed that the Congress presume to tell these doctors that the manner in which they choose to practice is not acceptable; that we insist upon a particular type of arrangement with their hospitals. If we pass this bill with the exclusion of these hospital costs and the consequent requirement for direct fee billing by hospital pathologists, hospitals across the Nation will be obliged to renegotiate their contracts with their pathologists. Moreover, these will not be free negotiations as they have been in the past because the rules will have been laid down in advance by the Federal Government. Is this not interference in the relationships between doctors and hospitals?

When these negotiations are concluded the hospitals will then have to reorganize their business office procedures for accounting and billing and install new systems to segregate and account separately for those laboratory charges which are allowable under the basic hospitalization program and the pathologists services which must be covered under a separate program. Will we then be able to say that we have not interfered in hospital management; that our program has not burdened the hospitals with redtape? I think we will not.

Mr. President, so far I have been talking only about pathologists, but the same points can be made concerning the effect of this provision on radiologists in hospital practice. Agreements freely arrived at will become inoperable and have to be renegotiated, and business practices will have to be altered to meet the requirements of the Federal program. Radiologists no longer will be compensated through the hospital for their services to elderly patients and to make up this loss they will have to send out their own bills directly to the patients.

I have seen an estimate made by the director of a major hospital in the East that radiologists on that hospital staff would have to issue about 3,000 separate bills per month. Of course, they would have to set up accounting records in their own offices which they do not now need. They would have to send followup bills and try to collect unpaid accounts. Naturally, they would have to hire clerical staffs to do all of this for them.

Whether the additional personnel needed would be employed by the hospital or would be on the radiologist's personal payroll I am sure would become a bone of contention between them. But in either case the patient ultimately would pay the cost.

Mr. President, unlike the case of the pathologists, many radiologists in hospital practice have agreements with their hospitals which provide for their compensation in whole or in part from fees billed to patients. On the other hand, many, perhaps a majority, do not follow this practice.

The Senator from Utah would not presume to say which method of compensating medical specialists in hospital practice is the best. There probably is no one best way because circumstances differ from one hospital and community to another. The best ways are to be found by the doctors involved and local hospital officials freely working out mutually satisfactory agreements. I do not think we can possibly justify a Federal requirement that doctors conform to one type of arrangement as a condition for receiving compensation.

Mr. President, it seems to me that the proper solution has been suggested by the senior Senator from Illinois in his perceptive discussion of this problem. It is a solution as simple and straightforward as it is sensible and effective. Let us recognize that there are many different ways of compensating medical specialists whose services are rendered in the hospital framework and let us enact a program which will conform to whatever arrangements are in effect in the individual hospital. If in a given hospital the cost of compensation of these specialists is part of the hospital bill, it should be covered by the basic hospitalization insurance program. In hospitals where local practice is for these specialists to bill separately for their fees, these can be covered under the voluntary supplementary plan. This would leave doctors and hospitals free to work out their own relationships unhindered by Federal procedural requirements.

I urge the Finance Committee of the Senate to give careful and favorable consideration to this solution offered by our colleague from Illinois. Then we will again be able to go to our constituents and say, sincerely and truthfully, that we have enacted a program which deals only with the problem of financing health care of the elderly; a program which leans over backward to avoid any kind of interference with hospital practice and private medicine. I know my constituents desire this kind of program and I am sure that is the desire across the Nation.

SELF-ANALYSIS AND GRADUAL TRANSFORMATION OF THE ROMAN CATHOLIC CHURCH

Mr. PELL. Mr. President, I was much interested in an article—written by James Reston, and published in this morning's New York Times—pointing out that the Roman Catholic Church is engaged in a truly historic process of self-examination and development in its efforts to correlate the increasing tempo of urbanization and industrial advance throughout our world with the past mores and habits of a predominantly rural society. The Catholic Church today has taken a lead in the ecumenical movement and in the extension of its dialog with those of other faiths and religions throughout the world. Its knowledge and awareness of what is going on in the world today is immense, and its objectives of a politically free and poverty-free world are similar to our own American national objectives in today's world. It seems a pity that the exchange of ideas, information, and views between the Roman Catholic Church and our own country should not be made as free and open as is possible. For this reason, I ask unanimous consent that Mr. Reston's article be printed in the CONGRESSIONAL RECORD, as being of possible interest to my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 9, 1965]

ROME: THE UNITED STATES AND THE VATICAN

(By James Reston)

ROME, April 8.—The most exciting movement in Europe today is the self-analysis and gradual transformation of the Roman Catholic Church.

The contrast with most of the other trends of thought on the Continent is striking. The exuberant movement toward European political union has clearly slowed down. The preoccupation with national political and economic problems everywhere else is obvious. For the time being, and probably for the rest of the year, smaller issues are dominating the larger perspectives of European politics.

VATICAN THINKING

But the Vatican is different. It is thinking in continents and looking forward to the end of the century. It is determined to be relevant to a world in which the human race is expanding in size and knowledge, moving rapidly off the land into vast urban communities, and changing under the impact of the scientific revolution.

There is scarcely an issue of world politics today that does not now concern the church and provoke its influential comment.

In the light of this, it is odd that the United States is the only one of the major non-Communist nations that still does not have formal diplomatic representation at the Vatican.

President Franklin D. Roosevelt dealt with this question early in his administration. He sent Myron Taylor as his personal representative to the Vatican, and while there was some complaining in the United States at the time that this somehow involved recognition and therefore approval of the Roman Catholic Church, this was a minor view that was overborne by the practical advantages of the move.

It is easy to overestimate the amount of social and political information that is available at the Vatican. It is like a library without an index—a storehouse of information, but hard to sort out, and this requires hard and diligent work.

Nevertheless, it is a listening post of great potential. The embassies know a great deal about what goes on in the capitals of the world, but the churches know much more about what is going on in the small towns and the countryside. This is particularly true of the Roman Catholic churches, for example, in Vietnam, in Cuba, in Eastern Europe, and in many parts of Africa and Asia.

Even the Spanish Government of Francisco Franco occasionally requires the help of the Vatican to deal with the Catholic Church in Spain. Spain is now highly interested in developing its increasingly lucrative tourist trade, but the Roman Catholic hierarchy in Spain resists the building of Protestant churches in that country and the Spanish Government needs the intercession of the Vatican to deal with the problem.

THE PRIVATE TALKS

Apparently there have recently been some private talks on restoring the U.S. diplomatic link with the church. Ironically, it is reported that one or two influential leaders of the Catholic Church in the United States are not enthusiastic about the move.

President Kennedy was not able to deal with this question when he was in the White House. As a Roman Catholic himself, he was harried over the religious issue during his campaign for the Presidency and committed himself before the election not to send a representative to the Vatican. President Johnson, however, is free to deal with the question objectively, and has shown some interest in meeting with Pope Paul either here or in the United States.

The Catholic Church itself is working toward greater understanding and communication with all the other churches in the world. It is avoiding the conservatism and separatism of the past, and inviting all institutions to work together on common problems. It has established committees of inquiry into such controversial religious questions as birth control and within the coming year may redefine church policy on this critical question.

U.S. officials are being told in country after country that political leaders cannot hope to deal with the mounting population problem, no matter how much foreign aid they get from Washington, unless they get the sympathetic understanding of the Roman Catholic Church.

CLOSER TIES

For the United States not to have the closest possible diplomatic relations with the Vatican at such a time of transition both in the world and in the church seems to many observers a misfortune.

It is known that the question has recently been raised with President Johnson privately and a decision is hoped for here during the next few months.

AMENDMENT TO REORGANIZATION ACT OF 1949, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 143, Senate bill 1135.

The **PRESIDING OFFICER.** The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1135) to amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before June 1, 1967.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments in line 7, after the word "thereof", to strike out "June 1, 1967" and insert "June 1, 1969,"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 5 of the Reorganization Act of 1949 (63 Stat. 205; 5 U.S.C. 133z-3), as last amended by the Act of July 2, 1964 (78 Stat. 240), is hereby further amended by striking out "June 1, 1965" and inserting in lieu thereof "June 1, 1969".

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the committee amendment be agreed to en bloc and that the bill as amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, S. 1135 will extend for an additional 4 years the authority of the President to transmit reorganization plans to the Congress. His current authority expires this June 30. He had requested this extension on a permanent basis. The committee concluded that the 4-year time limit was more appropriate considering the constitutional question of so broad a delegation of our legislative powers and responsibility. By extending the President's authority this period of time we feel he will have ample opportunity to transmit the reorganization plans he feels are needed.

Mr. President, it is not often that a bill seven lines in length would present a fundamental constitutional question to the Senate for consideration. Yet this is the case with regard to S. 1135 now before us.

The wisdom of the framers of our Constitution gave us a Federal Government that is grounded on two important doctrines—first, that the Federal Government is one of enumerated powers, and, second, that legislative power may not be delegated. It is the second of these doctrines that is at issue today.

On February 3 the President transmitted to Congress a message requesting authority of a permanent nature to submit reorganization plans to the Congress under the terms and limitations of the Reorganization Act of 1949, as amended. As chairman of the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations, I introduced S. 1134, carrying out that request. The chairman of the full committee, the Senator from Arkansas [Mr. McCLELLAN], who has followed this subject with keen interest and insight over the years, introduced S. 1135 which would not deny to the President the right to transmit reorganization plans to Congress but would restrict to a 2-year period his authority to do so. The Senator from Arkansas [Mr. McCLELLAN] pointed out that since enactment of the basic reorganization statute in 1949, the Committee on Government Operations, as well as its predecessor, the Committee on Expenditures in the Executive Departments, has taken the position that the Congress should neither surrender nor abrogate its legislative jurisdiction over matters of such significance on a permanent basis.

The question before the committee was simply whether to grant the President's request and in so doing cast a cloud over its constitutional power to do so, or, as was decided, extend the President's authority to transmit reorganization plans as Congress has traditionally done in the past with a fixed time limit. The committee agreed to a 4-year extension. In that way, the President is given ample time through his current term of office to develop and transmit the reorganization proposals he feels are needed to create the kind of government he described as "* * * modern in structure, efficient in action, and ready for any emergency."

The committee and, I am sure, the Senate, wants to cooperate and assist the President in the realization of that goal. But it cannot do so to the extent that it violates one of the essential doctrines of our constitutional system.

Mr. President, the Senator from Washington [Mr. JACKSON] has suggested that the time period be further limited to make it coterminus with the end of the President's present term of office. At the request of the Senator from Washington, I send to the desk an amendment to limit the extension of the authority to December 31, 1968.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut on behalf of the Senator from Washington will be stated.

The LEGISLATIVE CLERK. On line 7 it is proposed to strike out "June 1, 1969," and insert in lieu there "December 31, 1968."

Mr. RIBICOFF. Mr. President, I ask the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 154), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 1135, as amended by the committee, would extend for a period of 4 years the authority of the President, under the Reorganization Act of 1949, as amended, to submit reorganization plans to the Congress proposing reorganizations in the executive branch of the Government.

The Reorganization Act of 1949, as amended, authorizes the President to submit reorganization plans to the Congress in order to accomplish certain stated purposes. Section 2(a) sets forth these purposes and places certain responsibilities upon the President for determining appropriate action to accomplish them; section 2(b) states congressional policy with respect to these purposes; section 3 lists the types of reorganizations which are authorized; section 4 specifies certain provisions which a reorganization plan may or must contain; section 5 contains limitations with respect to reorganizations which may be accomplished and provides an expiration date for the authority to submit plans; and section 6 provides that such plans shall become effective unless they are disapproved by either House of the Congress by a majority of those present and voting, within 60 days of continuous session of the Congress, following the date of their submission. Under existing law, the authority of the President to submit such plans will expire on June 1, 1965. S. 1135, as amended by the committee, would extend this authority until June 1, 1969.

The title was amended so as to read: "A bill to further amend the Reorganization Act of 1949, as amended, so that such Act will apply to reorganization plans transmitted to the Congress at any time before December 31, 1968."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AGATE FOSSIL BEDS NATIONAL MONUMENT, NEBR.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 139, Senate bill 339.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 339) to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate preceded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments on page 2, line 15, after the word "Monument.", to strike out "Establishment of the national monument and any adjustment of its boundaries shall be effectuated by publication of notice thereof in the Federal Register when the Secretary finds that lands constituting an initially administrable unit are in Federal ownership." and insert "When the Secretary finds that lands constituting an administrable unit are in Federal ownership, he shall establish such national monument by publication of notice thereof in the Federal Register, and any subsequent adjustment of its boundaries shall be effectuated in the same manner."; and, on page 3, after line 5, to strike out:

SEC. 4. There is hereby authorized to be appropriated not more than $275,000 for the acquisition of land and interests in lands pursuant to this Act.

And, in lieu thereof, to insert:

SEC. 4. There is hereby authorized to be appropriated not more than $315,000 for the acquisition of land and interests in land pursuant to this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations the outstanding paleontological sites known as the Agate Springs Fossil Quarries, and nearby related geological phenomena, to provide a center for continuing paleontological research and for the display and interpretation of the scientific specimens uncovered at such sites, and to facilitate the protection and exhibition of a valuable collection of Indian artifacts and relics that are representative of an important phase of Indian history, the Secretary of the Interior is authorized to acquire by donation, or by purchase with donated or appropriated funds, or otherwise, title or a lesser interest in not more than 3,150 acres of land in township 28 north, range 55 west, 6th principal meridian, Sioux County, Nebraska, for inclusion in the Agate Fossil Beds National Monument in accordance with the boundary designation made pursuant to section 2 hereof, which boundary may include such right-of-way as is needed for a road between the Stenomylus Quarry site, and the monument lands lying in section 3 or 10 of said township and range.

SEC. 2. Within the acreage limitation of section 1, the Secretary may designate and adjust the boundaries of Agate Fossil Beds National Monument. When the Secretary finds that lands constituting an administrable unit are in Federal ownership, he shall establish such national monument by publication of notice thereof in the Federal Register, and any subsequent adjustment of its boundaries shall be effectuated in the same manner.

SEC. 3. The Agate Fossil Beds National Monument shall be administered by the Secretary of the Interior pursuant to the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

SEC. 4. There is hereby authorized to be appropriated not more than $315,000 for the acquisition of land and interests in land pursuant to this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 150), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

HISTORY AND DESCRIPTION

The major purpose of this bill is to preserve for the Nation the unique paleontological deposits located on the Agate Springs Ranch in western Nebraska which was owned by the late Dr. Harold J. Cook. These deposits have been described by the paleontologist, the late Henry Fairfield Osborn, as the most remarkable deposit of mammalian remains of the Tertiary age ever found anywhere in the world. Scientific research has been conducted in the area since 1871. Scientists from the Carnegie Institute, the American Museum of Natural History, the Chicago Natural History Museum, the Smithsonian Institution, the Colorado Museum of Natural History, Amherst College, the universities of Nebraska, Chicago, Kansas, Michigan, Princeton, and Yale, and many other scientific institutions have worked and studied at the site.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INCREASE IN AMOUNTS AUTHORIZED FOR INDIAN ADULT VOCATIONAL EDUCATION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 140, Senate bill 1570.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1570) to increase the amounts authorized for Indian adult vocational education.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I move to discharge the Committee on Interior and Insular Affairs from further consideration of H.R. 4778, a companion bill, and that the Senate proceed to consider the House bill.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill to increase the amounts authorized for Indian adult vocational education.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading of the bill.

The bill (H.R. 4778) was ordered to be read the third time, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 151), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 4778 is to amend the act of August 3, 1956 (70 Stat. 986, 25 U.S.C. 309), entitled "An act relative to employment for certain adult Indians on or near Indian reservations," by increasing the amount authorized to be appropriated for the program from $12 to $15 million annually.

This legislation is necessary in order to accommodate the large number of Indians who are seeking enrollment under the 1956 act. The response of Indians to the opportunities afforded them in vocational courses and on-the-job training has been most favorable. From its inception through 1964, 10,000 persons have enrolled in various vocational programs throughout the United States. As of December 31, 1964, 5,576 Indians had completed training under this program, and 1,677 were still in training. In addition to the institutional trainees, there have been 3,243 persons placed in on-the-job training. Another 4,875 heads of families and single individuals have applied for training and are awaiting assignment. More and more of the younger Indians are completing high school and will become available for these training programs in the near future.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I move that Senate bill 1570 be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

DISPOSITION OF JUDGMENT FUNDS ON DEPOSIT TO CREDIT OF THE QUINAIELT TRIBE OF INDIANS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 141, Senate bill 702.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 702) to provide for the disposition of judgment funds on deposit to the credit of the Quinaielt Tribe of Indians.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Quinaielt Tribe of Indians that were appropriated by the Act of January 6, 1964 (77 Stat. 857), to pay a judgment by the Indian Claims Commission in docket numbered 242, and the interest thereon, less litigation expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any portion of such funds that may be distributed as per capita payments to the members of the tribe shall not be subject to Federal or State income tax.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 152), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 702 is to authorize the disposition of a judgment to the credit of the Quinaielt Tribe of Indians, Washington.

The Indian Claims Commission has awarded the Quinaielt Indians $205,172.40 in settlement of the claim in docket 242.

The Quinaielt General Council, through its business committee, has proposed tribal programing, in consultation with the Bureau of Indian Affairs, for the use of the judgment funds. Projects to be initiated through use of the funds include the establishment of community facilities in cooperation with the U.S. Public Health Service, the improvement of fisheries resources, and the development of tourism and recreation potential.

The proposed legislation will permit the Quinaielt Business Committee, subject to the approval of the Secretary of the Interior, to decide how the judgment funds will be programed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ASSESSING OF INDIAN TRUST AND RESTRICTED LANDS WITHIN LUMMI INDIAN DIKING PROJECT ON LUMMI INDIAN RESERVATON, WASH.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 142, Senate bill 795.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 795) to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian trust or restricted lands within the limits of the Lummi Indian diking project as established by the Act of March 18, 1926 (44 Stat. 211), may be included in, and may be assessed for operation and maintenance, betterment, and construction by, any diking and drainage district that may be formed under the diking and drainage laws of the State of Washington: *Provided,* That such Indian lands shall be assessed on the same basis that all other lands within the district are assessed. Such assessment may be collected in accordance with the laws of the State of Washington, except that no Indian trust or restricted lands shall be sold for the collection of an assessment without the consent of the Secretary of the Interior. If the Secretary refuses to consent to such sale, he shall pay the assessment out of any appropriation or fund available therefor. Any portion of such payment which the Secretary determines to be within the ability of the Indian owner to pay shall become a lien against the land, subject to the provisions of the Act of July 1, 1932 (47 Stat. 564).

SEC. 2. (a) The Secretary of the Interior shall cancel all outstanding charges for construction, operation, and maintenance, including any interest or penalties, outstanding on the date this section becomes effective.

(b) All assessments against each tract of land within the project which on the date of this Act is in a trust or restricted status and which have heretofore been collected for construction, operation, and maintenance, including interest and penalties, and deposited in the Treasury shall be transferred on the books of the Treasury into an account that shall be available to the Secretary of the Interior to pay any assessments hereafter made against each such tract pursuant to this Act.

(c) The provisions of subsections (a) and (b) of this section shall become effective on the date of approval of the organization by the Whatcom County commissioners of the new diking and drainage district.

(d) Operations and maintenance assessments shall continue to be made but their collection shall be suspended for not to exceed two years until the new diking and drainage district is formed. If the new district is formed within such two-year period such assessments shall be canceled. If the new district is not formed within such period the assessments shall be collected with interest and penalties thereafter accruing.

SEC. 3. At such time as the diking and drainage district covering the Indian trust and restricted lands within the Lummi diking project shall be established under the laws of Washington and shall be in operation, the Government shall thereupon be relieved of any further responsibility of whatever nature in connection with the operation and maintenance, betterment, or construction of any dikes, structures, drains, or any appurtenant works existing on the Lummi diking project, including any responsibility for damages that may result from the failure of any dikes, drains, structures, or appurtenant works heretofore or hereafter constructed. Any equipment and funds standing to the credit of the Lummi diking project on the books of the Secretary of the Interior at such time shall be paid and turned over to such diking and drainage district if the owners of nonrestricted lands in the new district contribute an amount equal to the value of such equipment and funds. Any right, title, or interest of the United States in and to any of the dikes or other structures erected as part of the Lummi diking project, and the lands on which they are located, shall be deemed to be conveyed to the county of Whatcom, State of Washington, for the use and benefit of such diking and drainage district on the date the district is organized. The Bureau of Indian Affairs is directed to make available to such diking and drainage district or to the county of Whatcom any information, data, or documents which may assist in its organization or operation.

SEC. 4. Nothing in this Act can be construed to effect the Lummi Indians' hunting or fishing rights.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 153), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purposes of S. 795 are:

1. To permit Indian trust or restricted land within the Lummi Indian diking project to be included in a diking and drainage district that is to be formed under the laws of the State of Washington. The Indian lands may be assessed on the same basis that all other lands are assessed. If an assessment is not paid by an Indian owner, the Secretary must either consent to the sale of the land in order to pay the assessment, or pay the assessment out of Federal funds if he finds that the Indian owner is unable to pay. If the Secretary finds it is within the ability of the Indian owner to pay a portion of the assessment, that portion will become a lien against the land subject to the provisions of the Leavitt Act of 1932.

2. To direct the Secretary to cancel all outstanding charges for construction and for operation and maintenance, including interest and penalties, against lands in the Lummi Indian diking project. The provision applies both to Indian and to non-Indian land. The amounts that would be canceled, as of June 30, 1964, are $95,679.32 for construction and $56,015.78 for operation and maintenance.

3. To direct the Secretary to use the assessments previously collected for Indian lands in a trust or restricted status on the date of this act to pay assessments made in the future by the new State district. This provision applies only to Indian land. The amounts of the prior collections are $46,796.89 for construction and $8,024.02 for operation and maintenance.

4. To provide for a transfer to the new State district, when organized, of all equipment and funds of the Indian project, if the non-Indian lands in the new district contributed an amount equal to the value of such equipment and funds. As of June 30, 1964, the value of the equipment was $18,094.17 and the funds on deposit were $8,573.28, making a total of $26,667.45 which would need to be assessed against the non-Indian lands in the district.

5. To also provide that title to the dikes or other structures, and the lands on which they are located, will be transferred to the new district, and that the Federal Government will thereupon be relieved of any responsibility for further operation, maintenance, betterment, or construction on the Indian project. The book value of such structures was $175,134.98 on June 30, 1964. This represents the total reimbursable construction cost plus some additional nonreimbursable money derived from old emergency relief programs.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION TO RECEIVE MESSAGES FROM THE PRESIDENT AND THE HOUSE OF REPRESENTATIVES; FOR THE SIGNING OF ENROLLED BILLS AND JOINT RESOLUTIONS; THE FILING OF REPORTS; AND PERMISSION TO THE JUDICIARY COMMITTEE TO HAVE UNTIL MIDNIGHT TONIGHT TO REPORT SENATE BILL 1564 AND TO APRIL 20, 1965, TO FILE WRITTEN REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate, following today's session, until Tuesday, April 13, 1965, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives; that the Vice President, President pro tempore, or Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions; that committees be authorized to file reports; and that the Judiciary Committee be permitted until midnight tonight to report back S. 1564 with its recomendations and that the Judiciary Committee be permitted until midnight April 20, 1965, to file its written report with minority or individual views as desired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TUESDAY, APRIL 13

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 12 o'clock noon on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUARANTEES FOR THE NEUTRALITY OF CAMBODIA

Mr. MANSFIELD. Mr. President, in the Washington Post this morning there appeared an Associated Press dispatch from Moscow. It said that the Soviet Union called yesterday for an immediate meeting of the 14-nation Geneva Conference to discuss guarantees for the neutrality of Cambodia.

As I have said many times before, Cambodia has been one of the bravest, most independent, and best governed countries in southeast Asia. Tremendous and unsettling pressures are being put on her by the raging conflict to the east. Any measures or conferences which might ease these pressures and give Cambodia greater freedom to maintain her independence and territorial integrity are to be welcomed. If these measures lead to a rapprochement between Cambodia and the United States, that, too, is highly desirable.

Mr. President, the reconvening of the Geneva Conference which the Soviet Union has suggested may be the first important step toward these objectives. To give serious consideration to this proposal would be in accord with the ideas and sentiments expressed so eloquently by President Johnson 2 days ago and, in my view, would be sound national policy.

Mr. President, I ask unanimous consent that the article referred to be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 9, 1965]

SOVIETS CALL FOR TALKS ON CAMBODIA

MOSCOW, April 8.—The Soviet Union called today for an immediate meeting of the 14-nation Geneva Conference to discuss guarantees for the neutrality of Cambodia.

Tass news agency announced that Moscow, as a cochairman of the Geneva Conference, had prepared a proposed draft for calling the meeting.

Tass said the Russians had urged Britain, the other cochairman, to accept the Soviet draft. The British would have to subscribe to it before a meeting could be called.

The Russian draft proposed the meeting at the request of Cambodia, Tass said. Cambodia has complained that its borders have been violated by American and South Vietnamese troops as a result of the Vietnamese war.

It has been suggested in some quarters that such a conference might be expanded to include negotiations on a settlement of the Vietnam war.

VOTING RIGHTS BILL

Mr. DIRKSEN. Mr. President, the Senate Judiciary Committee was under a mandate from this body to report back as of this day with reference to the bill (S. 1564) relating to the enforcement of the 15th amendment to the Constitution of the United States. The committee, en banc, took testimony for quite some time and has very diligently, in executive session, addressed itself to the business of marking up the bill.

I doubt whether any committee was ever more diligent in its labors. I doubt whether any committee was more faithful in its attendance and in the discharge of its responsibility. Never have I seen any bill so difficult and so abstruse in all the days I have been a Member of the Senate and the House of Representatives.

Tonight we concluded our labors and instructed the chairman of the committee to report the bill to the Senate with the amendments that have been adopted, and without recommendation, so that the Senate can impress its will on this difficult piece of proposed legislation in the days ahead.

It has already been arranged, thanks to the grace and good will of the majority leader, that we shall actively consider the bill on and after the 21st day of April, which comes after the Easter recess. I express my gratitude to the distinguished majority leader for the kindly way in which he has approached this situation and also for arranging in so orderly a way the order of business of the Senate that the Easter recess will be somewhat extended for all Members of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. The distinguished minority leader has the shoe on the wrong foot. Credit should go to him for what we have been able to achieve. I know from looking at him how tired he is from the labors he has undergone. I want him to know how grateful I am personally for the outstanding contribution he has made in this field and to express my appreciation for the long hours, the detailed work, and the great knowledge which he has put forth on this measure, which will be before the Senate shortly. Nothing but praise is due the distinguished minority leader, who deserves most of the credit.

Mr. KUCHEL. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. KUCHEL. On behalf of the citizens of this side of the aisle, who are members of the Republican Party, I join the majority leader, our fellow American, in saluting his counterpart in the U.S. Senate. We say we are honored and proud to follow the leadership of our leader, as we are honored and proud to know the leader of the Democratic Party and proud of the part he has played in this venture into constitutional freedom.

Mr. MANSFIELD. The Senator from California is very kind, but I join him in saluting the distinguished minority leader, one of the great statesmen of our generation.

Mr. DIRKSEN. I am grateful for those words of commendation. This is one of the most arduous labors I have ever undertaken. I hope that after the deliberations that will begin on the floor of the Senate after the Easter recess, we can at long last implement the 15th article of amendment to the Constitution of the United States, so as to give it flesh and blood and muscle in the interest of those citizens who have too long and too often been denied the right to vote.

Mr. MANSFIELD. I should like also to express to the present occupant of the chair, the distinguished Senator from Michigan [Mr. HART], my thanks for the arduous labor and the fine work he has performed in bringing forth this bill, and to assure him that we are all deeply appreciative of his dedication, his guidance, and his understanding in this most important matter. The junior Senator from Michigan will be the chief manager on this side of the aisle during the debate on the bill. Working together, we hope we shall be successful in bringing to fruition the 15th amendment and all that it implies, after so many decades.

Mr. DIRKSEN. I fully concur in the expressions of the majority leader with respect to the present occupant of the chair. He has shown rare patience in all the deliberations and hearings on the bill. Only as a result of that patience and understanding and his willingness always to lay all the cards on the table has it been possible to consummate this labor.

The PRESIDING OFFICER (Mr. HART in the chair). I hope the Chair will be permitted to say "Thank you."

LEGISLATIVE PROGRESS

Mr. MANSFIELD. Mr. President, the Senate has had a very fruitful week since April 5, having acted on five more of the President's legislative recommendations as well as several other measures. The first of these five, which has now been cleared for the White House, supplemented present Federal controls over tobacco acreage with new poundage limits on marketing—H.R. 5721. The success of this measure is primarily the result of the expertise of the distinguished Senator from North Carolina [Mr. JORDAN], who was ably assisted in his efforts by Senators ERVIN, ELLENDER, COOPER, AIKEN, and ROBERTSON. Opponents of the measure, Senators HOLLAND, TALMADGE, and LAUSCHE, deserve recognition for their efforts.

The second of these recommendations acted on this week and sent to the House was the $15,283,800,000 authorization for military procurement for the Armed Forces—S. 800. For the expert handling of this measure, we are indeed grateful to the distinguished Senator from Mississippi [Mr. STENNIS] and to Senators SALTONSTALL, CANNON, MILLER, JAVITS, TOWER, and FANNIN for their contributions.

The distinguished Senator from Alaska [Mr. BARTLETT] with great assistance from the distinguished Senator from Vermont [Mr. PROUTY], cleared for the White House the $114.2 million Coast Guard authorization—H.R. 4527. The Senate also cleared for the House, under the guidance of the distinguished chairman of the Committee on Foreign Relations [Mr. FULBRIGHT], a bill strengthening the Foreign Agents Registration Act of 1938. Recognition is certainly due Senators TOWER, MUNDT, WILLIAMS of Delaware, and CARLSON, who participated so generously in the debate on the Tower tax proposal to the foreign agents bill, with successful opposition led by the distinguished Senator from Florida [Mr. SMATHERS].

The fourth of these recommendations, and one of the most important the Senate will act on this session, was cleared for the White House. The Elementary and Secondary Education Act of 1965, authorized $1.33 billion in grants for fiscal 1966 to local school districts for improvements and expansions which contribute particularly to meeting the special needs of educationally deprived children. The Senate and the entire Nation are grateful to the distinguished chairman of the Education Subcommittee, the distinguished Senator from Oregon [Mr. MORSE], and the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Alabama [Mr. HILL]. Others making tremendous contributions were Senators CLARK, ERVIN, COOPER, DIRKSEN, ELLENDER, PROUTY, RANDOLPH, DOMINICK, METCALF, BARTLETT, MONTOYA, KENNEDY of New York, ROBERTSON, MOSS, LAUSCHE, SMATHERS, RIBICOFF, JAVITS, SIMPSON, MCCARTHY, PEARSON, TOWER, CARLSON, ALLOTT, WILLIAMS of Delaware, FANNIN, DOUGLAS, HOLLAND, GRUENING, FONG, MONDALE, STENNIS, and SALTONSTALL.

The fifth recommendation cleared for the House is a 4-year extension, through June 1, 1969, of the President's authority to reorganize the executive branch of the Government. Much credit for the successful passage of this measure is due the distinguished Senator from Arkansas [Mr. MCCLELLAN] and the Senator from Connecticut [Mr. RIBICOFF] for their sponsorship and excellent committee work.

In addition, the Senate cleared for the White House H.R. 4778, increasing by $3 million—to $15 million—the authorization for Indian adult vocational education. Three other measures were cleared for the House: S. 339, providing for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska; S. 702, providing for the disposition of judgment funds on deposit to the credit of the Quinault Tribe of Indians; and S. 795, providing for assessing Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington.

During the week of April 12–15, there will be the following committee activity:

Appropriations: Hearings will continue on the second supplemental for 1965 and hearings will start April 13 on Treasury-Post Office appropriations for fiscal 1966.

Banking: The Housing Subcommittee concluded hearings on the omnibus housing bill April 9. On April 15, the committee will hold hearings on the nomination of Sherman J. Maisel, of California, to be a member of the Board of Governors of the Federal Reserve System, to be followed by an executive session to consider Mr. Maisel's nomination.

Commerce: Hearings continue April 12 on S. 944, establishing a National Oceanographic Council. On April 13, hearings will be held on the nominations of John G. Adams, of South Carolina, to be member of the CAB; Carl E. Bagge, of Illinois, and Charles R. Ross, of Vermont, to be members of FPC; and James J. Wadsworth, of New York, to be a member of FCC.

District of Columbia: On April 12, hearings will be held on S. 1314, to amend the District of Columbia Street Readjustment Act, and S. 1316, to authorize the District of Columbia Commissioners to enter into joint contracts for supplies and services.

Interior: On April 13 and 14, hearings will be conducted on the third powerhouse at Grand Coulee Dam.

Public Works: On April 13, there will be a full committee executive session on watershed projects; S. 956, to extend construction authority of the United States for facilities at Guam and the Virgin Islands; and S. 1501, to amend section 107 of the River and Harbor Act of 1948.

ADJOURNMENT UNTIL TUESDAY, APRIL 13, 1965

Mr. KUCHEL. Mr. President, in accordance with the order previously entered, I move that the Senate adjourn until 12 o'clock noon on Tuesday next.

The motion was agreed to; and (at 8 o'clock and 18 minutes p.m.) the Senate adjourned, in accordance with the order previously entered, until Tuesday, April 13, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 9 (legislative day of April 8), 1965:

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier generals

Col. Edward Morton Hudgins, O359172, infantry.

Col. William Arthur Reinken, O1042406, artillery.

Col. Henry Albert Smith, Jr., O404289, artillery.

REGULAR ARMY OF THE UNITED STATES

The following-named officers for appointment in the Regular Army of the United States to the grades indicated, under the provisions of title 10, United States Code, sections 3284, 3306, and 3307:

To be major generals, Medical Corps

Maj. Gen. George Merle Powell, O19340, Army of the United States (brigadier general, Medical Corps, U.S. Army).

Brig. Gen. Henry Schuldt Murphey, O19338, Medical Corps, U.S. Army.

To be brigadier generals, Medical Corps

Maj. Gen. William Donald Graham, O20067, Army of the United States (colonel, Medical Corps, U.S. Army).

Maj. Gen. Douglas Blair Kendrick, Jr., O20511, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Norman Everett Peatfield, O21027, Army of the United States (colonel, Medical Corps, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grades indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals, Medical Corps

Brig. Gen. Henry Schuldt Murphey, O19338, Medical Corps, U.S. Army.

Brig. Gen. Byron Ludwig Steger, O19661, Medical Corps, U.S. Army.

Brig. Gen. James Thomas McGibony, O20406, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Conn Lewis Milburn, Jr., O20405, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Laurence Addison Potter, O22294, Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier generals, Medical Corps

Col. Frederic John Hughes, Jr., O26370, Medical Corps, U.S. Army.

Col. Philip Wallace Mallory, O20916, Medical Corps, U.S. Army.

Col. Oscar Elliott Ursin, O21687, Medical Corps, U.S. Army.

Col. Richard Irving Crone, O21727, Medical Corps, U.S. Army.

Col. Glenn Jesse Collins, O22687, Medical Corps, U.S. Army.

Col. Colin Francis Vorder Bruegge, O26958, Medical Corps, U.S. Army.

Col. George Joseph Hayes, O57388, Army of the United States (lieutenant colonel, Medical Corps, U.S. Army).

The following-named officer for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

To be brigadier general, Veterinary Corps

Col. George Anson Kuhn, O84813, Veterinary Corps, U.S. Army.

IN THE AIR FORCE

The following-named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major generals

Maj. Gen. James C. McGehee, 1746A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Thomas E. Moore, 1804A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Francis C. Gideon, 1993A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John N. Ewbank, Jr., 1381A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. George B. Greene, Jr., 1736A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Melvin F. McNickle, 1891A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Reginald J. Clizbe, 2004A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert N. Smith, 3783A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Selmon W. Wells, 3991A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Jack J. Catton, 4719A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Andrew J. Kinney, 1661A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. William W. Veal, 1902A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Eugene B. LeBailly, 1920A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Gilbert L. Meyers, 1958A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Alvan C. Gillem II, 2025A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Rollen H. Anthis, 2053A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Joseph A. Cunningham, 2054A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John B. McPherson, 2068A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Gerald F. Keeling, 3827A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John B. Henry, Jr., 4129A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John W. O'Neill, 4155A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Earl C. Hedlund, 4170A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Jamie Gough, 4511A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Samuel C. Phillips, 8981A (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Kenneth E. Pletcher, 19136A (brigadier general, Regular Air Force, Medical) U.S. Air Force.

To be brigadier generals

Brig. Gen. Emmett M. Tally, Jr., 1312A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Linscott A. Hall, 1342A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Louis E. Coira, 1429A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Kyle L. Riddle, 1617A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert C. Richardson, III, 1681A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William T. Smith, 1689A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. David N. Jones, 1811A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Eugene L. Strickland, 1856A (colonel, Regular Air Force) U.S. Air Force.

Maj. Gen. Leo F. Dusard, Jr., 1869A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Adriel N. Williams, 1970A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard S. Abbey, 1992A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert W. Strong, Jr., 2010A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Roy W. Nelson, Jr., 2016A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Thomas S. Jeffrey, Jr., 2057A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William D. Greenfield, 1899A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Glenn A. Kent, 3701A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John L. Zoeckler, 3724A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Woodrow P. Swancutt, 3729A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Wendell E. Carter, 3848A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Howard A. Davis, 3860A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Stebbins W. Griffith, 3944A (colonel, Regular Air Force,, U.S. Air Force.

Brig. Gen. Thomas G. Corbin, 4097A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Luther H. Richmond, 4133A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Grover C. Brown, 4144A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harry J. Sands, Jr., 4145A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph S. Bleymaier, 3883A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William T. Daly, 3947A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert H. McCutcheon, 4150A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William A. Tope, 4287A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William J. Meng, 4510A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Timothy F. O'Keefe, 4608A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William H. Brandon, 4712A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George S. Boylan, Jr., 4836A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Delmar L. Crowson, 4954A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Oris B. Johnson, 5025A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lawrence S. Lightner, 5219A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clarence J. Galligan, 4772A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ernest C. Hardin, Jr., 8211A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lawrence F. Tanberg, 8286A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Royal N. Baker, 8315A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jewell C. Maxwell, 8393A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Royal B. Allison, 8451A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Chesley G. Peterson, 9383A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Don S. Wenger, 19186A (colonel, Regular Air Force, medical), U.S. Air Force.

Brig. Gen. Larry A. Smith, 19176A (colonel, Regular Air Force, medical), U.S. Air Force.

Brig. Gen. Fred J. Higgins, 20019A (colonel, Regular Air Force), U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major generals

Brig. Gen. Gilbert L. Pritchard, 1974A, Regular Air Force.

Brig. Gen. Robert R. Rowland, 1806A, Regular Air Force.

Brig. Gen. Carroll W. McColpin, 3514A, Regular Air Force.

Brig. Gen. Robert W. Burns, 4142A, Regular Air Force.

Brig. Gen. Alonzo A. Towner, 19158A, Regular Air Force.

Brig. Gen. Lewis E. Lyle, 4115A, Regular Air Force.

Brig. Gen. Donald W. Graham, 4361A, Regular Air Force.

Brig. Gen. Otto J. Glasser, 4368A, Regular Air Force.

Brig. Gen. Jay T. Robbins, 5029A, Regular Air Force.

Brig. Gen. John W. Vogt, Jr., 8709A, Regular Air Force.

Brig. Gen. Emmett M. Tally, Jr., 1312A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. David M. Jones, 1811A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Thomas G. Corbin, 4097A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harry J. Sands, Jr., 4145A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Don S. Wenger, 19186A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles R. Roderick, 5266A (colonel, Regular Air Force), U.S. Air Force.

To be brigadier generals

Col. William L. Hamrick, 1392A, Regular Air Force.

Col. Alvan N. Moore, 2062A, Regular Air Force.

Col. Robert J. Gibbons, 3978A, Regular Air Force.

Col. Roland A. Campbell, 4535A, Regular Air Force.

Col. Joseph J. Kruzel, 4640A, Regular Air Force.

Col. Sam J. Byerley, 4875A, Regular Air Force.

Col. William Burke, 4950A, Regular Air Force.

Col. John M. McNabb, 5037A, Regular Air Force.

Col. Jack C. Ledford, 5238A, Regular Air Force.

Col. Guy H. Goddard, 7111A, Regular Air Force.

Col. Joseph J. Cappucci, 5577A, Regular Air Force.

Col. Clifford J. Kronauer, Jr., 7750A, Regular Air Force.

Col. John E. Morrison, Jr., 8459A, Regular Air Force.

Col. Paul K. Carlton, 8693A, Regular Air Force.

Col. George M. Johnson, Jr., 8810A, Regular Air Force.

Col. Robert W. Waltz, 9672A, Regular Air Force.

Col. John W. Baer, 9820A, Regular Air Force.

Col. William H. Lumpkin, 6487A, Regular Air Force.

Col. Edmund F. O'Connor, 10200A, Regular Air Force.

Col. Robert J. Dixon, 14462A (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. William G. Moore, Jr., 34534A (lieutenant colonel, Regular Air Force), U.S. Air Force.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 12, 1965

The House met at 12 o'clock noon.

The Reverend William Avery Benfield, Jr., Th. M., Th. D., D.D., minister, First Presbyterian Church, Charleston, W. Va., offered the following prayer:

O Thou Eternal One, God of all the nations and all the peoples, we offer to Thee this day our grateful praise: for every expression of Thy bounty in days gone before us, for the assurance of Thy presence in the world in the moments of this particular day, and for the hope of fulfillment of Thy good purposes in days to come.

In the context of this faith we pray for Thy blessing of righteousness and peace upon all people everywhere. In the context of this faith we pray for our beloved Nation and for all who have responsibilities of trust and opportunity. And now we pray again for this House of Representatives. Strengthen Thou these, Thy servants, imbue them with wisdom from above, sustain them in their deliberations and decisions, and through them work out, O God, Thy holy will for us and for all the families of the earth; through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 8, 1965, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4778. An act to increase the amounts authorized for Indian adult vocational education.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 339. An act to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes;

S. 702. An act to provide for the disposition of judgment funds on deposit to the credit of the Quinaielt Tribe of Indians;

S. 795. An act to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State; and

S. 1135. An act to further amend the Reorganization Act of 1949, as amended, so that such act will apply to reorganization plans transmitted to the Congress at any time before December 31, 1968.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 21) entitled "An act to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDERSON, Mr. JACKSON, Mr. CHURCH, Mr. KUCHEL, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) entitled "An act to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 10, 1965.

The Honorable the SPEAKER,
House of Representatives.

SIR: Pursuant to authority granted on April 8, 1965, the Clerk received from the Secretary of the Senate today the following message:

That the Senate passed H.R. 2362, entitled "An act to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools."

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

ELEMENTARY AND SECONDARY EDUCATION ACT

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, April 8, 1965, he did on April 10, 1965, sign the following enrolled bill of the House:

H.R. 2362. An act to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

ARMS CONTROL BILL

Mr. SIKES. Mr. Speaker, at the request of the gentleman from Pennsylvania [Mr. MORGAN], I ask unanimous consent that the Committee on Foreign Affairs have until midnight tonight to file the conference report on the arms control bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

TYNDALL AIR FORCE BASE, FLA.

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I am very pleased to submit for reprinting in the CONGRESSIONAL RECORD, a history of Tyndall Air Force Base in Florida written by Capt. Jack M. Walrad. Mr. Walrad is a freelance writer and his very fine effort, which gives a comprehensive summary of the history of this important base, appeared in the Panama City News Herald on February 14, 1965, and has been accepted for publication in "The Airman" subject to DOD approval.

Tyndall Air Force base has a long history of important contributions to the Air Force and to the defense of the free world. It continues to fill an important part in the Air Force training program. It is not generally known, but I helped to select Lieutenant Tyndall's name for the base. At that time there were few Army Air Corps heroes who were native Floridians. Lieutenant Tyndall's name seemed to shine brighter than the others.

THE HISTORY OF TYNDALL: FIRST AN IDEA, THEN ACTION RESULTS IN IMPORTANT AIR FORCE BASE

(By Jack Walrad)

As with all manmade things, creation begins with an idea. Often the idea is conceived of necessity.

So it was in 1940 when Jesse C. Cogburn conceived the idea which later resulted in the creation of Tyndall Field, now Tyndall Air Force Base.

After the idea was conceived, H. G. Fannin, then mayor of Panama City, appointed W. J. Cook, Sr., A. W. Pledger, E. E. Brewton, and Cogburn to serve with him on a special committee.

The committee was to serve one purpose; to encourage the Federal Government to select the Panama City area as one of the many sites upon which the Army would build new training fields.

At the committee's invitation, a representative of the War Department made a preliminary visit to Panama City to explore the possibility of Federal land acquisition for possible use as a military air field.

Through the encouragement of U.S. Representative ROBERT L. F. SIKES of Crestview, an inspection team composed of Brig. Gen. Walter R. Weaver, Maj. Luke Smith, and then U.S. Senator CLAUDE PEPPER, Democrat of Florida, made several trips up and down the west coast of Florida.

Although he was not listed as a member of the inspection team and his name was of small significance at the time, the pilot and aide-de-camp of General Weaver was destined to become the present Chief of Staff of the U.S. Air Force.

Only a captain then, John P. McConnell went on to become the Air Force's top general. He was present when General Weaver announced to the mayor's committee "this is it." Panama City would get its military air field.

The site selected for the Tyndall Field Military Reservation, as it was first named, was a long, thin peninsula which jutted out between the Gulf of Mexico on the south and the East Bay on the north. It extended from Red Fish Point on the west to within 4 miles of the eastern boundary of Bay County, near Beacon Hill.

Located on the site were three villages, each with its own post office. They were known as Cromanton, San Blas, and Farmdale.

Tyndall's first headquarters was a suite in the Hotel Dixie Sherman in Panama City. It was here that final plans were made for land acquisition for the airfield. Negotiations with local landowners began in earnest as 1940 ended.

In January of 1941, Tyndall's second headquarters was established at the Florida National Guard Armory on West 6th Street.

Also in January, Federal Judge A. V. Long issued a judgment of title to the U.S. Government for acquisition of the land for which negotiations had been terminated.

More than $3.5 million had been allocated by the Federal Government for the acquisition. More was obligated for the settlement of possible claims in the future.

While almost all of the landowners recognized the Government's need for their land, they did not in several instances agree with the amount of remuneration offered them.

Almost all of them hoped for an opportunity, at war's end, to reclaim their former homes. Some were to be disappointed, even bitterly.

In March of 1941, Judge Long issued an order to vacate the federally acquired land by July 7, 1941.

One of the more prominent residents of the peninsula at that time was Maj. Frank B. Wood. Paradoxically, he was one of the pioneers of military aviation.

During an interview at his present home at Magnolia Beach, this writer was shown pictures of Major Wood, along with related correspondence, which revealed that this 87-year-old man flew the last test mission in the famous Wright brothers aircraft which made aviation history by ushering in the new era of transportation by flight.

Major Wood subsequently became Chief of Aircraft Maintenance, U.S. Army Air Service, France. As a captain, he headed the Air Service Maintenance Depot at Romorantin, France, where his ability as an aviation mechanical engineer was recognized by Maj. Gen. Mason B. Patrick (for whom Patrick AFB was named) and other general officers who cited him for meritorious service.

In 1912, as a young man, he built his first home in Florida. It was called Beachwood I and was located on the site of the present-day Tyndall golf clubhouse.

After the armistice, Major Wood returned to Florida. When Beachwood I burned in 1922, he promptly built Beachwood II. It stands today as the Tyndall golf clubhouse. The house is a classic and a story in itself.

In Washington, D.C., on May 7, Lt. Col. W. A. Maxwell was named project officer for Tyndall Field. He was assigned the task of coordinating the multitude of interrelated land acquisition, development, and construction programs, all with a view toward final acceptance by the War Department.

It was also his task to serve as the coordinator for various military commanders who were even then preparing units and training programs for Tyndall.

War Department plans called for the base to become a flexible gunnery school with a contingent of 130 officers, 800 cadets, and about 1,600 enlisted men.

Ultimate size of the base was set at 25,734 acres. Personnel for what was to become Tyndall's first fully operational squadrons were already in training at Maxwell Field, Ala.

In March of 1941 an airbase squadron and a school squadron were organized at Maxwell Field, completed training at Eglin Field, near Crestview, and then moved on to Tyndall Field for duty in June.

When, just 1 day before the Japanese sneak attack on Pearl Harbor, the official acceptance of the reservation was announced by the War Department, there were already in training at Tyndall 20 officers, and nearly 1,500 cadets and enlisted men.

Tyndall was ready. So was Panama City. Plans were immediately put into effect by city and county officials to cooperate fully with the military officials.

Panama City Mayor Harry Fannin pledged an all-out effort by his administration. Air raid warnings and blackout regulations became the order of the day.

From the time of the initial acceptance of the site December 6, followed by the formal opening December 8, the headquarters remained downtown in the armory until February 12, 1942, when the U.S. flag was raised in front of the new base operations center.

The three airplanes which were assigned to the base were transferred from their temporary location at the municipal airport to Tyndall on that same day.

The airfield soon became the center of the Air Corps' flexible gunnery school training program which was destined to train thousands of cadets and other students, including Clark Gable and Gene Raymond, between 1942 and 1945.

During the next few months many more changes rapidly occurred. Problems multiplied. Transportation of military supplies from downtown Panama City to the base became acute.

Other problems requiring immediate solution included one of finding a laundry facility for the busy trainees, at least until one could be built for them at the field.

Finding adequate housing for the mass of inbound military personnel taxed the ingenuity of the local civilian officials as well as the military.

But in the end, near miracles had been accomplished. In May of 1942 the designation of the field was changed from Tyndall Field Military Reservation to Tyndall Army Air Field. And, during the same month, the War Department authorized the base commander to employ a large contingent of civilian workers and supervisors to augment the Army staff.

Many men, and later women, of the Florida panhandle who were already skilled in many functions performed at Tyndall suddenly found themselves employed as supervisors for large groups of Army workers and trainees.

Promotions were rapid. Pay was good. The local economy prospered. Effective training was underway.

Then, in late 1942, Lieutenant Colonel Maxwell was promoted to full colonel and moved into the former Wood home. Beachwood II served as the base commander's home for the next several years and became the center of all local important military official and social activity in the evenings and on the weekends.

Tyndall was named in honor of Lt. Frank B. Tyndall, a native of Florida. He was a fighter pilot who became a combat ace. He was decorated with the Silver Star for gallantry in action near Conflans, France, on October 29, 1918. The young officer was cited for having, at great risk to his own life, pursued an enemy aircraft far behind German lines and brought it down in flames.

Lieutenant Tyndall was killed instantly on July 15, 1930, when his aircraft crashed near Moorsville, N.C.

Today, nearly 25 years after Jesse Cogburn conceived the idea of a military airfield here, Tyndall flourishes as the giant advanced training center for the U.S. Air Defense Command.

It has become famous for its worldwide weapons meets. Almost everyone in the Air Force today immediately identifies those famous "William Tell" contests with Tyndall Air Force Base and with Panama City.

Tyndall has become the headquarters base for the 73d Air Division and the home of the 4756th Air Defense Wing. And a control center of the North American Air Defense Command (NORAD).

Tyndall's famous Interceptor Weapons School and Weapons Controller School have graduates performing duty throughout the world. All of them remember the beautiful beaches and the sunshine of the miracle strip.

"It's been a long time," mused Jesse Cogburn as he sat in the office of Cogburn Clothing Co., Inc., 213 215 Harrison Avenue, Panama, City.

"I remember, almost as a dream, that day way back in 1940 when Clyde Swank, who was the city manager then, called me to extend the mayor's invitation to serve on his special committee.

"I remember how proud I was when Tyndall became a reality and when Captain McConnell became Chief of Staff of the whole Air Force just a few weeks ago."

Then, as the newest Air Force jet interceptors roared by overhead, Jesse Cogburn knows it was not just a dream.

PATMAN INTRODUCES LEGISLATION TO BREAK UP "WILD CARD" HOLDING COMPANY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I am inserting herewith a release from my office today. It is as follows:

PATMAN INTRODUCES LEGISLATION TO BREAK UP "WILD CARD" HOLDING COMPANY

A bill designed to eliminate one of the most startling inequities in banking law will be introduced Monday by Chairman WRIGHT PATMAN of the House Banking and Currency Committee.

The proposed legislation, if enacted, will prove a blockbuster to the incredible growth of Financial General Corp., headquartered in Washington, D.C., a billion dollar bank holding company which, because of a "sleeper" exemption granted it under the Bank Holding Company Act of 1956, masquerades not as a bank holding company but as an ordinary holding company. The "sleeper" exemption has provided Financial General, formerly Morris Plan Corp. of America, with a decided competitive advantage over companies that are registered bank holding companies. These companies are not allowed to own or control nonbanking corporations. They are also restricted to ownership of banks in the State in which the holding company has its principal office. Registered bank holding companies must have all bank purchases approved by the Board of Governors of the Federal Reserve System. Since Financial General is the only holding company covered under the exemption, it is not subject to these restrictions and could, if it desired, establish bank ownership in all 50 States.

"Financial General has been getting away with financial mayhem because it is not subject to any of these restrictions," said Chairman PATMAN. "It has taken advantage of its singular position to build a billion-dollar empire of 27 banks, insurance and financial companies, and industrial groups. Financial General, the bank holding company that pretends that it isn't, besides having more than a billion dollars worth of assets, maintains 100 banking offices in six States and the District of Columbia. Within the very shadow of the Capitol, Financial General has controlling interests in six banks and owns nearly half of the stock of a seventh."

Chairman PATMAN pointed out that Financial General is controlled by International Bank, an Arizona corporation which also has its headquarters in the Nation's Capital. International Bank owns nearly 28 percent of Financial General stock. Its officers and directors hold more than 45 percent of Financial General's stock and a majority of the bank directors also serve on the Financial General board.

George Olmsted, a retired Army officer, is the president of both Financial General and International Bank. He was once an officer of Equity Corp., a New York holding company which owns 14 percent of Financial General.

At the end of 1963, International Bank was engaged in part in the following types of operations: small loan companies, export-import business, automobile and insurance premium financing, trade financing by extending letters of credit, and collateral loans.

One fascinating operation of International Bank concerns the International Trust Co. of Liberia. The latter is a wholly owned subsidiary of International Bank. It is under contract to the Republic of Liberia to conduct the collection of ship clearance and ship tonnage fees owed to the Liberian Government. Among the officers and stockholders of International Trust Co., are W. V. S. Tubman, President of the Republic of Liberia; R. A. Henries, Liberian Speaker of the House of Representatives; C. D. B. Sherman, Liberian Secretary of the Treasury, as well as other high ranking Liberian officials.

"It is practically impossible to detail the maze of companies which are controlled or importantly influenced, either directly or indirectly, by Financial General," said Chairman PATMAN. Its officers and directors have extensive outside holdings, including stocks in banks other than those directly owned by Financial General."

One of Financial General's directors, James Johnston, and his brokerage firm partner George Lemon, who is a director of numerous Financial General portfolio companies, own the controlling interest in the Washington Senators American League Baseball Club.

Technically, the Patman bill would remove the exemption from the Bank Holding Company Act of 1956 for bank holding companies that were registered under the Investment Company Act of 1940, provided the registration was made prior to May 15, 1955. Although the exemption was drawn in broad terms a decade ago when it was granted, only one holding company, Financial General Corp., fits the description.

Under the Patman bill, Financial General would have to divest itself of its bank ownership, or register with the Federal Reserve Board as a bank holding company. It would also have to become divorced from its nonbanking or bank-related operations.

If Fianancial General chose to become a registered bank holding company, PATMAN's bill would require that it divest itself of any bank ownership or control which it obtained after May 9, 1956, the date of enactment of the Bank Holding Company Act. This would mean that Financial General would have to become separated from 17 banks with total assets of more than $418 million and deposits of more than $370 million. These banks operate 57 offices. The largest is the American National Bank of Maryland, which has assets of more than $76 million, while the smallest is the Republic Bank & Trust Co. of Herndon, Va., which had assets of $842,000 at the end of June 1964.

PATMAN plans early hearings on the legislation.

Following is a list of banks that Financial General would have to give up under the legislation:

Valley National Bank, Harrisonburg, Va.
Bank of Chrisfield, Chrisfield, Md.
Citizens National Bank in Pocomoke City, Pocomoke City, Md.
Chesapeake National Bank, Towson, Md.
Alexandria National Bank, Alexandria, Va.
Arlington Trust Co., Inc., Arlington, Va.
Clarendon Trust Co., Arlington, Va.
The Peoples Bank, Buena Vista, Va.
The First National Bank of Harrisonburg, Harrisonburg, Va.
Republic Bank & Trust Co., Herndon, Va.
The Peoples National Bank of Leesburg, Leesburg, Va.
The First National Bank of Lexington, Lexington, Va.
Shenandoah Valley National Bank, Winchester, Va.
The First National Bank of Washington, Washington, D.C.
The First National Bank of Lockport, Lockport, Ill.
American National Bank of Maryland, Silver Spring, Md.
Round Hill National Bank, Round Hill, Va.

Following is a list of other banks in which Financial General has a majority or minority interest:

The Bank of Georgia, Atlanta, Ga.
Industrial Bank of Commerce of Albany, Albany, N.Y.
Bank of Buffalo, Buffalo, N.Y.
Bank of Commerce, New York City, N.Y.
Industrial Bank of Schenectady, Schenectady, N.Y.
Union Trust Co. of the District of Columbia, Washington, D.C.
Pullman Bank & Trust Co., Chicago, Ill.
Standard Bank & Trust Co., Chicago, Ill.
County Bank & Trust Co., Blue Island, Ill.
Valley Fidelity Bank & Trust Co., Knoxville, Tenn.

BALANCE OF PAYMENTS—ANOTHER VIEW

Mr. HANNA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HANNA. Mr. Speaker, the prior issues of the CONGRESSIONAL RECORD will reveal that this member of the Banking and Currency Committee has steadfastly held the opinion that the interest of this country and indeed the world is inescapably involved in the development of an international credit and liquidity independent of a key currency such as the dollar or the pound. I have been urged to this opinion by the firm conviction that the burdens of maintaining the key currency position far outbalances, in the long run, the benefits of wider ranges of short-term credit and the overrated prestige attached to this position. I am equally impressed that the commitment of all individual countries, including the United States and Britain, to their short-run domestic political pressures represent an unstable base for sustained growth of long-term international trade and the financing upon which such trade rests.

I have previously indicated that our reaction to the hue and cry over the balance-of-payments problem should be a studied and cautious one. There are political and economic interests, both at home and abroad, which have used and are using the balance-of-payments deficiency as a lever, and as an argument to promote and advance their particular and peculiar interests. There are theorists and practitioners sincerely, but I believe mistakenly, committed to an analysis of the so-called problem that relates to historical attitudes and principles which are of no relevance, or at least of questionable relevance, in the realities of today's world of trade and economic development.

Mr. Speaker, I am not trying to demean or underrate the problems that are present in a continued experience of imbalance of capital outflow or gold outflow. What I would suggest is that what we need to do is to react positively and critically in rethinking the old forms and old rules relating to international finance. We should not react solely in a negative fashion and trigger a spiral of international illiquidity. I should like to see our Nation summon the courage and leadership to vigorously pursue an aggressive financial policy to match in a feasible and practical way our already expressed aggressive national policy for free trade and strong export position. If this requires a sharp challenge to the presumptions of the past, relative to so-called balance of payments, so be it. If this requires a rethinking of the rules of the game of the international gold standard, let it come. It is time the institutions of international finance were created for trade and not the reverse. I know of no fundamental expressions of natural law that dictate mankind must be manacled by the past and thwarted from the realization of the potentials of the future.

We have had before our consideration, as members of the great committee of Banking and Currency, ample expressions that urge us to accept the frustrations of institutions as they now are, and cling to stability as gaged by old measurements. This House and the record of its proceeding has heard more than a little of the cries of defense, the call to man the ramparts to protect the old presumptions and to seek the protections of the older rules of the game. It is not intended here to argue a course that lacks experience or is stripped of responsibility in the sensitive areas of money and finance. At the same time we do say that we should not shun the duty and call to question the rules that bind us, and the institutions that frustrate us, and to move carefully but positively toward a national policy, domestic and internationally, that allows for full employment and economic growth at home and the development of fuller, greater trade potential abroad.

Because I believe in this view I am pleased to place in the RECORD at this point, Mr. Speaker, the excellent and thought-provoking article from the April 3 edition of the Economist. I urge the Members to read its contents and consider carefully the telling points it makes in discussing the U.S. dollar, our balance-of-payments deficit and international liquidity:

Dollar Off the Seesaw? What Can America and Britain Do To Avert the Currency Dangers That More and More Experts Are Recognizing but No One Seems To Be Doing Anything About?

For at least 5 years, the most familiar prop on the stage of the world exchange markets has been the sterling-dollar seesaw, on which the one currency goes up as the other comes down, but from which either would be thrown if the other fell off altogether. The big new question of the past week or two is whether that seesaw still exists, or whether the dollar has managed to edge nimbly off it leaving sterling sprawling on its back. At the very least, it is clear that the bumps have been increasingly at the sterling end, after only the briefest lift for a few weeks of January and February. For a time then it did look as if the problem currency of 1965 might be the dollar. But, in direct response to these fears and to the aggressive way in which General de Gaulle in particular chose to play on them, President Johnson responded with countermeasures that appealed to the patriotism of the American business community, and are clearly going to be very effective indeed. But any such success is decidedly two-edged for the world as a whole.

It has always been clear that the ending of America's balance-of-payments deficit will create big problems: in many ways more difficult problems than its continuation. Now that the constant nagging of official opinion in western Europe has so unfortunately elevated the elimination of the American payments deficit into a matter of political prestige, the dangers are all the greater, particularly as the major countries are still hopelessly disagreed about how to replace the outward flow of dollars on which world trade has become so dangerously dependent. And the first victims of this crossfire will be not financially strong countries like France but financially vulnerable countries like Britain, Japan and Canada.

There is, admittedly, increasing recognition of the particular dangers that this currency pressure could involve in 1965 for a world economy that is already losing some of its expansionary impetus. In the past week alone quiet warnings along these lines have come from figures as diverse as the chief of the International Monetary Fund, some leading continental bankers and Britain's shadow Foreign Secretary (not Mr. Gordon Walker, but Mr. Maudling). But the most pointed warning has come from Mr. Walter Salant, the main author of the 1963 report of the Brookings Institution on the American balance of payments. The burden of Mr. Salant's present case, which he put to the Senate Banking and Currency Committee on March 18, is simple. It is that special influences in 1964 had hidden a remarkable continued improvement in America's basic external payments in 1964; and that, in consequence, the recent measures to eliminate the deficit, and still more any tightening of credit in the United States which most continental European authorities are still urging, could exert very serious pressure indeed on world payments. Mr. Salant fears that the United States will "join a competitive scramble for liquidity, and thereby aggravate it." A discreet but ominous scramble into gold by other countries is already in progress; and this in turn edges the United States into defensive action. This is the illiquidity spiral.

The trouble is, as Mr. Salant sees it, that critics and analysts have failed to recognize how much of the necessary payments adjustment the United States has already made. The original Brookings report of 1963 rested its central conclusion, that America's basic deficit would be eliminated by 1968 and turned into a small surplus, on two prime assumptions: that the decline in the growth of Europe's labor supply would exert relatively greater pressure on industrial costs than in the United States, shielded by its margin of unemployment; and that a substantial rise could be expected in receipts of American investment income. Both these tendencies have, in fact, been operating strongly in the past 2 or 3 years. The continued stability of American costs and prices has already involved a relative fall in relation to western European prices of around 8 percent since 1961—as much as the Brookings report counted on by 1968.

Partly as a result of this price stability, America has succeeded in combining a notable acceleration in its domestic expansion with an actual and considerable increase in its trade surplus. Whether or not because of its much larger margin of unemployment and other unused resources, America has succeeded in this where Britian has so sadly failed. Here, the bursts of domestic expansion have been precarious precisely because they have immediately led to a sharp increase in the import ratio, combined with a flagging of exports. Britain's continued trading deterioration can no longer be attributed to excessive pressure of demand alone: this week the British Government's own Economic Report frankly accepts the majority judgment of outside observers that there has also been "some lack of competitive strength"—which Britain's middling achievement in holding down its prices (better than continental Europe, worse than America) makes more worrying rather than less.

Meanwhile, America's current surplus had built up to a huge $8 billion by 1964. True, this strengthening has been offset by an increase in private capital outflows, but this was mainly in short-term banking credits, which as Mr. Salant points out were partly offset by an unusually large inward movement of similar private short-term funds. The bookkeeping anomaly of counting the short-term capital outflow in the monetary deficit but not similarly taking credit for the short-term monetary inflow, even though the two flows may be organically connected, may soon be ended under the revised balance of payments figuring expected to be recommended by an official committee. As it is, Mr. Salant points out that on the "basic" balance on current and long-term capital transactions, the deficit was reduced to a mere $200 million in 1964. True, the outflow of liquid capital cannot be ignored, but, as Mr. Salant points out, this marked a distinct change in the nature of the American deficit: America had ceased to borrow short and lend long, it was instead borrowing short and lending short. This year, if the President's measures have the effect that now seems likely, it may be borrowing short and lending little.

If this argument is anywhere near right, and a pretty convincing case would have to be made out that it is not, then the conventional current responses in the international financial community will have to change pretty radically. In particular, Europeans would do well to call off here and now their campaign for an increase in American interest rates and a tightening in American financial markets. In present circumstances this would be a threat not only to America's own domestic boom, but it would be more serious still for the international money market, which has already had a bad jolt from America's "voluntary" restrictions on oversea lending. As Mr. Salant points out, we are at present witnessing an increasing demand for international liquidity, just at the time when there is a prospective reduction in the supply.

Some people still doubt this, especially in Europe. But if continental European countries are really still concerned about the inflationary impact on them of Britain's and America's payments deficits, then they should logically take specific steps to reduce their own surpluses. Instead, a country like France is more impressed with the small deficit on its ordinary trade than with the whacking surplus on its total payments; this very week it has announced a battery of steps to promote its exports. Yet the fact that the surplus countries are not willing, when it comes to the test, to see their surpluses and their reserves run down has always been the litmus test of whether the international payments system is under a general liquidity strain or not. In these circumstances one would have hoped for a more constructive lead from the Common Market commission. Instead, M. Marjolin has contented himself with side digs at the crude monetary ideas of unofficial advisers (meaning General de Gaulle's unofficial Jacques Rueff, not his own unofficial Robert Triffin). Every move by the Brussels Commission nowadays seems geared narrowly to the long-run buildup of its own federal power: but in that long run we may all be not dead, but unnecessarily impoverished by a pointless liquidity war.

This, then, is the danger of the dollar's new found strength, which is hitting sterling when it is down—down in its cash reserves, down in its trading strength. But this depressing weakness can be overprojected too far. Despite America's great trading strength, one still cannot by any means be sure that the dollar could in practice withstand a sterling devaluation. No one should underestimate the pulling power of a major currency that can be priced at a competitive or overcompetitive level. So since the American Government, like the British Government, has for better or for worse elevated the maintenance of the present exchange structure to the highest political role, it still has a major interest in avoiding a break in the sterling parity. In practice, that may require financial cooperation between America and Britain on an unprecedented scale. Officials ought now seriously to be considering steps such as a permanent extension, perhaps immediately, and perhaps ahead of Britain's expected drawing on the International Monetary Fund, of the central banking swap facility between the Bank of England and the Federal Reserve, from the present $750 million to some massive figure such as $2,000 million. This would involve something like a merger of the British and American exchange equalization accounts. It would obviously add powerfully to the resources behind sterling. It could also be made the opportunity for a far more open and confident American attitude on gold. One possible gesture by Britain would be to give up its own ancient gold preference, and hold dollars whose value in any case guaranteed under the swaps. This bilateral cooperation would make sense only as a preliminary to a wider liquidity pooling arrangement, and would be a poor substitute for them: but better than none, and possibly a formidable bargaining counter. And some Anglo-American bargaining strength will be badly needed for the serious international negotiations which Mr. Douglas Dillon in his farewell message as Secretary of the U.S. Treasury suggested may be possible by summer or autumn.

Two kinds of payments deficit—America's on short-term capital alone; Britain's, on trading and long-term investment alike

[In billions of dollars]

	Visible trade balance		Current balance		Basic balance [1]		Other transactions		Monetary balance	
	United States	Britain	United States	Britain	United States	Britain	United States	Britain	United States	Britain
1958	+3.3	+0.1	+2.2	+1.0	−3.7	+0.5	+0.1	+0.1	−3.6	+0.6
1959	+1.0	−.3	+.1	+.4	−4.7	−.3	+.9	−.2	−3.8	−.5
1960	+4.7	−1.1	+3.8	−.8	−1.8	−1.3	−2.1	+.8	−3.9	−.5
1961	+5.4	−.4	+5.6	−.1	−.8	+.1	−1.6	(2)	−2.4	+.1
1962	+4.4	−.3	+5.1	+.3	−1.9	−.1	−.2	+.3	−2.1	+.2
1963	+5.0	−.2	+5.7	+.3	−2.2	−.2	−.4	−.2	−2.5	−.4
1964	+6.6	−1.5	+8.1	−1.0	−.2	−2.1	−2.5	(2)	−2.7	−2.1

[1] Current balance plus long-term capital.

[2] Negligible.

MISS BERTHA EASTON

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Speaker, the success of any venture can usually be attributed to the spark and drive of volunteer workers. Experience in my own campaigns for reelection has certainly proved this to be true. I have found it doubly true, Mr. Speaker, when applied to those few, devoted and selfless people who work so hard as volunteers for our various health associations.

An outstanding example of this type of person is Miss Bertha Easton, of Providence, R.I. An article in the Providence Evening Bulletin of February 23, 1965, written by Mary McCaughey, gives some indication of the great contribution this dedicated woman has made to the Rhode Island Tuberculosis & Health Association.

Miss Easton is soon to leave on a trip to England. Before she departs, Mr. Speaker, I want to add my gratitude to that of the many others she has received for her extraordinary charitable endeavors. All of us owe her a loud and strong vote of thanks. I join all the people of Rhode Island in wishing her a wonderful trip overseas and hope that she is spared for many more years of happy and healthful activity. Under leave to extend my remarks I include the newspaper article to which I have referred:

TB VOLUNTEER TO BE HONORED—ASSOCIATION WILL RECOGNIZE MISS EASTON FOR HER SERVICE

(By Mary McCaughey)

If you should happen to be on Dorrance Street any weekday afternoon around 5 o'clock and see a white-haired, pleasant-faced woman walking up the street with two shopping bags about as full as shopping bags can be, you might guess she was a busy housewife taking advantage of some supermarket specials.

Or perhaps a career woman who spent her lunch hour shopping, despite the weather, for spring clothes.

Neither assumption, however, would be correct. The shopping bags are not containers for food or some gay feminine whimsy.

Instead they are a sign of dedication. For day after day, reposing in them, and as many as she can carry, are labels and enclosures from the Rhode Island Tuberculosis and Health Association.

These she takes to her home on Tobey Street and after spending the usual work day as a volunteer at the association, continues her job far into the night.

To Miss Bertha Easton it is a pattern she has followed since first answering a call for volunteers in October of 1958.

Tomorrow she will be honored at a tea at the Turk's Head Club for her accumulation of 10,165 volunteer hours, a national record. Two years ago she was honored for her first 5,000 hours, since that time she has accumulated another 5,000.

Retired from the Bureau of Internal Revenue, Miss Easton was long interested in the continuing health program of the association, an interest further emphasized by the illness of a friend.

Since volunteering to work for the association she arrives at the office daily before 8:30, occasionally with some date muffins she has made that morning for the staff. She is usually the last to leave.

During the annual Christmas Seal campaign in the fall, she is one of the organization's most efficient workers. In addition to pasting labels on the outgoing envelopes (it is estimated she has done at least 120,000 at home) she assists in the routine of sending out 160,000 pieces of mail. This includes sealing, sorting to the various zones, cities, and towns in Rhode Island and finally counting the envelopes and packing them in boxes for mailing.

At the honors day program tomorrow awards will be presented by Dr. Mary T. Thorp, association president. Recipients will range from teenagers to golden agers. Miss Claire Bertsch will be the second teenage volunteer in the history of the association to receive a double-barred cross pin for more than 100 volunteer hours. Miss Bertsch, a member of Centredale Assembly No. 12, Order of Rainbow for Girls, also helped the assembly win its third group citation. Mrs. William H. Richards and Mr. Frank S. Smith will also receive 100-hour pins.

Six others, previously honored, who give more than 100 hours each year, will be cited for continuing service. They are Mrs. Edward Andrews, Mr. and Mrs. Earl Barrie, Miss Vera Caruolo, Mr. Joseph Levine, and Mrs. Anna Smith.

In addition to Rainbow, the association will also honor Dexter Manor Tenants, Quota Club of Providence, St. Xavier Academy, and the Councilettes, juniors of the Council of Jewish Women. All have been honored previously. This is the eighth successive award for the Councilettes, the seventh for St. Xaviers, the fourth for the Quota Club, and the third for Dexter Manor. They will receive a 1964 service bar to add to the plaques awarded the first year they were honored.

Mrs. Iris Booth is chairman of the honors day program. Music will be by the Cousins and Cathy, a barbershop quartet of Burrillville High School girls who are volunteers at Zambarano Memorial Hospital, Wallum Lake.

Association directors who will serve as hostesses will be Mrs. Edwin H. Fager and Mrs. Alton W. Wiley.

For Miss Easton, the occasion will undoubtedly be one of the highlights of her spring season. The second will take place April 28 when she sails on the Queen Mary for an extended visit in England. And her hosts in Lancashire? A couple whom she met when she answered a plea for a CARE package some years ago.

ALLIED SHIPPER TO RED VIETNAM NOW IN THE UNITED STATES

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, the Greek ship *Anastassis,* owned by Resurreccion Compania Naviera of Athens, Greece, put into Jacksonville, Fla., last week to discharge a cargo of wire rods brought from Japan. The *Anastassis* is one of 153 ships making over 201 trips under the flags of West Germany, Japan, Norway, Great Britain, Lebanon, Greece, Panama, and Italy, which have called at such ports as Haiphong and Port Campha, North Vietnam during the latter part of 1964.

Free world shipping to North Vietnam has continued despite escalating military action between the United States and the Vietcong.

While U.S. aircraft bomb Vietcong supply routes almost daily our free world friends use the sealanes to keep the Vietcong supplied. And all the while many allied ships such as the *Anastassis* are free to come into U.S. ports to haul cargos which ought to be carried by American-flag ships.

Less than 10 percent of America's sea trade is carried by our own merchant marine. While U.S. taxpayers spent over $350 million last year to subsidize the U.S. shipping industry these traders with North Vietnam take cargos right from our merchant fleet. The least we can do is keep those friends who want to help our enemies out of our own backyard.

The *Anastassis* is today tied up in the port of Jacksonville, where members of the International Longshoremen's Association have refused to load her. The ILA imposed a boycott of this ship last Friday around noon. However, this ship is scheduled to call at Hampton Roads, Va., then Baltimore, Md., before it leaves the United States for Spain. Recall that the patriotism of the ILA resulted in a boycott of a Panamian ship last month. That ship, the *Severn River,* lay idle for a week in New York when longshoremen refused to load her because she had been in North Vietnam. That ship finally left New York without her cargo.

Recall also that the Federal courts have upheld the union's right to strike such ships. I urge the United States to institute a Government boycott of this shipping.

The American Maritime Association and other leading maritime groups have done much to focus public attention on this problem, as well as continuing efforts to move the State Department into action on such shipping. Yet the State Department admitted that little has been done by U.S. diplomats to get our allies to stop their shipping into North Vietnam. The Department also admits that the official U.S. position is against this trade. This being the case, I urge intensified pressures on those allies who ship to the Vietcong Reds.

The owners of the *Anastassis* have telegramed me of their assurances that they will not ship to North Vietnam again. Similar assurances have been given to the Government of Greece, and the Greek Ambassador advised me of this decision by telephone Saturday. This agreement is commendable, and I am hopeful that others will follow this example. A halt in free world shipping to North Vietnam would seriously crimp the Vietcong supply line, and further the U.S. effort in southeast Asia.

I am including as part of my remarks a list of free world vessels trading with North Vietnam during the last part of 1964:

Free world vessels trading with North Vietnam, 1964

Flag	Agent	Ostensible owner	Vessel
West German		Steinnes Hugo Transozean Schiffahrt	Hugo Steinnes.
Do.		Scipio & Co.	Brake.
Do.		Reederei Rickmers, Bremen.	Paul Rickmers.
Japanese		Daiichi Chuo Kisen Kaisha, Tokyo	Shanghai Maru. Daigetsu Maru. Norway Maru.
Do.		Daiichi Sempaku K.K., Tokyo	Ichiyo Maru.[1]
Do.		Kaiko Shosen K.K., Osaka.	Daikei Maru.
Do.		Kaikyo Sekiyu K.K., Tokyo.	Daikyo Maru.
Do.		Dowa Kaiun K.K., Tokyo.	Kushiro Maru.

[1] *Peking Maru.*

Free world vessels trading with North Vietnam, 1964—Continued

Flag	Agent	Ostensible owner	Vessel
Japanese		Hashimoto Kisen K.K., Kobe	Keiyu Maru.
Do.		Kansai Kisen K.K., Osaka	Tokushima Maru.
Do.		Kokudo Sangyo Kairiku K.K., Tokyo	Seiyo Maru.
Do.		Kuwana Kaiun K.K., Chime	Nisso Maru.
Do.		Kyosei Kisen K.K., Kobe	Seisho Maru.
Do.		Krukuni Kaiun K.K., Tokyo	Shinsho Maru.
Do.		Kyokuto Kaiun K.K., Osaka and Tokyo	Mansei Maru.
Do.		Matsuoka Kisen K.K., Kobe	Shofuku Maru.
Do.		Mitsui Senpaku K.K., Tokyo	Sansho Maru.
Do.		Nippon Shio Kaiso K.K., Tokyo	Ikuta Maru.
Do.		Nippo Kisen K.K., Tokyo	Quiko Maru.
Do.		Nissian Kisen K.K., Tokyo	Nichinan Maru.
Do.		Nippon Yusen Kaisha, Tokyo	Muroran Maru.
Do.		Nitto Shosen K.K., Tokyo	Yuzan Maru.
Do.		Ryusho Kaiun K.K., Tokyo	Kishin Maru. Ryuwa Maru.
Do.		Sanoyasu Shoki K.K., Osaka	Kanamaru.
Do.		Seiko Kaiun K.K., Kobe	Kazutami Maru.
Do.		Sanwa Shosen K.K., Tokyo	Yamahagi Maru.
Do.		Tokushima Kisen K.K., Kobe	Daiun Maru.
Do.		Tokyo Senpaku K.K., Tokyo	Surabaya Maru.
Do.		Tozai Kisen K.K., Tokyo	Tozai Maru.
Do.		Yamashita Shimihan Kisen K.K., Tokyo	Yamaasa Maru.
Do.		Yamashita Shimihou Kisen K.K., Tokyo	Unkai Maru.
Norwegian	Aarstad, Sigurd S., Bergen	Sig. S. Aarstads Rederi A/S & A/S Victor Mullers Rederi, Bergen	Admiral Hardy.
Do.		Birkeland, Sigbjorn, Rederi, Bergen	Ole Bratt.
Do.	Brovig, Th., Farsund	Partrediriet, Brövigtank	Ragnhild Brövig.
Do.	Brunsgaard Kiosterud & Co., Drammen	Bruunsgaard Kiosteruds Skibs A/S	Hermod.
Do.	Gaard, Einar M., Haugesund	Einar M. Gaard A/S & Sigurd, Haavik A/S	Gardvik.
Do.	Jahre, Anders, Sandefjord	Aksjeselsk, Kosmos	Jarmina.
Do.	Lund, Eilert, Bergen	Eilert Lund's Rederi	Susanne.
Do.	Nordbo, Th., Haugesund	D/S, A/S, Falkeid	Dana.
Do.		Odland, Jacob, S. S., Haugesund Dampshe A/S Produce	Prominent.
Do.		Paulsen, Egil, Fredrikstad Skibs-A/S Karlander, Oslo	Slembe. Sletfjord.
Do.		Skogland, Vladimir A/S, Haugesund D/S A/S Anglo	Varild.
Do.		Sveen, Arne F., Oslo	Hock Lee.
Do.		A/S Arne Sveen's, Rederi	Mui Finn. Mui Heng.
Do.		Wilhelmsen, Wilh., Oslo	Thermopylae.
Do.	Wrangell, H. M., & Co., A/S, Haugesund	Skibs A/S, Corona	Hoi Ying.
British		China Navigation Co., Ltd., London	Fengning.
Do.	Far East Corp., Ltd., Singapore, Malaysia	Continental Navigation & Enterprises, Ltd., Hong Kong	Fortune Wind.
Do.	Gibbs & Co. (Ship Management), Ltd., Newport	West Wales S.S. Co., Ltd., Newport	East Wales.
Do.	Guan Guan Shipping, Ltd., Singaport, Malaysia	Hong Kong South Sea Shipping Co., Ltd., Hong Kong	Samodra Mas.
Do.	Gulab, Devidas, Hong Kong	Culab Trading & Shipping Co. (Hong Kong), Ltd	Kishni.
Do.	Hornbeam Co., Ltd., Hong Kong	Eastland Nav. & Commerce, Ltd., Hong Kong	Amoy.
Do.	Hua Siang Steamship Co., Ltd., Singapore, Malaysia	Chan Kim Yam, Singapore	Giang Seng.
Do.		Hui An Shipping Co., Ltd., Hong Kong	Hui An.
Do.		Indo-China Steam Navigation Co., Ltd., the, Hong Kong	Eastern Queen.
Do.	Jebmei Shipping Management Co., Ltd., Hong Kong	Verder & Co. (Hong Kong), Ltd., Hong Kong	Santa Granda.
Do.		Jin Hoe Co., Ltd., Kuching, Sarawak, Malaysia	Jinsan.
Do.	Kie Hock Shipping Co., Ltd., Singapore, Malaysia	Kie Hock Shipping (H. K.) Co., Ltd., Hong Kong	Boscombe Down. Tong Hong. Tong Wee.
Do.		Malaysia, Government of the Federation of, Malaya, Malaysia, Marine Department.	Gannet (dredger).
Do.	Manners, John & Co., Ltd., Hong Kong	Cambay Prince S.S. Co., Ltd., Hong Kong	London Breeze. Thames Breeze.
Do.		Cronulla Shipping Co., Ltd., Hong Kong	Cardross.
Do.		North Breeze Navigation Co., Ltd., Hong Kong	East Breeze.
Do.		South Breeze Navigation, Co., Ltd., Hong Kong	Adelaide Breeze. Pacific Breeze.
Do.	Mariner Shipping Co., Ltd., Hong Kong	The Keystone Shipping Co., Ltd., Hong Kong	Golden Zeta.
Do.		Escort Shipping Co., Ltd., Hong Kong	Happy Seafarer.
Do.		Isis Shipping Co., Ltd., Nassau, N.P., Bahamas	Happy Mariner.
Do.	Moller, Chris, Hong Kong	Red Anchor Line, Ltd., Hong Kong	Denny Rose. Ruthy Ann.
Do.	Moller's Ltd., Hong Kong	River Line, Ltd., Hamilton, Bermuda	Elbow River.
Do.		Mullion & Co., Ltd., Hong Kong	Ardrowan. Ardsirod.
Do.		On Thai Navigation Co., Ltd., Hong Kong	Blissful.
Do.		Ocean Tramping Co., Ltd., Hong Kong	Crawford. Wishford.
Do.		Hemisphere Shipping Co., Ltd., Hong Kong	Kingford. Milford.
Do.		Peninsular Shipping Co., Ltd., Hong Kong	Dartford. Greenford. Longford. Rochford.
Do.	Pang Kwok Sui, Hong Kong	Shun Cheong S. N. Co., Ltd., Hong Kong	Belinda. Taipoohong.
Do.		Tai Ping S. S. Nav. Co., Ltd., Hong Kong	Tailungshan.
Do.	United China Shipping Co., Ltd., Hong Kong	Kinabatangan Shipping Co., Ltd., Hong Kong	Semporna Bay.
Do.	Vergottis, Ltd., London	Vergocean S.S. Co., Ltd., London	Vergmont.
Do.		Taikoo Dockyard & Engineering Co., of Hong Kong, Ltd., Hong Kong.	Tai Koo.
Do.	World-Wide (Shipping), Ltd., Hong Kong and London	Corithian Shipping Co., Ltd., Hong Kong	Golden Alpha. Golden Delta.
Do.		Willow Shipping Co., Ltd., Hong Kong	Kawana.
Do.	Yick Fund Shipping & Enterprises Co., Ltd., Hong Kong.	Tat On Shipping & Enterprises Co., Ltd., Hong Kong	Shun Fung.
Lebanese	Franco Shipping Co., Ltd., Athens	Olistim Nav., Co., Ltd., Monrovia	Toula.
Do.		Olisman Cia. Nav., Ltda., Panama	Vassiliki.
Do.	General Marine Agency, Ltd., London	Orient Shipping Corp., Monrovia	Rodos.
Do.	Halcoussis, A., & Co., Piraeus	Helmos Cia. Nav. S.A., Panama	Helmos.
Do.	Marcou & Sons, Ltd., London	Cia De Nav. Arcoul, S.A., Panama	Mariannina.
Do.		Ocean Tramp Tankers Corp., Panama	Eugenia.
Do.	Michailides, Th. M., Athens	Misisapa Naviera, S.A., Panama	Maria Despina.
Do.	Nomikos (London), Ltd., London	Santa Spyridon Maritime Co., Ltd., Monrovia	Tarseus.
Do.		26th October Maritime Co., Ltd., Monrovia	St. Demetrius.
Do.	Papadimitriou, D. J., & Sons, London	Cia Santa Marigo, S.A., Panama	Troyan.
Do.	Tattos, Nic. G., Athens	Rio Pardo Cia. Nav. S.A., Panama	Panaghia Lour.
Do.	Tharros Shipping Co., Ltd., London	Astir Cia. Nav. S.A., Panama	Astir.
Do.	Tricoglu V., London	Trico Corp., Panama	Tertric.
Do.	Troodos Shipping & Trading Co., Ltd., London	Maritza Cia. Nav. S.A., Panama	Maritza.
Do.	Vlassopulos, N. & J., Ltd., London	Alpha Cia. Nav., S.A., Panama	Alaska.
Do.		Oceanica Armadora, S.A., Panama	Parmarina.
Do.	Xylas, Anthony J., Piraeus	Blessing Soc., Anon., Panama	Irene X.

Free world vessels trading with North Vietnam, 1964—Continued

Flag	Agent	Ostensible owner	Vessel
Greek	Aegis Shipping Co., Ltd., Piraeus	Marguarida Cia. Nav. S.A., Panama	Aeakos.
Do	Chios Navigation Co., Ltd., London	Pioneer Shipping Development Inc., Panama	Khios Belle.
Do	Diamantis, Constantin, Piraeus	Greek Tankershipping Co. Ltd	Thermopylai.
Do		Resurreccion Compania Naviera, Athens	Anastassis.
Do	Franco Shipping Co., Ltd., Athens	Stamle Cia. Nav. S.A., Panama	Barbarino.
Do	Goulandris Bros., Ltd., London	Bahia Salinas Cia., Panama	Marrier.
Do	Hadjipateras, Harry	Sapphire Cia, Nav. S.A., Panama	Aegiaon.
Do	Gemos, G., Bros. Co., Ltd., London	Santa Katerina Cia. Nav., S.A., Panama	Apostolos Andreas.
Do		George Christos Lemos, Athens	Hellas.
Do	Lemos & Pateras, Ltd., London	Spalmatori Cia. Nav., S.A., Panama	Spalmatori.
Do		Apiganos Corp., Panama	Kapetan Andreas.
Do	Lusi, A., Ltd., London	Conquistador Cia. Naviera., S.A., Panama	Constantinos.
Do		Herculiana Cia. Nav. S.A., Panama	Alcyonis.
Do	Lykiardopulo & Co., Ltd., London	Daphne SS. Co., SA, Panama	Daphne.
Do		Margaronis, Dem P., & Sons, Athens	Eftychia.
Do	Michalinos Maritime & Commercial Co., Ltd., Piraeus	N. Michalos & Sons Maritime Co., Ltd., Piraeus	Calliopi Michalos.
Do	Nomikos (London), Ltd., London	Prosperity S.S. Corp., Monrovia	Polyniki.
Do	Papadimitriou, D. J., & Sons, London	Cia. Santa Roberts, S.A., Panama	Thebean.
Do	Tropis Shipping Co., Ltd., London	Marsiguro Cia. Nav. S.A., Panama	Katerina.
Panamanian	Goulandris Bros., Ltd., London	Bahia Salinas Cia. Nav. S.A., Panama	Hawk.
Do	Kie Hock Shipping Co., Ltd., Singapore	Palembang Shipping Co., Ltd., Panama	Selat Sunda.
Do	Papadimitriou, D. J., Sons, London	Cia. San Giovanni, S.A., Panama	Apollonian.
Do		Cia. Santa Kalliopi, S.A., Panama	Tegean.
Do	Salvatores & C., S. R. L., Genoa	Cia. di Nav. Almeriante S.A., Panama	Seacob.
Do	Tuillier, Sebastiano, Lugano, Switzerland	Cia. di Nav. Indomitus, S.A., Panama	Sanrocco.
Do	Tidewater Commercial Co., Inc., Baltimore	International Nav. Corp., Monrovia	Severn River.
Italian		Corrado, Societa di Navigazione, Genoa	Cesco Corrado.
Do	D'Amico, Fratelli, Rome	Cia. Baleniera Italiana, S.P.A., Palermo	Euro.
Do		Marittima Capodorsa, S.P.A., Rome	Settemari.
Do		Garibaldi, Societa Cooperative di Navigazione ARL, Genoa	Caprera.
Do		Lloyd Triestino, Societa per Azioni di Navigazione, Trieste	Viminale.
Do		Parodi, Societa per Azioni Emanuelee V., Genoa, Enrico Parodi	Marina G. Parodi.
Do	Ravano, Alberto, fu Pietro, Genoa	Adriatico Tirrino Jonio Ligure (A.T.J.L.) di Alberto Ravana & figli.	Probitas.
Do	Sicinicariella, F., Naples	San Francisco Soc. di Nav., Messina	San Francisco.
Do		Societa Siciliana, Servizi Marittimi, SPA, Rome	Benadir.
British		St. Merryn Shipping Co., Ltd., Hong Kong	Isabel Erica.

ATTORNEY GENERAL KATZENBACH AND ENFORCEMENT OF THE LAW

Mr. MARTIN of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, last night I listened with amazement and disbelief to the interview on "Meet the Press" with the Attorney General of the United States. I find it difficult to believe that Mr. Katzenbach can successfully fulfill the duties as head of the Justice Department while holding such confused notions about justice and the enforcement of the law.

Mr. Katzenbach evidently does not believe in impartial justice as illustrated in his excusing the action of throwing demonstrators out of the Justice Department building, but condoning sit-ins in Selma. The Attorney General said he had them thrown out because he wanted to work. He said he did not believe that it was proper to sit in in the Justice Department or anywhere on Constitution Avenue in Washington.

How do you suppose this statement will be received by public officials, businessmen, and the good citizens of Selma who also wanted to work, to carry out their official duties, but were prevented from doing so for more than 9 weeks by wild demonstrations and lawless gatherings, which were apparently approved by the Attorney General? Why is it proper to demonstrate on U.S. Highway 80 in Alabama, but improper on Constitution Avenue in Washington? Is this an impartial view of justice by the Attorney General of the United States?

Mr. Katzenbach declared his belief in Martin Luther King as "a responsible leader." The Attorney General can tell the people of the Nation that Martin Luther King is a responsible leader knowing full well that one of the most respected individuals in America, the head of the FBI—a division of Mr. Katzenbach's own Justice Department—only recently said that Martin Luther King "is the most notorious liar in the country." The Attorney General can call Martin Luther King a responsible leader, knowing full well his background and record. Such a statement either proves the Attorney General dangerously naive or simply means he refuses to face the facts.

One of the most amazing parts of the "Meet the Press" program was the reluctance of the Attorney General to state definitely that all people should obey the laws of the land. He equivocated with the statement that it may be OK to break the law when a moral issue is involved. Who is to determine which moral issues are above the law? How can we have equal justice before the law when the Attorney General condones lawlessness and immorality against some because of a moral interpretation of others with whom he agrees or owes a political obligation?

Finally, the Attorney General of the United States came close to condoning Martin Luther King's boycott of Alabama regardless of the misery it will cause to thousands of the people King and Katzenbach make such a show of wanting to help. Comparing the people with the Nazis was most outrageous, and will be resented by thinking people everywhere. I demand an apology from him in behalf of the people of Alabama.

Mr. Speaker, when the Attorney General of the United States demonstrates such partiality in dispensing justice, such a callous attitude on the need for obedience to the laws of the land, I seriously question his right or his ability to head the Department of Justice. With this attitude on the part of the chief law officer of the Nation, what justice can the majority expect? I believe the Attorney General and the President should make clear to the American people where the Justice Department stands in seeing to it that there will be equal justice before the law for all the people of the country, not just a political minority.

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS AMENDED

Mr. O'HARA of Michigan submitted a conference report and statement on the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes.

TAXING TRAVEL

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, a growing concern has been evidenced in my district over the proposed tax on persons who travel abroad. The feeling of many on this subject has been expertly worded in an article written by Louise Thomson recently in the St. Charles Banner-News, St. Charles, Mo. I would like to call it to the attention of this body:

On Taxing Travel

It isn't as if I were planning to go anywhere—in the near future or in the next few years. But I'm shook right down to my nine toenails (one of them was removed recently) about a proposed $100 tax levy on each person who travels overseas.

Up in Washington a great amount of concern is being voiced about how much American money goes out of the country while a proportionately smaller amount comes in. This is extremely hard on the keepers of the cash at Fort Knox. I'll admit that I understand how bad it is to have more money going out than coming in—after all I get a lecture on that here at home the first of every month, but I can't think of a much more undemocratic way for the Government to balance its world trade books.

Doesn't it seem odd that we Americans shake our heads in dismay and react with repulsion because the Communist countries pointblank refuse to let their people out of the homeland. In a sort of reverse negative action a head tax on the oversea destined American achieves the same result. In Iron Curtain countries the privileged few were able to travel. A U.S. tax would smack of the same patronage. To the well-to-do, the $100 would mean relatively little, but to the young couple who have eaten hamburgers for 3 years in return for 2 weeks in Spain, to the college student who can eke out the low fare and then rough it on his stay, to the retired couple who deferred that trip to Europe for so many years, the tax could make the difference between staying or going.

But anyway, say the tax goes into effect and people do stay home. They spend their vacation dollar in the United States. That's fine. Actually, though domestic travel is doing fine. The only people who complain about business are the World's Fair officials. On the other hand the money vacationers spend overseas goes into the pockets of the restaurant owners, the innkeepers, the shop proprietors—it gets to the people. The United States is committed to foreign aid and the money sent through Government channels often seems to hit a snag. That money is rumored to get lost in the pockets of officialdom more frequently than we'd like to believe.

Now, I have a much better plan for helping the foreign economy. Since we all know that the free world will flourish with a healthy flow of funds and since Congress votes huge sums for that purpose every year, it should devise a whole new system.

Instead of thinking of levying a tax for those who desire to travel abroad, subsidize the traveler instead. Cut out the foreign aid at the high echelon level, and make it appealing to travel to those countries which need the most aid. The Government might offer only a $50 allowance to each man who wants to go to some relatively wealthy country in Europe, but as much as $500 to the person who is willing to have a holiday in South Africa.

I can't imagine that anybody in Washington will go along with my suggestion, but I hope and pray that nobody there votes for that travelers tax. Gee, right now I couldn't afford to go even if the tax were only 50 cents, but the basic principle of such a tax is un-American.

L.W.T.

OLD FAITHFUL GEYSER IN YELLOWSTONE PARK

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, it has been known for years that Old Faithful geyser in Yellowstone Park is not too dependable when it comes to erupting, but now it develops that she leads a double life as well.

Dr. John S. Rinehart, a native of Kirksville, Mo., and a graduate of Northeast Missouri State Teachers College with a B.S. in education and an A.B. degree in physics, who is now with the Coast and Geodetic Survey, U.S. Department of Commerce, revealed that the famous geyser generally has two different cycles of eruptions. One occurs after a period of 45 to 55 minutes; the other after a period of 60 to 85 minutes. The long cycle predominates more than 3 to 1.

These conclusions are based on a study made by Rinehart, head of the Office of Research and Development, between January 27 and February 1 in Yellowstone Park. Rinehart made known his findings at the Seismological Society of America meeting in St. Louis, Mo.

Rinehart said his findings led him to believe that two cauldrons underlie the geyser, one smaller than the other. The larger apparently fills and erupts three times as often as the smaller.

He stated—

> We've known for many years that the geyser isn't as faithful as its name implies and that you couldn't set your watch by the time it erupted. However, this is the first knowledge we've had that there are two different patterns of eruption cycles.

The study, financed jointly by the Coast and Geodetic Survey and the National Science Foundation, with assistance at the site by the National Park Service, detected and measured for the first time the noises generated by a geyser.

To do so, a geophone, or seismometer, was placed on the cone of Old Faithful, about 60 feet from the opening. The instrument recorded over a period of several days Old Faithful's shakes and spasms.

> The boiling water beneath the surface pushes against rock, setting up disturbances which are detected by the seismometer—

Explained Rinehart—

> The study revealed that most tremors, or noises, are relatively weak and occur at about 1-second intervals. Interspersing these weak tremors are sharper tremors. As the time for the eruption draws near, these large tremors increase in their frequency until the eruption occurs.
>
> Then Old Faithful settles down for a rest, as if worn out by her exertions, and no tremors occur for 20 to 30 minutes. Then they start all over again.

The Coast and Geodetic Survey scientists said the tremors for the short cycle of eruptions begin earlier than those for the long cycle. The study showed that the shortest time between eruptions was 45 minutes; the longest, 85 minutes. Over the period during which the eruptions were registered, there were 30 of the short cycle variety and 98 of the long cycle.

Rinehart said the quiet period of 20 to 30 minutes, when there is no earth motion, terminates abruptly more or less. Two types of tremors then appear: short, fairly low intensity bursts of about 30 each second, each lasting from one-tenth to two-tenths of a second, and somewhat similar bursts, but of very much higher intensity, spaced a minute or two apart. Frequently, two sharp tremors appear in quick succession. Generally, a single high intensity tremor or a pair of closely spaced tremors herald a violent ejection of steam 15 to 30 seconds thereafter. These tremors continue until eruption occurs, after which they cease.

We, in the Ninth District of Missouri are proud of such scientists as Dr. Rinehart and of the great teaching institution Northeast Missouri State Teachers College which trains such men.

FAIR CONDUCT OF FEDERAL ELECTIONS

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MINSHALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MINSHALL. Mr. Speaker, the voting rights battlefield has more than one front. An area largely overlooked in the struggle for full rights for all Americans involves corruption at the ballot box. When votes are illegally cast or illegally counted, honest citizens are robber of their franchise.

I am introducing a bill to help assure that Federal elections are conducted fairly. It would make it a Federal offense, with fines ranging to $10,000, and imprisonment up to 5 years, or both, to register, vote, or tabulate votes illegally.

Specifically, penalties would be invoked when—

Registrants give false information as to name, address, or length of residence;

There is conspiracy with others to register falsely;

Votes are illegally cast;

Money or other valuables are exchanged for registering and voting;

There is destruction or alteration of paper ballots or voting machine records;

Votes are fraudulently counted, or not counted at all.

This legislation is across-the-board, and would supplement and strengthen existing Federal law. Its enactment is paramount if present and future voting rights legislation is to have any real meaning.

END THE OTEPKA CASE COVERUP

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MINSHALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MINSHALL. Mr. Speaker, for nearly 2 years Otto Otepka's career has been in a state of limbo, his name under an official executive shadow, accused of "conduct unbecoming an officer of the Department of State."

He is charged with providing unauthorized persons, specifically the chief counsel of the Senate Committee on Internal Security, with information regarding the State Department's security division. He has said:

> My loyalty to my country I put above my loyalty to the Department.

The following lead editorial from the Cleveland Plain Dealer of April 12 calls for the action which the Otepka situation has clearly demanded from the start. It underscores also the charges I have repeated again and again on the floor of the House and in my committee, that administration officials are covering up facts and denying information to the Congress which we rightfully must have if we are to legislate in the best interests of this Nation.

I commend the Plain Dealer's editorial to the attention of the executive branch:

End the Otepka Case Coverup

The State Department should bring the Otto Otepka case out into the open. Too long the Department has been striving mightily to keep the facts from the public.

In September of 1963, the Department fired its chief security risk evaluator on charges of giving confidential information to Senate investigators and of suggesting questions to be asked in an inquiry into the Department's Cuban policies.

The evaluator, Otto Otepka, appealed and is still attached to the Department's payroll as a "surveyor of congressional attitudes on security."

No one, including Otepka, knows what his duties are and it is unlikely that the job will have to be immediately filled if it should become vacant by reason of Otepka's departure, if ever.

Several hearings have been scheduled and postponed at the last moment. Another is slated for May 10 but no one is offering odds that it will be held.

For reasons known only to the State Department, the Otepka case is being kept under the rug where it was swept nearly 2 years ago.

The Department had to change its regulations whereby Otepka could remain on the payroll while his appeal was pending and its phone directory still had him listed as the chief security aid a year after he had been notified he was relieved of that duty.

Also, since the notification, two other Department employees were dismissed after reversing their testimony that they had not wiretapped the chief security evaluator's phone.

All efficiency reports on Otepka have rated him as "highly knowledgeable on communism and subversive efforts in the United States" and have cited his "balance, perception, and good judgment."

If the departmental hearing upholds Otekpa's dismissal, he can then appeal to the Civil Service Commission and then to the courts.

The May 10 hearing should be held to allay the public's suspicions about all the secrecy that has surrounded this case.

The public has a right to know what justification there could be, if any, for firing a public official for giving the Nation's lawmakers the information they might need to cast intelligent votes.

WHAT DO THE "EMERGING NATIONS" WANT FROM US

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska [Mr. Cunningham] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, the March issue of the American Legion magazine contains an article that can be described as "shocking." It concerns a plan now pending in the United Nations for redistributing the world's trade and industry—at our expense.

I commend this article to the attention of my colleagues and to the thinking people of this country.

What Do the "Emerging Nations" Want From Us?

(By Jeff Endrst)

(Note.—Now pending in the United Nations is a single plan for redistributing the world's trade and industry, approved in Geneva in 1964 by the solid vote of "emerging" nations. They look at it as a way to guarantee their prosperity.)

You seem to be having a nightmare.

In your dream (or is it a dream?) you work in a U.S. auto assembly plant. In the middle of the day shift you are called to the desk of Mr. Smith, of the personnel office.

Smith. Sorry to say you're out of work. Production cutback.

You. How long is the layoff?

Smith. It isn't a layoff. It's permanent.

You. You're kidding. What did I do?

Smith. You did nothing. It's just part of a United Nations plan to boost the world economy.

You. Come again?

Smith. Boost the world economy. Speed the development of the undeveloped nations, diversify them, increase their trade.

You. Something's wrong. Spell that out. You're not boosting anything, you're firing me.

Smith. Our country has guaranteed the sale of 250,000 Brazilian made cars here a year. European brand cars made in Brazil. It'll help Brazil build up an auto industry. First, we put up a heavy tariff against cars from Europe. Second, American auto firms are to cut back production. Thus we have to let some of our people go. But you're young, so the Government'll train you for a job in another industry.

You. You can't do this to me. Wait'll you hear from the union.

Smith. Our company didn't order this cutback, the Government did. The Government economist said a strike would be jake. It'd do the same job faster—cut back production even more than planned. Boost Brazilian sales here.

You. Is everybody nuts? Why is our Government doing a fool thing like this?

Smith. Well, when Brazil first asked for it, our country refused. But in 1964 a United Nations Trade and Development Conference in Geneva recommended that we encourage appropriate adjustments in our own economy in order to help developing countries diversify their economies. This is what that means. This year the U.N. General Assembly adopted the idea as official U.N. policy.

You. We voted for that?

Smith. We didn't vote for it. But the "developing" countries wrote the plan in Geneva in the first place, and when they brought it up in the General Assembly they all voted for it. They had 79 votes, and all the rest of the U.N. including our side and the Communists only had 35. There was no stopping it. The idea is that the industrialized nations—like the United States—will close out a large part of their industries, pay for building similar industries in the 79 "undeveloped" countries then guarantee to buy what they make at a good price. It stands to reason that we can't keep making better stuff cheaper and still buy their products too—so we have to close down a lot of our businesses, and that means layoffs here.

You. It stands to reason that if you lay us off we aren't going to be buying anything, let alone worse stuff at a higher price.

Smith. But I told you, the Government will retrain you.

You (excitedly). I don't want to be retrained. The United States can't do this. Those other countries have some tough problems, I know. But we've been helping them. I've been helping them. I read where we've spent $130 billion in foreign aid and development. That's my tax money, and I've voted for it. Now this. They're saying my taxes aren't enough, they want my job too. That's not what the United Nations was for. Where does our Government get off telling you to cut back production just because the U.N. voted for it? They can't do it. Why don't you fight them in the Supreme Court? The Government doesn't tell people what business they can and can't go into in this country, or how much they can and can't produce.

Smith. You're cheating. Don't forget, this is a nightmare. Stop being logical and get on with the show. The Government will retrain you to work in another industry. What would you like to get into?

You (playing along with the dream). Well, I guess work in the steel industry is pretty close to what I already know.

Smith. Sorry. When we cut back on autos we use less steel. On top of that, the United States, Britain, France, Germany, Russia, and Czechoslovakia have just given a complete steel industry to Ghana, over in Africa, under the same U.N. policy. Ghana hardly knows how to produce steel. She can't compete with us in knowhow, quality, or price. So we've guaranteed to buy a lot of her steel at good prices and save Ghana from having to compete with our own steel industry by ordering a big cut in U.S. steel. We've made the same deal with a number of other countries that are trying to industrialize and want heavy industry. Steel in the United States is laying off more men than we are. Pick something else.

You. My uncle is plant manager of a chocolate processing firm in Pennsylvania. For the rest of this dream I'll just skip the retraining and get him to take me on and show me the ropes.

Smith. You must be out of touch with your uncle. You know that raw cocoa is grown in Ghana. So we've financed a big chocolate processing industry there.

You. So what? Ghana is a little jungle country. It'll take her years, if ever, to learn how to outdo the American, Swiss, German, French, and Italian chocolate processors. My uncle has told me a little about the business.

Smith. Quite so. Ghana has to be protected against superior competition if we are speedily going to diversify her economy. So we got together with Switzerland and the other countries which Ghana says have been exploiting her cocoa, and we just followed the U.N. plan to set Ghana up in business and guarantee her prosperity. As a start, we lent her $100 million to build a chocolate manufacturing industry—at 3-percent interest, as the U.N. specifies. What Ghana can't pay us in cash we'll take in manufactured chocolate products. What she can pay in cash, we'll spend buying chocolate products from her. Our Government will be selling the chocolate in the United States from now on. After the debt is paid off, we have promised to continue to protect Ghana from competition from chocolate manufacturers in the so-called exploiting nations, although I think by then you uncle's firm will be out of business. It would be contrary to U.N. policy to permit it to compete successfully with Ghanaian chocolate products.

You. Any fool knows we won't have money to help anyone if we close up shop ourselves. This is just a bad dream, isn't it?

Smith. Oh, yes. The U.N. actually adopted all these ideas, but we haven't carried them out yet. What's your next choice for a new job?

You. I can imagine what's coming, but I'll try again. I originally came from the Northwest, and my first job as a kid was with Weyerhaeuser. That's lumber. I still have friends out there, so I guess I'll go back and see what they can work me in to. Your turn, Mr. Smith.

Smith. Doesn't Weyerhaeuser make plywood?

You. That's a lot of it. Now don't tell me, let me guess. We've given plywood factories to tropical hardwood countries, and since Weyerhaeuser can outproduce, outquality, and underprice them, we have made "appropriate adjustments in our own economy." To wit: Weyerhaeuser has been ordered out of business to boost the world economy and speed the diversification of the "developing" countries, under a U.N. plan adopted by the vote of the "developing" countries, in the U.N. General Assembly, in conformity with the 1964 Geneva Conference on Trade and Development. Right, Mr. Smith?

Smith. You learn fast. It should be a cinch to retrain you as soon as we find the right work for you.

You. I've got it. I want a job in sugar refining. I know damn well we didn't build a new sugar refining business in Cuba after what Castro has done.

Smith. You disappoint me. Here is the report of the Geneva Conference, as adopted. First, look at General Principle II, which says we must do the same for Communist as for non-Communist countries. I quote: "There shall be no discrimination on the basis of socioeconomic systems."

You. That doesn't say we have to give away our industry and trade to Communist countries.

Smith. This is Conference language. They never say things in plain English—or any other language. What else can it mean?

You. Nothing else, I guess. But look at what Castro did with those Russian rocket bases.

Smith. I quote now from General Principle XI, which says that our assistance should not be subject to any political or military conditions. If we object to setting Cuba up in business simply on the basis of her enmity, or because she tried to set up Russian rocket bases aimed at us, that would violate the United Nations rule.

You (losing your temper). Mister, I'm no economist, but this just adds up to 79 countries voting that we should give them what we've built up. It makes one big joke out of the United Nations. Don't tell me you "boost the world economy" by junking a century of industrial growth and transplanting it where it never grew, to be run by people who never ran it, some of whom are out to cut your throat. You're talking about a plan for world depression. I'll see you on the breadlines as soon as there's no more personnel work left here for you. I was thinking of going into farming. That's an occupation that our Government supports here. But I guess the U.N. has an answer for that, too.

Smith. Well, yes. Farm products are "primary commodities"—raw materials, you know. If you'll read the report you'll see, first, that the "developed" countries (that's us) are to stop subsidizing their own primary commodities. In plain language, no more farm supports in the United States.

But see, it says here that this is not to be "reciprocal." In other words, an "undeveloped" country may give government support to its own farmers, miners, and so on, but we must not. Then, we are not to have any tariffs against imports of primary commodities from "undeveloped" countries. You name it—wheat, cotton, corn, or what you will. Egypt or Argentina or any "undeveloped" country can go into these in a big way, and sell their products tariff free in the United States at less than cost, thanks to their own supports. I'd particularly stay out of farming if I were you. You'd be on your own against Government-supported stuff from abroad underpricing you in our food markets.

You. Oh, brother. So the U.N. has voted that we are to stop farm supports. What are they, our Congress? Tell you what, Mr. Smith, I'll make one more try. Give me my retraining in one of our businesses that makes synthetic products—Dacron textiles, synthetic rubber, or something like that. Nobody grows them abroad.

Smith. You are very difficult. The U.N. policy specifically urges us to cut back on synthetic materials that would replace any natural products which the "undeveloped" countries might grow. Our Government has restricted all research in synthetics in the interests of the world economy. Du Pont has closed its synthetics research complex already. We have, however, given synthetic rubber factories to some of the countries that grow natural rubber, as there is no majority objection in the U.N. to them going into that field. If you are really interested in synthetics you might move to one of those countries.

You. I'm not. I'm just groping for a new job. And now I've had enough of this dream. I'm going to wake up and see how much of it is true.

So our dream ends. How much of it is true?

Every idea in it, and a good deal more, was adopted by UNCTAD (the United Nations Conference on Trade and Development) in Geneva, Switzerland, last spring. The final act of the Conference filled 200 pages, virtually all of it in the same vein. It is a moral certainty that the 1965 U.N. General Assembly will adopt the whole Conference report.

In general, the final act was a proposal that:

(a) Industrial countries should surrender control of existing trade and industry to "undeveloped" nations; (b) they should release patents and inventions and halt technical advances that improve the position of their own industries; (c) they should guarantee to buy industrial products from the "undeveloped" countries at good prices to free them from having to meet superior competition; (d) they should provide the money to build the industries that would produce the products whose markets should be guaranteed; (e) all mutually advantageous preferential trade agreements between industrial countries, all protective tariffs, should be abolished. Instead, all industrial countries should give preferential treatment to the trade of the "undeveloped" countries, without mutual advantage and solely for the benefit of the trade of the "undeveloped" countries; (f) workers in the industrial countries who lose their jobs as the result of the giving away of industry and trade should be retrained for other work if young, or retired by their governments if they are too old to retrain.

What is not true in the dream is that the industrial nations have agreed to all these proposals. They have not. But when it comes to making the whole proposition United Nations policy, they are in the minority.

Until Indonesia dropped out of the U.N., the "undeveloped" countries, by the process of making new nations out of old colonies, had grown in number in the United Nations until last December they had 80 General Assembly votes to 35 for all others—Communist and non-Communist alike. When Indonesia dropped out they numbered 79.

For years, the ideas that finally came out of the 1964 Geneva Conference had been expressed on the floor of the regular meetings of the standing U.N. Economic Committee, where they had no force.

The Geneva Conference met last year on a one-shot basis to deal directly with the economic problems of the world, chief of which is the poverty and imbalance of wealth in most of the "undeveloped" countries, who now have a convenient nickname to distinguish them from the classic East-West division in the U.N. They are the "Third World." Most of them are in or near the world's tropical belt.

The United States, which has poured $130 billion into foreign aid and development, went to Geneva with some suggestions for strengthening the economies of the Third World, and a willingness to give reasonable assistance to sound courses of action. Many of the Third World countries could provide markets for growing industries by forming regional economic blocs, along the lines of the European Common Market. As individual nations they tend to be too small to provide a base for healthy industry. But regional markets could grow and attract capital for new industries in the Third World, if Third World countries would abandon the practice of seizing and nationalizing industries. That drives capital away, as does much of the Socialist planning which many of the Third World nations—particularly the newer ones—attempt. The United States was willing to work with the other industrial nations to phase out tariffs and restrictions on raw materials that hurt Third World trade.

But the mere count of noses at Geneva put a stop to discussions of sound growth in the Third World based on developing true economic strength. At Geneva, the Third World countries had 77 of the votes—a large majority. They were impatient with the slowness of real growth (it took 300 years to build capitalist United States out of forest land, and in 48 years of modern effort, from a running start, the Communist Soviet Union is still beset with unsolved industrial and agricultural problems). The Third World nations dominated the Conference and spoke of little except guarantees to be given them, guarantees which, the more aggressive ones said, were their right.

When the Conference had done its work it had adopted 15 general principles, 60 other recommendations, and 18 special principles. On most of the propositions there were 77 "yes" votes, while the industrial nations, Communist and non-Communist alike, either voted "no" or sat on their hands. Newsmen gave the majority the nickname "The 77 Club."

As these words are written, the 77 (now 79) are waiting for the hassle over Soviet dues payments in the U.N. General Assembly to come to an end, so that they can implement the Geneva final act as Official United Nations policy. Meanwhile, the General Assembly has already created a permanent 55-nation U.N. Board of Trade and Development, 31 of whose members are Third World nations. This was done on December 30, 1964, by acclamation in the General Assembly, without calling a vote.

Except that they haven't been adopted by the industrial nations, none of the details of the dream we started off with here is fictional. Brazil has asked us to guarantee the sale of 250,000 autos, suggesting tariffs against other foreign cars and cutbacks in Detroit as methods. Ghana does want both the chocolate and steel industries. Tropical countries want the plywood and synthetic rubber business. The United States does not oppose these industrial desires of the "undeveloped" nations—in spite of possible competition—if the markets are developed along with the industries on an economic basis. It is the matter of artificially transplanting the industries and guaranteeing the markets—in what the third world countries call "international redistribution of labor," or giving them what exists elsewhere—which seems fantastic to the U.N. minority which will be asked to do the giving and the guaranteeing.

Here are some other industrial ambitions which the looming U.N. policy will call for on a giveaway and guarantee basis:

Algeria and Tunisia want France to cut back its wine production to create a demand for poorer-tasting, higher-priced Tunisian and Algerian wines. Central American countries, with their bananas and other tropical products, should have guaranteed baby food industries. Burma eyes aluminum products, canned foods, and cornflakes. Ceylon, famous for tea, wants help in manufacturing and selling cement, building materials, and fertilizer.

Pakistan would enter the world market in household utensils, footwear, surgical instruments, chemicals, sports equipment. Colombia, a coffee and petroleum producer, wants steel mills, chemical plants, textiles, and paper industries. Chile, which exports copper, tin, and wine, wants to manufacture steel and copper products and export them along with lumber, pulp, and paper.

India, already a semi-industrialized nation, voted with the others at Geneva for the protective policies which should be granted them by the industrial nations. India wants to enlarge along such lines as metallurgical products, engineering goods, electrical appliances, pharmaceutical goods, diesel engines, electric motors, and sewing machines. Argentina, with its beef and hides, wants the Geneva policy to support it in world trade in tractors, auto accessories, machine tools, refrigerators, and data processing equipment. Mexico also wants to export auto accessories.

The Philippines wants to export more cigars and cigarettes instead of raw tobacco, and is among the tropical countries that want to bid for world markets in processed plywood, veneer, and synthetic rubber.

Here is how some of the Geneva proposals would pay for factories in the Third World:

1. Developed nations would pledge 1 percent of their national income to the industrial development of the 79 others.

2. Public loans should be made with interest at not more than 3 percent. Repayment of such loans should be used to buy goods from undeveloped nations.

3. Developed nations should give industrial equipment to the others on credit, repayment to be made in goods to be produced in the future.

4. A United Nations capital development fund should help finance the industrialization of the undeveloped countries. That fund would get its resources from voluntary contributions. Who would volunteer was left blank.

5. The existing United Nations Special Fund should be altered in purpose so as to build industries for the 79, and it should be enlarged for that purpose.

6. Long-term, low-interest bonds should be sold in the world market to build factories for the 79. As the interest rate they want would be too low to attract bond buyers, the developed countries should pay the difference between the special low-interest rate and the prevailing interest rate.

It is also strongly urged in the U.N. that the United States and Russia should stop their arms race, and allocate a part of their former defense budgets to the growth of the undeveloped countries. Ghana has said that we should give away 40 percent of our defense budget, others are more modest. These nations do not suppose for a minute that if it were that simple we never would have had such a defense budget in the first place.

Most of the assumptions in the Geneva report are quite simple. They boil down to: (1) Problem: Miserable economic conditions in the world's tropical belt. (2) Solution: If anyone is well off, let him share what he has. (3) Method: Since the big countries started the U.N. and say they support it, and since the Third World nations now have 79 of 114 votes in the U.N., all that is necessary is to vote the solution in the General Assembly. Therefore, whoever doesn't do his part to carry out that solution doesn't really believe in the United Nations.

One of the most naive assumptions of the 77 club at Geneva was that the industrial nations have permanent, unstoppable prosperity—undying riches which depend on no laws of economics, can stand any strain, and are so superfluous that they and the pillars they stand on can be given away or torn down without even counting them. It is a "fundamental principle," said Hugh L. Shearer, Jamaica's Minister of State, that the amount and terms of the capital provided to a Third World country should be based on that country's need. He complained that, at Geneva, the delegates of the industrial nations did not make precise commitments to meet those needs. Such outspoken assumptions that the industrial nations' delegates to Geneva were not answerable to their governments, and could pledge any number of billions which the majority asked on the spot, were commonplace at Geneva.

Foreign Minister Singh, of India, said: "We were somewhat disappointed to find that our colleagues from the developed countries seemed to be somewhat unprepared to meet the challenge of the situation."

Another common expression was that a Third World nation which was not given industry and guaranteed markets was being deprived of the right to have industry and trade at all. Foreign Minister Kojo Botsio, of Ghana, spoke of any failures to be given industry and trade on Geneva terms as "depriving" the Third World of the "right to earn its own way." Botsio spoke indignantly against unreliable dollar foreign aid, and said he'd rather have "assured prosperity for all." (As who wouldn't?)

Mahmoud Riad, Foreign Minister of the United Arab Republic, recognized that gifts of industries and guaranteed trade are foreign aid, and spoke of them as a right. "Foreign aid in both financial and technical fields is an essential element for the developing countries," said Riad, "* * * and it is a right to which developing nations are entitled."

When the Conference ended, the Third World looked upon its final act not as a "compromise" but as an encouraging "first step." In the General Assembly this winter Foreign Minister Mahgroub, of the Sudan, thought that the Geneva demands were hardly enough: "We thought that it was the most vital gathering of men in this latter part of the 20th century. But we expected much more," he said. "* * * the recommendations of the Conference were mild and watered down as a result of compromises."

Expectations run high today that once the Geneva report is U.N. policy the industrial nations will be on the defensive until they carry out its recommendations.

That the great depression happened in recent memory to the industrial nations, that unemployment is a permanent specter here, that our buying power comes from our productive power rather than from a bottomless well of gold—these all seemed but fairytales at Geneva. That we have one Appalachia and will not voluntarily make more of them by willfully cutting back industries and trade and employment seemed to occur to nobody. Demands that we guarantee prosperity to others were not once equated with our inability ever to guarantee it to ourselves, but only to work for it.

Everybody agrees that the economic condition of the undeveloped nations is one of the most serious world problems. Instead of closing, the economic gap between them and the industrial nations is getting wider. Not more than half of their people are employed even part time. Many of the Third World nations are totally at the mercy of world price fluctuations of single commodities on which their livelihoods depend—such as copper, bananas, coffee. The average weekly income of an employed worker in India is $6, and India is far ahead of many of the other countries—where it can take months to earn that much. In some of the countries 95 percent of the population is illiterate. In the midst of all this misery, their populations are booming. There are no easy answers. The great tragedy of Geneva is that the nations that most desperately need solutions have chosen the worst possible answer of all. They said, in so many words. It isn't our problem, it's yours."

INDEPENDENCE OF CROATIA

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Derwinski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, Saturday, April 10 marked the annual commemoration of independence by the people of Croatia. Croatia, since the close of World War I, has been a part of the then newly created Yugoslavia, and today its people are captives of the brand of communism imposed by Yugoslavia's Dictator Tito.

Throughout the United States leaders of Croatian patriotic, fraternal, and civic groups are working zealously to maintain the traditions and heritage of their people and cooperate with the peoples of other captive lands in the common effort to restore freedom to all those nations now captives of communism.

The people of Croatia have a long and honorable history and have steadfastly maintained their great national traditions. Even though they do not receive proper attention from our State Department and Government leaders, the American public remembers the courageous leadership in their struggle for postwar freedom which was provided by Aloysius Cardinal Stepinac, world renowned as a heroic opponent of atheistic communism. Cardinal Stepinac, who died on February 10, 1960, was one of the great heroes of our time and a symbol of the suffering which champions of religious freedom have endured under Communist tyranny.

We must maintain the struggle for freedom for which Cardinal Stepinac was such a great inspiration until the day when the Croatians and other captive peoples throw off the yoke of communism.

INCOME TAX PROBLEM

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I think the Internal Revenue Service should be criticized for its empty gesture of interest in taxpayers who find themselves facing additional income tax payments on April 15. The Treasury Department has opposed all emergency action which would have lessened the burden imposed on many taxpayers who now face unexpected increases in the Federal income tax which falls due this week.

The troublesome tax problems which at the moment affect millions of taxpayers were clearly foreseen a year ago, yet for political purposes the administration went ahead with its scheme to underwithhold taxes from wage earners in order to give them an artificial feeling of benefit during the 1964 political campaign. The underwithholding of Federal income taxes is now resulting in reduced income tax refunds and increased additional taxes due.

Mr. Speaker, I would like to cite examples of individuals and families facing present tax problems. A single person earning $5,200 a year with standard deductions will be required to pay $48.50 more this year than he would have under withholding rates applicable under the previous tax law. A married couple with standard deductions earning $7,800 would, instead of receiving a $11.20 refund, be required to pay an additional $56. A married couple earning $13,000 annually, with two dependents and standard deductions, will be required to pay an additional $104.

It is tragic that administration officials have deliberately misled and misinformed the public, but with the arrival of the income tax filing date, this intentional fraud has been thoroughly uncovered.

FARM LABOR CRISIS IN MICHIGAN

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. HUTCHINSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, the difficulty in obtaining an adequate supply of competent farm labor since the expiration of Public Law 78 is expected to be extremely critical in the cucumber pickle producing areas of the country. Michigan is a leading State in the production of pickles, 22,800 acres having been harvested in my State in 1964.

It is predicted that 25 percent of the Michigan pickle acreage will not be planted in 1965, because growers see a shortage of necessary harvest labor. The National Pickle Growers Association reports that even with the reduced production, 20,000 harvest workers will be needed this summer in the Michigan pickle harvest alone.

The Michigan Employment Security Commission is undertaking a program of recruitment to replace 13,000 Mexican nationals formerly employed in Michigan crops, seeking every possible domestic farmworker.

The National Pickle Growers Association, by letter of April 8, 1965, has informed its membership and the Michigan Members of the House that arrangements have been made with the Secretary of Labor for the importation of 500 farmworkers from Puerto Rico, to be flown from San Juan to Detroit about July 20 for 8 weeks.

This information is heartening evidence the Secretary will permit the importation of offshore farm labor where the need can be shown.

THE RAYBURN OFFICE BUILDING

The SPEAKER pro tempore (Mr. HECHLER). Under previous order of the House the gentleman from Oklahoma [Mr. STEED] is recognized for 30 minutes.

Mr. STEED. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Speaker, as chairman of the Subcommittee on Legislative Appropriations for several years past, I had some special responsibility in respect to recommending funds for construction of the Rayburn House Office Building. No other public building within memory has had so much erroneous and extravagant criticism publicly and repeatedly directed at it. As I have often said, I have always tried to fully develop as many of the facts as seemed pertinent and practicable about this great, and greatly needed, building, both in the annual appropriation hearings and here on the floor. But the appalling misstatements and unwarranted inferences about many facets of the project continued in floodtide. In an effort to set the record in some better focus, I asked the Office of the Architect some months ago to compile a wide assortment of inaccurate, misleading, and unfair statements and charges and put alongside of them the facts in a fair and reasonable manner. I introduced an extensive compilation in that connection here on the floor on March 11 of this year. It appears on pages 4810–4815 of the RECORD, and I once again commend it to the attention of those who are looking for facts about the project.

At the time, I also asked that an extensive compilation be made of change orders issued under the three major contracts involved in getting the building ready. There has been some criticism in this connection. I have now gotten these compilations and in keeping with our desire to take every reasonable step to make the facts available, I am including the lists compiled in the Office of the Architect, who is the contracting officer under the law.

I have not examined into each and every one of the hundreds of entries at great depth to form an opinion as to the correctness or reasonableness of each. I am not an engineer or an architect and therefore not competent to pass judgment on the technicalities. It would be nothing short of amazing in a project of this size and duration if not one mistake was made. And it would be beyond all reason to expect no criticism of at least some aspect of the project.

Suffice to say at the moment that a complete and independent audit of all phases of the project is now in progress and will be available from the Comptroller General in due time. I am confident the audit will disclose the facts as they are.

The compilations follow:

ARCHITECT OF THE CAPITOL,
Washington, D.C., April 7, 1965.

Hon. TOM STEED,
Committee on Appropriations,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: Some time ago you asked me for a listing of the significant change orders, showing the scope of and reason for each such order issued under the three major contracts let in connection with the foundations, structural steel, and construction and equipment of the Rayburn House Office Building.

Such a listing under each of the three contracts has now been prepared in the form we discussed and is enclosed herewith for your information. There is also embodied in each statement a summary showing the original contract price, the amount of the change orders, and the total contract price.

There has been some delay in furnishing you this information because of the numerous details involved and your desire to have the report prepared, as far as possible, in readily understood, nontechnical language.

With best wishes, I am,

Sincerely,

J. George Stewart,
Architect of the Capitol.

Rayburn House Office Building

MARCH 1965

Contract: For excavation, excavation bracing system foundation piles, pile caps, and other items for the foundations.
Contractor: McCloskey & Co., Philadelphia, Pa. (Lowest of 13 bidders.)
Bidding: Open competitive bids.
Date of contract: May 8, 1958.

Original contract price	$6,666,000.00
Total amount of change orders	2,164,004.02
Total contract price	8,830,004.02

Breakdown of change orders

Date ordered	Number of change order	Description	Amount
Dec. 30, 1958	3	Scope: Revised bearing piles from thin shell type to heavy wall type. Reason: Frequency of pile failures in early period of driving due to subsurface obstructions resulted in abnormal quantity of rejects for which replacement at Government expense was required. Economics and necessity to minimize work progress delays dictated need for heavy wall piles.	$108,474.30
Aug. 22, 1958	6(a)	Scope: Pile cap changes due to relocated replacements for rejected piles. Reason: Each pile failure due to subsurface obstructions required a replacement pile and a rearrangement of pile pattern with a relative redesign of the pile cap.	167,930.61
Nov. 13, 1958	6(b)	Scope: Modification of foundation design to add shear walls, expansion joints, heavy concrete lugs, and thickening of certain pile caps. Reason: Foundations designed and contract let therefore before completion of design of superstructure, in order to expedite overall completion of project. It was estimated that this procedure would permit the excavation and foundation work to begin 2½ years earlier than would have been possible if such work had been deferred until final building design was completed. When the superstructure design was nearing completion, it was found necessary to modify the foundations in the west half of the building site, to accommodate load pressures and revised expansion stresses. The best way to overcome this problem was to add weight to the foundations. The additional weight could have been added to the superstructure contract yet to be advertised, but this would have used valuable space. It was accordingly determined to be in the interest of the Government to add the weight in the foundations as a change order to the foundation contract.	1,262,552.94
Dec. 10, 1958	6(c)	Scope: Addition of construction keys, dowels, and reinforcing steel for shear walls that were added by foundation modification described in 6(b). Reason: Covered in 6(b).	27,213.91
Oct. 22, 1958	8	Scope: Revised anchor bolt requirements Reason: Final design of structural steel framing required revision of anchor bolt arrangement for approximately 320 columns, resulting in additional bolts as well as an increase in the length of numerous original bolts.	14,366.04
Feb. 25, 1959	12(a)	Scope: Revised anchor frame in block N requiring installation of piers and struts for columns under the subway terminal, and corrections to certain pile cutoff elevations in blocks A, F, J, and K. Reason: Layout and location of subway terminal not complete when foundation plans were released to bidders. The need for piers and struts was recognized. It was to the Government's advantage to hold this feature for issue later as a supplement rather than delay the release of foundation plans.	$101,451.05
Jan. 7, 1959	12(b)	Scope: Addition of construction keys, dowels, and reinforcing steel for shear walls that were added by foundation modification. Reason: Same as 6(b).	10,468.02
July 7, 1959	12(c)	Scope: Modification of bracing frames 29-5 and 29-5a. 60 tons of structural steel added. Reason: Original design provided for cantilevering of the soldier beams. Excavation slope problems made this impractical, so heavy rakers were added.	24,027.81
Mar. 28, 1960	16	Scope: Provide and operate a well-point system consisting of 80 well-points, 650 feet of header pipe, 2 pumps, and miscellaneous components. Reason: Necessity to lower the water table to 2 feet below the bottom of the lugs in the west half to properly drain that area to avoid damage to the load bearing properties of the soil.	83,839.64
Feb. 27, 1961	19	Scope: Anchors for chilled water lines within the chilled water tunnel. Reason: To avoid damage to lines because of movement of the tunnel resulting from earth movement behind the excavation slope.	20,088.00
Dec. 29, 1961	20	Scope: Transferring various items of work from foundation contract to the superstructure contract. Reason: Facilitate closing out the foundation contract as well as to provide a more practical work sequence. (Superstructure contract was adjusted for the same amount.)	(−13,500.00)
Nov. 8, 1960	24	Scope: Modifications in design directed under eleven (11) supplements relative to deeper pile caps, change in pile cluster arrangements, additional temporary sheet piling, added dowels for shear walls, etc., which caused certain delays in work progress and interrupted the work sequence. The contractor claimed $473,870. This was reduced to $305,000 after analysis and negotiation. Reason: Disruption in sequence of pile driving causedby access inferences—relates primarily to necessity of cribbing up for movement of 80-ton pile-driving crane.	305,000.00
	Various	Thirty-three (33) change order items, each for relatively minor amounts.	52,091.70
		Total amount of change orders	[1] 2,164,004.02

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[1] Excludes claim of contractor in amount of $996,000, disallowed by Architect of the Capitol, appealed by contractor pursuant to contract provisions, and now before Board of Appeals for settlement.

MARCH 1965

Contract: For furnishing delivery and erection of the structural steel for the Rayburn House Office Building.
Contractor: Bethlehem Steel Co., Bethlehem, Pa. (Lowest of 4 bidders.)
Bidding: Open competitive bids.
Date of contract: July 9, 1958.

Original contract price	$6,907,500.00
Total amount of change orders (net)	301,150.77
Total contract price	7,208,650.77

Breakdown of change orders

Date ordered	Number of change order	Description	Amount
Oct. 16, 1958 Nov. 13, 1958 Nov. 14, 1958	3 (b) and (c)	Scope: General changes of structural changes on garage levels. Reason: Structural changes effected by finalization of architectural plans.	(−$38,395.07)
May 20, 1960	5	Scope: Suspension of work from May 20, 1960, to July 19, 1960. Reason: Erection of structural steel for the east half of the building had to be deferred due to fact that foundation work being done by another contractor was not completed.	39,250.00
Do	6(a)	Scope: Suspension of work from July 20, 1960, to Sept. 19, 1960. Reason: Same as preceding item.	34,193.78
Do	10	Scope: Payment of interest on retained percentage and on steel manufactured and shipped or stored (during suspension period). Reason: Due to delay in completion of the foundation contract, work under the structural steel contract was ordered suspended for nearly 7 months. Under the latter contract no payments were permissible for steel not actually erected. Since the contractor had manufactured and stored large quantities of steel which he could not erect due to the suspension order and for which he could not be paid until erection, he claimed 6-percent interest on payments withheld, under the equitable adjustment provisions of article 2–19 of the contract. After the General Accounting Office determined that we were liable in principle, the percentage of interest was negotiated down to less than the prime bank rate, namely from the claimed 6 to 3½ percent.	44,493.93
Do	11	Scope: Suspension of work from Sept. 20, 1960, to Dec. 9, 1960. Reason: Same as change order No. 5 above.	$52,869.61
Dec. 9, 1960	20	Scope: Additional expense to the contractor resulting from an order of the Government to perform work in a different sequence than required by the contract. Reason: In order to conclude work suspension as soon as possible and to improve building completion date, the structural steel work contractor was directed to commence work in the east half while same was still occupied by the foundations contractor. The additional expense to the Government was less than the amount that would have been required to continue suspension of work as noted in the preceding change orders for an additional 8 months, and additionally, improved the building completion date.	113,080.00
	Various	Twenty-six (26) change order items each for relatively minor amounts.	55,658.52
		Total amount of change orders	301,150.77

APRIL 1965

Contract: For construction of the superstructure for the Rayburn House Office Building.
Contractor: McCloskey & Co., Philadelphia, Pa. (Lowest of 7 bidders.)
Bidding: Open competitive bids.
Date of contract: March 10, 1960.

Original contract price	$50,793,000.00
Net cost of additions, changes, etc., covered by change orders issued to date. Prices are final, firm amounts except in the 2 cases noted in attached breakdown	[1] 3,831,258.73
Estimated cost of additions, changes, etc., ordered or estimated to be ordered, on which prices have not been agreed upon finally	$875,741.27
Total estimated cost under this contract	[2] 55,500,000.00

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[1] Breakdown of change orders issued to date is attached.

[2] Space amounting to about 5 percent of the gross floor area for rooms was left undeveloped for expansion purposes. The cost of completing these areas will depend on future determination of the use of such areas. No reserve is included in the above estimates for finishing these undeveloped areas.

RAYBURN HOUSE OFFICE BUILDING SUPERSTRUCTURE CONTRACT

Change orders issued to date

MARCH 1965

Date ordered	Number of change order	Description	Amount
Sept. 8, 1960	2(a)	Scope: Change from zinc-coated to lead-coated copper flashing for walls and spandrels. Reason: Unfavorable reports on zinc-coated flashing relative to brittleness, cracking and rotting.	$34,037.00
Aug. 4, 1960	4(a)	Scope: Change 4 freight elevators with 6,000-pound capacity to freight-passenger elevators with 9,000-pound capacity. Reason: To provide for more expeditious and safe evacuation of building in event of fire or other emergencies.	51,501.34
Oct. 3, 1960	6(a)(1)	Scope: Add reference shelves to 2,873 filing cabinets. Reason: To provide more efficient facilities for filing ($20,865.74).	35,717.48
	(2)	Scope: Cut stone as necessary and add 6,900 square feet of lead-coated flashing at terrace exterior walls. Reason: To provide a more positive method of preventing seepage through the walls into the building ($14,849.74).	
Apr. 27, 1961	12(a)	Scope: Revised control and signal systems for the 16 passenger-type elevators. Involved changes to the indicator panels, call system, and supervisory operating controls. Reason: To provide flexibility of control and operation for maximum utilization of elevators under all demand situations.	37,124.00
Feb. 3, 1961	12(b)	Scope: Provides lighting in the 28 elevator shafts. Reason: To promote safety and facilitate repair work within shafts.	28,159.00
Apr. 24, 1961	13	Scope: Provide dielectric type insulating material at all flanged junctions of nonferrous to ferrous elements throughout the domestic water and fountain systems. Reason: To prevent the occurrence of galvanic action.	$23,820.00
Feb. 21, 1961	16(a)	Scope: Add sound isolation pads and flexible bus duct connections to 16 transformers. Reason: To prevent transmission of power hum and vibration to any part of the building.	14,279.00
Dec. 29, 1961	18	Scope: Transferring various items of work from the foundation contract to the superstructure contract. Reason: Facilitate closing out the foundation contract as well as to provide a more practical work sequence. (Foundation contract was credited for the same amount of money.)	13,500.00
Aug. 8, 1961	35(b)	Scope: Relocation of certain telephone and Western Union conduits from subbasement to 3d garage level. Reason: Conflict of the mechanical and electrical work above the ceilings in corridor D19 and lobby D17.	14,786.00
Mar. 1, 1961	35(c)	Scope: Relocation of telephone feeder conduits in blocks L and B from the subbasement to 3d garage ceiling with additional junction boxes and conduit. Reason: Conflict between mechanical and electrical work.	11,961.00

RAYBURN HOUSE OFFICE BUILDING SUPERSTRUCTURE CONTRACT—Continued

Change orders issued to date—Continued

Date ordered	Number of change order	Description	Amount
May 3, 1961	44(b)	Scope: Substitute industry-standard integral trim for stainless steel trim specified, around electrical boxes and panels. Reason: Integral trim is built in factory as a part of box or panel. Considered more satisfactory and cheaper than specified stainless steel trim, the latter tending to promote hairline cracks around boxes and panels.	(−)$21,756.00
Jan. 5, 1962	49	Scope: Revise metal lath for ceilings from black to galvanized and lath tie wire from galvanized to monel. Reason: Corps of Engineers research on ceiling failures in various areas revealed that failure of the black metal lath was caused by corrosive reaction between the plaster and the lath, triggered by the humidity existing in the area above suspended ceiling. This revision circumvents such possibility.	19,361.24
Aug. 19, 1960	50(a)	Scope: Change floor elevations in 2d and 3d garage level by adding 1½-inch thickness to structural slabs. Reason: To provide contractor required additional space in concrete floor slab for installation of conduits and reinforcing steel.	120,661.00
Nov. 29, 1960	50(b)	Scope: Install waterstops at construction joints in garage level areas. Reason: To provide a positive method to prevent leaks through the construction joints to the floor below, which could occur under the contract design.	143,135.00
Aug. 11, 1961	52	Scope: Changes in the keying and locks in the building. Reason: Building superintendent requested that the locks for similar spaces be keyed alike—minimize problem of access to various locations for maintenance purposes.	13,131.00
Mar. 27, 1961	53	Scope: Added 1 adjustable shelf and 3 letter-size files fitted into the lower section of each safe. Reason: Originally to be provided under furniture contract but substantial savings were realized by incorporating accessories at time of manufacture of safes.	24,111.00
May 17, 1962	54(a)	Scope: Constructing temporary platform at the northeast corner of the Rayburn House Office Bldg. Reason: To permit cornerstone laying.	10,600.00
Oct. 18, 1960	60	Scope: Installed copper waterstops in keyed construction joints at slab openings for temporary raker posts, diagonal bracing, etc., in garage levels. Reason: To provide for prevention of leaks through the joints.	64,404.00
Dec. 27, 1960	61	Scope: Relocating reinforcing bars adjacent to the steel beams in the floor framing of the 2d garage level. Reason: Interference between these bars and the electric conduits necessitated their relocation.	44,498.00
Dec. 1, 1961	64	Scope: Changes in space F–177 to construct 1 private office, 2 general offices, a toilet and storage room and changes and additions in the post office area. Reason: Necessary subdivision of space provided by contract. Post office changes requested by the postmaster.	34,630.00
Apr. 26, 1962	79	Scope: Revision of existing Tiber Creek sewer manhole in Independence Ave. Reason: Due to the rerouting of the 20-inch sewer from manhole No. 14 resulting from subway revision.	22,748.00
Aug. 31, 1962	81(a)	Scope: Run two 4-inch conduits for telephone service from wire closet in subbasement to manhole at 1st St. and Independence Ave. Reason: Requested by the telephone company to enable them to place new cable to serve Botanic Gardens to facilitate abandoning of the cable run in Independence Ave. from South Capitol St. to 1st St. when the conduit work for the Rayburn Bldg. was completed.	
Do	81(b)	Scope: Run two 4-inch conduits from the telephone vault in the basement to pick up the two 4-inch conduits that are to be placed in the west subway tunnel. Reason: Requested by telephone company to provide alternate emergency service if regular service run should fail.	
		Total of 81 (a) and (b)	19,524.00
Nov. 6, 1962	93	Scope: Separate ceiling plaster from plaster cornices in Member's office and reception room, all congressional suites. Reason: To provide sound isolation.	11,452.00
June 30, 1961	94	Scope: Provide additional structural steel supports under transformer room No. 3. Reason: To provide additional support for larger transformers in this room.	14,768.00
Sept. 12, 1962	108	Scope: Revise the legislative call system from 5-signal units to 7-signal units. Reason: To conform to system approved for Capitol and recommended for future installation in all House and Senate Office Bldgs. (developed after award of contract).	$96,650.00
Jan. 4, 1963	114(c)	Scope: Installation of fire-rated fissured mineral tile on ceilings in all areas which will contain movable steel partitions in lieu of type specified. Reason: To provide maximum sound absorption and fire resistance rating.	14,244.00
Apr. 13, 1962	118	Scope: Revisions to subway terminal involving structural, electrical, and mechanical changes. Reason: To provide for proper angle of approach of the subway from the Capitol, which was designed after Rayburn House Office Bldg. was under construction.	83,924.00
May 3, 1963	120	Scope: Provide and install in each Member's private office, a clock with audible and visual legislative call signals. Reason: As directed, no clocks were provided in original contract for these rooms. Upon reconsideration, Commission directed that clocks be installed.	70,951.00
Jan. 17, 1964	124	Scope: Provide operational maintenance service from Jan. 21 through Mar. 31, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	57,518.00
Do	127	Scope: Provide operation maintenance service from Mar. 25 through Apr. 30, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	32,991.00
Jan. 31, 1962	128	Scope: Provide health facilities for Congresswomen. Reason: No such facilities were included in the original contract. Addition of such facilities considered and approved by House Office Building Commission after award of contract.	144,676.00
Do	130	Scope: Install gymnasium annex containing swimming pool, locker rooms, showers and related facilities and including an elevator for connecting the annex with the gymnasium 2 floors above. Reason: No such facilities were included in original contract. Addition thereof considered and approved by House Office Building Commission, upon recommendation of the attending physician. (*Note:* This is *not* a final, agreed upon cost, but the cost *cannot exceed this amount*. Under this arrangement, payments to contractor are based on not more than 75 percent of figure shown, pending final determination of cost.)	512,954.00
Apr. 11, 1962	134	Scope: Install complete cafeteria facilities in Rayburn House Office Bldg. Reason: Only certain roughing-in for cafeteria and dining facilities included in original contract. Addition of such facilities considered and approved by House Office Building Commission.	880,000.00
May 10, 1963	140	Scope: Furnish and place topsoil. Reason: Originally planned to be a separate contract, but later determined that for reasons of economy and to provide better coordinated work schedule, a supplement to the Rayburn House Office Bldg. contractor was in order.	111,886.00
Jan. 17, 1964	141	Scope: Provide operational maintenance service from Apr. 22, 1964, through May 31, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	38,483.00
Dec. 14, 1961	142	Scope: Revisions to steam branch and water main connections and structural changes pertinent thereto in pedestrian tunnels Nos. 3 and 4. Reason: To provide necessary service from trunk lines to Longworth and Rayburn House Office Bldgs. not included in contract. Arrangement of these utilities could not be determined until after design of pedestrian tunnels.	83,778.00
Jan. 17, 1964	146	Scope: Provide operational maintenance service from May 20, 1964, through June 30, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	34,857.00

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RAYBURN HOUSE OFFICE BUILDING SUPERSTRUCTURE CONTRACT—Continued

Change orders issued to date—Continued

Date ordered	Number of change order	Description	Amount
Jan. 17, 1964	147	Scope: Provide operational maintenance service from June 17, 1964, through July 31, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	$43,830.00
July 22, 1964	148	Scope: Install telephone outlets, electrical receptacles, buzzers, and pushbuttons in 160 Members' suites. Reason: Necessary to provide telephone, electrical outlets, and communications requirements, not possible to include in contract inasmuch as basis for arrangement was dependent on furniture layouts.	79,709.00
July 13, 1962	149	Scope: Relocate 20-inch diameter sewer on Independence Ave. Reason: Insufficient coverage over new subway to allow for sewer to be located as shown on the contract drawings. Subway design had not been developed at the time the superstructure contract was let.	51,031.00
Jan. 17, 1964	150	Scope: Provide operational maintenance service from July 22, 1964, through Aug. 31, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	39,746.00
Do	151	Scope: Provide operational maintenance service from Aug. 19, 1964, through Sept. 30, 1964. Reason· To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	37,822.00
Nov. 8, 1963	153	Scope: Provide temporary operational maintenance service required to supply steam and condensate service to the Botanic Garden from Oct. 28, 1963, to Jan. 21, 1964. Reason: The Botanic Garden required said service on a 24-hour, 7-day-per-week basis until such time as permanent facilities being installed under the superstructure contract were completed and accepted by the Government.	14,381.00
Jan. 17, 1964	155	Scope: Provide operational maintenance service from Sept. 16, 1964, through Oct. 31, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	52,120.00
Aug. 6, 1963	156	Scope: Subdivision of approximately 37,000 square feet of floor area on the basement level by means of installation of movable steel partitions, and changes in electrical lighting, heating, ventilating, and air conditioning. Reason: To provide office facilities for special and subcommittees previously housed in the George Washington Inn which was scheduled for demolition. (*Note:* This is *not* a final, agreed upon cost, but the cost *cannot exceed this amount*. Under this arrangement, payments to contractor are based on not more than 75 percent of figure shown, pending final determination of cost).	$88,804.00
Feb. 4, 1964	160	Scope: Furnish 96 clocks, 20 electronic receivers and 12 movements. Reason: Experience with electronic clock and legislative call systems in the Capitol and New Senate Office Bldg. indicated that availability of replacement parts would be an essential requirement as soon as the systems in the Rayburn Bldg. were put into operation.	14,095.00
Mar. 15, 1962	164(a)	Scope: Installation of 13,780 linear feet of plaster stops. Reason: Considered desirable to separate plaster coated walls of concrete, brick, or cinder block when one type abuts another, to minimize possibility of shrinkage cracks.	14,002.00
Jan. 17, 1964	171	Scope: Provide operational maintenance service from Oct. 21 through Nov. 30, 1964. Reason: To provide essential service in areas of the Rayburn House Office Bldg., occupied by the Government.	61,602.00
Mar. 7, 1963	172	Scope: Provide field office facilities for the Architect of the Capitol's administrative, engineering, and inspection personnel within the Rayburn House Office Bldg. This involved installation of partitions and floor covering and changes in electrical lighting, heating, ventilating. and air conditioning. Reason: Field office facilities were previously housed at 301 South Capitol St.; building was scheduled for demolition.	48,728.00
	Various	Total of 249 relatively minor change orders issued to date, averaging $1,346 each (all change orders of $10,000 or more listed in detail hereinbefore).	336,324.67
		Total change orders issued to date	3,831,258.73

NOTE No. 1.—All amounts shown in this report except change orders Nos. 130 and 156 as noted, are firm and final figures.

NOTE No. 2.—The apparent overlapping of the dates of maintenance service furnished by the contractor during partial occupancy is due to trade practice with respect to payroll periods and does not represent actual dual payment or overlapping.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman know when the General Accounting Office report will be submitted?

Mr. STEED. It is my understanding that the final phases of the contract with the prime contractor are now underway. As soon as he has finished the work the Comptroller General will be in a postion to finalize the audit. That may be another 30 or 60 days. We hope it will not be too long.

Mr. GROSS. I thank the gentleman.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Florida [Mr. SIKES] is recognized for 15 minutes.

Mr. SIKES. Mr. Speaker, I note with regret that there have been occasions when the program of the National Board for the Promotion of Rifle Practice—a U.S. Army organization—has been characterized on the floor of the House as being used to subsidize extremist organizations and as a tool for the promotion of private armies. In a similar vein it has been stated that funds for the National Board for the Promotion of Rifle Practice are used through the National Rifle Association for the benefit of private gun clubs. These simply are not statements of fact.

This program has been a part of our Nation's Defense Establishment since 1903. There is no justification whatever for a belief that the funds of this organization are being misused to encourage the development of the Minutemen or other organizations of like nature. It is most unfortunate that any of our colleagues may have been so completely misinformed on these matters. There is not the slightest reason to believe that the highly worthwhile program of the National Board for the Promotion of Rifle Practice has been subverted to the ends of extremist organizations. I consider it most unfair to suggest that a patriotic, public service organization, such as the National Rifle Association of America, of which I am proud to be a member, has in some manner been hoodwinked into alining itself with various vague extremist organizations, again with complete lack of evidence that this is true.

The National Board for the Promotion of Rifle Practice includes representatives from the Armed Forces, the National Guard, and other reserve components, Selective Service, the National Rifle Association, and the country at large. The Director of Civilian Marksmanship is the Department of the Army agency set up to carry out the Board programs, using annual Federal appropriations. For the past few years, this appropriation has been a half-million dollars, probably the smallest designated item in our defense budget.

Because the National Rifle Association can screen and certify membership to the Director of Civilian Marksmanship, the Army issues military-type arms and ammunition to clubs on a loan basis, sells surplus arms to individuals, and recognizes skill in marksmanship through qualification awards and competitions. Much of the work in administering such a vast program is done by volunteers in thousands of local clubs all over the country. Revenue from the sale of surplus arms which might otherwise have been designated and sold as scrap metal has been returned to the U.S. Treasury in greater amounts than has been appropriated by Congress for the Board's program.

The National Board is not intended to subsidize shooting as a sport. Its purpose is to encourage marksmanship among citizens as a part of this country's national defense ability. The principal mission of the National Board is to promote marksmanship training with military weapons for civilians who are not participants in other training programs sponsored by the Armed Forces. The primary emphasis of this program is directed toward our youth who are eligible or who are soon to be eligible for service in the Armed Forces. More than half of the 5,660 clubs enrolled with the Director of Civilian Marksmanship are of the junior variety, working principally through colleges and schools. Well over half of the 413,371 participants supported by the National Board are within the draft age limitations.

Because of activities of Minutemen and similar organizations—with which the National Rifle Association has no contact whatever—accusations have been made that the National Rifle Association is associated with irresponsible organizations advocating the forming of private armies and guerrilla forces. By reporting that these groups mentioned the NRA name, an attempt is thus made to bolster these accusations. I reject such accusations as being totally unfounded in fact as well as completely foreign to the tenets and purposes for which the NRA stands.

The purposes of the National Rifle Association, as provided in its constitution and bylaws, are to educate and train citizens of good repute in the safe and efficient handling of firearms; to foster a knowledge of small arms and the ability to use them among members of law enforcement agencies and the Armed Forces, and all other citizens who would be subject to service in the event of war; to promote social welfare and public safety, law and order, and national defense.

The NRA vehemently disavows any connection with, or tacit approval of, any club or individual which advocates the overthrow of duly constituted government authority, subversive activities directed at any government, or the establishment or maintenance of private armies or group violence.

The attempts to associate either the National Board for the Promotion of Rifle Practice or the National Rifle Association with any such organization or individual are most regrettable and must be considered unfounded.

TRIBUTE TO A LEADER OF CONGRESS, HON. ALBERT THOMAS

Mr. STEED. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, I desire to join with other Members of this body in felicitating and congratulating our genial friend and distinguished colleague, the gentleman from Texas, Hon. ALBERT THOMAS, on his birthday anniversary today.

It has been my great privilege and honor to serve for many years with ALBERT THOMAS on the Committee on Appropriations. He is my chairman on the Independent Offices and Agencies Subcommittee on Appropriations.

He is a chairman who exemplifies the highest qualities of leadership in the Congress.

This is the 28th birthday anniversary that ALBERT THOMAS has observed in the House as the Representative of the Eighth Congressional District of Texas. Each of these anniversaries marks the forging of another strong link in the great chain of esteem and affection that binds us to the distinguished gentleman from Texas.

Throughout this time, Chairman THOMAS has made devotion to duty and exceptional competence in performance the hallmarks of his service. He is one of the hardest working, ablest, and most influential Members of the Congress.

Every day of Congress is a full day for Congressman ALBERT THOMAS. In addition to serving as chairman of the Independent Offices Appropriations Subcommittee, he serves as a member of the Defense Appropriations Subcommittee, a member of the Joint Committee on Atomic Energy, and a member of the Joint Committee on the Reduction of Nonessential Federal Expenditures.

This young-of-heart veteran of the House has won our abiding regard as a dependable, generous, and understanding friend while earning our profound respect and admiration as a legislator. He has set for all of us a truly inspiring example through his untiring work for the wise conservation and development of our country's resources.

We take enduring pride in his record of great service to his district, his State, and our Nation.

I am confident that I express the unanimous sentiment of every Member of the House when I say that we wish for AL THOMAS continued good health, and many, many more happy birthday anniversaries as a Member of the House.

RETIREMENT OF MAJ. GEN. PRESCOTT M. SPICER

Mr. STEED. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, on March 26, 1965, Maj. Gen. Prescott M. Spicer retired from the U.S. Air Force after more than 31 years of service. Prior to his retirement, General Spicer served as the commander of Lackland Military Training Center, Lackland Air Force Base, Tex.

General Spicer was born in Boston, Mass., and was graduated from high school in Poughkeepsie, N.Y. In 1934 he entered the U.S. Military Academy at West Point where he graduated and was commissioned in 1938. He was assigned to the Coast Artillery Corps and applied and qualified for flying training. He completed his flying training in August 1939 at Randolph and Kelly Fields, in San Antonio, Tex. He was assigned to the Air Corps where he served as an instructor pilot at Kelly Field.

During World War II, General Spicer was transferred to North Africa to assist in training Free French Air Force personnel. When the Mediterranean Tactical Air Force was formed, General Spicer assumed the position of Deputy Chief of Staff for Plans. He moved with the combat zone from North Africa to the Tunisian area, to central Italy, then on to Corsica, to central France, and to Florence, Italy.

General Spicer returned to the United States in mid-1945 and assumed a position in the Office of Program Monitoring which was later reestablished as the Deputy Chief of Staff Comptroller Office. He entered the Harvard Business School and was graduated in 1950 with a master's degree in business administration.

In 1950 General Spicer returned to the Pentagon with an assignment to the Assistant for Programing, Deputy Chief of Staff for Operations. In 1954 he was accepted for an assignment to the Air War College class at Maxwell Air Force Base, Ala., graduating in 1954. He then went to Korea as commander of the 67th Tactical Reconnaissance Wing. He remained with the wing as it moved back to Itami Air Force Base, Japan, until 1956 when he was assigned as Deputy Chief of Staff for Operations in Headquarters Western Air Defense Force at Hamilton Air Force Base, Calif. July of 1958 he was assigned as commander of the Los Angeles Air Defense Sector at Norton Air Force Base, Calif. General Spicer was reassigned to the Pentagon in June of 1960 where he became Director of Programs, Headquarters, U.S. Air Force.

On May 4, 1963, General Spicer assumed command of Lackland Air Force Base, San Antonio, Tex. In addition to his outstanding military career, General Spicer was active in the civil affairs of San Antonio. He was a member of the education, military affairs, and highway subcommittee of the San Antonio Chamber of Commerce.

He was also an active supporter of the San Antonio fiesta and served on the board of the San Antonio Symphony Orchestra. In addition, he was a member of the executive board, Alamo Area Council of the Boy Scouts of America; and in 1964 served as chairman of the first and highly successful Combined Federal Service Campaign.

Among his many decorations for distinguished and gallant service are the Legion of Merit, the Air Medal, and the Bronze Star Medal. General Spicer has distinguished himself during his brilliant and outstanding military career and we of this Nation are indeed grateful.

WILL 1965 REPEAT 1931?

Mr. STEED. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, in this wonderful country of ours, a free and democratic society, dissent and the liberty and willingness to think freely are both desirable and needed. Though we may be secure in our faith in the spokesmen for our Government, it is wise to take heed of the counsel of the wise, even though it may differ.

In the current issue, the Reporter magazine, for April 8, contains a most interesting and sobering article written by a distinguished and internationally known intellectual.

Under unanimous consent, I insert into the RECORD at this point the following article:

WILL 1965 REPEAT 1931?

(By Robert Triffin)

President Johnson, in his February 10 message to Congress on the balance of payments and our gold position, agreed in effect with President de Gaulle that the international monetary system of the 1920's "brought us all to disaster in the early 1930's." The area of agreement unfortunately stops there.

President de Gaulle is convinced that the system that failed us then was a so-called gold-exchange or key-currencies standard, very similar to the present one, except that the dollar has now replaced sterling in the driver's seat of the old key-currency tandem. He fears that the new system will lead us to a similar collapse, and wants it to undergo drastic surgery before it is too late.

Mr. Johnson and the U.S. Treasury have no such fears. To them, what failed in 1931 was not the gold-exchange standard but the gold standard, which they think is precisely what De Gaulle wishes to restore. We should, instead, said the President, "build on the system we now have, a system which has served the world well during the past 20 years."

YES?

Much as I dislike to question the wisdom of our own Treasury, the facts hardly bear out its interpretation of the 1931 monetary collapse. What collapsed then was not the pure gold standard of the pre-1914 era but the gold-exchange standard which De Gaulle feels is doomed to a similar fate tomorrow. In the late 1920's, dollar and primarily sterling holdings made up more than a third of the total monetary reserves of countries other than Great Britain and the United States. It was the inability of Britain to convert into gold—or dollars—the large sterling balances accumulated by foreign central banks, particularly the Bank of France, that triggered the 1931 collapse of the world monetary system. Today, sterling and primarily dollar holdings account for more than two-fifths of other countries' monetary reserves, and for more than three-fourths of their increases over the last 7 years. There can be no doubt that any massive demands for repayment of the huge dollar and sterling balances held today by central banks (about $23 billion) would put a dangerous strain on United States and British gold reserves (now about $17 billion). The British net reserves have long been in the red, while the U.S. net reserves have dropped precipitately from $16 billion at the end of 1957 to less than $300 million at the end of last year. If we also deducted—as the Department of Commerce does—our short-term liabilities to private dollar holders abroad, our liquid liabilities would exceed our liquid assets by more than $12 billion.

The parallelism between monetary and economic developments in Britain in the aftermath of the First World War and in the United States in the aftermath of the Second does not end there. It extends to the impact of capital flight from the Continent upon the pattern of exchange rates, and to the impact of the consequent undervaluation of European currencies upon economic activity. Booming conditions on the Continent in the late 1920's contrasted with unemployment and stagnation in Britain. When Continental currencies were finally stabilized, refugee capital moved back from London to the Continent, causing a heavy and persistent drain on Britain's slender monetary reserves.

The attempt to slow down the exodus of capital through high interest rates conflicted with the desire to revive economic activity through low interest rates. The Bank of England had to plead with the continental central banks to refrain from converting into gold their increasing amounts of sterling reserves. The gold delegation of the League of Nations was still deadlocked in its marathon debate about the gold shortage when French demands for sterling repayments—inspired by political motives as well as by long-entrenched monetary traditions and conservatism—finally unleashed a run on the Bank of England, the devaluation of sterling and a worldwide collapse of the gold-exchange standard.

Substitute the United States for Britain, the "liquidity shortage" for the "gold shortage," and the "Group of 10" for the "gold delegation" in the above account, and draw your own conclusions about what may happen tomorrow if the present deadlock between the French—and other continentals—and the Angle-Saxons continues much longer to frustrate agreement on international monetary reform.

NO?

There are, however, some major differences between the present situation and that of 1931. First of all, the world economy is in far better shape today than it was then, and the overall economic and financial position of the United States far stronger than that of Britain in 1931. Our current account surpluses, i.e., the excess of our exports over our imports of merchandise and services, reached a record high last year of $7 billion, and even more if we take into account the more than $1.5 billion of unrepatriated earnings on our foreign investments. Our losses of monetary reserves are entirely due to capital exports and are far more than balanced by growing and highly profitable long-term investments. Our net foreign worth even increased by more than $10 billion—from $42.2 billion to $52.3 billion—during the 4 years 1960–63. We may become illiquid, but we are more and more solvent.

Second, and very important, world political and financial leaders are now keenly aware of the disaster that any repetition of 1931 could entail for the international monetary and economic order of the West. Since the Second World War they have developed deeply ingrained habits of cooperation and laid the foundations, at least, of the monetary institutions and policies that should enable them to organize a durable international monetary system adapted to the realities of the financial, economic, and political interdependence of their theoretically sovereign countries.

The negotiations of the Group of 10 have, moreover, already developed a large degree of consensus on the defects of the present system and on the alternative solutions available for its consolidation. The reports of both the Group of 10 (France, West Germany, Italy, Belgium, the Netherlands, Sweden, United Kingdom, Canada, Japan, and the United States) and the International Monetary Fund are unanimous in their rejection of flexible rates and of any change in the price of gold. They also recognize that neither gold production, future U.S. deficits, the multiplication of reserve currencies, the present IMF credit facilities, nor bilateral swap-standby agreements such as those negotiated by former Under Secretary of the Treasury Robert V. Roosa can be depended upon to meet all liquidity needs in the future. Steps are required, and have been taken already, to "provide a basis for multilateral surveillance of the various elements of liquidity creation"; and Pierre-Paul Schweitzer, managing director of IMF, affirmed in a recent speech the "emerging consensus among the international community that the creation of international liquidity, like the creation of domestic liquidity, should become a matter of deliberate decision."

Finally, a study group on the creation of reserve assets has been established "to investigate the problems raised by the creation and use of * * * some additional kind of reserve asset, * * * the possible forms it might take and the institutional aspects associated with it."

MAYBE

Nine-tenths of the road toward agreed international monetary reform has thus been covered already, but the Group of 10 has nevertheless been bogged down now for months in a deep conflict between the two key-currency countries, on the one hand—the United States and Britain—and the major reserve holders of the Continent—particularly the French—on the other.

The Anglo-Saxons see a potential shortage of liquidity as the main or only defect of the present system and argue for the creation of new reserve assets supplementary to rather than substituting for gold, dollars, and sterling.

The continentals deny the existence of any proximate liquidity shortage and stress instead the haphazardness, inequity, and vulnerability of a system in which the bulk of world reserve increases—three-fourths or more in recent years—depends on the unpredictable size of U.S. payments deficits and on the precarious willingness of foreign central banks to finance them through the accumulation and retention of short-term dollar holdings as part and parcel of their international monetary reserves.

President de Gaulle's remarks of February 4 have been widely interpreted as a call for a return to a pure gold standard, eliminating the defects that he denounced, but placing the growth of world reserves at the mercy of equally unpredictable fluctuations in Western gold production, in private hoarding, and in Soviet gold sales to the West. Private purchases of gold have risen in recent years from about $500 million a year in 1950–57 to about $1.2 billion in 1964, and Soviet gold sales have accounted for one-half to two-thirds of the annual increases in the Western World's gold reserves.

This interpretation of De Gaulle's views, however, hardly jibes with his lengthy argument in favor of a "carefully concerted * * * organization of international credit" within the framework of the International Monetary Fund, the Group of 10, and the European Economic Community. Nor does it conform with French proposals put forward in the Group of 10 negotiations for the creation of a "composite reserve unit"—CRU—based on a constellation of all the major world currencies, to replace the two national key currencies, sterling and the dollar, used as international reserves in the present unorganized gold exchange standard.

His speech should rather be viewed, in my opinion, as an indication of his growing impatience with the slow pace of the Group of 10 discussions, and with the exorbitant privilege conferred on the dollar—far more than on the pound—by the present system. By their automatic underwriting of dollar deficits, the foreign central banks are in effect called upon to finance U.S. policies in which their governments have no voice and to which they may be fundamentally opposed. President de Gaulle objects to the financing by the Bank of France of what he calls the expropriation of French firms by our growing direct investments and participation, of our aid to Chiang Kai-shek, of our economic and military intervention in Africa, southeast Asia, etc. We may prefer our policies to his, but can we realistically expect—or force—him to help finance them indefinitely?

If the present deadlock is not broken, we shall face a major crisis at the expiration, 2 or 3 months from now, of the emergency measures taken to halt the sterling crisis last November. A collapse of the pound might well usher in this year, as it did in 1931, a long period of international monetary chaos. The "day of reckoning" foreseen by Lord Cromer, governor of the Bank of England, in one of his recent speeches is more likely to be postponed again for a while, but only at the cost of growing restrictions and controls the seeds of which have already been planted in the United States as well as in Britain. Thus, the "voluntary" restraints on American investments abroad, suggested in President Johnson's balance-of-payments message to Congress, will probably have to be bolstered by more and more policing and "mandatory" restrictions if they are to be effective for more than a few months.

They may then succeed, even beyond present expectations, in eliminating our so-called overall deficit, as measured by the Department of Commerce; namely, the arithmetical sum of our gold losses, and of current increases of short-term dollars in the hands of foreigners. But even a perfect overall balance might not protect us against heavy gold losses if foreign dollar holders should begin to feel that the dollar is no longer the safest and most liquid depository for their working balances and short-term funds and hence decide to shift their holdings to other currencies or into gold. The cashing in of previously acquired short-term dollar holdings abroad—now totaling about $11 billion in private hands and more than $15 billion in foreign central banks—might entail massive gold losses, even though fully offset in our overall balance by equivalent reductions of our short-term liabilities to foreigners.

WHY GAMBLE?

If the present debate could be rescued from the political and emotional morass into which it is now sinking, the broad outline of a sensible solution would at once become apparent. Mr. Schweitzer has urged that "The creation of international liquidity should become a matter of deliberate decision," rather than be left to the hazards of gold production. Soviet gold sales, U.S. balance-of-payments deficits, and speculation about future changes in the gold price and dollar and sterling exchange rates. Thus, the French and other European dollar holders should agree to protect the present level of world liquidity against wanton and unfeasible conversions into gold metal of the huge outstanding dollar and sterling balances inherited from long years of past functioning of the gold-exchange standard. These balances should be transformed into IMF deposits or reserve certificates, carrying appropriate exchange-rate guarantees and remaining fully usable for the settlement of all international imbalances.

The Americans and the British, on the other hand, should recognize that they are facing the end of an era in which they alone could finance their deficits through the willing or reluctant accumulation of dollar and sterling holdings by foreign central banks. Their future deficits, like those of all other countries, should be paid in cash, i.e., through transfers of gold or IMF deposits to their creditors. Such deficits could also be paid in the new type of reserve assets proposed by the Group of 10, which would be deliberately created for the specific purpose of adjusting the growth of world reserves to the legitimate, noninflationary requirements of an expanding world economy. Unlike the functioning of the two key currencies—the dollar and sterling—which rather haphazardly served this purpose in the past, both the creation of such reserve assets and the uses to which they are put should be the result of concerted decisions by the world community—through the IMF—or the major reserve holders.

Differences of views still exist concerning the appropriate forum for such decisions. Should the management of these funds be concentrated in the IMF, for instance, as generally favored by the Anglo-Saxons, or in the Group of 10 itself, as favored by the French and most continental countries? I would favor a more decentralized approach as the most appropriate solution of what is essentially a conflict over relative voting rights and influence in these two organizations. Such conflicts could in large part be eliminated if due account were taken of the emergence of new regional economic and monetary unions—such as the European Economic Community—and if the creation and the management of the new reserve assets were divided between them and the IMF.

This problem, however, could be left to leisurely negotiations if the present level of world liquidity could be protected against sudden and massive contraction by an early agreement on the proposals outlined above with regard to outstanding dollar and sterling balances. The 10 have, indeed, unanimously agreed that the rapid increase of such balances over the last 7 years has created ample levels of liquidity and made further increases unnecessary for some time.

ANSWERING THE TREASURY

The Treasury's main objection to this viewpoint is that it would deprive us of the facility with which we have financed our deficits through dollar accumulation by foreign central banks. We too might now have to pay gold for our future deficits. Morality and equity aside, there are three answers to this objection.

The first is that, in the absence of agreement, the United States is far more likely to be faced with further demands for gold conversion of dollar holdings accumulated abroad in the past than to benefit from continuing accumulation of dollar balances by foreign central banks.

The second is that our gold reserves—if protected against further conversion of outstanding dollar balances—are more than adequate to meet reasonable deficits, and could be supplemented, in case of need, by our drawing rights on the IMF, now amounting to nearly $5 billion and to be further increased by the forthcoming rise of IMF quotas, and by our probable participation in the use of the new reserve assets to be created in the future.

The third answer—and, I think, the most important—is that the agreement suggested above to provide protection against further raids on gold would eliminate the major cause of our deficits of recent years, i.e., the totally abnormal swing of short-term capital movements from net inflows—characteristic of a major world money center—of $500 million a year in the early 1950's and $1 billion a year in the late 1950's—to net outflows of $1.7 billion to more than $2 billion a year in 1960, 1961, 1962, and 1964. This swing began in 1960 with the sharp increase in gold prices in London and is undoubtedly due largely to rumors about the weakness of the dollar that have been engendered by our growing short-term indebtedness abroad.

Funds have been moved out of the dollar into foreign currencies, notably deutsche marks, and also into gold and real assets abroad. Speculative positions in gold, however, would be highly vulnerable to any agreement which clearly removed any prospect of an official change in gold prices and which enabled central banks to regain full control of the market by using the proposed new type of reserve asset as a supplement—or even an alternative—to future gold accumulation.

We might then see a massive unloading of gold by speculators who have accumulated enormous hoards of the metal over many years past. The size of such gold sales might be expected to run into several billions of dollars, if we reflect that private gold purchases have risen since 1960 by $500 to $600 million each year over previous levels that already embodied large and sustained speculative purchases.

Substantial dollar inflows would then replace, once again, the abnormal outflows that are at the origin of most of our deficits and reserve losses of the last 5 years. Together with the other measures already taken to improve our balance of payments, this should suffice to bring us into equilibrium and possibly even into substantial surpluses in our international accounts. While removing the remaining tax provisions that discourage the repatriation of foreign earnings, we should then also be able to dispense with the recent capital controls proposed in the President's February 10 message, which if maintained for long would effectively kill the dollar as a key currency in world trade and finance.

Contrary to the judgment of many New York bankers, the survival of the dollar in this vital and fruitful role depends today on its elimination, rather than on its retention, as a reserve currency. In the latter role, the dollar will always be cashable into gold metal, either by cautious central bankers afraid of a gold revaluation or embargo, or by their political masters, eager to brandish the real or imaginary bargaining strength derived from their monetary force de frappe. Both may be wrong in their calculations, but the main threat to our international monetary order lies precisely in such miscalculations.

Reporter.

TAKING THE INITIATIVE IN VIETNAM

Mr. STEED. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ottinger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. OTTINGER. Mr. Speaker, President Johnson's address on Vietnam Wednesday night will be recorded as one of the great speeches and one of the great acts of statesmanship of world history.

The President nobly expressed our determination to defend freedom and to honor our commitments to free nations. He defined our objectives to achieve peace under circumstances in which the peoples of free nations such as Vietnam will be free and secure to decide their own future. He pointed the way toward achieving that peace through unconditional negotiations, at any time, before any forum.

Until this great speech, many of us feared that the United States was just pouring fuel on a dangerous fire by escalating our military operations in Vietnam without defining the objectives of that escalated warfare. We seemed to have committed ourselves to an unending upward spiral of military action without definition of the result we sought from this pressure, except in the unrealistic terms of total capitulation. We were drawing criticism from many of our free world allies and neutral nations for appearing to resist any negotiations for settlement except on the unrealistic condition of first achieving militarily the objects of such a negotiation.

The President has now placed the responsibility for the quest for peace squarely upon the Communists. If they fail to respond, the responsibility for continued hostilities will clearly be theirs. Let our allies and the uncommitted nations of the world now harangue the Communists to come to the bargaining table. May these nations be as vocal and forceful in their pressures on the Communists to seek peace as they were toward us, for the Communists are now accurately identified as the perpetrators of continued bloodshed in that war-torn land.

The President held out the promise of peace and hope for the future to the north as well as to the south—to the south, something worth fighting for; to the north, something to stop fighting against.

The President used imagination and ingenuity in urging the Secretary General of the United Nations to initiate a plan for the stepped-up economic development of all southeast Asia. Certainly this war grows as much from anything as from the frustrations of hunger and deprivation. He demonstrated our seriousness of purpose to assist such a program by offering a fortune—1 billion American dollars—toward its execution.

President Johnson asked that all industrialized nations join in this great developmental undertaking. We should demand it. So far, we have borne all the expense of prosecuting this war for Vietnam's freedom while the nations to whom success means most in this endeavor have stood by the sidelines carping. It is our boys, not theirs, who have spilled their blood on Vietnam's battlefields. For this there is no price. These lives have been given in their interest as much as in ours.

Let France and Japan particularly, who have such a stake in a free Vietnam; who have been crying so that we take this initiative toward piece—let France and Japan and the other prosperous nations of the free world join fully in the effort to make that peace a reality for southeast Asia. And let them do it with the gold and dollars they have drained out of us, much of it extracted from the efforts we have been making to their lasting benefit in Vietnam and around the world.

The dollar surpluses about which these European countries now gloat are so largely out of our hides, first through our foreign aid which helped restore them to prosperity, then through our assumption of the lion's share of the responsibilities for defense and strengthening of the free world. Let them now do their share. Let us see them replace their carping with constructive action. In terms of a crude American saying, let us see them put their money where their mouths are.

It will be tragic if all the nations involved in Vietnam fail to take advantage of President Johnson's offer of honorable negotiations toward a settlement which can bring to this area its first substantial hope of improvement in modern times.

President Johnson has breathed hope into a situation that had appeared hopeless. He gave meaning to a conflict that seemed headed toward meaningless destruction. May the chiefs of state, free, neutral, and Communist, respond in full measure to the great opportunity he has afforded them.

ALBERT CARDINAL MEYER—A PORTRAIT OF GREATNESS

Mr. STEED. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the hearts of all of the people of the Chicago metropolitan area, the State of Illinois, the Nation, and peoples throughout the world are deeply saddened because of the passing of a prince of the church, the beloved Albert Cardinal Meyer.

President Johnson made a very appropriate statement when he said that Americans of all faiths will mourn his death, and added:

> His faith and deep-rooted belief in individual dignity, common understanding, and religious freedom for all men justly earned him the profound admiration, respect, and gratitude of men everywhere.

I would like at this time to insert into the CONGRESSIONAL RECORD a poem written by the Reverend Emmett Regan, assistant pastor of the Holy Name Cathedral and associate editor of its monthly publication, Cathedral Calendar. The poem, entitled "Who Was He?" follows:

"WHO WAS HE?" A PRIEST ASKS

This poem was written after Albert Cardinal Meyer's death by the Reverend Emmett Regan, an assistant pastor at Holy Name Cathedral and associate editor of its monthly publication, Cathedral Calendar:

"Who was he—this quiet cardinal of Chicago?
He was the bishop whose first public act was to clothe the poor of the city.
He was the archbishop who spoke out for all his people.
He was the cardinal who went to Rome and stomped down St. Peter's aisle to demand freedom of conscience for all.
He was your father and mine.
A great man—
A kind priest—
A gentle shepherd—
A mighty cardinal—
With deeper thoughts not just for Chicago but for the world; not only for Catholics but for every Jew and Protestant—yea, every child of God.
Yet very few knew him—
His fishing companions,
The boys he clothed,
His priest conferees,
His barber, but who else.
He's gone now—
And there is a big gaping hole—not just in Chicago but in the whole world.
Albert Meyer is dead."

Mr. Speaker, as general chairman of the Villa Scalabrini Italian Old Peoples Home Development Fund, I want to personally acknowledge the tremendous inspiration that Cardinal Meyer was and will continue to be to the Italo-American community of Chicago. We shall miss this great spiritual leader but we shall continue in our efforts to complete our home in which he was so genuinely interested.

NEW YORK CITY IN CRISIS—PART XLII

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the 42d part of "New York City in Crisis."

This article concerns the formation, by a group of public-spirited citizens, of a private industrial development corporation to try to stem the tide of manufacturing concerns leaving New York.

The article appeared in the New York Herald Tribune of March 2, 1965, and follows:

NEW YORK CITY IN CRISIS: BUSINESS PLAN TO THE RESCUE—$350,000

(By Barrett McGurn)

The presidents and board chairmen of 70 of the largest business firms of New York City agreed yesterday to form a private industrial development corporation to fight the flight of factory jobs from this city.

A 3-man preparations committee representing the city's top chamber of commerce leadership was appointed to form a 10-man organizing group within 1 week. The organizers will then invite the best business brains of New York to join the new corporation's board of governors and operating committees. These in turn will seek the best executive director the American scene, and money, can provide.

FUNDS

New York business will provide the funds: something under $300,000 the first year, something over that in succeeding years. The preparatory committee sees no problem getting this much from the 70 corporations and from others.

The purpose of the industrial development corporation will be to give New York for the first time, the same businessman civic leadership which has lifted Philadelphia, Pittsburgh, Chicago, Minneapolis, and Boston out of economic and social crises such as the one now facing America's largest city.

Industrial development was chosen as one specific target at which the combined business leadership of New York can aim immediately without losing time on "more studies and more reports." In the hope of at least one member of the three-man preparatory committee—Walter F. Pease, president of the New York Chamber of Commerce—the new organization will blossom eventually into something even broader and more ambitious: a citizens' group to tackle the whole range of problems awaiting solutions.

ISSUES

If the industrial development corporation will go on to cope with commuter transportation, tax questions, the lack of adequate parking space, crime and the whole range of other critical New York issues, fine, said Mr. Pease. If not, his own two-century-old New York Chamber of Commerce will set about organizing a parallel businessmen's organization to grapple with the other issues.

Scores of billions of dollars in company holdings were represented by the men who met yesterday in the oak-paneled council room. Presidents and board chairmen of 9 of the 10 largest corporations of the United States—all 9 of New York's largest—were present. The vote in favor of the new corporation was unanimous.

PREPARATORY GROUP

In addition to Mr. Pease, the members of the preparations committee are:

H. Chandlee Turner, Jr., president of the Turner Construction Co., and president of the 3,200-member Commerce & Industry Association of New York. The association is the largest local chamber of commerce in the United States. Mr. Turner took the initiative in summoning the meeting.

Edmund F. Wagner, chairman of the board of the Seamen's Bank for Savings, and president of the Downtown-Lower Manhattan Association, of which David Rockefeller has long been a central figure.

The presidents of all of New York's major chambers of commerce took part. Among them were the Chambers of Commerce of Brooklyn, Queens, the Bronx, and Staten Island, the New York Board of Trade, and the West Side Association.

Mr. Turner gave three main reasons for the enthusiastic support:

The recent report of the Federal Bureau of Labor Statistics that New York City lost 70,000 factory jobs in 5 years ended December 31, 1963, and the belief that a spiraling deterioration cost an additional 30,000 jobs in 1964.

Shock caused by the announced closing of the New York Naval Shipyard in Brooklyn, with the consequent elimination of 9,500 blue-collar jobs.

A new awareness of the city's problems provided by the Herald Tribune's "New York City in Crisis" series.

Both labor and government will be urged to join the industrial development corporation, but business will retain control. Mr. Turner said he has outlined the project to Mayor Wagner, and has talked by telephone with Harry Van Arsdale, president of the New York City Central Labor Council, AFL–CIO. The mayor offered the cooperation of city departments. Mr Turner is trying to set up a meeting with Mr. Van Arsdale and hopes for his support "because the whole purpose is to create more jobs."

The businessmen may build on the industrial development corporation organized 18 months ago by Commerce Commissioner Louis Broido, but only if direction passes out of the hands of the five city officials now running the Broido group, and into business control.

Much more than $300,000 a year will be channeled into new, expanded and relocated factories inside the five boroughs. In most cases these extra moneys will come from existing State and Federal programs not fully used at present. The aim will be to serve as go-between in an effort to multiply blue-collar jobs. The objective is to head off soaring tax rates that threaten to cripple New York's economic life.

The controversial recent Arthur D. Little report on New York's manufacturing crisis was one of the documents that helped to inspire yesterday's action. Mr. Turner said that he agreed with 90 percent of the alarming study. The 10 percent of dissent concerned the Little suggestion that New York City serve as the owner of any new industrial development corporation, and that the mayor and city officials, "probably" accompanied by some private individuals, act as the administrators.

Several caustic comments against "politics" punctuated the closed-doors discussions prior to the agreement on a businessmen's action group.

The New York Chamber of Commerce, which still operates on a pre-Revolutionary charter given by England's King George III, and the Commerce and Industry Association will pool staffs to launch the venture.

The idea behind the action is that the very elements of the New York City population who are least educated and least skilled are losing their chance to work and are drifting toward idleness and violence because of the flight of factories from congested New York City high-tax area.

The aim of the corporation will be to help factory operators get the space, funds, tax structure and general city assistance they need. The fear of the businessman organizers is that State and city taxes otherwise will continue to soar, making New York less and less attractive as a place to work and live.

The 70 corporations represented at yesterday's meeting included many of America's biggest utilities, banks, insurance companies, railroads, manufacturers and publishers.

NEW YORK CITY IN CRISIS—PART XLIII

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article which appeared in the New York Herald Tribune on March 3, 1965, and which concerns the complex and difficult problems of New York City's civil service.

The article is part of the "New York City in Crisis" series and follows:

NEW YORK CITY IN CRISIS—FRUSTRATED WORKERS SEEKING ACHIEVEMENT

(By Marshall Peck and Barry Gottehrer, of the Herald Tribune staff)

From the top, looking down, there's the problem of direction and leadership and, more than that, motivation. From the lower levels, looking up, there's the feeling that the direction isn't sure of itself, that too many voices are saying too many things.

At all levels there are degrees of enthusiasm and drive, and a desire to get things done. But there is also cynicism and frustration at the way things are done.

This is the working life of some 240,000 New Yorkers—all employed by the city of New York.

Here—under different names and in unspecified departments—several city workers, encountered by Herald Tribune reporters in researching the continuing investigative series, "New York City in Crisis," give their own personal viewpoints of their own city in crisis:

"There is a saying, 'Thou too, shall pass,' " says John Parton, a high aid in one city agency. "I think that sums up the philosophy of a lot of civil service employees. I guess they've seen commissioners come and commissioners go. They've seen them come in, starry-eyed, with great ambitions, and try to do things a new way. And they've seen the ambitions blunted, and the plans fade away. 'Thou, too, shall pass.' "

John Parton, who works closely with the commissioner of his agency, is proud to list the accomplishments his own boss has achieved and, by extension, he relates a city department's capability to the man who is actively guiding it.

"It's not the mayor's fault, entirely, if something doesn't work out right," Mr. Parton says. "The mayor is an orchestral leader, up there waving a baton. But it's not possible for the conductor to orchestrate the harmony—and it's practically impossible, unless the commissioner has guts and drive, to put all ideas into practice.

FEW AND FAR BETWEEN

"The workers in the ranks know the ins and outs," continues John Parton, "but they don't have the initiative. There are many civil servants I would trade up, put into higher posts, because of the wonderful job they are doing. But the number of dedicated people, as opposed to the run of the mill, are few and far between."

John Parton speaks in a measured, objective tone when discussing his agency's operation, as seen from the top. Yet he flares up, when he tells how he believes outside influences can frustrate programs planned for the public good.

"We may work like hell," he says, "but just take a look at things from another level. How many measures have been introduced in the city council, only to never see the light of day. There are lobbyists at work, many of them men who have been in power, and who still have a net of friendships and business rleationships. Sometimes, these men become behind-the-scenes manipulators.

"And how many city councilmen and State Assemblymen and Senator are practicing law or have other business interests? The question is not so much one of conflict—this is the crisis: are they giving the public the dedication the jobs deserve?"

To many city workers—particularly those on the higher levels—the mayor's take-it-slow policy is clearly a road block in the path of city progress. Yet, to these people, waiting for the mayor to act is only a minor problem. To them, the major problem is getting to the mayor in the first place.

"Sure, the mayor likes to take his time when he has a touchy problem," says an employee in the $13,000-a-year range. "That's understandable. It's getting the problem to him and then finding out exactly where he stands on it that really takes the time. If you ask me, the real problem is not the mayor. It's Julie Edelstein. He's just one big bottleneck."

Since 1961, Julius C. C. (Caius Caesar) Edelstein, a longtime aid and adviser to the late Gov. Herbert H. Lehman, has been executive assistant to Mayor Wagner. In this time, he has become the one man closest to the mayor and the one man, next to the mayor, most influential in the decisions of this city.

To all but a handful of department heads who have built up their own rapport with the mayor, Julius Edelstein, whose duties range from answering routine correspondence and keeping the mayor company to writing many of his speeches and setting policy for decisions that will affect the lives of 8 million people, has become both a major power and a major threat to progress in the city government.

According to these people, it is not that the 53-year-old adviser lacks talent, intellect, or imagination. He doesn't—and even city Republicans admit that he is one of the brightest and most able men in the Wagner administration.

It is simply that, in trying to do so many things, he has become overburdened by the multiplicity of his duties—and, in many instances, hinders rather than helps progress.

UNSTRAIGHTENED FACTS

A typical example of the lack of communication between the mayor and the people of this city occurred at the hearings on the executive capital budget last week.

Reacting to a charge that the city was trying to suppress a report of the critical state of New York's economy, Mayor Wagner publicly disparaged a civic leader—John Leavens of the citizens budget commission—as not knowing what he was talking about.

At issue was the question of exactly where the Arthur D. Little report was at that moment.

The mayor said that the report was being studied by the temporary commission on city finances and that he had promised not to release the report until the commission was finished.

Mr. Leavens said that he thought the commission finished studying the report 2 weeks before.

The mayor concluded the debate by telling Mr. Leavens, in front of a packed hearing room, "I think you ought to get your facts straight before you make these public statements."

Within an hour, Mayor Wagner discovered to his embarrassment that it was his facts—and not Mr. Leavens'—that needed straightening out.

It just so happened that 17 days before the mayor had said the report was still being studied by the temporary commission, the head of the commission had written to Mr. Edelstein that the members of the special commission had finished reviewing the report.

Mr. Edelstein, busy with hundreds of other matters affecting the city, had neglected to mention to the mayor that the commission had finished with the report.

At the planning commission, the lack of communications between the officials and the mayor dates from the days of Mayor Fiorello H. La Guardia, who was responsible for setting up the commission in 1938.

Though the mayor was in favor of a planning commission he—and close adviser Robert Moses—were not in favor of giving it much money or authority. According to one present member of the planning commission, Mayor La Guardia was so outraged at the first budget requests of his first commissioner that he threw the budget into a waste basket and hurled an inkwell at the commissioner.

Today, the planning commission, which still does not have and never has had the master plan it was supposed to prepare when it was set up, enjoys a much better relationship with city hall. At least, Mayor Wagner, who himself was planning commission chairman for a brief period, has not thrown any inkwells. If anything, he seems willing to give Chairman William F. R. Ballard almost unlimited funds to develop a master plan.

What he hasn't been willing to give him—and his commissioners—is the authority they would like—and need—to develop a master plan or set guidelines for the future of the city.

In one case after another (ranging from the Lower Manhattan Expressway and midtown parking garages to the waterfront and various urban-renewal projects), the planning commission has come to a definite set of conclusions that have been countermanded or left to gather dust in municipal offices.

EVERYBODY HAPPY?

"It's all part of the game of governing New York," says one of the Mayor's top aids. "Every commissioner wants more money and more power and it's up to the mayor to keep everybody happy.

"Take the planning commission. They're supposed to come up with a master plan for the city. Now tell me what mayor wants to have a detailed master plan showing, say, that someone's house will be torn down for a park in 5 years?

"Can you imagine how many people would storm the mayor's office then? It's not an easy job being mayor. Obviously, he's not going to be able to keep everybody happy."

Yet it's not only the lack of decision—and lack of direction—from the top that creates personnel problems in the city government.

Civil service, which offers unusual job security but only limited income, does not help matters any. There are, of course, dedicated and talented city employees, but there are also a great many who, because of their security, work no more than they have to.

"Do you know what it's like and what you have to go through just to get a secretary or a typist changed?" asked the chairman of one department. "That's at the lowest level. And it gets worse as the jobs get higher. There is no doubt that civil service helps the employee a lot more than it does the department or the city."

The department of buildings, which had long wanted a computing system to record violations, finally got the equipment a few years ago only to discover that it did not have—and could not get for nearly a year—sufficiently able employees to utilize the computer.

One newcomer to city government—a statistician—was amazed to learn how far behind other cities New York City is in the use of computers and programing for the future.

"There are a thousand different ways the city could save money by coordinating work done by different departments," he said. "Unfortunately, it's not our business to tell other departments what to do. But why should we and a lot of other departments pay to have computer work done for us when the city owns its own machines? But I don't think anyone knows just what the city owns and who has it.

"How do you think departments feel when they spend time and money working on a study only to have it gather dust in the mayor's office? I know how I feel. When you know you're doing busy work, the quality of the work has to drop off."

One planning commission statistician has an idea which, despite its merits, obviously will not see light of day during the current administration. He would like to use a computer to establish a chain of command for getting things done in New York City.

"I think if the people and the department heads know exactly who to see with problems," he said, "things would be a lot better. It wouldn't get the mayor to act any quicker. But it would certainly cut some of that redtape."

Another official, on a lower echelon in another agency, is Frank Hannsig. He is still near enough to the top to have thoughts on implementation of directives, and he puts the focus on one simple word—"motivation."

"Even if you have a good administrator," Frank Hannsig says, "he has trouble motivating those beneath him. The problem revolves around the complexities of trying to manage people who are in positions where you cannot reward for work above and beyond the call of duty.

"Then there's the offices that have top-heavy staffs because political appointees have been showered on them. That usually stems from the mayor's office. Wagner has tried to appoint high-caliber people. But the staff is larger than is needed in (Milton) Mollen's office, and there are incompetent people. The real estate people there are crazy.

"I saw the tail end of the La Guardia regime, and on down to today. I think O'Dwyer was by far the most efficient. He got in good professionals and kept in constant touch. He had better commissioners, in some respects, than La Guardia."

TOO MUCH TROUBLE

Frank H. also notes wryly that he knows the ropes of bureaucratic ways and means. He recalled that time some years ago, when an attempt was initiated that would have reduced an office staff in number, with a view to cutting paperwork and streamlining things. The strange counterproposal that he got was a suggestion that the operation could be improved by adding to the staff, not reducing it.

"Man," says Frank Hannsig, "I learned, and fast."

While executives near the top of the heap are learning to conform, as well as settle in with the facts of political life, some younger technicians in the middle struggle valiantly to break through the pattern.

One such man, who is on his way up and enthusiastic about his work, is Dom DiAngelis. "Every guy that comes in is anxious to be part of the creative process," he says, "and then he finds out it's not that easy. I try to buck the tide. I'm frustrated, but happy, because I do win some small victories. But you have to work at it, compete with people who just want to set back. You really have to fight in some situations, step on toes.

"Redtape isn't quite the word for it—rather it is the plain lack of communication. This is the biggest problem. Things that should have been ironed out long ago, but haven't been. Exactly where do people stand—who has what authority to do what, for instance. Or just job definitions, or titles, or procedures. Even some of us get different answers when we happen to contact different people in another department. Unless we see something in writing, we don't believe it.

"Maybe the question of communication and chain of command is according to the competence and confidence that is passed down from the man at the top. If he is sure of himself and his people, they'll probably sound that way, and act that way. If the power is weak, people at other levels figure it's best to be quiet and ignorant. If the chief isn't sure of himself, how can they be? I know there's no clear policy at my agency."

One of his proposals, he says, was turned down because his superior said making arrangements with a Federal agency to investigate the possibility of the plan would have been "too much trouble."

"In other words, this was not even checked out. I had checked it out, and I had offered it, but it didn't go any further. This means one of my bosses doesn't mind if 30,000 people are disturbed—when they might be helped—but he won't bother to disturb himself."

Frustration is not limited to those who work within department offices.

"It's appalling," said Miss Rose Duggan, who is on a city department's payroll as a nurse. "Different agencies go about things each in its own way. There will be two agencies, for instance, taking care of two different families that live in the same house. One family will be getting this, the other will be getting something else. And if, by chance, you happen to meet a family living on still another floor, you may find out they are in the same situation—or worse—than one of the other families already being helped. But no one is helping them, no one knows about them.

A RAT SITUATION

"The lack of good communication sometimes causes a serious lag in service. I found a child had been bitten by a rat in the family apartment; the building appeared to be infested. I passed the complaint along. A month later, I visited the house again. As far as I could determine, no one had looked into the situation."

An example of the resignation that follows the frustration can be found in the recollections of a foundation official about the time he spent as a young man working in an earlier city administration.

He had been asked to come up with some ideas to help bridge a serious financial deficit and, after several weeks of study, had developed a set of proposals—one of which called for an immediate sales tax, which would put the city on a better financial course for the future.

It was a good plan, so he thought—but the mayor didn't agree with him.

"Do you want me to commit political suicide?" asked the mayor. "Let's worry about ourselves, here and now, not about the administrations to come."

"As I see it now," said the foundation executive, "that's probably the way I would react, if I were mayor today."

This resignation—and political motivation—has not blinded the administration to its personnel problems. It was so aware of them that the city paid Brookings Institution $120,000 to make a 2-year study of the city's personnel crisis.

The study called for urgent reforms in hiring incentives—better pay, recruiting, and training—and warned that many city services would decline in quality unless there was an immediate revitalization of personnel procedures.

This report was delivered in April 1963 and, for a time, was given a prominent place in the mayor's office.

Yet to date, according to Dr. Theodore G. Lang, the city's personnel director, no funds have gone to implementing these urgent recommendations.

To the 240,000 people employed by the city, the fate of the Brookings report is just another defeat in a life where progress comes very slowly if at all.

To these people, New York City may well be ungovernable. But, to many, particularly those who have not yet turned from frustration to resignation, it might be interesting to see what would happen if someone would actively try to govern it.

DEEP ROOTS AND DARK DAYS

Mr. MULTER. Mr. Speaker, we have all heard many stories about the disruption in the lives of the Federal employees in the 90-odd defense installations ordered closed by Secretary of Defense McNamara.

I commend to the attention of our colleagues the following article from today's edition of the New York Herald Tribune which describes the situation of 330 employees of the Brooklyn Army Terminal who have been given the choice of transfer to New Cumberland, Pa., or dismissal from their jobs. On top of this difficult choice they have been given the incredibly short period of 5 days to make up their minds.

This is disgraceful and should not be allowed to happen. I hope that the Department of the Army will reconsider the Hobson's choice being forced on these hard-working Americans. They should be given a decent interval in which to decide whether or not to uproot their families and to change the pattern of their lives.

The article follows:

FOR 330, DEEP ROOTS AND DARK DAYS

(By Barrett McGurn)

"Five calendar days" in which to decide whether to hold on to a job which has been transferred to New Cumberland, Pa.

Five "calendar days" in which to decide about selling the house, pulling the children out of school, getting the wife to give up her job * * * and to move to the Pennsylvania Dutch country, 175 miles away.

The choice was clearcut. A man with 20 years' service and graying hair at 45 years of age—a lifelong Brooklynite and son of another generation of Brooklynites—had only to make the decision.

Last Tuesday 330 civilian employees at the Brooklyn Army Terminal had this choice thrust upon them. The terminal, at 59th St., Bay Ridge, Brooklyn, is one of a half-dozen military installations Defense Secretary Robert McNamara has ordered closed.

Few recent episodes have pointed up more dramatically the growing job problem in a city of an aging population, a community of congestion and high costs, an area facing ever more aggressive competition from the emptier interior of the Nation.

The incident raised the question of how many further tragedies can be expected as 20,000 other employees of the doomed military installations of New York City shut down in line with the Defense Department's peacetime economy retrenchment.

The 330 employees who were given the choice—move or risk dismissal—are key Army civilian workers. They are the specialists who keep track of the military aid which the United States gives or sells to 92 nations (where the supplies are inside the pipeline, whether peculiarities of the different countries require one type gear or another, and so forth), and they are also the team which keeps the Army's supply catalog up to date and registered inside the computers. (The Army has 1 million items in its catalog, something to awe even Sears Roebuck. Changes occur all the time and must be fed into the machines listing the devices.)

Just what "5 calendar days" means to 330 New Yorkers who saw their jobs taking a sudden 175-mile flight westward was made plain this weekend as 150 men, women and children—workers and their families—traveled in four Army buses to New Cumberland to try to make up their minds in time for the deadline.

The 5 calendar days ran out yesterday for many of the 330, but only a duty officer was at the office inside the Army Terminal. So everyone assumed a good-natured Defense Department would accept the yes or no answer today instead—one day late.

Some on the buses had been off for a few days and actually got word on Friday. Twenty-four hours later they were on their way to the Pennsylvania Dutch country to get the answer to a fistful of questions.

Are there adequate schools? What kind of a place can I buy or rent? Would the family be happy so far from Flatbush, or Bay Ridge, or Canarsie, which has been their life for a generation or two? Would Negroes be welcome? Would Jews find congenial friendships? How long would the New Cumberland job last?

There was another set of queries, too. What if I quit? Can I find another job at 45? Can I live on one-third pay, on $2,000 a year (available to those over 50 who have had 20 years' service)? Can I keep up the mortgage payments on an income of $2,000?

BEWILDERMENT

The trip to New Cumberland began in bewilderment (even those who got the word Tuesday were still stunned). For some it ended at midnight back in Brooklyn in arm-and-arm, head-on-shoulder misery, or in near hysteria.

"We'll get plenty of rest in New Cumberland," a platinum-haired Jewish woman of 50 laughed inside one dark bus. "Up with the chickens and to bed with the pigs. And to think some of the others at the Army Terminal were worrying about transfer to Bayonne. "I'll tell them Bayonne's wonderful. Oh, I can't wait to get back to my house to have a good New York toasted bagel."

New Cumberland is a suburb of Harrisburg, the quite handsome State capital of Pennsylvania.

Harrisburg sends lots of votes to national political conventions and also to presidential elections. There is no doubt that Harrisburg must have been hollering in high quarters in past weeks, for 10,000 civilian workers are losing jobs at an Air Force base at Olmsted, only 3 miles down the placid Susquehanna from New Cumberland.

A score of local real estate agents, chamber of commerce people, church representatives, and social workers (including a Congressman and a young Negro from the NAACP) met the Brooklynites for a 45-minute question period following a welcome lunch (at which each man, woman, and baby in arms was charged $1).

The Harrisburg people seemed friendly enough. The Brooklynites had a right to the jobs if they wanted to hold them, and the Harrisburg people said they would help the new arrivals make the adjustment.

The real estate men said that they would be glad to hunt up flats and houses at the usual rates. One said that there were no New York-type anti-gouging laws but that prices, if anything, might drop as the Olmsted crisis offset the Brooklynite influx.

THEY'LL MOVE

Col. Victor L. Cary, commander of the Cumberland base, presided at the lunch and at the question period. He fielded one question: Why would the 330 be moved to New Cumberland on the specific July 1–4 weekend?

"July 4 gives you an extra day," the colonel answered.

"Our day," several of the Brooklynites sourly commented.

"Why is the move made at all?"

Colonel Cary laughed. That was the jackpot.

"That ends the question period," he said.

Then the officer smiled, stiffened and snappily saluted.

"The decision is made; we carry it out," he said.

The people from Park Slope, from Bath Beach, from Canarsie stared glumly.

A Negro of about 30 asked about segregation. The vice president of the local NAACP chapter who was listed with extra politeness on the program as Paul Waters, Esq. (the one "esquire" and 1 Negro in 21 recorded as official Harrisburg welcomers), gave an answer which several Brooklyn Negroes described as doubletalk.

His white neighbors listened with cordial approval as he said that there is no legal segregation in Harrisburg schooling or housing, but that it is a fact that "economic" considerations keep almost all the Negroes in one or two Harrisburg areas.

One of the latter, he said, was as good as various of the nice all-white communities on the fashionable west shore, the New Cumberland side of the river. Schools go by geography, he added. Since it happens that neighborhoods are practically all-white or all-Negro, schools, too, by and large, are that way—all one or all the other.

"Could I move into a white neighborhood?" the New York Negro persisted.

SOME RUMBLINGS

"If you have the money, yes," the NAACP man said. "There might be some rumblings, but it could be done—gracefully."

"What do you mean by rumblings?"

Mr. Waters let that go.

"Well, I know what I'll do," a handsome Negro woman of 30 told her friends. "I'll take the relief for awhile. Then I'll go home to San Francisco."

Not so for Frederick Payne, a Memphis, Tenn., Negro now living in Jamaica. He feels he must keep his job. One hundred and twenty-five dollars a week is not picked up everywhere.

"I'll say 'yes, I'm going'; then I'll come down here a few times before July 1 to see where we can live. I have two daughters, 2 and 4. I don't want them to grow up in a segregated neighborhood. They'll never be the brightest in the class, but I want them to have an opportunity. They can't get one in a segregated neighborhood."

This visit to the base finished with a whirlwind tour of the countryside. Real estate operators droned into faulty microphones inside the buses: "You can get that house for $13,500. Rents here are $110. Those houses are $20,000. * * *"

"You certainly couldn't send anyone down to the store for anything around here," murmured Mrs. Daniel Hayes of Bayside, as she peered at wide spaces. "And look at those hills. They're mountains. That must be something driving in the winter."

(The Hayeses will move. At 49, Mr. Hayes has already retired once. He gets $12,000 a year and dares not lose it. "I had to pass eight examinations to get that. And against strong competition.")

Young and old spooned in the black buses as the 1-day tour ended and Brooklyn again neared. It was the affection not of joy but of sorrow and, in some cases, of terror.

ONE MAN—ONE VOTE

Mr. STEED. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, like many of our colleagues, I am deeply committed to the principle that the vote of one man ought to be approximately equal to that of another man.

For this reason, I welcomed the one-man, one-vote decision of the Supreme Court last year on legislative apportionment. I made no secret of my opposition to the so-called Tuck bill which passed the House last year or to the Mansfield-Dirksen rider on legislative apportionment to last year's foreign aid authorization bill.

I remain unalterably opposed to legislative efforts which would have the effect of either upsetting or delaying the implementation of the Court's decision on apportionment of State legislatures. I am proud to say that the Michigan State Legislature—both the House of Representatives and the Senate—have already been reapportioned in accordance with the one-man, one-vote decision of the Supreme Court.

Many of us who support the Court's decision heaved a sigh of relief last fall when Congress adjourned without taking action to delay the implementation of the Court's ruling. We were heartened by the results of last November's election which added to the number of those who support the one-man, one-vote principle.

I rise today, however, to warn my colleagues, who believe as I do that the Supreme Court's decision on legislative apportionment was correct, that we cannot afford to be complacent. The foes of the Court's decision are hard at work to upset the one-man, one-vote ruling.

If anyone believes that this fight is over, I hope he will read the following article which appeared in the Washington Post of Sunday, April 4. The article, which relates the efforts now underway to upset the Court's decision, was written by Mr. Julius Duscha and appeared under the headline, "Dirksen Plan Closes In on One Man, One Vote."

Mr. Speaker, under unanimous consent, I include the article at this point in the RECORD:

DIRKSEN PLAN CLOSES IN ON ONE MAN, ONE VOTE

(By Julius Duscha)

The high hopes raised among city and suburban residents that the Supreme Court's one-man, one-vote decision would end rural domination of State legislatures may have been premature.

A quiet but well-financed nationwide lobbying campaign is underway to overturn the ruling of last June with a constitutional amendment.

While this effort has been carefully organized by the same political and economic forces that have controlled legislatures for so many years, many other Americans are concerned whether the one-man, one-vote formula is the best way to organize legislatures. Many citizens feel that seats in each house of a legislature should be apportioned on a different basis to help preserve the check-and-balance system of American government.

The lobbying interests are determined to maintain the influence they have long had over the actions of State governments. The campaign is as expertly guided as any lobbying onslaught in a State capital. The small town lawyers, farmers, and businessmen who run State legislatures have been joined in the campaign by powerful groups with an economic interest in keeping legislatures as much like they are as possible.

Since the historic Court decision, a dozen legislatures have been reapportioned on a one-man, one-vote basis and another 20 are under Federal court orders to redistrict this year.

But it is still possible for Congress to pass a constitutional amendment by the necessary two-thirds votes in both the Senate and the House and for the required three-fourths of the States to ratify such an amendment in time to upset the decision.

The amendment that is the object of all the intensive lobbying both in and out of Washington is being sponsored by Senate Republican leader EVERETT M. DIRKSEN, of Illinois.

It would allow one house of a legislature to be constituted on a basis other than population if the apportioning is approved in a State-wide referendum.

To most of the supporters of the amendment, this means the allocation of seats on the basis of counties rather than populations.

The Supreme Court held that seats in both houses of a legislature must be apportioned on the basis of population.

If the Court decision stands, cities and suburbs, where 7 out of 10 Americans now live, would control legislatures for the first time in this century.

The controversial amendment has the impressive support of 90 sponsors in the House and 8 in the Senate, including Democratic leader MIKE MANSFIELD, of Montana.

No Governor of a major State has publicly opposed the Dirksen amendment and President Johnson has remained silent on the politically charged reapportionment issue.

So there has been a mounting, one-sided campaign for the amendment led by State legislators organized into the National Commission for Constitutional Government expressly to enact the amendment.

Also pushing the drive are such powerful organizations as the American Farm Bureau Federation, the American Bar Association, the U.S. Chamber of Commerce, State federations of retail merchants and State associations of manufacturers. Even the liberal National Farmers Union came out in support of the amendment after one of its members charged that President James G. Patton did not have "the guts to speak up for farmers."

Opposing the amendment are such organizations as AFL–CIO, the American Civil Liberties Union, and the civil rights groups. The great mass of urban and suburban voters who want a louder voice in government are generally unorganized.

No lobbying technique has been overlooked by the proponents. They are even trying to invoke a section of the Constitution that has never been used. It provides for the calling by Congress of a constitutional convention on the request of two-thirds of the States.

So far this year, 20 legislatures have passed resolutions asking Congress to call such a convention to approve the Dirksen amendment.

Similar resolutions are before another 25 legislatures still in session, but few proponents of the proposal expect that a constitutional convention actually will be called. They concede that it is late in the sessions for another 14 legislatures to approve the plan, giving the necessary total of 34 States. The real purpose of the campaign is to put pressure on Congress to enact the Dirksen amendment.

A Senate Judiciary Subcommittee has held hearings on the Dirksen amendment and two similar proposals introduced by Senator JACOB K. JAVITS, Republican, of New York, and Senator FRANK CHURCH, Democrat, of Idaho.

More hearings are planned this month by that subcommittee and also by a House Judiciary Subcommittee.

Proponents and opponents of the Dirksen amendment agree that both the Senate and House Judiciary Committees probably will approve the amendment and that it will get through the Senate with the necessary two-thirds margin.

The outlook in the House is uncertain. In February, Representative JOE D. WAGGONNER, Democrat, of Louisiana, filed petition to discharge the House Judiciary Committee from further consideration of the bill. The petition has been signed by only 100 Representatives, and 218 are needed to force the bill onto the House floor. The petition, however, did force Committee Chairman EMANUEL CELLER, Democrat, of New York, an outspoken opponent of the amendment, to schedule hearings on it.

Support for the Dirksen amendment comes from Senators and Representatives from the South and from the sparsely populated Western States who are fearful of being overwhelmed by the political power of the big cities. Representatives from largely rural districts elsewhere in the country also back the amendment.

Opponents of the amendment are surprised at the all-out support it has received from such urban-oriented political figures as JAVITS and Democratic Gov. Edmund G. (Pat) Brown, of California.

Opponents agree that the referendum section has made it exceedingly attractive to many persons who originally backed the Supreme Court's one-man, one-vote decision.

If the Dirksen amendment gets the required two-thirds majority in Congress, it is likely that three-fourths of the legislatures will ratify the amendment.

Although more than half of the legislatures probably will be reapportioned by this summer—the earliest possible time that the amendment could clear Congress—elections under the new districting would not be held until 1966 in nearly all of the reapportioned States.

This means that Governors could call members of the existing malapportioned legislatures into special session later this year to ratify the amendment.

But even if the amendment is ratified and becomes part of the Constitution, every apportionment based on factors other than population would still have to be submitted to a statewide referendum.

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. SIKES, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. COHELAN.

(The following Members (at the request of Mr. RUMSFELD) and to include extraneous matter:)

Mr. ELLSWORTH.

Mr. HUTCHINSON.

(The following Members (at the request of Mr. STEED) and to include extraneous matter:)

Mr. KARTH.

Mr. MOORHEAD.

Mr. EVINS of Tennessee.

Mr. RIVERS of South Carolina in two instances.

Mr. ANNUNZIO.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 339. An act to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 702. An act to provide for the disposition of judgment funds on deposit to the credit of the Quinaielt Tribe of Indians; to the Committee on Interior and Insular Affairs.

S. 795. An act to provide for the assessing of Indian trust and restricted lands within the Lummi Indian diking project on the Lummi Indian Reservation in the State of Washington, through a drainage and diking district formed under the laws of the State; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2362. An act to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 10, 1965, present to the President, for his approval, a bill of the House of the following title:

H.R. 2362. An act to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

ADJOURNMENT

Mr. STEED. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 13, 1965, at 12 o'clock, noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

903. A communication from the President of the United States, transmitting the 20th report of the U.S. Advisory Commission on Information, dated March 1965, pursuant to section 603 of Public Law 80–402 (H. Doc. No. 140); to the Committee on Foreign Affairs and ordered to be printed.

904. A letter from the Comptroller General of the United States, transmitting a report of the examination of financial statements for fiscal year 1964 of the Federal Crop Insurance Corporation, Department of Agriculture (H. Doc. No. 141); to the Committee on Government Operations and ordered to be printed.

905. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment for the quarter ending March 31, 1965, pursuant to subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

906. A letter from the Director, Office of Economic Opportunity, Executive Office of the President, transmitting a draft of proposed legislation entitled "A bill to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964"; to the Committee on Education and Labor.

907. A letter from the Acting Secretary, Department of State, transmitting a draft of proposed legislation, to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission; to the Committee on Foreign Affairs.

908. A letter from the Secretary of the Interior, transmitting one copy each of all laws enacted by the Seventh Guam Legislature, 1964, pursuant to section 19 of the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

909. A letter from the Secretary of the Interior, transmitting one copy each of all laws enacted by the Legislature of the Virgin Islands in its 1964 regular and special sessions, pursuant to section 9(g) of the Revised Organic Act of the Virgin Islands of the United States; to the Committee on Interior and Insular Affairs.

910. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation entitled "A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes"; to the Committee on Interior and Insular Affairs.

911. A letter from the Assistant Secretary of the Interior, transmitting determinations relating to deferment of the February 1, 1966, and August 1, 1966, construction payments due the United States from the Carlsbad Irrigation District, Carlsbad project, New Mexico, pursuant to Public Law 86–308; to the Committee on Interior and Insular Affairs.

912. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation entitled "A bill to amend the Communications Act of 1934, as amended, with respect to commissioners, employees, and executive reservists of the Federal Communications Commission"; to the Committee on Interstate and Foreign Commerce.

913. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation entitled "A bill to provide for the appointment of two additional judges for the U.S. Court of Claims, and for other purposes"; to the Committee on the Judiciary.

914. A letter from the Assistant Secretary, of the Air Force, transmitting a draft of proposed legislation entitled "A bill for the relief of Col. Thomas O. Lawton, Jr., U.S. Air Force"; to the Committee on the Judiciary.

915. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation entitled "A bill for the relief of Maj. Victor R. Robinson, Jr., U.S. Air Force"; to the Committee on the Judiciary.

916. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation entitled "A bill for the relief of Chief M. Sgt. Samuel W. Smith, U.S. Air Force"; to the Committee on the Judiciary.

917. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation entitled "A bill for the relief of Lt. Col. Nicholas A. Stathis, U.S. Air Force"; to the Committee on the Judiciary.

918. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled "A bill to provide for the retirement of enlisted members of the Coast Guard Reserve"; to the Committee on Merchant Marine and Fisheries.

919. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 26, 1965, submitting a report, together with accompanying papers and an illustration, on a letter report on New Harbor, Maine, requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 3, 1959. No authorization by Congress is recommended as the desired improvement has been adopted for accomplishment by the Chief of Engineers under the provisions of section 107 of the 1960 River and Harbor Act; to the Committee on Public Works.

920. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 3, 1964, submitting a report, together with accompanying papers and an illustration, on a letter report on McAlester water supply facilities, Eufaula Reservoir, Okla., in partial response to the Flood Control Act approved October 23, 1962; to the Committee on Public Works.

921. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on grants for basic scientific research made by the Department of Defense to nonprofit institutions during calendar year 1964, pursuant to Public Law 85–934; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POWELL: Committee of conference. S. 974. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes (Rept. No. 231). Ordered to be printed.

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 500. A bill to provide for the establishment of the Agate Fossil Beds National Monument in the State of Nebraska, and for other purposes; with amendment (Rept. No. 232). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee of conference. H.R. 2998. A bill to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations (Rept. No. 233). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 7359. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. ASHBROOK:

H.R. 7360. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. BECKWORTH:

H.R. 7361. A bill to amend chapter 33 of title 38, United States Code, to make the educational benefits provided under that chapter available to all veterans whether or not they serve during a period of war or of armed hostilities; to the Committee on Veterans' Affairs.

By Mr. BURTON of Utah:

H.R. 7362. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 7363. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 7364. A bill to amend the Internal Revenue Code of 1954 to provide for the gradual reduction and eventual elimination of the tax on general telephone service; to the Committee on Ways and Means.

By Mr. KARTH (by request):

H.R. 7365. A bill to amend title 38 of the United States Code to provide for adequate health facilities which are commensurate with the increased needs of the veteran population of the United States; to the Committee on Veterans' Affairs.

By Mr. KEOGH:

H.R. 7366. A bill to correct an error in the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mr. LANDRUM:

H.R. 7367. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 7368. A bill to amend the Tariff Schedules of the United States to reduce until January 1, 1968, the exemption from duty enjoyed by returning residents to $50 fair retail value, to limit the exemption to articles accompanying such residents, and for other purposes; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 7369. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. O'HARA of Michigan:

H.R. 7370. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H.R. 7371. A bill to amend the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

H.R. 7372. A bill to amend the Bank Holding Company Act of 1956; to the Committee on Banking and Currency.

By Mr. SICKLES:

H.R. 7373. A bill to amend the Vocational Rehabilitation Act to eliminate economic need as an eligibility requirement for vocational rehabilitation services; to the Committee on Education and Labor.

By Mr. THOMPSON of Texas:

H.R. 7374. A bill to amend the Internal Revenue Code of 1954 with respect to the estate and gift tax treatment of employees' survivors annuities under State and local retirement systems; to the Committee on Ways and Means.

By Mr. YOUNGER:

H.R. 7375. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.R. 7376. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H. Res. 327. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

190. By the SPEAKER: Memorial of the Legislature of the State of Alabama, memorializing the President and the Congress of the United States urging adherence to the letter and spirit of the Constitution of the United States; to the Committee on the Judiciary.

191. Also, memorial of the Legislature of the State of Colorado, memorializing the President and the Congress of the United States to enact legislation prohibiting restraint of trade practices by chain stores; to the Committee on Agriculture.

192. Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation increasing certain Federal grants to the States in all categories of public welfare; to the Committee on Ways and Means.

193. Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation increasing the monthly payments under the Federal Social Security Act to $200; to the Committee on Ways and Means.

194. Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to enact legislation increasing allowable earnings of persons receiving social security benefits from $1,200 to $3,000; to the Committee on Ways and Means.

195. Also, memorial of the Legislature of the State of New Hampshire, memorializing the President and the Congress of the United States to establish a national cemetery in New Hampshire; to the Committee on Interior and Insular Affairs.

196. Also, memorial of the Legislature of the State of Washington, memorializing the President and the Congress of the United States to amend the Watershed Protection and Flood Prevention Act by increasing the flood-water detention capacity in any single structure from 5,000 acre-feet to 12,500 acre-feet; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRIDER:

H.R. 7377. A bill for the relief of Miquel and Sylvia Azar; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 7378. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida, to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. REINECKE:

H.R. 7379. A bill for the relief of Alejandro Ham Chea; to the Committee on the Judiciary.

By Mr. THOMPSON of Texas:

H.R. 7380. A bill for the relief of Marko Markovic; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

162. By the SPEAKER: Petition of Chief, Kimhae Land Development Association, Kimhae, Korea, with reference to requesting early consideration and settlement of a claims case for members of the Taecho Irrigation Association, which was submitted October 26, 1964; to the Committee on Foreign Affairs.

163. Also, petition of City Council, Ketchikan, Alaska, with reference to protesting the decision of the Civil Aeronautics Board in the Pacific Northwest-Alaska Air Service case, which would create a reduction of service to the Ketchikan area; to the Committee on Interstate and Foreign Commerce.

164. Also, petition of assistant city administrator, town of Atherton, Calif., with reference to the need for a constitutional amendment of reapportionment; to the Committee on the Judiciary.

165. Also, petition of chairman, Political Action Committee, National Headquarters, Los Angeles, Calif., with reference to providing pensions for the veterans of World War I; to the Committee on Veterans' Affairs.

166. Also, petition of Alirio Ugarte Pelayo, president of the Chamber of Deputies, Caracas, Venezuela, relative to a resolution adopted by the Chamber of Deputies requesting the Government of the United States of America to give preferential (better) treatment to raw materials of Latin America origin; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Minnesota Mining & Manufacturing Co. Opens Microfilm Systems Laboratory for Government and Industry in Washington, D.C.

EXTENSION OF REMARKS
OF
HON. JOSEPH E. KARTH
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 12, 1965

Mr. KARTH. Mr. Speaker, the programing of information storage and retrieval systems for Government and industry has become an increasingly significant function of the microfilm industry in light of the growing demand for methods of streamlining recordkeeping and related activities in our automated and computerized business society.

To accommodate this need, the 3M Co.—Minnesota Mining & Manufacturing—recently opened a microfilm systems development laboratory in Washington. I attended the news conference held in connection with the opening, at which Internal Revenue Commissioner Sheldon S. Cohen explained the new nationwide microfilm system recently set up to place the massive legal records of the Service on a uniform basis

Mr. Cohen described the reports and information retrieval activity—RIRA—a magnetic tape-computer-based system that utilizes microfilm and high-speed microfilm reader-printers.

The system is being used by the Revenue Service to streamline legal information services needed to assure fair and consistent interpretation of the law for the Nation's taxpayers.

The RIRA program analyzes legal data collected from 32 field offices and national office divisions in Washington and disseminates the data on rolls of microfilm stored in cartridges to information centers.

The focal point of the system is the Counsel Legal Information Center—CLIC—where the film can be viewed and printed automatically. There are four of these centers in Washington, and one each in New York, Philadelphia, Cincinnati, Chicago, Atlanta, Dallas, San Francisco, and Los Angeles.

The objective of the new system, Mr. Cohen explained, is to solve three major information problems: caseload coordination, legal research, and compilation of legal statistics. He said:

> Before we began using our microfilm system, coordinating pending cases among field offices and between the litigation and technical functions of the chief counsel's office was one of our most acute legal management problems.

That office handles more than 28,000 tax matters, annually, in addition to working on long-range tax legislation and regulation programs. This work is handled by some 650 attorneys assigned to 32 field offices and the office in Washington.

Mr. Cohen said:

> Decentralization, volume of work, and the complexities of Federal tax laws make it difficult for the chief counsel to maintain consistency. Before the retrieval system was established, it was possible for two or more attorneys working on similar cases to come to different conclusions and be quite unaware of it."
>
> Gathering legal statistics is essential, but time-consuming by the time statistical reports are compiled manually, they are in danger of being out of date.
>
> Microfilm was advantageous, but microfilm geared to professional people had to be found. It was essential that the attorney could disregard the mechanical aspects and treat the machine as he would a lawbook.

With the system adopted by IRS, the attorney simply checks the index, requests the microfilm cartridge containing the information he wants, and places it in the reader-printer. By pressing a button he gets a print of the document appearing on the screen in 5 seconds.

The benefit to the taxpayer is obvious. He now has even greater assurance of fair and consistent interpretation of tax laws, Mr. Cohen said.

The "Filmac 400" reader-printer used in the IRS system is the newest of the Minneapolis Mining & Manufacturing Co.'s line of microfilm equipment in MicroForum. This new system development laboratory includes cameras, microfilm duplicating equipment, data processing machines, a printer employing a unique "dry silver" paper process, as well as a complete line of reader-printers.

To make certain that every recordkeeping method can be analyzed and a tailormade microfilm system can be devised to accommodate any requirement, MicroForum includes equipment of other manufacturers as well as Minneapolis Mining & Manufacturing Co., D. W. McArthur, vice president of Minneapolis Mining & Manufacturing Co. Microfilm Products Division, said.

Mr. McArthur represented the company at the opening of MicroForum. Both are from the St. Paul, Minn., headquarters of Minneapolis Mining & Manufacturing Co.

The first MicroForum was opened in St. Paul. In less than 3 years, Mr. McArthur said, some 600 persons representing 200 commercial organizations and government agencies used that facility. Nearly every Government department and agency in Washington uses microfilm in one or more areas, he added.

> With this proven interest, we saw a need for a systems development laboratory closer to Federal Government and major eastern users of microfilm. These people, we felt, needed a convenient laboratory where they could probe and prove microfilm systems compatible with their individual needs.
>
> New and experimental capabilities designed to satisfy these needs may well be shown here in months and years to come.
>
> To bring all this into perspective, I point out that there are evolutionary parts to many of these systems. For example, although the system in use in the IRS offices is the most modern available today, it can be expected to undergo improvement and change. Then, because of this evolutionary nature of information management systems, a problem-solving approach to systems development must have both short- and long-range goals. This is necessary because what you do today must be compatible with what you would like to do tomorrow.

Among those invited to attend the opening were members of the tax-writing House Ways and Means and Senate Finance Committees, ranking members of the Senate and House Space Committees, members of the Minnesota congressional delegation, and officials of the Commerce, Treasury, Agriculture, and Post Office Departments and Veterans' Administration.

John Mill, Jr., is in charge of the Washington MicroForum.

The opening ceremony also featured a presentation to the National Press Club of microfilmed pictorial history of the club's World War II "canteen" for servicemen.

The photographs preserved for NPC records include the memorable picture of former President Harry S. Truman accompanying actress Lauren Bacall "on" the piano, another of Mr. Truman playing a duet with "violinist" Jack Benny, several mementos of Mrs. Eleanor Roosevelt's visits to the canteen and action shots of many of the headliners who entertained there.

William M. Blair of the New York Times, president of the NPC, accepted the microfilmed album presented by Minneapolis Mining & Manufacturing Co. MicroForum.

Vice Adm. William F. Raborn, Jr., New Director of the Central Intelligence Agency

EXTENSION OF REMARKS
OF
HON. L. MENDEL RIVERS
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 12, 1965

Mr. RIVERS of South Carolina. Mr. Speaker, I would like to commend the President of the United States for the wisdom he has demonstrated in appointing Vice Adm. William F. Raborn, Jr., U.S. Navy Retired, as the new Director of the Central Intelligence Agency. Vice Admiral Raborn is one of the great men of our Nation. He has already made tremendous contributions to the security of the Nation and, undoubtedly, his appointment and agreement to serve in this vital position involves great personal sacrifice. This is what one would expect from "Red" Raborn.

The Nation has been fortunate in having John McCone as the Director of Central Intelligence—a man of great achievement, dedication, and high integrity. It is not often that a man of brilliance, dedication, and high integrity follows as a successor in such a vital position.

I know I speak for the entire Committee on Armed Services when I extend to Vice Admiral Raborn our sincerest congratulations, our pledge of full cooperation, and our personal pleasure in knowing that a man of his tremendous ability has agreed to assume this position which entails such extraordinary responsibility.

We look forward to renewing our association with this truly outstanding American. As Director of one of the most important agencies of our Government, Admiral Raborn will frequently report directly to our committee, and, even more frequently, to our Central Intelligence Agency Subcommittee.

We anticipate with pleasure our first meeting with him.

Farm Labor Management Committee of Michigan

EXTENSION OF REMARKS

OF

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1965

Mr. HUTCHINSON. Mr. Speaker, I am in receipt of the 1964 annual report of the Farm Labor Management Committee of Michigan. This is a voluntary association of fruit and vegetable growers in my State, who several years ago began to recognize the economic and social problems connected with a migrant farm labor supply, and set about to improve the situation.

By their own initiative, they have taken the lead in charting a new course in the solution of problems attending our migrant agricultural workers. They have not waited for some government program. On the contrary, they are making great strides in meeting their problems locally. Better migrant housing, better working conditions, improved human relations between migrants and the communities in which they work, have already resulted from the efforts of this organization.

Growers have developed farm labor management classes which are largely and regularly atttended. An overflow attendance turned out at a workshop on the subject held on the campus of Michigan State University. Programs involving improved training, supervision, communication, and understanding give promise of improved productivity and reward for workers, growers, and consumers. These growers are demonstrating excellent results and the merit of voluntary group effort.

Present chairman of the committee is Mr. Harry H. Nye, of St. Joseph, Mich., a successful fruit grower in southwestern Michigan who was most instrumental in the organization of the committee, a strong proponent of the philosophy that local problems should be locally met. W. L. Mainland, of Milford, Mich., is vice chairman, and Catherine Daly, of Benton Harbor, is secretary. The organization has a migrant housing committee chaired by Floyd Fox, of Shelby, Mich.; a committee on human relations under the chairmanship of another of my valued constituents, Oscar J. Dowd, of Paw Paw, Mich.; and an information committee headed by Rudolph Reinbold, of Saginaw, Mich.

Activity on the part of growers who are dependent upon migrant labor to meet their problems in the traditional voluntary way should be encouraged and applauded, Mr. Speaker. I am proud to call the attention of the House to the success of the Farm Labor Management Committee of Michigan.

Small Business Urges Continued Independence of SBA

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1965

Mr. EVINS of Tennessee. Mr. Speaker, a letter has been received by me from the National Federation of Independent Business commenting on my press release of March 19 concerning the independence of the Small Business Administration. This letter by Mr. George J. Burger, vice president of that organization, endorses the view expressed in my press release.

Mr. Speaker, I ask unanimous consent that the letter from Mr. Burger and the press release be reprinted in the Record, as follows:

National Federation of
Independent Business,
San Mateo, Calif., March 19, 1965.

Re Small Business Administration.

Hon. Joe Evins,
Chairman, House Small Business Committee,
House Office Building, Washington, D.C.

My Dear Congressman Evins: You are to be complimented on your release of March 19, "Evins Backs Independence of SBA" in the expressed views as outlined in your release, in which we concur 100 percent.

The proposed action of merging SBA in the Department of Commerce comes to the writer with no surprise as it will be found from the first instance our action, beginning in 1953, in our testimony before the Small Business Committees and the Banking and Currency Committees we continually and repeatedly recommended that SBA be made an independent agency, and more important, that the overall policy of SBA be placed exclusively in the hands of the Administrator, subject to review by the Congress.

You are privileged to insert this letter in the Record, and we are also directing a letter to the President of the United States on this.

Sincerely,

George J. Burger,
Vice President.

Evins Backs Independence of SBA

Representative Joe L. Evins, Democrat, of Tennessee, chairman of the House Select Committee on Small Business, said today he is "opposed to any change affecting the independence of the Small Business Administration, the one Federal agency that represents the interests of the Nation's 4.6 million small businessmen."

Evins said he was making his position clear because of "rumors and reports that plans are underway in some quarters to terminate SBA's status as an independent agency and make it, in effect, a subdivision of the Commerce Department."

The latest report, Evins said, was in the March 15, 1965, edition of the Washington Post in the column on internal Federal matters written by Jerry Kluttz. "Mr. Kluttz has a reputation for accuracy," said Evins, "and I believe that his report is based on knowledge he has gained from qualified sources."

Evins said in a statement:

"To place the department that champions the interests of small business under the Commerce Department is illogical and retrogressive. It is illogical because the Department of Commerce has responsibilities now that require its full attention. It is retrogressive because prior to 1953 a bureau dealing with small business matters on a limited basis was in the Department of Commerce.

"After much debate and lengthy hearings, Congress concluded that small business had to have a one-stop agency where it could take its problems and get an answer without having to go to a half dozen different agencies. This necessity is even more pressing now than in 1953.

"With small business subjected to greater stress from the technological revolution, from the pressures of competition from giant competitors, and from a dozen other facets of change that challenge its very survival, this is no time to downgrade small business programs and lose them in one of the Federal Government's largest departments.

"Small business is important to our economy. It provides the livelihood for about 60 percent of our population and supports about 40 percent of our labor force.

"It accounts for 80 percent of dollar volume in construction and more than 70 percent in retail, in wholesale, and in services—and for more than 30 percent of value added in manufacturing.

"Its role in the economy must be stimulated and strengthened. That is the purpose of SBA and that must continue to be the overriding purpose of the Nation's small business assistance programs."

Centennial Services

EXTENSION OF REMARKS

OF

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1965

Mr. MOORHEAD. Mr. Speaker, the Veterans of Foreign Wars and the Pittsburgh public schools sponsored centennial services recently marking the end of the Civil War and paying tribute to members of the Allegheny County Bar Association who served in that conflict. These services paid particular honor to Medal of Honor winners from Allegheny County: Francis J. Herron, Thomas R. Kerr, Gottlieb Luty, John C. Mathews, Theodore Mitchell, Milton Mathews, Charles Oliver, Robert L. Orr, Alfred L. Pearson, Archibald H. Rowand, James M. Schoonmaker, and Michael Sowers.

A special tribute was paid to Pittsburgh high school students who are listed on a bronze honor roll plaque at the Fifth Avenue High School Uptown in Pittsburgh. The names of 63 young men, or 25 percent of the school's enrollment, are on this list.

Three Pittsburgh figures noted for their outstanding contributions and research on the American Civil War received albums of the Appomatox Centennial stamp from Pittsburgh Postmaster Edward G. Coll. They were presented to Dr. C. Stanton Belfour, president of the Historical Society of Western Pennsylvania, Edgar J. Roth, artist and authority on Civil War history, and Julia M. Cunningham, director of the Pennsylvania Reference Room, Carnegie Library, Pittsburgh.

I should like to extend my congratulations to Commander Joseph A. Borkowski, of the Allegheny County Council, VFW, and all the members of the VFW and to public school officials in Pittsburgh who made this program such a great success.

Hon. F. Edward Hébert To Receive Arnold Air Society's Man of the Year Award

EXTENSION OF REMARKS

OF

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1965

Mr. RIVERS of South Carolina. Mr. Speaker, under leave to extend my remarks, I wish to invite the attention of the Members of the House to the annual Arnold Air Society and Angel Flight national conclaves here in Washington during the week of April 12, 1965.

On Wednesday evening, April 14, 1,500 young men and women will assemble at the Sheraton Park Hotel. These visitors are students who come to the seat of government representing 170 colleges and universities located in 47 States, Puerto Rico, and the District of Columbia.

These young gentlemen and ladies are touring Washington as delegates to the annual Arnold Air Society and Angel Flight national conclaves, conclaves which began here Sunday and end Wednesday with an awards banquet.

The Secretary of the Air Force, the Honorable Eugene M. Zuckert, will present awards to outstanding civilian and military leaders at this banquet. One of the most outstanding Members of this or any other legislative body will receive the Arnold Air Society's highest award. I refer to the Man of the Year Award, which will go to the distinguished, incomparable, highly respected senior Representative from Louisiana, my personal friend, the Honorable F. Edward Hébert.

The significance of this award can only be appreciated after rendering a few statistics on the Arnold Air Society and Angel Flights. Named in honor of the first Army Air Corps Chief of Staff Gen. Henry H. "Hap" Arnold, the society is a professional honorary service organization of selected Air Force ROTC cadets. Each academic year, more than 5,500 cadets make up the squadrons at 170 colleges and universities throughout the land. Their purpose is to aid in the development and production of Air Force officers through furthering the purpose, traditions, and concepts of the U.S. Air Force.

Each academic year, some 2,500 dedicated young women are selected as members of Angel Flights at many of these same colleges and universities. This honorary service organization promotes the interest of the college man in the Air Force ROTC program. From my review of the 17 Angel Flight delegates competing here for the title of "Little General," I can report that the dedication and scholastic achievement of these young ladies is surpassed only by their beauty.

The majority of these cadets will graduate this summer or next and enter the Air Force as second lieutenants. They are certain to be some of the future leaders of our Air Force and our Nation. Many of these ladies will become future leaders of our democracy in their own right.

"American" Defined

EXTENSION OF REMARKS

OF

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1965

Mr. COHELAN. Mr. Speaker, the distinguished gentleman from New York [Mr. Bingham] has rendered an important service by noting and criticizing the inappropriate and inaccurate definition of the noun "American" as it appeared in the Oxford Dictionary and the Concise Oxford Dictionary.

Certainly, as Representative Bingham has pointed out, the two dictionaries' definition of "American" as "a native of America of European descent" is an insult to the millions of U.S. citizens of Africa, American Indian, Asia, Latin America, and other origins.

I believe our colleagues will find the exchange of correspondence between our able colleague and Oxford University Press, as well as a brief article from the New York Times, to be of interest.

April 2, 1965.

The Editors,
The Oxford English Dictionary,
Clarendon Press,
Oxford, England.

Gentlemen: It has come to my attention that one of the definitions given for the noun "American" in the Oxford English Dictionary, as well as in the Concise Oxford Dictionary, reads "A native of America of European descent."

This definition, which may have been appropriate in the 18th century, is certainly wholly inaccurate today. It represents indeed a virtual insult to the millions of U.S. citizens of Africa, American Indian, Asia, Latin America, Polynesia, and other origins.

I hope and trust that in the next edition or supplement of the Oxford English Dictionary and the Concise Oxford Dictionary this egregious error will be corrected, the offending definition will be omitted and the definition "citizen of the United States of America" will stand by itself.

A minor problem remains with regard to the use of the noun "American" in Latin America. Although the Latin Americans do not refer to themselves as Americans, they prefer to refer to the citizens of the United States as North Americans, and this has become polite usage south of the United States-Mexican border. This, however, is a fine point. Throughout the United States itself and the rest of the world, the noun "American" is commonly used to mean citizen of the United States.

Sincerely yours,
Jonathan B. Bingham,
Member of Congress.

April 2, 1965.

Editor,
The Times, London, England.

Sir: It has come to my attention that one of the definitions given for the noun "American" in the Oxford English Dictionary, as well as in the Concise Oxford Dictionary, reads "A native of America of European descent."

This definition, which may have been appropriate in the 18th century, is certainly wholly inaccurate today. It represents indeed a virtual insult to the millions of United States citizens of African, American Indian, Asian, Latin American, Polynesian, and other origins.

I hope and trust that in the next edition or supplement of the Oxford English Dictionary and the Concise Oxford Dictionary this egregious error will be corrected, the offending definition will be omitted and the definition "citizen of the United States of America" will stand by itself.

A minor problem remains with regard to the use of the noun "American" in Latin America. Although the Latin Americans do not refer to themselves as Americans, they prefer to refer to the citizens of the United States as North Americans, and this has become polite usage south of the United States-Mexican border. This, however, is a fine point. Throughout the United States itself and the rest of the world, the noun "American" is commonly used to mean citizens of the United States

I have also written directly to the editors of the Oxford English Dictionary to call their attention to the error in the present edition.

Sincerely yours,
Jonathan B. Bingham,
Member of Congress.

Oxford University Press, Inc.,
New York, N.Y., April 5, 1965.

Representative Jonathan B. Bingham,
House Office Building,
Washington, D.C.

Dear Mr. Bingham: According to the New York Times of April 3, you are unhappy about the definition of "American" in two dictionaries published by Oxford University Press.

The editing of these dictionaries is done on the other side of the Atlantic, so I won't comment on your point. I am writing rather to send you a copy of a new Oxford University Press reference work that you may find interesting—and soothing? This is the revised edition of "A Dictionary of Modern English Usage" by H. W. Fowler, revised by Sir Ernest Gowers. We are publishing it on May 6. You may find of interest the articles on America and on Americanisms.

I am also sending you some material we put together for book review editors because part of it has a number of items about English attitudes toward the United States and our use of the language.

Sincerely,
Fon W. Boardman, Jr.,
Advertising and Publicity Manager.

[From the New York Times, Apr. 7, 1965]

DICTIONARY WILL MODIFY DEFINITION OF "AMERICAN"

LONDON, April 6 (Reuters).—The Oxford University Press has decided to modify the definition of the noun "American" in future editions of its dictionaries following a complaint by New York Representative JONATHAN BINGHAM.

Representative BINGHAM, Democrat, of the Bronx, complained to the publishers that both the Oxford Dictionary and the Concise Oxford Dictionary defined an American as "a native of America of European descent." He thought this was virtually an insult to U.S. citizens of other origins.

An Oxford spokesman said today that in future editions the definition would "make it clear that the various people native of, or resident in, America, are not confined to those of American Indian or of European descent."

He said the basis of the definitions in the two smaller dictionaries that Representative BINGHAM complained about could be found in the original Oxford English Dictionary.

There, a distinction was made between all aboriginals of the American Continent, that is, an American Indian, and a native of America, of European descent.

Investiture of Anthony J. Paterno as Knight Commander of the Sovereign Military Order of Malta

EXTENSION OF REMARKS

OF

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1965

Mr. ANNUNZIO. Mr. Speaker, it is my pleasure to have inserted in the CONGRESSIONAL RECORD the House Resolution 99 passed by the 74th General Assembly of Illinois and introduced by State Representatives Euzzino, DiPrima, Romano, Merlo, Pusateri, Ropa, and Zagone. On Saturday evening, April 10, over 2,000 Chicagoans attended a banquet in honor of Mr. Anthony J. Paterno on the occasion of his official investiture as knight commander of the Sovereign Military Order of Malta. The resolution congratulating him on his investiture follows:

STATE OF ILLINOIS, 74TH GENERAL ASSEMBLY, HOUSE OF REPRESENTATIVES

HOUSE RESOLUTION 99

(Offered by Messrs. Euzzino, DiPrima, Romano, Merlo, Pusateri, Ropa, and Zagone)

Whereas on April 10, 1965, Anthony Paterno, an outstanding civic leader and highly respected American of Italian ancestry will be vested as knight commander into the Sovereign and Military Order of Malta; and

Whereas the Sovereign and Military Order of Malta was founded in the 11th century in Jerusalem, by Blessed Gerald, an Italian Benedictine monk, with the help of some pious citizens from Amalfi; it is the most ancient of all orders of knighthood; and

Whereas it is indeed proper for a man who served as president of the joint civic committee of Italian-Americans with the unflinching spirit of a pioneer, the steadfast devotion of a servant and idealist, the deep-rooted love of a humanitarian; and who has attained the very height of affection he now enjoys in the Italo-American community, be invested into this outstanding worldwide organization; and

Whereas the life of Anthony Paterno is an outstanding example of integrity, individual initiative and solid accomplishment: Therefore be it

Resolved by the House of Representatives of the 74th General Assembly of the State of Illinois, That we extend our hearty congratulations to Anthony Paterno, upon his receiving this high honor; and extend our best wishes for many more great moments in the service of our people; and that a suitably engrossed copy of this resolution and preamble be sent to Mr. Paterno, the joint civic committee of Italo-Americans and the Fra Noi newspaper in Melrose Park, Ill.

Adopted by the house, March 24, 1965.

JOHN P. TOUHY,
Speaker of the House.
CHARLES F. KERVIN,
Clerk of the House.

Anthony J. Paterno is a real life Italo-American success story that matches any Horatio Alger dream.

A guiding light for his fellow man, Anthony Paterno is faith in action—his is the unflinching spirit of a pioneer, the steadfast devotion of a servant and idealist, the deep-rooted love of a humanitarian.

Our community has benefited by his hard work, loyalty and love for mankind and his integrity, individual initiative and solid accomplishment, his is a most outstanding example of what one man can achieve in our great democratic society.

At age 18, he made an important decision. Courageous and ambitious, young Tony decided to immigrate to America from his native Sicily.

He arrived in Chicago in August 1923, and immediately sought employment. What he found were sweatshop jobs—backbreaking, long hours, and low-pay employment.

He worked on railroads, in factories, on constructions, and became a barber, insurance agent, plastering contractor, repair man, sold fruits and vegetables, and operated a grocery and meat market and restaurant and then became a pioneer in the pizza business in Chicago.

In spite of the tremendous pressure of his business, Anthony Paterno has always found time to help men of every race, creed, and color.

It would be impossible to number all who have been guided by Mr. Paterno in helping to obtain American citizenship or who have been assisted by his counsel and financial aid, or the many causes and charities that have been aided by his energies and resources.

Just as he is a leading figure in Chicagoland, Mr. Paterno is held in high acclaim in Italy. He has helped hospitals and orphanages in Sicily and other parts of Italy.

Born at Vizzini, Catania, Italy, January 24, 1904, the son of Giovanni and Giuseppa (LoGiusto) Paterno. Married Lena LoGiudice, October 24, 1929. Three children: John, born 1930, died 1960; Josephine, Mrs. Anthony Terlato, and Michelina, born 1947. Five grandchildren.

Past President Joint Civil Committee of Italian Americans, the Italian Chamber of Commerce of Chicago, and the Vizzinese Society.

Awarded third, second, and first stars of solidarity, Republic of Italy, Cavaliere, Cavaliere Ufficiale and Commendatore, Order of Merit, Republic of Italy.

Awarded plaque by the Italian Chamber of Commerce, the Vizzinese Society for devotion and distinguished service to Italian community, 1959; John Scalabrini Award for his liberal generosity to Villa Scalabrini, Italian old peoples home, in 1960; leadership award of Joint Civic Committee, 1961; Amerital-Unico Citizen of Year Award, in 1961.

And now, as the owner of Pacific Wine Co. and Paterno Imports, Ltd., he is recognized as a leader in this industry and also one of the most respected.

Colgate-Palmolive Co. Shows High Level of Ethical Conduct

EXTENSION OF REMARKS

OF

HON. ROBERT F. ELLSWORTH

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 12, 1965

Mr. ELLSWORTH. Mr. Speaker, a recent news story from New York City points to a high standard of ethics and fair competitive practices in America's business community.

I refer to the action taken by one of the largest companies in the Nation, the Colgate-Palmolive Co., in refusing a so-called bargain offer to purchase highly valued trade secrets of a competitor, Procter & Gamble. In view of the amount of adverse publicity so often unfairly directed at the U.S. business community, I believe the story of the Colgate-Palmolive Co.'s exemplary action should be duly noted.

The story is this, in brief: Colgate-Palmolive and Procter & Gamble are companies engaged in one of the most keenly competitive areas of the American consumer merchandise market. Obviously, an extensive amount of research, planning, and creative thought goes into the shaping of marketing strategy and tactics by each of these companies. Equally clear is the fact that in such a highly competitive market area a great deal of time and thought is given to considering what the opposition is planning.

With this as background, consider the monetary value it would be to one of these companies to obtain its competitor's detailed budget for sale and distribution of one of its leading consumer products. According to an assistant U.S. district attorney, Procter & Gamble placed the value to a competitor of inside knowledge of such a budget at no less than $1 million.

The Colgate-Palmolive Co. was offered such inside information, in the form of a detailed 188-page marketing and advertising plan devised by Procter & Gamble. Colgate-Palmolive, immediately upon receiving this offer, reported the incident to the Federal Bureau of Investigation for that agency's action. Last week the U.S. attorney for the Eastern District of New York, Mr. Joseph P. Hoey, commended the Colgate-Palmolive Co. for its conduct in promptly alerting authorities to this illicit offer. A former employee of Procter & Gamble has been arrested and charged with industrial espionage in the matter.

Mr. Speaker, as the Representative of a congressional district in which the Colgate-Palmolive Co. has a major plant, I of course am greatly interested in any news story which reflects well on one of my constituents. But of even greater importance, the action taken by Colgate-Palmolive officials reflects well on our entire American business community—and at a time when the free enterprise system is under attack from foreign enemies and domestic, homegrown critics.

As I have said, too often do gaudy, misleading headlines lead the public to believe that the ethics and sense of competitive fairplay of our Nation's business community is at an alltime low. We hear baseless charges of a so-called profit-first philosophy allegedly held by executives of today's large corporate enterprises. By such charges, the enemies and critics of American business hope to undermine public confidence, not only in this country but abroad as well, in the social efficacy of the free enterprise system.

For this reason, at this time the story of one large U.S. company's exemplary demonstration of the highest of ethical business standards, even in the most aggressively competitive areas of the free enterprise market, deserves notice and consideration.

I join U.S. Attorney Hoey in commending the Colgate-Palmolive Co. for its action in this case. And I earnestly hope that the real significance of this incident is brought home to all those who, without facts to support their charges, have unfairly and unjustly projected a false picture of American business ethics and standards in recent years.

SENATE

TUESDAY, APRIL 13, 1965

The Senate met at 12 o'clock meridian, and was called to order by Hon. Joseph D. Tydings, a Senator from the State of Maryland.

Rev. William Avery Benfield, Jr., minister, First Presbyterian Church, Charleston, W. Va., offered the following prayer:

O Thou Eternal One, God of all nations and all the peoples, we offer to Thee this day our grateful praise: for every expression of Thy bounty in days gone before us, for the assurance of Thy presence in the world in the moments of this particular day, and for the hope of fulfillment of Thy good purposes in days to come.

We pray this day for a world of righteousness and peace for all people everywhere. We pray this day for our beloved Nation. We pray for the President, the Vice President, and for all who have responsibilities of trust and opportunity. And now we pray again for this great legislative body, the Senate of the United States. Strengthen Thou these Thy servants, imbue them with wisdom from above, sustain them in their deliberations and decisions, and work out through them, O God, Thy holy will for the people of this land and for all the families of the earth, through Jesus Christ, our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 13, 1965.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH D. TYDINGS, a Senator from the State of Maryland, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. TYDINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 9, 1965, was dispensed with.

ENROLLED BILL SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of April 9, 1965,

The ACTING PRESIDENT pro tempore, on Saturday, April 10, 1965, signed the enrolled bill (H.R. 2362) to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools, which had been signed by the Speaker of the House of Representatives.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 4778. An act to increase the amounts authorized for Indian adult vocational education; and

H.R. 5721. An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will receive petitions and memorials.

If there are no petitions and memorials to be offered, the Chair calls for the reports of standing and select committees. If there are no reports of standing and select committees, the introduction of bills and joint resolutions is in order.

Mr. AIKEN. Mr. President, I wish to introduce a bill, but I would rather wait until later today to do so, if that is agreeable to the Senate.

The ACTING PRESIDENT pro tempore. If there are no bills and joint resolutions to be introduced, concurrent and other resolutions are in order.

If there be no concurrent or other resolutions to be submitted, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 149, Senate bill 1564.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

Mr. ELLENDER. Mr. President, before the question is put, I should like to ask what the intention of the leadership is.

Mr. MANSFIELD. The intention is not to debate the bill until the Senate convenes on April 21.

Mr. ELLENDER. At 12 o'clock noon on that day?

Mr. MANSFIELD. At 12 o'clock noon.

Mr. ELLENDER. No action will be taken in respect to the bill in the meantime.

Mr. MANSFIELD. Nothing before that time. There will be a morning hour when we return. Then we shall lay down the bill and again make it the pending business.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That this Act shall be known as the "Voting Rights Act of 1965".

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of examiners by the Civil Service Commission in accordance with section 6 to serve for such period of time and in such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided,* That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been limited in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for purposes of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of such test or device in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and shall order that during such period any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be submitted to the Attorney General. If the Attorney General files objection with the court within sixty days after such qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to him, such qualification, prerequisite, standard, practice, or procedure shall not be enforced unless and until the court finds that it does not have the purpose or will not have the effect of denying or abridging the right to vote on account of race or color; except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection 4(b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that (1) no such test or device has been used during the five years preceding the filing of the action for the purpose of denying or abridging the right to vote on account of race or color or (2) (A) the per centum of persons in such State or subdivision voting in the most recent presidential election exceeded the national average per centum of persons voting in such election or the per centum of such persons registered to vote in a State or subdivision by State or local election officials exceeded 60 per centum of persons of voting age meeting residence requirements in such State or subdivision, and (B) that there is no denial or abridgment of the right to vote on account of race or color in such State or subdivision: *Provided,* That a final judgment heretofore or hereafter rendered by any court of the United States, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of any such plaintiff, may be introduced in any such declaratory judgment action brought within five years of such final judgment as prima facie evidence of the facts found by the court, except that notwithstanding this provision the judgment shall retain whatever legal effect it would have under existing law.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceeding the filing of the action for the purpose of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines (A) that less than 50 per centum of the persons, other than aliens and persons in active military service and their dependents, of voting age residing therein were registred on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964, and (B) that according to the 1960 census, more than 20 per centum of the persons of voting age were nonwhite; or, (3), notwithstanding the foregoing (1) and (2), the Director of the Census determines, by a survey made upon the request of the Attorney General that the total number of persons of any race or color who are registered to vote in any State or political subdivision is less than 25 per centum of the total number of all persons of such race or color of voting age residing in such State or political subdivision.

A determination on certification of the Attorney General or of the Director of the Census under this section or under section 6 shall be final and effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any education achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose of denying or abridging the right to vote on account of race or color if (1) incidents of such have been limited in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose or will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure unless such qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission. Neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Such an action shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever the Attorney General certifies (a) that a court has authorized the appointment of examiners pursuant to the provisions of section 3(a); or (b) unless a declaratory judgment has been rendered under section 4(a), with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be fairly attributable to violations of the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners, who shall to the extent practicable be residents of such State, in such subdivision as it may deem appropriate to prepare and maintain, by examining applicants pursuant to section 7, lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 8(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided,* that the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote and that he has been deprived of the right to register or vote on account of race or color: *Provided*, That the Attorney General may require the applicant in such State or political subdivision to allege further that, within ninety days preceding his application, he has been denied under color of law the opportunity to register or to vote or has been found not qualified to vote by a person acting under color of law.

(b) Any person whom the examiner finds, in accordance with instructions received under section 8(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 8(a) and shall not be the basis for a prosecution under section 11 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection beginning on the last business day of the month and on the forty-fifth day prior to any election. Any person whose name appears on such a list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 8, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. (a) Any challenge to a listing on an eligibility list shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate within ten days after the listing of the challenged person is made available for public inspection, and if supported (1) by the affidavit of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the moving party, but no decision of a hearing officer shall be overturned unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, and procedures and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger, the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In a case of contumacy or refusal to obey a subpena, any district court of the United States or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 9. No State or political subdivision shall deny or deprive any person of the right to register or to vote because of his failure to pay a poll tax or any other tax or payment as a precondition of registration or voting.

SEC. 10. (a) Whenever an examiner is serving under this Act in any political subdivision, the examiner may assign his representatives who shall be within the meaning of "other persons" as used in section — who may be officials of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated.

(b) No person shall obstruct, impede, or interfere with, or attempt to obstruct, impede, or interfere with, any duly assigned representative of the Department of Justice in the performance of the duties conferred upon him under this section.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit to vote any person who is entitled to vote under any provision of this Act, or fail or refuse to count such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person from voting or attempting to vote or to intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person from exercising any powers or duties under section 3(a), 6, 8, 10, or 12(e).

SEC. 12. (a) Whoever shall willfully and knowingly deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, 9, or 10 or who shall willfully and knowingly violate section 11, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) fraudulently destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot cast in such election, or (2) fraudulently alters any record of voting in such election made by a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or willfully and knowingly interferes with any right secured by section 2, 3, 4, 5, 7, 9, 10, or 11 shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within twenty-four hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the United States attorney for the judicial district if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the United States attorney may not later than seventy-two hours after the closing of the polls file with the district court an application for an order providing for the casting or counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission (1) that all persons listed by the examiner for such subdivision have been placed on the appropriate voting registration roll, (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision; and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a).

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1955).

(b) No court other than the District Court for the District of Columbia or a court of appeals and any proceeding under section 8 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto. The right to intervene in any action brought under the authority of this Act shall be limited to the Attorney General and to States, political subdivisions, and their appropriate officials.

(c)(1) The term "vote" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted and included in the appropriate totals of votes cast with respect to candidates for public office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) Whoever knowingly and willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging the fraudulent registration or illegal voting of such individual under this Act, or pays or offers to pay or accepts payment either for fraudulent registration or for illegal voting under the provisions of this Act shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 15. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 16. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, during which speeches and comments will be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE MEETING DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Monopoly and Antitrust of the Judiciary Committee was authorized to meet during the session of the Senate today.

FINANCING OF THE UNITED NATIONS PEACEKEEPING OPERATIONS

Mr. MANSFIELD. Mr. President, in an editorial on April 8, the Charleston Gazette took favorable note of the excellent speech on Vietnam and the United Nations which was recently delivered by the senior Senator from Vermont [Mr. AIKEN]. In that speech, as this editorial points out, Senator AIKEN brilliantly and soberly analyzes the unhappy consequences of the unrealistic and inconsistent attitude which has been taken in the past toward the financing of the United Nations peacekeeping operations and the effect which this has had on the United Nations. He points, further, to the very real dangers of a weak and indecisive United Nations at a time of crisis in Vietnam. Despite this excellent editorial and other press comment, the speech of the able dean of the Republicans in the Senate and a perceptive member of the Foreign Relations Committee, in my opinion, has been given too little notice. The Department of State and others concerned would do well to study the careful thoughts of a man with as much knowledge and native good sense as the senior Senator from Vermont.

Mr. President, the editorial I referred to does take proper note of Senator AIKEN's statement and its significance and I ask unanimous consent that it be printed in the RECORD at this point along with an editorial from the St. Louis Post-Dispatch of April 11, which has just come to my attention, covering the same speech by the Senator from Vermont.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Charleston (W. Va.) Gazette, Apr. 8, 1965]

AIKEN MAY MAKE "DOVES" INEDIBLE FOR THE "HAWKS"

"International events of recent weeks," Senator GEORGE AIKEN, Republican of Vermont, told his colleagues on March 25, "seem to have overwhelmed the capacity of this Government for affirmative action, except in the military field."

These remarks were uttered in a speech opposing escalation in Vietnam. During the course of the same speech AIKEN made a brilliant analysis of another U.S. failure in diplomacy—the late, little-lamented effort of the United States to force the Russians, and by association the French, who had also refused to pay dues for peacekeeping operations against their interests, to pay up or lose their General Assembly vote in the United Nations under article 19 of the charter. The effort, said AIKEN, "collapsed like a punctured balloon."

AIKEN also reminded the Nation that in 1962 during debate on the U.N. bond issue he and other Senators vigorously questioned the administration: "We sought to learn from the Department of State what the American reaction would be if the General Assembly were at some future time to assess the United States for the costs of sending a U.N. force into some area where the United States had its vital interests involved on the other side. This was a question the State Department did not want to consider, let alone answer."

Last fall, of course, the United States put pressure on the U.N. to embarrass Russia and France, but, as AIKEN said, "when the chips were really down and the United States was confronted with the alternative of forcing an assembly vote on the application of article 19 to Russia and France, with the possibility that a winning vote might have led to Russian withdrawal, it backed away. The United States now recognizes that if it were in the position of the Russians or the French it would probably react in the same way."

AIKEN then assured his cohorts he wanted the U.N. to survive, to get back on its feet, because it wasn't inconceivable that the U.N. could play a major role in saving face for all concerned in Vietnam.

"The time has come," AIKEN advised, "for the President to * * * instruct his representative at the U.N. to reconcile our position with the Soviet and French position on the assessment of members for peacekeeping functions."

AIKEN's speech was perceptive and constructive. The arguments he advanced were devastating indictments of State Department policies, which have of late leaned entirely too heavily upon the Nation's vast and awesome military capabilities. Then, too, AIKEN is dean of the Republican contingent in the Senate and by ideological persuasion a moderate conservative. Had a like-minded Democrat made similar remarks, some critics would have immediately accused him of having installed a hot line to the Kremlin. AIKEN will perhaps have to endure similar horrid abuse, but at least those seeking honorable solutions to critical problems who might properly be called "doves" have now become a bipartisan group. They have in their ranks in AIKEN a tough-minded, able combatant, whom the "hawks" may just find inedible.

[From the St. Louis (Mo.) Post-Dispatch]

REVIVING THE U.N.

One day recently Senator AIKEN, of Vermont, observed that in 1945 only two Senators voted against the United Nations Charter, while today, "less than 20 years later, no Member of Congress rises to his feet with voice trembling with patriotic emotion, seeking to defend the U.N. or even demand its survival." And it is time, the Senator implied, that a serious effort was made to revivify the world organization.

Specifically, Mr. AIKEN suggested that President Johnson put the strength of his office and his personality behind one of the proposals for solving the U.N.'s financial problems. He urged the United States to reconcile its position on the payment of peacekeeping assessments with that of the Soviet Union and France, rightly pointing out that the dispute is a symptom rather than a cause and that the continued existence of the U.N. is more important than vindication of anyone's position.

The U.N.'s real sickness, in Mr. AIKEN's view, involves a readjustment of power and influence between the greater and lesser powers, rather than a struggle between the Soviet bloc and the West. Mr. AIKEN is correct in noting that at no time in the last two decades have Russia and the United States been closer to a common understanding of the interests of the great powers in the U.N.

So it would seem that the Senator's advice is sound: to recognize the facts as they are. This means that the United States should accept the fact that it cannot force the U.N. to abide by article 19, which states that a nation 2 years behind in peacekeeping assessments must forfeit its vote in the General Assembly. It also means, as Mr. AIKEN says, acceptance of the fact that the United States is not willing to have article 19 applied to itself when its vital interests are involved.

If this means that the peacekeeping function must be modified or set aside, then it would be better that this be done than that the U.N. should be allowed to founder. It is too important a forum for the 114 present members to be allowed to fall apart because the great powers cannot reconcile differences. So a resolution of the financing issue is imperative, along with the creation of a new relationship between the Security Council and the General Assembly.

Amendments to the charter which Mr. Johnson has put before the Senate would, as the President explained, restore the balance between the Council and the Assembly that obtained when the U.N. was organized with 51 members 20 years ago. It would increase the size of the Council from 11 to 15 members and provide for a better geographic distribution of seats. It would not affect the five permanent members—the United States, Britain, the Soviet Union, France, and Nationalist China—nor interfere with their veto power.

The amendments (which also involve the Economic and Social Council) must be ratified by two-thirds of the members by September 31. The Soviet Union has already approved them, and of course the United States should also. But the amendments do not get to the heart of the problem. Would it not be possible, however, for the President and the Senate to use the opportunity to redefine U.S. views toward the U.N. and declare this country's determination to assure its continuation as a living organism?

If it can be kept operating in a useful capacity it can be strengthened. But could it be revived if allowed to disintegrate? Here is an opportunity for constructive leadership. Senator AIKEN said that "international events in recent weeks seem to have overwhelmed the capacity of this Government for affirmative action, except in the military field." In proposing a great economic program for Asia, Mr. Johnson took a step to refute the implications of this statement; by vigorously prosecuting a plan to renew the U.N. he could go even further.

THE PRESIDENT'S JOHNS HOPKINS SPEECH ON VIETNAM

Mr. MANSFIELD. Mr. President, it is most disturbing to find inferences appearing in the wake of the President's recent speech on Vietnam, to the effect that he is trying to buy peace in Vietnam. Any such interpretation of the remarks which he made at Johns Hopkins the other night is entirely unjustified and completely misleading. Indeed, a peace which could be bought for a billion dollars, 5 billion or 10 billion would be a bargain. We will have spent many times a billion plus many lives before a measure of stability returns to southeast Asia if the present situation continues. One has just to recall what has already been spent in Vietnam and the immense cost in lives and dollars in Korea to recognize the enormous costs which we may yet be called upon to bear in southeast Asia.

But the President knows, and every Member of this body knows that he knows, that you do not buy a genuine peace at any price, in Vietnam, in southeast Asia or anywhere else where it matters. It seems to me both a dangerous demeaning of the people of southeast Asia—all the people—as well as a gratuitous reflection upon the President to suggest that he believes otherwise.

The truth of the matter is that, at Johns Hopkins the other night, the President's reference to our willingness to share generously in the costs of reconstruction and development in southeast Asia was not an offer to buy anything. It was a call to all nations to join in replacing a persistent and wasting destruction with a vital and constructive peace. It was a call for nations inside and outside the region to join in a vast endeavor to meet the human needs of the people of that region rather than to go on adding to them by the ravages of war. Who in this Nation would not prefer the first course—the course of peaceful construction—if it can be obtained? Who would not have the President, in good faith and in all wisdom, bend every effort to obtain it? And may I say, the President's designation of Eugene Black, former President of the International Bank, to head a group to consider the problems of development in southeast Asia is an evidence of the high purpose and great determination with which he is going to try to obtain it. He could not have picked a man better equipped by knowledge and experience for this assignment.

Much has been made of the reference to a billion dollars in the President's statement. May I say that the question is no longer whether we shall spend a billion dollars in Asia. We are already spending more than that each year in and around Vietnam alone and the prospects are for an increase, not a decrease, in expenditures for military and related purposes. The question which the President raised the other night is: Can we use this enormous substance in conjunction with that of other nations—not for conflict, but for the material benefit of all the people of southeast Asia?

That is a critical question. It is a question which had to be asked if there is to be a chance for a durable peace in that region. Are we less inclined to share with others the burdens of such a peace, than to bear the far greater weight of war virtually alone? It is a question which deserves a most serious search for answers rather than a cynical and superficial dismissal.

EAST-WEST TRADE

Mr. MANSFIELD. Mr President, last week, President Johnson appointed a 12-man special committee to look into ways and means to expand trade between the United States and the Soviet Union and Eastern European nations. Testimony by thoughtful and patriotic Americans, leaders in many fields, before the Senate Committee on Foreign Relations and its outstanding chairman, Senator FULBRIGHT, of Arkansas, strongly endorses the far reaching and imaginative proposals which the President had outlined in his state of the Union message last January.

Many distinguished Americans have already announced their support for expansion of trade with Eastern Europe in the belief that it will increase the strength of the Western economies and contribute to the stability of our relations with that part of the world. These leaders are almost unanimous in the opinion that the exchange of nonstrategic, nonmilitary goods for hard currencies and essential commodities will provide new and greater markets for American industry. They believe that trade will benefit our economy and those of the other industrialized nations and that it will help to bring about an improvement in political relations.

The sale of wheat and other farm surpluses to the Soviet Union in 1963 gave us evidence that trade with the East can be carried on to mutual advantage without endangering our interests or diminishing the security of the West.

I am pleased to note the high quality of the presidential appointments to the Commission. The list includes distinguished and valued public-spirited men who, time and again, have given generously of their efforts and their expert knowledge in the service of the Nation. Among them are J. Irwin Miller, of the Cummins Engineer Co., who will be Chairman of the panel; Eugene R. Black, formerly president of the World Bank and presently chairman of the Brookings Institution and the Presidential designee for study of the development of southeast Asia; and Charles W. Engelhard, Jr., chairman of the board of Engelhard Industries and director of the Foreign Policy Institute. Each of the men on the Commission is in his own right outstandingly well qualified to carry out the President's request and each has a distinguished background of experience and a reputation for getting things done. I look forward, Mr. President, to the results of these investigations in the belief that wider and more comprehensive commercial intercourse will be of substantial long range benefit to the United States.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following communications and letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION FOR VETERANS' ADMINISTRATION (S. DOC. NO. 18)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1965 in the amount of $42 million, for the Veterans' Administration (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

AUTHORIZATION OF A THIRD POWERPLANT AT THE GRAND COULEE DAM, COLUMBIA BASIN PROJECT, WASHINGTON (H. DOC. NO. 142)

A communication from the President of the United States, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to construct, operate, and maintain a third powerplant at the Grand Coulee Dam, Columbia Basin project, Washington, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

AMENDMENT OF SECTION 301 OF TITLE III OF ACT OF AUGUST 14, 1946, RELATING TO ESTABLISHMENT OF A NATIONAL ADVISORY COMMITTEE BY SECRETARY OF AGRICULTURE

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 301 of title III of the act of August 14, 1946, relating to the establishment by the Secretary of Agriculture of a national advisory committee, to provide for annual meetings of such committee (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT OF EXPORT-IMPORT BANK OF WASHINGTON ON GUARANTEE OF A CERTAIN TRANSACTION

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on the issuance of a guarantee in connection with a contract of sale covering the export of a rotary blast hole drill to Yugoslavia; to the Committee on Appropriations.

Report on Property Acquisitions of Emergency Supplies and Equipment

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarterly period ended March 31, 1965; to the Committee on Armed Services.

Inspection of Certain Towing Vessels

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to require the inspection of certain towing vessels (with accompanying papers); to the Committee on Commerce.

Retirement of Enlisted Members of Coast Guard Reserve

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for the retirement of enlisted members of the Coast Guard Reserve (with accompanying papers); to the Committee on Commerce.

Amendment of Communications Act of 1934, Relating to Commissioners, Employees, and Executive Reservists of Federal Communications Commission

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to commissioners, employees, and executive reservists of the Federal Communications Commission (with accompanying papers); to the Committee on Commerce.

Alteration, Maintenance, and Repair of Certain Government Buildings

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting a draft of proposed legislation to provide for the alteration, maintenance, and repair of Government buildings and property under lease or concession contracts entered into pursuant to the operation and maintenance of Government-owned airports under the jurisdiction of the Administrator of the Federal Aviation Agency, and for other purposes (with an accompanying paper); to the Committee on Commerce.

Publications of Federal Power Commission

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, copies of publications entitled "Statistics of Electric Utilities, 1963, Privately Owned" and "Sales by Producers of Natural Gas to Natural Gas Pipeline Companies, 1963" (with accompanying documents); to the Committee on Commerce.

Amendment of Joint Resolution Providing for Membership in the South Pacific Commission

A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the joint resolution of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission (with accompanying papers); to the Committee on Foreign Relations.

Report on Grants for Basic Scientific Research

A letter from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on grants for basic scientific research made by that Department, during calendar year 1964 (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements, fiscal year 1964, Federal Crop Insurance Corporation, Department of Agriculture, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on failure to utilize available excess components in the production of aircraft arresting barriers, Department of the Air Force, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inadequate administrative controls over Federal funds used for financing Federal-State programs, Department of Labor, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on procurement of inoperative radar target simulators, Federal Aviation Agency, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective utilization of excess personal property in the foreign assistance program, Agency for International Development, Department of State, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

Laws Enacted by Legislature of the Virgin Islands

A letter from the Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Legislature of the Virgin Islands, in its 1964 regular and special sessions (with accompanying papers); to the Committee on Interior and Insular Affairs.

Laws Enacted by Guam Legislature

A letter from the Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Seventh Guam Legislature, 1964 (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Reclassification of Certain Land in Belle Fourche Irrigation District

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the reclassification of certain land in the Belle Fourche Irrigation District; to the Committee on Interior and Insular Affairs.

Report on Determinations Relating to Deferment of Certain Payments From Carlsbad Irrigation District, New Mexico

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on determinations relating to deferment of construction payments due the United States from the Carlsbad Irrigation District, Carlsbad project, New Mexico; to the Committee on Interior and Insular Affairs.

Notice of Additional Hearings on Proposed Rulemaking in Title 43, Code of Federal Regulations

A letter from the Under Secretary of the Interior, reporting, pursuant to law, on additional hearings to be held by that Department on proposed rulemaking in title 43, Code of Federal Regulations (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Disposition of Funds Appropriated To Pay Judgments in Favor of the Miami Indians of Indiana and Oklahoma

A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation Relating to Department of the Air Force

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of 1st Lt. David A. Staver, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Chief M. Sgt. Samuel W. Smith, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Col. Thomas O. Lawton, Jr., U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Lt. Col. Nicholas A. Stathis, U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation for the relief of Maj. Victor R. Robinson, Jr., U.S. Air Force (with an accompanying paper); to the Committee on the Judiciary.

Report of Administrative Office of the U.S. Courts

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting, pursuant to law, his report, for the fiscal year 1964 (with an accompanying report); to the Committee on the Judiciary.

Appointment of Additional Judges for U.S. Court of Claims

A letter from the Deputy Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to provide for the appointment of two additional judges for the U.S. Court of Claims, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

Economic Opportunity Amendments of 1965

A letter from the Director, Office of Economic Opportunity, Washington, D.C., transmitting a draft of proposed legislation to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964 (with accompanying papers); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on the Judiciary:

"Assembly Joint Resolution 56

"Joint resolution relating to the recent denial of voting rights and police brutality in Alabama

"Whereas the right of all Americans, regardless of race, color or creed, to participate in the election process is basic to the democratic process; and

"Whereas it is urgent that all Americans be able to vote in all elections; and

"Whereas recent denial of Negro voting rights and the shameful police brutality in

Alabama against those protesting the denial of such rights has aroused the conscience and produced a sense of outrage among all Americans: Now, therefore, be it

"*Resolved by the assembly (the senate concurring)*, That the legislature urges the Congress of the United States to speedily adopt legislation to assure to all citizens of the United States their constitutional right to vote without discrimination on account of race or color; and be it further

"*Resolved*, That copies of this resolution be sent to the Secretary of the U.S. Senate, to the Chief Clerk of the House of Representatives, and to each member of the Wisconsin delegation to Congress.

"ROBERT T. HUBER,
"*Speaker of the Assembly.*
"JAMES P. BUCKLEY,
"*Chief Clerk of the Assembly.*
"PATRICK GLUY,
"*President of the Senate.*
"WILLIAM P. NUGENT,
"*Chief Clerk of the Senate.*"

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION 35

"Whereas the Constitution of the United States of America, the greatest governmental document of all time, was adopted by the citizens of the Thirteen Original States following their escape from British tyranny. The Founding Fathers of our country created this mighty document pursuant to and in keeping with belief in the God-given right of individuals to freedom and justice under law; and

"Whereas the Constitution of the United States provided for and established a representative republican form of government to insure the rights and privileges of the citizens of the component States. By its letter and spirit this Constitution provided for each individual State to retain and reserve unto itself all its power and sovereignty save that part delegated, granted, and given to effect the union of the States thereunder; and by its express language the Constitution safeguarded each individual State from unauthorized interference in its domestic affairs by a strong Central Government and from tyranny and oppression wrought by such a strong Central Government; and

"Whereas in recent decades the Federal Government of the United States has unconstitutionally, by executive, legislative, and judicial means neither expressly nor impliedly delegated or granted, extended its power, authority, influence, and control into areas hitherto reserved to the sovereign States, and by so doing has infringed upon, superseded and obliterated proper State and local power, authority, influence, and control under laws, constitutions, and institutions, thereby reducing the several States to the position of mere geographical subdivisions rather than their proper roles as governmental units; and

"Whereas such usurpation of power by all three branches of the Federal Government has led to unjustified rule which seems based on political expediency rather than upon the good of all the people; and

"Whereas with the aid and assistance of officers and employees of the executive, legislative, and judicial departments of the Federal Government, nonresidents have invaded the State of Alabama for the purpose of creating and encouraging racial discord and strife within this sovereign State. Such nonresident individuals, many with Communist, subversive, and otherwise dubious affiliations and backgrounds, by their unjustifiable demonstrations and behavior make a mockery of the principles of Christian religion and law and order under constitutional government. These outsiders flagrantly taunt to exasperation Alabama citizens, law enforcement agents, and governing officers; disregard State laws; and desecrate public streets, highways, and buildings; and

"Whereas the U.S. courts have unconstitutionally restrained the Governor of Alabama from executing and enforcing the laws of the State; the President of the United States and Members of the Congress have unjustly criticized the Governor and the legislature of this State for our legitimate and proper efforts to arrive at decent, workable solutions to the problems arising from the creation and agitation by outsiders of racial strife within our borders and from the unwarranted imposition by the Federal Government of unconstitutional power and force upon the government and citizens of the State of Alabama: Now, therefore, be it

"*Resolved by the Legislature of Alabama (both houses thereof concurring)*, as follows:

"1. That President Lyndon B. Johnson, Chief Justice Earl Warren of the U.S. Supreme Court, and the Associate Justices thereof, all judges of the courts of the United States, the Members of the Congress, and all other officers and representatives of the Government of the United States are hereby memorialized and called upon to adhere to the letter and spirit of the Constitution of the United States and the interpretations thereof as propounded by its writers and, until recent times, by the courts.

"2. That the addressees are further called upon to cease and desist in encouraging, promoting, supporting, or otherwise aiding and abetting, the various racial organizations in their efforts, by so-called nonviolent demonstrations and other lawless group and mob activities, to destroy State and local powers and functions, such as law enforcement and voter qualification laws, which were reserved to the States by the U.S. Constitution.

"3. That President Johnson, in particular, and the other addressees are urged to use the prestige and influence of their offices and positions to prevail upon all nonresident individuals participating in demonstrations and marches in Alabama to stop such fallacious, lawless, unconstructive activities and return to their own domiciles and there exert themselves toward righting the wrongs that exist within their own areas so as to make those better places in which to live; and be it further

"*Resolved*, That copies of this resolution be sent to the President, the Presiding Officer of each House of the Congress, and the Justices of the Supreme Court of the United States.

"Attest:

"MCDOWELL LEE,
"*Secretary of Senate.*"

A joint resolution of the Legislature of the State of Washington; to the Committee on Agriculture and Forestry:

"SENATE JOINT MEMORIAL 9

"*To the Honorable Lyndon B. Johnson, President of the United States, and to the Senate and House of Representatives of the United States of America in Congress Assembled:*

"We, your memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas the Watershed Protection and Flood Prevention Act (Public Law 566, 68 Stat. 666), as amended, authorizes the Secretary of Agriculture to cooperate with and financially assist local organizations in planning and carrying out works of improvement for flood prevention or for the conservation, development, utilization, and disposal of water in watershed or subwatershed areas; and

"Whereas the objective of said act is to provide comprehensive development of the full water resources of a watershed through multiple-purpose projects; and

"Whereas Congress has made it clear that said act should be used to 'supplement both our present agricultural soil and water conservation programs and our programs for development and flood protection of major river valleys, and that said act will bridge the gap between these two types of programs and greatly enhance the ultimate benefits of both.' (House of Representatives Rept. No. 1140, 83d Cong., 2d sess.); and

"Whereas said act now provides that no structure containing more than 5,000 acre-feet of floodwater detention capacity or more than 25,000 acre-feet of total capacity may be included in the watershed work plans; and

"Whereas the physical nature of the watersheds of Washington State provides natural limitations on desirable and feasible storage sites while the water yield at these sites are extremely high and frequent in occurrence; and

"Whereas by virtue of such natural and limited selection of sites every one must be utilized to its fullest potential in the multiple-purpose development of the water resources of our watersheds; and

"Whereas the present storage limitations of said act is inconsistent with the purposes and objectives of said act; and

"Whereas the Washington Association of Soil and Water Conservation Districts and the National Association of Soil and Water Conservation Districts resolved at their respective annual conventions of 1964 that the present floodwater detention capacity limitation is incompatible with the limitations of 25,000 acre-feet of total capacity and 250,000 acres of watershed area now contained in said act, and is seriously hampering multiple-purpose development of watersheds: Now, therefore, be it

Resolved, We memorialists, do hereby respectfully petition the Congress of the United States of America to amend the Watershed Protection and Flood Prevention Act (Public Law 566, 68 Stat. 666, as amended) by increasing the floodwater detention capacity in any single structure from 5,000 acre-feet to 12,500 acre-feet; and further be it

"*Resolved*, That copies of this memorial be transmitted to the Honorable Lyndon B. Johnson, President of the United States of America, the President of the U.S. Senate, the Speaker of the House of Representatives, and each Member of Congress from the State of Washington.

"Passed the senate February 18, 1965.

"JOHN A. CHERBERG,
"*President of the Senate.*

"Passed the house March 9, 1965.

"ROBERT M. SCHAEFER,
"*Speaker of the House.*"

A joint resolution of the Legislature of the State of Washington; to the Committee on Commerce:

"SENATE JOINT MEMORIAL 17

"*To the Honorable Lyndon B. Johnson, President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to the Senate and the House of Representatives of the United States in Congress Assembled, and to the Secretary of State, and to the Secretary of Interior:*

"We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectively represent and petition as follows:

"Whereas fishing grounds on the Continental Shelf which includes the seabed and subsoil of the submarine areas adjacent to (1) the coast of continental United States to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of such areas, or (2) the seabed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise U.S. territory, historically used by our domestic fishing industry, are being systematically depleted by well organized fishing fleets from foreign countries; and

"Whereas there is pending before the Congress of the United States legislation designed to protect, and preserve and develop these fisheries resources by placing limits on nonauthorized foreign use of these fishing grounds and by encouraging marine exploration and disseminating information derived therefrom; and

"Whereas further development of these fishing resources on the continental shelf is essential to the preservation of an adequate supply of fisheries resources to the people of this State and of the United States: Now, therefore, be it

"Resolved, That we, your memorialists, do respectfully urge the President of the United States to issue a proclamation:

"(1) Prohibiting foreign fishing in some or all of the waters of the Continental Shelf up to distances of 12 miles, or

"(2) Establishing conservation zones in these coastal waters, limiting the amount and type of fishing and establishing when foreign fishing activities could be conducted; and be it further

"Resolved, That we, your memorialists, do respectfully urge the Congress of the United States to enact legislation designed to (1) implement the President's proclamation, and (2) protect, preserve and assist in the development of our fisheries resources by establishing a Marine Exploration and Development Commission; and be it further

"Resolved, That copies of this memorial be transmitted by the Secretary of State to the Honorable Lyndon B. Johnson, President of the United States, to the President of the U.S. Senate, the Speaker of the House of Representatives, to each Member of Congress from the State of Washington, to the Secretary of State of the United States, and to the Secretary of the Interior.

"Passed the senate March 23, 1965.

"JOHN A. CHERBERG,
"President of the Senate.

"Passed the House March 24, 1965.

"ROBERT M. SCHAEFER,
"Speaker of the House."

A joint resolution of the Legislature of the State of Washington; to the Committee on Labor and Public Welfare:

"SENATE JOINT MEMORIAL 18

"To the Honorable Lyndon B. Johnson, President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to the Senate and the House of Representatives of the United States, in Congress Assembled:

"We your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition as follows:

"Whereas the President has decreed that certain veterans' hospitals throughout the Nation shall be closed and their facilities and staffs no longer available to the sick and maimed veterans of this Nation's wars; and

"Whereas bedridden patients now resident in these hospitals shall have to be moved great distances away from their families and friends to receive like services, if indeed entry can be gained elsewhere; and

"Whereas many patients cannot be taken care of elsewhere and shall become a charge upon the local governmental unit wherein they shall be forced to reside to the detriment of their health and security, said local units of government having neither the facilities nor means for the care thereof; and

"Whereas these veterans, who to a man gave their best to protect this Nation in its direst hours, often at the greatest of personal financial sacrifice, are being cast aside in their own hour of need:

"Now, therefore, we, your memorialists, the Senate and the House of Representatives of the State of Washington respectfully petition the Honorable Lyndon B. Johnson, the President of the United States, and the Congress of the United States, to reconsider this action and refrain from the closing of such veterans' hospitals until a thorough, comprehensive study can be made as to the ultimate effect of said closure on the veteran residents of said hospitals can be determined, including in such a study the facilities local government has available to fulfill the needs of these honorable men, and that if necessary, legislation be passed to insure the continued treatment and care of these victims of this Nation's wars; and be it

"Resolved, That copies of this memorial be transmitted to the Honorable Lyndon B. Johnson, President of the United States, the President of the U.S. Senate, the Speaker of the House of Representatives, and to each Member of Congress from the State of Washington.

"Passed the senate March 23, 1965.

"JOHN A. CHERBERG,
"President of the Senate.

"Passed the house March 30, 1965.

"ROBERT M. SCHAEFER,
"Speaker of the House."

A resolution of the House of Representatives of the State of New Hampshire; to the Committee on Interior and Insular Affairs:

"CONCURRENT RESOLUTION OF STATE OF NEW HAMPSHIRE

"Concurrent resolution memorializing Congress in the passage of H.R. 6678 to establish a national cemetery in New England

"Whereas H.R. 6678 has been introduced into the U.S. House of Representatives by Congressman JAMES C. CLEVELAND, of New Hampshire: Therefore be it

"Resolved by the house of representatives (the senate concurring), That we, the members of the 1965 General Court of New Hampshire, do hereby memorialize Congress in the passage of the above stated bill, with the request that the cemetery be located in New Hampshire; and be it further

"Resolved, That a copy of these resolutions be forwarded to the Senate and House of Representatives of the United States and to our Senators and Representatives in Congress.

"FRANCIS W. TOLMAN,
"Clerk."

A concurrent resolution of the State of Colorado; to the Committee on the Judiciary:

"HOUSE JOINT MEMORIAL 1003

"Memorializing the Congress of the United States to enact legislation prohibiting restraint of trade practices by chain stores

"Whereas the operating and maintenance costs of our farms and ranches are continually rising; and

"Whereas prices of livestock and farm produce are generally declining, all types of agriculture; and

"Whereas farmers are facing serious financial operating problems as a result of high costs and low income; and

"Whereas many people believe the livestock and other farm commodity markets are circumventing the law of supply and demand, and through elimination of competition, the major retail chain stores are in position to fix market prices; and

"Whereas in 1964 the Congress created and appointed members to a 15-man National Food Marketing Commission for the purpose of investigating the buying and retail practices of the chain food stores: Now, therefore, be it

"Resolved by the House of Representatives of the 45th General Assembly of the State of Colorado (the Senate concurring herein), That the members of the 45th General Assembly of the State of Colorado petition the Congress of the United States to support the National Food Marketing Commission and that such Commission be encouraged to make a prompt and diligent investigation of chain store marketing practices; and be it further

"Resolved, That the Members of the Congress of the United States be memorialized to initiate and support legislation to prohibit any chain store practice which is in restraint of trade or impedes the freedom of economic competition; and be it further

"Resolved, That copies of this resolution be sent to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Members of Congress from the State of Colorado, the Secretary of the Department of Agriculture, the Attorney General of the United States, and the Honorable GALE W. MCGEE, U.S. Senator from the State of Wyoming.

"ALLEN DINES,
"Speaker of the House of Representatives.

"EVELYN T. DAVIDSON,
"Chief Clerk of the House of Representatives.

"ROBERT L. KNOUS,
"President of the Senate.

"MILDRED H. CRESSWELL,
"Secretary of the Senate."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolution memorializing the Congress of the United States to enact legislation providing for an increase in defense work for the Greater Boston area in order to prevent the closing of the Watertown Arsenal and the Boston Naval Shipyard

"Whereas a number of workers have been laid off and more will be laid off because of the threatened closing of the Watertown Arsenal and Boston Naval Shipyard; and

"Whereas the loss of this business and unemployment of these workers adversely affects the economy of the Greater Boston area which has contributed greatly to our national defense in the past: Now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation which will provide that this area will receive a sufficient share of the defense work from the United States in order to prevent the closing of the Watertown Arsenal and the Boston Naval Shipyard; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of Congress, and to each Member thereof from the Commonwealth.

"Adopted by the house of representatives, March 23, 1965.

"WILLIAM C. MAIERS,
"Clerk.

"Adopted by the senate in concurrence, March 29, 1965.

"THOMAS A. CHADWICK,
"Clerk.

"Attest:
"KEVIN H. WHITE,
"Secretary of the Commonwealth."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions memorializing the Congress of the United States to enact legislation granting to veterans of World War I pensions comparable to grants to veterans of American wars prior to World War I

"Whereas the national policy of the United States concerning veterans of the United States has been to grant assistance to them in declining years by a pension, in consideration of their military services to their country; and

"Whereas there has been no general pension granted to veterans of World War I by the United States: Now, therefore, be it

"*Resolved*, That the General Court of Massachusetts hereby urges the Congress of the United States to enact legislation granting a pension to veterans of World War I comparable to grants to veterans of American wars prior to World War I; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of the Congress, to the Members thereof from the Commonwealth, and to the members of the Veterans Affairs Committee in the House of Representatives of the United States.

"Adopted by the house of representatives, March 23, 1965.

"WILLIAM C. MAIERS,
"*Clerk.*

"Adopted by the senate, in concurrence, March 29, 1965.

"THOMAS A. CHADWICK,
"*Clerk.*

"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

A resolution of the Senate of the State of Montana; to the Committee on Agriculture and Forestry:

"SENATE RESOLUTION 19

"Resolution of the Senate of the 39th Legislative Assembly of the State of Montana requesting the Governor of the State of Montana, the Montana Department of Public Welfare, the Montana State Department of Administration, and any other State or county agency or agencies to immediately take all measures necessary to have all eligible areas in the State of Montana participate in the Food Stamp Act of 1964

"Whereas America's farmers—using highly efficient techniques—grow more food than we eat or export. Yet, some Americans have poor diets because of low income. This situation prompted the Federal Government to explore means of reaching two important national objectives:

"1. Safeguarding the health of the Nation's low-income families through better nutrition.

"2. Increasing the flow of foods from the Nation's farms through normal trade channels.

"The food stamp program is an effective way to reach these goals. The U.S. Department of Agriculture tried out the program in 43 areas of the United States, starting in May 1961. The tests showed:

"Farmers benefit from the expanded markets created by the food stamp program. In one test area, returns to farmers from food bought by low-income families rose from $1.75 per person before the food stamp program to $2.01 after the program went into effect.

"Low-income families using the food stamp coupons are eating much more and better foods, with more than 80 percent of the increase in livestock products, fruits, and vegetables. Now, their diets are much more nutritious than before.

"Local businesses and the whole community benefit. In pilot food stamp areas, sales in retail food stores increased 8 percent. This helped all the economy of these areas; and

"Whereas it is one of the functions of the government of the State of Montana to do everything within its power to render whatever aid is available to the people under its jurisdiction, who, due to conditions beyond their control, are without means to adequately support themselves and their families at a reasonable subsistence level; and

"Whereas it has been shown by facts and figures that citizens of some Montana communities are presently in need of aid through the food stamp program; and

"Whereas aid for these citizens is available to them from the Federal Government under the provisions of the Food Stamp Act of 1964 (Public Law 88-525, 78 Stat. 703 approved August 31, 1964), which was enacted by Congress to assist low-income households to increase their expenditures for food, and to upgrade the quality of their diets, by distributing food coupons of higher monetary value than eligible households have been spending for food. The difference between the amount the household pays for the coupons and the value of the coupon allotment represents the Federal contribution to the households' increased food purchasing power, through requests initiated by State welfare agencies for participation on behalf of political subdivisions; and

"Whereas food coupons are issued to families determined by State public welfare agencies to be in economic need of food assistance. Families receiving some type of public or general assistance under a State's welfare program are considered to be in economic need. Other families may also receive food coupons provided their family income does not exceed stated amounts. The income requirements are worked out by USDA with the State and must be in line with the standards used by the State to determine eligibility for its welfare programs; and

"Whereas the State department of public welfare in September 1964, continued the Silver Bow County program, but at the same time rejected the expansion of the food stamp program to any other part of Montana; and

"Whereas unless the provisions of the Food Stamp Act of 1964 are made available to other eligible communities and its eligible citizens in this State, there is certain to be unnecessary hardship, and just and warranted charges of discrimination made against the State of Montana, and the State of Montana can be justly accused of an utter disregard for the health and welfare of a substantial number of its people: Now, therefore, be it

"*Resolved by the Senate of the State of Montana*, That the Senate of the State of Montana of the 39th legislative assembly, now in session, requests, through this resolution, the Governor of the State of Montana, the Montana Department of Public Welfare, the Montana State Department of Administration, and any other State or county agency concerned, to immediately take all measures necessary to have all eligible areas in the State of Montana participate in the Food Stamp Act of 1964; and be it further

"*Resolved*, That the secretary of state of the State of Montana send a copy of this resolution to those herein above mentioned, and to the board of county commissioners of each county of the State of Montana."

A resolution of the House of Representatives of the State of Montana; to the Committee on Agriculture and Forestry:

"HOUSE RESOLUTION 24

"Resolution of the House of Representatives of the 39th Legislative Assembly of the State of Montana, the Montana Department of Public Welfare, the Montana State Department of Administration, and any other State or county agency or agencies to immediately take all measures necessary to have all eligible areas in the State of Montana participate in the Food Stamp Act of 1964

"Whereas America's farmers—using highly efficient techniques—grow more food than we eat or export. Yet, some Americans have poor diets because of low income. This situation prompted the Federal Government to explore means of reaching two important national objectives:

"1. Safeguarding the health of the Nation's low-income families through better nutrition.

"2. Increasing the flow of foods from the Nation's farms through normal trade channels.

"The food stamp program is an effective way to reach these goals. The U.S. Department of Agriculture tried out the program in 43 areas of the United States, starting in May 1961. The tests showed:

"Farmers benefit from the expanded markets created by the food stamp program. In one test area, returns to farmers from food bought by low-income families rose from $1.75 per person before the food stamp program to $2.01 after the program went into effect.

"Low-income families using the food stamp coupons are eating much more and better foods, with more than 80 percent of the increase in livestock products, fruits and vegetables. Now, their diets are much more nutritious than before.

"Local businesses and the whole community benefit. In pilot food stamp areas, sales in retail food stores increased 8 percent. This helped all the economy of these areas; and

"Whereas it is one of the functions of the government of the State of Montana to do everything within its power to render whatever aid is available to the people under its jurisdiction, who, due to conditions beyond their control, are without means to adequately support themselves and their families at a reasonable subsistence level; and

"Whereas it has been shown by facts and figures that citizens of some Montana communities are presently in need of aid through the food stamp program; and

"Whereas aid for these citizens is available to them from the Federal Government under the provisions of the Food Stamp Act of 1964 (Public Law 88-525, 78 Stat. 703 approved August 31, 1964), which was enacted by Congress to assist low-income households to increase their expenditures for food, and to upgrade the quality of their diets, by distributing food coupons of higher monetary value than eligible households have been spending for food. (The difference between the amount the household pays for the coupons and the value of the coupon allotment represents the Federal contribution to the households increased food purchasing power), through requests initiated by State welfare agencies for participation on behalf of political subdivisions; and

"Whereas food coupons are issued to families determined by State public welfare agencies to be in economic need of food assistance. Families receiving some type of public or general assistance under a State's welfare program are considered to be in economic need. Other families may also receive food coupons provided their family income does not exceed stated amounts. The income requirements are worked out by USDA with the State and must be in line with the standards used by the State to determine eligibility for its welfare programs; and

"Whereas the State department of public welfare in September 1964, continued the Silver Bow County program, but at the same time rejected the expansion of the food stamp program to any other part of Montana; and

"Whereas unless the provisions of the Food Stamp Act of 1964 are made available to other eligible communities and its eligible citizens in this State, there is certain to be unnecessary hardship, and just and warranted charges of discrimination made against the State of Montana, and the State of Montana can be justly accused of an utter disregard for the health and welfare of a substantial number of its people: Now, therefore, be it

"Resolved by the House of Representatives of the State of Montana, That the House of Representatives of the State of Montana of the 39th Legislative Assembly now in session, requests, through this resolution, the Governor of the State of Montana, the Montana Department of Public Welfare, the Montana State Department of Administration, and any other State or county agency concerned, to immediately take all measures necessary to have all eligible areas in the State of Montana participate in the Food Stamp Act of 1964; and be it further

"Resolved, That the secretary of state of the State of Montana send a copy of this resolution to those hereinabove mentioned, and to the board of county commissioners of each county of the State of Montana."

A resolution of the Commission of the City of Miami, Fla., favoring the enactment of legislation to create a new agency to be know as the Department of Urban Affairs; to the Committee on Government Operations.

The memorial of Mrs. T. E. Van Meter, of Lexington, Ky., remonstrating against the enactment of the so-called medicare bill, to provide medical assistance for the aged; to the Committee on Finance.

The petition of Willard W. Slaff, of San Diego, Calif., relating to rules and regulations of part 95.83 of the Federal Communications Commission; to the Committee on Commerce.

The petition of Mr. and Mrs. Leon E. Lofton, Jr., of Los Angeles, Calif., praying for a redress of grievances; to the Committee on the Judiciary.

The petition of Mrs. Charles W. Caruth, of Fort Bliss, Tex., praying for the enactment of legislation to provide a pay raise for military personnel; to the Committee on Armed Services.

A resolution adopted by the Council of the City of Ketchikan, Alaska, remonstrating against the decision of the Civil Aeronautics Board to changes in routes which affect southeastern Alaska; to the Committee on Commerce.

A resolution adopted by the Common Council of the City of Buffalo, N.Y., relating to assistance on the cost of water pollution control facilities; to the Committee on Public Works.

By Mr. **SALTONSTALL** (for himself and Mr. **Kennedy** of Massachusetts):

Three resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Increasing the Monthly Payments Under the Federal Social Security Act to $200

"Whereas the cost of the necessities of life in this country has risen to an alltime high; and

"Whereas a substantial portion of the people of this Nation depend to a large extent if not entirely upon the monthly payments received by them under the social security program; and

"Whereas the current monthly payments under said program have now become grossly inadequate for their needs; and

"Whereas an increase of such maximum payments to $200 per month would tend to relieve such conditions: Now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing the maximum monthly payments to persons under the Federal Social Security Act to $200; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"Adopted by the house of representatives, adopted March 23, 1965.

"William C. Maiers,
"Clerk.

"Adopted by the senate, adopted in concurrence, March 29, 1965.

"Thomas A. Chadwick,
"Clerk."

"Attest:

"Kevin H. White,
"Secretary of the Commonwealth."

"Resolutions Memorializing the Congress of the United States To Enact Legislation To Increase Allowable Earnings of Persons Receiving Social Security Benefits From $1,200 to $3,000

"Whereas under present regulations, those persons receiving social security benefits are not permitted to earn more than $1,200 in any one year without a decrease in payments received by them; and

"Whereas many of the persons receiving such payments are well-nigh totally dependent upon them for their living expenses; and

"Whereas the cost of living has increased substantially so that the benefits referred to are now totally inadequate; and

"Whereas an increase of allowable annual earnings from $1,200 to $3,000 will enable such persons to retain their self-respect: Now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation increasing allowable earnings of persons receiving social security benefits from $1,200 to $3,000; and be it further

"Resolved that copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"Adopted by the house of representatives, adopted March 23, 1965.

William C. Maiers,
"Clerk.

"Adopted by the senate, adopted in concurrence, March 29, 1965.

"Thomas A. Chadwick,
"Clerk.

"Attest:

"Kevin H. White,
Secretary of the Commonwealth."

"Resolutions Memorializing the Congress of the United States To Enact Legislation Increasing Certain Federal Grants to the States in All Categories of Public Welfare

"Whereas the cost of living has risen to an alltime high; and

"Whereas many people depend almost wholly on assistance from the government be it local, State or Federal; and

"Whereas in the fields of social security, welfare, old-age assistance, aid to dependent children, assistance to disabled persons, and other categories of public welfare, the local communities are heavily dependent on the Federal Government for assistance; and

"Whereas the need for increasing such Federal grants in States having depressed areas is greater: Now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to effect these increases in Federal aid in the abovenamed categories; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"Adopted by the house of representatives, adopted, March 23, 1965.

"William C. Maiers,
"Clerk.

"Adopted by the senate, adopted in concurrence, March 29, 1965.

"Thomas A. Chadwick,
"Clerk.

"Attest:

"Kevin H. White,
"Secretary of the Commonwealth."

The **ACTING PRESIDENT** pro tempore laid before the Senate three resolutions of the General Court of the Commonwealth of Massachusetts, identical with the foregoing, which were referred to the Committee on Finance.

WABASH VALLEY SCENIC HIGHWAY RESOLUTION

Mr. **HARTKE**. Mr. President, the Wabash Valley Association at its meeting on February 12 adopted a resolution asking for a study of planning for a scenic and historic trail which will preserve the recognition of the Wabash River's importance in our early history of the Indiana-Illinois area.

I ask unanimous consent that this resolution may be printed in the Congressional Record and referred to the proper committee.

The **PRESIDING OFFICER** (Mr. Mondale in the chair). The resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

The resolution was referred to the Committee on Interior and Insular Affairs as follows:

"Resolution by Wabash Valley Association

"Whereas the Wabash Valley in Indiana and Illinois has a historical background in the exploration and development of the middle portion of the United States, inasmuch, as the early discoverers in travel from Quebec and Canada did portage onto the Wabash River and did use this river as a means of travel to reach the Ohio and Mississippi to make further explorations to the south; and

"Whereas it is of our opinion that a historical, scenic highway should be established from Fort Wayne, Ind., to the mouth of the Wabash River, in order that the historical importance be made known and accessible and that the contribution of the Wabash River in the exploration, discovery, and settlement of Illinois and Indiana and the area south thereof not be lost to history: Now, therefore, be it

"Resolved, That the Wabash Valley Association respectfully petitions any and all Federal and/or State agencies to establish separately or jointly a committee or commission

to make a study and evaluation of the early history of the discovery and exploration of the area in the Wabash Valley and thereafter make immediate plans for the establishment of a historic, scenic trail and that the same be properly marked along the highways in the States of Indiana and Illinois for the purpose of perpetuating the history of the Wabash River for transportation in the discovery and settlement of the area."

The said resolution was adopted at the eighth annual meeting of the Wabash Valley Association held at the French Lick-Sheraton Hotel, French Lick, Ind., February 12, 1965. A copy of the same was instructed to be sent to each Member of the U.S. Congress and the Indiana and Illinois Legislature, and various State and Federal governmental agencies.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 905. A bill to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity (Rept. No. 163).

By Mr. McNAMARA, from the Committee on Public Works, without amendment:

S. 1501. A bill amending section 107 of the River and Harbor Act of 1948, relating to the support and maintenance of the Permanent International Commission of the Congresses of Navigation (Rept. No. 164); and

S. 956. A bill to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to extend construction authority for facilities at Guam and the Virgin Islands of the United States (76 Stat. 87; 19 U.S.C. 68) (Rept. No. 165).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. MANSFIELD (for Mr. Johnston), from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated April 2, 1965, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. AIKEN (for himself, Mr. Mansfield, Mr. Kennedy of New York, Mr. Young of North Dakota, Mr. Hartke, Mr. Prouty, Mr. Cooper, and Mr. Stennis):

S. 1766. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Aiken when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 1767. A bill to repeal the Naval Stores Act; to the Committee on Agriculture and Forestry.

S. 1768. A bill for the relief of certain individuals employed by a contractor of the Forest Service who were not paid for their services; to the Committee on the Judiciary.

(See the remarks of Mr. Bennett when he introduced the first above-mentioned bill, which appear under a separate heading.)

By Mr. CASE:

S. 1769. A bill to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive department; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Case when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS:

S. 1770. A bill to amend the Fair Labor Standards Act to provide for an increase in the minimum wage; to the Committee on Labor and Public Welfare.

By Mr. STENNIS (for himself and Mr. Saltonstall):

S. 1771. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. MAGNUSON (by request):

S. 1772. A bill to amend the Merchant Marine Act, 1936, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs; and

S. 1773. A bill to repeal certain acts relating to containers for fruits and vegetables; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bills, which appear under separate headings.)

By Mr. BAYH:

S. 1774. A bill to incorporate the National Society Daughters of the Union, 1861–1865; to the Committee on the Judiciary.

By Mr. HART:

S. 1775. A bill for the relief of Erich Gansmuller; to the Committee on the Judiciary.

By Mr. DOUGLAS:

S. 1776. A bill to make section 1952 of title 18, United States Code, applicable to travel in aid of arson; to the Committee on the Judiciary.

(See the remarks of Mr. Douglas when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS:

S. 1777. A bill for the relief of Branko Ivanov; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 1778. A bill to establish the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife as separate services in the Department of the Interior and to abolish the U.S. Fish and Wildlife Service; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT:

S. 1779. A bill to amend the Mineral Leasing Act of 1920 in order to provide for public records of oil and gas leases issued under such act and other instruments affecting title to such leases, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PASTORE:

S. 1780. A bill for the relief of Joao Carlos Senra Ferreira, Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself and Mr. Morse):

S. 1781. A bill to prohibit and make unlawful the hiring of professional strikebreakers in interstate labor disputes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

By Mr. PROXMIRE:

S. 1782. A bill for the relief of Slavka Milich; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 1783. A bill for the relief of Harold Albert, Lona Sarah, Karen Therese, and Bruce Alex Arnold; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 1784. A bill to amend section 204(a)(3) of the Interstate Commerce Act respecting motor carrier safety regulations applicable to private carriers of property;

S. 1785. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes; and

S. 1786. A bill to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above bills, which appear under separate headings.)

By Mr. HARTKE (for himself, Mr. Kuchel, Mr. Randolph, Mr. Hart, Mr. Montoya, Mrs. Neuberger, Mr. Dirksen, Mr. Pell, Mr. Tydings, Mr. McGovern, Mr. Yarborough, Mr. Brewster, Mr. Prouty, Mr. Morton, Mr. McGee, Mr. Morse, Mr. McCarthy, Mr. Magnuson, Mr. Inouye, and Mr. Young of North Dakota):

S. 1787. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. Hartke when he introduced the above bill, which appear under a separate heading.)

By Mr. HARTKE:

S. 1788. A bill to provide for the establishment of a drug stamp program; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Hartke when he introduced the above bill, which appear under a separate heading.)

PROMOTION OF RURAL WATER SUPPLY PROGRAM

Mr. AIKEN. Mr. President, with an increase of nearly a hundred million people expected in the United States during the next generation, we are faced with a problem of unprecedented magnitude.

Where will these people work?

How will they be fed?

Where will they find recreation?

In what manner will they be educated?

And, above all else, where will they live and how will they live?

If we answer one of these questions alone, we may have simply complicated our problem, much less found a solution.

The questions must be answered simultaneously and, fortunately, we, as a nation, have the means to make the answers satisfactory.

The main question is, Will we have the commonsense and the will to use it commensurate to our means and to the need?

Right now, there is a trend toward the concentration of people, of wealth, of industry, and of political power in the great cities of this Nation.

This is an inadequate trend as well as a dangerous trend.

It is not confined to the United States alone, but probably constitutes the most dangerous crisis which the world faces today for, along with the concentration of people and wealth, we find a trend toward the baser instincts of human beings which lead to disease, poverty, delinquency, and crime.

A few days ago, I read that one of our leading architects had indicated the design for an apartment house 528 floors or 1 mile in height.

Of course, he was not planning for the immediate future, but we do hear more serious talk of residential buildings 100 or more stories high.

I find it quite disturbing that so many official and unofficial proposals of today tend to favor the largest city areas almost to the exclusion of the rural areas, where the greatest opportunity for future growth and development exists and from which most of the wealth concentrated in the cities originates.

I grant that many of the largest cities of the Nation are in desperate condition.

Some of them are already financially bankrupt and, yet, they continue to spend at a rate which far exceeds their increase in revenue.

Hardly any of them could exist without heavy contributions from State and Federal sources.

I do not undervalue or depreciate the worth and importance of our larger cities.

I have consistently supported urban renewal, welfare programs and other legislation aimed at their improvement, and I expect to continue such support so long as these benefits are not inclusive.

It is inevitable that most of our large cities will get larger.

I trust they will also get better.

In thinking in terms of the future and in terms of national growth, however, it is clearly apparent that concentration of efforts on cities alone will not suffice to maintain our social or economic progress at anywhere near the necessary level.

America must spread out.

Instead of continuing the drain from rural America to the urban areas, we should make the conveniences of the cities, provided for with public funds, also available to the smaller cities, the towns and rural communities.

Only in this way can we maintain a healthy national growth and prevent the undesirable features of congested human existence from getting worse.

To a gratifying degree, Congress and the Executive Department have recognized this necessity.

The Interstate Highway System will make a great contribution to that end.

The Rural Electrification Administration has made it possible for thousands of families to remain on the farm, for many thousands of nonfarm people to enjoy the environment of country living and for industry to locate where conditions were previously prohibitive.

It is estimated that rural electrification adds about $6 billion a year to our Nation's economy, much of which primarily benefits the people and industries of our cities.

The Hill-Burton Hospital Act has resulted in better health services.

Over much of the country, new programs have enabled country people to not only enjoy greater recreational benefits but new occupational opportunities have opened up so that commercial recreation has become one of our fastest growing enterprises.

Probably the greatest handicap to rural development today lies in the fact that thousands of communities with incalculable potential for growth can make no progress because they have no dependable water supply.

Without water, a community with good land, good industrial sites, good public facilities, and good neighbors may stay practically dormant or even moribund.

This glaring deficiency of rural America is holding down national progress.

What the REA has done for our national economy could be multiplied several times over by a rural water supply program.

It was recognition of this great need that prompted the Senator from Montana [Mr. MANSFIELD] and me on January 15 to introduce Senate bill 493.

We intended to focus attention on a national need which must be met.

S. 493 proposes to amend the Rural Electrification Act to provide for rural water systems.

It also provides for Federal-State and local participation in the costs in a manner similar to the Federal Airport Act.

It is not the method, however, as much as the achievement that concerns us.

The first step toward the accomplishment of our purpose has been taken.

The proposal has been endorsed by persons from nearly every State, and more letters are being received daily.

Inasmuch as several Senators have indicated a desire to help to promote the rural water supply program and to cosponsor the proposed legislation, I now introduce a new bill on behalf of the senior Senator from Montana [Mr. MANSFIELD], the junior Senator from New York [Mr. KENNEDY], the senior Senator from North Dakota [Mr. YOUNG], the senior Senator from Kentucky [Mr. COOPER], the junior Senator from Vermont [Mr. PROUTY], the senior Senator from Indiana [Mr. HARTKE], and myself. We shall welcome the cooperation and cosponsorship of any other Senators.

The new bill, in accordance with suggestions we have received, contains several changes which we feel will make it more acceptable to the executive branch, including one to place the program under the Farmers Home Administration rather than the REA, since the REA does not make grants, but makes loans only. However, the objective of the bill remains the same.

Both bills will now be before Congress for consideration.

Inasmuch as several Senators who are not present today have indicated a desire to sponsor this legislation, I ask unanimous consent that the bill which I now introduce lie on the desk until April 26 for cosponsors. I also ask that the bill as now written be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table as requested, and the bill will be printed in the RECORD.

The bill (S. 1766) to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes, introduced by Mr. AIKEN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 1766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 306(a) of the Consolidated Farmers Home Administration Act is amended to read as follows:

"(1) The Secretary is also authorized to make or insure loans to associations, including corporations not operated for profit, and public and quasi-public agencies to provide for the application or establishment of soil conservation practices, shifts in land use, the conservation, development, use, and control of water, and the installation or improvement of drainage facilities, and recreational developments, all primarily serving farmers, ranchers, farm tenants, farm laborers, and other rural residents, and to furnish financial assistance or other aid in planning projects for such purposes.

"(2) The Secretary is authorized to make grants aggregating not to exceed $25,000,000 in any fiscal year to such associations to finance specific projects for works for the storage, treatment, purification, or distribution of water in rural areas. The amount of any grant made under the authority of this paragraph shall not exceed the lesser of (i) 40 per centum of the development cost of that portion of the facility necessary to enable the project to serve the area which can be feasibly served by the facility and to adequately serve the reasonable foreseeable growth needs of the area, (ii) that portion of the development costs which are above the probable ability of the association to repay a loan for such purposes from income or assessments levied at a rate or charge for service within the ability of a majority of the users to accept and pay for such service and maintain a reasonable standard of living, or (iii) that part of the development cost of a facility constructed by a public body which is in excess of the costs which can be financed within the amount of obligations or levies permitted by law for which alternate revenue financing is not available.

"(3) No grant shall be made under paragraph 2 of this subsection in connection with any facility unless the Secretary determines that the project (i) will serve a rural area which is not likely to decline in population below that for which the facility was designed, (ii) is designed and constructed so that adequate capacity will be or can be made available to serve the present population of the area to the extent feasible and to serve the reasonable foreseeable growth needs of the area, or (iii) is necessary for orderly community development consistent with a comprehensive community water development plan of the rural area and not inconsistent with any planned development under State, county or municipal plans approved as official plans by competent authority for the area in which the rural community is located. Until October 1, 1968, the Secretary may make grants prior to the completion of the comprehensive plan, if the preparation of such plan has been undertaken for the area.

"(4) The term 'development cost' means the cost of construction of a facility and the land, easements, and rights-of-way, and water rights necessary to the construction and operation of the facility.

"(5) No loan shall be made under this subsection which would cause the unpaid principal indebtedness of any association under this Act and under the Act of August 28, 1937, as amended, together with the amount of any assistance in the form of a grant to exceed $4,000,000 at any one time.

"(6) The Secretary may make grants aggregating not to exceed $5,000,000 in any fiscal year to any public body or such other agency as the Secretary may determine having authority to prepare official comprehensive plans for the development of water systems in rural areas which does not have funds available for immediate undertaking of the preparation of such plan.

"(7) Rural areas, for the purpose of water systems, shall include any area not included within the boundaries of any incorporated or unincorporated city, village, or borough having a population in excess of five thousand inhabitants."

SEC. 2. Section 308 of the Consolidated Farmers Home Administration Act of 1961 is amended by—

(1) striking out "$200,000,000" and inserting in lieu thereof "$450,000,000";

(2) in clause (a) striking out "except that no agreement shall provide for purchase by the Secretary at a date sooner than three years from the date of the note"; and

(3) striking out clause (b) and inserting in lieu thereof "(b) may retain out of payments by the borrower a charge at a rate specified in the insurance agreement applicable to the loan".

(b) Section 309(e) of such Act is amended by striking out "such portion of the charge collected in connection with the insurance of loans at least equal to a rate of one-half of 1 per centum per annum on the outstanding principal obligations and the remainder of such charge" and inserting in lieu thereof "all or a portion, not to exceed one-half of 1 per centum of the unpaid principal balance of the loan, of any charge collected in connection with the insurance of loans; and any remainder of any such charge".

(c) Section 309(f)(1) of such Act is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000".

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Mr. President, I am delighted to be a cosponsor of the Aiken bill which has now been reintroduced by the distinguished senior Senator from Vermont. As always, the Senator wastes no words and states succinctly and to the point exactly what he hopes to achieve.

As the Senator states, he is interested in seeing to it that adequate water supplies are brought to the rural areas of our country. In that way, at least a part of the attention which we are now giving to the urban areas will be reversed.

In my opinion, this is one of the most important bills which will come before the Congress this year. I emphasize the fact that when we talk about water these days we are talking about the most valuable and vital resource which this country or any other country can have.

We have indications that our water supply in our urban areas is now becoming exhausted. This morning an announcement was made to the effect that the mayor of New York City has indicated that certain restrictions would go into operation because of the lack of snow or rainfall during the winter. I point out that even in the rural areas, because of the fact that there is such a dependence on water, water is a problem. The water table all over the country is steadily being lowered.

I congratulate and commend the distinguished senior Senator from Vermont for the very wide vision he has demonstrated in this bill. I assure the Senator that I am delighted to join with him, and shall do all that I can in behalf of the Aiken bill which is now before the Senate.

Mr. AIKEN. Mr. President, I thank the Senator from Montana. The Senator is a bit modest. We got an idea simultaneously and decided to put it before the Senate in the previous bill which was introduced.

I should like at this time to add the name of the Senator from Mississippi [Mr. STENNIS] as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I am sure that many other Senators will want to have their names added. Some have already told me they would do so.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. YOUNG of North Dakota. Mr. President, I am very happy and proud to join as a cosponsor of this bill.

The bill is typical of the understanding the Senator from Vermont has of rural America. The Senator has introduced many bills along this line. Here again, the Senator is trying to solve a problem that is very important to rural America.

This is probably one of the most important pieces of legislation along this line that the Senator has introduced since the Aiken-Hope Act, which initiated the watershed program some 12 years ago. The watershed program has proved to be a beneficial and helpful program. I am sure that this bill will have the same result.

Mr. AIKEN. Mr. President, I thank the Senator from North Dakota.

Mr. LONG of Missouri. Mr. President, I would like to commend my distinguished colleague from Vermont for offering us legislation amending the Consolidated Farmers Home Administration Act of 1961. Senator AIKEN's bill would authorize the Secretary of Agriculture to make or insure loans and grants to nonprofit organizations for the cost of constructing rural water supply systems.

Mr. President, rural Americans enjoyed a vast improvement in their way of life with the coming of rural electrification. Low-cost electric power has proven a key factor in making a better life available to America's farm people. Now, to complete the picture, we need water supply systems for rural residents.

Under the present program, we are making progress in this area. The present FHA loan program for construction of rural water systems has brought great benefits to Missouri. It was recently reported that some 11,000 rural homes in my State will soon enjoy central water supplies. More than 40 rural districts are now being organized to serve nearly 9,000 users. Villages and towns are planning systems to supply water to another 3,000 users. New districts are being formed at a rapid rate.

With Government assistance and cooperation, rural Missourians have organized to help themselves to an improved, a more modern, and a more convenient way of life.

The FHA approach to the problem of water supply for rural areas has been tried and tested. Its success is not just predicted; it is proven.

Now, an expansion and improvement of this program would allow still more rural Americans to enjoy a central water supply system.

Areas and communities not able to benefit under the existing program, could receive urgently needed assistance through its expansion.

This measure offers a positive step forward toward the administration's goal of a fuller partnership for rural America in the building and in the benefits of the Great Society.

Mr. President, I am delighted to be able to join as a cosponsor of the measure introduced by Senator AIKEN.

REPEAL OF NAVAL STORES ACT

Mr. BENNETT. Mr. President, I introduce for appropriate reference a bill to repeal the Naval Stores Act.

The title "Naval Stores Act" is somewhat misleading because this legislation applies to spirits of turpentine and rosin. The act is administered by the Department of Agriculture which sets the standards for the manufacture and distribution in interstate commerce of "Naval Stores," which only includes the aforementioned spirits of turpentine and rosin.

The Department of Agriculture, in correspondence with me, has indicated that this act is obsolete and no longer needed and that its repeal is being requested. The Department will include the repeal of the Naval Stores Act in an omnibus bill which will include several other technical changes in existing laws. Consequently, to expedite consideration and to obtain early reports from the various Government departments, I am introducing this bill to separately repeal the Naval Stores Act.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1767) to repeal the Naval Stores Act, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

STRENGTHENING OF FEDERAL POLICY AGAINST DISCRIMINATION IN EMPLOYMENT ON THE BASIS OF SEX

Mr. CASE. Mr. President, the bill I send to the desk for appropriate reference is, I believe, the shortest I have ever introduced.

Though its words are few, they are significant. The purpose of the bill is to strengthen Federal policy against discrimination in employment on the basis of sex. It would do so by repealing section 165 of the Revised Statutes of the United States.

Repeal of this section is one of the legislative aims of the Business and Professional Women's Clubs of America. The national legislation chairman is, I am happy to report, Miss Emma C. McGall, a highly respected lawyer from my own county of Union, N.J. That organization has prepared a brief statement, which I ask unanimous consent to have printed at the end of these remarks.

Over the years, the women of America have made enormous strides in achieving equality of opportunity and treatment. It is a deep satisfaction to me to have had some direct part in this, for example, in helping achieve passage of the Equal Pay Act in the last Congress.

In introducing this bill, it is also a pleasure to be associated once again with the distinguished Representative from Union County, Mrs. DWYER, who is sponsoring an identical measure in the House.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 1769) to repeal section 165 of the Revised Statutes relating to the appointment of women to clerkships in the executive departments, introduced by Mr. CASE, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The statement presented by Mr. CASE is as follows:

DETAILED INFORMATION RELATIVE TO B OF ITEM 1—ACTION ITEMS

(Repeal of section 165 ofthe Revised Statutes of the United States)

Section 165, U.S. Revised Statutes, has been incorporated into title 5, section 33, United States Code (Executive Departments and Government Officers and Employees). It reads as follows:

"Women may, in the discretion of the head of any department, be appointed to any of the clerkships therein atuhorized by law, upon the same requisites and conditions, and with the same compensation as are prescribed for men."

Section 165, Revised Statutes, was derived from section 2 of the act of July 12, 1870, 16 Stat. 230, at page 250, which provided as follows:

"And be it further enacted, That the heads of the several departments are hereby authorized to appoint female clerks, who may be found to be comeptent and worthy, to any of the grades of clerkships known to the law, in the respective departments, with the compensation belonging to the class to which they may be appointed, but the number of first, second, third, and fourth class clerks shall not be increased by this section."

On September 17, 1934, Attorney General Homer Cummings rendered an opinion (39 Op. A.G. 77 (1934)) on a proposed amendment of section 1(a) of Civil Service Rule 7, reading:

"Certifications shall be made without regard to sex unless sex is specified in the request, and the request is approved by the Commission."

The Attorney General's opinion stated that by Revised Statute 165 (5 U.S.C. 33) the Congress has vested in appointing officers certain discretionary authority. The President is without authority to transfer that discretion to the Civil Service Commission, therefore the words "and the request is approved by the commission" must be deleted so the sentence will read:

"Certifications shall be made without regard to sex unless sex is specified in the request."

In other words, the heads of the departments had free discretion to specify sex in their request to the Civil Service Commission for certification, and the President could not authorize the Civil Service Commission to overrule them.

Attorney General Cummings' opinion was overruled by an opinion of Attorney General Robert F. Kennedy of June 14, 1962 (42 op. A.G. June 14, 1962).

There the Attorney General ruled that the President's power to prescribe rules for appointment and promotion in the Federal Civil Service derived from section 1753 of the Revised Statutes, the Civil Service Act of 1883 (22 Statutes 403) and his constitutional power as Chief Executive, includes the power to prescribe the conditions under which appointing officers of the Federal Government may consider only male or only female candidates for appointment, promotion, and other personnel action. Section 165, Revised Statutes, does not limit the constitutional and statutory authority of the President to prescribe rules regarding the eligibility of women for positions in the Federal service.

This is an archaic law which should be eliminated from the statutes.

MOBILE TRADE FAIRS

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Merchant Marine Act, 1936, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs. I ask unanimous consent to have printed in the RECORD, the letter from the Secretary of Commerce, requesting the proposed legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1772) to amend the Merchant Marine Act, 1936, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., February 16, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There are enclosed four copies of a draft bill, "to amend the Merchant Marine Act, 1936, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs," and four copies of a Statement of Purpose and Need in support thereof.

We are advised by the Bureau of the Budget that enactment of this proposed legislation would be consistent with the administration's objectives.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce.

Enclosures.

STATEMENT OF PURPOSE AND NEED FOR LEGISLATION TO PROVIDE FOR THE CONTINUATION OF AUTHORITY, TO DEVELOP AMERICAN-FLAG CARRIERS AND PROMOTE THE FOREIGN COMMERCE OF THE UNITED STATES THROUGH THE USE OF MOBILE TRADE FAIRS

The purpose of the proposed legislation is to authorize continued appropriations, over a 3-year period, for the operation of the mobile trade fair program provided for by Public Law 87–839. This statute directs the Secretary of Commerce to promote and encourage the development and use of mobile trade fairs, and authorizes provision of technical and financial assistance to the operators of such fairs. As originally enacted on October 18, 1962, the statute authorized appropriation of $500,000 per year during the period July 1, 1962 to June 30, 1965, to carry out the purposes of the act.

No funds were actually appropriated for the mobile trade fair program until midway through the second of the three fiscal years covered by the original authority; the total amount appropriated for the 3-year period has been $600,000, rather than the $1,500,000 authorized. To date only one of the mobile trade fair operations assisted has been reported on. Three others are under way, and contracts to assist still others will doubtless be entered into in the course of the current fiscal year.

Although our actual operating experience with the program has been limited, the Department has been pleased by the expressions of interest in the program. This interest has been expressed by substantial U.S. business firms or groups of firms that have applied or are planning to apply for recognition and assistance under the act. In addition, the Foreign Service of the United States has reported the favorable reception of mobile trade fair activities where they have been carried out under this program and the interest of foreign business groups in the opportunity to become familiar with more U.S. products through a continuation and expansion of the program. The Department intends to continue encouraging the elements of the program with which we have already had successful experience and to press for the development and selection of new techniques within the scope of the present legislation which will broaden and increase the effectiveness of the program.

Experience to date indicates that the mobile trade fair concept has promise and should be continued for another 3 years. A review of our trade position 3 years from now will indicate whether permanent legislation should be sought for the program or whether it should be modified or allowed to run its course.

REPEAL OF CERTAIN ACTS RELATING TO CONTAINERS FOR FRUITS AND VEGETABLES

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to repeal certain acts relating to containers for fruits and vegetables. I ask unanimous consent that a letter from the Secretary of Agriculture, requesting the proposed legislation, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1773) to repeal certain acts relating to containers for fruits and vegetables, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 17, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a proposed bill to repeal the Standard Container Acts of 1916 and 1928, Tobacco Plant and Seed Exportation Act of 1940, Naval Stores Act of 1923, and Wool Standards Act of 1928.

Over the years, economic conditions and marketing practices have changed so that the need for these acts is no longer as great as when the legislation was passed. Therefore, to promote greater efficiency and economy in Government, in accordance with the President's request, we are recommending the repeal of these acts. The portion of these activities that needs to be continued will be performed under the Agricultural Marketing Act of 1946. Savings in appropriations realized by repeal of these acts, involving limited or special interests would be available for use in areas of more vital public importance.

The following paragraphs set forth in more detail the reasons for the Department's proposal:

Standard Container Acts of 1916 and 1928 prescribe standard sizes and capacities for certain types of baskets and hampers used in shipping fresh fruits and vegetables. When these laws were enacted, baskets and hampers were used for a large part of the fresh fruits and vegetables shipped in containers and standardization of the volume capacity was needed to prevent deception. Since that time, there have been many changes in shipping containers for fresh produce. Crates, lugs, boxes, and bags not in existence at that time have been developed and are now most commonly used. Also, the construction material has changed significantly with fiberboard, paper, and film now being commonly used. These containers are not standardized by Federal law as to capacity or shape. Most fresh fruits and vegetables are today sold by weight or count rather than by volume measure so that deception due to slight variations in container volume is no longer an important marketing factor. Less than 10 percent of the fresh fruits and vegetables are now marketed in the regulated types of baskets and hampers.

These acts, therefore, have been of decreasing importance in recent years and the Department does not believe that there is sufficient justification for continuing the program.

Tobacco Plant and Seed Exportation Act of 1940 was intended to protect American tobacco growers by restricting the exportation of tobacco seed and plants to experimental purposes only, with a written permit granted by the Secretary of Agriculture. Since 1940, tobacco production outside of the United States has expanded considerably and research in tobacco seed breeding and production is now well established in most of the tobacco producing countries of the world. As other countries have succeeded in producing Flue-cured tobacco (the type that the act was primarily intended to protect), the need for restricting American exports has practically ceased to exist. This act, therefore, is of very limited usefulness and the cost of administering it is no longer justified.

Naval Stores Act of 1923 provides for establishment of standards for naval stores (spirits of turpentine and rosin); authorizes the Secretary to provide a grading and certification service on request and on a cost recovery basis; requires the use of the official naval stores standards in selling naval stores in commerce; and prohibits false or misleading practices in sale of naval stores in commerce. When enacted, the law was needed to provide a basis for attaining uniformity in these products and in marketing practices related thereto. Since that time significant changes have occurred in the handling and marketing of naval stores. Further, the Agricultural Marketing Act of 1946 provides authority for the establishment of standards and for inspection and grading on a fee basis. It also prohibits fraudulent actions related to inspection such as false labeling of products as being officially graded or inspected. Therefore, the retention of the Naval Stores Act is no longer necessary.

Wool Standards Act of 1928 provides for the development of standards for wool grades, and for educational and demonstrational programs on wool standards. The authority contained in this act is also contained in the Agricultural Marketing Act of 1946. Currently, there are no active Federal grading programs for wool and wool products. Adequate grade standards are available for trade operations and a deemphasis of this work is planned for the future. The necessary periodic review and maintenance of the standards can be performed adequately under the Agricultural Marketing Act of 1946. The repeal of the Wool Standards Act will reduce the number of laws administered by the Department without restricting the Department's authority to establish and maintain wool standards.

The combined result of repeal of the five acts would be an annual reduction of $113,000 in Federal expenditures and related employment, and a similar reduction in direct appropriations from the general fund of the Treasury.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

Enclosure.

ANTIBOMBING LEGISLATION

Mr. DOUGLAS. Mr. President, I introduce, for appropriate reference, a bill which would add the word "arson" to the list of Federal offenses. This list of unlawful activities is contained in section 1952, title 18, of the United States Code, which provides that "whoever travels in interstate or foreign commerce or uses any facility in interstate of foreign commerce, including the mail, with intent to—(2) commit any crime of violence to further any unlawful activity * * * shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both." The legislation I introduce today, similar to that introduced by Congressman ROMAN PUCINSKI earlier this year, would provide under subsection (b):

As used in this section "unlawful activity" means—

* * * * *

(2) extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States.

The word "arson" is added to the prior list of extortion and bribery, and would, I believe, enable and encourage the Federal authorities, notably the Federal Bureau of Investigation, to investigate cases of arson such as those which have plagued Cook County and other sections of the country during recent years.

The forces of the underworld are equipped with the latest devices of coercion and destruction, and there are few if any local law enforcement branches which have the human and technological resources capable of effectively competing with these forces. The Department of Justice has its hands full trying to keep the lid on organized crime, and we can well imagine the dismay felt by many communities faced with an invasion from underworld criminals of various sections of the country. If the FBI is put through its paces to keep ahead of the cosa nostra and similar organizations, how can we expect a community to withstand an invasion without being able to utilize fully these resources of the U.S. Department of Justice?

Arson is one of the most effective operations of criminals to cow the public and force business establishments to either play ball with the syndicate or go out of business. Arson is not only an offense against the owner of the establishment or property destroyed, but it is also an offense against the public, and as such, the resources of the public should be marshaled to retaliate.

My bill would allow the FBI to enter an arson case under the interstate commerce clause of the U.S. Constitution. The form by which this bill would amend title 18 of the United States Code is acceptable to the Department of Justice, and would, I believe, give our citizens an effective weapon against the underworld.

Last year I introduced an antibombing bill which would have created a rebuttable presumption that any explosive material, used in a crime to destroy a building or property serving the public, was transported in interstate commerce, thus implying the offense was Federal in nature. However, after again checking with the Department of Justice, I believe the form of this present legislation would be more effective in enabling the FBI to investigate cases of bombing and arson.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1776) to make section 1952 of title 18, United States Code, applicable to travel in aid of arson, introduced by Mr. DOUGLAS, was received, read twice by its title, and referred to the Committee on the Judiciary.

BUREAU OF COMMERCIAL FISHERIES AND BUREAU OF SPORTS FISHERIES AND WILDLIFE

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, a bill to establish the Bureau of Commercial Fisheries and the Bureau of Sports Fisheries and Wildlife as separate services in the Department of the Interior.

The need and the urgency for this legislation is clear. During the past several years the development, promotion, and conservation of the commercial fisheries of the United States has become an increasingly complex and an increasingly significant subject. The number of international fishery agreements and conferences has multiplied at an unprecedented rate. At the same time the importance of recreation and more particularly those activities related to sport fishing and wildlife enjoyment has become increasingly clear.

These two interests, one in the development of our commercial fisheries and the other in the furtherance of U.S. sport fisheries and wildlife, are equally important but are at the same time obviously different. Each requires that decisions of public policy relating to its field of interest be made at the highest possible level. The United States must continue to expand its sports fisheries and the use and conservation of our wildlife resources. With an increasing population, these recreational opportunities must be expanded. This acceleration requires attention and programing of a type and nature quite different from that required for commercial fishery development. The increased importance of this form of recreation is indicated by the fact that the annual appropriation for these purposes has increased almost twofold in the last 8 years. I expect that further substantial increases will come in the near future as increasing demands are made for more adequate recreational facilities for our sports-minded and recreation-minded public. The continuing development of our metropolitan areas and the overcrowding of our cities and suburbs will accelerate the need to provide additional recreation and out-of-doors opportunities for a young and vigorous society. This can be accomplished only by recognizing the problem and meeting it with the type of leadership that can be given by a forceful and imaginative assistant secretary for sports fish and wildlife.

At the same time the importance of our commercial fisheries program is being more fully realized. The American public is awakening to the fact that our commercial fisheries are on the decline when compared with the enlightened efforts being made by our high seas competitors, principally Russia and Japan. The U.S. commercial fisheries fleet is outclassed when compared with the modern fleet of trawlers and the mother ship complex employed by the major fishing nations throughout the world. Only a few years ago the United States ranked as the second nation in the world in fishery production. Today we are fifth. Tomorrow we will drop further behind if energetic action is not made possible by the appointment of an aggressive Assistant Secretary for Commercial Fisheries within the Department of the Interior. Each month the United States is confronted with an international meeting or international conference at which our fishery representative is seated across the table from a fishery minister or deputy minister from the Soviet Union, Canada, Japan, Germany, or other major fishing nations. To say that our representatives at these international conferences are at a disadvantage is to understate the weakness of our position. The fact that we have no minister of fisheries on a cabinet level and we have not even an Assistant Secretary for Commercial Fisheries indicates to those with whom we would negotiate that we place a lesser importance on commercial fisheries than do they. Today the United States is a member of eight international conventions and in each we are faced with the impossible task of diplomatically matching the fishery counterparts appointed by other nations. In this situation only one action can be taken and that action is proposed in the legislation I introduce today, to create an Assistant Secretary within the Department of the Interior for Commercial Fisheries.

I would like to repeat the importance of both posts—an Assistant Secretary for Commercial Fisheries and an Assistant Secretary for Sports Fish and Wildlife. It is clear that this is required and I can only express my hope that this will be accomplished swiftly.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1778) to establish the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife as separate services in the Department of the Interior and to abolish the U.S. Fish and Wildlife Service, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Commerce.

PROHIBITION OF HIRING PROFESSIONAL STRIKEBREAKERS IN INTERSTATE LABOR DISPUTES

Mr. WILLIAMS of New Jersey. Mr. President, I have today introduced a bill designed to aid the decent citizenry of this country by curbing the traffic in professional strikebreakers.

For nearly a century the violence and intimidation which have attended the use of professional strikebreakers have aroused the conscience of the Congress and the country. Both the Senate and the House in 1892 launched investigations of their use by the Carnegie Steel Co. at Homestead, Pa., where Pinkerton strikebreakers fired on and killed a number of strikers. In 1909, the House Committee on Labor denounced their use, and resulting violence, in a strike at the Pressed Steel Car Co.'s plant at McKees Rocks, Pa.

In 1912 the Senate Committee on Education and Labor investigated their use in the coal miners' strike in the Paint and Cabin Creek district of West Virginia. Other Federal agencies and investigations inquired into their employment in the 1913 strike of Michigan copper miners; in the southern Colorado coal strike in 1913; in the Tug River, W. Va., coal field in 1920; and in the southern Illinois coal miners' strike in 1922. The records of these investigations are replete with evidence showing that many such professional strikebreakers had criminal records, that they were used to stir up violence, and that they were principally incompetent drifters whose major utility was an effort to depress the morale of strikers rather than to carry on the business of an enterprise.

But the definite study was that undertaken by the Senate Committee on Education and Labor pursuant to Senate Resolution 266 of the 74th Congress, popularly known as the La Follette committee. It conducted exhaustive hearings, which ran from about September 1936 to April 1938. This is no time to review the voluminous evidence taken by the committee, nor to summarize the notorious activities of such citizens as "Phony Lou" Cohen, "Stinkfoot" McVey, "Weasel Benny" Epstein, "Chowderhead" Cohen, "Chi" Pullman, "Crying Nat" Shaw, "Benny the Fink" Gross, "Snake Eyes' Kid" Steinie, "Eat 'em Up" Jack Fisher and the other underworld figures who had engaged in professional strikebreaking, as disclosed by that committee.

Of more immediate interest are the committee's final conclusions, summarizing what it had learned, as follows:

> The committee finds that commercialized strike services have constituted an important cause of violence occurring in strikes in which they have been used, for the following reasons:
>
> (a) Commercialized strike services tend to produce violence and disorder. Such violence comes partly as a result of the natural hostility and resentment of workingmen against the use of industrial mercenaries, but is more directly attributable to the activities of professional strike followers and the employers who use them.
>
> (b) In most cases professional strikebreakers or strikeguards have a pecuniary incentive to create and maintain a state of disorder and violence in the strike on which they serve. Detective agencies have been known to create or feign violence in order to extend and increase the services which they render.
>
> (c) In some cases employers have directed detective agencies to perform acts of violence, or have instigated such acts, or have made their commission inevitable. This has been done either to discredit strikers because of such acts to break their morale by the use of physical force, or to create a disorderly situation of such proportions that the armed intervention of the State will be required to suppress it.
>
> (d) Professional strike guards and strikebreakers are worse than useless in preventing or policing acts of lawlessness or violence by strikers. Instead of controlling or pacifying such situations, they embitter them and add further fuel to the flame.
>
> No employer who has accepted the principle of collective bargaining in good faith can consider using such persons against his employees. Not only do such persons tend to provoke violence and disorder, but their purpose is to discredit and destroy instruments of collective bargaining and make amicable settlement of disputes an impossibility. Through their acts of intimidation, coercion, and provocation such persons violate the rights of free speech and free assembly and the freedom of association of employees. Furthermore, during the period of this committee's investigation, the use of such strike services, and the business of purveying them, violated the policy of labor relations enunciated by the Congress.

The committee describes the purpose of commercialized strike services as follows:

> The committee finds that strike services are offered by detective agencies and employ-

er's associations, not so much for the purpose of assisting employers to protect property and maintain operations during strikes, but rather for the purpose of destroying unions and the processes of collective bargaining. This conclusion does not question the right of the employers to engage watchmen to protect their premises, nor the right permanently to replace employees for good cause by other skilled and competent workmen.

These acknowledged rights of the employer, however, cannot be invoked to justify employment of the strikebreakers, strikeguards, and missionaries furnished in the usual course of business by detective agencies, strikebreaking agencies, or employers' associations for the following reasons:

(a) The strikebreaker, furnished as part of strike service by most agencies, is, in most cases, not a qualified workman but an incompetent mercenary, posing as a workman for the purpose of breaking strikes. He usually receives compensation higher than that of the regular employees, and is discharged after the strike.

(b) The strike guard furnished by most agencies is not a man trained and qualified for police and patrol duty. He is, for the most part, a specialized kind of ruffian, a "regular fink", well versed in violence, often dishonest, and sometimes a gangster.

(c) The propagandist, missionary, or street operator furnished by most organizations practice deception and deceit, and often perform in the role of agent provocateur or spy.

The committee makes the following findings concerning the commercial aspects of the business of furnishing strike services:

(a) The profits made by detective agencies from strikebreaking are enormous, ranging from 25 to 100 percent.

(b) Such profits are increased by the prevailing attitude of antiunion employers toward strikebreaking services. In time of strike even large and carefully run corporations seem to experience a collapse of proper accounting procedure, and vast sums are turned over to the leaders of the strikebreaking class without question or investigation.

(c) Taking advantage of the opportunities offered by such financial laxity, and by the racketeering character of their vocation, professional strike followers cheat employers through padded pay tolls, deceit, and other forms of graft. It is such sums of money and such opportunities for fraud that constitute the lifeblood of the strikebreaking profession and maintain it in existence.

The work of the committee resulted in the adoption of legislation designed to curb these abuses, in the form of the Byrnes Act, adopted June 29, 1938, 18 U.S.C.A. 1231.

The promise of relief held out by the act was soon disappointed. The statute made it unlawful to transport in interstate or foreign commerce "any person who is employed or is to be employed for the purpose of obstructing or interfering by force or threats" with peaceful picketing or the exercise by the employees of any of the rights of self-organization. Interpreting the words "for the purpose of," the courts early held that the intent to interfere with peaceful picketing or the rights of employees must be shown to exist before the interstate transportation commenced, and that it was insufficient to show that violence had in fact occurred because the professional strikebreaker was brought into the State. See, for example, *International Union of Mine, Mill, and Smelter Workers* v. *Tennessee Copper Co.*, 31 F. Supp. 1015, decided in 1940.

This interpretation has been adopted by the Department of Justice. Manifestly, such proof is unobtainable; the hirers of such strikebreakers are not sufficiently stupid to say "come from New York to New Jersey to engage in violence"; rather, they will simply offer a job at a struck plant. Consequently, there has never been a successful prosecution under the Byrnes Act.

Nor are these practices, so often denounced by the Congress, a thing of the past. In 1959, the commissioner of labor of the State of New York received a report from a distinguished special commission which he had appointed to investigate professional strikebreaking. That committee, after hearing considerable testimony, concluded: "The disruptive elements involved in the existence of permanent professional organizations ready at all times to supply strikebreakers which may be thought to disturb the balance of the collective bargaining relationship in the employer's favor, and therefore to disrupt the orderly process of labor-management relations, are briefly as follows:

"1. The pressure on collective negotiations resulting from the importation of crews who are paid on a standby basis during the course of such negotiations; the existence of such standby crews tending to withdraw employer incentive to bargain collectively, and to bring about the very strike the replacements were to insure against.

"2. The assurance to the employer of an available source of employees apart from the usual or ordinary sources incites to irresponsible and negative behavior instead of good faith interchange of proposals and supporting argument.

"3. The opportunity to hire employees on a temporary basis for the primary purpose of breaking the strike, and with little or no expectation of continuing these employees in his employment.

"4. The unfair or discriminatory effect on regular employees of the payment to the temporary employees, both during standby and strike periods, of rates, including transportation, board, and room, greatly in excess of those which are offered to the striking employees."

There is no existing legislation which, in our view, is directly applicable to the situation which is the subject of this report.

The need for remedial legislation in this field is thereby clearly established, and the inadequacy of present legislation, which has been on the books for a quarter of a century without a successful prosecution, is plain for all to see. During the past several years the States and many municipalities have begun to take cognizance of these evils, and States and municipalities now have statutes or ordinances covering the problem.

These are as good as far as they go; it is often precisely in those jurisdictions where the need is greatest that such legislation is wanting. Federal legislation is needed as a supplement to these enactments to make for a uniform rule of law throughout the United States.

The bill which I have introduced has several purposes. But first let me make it as plain as possible that it is not intended to deny an employer's right to operate his enterprise during a strike. His right to do so is unquestioned; this is the correlative of the right to strike. The bill is aimed with all the precision I have been able to muster at a single evil: that of the professional strikebreaker.

The employer's right to hire bona fide replacements during a strike is untouched, both for reasons of elementary fairness in the position of the Government in industrial disputes and because of the grave legal doubts which the cutting off of such a right might entail.

The measure seeks to achieve the limited, but important, end I have described in a variety of ways. First, it would forbid the transportation of any person "who customarily and repeatedly offers himself for employment in a labor dispute or disputes." The term "customarily and repeatedly" is designed to describe the professional strikebreaker as distinguished from a bona fide strike replacement.

The professional strikebreaker is distinguished, as the investigations which I have mentioned revealed, by the facts that he frequently has a criminal record; that he has chosen strikebreaking as a way of life; that he comes into a labor dispute and, preying on the misfortune of the good local citizens of a community embroiled in a dispute, makes a quick killing and departs for the next troubled area. These scavengers do not settle down; they own no homes; they pay no taxes; they do not participate in the life of the community; they are vultures pure and simple and those who arrange their employment are no better.

The bill if enacted would forbid professional strikebreakers from replacing strikers in industries affecting commerce. It is also designed to eliminate the strikebreaking agency by forbidding persons not directly involved in a labor dispute to supply strikebreakers, and it would require that any persons hired as strike replacements should be notified that a labor dispute is in progress.

There are few persons who will come forward, in the face of the overwhelming evidence to the contrary, to assert that there is not an evil here which requires correction. In consequence, those who benefit from these practices have frequently resorted to dubious legalisms as their grounds of objection. It is asserted that there is a conflict with the Byrnes act.

I have already explained that this act, as interpreted by the courts and the Department of Justice, has been limited to the interstate transportation of persons for the purpose of engaging in violence or denying the legal rights of strikers; this is a matter in no way referred to in my bill. It is suggested that there is a conflict with the National Labor Relations Act. The decisions under that act have recognized the right of employers to replace strikers; and that is a right which this measure, and I, respect. But it does not follow that the Congress, in the interest of preventing violence in labor disputes and in eliminating the other abuses which have been disclosed, may not and should not restrict that right to bona fide replacements, rather than to fly-by-night semiunderworld characters.

Finally, I would like to briefly dispel any constitutional doubts which might be thrown up as a smokescreen to becloud the issue. We may all agree that any effort to deny an employer the right to operate his business by hiring replacements during a strike would raise grave problems of public policy and some legal issues. It is worth repeating that this measure does nothing of the kind. No one will assert that violence in labor disputes is part of the Federeal labor policy or is a constitutionally protected right; the contrary is, of course, the case.

Where so many investigations, over so many years, have demonstrated the close relationship between professional strikebreaking and violence in labor disputes, I am utterly confident that the courts will recognize the propriety of such legislation, both in furthering the national labor policy and in supplementing the powers of the States and local governments to protect the public order.

The Byrnes act was framed on the theory of forbidding interstate transportation of strikebreakers; modeled, perhaps, in this respect on the Mann act. Moreover, because it was so narrowly interpreted as to quickly fall into innocuous disuse, no constitutional issues were ever raised under the Byrnes act.

My proposal rests rather on the concept of industries affecting interstate commerce. Thirty years of judicial decisions under Federal labor laws enable us to say with some specificity which these industries are, and in view of the development of Federal labor law in the intervening years, it seems to me that this approach is a desirable step forward. The power of the Federal Government to regulate labor practices in these industries has been so well established, and is so little challenged, that I feel confident it can survive any test.

Mr. President, I ask unanimous consent that the following appendix, which gives vivid evidence of the need for the legislation I am introducing today, be included in the RECORD.

This appendix contains a list of instances in which professional strikebreakers have been used against only one union—in this instance, the International Typographical Union.

In addition, Mr. President, I ask unanimous consent that the text of the bill be printed in full and that it be allowed to lie on the desk for additional cosponsors until 1 week from today.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and table will be printed in the RECORD, and the bill will lie on the table, as requested by the Senator from New Jersey.

The bill (S. 1781) to prohibit and make unlawful the hiring of professional strikebreakers in interstate labor disputes, introduced by Mr. WILLIAMS of New Jersey (for himself and Mr. MORSE), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Labor-Management Relations Act of 1947, as amended (June 23, 1947, ch. 120, 61 Stat. 136; 29 U.S.C.A. 141 et seq.) is further amended by adding thereto a new section 306, in title III thereof, to be headed "Restrictions on Use of Professional Strikebreakers," as follows:

To prohibit and make unlawful the hiring of professional strikebreakers to take the places in employment of any persons involved in a labor dispute in any enterprise affecting commerce; the recruiting of strikebreakers to take the place of persons involved in a labor dispute in any enterprise affecting interstate commerce by persons or agencies not directly involved in such dispute, commonly known as strikebreaking agencies; the recruiting and procuring of employees to take the place in employment of employees involved in a labor dispute affecting interstate commerce, without adequate notice that a dispute exists and that the offered employment is to take the place of an employee involved in a labor dispute, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. (a) Any person who willfully transports, or causes the transportation of, any person who customarily and repeatedly offers himself for employment in place of an employee or employees involved in a labor dispute or disputes in an enterprise or enterprises affecting interstate commerce, for the purpose of employing such person in place of an employee or employees involved in a labor dispute affecting interstate commerce; or

(b) Any person who has customarily and repeatedly offered himself for employment in place of an employee or employees involved in a labor dispute or disputes affecting interstate commerce, who knowingly takes, or offers to take, the place in employment of an employee or employees involved in such a dispute; or

(c) Any person, not directly involved in a labor dispute who shall knowingly procure, supply, or refer any person for employment in an enterprise affecting interstate commerce, or who arranges or causes the employment of such person, to take the place of an employee or employees involved in a labor dispute; or

(d) Any person who recruits, solicits, or advertises for, persons to take the place in employment of an employee or employees engaged in a labor dispute affecting interstate commerce, without notice to such person or persons that there is a labor dispute at the place of such proffered employment,

Shall be fined not more than $5,000 or imprisoned for not more than two years, or both. This Act shall not apply to common carriers, when not acting in their capacity as employers.

SEC. 2. The terms "affecting commerce" and "labor dispute affecting commerce" shall be defined as in section 2(6) of the National Labor Relations Act as amended (29 U.S.C. 151 et seq.).

The table presented by Mr. WILLIAMS of New Jersey is as follows:

International Typographical Union

STRIKES AND LOCKOUTS COMMONLY ASSOCIATED WITH PROFESSIONAL STRIKEBREAKERS

Date began	Date ended	Strike or lockout	City, State, plant, number involved
Oct. 17, 1955	Jan. 14, 1957 [1]	Lockout	Oklahoma City, Okla., Oklahoman and Times, 131.
Nov. 30, 1955	Feb. 6, 1957 [1]	Strike	Zanesville, Ohio, Times-Reporter, 52.
Feb. 6, 1956	Mar. 17, 1958 [1]	Lockout	Bisbee, Ariz., Review, 8.
Aug. 10, 1956	Oct. 31, 1958 [1]	do	Dover, Del., Delaware State News, 11.
Do	Aug. 8, 1958 [1]	do	Grand Junction, Colo., Sentinel, 24.
Dec. 28, 1956	do.[1]	Strike	Nassau County, N.Y., Griscom Publishing Co., 20.
Apr. 30, 1957	July 2, 1957 [1]	Lockout	Lima, Ohio, News, 50.
June 12, 1957	Sept. 25, 1957 [2]	Strike	Chicago, Ill., Webb-Linn Co., 40.
Aug. 28, 1957	Oct. 24, 1957 [1]	do	Walnut Creek, Calif., Contra Costa Gazette, 70.
Nov. 6, 1957		Lockouts	Raleigh, N.C., commercial shops (5), 24.
Nov. 20, 1957	May 19, 1958 [2]	Strike	Haverhill, Mass., Gazette, 31.
Nov. 29, 1957	Oct. 13, 1962 [1]	do	Worcester, Mass., Telegram & Gazette, 196.
Dec. 4, 1957	Dec. 4, 1959 [1]	do	Galveston, Tex., News & Tribune, 55.
Dec. 9, 1957	Dec. 28, 1960 [1]	Strikes	Westchester County, N.Y., Publishers Association, 107. White Plains Reporter Dispatch. New Rochelle Standard Star. Yonkers Herald Statesman.
Dec. 16, 1957	do.[1]	Strike	Westchester County, N.Y., Port Chester Item, 22.
Dec. 23, 1957	do.[1]	do	Westchester County, N.Y., Tarrytown News, 18.
Jan. 3, 1958	Mar. 8, 1962 [2]	Lockout	Ventura, Calif., Ojai Publishing Co., 4.
Jan. 21, 1958		Strike	Raleigh, N.C., commercial strikes, Graphic Press, 5.
Sept. 17, 1958	Aug. 11, 1962 [1]	do	Ypsilanti, Mich., Daily Press, 21.
Oct. 13, 1958	Nov. 6, 1961 [1]	do	Bristol-Levittown, Pa., Courier-Times, 28.
Nov. 18, 1958	Jan. 19, 1959 [1]	Strike	Escanaba, Mich., Press, 20.
Do	do [1]	do	Iron Mountain, Mich., Daily Press, 19.
Dec. 1, 1958	Apr. 25, 1960 [1]	do	Jacksonville, Fla., Times-Union, 39.
Dec. 6, 1958	do [1]	Lockout	Jacksonville, Fla. Journal, 16.
Mar. 1, 1959	Sept. 4, 1961 [1]	do	Arlington, Va., Northern Virginia Sun, 28.
Jan. 30, 1959	Mar. 9, 1959 [2]	Strike	Monongahela Valley, Pa., Monongahela Publishing Co., 23.
July 21, 1959		do	Willimantic, Conn., Chronicle.
Oct. 7, 1959	July 1, 1963 [1]	do	Beverly, Mass., Times, 15.
Nov. 10, 1959		Lockouts	Portland, Oreg., Oregonian and Journal, 403.
February 1960		Strike	Leominster, Mass., Enterprise.
Mar. 7, 1960		Lockout	Fort Worth, Tex., All-Church Press, 17.
July 25, 1960	Dec. 24, 1962 [1]	do	Juneau, Alaska, Daily Empire, 19.
Dec. 8, 1960	Aug. 28, 1961 [1]	Strike	Clinton, Iowa, Herald, 25.
May 16, 1961	Jan. 3, 1962	Lockout	Mount Holly, N.J., Herald, 25.
June 27, 1961		do	Manheim, Pa., Sentinel, 15.
Aug. 24, 1961		do	Dinuba, Calif., Sentinel, 11.
Sept. 19, 1961		Strike	Lawrence, Kans., Kansas Color Press, 36.
Jan. 10, 1962	Oct. 29, 1962 [1]	do	Herkimer, N.Y., Evening Telegram, 8.
Do	do.[1]	do	Little Falls, N.Y., Times, 8.
Sept. 5, 1962	1964 [2]	do	Florence, S.C., Morning News, 14.
Sept. 26, 1962	Mar. 30, 1964 [1]	do	Alliance, Ohio, Review, 19.
Sept. 29, 1962		do	Downey, Calif., Southeast News, 15.
Oct. 3, 1962	Dec. 31, 1963 [1]	do	Phoenix, Ariz., commercial shops (4), 34.
Dec. 17, 1962		Lockout	Boston, Mass., Hyde Park Tribune, 16.
Apr. 11, 1963	Mar. 4, 1965 [2]	do	Walnut Creek, Calif., Contra Costa Times, 11.
Apr. 19, 1963		Strike	Honolulu, Hawaii, Waikiki Beach Press, 16.

See footnotes at end of table.

International Typographical Union—Continued

STRIKES AND LOCKOUTS COMMONLY ASSOCIATED WITH PROFESSIONAL STRIKEBREAKERS—Continued

Date began	Date ended	Strike or lockout	City, State, plant, number involved
June 12, 1963	Feb. 3, 1964 [1]	Strike	Salisbury, Md., Times, 31.
Do	Oct. 5, 1964 [1]	do	Concord, N.H., Monitor-Patriot, 16.
June 27, 1963	Sept. 15, 1963 [2]	do	Charles City, Iowa, Press, 8.
July 12, 1963	Nov. 16, 1963	do	Texas City, Tex., Sun, 16.
Sept. 11, 1963	Aug. 24, 1964 [2]	Strikes	San Francisco, Calif., commercial (15 shops), 423.
Oct. 2, 1963	Jan. 18, 1963 [1]	Strike	Dallas, Tex., commercial (4 shops), 58.
Oct. 14, 1963		do	Dallas, Tex., Exline-Lowdon Co., 8.
July 9, 1964		Lockouts	Toronto, Ontario, Canada, newspapers, 926. Toronto Star. Toronto Telegram. Toronto Globe and Mail.
Aug. 12, 1964		Strike	Roanoke Rapids, N.C., Herald, 16.
Nov. 2, 1964	Dec. 21, 1964 [2]	Lockout	Phoenix, Ariz., Morneau Printing Co., 15.
Jan. 5, 1964		Strike	Waycross, Ga., Herald, 12.

[1] Discontinued strike or lockout.

[2] Contract signed.

AMENDMENT OF SECTION 204(a)(3) OF INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 204(a)(3) of the Interstate Commerce Act respecting motor carrier safety regulations applicable to private carriers of property. I ask unanimous consent that a recommendation and justification for the proposed legislation be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the recommendation and justification will be printed in the RECORD.

The bill (S. 1784) to amend section 204(a)(3) of the Interstate Commerce Act respecting motor carrier safety regulations applicable to private carriers of property, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The recommendation and justification presented by Mr. MAGNUSON are as follows:

RECOMMENDATION NO. 16

This proposed bill would give effect to legislative recommendation No. 16 of the Interstate Commerce Commission as set forth on page 70 of its 78th annual report to Congress as follows:

"We recommend that section 204(a)(3) be amended to make more definite the Commission's authority to prescribe regulations governing the safety of operations and equipment of private carriers of property by motor vehicle."

JUSTIFICATION

The attached draft bill would make it clear that regulations prescribed by the Interstate Commerce Commission respecting safety of operations of motor vehicles are applicable to private carriers of property.

Section 204(a)(3) of the Interstate Commerce Act authorizes the Commission to establish for private carriers of property by motor vehicle "reasonable requirements to promote safety of operation, and to that end prescribe qualifications and maximum hours of service of employees, and standards of equipment." Pursuant to these provisions, the Commission has, since 1940, prescribed rules and regulations for the safe operation of the equipment of such carriers, including the safe transportation of explosives and other dangerous articles. In *United States* v. *Pacific Powder Co.*, however, the United States District Court for the District of Oregon on August 25, 1960, dismissed all 191 counts of an information on the ground that the Commission has no authority under the aforementioned provisions of section 204(a)(3) to regulate private carriers except as to standards of equipment and qualifications and maximum hours of service of employees.

The Pacific Powder Co. case involved a private carrier whose truck, loaded with dynamite and nitro carbo nitrate, was left unattended in a downtown area of Roseburg, Oreg. During the night a fire, which had broken out in several nearby trash cans, spread to the truck. The truck exploded. Thirteen people were killed and about 125 others were injured. In addition, 8 or 9 city blocks were almost completely destroyed and property damage was estimated to be between $10,000,000 and $12,000,000.

The 1960 amendments to the Transportation of Explosives Act, which made that act applicable to private carriers, will probably preclude the specific problem involved in the Pacific Powder Co. case from arising in the future. However, if allowed to stand, the decision in that case could have a seriously adverse effect on other aspects of motor carrier safety-of-operation regulations insofar as private carriers of property are concerned. For example, under this decision the Commission's regulations against driving at speeds exceeding those prescribed by the jurisdiction in which the vehicle is being operated and against unsafe loading would no longer apply to private carriers. Also no longer applicable to such carriers would be the Commission's regulations respecting the safe parking and fueling of vehicles, of stopping when involved in an accident and rendering assistance to injured persons, and against transporting unauthorized persons. In addition, there is an area of uncertainty with respect to the Commission's regulations prohibiting driving under the influence of alcohol or while ill or fatigued and its regulations prescribing the use of compulsory equipment such as tail lamps, low beams on headlights, flares, and lanterns. In the latter connection it should be noted that without the power to prescribe regulations for the safe operation of vehicles, the Commission would be placed in the awkward position of being able to require certain standards of equipment but of being unable to prescribe the manner of their use.

As of June 15, 1962, there were an estimated 82,152 private carriers of property operating 771,864 vehicles in interstate commerce in the United States, not including Hawaii. By comparison there were, as of the same date, 18,587 for-hire carriers, not including carriers of exempt commodities, operating 923,725 vehicles in interstate commerce in this country, excluding Hawaii. With this number of vehicles on the Nation's highways, the incidence of exposure to accidents is very great. This, coupled with the fact that the size and weight of vehicles have steadily increased and that authorized speed limits often reach 60 miles per hour amply illustrates the importance of making it clear in the statute that the Commission's regulations respecting safety of operations are just as applicable to private carriers of property under section 204(a)(3) of the act as they are to common and contract carriers under section 204(a) (1) and (2) thereof.

The following brief descriptions of several recent accidents involving private carriers of property illustrate even more vividly the necessity of making certain that such carriers are subject in full measure to the Commission's motor carrier safety regulations:

On July 18, 1960, a tractor-semitrailer combination operated by a private carrier, transporting a dismantled merry-go-round, went out of control while descending a long grade into Westfield, N.Y. The truck collided with a station wagon, knocked down a large tree, and smashed into a brick church. The driver of the station wagon was killed, the truckdriver and his helper were injured, and property damage amounted to $46,000. Safety regulations violated, among others, were those relating to driving while ill or fatigued and against consuming alcoholic beverages while on duty.

On January 25, 1961, a tractor-semitrailer combination transporting over 29,000 pounds of fresh and canned meats, allegedly as a private carrier, collided with a postal van near Knoxville, Ill. Two fatalities, three injuries, and approximately $40,000 damage to property resulted therefrom. The investigation report indicated that this accident was caused by the driver of the commercial vehicle who, among other things, was operating in violation of the Commission's safety regulation prohibiting the driving of such vehicles by persons who are ill or fatigued.

On February 13, 1961, near Fosters, Ohio, a tractor-semitrailer combination operated by a private carrier hauling over 27,800 pounds of pipe joints struck a passenger car traveling in the opposite direction. The accident resulted in three fatalities, one injury, and $10,000 property damage. The investigation report of the accident cited the prohibition against the driving of commercial vehicles until the driver has satisfied himself that certain parts and accessories are in good working order as one of the Commission's regulations that had been violated.

Since the decision in the Pacific Powder Co. case may establish a precedent for decisions in other district courts, the Commission is of the view that the public interest requires early congressional consideration and enactment of this proposed measure.

ESTABLISHMENT OF THROUGH ROUTES AND JOINT RATES FOR CERTAIN MOTOR COMMON CARRIERS OF PROPERTY

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize the Interstate

Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes. I ask unanimous consent that a recommendation and justification, relating to the proposed legislation, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the recommendation and justification will be printed in the RECORD.

The bill (S. 1785) to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The recommendation and justification presented by Mr. MAGNUSON are as follows:

RECOMMENDATION No. 14

This proposed bill would give effect to legislative recommendation No. 14 of the Interstate Commerce Commission as set forth on page 69 of its 78th annual report as follows:

"We recommend that parts I, II, and III be amended to authorize the Commission, after investigation and hearing, when necessary and desirable in the public interest, to require the establishment of through routes and joint rates between motor common carriers of property and between those carriers and common carriers by rail, express, and water."

JUSTIFICATION

The attached draft bill would amend the Interstate Commerce Act to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between common carriers of property by motor vehicle and between such carriers and common carriers by railroad, express, or water when required in the public interest.

At present, the only common carriers of different modes which may be required by the Commission to establish through routes and joint rates with each other are railroads, pipelines, and express companies subject to part I of the act, and railroads subject to part I and common carriers by water subject to part III. The only intramodal joint-rate arrangements that may be required by the Commission are between railroads, pipelines, and express companies, respectively, subject to part I, common carriers of passengers by motor vehicle subject to part II, and common carriers by water subject to part III. Common carriers of property by motor vehicle subject to part II are permitted, but may not be required to enter into joint-rate arrangements with other such carriers or with common carriers of other modes, nor, on the other hand, may common carriers of other modes be required to establish through routes and joint rates with motor carriers.

With the growth of the Nation's economy, the expansion of the motor carrier industry, and technological improvements in the transportation field, greater stress has been placed upon the importance of having a more coordinated national transportation system. Of fundamental importance to the accomplishment of this end is the establishment of through routes and joint rates within and between the various modes of carriage. It follows, therefore, that in many instances the failure or refusal of carriers to enter into such arrangements is contrary to the public interest in the furtherance of a more coordinated national transportation system.

The availability of through routes and joint rates inures to the benefit of the shipping public in numerous ways. It enables a shipper to make one contract with the originating carrier on behalf of all carriers participating in the arrangement. In addition, the shipper may ascertain the rate for a through movement by consulting a single tariff instead of many. Both shipper and consignee also have the advantages provided by section 20(11) and similar provisions in other parts of the act of recovering from either the originating or delivering carrier for loss or damage caused by any carrier participating in the through movement.

Moreover, experience has shown that because of the economy of established channels of commerce through which substantial amounts of traffic may flow, and reduced freight rate calculation costs, joint rates are generally lower than a combination of local rates of connecting carriers not participating in such through-service arrangements.

In the case of through routes among motor common carriers of property, most of the regular-route, general-commodity motor carriers participate in agency tariffs and are parties to the joint rates published therein. Such arrangements are, however, entered into on a permissive basis and are subject to termination at any time—a situation which is not conducive to the maintenance of dependable joint-line service. In addition, the tariffs filed under such voluntary joint-rate arrangements contain many restrictions as to individual carriers, thereby limiting the through routes and joint rates as to carriers and to points of interchange.

In the absence of such voluntary joint-rate arrangements among motor common carriers of property, the only way in which the Commission may provide for through motor carrier service is by granting extensions of operating rights to existing carriers or by approving consolidations and mergers of connecting carriers. The granting of such extensions is not always desirable, however, since it may result in a surplusage of carriers over certain routes. Many shippers have demonstrated their reluctance to rely on voluntary arrangements by prevailing upon motor carriers to file applications to extend their operating authority to include every point to which the shipper's traffic moves. Shippers justify their position, in many instances, by claiming that they are entitled to hold one carrier responsible for the safe and efficient transportation of their freight. Although a need for expeditious service is also frequently asserted, instances are relatively few in which it is successfully established that the use of multiple-line service results in delays of material consequences. Most of these applications are denied, but in many cases, the Commission finds it necessary to grant authority because of the failure of connecting carriers to adduce evidence of their willingness and ability to participate in joint-line service.

For many years railroads and motor carriers were reluctant to enter into through route and joint-rate arrangements. While, in recent years, there has been some relaxation of this attitude on the part of the carriers, especially with the growth of "piggyback" service, such arrangements are, as in the case of those between motor common carriers of property, entered into on a permissive and voluntary basis subject to termination at any time. Here again the lack of any obligation on the part of the carriers to continue in effect such joint through route arrangements is not conducive to the maintenance of dependable joint-line service.

Although no serious problems appear to have arisen in connection with the establishment of through routes and joint rates between common carriers by water and motor common carriers of property, the fear of collapse of such arrangements because of their permissive and voluntary nature is, of course, always present. The draft bill would therefore give the Commission authority to require the establishment and maintenance of such arrangements when required by the public interest.

Enactment of this proposed measure would permit the Commission, in proper cases, to compel the establishment and maintenance of dependable joint-line service responsive to the needs of the shipping public, and, at the same time, protect the carriers from unfair or unreasonable demands to provide through service. It would also have the effect of according greater equality of treatment in the regulation of the carriers of the various modes. In addition, we believe that it would be consistent with and in furtherance of the President's announced policy of encouraging and promoting through service and joint rates between all modes of transportation as carried forward in section 4(a) of S. 1062 and H.R. 4701 of the 88th Congress.

AMENDMENT OF SECTION 1(14)(a) OF INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes. I ask unanimous consent that a recommendation and justification for the proposed legislation be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the recommendation and justification will be printed in the RECORD.

The bill (S. 1786) to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The recommendation and justification presented by Mr. MAGNUSON are as follows:

RECOMMENDATION No. 6

This proposed bill would give effect to legislative recommendation No. 6 of the Interstate Commerce Commission as set forth on page 63 of its 78th annual report as follows:

"We recommend that section 1(14) be amended to authorize the Commission to determine whether per diem charges for the use of railroad freight cars shall be computed on the basis of cost of ownership and maintenance, value of use, or upon such other basis or combination of bases as will, in its judgment, provide reasonable compensation to the owner, contribute to sound car service practices, and encourage the acquisition of an adequate national fleet of freight cars."

JUSTIFICATION

The purpose of the attached draft bill is to grant the Interstate Commerce Commission authority to prescribe per diem charges for the use of railroad freight cars on a basis that will provide an economic incentive to the railroads to acquire and maintain a supply of freight cars adequate to meet the needs of commerce and the national defense.

The diminishing supply of railroad freight cars has been a matter of considerable concern to the Commission for many years. Despite the generally expanding economy of the country, the ownership of freight cars is now less than it was during World War II. As a result, critical shortages of increased duration and severity have become almost commonplace on the national transportation scene. Studies made in 1950 indicated that a total of 1,935,500 freight cars would be required by 1956 to meet the anticipated needs of shippers. As of January 1, 1956, however, freight-car ownership and control of Class I railroads (including railroad owned or controlled refrigerator cars) totaled only 1,774,614 cars. As of October 1, 1964, this figure had fallen to 1,553,905 cars, a record low.

In addition to inadequate car ownership, one of the greatest contributing factors to recurring freight-car shortages has been the failure of some carriers to utilize the existing fleet of equipment more efficiently. During periods of critical shortages the Commission has resorted to every means at its command to cope with the problem. We have issued numerous car service orders to assure equitable distribution and maximum utilization of the freight cars remaining in service. In addition, greatly stepped up demurrage charges have helped to insure prompt loading and unloading by shippers and receivers. While such actions have heretofore provided a measure of relief, they are becoming less effective and increasingly controversial as the total supply of freight cars continues to decline each year.

Since the earning value of freight cars often substantially exceeds the current scale of per diem charges, some of the carriers have found it cheaper to pay the per diem or car-rental charge than to own cars. These carriers, therefore, lack sufficient economic incentive to provide their fair share of an adequate car supply. The assistance that can be expected from the institution of the new multilevel per diem system established by the carriers which became effective last year, is questionable. This system is based generally on the concept of adequate compensation to owners of cars purchased, on the basis of cost, condition, or age, but compliance with the plan is voluntary and some carriers have not accepted it.

Some time ago the Commission attempted to take the profit out of renting equipment by imposing a penalty per diem charge which it believed would furnish a pecuniary spur to deficit railroads to acquire a sufficient number of cars to at least take care of their own loading obligations. (Increased Per Diem Charges on Freight Cars, 268 I.C.C. 659 (1957.) However, in *Palmer* v. *United States*, 73 F. Supp. 63 (1947), the Commission's order was set aside by a three-judge district court which held that the Commission could not prescribe per diem charges for regulatory purposes. The effect of this decision has been construed as precluding the Commission from prescribing per diem charges which would produce a profit to the carrier owner, provide an incentive for car ownership, recognize the value of the use of freight cars, and require the acquisition and maintenance of a car supply adequate to meet the needs of commerce and of the national defense. While the Palmer case may not place the stringent limitations upon the Commission which some suggest, we believe that there is a sufficient doubt in this respect that it should be made clear in the statute that the Commission has authority to establish per diem charges above the bare costs of ownership and at a level that would make the advantages of owning equipment more attractive.

If the advantages of owning equipment could be made more attractive, there should be a greater willingness on the part of every railroad to make its just and equitable contribution to the national freight car fleet. The draft bill proposes to accomplish this objective by amending section 1(14)(a) of the act so as to authorize the Commission in establishing a per diem charge for the use of freight cars to determine whether such charge should be computed upon the basis of the elements of ownership expense involved, including a fair return on value, or on elements reflecting the value of their use, or upon such other basis or combinations of bases as, in the Commission's judgment, will provide reasonable compensation to the owner, contribute to sound car service practices, and encourage the acquisition of an adequate national supply of freight cars. In essence, the proposal would authorize the Commission to fix per diem charges which would motivate every railroad to maintain its ownership of freight cars at a level which will meet the needs of the shipping public during normal times and provide a reasonable supply during periods of emergency. Its enactment would thus overcome the effect of the decision in the Palmer case and would be of substantial assistance to the Commission in its efforts to alleviate the crippling economic effects of freight car shortages.

LIBERALIZING FEDERAL DISABILITY INSURANCE FOR THE BLIND

Mr. HARTKE. Mr. President, today I introduce a bill to liberalize the provisions of disability insurance under the Social Security Act for the benefit of the blind. This is the same bill which was introduced in the 88th Congress by our distinguished colleague, then the majority whip and now our Presiding Officer, Vice President HUBERT HUMPHREY. That bill, S. 1268, I was happy to offer in the Finance Committee as an amendment to the social security bill of last year, H.R. 11865. While it was not adopted by the Finance Committee, it was subsequently introduced by its author as a floor amendment and was adopted by the Senate on September 3. It was taken to conference by Senator LONG as floor manager of the bill, but, of course, it was lost when the Congress adjourned without reaching agreement on the bill last year.

Mr. President, it has been my privilege to introduce and work for many measures for the benefit of the blind during the years since I first came to this body in 1958. Such legislation has been one of my special interests, and I would be pleased in any case to offer this legislation today. But it is a special pleasure to do so at the express request of the Vice President, whose election removed from him the opportunity to present the bill again as he would otherwise have done. Indeed, he addressed me in a letter dated November 29, 1964, asking that I carry on the promotion of this legislation in the 89th Congress. I am glad to be able to do so not only on my own behalf and his, but also on behalf of the other Senators whose names appear as cosponsors of the bill.

At the time Senator HUMPHREY presented the amendment to the social security bill, which the Senate adopted as I have said, he made a statement explaining its provisions and purposes. Rather than offer a paraphrase of that clear presentation, I request unanimous consent that the words of Senator HUMPHREY at that time may appear at this point in the RECORD as an explanation of this bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. HUMPHREY. Mr. President, my amendment would liberalize the Federal disability insurance program for persons who are now blind—and, perhaps even to greater importance—it would make disability insurance payments more readily available to more persons who become blind at the time when blindness occurs.

My amendment would do the following:

First. It would incorporate the generally recognized and widely used definition of blindness into the provisions of the disability insurance law: That is, blindness is central visional acuity of 20/200 or less in the better eye with correcting lenses, or visual acuity greater than 20/200 is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Second. It would allow any person who meets this definition in visual loss, and who has worked in social security coverd employment for a year and a half—six quarters—to qualify for disability cash benefits.

Third. It would allow persons who meet the above requirements in measurable sightlessness and length of time in covered employment to draw disability benefits, and to continue to draw them, so long as they remain blind—and irrespective of their income or earnings, if they are fortunate enough to be employed.

This amendment seeks to make the disability insurance program a true insurance program against the economic catastrophe of blindness, against the economic disadvantages which result when blindness occurs in the life of a workingman.

Under present law, a person who is blind and unable to secure social security covered work for 5 years, cannot qualify for disability insurance payments. Reducing the present requirement from 20 to 6 quarters would be a much more reasonable and realistic requirement for people who, though oftentimes well qualified for gainful work, still encounter much difficulty in obtaining any work at all.

Under existing law, a worker who becomes blind but has not worked for 5 years in covered employment is denied the sustaining support of disability insurance payments at a time when his whole world has collapsed, when disaster has terminated his earnings and diminished his earning power, and he is faced with surrendering dignity and self-pride and applying for public or private charity—hardly a sound basis upon which to rebuild a shattered life; hardly the basis for instilling self-confidence and reviving hope—so essential as the first step in rehabilitation and restoration to normal life and productive livelihood.

Under existing law, a person who is blind and earns but the meagerest of income, is denied disability insurance payments on the ground that even the meagerest earnings indicate such person is not disabled—or sufficiently disabled, in the eyes of the law—to qualify for disability payments.

As a matter of fact, Mr. President, the economic consequences of blindness exist, and they continue to exist, even though a blind person is employed and earning, and these economic consequences are expensive to the blind person who has the will and the courage to compete in a profession or a business with sighted people, who must live and work in a society structured for sighted people.

Adoption of this amendment would provide a minimum floor of financial security to the person who must live and work without sight, who must pay a price in dollars and cents for wanting and daring to function in equality with sighted men.

Mr. HARTKE. Mr. President, I further request that the bill may lie on the table until the close of business Friday, April 23, in order that any additional Senators who wish to do so may add their names also as cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the table, as requested by the Senator from Indiana, until the close of business on Friday, April 23.

The bill (S. 1787) to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least 6 quarters of coverage, and for other purposes, introduced by Mr. Hartke (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

DRUG STAMP ACT OF 1965

Mr. HARTKE. Mr. President, we now know the final recommendations of the Ways and Means Committee concerning social security amendments, including the so-called medicare provisions. Recommended in the package provided for our over-65 citizens are provisions for hospital care, posthospital care, outpatient diagnostic services, and home visits in the basic hospital insurance benefits. There is also a voluntary supplementary plan which, after an annual deductible of $50, would pay 80 percent of the cost of doctors' and surgeons' services, and certain other benefits.

These provisions are fine. They are certainly far more than we have ever provided before for the health of our elderly citizens, and as the testimony of fact so eloquently affirms, these benefits will be a great boon to millions of low-income persons in need of medical attention.

But there is an omission in this program. That is in the area of drug costs. So long as a patient is in a hospital and drugs are furnished out of the hospital's dispensary, they may be charged as part of the hospital bill. But although the supplementary plan, after its $50 deductible, provides coverage of doctor bills to 80 percent, nowhere is there any provision for reimbursement of drug costs or for any assistance with them. Yet this can in many instances be a ruinously high cost of being ill, and particularly for the chronically ill elderly. Often, in fact, it is possible for one who requires continuing and frequently expensive medication to have only a fairly minimal cost for doctors' services, but a very large cost for drugs. I have had letters from persons on social security income of $70 a month who must pay out $25 per month in drug charges.

Mr. President, it will not fully meet the needs of these people to provide them with hospital services, and with a low-cost contributory plan to pay doctors' bills, and then leave the burdensome costs of life-sustaining drugs without which they cannot continue.

There has been much discussion about the Kerr-Mills medical assistance to the aged program and its shortcomings. I am one of those who believes those shortcomings are serious, and that the so-called eldercare program would perpetuate and enlarge those shortcomings. Yet of the programs under medical assistance to the aged in 39 jurisdictions as of July 31, 1964, 21 made provision for drug costs.

The Senate Special Committee on Aging has noted that "aged persons spend more than twice as much, on the average, for medicines as does the entire population." They further state, in a report dated June 15, 1962, that "almost 25 percent of the per capita health expenditures of aged persons is made for drugs."

Specific figures from the MAA program in some of these States bear out the size of the costs of this item to the benefit recipient. In calendar 1963, for example, 24 States under the medical assistance to the aged program paid varying amounts for physicians' services while 31 covered inpatient hospital care. But only two-thirds of those paying doctor bills also covered drugs, or 16 States. Yet—and please note this—the average amount of monthly assistance per recipient was more for the cost of drugs than for the cost of physicians' services. The average cost for a doctor per month per recipient was $4.50, but the average cost for prescribed drugs was $4.66.

This is further borne out, this high cost of drugs for such persons, in the same calendar 1963 report, which is that of the Division of Program Statistics and Analysis, Bureau of Family Services, in the Department of Health, Education, and Welfare, under date of May 25, 1964. There a combined dollar figure is given for the total amount of payment for vendor medical bills in five types of public assistance. There the total of $96,425,000 paid for physicians' services was almost matched by the sum of $92,229,000 paid for prescribed drugs. The only one of the five categories in which doctors' fees exceed drug costs was in the area of aid to families with dependent children. In each of the others—old-age assistance, medical assistance for the aged, aid to the blind, and aid to the permanently and totally disabled—the payment for drugs exceeded the payment for doctors.

As I have said, Mr. President, we shall not be covering adequately the medical needs of the elderly if there is no provision made for their often costly drug bills. Therefore, I am today introducing a bill to make available significant added assistance to the hardest pressed of the elderly, such as the constituent I mentioned with a $70 monthly income and a $25 monthly drug bill.

I recognize, Mr. President, that there are many persons who, with the added lift that prospective medicare legislation will provide, can manage to take care of their own drug costs. I do not propose in this bill to subsidize all drug costs for all who may become recipients of health care benefits under social security. But I do propose to give relief to those who are in the greatest need of it.

My bill would do this through a "drug stamp" plan modeled in many respects after the highly successful food stamp program. Under it, to be eligible for drug stamps, or coupons, a person must be over 65 years of age, entitled to title II social security benefits or to hospital or health services hereafter enacted. But he must also be within maximum income limitations set by the Secretary of Health, Education, and Welfare, who has the responsibility for issuing regulations dealing with the program and supervising its operation. This could very well be done, as a supplementary aid, through the same mechanisms presumably to be used in operating other health benefit programs under social security.

Coupons printed in denominations determined under the regulations of the Secretary would be issued to certified eligible persons, for prescription drugs only, for use at approved retail drugstores, whose drug prices are specifically excluded from Government stipulation of pricing at either the wholesale or retail level. As in the case of food stamps, drug stamps would be purchased for a fraction of their retail value—but in no case more than 25 percent of that value. This, then, would enable the truly needy person, the one found eligible under the maximum income rules to be established, to purchase his drugs with much the same kind of deal he will get on his doctor bills. Insurance there will cover 80 percent; here the coverage would be at least 75 percent.

This kind of approach, exemplified in the food stamp plan, has proven its workability. It maintains the freedom of purchase from any retail druggist, including drug departments of chain stores or others, which may apply and be approved, similarly to food stores now handling the food coupons. Redemption of the coupons would be through either approved wholesale drug concerns or through banks, cooperating with the Treasury Department. Authorization of appropriations contained in the bill call for such sums as are necessary to carry out the act; the specific amounts needed can only be determined with further study.

I shall be happy to have the support of such other Senators as may wish to give it. Therefore, Mr. President, I ask that there may be unanimous consent in order, first, that the full text of the bill may appear in the Congressional Record following these remarks, and second, that the bill may lie on the table for cosponsors until the close of business on Friday, April 23.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record and will lie on the table as requested by the Senator from Indiana until Friday, April 23.

The bill (S. 1788) to provide for the establishment of a drug stamp program, introduced by Mr. Hartke, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 1788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Drug Stamp Act of 1965".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "drug" includes only such drugs and biologicals as are included in the United States Pharmacopoeia, National Formulary, new drugs, or accepted dental remedies, and such drugs as may be approved from time to time by the Secretary.

(c) The term "coupon" means any coupon, stamp, or type of certificate issued pursuant to the provision of this Act.

(d) The term "coupon allotment" means the total value of coupons to be issued to an eligible person during each month or other time period.

(e) The term "retail drug store" means an establishment, including a recognized department thereof, that is licensed by the State in which it is located to dispense drugs.

(f) The term "wholesale drug concern" means an establishment that sells drugs to retail drug stores for resale.

(g) The term "bank" means member or nonmember banks of the Federal Reserve system.

(h) The term "drug stamp program" means any program promulgated pursuant to the provisions of this Act.

ESTABLISHMENT OF THE DRUG STAMP PROGRAM

SEC. 3. (a) The Secretary is authorized to formulate and administer a drug stamp program under which eligible persons shall be assisted in obtaining drugs needed by them to protect their health and welfare. Assistance under this Act shall be provided through the issuance to eligible persons of a coupon allotment. The coupons so received by eligible persons shall be used only to purchase drugs from retail drug stores which have been approved for participation in the drug stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

(b) The Secretary shall issue such regulations, not inconsistent with this Act, as he deems necessary or appropriate for the effective and efficient administration of the drug stamp program.

ELIGIBLE PERSONS

SEC. 4. (a) Except as provided in subsection (b) of this section, any individual who has attained the age of 65 years and—

(1) is entitled to monthly insurance benefits under title II of the Social Security Act, or

(2) is entitled to hospital and other health services under any program hereafter enacted by the Congress, and the beneficiaries of which consist in substantial part of individuals referred to in clause (1) above,

shall be eligible for participation in the drug stamp program. Any such individual is referred to in this Act as an "eligible person".

(b) The Secretary may prescribe maximum income limitations for individuals and for a man and wife in order to be eligible for benefits under this Act, and may prescribe such other reasonable terms and conditions for participation in the drug stamp program as he deems appropriate to facilitate the administration of such program.

ISSUANCE OF USE OF COUPONS

SEC. 5. (a) Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to persons who have been duly certified as eligible to participate in the drug stamp program.

(b) Coupons issued under this Act may be used only (1) by or for the eligible person to whom issued, (2) to purchase drugs which have been prescribed in writing by a licensed medical doctor or dentist, and (3) at retail drugstores which have been approved for participation in the drug stamp program at prices prevailing in such stores; but nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which drugs may be sold by wholesale drug concerns or retail drugstores.

(c) Coupons issued to eligible persons shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons.

VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

SEC. 6. (a) The face value of the coupon allotment issued to persons certified as eligible to participate in the drug stamp program shall be in such amount as will assist such persons to obtain, at prices they can reasonably afford to pay, the drugs they need to protect their health and welfare.

(b) Eligible persons shall be charged such portion of the face value of the coupon allotment issued to them as may be determined by the Secretary, but in no case shall an amount greater than 25 per centum of the face value thereof be charged.

(c) The value of the coupon allotment provided any eligible person which is in excess of the amount charged such person for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(d) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act in a separate account maintained in the Treasury of the United States for such purpose. Such deposits shall be available without limitation to fiscal years, for the redemption of coupons.

APPROVAL OF RETAIL DRUG STORES AND WHOLESALE DRUG CONCERNS

SEC. 7. Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail stores and wholesale drug concerns which desire to be authorized to accept and redeem coupons under the drug stamp program and for the approval of those applicants whose participation will effectuate the purposes of the drug stamp program. In determining the qualifications of applicants there shall be considered among such other factors as may be appropriate, the following: (1) The nature and extent of the retail or wholesale drug business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant drugstore or wholesale drug concern; and (3) the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a nontransferable certificate of approval.

(b) Regulations issued pursuant to this Act shall require an applicant retail drugstore or wholesale drug concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide for safeguards which restrict the use or disclosure of information obtained under the authority granted by this subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(c) Any retail drug store or wholesale drug concern which has failed upon application to receive approval to participate in the drug stamp program may obtain a hearing on such refusal as provided in section 11 of this Act.

REDEMPTION OF COUPONS

SEC. 8. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail drug stores through approved wholesale drug concerns or through banks, with the cooperation of the Treasury Department.

DISQUALIFICATION OF RETAIL DRUG STORES AND WHOLESALE DRUG CONCERNS

SEC. 9. Any approved retail drug store or wholesale drug concern may be disqualified from further participation in the drug stamp program on a finding, made as specified in the regulations, that such store or concern has violated any provisions of this Act, or of the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with the regulations issued pursuant to this Act. The act of disqualification shall be subject to review as provided in section 11 of this Act.

DETERMINATION AND DISPOSITION OF CLAIMS

SEC. 10. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or any part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 11. Whenever—

(a) an application of a retail drug store or wholesale drug concern to participate in the drug stamp program is denied,

(b) a retail drug store or wholesale drug concern is disqualified under the provisions of section 9 of this Act, or

(c) all or any part of any claim of a retail drugstore or wholesale drug concern is denied under the provisions of section 10 of this Act, notice of such administrative action shall be issued to the retail drugstore or wholesale drug concern involved. Such notice shall be delivered by certified mail or personal service. If such store or concern is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store or concern fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store or concern, such information as may be submitted by the store or concern, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final and which shall take effect fifteen days after the date of the delivery or service of such final notice of determination. If the store or concern feels aggrieved by such final determination he may obtain judicial review thereof by filing a complaint against the United States in the United States district court for the district in which he resides or is engaged in business, or in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon him, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal.

VIOLATIONS AND ENFORCEMENT

SEC. 12. (a) Notwithstanding any other provisions of this Act, the Secretary may provide for the issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this act.

(b) Whoever knowingly uses, transfers, acquires, or possesses coupons in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of title 18, United States Code, section 8.

APPROPRIATIONS

SEC. 13. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such portion of any appropriation made pursuant to this subsection as may be required to pay for the value of the coupon allotments issued to eligible persons which is in excess of the charges paid by such person for such allotment shall be transferred to and made a part of the separate account created under section 6(d) of this Act.

(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which eligible persons are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this Act. If in any fiscal year the Secretary finds that the requirements of eligible persons participating in the food stamp program will exceed the limits set forth herein, the Secretary shall reduce the amount of such coupons to be issued to participating persons to the extent necessary to comply with the provisions of this subsection.

(c) If the Secretary determines that any of the funds in the separate account created under section 6(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.

Mr. HARTKE. I should like further to note that Representative LEONARD FARBSTEIN, of New York, is introducing the same measure today in the House. I ask unanimous consent that there may be printed in the RECORD following my remarks an article about the Hartke-Farbstein drug stamp bill which appeared in the New York Herald Tribune yesterday, April 12, under the byline of its Washington correspondent, Victor Wilson.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MORE AID FOR AGED—DRUG STAMP PROPOSAL GOING TO CONGRESS

(By Victor Wilson)

WASHINGTON.—Another medical lift for the elderly—issuance of stamps to cut drug prices up to 75 percent—will be presented in Congress today.

A bill to provide drug stamps for the aged, much as the needy obtain food stamps, is scheduled to be dropped into Senate and House hoppers by Senator VANCE HARTKE, Democrat, of Indiana and Representative LEONARD FARBSTEIN, Democrat, of New York.

Both legislators have talked to colleagues about the plan. The reaction, it was learned, was "how simple. Why didn't someone think of this before?"

As a result of this enthusiastic reception, the Senator and Representative are hopeful legislation may go on the books before this session of Congress ends.

While the medicare bill, as it now stands, provides for hospitalization, out-patient care, physicians' fees, etc., for the 65 and over on social security, there is no provision for payment for drugs. There have been estimates that for many elderly persons, outlays for drugs exceed those for physicians' services.

As under medicare, which has not yet passed in the Senate, eligible persons would have to be 65 or over and on social security. They would also have to have a total income, including social security payments, below a specified ceiling.

The stamps would be good only for purchase of prescription drugs. A person would simply go to his drugstore with a prescription (or for a refill) and purchase a stamp for the cost of the drug.

As now drawn, the bill would prescribe that in no case would the person have to pay more than 75 percent of the regular price, and the scale would run down to 25 percent.

The Health, Education, and Welfare Department would administer the program.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair announces the following appointments in behalf of the Vice President: Senators WALTER F. MONDALE and LEN B. JORDAN to attend the meetings of the United Nations Committee on the Peaceful Uses of Outer Space; and Senators EDWARD V. LONG and ROMAN L. HRUSKA to attend the Third United Nations Congress on the Prevention of Crime and the Treatment of Offenders, at Stockholm, Sweden, August 9–18, 1965.

AUTHORITY TO SIGN SENATE BILL 974, AND FOR THE SECRETARY TO RECEIVE MESSAGES FROM THE PRESIDENT TRANSMITTING NOMINATIONS DURING ADJOURNMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President, President pro tempore, or Acting President pro tempore be authorized to sign S. 974, the Manpower Training Act, during the adjournments of the Senate through Wednesday, April 21, and that during such adjournments the Secretary of the Senate be authorized to receive messages from the President transmitting nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO RESTORE EXPENSES OF HOSPITAL SERVICES OF MEDICAL SPECIALISTS AS REIMBURSABLE COSTS UNDER THE BASIC HOSPITALIZATION PLAN PROPOSED BY H.R. 6675 (AMENDMENT NO. 79)

Mr. DOUGLAS. Mr. President, in a Senate speech on March 29, I called attention to the very serious exclusion, under the basic hospitalization plan of the now House-passed health care for the aged legislation, of reimbursement for the hospital services of medical specialists. Under the King-Anderson bill, S. 1, these services of medical specialists "in the field of pathology, radiology, physiatry, or anesthesiology" are included as reimbursable costs under the basic hospitalization program.

I also pointed out that while the House bill would permit reimbursement of these costs in some cases under the voluntary insurance plan, it would pay for these costs only if a specific fee is charged by the doctor involved. Inasmuch as a number of different arrangements are now entered into by the specialists and hospitals across the country, the dictation of this single arrangement by the Federal Government would result in the denial of such reimbursement to millions of patients or direct interference by the Federal Government forcing renegotiation of existing arrangements.

On April 6, I inserted in the RECORD—pages 7077–7078—a statement of the official views of the American Hospital Association on this matter. That association strongly urges the restoration of coverage of these services under the basic hospitalization plan because their exclusion, as provided in the House bill—and I summarize their words: First, would seriously retard the continued development of the modern hospital as the central institution in our health services system; second, not only will confuse the public through a multiple-billing approach and cost them more, but could endanger the quality of patient service; third, interferes with existing relationships between hospitals and physicians and tends to dictate a nationwide pattern prescribed by the Federal Government; fourth, is certain to face aged beneficiaries with a substantial reduction in the benefits they will receive; fifth, will imperil the longstanding arrangements developed by many Blue Cross plans; sixth, will make the administration of the overall program enormously more complicated; and seventh, will require nationwide renegotiation of contracts between hospitals and specialists and between hospitals and third party agencies.

I have also put in the RECORD—April 7 at page 7287—a telegram from an administrator speaking for all the Catholic hospitals in Illinois. Their position also is that the hospital services of medical specialists should be restored under the basic hospitalization plan.

RESPONSES OF ILLINOIS HOSPITALS AND THE ILLINOIS HOSPITAL ASSOCIATION SHOW UNIFORM SUPPORT FOR RESTORATION OF THE HOSPITAL SERVICES OF MEDICAL SPECIALISTS

Following my first speech on this matter, I consulted by mail with the administrators of hospitals in my State, asking their comments on this question and my views. So far I have received replies from the administrative heads of 55 hospitals in Illinois, as well as from the Illinois Hospital Association. The character of these replies can best be summarized by the statement of Dr. Donald J. Caseley, president of the Illinois Hospital Association and medical director of the University of Illinois Research and Educational Hospitals. He indicates his "enthusiastic agreement" with the position I have taken in this matter.

Mr. President, I ask unanimous consent that Dr. Caseley's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ILLINOIS HOSPITAL ASSOCIATION,
Chicago, Ill., April 12, 1965.

Hon. PAUL H. DOUGLAS,
Vice Chairman,
Joint Economic Committee,
Congress of the United States,
Washington, D.C.

DEAR SENATOR DOUGLAS: Your fine speech in the Senate on March 29, 1965, draws attention to a serious defect in the bill, which provides hospital care for the elderly, as it emerged from the House of Representatives.

In my capacity as president of the Illinois Hospital Association, I want to assure you of enthusiastic agreement on the part of the association with the position you take. To remove these indispensable services in the hospital care of patients from the provisions for payment under the social security portion of the bill is to seriously compromise the value of the legislation.

It is common knowledge that hospitals and those physicians known as hospital specialists have had wide ranging differences of opinion on the method of billing and payment for the professional aspects of anesthesiology, pathology, physiatry, and radiology services. However, by patient and painstaking discussions and negotiations, these issues have been settled at the local community and hospital level and hospital services to patients have continued unimpaired. The fact that the terms of settlement have varied widely from place to place argues strongly against the effect of Federal legislation which, at a single stroke, would destroy the principle of local determination and negotiation. The manifold difficulties in the areas of cost accounting and administration of this part of the program as it is presently written are of only slightly less importance.

We applaud your announced intention to restructure this important part of the bill and want you to know of our desire to be of all possible assistance to you.

We are taking all means possible to alert our colleagues in the field and will be glad to come to Washington and testify should this be regarded as appropriate and useful.

Kindest personal regards.

Sincerely,

DONALD J. CASELEY, M.D.,
President.

Mr. DOUGLAS. Mr. President, the 55 administrative heads of Illinois hospitals who have responded to my request for advice are strongly concerned about this matter. I think it is fair to say that even the two or three who have indicated that they are cool to the legislation as a whole would like to see this deficiency corrected. These letters are very instructive. Besides showing the overwhelming support for restoring coverage of these services, they also give convincing arguments and facts. For example, some of them show that there are indeed a variety of arrangements for compensating the medical specialists and that the present provision in the House bill would cause confusion and hardship.

These letters have confirmed my belief that the Senate should amend H.R. 6675 to provide coverage for the costs of these services without interfering with existing arrangements.

Mr. President, I therefore submit, for myself, the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Indiana [Mr. HARTKE] an amendment to H.R. 6675. I ask that the amendment be immediately referred to the Committee on Finance. I further ask unanimous consent that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and referred to the Committee on Finance, and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 79) was referred to the Committee on Finance, as follows:

AMENDMENT 79

On page 64, line 15, after "provided" insert "in the field of pathology, radiology, physiatry, or anesthesiology, nor to services provided".

Mr. DOUGLAS. Mr. President, this amendment, if adopted, would establish the principle which I suggested in my statement of March 29th as a proper resolution of this matter. It would have the effect of preserving the variety of methods presently employed in paying for the hospital services of medical specialists. Under the amendment, where the hospital provides the services of the four specialities, the cost of those services would be reimbursable to the hospital under the basic hospitalization plan to be established by part A of title I of H.R. 6675. Where the specialist bills the patient directly for his services that charge can be covered under the voluntary insurance section of the program. In other words, the Government will not interfere in the existing relationships between the hospitals and the specialists, but the aged beneficiaries will be able to have the costs of the services of the specialists paid for under the plans established by H.R. 6675.

Mr. President, I ask unanimous consent that the 55 letters from Illinois hospital administrators to which I have referred—and these include every one of the replies I have received to date—be printed in the RECORD.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

PERRY MEMORIAL HOSPITAL,
Princeton, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter of April 2, 1965, relative to the present exclusion of in-house medical specialists from reimbursement to hospitals under the health insurance portion of H.R. 6675.

We certainly want to encourage your effort to revise this bill to include the services of these specialists, for their services are always a part of nearly every hospital bill. The exclusion in the bill could create a serious hardship for hospitals, as in many cases these services form a large part of hospital charges.

You have my support and encouragement and I trust you will be successful in obtaining a revision of this bill to include the medical specialists.

Very truly yours,

A. C. WALTER,
Administrator.

CARBONDALE, ILL.,
April 5, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Thank you for your letter of April 2, 1965, and your interest expressed. "Reasonable cost" as you know leaves us at the mercy of administering agency and every hospital participating can suffer. We feel this strongly to exclude inhospital services of anesthesiologists, pathologists, radiologists, and physiatrists would create chaos and inevitably increase cost of hospitalization. You have wisely chosen to oppose these exclusions and we wish you good luck.

SOUTHERN ILLINOIS HOSPITAL CORP.,
JOHN B. TAYLOR, M.D.

STATE OF ILLINOIS,
GALESBURG STATE RESEARCH HOSPITAL,
Galesburg, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: I have your letter of April 2, 1965, regarding H.R. 6675, the medicare bill. Billing for inhospital services of medical specialists should be excluded if these doctors are independent practitioners. However, if they are salaried or contractual employees of the hospital, billing by the hospital for their services should be permitted.

This problem does not confront me directly as the administrator of a total service institution. However, general hospitals, and their patients will have problems if this issue is not clarified. The final provision should be a flexible one, permitting payment according to customary practice in a given area or institution, but single billing by the hospital would be the simplest unitary approach.

I continue to be skeptical about the broad and indiscriminate coverage proposed under H.R. 6675. All citizens should have adequate medical care, regardless of their means. We should not, however, subsidize the care of those who can afford to pay their own bills. This ultimately will lead to dilution of services to all.

Very truly yours,
THOMAS T. TOURLENTES, M.D.,
Superintendent and Director, Zone IV.

OAK PARK HOSPITAL,
Oak Park, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR DOUGLAS: May I thank you very much and simultaneously congratulate you for your thoughtfulness in writing to hospital administrators regarding the reimbursement to anesthesiologists, pathologists, radiologists, and physiatrists under the King-Anderson bill.

I think it is important for you to know that our radiologist and our pathologist work for the hospital on a fee-for-services basis; that is, we have a contract with these physicians under which they are reimbursed in accordance with the amount of services rendered. Their charge for services are reflected in the hospital bill and as you stated in your address to the U.S. Senate, these services are reimbursed to the hospital by commercial insurances, Blue Cross, and other sources of payment.

It is most important that the medical specialist's bills be a part of the King-Anderson bill and that the hospital be reimbursed accordingly. Your cooperation in achieving this type of reimbursement for subject specialties will be greatly appreciated.

God bless you.

Sincerely,
SISTER ST. EUGENE OF ROME, S.M.,
Superior-Administrator.

SHELBY COUNTY MEMORIAL HOSPITAL,
Shelbyville, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am sure that all hospital administrators, in fact everyone in the hospital field, feel as you do—that the medicare bill as it now stands should not be passed.

The exclusion of the important services; i.e., radiology, pathology, and anesthesiology are very important services, especially to the over 65 group. The deletion of these services would be tragic. The bill leaves much to be desired and I am hoping there will be changes and revisions before it becomes a law.

Thank you for your interest in our problems.

Sincerely yours,
MRS. MARGARET KRUEGER,
Administrator.

MOUNT SINAI HOSPITAL,
Chicago, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: I have just had the opportunity of reading your address to the Senate on the matter of "costs of hospital services of radiologists, pathologists, physiatrists, and anesthesiologists under medicare" and feel impelled to write you to express my admiration for the understanding you demonstrate of the problems which will be created for hospitals if the bill as proposed by the House Ways and Means Committee becomes law.

One aspect which you may wish to consider is that this provision of separating the hospital services of radiologists, pathologists, physiatrists, and anesthesiologists under the medicare program really results in unfair bargaining conditions, in that the hospital will not be in a position to negotiate with the physician in order to control his fees. Since the practice is for these specialists to have monopoly privileges in the hospitals in which they serve, neither the patients or the insurance carrier will be in a position to do anything about fees.

Another aspect for consideration is that the hospitals have already established individual relationships with their physician specialists for all their patients and now will be forced to change these existing relationships to meet the financial program of a minority of patients or operate a dual cost accounting system, which will be practically impossible.

In view of the fact that for many years these matters have been subjects of discussion in negotiation between representatives of the hospital field and representatives of the physicians, it would seem to me to be inappropriate for the Federal Government to enact into law a provision which would require the hospitals to increase patient care cost by permitting their specialist physicians to set fees without any relationship to cost of services.

I heartily commend and recommend the provision which you cite in your talk; namely, that "where the hospital provides the service of the four specialties, the cost of those services should be reimbursable to the hospital under the basic portion of the program. Where the specialist bills the patient directly for his services, that charge can be covered under the voluntary insurance section of the program."

Because I feel so strongly in this matter, I am sending a copy of my letter to your colleague from the State of Illinois, Senator EVERETT DIRKSEN, for his information and interest.

My very best wishes to you.

Sincerely,
NATHAN W. HELMAN,
Executive Vice President.

THE HERRIN HOSPITAL,
Herrin, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: This is in reply to your letter of April 2, 1965.

As you know, the proposed health care legislation H.R. 6675 is of great importance to the hospital field. It is gratifying to learn of your keen interest in the reimbursable formula for determining reasonable costs. To exclude payment for radiologists, pathologists, anesthesiologists, and physiatrists is not consistent with excellent hospital care. Many statements have been made to the effect that the reputation of a hospital depends largely upon the diagnostic services it renders. Pathology and radiology are the heart of these diagnostic services. While the radiologist and pathologist are medical doctors, they cannot be classified in the same light as other physicians. Their practice is tied directly to the hospital; and, therefore, their fees for services must be a legitimate hospital expense.

If these medical specialists are not reimbursed by the proposed legislation, it is my opinion that the hospitals will be in a serious financial condition. This condition can only lead to a poor quality of hospital care.

I hope you are successful in amending the bill so that these services that we have talked about are included in the reimbursement formula.

Sincerely,
ROBERT C. O'CONNELL.

THE SUBURBAN COOK COUNTY TUBERCULOSIS SANITARIUM DISTRICT,
Hinsdale, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
Vice Chairman,
Joint Economic Committee,
Washington, D.C.

DEAR SENATOR: As an administrator of a hospital in Illinois, and being active in the hospital affairs in Illinois, I should like to provide you with my views in respect to the lack of inclusiveness which I see in H.R. 6675, which I suspect will soon be considered by your body of the Congress.

The elimination of responsibility for payment of the in-hospital services of the medical specialists, such as anesthesiologists, pathologists, radiologists, and physiatrists, is of concern for the following reasons. First, the hospital patient rarely, if ever, has a choice of these physicians to treat him. Hospitals, for the most part, grant monopolies in these branches of hospital care and reserve to themselves only the control and supervising aspects with respect to costs and standards. Since the patient may not be selective—and most patients are obviously in no position to exercise intelligent selectivity in this matter, for the patient's benefit, if for no other reason, the hospital should continue to provide the safeguards incidental to these vital elements of standards and costs.

Further, the charges for the services rendered by the above specialists are usually inseparable from the other elements of related hospital costs involved in the patient's care. This would require separate and different billing procedures for elderly patients treated by our hospitals, if such exclusion is not corrected.

I am very much in favor of the current efforts of Congress to provide the long-awaited and long-needed hospital and medical care program under social security for our elderly citizens. To my personal knowledge, a large number of our elderly citizens are in need of care which they feel they cannot, at this time, afford, much to their physical detriment.

With sincere best wishes to your efforts in this regard, I am,

Sincerely yours,
W. R. WILLIAMS,
Hospital Administrator.

SCHMITT MEMORIAL HOSPITAL,
Beardstown, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: In reference to your letter pertaining to bill (H.R. 6675), amending the Social Security Act which is now in the House of Representatives, I should like to say that this exclusion of the in-hospital services of medical specialists or reimbursable cost will seriously effect all hospitals and especially the smaller hospitals.

The exclusion of specialists fees as reimbursable hospital costs would hurt the quality of hospital care and make financing of hospital care more difficult.

Sincerely,
KENNETH M. FEAGAN,
Administrator.

MEMORIAL HOSPITAL,
Carthage, Ill., April 5, 1965.

PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: I am writing in regards to the bill H.R. 6675 amending the Social Security Act and am much concerned over the exclusion of payment to hospitals on the services of the medical specialists.

I feel that this exclusion would definitely degrade the quality of hospital care and exclude an item that is a necessity. It would also make an added burden of financing hospital care and undoubtedly make it more expensive.

I hope that the Senate Finance Committee will consider this seriously before this bill is passed.

Very truly yours,
MARION SMITH GEISSLER,
Administrator.

St. Mary's Hospital,
East St. Louis, Ill., April 5, 1965.
Hon. Paul H. Douglas,
Congress of the United States,
Washington, D.C.

Dear Senator Douglas: We were pleased that you sent us notice of the pending bill (H.R. 6675) amending the Social Security Act and we would urge that all possible action be taken to include the in-hospital services of anesthesiologists, pathologists, radiologists, and physiatrists as reimbursable hospital costs.

We are grateful to you for all that you are doing for the hospitals in your present position.

With best wishes.

Sincerely,
Sister M. Fabiola,
Administrator.

The Franklin Hospital,
Benton, Ill., April 5, 1965.
Senator Paul H. Douglas,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: In reply to your letter of April 2 regarding the basic hospital inpatient services, it would be most difficult to figure hospital costs on any department within the hospital leaving out any person or persons who are employed in these departments. In running a not-for-profit organization we must have cost figures in determining what to charge patients.

I hope that this House bill 6675 which amends the Social Security Act does not pass with the exclusions of anesthesiologists, pathologists, radiologists, and physiatrists. Although this particular hospital does not have physiatrists we would be very much handicapped if our pathologist, radiologist, or any of our specialities were omitted from hospital bills.

I believe, Senator, that you have a true picture of basic hospital functioning and that you will use your influence to help us with this particular problem.

Thanking you in advance for your help, I am,

Respectfully yours,
W. W. Lamont,
Administrator.

Chicago, Ill., *April 6, 1965.*
Senator Paul H. Douglas,
Vice Chairman,
Joint Economic Committee,
Senate of the United States,
Washington, D.C.:

Please use all your influence to effect a change in the bill, H.R. 6675 now pending, so that in-hospital services of medical specialists are included in consideration of reimbursable hospital costs. Thank you for all your efforts in our behalf up to this time.

Sister M. Stephanie,
Administrator, Loretto Hospital.

St. Mary's Hospital,
Centralia, Ill., April 8, 1965.
Hon. Paul H. Douglas,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: Thank you very much for the information on the bill (H.R. 6675) amending the Social Security Act. I wish to congratulate you on the excellent address you gave in the Senate on March 29, 1965; it showed a very practical awareness of the hospital's position if the bill were allowed to pass as proposed. Diagnostic and therapeutic treatment in these specialties frequently constitute a great portion of the patient's hospital bill. If this were left out, the hospitals would certainly feel the financial loss which would inevitably occur since these patients in greater majority will not be able to pay from their own resources. Therefore, I would heartily endorse your position to include coverage of specialist's services in the bill (H.R. 6675).

Sincerely yours,
Sister M. Miranda, C.S.S.F.,
Administrator.

Lawrence County
Memorial Hospital,
Lawrenceville, Ill., April 5, 1965.
Senator Paul Douglas,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: Your communication of April 2 relating to H.R. 6675 was received this morning and we hasten to respond:

First, we are gratified that your usual insight and good reasoning has been applied to this bill—well in advance of its consideration in the Senate. This makes us even more assured of good government.

Now for the meat of your analysis of H.R. 6675. We do fully share your views and, like you, do consider exclusion of radiologist-pathologist and anesthesiologist services a serious concern and one which should be remedied.

There are probably several reasons for preserving the traditional relationship of these services with "hospital services," but I would fear also the increased burdens administratively dictated for separate cost accounting, billing, charge explanations to uninformed clientele, etc. Certainly, in our judgment, the most effective program would be one which was consistent with the pattern of billing common to hospitals and to public alike.

Cordially,
W. A. Deems,
Administrator.

Richland Memorial Hospital,
Olney, Ill., April 5, 1965.
Senator Paul H. Douglas,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: In reply to your letter dated April 2, 1965, regarding H.R. 6675, by excluding the services of medical specialists, particularly pathologists and radiologists, this is going to create a problem in billing the patients.

I do not know how we will handle the problem but one method would be that the hospital could bill for the hospital portion of the X-ray and laboratory departments, and the radiologist and pathologist could bill for their portion of the bill. It appears to me that this would be very confusing to the patients who will recieve a bill from the hospital, radiologist, pathologist and the doctor.

If these services were to be paid by an insurance carrier, of course this would be a different matter because the hospital could make the billing and pay a percentage to the pathologist and radiologist, which is the current practice. If the pathologist and radiologist are not paid by an insurance carrier, I feel that it will be very confusing and inconvenient to the patient.

Sincerely yours,
H. C. Parks,
Administrator.

South Chicago Community Hospital,
Chicago, Ill., April 6, 1965.
Hon. Paul H. Douglas,
Joint Economic Committee,
Congress of the United States,
Washington, D.C.

Dear Senator Douglas: This is in reply to your letter of April 2, regarding bill H.R. 6675.

There are innumerable variations in the arrangements between hospitals and the medical specialists as to the manner in which they are reimbursed or the hospital costs are assessed. It has become an established principle that the insurance company or other reimbursing agents accept the charge which the hospital establishes as a part of its charge for anesthesia, laboratory, X-ray, and similar services. To establish a secondary set of charges on what is customarily referred to as "reasonable costs" can only lead to a very chaotic situation.

Hospitals are under great pressure from all segments of the public to hold down the cost of hospital care. These pressures are far more effective than any formula that might be written into legislation. Another important consideration is the differences in services rendered by teaching hospitals and community hospitals, as well as large and small hospitals. Effective administration of the legislation can only be accomplished if total cost is included in the bill.

Very truly yours,
A. S. Daniel,
Executive Director.

The Abraham Lincoln
Memorial Hospital,
Lincoln, Ill., April 5, 1965.
Hon. Paul H. Douglas,
U.S. Senate,
Washington, D.C.

Dear Senator Douglas: I agree thoroughly with your recommendation regarding the payment of the so-called hospital specialists through the hospital where such arrangements now exist. Where these doctors are billing the patient directly let them then bill under the voluntary section of the program.

I appreciate your keen understanding of the situation.

Thank you for your kind help and considerations.

Sincerely yours,
Emil O. Stahlbut,
Administrator.

Marion Memorial Hospital,
Marion, Ill., April 6, 1965.
Hon. Paul H. Douglas,
U.S. Senate,
Washington, D.C.

My Dear Senator Douglas: Thank you for your letter of April 2, 1965. Your concern is well justified.

The exclusion of payment for the services of pathologists and radiologists would create a very difficult problem for Marion Memorial Hospital and its patients for the following reasons:

1. The pathologist's and radiologist's fees are part of the charge made by the hospital to the patient. A severe accounting problem would arise if these professional fees were charged to some patients and not to others.

2. There would be reluctance on the part of the attending physicians to order necessary X-rays and laboratory tests because of fears about the patient's ability to pay the professional fees.

Personally, I am not in favor of passage of H.R. 6675. However, since passage seems assured, your efforts to get a workable and efficiently administered plan are appreciated.

Sincerely,
Norman D. Harding,
Administrator.

Blessing Hospital,
Quincy, Ill., April 5, 1965.
Hon. Paul H. Douglas,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: Thank you for your letter and copy of the Congressional Record concerning the exclusion of hospital services of radiologists, pathologists, physiatrists, and anesthesiologists from H.R. 6675.

We fully support your criticism and analysis. This is no time to sabotage a system which has provided such excellent specialist service in general hospitals across the Nation.

There is no question in our mind that the cost of private billing for these specialists would be greatly higher than providing their services in the basic hospital plan.

Thank you very much for calling our attention to this glaring deficiency.

Sincerely,

R. F. ERICKSON,
Administrator.

WEST SUBURBAN HOSPITAL,
Oak Park, Ill., April 5, 1965.

Senator PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter of April 2 together with enclosure relating to bill H.R. 6675.

It may interest you to know that the greater percentage of accredited hospitals in Illinois have a contractual relationship with the radiologist and pathologist. These men are skilled specialists, highly respected by the medical profession, and are not classified as hospital employees. However, their compensation is directly related to hospital costs. The anesthesiologist, in most instances, submits a bill directly to the patient for his professional services as does the family physician or any other medical consultant.

Recently we completed an analysis of last year's operation and it was interesting to note that 38 percent of West Suburban's patients were covered by Blue Cross and 43 percent carried a commercial insurance program. This high coverage is most significant when you consider that Oak Park is not an industrial community.

It is assumed the House of Representatives will vote some type of medicare program for the elderly. However, if the services of the medical specialist are excluded as reimbursable hospital cost, this will cause a hardship for the people Government is trying to care for. If the hospitals are forced to negotiate a cost-reimbursable program with this exclusion, I feel sure the commercial insurance industry and Blue Cross will review their programs with a cold eye.

Thank you for sharing with me your views in this very serious controversial matter.

Sincerely yours,

WENDELL H. CARLSON,
Administrator.

PAXTON COMMUNITY HOSPITAL,
Paxton, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
Vice Chairman,
Joint Economic Committee,
Senate Office Building,
Washington, D.C.

DEAR SIR: The exclusion of physicians fees for radiology, pathology, anesthesiologists, etc., from hospital expense payments will create a significant number of problems. The basic problem is the removal of controls by a public body in the determining of these fees. As of today these specialists are contractual employees of the hospital and most hospital governing bodies have acted to keep the fees reasonable. This has been necessary, because the patients treated are members of a so-called captive audience, and do not have, in most cases, the right of selection.

A serious administrative problem will be generated. The insured patient is accustomed to having these fees paid by insurance prior to reaching age 65. An abrupt change will occur when he reaches age 65 and is eligible for care under the proposed legislation. As he has not anticipated these costs, he will not be prepared to meet them and the amounts of these charges which will become uncollectable will be very high. Our experience shows that although our uncollectables are equal to about 2 percent of our gross income, our uncollectables of the portion of the patient's account not paid by insurance is extremely high.

The overall effect of eliminating the listed specialty physicians fees will definitely be inflationary. Accounting systems will be altered to include additional subsidiary accounts which will increase personnel time. Additional personnel time will be required to explain to patients the difference between their old insurance coverage and the proposed coverage. Add this to increased efforts in collection of unpaid balances, and you are considering a significant increase in administrative personnel with a parallel increase in hospital costs.

I feel that the basis of the problem is that the Members of the House of Representatives have been listening to the officers of the AMA and other physicians groups and have not attempted to reach the practicing physician in these groups. Our relationship with physicians in these specialties are excellent.

However, I would be very happy to have the specialist operate the department, buy the equipment, recruit and train personnel, and market these services at current rates, as his payment to this institution of a fair fee for space and services would result in income which we are not getting at the present time. The point I am trying to make is that national leaders in their discussion with congressional committees are discussing theoretical ideals and not evaluating realistic situations.

The simplest and most economical solution for the public and the hospital would be the removal of the exclusion of the payment of the specialty physicians fees from the proposed bill.

Sincerely yours,

R. J. KRUKOSKI,
Administrator.

CHICAGO, ILL.,
April 7, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

Passavant Hospital wishes to indicate its support of your efforts to reinstate in H.R. 6675 the costs of hospital services of radiologists, pathologists, psychiatrists, and anesthesiologists.

J. M. STAGL,
Director.

LAKE VIEW MEMORIAL HOSPITAL,
Danville, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter of April 2, 1965, and the remarks you made before the Senate on March 29, 1965, concerning the cost of hospital services of radiologists, pathologists, and certain other specialists under medicare.

You are absolutely right in being concerned about the change that the House of Representatives has made in this bill. It is traditional in hospitals of the United States to include the cost for the services of such specialists in hospital costs, although, as you are well aware, certain of the specialty groups, for their own selfish financial reasons according to certain thoughts on this subject, are trying to separate the costs of these professional M.D. hospital services from ordinary hospital costs. However, this is not the case in most hospitals in the United States and I suggest that if medicare is passed in this way, it will have one of the following two results:

1. Either it will deny payment of these specialists' service to the recipients of medicare assistance even though such services are compensated for by Blue Cross and most other hospital insurance companies, or else

2. It will force hospitals to change the method of reimbursing such specialists.

It is unfortunate to see something as fine as medicare apparently being used by certain selfish specialist groups to further their own ends at the expense of adequately covering hospital care for the aged.

Sincerely hoping that a reasonable medicare bill can be passed shortly. The problem of financing health care for the aged is a very real one. I have seen no better proposals to solve this problem than those under social security hospital care for the aged, commonly called medicare.

Your sincerely,

GEORGE R. WREN,
Administrator.

CARMI TOWNSHIP HOSPITAL,
Carmi, Ill., April 6, 1965.

Senator PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter of April 2, 1965, regarding your comments in the CONGRESSIONAL RECORD of March 29 on your opposition to the exclusion of radiologists, pathologists, anesthesiologists, under bill H.R. 6675, Social Security Act.

I agree with you on what you have stated, that to exclude them would be a great injustice to hospitals; but you might add one more defense which would be the increasing cost to operate the hospital business office. In excluding these specialists from the reimbursable cost figures as well as the routine billing for the patient charges, the hospital offices would be forced to do hand billing of hospital charges to the Government. Now we submit our bills to third party payees and to the patient without a separation of charges.

Sincerely yours,

WILLIAM R. MITCHELL,
Administrator.

THE SWEDISH COVENANT HOSPITAL,
Chicago, Ill., April 7, 1965.

Hon. PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.
Re: H.R. 6675.

DEAR SENATOR DOUGLAS: I wish to say how much I appreciated your letter of April 2. I also valued receiving the copy of your remarks addressed to the Senate on March 29, relative to the costs of hospital services of radiologists, pathologists, physiatrists, and anesthesiologists.

May I take this opportunity to express my concurrence with your view relative to in-hospital services of medical specialists. I quite agree that excluding them from consideration as reimbursable hospital costs would be a defect in the bill and thereby a disservice to hospitals, and more importantly to the patient.

If I may take the liberty of doing so I would like to call attention to your comments which encourage preserving the variety of methods which prevail, and is essentially parallel to the method employed by Blue Cross and Blue Shield. This in fact would lead me to suggest that the national Blue Cross organization be designated the administrative intermediary for this program.

In view of the experience we have in operating homes for the aged, as well as one hospital, I must also concur that relief for aged citizens in financing adequate hospital and medical care is long past due. We particularly need a program that permits them to maintain their integrity and independence.

With our very good wishes in your effort on behalf of this legislation.

Sincerely,

NILS G. AXELSON,
Administrator.

MEMORIAL HOSPITAL OF SPRINGFIELD,
Springfield, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter of April 2 which expresses your concern about the exclusion of certain in-hospital services of certain medical specialists (H.R. 6675).

You are absolutely correct in your remarks to the Senate as recorded by the CONGRESSIONAL RECORD of March 29. There are many things about H.R. 6675 that are not understood by the public and it would be utter chaos to try to explain this House proposal to anyone's satisfaction. It is far better to follow the established practice as found in other prepaid health insurance programs.

Your suggestion as a way to alleviate the misunderstanding is also a sound one. Where hospitals provide the services of the four specialists listed, the cost of these services should be reimbursable to the hospital under the basic portion of the program. In those cases where a specialist bills the patient directly for the charge this can be covered under the voluntary insurance section of the program and there should be no particular misunderstanding or complaint about this.

I would urge you to exert every effort to get these exclusions reinstated when this bill comes before the Senate for action.

Sincerely yours,

GEORGE K. HENDRIX,
Administrator.

HIGHLAND PARK HOSPITAL FOUNDATION,
Highland Park, Ill., April 7, 1965

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: I have read your letter of April 2 concerning H.R. 6675 as well as your address to the Senate on this subject.

I heartily concur with your view that to pass a bill which would exclude from the hospital bill reimbursement for the medical specialists would be a serious mistake. Such a bill would discriminate against the 65-year-old citizen by not covering the cost which in most hospitals probably approximates 25 per cent of the total bill. It would be inconsistent with our present method of contracting with Blue Cross and payment arrangements that we accept from commercial insurance companies. I would strongly urge that payment for these services be put back into the bill.

I have another comment to make concerning payment on the basis of "reasonable costs" for care that has been provided. From experience I have learned that the interpretation of what is a reasonable cost varies with individuals and organizations. Payment should be made on the basis of charges, provided the charges are based on true costs. Reimbursable cost formula works for Blue Cross contracts and some State welfare agencies; and I see no reason why this bill could not provide for a reimbursable cost formula rather than a vague "reasonable costs".

Yours very truly,

FRANK J. SCHWERMIN,
Administrator.

WABASH GENERAL HOSPITAL DISTRICT,
Mount Carmel, Ill., April 7, 1965.

Senator PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: With regard to your letter of April 2, 1965 concerning inhospital services of medical specialists, which takes into account such specialists as radiologists, pathologists, anesthesiologists, etc., I would like to give you my full support concerning your stand as indicated by the CONGRESSIONAL RECORD of March 29, 1965.

To exclude the payment of such specialists from "consideration as reimbursable costs" would unquestionably be to the detriment of individual patients as was pointed out in your "Dr. Feesplitter" example. It is difficult enough for the small hospital, in particular, to exist and maintain a high standard of medical excellence through evaluation of existing medical practices. Accomplishment of this important task is employment of the radiologist, etc. To exclude payment of such personnel, for services through the hospital, would do exactly as you suggest—make such specialists dependent upon other doctors for their business. Under such conditions it would be difficult for hospitals and their legally appointed boards of directors to maintain safety in patient care since loyalty and responsibility would shift. The tendency would be to merely perform pathological service, etc., regardless of the quality of medicine being practiced.

It might also be pointed out that should the services of these personnel not be paid for through the enactment of appropriate bill, then other financial burdens will be placed upon elderly patients since many of them could not possibly pay for such services out of their own pockets.

We sincerely hope, that is, those of us who are conscientious about health care matters, and of their effect on the American public, that every hospital throughout the Nation will be careful not to violate the purpose and intent of the bills in question. We hope also that the professions listed, as well as their colleagues, will by the same token exercise similar concern and discretion, should such bills be passed with the inclusions you are asking for.

The very best of luck in your efforts, and if I can be of further assistance to you in the future, please call on me at any time.

Most respectfully,

JOHN W. HANKINS,
Administrator.

LUTHERAN GENERAL HOSPITAL,
Park Ridge, Ill., April 7, 1985.

Senator PAUL H. DOUGLAS,
Washington, D.C.

Dear SENATOR DOUGLAS: I am deeply concerned regarding several facets of bill (H.R. 6675) amending the Social Security Act.

1. The interpretation as it ultimately will be given to "reasonable costs" could cause very serious problems at the local levels of operations. As you know, accredited hospitals attempt in every way possible to maintain the finest standards within their budgetary means, but costs can vary significantly from hospital to hospital even within a given State depending upon a multiplicity of factors of which I am certain you are aware. The ultimate concern which I share with others is that this "reasonable cost" may ultimately resolve itself into reasonable quality of care.

2. I do not understand why this bill is so all encompassing of individuals 65 and older when it is also apparent that many of these same individuals are not in financial straits. It was my original understanding of the administration's proposal that this bill was to cover the needs of the aged who could not afford care for a variety of reasons. I am certain one of the requirements was not sufficient income to cover the cost of medical care.

3. The exclusion of medical specialists under the House bill from consideration as reimbursable hospital cost is of great concern to me as well as yourself. Should this bill pass in its present form, this one point could create havoc and extreme administrative difficulties throughout the entire hospital field. Much of our accounting mechanisms have been geared over the years with this relationship with our medical specialists and to attempt at this point to do cost analysis and extricate what appropriately belongs to these individuals would be a herculean task. The end result as you so well anticipate will be to make the financing of hospital care more difficult and expensive. The patient for whom this bill is being proposed would eventually have bills not only from his attending physician but also from the multitude of medical specialists that have become a part of the standard hospital bill. It would be extremely unfortunate for all concerned if the in-hospital services of medical specialists remained excluded from consideration as reimbursable hospital costs.

Thank you for taking the time to obtain our impressions. Your faithful service to the State of Illinois and to our country is a credit to all of us.

Very sincerely yours,

R. J. NAST,
Administrator.

LOUIS A. WEISS MEMORIAL HOSPITAL,
Chicago, Ill., April 7, 1965.

Senator PAUL H. DOUGLAS,
Chicago, Ill.

DEAR SENATOR DOUGLAS: I am extremely concerned with some of the provisions of the bill (H.R. 6675) amending the Social Security Acts, specifically with those provisions which exclude as reimbursable hospital costs the services of medical specialists such as anesthesiologists, pathologists, radiologists, and physiatrists who are employed in hospitals.

This exclusion runs counter to the present patterns of hospital charges and relationships, and will be extremely disruptive to the economics of the present hospital system. Its net effect will be to increase total medical costs substantially, and to create a hardship in the administration of the Mills bill as well as on hospitals and patients. It does not take into account the realities of present relationships, but attempts to impose new relationships which are alien to current practice both in voluntary hospitals and third party reimbursement formulas. I consider it a matter of most urgency that the reimbursement of these medical specialists be returned to the reimbursable hospital costs formula for the purposes of H.R. 6675, in order that we may have a bill which is both workable and useful to the community. The exclusion can serve no socially useful purpose, and can instead cause a great amount of chaos and disruption. I do not know the purpose of it other than the fact that it may reflect the official desires of the American Medical Association, and I urge that you and every Member of the Senate and the House do everything possible to restore the bill to workability by including reimbursement for these persons within the hospital formula.

The remarks which you made to the Senate on March 29, 1965, were extremely pertinent and to the point, and I am in wholehearted agreement with them. I hope you will let me know if there is any way in which I can assist you in rectifying what could be a very grievous error.

Sincerely,

MORTIMER W. ZIMMERMAN,
Executive Director.

BELMONT COMMUNITY HOSPITAL,
Chicago, Ill., April 8, 1965.

Senator PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.

DEAR SENATOR DOUGLAS: There is no question in my mind that the House Ways and Means Committee is incorrect in their exclusion of the services of pathologists and radiologists from consideration as reimbursable hospital costs. After reviewing your remarks to the Senate regarding this matter, I am sure reconsideration will be given for the reinstating of these vital services into the reimbursable costs.

I personally question the terminology of "reasonable costs." How do you define the word "reasonable"? I think a better word would be "actual costs." I also feel the Government should take advantage of the vast experience Blue Cross has had in this field and follow their form and procedure, regarding the determining of the reimbursable cost figure for inpatient service.

I would like to take this opportunity to express another personal opinion. I feel that the general public, by a great majority, are totally ignorant of the content of H.R. 6675, yet the financing of this program which eventually will run in the billions, will come out of the workingman's pocket. I believe the Federal Government has the responsibility to communicate the content of this bill in a manner that the public will understand, before it is enacted into law.

Very truly yours,

JOHN W. MCCRACKEN.

ARLINGTON HEIGHTS,
April 9, 1965.

Hon. PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.:

We heartily support your efforts to correct the House version of medicare so that the costs of inhospital services of anesthesiologists, physiatrists, radiologists, and pathologists provided by the hospital and billed to the patient by the hospital shall be covered under the basic portion of the program. The exclusion of these payments to hospitals would create serious problems for our hospital in relation with these medical specialists.

ALAN B. CAMPBELL,
Administrator, Northwest Community Hospital.

MEMORIAL HOSPITAL,
Mattoon, Ill., April 8, 1965.

Senator PAUL H. DOUGLAS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: I read, with interest, your address to the Senate on March 29 and feel that you have a good understanding of the hospitals' position with reference to in-hospital services of medical specialists.

We, at Mattoon Memorial Hospital, feel that there are additional areas worthy of your consideration, such as the principles and broader benefits as are outlined in the AMA-sponsored eldercare program. We are sure that with your obvious knowledge of the problems of care for the aged, you can readily see the merits of both proposals. We urge you to support a program of broad coverage to those who are in need, financed on an equitable basis for all.

We appreciate your soliciting the comments of those who are responsible for providing health services to the local community.

Sincerely,

RAY FLEETWOOD,
Administrator.

KEWANEE PUBLIC HOSPITAL,
Kewanee, Ill., April 9, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SIR: In reference to bill (H.R. 6675), I feel very strongly that the in-hospital services of medical specialists—anesthesiologists, pathologists, radiologists and physiatrists—should be included as reimbursable hospital costs.

Very truly yours,

Miss ELIZABETH M. BAETHKE,
Administrator.

ST. THERESE HOSPITAL,
Waukegan, Ill., April 9, 1965.

Senator PAUL H. DOUGLAS,
Joint Economic Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR DOUGLAS: Concerning your remarks to the Senate on the medicare bill (H.R. 6675), I suppose it should suffice to say that I agree with your recommendation that "where the hospital provides the services of the four specialties, the cost of those services should be reimbursable to the hospital under the basic portion of the program. "Where the specialist bills the patient directly for his services, that charge can be covered under the voluntary insurance section of the program." However, you requested us to review your remarks and express our views, so I will.

If the bill has to pass, I agree with the above, but I'm not so sure it is a good thing. It will undoubtedly aid hospitals in collection of bills and aid the elderly in obtaining health care. But at what price? I do not refer to the amount of money involved. I refer to the gradual disappearance of the voluntary system. It is inconceivable that funds be given by anyone or any institution or any government without some form of restrictions or control attached. I remain skeptical in this regard, and if there need be aid to the aged for health care, I prefer the control coming from nongovernmental agencies, such as Blue Cross and the profit making insurance companies instead of the government, and therefore prefer another proposal which would utilize these agencies.

I do not believe that approval of the exclusion of specialists' services would be any more inflationary than inclusion of them. I do not believe the government would commit itself to "paying whatever charge the specialists might want to make." The government would probably do like insurance companies and pay according to a fee schedule, leaving the patient to pay the difference. The physician fears that at that point the government would step in and say they could charge only what the fee schedule allows.

Some physicians voluntarily charge to low-income patients only the amount granted by a fee schedule of Blue Shield. These same physicians (who also render some free service, by the way) strongly object to someone or something telling them they must charge only a certain amount. This is the fear of the physician and I suspect it is probably correct.

On the other hand, inclusion of specialist services will increase, I believe, the usage e.g., X-ray). Theoretically it should have no effect; in actuality, it will. This may not be entirely bad. Perhaps for every X-ray that is taken only "because insurance covers it," another will be taken that would not have been only "because insurance didn't cover it."

If the bill passes, I think your recommendation is a good one for a reason you did not mention. By maintaining the status quo, specialists and hospitals would still be in a position of making their own working relationships, which I think is the only proper and sensible approach. Should the Government not include these services it will encourage hospitals to dissolve their present arrangements with specialists. It may some day force them into this position. This, in turn, may make it very difficult for some communities or hospitals to obtain the services of these specialists.

I hope I have been helpful and that the Congress votes for a bill that will prove to be beneficial to the entire Nation.

Sincerely,

FRED J. BURY,
Assistant Administrator.

ILLINOIS CENTRAL HOSPITAL ASSOCIATION,
Chicago, Ill., April 9, 1965.

Senator PAUL H. DOUGLAS,
Congress of the United States,
Joint Economic Committee,
Washington, D.C.

DEAR SENATOR DOUGLAS: I appreciate your letter of the 2d requesting my comments concerning bill (H.R. 6675) amending the Social Security Act.

It was my impression that the bill was being considered primarily to provide the aged with in-hospital services at the expense of the taxpayers. Obviously, if the in-hospital services of anesthesiologists, pathologists, radiologists, and physiatrists are excluded from consideration as reimbursable hospital costs, the purpose of providing hospital care for the elderly would in a vast majority of instances be defeated. I believe it goes without saying that few of the aged can afford to pay for the services of the medical specialists excluded from the bill, and without the aid of these specialists, there would hardly be any point in hospitalizing these patients. Almost every patient would require the services of one or more of these specialists.

It is most unfortunate that the people who prepare these bills do not first obtain the advice of experts in the respective fields.

I thank you for giving me the opportunity to express my opinion.

Very truly yours,

J. F. VANERIO, *Administrator.*

EDWARD HOSPITAL,
Naperville, Ill., April 7, 1965.

SENATOR PAUL DOUGLAS,
Senate Finance Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR DOUGLAS: This is in reply to your letter of April 2, with regard to H.R. 6675 which amends the Social Security Act.

To exclude payment for the services of radiologists, pathologists, physiatrists, and anesthesiologists from this bill would seriously jeopardize the quality of care given the patient in hospitals throughout the country. In the long run, it would reduce the hospital to little more than a nursing home. These services represent the very heart of hospital care. They must, to be effective, remain under the control of the hospital administration.

To exclude payment for these services would curtail the effectiveness of the entire bill, in that it would leave a major portion of hospital care unpaid. And, were not the patient able to make payment, it would force the hospitals into a position of having to raise those costs, covered under the bill, sufficiently to offset the losses incurred.

At Edward Hospital, we pride ourselves in having "held the line" in costs to the patient for the past 6 years. During that period, we have added many new services, built a new 110-bed hospital, and provided the finest in patient care, without any increase in any of our rates and charges. As a matter of fact, during the same period, we have found it possible to reduce more than 350 separate rates and charges to the patient.

An integral part of general hospital care calls for the services of a radiologist and pathologist, in particular. And they must either be on the payroll of, or under contract to, the hospital if the institution is to retain control over the quality of care and treatment rendered. In the interest of helping us to maintain the high level of hospital care, of which our country has every right to be proud, we urge you to make every effort to have this exclusion removed from the bill being sent to the floor of the Senate for action.

Thanking you for your interest, I am,

Very truly yours,

EUGENE D. MORRIS, *Administrator.*

EVANSTON HOSPITAL,
Evanston, Ill., April 6, 1965.

Hon. PAUL H. DOUGLAS,
Congress of the United States,
Joint Economic Committee,
Washington, D.C.

DEAR SENATOR DOUGLAS: It is very clear that you are well informed concerning the hospital-based specialists and the potential problems that may occur by excluding them from consideration of hospital reimbursable costs.

Although it must be very apparent to you that physicians' fees for radiology, pathology, and other hospital-based specialities have long been a matter of discussion and concern between these groups and the hospital, the income for these special departments has enabled the hospital to perform its total responsibility for comprehensive care without making prohibitive charges in those special areas where costs are extremely high, due to the nature of the service.

While their exclusion will significantly change the basic economics of hospital operations, I do not believe it is fair to say it will have an inflationary effect on hospital costs. It will certainly, however, undermine the establishment of more comprehensive medical centers, giving greater service to the community, and will, as I have suggested, dramatically change the financial pattern of the hospital.

It is apparent that the results of this exclusion may well have serious implications. For example, new ways will have to be developed to finance costly services now partially being financed from the departments headed by the hospital based specialists. Further, the exclusion of only certain physicians who receive remuneration from the hospital, and not others, will by the very nature of full-time service, seriously affect the performance of the comprehensive medical care centers in the areas of teaching, research, and community service which has been their hallmark.

My advice in this matter, therefore, would be to insist that those voting for the bill as it is now presented, understand the full implications upon our medical economics and amend the bill, if necessary, to deal with the problems it will create.

Sincerely yours,

John M. Danielson,
Executive Vice President.

The University of Chicago
Hospitals and Clinics,
Chicago, Ill., April 6, 1965.

Hon. Paul H. Douglas,
U.S. Senate,
Washington, D.C.

Dear Senator Douglas: I have your letter of April 2 concerning H.R. 6675. As a hospital administrator, I can assure you that I share your concern over the exclusion of inhospital services of medical specialists. These services are basic to modern hospital care and will seriously hamper the effective application of this legislation.

You are well aware of the underlying causes for the introduction of the amendment to the act which resulted in the exclusion of these services. Although one can argue that the monopolistic position of medical specialists places them in a different category from their colleagues who are engaged in the private practice of medicine, more fundamental to the success of this program is the adoption of legislation which will permit and indeed insure adequate payment for the services of all physicians. Whether this is done through the basic program or through a supplementary plan as is proposed is subject to debate. I would, however, suggest that you consider legislation which would require enrollment under a supplementary coinsurance plan. The premium level to be paid by the individual could be determined through the application of a simple means test utilizing the individual's income tax return. This would permit a coinsurance feature which could range from full payment of the premium by the Social Security Administration to full payment by the individual.

It is my judgment that such a program would permit the Congress to recognize the traditional view of organized medicine, to likewise permit the use of voluntary and private insurance carriers, and what is more important, insure the availability of a complete program of hospital and medical services which is in the final analysis essential to the success of any program enacted by the Congress.

Although the views expressed above are my own, I can tell you that they are shared by many of my colleagues who are members of the medical faculty of the University of Chicago.

Very truly yours,

Charles R. Goulet,
Superintendent.

The Fairfield Memorial Hospital,
Fairfield, Ill., April 6, 1965.

Senator Paul H. Douglas,
Congress of the United States,
Joint Economic Committee,
Washington, D.C.

Dear Senator Douglas: Receipt acknowledged of your letter April 2, 1965, concerning the House bill (H.R. 6675) which excludes from hospital costs the services of medical specialists such as anesthesiologists, pathologists, radiologists, and physiatrists.

This 94-bed hospital has contracted with a radiologist and a pathologist for their specialized services. We include the expense of service rendered by these two specialists in our billing to Blue Cross, aid to the medically indigent aged (Kerr-Mills), general assistance (township aid to the medically indigent), medicare (medicare for dependents of military personnel) and all private insurance companies.

The proposed House bill which would provide for the payment of specialist services under the voluntary insurance portion of the bill will undoubtedly raise the costs of health care. (This is a never-ending problem of hospital administrators—keeping costs down.) The hospitals will not be able to collect payment for the expenses involved in maintaining X-ray and laboratory departments.

This hospital is in favor of your recommendations to the Senate Finance Committee that the hospital be reimbursed fully for the costs of services rendered by our radiologist and pathologist.

I extend to you, Senator Douglas, my best wishes and encouragement in your stand on this important issue.

Sincerely yours,

C. F. Kerchner,
Administrator.

St. Elizabeth Hospital,
Granite City, Ill., April 6, 1956.

Re H.R. 6675.
Senator Paul H. Douglas,
Vice Chairman,
Joint Economic Committee,
Congress of the United States,
Washington, D.C.

Dear Senator Douglas: This is to let you know that the administration of St. Elizabeth Hospital in Granite City, Ill., is in complete agreement with your justifiable concern about the House proposal to exclude anesthesiologists, pathologists, radiologists, and physiatrists costs as reimbursable under the so-called medicare bill.

There can be no doubt that elimination of any hospital cost as a reimbursable cost will inevitably drive these costs higher due to added expense of direct billing to patient or his insurance, and an increased loss to the hospital due to uncollectible amounts from indigent patients in this age group who were not insured.

This is contrary to the spirit of the bill, which is to help our senior citizens.

Sincerely yours,

R. M. Derfler,
Office and Credit Manager.

Augustana Hospital,
Chicago, Ill., April 7, 1965.

Re H.R. 6675.
Hon. Paul H. Douglas,
Vice Chairman, Joint Economic Committee,
Congress of the United States,
Washington, D.C.

Dear Senator Douglas: I want to say that I heartily agree with the position you have taken regarding the handling of medical specialists' fees in the new hospital care for the aged bill.

You are right in saying that the services of radiologists, pathologists, anesthesiologists, and physiatrists are a normal hospital expense which all third party payers in the past have considered reimbursable. I hope with you that these items will not be excluded from the hospital expenses to be paid under the proposed legislation.

Sincerely yours,

M. M. Hough,
Administrator.

Illinois Masonic Hospital
Association,
Chicago, Ill., April 5, 1965.

Senator Paul H. Douglas,
Congress of the United States,
Washington, D.C.

Dear Senator Douglas: In reply to your letter dated April 2, 1965, I am 100 percent in agreement with you. The exclusion of radiology, pathology, physiatrists, and anesthesiologists from the medicare bill would be a serious hospital-patient problem for the following reasons:

1. The patients would be confused because they do not understand these complex problems of doctor-hospital relationships. They expect the hospital to give the service.
2. A large part of the patient's bill could go unpaid which certainly is not the intent of medicare.
3. The State of Iowa tried a system to make the bill be split with the radiologist, pathologist, and anesthesiologist billing for their services. The system didn't work and the compromise, in the end, called for the names of the specialists to be listed on the bottom of the patient's bill.
4. In my experience, the hospital-based specialist individually really doesn't want a change in his method of payment.

I think that your speech on March 29 was excellent, and I am sure that most hospital administrators would hope that your amendments will be made.

One other item that I would like to mention in relation to the bill is that some rapid way be incorporated to pay hospitals. The slow process of claim approval and payment of the Illinois Kerr-Mills is causing our 600-bed teaching hospital a serious accounts receivable problem. Another large increase in accounts receivable caused by medicare could be disastrous. If there is any way to assure quick claim service under the new legislation it would be appreciated.

Sincerely,

Allen M. Hicks,
Administrator.

Mason District Hospital,
Havana, Ill., April 5, 1965.

Hon. Paul H. Douglas,
Vice Chairman,
Joint Economic Committee,
Congress of the United States,
Washington, D.C.

Dear Senator Douglas: Thank you for asking me along with other administrators, our opinion on medicare, plus the forwarding of your report to the Senate.

A lot of confusion and argument could be avoided, Mr. Douglas, if more people like yourself would consult or ask for opinions of those persons who work day in and day out with these problems.

I would say the largest percentage of hospital administrators are not against medicare, only certain phases, such as you have mentioned in your report.

I had the pleasure of hearing Mr. Arthur Hess discuss medicare at an American Hospital Association meeting in Chicago, the first of February. He paints a very good picture; however, if approved, Mr. Hess stated, 11 million people will become eligible. As a rule, upon admission, a person age 65 and over will undergo all the tests from specialists the bill now proposes to exclude. The costs of providing these services must be paid by someone, and that someone in all probability will be the patient under age 65.

To take from your text "Approval of these exclusions would also create a situation which would have an inflationary effect on the costs of health care, an inflationary effect which will probably cost far more in the long run than any savings now apparent in the cost of the basic health care plan."

These people who propose such exclusions, I would venture, have very little understanding of hospital relationships with specialists. This is one of the major reasons for hospital costs today; this exclusion can only lead to enlarging this problem.

If we must have medicare—let's do it right, as it effects hospitals primarily and not go off halfcocked in one direction.

After having read your report, it is very gratifying to know there are some of our officials that feel it is necessary to question and not just go along with it because of party affiliation.

This bill as it now stands with these exclusions, can only lead to higher costs which many of us feel, are high enough now.

Keep up the good work and don't give up your convictions.

Sincerely,

Paul F. Wenz, *Administrator.*

Holy Cross,
Jacksonville, Ill., April 7, 1965.

Hon. Paul H. Douglas,
U.S. Senate,
Washington, D.C.

My Dear Senator Douglas: I wish to express my appreciation for asking the views of hospital administrators in Illinois on the question of the exclusion of medical specialists as a reimbursable hospital expense in the proposed medicare bill.

In your address to the Senate you presented a keen awareness of the deficiencies of the medicare bill under consideration in the House.

It would indeed be financially drastic if the payment under the basic plan excluded the costs of hospital services of raidologists, pathologists, physiatrists, and anesthesiologists. The services of these specialists are vital to modern and quality care of patients. Ninety-nine percent of the income we receive in our hospital is from our patients, and as all patients benefit from the services of these specialists (if you have them, and all general hospitals have the services at least of a radiologist and pathologist) it is reasonable to assume that the patient will bear the cost of these services. In our particular instance our specialists in these areas cost us $1.63 per patient day for these services collectively during our fiscal year 1963–64.

In recognition of the above I certainly urge the inclusion of these services in the reimbursable cost formula. I also thank you again for your forthright and comprehensive presentation of the shortcomings of the medicare bill in ignoring current acceptable good hospital practices relative to reimbursing the services of hospital specialists.

Sincerely yours,

Sister M. Nazaria, C.S.C.,
Administrator.

District Hospital,
Geneseo, Ill., April 6, 1965.

Hon. Paul H. Douglas,
U.S. Senate,
Washington, D.C.

My Dear Senator Douglas: I am concerned about the exclusion of medical specialists services from the health insurance for the elderly (H.R. 6675) because they are a reimbursable hospital cost.

It would seem logical that if we are to have a health care bill for the elderly that these same services which are provided under various health insurance plans for others should also apply to the elderly in the same manner.

I believe it is of mutual benefit to the insured as reimbursable costs for the patient.

Hoping this expresses my opinion clearly, with the best wishes.

Sincerely,

Clement G. McNamara,
Administrator.

The Iroquois Hospital,
Watseka, Ill., April 7, 1965.

Senator Paul H. Douglas,
Congress of the United States,
Washington, D.C.

Dear Senator Douglas: Your stand on the bill (H.R. 6675) is well founded, and I support it wholeheartedly. How anyone can become a hospital patient without utilizing some of the inpatient services you mention is beyond my scope of imagination. If a patient only needs custodial care, he belongs in that kind of institution or, better yet, at home.

Accreditation implies, for example, that the hospital performs certain routine laboratory examinations on every patient. Our laboratory is directed by our pathologist. Furthermore, some hospitals routinely take chest X-rays on all admissions. These are read and interpreted by the radiologist.

In both of these cases, the hospital might reimburse the medical specialist directly, or on a percentage basis, or possibly by other methods. In any case, the work is done, and as you say, is now a part of the reimbursable costs in every other hospitalization plan.

Please don't force us into another system of figuring these costs. Our auditing is already complex. And I can see nothing but problems in trying to explain to the using public the difference in the covered expenses for similar hospitalization; one under public aid, say, and another under social security.

Sincerely,

Robert E. Meyer,
Administrator.

Community Memorial General Hospital,
La Grange, Ill., April 6, 1965.

Hon. Paul H. Douglas,
U.S. Senator,
Washington, D.C.

My Dear Mr. Douglas: You have requested an opinion on H.R. 6675 in your letter of April 2, 1965. I appreciate the opportunity to let you know my thinking for the Senate Finance Committee.

First, I must agree with the American Hospital Association and request full costs rather than reasonable costs now in the language of the bill. My reasons for this, I am certain, are obvious to you and other Members of Congress. If neither term is satisfactory, then perhaps you might consider audited per diem costs, stressing the term "audited" and requiring an annual certified audit by a public accounting firm.

Secondly, I agree with your concern to include in the present provisions, payment for pathologic, radiologic, and other hospital-based medical specialists' services. It is vital to the program and to the hospitals that these services be included as they are in other forms of reimbursement. If these services are not included because of negative physician and AMA desire, then the hospitals will be penalized, and hence the patient will receive improper care and service, because we can't underwrite these expenses.

Finally your discussion before the Senate in regard to the pathologist appearing before a medical meeting and calling Dr. Feesplitter to task, is idealistic. You are correct that this should occur. In actual practice, I have yet to observe the approach. Yes, the pathologist may be free to do this when he is a hospital employee and on salary and hence somewhat protected by the image of the hospital. However, most arrangements with medical specialties in community hospitals (nonteaching, nonaffiliated with medical school hospitals), are the fee-for-service contract, and no specialist will criticize another physician because he is dependent on studies and tests ordered by the admitting and referring physician. The only partial answer to these matters in the community hospitals has been the use of the committee structure and the group approach. Even this does not always result in proper self-disciplining of others such as Dr. Feesplitter.

I hope my support will be of some help to you to write a better bill for the people who need this aid.

Sincerely,

N. M. Temple,
Administrator.

St. Francis Hospital,
Peoria, Ill., April 6, 1965.

Hon. Paul H. Douglas,
U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Douglas: Thank you for your letter of April 2, 1965. We welcome the opportunity to comment in reference to H.R. 6675.

By all means restored to this bill should be the section under the payment plan whereby the cost of hospital services of radiologists, pathologists, physiatrists, and anesthesiologists, are included as reimbursable costs. Your remarks in the Congressional Record of March 29, 1965, are very pertinent to the subject and we would endorse them wholeheartedly.

It should be recognized as you pointed out in your remarks that if this exclusion of such charges is allowed you understand this would mean that the hospitals would end up with a number of charge activities within their own hospital whereby they might be expected to function as a collection agent and billing agent for doctors. This is not a function of the hospital and the hospital should never consider such an operation.

Furthermore, it does reactivate the entire discussion as to the fees charged by physicians for services rendered patients. Under the present arrangement, the hospital charges an amount for a given procedure and incorporated in this amount is a portion of the physicians' fees. If it were set up that such fees were over and above the basic charges for the service you could rest assured the end results would be the cost of hospitalization would increase overnight.

We trust these remarks will be helpful to you in your fight on this particular matter.

Sincerely,

Sister M. Canisia, O.S.F.,
Administrator.
Edward T. McGrath,
Associate Administrator.

Sarah D. Culbertson
Memorial Hospital,
Rushville, Ill., April 6, 1965.

Hon. Paul H. Douglas,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Douglas: I wish to acknowledge your letter of April 2, 1965, concerning health insurance programs for the elderly. I too am disturbed that the customary hospital procedures and reimbursable costs are to be altered or tampered with if the bill as presently constituted passes. The provisions as written will work an even greater hardship on smaller hospitals such as Culbertson Memorial than on the larger medical centers. The result in the long run will be more costly to all.

I agree wholeheartedly both with your remarks and with the part of the editorial from the New York Times pertaining to the exclusion of the costs of the inhospital services of the medical specialists. If such a health insurance bill is inevitable, it certainly should provide for the inclusion of the costs of medical specialists as a reimbursable hospital expense.

Yours truly,

CHARLES BERRY, Jr., *Administrator.*

MICHAEL REESE HOSPITAL
AND MEDICAL CENTER,
Chicago, Ill., April 9, 1965.

Senator PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you very much for your letter of April 2, 1965. The matter of including the "reasonable cost" of services rendered patients in hospitals by such medical specialists as anesthesiologists, pathologists, radiologists, and physiatrists is of utmost importance. If the cost of these services is not included in H.R. 6675, the bill and the rationale supporting it will be virtually self-defeating.

In professional and medical circles, these specialties fall into the so-called "scarce trades." By this we mean that the demand for physicians trained in these specialties far and away exceeds the supply. As a consequence, the cost of providing these services represents a major budgetary item to all hospitals. If these costs are not included as part of the reasonable cost of rendering care to hospital inpatients within the provisions of the contemplated legislation, the costs will perforce have to be passed on to the individual patients, and in many cases—probably the majority of cases—these patients simply do not have the money to enable them to make such payments. As a consequence, they may have to forgo necessary hospitalization; hospitals may have to practice extremely rigid financial screening; or the availability of these essential services (and this is unthinkable) may have to be withdrawn. In conscience, none of these courses of action is realistic or reasonable.

The only reasonable course of action is to view the cost of providing proper and adequate service to inpatients as a single item, without giving validity to the popular specter of governmental intervention by saying in effect: "This is necessary for adequate hospital care and that is not; the Government will cover these costs but will not cover those." Good medical care can only be determined by the physician, and he must be free to order an X-ray, a physical therapy treatment, or a pathologist's report or anesthesia during surgery without worrying about whether the patient can afford to pay for it or not. Failure to include these services within the terms of the proposed legislation would be unworkable and inhuman.

Sincerely,

WILLIAM J. SILVERMAN, *Director.*

FREEPORT MEMORIAL HOSPITAL,
Freeport, Ill., April 6, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOUGLAS: Thank you for your letter of April 2, 1965, regarding H.R. 6675.

I very definitely agree with you in that it would create many problems to hospitals if the medicare bill excluded payments for the inhospital services of medical specialists.

It would seem to me that it would cost the Government, and the hospitals, a great deal more to handle it in this manner. Also, there will undoubtedly be many that will not obtain coverage for doctors' fees so either the hospital or the doctor will have difficulty in collecting the charges. If this does present a problem to either of us, we will undoubtedly increase our charges in order to make ends meet.

Also, the medical specialists listed as being excluded are radiologists, pathologists, anesthesiologists, and physiatrists. How about the internal medicine specialists who read and report on electrocardiograms (EKG's)? I think he, too, should be classified as a medical specialist.

Therefore, if hospitals will be required to break down charges from all these specialists and bill them separately, it would increase our accounting and billing costs a great deal. However, if the medical specialists' fees were included in the medicare bill, the additional costs would be minimal, if any.

You have our fullhearted support to amend H.R. 6675 (medicare bill) to include payments to hospitals for medical specialists' work performed therein.

Sincerely,

RAYMOND L. WINE,
Administrator.

WOOD RIVER TOWNSHIP HOSPITAL,
Wood River, Ill., April 7, 1965.

Senator PAUL H. DOUGLAS,
Congress of the United States,
Washington, D.C.

DEAR SENATOR DOUGLAS: This is in reply to your communication of April 2, 1965, concerning the proposed exclusions in the amendments to the Social Security Act.

You should know that only a portion of the billing for inpatient services of medical specialists is the fee. In this hospital 25 percent of the charge is paid to the medical specialists. For example, if a patient is billed $10 for an X-ray, then 25 percent or $2.50 is the radiologist's fee and 75 percent or $7.50 is the hospital's portion. If the purpose of the exclusion is to assure the medical specialist of independent billing and collection then the exclusion should specify that portion of the billing that is identified as the fee for the services of the medical specialists.

Under the present practice the hospital bills, collects, and forwards the fee to the medical specialists on a 100-percent basis. If the fee for his services is to be excluded, then he should do his own billing and collecting.

I am enclosing a hospital billing form to demonstrate to you how the fee is identified by a listing of the names of the medical specialists.

Yours truly,

M. LANGEHAUG,
Administrator.

EXPLANATION OF CODE

Daily service: B—nursery.

Medical and surgical: A—dressings; B—trays; C—colon tube; D—diet instructions; E—disposable syringes; F—catheters; G—oxygen canopy; H—hot water bottles, ice bags.

Credit: A—pharmacy; B—daily service; C—X-ray; D—splints and braces; E—laboratory.

Emergency service: A—supplies; B—casts; C—splints and braces; D—crutches and canes.

Delivery room: A—circumcision; B—identification bracelet.

Laboratory: A—transfusion service; B—newborn; C—basal metabolism; D—diathermy.

Paid: A—insurance; B—Blue Cross; C—compensation.

The hospital acts as collection agent for fees for professional services for the following departments:

Electrocardiography: R. W. Elliott, M.D.; R. L. Worcester, M.D.

Pathology: T. J. Cooper, M.D., and associates.

Radiology: Donald Bottom, M.D.; Victor T. Jones, M.D.

ALTON MEMORIAL HOSPITAL,
Alton, Ill., April 5, 1965.

Hon. PAUL H. DOUGLAS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR DOUGLAS: Thank you for writing regarding H.R. 6675. It is pretty hard at this distance to keep track of the provisions that go in and out of a bill.

I feel that from the standpoint of the hospital, administratively and economically, we would be better off to include the costs of medical specialists as a reimbursable expense. I would have no strong opposition to exclusion of the specialists' services were they excluded if the service provided by the hospital would be included in the hospital expense and the charges accepted as part of our bill. I would object to the specialists making the total charge and excluding the costs of the laboratory and X-ray departments from our costs.

I am a little frightened by "reasonable costs" since there seems to be an effort on the part of every purchaser to reduce these "costs" by excluding certain items which cannot be avoided. Each purchaser feels that its patients somehow are cheaper to care for than the general cross section, that the hospital has a magic means of taking care of nonpaying patients (including such items as the first $40 under medicare), that hospital plants are built free and are everlasting, requiring no provision for replacement, new equipment, or expansion of facilities.

It does little good, in my opinion, to promise good medical care to patients, if in the process of establishing the basis of payment, hospitals are impoverished to the point that good medical care cannot be provided.

Perhaps I am overpessimistic, but I have been dealing with various governmental payers over the past 20 years and have basis for my pessimism.

Sincerely yours,

C. R. FREEMAN, *Administrator.*

Mr. HARTKE. Mr. President, in the near future, the Senate will have an opportunity to consider and vote upon the amendments to the Social Security Act embodied in H.R. 6675. That bill, which includes a program of health insurance for the elderly, was, as we know, overwhelmingly passed by the House of Representatives, last week.

The House bill has, however, at least one extremely serious defect in its health-insurance provisions. It is a defect which drastically and negatively affects hospital care in this country. It is a defect which, if permitted to become law, would constitute direct Federal interference with customary hospital practice; and Federal interference in prevailing and customary health-care practice is precisely what we have hoped to avoid.

Unlike the Anderson bill, S. 1, the House bill, H.R. 6675, would prohibit hospitals from claiming as a reimbursable expense the costs of services rendered by hospital-based specialists—pathologists, radiologists, anesthesiologists, and physiatrists. These are hospital charges which Blue Cross and private health-insurance plans now pay for routinely. Many physicians in these specialties, however, bill the patient directly for their services. Only the latter group would be paid under H.R. 6675—and only under the "voluntary insurance" segment of the program.

There are, at present, a number of different arrangements for compensating these specialists. Congress, however, is being asked to determine legislatively that one method is superior and is the only method acceptable for payment under the program.

Mr. President, the distinguished senior Senator from Illinois is to be heartily commended for calling the attention of the Senate to the catastrophic implications of the House bill's exclusion of payment to hospitals for services rendered by medical specialists. In his recent speeches on the subject, Senator Douglas has provided us with a detailed, documented, and wholly persuasive presentation of the situation.

Fine legislator that he is, Senator Douglas has developed a compromise amendment that will not penalize hospitals, will not penalize doctors, and will not penalize the older Americans we are trying to help. It is an amendment which will have the effect of preserving existing financial relationships between hospitals and physicians and between physicians and patients. It is an amendment which will help preserve medical and hospital freedom.

The Douglas amendment, submitted today, and endorsed by the American Hospital Association, would simply permit hospitals to include the services of medical specialists as a reimbursable cost under the basic "medicare" plan when the hospital bills for the services. Medical specialists who bill their patients directly could be compensated under the "voluntary insurance" portion of the program. What could be more simple or more equitable?

Mr. President, I am proud to join Senator Douglas as a cosponsor of this key amendment.

TOCKS ISLAND NATIONAL RECREATION AREA—AMENDMENTS (AMENDMENTS NOS. 80 AND 81)

Mr. SCOTT. Mr. President, I submit, for appropriate reference, two amendments to S. 36, the Tocks Island National Recreation Area bill. Joining me as cosponsors are my senior colleague from Pennsylvania [Mr. Clark] and the two Senators from New Jersey [Mr. Case and Mr. Williams].

The first amendment would add language to section 2 of the bill, spelling out protection for life tenure rights for homeowners in the area rather than leaving this entirely to the discretion of the Secretary of the Army. The homeowner would be given the choice of holding his property for a specified period of years up to 25 or of keeping it for the rest of his life. I have drawn upon a provision regarding life tenure rights contained in the Cape Cod National Seashore authorization, tightening up the language, however, in favor of recreational use by eliminating the three acre minimum requirement imposed in the Cape Cod law, and by requiring that land and structures outside of the family dwelling must be directly related to normal residential use in order to be retained. The Point Reyes National Seashore authorization permits residents to hold their property up to 50 years; so, I see no reason why residents in the Tocks Island National Recreation Area cannot be treated on the same basis as those on the cape and at Point Reyes.

My second amendment would require the Secretary of Interior to make a determination of the adverse, albeit temporary, economic impact on the financial resources of the counties and communities involved as a result of the loss of property taxes through land acquisition for the Tocks Island Dam and Recreation Area. It would authorize the Secretary to take whatever steps are presently within his authority to relieve temporary hardships and to make such recommendations to Congress for additional legislation as he deems necessary. He would be asked specifically to consider payments in lieu of taxes and possible special water user rates.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred.

The amendments (Nos. 80 and 81) were referred to the Committee on Interior and Insular Affairs.

VOTING RIGHTS ACT OF 1965—AMENDMENT (AMENDMENT NO. 82)

Mr. WILLIAMS of Delaware (for himself and Mr. Miller) proposed an amendment to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which was ordered to be printed, and is pending.

ASSISTANCE UNDER TITLE VII OF HOUSING ACT OF 1961—ADDITIONAL COSPONSOR OF BILL

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 1577) to authorize assistance under title VII of the Housing Act of 1961 for the development for open-space uses of land acquired under such title, it carry the name of the junior Senator from Maryland [Mr. Tydings] as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of March 25, 1965:

S. 1628. A bill to amend the Tariff Act of 1930 and the act of February 13, 1911, to eliminate those provisions which require payment to the United States for overtime services of customs officers and employees: Mr. Bartlett, Mr. Bennett, Mr. Boggs, Mr. Lausche, Mr. McGee, Mr. Miller, Mr. Monroney, Mr. Moss, Mr. Ribicoff, Mr. Scott, and Mr. Young of North Dakota.

S. 1630. A bill to provide for specific employment policies in order to promote maximum employment, to reduce unemployment to its minimum acceptable levels, to promote an adequate rate of economic growth, and to preserve reasonable price stability: Mr. Montoya, Mr. Morse, Mr. Nelson, Mr. Randolph, Mr. Williams of New Jersey, and Mr. Yarborough.

Authority of April 1, 1965:

S. 1644. A bill to protect civil rights by providing that it shall be a Federal offense to kill any person in connection with his advocacy, encouragement, or support of civil rights, or while such person is engaged in exercising or enjoying any of his civil rights: Mr. Inouye, Mr. Long of Missouri, Mr. McGee, Mr. Tydings, and Mr. Williams of New Jersey.

S. 1658. A bill relating to the appointment of the Architect of the Capitol: Mr. Cooper.

S. 1675. A bill creating a commission to be known as the Presidential Commission on Simplification of the Income Tax Laws: Mr. Bible, Mr. Boggs, Mr. Cooper, Mr. Fannin, Mr. Hickenlooper, Mr. Lausche, Mr. Metcalf, Mr. Moss, Mr. Pearson, Mr. Randolph, Mr. Thurmond, Mr. Tower, and Mr. Williams of Delaware.

S. 1690. A bill to authorize the Secretary of the Interior to set aside certain land within the National Capital parks system in Washington, D.C., for construction of a building by the Bureau of Water Resources of the National Rivers and Harbors Congress, and for other purposes: Mr. Hayden.

HEARINGS ON THE IMPACT ON SCIENTIFIC AND TECHNICAL MANPOWER OF FEDERAL RESEARCH AND DEVELOPMENT POLICIES

Mr. CLARK. Mr. President, the Employment and Manpower Subcommittee of the Labor and Public Welfare Committee has set for itself the task of continuing to press for those comprehensive manpower and employment policies which will help assure the wise use of the Nation's manpower.

The field of manpower and employment policy is a very broad one. For this reason, earlier this year I suggested that each member of the majority of the subcommittee assume responsibility for certain areas of concern. I have asked members to take the initiative in developing issues in the subcommittee through reports, hearings, and the introduction of model legislation.

In this connection the Senator from Wisconsin [Mr. Nelson] has begun to develop materials related to problems of scientific and technical manpower, and I wish to announce that he will be chairing hearings of the subcommittee during late May and early June of this year. The broad area of concern of these hearings will be the impact on national scientific and technical manpower of Federal research and development policies.

Mr. NELSON. Mr. President, I want to thank the Senator from Pennsylvania [Mr. Clark] for suggesting and encouraging individual members of the Manpower and Employment Subcommittee to assume responsibility for the development of information and proposals related to manpower policies.

Last year, in its comprehensive report, the Manpower and Employment Subcommittee described "the manpower revolution," and offered proposals for comprehensive policies to meet the challenge inherent in the revolution.

At the same time, the subcommittee pointed out a key source of the revolution: "Innovation, systemmatic invention of new products, new materials, new production techniques." These, the subcommittee affirmed, are the "hallmarks of today's American economy."

Broadly speaking, what we are talking about is highly trained scientific and technical manpower, the men behind the new innovations, inventions, materials, and production techniques. And, again broadly speaking, we are talking about the policies which have developed, and are developing, our manpower capabilities—and the policies which are guiding the utilization of these capabilities.

Today about 70 percent of all research and development—and consequently, a hugh share of the work of scentific and technical manpower—is paid for, directly or indirectly, by the Federal Government.

Thus, the impact on national scientific and technical manpower of Federal research and development policies is central to any study of developments in this area.

It is to certain aspects of Federal policies that hearings, to be held in late May and early June, will be directed.

One aspect of crucial importance is the present distribution of scientific and technical activities throughout the Nation.

Even a superficial study shows that the growth and application of science and technology has not occurred evenly throughout the country. Despite the ability of science and technology to telescope distances, to compress time and to speed communications, some regions and some States have progressed much faster than others.

The pattern of intense development in some areas as compared with the lagging development of others has many causes. To what extent do research and development efforts actually help produce the dynamic growth of regions?

The relationship between science and technology, economic development, the utilization of manpower, and the generation of employment are complex ones. Even more complex and little understood is the role the Federal Government plays in the interaction which generates scientific and technical capacity, and which may or may not produce the growth of employment and prosperity in any given area.

The subcommittee will explore this broad question. It seeks to add useful information to the valuable material compiled by this subcommittee, by the Senate Small Business Committee, by the House Subcommittee on Science and Research and Development of Science and Astronautics Committee, and by the Elliott Select Committee on Government Research.

It is not the intention to repeat work already done, but rather to use information already developed, together with new information, to attempt to reach a better analysis of processes we are only beginning to understand. We hope to learn why the present distribution of Federal research and development funds is what it is, to what extent this is inevitable or useful, to what extent it promotes the development of various regions, or hinders the development of others, to what extent the pattern derives from established policies, to what extent it is the result of initiative or lack of initiative in given regions, to what extent existing policies are serving the national goal of wise utilization of our manpower and wise employment of all of our resources, and to what extent new policies might be in order.

I hope the hearings will throw new light upon these matters and will encourage further consideration of them not only by the Congress, but also by State governments and by leaders in labor, finance, education, and industry. The full participation by all will be necessary to assure the broadest understanding and development of the issues.

It is to be hoped that witnesses representing all groups can be heard. Suggestions for witnesses or topics of special concern are welcome.

The newly established Science Policy Research Division of the Library of Congress will be assisting in the preparation of materials to be used in the hearings.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 21) to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Aspinall, Mr. Rogers of Texas, Mr. O'Brien, Mr. Saylor, and Mr. Skubitz were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. YARBOROUGH:

Speeches by Senator Morse and President K. Duane Hurley, of Salem College, before Washington chapter of the Salem College Alumni Association, on March 22, 1965.

SENATOR DIRKSEN'S ADDRESS TO THE ANNUAL REPUBLICAN WOMEN'S CONFERENCE

Mr. CARLSON. Mr. President, our distinguished minority leader, the Senator from Illinois [Mr. Dirksen], delivered a very outstanding address to the 13th Annual Republican Women's Conference, which was held in Washington on April 2. I ask unanimous consent that the address be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Text of Address by the Honorable Everett M. Dirksen Before the 13th Annual Republican Women's Conference, Friday, April 2, 1965, Sheraton-Park Hotel, Washington, D.C.

My friend Audrey, and I are going to violate a pledge I made to Mrs. Dirksen and say to you what I've said to you on other occasions, girls. I am delighted to see you. And frankly, I'm delighted to be your guest.

Nobody has indicated how long I'm expected to talk, so with the sky as the limit, I feel quite blithe and free this morning.

This is an exceptional annual seminar this year, because I notice such a resolve and such a determination about you. I'm delighted to observe that attribute, especially so since there's work to be done.

I said the other night I recall the old frontiersman—not the new frontiersman—coming home from a hunting trip, and a neighbor coasted down the hill and said, "Hurry. Your wife is up there in that cabin and there's a bear in there." He says, "Well, that b'ar just has to look out for himself." And that's what it is going to be like in 1966 when you get on the warpath.

So I am delighted to be of your church and of your faith, and to see you all.

I have told on occasions about the robber who held up a bishop on Woodward Avenue in Detroit, and after taking everything of value, he noticed the clerical cut of the collar. With some consternation he said, "You're a preacher." He said, "So I am." And the robber said, "In what church do you preach?" "I'm a bishop in the Methodist Episcopal Church." With great celerity, he just passed the pistol over and said, "Shake, old man. That's the church I belong to."

So as we take thought this morning about a few ideas that have been coursing in my mind for some time—it is a year now since you've been here, and a lot of strange things have happened.

I think we could utter with Lincoln, when he was reviewing the troops on Pennsylvania Avenue in 1862—and actually this happened, because the old lady who was the child in this little piece told me herself at church one morning. She said her father had taken her to be on the stand with Lincoln, and he said, "Mr. Lincoln, I want you to meet my little daughter." And the bony fingers of our great President rested on her head and he looked down with those sorrowful eyes and said, "My child, what a world we live in today."

How true. We look abroad, and as I think of what is happening in Asia, I think of our candidate for the Presidency in 1964. They said he was trigger-happy. And what do you think is happening in Vietnam right now? Strange how those things come back like ugly echoes, but oh, how true they are.

I think of what is writhing in the Congo. I think of Britain almost on the threshold of having to devaluate the pound sterling. I think of Alabama, where the stars fall, and where, when the football season begins, it is like a declaration of war. But there are other things happening there. And I think of the rebellious period in the students at Berkeley, Calif. And so one can multiply all these things that are the daily fare on the front page and you can say with Abraham Lincoln, "What a world we live in today."

I thought, therefore, that I preferred not to discuss issues this morning, but to discuss a few things of the spirit, because I think it is so indispensable. We go back a little, of course, to our own consternation of spirit after the difficulties of 1964 and see where we go from there.

They wanted me to do a book and be on a panel under the caption "The Road Back." I said, "Look, I'm not interested in the road back. I'm interested in the road ahead." And that's that.

For the occasion, I tried to find a little text, and I think I've found it. You see, we're pretty close to the hundredth anniversary of the assassination of our patron saint, Abraham Lincoln. He was shot on the morning of April 14 in Ford's Theater here in this city where you meet, and he died the next morning, April 15, at roughly 7:30 in the morning. A few days before—to be exact, on the 11th day of April, there was a serenade at the White House. Lee had surrendered to Grant on the 9th, and the people were serenading this great event because they were about ready to come to an end of this bloody struggle in the great issue that was involved. He was making a speech to this crowd, hoping that the country would look rather kindly upon the first State to want to come back into the Union, Louisiana.

They had already adopted a new constitution, and within reason done all the things that were necessary. And Lincoln, while not fully satisfied with the new constitution, tried to make it appear that as it related to what he had in mind, it was as close as the hen and the egg. And then he uttered this little whimsical statement. He said: "We shall the sooner have the fowl by hatching it than by smashing the egg." And as I thought of it, I thought of 1964.

Think of the people—oh, yes, in our own ranks; we might just as well be honest and candid about it—who preferred to smash the egg with its potential victory than to hatch it if it couldn't be done on their terms. Think of the people who emphasized trifles in the campaign, and then refused to join in the fight because they could not have their way.

I seldom get my way, either at home or in the Senate. But life is meant to make adjustments in order to get as nearly a consensus in the party as it is possible to do.

But I think also of those who foresook the party, and having forsaken it—and we'll be quite candid—are in my office today to get help on problems when they can't get it from the Great Society.

So here is a situation that has come to us as a legacy from last year. And it is time that we all think about those two most precious endowments that come from God Almighty. The first one, the capacity to forget: to forget all that is unpleasant and disagreeable; to forget any divisions of the spirit in our own ranks; to forget any of the derogations in which we might have indulged; and to put all that aside in the interest of a great solid phalanx that can agree upon the fundamentals and be true to the tradition of the party.

I read in the paper this morning some comment on your affairs and the speeches, and they were labeled as the "Cliches of bygone days." There have to be some cliches. You can get a lot of them right out of Holy Writ, and they are as good as when they were uttered thousands of years ago.

So first of all, we forget, and let the spirit heal us as we put our feet in the road ahead, not the walk back.

But God gave us another endowment, and that was not merely to forget, but also to remember. What a bleak world this would be if we couldn't remember the caress of cool fingers upon a fevered brow, a gorgeous sunset, a great burst of flowers in the sunshine. If we couldn't reconstruct it, oh, how bleak and dismal this world would be. But God Almighty gave us that attribute to remember.

And one thing that we ought to remember, I believe, as members identified with a common party, is to remember our tradition. I hope he puts that in the paper, whoever wrote that, because I'm quite satisfied with what that greatest of all salesmen who ever lived, the Apostle Paul, wrote in one of his letters to the Thessalonians, the people living in Thessalonica long, long ago. He said, "Stand fast and hold to the traditions ye have been taught."

If you want to put it down and read it, Second Thessalonians, chapter II, verse 15: "Hold fast to the traditions ye have been taught." Let's remember them, and let's examine for a moment our tradition and our party's tradition.

We were born in Jackson, Mich., under the oak trees, as a party. They say so often we were born in Ripon, Wis. We weren't. We were conceived in Ripon; we were born in Jackson Acres in Michigan, just to keep the history books straight. And there, as the party was born, they passed two resolutions: One directing the party effort to this whole issue of freedom and the aristocracy of slavery, and they dedicated themselves to stay with the battle until it was determined and won, and in that resolution said, "And we shall call ourselves Republicans." That's where we started.

And what an amazing thing that we have to refurbish the issue of freedom time after time, but it has to be done, not only here, but elsewhere, because the lights are going out in so many areas of the world.

Why our concern about communism? Because it is the enemy of freedom. They want to liquidate the American system, and then they'll have the world at their feet.

Strange that the Great Society makes so little use of the words "freedom" and "liberty." But oh, how important it is today. You want an example?

Only day before yesterday the Supreme Court of the United States handed down a decision in the Darlington case. That is a textile mill, part of a series of mills under common ownership. They were having trouble years ago. They said, "We'll go out of business," and they did. The Labor Board said they couldn't go out of business and the district court said they couldn't go out of business; and the appellate court said the district court was wrong, and the U.S. Supreme Court had to come into the case, and only this week said to go out of business is an absolute right. Think of what will happen to freedom in this country when you don't have it within your power either as a corporate person or as an individual to go out of business if you want to, and especially if you're losing money.

All these cases could be multiplied, but that is our tradition. Thank God it is our tradition and that we are the stewards and the guardians of the altar of freedom, because that is first, and it is receiving so little attention that in the nature of things, we forget it.

I prepared a speech one time under the title "Frogs and Freedom." Somebody said what does a frog know about freedom? Well, I said, I'll tell you how much he knows. You put that frog in a kettle of cold water and let him sit on the bottom and turn on the gas, and you'll have him cooked. But if you heat the water first, and drop the frog in, his reflexes are so fast, he pops right out of the kettle. Now you know, that is the way freedom is lost. Put freedom in the bottom of the kettle and boil it away, a little at a time, and bring the temperature up, and when you're ready to retrieve it, you can't, because freedom is dead. So think some time about frogs and freedom.

And then secondly, in the tradition, what Lincoln said about letting the people as a matter of principle do pretty well what they they want with their own business. This is the day of governmental intrusion, and if if you want any proof of it, guess how many people are on public payrolls today, State, local, and national: over 12 million. That's your cross. We've got over 2½ million on the Federal roles alone, and what a burden it gets to be. The number has not only jumped up, but also the amount that we spend. Actually, the bureaucracy has jumped from 3.8 billion to 13.6 billion in a space of 10 years. Our acceleration into some kind of a controlled society is rather rapid. And when you are tempted to talk about the Great Society, maybe you had better talk about the great controlled society, because Graham Wallas, the Englishman—and he was English, I think—who wrote the book—and it is awfully turgid and hard to read—was thinking of a great society embracing the whole world in which the individual was subordinated. And that's the Great Society that has been arranged, and that's the slogan for our followership under the present administration.

No, I prefer the patron saint who said it's a good principle at that to let the people do pretty much as they please with their own business.

Obviously we believe in reasonable restraint. Obviously we believe in reasonable regulation. We don't go upon the laissez faire idea of having every hand at somebody else's throat. We believe in an orderly society, but we believe in preserving the human incentive that has marched people upward and onward into the sunlight of a better day.

I made a little speech on the Senate floor yesterday. Two boys out at Hinsdale, Ill., one close to death because of diphtheria, and a brother equally close to death. The little boy died and his brother in his heart, his mind, said, "If the Lord will save me from this dreaded disease, I will dedicate my life to him." And if you go to Hinsdale, Ill., you'll see a sanitarium that that little boy and his wife finally built for the community. Why? Because the incentive and the spirit of dedication was there to do it. And if it had to be done by Government, it would be surrounded by bureaucrats and grants-in-aid and regulations, and goodness knows what all, so much of it alien to the American school.

So first in the American tradition, freedom. And let's not forget it. It is no cliche in the Congo. It is no cliche in Vietnam. It is no cliche in Northern Korea where over $20 billion of your money has been expended. And it is no cliche anywhere where people have to live in foxholes and can't see the starlight by day and by night, the starlight of hope. That's first in tradition.

And secondly, to let people be in proportion as we can, instead of roping them with regulations and administrative procedure and a great army of bureaucrats who at all levels of government grows larger and larger with every passing year.

Now, there is another thing in the tradition, and that is the proper object of government. You see, I am testifying to the wisdom and the prudence of Abraham Lincoln, beause he said as clear as print could make it, "the legitimate object of government is to do for people"—and get this phrase—"what needs to be done." Those who quote it forget that phrase, and that's the most important of all. "The legitimate object of government is to do for people what needs to be done, which they in their separate and individual capacities cannot do at all or cannot do so well." And he recited the things, like highways and bridges, and navigable streams, and law enforcement. Those were the things that constituted government must do because people cannot do them in their separate and individual capacity. That's the proper word.

But how we get away from need today, that's one of the troubles with this medicare proposal. I'll be eligible to medicare, I'm sure, just like a humble youngster 21 years old carrying a dinner bucket to the plant for the first time, he is going to be paying for me as well as for you. Is it needed? That's the difficulty today. You are going to get a medicare bill, make no mistake about it. I don't believe in blinking reality. I told the representatives of the American Medical Society, you are going to get a bill this year. You may not like it, but just set yourself for it. And always, and always, it resurrects that thought: Is it needed?

How many of these things are actually needed by the people from the hand of government? Lincoln expressed it so beautifully, what needs to be done, and too often we falter a little in our devotion to our own tradition as to whether the thing is needed. That's the third theme in the tradition.

And then, the capacity for change. You know, they like to write me up as having changed my mind so many times. It was done the other day in an interview. Why, I said, the only people who do not change their minds are those who are adjudged insane and confined in involuntary institutions, or those who are sleeping so peacefully in the cemeteries of the land. Thank goodness, the time will never come when I can't change my mind.

They said I changed my mind 65 times on foreign aid. That was stretching it a little. But frankly, I helped to launch the program many, many years ago, when George Marshall made that speech at Harvard and used there a sentence or two out of which the Marshall plan came. And then it went through many metamorphoses and transformations. And so it has gotten now to the point where the chairman of the Foreign Relations Committee, who doesn't identify himself with our party but with the administration, will not even handle it on the floor of the U.S. Senate. But when they said, "Why did you change your mind?" I said, "I would go along with an aid program properly administered, but when it sends 19 tons of bubblegum to another country, that's too much for me." And I said it even when my grandchildren were smacking bubblegum all around me and having fun.

So you see, we change our mind, and who expressed it so beautifully? Abraham Lincoln. He stood before the Congress in 1862 and uttered his annual message, and what was in it? Oh, it's been used as a text thousands and thousands of times. Because the war was still on, he had to change generals, he had to change admirals, there had to be a change of strategy, all the things to continue to plow constantly ahead and to do what was necessary to achieve the golden goal. And what did he say? He says, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must first disenthrall ourselves and then we shall save our country." That's the gaunt man with the sorrowful face delivering or sending his message to the Congress in 1862.

Oh, how apt it is today; how appropriate it is today, because there is an acceleration in this world to the point where it is difficult to remain abreast of the modifications and changes in the problems and solutions with which you have to deal from time to time. This is in our tradition, and let's rise with it, because out of it we will gain strength knowing that this is the truth, that the truth will set us free. More than ever before this is important, because crises will continue through your lifetime and the lifetime perhaps of your children and your grandchildren. And why do I say it?

It was in 1917 that they sent the great Russian revolutionary leader, Lenin, in a sealed car from Switzerland to the Soviet Union—Russia then; not the Soviet Union. He was the father of the revolution, and he planted the seed that stands as an ugly specter on every horizon of the world today. That is part of our crisis and the threat with which we are confronted.

The other great incident took place in our own country, there on the desert in Alamagordo, in New Mexico. When the sky lighted that July morning and the first nuclear bomb exploded, there was a new age that threatened the survival of people. And our costs for armament and defense, over $50 billion a year, will continue in the interests of our security until these dissidences leave the world and depart from our thinking.

Girls, don't you be afraid of those who talk about complete disarmament. Do you think a Congress with a brain in its head would let this country go roving around in orbit insecure? And if this administration and its component agencies doesn't keep it secure, the Republican Party will keep it secure.

You write me every so often, and I know some of you are deeply concerned about it. I see these people who comprise the Disarmament and Arms Control Agency. I listen to them. They come up to my office. But don't you be alarmed as to whether a Congress coming in large measure from the grass roots will ever forfeit the security of this country upon the altar of some strange ideology, and not so long as there is mad dog fever in this world.

So you see change. We rise with it in an hour of crisis, come what will. So the dogmas of the quiet past may be inadequate, and when they are, we recognize them and attune ourselves accordingly in the interest of the tradition of the Republican Party.

Now there is one other thing or two that I ought to add. You know, Shakespeare wrote "Sweet are the uses of adversity"—help me out on the rest of it; what is it, do you know it?—"which like a toad, ugly and venomous, still has a precious jewel in its head."

I really did it, didn't I? I hadn't thought about that for some while. I just remembered the first part of it; I'd forgotten all about that toad, ugly and venomous, with a jewel in its head. But "Sweet are the uses of adversity."

Our party was born in adversity. And right now we are confronted with adverse conditions. There is a 2-to-1 majority in the House of Representatives against us, and there is a 2-to-1 majority in the U.S. Senate against us.

And I noticed this morning, or last night, in the paper—see if I got it. Goodness, I hope I didn't lose it, because I wanted you to know what it was. Oh, there it is. That's Charlie Bartlett's column last night in the Washington Star. Can you read it with your trifocals? "Johnson Aims at Extinction of GOP." Isn't that cute? That really ought to set you up as nothing else could do.

But isn't it a fact that we were born in adversity, trying to get some people together, the Whigs, the Free Soilers, the Democrats, the New Republicans? For what? For dedication to a problem and its solution, the echoes of which are in the Senate and the House this very minute, because we are dealing with a voting rights bill. There it is. Lincoln is gone a hundred years next week, but here are the echoes of the problem, and we pick up his dedicated spirit to do it and do it constitutionally, because it won't last if we don't.

But hasn't adversity always brought the man? It brought that precious Lincoln more than a hundred years ago. It brought McKinley; it brought Theodore Roosevelt; it brought Eisenhower. It will bring the man, it will bring the issue. And when they talk about the extinction of the GOP, the GOP will be here long after the Great Society has withered on the vine.

So, in adversity our faith is strengthened. In adversity our strength comes to a maximum, and we await that time, keeping the Nation on even keel, so that out of our tradition, a great tradition, we will do our duty in the interest of our common country.

So be of good cheer as you look back and see how the party has responded on all those occasions.

I would mention one other thing in the tradition, and what is it? People. There he stood at Gettysburg, and how did he wind up that eloquent, indelible speech? That "Government of the people and for the people and by the people shall not perish from the earth."

We think about people, and we must think about them in this day and age, and in so doing we'll be right in tune with the tradition of our country. Why do you think we are mauling each other up there at the present time on a voting rights bill? Because we are thinking of people with dusky skins who for a hundred years have been denied the full freedom to which they are entitled as citizens of the United States. It is only in the last few years that some people high in government were "Johnny-come-latelies" and had no time for civil rights. We put three on the books in 1957 and 1960. I captained the effort in 1964. We got a cloture vote in the U.S. Senate and did the job, and we are assuming the leadership again in both branches of the country in order to carry out and give testimony to the hovering shadow of our patron saint because of an unfinished job.

You think a party like that is going to be extinguished? Oh, you know very well it isn't. And so they say we're trigger happy. We're thinking about people. Civil rights, we're thinking about people. Social security, we're thinking about people. And let me say there, when we think about people, we think all the way down the road, because at the rate they're putting on taxes, and the rate money goes out of trust funds, what a ghastly business it would be if in the year 1980, as an example, a trust fund ran out of money, and there stood a long queue of people. "When do I get my money?" It's like that fellow who was last in line when a bank failed in a small town, and when he got up to it, the cashier pulled down the shade, and he was remarking to a friend of his. He said, "You know what? That bank busted right in my face."

Well, it wouldn't be in the tradition of the party to be so careless in the fiscal field. I'll tell you something, and it will stand up: I'm going to introduce an amendment at the right time and it is going to knock some of the plums off the tree.

In 1921 we set up the civil service retirement system. Those working for Government pitched in 3½ percent—it is now 6½. The Government itself pays into the fund a like amount. And then Government forgot to do so all the years. What do you think your Government owes that fund? Over $35 billion as we take fellowship here this morning. I said to the Civil Service Commission, "When will the fund be broke?" At the latest, 1987, but very possibly, 1980; and that's only 15 years away. What a business. Wait until I offer an amendment in big figures. Somebody is going to drop off the Christmas tree.

But it is in the tradition of the Republican Party to so administer government whether it be today or 40 years from now, we will still be on solid ground and never have to apologize to a group of our citizens and say, "We're sorry, we mismanaged your affairs. We spent all the money in the barrel, and we'll have to see where we can find you a little money."

I told you that story about the old lady who went to the Governor of Tennessee, I think. She said, "I want to get my husband out of prison." "What's he in there for?" "For stealing a ham." "Is he a good husband?" "No, sir. He beats me, he drinks, he's no good to the children." "Well, why do you want him out of prison?" "Well, Governor, we're out of ham again."

When are we going to run out of ham? That becomes something of a problem in this country.

I've got to quit. So there's the tradition. And let me just summarize it. In the Republican tradition, since the party was born, our dedication to freedom; may it never wither. And it is a real challenge in every generation, including ours, to leave the people as a matter of principle do pretty nearly with their own affairs as they will. And we modify it only to say "reasonably." And that makes sound doctrine and sound policy. To think always what the legitimate object of government is, and to bring it within that "needs" clause. "When needed," said Lincoln. And that is still good gospel, to cooperate for the good. He said on occasion every proposition, and mainly in the field of government, is a compound of good and evil. The true rule is to do what? To reject if evil preponderates, and to accept when it is good. That is good gospel for your party and for mine.

To be capable of change, as you call it, when the dogmas of the quiet past are inadequate to the stormy present. To realize that there are sweet uses of adversity. And in our adverse position, why, we are going to make use of it in the interest of sound government.

And then to remember always that this Nation was instituted for the people and by the people and of the people. The Republican tradition. Without it, there is no spiritual glue to hold it together. And let them call it cliches if they want to. There is no glue on the other side, except a Federal Treasury, and the spending. But it requires something better than that to ultimately hold a nation together. So there is the problem, and there is the job.

And I wanted to find that clipping again. "Johnson Aims at Extinction of GOP." Wait until I see him. And it won't be very long. And I'll tell him what Abraham Lincoln said to that group of young men in Springfield so long ago. He said, "If this country is to perish, it will not be by conquest, but by suicide." That's what he said. And this party will not perish except by suicide. No, we'll stand with him, with his second inaugural, when he says, "Some would accept war—would make war, rather than see the Union survive. Others would accept war rather than see the Union perish." And so the war came. We accept anything by way of challenge that is alien to the party tradition. That's the spiritual cement of the party. Don't forget it. And without it, we have no sense of direction and we have not that strength and that dedication to carry us to that point where we'll have the fowl by hatching the egg rather than smashing it.

And so you come with resolve and determination. And I wish you well.

I have told you so many stories. But let me tell you about Nehemiah. He was a slave, and he went to the king and said, "King, I've got a Western Union message that the walls around my home town of Jerusalem have fallen down. I would like to go back and, as a matter of pride, to rebuild the wall." Why, the king gave him Cadillacs, gave him everything he wanted, gave him a guard. And so Nehemiah went off to Jerusalem. There were the hostile Samarians trying to kill them off. He brought all the people together, he said "You work on the west wall; you work on the south wall; you work on the west gate; you work on the north gate," organized them, and got the wall around that ancient city built. And when he got all through, he left a very short sentence on the parchments of history. He said, "So built we the wall, for the people had a mind to work."

You are the workers, and with you we will rebuild the wall in the tradition of the Republican Party and to the glory of this great Republic. What a tonic it is to see you.

I thank you so much.

SENATOR ALLOTT'S ADDRESS TO THE NATIONAL INDEPENDENT DAIRIES ASSOCIATION

Mr. CARLSON. Mr. President, our colleague, GORDON ALLOTT, the distinguished senior Senator from Colorado, delivered an outstanding and informative address before the National Independent Dairies Association meeting in Washington, D.C., on April 6, 1965.

I ask unanimous consent that the address be made a part of these remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REPUBLICANS DO THINK

(Address by Senator GORDON ALLOTT, Republican, of Colorado, before the National Independent Dairies Association, April 6, 1965)

The first thing that struck my mind when I was asked to speak to your distinguished association tonight was how far the dairy industry has come in the last 50 years in the control of the quality of its products, its distribution system, and its contributions to the health of this country. These accomplishments can be illustrated by the story of the two cows who were standing alongside the road when around the curve came a big, white, shiny dairy truck. Boldly emblazoned on the side of the truck were the words "homogenized," "pasteurized," "fortified with vitamin A," and "fortified with vitamin D." About that time one of the old cows looked at the other one and said, "Sort of makes you feel inadequate, doesn't it?"

The title assigned me for my speech tonight, "Republicans Do Think," probably caused some of you to believe that you were to be assaulted with an intellectual effort commensurate with that which too often passes for intellectualism in this day and age. You know what self-styled intellectuals are * * * they are those who are chiefly characterized by the wrinkled brow and the ponderous voice and who grind out the meanderings of their minds in an agonized tone. They are those whose mental agitation inevitably results in the trend of the time—motion without progress or intellectual nonsequiturs, but they seldom produce intelligent applications. Indulgence in a type of mental acrobatics has also become identified as intellectualism. In addition to being able to stand reason on its head and leave it in the corner, many pseudo intellectuals come to the point where they refine the reasoning process to a point where it becomes utterly useless—a refinement without any constructive contribution. Too many of these so-called intellectuals have simply been educated beyond their intelligence.

Let me assure you that this will not be the course of my remarks. Unfortunately, it is assumed by many that, because the Congress of the United States has been controlled by the Democratic Party for 30 out of the last 34 years, the only constructive effort has come from members of that party; that the only role of the Republican Party has been one of negativism and obstruction—and that we stand in the way of progress.

However, to understand the role of the Republican Party in the life of this country, it is necessary to review a few facts which place both parties in their proper roles in American life. I shall not bore you with the circumstances under which our party was born. What is often forgotten is what it has done since its formation—that it was born out of the need for saving the Union and ridding ourselves of the curse of slavery, and that the most significant political doctrine of our party probably centers on Lincoln's quote: "The dogmas of the quiet past are inadequate to the stormy present." Neither in Lincoln's day, nor now—in spite of charges to the contrary—has the Republican Party taken a "let's not rock the boat" attitude toward government.

As a matter of fact, Lincoln gave the boat a good jiggle when he suggested the first Homestead Act. It was attacked by reactionaries then, and the same principles upon which it was attacked by the reactionaries at that time, have recently been restated by some of the great liberals of today, in opposition to opening up the West for development of the great assets of oil from oil shale.

The boat also shuddered a bit when Lincoln proposed the Morrill Act granting lands to the States for agricultural and mechanical schools. Without it, the success and the development of these schools would have been impossible, and you know the part they play in our educational life today.

The National Banking Act was created by Lincoln.

Civil service was created under President Arthur, who is also credited with creating the Labor Department.

At the time when economic piracy was a common and accepted practice of business, the Sherman Antitrust Act became the Magna Carta of business, labor, and agriculture under President Harrison.

Reciprocity of tariffs began with the Tariff Act of 1897 under President McKinley.

And, we of the West cannot forget that it was under Theodore Roosevelt that the Reclamation Act of 1902 became law. Without it, much of the vast fertile lands of the West might still be desert. Without it, our hydroelectric plants with their cheap power and the vast opportunity for recreation and wildlife would still be a vacant dream. I could give many more examples of great constructive steps forward which the Republican Party and its Presidents have mustered during the life of our country.

However, the political positions of the parties were changed by the second President Roosevelt who ran on a typically conservative Democrat platform in 1932. Immediately after the election, in a game of political checkers, he jumped his party over to the left of the Republican Party and there it remains to this time. As a consequence, the words "conservative" and "liberal," as applied to our two major parties, have lost their original meaning and they are used today interchangeably, depending on who is speaking. I have been called both at various times in my career, on occasion for the purpose of damaging me and on other occasions for the purpose of praising me.

As for myself, I refuse to accept any such category because the acceptance even in one's own mind of such a classification thereafter forces you to try to cram the solution to any problem into whichever box you may have selected in accordance with your own concept of that box.

Thus a rational course of political behavior is one which is not easy to pursue, nor is it easy to keep the course a steady one. A political party which attempts to do it is attacked not only upon its left flank, but upon its right. But it is this sensible kind of government with an application of good, old, Yankee horsesense which has given us our great economic and military strength. And, it is upon this strength and this kind of thinking that individuals have been able to develop themselves to their greatest potential. And after all, what is government for, finally, except to give freedom to men—a kind of freedom which can expand and multiply, limited only by its infringement upon the freedoms of other persons. And from this flows a basic principle that real democracy and real freedom is that climate of government which permits an individual to grow, to develop, to mature, to achieve, to accomplish, yes, and even to fail and achieve again, within our society. And conversely nothing can be more detrimental to individual freedom than that which takes away the right of a man to accomplish and the right of a man to achieve.

The basic difficulty with the so-called liberalism of today is that it has within itself the makings of shackles for the freedom of men's minds and for the freedom of their economic opportunities. The liberalism of today requires that you must think of doing something new for the people even though the people do not need it, or want it. If you can think of something that they never had and can espouse it, even if they might well do it for themselves, then you are indeed a great liberal. Let me give you a typical example.

A few months ago, one Senator suggested the idea of a superfast train between Washington, New York, and Boston. Now, the administration has taken over this idea and has sent a message to Congress requesting $20 million for a study into ways and means of developing a high-speed transit system between these points. Completely ignored is the fact that we have had trains operating in some sections of the country for many years at speeds in excess of 100 miles per hour. And, more recently and perhaps more significantly the Japanese have developed and are commercially operating high-speed electric trains between Tokyo and Osaka which cut the 6½-hour ride between these two cities to only 3 hours. This train operates at an average speed of 108 miles per hour.

Then, even assuming that this is a proper program for the Government to enter into, is it necessary to expend $20 million to develop a technology which could well be available to us simply for the asking?

What we need are reasonable men, and one of the most common quotes of this day is from verse 18 of chapter 1 of the Book of Isaiah, and often used by the President: "Come let us reason together." And this is what I want to do with you for a few moments.

Is it really necessary to run the Government at a continuing deficit and to constantly increase the expenditure of Federal money? I would answer that question in this way. Yes, if the Government continues to be run as it is run presently, and if a bid is made to every special-interest group in this country, by the expenditure of large sums upon the particular programs which they espouse, in order to make them happy and especially to gain their votes at the polls. Let us take another example. Let us look at education.

No one is more vitally interested than I in education and I believe implicitly that we must have a well-educated electorate if we are going to press forward in the leadership that the world has thrust upon us. Unless someone had envisioned free public school education at some time in the past, and unless someone had envisioned free college education—that is to say, public college education—it would have been impossible for me to have graduated from high school, college, or law school. And so, I owe a great debt, a great personal debt, to those who had this concept in our past.

We must provide educational opportunities for our youth, but what is more important is that the money we spend be devoted to hard, tight programs which accomplish that purpose. Unfortunately, however, we have today, in education and in many other areas, anything but hard, tight programs. A recent study contained in the February issue of Nation's Business placed this in graph form. We find 18 separate forms of educational endeavor performed by the U.S. Government under the provisions of 15 different acts of Congress. Out of this total program, as many as 14 separate acts contribute funds for operating costs of educational institutions and as many as 14 separate acts contribute funds for teaching equipment. As a matter of fact, under the general heading of "educational functions," the various departments of our Government and the various educational programs which have been enacted, are duplicated an average of 6.7 times. No businessman, nor anyone who has ever had to satisfy a payroll, can be made to believe that such a condition does not breed and produce extravagance and duplication.

I have a great personal interest in the vocational education program for the United States. I speak not only for the original vocational training of our young men and women, and our older men and women for that matter, but also for the retraining of those who have been displaced either by the laws of economics or by technology. But vocational training is now being carried on in the Juvenile Delinquency and Youth Offenses Act, in the original Vocational Education Act of 1963, in the Area Redevelopment Act, in the Manpower Development and Training Act of 1962, in the Trade Expansion Act of 1962 (with the Commerce Department), and the Economic Opportunity Act of 1964, commonly known as the poverty program. What we need and must have is one, hard, good vocational education program in this country without the surplusage of administrative costs which the present situation is bound to produce. To combine these would require hard work and effort. It would require an application of the best minds we have in this country toward the consolidation and programing of one good vocational act. It would take several years to do it and the battle would be against overwhelming odds, both in the educational world and in the bureaucratic world. And, of course—and this is the most significant part—such a program would not give anyone an opportunity to announce a new $1.3 billion educational program, nor to demonstrate to various groups of special interests that you were doing something particularly for them. Such a program would not have the advantage of great press agentry. But, I would say that if we are to do anything, as reasonable men, this is one area where we could combine programs and come out of it with something which is far better for our people and which would save us millions of dollars a year to use in other important areas.

One of the first places we might start reasoning together is that when authorizing bills are passed by Congress, they should be kept to a reasonable minimum, both in terms of money and how long the program can run before it must be renewed by the Congress. The argument is often made before legislative committees in an effort to increase the amount of funds authorized, that the appropriations committees will, after all, have to appropriate the money for the implementation and they will look at it. But, once the authorization for the expenditure has been given, then the appropriations committees get the argument that "Congress authorized this program and we have to implement it."

Are we Republicans not thinking when we point out that although the President has announced that he has labored long to bring out a budget of under $100 billion, he has, in fact presented a budget which actually calls for new appropriations of $106.4 billion, not $99.7 billion. And, if you add the supplemental request of 1965 to this it is clear that the President is asking the Congress to vote his administration $112.4 billion of new dollars. But, this is not all of it. There is in addition $94.8 billion in the drawing account accumulated from previous appropriations, so that the present administration will have $207.2 billion in unspent appropriations.

Republicans are thinking when they point out that the $99.7 billion budget for 1966 will not include the "back door" spending of the administration. We must remember that the budget is only the estimates of the Bureau of the Budget and the President at the time they are made. And, these estimates are often far wrong. A good example of this occurred last year when officials of the Department of Agriculture requested $975 million less than in previous years for the Commodity Credit Corporation. This enabled the administration to claim great credit reductions in the budget. But the estimate was far wide of the mark and in supplemental appropriations this spring Congress was asked to provide an additional $1.7 billion. The facts are the President proposes to obligate, in the coming year, a total of $108.2 billion, not $99.7 billion, and this is $9.5 billion more than was obligated in 1964.

Are we Republicans thinking, and are we being reasonable, when we point out that the 1966 budget does set the stage for future spending at much higher levels? Of the $6 billion supplemental appropriations, to which I referred, only $1.5 billion is programed for spending in 1965 and only $296 million in 1966. The balance thus carried into the pipeline for spending by the executive branch in future years, will amount to $101.5 billion at the end of 1966, which the President can tap at will.

The answer that administration leaders will give to most of us on this matter, of course, is that it requires some leadtime to put necessary programs into effect. To some extent this is true. However, the facts show how funds in this pipeline have increased in only 4 years. At the start of 1964, it was $87.8 billion; at the start of 1965, $89.3 billion; at the start of 1966, $96.7 billion, and at the start of 1967, it is anticipated to be $101.5 billion. A thinking person simply cannot agree that $101.5 billion in the pipeline is necessary for expenditures by the President at the commencement of 1967. Some pipeline.

Let me here give you just a few specific figures from the budget which are illustrative of the built-in growth of Federal programs.

Total Government requests for travel now come to a staggering $1 billion.

The budget contemplates an increase of civilian employees of 26,680 which alone will add $200 million in salary to the budget and this figure disregards the cost of personnel benefits which the Government will have to pay toward retirement, insurance, etc.

In this day and age, when it is necessary to turn off the lights in the White House as a matter of economy, it is difficult to understand why the operations for the White House during the first 8 months of this fiscal year cost more, not less, than that in the comparable period of the prior fiscal year. Almost every item in the Executive Office has increased. A recent tabulation shows that the Executive Office of the President spent $1,294,508 more this year, during the same period excluding the Office of Economic Opportunity. If that office is included, the White House spending has increased $28,391,142 over the first 8 months of 1964.

An analysis of the budget shows that the main thrust of the so-called economy drive was chiefly a reduction in spending for the defense of ourselves and our allies.

Of the 24 independent agencies that spent more than $3 million in the 8-month period ended February 28, 15 spent considerably more than in previous years and only 9 showed reduction, and many of these were slight

Are we Republicans thinking when we call to the attention of the people of this country, the fact that the national debt has risen $26.2 billion in the last 5 years, and that

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our gold reserves have fallen to an all-time low of less than $15 billion? Were we thinking when we warn the people that in the near future we are faced with a coinage which is only a token coinage and which will have withdrawn from it a great portion if not all of its silver content? Were we thinking when we pointed out to the Federal Government, to no avail over the past many years, that we were coming to this point, although the Federal Government still has refused to do anything about the mining and production of silver?

The alarming acceleration of Federal debt is astounding. It has increased $86 per capita during the last 4 years, and in fiscal year 1964 we spent $514.13 for every man, woman and child in the United States whether they were wealthy or on welfare. In fact, whether you consider the Federal expenditures, the national debt, or even the interest on the national debt, which is now $11.2 billion a year—all of them have risen on a per capita basis faster than our population has increased.

This alarming increase in the authorization, appropriation and expenditure of money should give any reasonable man pause. The trends of the times are not to be ignored. We follow the pattern of printing press money. We allow our gold supply to diminish. We establish a token coinage with little, if any, intrinsic value. Through the money which we appropriate and allow to accumulate in the pipeline, we place in the hands of the chief executive a power over the lives of individuals which should not be tolerated by a free citizenry—a power which tilts the equal balance of powers intended by the framers of the Constitution.

Verse 18 of Isaiah, as used by the President, calls for a "reasoning together." Of this thought, I heartily approve. However, because Republicans do think, we ask "on whose terms"?

Do we get a glimpse of what those terms are to be when we read the next two verses of Isaiah? Verse 19: "If ye be willing and obedient, ye shall eat the good of the land." Verse 20: "But, if ye refuse and rebel, ye shall be devoured with the sword; for the mouth of the Lord hath spoken it."

LOWELL MASON'S GRACE

Mr. CARLSON. Mr. President, for 30 years Lowell Mason, former member of the Federal Trade Commission and a prominent Washington attorney, has been host at a luncheon in the Nation's Capitol Building on the opening day of the Washington baseball season. His guests include members of the Supreme Court, the executive branch of the Government, and Members of both the House and Senate.

Each year at these luncheons Mr. Mason has delivered a beautifully composed grace, stressing our dependence on our Creator.

I ask unanimous consent that this year's grace be made a part of these remarks.

There being no objection, the grace was ordered to be printed in the Record, as follows:

Lowell Mason's Grace

O God, teach us to repay our debt to Thee by the quality of our lives not by the quality of our words.

Grant us such a measure of Thy spirit, that the fellowship of man one with another (at this luncheon, the baseball game, and all places where we gather together in comradeship) may be an echo of the fellowship of the spirit Thou hast taught us in the quiet of cathedrals, the solitude of woods, and the majesty of sea and mountain.

Here in the Capitol (the busy marketplace of ideas) where men seek the greatest good for the greatest number, teach us, O God, to respect the feelings of others more than our own rights and the rights of others more than our own feelings.

Teach us to differ without anger, to know the best not just the good; to know that it is better to earn liberty than to praise it. Amen.

HOUSTON'S ASTRODOME

Mr. TOWER. Mr. President, as the baseball fans of the Nation know, the world's first air-conditioned stadium—Houston's Astrodome—is now in operation. It is nothing less than a miracle of engineering and of civic determination.

It cost $31.6 million, including land, access roads, and parking for 30,000 cars. Air conditioning alone cost some $4.5 million. The system, running continuously, has a cooling capacity of 6,600 tons. It draws 250,000 cubic feet of fresh air into the stadium every minute. Stale air goes out through the roof which has a span of 642 feet and contains 4,596 skylights of transparent plastic.

The Astrodome—home of the Houston Astros baseball team of the National League—will seat 45,000 for baseball, 52,000 for football, 66,000 for boxing, and some 60,000 for conventions. I hope both major political parties will take it into consideration as a site for the 1968 nominating conventions. It also will be used for circuses, rodeos, livestock shows, and religious meetings such as that planned in October by Billy Graham.

Beneath this 208-foot—which is 18 stories—Astrodome, Houston will be host to thousands of Americans from all States. The city and the entire State of Texas are proud of this accomplishment. Its 8, windless acres will contain during our lifetime many major historical events. Already it has inspired other cities to consider similar stadiums.

But right now, Mr. President, the Astrodome is busy with baseball. And I think it appropriate to include in the Record a story from the Houston Chronicle of Sunday, April 11, 1965. This story quotes the views of sportswriters nationwide about the Astrodome. It is worth reading because, as the first paragraph says, the writers were "like a gaggle of goggle-eyed journalism students searching for superlatives."

Mr. President, I ask unanimous consent that the article appear at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

What Nation's Writers Think of Our Dome

The opening of the Harris County domed stadium had the Nation's veteran and usually blase sportswriters searching for superlatives like a gaggle of goggle-eyed journalism students.

For instance:

Arthur Daley, New York Times: "Since the Astrodome defies description I wouldn't be so presumptious as to try. Of all the man-made structures I've ever seen only the exquisite Taj Mahal in India can surpass it in breathtaking impact. Come to think of it, though, they can't play baseball inside the Taj."

Joe Reichler, Associated Press: "It defies description. It looks like it might have been built by Jules Verne in his most fantastic dream. It's an unbelievable majestic palace of baseball history. The playing conditions are perfect at night. What I like best about it is that nothing was overlooked to contribute to spectator comfort."

Mel Durslag, Los Angeles Herald-Examiner: "A club of the Astros' rank moving into a stadium of such grandeur is roughly tantamount to the Beverly Hillbillies taking a mansion in California's fashionable suburb. The next step in Houston will be to dome the whole town."

Til Ferdenzi, New York Journal-American: "Houston's Astrodome, extravagantly and pridefully billed as the eighth wonder of the world, is truly something to see. It makes all other stadiums and arenas look like something out of the stone age, and that includes such palaces of sport as Shea Stadium, Chavez Ravine, and District of Columbia Stadium. John Blanchard, the Yankee catcher, said it for everybody. 'The pictures I've seen of the place don't do it justice. Neither do the newspaper descriptions I've read. You've just got to stand in the middle of the place and look around to believe it.'"

Joe Donnelly, Newsday: "You look out from the press box and it's a baseball field, like so many others. The game's the same. Your attention wanders and you look around. How did that get up there? Walk around from the first level to the ninth and Astrodome Stadium has more of everything, from the dugouts to the ostentatious 53 private clubs behind the Sky Boxes. Who needs baseball up there?"

Vic Ziegel, New York Post: "Forget the Coliseum. Forget San Simeon. Forget the Brooklyn Paramount. If W. C. Fields had seen the Astrodome I think I know what he might have said. 'Oh, yes, indoors, hmmm'."

Charlie Maher, San Diego Evening Tribune: "Magnificent. I've covered several stadium openings but this is the first time I've ever had the stadium cover me."

Ray Kelly, Philadelphia Bulletin: "I kept looking for a couple of aerial artists to come flying out of the latticework but it never happened. The whole thing has a circus atmosphere and I felt like a kid (and that takes a lot of feeling). It was a great experience. I'd like to see if Philadelphia could come up with the 'ninth wonder of the world'."

Frank Finch, Los Angeles Times: "Houston's Crystal Palace beggars description. I'd rather fight than switch from playing baseball in the stadium * * * at night, that is. But don't tell Walter O'Malley."

Joe King, New York World-Telegram and Sun: "The Astrodome applies the fertile imagination of a Jules Verne to the stodgy, old-fashioned business of baseball. It is revolutionary, too, because it thrusts baseball strongly into show business, as an attraction to compete with any. The arena, rather than the team, will dominate the public mind for a while, and the Astrodome will be copied by any right-minded American city that treasures its image. This was the most comfortable crowd ever to see a baseball game, and baseball will live in comfort with its schedule in the near future as the grand idea of Houston captures a nation."

Lou Maysel, Austin American: "To me it's more a spectacle than a sporting event. It must be sort of like when the lions defeated the Christians 20–0."

Joe Trimble, Daily News, New York: "The dome is a dandy—the finest sports arena I have ever seen in 30 years in the newspaper business. The playing conditions are perfect and almost nothing which contributes to spectator comfort has been overlooked. For the first time, perfect conditions are guaranteed for an athletic contest. Air conditioning in homes, cars, offices, and places of entertainment has improved our way of life. Houston has brought it to baseball and any stadium built in the future will be obsolete before its doors are opened if it doesn't contain the magnificent climate-control of this Taj Mahal of sports. Texas brags * * * but in this case, is entitled to."

Joe Durso, the New York Times: "A magnificent stadium—comfortable, handsome, and elegant. It carries on the tradition of spectacular ball parks in Los Angeles, Washington, San Francisco, Minneapolis, and New York—and in Atlanta, St. Louis, Anaheim, Pittsburgh, and Philadelphia in the future. In fact, it carries that tradition a giant step forward."

Jim Ogle, Newark (N.J.) Star Ledger: "Obsolesence came to all sports stadia in the world Friday night when Houston's Astrodome officially opened its doors. Billing it as the eighth wonder of the world leaves the Astro management open to criticism for underrating this magnificent sports palace. It defies description and must be seen to be believed, then seeing it leaves the viewer without words to adequately describe it. It is truly magnificent and must have all other sports promoters owning arenas drooling with envy."

Hy Goldberg, Newark News: "There may be nothing new under the sun, but baseball under a roof, not only new, but dazzling, was presented in Houston's fabulous Astrodome Friday night. It was more colorful than had been anticipated and could set a pattern for the future for any city that can locate $31.6 million. The fielders may have had difficulty in the afternoon, but they couldn't have staged a better show than they did last night."

John F. Steadman, Baltimore News American: "Not even Jules Verne or Walt Disney, in their most fantastic moments of dreaming and genius, ever conceived anything quite like this unbelievable palace of baseball luxury. This is the new Taj Mahal and it must be seen to be believed. Words and pictures cannot begin to adequately describe the majestic panorama which overwhelms the visitor. It brought a reaction comparable to the first time we viewed Niagara Falls. Awesome beyond belief."

Al Cartwright, News-Journal, Wilmington, Del.: "Houston's domed stadium brings you major league baseball in the most beautiful of settings—at least, in the nighttime. It is baseball in live technicolor, played before fans who never had it so comfortable. It is incongruous that this is the playpen of the Houston club. This is like Soupy Sales playing in Lincoln Memorial Center. Our only complaints from the press box: You can't see the scoreboard from the second row, and the guy running the air conditioning had it turned up so high he must be trying to get the Dristan concession."

Buddy Diliberto, New Orleans Times-Picayune: "When the first astronaut (Uncle Sam's) climbs out of his space capsule and sets foot on the moon 5, 10, or 20 years from now he won't be any more awed by the sight than you'll be the first time you step inside the Astrodome. The place is unbelievable. Just unbelievable. It takes your breath away on first look. It's like stepping out of the real world into a land of make-believe—only it's not make-believe. Baseball? You'd enjoy watching grass grow in this surrounding. New York World's Fair? It doesn't hold a candle to the Astrodome—and this place is about 1,000 miles closer to New Orleans. Lucky for New Orleanians."

George Ferguson, the Brazosport Facts: "Judge Roy Hofheinz will perhaps never have to give any more of his long-winded talks on the domed stadium. It sold itself here Friday night."

J. Suter Kegg, Cumberland (Md.) Times: "The Astrodome is unbelievably luxurious. With it Texas has elevated the national pastime to space-age level. Only the sunworshipping bleacherite has been overlooked."

Joe Snyder, Hagerstown (Md.) Herald: "The Astrodome is indeed, an incredibly magnificent showplace, a revolutionary idea in stadium design. No detail has been overlooked to make it the world's most luxurious arena. All that Houston needs now is a baseball club to do it justice."

DROUGHT DAMAGES FACING THE PLAINS STATES

Mr. TOWER. Mr. President, this morning's edition of the Wall Street Journal carries a most important and provocative article headlined "Waterless Plains." The story sets forth in graphic detail the drought damages facing our Plains States.

Writer James Tanner finds that even though the drought affects Texas, New Mexico, Oklahoma, Kansas, Colorado, and Nebraska, many farmers and ranchers are remaining on the land hoping that soil conservation work of the past and future will prevent the recurrence of a dust bowl condition.

Texas typifies the decline in rainfall. In the Plains area my State received 20 inches in 1961, 14 in 1962, 10 in 1963, and only 7 last year. We have had less than 2 inches so far this year. The U.S. Soil Conservation Service estimates that 3 million acres in the six-State region have been damaged during the current windy season.

Moreover, C. M. Thompson, soil conservationist in Yoakum County, Tex., says emergency measures are adequate on only 50,000 acres of the county's cropland. Cotton farmers and cattlemen are being hard hit.

It is inconceivable to me, Mr. President, that at a time when soil conservation stands between the farmers and ranchers of six States and economic disaster, the administration could propose a cutback in conservation funds.

Yet, this is exactly what the administration wants to do.

The administration recommends that $20 million be cut from the money now going into technical services for our soil conservation districts. It recommends also that Congress cut back cost sharing through the Agricultural Stabilization and Conservation Service by an amazing $100 million.

I oppose this administration folly, Mr. President. It would doom to financial chaos the economy of vast areas of 6 States. It would deal unthinkable damage to the cotton and cattle industries of the drought area.

We have a choice between a dust bowl and valuable acreage. We have a choice between personal bankruptcy and renewed prosperity. The choice depends upon what we do about soil conservation. I, for one, shall fight for continuing and redoubled efforts to conserve our soil and water resources through joint local-State-Federal funds and efforts.

I ask unanimous consent that the Wall Street Journal article may be printed at this point in the RECORD so that other Senators and officials of the executive branch may read it and discover the vital role being played by soil conservation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATERLESS PLAINS: SEVERAL YEARS' DROUGHT DAMAGES SOIL, REDUCES CROPS IN SIX-STATE AREA—BUT DUST BOWL FARMERS ARE FARING BETTER THAN IN THE THIRTIES—SOARING LAND VALUES HELP—JET STREAM SHIFT IS BLAMED

(By James C. Tanner)

LAMAR, COLO.—Here in the southeast corner of Colorado, farmers this spring expect to harvest only 15 percent of their normal winter wheat crop. The rest has shriveled or blown out with the wind.

Near Tucumcari, N. Mex., Emmett Duke, State cattle inspector, is finding few animals to inspect after three bone-dry years. "There's no grass left at all," he says. In Lamesa, Tex., merchants are so concerned about drought-pressed farmers they hired a professional rainmaker.

A vast area of the Southwest is suffering a prolonged thirst, even while other areas of water have left thousands homeless. The drought area covers parts of six States and approximates the "Dust Bowl" of the 1930's. Some sections are even drier than in the 1930's. New duststorms have been sweeping across parts of the Great Plains since late January. After 2 to 4 years of deficient rainfall, conditions are becoming critical, experts say.

April and May are crucial months. April usually brings the windiest season to the Plains. Farmers—many of whom already are postponing purchases and borrowing heavily—need rain soon to plant spring crops. Ranchers must have greener pastures if they are to hold unto their shrinking herds.

Despite this grim picture, there are some vital differences between the present drought and that of the 1930's when the Okies and their neighbors pulled up stakes and headed west in one of the most dramatic social upheavals of the depression. Most of the farmers and ranchers today are sticking to their land.

Government disaster loans and other subsidies are helping many hang on. More farmers, too, are turning to irrigation wells that enable them to ride out at least a short dry spell. The land itself is holding better because farmers have learned how to anchor the soil with new plowing methods and planting of grass or other crops. As a result, drought-area farmers often resent the old "Dust Bowl" tag, despite the undeniable presence of blowing dust. "The picture is being painted 10 times darker than it actually is," insists Lamar cattle broker and feeder C. F. Augustine.

Soaring land values also encourage farmers and ranchers to wait out the drought. Speculators and land-hungry city people have bid up Western land prices to as much as $1,000 an acre for irrigated property. As the land value rises, farmers can hang on longer because they can borrow more from banks based on their inflated collateral. Here in Prowers County surrounding Lamar, land prices have doubled in the past 10 years and, in some cases, in the past 5 years.

EMERGENCY LOANS RISE

Where farmers are reaching the end of their bank credit, the Farmers Home Administration, a Federal Agency, is stepping into the breach with emergency crop loans.

Amer Lehman, Colorado Director of the Agency, says 400 loans for $2,225,000 have been made to Colorado farmers since last July 1, more than total loans in fiscal 1964 and more than double the loans in fiscal 1963. At Lubbock, Tex., Ralph Dent, area supervisor for the farm agency, says 360 loans for a total of $3.5 million have been made since January 1, in his nine-county area. "If the drought lasts another year," he says, "our caseload will double."

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Other Government financial aid comes in the form of land diversion payments and other price-propping subsidies. Prowers County farmers received $4 million last year, a figure that may rise by $500,000 this year, says Oliver Ditson, office manager of the county Agricultural Stabilization and Conservation Service and owner of a 3,100-acre farm. "Without these payments we would be in a heck of a shape," he says. Last year his farm netted $4,500; without Government payments he would have lost $8,000 to $10,000, he claims.

A minority of farmers are giving up the battle against the drought. For these farmers, liquidations are more common than bankruptcies. W. B. Beeson, a banker in Lamesa, Tex., notes that 13 farmer-customers quit farming after bringing in their 1964 crops. But Mr. Beeson sees "nothing alarming in that. Some were just afraid that if they had another short crop they couldn't pay their debts."

Even if this year brings plentiful rain—and farmers are hopeful after some recent showers and snowfall—the long-range problem will remain. "This region always has been known for violent fluctuations in precipitation and there's no reason to think the future will be otherwise," says Charles E. Fisher, superintendent of the Texas Agricultural Experiment Station at Lubbock.

But, like other thirsty regions of the United States, the Plains States are beginning to think in terms of basic solutions to chronic water problems. One plan being studied seriously would bring water by an elaborate river diversion and canal system from Alaska and the Pacific Northwest of Canada and the United States to the arid Southwest. A gigantic feat, it would take 30 years and $100 billion to complete, according to Ralph M. Parsons Co., a big Los Angeles engineering and construction firm which proposed the idea.

Such visionary and costly projects are a measure of how desperate men become to assuage the effects of drought. In this region from Nebraska to Texas, rainfall in recent years has been 50 percent below normal. Even in normal years it is a modest 8 to 18 inches. Midland, Tex., typifies the decline in rainfall; it received 20 inches in 1961, 14 in 1962, 10 in 1963 and a mere 7 last year. It has had only 1.86 inches thus far in 1965.

The drought area ironically is ringed by regions now receiving abnormally large amounts of water. Also, there are pockets within the drought area, such as the vicinity of Amarillo, Tex., that are faring well. A heavier-than-usual snowpack in the Rockies promises improved streamflow in parts of the drought area this spring. Swirling snows also blanketed the plains recently. But even the snow is "dry." Says a farmer at Boise City in the Oklahoma Panhandle, "It takes a foot of the stuff to make a half-inch of moisture."

Meteorologists aren't certain what caused the present drought, nor can they figure out any predictable pattern in the wet-dry cycles of the region. Many attribute the lack of rain to a change in the path of the jetstream, the high-speed wind that moves from west to east in the upper atmosphere. Large storms nearly always are linked to the path of the jetstream which, in recent years, has followed a more northerly course than usual.

TEXAS DIRT IN PENNSYLVANIA

When the rains disappear, the soil is baked by the sun and turns powdery, ready to blow over flat, treeless plains when the winds come. Gusts up to 75 miles an hour are not rare and Texas dirt recently has darkened skies as far away as Pennsylvania. In little Tokio, Tex., a sand dune is observed moving in on an adobe house after already covering an abandoned Ford parked nearby. In Southwestern Kansas a recent "duster" lifted an estimated inch of topsoil from some fields.

The U.S. Soil Conservation Service estimates that 3 million acres in the drought region were damaged in the first 3 months of the present windy season, December through February. This was well above the 1.8 million acres in the same period a year earlier. Uncounted millions of other acres, once held down by grass, could erode if April winds come as expected. In the entire 6-month "blow" season ending May 31 last year, 8.8 million acres were damaged. In the 1930's, peak damage came in the 1938–39 season when almost 10 million acres were affected.

Most farmers now take measures to conserve their land. "Basically, some three-fourths of the farmers and ranchers are following good conservation measures," says Guy Nutt, assistant State conservationist for the U.S. Soil Conservation Service in Denver. But C. M. Thompson, soil conservationist in Yoakum County, Tex., says emergency measures are adequate on only 50,000 acres of the county's cropland. Of the remainder, 25,000 acres already have been damaged and 75,000 acres are set to blow.

SHRIVELED CROPS

Even farmers who can prevent their topsoil from blowing away often watch their crops shrivel for lack of rain. William Branom, who farms 160 acres 9 miles north of Lamar, says lack of irrigation water has sliced his alfalfa and maize production in half in recent years. In Quay County, N. Mex., surrounding Tucumcari, production of broom corn, usually a major cash crop, was almost nil last year. The water level in the Conchas Reservoir north of Tucumcari is so low farmers won't be able to draw on it for irrigation. Water tables on the south plains of Texas are dropping as much as 2 feet a year.

On nonirrigated farms, cotton output in Texas is down sharply. Dawson County produced only 94,000 bales last year, compared with a record 213,000 bales in 1961.

Cattlemen suffer, too, and many have overgrazed pastures dangerously in an effort to hold on to herds. One rancher selling off his herd is M. W. Luna, of Plains, Tex., who now has only 12 cows and a bull grazing his 6,400 acres of rangeland. "When I came here 60 years ago, the grass was stirrup high," he recalls. "In 1960 we could have run 100 head on a section (640 acres). But now 75 percent of the turf is dead. This is the worst I've seen."

Drought means belt tightening for the usually free-spending ranchers and farmers of this region. "Even if we get good rains," says cotton farmer R. E. Bearden at Lamesa, "it will take at least 1 good year just to pay for last year's losses. There will be little additional equipment on the farm this year; we'll do all the patching we can." Lamesa department store owner Walter Collins says he has reduced store buying by 30 percent after ending last year with record inventories and a sales drop of 12 percent.

Another businessman says that the rains would bring customers back immediately. "If we were to get a good rain tonight, we'd have this place full of customers tomorrow," says Joe Thompson, John Deere farm implement dealer in Lubbock. Right now, though, "dryland farmers are buying no machinery at all," he says. "And even those who have ample water always get conservative in their buying when we have a dry spell."

Throughout the drought area the land is fertile and snaps back quickly with adequate moisture. But farmers in the past have banked on a single bumper crop to bail them out of drought-caused debts. The recovery period may be longer this time. Costs continue to rise while prices are down on most commodities. Cattle prices, for example, are 15 to 20 percent less than 2 years ago. Cotton support prices have declined, clipping $12.50 a bale off most of the fiber produced in the southern plains area.

CAMBODIA AND THE GENEVA CONFERENCE

Mr. MANSFIELD. Mr. President, yesterday, while the Senate was out of session, I sent to the press a statement on the recent and largely overlooked Soviet suggestion that the Geneva Conference be reconvened to deal with the question of guaranteeing the neutrality of Cambodia. That suggestion, in my judgment, is of great relevance to the critical situation in Vietnam and to the President's recent observations on that situation and southeast Asia as a whole. Because I believe it to be very pertinent to the most serious international problem which confronts us at this time, I ask unanimous consent to have the statement printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A GENEVA CONFERENCE ON CAMBODIA

(Statement by Senator MANSFIELD)

Recent press reports indicate that the Soviet Union has suggested a meeting now of the 14-nation Geneva Conference to discuss guarantees for the neutrality of Cambodia. To give the most serious consideration to this suggestion would be in accord with the ideas and sentiments expressed so eloquently by President Johnson in his address on southeast Asia a few days ago.

From time to time for several years, a call for a conference on this question has issued from various nations involved in the southeast Asian situation. Cambodia has sought such a meeting, almost with desperation, for several years. But for reasons which are not clear, it has never come off.

In any event, a convening of the Geneva Conference on the question of the safeguarding of Cambodian neutrality might be most helpful at this time. The question of Cambodian neutrality has great relevance to the President's interest in the possibility of constructive joint endeavors in southeast Asia instead of the waste of war in that region. Cambodia is a key country in any concept involving multination development of the Mekong River. But of great importance, the preservation of the neutrality of Cambodia is one of the essentials in confining the Vietnamese conflict. The fact is that Cambodia, alone of the three former Indochinese states has been able to avoid the searing inner conflicts that followed the achievement of independence in 1954. The President is concerned that no nation in southeast Asia shall have to live in fear of its neighbors. This small and unique nation does have deep fears, as any nation must have in a situation of conflict such as prevails around its borders. And this small and energetic nation has a most constructive part to play in any genuine peace which may eventually come to the region. In 1963, on a return from a trip to southeast Asia, several colleagues and I had this to report on Cambodia:

"Cambodia has developed into one of the most stable and progressive nations in southeast Asia. Apart from difficulties on its borders with Thailand and Vietnam, the kingdom enjoys complete peace and has registered a remarkable degree of economic and social progress in a decade. The leadership of Prince Sihanouk has been a key factor in this achievement. Abdicating the throne in order to participate actively in political affairs, the prince has led the kingdom with an understanding of his people, with personal dedication, and with immense energy. He has maintained cooperative relations with France on the new basis of full national independence and equality and the French, today, continue to play a major part in the development of the country. Cambodia's contacts with the rest of the world have been greatly expanded and now encompass all of the major powers, Communist and non-Communist. In international circles, Cambodia has come to occupy an influential role among the smaller nations and was a prime mover in the convening of the Geneva Conference on Laos.

"Outside assistance has been supplied to Cambodia by many countries, including Soviet Russia and Communist China. The United States has provided over $300 million in assistance from 1955 to 1962. But the level has been declining, with Cambodian encouragement and concurrence.[1]

"In spite of this assistance, however, Cambodian-United States relationships have encountered repeated difficulties from the outset. In retrospect, many of these difficulties appear superficial and avoidable. Whatever the difficulties, there is not and can hardly be any legitimate basis for a direct conflict with this remote Asian kingdom. There are, on the other hand, possibilities for deepening cultural and economic contacts of mutual benefit. Indeed, Cambodia's inner progress and declining dependence on U.S. grant aid points to a foreseeable termination of these programs, not in chaos but in a transition to an enduring relationship of mutual respect and mutual advantage. Finally, Cambodia's existence as an independent nation at peace with all of the great powers is of exemplary value if there is ever to be a durable and peaceful solution to the basic problems of southeast Asia."

I, for one see no reason to alter this estimate, except to note that there appears to have been some improvement in Thai-Cambodian relations. It is also a source of regret that our relations with Cambodia have deteriorated in the intervening years. It is a source of regret that the termination of the aid program came not with mutual respect but with misunderstanding and animosity.

It would be my hope that this trend might be reversed. Certainly, the President's speech at Johns Hopkins has set a basis for its reversal. A convening of the Geneva Conference on the question of Cambodian neutrality could provide the way for giving substance to his words. It could conceivably provide some answer to the question which is of overriding concern to Prince Sihanouk and his people—security from aggression and genuine independence for the land on which they have labored so hard and so well for more than a decade.

It is to be hoped that those who advise the President on these matters will explore once again most fully the concern of Cambodia for its security and what may be done to safeguard it, as well as the Soviet suggestion that this question be considered in a Geneva Conference at this time.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate go into executive session for the consideration of the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to consider executive business.

NOMINATIONS OF FOREIGN SERVICE AND CAREER RESERVE OFFICERS OF U.S. INFORMATION AGENCY—COMMUNICATION FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States, which was referred to the Committee on Foreign Relations:

THE WHITE HOUSE,
Washington, April 13, 1965.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: I have forwarded to the Senate (1) a list of 655 Foreign Service officers who have been recommended for promotion by the Secretary of State, based upon the findings of the 18th selection boards, and (2) a list of 760 career Reserve officers of the U.S. Information Agency who have been recommended by the Secretary of State for appointment to the Foreign Service of the United States under section 517 of the Foreign Service Act of 1946.

Those of us who bear the burden of foreign affairs decisionmaking in an uneasy world are grateful for the knowledge and advice of the men and women of the Foreign Service of the United States. The submission of these promotion and appointment lists enables me to reiterate anew my confidence in the professional ability and dedication of those who serve in this noted Government institution. I am eager to do so. For nothing is more important in my judgment, than that all officers of the U.S. Government should be proud of their responsibilities and certain of the backing of their superior officers.

It is well known to all that I yield to no one in the concern for military strength and fully effective defenses. This has been constant and unchanging for more than 30 years. I consider the Foreign Service to be a necessary part of the effective defense of our country, and my interest in sustaining, improving, and strengthening our diplomatic corps is unswerving.

Fortunately, we have been able to rely upon the Foreign Service for wise and informed counsel over the years. It has my assurance that it can rely on my desires for a diplomatic corps second to none. I am confident that the Congress shares this desire.

The diplomatic corps has served us well in the peaceful pursuits we prefer and in the dangerous missions that are forced upon us. In South Vietnam, the dangers to which our military men are exposed are well known. Recent events there have again emphasized that the Foreign Service likewise faces grave hazards in the front lines in our quest for peace and freedom.

We can be proud as Americans of the manner in which the Foreign Service has discharged its responsibilities under the leadership of a great Secretary of State.

The promotion list which has been forwarded this day to the Senate is representative of the changes that are taking place in the Foreign Service. All sections of our country and all segments of our society are represented in this list. The list is based solely on the merit of the individuals involved. The list reflects an upward movement of more youthful officers into senior positions. I urge early and favorable action on these nominations.

The second list submitted today represents another significant milestone in the development of our Foreign Service. By bringing into the Foreign Service a group of career officers of proven ability and experience in the conduct of our foreign information programs, we take a step forward toward that unity of outlook and purpose which is so important to the efficient conduct of our relationships with the other nations of the world.

The officers on this list were all carefully selected under the same procedures that apply for Foreign Service officers. Their duties, objectives, and tasks are closely interwoven with those of our career Foreign Service officers. By bringing this group into the Foreign Service, we point the way toward a unified and flexible career Foreign Service of the United States which will meet the requirements of other agencies of the Government with responsibilities in the field of foreign affairs. I ask that these nominations be favorably considered at this time.

Sincerely,

LYNDON B. JOHNSON.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Henry H. Fowler, of Virginia, to be U.S. Governor of the International Monetary Fund, U.S. Governor of the International Bank for Reconstruction and Development, and a Governor of the Inter-American Development Bank;

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund;

Walter M. Kotschnig, of Maryland, to be the representative of the United States of America to the 20th plenary session of the Economic Commission for Europe of the Economic and Social Council of the United Nations;

Morris B. Abram, of New York, to be the representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations;

Palmer Hoyt, of Colorado, to be a member of the U.S. Advisory Commission on Information; and

Morris S. Novik, of New York, to be a member of the U.S. Advisory Commission on Information.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of postmasters be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of the confirmation of the nominations.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

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[1] Several months ago, Prince Sihanouk stated that he was prepared for the complete termination of military aid.

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The motion was agreed to; and the Senate resumed the consideration of legislative business.

DEFAULTS IN FHA INSURED LOANS

Mr. WILLIAMS of Delaware. Mr. President, on March 16, 1965—CONGRESSIONAL RECORD, pages 5158-5160—I outlined nine multifamily projects which had been financed by the Federal Housing Administration in the Florida area, all of which had gone into bankruptcy with scarcely any payments having been made on either the principal or the interest.

Today I wish to discuss three other housing projects—all of which likewise went bankrupt and again represent inexcusable negligence on the part of the Housing Administration in protecting the taxpayers' interests.

These projects are: 21 Turtle Creek Square, Dallas, Tex.; the Towers, Syracuse, N.Y.; Fleetwood Manor Apartments, Inc., Clearwater, Fla.

These projects were called to my attention early in 1964 with questions raised as to the procedure in which these mortgages had been inflated. On February 24, 1964, I referred certain of these cases to the Comptroller General for examination. The Comptroller's report has been delayed due to the fact that fraud was discovered in two cases and the report was referred to the Department of Justice, with the result that one of the sponsors has since been indicted and convicted.

Under dates of April 14, 1964, and June 18, 1964, the Comptroller General suggested that he withhold his report until after the Department of Justice had completed its examination. The Department of Justice has now completed its examination, and there has been an indictment and a conviction of one of the participants. I am now at liberty to discuss these projects and point out the inadequacies of the program under which these mortgages were arranged.

PROJECT 21 TURTLE CREEK SQUARE, DALLAS, TEX.

The first project I shall discuss is 21 Turtle Creek Square, Dallas, Tex.

The details of this project are outlined in the Comptroller General's report No. B-114860 as submitted to the Congress under date of April 5, 1965.

This project is referred to in that report as project B in the Comptroller's report and was approved by the Federal Housing Administration in October 1961. It consists of a 22-story apartment building with 367 dwelling units, an underground garage with 680 parking spaces, a health club, a swimming pool, and 44 cabana units. The project also includes a commercial office and shopping space.

The Dallas project known as 21 Turtle Creek Square was constructed under the sponsorship of Dr. Daniel Gevinson. Dr. Gevinson has since been indicted and convicted for fraud in that he submitted false bids to inflate the construction costs and thereby obtain a higher mortgage. In approving the project the FHA agreed upon a cost-plus-fixed-fee contract whereby one of the sponsor's companies could construct the project with a maximum fee of $418,733.

Under this agreement one of the sponsor's companies, which was party to the joint venture, was to receive $118,200 of this $418,733 fee. However, the Comptroller General found that as a result of inflating construction costs it appeared that the sponsor and his controlled subcontractors would realize profits of about $1 million rather than that provided for initially.

I cite an example of how the construction costs were inflated. The painting work for the project was originally estimated to cost $204,700, and a fixed-price contract was entered into on this basis. The company's records, however, when examined by the Comptroller General showed that the actual work was sublet to a painting contractor for a total cost of $144,500. Thus, in this instance the company controlled by the sponsor realized an extra $60,200, or a 42-percent profit on the painting subcontract.

Another example of inflated costs concerns the installation of carpets. This contract was awarded to a company controlled by the sponsor. The company's records show that the amount related to this work was $348,200, while their records also show that the actual costs incurred under this contract were only $219,800. This was an extra profit of $128,400, or a 58-percent profit on this subcontract.

A third example is the garage paving. The sponsor-controlled company's records indicate that it was to cost $96,000 for the garage paving. However, when the books were examined by the Comptroller General they found the actual costs incurred, including overhead and other charges, totaled only $37,400, leaving a profit on this paving contract of $58,600, or 157 percent of the cost.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, the Comptroller General after discovering these inflated costs notified the Federal Housing Administration, calling its attention to section 227 of the National Housing Act which requires that before a mortgage can be finally endorsed for insurance by FHA, the mortgagor must submit and certify to FHA the actual costs incurred in developing the project.

Under date of August 19, 1964, the Commissioner of the Federal Housing Administration advised the General Accounting Office that they were taking action to provide additional controls over such discrepancies in the future.

However, the record stands that on this Dallas project alone the sponsor-controlled subcontractors, and the Government, by insuring the mortgage, will be forced to take over the project and assume the loss.

THE TOWERS, SYRACUSE, N.Y.

This same individual, Dr. Gevinson, who has since been convicted for falsifying the bids on the Turtle Creek project, was also the sponsor of The Towers, Syracuse, N.Y.

The Comptroller General's report—B-114860, April 5, 1965—refers to this project as project A.

The Towers consists of a 13-story apartment building having 226 dwelling units. Prior to the start of the construction the Federal Housing Administration had in December 1960 approved mortgage insurance in the amount of $6,013,800 on this project.

The sponsor of this project formed a wholly owned corporation to act as the mortgagor and then formed a joint venture with a local construction company to act as a general contractor to construct the project.

As there was an identity of interest relationship between the mortgagor and the general contractor, the Federal Housing Administration specified that the profit allowance on this construction would be limited to $225,360.

A review of the records by the Comptroller General of the construction contracts disclosed that although the company received payment from the joint venture of about $1,145,700 for subcontract work, it had actually only cost them $887,700, thus realizing a profit of $258,000. This was equal to a 29-percent profit. This $258,000 was in addition to the original $225,000 profit which had been agreed upon by the FHA.

Another subcontract on this same project was carried on the books as having cost $771,600. An examination of the actual records, however, showed that the actual cost of this work amounted to only $573,100, leaving an extra profit to the sponsors in this instance of $198,500.

The Comptroller General in his report states:

> The substantial profits on subcontracts realized by the sponsor and the contractor party to the joint venture were included in the general contractor's and the mortgagor's certifications of actual project costs and had the effect of increasing the mortgage insured by FHA.

This Syracuse project was completed in November 1962. The mortgagor was unable to meet payments, and as a result the Federal Housing Administration, having insured the mortgage, was required to reimburse the lender, and it took title to the project in July 1964.

At the time of foreclosure the Federal Housing Administration investment, including costs and so forth, was $6,760,000, and it is estimated that, in reselling this property, the FHA will sustain a loss of about $2,300,000.

THE FLEETWOOD MANOR APARTMENTS, INC., CLEARWATER, FLA.

This was a 200-unit project and was first insured under the National Housing Act in the amount of $1,070,200. This first mortgage was dated July 22, 1949, interest rates 4 percent.

The Federal Housing Administration records list the total construction cost of this project as $1,013,541 and the amount allowed for acquisition of the land as $23,089.60. This shows that the amount of the mortgage was more than the actual cost of the building and the land.

The president of the original corporation was Mr. J. C. Emerson.

After this mortgage had been reduced by principal payments totaling $32,531.71, the mortgagor on May 1, 1955, failed to pay the installment, and the Federal Housing Administration, under its guarantee, assumed the mortgage in the amount of $1,026,000.

Foreclosure proceedings were instituted, and the Federal Housing Administration in May 1961 acquired title to the property.

In March 1963 the property was sold to the Fleetwood Manor Apartments, Inc., of which Mr. Hugh E. Parrish was the president, for $607,000, with the FHA taking a $546,300 purchase money mortgage.

This foreclosure and resale represented a loss to the Federal Housing Administration of slightly over $400,000 on this project plus foreclosure costs and defaulted interest.

The current owners of the property are maintaining current payments but even assuming the new owners are successful in paying the new mortgage, the Government's loss on this particular project is approximately 40 percent of the original cost.

As evidence that the Federal Housing Administration has been well aware of this loophole in the administration of the law I quote from the testimony of the Deputy Finance Administrator of the Housing and Home Finance Agency during the congressional hearings in August 1954, at which time he said:

> It is known that the profits taken out of a project through this device (sponsor-owned contractors and subcontractors) frequently exceeded the amount of windfall disclosed by the promoter's books.

The Federal Housing Act specifically provides that the Federal Housing Administration should require certification of actual costs by the contractor and the sponsor prior to any approval of the mortgage. It is evident that this rule has not been enforced by the Agency, with the result that unscrupulous builders can inflate their costs and reap windfall profits as outlined here today, and while in this instance this individual was caught and prosecuted, nevertheless the question is raised—how many other times has this happened?

Following my remarks of March 16, 1965, the Commissioner issued a statement explaining that since the FHA has a reserve to absorb these losses, the taxpayers would not suffer.

Perhaps the Commissioner should refresh his memory as to the source of these reserves and to whom they belong.

Mr. WILLIAMS of Delaware subsequently said: Mr. President, I called attention to the manner in which the sponsor of the housing project known as 21 Turtle Creek Square, Dallas, Tex., had inflated his construction costs whereby he was able to collect $1 million in extra profits. This project had been financed under a guaranteed mortgage by the Federal Housing Administration.

Since making that statement I have been advised that in addition to the extra $1 million profits which I pointed out as having accrued to the contractor, apparently there was an additional $400,000 profit to the sponsor resulting from the high appraisal by the Federal Housing Administration of the land upon which the project was constructed.

The original appraisal of the land upon which the housing project was constructed was $2.60 per square foot. The sponsor appealed for a higher valuation, and after a review, in June 1961, the land was reappraised at $4 per square foot, making a total valuation of $1,051,614. This higher valuation was figured in the cost for mortgage guarantees by the Government.

The actual cost of this land to the sponsor was only $614,000.

On this project—21 Turtle Creek Square—the Government insured a mortgage of $9,910,900. The Government records showed costs of improvement, including the land valuation, as $10,624,000. However, when consideration is given to the $1 million fraudulently inflated cost of improvements, as shown by the Comptroller General's report, plus the $400,000 added appraisal of the land above the cost, the result is that on this project the Federal Housing Administration guaranteed a mortgage of nearly $700,000 more than the actual cost of the land and improvements.

This means that the sponsor had a $700,000 profit to start with on a project which was financed with a Government guaranteed mortgage. The sponsor has since been indicted and convicted of fraud in his certification of construction costs.

I ask unanimous consent that the memorandum outlining the mortgage arrangements and the reappraisal of the land be incorporated at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

TWENTY-ONE TURTLE CREEK SQUARE, LTD., PROJECT NO. 112-00038 (SEC. 207—RENTAL HOUSING), DALLAS, TEX.

1. Commitment issued on October 16, 1961, to insure mortgage loan in the amount of $9 million. On the basis of revised plans and high-cost room determinations, the sponsor requested an increase in the mortgage amount to $10,850,000. The commitment was amended December 8, 1961, increasing the insurable mortgage amount of $9,997,100. Cost certification operated to reduce the amount to $9,910,900.

2. The original appraisal of this land was $2.60 per square foot. A review of this appraisal was made on appeal of the sponsor, and in June 1961 the final figure arrived at by the reviewer was $4 per square foot, for a total valuation of $1,051,614. It has been reported that a forced sale in 1964 of the remaining tract of land from which this project site was taken brought a price of $5 per square foot. FHA's estimate of fair market value of the project is $11,221,000.[1]

3. Certified actual cost of improvements, including land valuation: $10,624,000. The site was part of a 22.5-acre tract purchased for approximately $2,450,000. An area of 1.9 acres was taken by the city at no compensation for street widening. The approximate cost to sponsor of the 6.14-acre site is figured to be $614,000.

4. Mortgagor: 21 Turtle Creek Square, Ltd., a Texas limited partnership.

Mortgagee: Commitment for insurance issued to Southern Trust & Mortgage Co. of Dallas; commitment assigned to Ryan Mortgage Co., of Fort Worth, Tex.; that lender subsequently assigned commitment to the National Commercial Bank & Trust Co. of Albany, N.Y. On final endorsement for insurance, the loan was transferred by the National Commercial Bank & Trust Co. of Albany to the New York State teachers' retirement system, 143 Washington Avenue, Albany, N.Y.

5. Interest rate: 5¼ percent. Under an approved plan of forbearance for a 6-month period beginning December 1, 1964, the mortgagor is making partial payment of interest. Commencing June 1, 1965, payments made by the mortgagor will be in amounts at least sufficient to cover fully monthly installments of interest plus an additional averaged amount calculated to liquidate all interest arrearage (approximately $170,000) within 18 months from May 1, 1965. According to the terms of the mortgage as modified, payments to principal will commence on January 1, 1966. No payments have been made to principal.

6. No.

7. Early in 1964 FHA requested the Department of Justice to investigate various allegations of irregularities on contractual arrangements and certifications in this project. A grand jury was called and on April 6, Dr. Daniel Gevinson, owner/developer, was indicted on charges of making false statements to FHA. On July 16, 1964, Dr. Gevinson was found guilty and subsequently in September 1964 was sentenced to 2 years in prison and fined $5,000. It is our understanding that Dr. Gevinson is appealing this criminal conviction. Dr. Gevinson filed a suit in the District of Columbia attempting to enjoin FHA from closing the loan on this project with the other parties involved. The court refused to grant an injunction against closing.

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[1] As provided in the National Housing Act, the maximum mortgage limitations in the section 207 rental housing program are based on the Commissioner's estimate of fair market value of the completed project, whereas in the special programs, such as housing for the elderly, the maximum mortgage limitation is based upon the Commissioner's estimate of replacement cost.

OKLAHOMA CATTLEMEN OPPOSE SOIL CONSERVATION SERVICE USER CHARGE

Mr. HARRIS. Mr. President, over the past 2 months I have been impressed with the wide variety of interests throughout our Nation which have appealed to the Congress to oppose the proposal to impose a user charge on soil conservation districts, farmers, ranchers, and other landowners for technical assistance from the Soil Conservation Service.

I have previously stated my own opposition to this proposal.

Farm organizations, wildlife interests, bankers, educators, contractors, businessmen, and townpeople have joined soil and water conservation districts in objecting to the proposal. The Oklahoma Legislature has passed a resolution memorializing Congress against it.

On March 25, the Oklahoma Cattlemen's Association joined the throngs of opposition. A resolution of opposition was adopted at its quarterly board meeting in Oklahoma City.

Mr. President, on behalf of my distinguished senior colleague [Mr. MONRONEY] and myself, I ask unanimous consent to have the Oklahoma Cattlemen's

Association resolution printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

> Whereas the benefits of the Soil Conservation Service have been an invaluable aid to the entire agricultural industry and likewise of equal value to the entire Nation; and
>
> Whereas the Soil Conservation Service has in the main part furnished the technical assistance in the planning of all conservation practices; and
>
> Whereas the Budget Bureau has submitted to Congress plans whereby the Soil Conservation Service cooperator will be charged for these services which would result in a large number of dropouts in the number of cooperators and particularly so, the smaller cooperators who are in most need of such services: Therefore be it
>
> *Resolved*, That the Oklahoma Cattlemen's Association at its quarterly board meeting on March 25, 1965, in Oklahoma City, Okla., express its opposition to any plans to charge the Soil Conservation Service cooperator for any technical assistance or any other aid it might give to those cooperating in the conservation of our land and natural resources.
>
> Adopted March 25, 1965.

VOTING RIGHTS ACT OF 1965

Mr. DIRKSEN. Mr. President, when the Committee on the Judiciary reported S. 1564 as directed by the Senate, the legislation as reported by the committee contained an amendment which I proposed, it begins in line 3 of page 15 and ends in line 12 of the same page. The language is as follows: "or (2)(A) the per centum of persons in such State or subdivision voting in the most recent presidential election exceeded the national average per centum of persons voting in such election or the per centum of such persons registered to vote in a State or subdivision by State or local election officials exceeded 60 per centum of persons of voting age meeting residence requirements in such State or subdivision, and (B) that there is no denial or abridgement of the right to vote on account of race or color in such State or subdivision:".

This language has received considerable attention since April 9. Various interpretations have been made, and most of them I might add, have been incorrect both as to its purpose and operation. Let me see if I can set the record straight by giving a short explanation of the amendment, its purpose and its operation. Before doing so however, I would like to briefly state my understanding of this entire bill.

Senate 1564 is primarily an attempt by the Congress to see that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It is the protection of this right that we are attempting to provide by this legislation. We are trying to achieve this objective of insuring the right of suffrage within the authority conferred upon us by the 2d section of the 15th amendment which says—

> The Congress shall have power to enforce this article by appropriate legislation.

The 15th amendment to the Constitution does not give us the power to punish States for past disenfranchisement of voters or for violations of the amendment itself. In that sense the measure should not be punitive. We are here to see that the rights created by the 15th amendment are protected. We should not seek to create conditions that will tie the hands of States in the conduct of their elections for periods of time far beyond the time when discrimination in voting is abolished within a State. That should not be our objective; rather, we should encourage States to cleanse themselves of past wrongs, and when they do so I am willing to forgive.

Once a State is abiding by the provisions of the 15th amendment the Federal presence in State elections should no longer be required. When a State can prove to the court that no citizen is being denied the right to vote because of race or color, then that State should be released from the requirements of section 4. That is precisely the purpose of my amendment, to give States complete control of their election process when they have ceased to discriminate in the conduct of their elections. Now, let me explain the actual operation of the amendment.

I have provided what I consider to be an incentive for States to end such discrimination. When they have become subject to the provisions of section 4, I have provided that they can get out if they can prove to a three-judge court in the District of Columbia that, first, they voted a percent of people in the most recent presidential election in excess of the national average or have registered 60 percent of the persons of voting age and possessing State residence requirements and that there is no denial or abridgment of the right to vote on account of color or race. If they can do this, they will have met the objective that this bill sets. They should then get out from under the provisions of section 4.

But to insure that they do not revert to old habits or practices, the court would retain jurisdiction of the entire matter for a period of 5 years and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose of denying or abridging the right to vote on account of race or color.

Assuming that a State has been released by a court from the provisions of section 4 and has honored the guarantees of the 15th amendment for 5 years, it cannot even then revert to a denial of the right to vote because of race or color for by so doing it would immediately become subject to the operation of the broader provisions of section 3 just as would each of the other 49 States.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 144 and the rest of the calendar up to the last one and that they be considered in sequence.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the appropriate places I may insert certain remarks, reports, and so forth in the Record.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The following measures were considered and acted upon as indicated:

IMPROVED ACCOUNTING PROCEDURES FOR DEPARTMENT OF COMMERCE

The bill (S. 908) to authorize the Department of Commerce to adopt improved accounting procedures was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subject to limitations applicable with respect to each appropriation concerned, each appropriation available to any bureau or office of the Department of Commerce may be charged at any time during a fiscal year, for the benefit of any other appropriation available to such bureau or office, for the purpose of financing the procurement of materials and services, or financing activities or other costs, for which funds are available both in the financing appropriation so charged and in the appropriation so benefited; except that such expenses so financed shall be charged on a final basis during or as of the close of such fiscal year, to the appropriation so benefited, with appropriate credit to the financing appropriation.
>
> Sec. 2. (a) Section 14 of title 13, United States Code, is repealed.
>
> (b) The table of contents of subchapter I of chapter I of title 13, United States Code, is amended by striking out "14. Reimbursement between appropriations."
>
> Sec. 3. This Act shall be effective with respect to each fiscal year which begins on or after July 1, 1964.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 157), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> The purpose of the proposed legislation is to give the various bureaus and offices of the Department of Commerce more effective control and better accountability of the services and administrative operations and expenses conducted jointly for two or more appropriations within a bureau or office when the costs are not susceptible of immediate distribution directly to those appropriations. Specific examples of such operations and expenses are: the maintenance of inventories of stores used by several appropriations, utilization of personal services of technicians paid from one appropriation but whose services are partially utilized on programs financed by other appropriations; and the charging of administrative and technical overhead to one appropriation with subsequent distribution and charge to the proper appropriation or fund.
>
> The proposed legislation would permit the Department to realize the benefits of cost accounting and administer its programs on a cost basis. It would facilitate the distribution of overhead charges and permit the recapture of costs for technical services now given to various programs without reimbursement. The legislation would simplify

payrolling by permitting a technician's salary to be charged to one appropriation with later distribution of charges to all appropriations benefited by his services. The legislation would permit stores to be purchased from one appropriation and other appropriations to be charged for them upon issue of the stores from inventory.

TO CLARIFY THE APPLICATION OF CERTAIN ANNUITY INCREASE LEGISLATION

The bill (H.R. 2594) to clarify the application of certain annuity increase legislation was announced as next in order.

Mr. ELLENDER. Mr. President, may we have an explanation of the bill?

Mr. MANSFIELD. Mr. President, this bill was reported from the Committee on Post Office and Civil Service. It would clarify beyond any doubt the designation of those persons who are entitled to receive an increase in annuities payable out of the civil service retirement and disability fund as the result of legislation enacted by Congress in 1958 and 1962.

Mr. ELLENDER. It does not increase the amount?

Mr. MANSFIELD. It does not increase the amount.

Mr. President, I ask unanimous consent that portions of the report (No. 158) covering the purpose and a statement on the bill be incorporated at this point in the RECORD.

There being no objection, the extract and statement were ordered to be printed in the RECORD, as follows:

PURPOSE

This bill would clarify beyond any doubt the designation of those persons who are entitled to receive an increase in annuities payable out of the civil service retirement and disability fund as the result of legislation enacted by Congress in 1958 and 1962.

H.R. 2594 embodies an administration proposal of the 88th Congress which was not enacted. The administration urgently supports the present bill.

Since its enactment in 1920, the Civil Service Retirement Act has been amended from time to time to increase annuities, liberalize requirements for eligibility, and change the financial structure of the civil service retirement and disability fund. In 1956, Congress completely rewrote the act. Among the significant changes made in that year was the formula to be used in computing annuities for employees retired after the effective date of the act, October 1, 1956. The new formula resulted in significantly higher annuities than those paid under the old law. Because the act did not apply retroactively, Congress in 1958 increased annuities based on service terminated prior to October 1, 1956, to compensate those retirees and survivors for the increased costs of living. The 1958 statute (Public Law 85–465) stated that a person "who, on August 1, 1958, is receiving or entitled to receive an annuity from the civil service retirement and disability fund based on service which terminated prior to October 1, 1965, shall be increased by 10 per centum, but no such increase shall exceed $500 per annum."

H.R. 2594 is designed to clarify the meaning of the words "entitled to receive."

The phrase "receiving or entitled to receive" had been used by Congress in the annuity increase statutes of 1952 and 1955 (Public Law 82–555 and Public Law 84–369). It had not been used in the annuity increase statute of 1948 (Public Law 80–426). In that statute, the language used to identify the group to be benefited consisted of the words: "In the case of an officer or employee who before the effective date of this act shall have been retired on an annuity." Congress later recognized that certain problems might arise because of the 1948 language. An employee might retire with entitlement to an immediate annuity but fail to file his application for annuity before the effective date of the act; an employee separated from the Federal service with entitlement to a deferred annuity commencing at age 62 might attain his 62d birthday before the effective date but fail to file his application before the effective date. Unless the former employee was actually on the annuity rolls before the effective date of the 1948 act, he would not receive the increase. For this reason, Congress in 1952 used the word "receiving or entitled to receive" to identify those already on the annuity rolls and also those eligible to be on the rolls but whose names might not yet be there. The same five words have been used in all annuity increase legislation since 1952 (Public Law 84–369; Public Law 85–465; Public Law 87–793).

ANALYSIS OF H.R. 2594—RETIREMENT ANNUITIES

H.R. 2594 clarifies the meaning of the words "entitled to receive an annuity" so that only those persons whose commencement date of annuity occurred on or prior to the effective date of the annuity increases enacted in 1958 and 1962 will receive the benefit of those statutes.

In 1958, Congress increased by 10 percent the annuities of retirees and survivors whose annuities were based on service terminated prior to October 1, 1956 (the effective date of the major revision of the Retirement Act). In identifying the group to receive the 10-percent increase, Congress used the words "receiving or entitled to receive an annuity." This language had been used in earlier statutes and was understood to mean those persons already on the annuity rolls and those whose eligibility for an annuity occurred on or before the effective date of the act, but were not actually on the annuity rolls by that date.

In 1962, Mrs. Ethel Hurtt (the surviving widow of a Federal employee who died in 1955) sued in the Court of Claims for the 10-percent increase even though she had not become eligible for her survivor annuity (by attaining age 50) by the effective date of the act. The court held in her favor, defining "entitled to receive" to include persons in her situation. The Justice Department elected not to appeal the case.

In 1964, other plaintiffs sued in the Court of Claims on a similar theory—that they were former Federal employees entitled to an annuity even though their annuity had not commenced. These people (about 185,000 separated prior to October 1, 1956) are defined as deferred annuitants; they are entitled to receive an annuity when they attain age 62. None of these people had attained age 62 on the effective date of the 1958 act. The case is pending before the court. A decision in favor of the plaintiffs would cost the civil service retirement fund an estimated $65 million.

Historically, annuity increases have been designed to benefit only those persons on or eligible to be on the annuity rolls on the effective date of the increase. On two occasions (1955 and 1962) increases were granted to persons whose annuities would commence at future dates, but in both cases a specific timetable was set out in the statute and the percentage of increase was reduced. No increase has ever been designed to include deferred annuitants except their annuities commenced within the spe- in the case of the 1955 and 1962 acts if cific dates set forth in the laws.

The bill (H.R. 2594) was considered, ordered to a third reading, read the third time, and passed.

TLINGIT AND HAIDA JURISDICTIONAL ACT AMENDMENT

The Senate proceeded to consider the bill (S. 893) to amend the act of June 19, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 6, to strike out "Sec. 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That"; on page 2, at the beginning of line 2, to strike out "the whole or mixed blood of the"; in the same line, after the word "Tlingit", to strike out "and" and insert "or"; in the same line, after the word "Haida", to strike out "Tribes" and insert "blood"; in line 3, after the word "are", to insert "citizens"; at the beginning of line 13, to insert "who are citizens"; and on page 3, line 1, after the word "annum", to strike out "and, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the official Central Council of the Tlingit and Haida Indians and approved by the Secretary of the Interior or his authorized representative" and insert "Such funds including the interest thereon shall not be available for advances, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, organizational, operating and administrative expenses of the official Central Council, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds shall be used. The Council is authorized to prepare plans for the use of said funds, and to exercise such further powers with respect to the advance, expenditure, and distribution of said funds as may be authorized by Congress. In order to facilitate the prompt use and distribution of said funds, the Secretary of the Interior, pursuant to such rules and regulations as he may prescribe, is authorized and directed to prepare a roll of all persons of Tlingit or Haida blood who are citizens residing in the various local communities or areas of the United States on the date of this Act. The costs of preparing such roll incurred subsequent to the appropriation to pay any judgment shall be deducted from such judgment funds"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 19, 1935 (49 Stat. 388), is amended by deleting sections 1, 7, and 8 thereof and substituting new sections 1, 7, and 8, to read as follows:

"For the purposes of this Act the Tlingit and Haida Indians of Alaska shall be defined to be all those Indians of Tlingit or Haida blood who are citizens residing in the various local communities or areas in the United States.

"SEC. 7. Upon submission to the Secretary of the Interior by the existing organization known as the Central Council of the Tlingit and Haida Indians of Alaska or by a committee duly appointed by such central council, of rules prescribing the method of election of delegates to the central council which the Secretary finds to be equitable and to be designed to assure, to the extent feasible, fair representation on the central council to persons of Tlingit or Haida blood who are citizens residing in the various local communities or areas in the United States, the Secretary, in his discretion, is authorized to approve such rules. The Central Council of Tlingit and Haida Indians, composed of delegates elected in accordance with such approved rules and their duly elected successors in office, shall be the official Central Council of Tlingit and Haida Indians for purposes of this Act. Any amendments to such rules shall be subject to the approval of the Secretary.

"SEC. 8. The amount of the appropriation made to pay any judgment in favor of said Tlingit and Haida Indians of Alaska shall be deposited in the Treasury of the United States to the credit of the Tlingit and Haida Indians of Alaska, and such funds shall bear interest at the rate of 4 per centum per annum. Such funds including the interest thereon shall not be available for advances, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, organizational, operating and administrative expenses of the official Central Council, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds shall be used. The Council is authorized to prepare plans for the use of said funds, and to exercise such further powers with respect to the advance, expenditure, and distribution of said funds as may be authorized by Congress. In order to facilitate the prompt use and distribution of said funds, the Secretary of the Interior, pursuant to such rules and regulations as he may prescribe, is authorized and directed to prepare a roll of all persons of Tlingit or Haida blood who are citizens residing in the various local communities or areas of the United States on the date of this Act. The costs of preparing such roll incurred subsequent to the appropriation to pay any judgment shall be deducted from such judgment funds. Any part of such funds that may be distributed per capita to persons of Tlingit or Haida blood shall not be subject to Federal or State income taxes."

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BARTLETT. Mr. President, it is with great pleasure that I observe the favorable action of the Senate today in its approval of S. 893, which amends the Tlingit and Haida Jurisdictional Act. Just 2 months short of 30 years have elapsed since the original act was given congressional approval, on June 19, 1935. Many things have happened and many changes have taken place in both southeastern Alaska, the home of the majority of the Tlingit and Haida people, and in the lives of the Tlingits and Haidas, themselves.

This lapse of time, Mr. President, is one of the reasons that S. 893 is necessary. The amount of the judgment, based upon the suit against the U.S. Government for land taken from the Tlingit and Haida Indians and decided in their favor on October 7, 1959, may be forthcoming from the U.S. Court of Claims, in a separate opinion, at any time. The prohibition against per capita distribution of the judgment, which made sense in 1935, does not make sense in 1965 when large numbers of the Tlingit and Haida people are to be found living away from their original communities in such far-reaching places as Anchorage, Fairbanks, Seattle, and Oakland.

What I consider to be the most important feature of S. 893, however, is that language which provides for the democratic election of an official governing body, the Tlingit and Haida Central Council.

Mr. President, the lack of such a governing body has for years been a severe handicap to these people and to the Bureau of Indian Affairs in dealing with problems connected with the anticipated judgment. There has been no representative body to speak for the Indians, nor has there been an organization in which their problems and differences could be resolved through debate and voting processes. The elective body authorized in S. 893 will correct this unfortunate situation.

As a cosponsor of S. 893, I should like to point out that it was amended in certain respects by the Senate Interior and Insular Affairs Committee. The amending was done, however, in consultation with representatives of the present, unofficial, Tlingit and Haida Central Council. Futhermore, the amendments were not objected to by any of those who testified before the committee. One of the reasons for amending the bill was to conform its language with the stated policy of the Congress. This policy requires that the Tlingit and Haida people return to the Congress for further legislation authorizing the distribution of the judgment, once the Court of Claims has decided the amount.

It is my earnest hope, Mr. President, that the other body will quickly and favorably act upon this bill we send them today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 159), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 893, as amended, is to amend sections 1, 7, and 8 of the act of June 19, 1935 (49 Stat. 388), which authorized the Tlingit and Haida Indians of Alaska to bring suit in the Court of Claims.

NEED

The 1935 act authorized the Court of Claims to hear and determine claims of the Tlingit and Haida Indians relating to the loss of property rights as a result of actions by the United States. The Indians filed their claim in 1947, and in 1959 a judgment favorable to the Indians was entered.

The value of the land at the time of the taking, allowable offsets against the judgment, and related issues have not yet been determined. It is anticipated that the final award will be made in the near future.

The 1935 statute defined the Tlingit and Haida Indians of Alaska to be "all those Indians of the whole or mixed blood of the Tlingit and Haida Tribes who are residing in Russian America, now called the Territory of Alaska, in the region known and described as southeastern Alaska, lying east of the one hundred and forty-first meridian."

The act further provided that the Indians who were eligible to share in any judgment "shall consist of all persons of Tlingit or Haida blood, living in or belonging to any local community of these tribes in the territory described in section 1 of this Act."

It also provided that each community would prepare a roll of its tribal membership and for the submission of said roll to the central council and prohibited distribution of any judgment fund on a per capita basis.

The 1935 act was designed to meet conditions that existed at that time. Since the passage of the jurisdictional act, circumstances and conditions have changed considerably. Increasing numbers of Tlingits and Haidas have chosen to make their homes outside of their local villages or communities in Alaska. Numerous individuals and families moved into the large towns and cities of southeast Alaska such as Juneau, Douglas, Ketchikan, Wrangell, and Petersburg. Several hundred have resettled in the Puget Sound area, especially in Seattle and in California. Under existing law they would receive little or no benefit from the expected judgment fund.

Because the 1935 law did not specify how the central council would be established and function, no recognized representative tribal governing body has existed, and this has been a severe handicap to the tribe and to the Bureau of Indian Affairs in arriving at a consensus of how the judgment should be used.

DISPOSITION OF JUDGMENT FUNDS OF KLAMATH AND MODOC TRIBES AND YAHOOSKIN BAND OF SNAKE INDIANS

The Senate proceeded to consider the bill (S. 664) to provide for the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 2, after the word "or", where it appears the second time, to strike out "groups." and insert "groups, except the funds heretofore or hereafter set aside for the purpose of paying the usual and necessary expenses of prosecuting claims against the United States."; in line 6, after the word "A", to strike out "per capita"; on page 3, at the beginning of line 11, to strike out "per capita"; on page 4, line 10, after the word "Secretary", to strike out "per capita"; on page 5, after line 3, to strike out:

SEC. 7. For the purpose of supervising the prosecution of Klamath claims against the United States, the Secretary of the Interior is authorized to continue to consult with the executive committee of the Klamath Tribe as the official governing body of said tribe, and the executive committee is authorized to act for and on behalf of the Klamath Tribe and its members with respect to the prosecution of such claims. The authority of said committee, which has, with approval of the Secretary, discharged such responsibilities since August 13, 1961, is confirmed: The executive committee as constituted on August 2, 1961, including members appointed to fill vacancies which occurred after that date, is authorized to fill by a majority vote any other vacancies resulting from death, incapacity, or resignation until the need for its functions no longer exists: The authority granted to the Secretary and the executive committee by this Act shall cease when the last Klamath claim against the United States has been determined, appropriated, and distributed.

And, in lieu thereof, to insert:

SEC. 7. None of the funds distributed pursuant to this Act shall be subject to Federal or State income tax.

After line 24, to strike out:

SEC. 8. No part of any of the funds distributed per capita shall be subject to any lien, debt, or claim of any nature whatsoever except delinquent debts owed to the United States, and any part of said funds distributed per capita pursuant to this Act shall not be subject to the Federal or State income tax. Payments made under this Act shall not be held to be "other income and resources," as that term is used in sections 2(a)(10)(A), 402(a)(7), 1002(a)(8), and 1402(a)(8) of the Social Security Act (42 U.S.C. 302(a)(19)(A), 602(a)(7), 1202(a)(8), and 1352(a)(8)).

And, on page 6, at the beginning of line 11, to change the section number from "9" to "8"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to distribute in accordance with the provisions of this Act the funds appropriated in satisfaction of a judgment obtained by the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, hereinafter called the Klamath Tribe for the purposes of the administration of this Act, from the Indian Claims Commission against the United States in docket numbered 100, and all other funds heretofore or hereafter deposited in the United States Treasury to the credit of the Klamath Tribe or any of its constituent parts or groups, except the funds heretofore or hereafter set aside for the purpose of paying the usual and necessary expenses of prosecuting claims against the United States.

SEC. 2. (a) A distribution shall be made of the funds resulting from docket numbered 100, including interest, after deducting litigation expenses and estimated costs of distribution to all persons whose names appear on the final roll of the Klamath Tribe, which roll was closed and made final as of August 13, 1954 (68 Stat. 718). Except as provided in subsections (b), (c), (d), and (e) of this section, a share or portion of a share payable to a living adult shall be paid directly to such adult; (b) a share payable to a deceased enrollee shall be paid to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, whose findings and determinations upon such proof shall be final and conclusive: *Provided,* That amounts payable to deceased heirs amounting to $5 or less shall not be paid, and such amounts shall remain in the United States Treasury to the credit of the Klamath Tribe; (c) a share payable to an adult under legal disability shall be paid to his legal representative; (d) a share payable to a person previously found to be in need of assistance under the provisions of section 15 of the Act of August 13, 1954, may be paid directly to the individual or, if the Secretary deems it in the best interest of the individual, it may be added to the trust now in force on behalf of said individual, with concurrence of the trustee; and (e) a share or portion of a share payable to a person under age of majority as determined by the laws of the State of residence shall be paid to a parent, legal guardian, or trustee of such minor.

SEC. 3. Within sixty days of the date of approval of this Act, the Secretary of the Interior shall commence to pay the share due to each living person whose name appears on the final roll of August 13, 1954. As to members who have died since promulgation of the final roll of August 13, 1954, the Secretary shall mail a notice of distribution of funds and a form for presentation of a claim thereunder to all known heirs or legatees of such deceased enrollees. All such claims shall be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, within two years following the date of approval of this Act. From and after that date, all claims and the right to file claims for any distribution from the judgment in docket numbered 100 shall be forever barred.

SEC. 4. Funds remaining in the United States Treasury to the credit of the said Klamath Tribe, or any of its constituent parts or groups, after the distribution of funds resulting from Indian Claims Commission docket numbered 100 as provided by sections 2 and 3 of this Act, together with any other funds which may be deposited in the United States Treasury, including without limitation funds accruing from other judgments against the United States (after payment of expenses, including attorney fees, payments for rights-of-way, trespass damages, or other revenues, together with any interest accrued thereon, shall, after deduction of the estimated cost of distribution, be distributed from time to time as determined by the Secretary to the members of the Klamath Tribe or to the members of any of its constituent parts or groups in the same manner as provided in sections 2 and 3 of this Act.

SEC. 5. After all claims of the Klamath Tribe or any of its constituent parts or groups against the United States have been finally determined, appropriated, and distributed, as provided in sections 2, 3, and 4 of this Act; and after all litigation expenses (including attorney fees) and costs of distributions have been paid, any funds remaining in the United States Treasury to the credit of the Klamath Tribe or any of its constituent parts or groups which, in the discretion of the Secretary of the Interior are insufficient to justify a further distribution, shall be deposited in the miscellaneous receipts of the Treasury of the United States.

SEC. 6. The costs of distribution may be paid out of the deductions authorized by sections 2 and 4 of this Act. Any unused portion of such amounts shall remain in the United States Treasury to the credit of the Klamath Tribe.

SEC. 7. None of the funds distributed pursuant to this Act shall be subject to Federal or State income tax.

SEC. 8. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 160), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 664 is to provide for the distribution of the judgment funds recovered by the Klamath Tribe in Indian Claims Commission docket No. 100, and all other funds heretofore or hereafter deposited in the U.S. Treasury to the credit of the tribe.

The judgment in docket No. 100 for $2,500,000 was settled by compromise and has been approved by the members of the tribe.

The Klamath Termination Act of August 13, 1954 (68 Stat. 718), gave to each member of the tribe an opportunity to either remain with the members of the tribe or to withdraw from the tribe and have his interest converted into money and conveyed to him. The Termination Act provided that, after the publication of a proclamation in the Federal Register declaring that the Federal trust relationship to the affairs of the tribe and its members had terminated, "* * * except as otherwise provided in [this act] all statutes of the United States, which affect Indians because of their status as Indians, shall no longer be applied to members of the tribe * * *." In accordance with the excepting clause the same act contained two specific provisions dealing with the prosecution of tribal claims against the United States. One protected the right of tribal members to share in the proceeds of tribal claims even though they had elected to withdraw from the tribe, and the other protected any right, privilege, or benefit which the tribe or its constituent parts had been granted by the Indian Claims Commission Act of 1946.

S. 664 provides for the discharge of the remaining obligations of the U.S. Government to distribute the proceeds of the present award in docket No. 100, and any proceeds from remaining claims, to those persons and their heirs and legatees (both withdrawing and remaining members) whose names appear on the Klamath terminal roll established by the 1954 act.

AMENDMENT OF TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

The Senate proceeded to consider the bill (S. 1129) to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product which had been reported from the Committee on Commerce with an amendment on page 1, line 4, after the word "Act", to strike out "(15 U.S.C. 7b(b)(1))" and insert "(15 U.S.C. 70 (b)(1))"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (b) of section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70(b)(1)) is amended by inserting immediately before the period at the end thereof the following: ", but nothing in this section shall be construed as prohibiting the disclosure of any fiber present in a textile fiber product which has a clearly established and definite functional significance where present in the amount contained in such product".

SEC. 2. Paragraph (2) of subsection (b) of section 4 of the Textile Fiber Products Identification Act is amended by inserting immediately before ": Provided further" the following: ", but nothing in this section shall be construed as prohibiting the disclosure of any fiber present in a textile fiber product which has a clearly established and definite functional significance where present in the amount stated".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 161), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

S. 1129 would permit the listing on labels of fibers constituting less than 5 percent of a textile fiber product when it is clearly established that such an amount has a definite functional significance.

The Textile Fiber Products Identification Act requires the designation on the label of each fiber in the product by generic name but expressly prohibits the designation by either generic or trademark name of fibers present in amounts of 5 percent or less of the total fiber contained in the product.

The addition of only 3 percent of the new stretch fiber Spandex to a garment will make that garment elastic. When more than 3 percent is added, the garment stretches too much, losing its elasticity. The committee is informed that recent developments in textile technology make it likely that other fibers, with similar characteristics to Spandex will be developed shortly. On the basis of this evidence, the committee concluded that fibers constituting less than 5 percent of the product may have a definite functional significance.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the time being.

POLITICAL ACTION NEEDED FOR "ECONOMIC UNION OF THE AMERICAS"

Mr. JAVITS. Mr. President, today, the Presidents of all Latin American nations will receive a 30-page report proposing the establishment of a Latin American Common Market. The report submitted today was prepared by Dr. Carlos Sanz de Santamaria of the Inter-American Committee for the Alliance for Progress; Dr. Felipe Herrera, President of the Inter-American Development Bank; Jose Mayobre, Executive Director of the United Nations Economic Commission for Latin America, and Raul Prebisch, Secretary General of the United Nations Conference on Trade and Development. The fact that this proposal has been made by four such distinguished leaders of Inter-American thought is highly significant; but the support of public opinion and political support at the highest levels in Latin America is also vital. I strongly urge the political leaders of the hemisphere to translate this idea of a Latin American Common Market into the reality of a mass market of some 220 million people with a combined gross national product of between $70 and $80 billion.

It is also appropriate to remind all those working toward this inestimably important goal that hemispheric unity is vital to its success, and that provisions must be made for the eventual inclusion in such a market of the United States and Canada, the largest markets of all. There is no place in the Americas for any exclusivist concept of the economic unification of the hemisphere. Without North America, success of such a venture is dubious, at best; and, there is no need to court failure, as public opinion in North America is very sympathetic to these ideas.

To those of our neighbors in Latin America who see their course as being economic unification of Latin America alone, which could then do business with Europe and North as potential competitors one with the other, it should be pointed out that this arrangement will not provide the best opportunity for success for any of the parties involved. The economic unity of the Americas is the logical course, and it should be broadened to include Canada, bringing it into full association with Latin America. In this way we can assure that the experience of the European Common Market is paralleled to give the greatest strength economically to all the Americas and make it as greatly an improved trading partner for Europe as the EEC has proved to be to itself and the Americas and the rest of the world.

Accordingly, the Latin American Common Market proposed in today's report should be the first step toward the ultimate objective of a Western Hemisphere Free Trade Area, aiding the growth of the private sector in the constitutional Republics of the Americas—and maintaining a place for Cuba, when that nation becomes again free and democratic.

Therefore, the establishment of an Action Committee for the Economic Union of the Americas, which I proposed in Mexico City on April 5, is now more appropriate than ever before. It is evident that true economic integration of the Americas can be realized only through full political commitment to it at the highest levels and with the strong support of democratic political parties, trade unions, education leaders, men of influence in all walks of life, and the peoples concerned. Even though the Inter-American Committee on the Alliance for Progress—CIAP—ministerial groups, experts, and private enterprise hemispherewide organizations such as the Inter-American Council for Commerce and Production—CICYP—and the Council for Latin America in the United States fully realize this need, such commitment has not been made evident today to an appreciable enough degree.

Unless widespread political support develops the great gains made by the Latin American Free Trade Area, the Central American Common Market, and the Alliance for Progress could be dissipated with the most damaging consequences to the future of freedom and well-being in the hemisphere.

Under my proposal leaders of democratic political parties and trade unions of the Americas—which excludes the extremist right and the Communist left—and Latin American personalities devoted to the cause of education and of democratic reform and unity would join in the establishment of an Action Committee which would dedicate its heart and soul and its influence to bringing about a true continental economic union. The committee would do this by rallying strong political support behind the idea of a treaty for a Latin American Common Market, composed of all the nations of Latin America, to be followed in due course, as the Latin American members agree, by a treaty for a Western Hemisphere Free Trade Area, including the United States and Canada.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the Action Committee I have proposed, like Jean Monnet's Action Committee for the United States of Europe, would derive its strength from a distinguished membership agreed on the necessity of achieving the goal of a continental economic union, and committed to influence their respective Parliaments, trade unions, colleges and universities, and public opinion in general, to realize that goal.

The need of political leadership in Latin American economic and political unification is becoming clearer daily to the governments and people of the hemisphere. The report issued today, is one of the best examples of this, since it was prepared on the request of Eduardo Frei, President of Chile. What is needed now is a final well organized drive to overcome inertia and any narrow view of nationalism or sectionalism which separates the hemisphere from the realization of these goals.

I trust that today's report will bring about a new drive for a true economic union of the Americas, North and South.

Mr. President, I ask unanimous consent to have printed in the RECORD various newspaper articles on the subject of Latin America.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Apr. 13, 1965]

U.S. MEMBERSHIP, SUPPORT TO BE ASKED—A PLAN FOR LATIN AMERICA'S OWN COMMON MARKET

(By Barnard L. Collier)

WASHINGTON.—A sweeping proposal to launch a Latin American common market patterned after the successful European Economic Community was presented yesterday to Mexican President Gustavo Diaz Ordaz and the Ambassadors to Mexico of all the hemisphere Republics, including Cuba.

The study strongly suggests action be taken by all Latin American governments on the topmost political level to make economic integration of the hemisphere a reality. It also makes it clear that free trade within the area is considered vitally urgent by the hemisphere's most prominent economists.

A courtesy copy of the document, the details of which are being kept secret for 10 days to give the Presidents of 21 of the hemisphere's nations time to study it, is also being sent to President Johnson. The four high-ranking Latin American economists who drafted the proposals hope for firm U.S. support and possible participation in the plan.

Officially, the United States hopes to be able to back the common market proposals, since the administration has often proclaimed its wholehearted approval of increased Latin American economic integration. But it is admitted here that several points in the still secret plan are disturbing, and U.S. official comment on the plan must await, says the State Department, much longer study.

There are three major points in the ambitious proposals:

A strong proposal for automatic, across-the-board tariff cuts on virtually all items in inter-American trade and commerce.

The formation of a multilateral payment and credit union to deal with and administer the maddening problems of Latin America's wildly fluctuating monetary affairs.

The formation of a supernational council of hemispheric foreign ministers and high trade officials to meet regularly to make many of the overall decisions for a trade area of 220 million people and a $75 million gross national product.

The 30-page document embodying the proposals was drafted at the initiative of Chile's new Christian Democratic President Eduardo Frei, who complained last January that the Latin American Free Trade Area (LAFTA) had limited objectives, was failing in its tariff-cutting negotiations, and needed broader goals.

LAFTA is based upon the Montevideo Treaty of 1960, and its members are Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Uruguay, Paraguay, and Peru.

In the 3 months since, Economist Raul Prebisch, Director General of the Latin American Institute for Economic and Social Planning; Felipe Herrera, President of the Inter-American Development Bank; Carlos Sanz de Santamaria, Chairman of the Inter-American Committee for the Alliance for Progress, and Jose Antonio Mayobre, Director of the U.N. Economic Commission for Latin America, have worked on the plan.

While the common market proposals do mirror a widespread feeling in both Latin America and the United States that neither LAFTA nor the Central American Common Market (consisting of five Central American Republics), has worked well enough in tariff cutting and market expansion, there is also considerable feeling that no plan—even this one—is feasible unless it can obtain high-level political commitments in almost every Latin American nation.

The directors of the plan are hoping for large amounts of favorable publicity for their suggestions, and a concerted drive is underway throughout the hemisphere to line up firm political support for the common market scheme.

In the United States, the idea of a Latin American common market has already gained the enthusiastic backing of Senator JACOB JAVITS of New York, who compares Latin America with the Europe of 10 years ago, but insists that barrier-free inter-American trade can attract enormous amounts of outside capital for industrial expansion and help to equalize the trade inequities between Latin America and the industrial nations of Europe, North America and Japan.

It is stressed by economic experts that the economists' proposals are basically strong suggestions for urgent action, and not detailed technical plans for putting the Latin American common market into operation.

The study, it is hoped, will serve as a foundation for a possible inter-American treaty setting up the common market, whereupon the technicalities will be worked out to solve the myriad problems of free trade in an area that is many times larger than Europe, and lacks Europe's longstanding industrial base.

[From the New York Times, Apr. 12, 1965]

COMMON MARKET FOR LATINS URGED—ALL NATIONS IN HEMISPHERE TO GET PLEA FOR UNION

(By Tad Szulc)

WASHINGTON, April 11.—The presidents of all the American republics will be asked tomorrow to act urgently "on the highest political level" toward organizing a Latin American common market.

A 30-page document, emphasizing economic integration through a common market and suggesting an inter-American treaty to serve as its institutional framework, is to be issued by the four men in charge of the hemisphere's economic developments.

The detailed study of the common market program, which is considered vital if Latin America is to continue economic development and play a meaningful role in world trade, will be submitted to President Gustavo Diaz Ordaz of Mexico.

COPIES FOR ALL ENVOYS

Copies of the document and covering letters will be delivered to the ambassadors of all the American republics in Mexico City for transmission to their capitals.

A copy is to be sent to President Johnson because it is hoped that the United States will participate in the organization or at least support it actively.

The study was prepared by Carlos Sanz de Santamaria, chairman of the Inter-American Committee for the Alliance for Progress; Felipe Herrera, president of the Inter-American Development Bank; José Antonio Mayobre, executive director of the United Nations Economic Commission for Latin America, and Raúl Prebisch, director general of the Latin-American Institute for Economic and Social Planning.

Dr. Prebisch is also secretary general of the United Nations Conference on Trade and Development.

President Osvaldo Dorticós Torrado of Cuba will receive a copy of the document since his country is a member of the United Nations and both Mr. Mayobre and Dr. Prebisch head institutions of the world organization. Because of her socialist policies, however, Cuba is not expected to show much interest in the program.

The common market document, the product of 3 months of studies and consultations, is believed to mark a major step in Latin American economic development.

It reflects mounting pressures for a workable system under which the economies of individual countries could be meshed in the industrial and agricultural fields, and thus help expand markets.

Latin America already has two organizations for regional economic integration, but these are considered insufficient. The Central American Common Market, consisting of Costa Rica, Guatemala, Salvador, Nicaragua and Honduras, has been relatively successful. However, the Latin American free trade area, based on the Montevideo Treaty of 1960, is considered largely a failure.

The latter group comprises nine countries—Argentina, Brazil, Chile, Colombia, Ecuador, Uruguay, Paraguay, Peru and Mexico. For years it has been engaged in tedious and frustrating negotiations on the reduction of tariffs.

The study says this type of "micro-negotiations" must be replaced by a hemisphere-wise agreement on integration. The common market would be a trade and customs union, in which the goal would be the elimination of internal tariffs and the presentation of a single external tariff to nonmembers.

The document is reported to suggest, among other initial measures, the establishment of a Latin American payments union, patterned after the European Payments Union. It is understood that the International Monetary Fund has dropped opposition to such a plan.

It is also understood that Mr. Herrera and Inter-American Development Bank officials have prepared the draft for a Latin American economic community treaty, based on the European Economic Community, or Common Market.

Thus far, trade within the hemisphere represents only a small fraction of Latin America's total foreign commerce. The United States, Europe, the Soviet bloc and Japan are Latin America's chief trading areas.

SPACE SCIENTISTS AND ALABAMA

Mr. JAVITS. Mr. President, I invite the attention of the Senate to an interesting letter which I have received from three students working for Ph. D. degrees in mechanical and aerospace science at the University of Rochester, in which they state that they have read in various newspapers and magazines that the space agency suspects that scientists and engineers might be hesitant to work in certain areas of the country because of the racial situation which exists there. These students wanted to state in writing that they would not consider working at NASA's base in Huntsville, Ala., for this reason.

Mr. President, this is indeed an unhappy situation which is distressing to any Senator and Representative. However, it reflects the deep feeling of millions of Americans, and is another basis upon which we can appeal to the people of Alabama to put their own house in order, and bring themselves and their institutions into conformity with the letter and spirit of the Constitution of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter addressed to me by the three students.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF MECHANICAL AND
AEROSPACE SCIENCES, THE UNIVERSITY OF ROCHESTER,
Rochester, N.Y., March 22, 1965.

DIRECTOR, NASA MARSHALL SPACE FLIGHT CENTER
Huntsville, Ala.

DEAR SIR: We expect to receive our Ph. D.'s in mechanical and aerospace sciences from the University of Rochester in the near future. We have read in various newspapers and magazines that NASA suspects that scientists and engineers might be hesitant to work in Alabama because of the racial situation that exists there. Therefore, we would like to state in writing that we would never consider working for NASA at Huntsville because of the racial injustices that are ever so much a way of life in Alabama. Perhaps if enough technical people put their views in writing, NASA would be able to judge better the effect that its location in Alabama has on its ability to hire the properly trained people that are needed.

Our views are strictly personal, and are not to be taken to be those of the University of Rochester, or more specifically, those of the Department of Mechanical and Aerospace Sciences at the University of Rochester.

Yours very truly,

LYNN A. SELKE,
VINCENT J. PIARULLI,
NASA Trainees.
FREDERICK H. DRURY,
NDEA Fellow.

PRINTING OF PAMPHLET ENTITLED "OUR AMERICAN GOVERNMENT"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 122, House Concurrent Resolution 97.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 97) to authorize the printing as a House document the pamphlet entitled "Our American Government."

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection the Senate proceeded to consider the concurrent resolution.

UNIVERSITY OF MICHIGAN LIBRARIES

Mr. MANSFIELD. There has been some discussion and debate of this matter in the days and weeks past.

Mr. AIKEN. Mr. President, when this matter came up about 2 weeks ago I asked that consideration of it in the Senate be postponed merely because I knew that large quantities of this document had been printed not very long ago and that most of those that had been assigned to the Senate for its use were lying unused in the storage room.

Under the pending concurrent resolution 206,000 copies would be made available for use by the Senate. I understand that about 150,000 copies of the pamphlet are still lying, unused, in the storage room. My investigation showed that 11 Members of the Senate had used up their allotment of 2,000 copies, and that approximately half of the Members of the Senate had used some of their copies.

I had my office staff bring up 250 copies of this pamphlet, and we still have some left over. There has been a greater demand for the pamphlet since I held up consideration of the concurrent resolution 2 weeks ago.

At the time I held up consideration, I did not realize that it consisted merely of excerpts from a book which is published by Scholastic Magazines, Inc., which contains a thousand and one questions and answers. It is printed in a papercovered edition.

The document we are asked to print contains about 175 questions and answers. After I had learned that this public document comprised excerpts from a commercially published book, I located a copy of the book. I find that it is a papercovered book and sells for 35 cents. I did a little mental arithmetic, and I figured that if the Senate or Congress bought the book at wholesale, which it probably would be able to do, at a 40-percent discount, we could buy about 340,000 copies of the entire book, instead of 1,084,000 copies of the excerpts.

I shall not object to adopting the concurrent resolution, but I believe that in the future the Senate should not be required to pass on something that the House may wish to have printed for its use.

I notice that in the newest edition of the public document, carrying excerpts from the privately published book, there is a listing of the names of the current Members of the House and of the Senate. This necessitates its being republished every 2 years.

I believe that our Joint Committee on Printing could be a little more careful in ascertaining what we have on hand before asking for money to reprint a great many more copies of something we have in surplus.

The cost of printing the document under consideration is only about $70,000, which is a small part of $17 million it costs Congress each year for its printing.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Vermont in expressing the thought that it would be better, if Senators wished to have a document like this for their constituents, it would be better to print a document which was prepared by Congress, rather than to have excerpts printed from a book which is commercially published. The question comes to mind whether any royalty is paid on the reprinting of the pamphlet.

Mr. AIKEN. I would not know about that. I did not inquire into that question.

Mr. WILLIAMS of Delaware. I wonder if the sponsors of the concurrent resolution know whether any royalties are to be paid to the author of the book or to the publishing company.

Mr. AIKEN. The resolution comes to us from the House. If any royalties were involved in the sale of the book or in the sale of the document, I would expect it would be perfectly legal, as long as Congress publishes the document.

Mr. WILLIAMS of Delaware. Can the manager of the concurrent resolution tell us whether any royalties are involved if we should publish this document? Inasmuch as the pamphlet involves excerpts from a book which was commercially published, and upon which royalties are being paid, the question is, If we authorize this pamphlet to be printed as an official document, will it involve the payment of any royalties?

Mr. MANSFIELD. I do not see how any revenue could be gotten out of this document, because it is for printing and distribution by Members of Congress, even if it is out of date, as the distinguished Senator from Vermont has found out, in a way to our sorrow. Because of the publicity he has given to it, he has had an unprecedented demand for the document. Even though it is not quite current, he has done his best to keep up with the requests for it from all over the country.

To the best of my knowledge, there would be no possibility of royalties being received from the publication of a document of this nature.

Mr. WILLIAMS of Delaware. If we adopt the concurrent resolution today, could we adopt it with the assurance that no royalties would be involved, and that if it should develop later that royalties were involved, we could reconsider our action?

Mr. AIKEN. I can answer the question. So far as Congress is concerned, it pays no royalties for reprinting excerpts from the book. As far as the book itself is concerned, I have not made any inquiry. I do not know whether any royalties are involved in the sale of the book.

Mr. MANSFIELD. I assure the Senator that his admonition will be kept in mind. This matter will be watched closely, as far as the Senate is concerned.

Mr. AIKEN. The Senator from Delaware had two parts to his question. He asked why Congress does not prepare its own books. Congress has two excellent books which have been prepared by its own people. One is "Our Capitol." It is a very fine book. The other is "How Our Laws Are Made," written by Charles Zinn, who, I understand, is an employee of the House.

Mr. WILLIAMS of Delaware. They are excellent documents and they were prepared by the Congress. I know from personal experience that we cannot get enough copies of the latter two books to distribute to schoolchildren. They are excellent documents.

While I will not oppose the proposal today, I do believe that our money could be far better spent on these later mentioned documents, which were prepared by Congress, instead of printing excerpts from someone else's book.

Mrs. NEUBERGER. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mrs. NEUBERGER. I hope the Senator from Delaware and the Senator from Vermont are sympathetic with my complaint about the Government's publishing the annual report of the DAR. This matter follows along the same line. I understand that this year the report does not include any of its anti-Government resolutions, which have been included heretofore. I have the same feeling about their publication.

Mr. AIKEN. I agree. I do not know about the particular document to which the Senator refers, but I do know that Congress ought to avoid printing a great deal of stuff that is printed at public expense and distributed, which gives semiofficial approval of Congress.

I believe we have fallen down in this respect. It cost $17 million to pay the printing bill of Congress each year. The concurrent resolution involves what might be called a pittance, of $70,000, even that amount would light the White House for a long time.

Mr. MANSFIELD. I believe this debate has been most beneficial. These warning flags which have been raised will be noticed. I am hopeful that out of this responsible discussion, in large part, there will come a greater consideration on the part of appropriate committees of both the House and Senate as far as these matters are concerned.

Mr. AIKEN. I should like to have the last word in the discussion. Reference has been made to the "unprecedented" demand for the document recently. It has been said that there has been an "unprecedented" demand on my office for the document. But that "unprecedented" demand probably amounts to 30 or 40 copies, most of which were requested by critics.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the measures which have been passed or adopted today be reconsidered.

Mrs. NEUBERGER. Mr. President, I move to lay that request on the table.

The motion to lay on the table was agreed to.

THE EXCLUSION OF INPATIENT MEDICAL SERVICE IN THE MEDICARE BILL

Mrs. NEUBERGER. Mr. President, I am a cosponsor of an amendment submitted by the senior Senator from Illinois [Mr. DOUGLAS], which would correct a great discrepancy in the new health care for the elderly bill, which has recently passed the House, and will now be considered by the Senate.

I refer to the exclusion of inpatient medical services rendered by physicians in four specialty fields: radiology, pathology, anesthesiology, and physiatry. Under the new bill, H.R. 6675, the elderly patient must pay for these critical services out of pocket, unless he subscribes to a voluntary Federal insurance plan.

Why disrupt a system long practiced by the central institutions of our medical service system? Under present Blue Cross coverage, for example, hospitals are reimbursed for the costs of radiologists, pathologists, anesthesiologists, and physiatry as routine items. That is the way it should be. The administration's original proposal would have defrayed all reasonable costs of X-rays, diagnostic tests, anesthetics, and physical rehabilitation, services normally furnished in the hospital. Financed by the social security payments, these benefits would have flowed—as a matter of right—to almost every U.S. citizen age 65 and over.

If this provision goes uncorrected, not only will hospitals face administrative debacle, but the mechanism of the health insurance program will be impaired severely. The Senator from Illinois [Mr. DOUGLAS] listed in the RECORD of April 6, seven problems that the proposed bill is likely to encounter if the payments of medical specialists are not put back into the basic health insurance plan. I think it worthwhile to reiterate these potential problems:

First. Exclusion of these services would seriously retard the continued development of the modern hospital as the central institution in our health service system.

Second. Not only will the public be confused through a multiple-billing approach and cost them more, but it could endanger the quality of patient service.

Third. Providing separate payments for these specialities would interfere with existing relationships between hospitals and physicians and tends to dictate a nationwide pattern prescribed by the Federal Government.

Fourth. Aged beneficiaries are certain to face a substantial reduction in the benefits they will receive.

Fifth. It will imperil the long standing arrangements developed by many Blue Cross plans.

Sixth. Administration of the overall program would be enormously more complicated.

Seventh. It would force a nationwide renegotiation of contracts between hospitals and specialists and between hospitals and third party agencies.

The American Hospital Association has taken the position that "radiology, pathology, anesthesiology, and physiatry services in hospitals are essential to the provision of high-quality patient care in the hospital and thus are basic hospital services." It follows quite logically, therefore, that payment of these "basic" services should be through the auspices of the hospital in which they are rendered.

How can we say our older citizens will have adequate protection against hospital cost if vital and necessary services are categorically excluded from the program? Not only does H.R. 6675 assume all eligible persons are financially able and willing to take advantage of a supplementary plan for full hospital protection, it complicates further a program already confusing to many. Let me illustrate a typical case under this bill, as proposed by the House of Representatives:

A 75-year-old man would be entitled to benefits under the hospital insurance plan to have payments made for inpatient hospital care and certain other post-hospital and home health services. In addition, this individual has taken advantage of the voluntary supplementary plan, also available under the proposed bill, which offers coverage for physicians' services and a variety of medical and other services not covered under the hospital insurance plan.

Under the care of his own physician, our man has been recommended for admittance to the local hospital with a carcinoma of the prostate. His stay in the hospital lasts about 21 days, and during that time he is provided with certain medical services—requiring the attention of hospital specialists—necessary for proper treatment. Here is a rough account of services provided and costs incurred under the proposed bill:

Services	Hospital bill	Hospital insurance plan	Supplementary plan
Room and board	$798.00	$798.00	0
Urology	7.00	7.00	0
Recovery room	30.00	30.00	0
Anesthesia	90.00	30.00	$60.00
Operating room	170.00	170.00	0
Laboratory	200.00	185.00	15.00
Surgical pathology	7.50	0	7.50
X-ray	150.00	100.00	50.00
Drugs	160.75	160.75	0
Dressing	14.60	14.60	0
Inhalation therapy	48.00	45.00	3.00
Electrocardiogram	10.00	7.00	3.00

Urologist professional fee is $350. This poor old man had some complications with the heart and his doctor brought in a consultant cardiologist; additional fee is $50.

Under present Blue Cross coverage and the administration's original proposal, the individual would get one bill covering all hospital services, another bill from the urologist and a third bill from the consultant, a total of three bills.

Payments for the same operation, however, would be radically different and immensely complicated if covered by H.R. 6675, as it is proposed. If my interpretation of this new bill is correct, the patient would receive a total of eight bills. One would be paid under the basic hospital plan of which our patient pays a $40 deductible. In addition to that he will be receiving an anesthetist's bill for $60, a clinical laboratory bill for $15, a tissue pathologist's bill for $7.50, a radiologist's bill for $50, an inhalation therapy chief's bill for $3, and a bill of $3 to the chief of electrocardiography. Since the supplementary plan covers 80 percent of these bills, our patient must pay the remainder.

Two questions remain unanswered and which no provision in the new bill covers. First, how do all these doctors get together, figure out who gets what, and who gets charged with the deductible? Second, who is going to explain to this poor 75-year-old confused man, who probably has had no personal contact with these specialists, that these are legitimate bills he has received?

If one were trying to scuttle the entire program of health insurance for our elderly, I could think of no better way of doing so than by presenting to the public and hospitals such an administrative quagmire as this one. Nothing complicates or hinders the operation of a hospital more than the overlapping function of its staff and facilities from the services of these specialists. Enacting H.R. 6675 without changing this provision would be taking a step backward.

There are conceivably two reasons why the House committee decided to exclude the services of these specialists from this bill. First, addition of such services seemngly may increase the cost of hospital insurance under the separate trust fund administered by social security. However, since H.R. 6675 has been broadened by adding a supplementary plan and expanding Kerr-Mills covering these services, the Government would bear the brunt of these costs in any case. In fact, including such fees under the supplementary private insurance plan might cause them to skyrocket. Hospitals would be unable to set uniform standards.

The second reason—as might be expected—is the dictates of the American Medical Association. It is no secret that the doctors are vehemently against setting a precedent of including physicians' services under any program reimbursed by the Government. However, including these services as part of the basic hospital plan simply retains the status quo as practiced by Blue Cross and other private insurance companies. The AMA's grand strategy to exclude any such precedent recently was revealed by Carlton Smith in "Medical Economics." At this point I ask unanimous consent to have an insert from this article printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

> What's the best preventative? Dr. Samuel R. Sherman of California, chairman of the AMA Council on Legislative Activities, sketched it out for me this way: "Any Federal legislation covering hospital care should be confined to just that from the very start. No medical services should be included. A legislative fence should be built between hospital services on the one hand and doctors' services on the other."
>
> Some 50,000 M.D.s are presently on the wrong side of the fence. Their services are covered, along with strictly hospital services, in the 1965 King-Anderson bill. Radiologists, pathologists, and anesthesiologists spoke bitterly about it last month in Chicago. Said one: "When we become socialized, we want to be socialized with all physicians. We don't want to be socialized alone."
>
> So the AMA will get out its wire cutters and try to get these specialists back on the right

side of the King-Anderson fence. Negotiating in Washington, it'll try to delete all doctors' services from H.R. 1 except the services of interns and residents and staff M.D.s who don't render medical service. If this could be accomplished, the delegates resolved last month, it would "eliminate a precedent for inclusion of further physicians' services at a later date."

ADDRESS BY SENATOR KENNEDY OF NEW YORK TO NATIONAL COUNCIL ON THE AGING

Mr. HART. Mr. President, the junior Senator from New York [Mr. KENNEDY] recently addressed a meeting of the National Council on the Aging, and discussed in basic, far-reaching terms, which deserve close attention, the future of our social security system.

Noting that millions of retired Americans live in poverty, due to the inadequacy of the benefits afforded them by social security, Senator KENNEDY called for a searching reexamination of the system, insofar as our lowest-income senior citizens are concerned. He pointed out the limited possibilities for benefit increases under the payroll-tax method of financing, which has been used since the inception of social security, and called for consideration of partial financing from the proceeds of the income tax, so that we can achieve an adequate level of benefits for every retired person who depends on social security in order to subsist. Senator KENNEDY's address is thoughtful and provocative, and merits a careful reading by everyone who is concerned with the plight of so many of our elderly citizens.

I ask unanimous consent, therefore, that Senator KENNEDY's speech be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR ROBERT F. KENNEDY AT THE OLLIE A. RANDALL AWARD AND DINNER 14TH ANNUAL MEETING OF THE NATIONAL COUNCIL ON THE AGING, MARCH 2, 1965, SHOREHAM HOTEL, WASHINGTON, D.C.

Mr. Shelley, Dr. Dosco, President Meyer, Mrs. Mathiasen, and distinguished guests, I am pleased to be with you at this year's meeting of the National Council on the Aging. Since its founding in 1950, the council has played a leading role in the effort to help older people lead more comfortable, more complete, more dignified lives. Your work has ranged over the whole spectrum of problems of the elderly—housing and employment, retraining and retirement, medical care and medical indigency. For all, you have contributed substantially to the research for constructive solutions. I therefore feel especially honored that you have asked me to address you.

And it is especially appropriate that we meet today. This year, as we mark the 30th anniversary of the passage of the Social Security Act, we will enact the medicare bill—a charter of freedom from undue fear of illness and injury—into which President Kennedy put so much of his energies and efforts.

I need not dwell here on the significance of medicare. The costs of hospital and related care for the elderly have risen sharply as time has passed, and with each rise in cost, an increasing number of older Americans are unable to afford adequate medical care. We all know that medicare does not solve all the medical-cost problems of the aged. But it is a significant first step—and it is an imperative step.

I would like to talk this evening about what comes next—about a thorough evaluation of the basic structure of the social security system. Social security was designed to give our elderly a hope for decent life in retirement, a new chance to live out their days in dignity and peace instead of poverty and despair. When Franklin Roosevelt transmitted the original social security bill to the Congress, he pointed out that the Nation had a "plain duty" to establish a "sound means" of averting "the dreadful consequence of economic insecurity." The bill, he said, was directed "toward a greater future economic security of the American people." I think it is time we took a careful look to see whether social security is now fulfilling that purpose—and what we must do to insure that it does afford our older citizens the measure of protection which they need and deserve in their last years.

I do not wish to minimize the importance of other, related problems. We face equally great challenges in finding ways to utilize the skills and abilities, the experience and knowledge of our older citizens, in providing adequate housing for the aged and in expanding research into the causes and prevention of the illnesses and diseases associated with the aging process. But my major subject this evening is the economic security—or lack of it—which the social security system gives our retired citizens.

This basic fact is that in the midst of unprecedented prosperity our older citizens live in poverty. The Bureau of Labor Statistics estimates that it costs about $3,000 for a retired couple to live at a modest but adequate level in a big city, and $2,500 in a smaller community. Yet in 1962, half of the 5,400,000 aged couples in this country had incomes of less than $2,875, and 30 percent had income less than $2,000. The modest but adequate level for retired individuals is $1,800, and two-thirds of the 8,700,000 people in this category had less than this amount. Half had less than $1,130.

These shocking and shameful income figures are closely related to the level of social security benefits. For more than a third of its individual beneficiaries, and nearly 20 percent of couples receiving benefits, social security is the sole source of income. But in 1964, the benefits paid to retired individuals averaged $74 a month—just $888 a year. Benefits for aged couples averaged $130 monthly—$1,560 annually. Those millions who depend on social security for their entire support live in poverty.

We have, to paraphrase President Kennedy, continued to add to the years of life; but we have not yet met our responsibility to add new life to those years. Social security may provide a floor of protection to our elderly. But it is a floor without a carpet; and the nails come through.

We have always relied on individual savings and pensions to supplement social security. But for too many, there are no adequate supplements. This is by definition the case for the millions of elderly people who live in poverty. These are the people whose lives have always been a struggle, the people who were never able to save significant sums, the people who never worked for a firm which had a private pension plan. For these millions the sole hope upon retirement is an adequate pension under social security.

We have a long way to go.

The figures I have cited demonstrate that increase of 100 percent or more are needed for the lowest income groups if we are to provide them with adequate benefits. We must recognize that this is going to be a costly proposition. How, then, are we going to foot the bill?

Within the present scheme, there are two ways of getting greater contributions—raise the payroll-tax contribution rates, and increase the maximum earnings base subject to contributions and creditable for benefits.

There does not seem to be too much room left for doing the former. Many are reluctant to raise the rate much over 10 percent for the employer and employee combined, and increases already projected will bring us to around that level. Increasing the maximum earnings base will be of some help. If, for example, the base were increased to $7,200, as this year's Advisory Council report recommended, individuals who earn $400 a month on the average would get benefits of $144 monthly instead of $127. Couples with those earnings would get $216 a month in benefits instead of the present $190.50. Some have suggested that the maximum earnings base could realistically be raised as high as $9,000 or $9,600, but even that would not be enough to provide the level of benefits essential to a life of modest comfort and dignity.

To provide these benefits, I think we must begin to consider a limited use of general revenue financing for the system.

Economically, a limited turn to general revenues makes a good deal of sense. The payroll tax is highly regressive. Its major justification has been that a payroll tax is basically contributory. In the main, the worker gets out during the years of retirement what he put in during the working years.

Yet, to a significant extent, this is no longer the case. Considerations of social justice have modified the strict relation between benefits and earnings. We have provided benefits to poorer and more irregularly employed workers; to widows and orphans; to those disabled by injury and illness. And we have always paid benefits to workers who were too old when the program began to make a full contribution for the benefits they are receiving.

In all these ways, the social security system has responded to genuine social needs. Through it, we are now providing benefits to deserving people who properly were not asked to pay for them. But we are doing so out of payroll contributions of others—and the payroll tax is highly regressive. That is why I say a limited turn to general revenues would make a good deal of sense.

Financing the extra benefits which I have mentioned out of the progressive income tax instead of the regressive payroll tax would greatly ease the burden on middle and lower income wage earners. It would allow a return to use of the payroll tax as a basically contributory devise; and it would free a substantial sum to be used for the benefit of those who had contributed it.

Nor is there anything revolutionary in suggesting that we must be considering a limited use of general revenues in the social security system. The first Presidentially appointed Council on Economic Security, whose report preceded the enactment of the Social Security Act, said that Government contributions to the system would eventually be needed, adding prophetically that, "It will not be necessary to have actual Government contribution until after the system has been in operation for 30 years."

The 1938 Advisory Council made the same recommendation, giving as its reason that "the Nation as a whole, independent of the beneficiaries of the system, will derive a benefit from the old-age security program. * * *" The Council also said, pertinently, that "with the broadening of the scope of the protection afforded, governmental participation in meeting the costs of the program is all the more justified. * * *" The 1938 Council stated the principle to be one of "distributing the eventual cost of the old-age insurance system by means of approximately equal contributions by employers, employees, and the Government."

The Social Security Board itself in 1939 called it "sound public policy to pay part of the eventual cost of the benefits proposed out of taxes other than payroll taxes, preferably taxes such as income and inheritance taxes levied according to ability to pay." The Board added that "the wider the coverage, the more extensive this contribution from other tax sources might properly be."

In 1946, the House Ways and Means Committee's technical staff recommended a continuing Federal subsidy up to "a third of the year's total of benefit and expense payments." The 1948 Advisory Council called a Government contribution "a recognition of the interest of the Nation as a whole in the welfare of the aged and of widows and children." I might just add that these Advisory Councils were not composed of wild-eyed radicals. Both the 1938 and 1948 groups included such highly respected names as Edward R. Stettinius, Jr., and Marion B. Folsom.

There is, therefore, sound historical basis for undertaking now to consider utilizing a contribution from general revenues to help provide adequate benefits for the lowest income participants in the social security system and to help finance the payments of benefits to other beneficiaries who were never able to contribute in full for what they are now receiving. And there is sound economic basis as well. We will, over the next few years, have more than sufficient general revenues for a constructive contribution to social security without any increase in taxes. The present growth rate of the economy is 3½ percent annually. Some say it will be even greater, but even at 3½ percent the present tax rates will generate an annual revenue increase of $6 billion. By 1970, the income tax will be yielding the Federal Government an estimated $30 billion more every year than it is today. I think we can certainly afford to contribute some of this to social security. By doing so we will considerably ease the pressure on State and local welfare costs which are now skyrocketing. The dollars we put into raising social security benefits for the lowest income retirees to an adequate level will directly lighten the load on public assistance—a load, I might add, which is often financed by regressive State and local sales and property taxes. If we are going to deal with the problem, I think it makes a great deal of sense to use the income tax to do it.

I would like now to turn to some specific items, some particular things which we ought to do to improve the overall adequacy of the social security system.

First, specific action is needed to improve the position of the widow under social security. The average widow's payment is now only $67 a month—$804 a year. Widows should receive benefits of the same magnitude as their deceased husband's primary benefit. Widows deserve disability coverage, too, as do disabled wives of retired or disabled workers. The lack of coverage in this area represents a significant threat to economic security.

Second, I think it is imperative that we modify the retirement test, which causes reductions in benefits for workers earning over $1,200. As the law now stands, unless a man can earn quite a substantial sum, he will begin actually losing money as he earns over $1,700; at that point his tax-free social security dollar will be replaced by taxable earned dollars on a 1-for-1 basis. It is important to the policies underlying social security that there be an earnings test, but I think that at present it goes into operation at an inequitably low level, and should be raised significantly.

Third, disability benefits are, in my judgment, in need of certain reforms. At present the law requires that a disability be expected to be of indefinite duration, in effect permanent. President Kennedy recommended in 1961 that the requirement of permanence be removed, leaving only the requirement that the disability be total. Coupled with a provision for payments immediately upon determination that a total disability exists, this would provide the economic security needed. Further, the requirement of inability to engage in any substantial gainful activity is unduly hard on older workers who, though unable to perform their usual work could theoretically, though not practically, obtain other employment. I would liberalize the definition of disability for workers over age 55 so they need not show inability to engage in any and all substantial gainful activity, but only in the activity in which they were previously engaged.

These things we must do—and we will do them. But we must above all not rest content with the achievements of yesterday or today. We must continue our concern, and our attention for these problems—never allowing the passage of time and the change of circumstances to outmode our solutions. We must learn to pay better and more regular attention to the need for increased benefits. Even during the past 4 years, during which we did a good job in holding the line against rises in the cost of living, consumer prices rose about 5 percent. If we are not going to provide any automatic formula for increase—as we have done under the civil service retirement system and the military service pension system—we must be prepared to legislate regularly to raise benefits, not only to keep pace with the cost of living, but to allow our elderly to share in the rapid gains in productivity which we have been experiencing. Our inaction does not leave things as they are. It allows them to deteriorate.

But the basic choice is a plain one. Social security, for many of our senior citizens, will be only a way of keeping partial reliance on public assistance from turning into total reliance—unless we do whatever is necessary to provide an adequate income for all retired Americans. We must insure that the best is yet to be, the last of life, for which the first was made. It is up to us.

THE VOTING RIGHTS BILL—RESOLUTION OF THE MAYOR AND CITY COUNCIL OF INDIANAPOLIS

Mr. BAYH. Mr. President, the mayor and city council of Indianapolis adopted, on March 15, 1965, a resolution supporting the proposals of President Johnson for effective Federal measures to safeguard the lives of, and to guarantee the rights of, persons seeking to register and to vote. An official copy of the resolution has just been presented to me; and I ask unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Whereas it has come to the attention of the citizens of the city of Indianapolis that Negro American citizens, in striving to gain their rights to register and vote, in the city of Selma, Ala., have been denied the right to peaceably assemble to petition their government for redress of grievances, and their right to register and vote, and that violence has erupted in their attempts to further said rights; and

Whereas President Lyndon Baines Johnson has indicated to the citizens of the United States his firm resolve for Federal action to guarantee the right of Negroes or of any other citizens, who seek to redress their grievances, to peaceably assemble, and the further guarantee of all citizens' rights to register and vote in the election of public officials, and said President Lyndon B. Johnson has indicated that legislation will be proposed to Congress to guarantee said rights, promptly and effectively: Now, therefore, be it

Resolved by the Common Council of the City of Indianapolis, Ind., That the Common Council of the City of Indianapolis, on behalf of the citizens of this city, does hereby support the proposals of President Johnson for prompt and effective Federal action to safeguard the lives of all persons who seek to register and vote, and to guarantee to these persons their right to register and vote, and that the common council instruct the city clerk of the city of Indianapolis to forward a copy of this resolution to President Lyndon B. Johnson, Senator R. Vance Hartke, Senator Birch Bayh, and Congressman Andrew Jacobs, Jr.

Adopted by the Common Council of the City of Indianapolis this 15th day of March, 1965.

Joseph C. Wallace,
President.
Thomas C. Hasbrook,
Rufus C. Kuykendall,
R. Thomas McGill,
Daniel P. Moriarty,
Max E. Brydenthal,
Rev. James Cummings,
Albert O. Deluse,
Harold J. Egenes,

Attest:

Angeline Allstatt,
City Clerk.
M May Seay,
Deputy City Clerk.

And the mayor of the city of Indianapolis, Ind., joins with the common council in the above and foregoing special resolution.

John J. Barton,
Mayor, City of Indianapolis.

SOYBEANS

Mr. THURMOND. Mr. President, I have been very much impressed with an article—from the December 1964 issue of the Illinois Medical Journal—which points up the increasing importance of soybean oil in our foods. The article, written by Dr. Stephen S. Chang, of New Brunswick, N.J., and Dr. James R. Wilson, of Chicago, Ill., is of particular importance to many farmers in South Carolina and across the Nation, because in recent years soybean production has become such a vital crop in our farm economy. The article indicates even greater demands for soybean oil in the future.

I was surprised to find, in reading the article, that soybean oil now constitutes "72 percent of the oil consumed in margarine, 48 percent of the oil consumed in shortening, and 60 percent of the oil consumed in salad and cooking oils."

The article also presents valuable information on the importance of soybean oil in producing a beneficial dietary effect on nutrition and disease.

I ask unanimous consent, Mr. President, to have this article printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, in calling this article to the attention of my colleagues, I also wish to point out the rapidly rising importance of soybean production to my State of South Carolina and also to our national farm economy. I have had prepared by the Department of Agriculture a chart which shows the acreage, production, and value of soybean production in South Carolina and the Nation. I also ask unanimous consent, Mr President, to have this chart printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, soybeans have moved from obscurity in the prewar years to third place in 1964 among cash crops in the United States. Soybeans have been outranked in value only by corn and cotton. The value of the U.S. soybean crop increased from $0.5 billion during 1947–49 to $1.8 billion in 1964. The crop value of soybeans in 1964 surpassed that of wheat, for the first time. This does not include the wheat-certificate payments authorized under the 1964 wheat program. During the past 2 marketing years, exports of soybeans—including soybean oil and meal—returned more dollars to the United States than did any other single agricultural commodity. Farmers intend to plant 34.3 million acres to soybeans in 1965, 8 percent above last year's record.

As shown in the table I inserted in the RECORD, South Carolina has been contributing to the sharp national uptrend in soybean acreage and production. Harvested acreage in South Carolina has risen steadily from 27,000 acres in 1947—0.2 percent of the U.S. total—to 746,000 acres—2.4 percent of the U.S. total—in 1964. The total value of South Carolina's crop has increased from $1.1 million in 1947 to $43.8 million in 1964. Based on March 1 intentions, South Carolina farmers plan to plant a record 900,000 acres to soybeans in 1965, or about 2.6 percent of the total U.S. acreage.

Soybean production in South Carolina now stands third as a money crop for our farmers, ranking behind tobacco and cotton. If production of soybeans continues to expand at anywhere near the current rate, soybeans may soon become second only to tobacco as a money crop for South Carolina farmers.

Mr. President, soybeans have meant the difference between continuation in farming and abandonment of farming for many South Carolina farmers who have been caught in the squeeze of continually declining acreage allotments for tobacco and cotton. We in South Carolina thus have a great appreciation for this important crop and the great strides which have been made in improving soybean production and consumption.

EXHIBIT 1

[From the Illinois Medical Journal, December 1964]

FOUNDATION REPORT: A NEW SOURCE OF EDIBLE FATS

The soybean which for many ages has been a staff of life in the Orient has become in the 20th century the chief source of visible food fats in the United States (table 1).

TABLE 1.—*U.S. production of edible fats and oils and their consumption in foods (9, 10)*

[In millions of pounds]

	Production (1960)	Consumption in foods [1] (1962)
Vegetable oils:		
Soybean oil	[2] 5,950	3,878
Cottonseed oil	1,875	1,299
Corn oil	340	318
Peanut oil	[2] 95	62
Saflower oil		35
Olive oil	5	58
Coconut oil	637	227
Meat fats:		
Lard	2,600	1,977
Tallow	340	407
Butter	1,500	1,382

[1] Includes vegetable oils used in manufacture of shortening and salad and cooking oils for export and overseas donation, estimated at approximately 700,000,000 pounds.

[2] Includes oil equivalent of exports.

The annual production of soybean oil is now over 5,000 million pounds and is greater than the combined output of all other edible vegetable oils as well as the combined annual production of all edible animal fats (table 1). Soybean oil now constitutes 72 percent of the oil consumed in margarine, 48 percent of the oil consumed in shortening, and 60 percent of the oil consumed in salad and cooking oils.[1] Since soybean oil is now an important constituent of many foods as well as the major source of polyunsaturated fatty acids,[2] it seems desirable to discuss briefly the methods by which it is produced, its chemical composition, and its uses in foods.

TABLE 2.—*Fatty acid composition of soybean oil and other major food fats and oils (percent of total fatty acids)*

	Saturated fatty acids	Unsaturated fatty acids		
		Oleic	Linoleic	Linolenic
Soybean oil	15	24	55	7
Cottonseed oil	26	22	52	(1)
Corn oil	14	31	55	(1)
Peanut oil	21	49	30	(1)
Olive oil	15	73	12	(1)
Safflower oil	10	14	75	(1)
Butter	63–70	28–31	1.0–2.5	0.2–0.4
Lard	45	46	9	
Beef tallow	46	50	4	

[1] Trace.

THE PRODUCTION OF EDIBLE SOYBEAN OIL

Crude soybean oil as expressed or extracted with solvent from the soybean is brownish yellow in color and has a characteristic flavor. This crude oil is first treated with water. Phosphatides, carbohydrates, proteins, and other mucilaginous materials are hydrated, become insoluble in oil, and precipitate out as a wet "gum." Dehydrating the wet gum under vacuum yields a viscous liquid which is sold commercially as soybean lecithin. The "degummed" oil is then treated with an aqueous alkaline solution to remove free fatty acids as soaps. At the same time, some pigments are removed. This refined oil is further decolorized by treating with activated clay. Finally, the oil is deodorized by vacuum steam distillation to produce a bland edible soybean oil.

Most of the soybean oil used in margarine and shortening is partially hydrogenated. The refined soybean oil is treated with hydrogen under pressure in the presence of a nickel catalyst to partially saturate its double bonds with hydrogen. This treatment yields a product which is solid at room temperature and has improved flavor stability.

Recently, a new salad and cooking oil made from soybean oil has been marketed. This product is produced by partially hydrogenating soybean oil to improve the flavor stability. Hydrogenation increases to some extent the saturated triglycerides in the oil. These triglycerides are removed by a process known as winterization. In winterization the oil is kept at 42° F. for several days until the more saturated triglycerides are crystallized. The precipitates are then removed by filtration. The partially hydrogenated and winterized soybean oil is therefore a liquid oil at room temperature with a high degree of unsaturation and good flavor stability.

TABLE 3.—*Chemical composition of commercial soybean lecithin*

Soybean oil	percent	35
Lecithin	do	19.7
Cephalin	do	19.7
Inositol phosphatides	do	21.0
Carbohydrates (sterol glucoside)	do	3.6
Moisture and others	do	1.0
Vitamins:		
Inositol	milligrams per gram	30.0
Choline	do	29.3
Tocopherol	do	1.3
Biotin	micrograms per gram	.42
Folic acid	do	.60
Thiamin	do	.115
Riboflavin	do	.33
Pantothenic acid	do	5.59
Pyridoxine	do	.29
Niacin	do	.12

COMPOSITION OF SOYBEAN OIL

The major component of soybean oil is triglyceride which constitutes approximately 99 percent of the edible oil. The triglycerides are composed of 95 percent fatty acids and 5 percent glycerol. The fatty acids in turn, contain approximately 7 percent linolenic acid, 55 percent linoleic acid, 24 percent oleic acid, and 15 percent stearic acid. A representative analysis of the fatty acids in soybean oil and a comparison with other major food fats and oils is shown in table 2.

Two minor components of refined soybean oil which are of biological interest are sterols and tocopherols. Edible soybean oil contains 0.15—0.38 percent of sterols, 10—15 percent of which are present as esters with fatty acids. The sterols in soybean oil are composed of sitosterols, stigmasterol, and dihydrositosterol. Edible soybean oil contains about 0.15 percent of tocopherols[3] which are a mixture of φ, γ, and ζ isomers.

The phosphatides which are removed from soybean oil during refining are commercially marketed as soybean lecithin, a brown viscous liquid, composed of soybean oil, lecithin, cephalin, inositol phosphatides and a number of vitamins (table 3). A more paltable form of soybean lecithin is produced as pale yellow granules by precipitating the phosphatides from soybean lecithin with acetone. The fatty acids in soybean phosphatides are similar to those in triglycerides except that there is about 10 percent more palmitic acid and a reduced amount of oleic acid in the phosphatides.

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[1] McKinney, L. L.: "Soybean Research at the Northern Regional Research Laboratory, 1964." Soybean Digest, 24: 34, September 1964.

[2] Brown, Helen B., and Page, I. H.: "World Supply of Unsaturated Oils," the Lancet, Jan. 17, 1959, pp. 152–153.

[3] Thompson, C. R. and Steenbach, H., Arch. Biochem. and Biophys., 4, 15–22 (1944).

FLAVOR STABILITY OF SOYBEAN OIL

During storage all fats and oils gradually react with oxygen to form hydroperoxides. When the peroxide value of fats and oils reaches about 20 meq./kg. or higher, they become rancid. Soybean oil also develops a characteristic beany and grassy flavor known as reversion when the peroxide value of the oil is still as low as a few meg./kg. Although soybean oil as now produced is the major food fat in the United States, research workers believe that further improvement in its flavor stability will lead to new markets. To solve this flavor problem, research is being conducted by Government, university, and industry scientists. At Rutgers University an attempt is being made to chemically identify the compounds which are responsible for the "reversion" factor. It is believed that mechanisms can be postulated once the chemical nature of the "reversion" compounds are known, and that the problem of "reversion" can be better solved if the mechanism is completely understood. At the Northern Regional Research Laboratory of the USDA methods are being investigated to lower the content of linolenic acid without substantial decrease of the essential linoleic acid.

USES OF SOYBEAN OIL

Soybean oil is used as a salad oil, in mayonnaise, salad dressings and canned soups and fishes. The partially hydrogenated soybean oil is used in margarine, shortening, and confectionery and as a cooking oil. The continued effort of the industry to improve the quality of soybean oil through better processing technology has resulted today in an oil which may be used for most general food purposes.

Until the recent emphasis on the nutritional value of polyunsaturated fatty acids, edible soybean oil was usually hydrogenated from an original iodine value of about 130 to about 75 for shortening and to about 80 for margarine.

TABLE 4.—*Fatty acid composition (percent) of commercial household shortenings and margarines*

	Saturated fatty acids	Unsaturated fatty acids		
		Monoenoic	Dienoic	Trienoic
Type shortening:				
All vegetable fat:				
Regular	19–33	53–75	6–14	1 –1.0
Special	22–32	44–55	22–33	0 –2.5
Meat fat and vegetable fat	30–50	37–57	6–13	0 –0.6
All meat fat	34–45	44–53	7–13	0 –1
Type margarine:				
Regular	16–25	42–63	10–20	0 –0.5
Special	15–30	30–57	22–40	0 –0.5
Butterfat	63–70	28–31	1.0–2.5	0.2–0.5

The conventional "regular" process of manufacture is now being replaced by a new "special" process in which a portion of the oil is only slightly hydrogenated to an iodine value of, for example, 113. This slightly hydrogenated oil is then blended with a highly hydrogenated oil to produce the required flavor stability and consistency. Margarine and shortening manufactured in this manner contribute more polyunsaturated fatty acid to the diet than those manufactured by the conventional method (table 4). Statements on these special products have recently been published by the American Medical Association.[4] [5]

IMPORTANCE OF SOYBEAN OIL

Recent medical advances indicate a potentially beneficial dietary effect of polyunsaturated fatty acids upon nutrition and disease. Kinsell, et al.[6] and many others have demonstrated that vegetable oils in the diet can be used to lower the serum cholesterol level. The important work of Arild Hansen and associates on the relation of linoleic acid to infant feeding is summarized in Acta Pediatria.[7] Recently, labeled arachidonic acids were fed to mice and the radioactive elements were located in the hormone prostaglandin which is known to have the function of lowering blood pressure.[8]

As success with vegetable oil-containing diets, prescribed currently for small groups, is projected upon a large population, the problem of the supply of vegetable oils arises. As shown in table 1, soybean, cottonseed, and corn oil make up 98 percent of the highly polyunsaturated vegetable oils consumed in the United States. Since cottonseed oil is the byproduct of cotton and corn oil the byproduct of cornstarch, it is not likely that the production of these can be greatly increased even if there is a demand. Safflower oil, though it contains an unusually high percentage of linoleic acid, comprises less than 1 percent of the total fats and oils consumed in this country. This leaves soybean oil as the only oil in relatively abundant supply which contains more than 50 percent of linoleic acid. Because soybean oil is a wholesome oil and because its production can be easily, economically and quickly expanded, it seems desirable to recommend the consideration of its use in experimental diets for biological studies. Furthermore, it seems desirable to recommend the encouragement of technical research for the improvement of the flavor stability of soybean oil with optimum nutrient retention.

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[4] Council statement: "Composition of Certain Margarines," JAMA, 179:719, Mar. 3, 1962.

[5] Council statement: "Special Shortenings," JAMA, 187:766, Mar. 7, 1964.

[6] Kinsell, L. W., et al.: "Dietary Modification of Serum Cholesterol and Phospholipid Levels," J. Clin. Endocr., 12:909, July 1952.

[7] Hansen, Arild E., Stewart, Robt. A., Hughes, G., and Söderhjelm, Lars: "The Relation of Linoleic Acid to Infant Feeding. Acta Pediatrica," 51: (suppl. 137) 1–42, 1962.

[8] Boldingh, J.: Reported at the First World Fat Congress of the International Society of Fat Research, Oct. 12–13, 1964, Hamburg, Germany.

EXHIBIT 2

Soybeans: Acreage, production, and value, South Carolina and the United States, 1947–65

Year	Harvested acres			Production			Value of production			U.S. crop values	
	United States	South Carolina		United States	South Carolina		United States	South Carolina		Total all crops [1]	Soybeans as percent of total
		Total	Percent of United States		Total	Percent of United States		Total	Percent of United States		
	Thousand acres	*Thousand acres*		*Thousand bushels*	*Thousand bushesl*		*Thousand dollars*	*Thousand dollars*		*Million dollars*	
1947	11,411	27	0.2	186,451	270	0.1	621,477	1,120	0.2	19,760	3.1
1948	10,682	36	.3	227,218	360	.2	516,069	1,159	.2	19,448	2.7
1949	10,482	37	.4	234,194	500	.2	506,474	1,415	.3	17,243	2.9
1950	13,807	67	.5	299,249	804	.3	737,760	2,275	.3	18,297	4.0
1951	13,615	88	.6	283,777	1,100	.4	773,405	3,223	.4	20,021	3.9
1952	14,435	108	.7	298,839	1,242	.4	811,376	3,428	.4	20,831	3.9
1953	14,829	140	.9	269,169	1,540	.6	733,271	4,004	.5	19,066	3.8
1954	17,047	150	.9	341,075	975	.3	840,767	2,584	.3	18,890	4.4
1955	18,620	189	1.0	373,682	2,835	.8	830,909	6,407	.8	18,575	4.5
1956	20,620	276	1.3	449,251	3,036	.7	980,299	6,861	.7	18,781	5.2
1957	20,857	350	1.7	483,425	6,125	1.3	1,002,641	12,801	1.3	17,235	5.5
1958	23,993	400	1.7	580,250	6,600	1.1	1,160,112	13,332	1.1	19,123	6.1
1959	22,631	412	1.8	532,899	7,210	1.4	1,046,468	14,348	1.4	19,048	5.5
1960	23,655	499	2.1	555,307	9,730	1.8	1,185,352	20,530	1.7	19,183	6.2
1961	27,008	604	2.2	679,566	12,382	1.8	1,546,263	28,726	1.9	19,742	7.8
1962	27,604	640	2.3	669,211	12,160	1.8	1,564,470	29,792	1.9	20,290	7.7
1963	28,580	710	2.5	699,363	12,070	1.7	1,755,375	31,261	1.8	21,493	8.2
1964	30,738	746	2.4	699,882	17,158	2.4	1,835,596	43,753	2.4	21,018	8.7
1965 [2]	34,266	900	2.6								

[1] 1947–51, 72 crops; 1952–60, 79 crops; and 1961–65, 78 crops.

[2] Prospective planted acreage based on Mar. 1, 1965, intentions of farmers.

OIL SHALE

Mr. JACKSON. Mr. President, the growing public interest in oil shale indicates that the Congress has a clear-cut responsibility in regard to Federal policies which relate to this great resource, including major deposits understood to be a part of the public lands of the United States. Earlier this year, the Oil Shale Advisory Board to the Secretary of the Interior issued an interim report intended to identify and evaluate some of the major public-policy questions relating to the development of oil shale. The Board recommends that the public interest should be safeguarded, however, whenever the resource may pass into a commercial development phase. Its report breaks down this public interest to include careful attention to the conservation of land and water; the preservation of community, recreational, and scenic values, as well as the wise use of mineral resources, and protection against speculation in public-land leases.

As chairman of the Senate Interior Committee, I have accordingly scheduled for May 12 and 13 a hearing at which the committee hopes to inform itself on both the facts and issues regarding our oil-shale resource. All too often the pressure of developments requires an ad hoc solution to such problems, but since this is not the case here, the committee anticipates that it will be able to consider the broad overall policy questions involved in the wisest and best use of the resource of our public domain. The committee has invited the Secretary and other qualified officials of the Department of Interior to appear at the first day of the hearings and to go into such matters as the size and location of deposits, the status of the land on which the deposits are found, the terms of existing withdrawals from entry, historical analysis of existing withdrawal orders, and the results of departmental studies of oil-shale development since the withdrawal order was issued.

The committee anticipates that these hearings will not finalize policies but, rather, will explore the existing picture of the resource and its future and will indicate down what road we should travel to best protect the public interest and at the same time encourage development and utilization.

THE BIG LIFT

Mr. BARTLETT. Mr. President, can you imagine a piece of machinery weighing over 20 tons being placed in an airplane, and the airplane and the machinery then becoming airborne? I find it hard to do so; yet it was accomplished just the other day when Alaska Airlines flew a 45,000-pound bulldozer in a Hercules air freight from Fairbanks to the Arctic slope. This was "the heaviest vehicle ever airlifted commercially," according to an Aviation Daily article of April 1. The article reads as follows:

> The heaviest vehicle ever airlifted commercially, a 45,000-pound bulldozer, has been flown by Alaska Airlines from Fairbanks to a primitive arctic slope gravel airstrip in a new Lockheed model 382 Hercules airfreighter, J. B. Moorman, commercial sales manager of Lockheed-Georgia Co., said yesterday.
>
> The huge D-8 "Cat" was transported 350 miles by air into the far north wilderness and landed at a remote base called "SAG-1," near Alaska's Arctic Ocean shore. In less than 2 hours after the earthmover was loaded aboard the propjet airfreighter at Fairbanks, it was crunching through snow and ice at SAG-1 where the temperature was minus 15° Fahrenheit.
>
> Loads the jet-powered freighter has been carrying in an hour or two to remote bases in the frozen north country include road graders (23,000 pounds and 28 feet long), trucks, cranes, caterpillar vehicles, lumber, petroleum products, and general freight. Cargoes have totaled 22½ tons on each flight.
>
> In 2 days, more than a quarter of a million pounds of petroleum products in drums (approximately 270,000 pounds) were airlifted by the "city of Fairbanks" Hercules. The fuel lift was to Lake Edan in the northern wilderness. The airfreighter landed on the frozen lake. Two geophysical companies are using the lake as a base for their operations.
>
> Considerably more than a million pounds of cargo have been transported since the new freighter was put into service by Alaska Airlines March 8, Moorman added.
>
> Nome, Utopia Creek, Unalakleet, Galena AFB, Anchorage, Elmendorf, and Eielson AFB, and other Alaskan places have already been cargo points for the Hercules.

ALASKA AIR SERVICE

Mr. BARTLETT. Mr. President, the Civil Aeronautics Board recently issued an order providing for far-reaching changes in Alaska air service. At this time I shall not mention any part of the decision, except insofar as it affects southeastern Alaska. Service to that section of Alaska has for some years been provided by Pacific Northern Airlines and by Pan American World Airways. Each gives jet service to Annette Island, near Ketchikan, and thence to Alaska's capital, Juneau. The planes turn around at Juneau, and fly back to Seattle, with a southbound stop at Annette Island.

Pacific Northern Airlines is a subsidized carrier. Pan Am operates without subsidy.

The CAB proposes that Pan Am shall be eliminated from the southeastern Alaska route, and that PNA will remain as the only carrier.

When this news became known, my colleagues of the Alaska delegation, Senator GRUENING and Representative RIVERS, and I wired a protest to the regulatory agency.

For many reasons there is strong resistance in that part of Alaska to implementation of the CAB order.

The feelings of the people there have been recorded in a series of radio broadcasts made over station KINY, in Juneau, by Vern Metcalfe, noted Alaska reporter and commentator. Likewise, in those broadcasts Mr. Metcalfe pointed out the economic consequences, all of them adverse, which would follow for Juneau and other places if there were to be only one-carrier service.

So well has Mr. Metcalfe analyzed all of this that I ask unanimous consent that the text of his broadcasts be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

CAB ORDER REPORT IN DEPTH

> On March 26, 1965, the Civil Aeronautics Board came forth with an order that will, if allowed to stand, completely revise the airlines business in the 49th State. The order, labeled docket No. 13473 et al., would solve a vexing problem for the CAB but there is no certainty that it would be of any great assistance to the Alaskan flying public and there is more than a reasonable doubt that it would necessarily benefit more than one Alaskan airline.
>
> It would, for instance, remove Pan American World Airways from servicing Ketchikan and Juneau from Seattle, although this airline pioneered the service. This would then become the private province of Pacific Northern Airlines but this isn't without cost to PNA. The same order places Cordova Airlines squarely in the Juneau to Anchorage market although their revised plan of operation is such that they must make two stops between Juneau and Anchorage.
>
> Alaska Airlines is given authority to fly between Seattle and Fairbanks but only if they stop at Anchorage. And Pan American is given exclusive rights to the Fairbanks-Seattle route on a nonstop basis. Northwest Airlines comes out unscathed from all of this except that there will now be three carriers offering nonstop service to Anchorage where there has been only two prior to the order. Alaska formerly would fly you to Seattle but only with a stop in Fairbanks.
>
> The order is the result of what is termed the "Pacific Northwest-Alaska Air Service Case" and has been some little time in preparation. Only three of the five-member Board sat on the case with two others not taking part in the decision. The report is 41 pages in length plus addenda and is approximately one-half inch thick and is a veritable gold-mine of information on the way various airlines conduct their business within the State.
>
> For instance you'll find that subsidy for two carriers, Alaska and PNA, amounts into excess of $4 million per year which is the compelling reason for the new routing which is done on a basis of 7 years with the Board reviewing the situation again at that time. The estimated subsidies for 1965 are $1,914,000 for Alaska Airlines and $2,022,000 for PNA.
>
> The CAB order indicates that Pan American has lost on the average of $2 million per year for some little time now on their Alaskan operation and points out that they should make a reasonably sizable profit if they are content with the new route schedule. Pan American has indicated that they are perfectly content to go on losing this type of money which might strike some as a rather peculiar attitude. There has to be a reason and the only one that anyone can come up with is that Pan American, meaning Juan Trippe, the chairman of the board, built his airline by flying every place but the obvious ones.
>
> One of the pioneers of Alaskan aviation happened to be this same Mr. Trippe and his "world's most experienced airline." No less a personage than Col. Charles A. Lindbergh did the trailblazing and Pan American not only inaugurated the Seattle to Juneau service but they also installed the first aids to navigation and even built some of the pioneer airfields. They have been, then, in Alaska for a long time and they have stubbornly resisted all attempts by the CAB and anyone else in Government to get them to leave.
>
> While this has nothing to do with the present order it might be well to note that during 1964 no less than four representatives of Pan American and a subsidiary, International Hotels, were in Juneau investigating the possibilities of a proposed ski area named Steep Creek. It fronts on Mendenhall Glacier and many experts on the sport of skiing have indicated that it is an ideal setting for those who like to indulge in the sport. Pan American's interest stems from generating additional traffic on their 707 intercontinental jets which service the capital city on a daily basis.
>
> The CAB order has brought a flood of protests out of both Juneau and Ketchikan, both of which enjoy the services of Pan Am as well as PNA as things now stand. The feeling is that the removal of Pan American will do little, if anything to improve the passenger service to these two principal communities in southeast Alaska. Besides this Pan American has built up vast amounts of goodwill for their airline over the year with a variety of involvements in community affairs in both cities.
>
> Anyone reading the CAB order is immediately struck with the peculiarities of airline subsidies and unless one knows the history of how the subsidy program came about one

would think that the CAB is determined to strike at the very roots of private enterprise. The subsidy program was started back in the thirties simply to boost faster delivery of the U.S. mails although the real reason was to get the fledgling industry off the ground, both literally and figuratively. Without a subsidy no airline was going to be able to give any type of scheduled service to America's many small communities but the mail payments were designed to make it worthwhile. The operation was, and is, a success when viewed from this standpoint but the patient is a tricky one to treat.

No more vivid evidence of this can be found than the CAB order on Alaska air routes. In reviewing the Alaska air routes, the Board found that "the public convenience and necessity require substantial revisions in the existing route pattern." They did not choose to follow the recommendations of their examiner, William J. Madden, who issued an initial decision on the matter. Madden had recommended the suspension of Alaska Airlines from their Portland-Seattle to Fairbanks route. He had also asked suspension of the authority for Pacific Northern to serve Juneau on its Anchorage-Ketchikan-Seattle-Portland operation. In addition he recommended amending Pan American's certificate to allow them to use Portland as a coterminal point with Seattle-Tacoma.

The effect of that decision would have reduced the carriers operating from the mainland to Alaska to three and Alaska Airlines would have been reduced to operating their intra-Alaska routes. It would also have eliminated PNA from servicing Juneau at all and this, obviously, might have complicated matters. The report is not clear if Madden recommended Cordova Airlines being given Juneau as their southern terminal point although the new order by the Board does just that.

The Board notes in the report that the elimination of Alaska Airlines from the Pacific Northwest-Alaska service that any such elimination would result in financial chaos for that carrier. The Board states, "with respect to Alaska, its very survival would be jeopardized were its authority terminated, as proposed by Pan American, or indefinitely suspended, as found required by the examiner. Reduced to the operation of its intra-Alaska routes, and with the overwhelming proportion of the investment represented by its oustanding debt immobilized from producing earnings for interest and earned depreciation for amortization, Alaska could hardly hope to avoid default on its debt." This is the CAB way of stating any such action would bankrupt the airline.

There is a continual thread of thought throughout the report that the entire problem could be solved if only Alaska and Pacific Northern could affect a merger. The Board makes note of this early, and repeatedly, in their decision and it might be well to quote one paragraph that pretty well tells the story. After relating that the examiner had come to the conclusion that the public convenience and necessity did not justify "the present four carrier pattern under which competing services are offered" since this resulted "in uneconomic route pattern and [the] heavy subsidy that must be paid to support it," the Board told of their attempts to bring about a merger.

The report states, "in the past, both the Board and the President have urged Alaska and Pacific Northern to negotiate a merger which would bring about a single carrier." It continues, "however, despite repeated urgings, the two carriers have been unable or unwilling to consummate a merger with each other, and neither has presented to the Board any agreement for merger with some other carrier that would bring about a different carrier alinement, but would nonetheless reduce the total number of carriers." The report then gets to the heart of the matter when it states, "the present record convinces us that a merger or mergers which would reduce the number of carriers providing Pacific Northwest-Alaska service continues to offer the best, and perhaps the only completely satisfactory, long-range solution to the problem of how to establish a route pattern that will provide the maximum air service to the State of Alaska on an economical basis without unreasonable subsidy cost."

At this juncture the report indicates that the Board has no powers to compel a merger, or mergers, and that the present condition simply cannot be justified by "the standards of the act." This train of thought relating to mergers continues throughout the report and it is obvious that the Board wishes that someone out there would take their heavy handed hints and do something about it.

Each of the competing airlines had made proposals to the Board as to how they felt the subsidy battle could be won. Pan American who has not had any subsidy for any of its worldwide operations since 1957 had a rather effective way of relieving the Government of this burden. They proposed that PNA and Alaska both be eliminated from the Alaska-stateside run entirely and that Pan Am be awarded the PNA route from Portland-Seattle to Anchorage. After noting that "Pan American is the pioneer * * * carrier and has held its authority since June of 1940" the report also states "it PAA has served the public well." As for the Pan American solution the report concludes "it is so lacking in merit as to require no further comment."

Legality creeps into the report frequently and this can be puzzling if you are not an attorney. To wit: The Board states, "Admittedly, the action we are taking falls far short of accomplishing the improvements that could be brought about through mere or route awards ab initio." The emphasis is the Board's and freely translated ab initio means, "from the beginning." It would appear that the whole problem results from the beginning, all right, since the problem now seeking a solution is the end result of previous Board decisions on the awarding of routes.

The act creating the CAB was enacted by Congress in 1938 and Pan American, who had already been in the Alaskan flying picture as Pacific-Alaska Airways got the first route approval for the trade in 1940. Pan Am continued as the sole operator between the States and the then Territory of Alaska until 1946 when Northwest was granted temporary authority to operate between Seattle and Anchorage, and between New York and Chicago and Anchorage, as part of a more extensive route continuing onward to the Orient. The next change came about in 1951 when PNA got their route from Anchorage to Juneau extended to include Seattle-Portland. The same order granted Alaska the right to fly from Fairbanks to Seattle-Portland. The awards for temporary operating permits were to expire on December 13, 1953, but were continued due to the desire of the Board to continue studies on the necessity.

Northwest was granted a permanent certificate in 1955 and the others got temporary renewals. This continued to be the case, with the Board even then attempting to get PNA and Alaska to merge, and each received only a 3-year renewal "in the event the carriers persisted in retaining their separate identities without regard to the benefits that would inure to the public from the merger." This was later amended to 5 years because of the "problems 3-year certificates would create for the carriers in financing new equipment." This was when the jet-age in air transportation was being ushered in and the report notes that Pan American was the leader, stating, "it was the first carrier to operate modern pressurized and jet aircraft to Alaska."

By the time the reader has gotten to page 15 of the report, one has become firmly convinced that no one can make a dime operating airlines to and from Alaska. The report predicted an overall loss for PAA of $2,243,000 for 1963 and for Alaska of some $741,641. They also note that they estimate "that either carrier as the only operator would show an operating profit" on the Fairbanks to Seattle run. The Board also estimates that if Pan American had the exclusive rights to this run, as they will have if the order stands, they would make an operating profit of $341,000 and if it, PAA, were restricted to just the Juneau-Ketchikan-Seattle run, again exclusively, they would realize "only $20,000."

The Board concludes that Pan Am, therefore, should be happy and pleased with getting the Fairbanks run exclusively. Pan American is neither. The report also points out that Fairbanks would be left without "alternative service by a second service to the mainland unless we were to certificate a second, an unneeded, carrier between Anchorage and Fairbanks, whereas selection of Pan American, coupled with the grant of Fairbanks-Anchorage-Seattle authority to Alaska, would retain for Fairbanks a usable one-stop alternative service."

Pacific-Northern has their work cut out for them since the report indicates that the Board believes one carrier can handle the Juneau-Ketchikan-Seattle traffic "without inconvenience" to the public "except in the summer months between Seattle and Ketchikan, when added sections would be needed." The addition of Cordova airlines in the market for those traveling between Juneau and Anchorage complicates matters, too. Although Cordova is forced by the order to make two stops each way this is no real strain since both Yakutat and Cordova generate a considerable amount of traffic.

Pacific Northern in their proposal to the CAB had proposed that "long-haul restrictions on Northwest" be made but the Board denied this since it would eliminate Northwest "as an effective competitor in the Pacific-Northwest-Alaska market."

So as matters now stand there will be three lines competing for the heavy Seattle-Anchorage traffic with Alaska, PNA, and Northwest all providing the service. In addition Cordova will now be competing with PNA for the Juneau-Anchorage traffic even though they are restricted by the two-stop proviso. There is a school of thought that believes Cordova which utilizes DC–3 and C–46 equipment will be able to finance propjet equipment such as the F–27 aircraft utilized in the State by Wein-Alaska and Northern Consolidated. If this the case, the thinking is that Pacific-Northern will then have to offer nonstop jet service between Juneau and Anchorage, something not now available, to effectively compete with Cordova.

PNA also has other problems which the Board has created for them with the new order. They will lose their direct nonstop flight from Seattle to Kodiak since the Board is convinced that this service, 3 times weekly in the summer and twice weekly in the winter, is not necessary. PNA operates it with Constellation equipment and the Board estimates the airline would increase their operating profits considerably by moving the some 9,000 passengers they have been flying annually to the Island city through the Anchorage gateway.

The Board also notes, "we are also convinced that Pacific Northern's existing operations could be substantially improved with the use of aircraft more adaptable to the lightly traveled, short-hop intra-Alaska segments west of Anchorage than the Constellation equipment with which the carrier now provides most of the service on this route." An illustration of this is contained in the statement that "the Constellation's direct aircraft operating cost of approximately $2.09 per plane-mile (excluding depreciation) in intra-Alaska service compares very unfavorably with the average of $1.19 per plane-mile of the F-27 aircraft of Northern Consolidated and Wien." This alone has caused the school of thought earlier mentioned about Cordova utilizing this type of equipment for their newly granted Juneau-Anchorage route. PNA now utilizes Constellation equipment on this run.

The report also indicates that it feels Cordova would do well in carrying cargo since it utilizes "large-door CY-20T equipment" enabling them to offer "cargo service for certain heavy items that PNA is unable to carry in its Constellation equipment." The designation evidently refers to what is popularly known as the C-46, a military designation for a two-engine aircraft made during World War II by Curtis Aircraft which has since been beefed up with much more powerful engines. It is greatly favored by cargo-hauling airlines throughout Alaska because of its capacity and ability to get in and out of tricky airfields.

Although the PNA operation along the run is considered important to Juneau, Cordova, Yakutat, and Anchorage as the only connecting link between these four communities, it actually amounts to only 12 percent of the airlines overall business. The Board notes, "this percentage should substantially decrease under the future route pattern."

The only thing that the report doesn't get into, and many Alaskans feel that this is really the most important factor of all, is the economic impact this will have on the many communities affected. Certainly the impact on Juneau and Ketchikan will be greater than anywhere also and the second in this series will review that impact both on the municipalities, the people involved in working for Pan American, and what the future might hold for all concerned.

This has been a special KINY "News Report-in-Depth," Vern Metcalfe reporting.

CAB Report

(The second in a series of two broadcasts)

The CAB report on the Pacific Northwest-Alaska Air Service case struck the city of Juneau with unexpected force and the assessment of damage is still underway. The removal of Pan American World Airways from the service which has included Juneau and Ketchikan has an economic import that never once was mentioned in the 41-page document produced by the Board.

It means the removal of some 20 Pan Am employees in the capital city plus an estimated 32 operating in both Ketchikan and the Annette Island operation maintained by PAA. To the city of Juneau it means the loss of the greater portion of a half-million dollar annual expenditure by the airline which is the only major operator to refuel in the capital city. For the operator of the fueling service it means, at best, a marginal operation and, at the worst, the closing of his business.

The worldwide airline spent over $500,000 in Juneau during calendar 1964 and this included everything from salaries for personnel to fuel oil to landing fees and space rental. To the city of Juneau it means the loss of better than $17,000 in landing fees alone at the city-operated municipal airport plus another $8,500 in space rentals in the administration building. Another loss of about $9,000 can be anticipated in fuel tax revenues rebated by the State of Alaska.

The cost of operating the airport in Juneau came to $154,766 last year and Mayor Lauris S. Parker indicated to those reporters that "it is just barely making its own way." The mayor and city council have protested the decision removing Pan American with great alacrity and equal vigor.

The airline has serviced Juneau for over 30 years, starting out with flying boats flying under the banner of Pacific-Alaska Airways and since 1940 under the parent corporation's distinctive insignia. Pan Am pioneered the Alaska aviation picture as a scheduled airline and every major innovation in air transportation has seen the large company leading the way. They have introduced to Alaska such aircraft as the DC-3, DC-4, DC-6, the Boeing Stratoclipper, and finally the giant 707 intercontinental clippers, including fan jet versions.

This reporter has, in one way or another, been associated with Pan American for many years. I've been both a passenger on the line and have also had them as an advertising client and in three different media—newspaper, radio, and TV. They are, in my experience, one of the best run businesses in the United States and they command a fierce loyalty from their employees. This loyalty stems from liberal benefits for the employees plus extremely good training for everyone from the so-called baggage smashers right through the most senior captains.

They also are not entirely loved by the rest of the airline industry in the State of Alaska. There are some very good reasons for all of this but most of them stem from the fact that Pan American advertises themselves as "The world's most experienced airline," and then busily goes about living up to that reputation. Those working for the airline make no bones about the fact that they believe the slogan and this, in the nature of human beings, is bound to breed resentment among those employed by other, less successful companies and their employees.

Pan American has forced their competitors to go deeply into debt to compete with them since Pacific Northern and Alaska Airlines, to name only two, had to go to jet equipment to keep any part of the market once PAA introduced jet equipment to the passenger riding public in the world's most airminded country. They are not universally admired within the regulatory bodies such as FAA and the CAB either because of the very aggressiveness of a company that doesn't believe in brooking any undue interference from bureaucratic agencies.

Pan American is not dependent upon the Government to exist and have had no subsidies since 1957. The recent ruling by the CAB is the result of obvious mistakes by preceding Boards with ruling expanding the Pacific Northwest-Alaska routes to include Pacific Northern and Alaska Airlines. The two operations, both of which are now Seattle based, cost the Government better than $4 million in subsidies over the past 3 years and the ruling is simply a device by which the CAB hopes to bring this down by some $2½ million. The report merely confirms this, and points out that the only really satisfactory solution would undoubtedly see the two stragglers in Alaska air service merge.

Pan American's employees in southeast Alaska are deeply concerned about the CAB ruling. Most of them are long-term residents of Alaska and also have been with the company's Alaska division for many years. They don't want to leave and most of them have heavy investments in homes and property and families in local schools. They have, however, been cautioned that they cannot speak out on this matter since the feeling is that any overt actions on their part would only serve to make the CAB more determined than ever.

These same employees, however, have also been extremely active in civic affairs and the company itself has long had a policy not only allowing such participation but encouraging it. They also are heavy spenders in local advertising and no good cause is too insignificant to be excluded from the local Pan American office window display. Their liberal policies have endeared them to the bulk of the Juneau population and as a result the protests emanating from Juneau have been self-generating. Many Pan Am employees here only hope that they aren't killed by kindness.

One measure of the unpopularity of Pan Am with at least some Government officials is the fact that they have always done exactly what they said they would do, even when governmental agencies claimed it wasn't possible. Back in 1959, for instance, Regional Sales Manager Ed Swofford came to Juneau, put on a luncheon for civic and business leaders, complete with Pan American stewardesses doing the serving, and announced to the unbelieving participants that Juneau would be served by jet aircraft. There was a string attached to all of this but it was a comparatively simple one. Lengthen the runway, Swofford said, and once the community had recovered from the shock this very thing was done. In February of 1961, on a clear, frigid sunlit day, the big 707 came screaming through the cut in a mountain dividing the airport from Auke Bay and made a perfect landing accompanied by swirling snow blown high by the reversal of the jet engines.

No one in Juneau was really too surprised but there were those in FAA biting their nails with some anguish. In 1960 this reporter was told in Anchorage by a minion of the FAA that no jets would ever land in Juneau. I reminded him that Mr. Swofford had said it would be so and Pan American was never wrong. He was soon quite angry with your reporter and I thereby recounted some history to him wherein his predecessors had also been non-believers ranging back as far as the introduction of the DC-3 equipment to what was then very nearly a cow pasture in Juneau.

While the FAQ type was denying that any jet would ever land in Juneau, Pan American was calmly and methodically shooting landings with a Stratoclipper playing the simulated role of a 707. By the time the chief pilot for the Alaska division swooped in with the big bird there were no loose ends left to be tied.

A measure of the Pan American public relations effort was the fact that the first aircraft contained all three members of the Alaska congressional delegation. Also aboard was Bob Ellis, a pioneer Alaskan aviator who had founded and managed Ellis Airlines to prominence in southeast, who had also, just coincidentally, been the navigator on the first Seattle to Juneau nonstop flight during the thirties, this one accomplished in a Boeing flying boat. Also on board was a bevy of stewardesses none of whom called the same country home.

With all of this in mind, the impact on the community of Juneau was something to behold and was so stunning that it has taken the area nearly a week to build up a head of steam. The kettle is now boiling, however, as the general public begins to realize that Juneau will become, for all practical purposes a one airline town. The Capital City has great pride in the fact that they have been receiving jet service daily with not only the Pan Am 707's but also by Pacific Northern operating 720's. No other area in the world with only 14,000 people can make such a statement.

Meanwhile, Pan American is making no statements at all. A spokesman for the company would only say, "Our full course of action will be announced just as soon as our legal department has been able to prepare our stand on all of this." That is all anyone is going to say for the moment but anyone who knows the background of the company would hardly expect them to stay mute for long.

One, in reading the CAB documentation of the case, cannot but be struck with the fact that Pan American is being penalized for their own success. Only in the airline business could this ever happen. Anywhere else in private enterprise a company could choose to lose $2 million per year on an operation and the only reaction would probably be an amused eyebrow lifting by their competition. But the very success that Pan Am has enjoyed, the many innovations they have brought to Alaska aviation, and their highly developed sales abilities have worked to force them out of the southeast Alaska market.

The CAB insists that Pan Am will make money by having the exclusive nonstop run to Fairbanks and this might well be true. But the naked fact remains that the CAB could only save Alaska and Pacific Northern, other than by increased subsidy, by removing the competitive edge enjoyed by PAA. The Board has a duty to the public to see that these subsidy payments are kept within bounds as outlined in their act and they have had to exercise some route juggling that would, in the words of one feeder airline executive, "tax the powers of Solomon."

Many knowledgeable observers do not feel that Pacific Northern is going to have any bed of roses with the new route alinement. One highly placed individual in the State administration feels that the extension of the Cordovan Airlines certificate to Juneau will cut heavily into PNA traffic from the capital city through to Anchorage. This source insists that Cordovan will put propjet F-27 aircraft on the run, which has two stops by mandatory order of the Board, and that this, in turn, will force PNA to using a 720 for nonstop service to Anchorage.

Very few veterans of the Anchorage-to-Juneau flight have any great fondness for the Constellations presently utilized on the run and would gladly board the newer, much quieter prop-jet equipment.

If Pan American is forced out of southeast Alaska matters are also going to become complicated for Wein-Alaska Airlines. The Fairbanks-based operation purchased from Pan American the rights to service Whitehorse and Fairbanks from Juneau but Pan Am has, under contract, served the Wein F-27 aircraft at the Juneau end. Whether or not Pacific Northern would enter into such an agreement is simply not known. And southeast Alaska's largest feeder airline, Alaska Coastal-Ellis, has had executives pouring over various new, tentative schedules as proposed by PNA. All of Coastal-Ellis' scheduling will have to be revamped to make certain their passengers from connecting southeast communities arrive in time to board the flights, both north and south.

There is a feeling locally that PNA will have to utilize two flights daily to handle the summer traffic in and out of Juneau and Ketchikan. Speculation is that one will have an early morning departure from Seattle and the other will leave early in the afternoon. This makes the job for the feeder airlines more complicated, too, and there is also a school of thought that feels that PNA will simply not be able to maintain such a schedule with pure jet equipment. The specter of the long haul in a "Connie" to Seattle is not being viewed with any favor by veteran travelers.

Just what the chances are of a reversal of the Board cannot be determined at this time. The certificate for Pan American is to take effect on May 28, 1965. In the meantime the legal midnight oil is being burned in many places including the State capitol building where Attorney General Warren A. Colver and his staff ponder the implications. Gov. William A. Egan is also an avid reader of the document and he has told this reporter that "I'm going to take a good, long look at all of this before we determine a course of action * * * this is a vastly complicated document and the repercussions could be very great indeed." The Governor was also concerned about whether a protest on just one segment of the report would jeopardize all other certificates.

In the meantime, the Alaska congressional delegation has already spoken out on the matter—viewing it with alarm—but no one seemingly knows exactly what it might take to persuade the Board to reverse itself.

One thing is certain, however. And that is, if the order stands, air transportation in Alaska will never be quite the same again.

COMMUNITY COMMENTARY FOR MONDAY APRIL 5, 1965

Thank you and a good, good day to you—this is Community Commentary and this is Vern Metcalfe—today a look at a very controversial bit of business by the Civil Aeronautics Board known as Docket 13463, et al., otherwise known as the Pacific Northwest-Alaska Air Service Case as decided on March 26, 1965.

The decision by the CAB has hit Juneau with all the force and effect of a bombshell and you can take my word for it that the report, some 41 pages in length, is not only complicated but will, if allowed to stand, change the aviation business in Alaska to a considerable degree. Thanks to Alaska Coastal Ellis Airlines, I have a copy and have spent several interesting hours trying to translate this into something understandable. I'm not certain that I have, but I've made the effort.

Basically, the problem is that we have too many airlines in Alaska who are running each other so much competition that the Federal Government is out $4 million annually with just two of them in subsidy payments. The CAB also points out, in their report, that Pan American, with no subsidy at all, loses in excess of $2 million annually on their Alaskan operation. The CAB is greatly concerned with all of this since the figure for all the airlines down below in the lower 48 is only 60 to 70 million dollars per year which is quite a contrast.

There are lot of interesting figures in the report. For instance. The various airlines brought some 207,000 people to Alaska in 1963 and this doesn't count military passengers flying on discount rates or brought in on charters. This would be almost the total civilian population of the State.

One paragraph contains the reason for the frightful wrench proposed. I will quote it in full. It reads as follows: "In the past, both the Board and the President have urged Alaska Airlines and Pacific Northern to negotiate a merger which would bring about a single carrier. However, despite repeated urgings, the two carriers have been unable or unwilling to consummate a merger with each other, and neither has presented the Board any agreement for merger with some other carrier that would bring about a different carrier alinement, but would nonetheless reduce the total number of carriers. The present record convinces us that a merger or mergers which would reduce the number of carriers providing Pacific Northwest-Alaska service continues to offer the best, and perhaps the only completely satisfactory, long-range solution to the problem of how to establish a route pattern that will provide the maximum air service to the State of Alaska on an economical basis without unreasonable subsidy cost. However, the inescapable fact is that the Board lacks the power to compel mergers, and the merger course can be followed only through the voluntary actions by the carriers themselves."

The report then adds, "faced with this situation and overwhelming evidence that the continuation of the present route pattern can no longer be justified under the standards of the act, the Board has no alternative but to undertake revisions designed to bring about a more economical route pattern."

The report goes into great detail on showing how the elimination of Pan American from serving Juneau and Ketchikan will actually cause Pan Am to make money. The report notes that they would have the nonstop run from Fairbanks to Seattle exclusively and using Pan American's own figures comes to the conclusion they would make a pretty sizable amount of money on it. The problem is that Pan American is perfectly content, in fact they are very aggressive about it, in losing $2 million-plus each year.

I've been beseiged by people who wish that I would come out squarely opposed to the CAB report. I find no merit in kicking Pan Am out of southeast Alaska for a variety of reasons. For one they pioneered our present service. I've flown on Pan Am aircraft ranging from a DC-3, DC-4, Lodestar, DC-6, the Stratoclippers, right up to their 707 jets. I have a fondness for both the airline and the many people that work for it. I feel that the elimination of Pan Am would make a very serious dent in our local economy and I know doggone well that it would make a real dent in the advertising revenues of the local newspaper, the two radio station, and the TV station. This might be a selfish attitude except that I've never seen service get better as the result of the elimination of competition. And my main concern is with decent, first-class airline service to this State.

And I also feel the CAB can affect a merger anytime they really desire it. The marriage of Alaska Coastal and Ellis Airlines was brought about and if the CAB doesn't know that threat shotgun labeled "subsidy" isn't loaded, I for one, can assure them it is. Keeping in mind that I feel most Alaskans feel strongly on this matter may I urge my listeners to take the pen in hand and protest most vigorously to either the CAB, the Messrs. Minotti and Gilliland or the Chairman, Mr. Boyd. You can also register your opinion by writing to Senators BARTLETT and GRUENING and Congressman RIVERS. Incidentally, I'll have more about this on later programs and a detailed, in depth report which will be heard later this week. With that this is Community Commentary and this is Vern Metcalfe bidding you all a good, good day wherever you may be.

BRICKBATS AND BOUQUETS

Thank you and good evening. Tonight a look at the airline situation as brought about by the Pacific Northwest-Alaska Air Service case documented recently by the Civil Aeronautics Board.

This morning on "Community Commentary" I urged my listeners to write, wire, and generally get into the act protesting the removal of Pan American World Airways from the southeast Alaska service. The Civil Aeronautics Board, in their order of March 26, 1965, would do just that and there is no possible way that this could benefit either Juneau, Annette Island, or Ketchikan. In fact it is going to have a terrific, and terrible, economic impact on these cities and installations.

To give you a general idea of what I'm speaking about here, let us note that in Juneau, Pan American World Airways had total expenditures in excess of $500,000 including all phases of their operation. This includes the pay of 20 employees and the removal of Pan American is not going to see much of this money being replaced in our economy by their successors. For one thing Pan American refuels here, which the other airlines do not, and this amounts to 1 million gallons of fuel each year.

The impact on the operation of the airport is going to be pretty rugged, too, since Pan Am paid $17,165 in landing fees last year and $8,829.24 in rentals for space in the airport administration building. The figures I'm quoting here were obtained through Mayor Larry Parker and he stated, "the total cost of operating the airport last year was $154,766 and we are just barely making it."

May I note that the gas tax paid to the State by Pan Am on that million gallons of fuel amounts to $15,000 in round figures and of that amount some $9,000 would be rebated to the city by the State. May I also note that the operator who provides the aviation fuel does the bulk of his business with Pan American although he does fuel other aircraft and any removal of the "World's Most Experienced Airline" would probably reduce his business to a status of a very marginal operation.

My protest, though, is based on the fact that Pan American, despite large losses, wants to keep this run. In all of my years in Alaska I've yet to see any service improved by the removal of competition. Steamship service certainly didn't improve until the Alaska Steampship Co. suddenly discovered that the barge operators were about to get a large slice of the melon. Competition is a great factor in any business. I'm certain Juneau enjoys some highly unusual radio programing only because there are two stations both competing for that advertising dollar. I might note that both stations are doing far better in dollar volume than this station, KINY, ever did when it had the market to itself.

Pan American has pioneered practically every single advance in Alaska's aviation history. They gave us our first service to the lower 48, they have forced their competition into getting bigger, faster aircraft. They have continually led the way and they are being asked to leave simply because they are more successful than anyone around. I don't like to see virtue punished and this is precisely what is happening. I have many friends that work for Pan American and this is true of the other airlines as well but this is not the reason, necessarily, that I'm unhappy about all of this. I do not want to see Juneau and Ketchikan deprived of first-class service and I'm afraid the removal of competition might very well result in this being the case. No matter what assurances to the contrary I might read about and no matter what the CAB says they might do. If they can't force the obvious solution, a merger between PNA and Alaska, then they certainly will not be able to tell the survivors of this example of poor thinking the type of aircraft they will have on the run.

May I urge my TV audience to take the pen in hand and to protest to Mr. Allan Boyd, Chairman of the CAB. Send a copy to our congressional delegation.

And now it is time to make the award of the bouquet. Tonight it goes to some people who are considerably down in the dumps. They not only have a CAB order to combat but are also grounded by a pilots strike. I hope the bouquet will make them feel a little better and I wish them all the luck in the world. The bouquet tonight then goes to the employees of Pan American World Airways, a little bloodied perhaps but, as always, unbowed. With that, this is "Brickbats and Bouquets" and this is Vern Metcalfe bidding you all a good, good day.

TRIBUTE TO DR. JOSEPH A. HILL, DEAN OF EDUCATORS IN TEXAS PANHANDLE

Mr. YARBOROUGH. Mr. President, Dr. Joseph A. Hill has often been referred to as the "Dean of Panhandle Educators," for his 30 years of service as president of West Texas State College, in Canyon, Tex. Beloved by his fellow educators and students alike, Dr. Hill has been a close friend of mine for 30 years. During the major part of his 87 years, Dr. Hill has been one of the leading educators in the State of Texas, serving as teacher, writer, historian, and college president. Because of the credit which Dr. Hill is to the educational profession and to higher education, I ask unanimous consent that an article entitled "Dean of Panhandle Educators Is Rich in Memories," from the Tulia Herald of Thursday, April 8, 1965, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Tulia (Tex.) Herald, Apr. 8, 1965]

Dean of Panhandle Educators Is Rich in Memories

(By Marjorie Brewer)

Dr. J. A. Hill, president emeritus of West Texas State University, has been one of our most loved, efficient, and noble educators of our times say the hundreds of ex-students who were once closely associated with him.

According to records of earlier days, friends are certain Joe Hill has been headed right and going in the proper direction since childhood. Once, when he was only 5 years of age, he was challenged on the matter. He didn't turn back, only did what was necessary to convince the skeptical. He was well started on his walk of a mile and a half to the community one-teacher school.

"Joe, are you going or coming?" a girl who came up behind him asked. He paid no attention and walked on. Soon, the girl caught him by the arm, whirled him around, and said, "Can't you see, you little devil, you've got your britches on hind part before?"

"I changed 'em right there, right out in the middle of that big pasture," Dr. Hill relates and chuckles as he does so. "My mother was milking the cows at schooltime that morning, so I got off without the usual inspection."

Dr. Hill didn't reach the status of revered educator, president of West Texas State College, an author of considerable reputation, and a much valued citizen quickly and without effort. He came up gradually through the ranks. No doubt, his humble experiences while arriving enabled him to appreciate the difficulties encountered by others. This made him ready to help the many who came under his influence and needed assistance of various kinds.

It was in the early 1920's that Dr. Hill was able to help Louis Blau, a naturalized-German citizen. Blau came to Dr. Hill's office and said, "I vant to go to school. Got $50. Completed ninth grade. I 25 years old and been working in my father's store in Lipscomb County."

After asking a few questions, Dr. Hill took Blau to Dean Allen who placed him in the 10th grade of the training school. Soon, Miss Ritchie, who was principal of the school, reported that Blau knew more than all his classmates combined. He was tried in the 11th grade and the same result. Next, he was placed in college on a trial basis. He made excellent grades and was allowed to continue as a freshman.

Only a few days before the end of the session, Blau came to Dean Allen saying he had to go home. The dean wouldn't allow this. Final examinations were coming up the next week.

Upon being asked why he needed to go home, Blau replied, "Vell, I gonna get married. Yust tought I auto be dare."

This melted the dean's sternness. He said, "You're right, sir. Every man should attend his own wedding."

Louis Blau, with his bride, was back in only a few days. Both attended school and received their teachers' certificates at the end of the summer. They alternated teaching in neighboring county schools and attending college until they received their bachelors degrees. Blau had also taken some correspondence courses from the University of Chicago and made an all-A record. Almost immediately after graduation, Blau entered the University of Texas, at Austin, on a scholarship obtained through the good offices of the science faculty of West Texas.

"He was not long in capturing the attention of science teachers in Austin and eventually made his way to a Ph. D. degree with honors," Dr. Hill said.

By chance, Dr. Hill met Blau on the university campus the week he received that degree. The two reviewed Blau's educational climb from the ninth grade to a Ph. D. degree. As Blau spoke of these experiences, tears rolled down his cheeks. He said, "Mr. Hill, I am so glad I live in America. I could not have done this in the old country."

At the time of their conversation, Blau had already accepted a highly technical job with a major oil company. According to Dr. Hill, Blau was destined to spend his entire professional career at a high official level with this company.

During the years a tintype picture made when he was 12 has helped Joe Hill to remember his struggles to rise. His experiences made him know that his students who had the will and perseverance could reach satisfying and even significant heights.

On the occasion of the picture making, Joe and Ivy were sent to town by their parents for the event. The brothers were dressed in their first store-bought suits and collarless, white shirts. They were instructed to buy a collar in town. Joe posed first and wore the collar. When he had finished with the "neck decoration," he hurriedly put it on Joe. When Joe's picture came out, the collar was on bottom side up.

Many are indebted to Dr. Hill for helping them attain success through difficulties. One such case was a boy whom we shall call Jim. Jim was one of three from the same family who came to school where Dr. Hill was superintendent. The parents of the three children could neither read nor write. Jim showed more than average mental ability. He let it be known that he intended to be a public speaker and lawyer.

"He never lost a chance to participate in school debates or to exercise his forensic abilities," Dr. Hill said. "This chap was so afire with worthy ambitions that I brought him with me when I joined the faculty at West Texas."

Jim washed dishes for Mrs. Hill for room and board and drove a laundry wagon for other expenses. He pursued vigorously his life's ambition and lost no opportunity to appear on the platform. "He wasted no time on riotous living," Dr. Hill said.

Jim left west Texas, after graduation, to enter the law school of the University of Texas. After a recess in World War I, he graduated in law and went out to practice. He became a title attorney and finally settled in Fort Worth. His company now occupies four floors of one of Fort Worth's major buildings, has one of the largest title and abstract businesses in the State, and employs more than 100 people. He has been president of the Texas Title & Abstract business and also of the national organization.

Dr. Hill said, "Success in life is largely a matter of complete investment of one's time and talents, a steady faith in one's self, one's country, and one's character. A life thus endowed is destined to high personal usefulness and happiness."

Shortly before World War II, Mr. and Mrs. Leroy Roberts appeared at the J. A. Hill residence and asked for work. Without work they would have to leave school at once. Their combined capital at the time, so they admitted later, was one dime. Mrs. Hill was too tender hearted to turn the young couple away. When her husband returned, he was informed that the Hills had a new yardman and a housemaid.

When the United States entered the war, Roberts donned a uniform and went out to serve his country. "I spent 4 years in foxholes from Paris to Vienna," he said later. During most of the time of his absence, Mrs. Roberts taught school. Earlier, as a coed or Miss Corabelle Moore from Wayside, she had learned to support herself and pay college expenses. According to a Canyon paper of 1932, Miss Moore, a freshman, "equally adept with a mixing spoon and the needle, paid her expense through the sale of exquisitely worked, handmade quilts and tasty home-canned foods."

When Roberts returned, he and his wife resumed their work at the Hill home. In due time, the couple received college degrees and began together a teaching career.

"Though Mrs. Hill passed on some years ago, this fine couple remembers me regularly in devoted friendship," Dr. Hill said.

Mr. and Mrs. Roberts, teachers in Tulia public schools for the past 18 years, say the Hills always treated them like they belonged to the family. "They were good, down-to-earth people who helped everyone they could," said Mrs. Roberts. "About 2 years ago, Dr. Hill gave us a buffet and four chairs of solid oak. He and the late Mrs. Hill had used this furniture during the years. The chairs were bought in 1903 before the couple married. We treasure these things highly and consider them valuable antiques."

Because he remembered his own difficulties educationalwise so well was the reason, no duobt, that Dr. Hill was ever ready to help others who were making a like struggle. Born October 29, 1877, as the sixth child of a couple who were to have 11 children, the going was never easy for him. From the time Joe was 5 until he was almost 17, he received his schooling by walking across a large sheep pasture to a one-room school. Then, he went 30 miles away to stay in the home of a second cousin in order to attend high school. For 3 years, until he graduated, he did the chores to pay for his room and board and his father furnished the money for other expenses. His work consisted of milking a cow, caring for a horse and shoats, chopping wood, and doing various other jobs.

With a $100 gift from his father and another $100 borrowed from an older brother, Joe entered the University of Texas in September of 1897. The following June he came out with a teacher's certificate and $3.50 in cash. After teaching school for a rather low salary for a couple of years and farming a little too, Joe Hill went back to the University of Texas, though he had to borrow money from his father. He worked at various jobs but had to borrow and owed his father the staggering sum of $300. He graduated from the university in 1902 with a bachelor of arts degree and empty pockets. "My father and I worked my way through school," the son says now. "His part was manual labor, self-denial, devotion to family and service to God and country."

Though he was offered a scholarship of $300 which would have permitted him to work out his master's degree, he didn't accept it. Joe Hill needed more money. He was thinking more and more about Miss Ola Ethel Davis who had promised to marry him when he received his degree, not before. She did marry him the next year, June 30, 1903. Joe had gone back to teaching.

In speaking of those days, he said, "To me, teaching was a happy experience in constructive service. I had no intention ever to leave the profession."

That was before he went to a town of 1,200 in deep south Texas where tradition decreed that willow switches rule the schoolroom. He did not equip his school for campus warfare since he didn't believe in ruling by physical violence. Before long, certain adolescent boys were gathering in knots for secret conversations and were showing a marked coolness and aloofness. One day that spring, Frank, who was the leader in mischief, disturbed a class with a string of unpardonable profanity and vulgarity.

The boy was told to report to the office right after school. He did so but said he had to go home immediately since his father needed him and had asked this. Hill excused him though he knew the boy was lying and meant to use the delay in padding himself for the threshing he knew he would get.

About the time Hill arrived in his office the next morning with six keen, Brazos River bottom switches, Frank came in. He showed signs of having on several sweaters and pairs of trousers. "You can whip me all you want to, Mr. Hill," Frank said, "But every lick you hit me will make me worse."

Hill threw his switches over in the corner and said, "You are bad enough already. I won't be guilty of making you worse. Go home at once."

"Oh, no. Dad will really wallop me if I get expelled."

"You're already expelled," Hill said.

Then, Frank begged to be whipped instead. Hill remained adamant for a time, then agreed to administer the punishment but not until Frank had peeled off all extra garments. Three frazzled willow switches, one exhausted man, and one chastened boy later, the incident was closed. There were no more discipline problems in school that year.

After the close of school that year, it was 47 years later that Frank and this teacher met again. Frank shook hands with his former teacher and greeted him warmly. "Mr. Hill, that licking you gave me was worth a million dollars to me."

"I'll settle for half that amount if you will pay in cash," Hill said to the robust man who was then a respected, prosperous rancher.

In speaking of the incident, Dr. Hill said, "We had a rich visit, one that still brings me genuine satisfaction and further convinces me that a good teacher is well paid, though he cannot hear the coins jingling in his pockets."

The immediate results of the incident were upsetting, however, Joe Hill decided that if it took physical violence, he wanted no part in the teaching profession. He went into the banking business, organized The Farmers State Bank of Moody, was a stockholder, and became the assistant cashier, besides being a member of the board of directors. Though the panic of 1907 didn't close the bank, it caused Hill to get out. He next moved to west Texas as an executive of a grain, feed, and fuel company of Hamlin. Though he was offered good teaching positions, he refused them all. He thought he had finished with teaching for good, but he didn't reckon with the persistence of school board of Roscoe.

In September of 1908, he began his tenure there as superintendent of Roscoe school. During the two years he was there, he managed to unite a badly divided community, organized a Mothers' Club—forerunner of PTA—saw great improvement in the school's physical plant, and gained a reputation for efficiency as an administrator, that spread all over west Texas.

This good reputation moved him to Canyon, as head of the history department in the newly organized West Texas State Normal College, in 1910. He remained in this position until President R. B. Cousins resigned in 1918. Hill was then moved up to the presidency of the institution. He held this position until he retired in 1948. His 8 years as head of the history department and 30 years as president were fruitful, eventful years. No one could ever enumerate all the useful and priceless things he did.

He spent the scholastic year of 1915–16 at the University of California on a readership in history which enabled him to get his master's degree at the end of the year. He was offered a tutorship in the history department there which would have led to a permanent position, eventually, and a doctorate. Because he wouldn't be paid enough to support his family, he came back to Canyon. "My wife and I had three as fine children as anyone could ever wish," he said in speaking of his family.

In 1931, two distinctions came to the president of West Texas State. Hardin Simmons University (then Simmons' University) conferred upon him an honorary LL.D. degree and he was elected president of the Texas State Teachers Association.

Through the years, J. A. Hill became a writer and author of note. Besides newspaper columns, features, and articles, some of his published works are "One Man's Faith," a compilation of selected public addresses; "The Panhandle Plains Historical Society and Its Museum," the only history of that institution; "My Country and Yours," a State-adopted elementary text for more than 10 years which was written in collaboration with the late Dr. Hattie M. Anderson; "More Than Brick and Mortar," a history of West Texas State; "I Hold the Key," an inspirational booklet; "Texas Heritage," volume IV, No. 1 of the series, done in collaboration with A. Garland Adair; "An American History for High Schools," done in collaboration with R. B. Cousins; and more than 1,000 articles and features.

Dr. and Mrs. Hill had been companions for 52 years when she was called away in 1955. He married the widow of the late F. E. Savage in 1956. The Savage and Hill families had been close friends and associates for 30 years.

People marvel at the joy brought to the couple and others by this late marriage. Already, they have been married about 9 years. By those who know them, this marriage is considered one of the happiest and most successful wedded unions they have ever known. It has convinced some former skeptics that it is never too late to marry, regardless of the age of the participants, if the two forming the union are compatible and need each other.

Perhaps J. A. Hill has never in his life been busier or more alert than he has been since his retirement. Anyone wishing to see him needs to have an appointment. He is presently writing studies on current public issues and, at the request of his family, is doing some autobiographical sketches. He reads three daily papers, several weeklies, as well as several magagines and a few books.

Dr. Hill is a member of the Baptist church, the Rotary Club, the Historical Society, the Cemetery Association, and honorary member of Kappa Delta Pi. He has had one or another official relationship with Boy Scouts, local and regional, for 35 years. For 25 years he has been a member of the board of directors of Century Life Insurance of Fort Worth.

Besides his many other activities, he said, "I try, feebly, to do my share of the housework such as vacuum cleaning, carrying out garbage, watering the lawn and running errands."

"There's a divinity that shapes our ends, rough hew them how we will," appears to be Dr. Hill's favorite quotation from Shakespeare. Perhaps this passage applies to his life in a remarkable way. If he had not quit the teaching profession for 1 year, if he had not come to West Texas, if he had not taught in Roscoe * * * he would never have been president of W. T. and many lives would have been different. Many people are so happy he came the W. T. way.

Your many friends salute you, Dr. and Mrs. Hill, and wish for you many more happy years together. May God bless you and continue to make of you a blessing in His service and that of your fellow man.

BROKEN LAW AND BROKEN FREEDOM

Mr. THURMOND. Mr. President, one of the most articulate and effective champions of the cause of freedom in our country is our distinguished Chaplain of the Senate, Dr. Frederick Brown Harris. From time to time I have placed in the CONGRESSIONAL RECORD a number of his weekly columns, "Spires of the Spirit," because I feel that they have merited the attention and study of my colleagues. I have been particularly impressed with his column entitled "Broken Law and Broken Freedom," in the Sunday Star of April 11, 1965.

I ask unanimous consent, Mr. President, that this outstanding article be printed in the RECORD at the conclusion of these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPIRES OF THE SPIRIT—BROKEN LAW AND BROKEN FREEDOM

(By Dr. Frederick Brown Harris, Chaplain, U.S. Senate)

In these days of tortured turbulence there is nothing that our social order needs more than to realize that to break the law means to break our freedom which makes laws. There is a frightening description in the April FBI Bulletin of a scene last Labor Day weekend in a New England State where 7,000 arrogant, profane and insulting young people stormed from the beach area, drinking and destroying property as they shouted "Kill the cops, let's have a riot." In addition to this attitude on the part of youth in various parts of the Nation, the amazing doctrine is now being broadcast in the bitter campaign for civil rights that to reach certain social goals lawbreaking is a virtue. The startling thing in the contemporary agitation for the removal of unjust discrimination is that this lawless conception is espoused by some leaders in the realm of morals and ethics as uncontrolled street demonstrators trampled roughshod over legally enacted regulations. Some riders on crusading white horses covet a martyr's halo, rather than obedience to laws of which they do not approve.

In an address at Colby College, Adlai Stevenson observed: "Even a jail sentence is no longer a dishonor but a proud achievement. Perhaps we are destined to see in this law-loving land people running for office, not on their stainless records, but on their prison records." To break legal enactments by simply appealing to a higher law is to punch a hole in the legal dike which holds back the flood of anarchy.

Justice William O. Douglas of the Supreme Court has pointedly said, "An individual or marauding group who defies the law to strike a blow for the particular kind of freedom they espouse is indeed destructive of the rule of law."

The present-day gospel of overcoming by disregarding laws, even on the way to worthwhile objectives, endangers the very cause as it thus prostitutes unworthy means as a route to desired ends. At the same time it puts in jeopardy other worthy causes waiting for their day in a lawfully constituted court. The Communists shout out in glee to high heaven at the reported attitudes of representative U.S. citizens that a law to which any person objects is like pie crust—made to be broken.

A prominent leader in the civil rights movement has said: "There are just laws, and there are unjust laws. I submit that an individual who breaks the law that conscience tells him is unjust and willingly accepts penalty, is in reality expressing the highest respect for law." That is transparent sophistry.

Let us state unequivocably that this lawbreaking doctrine is not as some allege a Christian view. A recognized modern theologian has commented on the contemporary attempt to make blatant breaking of law an allowable Christian practice. He declares, "The early Christians under the teaching of the apostles were enjoined to obey the laws of the state—a pagan state mind you—whether they held the laws to be just or unjust, so long as the state did not claim for itself the worship and allegiance owing only to God." Whatever may be said for civil disobedience it is certainly not a Christian doctrine as Saint Paul in Romans makes clear. Those who claim Abraham Lincoln as their patron saint ought to listen to him as he solemnly admonishes, "There is no grievance that is a fit object of redress by mob rule."

There is no magic formula which guarantees to bring about in 1 day, or a thousand, the equality which is at the heart of democracy. Mad insistence on individual wills and whims crowds out sober obedience. Fiats, not fists, are the effective weapons for righting wrongs. A keen young thinker with splendid university training, gazing with anxious eyes at the present ominous scene, has written, "Once it is stated that law need not be obeyed unless it is good law, the beginning of an end to rule by law has been initiated. If each individual, or group of individuals, decides for himself which laws he will follow, and which laws he will disobey, the entire fabric of law is broken down. The fact is that Negro equality can exist only in the same proportion as respect for laws exist. What a tragedy it would be if Negroes succeeded in destroying our system of law and in the very process destroyed the very thing which can make them free."

But, alas, in the present orgy of lawlessness in America, there are many well-intentioned citizens who desperately need to be reminded that broken law is the direct path to broken freedom. The way to alter existing law is the legislative path and not the lawbreaking path. Civil disobedience is a long first step in the direction of an invasion of lawlessness in which order and freedom and liberty would be lost.

Over the headquarters of every cause in this day of social ferment there might well be written the inscription which is lifted up in great letters over the courthouse in Worcester, Mass.—"Obedience to law is liberty."

MEN IN MILITARY SERVICE PETITION FOR GI BILL

Mr. YARBOROUGH. Mr. President, perhaps the most impressive aspect of the World War II and the Korean GI bills was the tremendous initiative and motivation which veterans exhibited when they were given a chance for educational benefits. On college campuses all over this Nation, men were working, to supplement their educational expenses, in the dormitories, the dining halls, off campus—anywhere they could earn the money they needed in order to continue in college.

Yet, we often hear educators say that these veterans were the leaders, provided maturity, and often forced colleges to upgrade their levels, because of the challenge which these students presented.

Recently I received a letter which exhibits the same quality in the veterans of today, the cold war veterans. This letter, from the 246th Signal Company of the U.S. Army, is signed by 80 men of that company; some of them would like to go to college, some want to finish high school, and others want technical training.

But all of them ask that they have an opportunity to become useful citizens. Because of the need which this letter illustrates for the cold war GI bill, I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 3, 1965.

Hon. R. W. YARBOROUGH,
U.S. Senator,
Washington, D.C.

DEAR SIR: This letter is sent to you by a group of individuals who would directly benefit from passage of a peacetime GI bill.

In this company (246th Signal Company) we have individuals who have not finished high school, as well as some who have attended college. Due to the rising costs of education, it is rather difficult for these individuals to reach the educational level of which they are capable.

Not everyone in this company would be capable or desirous of continuing an educational program. There are some excellent trade schools throughout the United States that offer fine vocational programs, but of course financing is the key.

All of us, I am sure, have asked ourselves if the people back home know what it is like on an isolated post. Does our Government appreciate what we represent, and, in time of crisis, what we stand for? What better way to express their acknowledgment than to give us a chance to continue our studies. Not specifically college, but vocational training as well? We are treated and feel like second class citizens. Let us have the opportunity to become useful citizens and know that our Government does care and affords us the same chance our fathers had. Although they fought to preserve what is ours, we stand ready to do the same.

Although we represent many States, the consensus is the same.

Pfc. J. K. Morton, California; Sp4c. Michael J. Hallicy, Illinois; Pfc. David M. Swild, Idaho; Pfc. Raymond L. Scold, North Carolina; Sp5c. Linwood Serois Caribon, Maine; Pfc. Julius C. Easterlinaza, South Carolina; Pfc. Michael A. Lakes, Washington; Pfc. George E. Barber, Washington, D.C.; Pfc. Michael L. Winter, Wichita, Kans.; Pfc. John J. Mossi, Philadelphia, Pa.; Pfc. Donald R. Rice, Wisconsin.

Pfc. Tayre Dobtiz; Sp4c. Peter W. Arglan; Pfc. John Stratemeye, Baltimore, Md.; Pfc. Fred Korth, Texas; Pfc. Ronnie E. McQeaston; Pfc. Bernard P. Blair, California; Pfc. James Paige, New Orleans; Sp4c. William T. Fasnick; Sp4c. Samuel F. Kurtz, Wisconsin; Pfc. Ray G. Wihl, Maryland; Pfc. James R. Cayanus, Michigan; Pfc. Thomas H. Grunnell, Kentucky; Pfc. Edward F. Boyash, New York.

Sp4c. Bill Trohm, New York; Pfc. Richard R. Reiger, Illinois; Sp4c. Archie W. Mann, New Mexico; Pfc. Roger W. Howard, Washington; Sp4c. Kenneth H. Whitman, Alabama; Lt. Col. B. L. McOre Ger, Mississippi; Pfc. Clarence M. Schmindt, Minnesota; Pfc. Troy E. Allen, Texas; Sp4c. Alton Robinson, Mississippi, personal friend of Senator JAMES O. EASTLAND, Democrat, of Mississippi.

Sp4c. Donald W. Floyd; Pfc. Rowan R. Powell; Sp5c. Gary Kupersmith, Wisconsin; Pfc. Thomas B. Tookey, Pennsylvania; Pfc. Thomas White, Maine; Sp4c. Michael C. Daley, Florida; Pfc. Raymond E. Roth, Illinois; Pfc. Veland R. Rient, Minnesota; Pfc. Selt R.

Boyer, Massachusetts; Sp4s. Louis F. Persichella, New York; Sp4c. Jack T. Frey, Ohio.

Pfc. Brian F. Wills, New York; Sp4c. Robert J. Filz, Minnesota; Pfc. Richard L. Quinn, Minnesota; Pfc. Robert W. Donahue, New Haven, Conn.; Pfc. Dennis Slottengren, Minnesota; Pfc. Thomas G. Anderson, Wisconsin; Sp4c. Jack Kalk, New York.

Pfc. Jimmy R. Miller, Memphis, Tenn.; Sp4c. R. H. Strubeck, California; Sp4c. L. W. N. Kauwaloa, Hawaii; Pfc. Richard F. Miller, Philadelphia; Pfc. Clarence R. Candler, North Carolina; Sp4c. James E. Hippe, Tennessee; Pfc. Enuique A. Ockoa, Arizona; Pfc. Nathaniel Smith, Nashville, Tenn.; Sp4c. Dennis D. Craig; Sp4c. Tealilo A. Covorsulia, San Antonio, Texas; Pfc. Tony Amard, Rhode Island; Pfc. Thomas E. Mahon, Texas.

Pvt. Arnold J. Ruterbories, Colorado; Sp4c. Hilberto Rodriguez, Texas; Pfc. John C. Quigley II, New York; Sp4c. James C. Chief, North Carolina; Sp4c. H. Kestern, Tennessee; Sp4c. L. E. Sidney, Missouri; Pfc. K. R. Lohmeier, Minnesota; Sp4c. Leroy Bowers, Elizabeth, N.J.; Pfc. Ronald P. Jenkins, St. Louis, Mo.; Sp4c. Patrick R. Kleingler; Pfc. Joseph P. Burroughs; Sp4c. Alkitac W. Preyeth, New Mexico; Pfc. Binnie L. Williams, Baltimore, Md.; Pfc. Rex T. Malvy, Texas.

FORMER ALASKAN UNIVERSITY PRESIDENT

Mr. BARTLETT. Mr. President, a few days ago Dr. Raymond L. Smith was inaugurated as president of Michigan Technological University, in Houghton, Mich. He is the first University of Alaska graduate to become president of a university. In 1943, he was graduated from the University of Alaska with a bachelor of science degree in metallurgical engineering, and subsequently he received his master's and doctor's degrees from the University of Pennsylvania. From 1946 to 1949, Dr. Smith served at the University of Alaska as an assistant professor. Since 1959, he has headed the department of metallurgical engineering at Michigan Technological University and also has served as coordinator of research there since 1960.

The Michigan Technological Board of Control has stated:

> Under Dr. Smith's direction the department of metallurgical engineering has become one of the Nation's largest and most respectable.

The inauguration ceremonies were attended by Dr. William R. Wood, president of the University of Alaska, and Mrs. Wood.

Alaska shares with Michigan and with Pennsylvania pride in President Smith's achievements.

APPORTIONMENT IS ONE OF THE MOST IMPORTANT ISSUES BEFORE THE COUNTRY

Mr. DOUGLAS. Mr. President, although obscured by other questions of the day, reapportionment of the State legislatures is really one of the most important domestic issues to face the country in decades.

Irving Dilliard, the respected columnist of Chicago's American, has pointed this out in a recent article. He correctly argued that equal apportionment, or the right of each citizen to have his vote count equally, is the essence of representative government.

I ask unanimous consent that Mr. Dilliard's article, from the Chicago American of March 28, 1965, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago American, Mar. 28, 1965]

Remap Should Be Key Issue

(By Irving Dilliard)

The headlines that have gone properly to the war in Vietnam, the Selma march, and the American and Russian space shots have tended to obscure a most important struggle in Congress and many of the States. This is the battle over redistricting for seats in the House of Representatives and in both branches of the legislatures.

Here is something that is the very essence of representative government. For next to the right to vote comes the right of each citizen to have his vote count on a basis approximately equal to the vote of each other citizen. This is the heart of the Supreme Court's series of redistricting decisions which say in effect: "One man, one vote."

Greatly to their credit, some dozen States have responded to the Court's decision by reapportioning substantially on a basis of population in both legislative chambers. The dozen include States as widely separated as Michigan and Oklahoma, New Hampshire and Oregon, Virginia and Connecticut, West Virginia, and Colorado.

ALL CAN ACT SIMILARLY

What approximately a fourth of the States have already done, all the States can and should do promptly. This is the one best way to guarantee that each voter's ballot is close to equal in influence to each other voter's ballot.

So far so good. But unfortunately this desirable reconstitution of the legislatures on the fair basis of equitable population districts could go off the track at this point. Senator Dirksen, of Illinois, Republican leader, along with several other Senators, is pushing a proposal to amend the Constitution to override the Supreme Court's long overdue, beneficial decision.

The Dirksen amendment would invite the States to apportion one legislative branch on a basis other than population.

While the Dirksen proposal has picked up some additional, uncritical support, its hardcore backing is the same crowd that tried to slip over the "monkey wrench" amendments a couple of years ago. These were the anti-Supreme Court proposals designed to foster disunity at the expense of our historic Federal system.

FEW CAN CONTROL THE MAJORITIES

The case against all these diehard roadblocks to fair representative government has been made with all the chapter-and-verse documentation anyone should need by Democratic Senator Douglas, also of Illinois. He showed, for example, that fewer than 45 percent of the population can elect majorities in both legislative chambers in some 33 States. A consequence is that urgent urban needs are frequently ignored by the dominant majorities from sparsely settled areas.

The highly esteemed Federal legislation committee of the Association of the Bar of the City of New York says the Dirksen amendment could endanger "all constitutional rights and the independence of the judiciary." That ought to set warnings bells ringing all over America.

MORE ON OUR FREEDOM ACADEMY GAP

Mr. MUNDT. Mr. President, events on the continent of Africa over the last year and a half constitute strong argument for the Freedom Academy bill.

Basic to this bill, perhaps the part most critically needed in conduct of American foreign relations, is the proposal that we provide political training to foreign nationals who are not unfriendly to our own interests. All the programs proposed in the bill—intensive research plus concurrent extensive training for first, American government personnel who work in foreign affairs; second, citizens of foreign countries who need to learn how best to resist nonmilitary aggression; and, third, citizens employed in the private sector whose work closely involves international relations—all are critically important. I hesitate to select one program as most important because all are so closely related, but adequate training for defense against techniques of nonmilitary aggression is so sorely needed by government officials and by leading private citizens in scores of countries the world over—countries right now targeted for subversion and conquest—that this phase of the Freedom Academy proposal stands out.

The bill, S. 1232, sponsored by Messrs. Case, Dodd, Douglas, Fong, Hickenlooper, Lausche, Miller, Prouty, Proxmire, Scott, Smathers, Murphy, and myself, offers, in section 2(a)(7), this finding:

> Finally, the cause of freedom has been severely handicapped by the inhibited attitude of the United States toward the education and training of foreign nationals. Nowhere, with limited exceptions, is education and training provided for foreign nationals which will acquaint them, in depth, with the spectrum of Communist subversion and insurgency and the wide range of instruments that may be developed and utilized to defeat this while seeking to build free, independent, and viable societies. Yet, the principal burden of repelling Communist subversion and insurgency must be borne by the citizens of the nations involved.

We have identified at least six schools within the Communist bloc, or blocs if that is preferable, where foreign nationals are educated in the arts of nonmilitary warfare. A whole new academic discipline has matured in the last generation—this discipline of nonmilitary warfare involving subversion, psychological warfare, infiltration, guerrilla tactics, and all the rest—but the United States has not kept apace.

Understanding the tactics of the aggressor is the first step in stopping aggression, but we do not fully understand these tactics ourselves; and, worse, we make very little effort to disseminate what understanding we do have among leaders of non-Communist countries which are targets of this aggression.

That is, our antagonists have trained thousands of professional revolutionaries to carry out their nonmilitary aggressive campaigns over the last generation, and we have looked in awe as a great part of the world turned unfriendly or blatantly hostile to us.

Today, in my continuing effort to utilize the current news in our American press to support these contentions of Freedom Academy bills sponsors—see pages 4165, 4882–4884, 5436–5440, and 6613–6617 of the RECORD—I would like to concentrate on the continent of Africa.

More than a year ago the New York Times spelled out how the newly independent country of Zanzibar had fallen to a Communist coup. The subsequent combination of Zanzibar with Tanganyika partially alleviated this loss, but observers expect that Tanganyika may well follow Zanzibar instead of saving it. What I want to emphasize, however, is evidence of the tactics used by Communists to conquer Africa.

Robert Conley wrote the article. It appeared in the New York Times for January 20, 1964, as follows:

> One week after Zanzibar's revolution it is clear that Communist-trained Africans have seized every bit of real power on the island. They were trained by Communist China, the Soviet Union, and Cuba.
>
> The leftist revolutionaries control the principal ministries, including Foreign Affairs, Defense, and Internal Affairs.
>
> Fewer than 50 subversives trained in guerrilla warfare and political revolution carried out the Zanzibar takeover. Cuba trained the guerrillas. Communist China and the Soviet Union trained the political experts.
>
> Real power is concentrated in the hands of the Vice President, Kassim Hanga * * * a bitter opponent of the West, who is Soviet trained.
>
> Shiek Mohammed is head of the militarist leftist UMMA, or People's Party. He was trained by Chinese Communists and had been the representative in Zanzibar of Hsinhua, the Chinese Communist press agency.
>
> Three other prominent Africa nationalists are in the revolutionary government as further camouflage * * *. Trained subversives have been assigned to them, however.
>
> In the President's office, Mr. Karume's chief executive assistant is * * * a Soviet-trained labor agitator who is publicly committed to setting up a "Socialist Zanzibar in which the working people would establish their dictatorship."
>
> Mr. Hanga is in control of internal affairs and security with Cuban-trained guerrillas under him. The guerrillas retain their automatic weapons.
>
> In the Ministry of Communications * * * is * * * a political activist trained by the Soviet Union.
>
> He arranged for young Zanzibaris to go on scholarships to the Soviet Union and Eastern Europe.

The Communist revolutions occurring all over Africa, Mr. President, are not coincidental. They are planned and coordinated by experts trained in the art of nonmilitary warfare in countries which are antagonistic to our interests. Against this professional training in aggression, we offer nothing in training for defense.

Mr. Conley continues:

> Every indication suggests that the revolution itself had been planned clandestinely before Zanzibar gained independence. Twenty-two Zanzibaris are reported to have returned to the island on independence day, after several months of training in Cuba, to make final preparations.
>
> These guerrillas became the hard core within the untrained ranks of the "liberation army."
>
> The purpose of the "liberation army," Conley says, was to give "the impression that the revolution was a 'sponstaneous uprising,'" and "to give African followers a sense of direct participation in an insurrection that was not of their making."

Mr. President, I ask unanimous consent that the full text of the article "Red-Trained Africans Consolidate Hold After Zanzibar Revolt," from the New York Times of January 20, 1964, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RED-TRAINED AFRICANS CONSOLIDATE HOLD AFTER ZANZIBAR REVOLT

(By Robert Conley, special to the New York Times)

One week after Zanzibar's revolution it is clear that Communist-trained Africans have seized every bit of real power on the island. They were trained by Comunist China, the Soviet Union, and Cuba.

The leftist revolutionaries control the principal ministries, including foreign affairs, defense, and internal affairs.

Fears have been expressed that neither the rest of Africa nor the West can prevent the revolutionaries from turning Zanzibar into a Communist state—just 25 miles off the East African coast.

The takeover of Zanzibar gives the Communists their greatest victory in Africa. It has been likened to the loss of Cuba by the West to the revolution of Fidel Castro 5 years ago.

Fewer than 50 subversives trained in guerrilla warfare and political revolution carried out the Zanzibar takeover. Cuba trained the guerrillas. Communist China and the Soviet Union trained the political experts.

REGIME GIVEN AFRICAN IMAGE

They made Abeid Karume President of the revolutionary regime to give an African image to the revolution, which overthrew the island's Arab minority government. Mr. Karume is the leader of the Afro-Shirazi Party, the main political movement of the African majority among the island's 310,000 people.

But the real power is concentrated in the hands of the Vice President, Kassim Hanga, and the Minister of External Affairs and Defense, Sheik Abdul Rahman Mohammed.

Mr. Hanga, a bitter opponent of the West, is Soviet trained. He studied international law in Moscow and has a Russian wife.

Sheik Mohammed is head of the militarist leftist UMMA, or people's party. He was trained by Chinese Communists and had been the representative in Zanzibar of Hsinhua, the Chinese Communist press agency.

The two men are believed to be chiefly responsible for changing the course of the revolution.

Their takeover appears to have put an end to the role of John Okello, self-styled field marshal of the revolutionary army. His army, a ragtag collection of 600 men, is being disarmed.

The takeover means that the Communists now are a direct threat to the African mainland. By winning Zanzibar they have gained a stepping stone for penetrating the heart of Africa. Zanzibar has been a gateway to Africa for centuries for slave traders, explorers, and colonizers.

Three other prominent African nationalists are in the revolutionary government as further camouflage. They are Othman Sharif, Minister of Education and Information; Hasnu Makame, Minister of Finance and Development; and Abound Jumbe, Minister of Health.

Trained subversives have been assigned to them, however.

In the President's office, Mr. Karume's chief executive assistant is Abdul Aziz Twala, a Soviet-trained labor agitator who is publicly committed to setting up a "Socialist Zanzibar in which the working people would establish their dictatorship."

Mr. Hanga is in control of internal affairs and security with Cuban-trained guerrillas under him. The guerrillas retain their automatic weapons.

In the Ministry of Communications the chief executive assistant is Hassan Nassor Moyo, a political activist trained by the Soviet Union.

He arranged for young Zanzibaris to go on scholarships to the Soviet Union and eastern Europe. He founded Zanzibar's Young Workers League in 1962 to "unite all young workers and enable them to receive trade union and political educations."

Mr. Mohammed Babu, a former editor, was released from prison last year after serving a 15-month sentence for sedition. He had run the pro-Communist news sheet Zanews supported by his Chinese Communist patrons.

Mr. Hanga was one of two members who walked out of the island's national assembly last November when the legislative body expressed its condolences over the assassination of President Kennedy.

THREEFOLD PURPOSE EVIDENT

Every indication suggests that the revolution itself had been planned clandestinely before Zanzibar and its northern island of Pemba gained their independence from Britain December 10. Twenty-two Zanzibaris are reported to have returned to the island on independence day, after several months of training in Cuba, to make final preparations.

These guerrillas became the hard core within the untrained ranks of the "liberation army." Field Marshall Okello, a 27-year-old Ugandan, had been a branch secretary of the Afro-Shirazi Party in Pemba.

He and his army, it is now evident, had a threefold purpose.

First, they gave the impression to the outside world that the revolution was a "spontaneous uprising." The idea was to obscure for a time the fact that the revolution was a Communist coup.

Second, the rebel army was a means to give African followers a sense of direct participation in an insurrection that was not of their making. They were allowed to run through the streets of the town of Zanzibar, the island's capital, shooting and looting at will.

Third, Field Marshall Okello had little apparent knowledge of weapons or strategy.

For his uniform he wore a black visored cap, a black shirt with one epaulet—on the left shoulder—and black trousers. The image of an eagle and a ball were on the epaulet. The epaulet was supposed to represent him and the ball represented the world. He said he had been a "brigadier" of the Mau Mau terrorists in Kenya. Former Mau Mau leaders here say they never heard of him.

His followers went wild with racial hatred against their former Arab rulers.

There is no evidence to suggest that the guerrillas were supplied with arms from outside Zanzibar. They seized their weapons and ammunition by first raiding a police armory and the security forces' arsenal before dawn last Sunday.

Mr. MUNDT. Editors of the Times must have found that article interesting, for 3 days later an unsigned background story appeared.

> Preparations for last week's pro-Communist revolution in Zanzibar began quietly in Cuba late in 1961, when a Zanzibari political office was established in Havana. They reached their peak with the arrival 6 weeks

> ago of a Cuban chargéd'affaires in Dar es Salaam, Tanganyika.
>
> Several hundred African "students" are being trained in Cuba. The training is said to include guerrilla warfare tactics.
>
> These students are divided into four main groups.
>
> One is from east Africa, the second group from South Africa.
>
> Students from Ghana, Mali, the Congo, and Nigeria are said to form the third group. The fourth group is made up of students from Spanish Guinea.

But most interesting about this article is the summary of State Department attitude toward the whole development:

> The fact that Cuba had been steadily increasing her interest in Africa has been known to officials here for a long time. But it caused no particular concern until the events in Zanzibar and Tanganyika.
>
> The assumption was that Cuba was mainly concerned with commercial and cultural ties.
>
> Facts that once seemed insignificant, such as the establishment in 1961 of the Havana office of the Zanzibar National Party, were being pulled out of the files and studied.

I submit, Mr. President, that had the Freedom Academy been established in 1960 when the Senate first passed the bill, we would have had numerous officers in the State Department and related agencies who would have recognized the significance of these events when they occurred, not years thereafter when country after country in the non-Communist sections of the world seem inexplicably propelled toward the Communist bloc.

I ask unanimous consent that the article "Cuba Began Role in Zanzibar in 1961" from the New York Times of January 23, 1964, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CUBA BEGAN ROLE IN ZANZIBAR IN 1961; WASHINGTON GETS DETAILS OF HAVANA'S INVOLVEMENT IN UPRISING IN AFRICA

WASHINGTON, January 22.—Preparations for last week's pro-Communist revolution in Zanzibar began quietly in Cuba late in 1961, when a Zanzibari political office was established in Havana. They reached their peak with the arrival weeks ago of a Cuban charge d'affaires in Dar es Salaam, Tanganyika.

The detailed story of Cuba's involvement in the Zanzibar revolt and Cuban activities in connection with the training of East African and South African guerrillas and other African groups has been pieced together from reliable reports that became available today.

In addition to tracing the Cuban strategy in preparing for the revolution in Zanzibar, which lies off Tanganyika. The information, which comes from many quarters, indicates that several hundred African "students" are being trained in Cuba. The training is said to include guerrilla warfare tactics.

These students are divided into four main groups.

One is from East Africa. Special emphasis is placed on the second group, trainees from South Africa, who were said to form the largest single unit. Those from Kenya, Tanganyika and Zanzibar also received special emphasis.

This is believed to indicate that Cuba, working with the Soviet Union and possibly Communist China, is centering her attention and activities on South Africa and the east coast of Africa, where the successful revolt in Zanzibar took place January 12 and an army uprising broke out in Tanganyika on Monday.

Students from Ghana, Mali, the Congo and Nigeria are said to form the third group. The fourth group is made up of students from Spanish Guinea, on Africa's northwestern coast, where there have been pro-independence movements.

The fact that Cuba had been steadily increasing her interest in Africa has been known to officials here for a long time. But it caused no particular concern until the events in Zanzibar and Tanganyika.

The assumption was that Cuba, which maintains diplomatic relations with nine African countries, and trades with six, was mainly concerned with commercial and cultural ties. But the east African violence this month and information coming to light is rapidly changing this evaluation.

AIDES TAKE NEW LOOK

Officials who were reluctant to believe that Cuba would become deeply involved in African revolutionary movements are taking a new look at the situation. They had assumed that she was concentrating on internal problems and Latin American affairs.

Facts that once seemed insignificant, such as the establishment in 1961 of the Havana office of the Zanzibar National Party, were being pulled out of files and studied.

For example, the man who ran the Zanzibari political office in Havana has emerged as a top aide of John Okello, the self-styled field marshal of the Zanzibari revolution. His name was not available here tonight, but dispatches from Zanzibar last Wednesday quoted an aide of Mr. Okello as having said that he had been trained in Cuba along with other Zanzibaris.

As far as is known, the Zanzibari office was the only African organization of its kind operating in Havana, though African students had been going to Cuba for a long time.

How much power Mr. Okello has at this point is not known here, but the available information suggests that Cuban "graduates" still play an important role in the Zanzibari situation.

LINK TO SOUTH AFRICA SEEN

Informed sources here also saw a relationship between Cuban operations and the activities of a nine-man South African Liberation Committee based in Tanganyika.

It was suspected that Dar es Salaam might have become a center for revolutionary activities for east and South Africa and that the Cuban Embassy there, which began functioning suddenly last month, might be one of the key elements in this effort.

Also under study here was a report that the Algerian vessel *Khaladoun* arrived in Dar es Salaam on January 2 with a cargo of arms, supplies, and uniforms.

Some specialists here were checking the possibility that these may have been some of the arms sent by Cuba to Algeria last October during Algeria's brief border conflict with Morocco. The Cubans sent two shiploads of weapons, including tanks, to Algeria, and, according to intelligence sources, they have not been returned to Cuba.

Cuban military personnel accompanied the arms and they, too, are believed to have remained in Algeria. There was interest here whether the Cuban military men might have traveled with the shipment that arrived in Tanganyika 10 days before the Zanzibar revolution.

Mr. MUNDT. Now I should like to skip to the more current press, first the New York Times and then the Washington Post.

Just north of Tanganyika, between Tanganyika and the Sudan, lies Kenya, which, according to recent press dispatches, is also experiencing the early stages of nonmilitary warfare.

Mr. Lawrence Fellows outlined an article which appeared in the Times on April 3, 1965.

> The role of Communist China in Kenya was discussed in Parliament today during a debate on arms smuggling.
>
> [The] Health and Housing Minister said the activities of Communist China in the country posed a special problem for Kenyans.
>
> If they came like the British, with guns, it would not be so bad, the minister said. But if the Chinese work underground and supply arms to overthrow the popular government, there is a very real danger to the country.
>
> Obviously there has been some smuggling, the [Defense] minister said, for someone has furnished weapons to the bandits the Government is fighting * * * in the north * * *.
>
> The Information Minister declared:
>
> "Kenya is trying to fight a foe she cannot see or touch."

I ask unanimous consent that the text of the article "Hand of Red China Arouses Kenyans" from the New York Times of April 3, 1965, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 3, 1965]

HAND OF RED CHINA AROUSES KENYANS; MINISTERS CHARGE SMUGGLING OF ARMS AIMS AT REVOLT

(By Lawrence Fellows)

NAIROBI, KENYA, April 2.—The role of Communist China in Kenya was discussed in Parliament today during a debate on arms smuggling.

Joseph Otiende, health and housing minister, said the activities of Communist China in the country posed a special problem for Kenyans.

"If they came like the British with guns, it would not be so bad," the minister said. "But if the Chinese work underground and supply arms to overthrow the popular government, there is a very real danger to the country."

He was speaking in a heated debate on a motion urging the government to put a stop to the smuggling of arms into the country lest it be drawn into revolution or an unwanted external war.

A THREAT TO INDEPENDENCE

Ronald Neala, who was the leader of the now defunct opposition party in Kenya, said:

"I feel very strongly on the matter. The country has just finished fighting for independence and I do not want to see a new form of imperialism—communism—coming."

President Jomo Kenyatta of Kenya, President Julius K. Nyerere of Tanzania and Prime Minister Milton Obote of Uganda would all be overthrown by revolution in East Africa, according to a document produced by Mr. Ngala.

The document, which was attributed to communism, sources said the three East African leaders had been condemned for having "tried to eat out of both sides of their months," he reported.

ARMS SMUGGLERS WARNED

Defense Minister Njoroge Mungai said the government had no knowledge of arms smuggling on large scale. He cautioned anyone who might be contemplating such smuggling to beware not only of the army and the police but of the wrath of the whole people.

Obviously there has been some smuggling, the minister said, for someone has furnished weapons to the bandits the Government is fighting in desolate areas in the north. But the government is tightening its control, he added.

Achieng Oneko, the information minister, declared:

"Kenya is trying to fight a foe she cannot see or touch.

"I lost my own youth in the fight for independence and I do not want to see brother fighting brother because some people from outside the country have found a clever way of getting in."

Mr. MUNDT. Then on April 7 we see evidence again supplied by fellows of Kenyan students undergoing political training in the Soviet Union. From their ranks, of course, will come the future subverters of independent Kenya.

"It was more of an indoctrination camp than a university," one student said. "Most of our studies were taken up with brainwashing and learning the Communist doctrine."

"It was hell," another exclaimed.

These students had been among African strikers for better living conditions. Eighty-four students had begun the strike; only 29 returned to Kenya. We are not told the total number of Kenyan students enrolled in such Communist indoctrination camps.

I ask unanimous consent that the article "Kenyans Charge Soviet Brutality," by Lawrence Fellows, from the New York Times of April 7, 1965, appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KENYANS CHARGE SOVIET BRUTALITY; STUDENTS FLY HOME AND TELL OF RACIAL DISCRIMINATION

(By Lawrence Fellows)

NAIROBI, KENYA, April 6.—Twenty-nine Kenyan students told today after their return from the Soviet Union of misery, hostility and beatings they suffered while at a university in Baku.

"It was more of an indoctrination camp than a university," one student said, "Most of our studies were taken up with brainwashing and learning the Communist doctrine."

"It was hell," another exclaimed. "May God let us all forget that place."

"All the people hated us," one student said. "They just didn't like black people. If we went into restaurants, they refused to serve us. They don't allow you to dance with white women and if we tried to dance with a Russian girl in a club we were beaten up."

He pulled up the sleeve of his jacket to show a scar he said was inflicted during an attack on him by a group of Russian youths.

Cut off from the world and unwilling to stay in Baku unless they were given better protection, they said, the students staged a 2-week strike at the university.

When that failed to get results, the students moved in a body to the Baku railway station and camped on wooden benches there for 8 days. Finally, Soviet authorities put the students, hungry and cold, aboard an Aeroflot plane for home. Two of them were women.

None of the African students at Baku were pleased with their lot, those who returned said, and the strike had been kept from growing larger because the African groups at the university were kept from communicating with one another.

The strike had begun with 84 students and was pared down by sickness to 77 students by the time they moved to the railway station.

There, in freezing weather and with only enough money to buy a few soft drinks and cakes at the station, many of the students fell ill and returned to the university. Others were bribed away with money or promises of women, they said.

By Sunday, when authorities gave them an ultimatum to return to the university or suffer the consequences, the 29 remaining students stood firm and were given 50 minutes to prepare for the flight home.

The Kenyan Government, which had been notified of the expected arrival of the students only after they were underway, had some officials on hand at the airport to meet the students and to rush them off to a dormitory at the Kenya School of Administration at Kabete, on the edge of Nairobi.

This morning, John Ole Konchellah, assistant minister of education, met with students in a closed session for about 4 hours.

Afterward, Mr. Konchellah said: "The problem arose at Baku when the students wanted a transfer to any other university in the Soviet Union. There were allegations that they were beaten up, that the population was savage, hostile, would attack anybody among the students."

Mr. MUNDT. Finally, I should like to discuss a remarkable article from the Outlook section of the Washington Post of April 4, 1965. Written by Donald H. Louchheim, it presents another variation on the same old theme—citizens and government officials of a nonhostile country who do not recognize nonmilitary aggression against them and, worse, who have no place in the world to turn for enlightenment about this modern risk in statescraft:

> A small number of well-disciplined Communists—fewer than 2,000—came startingly close to winning control of Africa's largest nation.
>
> All agree that the recent events in the Sudan add up to a textbook case of an attempted Communist takeover.

These words are similar to those filed a few weeks ago concerning the Communist overthrow of the legitimate government in the Congo Republic—the Brazzaville government. Here it is called a textbook case; there it was a classic Communist-style takeover—page 4883 of the RECORD.

We should be teaching these people and our own people what constitutes a textbook case.

The article continues:

> The drama began with an unexpected revolution last October and culminated in a quiet anti-Communist coup in mid-February.
>
> On October 26 (there was a) "glorious revolution," a genuinely popular movement joined by all segments of the population.
>
> No one here believes that the Communists triggered the revolution. But as it unexpectedly began to succeed, they did move to the forefront. And when the collapse came, they were the only organization capable of picking up the pieces.
>
> The extent of the party's penetration was not appreciated until after the revolution. It soon became evident that the Communists had won either control of, or a commanding position in, the executive organs of all the leading professional organizations of doctors, lawyers, and engineers.
>
> This turned out to be their ace in the hole during the tense maneuvering to form a provisional government in the aftermath of the revolution.

The Communists were in good position, as the only cohesive political force in the country, to secure acceptance of their recommended interim successor government. They proposed to—according to the article:

> 1. Create an apolitical government with a neutral premier;
>
> 2. Limit the parties to one council member each;
>
> 3. Let the other nine members, a majority, represent independent professional groups such as lawyers, doctors, and workers.

The Communists, though, controlled beforehand these "independent professional groups."

Fortunately for us who are not Communists, an independent politician remained who commanded tribal loyalties. He eventually mustered 23,000 men armed with spears, sticks, and blunderbusses, who camped quietly in the city for the tense week of renewed government negotiations.

This article needs no interpretation. It describes plainly the near loss of the Sudan, the recovery, although perhaps only temporary, and the tenuous position which the non-Communist government now occupies. I ask unanimous consent that it appear at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT ALMOST HAPPENED IN THE SUDAN—A COMMUNIST TAKEOVER OF AFRICA'S LARGEST COUNTRY SEEMS AVERTED AFTER TOUCH-AND-GO TUSSLE

(By Donald H. Louchheim)

KHARTOUM.—Perhaps it can't happen here, but it almost did. A small number of well-disciplined Communists—fewer than 2,000—came startlingly close to winning control of Africa's largest nation.

Some observers here believe that the Communists could never have succeeded. Others are not so sure, and they suggest that the threat is still very real. But all agree that the recent events in the Sudan add up to a textbook case of an attempted Communist takover.

It is no accident that on the desk of one American official in Khartoum there is a copy of Harry and Bonaro Overstreet's "What We Must Know About Communism" or that paperback editions of the book were made available to influential Sudanese.

A REGIME CAVES IN

The drama began with an unexpected revolution last October and culminated in a quiet anti-Communist coup in mid-February.

Talks with diplomatic observers, Sudanese newsmen, leaders of political parties, and participants in the hectic 4-month struggle reveal this story:

On October 26, the 6-year-old military regime of Gen. Ibrahim Abboud collapsed. Five days of demonstrations in this sunbaked city at the confluence of the two Niles had succeeded. But, to the surprise of everyone, the regime was not overthrown. It caved in.

The glorious revolution, as it is now called, was a genuinely popular movement joined by all segments of the population. The demonstrations climaxed 6 years of stagnation and gentle but firm suppression. They were born of frustration and a desire to start afresh on the political and economic problems that had plagued the country since independence in 1956.

No one here believes that the Communists triggered the revolution. But as it unexpectedly began to succeed, they did move to the forefront. And when the collapse came, they were the only organization capable of picking up the pieces.

A VIABLE CORPSE

Throughout the Abboud regime, the Communist Party had been outlawed, along with every other party in the Sudan. But where the other groups either faded into obscurity or became dormant, the Communist Party's apparatus remained intact and moved into active underground opposition.

Significantly, Abboud's half-hearted efforts to suppress the party provided its main source of strength. The Communists became identified as the only resistance to the military government, and they made important gains in the labor movement and in the 100,000-member tenant organization in Sudan's vast Gezira agricultural project. They were also known to have tightened their grip on the country's small but influential intellectual community.

But the extent of the party's penetration was not appreciated until after the revolution. It soon became evident that the Communists had won either control of, or a commanding position in the executive organs of all the leading professional organizations of doctors, lawyers and engineers.

This turned out to be their ace in the hole during the tense maneuvering to form a provisional government in the aftermath of the revolution.

PRESSED FOR TIME

For 4 days and nights, the leaders of the professional, student and labor groups that participated in the demonstrations met with representatives of the former political parties to formulate a government.

According to leaders of the Umma and National Union Parties, the two major anti-Communist groupings, which are credited with the support of about 60 percent of the population, their representatives were cleverly duped by the Communists.

They explain that time was running out. They were haunted by memories of the impotence of the political parties during the parliamentary period between 1956 and the Abboud coup in 1958. They wanted to reach a temporary consensus that would embrace all elements of the population. And they felt that unless they could produce a government quickly, they would lose the confidence of the country.

The Communists played on all these apprehensions during the negotiations. Time was on their side, and their proposal appeared to be a fair one:

1. Create an apolitical government with a neutral premier.
2. Limit the parties to one council member each.
3. Let the other nine members, a majority, represent independent professional groups such as lawyers, doctors, and workers.

RIPE FOR TRANSITION

On October 30, a new Council of Ministers was announced. From the 15 members, the Communists could muster 10 votes. Sources say that the number of card-carrying party members may have numbered only four but that the other members of the group, principally drawn from hidden sympathizers in the professional organizations, could be counted on for their consistent support.

On November 4, the party held its first aboveground plenum in 6 years. It was decided that the revolution had been a national democratic revolution, that the necessary first stage had been completed and that the time was ripe for the transition to socialism. Party members and their supporters were given the green light.

From subsequent developments, it appears that the Central Committee determined that the army was the most serious potential threat to the hoped-for transition.

On November 9, a bold stroke was carried out in an effort to build support for a massive army shakeup. A party member walked into the state radio station and broadcast a false report that the army was trying to carry out a reactionary coup. He appealed for immediate demonstrations to counter the threat and urged the replacement of the counterrevolutionaries with more reliable subordinates.

A JOLTING BOOMERANG

Observers here are unanimous that the broadcast was a serious tactical error from the Communist point of view. It was revealed as a hoax before the Communists could implement their plan. More important, it served as a jolting eye opener to the non-Communist parties and it marked the beginning of their campaign to regain control.

It was to be a tough, 2-month battle. The Communists still had a healthy majority in the Council of Ministers, and they began a systematic campaign to tighten the noose.

They already had succeeded in getting a pledge of support for all "liberation movements" written into the provisional national charter. Capitalizing on genuine popular sympathy for the Congolese rebels, they now opened up the Sudan as an arms pipeline into the northeastern Congo. In addition, the Government began to provide support to Eritrean dissidents seeking to detach that coastal province from Ethiopia.

Domestically, the Communists pushed even harder, possibly too hard. A purge committee was established and it attempted a systematic cleanup of anti-Communists in key sectors of the country, including the army and the judiciary. The British-trained civil service, which had kept the country operating during the first 8 uncertain years of independence, was one early target. A dozen key administrators were forced out and the Communists cleverly whetted the appetites of junior officials eager for advancement.

The press was another major target. Several papers were closed outright. In two other cases, anti-Communist editors were pushed into retirement and low-echelon Communist sympathizers rose to power. By January, the anti-Communist press comprised only the Umma and National Union Party newspapers, both house organs with limited circulations.

Many of the purge casualties were victims of a stroke of a pen and it is conceded that in some cases the retribution was just. Others, however, were subjected to blackmail.

Dossiers citing instances of possible collaboration with the Abboud regime were produced with warnings of what could happen if the individuals failed to play ball. Businessmen, landowners, and other influential persons outside of direct government control were put under pressure.

The Communists rode the crest of the wave through mid-January. By then, the reaction to the heavy-handed purge efforts began to increase. It coincided with a rallying of strength by the leadership of the Umma and National Union Parties.

The turn of the tide was reflected in the second Communist Party plenum, held January 14. The party secretary general, Abdelkhalig Mahgoub, admitted that the assessment of the first postrevolutionary gathering in November had been premature.

"We made some mistakes," he said. "There were certain weaknesses which prevented the national democratic forces from realizing complete success."

He conceded that the party had overestimated its support and coordination and urged a more gradual "transition to socialism."

The switch came too late. A month after the plenum, the anti-Communist parties launched their countercoup. It was signaled by an event similar to the false Communist broadcast directed against the Army Nov. 9.

The Information Minister, a Communist supporter, unilaterally took the air in the name of the government. He claimed that the revolution was being threatened and called for demonstrations of support. Observers say that the now familiar demonstration squad turned out but with limited results.

The next day, Sadiq Elmahdi, leader of the Umma Party and a political chieftian of the powerful and disciplined Moslem Ansar brotherhood, summoned 23,000 of his followers to Khartoum "to prevent any monkey business." Armed with spears, sticks, and blunderbusses, they camped quietly in the city for the tense week of renewed government negotiations.

Prime Minister Serrel-Khatim Khalifa who throughout the post-revolutionary period had been little more than a tail wagged by the top dog in the Council of Ministers, resigned on Feb. 18. The negotiations to form a second transitional government began, but this time the Umma and National Union representatives found themselves armed with most of the cards. Their trump was the presence of the 23,000 Ansari.

In the reshuffle, the Communist Party and its ally, the People's Democratic Party, were allotted only four of the 15 Council posts and the anti-Communist parties held a majority. The Communists refused to participate in the new alinement; they demanded two additional seats for "workers and tenants' representatives" but the other parties refused to budge.

This second transitional government ended officially last Thursday under a mandate limiting it to March 31 unless it could guarantee elections by April 21. It could give no such assurance, but a last-minute flurry of political jockeying will keep it in power for a few more weeks and possibly longer.

Most observers here think that the danger of an outright Communist takeover has passed, at least for the immediate future, but they are aware that the Communists retain a strong influence that could soar if the traditional parties fail to come up with a constructive and progressive government.

At the moment, the Communist Party is somewhat divided into Moscow and Peiping factions, but it is still the best organized and best financed group in the Sudan. It has been receiving large donations of Sudanese pounds bought by the Russians in Beirut and by the Chinese in Dar Es Salaam.

The Party publishes five newspapers and a mimeographed monthly circulates within the army. It has also established a busy network of workers' clubs throughout the country's major cities. Although most of its supporters have been exposed, it is still campaigning hard with both carrot and stick.

Mr. MUNDT. What is important to comment on here is that Communist experts in nonmilitary aggression will study their failure in the Sudan and will subsequently apply what they learn in new essays in aggression. Louchheim, on the other hand, tells something of our patchwork efforts at resistance during these weeks in the Sudan:

> It is no accident that on the desk of one American official in Khartoum there is a copy of Harry and Bonaro Overstreet's "What We Must Know About Communism" or that paperback editions of the book were made available to influential Sudanese.

It is good that we are consulting this perspicuous book. But it is time that we provide thorough familarity with nonmilitary aggression for those persons in non-Communist countries upon whom our own defenses rest.

Enactment of the Freedom Academy bill would be an excellent start.

NEW MEXICANS MAKE STRONG CASE FOR BAYARD VETERANS' ADMINISTRATION HOSPITAL PRESERVATION

Mr. MONTOYA. Mr. President, President Johnson's decision to review the Veterans' Administration order closing a number of VA hospitals has been very encouraging to us who feel the closing would be a serious disservice to the veterans of this country.

Just before establishing a committee to review the closing order, the President instructed the Administrator for the Veterans' Administration, Mr. William J. Driver, to visit each of the endangered hospitals.

Unfortunately, Mr. Driver was not treated with proper courtesy at some of the institutions, but I am happy to say that the citizens of Silver City and Grant County in New Mexico were not among this group. Mr. Driver's reception when he visited Fort Bayard Veterans' Hospital on April 3 so impressed him that he sent a letter of thanks to the chamber of commerce.

I believe the comments of Mr. Jim Elliott, of the Silver City Daily Press, following Mr. Driver's visit may be of interest to my colleagues, and I ask unanimous consent that the comments be printed in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

The Silver City-Grant County Chamber of Commerce has received a letter from William J. Driver, Veterans' Affairs Administrator, complimenting Grant Countians on their presentation of the case for retention of the VA hospital at Fort Bayard, as being orderly, dignified, and without dramatics.

Driver, who was at the Fort Bayard facility on direct orders of the President, was met by hospital administrators, leaders of the Tri-State Veterans Steering Committee Thomas P. Foy, Ernie Parra, Dr. George Cornall, and others; news representatives, and Senator Joseph M. Montoya, representing the New Mexico congressional delegation.

Also on hand were a number of veterans organization members, including ranking State officers of the DAV.

In addressing the local people, Driver stated in the briefest terms that his mission was to make a personal inspection, that other VA officials with him were even then touring the Fort Bayard complex, and that he would submit his evaluation of the facility's worth and importance directly to President Johnson.

Many of the assembled veterans shook hands with the Administrator, said they were certain his on-site inspection would be reflected in a favorable report, and left any formal statements to Senator Montoya.

Senator Montoya said he wished to speak, not of the economic importance of the facility, but of the hardship its closing would work on veterans of this area, especially the great distance to be traveled by ailing veterans to the nearest VA hospital.

In less than 10 minutes the conference was over, and Driver began his own tour of the plant.

Driver's treatment in Grant County was in sharp contrast to that he received in some supposedly more sophisticated communities, where groups of exservicemen, wearing little caps jangling with hardware, dogged his steps as he toured facilities, wore placards denouncing him, booed his every remark and railed at him.

Grant Countians didn't have to make a personal attack on the VA chief to make their point. The point was well made by the sparkling appearance and obviously smooth operation of the hospital itself.

It shouldn't be hard to guess which facilities left the more favorable impressions on the inspection team.

REPRESENTATIVE WHITTEN CALLS FOR UNDERSTANDING ABOUT PESTICIDES

Mr. HRUSKA. Mr. President, from time to time, various of our colleagues have seen fit to discuss in this Chamber the several aspects of pesticides, insecticides, and weedicides: their place and value in agriculture; their proper use; their effect upon agricultural production, availability of foodstuffs as well as their quality; and proposed legislative measures relating to their manufacture, distribution and use.

This Senator has also engaged in such discussions in this Chamber previously. In common with others who have done so, I too have counseled that before acting by way of legislation, we should have all the necessary facts firmly in mind.

As we all know, the book, "Silent Spring," by Miss Rachel Carson, forcibly centered attention on this subject.

In spite of her high dedication to the cause of public well-being, however, the book regrettably caused many fears, feverish inquiries and concerns. This was regrettable because with more complete information and consideration, such apprehensions have for the most part been classed as unfounded; better balance has been achieved.

It is gratifying to note that with the passage of time and further studies, much of that original furor has subsided and has assumed more realistic nature and degree. But this did not occur before a good deal of harm had been done to farmers, growers, and consumers, as well as the chemical industry.

This illustrates the need for exercise of caution in acting or speaking in the name of public safety when the hazard warned against is not sufficiently demonstrated or does not exist in the harmful degree claimed, or where the detrimental effects of such acting or speaking far outweigh the criticisms or charges leveled.

Recent inquiries, investigations, and studies have brought out salient and vital facts in this field.

Modern agriculture of adequate size and quality is impossible without pesticides.

Pesticides are one of the greatest bulwarks against disease.

The greatest beneficiary of the use of pesticides is the American consumer.

The consumer, because of pesticides, derives and enjoys better quality, greater purity, and wider variety in his food at a lower price than anyplace on earth.

No case of injury to human beings from the proper use of pesticides has been documented.

This Senator knows that the farmer of the Midwest places high store and great necessity on pesticides, insecticides, and weedicides. The same is true throughout the Nation.

Every precaution should be taken for human safety, to be sure. But let there not be ill-advised, hasty action which will be based on emotion or hysteria but which will result in heavy and irreparable damages to those whose safety is being sought.

A Member of the Congress who has studied the pesticide matter carefully and thoroughly is Representative Jamie L. Whitten, of Mississippi, chairman of the House Appropriations Subcommittee on Agriculture. He is one of the country's foremost agricultural authorities. All who have dealt with him have confidence in his integrity, ability, and knowledge.

Recently Representative Whitten gave a speech to the Council of California Growers. It is entitled "Our Pesticide Problem—Public Understanding Our Greatest Need." Because of its timely and factual information, I ask unanimous consent to have the speech printed in the Record.

I hope every Member of the Congress will take the time to read it. It puts this entire pesticide situation in its proper context. Sooner or later, the Congress will, in my opinion, be called upon to legislate in this field. The speech will prove invaluable to those who wish to wholesomely inform themselves in advance.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Our Pesticide Problem—Public Understanding Our Greatest Need

(Speech of Congressman Jamie L. Whitten, chairman, Appropriations Subcommittee for Agriculture, to the Council of California Growers)

On the bulletin board at the University of California at Davis appears the following: "One controversial book has bolted us into reevaluating man's entire relationship within his environment."

This is a holdover from the food conference held at this institution in 1960, entitled "Food for Man in the Future."

Truly, the book, "Silent Spring," written by Miss Rachel Carson, has created perhaps as much furor and activity as any book in this generation. It has actually resulted in tremendous expansion, if not the creation of a pesticide laboratory at the university. It has resulted in the enlargement of the research activities of the Department of Health, Education, and Welfare; the Department of Agriculture; and the Fish and Wildlife Service, as well as the creation of the President's Committee on Science, and five or six new laws.

Not only this, but it has created greatly expanded work in the field of ecology, a branch of science concerned with the interrelationship of organisms and their environments, and in renewed tests of man and animals. The conferences resulting are without number, and the tests made and being made go on ad infinitum. Like the work of the ecologist, this will continue forever.

In many areas the public clamor following "Silent Spring" has almost reached the point of hysteria. Reassessments have been made as to effects of chemicals on fish and fowl, man and animals, all of which if taken in proper balance might be good. Certainly, the sum total will be increased knowledge, much of which will doubtless prove beneficial and all of which will prove of interest to those who by training are scientists.

With the untimely passing of the late Miss Carson, not only should the present activity be taken as a well-deserved and well-merited result of her efforts to shock the American people into a realization of the change which man's efforts to improve his status have caused upon the face of the earth; but I am further convinced that with Miss Carson no longer here there is a real need to bring these matters into focus, that we may keep a sense of balance with regard to man's essential weapons in his neverending contest with insects and diseases, with pests and pestilence.

In connection with this effort on my part to place "Silent Spring" and the resulting activity by an aroused public in proper focus, we must realize that the substitutes which were offered not only in "Silent Spring" but by those who took its public warning as the last word are, themselves, dangerous to the extreme.

Recommended as a substitute in "Silent Spring" was bacteria, though it is the cause of much suffering by man and animal life. Also suggested as a substitute for chemicals were viruses. As we know, viruses are not only the known cause of many diseases of man and animals, but to you and me they are the cause to which is attributed just about everything for which the doctors can find no answer. Not only is this true, but the books are replete with illustrations of the mutations of viruses; thus, though our scientists may be able to determine a means of control for a particular virus, in succeeding generations changes may occur so that it becomes something entirely different and not subject to any known control, a virus running wild.

Another item recommended by Miss Carson as a substitute was gamma rays, which according to the Atomic Energy Commission requires the greatest care and attention. A real help in the treatment of cancer, there are those who begin to suspect that radiation may be the cause of leukemia.

All of which means that if a Daphne du Maurier or Ernest Hemingway were to write a book to the effect that Americans, with government approval if not direction, were deliberately releasing into our environment viruses, bacteria, or gamma rays, they, too, could scare the public to death with their power with words, in describing use of these substitutes for chemicals suggested by Miss Carson.

The problem she points up is that some chemicals do not break down readily and that some residue is stored. One way of looking at it is that the substitutes recommended would be far more dangerous, since, as with the use of viruses, the mutation process could produce dangerous new viruses as an offshoot of one which at the outset is perfectly harmless and, perhaps in some instances, actually beneficial.

In a television program several years ago, Miss Carson raised this significant question: "Can anyone believe it is possible to lay down such a barrage of poison (chemical pesticides) on the surface of the earth without making it unsafe for all life?"

To which I would reply that, with all the known benefits and, in some cases absolute dependence upon chemicals, can anyone believe it should be mandatory to prohibit their use simply because some place, somewhere, sometime, something bad just barely might happen? Truly, we must find a medium for reaching a median.

"Silent Spring" pleads eloquently for the balance of nature. When there were only 800,000 Indians on this continent, the number at the time of the discovery of America by Columbus, nature did a fair job for them. Today, if we had to depend on nature, we would probably die of disease at a fairly early age, if we did not starve to death first.

The facts show that the proper use of chemical pesticides, as well as other weapons of our American agriculture, is necessary both to human health and to the production of a nutritious and abundant supply of food, for farm labor is simply not available; and if people from our cities were forced into farm work, they would be little if any help, judging by other nations where dire necessity has brought this about.

In recent years it has become more and more difficult to convince the public and Members of Congress of the importance of chemical pesticides and herbicides to a productive agriculture, and to the consumer as well.

Public health and a constantly increasing life expectancy are threatened today by such attacks. Already there is legislation which has led to requirement by the Government of zero tolerance for pesticide residues for some foods, meaning there must be no detectable pesticide residue. From the standpoint of practical application, there can be no such thing as zero tolerance, for constantly improved techniques of testing show traces so small as to be of interest only to a scientist.

Some years ago, a few cranberry producers violated instructions for the use of pesticides on cranberries, and residues resulted. The problem was solved. Subsequently, around Thanksgiving, sensational and unnecessary statements were made to the press which scared the buying public and destroyed the market for good, wholesome cranberries. The damage was felt for a long time. At the direction of President Eisenhower, approximately $10 million was paid the cranberry producers for the unnecessary injury inflicted as a result of this uncalled-for and damaging publicity.

Other industries have been hurt by such irresponsible publicity, including the dairy industry. Yet, as I have stated, there has been no evidence that human health has been injured nor endangered where pesticides and other chemicals have been properly handled. On the contrary, it is plain that human health is dependent upon chemicals and chemical pesticides in many ways.

If it were possible to do without chemicals, I believe all would be for such a course, for chemical pesticides are costly. They require frequent use, and care must be used in their application. However, only by their use do we provide our high standard of living; only by their use can we continue the good life we now take for granted; and only by their use do we protect our health.

In 1962 we had an estimated 60 million television sets; the rest of the world had around 69 million. We have approximately 2.6 million miles of paved and surfaced highways; the rest of the world has 1.4 million miles, exclusive of the U.S.S.R. We had approximately 78 million automobiles and commercial vehicles in use in 1962; the rest of world had only an estimated 62 million. We spent approximately 18 percent of our annual income for food; the average for some other countries is as follows: Italy, 46 percent; Japan, 51 percent; Ceylon, 57 percent; Nigeria, 71 percent.

All of this is made possible because the 8 percent of our people on the farm provide food and raw materials for the other 92 percent. To do so, they must rely upon: (1) intricate and expensive machinery; (2) chemicals, including chemical pesticides—both of which take the place of farm labor which is no longer available; (3) greatly increased investment and risk; and (4) constant research. Each of these four is absolutely essential if 8 percent of our people are to free the other 92 percent from the farm, so they may maintain national defense, keep for us our standard of living, and protect the public health.

Yet today we find some of these essentials under serious attack from an aroused public opinion, which we must calm. For, like the foundation of a building, if one of these four essentials is taken away not only will it bring down American agriculture, but it will seriously weaken our defense, greatly reduce our standard of living, and endanger our welfare.

Unless public thinking is brought back into balance, insects and disease could run rampant. The distribution of our population could well reach a balance—50 percent in the towns and cities and 50 percent forced back to the farm. Our standard of living would likely fall to the low level of Russia. This may sound extreme, but I am confident that a study of the facts will bear me out.

Recently I visited several of our airfields and missile bases. There I saw the awesome power of manmade fuels, saw demonstrated the terrible destructiveness of our bombs, the unbelievable speed of our fighter planes, loaded with enough destructive force to destroy many cities at one strike.

I visited Cape Kennedy where I saw all the equipment demonstrated, manpower multiplied to the nth degree by machines, was provided a complete briefing and stood at the exact spot where the next space capsule will soon be bolted to the missile.

As I stood there, I thought of Miss Carson's melancholy sense of foreboding, which she expressed in these words: "Now I truly believe that we, in this generation, must come to terms with nature, and I think we are challenged as mankind has never been challenged before to prove our maturity and our mastery, not of nature, but of ourselves."

Necessary though all of this defense effort appears to be, it occurred to me that it is here Miss Carson's admonition should make its deepest imprint; it is here that nature or natural laws are being turned, not toward a better food supply, a higher standard of living, but toward the destruction of mankind.

Yet as I viewed these machines of destruction, while standing on top of the missile which will hurl our next astronaut into space, I felt I had some understanding of the thoughts which must have crossed Miss Carson's mind as she dedicated "Silent Spring":

"To Albert Schweitzer who said, 'Man has lost the capacity to foresee and to forestall. He will end by destroying the earth.'

"To Keats, who said in the 1820's, 'the sedge is wither'd from the lake and no birds sing.'

"And to E. B. White, who said, 'I am pessimistic about the human race because it is too ingenious for its own good. Our approach to nature is to beat it into submission. We would stand a better chance of survival if we accommodated ourselves to this planet and viewed it appreciately instead of skeptically and dictatorily.' "

But back to the problem of insects, Miss Carson says, in "Silent Springs": "All this is not to say there is no insect problem and no need for control. I am saying, rather, that control must be geared to realities, not to mythical situations, and that the methods employed must be such that they do not destroy us along with the insects."

To me, this is a call for a public balance of opinion. Had she foreseen clearly the way in which the public received her story as the last word, as scientific fact, she might well have said the same with a slight variation, as follows: "While my warnings are timely, for there is a problem of care and caution in the use of chemicals, let care and caution be geared to realities, not to mythical situations, and the methods employed must be such that they, the public, do not destroy themselves (by going) along with the insects."

Today we have 2,683,078 people in the military service of the United States and 1,173,542 civilians working for the Defense Department; 2,975,000 people are engaged in the manufacture of weapons and materials for military use and uncounted millions in related support.

We have 32,417 people engaged in the space program and an estimated 300,000 people in our plants and factories in this program, with 20,000 people providing general support and supplies.

The fiscal year 1965 appropriations include an annual expenditure for the national defense and related programs, including space, of some $58 billion, approximately 60 percent of our total annual governmental budget. To support this defense activity, the Defense Department has an estimated investment of $36.5 billion in plants and land (original cost valuation) and 26.8 million acres of land for defense use.

The heavy burden of national defense can be readily appreciated when it is realized that a B-52 military bomber costs about $8 million to produce, a conventional aircraft carrier costs around $330 million, and a nuclear carrier runs in the neighborhood of $400 million.

No nation in the history of the world has ever spent such a large share of its governmental income on defense and other items over a long period of time without a crackup of its economy; yet in the United States of America we have the highest standard of living of any nation in the world.

It was my privilege during the period of November 15–22, 1964, to participate in a traveling symposium of the National Academy of Sciences. We spent a full day at the U.S. Laboratory at Beltsville, Md.; the American Cyanimid Laboratory at Princeton, N.J.; the Taft Engineering Laboratory at Cincinnati, Ohio; the Wildlife Laboratory at Denver, Colo.; and the University of California Laboratory at Davis, ending with a presentation by the U.S. Health Service at San Francisco, flying between these points at night in order to save time.

At each place, detailed presentations were made by leading scientists of the United States, some from the institutions which we visited, invited there to be on the program. Each session was concluded by a question-and-answer period.

This symposium did much to convince me that our scientists can work together cooperatively and that it is primarily in the field of public opinion that we need to seek a balance.

In these hearings many things became clear. First, without today's chemical pesticides our timber would become depleted and our lands eroded, our watersheds would become funnels for floodwaters rushing down upon our cities.

I am well aware that real research progress has been made. At Beltsville numerous examples of damages to crops and timber stands by various insects which have responded to these modern persistent chemicals, and only to them on any significant basis, are available. There it was demonstrated that the sex attractant approach toward elimination of insects, on which the Department of Agriculture has worked for many years, is very effective. We were shown that male roaches literally would be driven wild by the scent from the female of the species. Detailed statements were presented, describing many of the so-called modern means of controlling insects and pests, though rather than modern they are actually a mere expansion of the various programs which have gone on in the Department for many years.

Study of this subject further shows the absolute dependence which modern-day man has upon all his weapons, the old and the new. Yet in the care and caution involved are many years of research which go on prior to the acceptance or approval of any new insecticide or pesticide, the average being 5 to 6 years and the investment averaging some $2½ to $3½ million for each new product. These products, paid for by private companies, are made possible only because of the urgent need on the part of the buying public and only after tremendous amounts of energy and effort to make sure they are safe for human use when properly handled.

We have read of numerous instances of fish kill; yet a study shows this has occurred throughout history. In the recent Mississippi River fish kill it was contended that the chemical, endrin, was the cause; and yet Dr. Arnold, head of our laboratory in Florida, stated to our panel that once a fish is dead there is no known way to be certain what the cause might be. Dr. Arnold further stated that periodically the "red tide" would strike salt water fish at sea, resulting in death to large numbers of fish; why it causes their death, we do not know.

A friend and participant in the symposium repeated the oft-told tale about the ancient Indian tribe which spent its summers in the mountains of the West but, on occasion, would travel to the shore for shellfish and other seafood. At times the Indians would be deathly sick after eating the shellfish. Scientists have since determined that the pink plankton became diseased, affecting the fish and resulting in the illness of the tribe. A tribal order was issued by the chief that members of the tribe were not to eat the oysters or other shellfish when the water was red (with plankton). However, it wasn't long until one of the braves, having taken unto himself too much of a beverage which brought about intoxication, determined to have the fish and when he started toward the ocean the chief struck him down with a club.

This, it is said, is the first time the controlling Government ever interfered with the food supply.

Even the scientists who did the research work in an effort to determine the cause of the fish kill in the Mississippi River acknowledged that in an inland lake, Oxbow, in Sunflower County, Miss., where for many years the persistent chemicals used on the crops have run into streams which feed the lake, the fish are fat, healthy and sassy; and yet, these fish contained more than 40 times as much chemical residue from persistent chemicals as did the fish involved in the Mississippi River kill.

Demonstrated to us also was the tremendous pollution of our streams from other causes. To stand in one of our national laboratories and see in glass containers the junk which had been taken from 250,000 gallons of water from each of several rivers in the general area, to remove the cover of the container and smell the revolting odor, certainly made us realize that in this generation we must give some consideration to the protection of essential water and other things in our environment.

It was demonstrated that lethal doses of the chemicals would kill fish and, as explained, would kill people—a fact all of us know; deadly amounts of anything will kill. We have even had cases described where drinking pure water has killed, when some unbalanced individuals on a gamble or dare took on too much.

It was further shown that everything has chemical content in varying degrees and that minerals are nature's chemicals.

One of the scientists advised us that while tests and research are excellent and necessary, for they add to the sum total of human knowledge, it will doubtless prove of some benefit in most cases but in all instances would prove of interest to the research scientists. With all of this, the public scare about measurable residues seems to have no basis in fact, since tests show levels are far below the point at which anyone contends public health would be endangered.

We were told that tests clearly show residues seem to have reached the maximum level when built up to a level of 10 or 12 parts per million; and beyond that point residues are thrown off by our bodies as rapidly as they are taken aboard. An example was given of one man who worked with one of the persistent chemicals—where tests showed he had 648 parts of residue per million—and he felt good, looked good, and said he was completely healthy.

Our finite new testing methods show that in rain on top of Mount Everest there is a slight degree of residue from various pesticides, while the average for Americans is some four or five parts per billion. Here it was disclosed that the zero tolerance now required on residues for milk is an impossibility, for today we have come up with methods of tests whereby it is possible to separate three parts of chemical residues from the persistent chemical from a trillion (three out of 1 trillion). No doubt to the average reader, as to myself, this is impossible to comprehend; but it was explained that by such test we could identify one dime out of the annual Federal budget of $100 billion (10 cents out of $100 billion) or, as expressed another way, 1 second could be separated from the time in 32,000 years. Thus, it is no wonder that at the University of California, at Davis, the scientists referred to "working level zero" in our discussions of pesticide research.

In our hearings at Denver, Colo., at the Fish and Wildlife Research Laboratory, much time was given to discussion of predator animals, birds and rodents which destroy young timber and in the absence of persistent pesticides would prevent us from restoring the forests and refuges, for as the young seedlings were set out these rodents and other predators would destroy them.

Pictures were presented of the vast hordes of blackbirds which steal from the feed lots in the cattle areas of this country and from the rice and grain fields of the southeastern region. These hordes of birds continue to increase; and in one spot in Arkansas 40 million were counted in one roost. Pictures were also shown of the starlings which infest much of the United States and on which $10,000 was spent in the last Presidential inauguration, just to prevent the embarrassment which might have resulted to the people attending the inauguration parade.

With regard to the title of the book, "Silent Spring," the spring is anything but silent, for the birds do sing. In reality, according to personal observation and the best figures available, those of the Audubon Society, there are more birds today than ever before and certain kinds of birds constitute a real economic threat.

We were presented with facts as to the serious and sincere effort by the Fish and Wildlife Service to handle predator birds and animals and to rid the Nation of the tremendous costs and damages brought about by the blackbirds and starlings. This year the Department of the Interior will spend some $600,000 trying to get rid of birds which due to tremendous numbers and hearty appetites, have become pests. The Federal Aviation Agency will join in spending hundreds of thousands of dollars in an attempt to remove the hazard to air travel by striking birds.

Testimony was given to show the buildup of residues in birds, as formerly had been shown with regard to fish. Yet with the directives and appropriations by the Congress, I learned of no instance where dieldrin, endrin, DDT, or other chemicals were used in the efforts to get rid of these damaging birds. As one scientist told me, facetiously, I'm sure, failure to use these chemicals is due to the fact that it would take over 100 years to eliminate the birds by that means, and by that time these chemicals might become a necessary seasoning for their food.

Subsequently this whole problem was brought into focus to a great degree. At the University of California, at Davis, it was readily agreed that we need to know more about chemicals and chemical pesticides. We need to learn to stop drift, so that when we use airplanes for distribution of the pesticide, as is essential in dealing with this matter on a large scale, we need to see the chemical doesn't blow across the fields to plants for which it was not intended. It was clearly developed that we need to know more of the effects on land, as some vegetables have a tendency to absorb the soil and more of the chemicals used in preceding years than others, though all of this, too, becomes important because of government-fixed tolerances rather than of proven dangers to health.

It was learned that 20 percent of all the chemical pesticides used in this country are used in California. The following statement was made: "Without these chemicals and chemical pesticides it would be impossible for California to continue its present production, with the resulting effect upon the availability of vegetables and agricultural products upon the markets of the central and eastern part of the United States."

We found that the challenge has been accepted, that man is doing everything possible to stay one step ahead in this constant battle with insects and disease. Repeated was the fact that tolerance builds up in man as it does in animals and insects. Since this is true with regard to insects, it calls for continued efforts by man to find new chemicals, new methods and ways to overcome the tolerance which does build up in animals and in insects. We must see to it that tolerances are based upon safety and set by a standard test.

OUR ROAD AHEAD

"It takes so few of us to provide food, clothing and shelter for the rest of us, the rest of us can provide the highest standard of living for all of us ever known by man."

I have made the foregoing statement in quite a few speeches. To me, it sums up the secret of our great success, but also expresses a most serious threat to our welfare. With so few people on the farm, the voice of agriculture is weak in the legislative halls of a majority of the States and of the Nation. No longer does agriculture figure prominently in the planning of those who look to the majority. This leaves a major task of keeping the consumers informed, the 92 percent off the farm who must depend on agriculture for their supply of food and fiber.

Unless our urban population understands agriculture, future generations could go hungry and our Nation could go down to ruin as did the city-states of the past. After all, the eventual loser in the declining voice of agriculture in our legislative bodies could be the consumers that agriculture serves.

A few years ago I spoke to the annual convention of the National Agricultural Chemicals Association at Del Coronado, Calif., with some 1,500 to 2,000 delegates in attendance from all over the United States. I spoke as chairman of the Appropriations Subcommittee for Agriculture.

When the San Diego newspapers reported I was to speak at Del Coronado, just outside San Diego, I received a wire from the mayor of San Diego offering me the keys to the city. We have a big naval base at that city and then, as now, I was a member of the Appropriations Subcommittee for Defense, which handles the appropriations for the activities of the base.

Representatives of the local newspapers came to the hotel to interview me. We had about a 45-minute talk about the speech I was to present. As they were leaving, one of the reporters remarked, "Congressman, I note you are also on the Defense Subcommittee. I see in the press today that we had another failure at Cape Canaveral."

I replied: "That is typical of the United States, to tell about every one of our failures while Russia tells only of her successes."

Now, these reporters had spent 45 minutes with me discussing my speech about agriculture. However, the newspapers carried my picture with a writeup under the heading, "Congressman Says United States Advertises Its Failures." There followed a story built around my offhand comment. The interview on my farm speech was ignored, except for a brief statement at the end that I was there to speak to an agricultural group, the National Agricultural Chemicals Association.

The next day I referred to the brushoff given my farm remarks to illustrate how difficult it is to reach our urban dwellers. Following my speech, a reporter for the afternoon paper called me aside. He said he wanted to see that his newspaper gave my speech better treatment. We discussed the address at considerable length. The next day, believe me, the newspaper not only did not mention my talk, but carried an editorial saying San Diego County was a large agricultural county and, in effect, was not getting its share of Federal financial assistance.

My complaint is not about the treatment accorded me. If I had worn my defense appropriations hat, what I said would have been reported at length. The real tragedy is that the editors of those newspapers knew their readers, living in towns and cities, took agriculture for granted and preferred to read about Cape Canaveral (now Cape Kennedy) and guided missiles.

This experience certainly points up the problem we now have in reaching the American consumers who are not on the farms. The consumers must be told that the good health of agriculture is vital to their own good health and welfare.

I wish to emphasize that we must see that the 8 percent on the farm has the means which will enable it to supply the 92 percent in the cities with wholesome, nutritious, abundant and, comparatively speaking, cheap food. The 8 percent must have the means of production—efficient pesticides, fertilizers, modern machinery and other techniques of modern agriculture. The 8 percent also must get a fair price for what it raises. As the Communist experience shows, one way to wreck agriculture is to kill the incentive of the farmers, and without reasonable profits, there is no incentive.

We must continue research, including pesticide research, in many fields so that we can keep our farm plant efficient and ready to meet the demands which will be put upon it, both here and abroad. As I have tried to make plain, our agriculture is an asset in many respects. Its scope embraces both national security and national health.

We must not permit anyone or any group to saddle our sources of food and fiber with the burden of the unknown. We must abolish once and for all time this effort to force the home gardener, the homemaker, the florist, and those engaged in agriculture to prove that their tools and working materials do not cause that for which even our best researchers, physicians, and scientists do not know the cause.

So far as chemicals are concerned, we must provide for, and establish, reasonable tolerances for residues, tolerances which provide ample protection for the public health. We must see that tolerances are determined by standard procedures and that they remain fixed so long as there is no evidence of danger to the public. We must not allow compensation for damages resulting from misuse, but also we must prevent damages by government, local or other, where the instructions providing for health protection have been carried out. The regulations must abide by the rules of commonsense as well as by scientific rules.

We must be ready with new weapons and new methods; but in the meantime we must not give up those we have. If we do not follow this policy, we can get ready to tell our farewell to our high level of living.

Both sides of the story must be told. The overwhelming number of Americans living in the towns and cities, including sportsmen, must become aware of the fact that they are heavily dependent on the latest and best chemical pesticides.

The ability of animals and insects, as well as man, to propagate is such that any one species except for the problems of his competitors and his environment would reach such numbers as to fill the earth. From the beginning, many has changed his environment for the purpose of improving his own lot, of better handling his competitive situation with other forms of life around him.

With man's ingenuity, in time the final and best method of testing developed would not limit us to locating a dime in a budget of a hundred billion dollars, or a second in the time of 32,000 years, but in all likelihood man's ingenuity is such that every change in our environment from the beginning of time could be identified, all to add to the sum total of man's knowledge—though perhaps not in large degree to his benefit. Doubtless, the results of such tests will be of help in bringing to the people of our Nation and the world a sense of balance, causing public attention, properly aroused, to be given to care and caution, to learning for the future. In no case must we allow the hysteria which might result in man depriving himself of the very means by which he controls at least a part of the environment in which he lives. Public opinion running wild can be like the mob which destroys itself. We should lend our effort to acknowledging Miss Carson's great contribution and join others in tribute to that great lady, underwriting the statement appearing on the walls of the auditorium of the University of California, at Davis: "One controversial book has bolted us into reevaluating man's relationship with his environment."

But let us pledge to ourselves that we will not allow that spirit or feeling to get out of hand; that we will make every effort to see that man continues to prosper, continues to lengthen the years of his life.

PUBLIC RELATIONS FOR PUBLIC DISASTER RELIEF

Mr. MAGNUSON. Mr. President, we do not ordinarily find an industry or its public relations representatives receiving wide acclaim for exceptional accomplishment in time of area-wide disaster.

That is why, in my opinion, the work of the American Plywood Association, its public relations manager, George C. Cheek, of Tacoma, Wash., and of its publicity manager, Tom McCarthy during winter floods in the Pacific Northwest and northern California, is exceptionally noteworthy.

Public Relations News, published in New York, related the fine work of the association, and of Mr. Cheek and Mr. McCarthy, in a recent issue under the appropriate heading "How an Industry Used PR To Help Overcome the Effects of a Disaster."

The seriousness of this flood disaster has been attested also in a special visual report on the flood, carried over the National Broadcasting Company's television network.

Mr. President, I ask unanimous consent that the article referred to above published in Public Relations News and the script of the NBC–TV special report on these floods be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW AN INDUSTRY USED PR TO HELP OVERCOME THE EFFECTS OF A DISASTER

The foresighted public relations practitioner is prepared with written plans for handling the kinds of disasters which might affect his organization. But unexpected crises must be handled, too, and such a one occurred when sudden floods hit the Pacific Northwest just before last Christmas.

An unprecedented 13 inches of rain within a few hours developed raging torrents which brought death and tremendous destruction. Forty-three plywood mills were out of production. Some 5,000 homes were demolished and another 6,000 damaged. Almost every survivor in the area was affected jobwise or businesswise because its economy is so heavily dependent upon such mills. Vast quantities of logs and finished goods were swept downstream, carried out to sea, and redeposited as far away as 100 miles along the coast. Many major highways and bridges were washed out and vital logging and secondary roads simply disappeared. One key railroad was put out of business for an estimated half year and another lost some of its lines for more than a month. (Plywood is shipped chiefly by rail and about 10 percent of the Nation's plywood-producing capacity was involved.)

It quickly became obvious to the American Plywood Association (APA), Tacoma, Wash., the largest association in the forest products field, that its help would be needed. Many mills were closed down for the Christmas-New Year's holidays, with staffs on vacation. Disruption of communications and transportation would make it difficult for individual mills to solve their problems alone. What's more, the loss of shipping facilities and supplies threatened disruption of the plywood market.

APA's PR manager, George C. Cheek, quickly launched a "flood mop-up" program. He dispatched Publicity Manager Tom McCarthy, a former newspaper reporter and competent photographer, to the hardest-hit region to gather as much information as possible. Based upon preliminary facts, a summary of the situation and an explanation for the need for quick action were telegraphed to APA members and Governors of the affected States. An offer to extend APA technical assistance to nonmembers as well as members was announced. Senators and Representatives from the area were asked to introduce legislation which would restore the depleted disaster relief fund of the Small Business Administration.

When the damage to transportation had been appraised, APA moved to obtain water transportation from areas cut off from the railroads. It telephoned all shipping lines operating on the west coast and alerted Senator WARREN G. MAGNUSON, Democrat, of Washington, to the possible need for requesting the Interstate Commerce Commission and the Maritime Administration for a temporary exemption from the prohibition, under the Jones Act, of shipments in foreign bottoms between American ports. (The first boat carried away a load of plywood by mid-January.)

APA offered help toward provision of emergency housing. The prime need, however, turned out to be for facilities to replace schools which had been destroyed. Calling upon the industry's know-how for turning out sound structures with great speed, APA hired, on January 2, a contractor and three foremen experienced in school construction. Six days later a "school factory" was in operation. Lumber and plywood were contributed by all the major producers in the area—Georgia-Pacific, Arcata Redwood, Pacific Lumber, Simpson Timber, U.S. Plywood, Weyerhaeuser—and many smaller ones. With all bridges to the operation destroyed, these materials were flown in by cargo planes loaned by the U.S. Government. Nine classrooms, equipped with salvaged desks and blackboards and meeting State requirements "in every respect," were in operation on January 18; all were completed within the next week.

With McCarthy's information and photos in hand on December 31, a special report (4-page, tabloid-sized, and about 75 percent pictures) went to the printer on January 3. Dated January 5, it carried the name of Western Wood Products Association (WWPA) as copublisher and was mailed to members of that organization as well as of APA, Federal legislators, and other potentially interested persons. Adding pictures from other sources (U.S. Forest Service and local papers) the report dramatically told the story of the damage wrought by the floods, summarized what was being done, and carried a joint message from Executive Vice Presidents James R. Turnbull and Wendell B. Barnes of, respectively, APA and WWPA.

Prompt restoration of production was essential for such important reasons as providing jobs and reassuring consumers that shortages would be temporary. Such steps as these were taken: (1) on request, Congress appropriated funds to enable the Forest Service to restore access roads to publicly owned timber lands; (2) timber from such lands was made available, on an emergency basis, to mills cut off from their normal supplies; (3) heavy logging equipment was loaned to State and county authorities for use in road restoration; and (4) the bigger companies built temporary bridges strong enough to carry logging trucks and, in selecting locations, favored the smaller companies lacking resources for such a type of construction.

From the time the disaster began, APA has taken pains to assemble and disseminate information which demonstrates the good citizenship and public spirit of its members. The contributions to school rebuilding and efforts of APA members to provide jobs are examples of such attitudes and Cheek has made sure they are known to the media. A 15-minute film about the flood, one which points out the industry's efforts to assist affected families, is now in preparation.

While, to quote Cheek's quip that "APA members aren't out of the woods—or, rather, in them—yet," a special report on the NBC–TV network, last week, indicated that much progress has been made in both rehabilitation and in winning public understanding for the plywood industry.

Mr. MAGNUSON. Mr. President, we do not normally expect to find our national heroes among the members of the public relations profession, although, of course, these practitioners serve an important function in our economy. Yet, the work of the American Plywood Association and, in particular, the good works of its public relations manager, George C. Cheek, of Tacoma, during the Christmas floods which hit the Pacific Northwest, can justly be called heroic.

A case study of the actions of the Plywood Association during the floods, published in the Public Relations News tells of the "Flood Mop Up" program launched by APA. APA's action ranged from the gathering and dissemination of up-to-date information on the flood, to spearheading a massive school rebuilding program.

The State of Washington, indeed, the whole Pacific Northwest, can take great pride in the effective and public spirited efforts of George Cheek and the American Plywood Association.

I ask unanimous consent that the case study, "How an Industry Used Public Relations to Overcome the Effects of a Disaster," from the February 15 issue of Public Relations News, be printed in the RECORD, together with the script of a special report on the flood, carried by the NBC–TV network.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTHERN CALIFORNIA LUMBER INDUSTRY

Millions of dollars worth of logs line the beaches of northern California.

They had been swept into the ocean by flooding rivers and driven ashore by Pacific Ocean tides and currents.

It is expensive to burn the debris, retrieve the logs, and truck them back to the mills. But this process is essential to recovery of the California lumber industry which supplies a good portion of the Nation's lumber needs.

Some redwood logs were carried more than 100 miles to the beaches near Crescent City from California's hardest-hit mill at Scotia—inland on the Eel River.

The river is tranquil now. But it did between $5 and $10 million damage to one mill.

Pacific Lumber Co. was the world's largest redwood mill.

In December, the river stole $3 million worth of logs and lumber from this now-empty storage yard. Pacific lost its entire winter supply of logs—the basis for months of production.

Gradually, the logs are being returned.

But production of lumber is only a fraction of normal. Most of the mill machinery still is being cleaned of silt and grit.

The entire spring inventory of finished, high-grade redwood—$2 million worth—was hit by 12 feet of water and mud.

Now it must all be resorted, regraded, rewashed. It will be months before it will get to market.

Pacific lumber figures it can absorb the multimillion dollar loss.

The men who work in the mills are hit harder by smaller losses. A skilled millworker who normally makes $3 an hour takes a 70-cent pay cut to work as a cleanup man. If he can get that.

Some mills have laid off half their workers.

One of them is John Miller, 24, father of two. He usually makes $75 a week. Now he will draw $50 a week in unemployment benefits.

The total payroll in Humboldt County, Calif. is down by half-a-million dollars a week.

The impact on the business life of little lumber towns is painfully apparent. And even more men will be walking the street with nothing to do, unless the transportation system is straightened out.

The Northwestern Pacific Railroad, main line for carrying nothern California lumber to market, literally is out of business for from 4 to 6 months.

This means costly reshipment by truck to more distant railheads. And road damage is immense.

In the forests, access to new timber is uncertain. No one knows for sure, even now, how badly the wood industry has been hurt.

With all this wood, seemingly all over the place, it seems ironic, yet understandable that there may be a lumber shortage this spring. Tom Pettit, NBC News, near Crescent City, Calif.

DIAMOND JUBILEE OF THE BELLINGHAM, WASH., HERALD

Mr. MAGNUSON. Mr. President, I should like to speak briefly on behalf of myself and my colleague from Washington [Mr. JACKSON].

The readers, advertisers, and employees of the Herald, published in Bellingham, Wash, toasted a diamond on March 26.

Certainly newspaper carriers who delivered the 110-page diamond anniversary edition will not soon forget the day the Bellingham Herald became 75 years of age. Nor will the rest of us.

Every page bulged with history well told.

Two editorials recounted the enormity of the task of summarizing 75 years of history, growth, and accomplishment. Having known the Bellingham Herald management and writing team personally over the years, I ask unanimous consent to enter those editorials in the CONGRESSIONAL RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From Bellingham Herald, Mar. 26, 1965]

A LONG LOOK BACK OVER THE HERALD YEARS

Some months ago, it occurred to some of us that 1890 subtracted from 1965 leaves a remainder of 75. We decided we had to do something about it. Today's look back over "the Herald Years" is the result.

It is a long look back, by local standards, considering that Henry Roeder, who in 1852 had become, along with Russell Peabody, the first settler, was still alive in 1890. So were Edward Eldridge and his wife Teresa, the first couple to make their home on Bellingham Bay. The link with the origins of the towns around the bay was direct and personal when the Herald published its first edition in the town that Dirty Dan Harris had recently sold to the Fairhaven Land Co.

It also is something of a wistful look back. Somehow, in retrospect, covering the news in a bygone era seems today to have been more exciting—at least as recalled by the oldtimers—than during this more staid and complex time.

The city and the county do have a magnificent past, of course, with a full measure of local lore and legend based on fact. And when 75 years are telescoped into 40 pages, it is possible to gain a panoramic view of local history that lends drama and color, as well as appreciation of our heritage in northwest Washington.

Through it all, the Herald has fulfilled its role as daily historian; recorder of the humorously trivial as well as the significant acts and decisions that have affected the lives of all of us. This newspaper—any good newspaper—also has done its best, on the editorial page, to interpret, criticize, encourage, oppose, and advocate important matters of public concern.

To acknowledge that its judgments have not always been perfect is to acknowledge that it is a human institution, vulnerable to human errors and limited by human shortcomings.

But it has, as best its personnel have known how, lived up to its promises and ideals. We expect it to continue to do so for another 75 years.

FASCINATING TODAY, A VALUABLE KEEPSAKE IN THE FUTURE

Combining the 64 tabloid pages of two special 1965 progress edition sections with the 56 full-size pages in the main news and "Herald Years" anniversary sections, makes today's paper the largest weekday edition ever published here.

The Evergreen Century edition—142 full pages, including comics—was larger, but it was issued on a Sunday (April 26, 1953). So was the 110-page 50th anniversary edition published in June 1940.

All of us, in all departments, who agonized over it during the last few hectic weeks feel as if we were at least 75 years old, ourselves. It was a massive production job for our printers, engravers, and pressmen, to say nothing of the tremendous extra effort of our advertising and news staffs. But give us a few days to catch our breath and we'll begin to feel it was worth it.

It is never possible to get the perfect mixture in such an edition; to touch on everything that ought to be mentioned, and do it in the right proportion. We could not aim for a complete encyclopedia. But special edition editor Steve Kurtz and the entire news staff have produced a highly readable edition that ought to provide fascinating material for weeks and months to come. The ads, too, are unusually interesting and provide much historical material on individual enterprises.

Don't make the mistake of throwing today's paper away after you've read it the first time. Keep it for yourself or your child and on some rainy day in years to come, haul it out again. It will prove even more interesting "the second time around."

Mr. MAGNUSON. Mr. President, actually, the history of the Herald is as colorful as the history of Bellingham and northwestern Washington.

One story carried in the diamond anniversary edition captured the highlights of the Herald years in this way. I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERALD YEARS HAVE RECORDED COLORFUL HISTORY

In his opening editorial, March 11, 1890, the editor of the Fairhaven Herald listed goals and claimed jurisdiction for an area sufficiently broad to give any newspaper plenty of latitude for the next 75 years and more.

"With malice toward none, but with charity toward all, this newspaper will be published in the interest of Fairhaven, Whatcom County, the State of Washington, the big round world, the boundless universe, and all that is good therein."

That is still a rather large "beat" to cover. And for a pioneer publication in a new city of a new State, it must have been a pretty tall order. There was existing competition, not only from the well-established Whatcom Reveille in the rival city around the Bay, but in Fairhaven itself, where the weekly Plaindealer had been issued since July 1889 from upstairs rooms in the boardinghouse owned by editor Jay Edwards.

SOUND FOUNDATION

But the Fairhaven Herald had a lot going for it, from the start. Editor William Lightfoot Visscher himself was a unique asset—a man who already had a national reputation as a newspaperman, poet, lecturer, informal storyteller, and all around bon vivant before coming to the new boomtown on the South End of Bellingham Bay.

And the powerful Fairhaven Land Co. backed the new publication. Finances were adequate to erect a two-story frame building at the corner of 14th Street and Larrabee Avenue, and the installation of "the best newspaper plant north of Seattle."

Editor Visscher and Manager W. F. Woods had big ambitions. "The Herald from its birth means to take its stand with the foremost journals of the land * * * it will ever fight to preserve our liberties * * * in every noble cause the Herald will strive to be at the front," wrote Visscher in his salutatory, printed on page 2, beneath the masthead of the new 4-page triweekly paper. "The Herald hopes to be such a paper as will make the people of Fairhaven and Washington proud of it."

The Herald, its first editor said, will be a "hearty hater of shams, injustice, hypocrisy, and all manner of meanness, and it will be the friend, champion, creditor, and endorser of decent patriotism, public spirit, manliness, honor, integrity, and republicanism, and in it all will endeavor to make a good living and a legion of friends."

RAPID EXPANSION

Fairhaven was undergoing a fantastic boom. Both the Herald and the Weekly World—as H. T. Brown, O. H. Culver, and Fred Culver renamed it when they took over the Plaindealer in August 1890—were prospering. The Herald, originally issued on Tuesdays, Thursday, and Saturdays, went daily on Sept. 1 and increased from four pages to eight or more.

It published a holiday edition December 29, 1890, that ran 24 pages and still shows up as an outstanding example of journalistic enterprise. Two ears atop page 1 were revealing. On the left, "Population September, 1889, 150." On the right, "Population, December 29, 1890, 8,000."

That was Fairhaven, the "Focal City" that was to become, according to editor Visscher, "The greatest city on the Pacific coast, and one of the greatest in the world." It was to achieve that, "within the lifetimes of successful men now living," on the basis of the direct line due to be built between Chicago and Fairhaven by the Great Northern Railway, and because Bellingham Bay would be a major base for merchant and war ships of many nations, including Russia, which Visscher noted, was building railroads from the Urals to the Pacific.

Alas, Jim Hill ran into a tightening money situation in the East as the Nation approached the Panic of 1893, and the plans for building the more expensive rail route to Bellingham Bay were dropped.

The boom had begun to diminish by early 1891; the Herald began to lose money. P. E. Tarbell, who succeeded Woods as manager, was in turn succeeded by the Fairhaven Publishing Co. headed by E. M. Wilson, one of the founders of the town. O. H. Culver arranged a deal with Wilson and Fairhaven Land Co. President C. X. Larrabee under which the Herald and World were consolidated under the control of Culver and E. G. Earle. Culver replaced Visscher as editor of the daily Herald and weekly World-Herald.

DAILY SUSPENDED

Business continued to diminish on Puget Sound and on the last day of the year, the Herald ran a "valedictory" announcing its suspension as a daily. "The home patronage does not at present warrant the publication of a daily paper and to continue the issue at a loss out of a mere sentimental desire to run a daily when all the purposes of its publication can be met in a live and progressive weekly is a plain manifestation of poor business judgment.

"The Weekly World-Herald will be made a wide-awake and progressive newspaper, fully alive to all the requirements of the city and county," the announcement continued. "Its columns will contain all the local and social news of the Bay cities and official news of the county, court records, real estate transfers, local market reports, and all items of general interest relating to the State and the Nation.

"The facilities of the Herald office for the publication of a daily paper are equal to any office in the State, outside the larger cities, and when the revival of business and growth of the city warrants, will renew its daily issue."

In the meantime, the Weekly World-Herald was operated for the next 8 years by various managements under lease arrangements. John H. Schively was the first editor during this interim period.

By the turn of the century, conditions had improved so much that E. G. Earle decided to come back to Bellingham Bay and resume the Herald on a daily basis. He and Elliott Steward acquired the paper from Larrabee and on March 13, 1900, began issuing The Herald mornings, evenings. and Sundays, as well as continuing the Weekly World-Herald. Daily Associated Press service gave the revived papers up-to-date coverage from around the Nation and world, the "pony" service being received by telegraph.

Teletypes did not come until much later, but automation did come to the composing room as Earle installed the West's first linotype machine, that amazing invention of Ottmar Mergenthaler which set type in column-width lines. Previously, it was done only by hand, printers, picking each letter out of type cabinets.

PLANT MOVES

The first Herald building, the two-story frame structure at 14th and Larrabee, was evacuated in the late summer of 1902, the Herald moving into the basement of the American National Bank Building, better located at the southeast corner of 11th Street and Harris Avenue. The structure still stands today, as a roominghouse.

The original building later was used as the chapel of the Sacred Heart Catholic Church, subsequently being acquired by George Monson, who tore the frame down and built a home on the original foundation. The house, still occupied, stands at 1312 Larrabee, across from the new Aldersgate Methodist Church.

The first press run, incidentally was powered by a steam "donkey" set up in the yard, with the power belt passed through a window into the basement where the press was located. An electric motor, acquired soon after, eliminated that picturesque operation.

PERKINS TAKES OVER

A significant event that provided for stable ownership was the purchase of The Herald by Tacoma publisher S. A. Perkins August 1, 1903. One of the Northwest's most successful newspaper proprietors, Perkins operated the Bellingham Publishing Co. until his death in 1955, and his family continues as owners. Byron Scott, Tacoma attorney and husband of one of the two living daughters, is president. Other board members are Mrs. Scott, Mrs. Eleanor Frazier of Seattle, another daughter, and Thomas P. Youell of Seattle, son of a third daughter, deceased. Mrs. Perkins died a few years after her husband.

A year later, the people of Fairhaven and Whatcom voted to consolidated as the new City of Bellingham, fourth largest in the State at birth.

December 22, 1903, was a historic date in the paper's history. Not just the extra on the hard-fought election to chose the first set of officers for the new city, but because "The Bellingham Herald" appeared for the first time on the nameplate atop Page 1. The paper's plant remained at 11th and Harris for a time, but a north side office was maintained at Elk (State) and Holly.

Perkins moved the entire operation to the north side in January 1905, after buying the Roehl Block of Cornwall Avenue by the Hotel Byron, which later developed into the present Hotel Leopold.

PERKINS PREVAILS

Consolidation of the cities brought the Herald into head-on competition with the Reveille, which had served Whatcom since 1883 and had gone daily in September 1890, about the same time the Fairhaven Herald did.

In 1904, the Seattle Times Publishing Co. started the Puget Sound American, signing up for United Press news, and seeking to capture the evening field from the Herald. It was published at 1215 Railroad Ave. Later, Times publisher A. J. Blethen bought the Reveille, and in 1908 signed a 17-year lease with Dr. W. D. Kirkpatrick for the triangular lot bounded by Commercial, Champion, and Magnolia Streets. The triangular, two-story and basement structure now known as the Douglas Building, across Commercial Street from the present Bon Marche, was then built by Dr. Kirkpatrick for the morning and afternoon papers.

SOLD TO HERALD

Perkins and the Herald, then edited by W. D. Dodd, were tough competition, however, and acquisition of the Associated Press franchise for Sunday morning as well as daily influenced Blethen to sell the Reveille and American.

Thus the Herald took over the new "Flatiron Building" plant, along with the Reveille and American, and all three papers were published there until the end of the lease period, in 1926.

A towering figure in Bellingham journalism for the remaining 39 years of his life Frank I. Sefrit, general manager of the Salt Lake City Tribune, was hired by Perkins to take over management of the three papers as of November 21, 1911.

Sefrit also edited the Reveille, but appointed Herald City Editor W. C. Carver to edit the Herald. Thus began a long friendship and association between the two men—the gentle, scholarly Coston Carver and the hard-hitting Frank Sefrit, whose editorial pen spared no officeholder, officeseeker or other public figure who Sefrit felt was unworthy of public trust.

Frank Sefrit was reared in an era when journalism was more personal. He pulled no punches, when the occasion called, and was the target of libel suits and contempt of court threats. But he was a trained newspaperman who made sure of his facts before he went to press with them.

With consolidation under Perkins ownership and Sefrit management, a new era of stability and growth was underway. Advertising rates were stabilized, circulation grew and the newspapers prospered.

By the time the lease on the "Flatiron" or "Triangle" building neared expiration, the Bellingham Publishing Company was ready to expand physically with the finest newspaper plant in the Northwest. The site was at State and Chestnut Streets, and the six-story building was to be built of reinforced steel and gypsum, designed to be the most nearly indestructible building in the West as well as Bellingham's finest and largest office building. It cost around $400,000, about what the Herald's new press cost 30 years later.

The morning Reveille and Sunday American-Reveille continued for a brief period after the move into the new Herald building in April 1926, but subsequently were dropped. For several years, however, a morning edition of the Herald was published.

The field was not left entirely to the Herald, however. An old adversary, L. H. Darwin, came back to Bellingham in 1922. Darwin had managed the Puget Sound American, and then the Reveille, too, while the Blethens owned them. After the sale, Darwin became State fisheries commissioner under Gov. Ernest Lister. In 1922, he started the Bellingham American. Unable to compete successfully, it was taken over 6 years later by Sam Harrison and renamed the Bellingham Evening News. The Evening News succumbed in 1938, the Herald being the only daily paper in Whatcom County since that time.

The worldwide depression that started with the stock market crash of 1929 affected the newspaper, as well as all other business in Bellingham. It was a time of retrenchment, and then recovery, in the late thirties.

The Herald continued to improve its staff and news-gathering facilities. Then came World War II, with the Japanese bombing of Pearl Harbor December 7, 1941. The next few years were marked by personnel and newsprint shortages.

Meanwhile, Business Manager Charles L. Sefrit was carrying a heavier managerial load as his father grew older. In 1950, Frank Sefrit died and was succeeded as general manager by "Chick" Sefrit.

AUTOMATION

The Herald entered an era of technological advance. Teletypesetters were installed, with which automatic composition of type was possible, through use of tape perforated electronically and simultaneously with teletype transmission of Associated Press and United Press news stories.

The new color convertible press was purchased and put in operation late in 1956. That led to adaptation of a process which permitted full-color news pictures. Comics were printed in full color in the Herald press room, and the number of Sunday comics doubled to eight. The Sunday supplement, Family Weekly, was added.

BEN SEFRIT TAKES OVER

Charles Sefrit retired on his 65th birthday, December 7, 1960. He was succeeded by his younger brother, Ben, who had left college to join the paper in 1926 as a reporter, had become its first regular photographer in the late thirties, had succeeded Pat Scott as city editor in 1943, and had become executive news editor in 1955 and editor in 1958, when W. C. Carver retired.

Ben Sefrit was recently chosen by fellow publishers to be president of the Allied Daily Newspapers of Washington, and also is serving on a special bench-bar-press committee aimed at harmonizing possible conflicts between the right of free press and the right of fair trial. Interestingly, Charles Sefrit had served as president of the Allied Dailies on two occasions.

During Ben Sefrit's management, there has been an emphasis on sprightlier news presentation, installation of new printing and photoengraving equipment for better reproduction, and modernization of space and facilities of the Herald Building. Bill Fowler succeeded Sefrit as editor 4 years ago, with George Boynton becoming city editor.

Looking back over the long sweep of Bellingham Bay history, 75 years seems a long time, and so it is for most of us. Newspaper publishing techniques have changed drastically since the Fairhaven Herald made its debut as a small but a highly articulate infant in 1890. Yet the human equations remain constant; the goals that Colonel Visscher expressed when the State was just 5 months old remain valid today. They may well be valid 75 years from now. The Herald expects to meet the challenges of the years ahead as it has those of the past.

Mr. MAGNUSON. Mr. President, if the Bellingham editorial staff worked mightly to write and edit the diamond anniversary edition, its members must have, in the main, enjoyed the task.

I am sure that Wallie Lindsley, revered sports editor, gave his best in talent as well as in reflection as he wrote:

Dean of Herald Editorial Staff Reviews 40 Years in Business

(Editor's Note.—Wallie Lindsley, longtime Herald sports editor whose name is synonymous with the newspaper, looks back on some of the highlights of his career which spans 40 years of reporting, beginning with his days as a "cub" on the old Reveille. Wallie tells the story here in his inimitable style of writing.)

(By Wallie Lindsley)

Frugal Calvin Coolidge was in the White House fighting a losing battle trying to collect World War I debts. Henry Ford was selling Model-T runabouts for $260 and a status symbol was ownership of a two-tube radio without a headset.

The Bellingham School Board, fretting about rising school costs had just approved a $399,800 budget and an earthquake had rocked Seward, Alaska.

There were no shock waves apparent, however when this reporter disturbed the even tenor of local journalism by joining the staff of the Bellingham Reveille, a morning sister of the Herald, and long since departed from the scene but subject to sentimental reincarnations when age begins to show and the trail is backtracked to the roaring twenties.

Our own roar was probably only a pinpoint on the ebbing tide of an exciting decade punctuated by shoot-'em up rumrunners, spiced with an occasional murder, some uproarious politicking and all the news that was fit to print and some that wasn't.

FOUR DECADES

Four decades have passed since then and we've worn out a few typewriter ribbons in our day and sorely tested the patience and understanding of a few editors, not to mention readers who might have felt aggrieved.

And we misspelled our share of names and streets and places and things and are bleeding from the split infinitives, but it was done in the heat of battle and the pursuit of deadlines with malice toward none.

Our old days with the Reveille are probably among the fondest of 40 years of memories, for the Reveille had a character of its own, and sad was the day when it left the masthead and became the Morning Herald which later was to become a casualty too when the economics of the big depression finally deprived Bellingham of its morning voice.

We saw the city at work by day and at play by night, and the tunes were lilting.

It was at the ripe age of 16, going on 17, with still 4 months to go to graduation from Whatcom High, that the Reveille beckoned.

WATERFRONT JOBS

In common then with many of the kids of that era, we had spent some time during vacation and even during nights while in high school, working at one of several box factories and mills which ringed the waterfront and were always hiring and firing the city's young with the greatest celerity.

Any delusions of quick wealth in newspapering were quickly expunged by our first paycheck—$12 a week—which in itself represented a considerable sacrifice from leaving the box factory which paid $2.40 a day and $14.80 a week, not counting the ringing in your ears from the continuous whine of the saws.

The Reveille hours were not designed to afford the luxury of idle time. We checked in for work at 3 p.m. each day except Sunday and the shift finished at 3 a.m. the next morning.

The dollar of 1925, however, was rock-ribbed and worth four of today's, but the weekly offering never impelled any of us to run to the bank and frequently the entire remuneration disappeared with a few illicit rolls of the dice which left some colleague well upholstered financially, at least for the current week.

We learned the secret of job security early in those days of no security. It was by the simple device of tapping the office bookkeeper for a few dollars in advance of payday with the result that it would have been impractical for the newspaper to discharge some of us unless it was prepared to write off the accumulation of chits in the cash register.

TRIANGLE BUILDING

The Reveille in 1925 was published, as was the Herald, in the old triangle building across from the present Bon Marche, though a year later we were to move to the present State Street home.

Our weekday Reveilles were a bit on the thin side. Sunday was the big issue and idle hours, when the editor could find his whip, were sent in grinding out newsworthy fillers. Our Associated Press wire at that time consisted of two nightly 15-minute "takes" over a telephone hookup originating in Seattle. Stories were bulletinized and at this end we could blow them up a bit if an extra stick of type was needed.

The 12-hour shift was not all grind. We developed considerable finesse in escaping from the clutches of the old building to the warmth and fellowship of a nearby pool hall where the Reveille, unbeknownst or not caring, subsidized our brief career in three cushion billiards.

Our favorite hangout in line of duty was the old police station in the basement of the old city hall. It had an aroma of its own from an injudicious sewer connection that blended violently at times with the essence of the spirits of fermenti which then were illegal but ringed the shelves as evidence in upcoming cases and were poured into the sewer when properly and legally disposed. That was the case most of the time, but not always when the clear bead and bouquet of the bonded whiskey dulled the aim of the pourers.

PAPERBACK EXCITEMENT

The sheriff's office and county jail was another call of duty that often produced some paperback excitement. Jailbreaks were no rarity if confinement became irksome. One of the most dramatic was in our early years when a trusty smuggled a gun in a bowl of soup to an inmate. But immersion in the soup rendered the weapon harmless and the prisoner was shot in the hip when he tried to make his getaway.

It was at the county jail that we met Bill Bagley, a notorious gunman and badman of some 35 years ago. Bagley had the appearance of a meek professor but was a vicious hoodlum and robber. He had been nabbed here trying to flee from Canada after a Harrison Hot Springs robbery. Subsequently after being returned to Vancouver and breaking out of prison there, he ran afoul of the law in California and later figured in a prison break at San Quentin during which a guard was killed. That was the end of the line for Bill who was recaptured and executed.

It was about this time we met another celebrity of the underworld. He was shot in the leg during a routine store break-in. When his fingerprints were checked at Washington, D.C., it was developed that he was a notorious safecracker one of the best in his profession. We talked to him at the hospital where he admitted his identity, explaining that advancing age and a run of bad luck had reduced him to rifling grocery store tills.

THE BOYS WILL LAUGH

"Don't put this story on the AP wire," he pleaded. "If the boys read about this, they'll laugh me out of the business."

While criminals provided some of the most interesting sources of our early reporting, this flashback into the past brings to mind a number of celebrities in the passing show.

There was colorful Aimee Semple McPherson, a handsome, magic evangelist who was much in the news in the late twenties for suspected peccadillos with a choir leader of the opposite sex, and who drew a capacity audience into a local church for a debate with an atheist over the evolution of man.

"Babe" Ruth was the first of many sports celebrities it was a pleasure to interview. We met the "Bambino" at Vancouver where the "Babe" and other major league stars played in an exhibition game before embarking on a tour of Japan. The "Babe's" affinity for cooking sherry was no myth.

MR. MACK

One of the most wonderful gentlemen it was ever our privilege to meet was Connie Mack, the patriarch of the Philadelphia Athletics. Connie and a busload of major leaguers stopped here at the bus station en route to Vancouver, also ultimately bound for the Orient, and we dipped coffee and doughnuts with the old gentleman and Mr. Mack talked baseball as only he could talk it.

Time has dimmed the trappings of some of the top local news events that embraced nearly a half century, and now in retrospect they seem of ordinary character. There were blazing waterfront fires that stripped the harbor of most of the interurban that ran to Mount Vernon before the stage era. Garbage was big local news even then, and oil explorations in the county conjured visions of impending economic boom. And there were other stories of exciting moments that best be not exhumed.

Prohibition made news along with a red-light district and conventions meant the drudgery of less exciting work. The city's close proximity to the oasis of British Columbia during the Volstead Act days was a not-overlooked attribute in making Bellingham the queen of Washington's convention cities in those days.

UNDERCOVER AGENTS

Undercover agents, boobytrapping the thirst-purveyors, kept things hopping. One of the most noted was Al Hubbard who figured in several major breakups of smuggling rings.

His name comes readily to mind because Hubbard also was an inventor of sorts and in the late twenties, while he was domiciling at the Hotel Henry, Al was fiddling around with a thing which he called television. He said it was the coming thing but none of us were particularly impressed or concerned except for the state of Hubbard's mental health.

For a brief period in the midthirties our community appetite made ready to devour Hollywood. The filming at Mount Baker brought movie town into our backyard and interviews with gracious Loretta Young and Clark Gable more than offset the chore of reporting the antics of Jack Oakie. If you couldn't drop a big name like Gable or Young, you simply weren't in it with the name droppers.

MOST BORING

While we would hesitate to name the top news story it fell our lot to cover in the 40-year span, we have no hesitancy about nominating our most boring assignment. That was the PUD's suit to condemn the Puget Sound Power & Light properties and it droned on for weeks in a maze of statistics. At the finish, the PUD decided the jury's verdict was much too expensive for its tastes and the condemnation languished.

For sheer boredom, that assignment took the cake, worse even than when you were unlucky enough to draw the task of reporting the goings-on at a cooking school, which usually was sponsored by the paper. They were held so frequently the conclusion could not escape us that the cuisine talents of our ladies of the kitchen were held in low esteem.

In 40 years on a newspaper job you see and hear and write a lot of things. We've watched a couple generations of police and firemen retire. And it's been fun all the way. We wouldn't change a bit of it if we had to go around the block again.

Bill Fowler, present editor, took a different tack. He discussed the people who have written the news in the Bellingham Herald over the years.

He, too, told it well and entertainingly.

About Reporters, Past and Present: An Ex-City Editor Reminisces

(By Bill Fowler)

Now and then, when the editorial ideas don't come and the spector of a big empty hole on the next day's editorial page rise to haunt me, I long for the days we spent on the city desk.

That's where the action was, and is. And though I turned over a full set of headaches to George Boynton when we moved into the editor's office 4 years ago, we look back with foundness on the 5 years I presided over the ulcer desk.

It's the key to local coverage, the command post from which big stories developed and the troops deployed. When a deadline is approaching and an important story breaking, it's the best job in the world.

LIKE GRADUATE SCHOOL

It is also a kind of graduate journalism school in which the city editor—when he has time—serves as a sort of part-time professor for the young kids fresh out of university on their first job.

Wherever a newspaperman goes and regardless of the passage of time, he always remembers his first city editor. One way or the other. Ours was Ben Sefrit, who had covered every beat and every kind of a story, both reportorially and photographically, and could spot a lazy job every time. I hope our proteges remember me the same way.

Elsewhere in this edition appears an intriguing story by Wallie Lindsley, our veteran sports editor, who recalls his breaking-in days as a young reporter in the twenties.

My generation was the late forties, the immediate postwar period. Jack Carver had joined the staff in 1945, after the war ended in Europe, as photographer. Don Gooding, son of a highly regarded Herald reporter of an earlier era, was on the staff, still. And George Boynton came on permanently in the summer of 1947.

We were the young ones, then. Though Ben Sefrit and Wallie Lindsley weren't yet in their forties, we lumped them in with such authentic oldtimers as Editor W. C. Carver, Wire Editor Eliot Gilmore, Society Editor Mrs. Sam Rugg, and reporters Frank Downie, Nellie Brown Duff, and Bert Kincaid.

Pat Scott, a longtime city editor, was a familiar fixture with The Herald for many years until the early forties. Hal Reeves also worked for the paper for a number of years, but both were before my time.

HARD WORKER

Mrs. Rugg's first name was Aura, but even Mr. Carver called her "Mrs. Rugg." She did more work with less fuss than anyone in Herald history, and when she retired at the end of 1960, our new format with a new society editor stirred up a storm. (The ladies of the town almost lynched poor Donna Clark, verbally at least, but she bravely stuck it out for a year.)

The public also hated to see Nellie Browne Duff retire, with a long and varied career behind her. She continues to get requests from various groups to apply distinctive style to their publicity releases.

Gilmore, who died far too young, was an unconventional newspaperman. He composed and played organ music, but was no highbrow at the office and his salty comments on man's foibles were always interesting. He was also one of the area's first parachutists. Frank Downie, who covered city hall for years, and the gentle courthouse reporter, Bert Kincaid, are gone, too, along with W. C. Carver, the most considerate newspaperman we ever knew.

CITY HALL COVERAGE

Eddie Griffin took over city hall when Downie became ill, in 1947. Paydays never seemed to come around fast enough for Eddie, who left for Santa Barbara in 1956. Glenn Larson seemed a shy, very young University of Washington graduate when he arrived in 1950 to take my place while I spent 2 years in Portland on the Oregonian. But he soon proved to be an outstanding reporter and for some years has made the complex issues of local government easier to understand by his lucid city hall and courthouse coverage.

Frank Strachan, who has handled most beats and the wire desk over the years and is now on general assignment, came along shortly after. Steve Kurtz, now assistant city editor, arrived in 1952. (This edition, incidentally, has been Steve's major headache for several weeks, and having gone through a similar assignment with the centennial edition, I sympathize with him.)

TWO OF A KIND

We solved our social page problem when Beverly Daniel arrived from the Billings Gazette in 1962, and got a bonus with her husband, Bill, an all-around fine newspaperman who presides over the AP and UPI teletypes as wire editor. We tell Bill, when he hints for a raise, that he can depart but he'll have to leave Bev behind.

Ken Robertson, our only WWSC alumnus, is a hard man to wake up in the morning—a real challenge to the alarm clock industry—but a good reporter with a rare way with words. His dramatic reviews sparkle, though sometimes the directors would like to set off a sparkler on him.

Marles Larson arrived last June with the ink still wet on her Montana State University journalism diploma, to help Bev Daniel and write features, both of which she does well. Doug Hutcheson, who the city editor claims played hookey when spelling was taught in grade school, is the son of Jim Hutcheson of the Walla Walla Union-Bulletin, one of the State's best-known newsmen. Doug covers courts and crime.

Our most recent arrival is Virgina Fish, formerly of the Whidbey Island News-Times and Wenatchee World. We've discovered no journalistic deficiencies in Virginia, who is on general assignment reporting.

THE FUN-LOVERS

One sign of advancing years is the backward look, and what better time than an anniversary? Some of the reporters who have come and gone could qualify as "most unforgettable characters" a la Reader's Digest.

There were the fun-lovers, such as Jack Sigurdson, a whale of a good reporter who is now on the San Jose News. Ben Sefrit hired him on a provisional basis and for the first month Siggy was all over the newsroom, answering telephones on the first ring and in general making himself indispensable. After 30 days, he figured he had it made and then originated the mass coffee break. We used to sneak out individually; Jack formed a parade. Maybe it was the first "piece march"—piece of pie with the coffee.

When Jack left, Sid Bailey inherited the title of office wit. He could do all sorts of things: Cover stories, take pictures, and imitate quavery voices over the telephone. But he usually didn't do them in time to get in that day's edition. Later, though, Sid settled down and became one of our best men. He's in Washington now, working for Pennsylvania Senator Hugh Scott.

Larry Hilderbrand was one of the most energetic and talented reporters we've had in recent years, racking up bylines from 1956 to 1960, when he left for the Oregonian. Also on that famous Portland paper is Tom Brennan, another competent ex-Herald staffer.

LURE OF TRAVEL

Some of the young ones wanted to go to Europe after getting a grubstake on the Herald. Jack Robinson until recently worked for UPI in Paris. A likeable kid, full of confidence, Robbie drew the assignment of covering the yacht club murder. We had a heck of a time getting him to write it, though, and when he did, the lead referred to "the waterfront spa." We had to rewrite it, but gave him a byline anyway.

Keith Reekie and Carol Bradley sat at adjoining desks.

Keith showed up in Kenya and then Uganda—presumably a step ahead of native uprisings—and then went to Europe. That's where Carole caught him. She had taken a job on Stars and Stripes in Germany. Keith is now with UPI in Frankfurt, and Carole is Mrs. Reekie. Theirs was the only office romance I can recall that ended in matrimony.

There were other faces, other names—Bruce Keppel, Cal Johnson, Janet Ferris, Beth Erickson, Marilyn Druby, Bill Branch, Diane Coffin Herbert. They're on other papers, or working for the Government, keeping house, or serving in the Peace Corps. Good people, with talent and ideals. They all contributed, in some measure, to the Herald years.

GETTING INVOLVED

Mr. MUNDT. Mr. President, for some Americans, unhappily, it has been the unfortunate experience to suffer injury and harm simple because some of their fellow citizens "didn't want to become involved."

I do not believe this reaction of "not wanting to get involved" in helping others out of some dire difficulty is typical of the average American citizen. I happen to think that for every one of those people in New York City who chose to ignore the cries of a young woman being brutally attacked in their neighborhood that there are thousands like the young sailor who valiantly went to the defense of a girl being savagely attacked in a Philadelphia subway.

Recently, out in South Dakota, we had a situation occur in which, if the individuals concerned had said "they did not want to become involved," two little girls would have lost their lives.

I recognize that the incident of which I now speak did not involve the danger of suffering injury from some wild, knife-wielding terrorists. But certainly the element of danger was involved for the young men who did get involved by taking risks in venturing into icy water to save two young girls.

The incident I describe occurred in Yankton, S. Dak., a short time ago. A description of what happened is most ably provided in a recent column in the Yankton Press & Dakotan newspaper, written by Dale Bruget.

I recommend it to my colleagues for it is a sterling demonstration that courage, brotherhood, and a willingness and desire to help others, remain among the strongest characteristics of our citizenry.

Mr. President, I request permission to include in the Record the column from the Yankton Press & Dakotan.

There being no objection, the article was ordered to be printed in the Record, as follows:

Clambake

(By Dale Bruget)

I guess there are places where this couldn't have happened, owing to the fact that human nature has deteriorated to an alarming degree.

But in this part of the country, we haven't learned all the modern-day lessons in noninvolvement and such. There are still people here who dash to the aid of their fellows at risk of life and limb. And they aren't mere demonstrators or seekers after recognition or pursuers of causes or cheap exhibitionists, either.

They are just conscientious citizens who do what they have to do when the occasion arises.

And gratitude radiates in all directions. The ones benefiting from an act of concern are grateful, naturally, and the rest of us are grateful, simply for the fact that human decency still prevails in small pockets of our society.

Sunday afternoon, two 9-year-old girls strayed onto the frail ice coating the pool in West Side Park. The ice disintegrated and one child fell in. The other girl attempted to assist her, but the ice kept on crumbling and both were floundering when two young men in a Corvair with Florida license plates wheeled to a stop on the highway and effected a rescue.

Other passers-by saw this, and reported it to me sans names.

Since then, the mother of one of the little girls got in touch with me just to say how deeply grateful she and her husband and the other parents are. They were hastening to express their thanks to the young men in person.

The little girls were Julie O'Connor, daughter of the Willard O'Connors and Theresa Nooney, daughter of the William Nooneys. Theresa was the one who went through the ice first.

Gene Hydinger, of Hartington, Nebr., is the young man who dashed to the pond and went into the icy water up to his neck to pull the girls out. With him was his brother, Jim.

My personal "Bravo" to the young rescuers. Their act certainly was one which restores our confidence in the basic decency of humankind. And I join the parents in expressing gratitude to them for having saved a couple of precious young lives.

It probably goes without saying that West Side Pool is a hazard in wintertime when the artesian-fed pond acquires its thin veneer of ice. A frozen pond is always an attraction to youngsters.

IMPORTANCE OF COOPERATIVES

Mr. MUNDT. Mr. President, throughout rural America, what we call our "farmer co-ops" are pretty much taken for granted. This is because these farmer-owned and farmer-operated business institutions are such an integral part of the rural economy, taking their place alongside of those institutions in our cities and towns which are owned and operated by individuals, or families, and those which are jointly owned as corporate structures.

Cooperatives have been and continue to remain an essential part of the private enterprise structure in this country. They have contributed to the growth and progress of the communities and the people which they serve.

And what impact do the cooperatives have on the individual farmer? To answer that, I would like to call to your attention a recent statement by a man, a dirt farmer, if you please, who has had a great hand in the growth of cooperatives.

He is Albert C. Hauffe, who farms a short distance from the McPherson County seat town, Leola, S. Dak., and is president of the South Dakota Rural Electric Association and also has held the high honor of president of the National Rural Electric Association.

Mr. Hauffe writes a regular column entitled, "Your President Says," in the South Dakota High-Liner, a publication of our rural electric cooperative organizations. I request permission that his article, "Cooperative Effort," appearing in the April 1965 edition, be made a part of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the South Dakota High-Liner, April 1965]

COOPERATIVE EFFORT

(By A. C. Hauffe)

A little more than half a century ago farmers in my area organized a cooperative grain elevator. They dug deep into their pockets to finance the purchase of one of the elevators owned by a nonresident concern.

The first day in business the price of wheat was marked up 14 cents per bushel. Other grains were marked up in proportion. At the end of the first year's business a reasonable margin was made on the handling of grain. Since that time the margins of profit were reasonable yet competitive. In 52 years more than $1,500,000 has been returned to the local patrons in the form of dividends. In addition they have modernized their facilities, kept pace with the patrons' demands and remained competitive.

Senator FRANK CARLSON, Kansas Republican, in a Washington speech had this to say: "Farm people should realize that many city people depend on their trade unions to get an adequate return for the only thing they have to sell * * * their labor. Farm people use their marketing cooperatives to serve the same function * * * to get a better return for what they produce."

Occasionally you will find a person who will say, "What have cooperatives done for me?"

Millions of farmers have witnessed firsthand the enormous changes that have come about in a lifetime, many of which can be attributed to the activities of cooperatives and farm organizations.

I started farming without electricity, poor telephone service, no running water, no milking machine, no tractor, no manure spreader. We milked our cows most of the year, morning and night, by the light of a kerosene lantern. We cranked the milk through a cream separator by hand. We hauled the cream and eggs to town via horse and buggy.

What I am trying to say is that cooperatives have played an important part in my life as a farmer. They provided a better market for my products. They made savings that increased the value of the products sold. Cooperatives brought electricity to my farm as well as the best in telephone service.

Farmers have come a long way through cooperative effort. And we can go further if we fully support our cooperatives and use our influence to get cooperatives to coordinate their programs with each other rather than compete, to combine or merge where efficiency calls for it and to faithfully support this kind of activity.

Cooperative progress demands complete loyalty, a willingness to patronize, finance, support and at times make a short-term sacrifice to keep the institution going.

OPENING OF SEALED FIRST-CLASS MAIL

Mr. CURTIS. Mr. President, almost unnoticed for a period of 2 years the Internal Revenue Service has teamed up with the Post Office Department to violate the most fundamental American freedoms and shred the Constitution. I refer to the flagrant action of IRS employees in opening sealed first-class mail, searching it and confiscating checks, bank drafts, and securities in cases where they suspect tax delinquents are receiving funds.

Today, the Senate Judiciary Committee held a hearing on Government snooping practices but this hearing has not been given adequate publicity nor has the breadth of the postal violations been brought adequately to public attention.

Postmaster General John A. Gronouski admits postal employees have been turning over such mail to the IRS. He claims the practice was discontinued last August. However, Internal Revenue Commissioner Sheldon Cohen says the practice began in December 1962, and the latest reported mail opening was in December 1964. He says some 30 such letter-opening incidents took place while postal officials will admit to only 14 "and maybe" a few more.

Commissioner Cohen said the seizure policy continues but now requires advance approval of the Commissioner. He said the policy was reviewed in August and the IRS decided not to abandon its "right" to make such seizures. Accordingly new instructions were issued to field offices of the Service requiring that levies on undelivered mail be approved in advance by the Commissioner of Internal Revenue. Cohen stated:

> This, in effect, continues the existing policy but further centralizes control to avoid any possibility of any unnecessary use or misuse of the authority to seize undelivered mail.

These are the facts as reported to date. And it is a situation so shocking as to defy belief. No warrant is used in these seizures; there is no recourse open to the citizen who is subjected to this police-state disregard of civil rights. Such action seems to be to be clearly a violation of our Constitution, our concept of law and justice, our very way of life. It is an insult to our pride in being American. If any American can tolerate this outrage, he might as well discard the pretense of being a free citizen of a proud society.

If the bureaucracy can open first-class mail at will, then big brother will feel no qualms about using any of the numerous other means for the invasion of privacy.

This flagrant misuse of authority constitutes a crime against the entire society, not just against the relatively few individuals whose rights have so far been maligned. If the officials cannot be restrained by the courts from further such unconstitutional actions, then the people of the Nation must act through the Congress.

Hopefully, the forthcoming Senate hearings will produce quick action. I hope that the full glare of publicity will illuminate these hearings, and that no attempt will be made to cover up or to play down this shameful situation.

It is not an isolated matter. The implications reach to the very heart of the American democratic system.

STATEMENT BY SENATOR BYRD OF WEST VIRGINIA BEFORE SENATE APPROPRIATIONS SUBCOMMITTEE ON DEFICIENCIES AND SUPPLEMENTALS, RELATING TO APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

Mr. BYRD of West Virginia. Mr. President, as a member of the Senate

Appropriations Subcommittee on Deficiencies and Supplementals, I presented a statement at the Subcommittee hearing earlier today in support of budget requests for financing the Appalachian Regional Development program. I ask unanimous consent that I may insert the statement in the Record at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. Chairman, as a member of the subcommittee, I wish to urge restoration of $10,773,000 under title II for the funding of the Appalachian regional development program. The House allowed $344,328,000, a reduction of $18,308,000 in the request, the total request having been $362,636,000. The House reduction amounted to approximately 5 percent of the total request, and I am urging a restoration of slightly more than half of the House reduction.

You will note, Mr. Chairman, that no appeal is being made on the $500,000 reduction which was made in the Department of Commerce request, the House having allowed $247,500,000 of the $248 million requested. No appeal is being made concerning the $2,775,000 reduction made by the House in the budget estimate submitted by the Department of Health, Education, and Welfare, the House having allowed $32 million of the $34,775,000 requested. I urge the restoration of the House cuts in reference to the Department of Defense, Civil Functions, the House having allowed $15,778,000 of the $17,271,000 requested, a reduction of $1,493,000. The House reductions were as follows: $1,222,000 for "Construction, general," and $271,000 for "General investigations." Even though the House reduced the request for general investigations moneys by $271,000, the House committee report expressed approval of the total study program presented, but stated that the reduction of $271,000 could be absorbed within available funds. I am pleased to note that the general investigations item includes $1,700,000 to initiate the special water resource study of the Appalachian region, $209,000 to initiate eight new studies, and $362,000 to accelerate nine current studies. Among the new studies to be initiated are two studies programed for West Virginia, and, of these, $20,000 is allowed for Mill Creek at Ripley and $48,000 for West Fork River and tributaries at Clarksburg. The Mill Creek study will determine the feasibility and means of providing protection for Ripley from flooding of Mill Creek. Consideration will also be given to water resource development by means of reservoir construction as a unit in the Ohio River flood control plan. The $20,000 would be utilized to initiate the study, the total estimated Federal cost being $90,000.

As to the West Fork River and tributaries study, the $48,000 will permit initiation of a study to determine the feasibility and method of providing flood protection for Clarksburg and communities downstream on the West Fork River, including Shinnston, Worthington, and Monongah. The total estimated Federal cost would be $87,000.

Among the nine current studies to be accelerated is one West Virginia item, the Middle Island Creek Basin, for which $30,000 is allowed and for which the total estimated Federal cost would be $150,000. The allocation for fiscal year 1965 was $20,000.

For construction, general, the bill before us allows $13,778,000 for projects within Appalachia on which the completion dates would be materially advanced, or delays avoided which could not be foreseen when the regular 1965 bill was considered, by the availability of supplemental funds during the 1965 spring and summer construction season. Among these approved projects are the Burnsville Reservoir, in Braxton County, W. Va., a new start, for which $200,000 is allowed for planning, and the Bloomington Reservoir, Md. and W. Va., for which $400,000 is allowed to accelerate planning. Allowed is $1,500,000 to initiate construction on the Willow Island locks and dam, Ohio new start. The Willow Island locks and dam, I should point out, will replace the old and outmoded structures at locks and dams 15, 16, and 17, which will have reached the end of their economic life by the time the Willow Island project can be completed. The deterioration and advanced obsolescence of the structures are evidenced by the rapidly increasing costs for maintenance and rehabilitation. The old structures are incapable of efficiently handling the increased volume of traffic which is occurring because of the rapid industrial expansion taking place along the Ohio River. The rate of traffic growth is such that the capacity of the existing locks could be exceeded prior to completion of the Willow Island facility, and such a demand upon the existing locks could lead to breakdowns which would create intolerable conditions. Ton-mile traffic on the Ohio River has increased more than elevenfold since 1930 and has doubled since 1950. The total river tonnage for 1963 was a record 88,828,291 tons and ton-miles about 21.1 billion. This rapid growth in traffic is expected to continue and even be accelerated by the rapid industrial expansion which is underway in the river basin. The efficient and uninterrupted river transportation of coal, petroleum, steel products, and chemicals through the basin is highly important in normal times and would be of greatly increased importance in a time of national emergency. The expedited action in initiating construction on the Willow Island locks and dam, which will result from this appropriation of $1.5 million, is essential to the continuous industrial development in the area and to meet the need for economical transportation of bulk and finished products.

I also call attention to the lump sum allowance of $4 million for allocation to certain projects as warranted for the acceleration of construction, among which are the Hannibal locks and dam and Racine locks and dam, on the Ohio River, and the Opekiska lock and dam, on the Monongahela River. The Hannibal locks and dam will replace three existing Ohio River structures which were placed in operation between 1911 and 1917. The structures are approaching the end of their useful life, and their physical condition is such that replacement is necessary to efficient and economical operation and maintenance. Additionally, the existing locks are obsolete in design and cannot efficiently handle the modern type tows and growing volume of traffic now using the river. Traffic demands have accelerated structure deterioration with consequent increase in breakdowns and in cost of repairs.

The Racine locks and dam will replace old and outmoded structures which will have reached the end of their economic life by the time the Racine project can be completed. The demand upon these locks caused by increasing traffic is rapidly accelerating their deterioration and any breakdowns will create intolerable conditions. In addition, to eliminate delays to navigation, the proposed project will eliminate difficulties and hazards involved in operating wicket-type dams under ice conditions and insure against serious interruptions to traffic resulting from breakdowns.

The Opekiska lock and dam is an integral unit in the authorized comprehensive plan of improvement of the Upper Monongahela River for navigation and will replace existing locks and dams Nos. 14 and 15. The Opekiska is the final link in the Upper Monongahela River improvement designed to eliminate small antiquated locks, and its construction will permit the efficient movement, throughout the entire length of the river, of traffic of the character for which the river was previously suitable only below dam No. 8. The existing locks and dams Nos. 14 and 15 were constructed during the period 1901 and 1903, and the life of these structures cannot be extended to meet the burden of expected future increases in movement of coal reserves from the contiguous area as the reserves of metallurgical coal on the lower and middle reaches of the Monongahela River become depleted. In addition, more economical operation and maintenance for the Government will result from replacement of these old and obsolete structures with one modern lock and dam at the Opekiska site. I wish to express the strongest of support for these Corps of Engineer items.

I call special attention to the fact that it is of the utmost necessity that $200,000 be appropriated to initiate preconstruction planning on the Burnsville Reservoir. This will leave a balance of $290,000 to complete preconstruction planning after fiscal year 1966. Frequent minor floods and periodic major floods inundate areas in the Little Kanawha River Basin, and the flashy nature of these floods precludes adequate warning periods. Severe damage to developed areas in the valley has resulted, and the citizens of that area are confronted with the possibility of much greater floods of disastrous magnitude. The flood protection to be afforded by this project will greatly enhance the use of the flood plain for industrial and small business development, and it is imperative that the Congress act quickly to provide moneys for the necessary preconstruction planning on the Burnsville Reservoir. As I indicated earlier, I wish to urge the restoration of the $1,222,000 disallowed by the House in construction moneys. I call attention to the fact that of this reduction, $547,000 would come out of the estimate for recreation facilities on completed projects. Although the House report does not identify the completed projects which would suffer from this reduction, I call attention to the fact that, of the total of $3,047,000 requested for recreation facilities on completed projects, $790,000 would be for the Sutton Reservoir in West Virginia. These funds would be used to develop additional access roads, parking areas, sanitation facilities, and to purchase additional lands adjacent to the reservoir. The additional lands are needed to protect the full recreational potential created by the project. The West Virginia Department of Natural Resources has stated a definite interest in assuming the responsibilities for further development of the reservoir if the Corps of Engineers would purchase substantial additional land. Purchase of the land is highly desirable to prevent encroachment along the reservoir rim by construction of undesirable buildings, camp areas, and various types of small commercial enterprises.

I, therefore, do believe that it is important, Mr. Chairman, that we allow the full budget estimate for General Construction, Corps of Engineers.

Now, as to the items which are being appealed for financing the Appalachian regional development program under the Department of Agriculture, 12 activities are involved totaling $8,030,000. I shall now treat each of these items briefly.

For the Agricultural Research Service, the House allowed $100,000 of the $520,000 requested, and the appeal is for $420,000. Mr. Chairman, the agricultural research programs currently underway are not specifically related to problems of the Appalachian area, an area which has special problems. A large proportion of the agricultural land in Appalachia is in permanent pastures with poor stands. Much of it cannot be used for tilled crops without further devastation by soil erosion. Special seeding and establishment of practices must be developed to assure adequate ground cover and longevity of stands on the nontillable soils. Research is needed for development of methods of soil, water, and crop management to control runoff and erosion on farms and small watersheds.

Drainage and water management techniques must be developed to facilitate effective and efficient land use. These research activities would permit the early initiation of steps to improve the welfare of rural people in Appalachia through more effective use of agricultural resources. The work proposed would be conducted in cooperation with the State agricultural experiment stations and other State agencies. I cannot overemphasize the importance of soil and water conservation research in Appalachia. Inadequate on-farm water supplies for livestock are critical in some areas. Soils are shallow and slopes are steeply rolling over much of the area. Surface soil and subsoil are often highly acid. Unstable soil structure is all too common. Much of the pasture and forage production lands suffer from moisture problems. Runoff and erosion rates are high, causing critical losses of valuable topsoil and the loss of essential soil moisture on crop and pastureland. The proposed research would involve both basic and applied studies.

For Cooperative State Research Service, the budget estimate was $1 million and the House allowed $100,000. I support the appeal in the amount of $900,000.

These funds are, of course, in addition to Department funds otherwise available for research grants and contracts on similar problems of the Appalachian region. The funds requested will provide an expanded program of research by the State agricultural experiment stations designed to provide the basis for more effective adjustment of people and institutions to economic and social change, for greater farm productivity, more efficient marketing, and for new sources of off-farm income and employment. Each year, thousands of rural youth either complete their formal education or drop out of school and enter the labor force. Today, most farm and rural boys try to enter nonfarm occupations. Under this program activity, information can be secured which will lead to understanding and resolving the educational and occupational development problems in the region. For example, a pilot study is proposed on analysis of the economy of Pendleton County, a single county pilot study to determine what needs to be done and what can be done.

A very important item is the $1.5 million being appealed for cooperative extension work, the House having allowed only $500,000 of the $2 million requested. I wish to point out that the land-grant university system in the Appalachian area is a strong force for the development of a more stable and prosperous economy. Yet, these land-grant institutions are too often limited by inadequate funds. Pilot projects designed to develop and test methods to effectively promote human and economic development have been underway in some of the States of Appalachia, including West Virginia. The Cooperative Extension Service proposes to initiate new educational approaches to assist individuals, groups, and organizations in achieving economic and human resource development. For example, the land-grant colleges will use the funds to train underemployed people in handicraft work using local materials and help them develop a market for the products produced. Programs will be developed to optimize recreational opportunities of the area and to work with all agencies concerned with this important aspect of the economic development of Appalachia. Specific skills will be developed to make maximum use of resources available, thereby reaching more families than could otherwise be reached. These are but a few of the many programs which may be promoted and which will be of great value to Appalachia.

For conservation operations, under the Soil Conservation Service, the appeal is for $150,000, the House having allowed $1.5 million of the $1,950,000 requested. This land stabilization, conservation, and erosion control program involves assistance to program participants in Appalachia with conservation and development plans. Technical help will be provided for the establishment of practices and measures designed to conserve and develop soil, water, woodland, wildlife, and recreation resources; $200,000 would be utilized for the establishment of a new plant materials center to serve the Appalachian region, of which $140,000 would be spent in 1966 for buildings on lands to be donated for the center, capital improvements, equipment, seed and planting material the first year, and $60,000 would be used for operations, including local labor. An important function of the new center would be to obtain superior plants for practical use on eroded soil within the plant growth region. This would include seed and plant production, and cooperation with plant propagators, nurserymen, and others in testing new varieties. At the present time, the Appalachian area is being served by plant materials centers at Big Flats, N.Y., 50 miles above the Pennsylvania line, and at Americus, Ga., which is considerably far to the south and in an entirely different land resource area. The nearest plant materials center to the west is in Missouri, so we have really been without a facility that can serve the Appalachian region. Mr. Chairman, I think it very important to proceed with the establishment of this center because there are a number of problems with which it can be most helpful. For example, with the acceleration of road building in Appalachia, there will be rights-of-way, borrow pits, and other disturbed areas which will need protection. Additionally, control of erosion and runoff from mine spoils is particularly important. Prevention of siltation and pollution should proceed and there should be a cleaning up of the streams. There is a real need for development of new plant materials in connection with recreation and wildlife programs in Appalachia. So, Mr. Chairman, in dealing with the steep lands, and, in many instances, the thin soils of Appalachia, there will be major problems insofar as plant materials are concerned. I, therefore, consider this as a priority item, and I urge that the $150,000 be restored.

The next item, Mr. Chairman, is $200,000 for watershed planning under the SCS. The House allowed $400,000, and the budget estimate was for $600,000. There are an estimated 850 small watersheds in the Appalachian region that have potential for development under current project evaluation criteria. As of June 30, 1964, 200 State-approved applications for watershed planning assistance had been received from local sponsors in the Appalachian region. Eighty-one of the projects had been planned, and planning was under way on another 23 watersheds. There were 54 applications on hand that were suitable for planning, but for which planning assistance was not available. The additional funds, Mr. Chairman, would be used to strengthen and supplement technical planning staffs in Appalachia. The Department of Agriculture could then assist local sponsors in completing about eight additional watershed work plans during fiscal year 1966. Moreover, the number of projects being moved into the installation stage by fiscal year 1967 would be increased from about 12, under the current level, to about 20 under the accelerated rate of planning assistance contemplated. I trust that the subcommittee will approve the restoration of this $200,000.

For watershed protection, the House allowed $8 million. The budget request was for $10,220,000. The Department's appeal is for $2,220,000. These moneys would be used in Appalachia to provide additional technical and financial assistance in the installation of planned works of improvement in watershed projects and additional loans to local sponsoring organizations needing financial help to meet their share of the cost of installing planned works of improvement. There are about 1,500 watersheds in the Appalachian region which need project-type action to alleviate watershed problems and needs. Of these, something like 850 are considered potentially favorable for development under current evaluation criteria. The appropriation would allow construction work to be accelerated on approved watershed projects, and I think it is important to note that as of June 30, 1964, there were 68 uncompleted watershed projects in Appalachia, among which were the Big Ditch Run, Bonds Creek, Brush Creek, Peck's Run, Polk Creek, Saltlick Creek, Upper Deckers Creek, and Upper Grave Creek watershed projects in West Virginia. About 12 additional projects are expected to be approved in the 1965 fiscal year. I am advised that the acceleration of construction work on watershed projects in 1965 and 1966 will provide about 3,500 man-months of local employment to rural communities in Appalachia.

More importantly, Mr. Chairman, the construction of water-based recreational facilities, adequate water supplies and flood prevention measures will attract private industry and improve the economic base of the region. I think it is exceedingly important that we not overlook the fact that all funds available for loans to local sponsors of watershed projects in fiscal year 1965 have been committed, and I am told that there are approximately 2 dozen, or more, unfunded applications pending in the Appalachian region totaling about $6 million. Of the $10,220,000 in the budget estimate, $3.1 million would be for loans to local sponsors of these watershed projects in the Appalachian region.

The Department is requesting a restoration of $200,000 for the Economic Research Service, the House having allowed $200,000 out of the $400,000 requested. This money is necessary, Mr. Chairman, for the conduct of economic research and analysis on the major rural development problems of the Appalachian region, with special emphasis on the development of new approaches to employment and income needs in the region. It should be noted that the Appalachian region showed one of the highest rates of population loss, in rural areas in the 1950's, anywhere around the country. There are many counties in Appalachia which lost 20 to 25 percent in rural population and even went as high as 40 percent. Total employment in these areas is down as compared with 1950, whereas we have had an increase in employment generally of about 15 percent in the rest of the Nation. Research will be conducted to determine the resources of the rural people for making a living, with the aim of improving their opportunities to participate in the development of the region.

The next item which is being appealed, Mr. Chairman, is $150,000 for salaries and expenses, Farmers Home Administration, and $1.1 million for the direct loan account under that Administration. The full supplemental request would permit the Farmers Home Administration in the next 15 months to lend an additional $8.6 million for financing the farmer's share through loans and conservation practices for which the ASC and SCS agencies would do the planning, and the cost-sharing provision. If 80 percent of the cost of sodding waterways, for example, were going to be financed by a grant, and 20 percent were going to be paid by the farmer, the Farmers Home Administration will be enabled to lend the farmers the 20 percent which they have to put up. Of course, this program is already in existence, but if the $8.6 million were to be put into Appalachia, under the program now, it would have to be taken from elsewhere in the United States. This is a very important supplemental item, Mr. Chairman, and I hope that the subcommittee will support the appeal of $1.1 million for the direct loan account.

The next item is for $30,000 which, when added to the House allowance of $35,000 would meet the budget estimate of $65,000 for the Rural Community Development Service. These funds would provide for two additional specialists and related costs in carrying out a coordinated departmental program to provide adequate support to the Appalachian Regional Commission.

The next item, Mr. Chairman, is for forest land management and is in the amount of $500,000. The House allowed $1.5 million of the $2.5 million requested. The full reduction is not being appealed. The House committee recommended a decrease of $500,000 in the $1 million requested for the acquisition of lands under the Weeks Act. A considerable portion of this acreage would be used to enhance the recreation benefits within the Cumberland and Monongahela National Forests in Kentucky and West Virginia, respectively. Involved would be funds for acquisition of 30 to 40 thousand acres of critical forest and watershed lands within the area, of which about 4,000 acres would be in West Virginia. Much of the acreage to be acquired consists of depleted forest areas or strip mined land which would be restored to achieve watershed improvement, wildlife restoration, outdoor recreation, and increased forest production. Purchase of lands for national forest purposes would begin in fiscal year 1965 in West Virginia within or adjacent to the Monongahela National Forest. These are important watershed lands with high potential for producing timber products and game and fish, and providing outdoor recreation. Many have been heavily logged and burned. Restoration measures will require many years and a continuing stable husbandry to be effective, but the economic and social well-being of Appalachia, immediately and over the longrun, will be benefited. I wish to express strong support for the restoration of this item.

Mr. Chairman, $660,000 is being appealed for forest research to bring the House allowance of $1,125,000 up to the full budget estimate of $1,785,000. This is a very important item. The types of research conducted are in forest products utilization and marketing, and forest survey and engineering. These programs would be accelerated on problems of the Appalachian region to expand industrial use of the timber resources and to create added employment; $220,000 of this supplemental estimate would be spent for wood utilization research at the Princeton Laboratory in Mercer County, and $400,000 would go to Morgantown, W. Va., for forest engineering research. I urge that the restoration request be allowed.

The next appealed item, Mr. Chairman, is in the amount of $250,000 for the Geological Survey. Of the $750,000 requested, the House allowed $500,000. These supplemental moneys will provide for intensified programs of geological and mineral resources investigations and topographic surveys in the Appalachian area. Fortunately, the region is endowed with abundant mineral and mineral fuel resources required for the support of new industry, but a thorough knowledge of the distribution, quality, and magnitude of these resources is essential to proper economic planning for development of the area.

For conservation and development of mineral resources, under the Bureau of Mines, the Department of the Interior is requesting a restoration of $200,000, which will bring the House allowance of $300,000 up to the full request of $500,000. Technical studies would be conducted pertaining to the mineral resources of the Appalachian region. The $500,000 requested is for the first year of a 5-year program of mineral resources investigation. To develop these resources as the basis for significant industrial employment, it is necessary to appraise them in practical terms of minable reserves, profitability, and other development factors. The results would be publicized to encourage the investment of private funds required to create permanent new and self-sustaining employment. Among the types of projects that this program would be expected to lead to are stone quarries, industrial sand products, salt wells, and so forth. I support the full restoration request.

The next item, Mr. Chairman, is the restoration request for $400,000 for Appalachian region mining area restoration, under the Bureau of Mines. The budget estimate was $16,250,000, and the House allowed all but $400,000. Proposed is a program dealing with the prevention of surface area subsidence due to underground caving in of abandoned coal mines and the control and extinguishment of underground mine fires. Also included would be a nationwide study of the serious problems created by strip and surface mining activities. A program would be initiated for the reclamation and rehabilitation of strip and surface mined areas in the Appalachian region. I strongly urge, Mr. Chairman, that the $400,000 be restored to permit the Bureau to take a vital forward step in carrying out President Johnson's program for the development of Appalachia.

The manner in which much of the Appalachian area is being scarred is little short of disgraceful, and consequent land erosion and scenic destruction are shocking. The money requested will be well spent and will come back to us and to future generations manifold.

Finally, Mr. Chairman, there is a request for $400,000, under the Bureau of Sport Fisheries and Wildlife, for Appalachian region fish and wildlife restoration projects. This amount will bring the House allowance up to the full $1,750,000 requested. One of the few natural values retained by strip mined areas in Appalachia is their ability to support populations of wild game. Consequently, the program carried out by the fish and game agencies of Appalachian States, to obliterate strip mine scars and restore vegetation, can result in significant public benefits from the standpoint of increased hunting opportunities, with corollary benefits of controlling soil erosion, diminishing the formation of acid, and beautifying the landscape. The supplemental moneys requested are to provide for the Federal share for restoration of areas which have been damaged by mining. Restoration will be limited to publicly owned areas and will be done so as to enhance fish and wildlife. At least one fishing lake of 100 acres in size is proposed to be constructed in each of the four States of West Virginia, Kentucky, Ohio, and Pennsylvania. Also envisioned are demonstration projects in earth moving to ascertain methods of successfully accomplishing the regrading of strip mine scars to an acceptable level at minimum possible cost.

This would be primarily a State program, directed and managed by State fish and game agencies. State financial resources equal to one-third of the Federal contribution would be invested from State funds in all phases of the program except planning and program development. The role of the Bureau of Sport Fisheries and Wildlife would be that of an adviser and consultant.

I urge the restoration of the $400,000.

Mr. Chairman, as a member of this subcommittee, I have been pleased to present this statement, and I urge the restoration of the moneys for the items I have enumerated, believing that these appropriations will constitute a sound investment of the taxpayers' money, an investment which will redound to the welfare of Appalachia and which will stimulate the economic and physical well-being of that vital area. These moneys will help to unlock the doors of this veritable storehouse of virtually untapped wealth in mineral and other natural resources, thus enriching the people not only of the States involved, but also of the Nation. We of the present generation have the responsibility of stewardship to the children of future decades, and I trust that history, in giving an account of our stewardship, will record that we fulfilled our duty by providing the financial resources with which to do the job that lies before us.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS AND THE POLL TAX

Mr. KENNEDY of Massachusetts. Mr. President, I rise to discuss the constitutionality of the amendment to the administration's voting rights bill adopted by the Senate Judiciary Committee—and also by House Judiciary Subcommittee No. 5—to prohibit the exaction of a poll tax in State and local elections.

The amendment adopted by the Senate Judiciary Committee reads as follows:

> SEC. 9. No State or political subdivision shall deny or deprive any person of the right to register or to vote because of his failure to pay a poll tax or any other tax or payment as a precondition of registration or voting (S. 1564, Rept. No. 162, Apr. 9, 1965).

The amendment adopted by House Judiciary Subcommittee No. 5 is in substantially similar terms:

> SEC. 10. No State or political subdivision thereof shall deny any person the right to register or to vote because of his failure to pay a poll tax or any other tax (H.R. 6400, committee print, Apr. 10, 1965).

It is the view of a substantial majority of the fine lawyers on both these committees that Congress has clear authority to outlaw the poll tax in State and local elections. It is my purpose today to outline the reasons why I subscribe to that view.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. KENNEDY of Massachusetts. I would be delighted to yield to the Senator from New York.

Mr. JAVITS. I should like to compliment the Senator from Massachusetts on his role in supporting the amendment and sponsoring it with the rest of us in the Committee on the Judiciary. I am very pleased to see the Senator undertaking a considered analysis and justification for the amendment.

If the Senator would refer back to the proceedings—I believe it was as early as 1957 or 1958—he will see that I tried to achieve this result by statute at that time. I thought the argument was irrefutable then, but the Senate did not agree with me. The vote was quite close. I deeply believe that the Senator is rendering a signal service to the country and to all of us in undertaking to meet a detailed challenge as to the legality of doing this by statute instead of again by constitutional amendment. We recently adopted a constitutional amendment, and we see how it failed to meet the full measure of the challenge which we face.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from New York. He has long been recognized as a great champion of civil rights and liberties in this body. He has interested himself not only in cosponsoring this amendment in the Senate Judiciary Committee, but vocally on the floor of the Senate and in other parts of the country has alined himself in this undertaking. I appreciate the comments of the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. KENNEDY of Massachusetts. At the present time five States require payment of poll taxes as a condition of voting in State and local elections: Alabama, Arkansas, Mississippi, Texas, and Virginia. Arkansas has just adopted a constitutional amendment to abolish the poll-tax requirement and the implementing legislation is expected to be passed in the near future.

The taxes in the four remaining poll-tax States are as follows:

State	Annual rate	Cumulative provision	Maximum charge
Alabama	$1.50	2 years	$3.00
Mississippi	2.00	do	4.00
Texas	1.50	None	1.50
Virginia	1.50	3 years	4.50

There are thus only four last-ditch poll tax States in the Nation today. Forty-six States, subscribing to the principle of voting rights unencumbered by any fiscal exaction, have set a national norm of conduct against the poll tax. In my opinion, Congress not only has the authority to outlaw the poll tax in these remaining four States under section 5 of the 14th amendment and section 2 of the 15th amendment, but it has the duty to do so and to do so now. For the history of the poll tax is so entwined with racial discrimination that it can never and will never be separated from racial discrimination.

We seek in this Congress to make voting rights a reality for all. Three times in the last 8 years, Congress has passed voting rights bills. Each time we have discovered that the laws were too weak, their procedures too cumbersome, their evasion too easy, to really do the job. And so this year, the President has asked us to superimpose the Federal power, and Federal personnel, to assure the right to vote in areas where that right is being denied. I do not think any of us who support this bill would like to see it pass, and then see the right to vote again denied because of failure to pay the poll tax. We would not like to see States raise the current tax to $50 or $100, as they could now do, to keep Negroes from voting. So let us foreclose this possibility, to assure the purpose of the voting rights bill.

Mr. Justice Black, speaking for the Supreme Court in *Wesberry* v. *Sanders,* 376 U.S. 1, 17–17, declared:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

Congressmen and Senators have always taken very seriously their obligation to uphold the Constitution. They have not abandoned judgments on constitutionality of statutes to the Supreme Court. If a provision is before us that we clearly believe is unconstitutional, we should not pass it. But where an argument of genuine legal merit can be made for its constitutionality, we should not refuse to pass a needed law merely because the Court might not uphold it. Moreover, it is settled constitutional practice that a constitutional issue on which Congress has declared its will comes to the Court on much stronger grounds than when Congress has not acted. A court which may have avoided, or ruled adversely, on a constitutional issue raised by a private citizen attacking a State statute, like the poll tax, looks at such a statute in a fresh light when the issue comes before it clothed with the strength of congressional policy.

Section 5 of the 14th amendment says:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

And section 2 of the 15th amendment says:

> The Congress shall have power to enforce this article by appropriate legislation.

These are express grants of power to Congress to enforce those articles. I do not think the U.S. Supreme Court would rule that Congress had overstepped the boundaries of its authority under these two sections by outlawing the poll tax. Indeed, except where individual rights were concerned—see, for example, the case of *Aptheker* v. *Secretary of State,* 378 U.S. 500—right to a passport—and *Reid* v. *Covert,* 354 U.S. 1—right to a civilian trial—the Supreme Court has not invalidated any act of Congress since the days of its obstruction to New Deal legislation in the thirties. A Court which has been so sensitive to individual rights is hardly of a mind to invalidate congressional action to buttress what it has called the precious right to vote.

So let me turn to an analysis of the constitutionality of the poll tax.

I

The purpose of the poll tax in the Southern States where they have been enacted was clearly one of discrimination against Negroes.

Back in 1942 the Senate Judiciary Committee expressly so found. In Senate Report No. 1662, 77th Congress, 2d session, these telltale words are found:

> We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll tax laws, were motivated entirely and exclusively by a desire to exclude the Negro from voting.

Again in 1943, in the 78th Congress, the Senate Judiciary Committee had this to say in Senate Report No. 530, 78th Congress, 1st session:

> The pretended poll tax qualification for voting has no place in any modern system of government. We believe it is only a means, illegal and unconstitutional in its nature, that is set up for the purpose of depriving thousands of citizens of the privilege of participating in governmental affairs by denying them a fundamental right—the right to vote.
>
> We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll-tax laws, were moved entirely and exclusively by a desire to exclude the Negro from voting.

These conclusions, so sharply drawn by the Senate Judiciary Committee two decades ago are based on the words of those who enacted these poll taxes. The proceedings of the constitutional conventions which imposed the poll taxes are replete with statements, by the draftsmen, that the purpose of the taxes was Negro disenfranchisement. See Journal of the Proceedings of the Constitutional Convention of the State of Mississippi, 11 (Jackson 1890); Official Proceedings of the Constitutional Convention of the State of Alabama, (1901) 3368, (Wetumka, 1940); Report of the Proceedings and Debates of the Constitutional Convention of Virginia, 1901–02, 604 (Richmond, 1906); see also Snow, "The Poll Tax in Texas: Its Historical, Legal and Fiscal Aspects," 32—manuscripts, M.A. thesis, University of Texas, 1936.

Indeed, the Mississippi Supreme Court, shortly after the enactment of the poll tax in that State, candidly held that the tax was primarily designed to restrict Negro suffrage, in the case of *Ratliff* v. *Beale,* 74 Miss. 247, 20 So-865 (1896). That was a case brought to recover property seized by the sheriff for nonpayment of the poll tax. In interpreting the purpose of the poll tax, the Court held it was primarily designed to restrict Negro suffrage and allowed recovery of the property. The Court discussed the poll tax as part of an overall scheme to control the franchise, which also included apportionment:

> If we look at a map of the State, and at the census reports, showing the racial distribution of our population, and consider these in connection with the apportionment of the constitution, it will at once appear that unless there be a great shifting of population, the control of the legislative department of the State is so fixed in the counties having majorities of whites as to render exceedingly improbable that it can be changed in the near future. The election of the chief executive of the State is also largely affected by the same means. It is in the highest degree improbable that there was not a consistent, controlling, directing purpose governing the convention by which these schemes were elaborated and fixed in the constitution. Within the field of permissible action under the limitations imposed by the Federal Constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the Negro race. By reason of its previous condition of servitude and dependence, this race had acquired or accentuated certain peculiarities

> of habit, of temperament, and of character, which clearly distinguished it as a race from that of the whites—a patient, docile people, but careless, landless, and migratory within narrow limits, without forethought. Restrained by the Federal Government from discriminating against the Negro race, the convention discriminated against its characteristics * * *. Payment of taxes for 2 years at or before a fixed date anterior to an election is well qualified to disqualify the careless.
>
> In the article of franchise is found the section we have under consideration. True, it is a revenue measure. But it is also true that the payment of the tax is one of the qualifications of an elector, and the question is whether its primary purpose is for revenue, with incidental disqualification to vote attached to its nonpayment, or whether the tax was levied primarily as an additional disqualification to those who should not pay it * * *. The following history of the subject of poll taxes, as appearing in the journals of the convention, will cast some light on the question involved. (Here follows a discussion of the action of the convention.) In our opinion, the clause was primarily intended by the framers of the constitution as a clog upon the franchise, and secondarily and incidentally only as a means of revenue" (pp. 868–869).

The situation is even clearer, if possible, in Virginia. Here is what the 1942 Senate Judiciary report, from which I have already quoted, has to say on the origin of the poll tax in that State:

> We desire to call attention to the Virginia constitutional convention which submitted an amendment which was afterward adopted to the constitution of Virginia by which it was intended to disfranchise a very large number of Virginia citizens. We think this convention can be regarded as a fair sample of other conventions in other poll tax States. Hon. Carter Glass was a member of that convention. Near the beginning of the convention Senator Glass made a speech in which he outlined in a very forceful language what the object was, after all, of the convention. He did this in his usual commendatory method of getting at the real cream in the coconut. Near the beginning of the convention he made a speech in which he said:
>
> "The chief purpose of this convention is to amend the suffrage clause of the existing constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to all persons and classes without distinction. We were sent here to make distinctions. We expect to make distinctions. We will make distinctions."
>
> Near the conclusion of the convention, Senator Glass delivered another address in which he referred to the work already performed by the convention. He said:
>
> "I declared then (referring to the beginning of the convention and the debate on the oath) that no body of Virginia gentlemen could frame a constitution so obnoxious to my sense of right and morality that I would be willing to submit its fate to 146,000 ignorant Negro voters (great applause) whose capacity for self-government we have been challenging for 30 years past."
>
> There is no doubt but what Senator Glass stated the real object the convention had in view. The fact that his remarks were received with great applause indicates that his fellow members of that convention agreed with him and that the real object they had in view, and which they believed they could accomplish, was disfranchising "146,000 ignorant Negro voters."

Mr. President, there is documentation, too, that the purpose of the Alabama constitutional convention that adopted the poll tax was to disfranchise the colored voters of that State. The president of the convention, as quoted in the journal of the convention, stated:

> The purpose of the convention was, within the limits imposed by the Federal Constitution to establish white supremacy. (Hearings before a subcommittee of the Committee on the Judiciary of Senate, 78th Cong., 2d sess., on S. 1280, p. 254.)

It should be noted at this point that the poll tax was part, but only part, of a larger effort by the Southern States to resist Negro voting. Congress, by an act of 1867, granted Negro suffrage. Three years later, the 15th amendment forbade the denial of voting rights to any citizen by either the Federal or State Governments because of race. The first poll tax law was passed that very year. Professor Munro, in his book, "The Government of the United States," described what happened in these words:

> Since 1877, when the troops were withdrawn, the Southern States have successfully managed to evade, circumvent, and render largely innocuous the provisions of the 15th amendment. At first they did it by Ku Klux methods, intimidating the Negro into abstention from the polls. But there developed among the white population of the South a feeling that these roughhanded methods could not go on forever and that the actual disfranchisement of the Negro ought to be "legalized." How to do this, and still keep from colliding with the Federal authorities, has given them some trouble; but they have managed it. The artifices which they have used to disfranchise the Negro are interesting, and a few of them ought to be briefly described, if only for the purpose of showing how the law of the land gives way before a strong public sentiment. (Munro, "The Government of the United States," 109 (4th ed. 1937).)

The U.S. Commission on Civil Rights in its 1959 report summarizes these events:

> Between 1889 and 1908, the former Confederate States passed laws or amended their constitutions to erect new barriers around the ballot box. The most popular were (1) the poll tax; (2) the literacy test; (3) the "grandfather clause", which provided an alternative to passing a literacy test for those who had voted in 1867 (or some year when Negroes could not vote) and to their descendants. Other measures included stricter residence requirements, new criminal disqualifications, and property qualifications as an alternative to the literacy test.
>
> These barriers often kept poor whites from voting—and were sometimes openly so intended. But their sponsors made little or no attempt to disguise their chief objective, which was to disfranchise Negroes in flat defiance of the 15th amendment. The chairman of the suffrage subcommittee in the 1902 Virginia constitutional convention declared of the new literacy test:
>
> "I expect the examination with which the black men will be confronted to be inspired by the same spirit that inspires every man upon this floor and in the convention. I do not expect an impartial administration of this clause."
>
> The president of the 1898 Louisiana constitutional convention, which adopted the first grandfather clause, summarized as follows:
>
> "We have not drafted the exact constitution that we should like to have drafted; otherwise we should have inscribed in it, if I know the popular sentiment of this State, universal white manhood suffrage, and the exclusion from the suffrage of every man with a trace of African blood in his veins * * *. What care I whether the test we have put be a new or an old one? What care I whether it be more or less ridiculous or not? Doesn't it meet the case? Doesn't it let the white man vote, and doesn't it stop the Negro from voting, and isn't that what we came here for?" (pp. 30–32).

The poll tax was thus conceived in discrimination. Its purpose—to keep Negroes from the franchise—is its fatal infirmity. It can hardly be doubted that Congress, acting to implement the equal protection and due process clauses of the 14th amendment and the right to vote in the 15th amendment, has full authority to outlaw State provisions purposefully dedicated to restricting the right to vote. This principle was settled in *Gwinn* v. *United States,* 238 U.S. 347 (1915) in which the Supreme Court outlawed the grandfather clause; in *Buchanan* v. *Warley,* 245 U.S. 60, (1917) in which it struck down zoning to restrict the franchise; and most recently in *Gomillion* v. *Lightfoot,* 364 U.S. 339 (1960), in which the redistricting of Tuskeegee, Ala., to exclude Negro voting was held unconstitutional.

II

Mr. President, not only was the poll tax conceived in discrimination, but it has been operated in a discriminatory manner.

The leadership Conference on Civil Rights presented evidence on the discriminatory operation of the poll tax to House Judiciary Subcommittee No. 5 through Chairman Roy Wilkins, its counsel, Joseph L. Rauh, Jr., and Virginia Attorney Samuel Tucker. Evidence was given there of Negroes being denied the right to pay their poll taxes. There was evidence, too, of lawsuits being necessary to compel officials to accept payment of the poll tax by Negroes.

One case cited to the House subcommittee was *U.S.* v. *Dogan,* 314 F. 2d 767 (5th Cir., 1963). In that case the United States sought a mandatory injunction on behalf of Negro residents of Tallahatchie County, Miss., to force the sheriff of that county to accept their poll tax. The court's discussion of the facts showed that the county had approximately 6,000 white persons of voting age and 6,500 colored; that it had no colored voters; that no colored residents were permitted to pay a poll tax; that the policy of the sheriff, who was charged with collecting the tax, was to allow his deputies to accept payment from white applicants, but to have all colored applicants referred to him personally, and that of those colored applicants so referred, none were allowed to pay the tax. Affidavits in the record showed that one applicant had been trying regularly to pay her poll taxes from 1951 to 1962; another from 1952 to 1962. Each had been regularly turned down.

Along the same lines, Burke Marshall, former Assistant Attorney General, Civil Right Division, U.S. Department of Justice, in his article, "Federal Protection of Negro Voting Rights," in 27 "Law and Contemporary Problems" 455, 464 (1962) noted that:

> In one Mississippi county white voters pay their poll taxes to collecting deputies in either of the county sheriff's widely sepa-

> rated offices. Negroes who proffer their payments to the deputies are invariably told to see the sheriff, who is rarely in either office and never in both.

There are, of course, reasons why there was not more evidence along these lines presented to the Congress on the discriminatory operation of the poll tax. Discrimination through literacy tests, vouching requirements, economic reprisals, and even violence, has kept most Negroes from ever reaching the poll-tax stage. The significant point is that, with all these other methods of discrimination, there should be as much evidence of direct use of the poll tax to discriminate as there is. And its use for the future, once other discriminatory methods are swept aside, can easily be foretold. Poll taxes can be raised to prohibitory levels; more barriers can be raised in their administration. Under section 2 of the 15th amendment, Congress has clear authority to act both to redress the racial discrimination that has already occurred and to prevent it from taking new forms in the future.

III

Mr. President, not only was the poll tax conceived in discrimination, not only has it operated to discriminate, but its effect is obviously and inevitably discriminatory. As the report of the President's Committee on Civil Rights in 1947 bluntly puts it, the poll tax "has been very effective as an anti-Negro device"—page 39. Thus, for example, only 18.31 percent of the potential voters in the then eight poll tax States voted in the 1944 presidential elections, as contrasted with 68.74 percent in the 40 non-poll-tax States—see report, page 38.

In an article by Christensen, "Anti-Poll-Tax Bills," in 33 Minn. Law Rev. 217, 247, it is stated:

> Evidence that the poll tax requirement does discriminate against the Negro is not lacking. The requirement was adopted in most of the Southern poll tax States as one legal means of disfranchising the Negro. After the requirement was adopted, it is estimated that the Negro vote dropped 80 percent.

The reason for this is quite simple. The poll tax is a far heavier economic burden on Negroes than on whites. In 1959, according to the 1960 census, median family incomes for the four poll tax States were:

	White	Nonwhite	Multiple
Alabama	$4, 764	$2, 009	2. 37
Mississippi	4, 209	1, 444	2. 91
Texas	5, 239	2, 591	2. 02
Virginia	5, 522	2, 780	1. 99

And, of course, the discrepancies in large areas of these States, especially rural areas, are many times greater than on a statewide basis.

Since almost all Negroes deprived of their voting right by the tax have not paid in previous years, the cumulative provisions of the State laws are in effect. This means that a Negro in Mississippi whose income equals the State median must pay over 12 percent of his weekly income in order to vote. In Alabama and Virginia, it is 7 percent. For one-half of the Negro citizens of these States whose income falls below the median, the percentage and the economic burden is even greater. For the many rural Negroes who buy on credit and pay in crops and labor, and thus are really not within the cash economy, the funds needed for poll tax payments are impossible to raise.

These differences in income, and thus in ability to pay a poll tax, flow from the system of State-supported segregation and discrimination in all these States. If the Supreme Court's rule of "one person, one vote" as laid down in *Reynolds* v. *Sims*, 377 U.S. 533, 558, and *Gray* v. *Sanders*, 372 U.S. 368, 381, is to be meaningful, Congress must act to protect the right of those with the lowest incomes to cast their votes. For the Supreme Court has said that a person's exercise of the franchise may not be impaired because of his "economic status"—*Reynolds* v. *Sims*, 377, U.S. 533, 566.

From this decision, I conclude that a court which in these apportionment cases, even in the absence of legislation, found a violation of the 14th amendment in the unequal weight accorded votes actually cast, is hardly likely to deny Congress the authority to protect the right to cast a vote from the imposition of a tax that bears unequally on our Negro citizens.

What you have in the States with poll taxes is a history of segregation and deprivation of economic opportunity. Under these circumstances, the $3 tax in Coahoma County, Miss., operates far differently on Negroes than on whites. As I said, many Negroes in rural areas never have cash. The discriminatory effect of these States' past discrimination is carried forward through its requirement that both white and Negro pay $3 for the right to vote.

We know that educational differences resulting from past discrimination make the literacy test discriminatory. In the same way, economic differences resulting from past State action against Negro equality of economic opportunity makes the poll tax discriminatory in and of itself. This is a simple case of State action creating economic differences between Negro and white—Cf. *Brown* v. *Board of Education*, 347 U.S. 438—and then setting up a standard for voting—the poll tax—which, because of State-created economic differences, inevitably discriminates against the right of Negroes to vote. Whether or not the Supreme Court might one day invalidate the poll tax on this theory without Federal legislation is unimportant. For this, I cite *Nixon* v. *Herndon*, 273 U.S. 536 (1927); *Nixon* v. *Condon*, 286 U.S. 73 (1932); *United States* v. *Classic*, 313 U.S. 299 (1941); *Smith* v. *Allwright*, 321 U.S. 649 (1944); *Terry* v. *Adams* 345 U.S. 461 (1953). What is important is that it certainly gives Congress the power to act to protect the franchise under the 14th and 15th amendments.

Furthermore, and apart from racial considerations, a State should no more be permitted to condition the right to vote on economic ability to pay a poll tax than it may condition the right to appeal a conviction on economic ability to pay for the record. In *Griffin* v. *Illinois*, 351 U.S. 12, which involved the right of a defendant to appeal his conviction even though he could not pay for a required record of the trial proceeding, the Supreme Court stated that "a State can no more discriminate on account of poverty than on account of religion, race, or color"—351 U.S. at 17. And in *Douglas* v. *California*, 372 U.S. 353, where it was held that an indigent person must be afforded counsel on his first automatic appeal from a criminal conviction, the Court stated that not to do so is to draw "an unconstitutional line between rich and poor"—372 U.S. at 357. I think the Court would find these cases very relevant here.

In view of the attitude the Court has taken on the rights of the poor, as shown by these cases, and in view of all the programs Congress has taken in the field of poverty, especially the Criminal Justice Act of 1963, which guarantees legal representation to indigents to secure their rights, how can we allow the poll tax which is a barrier to the fundamental right to vote to stand? How can we determine a person's right to participate in his government, through voting, by economic standards? How could the Court, if we forbade such a discriminatory determination, rule against Congress? The history of the suffrage in this country is the history of extensions of democracy by gradual removal of economic qualifications for voting. Poll tax abolition is but another chapter in this history. The same unconstitutional line between "rich and poor" occurs in Coahoma County, Miss., where a $3 poll tax is an impossible burden for many Negroes. And again it should be noted that the question is not whether the Supreme Court will act in the absence of Federal legislation, but whether it will invalidate legislation by Congress under the 14th amendment, with all the presumptions such legislation raises. As a matter of fact, the question of the validity of the poll tax in the absence of Federal legislation is pending before the Supreme Court in Harper against Virginia State Board of Elections, which will be argued in the fall of 1965 and decided in 1966—unless, of course, the Supreme Court, always anxious to avoid constitutional issues, if possible, disposes of the case on other grounds. But, as I have already indicated, the question before the Court in that case is wholly different from what would be the question before the Court if Congress acts under section 5 of the 14th amendment and section 2 of the 15th amendment to implement those articles. Congress, by enacting the antipoll tax provision adopted last week by the two committees, will be finding that the poll tax wrongly draws a line between rich and poor and between white and black, and a court which has gone so far to prohibit those lines without legislation is hardly likely to invalidate congressional action to the same end.

IV

Mr. President, I have little doubt—no, Mr. President, I will say it more strongly—I have no doubt of Congress' power to abolish the poll tax which was conceived in discrimination, which has been used to discriminate, and which has had the effect of discriminating. Having said this much, I might sit down. But, Mr. President, because a question has been raised about the constitutionality of the amendment I proposed and cosponsored by members of the committee, and the Senate Judiciary Committee adopted, I should like to marshal certain additional arguments in support of our anti-poll-tax provision.

Actually, I do not suppose anyone would question congressional authority to abolish the poll tax in areas where Federal examiners will operate under the proposed bill, S. 1564. We are providing for examiners in areas of illegal discrimination; acting under the 15th amendment to protect potential voters against discrimination, Congress has the right to fashion its remedy in any reasonable manner. See Lousiana against United States, decided by the Supreme Court on March 8, 1965, just about a month ago.

Certainly, it is wholly reasonable to remove the burden of collecting the poll tax from the shoulders of the Federal examiner. And, if the Federal examiner is not to collect the tax, it will unduly complicate the machinery of registration and voting to have the potential voter dealing with the Federal examiner to register and the State authorities to pay his poll tax. The collection of a poll tax will impede the new Federal examiner system we are creating in S. 1564 and Congress can certainly remove this impediment to its action under the 15th amendment.

Actually, the difficulty is evidenced by the different drafts of the bill the Senate Judiciary Committee has been considering. The initial draft, as introduced, provided that the Federal examiner should collect the poll tax and pay it over to the State authorities. Deeming this cumbersome or worse, the substitute proposed by the junior Senator from Illinois [Mr. **Dirksen**] provided for payment to the appropriate State official directly or by post office money order. This recognizes better than anything I can say just how much the poll tax would impede the examiner system. The Dirksen substitute recognizes that the Federal examiner should not be burdened by a requirement that he collect the poll tax; it also recognizes that the State officials will not regularly receive poll taxes from Negroes. So the Dirksen substitute provided for a post office money order being sent to the State officials, thus adding to the cost of the already burdensome payment of the poll tax. Nothing could more clearly show that the payment of the poll tax would impede and hinder the examiner system. The power of Congress under section 2 of the 15th amendment to remove this impediment and hindrance in fashioning the Federal examiner system and preventing discrimination is too clear for further discussion.

V

Mr. President, I come now to another proposition that supports the Senate Judiciary Committee action: The poll tax is not a qualification for voting under article I of the Constitution, but rather a restriction on voting. Congress has power to outlaw such a restriction if it deems it a restraint on the right to vote for which there is no good cause and adequate justification.

This was well put by the Senate Judiciary Committee in 1943—Report No. 530, 78th Congress, 1st session:

> The evil the legislation seeks to correct is in effect that in taking advantage of the constitutional provision regarding qualifications, the States have no right to set up a perfectly arbitrary and meaningless pretended qualification which, in fact, is no qualification whatever and is only a pretended qualification by which large numbers of citizens are prohibited from voting simply because they are poor. Can it be said, in view of the civilization of the present day, that a man's poverty has anything to do with his qualification to vote? Can it be claimed that a man is incapacitated from voting simply because he is not able to pay the fee which is required of him when he goes to vote? In other words, when States have prevented citizens from voting simply because they are not able to pay the amount of money which is stipulated shall be paid, can such a course be said to have anything to do with the real qualifications of the voter: Is it not a plain attempt to take advantage of this provision of the Constitution and prevent citizens from voting by setting up a pretended qualification which, in fact, is no qualification at all?
>
> We believe that there is no doubt that the prerequisite of the payment of a poll tax in order to entitle a citizen to vote has nothing whatever to do with the qualifications of the voter, and that this method of disfranchising citizens is merely an artificial attempt to use the language of the Constitution, giving the States power to set up qualifications which in fact have no relation whatever to qualifications.

This same view was expressed 4 years later by the distinguished junior Senator from Illinois who has done so much for civil rights legislation. Senator **Dirksen**, then a Representative from the State of Illinois, testified before the Subcommittee on Elections of the House Administration Committee—80th Congress, 1st session—as follows:

> So I came to the conclusion that in my judgment a poll tax is not a qualification. As I see it a poll tax is not a qualification but is a restriction.

It would hardly seem necessary to belabor this point. Nothing in the payment of a poll tax evidences one's "qualification" to vote. A man with a million dollars in the bank cannot vote if he fails to pay the tax; a man who steals a couple of dollars to pay the tax has met this condition. A poll tax has nothing in common with true "qualifications": age—reflecting maturity of judgment, residence—reflecting knowledge of local conditions, and so forth. The poll tax is, as Senator **Dirksen** so well said, "not a qualification but a restriction."

Because it is a restriction on the "precious" right to vote—*Wesberry* v. *Sanders*, 376 U.S. 1, 17—those who would support the poll tax have a heavy burden to shoulder. The denial of the vote without good cause is a deprivation of constitutional right—see *Baker* v. *Carr*, 369 U.S. 186, 208. Once it is demonstrated that the poll tax cannot be justified as a "qualification" for voting fixed by the States under article I of the Constitution, good cause for this restriction on the right to vote is hard to find. No one seriously contends that it is a revenue measure. Forty-six States deem it unwise. Ample evidence exists of its discriminatory origin, application, and effect. Whether the Supreme Court would find this restriction on voting an arbitrary restriction of constitutional right in the absence of legislation, I do not know. But of this I feel quite certain: Congress has the right to determine that this restriction on the right to vote is not justified in our Nation today and to declare it illegal under section 5 of the 14th amendment.

VI

There is yet another basis on which the Congress may rest its decision that the poll tax should be prohibited, namely its authority to protect the republican form of government under section 4, article IV of the Constitution.

Not only does Congress have this authority, it is clear ever since the landmark decision in *Luther* v. *Borden*, 7 How. 1 (1849), that its judgment in exercising this authority is conclusive and nonreviewable.

On a previous occasion when an anti-poll tax statute was being considered, the appropriate committee of the Senate concluded that the poll tax does in fact violate the guarantee of a republican form of government.

The Senate Judiciary Committee in Senate Report No. 530, 78th Congress, 1st session, on H.R. 7, a bill to prohibit the poll tax as a prerequisite to the exercise of the franchise, had this to say:

> In section 4, article IV of the Constitution of the United States, it is provided:
>
> "The United States shall guarantee to every State in this Union a republican form of government."
>
> What does this mean in the light of present day civilization? Can we have a republican form of government in any State, if within that State, a large portion and perhaps a majority of the citizens residing therein are denied the right to participate in governmental affairs because they are poor? The most sacred right in our republican form of government is the right to vote. It is fundamental that that right should not be denied unless there are valid constitutional reasons therefor. It must be exercised freely by freemen. If it is not, then we do not have a republican form of government (p. 5).

I believe that Congress has the right and duty to act under section 4 of article IV of the Constitution.

VII

Mr. President, I respectfully submit that the constitutional case for the statutory abolition of the poll tax outlined above is not just a good case, not just a strong case, but an overwhelming and unanswerable case.

Before concluding, however, I should like to respond briefly to three arguments that have been mentioned in support of the view that Congress does not have authority to abolish the poll tax by statute.

The first argument runs like this: When Congress abolished the poll tax in Federal elections by constitutional amendment, it conceded that it did not have the power to do this by statute; ergo and a fortiori, Congress does not have the power to abolish the poll tax in State and local elections by statute. But the conclusion falls with the premise. Congress did have the power to abolish the poll tax in Federal elections by statute. Indeed, the House of Representatives has passed five antipoll tax bills since 1939; but each time the bill died under Senate filibuster or threat of filibuster. The action of Congress in abolishing the poll tax by the 24th amendment was a compromise to avoid a Senate filibuster. In no sense was it a decision by Congress that it did not have authority to act by statute to abolish the poll tax in Federal or State elections.

Then, too, our opponents cite the Supreme Court's decision in *Breedlove* v. *Suttles*, 302 U.S. 277 (1937), which upheld the Georgia poll tax (now repealed). But any reliance upon the Breedlove case is misplaced. That was a suit by a white male claiming a denial of equal protection because of favoritism to older people and to women. The 15th amendment was not raised. No claim was made of racial or economic discrimination.

Furthermore, a decision on the poll tax in the absence of congressional action is totally irrelevant to the issue of congressional power to act. Because neither racial discrimination nor congressional action was involved in Breedlove, it has no application to the proposed anti-poll-tax provision presently in the Senate and House bills.

Finally, there is the argument that if Congress can strike down this tax, it can strike down any State tax—a sales tax, an income tax, etc. But a poll tax is obviously not a revenue-producing device. It is an attempt to deny a constitutional right. We are not dealing with money here, but with a basic right guaranteed by the Constitution. It, therefore, falls much more closely within the class of noxious taxes, such as State taxes on newspapers, which the Court has declared unconstitutional, and which Congress certainly has the right to forbid—*Grosjean* v. *American Press Publishing Co.*, 297 U.S. 233.

With the 24th amendment, the Breedlove contentions both disposed of, what then is left of the doubts that have been expressed about the constitutionality of legislation abolishing the poll tax? Is there any question of the discriminatory purpose, operation and effect of the poll tax? I do not believe so. Is there any question that section 5 of the 14th amendment and section 2 of the 15th amendment are broad delegations of power to Congress to enforce these articles? I do not believe so. Is there any question that the anti-poll-tax provision would find a hospitable reception before a Court that has done so much to buttress the right to vote even while Congress failed to act? I do not believe so.

Mr. President, for all these reasons, I respectfully suggest that the time has come, if indeed it has not been long overdue, to abolish the poll tax by congressional enactment.

Among the many distinguished constitutional experts who support my views on this position, Prof. Mark De W. Howe of the Harvard Law School, sent me his views on the matter, which I believe deserve careful consideration by every Member of the Senate.

Mr. President, I ask unanimous consent to have Professor Howe's views printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Law School of Harvard University,
Cambridge, Mass., April 9, 1965.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

My Dear Senator: My belief that Congress possesses the power to prohibit such taxes derives from the strong conviction that the Congress was granted a far broader power by the three Civil War Amendments than the congressional leadership over the last 90 years has been willing to admit. The political considerations that originated this illusion of impotence were unhappily strengthened by a series of unfortunate opinions delivered by Justices of the Supreme Court in the 1880's and 1890's. Those statesmen who find tranquillity in the shadows of that era are quick and eager, of course, to find reassurance in its negations. They live in the absurd hope that today's Court will respond to a vigorous and thoughtful exercise of congressional power to resolve known problems in the same way that the earlier Court responded to careless and unthinking enactments born in haste for the resolution of undefined and undeveloped problems. Surely issues of power must be considered and answered in the context of history rather than framed and contemplated in a structure of abstractions.

It is inconceivable, I take it, that those Congressmen and Senators who in 1960 and 1964 supported the congressional power to enforce a presumption of literacy in Federal elections and currently are supporting the constitutional power of Congress to modify or cast aside literacy tests in all elections in any community which has used those tests to effect racial discriminations, should question the outlawry of poll taxes in those communities where they have been made an instrument for preserving a caste system. If the Congress is persuaded that there is a substantial danger that the poll tax will be put to such discriminatory uses—and the enactment of the 24th amendment is good evidence of that persuasion—I think it wholly clear that total outlawry of the tax is within the congressional power. There can be no question but that any exaction, regulatory or fiscal, which has been put to use in State and local elections to disqualify Negroes from voting is as much subject to congressional outlawry as a similar exaction impairing the Federal franchise. It was, of course, a misfortune that the Congress thought it wise to outlaw poll taxes in Federal elections by constitutional amendment instead of statutory prohibition. It does not seem to me, however, that an error of judgment then made should bar the new Congress from exercising its legitimate powers. It may even be argued, with some force, that experience under the 24th amendment has shown that for effectuation of the policies of that amendment, congressional control of State poll taxes is appropriate. See, e.g. *Gray* v. *Johnson*, 234 Fed. Supp. 743; *Forssenius* v. *Harman*, 235 Fed. Supp. 66.

If it be asked whether the Congress is authorized to outlaw poll taxes as a condition of voting in State and local elections in those communities where no finding of discriminatory motivation in such taxation has been made, I find it easy to answer affirmatively. If Congress is persuaded, as I take it that it may be, that the primary function of making payment of poll taxes a condition of suffrage has been the exclusion of Negroes from the franchise it is wholly fitting that the prohibition against their use should be made national. Those considerations which make it politically undesirable to have one law for the South and another for the balance of the Nation, surely suggest that it is constitutionally permissible for the Congress to prohibit everywhere a practice which, wherever it has recently prevailed, has been used for unconstitutional purposes. It must not be forgotten, furthermore, that the Supreme Court, in recent years, has shown a new sensitivity to the imposition of financial burdens upon an indigent's exercise of rights that are available to the affluent. See, e.g., *Giffin* v. *Illinois*, 351 U.S. 12. Those cases which have rejected the contention that the equal protection clause of its own force invalidates the exaction of poll taxes from indigent voters (see *Harper* v. *Board of Elections*, 9 Race Relations Rep. 1791) have quite naturally said nothing of the congressional power under the 14th amendment to equalize the voting rights of rich and poor. Surely a congressional finding that when a State imposes a financial exaction upon the exercise of voting rights it threatens an impairment of the equality promised by the 14th amendment would be entitled to the deepest respect by the Supreme Court.

The specifics of which I have spoken will, perhaps, be seen in a clarifying perspective if I define the broad principle which governs my judgment in these matters. I said at the outset that the Congress possesses many more powers in this area than it has traditionally exercised. This legislative atrophy has encouraged the mistaken belief that the unexercised power does not exist. The Congress evidently needs to be reminded that the sources of its authority flow from many provisions in the Constitution. Is it not time, perhaps, to recognize that the Congress may do much in the fulfillment of the Nation's responsibility to "guarantee to every State in this Union a Republican Form of Government" (art. IV, sec. 4)? It would be an odd structuring of our society if the Supreme Court of the United States could enter the mazes of State electoral processes assuring equal protection of the laws under the doctrine of *Baker* v. *Carr* and its progeny, while the Congress is barred at the threshold of effective political power. More than the Congress seems to realize, its power to define and incidentally to protect the rights of American citizens under the 5th section of the 14th amendment may be put to effective work. See *United States* v. *Waddell*, 112 U.S. 76 (1884); cf. *Hague* v. *CIO*, 307 U.S. 496. Even the best and most learned of lawyers seem to have forgotten that Mr. Justice Miller, writing for a majority of the Court in the Slaughterhouse cases acknowledged that the privileges of U.S. citizenship included the rights given by the equal protection clause of the 14th amendment (16 Wall. at 80). In the effort to make the assurances of that clause effective, insofar as American citizens are concerned, the Congress may, in my judgment, take appropriate action to secure their voting rights against invidious impairment whether on grounds of race or on grounds of indigence. If the Congress can make intrastate travel by air a privilege of U.S. citizenship (49 U.S.C. § 180; *United States* v. *Causby*, 328 U.S. 256) surely it may take action under the 5th section of the 14th amendment to make participation in State and National elections without racial discrimination or financial burdens a privilege of that citizenship. I would commend to your attention the reflections of Senator Carpenter in 1872 with respect to the scope of Congressional power under the implementing clauses of the 14th and 15th amendments (42d Cong., 2d sess., Cong. Globe 761). The same views were later stated by the first Mr. Justice Harlan in his powerful dissent in *Baldwin* v. *Franks*, 120 U.S. 678, 699–701. Today's Court, eager for active congressional participation in the struggle for civil rights, may be counted on to adopt in this matter, as in so many others, the views of Justice Harlan rather than those of his timorous bretheren.

To advocate the thesis which I have outlined is not to say that the Civil War amendments wholly abrogated the provisions of article I, section 2, by which primary authority for determining the qualifications of voters was acknowledged to be in the States. My contention does assert, however, that when U.S. citizenship was elevated by the opening sentence of the 14th amendment from a secondary to a primary status, congressional power was made so pervasive as to authorize the supersession of State power over voter qualifications. To urge that the provisions of section 2 of the 14th amendment indicate that the only permissible penalty for exclusions from the suffrage is a reduction in congressional representation, is to assert that a barrier against discrimination which has heretofore been wholly without value serves to render all other congressional efforts to deal with these pressing matters of decency unconstitutional. Section 2 of the 14th amendment established one means of encouraging universal suffrage. It should not be read as providing a barrier against legislation that seeks to assure equality between qualified white and colored voters, between men of means and our impoverished citizens.

There will be some in the Congress who will urge that decisions of the Court which have recognized that electoral policies and practices of the States that are not invalidated by the raw terms of the 14th and 15th amendments (e.g., *Breedlove* v. *Suttles*, 302 U.S. 277; *Lassiter* v. *Northampton Board*, 360 U.S. 45) are, by these judicial pronouncements, put beyond the reach of Congress. This analysis of power is built upon the unacceptable assumption that the Congress has no other role in the enforcement of the principles and assurances of the Civil War amendments than to assist the courts in making the judicial power in constitutional law effective. Had this philosophy governed action and decision it would have prevented the enactment or enforcement of those statutes which defined and outlawed peonage (see Peonage Cases, 123 Fed. 671; *Pollock* v. *Williams*, 322 U.S. 4). It would have rendered invalid the bulk of the Civil Rights Act of 1870 by which the Congress, among other things, sought to carry into effect the assurances of the 15th amendment and which remained on the statute books of the United States as a national electoral code until 1894 (28 Stat. 36). The timorous philosophy which I summarize would not find it easy, I think, to explain why it is that the Congress in other spheres of its competence may take action to supplement—even to undo—decisions of the Supreme Court relating to State and National power (see note, "Congressional Reversal of Supreme Court Decisions, 1945–57," 71 Har. L. Rev. 1324; Dixon, "Civil Rights in Transportation and the ICC," 31. Geo. Wash. L. Rev. 199; Black, J. dissenting, *Bell* v. *Maryland*, 84 S. Ct. 1814, 1877–78; Douglas, J. Concurring, *Heart of Atlanta Motel* v. *United States*, 85 S. Ct. 348, 369–373).

Very sincerely yours,

MARK DEW. HOWE.

Mr. HART. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Michigan.

Mr. HART. Mr. President, it is wholly right that this first discussion of our effort to respond to the appeal of the President, who voiced the conscience of America, that the right to vote be extended to all citizens, be given us today by the junior Senator from Massachusetts. It was he who in the Committee on the Judiciary offered the poll tax amendment, and it was he who carried that point in the committee.

The remarks which he has just concluded are scholarly and eloquent.

A few years ago his distinguished brother, who once served in this body and then went on to still higher office, made a speech in New Haven, which was an appeal to this country to reexamine some myths and to test some assumptions. As I recall, President Kennedy was speaking about economic myths and assumptions. The distinguished junior Senator from Massachusetts at this moment is asking all of us to reexamine some assumptions which some of us have made with respect to a constitutional question. Each of us has a heavy obligation to read the words of the junior Senator from Massachusetts very carefully and thoughtfully, and to determine what in fact was the purpose of the poll tax and what in fact its application has been, and then to determine what the answer is with respect to the constitutionality of what I choose to call the Kennedy amendment in the voting rights bill.

The distinguished junior Senator from Massachusetts, in the early section of his remarks, pointed up the fact that each of us is bound by oath to support the Constitution, and that what we clearly believe to be unconstitutional should be rejected by us. Whatever may be our desire or wish, this binds us, as it does every citizen.

Where there is an argument of genuine legal merit about the constitutionality of a proposal, we should not refuse to enact a law which we regard as necessary to achieve an objective we regard as desirable merely because the courts might not uphold it.

As the Senator from Massachusetts has explained, there is overwhelming reason to believe that if Congress acts affirmatively on the amendment, the Supreme Court of the United States, which has been concerned about extending opportunities to minority citizens of this country, even in advance and without congressional support, will not reject the proposal.

When the bill is passed I hope thought will be given, in the excitement of that moment, to this moment, when this debate was opened so eloquently and so responsibly and so effectively by the junior Senator from Massachusetts.

I thank him very much.

Mr. KENNEDY of Massachusetts. Mr. President, I appreciate the remarks of the Senator from Michigan. There is no member of the Judiciary Committee or of the Senate for whom I have greater respect or who has been of greater inspiration not only on this subject, but with respect to the welfare of all the people, for so many years, than the Senator from Michigan. I thank him for his very kind remarks.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from Florida.

Mr. HOLLAND. In the first place, I should like to ask the distinguished Senator with respect to a question addressed to him by the learned Senator from Michigan [Mr. HART], which complimented the Senator from Massachusetts—and I compliment him also—on his speech in the effort to carry out what he referred to as the request of the President of the United States. The Senator knows full well that the provision, seeking to eliminate the poll tax requirement in the four States which still have it, in the application to State and local elections, was not requested by the President of the United States, does he not?

Mr. KENNEDY of Massachusetts. I did not interpret the remarks of the Senator from Michigan as in any way insinuating it. I thought the Senator was referring to a speech President Kennedy made in New Haven, when he spoke about economic myths and assumptions and that we could carry that thought over into other matters.

I would be glad to yield to the Senator from Michigan for an extension of what he said.

Mr. HART. Mr. President, I would like to reply to the Senator from Florida. It was not my intention to suggest that President Johnson had recommended the elimination of the poll tax. I was suggesting that when the day came when we reviewed the action Congress had taken with respect to the extension of voting rights, an action which has been urged upon us by President Johnson, we would remember the very eloquent presentation that the Senator from Massachusetts has made today.

Mr. HOLLAND. I merely wished the RECORD to show clearly, which I believe it does now, that no one is claiming that the President of the United States has suggested that the poll tax, as a qualification for voting in State and local elections, which still prevails in four States, be eliminated. That is understood, is it not?

Mr. KENNEDY of Massachusetts. At this moment I would certainly hope that my remarks, in which I referred to the 24th amendment, were intended to be interpreted in any way except as a commendation of the fine contribution that the Senator from Florida made. He worked very hard for the elimination, by a constitutional amendment, of the poll tax. I say this with deep respect. He performed a genuine service. I believe all of us feel that way.

Mr. HOLLAND. I thank the Senator from Massachusetts. Of course, I was assisted actively and helpfully by the Senator from Massachusetts and also by the Senator from Michigan in that regard.

The second point I wished to bring out was this: The Senator understands, does he not, that at the time of the adoption of the Constitution one of the original States had the poll tax requirement as a qualification for voters in that State, particularly for voters in the selection of the members of the lower house of the legislature of that State?

Mr. KENNEDY of Massachusetts. I believe that is correct.

Mr. HOLLAND. The State of New Hampshire, one of the original 13 States, had a poll tax requirement as a qualification, in the way I have stated it, of its electors. Most, if not all, of the original states had more serious handicaps in their qualification of electors, as I believe the distinguished Senator recognizes.

Mr. President, I noted that the distinguished Senator from Massachusetts in his speech, which was well prepared, and as to which I commend him as to its form and as to his delivery of it, he stated, if I understood him correctly, that the poll tax requirement did away with a right guaranteed by the Constitution. With what right did the Senator concern himself?

Mr. KENNEDY of Massachusetts. The provisions of the 14th and 15th amendments. I believe in my address I listed a number of different guarantees within the Constitution, but I referred most particularly to the 14th and 15th amendments.

I should like to point out, in reference to an earlier question asked by the Senator from Florida in relation to New Hampshire, that the town collectors in New Hampshire, as I understand it, must forward a poll tax from the town to the State. The refusal of any citizen to pay such a tax on the basis of undue hardship, would not keep him from voting, however, and the town collector can seek an abatement of the tax for the whole town. That is contained in chapter 51, New Hampshire State Laws—1963.

To quote that kind of situation in comparison with the question which is before the Congress today, which is much more basic, much more dramatic, much more conclusive, and much more exhaustive, does not really illuminate the particular question which we really have before us at the present time.

Mr. HOLLAND. Mr. President, will the Senator yield for another question?

Mr. KENNEDY of Massachusetts. I am glad to yield.

Mr. HOLLAND. If the Senator relies on the 15th amendment to support a repeal of the poll tax requirement, he knows that amendment could relate, in this matter, only to members of the colored race. Does it not?

Mr. KENNEDY of Massachusetts. I am talking about section 2 of the 15th amendment, which states as follows:

> The Congress shall have power to enforce this article by appropriate legislation.

I think that that section contains sufficient breadth and power to cover the proposal, together with the interpretation which section 2 of the 15th amendment has been given as which I cited in my address, along with the other provisions of the Constitution. Those which I have mentioned, and the other holdings of the Court, afford enough reason to believe that the Members of the Senate could support the amendment in good conscience, and I feel that it would be justified in doing so, and the amendment would be upheld by the Supreme Court.

Mr. HOLLAND. The Senator knows that the first portion of the 15th amendment, which is the section which creates the coverage, applies only to the saving of the right to vote on the part of members of the Negro race or any person on account of his race, color, or previous condition of servitude?

Mr. KENNEDY of Massachusetts. The Senator is correct.

Mr. HOLLAND. The section does not apply to citizens generally.

Mr. KENNEDY of Massachusetts. Section 1 of the 15th amendment provides as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. HOLLAND. I thank the Senator for quoting the section into the RECORD. I wish to state the point I was seeking to make. I have had some experience in this field because I was a participant in knocking out the poll tax entirely as a requirement for voting in my own State, the State of Florida, when I was a member of the State senate in 1937. At that time the poll tax requirement was not even a handicap to Negroes voting in the Democratic primary because at that time we had a white primary. As a result of the enactment of the poll tax amendment, there was a very great enlargement of participation in voting by white citizens immediately. The poll tax applies to both white and colored and to all citizens who are covered. We realize that the poll tax laws of the various States have different coverages. Some exclude elderly people, some exclude women, some exclude veterans, and the like.

I ask if the Senator from Massachusetts does not know it to be the case that the poll tax in every State where it exists applies as a handicap to voting on the part of people regardless of their race, regardless of their color, and regardless of their diligence, or lack of it, in taking care of their payment of the poll taxes. Carelessness and neglect had as often as not been responsible for the disqualification of people from voting in my State prior to and up to the time of our repeal of the poll tax. The Senator knows that the poll tax requirement applies equally to citizens of all colors and races, does he not?

Mr. KENNEDY of Massachusetts. What the Senator has said is substantially correct. But there are some very dramatic qualifications. If any Member of the Senate would understand more clearly than others the dramatic effect of the poll tax on Negroes, it is the Senator from Florida, because since the enactment of the 24th amendment we have seen dramatic illustrations of cases in which the total number of Negroes voting in a number of different counties and in a number of different States has been greatly increased. I stand by the arguments that I made in my formal address. I refer again to my economic argument and the fact that there has been sufficient or significant evidence, which has been mentioned by the Civil Rights Commission, to point out where there have been instances in which registrars have refused to take poll taxes. There have been instances in which, by the very nature of the administration of the poll tax, we have seen how the cumulative effect has discriminated against Negroes on economic grounds. In many parts of the country, as the Senator would recognize, the means by which economic exchange takes place is on the basis of barter and by services rendered. Even in those areas the fact that there is a poll tax of $1 or $1.50, cumulative to $3 or even to $4, does serve economically to discriminate.

With all respect for the Senator from Florida and for his viewpoint on this question, I stand by my arguments. I stand on the arguments that I have made in my formal presentation. I believe they are overwhelming and convincing. I address them to the Members of this body.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. HOLLAND. I believe there is no Member of this body who has a clearer record of opposition to the poll tax than the Senator from Florida. But, the Senator from Florida has always tried to proceed constitutionally. He did so as a member of the State senate of the State of Florida when he voted to repeal the poll tax for all purposes in that State. He did so here when he offered for 13 years the 24th amendment to abolish the poll tax as a requirement for voting for Federal elected officials. He did so because he knew that was a constitutional amendment. He does so now because he thinks the enactment of the 24th amendment will very speedily bring about complete relief in a constitutional way. He points to the fact that even in the limited time since the enactment of the 24th amendment or its ratification, one of the States which had a poll tax prior to that time has repealed it—the State of Arkansas. He points also to the fact that while he was urging the 24th amendment in the Senate, two other States—the State of South Carolina and the State of Tennessee—repealed their poll tax. The Senator from Florida is afraid that in his zeal and in his haste to get a quick job done, the Senator from Massachusetts is overlooking the constitutional aspects of this question, which is the reason for the questions the Senator from Florida has raised. I thank the distinguished Senator for yielding to me.

Mr. PROXMIRE obtained the floor.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Delaware [Mr. WILLIAMS] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I yield to the Senator from Delaware.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. WILLIAMS of Delaware. Mr. President, I understand from the able majority leader that no action will be taken on the pending measure until April 21. However, on behalf of the Senator from Iowa [Mr. MILLER] and myself, I send to the desk an amendment and ask that it be stated. I shall discuss the amendment when the Senate reconvenes and I ask that the amendment be made the pending business.

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). The amendment will be stated.

The legislative clerk read as follows:

On page 29, line 20, strike all down to and including line 4 on page 30 and insert in lieu the following:

"Whoever knowingly or wilfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both."

Mr. WILLIAMS of Delaware. Mr. President, I ask that the amendment just read be made the pending business. I shall discuss it next week.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may now yield to the majority leader, without losing my right to the floor.

UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE BENEFITS AND COSTS OF FEDERAL MULTIPLE-PURPOSE WATER RESOURCE PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 138, S. 1229.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 4, line 25, after the word "to", to insert "this"; in the same line, after the word "section", to strike out "3"; on page 5, line 14, after the word "the", to strike out "project—" and insert "project."; in line 15, after "(1)", to strike out "if" and insert "If"; at the top of page 6, to strike out "than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and" and insert "than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States and"; in line 12, after "(2)", to strike out "if, If within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided*, That no transfer authorized herein, except transfer by conveyance at full fair market value under the then existing conditions, shall be made without approval of the President of the United States." and insert "If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph 1 of this subsection, the head of the agency having jurisdiction over the project shall offer the land for sale to its immediate prior owner at its appraised fair market value as approved by the head of such agency at the time of offer. If firm agreements to dispose of the land are not executed within ninety days of the date of such offer by the head of the agency, then the head of the agency shall determine whether such lands can be put to other use for programs of the agency or whether such lands should be reported as excess to the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed."; on page 8, line 24, after "(b)", to strike out "Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second proviso of subsection 2(d) of that Act is hereby repealed." and insert "The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: '*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.' The second proviso of subsection 2(d) of said Act is hereby repealed."; on page 9, after line 12, to strike out:

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed $28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

At the beginning of line 24, to strike out "(d)" and insert "(c)"; on page 10, at the beginning of line 5, to strike out "(c)" and insert "(d)"; at the beginning of line 15, to strike out "(f)" and insert "(e)"; at the beginning of line 18, to strike out "(g)" and insert "(f)"; at the beginning of line 24, to strike out "(h)" and insert "(g)"; on page 11, line 4, after "Sec. 7.", to strike out "(a)"; in line 6, after the word "heretofore", to strike out "or hereafter"; in the same line, after the word "authorized", to strike out "or reauthorized,"; at the beginning of line 8, to strike out "investigate, plan,"; in line 9, after the word "for", to insert "basic"; in the same line, after the word "facilities,", to strike out "to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities, and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized," and insert "such as boat ramps, picnic tables, beach areas, sanitation facilities, and parking areas of a total cost not to exceed $50,000 for each water resource project."; at the beginning of line 22, to strike out "(b)" and insert "Sec. 8, (a)"; on page 12 at the beginning of line 7, to strike out "(c)" and insert "(b)"; on page 12, at the beginning of line 7, to strike out "(c)" and insert "(b)"; in line 9, after the word "this", to strike out "section" and insert "Act"; in line 13, after the word "this", to strike out "section." and insert "Act."; on page 13, after line 7, to insert a new section, as follows:

Sec. 9. Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law or specifically directed by either the Senate Committee on Interior and Insular Affairs, by a resolution adopted by such committee, any other provision of law notwithstanding.

At the beginning of line 17, to change the section number from "8" to "10"; on page 14, after line 5, to insert:

(e) The term "feasibility report" shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

And, at the beginning of line 9, to change the section number from "9" to "11"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

Sec. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided,* That the costs allocated to recreation or fish and wildlife enchancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half of the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided,* That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than five years.

Sec. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to this section hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation of fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the cost of lands, facilities, and project modifications provided for those purposes and all costs of operation, maintenance, and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States, and such costs shall be nonreimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph 1 of this subsection, the head of the agency having jurisdiction over the project shall offer the land for sale to its immediate prior owner at its appraised fair market value as approved by the head of such agency at the time of offer. If firm agreements to dispose of the land are not executed within ninety days of the date of such offer by the head of the agency, then the head of the agency shall determine whether such lands can be put to other use for programs of the agency or whether such lands should be reported as excess to the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed.

Sec. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

Sec. 5. Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

Sec. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: "*Provided,* That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(d) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(e) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(f) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(g) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

Sec. 7. The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore authorized except projects or areas within national wildlife refuges, to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, such as boat ramps, picnic tables, beach areas, sanitation facilities, and parking areas of a total cost not to exceed $50,000 for each water resource project.

Sec. 8. (a) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(b) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this Act without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this Act. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided,* That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

Sec. 9. Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law or specifically directed by either the Senate Committee on Interior and Insular Affairs, by a resolution adopted by such committee, any other provision of law notwithstanding.

Sec. 10. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor, and supplies) used for the establishment, maintenance, and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

(e) The term "feasibility report" shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

Sec. 11. This Act may be cited as the "Federal Water Project Recreation Act".

The PRESIDING OFFICER. The first committee amendment will be stated.

Mr. JACKSON. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the committee amendments are considered and agreed to en bloc.

Mr. ALLOTT. Mr. President, we have an understanding with respect to the committee amendments, and for that reason I did not speak while the question was pending a moment ago. Section 9 reads as follows:

Sec. 9. Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law or specifically directed by either the Senate Committee on Interior and Insular Affairs, or the House Committee on Interior and Insular Affairs by a resolution adopted by such committee, any other provision of law notwithstanding.

I should now like to refer to Public Law 485, the Colorado River Storage Project Act, particularly section 2. Section 2 refers specifically to the Gooseberry, San Juan-Chama, Navajo, Parshall, Troublesome, Rabbit Ear, Eagle Divide, San Miguel, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Fruitland Mesa, Bostwick Park, Grand Mesa, Dallas Creek, Savery-Pot Hook, Dolores, Fruit Growers Extension, Animas-La Plata, Yellow Jacket, Sublette, and Juniper participating projects.

All of these projects were included in the Colorado River Storage Project Act. While the distinguished chairman of the Committee on Interior and Insular Affairs [Mr. Jackson] is in the Chamber, I should like to make this legislative history: That section 9 of S. 1229, if enacted, would not in any way modify the provisions of section 2 of Public Law 485, 84th Congress.

Mr. JACKSON. The Senator is correct. The fact is that section 9 makes two exceptions to the directive for prior approval of feasibility report investigations.

First—

Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law.

Second—

or specifically directed by either the Senate Committee on Interior and Insular Affairs, or the House Committee on Interior and Insular Affairs by a resolution adopted by such committee, any other provision of law notwithstanding.

In the judgment of the committee, when this matter was considered, section 2 of Public Law 485 of the 84th Congress, relating to the Colorado River Storage Project Act, to which the distinguished senior Senator from Colorado has referred, specifically directed the Department of the Interior to undertake investigations of the projects named in section 2 of that act.

I believe it is clear that the provision of section 9 of S. 1229, which states "has been specifically authorized by law," being an exception to the general provisions of the section, applies to the provisions of the Colorado River Storage Project Act, section 2.

Mr. ALLOTT. I thank the distinguished Senator from Washington. I take it, then, that he would agree with me, would he not, that in the general application of section 9, it was not contemplated by the committee, nor is it contemplated by the adoption of the amendment, that the language would in any way modify section 2 or any other portion of the Colorado River Storage Project Act, but that the investigations and the priority order provided in section 2 and the rest of the act, with respect to the participating projects in the Upper Colorado River Basin, would continue without any application to section 9 in the bill now pending?

Mr. JACKSON. The Senator has stated the facts correctly. In effect, what we have endeavored to do in S. 1229 is to amend section 2 of the Reclamation Act of 1902, as amended, which authorizes the Secretary of the Interior "to make examinations and surveys for and to locate and construct, in this act, irrigation works for the storage, diversion, and development of waters, including artesian wells."

I am reading, in part, from section 2 of the act of 1902, 32 Stat. 388, as amended.

This is the area to which we have directed section 9 of S. 1229. Section 9 does not apply where Congress has specifically authorized and directed surveys, feasibility reports, studies, and so on, such as those set forth in section 2 of the Colorado River Storage Project Act, as adopted in the 84th Congress.

Mr. ALLOTT. I thank the distinguished chairman of the committee.

Mr. President, I ask unanimous consent that section 2 of the Colorado River Project Act be printed at this point in the Record.

There being no objection, section 2 was ordered to be printed in the Record, as follows:

Sec. 2. In carrying out further investigations of projects under the Federal reclamation laws in the Upper Colorado River Basin, the Secretary shall give priority to completion of planning reports on the Gooseberry, San Juan-Chama, Navajo, Parshall, Troublesome, Rabbit Ear, Eagle Divide, San Miguel, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Fruitland Mesa, Bostwick Park, Grand Mesa, Dallas Creek, Savery-Pot Hook, Dolores, Fruit Growers Extension, Animas-La Plata, Yellow Jacket, and Sublette participating projects. Said reports shall be completed as expeditiously as funds are made available therefor and shall be submitted promptly to the affected States, which in the case of the San Juan-Chama project shall include the State of Texas, and thereafter to the President and the Congress: *Provided,* That with reference to the plans and specifications for the San Juan-Chama project, the storage for control and regulation of water imported from the San Juan River shall (1) be limited to a single offstream dam and reservoir on a tributary of the Chama River, (2) be used solely for control and regulation and no power facilities shall be established, installed or operated thereat. and (3) be operated at all times by the Bureau of Reclamation of the Department of the Interior in strict compliance with the Rio Grande Compact as administered by the Rio Grande Compact Commission. The preparation of detailed designs and specifications for the works proposed to be constructed in connection with projects shall be carried as far forward as the investigations thereof indicate is reasonable in the circumstances.

> The Secretary, concurrently with the investigations directed by the preceding paragraph, shall also give priority to completion of a planning report on the Juniper project.

Mr. JACKSON. Mr. President, this matter was discussed in committee. It was understood by the members of the committee that section 9 of the pending bill would not apply to the situation or the situations related by the distinguished senior Senator from Colorado.

Mr. ALLOTT. I thank the Senator from Washington.

Mr. President, on another point relating to the bill, indirectly, although it is not the subject matter of the bill, Public Law 88-578, the Land and Water Conservation Fund Act provides in section 5 (g):

> COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

It was my intention to offer an amendment to this bill, S. 1229, because it has come to our attention during the past few days that a memorandum or an Executive order has been traveling around in the executive agencies of the Government which we were afraid might have the effect of changing this particular section's legislative intent.

The import of such order, as it came to the attention of the senior Senator from Colorado, was that it might transfer a part of the funds or the functions of the Land and Water Conservation Fund Act to the Administrator of the Housing and Home Finance Agency. Now, reading from page 25 of House Report No. 900, 88th Congress, 1st session, we find the following language dealing with section 5(g) of the Land and Water Conservation Fund Act:

> Subsection (g) of section 5 authorizes the President to issue regulations which will assure consistency between policies and actions under this bill and those under other Federal programs, particularly the open-space program of the Housing and Home Finance Agency. It does not authorize transfer of functions between agencies.

I believe the last sentence makes it abundantly clear that a transfer of functions was not contemplated.

When I was informed that this matter was to be called up today, I was concerned because the present bill, if an amendment is needed, seems an appropriate vehicle for such an amendment, although the purposes of the bill are a little different. After speaking with the distinguished majority leader, he obtained a letter from Mr. Lee C. White, special counsel to the President, under date of April 12, 1965. The distinguished Senator from Washington [Mr. JACKSON] has seen this letter which the distinguished majority leader has handed to me.

The letter is addressed to Senator MANSFIELD. I read the first paragraph particularly. It reads as follows:

> We have checked into the question which you have raised about the draft Executive order defining the financing responsibility of the Department of the Interior and the Housing Agency for the Land and Water Conservation Fund and open spaces program. I can assure you that there is nothing in the draft order, nor has it ever been contemplated, that any funds or functions would be transferred from Interior to Housing.

It is exactly that point that caused me to ask that the bill be delayed. The question has bothered me. In House Report No. 900, to which I referred a few moments ago, under date of November 14, 1963, it is said definitely that it does not authorize the transfer of functions between agencies.

If this Executive order had purported to transfer, under the Land Conservation Fund Act, either the function of the Interior Department or money from the Land Water Conservation Fund, I would have been compelled to offer an amendment to the pending legislation.

I ask the distinguished chairman of the committee, the distinguished majority leader, if it is now understood from this letter that neither the functions nor any portion of the money under that proposed Executive order will be transferred to the HHFA from the Interior Department.

Mr. JACKSON. Mr. President, the Senator has stated my understanding. In addition, I should say that the sole purpose of the provision in the Land and Water Conservation Fund Act which the Senator quoted is to provide for proper coordination among the agencies, as distinguished from the movement of entire functions from one department to another. This distinction, it seems to me, is one of substance. This meaning and intent of the law should be made plain and should be followed in the executive branch.

The letter, which I take it the Senator will place in the RECORD, corroborates the understanding that I had. In addition, the proposed Executive order would not have affected in any manner, shape, or form, the pending measure before the Senate, S. 1229.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished senior Senator from Colorado, my answer is in the affirmative.

Mr. ALLOTT. Mr. President, I appreciate the response.

I ask unanimous consent that the letter signed by Lee C. White, special counsel to the President, which the distinguished majority leader procured, be printed at this point in the RECORD as part of the legislative history of this matter, in order that there will not, by Executive order, or through inadvertence in one of the executive establishments of the Government, be placed into effect an Executive order which would attempt to transfer either any of the functions or a part of the moneys from the Land and Water Conservation Fund to any other department of the Government whatever.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE WHITE HOUSE,
> *Washington, D.C., April 12, 1965.*
>
> Hon. MIKE MANSFIELD,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR: We have checked into the question which you have raised about the draft Executive order defining the financing responsibility of the Department of the Interior and the Housing Agency for the land and water conservation fund and open spaces program. I can assure you that there is nothing in the draft order, nor has it ever been contemplated, that any funds or functions would be transferred from Interior to Housing.
>
> What the Budget Bureau has been trying to do is to establish working procedures so that the cities would know how to function under the open spaces program; that is, the procedures for applying to the Housing Agency for funds. The land and water conservation fund is a new program. The open spaces program proposed in 1961 has been a very successful one.
>
> Thus it has been our intention to establish working procedures so as to avoid confusion and duplication between the two agencies.
>
> The Bureau of the Budget has talked with both Secretary Udall and HHFA Administrator Weaver and has asked them to establish an agreeable procedure. We are sure that such an agreement can be worked out.
>
> The problem has nothing to do with S. 1229, which deals with the development of recreation around Federal reservoir projects. We think this is a good bill and hope that Congress will act on it favorably in the near future.
>
> Sincerely,
>
> LEE C. WHITE,
> *Special Counsel to the President.*

Mr. ALLOTT. Mr. President, I thank the distinguished majority leader and the distinguished chairman of the committee.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1229) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes."

Mr. JACKSON. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. I yield to the majority leader.

POWERHOUSE AT GRAND COULEE DAM (H. DOC. NO. 142)

Mr. MANSFIELD. Mr. President, the Interior and Insular Affairs Committee held hearings today on the proposal to construct a third powerhouse at Grand Coulee Dam in Washington State.

President Johnson has personally endorsed this project and accordingly has transmitted to Congress authorizing legislation.

The hearing record will remain open for 10 days after which the Interior Committee will commence executive consideration of the bill.

I ask unanimous consent that the text of President Johnson's letter be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Electricity is a basic requirement of modern society. It is vital to our industries, farms, and homes. The Nation's rapidly expanding use of electricity is expected to more than double and perhaps triple by 1980. This calls for the combined efforts of all segments of the power industry—private, cooperative, and public. Therefore, I am pleased to transmit herewith the report of the Secretary of the Interior concerning the economic and engineering feasibility of a third powerplant at Grand Coulee Dam on the Columbia River and a draft of authorizing legislation. I have approved the Secretary's report and recommend that the draft legislation be enacted to authorize the construction of this outstanding project.

The proposed third powerplant will ultimately add 3.6 million kilowatts of generating capacity to the 2 million kilowatts at the two existing powerplants. When completed, the total capacity of the powerplants at Grand Coulee Dam will total 5.6 million kilowatts. It will be larger than any single hydroelectric development in the world today.

Authorization and construction of the third powerplant at the Grand Coulee Dam will further the orderly development of the vast water resources of the Columbia River. This is the next logical step following two important events which occurred last year.

First, Prime Minister Pearson, of Canada, and I met last September to proclaim the Columbia River treaty for cooperative development of the Columbia River—one of the great rivers of this continent. Canada has already started construction of huge dams to store water on its side of the border. These reservoirs will provide 15.5 million acre-feet of water storage in Canada. This storage capacity will provide increased protection of people and property in both countries from devastating floods and greatly enhance the hydroelectric potential of powerplants on the Columbia River.

The United States must construct additional power-generating facilities at its existing system of dams to take full advantage of this potential. The Grand Coulee Dam, because of its location in relation to other Columbia River powerplants, its height, its large reservoir capacity, and the reregulation of riverflow by Chief Joseph Dam immediately downstream, will develop a major share of the increased power potential made possible by the treaty.

Second, the Congress approved last year a four-line, extra-high voltage transmission intertie between the Pacific Northwest and the Pacific Southwest. It represents exciting new developments in electric power technology. It is the largest single electrical transmission program ever undertaken in this country and is one of the finest examples of cooperation among publicly owned and privately owned utilities and the Federal Government.

The rapidly growing demands for electric power in the Pacific Northwest will readily absorb the power produced by the proposed powerplant. However, some peaking power and secondary (not regularly available) power that is surplus to the needs of the Northwest in the early years of the project can be marketed in the Pacific Southwest over the intertie. Thus, the intertie will permit maximum utilization of the waters flowing past Grand Coulee Dam, resulting in conservation in its truest sense.

The economic and financial feasibility of the third powerplant are exceptionally favorable. The benefit-cost ratio is more than 3 to 1. Revenues from the sale of power will more than pay for the capital investment within 50 years. In addition to power benefits, the project will provide increased flood protection benefits by improving control of water stored in Franklin D. Roosevelt Lake behind Grand Coulee Dam.

Accordingly, I commend the Secretary's report to your consideration and recommend early enactment of the authorizing legislation which I have transmitted.

Sincerely,

LYNDON B. JOHNSON.

Mr. PROXMIRE. Mr. President, I yield to the distinguished Senator from Colorado.

THE FOUR FACES OF PROFESSIONALISM

Mr. ALLOTT. Mr. President, on April 3, 1965, Commissioner of Reclamation Floyd E. Dominy made a speech before the National Society of Professional Engineers in Denver, Colo. The speech was released April 3.

The speech is a very well-deserved tribute to the professional engineers of the Bureau of Reclamation, located in the Federal center in Denver. I have long had a very high personal regard for people who work in an antiquated building under very adverse conditions. It is almost impossible to conceive of these conditions—cold and drafty in the winter, and dusty, hot, and stifling in the summer. I have paid my tributes to these people before, and I do so again.

Mr. Dominy pointed out the very high quality of the service that they render. Mr. Dominy also pointed out that Glen Canyon Dam was selected by the American Society of Civil Engineers as the outstanding civil engineering achievement in 1964, an achievement which represents the greatest contribution to civil engineering and mankind. Certainly this is a tribute to the professionalism of the engineering staff of the Bureau of Reclamation.

I ask unanimous consent that the enlightening speech of Commissioner Dominy, delivered on April 2, 1965, be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE FOUR FACES OF PROFESSIONALISM

(Remarks of Commissioner of Reclamation Floyd E. Dominy, Department of the Interior, before the National Society of Professional Engineers, Denver, Colo., April 2, 1965)

On my flight down to Denver from Wenatchee, Wash., this afternoon, I reflected on the broad implications of the Glen Canyon development which will be the subject of my slide lecture this afternoon.

What vital essential made it possible to build the Glen Canyon unit, with its Glen Canyon Dam, powerplant, and bridge? Why is the unit now called one of the "new wonders of the world"? Why was it selected by the American Society of Civil Engineers as the "outstanding civil engineering achievement of 1964, representing the greatest contribution to civil engineering and mankind"?

I came to the conclusion that the answer to these questions could be summed up in one word "professionalism." Professionalism has proficiency, perspective, progressiveness, and prestige.

These qualities are the four faces of professionalism. They are the broad attributes distinguishing the professional in any discipline. They are the distinguishing marks of the doctor, lawyer, scientist, engineer. They are the unique characteristics which delineate the professionals in our society, commanding the respect and admiration of all.

In the sphere of water resource development, they are also the basic elements of professional engineering which made possible the conception, development, and now, operation, of such huge undertakings as the Glen Canyon unit.

Proficiency is an unquestioned quality of the professional. Proficiency is experience, knowledge, competence. It is the attribute perhaps best associated in the public mind with the professional engineer because of his high standards of performance, accuracy, attention to detail, and unswerving dedication to the principles of economy, safety, and service to the public.

High technical competence is paramount in all engineering activity of the Bureau of Reclamation—from reconnaissance, planning, design, research, construction, and through operation and maintenance. In the office of our chief engineer here in Denver, alone, there are more than 400 registered professional engineers whose technical proficiency is recognized throughout the world. These career employees have had many years of highly specialized experience in water resource development work.

This professional competence and experience were translated in terms of concrete and steel in the engineering development of the Glen Canyon unit. Because of their wide experience in the design of dams, our engineers conceived and brought to fruition the 710-foot-high Glen Canyon Dam, the second highest dam in the western hemisphere. It is exceeded in height only by Hoover Dam, which we built a generation ago lower down on the Colorado River.

Our bridge engineers conceived and designed the beautiful Glen Canyon Bridge which spans the Colorado River a short distance from the dam. The bridge is more than 700 feet above the river level and is the highest and second longest of its type in the United States. The American Institute of Steel Construction paid high tribute to the technical skills of our engineers by naming the bridge the most beautiful, among those with spans of 400 feet or more, opened to traffic in 1959.

Proficiency of other engineers on our staff is exemplified by their design and development of the modern community of Page, Ariz., which was constructed near the Glen Canyon damsite. Land surrounding the damsite was a barren, sagebrush-covered desert when construction began in 1956. Today there stands a model community designed by our professional engineers who utilized skills in community planning, residential development, sewage treatment, water supply, and in structural and architectural design in its development. The community served the needs of 6,000 people during the peak construction period and today is an ideal small town which will grow with the further recreational development of the area.

Professionalism in water resource development, similar to a vector in engineering, must have not only magnitude but also direction. This direction I call perspective. By perspective I mean the capacity of the professional to view his activity in its true relationship with the needs and aspirations of others and to understand the relative significance of his professional endeavor.

The professional is keenly aware that technical proficiency is not enough. He understands what can and should be done, which calls for value judgments and social decisions. This is a singular quality of the professional. It characterizes the professional at his best. It is the distinction of the dedicated, the highly principled, the truly responsive.

This outlook on the broad implications of their endeavors is a characteristic of the Bureau of Reclamation's professional engineers. It is intrinsic in our development of the West's water and related land resources. From the beginning of Reclamation shortly after the turn of the century, we have enjoyed the confidence of our professional peers and the public because we have been responsive to the changing needs which arise from the ever-continuing growth of the West's population and economy.

Reclamation, from the early concept of public land settlement through irrigated family farms, has evolved into a multiple-purpose water resource development program which now embraces a wide range of beneficial uses for urban and rural areas and industry. Benefits from reclamation projects flow to cities, farms, and industry, and reach virtually every sector of the local, regional, and national economies. These benefits include all individuals in the Great Society in pursuit of recreation and enjoyment of the great outdoors.

Our perspective also encompasses the mandates of sound business principles which are at the core of the public interest. We have a responsibility to all the people of the United States that the greatest good be derived from our projects and that the projects are financially sound to guarantee the return of the Government's investment. In keeping with this principle and obligation, nearly 90 cents of every dollar appropriated for reclamation construction since 1902 is repayable to the U.S. Treasury by the direct beneficiaries of reclamation projects, those who till the farms and those who buy the power and the municipal and industrial water.

At the same time, our viewpoint is sufficiently broad gaged to recognize our professional obligation to the beneficiaries of our projects who repay the costs of construction. We must design and build economically and efficiently to assure them that they are receiving the best at the lowest possible costs.

The responsibility to discharge professional obligations under the public trust carries also with it the responsibility for continued growth and development. This responsibility I call progressiveness, the third face of professionalism.

This quality of the professional is what the late Charles F. Kettering called the characteristic of the composer mind as contrasted with the fiddler mind. Progressiveness is the mark of the bold, inventive mind, constantly seeking new and better ways to advance professional goals, not the complacent mind, content to plod along routine paths.

It is the attitude of looking ahead, a willingness to improve. It is the drive, resourcefulness, and initiative of the intellectually curious. It is the strenuous effort to extend new professional horizons for the betterment of all. It is the constant setting of new plateaus to be reached in technical proficiency.

In this area of professionalism, I believe the National Society of Professional Engineers and other professional societies have made their greatest gains. The breathtaking surge of technological development which seems to gain momentum each year has placed the professional engineer in the forefront of our national life. Professional engineers, encouraged and strengthened by their society affiliations, have accepted the challenges of modern technology and are moving forward with vigor and vision.

Bureau of Reclamation professional engineers are deeply committed to the challenges of progressiveness. One of their paramount concerns is with the younger engineers who will be confronted with the complexities of future water resource engineering. We have 80 young men now certified by the Colorado State Board of Registration for Professional Engineers as engineers in training. These young engineers are encouraged to move ahead as rapidly as possible in their professional careers in reclamation.

We have a number of training programs to strengthen technical and managerial capabilities of professional engineers in our Denver and regional offices. Our younger engineers are given incentive to study at nearby universities and colleges the new techniques in planning, analysis, design, research, and construction. We reimburse these young professionals for their tuition and books upon successful completion of such advanced college training.

Bureau of Reclamation technical experts have a wide membership in the professional and technical societies. Our engineers are encouraged to participate in committee activities in these societies and to present papers on Bureau technical advances in water resource engineering. Such professional activity redounds to the benefit of the individual, the organizations and the Bureau.

New and daring concepts of weather modification, demineralization of saline waters, suppression of evaporation, and long-distance electric transmission at voltages of 750,000 volts or higher are now part of the Reclamation research scene. We shall sustain, throughout our organization, a high spirit of inventiveness to solve these and other complexities of modern water resource development.

Prestige stems from that priceless attribute, reputation—a high standing in the community, among professional peers, and in the Nation. It is the breadth of character which is measured in terms of past accomplishments and of present public acceptance and confidence.

In the Bureau of Reclamation, prestige is underscored by our past 62-year record of solid achievement in reclaiming and converting barren wastelands of the West into areas of flourishing productivity and lasting wealth. Prestige in reclamation is synonymous with Hoover, Glen Canyon, Grand Coulee, Shasta, and the more than 200 other storage dams we have built—with the 6,500 miles of main supply canals, with the 47 hydroelectric powerplants, with the 12,000 miles of high-voltage transmission lines, with thousands of other structures, all serving wide areas of the Western States for many beneficial purposes.

Reclamation's record of accomplishment and engineering reputation were carefully scrutinized by the Congress in authorizing the development of the Glen Canyon unit and the other units and participating features of the Colorado River storage project.

This authorization and subsequent appropriations reflected the trust of Congress in Reclamation to uphold its tradition of accomplishment and public service. So, too, in all engineering endeavor, public trust must rely heavily on the reputation and character of the professional engineer.

I believe the four faces of professionalism I have discussed will have immeasurable influence under President Johnson's concept of the Great Society.

The President has said, "The Great Society asks not only how much, but how good; not only how to create wealth, but how to use it; not only how fast we are going, but where we are headed."

There can be no question that the qualities of proficiency, perspective, progressiveness, and prestige of the professional are essential to the realization of a better world we all aspire to under the President's concept. The professional must continue to provide leadership, inspiration, and the full range of his talents to achieve the high goals we seek in the Great Society.

S. 1676—ADDITIONAL COSPONSORS

Mr. MANSFIELD. Mr. President, on behalf of my colleague from Alaska [Mr. GRUENING], I ask unanimous consent that S. 1676 lie on the desk for cosponsors for one additional day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I yield to the distinguished majority leader.

ORDER FOR ADJOURNMENT TO 9 A.M. ON THURSDAY, APRIL 15, 1965, AND 9 A.M. ON MONDAY, APRIL 19, 1965—PRO FORMA SESSIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m., Thursday, April 15, 1965; that immediately after convening on that day, the Presiding Officer shall, without the transaction of any business or debate, declare the Senate adjourned until 9 a.m. Monday, April 19, 1965; and that immediately after convening on that date, the Presiding Officer shall, without the transaction of any business or debate, declare the Senate adjourned until noon, Wednesday, April 21, 1965.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from Indiana.

TRIBUTE TO PRIME MINISTER HAROLD WILSON ON HIS FORTHCOMING VISIT

Mr. HARTKE. Mr. President, the Prime Minister of England, Harold Wilson, is to pay a visit to the President of the United States and to this country.

It is my opinion that the Prime Minister has demonstrated great statesmanship and certainly a great feeling of partnership with the United States in presenting our position in southeast Asia and particularly in Vietnam.

This is especially true in view of the fact that many members of his own party are not necessary in accord with his decision in this regard.

I can only say that I wish we had stood as firmly behind them at the time of the Suez crisis.

I thank the Senator from Wisconsin.

ALLIANCE FOR PROGRESS, SHINING SUCCESS STORY

Mr. PROXMIRE. Mr. President, the Alliance for Progress is rapidly becoming the big new triumph of American foreign policy.

Great endeavors are subject to great criticism and the Alliance for Progress has had its share. But the grand conception launched by the nations of Latin

America and ourselves is fast becoming a reality.

Life magazine in a recent editorial fairly characterized the Alliance:

> One continent whose "emerging" people seem in fact to be emerging is Latin America. Favorable indicators dot the landscape like shy crocuses. Per capita income in South and Central America rose a solid 3 percent last year, better than the Alliance for Progress target. The once-dark climate for foreign private investment is sunnier.

The basic ingredients to a successful development effort is self-help—the willingness of the people to make the vital and often politically and socially difficult reforms required for development. External assistance, such as the United States is providing to the Alliance for Progress serves as an important catalyst but is effective only where these basic ingredients otherwise exist.

There is increasingly demonstrable evidence that country after country in Latin America is assuming their commitments under the Charter of Punta del Este.

Let me discuss briefly some examples.

Major tax policy reforms have been undertaken by nine countries, while in three other countries comprehensive administrative programs have been successfully launched. Internal Revenue Service teams are working on tax reform with the governments of a total of 14 countries.

If there is one area of weakness that has been conspicuous in Latin America among the underdeveloped countries, it has been the inequities of the tax structure which has been imposed overwhelmingly on people with low income and permitted those who have primary political influence to escape their fair share of taxes.

Perhaps no change is politically more difficult than that of tax reform. The nature of this change is illustrated in the case of Ecuador, a country which has insisted upon paying for the technical help in tax enforcement which it receives from the United States. A five-man U.S. Internal Revenue Service team has been in operation in this country for almost 1 year. Prior to that time a taxpayer could underdeclare or falsify his tax return while confidently assuming that his evasion would remain undetected. This picture has changed. Some 200 Ecuadoran tax auditors have received intensive training in the past few months through AID/Internal Revenue Service advisors. The tax department is now prepared to examine tax returns in detail. This program should bring Ecuador substantial revenue.

Similar enforcement reform projects in other countries such as Panama, Guatemala, and Nicaragua have yielded major revenue results. Thus, quite apart from increases due to new legislation, enforcement improvements in Panama will increase tax revenues by some 8 to 10 percent in 1965. In Guatemala the 1964 increase was roughly 12 percent. In Nicaragua the 1964 change was almost 30 percent—almost a one-third increase in tax revenues because of effective enforcement.

In 13 countries private or public development banks have been established or are in the process of being established. These banks are a keystone in the building of a vital private sector.

One of the great difficulties and tragedies in Latin America has been the fact that those countries have suffered from inflation. Because they have suffered from serious inflation, it has been difficult to obtain investment of capital at reasonable rates of interest. Obviously, if only 4 or 5 or 8 percent interest can be obtained for one's money, and the price level increases 10 percent or more annually, the interest rate is not adequate to attract investment.

A good example of the operation of such a bank is the INSAFI Development Bank in El Salvador. In January 1962, the Government of El Salvador reorganized their development bank. It was authorized to take up to a third equity position in new private businesses with a further provision that said equity would be sold to the local people of El Salvador.

The results achieved by the bank have been impressive.

In 1962 the bank made 121 loans in the amount of $1.5 million. In 1964, just 2 years later, it was able to make 260 loans totaling $4.5 million. As reported by the Wall Street Journal on February 10, 1965:

> Some 40 facilities classified as manufacturers and employing 10,000 persons opened in tiny El Salvador last year.

The bank played an important role in the establishment of the preponderant majority of these facilities. It is interesting to note that El Salvador, which is one of the leaders in self-help efforts, also has an impressive growth record with per capita income up 40 percent in the last 4 years.

That is a 10-percent per capita increase in income per year.

Crucial to development is the provision of adequate housing. Of course, adequate housing depends on adequate investment, a savings and loan system, a banking system that will enable people to accumulate sufficient capital and to borrow money to buy homes.

Yet it is realized that before a country can hope to build houses for itself on a continuing basis, long-term credit must be available to its people. This necessitates the existence of institutions which can generate local savings and channel those savings into housing.

With this in mind, AID has for several years been stimulating the enactment of savings and loan legislation similar to that of the United States. Nine countries now have such legislation. In 8 of these a total of 83 savings and loan associations have been formed with 215,000 depositors and accumulated deposits equivalent to $75 million.

Perhaps most encouraging of all is the number of depositors, the fact that it is a broadly based kind of investment, because maldistribution of wealth has been one of the most conspicuous weaknesses of Latin America—the fact that a tiny number of people controlled the money. This widespread distribution of 215,000 depositors is greatly encouraging.

An example of such a program is seen in Chile. In 1958, the Economic Mission of the United States in Chile responded to the request of the Government of Chile for assistance in the development of a savings and loan system by bringing to Santiago, Arthur Coushon, chairman of the board of Washington Federal Savings & Loan Association of Miami Beach, Fla., and David Krooth, a prominent Washington attorney.

With their help and recommendations, a savings and loan system began its existence as an important part of the housing plan of Chile in 1960.

A year and a half later, approximately 40,000 depositors had invested in savings and loan associations in Chile. Savings approximated $7 million and loans about $10 million. Roughly 4,000 homes had been financed. By 1964 the number of depositors had topped the 100,000 mark. Total savings were over $50 million. Over 14,000 homes had been financed.

This has a double effect on political stability. As people invest money in an economy, they become more susceptible to the arguments of private enterprise and the arguments of the free economic system in which we believe. As they make savings and as other people finance their homes with those savings, they have an additional stake in that society and an additional reason for believing in private property and free enterprise.

Fifteen countries have self-help housing programs and more than 300,000 dwelling units have been or are nearing completion.

This is only the beginning of the program. The exciting thing about the Alliance for Progress is that it is a program which is just getting off the ground and is having such a promising beginning. After all, this is only the beginning.

In addition to individual country efforts, important strides have been taken in the multilateral sphere, as for example the Central American common market.

In 1960, the small countries of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua signed treaties eliminating 95 percent of the tariff barriers between them and establishing a schedule whereby elimination of all tariffs would be obtained by June 1966. As a result of tariff reduction, trade within Central America more than doubled, increasing from $30 million in 1960 to over $65 million in 1963 in these five small countries.

I stress that these do not include the major countries of Latin America. Of course, the standard of living as a result of the increase in trade also substantially increased.

On the basis of capital provided by member countries and loan assistance from AID and IDB, a new Central American Bank for Economic Integration has extended loans in excess of $18 million to foster private sector development within the Central American Common Market. This embraces the initiation or expansion of some 63 manufacturing enterprises.

(At this point Mr. KENNEDY of New York took the chair as Presiding Officer.)

Mr. PROXMIRE. Mr. President, five Central American governments have also recently agreed to establish a "fund for economic integration" for the purpose of financing regional capital projects, such as a regional highway system. Each country will make an initial contribution of $1 million to the fund as the local counterpart of a loan from AID.

Other actions taken by the countries of Central America include creation of a "Central American monetary union" to provide the administrative structure for coordinating monetary and fiscal policies, and the undertaking of a major program to create a regional university system with uniform scholastic standards.

This increased investment is paying off not only in terms of homes, increased employment, increased industry, and expanded commercial life and banking, but also in better university education, which I believe is most essential of all to the real development of any economy.

Here, as elsewhere in Latin America, self-help efforts are encouraging United States and European private investment. On March 10, the Wall Street Journal reported that in recent years in Central America, "at least 50 plants have been built by U.S. corporations alone."

Again, in five or six of the small countries between North and South America, at least 50 plants have been built by U.S. corporations alone.

Of great significance in the progress of the Alliance as a cooperative effort is the new Inter-American Committee for the Alliance for Progress, established in early 1964 and headed by Carlos Sanz de Santa Maria. This committee was created in order that there might be a multilateral body to coordinate and promote its implementation. No longer is the United States alone urging self-help and reform. By formation of CIAP, the members of the Alliance created a primarily Latin American focus for the review and encouragement of self-help efforts as well as a body which could guide and promote the flow of free world assistance to Latin America.

This is another excellent element of the Alliance, in that it is self-help at all levels. It is encouraging leadership to combine in working together and in helping to solve their own problems in their own way, without feeling that the United States was engaged in economic exploitation or economic colonization, let alone political interference.

Life magazine described CIAP in the following glowing terms:

> Helpful too is the changing nature of the Alliance for Progress itself. No longer a one-way channel of U.S. handouts, the whole program and its management have been increasingly "Latinized." The Latin leaders now realize, and are showing, that the way to "emerge" is to take the chief responsibility for growth into their own hands.

Other important gains have been made by the Alliance. For example, more than 12 million children are now participating in school lunch programs.

In Latin America, the importance of a school lunch program can hardly be overestimated. We all recognize the importance of education, yet one of the prime inducements on persuading parents in Latin America to permit or to encourage their children to go to school is the fact that they know their children will at least receive one good, solid meal each day. Therefore, the fact that there are 12 million children now taking part in this program is most encouraging.

Twelve countries now have land reform laws. Over 3,000 agricultural credit loans have been extended. Here again, achieving land reform, has been almost as difficult as achieving tax reform. These 12 countries have passed land reform laws, which is deeply encouraging. Perhaps, more encouraging than any statistical increase in the gross national product or the standard of living, is the fact that land reform is now underway in these 12 countries.

Fifteen million people are now served by one thousand water supply and sewage systems which have been completed. Approximately 3,000 miles of roads have been built. Over 75,000 teachers have been trained and more than 10 million school books have been put in circulation. Seventy-five thousand teachers have been trained in a very short period of time under the Alliance for Progress. Actually only 2½ or 3 years of real action, because the program has only been in effect since 1961 and 1962. This is great and encouraging progress.

The economic and social revolution of a continent is not accomplished overnight. The interaction between economic and political developments is not automatic and not necessarily immediate. Nevertheless, in the short time that the Alliance for Progress has been in effect, there have been significant developments in the political sphere which further indicate that the spirit of the Alliance has indeed taken hold.

I wish to underline the basic principle which many of us have argued for a long time, that the seedbed of political freedom is a workable, viable, economic program.

Franklin Roosevelt stated that "people who wish to be really free must be free of privation." That is the fundamental program which it is essential to instill, if we wish to achieve political democracy in which people can get enough to eat, have hope for the future, and obtain the opportunities and leisure necessary to make democracy function.

In Venezuela, power was transferred peaceably through democratic elections, despite the efforts of the Communists to prevent elections by terrorism aimed at destroying the democratic spirit of the people.

Brazil has taken vital steps in a variety of areas, which include measures to heal social disorder, solve the economic crisis, and stop runaway inflation.

Of course, inflation in Brazil has been a hindrance to its economy and progress. It has made things tragically difficult for them. This is an economic problem and a political problem.

Between June and December of last year, Brazil reduced its budget deficit by more than 50 percent.

Last fall, the people of Chile rejected by crushing margins the Communist alternative to the Alliance. The government of Eduardo Frei is taking important steps to realize the hope which the electorate has put in his government. An ambitious stabilization campaign has been launched. Tax collection and tax fraud prosecution have been stepped up.

Thus, in Chile, once again, it is clear that there is a distinct connection between economic progress and the rejection of communism and the acceptance of democratic government.

Traditional bonds between the United States and Mexico were strengthened through the resolution of the longstanding Chamizal boundary dispute.

The spirit of the Alliance shows itself clearly in joint as well as individual political action. In January 1962 Castro's Cuba was excluded from participation in the OAS.

In the October 1962 missile crisis, the members of the OAS unanimously supported the decision that American states could take whatever measures were necessary to remove the threat of Soviet offensive missiles in Cuba.

I believe that some persons, without thinking about it—that the secret of our success, in that confrontation of 1962 between this country and the Soviet Union over missiles in Cuba, was simply a strategic military and political decision at the moment.

Of course, that was involved, but we were also successful because of the long-term economic program which had been enacted and was in action in South America. South American countries, under the OAS, supported the United States in the Cuban missile crisis in no small part because they recognized that we had a program which would benefit all the hemisphere, and that we had both concretely and specifically shown by our actions that we believed in doing all we could to assist South American countries.

In 1964, the Foreign Ministers served notice that subversion would not be tolerated, voting that Castro's attempt to promote subversion through arms shipment to Venezuela was an "aggression" within the meaning of article 6 of the Rio Treaty.

On the economic and political front, the Alliance is moving. Commenting on this movement, a leading analyst of Latin America for the New York Times, Tad Szulc has said:

> The record shows that the Alliance announced by President Kennedy on March 13, 1961, has brought substantial economic growth.
>
> Economists believe the emphasis given by most countries to policies advocated by the Alliance, such as food production and the expansion of business activity was to a large degree responsible for this increase.

Behind the outward manifestations of progress lies the determination of the people of Latin America to help themselves. I have tried to describe some examples of this determination. Perhaps its best description is presented by the words of Roberto Campos, Finance Minister of Brazil, at an Alliance meeting in Peru last December:

> But the solution of our crisis, of our situation, is not in external assistance. No one can solve those problems which because of our incompetence or oversight have been left unsolved. Neither our sins, nor our salvation, are with the stars. They are in ourselves. I am sure that we will attain our

economic emancipation by saving more, investing more, and exporting more. We ask for assistance today in the certainty that we shall give it tomorrow.

These are very inspiring words. They indicate that in the short time in which the Alliance for Progress has been in effect it has won far more than an economic battle. It has won a moral and social battle, by convincing the leaders—as were millions of the common people—of the importance of helping themselves. This is really the key to progress in any nation.

The fact that we have contributed to making this ideal and this principle a reality is, I believe, the finest achievement of the Alliance for Progress.

The objective of the Alliance for Progress is a Latin America prosperous, stable, democratic, and free.

The task we face in achieving these mutually beneficial goals is formidable, and the road ahead is long.

However, we are moving ahead.

ROAD TO A MORE PROSPEROUS ECONOMY: MORE AND BETTER ECONOMIC STATISTICS

Mr. PROXMIRE. Mr. President, the Subcommittee on Economic Statistics of the Joint Economic Committee of which I am chairman is undertaking a review of the statistical requirements of our Nation in the light of present and future needs in a growing economy.

Mr. President, it is hard to overestimate the potential significance of this review. The impressive advances of economic policy in recent years have been largely the consequence of greatly improved economic statistical information.

Tax policy, interest rate policy, wage policy, trade policy, pricing policy, educational and training, and public works policy have all helped to give us the greatest period of economic expansion and price stability—that is, of peacetime prosperity—in our history.

Why? Why? One major reason is that business, labor, and government policymakers have a far better idea of what they are doing than ever before. Our economic horizons are still too limited and confused.

Anyone who says that economics is an established science has not been around economists or economics for very long. Economics may have advanced a little over phrenology, the method of depicting the character of an individual by reading the bumps on his head, but it is still a very uncertain art and far from an established science.

Mr. President, we can now brighten and sharpen our vision greatly. What can we do to improve them more? A crucial part of the answer is to secure more, far more, statistic information in the future. And, Mr. President, it is a happy happenstance that we have barely begun to scratch the potential of the immense assistance the new world of computers can give us in correlating, analyzing, refining, and generally making these statistics more useful to us.

It is amazing that we have achieved the economic progress that we have without the great contribution that computers can make to our understanding of statistics and the refinement of our understanding of statistics.

Of course from the vast universe of endless economic information, it is essential that we bring the greatest intelligence to bear on precisely what kind of additional economic information we can select most wisely to solve our principal economic problems.

At my suggestion the Statistics Subcommittee of the Joint Economic Committee is right now engaged in doing just this.

The Joint Economic Committee has a long history of interest and concern for adequate and accurate economic statistical data so necessary for policymaking, both public and private. Soon after the committee was established, a staff report on current gaps in our statistical knowledge was made in 1948. Since that time, our interest has increased as the character and pace of economic change have not only made possible, but necessary, an expanded Federal statistical program.

A few weeks ago as a first step in our survey, I asked the views of over 200 professional statisticians on the improvements needed in the quantity and quality of Federal programs, deficiencies in Federal programs, and possible improvements in the coordination of Federal programs with each other and with those privately supported. We expect, in due course, to make these responses available for study by other experts and by the Members of Congress. While we have not yet received all the comments which we know are being thoughtfully considered by the professional statisticians, I do have a sampling of the replies thus far received which I think will be of interest in stimulating thought about these economic tools upon which we are so dependent in formulating governmental policies.

I ask unanimous consent that these statements be printed at this point in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

McGRAW-HILL PUBLICATIONS,
New York, N.Y., March 11, 1965.

Senator WILLIAM PROXMIRE,
Congress of the United States,
Joint Economic Committee,
New Senate Office Building,
Washington, D.C.

DEAR BILL PROXMIRE: Thank you for asking me to participate in the review of statistical requirements in the light of present and future needs in our growing economy. My remarks will be rather brief and I will discuss these needs from the viewpoint of an economist working for a publishing company as well as a business forecaster. My notes are as follows:

Timeliness of reporting economic statistics has improved considerably in recent years. Nevertheless, there seems to be many areas where more timely data could be produced. For example, the censuses of business are important as benchmarks for both economists and market researchers in helping to make business decisions for their companies. Yet these data are very late in coming in even though they are all on electronic computers.

Another statistical area which has bothered me particularly, because I work for a publishing company which has publications in the aerospace and electronics fields, is standard industrial classification. It seems to me that in this dynamic computerized economy, our economic data should be available for industrial groupings other than the so-called standard industries which may or may not be in existence only a short time from now. How can businessmen be expected to interpret trends of their business if they really don't know what the total volume of their business is? We often see reports, not necessarily emanating from the Federal Government, but using Federal Government statistics, saying that the future of aerospace or electronics is bright or grim solely because of different definitions or coverage of the industry. I believe that a more flexible classification system should be adopted and work should soon begin to alter the current fixed system of classification.

Now I would offer some comments about improving primary sources of the national income accounts:

Inventory information continues to be a matter of concern to many of us. The lack of adequate product detail limits the value of the data.

Housing starts data are no longer proving very useful as a forecaster of residential construction activity. Some examination of these data relative to information on permits should be undertaken.

Price indexes used in deflating the gross national product should be examined in detail. In particular the deflators for capital goods should be examined with a view to their improvement.

The concept of profits needs our reexamination. Changes in depreciation and other provisions of the new tax law make it difficult to compare profit statistics for two different time periods.

A major shortcoming in the National Income Accounts is the lack of data on government purchases by commodity group; and I feel that perhaps anticipatory data for Federal, State and local government programs should also be urged. This would round out an important area of the economy for which forecasters have some difficulty in projecting future trends.

Another area of anticipatory data which should be explored is that of anticipations on inventories of nonmanufacturing business. The series on manufacturing business appears to be relatively useful in making short-run estimates of inventory change in the National Income Accounts. Here too, if we could get additional information on the nonmanufacturing business sector, an improvement in the accuracy of forecasts might result. Naturally, I realize that the Government is attempting to limit surveys, but obviously some surveys would have more value than others.

Finally, I would like to suggest a realistic approach to the collection of various local and regional economic statistics which will no doubt be needed to carry out the Great Society program. My suggestion is that some control on the comparability and the consistency of regional data be part of the basic program. Whether this control is centered in the Budget Bureau or elsewhere, it seems important for business users of local or regional data that the meaning and quality of the statistical series for one area versus another should be roughly the same.

Thank you for giving me the opportunity of making these comments.

Cordially yours,

DOUGLAS GREENWALD,
Chief Economist.

KIMBERLY CLARK CORP.,
NEENAH, WIS., *March 24, 1965.*

Hon. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR MR. PROXMIRE: This is in reference to your letter of March 2, 1965, as chairman of the Subcommittee on Economic Statistics inviting our comments on Federal statistics programs.

As both a user of Federal statistics and a supplier of data to the government, we are vitally interested in Federal statistical programs from both viewpoints—the need for statistics and the burden of reporting.

As you may know, Kimberly-Clark is a member of the Federal Statistics Users Conference, and has been since the organization was founded in 1956. We feel that FSUC is an effective vehicle for communication among users and with producers of Federal statistics in working for an orderly and coordinated development of statistical programs.

Government agencies are also engaged in an effort to improve the usefulness of their services through inquiries to the business community concerning uses of the agency's statistics and reports. These efforts should also result in more effective statistical programs.

Rather than going into detail with respect to any particular series of data or Government program, I would like to indicate some of the general problem areas we encounter in using Federal statistics. Most of the problems are of long standing, but are becoming more complex with the growing diversity and conglomerate nature of business operations.

One problem is in the industrial classification of establishments and companies with diversified operations, and the apparent difference in a classification assigned to a company by various Government agencies. Statistics for "an industry" as compiled by different agencies, such as FTC, SEC, ICC, Departments of the Treasury, Commerce, and Labor or other agencies frequently are not comparable.

A similar type problem exists in the lack of coordinated classification and coding of products and commodities for the different census programs and among the various Government agencies.

Differences in definitions of items to be reported, and variations among reports, complicates both the reporting job and the interpretation of composite data. Efforts toward standardization of definitions, classifications, and coding among Federal agencies would tend to simplify the reporting task and provide for consistent composite information.

As more scientific methods are being used in business operations and planning, the needs for statistics are growing, but we recognize the problem of obtaining more data without adding to the reporting burden. More effective use of data already being collected by the Government, through coordinated efforts of agencies, may help to provide some of the needed statistics, as well as to free business from duplicate reporting of some information.

As a part of the total program of statistics collection, the increasing use of electronic computers would seem to offer new opportunities to simplify the task of reporting in the future. A machine-reporting program is presently being worked on by some companies in reporting to trade associations.

While the points I have presented do not attempt to cover the broad range of Federal statistical activities, and are not specific with respect to present programs, they may give you some help in developing an agenda for future investigations.

Respectfully yours,

LORETTA WALSH,
Industrial Marketing Research.

SALES MANAGEMENT MAGAZINE,
New York, N.Y., March 11, 1965.
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR MR. PROXMIRE: This is in response to your letter of March 2 to the publisher of Sales Management. The economists and statisticians of Market Statistics have the responsibility for the preparation of the annual Sales Management Survey of Buying Power, the Survey of Industrial Buying Power, plus quarterly reports on industrial prospects and quarterly sales forecasts for metropolitan areas, as well as a wide range of custom-tailored statistical reports designed to guide businessmen in the use of the increasingly complex and voluminous statistical detail available from various governmental agencies. The main emphasis in our studies is the establishment and forecasting of marketing potentials for the complete range of consumer and industrial goods and services.

We are therefore heavy and fairly sophisticated users of governmental statistics, including even those statistics that come to us as byproducts of such administrative procedures as collecting taxes. We are struck by the fact that in our own work, the availability of high-speed computers had made for dramatic increases in the quantity of statistics that can be processed and analyzed, but that as yet relatively little has been done with regard to the improvement of the quality of Government statistics. We are not referring to adequacy of sampling techniques, which can be fairly precisely evaluated, but rather to the fact that many Government statistics are collected and reported because they are the product of long-established bureaucratic procedures and are not subject to a periodic review of their usefulness to statisticians and business economists. On the other hand, it is well known that in such fields as construction and transportation there are painful statistical gaps precisely because there has been insufficient coordination of all Federal statistical gathering activities, from the standpoint of what figures are really necessary for the efficient management of business enterprise.

One example is the fact that the input-output study for 1958 recently published by the Office of Business Economics turned out to be a stripped-down study with only half as much detail as had been provided by the first input-output study for 1947. Such studies can be enormously helpful in industrial marketing, but only if Government agencies take the job seriously, and greatly expand the underlying detail. Our experience in translating and adapting such material to the business user is that the latter is extremely sensitive to the potential embodied in good, well-organized, and practical statistics, which increasingly underlie modern scientific management. But statistics gathered just for the sake of collection can also be a source of frustration, and can generate the kind of resentment which periodically results in the unfortunate scuttling of some extremely useful Government statistical programs, because of uninformed budget-slashing drives.

It seems to us that the work of the Census Bureau is consistently of the highest possible level, although not nearly enough is done by way of interpreting the significance of census data or making full use of all data collected by the Bureau. More could be done by way of offering census tapes to business users for special runs. Other Government agencies in the Labor and Commerce Departments, however, which are in a better position to perform more analytical functions frequently, as in the case of the input-output studies, suffer from insufficient resources and staffing. The most important statistics are frequently the end product of a long chain of collection, tabulation, and interpretation. Businessmen will increasingly expect the Federal Government to provide the high level, sophisticated sets of statistics necessary to evaluate business projects in the present and the future.

Cordially yours,

Dr. JAY M. GOULD,
Research Director,
Survey of Buying Power.

INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
Washington, D.C., March 18, 1965.
Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: We are pleased with the interest the Joint Economic Committee is taking to update and expand the Federal statistical program.

Our union is a member of the Federal Statistics Users Conference and as such we are kept informed about revised and proposed statistical material. In addition, we are members of the Labor Research Advisory Council of the Department of Labor. This gives us an opportunity to learn about changes in the BLS programs and to date we have been fairly well satisfied with what they have offered.

We do feel that there is a great need for construction statistics. Although we appreciate those that the Bureau of Census offers, they are totally inadequate for the needs of the construction industry. The building trades unions, through the Construction Industry Joint Conference, have made this point very clear to both the Commerce and Labor Departments. We need more thorough basic construction statistics by type of construction and dollar value of each type, better employment data (at this time there is no accurate estimate of the number of electricians employed and/or unemployed), and a breakdown of construction statistics by area (preferably major cities). Also needed is a good indicator of productivity and finally we would desire that work begin on a comprehensive census of construction.

Regarding the statistical program of the BLS, we feel there is a lack of opportunity for unions to have vital programs put into operation. We feel there is a great waste of time and money publishing data on foreign countries, on industries with little or no impact on the economy, and detailed business cycle data. While the above is undoubtedly valuable to some, we have practically no use for them.

We do use occupational counseling material, employment data, consumer price data, productivity figures, occupational and major industry surveys and wage chronologies. We would like improvements in unemployment statistics (by occupation if possible). We also would appreciate additional statistics on the impact of automation, in particular individual industry studies.

Perhaps the best program and the one we use the most, is the Labor Department's program on collective bargaining clauses and fringe benefit studies. Both of these have immediate and direct benefits to the unions and are constantly used by us and our locals.

It is difficult for us to be fully cognizant of the deficiencies and liabilities in any statisical program as broad as the Government's, or to use all of the material available since it does not contribute itself to the aims of a labor union. For these reasons, we can only express general approval or disapproval of the programs in the Government. We do, however, appreciate this opportunity to comment on these programs and wish that the unions could receive more pertinent and more usable information in the future.

Sincerely yours,

JOSEPH D. KEENAN,
International Secretary.

MUST WORK NOW TO IMPROVE INTERNATIONAL MONETARY SYSTEM

Mr. PROXMIRE. Mr. President, we have not won the balance-of-payments controversy yet. We are not home free;

we are far from home. However, in the past few weeks we have made a great deal of progress. Former Secretary of the Treasury, Mr. Dillon, reported on that progress. Mr. Fowler, the present Secretary of the Treasury, has reported more recently on it. The fact is that we are moving ahead. As our problem is solved and our balance of payments becomes favorable, it seems to me it is essential that we recognize the fact that the balance of payments of most of the rest of the world will become increasingly less favorable. This is a fact which has been generally ignored.

Because we have had an immensely powerful financial foundation, based upon our great gold supply, and our unparalleled economic strength we have been able to run an unfavorable balance of payments for many years. This will not be possible for most of the other countries. Most of the other countries will have to take restrictive and deflationary action to correct their balance of payments as their balance of payments worsens.

The balance of trade of most of the rest of the nations has been heavily unfavorable for years. Our balance of trade as distinguished from our balance of payments has been favorable by billions of dollars yearly. That means that the rest of the world has had a balance of trade unfavorable to that extent.

When a country has been running at a favorable balance, because it has received our foreign aid and because our troops have been stationed in the country, and then finds itself with its payments balance diminishing and becoming unfavorable, and its trade continuing to be bad, the pressure on it to take decisive action is likely to be very great.

Therefore, it makes sense for us to anticipate the pressure that will result in other countries to reduce their imports. What does that mean? Their imports are our exports. This means then they reduce our exports. Of course there will be a sharp diminution in trade. It means some reduction, at least, in the level of living standards. It may mean a depression, as has happened many times in similar situations before. This is not a matter of theory, but of solid, historic experience.

Experts have been telling us in recent years that we need to increase international liquidity. There has been a great increase in world trade in the past few years, but it has been an increase out of our own balance-of-payments deficit, with our dollars supplying billions of dollars of international liquidity.

Billions of dollars of international liquidity is now in American dollars. As we reduce the amount of dollars going overseas—and the President is right; we must reduce it—available to finance world trade, we accelerate the pressure for international deflation, which could result in a depression in many countries, and a communication of that depression to our own country. Therefore, we should now begin to work to improve the international monetary system.

I quote from a recent New York Times editorial in the April 10 issue of that newspaper:

> In the past, international monetary reform has always come about after bitter disagreement between the great financial powers has produced utter chaos. The record since the end of World War II has shown an improvement, although it has taken extraordinary emergency aid to avert a breakdown. The threat of crisis remains constant; it will not be over until reforms are made. Washington must reinforce its efforts to protect the dollar; and we urge Secretary Fowler to take the initiative and press for negotiations now to adapt the present mechanism to the changing requirements of an expanding free world economy.

I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Negotiating Monetary Reform

In his first speech since taking office, Secretary of the Treasury Henry H. Fowler has reemphasized the administration's program of voluntary restraints designed to eliminate the big and nagging deficit in the Nation's balance of payments. He said the effort to enlist business cooperation in stemming the outflow of dollars was producing good results, but stressed the need for combined progress in negotiations to improve the free world's monetary mechanism.

Mr. Fowler's reassuring pledge to maintain a strong dollar contrasts with his ambiguousness on the issue of international monetary reform. The Treasury Department has taken the position that serious negotiations on reform must await a clear-cut victory in the battle to get rid of the balance-of-payments deficit. This posture was obviously justified when the dollar was under pressure, which weakened Washington's bargaining position. Now that the dollar's fundamental strength is being felt once again, there is valid reason to speed up the timetable for negotiations.

It is vital to achieve reform in order to avoid a breakdown that could lead to a contraction in trade and investment. It would have been a mistake to begin bargaining when the dollar and the pound—the two key currencies supporting the present system—were under suspicion; the United States would have been in the position of a suppliant, grateful for any crumbs that Europe provided.

But it also would be a mistake to resist real negotiations in the hope that the United States could regain the driver's seat and dictate the shape and form a new system. An attempt to establish the supremacy of the dollar would intensify the rivalry now taking place in monetary affairs and threaten a crisis, one that neither the industrialized countries nor the developing areas can risk.

PRIVATE AIRLINE COMPANIES SHOULD FINANCE RESEARCH ON SUPERSONIC TRANSPORT

Mr. PROXMIRE. Mr. President, the airlines of our country are operating more profitably than they have in many years. I believe that is a wonderful thing. It is satisfying to read those profit statements and see that the airlines are making a good deal of money—far more than they have made in the past. They have had some rocky days. Profits are up this year, in the case of many large airlines around 100 percent up. This is encouraging.

However, it seems to me that we might reconsider our governmental policy, particularly with regard to financing research on the supersonic transport.

Recently at a meeting of officials discussing the supersonic transport, Robert A. Bailey, vice president and SST manager of Lockheed–California, had the following to say:

> The SST in the next decade would be more than three times as productive as today's large jets. A single SST operating at a 50-percent load factor and only 7 hours a day, Bailey said, could produce all the revenue passenger miles generated in 1935 by the 500 airplanes of the U.S. airlines and that 100 SST's could produce all the revenue passenger miles generated by U.S. airlines in 1960.
>
> The Lockheed 2000 fixed wing design would be capable of seating between 225 to 250 passengers and transporting them over present medium- and long-range routes in less than half the time now required by subsonic jets.
>
> Analysis by Lockheed of a 200 SST program on a simplified basis and results showed that this fleet would generate over $65 million in revenues by 1993. Total airline operating expense of almost $43 billion would provide an operating ratio of 66 percent, Bailey said. Return on investment would be over 30 percent, comparable to today's subsonic jet airliners.

On the basis of that interesting analysis by Mr. Bailey, who is a true expert on the question—he is a top man at Lockheed in this field—it seems to me that it makes sense that we should reconsider whether our Government should engage in a nearly $1 billion program such as has been proposed and spend our own taxpayers' money developing a field which is obviously going to be so immensely profitable for private industry.

It seems to me that we should reconsider either a Government loan for this purpose or the possibility of private financing, with some kind of governmental participation, partnership, or guarantee. At any rate, the profit figures raise a serious question as to whether we should proceed as we have in the past. Last year, as I recall, we authorized $60 million for the project. The estimate was made that it would cost us an additional $750 million in the near future.

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 8, 1965]

Supersonic Airliner Seen Booming Industry Profit

Los Angeles, April 7.—The supersonic transport should prove to be the most profitable airliner ever conceived and should boost airline earnings to nearly $3 billion by 1980, an aerospace symposium was told today.

Robert A. Bailey, vice president and SST manager for Lockheed-California Co., said the figure was a billion dollars higher than the airlines can earn operating without a U.S. supersonic transport.

Symposium speakers and panelists also included Senator A. S. Mike Monroney, Democrat of Oklahoma, Najeeb Halaby, Federal Aviation Agency Administrator; NASA Associate Administrator, Raymond Bisplinghoff; and Air Force Gen. B. A. Schriever.

> The seminar was designed to give a 10-year projection of the aerospace industry sales, employment, and financial stability.
>
> The Lockheed official said the SST in the next decade would be more than three times as productive as today's large jets. A single SST operating at a 50-percent load factor and only 7 hours a day, Bailey said, could produce all the revenue passenger miles generated in 1935 by the 500 airplanes of the U.S. airlines and that 100 SST's could produce all the revenue passenger miles generated by U.S. airlines in 1960.
>
> The Lockheed 2000 fixed wing design would be capable of seating between 225 and 250 passengers and transporting them over present medium- and long-range routes in less than half the time now required by subsonic jets.
>
> Analysis by Lockheed of a 200 SST program on a simplified basis and results showed that this fleet would generate over $65 million in revenues by 1993. Total airline operating expense of almost $43 billion would provide an operating ratio of 66 percent, Bailey said. Return on investment would be over 30 percent, comparable to today's subsonic jet airliners.
>
> Bailey said the figures are conservative since recent forecasts indicate a market requirement for 400 to 600 SST's.
>
> He noted the effect of such a transport on the gold flow and said surveys indicate that 150 American-built supersonic transports would be sold overseas, resulting in a favorable gold flow of $5.4 billion.
>
> Conversely, he said, if the U.S. aircraft were not built, American carriers would be expected to buy more than 250 British-French Concorde's, resulting in an unfavorable gold flow of $4.3 billion.

TRIBUTE TO SECRETARY OF LABOR WIRTZ

Mr. PROXMIRE. Mr. President, in my judgment, one of the finest Cabinet officers who have served in recent years is Willard Wirtz. Mr. Wirtz recently took on an extremely tough job for which he has been seriously critized by Senators and by others around the country. The New York Times commented on the service that Secretary Wirtz has rendered. I should like to read a brief excerpt from that editorial commenting on the bracero program. The New York Times editorial states:

> Every device short of outright refusal to accept domestic farmworkers has been used to discredit the Labor Department's recruitment efforts. The growers' aim is to prove that crops will rot if Secretary Wirtz does not authorize the emergency admission of large numbers of braceros from Mexico. State officials already have thrown their support behind the farmowners in the Salinas area, and pressure for a wholesale breakthrough is mounting in the rest of California.
>
> Thus far, Mr. Wirtz has stood fast—as he should. He is making a personal inspection of the obstacles to getting enough workers in California. Already he has discovered that one answer is the survival of abysmal living conditions in some migrant labor camps. He said the filth at one camp near Salinas made him "ashamed" that anything so bad existed in America.
>
> In line with his duty under the general immigration law, Mr. Wirtz has held hearings and established $1.40 an hour as the prevailing rate California growers must offer domestic laborers before he will certify any shortage requiring the importation of foreign help.

It is most important, in view of the criticism that has been made of Secretary of Labor Wirtz, that he be defended on the floor of the Senate, and I am proud and happy to do so. He is a great public servant, an extremely intelligent man, and a man of deep convictions—a man who, in the case of the bracero incident, has spoken and acted only after his own personal on-the-spot inspection, after he knew the facts.

Incidentally, he is a man who is carrying out the mandate of Congress. Last year Congress terminated the bracero program after a comprehensive debate, and after having attempted to terminate it several times before. Congress knew exactly what it was doing. It was not impulsive action. It seems to me that the Secretary of Labor is acting within his rights, and is doing an excellent job in making sure the interests of all are considered by his department.

I ask unanimous consent that the editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Squeeze on the Migrants

> After years of successful sabotage by the corporate farm lobby, Congress finally was able to slam the door last December 31 on the legal importation of hundreds of thousands of low-wage Mexican laborers to harvest American crops. Now California growers are engaged in a callous, rearguard action to reopen the migration floodgates and thus to condemn American farmworkers to continued exploitation.
>
> Every device short of outright refusal to accept domestic farmworkers has been used to discredit the Labor Department's recruitment efforts. The growers' aim is to prove that crops will rot if Secretary Wirtz does not authorize the emergency admission of large numbers of braceros from Mexico. State officials already have thrown their support behind the farmworkers in the Salinas area, and pressure for a wholesale breakthrough is mounting in the rest of California.
>
> Thus far Mr. Wirtz has stood fast—as he should. He is making a personal inspection of the obstacles to getting enough workers in California. Already he has discovered that one answer is the survival of abysmal living conditions in some migrant labor camps. He said the filth at one camp near Salinas made him ashamed that anything so bad existed in America.
>
> In line with his duty under the general immigration law, Mr. Wirtz has held hearings and established $1.40 an hour as the prevailing rate California growers must offer domestic laborers before he will certify any shortage requiring the importation of foreign help. This wage standard is scheduled to become effective April 1, and certainly no need for braceros should be assumed until it has had a comprehensive test. And, if this wage proves insufficiently attractive, there is no reason why the law of supply and demand in the labor field should not bring a higher one.
>
> Once growers are compelled to recognize the necessity for paying a living wage, America's highly profitable corporate farms will cease to be "sweatshops in the sun" and no shadow of excuse will exist for the mass import of cheap foreign labor.

OUR EXCHANGE PROGRAM TO COMMUNIST RUMANIA PAYS OFF

Mr. PROXMIRE. Mr. President, there has been a great deal of criticism, of our exchange programs and the fact that American professors have gone to Communist countries to teach.

It seems to me that when that kind of program works out well, it should be called to the attention of the Senate and the Nation. A happy and encouraging article appeared in the New York Times last Saturday. I call it to the attention of the Senate. I should like to quote from that article briefly:

> When James E. Augerot walks down the main street of Cluj, Rumania—

Which, of course, is a Communist country inside the Iron Curtain—

> he invariably draws a dozen friendly greetings from residents, whether they are of Rumanian, Hungarian, or German origin.
>
> That is not the easiest thing to do in Cluj, where the disdain of each nationality for the others is a heritage of past oppressions.
>
> But if anything in Cluj brings the mutually resentful Transylvanians together, it is the family of Professor Augerot, a Texas native who grew up in New Mexico and taught most recently at the University of Washington in Seattle.
>
> He is teaching the English language and American literature under an exchange program at the Babes-Bolyai University which serves Rumanians, Hungarians, and Germans.

The article continues—

> The Augerots are the only Americans within hundreds of miles. As such, they have become celebrities, interviewed on the Cluj radio, written about in the newspaper and cheered in a brief appearance on the local stage.
>
> Their Sears, Roebuck catalog and their station wagon are objects of curiosity.
>
> Professor Augerot has become a sort of unaccredited envoy of the United States.
>
> Though he has received a bit of assistance from the U.S. Embassy in Bucharest, he has borne most of the cost of establishing a small lending library, mostly with pocket editions.
>
> As a result, Cluj students and Professor Augerot's colleagues have been able to explore American life and literature far beyond the works of Theodore Dreiser, which was about all they had before Professor Augerot arrived.

I ask unanimous consent that this excellent article, which I think is a fine commentary on our exchange programs, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Professor Is Popular in Rumania

(By David Binder)

> Cluj, Rumania.—When James E. Augerot walks down the main street of this pretty city with the long stride of a westerner, he invariably draws a dozen friendly greetings from residents, whether they are of Rumanian, Hungarian, or German origin.
>
> That is not the easiest thing to do in Cluj, where the disdain of each nationality for the others is a heritage of past oppressions.
>
> But if anything in Cluj brings the mutually resentful Transylvanians together, it is the family of Professor Augerot, a Texas native who grew up in New Mexico and taught most recently at the University of Washington in Seattle.
>
> He is teaching the English language and American literature under an exchange program at the Babes-Bolyai University, which serves Rumanians, Hungarians, and Germans.
>
> A linguist, the 33-year-old American is learning Hungarian. He has already acquired workable Rumanian.

When he and his wife, Joan, entertain in their apartment at 18 Closca Street, they try to invite both Hungarians and Rumanians, which is unusual here.

Now he has found Rumanian acquaintances saying "Some of my best friends are Hungarians," and vice versa.

LOCAL CELEBRITIES

The Augerots are the only Americans within hundreds of miles. As such, they have become celebrities, interviewed on the Cluj radio, written about in the newspaper, and cheered in a brief appearance on the local stage.

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As a result, Cluj students and Professor Augerot's colleagues have been able to explore American life and literature far beyond the works of Theodore Dreiser, which was about all they had before Professor Augerot arrived.

The Augerots are an easygoing couple, and they have accustomed themselves to the shortcomings of life in a provincial Rumanian city.

Mrs. Augerot gets up at 6 o'clock most mornings to line up with other Cluj housewives for meat and vegetables.

Professor Augerot likes his assignment enough to have agreed to a Rumanian proposal to stay another year at Cluj.

PROGRAM FOR FORESTRY RESEARCH

Mr. STENNIS. Mr. President, in April 1964 after painstaking formulation and review, Secretary Freeman sent to the Congress a report entitled "A National Forestry Research Program." Today is my first opportunity to review with the Senate what this fine program embraces and what it will do when properly implemented for the intensified development and utilization of our forest resources.

This is a national program. It represents an attack through research on the forest resource problems facing our entire Nation. The program covers research in the growing and management of timber, in the protection and enhancement of forest soil and water values, and in range forage. It covers research in the management of forests and related rangelands for improved wildlife habitat and for rapidly growing forest recreation. It covers research in protecting the forest from the ravages of fire and insects and disease. It covers research in new engineering systems to cut the cost of harvesting and transporting wood to manufacturing plants, and in forest product utilization to create new and improved uses for wood and products to be made from wood. And it covers research in marketing of forest products and in the economics of our forest resources.

This comprehensive program proposed by the Secretary of Agriculture is well balanced. It will supply answers to many present-day problems in the fields I have mentioned. It is designed to meet the future growing needs of our people as the requirements increase for goods and services that flow from forest resources.

The purpose of this national forestry research program is to move our Nation ahead in the broad field of forest resource management, protection, and utilization. This program develops a firm base and technology for rapidly advancing our forestry practices, our forest protection, and our forest and range industries. In my opinion, this program will move our Nation ahead in a broad area of needed resource development.

But action is needed now to get the forestry research program ahead as carefully planned. Trees require time to grow; erosion control measures need time to stabilize soil; wildlife and fish habitat cannot be developed overnight. The crop of trees which will be harvested in the year 2000 may have been planted in the last decade and certainly must be planted today. The research necessary to improve technology in these fields must begin today; it is too late to begin research at the time when we need a tree crop to harvest and use.

Likewise, our national problems in wood utilization and forest engineering and forest protection are with us today. They urgently need solutions which must also come from forestry research.

As a member of the National Forest Reservation Commission, I traveled through most of the forest areas of the country and saw problems firsthand. I also saw research underway dealing effectively with critical problems. Through my travels in my own State of Mississippi, I have many times seen the results of forestry research in action. I have seen how the results of this research have improved the local economy of our States which are dependent upon the forest for new and expanding industries. For example, construction of a southern pine plywood plant has just started in Philadelphia, Miss. This plywood plant is one of four southern pine plywood mills being cnstructed in my State. Mr. Gene C. Brewer, president of the U.S. Plywood Corp., recently said that 15 to 20 of these plants are in the planning stage in the South today. These mills will require plant expenditures of about $75 million and provide jobs for more than 4,000 persons. An entirely new industry is being created in the South. And this may only be a start. A recent issue of Plywood magazine stated that the number of southern pine plywood plants contemplated has reached a total of 41.

This is pine plywood. It is an innovation; it is something new in the field of commercial plywood.

Now let me tell Senators what provided the technical base for this whole new industry in an area badly needing more economic development. The Forest Service, working between its Forest Products Laboratory in Madison, Wis., and its regional forest experiment station in the South, laid the groundwork for this industry through its research and development program. Just as the Forest Service has helped this new plywood industry, its other research programs will aid in the establishment of additional industrial developments.

I have described many times how the skill of the forest tree breeder is changing the outlook for forestry. Our people—both in the South and in other sections of our great country—now realize that superior forest trees can be developed in the same way that superior strains of corn and cotton and wheat have been developed. The Forest Service, through its forest genetics research, has been a leader in this field. Today, more than 7,000 acres of seed orchards have been established which will produce seed for superior trees. In addition, while these orchards are coming into production, research has developed ways to create better seed production areas from existing forests by favoring selected trees and weeding out trees of undesirable parentage. More than 12,000 acres are now in these seed production units. Thus, we are well on our way toward having future forests made up of trees that will resist insect and disease pests, grow faster, or have other superior characteristics.

Then, too, there are the problems that the use of pesticides has raised in the minds of many people. I know that the Forest Service is coming to grips with these problems in a very real and effective manner within the limits of their funds and facilities.

We can be satisfied with the fine forestry research program which has been planned, only if it is implemented at an acceptable rate; only if the wherewithall is supplied to put the required numbers of scientists to work on important problems and equip them with good, modern laboratories.

What will it take to move the national forestry research program along at a necessary and acceptable rate? The planned program calls for funding at the rate of $76 million annually by fiscal year 1972 and the construction of laboratories and related facilities costing $50 million during the period of the projected program through fiscal year 1972. The average annual buildup of the research work that has been projected for fiscal year 1966 and subsequent years through 1972 is $6.5 million. In addition, the projected funds needed for construction of research facilities average $5.5 million per year for this same period. These two categories combined represent an average annual increase of $12 million. To those who might think that this sum sounds large, especially when expressed in terms of increases, I point out that it concerns a great reproduceable resource or material of the Nation. When we use up coal or iron or oil or gas, or many other natural resources, they are used up forever. If we use up our forests, but use proper practices, we can at the same time be growing back forests on the same land. In other words, this is a reproduceable resource that is almost nationwide.

What I propose is purely a matter of foresight. It is purely a long-range investment. It is purely a matter of insight, technology, and know-how. It is a thinking ahead along the necessary lines to maintain this necessary resource and have a system for reproducing it.

So far as the $12 million is concerned, I point out that a week ago today, as I recall, it was my privilege to present to the Senate the military construction authorization bill, a bill for hardware alone in the military program, for 1 year. That bill provides for the construction of guns, missiles, ships, and planes, and for research and development. One item in that bill provides $6.5 billion for research and development alone. In other words, we are spending at an annual rate—in each 12-month period—$6,500 million for military research and development alone. Certainly the sum of $6.5 million for an increase in the operating costs of the research program for a reproducible and necessary natural resource is merely a pittance compared with the other sums we are already spending for research in one field—the military field—alone.

I also point out that this program is fully coordinated with related natural resource research within the Government and with the forestry research programs of industry and the universities and State agencies. Indeed, this program calls for stepped-up support of cooperative forestry research with colleges and universities at the State level. Greater use of available authorities for basic grants for cooperative research is anticipated in the program. The role of the cooperative program of grants to the State for forestry research under Public Law 788 of the 87th Congress, which, I am proud to say, I had a hand in bringing to enactment by Congress, is fully recognized. Thus, the national forestry research program of the Department of Agriculture contemplates a solid joining of scientific forces into a strong coordinated program, nationwide, statewide, and industrywide.

The program will take advantage of the supporting work at universities wherever possible. For example, the Forest Service plans under this program call for a modest project at Mississippi State University to study hardwood tree seeds and their physiology. Our university, long famous nationally, and more recently internationally as well, is recognized for its program of seed research in many agricultural crops. This university activity, along with a forestry school, can furnish the type of scientific environment and supporting facilities that will help the Forest Service accomplish its tree seed research mission. Through the joint efforts of the university and the Forest Service, the mission will be accomplished at a more reasonable cost and at a mutual advantage to all. This same type of coordinated and cooperative effort between the Forest Service and our State universities is nationwide. It exists today at the University of Minnesota, Oregon State University, University of New Hampshire, Montana State University, Colorado State University, University of Georgia, Arizona State University, Southern Illinois University, and many others.

Today we are fighting a battle in our rural areas and especially in our rural forested areas. We are fighting a battle to provide these struggling areas and communities with the economic opportunities they so rightly deserve. These communities are located in every region of our country. Perhaps there is a larger concentration of them in Appalachia and some other areas than in the more industrialized regions, but the problems transcend regional boundaries and are with us in the North, South, East, and West. It is saddening to see that the most depressed rural areas often coincide with the forested areas. But this situation offers hope—hope based on greater use of the basic resource that the forest itself represents.

As I emphasize, this relatively small sum of money is not a relief program. It is not a giveaway program. It is not even a make-work program. This is a program dedicated to the very basic research and development of our forests. It is an improved forestry program to meet a national need in future years because of the greatly increased demand of our economy due to the increased population and technology.

I submit that the national forestry research program which I have briefly outlined is the most rapid and promising key to economic opportunities for many of the communities in every State in the Nation.

The national forestry research program will provide the firm foundation on which we can build a more prosperous livelihood for a large segment of Americans. It will provide the foundation from which an abundant forest resource can be developed—forests rich in high-quality trees and safe in the protection of its watersheds; forests from which a multiple of uses can abound and forests from which timber products can support an expanding wood industry to bolster the National, State, and local economies. I earnestly urge each Senator to give careful thought and consideration to the implementation of this research program in the development of our forest resources and industries. I earnestly urge each Senator to study this program and see for himself that the $12 million annual increases over the next few years is modest, well planned, and well justified.

Mr. President, I referred to the forest areas of my State, to the Southeast and other areas of the Nation. I have visited these areas. Many of those areas also have oil, gas, and other natural resources. I have said, while present in these areas, that long after the last drop of oil is drained from the subterranean reservoirs and the last cubic foot of gas has been drawn out, piped away and used up, the trees that are being grown on a more scientific basis, through their continuity of reproduction and their estimated maximum yield principles will be furnishing a livelihood to countless thousands, yes, millions of people yet unborn, one generation after another.

I submit this entire program to the Senate for its examination. I hope that these remarks will be read, and I think they will be, by the staff members and considered by members of the Committee on Appropriations as well as all Senators.

I do not believe that any remarks along this line should be closed without calling attention to persons who deserve credit for this program. Foremost among those persons is Dr. V. L. Harper, now deputy chief of the Forest Service, in charge of research. Dr. Harper has been in this position for years. He has made a career of this work and has rendered outstanding worldwide leadership in this field. He has contributed very much to our forestry, industry, and our great Nation.

Certainly he is the personification of a dedicated public servant, outstanding in his great profession. I congratulate not only Dr. Harper, but also his entire staff and associates.

Mr. President, I have visited many laboratories and bureaus within the Forest Service all over the Nation. The personnel of the Forest Service rank very high indeed in their dedication to their work, and their capacity to carry on their work and represent the Government service personnel at its very best, for which I thank them on behalf of the Senate and the Nation.

I commend them for their splendid work. I wish them well as they continue their very meritorious careers.

I yield the floor.

COMMENTARY ON THE PRESIDENT'S SPEECH ON VIETNAM

Mr. HARRIS. Mr. President, the situation in Vietnam continues to be a most difficult and dangerous one for the United States and for the peace and security of the world.

I commend the President for his efforts to keep Senators informed concerning the detailed and underlying facts involved in this troublesome problem, as he has been doing recently through the series of meetings to which Members of the Senate have been invited.

Comments throughout the free world and in the United States concerning the speech given by the President recently at Johns Hopkins University have been very good.

An excellent column was published in the Washington Post under date of April 9, 1965, by William S. White, entitled "Vietnam Speech. Policy as Firm as Ever."

In this article, Mr. White points out that the address of President Johnson restated what has been and is the policy of the United States under this administration and under former administrations.

Mr. President, I ask unanimous consent that the column by Mr. White be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Apr. 9, 1965]

VIETNAM SPEECH: POLICY AS FIRM AS EVER

(By William S. White)

President Johnson's so-called new policy for dealing with Communist aggression in South Vietnam is not new in fact nor does it in the smallest way soften his real position.

To the contrary, he feels—and objective reading of what he said at the Johns Hopkins University suports him in this—that its meaning is simply firmly to establish the two bedrock necessities for remaining in Vietnam until aggression has been brought to a halt by self-enforcing peace arrangements that will not and cannot be later cast aside by the Communists as other agreements have been.

The vital words here are "self-enforcing." The President will never go along with some spurious deal resting only on Communist promises to quit attacking South Vietnam. For his own part, in short, he considers himself more deeply committed than ever before to bringing those attacks to an end. If others think he is less committed, as some seemingly do, the answer is simple: Surely, he ought to be the best witness of the intentions of Lyndon B. Johnson.

The first of the twin bedrock necessities to staying in Vietnam is a continuing American military action—which will be carried just as far as the Communists force it to be carried. The President is astonished, as to this point, that so much of the interpretation of his Johns Hopkins speech has so stressed his promise in some circumstances of American economic aid to Vietnam and southeast Asia generally and so kissed off these other passages:

"We will not be defeated. We will not grow tired. We will not withdraw, either openly or under the cloak of a meaningless agreement * * * Peace demands an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others—free from outside interferences—tied to no alliance—a military base for no other country." How do you get any more committed than this?

This continued American military action is not merely to help protect South Vietnam. It is vital to prevent what has always been the nightmare of American policymakers, the nightmare of a total collapse in South Vietnam's morale and government which might make impossible further effective American assistance of any kind.

The second bedrock necessity is to placate, so far as may be rationally possible, the endless fretful complaint from allied governments and some sections of responsible opinion at home that the United States is offering no constructive alternatives to continued war.

It is here that Mr. Johnson's suggestion for a cooperative economic development of southeast Asia takes its place. Once the nations directly involved begin this development in good faith, he is prepared to ask Congress to authorize a billion-dollar American investment—not, by the way, a mere American gift—in such an enterprise. Here, again, the President is both disappointed and surprised at some Republican criticism of this as an effort to buy peace.

In the first place, we are already spending far more than a billion a year in South Vietnam alone, putting military and economic expenditures together. In the second place, what he is speaking of as a possiblity for southeast Asia generally is already taking place in South Vietnam. In the third place, the principles of such a program were in fact recommended to President Kennedy by Mr. Johnson as Vice President as early as 1961. He sees it as about what we have done widely long since in Latin America to prevent chaos and Communist encroachment.

In the fourth place, this problematical and future American carrot, though sincerely held out if the Communists will make it possible to hold it out usefully, weighs far less than the here-and-now American stick that accompanies it. No country being attacked has in all history been given a more profound and more powerful military American guarantee than the guarantee the President has now given to South Vietnam.

Mr. HARRIS. Mr. President, another excellent editorial on the same subject was published in the Washington Daily News on April 8, 1965. This editorial was entitled "Why We Are in Vietnam—And the Alternative."

In this editorial it is stated:

> The President scrupulously recited again the objectives of U.S. presence in Vietnam: We are there because we are keeping a pledge to help the South Vietnamese; but also to strengthen order in the whole world, to prevent all the nations of southeast Asia from being swallowed up.

After discussion of the alternatives offered to the hostilities there, the column continues:

> This put it straight up to the Communists—in North Vietnam, in Red China, in Russia. So long as they force violence on others, we will resist them with all our power. But if they want to use the knowledge we now have "to make this planet serve the real needs of the people who live on it" we are ready, able, and eager.

I ask unanimous consent that the editorial be made a part of the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) News,
April 8, 1965]

WHY WE ARE IN VIETNAM—AND THE ALTERNATIVE

President Johnson's Baltimore speech not only was a first-class effort to clear away the persistent fog which unaccountably seems to hang over U.S. military activities in Vietnam—the President also gave the Communist world, and everyone else, the choice of an alternative.

He proposed a huge cooperative program to help southeast Asia to the development that its resources and population would make possible if it were not for the constant conflict which besets the area. He specifically invited Soviet Russia to join and also North Vietnam "as soon as peaceful cooperation is possible."

We are not going to pull out of South Vietnam until that country has its clear independence—securely guaranteed, free from outside interference. We will not be bluffed out, chased out, negotiated out; nor will we leave because we have grown tired.

We will engage in "unconditional" discussions of any type:

"We will never be second in the search for a peaceful settlement in Vietnam"—providing this means a free South Vietnam.

But until South Vietnam is cleared of invaders and its sovereignty riveted, we will use our power, "with restraint and with all the wisdom we can command." But—"we will use it."

The President scrupulously recited again the objectives of U.S. presence in Vietnam: We are there because we are keeping a pledge to help the South Vietnamese; but also to strengthen order in the whole world, to prevent all the nations of southeast Asia from being swallowed up.

He spelled out the nature of Communist aggression, what it already had done and what it threatens. And again, as he has said so often, we fight not because we like fighting but "because we have to deal with the world as it is." Or, he could have said, as the Communists have made it.

To speed up the alternative to war, Mr. Johnson proposed that the United States join in a "billion-dollar" effort to develop the southeast Asia area.

That's a lot of money, a billion dollars. But it is cheap compared to the price of war, in lives lost on both sides, as well as dollars spent for bombs and guns, and rockets and warships, which the President aptly said are "witness to human folly."

This put it straight up to the Communists—in North Vietnam, in Red China, in Russia. So long as they force violence on others, we will resist them with all our power. But if they want to use the knowledge we now have "to make this planet serve the real needs of the people who live on it" we are ready, able and eager.

The Communists, wherever they are, ought to know by now that President Johnson means what he says, on both counts. And that the American people, regardless of small quibblings which may be heard, are solidly behind the President's resolution, as well as his purpose.

This has never been made clearer than Mr. Johnson made it last night.

Mr. HARRIS. Mr. President, there is also an excellent sizing-up of the entire situation contained in a column by Eugene Patterson entitled "The U.S. Is Some Warmonger," from the Atlanta Constitution of April 8, 1965, which I ask unanimous consent to have printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Atlanta (Ga.) Constitution,
April 8, 1965]

THE U.S. IS SOME WARMONGER

(By Eugene Patterson)

President Johnson could only state U.S. intentions in Vietnam. In order for anybody to accept his assurance that those intentions were good, however, he had to depend on their consciousness of certain rudiments. Some critics of this country's morality appear to have lost hold on some of these rudiments. Bluntly reviewed, they are:

North Vietnam engineered the war in South Vietnam. The United States did not.

The Communists fight to seize South Vietnam, and impose their system of government on it. The United States does not.

North Vietnam seeks the overthrow of the government in South Vietnam. The United States does not seek the overthrow of the government in North Vietnam.

Communism lies to the South Vietnamese that the Americans are imperialists like the French. The Americans are not.

France fought to stay in Vietnam. The United States fights to get out.

Communism has given the South Vietnamese peasants propaganda. The United States has given them hundreds of millions of dollars worth of nonmilitary aid in one of history's most selfless experiments in idealism.

The Vietcong has systematically murdered hundreds of South Vietnamese officials who would not consent to be Communist, and then called American military actions murders. The United States, aside from its military defense actions, which would not have occurred if the Vietcong had not been engaging in attack actions, has built hundreds of hospitals, clinics, and schools that have taught and treated hundreds of thousands of South Vietnamese children.

Vietcong troop formations take cover by hiding in village populations, then seek to blame the United States for unintended civilian casualties when those troops are struck. The United States must assume its condemnors will note that when the Vietcong blew up the U.S. Embassy, they deliberately exploded the bomb in a crowded Saigon street, killing or wounding 150 South Vietnamese civilians in order to get 45 Americans.

The Vietcong pictures its guerrillas as being native revolutionaries. The United States can prove their key leaders, military and political, are North Vietnamese cadres who have invaded South Vietnam, and Hanoi hasn't even denied it.

The Vietcong claims the South Vietnamese support them. The South Vietnamese have more than a half-million men in the field

> fighting them—fighting them so hard that an average of 550 give their lives every month.
>
> The Vietcong questions the legality of the various imperfect governments that have requested American aid in South Vietnam. The United States has no question about the illegality of North Vietnam's intrusion into South Vietnam and its engineering of a war to seize that country.
>
> Yet North Vinetam complains of the punishment when it is bombed by Americans, whose mission is not to continue the war, but to end it.

Mr. HARRIS. Together with the other columns inserted in the RECORD, it points up some misunderstandings which have been noted on the part of some who have written about this troublesome situation.

It has been said the Government of South Vietnam is an unstable one. It is true that we all lament the instability that has been evidenced there, but, as pointed out by Mr. Patterson in the article I have inserted in the RECORD:

> The Vietcong has systematically murdered hundreds of South Vietnamese officials who would not consent to be Communists, and then called American military actions "murders."

I point out that the instability of the Government of South Vietnam is in large part a direct result of the terrorism and systematic kidnaping and murdering of large numbers of local and government officials throughout South Vietnam; that the Government of South Vietnam would be appreciably and immediately strengthened and made more stable if the terrorism supported by North Vietnam and carried out by the Vietcong in South Vietnam was immediately stopped.

It has been said also in some columns that the people of South Vietnam do not support their government in resisting aggression there.

In the column by Eugene Patterson, which I previously inserted in the RECORD, there is also a comment on that allegation. It states:

> The Vietcong claims the South Vietnamese support them. The South Vietnamese have more than a half-million men in the field fighting them—fighting them so hard that an average of 550 give their lives every month.

Without question the majority of the people of South Vietnam and their half-million fighting men in the field are in support of the actions of their government against the external aggression, the terrorism, murders, and kidnapings which have been carried on in South Vietnam by the Vietcong and North Vietnamese.

It is also said that the United States is in an increasingly tense position because it is running out of military targets in North Vietnam. I think it is clear that we have hit only a fraction of the military targets which are available to us in North Vietnam. I speak only of military targets—communications, transportation, staging and supply areas, which are purely military in character and do not involve bombing of civilian population.

It has been said in some columns—and I have seen this in two or three—that one-half to two-thirds of the geographic area of South Vietnam is controlled by the Vietcong. This does not fit the facts.

It has been said that this is a civil war involving people in South Vietnam fighting each other for control of the government. That is not so.

There are within the borders of South Vietnam aggressors who are supplied and reinforced with munitions and fighting men from North Vietnam. It is not a civil war. The security of the free world is involved there. The security of the United States is in jeopardy there. If we do not live up to our commitment to South Vietnam to help them keep their country free, we shall have to draw the line elsewhere, in Thailand, or Malaysia, or Hawaii, or Seattle and San Francisco. The line must be drawn somewhere.

If we fall for the Communist fictions of civil war and withdraw from that area for that reason, I have no doubt we will be faced with more civil wars, which are in reality aggression, in other parts of southeast Asia and closer to our own shores.

There has been discussion of various alternatives in South Vietnam.

It has been said by some that we ought to begin strategic bombing of cities, involving civilian populations in North Vietnam and perhaps in China itself.

This is not a proper alternative for the United States. It is not necessary, and we hope and pray it will never again become necessary, armed as the world is with nuclear weapons, to engage in such a war.

It is our position that our response to this aggression is, and should be, measured and fitting; and to date the response of the United States has been measured and fitting for the type of aggression which has been launched against South Vietnam.

It has been said that we should dishonor commitments made by three Presidents of the United States and withdraw from South Vietnam and abandon the people of South Vietnam, who have been struggling for national security and independence.

There is no question that this is not a proper course for this country. The President has announced quite firmly, and did so again in his speech at Johns Hopkins University, that we will honor our commitments in South Vietnam.

It has been stated as a third alternative that this matter should be referred to the United Nations. I say, "Easier said than done." There has been no indication from the other side that they would welcome the good offices of the United Nations or the peace-keeping offices of the United Nations in this situation. The indications have probably been to the contrary.

Moreover, I would ask of those who think this matter should be turned over to the United Nations whether a resolution could be put through the General Assembly. If so, what of the sticky legal question as to the peace-keeping power of the General Assembly and the problems of the peace-keeping costs with respect to the Congo? Do those who wish the United Nations to take over this problem think that a resolution could be passed through the Security Council, where the veto is still in power, and the Soviet Union would be conveniently absent when a resolution was put through for peacekeeping operations in South Vietnam?

Unfortunate and sad as it is, the United Nations is faced with severe and grave procedural problems of its own. Amendments to the charter have been recommended to us for solving these difficult problems, but until those questions are settled and the problems are solved in the United Nations, it seems to me this is not now a viable alternative.

It has been said that we should negotiate for a political solution to the problems of South Vietnam. This, too, is easier said than done.

The President of the United States has stated over and over again, as he did in his speech at Johns Hopkins University, that we are willing at any time, anywhere, and with anyone, to talk about an honorable settlement of the problem of Vietnam in which its freedom and independence are preserved and guaranteed.

As we all know, newspapers have been carrying stories every day since the President's speech at Johns Hopkins University, reporting that the other side has indicated no willingness to negotiate. The fact is, they have so far indicated only their unwillingness.

Everyone hopes and prays that in the official response to the notes from the 17 nonalined countries, the North Vietnamese may indicate some willingness, or at least not a flat unwillingness to come to grips with a peaceful solution.

Finally, Mr. President, we come to the other alternative, the one which the President of the United States is now following. South Vietnam—with our help—can, and I am sure will, continue to pursue its activities against the Vietcong in South Vietnam and against communications, transportation, and military targets in North Vietnam.

We hope and pray, in common with all those who have spoken or written on this subject, seeking peace, that continued military pressure on North Vietnam, and the additional pressure of world opinion, increasingly mounting on our side since the President's speech, will eventually force the other side to cease its aggression and allow South Vietnam to develop as a free and independent nation.

Mr. President, I yield the floor.

AUTHORIZATION TO RECEIVE MESSAGES AND SIGN BILLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President, President pro tempore, and the Acting President pro tempore, be authorized to sign S. 974, the Manpower Training Act, during adjournment of the Senate through Wednesday, April 21; and that during such adjournment the Secretary be authorized to receive messages from the President transmitting nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD OF THE 89TH CONGRESS TO DATE

Mr. MANSFIELD. Mr. President, today, April 13, marks the 100th day since the 1st session of the 89th Congress convened.

It will be recalled that President Johnson met with a joint session on the first evening of the session to deliver his state of the Union message. He said:

> We are entering the third century of the pursuit of American Union. * * * We seek the unity of man with the world he has built—with the knowledge that can save or destroy him—with the cities which can stimulate or stifle him—with the wealth and machines which can enrich or menace his spirit. We seek to establish a harmony between man and society which will allow each of us to enlarge the meaning of his life and all of us to elevate the quality of our civilization.
>
> * * * * *
>
> The United States has reemerged into the fullness of its self-confidence and purpose. No longer are we called upon to get America moving. We are moving. No longer do we doubt our strength or resolution. We are strong and we have proven our resolve. No longer can anyone wonder whether we are in the grip of historical decay. We know that history is ours to make.

Congress has moved a sizable amount of legislation during this first session. Last Thursday, during a meeting with the Cabinet, the President took note of the fact that the Congress would, in a few days, complete its first 100 days; and he said that the Congress by then will have written "a record of major accomplishments without equal or close parallel in the present era."

Mr. President, I ask unanimous consent that at the conclusion of my remarks the statement made by the President to the Cabinet on April 8 may be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, Congress is in the process of writing a respectable record of accomplishments. We are not acting in an atmosphere of crisis but in a sober realization that even in a time of great prosperity there are grave problems which must be met and solved. This we are doing, not just as Democrats alone, or as Republicans alone, but as Americans and representatives of the people of the Nation and responsible legislators. We have done a great deal, but there is a long road yet to travel.

I would like to note, first, some of the legislative landmarks which are behind us. None, in my judgment, is of greater significance than the education bill which Congress passed on Friday, April 9, and which the President signed into law on Sunday, April 11. When he signed the bill, the President predicted that the Members of Congress who supported the legislation—Republicans and Democrats alike—"will be remembered in history as men and women who began a new day of greatness in American society."

> By this act—

He noted—

> we bridge the gap between helplessness and hope for more than 5 million educationally deprived children * * *. As a son of a tenant farmer, I know that education is the only valid passport from poverty * * *. As a former teacher—and I hope a future one—I have great expectations of what this law will mean for our young people.

The Congress is on the road to the enactment of another great piece of legislation which will lift the fear from the minds of millions of our older citizens as they seek to cope with the illnesses of later life with dignity, with decency, and with an independence befitting maturity. I have reference to the President's proposal for hospital care for the aged which the House passed with a heavy majority last week.

In that respect the House and its leadership are to be highly complimented for the magnificent record which that body has accomplished to date. I also take this means to extend my personal congratulation to the Speaker of the House, Mr. McCORMACK, to the majority leader of the House, Mr. ALBERT, and to the whip, Mr. BOGGS.

It is to be expected that the distinguished Senator from Virginia, the chairman of the Senate Finance Committee, with his deliberate diligence and high sense of responsibility and cooperation will begin hearings upon this important bill as soon as possible after the Easter recess so that the Senate can act on it and, hopefully, send it to the White House sometime this spring.

When we return from a brief and needed respite on April 21, we shall resume consideration of a third great piece of legislation of this year—the proposed Voting Rights Act. The Congress will again, I am confident, measure up to its responsibility in debating the proposed legislation which has its roots in the 15th amendment. It represents a kind of culminating effort to carry into effect a century-old proposition and hope that no American shall be denied the right to vote because of his race or color.

I should like to list briefly at this point, other important actions taken this session:

MAJOR LEGISLATION APPROVED

The $1.1 billion in aid to Appalachia.

The gold cover bill.

Additional contribution to the Inter-American Development Bank.

The tobacco acreage bill.

The Manpower Training Act expansion and extension.

The 3-year extension of the Disarmament Act.

The $1.6 billion agricultural supplemental.

The $114.2 million Coast Guard authorization.

The elementary and secondary education bill.

IN CONFERENCE

River basin planning.

In addition, the Senate has already passed these other significant acts:

Coffee agreement implementation.

Community health services extension.

The $15.3 billion for military procurement.

The establishment of Bighorn Canyon Park.

Presidential inability.

Reorganization Act extension.

Stockpile management and disposal.

Water pollution control.

Water Research Act expansion.

VA distressed homeowners relief.

Strengthened the Foreign Agents Registration Act.

Imposed Federal criminal sanctions on illicit traffic in child adoption.

The President has expressed his congratulations to Congress "for this outstanding example of the responsibility of our representative system." Speaking for the Senate, I wish to thank my Democratic colleagues for the courtesy and understanding and support which, without exception, they have given to the leadership in its efforts to carry into legislation, the President's programs. I want to say to my Republican colleagues, through their distinguished and outstanding leader, the Senator from Illinois [Mr. DIRKSEN], that in these months since the outset of 1965, you have given an example of an enlightened opposition which is in the finest tradition of the Senate and the two-party system. There has been opposition but it has been a constructive opposition. There has been partisanship but it has been a responsible partisanship. Whatever this Senate has done, with its heavy Democratic majority, it has done it better on the whole for the people of the Nation because of the men and the woman with the rose sitting on the other side of the aisle. If this Senate has functioned responsibly and well to date, it has functioned that way because the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] would have it no other way. We can separate for these few days to attend to many neglected personal matters and look forward to reassembly next week with a well-earned peace of mind, and with the expectation of a continuance of the fine work of the first half of the 1st session of the 89th Congress into a second half, which I am hopeful will not be of much greater length.

EXHIBIT 1

STATEMENT BY THE PRESIDENT TO THE CABINET ON THE RECORD OF THE 89TH CONGRESS

On next Tuesday, April 13, the 1st session of the 89th Congress will complete its first 100 days. While this period included the inauguration and other activities traditionally slowing the legislative processes, this Congress will have written by that date a record of major accomplishments without equal or close parallel in the present era.

Already three major measures have been enacted into law: Appalachia, the gold cover, and the Inter-American Development Bank.

We may hopefully anticipate favorable action before the end of this week on two other measures of the very greatest importance to the future of our Nation—the education legislation now before the Senate and the measure to assure hospital care for the aged now before the House.

Additionally, three other major measures are presently in conference between the House and Senate: the Disarmament Act amendments, the Manpower Training Act, and the River Basin Planning Act.

The record already written by both Houses of this Congress—and by members of both parties—is the very highest compliment to the representatives of the people. As they did in the 2d session of the 88th Congress, the Senators and Congressmen are responsibly and effectively demonstrating to the world that there will be neither a hopeless deadlock nor needless delay in our democratic system. On behalf of the executive branch—and the American people—I want to salute and congratulate the Congress for this outstanding example of the responsibility of our representative system.

I believe the record of the Congress reflects the will of the American majority at this moment in our national history: that we get on with the job of meeting the needs of our 20th century agenda without allowing politics or partisanship to stand in our way.

At home—and in the world—we are challenged by both peril and promise. Whatever may be the tests ahead, we will be stronger and more secure if we act as a people united to fulfill the promise of our society in the manner this Congress is doing now so commendably.

MOUNT SERGEANT ROBINSON

Mr. BARTLETT. Mr. President, I am especially glad to note the presence in the Chamber of my friend, the senior Senator from Maine [Mrs. SMITH], for reasons which I am sure will shortly become obvious.

Likewise, it is the intention of the junior Senator from Maine [Mr. MUSKIE] to be in attendance at this time also. He has been absent from the Capitol on official business.

Mr. President, tomorrow, April 14, 1965, marks the passage of a hundred years since our Nation saw our President, Abraham Lincoln, treacherously slain. We are all familiar and will never forget the circumstances which led to this day of ignominy. A great leader was fallen.

President Lincoln's death came about as the result of a diabolical plot against the leaders of our Nation. As we know, well-laid plans had been made not only for Lincoln's murder but also Vice President Johnson, General Grant, Secretary of War Stanton, and Secretary of State Seward were likewise to have been destroyed.

We in Alaska have had and will always continue to have special feeling with respect to Secretary Seward. It could very well have been, had the assassination attempt been successful, that Alaska would not have become a part of the United States of America when it did. I could go so far as to suggest that without his sustained drive in acquiring Alaska, such acquisition might never have come about as it did in 1867.

But I must not digress. I am moved to speak today because of the fact that Alaska has seen fit to pay homage to the man who almost at the cost of his own life prevented the Seward assassination. This man was George Foster Robinson, who came from the great State of Maine. Robinson was serving as a private in Company B, 8th Maine Volunteer Infantry, in the war which was dividing our country. Private Robinson in May 1864 suffered extensive wounds in the Battle of Bermuda Hundred. These wounds necessitated long, painful hospitalization. Early in April of 1865 Private Robinson was detailed to act as attendant nurse to Secretary Seward who was confined to bed in his home adjacent to the White House with a fractured jaw and broken arm suffered in a carriage accident.

A few minutes after 10 o'clock in the evening of April 14, while the soldier was on duty in Mr. Seward's room, Payne, an accomplice of John Wilkes Booth, assassin of President Lincoln, gained entrance to the house on the pretext of delivering a prescription. He hurriedly proceeded up the stairs, bent on carrying out his part of the dastardly plot—the murder of Secretary Seward. After gaining entrance to the upper floor of the Secretary's home, Payne fought off attempts on the part of the Secretary's elder son, Frederick, to halt him. On hearing the disturbance Private Robinson engaged in a bloody battle with Payne as he foiled the assassin's attempt. The circumstances of the hand-to-hand encounter were almost unbelievable but Payne's attempt was futile. We all know that later he was arrested with the other would-be assassins and paid for his crime on the gallows in 1865. Private Robinson's brave deed was most fittingly noted when the Congress, in 1871, adopted a joint resolution which directed the Secretary of the Treasury "to pay to George F. Robinson the sum of $5,000" and "to cause to be prepared and presented to the said George F. Robinson a gold medal commemorative of the heroic conduct in saving the life of the Honorable William H. Seward, the Secretary of State of the United States."

The years have passed but the memory of Private Robinson's gallant action will not be forgotten. Earlier this year, I suggested to Governor Egan, of Alaska, that he join with me in efforts to have one of Alaska's beautiful mountain peaks named in honor of Private Robinson. The Governor responded enthusiastically in the affirmative and had knowledgeable people choose a peak to carry the name. The mountain chosen is a 10,415-foot peak in the lovely Chugach Mountains. A surveyor connected, with the U.S. Geological Survey, once noted:

> If you ever need a mountain to name for a prominent personage, this is it.

It is one of the most impressive mountains in Alaska, and is plainly visible from the Glenn Highway. At the suggestion of the State geographic board, the mountain will bear the name of Mount Sergeant Robinson; this is perhaps less desirable than Mount Robinson, but since there is already a mountain so designated near the Canadian border, there could not be a duplication.

Thus has Alaska chosen to pay everlasting tribute to this brave son of Maine.

Mrs. SMITH. Mr. President, I wish to associate myself with the remarks of the Senator from Alaska. I am very proud and grateful to Governor Egan for honoring Maine's hero George Foster Robinson by naming an Alaskan mountain "Mount Sergeant Robinson."

I am grateful to the Senator from Alaska for his valuable role in obtaining this recognition for Maine's George Foster Robinson, who saved the life of Secretary of State William H. Seward, the man who had the vision to have our country purchase Alaska from Russia a century ago.

I am particularly grateful to Carlton J. Corliss, a native of Maine and a retired railroad executive now residing in Washington, D.C. For Mr. Corliss has been the driving inspiration for obtaining this appropriate recognition for George Foster Robinson. Without the dedicated efforts of Mr. Corliss, this recognition would never have been achieved.

Mr. Corliss has written a fascinating historical account of the heroism of Sergeant Foster in saving the life of Secretary of State Seward. It is my sincere hope that his account can be made available to the American public through publication by one of our national news media. Mr. Corliss writes with authenticity and with an incisive ability to move the emotions of his readers.

Mount Sergeant Robinson is over 10,000 feet high. I would like to go to Alaska to climb this mountain to which Maine now has a proud claim. However, official Senate business does not permit taking time out and being absent. For we have before us such important matters as the civil rights voting bill on which we must act to carry on the work started by the great Abraham Lincoln, who chose very wisely William H. Seward to be his Secretary of State and was was assassinated 100 years ago tomorrow.

It was just 100 years ago tomorrow that Maine's George Foster Robinson saved the life of William H. Seward and prevented his assassination.

I ask unanimous consent to place in the RECORD at this point an article on this subject in the April 11, 1965, issue of the Boston Sunday Globe.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston (Mass.) Globe, Apr. 11, 1965]

ALASKA PEAK NAMED FOR MAINE MAN

WASHINGTON.—The State of Alaska will name a magnificent 2-mile-high mountain northeast of Seward, for a young Maine soldier who played an indirect role in the U.S. acquisition of Alaska 100 years ago.

The story of Sgt. George Foster Robinson, Company B, 8th Maine Volunteer Infantry, and his unique relationship to U.S. purchase of Alaska from Russia, will be told on the Senate floor April 14 by Senator E. L. BARTLETT, Democrat, of Alaska, who will announce the action by Gov. William A. Egan designating "Mount Sergeant Robinson" for the Maine soldier.

Credit for bringing the incident to the attention of Senator BARTLETT goes to a Maine native, Carlton J. Corliss, retired railroad executive, who has lived in Washington for many years.

April 14 marks the 100th anniversary of the assassination of President Lincoln and the attempted assassination of his Secretary of State, William H. Seward. This is where Sergeant Robinson enters the picture, as recalled by Corliss:

"In the attempt on Seward, a young man, a wounded soldier from New England, played a major role. This was George Foster Robinson. * * * He was recovering from a severe leg wound received at the battle of Bermuda Hundred, Va., where he was assigned as attendant-nurse to Secretary Seward.

"He was credited with having saved the life of the Secretary at the peril of his own when he was attacked by John Wilkes Booth's coconspirator, Lewis Payne. Congress awarded Robinson a gold medal and $5,000 for his extraordinary bravery and fidelity. Two years later, Secretary Seward, in the face of ridicule and opposition, negotiated the purchase of Alaska from Russia."

In recognition of the Maine soldier's indirect role in the acquisition, the State of Alaska will observe the 100th annniversary by naming a mountain for Sergeant Robinson. The mountain is 10,415 feet high and is part of a range northeast of Seward, in full view of motorists who travel the Glenn Highway.

Mr. MUSKIE. Mr. President, I want to thank the distinguished Senator from Alaska [Mr. BARTLETT] for his comments and for his suggestion which led to the naming of Mount Sergeant Robinson. As always he has shown himself to be a man of understanding and imagination.

It is fitting at this time that Alaska, the westernmost State in our North American Continent, should name a mountain for a man from Maine, the easternmost State of our Nation. This symbolizes our country's unity which was the great object of President Lincoln.

The courage shown by that Maine soldier made possible a shining chapter in American history when 2 years later the man he saved negotiated the purchase of Alaska.

In the light of world affairs today, the courage of the Maine soldier and the wisdom of Secretary Seward have become even more significant.

I commend the State of Alaska for recognizing the contribution of Sgt. George Foster Robinson, and I am proud he was a son of Maine.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Delaware [Mr. WILLIAMS] to the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. MANSFIELD. Do I correctly understand that the Senate is to convene on Thursday, April 15, on a purely pro forma basis?

The PRESIDING OFFICER. An order has been entered to that effect.

Mr. MANSFIELD. At that time the Senate will adjourn to Monday, April 19, on the same basis?

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. Then, on Wednesday, April 21, the Senate will convene, get down to business, and consider the bill, S. 1564?

The PRESIDING OFFICER. The Chair is advised that Senate bill 1564 will be the unfinished business on Wednesday, April 21.

ADJOURNMENT TO THURSDAY, APRIL 15, 1965, AT 9 A.M.

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate adjourn until Thursday, April 15, 1965, at 9 o'clock a.m.

The motion was agreed to; and (at 4 o'clock and 8 minutes p.m.) the Senate adjourned, under the order previously entered, until Thursday, April 15, 1965, at 9 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 1965:

DIPLOMATIC AND FOREIGN SERVICE

The Foreign Service officers named in the following lists for promotion in the Foreign Service to the classes indicated, effective April 11, 1965:

The following-named Foreign Service officers for promotion from class 2 to class 1:

Stanley S. Carpenter, of Virginia.
Philip H. Chadbourn, Jr., of California.
Harlan B. Clark, of Ohio.
William B. Connett, Jr., of New Jersey.
Perry H. Culley, of California.
E. Allen Fidel, of Texas.
Robert S. Folsom, of Connecticut.
John W. Ford, of Virginia.
William K. Hitchcock, of Colorado.
John A. Lacey, of Ohio.

The following-named Foreign Service officers for promotion from class 2 to class 1 and to be also consuls general of the United States of America:

Lee B. Blanchard, of Oklahoma.
Louis C. Boochever, of Maryland.
John A. Bovey, Jr., of Minnesota.
Lewis D. Brown, of Maryland.
Edward W. Clark, of New York.
Samuel De Palma, of Maryland.
Edward P. Dobyns, of Maryland.
Richard B. Finn, of New York.
Edward R. Fried, of Maryland.
Francis J. Galbraith, of South Dakota.
Joseph A. Greenwald, of Illinois.
John C. Guthrie, of Virginia.
Francis W. Herron, of Iowa.
Charles E. Hulick, Jr., of Maryland.
Henry J. Kellermann, of Maryland.
Clinton E. Knox, of New York.
Max V. Krebs, of California.
Guy A. Lee, of Maryland.
John H. Lennon, of the District of Columbia.
James H. Lewis, of Pennsylvania.
Edward S. Little, of Ohio.
LaRue R. Lutkins, of New York.
Jesse M. MacKnight, of Maryland.
Eugene V. McAuliffe, of Massachusetts.
Donald B. McCue, of the District of Columbia.
Kyle B. Mitchell, Jr., of Alabama.
C. Hoyt Price, of Arkansas.
Nicholas G. Thacher, of New York.
Malcolm Toon, of Massachusetts.
Oliver L. Troxel, Jr., of Colorado.
Richard E. Usher, of Wisconsin.
Donovan Q. Zook, of Ohio.

The following-named Foreign Service officers for promotion from class 3 to class 2:

Morris Allen, of Rhode Island.
Robert Anderson, of Massachusetts.
John Campbell Ausland, of Pennsylvania.
Powhatan M. Baber, of West Virginia.
Herbert W. Baker, of Florida.
Edward J. Bash, of Missouri.
Robert M. Beaudry, of Maine.
Archer K. Blood, of Maryland.
James H. Boughton, of Connecticut.
William G. Bowdler, of Florida.
Robert L. Brown, of New Jersey.
John F. Buckle, of Florida.
Frederick R. Carson, of Virginia.
Raymond Cary, Jr., of Missouri.
Stephen A. Comiskey, of Colorado.
David C. Cuthell, of Connecticut.
Arthur R. Day, of New Jersey.
Jonathan Dean, of New York.
John R. Diggins, Jr., of Maryland.
Ben F. Dixon, of North Carolina.
Miss Eileen R. Donovan, of Massachusetts.
William R. Duggan, of Washington.
Thomas J. Dunnigan, of Ohio.
Samuel D. Eaton, of New York.
Lester E. Edmond, of Florida.
Elmer M. Falk, of Virginia.
Charles C. Finch, of West Virginia.
John Warner Foley, Jr., of New Hampshire.
Samuel R. Gammon III, of Texas.
Scott George, of Kentucky.
Herbert Gordon, of Florida.
John G. Gossett, of Oklahoma.
Pierre R. Graham, of Illinois.
John K. Hagemann, of Maryland.
John M. Howison, of Texas.
Murray E. Jackson, of Illinois.
Walter E. Jenkins, Jr., of Texas.
Dallas L. Jones, Jr., of Louisiana.
William B. Kelly, of Ohio.
David Klein, of Kansas.
Raymond W. Laugel, of Ohio.
Terrance G. Leonhardy, of North Dakota.
Matthew J. Looram, Jr., of New York.
Martin G. Manch, of Virginia.
Louis Mark, Jr., of Connecticut.
Earl R. Michalka, of Puerto Rico.
Robert H. Miller, of Washington.
Robert W. Moore, of Iowa.
Donald Kaye Palmer, of Michigan.
Richard B. Parker, of Virginia.
Chris G. Petrow, of Nebraska.
Morris Rothenberg, of New Hampshire.
Robert M. Sayre, of Florida.
John P. Shaw, of Maryland.
Paul G. Sinderson, of Maryland.
Charles G. Sommer, of Ohio.
Donald S. Spigler, of Pennsylvania.
Lee T. Stull, of Pennsylvania.
Orson W. Trueworthy, of Virginia.
Herbert E. Weiner, of New York.
Sidney Weintraub, of Maryland.
Rollie H. White, Jr., of Maryland.
Hugh W. Wolff, of Maryland.
Sam L. Yates, Jr., of California.

The following-named Foreign Service officers for promotion from class 4 to class 3:

Miss Jane S. Abell, of New Hampshire.
Karl D. Ackerman, of Maryland.
Miss Faith V. Andrus, of California.
George M. Barbis, of California.
George M. Bennsky, of the District of Columbia.
Joel W. Biller, of Wisconsin.
David B. Bolen, of Colorado.
Mrs. Elizabeth C. Bouch, of Virginia.
Roger C. Brewin, of Ohio.
John A. Brogan III, of the District of Columbia.
Harrison W. Burgess, of Virginia.
Robert L. Burns, of the District of Columbia.
Seymour Chalfin, of New York.
Maxwell Chaplin, of California.
Miss Marjorie L. Cheatham, of Idaho.
William B. Cobb, Jr., of the District of Columbia.
Aaron R. Coleman, of Washington.
Philip R. Cook, Jr., of Virginia.
Edmund A. da Silveira, of Virginia.
John R. Davis, Jr., of Maryland.
John G. Dean, of New York.
Thomas A. DeHart, of the District of Columbia.
Edward J. Dembski, of Maryland.
Willard A. De Pree, of Michigan.
Walker A. Diamanti, of Utah.
Francois M. Dickman, of Wyoming.
Gordon Donald, Jr., of Virginia.
William B. Dozier, of South Carolina.
John T. Dreyfuss, of California.

Stephen Duncan-Peters, of Florida.

John Eaves, Jr., of New York.

George A. Ellsworth, of the District of Columbia.

Lawrence B. Elsbernd, of North Dakota.

Hunter L. Estep, of Texas.

Miss Sara G. Falkener, of North Carolina.

Thomas W. Fina, of Florida.

Arva C. Floyd, Jr., of Georgia.

Harry George French, of Virginia.

Thomas M. Gaffney, of Massachusetts.

Zachary P. Geaneas, of New York.

Stephen G. Gebelt, of California.

Richard D. Geppert, of New Jersey.

Justie E. Gist, of Arkansas.

Loren L. Goldman, of Maryland.

Holsey G. Handyside, of Ohio.

William N. Harben, of Virginia.

William C. Harrop, of New Jersey.

Robert T. Hennemeyer, of Illinois.

Edzard S. Hermberg, of California.

Max E. Hodge, of Maryland.

Leaman R. Hunt, of Oklahoma.

Joseph R. Jacyno, of Massachusetts.

Kempton B. Jenkins, of the District of Columbia.

William C. Jones III, of Texas.

John Edward Karkashian, of California.

George R. Kenney, of Illinois.

Charles A. Kiselyak, of Washington.

Kenneth W. Knauf, of Wisconsin.

John Godlove Kormann, of Florida.

Elmer G. Kryza, of Michigan.

Ralph E. Lindstrom, of New Jersey.

John A. Linehan, Jr., of Virginia.

Robert Gerald Livingston, of Connecticut.

Stephen Low, of Ohio.

Alan W. Lukens, of Pennsylvania.

Charles W. Lyons, of Massachussets.

Francis N. Magliozzi, of Massachusetts.

Henry C. Martin, of Virginia.

C. Thomas Mayfield, of Wisconsin.

Daniel Lee McCarthy, of Wisconsin.

Nicholas V. McCausland, of California.

Walter M. McClelland, of Oklahoma.

Warren H. McMurray, of Georgia.

G. E. Robert Meyer, of Ohio.

Benjamin R. Moser, of Nebraska.

Leo J. Moser, of California.

Robert L. Mott, of California.

Howard F. Newsom, of Indiana.

Harry I. Odell, of the District of Columbia.

Richard B. Owen, of Michigan.

Peter J. Peterson, of California.

Clifford J. Quinlan, of Minnesota.

Mrs. Virginia C. Ralston, of Washington.

Ralph C. Rehberg, of Virginia.

Ralph W. Richardson, of California.

Lucian L. Rocke, Jr., of Florida.

Elias C. Rodriguez, of Texas.

Larry W. Roeder, of California.

Charles W. Russell, of Florida.

Irving I. Schiffman, of New York.

Robert K. Sherwood, of Maryland.

Herman T. Skofield, of New Hampshire.

Emery Peter Smith, of the District of Columbia.

Schubert E. Smith, of New York.

Christopher A. Squire, of the District of Columbia.

Edward J. Streator, Jr., of New York.

Michael H. Styles, of Virginia.

Donald R. Toussaint, of California.

Rene A. Tron, of New York.

Philip F. Vandivier, of Indiana.

Edward T. Walters, of Texas.

George Lewis Warren, Jr., of Connecticut.

Miss Alice D. Westbrook, of California.

Daniel L. Williamson, Jr., of North Carolina.

William D. Wolle, of Iowa.

Eric V. Youngquist, of Michigan.

The following-named Foreign Service officers for promotion from class 5 to class 4:

Anthony C. Albrecht, of Pennsylvania.

Julio Javier Arias, of the District of Columbia.

Terrell E. Arnold, of California.

Thomas J. Barnes, of Minnesota.

Oler A. Bartley, Jr., of Delaware.

Miss Helene A. Batjer, of Nevada.

Mrs. Erna V. Beckett, of California.

John P. Blane, of Alabama.

Miss Eleanor R. Borrowdale, of Virginia.

Charles W. Bray III, of Texas.

David W. Burgoon, Jr., of Illinois.

John R. Burke, of Wisconsin.

Miss Eleanor A. Burnett, of Florida.

Hugh W. Burrows, of Michigan.

Robert J. Bushnell, of Hawaii.

Byron E. Byron, of California.

Joseph D. Capri, of California.

Charles R. Carlisle, of Florida.

J. Chapman Chester, of Wisconsin.

Miss Mary T. Chiavarini, of Connecticut.

Miss Alice W. Clement, of Pennsylvania.

John R. Clingerman, of Michigan.

David H. Cohn, of Florida.

Mrs. Betty Ann Craig, of Illinois.

James C. Curran, of Massachusetts.

Walter L. Cutler, of Maine.

John G. Day, of New Hampshire.

Francis De Tarr, of California.

Robert S. Dillon, of the District of Columbia.

Huston Dixon, of the District of Columbia.

Theodore B. Dobbs, of Virginia.

Robert W. Drexler, of Wisconsin.

Lawrence S. Eagleburger, of Wisconsin.

Thomas O. Enders, of Connecticut.

Miss Sharon E. Erdkamp, of Nebraska.

Harvey J. Feldman, of Illinois.

Edward B. Fenstermacher, of Pennsylvania.

Thaddeus J. Figura, of Ohio.

Robert H. Flenner, of Pennsylvania.

Howard V. Funk, Jr., of New York.

Miss Helen E. Geen, of Texas.

Wever Gim, of Utah.

Miss Eleanor Van Trump Glenn, of Georgia.

Maynard W. Glitman, of Illinois.

William B. Grant, of New Hampshire.

Miss Alice M. Griffith, of Maryland.

Robert F. Griggs, of New York.

Brandon H. Grove, Jr., of New Jersey.

Harold E. Grover, Jr., of Florida.

Donald S. Harris, of Connecticut.

John J. Helble, of Illinois.

Ashley C. Hewitt, Jr., of California.

James A. Howell, of Texas.

George O. Huey, of Illinois.

Edward Hurwitz, of New York.

Robert A. Jackson, of Michigan.

Miss Olive M. Jensen, of Iowa.

Miss Thelma M. Jenssen, of the District of Columbia.

Robert S. Johnson, of Michigan.

Donald A. Johnston, of New York.

James D. Johnston, of California.

Henry W. Kemp, of Pennsylvania.

Charles S. Kennedy, Jr., of California.

Robert W. Kent, Jr., of California.

Barrington King, Jr., of South Carolina.

William C. Kinsey, of Virginia.

Miss Gladys M. Knutzen, of Washington.

Peter W. Lande, of New Jersey.

Archibald Lappin, Jr., of California.

John Donnelly Leonard, of Michigan.

Miss Marcia N. Lindgren, of California.

John Lloyd, 3d, of New Jersey.

Jay H. Long, of California.

Shepard C. Lowman, of Texas.

John W. MacDonald, Jr., of New York.

Herbert S. Malin, of the District of Columbia.

Vernon D. McAninch, of Texas.

Noble M. Melencamp, of Kansas.

John E. Merriam, of California.

Richard H. Moose, of Arkansas.

Richard H. Morefield, of California.

Paul Moy, of Illinois.

Charles G. Mueller, of Montana.

Carsten D. Muller, of New York.

Philip M. Nagao, of California.

Theodore C. Nelson, of Connecticut.

Robert B. Oakley, of Louisiana.

Gerald R. Olsen, of Michigan.

Russell E. Olson, of Illinois.

James A. Parker, of Maryland.

Lawrence Pezzullo, of New York.

Thomas R. Pickering, of New Jersey.

Howard W. Potter, Jr., of New York.

Miss Georgiana M. Prince, of Illinois.

Miss Elsie M. Quick, of North Carolina.

John Reed, of the District of Columbia.

George B. Roberts, Jr., of Maryland.

James D. Rosenthal, of California.

Charles E. Rushing, of Illinois.

James G. Sampas, of Massachusetts.

Frank E. Schmelzer, Jr., of Massachusetts.

Glenn E. Schweitzer, of California.

Peter Sebastian, of Florida.

David E. Simcox, of Kentucky.

Jackson L. Smith, of Florida.

Thomas W. M. Smith, of Maine.

R. Peter Spicer, of Ohio.

Andrew L. Steigman, of New York.

Arthur M. Stillman, of Illinois.

Roger W. Sullivan, of Massachusetts.

John Sylvester, Jr., of the District of Columbia.

Miss Thelma R. Thurtell, of California.

David B. Timmins, of Utah.

James R. Wachob, of the District of Columbia.

Harry Weiner, of New York.

Ray E. White, Jr., of Tennessee.

William M. Woessner, of New Jersey.

The following-named Foreign Service officers for promotion from class 6 to class 5:

Charles E. Duffy, of Iowa.

Richard J. Gibson, of Michigan.

André J. Navez, of Massachusetts.

Edward H. Springer, of Oregon.

The following-named Foreign Service officers for promotion from class 6 to class 5 and to be also consuls of the United States of America:

Morton I. Abramowitz, of Massachusetts.

Joe L. Alarid, of Oklahoma.

David Anderson, of New York.

Gustav N. Anderson, of New York.

Andrew Andranovich, of Connecticut.

Alfonso Arenales, of Texas.

Bryan H. Baas, of Texas.

Richard P. Bailor, of Delaware.

Frank C. Bennett, Jr., of California.

Paul J. Bennett, of Iowa.

Frank L. Berry, of Kentucky.

Edward C. Bittner, of Pennsylvania.

Donald P. Black, of California.

Robert R. Blackburn, Jr., of California.

John D. Blacken, of Washington.

Jay H. Blowers, of Florida.

Robert O. Blucker, of Arkansas.

William E. Breidenbach, of New York.

Thomas Stanley Brooks, of Wyoming.

Robert L. Bruce, of California.

Alanson G. Burt, of California.

John A. Cantwell, of New York.

Jack M. Carle, of Virginia.

Robert D. Collins, of California.

Richard T. Conroy, of Tennessee.

Emmett M. Coxson, of Illinois.

Howard B. Crotinger, of Iowa.

John James de Martino, of the District of Columbia.

John W. DeWitt, of Pennsylvania.

Robert W. Duemling, of California.

Miss Regina Marie Eltz, of Alabama.

Miss Mary L. Eysenbach, of Connecticut.

James P. Farber, of Florida.

Miss Margot J. Fellinger, of New Jersey.

Bernard A. Femminella, of Minnesota.

John A. Ferch, of Ohio.

Carroll L. Floyd, of California.

Albert A. Francis, of the District of Columbia.

Norman H. Frisbie, of Massachusetts.

Robert E. Fritts, of Illinois.

George A. Furness, Jr., of Masachusetts.

Coradino E. Gatti, of Massachusetts.

J. David Gelsanliter, of Ohio.

Alan A. Gise, of Indiana.

Miss Hazel E. Gordon, of Minnesota.

John O. Grimes, of Alabama.

Howard R. Gross, of Texas.

Thomas Gustafson, of Oklahoma.

John W. Haigh, of New Hampshire.

John P. Heimann, of Illinois.

Reppard D. Hicks, of Florida.

Thomas J. Hill, Jr., of Illinois.

Michael P. E. Hoyt, of Illinois.
Robert E. Jelley, of California.
Mrs. Lucy N. Johansen, of Oregon.
Miss C. Patricia Junk, of Ohio.
Andrew R. Kay, Jr., of New York.
William P. Keasbey, Jr., of California.
James E. Kerr, Jr., of the District of Columbia.
John W. Kimball, of California.
Miss Carolyn E. Kingsley, of Nebraska.
Paul L. Laase, of Nebraska.
George M. Lane, of Massachusetts.
Frederick H. Lawton, of New Jersey.
Stephen J. Ledogar, of New York.
Alan F. Lee, of Maryland.
Donald R. Lesh, of Arizona.
Reese A. Lewis, of Pennsylvania.
Mark C. Lissfelt, of Pennsylvania.
Joseph P. Lorenz, of Virginia.
Roger S. Lowen, of New York.
Arthur L. Lowrie, of Pennsylvania.
William H. Marsh, of Pennsylvania.
Henry Ellis Mattox, of Mississippi.
David W. McClintock, of California.
William J. McDonough, of Illinois.
George A. McFarland, Jr., of Texas.
William J. McGovern, Jr., of Hawaii.
James A. McNamara, of California.
Donald F. Meyers, of Wisconsin.
Hawthorne Q. Mills, of California.
Herbert T. Mitchell, Jr., of North Carolina.
Albert W. Noonan, Jr., of Illinois.
Edward R. O'Connor, of New York.
George W. Ogg, of New Jersey.
Joseph E. Olenik, of Pennsylvania.
John R. Oleson, of Illinois.
Robert K. Olson, of Minnesota.
Miss Alison Palmer, of New York.
Edward L. Peck, of California.
Jack R. Perry, of Georgia.
John G. Peters, of Maryland.
Donald K. Petterson, of California.
J. William Piez, of Colorado.
Arthur C. Plambeck, of Illinois.
Nicholas Platt, of Virginia.
Martin Polstein, of Maine.
Dale M. Povenmire, of Ohio.
Henry Precht, of Georgia.
Russell O. Prickett, of Minnesota.
William T. Pryce, of Pennsylvania.
Frederick D. Purdy, of Pennsylvania.
Anthony C. E. Quainton, of Washington.
Robert I. Randolph, of California.
William E. Rau, of Missouri.
Frank M. Ravndal, of Maryland.
Miss Rozanne L. Ridgway, of Minnesota.
Gerald A. Rosen, of New York.
Bernard J. Rotklein, of Minnesota.
James Sartorius, of Kansas.
Valentine E. Scalise, of New York.
Roger C. Schrader, of Missouri.
Louis Schwartz, Jr., of Illinois.
Richard C. Searing, of New Jersey.
Arthur P. Shankle, Jr., of Texas.
Miss Elaine Diana Smith, of Illinois.
Robert W. Smith, of Missouri.
Peter Solmssen, of Pennsylvania.
C. Richard Spurgin, of Illinois.
James Stromayer, of Illinois.
Daniel P. Sullivan, of Virginia.
James P. Sullivan, of Pennsylvania.
John J. Sullivan, of Massachusetts.
Francis J. Tatu, of California.
Charles H. Thomas II, of New Hampshire.
Blaine C. Tueller, of Utah.
James L. Tull, of Iowa.
Joseph W. Twinam, of Tennessee.
Matthew H. Van Order, of Minnesota.
Richard Noyes Viets, of Texas.
Louis Villalovos, of California.
Donald B. Wallace, Jr., of Michigan.
Frank E. Wallace, of Tennessee.
Leonard A. Warren, of Nevada.
Benjamin Weiner, of New York.
Mrs. Melissa F. Wells, of New York.
Herbert E. Wilgis, Jr., of Maryland.
Dawson S. Wilson, of Florida.
Thomas F. Wilson, of Michigan.
Joseph R. Yodzis, of Pennsylvania.
Michael van Breda Yohn, of Connecticut.

The following-named Foreign Service officers for promotion from class 7 to class 6:

David L. Aaron, of California.
Francesco J. Alberti, Jr., of Virginia.
Merle E. Arp, of Iowa.
Thomas F. Barthelemy, of Ohio.
William F. Beachner, of Washington.
Lyndall G. Beamer, of Illinois.
John P. Becker, of California.
Richard D. Belt, of Ohio.
F. James Bingley, Jr., of Pennsylvania.
Paul H. Boeker, of Ohio.
Stephen W. Bosworth, of Michigan.
John A. Boyle, of New York.
Michele C. Bozzelli, of Ohio.
Alfred P. Brainard, of Washington.
Hypolite F. Breard, of Louisiana.
William T. Breer, of California.
Gordon S. Brown, of California.
Richard G. Brown, of Massachusetts.
James A. Budeit, of Nebraska.
Richard Irving Burnham, of New York.
James A. Carney, Jr., of Virginia.
Louis N. Cavanaugh, Jr., of Pennsylvania.
James Richard Cheek, of Arkansas.
Harry E. Christie, of the District of Columbia.
Walter S. Clarke, of Michigan.
Carl John Clement, of Minnesota.
Harvey T. Clew, of Connecticut.
George W. F. Clift, of California.
John Albert Collins, of New York.
Francis B. Corry, of Colorado.
Ernest B. Dane III, of Rhode Island.
Robert R. Dennis, of Pennsylviana.
Gerald de Santillana, of California.
Peter Jon de Vos, of the District of Columbia.
Jerrold Mark Dion, of Washington.
Richard J. Dols, of Minnesota.
Felix Dorough, of Texas.
Richard A. Dugstad, of Virginia.
William J. Duiker III, of the District of Columbia.
Charles F. Dunbar, Jr., of the District of Columbia.
William F. Eaton, of Maryland.
William H. Edgar, of the District of Columbia.
David K. Edminster, of Connecticut.
Craig R. Eisendrath, of Illinois.
Adolph H. Eisner, of Florida.
Frederick D. Elfers, of the District of Columbia.
Ollie B. Ellison, of Illinois.
David A. Engel, of New Jersey.
Edward M. Featherstone, of Pennsylvania.
William A. Feldt, of South Dakota.
Patrick E. FitzGerald, of Montana.
Robert M. Fouché, of South Carolina.
Jerry A. Fowler, of California.
Jay P. Freres, of Illinois.
Sidney Friedland, of Wisconsin.
Samuel Edwin Fry, Jr., of New York.
Miss Marlene W. Futterman, of New York.
Philip C. Gill, of California.
Jay R. Grahame, of New York.
Terry G. Grant, of Illinois.
Philip H. Gray, Jr., of Vermont.
Ernest Thomas Greene, of New Hampshire.
Robert T. Grey, Jr., of Connecticut.
Olaf Grobel, of Tennessee.
Donald Keith Guthrie, of New Mexico.
Samuel J. Hamrick, Jr., of Kentucky.
William Bruce Harbin, of California.
Joseph M. Hardman, of Oregon.
Benjamin Hill Hardy III, of Virginia.
Pierre M. Hartman, of Colorado.
Donald D. Haught, of California.
Peter T. Higgins, of California.
M. Charles Hill, of New Jersey.
Richard Hines, of New York.
Herbert A. Hoffman, of Pennsylvania.
Robert W. Holiday, of Texas.
Richard B. Howard, of the District of Columbia.
Richard C. Howland, of New York.
James F. Hughes III, of New York.
George Merwin Humphrey, of Pennsylvania.
Robert F. Illing, of California.
R. Allen Irvine, of Pennsylvania.
Miss Harriet W. Isom, of the District of Columbia.
L. Richard Jackson, of Missouri.
Dee Valentine Jacobs, of Utah.
John K. Jessup, Jr., of Connecticut.
Stephen Tillman Johnson, of California.
Curtis W. Kamman, of Arizona.
Jay K. Katzen, of New York.
Robert E. Kaufman, of the District of Columbia.
Samuel C. Keiter, of New York.
Kenneth C. Keller, of Idaho.
Edmund H. Kelly, of Ohio.
Moorhead C. Kennedy, Jr., of Maine.
Richard F. King, of Louisiana.
William F. Kingsbury, of New Jersey.
Harmon E. Kirby, of Ohio.
Thor H. Kuniholm, of the District of Columbia.
Kenneth A. Kurze, of Rhode Island.
James H. Lassiter, of California.
Donald C. Lautz, of Illinois.
Norman D. Leach, of California.
Joseph E. Lee, of Idaho.
Walter C. Lenahan, of Oregon.
Perry W. Linder, of California.
Paul A. London, of New York.
Winston Lord, of the District of Columbia.
Hallock R. Lucius, of Ohio.
Stephen R. Lyne, of Vermont.
Edward Marks, of California.
Douglas G. Marshall, of California.
Jim B. Marshall, of Tennessee.
Robert A. Martin, of Pennsylvania.
James K. Matter, Jr., of Michigan.
William W. McGrew, of New York.
David McMeans, of Texas.
W. Graham Metson, Jr., of California.
Miss Carole A. Millikan, of Indiana.
William C. Mithoefer, Jr., of North Carolina.
John B. Moody, of Georgia.
Ralph R. Moore, of Massachusetts.
James H. Moss, of the District of Columbia.
Richard A. Neale, of Michigan.
George Clay Nettles, of Alabama.
Patrick T. O'Connor, of New York.
F. Pierce Olson, of California.
William Ophuls, of Florida.
James Ozzello, of Washington.
Robert H. Pelletreau, Jr., of New York.
John D. Perkins, of Indiana.
Robert F. Pfeiffer, of New York.
Charles R. Pogue, of Indiana.
Lutz Alexander Prager, of Maryland.
Lyman W. Priest, of Arkansas.
Robert L. Pugh, of Washington.
Lawrence R. Raicht, of New York.
Cecil S. Richardson, of New York.
Thomas J. Riegert, of Ohio.
Jerrold C. Rodesch, of Wisconsin.
Thomas J. Roesch, of Ohio.
Fernando E. Rondon, of California.
Robert J. Ryan, Jr., of the District of Columbia.
Irving L. Sanders, of Washington.
P. Peter Sarros, of New York.
Larry W. Semakis, of New York.
Charles Arthur Semones, of Virginia.
Norman T. Shaft, of Minnesota.
Harrison B. Sherwood, of Minnesota.
Robert Siegel, of New York.
John U. Sifling, of Ohio.
Lester P. Slezak, of Pennsylvania.
Richard J. Slott, of Indiana.
Michael B. Smith, of Massachusetts.
Richard J. Smith, of Connecticut.
Richard W. Smith, of New York.
Charles Steedman, of Rhode Island.
Paul E. Storing, of New York.
Roscoe S. Suddarth, of Tennessee.
William O. Sugg III, of Tennessee.
Peter Bird Swiers, of New York.
Donald P. Swisher, of California.
Charles T. Sylvester, of Rhode Island.
Rush W. Taylor, Jr., of Texas.
Alan R. Thompson, of Alaska.
Samuel B. Thomsen, of California.
Thomas M. Tonkin, of Illinois.

George Peter Varros, of Connecticut.
Raymond J. Wach, of Ohio.
Lannon Walker, of California.
Thomas H. Walsh, of Texas.
Martin A. Wenick, of New Jersey.
J. William Wenrich, of Michigan.
Robert D. Westfall, of California.
John D. Whiting, of Wisconsin.
William B. Whitman, Jr., of Illinois.
Richard L. Wilson, of Iowa.
Frank G. Wisner II, of Maryland.
Miss Hanna W. H. Woods, of Arkansas.
Robert G. Wright, of Illinois.
Roderick M. Wright, of California.
Michael G. Wygant, of Massachusetts.

The following-named persons for appointment in the Foreign Service, pursuant to section 517 of the Foreign Service Act of 1946, as amended:

The following-named persons for appointment as Foreign Serivce officers of class 1, consul general, and secretaries in the diplomatic service of the United States of America:

Burnett F. Anderson, of the District of Columbia.
Henry F. Arnold, of New Jersey.
Alfred V. Boerner, of California.
Saxton Bradford, of Arizona.
Leslie S. Brady, of Maryland.
Edgar D. Brooke, of Virginia.
Kermit K. Brown, of Virginia.
W. Kenneth Bunce, of Virginia.
Jacob Canter, of the District of Columbia.
Alan Carter, of Maryland.
Richard G. Cushing, of California.
G. Huntington Damon, of New Hampshire.
Gordon A. Ewing, of the District of Columbia.
William J. Handley, of the District of Columbia.
Albert Harkness, Jr., of Rhode Island.
George M. Hellyer, of Washington.
James E. Hoofnagle, of Virginia.
Arthur W. Hummel, Jr., of Maryland.
William E. Hutchinson, of Maryland.
Harold Kaplan, of New Jersey.
William B. King, of the District of Columbia.
Mark B. Lewis, of the District of Columbia.
Robert A. Lincoln, of the District of Columbia.
Sanford S. Marlowe, of the District of Columbia.
John P. McKnight, of Virginia.
N. Paul Neilson, of Pennsylvania.
John R. O'Brien, of the District of Columbia.
Daniel P. Oleksiw, of Pennsylvania.
Frank H. Oram, of Maryanld.
Hewson A. Ryan, of Massachusetts.
G. Lewis Schmidt, of California.
Leslie Albion Squires, of Hawaii.
Mrs. Patricia G. van Delden, of California.
William H. Weathersby, of California.
William E. Weld, Jr., of the District of Columbia.
Barry Zorthian, of Virginia.

The following-named persons for appointment as Foreign Service officers of class 2, consuls, and secretaries in the Diplomatic Service of the United States of America:

Martin Ackerman, of the District of Columbia.
Keith E. Adamson, of Kansas.
O. Rudolph Aggrey, of the District of Columbia.
Robert C. Amerson, of Minnesota.
John M. Anspacher, of the District of Columbia.
Gilbert F. Austin, of Washington.
Stephen W. Baldanza, of New Jersey.
Arthur A. Bardos, of Maryland.
Walter M. Bastian, Jr., of the District of Columbia.
Bryan M. Battey, of Maryland.
Robert A. Bauer, of California.
Herbert Baumgartner, of Florida.
Stephen P. Belcher, of the District of Columbia.
Barry L. Bishop, of Texas.
Charles B. Blosser, of the District of Columbia.
Heath Bowman, of Florida.
Kenneth R. Boyle, of Alabama.
David G. Briggs, of Virginia.
Thomas J. Carolan, of Maryland.
Darrell D. Carter, of Illinois.
Terrence F. Catherman, of the District of Columbia.
Everett G. Chapman, of California.
Robert J. Clarke, of Pennsylvania.
Blake Cochran, of Maryland.
Philip J. Conley, of Maine.
Laurence P. Dalcher, of Michigan.
Wilson P. Dizard, of the District of Columbia.
Frank D. Dorey, of the District of Columbia.
Jerry C. Doster, of Virginia.
Henry A. Dunlap, of Maryland.
James R. Echols, of Maryland.
Richard Erstein, of Minnesota.
John H. Esterline, of California.
Alan Fisher, of the District of Columbia.
David Garth, of Connecticut.
Gerard M. Gert, of California.
Jay W. Gildner, of the District of Columbia.
Lemuel E. Graves, Jr., of the District of Columbia.
Fitzhugh Green, of New York.
Lawrence J. Hall, of Texas.
James J. Halsema, of Pennsylvania.
Richard T. Hamilton, of Virginia.
Robert C. Haney, of California.
Albert E. Hemsing, of New York.
John R. Higgins, of Pennsylvania.
Arthur S. Hoffman, of Virginia.
John F. Hogan, Jr., of Maine.
William C. Holcombe, of Virginia.
John N. Hutchison, of California.
Edward J. Joyce, of Virginia.
James Vincent Joyce, of Virginia.
Stanley E. Kalish, of the District of Columbia.
Joseph A. Kitchin, of Virginia.
Alexander A. Klieforth, of Virginia.
Joseph C. Kolarek, of the District of Columbia.
Arthur R. Lee, of Idaho.
Sam H. Linch, of Maryland.
Herbert F. Linneman, of Florida.
Wallace W. Littell, of Maryland.
Robert H. Lochner, of New Jersey.
Jack Masey, of the District of Columbia.
Richard M. McCarthy, of Virginia.
James H. McGillivray, of California.
Burtt F. McKee, of Alabama.
Henry L. Miller, of New York.
James Moceri, of Washington.
G. Richard Monsen, of Utah.
Daniel E. Moore, of Virginia.
Paul K. Morris, of Virginia.
John W. Mowinckel, of the District of Columbia.
Edmund R. Murphy, of California.
David Nalle, of the District of Columbia.
John P. Nevins, of Vermont.
Edward J. Nickel, of Connecticut.
John A. Noon, of New Jersey.
Renzo Pagin, of Virginia.
William E. Phipps, of California.
Darrell M. Price, of Virginia.
John T. Reid, of the District of Columbia.
John E. Reinhardt, of Tennessee.
Eugene Rosenfeld, of Virginia.
George A. Rylance, of Arizona.
Richard C. Salvatierra, of Arizona.
Edmund Schechter, of the District of Columbia.
Duncan N. Scott, Jr., of Texas.
Norman P. Scott, of Colorado.
Donald T. Shea, of Virginia.
David P. Sheppard, of the District of Columbia.
Abraham M. Sirkin, of Maryland.
L. Clyde Slaton, Jr., of the District of Columbia.
John J. Slocum, of Rhode Island.
Glenn Lee Smith, of California.
Robert D. Smith, of California.
Edward Stansbury, of Connecticut.
John C. Stoddard, of Connecticut.
John McH. Stuart, of New York.
Hugh B. Sutherland, of the District of Columbia.
Donald K. Taylor, of Maryland.
Francis B. Tenny, of Virginia.
Hans N. Tuch, of Illinois.
James N. Tull, of Virginia.
Harold E. Urist, of Virginia.
Serban Vallimarescu, of the District of Columbia.
Hoyt N. Ware, of Georgia.
James R. West, of California.
Michael Weyl, of the District of Columbia.
Joseph C. Wheeler, of Pennsylvania.
Miss Barbara M. White of the District of Columbia.
Ernest G. Wiener, of the District of Columbia.
Donald E. Wilson, of Maryland.
Earl J. Wilson, of Texas.
Richard C. Wooton, of Virginia.

The following-named persons for appointment as Foreign Service officers of class 3, consuls, and secretaries in the Diplomatic Service of the United States of America:

Edward Alexander, of New York.
Wilfred P. Allard, of Virginia.
James F. Anderson, of the District of Columbia.
William H. Anthony, of California.
William Astill, of Rhode Island.
Carl F. Bartz, Jr., of Virginia.
Robert H. Behrens, of Maryland.
William A. Bell, of the District of Columbia.
Raymond E. Benson, of New York.
K. Marshall Berg, of Iowa.
Royal D. Bisbee, of Illinois.
Robert J. Boylan, of the District of Columbia.
James E. Boyle, of Maryland.
William K. Braun, of Ohio.
Peter F. Brescia, of Maryland.
Hedin Bronner, of Illinois.
John F. Buckley, of New Jersey.
James F. Byrne, of New Jersey.
Stephen M. Carney, of Florida.
Frederick J. Cavanaugh, of Massachusetts.
Nelson Chipchin, of Maryland.
Dean O. Claussen, of Washington.
Thomas S. Cleveland, of Maryland.
Alvin H. Cohen, of Massachusetts.
John D. Congleton, of Virginia.
James D. Conley, of Illinois.
Dewey W. Conner, of Kansas.
Lyle D. Copmann, of Nebraska.
Miss Frances E. Coughlin, of California.
Robert T. Curran, of Michigan.
Miss Anne M. Davis, of California.
Carl E. Davis, of California.
Henry L. Davis, of Florida.
Miss Stella E. Davis, of Georgia.
John L. De Witt, of Pennsylvania.
Fred W. Dickens, Jr., of the District of Columbia.
Richard F. Dienelt, of Pennsylvania.
Arthur V. Diggle, of Illinois.
Alan H. Dodds, of California.
Gerard A. Donohue, of Illinois.
Philip F. Dorman, of California.
Gerhard J. Drechsler, of the District of Columbia.
Thomas T. Driver, of Michigan.
Darrell I. Drucker, Jr., of Maine.
David J. DuBois, of the District of Columbia.
Frank Eakin, Jr., of New Jersey.
Miss Ann Eckstein, of California.
Horace Y. Edwards, of Texas.
N. Marbury Efimenco, of Maryland.
Miss Mary M. Eich, of Pennsylvania.
Douglas A. Elleby, of Maryland.
James A. Elliot, of the District of Columbia.
Walter Engel, of New York.
Harold E. Engle, of Kansas.
Miss Isabelle W. Entrikin, of New Jersey.
F. Bowen Evans, of Maryland.
E. Lee Fairley, of New York.
A. Alexander Fanelli, of Virginia.
Eric Feller, of the District of Columbia.

Miss Marjorie F. Ferguson, of the District of Columbia.
Lyne S. Few, of North Carolina.
Clifton B. Forster, of Maryland.
Morton F. Fosberg, of Maryland.
Abol F. Fotouhi, of North Carolina.
Eugene J. Friedmann, of Ohio.
Daniel Garcia, of the District of Columbia.
Fentress Gardner, of Florida.
Homer G. Gayne, of Virginia.
Carl L. Gebuhr, of Maryland.
John S. Getchell, of the District of Columbia.
Donald Y. Gilmore, of Maryland.
Henry H. Gosho, of Maryland.
Donald G. Gould, of Maine.
James R. Graham, of Wisconsin.
William F. Gresham, of Illinois.
Miss Margaret R. Haferd, of Ohio.
Miss Elinor Halle, of Ohio.
William G. Hamilton, Jr., of Pennsylvania.
Arnold C. Hanson, of Maine.
Richard P. Harris, of Maryland.
William M. Hart, of Florida.
John L. Hedges, of Illinois.
Peter J. Heller, of California.
Sherwin P. Helms, of Virginia.
Miss E. Audrey Henriksen, of Oregon.
George D. Henry, of Pennsylvania.
Daniel J. Hergert, of California.
Clyde G. Hess, of Vermont.
Lawrence M. Howes, of Oregon.
Theodore R. Hupper, of Virginia.
Fredric B. Irvin, of Pennsylvania.
Alfred Jacobson, of Virginia.
Robert B. Jaffie, of California.
Robert A. Jellison, of Indiana.
Alfred N. Johnson, of North Carolina.
John A. Jones, Jr., of Virginia.
Harry Keith, of Maryland.
Daniel M. Kennedy, of Massachusetts.
Stepney C. Kibble, of the District of Columbia.
William D. Killea, of Pennsylvania.
Howard E. Kirchwehm, of Illinois.
Joseph I. Krene, of California.
Ernest G. Land, of the District of Columbia.
Robert E. Lasher, of Maryland.
Bernard J. Lavin, of Hawaii.
Leopold J. LeClair, of Virginia.
Maurice E. Lee, of Pennsylvania.
Robert Don Levine, of the District of Columbia.
Irving S. Lewis, of Maryland.
E. Russell Linch, of California.
Roman L. Lotsberg, of Maryland.
Roger M. Lydon, of California.
Kenneth J. MacCormac, of California.
John L. Maddux, of Virginia.
Haynes R. Mahoney, of Florida.
C. Conrad Manley, of Texas.
Pietro V. Marchetti, of Illinois.
Francis S. Mason, Jr., of Florida.
William C. Mateer, of Ohio.
John R. McCarthy, of Florida.
Richard G. McCloskey, of Washington.
A. Marvin McClure, of South Carolina.
Brooks McClure, of Maryland.
Harold G. McConeghey, of Virginia.
Miss Honor C. McCusker, of Maine.
James M. McDonald, Jr., of New Jersey.
James C. McIntosh, of Massachusetts.
Malcolm McLean, of Minnesota.
Howard L. McVitty, of the District of Columbia.
E. Grant Meade, of the District of Columbia.
George E. Miller, of Pennsylvania.
James B. Miller, of Tennessee.
William J. Miller, of Maryland.
Paul A. Modic, of the District of Columbia.
Reuben M. Monson, of Texas.
Stefan P. Munsing, of Michigan.
Clifton B. Naughton, of California.
Edwin J. Neumann, of Maryland.
Patrick E. Nieburg, of New York.
Lynn H. Noah, of Vermont.
Stuart P. Olsen, of Washington.
Harold M. Otwell, of California.
Edwin C. Pancoast, of California.
Barrett Parker, of Maryland.
Lewis W. Pate, of Nebraska.
William K. Payeff, of South Carolina.
F. Taylor Peck, of the District of Columbia.
Harris Peel, of Vermont.
Perry L. Peterson, of Nebraska.
James T. Pettus, Jr., of Missouri.
Timothy A. Pfeiffer, of Maine.
J. Paul Phillips II, of Maryland.
Richard B. Phillips, of Colorado.
Leon Picon, of North Dakota.
Edward E. Post, Jr., of the District of Columbia.
W. Clinton Powell, of Hawaii.
Paul J. Rappaport, of North Carolina.
W. Wolf Reade, of the District of Columbia.
Barrett M. Reed, of Rhode Island.
E. Lewis Revey, of Florida.
Yale W. Richmond, of Virginia.
William H. Rodgers, of Maryland.
Roger P. Ross, of California.
Nicholas Ruggieri, of Rhode Island.
John W. L. Russell, Jr., of the District of Columbia.
William J. Sailer, of Illinois.
Cecil L. Sanford, Jr., of North Carolina.
Edward J. Savage, of the District of Columbia.
Clement G. Scerback, of Maryland.
Harold F. Schneidman, of Pennsylvania.
Frank A. Scott, of New Jersey.
Charles D. Searles, of Maine.
Jack H. Shellenberger, of Maryland.
Leon A. Shelnutt, of Alabama.
Howard R. Simpson, of California.
P. Warren Simpson, of Maryland.
Morton S. Smith, of Maryland.
Ralph Stuart Smith, of Maryland.
C. Kenneth Snyder, of Florida.
Marvin Sorkin, of the District of Columbia.
Clifford E. Southard, of Maryland.
William Lloyd Stearman, of the District of Columbia.
Henry H. Stephen, of Florida.
Victor L. Stier, of California.
Howard E. Stingle, of the District of Columbia.
Jerome A. Stone, of Florida.
G. Scott Sugden, of Maine.
Marshall W. S. Swan, of Maryland.
Joseph W. Thoman, of Virginia.
Don R. Torrey, of New Jersey.
Argus J. Tresidder, of Kentucky.
Neely G. Turner, of California.
Philip A. Turner, of Virginia.
Charles K. Waters, of Minnesota.
Merle M. Werner, of Nebraska.
Paul E. Wheeler, of Maryland.
Robert L. White, of Colorado.
Walter P. White, Jr., of Alabama.
Ernest H. Wiener, Jr., of Pennsylvania.
John Z. Williams, of New Jersey.
Harold O. Wright, of Illinois.
Jack R. Zeller, of Ohio.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the Diplomatic Service of the United States of America:

Thomas G. Allen, of New Hampshire.
Richard T. Arndt, of New Jersey.
Theophilus E. Ashford, of New Jersey.
Norman C. Barnes, of New York.
David H. Barnhart, of Arizona.
Myron A. Baskin, of Virginia.
Edmund A. Bator, of Georgia.
Charles R. Beecham, of California.
Holley Mack Bell, of North Carolina.
Charles W. Bergstrom, of the District of Columbia.
Herbert K. Berthold, of Virginia.
Peter P. Bielak, of Connecticut.
Howard E. Biggerstaff, of California.
Stuart J. Bohacek, of Nebraska.
Edgar S. Borup, of Illinois.
James E. Bradshaw, of Tennessee.
William D. Bristow, of California.
Harry P. Britton, of California.
Richard C. Brower, of California.
Michael D. Brown, of New York.
Ivan M. Campbell, of California.
Lawrence O. Carlson, of Maryland.
Martin C. Carroll, Jr., of New York.
Miss Elizabeth Carver, of North Carolina.
Bernard Casper, of California.
R. Dabney Chapman, of Maryland.
Thomas G. Charouhas, of Washington.
Milton M. Chase, of Ohio.
Neale E. Clark, of Nebraska.
Fred A. Coffey, Jr., of Texas.
Edward J. Conlon, of the District of Columbia.
Edward F. Conyngham, of Oregon.
Francis A. Cooke, of Virginia.
A. Speight Cooper, of Georgia.
Joe B. Cox, of Ohio.
James F. Crane, of California.
William T. Crocker, of Massachusetts.
Robert D. Cross, of Colorado.
Richard H. Curtiss, of Virginia.
George T. Czuczka, of New York.
John J. Daly, Jr., of Pennsylvania.
Philip A. Damon, Jr., of Virginia.
William B. Davis, of Michigan.
William F. DeMyer, of New York.
John DeNoia, of New Jersey.
Miss Joy A. Dickens, of the District of Columbia.
William S. Dickson, of New Jersey.
William E. Dietz, of the District of Columbia.
Philip DiTommaso, of Pennsylvania.
Mason C. Dobson, of Illinois.
Francis T. Donovan, of Pennsylvania.
Thomas C. Dove, Jr., of North Carolina.
Miss Nancy R. Downing, of Illinois.
Hunton L. Downs, of Hawaii.
Miss Elizabeth R. Earle, of the District of Columbia.
John J. Ewing, of the District of Columbia.
Jack B. Fawcett, of Colorado.
Harold W. Fellman, of Pennsylvania.
Edward J. Findlay, of Maryland.
Frederic A. Fisher, of Michigan.
John C. Fiske, of Iowa.
Donald R. Ford, of Hawaii.
Ben F. Fordney, of Virginia.
Evan Fotos, of Massachusetts.
Robert V. Gildea, of Maryland.
Robert C. Goodman, of California.
Orville H. Goplen, of Washington.
Richard J. Gordon, of Maryland.
Clifford P. Hackett, of Connecticut.
Ben H. Hall, of Maryland.
Allen C. Hansen, of New Jersey.
Miss Carol V. Harford, of California.
Theodore G. Hartry, of California.
Richard W. Helgerson, of South Dakota.
Miss Shirley B. Hendsch, of the District of Columbia.
David I. Hitcheock, of Connecticut.
James Hoyt, of California.
Richard M. Hughes, of Ohio.
Benjamin H. Jackson, of Ohio.
Theodore R. Jaeckel, of the District of Columbia.
Charles A. Johnson, of Virginia.
Roy W. Johnson, of New Jersey.
Stanton Jue, of California.
Jack W. Juergens, of Kansas.
William J. Karppi, of Michigan.
Harry H. Kendall, of Maryland.
Donald J. Kent, of Maryland.
William H. Keogh, of Maryland.
Richard M. Key, of Maryland.
Ivan T. Klecka, of Illinois.
Kenneth D. Koch, of Michigan.
Miss Garnetta Kramer, of Illinois.
Thomas R. Kruse, of Iowa.
Miss Ethel A. Kuhn, of Washington.
Charles J. Lahey, of Maryland.
Gilbert I. Laskowski, of Texas.
Milton Leavitt, of Massachusetts.
Robert H. Leeper, of Pennsylvania.
Ralph Lewis, of the District of Columbia.
Theodore M. Liu, of Michigan.
Frenise A. Logan, of North Carolina.
Miss Margaret F. MacKellar, of California.
Herbert C. Madison, of the District of Columbia.
Harrington E. Manville, of Colorado.
John A. Mason, Jr., of Pennsylvania.

James O. Mays, of Georgia.

Miss Ellen Irene McCullough, of New Jersey.

Charles A. McGinley, Jr., of Maryland.

James A. McGinley III, of Florida.

Donald E. McNertney, of Iowa.

Charles L. Medd, of New York.

Mrs. Aileen S. Miles, of Virginia.

Ainslie B. Minor, of Florida.

Herbert Morales, of the District of Columbia.

Miss Theresa C. Mravintz, of California.

Arthur R. Nayer, of New Jersey.

Howard F. Needham, of Maryland.

Allan Nelson, of California.

Robert L. M. Nevitt, of Pennsylvania.

Robert L. Nichols, of New Hampshire.

Tom A. Noonan, of the District of Columbia.

Flemming E. Nyrop, of Virginia.

Victor B. Olason, of Washington.

Blanchard K. Parsons, of New York.

Wilbert C. Petty, of the District of Columbia.

Edward T. Pinch, of Florida.

Milos O. Ptak, of Ohio.

William H. Pugh, of New Jersey.

Edward T. Purcell, of Maryland.

R. Randolph Raven, of California.

Mrs. Katharine D. Ray, of Tennessee.

James M. Rentschler, of Pennsylvania.

William H. Riddell, Jr., of the District of Columbia.

David L. Roberts, Jr., of New York.

Blake W. Robinson, Jr., of Massachusetts.

Edward L. Robinson, of the District of Columbia.

Leonard I. Robock, of Ohio.

Robert A. Rockweiler, of Wisconsin.

James G. Rogers, of California.

Robert N. Rogers, of Illinois.

Gunther K. Rosinus, of Indiana.

Phifer P. Rothman, of Florida.

Vincent Rotundo, of New Jersey.

Howard H. Russell, Jr., of North Dakota.

Irving L. Sablosky, of Illinois.

John H. Scanlon, of California.

Eugene M. Schaeffer, of Tennessee.

Miss Catherine S. Scott, of the District of Columbia.

Harry E. Sedgley, of California.

Laurence Sharpe, of Maryland.

John W. Shirley, of the District of Columbia.

David W. Smith, of Utah.

Douglas H. Smith, of the District of Columbia.

Norris P. Smith, of California.

Donald E. Soergel, of Maryland.

Bart N. Stephens, of Florida.

Perry J. Stieglitz, of New York.

Miss Constance E. Stone, of Vermont.

David L. Stratmon, Sr., of Indiana.

G. Frederick Stutz, of Massachusetts.

Richard J. Sullivan, of Iowa.

Ted M. G. Tanen, of California.

Vernon R. Telford, of Georgia.

George R. Thompson, of New Jersey.

Eugene B. Thomson, of Maryland.

Miss Myrtle E. Thorne, of the District of Columbia.

Francis E. Townsend, of Washington.

Fred W. Trembour, of Virginia.

Graham Tucker, of Virginia.

Richard E. Undeland, of Nebraska.

Frank D. Underwood, of Maryland.

Hal W. Vaughan, of Florida.

G. Claude Villarreal, of Texas.

John W. Vonier, of Virginia.

Robert C. Voth, of California.

William N. Wagley, of the District of Columbia.

Wilbur F. Weeks, of Connecticut.

James K. Welsh, Jr., of New York.

Miss Dorothea Western, of Wisconsin.

Ralph R. White, of Maine.

Lloyd H. Wilkins, of California.

Arthur K. Willey, Jr., of Virginia.

Jack E. Wyant, of Washington

George G. Wynne, of North Carolina.

Douglas A. Zischke, of Minnesota.

The following-named persons for appointment as Foreign Service officers of class 5, consuls and secretaries in the Diplomatic Service of the United States of America:

Miss Denise M. Abbey, of Washington.

Sime H. Adelman, of Ohio.

Donald H. Albright, of Arkansas.

Philip W. Arnold, of New York.

James M. Ascher, of Illinois.

Rexford L. Baer, of California.

Miss Ruth Banonis, of Michigan.

Miss Margaret K. Beadles, of Kentucky.

Miss Evelyn M. Blickensderfer, of New York.

Edward R. Brandt, of Maryland.

Melvyn R. Brokenshire, Jr., of Texas.

Arthur L. Bunn, of Florida.

John R. Campbell, of California.

Robert A. Cattell, of the District of Columbia.

John R. Challinor, of Illinois.

Robert L. Chatten, of Kentucky.

Gerald L. Clay, of Nevada.

John D. Clayton, of Virginia.

James R. Curley, of New Jersey.

Frank Darlington, of Texas.

Miss Dora Dean, of Pennsylvania.

James H. De Cou, of California.

Dolf M. Droge, of Indiana.

William M. Dunn, of the District of Columbia.

Robert P. Ebersole, of Florida.

G. Michael Eisenstadt, of New York.

James Flood, of Pennsylvania.

George L. Gaddie, of Florida.

Norris D. Garnett, of California.

R. Laurence Garufi, of New Jersey.

Arthur S. Giuliano, of New Jersey.

Robert E. Goodenough, of Indiana.

Henry O. Green, Jr., of Arkansas.

John L. Griffiths, of California.

Howard W. Hardy, Jr., of New Jersey.

Miss Barbara S. Harvey, of Pennsylvania.

Harry L. Hughes, of the District of Columbia.

Miss Barbara A. Hutchison, of Delaware.

Jerry L. Inman, of California.

Anton N. Kasanof, of Florida.

Sean Kennedy Kelly, of Nevada.

Edward J. Killeen, of California.

Franz E. Krell, of Illinois.

Arthur D. Lefkowitz, of New York.

William R. Lenderking, Jr., of Connecticut.

Miss Joann Lewinsohn, of Oklahoma.

Frank A. Magary, of California.

Charles M. Magee, of Louisiana.

Miss Tana M. Mayland, of California.

John F. McDonald, of Maine.

James D. McHale, of Massachusetts.

Miss Gabriella E. Metcalf, of the District of Columbia.

Daniel L. Miller, of California.

Gordon W. Murchie, of California.

Edgar E. Noel, of the District of Columbia.

Philip K. Page, of California.

Philip W. Pillsbury, Jr., of Minnesota.

Michael T. F. Pistor, of Arizona.

Eugene Frederick Quinn, of Pennsylvania.

J. Thomas Rimer III, of Pennsylvania.

Ismael Rivera, of Maryland.

Miss Elizabeth K. Rousseau, of the District of Columbia.

Robert R. Ruggiero, of Rhode Island.

Philip N. Shepherdson, of Illinois.

Christopher L. Sholes, of New Jersey.

Edward J. Slack, of South Dakota.

Miss Dorothy M. Slak, of Ohio.

James F. Smith, of Ohio.

Peter N. Synodis, of California.

Miss Margaret V. Taylor, of California.

Jaroslav J. Verner, of Minnesota.

Nicholas Volk, Jr., of New Jersey.

Glynn L. Wood, of Louisiana.

Robert E. Zimmerman, of Illinois.

The following-named persons for appointment as Foreign Service officers of class 6, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Dino J. Caterini, of Ohio.

Allan B. Croghan, of California.

Neal T. Donnelly, of New York.

Edward A. Elly, of Michigan.

C. M. Fry, of Missouri.

Jack Golden, of Georgia.

Thompson A. Grunwald, of California.

Thomas J. Gunning, of Illinois.

Miss Helen S. Hanson, of California.

Peter J. Hickman, of Texas.

Talbott W. Huey, of Maryland.

Frederic H. Hunter, of California.

Robert E. Knopes, of Wisconsin.

Bruce R. Koch, of Pennsylvania.

Robert F. Krill, of Pennsylvania.

Donald E. Mathes, of Missouri.

Merrill S. Miller, of Virginia.

James L. Morad, of California.

Howard G. Neuberg, of California.

Edward T. Penney, of Illinois.

David F. Phillips, of Illinois.

Donald E. Reilly, of California.

John F. Ritchotte, of Pennsylvania.

Sanders F. Rosenblum, of Michigan.

Robert H. Ruffner, of Michigan.

Henry B. Ryan, of Illinois.

Miss Barbara M. Shelby, of New Jersey.

John E. Slavick, of Ohio.

Robert S. Snow, of California.

Conrad Stolzenbach, of Ohio.

V. Jordan Tanner, of Utah.

Miss Marie Louise Telich, of California.

Jeremy W. Tryon, of Massachusetts.

Alfred J. Waddell, of the District of Columbia.

The following-named persons for appointment in the Foreign Service, pursuant to section 516 of the Foreign Service Act of 1946, as amended:

The following-named persons for appointment as Foreign Service officers of class 7, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Barry E. Ballow, of California.

Robert K. Baron, of Pennsylvania.

Donald S. Birn, of New York.

Richard Birn, of New York.

Richard A. Boardman, of New York.

F. Mark Braly, Jr., of Texas.

John T. Burns, of Florida.

Thomas A. Calhoun, of California.

James B. Carroll, of Illinois.

Sigmund M. Cohen, Jr., of Illinois.

Miss Ruth Marie Connolly, of Massachusetts.

Miss Patricia E. Connor, of Washington.

Miss Eleanor M. De Selms, of the District of Columbia.

Miss Joan L. Dickie, of New York.

Warren J. Dunn, of Virginia.

William H. Durham, of North Carolina.

Miss Joan R. Edmonds, of California.

Philip W. Ernst, of Minnesota.

Lawrence S. Fein, of Oregon.

Joel Anthony Fischman, of Massachusetts.

Eli Flam, of Virginia.

Robert S. Fletcher, of California.

Lawrence B. Flood, of California.

Edward D. Franco, of Colorado.

John D. Garner, of Oklahoma.

Paul L. Good, of Oregon.

John J. Harrigan, of Illinois.

Stephen J. Harrison, of Connecticut.

Donald W. Hauger, of Florida.

Miss Corinne A. Heditsian, of New York.

Myron L. Hoffmann, of Illinois.

Raburn L. Howland, of Ohio.

Miss Suzanne Hutchison, of Ohio.

Miss Mary Roberta Jones, of Montana.

Richard S. Kahlenberg, of Florida.

John M. Keller, of Minnesota.

Irwin S. Kern, of the District of Columbia.

Miss Barbara R. Krone, of New Jersey.

David Kuryk, of New Jersey.

Jerry E. Kyle, of California.

Alfred A. Laun III, of Wisconsin.

Leon Lederer II, of Virginia.

John R. Lepperd, of Virginia.

David J. Levin, of Pennsylvania.

Miss Judith L. Light, of Illinois.

Miss Carol Littlejohn, of Georgia.

Douglas M. MacMillan, of Hawaii.

James J. Mandros, of Pennsylvania.

Miss Constance McClintock, of New York.
Malcolm A. McConnell, of Wisconsin.
Jerome K. McDonough, of Massachusetts.
John R. McLean, of Michigan.
John H. Melton, of Montana.
Miss Christine Morrissette, of Massachusetts.
Peter Cary Muncie, of Maryland.
Richard G. Newcomer, of Pennsylvania.
J. Richard Overturf, of California.
Cecil E. Pollard, of California.
Douglas R. Price, of Virginia.
Miss Jeanne M. Pryor, of Arizona.
Harold F. Radday, of California.
Charles R. Raisner, of Florida.
Miss Karla Reed, of New York.
John M. Reid, of Virginia.
Peter J. Reuss, of Florida.
Joel W. Rochow, of Illinois.
Michael A. Rockland, of New York.
Miss Susanne L. Rockne, of Minnesota.
Michael G. Roskin, of California.
Richard F. Ross, of Florida.
William A. Rugh, of New York.
Michael D. Schneider, of New Jersey.
James H. Sease, of Michigan.
Fred M. Shaver II, of New Mexico.
Arnold J. Silverman, of California.
Leon M. S. Slawecki, of Pennsylvania.
Christopher Snow, of Utah.
Frank F. Starbuck, of Florida.
William Stephens, Jr., of Pennsylvania.
Jon W. Stewart, of Arizona.
Wesley D. Stewart, of Ohio.
Miss Dianne L. Struck, of California.
Franklin J. Tonini, of Florida.
Stewart A. Toy, of California.
Daniel L. Traub, of California.
Duane T. Wilcox, of Utah.
David M. Wilson, of Massachusetts.
Kenneth C. Wimmel, of Ohio.
Peter C. Wolcott, of New York.
Robert J. Wozniak, of Michigan.
William M. Zavis, of Illinois.
Jan R. Zehner, of Ohio.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

Louis A. Barraza, of California.
Thomas Hardy Crawford, of the District of Columbia.
Thomas E. Finnerty, of Michigan.
Robert K. Geis, of Texas.
Alan L. Gilbert, of the District of Columbia.
Charles R. Gostlin, of Ohio.
Miss Mary Anne Hammons, of Tennessee.
John F. Kordek, of Illinois.
Robert R. LaGamma, of New York.
Miss Jean Elizabeth Mammen, of New York.
Robert S. Meyers, of California.
Miss Susan Lee Migden, of New York.
Kent D. Obee, of Idaho.
Miss Mary E. Procter, of Massachusetts.
Peter L. Quasius, of Wisconsin.
A. Rexford Rorex, of Florida.
Miss Edith E. Russo, of Maryland.
Richard W. Schmidt, of Massachusetts.
Richard C. Schoonover, of California.
Miss Carol R. Stoessel, of Missouri.
William Merrell Stott, of New York.
John E. Stuckey, Jr., of Kansas.
William F. Thompson, of Minnesota.
Miss Laurelane E. Vincent, or Oregon.

James L. Meyer, of California, for reappointment in the Foreign Service as a Foreign Service officer of class 6, a vice consul of career, and a secretary in the Diplomatic Service of the United States of America, pursuant to section 520(a) of the Foreign Service Act of 1946, as amended.

In the Air Force

Brig. Gen. John L. Zoeckler, 3724A (colonel, Regular Air Force), U.S. Air Force, for temporary appointment in the grade of major general, U.S. Air Force, under the provisions of chapter 839, title 10, of the United States Code.

In the Army

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3298:

To be first lieutenants

Acinapura, Joseph N., OF100231.
Alberghini, Joseph A., OF102395.
Allen, James E., OF102396.
Arnold, Wallace C., OF100234.
Beedle, Charles E., OF100237.
Berry, Peter T., OF102407.
Bogden, Joseph, O97874.
Bowker, Lewis W., Jr., OF102417.
Brainerd, Ardell T., Jr., OF102144.
Burke, Edward J., Jr., OF102426.
Childress, John R., OF102432.
Coffman, Charles O., OF102160.
Collins, Scott S., Jr., OF102161.
Costello, Daniel S., OF102439.
Coty, Adrain P., OF102440.
Crismon, Frederick W., OF101806.
Falk, Warren L., OF102177.
Foley, Paul P., OF102462.
Fulcher, Stan L. T., OF102878.
Girardot, David C., Jr., OF102472.
Grant, Scott W., OF102474.
Hayes, Robert L., 2d., OF100882.
Heying, David R., OF102494.
Hicks, Robert A., OF100282.
Keravuori, Aito J., OF102207.
Kincaid, Richard D., OF101830.
Kochenour, John A., OF102210.
Ladd, William F., OF102212.
Lanier, Jimmy N., OF102522.
Lauder, Ralph H., OF102523.
Logan, James A., OF101020.
Maloney, Michael, O93825.
Marcum, Leonard G., OF102541.
Marr, Francis C., OF102542.
Matz, William McD., Jr., OF102228.
McGarry, Andrew T., OF102551.
McLaughlin, Michael G., OF102552.
Medaris, David M., OF100317.
Mencher, Paul E., Jr., OF102229.
Miller, Ivan W., OF102559.
Miller, Kenneth A., OF102560.
Mooney, James E., Jr., OF102566.
Moss, Robert D., O99932.
Myerchin, Thomas S., O94025.
Palmer, Charles S., OF102584.
Patterson, William T., OF102586.
Poiner, David N., OF102247.
Posey, Larry O'D., OF102596.
Poynter, William D., OF102600.
Pratt, James T., 3d. OF101187.
Ray, Webster D., OF102605.
Reitz, Robert A., OF102255.
Repischak, Leroy T., OF102256.
Ringgenberg, Archie C., OF102259.
Roleke, Richard B., OF102261.
Schneeweis, Harold N., OF102266.
Sharp, Fred A., O99395.
Sharp, Raymond D., Jr., OF102628.
Sheehy, Stephen P., OF102629.
Smith, William D., OF102272.
Speaker, Theodor A., OF102636.
Stynes, Robert E., OF102278.
Svoboda, Joseph A., OF100357.
Swing, Walter M., OF102642.
Todd, William A., 3d, OF102650.
Wager, Joseph S., OF102660.
Webster, Lynn C., OF102291.
Wells, Virgil R., OF102292.
Westendick, William A., OF100168.
Wiggins, Harry R., OF102672.
Williamson, George D., OF102297.
Worrell, Benton, OF102300.

To be first lieutenants, Medical Service Corps

Breen, Richard N., OF102146.
Getzin, Robert H., O92646.
Heimendinger, Richard B., OF102906.

The following-named person for reappointment to the active list of the Regular Army of the United States, from the temporary disability retired list under the provisions of title 10, United States Code, section 1211:

To be colonel, Dental Corps

Haven, Samuel R., O17970.

The following-named persons for appointment in the Regular Army by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288:

To be lieutenant colonel

Hoffman, Edgar F. (MSC), O79666.

To be captain

Dickson, Richard C. (MSC), O82317.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287 and 3288:

To be lieutenant colonels

Gregory, William A., O1547635.
Hutchison, Dean A., O2055483.
Keitt, Thomas W., O1080791.
Murdock, Eugene J., O1185760.

To be majors

Carr, Bernard E., O1176914.
Davis, Raymond T., O1885215.
Gafford, Travis M., O2209688.
Galvin, Bernard E., O2263173.
Hamlin, Leland V., O1913458.
Johnson, Alfred H., III, O958577.
O'Neal, Alvin L., O2206074.
Sweet, Robert W., O1924687.

To be captains

Ahern, John J., O4010149.
Bardwell, James E., O1880894.
Blanco, Silviano J., O1886521.
Calderon-Couvertie, Jose A., O5826067.
Clark, Shannon D., O4061156.
Crawford, Clydie J., O4074461.
Cushing, Henry F., Jr., O4065535.
Derr, Edward B., O5405197.
Dexter, Herbert J., O1934907.
Donahue, John C., O5701991.
Dunham, David L., O5502761.
Evangelho, Arlindo F., O4028151.
Gannon, Norbert J., O4006427.
Garrett, Arthur W., O4074811.
Gartman, Etric P., O5304326.
Goering, John D., O4022951.
Hagee, Robert D., O4074389.
Hamilton, Harold M., O5202480.
Helms, Jack E., Sr., O1880906.
Hensley, Carl E., O4072132.
Hess, Boyd, G., O4000261.
Hoopert, Jerry J., O5405168.
Luchino, Gerald T., O5700768.
Lydahl, Gustav T., O4064366.
McAfee, Billy J., O1930821.
McVeay, Riley J., O5405176.
Patrick, Allison H., Jr., O5701998.
Privette, Jake H., O4024137.
Rabin, Ronald J., O4063158.
Roache, Nathaniel R., O5203530.
Rowell, Oliver J., O5400584.
Russell, Dean F., O4033452.
Schrodetzki, Robert L., O1890648.
Scoggins, John, O4006683.
Smith, Edward L., O5301802.
Stalfort, Charles G. E., Jr., O1937380.
Stevens, Perry G., O1880759.
Stone, James H., O5302977.
Weaver, Robert A., Jr., O1941873.

To be first lieutenants

Baldwin, Max R., O5307774.
Bee, Arlen E., O5212596.
Bourland, James T., O5410268.
Burke, Millard, O5315067.
Campbell, Albert, Jr., O5503322.
Carroll, Dennis J., O5508704.
Carter, George W., O5301847.
Cash, Justin C., Jr., O5504755.
Clarkson, Heriot, O5220464.
Colwell, Richard J., O5009137.
Dooley, John P., O5405639.
Drever, Donald C., O5515035.
Flannigan, Robert A., O5010112.
Gennaro, Louis B., O2305302.
Hampton, Don H., O5514282.
Harvey, William R., O5508884.

Hendricks, David G., O5412065.
Koppeis, Carl J., O5310490.
Lawson, Charles E., O5512758.
McCoy, James L., O5706674.
Minor, Richard E., O5510037.
Moran, Frank A., O5010513.
Morrison, Robert C., O5006821.
Neal, Paul, G., O5507914.
Plunkett, Walter M., Jr., O5706043.
Schwan, Richard J., O5703813.
Siegel, Herbert, O5405579.
Stamey, William K., O5306487.
Steed, Emil E., O2317163.
Stewart, Alan F., O5217067.
Stonehocker, Herbert F., Jr., O5410717.
Warren, Donald F., O5311861.
Weatherford, William B., O5412692.
Whatley, William A., O2304824.
Williams, Roger T., O5515586.

To be second lieutenants

Andrean, Charles M., II, O5219766.
Baumgarten, John R., O2307264.
Carey, Spencer V., O5318652.
Chadbourne, William C., O5314976.
Chapman, James H, O5406537.
Charlesworth, Russell W., O5218715.
Collins, William A., O5219077.
Cummings, Peter M., O5016324.
Donohue, John T., O5413132.
Ebert, Marlin J., O5215190.
Elrod, William C., Jr., O5316799.
Greenwald. Donald P., O5510878.
Guenther, Fredric L. O5509121.
Hartman, Homer R., O5316473.
Jagielski, James R., O5516325.
Kelley, Erskine H., III, O5015614.
Kelley, Stephen H., O5406297.
Kincaid, James G., O2304506.
Lamb, James D., O2309173.
Mason, William B., Jr., O5316904.
McCollum, Tommie L., O5316091.
McKeever, John V., Jr., O5320887.
Meade, David C., O5217772.
Moore, Michael C., O5516647.
Naab, Richard M., O5516182.
Nadal, Rafael L., O5215153.
O'Neill, Peter G., O5220394.
Parrish, David H., O5313961.
Ponko, Marshall D., O5850104.
Strickland, David S., O5219673.
Summerfeldt, David G., O5850121.
Tower, Jonathan R., O5320398.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, and 3294:

To be majors, Medical Corps

Halstead, Scott B., O4067810.
Scarpelli, Sabino, O4070651.

To be captain, Army Nurse Corps

Smidt, Rezella R., N902349.

To be captains, Chaplain

Chavarry, Richard E., O3061224.
Schmidt, Charles H., O2305294.

To be captains, Dental Corps

Baggs, Gary A., O5408743.
Eberhardt, John J., Jr., O2308562.
Heck, George R., O5205212.
Johnson, Baxter E., O5220135.
Kirchoff, David A., O5518901.
Lord, William L., Jr., O5220059.
Merritt, Ezra A., O5220218.
Metzger, Floyd D., O2308611.
Moga, Michael J., O5518243.
Phillips, James H., O2308576.
Pickett, Alan B., O5015688.
Reddin, James B., O5205613.
Seymour, Fred W., Jr., O5408815.
Swintak, Edward F., O5013418.
Todd, Donald D., O5220079.
Van Tilburg, Arthur W., O2308674.
Villacara, Alfred A., Jr., O4039387.
Walker, Alton L., O5315721.
Walker, Kahn K., O5300462.

To be captains, Judge Advocate General's Corps

Fugh, John L., O2304313.
Tocher, Patrick A., O5702018.

To be captains, Medical Corps

Ahearn, Arthur M., O5525179.
Albright, John D., O5408126.
Baumann, Billy B., O5525169.
Benson, Vernon R., O2305712.
Casper, Edmund, O5224044.
Clingan, Robert C., O2309203.
Cofer, Hershel F., O5304682.
Davia, James E., O2309225.
Edwards, Henry E., O2309230.
Gabriele, Anthony R., O5002030.
Gugel, Lorenz W., O5416014.
Hamilton, Lewis A., Jr., O4059161.
Hirata, Richard M., O83279.
Holten, David R., O5518201.
James, Edwin C., O2305296.
Jarstfer, Bruce S., O5525300.
Jennings, Jeffrey M., O5525291.
Keblish, Peter A., Jr., O5223624.
Krebs, Roger A., O2309195.
LaVerde, Philip S., O5207225.
Lea, Charles E., O75667.
Levitt, Gilbert W., O2309211.
Lewis, Charles W., O2305355.
Mack, David W., O5505872.
Madorsky, David D., O5223999.
Masi, Anthony V., O5015235.
Mathis, Jerry L., O2309209.
Moak, Wilson E., O5303644.
Quinn, Frank M., O5223186.
Reem, Richard C., O5525372.
Ritchey, John P., O75774.
Roberts, Phillip L., O5319594.
Savolaine, Edward R., O5525168.
Shull, Vernon H., O5504399.
Slawson, Robert G., O5224011.
Smith, William A., Jr., O5525403.
Strassman, Martin L., O2309456.
Tsoulos, Demetrios G., O5525283.
Turcke, Donald A., O5214995.
Vichick, Donald A., O5708976.
Vose, Paul C., O2294005.
Watson, Robert L., O5300587.
White, Richard S., O5204308.
Wilson, Edwin S., Jr., O5015257.

To be captain, Medical Service Corps

Trecartin, Edward G., O4039072.

To be first lieutenants, Army Nurse Corps

Brogan, Mary A. K., N5407469.
Condon, Kathleen T., N5407301.
Illi, Judith M., N2307654.

To be first lieutenants, Judge Advocate General's Corps

Nutt, Robert M., O2309826.
Rice, Paul J., O5511953.

To be first lieutenants, Medical Corps

Bingham, Korth E., O2313119.
Blalock, James C., O2314762.
Bobitt, John R., O2313121.
Conroy, Robert W., O2316886.
Gaither, Robert H., O5210836.
Hill, John C., O2316905.
Indgin, Sidney N., O2316898.
Lane, Charles D., O2313101.
Lung, John A., O2313102.
McAninch, Jack W., O2316936.
Neel, Donald R., 05212569.
Ruark, Sylvan R., O2313020.
Sabol, Edward D., Jr., O2316864.
Stephens, Robert O., Jr., O5309648.
Strait, Gail B., O5702140.
Taylor, Robert R., Jr., O2316876.

To be first lieutenants, Medical Service Corps

Bishop, Garland G., O4083552.
Childers, Leon W., Jr., O5412583.
Fox, Charles E., Jr., O5307037.
Keel, Robert H., O5501823.
Kestner, James C., O5307361.
McQuillan, David B., O5012718.
Perry, William R., O5211741.
Repert, Richard E., O2302285.
Romo, Jacob M., O5000538.
Schwindt, Philip C., Jr., O5209878.

To be first lieutenants, Veterinary Corps

Ackerman, Larry J., O2313808.
Fruin, John T., O2308706.

To be second lieutenants, Army Nurse Corps

Gouldthorpe, Barbara A., N5411684.
Hammann, Amy D., N2316478.
Stevens, Lila C., N5014773.

To be second lieutenants, Medical Service Corps

Engelkirk, Paul G., O5014349.
Greenwood, Robert J., O5514167.
Harrell, Henry C., Jr., O2313753.
Schott, Thomas A., O2316797.
Warner, Lyle W., O5516526.

The following-named distinguished military students for appointment in the Judge Advocate General's Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288, and 3292:

McAuliffe, Joseph S., O5214881.
Majarian, Melvin K., O5706610.
Tichenor, Carroll J., O5706774.
Ventantonio, James B., O5010294.

The following-named distinguished military students for appointment in the Medical Service Corps, Regular Army of the United States in the grade of second lieutenant under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, 3288 and 3290:

Brown, Henry H.
Edson, Frank F.
Foster, Douglas D.
Garcia, Juan M.
Harvey, William L.
Herbert, Richard A.
Hohmann, James G.
Inazu, William M.
Key, Claude S.
Lea, Mebane T., Jr.
McCormick, John
Tonniges, Gary L.
Troy, Thomas J.
Wetherbee, Frank W., Jr.

The following-named distinguished military students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283, 3284, 3285, 3286, 3287, and 3288:

Ahrens, Roger W.
Alexander, Thomas M.
Allport, George H., II
Argabright, David L.
Armijo, Gabriel C.
Arnold, James C.
Asay, Thomas A.
Ayres, Glenn R.
Baldwin, Earl M., III
Bedford, Gerald E.
Bielenberg, Douglas G.
Bird, Edward J.
Blacker, Blair K.
Bleckmann, Gilbert A.
Bordenet, James D.
Bullen, William H.
Burpee, David H.
Bush, Charlie L.
Butler, Kenneth L.
Callahan, Welborn A., Jr.
Callaway, Thomas O.
Callender, Alban A., Jr.
Camacho, Miguel A.
Capriles, Ricardo A.
Cardona, Lannie D.
Carlson, Norman A.
Carr, Guy S., Jr.
Carricaburu, Robert E.
Cartwright, Lawrence P.
Carver, Kenton C.
Clayman, Murray L.
Collins, William H., Jr.
Conner, James C.
Conway, David H.
Conway, George L.
Cook, Gerald L.
Corbo, Robert A.
Cowan, James D., Jr.
Cowan, Marion C.
D'Angelo, Louis J.
Danielski, Arlan J.
Dempsey, Harry J.
Devine, Michael R.
Dick, James R.
Dolan, Thomas J.
Duffie, Robert D.
Dunham, Frederick R.
Dunlap, Robert T.
Ellis, Alfred W.
Essex, Kenneth F.
Falk, David H.
Featherstone, Charles L.
Finn, Brian C.
Finocchio, Frank S.
Formet, Gary L.
Foster, Garry D.
Frappier, James E.
Gailey, Charles K., III
Gerard, William F., Jr.
Gerlach, Stephen R.
Glick, Barry H.
Gonzalez, Aristides
Grace, Thomas H.
Greene, Lee F.
Grimes, John F., III
Gross, John E.
Guerrieri, David F.
Hamm, Thomas C.
Harper, Joseph M.
Harrison, Robert C.
Hasselback, David G.
Hendricks, Charles F.
Herdrich, Donald J.
Herring, Charles D.
Hill, Andrew L. R.
Hitchcock, Allen W., Jr.
Hufford, George V., Jr.
Hunt, Chapin P., Jr.

Hurlburt, Carl B.
Isham, Arthur D.
Jackson, Bobby J.
Jakes, Robert A., Jr.
Johnsen, James W.
Johnson, Raymond L., Jr.
Julian, Lanny R.
Kaufmann, Richard B.
Keeney, Robert M.
Keller, Dale F., Jr.
Kiilehua, Cecil W.
Kimzey, Jimmy C.
Kirby, Jefferson D.
Knoll, David D.
Korhonen, John D.
Kowal, Dennis M.
Kramer, David B.
Laboy, Isaac N.
Lackland, Theodore H.
Lane, Richard J.
Larsen, Richard H.
Larson, Richard G.
Latham, Rex H.
Lautemann, George C., Jr.
Law, William P., III
Leech, Peter E.
Legg, John D.
Leonard, Eugene J.
Leson, Joel L.
Liberty, Larry P.
Lizardi, Luis R.
Loth, William J., III
Luymes, Alan H.
Lyon, Donald C.
Lyons, Thomas F.
Mangan, Richard J.
Martin, Clifford A., Jr.
McAtter, David M.
McBride, Donald K.
McDonald, Terrance L.
McFarlin, Tommie A.
McIntyre, Duncan B.
McKenney, Robert T.
Moller, William R., Jr.
Montague, Charles D., III
Moore, Billy J.
Moran, Mark F.
Muhlenfeld, Edward F.
Muller, Frank M., Jr.
Murray, Thomas J.
Nelson, Richard C., Jr.
Newman, Dexter C.
Newton, John C.
Nichols, Charlie V., Jr.
Nickerson, John C., III
Nix, Gary L.
Norris, Michael R.
Oakley, Frank P.
Ordway, Richard C., Jr.
Orlowski, Thomas J.
O'Shaughnessy, James C.
Palmer, Douglas M., III
Parker, John E., III
Peters, Charles L.
Quinn, Jimmie B.
Rameker, William J.
Rektorik, Horace J.
Richardson, George C.
Robles, Emilio
Rolfness, Stanley A., Jr.
Rossoni, Ralph A.
Royce, Clayton E.
Rumple, John R.
Sandin, Ramon A.
Sarno, Albert R.
Scarborough, Edmund B.
Schiele, Roy L.
Schrantz, Kenneth F., Jr.
Schwabe, Charles L.
Schwanke, Kermit D.
Scott, Shafter E.
Seawell, John P.
Shaw, Bruce R.
Sheffey, John F.
Sherrill, William C., Jr.
Shiflet, Charles C., Jr.
Smith, Larry L.
Smith, Thomas A.
Spore, Allen H.
Stuart, Rodney K.
Sultenfuss, Benjamin J., Jr.
Sweet, David P.
Tassani, Jeffrey P.
Taylor, Michael G.
Taylor, Philip M.
Theurer, Scott M.
Thomas, Maurice A.
Thompson, Conley C.
Thorpe, Michael D.
Thurman, Seaborn M.
Torch, Joachim G. K.
Trainer, Lloyd D.
Van De Walle, Thomas D.
Van Wert, Ronald K.
Van Wormer, Thomas E.
Verga, Charles F.
Vernon, Albert E., III
Vincent, John R.
Walker, Glenn D., Jr.
Walker, James F.
Wallace, Thomas M.
Ward, John A.
Ward, Stephen E.
Weller, Joseph F., III
Wigington, Dan L.
Wilczek, Robert J.
Williams, Frank K.
Wilson, James C.
Wolfe, Walter M., Jr.
Woodruff, Paul B.
Young, Ralph R.

In the Marine Corps

The following-named officers of the Marine Corps for permanent appointment to the grade of colonel:

Anderson, Nels E.
Anglin, Emmett O., Jr.
Antley, William E., Jr.
Armstrong, Victor A.
Baird, Robert
Baldwin, Robert E.
Barbour, Robert J.
Beale, Charles H., Jr.
Bennett, William R.
Boag, Arthur R.
Bonner, Joel E., Jr.
Boress, Bernard M.
Boyd, Kenneth B.
Bradley, Gilbert D.
Brant, Robert E.
Brenneman, Richard A.
Brewster, David A., Sr.
Bristow, John B.
Brown, Leslie E.
Bryant, George M.
Caldwell, Frank C.
Canton, John S.
Card, Horace W., Jr.
Case, William N.
Castagna, Anthony J.
Chase, Norman S.
Claude, Eugene P.
Codispoti, Gildo S.
Conrad, Robert L.
Conway, John A.
Cook, Edward
Corey, Russell E.
Crossfield, Charles C., III
Daddazio, Armand G.
Dair, William G., Jr.
Dalby, Marion C.
Davis, Clyde H., Jr.
De Long, Phillip C.
Dickinson, Harry E.
Dodson, Frederick C.
Dwyer, Ross T., Jr.
Eubank, William L.
Faser, Karl E.
Faw, Duane L.
Fegan, Joseph C., Jr.
Fenton, Francis I., Jr.
Fields, Thomas M.
Finlayson, Edwin H.
Finn, Howard J.
Foxworth, Robert F., Jr.
Frey, Leroy T.
Fris, Edward S.
Fry, William F.
Fuss, Paul
Galbreaith, Don W.
Gehri, Donald J.
Givens, Harry L., Jr.
Graham, Lawrence L.
Graham, William M., Jr.
Greason, Edward H.
Green, Wiley A.
Greene, Charles H. Jr.
Greene, Thomas N.
Gross, Leo V.
Grove, John R.
Haffey, Eugene H.
Haigler, Wilson D.
Hall, Reverdy M.
Hammerbeck, Edward E.
Hannah, Samuel A.
Hanthorn, Jack E.
Harbin, Fred F.
Harper, Edwin A.
Harper, James A.
Harte, Franklin J.
Hartsock, Edmond P.
Hays, John E.
Hazlett, Wesley W.
Hill, Jake B.
Hogan, Francis C.
Holmgrain, Eric S.
Horne, Thomas M.
Houghton, Kenneth J.
Hubbard, Jay W.
Hughes, Stanley S.
Hull, Milton A.
Hunt, Richard M.
Jaskilka, Samuel.
Jenkins, Robert M.
Jerue, George E.
Johnson, Earl W.
Johnson, Richard W.
Johnston, Oscar B.
Keagy, Lowell T.
Kersey, Robert W.
Kicklighter, Edward C.
La Mar, Robert L.
Lang, Frank C.
Lehnert, Robert C.
Leitner, Warren A.
LeMay, John, Jr.
Lengel, Dwain L.
Leu, Reinhardt
Linnan, James K.
Loprete, Joseph E.
Lowman, John, Jr.
Lownds, David E.
Loy, John I.
Lynch, Robert J., Jr.
MacLean, William G., Jr.
MacNeil, John A.
Mallory, Donald L.
Matheson, Bruce J.
McCarthy, Edward R.
McCartney, Henry A.
McFarland, David W.
McLeod, Stanley N.
Mehaffey, Harold N.
Mentzer, John F.
Merritt, Thomas R.
Mickelson, Laurel M.
Miller, Thomas H., Jr.
Moriarty, Paul M.
Mosca, Herbert P., Jr.
Mosteller, Michael
Motelewski, Joseph R.
Mulroney, Peter J.
Nesbit, William P.
Noel, Paul A., Jr.
Noren, Wesley C.
O'Donnell, John J.
Olson, Donald T.
Olson, Virgil D.
Ord, James B., Jr.
Padalino, Mauro J.
Paul, John F.
Peebles, Robert R.
Perkins, Thurman L.
Phillips, William T.
Pittman, Howard T.
Quint, Frederick A.
Radics, Emil J.
Read, Benjamin S.
Reed, Edwin O.
Reid, George K.
Rickabaugh, David D.
Roane, Eugene S., Jr.
Robertson, Charles S.
Robichaud, Clifford J., Jr.
Ross, George O.
Ross, Thomas J.
Ryder, Bertram S.
Sadler, Mitchell O.
Saxon, Thomas J., Jr.
Scarborough, Hartwell V., Jr.
Schmidt, George C., Jr.
Schmidt, Maynard W.
Schumaker, David W.
Sexton, Martin J.
Shelly, Kermit H.
Sheppard, Frank J.
Sherbondy, Arthur L.
Shifflett, Edwin E.
Shinn, Leo B.
Shute, James J.
Simmons, David H.
Simpson, Archie D.
Sims, William L.
Sitter, Carl L.
Smith, Franklin L.
Snoddy, Lawrence F., Jr.
Spanjer, Ralph H.
Staples, Murray M.
Steele, Fred A.
Steman, Louis H.
Stockman, James R.
Sturdevan, Garth K.
Sullivan, William J.
Taft, Howland G.
Thomas, Franklin C., Jr.
Thompson, Robert A.
Titterud, Stanley V.
Tosdal, Orlando S.
Tuma, James W.
Walker, Carl E.
Walker, Charles E.
Wegley, Don E.
Wilcox, Wilbur D.
Williams, Walter L.
Williamson, Harold P.
Wilson, Robert W.
Wood, Roy I., Jr.
Wortman, Harry D.
Wyckoff, Don P.
Zimmer, Andrew M.

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel:

Alford, Bennett W.
Ammer, Henry G.
Anderson, Robert V.
Anthony, William S.
Babe, George A.
Badger, Guy O.
Baites, Lonnie P.
Baker, Edward S., Jr.
Barber, Stewart C.
Barde, Robert E.
Barr, John F., Jr.
Barrett, James B.
Barrett, Roscoe L., Jr.
Barton, LeRoy C., Jr.
Beal, Samuel G.
Beer, William J.
Bennett, Nalton M.
Benskin, George H., Jr.
Bey, Robert T.
Bland, Kenneth R.
Boles, Jack F.
Bonds, William E.
Boulware, John C.
Boyd, Clarence W., Jr.
Bradley, Lawrence J.
Brandel, Ralph E.
Breckinridge, James T.
Brier, George R.
Brierton, Thomas J., Jr.
Brigham, George A.
Bryant, William W.
Burch, Carrol B.
Burke, Thomas W.
Burns, Edwin A.
Burroughs, Charles R.
Butler, Jack H.
Butner, John C., III
Calvert, Robert W.
Carlson, William C.
Carpenter, Stanley H.
Carrubba, Harry D.
Cashman, James G.
Chambers, Franklin R.
Chambers, George G., Jr.
Chapman, Fred D.
Christopher, Willard N.
Clark, Allen B.
Cobb, Thomas L.
Condra, James E.
Cook, Bertram E., Jr.
Cooke, Morris D.
Crowley, John F.
Culp, William E.
Cummings, James M.
Cunard, Earl M., Jr.
Cuneo, John E.
Curwen, Bertram H., Jr.
Dahl, Clarance G.
Daskalakis, John A.
Dayvault, Nevin E.
De Barr, John R.
De Long, Earl R.
Dempster, Donald R.
De Normandie, Frank R.
Derning, Edmund G., Jr.
Dillard, Jack N.
Dillon, James W.
Dindinger, Jack W.
Dixon, Frank L., Jr.
Dowd, John J., Jr.
Dresbach, Earl C., Jr.
Dzialo, Edward W.
Easter, Edward V.
Edwards, Paul M.
Esslinger, Dean E.
Ettenborough, Robert B.
Evans, Robert C.
Ezell, Don D.
Fagan, William S.
Fenton, Clayton C., Jr.
Fine, Dail D.
Fischer, Henry, Jr.
Fox, Jean T.
Foyle, Robert A.
Fraser, Robert M., Jr.
French, Harry D.
Funderburk, Ray
Gelzer, Edward D., Jr.
George, Marshall E.
Girard, David D.
Glenn, Jack
Good, George F., III
Goss, Joseph A.
Gover, Robert L., Jr.
Graeber, William G., Jr.
Graf, David P.
Green, Carleton M.
Green, Melvin K.
Groome, Roland C.
Hagarty, Patrick J.
Haigwood, Paul B.
Hall, Clifford D.
Hall, Donald L.
Hargett, Ernest C.
Harmon, Autrey B.
Harpe, Lilburn L.
Harris, Frank W., III
Harris, Howard H.
Harris, Robert G.
Harris, William D.
Harrison, Joseph B.
Hart, Lawrence P.
Hayes, James M.
Haynes, Albert B., Jr.
Heffernan, Neal E.
Heflin, Bruce A.
Heinemann, Hermann
Hendricks, Clayton V.
Herod, Jack
Hewlett, Marvin M.
Heywood, Ralph A.
Hickman, Edwin L., Jr.
Hicks, Norman W.
Hill, Franklin A.
Hill, Twyman R.
Hoch, Kurt L.
Hoff, Frank X.
Hollier, Louis S., Jr.
Holt, Thomas J.
Humphreys, Richard D.
Hunter, Clyde W.
Hunter, Glenn R.
Ingram, Alfred L. V.
James, Curtis A., Jr.
Janiszewski, George
Johnson, Corbin J.
Johnson, Russell E.
Johnson, Tracy N.
Johnston, Howard J.
Jones, David G.
Jones, Edward H.
Judd, Amo F.
Judge, Clark V.
Kane, Douglas T.
Kearns, Timothy J.
Keith, John H., Jr.
Keller, Gene S.
Keller, Gordon H., Jr.
Kelly, Joseph J.
Kelly, Walter C.
Kelly, William D.
Kerr, Melvyn H.
Kerrigan, William E.
Keyes, Edward B., Jr.
Killian, Edwin W.
King, Robert, Jr.
Kirchmann, Charles S.
Kirkland, John W.
Kiser, Harrol
Kletzker, Robert L.
Kluckman, Wilson A.
Koehnlein, William F.
Koler, Joseph, Jr.
Kraince, Francis R.
Kritter, Eugene J., Jr.
Ksycewski, Casimir C.
Ladutko, John
Lafond, Paul D.
Lahr, Robert J.
Landrum, James, Jr.
Langley, Charles F.
La Rouche, Charles R.
Leeseberg, Phillip K.
Lerond, Jack M.
Lewis, Elmer M., Jr.
Lewis, Robert, Jr.
Linn, Joseph W.
Little, Eldon L., Jr.
Lorence, Herbert M.
Lynk, Edward H. P.
Mader, John F.
Maloney, John H.
McArthur, Raymond

McClanahan, Paul G.
McCreight, James K.
McKitrick, Rodney D.
McLennan, Kenneth
McMahon, Clare R.
McNaughton, George C.
McPherson, Gordon D.
Merrill, George A.
Metcalfe, Robert B.
Metzger, Theodore E.
Meyers, George F.
Middleton, Austin B., Jr.
Miles, Jack L.
Millette, Eugene
Mills, Neil B.
Miniclier, John F.
Misiewicz, John
Mitchell, John F.
Molsberry, Dale M.
Morin, Donald E.
Morris, Roger A.
Mosher, Charles M.
Munn, Charles R., Jr.
Nelson, Arthur A., Jr.
Nesbitt, Cleon E.
Novak, Anthony
O'Callaghan, Thomas P.
O'Connell, John P.
Olson, Fredric O.
Oltmer, Lavern J.
Overmyer, Gerald D.
Owens, Thurman
Palatas, Michael V.
Palmer, Kenny C.
Paris, Euclid P.
Parnell, Edward A.
Parsons, Harold L.
Pates, Bruce A., Jr.
Peck, William H.
Perrich, Robert J.
Persac, Walter L.
Peterson, Richard F., Jr.
Phillips, Jack B.
Pickett, Philip G.
Platt, Robert M.
Poillon, Arthur J.
Pomeroy, William D.
Poppa, Chester J.
Porter, Robert H., Jr.
Powell, David D.
Primrose, Richard A.
Randolph, Richard J., Jr.
Rann, Louis A.
Redman, Charles B.
Reeder, James H.
Reese, Robert V.
Reid, Ernest R., Jr.
Reid, James H., Jr.
Rice, Knowlton P.
Rieder, Alvin R.
Riggs, Thomas W.
Rixey, Palmer H.
Roberts, Clyde R.
Robinson, Dayton, Jr.
Rodes, Nye G.
Rodney, Glenn W.
Roland, Harold E., Jr.
Roothoff, John J.
Rose, Maurice
Rumble, Gerould M., Jr.
Russ, Donald M.
Salser, Charles A.
Sartor, Louis J.
Savage, Richard A.
Schening, Richard J.
Shoen, James R.
Schwartz, John L.
See, Charles M.
Selleck, Lawrence M., Jr.
Selvitelle, Benjamin B.
Shanahan, Thomas C.
Shanks, William, Jr.
Shelby, Alfred C., Jr.
Shepherd, Lemuel C., III
Shuford, Robert L.
Sloan, James A.
Smith, George H.
Smith, Richard E.
Smith, Robert A.
Smith, William L.
Snyder, Joris J.
Solze, Robert L.
Spark, Michael M.
Spaulding, Jack D.
Spencer, Donald E.
Spicer, Raymond B.
Stavridis, Paul G., Jr.
Stone, Earnest H., Jr.
Stoneman, Russel H.
Stott, Harry D.
Sullivan, Charles H.
Taub, Samuel, Jr.
Taves, Alfred C.
Terry, John M., Jr.
Thomas, John C.
Thomas, Robert J.
Timme, William G.
Tunnell, Robert J., Jr.
Unger, William T.
Usher, Edward G.
Uskurait, Robert H.
Valdes, Edmund
Van Campen, Hiel L.
Van Cantfort, Rollin F.
Van Dalsen, Robert R.
Van Zuyen, William M.
Vom Orde, Ewald A., Jr.
Von Der Heyde, Henry A. F., Jr.
Walden, Denzil E.
Walker, Emerson A.
Wallace, Charles M., Jr.
Wann, Charles M., Jr.
Warshawer, Alan J.
Waryek, Henry
Webb, James O.
Webb, Marshall A., Jr.
Weber, Raymond J.
Weller, Paul
Weizenegger, James A.
Westcott, Charles T.
Westphall, Howard A.
White, Jack D.
Wilder, Charles S.
Will, Kenneth E.
Wilson, James J.
Winn, Robert D.
Wood, Ralph C.
Worley, Kermit M.
Young, Robert E.
Young, Robert F., Jr.
Zaudtke, Wilbur K.
Zeigler, Paul E.

The following-named officers of the Marine Corps for permanent appointment to the grade of major:

Abernathy, Thomas R.
Albers, Vincent A., Jr.
Alexander, Dan C.
Allen, Albert N.
Allen, Terence M.
Allison, James O.
Allweiler, Joseph O.
Ammentorp, Warren L.
Anderson, Donald W.
Anderson, William D.
Andrews, Clifton B.
Andrews, John W.
Andriliunas, Francis
Andrus, Kermit W.
Angelo, Leon N.
Anker, Harold R.
Annas, Themistocles T.
Aschenbeck, Theo F.
Ashby, William C., Jr.
Aspinwall, Glen S.
Austgen, Donald R.
Austin, John H.
Axton, Robert H.
Backus, Edward E.
Badamo, Frank J.
Bailey, Earl W.
Bailey, Garnett R.
Baker, Charles E.
Ballek, Fred J.
Balogh, Howard G.
Bancroft, Richard A., Jr.
Barker, Warren H.
Barlow, Glen H.
Barnes, Robert O.
Barrett, Richard C.
Barth, Olav
Batchelder, Sydney H., Jr.
Bates, William H.
Battistone, Carl L.
Beach, Andrew D.
Bell, Ray H.
Bengele, Charles M., Jr.
Beno, Joseph P.
Benson, Robert E., Jr.
Benton, William D.
Berg, Donald R.
Berglund, Warren T.
Bergmann, Henry C.
Berthoud, Kenneth H., Jr.
Bethel, William F.
Bird, James H., Jr.
Bjerke, Duwain E.
Blair, Anthony L.
Blanton, Harold L., Jr.
Bodnar, Nicholas K.
Bogg, Charles F.
Boles, Robert D.
Bolves, Rudolph W.
Booth, Charles L.
Borjesson, Stanley G.
Bouldin, Billy D.
Bowman, Albert R., II.
Bowron, Walter F.
Bowser, James R., Jr.
Boyd, Clarence A., Jr.
Braddon, John R.
Bradley, Thomas E.
Brewster, Albert E., Jr.
Britt, William C.
Broadwell, Franklin C.
Brown, Bruce G.
Brown, Carroll E.
Brown, Joseph B., Jr.
Brown, Thomas S.
Brownell, Richard L.
Bruce, Horace A.
Bruser, George L.
Bucher, William E.
Buchmann, Carl E.
Buckman, John G.
Buckon, William E.
Budd, Talman C., II
Buran, Philip F.
Burin, Michael
Burritt, Richard R.
Butler, Larry R.
Butler, Owen J.
Cahill, Edward D., Jr.
Campbell, Laurence A. III
Campo, Guy R.
Carothers, James H., Jr.
Carroll, John T.
Casey, Francis M.
Cash, Richard A.
Cassedy, Logan
Catt, Jack R.
Chapell, Donald R.
Charon, Larry P.
Chase, Harlan C.
Cheatham, Ernest C., Jr.
Cheatham, Willard E.
Chesla, Edward J., Jr.
Chisholm, Charles C., Jr.
Christopherson, James W.
Ciaburro, Michael A.
Clark, David A.
Clark, Frank A.
Clark, James E.
Clements, Frederick D.
Click, James C.
Cliff, Donald K.
Coates, Franklin W.
Cohn, William A.
Colby, Dwain A.
Coleman, Joseph E., Jr.
Colia, John
Colleton, Francis X.
Comer, Andrew G.
Como, Joseph A.
Conlon, James F.
Coody, James K.
Cook, Gorton C.
Cook, Henry T.
Cook, Howard L.
Cook, Marcus H.
Cook, Robert E.
Cooper, Francis W.
Corliss, Gregory A.
Cornwall, Gerald B.
Costello, Frank P., Jr.
Cottom, John W.
Couch, Wallace M.
Coulter, Richard W.
Cox, John V.
Cox, Stanley D.
Cresswell, Charles F.
Crews, Eugene E.
Crist, George B.
Crist, Ramond F., III
Critz, Richard L.
Croft, Alfred J., Jr.
Cryan, William M.
Cull, Albert L.
Culligan, Thomas M.
Cummings, John M.
Cuppy, Will C., Jr.
Daigle, Chester J.
Daley, Richard F.
Danielson, Darrell C.
Davis, Jack W.
Dawson, Carl F.
Dawson, Forest G.
Day, James L.
Day, John R.
Day, Marvin E.
Day, Warren H., Jr.
Dean, John M.
Dean, Roland H.
De Laine, Louis, Jr.
De Long, Clyde S., Jr.
De Long, George J.
Dent, Robert H.
De Prima, Joseph
De Schuytner, Victor R.
Detroy, John W.
Dezer, Charles N., III
Diamond, Donald L.
Dicillo, Frank, Jr.
Dillon, Jimmie L.
Dion, James W.
Disher, William H.
Dittmann, Wayne R.
Doering, Roy L.
Dolan, Eugene T.
Donnelly, Thomas E.
Dorman, John F.
Dowd, John A.
Downs, Roy
Drago, Alfred N.
Drescher, Herbert W.
Drovedahl, Robert
Drumright, William C.
Duffield, Daniel M., Jr.
Dunn, John H.
Dunwell, Ronald P.
Duvall, Raymond L., Jr.
Dyer, Robert W.
Eckmann, Ronald P.
Edebohls, Hans G.
Eggleston, Joseph N.
Elder, Robert A.
Elkins, Jim T.
Elmwood, Robert E.
Elstner, Earl T.
Enderle, Rodolfo R.
Enoch, John T.
Epps, Thomas B., Sr.
Etter, Richard L.
Fahey, John E.
Farley, William F.
Farnsworth, Francis W., Jr.
Farrell, Frederick L., Jr.
Farrington, Norman C., Jr.
Farris, William E.
Faulk, Samuel G.
Fein, Louis I.
Fenenga, Gerit L.
Ferguson, Robert W.
Ferrell, Benjamin B.
Fibich, Michael J., Jr.
Field, Harold J., Jr.
Field, Wells L., III
Fink, Arden L.
First, Ralph D.
Fischer, Herbert G.
Fish, Thomas E.
Fisher, Lawrence W.
Fitch, William E. H., III.
Fitzgerald, Edward F.
Florence, John W.
Flynn, John J.
Folsom, Charles A.
Fontenot, Karl J., Jr.
Ford, Daniel J.
Fortmeyer, Raymond D.
Fox, John R.
Friedman, Arthur D.
Froncek, Richard A.
Fry, Raymond S.
Fulham, Donald J.
Fulton, Samuel J.
Gaffen, Malcolm C.
Gagliardo, Joseph J., Jr.
Gale, John R.
Garman, William E.
Garner, Kenneth C.
Garrett, Elmer T., Jr.
Gartrell, Craig B.
Gaut, Donald L.
Gehrsitz, Richard N.
Geiger, William J.
Geister, Herbert H.
Gentile, Vincent J.
George, Gus J.
Gerard, James C.
Gerichten, William S.
German, Paul K., Jr.
Gibson, Charles R.
Gillen, John P.
Gillick, Richard O.
Gillis, James E.
Gillum, Donald E.
Gipson, Sam M., Jr.
Glancy, Robert F.
Glazer, August A.
Goggin, Thomas P.
Goodale, Richard W.
Goodson, George O., Jr
Gormley, John D.
Gott, Michael J.
Gould, John F.
Graham, Edward T., Jr.
Graham, Ernest H.
Graham, Raymond H.
Graham, Wallace H.
Graney, Thomas E.
Gravel, Marcus J.
Gray, Alfred M., Jr.
Gray, D'Wayne, Jr.
Gray, James C., III
Gray, Thomas F.
Grayson, Edward F., Jr.
Green, Austin H.
Green, Billy R.
Greer, MacDonald
Gregerson, Johnny O.
Gregory, Malcome G.
Gregory, Rawley M.
Griffin, Thomas L., Jr.
Griffith, Jack K.
Guay, Gerald F.
Gubany, Michael W.
Gulling, Louis A.
Gunther, Donald E.
Gustitis, Bernard V.
Gutheinz, Joseph R.
Hagaman, Harry T.
Haggard, Robert G.
Haight, William P.
Hall, Bobby R.
Hallisey, William J., Jr.
Hannan, James E.
Harkey, Herbert J., Jr.
Harlan, Gale
Harper, Francis R., Jr.
Harris, George C., Jr.
Harris, James B.
Harris, John B.
Harrison, Charles L.
Havlik, John
Hawkins, Lawrence R.
Hawley, Richard L.
Hayden, William K. III
Heath, Francis J., Jr.
Heesch, Robert W.
Hefty, Milton T.
Heintz, William H.
Helsel, James F.
Hemmingway, Richard E.
Henderson, Walter J.
Henley, Robert J.
Henn, Howard R.
Hennegan, Joseph E.
Hennelly, John A.
Henry, Charles W., Jr.
Henson, William E.
Herbert, Clayton G., Jr.
Hergert, John C., Jr.
Herich, Emil W.
Higgins, James H.
Hilgartner, Peter L.
Hill, Billy J.
Hippler, Rollin E.
Hite, Harry W.
Hochenauer, Max J.
Hodges, Ervin E.
Hoffman, Olin V., Jr.
Hoffner, Charles W.
Hofstetter, Robert E.
Hollingshead, John S.
Hollis, John S.
Holmberg, Harry H.
Hopkins, Delos M.
Hossli, Carl C.
Howarth, Darrell L.
Hubbard, George
Huerlimann, Ernest A., Jr.
Huerta, Genaro
Huguenin, Sidney A., Jr.
Huizenga, Elmer F.
Hunter, Maurice
Hunter, Paul R.
Huntzinger, Henry J.
Hutchings, William K.
Hutchisson, William R.
Hutter, Harold H. J.
Hyland, Richard L.
Hyndman, Gerald H.
Hyslop, Kenneth D.
Ihli, Leo J.
Ilg, Harvey G.
Irion, John W., Jr.
Iverson, Rhonald D.

Iverson, Ronald L.
Ivins, Maurice H., Jr.
Jameson, Robert D.
Janssen, Paul G.
Jellison, Harold M., Jr.
Johnson, Edward C.
Johnson, Floyd J., Jr.
Johnson, Frederick S.
Johnson, Herschel L., Jr.
Johnson, Joe L.
Johnson, Lee R.
Johnson, Oliver K., Jr.
Johnston, Paul M.
Jones, Charles F.
Jones, Joseph F.
Jones, Robert I.
Jones, Vernon E.
Jordan, Branch
Kaasmann, Bernard A.
Kain, Edward W.
Kansier, Raymond H.
Karker, Floyd A., Jr.
Kauffman, Thomas M.
Keefe, John J.
Keeling, Harold J.
Keever, Charles S.
Keister, Charles F.
Keith, William H.
Keller, Albert W.
Keller, Robert J.
Kelly, David A.
Kelly, Thomas J.
Kendrick,, Harold L.
Kenyon, Ralph F.
Kern, Richard J.
Kerrigan, Hunt S.
Keyes, Gerald W.
Kimball, Alan B.
King, Charles A., Jr.
King, James P.
Kinniburgh, John A.
Kirkpatrick, Richard H.
Klinedinst, James C.
Knapp, Charles W.
Kneale, Charles R.
Knobel, William H.
Koethe, Frank R.
Kramer, Milton C.
Kramer, William K., Jr.
Krieger, Roy E.
Kucharski, Charles R., Jr.
Kuci, Richard A.
Kull, William M.
Kummerow, Ray G.
Kyle, Dudley N.
Kyle, John S.
Laning, Edward A.
Lavigne, Arthur W. D.
Lawendowski, John J.
Lawler, George P.
Lawrence, George M., Jr.
Le Blanc, Leo J., Jr.
Ledbetter, Archibald C.
Lee, Kurt C. E.
Lee, Thomas I.
Leigh, Philip A. E.
Lenihan, John D.
Lepp, Joseph R.
Lewis, Robert W.
Lichtenwalter, Eugene
Lindell, Clifford A.
Lindemuth, Donald L.
Lindsay, Prentice A.
Litzenberg, Homer L., III
Lonergan, Harold S.
Long, George G.
Love, Ernold G.
Love, John C.
Lubin, Irvin
Luckett, Jackson R.
Luley, Ronald E.
Lumpkin, Aubrey L.
Lutz, Theodore J., Jr.
Lynch, Ronald J.
Lyons, Robert J.
MacInnis, Joseph A.
Macy, William T.
Madera, Leroy A.
Madigan, William J.
Maher, James E., Jr.
Mallery, Joseph A., Jr.
Malmgren, Everett L.
Manis, Joseph V., Jr.
Manning, Martin F.
Marciniak, Richard H.
Matheson, John R.
Maxwell, Glenn K.
McBrayer, William L.
McCaffrey, Joseph J.
McCamey, Robert E., II
McCandless, John R.
McCann, Henry J.
McCarthy, Eugene C.
McCauley, Bertram W.
McCormick, James G.
McDonald, Richard C.
McEwan, Frederick J.
McGlone, Vincent P.
McInnis, Robert W.
McIntyre, Philip G.
McKay, Conrad L.
McKee, Roland D.
McLane, Donald C., Jr.
McManus, Walter J.
McMillan, David R., Jr.
McMullen, Harold J.
McNally, Thomas E.
McPheeters, Thomas A
McQuown, Max
Metzko, John J.
Mickle, Don A.
Milbrad, Robert L.
Miller, Edison W.
Miller, Hubert E.
Miller, Robert B.
Mills, Lewis L.
Mitchell, Joseph P., Jr.
Modzelewski, Edward R.
Moody, Ralph F.
Morgan, Thomas R.
Morgan, William H.
Morgenthaler, Wendell P. C., Jr.
Morrill, David W.
Morrin, Wardell C.
Morris, Wilbur J.
Morrow, Thomas E.
Moser, Charles F.
Moss, Roy E.
Mullen, Arthur L., Jr.
Munson, James D.
Munter, Weldon R.
Neilson, Roger B.
Nelson, Neil A.
Nesbit, Charles L.
Netka, William
Newbill, Merrill S.
Newmark, Charles C.
Nicholson, Robert E.
Norman, Jack L.
O'Brien, John A.
O'Brien, William J.
O'Donnell, Harold F.
Olds, James H.
Oliver, Joseph H., Jr.
Olney, Herbert F.
Olsen, Herbert F.
O'Rourke, James K.
Ostlund, Donald P.
Otott, George E.
Otteraaen, Robert M.
Paratore, Joseph F.
Paredes, Oswald O.
Parker, Evan L., Jr.
Parrish, Darold D.
Patrick, Victor E.
Payne, Norman E., Jr.
Peeler, John J.
Penny, James R.
Perea, Horacio E.
Perry, Aydlette H., Jr.
Perry, Victor A.
Petersen, Frank E.
Phillips, Bernard P.
Phillips, Jimmie R.
Phillips, John
Phillips, Rhys J., Jr.
Pickett, Bayard S.
Pierson, Earl F., Jr.
Pirhalla, Paul P.
Plummer, James R.
Polakoff, Gerald H.
Poorman, Donald W.
Poppe, Charles R., Jr.
Powell, Rollin R., Jr.
Price, Joseph V.
Price, Kenneth R.
Pullar, Walter S., Jr.
Purcell, Robert D.
Quick, Daniel J.
Quinn, Francis X.
Quinn, James W.
Quisenberry, James R.
Radtke, Paul G.
Rappe, J. C.
Rasdal, Robert W.
Rauh, Stanly H.
Read, William A.
Reddick, Cleveland N. F., Jr.
Reedy, Thomas M.
Regan, Edmund J., Jr.
Rehfus, James R. A.
Reich, Nathaniel N.
Resnik, Edward D.
Rexroad, Donald N.
Rice, Robert C.
Rice, Wesley H.
Richard, James L.
Riley, William E., Jr.
Rilling, Fred C., Jr.
Ripley, George H.
Riseley, James P., Jr.
Rishel, Austin C.
Robbins, Morris G.
Robbins, William L.
Roberts, Richard T.
Roberts, Stanley G., Jr.
Roberts, William C., Jr.
Robertson, Duncan J.
Robertson, John W. P.
Robinett, Henry M.
Robinson, James C.
Robison, Donald G.
Roche, John F., III
Rochford, Edward J., Jr.
Rochford, Thomas F.
Rogers, Walter F.
Romano, Carlo
Romine, Richard E.
Roque, Ilow M.
Roth, Harold B., Jr.
Rudolph, William E.
Rudy, Rylen B.
Ruete, Alfred W., Jr.
Runkle, Harry M.
Rush, Wesley M.
Ruthazer, Warren C.
Rutherford, Robert J.
Ryckman, James B.
Sallade, Paul H.
Sample, Edward J.
Sanborn, Earle L., Jr.
Sanford, Dale W.
Saul, Jacque L.
Sauls, Reginald G., IV
Sautter, Melvin H.
Schauppner, Ernest G.
Schlarp, Jack E.
Schwindt, Louis W.
Scoppa, Joseph, Jr.
Scott, John A.
Scott, William A., Jr.
Scyphers, Ruel T.
Seamon, Lawrence R.
Seaver, Roy A.
Seissiger, John E.
Seymour, Rufus A.
Shaffer, John C.
Shaffer, Raymond A.
Shaklee, Harold G.
Shanahan, James L.
Sheehan, William F.
Shilan, Arthur B.
Shimanoff, Morris S.
Shippen, William D.
Shore, Bruce J.
Shoults, Eugene E.
Shoup, John D.
Skagerberg, Alan E.
Skaugen, Carl W.
Skinner, Benjamin B.
Slack, Robert K.
Slater, Richard B.
Slee, Don J.
Sloan, Richard E.
Smith, Buck D.
Smith, Conway J.
Smith, Richard B., Jr.
Smith, Robert H.
Smola, John K.
Snell, Bradley S.
Snyder, Louis G.
Soper, Melvin A., Jr.
Spence, Allan J.
Spence, Morgan L.
Spencer, Ralph B.
Spencer, Richard T.
Spiro, Michael E.
St. Amour, Paul A. A.
Stanley, John R.
Stansel, Edward H.
Stanton, David R.
Stark, Robert W.
Start, Raymond J.
Steele, Raymond B.
Steinberg, Melvin J.
Stephens, Glenn A.
Stewart, Billy F.
Stewart, James H.
Stewart, William H., Jr.
St. Germain, Donald C.
Strandquist, John H.
Stuart, Thomas R.
Sullivan, Lawrence F.
Sutter, Rudolf S.
Swayne, Robert W.
Swilley, Charles R., Jr.
Taber, Richard D.
Taylor, Harry E.
Taylor, Laurence A.
Taylor, Wylie W., Jr.
Thomas, Spencer F.
Thomas, William J.
Thompson, Alva F., Jr.
Thompson, Joseph H.
Thompson, William A.
Thornbury, Billy D.
Thornton, Dale
Tilly, Robert C.
Tinius, David H.
Tolle, David S.
Toms, Edward H.
Tonlay, John J.
Topley, Frank D.
Townsend, Donald B.
Townsend, Edward J.
Townsend, Kyle W.
Trescott, Eugene H.
Tribe, Stanley G., Jr.
Turner, Charles F.
Turner, Frank P.
Van Den Elzen, James R.
Van Deusen, Larry R.
Vanek, Kenneth D.
Van Winkle, Archie
Vaughan, Gerald W.
Vaught, Richard H.
Vey, Willis D.
Visage, Billy F.
Vitali, Henry R.
Vorgang, Carroll R.
Wagner, Douglas A.
Waite, Anthony G.
Walker, Dallas R.
Walker, Phillip C.
Wallace, Charles F.
Walsh, John J., Jr.
Walsh, Ronald L.
Walters, Raymond D.
Ward, George W.
Ward, Guy W.
Watson, Clarence E., Jr.
Weaver, Vonda
Weber, John E., Jr.
Weiland, Joseph K.
Weinert, Frederick R.
Weir, Kenneth W.
Weise, William
Welch, Homer L.
Went, Joseph J.
Werz, Francis J.
West, Morgan W.
Whalley, Albert
Whelan, William L.
White, Jean P.
White, Michael E.
White, Robert E.
Whitmer, James A.
Wickham, John C.
Wickman, George A.
Wiita, John W.
Wilkinson, Bobby R.
Wilkinson, James B.
Willcox, Clair E.
Williams, Justin, Jr.
Williams, Kenneth W.
Willis, Coyle H.
Willis, Joe E.
Willis, Lawrence J.
Willis, Theodore J.
Wills, Daniel
Wilson, Billy E.
Wilson, Charles W.
Wilson, Donald W.
Wilson, George M.
Wilson, William C.
Wilson, William E., Jr.
Windsor, Billie W.
Winfield, Charles R.
Witt, Lewis C.
Wood, Rondell K.
Woodring, Willard J., Jr.
Wozencraft, Clark R.
Wright, Dennis W.
Wright, Herbert L.
Wynn, Neal B.
Young, Earnest G.
Yourishin, George P.
Zuern, Robert L.

The following-named officers of the Marine Corps for permanent appointment to the grade of captain:

Abney, Robert D.
Accomando, Frank P.
Ackerman, Lynn M.
Acott, Richard D.
Adams, Robert T.
Adams, Thomas G.
Aiken, Thomas H.
Airola, John B.
Albans, Constantine
Albro, Raymond C., Jr.
Alexander, Charles R.
Alexander, Robert B.
Alford, Donald F.
Allen, Dwight R., Jr.
Allen, Earl R.
Allen, Robert R.
Allen, William H., Jr.
Alley, Rodney H., Jr.
Alligood, Elbert L.
Alwan, Harold J.
Amick, Lewie E., Jr.
Amidon, Alton L.
Amis, Thomas W.
Andreas, Ronald C.
Andrews, Burk
Andrews, William D.
Angle, Harold L.
Angus, Thomas P.
Appezzato, Ralph J.
Arnold, Curtis G.
Arnold, Roy F.
Avery, James D.
Ayers, James W.
Babbin, Robert R.
Babitz, Donald M.
Baggett, Robert L.
Bailey, Gene E.
Bair, Edgar M.
Baker, Daryl E.
Baker, George A.,III
Baker, Horace W.
Baker, Owen C.
Baldwin, Joseph C.
Baldwin, William S.
Barkovich, Michael J.
Barnard, William H.
Barner, George B., Jr.
Barnes, Weldon D.
Barnhart, James M.
Barnsley, William C.
Barris, Victor E.
Bartel, Arthur G.
Bartlett, Stephen C.
Bateman, Kent C.
Bates, William S.
Baulch, Ernest F.
Baumgardner, Carroll G.
Beach, John W.
Beans, James D.
Beatty, Donn C.
Becerra, Rafael A., Jr.
Beck, Peter S.
Becker, Raymond A.
Beckman, Norbert J.
Beckwith, Ronald L.
Behan, Cornelius F.
Behm, John R.
Bell, Frank S.
Benjamin, William D.
Berchiolli, Kent V.
Bergan, Darrel T.
Berry, Eugene A.
Bibles, Jerry D.
Bishop, Richard A.
Black, Harry
Black, Robert M.
Blackington, Robert C., Jr.
Blackwell, Clay D.
Blair, Dorwin D.
Blake, James L.
Blanton, Robert D.
Blaul, Daniel J.
Bloomfield, Richard D.
Bohlen, Lawrence G.
Boman, Bruce B.
Bond, William H., Jr.
Booher, Bruce R.
Booher, Robert B.
Booth, Francis D.
Bottesch, Terrence M.
Boulton, Jerry D.
Bowen, Dennis R.
Bowles, Ray W.
Bowlin, Jerry T.
Bown, Rodney L.
Boyd, Edward H.
Brabec, Curtis R.
Bracken, James A.
Brackman, James T., II
Brandt, Loren A.
Braun, Robert C.
Brdar, Louis M.
Brenan, Richard P.
Brennan, Gene E.
Brigham, Don A.
Bright, Robert C.
Brill, Arthur P., Jr.
Brodie, Bobbie K.
Brodie, Donald C.
Brokaw, James C.
Brooks, Howell H., III
Brooks, Robert P.
Brower, George H.
Brown, Bruce L.

Brown, Charles W.
Brown, Edward W., III
Browne, Edward R.
Browne, Randolph M., III
Bruce, Robert C.
Brutcher, Samuel P.
Buckley, John C., Jr.
Bucknam, Howard V.
Bugbee, James F.
Bullard, Donald E.
Bunch, Nicholas M.
Burger, Joseph C., Jr.
Burke, John J., Jr.
Burkhart, Arthur E.
Burnette, Robert D.
Burt, James E.
Burtson, William A.
Busby, Marion G.
Bush, Walter M.
Buss, Richard H.
Butchart, Edward W.
Bynum, Franklin D.
Cagle, Delmar J.
Cameron, Hugh
Campbell, James R.
Cannon, Charles E.
Cantrell, Robert L.
Carew, Frederick R.
Carlton, John D.
Carney, Robert T.
Carolan, Frederick A.
Carpenter, Charles L., Jr.
Carr, Frederic S., Jr.
Carroll, James T., Jr.
Carty, John J.
Cassidy, Theodore V.
Cassity, James E.
Caswell, Russell J.
Cate, Bradley F.
Catoe, Christopher
Caton, James R., Jr.
Cerreta, Michael D., Jr.
Chaimson, Ross C.
Chambers, Dwight L.
Chambliss, John C.
Champlin, Jimmy C.
Chandler, James R. F.
Chapin, Howard
Chapman, Harlan P.
Charles, John F.
Charles, Robert S.
Chelius, Carl R.
Chenault, Richard F.
Chereson, Robert S.
Cherubini, Ronald P.
Chwatek, Walter T.
Cisewski, Fred L.
Ciuba, Charles H.
Civelli, Joseph R.
Clanton, Edward E.
Clapp, Wiley M., Jr.
Clark, Dale H.
Clarks, Dan W.
Clark, Robert L.
Clasen, Darcy L.
Clayes, Alfred I., Jr.
Cline, John T.
Coale, James S.
Cobb, Charles S., III
Cockell, Robert C.
Colcombe, David D.
Cole, Paul M.
Colescott, David K.
Collins, Carl G.
Collins, Harry, II
Collins, Michael E.
Collison, Walter N., Jr.
Common, Anthony T.
Compton, James L.
Conaty, Donald B.
Condon, Edward A., Jr.
Cone, Fred J.
Conley, Charles K.
Conniff, John A., III
Connolly, Richard P.
Connors, Jeremiah P.
Cook, Donald G.
Cook, Ernest T., Jr.
Cooper, Harlan C., Jr.
Cooper, Jerome G.
Cooper, John G.
Cooper, Matthew T.
Cox, George F.
Cox, Ralph L.
Crabtree, Robert A.
Craige, James A.
Crone, Forrest W.
Cronin, Timothy J., Jr.
Cronkrite, Charles L.
Crouch, Logan A.
Cullen, William J.
Culver, Richard O., Jr.
Cumpston, George W.
Curl, James R.
Curran, Christopher J., Jr.
Curtis, Bill B.
Czerwinski, John J.
Daas, Robert F.
Dahlquist, Martin J.
Dailey, John R.
Dasch, Robert D.
Daugherty, Charles L., Jr.
Dauster, Edward E.
Davia, Ronald K.
Davis, Gary A.
Davis, Jay M., Jr.
Davis, William G.
Davison, Hollis E.
Dawson, James P.
Day, William O.
Dean, Bennett R.
Deegan, Gene A.
Deitrick, Roger E.
Delaney, John F.
De Martino, Pasquale W.
Depietro, Carmine W.
Derieg, Patrick L.
Dermody, John
Derryberry, Larry D.
De Salvo, John A.
Dettle, Christian J.
Dewan, John R.
Deyo, Robert C.
Ditto, John H.
Dixon, Charles A.
Dixon, James G.
Doerner, William C.
Dolan, John J.
Dolson, Thomas C.
Doman, Tom R.
Dominguez, Marino T.
Donovan, Walter J., Jr.
Doran, Robert R.
Douglas, Donald M.
Douse, George H.
Dowling, Edmund H.
Downing, Glenn H.
Doyle, Cyril W.
Drake, Clancy G.
Draper, William B.
Drost, Ronald S.
Drury, Michael C.
Dubac, Carl H.
Duffy, Patrick E.
Duggan, Peter T.
Dunn, John L.
Easley, Jon T.
Eastin, Ray F.
Ekholm, Wallace H., Jr.
Ellison, George V.
Elwell, Leo R., Jr.
Embry, John P. J.
English, John P.
Ervi, Robert K.
Esau, Richard H., Jr.
Esposito, Robert J.
Evans, John S.
Evans, Kenneth B.
Everett, Richard F.
Facklam, Arnold W., Jr.
Fagerskog, Henry D.
Fairbanks, Edward J.
Falzarano, Vincent L.
Farber, James F.
Fassler, Gerald D.
Faust, Rudolph F., Jr.
Fazekas, Alex E.
Felker, James E.
Ferdinand, Warren A.
Ferguson, William C., III.
Fetterly, Roger A.
Feil, Mervin A.
Firing, Fritz
Firnstahl, Vernon E.
Fitts, William D., III
Fitzgerald, Dennis C.
Fitzgerald, John F.
Fix, Herbert M.
Florio, Pasquale J.
Floyd, Billy M.
Floyd, William C.
Flynn, John F.
Ford, Pat D.
Formanek, Robert L.
Foster, Edward B.
Foster, Edward T.
Foti, Joseph G.
Foulger, Stephen R.
Fox, Clifford G.
Frank, Armin H.
Frank, George R., Jr.
Frankenberger, Allen C., Jr.
Franklin, Carroll R.
Franklin, Ray M.
Fraser, Paul E., Jr.
Frasier, Joseph A., III
Fredericks, Ronald D.
Fredricksen, Ronald A.
Freeman, Larry W.
Friske, John D.
Fritzler, Robert A.
Frost, Robert E.
Fry, Laurence S.
Fugate, Ray A.
Gailey, Lloyd E.
Gallup, Byran A.
Garcia, Robert E.
Gardner, Benjamin W.
Gardner, George L.
Gast, Harry H., Jr.
Gatliff, James I.
Gentry, James R.
Gentry, William R.
Gerard, Charles G.
Getchell, James A.
Getz, Alan C.
Giannelli, Umberto, Jr.
Gibson, Hal J.
Gideonse, Hendrik A.
Glass, Richard H.
Gleason, Richard E.
Goddard, Charles D.
Goforth, Robert K.
Goldsborough, Thomas A. B.
Gondek, Robert L.
Goodman, Robert B.
Goodwin, Joe L.
Gormley, Paul L., Jr.
Gould, Bernard A.
Graham, Robert J.
Grant, Gary R.
Gratto, Joseph M.
Griffay, Donnie M.
Griggs, William J., Jr.
Grooms, Henry O.
Grossfuss, George H.
Grubbs, Wendell O.
Guenther, Gerard G.
Guggino, Joseph T.
Gulick, Roy M., Jr.
Gustafson, Richard A.
Hagan, James T., III.
Hageman, Richard A.
Hagener, Robert L.
Hall, Donald D.
Hall, Robert C.
Hamilton, George S.
Hammack, William L.
Hammond, George L.
Hammond, Warren W.
Hancock, Thomas W., Jr.
Hanna, Don K.
Hansston, Jack F.
Harlan, Garry
Harman, John R.
Harnden, Milton D.
Harrison, Gene B.
Harrison, Kenneth P.
Hart, George R.
Hart, John G., III
Hart, Richard T.
Harte, James H., III
Harvin, Joseph E., Jr.
Hauff, Graydon D.
Haupt, Hans S.
Haven, Thomas W.
Hayes, Jackye W.
Heald, Ronald E.
Healy, David Y.
Heins, Franklin H.
Hellriegel, John A.
Hemingway, John W.
Henry, John W., Jr.
Henry, Norman E.
Henry, Richard T.
Herlihy, Horace F.
Hester, Charles E.
Hey, John M.
Hickethier, Robert A.
Hicks, Donald L.
Hill, Irvin C.
Hoar, Joseph P.
Hobbs, Victor E.
Hocevar, Francis A.
Hoff, Robert M.
Hoffman, Richard L.
Hoffmann, Richard C.
Hofheinz, Walter H.
Hollabaugh, Jon D.
Homer, Eugene A., Jr.
Hopkins, John I.
Hopkins, John T., Jr.
Horner, William H., Jr.
Horton, Samuel M.
Houchin, Gerald R.
House, Edward L., Jr.
Houseman, William B.
Houston, Thomas C.
Howard, Medford W., Jr.
Houchens, John J.
Huebner, Anthony C.
Huff, Emmett S., Jr.
Huffman, Donald R.
Hughes, Laurice M.
Hughes, Richard D.
Hunt, Richard V.
Hunter, Harold L.
Huston, Harold V.
Iles, Jacob E.
Ingels, Larry T.
Inglisa, Angelo M.
Irwin, Charles E., Jr.
Irwin, William R.
Jackson, Howard D.
Jaczko, Eugene S., Jr.
James, Joseph L.
James, Robert L.
Janss, Peter F.
Jastrzemski, Walter M.
Jenkins, Jerry H.
Jennings, Stephen J.
Jensen, Duane S.
Jensen, Redmond R.
Jersey, David E.
Jessup, William B.
Jezsik, Louis C.
Johnson, Bruce W.
Johnson, Edward T., Jr.
Johnson, Gerald L.
Johnson, Ralph K.
Johnson, Richard R.
Johnson, Robert R.
Johnson, Sven A.
Johnson, Ward B., Jr.
Johnson, William A.
Johnston, Gordon R.
Jones, Arthur L., III
Jones, Duncan H.
Jones, Stanley E.
Joralmon, Richard A.
Jordan, Robert M.
Joy, Jim R.
Judkins, Paul G.
Junger, Frank
Kandra, Myron J.
Karin, John G., III
Kartchner, Orville R.
Kauffman, Francis M.
Keathley, Jesse N.
Keating, Daniel J., Jr.
Keith, Charles R.
Keller, Noel J.
Kelley, Robert D.
Kelly, Daniel A.
Kelly, Leo J.
Kelly, Michael J.
Kemp, Gerald G.
Kennon, Donald N.
Kenworthy, Richard J.
Keough, Kevin P.
Kerwin, Paul C.
Kessler, Robert G.
Kiene, Christian F.
Kieselbach, Philip J.
Kilday, Thomas P.
Kinard, David W.
Kirkham, James H.
Klingensmith, Cloyd H.
Knapp, James V.
Knapper, Roger E.
Knettles, Charles E.
Knight, Frank P.
Knight, Howard E., Jr.
Knight, James R.
Knowles, Robert C.
Knudson, George A.
Kostesky, Raymond M.
Kozischek, Donald A.
Krauss, Walter J., Jr.
Krebs, John F.
Kretsinger, John M.
Krueger, Stanley P.
Kruthers, James M.
Kynion, Kaye M.
Lamascus, Zane V.
Landis, John P.
Lang, Robert F.
Langford, Kenneth W.
Langrock, Donald A.
Langton, Robert E.
Larkin, Guy L.
Lasseter, Lee T.
Lattimore, George J.
Laughlin, William S., Jr.
Lawbaugh, Emanuel S., Jr.
Lawrence, Robert L.
Layer, Robert W.
Layman, Phillip B.
Leach, Don L., Jr.
Lecky, Timothy B.
Ledeboer, Willis D.
Ledin, Jerry W.
Lee, Alex
Le Fevre, Pierre L.
Legge, John B.
Leighton, David J.
Lemmons, James B.
Lemon, Douglas W.
Leonard, William H.
Leonhardt, George T., Jr.
Lessard, Paul F.
Leva, Russell E.
Lewis, Dale E.
Lewis, Floyd C.
Lewis, Franklin J.
Lewis, Robert D.
Lilla, John M.
Lindauer, Jerry D.
Lindseth, Clarence D.
Linnemann, John A.
Little, John D.
Livengood, Walter J., Jr.
Llewellyn, Leonard F.
Long, Howard L.
Long, William H.
Looney, Edmund P., Jr.
Lo Presti, Philip A.
Loring, Arthur P., Jr.
Loughran, Joseph M., Jr.
Love, Thomas D.
Lundberg, Darwin D.
Lynch, Jarvis D., Jr.
Lynch, Thomas K.
Lynn, Chester V., Jr.
Mabry, David R.
Macaulay, Alan C.
MacFarlane, John L.
Mackey, William W.
Maines, Howard D., Jr.
Makeever, Harrison A.
Mann, Elliot F.
Mannix, William J. P.
Manwarring, Charles L.
Marada, Joseph P.
Marren, Harry T.
Marsden, Richard W.
Marsh, John O.
Marshall, William H.
Martell, David W.
Martin, Joel A.
Martin, John A.
Martin, Raymond H.
Martin, Robert J.
Martin, Warren L.
Mattingly, James D.
Mavretic, Josephus L.
Maxwell, Harold J.
May, Jacob T.
Mayers, Kenneth E.
Mc Crindle, Ronald B.
Mc Cullough, John W.
Mc Daniel, Clarence E.
Mc David, James E., III
Mc Donough, Michael R.
Mc Elroy, Theodore R.
Mc Gaw, William A., Jr
Mc Geehan, Stanley M., Jr.
Mc Ginn, James A.
Mc Grath, William J.
Mc Ilhenny, John B.
Mc Intyre, David S.
Mc Laughlin, George D Jr.
Mc Lennan, Charles C.
Mc Mahon, Bernard.
Mc Nally, Paul F.
Mc Nelly, John F.
Mc Sweeney, Harold R.
Mc Williams, James P., Jr.
Mead, James M.
Meissner, Howard W.
Merrihew, Ronald E.
Meskan, Donald J.
Michael, Larry K.
Miesch, William C.
Miller, Donald E. P.
Miller, Harl J.
Miller, Huey P. L.
Miller, John G.
Miller, Justus K.
Miller, Neil P.
Millice, Kenneth P., Jr.
Mills, Jack G.
Misitis, Herman F.
Mitchell, Robert G.
Mixson, Joseph G.
Mockler, Edward M.
Moorzejewski, Robert J.
Moe, Frederick J.
Molineaux, Joseph F., Jr.
Moore, Brian D.
Moore, David J.
Moore, Julian A., Jr.
Moore, Royal N., Jr.
Moore, Wilbur N., Jr.
Morgan, Harvey J.
Morgan, John E.
Moriarty, Neil F.
Morris, Calvin M.

Morris, Donald L.
Motherway, Robert T.
Mount, Fred H.
Moyer, Lawrence R.
Mulcahy, Robert D.
Mullally, Daniel E., Jr.
Mullen, William F.
Mulrooney, Michael J.
Mundy, Carl E., Jr.
Murphy, Gerald P.
Murphy, Walter M.
Murray, James W.
Murray, Ronald L.
Murray, William R.
Murtland, James B., III
Nappi, Louis T.
Navadel, George D.
Neal, Robert G., Jr.
Nelson, Harold M.
Newton, Carl W.
Nichols, Donald L.
Nielsen, Daniel F. M., Jr.
Nolan, James M.
Nordell, Wayne F.
Norman, Ronald E.
Notine, Daniel M.
Noyes, Carl R.
Oates, Richard H.
O'Brien, Richard J.
O'Brien, Richard V., Jr.
O'Brien, Robert L.
O'Connor, Martin E.
Oden, Jerry D.
O'Donnell, John W.
Ogden, Don J.
Olf, Nelson M.
Olson, Glenn A.
Ondrick, Robert M.
Orey, Ralph B.
O'Rourke, John F.
Orr, James W.
Orth, Allan J.
O'Shea, Cornelius J., Jr.
Osmondson, Eugene L.
Ossenfort, Richard C.
O'Toole, Patrick E.
Ott, Robert F.
Overmyer, Robert F.
Owens, Harold M.
Owens, Jack C.
Paganelli, John J.
Palmer, Billy J.
Palmer, John K.
Palmore, Carroll A.
Patterson, Ronald H., Jr.
Patterson, Roy A., Jr.
Pavlovskis, Valdis V.
Payton, Luther L., Jr.
Pederson, Richard J.
Perry, Clarence R.
Perry, Raymond F.
Peters, William P.
Peterson, Gerald L.
Peterson, Jerry D.
Peterson, Lee A.
Peterson, Robert L.
Peterson, Roy C.
Peterson, William P.
Pettigrew, William M., III
Phelps, J. W.
Phenegar, Wesley R., Jr.
Phillips, La Mar V.
Phillips, Milo N.
Phillips, Reed, Jr.
Phillips, Robert A., Jr.
Philon, Robert H.
Pierce, James M.
Piper, Earl S., Jr.
Piracci, Antonio F.
Pirnie, David M.
Plasterer, Ross S.
Poore, Horace
Poorman, Gary L.
Porter, Charles R.
Porter, Robert R.
Powell, Ferrell F., Jr.
Powers, John
Pozza, John B.
Prescott, George S.
Prewitt, Robert C.
Prochaska, Joseph F.
Prosch, Thomas J.
Psaros, George C.
Pulcheon, Jack H.
Pyne, Richard S.
Rackham, Robert N.
Radich, John T.
Raines, Henry R.
Raiselis, Donald R.
Ram, Cornelius H.
Ramzel, David R.
Randall, Jesse T.
Rasavage, John R.
Rathbone, David L.
Read, Harold D.
Rebstock, Werner F.
Reckewell, Carl A.
Reczek, Gerald F.
Redding, William P., Jr.
Reed, Robert W.
Reeves, Thomas L.
Regan, Frank C., Jr.
Reilly, William J., Jr.
Revell, Joseph E.
Reyna, Gordon C.
Reynolds, Angus S., Jr.
Reynolds, Charles A.
Reynolds, James C.
Reynolds, William D.
Rice, James F.
Rich, Thomas W., Jr.
Richardson, Ronald G.
Ridge, Paul E.
Ridill, Bruce A.
Ridings, William H.
Rigg, Richard J.
Rilling, David S.
Rinehart, Benny D.
Rivella, Hermon J.
Roach, James L.
Robertson, Olin J.
Robillard, George N., Jr.
Robinson, Larry W.
Rodenbach, William J.
Rogers, Jack J.
Rogers, Robert P.
Roman, Donald J.
Rooke, John A.
Root, Geoffrey H.
Root, Rowland W.
Ross, David L.
Ross, James W.
Rourke, William B., Jr.
Roush, Paul E.
Rowland, Frederick J.
Ruane, Joseph D.
Ruggles, Donald R.
Rutledge, Bobby G.
Ryan, Thomas J.
Rychlik, Robert W.
Ryder, Timothy M.
Saeger, Herbert F.
Sagebiel, Walter C.
Sahaydak, Edwin
Salas, Francisco U.
Salmon, Michael D.
Samuelsen, Conrad J.
Sanders, James W.
Sanders, Joe P.
Sasso, Louis G.
Savage, Ray J.
Saye, Dicky A.
Scafe, James R.
Scanlon, Gerard P.
Schaet, Donald E.
Scheuren, William J.
Schmidt, James M.
Schmidt, Philip M.
Schneider, John F.
Schreiber, Robert D.
Schultz, Joseph P.
Schupper, Robert H.
Schwaninger, Marvin E.
Scialdone, Frank, Jr.
Seals, Charles J., Jr.
Searle, Henry L.
Seed, Richard J., III
Sehlke, Charles J.
Sellers, Wiley J.
Senik, John P.
Shafer, Roger L.
Shank, Paul J., Jr.
Sharr, Danny A.
Shaw, Philip G.
Shaw, Phillip E.
Shaw, Robert W.
Shay, John M.
Shearer, William L.
Shelton, James L.
Sheridan, Michael K.
Sheridan, Robert F.
Shigley, Richard T.
Shillinglaw, James S.
Simmons, Roger E.
Simon, Clyde C.
Simonsen, Raymond L.
Simpson, Patrick S.
Simpson, Robert N.
Sisley, Frederick E.
Skinner, Barry F.
Skinner, James L.
Slater, John P.
Slocum, Jon M.
Slough, Phillip G.
Smaldone, Ronald A.
Smallman, John
Smartz, Joseph J.
Smeltzer, Gareth W.
Smith, Gerald H.
Smith, Karl S.
Smith, Robert W.
Smith, William D.
Smyth, Thomas J.
Snyder, John H.
Solan, John M.
Solomonson, Carl, Jr.
Spaete, Robert P.
Squillace, Gaetano F.
Stableford, Richard H.
Stanton, Bobby G.
Stauffer, Robert M.
St. Clair, James J.
Steele, Orlo K.
Steele, Victor D.
Steffen, Allan J.
Stein, Michael E.
Stevens, John D.
Stevens, Richard W.
Stevenson, Samuel H.
Stewart, Douglas P.
Stiavelli, Michael R.
Stingley, Patrick R.
Stith, Edward E.
Stofer, John M.
Stoffey, Robert E.
Stout, Doyle E.
Strain, Walter L.
Stremic, Anthony W.
Stremlow, George J.
Strickland, William C.
Stroman, Herbert F.
Stuebe, Jon A.
Stumpf, Thomas A.
Sullivan, Louis
Summerlin, Billy M.
Sutton, Verl D.
Svec, M. R.
Swab, James E.
Swartwood, Robert E., Jr.
Sweeney, James R.
Sweeney, Smith
Sweitzer, Merrill A., Jr.
Swenson, Carter P.
Szafranski, Leonard J., Jr.
Taffe, Henry W.
Tardy, James S.
Taylor, Madison L.
Taylor, Ralph L., Jr.
Taylor, Theodore W.
Teague, Donald L.
Thibault, Dale R.
Thien, Robert L.
Thomas, Bernard H.
Thomas, Willard Y.
Thompson, Daryl W.
Thompson, Jack C.
Thompson, Milton S.
Thompson, Wayne D.
Thorp, Joseph C.
Tiernan, William H. J.
Tiffany, Russell B.
Tirschfield, William J.
Tivnan, John M.
Toben, Theodore J., Jr.
Townley, Edward F., Jr.
Townsend, James B.
Treadwell, Russell P.
Treichler, Donald R.
Tremblay, Paul A.
Trent, Anthony
Tubbs, Charles S.
Turner, James D.
Tutterrow, James H.
Uhlenhake, Dale J.
Ulm, Richard H.
Underwood, James L.
U'Ren, William F. H., Jr.
Van Antwerp, William M., Jr.
Van Gorder, Jan H.
Van Horn, George R.
Van Leeuwen, Neil R.
Van Nortwick, John, III
Varney, Richard S.
Vasconcellos, Raymond K., Jr.
Vaughan, James C.
Vernay, Vincent A.
Vigal, Robert E.
Viglione, John W.
Vogt, John S.
Von Carp, Hermann E. F., Jr.
Vowell, David E.
Wadsworth, Michael G.
Wakefield, Robert H.
Waldo, Jack D.
Walker, William J.
Walsh, Edward H.
Walsh, Gerald E.
Walsh, John V.
Walters, Warren S.
Walters, William H.
Ward, Larry N.
Warfield, Harry R.
Warner, Richard A.
Warnicke, Edward A.
Warren, George F.
Warren, William C., Jr.
Waterbury, Mark H., III
Waterfield, Robert G.
Waters, Kenneth D.
Watkins, David C.
Watson, Gilbert C.
Watson, John L.
Waymire, Leland O.
Webb, Richard J.
Weeks, John F.
Wehrell, William K., Jr.
Weinerth, Stuart L., Jr.
Weir, Charles J.
Wells, Harry E.
Wells, Richard C.
Welsh, George H.
Welty, Michael F.
Welzant, Charles M.
Westmiller, Paul B.
Westphal, Marvin A.
Whaley, William M.
Wheeler, Eugene L.
Whipple, Lawrence A.
Whipple, Oliver M.
Whitton, Frank H.
Widdows, Richard A.
Wildprett, William R.
Wiley, Raymond F., Jr.
Williams, James P.
Williams, Larry R.
Williams, William B.
Williamson, John C.
Willmarth, John M.
Wills, Wayne M.
Wilson, Donald D.
Wilson, James C.
Wilson, Jerry W.
Wimmler, Charles A.
Winglass, Robert J.
Winoski, Walter M.
Wolfenden, Robert J.
Wolson, Abraham W.
Wood, Bruce P.
Wood, David V.
Wright, Donald L.
Wright, Ronald W.
Wuerch, George P.
Wuertz, Joseph B.
Wunderlich, Leonard A.
Wuthrich, John R.
Yeager, Merritt G.
Wezzi, Richard C.
Yon, Dandridge H.
Zeikus, Alfred
Zellich, Jack R.

The following-named officers of the Marine Corps for permanent appointment to the grade of first lieutenant subject to qualification therefor as provided by law:

Barnett, Blanton S., III
Bates, Charles J.
Blessing, Patrick J.
Blunden, Michael A.
Brennan, Thomas V., Jr.
Brown, Robert D.
Burnaford, Alan L.
Cater, Ronald D.
Clemence, Harry F., Jr.
Conley, Thomas M.
Cowell, Cryspin J.
Danielson, Gary R.
Dahart, Reid E.
Denny, Larry T.
Dix, Elliott S.
Doeden, Nicholaus A.
Durham, David S.
Eldridge, Thomas F.
Enis, Robert E.
Fahrner, Rudolph H.
Fergus, Harold T.
Frame, William A.
Fulcher, Robert D.
Galloway, Samuel J.
Gasser, Albert R., Jr.
Geisser, John M.
Glose, Aloys A.
Gotard, Henry F.
Greeves, Joseph P., Jr.
Gunniss, Gordon H.
Gurrola, Michael A.
Harrah, John F.
Hertz, Allen C.
Hilgert, Nicholas J., Jr.
Hilpert, Fred P., Jr.
Hollis, James A.
Holm, Kenneth L.
Hooton, Richard J., Jr.
Hutchins, Robert A., Jr.
Igou, Donald K.
Keast, Gerald R.
King, John T.
Kingston, William G., Jr.
Kling, David A.
Kraus, Dennis E.
Krohn, Larry A.
Lacour, Thomas A.
Lardizabal, Alfred, Jr.
Latorre, Anthony V., Jr.
Lorig, Michael E.
Luhmann, John F.
Meerdink, George K., Jr.
Minas, George K.
Miner, Ronald D.
Mulkerin, Thomas P.
McCammon, John F.
McEachran, Robert B.
McGinn, Robert D.
McKay, Gerald O.
McKinnon, Denis A.
McTigue, Timothy G.
O'Connor, William L.
Palchak, John F.
Pereira, Nicola M., Jr.
Petersen, Warren M., Jr.
Pierson, John H., Jr.
Ramin, Glenn C.
Redmond, Thomas D.
Regan, Clyde M.
Roberts, Larry C.
Rogers, Robert F.
Rutkowski, John A., Jr.
Ruymann, John W.
Schafer, Paul M.
Schultz, David E.
Segal, Vincent D.
Slacum, Harold W.
Smith, Darrel F.
Snook, Allan E.
Stratton, Jerry R.
Taggart, Kenneth A.
Taylor, Thomas C.
Tente, Robert G.
Thiry, Gary E.
Timmerman, Larry R.
Trout, Bennie J.
Villeponteaux, James H., Jr.
Vogt, John L.
Warring, Milton T., Jr.
Weber, Dellas J.
Wetzel, Roy J., Jr.
Whalen, Larry D.
Williams, Robert B.
Witting, Paul W.
Wright, Robert M.
Wystrach, Michael G.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 13, 1965:

POSTMASTERS

ALABAMA

Joseph R. Rutland, Fitzpatrick.
William E. Streetman, Hurtsboro.
Milligan Earnest, Opelika.
Willie R. Finch, Samson.

ARKANSAS

Thomas E. Nelms, Brookland.
Ralph W. Blair, Fort Smith.
Betty L. Cochran, Hector.

COLORADO

Wayne F. Wilcoxen, Idalia.

DELAWARE

Clifford W. Truitt, Dagsboro.
Clarence A. Schwatka, Jr., Townsend.

GEORGIA

J. Dwight Todd, Gibson.
Jesse L. Garland, Martin.
James E. Pevey, Pembroke.

IDAHO

Hortense T. Tylor, Ucon.

ILLINOIS

Shirley E. Long, Argenta.
Kathryn E. McLaughlin, Troy Grove.

INDIANA

Chester A. Etchason, Jr., Plainfield.
Carldean Merrifield, Sr., Wolcottville.

IOWA

Dalbert D. Holst, Harris.

KANSAS

Melvin C. Webb, Cimarron.
Virgil J. Hitz, Hudson.
Charles T. Lingo, Wakarusa.

KENTUCKY

Martin W. Wilson, Dixon.
James A. Estill, Mays Lick.

LOUISIANA

Edmund F. Perkins, Clayton.

MAINE

Emilio E. Hary, Owls Head.

MARYLAND

G. Mitchell Boulden, Elkton.

MASSACHUSETTS

Edwin G. Fabian, Hanson.
Francis A. Woodlock, Medfield.

MICHIGAN

Robert C. Clark, Lupton.
Robert E. McMullen, St. Joseph.

MINNESOTA

Elwyn A. Guyer, Taconite.

MISSISSIPPI

John D. Rosamond, Gholson.
Hayden L. Martin, Pittsboro.
Annie R. Lagrone, Steens.
Maude U. Atkinson, Vance.

MISSOURI

Aldace Naughton, Jr., La Plata.
Eugene F. Schaberg, St. Charles.
Gerald A. Robertson, Sullivan.

NEW JERSEY

Leon J. Madden, Millington.

NEW MEXICO

Norman M. Booker, Hobbs.

NEW YORK

Walter W. Rostenberg, White Plains.

NORTH CAROLINA

Robert L. Baysden, Ernul.

NORTH DAKOTA

Sylvester J. Schneider, Hannah.

OHIO

Mauna L. Pullins, Irwin.
Frank Dobrozsi, Middletown.
Arthur E. Rau, Sardinia.

OREGON

Allan B. McVay, Alsea.
June Y. O'Connor, Ione.

PENNSYLVANIA

Eugene D. Mitchell, Beaver Springs.
Paul B. Vandevander, Bellwood.
Joseph D. Murphy, Bryn Mawr.
John Gajdosik, Floreffe.

TENNESSEE

Taskel T. Rich, Byrdstown.
George W. Whaley, Middleton.
William R. Broadway, Ten Mile.

TEXAS

Clarence T. Davis, Jr., Amarillo.
James T. Youngblood, Jr., Burkeville.
Austin Skinner, Ferris.
Dorothy F. Ehrlich, Follett.
Aubra C. Fuqua, Jr., LaPorte.
Oleta B. Coleman, Splendora.
Louis F. Parsons, Thornton.
Ernest L. Ryan, Weslaco.

VIRGINIA

Willie L. Yeatts, Altavista.
Edwin A. Crowder, Boydton.
E. Trigg Harrison, Chesapeake.
Jennie D. Luck, Montvale.

WASHINGTON

Kenneth A. King, Coupeville.

WEST VIRGINIA

Lansing H. Walker, Berwind.
Ova H. Tolley, Dunbar.
William E. White, Newell.

WISCONSIN

Ferne L. Thompson, Wyocena.

◆

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 13, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Deuteronomy 16: 20: *That which is altogether just shalt thou follow.*

Eternal God, our Father, as we meet the tasks and responsibilities of this new day, may we accept the challenge to lay hold of those ideals and principles of democracy which invest life with dignity and worth.

Grant that our democracy may not be found wanting or fail in these anxious and troubled days.

We humbly confess that our human life has no standards and stability, no defense against despair and defeat, and no victory against communism and chaos unless we cultivate faith in Thee and in the supremacy of the moral and spiritual values.

May the spirit of mankind be more considerate and compassionate, more gentle and gracious, more magnanimous and unselfish.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

The SPEAKER laid before the House the following communication, which was read and referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS,
CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 9, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
The Capitol, Washington, D.C.

DEAR MR. MCCORMACK: Pursuant to the provisions of section 7(a) of the Public Buildings Act of 1959 for the construction and alteration of public buildings, and pursuant to the provisions of the Independent Offices Appropriation Act of 1965 for lease construction, the Committee on Public Works of the House of Representatives on April 7, 1965, approved prospectuses for the following projects which were transmitted to this committee from the General Services Administration:

Construction of new buildings:
Alaska: Petersburg, post office, Federal office building.
Arkansas: Conway, post office, Federal office building.
Arkansas: Star City, post office, Federal office building.
Colorado: Fort Collins, post office, Federal office building.
Florida: West Palm Beach, post office, courthouse.
Georgia: Augusta, post office, Federal office building.
Illinois: La Salle, SSA district office.
Maryland: Beltsville, Secret Service training center.
Maryland: Beltsville, Salisbury, SSA district office.
Massachusetts: Fall River, SSA district office.
Massachusetts: Fitchburg, post office, Federal office building.
Minnesota: Minneapolis, SSA district office.
Missouri: Kansas City, Federal office building.
New Hampshire: Keene, post office, Federal office building.
New Hampshire: Littleton, SSA district office.
New Jersey: Hackensack, SSA district office.
North Carolina: Wilkesboro, post office, courthouse.
North Dakota: Grand Forks, SSA district office.
Pennsylvania: Easton, SSA district office.
Pennsylvania: West Chester, SSA district office.
Rhode Island: Barrington, post office, Federal office building.
Tennessee: Nashville, courthouse, Federal office building, annex.
Texas: Brownsville, SSA district office.
Texas: Laredo, Border Patrol State headquarters.
Texas: Lubbock, post office.
Texas: Lubbock, courthouse, Federal office building.
Texas: Rockwall, post office, Federal office building.
Vermont: Essex Junction, post office, Federal office building.
Virginia: Staunton, SSA district office.
Washington: Wenatchee, Federal office building.
West Virginia: Wheeling, SSA district office.
Total: 30 projects.

Alteration projects:
Alabama: Montgomery, post office, courthouse.
California: Los Angeles, post office, courthouse.
California: Oakland, 1515 Clay Street, building.
Florida: Tampa, post office, courthouse, customhouse.
Georgia: Augusta, post office, courthouse.
Idaho: Boise, post office, courthouse.
Illinois: Chicago, customhouse.
Illinois: Chicago, railroad retirement board building.
Iowa: Davenport, post office, courthouse.
Maryland: Middle River, Federal depot.
Minnesota: Duluth, post office, courthouse.
New Jersey: Trenton, post office, courthouse.
New York: Buffalo, courthouse.
New York: New York, Federal office building (641 Washington Street).

North Carolina: Greensboro, Federal office building.

North Carolina: Wilmington, courthouse, customhouse.

Ohio: Columbus, post office, courthouse.

Oklahoma: Guthrie, post office, courthouse.

Oklahoma: Muskogee, post office, courthouse.

Oklahoma: Tulsa, post office, courthouse.

Oregon: Portland, Federal office building (701 Glisan Street).

Pennsylvania: Philadelphia, post office (main).

Pennsylvania: Pittsburgh, post office, courthouse.

Pennsylvania: Scranton, post office, courthouse.

Texas: Austin, courthouse.

Vermont: Burlington, Federal office building, post office, courthouse.

Washington: Auburn, GSA Center.

Washington: Spokane, post office, courthouse, customhouse.

Washington, D.C.: Agricultural Southern Building.

Washington, D.C.: Commerce Building.

Washington, D.C.: Weather Bureau (Bureau of Standards site).

Total: 31 projects.

Lease construction:

Kansas: Manhattan.

Montana: Missoula.

New York: Queens.

Total: 3 projects.

Sincerely yours,

George H. Fallon,
Chairman, Member of Congress.

THE LATE HONORABLE SHERMAN A. MINTON

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. Denton].

Mr. DENTON. Mr. Speaker, I rise today to bring to my colleagues' attention the passing of that great American, Sherman A. "Shay" Minton, former U.S. Senator from Indiana and former Justice of the Supreme Court. I have the honor of representing the district from which he came and in which he chose to spend his last years. I also had the honor of knowing him well. I choose to remember him simply as a great man and a good friend.

Shay Minton was born in Georgetown, Ind., in 1890. He was always an active man. Coming from humble surroundings he worked his way through high school and with the help of a scholarship, through college. While in school he participated in athletics as much as time would allow. Justice Minton received the bachelor of laws degree from Indiana University in 1915 and the master of laws degree from Yale University the following year.

He spent the war years of 1917–18 as an infantry captain, seeing action in France. When he returned to this country he entered the practice of law and in 1933 was appointed counselor for the Indiana Public Service Commission. In this position, during those bleak depression days, he fought for the welfare of the common citizen and was rewarded in his efforts with election to the U.S. Senate in 1934.

As a Senator, Shay Minton supported the New Deal policies of Franklin Delano Roosevelt and was termed a liberal Senator. He was defeated for reelection in a rather close vote in 1940 and then was appointed as administrative assistant to President Roosevelt. Justice Minton told me that that was the greatest experience and the most interesting period of his life.

In 1941 President Roosevelt appointed Shay Minton to a judgeship on the Seventh Circuit Court of Appeals. He served in that capacity until October 1949 when he was appointed to the Supreme Court by President Truman, an old friend from his Senate days.

Justice Minton worked hard—he was a student of the law. And though he had been classed as a liberal Senator he was termed a conservative Justice. I think this was not caused by any change of political philosophy but because of his opinion of the judicial attitude a judge should take. He had gone through the Supreme Court expansion fight during the Roosevelt administration and felt there was a danger of the judiciary assuming or usurping some of the authority of the legislative branch of the Government. He had a great respect for the acts of Congress and, while he might not agree with certain legislation, he felt the Court should be extremely reluctant to overrule and act of a legislative body on the ground that it was unconstitutional.

Shay Minton retired from the Bench in 1956 because of poor health. But he remained actively interested in his two main loves, sports and politics. I recall only last October while campaigning in New Albany, Ind., where he lived, I went to the hospital to see Justice Minton. Although he was in an oxygen tent I found him listening to a ballgame and when I entered his room he immediately roused to discuss politics and the campaign. Such an indomitable spirit is not often found.

As I said, it was my honor to call Sherman Minton my friend, for although he reached the highest office of any Hoosier I have had the fortune to know he never lost his common heritage. He was always "at home" among the people with whom he lived and worked and in whose service he spent his life.

Today I feel that the Nation is a little poorer because of his passing, but infinitely richer because he came.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. DENTON. I yield to the gentleman from Indiana.

Mr. HALLECK. Mr. Speaker, I, too, want to express my great regret at the passing of former Justice Sherman Minton.

He was a distinguished alumnus of my alma mater, Indiana University, where both of us studied the law.

Shay Minton and I came to the Congress of the United States in 1935, he to the Senate, I to the House of Representatives.

While we were on opposite sides of the political aisle, I always found him to be a fair adversary, and I counted him among my good personal friends.

Justice Minton spent a major share of his career in public service and his contributions to making laws in the Congress and later interpreting statutes as a member of the Supreme Court, were considerable.

As a son of Indiana, Sherman Minton brought credit to his native State through his accomplishments on the national scene.

I want to extend to his bereaved family my deepest sympathies.

Mr. HAMILTON. Mr. Speaker, Mr. Justice Minton is dead.

An excellent life and a brilliant career has come to a close and I join others across this land who pause to pay their respects to this great public servant.

Sherman Minton was a lawyer, soldier, politician, a stanch ally and one-time White House aid to President Franklin D. Roosevelt, a U.S. Senator, a Justice of the U.S. Supreme Court, and for the past several years a Hoosier elder statesman. At 74, he has died in New Albany, Ind.

When illness forced Mr. Justice Minton to step down from the Highest Bench in this Nation in 1956, he spoke sadly to newsmen and said:

> There will be more interest in who will succeed me than in my passing. I'm an echo.

If Sherman Minton was, indeed, an echo, he has generated the reverberations with his own powerful voice in Indiana politics and government and later in this great Capitol and in the White House itself before he moved to the Supreme Court where he served with great distinction.

In Indiana, he was called "Shay" Minton, a name tagged on him by his brother, Roscoe when they were boys.

"Shay" Minton was not a shy man. Once during his Senate career he introduced a bill that would have made it a crime for any newspaper to publish as fact "anything known to be false by the publisher." That caused quite a stir up here on the Hill. And, one of his first senatorial acts was the breaking of a Huey Long filibuster—no mean trick in those days.

The future Senator and Justice, a native of Georgetown, Ind., headed his class when he received the LL.B. degree in 1915. A year later, he won his LL.M. at Yale University. After World War I service with the infantry on the Belgian, Soissons, and Verdun fronts, he started active practice of law in New Albany, and subsequently became associated with Paul V. McNutt in the formulation of the Indiana American Legion.

When Mr. McNutt became Governor of Indiana in 1933, he appointed Mr. Minton public counselor for the Public Service Commission; in this post Mr. Minton received credit for writing many of the "little New Deal" measures of the McNutt administration.

He was credited with reducing Indiana's public utility rates by $3,200,000 in little more than a year, which stood him in good stead when he ran for the Senate in 1934. He defeated the incumbent Republican by a majority of almost 60,000.

In the Senate, he was assigned a desk beside that of another freshman, Harry S. Truman, of Missouri. The close friendship formed then was to have a sequel 15 years later when President Truman named him to the U.S. Supreme Court.

Senator Minton was noted for his willingness to argue for the legislative programs of President Roosevelt. A conservative by nature and training, he nonetheless championed many New Deal causes.

In the election of 1940, Senator Minton was defeated for reelection. Ironically, it was the Hoosier sweep of Indiana's own Wendell L. Willkie that ended "Shay" Minton's senatorial career. Even more ironic is the fact that the two men were classmates at Indiana University.

In 1941, President Roosevelt took Mr. Minton to the White House as a staff aid, to act as the President's "eyes, ears, and legs." Mr. Minton later called this job the "richest period" in his life, although it was of short duration, for that same year the President appointed him to the U.S. Court of Appeals for the Seventh Circuit. It was from that seat that President Truman raised his old friend to the U.S. Supreme Court 8 years later.

In 1956, painfully crippled by pernicious anemia, he retired and went back to Indiana where it all began, where he had met and married Gertrude Gurtz in 1917, a union that brought them three children, including Sherman, John, and Mrs. J. H. Callahan, who survive this great American.

Mr. MADDEN. Mr. Speaker, I wish to join with Congressman DENTON and other Members in paying a tribute to a great Hoosier statesman and longtime friend of mine who passed away last week, former Associate Justice of the Supreme Court, Sherman Minton.

"Shay" Minton, as he was known to all of his friends in Indiana, was truly a self-made lawyer, statesman, and judge. Born and raised in southern Indiana, as a youth he worked his way through high school, college, and the university.

By reason of his outstanding ability as a public official and his capacity to make and retain friends, he was elected to the U.S. Senate in 1934. He made an outstanding record in fighting for the Franklin D. Roosevelt New Deal program during his term as U.S. Senator. He was afterward appointed a Federal appellate judge and later to the Supreme Court by former President Harry S. Truman. He resigned from the Supreme Court due to illness. He has been living at his boyhood home, New Albany, Ind., since his retirement.

Indiana and the Nation has profited by reason of his great public service, as a State officer, U.S. Senator, Federal judge, and Associate Justice of the Supreme Court.

He is mourned by thousands in his home State of Indiana, and many throughout the Nation regret his passing.

He was truly an example of what a young man in this great land of ours can accomplish through work, application, a sense of duty, and constantly striving for advancement and progress of the Nation he loved so much.

I extend to Mrs. Minton and the family my deepest sympathy in their bereavement.

GENERAL LEAVE TO EXTEND REMARKS

Mr. DENTON. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE LATE HONORABLE JAMES A. SHANLEY

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GIAIMO. Mr. Speaker, it is with deep sadness that I stand here—in the Halls of the House which he served so faithfully and well—to mourn the passing of former Representative James A. Shanley. From the articles which have appeared in the paper, which I ask permission to insert after my remarks, those of you who did not have the extreme privilege and pleasure to know Jim Shanley will learn of his many accomplishments and of his great contribution to his city, his State, his Nation, and his world.

I would like, however, to speak of Jim Shanley as a man, to tell you of those wonderfully warm characteristics which he possessed and which cannot be projected through newsprint.

Jim Shanley was a keenly intelligent, alert, insightful, and incisive man. As a teacher, he brought his students an understanding born of wisdom and love. His effect was inspirational, and those whom I have heard speak of him regarded him as one of the best.

As a Congressman, he brought his knowledge of international affairs into the perfect setting for such debate.

As a judge, he brought the full force of his intellect and his crusading spirit into play, reforming the policies and the spirit of the probate court. During his last terms, he won the endorsement of both parties.

But Jim Shanley was not only a man of intelligence. He was also a man of charm, a man of grace. His wit was legendary, his courtesy unfailing.

It was a true privilege to know this man. He was a sound political adviser, a loyal ally, a good friend. To his charming wife and to his family, I extend my deep sympathies as well as those of the district which he served and which I am also proud to represent.

The articles follow:

JAMES A. SHANLEY

Teacher, statesman, judge.

So, in capsule form, might be written the career of Probate Judge James A. Shanley.

But it would take chapters, if not volumes, to fully write the Jim Shanley story.

To his friends, and their number was legion, the Jim Shanley story does not need to be put into print. It is written in words, in deeds of kindness, in actions, accomplishments and in accolades which came his way in profusion because of what he was and what he did. These things, one may be sure, will never fade from the minds and hearts of those who knew him, those that he helped, those that he entertained with his flashing yet kindly wit as a toastmaster, his gentlemanly conduct and charm which he wore not as an occasional cloak but as his everyday garment.

Judge Shanley was a product of New Haven, in every sense of that word. Through its local schools, through Yale University and through the honors and offices it bestowed upon him, New Haven gave Jim Shanley much. In return he gave the city and its people much more.

These things will be remembered now as the city he knew and loved so well gives him its last farewell at funeral services tomorrow.

Some of those who attend these rites will remember him best as a teacher—and as an inspirational one.

Others will recall the services he rendered his city, his State and his Nation as a member of Congress and an outstanding scholar and statesmen in the field of international law.

Even larger numbers will recall his years as New Haven's judge of probate, his reforms in that office; his kindly, considerate handling of those who came before him; the excellence of his administration which resulted in his being nominated by Democrats, endorsed by Republicans, respected by all.

But, after thinking of all these things all who know him will think most of him as Jim Shanley, friend and fellow citizen, a man among men.

PROBATE COURT TO BE CLOSED FOR SHANLEY RITES WEDNESDAY

To mourn his death, Probate Court will be closed Wednesday during the funeral of Probate Court Judge James A. Shanley, 69, who died Sunday in Grace-New Haven Hospital.

The court will not open until 2 that afternoon. Also, city hall is draped in black and city flags are flying at half-staff.

The funeral will be held at 9 a.m. from M. F. Walker and Sons Funeral Home, 1201 Chapel Street. A solemn requiem high mass will be celebrated at 10 in Assumption Church, Woodbridge. Burial will be in St. Lawrence Cemetery, West Haven.

Mayor Richard C. Lee, Monday announced the official honorary delegation for the funeral as follows:

Harold M. Mulvey, State attorney general; George W. Crawford, former city corporation counsel; Democratic town chairman Arthur T. Barbieri; Tax Collector Vincent R. Marenna; City Sheriff Gabriel Kasprzcycki; Town Clerk Joseph A. Gianelli; Masella; City Clerk Leon Medvedow; City Treasurer Ella B. Scantlebury; Registrars of Voters Paul R. North and Victor E. Rosien; Norton Levine, former assistant corporation counsel.

Controller Kennedy Mitchell; Director of Administration Dennis Rezendes; mayor's executive secretary Anthony E. Bove.

Corporation Counsel A. Frederick Mignone and members of his staff, Thomas F. Keyes, Jr., Joseph E. Bove, Roger J. Frechette, William B. Ramsey and Frank S. Meadow.

Development Administrator L. Thomas Appleby, Aldermaniac President William T. O'Connell, aldermanic majority leader Edward M. Reynolds, aldermanic minority leader Michael DePalma.

Purchasing Agent Frederick L. Cronan, Acting City Assessor Thomas F. King, Public Works Director Clifford E. McGrail, City Engineer Albert A. Landino, Personnel Director Peter H. Feriola, Building Inspector Peter Rowley, City Plan Director Sherman Hasbrouck, Community Relations Director James L. Mitchell.

Police Chief Francis V. McManus, Fire Chief Thomas J. Collins, Traffic and Parking

Director Harry B. Skinner, Welfare Director Daniel J. Dunn, School Superintendent Laurence Paquin, Park Director James E. Coogan, Librarian Meredith Bloss, Health Director Dr. John F. Sayers, Legal Aid Director Francis X. Dineen and Tweed-New Haven Airport Manager James E. Malarky.

Among the many organizations which claimed Judge Shanley as a distinguished member is the Second Company, Governor's Foot Guard in which Judge Shanley held the rank of captain and served as assistant chief of staff and judge advocate.

J. A. SHANLEY FUNERAL SET WEDNESDAY

Funeral services will be held Wednesday for Probate Judge James A. Shanley, 69, of Ansonia Road, Woodbridge, who died Sunday morning at Grace-New Haven Hospital.

The funeral will be held at 9 a.m. from the parlors of M. F. Walker & Sons, 1201 Chapel Street. A solemn requiem high mass will be sung at 10 in Assumption Church, Woodbridge. Burial will be in St. Lawrence Cemetery, West Haven.

Judge Shanley, after more than 40 years of public service, was to have stepped down from his post in April 1966, because of a constitutional requirement that State judges retire at 70.

Gov. John Dempsey said today that "Judge Shanley served with honor and distinction. He was an outstanding public servant. He will be missed."

The Governor extended his condolences to the judge's family.

Mayor Richard C. Lee said of his longtime friend:

"Judge Shanley's death is a grievous and personal loss to me and to everyone in New Haven. Soldier, teacher, legislator, jurist—Jim Shanley was dedicated to his city, his Nation, and his fellow man.

"He was my close political associate—and more than that—a warm and intimate friend. Early in my career, it was my privilege to nominate Jim for judge of probate. In turn, I was honored to have him offer my name in nomination for the office of mayor. For my last several terms it has been Judge Shanley who administered the oath of office at my inauguration.

"Jim Shanley has served his city well and we mourn his passing."

FLAGS AT HALF STAFF

Mayor Lee ordered that flags on all city buildings be flown at half-staff until noon on the day of his burial. City hall, seat of the probate court, will also be draped in black for 1 month.

John M. Golden, Democratic National Committeeman, said of the judge, "the passing of Judge Shanley leaves a void in this community which will be difficult to fill. Few men have occupied the place in the hearts of so many people as did this kindly, scholarly gentleman. Perhaps the greatest tribute to him is the continuing lifetime affection of the thousands of students he taught in his earlier years. I am proud to have had him as my loyal and devoted friend. Ever sympathetic and kindly, he was a friend of all people. A patriotic American, loyal to his country, his church and his friends, he achieved a position hard to equal. I join the many thousands who grieve in his removal from our midst and give my sincere respects to his family."

From his home in West Hartford, Judge J. Joseph Smith, of the U.S. court of appeals for the second circuit spoke of his deep friendship with Judge Shanley with whom he served on the staff of the late Gov. Wilbur L. Cross and in Congress.

Robert Taylor, Jr., president of the New Haven County Bar Association, called Judge Shanley, "the most wonderful kind of judge," Sunday night.

Taylor announced the following honorary pallbearers for the funeral; U.S. Commissioner Robert Alcorn; Judge Herbert Fischer, West Haven Judge of Probate who has been sitting in for Judge Shanley during the latter's illness; Judge Raymond Devlin; Judge John Thim, and the following attorneys; Harold Alprovis, Frank Bergin, I. Gordon Golby, Walton Cronan, B. Fred Damiani, David E. FitzGerald, Herman Levine, John McNerney, Thomas O'Sullivan, George M. Peck, Albert T. Sheppard and John Wynne.

ACTIVE BEARERS

The active bearers will be Nicholas Mona, John Golden, Frank Cronin, William Cronin, John Clark, and Daniel Weinstein.

Judge Shanley, a Democrat, served 4 terms in Congress as Representative from the Third District, 1935–42. He was elected probate judge in New Haven in 1948 and in his last two campaigns for reelection enjoyed the support of the Republican Party as well as his own.

Judge Shanley was born on Asylum Street, April 1, 1896, the son of the late Bernard and Rose Kelly Shanley.

YALE GRADUATE

He received his early education in local schools and received his B.A. degree in 1919 from Yale College and in 1923 his LL.B. degree from the Yale Law School.

In 1920–21, he taught mathematics at Carlton Academy in Summit, N.J., and at Hillhouse High School from 1921 to 1934 where he also served as athletic coach.

During World War I, he was graduated from the Battery Commander's School at Fort Sill, Okla., and served as a lieutenant in field artillery. He was a captain in the Artillery Reserve; an adjutant in the 1st Battalion and subsequently Company Commander, Battalion Headquarters, 102d Infantry, Connecticut National Guard from 1929 to 1935 when he resigned on being elected to Congress. He served as a major on the staff of Gov. Wilbur Cross from 1931 to 1933.

During his service as probate judge he won the respect and support of both political parties through a tight policy on probate court expenditures. He reduced the judge's salary from an average of $38,000 a year in the 1940's to less than $19,000 during his tenure. He also instituted other economies in the operation of the court.

As a member of the House Foreign Affairs Committee, he was praised by the late Sol Bloom, committee chairman, for his "keen intelligence, thorough grasp of international law and his outstanding character."

Judge Shanley always like to be called a liberal and always insisted that he was one. He had supported labor legislation and had generally supported President Roosevelt's domestic policies, but had broken with the President on his foreign policy.

He was the recipient of many local and State honors. In 1952 Father McKeon Division No. 7, Ancient Order of Hibernians, presented him with the Distinguished Friendship Award, noting that Judge Shanley always went "beyond the call of duty in any position he occupied—with benefit to all concerned."

In 1953 he was elected chairman of the New Haven Human Relations Council succeeding the retiring chairman, Dr. David N. Beach, pastor of Center Church.

The New Haven Advertising Club's Gold Medal Award was given Judge Shanley in 1958, with James P. Richards, former Congressman from South Carolina, making the presentation and referring to Judge Shanley as "our greatest international scholar" in Congress in the midthirties.

At that same dinner Mayor Lee spoke of Judge Shanley's "charm and grace," saying that the judge's warmheartedness and wit had made many a "long and dreary banquet easy to endure" for Judge Shanley was also well known and much sought after as a toastmaster. This year for the first time in over 30 years he was not toastmaster of the St. Patrick's Day dinner of the Knights of St. Patrick because of his illness.

A former member of the boys club, he also had served as toastmaster for that group's annual awards dinner for many years.

A prolific reader, Judge Shanley had a library of over a thousand books and had contributed many to the New Haven Library as well. Some 5 years ago he served as general chairman of library week here.

Judge Shanley was a director of the New Haven Boys Club, a member of the American Society of International Law, American-Irish Historical Society, Knights of Columbus, Elks, Eagles, Knights of St. Patrick, Union League, American Society of International Lawyers, and the County and State Bar Associations.

He leaves his wife, the former Hilda Murphy Fleming Shanley; a daughter, Mary Louise (Nancy), now with the Peace Corps in Tanzania (Tanganyika); a son, James A. Shanley, Jr., a lawyer with the State Department in Washington, D.C.; two sisters, Mrs. Raymond Campbell and Miss Claire Shanley, both of Orange; five grandchildren and eight stepchildren. His first wife, the former Mildred Fleming, died in 1956.

Mr. KUNKEL. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman.

Mr. KUNKEL. Mr. Speaker, I probably had the pleasure of knowing Jim Shanley longer than anyone else in this Chamber. He and I were classmates in the class of 1919 at Yale University. Jim was a fine student; even at that time he showed the characteristics of diligence and leadership which later led him up the ladder of a long and outstanding public career, both as a Member of Congress and as a probate judge.

We served together in the House for some years. At that time Jim was one of the most informed and solid people on foreign affairs. His speeches and his work at that time did a great deal to enable this country to come through the perilous war period in the way we did.

It was a shock to me to learn that Jim Shanley had passed away, because only last year we were at a reunion together, and 5 years before that we were together at another reunion. I do not know when anything has saddened me so much as when I learned of his passing. He was a friend for whom I had affection and great admiration. His wit and knowledge made him sparkle in any gathering.

I wish to join in all the fine comments the gentleman from Connecticut [Mr. GIAIMO] has made about him. To his family, my deepest sympathy.

Mr. GIAIMO. I thank the gentleman.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Connecticut [Mr. MONAGAN].

Mr. MONAGAN. Mr. Speaker, I join the gentleman in paying tribute to the memory of Jim Shanley. It has been truly and justly said that he was a great teacher, a great statesman, and a great judge.

I believe that no one in the modern history of New Haven has left behind a more pleasant and a more lasting memory.

An editorial which appeared in the New Haven Register said:

> Through its local schools, through Yale University, and through the honors and offices it bestowed upon him, New Haven gave Jim Shanley much. In return he gave the city and its people much more.

Would that all of us could receive such a wonderful epitaph.

The gentleman in the well has truly pointed out that it was his personality, his friendliness, his charm, and his grace which will remain in the memories of those of us who knew him well and for whom he served as an outstanding example.

I wish to point out also that he was a distinguished member of the great House Committee on Foreign Affairs, on which I have the privilege of serving, and he was one of the outstanding of many outstanding Representatives from Connecticut on that committee, to such an extent that he became known as an authority on international law and on the foreign affairs of this country.

I am saddened to know of his passing. I wish to express my appreciation for his contribution and also my sympathy to the members of his bereaved family.

Mr. GIAIMO. I thank the gentleman.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Connecticut [Mr. Daddario].

Mr. DADDARIO. Mr. Speaker, I should like to join my colleague the gentleman from Connecticut [Mr. Giaimo] in expressing my sympathy to the family of Jim Shanley on his untimely passing.

Congressman Shanley served in this body from the 74th to the 77th Congresses, during those tumultuous and epochmaking years from 1935 to 1943 when the Nation was troubled by economic difficulties and then fought its way through a world war. These were strenuous years, and Jim Shanley served his Nation well. He was one of the outstanding men who represented our State and gave wise counsel and assistance to the Nation in the reponsibilities which he bore.

He was a man of gentle charm and courtesy, of flashing wit and inspirational ability. His service was marked by honor and distinction. He participated actively in many community programs, from libraries to friendly societies, and he served on many occasions to brighten a banquet table with his wit as toastmaster. He had graduated from Yale University with a fine training in the law, taught school in New Haven and served responsibly in World War I and in the military reserve forces thereafter. His practice in the international law, and his work in Congress led the late Sol Bloom to pay tribute to him for his work.

I campaigned with him when he made his first unsuccessful try for the position of judge of probate in New Haven after World War II, and when he was elected in 1948. In his last two campaigns for reelection he had earned the support of the Republican Party.

He was a wonderful fellow to know and to work with. He had been a great athlete at Yale, an outstanding player in hockey and baseball, and he had set a mark for the young people of Connecticut for them to look up to and to emulate through his patriotism and his integrity. His two children are carrying on his tradition of public service, one in the Peace Corps and the other in the State Department, and to them, as well as to Mrs. Shanley, I extend my deepest condolences. I am deeply saddened by his passing. I share with Mr. Giaimo a sense of sadness at the loss of a close and beloved friend.

Mr. GIAIMO. Mr. Speaker, I thank the gentleman and I now yield to the gentleman from Maryland [Mr. Sickles].

Mr. SICKLES. Mr. Speaker, I, too, was greatly saddened to hear of the untimely passing of Judge James A. Shanley, of New Haven, Conn.

Judge Shanley, a dedicated public servant, was also a treasured family friend for many, many years. Among our many associations, he once served as toastmaster at a testimonial for my father, Carl W. Sickles, an occasion remembered by my family with great warmth.

A man of discerning intelligence and great dedication, he pursued during his lifetime at least four careers—as soldier, teacher, lawyer, and public servant, giving to each distinguished service.

As a soldier, he served as a lieutenant in World War I, later as a captain in the Artillery Guards from 1923 to 1935, adjutant in the Connecticut National Guard from 1929 to 1935, and as major on the staff of Gov. Wilbur L. Cross from 1931 to 1935.

His great love of youngsters and his dedication to their growth brought him to teaching. After graduation from Yale University in 1920, he taught mathematics at Carlton Academy in Summit, N.J., and later at Hill House High School in New Haven. Though his attention turned to law and politics, he still managed to devote much of his time to youngsters, being educational and athletic adviser to the New Haven Boys Club, an organization in which I held membership, and later, after coming to Washington, lecturing on parliamentary government and legislation at the Catholic University of America.

A 1928 graduate of the Yale University Law School, he practiced law in the city of New Haven. In 1935, he was elected to Congress from the Third Congressional District of Connecticut. Here, he served his constituents and his nation well as a member of the Committee on Foreign Affairs until 1942. After returning to Connecticut he distinguished himself in private practice and then as judge of probate, until his passing.

Throughout his life, whether as soldier or lawyer, teacher or public servant, Judge Shanley was admired and respected by all who came to know his discerning mind, his steadfast dedication to service, and his constant loyalty. He will be missed by all who knew him, all whose lives were touched by his presence.

Mr. GRABOWSKI. Mr. Speaker, I was deeply saddened when I learned of the death of Probate Judge James A. Shanley, of New Haven.

Judge Shanley, one of the finest men I have ever known, served in the U.S. Congress as Representative from the Third District of Connecticut from 1935 until 1942. During this time he was noted as one of the scholars of Congress, a man who lived up to the ideals of statesmanship and who contributed much to the field of international law.

In 1948 he was elected probate judge in New Haven. It is in this role that the majority of people will probably remember him. He was kindly and yet firm, with the highest integrity. He introduced reforms into the probate court. Perhaps the greatest testimony to his contributions to the court came during his last two campaigns for the post of probate judge—he was nominated by Democrats and endorsed by the Republicans—indeed a high tribute to a man running under a political party banner for elective office.

His keen mind ranged into many fields—not only international law, but also into affairs of state, history, and to the modern problem of aiding youths who were underprivileged.

It would serve all of us to model our lives as nearly as possible after the life led by James Shanley. In every action he exemplified the gentleman and the scholar.

In words written immediately after the death of Judge Shanley was announced, another fitting tribute was paid to this great man:

> To his friends, and their number was legion, the Jim Shanley story does not need to be put into print. It was written in words, in deeds of kindness, in actions, accomplishments, and in accolades which came his way in profusion because of what he was and what he did. These things * * * will never fade from the minds and hearts of those who knew him, those that he helped.

New Haven, Conn., and the United States have lost a wonderful man.

Mr. KEOGH. Mr. Speaker, I rise in special tribute to one of our distinguished former colleagues, an eminent judge, and my good friend, the Honorable James A. Shanley, of Connecticut.

Last week at the age of 69, Judge Shanley passed away in New Haven. He was a man who had given a lifetime of service and vision to his State and his country. My sympathy and sorrow go out to his wife and family, and though it is for them a time of sadness, it is sadness which can be mixed with pride in the legacy which he has left to them. A man of great warmth, wit, and integrity, Judge Shanley had earned the respect and support of both Democrats and Republicans in his community and Nation.

During his last several terms as judge of the New Haven probate court, a position he had held since 1948, he was unopposed for reelection and enjoyed the esteem of both parties. Through his efforts many archaic practices were eliminated from the probate system of Connecticut and its operation made more effective.

During his term of office as the U.S. Representative from the Third Congressional District of Connecticut, from 1934 to 1942, he was closely identified with much of the New Deal program. And as a careful student of world affairs and member of the House Foreign Affairs Committee, he was a valuable and prophetic voice during the dark days of the late thirties when the world moved toward war and this country remained divided on foreign policy.

He fought ardently for the repeal of the Neutrality Acts of 1935 and 1937 when many Americans still felt they could and would dodge the coming issue abroad by remaining aloof, resorting if need be to the construction of a "Fortress America."

And though he knew that war would come, he was an equally stanch advocate of international law, envisioning means to bring it about. In 1939, he asked President Roosevelt to convoke a world conference for the maintenance of peace. He believed strongly that the United States could make such an invitation timely and powerful.

He was well aware also, during those prewar years, of the menace that Stalin and communism—as well as Hitler—would come to pose for the nations of the free world. He urged great care and caution in our world diplomacy and warned often that "One day's friends may be tomorrow's enemies."

When war came and tyranny began its march toward world domination, he joined with younger men in the defense of our country. He had served as a young lieutenant in the field artillery of World War I, and now, two decades later, he served again the cause of freedom.

I have known James Shanley for many years. When I came here as freshman Congressman in 1936, his first tenure in the House had begun only 2 years earlier. We served together until the year following Pearl Harbor. He was a man of vision, a scholar, and devoted servant to the welfare of this country.

It is with a deep sense of sorrow that I offer this tribute and my deepest sympathies to his good family.

Mr. ST. ONGE. Mr. Speaker, I wish to join with my colleagues in paying tribute to the memory of Judge James A. Shanley, an eminent jurist and former Member of Congress from Connecticut.

Judge Shanley served in this House for a period of four terms, from 1934 to 1942. Those were the years of the first two terms of the Franklin D. Roosevelt administration, and during this period Shanley identified himself strongly with the New Deal program and was a stanch supporter of much of the reform legislation enacted by Congress at that time. He was a scholar in the field of foreign affairs and an outstanding exponent of effective international law during his service in Congress.

I was privileged to know him intimately and to discuss often with him various matters of mutual interest. He was a man of great intellect, charm, and wit. He was noted throughout Connecticut as a public speaker and toastmaster. He was also highly regarded as a judge and in recent years had the endorsement of both political parties in New Haven.

Connecticut has lost an outstanding citizen. We are all saddened by his passing. I wish to extend my profoundest sympathy to his wife and children in their hour of bereavement.

GENERAL LEAVE TO EXTEND

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the passing of Jim Shanley.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DEVELOPMENT OF THE NATION'S NATURAL RESOURCES

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 21) to provide for the optimum development of the Nation's natural resources through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. Aspinall, Rogers of Texas, O'Brien, Saylor, and Skubitz.

AMENDING THE ARMS CONTROL AND DISARMAMENT ACT, AS AMENDED

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 233)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: ", and for the three fiscal years 1966 through 1968, the sum of $30,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same.

Thomas E. Morgan,
Clement J. Zablocki,
Edna F. Kelly,
Wayne L. Hays,
E. Ross Adair,
W. S. Mailliard,
E. Y. Berry,
Managers on the Part of the House.

J. W. Fulbright,
John Sparkman,
Mike Mansfield,
By J. W. Fulbright,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill authorized appropriations of $40 million for the expenses of the Arms Control and Disarmament Agency for the 3 fiscal years 1966, 1967, and 1968.

The amendment of the Senate to the text of the House bill reduced the amount of the authorization from $40 million to $20 million, and reduced the period of authorization from 3 fiscal years to the 2 fiscal years 1966 and 1967.

The compromise agreed to by the conferees provides an authorization of $30 million for the 3 fiscal years 1966, 1967, and 1968.

The title of the House bill recited that the amendment to existing law was "to increase the authorization for appropriations". The amendment of the Senate to the title of the House bill changed the word "increase" to "continue". The House recedes.

Thomas E. Morgan,
Clement J. Zablocki,
Edna F. Kelly,
Wayne L. Hays,
E. Ross Adair,
W. S. Mailliard,
E. Y. Berry,
Managers on the Part of the House.

Mr. MORGAN. Mr. Speaker, the House conferees have secured a good compromise on this legislation.

The bill as passed by the House authorized $40 million for a 3-year period. The Senate cut this to $20 million for a 2-year period.

In the conference agreement $30 million was authorized for the next 3 years. In addition, there will be available about $1.7 million from a previous authorization. So almost $32 million will be available to carry out the work in the Arms Control and Disarmament Agency during the next 3 years.

Mr. Speaker, this bill was very short and it passed the House by a large majority.

Mr. Speaker, I urge the adoption of the conference report.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Indiana.

Mr. ADAIR. Mr. Speaker, I would join the gentleman from Pennsylvania in his statement that the conferees have come back to the House with the best possible conference report, having in mind the limitation within which we were required to work.

Mr. Speaker, for those who are economy minded, who thought that the House bill was a little too large, we have reduced it in the aggregate from an authorization carried in the House bill of $40 million for a 3-year period to an authorization in the conference version of $30 million over a 3-year period. This is substantially less than the Agency requested. Of course, the figure has yet to go through the appropriations process. The question in the conference was as to the period of time involved. As the gentleman from Pennsylvania, the chairman of our committee, has stated, the Senate had authorized an appropriation for a period of 2 years and the House had authorized an appropriation for a period of 3 years. We did agree to the longer period of time, but at a much smaller sum.

On balance, therefore, Mr. Speaker, it is my feeling that the conferees have performed well and have brought back an adequate and proper conference report within the limits of our authority.

Mr. Speaker, I would urge that the House adopt the report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. I cannot agree with the chairman of the Committee on Foreign Affairs in his statement that this is a good bill.

I want to say to the gentleman that I opposed the original bill and I oppose this bill on the grounds that there is no disarmament in the foreseeable future.

Mr. Speaker, we could spend $1 million a year or less and accomplish just as much by way of disarmament as is going to be accomplished by the expenditure of $10 million a year or $30 million for 3 years as this conference report provides. The expenditure of $1 million to year to maintain a few people capable of discussing disarmament with anyone who wanted to talk about it would save the taxpayers $27 million on the basis of this bill. And this program has been put on a 3-year basis because no one wants to attempt to justify it each year.

Mr. Speaker, the United States today is in the business of peddling arms all over the world. Only 2 or 3 months ago, we entered into a contract with the British to sell them $1 billion worth of arms. Now they are talking about buying $1 billion worth of our new warplanes.

We are selling and distributing arms all over the world. Yet we are here today asked to expend $10 million a year for 3 years on disarmament.

How utterly contradictory and ridiculous can we get? This Agency, with its extravagant payroll, is a wanton waste of the taxpayers' money and I am opposed to the conference report.

Mr. MORGAN. The gentleman has offered that argument before; we went through it during the hearings. Many other people in this country and in this body have different ideas on arms control. If we can spend $50 billion for defense I think we ought to be able to spend $10 million for studies and research to protect our interests in future negotiations on arms control or disarmament.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I join the distinguished chairman of the committee in the remarks he has made on this conference report. I think the conferees have brought back to the House an equitable and fair solution to the disarmament legislation.

Mr. Speaker, I wish to announce that the Subcommittee on the Far East and the Pacific of the Committee on Foreign Affairs will show a documentary film on Vietnam in room 2172 of the Rayburn Building at 3 o'clock this afternoon. I wish to take this opportunity to say that all Members of the House are welcome to attend and see this film.

Mr. MORGAN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken, and the Speaker announced that the ayes had it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 316, nays 65, not voting 52, as follows:

[Roll No. 72]

YEAS—316

Abbitt
Adair
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Bandstra
Barrett
Bates
Beckworth
Bell
Bennett
Berry
Betts
Bingham
Boggs
Boland
Bolling
Bolton
Bow
Brademas
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Celler
Chamberlain
Chelf
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Denton
Derwinski
Diggs
Dingell
Donohue
Dow
Downing
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Ellsworth
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Fascell
Feighan
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Hagen, Calif.
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Herlong
Hicks
Holifield
Horton
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Okla.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Utah
Kirwan
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lindsay
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Mathias
Matsunaga
Matthews
May
Meeds
Miller
Mills
Minish
Mink
Mize
Moeller
Monagan
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Poff
Price
Pucinski
Quie
Race
Randall
Redlin
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schneebeli
Schweiker
Secrest
Selden
Senner
Shipley
Shriver
Sickles
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stanton
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Todd
Trimble
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watkins
Watts
Whalley
White, Idaho
Whitener
Widnall
Willis
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Young
Zablocki

NAYS—65

Abernethy
Andrews, George W.
Ashbrook
Baring
Battin
Bray
Broyhill, N.C.
Buchanan
Callaway
Clancy
Clawson, Del
Collier
Cramer
Devine
Dickinson
Dole
Dorn
Dowdy
Duncan, Tenn.
Edwards, Ala.
Erlenborn
Findley
Flynt
Fuqua
Gathings
Gross
Gurney
Haley
Hall
Harris
Harsha
Hosmer
King, N.Y.
Lennon
Lipscomb
Long, La.
McMillan
Marsh
Martin, Ala.
Martin, Nebr.
Minshall
Moore
O'Konski
O'Neal, Ga.
Pool
Quillen
Reid, Ill.
Rhodes, Ariz.
Rivers, S.C.
Roberts
Rogers, Tex.
Satterfield
Sikes
Smith, Calif.
Talcott
Teague, Tex.
Thomson, Wis.
Tuck
Utt
Waggonner
Walker, Miss.
White, Tex.
Whitten
Williams
Younger

NOT VOTING—52

Anderson, Ill.
Andrews, Glenn
Ashmore
Baldwin
Belcher
Blatnik
Bonner
Casey
Cederberg
Clausen, Don H.
Colmer
Dawson
Evins, Tenn.
Farnum
Fino
Fisher
Fulton, Tenn.
Gray
Gubser
Hagan, Ga.
Harvey, Ind.
Henderson
Holland
Irwin
Jennings
Joelson
Johnson, Pa.
Jones, Ala.

King, Calif.
Kluczynski
Martin, Mass.
Michel
Moorhead
Nix
Passman
Pirnie
Powell
Purcell
Reifel
Reinecke
Resnick
Roosevelt
Rostenkowski
Schmidhauser
Scott
Stalbaum
Steed
Thompson, Tex.
Toll
Weltner
Wilson, Bob
Yates

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Martin of Massachusetts for, with Mr. Glenn Andrews against.

Mr. King of California for, with Mr. Michel against.

Mr. Evins of Tennessee for, with Mr. Bob Wilson against.

Mr. Stalbaum for, with Mr. Casey against.

Mr. Pirnie for, with Mr. Fisher against.

Mr. Toll for, with Mr. Scott against.

Mr. Roosevelt for, with Mr. Passman against.

Mr. Rostenkowski for, with Mr. Ashmore against.

Mr. Fulton of Tennessee for, with Mr. Colmer against.

Mr. Reifel for, with Mr. Reinecke against.

Mr. Anderson of Illinois for, with Mr. Don H. Clausen against.

Mr. Jennings for, with Mr. Weltner against.

For this day:

Mr. Kluczynski with Mr. Fino.

Mr. Yates with Mr. Belcher.

Mr. Nix with Mr. Holland.

Mr. Powell with Mr. Dawson.

Mr. Resnick with Mr. Gray.

Mr. Hagan of Georgia with Mr. Irwin.

Mr. Purcell with Mr. Schmidhauser.

Mr. Moorhead with Mr. Cederberg.

Mr. Steed with Mr. Johnson of Pennsylvania.

Mr. Henderson with Mr. Harvey of Indiana.

Mr. Joelson with Mr. Gubser.

Mr. Bonner with Mr. Farnum.

Mr. RIVERS of South Carolina and Mr. MINSHALL changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have permission to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MANPOWER ACT OF 1965

Mr. O'HARA of Michigan. Mr. Speaker, I call up the conference report on the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 231)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Manpower Act of 1965'.

"SEC. 2. Section 101 of the Manpower Development and Training Act of 1962, as amended (hereinafter referred to as the 'Act'), is amended by inserting before the last sentence thereof the following new sentence: 'The Congress further finds that many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions, where such training would further the purposes of this Act.'

"SEC. 3. (a) Section 102(5) of the Act is amended by adding a comma after the word 'arrange' and inserting 'through grants or contracts,' immediately following the comma.

"(b) Section 102 of the Act is further amended by striking out 'and' at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu of such period '; and', and by adding at the end of such section the following new paragraph:

"'(6) establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, or through contracts with other private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting the manpower, employment, and training problems of worker groups such as the long-term unemployed, disadvantaged youth, displaced older workers, the handicapped, members of minority groups, and other similar groups. In carrying out this subsection the Secretary of Labor shall, where appropriate, consult with the Secretaries of Health, Education, and Welfare, and Commerce, and the Director of the Office of Economic Opportunity. Where programs under this paragraph require institutional training, appropriate arrangements for such training shall be agreed to by the Secretary of Labor and the Secretary of Health, Education, and Welfare. He shall also seek the advice of consultants with respect to the standards governing the adequacy and design of proposals, the ability of applicants, and the priority of projects in meeting the objectives of this Act.'

"SEC. 4. (a) Title I of the Act is amended by renumbering sections 103 and 104 as sections 106 and 107, respectively, and by inserting immediately after section 102 the following new sections:

"*'Job development programs*

"'SEC. 103. The Secretary of Labor shall stimulate and assist, in cooperation with interested agencies both public and private, job development programs, through on-the-job training and other suitable methods, that will serve to expand employment by the filling of those service and related needs which are not now being met because of lack of trained workers or other reasons affecting employment or opportunities for employment.

"*'Labor mobility demonstration projects*

"'SEC. 104. (a) During the period ending June 30, 1967, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness in reducing unemployment of programs to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment) and are deemed qualified to perform the work for which they are being employed.

"'(b) Loans or grants provided under this section shall be subject to such terms and conditions as the Secretary shall prescribe, with loans subject to the following limitations:

"'(1) there is reasonable assurance of repayment of the loan;

"'(2) the credit is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs;

"'(3) the amount of the loan, together with other funds available, is adequate to assure achievement of the purposes for which the loan is made;

"'(4) the loan bears interest at a rate not less than (A) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (B) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purposes; and

"'(5) the loan is repayable within not more than ten years.

"'(c) Of the funds appropriated for a fiscal year to carry out this Act, not more than $5,000,000 may be used for the purposes of this section.

"*'Trainee placement assistance demonstration projects*

"'SEC. 105. During the period ending June 30, 1967, the Secretary of Labor shall develop and carry out experimental and demonstration projects to assist in the placement of persons seeking employment through a public employment office who have successfully completed or participated in a federally assisted or financed training, counseling, work training, or work experience program and who, after appropriate counseling, have been found by the Secretary to be qualified and suitable for the employment in question, but to whom employment is or may be denied for reasons other than ability to perform, including difficulty in securing bonds for indemnifying their employers against loss from the infidelity, dishonesty, or default of such persons. In carrying out these projects the Secretary may make payments to or contracts with employers or institutions authorized to indemnify employers against such losses. Of the funds appropriated for fiscal years ending June 30, 1966, and June 30, 1967, not more than $200,000 and $300,000, respectively, may be used for the purpose of carrying out this section.'

"(b) Section 102(2) of the Act is amended by striking out '104' and inserting in lieu thereof '107'.

"SEC. 5. Section 202(i) of the Act is amended by striking out ', and such persons shall be eligible for training allowances for not to exceed an additional twenty weeks'.

"SEC. 6. (a) Section 203(a) of the Act is amended as follows:

"(1) Amend the second sentence thereof to read as follows: 'Such payments shall be made for a period not exceeding one hundred and four weeks, and the basic amount of any such payment in any week for persons undergoing training, including uncompensated employer-provided training, shall not exceed $10 more than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available: *Provided*, That the basic amount of such payments may be increased by $5 a week for each dependent over two up to a maximum of four additional dependents: *Provided further*, That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of his total allowance, including payments for dependents, shall receive an allowance increased by the amount of such excess.';

"(2) Amend the second paragraph thereof to read as follows:

" 'With respect to any week for which a person receives unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law which is less than the total training allowance, including payments for dependents, provided for by the preceding paragraph, a supplemental training allowance may be paid to a person eligible for a training allowance under this Act. The supplemental training allowance shall not exceed the difference between his unemployment compensation and the training allowance provided by the preceding paragraph.';

"(3) Insert the words 'under the training program' after 'compensated hours per week' in the third paragraph of such subsection;

"(4) In lieu of the fourth paragraph of such subsection insert the following:

" 'The training allowance of a person engaged in training under section 204 or 231 shall not be reduced on account of employment (other than employment under an on-the-job training program under section 204) which does not exceed twenty hours per week, but shall be reduced in an amount equal to his full earnings for hours worked (other than in employment under such an on-the-job training program) in excess of twenty hours per week.'

"(b)(1) Section 203(b) of the Act is amended by striking out the matter following 'to defray transportation' and preceding '*Provided*', and by inserting in lieu of such matter the following: 'expenses, and when such training is provided in facilities which are not within commuting distance of the trainee's regular place of residence, subsistence expenses for separate maintenance of the trainee:'.

"(2) Such subsection is further amended by inserting immediately before the period at the end thereof the following: ', except in the case of local transportation where he may authorize reimbursement for the trainee's travel by the most economical mode of public transportation, and except that in noncontiguous States and in areas outside the continental United States where the per diem allowance prescribed under section 836 of title 5, United States Code, exceeds the maximum per diem allowance prescribed under that section for contiguous States, the Secretary may provide for a reasonable increase in the transportation and subsistence expenses in such amounts as he may deem necessary to carry out the purposes of this Act, and subject to such limitations as he may prescribe'.

"(c) Section 203(c) of the Act is amended as follows:

"(1) Strike the words 'not less than' in the first sentence and insert 'at least' in lieu thereof;

"(2) Strike out everything in the first sentence after the words 'gainful employment', and insert the following in lieu thereof: ': *Provided*, That he shall not pay training allowances to members of a family or a household in which the head of the family or the head of the household as defined in the Internal Revenue Code of 1954 is employed, unless the Secretary determines that such payments are necessary in order for the trainees to undertake or to continue training: *Provided further*, That no allowances shall be paid to any member of a family or household if the Secretary of Labor determines that the head of such family or household has terminated his employment for the purpose of qualifying such member for training allowances under this section';

"(3) Amend the last sentence to read as follows: 'The number of youths under the age of twenty-two who are receiving training allowances (or who would be entitled thereto but for the receipt of unemployment compensation) shall, except for such adjustments as may be necessary for effective management of programs under this section, not exceed 25 per centum of all persons receiving such allowances (or who would be entitled thereto but for the receipt of unemployment compensation). The Secretary of Labor may authorize continued payments of allowances to any youth who becomes twenty-two years of age during the course of his training, if he has completed a substantial part of such training.'

"(d) Subsection (d) of section 203 of the Act is repealed and subsections (e), (f), (g), (h), (i), and (j) of such section are redesignated as (d), (e), (f), (g), (h), and (i), respectively.

"(e) The first sentence of section 203(g)(2) of the Act (as redesignated by section 5(d) of this Act) is amended by striking out everything that follows 'all of such benefits paid' and inserting in lieu thereof a period.

"SEC. 7. Section 208 of the Act is repealed.

"SEC. 8. Section 231 of the Act is amended by striking out the second and third sentences and inserting in lieu thereof the following: 'Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. The State agency shall be paid not more than 90 per centum of the cost to the State of carrying out the agreement, unless the Secretary of Health, Education, and Welfare determines that payments in excess of 90 per centum are necessary because such payments with respect to private institutions are required to give full effect to the purposes of the Act: *Provided*, That for the period ending June 30, 1966, the State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services.'

"SEC. 9. (a) Title II of the Act is amended by adding part C to the end thereof to read as follows:

" 'PART C.—REDEVELOPMENT AREAS

" 'SEC. 241. The Secretaries of Labor and of Health, Education, and Welfare, in accordance with their respective responsibilities under parts A and B of this title, are authorized to provide a supplementary program of training and training allowances, in consultation with the Secretary of Commerce, for unemployed and underemployed persons residing in areas designated as redevelopment areas by the Secretary of Commerce under the Area Redevelopment Act or any subsequent Act authorizing such designation. Such program shall be carried out by the Secretaries of Labor and of Health, Education, and Welfare, in accordance with the provisions otherwise applicable to programs under this Act and with their respective functions under those provisions, except that—

" '(1) the Secretary of Labor, in consultation with the Secretary of Commerce, shall determine the occupational training or retraining needs of unemployed or underemployed individuals residing in redevelopment areas;

" '(2) all unemployed or underemployed individuals residing in redevelopment areas who can reasonably be expected to obtain employment as a result of such training may be referred and selected for training and shall be eligible for training allowances under this section: *Provided*, That the amount and duration of training allowances under this section shall in no event exceed the amount and duration of training allowances provided under section 203(a) of this Act;

" '(3) the Secretaries of Labor and of Health, Education, and Welfare shall each with respect to his functions under this section, prescribe jointly with the Secretary of Commerce such rules and regulations as may be necessary to carry out the purposes of this section; and

" '(4) no funds available under this section shall be apportioned to any State pursuant to section 301 of this Act, nor shall any matching funds be required.'

"(b) Sections 16 and 17 of the Area Redevelopment Act (42 U.S.C. 2513 and 2514) are repealed. The repeal of these sections shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment, or other obligation entered into pursuant to the Area Redevelopment Act prior to the effective date of the repeal of such sections.

"(c) This section and the amendments made by it shall take effect on July 1, 1965.

"SEC. 10. Section 301 of the Act is amended by striking the period at the end thereof, inserting a colon, and adding the following proviso: '*Provided*, That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the sixth month of such fiscal year and only upon 30 days' prior notice to such State of the proposed reapportionment, except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year.'

"SEC. 11. Section 302 of the Act is amended by striking the word 'and' following 'the Smith-Hughes Vocational Education Act' inserting a comma in lieu thereof, and inserting 'and the Vocational Education Act of 1963,' following 'the Vocational Education Act of 1946,'.

"SEC. 12. Section 304 of the Act is amended to read as follows:

" '*Appropriations authorized*

" 'SEC. 304. (a) For the purposes of carrying out title I, there are hereby authorized to be appropriated not in excess of $46,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

" '(b) For the purpose of carrying out parts A and B of title II, there are hereby authorized to be appropriated not in excess of $385,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

" '(c) For the purpose of carrying out part C of title II, there are hereby authorized to be appropriated not in excess of $22,000,000 for the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.

" '(d) For the purpose of carrying out title III, there are hereby authorized to be appropriated not in excess of $1,000,000 for the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.'

"Sec. 13. The following subsection is added to section 305 of the Act to read as follows:

"'(e) The costs of all training programs approved in any fiscal year, including the total cost of training allowances for such programs, may be paid from funds appropriated for such purposes for that fiscal year; and the amount of the Federal payment shall be computed on the basis of the per centum requirement in effect at the time such programs are approved: *Provided*, That funds appropriated for the fiscal year ending June 30, 1966, may be expended for training programs approved under this Act prior to July 1, 1965.'

"Sec. 14. Subsection (a) of section 306 of the Act is amended by inserting after 'procedures,' the following: 'including (subject to such policies, rules, and regulations as they may prescribe) the approval of any program under section 202, the cost of which does not exceed $75,000,'.

"Sec. 15. Sections 309(a) and 309(b) of the Act are both amended by striking 'Prior to March 1, 1963, and again prior to April 1, 1964, April 1, 1965, and April 1, 1966' and inserting in lieu thereof: 'Prior to April 1, in each year'.

"Sec. 16. Section 310 of the Act is amended by striking out '1966' wherever it appears and inserting in lieu thereof '1969'."

And the House agree to the same.

Adam C. Powell,
James G. O'Hara,
Dominick V. Daniels,
Roman Pucinski,
Sam M. Gibbons,
William D. Hathaway,
William H. Ayres,
John M. Ashbrook,
Albert H. Quie,
Managers on the Part of the House.

Joseph S. Clark,
Jennings Randolph,
Pat McNamara,
Claiborne Pell,
Edward Kennedy,
Gaylord Nelson,
Winston L. Prouty,
J. K. Javits,
George L. Murphy,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a new text. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment.

The differences between the House amendment and the substitute agreed upon in conference are described in this statement, except for incidental, minor, technical, and clarifying changes. References to the "act" are to the Manpower Development and Training Act of 1962.

TITLE I: MANPOWER REQUIREMENTS, DEVELOPMENT AND UTILIZATION

The House amendment omitted section 2 of the Senate bill which amended section 101 of the act to make an explicit finding of Congress that many professional employees, who have become unemployed because of changes in national defense and other industrial activities, are in need of refresher or reorientation training. Section 2 of the conference substitute contains a statement on this point, but in different form from the Senate version. The substitute leaves out the specific reference to defense and industrial activities, and states that Congress finds that "many professional employees who have become unemployed because of the specialized nature of their previous employment are in need of brief refresher or reorientation educational courses in order to become qualified for other employment in their professions where such training would further the purposes of this Act". In adopting this substitute, the conferees are not implying that it would be appropriate under this act to give professional training to an individual to enable him to qualify initially for a professional career. Their intention is only to make clear that the act should not be so narrowly interpreted as to exclude any provision of limited refresher or reorientation training to professionals who may require such training in order to escape unemployment as a result of obsolescence of their particular specialized skills.

TITLE II: TRAINING AND SKILL DEVELOPMENT PROGRAMS

The House amendment contained a provision amending section 203(b) of the act so as to authorize full payment of a trainee's local transportation costs, by the most economical mode of public transportation. The Senate bill limited such payment to a maximum of 10 cents per mile. The conference substitute contains the House provisions, since it was agreed that a trainee's cost of local transportation between his residence and the training site, by the most economical public transportation available, should be paid for, even though in some cases such cost might exceed 10 cents per mile.

The House amendment omitted provisions in the Senate bill which amended section 203(c) of the Act so as to (1) authorize payment of training allowances to members of a family or household whose head is employed, if the Secretary of Labor determines such payments are necessary in order for the trainees to undertake or continue training, and (2) deny payment of training allowances to any member of a family or household whose head has been found to have terminated his own employment for the purpose of enabling such member to qualify for an allowance. Section 6(c)(1) of the conference substitute adopts these provisions of the Senate bill. However, the conferees expect that restraint will be exercised by the Secretary, in using his new authority to grant allowances to members of a family or household whose head is employed. Such allowances should be granted only if the family or household head's employment does not provide sufficient income to support the trainee through his period of training. Under the provision adopted in conference, an allowance may be authorized for a member of a family or household with an employed head only if such allowance is "necessary" to permit the trainee to undertake or continue training.

The House amendment omitted a provision of the Senate bill which amended section 203(c) of the Act to authorize continued payments of training allowances to a trainee who becomes 22 years of age during the course of training, provided that he has completed by then a substantial part of his prescribed course. Section 6(c)(3) of the conference substitute adopts this Senate provision. The purpose of the provision is to make it unnecessary to cut off the allowance of a trainee, who is receiving the weekly allowance of up to $20 paid to youths enrolled in special youth programs, when he reaches his 22nd birthday. Trainees who continue to receive youth allowances under section 202(b) training programs after reaching age 22 will continue to be considered as youths receiving training allowances for the purpose of observing the limitation in section 203(c) that not more than 25 percent of persons receiving training allowances shall be youths.

The act presently permits State agencies to provide training through private institutions if it can be provided at reduced Federal expenditure. The Senate bill amended this provision to authorize training where private institutions could provide substantially equivalent training at comparable Federal expenditure, or provide equipment or services not available in public institutions, or make possible an expanded use of the individual referral method, or aid in reducing more quickly unemployment or current and prospective manpower shortages. Section 8 of the conference substitute adopts this Senate provision, but in a substantively reworded form, which authorizes training through private institutions where they can provide equipment or services not available in public institutions, or where—at comparable cost—they can provide substantially equivalent training, expand use of the individual referral method, or aid in reducing more quickly unemployment or manpower shortages.

The House amendment established an effective date of July 1, 1965, for both the repeal of sections 16 and 17 of the Area Redevelopment Act and the authorization of a supplementary training program in redevelopment areas, under the new section 241 of the Manpower Development and Training Act of 1962.

The Senate bill provided that repeal of these provisions and authorization of the redevelopment area training program be effective as of the date of the enactment of the bill, subject to a saving clause providing that repeal of sections 16 and 17 of the Area Redevelopment Act shall not affect the disbursement of funds under, or the carrying out of obligations entered into pursuant to that Act before the date of repeal. Section 9(b) of the conference substitute adopts the House amendment, but adds to it the saving clause in the Senate bill. The conference substitute, therefore, brings the training programs in redevelopment areas under the Manpower Development and Training Act of 1962, as of July 1, 1965. Except as expressly provided for in section 241 of the Act, these programs in redevelopment areas will be subject to the same conditions as other programs under the Act with respect to training allowances, transportation and subsistence allowances, duration of training, and other terms. It is expected that between the date of enactment of S. 974 and July 1, 1965, the administrators of the training programs now authorized under the Area Redevelopment Act will take appropriate steps to phase out the administration of their program and to phase in the MDTA administration of training in redevelopment areas. The saving clause is not intended to stimulate the creation of new ARA training projects in anticipation of the effective date of the repeal of the ARA training sections, section 16 and 17.

The House amendment authorized the appropriation of "such amounts as may be necessary" to carry out the purpose of the Act through the fiscal year ending in 1968. The Senate provision limited authorizations for the fiscal year ending in 1966 to $46 million for title I, $385 million for parts A and B of title II, $22 million for part C of title II, and $1 million for title III; but provided for no limitations of authorizations for subsequent fiscal years. Section 12 of the conference substitute adopts the Senate provisions.

The House amendment provided, in section 310 of the Act, for termination of all authority under title II of the Act on June 30, 1968. The Senate bill provided for termination of such authority on June 30, 1970. Section 16 of the conference substitute provides for termination of all authority under title II on June 30, 1969.

Adam C. Powell,
James G. O'Hara,
Dominick V. Daniels,
Roman C. Pucinski,
Sam M. Gibbons,
William D. Hathaway,
William H. Ayres,
John M. Ashbrook,
Albert H. Quie,
Managers on the Part of the House.

Mr. O'HARA of Michigan (interrupting the reading of the statement of managers on part of House). Mr. Speaker, the conference report and the statement on the part of the managers of the House has been printed in the Record and I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, the conference report which we bring back to the House is unanimous. It makes only two really significant changes from the House bill. The first is that authorization figures are inserted for the coming fiscal year as provided in the Senate bill rather than the House authorization of such sums as may be necessary for the coming fiscal year.

The second important difference was that the Senate bill provided for an extension of the authority under title II until 1970, while the House bill provided for such extension only until 1968. The conferees agreed upon an extension until 1969.

Mr. Speaker, I would like to cover one other point.

Some question has arisen with regard to the language on page 22 of the House committee report with respect to safeguarding against Manpower Development and Training Act substitution for private training efforts. The language used therein refers to institution of Manpower Development Training Act programs in unskilled or minimally skilled occupations for which prior training or possession of a specific skill has not traditionally been a prerequisite to employment. It is the belief of the committee that Manpower Development and Training Act training in such situations would substitute for threshhold training normally undertaken at the expense of the employer and would not add to achieving the manpower goals which are the objectives of the Manpower Development and Training Act. The committee did not intend to imply that Manpower Development and Training Act programs would not be available for training persons in technical and skilled occupations in the garment industry or any other industry for which prior training or possession of specific skills has traditionally been a prerequisite to employment. For example, it might be appropriate under the proper circumstances for Manpower Development and Training Act training to be utilized to provide skilled personnel for employment repairing, adjusting, maintaining, and rebuilding machinery used in the apparel industry.

Mr. Speaker, if there are any further questions with regard to the conference report, I would be happy to attempt to respond. In the meantime, I yield to the gentleman from Minnesota [Mr. Quie].

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding. I will say that the gentleman from Michigan [Mr. O'Hara] states my understanding exactly as to what I believe is the congressional intent with respect to safeguarding against MDTA assistance for private training centers and its application to the apparel industry.

I might also say, Mr. Speaker, that I am in support of the conference report. I believe we reached a good compromise with the other body and it should be acceptable to all who supported this bill previously.

Mr. O'HARA of Michigan. I thank the gentleman from Minnesota.

Mr. Speaker, I now yield to the gentleman from Illinois [Mr. Pucinski].

Mr. PUCINSKI. Mr. Speaker, I would like to join in recommending the adoption of this conference report. It is my opinion that the conferees have done a good job. Most of the House provisions have been retained. I further believe that we have substantially strengthened this bill.

However, Mr. Speaker, there is one question which I would like to ask the manager of the bill, the gentleman from Michigan [Mr. O'Hara] so that we can establish some legislative intent.

We have provided in this bill now a greater flexibility for the use of private school facilities as a part of the manpower training program.

Now, in some areas of the country the public schools have taken the position that where there is a need for a training program and even though there is a private school that has such facilities available, the public schools must be given priority to develop a program before the Director of the MDTA can enter into agreement with the private school.

It is my understanding that the intent of the language of this bill is that if a private school is available and can provide the programs which would be available if a public school were to develop a similar program, the local director may enter into an agreement with the private school rather than wait until the public school tries to develop and put together a program to satisfy that need.

Is my understanding of this provision correct?

Mr. O'HARA of Michigan. I would advise the gentleman from Illinois [Mr. Pucinski] that his understanding is correct. As a matter of fact the conference report as the gentleman knows authorizes the use of private training facilities where they can expand the use of the individual referral method, a method we have found efficient in getting individuals into training quickly and at a substantial equipment savings in cost. This represents one of the advantages of the conference report.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Minnesota.

Mr. QUIE. As long as the cost is of the same amount for the private school, or thereabouts, it is acceptable. However, the public schools may still go ahead and put in the program, even though it would be substantially more expensive than the private school.

Mr. O'HARA of Michigan. The gentleman from Minnesota is correct.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tomorrow to file certain privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESIDENTIAL INABILITY AND VACANCIES IN THE OFFICE OF THE VICE PRESIDENT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 314 and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 314

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office. After general debate, which shall be confined to the resolution and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the resolution shall be read for amendment under the five-minute rule. At the conclusion of such consideration the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the resolution or committee substitute. The previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of H.J. Res. 1, the Committee on the Judiciary shall be discharged from further consideration of S.J. Res. 1 and it shall then be in order in the House to move to strike out all after the resolving clause of said Senate joint resolution and to insert the provisions of H.J. Res. 1 as passed by the House.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. Brown], pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 314 provides for consideration of House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office. The resolution provides an open rule with 4 hours of general debate. After passage of House Joint Resolution 1, the Committee on the Judiciary shall be discharged from further consideration of Senate Joint Resolution 1, and it shall be in order to move to strike out all after the resolving clause of said Senate joint resolution and to insert the provisions of House Joint Resolution 1 as passed by the House.

Article II, section 1, clause 5, of the Constitution of the United States contains provisions relating to the continuity of the executive power at times of death, resignation, inability, or removal of a President. No replacement provision is made in the Constitution where a vacancy occurs in the office of the Vice President.

The clause couples the contingencies of a permanent nature such as death, resignation, or removal from office, with inability, a contingency which may be temporary. It does not clearly commit the determination of inability to any individual or group, nor does it define inability so that the existence of such a status may be open and notorious. It leaves uncertain the capacity in which the Vice President acts during a period of inability of the President. It fails to define the period during which the Vice President serves. It does not specify that a recovered President may regain the prerogatives of his office if he has relinquished them. It fails to provide any mechanism for determining whether a President has in fact recovered from his inability, nor does it indicate how a President, who sought to recover his prerogatives while still disabled, might be prevented from doing so.

The purpose of House Joint Resolution 1, as amended, is to provide for continuity in the office of the Chief Executive in the event that the President becomes unable to exercise the powers and duties of the office and, further, to provide for the filling of vacancies in the office of the Vice President whenever such vacancies may occur.

Mr. Speaker, I urge the adoption of House Resolution 314.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Iowa.

Mr. GROSS. I should like to express my appreciation to the gentleman for the fact that the Committee on Rules has finally brought us legislation under an open rule, so that we can amend it and otherwise work our will on it.

Mr. YOUNG. I appreciate the gentleman's observation.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, as the gentleman from Texas, my colleague on the Rules Committee, has explained, this rule makes in order, with 4 hours of general debate, House Joint Resolution 1, which in turn would amend the Constitution of the United States and put into the Constitution certain arrangements or procedures in connection with the line of succession to the Presidency and the filling of any vacancy that might occur in the office of the Vice President.

In order for this resolution to be adopted by the Congress, a two-thirds or a two-to-one vote in favor of the House Joint Resolution is required. I do not oppose the rule. I am opposed to the House Joint Resolution because I believe it is unwise and unnecessary, and is legislation that should not be enacted.

I notice, as we look at the report concerning House Joint Resolution No. 1, there has been some divergence of view and the original author of the bill, or someone on the committee saw fit to strike out a great deal of the original House Joint Resolution and rewrite it, bringing in a new resolution. There must have been some disagreement among those very able lawyers, 35 I believe, who make up the House Judiciary Committee. The report also has some minority or divergent views expressed.

If this joint resolution is approved by a two-to-one vote in both the House and Senate, the question of amending the Constitution will be submitted to the States, and will require a three-fourths vote, or 38 States, to ratify the amendment. I hope there will be enough judgment, sound judgment, in a sufficient number of legislatures in the several States of our Union to ensure that this amendment will never become a part of the Constitution.

I am not setting myself up as a constitutional lawyer, more able and wise than those who serve on the distinguished Judiciary Committee.

Yet, I am not unmindful of the fact that the Constitution itself—and it is still a rather important document, although it seemingly has lost some caste in the minds of some people here in the Capital City—which sets up the office of the Presidency, provides that the responsibility of fixing the line of succession and of filling any vacancy which may exist in the office of the Presidency rests entirely with the Congress of the United States.

I direct your attention to article II:

> In case of the removal of the President from office, or at his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The Congress, by statute, has provided for a line of succession in the office of the Presidency. That statute still is in existence. In my opinion, it is a grave mistake to freeze into the Constitution another provision because conditions can change. It is a grave mistake to authorize another provision and not meet our own responsibility in fixing a line of succession by statutory enactment.

Let me remind you that this resolution also provides that the President shall, in case of a vacancy in the office of Vice President, appoint a Vice President subject to the approval of the Congress. In other words, we could disapprove. I made a statement when this bill was before the Committee on Rules, and I stand on that statement today. Under certain conditions and certain circumstances, a vacancy could exist in the Vice-Presidency and a President could name a billy goat as Vice President and some Congresses would approve of that nominations and that selection.

I think that inasmuch as the Constitution itself provides that the House of Representatives shall have the responsibility of electing a President, in case an electoral college cannot select a President, that it might be wiser to provide by statute or constitutional amendment, that in case there is a vacancy in the office of Vice President, that the vice-presidency shall be filled by a vote of the House of Representatives just as the Presidency is filled by a vote of the House of Representatives under Article II of the Constitution. What is the difference? Why should we agree here and write into the Constitution that which the Founding Fathers refused to do—that the President can in his wisdom name his own successor? If you will read the constitutional debates held when this Nation was founded, you will see that there were delegates to the Constitutional Convention who believed that George Washington should be named a monarch and that there be a line of succession from him. The Convention decided otherwise and I think wisely so, and provided that the people should elect their President and Vice President through the electoral college and, if the college could not agree on a President, the House of Representatives should elect a President, and the line of succession should be fixed by statutory enactment of the Congress. That is exactly what has been done. Why change it now?

Why go back to the theory and idea that the President can name whomever he pleases as Vice President and put his choice in a position to succeed him if he wishes to resign the next day as President? The man named Vice President could be an individual who was never elected to any public office. Congress in the line of succession statutes now provides that those who have been elected—the Speaker of the House and the President pro tempore of the Senate—shall succeed to power and authority as President.

In my opinion, we will be making a grave mistake if we adopt this resolution in the House today. Oh, I know, the way is pretty well greased for it. It has the support of some very able individuals. But I have a right to stand here and differ with them, because they may be wrong. When one is wrong in amending the Constitution, it is a difficult wrong to correct. Members have learned this by hard experience in the last few decades.

When we amend the Constitution, to fix in the document itself, certain things that should be done by statute, we are doing something dangerous and something we may regret in future years. Too often we have to try to interpret, either ourselves or through the courts, exactly what the provisions mean. Some of the testimony heard before the Rules Committee indicates that under certain circumstances even the members of the committee who sponsored this resolution are not certain of the answers to the problems which could arise.

Why shackle ourselves? Why say that we, as the representatives of the people, will vote away our own responsibilities and write into basic law something that cannot be corrected easily if we make a mistake?

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. DEVINE. When the committee appeared before the Rules Committee on this legislation, does the gentleman know whether any consideration was given to a possible constitutional amendment to permit the people to select a first Vice President and a second Vice President, rather than to leave the choice up to the President in case of a vacancy? There was some talk at one time that perhaps if there were a first and second Vice President, in the event of a vacancy in the Presidency, each would move up and we would not face the problem of a vacancy in the office of Vice President. Does the gentleman know whether that was considered?

Mr. BROWN of Ohio. I cannot say what may have been considered by the Judiciary Committee. I do not believe that matter was discussed in the Rules Committee.

Mr. DEVINE. I thank the gentleman.

Mr. BROWN of Ohio. I remind my distinguished colleague from Ohio of the fact that we do provide, under the line of succession, that the Speaker of the House, elected by the people of his district and in turn elected to his high position by a vote of the majority of this House, shall succeed to the Presidency. That was the situation until last January 20, and had been for over 1 year. In my opinion, it was a very safe situation. I was not concerned about the welfare of my country so long as I knew that the Speaker of the House would succeed to the Presidency if it became necessary. Nor was I concerned by those who followed him under the statutory line of succession.

I believe that perhaps in our desire to meet every condition which might possibly arise as a result of past history, or some of the things that frighten us a bit, we have gone overboard.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Missouri.

Mr. ICHORD. This resolution has some very meritorious provisions in respect to the inability of the President, but I have been quite concerned about the change in the line of succession. Now the Speaker of the House is second in the line of succession. This would not completely remove the Speaker of the House from the line of succession but, as a practical matter, would it not remove the Speaker?

Mr. BROWN of Ohio. Not if the President, who might have been the Vice President and is President, wished to name the Speaker.

Mr. ICHORD. Does the gentleman consider this measure as diminishing the prestige of the House?

Mr. BROWN of Ohio. Certainly. It takes away from the House a constitutional right it now has to select a President. How can anyone justify the idea that the House of Representatives can be trusted to select a President but cannot be trusted to select a Vice President?

Now I want to answer the gentleman from Missouri [Mr. Ichord], further about this disability situation. Our Founding Fathers had pretty good foresight themselves. The Constitution itself says that:

> The Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and the Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

We have the complete constitutional right and authority, in my opinion, and I believe in the opinion of most lawyers, to fix by statute the line of succession and to provide for filling any vacancies that may occur because of disability, temporary or otherwise, of the President and the Vice President of the United States. I say to you it is simply a foolish thing to consider, enact, and approve legislation like this.

I hope that if we do not realize now how foolish it is, that before 38 States will ratify such a constitutional amendment someone will say, "No, no. This is not good commonsense and ought not to be done."

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Illinois.

Mr. PUCINSKI. It is not often that I find myself in agreement with the gentleman, but in this instance I must congratulate him for his statement. I agree. The observation that the gentleman made is a very serious one. I had no discomfort last year or any great fears when the Speaker of this House was next in line in succession for the Presidency had the occasion required. Is it possible that under the language as now proposed conceivably at some future date in the history of this country you might have a person recommended to be Vice President under certain circumstances who had never run for public office and who had never had any experience in the Government and who knew nothing about the problems and, invariably, since the President becomes the leader of his party, it is rather difficult to conceive of the majority party wanting to go against the wishes of the President.

Mr. BROWN of Ohio. Certainly. The gentleman is just as right as he can be. And, to convince this House that you are right, let me point out one situation to prove the correctness of the facts that you and I have expressed. Lyndon B. Johnson became President. He was Vice President but he became President when President Kennedy was assassinated. That created a vacancy in the office of Vice President of the United States. If this resolution had been a part of the Constitution at that time, President Johnson could have appointed any individual he wished as Vice President and nominated him subject to the final approval of the Congress. The Congress could disapprove, but do you think they would under those circumstances? That individual would not have needed to have any qualifications or background as a public official. He could have been any neighbor or friend of the President, or any individual he might have selected. I am not saying he would make a bad selection, but I am saying that when you write into the Constitution and fix into the basic law of the land certain rules and regulations that are not flexible, as statutory law is, anything can and may happen.

That is what they are trying to meet here, situations we fear might happen. Why not do it the sensible way, by statute, instead of by constitutional amendment?

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. BROWN of Ohio. I yield.

Mr. PUCINSKI. The point is this. We are a young country. The question in my mind is this—perhaps the gentleman may want to comment on it—assuming, for some reason or other, the Congress does not respond to the President's recommendation. There is a great deal of debate and furor in the Congress. What have we resolved? We have a built-in delay in the succession of our Government that is not there now, when the Speaker would automatically succeed to the Presidency when the need arises.

Mr. BROWN of Ohio. The committee is trying to meet that by provisions of this resolution. That will have to be explained by members of the committee. Under certain circumstances, if the Congress does not act within a certain time, certain results will follow. If anyone will ask these distinguished constitutional lawyers, perhaps some of them can explain. There seems to be some difference of opinion as to how this would work in the case of the very situation the gentleman from Illinois has described. That, again, is a danger. It can be corrected by statute. It cannot be corrected quickly by constitutional amendment. For that reason I am opposed to writing into the Constitution all of these complicated provisions.

This resolution has been amended, and when you see how much of the resolution has been stricken out and rewritten you can realize that even lawyers sometimes may agree among themselves that they may have made a mistake. Let us hope that all the mistakes, if there were any in connection with this resolution, have been in writing the resolution, and not in what goes into the Constitution of the United States.

Mr. YOUNG. Mr. Speaker, I yield 15 minutes to the distinguished gentleman from Virginia [Mr. Smith].

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, to include extraneous matter, and to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, for the past decade the Congress and the country have been kept in a constant political turmoil over Federal legislation and judicial decisions of the Federal courts concerning the question of civil rights, culminating in the demonstrations, riots and disorders in Selma and other parts of Alabama. We have seen thousands of people from all over the country flocking to Alabama to indulge in demonstrations to pressure the Congress into passing another so-called voting rights bill. We have seen invasion by persons posing as tourists, staging a sitdown strike in the White House itself and permitted to remain there for hours before they had to be forcibly ejected.

We have seen similar invasion of the Capitol of the United States by demonstrators who remained until they were dragged down the Capitol steps and placed under arrest. We have seen picketing and demonstrations day after day at the White House, and sitdown demonstrations obstructing Pennsylvania Avenue in front of the White House, at the very time when the administration had acceded to their demands and was actually and feverishly preparing the legislation which they demanded.

Such organized demonstrations have not occurred in the past and do not occur spontaneously. There must be some deep-seated plan, well organized and well financed behind the movement. In the beginning it may have been well meaning, well intended, with a righteous purpose of seeing that all American citizens enjoy their civil rights.

But when it reaches the crescendo of this movement, which is even called by some of its leaders a revolution, it is time to look into its background and to review what has gone before and what remedies have been taken to correct the alleged evils.

Now that the hysteria has partially subsided and the mob spirit of Selma has temporarily abated, and the captains and the king of the mob have departed from the scene, it would seem timely for people in a calmer mood to begin to inquire and think about what, if any, ulterior motives may be building up behind the scenes.

Many good, well-meaning, Christian people have been drawn into the movement with the best of motives and thus have served to clothe the mobs with an air of respectability. It is time for these good people to consider whether they are maybe playing with fire. There can be no doubt that many Communists, subversives, fellow travelers, and others of doubtful loyalty to their country, have attached themselves to this movement. Many of them, whose past subversive activities are known in Government circles, were present at Selma during the demonstrations. It is time for well-meaning Christians and loyal citizens to calm down and take stock of whether they are being led, and what is the ultimate objective of their leader.

They have adopted the slogan, "We shall overcome."

I pose the question, "Whom and what do they aim to overcome?"

How many of the mob that traveled hundreds and thousands of miles to Selma know what sort of company they were keeping and how many subversive and disloyal persons were there to incite violence and law violations?

I am the author of the Smith Act of 1939 that became so effective in the Truman administration in apprehending, prosecuting, and convicting leading Communists. The constitutionality of that act, when the late, great Chief Justice Vinson presided, was tested and sustained in the famous Dennis case. Thereafter, during the Truman administration, many Communists, subversives, and disloyal people were prosecuted, convicted, and sent to jail.

As a Member of Congress in the midthirties, I helped establish the Dies committee that did a magnificent job of exposing communism, and was succeeded by the present permanent Un-American Activities Committee. During those years I have learned much of the methods of subversives and Communists.

Where there is strife and organized disorder, there is the seedbed for subversive activity. There a few disloyal agitators, well planted and concealed, sow their poisonous doctrines. The more respectable the movement and the more prominent the participants, the more eager are their efforts.

I am sure that a great many well-meaning people who went to Selma would be humiliated and distressed to find themselves in that sort of company. I ask again, whom and what are the leaders of the "we shall overcomers" aiming to overcome?

Let us review what has been done by the courts and the Congress in the past 12 years for the cause of civil rights.

Let us recall that in 1954 the present Supreme Court changed the constitutional meaning of the 14th amendment that had been in effect for 50 years and thus has brought about integration in the public schools.

Remember that in 1957 the Congress passed by a large majority, and the President signed, the Civil Rights Act of 1957. That act established a Commission on Civil Rights as an executive branch of the Government with elaborate powers to investigate, hold hearings at any place, at any time, with the power to subpena witnesses and report to the President any violations of the civil rights of any person.

That act of 1957 further provided full Federal protection of the right of citizens to vote to be enforced upon the application of the Attorney General by the Federal District Courts of the United States by permanent or temporary injunction or other order, and by criminal procedure of contempt for any disobedience. This act, which established the Civil Rights Commission, gave that Commission the power to investigate and report any violation of the constitutional right to vote, after which the Attorney General was authorized to go into the district court, and seek an injunction to prevent interference with any voter's rights. The court could issue the necessary order to enforce those rights and send the State officials to jail for contempt of court if they did not obey.

That is what the agitators asked for, that is what they got. That law is still on the books. If there were any wrongs, why did they not correct them through legal processes instead of stirring up more mobs. But following the act of 1957, they immediately began to agitate for more legislation instead of using what they had asked for. And 3 years later, the same groups of civil rights agitators urged the Congress to pass another Civil Rights Act, and Congress passed, and the President on May 6 signed, the Civil Rights Act of 1960, and in that act, among other things, at the instance of the same groups of agitators in the atmosphere of an approaching national election and using all of the political persuasion and threats they could command, induced the Congress to pass a second Federal voting law.

The Civil Rights Voting Act of 1960, under the political pressure of the civil rights groups, enacted provision for the appointment by the courts of Federal voting referees in event of violation of any constitutional voting rights of any citizen. I quote the act:

> The court may appoint one or more persons who are qualified voters in the judicial district, to be known as voting referees, * * * to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings as to whether or not at any election or elections (1) any such applicant is qualified under State law to vote, and (2) he has since the finding by the court heretofore specified been (a) deprived of or denied under color of law the opportunity to register to vote or otherwise to qualify to vote, or (b) found not qualified to vote by any person acting under color of law.

That was what they asked for; that is what they got.

Under that act, Federal registrars were appointed in certain places. The agitators got what they asked for with full power in the Federal courts to enforce registration and voting through the Federal referees at the behest of the Attorney General. Although the machinery was set up at that time, so few people applied for Federal registration that it has been rarely used.

I ask you again, What do the "we shall overcomers" really seek to accomplish? Is it the vote, or the constant effort to create strife and turmoil and revolution?

The agitators, demonstrators, and rioters got from the Congress the law they asked for in 1957. They got from Congress what they asked for in the law of 1960. They got the Federal voting referees that they asked for in 1960.

They got what they asked for and they had at every step of the way, the full cooperation and all the powers of the Federal Government to see that the law was enforced and no effort was spared.

Were they satisfied? What happened next?

They immediately started building up other demonstrations, other mobs, other agitations, other political pressures, until the Congress passed and the President signed on July 2, 1964, the Civil Rights Act of 1964.

Political threats are more potent and political pressures are more effective in a presidential election year, and so the latter part of 1963 and the early part of 1964, the demonstrators began to demonstrate, the mobs began to mobilize, and the furor was renewed with a vehemence culminating in the march on the Capital just as if no Civil Rights Act had ever been passed by the Congress before.

Again there was a big chapter in the bill entitled, "Voting Rights." That provision gave the Attorney General the authority to ask the courts to establish what was termed a "pattern or practice of discrimination." It also deprived the States of their constitutional duty and power to establish qualifications of voters and substituted a Federal provision making anyone competent who had completed the sixth grade in the public schools.

Just last year the Congress passed the third Civil Rights Act in 7 years, and the President signed it, and it became the law of the land with the President's signature on July 2, 1964.

Still complaining, agitating, and rioting, the ink was barely dry on the Civil Rights Act of 1964, before the country was thrown into the present turmoil of demonstrations, sitdowns, riots, law violations, and hysteria, ostensibly to force the Congress to pass the "we shall overcome" Civil Rights Act of 1965.

This bill, if passed, will completely abolish the constitutional power and duty of the States to fix the qualifications of voters.

And the Congress, yielding again to the menace of the howling mobs, are preparing to pass the Civil Rights Act of 1965, in the framing of which the Attorney General has apparently thrown all respect for the Constitution to the four winds, and proposes to reduce the sovereign States of the Union to mere puppets of the Federal Government, prescribing heavy criminal penalties and making guilt or innocence of sovereign States dependent upon the number of votes cast in the last presidential election, and imposing penalties on whole States and individuals in direct violation of the ex post facto prohibition in the Constitution for acts done long before the bill was ever conceived.

Now, will the act of 1965, if passed, allay the mob spirit? Will it satisfy Martin Luther King? Of course not. The history of the movement for more and more legislation demonstrates that more than legislation is sought. They had no sooner been assured by the administration in no uncertain terms of the passage of the fourth drastic Civil Rights Act in 7 years, than their leader, Martin Luther King, in order to keep alive the agitation, disorder, and promote his revolution, has already announced his next program with an arrogance that smacks of outright rebellion.

First, he has publicly announced that he will defy and violate any law of the land that he disagrees with. This is the language of rebellion and anarchy.

He has even admonished all citizens to violate any law of the land which they consider as "morally wrong." Is this the kind of leadership that loyal American citizens are ready to follow?

Second, he has publicly announced that he is conspiring with his leaders to inaugurate an economic boycott, of doubtful legality, against the whole people of Alabama, friends and foes alike. He has demanded that the U.S. Government remove all installations, moneys and economic benefits from their State. He must know this would cause untold suffering and unemployment to the people he claims to aid, and are least able to bear it.

He has negotiated with Hoffa's Teamsters Union to refuse to transport goods to and from the State of Alabama.

The notorious Harry Bridges has entered his conspiracy with the promise that his Maritime Union will refuse to load and unload ships destined to or from Alabama. Who is Harry Bridges? An alien, former Communist, who has been twice ordered deported from the United States. Is that the kind of leadership that loyal American citizens are ready to follow?

And when Martin Luther King was asked would he call off his proposed boycott of Alabama, if appealed to do so by the President of the United States, his reply was an unequivocal "No."

Before we pass any more "we shall overcome" voting laws, I ask again, what is the ultimate object of the "we shall overcomers" who even now, before their proposed fifth civil rights law is passed, are laying the foundation and making their boasts of what they will do to the country. Even since King has been assured by the President and the Congress of the passage of the thoroughly unconstitutional legislation now pending, he is sending out throughout the country letters soliciting funds for the support and continuation of his movement, whatever its objects may be. So widespread are these solicitations mailed out in March 1965 that they are being received by people well known to oppose the King revolution.

In conclusion, I insert a thoughtful warning published in the Washington Sunday Star on the date of March 28, by a wise, courageous clergyman who has had an unusually close and intimate opportunity to observe public affairs, Dr. Frederick Brown Harris, Chaplain of the U.S. Senate.

[From the Washington Star, Mar. 28, 1965]

WHO SPEAKS FOR THE CHURCH?

(By Dr. Frederick Brown Harris, Chaplain, U.S. Senate)

A fear-haunted question is raised in a recent letter from a highly intelligent lifelong friend, prominent in the affairs of a great eastern city. He poses an agonizing query growing out of the disruption and dislocation in contemporary yeasty humanity. He asks, "Into what kind of a world are our grandchildren headed?" An influential Communist, who is a Judas to his United States citizenship, answered in the dedication of a book he wrote some years ago—"To my great-grandson, J.W.K., who will live in a Communist United States." That would mean that he would live under a coercive government where the vote is not denied to just a tiny minority but in a system in which no one is allowed to vote except where the ballot is stamped by a dictator.

Concerning the right to vote in our land, this is a time of seething emotion bordering on hysteria. In some demonstrations dunce caps and martyr halos are strangely mixed.

In such a time it needs to be said, especially to the churchmen who are so aroused, that in facing squarely domestic adjustments to meet the tests of true government by the people, the unpardonable sin is for Americans out of zeal to redress any national flaws, to allow themselves, unknowingly, to be used by a sinister world conspiracy against human dignity. This blasphemous system is engaged in a lying world campaign to utterly distort the true image of this Nation of our pride and prayer. The hate America propaganda, whose poison is being blown around the planet, is born of communism's fear complex that the United States of America, with its material and moral might, is the one and only power that can thunder to this scourge of fetters—"You shall not pass." Never in history has there been such a colossal campaign to peddle lies about any country. Lenin's directions are now in full operation that any distortion or prevarication is permissible if it advances the cause he fathered.

For instance, one of the charges being made about "imperialistic America" is that the one-tenth of its population belonging to the Negro race, the descendants of slaves snatched from the savage tribes of Africa, are here treated with contempt, denied all opportunities for advancement, and in spite of the Emancipation Proclamation held in virtual subjection. American Negroes thousands of miles from home, members of Joey Adams entertainment group touring the world, nailed down that lie at a public question and answer period in a foreign country. They were being taunted by communistic stooges about the place of their race in America. One of the quartet indignantly answered for them all. Glaring at the questioners he said: "Listen, pals, outside of heaven there is only one place I want to be and that's the United States of America. Sure, we got problems, but we've got laws, and we've got courts, and we've got millions of Americans of all races and creeds and all colors, who are willing to lay down their lives to make possible the freedom of a man called Abraham Lincoln. We've got it made in our country." This black man was exposing the fiction of the communistic line.

Let no one in America, now deeply concerned about voting rights for some groups belonging to one-tenth of our population, be so naive as to be oblivious to the ugly fact that the communistic conspiracy which is out to deny the sacred right of the vote for everybody, is using the present agitation in America to advance their own evil cause. There is more back of that statement than can be put in this article.

The question we are raising here, with no condemnation for religious leaders who are marching today in a cause that grips their conscience, is: Have these same leaders any vivid realization of what is in store for all Americans if the world objectives of that blasphemous, godless system, are attained? And, make no mistake about it, it is so far on its way as to blanch our faces with fear. But with this menace hanging like a Damocles sword over the fragile thread of our liberties, are these same religious leaders so vociferous now as they deal with growing pains of a democracy, equally vocal as they face the most dastardly system the ages have known? It is a tragic fact that the answer to that question must be "No." Among those who are assuming national and world leadership among the churches, it must be admitted that so far as communism is concerned, there is, to use a scriptural phrase, "A silence that could be heard in heaven."

One of these leaders has said, "Let us quit moralizing about communism and to communism." His word for that conspiracy, and that of many of his colleagues, is accommodation, coexistence, cooperation. We are speaking now of Protestant leadership. Thank God the Roman Catholics are arrayed against religion's most malignant foe. Would to God that in every church in America the perils of this Godless force were being poured into the minds of the young—and, of the older. Would that every church, as its bounden duty, would have its entire membership familiar with every chapter of J. Edgar Hoover's "Masters of Deceit." There could be no more effective antidote to the tragically mistaken attitude of some church leaders as they encourage the coming generation to stroke the ferocious leopard (which has not changed its spots) and to murmur, "pretty pussy."

It is high time for religious people of every name or sign to raise the question in this time of dire crisis, "Who speaks for the church?"

Mr. YOUNG. Mr. Speaker, I have no further requests for time. I yield back the balance of my time and move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Joint Resolution 1, with Mr. FASCELL in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER] will be recognized for 2 hours and the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 2 hours.

The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this resolution, House Joint Resolution 1, has bipartisan support. I particularly offer praise to the gentleman from Ohio [Mr. MCCULLOCH] and the gentleman from Virginia [Mr. POFF] who participated in the fashioning and polishing of this resolution. They did so most wisely and painstakingly. They immersed themselves into the intracacies of the legislation. Their help was immeasurable. By naming them, Mr. Chairman, I do not wish to detract from the constructive work done by most of the members of our committee, Democrats, and Republicans alike. I want to point out particularly likewise in that regard the gentleman from Colorado [Mr. ROGERS], the gentleman from New Jersey [Mr. RODINO], the gentleman from Texas [Mr. BROOKS], the gentleman from Massachusetts [Mr. DONOHUE], the gentleman from Wisconsin [Mr. KASTENMEIER], the gentleman from California [Mr. CORMAN], the gentleman from New York [Mr. LINDSAY], and the gentleman from Florida [Mr. CRAMER]. To them I, indeed, offer an accolade of distinction for genuine service.

This is by no means, ladies and gentleman, a perfect bill. No bill can be perfect. Even the sun has its spots. The world of actuality permits us to attain no perfection. Admirable as is our own Constitution, it had to be amended 24 times. But nonetheless, this bill has a minimum of drawbacks. It is well-rounded, sensible, and efficient approach toward a solution of a perplexing problem—a problem that has baffled us for over 100 years.

As to attaining perfection, let me call your attention to a very pertinent remark made by Walter Lippmann in the New York Herald Tribune of June 9, 1964, when he referred to this proposed amendment. He said:

> It is a great deal better than an endless search for the absolutely perfect solution, which will never be found and, indeed, is not necessary.

As was said by the distinguished former Attorney General of the United States, the honorable Herbert Brownell—I commend his words indeed to the gentleman from Ohio [Mr. BROWN]—speaking for himself and speaking for the American Bar Association:

> Certainty and prompt action are * * * built into this proposal—namely, House Joint Resolution 1. * * * During the 10-year debate on Presidential disability * * * many plans have been advanced to have the existence of disability decided by different types of commissions or medical experts, by the Supreme Court, or by other complicated ad hoc procedures. But upon analysis, * * * they all have the same fatal flaw, * * * they would be time consuming and divisive.

We tried to avoid freighting down this amendment with too much detail. We leave that to supplementing, implementing legislation. We make the provisions as simple yet as comprehensive as possible.

This is certain: we have trifled with fate long enough on this question of Presidential inability. We in the United States have been lucky, but luck does not last forever. The one sure thing about luck is that it is bound to change.

Sir Thomas Brown once said:

> Court not felicity too far and weary not the favorable hand of fortune.

We can no longer delay. Delay is the art of keeping up with yesterday. We must keep abreast of tomorrow. Let us stop playing Presidential inability roulette. Let us pass this measure, which has the approval of the American Bar Association and the American Association of Law Schools. This measure has the approval of 36 State bar associations, including, incidentally, the bar association of the distinguished gentleman on the Rules Committee, the gentleman from Ohio [Mr. BROWN].

Let me read the roster of State bar associations which have approved this measure. The bar associations of Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Maryland, Maine, Minnesota, Missouri—one of the gentlemen from that distinguished State had some doubts about it, according to his question, but his bar association approved this measure—New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin, Wyoming.

If I were perplexed and baffled over a legal question, I would not be likely to go to the gentleman from Ohio. More than likely I would go to a lawyer. The gentleman from Ohio is not a lawyer. This is a constitutional legal question. I would not go to Attorney General Brown; I would go to Attorney General Brownell. What did Mr. Brownell have to say on this subject, as to the need for a constitutional amendment and the fact that it would be dangerous to offer a mere statute? Mr. Brownell said:

> The number of respected constitutional authorities have argued that there can be no temporary devolution of Presidential power on the Vice President during periods of Presidential inability.
>
> And whatever we may think of that argument, I think a statute would not protect the Nation adequately with the doubts that have been raised, which have been raised too persistently. As long as there is doubt, lingering doubt, concerning the constitutionality of the statute, as long as there is a question concerning the disabled President's constitutional stature after the recovery, I do not believe any inability, as a practical matter, however severe it may be, would be recognized lest recognition of that disability would oust the disabled President from office. Moreover, if the President's inability were severe and prolonged, you should note that devolution of the Presidential power on the Vice President would be somewhat of a crisis itself.

Beyond that, the present Attorney General, a very erudite scholar and a very practical Attorney General, similarly before the Committee on the Judiciary of the House and the Committee on the Judiciary of the Senate gave eloquent testimony as to the need for a constitutional amendment. I shall not burden you at this moment with his words but shall insert them in the RECORD.

A host of city bar associations all over the country have asked for this bill. The U.S. Chamber of Commerce and chambers of commerce throughout the Nation have likewise asked for this bill in the form of a constitutional amendment and not a statute. When this body is asked to adopt a constitutional amendment, the recommending committee must establish an imperative need for such action. Everyone will agree that amending the basic document, the charter, if you will, of our Nation is not a task to be undertaken lightly. Today, however, we are faced with filling a gap which has existed since our beginnings, and this gap becomes more threatening as the complexity of the domestic and foreign policy grows.

Article II, section 1, clause 5, of the U.S. Constitution reads:

> In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Now, even a cursory reading reveals that it raises a host of questions. How do we distinguish between temporary and permanent vacancies? Who determines the inability? In what capacity does the Vice President act in the event of a temporary inability? No distinction is made or even intimated between a voluntary and involuntary inability of the President to discharge the powers and duties of his office. In the event of an inability which a President refuses to acknowledge, who shall declare such inability and, once declared, how does the President recover Executive authority if he be fit to do so? Precedent itself answered the question of the capacity in which a Vice President acts when the President dies. John Tyler took the oath as President of the United States when President William Henry Harrison died, and so it has been ever since because of this precedent that Presidents have been reluctant to declare a temporary inability since it has been feared, and rightly so, that a Vice President might take the oath of office as President even though the inability were of a temporary nature.

On the other hand, Vice Presidents have been reluctant to move forward without precise definition from Congress to undertake the powers and duties of the Office when a President has been temporarily incapacitated lest he, the Vice President, be accused of unwarranted seizure of power. That was the case, you may remember, after the assassination of President Garfield. Vice President Arthur was most reluctant to assume the powers of the Presidency because he feared he might be deemed a rogue, he might be deemed a usurper, and therefore was most hesitant and reluctant to assume that power.

And so it was with the lingering illness, after the stroke that laid low President Wilson, when Vice President Marshall likewise was very reluctant to go forward.

In the meanwhile, what? We had no President, we had no Acting President, and things went into the doldrums, as it were, from an executive standpoint. Foreign potentates came to this country and could not be received and many bills became law without the signature of the President. Many other inadequacies developed because of that lack which we now seek to fill.

House Joint Resolution 1 answers as many questions as it is humanly possible in drafting a proposal to meet contingencies as yet unforeseen. We cannot meet every conceivable contingency. That is impossible, because sometimes if you try to meet some improbable contingency you open, as it were, a can of worms and you create more difficulties and inequities than you create equities. Therefore it is most difficult even for my colleagues on the committee, wise as they are, to be able to envisage every conceivable eventuality that might be conjured up by the imagination of man. We do not propose to do that. We are simply trying to meet the practical human problems with reference to Presidential inability. Foreseen contingencies have, in my opinion, been succinctly and adequately covered. The language is clear, the procedures sharply in focus.

House Joint Resolution 1 also fills another vacuum. It makes provision for a Vice President in the event there is a vacancy in that office.

Sixteen times the United States has been without a Vice President; or, to put it another way, 37 years of our existence have seen the Office of Vice President vacant. Now the Office of Vice President is assuming more and more importance in this atomic age and in this age of jet planes and spaceships. The Vice President is part of the official family of the President. He is involved with the National Aeronautics and Space Agency; he is involved with the Fair Employment Practices Commission; he is involved in many other activities of the President, including the National Security Council. He attends Cabinet meetings. He represents the President in many functions. He is essential, I would say, in present-day government. He is no longer a "Throttlebottom." He is an important personage. We dare not longer trifle with this situation by neglect. If there is a vacancy, the vacancy must and should be filled.

How the course of history was changed when, for example, as I said before, President Garfield died after lingering for so many days we shall never know.

Again, when President Wilson suffered the severe stroke in 1919, when he was laid low for many months, no effort was made to insure the stability of government. We had petticoat government then. I say that with all due respect to the ladies, because Mrs. Wilson sought to run the show at that time. I do not know how well she ran it. I do not know whether the show was run at all. It was a dangerous situation. We dare not let that happen again.

So, Mr. Chairman, again a negative factor made affirmative history.

On three occasions during the Eisenhower administration there was temporary incapacity on the part of the President. And, to President Eisenhower's credit, he attempted to minimize the danger of executive lapse by means of a private agreement with Vice President Nixon. Such private agreements, we can all agree, are hardly adequate to meet the situation. There can be as many private agreements as there are differences in the varying temperaments of Presidents and Vice Presidents.

Mr. Chairman, as I said on the opening day of our hearings on Presidential inability on February 9, 1963:

> I for one have had a deep and probing interest in solving the problem which arises from the vague language of article II of section 1, clause 5, of the Constitution relating to Presidential inability.
>
> In 1955 the chairman of the Judiciary Committee ordered a staff study into this problem and I appointed a special subcommittee of the ranking members to further the study. This study sought out the views of a select group of leading constitutional law professors and leading political scientists by way of a questionnaire. These answers and analysis were published by this committee in 1957. While that study and the subsequent hearings did not result in a definite legislative proposal, I am convinced that it laid a sound groundwork for the future congressional activities which have taken place in this field.
>
> As a result also of the activity of the press and the public and professional groups, the public has been educated to the seriousness of the situation. There can be no doubt in anybody's mind that this Nation cannot permit the Office of the President to be vacant even for a moment. Opposition of world leadership demands that we avoid the terrible crisis which would result if a vacancy existed in the Office of President for even a short time. The President stands for the sovereignty and unity of the American people. He leads the national administration and he is the Commander in Chief of all the Armed Forces. In this nuclear age his finger rests upon the trigger. He is the sculptor, the administrator of our foreign policy. One would have to be blind not to see and acknowledge the danger and the risk we are faced with at this very moment, lacking a constitutional procedure for the smooth transition of the successor to the office and to the powers and duties of the President.

Fate has been most kind to Americans, but we should not continue to tempt it. I believe that the provisions of House Joint Resolution 1 are classic in their simplicity, classic in their clarity.

First. In case of the removal of the President from office by death or resignation, the Vice President shall become President. Whenever there is a vacancy in the Office of Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of the Congress.

The President selects his vice-presidential running mate before the convention. He should have the right to do so after the convention, and after the election. In the event there is no Vice President he can fill that vacancy.

There has been some talk about the degrading of Congress, that Congress does not play a part. Congress does play a part because the President cannot select anyone to become Vice President without the consent of both Houses of the Congress. It has been said we should let the Congress, the Members of Congress, select the Vice President. We would have a Donnybrook affair then, indeed. We would have a kind of wheeling and dealing. How would you select a man to be Vice President? The whole Congress? No. He would be chosen by a few select Members of Congress, and a few select Members of the Senate, convening in a caucus, either a Republican caucus or a Democratic caucus. Our method is more democratic. We would have to put the seal of approval upon the man who is selected by the President. The whole Congress does that, not a mere select few, not the elite, I may put it, of either the House or the Senate.

Second. Section 3 deals with a situation where the President voluntarily declares his inability. When the President transmits his written declaration to the President pro tempore of the Senate and the Speaker of the House of Representatives that he is unable to discharge the powers and duties of his office, such powers and duties are to be discharged by the Vice President as Acting President until the President so transmits in a written declaration to the contrary.

I would ask the gentleman from Ohio, where in the Constitution is there a provision, the present wording of the Constitution, any kind of provision, that would permit an Acting President? The term is never used. The statute would be utterly worthless, as worthless as a 2-foot yardstick. We must have a constitutional amendment in that regard. This provision removes the reluctance of both the President and Vice President to move when necessity so dictates. The President is assured of his return to office. The Vice President, as Acting President, will not face the charge that he is usurping the ffice of President. We are thus assured of the continuity of Executive authority, which is highly important, the continuity of Executive authority. Once the President says "I am cured, I am able to function again," he goes back to his former position and assumes all of the powers and duties of the President which temporarily devolved upon the Vice President.

Section 4, as distinguished from section 3. This is a situation where the President is unwilling or unable to declare his inability. In that event the Vice President, plus the majority of the principal officers of the executive departments, act. We name them executive departments rather than Cabinet for safety's sake, because the word "Cabinet" is never used in the Constitution. In the event that the Vice President, plus a majority of the principal officers of the executive departments, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President immediately assumes the powers and duties of the office as Acting President.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the chairman for yielding.

Although the term used in the amendment is "principal officers of the executive departments," it is intended that reference is made here specifically to the 10 Cabinet positions which presently exist as well as future Cabinet positions which might be created, is it not?

Mr. CELLER. That is correct.

Mr. WAGGONNER. I thank the gentleman.

Mr. CELLER. Again, I emphasize the words "Acting President." I should remark that this is action in concert—the Vice President plus a majority of the Cabinet. However, should such inability, though undeclared by the President, be of temporary nature, hospitalization, perhaps a sudden illness leading to temporary unconsciousness or temporary paralysis, leaving the President bereft of speech or sight—these are only two examples—and the President then recover in his judgment to the extent to where he can carry on the powers and duties of his office, the President sends a written declaration to the President pro tempore of the Senate and the Speaker of the House of Representatives that he is no longer unable to carry on. He then resumes the powers and duties of his office without further to do. So it remains, unless the Vice President, together with a majority of the Cabinet, transmits within 2 days to the President pro tempore of the Senate and the Speaker of the House their written declaration that the President is unable to discharge the duties and the powers of his office. Here, of course, we have the nature of a dispute. Such being the case, it is necessary for the Congress to act quickly so that stability of Government may be assured. Once the Vice President along with a majority of the Cabinet disputes the recovery of the President, Congress shall immediately assemble to decide that issue. Here unless the Congress within 10 days after receipt of such written designation determines by a two-thirds vote of both Houses that the Vice President is wrong, the Vice President continues in office as Acting President. The burden is on the Vice President to obtain concurrence of the Congress by a two-thirds vote that the President is still incapacitated. If no such determination is made, then the President resumes the powers and duties of his office. Throughout all these sections are thrown in that if there is any doubt the President is favored without doubt. The resolution shall always be in favor of the President because he is the elected representative of the people, the first officer of the land, and he shall be favored without doubt. In other words, if there is a dispute, as I stated, in the interest of continuity of executive power and stability, the Vice President takes over and remains in the office as Acting President until Congress acts. If Congress does not act and a two-thirds vote is not obtained in both Houses within 10 days, the President resumes the powers and duties of his office as President. Thus we escape the danger of a disabled President carrying on for even a short while.

Thus we would remove the danger of a disabled President carrying on even for a short while.

The time limit is necessary to resolve the question. It must be remembered that in this revolutionary and atomic age, time is always of the essence.

It is interesting to note that the other body passed this resolution, or this constitutional amendment by a vote of 72 to 0—not a single vote was registered in the other body against the amendment.

Finally—and I probably have spoken unduly long and I am sorry—I, therefore, urge the Members of this House to accept this proposal lest a catastrophe find us unprepared once again.

The responsibility to act in this area has always leaned heavily on the Congress, but until now we have had no consensus on that approach which would answer almost all of the questions. Now a consensus has been reached. Evasion would, indeed, be irresponsible.

The Senate and House versions are very close together except for the matter of the time limit. We of the committee believe that the time limitation is necessary for reasons which I have already stated. I, for one, would not want to be held accountable should the country face a period of crisis with no Executive firmly in charge.

I have every confidence that this Chamber will act as responsively as did the other body.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I appreciate your statement. I am one of those who is anxious to see correct and proper legislation enacted in order to fill this void. I notice in the hearings and in the committee report that the distinguished committee which the gentleman chairs has had exhaustive hearings and has called on many people from many walks of life. I am addressing myself particularly to the question of Presidential inability or disability. I would say, sir, that in direct proportion to the complexity of life that you have so often and so well referred to today, there is also the difficulty of determining inability or disability of the human being to function. This strikes me as something, as a man who has practiced medicine, that is increasingly difficult in this complicated age to determine. I see no evidence in the hearings of any statement by either any White House physician, past or present, or any of Surgeons General of our civilian or uniformed branches, or civilian consultants available to the Government, such as the American Medical Association; some or all of whom are usually called on in such extremes for determination of these questions. I wonder, although fully realizing the need for a judicial determination—or a legislative determination—of the fact, if such opinion was sought. I am not able to find it here. I wonder if those who ordinarily determine inability or disability were consulted or called for hearings; or if they were excluded purposely, or if it is simply presumed by the chairman that this type of advice will be sought in time of such an exigency.

Mr. CELLER. For the very reason that the gentleman explained, which indicated the difficulty of definition, we did not specifically speak of medical experts or of a commission of those with expertise on subjects of this sort. But we did say the following: We said—"or such other body as Congress may by law provide." In other words, Congress may, by passing legislation implementing this, set up, if it wishes, some other body or some group of experts who would give advice and counsel instead of the members of the Cabinet. The members of the Cabinet, the members of the President's executive family, usually are the ones who are intimate with the President. They know his idiosyncrasies. They know a good deal about his health and they probably could tell a great deal concerning his physical condition. But, if we in the Congress feel that more is desired, we could appoint another body.

Mr. HALL. I thank the chairman. I understand, and have no particular flaw to pick on the question of the President's Cabinet with the Vice President making the determination or seeking two-thirds of the votes of Congress in determining lack of ability. I am not quite sure that this Congress would ever, as a matter of practical procedure, set up, for example, the five Surgeons General to determine ability. At the same time, I am certainly not convinced that, wise as the members of the Cabinet may be about the President's personality traits and about deviation away from the norm thereof, that they could physically determine when association pathways of the human brain and mind, or even the emotions, were bereft of ordinary and expected continuity on the part of the President to the point of constituting disability.

This disability and inability as determined nowadays for even such simple things as employment or disability compensation and rights thereunto, has become a question which fills books.

I am not saying that we should write such a provision into this law. It is to be implemented further, I understand. It seems to me we might well, in the future implementing by law of the amended Constitution, provide such a procedure or a consultant to a Cabinet group or the Vice President—then acting or installed as the President.

Mr. POFF. Mr. Chairman, will my chairman yield so that I may respond to the gentleman's question?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. I appreciate the concern the gentleman expresses and I am in sympathy with the point he makes. I believe I can throw some light on his question by quoting from an opinion of Attorney General Kennedy, August 2, 1961, in which he undertakes to decribe what transpired when President Eisenhower suffered a disability:

> The problem of succession to the Presidency was considered immediately after former President Eisenhower's heart attack in September 1955. Congress was not in session, and there was no immediate international crisis. On the basis of medical opinions and a survey of the urgent problems demanding Presidential action immediately or in the near future, Attorney General Brownell orally advised the Cabinet and the Vice President that the existing situation did not require the Vice President to exercise the powers and duties of the President under article II of the Constitution.

I suggest that a similar thing could normally and reasonably be expected in the event this constitutional amendment is adopted, and ratified by the States. Surely, the decisionmakers, whoever they may be, would not undertake so critical a decision without first consulting the experts in the field, namely the gentlemen of the medical profession.

Mr. HALL. I thank the gentleman. I certainly believe it is important, not necessarily that it be spelled out in this resolution we are considering today, but that a legislative record be made here today with respect to such a complex and difficult-of-determination area. In the enabling legislation, which I understand will subsequently follow this amendment to the Constitution, we might indeed spell out what is to be involved.

I speak for no particular group—not for the White House physicians, not for the Surgeons General in convention assembled, and not for the highest medical organization which happens to be extant in the land at this or that time; but for someone skilled in the expertise in the determination of this very difficult area of inability and disability.

Mr. MACGREGOR. Mr. Chairman, will the chairman yield further for an additional comment in connection with the question of the distinguished gentleman from Missouri?

Mr. CELLER. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. May I add to the very excellent answer given by the gentleman from Virginia, an historical note which may give further comfort to the gentleman from Missouri.

At the time of the severe stroke which occurred to Woodrow Wilson, the Secretary of State at the time suggested that the Vice President step in and exercise the powers and duties of the Presidency. This was not taken with good grace by the President, and when he recovered his ability, the Secretary of State soon found himself without a job. I believe with that historical precedent facing the Members of the Cabinet they would not take the step jointly with the Vice President to certify, in their judgment, the President's inability to the appropriate officers of the Congress without a consultation with the very finest medical brains which were available to them here in the Nation's Capital.

Mr. HALL. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield to the gentleman.

Mr. HALL. I appreciate that remark, and I think it is historically interesting. I would like to believe that the gentleman is adding to the legislative record which I am trying to establish to that ultimate end, but what we are trying to do here is to prevent historical incidents such as that from recurring. It is to that end that I rise and I think the point has been well made.

Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. DUNCAN of Oregon. I have asked the chairman to yield in order to direct your attention to page 4, section 4, and ask a question about what seems to me to be an ambiguity and, if it is one that ought to be cleared up, I think, in a colloquy here on the floor of the House. The second paragraph of section 4 provides that if the President shall recover and he sends to the Congress a written declaration that no inability exists, "he shall resume the powers and duties of his office unless the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit within 2 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office."

My question, sir, is, is there not a 2-day period when we may be in a state of ambiguity, not knowing whether the President, having recovered, has the powers and duties of the office or whether the Vice President is the Acting President of the United States?

Mr. CELLER. It is the Acting President, that is, the Vice President, who is Acting President. He is in control unless the President, and so forth, does something or something happens. So, it is the Vice President that is in the saddle, but to make assurance doubly sure I will read you a communication that I received from the Attorney General, dated April 13, 1965, which letter reads as follows:

> DEAR MR. CHAIRMAN: The question has been raised as to whether, under section 5 of House Joint Resolution 1, as amended by the House Judiciary Committee on March 16 and 17, 1965, the Acting President would continue to discharge the powers and duties of the Office of President during the 2-day period within which the Vice President and a majority of the principal officers of the executive departments may transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his Office.
>
> As I have previously indicated to you, it seems to me entirely clear that the Acting President would continue to exercise the powers and duties of the Office during this period. The same is true of the period of up to 10 days thereafter during which, under section 5 as it now reads, the Congress would be required to resolve the issue.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield for another question?

Mr. CELLER. Yes; I will.

Mr. DUNCAN of Oregon. In the event that the letter is not written by the Vice President and a majority of the principal officers of the executive departments, then who actually has the powers of the President during the 48-hour period following the transmittal by the President of his declaration to reassume the office?

Mr. CELLER. The Acting President would—and I use that term again—be in the saddle unless he agrees the President is fully restored.

Mr. DUNCAN of Oregon. So the intent of this section of this resolution is that the Acting President—and let us assume it is the Vice President—will continue to discharge the duties of that office until the expiration of all necessary time intervals or until the Congress shall take such action as may be necessary?

Mr. CELLER. The Vice President during that period could agree that the President is no longer disabled and the President will resume his powers.

Mr. DUNCAN of Oregon. He can then take affirmative action?

Mr. CELLER. Even within the period.

Mr. DUNCAN of Oregon. He could take affirmative action within the period and thereupon the President of the United States will reassume the duties and powers of his office?

Mr. CELLER. That is correct.

Mr. DUNCAN of Oregon. If he did not do that, he would continue as Acting President during all intervals of time necessary for the Cabinet and the President to transmit their letter and the Congress to take such action as may be necessary.

Mr. CELLER. It is interesting to note while the Senate did not do this, we put a time limit of 10 days on it. We insisted the Congress must act in 10 days. If it does not, the President goes back in.

Mr. DUNCAN of Oregon. I thank the gentleman. I think we have added to the merits of this bill by this colloquy.

Mr. Chairman, if the gentleman will yield further, I should like to say that the gentleman has performed a great service—both he and his committee—in bringing this bill to the floor of the House. I think it fills a very great need. I have a question in my own mind whether it goes far enough. Is the gentleman satisfied that the law is clear as to the situation that would prevail in this country were a President-elect were to become incapacitated or die between the time of his election and the time of his inauguration?

Mr. CELLER. No. As I said in my opening remarks we do not cover everything. We do not cover everything that can be conjured up by someone's imagination. The bill does not cover a case after election and before inauguration.

Mr. DUNCAN of Oregon. This, I would like to say, is I think, an area that still demands the attention of the Congress.

Mr. Chairman, I thank the gentleman for yielding.

Mr. McCULLOCH. Mr. Chairman, I yield 20 minutes to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, the House is proceeding to the business the Nation has neglected for more than a century. Tribute is due many. None is more deserving than the American Bar Association. Through the untiring efforts of its officers and members, a consensus has been reached which heretofore has been thought impossible. This consensus, like all others, represents some degree of compromise. But it represents no compromise to expediency. It accommodates a variety of schools of legal thought, none of which can arbitrarily be called wrong or unworthy, and all of which unite in the conclusion that action is not only necessary but urgent.

Tribute is due, too, to the chairman of the Committee on the Judiciary. First, he has been an eloquent, effective advocate. Second, he has been an impartial, fair-minded arbiter. Always intellectually honest, he has stood firm when firmness was necessary but has yielded when logic dictated. The bill before us properly bears his name, but because he has been just, it contains many amendments which all together represent the composite judgment of the committee at large.

During the entire course of the hearings and deliberations, the committee itself has conducted its business in a manner which reflects great credit upon the American system of lawmaking. Not one partisan consideration was advanced. Not one word of bitterness was uttered. Debate was vigorous, but always constructive. The whole performance makes me proud to be a member of the Committee on the Judiciary.

We are considering a constitutional amendment. Why not a statute? Some consider a statute sufficient. In recent years, the great body of legal opinion has held that so far as the question of Presidential inability is concerned, a constitutional amendment is not only the proper legal course but the wise course. The difference of opinion arises from the language of article II, section 1, clause 5, which reads as follows:

> In case of the Removal of the President from Office, or at his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

That language was first brought into sharp focus in 1841 when President William Henry Harrison died in office. Because it was uncertain whether the "powers and duties" would "devolve" or the "office" would devolve, the question immediately arose, "Will Vice President Tyler become Acting President or President of the United States?" Tyler answered the question by taking the oath of office of President. Since then, the "Tyler precedent" has been confirmed seven times.

But Tyler's answer concerning succession following death did nothing to clarify the question of succession following inability. Indeed, it complicated that question. Death and inability both are treated in the same clause of the Constitution. Thus, it was argued that whatever should "devolve on the Vice President" on account of the President's death would also devolve upon the Vice President on account of the President's inability; and if what devolves in one case is the office itself, then it must be the office in the other case. The conclusion of this argument was that if the Vice President should assume the Office of President on account of the President's inability, the displaced President could not thereafter, even if he recovered, reclaim his office. Such constitutional scholars as Daniel Webster so declared.

In the face of such an argument, it is little wonder that Vice Presidents have been reluctant to assume the mantle of the Presidency, even in the most urgent crises. When, in 1881, President Garfield lay incapacitated from an assassin's bullet some 80 days, Vice President Arthur would not act. The same was true in 1919 when President Wilson suffered a stroke which rendered him all but helpless.

In these two crises, surely Congress would have passed a statute on Presidential inability if Congress felt it had the constitutional authority to do so. There were those who felt that Congress had such authority. They pointed to the "necessary and proper" clause and to the language in article II which reads that "the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability." But the remainder of that clause gave the Congress pause; it gives the Congress power to act only in case of the inability of "both the President and Vice President." The implication is that Congress has no power to act by statute when only the President is disabled. This implication was tacitly acknowledged by the Congress in 1792 when it passed the first Presidential Succession Act. That Congress was peopled by contemporaries of the authors of the Constitution, and the statute significantly failed to provide for succession when only the President was disabled.

So far, I have dealt only with legal justification for a constitutional amendment. There is a pragmatic reason as well. So long as there is any question about the efficacy of a simple statute, such a statute would be subject to attack. Such an attack would come at a time when the Nation could least afford it—when the President becomes disabled or when the disabled President recovers and seeks to reclaim his office.

Yet, I have been asked, why could not we proceed by both routes? Why could we not have a brief constitutional amendment which simply empowers the Congress to pass a statute dealing with Presidential inability? The answer is that we could, but in my judgment, we should not. I have two reasons. First, in a matter as vital to our national interests as the continuity of Presidential powers, stability and durability are important; only a constitutional amendment can guarantee this. Second, the doctrine of separation of powers, which has served us so well for so long, would be blurred by the dual approach. Presidents and Vice Presidents are not always popular with Congress, and at a given time, one may be more popular than the other. Sometimes, the political party which controls the Congress is not the same political party which controls the White House. If a simple majority of the legislative branch is to have the power to make these rules one day and to change them the next, the executive branch will be subordinate instead of coequal and the head that wears the crown will indeed be uneasy.

Then there are those who ask why we cannot just forget about both constitutional amendments and statutes and deal with the problem as we have in the past by written agreement between the President and Vice President. There are several answers to that question. A private agreement does not have the same effect as law, and it is questionable whether the President can in such an informal, bilateral fashion lawfully delegate powers conferred upon him by the Constitution, by treaties and by congressional statutes, to another person. The question is serious enough to invite legal challenges to every domestic act, and every function in the field of foreign relations would be under a cloud. Moreover, these bilateral agreements have never provided, and in the nature of things could never provide, for an enforceable settlement in event of a dispute about whether or not the President is disabled. The only real function these agreements have served is to dramatize the urgency of having a definitive mechanism built into the basic law of the land where it is visible to all and where it will remain constant from one administration to the next.

When we speak of the problem of Presidential inability, we are speaking of two categories of cases. The first is that in which the President recognizes his inability—or the imminence of his inability—and wishes voluntarily to vacate his office for a temporary period. The classic example is when the President expects to undergo an operation. The second category is that in which the President, by reason of physical or mental debility, is unable to perform his duties but is unable or unwilling to make a rational decision to relinquish the powers of his office, even for a temporary period.

Section 3 of the bill provides for the first category. Simply by sending a written declaration of inability to the heads of the two Houses of Congress, he makes it possible for the Vice President, as Acting President, to discharge his duties so long as the President feels that his inability has not terminated. When he chooses to do so, he may reclaim and reoccupy his office by sending another written declaration to Congress. Unlike the second category, his declaration of restoration is not subject to challenge by the Vice President and Cabinet. The reason for this distinction is obvious. A President would always hesitate to utilize the voluntary mechanism if he knew that a challenge could be lodged when he sought to recapture his office.

Section 4, which now includes what was originally section 5, provides for the second category of cases. There are two illustrative examples. One is the case when the President by reason of some physical ailment or some sudden accident is unconscious or paralyzed and therefore unable to make or to communicate the decision to relinquish the powers of his Office. The other is the case when the President, by reason of mental debility, is unable or unwilling to make any rational decision, including particularly the decision to stand aside.

It is the second category of cases which has given scholars so much concern. The problem is best defined by a series of questions. Who first raises the question and who makes the decision concerning inability? Should the word "inability" be defined? What procedure should be used in restoring the President to his office after he has recovered? These questions and questions subsidiary to each of them have been answered in section 4.

The original draft required the Vice President to initiate the action and required only the subsequent concurrence of the Cabinet that the President was disabled. The Vice President historically has been reluctant to take the first step for understandable reasons. The present version of section 4 is in the conjunctive and places the power and responsibility jointly upon the Vice President and a majority of the Cabinet or "such other body as Congress may by law provide." In the second step, these same people make the decision about inability and transmit that decision in writing to Congress, upon the receipt of which "the Vice President shall immediately assume the powers and duties of the office as Acting President." While others have been proposed, these are the people who should have this power and who should make the decision. The Vice President, a man of the same political party, a man originally chosen by the President, a man familiar with the President's health, a man who knows what great decisions of state are waiting to be made, and a man intended by the authors of the Constitution to be the President's heir at death or upon disability, surely should participate in a decision involving the transfer of presidential powers. The same is true of the Cabinet whose members were appointed by the President and are closest to him physically and most loyal to him politically.

While the Vice President and Cabinet seem to be the ideal people to be entrusted with the power of decision, section 4 recognizes that future experience may dictate the naming of "some other body" by the Congress to act with the Vice President. Presently, the Cabinet as defined in title 5, United States Code, section 1 consists of 10 members. It is possible that an even-numbered Cabinet might divide evenly, thus effectively stultifying the system erected in section 4. For this reason, or some other good reason, Congress may sometime find it necessary to name some "other body" which of course it could do simply by adding to the Cabinet as the decision-making body one non-Cabinet member.

The American Bar Association and your committee struggled with the question of defining the word "inability." It was decided that it would be unwise to attempt such a definition within the framework of the Constitution. To do so would give the definition adopted a rigidity which, in application, might sometimes be unrealistic. In my judgment, it would also be unwise to attempt such a definition by statute. The slightest imprecision in such a definition would be the target of legal attack if and when it should become necessary to exercise the procedures of section 4. It is highly unlikely that the responsible Government officials entrusted with this great power would abuse it by declaring a President elected by the people of this country disabled when in fact he was not, especially when the Congress is given the ultimate voice in this determination.

The procedures to be used in restoring a disabled President to his office following his recovery constitute one of the critical phases of the problem. The procedures specified in section 4 deal with the problem in a careful, deliberate manner. Herein lies the principal difference between the House bill and the bill passed by the other body. Under the Senate bill, the President could resume his office after his written declaration of restoration to the Congress unless within 2 days the Vice President and a majority of the Cabinet send a written declaration to the Congress challenging his restoration. If under the Senate bill the Congress by a two-thirds vote upholds the Vice President's challenge, the Vice President would continue to hold the office as Acting President; otherwise, the President would resume his office. The difficulty with the Senate version was that the Congress, which might not even be in session, could delay by filibuster or deliberate inaction for an indefinite period of time, during which the Vice President would remain in office. This difficulty is especially great if a majority of the Members of Congress—but less than two-thirds—are hostile to the President.

The House committee felt that any delay on the part of Congress should inure to the benefit of the President rather than the Vice President. Accordingly, the House committee adopted two consequential amendments. Under the first, the Congress, if not in session when it receives the Vice President's challenge, is required to assemble immediately. This mandate is self-executing, requiring no formal call by the Acting President. Under the second amendment, the Congress is required to act within 10 days after receipt of the Vice President's challenge. This, too, is self-executing; if the Congress fails to act, the President will resume his office after the lapse of 10 days. In effect, the procedure as outlined under the House version gives the Congress three options:

First. The Congress can act and by a two-thirds vote uphold the Vice President's challenge.

Second. The Congress can act and by one more than a one-third negative vote in either House, reject the Vice President's challenge.

Third. The Congress can allow the 10-day period to expire without acting at all.

The net effect of the second and third options is the same; the President is restored to his office. The chief merit of the House version is obvious. Circumstances may be such that the Congress by tacit agreement may want to uphold the President in some manner which will not amount to a public rebuke of the Vice President who is then Acting President. The third option furnishes the graceful vehicle. And this system renders impossible the awful stalemate which would result from a filibuster or deliberate inaction under the Senate version.

It will be observed that the procedure fixed in section 4 gives the Congress no voice in the decision for the initial involuntary removal of the disabled President. As soon as Congress receives the written declaration of inability from the Vice President and a majority of the members of the Cabinet, the President is removed and the Vice President becomes Acting President. However, the President who regards himself capable and objects to the Vice President's action is not left without recourse. He has the right as soon as he is removed to send Congress his written declaration of restoration, and at that point, the procedure for congressional review becomes operative.

The committee makes no claims that this bill is foolproof or that it covers every hypothetical case which might present itself to the inventive mind. If one assumes that the Vice President and most of the members of the President's Cabinet are charlatans, revolutionaries and traitors, we are foolish to attempt any solution. Rationally, we make no such assumption. Rather, we assume that the American form of government with its system of checks and balances is so structured, that the freedom of the American press is so secure, and that the conscience of the American electorate is so sensitive and its power so effective that rogues in public office are foredoomed to exposure and swift retribution. Certainly, we want a government of laws and not of men, but somewhere in the process of administration of the laws, we must commit our fate to the basic honesty of the administrators. Somewhere, sometime, somehow, we must trust somebody.

Mr. HORTON. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. McCULLOCH] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McCULLOCH. Mr. Chairman, the House is now discharging one of its greatest responsibilities in proposing an amendment to our Constitution. The proposal before us, House Joint Resolution 1, is one of the most important and challenging issues of our time. An issue that we can no longer ignore or postpone.

One of the most important procedures in our Republic is the orderly transition of Executive power. With our country's global responsibility, with present world turmoil and upheaval, and with ever-pressing domestic problems, our country must always have continuity of capable, dynamic, and certain leadership. Our system of government could be susceptible to forces of disruption during a period of Executive transition; therefore we cannot afford a breakdown, or a slowdown, during such transition.

Despite this critical need for a swift, sure, orderly procedure to insure continuity in Executive leadership, the Constitution contains no provision for filling a vacancy in the office of Vice President.

The Constitution does not define presidential inability. It does not set forth the conditions under which an acting President shall assume the duties of the office, and it does not set forth the procedure for recovery of the office by the President upon termination of his disability.

Our country recently survived a tragedy of shocking proportions that resulted in an abrupt change in our Executive leadership. Thereupon, our country was without a Vice President for more than a year. At other times in our history, periods of temporary—yes, even permanent—presidential disability have raised serious questions as to the proper exercise of Executive power. In this space age we cannot afford the uncertainties, the risks of reliance upon pious hope and chance that things will work out all right. Now is the time to face the problem. Now is the time to act—before the next crisis is upon us.

To cope with the problems of presidential inability and vacancies in the office of Vice President. We must provide the means for an orderly transition of Executive power in a manner that respects the separation of powers doctrine, and maintains the safeguards of our traditional checks and balances. I believe that House Joint Resolution 1, as amended by the Judiciary Committee, answers these needs, and will undoubtedly correct the shortcomings of the Constitution with respect to presidential inability and succession.

The resolution has three basic purposes:

First. It provides that upon the occurrence of a vacancy in the Office of the President by death, resignation, or removal, the Vice President shall become President. This provision will settle once and for all the questions raised by the present language in the Constitution: When a President dies, does the Vice President become acting President or President? Does he assume the "powers and duties" but not the "Office" of the President?

Second. The resolution provides for the selection of a Vice President in the event of a vacancy in that office.

Third. It provides a method of determining when the Vice President shall serve as acting President in the event of the inability of the President, and also a method of determining when the President is able to resume the duties of his office following a period of disability.

In reference both to the question of Presidential inability and filling a vacancy in the Office of Vice President, one of the major considerations has been whether Congress could constitutionally proceed to resolve the problems by statute, or if an enabling constitutional amendment would be necessary. Through the years, this controversy has increased in intensity among Congressmen and constitutional scholars.

In recent years, there seems to have been a shift of opinion in favor of the proposition that a constitutional amendment is necessary and that a mere statute would be inadequate to solve the problem. The last three Attorneys General who have testified on the matter have agreed an amendment is necessary, as have the American Bar Association, the American Association of Law Schools, and many State bar associations.

The most persuasive argument in favor of amending the Constitution is that so many legal questions have been raised about the authority of the Congress to act on the subject of presidential inability without an amendment, that any statute on the subject would be open to criticism and challenge at the most critical time—that is, either when a President has become disabled, or when a President sought to recover his office. Similarly, the very division of authority concerning the power of Congress to act upon filling the office of Vice President is the most persuasive argument in favor of amending the Constitution. With this division in existence, it would seem that any statute would be open to criticism and challenge at a time when absolute legitimacy was most needed. It is for these reasons that I support the constitutional amendment approach as the best way to resolve the issues.

House Joint Resolution 1 provides that the President may, in his own behalf, issue a declaration announcing his disability. If he should fail to do so, or in the case where he is too ill to do so, then, the Vice President may do so if a majority of the Cabinet, or other such body as designated by the Congress, concur.

There is a belief among many people that, in the instance where the President fails to act, the Vice President and the Cabinet, or some other body, should be designated to make the choice. Some question the disinterest of the Vice President and the trust that the people may place in nonelected members of the Cabinet. Others believe that, for political and personal reasons, the Vice President and the Cabinet, having been selected by the President, may feel reluctant to act. In place thereof, the suggestion has been made that a commission be created which might be composed of Supreme Court jurists, elected leaders of Congress, and members of the Cabinet.

I believe that the Vice President must, of necessity, be granted a primary responsibility in such matters. I also believe that members of the Cabinet, because of their intimate contact with the President, must be made to share in this responsibility and duty. I further believe that such men in the past have been, and in the future will be, dedicated to the country's welfare and will act accordingly.

In order to provide a certain amount of leeway, however, the amendment provides that Congress shall have the authority, if it so chooses, to designate some other body than the Cabinet to pass upon a Vice President's declaration of the President's inability.

The proposed amendment also provides that after a declaration of the President's inability through whatever means, and the assumption of the Office of Acting President by the Vice President, the President may resume the powers and duties of his office by issuing a declaration that his disability has terminated.

If it is believed, however, that the President's disability continues, the amendment provides that the Vice President, with the concurrence of a majority of the Cabinet, or some other body designated by the Congress, shall, within 2 days, declare in writing that such disability continues. Thereafter, Congress has 10 additional days to determine whether the President's disability does, in fact, continue.

If Congress fails to act within that period or if it does not make a determination of continuing disability by a two-thirds vote, the President shall resume his office. The burden, it will be seen, is placed upon the Vice President and the Cabinet to prove the continuance of the disability and not on the President who has the primary claim to the office. The Congress is designated as the ultimate arbiter because it is believed that, as the elected representative of the people, they share the greatest trust of the people.

Turning to the other basic problem of maintaining Executive leadership, the proposed constitutional amendment provides that when a vacancy occurs in the office of the Vice Presidency, the President shall nominate a Vice President, with the confirmation by a majority of both Houses of Congress.

Today, far more than in earlier times, the Vice President participates in the leadership of the Nation. He is made a part of the Cabinet. He has been designated a statutory member of the National Security Council. He is Chairman of the President's Committee on Equal Employment Opportunity. He has been designated as the Coordinator of civil rights enforcement in the executive branch of government. He is Chairman of the National Aeronautics and Space Council. He is frequently designated as the President's representative in foreign and domestic matters. He is assigned to other important tasks. And, perhaps, most important of all, he is but one heartbeat from becoming President. The importance of the Office of Vice President means, then, that the country must always have a Vice President who is well informed and well schooled in the important issues that face the Nation.

The age we live in and the great sorrows and near-sorrows that have befallen our Presidents in the past make it all too clear that our Nation can no longer afford the luxury of constitutional machinery which permits a vacancy in the Office of Vice President or which does not provide for the contingency of presidential inability.

Mr. Chairman, I urge the adoption of the resolution.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include a letter.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Chairman, I rise in support of the pending resolution, House Joint Resolution 1, a proposed amendment to the Constitution dealing with presidential inability and vacancies in the office of the Vice President.

An important step in our national history will be marked here today by the passage of this measure, and I urge my colleagues to give this joint resolution the two-thirds passage required for such amendments to the Constitution.

Further, I want to express my pleasure at the outstanding work done by the Committee on the Judiciary in bringing this resolution before us. I am particularly pleased to note the committee amendments which now are part of the measure, as they parallel provisions I asked the committee to consider in my testimony on February 17.

Briefly, I would like to call attention to the two aspects of this legislation which have concerned me most and which I now feel have been corrected by the amendments reported with the resolution.

The first of these is making a clear distinction between disability of the President declared by himself and a disability involuntarily established as provided for in section 4 of House Joint Resolution 1. In the case of the President's own declaration, as provided in section 3, I firmly feel that he alone should judge when that disability is over. In other words, where the President has made the declaration of a disability by his own volition, there should not be the slightest question of his power to declare it at an end.

If such clear and precise language as this is not a part of the amendment, I fear we may foreclose the fullest possible use of the mechanism sought by the amendment. It is not likely that a President who felt he might encounter difficulty in regaining powers and duties he had voluntarily relinquished would be persuaded easily to make the voluntary declaration.

The other aspect is the committee amendment clarifying the necessity for convening an out-of-session Congress to decide a contradicting declaration of inability termination when that inability was established under the terms of section 4, that is, by the action of the Vice President with the concurrence of a Cabinet majority or such other body as Congress may have provided for this purpose. This 10-day rule, as it were, should satisfactorily answer any question that a recalcitrant Congress could withhold restoration of the President's powers by a kind of pocket veto.

Mr. Chairman, my general feelings on the need and desirability of amending our Constitution along the lines of the pending resolution grow from the gaps which I believe exist in present constitutional and statutory provisions.

In the case of a vice-presidential vacancy, no more time should elapse in filling that post than now prevails when it is necessary for the Vice President to assume the Presidency. Therefore, we need procedures that are immediate, uncomplicated, and self-implementing. In that regard, I find House Joint Resolution 1 does the job and, in fact, provides the same procedures which I introduced in House Joint Resolution 274 for this purpose.

On the question of inability, I believe the contents of House Joint Resolution 1, particularly as amended in the two respects I discussed earlier, will give the Nation a suitable system to protect and preserve the viability of its highest office.

Mr. Chairman, the Monroe County Bar Association, through its board of trustees and its legislative committee, has done a great deal of work in studying the many proposals advanced in this area and in recommending certain clarifications its members feel would strengthen the proposed amendment.

I believe my colleagues should have the benefit of this work, and I take pleasure in sharing with the House at this time, a letter from my constituent, Dennis J. Livadas, Esq., chairman of the Monroe County Bar Association's legislative committee:

MONROE COUNTY BAR ASSOCIATION,
Rochester, N.Y., March 30, 1965.

Hon. FRANK HORTON,
Member of the Congress, House Office Building, Washington, D.C.

DEAR FRANK: I am pleased to report that the Monroe County Bar Association has approved a set of recommendations concerning the presidential succession. This action by the board of trustees is based on the work of our legislative committee over the past 2 years and has met with unanimous approval in both bodies.

We make the following suggestions concerning the provisions of the Senate and House Joint Resolution 1: Section 1 being the present law and section 3 allowing the President to declare his own inability are approved as proposed in the joint resolution.

Section 2 we believe would be strengthened if the succession to the Vice-Presidency were spelled out in advance rather than left to the choice of the President. As successors, we suggest the Secretaries of State, Defense, Treasury and Justice, the Speaker, and the President pro tempore, persons obviously of outstanding ability and already experienced in the problems and the policies of the current administration. We believe that so high a constitutional office as that of the Vice-Presidency of the United States should never be open to Presidential appointment as a matter of course.

In section 4, we differ with the joint resolution by eliminating a Cabinet cabal and preferring the alternative of a congressional body in order to guard against any possibility of a palace revolution. Furthermore, the Congress being the elected repository of the highest constitutional prerogatives of our Nation, and an appointed group of administrators should have the first intimate looksee in so delicate an area as the disputed ability of the President of the United States to discharge his duties. And, in addition, following the traditional concept of the Senate as a Council of the States to advise and consent to the appointment of high Federal officers, we believe that the Senate by a two-thirds vote should determine the issue of the President's disability to function.

Section 5 of the joint resolution we consider cumbrous, badly drawn, and difficult of application. In its place we suggest a simple set of alternatives that avoids the possibility of a conflict between the President and the Vice President by empowering the Senate for the same reasons and the same vote to resolve the issue of the President's ability to reassume his powers. We believe this would be a straightforward avoidance of any hiatus in power and confusion of prerogatives.

We assume, of course, that once this constitutional amendment is enacted that the Congress will pass a detailed statutory implementation. In this connection, we recommend that the congressional committee referred to in section 4 be composed of the Speaker, the President pro tempore and the majority and minority leaders in both Houses. This automatically will insure some bipartisan and a majority of top-level congressional leaders who are not at all personally involved in the line of succession.

Your interest and your favorable consideration of our recommendations are earnestly solicited and deeply appreciated. Thank you for your courtesy and cooperation.

Respectfully yours,
Dennis J. Livadas,
Chairman, Legislative Committee.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. Whitener], who has promised not to use it all.

Mr. WHITENER. Mr. Chairman, this legislation is important to the Nation because it involves a writing of a constitutional amendment. For that reason I believe it was appropriate for the chairman of our committee to have the matter considered by the full Judiciary Committee, thus giving all of us on that committee an opportunity to hear the testimony and to participate in writing language which will remove as much doubt as possible as to what is meant by the authors of this proposed amendment.

As has been said by others, the chairman of the Judiciary Committee has been most diligent and capable in the consideration of this proposition. I believe that all of us would agree, by reason of the manner in which the hearings were conducted and the measure was written up, that we have a much better product than the one which came to us from the other body.

But there are some things upon which many of us disagree.

My good friend, the gentleman from Virginia [Mr. Poff], just stated with a great degree of positiveness that he felt there was no adequate authority vested in the Congress by the Constitution at present to deal with this proposition of presidential inability. I would not for one minute array myself against the distinguished gentleman from Virginia [Mr. Poff], but since I find that one of the great legal scholars, Thomas Cooley, felt differently from the gentleman from Virginia on this matter, I am going to aline myself with Mr. Cooley and say that I believe that with the exception of filling the vacancy of Vice President, the present provisions of the Constitution are completely adequate. The language of article II, section 1, clause 5, which appears on page 4 of the report is very clear to me when it says:

> In case of the removal of the President from office, or at his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

I take the position which was taken by the distinguished Senator from Minnesota, Senator McCarthy, that we could accomplish the same purpose by statute which we seek to accomplish by this proposed constitutional amendment, with the exception of filling the office of Vice President when a vacancy occurs in that office by reason of death, disability, et cetera, of the Vice President or by reason of the succession of the Vice President to the office of President.

There is another matter in connection with this legislation that I think the gentleman from Kansas [Mr. Hutchinson], a member of the committee, has brought out which deserves consideration. That is the language which is used twice in the bill, once in section 2 where it is provided that the President nominates the Vice President and the Vice President shall take office upon confirmation by a majority vote of both Houses of Congress; and the same language, which is used in section 4, except that there it says where it is determined by a two-thirds vote of both Houses that the President is unable to discharge his duties, then he shall not be reinvested with his powers.

This language does not make it clear whether we are talking about a joint session of Congress or whether there shall be a majority vote of the total membership of both Houses under section 2 or whether under section 4 it will be two-thirds of the combined membership of the two bodies in joint session or, on the other hand, whether it relates to a separate vote being taken in the House of Representatives and a separate vote being taken in the Senate of the United States.

At this point I am wondering if the distinguished chairman of the committee the gentleman from New York [Mr. Celler], could make it clear for the record what is contemplated, whether it is intended that confirmation be by a majority vote of both Houses in section 2 or a two-thirds vote of both Houses as mentioned in section 4. Does that contemplate, Mr. Chairman, that the two Houses, the Senate and the House, would meet in joint session, or does it mean that there would be a separate vote in the two bodies with a majority required if the provisions of section 2 were to apply with both Houses voting independently of each other?

Mr. CELLER. There is no joint session. It is a separate vote of each body, and when this terminology is found in House Joint Resolution 1, it has been interpreted by the Supreme Court to mean a separate body. I refer to the case of *Missouri Pacific Railway* v. *Kansas*, 248 U.S., page 276.

Mr. WHITENER. So I assume as far as the chairman of the committee is concerned, that we would expect in the event of a vote becoming necessary under either section 2 or section 4 of House Joint Resolution 1, that it would be done by the House of Representatives independently of any vote in the Senate and that the converse would be true?

Mr. CELLER. That is correct.

Mr. WHITENER. Mr. Chairman and Members of the Committee, another question which I raised in the hearings when we had Senator Bayh testifying was the use of the language in section 4 of the bill which reads, "the principal officers of the executive departments." The witness testified that the proponents contemplated that the members of the President's Cabinet would be the persons referred to as "principal officers of the executive departments." I believe that the Senate proposal used the words "heads of the executive departments." As I understand it from reading what Professor Corwin has to say about it, there is no provision anywhere in the law for what we call Cabinet; that is, the President's Cabinet. That was a practice which sprang up and there is no statutory or constitutional authority for what we refer to as a Cabinet. So this raised the question of what do we mean by "the principal officers of the executive departments of the Government."

From a casual check of the statutes at the time we were having these hearings, within 2 or 3 minutes' time it appeared to me, if you look on page 58 of the hearings, that in our present Federal statutes we find title V, section 1, of the United States Code refers to executive departments as State, Defense, Treasury, Justice, Post Office, Interior, Agriculture, Commerce, Labor, Health, Education, and Welfare. But when we look at title 10, section 101, relating to the Defense Department we find this in subsection (6):

> "Executive part of the department" means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

And then in title 42, section 201, subsection (e) the Congress defined "Executive Department," as follows:

> The term "Executive Department" means any executive department, agency, or independent establishment of the United States or any corporation wholly owned by the United States.

Mr. Chairman, I have mentioned this in order that we might make the record clear. Does the chairman of the committee and the ranking member, the gentleman from Ohio [Mr. McCulloch], contemplate that if at any time in the future there should be any interpretation that would give weight to title 42, section 201, subsection (e), in deciding who are the principal officers of the executive departments it would be contrary to the intent of the author?

Mr. CELLER. Mr. Chairman, I refer the gentleman to the report which makes legislative history; and I refer to page 3 of the report which reads in part as follows:

> The substituted language follows more closely article II, section 2, of the Constitution, which provides that the President may require the opinion in light "of the principal officers in each of the executive departments * * * ." The intent of the committee is that the Presidential appointees who direct the 10 executive departments named in 5 United States Code 1, or any executive department established in the future, generally considered to comprise the President's Cabinet, would participate, with the Vice President, in determining inability.

Mr. WHITENER. Then we are to understand that it is the intent of the authors of this proposed constitutional amendment——

Mr. CELLER. Or any additional members of the Cabinet that might be appointed as heads of establishments in the future.

Mr. WHITENER. Then we are to understand that it is the intention of the framers of this proposed constitutional amendment, we are to make it abundantly clear that it is the concept of the committee and of the authors of the proposed constitutional amendment, that the language "principal officers of executive departments" refers to those now or hereinafter named in title 5, section 1, of the United States Code?

Mr. CELLER. That is correct.

Mr. WHITENER. And not those named in any other statute?

Mr. CELLER. That is correct.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Since our colleague brought me into the statement I would like to say to him that I join with the chairman of the committee in the definition of executive departments.

Mr. WHITENER. I thank the gentleman. My purpose in taking this time was to try to resolve for the record some of the doubts which I felt might arise from the language. I certainly commend not only the gentleman from New York [Mr. Celler], but the gentleman from Ohio and the other members of the committee who have joined together in trying to work out language and a policy which will best serve the Nation in the future. While I may have some misgivings as to the use of certain language I am sure that were I given authority to write it there would be more misgivings on the part of others. And so I shall go along with them and thank them for the fine work they have done.

Mr. CELLER. Mr. Chairman, if the gentleman will yield, I want to say that the gentleman always, as he does now, shows rare wisdom.

Mr. WHITENER. I thank the gentleman from New York.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Curtin].

Mr. CURTIN. Mr. Chairman, I rise in support of House Joint Resolution 1, the bill presently being discussed by this honorable body and which proposes an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the duties and powers of his office.

Numerous authorities who have devoted a great deal of time to analyses of the processes under which our Government operates have been struck by the fact that our Constitution is silent on specific procedures to be followed in the event of a President's becoming gravely incapacitated during his term of office. This is a matter of longstanding interest to distinguished scholars who have undertaken studies of our unique kind of representative democracy. People in and out of Government, and notably Members of the Congress, over the years have questioned this apparent flaw in our Republic's structure.

Of course, the law does spell out the line of succession to a Chief Executive in the event of death. But it is mute with respect to a manner and method of determining the ability or inability of a President of the United States to discharge the powers and duties of his office in instances where a critical illness or a disability of possible long-term duration may arise. Indeed, a President confronted by such misfortune of circumstance has no clear-cut instructions to which he can look for guidance under the language of our Constitution or of existing laws.

Article II, section 1, of the Constitution provides that the Vice President shall exercise the powers and duties of the President in event of the death, resignation, or disability of the Chief Executive, or his removal from office. To take care of further contingencies, a series of so-called succession acts were enacted by the Congress. The act of 1886 established a line of succession starting with the Secretary of State and going through the order of executive departments. On July 18, 1947, a new law was enacted to bring the Speaker of the House and the President pro tempore of the Senate in line of succession ahead of the Cabinet members. The philosophy behind this action of 1947 changing the line of succession was that the spirit of the Constitution intended clearly that the Chief Executive should be an elected official rather than an appointive one. With this conclusion of reasoning, I fully concur.

But the knotty question remains—Who is vested with certain, sure authority to arrive at a determination of when is a President not able to discharge the powers and duties of his office? The answer is—No one, under existing processes.

I became interested in this problem soon after becoming a Member of Congress, and pursuant thereto, I introduced a resolution for a constitutional amendment in the 85th Congress, and I have reintroduced the measure, with certain modifications, in each succeeding Congress. The last resolution that I so introduced was on January 6, 1965, and is House Joint Resolution 129.

The resolution presently being considered differs from my resolution in its manner of approach as to the disability feature, and also provides for the filling of any possible vacancy in the office of Vice President, but I have no difficulty in supporting the present resolution, because it solves two problems, the solution of which are long overdue. In this day of challenge and stress, it is strongly advisable that the Congress clarify beyond any doubt or uncertainty the provision of the Constitution with respect to the execution of the duties of the President in the event of disability. This resolution should be passed.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentlemen from Vermont [Mr. Stafford].

Mr. STAFFORD. Mr. Chairman, I rise in support of House Joint Resolution 1. It is desirable and needed legislation. It initiates the process by which the Constitution can be amended with respect to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the power and duties of his office.

This resolution must have the votes of two-thirds of each House in Congress if it is to go to the people—it then must be ratified by three-fourths of the States within a period of 7 years if it is to become a part of our Constitution.

I hope it will. We have trifled with fate too long.

The bill provides that in case of the removal of the President, or of his death or resignation, the Vice President shall become President.

It makes provision for the nomination of a Vice President, by the President, when there is vacancy in that office; such nomination to be confirmed by a vote of a majority of both Houses of Congress.

It takes care of the situation when the President suffers disability, and is unable to conduct the affairs of his office and the procedure under which he may resume his powers.

Mr. Chairman, I have heard from many people in Vermont who support this legislation. Such support comes from people in every walk of life.

It is true that the Bar Association and the Junior Bar Association of Vermont support this resolution.

I was pleased in January of this year to introduce a bill—House Joint Resolution 248—identical was House Joint Resolution 1 prior to committee amendments. I compliment the distinguished members of the Committee on the Judiciary for the consideration afforded this bill and the constructive changes they have proposed for it.

I urge the adoption of the resolution.

Mr. McCULLOCH. Mr. Chairman, I now yield 10 minutes to the gentleman from Michigan [Mr. Hutchinson].

Mr. HUTCHINSON. Mr. Chairman, when we propose to amend the basic law of the land, the Constitution, this Congress exercises a much greater responsibility in my opinion than is the case when we simply write statutory law, because once this proposal passes this House and survives a conference with the other body, if such be necessary, and is then submitted to the States, it is thereafter impossible to make any changes in it. The States' function of ratification, important and essential as that function is, is limited to simply saying "yes" or "no" to what this Congress proposes.

So, Mr. Chairman, I have been greatly concerned about the wording and the effect of the language that this proposal might encompass.

I would like to observe, as the gentleman from North Carolina [Mr. Whitener] observed, lawyers are not in agreement that a constitutional amendment is necessary to accomplish the purposes of succession in the office of the President, nor to determine the problem of disability.

Article II, section 1, clause 5 of the Constitution as it is worded, admittedly has caused some dispute through history. I believe that there is constitutional authority in Congress to deal with this problem through statute based upon the wording of the provisions of clause 5, section 1, article II of the Constitution.

Mr. Chairman, the gentleman from Virginia [Mr. Poff] makes a very persuasive argument that it would be a terrible thing to have to test in the courts this question of constitutional power of

Congress to deal with the subject of disability, because the test would come at a very inopportune and unfortunate time.

On the contrary, Mr. Chairman, I am convinced in my own mind—and I believe that other Members have a right to be convinced in their minds—that based upon the manner in which the Constitution is being interpreted these days—broad construction you understand—it certainly would follow that the courts would uphold a statute passed by this Congress and approved by the President of the United States providing for the procedures for determining disability.

All of the detail which this proposal before us will write into the Constitution would then be left in statutory form. If it did not work it could be much more easily remedied than will be the situation if the machinery provided under the Constitution for this proposal fails to work. If this Congress should write a statute which would be approved by the President of the United States, it is hard for me to believe that the Supreme Court of the United States would fail to find a constitutional power for that legislative act.

Now, with regard to some of the provisions of this proposal which disturb me, the gentleman from North Carolina [Mr. Whitener] mentioned, and in my additional views opinion printed in the committee report I call attention to, the wording on line 23, page 3, where in connection with the action by the Congress in confirming the nominee for Vice President submitted by the President, a confirmation by a majority of both Houses of Congress would be required. The chairman of the committee has in the Record today clarified this language according to his understanding, that this is not intended to authorize action of the Congress in joint session. Nevertheless, Mr. Chairman, there are proponents of this measure, organizations, which have strongly advocated that any confirmation by the Congress in filling the Vice President vacancy should be by joint session of the Congress, thereby diluting the strength of the Senate. In my opinion, I think the language would be much clearer if that language "of both Houses" were stricken, and the words "in each House" were written in.

I would like to ask the chairman of the committee, if such an amendment were offered would he object to the change in wording in that respect?

Mr. CELLER. I may say to the gentleman such an amendment is not necessary. Attorney General Katzenbach covered that very point, and said the vote would have to be separate in each House. That would not involve any joint session whatever. He cites a case where the Supreme Court interprets the language we have concerning "each House," which means no joint session, but a separate vote in each separate House.

Mr. HUTCHINSON. I thank the gentleman. We are making legislative history, but I am reminded of the way the Supreme Court has been recently interpreting some sections of the Constitution completely disregarding the clear legislative history, some of which was written even a century ago.

It would seem to me it would be better to have clear language in the Constitution itself than to attempt to clarify it by legislative history.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Virginia.

Mr. POFF. I wholly agree with the gentleman that action should be taken separately in each House. I suggest such an intent is amply borne out in the hearings conducted by the committee. I refer first to the testimony of Senator Bayh appearing on page 45, second, to the testimony of Attorney General Katzenbach, which appears on page 95, and finally the testimony of former Attorney General Brownell which appears on page 243. All three agree that the action would be taken separately in each House. I also suggest to the gentleman the point he makes in reference to section 2 would be equally applicable to similar language in section 4.

Mr. CELLER. I want to refer the gentleman to the statement of Mr. Katzenbach appearing on page 106 of the record, as follows:

> First, I assume that in using the phrase "majority vote of both Houses of Congress" in section 2, and "two-thirds vote of both Houses" in section 5, what is meant is a majority and two-thirds vote, respectively, of those Members in each House present and voting, a quorum being present. This interpretation is consistent with longstanding precedent. (See, e.g., *Missouri Pac. Ry. Co.* v. *Kansas,* 248 U.S. 276 (1919).)

Mr. HUTCHINSON. I thank the Chairman.

I would like next to make an observation with which I am sure the majority of the committee does not agree. To my mind a better solution to the matter of filling the vacancy in the office of Vice President would be to provide for the automatic assumption of the office by some other officer of the Government to fill the vacancy, rather than calling on the new President of the United States, the Vice President so recently elevated because of the death of a President, in addition to everything else, to be put in the position of appointing the new Vice President of the United States. The new President will not be able to put this matter off. To delay would not relieve the pressure on him. It would probably build it up further. As soon as the new President enters the Presidential stage, he will see vice-presidential candidates and their supporters in the wings.

There is a good case for simply writing into the Constitution that the Speaker of the House of the Representatives should become Vice President and the House would then choose a new Speaker. I am aware of the argument that under certain circumstances the President and the Speaker of the House, who would then become Vice President, might be of different parties. I recognize that there might be some difficulty there. I go back to the constitutional principle that as far as the Constitution is concerned, the only constitutional function of a Vice President is to preside over the Senate. Every one of the additional duties the Vice President is performing today is cast upon him by statute. If there were a situation in which the Vice President and the President could not get along, perhaps even if they were of the same party, and this has been true in the past and it may be true in the future, I daresay that changes in the statutory functions of the Vice President would be made. The Vice President would be taken out of these functions and he might be relegated to simply presiding over the Senate.

But within the purview of the Constitution that is the only function he has anyway. I submit we would have a better proposal here if the Speaker were to become Vice President.

I am sorry that this proposal does not provide for such automatic, easy, and, I think, very logical method of filling the office of Vice President when that office is vacant.

I submit, too, that at the present time there are no constitutional powers in the members of the Cabinet. They are now advisory and always have been advisory. All of the constitutional executive power vests in the President. By this proposal we are for the first time writing into the Constitution powers vested in the members of the Cabinet.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. McClory].

Mr. McCLORY. Mr. Chairman, the need for a constitutional amendment as embodied in House Joint Resolution 1 appears to be recognized generally by the American public. The need arises primarily because of two circumstances with which this Nation has had experiences of a most critical nature.

In the first place, whenever a vacancy in the office of the President occurs—such as has occurred on eight different occasions in our history—and the Vice President succeeds to the powers and duties of the President, a void results in the office of Vice President. Accordingly, constitutional provision is needed for authorizing the selection of a Vice President.

This need is met in a direct manner in section 2 of the constitutional proposal. Although there has been long debate and extensive testimony on this subject, there appears to be general agreement with section 2 of the proposed constitutional amendment that the President shall nominate a Vice President under such circumstances, who shall thereafter take office only upon confirmation by a majority vote of both Houses of Congress.

The second need is this: Authority for a President to be relieved temporarily, or even permanently, of his duties and responsibilities under circumstances where he is unable to continue in his capacity as Chief Executive of the Nation.

Again, this need may be satisfied by appropriate constitutional language in those instances where the President is without any mental or physical incapacity and where he wishes to be relieved of his duties and responsibilities on a temporary basis. I am thinking, for instance, of a case where the President proposes to leave the country for a period of time or where he finds it necessary to voluntarily be relieved of his duties for any other reason.

In such cases the President may transmit a written declaration to that effect to the Presiding Officers of the Senate and House, in which event the Vice President may serve as Acting President during such period as the President may declare. In such cases, the President would resume his duties immediately upon transmitting a written declaration in the same manner indicating the resumption of his constitutional powers and duties.

The more difficult aspect of this problem is where the President, although physically or mentally disabled, is unwilling or unable to relieve himself of the powers and duties of the office to which he was elected. It was my original view that constitutional provisions spelling out the method by which a President might be deprived of his powers and duties, as well as the method by which these powers and duties might be regained—whenever the original disability should be ended—were too complex for delineation in a constitutional amendment. Originally, I favored a simple statement to the effect that a determination of the inability of the President to continue to act as well as any resumption of his powers and duties should be left to the Congress to provide by way of legislation.

However, the committee has adopted language designed to establish a method whereby the President may be relieved of his powers and duties involuntarily as well as a further method whereby these powers and duties may be regained when any such disability is removed. Section 4 of the proposed Constitutional amendment sets forth these methods in clear and unmistakable language vesting only in the Congress authority to establish by law such body—other than the principal officers of the executive department—who must concur with the Vice President in declaring the President's inability in the first instance, as well as the removal of such inability—where an involuntary removal has occurred.

I am satisfied that the mechanics of this section in which the Vice President, the members of the Cabinet and both Houses of the Congress act—as set forth in section 4 of House Joint Resolution 1—establish a workable and entirely satisfactory method for meeting this difficult and extremely critical problem.

Certainly, the authority for any person other than the President to assume the powers and duties of that office should be contained in the Constitution itself. In other words, whoever is serving in the office as chief executive or carrying out the powers and duties of that office should be acting under constitutional authority and not mere legislative authority. House Joint Resolution 1 adequately meets this need.

Officers and members of the American Bar Association as well as many individual lawyers specializing in constitutional law and the members of the House and Senate Judiciary Committees, all of whom are distinguished lawyers in their own right, have given full and careful consideration to this proposal. Undoubtedly, and quite understandably, there are some differences of opinion with regard to provisions of this proposal. However, I am satisfied that the overwhelming support which this measure has received from the full Judiciary Committee, as well as the great weight of the testimony in behalf of the proposal in substantially its present form, commends this proposed constitutional amendment to the Congress and to the people of the Nation and their respective State legislative bodies to which the proposal must be referred for ratification following favorable action by the Congress.

I am confident that the necessary three-fourths of those State legislative bodies will act favorably on the subject of ratification to the end that the needs which are met by this legislation will be fulfilled.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Montana [Mr. BATTIN].

Mr. BATTIN. Mr. Chairman, I take this opportunity to congratulate the committee on reporting out House Joint Resolution 1. I have listened to all of the debate because, as I read the bill originally, I had some serious misgivings about its operation. But I can say from the debate and from the answers that have been made both by the chairman of the committee and the ranking Members on the minority side, I feel this will do the job. I believe the members of the committee should be congratulated for the efforts they have made in bringing this legislation to the floor and to move it on to final adoption.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I wish to speak briefly on this question of disability. In so doing perhaps I can bring into clearer focus the need for a carefully written constitutional amendment. I do not suppose it has to be restated how pressing this problem has been in history and how much more pressing it is today when we live in the day of the hydrogen bomb, when we need quick decision and fast communication.

Members do not need reminding that President Garfield was in a coma for 80 days and during that period considerable business in both domestic and international affairs was impaired. We know further, as has been stated heretofore, that during the period of Garfield's incapacity there was deep division within the Cabinet, including the Attorney General, on the question of whether the Vice President had power to act. If Vice President Arthur proceeded to act, nobody would state with any degree of sureness whether his acts would be lawful and, as Members may know, Vice President Arthur under those circumstances refused to make any decisions at all.

President Wilson's disability was longer, over a year, and although the extent of his disability is a matter of debate, the fact of the matter was that his disability prevented his participation in the debates over the Versailles Treaty and the League of Nations.

This was a sensitive period in United States and world history, but nothing compared to the sensitivity of the modern day.

So the question is—and this bears on the ultimate question as to why we need a carefully worded constitutional amendment—who shall make the decision as to presidential inability? Is it a vice-presidential decision, or is it a general executive decision, or should it be a congressional decision, or a Court decision. There is a good deal of history on this. The question really first arose when President William Henry Harrison died of pneumonia in office. There were those who objected to Vice President Tyler's succession during the President's period of illness, and there were many more who objected to Tyler's succession to the Presidency even after President Harrison's death. The question was whether the Vice President really became President to fill out the unexpired term, or whether he just continued as Vice President and performed the duties of President.

Tyler first held the view that he would only act as President during the unexpired term. Then later, he apparently changed his mind and decided to assume the Presidency.

Seven other Vice Presidents have followed suit since then. In other words, all of them have decided that they were the President, they were not Acting President; they had not just the name, but the powers of office of President. They were Fillmore, Andrew Johnson, Arthur, Theodore Roosevelt, Coolidge, Harry Truman, and Lyndon Johnson. This has a bearing on the question of disability, it seemes to me. We are told that an examination of the original articles agreed upon by the Constitutional Convention showed that the delegates at that time agreed that upon the inability of the President to discharge the powers and duties of his office, the Vice President should exercise those powers and duties "until the inability of the President be removed."

The original thought of the framers of the Constitution was that the Vice President would act as the President in the case of the President's disability. This view finds support in the debates of the Constitutional Convention indicating that the Vice-Presidency was originally created to provide for an alternate Chief Executive who might function from time to time should the President be unable to exercise the powers and duties of his office. When this provision was stated in so many words and was submitted to the Committee of Style, it was revised and reduced to the simplified statement that we have now: "In the case of removal, death, resignation, or inability to discharge the powers and duties of the office, the same shall devolve upon the Vice President," and that is the way it has remained ever since.

What this really means is that we are talking about an Executive decision rather than a congressional or a court decision in the first instance. This interpretation, in fact, has been shared by several Attorneys General in the past. Before the Senate subcommittee, Attorney General William Rogers said that in his opinion the Constitution invested in the Vice President initial determination as to the existence of an inability with respect to the President.

The same view was expressed earlier by Attorney General Herbert Brownell, who incidentally was the first governmental officer to draft and submit to the Congress legislation along these lines; indeed, the Bayh-Celler proposal is an almost exact restatement of the original Brownell proposal made to the Congress, the 85th Congress, I believe, on the occasion or shortly after the occasion of President Eisenhower's illness.

Attorney General Brownell at that time summed up what has been the legal opinion of all of his predecessors in this area in modern history. He said as follows:

> At the time of President Garfield's illness in 1881, the great weight of opinion favored the interpretation that Vice President Arthur, and he alone, could determine if the President was disabled. At that time most students of the Constitution said that the Vice President was obligated to exercise the powers of the Presidency during Garfield's illness, just as much as he was obligated to preside over the Senate or perform any other constitutional duty, and that no enabling action by the courts or Congress or the Cabinet was necessary.
>
> Since the Vice President had the duty of acting as President, it was argued, in certain contingencies his official discretion extends to the determination of whether such a contingency actually existed; in other words, they were applying a well-known rule that in contingent grants of power, the one to whom the power is granted is to decide when the emergency has arisen.

Thus, there is solid basis in law here to argue that the initial decision must be made by the person who is to succeed in power. In this instance it would be the Vice President. This power to so act is very great. Therefore, it must be guarded and very carefully written.

Mr. Chairman, the Eisenhower administration and its Attorneys General were the first to come to grips with this question of disability. They offered legislation to amend the Constitution to the U.S. Congress, and Attorney General Herbert Brownell, succeeded by Attorney General Rogers, repeatedly asked the Congress to enact it in order to come to grips with this most serious problem.

The Constitution, as we know, already provides, with respect to the Presidency, that "in the case of removal, death, resignation, or inability to discharge the powers and duties of the office the same shall devolve upon the Vice President." One would think that language reasonably clear. But the fact is that it has not been clear. It has not been sufficient to resolve the problem of deciding the terrible question of when does power pass from a crippled President to a Vice President and when can a President recapture power. There are questions so delicate and so difficult of resolution that it requires precise and exact language in a constitutional amendment. If we do not have it, then we may have the problem all over again at some future date. I hope we will not, but we must make provision for it, and it is high time we did.

Mr. Chairman, in our Committee on the Judiciary, in our discussions of this subject, and the real disagreement developed over the language of section 4 of the resolution. Here is the rub. We may see, when we get to amendments, that this difficulty was sufficiently deep to divide the committee.

Members will note that in section 4 it is provided in the event the Vice President, backed by a majority of the Cabinet, decides that the President is incapacitated, he may take over the powers of the Presidency. Stated more specifically, section 4 states that "whenever the Vice President and a majority of the principal officers of the executive departments transmit to the President pro tempore of the Senate and the Speaker of the House a communication declaring that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President."

So far so good. This takes care of the case of a President who is so incapacitated by a stroke or otherwise that he cannot communicate and voluntarily relinquishes power. Therefore, we have this provision. Then this section goes on to state:

> Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the power and duties of his office—

So far so good also. This takes care of the case of the President who disagrees with the Vice President about the State of his own health, or who has become restored to health, and believes he is in a position to conduct the powers of the Presidency. But, this section goes on to say—

> unless the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit within 2 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, immediately assembling for that purpose if not in session. If the Congress, within 10 days after the receipt of the written declaration of the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, determined by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office.

Now, that word "unless" is the key. It is very significant. The difficulty that some of us had with it in the committee was that we thought it best to provide that the President of the United States, duly elected by the people, should retain power in the event there is a disagreement as to his disability between him and the Vice President, backed by a majority of the Cabinet, unless the Congress should decide otherwise. I have thought that in the case of a dispute the President should retain power unless Congress should reverse the President by a two-thirds vote.

The bill as reported out provides just the reverse, that the Vice President, on his declaration, backed by a majority of the Cabinet, retain power unless he is reversed by the Congress.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. LINDSAY. I want to be very frank in stating that in the Judiciary Committee I offered an amendment to reverse this procedure and provide that the President would always retain power unless Congress should decide otherwise, rather than have the Vice President be able to retain power unless reversed by the Congress, and that amendment was defeated.

After the amendment was defeated, the gentleman from Virginia [Mr. Poff] cured my problem to a great extent by tightening the time period. By a new amendment a 10-day limitation was placed on the period in which Congress must act. This limitation removed a great deal of the doubt that I had about the wisdom of establishing a procedure.

In addition, the bill as it stands is vigorously supported by the American Bar Association and its special committee on this subject, the chairman of which was the former Attorney General of the United States, Mr. Herbert Brownell, who was also my former chief in the Department of Justice when the original bill on disability was drafted and submitted to the Congress. Many other leading bar associations including the association of the Bar of the City of New York, supported the bill.

Under these circumstances, Mr. Chairman, I think that Members may be satisfied in their minds that this bill is satisfactory, has the backing of the best legal minds in the country, and will at long last provide a necessary clarification of the charter under which we operate.

Therefore, Mr. Chairman, I urge that the bill be passed by this House, that we meet together in conference with the Senate to settle our differences and that this proposed constitutional amendment be submitted to the legislatures of the several States of the country with all possible speed.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection?

Mr. COHELAN. Mr. Chairman, the problems of presidential succession and presidential disability have long needed constitutional clarification. I have joined in sponsoring this measure which we are considering today, and I rise in its support.

The facts themselves speak persuasively to the need for the soundly based but immediate action which this legislation provides.

Eight of our 35 Presidents have died in office. On 16 different occasions, totaling more than 38 years in the brief history of our country, we have been without a Vice President. Eight Vice Presidents succeeded to the Presidency, while seven died during their terms of office, and one resigned.

Of the four Presidents who served the United States from 1932 through November 1963, two—Franklin D. Roosevelt and John F. Kennedy—did not live out their terms; one—Dwight D. Eisenhower—suffered a serious heart attack; and one Harry S. Truman—was the object of an attempted assassination.

In past years the office of Vice President has been subject to more ridicule than respect. But such is not the case today. The Vice President is not only the ever-possible successor to the Nation's highest office, he has become a highly important ambassador, traveling thousands of miles on behalf of the President. He is a member of the Cabinet and of the National Security Council. He is Chairman of the National Aeronautics and Space Council, and he has major responsibilities in our wars on poverty and discrimination.

There is ample evidence that the United States needs a Vice President at all times, that this person must be fully acquainted with both foreign and domestic policy and prepared to assume the Presidency on a moment's notice. Yet there is no provision in our Constitution for filling this office when there is a vacancy.

Mr. Chairman, the problem of presidential disability poses potentially greater and more difficult problems.

On two occasions, either as a result of tragic accident or illness, we have had Presidents unable to carry out their duties for prolonged periods of time.

President Garfield lingered between life and death for 80 days after he was shot by a disgruntled officeholder. During this period he performed only one official act—the signing of an extradition paper. There was a crisis in foreign affairs, but only routine business was transacted.

President Wilson's serious illness of nearly 2 years presented the country with an even more difficult situation. Following his stroke in 1919, some 28 bills became law without his signature. The Cabinet met unofficially from time to time on the call of Secretary of State Lansing, but when President Wilson learned of the meetings he forced Lansing to resign, believing that Lansing was plotting to oust him.

In both of these cases of disability, the Vice Presidents were urged to act as President. But both Arthur and Marshall declined, fearing they would deprive the President of his office should he recover.

Mr. Chairman, without clear authority, provided by law, it cannot be expected that future Vice Presidents will act differently if a President is disabled, yet clearly the leader of the free world must have a healthy, sure, and steady hand at the helm of state.

On at least two other occasions, we have had Presidents unable to carry out the full duties of their office for shorter periods of time. President McKinley lived for 8 days after he was shot, during which time the business of Government came to a standstill.

President Eisenhower's heart attack hospitalized him for 6 weeks, during the first week of which he was able to make few if any decision.

It is a strange irony indeed that we are prepared and amply so, for a President's death or impeachment, but that we are defenseless against his injury, illness, or physical incapacity. The events of the last two decades alone, however, show us all too clearly how quickly disability can strike.

Mr. Chairman, this constitutional amendment is both practical and effective. It recognizes that total protection against all conceivable situations is not possible but it guards against the most serious and striking omissions of our present system. It establishes a firm framework, grounded at it should be in the Constitution, but it leaves certain final decision which must be based on the facts of the time to the elected representatives of the people.

Most important, Mr. Chairman, it corrects the blind spots—the avoidable risks and hazards—that have impaired our Constitution for nearly 176 years and I urge that it be adopted so that presidential disability and vacancy in the office of Vice President will no longer threaten the orderly process of our democracy. I urge that this constitutional amendment be adopted to assure the orderly continuity in the Presidency that is imperative to the success and stability of our country and our form of government.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. Moore].

Mr. MOORE. Mr. Chairman, I believe the legislation we have before us in the form of House Joint Resolution 1 is one of the great challenges of this Congress. I agree generally with those who have spoken in favor of this proposed constitutional amendment. With rare exception do I disagree. However, I would like to call the Committee's attention to page 4 of House Joint Resolution 1, for I intend to offer language in the form of an amendment to section 4 of the proposed constitutional amendment.

As the gentleman from New York who preceded me made some observation with respect to the Presidency and the fact that he would like to see the elected President in that position at the time as the challenge is made to his ability to discharge the powers and duties of his office. I would say that it is in this area that I am in disagreement with the language in the resolution pending before us.

I believe that first and foremost we should protect the President. I believe that if the question of disability really exists it should be settled by the Congress at a time when the President, who has been elected by the people, is in that office.

Mr. Chairman, I believe that for us to permit the Vice President to succeed to the position of Acting President and then permit him by virtue of transmitting to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration, together with a majority of the members of the executive departments, that the President is not then capable of reassuming his office, that this puts the Vice President, then acting as President, in a position of holding tremendous power over the elected President of the United States. Sufficient power to perhaps prevent him from regaining his elected office. This should be of great concern to all of us.

Mr. Chairman, I believe that if we amend this resolution providing that once the President having been removed by the action of the Vice President and a majority of the principal officers of the executive departments, the right to the President to simply state he is capable of reassuming his office, that he shall then reassume the office of Presidency to which he was elected by the people of this country. Then if his inability still exists, we have within this proposed constitutional amendment I believe the language and mechanism which the Vice President and the principal officers of the executive departments can use to challenge the President with respect to whether or not he is actually capable of reassuming his office. But it gets us out of this gray area as to who is President of the United States for a period of 2 days or 10 days and it gets us out of the gray area certainly to the extent of placing the burden upon a man elected President of the United States having to fight for the office of President of the United States from some very high, lofty place here in the Nation's Capital rather than in the office of the Presidency itself.

Mr. Chairman, I believe that it is not too unreasonable to assume that if we do not permit the President to again succeed to his office and once having been ruled incapable or found incapable by the declaration of the Vice President and the principal officers of the executive departments, to reassume the office of Presidency, I believe we are encouraging some things to happen which perhaps are not in the minds of the individuals that are here listening to the debate in this Committee.

I believe we may very well put the President of the United States in a position of coming here to the Congress and trying to lobby himself back into the job to which the people have elected him.

I believe that the Congress should decide this matter of capability with the President and the Vice President in the positions to which the people of this country have elected them.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 2 additional minutes to the gentleman from West Virginia.

Mr. MOORE. Mr. Chairman, may I say I believe it is the burden of the Congress looking into the eyes of the elected President of the United States, even though now removed, to declare him to be unfit to hold that office.

I believe we in this Congress must be jealous of the Presidency and that all presumptions should be in favor of the Presidency. All issues as to inability in my opinion should be resolved by the Congress with the elected President holding the office to which the people have elected him. Under the language of this resolution this is not done. The elected President is out of office. Pressures to keep the elected President out of office can be exerted even on the Congress of the United States.

As I have said, this can be accomplished, in my opinion, Mr. Chairman, by a series of amendments. If I may draw the committee's attention to section 4 on page 4 of the proposed constitutional amendment, line 18. After inserting a period at the end of line 17, remove the word "unless" and have the language read then beginning on line 18:

> In the event the Vice President and the majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit within 2 days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office—

And then, I go on to page 5, line 6, and at the end change the language which states:

> The Vice President shall—

I omit the words "shall continue to"—that is, in the event the Congress determines by a two-thirds vote of both Houses that the President—

> is then unable to discharge the powers and duties of his office, the Vice President shall immediately discharge the same as acting President.

It gets us out of the gray area as to who controls the mechanism of government in this country during the period of time that the Congress must decide the issue of capabilities of the President of the United States in the event they are again challenged by the Vice President.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Iowa.

Mr. GROSS. In the event of a disability of the President and the elevation of the Vice President, does he take an oath of office as President of the United States, and if so, what happens to the oath of office that he has taken? How is that rescinded?

Mr. MOORE. I would assume that there would be a provision that the individual would take an oath as Acting President of the United States and that the Vice President would wear two hats, so to speak, that of Acting President of the United States and that of Vice President of the United States.

Mr. Chairman, I certainly recognize that there are a number of men in this Chamber here today and in this Congress who perhaps can suggest language and perhaps can suggest changes that should take place in this legislation, but I sincerely suggest at this time that it is necessary for us here this afternoon to see to it that we protect the President of the United States against any sort of manipulation which might take place as a result of the adoption of this proposed constitutional amendment in its present form. I, at the appropriate time, intend to offer an amendment that will permit the President, who has been declared incapable of handling the duties of his office, by his written signature to reassume the powers and duties of his office. It shall then evolve upon the Vice President, not as Acting President, but upon the Vice President and the principal officers of the executive department, to bring the issue to the Congress, and then it shall be up to the Congress to decide whether or not the man who is President of the United States and elected to the office of President of the United States is incapable of handling the duties of that office. I think that amendment would once and for all settle a lot of the gray area that has been discussed here this afternoon.

Mr. McCULLOCH. Mr. Chairman, I yield 7 minutes to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time to address myself to some of the constitutional questions which are raised by this proposal.

I have some serious reservations about this constitutional amendment, and they go to the heart of the proposals that are made with respect to presidential succession. I also share some of the reservations other Members of the House have expressed in regard to the disability section of this proposal, such as have been suggested by the gentleman from West Virginia [Mr. MOORE] and the gentleman from New York [Mr. LINDSAY] who have just spoken.

But primarily I should like to address myself to the constitutional provision here proposed that the President shall nominate a Vice President, who shall take office on confirmation by a majority of both Houses.

I question whether a proposal of this sort is in harmony with principles which have guided the Republic for almost two centuries. From its very inception, the presidency has been considered to be an elective office. If you go to the Journal of the Constitutional Convention, which was kept by James Madison, you will find a great deal of discussion as to how a President should be chosen. Various methods were proposed. They were all elective methods. If we go to a new procedure under which the Vice President will be appointed by the President, as an ambassador or a judge, then we shall have changed the nature of the presidency for the first time in the history of the Republic, and it will be no longer a purely elective office. Neither the people nor their direct representatives will be choosing the Vice President, the heir apparent to the most powerful office in all the world. I question very sincerely whether the American people want to make the change in principle and in policy which would be involved in this particular section of the proposed constitutional amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman.

Mr. LONG of Maryland. Has it not been true, in spite of what the gentleman says, however, that the Secretary of State and Cabinet members have been in line for succession to the presidency throughout our history?

Mr. MATHIAS. Yes, but they have never succeeded to the Presidency. The fact of the matter is, however, that many Vice Presidents have succeeded to the Presidency—unhappily as that might be, and the contingent succession beyond the Vice Presidency has been a remote thing.

Those who support this section will say that they do so on the basis of an analogy with the custom, the relatively modern political custom, whereby the wishes of a presidential nominee are consulted in a national convention as to his choice of a running mate. I consider this analogy to be false. It is false for several reasons. One is because a presidential nominee of one of our national parties who is temporarily in a convention city and who is looking for help and support from all sides will chose a man for his running mate who will help him to get elected and will choose a man who has the strength to complement his own candidacy. The same may not be true of the man who is permanently at 1600 Pennsylvania Avenue; and he may have other motivations and other thoughts in choosing the man who might not only be his Vice President but will be his heir apparent, and who under the provisions of this constitutional amendment will have certain powers to depose him.

I am very sure these arguments would have been considered very carefully in the constitutional convention. We have the duty of considering them very carefully here in this legislative body.

The fact is that a presidential nominee choosing his running mate is merely presenting a running mate to the people and the electability of the vice presidential candidate is a measure of the accountability of the presidential candidate.

There is, therefore, a very real check on his choice. While it can be replied, of course, that congressional confirmation is a sort of check on the appointment of the Vice President, I would suggest that in many cases it would be a formality only. Those of us who sat in this House in November of 1963 well know that in the emotion of that period which gripped the Congress as well as the country, we would have not questioned closely the confirmation of an appointed Vice President within a considerable period of time after November 22, 1963.

Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. MATHIAS. Certainly, I yield to the gentleman.

Mr. CORMAN. Would the gentleman consider perhaps that it would be no less a formality than the selection of Mr. Miller and Mr. HUMPHREY in the summer of 1964?

Mr. MATHIAS. I thank the gentleman for his observation. Perhaps it merely proves what I have attempted to express to the House today. The gentleman will recall that the selection of Mr. Miller and Mr. HUMPHREY was merely for the purpose of presenting their names to the country.

Mr. RUMSFELD. Mr. Chairman, will the gentleman yield?

Mr. MATHIAS. I yield to the gentleman.

Mr. RUMSFELD. In this same connection, we look at page 3 of the resolution, line 23, and then again at page 5, line 5, where it points out that the House and Senate will by a vote approve these actions, in one case the selection of a Vice President and in the other the disability question.

It is obvious that under this constitutional amendment these decisions could be made by the Congress by a nonrecord vote.

Mr. MATHIAS. I believe that is clearly true. Certainly there is no provision for it in the amendment.

Mr. RUMSFELD. Not only could there be a nonelected Vice President, as the gentleman has pointed out, but the Vice President could conceivably be selected without the Members of the House and the Members of the Senate ever going on record as to whether they approved or disapproved the President's request.

I am personally concerned, because I believe a subject matter of this importance to the country should be decided on a record vote. In the past we have seen many important measures pass the House by a nonrecord vote. I believe the public's business should be conducted in public.

Mr. MATHIAS. Mr. Chairman, I should like to point out briefly that in addition to my reservations about section 2 providing for an appointive Vice President, my concern is increased by the fact that we would couple the appointive powers of the President with the power of the Vice President thus appointed to depose the President. This to me is a conflict in powers which I believe can create serious trouble for this country in the future.

On another question not touched upon, I should like to ask the gentleman from Virginia [Mr. Poff] to respond to a question. I point out to the gentlemen that nowhere in this proposed amendment and nowhere in the committee report is there any reference to the state of the law in the event of simultaneous death of the President and Vice President. Does the gentleman from Virginia consider that it would be the intent of this amendment that the existing language of the Constitution covering the death or otherwise the removal of both the President and Vice President would be in effect notwithstanding adoption of this amending language?

Mr. POFF. The answer is definitely in the affirmative. The gentleman has reference to the language in article II, section 1, clause 5. The amendment which we are considering, if it becomes a part of the Constitution, would simply be a supplement to rather than a substitute for that language.

I add that I am reliably informed that former Attorney General Brownell, to whom this proposition has been put, shares my feeling on this score.

Mr. MATHIAS. I thank the gentleman from Virginia. I believe it is very important that we should make it clear that while the language in this constitutional amendment, if adopted, would supplant the first part of the sentence dealing with vacancies and succession, it would not supplant the second part dealing with vacancies in both the offices of President and Vice President.

Mr. POFF. The gentleman is correct. Stated differently, the adoption of this constitutional amendment would not repeal in any sense the present law on succession.

Mr. MATHIAS. I thank the gentleman from Virginia.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. Cahill].

Mr. CAHILL. Mr. Chairman, I rise in support of House Joint Resolution 1. Recognizing the need for some legislation in this field, I sponsored House Joint Resolution 922, which was introduced on February 8, 1964, and which proposed an amendment to the Constitution relating to vacancies in the office of Vice President. The present legislation proposes to correct not only the situation that exists upon the death of a President and his succession by the Vice President, but likewise to correct that situation which results from presidential inability.

The history of our country is replete with examples of presidential disability which required some action in order to continue the every day life of the Republic. In this day and age with immediate decisions required on a myriad of subjects, it is inconceivable that this country should continue without the full service of a chief executive.

Because of the precedent, known as the Tyler precedent, it seems clear that when a Vice President succeeds to the office of President of the United States, he inherits all of the powers of the office and in the words of Daniel Webster:

> The powers * * * are inseparable from the office itself.

Thus, under present law, if a disabled President is displaced by a Vice President who assumes the prerogatives of the Presidency, he could not upon recovery, displace the Vice President who had assumed the office.

American history will disclose that when President Garfield was shot he lingered for almost 3 months unable to perform any official acts, except the signing of an extradition paper. President Wilson, likewise, suffered a severe stroke which came at a time when the struggle concerning the position of the United States in the League of Nations was at its height. Recently, we all recall the illness of President Eisenhower and his concern about the omission in the Constitution relative to presidential inability. Because of his concern, it will be recalled that he entered into a formal agreement with Vice President Nixon. President Kennedy likewise entered into a similar agreement with Vice President Johnson as did President Johnson with Speaker McCormack and Vice President Humphrey.

I am sure all of us in the House recognize that such agreements are not adequate and there is a definite need for a constitutional change.

Attorneys General of both Republican and Democratic administrations have agreed that the best method to settle the problem is by means of a constitutional amendment. It seems clear, therefore, that some changes must be made in the existing Constitution as it relates to presidential inability and presidential succession together with some provision for the appointment of a Vice President where the Vice President succeeds to the Presidency.

Historically there has been a dispute as to whether or not the changes which admittedly were needed could be accomplished by statute or whether a constitutional amendment was necessary. It now appears clear from overwhelming legal authorities that the proper and indeed the safest procedure is by amending the Constitution. Attorneys General Brownell, Rogers, and Katzenbach have agreed that an amendment is necessary. This view has the support of the American Bar Association and most of the State bar associations. It, therefore, seems to me that since the need is great and urgent and since the method is clear and direct, that we in the House should adopt the resolution presently being considered so that this important omission in the basic law of the land may be corrected at the very earliest opportunity.

Mr. Chairman, it is indeed urgent, it is indeed necessary; and we should act promptly. I urge the adoption of House Joint Resolution 1.

Mr. McCULLOCH. Mr. Chairman, I now yield 5 minutes to the gentleman from New York [Mr. Halpern].

Mr. HALPERN. Mr. Chairman, I rise in support of the pending measure, believing that it represents a responsible answer to a difficult constitutional and political dilemma. I want to compliment the committee for its superb work on this legislation and for bringing before us a most commendable measure.

I was privileged to testify in behalf of House Joint Resolution 1 on February 10 before the committee. The amended version presently under debate is not materially different from the original proposal, and I believe the committee has contributed some valuable clarification and change.

The measure provides an unambiguous means of filling the office of the Vice-Presidency when this personage assumes the higher office upon death or resignation of the President. Second, House Joint Resolution 1 establishes a method for the determination of presidential inability and procedures open to assure a continuity of leadership when such disability occurs.

When the President disqualifies himself, or is otherwise disqualified by the chief executive officers and Congress, the powers and duties shall devolve upon the then Vice President who becomes Acting President. Provisions are set down whereby this period of inability can be terminated.

The committee believed that in a case where the President declares himself disabled, he should be able to resume discharge of his powers immediately through simple notification to Congress. The committee report notes:

> To permit the Vice President and Cabinet to challenge such an assertion of recovery might discourage a President from voluntarily relinquishing his powers in case of illness.

This is a wise and reasonable amendment.

We have two important clarifications to the original House Joint Resolution 1. The words "heads of the executive departments" are changed to "principal officers of the executive departments" to insure that only those of Cabinet rank can participate in a determination of presidential disability. The amendment to section 3 specifies that the President's written declaration of inability shall be transmitted to the President pro tempore of the Senate and to the Speaker of the House. It is additionally made clear that if Congress is not in session when the Vice President and a majority of the Cabinet contradict a presidential assertion that no inability exists, Congress shall immediately assemble to decide the issue, as provided.

It would be impossible, Mr. Chairman, to imagine all the varying cases which may arise touching upon presidential succession and inability. Historical experience is instructive, but it also indicates that similar predicaments will vary in important details. We should leave room for human judgment.

House Joint Resolution 1 provides a framework through which the Nation can legally assure itself of executive leadership when incapacity strikes. This assurance has become crucial in the 20th century.

While there exists no mathematical device to prescribe the detailed conduct of Government officers in every hypothetical situation, we must protect ourselves by establishing procedures for constitutional action. House Joint Resolution 1 represents a sufficiently flexible approach.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. HALPERN. I will be happy to yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I compliment the gentleman from New York on the statement that he is making and I subscribe to the sentiments which he has expressed.

I strongly favor the passage of House Joint Resolution 1. This legislation is substantially in accord with House Joint Resolution 158, which I introduced in this Congress, and is similar to House Joint Resolution 990, which I introduced in the 88th Congress.

I am proud of the manner in which the Congress is meeting its responsibility in this important area of Presidential succession and Presidential inability. The history of the country is replete with instances where the Government of the United States has been hobbled by the absence of a provision such as we are considering today. If more evidence were required of the necessity of such a revision of our law, the situation attendant upon the tragic death of President Kennedy forcibly brought this need to our attention. Frequent mention has been made of the problems faced by President Andrew Johnson and President Truman because of the lack of succession and students of the Wilson era will be familiar with the hiatus of Government which occurred after Wilson was stricken because of the absence of any provision governing presidential inability.

The constitutional amendment which we consider today will fill the legal void that has too long existed. In taking the action which I am confident we will take today, the Congress is acting in the best tradition of this great body and in accordance with the highest standards of democratic government.

Mr. ROGERS of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of House Joint Resolution 1 and urge its adoption. The reason for this proposal arises from the fact that we have, throughout history, had instances of the President's inability to perform the functions of his office. That is the only reason why we are considering this legislation today. As has been pointed out heretofore, during the term of office of Woodrow Wilson and even under the past administration of President Eisenhower, the inability of the President to perform the functions assigned to him became highly important. We, as Members of Congress, and those who have preceded us here, have not exercised all of the authority that we could have exercised under article II, section 1, clause 5, which has been read here several times. The only step Congress took was to provide for succession in the event of a vacancy in the office. Prior to 1947 the succession was the Secretary of State and so on down the line in the Cabinet.

In 1947 Congress changed the line of succession so that in the event of a vacancy and there were not a Vice President, the Speaker of the House would become the President. In the event of a vacancy of President and Vice President, and even if this amendment were adopted by four-fifths of the States, then the succession would still continue. What we are trying to do here is to meet the problem of the inability of the President to fulfill the responsibilities of his Office.

This matter has been discussed by many Members of Congress and particularly in the Committee on the Judiciary for a number of years. Particularly was it highlighted at the time of the sickness of President Eisenhower. But no action was taken, and finally it was thought that some definite position should be taken by the Congress of the United States.

The resolution we have before us, after many years of thinking and study comes nearer to solving the problem than anything that has been suggested up to date.

We recognize that there are bound to be individuals who may disagree as to the proper method in meeting this problem. We also recognize that the members of the Cabinet who are appointed by the President, if they should arrive at a conclusion that he has not the ability to perform the functions of his Office, are going to be hesitant in making that determination. They, themselves are the ones who have had the opportunity to observe the President and his actions.

Therefore I suggest that we adopt this resolution and refer it to the respective States and at last fill the void that has existed from the founding of the Constitution down to date.

Mr. MORSE. Mr. Chairman, I rise in support of House Joint Resolution 1. The action that the House is considering today is long overdue and I commend the House Committee on the Judiciary Committee for developing what I believe to be a highly satisfactory solution to a problem that has plagued us since the beginning of our Nation.

Even during the debates at the Constitutional Convention, the lack of clarity of article II, section 1, clause 5 was apparent. No one had an answer for John Dickinson's question "What is the extent of the term 'disability' and who is to be the judge of it?"

In my judgment, House Joint Resolution 1 supplies the answer.

The problem of presidential disability and vice-presidential vacancy has come up several times in our history. By precedent we resolved the question of the Vice President succeeding to the office of President upon the death of a President, but we have not dealt with vice-presidential vacancy or with the delicate problems of disability.

It is regrettable that we have been moved to action by the tragic assassination of a President and the vacancy of the office of Vice President for more than a year. In this day and age we cannot be without all of our constitutional officers.

Just as these events have brought this proposal before us, I hope that they will also lead us to deal with the question of the crime of presidential or vice-presidential assassination. At the present time it is not a Federal crime to assassinate the President. I have introduced legislation in the 88th and 89th Congresses, as have a number of other Members to eliminate this gap in our laws.

I congratulate the members of the Judiciary Committee on their outstanding work on this proposal and urge their consideration of H.R. 7338 and related measures.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope and urge that this House, after due deliberation and discussion, will overwhelmingly accept and approve this measure before us, House Joint Resolution No. 1, with amendment, providing for swift and orderly succession to the Presidency and Vice-Presidency and reasonably resolving those cases where the President is unable to discharge the powers and duties of his high and burdensome office.

It is hard to believe that this great and powerful Nation, predominently dependent upon almost moment-to-moment guidance of its complex affairs from the White House, has practically no systematic means, now, of meeting the profound emergency of presidential inability or prompt vice-presidential replacement.

It may well be considered among our greatest blessings that, as yet, no confounding catastrophe has erupted out of vacancies in the vice-presidency or presidential incapacity.

The resolution before us does offer, after the deepest committee study and extended consultation with recognized experts, an equitable and practical mechanism by which the Vice President can be replaced in case of the vacancy of his office from any cause.

A section of this amended resolution also provides an orderly process of enabling the President to be temporarily relieved of his tremendous duties in case of a disabling sickness with no fear of being permanently displaced. This measure further seeks to recognize and meet even the most remote emergency of a President being unable himself to request needed relief by providing that the Vice President, on the initiative of himself and the Cabinet, could temporarily discharge the duties of the Presidency.

Mr. Chairman, by the resounding approval of this measure we will be rightfully acting to remove the causes of utmost anxiety and apprehension that inevitably would arise, here and throughout the world, if, may God forbid, this Nation should ever again endure the tragedy and sorrow of a fallen or disabled leader.

I hope the House will take this patriotic action, in the national interest, without undue delay.

Mr. BENNETT. Mr. Chairman, while the framers of the Constitution gave scant attention to the problem of presidential inability and succession, the fact remains that since the Presidency of George Washington the Nation has been without a Vice President 16 times, and has had 3 Presidents who were so disabled there was grave doubt of their ability to perform their duties as President. We are all familiar with the lengthy periods when Presidents Garfield and Wilson lay close to death, and aware that during the illness of President Wilson, Mrs. Wilson and members of the White House staff conducted affairs of state because Vice President Thomas Mitchell feared his acting as President would oust President Wilson from office.

Most recently the heart attacks of President Eisenhower, and the assassination of President Kennedy, again reminded us of the compelling and urgent need for Congress to provide for the orderly and prompt determination of a President's disability, and on the death or disability of the Vice President for the selection of an immediate successor.

Since 1953 I have in every Congress introduced legislation calling for a solution to the problem of Presidential disability and succession. It was in 1953 when I joined with the distinguished Senator from Rhode Island, the venerable Theodore Green, to establish a Commission to look into the problem of presidential inability and succession. Today we have an opportunity to enact legislation which would provide a solution to the problem. I have worked and supported my own legislation in this field, House Joint Resolution 33, and I am pleased to commend to the House of Representatives today, the Committee on the Judiciary's bill, House Joint Resolution 1, a much-needed and good bill for the future of our Nation.

Mr. GILBERT. Mr. Chairman, I rise in support of House Joint Resolution 1, which proposes an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office.

As a member of the Judiciary Committee, I have followed and participated in the hearings on this important proposal. We have been concerned with two problems: first, the lack of a constitutional provision assuring the orderly discharge of the powers and duties of the President in the event of disability or incapacity; second, the lack of constitutional provision assuring the continuity of the office of Vice President, and office which itself is provided for the primary purpose of assuring continuity.

Problems have existed in this country for almost two centuries so far as continuity of the executive branch of our Government is concerned. President Johnson said in his message to Congress:

> It is truly astonishing that over this span we have neither perfected the provisions for orderly continuity in the executive branch, nor have we had to pay the price our continuing inaction invites and risks.

Mr. Chairman, we have been without a Chief Executive during several periods of our history during which the President was unable to perform his duties. It could happen again, unless our Constitution is clarified and amended to define procedures for a successor to assume the powers and duties of the Presidency. The American people have not hesitated to amend their Constitution when commonsense has dictated it, and certainly commonsense and deep concern for the welfare of our country dictate it now. In such perilous times as these, there should be no doubt about whose hand is responsible for the running of our country. We are prepared for the possibility of a President's death, but we are not prepared for the probability of a President's incapacity by injury, illness, or other affliction.

House Joint Resolution 1 would amend the Constitution to provide a detailed and orderly procedure for the transfer of Executive power from the President to the Vice President in times of Presidential inability.

I would like to call the attention of my colleagues in the House to each section of the proposal.

Section 1 of House Joint Resolution 1 states:

> In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

This affirms the practice by which a Vice President becomes President upon the death of the President, and it extends the practice to resignation or removal from office. The provisions relative to inability are separated from those relating to death, resignation, or removal.

Section 2 provides that in the event of a vacancy in the office of Vice President, the President shall nominate a successor, subject to congressional approval by a majority vote of both Houses of Congress. This would virtually assure that the Nation will at all times have a Vice President.

I am of the opinion that the best way to fill the office of Vice President in the event of a vacancy is as proposed in this resolution. It is desirable that the President and Vice President enjoy harmonious relations and mutual confidences, and that the President be granted the generally accepted prerogative of choosing his Vice President. On the other hand, this amendment would recognize the right of the people to have a voice in the Vice President's selection through their elected Representatives in Congress.

The office of Vice President has become one of great importance. It is no longer simply an honorary position. It carries specific and far-reaching responsibilities in the executive branch of the Government. Vacancies in the office of Vice President have occurred on 16 different occasions for periods totaling more than 37 years. Seven Vice Presidents have died in office and one resigned; eight Vice Presidents have taken over the Office of President upon the death of the incumbent President since 1841. It is essential that there always be a presidential successor fully conversant with domestic and world affairs and prepared to step into this high office on short notice and work harmoniously with the President.

Sections 3 and 4 of House Joint Resolution 1 deal with procedures for determining when a presidential inability begins and ends. The principal purpose of the amendment is to distinguish between, first, inability voluntarily declared by the President himself—in which event House Joint Resolution 1 provides the President can resume his duties by making a simple declaration that the inability no longer exists; and second, inability declared without the President's consent—in which case, House Joint Resolution 1 provides procedures for promptly determining the presence or absence of inability.

Section 3 makes clear that the President may declare in writing his disability and that upon such an occurrence the Vice President becomes Acting President. He assumes "the powers and duties of the office" and not "the office." This section further clarifies the status of the Vice President during the period when he is discharging the powers and duties of a disabled President. It clarifies the procedure and the consequences when the President himself declares his inability to discharge the powers and duties of his office, as follows: First, the officials to whom the President's written declaration of inability shall be transmitted are the President pro tempore of the Senate and the Speaker of the House; second, in case of such voluntary self-disqualification by the President, the President's subsequent transmittal to the same officials of a written declaration to the contrary—that is, a written declaration that no inability exists—terminates the Vice President's exercise of the presidential powers and duties, and that the President shall thereupon resume them.

In cases in which a President himself declares his inability, the period of his disability would be terminated by a simple Presidential notice to both Houses of

Congress. To permit the Vice President and Cabinet to challenge such an assertion of recovery might discourage a President from voluntarily relinquishing his powers in case of illness. The right to challenge would be reserved for cases in which the Vice President and the Cabinet, without the President's consent, had found him unable to discharge his powers and duties.

Section 4 deals with the factual determination of whether or not the inability exists. It provides that whenever the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

The term "principal officers of the executive departments" has been substituted for the term "heads of the executive departments" as originally used in House Joint Resolution 1, to make it clearer that only officials of Cabinet rank shall participate in the decision as to whether presidential inability exists. The committee concluded that the combination of the judgment of the Vice President and a majority of the Cabinet members would be the most feasible formula. It would enable prompt action by the persons closest to the President, and it is assumed that such decision would be made only after adequate consultation with medical experts.

Another change made in former sections 4 and 5 is to specify the President pro tempore of the Senate and the Speaker of the House as the congressional officials to whom the declaration concerning presidential inability shall be transmitted, as is done in section 3.

Former section 5 of House Joint Resolution 1 was amended, first, to make clear that if Congress is not in session at the time of receipt by the President pro tempore of the Senate and the Speaker of the House of a written declaration by the Vice President and a majority of the principal officers of the executive departments contradicting a Presidential declaration that no inability exists, Congress shall immediately assemble for the purpose of deciding the issue; and second, to provide that in such event the President shall resume the powers and duties of his office unless the Congress within 10 days after receipt of such declaration of Presidential inability determines by two-thirds vote of both Houses that the President is in fact unable to discharge the powers and duties of his office, and the Vice President shall continue to discharge the duties of the office as Acting President.

To clarify this a little more, House Joint Resolution 1 provides that, following a Presidential declaration that a disability previously declared by others no longer exists, a challenge to such a declaration must be made within 2 days of its receipt by the heads of the House and Senate and must be finally determined within the following 10 days. Otherwise, the President having declared himself able, will resume his powers and duties.

Mr. Chairman, I urge prompt approval of House Joint Resolution 1 to amend the Constitution, so that the States might proceed with the long process of ratification. I am firmly of the opinion that a constitutional amendment as offered in this resolution is the most adequate way to fill a very dangerous void in our system of Government.

Mr. FUQUA. Mr. Chairman, the Constitution of the United States has left unsolved the problem of how the presidential duties and powers are transferred in the event a President become incapable of administering the duties of his office. This is particularly true in the event that the President does not understand and realize he has become incapacitated. Study of the problem indicates that there has long been an awareness of the lack of clarification by the Constitution, but, as of this time, it is a matter left unresolved. It is my hope that we can act upon this legislation and rectify the provisions with clearer language than originally written. The only satisfactory method of resolving the problem of presidential inability and the filling of the vacancies in the Office of Vice President is by the constitutional amendment as proposed in House Joint Resolution 1 before us today and in my identical resolution, House Joint Resolution 250.

Of course, in the event of the death of a President there is not the point in question as much as in the case of his being incapacitated since the Tyler precedent has been accepted and used in seven other instances. In this case, historical practice has been the answer to the present constitutional provisions in such an eventuality. On the other hand, there is no such practice which can be used as a criterion for presidential inability. The informal understandings which our Presidents and Vice Presidents of recent administrations have had were steps forward, but even these left unanswered situations which might arise in the event the President and Vice President disagreed on the question of inability.

The ambiguous language of the Constitution indicates there is clearly the need of a permanent and complete solution to the subject of thought. I find the committee report has the situation perfectly summarized into one sentence by stating:

> The language of the clause is unclear, its application uncertain.

More important than ever before is the continuity of the powers of the Executive Office and it is imperative that this continuity be maintained with the least possible disturbance at the time of a President's disability.

The urgency at the time of the death of a President is very great, but it could very well be just as pressing in the event of a President's incapacity to execute the powers and duties of his office. Our country has been most fortunate to never have experienced national chaos caused by the uncertainty and anxiety of the Nation being without responsible and capable leadership. Not that I would even anticipate there ever being such circumstances, I feel very strongly that there is a need for constitutional clarification which would act as a preventive to such apprehensiveness. I feel this is most apparent in our day when time is of essence to a degree greater than ever before since only the pressing of a mere button can result in hostile conflict that took days to come about in years gone by.

Our Nation has a unique concentration of powers and responsibilities in the Office of the President since in most nations these are shared by two or even three officials. The President's active leadership is most essential to the effective operation of the Government in every respect—domestic affairs, military leadership, foreign affairs and even a leadership for Congress to perform its own role properly. Therefore, in this light, every effort toward bringing about the smoothest type of transition with as little uninterrupted exercise as possible of presidential powers and duties is most desirable and needed.

In giving my support to such an amendment to our Constitution, I feel it is most important to emphasize my strong belief in that portion of the resolution requiring congressional approval to serve as a check and symbolize popular participation and for establishment of legitimacy where the Vice President would have to carry out the provisions of this legislation. This country has been blessed to not have the overzealous men we have seen in other nations who usurp the rightful leadership of their governments. However, it is always our desire to protect our Nation and its citizens from any actions which would result in a deterioration of the excellent and fine Government established by the forefathers of the Nation.

Of equal importance to Presidential inability, and sometimes related to it, is the matter of being faced with the critical problem of vacancies in the Office of Vice President. I believe it is actually little known that our Nation has been without a Vice President 16 times—in almost half of the 36 administrations in the history of the country. The gap which such a vacancy leaves in our executive branch badly needs remedial action at these times when the working relationship between the two offices has become increasingly important and desirable.

I support this resolution and feel its provisions are needed and will place the executive branch of our Government in a position to better cope with crises which could mar the effective operation, leadership, and administering of the Offices of President and Vice President.

Mr. RODINO. Mr. Chairman, the 89th Congress now has under consideration the best solution ever offered the American people to one of the oldest and most perplexing problems of our constitutional system.

In House Joint Resolution 1, a proposed amendment to the Constitution, we have before us a comprehensive, workable, and democratic plan to cover the possibility of presidential inability and succession.

Approval of this resolution by Congress and the State legislatures will assure the people of this country uninterrupted leadership in our highest office. It will guarantee stability in the Government in vital areas that for almost two centuries have been a source of apprehension and uncertainty.

The fifth paragraph under section 1 of article II in the Constitution reads, in part:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President.

This paragraph then goes on to give Congress the power to provide by law what officer shall act as President should both the President and Vice President be unavailable for any of the above reasons.

The term "inability" as used in this paragraph has resisted all efforts to give it precise definition from the time the Constitution was drafted in 1787 to this very day. Obviously, inasmuch as we have so far failed to define inability, we have also failed to establish procedures to be followed in the event of its occurrence.

As regards presidential succession, Congress has in the lifetime of this Republic enacted three different laws.

Under the first of these laws, the Succession Act of 1792, the Vice President was followed in the line of succession by the President pro tempore of the Senate and then the Speaker of the House. This law prevailed until 1886, when the members of the Cabinet, headed by the Secretary of State, were put in the line of succession after the Vice President. The law now in effect, passed in 1947, reverts to the basic idea of the 1792 act. After the Vice President, the line of succession goes first to the Speaker of the House, then to the President pro tempore, and, finally, to the Cabinet members.

None of these succession laws has ever been regarded as completely satisfactory by everybody, and indeed it is not difficult to direct strong arguments against, as well as in favor of, each of them.

The great virtue of House Joint Resolution 1 is that it will not only clarify the meaning of inability and establish methods for dealing with it, but will also provide an eminently sound and practical answer to the succession issue.

Let us examine in nontechnical language the substance of this proposed amendment.

Section 1 merely affirms what has always been true under the Constitution—that if the President is removed from office, dies, or resigns, he is succeeded by the Vice President.

The next section, however, constitutes a very marked departure from anything that we have heretofore known. It calls upon the President, whenever a vacancy exists in the Office of Vice President, to nominate a candidate to fill this very important national position. The nominee would take office as Vice President only after being confirmed by a majority vote of both Houses of Congress.

Thus, the Vice-Presidency would never again be left vacant until the next election, and orderly presidential succession would be assured. The requirement of congressional confirmation is an added safeguard that only fully qualified persons of the highest character and national stature would ever be nominated by the President.

Sections 3 and 4 deal with Presidential inability—what it is, when it exists, and what to do about it. The third section states quite simply that whenever the President, by written message to the President pro tempore of the Senate and the Speaker of the House, declares his own disability, the powers and the duties of the Presidential Office shall be discharged by the Vice President as Acting President. The President would then resume his powers and duties whenever he, again in writing, informed these same congressional officers that he was able to do so.

Section 4 is more difficult and complicated because it is concerned with the factual determination of the existence of inability and the possibility of a controversy over the issue involving the President and the Vice President.

This section permits the Vice President, when joined by a majority of the Cabinet members, to present a written declaration to the congressional officers already mentioned stating that the President is unable to perform the powers and duties of his office. Under these circumstances the Vice President immediately becomes Acting President. The President may declare in writing to these same leaders of Congress that this inability is at an end and resume his office.

If, however, this presidential statement of his capacity to serve is challenged within 2 days by the Vice President and a Cabinet majority, the issues goes before Congress which will immediately decide the issue. If out of session, Congress will immediately assemble for this purpose. If, within 10 days after receiving the written challenge from the Vice President and the Cabinet, Congress decides by a two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President will continue as Acting President. If Congress does not so decide, the President resumes his regular role.

We must be impressed by the many contingencies covered in this section. We must also be impressed by the way the Office of the President, with all its real and symbolic significance, is protected while at the same time the national welfare remains the foremost consideration.

The pressing need for incorporating this proposed amendment into our fundamental law with all possible speed seems to me to be overwhelming.

In our political history we have had Presidents disabled for long periods by assassins' bullets or illness. It is true that we have managed to weather these crises in one way or another, but if the Constitution is allowed to remain vague and ambiguous concerning inability as it now is, we may not always be so fortunate.

It is also a fact that because eight Presidents and seven Vice Presidents have died in office and one of the latter resigned, this Nation has on 16 occasions been without a Vice President. For more than 37 of our 176 years as a nation, our second highest office has been unoccupied.

We have relied too long on luck and wishful hopes that presidential inability and succession would never become critical or controversial issues that could disrupt our national life or governmental structure.

Let us act now to settle these matters wisely, prudently, and expeditiously.

Let us pass House Joint Resolution 1 now so that it may be sent on promptly to the States for their approval.

Mr. FASCELL. Mr. Chairman, the problem of presidential inability has remained an unresolved constitutional issue of greatest magnitude throughout all the one and three-quarters centuries of our life as a nation.

At the same time, none of the three presidential succession laws, enacted in 1792, 1886, and 1947, has provided a truly satisfactory answer to this related problem.

Now, this House has under consideration in House Joint Resolution 1 the most thoughtful, comprehensive, and democratic solution to both of these great issues that has ever been presented to the American people.

Under this plan a vacancy in the office of Vice President would always be filled by the President. This would be possible because the President would be authorized to appoint a Vice President when, for any reason, the second highest office in the land is unoccupied. The President's appointee would take office only after being confirmed by a majority vote of both Houses of Congress.

Thus, in a thoroughly logical and easily understandable way, this resolution solves two of our most difficult and enduring problems. It assures us that the Vice-Presidency will always be filled, and it provides for a smooth and untroubled succession to the Presidency.

The other sections of House Joint Resolution 1, as amended by the Judiciary Committee, are concerned with inability. Inability in its simplest form would be determined by the President himself through a written declaration to the President pro tempore of the Senate and the Speaker of the House. The President would also state when his inability is at an end by writing to these same congressional officers. In the interim, the Vice President would act as President.

If the President were unable to determine his own inability, or if there were doubt or controversy about it, the matter would then be settled by the Vice President, the Cabinet, and Congress. In this eventuality, there would be adequate, fully democratic procedures and safeguards to protect both the Presidential office and the welfare and best interests of the country.

I am proud of the fact that I was one of the sponsors of this resolution in its original form. I believe now that the amended version we are considering is an even better proposal.

I regard this proposed amendment as essential to the strengthening of constitutional principles and the structure of the Federal Government.

I urge its immediate passage so that it may be sent on to the States for their approval.

Mr. RANDALL. Mr. Chairman, there is no such thing as an indispensable man. But if ever there were an approximation to an indispensable man, it is the President of the United States. Over the past several decades we have witnessed an expansion in his office and its powers to unparalleled dimensions. We have come to expect the President to set the guidelines for conduct of domestic policy and to bear the standard of leadership for the entire free world. We know from experience that even a weak President must have strong advisers and associates to insure that the minimum functions of his office are carried out. And we have learned recently the lesson that continuity of purpose and direction are one of the greatest blessings a nation can receive when a great national leader has fallen.

The tragic death of John Fitzgerald Kennedy has forced those of us who would rather not dwell upon such contingencies to reflect upon questions of Presidential succession and disability. It has caused us to realize that this country cannot do without a President and that at all times the continuity of both his office and his powers must be preserved. The business of the Government is too important and too pressing to be postponed for weeks or months because of a vacuum at the center of the executive branch. For whatever reason, whether through death or because of physical or mental incapacity, the absence of a leader in the White House could mean virtual paralysis of the executive branch of Government with unpredictable consequences for the safety of the United States itself. Yet, our Constitution is not at present written to cope adequately with crises in presidential leadership.

Mr. Chairman, House Joint Resolution 1, the constitutional amendment proposed by the gentleman from New York and reported favorably by the Committee on the Judiciary, will resolve most of the constitutional ambiguities related to presidential succession and inability. It is a sound proposal which should be made part of the Constitution with deliberate speed and without further modification.

The provisions of this amendment are addressed to two basic problems of presidential continuity. I touched on these problems in my testimony before the Judiciary Committee, but it is appropriate to review them once again in the context of this historic debate.

The first problem dealt with by the amendment is vacancy in the office of President or Vice President arising from death, resignation, or removal from office. The second problem concerns situations in which the President holds office in a technical sense, but is incapacitated in such manner as to preclude the proper exercise of the duties, functions, and obligations of his position.

In 16 instances lasting a total of 37 years, this country has been without a Vice President. Only an accident of history and perhaps the intervention of divine providence have protected us from the severe crisis that could have resulted if a President had died in office or been otherwise incapacitated during such a period.

The first two sections of this amendment seek to minimize the likelihood of such a tragedy in the future. Henceforth, whenever there is no President the Vice President shall immediately assume the office and duties of President. Whenever a vacancy in the office of Vice President occurs, the President will nominate a new Vice President who will take office upon confirmation by a majority vote of both Houses of Congress.

We have listened very carefully to debate in which it is suggested that section 2, permitting the President to name his own Vice President subject only to confirmation of both Houses, would lead to "dynasty." Although our bill contained this section at the time of drafting, we had no such thing in mind, and we have no such thing in mind today. The only reluctance we have at all to this section is the fact that it changes the line of succession and might give the appearance—as some Members pointed out—that it downgrades the House of Representatives and was an affront to the Speaker. Certainly no one intended or does intend now that this section should have that connotation.

On the other side of the issue, however, is the possibility that under the present line of succession a President might find that the next in line of succession would be of a different political faith. Of course, that is one of the strong arguments in favor of section 2 as it stands. The section would permit the President to designate one whose views are similar to his own and who will be working toward the same objectives.

In addition to these provisions relating to succession to office, the proposed amendment provides two general methods to cope with presidential inability or incapacity to act. From the point of view of the President, one of these methods is voluntary and the other is involuntary.

First, section 3 of the amendment permits and encourages the President to declare himself unable to discharge his duties and to pass his powers over to the Vice President, temporarily acting in the capacity of Acting President. For instance, if the President were to become hospitalized for some reason, he might ask the Vice President to shoulder his burdens for the duration of the illness.

I am pleased to note that the committee concurred in an argument expressed in my testimony before them that if the President declares himself to be disabled, he should have an absolute right to terminate such an inability through a simple written declaration. Without such clarification, now embodied in the committee bill, it would have been unlikely that a President would have ever made use of the clause, no matter how incapacitated he believed himself to be.

The further idea that a President might actually be forced to step down involuntarily from office because of physical or mental incapacity is fraught with unpleasant associations. If not carefully drawn, such authority could be abused and could have the same dire results as the many foreign coups and putsches of this century.

Yet there are legitimate circumstances in which such actions might be necessary and proper. Surely it is better to establish regular and orderly procedures for the temporary transfer of presidential power than to suffer the consequences of constitutional chaos. Sections 4 and 5 of the proposed amendment establish procedures both for declaring and for terminating periods of presidential inability.

The precedures for declaring and terminating presidential inability are of necessity weighty and complex, yet the committee has succeeded in drafting language which is at once succinct and unambiguous. That they should have been able to improve upon the language and provisions of version of the resolution passed by the other body is a monument to the experience and wisdom of the chairman and his distinguished colleague, the ranking minority member of the committee.

Under provisions of section 4, the Vice President will immediately become Acting President upon transmittal to the House and the Senate of a written declaration that he and a majority of the Cabinet have determined the President to be unable to discharge the powers and duties of his office.

Section 4 further states that the President may declare his own inability terminated and that such determination shall be final unless the Vice President, a majority of the Cabinet, and two-thirds of the Members of both Houses of Congress determine within 10 days that the President is still unable to discharge the powers and duties of his office.

The section is worded in such a way that all procedures are crystal clear; the benefit of the doubt is given to the President; and time limits for action are firmly established. All procedures are deliberately avoided which might lead to circumstances in which two individuals simultaneously claim the authority of the Presidency.

Language avoiding these latter difficulties was initially proposed by the gentleman from Ohio [Mr. McCulloch] and was incorporated in my own presidential inability amendment, House Joint Resolution 265. If this language has not been adopted, it would have been possible for an uncooperative and hostile Congress to prolong inability proceedings indefinitely and through inaction to keep an otherwise fit and healthy President from resuming office.

In conclusion, I should like to make an observation on the mechanics used to prepare this resolution for final passage by the House. Too often critics of the Congress are prepared to cite the slightest delay in passage of a bill as evidence of the unworkability of current legislative institutions. They are quick to condemn the roadblocks and obstacles which a bill or a resolution must overcome before being passed into law.

An examination of the legislative history of House Joint Resolution 1 will show that these cumbersome procedures actually serve a useful purpose. If it had not been for these archaic procedures, this body would today be voting on a considerably inferior constitutional amendment. Indeed, I am sure that some of my colleagues would have preferred the amendment to have been scrutinized even longer by the gentleman from New York and his judicious band of judicial scalpel-wielders.

If the Congress had acted hastily last session to pass the so-called Bayh amendment, it would never have had the benefit of the language changes made this session by the Senator from Indiana himself. These changes were not easily arrived at, and yet I think that both friends and foes of this amendment will agree that the technical language improvements alone make its provisions more acceptable and defensible.

If there were not a necessity for concurrence of both Houses of Congress, the changes in section 4 of the amendment might never have seen the light of day. Yet these changes have clarified some serious difficulties previously buried in the ambiguities of the amendment as passed by the other body. The easy course would have been to adopt the measure as sent across the Hill, but the Judiciary Committee was willing to take a fresh look at the entire proposal and as a result they came up with some concrete improvements.

Mr. Chairman, I commend the committee for its action, and I urge the House to adopt this constitutional amendment by the overwhelming vote it deserves.

Mr. TENZER. I rise in support of House Joint Resolution 1. I compliment the distinguished chairman of the Judiciary Committee and the ranking members of the minority who are managing this bill, for the excellence of the debate and clarity of the answers to the questions posed on this difficult and complex proposed amendment which fills a void left by the framers of our Constitution.

The problem has legal, political, and constitutional facets—all of which were considered by the House Judiciary Committee when hearings were held on the 32 separate proposals which were offered in the House during the opening days of this Congress.

Why is this day so important and why is this legislation so urgently needed?

Because 8 of our 35 Presidents have died in office. On 16 different occasions, for a total of more than 37 years, the office of Vice President has been vacant. Eight of our Vice Presidents succeeded to the Presidency, seven died during their terms of office, and one resigned. We have been singularly fortunate in that the offices of President and Vice President have never been vacant simultaneously during a single 4-year elective span.

Let us consider for a moment the four Presidents who preceded President Johnson. President Roosevelt and President Kennedy did not live out their terms; President Eisenhower suffered a serious heart attack; and President Truman was the object of an attempted assassination. These events show the importance of having a potential presidential successor available at all times—one who is fully acquainted with current policy in domestic and foreign affairs, and prepared to assume the Presidency on a moment's notice. Despite the urgent need for a solution—demonstrated dramatically and repeatedly in recent years—neither corrective legislation nor constitutional amendment have been adopted.

The office of President of the United States is the most difficult and most important job in the world. It has a unique concentration of powers and responsibilities that in most other nations are shared by several officials. The President's active leadership is so essential to the effective operation of the Government that his death or serious illness not only constitutes a personal tragedy but creates the risk of national disaster. For this reason vacancies, disabilities, and transitions in this office are matters of the gravest concern to our country and to the world.

The Constitution is not clear as to what actually constitutes inability to discharge the powers and duties of the presidential office; nor is it clear as to who determines that such inability exists, or whether in the event of presidential inability, it is only the powers and duties of the Presidency that devolve on the Vice President as distinguished from the office itself.

In May 1964, the American Bar Association held a national forum on the problem with representation from business, labor, agricultural, civic, patriotic, and welfare groups. The consensus favored submission to the States of a constitutional amendment. There appears to be a broad agreement at least in the following particulars:

First. That the need for prompt action is overwhelming, and failure to act would be recklessly gambling with the stability of our Government,

Second. That it was the intention of our Founding Fathers that in the event of presidential disability the Vice President should be only Acting President and only during the period of the disability;

Third. That there is a need for determining when or whether a President is disabled from performing the duties of his office; that the Vice President should be able to take over with unquestioned authority for a temporary period when the President's disability is not disputed; and that the President should be able to resume office once he has recovered.

Fourth. That a constitutional amendment is needed to solve the problem.

The proposed constitutional amendment, House Joint Resolution 1, as amended, answers the questions raised by the experience of history.

We are asked to adopt and the States will be asked to approve a constitutional amendment containing a specific method for determining when the President is unable to perform his duties, rather than a proposal merely giving the Congress the power to devise a method by statute, which in fact the Congress has failed to do in the past 10 years, since the first Eisenhower disability.

The inclusion of a specific procedure as provided would avoid the uncertainty and possible delay involved in leaving the problem for action by the Congress in the future. The time to agree on a method is now, while there is general interest in the subject of inability.

The Constitution is specific in its provisions dealing with removal of the President by impeachment, and it should also be specific with respect to his removal during periods of inability.

While the proposal under consideration provides a specific procedure which could be invoked promptly in the absence of congressional action, it would vest the Congress with the power to require concurrence by a body other than the Cabinet. In fact, the Congress could designate itself as the body to grant or withhold concurrence. Also, the Congress would have authority in the nature of a veto power in the event a President declares that he is able to resume his duties but the Vice President, with the concurrence of the Cabinet or such other body as may be designated by law, declares that he is not able to do so.

Proposals for a legislative solution without a constitutional amendment are not free from constitutional doubt. We cannot afford to risk having a period of indecision and delay while the constitutionality of such a solution is being tested.

Selection by the President of a nominee to fill vacancies in the Vice-Presidency would follow the traditional practice of nominating conventions. Confirmation by a majority of the Congress would tend to create public confidence in the selection.

There has been for too long a time a vital need for a solution of the grave problems of presidential inability and vice-presidential vacancy. There have been extended discussions of these problems whenever history has dramatized the need for solutions. Indeed, no subject relating to our constitutional structure has received more study. The time has now come for action.

It is not necessary, as most distinguished experts agreed, that we find a solution free from all reasonable objection. It is unlikely that such a solution will ever be found, as the problems are inherently complex and difficult.

I believe that the principles of House Joint Resolution 1, which are supported by a considerable body of the most knowledgeable scholars in the field, are sound and reasonable, and are consistent with the basic framework of our Government. In short, House Joint Resolution 1, is an acceptable solution to the grave problems of presidential inability and vice-presidential vacancy.

Our committee has studied the schedule of State legislatures and found that 47 of the 50 State legislatures meet in 1965. Thirty-eight States are required to ratify an amendment to the Constitution. Since the legislative sessions of many States are of limited duration, it is essential that an amendment be sent to the States promptly if it is to be ratified this year or by early 1966. Each day's delay reduces the chances of early ratification. If the requisite number of States do not have an opportunity to act this year, it cannot be ratified until 1967.

A genuine service which the Members of the House can render to the Nation is to persuade the legislatures of their respective States to give approval to this proposed amendment to the Constitution and thus give reassurance of continuity in our Government.

Mr. WHITE of Texas. Mr. Chairman, in the fall of 1964 160 million Americans were represented at the polls by many millions voting for a new President. For at least 3 hard months millions of dollars were spent carrying their message of the candidates to the American public. And now in the presidential succession constitutional amendment as now drawn, with a few strokes of a pen and within a few hours, even without the public ever knowing of the transition, you are providing for 7 men to change our Presidency.

With this amendment let us project ourselves 50 years from now, to a time with people none of us now know. One of these 7 men would be the Vice President, who countless times probably had dreamed of being President, and on this occasion would sit in judgment of the man he would replace. The other 6 are probably Cabinet officers, none elected by the people. I only assume they are Cabinet officers, because the constitutional amendment does not say who are the principal officers of the executive department, and in that alone is imperfectly drawn.

The House assumes that all men who would occupy the respective positions of responsibility will act infallibly and in the best interests of the United States of America.

When we passed a proposed constitutional amendment to be sculptured immutably into our Constitution we are saying to the American public that we have considered every conceivable contingency and have found this measure safe.

In order to test its safety we are obliged to consider the worst than can happen in some future time, even beyond our own lines.

In this constitutional amendment in the name of good and with good motives we are perpetrating on some future generation a loophole that could allow a usurpation of power by seven men without the sanction of the American people.

Suppose we had a foreign enemy threatening our country. Suppose further the majority of the Cabinet believe the President of that time is too pusillanimous and that his policies endanger the survival of our country. With perfectly patriotic motives these six unelected Cabinet officers convince the Vice President than the removal of the President is imperative.

At a time when the Congress is not in session the determined Vice President and the six unelected officers then transmit to the Speaker and the President pro tempore of the Senate that the President is unable to act as President. There is no requirement that a reason be given other than that the President is "unable" to act, nor is there a definition of "unable," whether it means mental or physical incapacity, or by the judgment of several laymen, nonmedical men, that for some other reason the President is "unable" to act.

At that point the President can transmit his own message to the Speaker and President pro tempore of the Senate and retain the Presidency.

But let us assume the worst, and assume a conspiracy for a genuine takeover. If the President is kidnaped while traveling abroad or in this country before he can transmit a message that he is able to serve, the Vice President remains acting President with all the constitutional powers and duties, powers that include movement of armies, foreign policy, use of nuclear power, and force.

Again, let us assume that the President is not kidnaped, and does transmit his message of ability to serve. Then, a determined Vice President and six Cabinet officers again transmit this message of inability of the President.

The Vice President then is Acting President of the United States for a minimum of 48 hours and possibly several days more during which time he could issue any number of Executive orders, including the irreversible first steps toward a preventive war. Even today there are a number of misguided people who believe that our survival depends on a preventive war now.

If we must look to past history, I point out that President Lincoln's Cabinet at one point opposed his policies, and if this amendment had been existing then, and the Vice President had been convinced that the country was suffering by reason of the Presidential policies, President Lincoln might have been removed. I point out also that Vice President Aaron Burr was accused of treason and reportedly wanted to carve out an empire for himself.

I do not believe the scepter of power should ever be removed from the President until the Congress itself, after it convenes within 48 hours, should so remove this power. This is consistent with our present Constitution and the proper separation of officers.

Those who would take the mantle of authority from a President, even for 48 hours, argue that it would be dangerous to the country to have a disabled President even for 48 hours. I believe that the risks are far greater to chance a total change of government.

Our careful consideration on this vital issue is our heritage to our posterity. I favor a presidential succession amendment, but we must not, in the name of expediency, open the door to a greater future danger.

Mr. LOVE. Mr. Chairman, I rise in support of House Joint Resolution 1, as amended because I believe the U.S. Constitution is not only ambiguous, but defective, on the subject of presidential disability and that we, as a nation, have been extremely fortunate that our Presidents have been able to discharge their constitutional responsibilities. The office of Vice President was made vacant due to the tragic death of President Kennedy and there has been no procedure for filling it.

In support of the Senator from Indiana [Mr. BAYH], the gentleman from New York [Mr. CELLER], the American Bar Association and its affiliate, the National Forum, I submitted a bill of my own, House Joint Resolution 236, for not only does my bill support House Joint Resolution 1, it calls attention to the problem relating to the period of time before a disabled President should resume the powers and duties of his office.

I know the people of my district would want me to speak out in favor of such an amendment to the Constitution because they are very aware of the problems created by the tragic death of President Kennedy. I was encouraged by the fact that my remarks—made at the many meetings throughout my district prior to my election—on the Senate resolution passed during the 88th Congress engendered much public interest and support.

In my testimony before the House Judiciary Committee I made no references to history. This had been most carefully documented and repetition is unnecessary. I merely wanted to emphasize that prudence requires this representative body to act now to submit to the State legislatures an amendment to correct a defect known to us for many, many years.

In addition to supporting the overall effort, I wanted to point out to the committee what I considered to be a danger in the event a President would transmit to the Congress his written declaration that no inability exists. The aforementioned resolution originally provided that the President shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive department, or such other body as Congress may by law provide, transmits within 2 days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office.

My question was: What could happen within that 2-day period in the event an incompetent President resumed the duties of his office and issued orders affecting the security of the Nation? While I agreed that the President should be able to regain the powers and duties of his office easily when his inability ceases to exist, nevertheless, the Vice President should have time to file a written declaration with the Congress before the presumption in favor of the President's ability is restored.

To accomplish this, I provided in my resolution that the President shall resume the powers and duties of his office on the third day following the transmittal of such declaration to the Congress unless, prior to the end of the third day, the Vice President, with the appropriate consent of executive department heads, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. I used 3 days on the theory that the President's written declaration could be submitted on Friday and Congress might not be in session over the weekend.

However, during the committee deliberations the majority adopted language, as set forth in section 4 of House Joint Resolution 1, which I find to be satisfactory and will correct for the most part that which my resolution points out as needing clarification.

I support this resolution and urge its passage.

Mr. SCHMIDHAUSER. Mr. Chairman, I would like to add my voice in support of House Joint Resolution 1. In my opinion, this proposal is the soundest means for providing for the orderly and democratic succession to the Presidency and Vice-Presidency of the United States in case of the death or disability of the President of the United States.

Further, this proposal would define within the framework of the Constitution, the powers and the duties of the Vice President upon the death or disability of a President. I also feel that this proposal adequately safeguards the return of the powers and duties of the Presidency to the President who has seen in his wisdom to relinquish these powers and duties due to a disability.

Finally, Mr. Chairman, I feel that this proposal would maintain the fine and traditional concept of our American system of government by providing for the recommendation of the Vice President by the President, and the approval of both Houses of the Congress if a vacancy were to occur in the Vice-Presidency.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

Mr. POFF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"Sec. 3. If the President declares in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"Sec. 4. If the President does not so declare, and the Vice President with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits to the Congress his written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Sec. 5. Whenever the President transmits to the Congress his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, with the written concurrence of a majority of the heads of the executive departments or such other body as Congress may by law provide, transmits within two days to the Congress his written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

Mr. LENNON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

[Roll No. 73]

Ashley
Baldwin
Belcher
Bonner
Clark
Colmer
Dawson
Derwinski
Evins, Tenn.
Farnum
Fino
Fraser
Fulton, Tenn.
Gubser
Hagen, Calif.
Harvey, Ind.
Holifield
Jennings
Joelson
Jones, Ala.
Kluczynski
Leggett
McFall
Martin, Mass.
Michel
Nix
Pirnie
Powell
Purcell
Reifel
Roosevelt
Rostenkowski
Scott
Sisk
Smith, Va.
Stalbaum
Toll
Weltner
Yates

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Fascell, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution House Joint Resolution 1, and finding itself without a quorum, he had directed the roll to be called, when 397 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

" 'Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

" 'Sec. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

" 'Sec. 4. Whenever the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

" 'Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit within two days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, immediately assembling for that purpose if not in session. If the Congress, within ten days after the receipt of the written declaration of the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.' "

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pucinski to the committee amendment: On page 3, line 20, strike out section 2 on line 20 through line 23 and renumber the subsequent sections accordingly.

Mr. PUCINSKI. Mr. Chairman, I regret the need for offering this amendment, because of my profound respect and admiration for the committee that is reporting out this bill. I think the bill is a good one and is one which we need in this country very urgently. It is my fear that the presence of section 2 in this proposed constitutional amendment will make it very difficult to get the ratification of the 38 States which is necessary. Certainly there has been enough discussion here and the case has been made out as to how urgently we need the inability provisions of this proposal. Our history is replete with examples of the dilemma that the country finds itself in when a President is disabled. However, my amendment would strike from this proposed constitutional amendment that provision which would permit the Vice President, when he becomes President, to nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of the Congress. In the 6 years that I have been here I have never felt more keenly about any subject than about this particular provision. That is why I have taken the time to offer this amendment. It is my hope that the Congress is going to strike this language out of the bill.

This is a young country, as time goes. We are less than 200 years old. When we look at all of the other nations of the world and see the problems they have had and the violent changes in their governments, the juntas and the overthrow of governments, we certainly have a right to reflect on this proposal. I have the highest confidence in the man who will occupy the Presidency, regardless of the party that he belongs to, in the future, but I think this proposal in this bill does open the door at some future time—perhaps 50 years from now or 100 years from now—to a phenomenon which has not bothered or plagued our country heretofore; namely, the problem of palace intrigue. The system we now have has the Speaker of the House succeeding to the Presidency. This succession is a good one.

It was recommended in 1947, supported in 1947 by President Truman. I know for many, many years, the next in succession was the Secretary of State. The Congress quite properly changed this in 1947. I think we ought to stay with this. The committee explains that this retains the principle of succession for the Speaker of the House. I do not see it that way. As I read this language if the Vice President becomes President, he will then send to the Congress his nomination for a Vice President and the Congress is going to vote it up or down.

As was mentioned here before by the gentleman from Maryland some day, in the days that follow a great tragedy when a President dies in office, there will not be very much discussion or debate. So it would appear to me that Congress would most probably, without too much debate, ratify the appointment made by the President.

It seems to me, as was mentioned earlier, that that invites all sorts of problems. I would strongly recommend that we proceed now with the inability provisions of this bill because this is extremely important and that we leave the succession as it has been up to now.

So far as I am concerned, I felt no great worry last year when the possibility arose that the Speaker might have to assume the Presidency. By his many years of experience, this House when it elects a Speaker, elects a man who is deeply rooted in the problems of our government. Certainly he knows the problems of the country. I think the system we now have gives this whole matter of succession stability. The people know what they are confronted with. It seems to me that we are inviting a great deal of trouble when we propose this change by way of a constitutional amendment.

For that reason, Mr. Chairman, I hope my amendment is voted up.

Mr. CELLER. Mr. Chairman, I rise to oppose the amendment.

One day during Abraham Lincoln's administration somebody breathlessly ran into the President's office and said:

> Mr. Lincoln, Mr. Lincoln—
>
> What is it?
>
> Senator Sumner on the floor of the Senate this morning said he does not believe in the Bible.

And President Lincoln said:

> Of course, he doesn't; he didn't write it.

I fear me that the gentleman who just spoke did not write this bill and is offering this amendment to a section which is one of the keystones thereof.

The coauthor of this bill with me in the Senate, Senator BAYH, said the following:

> Whatever tragedy may befall our national leaders, the Nation must continue in stability, functioning to preserve the society in which freedom may prosper. The best way to insure this is to make certain that the Nation always has a Vice President as well as a President.

The provision that would be stricken by the amendment would provide for the selection of a vice president if a vacancy occurred in that office. For more than 37 years, over 20 percent of its history, this Nation has been without a Vice President. Eight Vice Presidents have succeeded to the Presidency upon the death of the incumbent. Seven Vice Presidents have died in office and one has resigned. No procedure has ever been provided whereby a vacancy in the Vice Presidency could be filled when it occurred.

Now, Mr. Chairman, we seek to do just that. When the vacancy occurs in the Vice-Presidency, we want that vacancy filled. No longer is a Vice President a mere figurehead. He works in close harness with the President. He is a member of the National Security Council. He is Chairman of the National Aeronautics and Space Council. He is the Chairman of the President's Advisory Committee on Equal Opportunity in Employment. He represents the President abroad.

He has many other functions which are highly important and I am sure that you would all agree that we must and should always have a Vice President. We would not if the amendment which has been offered by the gentleman from Illinois [Mr. PUCINSKI] prevails, and God forbid something happening to a Vice President.

For that reason, Mr. Chairman, I do earnestly hope that the amendment will not prevail.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. I am sure that the chairman of the full committee, the gentleman from New York [Mr. CELLER] would also want to call attention to the fact that the basic premise stated by the distinguished gentleman from Illinois [Mr. PUCINSKI] may be faulty. Apparently the gentleman assumes that the adoption of section 2 would be the equivalent of a repeal of the present succession statute. This is a faulty premise. The succession statute would not be repealed.

Mr. CELLER. It would not. The gentleman is correct in his conclusion.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield to me?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Well, I would like to have the gentleman from Virginia [Mr. POFF] further explain this: If I understood what the gentleman just said and if what he said is correct, then why do we need this section 2? I do not understand how the gentleman arrives at the conclusion that the succession from the speakership will continue if you adopt section 2.

Mr. POFF. I would be glad to try to persuade the gentleman.

Mr. PUCINSKI. I would be glad to hear the gentleman's explanation.

Mr. POFF. Mr. Chairman, will the gentleman from New York yield to me at this point?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, the answer to the question is that the Constitution itself; namely, article II, section 1, clause 5, states that the Congress can——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. POFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the language to which I refer makes it possible for the Congress to adopt a sucession statute only when there are vacancies in both the Presidency and the Vice-Presidency and this succession law enacted pursuant to that language would continue in full force and effect after the adoption of this constitutional amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I must say that the chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], in his opening statement here in opposing this amendment said that the gentleman from Illinois did not write the bill and therefore he did not support it. I must say that with the explanation we have now been offered by the gentleman from Virginia, it clearly makes it apparent that if the gentleman is correct in what he is saying, then we do not need section 2 of this resolution at all.

Under what circumstances would the Speaker of the House of Representatives assume the Presidency under the gentleman's concept?

Mr. POFF. Under the same circumstances that prevail today, which is, namely, a vacancy in both the Presidency and the Vice-Presidency.

Mr. PUCINSKI. Simultaneously?

Mr. POFF. Yes. That is the law today and that would still be the law after the adoption of the constitutional amendment.

Mr. MATHIAS. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Maryland.

Mr. MATHIAS. I agree completely with what the gentleman from Virginia said about the constitutional effect of this amendment, if adopted. I think the rules on constitutional interpretation would make it clear. However, I am going to offer an amendment shortly which I think will spell it out so that the ordinary layman can understand it as well as the constitutional lawyer.

Mr. DINGELL. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, I had not intended to speak on this piece of legislation, but I rise to strongly support the amendment offered by the gentleman from Illinois.

For a number of years, Mr. Chairman, we have had legislation on the books which provided an orderly and effective succession to the high Office of the Presidency of the United States.

Let me point out that the legislation we have before us today in the form of a constitutional amendment is in real effect a slap at the Members of the House of Representatives, a slap at our elected leadership, and it in effect says that the Membership of the House of Representatives and our elected leadership are not capable to succeed to the high Office of the Presidency.

Let me rise to strongly point out to the Members of this body that this is not so.

From the House of Representatives has come the most effective and able leadership that this Nation has ever had, and from the House of Representatives have come the kind of men who are well capable of assuming the reins of government in time of crisis.

I want to say to all the members of the Committee on the Judiciary who have brought this legislation to the floor that they brought a good bill in all particulars except one, and that is section 2. Let me point out that men like Sam Rayburn, the gentleman from Indiana, CHARLIE HALLECK, the gentleman from Massachusetts, JOE MARTIN, the gentleman from Michigan, GERRY FORD, and men like our present beloved Speaker, the gentleman from Massachusetts, JOHN McCORMACK, are far more able to assume the high Office of the Presidency than were many of the people who had been selected by the electors of this Nation. They are more able to assume the high Office of the Presidency and to give effective leadership to this Nation than are many who can be selected by the hurdy-gurdy processes, and the hurly-burly processes of a convention and compaign. These are men who have proven their worth by long service to our country, by their experience, by wise decisions in time of stress. These are the men who are most capable and most suited by training and temperament, and who have the respect of their peers, to give to the Government and to the Nation a good government.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Would the gentleman agree if we permit a President to name his own Vice President you are in effect setting up a form of dynasty where your Vice President will run for President? Are you not going to run into that problem?

Mr. DINGELL. This is the second point I want to treat with.

The most precious qualification and test of democracy is the ability of the people to participate in the selection of their leaders. It is on this basis that we in the House of Representatives are shortly to have before us legislation which is intended to protect the rights of all our citizens to vote.

Let me point out to you that to permit anyone to have the right to appoint someone else to an elective office, particularly the high Office of the President of the United States, is to deny the country, deny the electors of this Nation the ability, the right and power to choose their public servants, the privilege to choose the highest officeholder in this land.

Let me tell you, this is the reason section 2 is bad legislation. This is a device to permit a President to begin an orderly chain of successors through an appointive device, and to effectively deny the citizens of the Nation to decide who will serve in the highest office in the land.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The gentleman realizes that before the President can pick a Vice President he must be confirmed by the Congress of the United States. It says when they are given that authority he does not become Vice President until he is confirmed by the House and Senate. That is the authority that you as a Member of the Congress can exercise.

Mr. DINGELL. Let me tell the gentleman this: We now have this right, we now confirm the selection and the successor to the Vice President. This is done under a law which has existed in this Nation since the time of President Truman. It is one which has worked with the complete satisfaction of everyone. And, last of all, let me tell the gentleman not only has it worked well, but let me assure the gentleman it avoids the device of making the choice of President in times of stress under circumstances where all the tremendous pressures of politics and political pressures would come into play. We elect the Speaker in time of calm deliberation. He is the successor under present law. He and his successors are more than satisfactory to the needs of the Presidency.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have such profound respect for the Judiciary Committee that I feel a bit abashed as well as reluctant to take issue. But in support of the amendment offered by my good friend, the gentleman from Illinois [Mr. PUCINSKI], I am moved by conscience and conviction to say that I did not run for Congress and go through eight campaigns to come down here and downgrade the Speaker of the House of Representatives.

That is all I have to say. That is my argument. Section 2 as it now stands downgrades the high and elated office of Speaker of the House, and I did not come down here to be a party to such an unjustified proceeding and as long as I am here I shall uphold the dignity, the power, and the prestige of the House of Representatives, the Speaker of which is now and I believe always shall be the best qualified person in all the land to meet the responsibilities of the Presidency should tragedy remove both the elected President and the elected Vice President.

Mr. ICHORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to echo the words of the preceding speaker and the gentleman from Illinois. This is a constitutional amendment which the members of the Judiciary Committee have given much thought to and a lot of time. It is a good constitutional amendment if you are in favor of changing the line of succession to the Presidency of the United States, but I think it can be made a better constitutional amendment by adopting this amendment striking section 2.

It has been said, Mr. Chairman, that this joint resolution does not change the line of succession to the office of the Presidency, but as a practical matter it does change the line of succession. As a practical matter, the only times that the Speaker can succeed to the office of the President of the United States is when the President and the Vice President die simultaneously or the Vice President dies immediately after the President, before the machinery in this bill can go into operation, or if the President names the Speaker to be the next Vice President of the United States. I do not feel, Mr. Chairman, that we should change the line of succession. I feel that the holder of the office of Speaker, the principal officer of this House, should remain in the line of succession.

Mr. LINDSAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it would be most unwise if this amendment were adopted. I do not think it is necessary for this great body to be so politically insular that we should adopt an amendment out of subjective considerations that have no bearing or relevance whatsoever, under the guise of the pride of the Congress.

Gentlemen who have been speaking in behalf of this amendment discuss this subject as though we were living in the 19th century instead of the 20th. Their statements and arguments do not recognize the demands and the pressures and the speed of the last third of the 20th century. Congressionally speaking, I think it is an isolationist proposition that has been offered here under the heading of congressional importance that has nothing to do with the question. The author of the amendment suggested that the status quo has worked perfectly in the past and that there has never been any question raised before. Again, I submit this is irrelevant; but beyond this I do not think it is correct. Every time you have had this problem in the country, the question has been raised and the country has asked why something is not done about it. The chairman of the committee reminded us that eight Presidents have died in office and the office of the Vice-Presidency has been vacated, either because of death, resignation or succession to the Presidency, 16 times. The odds show it is an even chance that a Vice-Presidential term will not be completed. Now when we are in a hydrogen age, when decisions have to be made within split seconds, when an executive branch person quite separate and apart from the Congress in terms of power and authority devotes full time to questions of international importance, that person ought to be prepared to take over the Presidency on a moment's notice.

The argument that has been made for this amendment misses the point. The question is the creation of an orderly succession consistent with the dangers and speed of the 20th century. The bill recognizes the separation of powers. It understands that no person can assume the awful responsibilities of President of the United States and make decisions of life or death in a few moments time unless he has lived with those executive powers on a very intimate basis.

Everyone has applauded the fact that in modern times Presidents have been wise enough to bring their Vice Presidents into the business of executive decisions. A Vice President must be prepared.

Lastly, Mr. Chairman, it is apparent I think that the country is not content with the situation as it stands. People are quite aware of the danger of the gap in executive power in this modern day. Political scientists, universities and experts from all parts of the country have suggested to the Congress, certainly to the members of the Committee on the Judiciary, that this question should not lie around unanswered any longer.

I think it is to the great credit of the leadership of the Congress on both sides of the aisle that insular attitudes have been cast aside and this proposition brought before the House of Representatives today.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to the gentleman.

Mr. PUCINSKI. How does the gentleman intend to deal with this haste and speed in not losing a moment in this hydrogen age—how does the gentleman propose to deal with possible prolonged debates in the other body over the candidate who may be submitted by the President as his Vice President? There still remains the possibility for a prolonged filibuster.

Mr. LINDSAY. Obviously not—of course not. If the gentleman is so concerned about the shortcomings of the other body—which means the Congress as a whole—I wonder why he offered his amendment in the first place in the name of the pride of Congress. It seems to me it is very clear if that event should arise that then the monkey is on the back of the Congress to do its job.

The President does his job in the selection of a proper person to fill the office of the Vice-Presidency, and then Congress must answer to the country if it does not speedily perform its job.

Mr. JONAS. Mr. Chairman, I move to strike the last two words.

Mr. Chairman, I will not use 5 minutes, but I should like to have the attention of the chairman of the great Committee on the Judiciary and the ranking minority member.

I am opposed to this section as it is now written and am inclined to vote for the amendment of the gentleman from Illinois, because I do not believe a Vice President should be appointed, even if confirmed by both Houses of Congress, to serve until the next general election.

I wonder if the committee gave any consideration to a provision that in case of such appointment, it would be an interim one until a Vice President could be elected by the people of the country in a special election.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from New York.

Mr. CELLER. Did the gentleman make reference to a special election for a Vice President?

Mr. JONAS. I asked if the committee gave any consideration to permitting a Vice President who was appointed to serve on an interim basis until there could be an election.

Mr. CELLER. We considered a special election along the lines the gentleman suggested, and it was turned down by the committee.

Mr. JONAS. Was it turned down on its merits, or because of difficulty in spelling out the time, place, and procedures for the election?

Mr. CELLER. Yes. I wonder if the gentleman realizes, following along the line of the suggestion, that there are other provisions of the Constitution which likewise would have to be amended? This would not apply only to the amendment, but would affect other parts of the Constitution concerning the election of a President and a Vice President. For example, the 12th amendment and many other amendments of the Constitution concern the election of the Executive.

Mr. JONAS. I assume, from what the Chairman says, that the difficulties involved in amending several sections of the Constitution caused the rejection of the suggestion.

I believe it would be meritorious if we could do that. I should like for the people to have the right to elect the President and Vice President, instead of having either one of them appointed, even if confirmed by both Houses of Congress. If the gentleman says that was considered and rejected because of the practical difficulties, I have nothing more to say. I will consider the merits of the amendment of the gentleman from Illinois in comparison with my objections to the language of the section as it is now written.

I yield back the remainder of my time.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in part to take the onus off the three gentlemen—Mr. Pucinski from Illinois, Mr. O'Hara from Illinois, and Mr. Dingell from Michigan—whom the gentleman from New York inappropriately referred to as isolationists. The gentleman might call me an isolationist, I do not know; but I do not believe he should call those three gentlemen isolationists.

I agree with those gentlemen completely that we now have a clear line of succession, and I see no reason whatever for downgrading the Speaker of the House of Representatives.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. CELLER. I believe the gentleman is mistaken. I did not use the word "isolationist." My very distinguished colleague from New York, Mr. Lindsay, used it.

Mr. GROSS. I am well aware of the fact that the gentleman from New York [Mr. Celler] did not so describe his colleagues.

Mr. Chairman, as I have said, I see no reason for section 2 in the resolution, and I agree wholeheartedly with those who have spoken in behalf of the amendment to strike it out.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I referred to the gentleman. I am glad to yield.

Mr. LINDSAY. The burden of my comments was that the line of approach taken by the distinguished gentlemen was politically insular.

Mr. GROSS. You also used the word "isolationists."

Mr. Chairman, I yield back my time.

Mr. McCULLOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have have not spoken before in order to save the time of the committee. I rise in opposition to the amendment. I should like to comment upon the proposal that an election be held to select a new Vice President. Such an election in the United States, in accordance with a quick computation which I just made, would cost somewhere between $25 million and $35 million. Mr. Chairman, if there were an election for a new Vice President, a member of the opposition party might be elected. We have had some strange and rapid changes in political opinion in America in my time.

I would like to comment on the statement that was made that we might be providing for a presidential dynasty. History does not indicate such danger.

Now, Mr. Chairman, I took the floor not to downgrade my beloved Speaker, the great John McCormack. Back where I come from he would be described as "the like of which there is no whicher."

Mr. Chairman, it was my good fortune to serve as speaker of the House in Ohio longer than any man who ever served, until the time of the present speaker. My friend, Speaker McCormack, I would rather be speaker of the House of Representatives in Ohio than Lieutenant Governor of that State, and I would rather be Speaker of the House of Representatives of the United States than Vice President of the United States.

Mr. Chairman, I hope that the amendment will be defeated.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike out the requisite number of words.

I would like to have the attention of the chairman of the committee and the distinguished ranking minority member in order to ask a question. Assuming this amendment is agreed to and assuming that the President then dies, moving the Vice President up to the Presidency, what effect then would sections 3 and 4 of his bill have? Would the disability provisions then be out of the window insofar as the new President was concerned?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. CELLER. I do not think it would make any difference, but I want to say if, for example, we have no Vice President and the President would die, then the succession law would come into play. The succession law applies when both the President and the Vice President no longer are in office. There is no Vice President.

Mr. EDWARDS of Alabama. I think the distinguished chairman misses my point. Assuming that the Vice President becomes the President. Then we have no Vice President to initiate any proceedings to point out the disability of the President.

Mr. CELLER. Sections 3 and 4 would be inapplicable. It would have no force and effect because there would be no Vice President to operate under the terms of 3 and 4.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. POFF. Mr. Chairman, I may say that I agree with my distinguished chairman. I may suggest also that under the Constitution as it is today it is possible for the Congress to deal with that situation by statute, because in that situation, if I understood the question the gentleman posed, both the President and the Vice President would be in a state of inability.

Mr. EDWARDS of Alabama. Who would bring into play the provisions of sections 3 and 4?

Mr. POFF. I say that I agree with what the chairman said. In such a case as the gentleman proposes it would be possible for the Congress to deal with it by way of statute and sections 3 and 4 of this constitutional amendment would not be applicable.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield.

Mr. CELLER. In my opinion, if the amendment of the gentleman from Illinois prevails and we strike out section 2, we would destroy the whole bill.

Mr. EDWARDS of Alabama. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. PUCINSKI) there were—ayes 44, noes 140.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MATHIAS

Mr. MATHIAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHIAS, of Maryland: Strike out section 2 and substitute a new section:

"SEC. 2. The Congress may by law provide for the case of a vacancy in the office of Vice President and for the case of removal, death, resignation or inability both of the President and the Vice President, declare what official would then act as President and such official would act accordingly until disability be removed or a President would be elected."

Mr. MATHIAS. Mr. Chairman, this amendment would do three things. It would do all that the amendment of the gentleman from Illinois would do in removing the possibility of an appointive Vice President; and I am opposed to an appointive Vice President. The Presidency since the history of this Republic began has been an elective office and I think it should continue to be an elective office. I believe that we should not have an appointive Vice President who would become the heir apparent of the Presidency and potentially the President.

Second, this amendment would have one advantage over the amendment just disposed of by the House. It would not allow a vacancy in the office of the Vice-Presidency.

Mr. Chairman, I feel that in the 20th century there should not be a vacancy in that office. I believe it is highly desirable in order to carry out the many functions of the Government today we should always have a Vice President. Under the provisions of my amendment the Congress could, by law, provide for the method of selecting a Vice President in anticipation of the possibility that the office ever become vacant.

Third, this proposed amendment restates the existing language of the Constitution with respect to the situation when both the President or the Vice President have died or have been removed from office or are disabled. It gives to the Congress the power to provide a continuing succession, by specifically readopting the existing language on this subject.

Mr. Chairman, I agree completely with the distinguished gentleman from Virginia [Mr. POFF], who is an able constitutional lawyer, in his interpretation of the situation if this amendment should be adopted as originally proposed, that the present succession laws would probably still obtain. But that is a matter of interpretation which constitutional lawyers reached after long years of study in reading the Constitution in the light of judicial rulings and precedents.

Mr. Chairman, I feel that the Constitution of this country belongs to the people. I believe what we have to say about the succession to the Presidency should be stated in one place where every American can read it and understand it. I feel that although there is some danger that under the strict rules of interpretation this may be redundant, we should readopt the section granting the powers of the Congress in the case of the simultaneous death of both the President and the Vice President. All Americans can then be clear in their own minds with reference to the course of Presidential succession by a simple reading of this basic document. Every citizen can then know exactly what is meant and intended and what will happen.

Mr. Chairman, I urge the adoption of this amendment because it does away with the appointed Vice President. It provides against a vacancy in the Office of the Vice-Presidency and it makes clear in one section of the Constitution exactly what our laws of succession and disability will be.

Mr. CELLER. Mr. Chairman, it is very difficult to oppose or even espouse amendments on the floor to a constitutional amendment because of the serious import of amendments.

It is very difficult to envisage what the repercussions of the amendment offered by the gentleman from Maryland would be.

Apparently, he would want the Congress, probably at some future time, to provide for the election of a Vice President in the event there is a vacancy. But the gentleman does not tell us how.

Now, under the Constitution, presently a Vice President is elected as a companion to the President. They are elected together.

Now, Mr. Chairman, it strikes me that if we want to split them and elect the Vice President separately from the President, we have to again amend the Constitution. I do not see how we could do it otherwise.

The gentleman from Maryland does not tell us exactly how it shall be done. In some far-distant future he is going to do it by Congress.

Mr. Chairman, it is like a blind man looking for a black hat in a dark room. I do not know how a blind man will find that black hat.

It is very difficult to envisage what the gentleman is trying to do.

Now, Mr. Chairman, there has been complaint offered here to the effect that we should do this by statute. We have taken years and years to get to the point where we are going to provide for some constitutional amendment concerning this entire important matter.

How long is it going to take before we reach what the gentleman wants with reference to the election of a Vice President? Beyond that, are we going to have the election of a Vice President by a special election? We answered that matter before when the interrogation was addressed to me about a special election. The gentleman from Ohio [Mr. MCCULLOCH] spoke of the enormous cost of a general election. I take it, therefore, because of the utter uncertainties involved in this amendment that we should vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. MATHIAS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. MOORE:

Page 4, line 17 after the word "shall" insert the word "immediately" and place a period after the word "office".

Line 18 strike out the word "unless" and insert the words "In the event".

Line 24 change period to a comma so as to read "of his office, thereupon".

Page 5, line 6, strike out "continue to" and place a period after the word "President" on line 7.

Strike the remainder of lines 7 and 8 on page 5.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. MOORE. Mr. Chairman, I have asked for the additional time for the reason I believe this to be an extremely important amendment and there were not so many Members on the floor during discussion of this particular amendment during general debate.

The proposed constitutional amendment would in section 4, in my opinion, completely isolate a man who has been elected to the Office of President of the United States.

My amendment would provide simply that once the President of the United States has been removed from office by virtue of the written declaration of the Vice President and a majority of the principal officers in the executive department he cannot again get into the office to which he has been elected unless the Congress makes a decision that he is capable of reassuming his duties.

My amendment seeks to place in this proposed constitutional amendment language which simply says that when the President transmits—that is, the one who has been removed from office—to the President pro tempore of the Senate and the Speaker of the House his written declaration that no inability exists, he shall immediately resume the powers and duties of his office. And I repeat the office to which he was elected by the people.

We have placed in section 4 of this proposed constitutional amendment the mechanism that the written declaration of a Vice President, which is concurred in by a majority of the principal officers of the executive departments shall be sufficient to remove the elected President of the United States from office on the alleged grounds that he is incapable.

My amendment seeks to give him the opportunity by written declaration to declare that he is capable of assuming the duties and responsibilities of his office. He then is again the President of the United States. My amendment preserves the right of the Vice President and the majority of the principal officers of the executive departments to challenge his declaration of ability. In other words, after the President has transmitted to the Congress—to the Speaker and the President pro tempore—that he is capable of assuming his duties, the Vice President can challenge that, but the individual who has been elected to the Office of President is in the Office of President.

I suggest that if we permit this particular constitutional amendment to remain as it is presently written, this is what will happen: The individual that has been elected President of the United States can lose the protection of that office.

I believe also that if a Presidential disability exists it should be immediately decided by the Congress of the United States. I can imagine that there could come a time when a man who has been declared incapable by virtue of the written declaration of the Vice President and the principal members of the executive department, will have no office from which to even plead his case that he is again capable of handling the duties of his elected office. It would not be an uncommon event to see a man who is President of the United States lobbying here in the Congress of the United States to get back the position to which the people elected him.

My amendment is very clear. It says if you have taken the job away from him by written declaration he shall have the right by written declaration to get it back, and then the Vice President could bring the issue to the Congress, if he feels the President is still incapable, by using the provisions that are within the framework of section 4 of this proposed constitutional amendment.

I happen to believe we should be very jealous of the Office of the President. I suggest the Acting President can bring about a complete transition of government at a time when the President of the United States has been declared to be incapable. It is not difficult to imagine that the Acting President could change the complete complexion of the executive branch and the President never could get his foot back into the office to which he was elected.

So I suggest that since we have taken this job away from him by virtue of this written declaration, I believe the President of the United States, once he feels he is capable of taking care of the duties of that office, should have the office by simply making a written declaration that he is capable of taking care of the duties of that office. It seems to me all presumptions should be in favor of the President of the United States, that all doubts about his capability to serve should be resolved by the Congress, with the elected President of the United States holding his office. I believe it is the duty of the Congress looking into the eyes of the man who has been elected as President of the United States, to declare that, for one reason or another, he is incapable of holding the office. In other words, I conceive that once the Vice President is made the Acting President, there is a possibility he could resort to many manipulations that would never permit the President of the United States, the one elected by the people of this country, to present his case to the Congress of the United States. So I want it built in—I want the provision for putting the President back in his job in the constitutional amendment. If we in the Congress want to throw him out or declare that he is incapable, then I think it is our responsibility to do it here in the Congress when the elected President and Vice President are in their respective positions in the executive branch of the Government, positions to which each was elected by the people

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman from California.

Mr. HOLIFIELD. The gentleman has stated that he could imagine certain conditions. Can the gentleman carry his imagination just a little further and imagine a President who had had a nervous breakdown and who had been declared under the provisions in section 4 mentally incapable of performing the duties of the office, writing a letter nevertheless saying, "I am well, I am cured, I am sane." And immediately under the gentleman's amendment, as I understand it, he would, regardless of his mental condition, resume his office immediately? Would you have his own uncontested opinion of his mental condition to be the only controlling factor as to his resuming the duties of President?

Mr. MOORE. I agree with the gentleman that this could happen. I do not see any more danger, if I may respond to the gentleman, than that which we have at the present in case a President becomes incapable while in office. I have stretched my imagination—not to an extreme, because I do not think the gentleman's suggestion is extreme; it could very well happen. I just happen to think that this Congress can act expeditiously if that were the case. If the President under his signature says he is capable, at noon on a given day, the Vice President with a majority of the principal members of the executive branch of the Government can transmit that declaration to the respective bodies and that issue can be decided by the Congress of the United States immediately. I think the balance in such a situation—the presumption—should remain with the man who was elected President of the United States. It could very well happen today that any man elected could at some future time be mentally incapable. Today we live with this prospect and realize the matter is locked. That is why we are here today. As presented, the language before us lets the Acting President become mentally incapable and no one can get him out of the office. An incapable Acting President is locked in the office. So I cannot see the great concern as expressed by the gentleman from California.

I do not think the gentleman's suggestion is at all an extreme suggestion. I think it could happen, but I do not find myself too frightened by the fact. What we do here, we could immediately put to the congressional test.

I respectfully say, Mr. Chairman, that to do otherwise is to invite the suggestion of perhaps—and I hesitate to use the word—a coup among individuals in the executive branch of the Government to remove a President of the United States. This could be a very indirect way to impeach a President of the United States if you did not want to try him here in the Congress of the United States. I say this again, if we in the Congress are going to have to say "No" to a man who has been elected as President of the United States, I think that we should do it when he occupies that office and does have some measure of protection in the event that there should be some unexplained reason for the suggestion of his incapacity. I urge the adoption of my amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, let us clarify what the committee proposal does. We are talking about the constitutional amendment which is proposed. The gentleman suggested that once the Vice President and a majority of the Cabinet removed a President from office that only the Congress could put him back into office. That is not correct. The President would be restored without congressional action, 2 days after his own declaration of renewed ability, unless his declaration was challenged by the Vice President and Cabinet.

Beyond that the gentleman suggested that this might be a scheme for the Vice President to remove the President and then never bring this issue to the Congress. That is not correct. The President returns to power in 10 days, over the objection of the Vice President and Cabinet, unless the Congress by a two-thirds vote sustains the validity of their challenge.

Now the committee considered very carefully what we do in this very sensitive area when there is a dispute between the President, on one hand, and the Vice President and his Cabinet on the other, as to the inability of a President to perform his duties.

It seems to me what we are really asking ourselves is, which is more fragile—a single human being or our system itself?

We talk about coups or the possibility of a Vice President and a Cabinet seizing power. I would point out to you the Presidency itself is very much protected by the committee's proposed amendment.

First, when we get into a dispute between the President on the one hand and the Vice President and the Cabinet on the other, the Vice President will retain power for 2 days. If the dispute continues beyond 2 days, Congress must act within 10 days. Unless two-thirds of the Congress agrees with the Vice President, at that point the President himself will resume his authority.

What would be the condition if we adopted the gentleman's amendment? There is no question that one of the things we are concerned about is mental incapacity of a President. It is generally accepted that when a man is mentally incapable, he is the last one to realize it. I do not believe, under any stretch of the imagination, the Vice President and the Cabinet will use this mechanism capriciously. When they make the very hard decision that the President is, for mental reasons, no longer able to act, that very great power of the Presidency will pass.

If we are to provide that he can get the power back by the simple writing of a letter, and then to start the process over again to remove that power, it seems to me there is a real hazard for a long period of time. It may be a long period of time, when we consider the possibilities of rather substantial actions by the President without there being any check on those actions. In this instance it seems to me to be very hazardous.

Then we get to the next question. Assuming he can come back by the simple writing of a letter, again the Vice President and the Cabinet may decide that he is not capable. Then we would have uncertainty.

One of the things the committee was most concerned about was that there never be any question at any moment about who the President is and whom we ought to obey within the realm of Presidential orders.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from New Jersey.

Mr. RODINO. Is it not entirely possible, under the gentleman's proposed amendment, that a President who had been declared unable to continue the duties of his office might then make such a declaration and assume the powers of the office and fire the heads of the departments; and, therefore, there would be no majority with which the issue might ever come to a test in the Congress of the United States?

Mr. CORMAN. Yes. It would seem to me that would be the result.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from West Virginia.

Mr. MOORE. The gentleman used the term, I might suggest, that we are going to start this process over and over and over again.

The language of the proposed constitutional amendment is very clear in that respect. It would be necessary to make the determination under the language of the proposed constitutional amendment.

I am just proposing to put in the hands of the elected President a means to get his job back during the period of the trial. There is no gap or abyss at all. This issue would be immediately resolved by the Congress of the United States.

Mr. CORMAN. I would ask the gentleman what period of time would have to transpire before the Vice President might start over again?

Mr. MOORE. There is not a starting over again. That is where I would suggest the gentleman is misleading the committee.

Mr. CORMAN. A day later? A year later? At some time the Vice President and Cabinet could initiate a new challenge.

Mr. MOORE. No. If we adopt the proposed resolution as it is, without my amendment, and the President makes a written declaration that he is capable, the Vice President would have to come forward with another written declaration that he was incapable. That is in this resolution as it is before the House today.

All I say is that with the transition of power involved, it should be upon a written declaration of the President for a reinvestment of the office. The Vice President would do exactly as he does in this proposal, if he says the President is incapable. The issue would be decided by the Congress.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

We have a very anomalous situation here, or will have if the amendment of the gentleman from West Virginia prevails.

After the Congress by two-thirds vote—that is a sizeable majority vote—plus a vote of the majority of the Cabinet, whose members know intimately well the President and know a good deal about his mental and physical condition, usually, and after a judgment that the President is still disabled, after that verdict of disability by that very high authority, the President would simply come in and make a simple declaration, "I am not disabled," and he would resume all the powers of his office and the duties of his office.

Now, I cannot conceive how we could put the imprimatur of our approval on that. The President may be as nutty as a fruitcake. He may be utterly insane. He may have had a paralytic stroke, such as Wilson did, and the Congress would say by a two-thirds vote then, "You are not able," and the Cabinet would say by a majority vote, "You are not able." Yet the President in that condition, as was President Wilson, for example, could say, "Yes, I am able." You may remember that President Wilson caused the resignation of his very able Secretary of State Lansing, not on good grounds but probably on coffee grounds. This same President could dismiss, insane as he is, every member of the Cabinet. If the gentleman's amendment would prevail, he could dismiss every member of the Cabinet. Over and beyond that we have a safety valve here also. We provide that the Congress can consult such other body as the Congress may by law provide. That might be a body of experts or men with expertise to determine whether or not the President is abled or disabled.

In addition thereto, the gentleman has indicated that there may be a coup d'etat by some usurping Vice President. I doubt whether in this day and age we could have any such thing as a coup d'etat with our mass media of communication, with our public knowing instantly what happens inside and outside of Washington. There is not a secret here. As the woman said with reference to the situation in Washington, "I can keep a secret, but the people I tell it to cannot." That is the situation in Washington. There is nothing secret here and there would be no secrets. The public would know. However, even over and beyond that, if we would have some rogue, some devilish person, who would be there, then we have the power to take care of it. We have the power of impeachment. We can impeach for high crimes and misdemeanors, and these high crimes and misdemeanors can mean anything that this Congress wants it to mean. It is like Alice in Wonderland. When Alice asked the queen, "How can you make words mean so many different things?" the answer was "It all depends on who is in power." We are in power and we can make the words "high crimes and misdemeanors" mean anything we wish and apply it to some roguish, usurping Vice President.

I am not afraid of a coup d'etat in that regard, but I am fearful if we give the President the power of the sort envisioned in the amendment of the gentleman from West Virginia.

I hope that the amendment will be voted down.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Now I yield to my distinguished colleague.

Mr. MOORE. May I ask my chairman, for whom I have great affection, if it is not possible under this proposed constitutional amendment for the Acting President to fire everybody in the executive branch of the Government that is friendly to the deposed President.

Mr. CELLER. Yes. That is possible, but the contrariwise is also possible.

Mr. FLYNT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I support the amendment offered by the gentleman from West Virginia and I do so because, among other reasons, I feel that it gives to the elected President of the United States the presumption, whereas the language of the committee amendment would give to the Vice President who may be serving as President during the disability of the President the presumption that he is better qualified to determine the disability or the ability of the President than the President himself.

The situation might not be cause for concern except for the possibility that under conditions where the President were still in life, the Vice President might successfully remove every member of the Cabinet who was not friendly to him. That, Mr. Chairman, would provide an open invitation to an ambitious, certainly to an overly ambitious Vice President, to strive for the coup d'etat to which the chairman of the Committee on the Judiciary referred just a few minutes ago.

As between vesting the presumption of discretion and judgment in either the elected President or the elected Vice President it occurs to me, Mr. Chairman, that the presumption ought to be in favor of the President of the United States as long as he is in life.

I support the amendment.

Mr. McCLORY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I think there is a great appeal which can be made for the amendment propsed by the gentleman from West Virginia, but I think if we consider this subject logically we will see that it would be extremely unwise to adopt the amendment.

In the first place the opportunity is afforded already in section 3 for the President voluntarily to give up the office of the President and let the Vice President serve as Acting President and then for the President voluntarily to resume his duties. The situation which is involved here in section 4 is simply where the President is involuntarily removed. It seems to me that we want to sustain the continuity of the office of President and the stability of government which is going to follow once there is an involuntary removal of the President from office. And if that does occur then the Vice President will remain until the Congress acts contrariwise. That is exactly what the proposed amendment does now.

If we adopt this amendment we would have instability which would come with the presumption which follows the resumption in office of the the President without the Congress having acted. Since the Congress would be acting later, instability would follow from a temporary restoration of the President in office and his subsequent removal by action of the Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken; and on a division (demanded by Mr. Moore) there were—ayes 58, noes 122.

So the amendement was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Gross to the committee amendment: On page 3, line 23, after the word "Congress" strike the period, insert a comma, and add the following: "and the votes of both Houses shall be determined by the yeas and nays and the names of the persons voting for and against shall be entered on the Journal of each House respectively."

Mr. GROSS. Mr. Chairman, the adoption of my amendment would make section 2 read as follows:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress, and the votes of both Houses shall be determined by the yeas and nays and the names of the persons voting for and against shall be entered on the Journal of each House respectively.

Mr. Chairman, I have taken the language which is added to the bill from page 37 of Jefferson's Manual and Rules of the House. It is the language which requires a rollcall vote upon bills or resolutions which may be vetoed by the President of the United States.

Mr. Chairman, it seems to me that if it is mandatory to have a rollcall vote upon a vetoed bill, certainly there ought to be the requirement for a rollcall vote in Congress when it is called upon to confirm or reject a President's selection of a Vice President of the United States. I can think of scarcely nothing more vital.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Missouri.

Mr. HALL. Would the gentleman suggest the same wording after the two words "both Houses" in line 5 of page 5?

Mr. GROSS. Yes. The gentleman from Iowa is prepared, if this amendment is adopted, to offer the same amendment to page 5, line 5.

Mr. HALL. I thank the gentleman. I believe his amendment is worthy of support.

Mr. CELLER. Mr. Chairman, I rise in opposition to the pending amendment.

The gentleman seeks to do something rather extraordinary in a constitutional amendment, or a portion of a constitutional amendment. I suggest that the gentleman from Iowa seeks to amend the rules of the House. In any event, when a proposition is presented to this House or to the Senate the House or Senate can demand a record vote. That right is always present, the right to demand a record vote, and certainly there is no need to place such a provision in a constitutional amendment. There is no need to break down this amendment with details of that sort, particularly since the right already exists to demand a record vote.

Mr. RUMSFELD. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, the distinguished chairman of the Committee on the Judiciary has indicated this amendment is clutter and excess freight. However, I strongly disagree. The Constitution includes these same words where it says "in all such cases"—referring to a veto—"the vote of both Houses shall be determined by the yeas and nays," and so forth, as the amendment reads. The text of this amendment is already in the Constitution. I would suggest it is not clutter, and I would further suggest it is not clutter to demand that the public business be conducted publicly. The Committee on Government Operations' Subcommittee on Government Information has been meeting to consider legislation to require the executive branch of the Federal Government to make public more of the public business. How can the Congress justify conducting its business in private. Certainly, a vote on a matter as important as a Vice President or on this difficult question of presidential disability should be by record vote in both Houses of the U.S. Congress.

I think we can all recall instances where important pieces of legislation, such as the railroad arbitration legislation have passed this body by something other than a record vote. I would strongly urge that the amendment offered by the gentleman from Iowa be agreed to, so that the people of this country have the opportunity to know definitely who voted yea on an issue as important to our nation as this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Gross].

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 92, noes 102.

Mr. GROSS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Gross and Mr. Rogers of Colorado.

The Committee again divided, and the tellers reported that there were—ayes 115, noes 130.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Poff to the committee amendment: On page 4, line 25, strike out the word "immediately" and after the word "assembling," insert the words "within forty-eight hours".

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. Poff].

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I am glad to yield to the distinguished chairman of the committee, the gentleman from New York.

Mr. CELLER. I would accept that amendment. It is a very good amendment.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, we are pleased to accept the amendment. It has been thoroughly discussed and it is agreeable to us.

Mr. POFF. Mr. Chairman, I have been asked to make a brief explanation of the amendment, after which I will yield to the distinguished minority leader.

Mr. Chairman, the amendment simply requires that the Congress as an automatic proposition will, if not in session, when it receives the Vice President's challenge of the President's declaration of restoration, assemble within a 48-hour period.

Now I would assume, and I will yield to the chairman of the Committee on the Judiciary in order to make legislative history on this point, that the Vice President who is then Acting President would as a matter of procedural necessity by proclamation, directive, or otherwise indicate a time certain and a place certain where and when the Congress would assemble. Is that the understanding of the gentleman from New York?

Mr. CELLER. That is exactly the understanding, that the Vice President would issue a proclamation and fix a time certain within 48 hours as to when the Congress must assemble.

Mr. POFF. May I ask the gentleman further, if for any reason the Vice President as Acting President should not do so, then the Speaker of the House would have the apparent power, as the Congress automatically assembled, to fix the time certain when the Congress would assemble?

Mr. CELLER. That is correct. In other words, if he does not summon the Congress, the Congress automatically gathers and assembles—and must assemble. But I take it in the ordinary course, the Speaker would issue a summons to the Members of the House to assemble and the President pro tempore would issue a summons to the Senators to assemble in the other body.

Mr. POFF. I thank the gentleman.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, during the history of our country, the Nation has been without a Vice President 16 times, totaling 37 years, creating a vacuum in the executive branch of Government in particularly important and crucial times.

The Constitutional Convention wisely looked into the future to see the need for a qualified Vice President in the event of the Chief Executive's death or inability. However, the precise method of activating the line of succession has been clouded with legal and political uncertainties, controversy, and debate.

This resolution being considered by the House will amend the Constitution to clarify this vitally important issue, assuring a clear-cut method of action to result in proper succession.

A large number of bar associations in the country and some of the best legal minds in our Nation support this resolution, which is the result of long, indepth study by the Committee on the Judiciary. In the past, Attorneys General Herbert Brownell, William P. Rogers, and Nicholas deB. Katzenbach agreed that an amendment is necessary. The tragic death of John Fitzgerald Kennedy and the physical health of former President Dwight D. Eisenhower in our most recent history brought quick and urgent congressional and public attention to the need for an amendment.

Presidents Eisenhower, Kennedy, and Johnson made informal agreements with the Vice Presidents to fill the Chief Executive's position in event of inability. I stress that these were informal agreements, without constitutional definition.

The resolution before the House at this time, in my opinion, fulfills a vital need, especially at a vital and turbulent time in our Nation's history.

I support the resolution and urge my colleagues to do likewise in the national interest.

Mr. POFF. I thank the gentleman. I yield back the remainder of my time.

Mr. McCORMACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I feel that I should make a few observations on this occasion because what we do here is not only a matter of importance but also could have a marked and tremendous effect in the future life of our Nation.

What we have said here today will be referred to by some future House of Representatives, particularly if the situation under section 4 of the pending resolution should arise.

We all know that a constitutional amendment is a very important matter involving a very sensitive question—sensitive not only to draft, but sensitive to consider, and sensitive to picture or contemplate all the human considerations which might arise in the future.

I agree with the statement made in that respect by the distinguished minority leader.

I favor strongly this resolution. I favor section 2 because we must be practical. We must realize, whether we like to or not, that great changes are taking place, have taken place within the past 30 years, and changes of a greater nature are going to take place in the years which lie ahead.

I have lived for 14 months in the position of the man who, in the event of an unfortunate event happening to the occupant of the White House, under the law then would have assumed the Office of Chief Executive of our country. I can assure you, my friends and colleagues, that a matter of great concern to me was the vacuum which existed in the subject of determining inability of the occupant of the White House, if and when that should arise.

I have in my safe in my office a written agreement. As has been well said, it is outside the law. It is an agreement between individuals. But it was the only thing that could be done under the circumstances, when we do not have a disability law in relation to the President in existence.

We have made a marked contribution by this resolution, and particularly by section 3 and section 4.

Section 3 will enable the President of the United States or an acting President or one who is in the office of the Chief Executive, when he is ill without being totally incapaciated, to declare his inability for a limited period of time. For example, a man might have a heart attack. He is mentally equipped and there is no impairment of his mental facilities, but there is a marked impairment of his physical facilities. If he has the knowledge that he can declare himself to be disabled or unable to perform the duties of his office in a broad sense and if he has the knowledge that on a statement by himself or a declaration by himself he can resume the office, and the duties of the office, then this could play a very important part, in my opinion, in the future life of our country.

Section 4 is a matter of vital concern, as I see it. I will not say this is the only vacuum but a great vacuum which has existed since the institution of our Government is the fact that there has been nothing on the statute books or in the Constitutional law whereby there could be a legal determination made of the inability or the disability of the President of the United States and of the restoration of his ability. I can assure you, as the one who for 14 months was next in line for the Presidency, that I know I could never have made the decision. There are so many human considerations involved. For example, my motives might well be impugned. Also there could be the feeling that I might be involved in a quest for personal power. As a result of those considerations, and others, I would have great difficulty in making the decision myself, because I could appreciate the fact and picture the fact that the whole legitimacy of government, if I were in the White House, would be clouded and could be affected very seriously. Therefore, I am very happy with the provisions of this resolution and particularly, as I say, with section 4 thereof. We cannot legislate for every human consideration that might occur in the future. All we can do is the best that we can under the circumstances. The considerations of the committee and the deliberations of the members of both parties have resolved the problem confronting us in the best manner possible, having in mind the fact that with all our strengths we have weaknesses as human beings.

I am glad that the gentleman from Virginia [Mr. POFF] offered his amendment because I recognize that we could establish in our minds or we could create there hypothetical cases in the future which no resolution and no law could avoid and the resolution did contain a weakness in the language which states: "Thereupon Congress shall decide the issue, immediately assembling for that purpose if not in session." Now, first of all, I would assume that a Vice President, as Acting President, if the provisions of section 4 should develop and a Vice President who assumes the Presidency and the majority of the heads of the executive departments or the members of the Cabinet should disagree with the declaration or the proclamation of the President that his ability to function had been restored and thereby he could resume his office—I would assume in that case that the Acting President at that time would immediately call Congress into session within a reasonable period thereafter, by proclamation, as implied by this resolution, and as expressly provided for in other parts of the Constitution. But something might happen. The resolution provided and Congress intended that we should assemble immediately. But who is going to do the assembling? The Speaker will speak for the House of Representatives, whoever the Speaker may be at that time. The President pro tempore of the U.S. Senate will speak for that body.

One man may construe the word "immediately" differently from another. There may be a great deal of difficulty and confusion at that time. Who knows what human emotions might exist 10, 20, 30, or 40 years from now when some emotional situation has enveloped the people of our country?

I am anxious about this. In case there were no proclamation by the then Vice President as Acting President calling Congress into session, I was anxious that there be specific language in the resolution to bring Congress into session. The amendment of the gentleman from Virginia fills that vacuum and makes it specific; that is, that if a Vice President as Acting President does not by proclamation call Congress into session, Congress shall come into session automatically, without any call, not later than 48 hours.

For whatever benefit my opinion may be at some future time to some future Speaker, if this situation should arise, may I say for the record that if this were part of the Constitution today, and this situation arose, and if the Congress were faced with a situation today where a Vice President as Acting President had disagreed with the President on the question of his ability to assume office, and the President pro tempore of the Senate and the Speaker of the House had been notified, as provided by this resolution, and the 48-hour time limit in the amendment of the gentleman from Virginia were a part of the Constitution, if I were Speaker I would then consider calling the House into session within the 48-hour limit, but in any event, if the Speaker or President pro tempore failed to act Congress would have to come into session within 48 hours. If that did not happen the very purpose of this amendment to the Constitution, if adopted, could be defeated.

I wanted to make these few remarks to compliment the Members of the House who have participated in this debate which has been consistently on the highest possible level, in the consideration of any legislation, particularly that having to do with the Constitution. This debate will be of invaluable assistance some day in the future. The debate has occurred today but it will live for the future. If such a situation arises and this becomes part of the Constitution, Members of Congress at that time and others will look back to this debate, and they will see a high level debate to show what the intent of Congress was and certainly what the intent was of the House of Representatives in consideration of this resolution.

So I congratulate the committee and the House of Representatives. As Speaker I am proud of the debate that took place today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. POFF].

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration House Joint Resolution 1 proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, pursuant to House Resolution 314, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

Mr. MATHIAS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. MATHIAS. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MATHIAS moves to recommit House Joint Resolution 1 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 368, nays 29, not voting 36, as follows:

[Roll No. 74]

YEAS—368

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, Glenn
Annunzio
Arends
Ashbrook
Ashley
Ashmore
Aspinall
Ayres
Bandstra
Barrett
Bates
Battin
Beckworth
Bell
Bennett
Berry
Betts
Bingham
Blatnik
Boggs
Boland
Bolton
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burke
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Cameron
Carter
Casey
Cederberg
Celler
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Collier
Conable
Conte
Conyers
Cooley
Corbett
Corman
Craley
Cramer
Culver
Cunningham
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Denton
Derwinski
Devine
Dickinson
Diggs
Dingell
Dole
Donohue
Dow
Dowdy
Downing
Dulski
Duncan, Oreg.
Duncan, Tenn.
Dwyer
Dyal
Edmondson
Edwards, Ala.
Edwards, Calif.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Fallon
Farbstein
Farnsley
Fascell
Feighan
Findley
Fisher
Flood
Fogarty
Foley
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harsha
Harvey, Mich.
Hathaway
Hawkins
Hechler
Helstoski
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hungate
Huot
Irwin
Jacobs
Jarman
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lindsay
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Nebr.
Matsunaga
Matthews
May
Meeds
Miller
Mills
Minish
Mink
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Poff
Pool
Powell
Price
Pucinski
Quie
Quillen
Race
Randall
Redlin
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roudebush
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sickles
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Calif.
Tenzer

Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, N. Mex.
Watkins
Watts
Whalley
White, Idaho
Whitener
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Young
Younger
Zablocki

NAYS—29

Andrews, George W.
Baring
Brown, Ohio
Buchanan
Callaway
Dent
Dorn
Flynt
Fountain
Gallagher
Gonzalez
Gross
Hays
Henderson
Hull
Hutchinson
Ichord
McMillan
Martin, Ala.
Mathias
O'Neal, Ga.
Passman
Patman
Rogers, Tex.
Teague, Tex.
Walker, Miss.
White, Tex.
Whitten
Williams

NOT VOTING—36

Andrews, N. Dak.
Baldwin
Belcher
Bolling
Bonner
Carey
Colmer
Dawson
Evins, Tenn.
Farnum
Fino
Fraser
Fulton, Tenn.
Gubser
Harvey, Ind.
Hébert
Jennings
Joelson
Jones, Ala.
Kirwan
Kluczynski
Martin, Mass.
Michel
Nelsen
Nix
Pirnie
Purcell
Roosevelt
Rostenkowski
Scott
Shipley
Smith, Va.
Stalbaum
Toll
Weltner
Yates

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert with Mr. Michel.
Mr. Carey with Mr. Belcher.
Mr. Nix with Mr. Gubser.
Mr. Smith of Virginia with Mr. Martin of Massachusetts.
Mr. Toll with Mr. Andrews of North Dakota.
Mr. Roosevelt with Mr. Pirnie.
Mr. Rostenkowski with Mr. Nelsen.
Mr. Jennings with Mr. Harvey of Indiana.
Mr. Kirwan with Mr. Fino.
Mr. Joelson with Mr. Shipley.
Mr. Yates with Mr. Colmer.
Mr. Fulton of Tennessee with Mr. Weltner.
Mr. Scott with Mr. Stalbaum.
Mr. Frazer with Mr. Dawson.
Mr. Purcell with Mr. Bonner.

The result of the vote was announced as above recorded.

Mr. CELLER. Mr. Speaker, pursuant to House Resolution 314, I call up from the Speaker's table for immediate consideration Senate Joint Resolution 1.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 1

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"Sec. 3. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"Sec. 4. Whenever the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Sec. 5. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President, and a majority of the principal officers of the executive departments or such other body as Congress may by law provide, transmit within seven days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall immediately proceed to decide the issue. If the Congress determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise the President shall resume the powers and duties of his office."

Mr. CELLER. Mr. Speaker, I offer an amendment to strike out all after the resolving clause and insert in lieu thereof the provisions of House Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to succession of the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, as passed.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Celler: "Strike out all after the resolving clause of Senate Joint Resolution 1 and insert the provisions of House Joint Resolution 1, as passed by the House."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the Senate joint resolution.

The question was taken; and (two-thirds having voted in favor thereof) the Senate Joint Resolution was passed.

A motion to reconsider was laid on the table.

A similar joint resolution (H.J. Res. 1) was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PRESIDENTIAL INABILITY AND VACANCIES IN THE OFFICE OF THE VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to insert in the Record certain documents from the Association of American Law Schools, the Pennsylvania Bar Association, the Chamber of Commerce of the United States, the Law School of Harvard University, and the U.S. Junior Chamber of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The documents are as follows:

Association of
American Law Schools,
April 8, 1965.

Hon. Emanuel Celler,
House of Representatives,
Washington, D.C.

Dear Mr. Celler: I am writing in connection with the proposed constitutional amendment pertaining to presidential inability and the filling of the office of the Vice President, which is at present pending before the House of Representatives.

At a meeting of the executive committee of the Association of American Law Schools last February, that committee, which is charged with the conduct of the affairs of the association, voted to lend its support to the sponsorship by the American Bar Association of the consensus of the conference on presidential inability and succession that had met in Washington on January 20 and 21, 1964. The consensus of that conference was in support of the amendment that is now pending before the House.

It will be appreciated if this expression of support for the proposed amendment could be appropriately brought to the attention of the Members of the House of Representatives.

Sincerely,

Michael H. Cardozo.

Pennsylvania Bar Association,
April 9, 1965.

Hon. Emanuel Celler,
Congress of the United States,
Washington, D.C.

Dear Congressman Celler: It is my understanding that House Joint Resolution 1, the proposed constitutional amendment pertaining to Presidential inability and filling the office of Vice President will be considered by the House of Representatives within a few days. This amendment would provide urgently needed procedures to assure uninterrupted continuity in the Executive leadership of our country.

House Joint Resolution 1 has received the most thorough attention by many of the outstanding constitutional lawyers and legal scholars in the country. It is the result of long study and debate by recognized students of the Presidency.

For many years, action to solve the problem of Presidential inability has been frustrated because of disagreement over how to best meet the need. House Joint Resolution 1 is the product of a national consensus which has developed over the past several months.

The Pennsylvania Bar Association has taken a leading role in seeking, at long last, a sound solution to this serious constitutional void. We enthusiastically support the principles of House Joint Resolution 1. We are joined in this by a majority of State bar associations.

We hope that you will actively support House Joint Resolution 1.

Sincerely,

WILLIAM W. LITKE.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
April 9, 1965.

Hon. EMANUEL CELLER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CELLER: The Chamber of Commerce of the United States supports adoption of a constitutional amendment setting up procedures for handling cases of presidential inability and for keeping the office of the Vice President filled.

This view was submitted to members of the House and Senate Judiciary Committees in a letter dated March 1, 1965. A copy of the letter is attached.

The bill (H. J. Res. 1) as reported by the House Judiciary Committee is an improvement over the original version, in particular the language now incorporated in section 4 of the reported bill.

It is important to have procedures delineated precisely and that settlement of questions arising from presidential inability be resolved in the shortest practicable time interval to prevent an extended period of uncertainty. This also would enhance prospects of ratification by the States.

We recognize that no such amendment to the Constitution will cover all contingencies, but adoption of the present proposal would be a marked improvement over the existing situation which is so fraught with danger to the welfare of the Nation.

We urge favorable action by the House of Representatives on the proposed constitutional amendment.

Sincerely yours,

THERON J. RICE.

CHAMBER OF COMMERCE
OF THE UNITED STATES,
March 1, 1965.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CELLER: The Chamber of Commerce of the United States supports adoption of a constitutional amendment setting up procedures for handling cases of Presidential inability and for keeping the office of Vice President filled.

The national chamber approves the method embodied in Senate Joint Resolution 1 and House Joint Resolution 1 and believes that any proposed constitutional amendment dealing with the above matters should clearly specify, as the aforementioned bills do, the precise method by which cases of Presidential inability should be handled.

One improvement should be made in section 5 of the measure passed by the Senate. Instead of allowing 7 days for the transmittal of a communication from the Vice President and the Cabinet to the Congress disputing a Presidential declaration that no disability exists, a shorter length of time would appear preferable in order to minimize the period of uncertainty.

The interval of time should be kept to an absolute minimum to permit the speedy clarification, if challenged, of a President's assertion that his disability has terminated.

We urge prompt action by the House Judiciary Committee so that adoption of a constitutional amendment on Presidential inability and Vice-Presidential vacancy may be ratified by the States in this calendar year.

Sincerely yours,

THERON J. RICE.

U.S. CHAMBER OF COMMERCE,
Tulsa, Okla., April 8, 1965.

Hon. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

MY DEAR MR. CELLER: The board of directors of the U.S. Jaycees feel quite strongly that the subject of presidential disability and vice-presidential vacancy is a critical national issue.

The enclosed resolution was overwhelmingly endorsed by our board. The Jaycees of America urge you to take positive action on the current pending legislation in this regard.

Very truly yours,

STAN LADLEY,
President.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 9, 1965.

Hon. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: May I express my support of House Joint Resolution 1, the proposed constitutional amendment pertaining to presidential inability and vice-presidential vacancy.

Having served as a member of the American Bar Association group which arrived at a consensus on the principles to be followed, I can testify to the full and careful thought that has gone into the measure.

In view of questions that have been raised, two points of clarification may be useful. The first is that the amendment does not in any way alter the present law of succession. Instead it reduces the likelihood that the law may come into operation, by providing for filling a vacancy in the office of Vice President.

Secondly, the amendment does not impose a rigid method for the determination of presidential inability. Instead it provides a specific method, centering on the Vice President and a majority of the Cabinet, but authorizes Congress at any time to substitute another body for this purpose. Thus the amendment combines concreteness with flexibility, assuring that a method will be in force as soon as the amendment is ratified but not depriving Congress of authority to make alterations in the light of further experience and consideration.

I hope that you will find it possible to lend your support to House Joint Resolution 1.

With all good wishes.

Sincerely yours,

PAUL A. FREUND.

RESOLUTION BY U.S. JUNIOR CHAMBER OF COMMERCE

Whereas the subject of presidential disability and vice-presidential vacancy is national in character, timely in importance to all Americans, including young men between the ages of 21 and 35 years inclusive, and general in application to the welfare of the people of the United States and to the members of the U.S. Junior Chamber of Commerce; and

Whereas the Constitution and laws of the United States do not clearly define procedures to be followed in the event of the inability of the President of the United States; and

Whereas the Constitution of the United States does not provide a means for filling the office of the Vice President when a vacancy occurs; and

Whereas these problems pose the greatest potential danger to our national welfare and effective government; and

Whereas these problems can only be resolved with certainty by means of an amendment to the Constitution of the United States: Therefore be it

Resolved, That the U.S. Junior Chamber of Commerce recommends that the Constitution of the United States be amended in accordance with the following principles:

1. In the event of the inability of the President, the powers, and duties, but not the office, shall devolve upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office;

2. The inability of the President may be established by declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of a majority of the Cabinet or by action of such other body as the Congress may by law provide;

3. The ability of the President to resume the powers and duties of his office shall be established by his declaration in writing. In the event that the Vice President and a majority of the Cabinet or such other body as Congress may by law provide shall not concur in the declaration of the President, the continuing disability of the President may then be determined by the vote of two-thirds of the elected Members of each House of the Congress;

4. In the event of the death, resignation or removal of the President, the Vice President or the person next in line of succession shall succeed to the office for the unexpired term; and

5. When a vacancy occurs in the office of the Vice President, the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall then become Vice President for the unexpired term; be it further

Resolved, That the U.S. Junior Chamber of Commerce urges the Congress of the United States to initiate an amendment to the Constitution of the United States in accordance with the foregoing provisions of this resolution.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The **SPEAKER.** Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for tomorrow.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. ALBERT. In response to the inquiry of the gentleman, as previously announced, tomorrow is Pan American Day.

We expect to consider two resolutions tomorrow, from the Committee on House Administration; one dealing with investigating funds for the Committee on Un-American Activities and the other dealing with funds for the Committee on Post Office and Civil Service. The committee will meet in the morning and it is expected that the committee will report these two resolutions.

I might advise Members that we do expect a rollcall vote on at least one of these resolutions.

Mr. FRIEDEL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Maryland.

Mr. FRIEDEL. Mr. Speaker, I wish to announce that the chairman of the full Committee on House Administration [Mr. BURLESON] has called a meeting of the full committee for 10:30 a.m. tomorrow. I would urge all members of that committee to be prompt so that we can have the bills before the House tomorrow afternoon.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, in order that we might further advise the membership about the program for later on, we will expect to announce the program for the week following the recess on this Thursday. We hope that the whip notices may go out on Thursday so that Members may be advised of the business of the House after the recess is completed.

A GREAT RECLAMATION ROLE IN WYOMING

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, there has been introduced in both Houses of the 89th Congress legislation to reauthorize the Riverton Extension Units of the Missouri River Basin project, to include the entire Riverton Federal reclamation project, to enlarge and to otherwise perfect that vital reclamation area in Fremont County, Wyo.

Following the regrettable buy out upon the third division lands several years ago, many observers of reclamation watched with deep interest the development of this particular area.

In support of this legislation it should be noted that 31 farmers, who believe in its future, put up over $75,000 of their own money to the Federal Government for 1 year's lease and water rent to use certain lands recently purchased by the United States of America from original settlers.

The Riverton Ranger of Riverton, Wyo., of Wednesday, March 24, set forth in an editorial entitled "A New Start" the story of this act of faith and makes the point that completion of this project should get a warm reception by Congress, and should not be compared in any way to the results of those who lost faith and failed in the old third division.

Mr. Speaker, I include this editorial as a part of my remarks:

[From the Riverton (Wyo.) Ranger, Mar. 24, 1965]

A NEW START

There's an old earthy adage, "Put your money where your mouth is."

Thirty-one farmers who believe in the Riverton project did just that when they advanced close to $75,000 for 1 year's lease and water rent for the third division farms.

These men have no assurance the land will be theirs beyond this year and next, if they choose to extend their temporary farming permit a second year.

Only a few of these men have had a chance to farm these lands before this year. Despite a 10-year barrage of adverse publicity about how bad the lands are in third division, these Midvale people bet their $75,000 that they can get that much back, and more, through application of the same principles of honest hard work that has made many of them successful elsewhere on irrigated farms in the Riverton area.

Faith, determination, optimism—and some new ideas on how to utilize these lands—prompted the lively bidding March 9 and again March 23 on the third division farm units by the Midvale farmers.

Third division lands, and indirectly the whole Riverton project, have been victimized by overstatement of deficiencies. This, coupled with underperformance by some operators, has left a real challenge to the new lessees. Some lands haven't been farmed for years.

To think that everything is going to be straightened out through 2 years of leasing isn't realistic. But the direction is set. People who want to farm have the lands now.

Future thinking should be directed toward operation of the irrigated areas, Midvale, North Portal, North Pavillion, and Cottonwood Bench, as one unit.

The soil needs tender, loving care, and such care comes most often through ownership. That should be the later step—returning these lands to private ownership with the Midvale people given the priority for purchase.

These established farmers who believe in this area and have demonstrated it beyond any doubt through their leasing action these past 2 weeks, should have their project finished. The bill pending before the Congress now would give them the chance they have earned through their diligent performance, this month, and through the last decades.

If there is any justice, any reasonableness, any reward for faith, hope, hard work, and devotion, the case for the completion of the project stated by Midvale should get a warmer reception by Congress than the case stated by those who lost faith, and failed, in third division.

Congress authorized spending of $3.2 million to buy back these farms. Midvale people have bet $75,000 that they can make a go of farming these lands as a part of Midvale. They deserve the chance the pending legislation for completion of the project would provide, the future legislation for purchase of the lands, could implement.

EDUCATIONAL BENEFITS FOR CHILDREN OF VETERANS

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, I have today joined the very able gentleman from Kentucky, Mr. CARL PERKINS, in the introduction and support of a bill to permit World War II and Korean veterans who have not used educational benefits available to them under law to transfer entitlement to their children.

The bill to amend the United States Code includes all educational benefits handled by the Veterans' Administration. The entitlement would go to children of veterans who have not themselves used the various educational programs open to GI's.

As a member of the House Veterans' Affairs Committee, I know his bill will both further extend the educational opportunities open to citizens and extend the Nation's gratitude to her veterans.

This bill will transfer the months of entitlement which have not been used to the veterans' children. The months of entitlement will be distributed in the amounts dictated by the veteran.

If the veteran is dead, the other parent or guardian of the veteran's children can request the educational benefits for the children. Eligibility begins on the 18th birthday or graduation from high school and extends to the 31st birthday. In certain circumstances, the period would begin before the 18th birthday.

The Veterans' Administration, under his bill, would then pay the parent or guardian of each eligible child an educational assistance allowance to meet expenses of subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

APPOINTMENT OF ADMIRAL RABORN AND RICHARD HELMS TO THE CIA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, last Sunday President Johnson announced the appointment of Adm. William Francis Raborn as Director of the Central Intelligence Agency and Mr. Richard M. Helms as Deputy Director.

In my judgment the President could not have made two finer choices for these very important posts.

I have known Admiral Raborn for many years. Although he was born in Texas, he grew up in Marlow, Okla. Former U.S. Senator Elmer Thomas, of Oklahoma, appointed him to the Naval Academy. He is well known to many Oklahomans, and they all share my great admiration for this fine gentleman, this man of dedication and of extraordinary abilities.

All Americans are indebted to Admiral Raborn for the job he did as head of the Navy's Special Projects Office some years ago. There is no question but that the timely development of the Polaris missile was due in large measure to Admiral Raborn's great managerial skills and unique abilities to lead by motivating people of all types to work together as a team. I am sure he will bring these same talents to the Central Intelligence Agency and that all Americans may be confident this Agency is working effectively, as a single unit, under the direction of a man utterly dedicated to our country.

The selection of Mr. Richard Helms as the Deputy Director of the Central Intelligence Agency is equally commendable. Mr. Helms has had long and impressive experience with the Agency. He has the respect of his colleagues, not only for his expertise but, more important, for his judgment and abilities under pressure.

I congratulate Admiral Raborn and Mr. Helms. I am sure they will fill the grave responsibilities of their new positions with great distinction and high honor.

CLARENCE DARROW HUMANITARIAN AWARDS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, Clarence Darrow is remembered with deep personal affection especially in the Woodlawn-Hyde Park area of Chicago in the congressional district that I have the honor to represent and where he made his home for many years.

His home was less than a block from the home of my mother, father, and brother Frank, then in the Woodlawn ward but now in the fifth, or Hyde Park ward, which takes in the University of Chicago.

In the spirit of old neighbors, as well as that of a younger generation moved and influenced by one of the great liberals and humanitarians of our country, the community where he lived honors his memory with the good works of the Clarence Darrow Center and the Clarence Darrow Commemorative Committee which annually makes Clarence Darrow humanitarian awards.

Irene M. Smith, the dedicated director of the center, works with a staff of five and many volunteer workers to develop and implement programs, projects, and club activities designed to fit the specific needs of the community. The center provides recreational, educational, and counseling services for children, teenagers, and adults. Last year over 25,000 attended its functions for children and teenagers.

John A. Fitzwater is the president and Herbert M. Kraus the chairman of the Clarence Darrow Center. With other public spirited men and women they give unstintingly of their time and effort to carry on in this generation and in Darrow's old community the humanitarian works of the great liberal.

The complete roster of the officers of the Clarence Darrow Community Center follows:

Board officers: John A. Fitzwater, president; Herbert M. Kraus, chairman; Chester Kuttner, vice president; Rev. Richard L. Nash, vice president; Arthur Weinberg, vice president; Bismarck Williams, vice president; George W. Crank, secretary; Jack Harkins, assistant secretary; Winston E. Kennedy, treasurer; Marvin W. Mindes, immediate past president.

Board members: Frank S. Anglin, Jr., George Beslow, Robert Bolden, Earl B. Dickerson, Jerry Field, Murry Finley, Mrs. Kay Heyman, Rev. Raymond Hopkins, Joseph Jacobs, Louis Jacobs, Constantine Kangles, Gen. Julius Klein (retired), Ernest Knuti, Paul Levin, Edward Marciniak, Mrs. Jacqueline Ormes, Sol Polk, Elroy Sandquist, Jr., Mrs. Dorothy Schaad, Arnold L. Shure, Lawrence Tennis, Everett Tretbar, Wayne Williams.

Advisory committee: Marvin Berz, Hon. Archibald Carey, Jr., Rev. David H. Cole, Ralph Helstein, Warden Jack Johnson, Irv Kupcinet, Rev. John S. MacPhee, Arnold Maremont, Sterling Quinlan, Charles Swibel, Elmer Stevens, Rev. Donald Thompson, James C. Worthy.

Executive director: Mrs. Irene M. Smith.

The aims of the center are stated in this language:

> As the great defender, Clarence Darrow was unequalled. As a humanitarian who lived his ideals in day-to-day action, his memory is an inspiration. His name and spirit live every day at the Clarence Darrow Community Center, which is dedicated to serving his humanitarian ideals.

Arthur Weinberg, internationally famed as an outstanding and authoritative Darrow author, presided at this year's presentation of the Darrow humanitarian awards to the Reverend Father James G. Jones, Dr. Lonny Myers, William H. Robinson, Rabbi Jacob J. Weinstein, Leo A. Lerner—posthumous—and Barratt O'Hara.

Mr. Speaker, I am extending my remarks to include my response:

> It is with a deep sense of appreciation and of humility that I have come to accept the Clarence Darrow Award that you, in your gracious generosity, have voted me as not unworthy to receive.
>
> I can only say that to the utmost of my effort I shall try to live up to the standards of brotherhood and of human understanding that constitute the heritage of Clarence Darrow to the ages.
>
> That you have a right to expect of those upon whom you have bestowed the high honor of this award. And that is my pledge. With all that is in me I shall try to give warmth to the human touch as life moves on, and to give eternal combat to bigotry and discrimination in all their ugly faces.
>
> Clarence Darrow was my good and close friend. I knew him in the hours of trial and in the hours of triumph. He remained unchanged by the circumstances of fortune and of misfortune because in his philosophy the tests of life and the invitations to communion with his fellows come both and equally when the rains were falling and the sunshine was penciling into every nook and corner.
>
> My most vivid memory of Clarence Darrow was at Riverview Park where 50,000 persons had gathered to welcome him home from the harrowing experience of the Los Angeles trial. I was honored beyond, I am afraid, my worth by being selected as the chairman of that great meeting. As Clarence Darrow came up the stairs to the hastily improvised platform a cheer, growing into a mighty crescendo, rose and grew and grew from 50,000 throats.
>
> I am sure it was one of the outstanding moments in Clarence Darrow's life. His faith in people—people like you and me and our neighbors—had proved out. And this after the weeks and the days at Los Angeles when one of weaker vision would have abandoned himself to despair.
>
> Clarence Darrow has left us a precious heritage. From the bottom of my heart I thank you for this opportunity in some measure to touch the hem of that heritage.

TEMPORARY EMPLOYMENT OF CONGRESSIONAL INTERNS

Mr. MACHEN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MACHEN. I am introducing a resolution today to provide for the temporary employment of congressional interns. In this day and age with college costs so high, almost every student must work during his summer vacation to carry him through the fall. Unfortunately, there is usually a shortage of jobs and particularly of those jobs that would contribute to the education of the young man or woman. I believe that we should do what we can to remedy this situation.

We all know that education is made up of theory and experience. During the school year, the student has the opportunity to learn the theory. However, some of the best and most practical experience can be gained by working in a congressional office during the summer months.

And the benefits are by no means limited to the students. There is no Member who cannot use the extra help in his office. But there is an additional reason that is perhaps the most important. We who are deeply involved in the political process ourselves have a responsibility to encourage the widest participation at all levels, and particularly among the youth of America. The enthusiasm and idealism of young people can be most constructive in providing a broad and informed base for political activity. And there can be no greater protection for a democracy than a widespread understanding of the legislative process.

It is unfortunate that the limitation on the number of persons who can be employed in a congressional office prevents many Members from hiring these young people even though funds are available within their allotment. My resolution would permit the hiring of up to 16 employees during the period June 1 to August 31, inclusive. I believe that this would satisfactorily take care of the situation without additional cost to the Government.

RE DRUG-STAMP PLAN

Mr. FARBSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, the medicare proposal, which we approved last week, is one of the most momentous pieces of social legislation to pass this House in years. It is a bill which has been desperately needed and one of which we can justifiably be proud.

I have one serious reservation concerning the bill, however, and that is the fact that it makes no provision for the drug expenses of our aged. This, I believe, is a serious omission.

Our elderly citizens spend, on the average, twice as much for medicines as does the entire population. The even more critical fact is that almost 25 percent of the per capita health expenditures of these aged persons is made for drugs. For a goodly number, little hospital care is needed and almost the entire medical burden consists of drug costs. In overlooking drugs, we have seriously compromised a piece of legislation which is aimed at alleviating the financial burden of health care for our aged.

It is for this reason that I am introducing today, in conjunction with Senator HARTKE, a drug-stamp plan which I believe will meet this last important need. This bill would provide aid under a program modeled after the very successful food-stamp act. Eligible persons would be able to purchase drug-stamps, or coupons, at a fraction of their retail costs—but in no case more than 25 percent—which could then be redeemed for their drug needs.

The coupons would be valid for prescription drugs only and would be redeemable at any approved retail drugstore. In this way full freedom of purchase will be maintained.

Under this program, any individual who has attained the age of 65 years and is entitled to monthly insurance benefits under title II of the Social Security Act or is entitled to hospital and other health services under any program subsequently enacted by the Congress would be eligible for participation.

The program further provides that the Secretary of Health, Education, and Welfare may prescribe maximum income limitations for individuals and for a man and wife in order to be eligible for benefits under this act, and may prescribe such other reasonable terms and conditions for participation in the drug stamp program as he deems appropriate to facilitate the administration of such a program.

The plan is simple and has worked before in the area of food assistance. It would certainly be pointless to come this far in providing assistance for our senior citizens only to leave a small flaw in the program which could conceivably undo all of our efforts. This provision for drug costs is not an additional frill. It must be a part of any comprehensive assistance program, and I urge wholehearted support for its quick passage.

PROGRAM TO REDUCE CRIME IN NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, on Thursday, April 8, I brought to the attention of the House the fact that the New York Journal American, one of the outstanding evening newspapers in the United States, has been in the forefront of an effort to curb the seriously rising incidences of crime not only in the subways of New York, but in other areas of the city as well.

One of the programs suggested for action would be aimed at providing safety for the millions of New York subway riders and for those citizens using our parks and our neighborhood streets. These areas can be made much safer by using highly trained and skilled police dogs as a major deterrent to the armed thug, the mugger, the rapist, and the young tough.

The city of Philadelphia at the present time is requesting 100 additional dogs and 1,000 additional policemen to meet the crime situation in that city. Our experience here in Washington, particularly in our suburbs and in the vicinity of Capitol Hill, is evidence of the high regard in which the use of police dogs is held.

Today I have corresponded with the mayor of the city of New York to urge the incorporation of more extensive use of these dogs in the applicable areas of police work in New York City. One of the major problems confronting the mayor will be the public relations problem of selling the advantages of using this new weapon in the continuing fight on crime in our urban areas. With these dogs in our parks, subways, and neighborhoods, New York will not be permitted to become a "6 o'clock town" with people afraid to venture out at night.

A BLOW TO THE CONCEPT OF AREA REDEVELOPMENT

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. SULLIVAN. Mr. Speaker, as a Member of the Committee on Banking and Currency for the past 10 years, I have supported the area redevelopment acts and the idea of helping our depressed areas But I have always insisted that we not use this program to take plants away from high-wage areas and encourage them to relocate in other areas of the country which feature low wages and substandard labor conditions.

The Department of the Interior has just made a policy decision which puts the Government in the incredible position of subsidizing a runaway plant. If this decision stands, many of us who have supported area redevelopment in the past will see little hope of preventing the use of industrial development incentive and aid programs to enable firms to flee from unionized, high-wage areas into low-wage havens.

The Interior Department decision in question involved the award of the Government's contract for processing of sealskins. All fur-bearing seals sold in this country must be marketed under Interior Department control. For more than 4 decades, the Fouke Fur Co. of St. Louis had exclusive contract rights to process the skins, and the seal auctions were held periodically in St. Louis where the entire fur trade came to make its purchases.

Three years ago, Fouke Fur Co. pulled out of St. Louis, leaving 175 longtime employees without work—skilled workers who had spent their entire lives in this trade. The company moved to South Carolina where wage rates are lower. The Interior Department thereupon took the necessary steps to cancel Fouke's contract, holding that the contract then in effect required that the work be done in St. Louis.

A St. Louis firm was organized to bid for the work following the termination of the Fouke contract. It engaged key craftsmen skilled in fur seal processing, and was prepared to hire all of the unemployed former Fouke employees. Thereupon developed one of the most fantastic back-stage intrigues ever seen in Washington to restore the contract to Fouke. Former Interior Secretary Oscar Chapman represented Fouke with great skill, and apparently with remarkable persuasiveness.

And Fouke has now been given a new contract for 5 years covering seven-eighths of the fur harvest. The St. Louis firm which was set up to employ the 175 former Fouke employees left behind by the runaway company has been informed that the best it can look for is a portion of the remaining one-eighth of the harvest, perhaps one-sixteenth altogether. And Fouke Fur, a runaway firm which deserted its employees and sought cheap labor in South Carolina, now enjoys a near monopoly on business which the Interior Department had previously decided it should not receive because of its flight from St. Louis as a runaway plant.

Mr. Speaker, this whole episode is distressing to everyone in St. Louis who believes in fair play and in a decent respect for good labor-management relations. But the consequences will be more far reaching if the end result is to discourage liberal Members of Congress from nondepressed areas from continuing our support for programs which can be misused to subsidize runaway plants in leaving our industrial centers to seek cheap labor in low-wage areas.

INTERGOVERNMENTAL COOPERATION ACT OF 1965

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, I am pleased to offer for the consideration of this body, a bill entitled "The Intergovernmental Cooperation Act of 1965." I ask that it be referred to the appropriate committee so that it might be considered.

This bill implements a number of the recommendations from the reports of the Advisory Commission on Intergovernmental Relations.

The proposals contained in this legislation were developed because of the inconsistent and often confusing procedures established by law and in the administrative practices of many Federal departments and agencies administering grant-in-aid programs.

I would point out that many grant-in-aid programs have not been reviewed in light of today's needs. Sometimes Federal agencies overlook the fact that their program and those of other Federal, State, local, and private activities are closely related and could easily be coordinated to achieve desirable goals, without needless duplication and expense.

I believe that this bill would make a positive contribution to the efficient administration of Federal funds to the States and muncipalities.

I feel that the enactment of this legislation will make a major contribution toward improvement in the administration of these many programs.

I would point out that we face numerous problems resulting from a lack of effective coordination of many new and diverse grant programs. Problems have also resulted from a lack of effective coordination of these activities, both in content and in administration, with respect to their impact on metropolitan areas and local communities as well as upon the structure of State government.

I would call particular attention to title II of this bill, which provides for periodic congressional review of new Federal grant-in-aid programs to insure that such programs are examined systematically and are reconsidered in light of changing conditions and new program requirements.

This bill would meet a very real need in our Government today and I urge its very serious and favorable consideration by the Congress.

MEMORIAL TO PEACE AND GOOD WILL BETWEEN MEXICO AND UNITED STATES

Mr. WHITE of Texas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE of Texas. I am today introducing a bill to establish a permanent memorial to commemorate the peace and good will between our country and the Republic of Mexico, reflected in the Chamizal settlement.

The international boundary between the United States and Mexico in the area of El Paso, Tex., and Ciudad Juarez, Mexico, has been fraught with contention for 115 years, and the Chamizal Treaty which resolved those differences is a worthy and notable example of how international disputes can be settled through friendly negotiations.

This bill would set aside a portion of Cordova Island to be established as a national memorial and appropriately developed by the Department of the Interior. It is appropriate that Cordova Island be chosen for the national memorial, because, first, the tract was transferred from Mexico to the United States by the Chamizal Treaty; second, it is located in El Paso, the focal point of the boundary history; and third, it forms a part of the proposed development by both nations of the area on both sides of the international boundary.

The Chamizal Treaty itself is a memorial to the work of two great Presidents of the United States. It grew from the triumphal visit of John F. Kennedy to Mexico City, where he and Mexico's great President Adolfo Lopez Mateos agreed upon the fundamentals of the treaty. It was developed under the leadership of President Lyndon B. Johnson, who met with President Lopez Mateos at the border in El Paso, September 25, 1964, to celebrate its successful conclusion. Just as the Chamizal Treaty stands as a landmark of diplomacy in the Americas, so will this Chamizal Treaty National Memorial stand as a visible symbol to inspire us today and in future generations.

INVESTIGATION OF ORGANIZED CRIME IN THE UNITED STATES

Mr. McCLORY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Speaker, today I have introduced a resolution providing for the creation of a select committee of the House of Representatives to conduct an investigation of all aspects of organized crime in the United States.

The steady growth in this country of organized, interstate criminal activity is a matter of great concern to all. Through both the corruption of public officials and the invasion of legitimate business, financed by the fruits of subsurface criminal endeavors, hoodlum influence in our metropolitan areas and its effect on our interstate commerce is on the increase.

The President has recognized this growing problem and in his state of the Union message called for the recommendations and the constructive efforts of the Congress.

This select crime committee would constitute a positive forward step by the House in response to the President's call, and in recognition of the seriousness of crime in our society.

It was my privilege to introduce, while a member of the Illinois State Senate, a somewhat similar piece of legislation which was subsequently enacted into law, creating the Illinois Crime Commission. Because of the nationwide, interstate aspects of much crime, action on the Federal level seems necessary and appropriate at this time.

PHIL GOULDING: NEW DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Mr. MINSHALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MINSHALL. Mr. Speaker, it is with great happiness, yet with much regret, that I congratulate Phil G. Goulding, of the Cleveland Plain Dealer, on his appointment as Deputy Assistant Secretary of Defense for Public Affairs.

We are going to miss Phil bounding through the office door. His grand entrances never fail to delight my staff, they are part of Goulding's irrepressible enthusiasm for whatever he is doing. Over the years, since I first came to Congress in 1955, Goulding has come to be an unofficial part of the Minshall family, handsome, witty, hard working, good natured, quick on the repartee trigger.

I have watched Phil's reputation grow as a military analyst, pleased as a friend and interested as a member of the Department of Defense Appropriations Subcommittee. He has a great knack of making and keeping friends and he has many congressional admirers who regard him as one of the Nation's best authorities on our military and its posture. Phil and I have bounced our views on world affairs back and forth through the years, often in total accord, but never, when we did differ, in rancor. Phil loves to argue, not for the mere sake of argument, but for the joy of a sharp clash of wits and the ideas it produced. I have always valued Phil's opinions. My respect is boundless for his integrity and insight into the tangled maze of Pentagon affairs. The Goulding byline in the Plain Dealer was a guarantee to Cleveland readers of reporting at its finest.

In his 15 years on the Washington scene for the Plain Dealer, Phil has covered the White House, the Department of State, and Capitol Hill, say nothing of numerous political campaigns. During the last 8 years he has been assigned to Pentagon military affairs almost exclusively. His newspaper has sent him to nearly every corner of the globe for first hand reports on world trouble spots.

Phil's new assignment probably will keep him deskbound on the Virginia side of the Potomac. His host of friends on Capitol Hill, not the least of them BILL MINSHALL and his staff, regret this.

But we are cheered that his tremendous ability has been recognized and rewarded with an assignment of such great importance.

Phil Goulding is on the launching pad of a career in Government which will bring new credit to himself and to the Department of Defense.

To Phil, to his beautiful wife, Anne, and their five lively youngsters the Minshalls extend their congratulations and affectionate regards.

The following Associated Press story from the Plain Dealer gives a recapitulation of the Goulding appointment:

PD's GOULDING JOINS MCNAMARA'S STAFF

WASHINGTON.—Secretary of Defense Robert S. McNamara last night named Phil G. Goulding, military writer of the Plain Dealer, as Deputy Assistant Secretary of Defense for Public Affairs.

Goulding, 44, a staff member of the Plain Dealer since 1947, will take his post April 19. He will succeed Nils A. Lennartson, who is resigning to become president of the Railway Progress Institute.

Goulding was a naval officer in World War II, serving in amphibious forces in the European theater, then later as commander of a landing craft in the Pacific.

He has covered military affairs at the Pentagon for 8 years, except for temporary assignment to politics during campaigns.

After joining the Plain Dealer staff in Cleveland, Goulding worked there for 3 years, then was transferred to the Washington bureau of the paper.

In the first 7 years in Washington, he covered various assignments, including the White House, State Department, and Congress.

Goulding attended public schools and high school in Shaker Heights and received a bachelor of science degree at Hamilton College, Clinton, N.Y.

Goulding, his wife, the former Anne W. Wright, and their five children live in nearby Bethesda, Md.

PHILLIP GOULDING LEAVES CLEVELAND PLAIN DEALER TO BECOME DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS

Mr. VANIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Speaker, next Monday, April 19, Phillip Goulding will leave his desk at the Washington bureau of the Cleveland Plain Dealer to become Deputy Assistant Secretary of Defense for Public Affairs. Phil has served his profession, Ohio, and the Cleveland community during his 18 years with the Plain Dealer.

Two years after joining the Cleveland Plain Dealer in 1947, Phil was transferred to the Washington bureau where he has served diligently ever since. In his field of military affairs he has mastered the maze of complexities during these crucial years of military development to keep Clevelanders and Ohioans well informed about the work of the Department of Defense and our worldwide Military Establishment.

At 44 years of age, Phil Goulding is now embarking on a new and challenging career as a top official "reporter" for the Department of Defense to interpret defense policies to the press and to the public. We wish him every success in his new endeavor.

DON'T HANDICAP THE HANDICAPPED

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, in contemplating the Easter season and all its significance, none but the cruel of heart could at some time during this week utter a sincere desire and a determined pledge to be more considerate of and more charitable to our fellow men.

By a coincidence developing out of the church calendar, the President's Committee on Employment of the Handicapped this week announced the winner of the 1965 Ability Counts Contest. It provides a most appropriate subject for community and individual thought during Holy Week.

The contest, now in its 17th year, is part of the Committee's education program aimed at making more persons aware of the problems facing the handicapped in obtaining jobs, the efforts being made to help the handicapped help themselves, and the admirable accomplishments of many severely disabled individuals.

This year's winner is a young lady from Salt Lake City whose first case history is a man whose left arm, mangled by bullets in the invasion of the Philippines, is a successful laboratory technician, basketball official, and baseball umpire. She is especially proud of his accomplishments, for he is her father. Her other examples are equally enlightening and inspiring, but the most important lines in her essay are statistics pointing out that 1 of every 10 Americans is physically handicapped and another in 10 is mentally retarded or has suffered from mental illness.

Are these individuals among us given full opportunity to develop their talents and earn their way in our economic society, or is prejudice still handicapping the handicapped?

Centuries ago it was common belief that anyone suffering from epilepsy was devil-possessed, that demons were responsible for the convulsions, and that all victims of the disease should be isolated. Over the years such superstitution has largely disappeared from the civilized world, yet here in the United States many persons with physical handicaps are deprived of human rights and opportunities to a shameful extent.

We are a generous and sympathetic people. We give freely to the annual Red Cross drives, to the March of Dimes campaigns, and to all other charity programs. When disaster strikes—in the form of tornadoes, earthquakes, floods, or warfare—America leads the way in providing assistance to victims regardless of the locale or nationality. But we have fallen too far when it comes to recognizing our own physically handicapped and their needs.

Some little children run to their homes when they see a person who has been enfeebled by a crippling disease or accident. Others stare curiously when a blind man feels his way down the street, or when an amputee attempts to light a cigarette with one hand. And still other youngsters find a sadistic pleasure in taunting a playmate who must shuffle alone awkwardly as a result of polio or a spastic condition.

Adults are guilty of no such maltreatment. They merely turn the other way when a maimed or deformed person approaches. Indeed they are so intent upon avoiding the necessity of facing physically handicapped persons that they unconsciously impose handicaps far worse than those of a physical nature. These prejudices constitute a segregation which deprives victims of educational, economic, and social opportunities that are supposedly a birthright of all Americans.

Carried into the business world by fellow workers and the consumer public, this attitude is a prime reason for management's reluctance to employ disabled persons. Some headway into overcoming the prejudice has been made by a few large industrial organizations which make it a policy to use physically handicapped workers wherever possible. The manpower shortage during the last war opened fields of employment to men who were unfit for military duty, and manufacturers learned conclusively that handicapped workers, when properly placed in jobs, are as good or better than nondisabled personnel on identical jobs.

If other large companies, as well as smaller merchants and business houses, would follow along these lines, not only would the economic aspects of the overall problem be improved, but the bias existing in our educational and social life would gradually decrease. As long as he remains aloof from reality, the average human being may look upon his physically handicaped brother as a social misfit, but when personal association has been established, deformities will actually disappear from recognition. During the last years of his life Franklin D. Roosevelt was unable to move around without assistance, yet those close to him were hardly conscious of his crippled condition.

Another factor—and a most unpleasant one—which is tending to make Americans more aware of the problem is the growing number of men and women who are becoming incapacitated each year. Added to the severely wounded in World War II, Korea, and Vietnam is the annual toll in factories, homes, and on the highways. When such tragedy strikes close to home, it tends to dilate the neglect which has prevailed over the years, and it emphasizes that—but for the grace of God—the list of casualties might include anyone of us.

Whatever brings about the transition, and Heaven help that it will come out of the goodness of man's soul rather than through continued maiming in battle and in accidents, it cannot come too soon for the millions of disabled men, women, and children whose burdens have been accentuated by fellow men choosing to remain blind to a most unfair situation.

Mr. Speaker, I congratulate the President's Committee and the cooperating AFL–CIO State federations and councils, as well as the Governors' Committee on Employment of the Handicapped, for their contributions to a most worthy cause. And I hope that with the coming of Easter greater love and understanding for the handicapped will open the doors and the opportunities wider than ever before.

SALUTE TO LITTLE LEAGUE BASEBALL

The SPEAKER. Under previous order of the House, the gentleman from New Jersey [Mr. CAHILL] is recognized for 30 minutes.

Mr. CAHILL. Mr. Speaker, beginning on Sunday, April 11, and continuing through Wednesday, April 14, 1965, delegates from all regions of the country and from a number of countries outside the United States are meeting here in Washington at the International Congress of Little League Baseball.

The Little League Congress will conduct proceedings of an informative nature, will consider the revision and restatement on rules and policies, will elect delegates to the board of directors, and, generally speaking, will make every effort to improve the programs for the years ahead and to attain even higher achievements than it has in the past.

I think the formation, dedication, and accomplishments of Little League baseball have merited the full attention of the Congress of the United States.

What is Little League? Little League is best described in the words of Peter J. McGovern, president and chairman of the board. His words are:

WHAT IS LITTLE LEAGUE

Little League baseball is a product of happy, prosperous and free people who love their children and show pride in their every budding accomplishment. It is a gift of freedom, available to those who wish to take advantage of it voluntarily. It bears no compulsion excepting that those who wish to enroll are agreeable to abide by the democratic will of the majority.

Little League expects maturity enough in those who join that they may be exemplary to children who come to respect them as leaders and that they accept responsibility characteristic of the privilege in individual entity and freedom. It is a demanding but also rewarding experience for those who wish to serve in definitely forming their youngsters', and their neighbors' youngsters, nebulous futures with feeling and sensitivity. It is a somewhat strenuous and adventuresome challenge to adults and youngsters alike.

In Little League there resides some of the native American elements of self-reliance and basic urge to make a better lot for those who inherit and who may sustain our freedoms exemplified through sportsmanship and fair play.

Little League is dynamic, if not monumental, in that it characterizes a burgeoning ferment of expectations in a population explosion. It has paved new conceptions of education, thriving upon competitive urges and unfolding new horizons of athletic skills.

Little League is a lesson in practical idealism. Its sights are high, its methods commonsense. As a leadership image, it is exposed in the brilliant white light of publicity, parental concern and public esteem. It is serious but yet full of fun. It is international in scope, but local as any fireside. It is proud and yet humble. In its dedicated and volunteer aspects, its heart is as large as the hearts of families, communities and the nations that have taken it under their unselfish wing.

From the ranks of little leaguers—these hundreds of thousands of boys—who now stand on the morning side of the hill undoubtedly will come great ballplayers and many outstanding national leaders of the future. Though Little League is the basic platform under all of baseball, this is only a vehicle, an instrument of magnetic appeal, but no part of the main goal. Properly operated at the local level, Little League will speak for itself as a top-drawer democratic youth movement which bespeaks discipline, builds spirit to win and inspires poise through physical well-being in millions of growing boys everywhere.

This is Little League.

P. J. MCGOVERN,
President and Chairman of the Board.

Mr. Speaker, as one who has had two sons actively participate in Little League and has, therefore, been a personal observer of all facets of this organization for the past 10 years, I can personally attest to its accomplishments and the contribution Little League Baseball has made to the American way of life. I was delighted, therefore, to sponsor in the last Congress legislation which granted to Little League Baseball Federal incorporation. All of the Members of this House and of the other body, as well as the President, can take pride in this legislation which advanced the cause of Little League and which, according to the leaders of the Little League movement, was very vital for the general welfare and future success of Little League Baseball.

Little League Baseball, Inc., is a nonprofit corporation with its headquarters located in Williamsport, Pa. Little League Baseball, as a matter of fact, began in Williamsport in the year 1939. From a very modest beginning of three teams in its first year of operation, the program expanded on an unprecedented basis, particularly since 1949. The program has taken root in thousands of communities across the country and has started to develop in countries abroad.

It is interesting to note that more than 500 district administrators will attend the conference of Little League being held this week in Washington, that each district administrator represents about 15 leagues and that each league enrolls approximately 200 boys and 30 to 50 adults. This does not include parents and relatives of the participants. I would believe that every congressional district will be represented here in Washington by these local representatives of Little League Baseball.

I have been reliably informed that conservative estimates indicate that over 1¼ million young boys annually participate in the approximately 6,000 charter leagues in the Little League program.

Little League has likewise served as a model and source of stimulation for other similar organizations, not only in the field of baseball, but in many other sports activities. The Pony League, the Babe Ruth program, and many regional organizations formed to operate athletic programs for the youth of our Nation involving not only baseball, but basketball, football, and hockey, have been patterned after Little League.

The board of directors of Little League Baseball, Inc., consists of 14 men from various sections of the country, all of whom are, in their own right, outstanding Americans and all of whom have an abiding and sincere interest in the youth of our Nation. It is to the everlasting credit of the Little League movement that it can attract men of such caliber as the men who serve on its board of directors and on its board of trustees.

At the present time, the board of directors of Little League Baseball, Inc., consists of the following outstanding men of our Nation and an outstanding citizen of British Columbia. The board is as follows:

James E. Axeman, of Williamsport, Pa.
Col. Theodore P. Bank, of Chicago, Ill.
Donald P. Berger, of Rockville, Conn.
J. Wilfred Cain, of Victoria, British Columbia.
John K. Conneen, of Bethlehem, Pa.
Ernest A. Erickson, of Brighton, Mass.
Dr. Arthur A. Esslinger, of Eugene, Oreg.
M. M. Galloway, of West Columbia, Tex.
Dr. Creighton J. Hale, of Williamsport, Pa.
G. Herbert McCracken, of New York City.
C. W. Pennington, of New York City.
Robert T. Roy, of Beaumont, Tex.
John R. Tingle, of Cambridge, Ohio.
Dr. Elmon L. Vernier, of Baltimore, Md.

In addition to the corporation, there is also a Little League Foundation, the purpose of which is to stabilize and insure the future of Little League baseball by making possible broader services and benefits and where necessary through assistance to local leagues. The chairman of the board of trustees is Harry E. Humphreys, Jr., of New York City, and the following outstanding men are serving as members of the board of trustees:

Philip R. Clarke, of Chicago, Ill.
Robert Considine, of New York City.
Walt Disney, of Burbank, Calif.
James A. Farley, of New York City.
Jesse V. Honeycutt, of Bethelehem, Pa.
J. Edgar Hoover, of Washington, D.C.
Peter J. McGovern, of Williamsport, Pa.
Walter O'Malley, of Los Angeles, Calif.
Samuel F. Pryor, of New York City.
William A. Shea, of New York City.
Alfred J. Stokely, of Indianapolis, Ind.
Orville Taylor, of Chicago, Ill.
Daniel R. Topping, of New York City.
Gen. Albert C. Wedemeyer, of Boyds, Md.

Heading up this organization is one of the most dedicated, capable, and personable men it has been my pleasure to meet. He is Peter J. McGovern, president of the corporation, who also serves on the board of directors.

Mr. McGovern heads up a headquarters office which is located in Williamsport, Pa. The annual world series is played at this site and I can heartily recommend to the people of this country a visit to Williamsport on the occasion of this tournament. I have personally visited Williamsport and have seen the facilities, have observed the boys, and have witnessed the games. It is an experience never to be forgotten.

Mr. Speaker, there are many attributes of Little League baseball which recommend it to the people of our country and to the Congress of the United States. Certainly it builds character, promotes fairplay, and a competitive spirit amongst the youth of our country. Most assuredly it provides community pride and interest. Undoubtedly it serves as an ideal preparation for participation in high school, collegiate, and professional sports. There is little doubt that it has a tremendous effect on all who actively participate in the program.

I have come to believe, however, that just as important as are these contributions is Little League's very vital role in the field of international relations. In this day and age when the tensions are great and the world is fraught with danger because of lack of understanding and lack of communication between the peoples of all nations, Little League is playing a very vital role in this all-important field—and truly, Little League is an international activity.

While it is fundamentally an American movement, just as baseball is fundamentally an American sport, we now find 400 chartered leagues outside the United States. In my judgment, the visit of the youngsters from Japan and Europe to participate in the World Series in Williamsport, Pa., as well as the participation of all of the youngsters in foreign lands in this program throughout the year, is playing a very vital role and contributing greatly to the improvement of the American image abroad. More importantly, it is letting the youth of our Nation meet face to face on the field of competition with the youth of other nations. How much better it is that they should fight their battles with a baseball rather than a bullet.

Little League has set a pattern which most certainly can be followed in all other sports and which certainly should be encouraged by the Congress. I am satisfied, Mr. Speaker and Members of the House, that the granting of Federal incorporation by an act of Congress has confirmed our confidence in Little League and that it will be encouragement for Mr. McGovern and all of his associates in Little League baseball to continue their dedicated effort to improve and expand this delightful and all-important contribution to the American way of life.

I congratulate all associated with Little League Baseball. I welcome all of the delegates to the International Congress. I wish Little League Baseball, its directors, its staff, all of the participants, and especially the youth of the world who are actively participating in this great project, continued growth and success in the years ahead.

Mr. SCHNEEBELI. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. Mr. Speaker, I wish to commend and thank the gentleman from New Jersey [Mr. CAHILL] for taking this special order to outline to his colleagues and to the Nation, the rightful place which Little League Baseball has on the American scene.

Congressman CAHILL's initiative, leadership, and guidance provided the necessary impetus to produce the legislation for a national charter for Little League under Public Law 88-378, which was passed by the two Houses of Congress and signed by President Johnson on July 16, 1964.

Congressman CAHILL has a native interest in this activity since he has two boys in his own family who have participated in Little League baseball. Additionally, his cousin, Peter J. McGovern is the dynamic president of the entire league. The Congressman recently was named as the first honorary Director of Little League; and this distinction was well earned.

It is appropriate to present at this time some background on this most unusual and fine organization. Little League started in 1939 with only three teams in Williamsport, Pa., which is in my congressional district. The founder, Carl Stotz, was trying to keep two nephews about age 11 or 12 out of mischief and organized a league of three teams to keep them and some neighbors occupied for the summer vacation months. It was a local activity for several years; later became a State affair. Annual tournaments were held on this Pennsylvania State basis for some years and then it began expanding in all directions from Pennsylvania.

The U.S. Rubber Co. became interested in the movement and supplied the financial backing required to advance and promote the organization work and the first national tournaments. It gave the organization one of its leading lawyers, Mr. Peter J. McGovern, to run it, and he is still the international president.

Gradually, as it began to sustain itself, the U.S. Rubber Co. withdrew its guidance and financial support although it had invested several hundred thousand dollars to launch it successfully. The league is now on its own feet financially, with support of the public and private companies interested in this worthwhile project.

It now covers all 50 States and more than a score of nations. There are 6,000 chartered leagues with membership of approximately 1¼ million American boys.

Starting in 1956, it began through its National Congress, to hold a meeting every 2 years, which is attended by district representatives who are elected to represent approximately 20 leagues. These delegates establish the policy, rules and regulations and nominate the board of directors for all 6,500 local Little Leagues. This year, the Eighth International Congress of more than 400 district representatives from all over the world is holding its meeting in Washington, April 11 through 14. This is the first meeting held since it became a federally incorporated agency through Public Law 88-378, and the city of Washington was chosen for this reason.

The record and accomplishments of the Little League Congresses since its inception in 1956 have brought credit and stature to this movement. The momentum generated by its biennial Congress with its democratic approach to supervision of a worldwide youth movement has had a sustaining impact at every level.

Little League international headquarters is established at Williamsport, where the World Series is held each year in August. The adult leadership responsible for promoting and furthering this fine national organization comes under President McGovern's guidance in Williamsport. In these days of concern about juvenile delinquency, we have here an organization which has created a positive, beneficial effect, through the medium of organized baseball, to develop in our youth their qualities of citizenship, sportsmanship, and manhood. Little League is the biggest baseball organization in the world, but we have every reason to believe that the movement has contributed greatly to the spirit and well-being, disciplines, and decency, reverence, and respect for law of almost 5 million boys who have participated in its brief span of 25 years—many of whom are now fathers of their own Little Leaguers.

Little League has had a powerful, and positive impact upon millions of our young boys and it is fitting and proper that such recognition be observed at this time. I am grateful to Congressman CAHILL, as is Little League baseball, in making possible this presentation of its aims to our colleagues and to the American public.

TO REFORM THE IMMIGRATION, NATURALIZATION, AND REFUGEE LAWS OF THE UNITED STATES

The SPEAKER pro tempore (Mr. FASCELL). Under previous order of the House, the gentleman from New York [Mr. LINDSAY] is recognized for 30 minutes.

Mr. LINDSAY. Mr. Speaker, I rise today, as I have in every Congress since 1958, to plead for reform of our antiquated, demeaning and prejudicial immigration law.

It would be bromidic to say reform is overdue; only once have we effected any drastic changes in our 40-year-old immigration policy, and that was 13 years ago. The last Congress did not pass a major piece of immigration legislation. We continue on our indifferent course, although the foundation of the Immigration and Nationality Act betrays our national and international aspirations.

We are, perhaps more than any country, a Nation of immigrants. People of all lands—more than 41 million of them—established, sustained and fulfilled the United States. All aspects of our national life—politics, religion, commerce and the arts—have been molded by this, the greatest folk-migration in history. America has done much for the immigrant. The immigrant has done even more for America.

Yet we adhere to a blatantly discriminatory immigration policy that evaluates human beings not on the basis of what they are, but where they were born. Our policy resembles nothing so much as a national real estate covenant. It is something we tacitly enjoy, but prefer not to discuss. Because it violates our fundamental moral precepts, we do not even like to think about it—unless we feel the covenant may be broken. I am reminded of Mr. Dooley's observation:

> As a pilgrim father that missed the first boats—

Said Mr. Dooley—

> I must raise my clarion voice agin the invasion of this fair land by the paupers and anarchists of effete Europe. Ye bet I must—because I'm here first.

I raise the issue again with some trepidation, for it is a popular but erroneous belief that reform of the immigration laws would throw open the United States to a flood of slave traders, hashish chewers, coolies, witch doctors, mountain bandits, and camel drivers. This xenophobic concept envisions the typical immigrant as an illiterate, cholera-ridden pagan, who would either usurp the job of an American workingman or go on the relief rolls; who would subsist on fish heads and rice, father 13 children, and refuse to learn to speak English; who would lower property values wherever he lived; who would vote against school bond issues, hoard his money in tin cans and, who, in his idle hours, would run numbers, smoke opium, and revive the Tong wars.

This somewhat fanciful description has no basis in fact. Neither I nor anyone else seriously suggests that we permit unlimited immigration. We cannot return to the open-door policies of a happier and less complex age. To promise entry to all who wish to come here would create insurmountable problems for the United States and would do little to solve the problems of the countries from which the immigrants came. Our friends abroad certainly understand our position.

Our immigration policy must conform with our capacity to absorb; I do not question that commonsense approach. I do, however, strongly object to the unconscionable practice of restricting immigration by placing quotas on individual nations. The national origins system reflects a sad and unnecessary conflict with our national ideals. As long as the quota system is based on national origins it will be a source of pain and of shame. It can and should be corrected—not only because it is parochial, degrading, and inequitous, but because, as I hope to show, it is the atavistic symbol of an attitude this country has outgrown.

I have introduced a bill, H.R. 93, which I believe represents a reasonable, fair, and comprehensive revision of our immigration laws. Its primary aim is not to increase the present level of immigration. Rather, it is designed to bring about the elimination of the national origin quota system and aline other of our policies with this Nation's principle of human equality. The bill would give the law a flexibility and honesty it now lacks and which causes a great deal of humiliation and suffering.

Before discussing the merits of the bill, I would like to talk briefly about the history of our immigration laws and the compelling reasons for change:

The young United States had a very liberal immigration policy. We proclaimed the principle that a religious test would not be required for public officeholders; we held every public office in the country—with the exception of the Presidency itself—open to naturalized citizens. Both policies were established primarily to stimulate immigration.

Most laws enacted since that time have either set or retained limitations on immigration. The first were the Oriental Exclusion Acts originally passed in 1882, which placed a flat ban on the Chinese and Japanese. In 1917, over President Wilson's veto, the Congress created the Asiatic Barred Zone, which was the forerunner of the national origins system. It excluded persons from India, Burma, Siam, and other countries located in what came to be called the Asia-Pacific triangle.

With these exceptions, our immigration laws were qualitative; that is, they excluded only those persons who failed to pass certain minimal tests of health, literacy and good conduct. The quota law of 1921 and the Johnson-Reed Immigration Act of 1924 changed all that.

The Johnson-Reed Act limited the total number of immigrants who could enter the United States in any one year to 150,000. The act also provided that the annual quota for any nationality should bear the same ratio to 150,000 as the number of persons of that nationality in this country bore to the total population of the United States. The most recent census, in 1920, was taken as the base for determining nationality population ratios. "Descendants of slaves"—in other words, virtually the entire Negro population of the United States—were not counted in computing the ratios.

The purpose of the act was to freeze the then existing national structure of the American population. Its innate bias against southern and eastern Europeans and nonwhites from Asia and Africa, as expressed in the national origins quota system, has not been substantially altered. Johnson-Reed remains to this day our basic immigration statute.

The year following passage of the act, total immigration to the United States fell from 706,896 to 294,314. Although immigrations continued at about that level until the depression, it is only within the last 15 years that the figure has consistently exceeded 200,000. For the last 10 years, it has averaged about 280,000.

The most important single revision of our immigration laws was the Immigration and Nationality Act, commonly known as the McCarran-Walter Act, which was enacted over President Truman's veto in 1952. The act attempted to codify the plethora of laws, amendments, regulations, proclamations, executive orders, rules, operational instructions, classifications, dispensations, and circumventions that had grown up around the Johnson-Reed Act over the years. Indeed, the act made a number of worthwhile changes: It eliminated discrimination between the sexes and gave preferentional status to skilled aliens. It repealed the Oriental Exclusion Acts by setting token quotas for nations in the Asia-Pacific triangle. It gave Asian spouses and children of American citizens nonquota status. It eliminated race as a bar to naturalization. But it did not abrogate the humiliating and inflammatory racial philosophy by which we overtly discriminate against more than one-half of the world's population; the national origins quota system emerged intact.

Let us look at the record, for a moment, to see what the quota system does in practice. According to the annual report of the U.S. Immigration and Naturalization Service, which was released a few weeks ago, 292,278 aliens were admitted to the United States as immigrants or permanent residents during the 1964 fiscal year. Of these, only 102,877 came from quota countries. Of the other immigrants, more than 140,000 came from Canada, Mexico, and other independent nations of the western hemisphere, none of which has ever been subject to quotas. Wives, husbands, and children of U.S. citizens accounted for about 33,500 nonquota admissions.

Thus we see immediately that immigration from quota countries represents only slightly more than one-third of the permanent admissions to the United States. Even if the full quota for all countries—currently 158.161—was utilized, immigration from quota countries would only make up a little more than half our annual inflow.

Of the worldwide quota of 158,161, Europe receives 149,597 quota numbers. Asia is allotted 3,690, and Africa receives 4,074. In other words, we award about 94 percent of our total quota to Europe and give the rest of the world about 6 percent.

In Vietnam, we are spending $1.5 million a day and have suffered more than 2,000 casualties in support of the Saigon government. The annual quota for South Vietnam is 100. The population of South Vietnam is approximately 15 million. Evidently we are willing to commit the full strength of this Nation's resources to the defense of liberty in Vietnam. At the same time, our immigration law makes it abundantly clear that while we may risk war for the right of the Vietnamese people to live freely and independently, we do not want them to live with us.

During the Kennedy administration, we intervened in Laos to save that country from Communist subversion. President Eisenhower sent marines into Lebanon for the same purpose. Yet both these countries are assigned the same token quota of 100. As an instrument of foreign policy, our immigration law clearly is at odds with our international commitments.

India is frequently described as the bastion of democracy in Asia, the major country which would be lost to the West if Red China's aggression is not contained. The country, with a population of more than 442 million, is the largest English-speaking nation on earth. The quota for India is 100—the same as Iceland's.

We encounter similar injustices and irrationalities in the European quotas. The Marshall plan, by which the United States pledged itself to a course which has made it the worldwide defender of Western democracy, originated in Greece. The population of Greece is almost 9 million. The annual quota for Greece is exactly 308. The backlog of applicants is more than 100,000.

Italy, a country of about 50 million, has a quota of 5,666. More than a quarter million people are on the waiting list for those 5,666 quota numbers, including more than 140,000 relatives of U.S. citizens. The Italian quota is less than one-tenth that of Great Britain, which has never filled its quota. Last year, for example, Great Britain used less than half of its 65,361 quota.

Spain, which has a population of about 32 million, has six times as many people as Switzerland. The Swiss quota, however, is about six times that of Spain's.

Ireland currently uses about 35 percent of its quota of 17,756. Yet its allocation is more than twice as large as the quotas for Asia and Africa combined.

I could describe at some length the disparities and capriciousness of the national origins system, but I do not wish to burden the House with a statistical recitation. After reviewing the record, however, I am constrained to ask: How can we possibly do it? Where is our conscience? Why do we continue to base one of our most far-reaching policies on the explicit, arrogant assertion that a man is superior or inferior to another because of his race? Our law says a Moroccan is less deserving of our citizenship than an Indonesian. We rank a Spaniard above the Indonesian, but he must defer to a Greek. We favor the Italians over the Greeks, but the Swiss take precedence over the Italians. We prefer the Germans to the Swiss and the British to both. Finally, we welcome the Irish above all other races.

I can see no justification whatever for such a flagrantly discriminatory policy. It vitiates our heritage. It undermines our foreign relations. It presents to the world a totally wrong image of the American character. The law should be changed, and I, for one, will not cease my advocacy of reform until the national origins system is struck from our body of law.

I said earlier I hoped to show that the system has outlived what usefulness it originally possessed; that it is a relic we have readily ignored. The Immigration Service's report substantiates the argument:

Japan, for example, has a yearly quota of 185. During 1964, 3,680 Japanese arrived in the United States as immigrants. Italy's quota is 5,666, but 13,245 Italians emigrated to this country last year. Spain's quota is 250; yet 2,252 Spanish immigrants were admitted.

The great majority of the immigrants who entered the country over and above their national quotas were admitted because they were the wives, husbands, or children of U.S. citizens. Persons in any one of these three categories last year alone accounted for almost 28,000 immigrations from Europe, almost 8,000 from Asia and about 1,000 from Africa. We accepted 189,404 nonquota immigrants in 1964.

Even a fleeting perusal of the patterns of immigration into this country points up the mystifying nature of our immigration policy. We adamantly cling to an arbitrary quota of 308 for Greece, but we ignore the quota every year by admitting 10 times as many Greeks who are married to, or the children of, a U.S. citizen. Preferential treatment of relatives of our citizens conforms with our natural instincts and has a rightful place in our immigration policies. It stems from precisely the opposite impulses that govern our rigid, unfeeling quotas.

Preferred treatment for relatives and quota exemption for our neighboring American countries are but two of the many mature aspects of our immigration laws which override and repudiate the national origins system.

Among the enlightened amendments to our immigration laws have been the Displaced Persons Act of 1948, the Refugee Relief Act of 1953, the Hungarian Parolee Act of 1958 and the Fair Share Refugee-Escapee Act of 1960. Each act exempted refugees from the quota restrictions which would have delayed their entry into this country for many years. Moreover, Congress has granted nonquota status to quota immigrants on five separate occasions since 1957.

As a result of these and other liberalizing measures, roughly two-thirds of the immigrants who came to this country during the last 10 years arrived outside the quotas. Among them were 200,000 refugees from the Castro government in Cuba.

Despite the compassion the American people have shown for the people of other nations by the enactment of these humane measures, and although they have had the laudable effect of subverting the national origins system, we continue to employ a largely discredited numbers game which tells the Republic of India, bluntly and unequivocally: We want only 100 of your people a year.

Mr. Speaker, I prefer not to believe that the national origins system represents the wishes of the American people; that it is the calculated, supercilious insult it appears to be. I believe, instead, that the system is an anachronism—somewhat like a cracked and dirty window we can't see through very well, but have not taken the trouble to wash or replace.

The fact that so much special legislation has been passed to nullify or suspend the quotas implies a deep dissatisfaction with existing law. That the measures have been necessary suggests that the country is ready for reform. Partisan politics have nothing to do with it; since passage of the McCarran-Walter Act, Presidents from both parties have called for revision.

President Johnson has said of reform:

> No move could more effectively reaffirm our fundamental belief that a man is to be judged and judged exclusively on his worth as a human being.

President Kennedy called for a law "that serves the national interest and reflects in every detail the principles of equality and human dignity to which our Nation subscribes."

President Eisenhower used these words:

> A better law must be written that will strike an intelligent, unbigoted balance between the immigration welfare of America and the prayerful hopes of the unhappy and oppressed.

Congress has been content to prune the branches of our immigration law. Not much has been done to the roots. The reason, I think, is indifference. We may rouse ourselves, however, as more Americans become aware of the injustices of the national origins system and of its deleterious effect on foreign policy. It must be remembered that our immigration policies often make up the first and only personal contact that peoples of other countries have with the United States.

It is one thing to say to the thousands of people who wish to become U.S. citizens: "We are sorry, but we have no more room." It is something altogether different to say: "We are sorry, but we have no more room for Italians."

Now I should like to discuss how the immigration law can be reformed within the framework of H.R. 93. The first and most important change is revision of the national origins quota system. My bill contains two other principal reforms:

One is the removal of the quota restrictions on parents of U.S. citizens. They would be placed in the nonquota category.

The second makes provision for the relief of world refugees and Communist escapees. I wish to make it clear at this point that my bill sets fixed and definite limits on the number of refugees who could be paroled or otherwise admitted into this country. In this respect, it differs from the administration bill, which would give the Attorney General almost unlimited authority to admit refugees and escapees.

The bill makes other changes in the immigration law, but they are fairly technical and I will not take up the time of the Heuse to discuss them. They are described, however, in a section-by-section analysis which I will insert in the RECORD following these remarks.

The logical first step toward reform of the national origins quota system is to replace the original formula on which it was based. That formula, enunciated in the Johnson-Reed Act, was predicated on the 1920 census of the United States. It apportioned the quotas according to the racial ancestry of the white population of the country 45 years ago. My bill proposes that the 1960 census be used to allocate immigration quotas, that the nonwhite population be included, and that the annual worldwide quota be set at a number equal to one-sixth of 1 percent of the 1960 U.S. population.

The additional quota numbers that would become available because of the increase in this country's population since 1920 would be assigned to the three quota areas—generally speaking, Europe, Asia, and Africa—according to the actual quota immigration into the United States from those areas between 1920 and 1960. Thus the quota distribution would more accurately reflect the patterns of immigration during those four decades.

During 1964, some 55,000 quota numbers were not used by the nations to which they were assigned. The average over the past several years has been about 50,000. The unused quotas are assigned chiefly to Great Britain, Ireland, Sweden, and other northern European countries. My bill provides that these unused quota numbers be placed in a pool and awarded on a first-come, first-served basis to oversubscribed quota areas. The allocation of surplus numbers, however, would be subject to the preference categories now written into the law.

The four preference classes, I might explain, are set up as follows:

First preference goes to immigrants whose special skills are in short supply in the United States and would prove valuable to the country. I might point out, parenthetically, that 15 of this country's Nobel Prize winners in chemistry and physics have been immigrants.

Second preference is awarded to parents and unmarried, adult sons and daughters of U.S. citizens. Third preference is reserved for brothers, sisters and married sons and daughters of U.S. citizens and their spouses and children.

Fourth preference is assigned to brothers, sisters and married sons and daughters of U.S. citizens and their spouses and children.

Based on the U.S. 1960 census population of 180 million, the total annual quota which H.R. 93 would establish would be about 300,000. The pooling arrangement for unused quota numbers probably would mean that all of the 300,000 quota would be used each year. Of the present annual quota of about 158,000 only about 103,000 actually are used. Thus the bill would result in an additional quota immigration into the United States each year of almost 200,000 persons.

I am not quixotic about this bill; I recognize that many Members of the House will feel that this figure is too high. Very well, then, let us amend the bill. Let us say: the United States can absorb only *x* number of immigrants each year. Congress, if it wishes, can base the yearly annual quota at one-tenth of 1 percent of the 1960 population. This would establish an annual quota of about 180,000, an increase of only 22,000 above the existing quota.

Mere numbers are not the problem. I am concerned, not with statistics, but with a philosophy. My objective, which is shared by a good many Members of this body, is to give the country an honorable policy with which to govern our immigration and to move toward the abandonment of the national origins system. It should have been done long ago. The system is unworthy of the United States.

The second major change in H.R. 93 would place alien parents of U.S. citizens in the nonquota category. They now are subject to quotas, and receive second preference standing. A family relationship is the most important standard of all in assigning immigration priorities. Wives, husbands, and children of U.S. citizens are not subject to quotas, and I think parents should be similarly favored.

The third major immigration policy overhaul proposed in my bill concerns the relief of refugees and escapees from Communist-dominated countries. Of all immigration problems, one of the most explosive and tragic is posed by refugees.

According to the most reliable evidence available, there are up to 10 million unsettled persons outside the Iron Curtain. In the years since World War II over 40 million human beings have been involuntarily uprooted from their homes and have crossed frontiers, artificial or traditional, in search of asylum. The tragic proliferation of refugees all over the world is one of the legacies of an era of global wars, revolutions, civil conflicts and surging nationalist movements. Refugees are both the product of political tensions and the cause of new unrest. Wherever there is an unsolved refugee problem, there is both a tragic human situation and a potentially explosive political situation. When refugee problems are neglected—as they all too often have been—human misery abounds and political tensions are aggravated.

In the autumn of 1956, I served as the representative of the Attorney General of the United States in Austria and West Germany in setting up the machinery under which almost 40,000 refugees from Communist tyranny in Hungary were brought into the United States. Many an early dawn I stood on the Austrian side of the bridge at Andau, walked the Hungarian border, and saw courageous freedom fighters, women and children, come over the freezing swamps and canals. It was a sight and experience that I shall never forget. Anyone who has witnessed the chaos, the fear, the suffering of human beings in mass flight from their homeland can never again think of the plight of uprooted peoples as anything less than an urgent and compelling demand on individual conscience and human compassion.

In the autumn of 1960 I had the opportunity in the course of a world tour of refugee camps to study the living history of four significant concentrations of refugees; Arab refugees in the territories around Israel, Tibetans in India, both Moslem and Hindu refugees in India and Pakistan, and Chinese in Hong Kong.

In crowded wretched camps—in bitterness and often in deprivation—individuals, children and adults exist without hope in a world they cannot understand, without the conditions of human dignity which we Americans have come to accept as a basic part of our birthright.

To any refugee problem, there are three possible solutions: repatriation in the country of origin, integration in the country of asylum, or resettlement elsewhere. Some combination of integration, resettlement, and repatriation is essential in meeting all refugee problems.

In suggesting lines of action to alleviate the world refugee problem, we should, wherever possible, encourage programs of relief and rehabilitation under the auspices of the United Nations and through the machinery and resources of the International Committee on European Migration—ICEM—which has done excellent work with European migration problems. The United Nations and ICEM should expand their mandates to encompass all world refugee problems instead of limiting themselves to the declining problem of Europe.

I would like to pay credit to the remarkable work that has been done by voluntary agencies in each of these areas. They have accomplished miracles in the distribution of food and supplies, transportation and relocation.

The enactment of Public Law 87-510 in 1962 enabled the United States to continue its participation in certain refugee programs to provide assistance to refugees after they have arrived in the United States. It authorized the President to use up to $10 million to meet unexpected refugee developments which are outside the scope of regular appropriations.

This was helpful legislation but again, as in the case of stopgap immigration measures, piecemeal temporary solutions are being sought for permanent, festering problems. The refugee problem should be considered as an integral and essential facet of overall immigration policy.

To make some headway toward meeting this tragic and tension-ridden world problem, my proposed legislation moves away from the piecemeal approaches of the past. The legislation first tackles the knotty problem of definition. It defines "refugee" to mean any alien who because of persecution or fear of persecution on account of race, religion, or political opinion has fled or shall flee from any Communist territory or from a country in the general area of the Middle East. The definition also includes persons who because of war, political upheaval, or natural calamity, are unable to return to their former homes.

The bill then empowers the President to parole into the United States 10,000 refugees in emergencies like the Hungarian revolt. After a period of time, these persons would become eligible to apply for permanent residence. Congress at all times would receive detailed reports and would retain veto power over all admissions.

Apart from emergency situations, 20,000 special refugee visas would be authorized for a 2-year period in order to relieve some of the pressure on existing unsolved refugee concentrations. Up to 10,000 of these special visas would be available for unsettled hard-core refugees now in refugee camps under the auspices of the United Nations High Commissioner for Refugees. Finally, the bill authorizes the Secretary of State to make limited grants to public and private agencies in the United States to finance the resettlement of these refugees in the United States. Our country can scarcely press other countries for meaningful solutions to world refugee problems without offering to accept a fair share itself. Some of these unsolved refugee concentrations are explosive and it is to our own interest to remove the fuse. We have an obligation, in advancing an overall resettlement plan, to participate in such a plan by offering refuge within our own country to a reasonable number of refugees. By so doing, we will let the world know of our desire to bring this problem closer to a solution and we will be giving notice that America's belief in freedom and humanity remain enduring tenets of our democratic credo.

Let me emphasize that the provision for refugee and escapee immigration in my bill in no way resembles the provisions of section 13 in the administration bill. Section 13 would give the Attorney General almost unlimited authority to admit, by parole or otherwise, as many refugees and/or escapees as he deems proper. My bill writes definite limits into the law and they may not be exceeded except by a subsequent act of Congress. My bill is hardly the carte blanche the administration would give to the Justice Department.

I wish to call the attention of the House to two other aspects of H.R. 93.

First. The bill strikes from the Immigration and Nationality Act a provision that naturalized citizens could be deprived of their citizenship for taking up residence in a foreign country for a specified period of time. This provision has been found unconstitutional by the Supreme Court of the United States and should be expunged.

Second. The bill revises a provision under which any citizen, born or naturalized, loses his citizenship if he votes in a foreign election. My bill states that citizenship be revoked only if such voting is done with the intent to renounce U.S. nationality or to acquire the nationality of a foreign state.

Mr. Speaker, I ask unanimous consent to insert in the RECORD following my remarks today a section-by-section analysis of H.R. 93, a resolution in support of reform recently adopted by the National Council of Churches of Christ in the U.S.A. and three tables showing the number of immigrants admitted to the United States since 1921; total immigration broken down by categories during the year ended June 30, 1964, and the number of admissions under quotas from 1960 through 1964.

Mr. Speaker, I believe that this legislation, which I and other Members are sponsoring, is the best omnibus reform of the McCarran-Walter Act that has yet been offered. It is comprehensive, progressive, and reasonable; it should command wide support; and it can pass. I commend it to all of my colleagues and especially to the Subcommittee on Immigration of the House Judiciary Committee. I am not a member of the subcommittee, but I am the full Judiciary Committee, and I pledge my full and complete support to enactment of this much-needed reform.

Mr. Speaker, if America is to live up to her ideal of freedom and justice we should move ahead in this vital area. We must correct our deficiencies and strengthen the heritage that has made us great. We must hold ourselves out to the world as a proud and unafraid people who care deeply about basic liberties and stand for justice and reason so far as these noble goals are attainable in this troubled world.

Mr. Speaker, following is a breakdown of H.R. 93, a bill to amend the Immigration and Nationality Act, and for other purposes.

SECTION-BY-SECTION ANALYSIS OF H.R. 93—A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT, AND FOR OTHER PURPOSES

The first section of the bill provides that the act may be cited by its short title (the "Immigration and Nationality Act Amendments of 1965")

The remainder of the bill is divided into eight titles, as follows:

Title I: General;
Title II: Quota system;
Title III: Changes liberalizing visa requirements for nonimmigrant visitors to the United States;
Title IV: The admission of persecuted peoples;
Title V: Changes in provisions relating to ineligibility to receive visas and exclusion from admission;
Title VI: Provisions relating to entry and exclusion; deportation; adjustment of status;
Title VII: Loss of nationality;
Title VIII: Miscellaneous.

TITLE I. GENERAL

Section 101. Definitions: Section 101(a) of the bill amends section 101(a)(27)(A) of the Immigration and Nationality Act (hereinafter, the act), which grants nonquota status to spouses and children of U.S. citizens, to extend nonquota status to parents of U.S. citizens as well.

Section 101(b) of the bill amends section 101(a)(27)(C) of the act to extend nonquota status to all natives of independent Western Hemisphere countries.

Section 101(c) of the bill amends section 101(a)(3) of the act, by deleting language governing the meaning of the term "residence" as it is used in sections 350 and 352 of the act. This is a conforming amendment to section 701(a) of the bill which repeals sections 350 and 352 of the act.

Section 102. Powers and duties of the Secretary of State: This section of the bill amends section 104(a)(1) of the act, relating to the powers and duties of the Secretary of State in administering the act and all other immigration laws. Under existing law the Secretary's authority extends to the powers, duties and functions of diplomatic and consular officers of the United States, but not to the granting or refusal of visas. This section of the bill would extend the Secretary's authority to cover the powers, duties and functions of consular officers relating to the granting or refusal of visas.

TITLE II. QUOTA SYSTEM

Section 201. Determination and allocation of annual quota: Section 201(a) of the bill revises the language of section 201 of the act, making the following changes in the law.

The annual quotas of quota areas would be equal to one-sixth of 1 percent of the entire 1960 population of the United States, rather than one-sixth of 1 percent of the white population of continental United States in 1920 as under existing law. This would change the size of the aggregate annual quotas, which are currently set at 156,987, to approximately 300,000. The minimum quotas would be raised from 100 to 200.

Each quota area would continue to receive the quota numbers it receives under existing law. The additional quota numbers created by the bill, after deducting those necessary to increase the minimum quotas from 100 to 200, would be distributed among the several quota areas in proportion to the actual immigration of immigrants chargeable to each quota area between July 1, 1920, and July 1, 1960.

The Secretary of Labor would be added to the list of officials (Secretary of State, Secretary of Commerce and Attorney General) who are responsible for determining annual quotas for quota areas. The new quotas would be determined as soon as practicable after enactment of the bill and would take effect on the first day of the fiscal year, or next half fiscal year, following the expiration of 6 months after the date they are proclaimed by the President.

Section 201(e) of the act would be amended to reflect the effect of section 10 of the act of September 11, 1957, which terminated the reductions in annual quotas under the Displaced Persons Act of 1948.

The bill would add a new subsection (f) to section 201 of the act providing for the pooling and redistribution among oversubscribed quota areas of quota numbers unused at the end of a fiscal year. The pool would be on a worldwide basis, no distinction being made on an area or country basis, and would be allocated on a first apply, first considered basis. In other words, immigrants with the earliest registration date on quota waiting lists would be the first to receive immigrant visas from the worldwide quota pool. The preferences would apply to those issued from the pool. Quota numbers from the pool which are not used within a year after they are proclaimed would lapse.

Section 201(b) of the bill amends the heading for section 201 in the table of contents of the act.

Section 202. Determination of quota to which an immigrant is chargeable: This section of the bill abolishes the Asia-Pacific triangle provisions of the act and eliminates the maximum limitation of 100 which applies to subquota areas.

Sections 202(a)(5) and 202(b) of the act contain provisions regarding the quota chargeability of aliens who are attributable by one-half ancestry to peoples indigenous to the Asia-Pacific triangle. These provisions would be abolished by section 202 (a) and (b) of the bill. In addition section 202(a) of the bill amends the language contained in 202(c) of the act relating to the quota chargeability of aliens born in a colony or dependent area and places it in 202(a)(5). As amended the existing provision limiting the number of persons chargeable from colony or dependent area to 100 a year would be eliminated thus making the entire quota of a governing country available to persons chargeable to its subquota areas.

Section 202(c) of the bill contains conforming amendments.

Section 203 eliminates parents of citizens of the United States from the second preference category. This change conforms the act to the amendment made by Section 101 of the bill making parents of such citizens nonquota immigrants.

TITLE III. CHANGES LIBERALIZING VISA REQUIREMENTS FOR NONIMMIGRANT VISITORS TO THE UNITED STATES

Section 301. Nonimmigrant visas: Section 301(a) of the bill amends section 212(d)(4) of the act to authorize the Attorney General and Secretary of State, acting jointly and on the basis of reciprocity, to allow nonimmigrants to visit the United States temporarily for business or pleasure without the necessity of having in their possession a nonimmigrant visa or border crossing identification card.

Section 301(b) would authorize medical officers of the Public Health Service and immigration officers to serve at consular posts overseas in order to examine and inspect aliens seeking to visit the United States temporarily for business or pleasure for whom the requirement of a visa or border crossing identification card had been waived.

Section 301(c) repeals a provision in section 214(b) of the act creating a presumption that every alien applying for a visa or for admission is an immigrant until he proves that he is entitled to nonimmigrant status.

TITLE IV—THE ADMISSION OF PERSECUTED PEOPLES

Section 401. Refugee relief: Section 401(a) of the bill amends section 212(d)(5) of the act (which grants the Attorney General authority to parole aliens into the United States) by adding a new subparagraph (B) which defines the term "refugee" as used therein, and authorizes the President, whenever he finds that a situation has arisen creating a class of refugees, to direct the Attorney General by proclamation to parole into the United States such refugees selected by the Secretary of State. The Attorney General is further authorized in the absence of a Presidential proclamation to parole up to 10,000 such refugees into the United States in a fiscal year upon selection by the Secretary of State.

Section 402. Adjustment of status of certain aliens: Section 402(a) of the bill adds a new paragraph (9)(A) to section 212(d) of the act, authorizing the Attorney General, upon application of an alien paroled into the United States under section 212(d)(5), to adjust his status to that of an alien lawfully admitted for permanent residence. If the Attorney General is satisfied that the alien has remained in the United States for at least 2 years, is a person of good moral character, and that such action is not contrary to the national welfare, safety, or security, he may record the alien's admission for permanent residence as of the date of the alien's last arrival. The Attorney General must submit a complete report to Congress in the case of each alien whose status is adjusted. Either the Senate or the House of Representatives may pass a resolution disapproving the adjustment of status prior to the close of the following session of Congress, in which case the alien will be required to leave the United States in the manner provided by law. If neither House of Congress passes such a resolution within that time the alien's status will be adjusted as of the date of his last arrival.

Section 402(b) of the bill authorizes the issuance of 20,000 special nonquota immigrant visas to refugees during the 2-year period July 1, 1964, to June 30, 1966. These admissions are to be in addition to the admission of refugees on parole under section 212(d)(5) and under the "Refugee Fair Share Law" provisions of Public Law 86–648.

Section 402(c) of the bill provides especially for the admission of up to 10,000 "hard-core" refugees (as determined by the U.N. High Comissioner for Refugees) as nonquota immigrants including those who are afflicted with tuberculosis. Such refugees must be otherwise admissible and their admission is to be subject to such terms, conditions and controls, excluding the giving of a bond, as the Attorney General may prescribe in consultation with the Surgeon General of the U.S. Public Health Service.

Section 402(d) provides that, except as provided in subsection (c), an alien must meet all eligibility requirements of the act in order to be admitted as a refugee under this section of the bill.

Section 403. Issuance of visas: This section states that any special nonquota immigrant visas issued under the bill, with the exception of those issued under section 402(c), must follow the requirements of section 221 of the act which sets forth the general procedures to be followed in issuing visas.

Section 404. Resettlement of refugees: Section 404(a) authorizes the Secretary of State to make grants to public or private agencies in the United States to assist them in resettling within the United States needy hard-core refugees admitted under section 402(c) of the bill, including the furnishing of care and rehabilitation services. Section 404(b) authorized the appropriation of up to $2,500,000 for this purpose.

Section 405. Immigration and Nationality Act definitions: This section applies the definitions contained in section 101 (a) and (b) of the act to the administration of title IV of the bill.

TITLE V—CHANGES IN PROVISIONS RELATING TO INELIGIBILITY TO RECEIVE VISAS AND EXCLUSION FROM ADMISSION

Section 501. Pardon for crimes: This section of the bill amends paragraphs (9) and (10) of section 212(a) of the act (which declare aliens who have been convicted of or who admit having committed certain crimes ineligible to receive visas and excluded from admission) to provide that an alien shall not be so ineligible or excluded on the basis of a crime for which he has received a pardon.

Section 502. Other excludable aliens: Subsections (a), (b), and (c) of this section eliminate existing language in the act which gives controlling effect to the opinion of a consular officer or the Attorney General in determining the excludability of certain aliens.

Section 502(a) amends section 212(a)(15) of the act (which declares excludable aliens who, in the opinion of the consular officer at the time of application for a visa or the Attorney General at the time of application for admission, are likely to become public charges) by eliminating language referring to the opinion of the consular officer or the Attorney General.

Section 502(b) similarly amends section 212(a)(27) of the act relating to the excludability of aliens who might be seeking entrance to the United States to engage in activities which would be prejudicial to the public interest or endanger the welfare, safety or security of the United States.

Section 502(c) similarly amends section 212(a)(29) of the act relating to the excludability of aliens who might engage in espionage, seek to overthrow our Government by unconstitutional means, or participate in the activities of certain subversive organizations.

TITLE VI. PROVISIONS RELATING TO ENTRY AND EXCLUSION; DEPORTATION; ADJUSTMENT OF STATUS

Section 601. Inspection and deportation: Section 601(a) repeals section 235(c) of the act, which vests in the Attorney General special authority to exclude aliens for security reasons under paragraphs (27), (28), and (29) of section 212(a), on the basis of confidential information and without inquiry by a special inquiry officer.

Section 601(b) contains a conforming amendment to section 235(b) of the act, deleting a reference to section 235(c).

Section 601(c) of the bill amends section 241(a)(8) of the act (which provides for the deportation of aliens who, in the opinion of the Attorney General, have become public charges within 5 years after entry), by striking out the words "in the opinion of the Attorney General."

Section 601(d) repeals section 241(d) of the act, which applies the grounds for deportation contained in section 241 retroactively to aliens who entered the United States prior to the date of enactment of the act and to events that occurred prior to such date.

Section 602. Grounds for deportation; record of admission: Section 602(a) amends section 244(a)(2) of the act (which authorizes the Attorney General to suspend deportation and grant permanent resident status to aliens who are deportable for certain of the more serious grounds specified in section 241 of the act and who have been in the United State continuously for 10 years and prove good moral character during that time), by changing the test supplied by the Attorney General in determining the effect of deportation on the alien or his family from one of "exceptional and extremely unusual hardship" to one of "extreme hardship." This amendment would apply the same test to the aliens affected as is applied to other aliens deportable on less serious grounds.

Section 602(b) repeals section 244(f) of the act which prohibits certain classes of aliens (crewmen, exchange students and professors, and natives of contiguous countries or adjacent islands) from having their deportation suspended and status adjusted under section 244 of the act.

Section 602(c) amends section 249(a) of the act (which authorizes the Attorney General to create a record of admission for permanent residence for certain aliens who entered the United States prior to June 28, 1940) by extending its application to those who entered prior to December 24, 1952 (the effective date of the Immigration and Nationality Act).

TITLE VII. LOSS OF NATIONALITY

Section 701. Loss of citizenship; special proceedings: Section 701(a) of the bill relating to loss of nationality by a citizen of the United States for voting in a foreign election is amended to add the proviso: "if such voting in a political election or such participation in an election or plebiscite is done with the intent to renounce U.S. nationality or to acquire the nationality of a foreign state."

Section 701(b) of the bill repeals sections 350, 352, 353, 354 and 355 of the act, which provide for or relate to the loss of nationality by dual nationals and naturalized U.S. citizens and nationals.

Section 701(c) would make several changes in section 360(a) of the act, which provides for declaratory judgment proceedings for a person claiming U.S. nationality. The existing provision applies only to persons who are within the United States; as amended by the bill it is not so limited. Existing law applies only to persons who are denied a right or privilege as a U.S. national by a department, agency or official of the Government; under the bill the denial is not limited to such a Federal source. The provision presently provides only for the initiation of a declaratory judgment proceeding; as amended by the bill, judicial review under the Administrative Procedure Act would also be made available. The bill would eliminate provisions in the existing section stating that no action may be instituted if the issue of the person's nationality arose out of or is in issue in an exclusion proceding. Finally, the existing 5-year period of limitation within which suit must be brought would be eliminated.

Section 701(d) amends section 360(c) of the act by striking out the second sentence (which provides that a final determination by the Attorney General that a person who has applied for a declaration of nationality is not entitled to admission to the United States may be reviewed judicially only in habeas corpus proceedings and not in any other manner).

TITLE VIII. MISCELLANEOUS

Section 801. Powers of immigration officers: This section amends section 287(a)(1) of the act which empowers authorized officers and employees of the Immigration and Nationality Service, without warrant, to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States. As amended by the bill, the interrogation of a person believed to be an alien would have to be based on probable cause.

Section 802(a) Statute of limitation: This section of the bill would add a new section 293 to the act providing a statute of limitation for deportation proceedings, whereby no alien could be deported by reason of conduct occurring more than 10 years prior to the institution of proceedings.

Section 802(b) contains a conforming amendment to the table of contents to reflect the addition of the new section 293 by subsection (a) of this section.

THE PEACEFUL DESTRUCTION OF REPRESENTATIVE GOVERNMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama [Mr. EDWARDS] is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, after 3 months serving in the House of Representatives in Washington there are a good many impressions I have about our Federal Government, about Congress, about the House itself, and about Washington.

But there is one impression which stands out in my mind far above any other. It is this: We in this country today are much farther down the road toward the destruction of representative government than I had previously thought, or than is generally recognized.

We are in the midst of a powerful trend towards concentration of power in the executive branch of our Federal Government. In my judgment this trend is more dangerous than many of us realize. It is a trend that is recognized and understood in Washington by many people, but it does not come through to the public in its full extent.

We are moving so forcefully in the direction of big government at the Federal level that I find it hard to be optimistic regarding any possible remedies. It is difficult to know, based on events of the past 3 months, just how we can merely slow things down, much less reverse the trend.

There are powerful forces in Washington and elsewhere working for big government. These people believe sincerely in three ideas:

First. They feel that State and local governments have failed in their responsibilities and are unable or unwilling to meet what these people think of as the needs of the time in government action.

Second. They believe Congress is also unable to act. They think of Congress as a kind of picturesque and quaint old institution made up of incompetent, vain, and hostile people who are completely unable to understand the modern world.

Third. They believe that their kind of action can only be undertaken successfully by the executive branch of the Federal Government; that the country needs forceful direction from the top in a way which bypasses obstacles of any kind, including Congress, State, and local government, and often public opinion. In their view public opinion is not the foundation upon which the authority and direction of government is built, but rather is a fact of life which can be troublesome if not "educated" and manipulated to support the larger objective of centralized government power.

Who are these people?

They are led by two major groups: educators and Federal bureaucrats. The educators—not all of them by any means but a large proportion—seem to believe that profit in business dealings is somehow dirty and shameful, that private enterprise is outmoded, and that the only way to bring righteousness to the United States is to build greater Central Government direction of commercial and community affairs. They also, of course, believe in greater individual freedom of expression and some believe in obeying only those laws which they consider to be just. They evidently see no inconsistency between the two concepts of excess government authority on one hand, and greater executive power in the attainment of special objectives on the other. In international affairs they are inclined to believe that the United States is the aggressor in Vietnam, Panama, the Congo, and other areas of conflict. They believe the Communist international conspiracy is largely a myth or in any case is basically defensive in nature, and therefore we must continually offer evidence of peaceful intentions regardless of the fact that our many efforts to do this have resulted in greater frictions, not less.

The bureaucrats—and their army is growing fast—are engaged in interagency rivalries, and efforts to build the budgets and the staffs of their own organizations. For many of them the whole world is the Federal bureaucracy. A second generation is coming in now for whom the bureaucracy is the only world they have ever known. It is natural that they come to think of the rest of the country about as foreign to them as say, England or Argentina. Their attitude comes to be patronizing toward all Americans outside the Government. Where we think of the Federal Government as the servant of the people, they think of the people as existing to support the Government. Two agencies sometimes enter into a battle with each other for control of a program, and the conduct of the battle becomes the primary objective in the lives of hundreds of skillful, well paid Government employees. The major project in many departments every year is freely acknowledged to be the fight with Congress for more operating funds.

After these two influential groups come the politicians who play the same game. It is amazing to learn how many congressional candidates, for example, campaigned in 1964 on a platform of complete and unquestioning support for the executive branch of Government. Paying no heed to the constitutional function of Congress as a coequal branch of Government they promised rubber-stamp support for the President. They were successful to a large degree, and they now control both the House and the Senate by comfortable margins.

And fourth, the average voter across most of the country has evidently come to fall into line with this thinking. Whether it is because of the press media, because of educators making their mark on public attitudes about Government, because of the political failures of those of us who feel differently, or because of some basic characteristics of the American people, I do not know. But there can be no question that a majority of our citizens find themselves joining hands with the move to bigger government.

Maybe our people do want to be told that they will be taken care of by the Federal Government and that the Congress is old fashioned so that the executive branch has to do the job. Perhaps, even though Americans have prided themselves on being a responsible and independent people, the fact is that our responsibility and independence is basically a national or group trait. And as individuals we are prepared to give up our independence and responsibility to the Federal Government in the hope of achieving security.

Whatever the reasons or background it is clear that the forces of big government marked a great triumph in November 1964. The campaign was skillfully designed to ridicule the political element which attempted to show the country what is wrong with the big government trend, and how it could be changed. With that election victory, the White House and the rubber-stamp leadership of Congress have proceeded at a frightening pace to build Federal Government power and to concentrate that power in the executive branch where vital decisions are made by individuals the people cannot know, and often are made without the people even being able to know they are made.

What are some of the actions which have been taken? Both the House and Senate have passed an education bill which goes far to establish a separate public education system financed and administered by the Federal Government. The bill also requires Federal Government approval for any programs established under the new program, and allocates funds according to a formula designed to put the Government into nearly every school system across the country regardless of differing needs for financial help. Many Members of Congress concerned with providing effective help to schools where the need is the greatest, were completely rebuffed in attempts to improve the bill by retaining school control at the State level, or to change the formula to direct funds where the need is the greatest.

The big government forces have also enacted the Appalachia bill, part of which is designed to bypass State governments and pays no heed to State boundaries. It selects certain counties for special programs: among other provisions it lays a whole new Federal highway program on top of the existing highway programs we already have. When this bill passed in the House, many observers doubted whether a majority of Members really favored it. But a majority voted for it, many because the White House had either pressured them directly, or else promised that new programs especially designed for other areas of the country would be recommended in due course.

The President has directed that Congress enact a voting rights bill which responsible people all over the country feel may be unconstitutional. The bill discriminates against just a few Southern States; it would prohibit literacy tests even though such tests are clearly in accord with the Constitution; and it would give the Attorney General complete power to appoint voting registrars who would then have full discretion to register or not to register voting applicants. Apparently the bill will now even do away with all poll taxes even though the Congress only recently felt that this tax could only be attacked by constitutional amendment. The President recommended this bill in an emotional address. And not only a large majority of Members of Congress but most Supreme Court Justices as well sat in the audience and applauded enthusiastically as the President proclaimed this measure which so clearly overwhelms the integrity of the legislative and judicial branches of our Federal Governments, as well as State government.

The so-called medicare bill has been pushed through the House after the Ways and Means Committee had held hearings which were closed to the public. The bill has 296 pages, and was before the House last week on a rule which permitted no amendments. It will compel us to pay higher social security taxes—the tax will go above 10 percent within 8 years—and it takes a giant step toward socialized medicine.

Soon there will be a big effort by the executive branch to establish a new Department of Urban Affairs, putting many decisions about city government into the hands of Washington bureaucrats, bypassing State governments. Secretary of Agriculture Orville Freeman is quoted as saying that he thinks his Department's responsibilities should be broadened to include consumers in the cities as well as the crops on the farm. On at least two occasions this year Congress has been asked to give up its annual authorization and appropriation responsibility on vital Government programs, and provide a 4-year authorization plan, giving the executive branch more leeway to operate without congressional review. I have joined with some other Members of Congress, including a few brave Democrats, in supporting legislation to provide greater public access to Government information. But the executive branch insists on retaining what is almost a total power to withhold information on its own judgment as to what comprises the public interest, and will probably prevail in its opposition to new legislation in this important matter.

On and on it goes: the White House asking expansion of its own control, the congressional leadership rushing to comply while yielding its primary lawmaking responsibility to the White House, and the American public either unaware of the issues at stake, or perfectly willing to go along with the trend.

And yet it is in the history books for all to see: the peaceful destruction of representative government occurred in Germany in the 1930's when the executive authority persuaded the elected legislature to yield its responsibilities in the name of the national interest. The people either did not know what was happening or else welcomed the development because they were busy with their own pursuits and willingly passed along responsibilities to a popular, politically skillful executive who seemed to be acting in the interests of all citizens. Today's popular demand for centralized government authority is tomorrow's dictatorship.

Richard Nixon said a few evenings ago in Washington that Lyndon Johnson is the most politically skillful President of this century, and perhaps in our whole history. I believe this is true. His skill is fantastic. But what frightens many people today is not so much his political skill but his failure to grasp the full significance of what he is doing.

The real fear is that the trend established over the past 4 years, and due to continue, is concentrating so much power in the hands of the White House that at any time in the future, under one President or another, we will find that our Government has passed into an autocracy; representative government will have lost its struggle and will be gone. The country will be under the thumb of a Chief Executive who is not only politically skillful, able to rally national sympathy with the help of the television screen and other communication media, but also power hungry, uncompromising, ruthless, ambitious; in short, a dictatorship. We may be closer to that point than we realize.

What are the things we can do which might help?

There are no easy solutions. With the forces of big government well organized, and with the others either apathetic or very disorganized, the task of reversing the trend is very difficult.

Basically what is needed is a gigantic effort to grasp the real significance of representative government. More of our people, young and old alike, need to understand exactly why it is that our Government was set up with a system of checks and balances; how it is that elected representatives are to function as responsive to the people; why it is that government exists with the consent of the governed, and just how our Federal system is designed to keep much of government close to home where the citizen has a recourse, while giving some functions necessarily to the National Government.

As a nation we owe our origin to the hard struggle against authoritarian government. We fought hard for elected representation and for citizen participation in a government established to serve the people, not dominate them. And yet we seem now to take for granted these objectives. It does not occur to us that democracy might be only temporary. We seem to assume that representative government is not only a birthright, but also a very natural and normal state which always has prevailed and always will. We must learn that constant vigilance is absolutely necessary if we are to retain our system of government.

We need to demonstrate to many of our educators who are rightly concerned with freedom of expression and academic freedom of all kinds that when autocracy supplants representative government, when an excess of authority is given to the Executive, freedom of expression, and academic freedoms as well as other objectives of the individualist, are the first to suffer.

It is easy today on the college campuses to show how Congress does not always work as it should, and then proceed to the conclusion that the congressional function should be downgraded and more flexibility given to the White House. We should try to show instead that where Congress fails, the remedy lies in correcting the failure, not in doing away with Congress or in bypassing this great body. With the news media and others focusing the glamour of public life on the White House and on Cabinet officials promising executive actions of all kinds to cure real or imagined evils, it is natural that our attentions tend to be centered on the personalities of the executive branch. The function of Congress as an independent lawmaking body is not so colorful, and yet this function must somehow be elevated in public attitudes. We need to make Congress work effectively and well and to show that the national interest depends on it.

We also need to improve the workings of State and local governments where we can. The responsibilities there are very real, and when they are not met, the big government people use the failure as powerful ammunition. We who believe in States rights must also urge States responsibilities at the same time.

In all of this we need to bring the political talents and time of more and more able people into public life. Too many are sitting back busy with other activities. We need politically alert people with an eye for constructive progress in representative government to step forward and offer their services. Those of us wanting to prevent the destruction of representative government will have to work on an organized basis utilizing all the political skill possible.

The message I want to bring to you today is that now, in April of 1965, the peaceful destruction of representative government in America may be closer than we think.

Somewhere in history a wise man said:

> Better to understand and master the art of politics, or you fall at the mercy of those who do.

These words have never had more significance than they do today. It is my hope that we will heed them.

REPORT ON FLOOD CONTROL PROJECT FOR LICKING RIVER BASIN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK] is recognized for 40 minutes.

Mr. ASHBROOK. Mr. Speaker, one of the matters of greatest interest in Licking County, Ohio, is the status of the flood control project which the Corps of Engineers is preparing for the Licking River Basin. Over 6 years have passed since the disastrous January 1959 flood which caused over $8 million in damage to local property owners and demonstrated the need for a new comprehensive program to prevent future disasters of this type. No matter has received more attention from myself than flood control projects in the 17th District and I feel it would be worthwhile to outline all that has transpired in the Licking project.

Up to the time of the 1959 flood, the Licking River Basin had received some local protection work in the Newark area but no comprehensive program had been envisioned. As a part of the overall Muskingum River Basin work, Dillon Dam had been authorized and completed. The January 1959 flood represented the worst flood in the history of the Newark and Licking County vicinity.

The levee that had been built at Newark in 1941, while it was not overtopped, was skirted at its upstream terminus on Raccoon Creek and on North Fork. Thus it was clearly shown to be ineffective in serving the purpose for which it had been built.

BRIEF HISTORY OF PROJECT

Primarily as a result of the 1959 flood, a resolution by the Committee on Public Works was adopted on June 3, 1959, which directed the Corps of Engineers and the Board of Engineers of Rivers and Harbors to review the previous reports and determine whether in view of the damages caused by the 1959 flood any new plans should be considered to prevent such a situation in the future. My predecessor, Representative Robert W. Levering, was very diligent in promoting this survey and securing funds for it.

On the face of it, one quite naturally thinks that the Corps of Engineers has been dilatory in its work. On the contrary, as one who has been closely connected with their efforts during these past 4 years, I can say from first-hand knowledge that the corps has never relented in its work on this project. The study contains many facets beside flood control in the Newark area. Upstream water situations in Utica, St. Louisville, and all of the towns and villages along the tributaries of the Licking River have been studied. Many plans have been considered, such as small reservoirs, levees, channel improvement, and combinations of these methods. While flood control was a prime consideration, attention was also directed in their study to other allied water problems and benefits such as water supply, pollution abatement, fish and wildlife benefits, and recreational benefits.

I would like to point out here, Mr. Speaker, a factor that is not generally known by the public and one which has caused some delay in this meritorious project. This business of flood control is not a boondoggle or pork barrel, as some like to derisively allege. It is a hard-headed business proposition and the Corps of Engineers cannot proceed where a project is not economically justified. In other words, if it would happen to take a $20 million project to prevent a $8 million flood loss, the corps would not proceed. The corps works under a formula wherein they cannot spend a dollar of public funds to obtain less than a dollar's worth of benefits or protection. They figure the cost-benefit ratio on every individual project and if from the damages that we are going to alleviate weighed against the total project cost that the corps proposes, they derive a ratio that is less than dollar for dollar, the project is not recommended.

At this point, I can attest to the professional manner in which the Corps of Engineers addresses their talents toward the projects they survey. I only wish our foreign aid money—indeed, most of our Federal expendiutres—were dispensed with such high standards and by such dedicated public servants. If Licking County were a foreign country, we could probably get a concrete levee from Utica to Zanesville.

Many civic groups such as the Newark Area Chamber of Commerce have given unstintingly of their time and effort to this project. No one has labored harder than Al Milliken, chamber manager and executive vice president. The board of county commissioners and Newark city officials have patiently imparted their intimate knowledge to the survey report and have assisted at every turn. Mayor Dave Evans, along with Al Milliken, have probably done as much for this project as any other Licking County residents.

SURVEY REPORT PREPARED

Col. Harrington W. Cochran, district engineer in Huntington, W. Va., prepared the survey report pursuant to the authority granted him by Congress and forwarded it to the division engineer, Ohio River Division, Cincinnati, on March 13, 1964. The report was returned to the Huntington office for revision including the development of additional information not contained in the original report. The revised report was resubmitted on December 4, 1964. The review is now in progress and I would like to outline some of the problems involved in this report.

Detailed consideration was originally given to a $30 million flood control measure which would have included a 3,500-acre reservoir on the North Fork above Utica and an 820-acre reservoir on Raccoon Creek near Johnstown. Levee improvements in Newark and dredging projects on the South Fork near Hebron were also considered. Local flood control work in Newark would include new levees along both sides of the North Fork from Everett Avenue north to the Manning Street bridge. A concrete wall at the Everett Avenue Bridge and a pumping station at the point where Log Pond Run joins the river were included in preliminary plans. The pumping station would allow water from the run to be pumped over the levee when the river is at a high point. An additional pumping station was considered along the South End levees.

After considering these proposed projects, the Corps of Engineers tentatively came up with the conclusion that a local flood control project could be justified on an economic basis for the city of Newark but the North Fork and Raccoon Reservoirs could not. Under no circumstances could a dry dam be justified on the North Fork but a strong possibility existed for development of a comprehensive multipurpose dam.

At this point, the entire picture was analyzed by your elected officials—city, county, State, and Federal—as well as civic groups, the Licking River Flood Protection Committee, businessmen, and private citizens who have been affected by flood waters in the past. We all agreed that the best course of action was to work for a comprehensive, multipurpose project which would combine flood protection with water supply, recreation, and incidental uses. Newark City Council passed resolution 65–16 on March 1, 1965, which urged action for the construction of a reservoir north of the city of Newark.

A harmonious spirit prevailed, Mr. Speaker. Some who might well have taken a narrow point of view could have said, "Let's take the local flood control project while we can and forget the rest of this project." Despite the fact that industries like fiberglas, for example, would have immediately benefited by local protection project in Newark they properly took the broader point of view and subordinated their own immediate interest—which I might add is considerable—and are working for the comprehensive multipurpose project.

On March 15, 1965, a group flew to Cincinnati to discuss the future of this project with Brig. Gen. Walter P. Leber, division engineer. This group included your Congressman, Mayor David Evans, and Galen Gault, water and sewage treatment superintendent, representing the city of Newark, and C. Allen Milliken, of the chamber of commerce. We were plainly told that the North Fork project was not included in the recommendations at that time because the benefit ratio was unfavorable. The door was not closed, however, and the utilization of the Utica Reservoir for future water supply and other uses might possibly effectuate a favorable benefit ratio. The city of Newark has progressively improved its water supply by development of new wells and this use was not as attractive as it would be in cities where their administrations were not so forward looking. Nevertheless, Mayor Evans and Superintendent Gault took the matter under advisement.

General Leber also informed us that at that point, the local protection project would contemplate the expenditure of $3.9 million of which $600,000 would be in non-Federal responsibility for land, right-of-way, changing utility lines and so forth. The $30-million project had been dropped to $19 million with an alternate plan including water supply set at $21 million. Only the Utica Reservoir was being considered and the corps felt that regardless of any additional uses which could be attributed to the project to improve its feasibility, from their point of view the Johnstown Reservoir could not be justified under any circumstances they could envision in the immediate future.

This was discouraging news because there is a great need for flood control protection along Raccoon Creek. Denison University, for example, has experienced serious interruption of its activities on several recent occasions when flooding forced a shutdown of their heating plant in order to save the boilers. Many other examples can be cited. While the threat from flooding in Raccoon Creek would be averted under local protection projects in the city of Newark, upstream damages would continue.

We all expressed concern at the total Newark picture. Without overall coordination, one project could assist one section of Newark and possibly aggravate the problem in another. Diversion from Log Pond and Sharon runs might cause additional problems in the Raccoon Creek area, for example. The local protection project ruled out the possibility of upstream protection in Utica, St. Louisville and areas of Newark and Newton townships which will mushroom in population during the next decade. From every point of view, the multipurpose project which would combine flood control with recreational features was desirable. We even gave consideration to the feasibility of taking the local project now and hoping that standards would be changed later to accommodate the rest of the county. This was ruled out. It is fairly certain that completion of the local protection project would mean that a benefit ratio would never justify other portions of the project.

MEET OHIO OFFICIALS

On Thursday of that same week, we met with Fred E. Morr, director of natural resources for the State of Ohio. The same delegation which went to Cincinnati was present in addition to our State representative, John C. McDonald, who has worked on this project with particular emphasis on Ohio's responsibilities in this joint effort. Col. C. T. Foust, staff coordinator of the Corps of Engineers' programs for Ohio was also present. This meeting actually had two purposes. In the first place, we could not decide anything oblivious to their position on the matter because in the final analysis they would have the power to approve or disapprove of the course of action we determined.

Second, from a sheer aspect of cooperation we wanted to know the extent of participation which we could get from the State of Ohio.

We found they had already decided informally to do exactly what we had determined. Further, they felt that proper water management and use for the entire State of Ohio would rule out a local flood control project which would block a multipurpose water project. They were not only cooperative, they informed us that Gov. James A. Rhodes had taken a personal interest in this project and felt it was so important that $500,000 had been set aside on a tentative basis pending voter approval of issue 3 on the May 4 ballot.

Director Morr, a dedicated conservationist, pointed out that the State was vitally interested in this project from a recreation and conservation standpoint. It would be developed into one of central Ohio's best facilities. It would relieve the pressure on Buckeye Lake and be an integral part of the $30 million his department would spend if issue 3 provides the $290 million which Governor Rhodes is asking. He reminded us that Ohio has an average of 90 people per acre of surface water as compared to 5 people per acre of surface water in the Nation as a whole. Ohio is a small State in area with a population explosion facing us. Consequently, Director Morr has been thinking about the future and includes the Licking River Basin project as one of the most important overall projects on the drawing boards today.

COOPERATION PROMISED

We were gratified to get this splendid cooperation and it meant that $500,000 would be forthcoming from the State of Ohio rather than Newark and Licking County. Director Morr made his position very clear. From the point of view of the State of Ohio, the December report of the Corps of Engineers was absolutely not acceptable. Colonel Foust, the Governor, and Director Morr were therefore on our side in the battle we now have facing us. All of us returned to Newark with the feeling that we could substantiate this project by including water supply, pollution abatement, fish and wildlife benefits, and recreational benefits in addition to the basic flood control provisions. We directed Mayor David Evans to speak for us as a group and inform the division engineer of our decision to fight for the multipurpose project rather than yield to the temptation to take the offer of the corps for immediate action in the limited area of flood protection. I should point out that this action in no way prejudices the chance of flood control protection for the city of Newark. We can always get this and the only chance we are taking is that our fight for the multipurpose project may slightly delay flood control work which could otherwise go forward at this time.

Mayor Evans immediately sent the following communication to the Corps of Engineers:

MARCH 22, 1965.

Re multipurpose reservoir on the North Fork of the Licking River.

Brig. Gen. WALTER P. LEBER,
U.S. Army Corps of Engineers,
Federal Building, Cincinnati, Ohio.

DEAR GENERAL LEBER: At our March 18, 1965, briefing with Mr. Morr, director of Ohio Department of Natural Resources, it was decided to support the further study of the above reservoir. It is the understanding of this office that, with the inclusion of water supply in the project, it is very likely that it will receive your department's approval. It is also our understanding that this reservoir will provide flood protection for Newark and its metropolitan area, as well as low flow augmentation and recreation.

Obviously we have been and are vitally concerned with the prospects of any delay in obtaining flood protection. For this reason we respectfully ask that you support us in our effort to accelerate all aspects of this proposal.

Should your study be completed at an early date, we have hopes that this project could become a part of this year's omnibus bill. If you desire or find a need for assistance in expediting your study and report, please call on us.

We are vitally interested in seeing this project become a reality at a very early date.

Sincerely yours,

CITY OF NEWARK, OHIO,
DAVID R. EVANS, *Mayor*.

It can easily be seen that a great amount of time and effort is required to complete even the most preliminary work on a vast flood control project such as is needed for our Licking River Basin. The hydrology of the area must be studied. At this point it is not certain whether the earth properties in the proposed Utica Dam area are such that water can be impounded. Further foundation exploration will be necessary. Stream characteristics are studied. Population expansion is projected. Other Government agencies are involved such as the Soil Conservation Service, U.S. Fish and Wildlife, and U.S. Public Health Services. All in all, this represents a herculean endeavor and I know it has been fashionable to complain at the length of time which the corps has taken in studying the needs and propounding solutions. I never let anyone criticize the U.S. Corps of Engineers because I personally know of the hard work which has gone into their survey. Our best interests have always been considered. I find it impossible to conceive how they can be so intimate with every facet of our Licking project when they have hundreds of other projects in other areas of their division which they must professionally consider at the same time.

SCS SURVEYS IN PROCESS

At the same time this survey report is being revised, work is going ahead on the Log Pond Run and South Fork small watershed surveys. Soil Conservation Service survey crews have been at work in these areas during the month of March and are expecting to make a preliminary report in May of this year. SCS is considering a reservoir site near the tuberculosis sanitorium as well as a diversion channel to Sharon Run. The reservoir is in the same general area that has been proposed for an Ohio State University branch.

Log Pond Run affects 6,300 acres or 9.8 square miles, all within Licking County. The South Fork of the Licking River covers 117,500 acres or 184 square miles in Licking, Fairfield, and Perry Counties. They are studying urban flood damage, recreational development, and watershed protection. In the latter project, consideration is also given to flooding conditions on Interstate 70 and Buckeye Lake feeders.

CONCLUSION

That is where the project stands now, Mr. Speaker. I believe that we can be successful in our efforts to solve not only the flood control problem in Newark and Licking County but we can also produce a forward-looking multipurpose project which is consistent with conservation and sound water management practices. This Congress has already passed a historic piece of legislation this year, H.R. 1111, which provides for coordinated water use planning. In Licking County, Ohio, we have already been on record as working for a program which will meet not only the immediate needs of our people but fulfill the expectations of future generations. As the Representative to Congress from Licking County, I can assure you that every effort will be made to accomplish this goal at the earliest possible date. A great amount of work by a great number of people has already gone into this effort. A great amount of work lies ahead but I can visualize already a completed project which will give an added impetus to Licking County as a safe place to live, work, and play.

THE HISTORIC ACHIEVEMENTS AND CONTRIBUTIONS OF THE LATE DR. ROBERT HUTCHINGS GODDARD

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONTE. Mr. Speaker, on March 16, 1965, I joined with the President and my fellow Americans in commemorating the historic achievements and contributions of the late Dr. Robert Hutchings Goddard.

Today I wish to call the attention of my colleagues to a House joint resolution I have introduced which would provide for the erection of a memorial statue to this father of American rocketry—this pioneer to the stars.

Since the dawn of civilization, men have erected statues and memorials to their gods and their heroes. There are few, if any, civilizations worthy of this name that have not built such monuments to memorialize the deeds of their great, to honor their achievements, and to inspire future generations to new greatness.

In an age that is reaching out into the heavens to conquer new horizons, I believe that it is fitting that we build a monument to the person who through his untiring efforts and research has made this grand adventure possible.

Mr. Speaker, I ask that the Members of this House give me their support so that a fitting monument to this outstanding American can be created.

HOUSE UN-AMERICAN ACTIVITIES COMMITTEE: PRESERVING THE FREEDOM OF SPEECH

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman man from Missouri [Mr. Curtis] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS. Mr. Speaker, on February 8, 1965, I placed in the Congressional Record, pages 2126–2131, some correspondence I had with the House Un-American Activities Committee and the National Committee To Abolish the House Un-American Activities Committee. On February 23, 1965, I made some further comments on the subject, pages 3406–3407.

On March 25 I received the comments of Thomas I. Emerson on the reply of Mr. Francis McNamara, the director of the HUAC to the original petition to abolish the House Committee on Un-American Activities. Dr. Emerson was the coauthor of this petition.

I am happy to place Dr. Emerson's comments in the Congressional Record, as I stated I would do. I am forwarding a copy of these comments to the House Un-American Activities Committee for its further response. I shall continue to do what I can to carry this dialog further so that we can get to the bottom of this very important issue.

I would still emphasize, however, that the best way to get to the bottom of an issue is through the congressional committee process. Let those with differing viewpoints come before the committee in public hearing to present their views and have these views submitted to cross-examination and to rebuttal witnesses who in turn are under cross-examination.

There are two standing forums available to reduce the differences of opinion on the present issue. The House Rules Committee and the House Administration Committee. As I stated in my previous remarks I am tired of the battle of press releases which has been going on for years in respect to this issue. This has been largely an exchange of ignorance which obfuscates rather than clarifies the issues.

At this point in the dialog I want to interject some views of my own on the substantive issue at hand.

First. Propaganda is a basic threat to freedom of speech and freedom of thought. In the 20th century new and powerful national and international news media, radio, and television, have been added to the many new techniques of the printing press to mold public opinion.

Second. Concomitant with the development of these mechanisms for disseminating information and ideas has been the conscious effort of political governments within certain societies to utilize them, not to disseminate truth, but to disseminate propaganda, both inside their own society to maintain control and outside of their society to gain new control over others.

Third. Among the political governments pursuing this conscious course of perverting the truth were those which were and seem still to be dedicated to imperialism. They sought and some still seek to undermine and take control of the political governments of societies outside their boundaries. Propaganda to them is as important as military force in attaining their objectives. In the 1930's when the House Un-American Activities Committee had its origin the Nazi-Fascist governments of Germany and Italy were the most virulent in pursuing this course and almost the entire work of the HUAC of those days was devoted to studying the Un-American activities of the Nazis. In the late 1940's, the 1950's, and in the 1960's up to date, the primary work of the HUAC has been studying the activities of Soviet Russia and the international Communists.

Fourth. It is important to those who believe in freedom of speech, of assemblage and to petition the Government to understand that willful distortions of the truth on a planned basis supported by the economic, political, and military power of a strong society outside is a danger and threat to these freedoms.

Fifth. If these premises are correct then it is important for a society trying to preserve these freedoms, at a minimum, to understand the propaganda techniques employed by their enemies and at a maximum to do all within its power, with proper means, to thwart these efforts. The dilemma posed to the supporter of these freedoms rests in the words "proper means"; because if in its endeavors to protect the freedoms the society curtails the very same freedoms it merely exchanges domestic tyranny to avoid alien tyranny. The issue is, can a society protect against the loss of these freedoms without curtailing them—knowing that the frontal attack against the freedoms lies partly in the insidious and debilitating use of them, which improper use itself, if not inoculated against, will infect and destroy them.

Sixth. My own conclusions are that it is entirely possible to protect against the disease of propaganda without catching it, and without curtailing free speech, free assemblage and petitioning whatever the motives or views of the persons exercising these freedoms might happen to be. The first step is to pledge not to distort the truth oneself. The way to catch the abuser of truth is by pointing up the specific abuses.

Seventh. If we in the American society have lost the moral, to seek the truth, and have substituted for it the philosophy that the ends justify the means, then our society has already been successfully subverted. Freedom of speech, of assemblage and to petition have already been curtailed.

It is not fully agreed apparently, by Americans that the Congress is a set of procedures whereby our society gathers together the available knowledge to apply it, and to reach judgments, through debate and deliberations, on the problems that affect our society. Instead increasingly it is believed and being taught in our colleges and universities that the Congress is a place where pressures should be applied to transmit into political operation judgments reached in the society elsewhere.

Judgments made outside the congressional process are made without the protections to freedom of speech, freedom of assemblage, and the freedom to petition the body making the decision. How can these freedoms be preserved if it is not known where in the society and who in the society is making these judgments? Once the judgment is made all the people can do is to apply pressures on the Congress to accept or reject these judgments. It is only the application of these pressures that the freedoms remain in partial existence. Yet this very process unlike the study and deliberative process encourages the pressures to be those of truth distortion rather than truth seeking.

It is clear from reading Dr. Emerson's reply as well as other material prepared by many of those who have been foremost in the criticism of the HUAC that they are unfamiliar with congressional procedures. It is hard to understand how they can criticize that which they have not troubled themselves to study. See Congressional Record, volume 104, part 7, pages 9261–9263, in which I criticized the U.S. Supreme Court decisions in the Watkins case for its lack of knowledge on the subject of congressional procedures and therefore its lack of scholarship because the basic issues involved congressional procedures.

Apparently Dr. Emerson is as unfamiliar as was Chief Justice Warren with the Joint Economic Committee which from its inception has had no legislative jurisdiction, and still has none. The extent to which the JEC is effective in the legislative process is the extent to which the knowledge it gathers and the wisdom it expresses on economic matters is publicly disseminated and utilized by the legislative committees. In the same way it might be argued that the effectiveness of the HUAC is to the extent that the knowledge it gathers and the wisdom it expresses about the utilization of propaganda techniques by alien societies seeking to undermine the freedoms of our society are available and utilized by the legislative committees.

I want to stress another relevant point. I understand that the HUAC interviews all persons who may have information about the propaganda techniques employed by the Communists or others who seek to subvert the freedoms in our society, which perforce must include the basic structure of their organizations, privately and that it preserves this privacy. The only exception is when a person refuses to cooperate with the committee in giving what information he may have, or gives information which seems to be at variance with the truth. In other words, the only persons who appear in public before the HUAC are those who for some reason or other prefer it, or do not wish to cooperate with the committee in developing the information about subversive propaganda techniques.

I think the critics of the HUAC should suggest from time to time what improvements in procedures should be made in studying the propaganda techniques employed by Communists, Nazis, or others in their efforts to undermine the freedoms in our society. Or do the critics think it is unnecessary for our society to study and understand the propaganda techniques of these oraginzations? If this is the case, it should be clearly stated, because then the quality of the committee procedures is not really at issue. Possibly the critics think there is no deliberate effort on the part of the Communists, or was on the part of the Nazis, to subvert the freedoms in our society. This issue should be resolved. I believe most Americans thought it had been resolved some time ago. Yet many of the HUAC critics seem to think this is a point still at issue. This is proper on their part, but then let us have a fresh study and a new resolution based upon this updated study. Or do they think that a mechanism other than the Congress is better suited for this study process?

I think there is much room for improvement in the congressional study process, but I must point out that a great deal of the difficulty in improving the techniques is the unscholarly criticism which is being promulgated, notably by these very critics.

I think it is important for people who wish to participate in public dialogs, and I hope all of our people wish to so participate and do participate—this is the essence of government by the people—to realize that when they do participate they are relinquishing a bit of their right to privacy. There is nothing private about public disscusion nor should there be. When representatives of a group appear before a congressional committee to testify, the first things a committee wishes to know is, what is the group, how is it organized, how much study, if any, did it devote to the issue on which it seeks to inform the Congress, how did the group go about obtaining a consensus of its members on the subject under discussion? I thought one of the most unreasonable positions advanced by a group petitioning the Congress was that advanced by Dr. Linus Pauling in resisting Congress' attempt to find out how a petition he and his group had submitted was circulated and how the signatures were obtained. All petitions submitted to the Congress or any public body should be subject to these kinds of questions as a matter of routine inquiry and usually are. What value is a petition if this kind of information is not readily available? Indeed, thoughtful petitioners supply this information in the petition itself for the benefit of those petitioned.

Freedom of speech carries with it a modicum of the renouncement of privacy, certainly in the area where the words have been spoken. There is a freedom to be silent, but if speech is used to challenge an idea, a person or an institution, then to remain silent when the truth is sought is improper.

I shall place in the Record any response the HUAC wishes to make to Dr. Emerson's remarks or to my remarks. I shall also be happy to place in the Record any further remarks Dr. Emerson wishes to make to what I have stated in a preliminary manner here.

Hereafter follows the reply of Dr. Thomas Emerson to Mr. McNamara's observations:

Yale University Law School,
New Haven, Conn., March 23, 1965.

Hon. Thomas B. Curtis,
New House Office Building,
Washington, D.C.

Dear Mr. Curtis: In accordance with my letter of February 19, I enclose my comments on the reply of Mr. Francis J. McNamara to the petition requesting abolition of the Committee on Un-American Activities. I regret the delay in submitting this response but, as I indicated in my previous letter, other commitments have prevented me from preparing these comments until now.

Sincerely,

Thomas I. Emerson.

Comments on Mr. McNamara's Reply to the Petition To Abolish the Committee on Un-American Activities

INTRODUCTORY NOTE

In December 1964 a petition was addressed to the House of Representatives by 100 authorities in the public law field, urging abolition of the Committee on Un-American Activities. At the request of Congressman Thomas B. Curtis a reply to this petition was prepared by Mr. Francis J. McNamara, director of the committee, which was printed in the Congressional Record for February 8, 1965 (pp. 2127–2131). Mr. McNamara's reply has been forwarded by Congressman Curtis to me, as coauthor of the petition, for comment. The comments set forth below are my own, and are not necessarily endorsed by the other signers of the petition.

I have not undertaken to document or illustrate at length the statements made in the petition or in my comments. I believe they are fully supported by the committee's own records and by the extensive literature dealing with the committee. That literature includes: Father August R. Ogden, "The Dies Committee" (2d ed., 1945); Francis Biddle, "The Fear of Freedom" (1951); Robert K. Carr, "The House Committee on Un-American Activities" (1952); Alan Barth, "Government by Investigation" (1955); Telford Taylor, "Grand Inquest" (1955); Frank J. Donner, "The Un-Americans" (1961); American Civil Liberties Union, "The Case Against the House Un-American Activities Committee" (1964).

1. THE POWER OF HUAC TO INVESTIGATE IN AREAS OUTSIDE OF PROPAGANDA ACTIVITIES

The petition states that the "sole power conferred on the committee is to investigate 'un-American propaganda activities' and 'subversive and un-American propaganda' in the United States." Mr. McNamara says, "This claim is false."

Mr. McNamara does not say that paragraph 18 of rule XI, which is the only basis of the committee's power, refers to anything other than "un-American propaganda activities" and "subversive and un-American propaganda." He cannot say this, for no other language appears in paragraph 18. What he asserts is that the committee has exceeded the jurisdiction conferred in paragraph 18 by investigating all kinds of "un-American" activities, whether they constitute "propaganda" or not. Such a claim hardly instills confidence in the committee.

Mr. McNamara argues that the Supreme Court has approved this usurpation of authority by the committee. But the Watkins and Barenblatt decisions, upon which he relies, hardly support his contention. Neither case involved investigation outside the field of expression (including association for purposes of expression). The observation of Mr. Chief Justice Warren in Watkins, which Mr. McNamara quotes, was not made in approval of the committee's actions, but to show the vague character of its mandate. And the quotation, from Mr. Justic Harlan in Barenblatt was intended to demonstrate that the committee's jurisdiction over "un-American" propaganda activities extended at least to such "Communist" activities, and to that extent could not be deemed unconstitutionally vague.

Furthermore, even if Mr. McNamara is correct that the committee's extension of its authority is now sanctioned by legislative or judicial acquiescence, the fundamental point made by the petition is nevertheless valid. The fact is that the committee's original mandate, primary purpose, and virtually all its activities are directed toward investigation of ideas, opinions, speech, association, and other forms of expression. This was, and remains, the basic objection to the committee.

Mr. McNamara commits another error when he argues, if I understand him correctly, that freedom of speech encompasses merely the words themselves, and that other "kinds of activity" related to the "creation and dissemination of propaganda" are not included in the constitutional protection of expression. As the Supreme Court, speaking through Mr. Justice Brennan, made clear in *NAACP* v. *Button*, the constitutional guarantee extends to many forms of "cooperative, organizational activity" necessary to make speech effective (371 U.S. 415, 430). Investigation into membership in an association which engages in expression, or into the organizational conduct of such an association, is just as much an abridgement of freedom of expression as investigation of the actual speech. Hence Mr. McNamara cannot justify the conduct of the committee on the ground that it is investigating the sources and methods of propaganda but not the expression itself.

Contrary to Mr. McNamara's statement the petition did not imply that the Supreme Court has held that all "matters embraced by first amendment * * * are absolutely prohibited." The authors were fully aware of those Supreme Court decisions which have upheld some committee inquiries into these areas. The petition did undertake to state a fundamental principle of democracy: "We believe that the existence of a legislative committee with such authority is irreconcilable with a system of free expression in this country."

2. VAGUENESS OF "UN-AMERICAN" AND "SUBVERSIVE"

The petition states that "no precise meaning has been, or can be, given to such vague terms of 'un-American' or 'subversive.' "

Mr. McNamara first asserts, "Precise meanings have been given to the terms 'subversive' and 'un-American.' These terms are not vague." He then says, "While it is true that there is some vagueness in terms such as 'un-American' and the 'principle of the form of government as guaranteed by our Constitution' " (apparently his definition of "subversive"), they are no more vague than "pursuit of happiness" and "the general welfare." And finally he argues that "the generality of the terms used in the committee's enabling resolution are (sic) a strength rather than a weakness, desirable rather than unfortunate or deplorable."

Mr. McNamara is right the second time, but wrong the first and third times.

That the terms "un-American" and "subversive" are excessively vague hardly needs demonstration. In the Watkins case Mr. Chief Justice Warren said, with express reference to these terms:

"It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of 'un-American'? What is that single, solitary 'principle of the form of government as guaranteed by our Constitution?'

* * * * *

"No one could reasonably deduce from the charter the kind of investigation that the committee was directed to make," 354 U.S. 178, 202, 204.

In *Sweezy* v. *New Hampshire* the Supreme Court held that an investigation authorized by the New Hampshire legislature into whether "subversive persons" were present in that State was so vague that "neither we nor the State courts have any assurance that the questions petitioner refused to answer fall into a category of matters upon which the legislature wanted to be informed when it initiated this inquiry," (353 U.S. 234, 254). And most recently in *Baggett* v. *Bullitt* the Supreme Court ruled that the Washington loyalty oath, which required a State employee to swear that he was not a "subversive person," was void for vagueness and hence unconstitutional (377 U.S. 360).

Mr. McNamara argues that "over the years, the courts of this country have defined and refined through their decisions the meaning of the term 'un-American.' " But this is not so. The courts have neither defined nor refined the term, nor attempted to do so. The most they have done is to rule that "Communist" activities are embraced within the term. The only case Mr. McNamara cites to support his contention—the Barenblatt case does no more than this.

Nor can it be said that the committee has defined the terms itself. Mr. McNamara does not put forward any official or unofficial definition of them. Rather he shifts his argument to the proposition—which we do not contest—that they are no more vague than "pursuit of happiness" or "general welfare."

Mr. McNamara is again wrong when he asserts that the generality of the terms is a strength rather than a weakness. The argument has no concern for the plight of the witness. Faced with a question from the committee or its counsel the witness must determine, on a moment's notice and at the risk of a prison sentence, whether or not the question falls within the committee's authority. Under such circumstances "generality" is scarcely "desirable."

3. EXPOSURE AND EXTERMINATION OF OPINIONS AND ORGANIZATIONS

The petition states that the committee "has taken as its main function, as indeed is inevitable from its grant of power, the exposure and extermination of ideas, opinions and organizations which it conceives to be 'un-American.' "

Mr. McNamara's reply, omitting irrelevancies, is (1) that the committee has never attempted "to exterminate the Communist Party"; (2) that it "is not concerned" with the "ideas, opinions, and beliefs" of suspected Communists "but rather with their acts"; and (3) that its main function has been "the development of facts about Communist Party operations and the activities of Communist fronts and party members for the purpose of enabling" Congress to legislate.

1. The assertion that the committee has never attempted to exterminate the Communist Party will come as a shock to most of the committee's supporters, as well as a surprise to the Communist Party. It is difficult to take this contention seriously.

The only support given for the position by Mr. McNamara is that the Internal Security Act requires merely registration of certain information and that, if the Communist Party would comply with this, "the party would be completely free to carry on all the activities it has been carrying on in this country for many years." This does not establish Mr. McNamara's point. Apart from the fact that the Communist Party could not comply with the registration provisions and survive, it is enough to say that Mr. McNamara has completely overlooked section 4(a) of the Internal Security Act. That provision makes it a criminal offense, punishable by 10 years in prison, to "perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship"—a provision designed to cover almost any Communist activity, whether otherwise legal or illegal.

2. Mr. McNamara's contention that the committee is not concerned with ideas of suspected Communists but only with their acts is essentially a play on words. The committee has devoted most of its time and effort to searching out and exposing to public opprobrium persons whom it claims are members, former members, or suspected members of the Communist Party, and persons whom it claims take positions which coincide with positions taken by the Communist Party; to denouncing organizations in which such persons have been active or which have expressed a view similar to a Communist Party view on any subject; and to compiling information on millions of individuals showing what associations they belong to, what petitions they have signed, what meetings they have attended, and the like. The committee has rarely directed its inquiry into overt actions of an illegal nature, such as the use of force or violence, sabotage, or espionage; or even into overt actions of a legal nature but which might be the subject of legitimate regulation by Congress. To describe the committee's activities as dealing only with acts is thus gravely misleading; it gives that word a meaning which includes virtually all aspects of expression.

The point can be illustrated by one recent example of the committee's investigation of acts. A short time ago it called for interrogation three citizens who had visited the State Department for the purpose of urging that agency to grant a visa to Professor Yasui of Japan. Professor Yasui had sought the visa in order to give a series of speeches to audiences in this country on issues of peace and disarmament. In one sense the visit to the State Department was an act. More precisely it was an integral part of expression, that is, making arrangements for Professor Yasui to speak. In our view the committee had no right to harass American citizens in this exercise of their right to freedom of speech, assembly, and petition. And no one can be so naive as to suppose the committee would have undertaken an investigation if Professor Yasui's ideas had coincided with those of the State Department.

3. The argument that the committee's main function has been to develop facts for purposes of legislation is not correct of the past and is only formally correct of the present. Until the Watkins case in 1957, the committee openly declared that its real purpose was to expose, as is fully documented by the dissenting opinion in *Barenblatt* v. *U.S.* (360 U.S. 109, 163–166). Recently the committee has been careful to state a legislative purpose before questioning witnesses. But there is no indication that the committee has in fact changed its objective or its activities. As will be pointed out later, the committee's role in dealing with legislation is minimal. And it is difficult to see how most of its conduct, including the continuing attempt to ferret out all present and past Communist Party members or its maintenance of files on millions of Americans, has more than a glancing impact on legislation. Viewing the committee's activities in any realistic way, one can only conclude that its main function continues to be exposure and extermination.

Nor can one accept, on any realistic basis, the assertion that the committee's investigations are confined to "facts about Communist Party operations and the activities of Communist fronts and party members." It is true the committee attempts to connect up most of its investigations with such Communist activity. But does anyone really believe that the millions of Americans upon whom the committee maintains dossiers are engaged in that kind of activity? Or that the activities of the late Bishop Oxman were of that character? The fact is that the committee casts its net so widely that its main effect, whether the committee intends it or not, is to discourage, harass, and intimidate a broad sector of opinion in this country which has no real connection whatever with the Communist movement.

Again, let me give a single example, out of my own experience. A few years ago I and some other citizens of the New Haven area signed a petition opposing U.S. policy in Vietnam. Within a week of publication of this petition a committee investigator from Washington called upon me and all other signers of the petition in the New Haven area, and demanded to know the author of the petition, the persons who circulated it, the source of its financing, and like matters. Conceivably the petition could have been a Communist plot to undermine U.S. foreign policy. But clearly the committee's action was a flagrant violation of our freedom of expression, an intrusion of our constitutional rights which no self-respecting citizenry or government should countenance.

4. THE FAIRNESS OF COMMITTEE PROCEDURES

The petition states that the committee's "methods have often been unfair." Mr. McNamara denies this and cites a commendation by the Special Committee on Communist Tactics, Strategy, and Objectives of the American Bar Association. He also asserts that the committee's rules are fair, and that the courts have never found them "unconstitutional or violative of witness rights."

The literature on the committee is replete with instances of unfair tactics by the committee. I will mention only two examples.

In 1950 the committee issued a 50-page report on the National Lawyers Guild, denouncing it as the "legal bulwark of the Communist Party." The committee gave the National Lawyers Guild no hearing of any kind, no opportunity for rebuttal or submission of evidence, no chance to confront adverse witnesses, no notice whatever prior to publication. Who would consider such methods fair?

A recent pamphlet of the American Civil Liberties Union gives another instance of committee methods, one condemned by another bar association committee:

"The committee's behavior can be gaged from a hearing held in Los Angeles in 1956; after it the Board of Governors of the California State Bar protested the HUAC's infringement of the principle of the right to counsel. The criticism dealt with HUAC Counsel Richard Arens' attack on attorney John W. Porter, who appeared before the committee along with a number of subpenaed clients. Counsel Arens departed from the scope of the hearing to ask the clients whether they knew their attorney 'as a Communist named Porter' in a relationship other than attorney and client. The HUAC counsel addressed a witness as 'Comrade' and repeatedly referred to Porter as 'Comrade Porter' (Porter was not a witness). In addition, Arens did not permit any of the attorneys for other witnesses to address the committee or to make objections to the manner in which the proceeding was being conducted. The attorneys were repeatedly told that their 'sole and exclusive right' was to advise their clients.

"The State bar was so disturbed by the 'courtroom' atmosphere that it recommended that the American Bar Association draft proposals to Congress for reforms in committee procedures. The group's board of governors stated in its formal report that the HUAC proceeding and its staff counsel's conduct were 'improper and lacking in the dignity and impartiality which should govern the conduct of agencies of the United States and * * * posed a threat to the right to appeal by counsel and to the proper independence of the bar'."

As to the committee's rules, two things should be said. While the courts have not held the committee's rules to be unconstitutional, they have held that the committee has not followed its own rules, *Yellin* v. *U.S.*, 374 U.S. 109. And, in any event, it is doubtful whether any committee rules can afford a really fair hearing in situations where, as is true of many committees investigations, the process essentially amounts to a judicial trial without judicial safeguards.

5. THE COMMITTEE AS AN INSTITUTION DESIGNED TO CENSOR OPINIONS AND ASSOCIATIONS

The petition states that the committee "has attempted to create in the legislative branch a permanent institution, consisting of staff, files, informants and similiar machinery, designed to serve as a bureaucratic 'big brothers' to censor the opinions and associations of American citizens."

Mr. McNamara, in reply, argues that he has already answered this charge so far as it concerns censorship of opinions. As to censorship of associations, he says that the committee has never attempted to censor associations or associational activities of "a purely social or innocent nature" but only to develop information concerning "conspiratorial activities and/or evil designs."

Mr. McNamara's answer reveals the fundamental inability of the committee to understand the nature of freedom of expression and association in a democratic society. He seems to think that it is proper for the committee to investigate associations and associational activity so long as they are not "purely social" but are "evil." He uses the word "conspiratorial" in the same loose sense, not as referring to an illegal conspiracy, but as embracing any association having what he considers "evil designs." Plainly the Government should not, and does not, have such sweeping powers. The right of association is protected as part of freedom of expression. And the power of legislative investigators should be limited to overt actions. It should not embrace associational expression in any form, whether the committee considers it "innocent" or "evil."

Moreover, Mr. McNamara's reply misses the point made by the petition. The petition was not simply repeating an earlier statement but was emphasizing the fact that the committee's interference with freedom of expression was not merely on an ad hoc basis but had become institutionalized. In such form it is far more dangerous. But Mr. McNamara has nothing to say about this.

6. CURTAILMENT OF DISCUSSION

The petition states that the result of the committee's activities "has been to curtail discussion of controversial issues and to hinder the development of new ideas and new approaches to troublesome questions which face us in a rapidly changing world."

Mr. McNamara's reply is that the discussion of controversial issues and new ideas "has increased tremendously" in the last 26 years, and that the committee has promoted this "in a minor degree" by making available "500 volumes of information on the subjects of communism, fascism, and nazism."

Mr. McNamara's conclusion that the discussion of controversial issues and new approaches has increased since the 1930's is a doubtful one. If so, it has been in spite of the best efforts of the committee and its 500 volumes. Certainly the production of 500 official volumes, all expounding a single orthodox line, hardly stimulates controversial discussion or new ideas.

The statement in the petition is, of course, a judgment of the signers. But it is supported by numerous eminent authorities, as the literature on the committee fully attests. And it stands to reason that the consistent committee attacks upon individuals and organizations questioning U.S. foreign policy, its excursions into "subversive" activities in religion, education, media of communication, and the like, its encouragement of economic and social sanctions against persons it labels "subversive," the use of its files to smear outspoken citizens—to mention but a few of its activities—have imposed a blanket of fear and silence upon the expression of unorthodox and dissenting viewpoints.

To give only one example again, can it be said that the committee's attack upon Women Strike for Peace advanced the dialog, "even in a minor degree," on the urgent problem of peace and disarmament?

7. THE ROLE OF THE COMMITTEE IN THE LEGISLATIVE OPERATIONS OF THE HOUSE

The petition states that the committee "serves no useful purpose," one reason being that "so far as the operations of the House of Representatives are concerned, the committee considers only a handful of bills each year, and all these fall within the jurisdiction of some other committee."

Mr. McNamara does not deny that the committee considers only an insignificant number of bills each session. This is not subject to dispute. In the 88th Congress (1963–64), for example, there were 12,829 bills introduced in the House; of these only 32 were referred to the Committee on Un-American Activities, of which 18 were similar or identical.

Nor is the committee's overall record any better. In all the years of its existence, from 1938 to date, the committee has been directly responsible for only three pieces of legislation: The Internal Security Act of 1950, an amendment to that act to correct an error made by the committee, and an act passed in 1964 to allow the Secretary of Defense to dismiss summarily any employee of the National Security Agency. From 1950 to 1959 the committee did not hold a single hearing upon any specific bill.

Mr. McNamara's only answer to the petition is that the few bills which the committee does handle "are of extreme importance to the Nation." Not only does this assertion fail to meet the point made by the petition, but it is highly questionable. The committee's major piece of legislation—the registration provisions of the Internal Security Act—has been held by the courts to violate the constitutional right against self-incrimination in such a way as to be wholly unenforceable. So far as accomplishing its purpose of registration is concerned, the law has been and remains a dead letter. The dismissal law, which denies fundamental rights of fair procedure to employees of the National Security Agency, would not seem to fit the category of "extreme importance to the Nation."

Mr. McNamara also argues that the committee has "an impressive legislative record" because "approximately 45 laws enacted by the Congress in the last 25 years have been based on the committee's recommendations," and "approximately 15 of the committee's recommendations" have been adopted by the executive branch of the Government. Responsibility for action in all these cases rested, of course, upon other committees or agencies. In any event the number of recommendations contributed by the committee to the Government's suggestion box, over a period of 26 years, is not impressive.

Ultimately, Mr. McNamara's defense comes down to the proposition that "the more than 500 volumes of hearings, reports and consultations published by the committee in its 26 years of existence serve as a continuing fund of source material for the Congress in considering legislation." Mr. McNamara does not mention any specific use of such material. It would seem most doubtful that any House committee should have a roving commission to collect enormous volumes of data, not related to any specific legislation, on the chance that it may turn up some information which might be useful at some later time in some unspecified way. The function of a House committee is to aid in the disposition of the pending business of the House. There are only a score of standing committees in the House. It seems not unreasonable to ask that each committee assume its share of the actual workload.

Finally, Mr. McNamara asserts that "the statement that all bills handled by the Committee on Un-American Activities are within the jurisdiction of other committees is obviously false," because if they were "they would be referred to those other committees." This is a patent non sequitur. The fact is that, if the Committee on Un-American Activities had been abolished at the start of the 88th Congress, all the 32 bills referred to it would have been within the jurisdiction of other existing committees. Specifically, the 23 bills dealing with amendments to the Internal Security Act would have gone to the Judiciary Committee; and the other 9 bills, proposing a Freedom Commission, would have gone to the Education and Labor Committee or to the Foreign Affairs Committee.

In short, the Un-American Activities Committee here pays the penalty for the vagueness of its mandate, which gives it jurisdiction over "un-American activities." Any subject within that uncertain category can find a home in at least one other House committee.

8. THE ADEQUACY OF EXISTING SECURITY LEGISLATION

The petition states that, "so far as the committee purports to serve the function of safeguarding internal security, it is quite unnecessary," because "we have adequate laws, regulations, specialized personnel and procedures for that purpose."

Mr. McNamara says that the legislative recommendations made by the committee "refute the above claim." To an outside observer, however, they would seem to confirm it. As already noted, the only major piece of legislation ever reported out by the committee and accepted by Congress has been held, in its major parts, unenforceable and ineffective.

Mr. McNamara goes on to say, "Generally speaking, no country ever reaches the stage where it has all the laws and regulations needed in any area." I doubt that many Members of Congress would agree with this proposition, or its implications.

The position taken by the petition—that present laws and regulations are adequate to protect internal security—is a matter of judgment. But we submit it is a sound one. Of all the great issues confronting the Nation today—avoidance of nuclear war, disarmament, unemployment, poverty, civil rights, the advance toward a great society—the problem of protecting the Government against overthrow by force and violence or by similar overt acts would seem the least acute. Moreover, to devote our time, energies, attention, and resources to wholly negative efforts to achieve an abstract state of perfect security, at the expense of creating conditions in our society which alone make real security possible, is ultimately self-defeating. We do not say that no consideration need be given to internal security. Other House committees, particularly the Judiciary Committee, are available for this task. But we do say that the maintenance of a special committee, which concentrates on this single issue in the manner that the Un-American Activities Committee has done, in the long run diminishes rather than increases the real internal security of our country.

9. TRANSFER OF LEGITIMATE FUNCTIONS TO THE JUDICIARY COMMITTEE

The petition states that adequate authority to carry on necessary functions in the field of internal security is already vested in the Judiciary Committee, or could readily be vested there by giving that committee power "to investigate overt actions but not propaganda or other forms of expression, or association for those ends."

Mr. McNamara devotes more space to answering this proposal than to any other aspect of the petition. In substance, however, he advances two specific and one general objection.

Mr. McNamara's specific objections are that the Judiciary Committee is already overworked, and that a change in the Un-American Activities Committee mandate would destroy the present clarity of its jurisdiction and introduce new uncertainties. As to the first, since the Judiciary Committee would be empowered to investigate only "overt actions" and not "propaganda," most of the work performed by the Un-American Activities Committee would be eliminated. There is no reason to suppose the Judiciary Committee could not assume the burden of what remains, as it has done in the past. As to the second objection, it has already been pointed out that the present mandate of the Un-American Activities Committee is now hopelessly vague. Change would not add to existing uncertainties.

The general objection that Mr. McNamara advances is that the Judiciary Committee would be denied "the authority to investigate propaganda activities." The existence of such a power in government to curtail freedom of expression and association is, of course, the very evil that the petition protests. Nothing needs to be added to what has already been said on this point.

10. DISPOSITION OF COMMITTEE FILES

The petition proposes that the files of the Un-American Activities Committee be transferred to the Archives, "not to be open for official or public inspection for 50 years."

Mr. McNamara's reply is that the committee's investigative files are not now open to outside inspection, and that its "public source material" files are extensively used by the executive and legislative branches of Government. Mr. McNamara does not deny that, as the petition charged, these files constitute dossiers on the "beliefs, ideas, political views or associations" of millions of Americans. Nor does he deny that, apart from the "investigative files," the material frequently becomes available to the public. He denies that the data in the files are often inaccurate, although Congressman Walter has said, "It would be a virtually impossible task to 'prove' the many thousands of references in our files." The fact is that the data are often misleading and often publicly circulated in a manner that creates an unfair and misleading impression.

Quite apart from this, Mr. McNamara totally fails to answer the crucial point made by the petition: "Self-respecting citizens of a democratic country cannot allow their representatives in government to keep dossiers on their beliefs, ideas, political views, or associations. Such an enterprise is destructive of the sovereign rights of the individual and a perversion of the governmental process."

THOMAS I. EMERSON.

MARCH 23, 1965.

PRESIDENTIAL INABILITY AND DISABILITY

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHRIVER. Mr. Speaker, presidential inability and disability has been a serious problem a number of times in this country's history. I direct your attention to a few.

James A. Garfield was shot on July 2, 1881. He lay in the twilight zone between life and death for 80 days before succumbing to the assassin's bullet on September 19 of that year. During the disability his only governmental act was that of signing an extradition paper.

The Vice President, Chester A. Arthur, refused to assume any of the functions of the Presidency for fear that he would be charged with trying to usurp the office.

President Woodrow Wilson suffered a stroke on October 2, 1919. He was in virtual seclusion until the end of his term of office March 4, 1921, performing only a limited amount of official work. As with his predecessor, Mr. Arthur, Vice President Thomas R. Marshall declined to act. The failure of Executive leadership during this period is reflected in the Senate's rejection of American participation in the League of Nations and the fact that some 28 bills became law by default of any action by the President.

President Eisenhower's heart attack in 1955 and his ileitis operation provide a third test of disability. Although Vice President Richard M. Nixon did undertake certain Presidential functions, such as presiding at Cabinet meetings, yet as Presidential Assistant Sherman Adams points out:

> All were well aware that a national or international emergency could have arisen during the President's illness to make this unofficial government by "community of understanding" entirely inadequate.

The statistics of vice-presidential vacancies are equally startling. On 16 occasions, totaling more than 37 years, that office has been vacant. Eight Vice Presidents have succeeded to the Presidency; seven died during their term of office; and one resigned. In all, Mr. Speaker, our Nation has been without a Vice President in excess of 20 percent of the time during its history.

The law as it now stands deals inadequately with the problem of presidential inability and not at all with vice-presidential vacancy. Its provisions with respect to who should exercise the powers of the Chief Executive if both the offices of the Presidency and the Vice Presidency become vacant have been the subject of continuing concern and controversy.

Early in this session of Congress, I introduced a resolution, House Joint Resolution 143, to amend the Constitution to clarify the ambiguities and the shortcomings of existing law. My proposal embodies the major recommendations of the "consensus" arrived at by the conference on presidential inability and succession sponsored by the American Bar Association.

History as well as commonsense indicate that we cannot insure against or be spared the sorrow of a fallen leader. We have it within our power, however, to remove the cause of great anxiety and apprehension that arises out of the uncertainties of the present law. Our failure to capitalize on the present opportunity will render meaningless the tragedies and near tragedies of the past and the sorrows of the American people which have inevitably flowed in their wake.

Mr. Speaker, a number of the weaknesses in the measure passed in the other body have been corrected in the House resolution. I am especially pleased that Republican members of the Committee on the Judiciary were instrumental in the drafting and strengthening of this vital legislation. But this is a bipartisan matter and is deserving of bipartisan support. I support House Joint Resolution 1 and urge its adoption.

FARM MESSAGE CRITIQUE LIKE GOP'S, BUT TIMES IGNORES PARTY'S EFFORTS

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, last week the New York Times published an editorial criticizing the President's latest farm message as "much ado about not much of anything." It is an excellent, short analysis of the Great Society's sterile, tremendously costly thinking on agriculture. The burdens, as they have for so many years, apparently are to continue to fall upon the taxpayer and consumer while the benefits are to continue to go principally to the big agricultural interests.

The Times editorial is straight to the point. It broadly hints at the basic Republican position on agriculture, which we Republicans have been preaching and seeking to bring before the country for many years. I am sorry the Times did not take note of Republican efforts in this important area. The people, particularly those living in the great urban areas served by the Times, need to know that one major political party, the Republican Party, is dedicated to their interests. There is a great question of how long the urban majority of the country is going to be willing to bear the enormous costs in taxes and high prices of maintaining a wholly artificial farm policy benefiting relatively few. Unless communications media complete the story, however, the people will feel they have no alternative and must just grin and bear the burdens. They do have an alternative, however, in the Republican Party, which continues to represent the taxpayer, the consumer, the farmer, and the individual citizen against the domination of powerful economic combinations, not the least of which is the Government itself.

With this major reservation, I commend the Times for its editorial and offer it at this point for the RECORD:

FIDDLING ON THE FARM

The President's latest farm message amounts to much ado about not much of anything.

The administration proposes to continue its two-price program for wheat and extend it to rice. It would shift the burden of this subsidy from the citizen as taxpayer to the citizen as consumer. Wheat sold abroad would be deprived of a Government export subsidy and allowed to drop to the competitive world market price. But growers would be more than compensated by a higher price of wheat sold in the United States.

If this change were part of a broad policy to move all farm products back to competitive pricing in the marketplace, it would be a significant development; but it is not. The domestic market continues to be rigidly structured by the Government. The chief effect of this shift is to make the Federal budget look better by transferring part of the farm subsidy to the millions of individual household budgets.

The most striking portion of the message is its desperate silence on cotton and tobacco. Afraid to ask for yet a fourth subsidy for cotton and equally afraid to dismantle the existing structure of subsidies the message says nothing at all about cotton until the final paragraph. Then it gamely announces that "we are continuing to study and to discuss * * * the cotton program."

The tobacco subsidies will continue as before, even though another arm of the Federal Government is valiantly trying to discourage use of tobacco (in cigarettes) as patently injurious to the Nation's health.

The revival of the soil bank is not a new idea, but it is a valid approach to the problems of chronic surpluses and uneconomic farms. As such, it is the best expedient offered in this message. For the rest, obviously the President and the congressional farm bloc intend to go on fiddling with these subsidies while taxpayers and consumers burn.

REPRESENTATIVE BROOMFIELD AND THE RECENT VISIT OF THE STUDENT COUNCIL OF LINCOLN JUNIOR HIGH SCHOOL OF FERNDALE, MICH.

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, recently the Student Council of Lincoln Junior High School of Ferndale, Mich., visited Washington. Several days ago I received a letter from Dr. Lawrence L. Sophiea, assistant principal of the school, in which he praised the excellent cooperation of our good friend and colleague, BILL BROOMFIELD. In the letter, Dr. Sophiea congratulated Representative BROOMFIELD for taking time from his busy day to meet with the students, accompany them to the House floor, and answer their questions on current major issues in a direct, positive manner.

Dr. Sophiea praised Mr. BROOMFIELD for making a definite and lasting impression on the group of students from Lincoln Junior High School, who returned home with a better understanding of the dedicated elected officials who serve our Nation in Congress.

I join the students and Dr. Sophiea in saluting Representative BROOMFIELD for rendering this valuable service and in helping these young people to better understand and appreciate the processes of government.

A TRIBUTE TO BOB MOSES UPON THE REOPENING OF THE NEW YORK WORLD'S FAIR

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GROVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GROVER. Mr. Speaker, there resides in my district on Long Island in New York, in my village of Babylon, a man once described by me before the House as "cut in the classic tradition of Michelangelo, Galileo, Archimedes, and Sir Isaac Newton, who can run a bulldozer, compute with a slide rule and breathe poetic prose in Latin or Greek, and who will find his place in history as one of the most brilliant public servants of our century." This is the man, Robert Moses.

Since my remarks of a year ago, this master builder opened the New York World's Fair in the face of criticism of many who said it would never open on time, brought 27 million people to his fabulous exposition, the greatest number to attend any fair in the history of our Nation, drawing the largest gate in dollars of any other fair ever and contributing a billion dollars to the economy of the New York metropolitan area. Permanent benefits to the people after the fair will include a comprehensive expressway system, a fine Marina, the Shea Stadium, a zoo, a Hall of Science, and many other public improvements.

On April 21, the fair will reopen with many new attractions for this, its last season, including a Hall of Presidents, a notable Winston Churchill exhibit, and over 150 improved domestic and international exhibits, many new and most of them free.

While this man was building this greatest of all fairs, his Triborough Bridge and Thruway Authority completed and opened to traffic last November the greatest bridge in the world, the Verrazano-Narrows Bridge, connecting Long Island and Staten Island in New York City, built at a cost of $325 million, embodying the longest suspension span ever constructed by man.

Forty years ago, Bob Moses built the great public seaside improvement, Jones Beach State Park, renowned throughout the world. This he followed with the famed Long Island State Parkway System. Then he laid down a comprehensive expressway, bridges and tunnels, in the city of New York followed by the billion-dollar power developments at Niagara, and on the St. Lawrence, not to mention many other park, arterial, housing, and other public improvements in the city and State of New York. And now he reopens the great New York Worlds Fair for its final season.

I have said of him that "with a warmth that charms his friends and mesmerizes his enemies, he has fought with and worked with Presidents, Governors and mayors, with princes and kings."

For over 40 years, he has at times been the subject of violent criticisms, of vicious attacks, of summary demands for his removal from public office, but as he once said, "You've got to have the skin of a rhinoceros and an instinct for the jugular" if you want to survive and build for the people.

Recipient of 27 university degrees, decorated by innumerable institutions and governments here and abroad, Bob Moses, age 76, will live forever in the hearts of the people.

RED RIVER VALLEY

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LANGEN. Mr. Speaker, the Red River Valley of the North is an area along the border separating Minnesota and North Dakota that contains some of the richest soil for farming found in the entire world. If ever there was an area where farming should be profitable, this is one of them. But it is not. Our farmers in the valley are in trouble, a fact

I have called to the attention of the Congress on a number of occasions.

All of the words that so many of us have used, and the charts and figures we have quoted to substantiate the fact that American agriculture is in more trouble than the Nation realizes, seem completely inadequate compared to the words of a young man who recently decided to leave the land that has supported him and his family for so many years.

This young man is Andrew L. Watt of Leonard, N. Dak., who put forth his views in a letter to President Johnson. He kindly furnished me with a copy of his remarks, which I believe should be read and studied by every American citizen. Mr. Watt's remarks are at once a testimonial to America's greatness and an indictment of recent Federal actions that have stifled the initiative and potential of rural areas across our Nation.

It is unspeakably sad that a man of Mr. Watt's obvious ability and sincerity should finally be forced to abandon his vocation. His reasons for reaching that decision should be studied carefully by all of us, because in his words of wisdom we must challenge ourselves and all of America to face these problems squarely and seriously sit down to effect real solutions instead of the piecemeal programs that have created the current situation.

Mr. Watt's letter follows, and in reading it I hope you will join me in pledging your utmost cooperation in making sure that his decision does not become the decision of more of our young people in the future:

LEONARD, S. DAK.,
April 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am a 1953 agriculture graduate of North Dakota State University. I was recently named one of three finalists in the Outstanding Young Farmer contest sponsored by the Southwest Fargo (N. Dak.) Jaycees for Cass County (North Dakota's foremost county).

After much serious consideration, I have decided to quit farming. I find the present situation in agriculture so stifling to initiative and ambition as to be unbearable.

In order to continue farming, I feel that I would have to expand my operation to achieve the degree of success of which I think I am capable. In order to do this, I would be forced to assume all risk and pay a cash rental so exorbitant that, for our area, it is ridiculous. Why does this situation exist? Because I find myself in direct competition with the U.S. Government for rental of land. In turn, this has also driven the price of land beyond the limits of reason in relation to its potential earning power.

I urge you, Mr. President, to take positive action to force a reconsideration of the basic agricultural policy of our country. I think we are building a house of cards which could collapse at any time. If agriculture collapses, I am sure I need not spell out for you what will inevitable happen to the rest of the economy. I am also sure that you must agree with me that we really have no agricultural policy as such, but rather a hodgepodge fostered by a few special interest groups and rubberstamped by a largely nonagriculturally oriented Congress.

Our present agricultural programs are so unspeakably cumbersome and asinine that I must write no more on the subject, lest I exceed the bounds of good taste, except to note that they tend to perpetuate the inept and inefficient farmers at a uniform level of poverty, while at the same time providing unlimited speculative opportunity for the greedy individual at the other end of the spectrum.

I am proud to be an American. I am deeply grateful for the many opportunities which have been afforded me. I am proud to have been a working farmer for the past 10 years. I will always feel empathy for the man with manure on his boots and dirt in his eyes. I am proud of and grateful for our land-grant colleges, our Extension Service, Soil Conservation Service, and other agencies which have done so much toward making our country what it is. I am not proud of certain other agencies involved in agriculture, whose main aim seems to be self-perpetuation, rather than any constructive action.

This letter is a cry for help—not for myself, but for the many good, solid, hard-working people whose trust is being betrayed. Please give serious consideration to the points I have set forth.

Sincerely yours,

ANDREW L. WATT.

P.S.—Copies of this letter are being sent to all area Members of congressional delegations, area Governors, farm organization presidents, and local legislators. If its contents raise any question as to my loyalty, I must state that I received a complete background investigation by the FBI in 1954, and was at that time cleared for top secret.

NEW YORK CITY IN CRISIS—PART XLIV

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article, which appeared in the March 3, 1965, edition of the New York Herald Tribune, demonstrates one small facet of the kinds of problems facing New York City:

NEW YORK CITY IN CRISIS—NEW COAT OF PAINT FOR DOOMED LIBRARY

(By Sue Reiner)

The board of education has just put a new coat of paint on a library—in the section of the High School of Commerce the board plans to tear down this summer.

All work on the eastern wing of the building—the part scheduled for demolition—was halted yesterday. The principal of the school, Murray Cohn, said workmen had finished painting the library Monday.

However, Howard Dowling, director of the board's bureau of maintenance, said a telegram had been sent to the painting contractor last week ordering work to stop. Mr. Dowling said the firm would not be paid for work done after the telegram was sent.

DECIDED TO FINISH

A spokesman for the board said the contractor, Widart Painting Corp., 391 East 149th Street, the Bronx, had begun work on a $22,000 contract to repaint and repair parts of the building last December. The spokesman said Widart had acknowledged receipt of the telegram from the board last Thursday and repeated that the firm would not be paid for any work done after then.

Widart's president, Jack Widoff, said he had received the telegram Thursday—2 days after his men had started work on the library. He said he had decided to finish the job. "I couldn't see for the love of me leaving half the ceiling painted and half unpainted," he said. "If school hadn't been going on, I would have stopped. But as long as we were in the middle and school was going on, I couldn't see stopping."

Mr. Widoff said he regarded the board's threat not to pay him as a breach of contract.

The board had agreed informally more than 2 weeks ago to destroy half of Commerce this summer and build another school a block away from the old one, which is near Broadway between 66th and 65th Streets. Last Wednesday, the board gave its formal approval of the plan.

The entire school had been scheduled to be destroyed this summer, but parents protested that its replacement—the new West Side High School on 85th Street and Columbus Avenue—was too small. The site where Commerce stands has been promised to the Lincoln Center for the Juilliard School of Music.

Under the board's plan, agreed to by the Lincoln Center, half of Commerce will remain standing for 3 years. Another new school will be built during that time, and Juilliard would be able to begin construction immediately on the site of the half of Commerce to be demolished.

Commerce's library and auditorium are in the half scheduled for demolition. Mr. Cohn said yesterday he would not know whether there will be room for another library in the remaining half of Commerce until he knows how many students will be there next fall.

Mr. Widoff said he had been doing business with the board for 40 years "and I've had plenty of knocks." One fresh in his memory, he said, occurred in the fall of 1961, when he was doing painting at Public School 119 in Harlem, the famous "rat school." It got that name because, earlier in 1961, a rat crossed Mayor Wagner's path as he was visiting the school.

In the fall of 1961, parents at Public School 119 kept their children out of school for 3 days because they contended that the repair program ordered by Mayor Wagner should have been done during the summer when school was out instead of the fall. In the compromise plan that ended the boycott, Mr. Widoff's paint job was shelved.

"I'm sorry I ever saw this place," Mr. Widoff said then. "I wish they'd torn this school down before I ever saw it," he said yesterday.

NEW YORK CITY IN CRISIS—PART XLV

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, as previously reported in the series on "New York City in Crisis," 70 prominent New York businessmen have formed a private industrial development corporation to halt the flight of factory jobs from the city.

The following article from the March 3, 1965, edition of the New York Herald Tribune reports on the speed with which this group got to work:

NEW YORK CITY IN CRISIS—A FAST START FOR BUSINESS RESCUE PLAN: ACTION TODAY

(By Barrett McGurn)

The businessman's campaign to arrest the decline of blue-collar jobs in New York City, and to tackle other phases of New York's critical problems, will get underway this afternoon with the first meeting of the preparatory committee.

The meeting will be held in the office of Shearman & Sterling, 20 Exchange Place. Walter F. Pease—a member of that law firm and president of the 198-year-old New York Chamber of Commerce, and H. Chandlee Turner, Jr., president of the Turner Construction Co. and president of the Commerce and Industry Association of New York, the so-called voice of New York business, will take part.

The meeting's purpose will be to reduce to practical steps the resolutions which were adopted unanimously at a meeting Monday of the presidents and board chairmen of 70 of New York's, and the world's, largest corporations.

First order of business will be the selection of a 10-man organizing committee which in turn will set up a private industrial development corporation to check the loss of New York City manufacturing jobs.

Several principles already are agreed upon, according to Ralph G. Gross, executive vice president of the Commerce and Industry Association:

The organizing committee will include heads of banks, utilities, and department stores which have their main activity in New York City. The thought is that they have a capital stake in seeing to it that New York's vast pool of unskilled laborers finds peaceful and productive employment.

The committee will have at least one representative of Brooklyn or of one of the three boroughs outside Manhattan. The idea here is that each of the other boroughs has important local difficulties which must not drift out of mind while the economic troubles of the city's core island are confronted.

The 10-man organizing group will have at least one top official of a firm with nationwide or worldwide activities. A double thought has inspired this. Presidents and board chairmen of multi-billion-dollar world enterprises whose main offices are in Manhattan skyscrapers have agreed to take part on the ground that they cannot ignore the difficulties of the city which serves them as home base. Many of these men have had experience with businessman reform drives in smaller cities across the country. Their good will and know-how will help.

EMPHASIS

The main emphasis will be on local investors because the whole of their survival is involved in the real estate values, shopping patterns, tax burdens, and prosperity of New Yorkers. The international companies will be drawn in because of the belief that many of the greatest business minds of the world are inside the high-rise office buildings south of Central Park and at Manhattan's downtown tip.

One of the first acts of the board of directors to be chosen by the organizing committee will be the formation of a finance committee to raise something under $350,000 from businessmen for the industrial development corporation's first year, and something over that sum in succeeding years. No difficulty is foreseen.

A PROPOSAL FOR LOW-COST HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, on September 23, 1963, our late beloved President John F. Kennedy set into motion plans to implement his drive for an adequate publicly supported college in Washington by appointing a five-member committee to study the need for such an institution.

At that time he pointed out that the city's only publicly supported college at present, District of Columbia Teachers College, is "so inadequate that its accreditation has been withdrawn by the National Council for the Accreditation of Teacher Education."

That Committee has made its recommendation to President Johnson. On March 18, 1965, the President sent to the Congress a message containing draft legislation to implement the Committee's recommendations. I have today introduced that legislation.

The bill would create in Washington a Board of Higher Education for the purpose of establishing and operating a 2-year public community college and a 4-year public college of the arts and sciences.

This legislation has long been needed. If the District of Columbia had home rule there is no doubt in my mind that these institutions of higher learning would have been established many years ago. That the principle is sound is demonstrated in dozens of communities throughout our Nation, not the least of which is the excellent city college system in my own city of New York.

It is up to the Congress to provide the means whereby these schools can be established in the District of Columbia and I sincerely hope that we will see action taken on this bill this year.

As President Johnson said when he signed into law the elementary and secondary education bill on April 11 that bill "represents a major new commitment of the Federal Government to quality and equality in the schooling we offer our young people." Let us follow that great achievement by enacting the necessary legislation for publicly supported higher education in the District of Columbia.

I would like at this point, Mr. Speaker, to commend to the attention of our colleagues the President's message in transmitting this proposed bill:

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES PROPOSING A BOARD OF HIGHER EDUCATION IN THE DISTRICT OF COLUMBIA

(Transmitting a draft of proposed legislation entitled "A bill to establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia, and for other purposes")

THE WHITE HOUSE,
Washington, March 18, 1965.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am transmitting to the Congress herewith a proposed bill to authorize the establishment of two public colleges in the District of Columbia.

A distinguished Committee on Public Higher Education in the District of Columbia, appointed by President Kennedy, has unanimously recommended to me the establishment of a public community college and a public college of arts and sciences in the District. As the Committee's report makes clear, both colleges are urgently needed.

The Committee's report stressed some of the benefits of establishing two such colleges in the District:

"Higher education for those to whom it was previously inaccessible produces consequences far beyond their own use of it. Availability makes a crucial difference in the motivation for learning at all levels and for all ages, generating hope and self-esteem among individuals and groups previously relegated to inferior status. Presenting models of successful escape from degrading conditions and providing trained leadership for those still struggling to emerge from an unfavorable background, higher education offers the best hope for community progress in our cities' battles against poverty, sickness, unemployment, and crime."

The bill would create immediately a Board of Higher Education to which would be assigned the responsibility and the authority to plan, organize, and operate these colleges. The community college would provide programs, generally extending not more than 2 years beyond the high school level, in both academic and vocational fields, with particular emphasis on the latter. The college of liberal arts and sciences would provide courses leading to bachelor's and master's degrees, with initial emphasis on teacher training. It would replace and absorb the present 4-year District of Columbia Teachers College.

The children of the Nation's Capital have been largely denied opportunities, available to high school graduates in the States, to continue their education beyond high school in publicly supported, low-cost educational institutions. Higher education should be made a universal opportunity for all young people—the Nation's Capital should set the pace, not lag behind. The Congress has abundantly demonstrated its concern with education, and I hope that the proposed bill will receive its prompt and favorable consideration.

Sincerely,

LYNDON B. JOHNSON.

H.R. 7395

A bill to establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Public Higher Education Act of 1965."

SEC. 2. As used in this Act—

(a) The term "Commissioners" means the Commissioners of the District of Columbia sitting as a board or their authorized agents.

(b) The terms "Board of Higher Education" and "Board" mean the Board of Higher Education established by section 3 of this Act.

(c) The term "Board of Education" means the Board of Education of the District of Columbia established by the Act approved June 20, 1906 (34 Stat. 316), as amended (D.C. Code, 1961 ed., sec. 31-101 et seq.).

SEC. 3. (a) There is hereby established as an agency of the District of Columbia, a Board of Higher Education, hereafter referred to as the Board.

(b) The Board shall consist of not less than nine nor more than fifteen members, as the Commissioners shall from time to time determine, who may be employees of the United States or the District of Columbia. The Board shall be appointed by the Commissioners after consideration of nominees submitted in accordance with subsection (e), and a majority of whom shall have been for three years immediately preceding their appointment or designation bona fide residents of the District of Columbia. The Commissioners shall designate one of the members as Chairman.

(c) The terms of the members of the Board shall be of such uniform length as the Commissioners may determine, except that the terms of the initial members may be varied to provide such pattern of staggered terms as the Commissioners may determine. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term.

(d) The Commissioners shall have the power to remove any member of the Board at any time for adequate cause, which relates to his character or to his efficiency as a member, after notice and opportunity for hearing.

(e) The Commissioners shall establish a Nominating Committee, consisting of such number of members serving for such terms as the Commissioners shall from time to time determine, which shall submit for the Commissioners' consideration in making appointments under subsection (b) at least three nominees for each vacancy which may exist on the Board. A majority of the members of such Committee shall have been for three years immediately preceding their appointment bona fide residents of the District of Columbia.

(f) The members of the Board shall serve without compensation, but may be reimbursed for their travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons serving the Government without compensation.

(g) The members of the Board shall not be personally liable in damages for any official action of the Board in which such members participate, nor shall they be liable for any costs that may be taxed against them or the Board on account of any such official action by them as members of the Board, but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits against the municipality; nor shall the Board or any of its members be required to give any bond or security for costs or damages on any appeal whatever.

Sec. 4. The Board is hereby vested with the following powers and duties:

(a) To develop detailed plans for and to establish, organize, and operate in the District of Columbia—

(1) a public college which will provide a program in the liberal arts and sciences, including, but not limited to courses in teacher education, leading to a bachelor's degree, and such additional program of study as may lead to a master's degree, and courses on an individual, noncredit basis for those desiring to further their education without seeking a degree.

(2) a public community college which will provide programs generally extending not more than two years beyond the high school, level including, but not limited to (a) programs leading to a degree of associate in the arts or for full credit toward a bachelor's degree, (b) programs designed to prepare students to work as technicians and at a semiprofessional level in engineering, scientific, health-related, and other technological fields, and (c) programs designed for individuals desiring to further their education without seeking a degree.

(b) To establish policies, standards, and requirements governing admission, programs, graduation (including the award of degrees), and general administration of the colleges.

(c) To employ and compensate without regard to the Civil Service Act or the Classification Act of 1949, as amended, a president and other officers for each of the colleges established pursuant to this Act and such educational employees for such colleges as the presidents thereof may recommend in writing: *Provided,* That subject to the approval of the Commissioners, the compensation schedules for these officers and employees shall be fixed and adjusted from time to time consistent with the public interest and in accordance with rates for comparable types of positions in like institutions of higher education. The Board, upon the recommendation of the presidents of the colleges, shall establish, with the approval of the Commissioners and without regard to the provisions of any other law, retirement and leave systems for such employees which shall be comparable to such systems in like institutions of higher education.

(d) To employ and compensate in accordance with the civil service laws and the Classification Act of 1949, as amended, noneducational employees of the Board and of the colleges established pursuant to this Act.

(e) To establish and determine, from time to time, with the approval of the Commissioners—

(1) fees to be paid by students (including charges for room and board), and receipts from such fees shall be deposited into a revolving fund in a private depository in the District, which fund shall be available without fiscal year limitation for such purposes as the Board of Higher Education of the District shall approve, and the Board of Higher Education is authorized, with the approval of the Commissioners, to make necessary rules respecting deposits into and withdrawals from such fund; and

(2) tuition rates (a) for residents and (b) for nonresidents, and receipts from tuition shall be deposited to the credit of the General Fund of the District of Columbia.

(f) To transmit annually to the Commissioners estimates of the appropriation required for the colleges established pursuant to this Act for the ensuing year.

(g) Subject to the approval of the Commissioners, to accept services and moneys, including gifts or endowments, from any source whatsoever, for use in carrying out the purposes of the Act. Such moneys shall be deposited in the Treasury of the United States to the credit of a trust fund account which is hereby authorized and may be invested and reinvested as trust funds of the District of Columbia. The disbursement of the moneys from such trust funds shall be in such amounts, to such extent, and in such manner as the Board of Higher Education, in its judgment, may determine necessary to carry out the purposes of this Act.

(h) To submit to the Commissioners recommendations relating to legislation affecting the administration and programs of such colleges.

(i) To make such rules and regulations as may be necessary and to carry out such other activities as may be required to achieve the purposes of this Act.

(j) To assume control of the District of Columbia Teachers College established pursuant to the Act approved February 25, 1929 (45 Stat. 1276, D.C. Code, par. 31–118) from the Board of Education at such times as may be mutually agreed upon by such Boards and approved by the Commissioners. At such time personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available for such Teachers College are authorized to be transferred and be under the control of such Board of Higher Education: *Provided,* That the Laboratory Schools shall remain under the control and management, and the employees assigned to such schools shall remain subject to the supervision of, the Board of Education.

Sec. 5. The Commissioners and the Board of Education shall furnish to the Board, upon request of such Board, such space and facilities in private buildings or in public buildings of the government of the District of Columbia, records, information, services, personnel, offices, and equipment as may be available and which are necessary to enable the Board properly to perform its functions under this Act.

Sec. 6. All obligations and disbursements for the purpose of the Act shall be incurred, made, and accounted for in the same manner as other obligations and disbursements for the District of Columbia and, except as provided in section 4(g) of this Act, under the direction and control of the Commissioners.

Sec. 7. (a) Subchapter 1 of chapter 18 of the Act of March 3, 1901 (31 Stat. 1280), as amended (D.C. Code, secs. 29–401—29–419), relating to establishment of institutions of learning in the District of Columbia, is amended by striking out "Board of Education" wherever it appears in such subchapter and by inserting in lieu thereof "Board of Higher Education".

(b) Nothing contained in the amendment made by this section shall be construed as affecting the validity of any license issued by the Board of Education prior to the date of the enactment of this Act.

(c) The Act of July 2, 1940 (54 Stat. 729), relating to accreditation of junior colleges in the District of Columbia, is amended by striking out "Board of Education" wherever it appears in such Act and inserting in lieu thereof "Board of Higher Education".

Sec. 8. There are hereby authorized to be appropriated from the revenues of the District of Columbia such sums as are necessary to carry out the purposes of this Act.

SOCIAL SECURITY AMENDMENTS OF 1965

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Burton] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BURTON of California. Mr. Speaker, I would first like to offer my highest commendation to two of my colleagues to whom the people of this Nation are indebted because of their great contributions to the health and well-being of our people.

My distinguished colleague from California, the Honorable Cecil King, who has championed the cause of medical care for our senior citizens and whose championship of that cause has brought us to the threshold of fulfillment at which we stand today, is one of these gentlemen. The other, the equally distinguished chairman of the Ways and Means Committee, the Honorable Wilbur Mills, whose masterful understanding of the legislative process, has contributed so greatly to the comprehensive measure that we have before us.

H.R. 6675, which we now have before us, is indelibly identified with these two gentlemen. It is a landmark in social legislation in this country and the most sweeping extension of social security since the initial passage of the act some 30 years ago.

The first bill, which I introduced in this House after becoming a Member of the 88th Congress, was a measure to provide a program of national health insurance.

On the opening day of this session of the Congress, I joined as a coauthor of H.R. 1, which was then the vehicle for medicare.

Today I join in support of H.R. 6675.

I became a Member of this body a little over a year ago, after having served as a member of the California State Legislature for nearly 8 years and as chairman of the Assembly Committee on Social Welfare for almost 6 of those years. In that time, I saw firsthand the great need that existed for this legislation in the State of California which is blessed with prosperity.

We now offer security and a guarantee of care in their advancing years to replace the frustrations and uncertainties which faced many of our aged.

We now offer the dignity of age to replace the lonely solitude of a forgotten generation.

We now offer hope where for many there was only despair.

We now ask the people of this Nation to join a great cooperative effort through the social security system to relieve the burdens of age and restore senior citizens to their rightful and honored place in our society, a place to which their earlier contributions entitle them.

The measure which we have before us is a great step forward.

With the enactment of this legislation, we will have provided under the social security system a basic hospitalization program for persons 65 years of age and older as a matter of right—we will have offered an optional and supplementary medical program to meet the costs of physician and surgical services.

While the measure will be remembered as the Medicare Act by most people, it goes much further. It is a much broader attack on need, a much more comprehensive approach in the effort to guarantee a full life, free from want and privation, free from unnecessary suffering and disease.

For those presently receiving or eligible for social security benefits, we provide an increase in monthly benefits of 7 percent or a minimum of $4.

We extend the promise of uninterrupted education to 295,000 young people by permitting benefits to be paid to full-time college students until age 22 instead of the present maximum age of 18.

We relieve the burdens of widowhood for an estimated 185,000 widows by permitting them to receive benefits, with an actuarial reduction at age 60 instead of the present 62.

We offer assistance to some 155,000 disabled persons by liberalization eligibility and waiting period requirements.

We provide added incentives to continue useful and productive lives to those who reach retirement age by liberalizing the earned income provisions of the law.

We extend the coverage of this legislation to new groups of people and permit persons, a part of whose income is derived from tips to receive social security credit for that income.

We expand State medical assistance programs to provide health services not only to the aged but also to those who receive assistance under blind, disabled, and dependent children programs and establish standards of service which states must offer to receive Federal payment.

In the area of public assistance, this legislation increases the Federal contribution to payments in all programs and offers incentives to States to provide benefits for aged persons in tubercular and mental institutions.

Increased funds are provided for maternal and child health services and for crippled children services.

In the area of mental retardation, this legislation authorizes grants to institutions of higher education for the training of professional personnel and authorizes further grants to help States implement programs dealing with mental retardation.

This measure provides health services without restrictions on the practice of medicine. It provides Federal funds to assist the States to improve and expand their programs of public assistance.

This could well be the keystone of the great society we seek. No single piece of legislation we consider is a more sweeping nationwide attack on poverty and need.

No single act of this body since the enactment of the Social Security Act does more to guarantee a decent life, a secure life, even a happy life for our people.

The legislation we consider now, pledges to our people a freedom from want, a freedom from hunger, a freedom from despair, and a freedom from the ravages of untended disease.

Conscience requires, we can do no less than pass this measure.

THE POLIO VACCINE—A TRIUMPH OF MILLIONS

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOGARTY. Mr. Speaker, it is now a full decade since the first polio vaccine was made generally available to the American people. The word polio, which only a few years ago brought dread to parents and young people around the world, is today, thankfully, an almost forgotten word. When at one time in our recent history, the first warm winds of the spring brought with them a cold apprehension and fear of the dangerous summer months ahead, today's children can freely swim and play, confident in the protection assured them by the polio vaccine.

One seldom hears of polio today. But it is not difficult for us to remember just how much a part of our daily lives this great crippler was—not merely to those of us whose loved ones and friends were stricken or who were themselves victims—but to all the rest of us as well, who knew polio's effects and silently wondered if we or our families would be next. Just 13 years ago, in 1952, there were over 54,000 cases of polio in the United States; last year, only 121 cases were reported. After 3 months of this year, only six are on record.

Who are the heroes of this great victory? There are many names we can single out in the fight against polio—a fight which did not begin nor end with the discovery of an effective vaccine—but in reality it was not the triumph of a few isolated men or even of a single group. Rather it was the triumph of millions—scientists, physicians, administrators, public health and other public officials, volunteer health agencies, fund raisers, those in advertising and public relations—and of all the countless other Americans who donated time and money to the research effort.

In naming just a few of those who took part in the fight against polio we might arbitrarily begin with Dr. Karl Landsteiner, a great Viennese microbiologist, who in 1908 first succeeded in inducing polio in a laboratory animal, the rhesus monkey. Soon after, Dr. Simon Flaxner of the Rockefeller Institute concluded that polio was a virus disease and predicted the quick development of an effective vaccine against it.

But the use of the rhesus monkey in research presented many technical and financial problems. This factor precluded much further progress toward the development of a vaccine until 1939, when Dr. Charles Armstrong of the National Institutes of Health found a way to transmit one of the three types of polio-viruses to cotton rats and mice—a technique which immensely speeded up research. Spurred on by financial support from the National Foundation for Infantile Paralysis, the U.S. Public Health Service, and other sources, many virologists began to work on vaccines. Then, as we well know, the first usable killed-virus vaccine was produced by Dr. Jonas Salk of the University of Pittsburgh. After sensitive animal tests, the vaccine was in 1954 finally given the largest medical field trials in American history when almost 2 million schoolchildren—with the consent of their parents—participated. The Salk vaccine was found to be up to 90 percent effective and was licensed for sale by the NIH Division of Biologics Standards on April 12, 1955, the same day the results of the clinical trials were announced.

The long sought for vaccine was a reality, but this was only to be a new beginning. The first supplies of the vaccine, much of it purchased by the National Foundation for free distribution, were limited, but the demand for it was overwhelming. The Surgeon General of the U.S. Public Health Service summoned an advisory committee of polio authorities and representatives of parent and consumer groups to recommend a plan to assure the vaccine's orderly use. The committee established a system of priorities which would give the vaccine to groups in the population most susceptable to polio.

The success of this system was particularly noteworthy since it was entirely voluntary and depended upon the American sense of fairplay to see that those whose risk were greatest received vaccine first. The producers of the vaccine also cooperated by selling to the States only in proportion to the amount of high priority individuals who resided in them. The Public Health Service administered the program until late in 1956 when the vaccine was more plentiful and the program was discontinued.

To assure that no children or pregnant women should be deprived of vaccine because they could not afford it, Congress, in 1955, passed the Poliomyelitis Vaccination Assistance Act which gave grants-in-aid to the States to be used for the purchase of vaccine and the administration of vaccination programs. Over $50 million was allocated under this act and physicians in private practice gave freely of their time and service to administer the publicly purchased vaccine.

Then, unexpectedly, 4 years after the introduction of the vaccine the number of polio cases began to rise again. The Polio Surveillance Unit of the PHS's Communicable Disease Center gathered evidence from health departments across the country which showed that the increase was an effect of the waning public interest in vaccination rather than a reflection on the lack of effectiveness of the vaccine.

Acting on this revelation, the Public Health Service, American Medical Association, and the national foundation issued warning statements to make the public more aware of the great need for vaccination. The President of the United States twice issued a personal plea to the American people to take vaccine. Manufacturers agreed not to curtail production despite rising stockpiles of the quickly out-of-date vaccine. In response to these efforts many communities organized intensive drives that succeeded in producing a sharp rise in demand.

As it soon became apparent that public interest and awareness would need regular boosting, a series of nationwide advertising campaigns was launched by the advertising council. Billboards, newspaper advertisements, car cards, and top talent in radio and television told the polio story and urged vaccination.

With the licensing in 1961 and 1962 of the three types of oral, live-virus polio vaccine developed by Dr. Albert Sabin of the University of Cincinnati, added impetus was given to the vaccination drive, since prevention was now literally as easy as swallowing a lump of sugar.

Today, as the result of all these efforts, polio has almost passed into history. As long as our newborn are properly vaccinated it will continue to be a plague in the American past. The Public Health Service estimates that at least 212,000 Americans have been saved from death or crippling from polio since 1955. This remarkable achievement is the accomplishment of all Americans—scientists, schoolchildren, vaccine manufacturers, and others. It is a fine—almost unique—example of the things the collective spirit of the American people can do when they work together for a better world for themselves—and for the generations yet unborn.

HOW THE HANDICAPPED ARE OVERCOMING BARRIERS TO EMPLOYMENT IN MY COMMUNITY

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from Nevada [Mr. Baring] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARING. Mr. Speaker, under leave to extend my remarks, I should like to have inserted in the Congressional Record the prize-winning entry of Miss Melody Jean Smith of Reno, Nev., in the 1965 National "Ability Counts" Contest sponsored by the President's Committee on Employment of the Handicapped.

Miss Smith won fourth place and will be presented with her award at the opening ceremonies of the Committee's Annual Meeting on April 29.

How the Handicapped are Overcoming Barriers to Employment in My Community

(By Melody Jean Smith, Reno High School, Reno, Nev.)

Addressing the President's Committee on Employment of the Handicapped in April of 1964, President Johnson said, "I am convinced that it is morally right—socially just—economically sensible—and administratively feasible to open the door of employment opportunity to handicapped but job-qualified Americans." Many handicapped individuals in my community have opened that door—the door which leads to their employment and to their acceptance as productive members of society.

That a moral imperative endows every human being with dignity and worth is unquestioned in our society, yet complete social justice has not been attained. There are still many prejudices against handicapped individuals.

Achieving social justice for these handicapped is never the work of a single individual or a single agency. Hundreds of people and many facilities are involved in overcoming barriers to the employment of the handicapped: rehabilitation counselors, physicians, psychologists, social workers, and prosthetic experts; plus rehabilitation centers, workshops, hospitals, and schools. The President's Committee on Employment of the Handicapped has a network of Governors' committees and local committees carrying information and inspiration to every part of the country. The work of these groups has resulted in modification of the hiring practices of employers.

One of the great steps made in the past few years has been the removal of architectural barriers such as steep flights of steps and narrow doorways that cannot admit employees confined to wheelchairs. Last year when my community's new multimillion-dollar bank building was completed, Mr. Albert Alegre, the building manager, stated, "The handicapped were considered when this building was planned." A ramp leads to the building's automatic doors, and the elevators, drinking fountains, and restrooms of the interior are easily accessible to the handicapped. A newly built employment security office building and an almost completed city hall also have street level entrances accessible to the handicapped.

Federal-State agencies working as partners in action have made rehabilitation and placement of the handicapped administratively feasible. Disabled persons are referred to the division of vocational rehabilitation from many sources: doctors, schools, welfare agencies, and employment services. Medical data, case study, and an appraisal of the client's ability enable the counselor to work out an individual rehabilitation plan. The services may include medical care, the supplying of artificial limbs, training, transportation, and maintenance during rehabilitation, the supplying of occupational tools and equipment, and job placement.

In my community by means of a grant from the Max C. Fleischmann Foundation, funds from the vocational rehabilitation administration, and contributions from individuals and organizations in Nevada, a much needed occupational training center is being initiated. This center will provide necessary training for disabled people in order that they may become self-supporting.

The money spent for the construction and operation of this training center is well spent, for rehabilitation of the handicapped is economically sensible. In Nevada, 113 persons were rehabilitated during the fiscal year 1963–64. These individuals had earned $62,088 annually before rehabilitation; after rehabilitation they were earning $491,296 annually, an increase of over 600 percent. It is estimated that during the rest of their lives they will pay back about $10 in income tax for every dollar invested in their rehabilitation.

Hiring the handicapped is also economically sensible for the employer. Publicized studies show that properly placed handicapped persons are equally or more productive than their fellow workers and that they have better attendance and safety records.

Many handicapped persons in my community have overcome the characteristic barriers to employment—social, architectural, prejudicial—and are now proving that ability counts. Although Mr. Howard McKissick is a disabled veteran, his consistent reelection to the post of county commissioner attests to his efficiency and the voters' gratitude. Mrs. Lillian Barnum, who lost her legs when she was 8, is a dedicated worker for the Governor's Committee on Employment of the Handicapped. In spite of the loss of his right arm, Mr. Howard Farrel is an excellent accountant for the Internal Revenue Service. Mr. Maynard Yasmer, severely crippled by polio, necessitating his being confined to a wheelchair, has achieved distinction as a rehabilitation counselor.

These people are among those who have overcome barriers to employment in my community. Many more need help. This help is being provided by the many agencies and individuals that concern themselves with this problem. Through diligent work, my community is learning that it is morally right—socially just—economically sensible—and administratively feasible to rehabilitate and hire the handicapped.

DEVASTATION OF OREGON BY THE RAVAGING DISASTROUS FLOODS

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. Green] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, during Christmas week of 1964, Oregon was devastated by the ravaging of disastrous floods. There is general awareness of the great problems of repair and the need for legislative and financial assistance to help the flood-stricken areas.

Recently, the Oregon State Legislature memorialized the Congress for assistance from the Federal agencies. Therefore, Mr. Speaker, under unanimous consent I place this in the body of the Record. Joining with me are Congressman Robert Duncan, Congressman Al Ullman, and Congressman Wendell Wyatt.

ENROLLED HOUSE JOINT MEMORIAL 8

(Introduced by Representatives Detering, Anunsen, Back, Bateson, Bazett, Bedingfield, Bessonette, Boe, Branchfield, Crothers, Day, Dellenback, Elder, Gallagher, Gwinn, Hanneman, Howe, Hoyt, Sam Johnson, Kennedy, Lang, Leiken, Lewis, McGilvra, McKinnis, Mann, Ouderkirk, Paxson, Redden, Richards, Rogers, Wilson, Senators Ahrens, Atiyeh, Chapman, Elfstrom, Husband, Huston, Inskeep, Ireland, McKay, Potts, Raymond)

To the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your memorialists, the 53d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the 1964 and 1965 flood disaster affected the entire State of Oregon; and

Whereas this disaster reemphasized the immediate need for action by local, State and Federal interests to accelerate those activities that would assist in prevention or mitigation of future flood damages, including storage, flood plain identification, land use regulation and flood forecasting measures; and

Whereas the potential for a flood of this magnitude exists each and every year; and

Whereas the benefits of existing flood control projects have been proven many times, not only during the 1964 and 1965 floods but during previous floods of lesser magnitude; and

Whereas damages of even greater magnitude would have occurred in 1964 and 1965 if both public and private storage facilities had not reduced flood crests; and

Whereas substantial additional storage and other measures are needed before floods of even less magnitude than the 1964 and 1965 floods can be adequately controlled in the State of Oregon; and

Whereas the 1964 and 1965 floods point up the urgent need for Federal action, including authorization, acceleration of advanced planning, construction of authorized projects and acceleration of investigations currently under way: Now, therefore be it

Resolved by the Legislative Assembly of the State of Oregon:

1. The Congress of the United States is requested to authorize the following projects in the State of Oregon at the earliest opportunity:

(a) Grande Ronde River and Catherine Creek project, Union County.

(b) Tualatin project, Washington County.

(c) Merlin project, Josephine County.

(d) Willow Creek project, Morrow County.

2. While certain Federal projects have been authorized in this State, additional funds are required and are hereby requested to accelerate advance planning and construction of these projects, including:

(a) Lost Creek, Elk Creek and Applegate projects, Jackson County.

(b) Gate Creek and Blue River projects, Lane County.

(c) Fall Creek project, Lane County.

(d) Green Peter project, Linn County.

(e) Cascadia project, Linn County.

(f) Mason project, Baker County.

(g) Holley Dam, Linn County.

3. Adequate funds should be appropriated by the Congress for all Federal agencies involved to accelerate comprehensive water resource planning studies in this State, including an interim report on Thomas Creek, Linn County.

4. Additional funds should be appropriated by the Congress to accelerate flood plain identification studies in this State in order that this information may be made available at the earliest opportunity for local land use planning and assistance in effective evacuation of flood areas.

5. Present flood forecasting networks in this State should be strengthened by expanding the present Federal network of stations and refining report procedure.

6. Copies of this memorial shall be transmitted to each member of the Oregon congressional delegation with the request that this memorial be brought to the attention of the appropriate Senate and House committees.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAREY (at the request of Mrs. KELLY), for today, on account of illness in the family.

Mr. ROSTENKOWSKI and Mr. KLUCZYNSKI (at the request of Mr. ALBERT), for today, on account of official business.

Mr. NELSEN (at the request of Mr. GERALD R. FORD), for today and tomorrow, on account of official business due to flood and storm conditions in congressional district.

Mr. STALBAUM (at the request of Mr. FLYNT), for April 13, 1965, and April 14, 1965, on account of official business.

Mr. FARNUM (at the request of Mr. O'HARA of Michigan), on account of illness in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RONCALIO, for 15 minutes, today.

Mr. LINDSAY, for 30 minutes, today.

Mr. LINDSAY, for 30 minutes, on Thursday.

Mr. HALPERN (at the request of Mr. HORTON), for 10 minutes, on April 14; to revise and extend his remarks and to include extraneous material.

Mr. EDWARDS of Alabama (at the request of Mr. HORTON), for 30 minutes, today; to revise and extend his remarks and to include extraneous material.

Mr. DICKINSON (at the request of Mr. HORTON), for 60 minutes, on April 27; to revise and extend his remarks and to include extraneous material.

Mr. BRAY (at the request of Mr. HORTON), for 10 minutes, on April 14; to revise and extend his remarks and to include extraneous material.

Mr. BRAY (at the request of Mr. HORTON), for 10 minutes, on April 15; to revise and extend his remarks and to include extraneous material.

Mr. ASHBROOK (at the request of Mr. HORTON), for 40 minutes today; and to revise and extend his remarks and to include extraneous material.

Mr. HOSMER (at the request of Mr. HORTON), for 2 minutes, on April 14; to revise and extend his remarks and to include extraneous material.

Mr. RONCALIO (at the request of Mr. TENZER), for 30 minutes, on Wednesday, April 14; to revise and extend his remarks and to include extraneous matter.

Mr. RODGERS of Florida (at the request of Mr. TENZER), for 30 minutes, on April 15; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unamious consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. DORN.

(The following Members (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. RUMSFELD.

Mr. MCCLORY.

Mr. BERRY.

(The following Members (at the request of Mr. TENZER) and to include extraneous matter:)

Mr. MARSH.

Mr. MCVICKER.

Mr. O'NEAL of Georgia.

Mr. CALLAN.

Mr. IRWIN.

Mr. GRABOWSKI.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4778. An act to increase the amounts authorized for Indian adult vocational education; and

H.R. 5721. An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

ADJOURNMENT

Mr. TENZER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 22 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 14, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

922. A communication from the President of the United States, transmitting the report of the Secretary of the Interior concerning the economic and engineering feasibility of a third powerplant at Grand Coulee Dam on the Columbia River, and a draft of authorizing legislation (H. Doc. No. 142); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

923. A letter from the Secretary of Labor, transmitting the third annual report on the administration of the Welfare and Pension Plans Disclosure Act for calendar year 1964, pursuant to section 14(b) of the act; to the Committee on Education and Labor.

924. A letter from the Comptroller General of the United States, transmitting a report of deficient administration of spare parts procurement and other deficiencies in contract administration relating to the nuclear-powered merchant vessel, NS *Savannah*, Maritime Administration, Department of Commerce and Atomic Energy Commission; to the Committee on Government Operations.

925. A letter from the Comptroller General of the United States, transmitting a re-

port of ineffective utilization of excess personal property in the foreign assistance program, Agency for International Development, Department of State; to the Committee on Government Operations.

926. A letter from the Comptroller General of the United States, transmitting a report of procurement of inoperative radar target simulators, Federal Aviation Agency; to the Committee on Government Operations.

927. A letter from the Comptroller General of the United States, transmitting a report of excessive cost-of-living allowances paid to Federal employees in Puerto Rico and the Virgin Islands, U.S. Civil Service Commission; to the Committee on Government Operations.

928. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend the Natural Gas Act to vest jurisdiction in the Federal Power Commission over certain interstate sales of natural gas for industrial use and for other purposes; to the Committee on Interstate and Foreign Commerce.

929. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of certain lands for addition to the Chickamauga and Chattanooga National Military Park, Ga., and for other purposes; to the Committee on Interior and Insular Affairs.

930. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to authorize the appointment of crier-law clerks by district judges; to the Committee on the Judiciary.

931. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation providing for reduction of the borrowing power of the Commodity Credit Corporation and the cancellation of notes due the Treasury in amount equivalent to such reduction and other purposes; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 3165. A bill to authorize the establishment of the Pecos National Monument in the State of New Mexico, and for other purposes; with amendment (Rept. No. 234). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 4465. A bill to enact part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia; without amendment (Rept. 235). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 236. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Utah:

H.R. 7381. A bill to repeal the Naval Stores Act; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 7382. A bill to amend section 1391 of title 28 of the United States Code relating to venue; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 7383. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Interior and Insular Affairs.

By Mr. FINO:

H.R. 7384. A bill to provide that railroad employees may retire on a full annuity at age 60 or after serving 30 years; to provide that such annuity for any month shall be not less than one-half of the individual's average monthly compensation for the 5 years of highest earnings; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FOGARTY:

H.R. 7385. A bill to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, optometry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.R. 7386. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 7387. A bill to enforce the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.R. 7388. A bill to protect civil rights by providing criminal and civil remedies for unlawful official violence, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 7389. A bill to assist States in collecting sales and use taxes on certain tobacco products; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 7390. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of education (including certain travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

By Mr. KING of Utah:

H.R. 7391. A bill to amend the Federal Crop Insurance Act, as amended, so as to permit the Federal Crop Insurance Corporation to continue to make insurance available to farmers in high-risk counties or areas, and for other purposes; to the Committee on Agriculture.

H.R. 7392. A bill to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941; to the Committee on Armed Services.

H.R. 7393. A bill to confer upon the Federal Trade Commission the power and duty to regulate the advertising and labeling of cigarettes; to the Committee on Interstate and Foreign Commerce.

By Mr. McVICKER:

H.R. 7394. A bill to amend the Clean Air Act to require national standards for reducing or eliminating the emission of air pollutants from gasoline-powered vehicles, to direct the Surgeon General to conduct a study of and report to Congress on the effect of air pollution from all sources on human health (particularly lung cancer), and for other purposes; and to amend the Internal Revenue Code of 1954 to permit deduction of expenditures and increased investment credit for the acquisition, construction, or installation of water and air pollution control devices; to the Committee on Interstate and Foreign Commerce.

By Mr. MULTER:

H.R. 7395. A bill to establish a Board of Higher Education to plan, establish, organize, and operate a public community college and a public college of arts and sciences in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. NELSEN:

H.R. 7396. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 7397. A bill to authorize a study of methods of helping to provide financial assistance to victims of future natural disasters; to the Committee on Banking and Currency.

By Mr. RONCALIO:

H.R. 7398. A bill to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 7399. A bill to amend title 38 of the United States Code to provide that World War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. ST. ONGE:

H.R. 7400. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 7401. A bill to repeal the excise tax on amounts paid for communication service or facilities; to the Committee on Ways and Means.

By Mr. WHITE of Texas:

H.R. 7402. A bill to provide for the establishment of the Chamizal Treaty National Memorial in the city of El Paso, Tex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WIDNALL:

H.R. 7403. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 7404. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 7405. A bill to authorize the navigation project for the Weymouth-Fore and Town Rivers, Boston Harbor, Mass.; to the Committee on Public Works.

By Mr. FOLEY:

H.R. 7406. A bill to authorize the Secretary of the Interior to construct, operate, and maintain a third powerplant at the Grand Coulee Dam, Columbia Basin project, Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRIEDEL:

H.R. 7407. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. McDADE:

H.R. 7408. A bill relating to the status of volunter fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

H.R. 7409. A bill to permit any wage earner to defer payment of a portion of the difference between the income tax imposed for a taxable year beginning in 1964 and the amount deducted and withheld upon his wages during 1964; to the Committee on Ways and Means.

By Mr. MACKAY:

H.R. 7410. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. MATHIAS:

H.R. 7411. A bill to amend the act entitled "An act to prevent pernicious political activities", approved August 2, 1939, to permit persons covered by such act to engage in political activities solely involving local offices; to the Committee on House Administration.

H.R. 7412. A bill to amend section 9(a) of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, to permit certain part-time Federal employees to engage in political activities; to the Committee on House Administration.

H.R. 7413. A bill to repeal the provisions of the Railroad Retirement Act which reduce the annuities of the spouses of retired employees, and the survivors of deceased employees, by the amount of certain monthly benefits payable under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

H.R. 7414. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7415. A bill to increase annuities payable to certain annuitants from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

H.R. 7416. A bill to permit unmarried annuitants under the Civil Service Retirement Act to elect survivorship annuities upon subsequent remarriage, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7417. A bill to amend the Internal Revenue Code of 1954 to provide that annuities awarded for disability under the Civil Service Retirement Act shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 7418. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 7419. A bill to amend section 107 of title 23 of the United States Code to prohibit the Secretary of Commerce from condemning certain lands for highways; to the Committee on Public Works.

H.R. 7420. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction from gross income for the cost of employing full-time household help; to the Committee on Ways and Means.

H.R. 7421. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. VIVIAN:

H.R. 7422. A bill providing for the observance of certain legal holidays on days other than those now fixed by law; to the Committee on the Judiciary.

By Mr. DULSKI:

H.R. 7423. A bill to permit certain transfers of Post Office Department appropriations; to the Committee on Post Office and Civil Service.

By Mr. FARBSTEIN:

H.R. 7424. A bill to provide for the establishment of a drug stamp program; to the Committee on Interstate and Foreign Commerce.

By Mr. FRIEDEL:

H.R. 7425. A bill to amend the Internal Revenue Code of 1954 to provide for optional tax tables where the adjusted gross income is less than $10,000; to the Committee on Ways and Means.

By Mr. GRIDER:

H.R. 7426. A bill to amend the Tariff Act of 1930 to provide for the importation, free of duty, of technical yellow oxide of mercury from Mexico; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 7427. A bill to extend the boundaries of the Kaniksu National Forest in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRIS:

H.R. 7428. A bill to amend the Communications Act of 1934 to prohibit the Federal Communications Commission from accepting for filing any application involving the construction of an antenna structure extending over 2,000 feet above the ground; to the Committee on Interstate and Foreign Commerce.

H.R. 7429. A bill to amend the Clean Air Act in order to provide for improved control of air pollution from Federal installations and facilities and automotive vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 7430. A bill to amend the Federal Power Act to clarify the jurisdiction of the Federal Power Commission over certain persons engaged in the transmission or sale at wholesale of electric energy; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 7431. A bill to amend section 725 of title 38 of the United States Code, with respect to provisions in national service life insurance policies issued under that section to veterans having service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. MATHIAS:

H.R. 7432. A bill to provide that compensation for services performed as an officer or employee of the United States in a State in which such officer or employee is not domiciled shall be subject to an income tax imposed by such State only if the domiciliary State of such officer or employee imposes such a tax on compensation for such services performed in that State by an officer or employee of the United States not domiciled therein; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 7433. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. TALCOTT:

H.R. 7434. A bill to amend title I of the Housing Act of 1949 to provide that no urban renewal project shall receive Federal assistance thereunder without the approval of the people of the community concerned, given in a referendum held for that purpose; to the Committee on Banking and Currency.

By Mr. CONTE:

H.J. Res. 426. Joint resolution providing for the erection of a memorial statue to the late Dr. Robert H. Goddard, the father of American rocketry; to the Committee on Science and Astronautics.

By Mr. BROYHILL of Virginia (by request):

H.J. Res. 427. Joint resolution establishing a National Shrine Commission to select and procure a site and formulate plans for the construction of a permanent memorial building in memory of the veterans of the Civil War; to the Committee on House Administration.

By Mrs. GREEN of Oregon:

H. Con. Res. 393. Concurrent resolution planning for peace; to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Con. Res. 394. Concurrent resolution requesting the President of the United States to urge certain actions with respect to Lithuania, Latvia, and Estonia; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Illinois:

H. Con. Res. 395. Concurrent resolution to request the President of the United States to urge certain actions in behalf of Lithuania, Estonia, and Latvia; to the Committee on Foreign Affairs.

By Mr. ADAMS:

H. Con. Res. 396. Concurrent resolution recommending timely State action to insure, through uniform residency requirements, the right of new residents of the several States to vote in the 1968 presidential elections and thereafter; to the Committee on House Administration.

By Mr. SELDEN:

H. Res. 328. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H. Res. 329. Resolution relative to the anniversary of the founding of the Pan American Union; to the Committee on Foreign Affairs.

By Mr. McCLORY:

H. Res. 330. Resolution creating a select committee to conduct an investigation and study of organized crime in the United States; to the Committee on Rules.

By Mr. MACHEN:

H. Res. 331. Resolution authorizing each House Member to employ additional help from June 1 to August 1 inclusive; to the Committee on House Administration.

By Mr. DINGELL:

H. Res. 332. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. ASHBROOK:

H. Res. 333. Resolution prohibiting the payment of compensation by the Clerk of the House to certain relatives employed by Members; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

197. By Mr. MORRIS: Joint memorial of the Legislature of the State of New Mexico, requesting a review of overly severe grazing regulations enforced by the U.S. Forest Service; and asking for a congressional hearing; to the Committee on Agriculture.

198. By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, relative to the adoption of legislation assuring all citizens of the United States their constitutional right to vote without discrimination on account of race or color; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHMORE:

H.R. 7435. A bill for the relief of Col. Thomas O. Lawton, Jr., U.S. Air Force; to the Committee on the Judiciary.

H.R. 7436. A bill for the relief of Maj. Victor R. Robinson, Jr., U.S. Air Force; to the Committee on the Judiciary.

H.R. 7437. A bill for the relief of Lt. Col. Nicholas A. Stathis, U.S. Air Force; to the Committee on the Judiciary.

H.R. 7438. A bill for the relief of Chief M. Sgt. Samuel W. Smith, U.S. Air Force; to the Committee on the Judiciary.

H.R 7439. A bill for the relief of 1st Lt. David A. Staver, U.S. Air Force; to the Committee on the Judiciary.

H.R. 7440. A bill for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force; to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 7441. A bill for the relief of Hom Gen Ngee (known as Suen Yun); to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 7442. A bill for the relief of Christos A. Maras; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 7443. A bill for the relief of Peggy R. Mueller; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 7444. A bill for the relief of Armando Belmonte; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 7445. A bill for the relief of Yvette Zubli; to the Committee on the Judiciary,

By Mr. HARDY:

H.R. 7446. A bill for the relief of certain civilian employees and former civilian employees of the Department of the Navy at the Norfolk Naval Shipyard, Portsmouth, Va.; to the Committee on the Judiciary.

By Mr. JONES of Alabama:

H.R. 7447. A bill for the relief of certain employees of the Department of the Army at the Redstone Arsenal, Ala.; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 7448. A bill relating to the tax-exempt status of the Plumbers Local Union No. 457 Welfare Fund under section 501(a) of the Internal Revenue Code of 1954 for the period commencing July 1, 1959, and ending June 30, 1964; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 7449. A bill for the relief of Evangelos Metaxas, Michael Matheos, and John Papamakariou; to the Committee on the Judiciary.

H.R. 7450. A bill for the relief or Mr. Jehuda Siman-Tov; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 7451. A bill for the relief of John R. Devereux; to the Committee on the Judiciary.

H.R. 7452. A bill for the relief of Kazou Ochi; to the Committee on the Judiciary.

H.R. 7453. A bill for the relief of Margaret Elizabeth and Frederick Henry Todd; to the Committee on the Judiciary.

By Mr. MURRAY:

H.R. 7454. A bill for the relief of David Lee Bogue; to the Committee on the Judiciary.

By Mr. PATTEN:

H.R. 7455. A bill for the relief of Benjamin Mowszenzon; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7456. A bill for the relief of Guiseppe Caruso; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 7457. A bill for the relief of Margaret Karabetyan; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 7458. A bill for the relief of Elaine Clark; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

167. By Mr. PHILBIN: Petition of the Board of Selectmen, Oakham, Mass., against the closing of the Rutland Heights Veterans' Administration Hospital, Rutland Heights, Mass.; to the Committee on Veterans' Affairs.

168. By the SPEAKER: Petition of Common Council, city of Buffalo, N.Y., relative to providing for a tax assistance on cost of water pollution control facilities; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Medicare

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. BERRY. Mr. Speaker, I have asked unanimous consent to proceed for 1 minute, revise and extend my remarks to answer a charge by South Dakota Democratic State Chairman Clem Noonan that I would have to answer to the voters of South Dakota in the 1966 election for my vote against the President's medicare plan.

Mr. Speaker, I have already answered. As in former years I sent out a questionnaire to every boxholder in my present congressional district and 83 percent of the people living west of the Missouri River voted against the President's medicare plan in the questionnaire returns that I have just tabulated. By the same token, 84 percent voted for eldercare.

I sent a questionnaire containing the same questions to the 20 new counties being attached to my old congressional district, lying between the Missouri River and the James River, and while the tabulation is not yet complete on the returns from this area sent to everyone in the telephone directory, the vote is almost as overwhelming, with 75 percent opposing medicare and 76 favoring eldercare.

Mr. Speaker, the results of elections can be misconstrued. This is the reason I annually send out a questionnaire because the majority of those interested in good government take the time to give me the benefit of their thinking and their advice, and these results determine my vote.

Yes, Mr. Speaker, the people of South Dakota have already spoken, and have spoken very decisively in answering my questionnaire.

Agricultural Research Stations, Supporting Continuation of Programs (S. Rept. No. 156)

EXTENSION OF REMARKS

OF

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. O'NEAL of Georgia. Mr. Speaker, it was with considerable reassurance and revival of optimism that I read the report last week of the Committee on Appropriations emanating from the other body.

The report is thorough and bears evidence of meticulous study. It also reveals an unmistakable sign of good judgment in opposing the elimination of many long-term agricultural research stations.

While I commend Senator SPESSARD HOLLAND and his colleagues for the entire report, I am especially interested in four items that vitally affect the farmers of my district, and I would like to bring those to the attention of my colleagues by giving them emphasis here as follows:

5. Elimination of research on tung (Cairo, Ga., Bogalusa, La., and Beltsville, Md.), $221,300: The committee recommends that the production research on tung be continued indefinitely at an annual expenditure of $221,300. The production of tung is regional in nature and the hearing record shows that on the average only 50 percent of our domestic requirements of tung is met by U.S. production. In order to step up domestic production of tung, the research program should be continued to cope with various problems of cold resistance, cultural, nutritional, harvesting, and related problems of production.

7. Elimination of research on sugar sorghum (Cairo and Experiment, Ga., Beltsville, Md., and Meridian, Miss.), $75,200: The committee recommends the indefinite continuance of research on sugar sorghum at an annual rate of $75,200. Sorghum is produced in 29 States as silage, sirup, or as a molasses crop. The farm value of the crop is estimated at $80 million. Due to the wide area of production and the need for continuing research, there appears to be little basis for proposing to discontinue this line of research which is effectively conducted at a low rate of expenditure in relation to the value of the crops produced.

8. Elimination of research on rye (Tifton, Ga., Beltsville, Md., and Stillwater, Okla.), $39,800: The committee recommends that the insect research on rye be continued. The annual expenditure is $39,800 and the

results apply throughout the rye-producing area. Production of rye has increased over the past 16 years both for forage and grain purposes. Rye is now produced in 31 States with an estimated farm value in excess of $35 million annually.

15. Florida: Quincy—Tobacco insects, $24,400: The committee recommends that the research on tobacco insects located at Quincy, Fla., at an annual expenditure of $24,400, be continued indefinitely.

The demand for wrapper leaf type of tobacco currently exceeds the available supply. The total producer return from this type of tobacco averages $48 million annually and this type of tobacco does not receive any Government price support. This expenditure of $24,400 annually is the only Government program assistance on the shade-grown type of tobacco.

It is obvious that the decision to propose discontinuance of this research project was arrived at hastily, and the alternate proposal to continue the research activity on these particular insect problems at a location several hundred miles distant under so-called controlled conditions does not meet with the concurrence of the committee.

If it is the current and general view of scientific leadership in the Department that research investigations at field locations should be abandoned in favor of controlled environmental research chambers for the conduct of farm research, the committee will need a good deal more justification from the Department before it concurs in such a basic and major change in the conduct of farm research investigations.

Soil Conservation Service, Conservation Application in Nebraska

EXTENSION OF REMARKS

OF

HON. CLAIR CALLAN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. CALLAN. Mr. Speaker, conservation is a big word. It covers a lot of ground. When we talk of soil and water conservation we are referring to many things—for conservation is not merely protecting land and water from misuse, or holding it for future use. These are part of land and water conservation, but by no means all.

Conservation is, essentially, using the land and water resources to their best advantage on a long-term basis. Conservation planning looks far into the future, anticipates needs and attempts to foresee problems that sound conservation practices—established now and faithfully carried forward—can prevent. Conservation relies on a thorough understanding of the land and water resources—their potential if respected, and the extent of the loss if they are neglected or ill-used.

Conservation is a complex business, involving many sciences and many practices. Nebraska is involved in most of them.

Soil conservation district cooperators in Nebraska, during fiscal year 1964, built 1,455 farm ponds for a total of some 18,000, seeded 38,945 acres of cropland to pasture, developed 783 acres for wildlife habitat, preserved 1,072 acres for wildlife wetland, and planted 3,835 acres to trees. Conservation cropping systems were applied on 49,176 acres in fiscal 1964, bringing the State's total on the land under conservation rotations to 8,501,547 acres.

Contour farming has been completed on 3 million acres in Nebraska, and 127,000 miles of terracing have been installed throughout the State.

Nearly 46,000 cooperators in Nebraska's 87 soil conservation districts have developed basic conservation plans on 18,800,000 acres of land. Farm and ranch conservation plans are fully applied on 12,250,000 acres. Construction of floodwater retarding structures has grown to an estimated two and a quarter million dollars for fiscal year 1965.

As a result of outstanding local leadership, local tax money amounting to $133,000 is provided in 69 counties to assist local districts in fiscal 1965. At the State level, the Nebraska Legislature appropriated $394,000 for soil and water conservation work in the current fiscal year.

The efforts to build a sound program of soil and water conservation in Nebraska, and the support these efforts have received, attest to the recognized importance of this endeavor at the local, State, and national levels of our society. In Nebraska, as elsewhere, the programs must continue to build if it is to adequately serve the needs of the State and the Nation.

The End of the Civil War

EXTENSION OF REMARKS

OF

HON. BERNARD F. GRABOWSKI

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. GRABOWSKI. Mr. Speaker, 100 years ago, on April 9, 1865, the Confederate Army of Northern Virginia laid down its arms at Appomattox, a small village not far from Lynchburg, Va.

The Confederate Capital had already fallen. Jefferson Davis and nearly all his cabinet had left Richmond on April 2, and the city had been occupied by Union troops under Weitzel on the following day. On the afternoon of April 2, General Lee had given the order for the evacuation of Petersburg, which was accomplished that night. Lee managed the escape well, getting away with most of his artillery; but his objective, a junction with Confederate forces under Gen. Joseph E. Johnston in North Carolina, was blocked by Union columns. The dwindling Confederate Army was not only trapped but it was almost without food. General Lee rejected a suggestion by some of his officers that the army break into small bands and attempt to slip through the surrounding lines, on the ground that such groups would become mere bands of marauders, would carry the war into areas that had escaped the ravages of war, and would create a situation from which it would take the country years to recover.

On April 7, 1865, Lee, sharing Grant's desire to avoid the useless shedding of blood, asked for terms. On Palm Sunday, April 9, the opposing commanders met in conference in the McLean House in the village of Appomattox Courthouse. Lee and his party arrived first and when Grant and his officers arrived the two generals shook hands in the middle of the room.

These two great soldiers presented a strange contrast. General Lee was immaculate in dress uniform. General Grant had come straight from the field, in the uniform of a private with the shoulder straps of a lieutenant general.

After some preliminary conversation about the Mexican War and the old Army days, Lee turned the conversation to the business at hand. At his suggestion Grant wrote out the terms of surrender. The officers and men of Lee's command were to be released as paroled prisoners, all materials of war were to be turned over to officers designated by Grant, except the sidearms, horses, and personal baggage of the officers. Although he did not include the provision in the written terms, Grant, in response to his opponent's unspoken wish, generously offered to instruct his parole officers "to let all the men who claim to own a horse or mule take the animals home with them to work their little farms." After Lee had read the terms, Grant gave his rough draft of the terms to Colonel Parker for copying in final form, and Lee requested Colonel Marshall to write an acceptance. The signing of the two letters and their exchange completed the negotiations.

With the exception of Abraham Lincoln, the two great generals who met at Appomattox were perhaps the finest figures to emerge from the war. And at no time was their greatness more apparent than on that quiet Sunday afternoon. Lee, "a foe without hate, a friend without treachery, a soldier without cruelty, and a victim without murmuring," in adversity showed a quiet dignity and courtesy that deserves our admiration. Grant, in his hour of victory, evidenced a restraint, a magnanimity, and a fine consideration that have hardly been surpassed.

After Appomattox, several Confederate armies remained in the field. The final terms of capitulation of Johnston's army, similar to those accorded Lee, were signed near Durham Station, N.C., on April 26; Gen. Richard Taylor surrendered on May 4 at Citronelle, Ala.; and on May 26, at New Orleans, Kirby Smith surrendered the Confederate forces beyond the Mississippi. But for practical purposes Appomattox marked the end of the war.

Thus closed our great struggle for national survival. Because of the lack of reliable and comparable records, it will never be possible to assess accurately the cost of the war in life and property; but we know that we paid a fearful price.

If wounded and dying men can be reduced to statistics, it appears that the struggle between the two sections cost a million casualties. Probably more than 200,000 of these were killed or fatally wounded in battle.

Other costs of the war include almost incalculable amounts in direct war costs, pensions, retardation of economic development, ruined homes, fields, roads, buildings, and bridges. Property in slaves was wiped out, the merchant marine was shattered, and we were left with a heritage of hate, extravagance, corruption, truculence, and intolerance. The inability of our leaders to manage the crisis of 1860 and 1861 had borne bitter fruit.

Perhaps no finer words have ever been included in a state paper than words in Lincoln's second inaugural address:

> With malice toward none; with charity for all * * * let us strive to finish the work we are in; to bind up the Nation's wounds; * * * to do all which may achieve and cherish a just and lasting peace.

These words are the true measure of his greatness. A reconstruction in this spirit could easily have changed our history. Tragically, Lincoln was struck down by the assassin's hand. Our Nation was left to pass through the difficult years ahead without the benefit of his wise guidance. Other leaders determined reconstruction policies with a bitterness and vindictiveness entirely foreign to Lincoln's hopes and to the spirit of Grant and Lee at Appomattox.

At last reunion was achieved. In the war with Spain, two World Wars, the Korean war, and the years of peace that have intervened, we have gone forward as one Nation, united by a common heritage. Across the Potomac, in Arlington National Cemetery, thousands of men from both Union and Confederate armies lie buried. Perhaps their best epitaph was spoken by Lincoln in his first inaugural address, when that mighty host was yet alive:

> We are not enemies but friends * * *. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and every patriot grave, to every living heart and hearthstone in this broad land, will yet swell the chorus of the Union.

Text of an Address by Representative Gerald R. Ford, of Michigan, at a Testimonial Dinner, April 11, 1965, in Chicago, for Cook County Sheriff Richard Ogilvie, of Illinois

EXTENSION OF REMARKS

OF

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. RUMSFELD. Mr. Speaker, on April 11, 1965, the minority leader, the gentleman from Michigan [Mr. GERALD FORD], was the speaker at a State of Israel bond dinner in Chicago, Ill., in honor of the sheriff of Cook County, Richard Ogilvie. Because Mr. FORD's remarks were so well received by the more than one thousand people in attendance and because I believe his speech is of interest to other Members, I ask unanimous consent that it be included in the RECORD.

TEXT OF AN ADDRESS BY REPRESENTATIVE GERALD R. FORD, OF MICHIGAN, AT A TESTIMONIAL DINNER, APRIL 11, 1965, IN CHICAGO, FOR COOK COUNTY SHERIFF RICHARD OGILVIE, OF ILLINOIS

We are here for several reasons this evening. One of them is to salute Sheriff Richard Ogilvie. I join you in applauding him for building a professional police force from scratch, handling the Dixmoor riots with courage, calmness and finesse, and providing an entrenched political machine with strong and healthy opposition.

His dedication is akin to the fine work of DON RUMSFELD, who represents the 13th District in the House of Representatives as a staunch and articulate spokesman for the people back home in Illinois.

I am delighted to be with you for other reasons—first, because of the most worthwhile cause this dinner supports.

Very shortly the State of Israel will celebrate its 17th anniversary. In that brief period of history, a courageous and dedicated people have almost miraculously transformed a largely arid and undeveloped land into a modern industrial nation. As you well know, this tremendous progress has been accomplished under the most adverse circumstances. I commend those who in the face of such adversity have accomplished so much in so little time.

Since the Israel Bond Organization was formed in 1951, Israel's agricultural production has increased nearly six times, industrial production has gone up five times, and exports have risen nine times. More than 1½ million subscribers to Israel bonds should be justly proud of their contribution to this significant growth.

With your aid, Israel has overcome serious economic, social and political problems. It has taken in many thousands of homeless refugees and given them meaningful and productive lives. It has even extended the hand of friendship, in the form of technical assistance, to nations which are less fortunate. On the African continent and in some parts of Latin America, Israeli teachers, irrigation experts, medical specialists and engineers are helping others to cross the barrier from "have nots" to "haves."

But the problems of Israel are not all in the past. While half of the nation is now fully developed, there is still another half that is in a primitive state, relatively speaking. These desert and waste areas must be irrigated, populated and made economically viable. There is still the need to absorb an expected 500,000 additional settlers by 1970. There is still the absolute necessity to go forward vigorously with Israel's present 5-year plan for industrialization.

However, with support such as yours, I have no doubt that the free and democratic State of Israel is well on its way to complete self-reliance and stability.

Another reason for being pleased to be with you is more complicated and subtle. It is because your participation in this cause represents an outstanding example of one of the strengths of the American system.

You have made a considerable commitment of time, effort, resources and emotion to help others with whom you feel spiritual ties.

Too often, I believe, we stress the sameness, the homogeneity of American life, while ignoring the healthy differences and variations that give such richness to the American fabric.

The texture of our Nation, which has contributed to its unparalleled greatness, comes from many ethnic, religious and nationality strains. America, as we know it and love it, is like a good soup. Its full flavor comes from the blending of many ingredients.

Yet from many quarters we hear a great deal of talk about assimilation—especially from the younger generation. And, of course, it is necessary that we should be alike in some ways—in our standard of justice, our concept of democratic government, our common ideal of liberty and freedom.

But, we must also recognize that we can pay too high a price for sameness. We can make our soup blend. There are differences that we cannot afford to lose.

I do not like to believe, and do not concede, that in this country we have Italian-Americans, Irish-Americans, Afro-Americans or Jewish-Americans because the hyphen implies that different groups should be given different treatment. This is wrong.

On the other hand, it is necessary to understand that different groups have added immeasurably to American life because they are different. Out of their differences have grown ideas, a fuller cultural life, and a more interesting and stimulating America. Our national outlook is broader; our character stiffer.

Rather than question in any way those who feel deep emotional ties to other countries—whether it be Israel or Ireland or Italy or Africa—we should salute this as a manifestation of the genius of our Nation. This is part of what we call Americanism. It is one of the things that makes both Israel and America unique in the world. The beauty of Joseph's coat was that it was of many colors.

And so I salute you tonight—salute you for your support of a worthwhile cause—and salute you, my fellow Americans, because you have unselfishly helped pave the road to economic self-reliance for the people of Israel. With pride you can say you have played a major role in Israel's progress. With your head high, you know you have personally shared in an enterprise of historic significance for the survival of the Jewish people and of the spirit of human freedom and dignity to which it is dedicated.

Grade School Band Captivates Canadians

EXTENSION OF REMARKS

OF

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. McCLORY. Mr. Speaker, again this year the Waukegan Grade School Concert Band has brought honor and distinction to the Waukegan and Lake County, Ill., community as well as to our great Nation. Recently this group of 84 young musicians—ranging in age from 10 to 14 years—participated in a Canadian tour, presenting concerts in Waterloo, Toronto, Brantford, and the Canadian Capital of Ottawa.

The success of this year's Canadian tour matches, in many respects, the fine concerts which the Waukegan Grade School Concert Band presented last year here in Washington.

The concert presented in Waterloo, Ontario, was part of the Waterloo Instrumental Clinic for 1965 held at the University of Waterloo as a part of the spring convention of the Canadian Bandmasters Association. The host for this program was the Waterloo Music Co., Ltd. The selections presented during this musical tour included compositions of Rimsky-Korsakoff, Mendelssohn, Wagner, and other renowned composers. Each of the Canadian concerts, of course, included a rendition of the Canadian national anthem, "O Canada," as well as our national anthem, "The Star-Spangled Banner."

Mr. Speaker, I want to commend initially the talented and inspiring director of this musical organization, Mr. Bernard H. Stiner, whose patience and painstaking attention to detail and to the individual part played by each of the young musicians culminated in the finished performance which distinguishes the artistry of the Waukegan Grade School Concert Band.

Mr. Speaker, in its issue of March 30 the Ottawa Citizen newspaper had this to say:

> Eighty-four young musicians from Waukegan, Ill., thrilled a large crowd at Glebe Collegiate Monday night with a program ranging from Rimsky-Korsakoff to Sousa.

In the March 31 issue of the New York Times the following report was carried:

> U.S. SCHOOL BAND GROUP WINS APPLAUSE IN OTTAWA
>
> Eighty-four grade school musicians of Waukegan, Ill., won hearty applause from a large Ottawa audience last night. The young bandsmen, completing a goodwill tour of four Canadian cities, played a program highlighting two American composers, Aaron Copland and John Philip Sousa."

Following the band's performance in the Canadian capital, Ronald G. Moxness, press attaché at the U.S. Embassy in Ottawa, stated:

> I have the feeling that the band left following a most successful visit to Ottawa. * * * I thought the band was excellent and I must admit that I marvelled at their skill considering their extreme youth. The phrase used by the Journal 'the precision carried into the band's music' rather summed up their Glebe performance.

Mr. Frank A. Daley, manager, educational services department of the Waterloo Music Co., Ltd., Waterloo, Ontario, stated:

> The impression and the impact made by both the deportment and musical excellence of the Waukegan band was tremendous. I am sure you realized how much the audience enjoyed their concert, and I can assure you that the comments received afterwards were most favourable. You will be interested to learn that we broke all previous attendance records this year—and I am sure that the visit of the Waukegan band had some large part to play in this.

Mr. Speaker, I am proud of the good public relations and the promotion of international good will which the Waukegan Grade School Concert Band has achieved through this tour. In addition to the opportunities to present fine musical concerts, these young performers from Waukegan had occasion to foster good public relations through their individual contacts with many Canadian citizens. Also the opportunity to visit at the Canadian capitol in Ottawa, to see Niagara Falls, Toronto, and other points of interest in Canada helped to provide memorable and lasting impressions and experiences for these young people.

I want to extend my praise and congratulations to each of the young students who performed as part of the band. In addition, I want to express appreciation to our U.S. Department of State for the facilitative services which were rendered and to the Honorable W. Walton Butterworth, our U.S. Ambassador to Canada, Mayor Don Reid and Deputy Mayor Ken Fogarty of Ottawa, Mr. Nicholas Volk of the U.S. Information Agency at Toronto; to the officers of the Goodyear Tire & Rubber Co., the Seagram Co., and Johns-Manville Corp., for the generous contributions of these companies to the expenses and entertainment of the Waukegan Grade School Concert Band during its Canadian tour.

Also, Mr. Speaker, I want to extend hearty congratulations to and thanks to the Band Parents Association, its president, Raymond Runge, to Richard Cummings, and to the tour chairman, Donald M. Lonchar, Jr. A Canadian official whose assistance was invaluable was the Honorable R. Alan Eagleson, member of the Ontario Parliament. An accolade belongs to my good Washington friend, Mr. Edward Maginnis. Of course, close cooperation was provided by the principal figure in our cultural exchange program, Mr. Charles Ellison, Under Secretary of State for Cultural Affairs.

A word of praise also belongs to Robert Sabonjian, mayor of Waukegan, who with his wife accompanied the band throughout the Canadian tour; and to the Waukegan News-Sun whose staff writer, Karl Luomala, reported faithfully on the success of the band as its Canadian tour proceeded.

Mr. Speaker, I am indeed proud to bring news of this important cultural event to the attention of the Members of the House and to the Nation.

Air Pollution Knows No Boundaries

EXTENSION OF REMARKS

OF

HON. ROY H. McVICKER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. McVICKER. Mr. Speaker, I have introduced today for appropriate reference a bill to amend the Clean Air Act of 1963. The purpose of this measure is to meet the problems of air pollution which all areas of our country find to be an increasing problem.

Much has been written to alert us of the health hazards from exposure to normal pollution conditions and there is a plethora of statistics available on the number of persons who have died from heavy concentrations of pollutants.

As of this writing we have the Clean Air Act of 1963, which provides grants to State, local, and interstate air pollution control agencies for abatement programs.

However, the present act is insufficient to meet and overcome this urgent health hazard. Moreover, in addition to assisting in the health problems caused by pollutants, legislation is needed to assist our cities and States to remove the soot and grime which mars the enjoyment of our ever-expanding urban centers.

Last year when I was serving as a member of the Colorado State Legislature, State Senator Roland Mapelli and I introduced an air pollution bill which was designed to put real teeth into an air pollution control program and to make its requirements regional in scope, a provision necessary to its practical operation.

At that time we noted with great pride that a number of companies which we investigated, were, on their own initiative, spending their own resources for installations of air control systems.

We stated, at that time, that we felt that a special tax incentive was in order inasmuch as these efforts in a great majority of cases were not inuring to the benefit of these companies nor adding directly to their operations but were essentially contributions to the welfare of the community.

It is a real pleasure for me, therefore, to include in this bill this tax incentive provision which in my opinion will operate to the advantage of both industry and the public. However, I feel now, as I felt then, that unless all companies were subjected to State and regional regulations the fact that some companies took air polution control steps on their own initiative would not solve the problem if other companies would refuse, and I feel there is still an absolute necessity for this provision in order to get teeth into such local acts. I am delighted with the efforts exerted in the State of Colorado at this time to make this bill a reality.

While I realize that the tax incentive provisions to industry for installation of pollutant control systems has been before the Congress several times I am hopeful that the climate is ripe for passage in this Congress, partly because we are considering tax reductions generally and partly because it would be a giant step to solving the critical air pollution problem we have been avoiding too long.

The other major provision of this bill is the requirement that all automobiles sold after November 1, 1967, will be equipped with a blowby system to limit emissions from crankcases.

We had occasion in Colorado, last year, to view an exhibit of these control devices which have been made mandatory by the California Legislature for installation on all 1966 models sold in California.

Obviously, the best way to make meaningful the control of air pollution by automobiles is to have devices installed on all cars. This is especially important in a tourist state such as my own where local control of local automobiles would be fairly meaningless if out-of-State automobiles were allowed to continue to clog the air with uncontrolled combusted pollutants.

The hearings in this Congress on this matter have pointed out very clearly that although there is much to learn, control measures are needed now. It is even greatly to be hoped that the automobile industry will voluntarily give the clean air systems an immediate tryout by installing them on their new models before the 1968 models are on the market, as required in my bill.

It is my fervent hope that an all-out attack on this problem from the Federal

Government through enactment of the proposals in my bill to provide, first, tax incentives to industry, the private sector, second, control systems imposed on new automobiles, and third, by increasing State and local responsibility, will result, not only in the alleviation of the air pollution control problem that is increasingly infesting our urban areas but in its elimination in the foreseeable future.

I include herewith a more detailed analysis of the principal provisions of my bill:

AUTOMOTIVE EMISSIONS

1. Conduct research on gasoline-powered vehicles to reduce emissions of oxides of nitrogen and aldehydes from the crankcase and exhaust and also hydrocarbons from gasoline evaporation in carburetors and fuel tanks.

2. Conduct research to reduce emissions of pollutants from diesel-powered vehicles.

3. Conduct research to reduce pollutants emitted from jet aircraft and missiles.

4. Conduct research for development of efficient and low-cost methods of collecting and disposing of municipal solid wastes.

5. Carry out program to inform and advise eligible air pollution control agencies and eligible persons of the provisions of this act.

6. Establish a Federal Air Pollution Control Laboratory within the Department of Health, Education, and Welfare.

7. Provide that Secretary shall appoint a technical committee to encourage development of improved low-cost techniques to remove sulfur from sulfur-bearing fuels and reduce emissions of oxides of sulfur produced by combustion of sulfur-bearing fuels.

8. Provide that Secretary shall set standards for allowable emissions from gasoline-powered vehicles and require all new automobiles to be equipped with blowby systems from crankcases not later than November 1, 1967.

9. Require imported gasoline-powered vehicles to be so equipped with a blowby system.

10. Set penalties for violations at not more than $1,000 or 6 months' imprisonment or both.

11. Provide controls over air pollution from the exhaust of federally owned automative vehicles.

12. The Secretary will establish criteria for allowable emissions from diesel-powered vehicles.

13. To insure proper inspection and maintenance the Secretary will enter into agreements with and make grants to State agencies to carry out these standards.

14. Provide that Secretary may establish potential pollution sources for Federal agencies and departments having jurisdiction over any buildings, and authorize inspection of such property.

15. Permits appropriations for control devices, where required, on buildings and installations over which the Federal Government has jurisdiction.

16. Permits training of Federal personnel necessary to assure appropriate maintenance and operations of such devices installed on buildings under Federal jurisdiction.

17. Require a thorough study and report by Surgeon General of the Public Health Service to determine effects of air pollutants from all sources on human health. Report to be submitted not later than 2 years from enactment.

TAX INCENTIVES

18. Amends Internal Reveue Code by adding a new section to afford a substantial tax benefit to individuals or private industry who would acquire, construct, or install, certified air pollution control devices. The same treatment would apply to water pollution control devices. Amends Internal Revenue Code of 1954 by adding a new section 183 relating to expenditures for such devices. Taxpayer could elect to treat such expenditures as having been paid or incurred in any of the 3 taxable years preceding, or in any of the 5 taxable years following, the taxable year in which such expenses were paid or incurred. A deduction with respect to any air or water pollution control device would not be allowed unless the State or interstate air pollution control agency had certified to the Secretary that such device had been acquired, constructed or installed in conformity with State requirements. This amendment shall apply to taxable years beginning after December 31, 1963. Allowance is made if the taxpayer realizes income from the operation of any certified air or water pollution control device.

National Society Children of the American Revolution

EXTENSION OF REMARKS

OF

HON. W. J. BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. DORN. Mr. Speaker, I wish to call attention to the fact that on April 23, 24, and 25 the National Society of the Children of the American Revolution will hold its 70th annual national convention here in the Nation's Capital.

A thousand young people between the ages of birth and 22 years who are descended from a Revolutionary patriot will attend.

This is the oldest patriotic youth organization in the United States, having been founded April 5, 1895, by Mrs. Harriet M. Lothrop who served as its president for 6 years.

From the time Mrs. Lothrop retired until the 1930's wives of Members of Congress served as the national president, visiting the State societies en route to and from Washington. Senior leaders were from the ranks of membership of the National Society, Daughters of the American Revolution; National Society, Sons of the American Revolution; and National Society, Sons of the Revolution. Now these leaders still serve in an advisory capacity but there are member officers who carry on much of the work of the organization. Mrs. Nile Faust, of New Hampshire, is the senior national president.

Van Rensselaer Hoffman Sternbergh, of Washington, D.C., is the current national president and will preside at all sessions of the convention. Van is a junior in the College of Business Administration, George Washington University. He is chaplain of the Sigma Nu Fraternity and serves as assistant leader of the Boy Scout Explorer post they sponsor—the only Scout post sponsored by a social fraternity. He was delegate to the Inter-Fraternity Council; he served as editor of its news sheet and received their Top Conductor's Award presented at the council sing. He is currently editor of the news sheet for the Society for the Advancement of Management. Van was one of the top five shots in the District and has shot in many national rifle matches. He has been an Episcopal choir boy, and patrol leader, and is a member of the Order of DeMolay, General Society of the War of 1812, and the Military Order of World Wars, of which his late father was national commander in chief.

Van's background is typical of the children in this society which has as its purpose "the training of the members in true patriotism and love of country, in order that they may be better fitted for American citizenship."

The objects of the society are, first, to acquire knowledge of American history; second, to preserve and restore places of historical interest; third, to ascertain the deeds and honor the memories of the men, women, and children who rendered service to the cause of the American Revolution; fourth, to promote the celebration of patriotic anniversaries; fifth, to honor and cherish the flag of the United States above every other flag; sixth, to love, uphold, and extend the principles of American liberty and patriotism.

Work of the society includes an active conservation program; the donation of scholarships, books, clothing, and money to mountain schools and St. Mary's School for Indian Girls and Bacone College.

They present many flags, flag poles and flag instructions to other youth groups, hospitals, and settlement houses.

They have programs on and encourage the study of American music, literature and the other arts.

They maintain a small museum, open to the public, of Revolutionary articles and some items as recent as 1820. They also maintain one room in Gadsby's Tavern, and the Tomb of the Unknown Revolutionary Soldier in Alexandria, Va. They have assisted with the building of the Bell Tower at Valley Forge and Moore House—surrender house—at Yorktown, Va.

During war times they have loaned their headquarters for use of the Red Cross prisoner of war files, sponsored LST ships, and conducted war bond drives. They furnish prayer books for the children's chapel at the Washington National Cathedral and do many other civic services.

For the sixth consecutive year, Freedoms Foundation of Valley Forge will honor the society at their convention with the George Washington Honor Medal Award for their outstanding work in promoting patriotic education among young people.

To encourage others in their youth work, the CAR presents a President's Award each year. This year Standard Oil Co. of California will receive the award for its "Standard School Broadcast," the oldest program of fine music sponsored, without commerical reference, and widely used for classroom instruction.

I feel that at this time when we hear so much adverse criticism of our young people, that it is well to be reminded that there are many dedicated, patriotic young people among us on whom we can depend to uphold the American way of life.

The Community Development Foundation

EXTENSION OF REMARKS
OF
HON. DONALD J. IRWIN
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 13, 1965

Mr. IRWIN. Mr. Speaker, in December of 1964, President Johnson described our responsibility to the underprivileged people of the world in an address to the United Nations. He said:

> Now on a world scale, the time has come as it came to America 30 years ago for a new era of hope * * * hope and progress for that one-third of mankind still beset by hunger, poverty and disease * * *. Any man and any nation * * * that is willing to fight the good fight against hunger and diseases * * * will find the United States of America by their side, willing to walk with them every step of the way.

Last August, my esteemed colleague, the Honorable JOHN W. MCCORMACK, told you about an American voluntary organization, the Community Development Foundation, which is making it possible for American citizens to "walk every step of the way" with hundreds of thousands of people living in the underdeveloped areas of the world, who are struggling to find a way out of poverty. I would like to report to you today on the dramatic and ongoing improvements in the lives of impoverished people that are being accomplished through the foundation's methods of encouraging self-help, at an extraordinarily low cost to the American citizens who support its work.

Founded in 1959, the foundation has sponsored to date over 3,300 self-help projects in Europe, the Middle East, the Far East, Africa, Latin America, and in the depressed areas of our own country.

In progress reports issued from the many countries where the foundation sponsors self-help programs and maintains field offices, I have read about thousands of miles of road built through rugged mountains by village men with picks and shovels, of schools, medical dispensaries, and community centers constructed—simple projects done by village people that break the chain reaction of poverty breeding poverty. The foundation counselors, many of whom are former U.S. Peace Corps people, are the key to the success of the program. They encourage and guide the people who give their labor to the projects which the people believe will bring the greatest benefits to their families and communities. The foundation supplies small cash grants and interest-free loans for materials, tools, and seed. In highly successful programs now in progress in Latin America, the foundation, working with the Agency for International Development and host governments, distributes U.S. food as incentive for the men who contribute their labor to the self-help programs.

But the constantly growing and vastly important village improvements made by the people under the aegis of the foundation program, tell only half the story. What is of special concern to us here in Congress is the way the foundation counselors practice self-help. These dedicated young men—men of vision, understanding, vitality, and confidence—are liberating the dammed-up energies and ideas of people. They travel to remote villages, live with the people, listen to them and find out what it is they want most to do to better the lives of their children. This is not a matter of American largess being handed out to the less fortunate. This is not the United States telling people what they should do to improve their living conditions. These young counselors introduce hope, stimulate self-respect, encourage people to think about their needs in terms of practical solutions. Projects are firmly rooted in the community's own human resources rather than in extensive financial aid. The major investment in each project is made by the people themselves—it is their manpower, their time, their determination. When a counselor moves on, he leaves much more behind than a dam or a road or a bridge. He has instilled in the people a profound belief in their ability to help themselves. When he goes on to another village, another community, another country, he leaves behind experience in cooperation, in democratic decisionmaking, in local organization and administration, and confidence in the achievement of a better tomorrow. He leaves behind a group of people who have a true picture of what Americans are really like—people who respect us because we respect them.

In a letter to Glen Leet, executive director of the foundation, dated August 25, 1964, Sargent Shriver, Director of the U.S. Peace Corps, wrote:

> I am most interested to learn that your programs are proving successful * * * and that you will be widening your scope of operations in Latin America. * * * You realize, I'm sure, how gratifying it is to me to see former Peace Corps volunteers successfully making use of their experience by working in community development with your organization.

Foundation methods move people to action—continuing action—whether they are practiced in the rice paddies of Korea, on an African prairie, in a village in Mexico, or a hamlet in Appalachia.

Today the men in the Mexican village of Matehuala and surrounding villages, where there has been practically no rain for 6 years, are presently giving all their unemployed time to digging a reservoir and irrigation ditch and laying pipe to bring precious water down from the mountains to irrigate their lands and furnish clean water for their homes. In a program only 18 months old, Mexican villagers have given over 1,500,000 man-days of labor to 1,676 self-help projects. Two hundred and fifty rural schools have been built, hundreds of miles of roads now connect remote villages to market towns. Community centers and small hospitals have been constructed, orchards planted, and improved animal breeding projects undertaken.

It is a partnership program involving the people of the United States, the people of Mexico, AID in Washington, the Mexican Ministry of Health and Welfare, and the foundation. The Mexican Ministry of Health and Welfare supplies technical assistance, personnel, and funds for needed materials to the program. Foundation counselors distribute U.S. food made available through AID as daily family rations to honor the village people who are participating in their own development. The villagers are the major partners with their contribution estimated at 78 percent of the total cost of the program to all concerned.

On January 25, 1965, Dr. Jose Alvarez Amezquita, who was Secretary of Health and Welfare for the Government of Mexico, wrote to Glen Leet:

> I should very much like to express my great satisfaction for the Community Development Foundation program that the Mexican Government and the foundation initiated. The results could not have been more impressive. Among the terminated activities that stand out vividly are the construction of a bridge in the State of Guerrero, a breakwater in Yucatan, and hundreds of classrooms, health centers, and recreation areas all of which are chosen by the people. * * * I have no doubt that the food for development program aids a great deal in resolving the communities' basic problems by promoting their improvement sufficiently enough so that afterwards they independently continue activities of incalculable benefit due to the fact that they have been taught the way to do it.

On February 24, 1965, American Ambassador to Mexico, Fulton Freeman, wrote to the foundation director for Latin America, telling him of the enthusiasm of Embassy officials who had just visited foundation-sponsored projects in the State of Guerrero:

> The Mexican Department of Health officials commented on the extensive and important work that is being accomplished with an absolute minimum of money input. The Directors of the National Institute of Mexican Youth said they intended to use the CDF approach as a model for similar projects undertaken by their extensive organization. Congratulations on the good work being done by CDF in Guerrero and throughout Mexico.

Foundation counselors are encouraging people in many parts of the world to use their unemployed time, ideas, and abilities to help themselves. Half way around the world from Mexico in a foundation-sponsored program in the mountain village of Foustesa in Greece, the need for a school triggered a chain reaction of self-help. When the foundation counselor came to Koustesa 5 years ago the people said they wanted to rebuild the dilapidated and crowded one-room schoolhouse. They talked with the counselor. The first thing they decided to do was to bring water into the schoolyard and schoolhouse. The foundation granted funds and the men donated the labor to installing 250 meters of pipe. In addition, the villagers built a small reservoir. Encouraged by their success in helping themselves, they went on to repair the school and begin a school library and museum. Using their idle time again, the men planted a school orchard and tree nursery that now provides fruit and walnuts for additional income. Encouraged and guided by the foundation counselor, the people of Koustesa continue to plan improvements. Ideas translate into action. A beekeeping project to provide honey for the children has been started. The men are planning to build a road leading to the schoolhouse. Next on their agenda: a school kitchen addition that will allow the village children to qualify for the government school lunch program. There are 150 people living in Koustesa, 40 of them men, but they are men who have learned to believe in themselves and their ability to gradually solve their problems of poverty.

The process is repeated wherever foundation-sponsored self-help programs are in progress. In Lebanon, the people of two small villages, Hissanich and Kfar Hatta, joined forces to build a 300-meter road leading to barren land they owned jointly. Working together, the villagers have reclaimed 70 acres of land and will plant fruit trees and tobacco this spring.

Now people living in the Korean village of Sa Am Ri can water their crops from the new reservoir built with foundation support to conserve the torrential spring rains for the months of drought. The people of La Touche Pirot, in the heart of ancient Brittany in France, people whose customs and ways belong to the past will draw water for their cattle, water to drink, to wash in, to cook with from the new faucets they have installed in the village with foundation aid. In all such self-help programs the small grant or loan from the foundation is multiplied 10 times by the contribution of labor given by the people themselves.

This holds equally true in the foundation's self-help program in the southern Appalachian Mountains in the United States. Foundation counselors, working closely with students, families, community leaders, schoolteachers, and social workers are currently administering 369 school, community, and family self-help activities in Appalachia. In battered one-room schoolhouses which still offer the only educational opportunities for many of the children, parents work together to repair school buildings, renovate interiors, install kitchens for hot lunch programs, plant vegetable gardens, and bring in electricity and running water. In community centers, abandoned buildings which the people themselves have renovated with foundation support, the traditional southern mountain skills of rugweaving and furnituremaking are being revived to increase the family incomes for people who have lived too long in poverty amidst American affluence.

Mr. Leet said:

> Whether in the United States or abroad, the key to the success of the foundation's self-help programs lies in the ability and training of the counselors who work with the people. Several young graduates of the U.S. Peace Corps are now working in the field in Latin American countries. These men will work in the expanding programs overseas and in our own depressed areas here in the United States. Foundation counselors are chosen for their respect and understanding of the cultural traditions, abilities, and needs of the people living in the areas where they work. A special foundation training course includes intensive in-the-field training, study assignments, and problems to be solved in foundation methods and techniques for stimulating self-help.

As the Community Development Foundation expands its work here and abroad, new refinements are introduced. In Mexico, Colombia, and the Dominican Republic, the foundation uses a computer-aided reporting system. The monthly reports sum up each month's work efforts and accomplishments in terms of commodities distributed, types of projects, number of men working, and number of men, women, and children benefited by the projects in each area.

Mr. Leet said:

> Governments of developing countries, faced with the tremendous demands for progress of their people, are turning to the foundation, eager to utilize the methods of encouraging self-help we have pioneered. During 1964 a score of countries have asked the foundation to present plans for joint self-help programs.

Many parts of the world are the proving ground for the thesis supported by the foundation: that men and women, no matter how deeply enmeshed in poverty they may be, can progress together when their talents and ideas are used with proper regard for their dignity and the inherent need to give of themselves. Every day the foundation is helping people to understand that they can raise their standards of living, working side by side and at peace with each other, assisted by their own governments, and fortified by the knowledge that people in the United States care so much about their welfare that they are willing to send funds and trained counselors to guide them in their struggle to insure that the future will be better.

The foundation maintains national headquarters in Norwalk, Conn., and at 345 East 46th Street, New York, N.Y. Detailed reports on the work being accomplished by the people in each country where the foundation is active are available upon request.

Smithsonian Institution Exhibition Series as Outlined by Dr. S. Dillon Ripley, Secretary, Before the Interior Subcommittee of the Committee on Appropriations

EXTENSION OF REMARKS

OF

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 13, 1965

Mr. MARSH. Mr. Speaker, 200 years ago in our Nation's history, there were occurring significant events that would culminate in the American Revolution.

It is interesting to note that the year 1965 is also the 200th anniversary of the birth of James Smithson, distinguished Englishman and great benefactor of the Smithsonian Institution which bears his name. The spring of 1965 also marks the bicentennial of the Virginia Resolutions, drafted by Patrick Henry, which played such an important part in bringing about the Stamp Act Congress which would be held in the colony of New York in the fall of 1765.

I think it is most appropriate that the Smithsonian Institution plans a series of exhibits at the National Museum, and I would like to insert in the Record a tentative schedule of these exhibits as outlined by Dr. S. Dillon Ripley, the Secretary, in recent hearings before the Interior Subcommittee of the Committee on Appropriations, with explanatory preliminary comment excerpted from the hearings, as follows:

Smithsonian Institute Exhibition Series as Outlined by Dr. S. Dillon Ripley, Secretary, Before the Interior Subcommittee of the Committee on Appropriations

Mr. Marsh. Now, in light of Smithson's interest in American history and the efforts of the museum to depict the history of the American people, which I think is one of your fundamental objectives, what efforts are you directing toward commemoration of what many historians consider to be the bicentennial of American ideas, the formative 12 years that would precede the signing of the Declaration of Independence, or Concord Bridge, frequently referred to as the golden years of the American Revolution?

What efforts are you making to observe these bicentennial events at the present time?

For example, the Stamp Act Congress, which met in September 1765, the same month as the birth of Smithson?

Dr. Ripley. We have a committee working on the commemoration and celebrations, and I will have to ask them what they are planning to do about this aspect.

Mr. Marsh. Don't you think it would be quite appropriate to begin to focus attention now on the issues, events, and the history of the preconflict era?

Dr. Ripley. I do, indeed. I know we have members of our staff who are part of these committees. There have been one or two committees formed to commemorate these particular events, I believe.

Mr. Marsh. Can you make some sort of display in the museum? For example, this spring marks the 200th anniversary of the Virginia Resolutions, which precipitated the Stamp Act Congress.

Dr. Ripley. It may be we are managing that. We have an active Department of Political History. I will have to ask them.

Mr. Marsh. There is no question in my mind but what we are going to reenact the battles of the American Revolution, including Concord Bridge, and there will be the pageantry and drama, and people will leave the reenactment and some child will ask why did they fire the shot at Concord Bridge, and I think we will realize the bicentenntial of ideas has passed us by.

It seems to me our agency is in a particular position to influence American historical thought and a scholarly examination of these causes and issues that occurred during this period, which actually, as Toynbee said, reflect into the 20th century.

Dr. Ripley. Right.

Mr. Marsh. Can you devote some attention to that?

Dr. Ripley. I would be happy to put something in the Record on what we are doing in this regard.

The Smithsonian Institution's Bicentennial Celebrations of Events of National Significance, 1765–1775, Inclusive

TENTATIVE SCHEDULE

The next 10 years will recall many significant episodes in our country's history preceding the Declaration of Independence on July 4, 1776. It is appropriate that the most outstanding of these that are of national importance be noted in bicentennial commemorations, which will be observed at the Smithsonian Institution by temporary exhibits. For all of these we can display material already in the national collections, supplemented occasionally by loans from public and private donors.

The tentative schedule of historic events, to be celebrated between May 29, 1965, and October 13, 1975, is as follows:

1. Virginia Resolutions, May 29, 1765.—Introduced into the Virginia House of Burgesses by Patrick Henry, they represented the first articulate outcry of opposition to the Stamp Act. The resolutions maintained that the General Assembly of Virginia had the sole and exclusive right to levy taxes on the inhabitants of Virginia. During arguments over the Virginia Resolutions, Henry delivered his famous "Treason" speech. Henry's Virginia Resolutions set the spark which led to the Stamp Act Congress on October 7, 1765.

The exhibit will include the well-known contemporary engraving of Henry's speech in the Virginia House of Burgesses, an actual British revenue stamp of 1765, Patrick Henry commemorative postage stamp, and cultural items referring to Virginia in this period.

2. Stamp Act Congress, October 7, 1765.—The Stamp Act Congress, which began on October 7, 1765, in New York, was represented by members from nine of the colonies, including Pennsylvania, Connecticut, South Carolina, Rhode Island, Maryland, Massachusetts, Delaware, New York, and New Jersey. Reaffirming the earlier arguments of Patrick Henry and others, the Congress maintained that the colonies had the sole right to tax themselves. Petitions demanding repeal of the Stamp Act were prepared for submission to the King, the House of Commons, and the House of Lords.

The exhibit will include material comparable to the preceding, plus a William Pitt halfpenny, a rare William Pitt medallion, and cultural items referring to the nine colonies represented at the Congress.

3. Repeal of the Stamp Act, March 18, 1766.—After nearly a year of intense opposition to the Stamp Act by the American colonies, aided within the British Parliament by the Whigs, the Stamp Act was finally repealed, effective May 1, 1766. The Stamp Act was eloquently opposed before Parliament by Benjamin Franklin, acting as agent for Pennsylvania.

The exhibit will include items associated with Benjamin Franklin, contemporary prints, material referring to Parliament in 1766, and Franklin philatelic specimens.

4. Daniel Boone and opening of the West, 1769.—Daniel Boone explored Kentucky and opened the way for westward expansion in 1769. Four years later, in 1773, Colonel Boone and his family, with five other families, begin the settlement of Kentucky.

The exhibit will include original Boone material, cultural items associated with Kentucky, maps and prints referring to areas involved, and related military specimens.

5. Boston Massacre, March 5, 1770.—Protesting the posting of British troops in Boston, a fray took place in Boston between a private soldier of the 29th regiment and an inhabitant on March 2. On the 5th, the soldiers were pressed upon and in resentment fired upon the crowd. Three of the Bostonians were killed and five seriously wounded.

The exhibit will include the rare Paul Revere engraving of the massacre, Revere silver and other items, military paraphernalia, artifacts related to Boston of this period, both tory and rebel.

6. Boston Tea Party, December 16, 1773.—The Bostonians objected to the British insistence upon taxes by opposing the unloading of a cargo of tea, subject to duty, from an East India Co. ship. The vessel was boarded by a group of patriots who emptied several thousand pounds of tea into the harbor.

The exhibit will include a few leaves of the actual tea that escaped immersion, appropriate contemporary prints, tea-drinking paraphernalia, material pertaining to naval architecture of the period.

7. First Continental Congress, September 5, 1774.—On September 5, 1774, the First Continental Congress assembled in Carpenter's Hall in Philadelphia, to "consult upon the present unhappy state of the Colonies." The Continental Congress was represented by delegations from every colony except Georgia. The purpose of the Congress was to attempt to resolve the differences between the American Colonies and the British Parliament.

The exhibit will include material relating to Carpenter's Hall, the city of Philadelphia in the 1707's, commemorative philatelic items, and personal memorabilia of several of the delegates (John Adams, Thomas Hancock, Charles Thompson, etc.).

8. Second Revolutionary Convention, March 23, 1775.—In a speech at St. John's Episcopal Church, Richmond, Va., Patrick Henry, urging strong colonial defense, used the famous phrase "Give me liberty or give me death."

The exhibit will include Patrick Henry items, prints, material associated with early Richmond, and related political items.

9. Paul Revere's Ride, April 18–19, 1775.—Official courier of the Massachusetts Provincial Assembly and Committee of Correspondence, his famous ride was from Charlestown to Lexington on April 18, 1775, to announce the approach of the British troops. This was the basis for Longfellow's poem, "The Midnight Ride of Paul Revere."

Battle of Lexington and Concord, April 19, 1775.—General Gage, the King's Governor of Massachusetts, detached a body of 800 men to march to Concord and destroy the military stores collected by the Americans at that place. The first battle of the Revolution ensued, which began the contest which dismembered the British Empire and ended in the establishment of independence in our own country.

The exhibit will include appropriate military items, cultural historical items concerned with the Boston, Concord, and Lexington areas, maps, photographs, Longfellow material, and Paul Revere items.

10. Battle of Ticonderoga, May 10, 1775.—Col. Ethan Allen seized the important fortress of Ticonderoga with 230 gallant Green Mountain Bays of Vermont. With the aid of Benedict Arnold he led a surprise attack against the British.

The exhibit will include appropriate military and cultural material, Vermont items, and Benedict Arnold and Allen memorabilia.

11. Battle of Bunker Hill, June 17, 1775.—The Battle of Bunker Hill, fought outside Boston, was one of the most famous battles of the Revolutionary War, and fired the colonists to further acts of heroism in their battle for independence from Britain. Badly outnumbered, and short of ammunition, Massachusetts militiamen fought off successive waves of battle-trained British soldiers. Though Bunker Hill was lost to the British, it cost them dearly, and they soon retreated from Boston, giving the American troops one of the greatest moral victories of the war.

The exhibit will include, in addition to appropriate military and cultural material, items related to the Bunker Hill monument and its dedication, and Boston topography.

12. Mecklenburg Declaration of Independence, May 20, 1775.—Adopted by a convention in Mecklenburg County, N.C., and sent to the North Carolina delegation at Philadelphia, this declaration declared all laws and commissions deriving their authority from the Crown to be annulled.

The exhibit will include cultural material from North Carolina.

13. The U.S. Navy.—On September 2, 1775, Washington authorized Col. John Glover to convert fishing vessels into armed ships. In Congress a committee was appointed on October 5 to prepare attacks against British vessels. "Rules for the Regulation of the Navy of the United Colonies" were adopted November 28 and a marine committee appointed December 14.

The exhibit will be a major display from the Smithsonian Institution's collection of naval material, together with important objects borrowed from public and private collections.

14. The Post Office Department.—On July 26, 1775, the Post Office Department was established with Benjamin Franklin as Postmaster General.

The exhibit will be a major display from the Smithsonian Institution's important collection of philately, together with items from other Government bureaus and private sources.

15. June 14 and 19, 1775.—On the former date the Continental Army was established and on the latter Washington was appointed its Commander in Chief.

The exhibit will be a major one, in conjunction with the bicentennial of the founding of the Navy, the same year.

Senator Wayne Morse Stresses Quality Education in Address to Salem, W. Va., College Alumni—Senator Randolph Commended

EXTENSION OF REMARKS

OF

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, April 13, 1965

Mr. YARBOROUGH. Mr. President, the 88th Congress has become known as the Education Congress and no legislator has been more responsible for the enactment of education legislation during the past 4 years than Senator WAYNE MORSE, of Oregon. As a member of the Subcommittee on Education, it has been my privilege, with Senator RANDOLPH and other colleagues, to serve under Senator MORSE's able chairmanship and to work with him in the consideration and passage of vital education measures.

Among the education legislation which became law during the 88th Congress were the Higher Education Facilities Act of 1963; National Defense Education Act extension; Vocation Education Act of 1963; impacted areas aid extension; Manpower Development and Training Act; and the Library Service and Construction Act of 1964.

And on this past weekend President Johnson signed into law, S. 2362, the Primary and Secondary Education Act. This measure is undoubtedly the most far reaching and needed school legislation in the Nation's history. The thrust of the billion-dollar-plus bill is to aid children who come from families in which the annual income is less than $2,000.

On March 22, Senator MORSE, who guided this bill to passage in our body, addressed the Washington chapter of the Salem, W. Va., College Alumni Association at its annual spring meeting at the

Continental Hotel. Senator Randolph, a graduate of that institution and a member of its governing board, presented the Oregon statesman to the attentive and appreciative audience.

> Americans of this generation, and the children who will be the leaders of future generations, are and will be indebted to Senator Morse. His extremely effective leadership in education law ranks him as the "man who was there"—

Said Senator Randolph.

Chartered in 1888, Salem College is a 4-year college of arts and sciences. Enrollment is more than 1,200 students. Among its graduates, Salem claims two Governors of the State of West Virginia, four U.S. Senators, and two presidents of the National Education Association. Dr. Corma Mowrey, a past NEA president, now serves as associate director for lay relations with NEA and was present at this meeting. Dr. Mowrey typifies the concern for higher education embodied in the students, faculty members, and friends of Salem.

The program opened with an invocation by the Reverend George L. Cutlip, alumni director and assistant to the president. William E. Davis, president of the Washington chapter, introduced Salem College President K. Duane Hurley who spoke of the growth and development of the college and its distinctive friendly, personal touch.

Senator Randolph has told me of Senator Morse's address "Education Legislation and the Small College," in which he gave a thought-provoking admonition against overlooking the major function of the college:

> It is not research, but rather, it is the transmission of knowledge, and the drawing forth from the student, so that he may examine and strengthen them intellectually, the basic convictions which comprise his character.

Senator Morse added:

> Knowledge may be value free, but education, almost by definition provides the matrix of values in which knowledge is embedded. And it is in this realm of matrix formation by the student that colleges such as Salem can function—with greater effectiveness than can the multiversity. At Salem, you will never hear the bitter joke: "Do not fold, mutilate, or spindle the student."

New officers for the Washington chapter, Salem College Alumni Association were elected. They are: Daniel G. Taylor, president; Delbert Flint, vice president; Virginia B. Spicer, secretary; and Lorena Butterfield, alumni news reporter.

Mr. President, it is my understanding that this college is doing an outstanding job of educating young people and preparing them for successful and productive careers. Under the capable administration of President Hurley, Salem College is growing and expanding to meet the ever-increasing demand for excellence in higher education facilities.

Mr. President, I ask unanimous consent that the remarks by President K. Duane Hurley be printed in the Congressional Record together with those of Senator Wayne Morse which were given at the March 22 meeting of the Washington chapter of the Salem College Alumni Association.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Introductory Remarks by K. Duane Hurley, President of Salem College, March 22, 1965

Distinguished guests, fellow alumni, and friends of Salem College, the way our chapter chairman, Bill Davis, has organized and conducted this very fine meeting exemplifies the basic spirit of our college: the friendly, personal touch.

It is wonderful to meet again so many friends among the Washington area alumni. When you add to the group a large number of parents of students, parents of prospective students, as well as such students themselves, along with honorary alumni and Government officials, you have an unbeatable combination. Already I sense the family feeling that always exists at Salem.

Also evident is a deep and abiding concern regarding higher education—a determination that our college will continue to serve effectively in its specific ways, not only meeting the special needs of Appalachia but providing educational opportunities for worthy young people from all parts of the country who might otherwise be denied college experiences.

Although still small by design and intent, Salem College has experienced great growth and development during the past half dozen years. Enrollment has increased from about 200 to over 1,200 students. The former Waldo Hotel in Clarksburg has been obtained as a downtown campus and a complete educational unit is now maintained there, unique in that housing, feeding, recreational and educational services are all provided under one roof. A million-dollar capital expansion program has just been completed on the main campus. The yearly operating budget for the two campuses—Salem and Clarksburg—now runs well beyond a million dollars.

Expansion has been made possible only because of teamwork on the part of those people and groups represented at this meeting—alumni, parents, students, friends, corporations, and foundations, as well as Government agencies. Senator Morse and his congressional colleagues are to be commended for evolving programs of Federal assistance—both loans and grants—which have materially furthered higher education without jeopardizing the freedom and independence of colleges like Salem.

Salem College is especially indebted to people like Dr. Corma Mowrey, National Education Association associate director for lay relations, and Senator Jennings Randolph. Both of these distinguished alumni have served with faithfulness and dedication for many years on the Salem College board of directors. Through the years since its founding in 1888, our college has produced an unusually large number of service-minded graduates, including two presidents of the National Education Association (Miss Mowrey being one); two Governors of the State of West Virginia; and four U.S. Senators, including Jennings Randolph.

These people have returned full devotion to their alma mater; and our college's ability to continue to meet the educational challenges of the day can be attributed in no small measure to them.

Our hats are off in gratitude to you, Corma and Jennings. Like Senator Wayne Morse, your commitment to the welfare of the young people of America is exemplary.

Education Legislation and the Small College

(Address of Senator Wayne Morse, Democrat, of Oregon)

Mr. Chairman, President Hurley, Senator Randolph, alumni, and friends of Salem College, after that most gracious introduction by my very good friend and most distinguished and hard-working associate on the Education Subcommittee of the Senate Committee on Labor and Public Welfare, I feel I should completely recast my remarks tonight, change my topic to: "What Is the Role of the Small College?" and answer it by saying, "To produce great public servants like Jennings Randolph."

It would be a good speech, too. I could relate how he quietly, but effectively, caused a group of very stubborn House conferees to modify a position they had taken, which Senator Randolph knew would doom the bill. I could tell you how in meeting after meeting, executive session after executive session, he kept after the rest of us to see to it that we did not neglect the needs of the small private college, as we marked up our higher education bills. But most of all, I could have told you of the balance he brings to our discussions as he helps us to focus on, not only our immediate problems, but as importantly, on the problems down the road which lie in wait if we follow one course or the other.

It is this quality of balance and commonsense applied to the abstractions of legislation, which in my judgment illustrates the values which come to the student who was as fortunate as you were to have had the opportunity of attending an institution of learning, small in size of student body, but great in the tradition of producing honorable men, who are equipped to take places of leadership in our society; who are able to assume responsibility; and, who are dedicated to weaving Christian ideals into the very fabric of their daily lives.

Many people look upon me as somewhat of a heretic, in some fields. I doubt, for example, that any medal is being proposed for me at the Pentagon tonight for my position on Vietnam. I rather question that there is solid support in the State Department for my constructive efforts to improve our foreign aid bill. So, too, in the field of education legislation, I know that there are those who deplore the emphasis I strive to give to financial aid for the student, and particularly the average college or university student. The "bricks and mortar men" of higher education have pressing problems which demand solutions. I can understand their difficulties and I am willing to do all that I can to help them meet their needs for classrooms, for libraries and laboratories. But I feel that the headlines which tell of the difficulties faced by the gigantic factories of learning on the Pacific coast are a sad, yes, a truly tragic confirmation of the warnings I have given for the past 4 years that we must not overlook the major function of the college.

It is not research, but rather, it is the transmission of knowledge, and the drawing forth from the student, so that he may examine and strengthen them intellectually, the basic convictions which comprise his character.

Knowledge may be value free, but education, almost by definition provides the matrix of values in which knowledge is embedded. And it is in this realm of matrix formation by the student that colleges such as Salem, of which Senator Randolph is both an alumnus and a member of the board, and Pacific University, of which I was once a trustee, can function, I feel, with greater effectiveness than can the multiversity. At Salem, you will never hear the bitter joke: "Do not fold, mutilate, or spindle the student."

That is why I am glad that this year President Johnson in presenting to the Congress his proposals for higher education assistance has given to student aid a very prominent place; $130 million is earmarked, of the total $250 million cost of his program, which Senator Randolph and I have jointly introduced in the Senate as S. 600, for student assistance. Added to that is some $84 million which now appears in the budget request for the work-study program under the Office of Economic Opportunity which will be transferred to the Office of Education. Thus, $24 million can be made available to help young men and women achieve higher education directly—$70 million of this is for scholarships; $15 million is for the new insured student loan program which should generate from private sources some $700 million in student loan funds; and $129 million is for work-study.

The insured loan program is vital, since it can provide a way for the middle-income families which are the stable backbone of America to finance, at a reasonable rate of interest, the education of their children. It is difficult to stretch take-home pay of $6,000 to $10,000 a year to cover the cost of educating two or more at the same time when college costs are running at the rate of $1,600 to $2,400 a year for each. We cannot, and we must not, price the average high school graduate out of the college opportunity. If we do, or if we price the small college out of being in contact with the average student from the average American family, we lose as a nation.

Education is our best capital investment. The dividends which flow from this type of growth, not only repay in a few short years the initial cost, they continue to contribute for a lifetime, returns to our economy. The Treasury of the United States in the coming decades, I suggest to you, will benefit tremendously in terms of individual and corporate returns which otherwise would not be available.

Title II of S. 600 relates to college libraries; $65 million is earmarked for college library assistance and library training.

Boswell, in 1775, said: "Knowledge is of two kinds. We know a subject ourselves, or we know where we can find information upon it. When we inquire into any subject, the first thing we have to do is to know what books have treated of it. This leads us to look at catalogs, and the backs of books in libraries."

Many of us, I fear, still cling to the nostalgic stereotype of the book-lined room with wide and sunny windows as the location of the student's work. We should be aware that the hardbound book which fits so well the hand is only one of the modern library tools.

Edison, Steinmetz, De Forrest, and others have vastly expanded the library bookshelf for the storage and retrieval of information.

The flashing lights of a computer and the photoreproduction of the microfilm master may well be the model of the future library, that the generation of men and women now entering kindergarten in Huntington will hold in their minds as they seek in the electronic stacks of the law library the cases which they will need for their moot-court pleadings within the next short 15 years.

With every passing day, because of the sheer magnitude of the information which is pouring forth, from every quarter of the globe, in every tongue and dialect on every scientific and scholarly subject, the task of the librarian becomes more difficult.

An article in the Sunday New York Times of January 4 points up the magnitude of the job ahead.

It speaks of the establishment at the University of Minnesota of a center for documentation and information retrieval to control what has been referred to, and correctly in my judgment, as the information explosion.

The article cites statistics which have been presented to our subcommittee. There are 30,000 technical journals now being published. Annually 1,000 more are added. Today, of all scientists who have ever lived, 80 percent are now living; 2 million articles, based on scholarly research, are published annually. The article indicates how the new electronically based technology may be able to lend to college and university librarians helpful tools and techniques.

More than ever, excellence in teaching and research depends on an adequate selection of books, periodicals, scientific journals, and documents. Yet 50 percent of our 4-year institutions of higher learning and 82 percent of our 2-year institutions fall below accepted minimum standards in the number of volumes in their libraries.

Moreover, current national statistics show a decline in the number of college and university library books per student. The reason is that enrollments are increasing faster than per student expenditures for books. Today, an estimated $226 million is needed merely to stock the shelves of our universities with the books needed for the present student and faculty population. Meanwhile, rising college and university enrollments are expected to swell from today's 4.8 to 6.9 million by 1970.

Title II proposes a 5-year program to help institutions of higher education acquire library materials needed for their expanded responsibilities in research, teaching, and student use; to encourage new and enlarged college and university training programs to prepare individuals for service in the projects relating to the improvement of libraries and the library and information sciences.

The proposal is divided into two parts. The first would authorize the Commissioner of Education to make grants to colleges or combinations of colleges for the purchase of books, periodicals, documents, magnetic tapes, phonograph records, audiovisual materials, and other related library materials.

Institutions submitting appropriate applications would receive a basic grant of up to $5,000. The Commissioner would also be authorized to make supplemental grants, not to exceed $10 for each full-time student. Supplemental grants would be made on the basis of such criteria as size and age of the library collection, student enrollment, and endowment and other financial resources. Only the basic grant would be matched by the institution. Each institution or combination of institutions would provide assurances that their previous year's expenditures for materials would be maintained.

I am sure that President Hurley will be happy to explain to each of you how the checks you make out for Salem can be usefully applied to this and other matching funds. That particular $5,000 from you for library purposes should be a seed corn from which an abundant intellectual harvest can come. It might not be amiss to compare it to the miracle of the loaves and fishes which fed the multitudes nearly 2,000 years ago.

There are other parts to the President's program for higher education, which are designed to assist developing colleges, as in title III of S. 600. Under this 5-year program, funded at $30 million for the first year, the Commissioner of Education could make grants to pay part of the cost of planning and carrying out cooperative arrangements for strengthening the academic programs of some of our institutions. This could be done in a number of ways, through faculty exchange programs, introduction of new curriculums, visiting scholars, working out cooperative education programs which would permit alternate periods of employment and study as in the Antioch plan, and the joint use of common library or laboratory facilities where feasible.

Finally, in title I of the bill, through an authorization of $25 million for the first year, a program for expanding and developing university and continuing education programs is envisaged.

This program is an expanded version of a university extension proposal, S. 3477, which Senator RANDOLPH and I carried through the Senate in the 87th Congress, but which was not accepted by the House of Representatives at that time. It is our hope that now that it is part of the administration program, the House will be able to better understand the essential merits of the concept.

Hearings on S. 600 are now underway, and I am confident that after the precise language has been worked out, and after such changes as the Congress deems proper are made, the higher education bill can become a statute.

This has been a rather brief review of a fairly comprehensive program, and in the course of it, I may well have told you far more than you may have wished to learn. I plead guilty to the vice of a teacher. I do get interested in my subject and I get carried away to the point where I sometimes forget to hear the bell at the end of the hour. In closing, I can only once again express to you and to the Senator from the West Virginia, my deep appreciation for your wonderful hospitality and the opportunity you have given time to talk with you tonight.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 14, 1965

The House met at 12 o'clock noon.

Rev. Father Joseph F. Thorning, Ph. D., D.D., pastor of St. Joseph's Church, Carrollton Manor, Md., and professor of Latin American history, Marymount College, offered the following prayer:

Heavenly Father, author of life and of love, let the light of Thy countenance shine brightly upon the Speaker of this House and upon all the Members of the U.S. Congress.

Impart, we beseech Thee, Thy choicest blessings to the President of the United States of America and to those who counsel him.

Vouchsafe to the rulers, legislators, and judges throughout the Western Hemisphere, including Canada, the vision and valor to promote wise, far-reaching programs in ways compatible with respect for all reasonable, responsible citizens, families, and parties.

Accept our heartfelt thankfulness, Almighty God, for sound achievements in the political and social development of Brazil, Peru, and Chile, where newly won liberties and the processes of representative government promise constant, orderly, and democratic progress.

In Thy presence, dear Saviour, we implore divine graces to understand the Bible which, in the Old and New Testaments, teaches us that "a brother helped by a brother is a strong city," on the national and international scene.

We seek these celestial favors in the name of our most Holy Redeemer, the Christ of the Andes. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 2594. An act to clarify the application of certain annuity increase legislation; and

H. Con. Res. 97. Concurrent resolution to authorize the printing as a House document the pamphlet entitled "Our American Government: What Is It? How Does It Function?"

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 664. An act to provide for the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes;

S. 893. An act to amend the act of June 13, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska;

S. 908. An act to authorize the Department of Commerce to adopt improved accounting procedures;

S. 1129. An act to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product; and

S. 1229. An act to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes.

THE APPROPRIATION BILLS, 89TH CONGRESS, 1ST SESSION

Mr. MAHON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a tabulation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, much of the scheduled appropriations business of the session is yet to come before the House, but we nonetheless thought it appropriate, on the eve of departure of many Members for their home districts during the brief Easter respite, to include a short recapitulation of the bills thus far processed. There have been two bills supplying supplementals for the current fiscal year 1965, ending this June 30, and three regular bills for the fiscal year 1966.

We have thus far held to the reporting schedule announced earlier. We are right on the mark in that connection and have every hope that the last regular bill can come before the House on June 22 as scheduled.

I believe the tabulation which follows is self-explanatory:

The appropriation bills, 89th Cong., 1st sess., to Apr. 15, 1965

Bill	Budget estimates of appropriations	House	Senate	Enacted	Reductions—	
					Latest stage of bill	Cumulative
For fiscal year 1965:						
CCC supplemental capital funds restoration	$1,742,209,000	$1,600,000,000	$1,600,000,000	$1,600,000,000	−$142,209,000	
2d supplemental (pay increase, Appalachia, etc.)	2,226,456,933	2,118,333,083			−108,123,850	
Fiscal 1965	3,968,665,933	3,718,333,083	1,600,000,000	1,600,000,000		−$250,332,850
For fiscal year 1966:						
District of Columbia, Federal payment only	53,122,000	44,122,000			−9,000,000	
Interior	1,240,849,500	1,184,090,300			−56,759,200	
Treasury-Post Office	6,708,510,000	6,604,404,000			−104,106,000	
Fiscal 1966	8,002,481,500	7,832,616,300				−169,865,200
Session totals:						
House	11,971,147,433	11,550,949,383				−420,198,050
Senate	1,742,209,000		1,600,000,000			−142,209,000
Enacted	1,742,209,000			1,600,000,000		−142,209,000

TRANSFER OF THE CALL OF THE CONSENT AND PRIVATE CALENDARS TO MONDAY, APRIL 26, 1965

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar, in order on April 19, and the call of the Private Calendar, in order on April 20, be transferred to Monday, April 26.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRANSFER OF MOTIONS TO SUSPEND THE RULES UNDER RULE XXVII TO MONDAY, APRIL 26, 1965

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that motions to suspend the rules under rule XXVII, in order on Monday, April 19, be transferred to Monday, April 26.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PAN AMERICAN DAY

The SPEAKER. Pursuant to House Resolution 242, this day has been designated as Pan American Day.

ANNIVERSARY OF THE FOUNDING OF THE PAN AMERICAN UNION

Mr. SELDEN. Mr. Speaker, I call up House Resolution 328 and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 328

Whereas April 14, 1956, marks the seventy-fifth anniversary of a union of American Republics now known as the Organization of American States; and

Whereas one of the most important functions of the Organization of American States is maintaining a peaceful and understanding atmosphere throughout the hemisphere; and

Whereas the Organization of American States, through its functional units—

(a) promotes cooperation among the sister Republics to achieve better use of resources designed to raise the standards of living of all its people;

(b) seeks stronger ties of friendship and understanding among the American people through increased educational, scientific, and cultural exchanges; and

(c) serves as an advisory body on matters of international law and to obtain uniformity of certain legislation through the hemisphere; and

Whereas the United States has joined its sister Republics under the Alliance for Progress to build a hemisphere where all men can hope for a suitable standard of living and all can live out their lives in dignity and freedom; and

Whereas these aims for a better world face threats of subversion from forces organized to enslave the people incompatible with the principles and objectives of the inter-American system: Now, therefore, be it

Resolved, That in honor of this special diamond jubilee anniversary of the founding of the Pan American Union, the House of Representatives of the United States extends to the other Republics of the Western Hemisphere and to the peoples of those Republics its most cordial greetings with a fervent hope for a renewed dedication to the ideals of freedom emphasized in the Charter of the Organization of American States.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. The gentleman from Alabama is recognized for 1 hour.

Mr. SELDEN. Mr. Speaker, once again it has been my privilege, as chairman of the House Subcommittee on Inter-American Affairs, to introduce a resolution marking the anniversary of the founding of the inter-American system and extending our most cordial greetings to the legislative bodies and peoples of the other American Republics. This resolution, commemorating the 75th anniversary of the inter-American system, also was unanimously approved by the Committee on Foreign Affairs.

In the intervening 12 months since we last observed Pan American Day here in the House of Representatives, there have been several encouraging developments in the Latin American area.

Last July, the Organization of American States took significant action at the ninth meeting of Consultation of Ministers of Foreign Affairs. Its decision that member nations sever diplomatic or consular relations with Cuba; suspend all direct and indirect trade, except for humanitarian purposes; and suspend all sea transport with Cuba, except that of a humanitarian nature, has contributed substantially to the political and economic isolation of the Castro regime. All but one of the American Republics have complied with the OAS decision—Mexico being the single exception.

This decision has had a direct bearing on reducing the movement of subversives, the transfer of funds to finance subversive activity, as well as restricting the dissemination of propaganda, all of which were facilitated by the maintenance of Cuban diplomatic missions in the Latin American countries.

A year ago this month, the Communist-influenced Goulart regime in Brazil surrendered power to military leaders. Several days later, Brazil's Congress elected Gen. Humberto Castello Branco as Provisional President. Under its new leadership Brazil has witnessed a decline of inflation which was destroying the economy, and Government officials are practicing a private enterprise philosophy. Elections for several gubernatorial posts as well as seats in the Brazilian Chamber of Deputies are scheduled for this year, and the presidential election is scheduled for 1966.

In Chile, Eduardo Frei gained a tremendous victory last September over the Communist-backed candidate, Salvador Allende. The elections held in March won his party an absolute majority in the Chamber of Deputies, the first such since 1851. Although facing difficult obstacles in the months ahead, Frei is going forward with a vast economic and social reform program.

In British Guiana, the last pro-Communist regime in Latin America outside of Cuba, the Marxist government of Cheddi Jagan, has fallen. Although the new coalition government elected in December 1964 faces many problems, it hopes to reverse some of the economic trends of the past and establish a climate of confidence for the future.

Yet, despite these significant Communist reversals, testimony received since the reconvening of Congress by the House Subcommittee on Inter-American Affairs indicates that the Communist subversive threat to Latin America is as great as ever.

A secret meeting of Latin American Communist Parties was held last November in Havana. The objectives of that meeting, fully supported by Moscow, appear to have been threefold:

First. To achieve greater coordination and mutual support among the Communist Parties in Latin America.

Second. To give new impetus to Communist activity in the hemisphere.

Third. To bring about a greater degree of unity within the Communist movement and to marshal support for the U.S.S.R. in the conflict with Red China.

Since the November meeting, regrouping of Communist forces has begun to take place in all of the Communist and Communist-affiliated parties in the hemisphere, and new evidences of activity are visible almost daily. It is clear, then, that neither the United States nor our colleagues in the OAS can afford to become complacent or avoid making a still greater effort to meet the increasing danger of communism.

A unanimous report of the Subcommittee on Inter-American Affairs, entitled "Communism in Latin America," released only today, warns that the Communist program for the subversion of Latin America, directed and financed through Castro's Cuba, with specific countries as principal target areas, continues to be a direct and serious threat to the solidarity of the Western Hemisphere.

While the report "Communism in Latin America" is available in its entirety both to the Members and to the public, I include at this point in the RECORD the findings of the subcommittee:

FINDINGS

I

The United States has yet to develop an adequate ideological offensive as convincing evidence to all Latin Americans that our way of life is worthy of emulation.

On the other hand, the subcommittee received much testimony regarding the standard pattern of Communist professionals—boring into the communications media, the educational system, the labor unions, the courts.

II

The ultimate answer to the Communist menace in Latin America lies in the solution of major economic and social problems and the evolvement of stable, democratic regimes. In the interim period before these goals can be attained, the security forces of individual countries will remain the major obstacle to Communist seizures of power.

The prospects for an increased, rather than lessened, threat of armed insurgency and violence stresses the importance of the role of Latin American security forces in the foreseeable future.

III

The widespread social, economic, and political problems of Latin America, are seriously compounded by its population growth, the largest in the world.

The population of all Latin America is growing at a rate of almost 3 percent a year. The present 225 million population will reach 600 million by the turn of the century. This veritable explosion will provide a fertile area for the growth of communism, unless action is taken to meet these growing pressures.

The subcommittee notes that the pressure of rapidly growing populations on available resources is no longer being ignored. The awareness of this problem is more encouraging in Latin America than in other areas, since more and more groups of Latin American societies, including religious leaders, are beginning to talk more frankly about the problem.

IV

In Latin American countries which depend on one or two major commodities for their export earnings and their foreign exchange, the stabilization of prices is important to the economy, and hence, to successful efforts to combat communism.

The sugar economy of Cuba might well be brought to its knees by low and unstable prices over a period of years. Conversely, stabilization of prices of basic commodities in countries other than Cuba would have a significant effect both economically and psychologically.

V

Several major deficiencies continue to limit Latin American counterinsurgency capabilities. The means of combating the subversive tactics of the Communist professional require considerable improvement.

Weaknesses include limited training in this type of operation, poor logistical support systems for sustained and widely deployed actions, poor communications, a lack of air and ground mobility, and a diversity of obsolescent equipment. For example, all-out terrorist drives in Venezuela in 1963 were aided by the fact that five separate policing forces shared jurisdictions within the capital city. With U.S. assistance, a joint operations center was established and police capabilities have since improved considerably.

Another limiting factor is the universally short term of service for conscripts. The mass of enlisted men in some countries serve only 6 or 8 months, allowing little time for acquiring professional military skills. Because of the frequent early discharge of the conscripts, the armed forces may be at only half strength for several months each year.

VI

While the problem of training of subversives by Cuba has so far been confined to Latin American countries, a distinct possibility exists for an increase in Cuban training of Africans for subversive purposes.

It could manifest itself in a variety of ways, including, for example: (1) An increase in travel by Africans to Cuba for political indoctrination and for training in guerrilla and subversive activity;

(2) An increase in Cuban propaganda directed toward Africa; and

(3) An effort to expand Cuban diplomatic representation in Africa.

The possibility also of Cuban arms and funds being sent to Africa cannot be excluded.

VII

The Soviet Union, rather than Communist China, still supports Cuba—economically, politically, and militarily.

Without its direct financial support in the form of hundreds of millions of dollars annually, Cuba's economy would be flattened. Also, Cuba is dependent on the Soviet Union and its satellites for its military equipment and spare parts. There is nothing to suggest that these contributions will diminish materially in the foreseeable future.

Politically, Cuba continues to be influenced by the Soviet brand of communism. Militarily, Soviet advisers in Cuba constitute a substantial degree of Soviet influence and the ability to exert leverage. To allow Cuba's collapse would substantially diminish Communist influence throughout Latin America.

VIII

The Communist program for the subversion of Latin America, directed and financed through Castro's Cuba, with specific countries as principal target areas, continues to be a direct and serious threat to the solidarity of the Western Hemisphere.

It is apparent that neither the United States nor our colleagues in the OAS can afford to become complacent or avoid making a still greater effort to meet the increasing danger. Regrouping of Communist forces is taking place in all of the Communist and Communist-affiliated parties in the hemisphere and new evidences of activity are visible almost daily.

IX

Despite efforts on the part of the executive branch to discourage trade with Cuba by our allies and by countries of the free world, there is substantial evidence that such commerce continues.

Free world flag vessels arriving in Cuba since January 1, 1963, numbered 214, with a gross tonnage capacity of 1.5 million tons. Since the first of the year (through March 1965) 39 free world flag vessels arrived in Cuban ports.

Mr. Speaker, based on these findings, arrived at from the testimony of witnesses familiar with the threat posed by Communist operators in Latin America, the House Subcommittee on Inter-American Affairs made the following recommendations:

RECOMMENDATIONS

I

The United States should take appropriate steps as a member of the Organization of American States (OAS) to develop a more positive and aggressive approach to the whole problem of Communist subversive activities in the Western Hemisphere.

The subcommittee is deeply concerned with the evidence it has received regarding the step-up in subversive activities, prime target areas, and the major deficiencies limiting counterinsurgency capabilities in Latin America.

The subcommittee notes with favor the OAS meeting of consultation of the foreign ministers scheduled for May of this year in Rio de Janeiro. The principal subjects on the agenda are the strengthening and functioning of the inter-American system, measures to improve the functioning of the Organization of American States, and a study of the relationships of the Council with its various organs as well as the functioning of these organs. The subcommittee expresses the hope that the danger to the internal security of the member nations—to the very existence of their forms of government in some instances—will not be overlooked.

II

Measures should be taken by all parties at interest, particularly in those countries which have been identified as prime target areas for subversion, to protect more adequately the lives of U.S. Government personnel, as well as properties of the United States.

The subcommittee condemns the wanton attacks on U.S. embassies and libraries and the bold kidnappings of U.S. officials in Latin American countries. The protection of U.S. property and personnel abroad deserves active and primary attention. Since evidence received by the subcommittee indicates Communist insurgency efforts will increase rather than diminish in the months ahead, the protection of U.S. personnel and property should be a matter of increasing concern.

III

U.S. aid, in the form of military assistance to Latin American countries, should place increasing emphasis on materiel for local military units in civic action projects. Also, the training of Latin American military personnel in the United States should be continued, since it has proved highly beneficial in the fight against Communist aggression in the Western Hemisphere.

The subcommittee found during its hearings that the civic action program has improved the image of the military in Latin America by manifesting the interest of the military and the armed forces in the well-being of the people. At the same time it tends to lessen the vulnerability of the civilian population to subversive efforts.

Training of military personnel from Latin American countries in the United States provides a better understanding between United States and Latin American military personnel.

The subcommittee received testimony that the prime target of subversive elements in the military forces of our Latin American neighbors is the enlisted man. It also could prove advantageous for the countries of Latin America to direct some additional efforts toward vocational projects aimed at improving the abilities and skills of the enlisted man so that he may take his place in the community at the end of his military service.

IV

The United States should be prepared for increased requests for support in personnel and materiel to counter effectively the tactics of Communist insurgents.

In view of the present and increasing danger posed by Communist subversive terrorists in certain Latin American countries, a need exists to step up the capability of the people, as well as that of the local authorities, to deal with this threat.

V

Increased efforts should be made by the executive branch, both unilaterally and multilaterally, through the Organization of American States, our NATO allies and the free world community, to discourage trade with Cuba.

Mr. Speaker, in noting the Communist reversals that have taken place in Latin America in the past 12 months, let me again reemphasize the present and increasing danger posed by Communist subversive terrorists in that area. The United States and its Latin American allies must be prepared to deal firmly with this threat. Only in this way can our inter-American system survive and flourish.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from California.

Mr. MAILLIARD. I thank the gentleman from Alabama for yielding to me and I want to join him in this commemoration of the 75th anniversary of the Pan American Union and the Organization of American States.

Also, I should like to compliment our chairman on the hearings that we recently concluded, as well as those of 2 years ago. It is my opinion that this has enabled people who are interested in this very important subject to obtain information in continuity through the efforts of our subcommittee.

I would like to ask the gentleman from Alabama if he would agree with me that in our committee report, on page 3, where we set out the risks as we see them as they exist today is well worth the time of every Member of Congress to read and to be aware, as the committee was made aware, of the things that developed from the meeting in Havana last November of the Communist Parties throughout Latin America—I would like to ask the gentleman if he would not anticipate—I notice in his statement he emphasized the particular target countries which were revealed at this meeting in Havana—that we could expect direct terrorist activities to step up in these named countries?

Also, if I remember correctly, our information was that the Communists agreed to renew their effort in those countries other than the direct target areas, and they expected to be able to step up their activities in hiding behind political popular front organizations.

I would think it would be just as important for us to be alerted to this plan to once again attempt to hide behind popular fronts by the Communists in those countries where it does not appear that the Communist Party is politically popular for the moment. These are leftist groups that might make up a popular front which might enable the Communists to operate politically in those countries.

Mr. SELDEN. I thank the gentleman from California, the ranking Republican member of the Subcommittee on Inter-American Affairs, and I concur in the conclusions he has reached. While the communique that was issued in connection with the meeting in Havana—incidentally, this communique is printed in the appendix of the report—emphasizes the fact that certain countries will be primary target areas, there is no indication there will be any decrease in the emphasis on Communist activities in the other countries of Latin America.

Mr. MAILLIARD. It seems to me that one of the things that came out of the examination of this picture is, as the gentleman so well asserted in his statement, in countries like Brazil where if we go back a year or so the Communists were on the verge of success, and Chile, in a very critical state until the recent election, in these areas, is where the Communist cause seems to have suffered a setback politically. I think we should be alerted to their effort in this regrouping of their activities and reorganization on a hemispherewide basis of their political activities that may be pretty well concealed, and will not openly admit that they are a part of the Communist organization.

Mr. SELDEN. I thank my distinguished colleague from California and agree that we should be extremely alert, not only the United States, but the other countries of the OAS as well.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman from Alabama for yielding. I certainly want to join in the remarks he has made commemorating this very important day. It has been a privilege to serve on the gentleman's Subcommittee on Inter-American Affairs. I especially note the continuity of interest which he has maintained and which the subcommittee is maintaining. The distinguished gentleman from Alabama [Mr. SELDEN] is very conscientious, dedicated, and well informed. He continues to make significant contributions to the foreign policy of this country.

The report which has just been released by the subcommittee is one that is very well balanced. I want to commend the gentleman from California [Mr. MAILLIARD] for making the point that while we have every right to be reasonably pleased at the progress made in Latin America in the last year—certainly a great deal more than had been anticipated—nonetheless pressure is still on. The Communists certainly have every plan to increase their activities in the entire area.

It is interesting to note, too, that the Russian Communists at the meeting in Havana in November announced that they are out to regain or recapture control in Latin America in this struggle between the Russians and the Chinese. The fact is that the Russian Communists have pursued the struggle in Latin America and have, interestingly enough, adopted Chinese methods. This is a significant change in the Communist tactics in Latin America, that is, the Russians are seeking to consolidate their position and to make the drives, and in doing so have, in effect, adopted the Chinese pattern of increasing terrorist activities and violence and the use of the popular-front device.

The inter-American system as we celebrate its 75th anniversary has come a very long way, yet I think the turning point was in 1960 in many ways. Perhaps the principal reason was that both political parties in the United States recognized the tremendous importance of Latin America, not only to the United States but to the entire free world; and that we were no longer content to sit back as passive bystanders enunciating high-sounding platitudes about the free world movement and the involvement of the Latinos in that movement.

We, the United States, in 1961, with the dramatic announcement of the Alliance for Progress, became intimately, personally, and directly involved with the Latin Americans themselves in trying to bring about the political, social, and economic evolutions and revolutions necessary in Latin America, and tie them in with our destiny and with the destiny of the free world.

This, Mr. Speaker, in my judgment is the electric change which has captured the imagination of North and South Americans and, indeed, the free world, and is the most significant advance made by the inter-American system since it began 75 years ago or since Simón Bolívar first announced the idea that Americans ought to get together to do those things which were in their best joint interests.

I think it is very important for us on this day of observance also to point out that notwithstanding the fact that we in the United States have become more directly and intimately involved, the truth is that the Latins themselves now recognize this and have recognized it for several years. The results of that recognition have been really heartwarming, not only in terms of the Communist reversals, which are set forth in our report, but in terms of actual progress toward the objectives which President Johnson seeks to achieve in both North and South America. In terms of broad economic development, of social changes, or of political evolution, we must say, notwithstanding the tremendous problems which confront the people of South America, such as their fantastic and phenomenal population growth, notwithstanding the pressure of the Communists, notwithstanding the inherent political problems that exist, that together we have made phenomenal progress in a short time, and we have every reason, giving due recognition to the problems that exist today, to look to the future with great optimism.

Also, Mr. Speaker, the point needs to be made, that while the United States in its Alliance for Progress programs and other programs is very much involved in Latin America, there is increasing recognition on the part of the Latin Americans themselves that their problems can be multilateralized and notwithstanding that every one of those countries is individual and sovereign they have worked together better than has happened in the past. Furthermore notwithstanding the very substantial financial assistance and contribution in terms of Government funds of one kind or another which come out of this country, I emphasize again that the great majority of funds necessary to carry out the broad objectives of this tremendous program must come from private funds as well as from public sources within Latin America itself. The essential remaining ingredient in addition to the money, has to be the willingness, the spirit and cooperation of the Latins themselves. This they have demonstrated. They have demonstrated it politically. They have demonstrated it economically. They have demonstrated it by the adoption of self-reform programs which only a few short years ago we on this floor thought would have been impossible of achievement.

Therefore, Mr. Speaker, I believe that we can say today on this 75th observance of the creation of the inter-American system that, indeed, we do have an Alianza para Progresso—an Alliance for Progress—in which the peoples of North and South America show to all of the world that together we can achieve common objectives to assure the things that both of us really desire, which is our own strength, our own liberty, our own freedom and our own fulfillment in life.

Mr. SELDEN. I thank my colleague, the gentleman from Florida, who is an extremely able and well-informed member of the Subcommittee on Inter-American Affairs and who always makes a very fine contribution.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from California.

Mr. HANNA. I simply would like to underscore the remarks made by the gentleman from Florida which I think were very telling and quite true. I would say to the gentleman also, I think a great contribution has been made in the establishment within the leadership of South America of a confidence in themselves as equals in negotiations and with the relationships to the United States, and as that confidence has built up in the leadership, it has also begun to be imbued in the people themselves. When they have that confidence which really is the basis for the dignity that is necessary for people to move and work together, we will really be making progress in the spirit in which it was meant to be when we established the alliance.

Mr. SELDEN. I thank the gentleman.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I take this time not to oppose but to confirm my support again as I have in the past. But I think we ought to take note perhaps of some of the events that have taken place toward the beginning of our relationship with our hemisphere neighbors.

I just note from the export-import papers that Brazil has just sold to Red China 1 million tons of wheat for sterling dollars and would not disclose the price. The assumption of the person who wrote the article was that the price was probably at a base below the world price.

Brazil has also announced a negotiation with the Soviet Union for an undisclosed amount of wheat to be paid for by barter, by oil, machinery, and fuel.

In both of these transactions we in America have a very vital stake. It is very important that we continue to work with our hemisphere neighbors and to try to achieve that understanding that the gentleman now addressing us in the well of the House has worked so hard to try to achieve between the Latin American countries and our Nation. However, I believe it is incumbent upon the nations to which we are giving of our substance and our aid all along the line that they take into consideration the impact of whatever maneuvers and whatever trade and whatever policies that they follow in the world or in international trade, which maneuvers and trade and policies can undermine for us some of the great progress that we have been making in other areas of the world.

I say that this should be looked into. It should be investigated. We ought to find out exactly what happens and whether American dollars are being used to foster trade in an indirect manner with those whom we are avowed to see do not disrupt the peace of the world.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. Mr. Speaker, I wish to take this opportunity to compliment the gentleman from Alabama. I doubt if there is another Member of the House who works harder or longer than the gentleman from Alabama. As chairman of the Subcommittee on Inter-American Affairs, he has done an outstanding job, and he deserves praise and appreciation all over our great American hemisphere.

Mr. Speaker, I have a sentimental interest in Latin America. Some of my dearest days were spent in Nicaragua when I was a boy. Later I was in Cuba during the war for the inspection of that beautiful island. Nicaragua and Cuba are inbedded in my heart close to my own country, the United States.

I have always believed that the closest and deepest interest of the United States was in Latin America and in Africa. I know there are freedom's interests in the Far East, and involvements there, that cannot be dismissed, but I believe our immediate, direct, and most meaningful interest is in Latin America and in Africa.

The shortest crossing of the Atlantic Ocean is from Africa to South America. This fact I would say stresses the closeness of the interest of our country in Latin America and in Africa.

The countries of Latin America and of Africa produce many of the same commodities. The pressing need is for some workable system of stabilization. I know this involves a big problem, but what is needed for the benefit of our Latin-American neighbors, for our own benefit, and for the benefit of our neighbors in Africa is a stabilization program. We have to work it out. I know it will be difficult. We have had difficulty in our own country with our agricultural program, but unless we had worked out an agricultural program what would have happened to the economy of the United States?

Mr. Speaker, I was in Nicaragua in the year 1895. I attended a public school there, and the young man teacher stood in the rear with a ruler. We studied out loud, and if we did not shout loud enough the teacher rapped us over the head with that ruler. My Spanish was literally knocked into my head, and later I found it was not very good Spanish at that, a mixture more Carib Indian than Spanish.

I mention this because I have recently been rereading a book on the Nicaraguan Canal written by Henry Isaac Sheldon in 1895 in which he states that the population of the entire State of California at that time was about the same as the population of the city of Philadelphia. If within my lifetime, California has grown to such giant proportions, what may be ahead in the lifetimes of my younger colleagues? For one thing I am confident, within another half century the powers and the glory and the might of all the Republics on the American Hemisphere will have multiplied a hundredfold and among the largest cities in all the world surely will be one in Latin America.

Again I compliment the great chairman of the Subcommittee on Inter-American Affairs. I am privileged and happy to be here on the thrilling occasion of the 75th anniversary of the Pan American Union.

Mr. SELDEN. Mr. Speaker, I thank my colleague from Illinois for his very kind remarks. I would like to add that he is a very able member of the subcommittee of which I am privileged to be chairman. Since my colleague from Illinois has mentioned price stabilization, I am certain he would want me to point out that one of the findings in the subcommittee report deals directly with this subject. Finding No. IV states:

> In Latin American countries, which depend on one or two major commodities for their export earnings and their foreign exchange, a stabilization of prices is important to the economy, and hence, to successful efforts to combat communism.

Mr. Speaker, I yield to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I, too, want to join with my colleagues in commending the gentleman from Alabama [Mr. SELDEN] and his committee for again bringing to the attention of the House this very significant day and particularly so this year, the 75th anniversary of our Pan American organization. I am particularly impressed over the years here with the significant work the gentleman from Alabama has done in trying to develop a broader and more favorable policy as between our country and our neighbors to the south and particularly his strong efforts in trying to do something about Cuba and the tyranny of communism which exists there.

Along with my own colleague the gentleman from Florida [Mr. FASCELL], who is a member of this committee, and the activity which he has also exhibited in this field is something which I should make note of at this point. This would not be a Pan American Day in the House, certainly, if our old friend Father Thorning were not here to participate. It is good to acknowledge his presence here today and the contribution which he has made in this field.

However, today I am particularly interested that as we see an escalation of events in North Vietnam, with Communist expansion attempted in that area, we do not forget that Communist tyranny still does exist in Cuba and that something must be done about it. We must remember and be sure that we do not push into the background a solution of the problem of Cuba because we are devoting so much time and energy to the solution of the problem in North and South Vietnam. Certainly the Pan American organization—the Organization of American States is a proper group to do something effectively about this problem along with our own country through the efforts we are making in this direction.

Certainly the committee and the subcommittee chaired by the gentleman, and this House, have taken very effective action in helping to crimp Castro's method of operation. The economic blockade has put his economy in bad shape. But so much more can be done if we get greater cooperation even among the countries who comprise the Organization of American States. I think it is encouraging that they have gone along in so many ways toward this end, but so much still needs to be done. On the 75th anniversary of this group, I think, if we can encourage even greater cooperation by the Organization of American States—and certainly this committee handling such legislation can be a spearhead for this—then I am certain that we can see the end of Castro. We already have some reports that the Cuban Militia is upset and there is unrest there. We have had recent reports of killings that Castro has had to carry out because of this unrest. Also we have received reports that there is increased training of subversives who are designed to fan out into this hemisphere. Let us not forget that we must solve the problem of Cuba in this hemisphere.

Pan American Day 1965 is a good day on which to dedicate our renewed efforts to bring this problem again to the forefront of this Nation and to work toward a solution of it by all of the nations of this hemisphere.

Mr. Speaker, I include as a part of my remarks a very fine article written by Mr. Ralph De Toledano, of the Pompano Sun-Sentinel entitled "We Invite Disaster by Ignoring Castro":

WE INVITE DISASTER BY IGNORING CASTRO

(By Ralph De Toledano)

For many Norteamericanos, Cuba is a subject of little interest these days. But for the citizens of Latin America, Fidel Castro is a lively topic. Take, for example, the people of Colombia. They are the recipients of Communist largess, to the amount of some 750 highly trained underground operatives.

These men are Colombianos who slipped out of their country and took intensive training in Castro's Cuba. They were taught such subjects as the techniques of political agitation, guerrilla warfare, incendiarism, and kidnaping—then sent back to their homeland to work for the overthrow of the government.

If 750 trained lawbreakers and subversives seem like a small number, consider what they were able to do in the past year.

Castro-trained operatives in Colombia kidnaped 123 farmers. It cost $900,000 to ransom them.

Acts of violence against the people and the government have become the order of the day. The government has said: "It is clear from the evidence that we are dealing with a serious and well organized attempt to overthrow Colombia's constitutional government."

Acting as an agent for Red China, Cuba is now deep in the narcotics traffic. Puerto Rico is the way station for larger and larger shipments of marijuana and heroin, the latter from Red China. In the past months, for example, two Cubans were seized in New York with $3 million worth of cocaine in their luggage.

In this traffic, the Cuban delegation to the United Nations has been acting as a cover. The same delegation has worked with Castro terrorists in the United States. Most people no longer remember that as far back as 1962, New Jersey police arrested a Cuban gang which had plotted the sabotage and destruction of oil refineries in that State and warehouses in New York. The arrested Cubans were found to be part of the "entourage" of President Dorticos, of Cuba.

Whenever an important Cuban official arrives in the United States for a visit to the United Nations, he brings with him a group of trained saboteurs who somehow never return to their own country. These men engage in the various undercover and subversive activities demanded of them by the Red Chinese and the Kremlin. Sabotage and drug peddling are but two of those activities.

It is not only the Colombians—or Latin Americans of the other republics—who have reason to feel concern over the depredations of the tinpot traitor in Cuba. Acting alone, he would be no threat. But he has the money, the know-how, and the muscle of the Chinese Communist regime and the Soviet Union behind him.

If we allow ourselves to forget the peril that Castro represents, we are inviting disaster. The drugs being poured into Puerto Rico can destroy the thriving economy of that island—and enslave thousands who will be compelled to become Castro agents in order to satisfy their craving for heroin.

Mr. SELDEN. I thank the gentleman from Florida whose sincere and constructive interest in the nations of Latin America is well known to all of us.

Mr. Speaker, I now yield to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Speaker, I thank my very fine colleague from Alabama for yielding to me at this time.

We do so thoroughly appreciate the work that you are doing as chairman of the Subcommittee on Inter-American Affairs, and I am most happy to join with my colleagues in thanking you for it, and also in expressing my own sense of the very real need which exists for us not to forget what is going on in this hemisphere. We know that our opponents have a way of being very active in one part of the world in order to draw attention to that part thinking that we will forget the other things they are doing. I think the South American and the Cuban situation particularly are vastly important, and this has been demonstrated lately. I should hope very much that many people will read this little report on communism in Latin America. It is very well done and very thoughtfully done, and I think with an eye to the future. Who knows but what we may be standing alone in this hemisphere unless Latin Americans realize the danger and join us in this effort and permit us to join them.

Some of us have felt that we Americans, when we go out, do not listen enough to what the other people are thinking. We are too anxious to tell them what we think. Perhaps we do not think quite straight always; perhaps we would think a little differently if we listened to them in the first place.

So I want to thank the gentleman from Alabama [Mr. SELDEN] for the work he is doing in getting us to see the other point of view, to realize how very serious this whole matter is and to set up ways and means—a little here and a little there, but big in the whole accounting—to understand the countries of South America, but most of all the people of South America. The world is made up of people.

We can understand each other if we make an effort to do so.

So again I thank the gentleman very much for giving me these few moments to take part in this celebration of Pan American Day here on the floor of the House.

Mr. SELDEN. Mr. Speaker, I thank my distinguished colleague from Ohio. I am sure she will agree that if we cannot win the battle against communism here in our own hemisphere, it will be extremely difficult to do so in other and more remote areas of the world.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to join my colleagues on both sides of the aisle in complimenting the gentleman from Alabama [Mr. SELDEN] for the leadership which he has brought to this particular problem and the constructive nature of that leadership. I think it can truly be said that the gentleman from Alabama [Mr. SELDEN], supported strongly by his committee, has been one of the strongest factors that we have had in the gains that we have made in this hemisphere against the Communist threat. I believe this publication which has just been made available to the membership, "Communism in Latin America," which I have in my hand at this time, is an example of that constructive approach because the committee has not contented itself merely with pointing out difficulties and pointing out problem areas, but it has given constructive suggestions and ideas for ways in which we can help to roll back this Communist threat in Latin America and throughout the Western Hemisphere and to entrench firmly and solidly freedom and free enterprise throughout this part of the world.

Mr. Speaker, I think that this annual series of talks which occurs on the floor of the House serves a very useful purpose in highlighting the positive things that are part of the overall picture. I should like to compliment the gentleman from Alabama for his leadership in making this discussion possible today.

Mr. SELDEN. Mr. Speaker, I thank my able and distinguished colleague from Oklahoma for his very kind remarks.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield to me once again?

Mr. SELDEN. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Speaker, I think it might be worth while, as we get near the windup of this annual discussion, to point out to those in the House who may not know, that the distinguished gentleman from Alabama and I were privileged last summer to act as advisers at the first and only meeting, as far as I know, of the Inter-American Foreign Ministers ever held in the city of Washington. And, I am sure he was impressed, as I was, with the very superior quality of our delegation and representatives to this meeting. I am speaking, of course, of Mr. Rusk, Mr. Mann, and Mr. Bunker and their assistants.

Mr. Speaker, I believe that this is appropriate since we are celebrating here the 75th anniversary of the inter-American system to call a little bit of attention to something to which insufficient attention was paid at the time, and that was the tremendous success of that meeting last July where for the first time the Castro government was really put in coventry by its fellow Latin-American governments.

Mr. Speaker, this represented, to me at least, a very encouraging sign of the growing effectiveness of the Pan American system as it has evolved over the last 75 years.

I thank the gentleman from Alabama for yielding.

Mr. SELDEN. I thank the gentleman from California for calling the results of this important meeting to the attention of the House because I, too, feel that the job done by Assistant Secretary of State Thomas Mann, by Ambassdor Ellsworth Bunker, and by Secretary of State Dean Rusk in that conference was outstanding and that the steps we took at that time have brought to the inter-American system a number of advantages in its fight against Communist infiltration in the Latin-American area.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Florida.

Mr. FASCELL. I think the observance certainly ought to close on an optimistic note—and that will not be my task as I assume the chairman of the subcommittee will do that—but I believe as we discuss this matter I would like to take this time to emphasize a couple of points that have been made by the subcommittee.

There will be found in the report—and I trust the Members will find it an interesting one—an entire section on the ideological offensive in Latin America as contemplated and conducted by the Communists. This is the new warfare, the new emphasis, the new battleground for the United States. I would like to read just one very short paragraph from the hearings and the testimony of the Deputy Director of the Defense Intelligence Agency in which he says:

> The Communists subversion campaign incorporates the exploitation of nationalists and ultra-leftist groups, dissemination of propaganda, attempted infiltration and neutralization of the armed forces, intensive ideological indoctrination, development of aggressive forces through guerrilla training and active insurgency in some countries.

Mr. Speaker the plain portent is that we are confronted very determinedly with a new type warfare. This the subcommittee in its report has pointed out and I emphasize it. We have also said that our Government is taking appropriate action with respect to this new type warfare but we have recommended those areas in which we believe further emphasis or effort is necessary.

Mr. SELDEN. I thank the distinguished gentleman from Florida.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SELDEN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I would like to join with the gentleman from Alabama in his excellent statement.

I believe the subcommittee has made real progress and it is to be complimented upon its effective efforts.

I would like to further point out that these people in Latin America are our second best customers and if we all work for progress it will mean progress and success for all of us, including our country and the countries of Latin America.

Mr. SELDEN. I thank my distinguished colleague from Pennsylvania.

Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. McCORMACK. Mr. Speaker, today, as we celebrate the 75th anniversary of the founding of the inter-American system, we take time here to appreciate the significant successes of this hemisphere in combating age-old dilemmas with new vitality. The relatively simple purpose for which the Pan American Union was first established—to foster greater trade within the Americas—no longer suffices nor dominates our hemispheric concerns. Rather, we have continually expanded the role of regionalism in the Americas, to the point where it is the most comprehensive, effective, and positive of international institutions designed for the solution of continental problems.

We are constantly made aware of Latin America's importance to the United States. We all know of Latin America's strategic and commercial significance. But, what we too often take for granted, is the pattern we set in the Americas for international relations throughout the world.

All the elements for international difficulty are present in this hemisphere: distinct differences in language, customs, ideologies, race, and economies; and great disparities in power could produce insuperable strains on the functioning of the system. Yet, the principal ends for which the Organization of American States stands—the preservation of peace, social and economic development, human rights, and continental security—have, in recent years, taken precedence over temporary dissension.

We are reminded of the remarkable extent of continental cooperation when we cursorily review some of the past year's important events. On the grand scale, we see that the promise of the Alliance for Progress is, despite tremendous obstacles, being fulfilled. Social and economic indices of progress indicate that the past year has been one of the most dynamic throughout Latin America. Per capita income rose at a rate greater than the goals we once projected. Housing, still a key problem, is being tackled by labor unions and other institutions concerned with basic investments. Health facilities and education are expanding to meet increasing demands. Our efforts, of course, must not cease with the accomplishments of 1 or 2 or even 10 good years; we should begin to look at the goals of the Alliance for Progress as real and attainable. We should take steps, together with our Latin American allies, in the wars against poverty, oppression, and injustice, to make the Alliance a permanent feature of our inter-American relations.

Last July cooperation for security became a fact when the American nations voted to suspend their diplomatic and economic relations with Cuba. All but one nation has complied with this remarkable show of solidarity and purpose. Though, as inevitably must happen, some compromise was required to effect combined efforts, the result was a firm and notably far-sighted agreement which effectively isolates Cuba from the Americas. The wisdom of this course of action has been confirmed by the rapid decline of Castro's image. No longer the image of the oppressed, Castro today stands as a hollow symbol of communism's inability to create domestic miracles and its capacity to produce international crises.

The firm, wise, and judicious attitude of the Organization of American States when confronted with the Panamanian dispute enhances its reputation and increases confidence in its ability. Where else, but in the Council of the Organization of the American States can one expect to find amicable, just, and thoughtful resolution of inter-American tensions?

As the hemispheres' security and inter-American harmony increase, we can expect that our example will be studied throughout the world. Then, the deeds of this continent shall encourage others while fulfilling the promise for which it was constructed.

As President Kennedy once wrote, the Bolivarian legacy has signified to all the Americas the need "to protect their heritage of freedom from alien encroachment, to realize to the fullest the spiritual and material greatness of their nations, to extend to all Americans the benefits of freedom and social justice, to make common war against poverty and sickness and human inhumanity to man."

Mr. McVICKER. Mr. Speaker, it gives me great pleasure to add a few remarks on the significance of Pan American Day. As you know I have the privilege of serving on the House Subcommittee on Inter-American Affairs, and we have quite recently finished our report on communism in Latin America. In the report we tried to document several recent developments which may have great repercussions on the future of Latin America.

Particularly, we are alarmed by a secret meeting held last November, by many of this hemisphere's Communist leaders. As you can imagine, the major topic discused was how subversion could be stepped up throughout the Americas.

Singled out for special programs and emphasis were the Governments of Colombia, Guatemala, Haiti, Honduras, Panama, Paraguay, and Venezuela. Those attending the meeting urged active assistance to so-called national liberation forces in each of these seven countries.

Such is the vision of communism for this hemisphere; subversion, sabotage, chaos, and hardship. It is a frightening vision to contemplate. The 75th anniversary of the founding of the inter-American system gives us an opportunity to reflect upon an alternative vision for the Americas—a vision of progress, justice, and peace. Recently, this country, in cooperation with the countries to the south of us, has been striving with renewed effort toward these goals. Today, I would like to describe briefly some impressive developments in the inter-American system which represent significant steps toward the achievement of these goals, and to indicate some areas where improved efforts should be made.

Private enterprise has a constructive role to play in the development of Latin America. Foreign investment in Latin America increases the technical and managerial skills available, overcomes serious obstacles to rational allocation of resources, and develops a sound basis for development decisions. I welcome the interest of our Agency for International Development in increasing the availability of investment guarantees to U.S.-owned businesses operating in the less developed countries. Means to attract long-term institutional lenders should be encouraged, particularly as debt servicing becomes an increasing barrier to development. Tax credits, also, would significantly add to private U.S. investment in these countries. Numerous other programs assist investors: for example, loans to private enterprise, financial support for feasibility studies, and guarantees against convertibility, war, and expropriation. Response to these programs has been generally encouraging; but continued promotion of these opportunities for the American investor is essential for continued growth in Latin America. The Brazilian-American Investment Guarantee Treaty, signed this past year, constituted another important step forward in this kind of cooperation between the United States and a sister American Republic.

As never before, the American labor movement is increasingly active in Latin American economic and social development. Private firms, labor unions and AID sponsor vital programs under the aegis of one organization, the American Institute for Free Labor Development. The AIFLD is currently involved in investing $94 million for social projects in 13 Alliance nations. These projects are creating and expanding facilities of credit unions, workers' banks, consumer and producer cooperatives, medical clinics and rural development programs. Badly needed housing has received the careful and sympathetic attention of allied unions.

Civic responsibility has long been lacking in Latin America. During the past year Latin Americans have become increasingly aware of the necessity for improving their attitudes on constructive citizenship. One means of supporting this development is through the various exchange programs run by the State Department. Constructive critics complain of the lack of originality, and fear of controversy which motivate many of those administering our exchange-of-persons programs. These defects are particularly grievous in Latin America where we are perilously close to ending a meaningful dialog with the region's important intellectuals.

Another trend deserving our attention and support is that toward increasing civic responsibility for Latin America's military. In nearly every country in this hemisphere, the military can play an important role in strengthening the infrastructure necessary for future development. Transportation, health, and education facilities, and even marketing programs have received important help from the armed forces in many Latin American countries. Through civic action programs we must increase our efforts to make the military a constructive participant in Latin America's progress.

Meaningful fiscal reform, a necessity for viable public investment in Latin America, is finally making an appearance in Latin America. Tax evasion, for the first time in most Latin American countries, is being made a crime. Before the Second World War, privately run companies collected taxes on a commission basis in most of Latin America. This system, as you can imagine, led to gross inequities and opportunities for graft. Progress in the means of tax collection has a long way to go in Latin America. But encouragement from the United

States, principally in the forms of technical advice, and of supervision by the various organs of the Alliance for Progress, can do much to provide more efficient and more equitable means of raising public revenues.

From this brief description of some of the necessary programs already underway in the hemisphere, and of some of the areas where our efforts can well be increased, we gain an idea of the vast responsibilities this country has assumed in the leadership of the Americas. We also gain an idea of the important role Congress has played and must continue to play in weighing measures that affect the life of the nations to the south of us and affect the future of the inter-American system. Our power, our respectability in the family of nations, our democratic ethos, and our genuine concern for the development of other nations, give us magnificent opportunities to assist those nations which desire our support and have the will to match our support with their own efforts. Today, we must not only applaud the cooperative endeavors of the past; we must also rededicate ourselves to the success of the cooperative endeavors of the future. Only thus can the inter-American system flourish and prosper in the years to come.

Mr. FLOOD. Mr. Speaker, those of us who have special interest and affection for Latin America salute the ideals and reality of Pan American Day. Today marks the 75th anniversary of the establishment of the inter-American system's first formal body. Since April 14, 1890, the concept of cooperation in the American Continent has been many times strengthened with positive and meaningful acts.

Our concern for events in Latin America grows constantly. On the one hand, we are alarmed by the boldness, immorality, and violence attending communism's attempt at subverting this hemisphere. With the securing of Cuba as its base, Communist infiltration is a fact of life in nearly every one of the American nations. The defeat of a Communist-supported candidate in Chile last September was a glorious victory for democratic principles. No doubt, Castro's tarnished image is quickly becoming a liability to the spread of communsm. Yet our constant vigilance is called for. Brazil's patriotic military managed to frustrate well-laid plans for what would have been a Communist takeover of Latin America's largest country. We have had ample warning; we must take ample precautions to secure this continent from external threats.

On the other hand, we are heartened by some magnificent achievements of recent years. Our confidence in the peaceful development of Latin America has been justified. During the past year, economic growth in Latin America exceeded original projections, education received considerable public and private investments, trade between the Latin American nations was further expanded, and industrialization continued its rapid increase. We can be proud of such events, since the United States has taken the lead in the creation of such institutions as the Inter-American Development Bank, and its sister institution, the Social Progress Trust Fund, and CIAP—the Inter-American Committee of the Alliance for Progress. These regional institutions, along with the United Nations Economic Commmittee for Latin America, have great responsibilities for funneling development loans, requiring efficient planning, and stimulating private enterprise in Latin America. Our concern for the manner in which they discharge their several functions must increase with their burgeoning responsibilities.

By no means is the battle over, Mr. Speaker. We must recognize that there are those who gain from stagnated econamies, social injustice, and economic nationalism. Our interests, in the long run, lie in positive achievements. We here in Congress, and Americans everywhere, should reflect on the meaning of Pan American Day, as a time when we pledge our friendship and cooperation with the vibrant peoples of the American Continent.

Mr. RYAN. Mr. Speaker, today we mark the 75th anniversary of a modest, yet fruitful event: the founding of the Commercial Bureau of the American Republics. This organization—as its name implies—was devoted to fostering better commercial relationships among the hemisphere's nations. Looking back on this small beginning, we are struck with how much has been accomplished in uniting the policies and goals of this hemisphere's diverse nations.

The inter-American system has evolved from a small organization designed principally to stimulate trade between the United States and Latin America to a truly multilateral institution which fosters economic and social advancement, the maintenance of hemispheric peace and security, increased appreciation for the diverse cultures which bless the Americas, and political cooperation in fields as diverse as sanitation and postal service.

Viewed dispassionately we can assert with sincerity that since 1890 the United States role in increasing hemispheric harmony and progress has been a positive one.

Others have said that Latin America is the vital area in the world as far as U.S. interests are concerned. Nearly $4 billion of our exports go to Latin America and many of our most crucial raw materials come from Latin America. Our security planning can be predicated on a faith in the continued friendship of our northern and southern neighbors. Despite the occasional tensions which inevitably intrude on the best of friendships, we know that Latin Americans share with us a common faith in democracy and a concern for economic and spiritual needs of man.

Since April 14, 1890, it has become axiomatic that cooperation can achieve more in this hemisphere than coercion. North and Latin Americans have come to accept agreement as a natural process in their continental policies. When we contrast this with other continents, other power configurations, other regional institutions conceived for similar purposes, we realize how much has been accomplished and, perhaps more importantly, how much more we can expect to achieve.

In the past few years our Latin American policy has become popularly synonymous with the Alliance for Progress. This is fitting, if not wholly accurate. So much of our success in our relations with the nations of this hempishere depends on the social and economic progress they achieve, and the dignity they enjoy in directing these twin processes.

The Alliance for Progress has turned the corner in Latin America. Throughout the hemisphere countries are improving their economies, planning for social and economic development, broadening the base of political consciousness, and developing new hemispheric concerns. These developments were outlined only 3 weeks ago, in the fourth annual report of the Social Progress Trust Fund of the Inter-American Development Bank. Noting some of the encouraging growth statistics, the Fund further reported on some of the remarkable progress made in education, housing, sanitation, and health.

Heartening for their longrun significance are the changes in the institutions of Latin Americans. Even governments which have come to power by military means are showing new concern for social and economic development. Concerted self-help programs are underway to transform hitherto subsistence agricultural areas to profitmaking farms by building roads, forming cooperatives, buying fertilizers, and improved seeds. In all these activities, the people of North and Latin America are joined.

We applaud the progress toward common markets in both Central and South America. Many observers claim that the Central America Common Market is making possible the industrialization of an area which only a few years ago lacked an adequate market, natural resources, trained labor, transportation facilities, and nearly all the other requisites for a modern economy. The situation has changed. Outside sources of investment have greatly aided the development of natural and human resources. All the more important, however, has been the increased confidence of the Central Americans themselves constructing wholesome development of their potential.

Another recent development which augurs well for the growth of hemispheric solidarity is the growing dialogue between the youth of Latin and North America. It was not very long ago that American intellectuals drew almost all their sustenance from Europe. Today, however, we are tapping new-found resources in exporting many of our cultural strengths. Universities, organizations such as the Experiment in International Living, private groups, and cities have initiated well-conceived student exchange programs. The Peace Corps has been particularly successful in Latin America. American volunteers, both young and old, bring productive attitudes as well as skills to other countries. One recalls, with a touch of irony, what some foreign critics once said when the Peace Corps was being formed. To some, this was another "yanqui invasion," bringing American ideas and people in a new type of "coca colonization." The Cuban Government warned that these volunteers were actually American "spies." Of course, nothing of the sort occurred. Aside from its considerable tangible accomplishments, the Peace Corps has created a new image of the United States for many Latin Americans. Side-by-side they work with Latin American campesinos and students alike. These various people-to-people programs have done much to solidify the bases of our enduring friendship with Latin America. Not to be discounted, also, is the experience and knowledge our citizens gain from such activities.

Mr. Speaker, recently we voted to increase U.S. participation in the Social Progress Trust Fund. Measures such as this demonstrate the recognition we, as North Americans, have for intercontinental cooperation in achieving the promise of Latin America. We bear great responsibilities for the economic betterment of Latin America. It is essential that North Americans join with their hemispheric neighbors in their aspirations. Our ideology of cooperation, peaceful change and responsibility for our fellow man should fit well into the Latin American experience. The inter-American system which we celebrate today has been a powerful force for bringing together the diverse people of this hemisphere for a common objective: peace and the dignity of man.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of the resolution which designates this day, April 14, 1965, as "Pan American Day."

Today marks the 75th anniversary of the first Conference of American States which was held here in Washington and from which has developed the bulwark of democracy and freedom in our own hemisphere—the Organization of American States.

Throughout the long life of this organization, which is the oldest of its kind in the field of international relations, we have seen the wisdom of its founders and the need for its stated purposes. Among the essential purposes proclaimed by the charter of the Organization of American States are two which are most familiar to us. These are, first that the Organization is to strengthen the peace and security of the continent, and, second, that it is to prevent possible causes of difficulties and to insure the pacific settlement of disputes that may arise among the member states.

In the effective accomplishment of these purposes, this Organization of 21 American Republics has in recent times presented a solid front against the enroachment of any subversive political philosophy, particularly communism, which has threatened and continues to threaten its member states.

Threats to our continental security and solidarity have taken other forms. The Cuban missile crisis and the situation at Panama, of course, were epic examples.

As we rededicate ourselves on this Pan American Day to the principles which affirm the necessity for peaceful, cooperative action through the Organization of American States, let us resolve to bring to the attention of each of its member states the need for legislation such as that which was recently considered within these very Halls. I refer to legislation which provides aid to education of children born to poverty and which promotes the health and economic welfare of older persons. It seems to me that this would advance in a meaningful way one of the least known purposes of the Organization of American States, and that is, the member states shall "promote, by cooperative action, their economic, social, and cultural development."

It is within the Pan American framework of peace, security and an enlightened and healthy citizenry that the member states, individually and collectively, can continue to observe Pan American Day with ever-increasing significance.

Mrs. KELLY. Mr. Speaker, April 14, 1965, marks the 75th anniversary of formal regional cooperation in the Americas, but the interest of the United States in creating an inter-American system dates far earlier than 1890. In fact, from the very beginnings of our Republic, leading political figures urged hemispheric cooperation to preserve the independence of the New World from European domination and to resolve peacefully tensions among the American nations.

The desire among North Americans and Latin Americans alike for hemispheric cooperation finally came to fruition at the end of the 19th century. In 1889 and 1890 the First International Conference of American States met in Washington. From this conference emerged the first hemispheric machinery for peaceful arbitration of disputes and the first permanent inter-American agency, the Commercial Bureau of the American Republics, later renamed the Pan American Union.

Cooperative efforts in the Americas slowly and gradually grew until the Second World War tested hemispheric solidarity: all the American nations joined forces against the Axis powers. The basis had been laid; solidarity had been tested and proven. In a sense the war was a watershed in inter-American relations, for it sparked intensified efforts at cooperation.

Thus, in the years since World War II inter-American cooperation has been consolidated and inter-American institutions have proliferated into our present-day inter-American system. The Rio Treaty of 1947 formalized our hemispheric defense structure. The Bogotá Charter of 1948 creating the Organization of American States organized the hemisphere into an actively functioning regional political system.

In the years since World War II the inter-American system has developed into a dynamic instrument of hemisphere solidarity, successfully preserving the collective security of the hemisphere against the No. 1 danger today: Communist aggression. Recently the American nations have turned more and more to a set of problems virtually neglected in the early years of inter-American cooperation: the pressing economic and social problems of the hemisphere. The Inter-American Development Bank and the Punta del Este Charter are cornerstones of a vast cooperative effort to improve living conditions throughout the hemisphere.

The first 75 years of the inter-American system have witnessed a remarkable growth in solidarity, particularly during the last 20. The focus of cooperation has changed with the times: from collective defense against European domination to collective defense against Communist aggression. Political cooperation has expanded into economic and social cooperation. But the goals have not changed: a better life in freedom for everyone throughout the hemisphere. May the next 75 years bear witness to even greater progress through hemisphere cooperation.

Mr. BUCHANAN. Mr. Speaker, I want to join with other Members in expressing appreciation for the fine leadership of my distinguished colleague, the gentleman from Alabama [Mr. SELDEN], as chairman of the Subcommittee on Latin American Affairs of the Foreign Affairs Committee. His fine work has been a credit to our State and to our country. Americans of every political persuasion owe him a debt of gratitude for his outstanding contribution in this area of foreign affairs.

GENERAL LEAVE TO EXTEND

Mr. SELDEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, in closing I am sure I express the appreciation of the entire House for the appearance again on this Pan American Day of Dr. Joseph F. Thorning and the very beautiful prayer that he gave in this Chamber.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 75]

Adair
Andrews, N. Dak.
Ashley
Ayres
Baldwin
Belcher
Bolling
Bonner
Bow
Brademas
Bray
Broyhill, N.C.
Clark
Collier
Colmer
Conyers
Cunningham
Dawson
Denton
Evins, Tenn.
Farnum
Fino
Fisher
Fraser
Frelinghuysen
Fulton, Tenn.
Gathings
Gilligan
Gurney
Hamilton
Hansen, Wash.
Harsha

Harvey, Ind.
Hathaway
Herlong
Holifield
Holland
Horton
Jonas
Jones, Ala.
Karth
King, Calif.
Langen
Latta
Leggett
Long, La.
Long, Md.
Love
McClory
Macdonald
MacGregor
Mackie
Martin, Mass.
Martin, Nebr.
Mills
Mize
Moorhead
Mosher
Nelsen
Nix
Olson, Minn.
Pirnie
Poage
Powell
Quie
Redlin
Reifel
Rooney, Pa.
Roosevelt
Rostenkowski
Roush
Scott
Shipley
Smith, Calif.
Smith, N.Y.
Stalbaum
Steed
Sweeney
Taylor
Teague, Calif.
Toll
Tupper
Vanik
Weltner
Wilson, Bob
Young

The **SPEAKER** pro tempore (Mr. Albert). On this rollcall 348 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FUNDS FOR INVESTIGATIONS AUTHORIZED BY HOUSE RESOLUTION 245

Mr. **FRIEDEL**. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 246 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 246

Resolved, That, effective from January 3, 1965, the expenses of conducting the investigations and studies pursuant to H. Res. 245 by the Committee on Post Office and Civil Service, acting as a whole or by subcommittee, not to exceed $170,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, signed by the chairman of such committee or subcommittee, and approved by the Committee on House Administration.

Sec. 2. The official committee reporters may be used at all hearings held in the District of Columbia if not otherwise officially engaged.

Sec. 3. The chairman of the Committee on Post Office and Civil Service shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

The **SPEAKER** pro tempore. The gentleman from Maryland is recognized for 1 hour.

Mr. **HALL**. Mr. Speaker, will the gentleman yield?

Mr. **FRIEDEL**. I yield to the gentleman from Missouri

Mr. **HALL**. Mr. Speaker, I would like to inquire of the gentleman or of the chairman of the Committee on Post Office and Civil Service, if the funds provided under House Resolution 246 and the funds provided for studies and investigations pursuant to House Resolution 245 will include an investigation of the recently disclosed action of the Postmaster General in conjunction with the Internal Revenue Service wherein without notifying recipients and without search warrants or without due process under the Constitution—particularly amendment IV thereof—of seizing undelivered mail, searching it, and using it as a means to bring about the payment of tax liens?

Having brought up the question during consideration of the appropriation bill which passed the House a week ago Tuesday, and having been told that it was not appropriate to consider even limiting funds for that purpose in an appropriation bill, I would like very much that it should properly come before the legislative committee. Having appeared as the leadoff witness yesterday before the Senate subcommittee on this subject, as to the admissions by both the Postmaster General and the Director of the Internal Revenue Service that they had been "kidnaping" the mail without due process, or notification of the sender and the recipient—I would like to be assured that before we pass this resolution without objection or by unanimous consent, that we will go into this investigation and, if necessary, submit necessary legislation to see that this practice is halted.

Mr. **FRIEDEL**. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. **MORRISON**. Mr Speaker, I will answer the gentleman's question in two words—we will.

Mr. **HALL**. Mr. Speaker, I thank the gentleman; his answer is better and more succinct than my long but explanatory question.

The **SPEAKER** pro tempore (Mr. Albert). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL EXPENSES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. **FRIEDEL**. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 310 and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 310

Resolved, That, effective April 1, 1965, additional expenses of conducting the investigations authorized by section 18 of rule XI of the Rules of the House of Representatives, incurred by the Committee on Un-American Activities, acting as a whole or by subcommittee, in investigating the Ku Klux Klan organizations in the United States, for the purpose of aiding the Congress in the consideration of any necessary remedial legislation, not to exceed $50,000, including expenditures for employment of experts, special counsel, investigators, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and signed by the chairman of the committee, and approved by the Committee on House Administration.

Sec. 2. That the official stenographers to committees may be used at all hearings, if not otherwise officially engaged.

Sec. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Un-American Activities shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Mr. **FRIEDEL**. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. Edwards] for a statement, but not for any amendment.

Mr. **EDWARDS** of California. Mr. Speaker, I rise in opposition to this bill, House Resolution 310, to appropriate for the House Committee on Un-American Activities an additional $50,000 for expenses of the committee for its proposed investigation of the Ku Klux Klan.

I respectfully point out that just 7 weeks ago, on February 25, the House appropriated $370,000 for the committee's yearly expenses, the highest amount in history. The committee now asks for an additional $50,000, a total of $420,000. Since its first appropriation as a standing committee in 1946, there has been an inexorable average yearly rise in its budget. Its budget was $75,000 in 1947. Today it asks an increase to $420,000. At this rate of increase its budget will be $610,000 for the year 1975 and $790,000 for the year 1985.

In contrast, this year's budget for the House Judiciary Committee is $250,000. With this comparatively modest appropriation the Judiciary Committee holds extended hearings and produces sophisticated, complicated legislative proposals on Presidential disability and succession, reapportionment of congressional districts, civil rights, immigration and naturalization, copyrights and patents, and scores of other major bills in addition to the hundreds of resolutions relating to private claims. Even with this huge workload, the Judiciary Committee did not spend its total appropriation of $266,000 for last year and turned back to the Treasury $66,917.60.

The source of my deep concern today, Mr. Speaker, is not related to the budget of the House Committee on Un-American Activities, excessive though it is. The problem is much deeper and more serious.

For a number of years it has been increasingly apparent that in seeking the achievement of their civil rights in some parts of the South, American Negroes and the whites who aid them are likely to be falsely arrested, assaulted, and even murdered by hostile white men. These crimes are not a new phenomena in our country. They commenced a hundred years ago with emancipation. They continue to this day, and with tragic regularity we learn of assaults against, and murders, of children, men, and women, both Negro and white, whose only offenses were the peaceful pursuit of their lawful rights.

Following the Civil War, among the criminals who intimidated, assaulted, and even murdered Negroes seeking a measure of equality were members of a racist organization of hoodlums called the Ku Klux Klan.

Then as now, it was clear that the necessary solution to the problem was the formulation of Federal criminal statutes to use against local police, private persons, and private organizations, such as the Ku Klux Klan, who used violence in their invasion of constitutionally protected rights of the newly freed Negro.

A century ago, in accordance with the established procedure and the rules of both bodies, the issue was referred to the House Judiciary Committee and to the Senate Judiciary Committee for study, for hearings, and for the preparation of appropriate legislation.

I wish that my colleagues could read the debates that took place in this great Hall and in the Senate when the Judiciary Committees brought to the respective floors the proposed legislation.

Our predecessors well understood how delicate a subject lies here. They well understood that the heart of our form of government is the Federal system, and that any criminal laws passed by Congress to deter the violence of local police and private persons must be painstakingly drawn after the most careful study to avoid unconstitutional intrusions into areas specifically reserved to the States.

After exhaustive deliberations by the two Judiciary Committees and after elaborate Senate and House debate the statutes were enacted in the years from 1866 to 1870. They were vetoed by President Johnson but the veto was overridden by each House. In 1909, these laws were codified and became title 18, United States Code, sections 241 and 242.

Section 241 provides that—

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or
>
> If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—
>
> They shall be fined not more than $5,000, or imprisoned not more than 10 years, or both.

Section 242 provides, in part:

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States * * * shall be fined not more than $1,000, or imprisoned not more than one year, or both.

My limited time today will not permit a detailed discussion of these statutes. Suffice it to say, they do not provide the protection intended by their enactors. They legislate in an area fraught with difficulties of jurisdiction and public policy. They attempt to provide Federal criminal sanctions to deter crimes which have always been the responsibility of local police and courts. Although the Federal jurisdiction is clear, its limitation to crimes involving rights protected by the Constitution presents drafting problems susceptible only to the legal scholar of exceptional craftsmanship.

The Federal courts have wrestled with criminal cases arising out of violations of sections 241 and 242 for decades. The Screws case alone elicited four separate opinions by the nine Justices of the Supreme Court, totaling more than 25,000 words.

This is what we are talking about when one suggests "an investigation of the Ku Klux Klan." We are talking about a review and study of the existing Federal criminal laws relating to crimes against Negroes who are seeking their civil rights.

We are not talking about an investigation of the Ku Klux Klan for purposes of punishing the Ku Klux Klan or, to use the words of the House Committee on Un-American Activities of a few years ago "to expose to the merciless glare of publicity" the beliefs and associations of private individuals. Such activities are clearly outside of the authority of a congressional committee, and the Supreme Court has clearly spoken on these principles.

There should be immediate action by the House Judiciary Committee. These statutes must be reviewed and studied. There must be hearings at which distinguished legal scholars will testify. It is entirely conceivable that Ku Klux Klan members will be subpenaed. All of the talent and experience of the 35 lawyers of the House Judiciary Committee and of its excellent legal staff must be utilized if effective statutes are to be drawn which can utilize the recognized Federal power in this area without inflicting irreparable damage to the fabric of the Federal system's requirement that the keeping of the peace is the responsibility of the local police and courts.

All of the foregoing, Mr. Speaker, brings me to the source of my great concern. It was announced a few weeks ago that this matter, this delicate and subtle legal problem, is not to be handled by the Judiciary Committee—that instead it was to be assigned to the House Committee on Un-American Activities and conducted in the guise of an "investigation of Ku Klux Klan organizations."

I must protest with great indignation this cavalier bypassing of the Judiciary Committee. There is not even the trace of dual jurisdiction here. The jurisdiction in this area of the House Committee on Un-American Activities is nonexistent.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Louisiana.

Mr. WILLIS. The gentleman referred to bypassing the jurisdiction of the Committee on the Judiciary. He and I are on that committee, and I think the gentleman understands that the chairman of the full Committee on the Judiciary agrees that we are not the proper forum to conduct this investigation.

Mr. EDWARDS of California. I thank the gentleman. I am not certain myself if the matter were today presented to the distinguished chairman of the Committee on the Judiciary that his response would be the same. However, I cannot speak for the gentleman from New York [Mr. CELLER].

Let me read to you rule XI that defines and limits the jurisdiction of the House Committee on Un-American Activities:

> The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

I defy any lawyer to read rule XI and to show wherein lies the committee's jurisdiction to investigate the Ku Klux Klan or to prepare proposed legislation dealing with murder and violence against people seeking their civil rights.

I cannot predict what the results will be of the House Committee on Un-American Activities' investigation of the Ku Klux Klan. It is extremely unlikely that legislative proposals will be forthcoming. In the last 8 years the committee has spent $2,627,000 and has produced two bills that became law, and one of these was to make a minor correction in an earlier law and was unopposed.

I shall be deeply regretful if the proper committee is not handling this matter, because there is a vital need for a reform of these statutes and the wisdom, the experience and the prudent judgment of the Judiciary Committee are needed to provide the proper machinery.

The physical security, the safety, and even the lives of good and peaceful citizens are at stake here. I urge my colleagues to vote against this appropriation.

Mr. FRIEDEL. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. WALKER].

Mr. WALKER of Mississippi. Mr. Speaker, it becomes immediately obvious that the real purpose of this bill asking for $50,000 to go to the House Un-American Activities Committee to investigate the Ku Klux Klan is for the one and only purpose of appeasing a group of people.

Our American freedom and the freedom of all mankind was never in greater danger than when the voices of appeasement are loud in this land. These apostles of appeasement have no insight into the constructive course the United States must follow if we are to remain free. Until the policy of appeasement is discontinued, we can only expect more riots, more social unrest and conflict in the United States, and we will see more Korea's, more Vietnam's, and more Communist subversion all over the world.

I have no firsthand information about the Ku Klux Klan and its activities, and I offer no defense in their behalf. But I do know that when anything happens in several of the Southern States, a few people in Washington always accuse the Ku Klux Klan. And when anything happens in Harlem, cries immediately arise saying that we should be sympathetic to the poor underprivileged. I do, however, have firsthand information about the subversive elements in CORE—the Committee on Racial Equality; SNCC—the Student Nonviolent Coordinating Committee; COFO—the Council of Federated Organizations; and Martin Luther King's Southern Leadership Conference. Since we are undertaking an investigation, I feel that it would be a discriminatory investigation and not complete if we did not include these four groups. They have not only been directly responsible for the deaths of many Americans, but on many occasions have not denied their organizations were infiltrated by Communists. They have caused an increase of crime, delinquency, rape, and immorality.

Mr. Speaker, I know that it has become the recent fashion on Capitol Hill to humor the Communists and Dr. Martin Luther King's activities, but I cannot sit idly by and see one organization investigated when there are four that are so destructive to America and to our way of life. Since amendments are not allowed under the rules, I submit we should defeat this resolution until there can be a thorough investigation of all the aforementioned groups. I am at this time introducing a resolution to investigate the aforementioned organizations.

Mr. POOL. Mr. Speaker, will the gentleman yield?

Mr. WALKER of Mississippi. I yield to the gentleman from Texas.

Mr. POOL. The gentleman said something a moment ago about CORE, SNCC, and some other of these organizations. Has any documented evidence been brought before the committee?

Mr. WALKER of Mississippi. It has been brought up on the floor of the Senate and the House.

Mr. POOL. The committee would like an opportunity to look over documents and other evidences you might supply if you have any.

Mr. WALKER of Mississippi. It has been brought before the House before, and before the Senate before.

Mr. POOL. While I disagree with the gentleman, I admire the gentleman's courage in defending the Ku Klux Klan.

Mr. WALKER of Mississippi. I did not defend the Ku Klux Klan, and I do not defend people like you, either. I am surprised that my colleague from Texas would take such a stand in defense of SNCC, COFO, and Dr. Martin Luther King's organizations, particularly in view of recent events where subversive groups have been identified with these organizations.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER of Mississippi. I yield.

Mr. BURTON of California. I should like to inform the gentleman that this legislation neither enlarges nor detracts from the jurisdiction the Committee on Un-American Activities may have. When the gentleman mentions the Klan, does he think it possible that the White Citizens Council and the Society for the Preservation of the White Race might come under investigation once this investigation gets underway?

Mr. WALKER of Mississippi. I am not aware of that. I would like to include in the Record how a noted Negro journalist from Mississippi feels about these intruders. I think I should also include in the Record an article published in the liberal Washington Post of January 5, 1965, airing COFO, CORE, SNCC, and the Southern Christian Leadership Conference in some of their operations.

[From the Jackson (Miss.) Daily News, Apr. 8, 1965]

Greene Sees No Need for Marches

Negro editor Percy Greene, president of the Mississippi Negro Citizenship Association, says "there is no longer any need for mass marches and Negro voter registration demonstrations in Mississippi."

Writing in his weekly Jackson Advocate, Greene cited as reasons "a completely new atmosphere and the growing support of responsible public opinion, brought about by the widespread assumption of political leadership on the part of the State's most outstanding and influential business, industrial, and financial leaders."

The editor also noted "the exertion of greater influence at the local level by white community leaders."

Greene added:

"With such growing support for the Negro right to vote and political participation, it is being pointed out that there is no longer any justification for any Negro of responsibility and community standing, anywhere in the State, to harbor the old fears that have been responsible for Negroes being afraid to go up to register to vote.

"Every such Negro should go and register as an individual and not wait to be joined by and led by any individual, group, or organization."

[From the Washington (D.C.) Post, Jan. 5, 1965]

Rift in Rights Groups in Mississippi Aired

New York, January 4.—The extent of the split among civil rights organizations working in Mississippi last summer was laid bare today by two officials of the NAACP.

Roy Wilkins, NAACP executive secretary, said the organization's Mississippi branches had been allowed very little weight in decisionmaking during the summer.

Aaron Henry, Mississippi State Chairman, said summer civil rights workers had criticized the NAACP, frequented "places of ill repute, like taverns, where they were likely to be arrested," and run up bills the NAACP then had to pay.

The criticisms came during the annual meeting of the NAACP. At a press conference, Wilkins said the Council of Federated Organizations (COFO)—a combination of national and local civil rights groups that operated the Mississippi voter registration project—had "become in the last year the operation of one organization: The Student Nonviolent Coordinating Committee.

Wilkins said the NAACP was considering dropping out of COFO.

Wilkins then revealed the national NAACP had spent only $3,500 in the COFO project all summer.

"We did not make a larger contribution because we did not have any say in spending it," he said.

Other organizations in COFO are SNCC, CORE, and the Southern Christian Leadership Conference. All but the NAACP engage in civil disobedience. SNCC is considered the most militant.

SNCC spokesman said it was impossible to obtain an accurate account of how much was spent by COFO during the summer, but he estimated that it was at least $100,000.

Mr. FRIEDEL. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. Waggonner].

Mr. WAGGONNER. Mr. Speaker, the question has been raised here this afternoon as to whether or not the House Committee on Un-American Activities has within its present authority the authority to investigate the activities of the Ku Klux Klan. The rules of the House state:

> The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

Mr. Speaker, under this broad authority this committee has the authority within the prescribed rules of the House to investigate the activities of any group or any individual whose activities might be un-American in nature or suspected of such activity.

Let there be no question in anyone's mind where I stand on the subject of un-Americanism. I am opposed to it in any form it takes. I think Chairman Willis will bear me out when I say that I have stood beside his committee every time it has been criticized by the extremists of the left wing. I have supported every appropriation request and I intend to keep on supporting the House Committee on Un-American Activities as long as they do their job because I am opposed to un-Americanism in any form.

It is my understanding that the leadership of the Klan has said they welcome an investigation; that the Klan has nothing to hide. I know nothing of their activities in Louisiana or any other State and I have no idea what an investigation will unearth, but if un-Americanism is suspected, then it is my position that an investigation should be undertaken. But, it should not stop with an investigation of the Klan.

There are a number of organizations that should be put under this same spotlight. The American Nazi Party, for example. Here is an organization, with its headquarters right across the Potomac, literally in the shadow of the Capitol, complete with swastikas and all the garbage associated with Adolph Hitler. It occurs to me that if there is any outfit of sick individuals in this country that should be investigated, this one is it.

And what about the Black Muslims? There can be no question in anyone's mind but that the vicious hatred of the white man which spews from this organization is un-American, even ungodly. Any investigation into un-Americanism should include the Black Muslims.

It took 30 pages of the Congressional Record on July 29, 1963, to list the Communist affiliations and associations of the officers and directors of the NAACP. The same Red tinge runs throughout CORE, SNCC and SCLC. Communism is un-Americanism and it makes no difference to me in what organization it is found. It should be rooted out, exposed, and prosecuted.

It is the responsibility of this Congress and the express responsibility of the

Committee on Un-American Activities to find out whether or not the actions of these organizations are un-American and if they are, then we should clean their house for them because it is our duty to do so.

Because I advocate the investigation and exposure of un-Americanism in any form, it would be inconsistent of me to ask that these other organizations be investigated and, at the same time, oppose an investigation of the Klan when it has welcomed it.

These other organizations have not had the same courage to welcome an investigation. As a matter of fact, I am quite sure they will scream to high heaven that their constitutional rights are being violated when the spotlight is turned on them. But the more they holler, the closer they should be examined. I am suspicious of anyone or any organization that feels it cannot be looked at by a committee of this body.

When Chairman WILLIS appeared before the House Committee on Administration, I questioned him closely on the subject of investigating these other organizations and he told me that this was being considered. I, for one, am going to continue to insist that they are looked at and that the Klan is not singled out as being the only organization in the country that can be suspected of un-American activities.

I have the distinct feeling that the sudden demand that the Klan be investigated is an outgrowth of the mass hysteria which has swept the Nation in recent months. If this is so, it is to be deplored. No investigation should be undertaken by the House or any committee of it that is a thinly disguised witch hunt. It must be an impartial investigation if it is to be of any value. And if it is impartial, it must include these other organizations.

In the end, many who are demanding this investigation of the Klan, may regret that it ever began if the spotlight turns on some of the organizations and questionable societies to which they belong.

The Klan has said it has nothing to hide. I do not know. But, as long as it welcomes the investigation, let it be a starting point, but by no means, the finishing point. Before we are through, let us see what is under the rocks of all these other groups as well.

Let the chips fall where they may.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRIEDEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RESNICK].

Mr. RESNICK. Mr. Speaker, I rise in opposition to this resolution. As we stand here today, the House Un-American Activities Committee has $370,000. We voted $370,000 for them. We did not tell them who to investigate or how to investigate them. It was against my wishes that this money was granted.

Now I would like to know why the magic number today of $50,000? Have the mathematicians on that staff come up with a magic number that we have seven times as many Communists as we have Klansmen? It seems to me that we could start the investigation if they are set on starting the investigation, with this money, and then if they require additional funds to come back for a supplemental appropriation. I oppose the investigation because I do not think we are going to get any laws out of this investigation. I think we are going to get some more headlines. We are going to have some more shattered careers. We are going to paint the entire picture either white or black, depending on who the witness is. We are going to get all the overtones of turning this investigation into an investigation against Martin Luther King and the southern Christian leadership.

I maintain that two wrongs do not make a right. And as to the operation of the committee, judging from how it has operated in the past, and certainly it has not operated in a proper manner, I cannot see that it is going to operate in a proper manner against the Klan as well.

This investigation belongs in the hands of the Committee on the Judiciary. I would hope this House of Representatives would vote against this appropriation and turn the money over to the Committee on the Judiciary.

Mr. MARTIN of Alabama. Mr. Speaker, will the gentleman yield?

Mr. RESNICK. I yield to the gentleman.

Mr. MARTIN of Alabama. I wonder what you are going to hide from America and could the gentleman tell me, if he knows, why the Director of the FBI called Martin Luther King the most notorious liar in America—and if he knows, is this what he is trying to hide?

Mr. RESNICK. I suggest the gentleman ask the Director of the FBI. I cannot answer for Mr. Hoover.

Certainly he has available to him any forum in which he wishes to give the facts, based on this ludicrous statement. The gentleman is talking about the man who won a Nobel Peace Prize.

Mr. MARTIN of Alabama. In answer to that I quote from a great American, a great Democrat, the former President of the United States, Harry Truman, who just yesterday was given the Freedom Award "for giving a battered world new hope." When asked how he could criticize Martin Luther King, a Nobel Peace Prize winner, Mr. Truman said, "I didn't give it to him." I feel the same way.

Mr. FRIEDEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I rise in opposition to this resolution, which would authorize another $50,000 for the House Un-American Activities Committee.

There is no doubt that the Ku Klux Klan and other organizations such as the White Citizens Councils and the Americans for the Preservation of the White Race are engaged in a conspiracy to commit acts of violence, terror, and murder, as well as intimidation, to stop the inevitable end of segregation. Incidentally, this resolution is restricted to the Klan.

However, I do not believe that the House Un-American Activities Committee is the proper committee to handle the matter. As I have pointed out ever since I have been in the Congress, it is not a legislative committee. It does not hold hearings for normal legislative purposes. Its purpose in the past has been exposure for exposure's sake and publicity for publicity's sake.

Two months ago the House appropriated $370,000. Now we are asked to appropriate another $50,000. I opposed the first appropriation, and I oppose this one.

Violations of law by the Klan and by other organizations clearly are matters for the Department of Justice and the FBI to investigate. Moreover, the murder of Viola Liuzzo, the killing of Rev. James Reeb, the Penn murder case, the brutal slaying of the three Mississippi civil rights workers, James Chaney, Andrew Goodman, and Michael Schwerner, and countless other dastardly crimes demonstrate the need for further legislation to deal with violence, intimidation, and murder perpetrated upon those engaged in the exercise of their civil rights and in helping others to achieve full equality. Such legislation belongs in the hands of the Judiciary Committee, which has undeniable jurisdiction over civil rights legislation and Federal criminal statutes. The Justice Department is presently considering amendments to existing criminal law which will be referred to the Judiciary Committee. I have introduced H.R. 5427 to protect citizens from police brutality. This bill, of course, was referred to the Judiciary Committee.

Mr. Speaker, the investigation of people for their political beliefs is wrong and violates constitutional principles, no matter how repulsive or obnoxious their beliefs are.

Let me quote from Mr. Justice Black:

> Liberty, to be secure for any, must be secure for all—even for the most miserable merchants of hatred and unpopular ideas (*Braden* v. *United States*, 365 U.S. 431, 432).

Investigating political beliefs of citizens for the sake of exposure, which is the specialty of the House Un-American Activities Committee, whether of the extreme right or of the extreme left, achieves the same result. Freedom of ideas and freedom of association are eroded. The goal here should be the development of criminal laws to deal with those who are engaged in criminal acts to prevent civil rights activity. In doing this we should turn to the Judiciary Committee. Let us keep the goal clearly in mind. It is to come to grips with brutality and murder and to protect American citizens from acts of violence and physical harm, not from speech and propaganda.

It is significant that we have heard from at least two Members of the House today—the gentleman from Mississippi [Mr. WALKER] and the gentleman from Louisiana [Mr. WAGGONNER]—the suggestion that the committee should also investigate CORE, the Southern Christian Leadership Conference, the Student Non-Violent Coordinating Committee, and other groups dedicated to the achievement of equality here and now and the fulfillment of the ideals upon which this Nation was founded. The Reverend Martin Luther King needs no defense from me. We can expect the segregationists to attack him constantly. But this kind of attack makes clear what we really face, if this resolution is adopted. It will be an opening wedge for some kind of "witch hunt" into the civil rights organizations. I feel very strongly that we must protest against opening this door and giving any opportunity to this committee, which certainly is not known for its defense of civil rights or advocacy of integration, to conduct a "witch hunt" into the civil rights movement. The resolution should be defeated.

Mr. FRIEDEL. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BURTON].

Mr. BURTON of California. Mr. Speaker, Dr. Martin Luther King does not need any commendation from me for the magnificent contribution he has made to improving this democracy of ours.

I should also like to make it clear that while I speak in opposition to this resolution I favor the strengthening of existing Federal statutes, in the area of outlawing criminal behavior on the part of those who are making an effort to deny Americans in our country their full opportunity to develop their civil and constitutional rights. This we must do.

The nub of the issue is a very simple one, and earlier speakers have already developed it. The nub of the issue, simply stated, is this: no committee of the Congress has the authority to determine whether or not any organization, including the Klan, will be proved to be un-American. There is a separation of powers in our Government.

It is a judicial and not a legislative function to determine the guilt or the innocence of people in our land. It is the judicial process that carries with it the right to confront and cross-examine one's accusers, the right to be presented with a bill of particulars, the right to be tried by a jury of your peers. It is the judicial process that also carries with it a presumption of innocence.

The legislative function must relate to and deal entirely with whether general patterns of actions or conduct square with existing law and whether existing law should be modified, strengthened, or repealed. Under no circumstances does the House Committee on Un-American Activities nor any other body constituted by this Congress have the right to determine whether or not the Klan, or any other association of free men in a free country, collectively or as individuals, are proven to be un-American or not. The forum for that determination is in the courts—not the Congress. I state this: Freedom of association is one of the cardinal strengths of our society. I do not like the racist right nor—for that matter—the philosophy of the totalitarian left; but if they have violated a Federal law, then let them be tried in a Federal court. If the laws are not strong enough, let us strengthen them, but let us not bring up individuals and pillory them and bring associations of free men into calumny in terms of public opinion. Let us be mindful of our responsibility—which is to develop legislation and to strengthen the free and democratic fabric of our country. The suggested pattern of this investigation will work in the opposite way.

I note with interest that not one responsible spokesman for the countless number of Negroes and others who have been involved in civil rights actions or who have been maimed, killed, or hurt in the North as well as the South—not one responsible spokesman has supported this resolution. Why? It's a great tribute to the leaders of the freedom movement that they understand the basic need which exists for a strong, free, and democratic process. They have thus withstood the temptation to strike out at the Klan via this improper forum because they know that the Constitution protects none of us, unless it protects all of us.

They know full well that the inequities in our society have to be resolved within the framework of our Constitution—by strengthening existing statutes, effective participation in our elective processes and seeking redress of grievances in the courts and not by activities such as are contemplated by this legislation.

I am opposed to the resolution and hope it is defeated.

Mr. FRIEDEL. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, it has been suggested that the Committee on Un-American Activities is not the proper committee to investigate the Ku Klux Klans.

I am convinced that it has clear authority to do so, that its mandate is unmistakable on this point.

Foreign isms—such as Nazism, fascism, and communism—are not the only ideologies which are un-American, a threat to our national security and to the preservation of our democratic form of government.

The House has taken formal cognizance of this fact. For over 26 years it has held that purely domestic movements might attack the principle of the form of government guaranteed by our Constitution and that any movement which did this was un-American and subject to investigation.

The House has expressed this view in its rule XI, paragraph 18—that section of its rules which spells out the duties and authority of the Committee on Un-American Activities. It has not wavered from this position for over a quarter of a century.

The rule in question reads, in part, as follows:

> The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of * * * (2) the diffusion within the United States of subversive and un-American propaganda that is * * * of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution.

Are the Klans encompassed by rule XI, paragraph 18? Do they attack the principle of our form of government? Are their activities properly subject to congressional scrutiny for the purpose of enacting legislation to curb, hinder, or outlaw their operations?

Any group that engages in organized, large-scale intimidation in the political, economic and social fields and terrorizes individual and groups, attacks the very root of the democratic process. It does so because it destroys freedom and, without free citizens, our representative form of government is not secure and cannot be preserved.

When large numbers of people in any part of our country, regardless of race, color or religion, fear physical, economic or social injury if they dare to speak as they honestly feel, to patronize such businesses as they wish, to vote unhesitatingly for any candidate of their choice, then, I say, the very foundation of our form of government is being attacked, weakened and undermined. If such a condition is allowed to continue and to spread, it could lead eventually to the end of the form of government guaranteed by our Constitution and to the imposition of a national tyranny based on fear in its stead.

What is the nature of the Klans? In 1928, speaking of one of the predecessors of the modern Klans, the U.S. Supreme Court made the following finding:

> It is a matter of common knowledge that this organization functions largely at night, its members disguised by hoods and gowns and doing things calculated to strike terror into the minds of the people.

Democracy cannot coexist with terror. The two are incompatible. One or the other must go.

The basic concept of our Government is the belief that man has certain inalienable rights, that is the function of the Government to protect those rights, that not even the state may deprive any man of them. These fundamental rights are, in the words of our Declaration of Independence, the right to "life, liberty and the pursuit of happiness."

But more than one human life has been taken by Klanners of late. The Klans have consistently infringed individual liberty. And can any of us argue that persons in the South, white as well as Negro, who are victims of Klan terrorism are enjoying "the pursuit of happiness"? Are not the Klans, then, attacking "the principle of the form of government as guaranteed by our Constitution"?

Years ago, the Committee on Un-American Activities requested the Brookings Institution, one of the most highly respected social science research organizations in the country, to prepare for it standards which could be used by the committee in determining just what were un-American activities and, as such, subject to investigation by the committee under House rule XI.

The Brookings Institution published its finding in 1945. Based on its study of rule XI, the U.S. Constitution, and also the oath required of all persons seeking U.S. citizenship, the Institution found five "definite substantive standards" for judging un-American activities. The first one read very much like a description of what, evidence indicates, the Klans are doing today:

> It is un-American for any individual or group by force, intimidation, deceit, fraud

> or bribery, to prevent or seek to prevent any person from exercising any right or privilege which cannot constitutionally be denied to him either by the Federal Government or by a State government.

The Special Committee on Un-American Activities had investigated the Klans several years earlier. No one questioned its authority to do so at the time.

The Brookings Institution study, though not binding on the committe in any way, confirmed what was then—and is today—the conviction of the Committee on Un-American Activities as regards its jurisdiction in this area. Rule XI, paragraph 18, being as clear as it is, it is not surprising that the Brookings Institution should agree with the committee on Un-American Activities as regards at this late date, some voices should be raised in an attempt to cast doubt on the obvious.

I should add that the Supreme Court of the United States, in the 1928 decision I have previously quoted, upheld the constitutionality of a New York statute whose very purpose was to curb the Ku Klux Klan. In doing so, it made still another finding about the Klan which indicates that Klan activity comes under the committee's mandate in light of my earlier remarks about the principles underlying our form of government:

> It is a matter of common knowledge that the association or organization of which the relator is concededly a member exercises activities tending to the prejudice and intimidation of sundry classes of our citizens.

Now, there has been some reference to the type of legislation that might or should result from these investigations, and a suggestion that whatever legislation may result would have to come about through the Committee on the Judiciary.

Let me say this. As far as any legislative recommendation the Committee on Un-American Activities may make, I would point out that six of the committee's members are lawyers, and that three of them are members of the Judiciary Committee. It may be that the Judiciary Committee will have a chance to weigh the proposed legislation. And, of course, every Member of this House will have an opportunity to consider it carefully before it is enacted.

It is, of course, too soon to predict what kind of legislation might be indicated to deal with the Klan organizations. Much will depend upon the nature, the administration and practices of the various Klan organizations, the control, or lack of it, by their responsible officers, and such matters.

Generally speaking, the Klans are oath-bound organizations, some of which have their own constitutions and even legislatures and enforcement officers, and require oaths of various kinds, some possibly in conflict with the Federal Constitution.

Depending on what we find, it might be desired to outlaw the organizations and penalize them and their "knowing" members. Or a certain type of control could probably be exercised over the Klans by a registration statute, either like the one in the Internal Security Act or the New York State act which required oath-bound organizations—other than unions and benevolent orders—to register, giving their membership.

That statute made it a crime for anyone to become or to remain a member of such an organization if he knew that it had failed to make the required registration. This New York statute was enacted, as I have already indicated, in order to deal with the evils of the Klan, and its constitutionality was upheld by the U.S. Supreme Court.

There may be certain advantages in a registration statute such as the New York one. But beyond merely seeing that there appear to be legislative remedies that we could suggest to the Congress, it would serve no useful purpose to try now, to attempt to forecast the shape of any possible legislation.

I would add another point. If the legislation proposed and enacted is going to be effective, it must not only meet all constitutional tests, but it must be realistic. It must be based on thorough and sound knowledge of just how these Klan organizations operate. This knowledge, I submit, can be developed only through the type of investigation and hearings the Committee on Un-American Activities is authorized to conduct.

My colleague the gentleman from Louisiana [Mr. WAGGONNER] referred to a colloquy before the House Administration Committee. Of course, that is executive, but let me quote here the March 30 resolution of our committee, approving this investigation:

> Whereas at the commencement of the 89th Congress the Chairman instructed the staff to commence a preliminary inquiry into the activities of the Ku Klux Klan organizations in the United States to assist the Committee in determining whether it should auhorize an investigation of the Klan organizations; and
>
> Whereas the committee on February 2, 1965, by resolution, unanimously directed the chairman to continue the preliminary inquiry; and
>
> Whereas the chairman has today made a report to the Committee on the results of this preliminary inquiry, which report clearly indicates that the nature and scope of the Klan organizations' activities are such that the Committee should authorize an investigation; and
>
> Whereas the President's recent public appeal also demonstrates that such an investigation is justified and necessary; and
>
> Whereas the President has offered the full cooperation of the executive branch of the Government in such an investigation: Now, therefore, be it
>
> *Resolved*, That the committee undertake an investigation of the various Klan organizations and their activities with the view of holding hearings for the purpose of aiding Congress in any necessary remedial legislation; and be it further
>
> *Resolved*, That inasmuch as the appropriation for the committee's work for this session is not sufficient to enable it to undertake this investigation in addition to other investigations already approved and under way, the chairman is directed to request a supplemental appropriation of $50,000 to conduct an investigation of Ku Klux Klan organizations; and be it further
>
> *Resolved*, That the chairman is directed to continue the preliminary inquiry into the activities of the Black Muslims, the Minutemen, and the American Nazi Party previously authorized by the Committee, for the purpose of determining whether an investigation of these groups is called for.

Note that the chairman is directed in the final resolve clause to continue the preliminary inquiry into the activities of the Black Muslims, the Minutemen, and the American Nazi Party, previously authorized by the committee, for the purpose of determining whether an investigation of these groups is called for. We are going to do just that.

There has also been some reference to the criteria used by the committee in determining whether to investigate an organization. I should say that there have been some rather loose statements about that. In my own words I would say that it is the general policy of the committee not to investigate any organization as such—I am talking about outside organizations that my friends have been mentioning, being interested in Communist activities. We do not investigate organizations as such—a college, a union, a civil rights, or other group—unless we have convincing evidence that the organization is actually controlled by the Communist Party.

What about infiltrated organizations? We do not investigate them, as organizations, because we do not want to unjustly tar any group with the Communist brush if it is not Communist led. Communists are always infiltrating all kinds of groups. There's a big difference between infiltration and control.

When confronted with infiltration which merits investigation, the committee investigates the infiltrators rather than the organization so as to determine, here as elsewhere, whether legislation is needed to cope with their efforts. It investigates the activities of the individual Communists who are penetrating some group for the Communist Party. And we follow these Communists wherever they go. It is the committee's view that these people have no immunity from investigation, no matter what guise they assume and no matter what kind of organization they try to use as a cover for their Communist operations.

Our committee has not only the authority but the duty under the rules of the House to make our own findings and we are ordered to report to the House every year. We do that. And we have a congressional guide in respect to what are Communist-controlled organizations, infiltration, and so on, in the Internal Security Act. That act defines a front organization as an organization substantially directed, dominated, or controlled by a Communist-action organization—that is, a Communist Party—and primarily operated to aid and support a Communist-action organization, a Communist Party.

The act also defines Communist-infiltrated organizations. It states that a Communist-infiltrated organization is one substantially directed, dominated or controlled by individuals who are, or within 3 years have been, engaged in aiding or supporting a Communist-action organization or the world Communist movement.

So, we have to be very careful in this area. We cannot willy-nilly undertake an investigation of an organization—and we do not—or go into an investigation of an individual, and we do not. You know, under court decisions, to call one a Communist is libelous.

Mr. Speaker, we welcome information. We will continue our policy of using restraint.

The late and great Speaker of the House of Representatives, the Honorable Sam Rayburn, a close friend of mine during his lifetime, told me once that in his opinion the greatest word in the English language was "judgment."

We try to exercise good judgment. We have to use restraint and be selective. That is exactly how we propose to proceed in this area.

Mr. LENNON. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from North Carolina.

Mr. LENNON. The gentleman from Louisiana knows the esteem and respect that I personally have for him as an individual and as chairman of the great House Committee on Un-American Activities.

However, the resolution states on its face that the committee has the authority to make the investigation. The gentleman from Louisiana has confirmed that by a statement in the well of the House to the effect that there is no question but what the committee has the authority.

Knowing that the committee was appropriated $370,000 to be used to carry on investigations by the committee, why is there the necessity for this resolution and why does not the committee have the funds with which to conduct the investigation that it seeks to conduct under this resolution?

The SPEAKER pro tempore (Mr. Albert). The time of the gentleman from Louisiana has again expired.

Mr. FRIEDEL. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. WILLIS. I would be glad to answer the gentleman, and I am glad the gentleman has asked that question.

When we asked for our regular appropriation funds early this year, in a letter now on record with the Committee on House Administration, I pointed out, in all frankness, that I had been directed to make a preliminary inquiry as to the Black Muslims, the Minutemen, the Rockwell Nazi group, and the Ku Klux Klan, but that that study had not been completed, and we did not know whether it would lead to an investigation. The committee's $370,000 appropriation was to finance other investigations and hearings outlined in my letter which were definitely scheduled for this year.

Now we have determined to make a full-fledged investigation based upon the preliminary inquiry of this particular organization, the Ku Klux Klan. Hence we have asked for this supplemental appropriation of $50,000. May I say that all of these actions were taken by the unanimous vote of the committee on both the Democratic side and the Republican side.

Mr. LENNON. Would the gentleman yield for one other question?

Mr. WILLIS. None of the Members asked for less than $50,000.

Mr. LENNON. Would the gentleman now yield for a question?

Mr. WILLIS. I would be glad to yield further to the gentleman from North Carolina.

Mr. LENNON. Why were the other organizations that the gentleman specifically called to the attention of the Committee on House Administration not included in this resolution?

Mr. WILLIS. Because we are continuing the preliminary inquiry. It has not been completed as regards the other groups. We finished the preliminary inquiry as to the Ku Klux Klan and determined upon a full-fledged investigation. The resolution of my committee directing this full-fledged investigation into the Klan directs me to continue—I just read it—the preliminary inquiry into the three other organizations.

The SPEAKER pro tempore. The time of the gentleman from Louisiana has again expired.

GENERAL LEAVE TO EXTEND

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of House Resolution 310.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FRIEDEL. Mr. Speaker, I yield the last 5 minutes to the gentleman from Ohio [Mr. Ashbrook].

Mr. ASHBROOK. Mr. Speaker, first of all, I want to associate myself with the remarks of the gentleman from Louisiana [Mr. Willis]. I urge passage of House Resolution 310. This resolution is identical to H.R. 311 which is my bill and which I introduced in cooperation with Chairman Willis. I am convinced that the Ku Klux Klans should be investigated. Such an investigation is within the jurisdiction of the Committee on Un-American Activities and the committee has the ability to do the job and do it well.

There have been some indications that some people fear that such an investigation may mark the beginning of widespread committee investigations of non-Communist groups of all types. Being a Member of the committee and knowing it and its chairman as I do and, additionally, speaking as the ranking Republican Member of the House Un-American Activities Committee, I can assure every Member of the House and the American people that the committee has absolutely no intention of going on fishing expeditions, of ranging far and wide, of investigating all kinds of organizations and merely unpopular thoughts and opinions, or so-called extremist groups of one kind or another.

The committee opposes extremism of both the right and left as obstacles to effective anticommunism. But, in its view, it does not have the power, and does not want the power, to investigate any group simply because it is extremist.

The expression of extremist views is fully protected by the first amendment. In times of crisis and turmoil such as these, extremism is something we will always have to face in the political arena. If Congress or the committee ever undertakes to investigate mere extremism, they will be doing what certain enemies of the Committee on Un-American Activities falsely accuse it of doing—stifling honest political dissent, free debate and expression of opinion, and thus creating an atmosphere of fear and repression.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Louisiana.

Mr. WILLIS. I call the attention of the House also to the reverse side of the coin. In the Statement I made immediately after a decision was reached to conduct this investigation, which statement was approved unanimously by all Members, I said then, and I think the Record ought now to contain this statement:

> All Americans of good will want peace and order in the South and everywhere else. All informed and thinking Americans realize, however, that elimination of the influence of the Klans alone will not bring the peace and order we all desire. There are other racial agitators at work in all parts of the country. The committee is aware that Communist influence is at work in this field. These Communists have no honest interest in civil rights. Their aim is to promote racial discord, to tear down and subvert.
>
> The restoration of racial harmony in all parts of the country depends on the elimination of their influence as well as that of the Klans. For this reason, the committee is not losing sight of its jurisdiction in the area of Communist activities and will continue to investigate them.

I request that the full text of my release of March 30 be made a part of the Record at this point.

RELEASE OF HON. EDWIN E. WILLIS, COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., MARCH 30 1965

The committee has voted unanimously to proceed with an investigation of the various Ku Klux Klan organizations in the United States. Its decision was based on the following factors:

1. This morning I presented to the committee the results of the preliminary study of Klan movements which I had directed the staff to undertake at the beginning of this Congress. As has been previously announced the committee subsequently voted unanimous support of this directive at its organizational meeting early in February. This study clearly indicated that Klan activities are such that investigation is called for.

2. Statements by Federal officials indicating that Klan members have been involved in a number of recent murders and other unconstitutional acts of violence and terrorism.

3. The President's recent appeal in which he indicated support for congressional investigation of the Klans as an aid to the enactment of remedial legislation.

The committee's preliminary study indicates that shocking crimes are carried out by highly secret action groups within the Klans. These groups are known as "knock-off squads," or "holy terrors." If they are caught, the Klan usually denies any association with the crime. These denials are designed to protect those Klan leaders who are parties to the crimes committed and to mislead the Klan membership and the public.

Klansmen who do not approve of murder and the other vicious crimes which have been committed by these terror squads should now face up to the reality of the evil the Klans can do—and get out.

The committee has a big job ahead of it in this investigation. It will take time and effort and a lot of hard digging to develop the facts needed for hearings on which sound legislation can be enacted. For this reason, I add my appeal to that made by the President last week and call on all patriotic Americans to do what they can to aid this undertaking. And when I say all, I mean just that. I mean private citizens and public officials on all levels. This includes citizens with knowledge of the Klan, former leaders and members of the Klan—and current members, too—many of whom, I am sure, cannot reconcile vicious and brutal murder with Klan preachments of devotion to God and country.

Some Klan leaders and former Klan leaders have written to the committee in recent weeks to say that they will cooperate in any committee investigation. I hope they mean what they say, and that their full cooperation will be forthcoming.

Based on the committee's preliminary study, it is my conviction that klanism is incompatible with Americanism, that it is doing injury to our Nation and, in particular to the South which it claims to protect and defend. I am convinced that the South and the entire Nation will be much better off if all Klan influence is ended, once and for all.

All Americans of good will want peace and order in the South and everywhere else. All informed and thinking Americans realize, however, that elimination of the influence of the Klans alone will not bring the peace and order we all desire. There are other racial agitators at work in all parts of the country. The committee is aware that Communist influence is at work in this field. These Communists have no honest interest in civil rights. Their aim is to promote racial discord, to tear down and subvert.

The restoration of racial harmony in all parts of the country depends on the elimination of their influence as well as that of the Klans. For this reason, the committee is not losing sight of its jurisdiction in the area of Communist activities and will continue to investigate them.

In its investigation of the Klans, the committee will do the best it possibly can to develop the facts needed to assist the Congress in enacting appropriate legislation.

* * * * *

One more point: The time has come, I believe, to give a factual and a legal answer to the charge sometimes made against the Committee on Un-American Activities that it engages in investigations in order to expose for exposure's sake. Some persons say that this is always the purpose of investigations by this committee, and that it never has a legislative purpose. Some others say that from time to time this has been the purpose of this committee.

As we all know, committees of Congress can make investigations and hold hearings only in aid of a legislative purpose, and where that legislative purpose is not present, a committee's action may be successfully challenged.

The easiest and the most penetrating challenge which can be made to the purposes of a congressional committee is in the Federal courts in criminal cases growing out of its hearings. Such cases are trials for contempt of Congress against witnesses who refuse to answer questions or otherwise commit defaults, and trials for perjury where witnesses are charged with giving false testimony.

I said that these cases are the easiest way of testing a committee's legislative purpose, because the courts require that a committee before whom a contempt or perjury is charged not only must be pursuing a legislative purpose at the time, but the executive arm of the Government in order to make a successful prosecution in court must carry the burden to prove beyond a reasonable doubt that the committee had such a legislative purpose. I said that the most penetrating challenge to a committee's legislative purpose is to be found in these criminal cases, because as we have learned over the years—and more and more every year—the courts have scrutinized ever more carefully criminal charges which have stemmed from congressional committee action.

It is my information, based upon what those who have studied the matter have advised me, that in not one single case of a citation to the courts for contempt of Congress have the courts ever found lacking a legislative purpose for any committee's investigation. This is to the very great credit of both Houses of Congress. And when I say that, I include, of course, the Committee on Un-American Activities. This committee and its predecessor special committees have cited a total, if my information is correct, of approximately 170 persons for contempt of Congress under section 192 of title 2 of the United States Code. This is nearly twice the total number of citations from all other committees combined, of both Houses, which means that the work of our committee has been scrutinized by the courts not only more than all other committees together, but many, many times more than any single committee's work. Of these cases, 17 reached the U.S. Supreme Court. In 6 of these cases the Supreme Court found that the committee acted with a proper legislative purpose and in the remaining 11 did not address itself to this subject.

Likewise in perjury cases, this committee's legislative purpose has never been successfully challenged.

I do not know how any committee's record in the courts for acting with a legislative purpose can be better than perfect.

Of this record, both past and present, I am justly proud and this House should be proud of it as well. For the critics of the Committee on Un-American Activities to charge, and to repeat, that this committee has engaged in investigations and hearings in order to expose for exposure's sake alone, is a charge which can only be made by someone who does not know the facts, or who is activated in some way unknown to me. It is a matter of considerable regret when I find that such loose charges are made at times by Members of this great body.

Mr. Speaker, I would hope that this factual and legal answer I have given here today will be noted, so that at least no Members of Congress will make such a charge against the work of the Committee on Un-American Activities.

In conclusion, I will like to repeat my conviction and that of the Committee on Un-American Activities that an investigation of the Klan organizations is clearly within the committee's jurisdiction. But I do want to add that I am grateful for the support this House will give to it—for I am confident that the resolution before us will pass by an overwhelming vote.

Mr. ASHBROOK. I thank the chairman for adding that important statement to this debate.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I want to express my faith in the distiguished Chairman of the Committee on Un-American Activities, and its members, and to indicate my support of this investigation. I am confident that under the capable leadership of the gentleman from Louisiana [Mr. WILLIS], this committee shall conduct a thorough investigation, and one which shall be of legislative value. I am equally confident that this investigation shall be conducted with due regard to the constitutional rights of the citizens involved. As a Member from the Deep South, I have supported this action since January, and with conviction.

The South and the Nation have borne too long the burden of violence and terrorism perpetrated by a vicious criminal minority in no way representative of the people of America, or of the South. It is time for the guilty to bear responsibility for their guilt. If the Klan is innocent, as its leaders maintain, then they have nothing to fear from investigation. If guilty, then investigation and corrective action are long overdue.

I am grateful that the chairman has reiterated his earlier comments dealing with other forces contributing to racial strife. This has clearly been an area of Communist activity, and one in which their influence has been a disruptive force, frustrating the efforts of those working toward reasonable, rational, and right solutions.

I know that the committee, while fulfilling this new responsibility, will not neglect its central function of combating the influence of communism wherever it extends. We must do so, and without fear or favor. I deem it most appropriate, however, that this same committee which is our watchman on the wall, should help to serve as guardian against those forces within, which would substitute a reign of terror for the rule of law. Thus can this committee doubly serve toward protecting the constitutional right of every American to life and to liberty under law.

Mr. ASHBROOK. Mr. Speaker, the committee is also very much aware of the fact that terms such as "extremist," "ultra right," "far left," and so forth, are imprecise and relative terms, meaning different things to different people. If the committee were to investigate "extremism," just what organizations and movements, right and left, liberal or conservative, would properly be included? Where would it begin? Where would it end?

The remedy for extremism is not investigation and legislation, but rather education and the challenging of such views in the public forum. As a free, democratic government and people, we should be able to tolerate extremism and overcome it without too much difficulty.

The Committee on Un-American Activities has no intenion of investigating any organizations other than those whose activities are clearly encompassed by rule XI, paragraph 18. The only persons who have any reason to fear committee investigation are those who would knowingly subvert or attack the republican constitutional form of government established by the people of the United States.

Mr. ROOSEVELT. Mr. Speaker, I rise to oppose the additional appropriation requested today by the Committee on Un-American Activities for the purpose of investigating the Ku Klux Klan, the Minutemen, the American Nazi Party, and similar organizations. My opposition to this appropriation is based solely upon my firm belief that the Committee on Un-American Activities is not the appropriate committee to conduct such an investigation.

That the Klan and similar self-appointed vigilante groups need to be investigated is absolutely clear. The brutal crimes of the very recent past which have been visited upon people who were peacefully pursuing rights guaranteed by the Constitution make it imperative that the Congress strengthen the Federal criminal law. The Nation cannot afford to stand by helplessly when murderers are charged with mere misdemeanors.

I have recently joined 23 of my House colleagues in stating that an immediate investigation by the proper committee of the Congress should be undertaken so that legislation can be drafted to protect citizens from intimidation, assault and murder, whether perpetrated by members of the Ku Klux Klan or anyone else. The laws that we seek are for the Federal protection of civil liberties and rights, and the proper committee to formulate those laws in the House is the Committee on the Judiciary. That committee has clear jurisdiction and has conducted all of the hearings on previous and pending civil rights legislation.

I, along with a number of colleagues, oppose an investigation of the Ku Klux Klan by the Committee on Un-American Activities because it is not the proper committee to prepare the needed legislation. Exposure for exposure's sake violates the first amendment of the Constitution and serves no legitimate end. We support full investigation and hearings needed to prepare the required criminal statutes by the proper committee, the Committee on the Judiciary.

I have long been an opponent of the continued operations of the Committee on Un-American Activities because of my firm belief that the legitimate scope of its activity is properly within the jurisdiction and expertise of the Judiciary Committee—all of whose members are experienced lawyers. I have, as recently as February 25 of this year, pointed out that despite grossly inflated committee appropriations, no meaningful legislative proposals have ever issued from the Committee on Un-American Activities.

On the other hand, the Committee on the Judiciary has a record of monumental achievement—achievement for which this body and the entire Nation shall forever be grateful. And, the Judiciary Committee has always proceeded in its hearings and deliberations in a manner of objectivity and procedural fairplay toward witnesses who appear before it.

But, we are not confronted today with the question of whether the Committee on Un-American Activities serves a legitimate legislative purpose. We are not called upon today to endorse or criticize the procedures employed by the Committee on Un-American Activities. We need not pass any judgment today upon the product, or lack of it, from the Committee on Un-American Activities.

We are confronted with what can fairly be called a national emergency—the immediate need for Federal law to protect every American from intimidation and brutalization by those President Johnson characterized as "enemies of justice who for decades have used the rope and the gun and the tar and the feathers to terrorize their neighbors." We are confronted with the immediate need to protect the civil liberties and rights of Americans.

Under rule XI(d) of this body, the Committee on the Judiciary has specific jurisdiction over civil liberties, and under rule XI(a) over judicial proceedings, civil and criminal, generally.

Are we to ignore not only the logic and reason of our rules, but also the very word of these rules And if one would argue that the acts of terror of the klan and other groups are in fact subversive of our Government, I would answer that so too is the denial of certain of our citizens' voting rights. So, too, is the denial of equal opportunities in employment. So, too, is the denial of equal access to public accommodations.

Let us turn to our magnificent Committee on the Judiciary for a thorough, fair, and productive investigation of the Klan and other such vigilante groups, in the most justified expectation that we will have before us proposals to rid our land of those depraved and lawless acts to which we have been witness so frequently in these past months and years.

Let us answer our President's impassioned plea responsibly.

Let us respect our rules.

Mr. BINGHAM. Mr. Speaker, I am opposed to the pending resolution which would provide the House Committee on Un-American Activities with an additional $50,000 for an investigation of the Ku Klux Klan.

First of all, I believe that the $370,000 recently appropriated to the committee provides it with ample resources to conduct its proposed investigation of the Klan. In my opinion, it is already engaged in various activities which are not appropriate to the functions of a standing committee of the House, and discontinuance of these activities would provide the Committee with funds with which to conduct the proposed investigation.

Second, I believe that the committee's proposed investigation of the Ku Klux Klan may well be an unnecessary duplication of the much broader task which confronts the House Judiciary Committee; namely, the task of surveying the very apparent need for stronger criminal and civil laws to protect from terror, intimidation, violence, and even murder our citizens who are engaged in activities designed to assure the enjoyment of their own constitutional rights or the constitutional rights of others. I understand that bills along these lines have already been introduced and have been appropriately referred to the Judiciary Committee. I trust that the Department of Justice will shortly submit proposed legislation also, which will likewise be referred to the Judiciary Committee. I look forward to the recommendations that the Judiciary Committee will make to the House for legislation in this field at an early date. It is, in my opinion, imperative that action be taken at this session.

I want to make it clear that, so long as the House Un-American Activities Committee is in existence and in business, I am not opposed to the committee turning its attention to the Ku Klux Klan. It may represent some progress for it to recognize that its attention should not be entirely focused on the radical left, but should also encompass the radical right. I would hope that its proposed investigation will not in any way deter the Judiciary Committee from making the broad inquiries needed in the accomplishment of its legislative tasks.

My opposition to the whole concept of the House Committee on Un-American Activities remains unchanged.

Mr. CALLAWAY. Mr. Speaker, I wish to thank my colleague from Mississippi.

Let me say that I have no objection to the investigation of the Ku Klux Klan or any other group. Yet I feel that the investigating committee should follow its normal practice of conducting preliminary studies to seek out all groups warranting investigation for un-Americanism, and that the House should not, by special resolution, single out one group for special investigation.

Mr. YATES. Mr. Speaker, I do not believe there is a great deal of opposition in the House to the proposed investigation of the Ku Klux Klan. Its acts of violence, its hate mongering, its intimidation, its unlawful activities have made such an investigation inevitable. The question is by whom should such an investigation be conducted. When I called for an investigation of the Klan on the floor several weeks ago, I recommended that it be made by the Committee on the Judiciary. However, upon checking with the staff of the Committee on the Judiciary this morning, and with its chairman, the gentleman from New York, Hon. EMANUEL CELLER, I was informed that the committee could not make the investigation within the foreseeable future, particularly in view of the announcement by the Committee on Un-American Activities that it was proceeding with its investigation.

It has also been recommended that a presidential commission be appointed to go into the matter carefully. I believe this is a meritorious suggestion, but there is no indication that legislation setting up such a commission will receive a hearing by the appropriate committee within any reasonable time, if at all.

I believe the unlawful activities of the Klan should be investigated. Under the circumstances, I shall vote for this resolution today.

Mr. SCHEUER. Mr. Speaker, I believe that violence in the South has not yet run its course. There is ample evidence that much of the present violence is part of a conspiracy by the Ku Klux Klan and related groups to thwart the achievement of equal civil rights for Negroes.

A congressional investigation to determine the necessity of additional legislation to halt the Ku Klux Klan conspiracy is a must.

I believe that the proper committee to conduct this investigation and consider necessary legislation is the Judiciary Committee of this body. Since it is clear to me that the distinguished chairman of that committee believes he cannot undertake this task at this time, and the choice is between no investigation and one by the House Un-American Activities Committee, I shall vote for an investigation.

My votes earlier in this session have made it clear that I believe our legislative purposes would be better served by elimination of the Un-American Activities Committee with the transfer of its functions to the Judiciary Committee. This body, in its wisdom, thought otherwise. I therefore shall not comment any further on the House Un-American Activities Committee except to urge them to provide us with a thoughtful answer to one of the most crucial problems of the day. How do we stem the violence and lawlessness that is preventing many of our fellow citizens from exercising basic human and civil rights?

I have conferred today with the chairman of the House Committee on Un-American Activities, the gentleman from Louisiana [Mr. WILLIS]. He told me that "There will be much weeping, wailing, and gnashing of teeth" where he comes from, but nevertheless, this was "going to be a responsible and serious investigation and definitely not a whitewash."

Mr. KASTENMEIER. Mr. Speaker, two prominent Wisconsin newspapers have very recently offered editorial comments regarding the question before the House today; that is, whether a committee of the Congress should investigate the Ku Klux Klan and, if so, whether the House Un-American Activities Committee should be authorized to conduct it.

On April 11 the prestigious Milwaukee Journal, largest newspaper in the State, and on April 3 the Portage Daily Register, a prominent daily newspaper in my congressional district, argued effectively that the House Un-American Activities Committee is not the proper agency to undertake this investigation.

Mr. Speaker, both editorials reflect an ever-growing concern about the activities of this committee and the propriety of its investigations. Their misgivings are well taken and I believe their recommendations should be accepted by the House today.

The editorials follow:

[From the Milwaukee Journal, Apr. 11, 1965]

INVESTIGATING THE KLAN

The House Un-American Activities Committee is in the preliminary stages of planning an investigation of the Ku Klux Klan. Representative WELTNER, Democrat, of Georgia, a southern Member who supports civil rights, wants it to hold hearings on the Klan, the American Nazi Party, the Minutemen, the Black Muslims, and other extremist groups of the radical right. President Johnson has also called upon the committee to investigate the Klan.

The activities of these groups are often illegal. But the problem posed is one of criminal violation of law which, as the Civil Liberties Union points out, is a matter for local law enforcement officials and the Department of Justice to deal with.

The committee in its long history has often contributed to extremism. It has defamed innocent individuals and groups through charges of guilt by association. It has a barren record when it comes to major legislation—the basic purpose for congressional committees in the first place.

The area in which the committee has acted should properly be dealt with by the Judiciary Committees of the House and Senate. If investigation of the Klan and similar groups is needed—and it must not be undertaken lightly because experience shows that too often this involves invasion of the areas of freedom under the first and fifth amendments—the Judiciary Committees should handle it. It is important that proper agencies, and not one given to intimidation and persecution as is the Un-American Activities Committee, handle the delicate matters of personal belief and civil rights.

[From the Portage (Wis.) Daily Register, Apr. 3, 1965]

J.F.K. AND THE KU KLUX KLAN

There are two moves of the Federal Government which cannot help but cause concern.

The first of these is a film, "John F. Kennedy: Years of Lightning, Day of Drums," which is a highly emotional, extremely effective propaganda film put out by the U.S. Information Agency.

What bothers us about the film is not that the USIA made it or that it is very much a propaganda film. What bothers is that the film is going to be released domestically—in this country.

It is not the purpose of the Federal Government to provide films for domestic viewing which help the name and image of one person or one party.

The second area of concern is the House Committee on Un-American Activities and its recent decision to investigate the Ku Klux Klan—and to begin preliminary investigations of the American Nazi Party and the Minute Men.

The hate-filled teachings and terror of the Ku Klux Klan are as despicable as the prejudice, hate, and terror of the Communists—the normal target of the House Un-American Activities Committee. It would be best for the FBI to investigate and the Justice Department to prosecute through the courts any subversive activities of these extremists.

Throughout its long history, the House committee has investigated but has produced no significant legislation out of its investigations. The problem with this is that the function of the committee—a nonjudicial organ—is not to judge but to legislate.

In fact, however, the committee might well be accused of "witch hunting" as it calls people before it and puts them in the position of being a Communist by implication. There is no trial or safeguards of the legal process. Quite the contrary, the criterion seems to be "guilty until proven innocent—with the burden of proof on the accused instead of the accuser." How opposite our system of justice.

Well, the House Un-American Activities Committee is starting another investigation. Only the group they are investigating has changed. From all indications their mode of operation, their end result, and their lack of justice remains.

It is a shame that both of these projects—the film and the investigation—cannot be taken on by the right people in the right places. Yet, it seems that they are not going to take that route. We can only hope that the die is not permanently cast, however, and that an end change can still be made.

Mr. DUNCAN of Oregon. Mr. Speaker, I intend to vote no on this resolution. If this resolution is solely to provide money, my answer is that only weeks ago we appropriated $370,000 for the work of this committee. If, as we are advised the committee needs no additional authority to undertake this proposed investigation and, as we have seen, the committee has already been funded, the resolution is unnecessary. If, by the resolution, additional authority is sought, then I oppose any grant of such further authority.

I hold no brief for the Klan any more than I hold a brief for the Communist Party; indeed, there are many other extremist organizations with which I disagree. But the proper thrust of legislative committee activity is to write the laws, not to expose or punish the breach thereof. In the instance of the Klan, it is the violence, the murder, the commission of crimes allegedly perpetrated by members of the Klan that furnish the incentive for the investigation of the organization.

The accused may be members of other organizations, church groups, fraternal organizations such as the Elks, Masons, and so forth. Must they, likewise, be investigated in turn? Already we have had on the floor today the suggestion that the Birch Society, the various civil rights organizations, the Minutemen, the White Citizens League and, perhaps, others should and will come next.

What good will come from the investigation of such organizations? Is it the ideas which they allegedly hold and espouse that we are after? If so, then it has been well said here this afternoon that the answer to extremist ideas is not investigation but the competition of the ideas and ideals of freedom on which this country is based. If so, then the list of eligible organizations grow long and will inevitably include the B'nai B'rith ACLU, church groups, and, sooner or later, political organizations of nonconformist leanings and many others.

Rather our attention focuses on specific instances of murder and violence; of lynch law; acts which are crimes under the laws of all of our States and all civilized nations. What we are concerned with is individual crime and what appears to be a breakdown of law enforcement and the protection from such crimes which every citizen, regardless of his feeling on civil rights, is entitled to expect.

And here I tremble at the prospect of the Federal Government taking over the law enforcement duties which have always been the responsibility of local government. I tremble at the thought of a Federal police force. And yet the prospect is before us. And it is the old, old story of the escalation of responsibility for governmental function upwards to the Federal Government because of the inability or the unwillingness of local governments to do the job which is rightfully theirs.

We say today that the Ku Klux Klan will be investigated. And yet it is not an organization which will be called to the witness table. It will be people who will be tried in the court of public opinion. And all my training as a lawyer, all of my years of practice at the bar, all of my training as a citizen and as a public servant tells me that a legislative body is peculiarly unadapted to do this job. That under our Constitution, one who is accused of violating the law should be indicted and tried in the courts with the presumption of innocence, the right to be confronted by one's accusers, the right of cross-examination, and all of the other rights which we give our citizens to protect them from the possible tyranny of the state.

Some of the guilty will go free under this system. It has been always so recognized that this is the price we pay to protect the innocent. It is only by prejudging the guilt of the one accused that one can justify any other course.

The organization may be found to be undesirable. We may attempt some law to outlaw it. What will that accomplish? The organization will go underground or will disband and another tailored to fit the new rules will appear and we will start the merry-go-round again—and in the process hurt, again, innumerable innocent citizens to reach the conclusion that murder is wrong and cannot be tolerated by a civilized nation.

The one who pulls the trigger, or swings the club or the dagger or throws the bomb may belong to the Klan. But he may also be Presbyterian or a Methodist or a Catholic or a Jew, he may be black or white, he may be a Mason or an Elk or a Moose, or a White Citizen or a Black Muslim. But before that he is an individual, responsible for his actions, and is entitled to a fair trial under our laws in the courts in New York or Alabama or Oregon, not in a legislative committee room. And I have confidence that, in spite of temporary lapses, our judicial system in all of our States will function impartially as it was meant to.

Mr. O'HARA of Illinois. Mr. Speaker, there doubtless are many good and wise people in our country who think the public welfare and security are advanced by the exposure that comes with congressional hearings.

If something is sinful, or vile, or contemptable, or the instrument of treason, why should it not be exposed and thus to some extent be exterminated?

The answer is that exposure itself can be so devastating as to destroy what citizens hold most precious, and in a congressional investigation, no matter how prudently conducted, there cannot be that protection from gossip, hearsay, and downright malice that centuries of experience have planted in the laws of evidence in our courts.

The fabric of our democratic government is rent when one branch of government invades the domain of another. The tragedy of government that has lost its chart and rudder is inevitable when one man, or one body as the Congress of the United States, both makes and executes the laws.

The sole province of the Congress is to make the laws, and it follows that its investigative powers properly can be employed only in the investigation of needs and forms for new or amended statutes.

Congressional inquiries just for the sake of exposure itself was foreign to the minds of the men who made our Constitution.

As a Member of Congress, during the years I have been here, I have voted for appropriations of countless millions for the administrative offices to enforce the laws that the Congress has enacted. I have voted for every cent that Hoover has asked to ferret out and punish crime, including that of subversion.

It well may be that new laws or revision of the old are needed adequately to cope with the menace of organizations of hate and violence such as the Ku Klux Klan. This, however, is clearly within the jurisdiction of the Judiciary Committee, and an appropriation to that committee, or a subcommittee thereof, to make the proper study and recommendations I would think entirely meritorious and worthy of my full support.

But, Mr. Speaker, there is a vast difference between a study and an investigation leading to the enactment of better and stronger laws and what is here proposed.

Mr. HORTON. Mr. Speaker, I rise in support of the pending resolution to provide funds for the Committee on Un-American Activities to conduct an investigation of the Ku Klux Klan.

Last month, on March 27, I announced my support of all efforts by the Government to eliminate the evil influence of the Ku Klux Klan. I also said that an exhaustive investigation was needed and it should be undertaken at once.

I believe the funds this resolution will provide fulfill the desire of many Members of Congress to move swiftly and positively in this investigative process.

I expect this congressional examination will be full and fair. The public is entitled to a complete disclosure—and exposure—of what the Ku Klux Klan means.

Bigotry and hatred seem to be at the base of Klan activities. Even the President has publicly identified the participation of four klansmen in the violent murder of the noble woman from Michigan as she was being driven through an Alabama night.

Hooded agents of violence bent on nurturing passions of inhumanity have no place in our society. I trust the investigation we are funding today will add the weight of Congress to helping the Nation excise the cancer of the Klan.

Mr. SICKLES. Mr. Speaker, on March 26, President Johnson indicated that the Federal Government was drafting legislation to regulate the activities of the Ku Klux Klan. He also indicated that a congressional investigation of the Klan would be appropriate.

In my view, any investigation of the Klan should be carried out by the legislative committee of the Congress concerned with civil rights and Federal criminal legislation—in this case, the House Judiciary Committee—to determine what changes are needed in existing laws. Investigation for investigation's sake serves no useful purpose. In any case, no additional money is needed by the House Un-American Activities Committee should they wish to make an independent inquiry into the activities of the Klan.

Mr. FRIEDEL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

Mr. WILLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 313, nays 43, not voting 87, as follows:

[Roll No. 76]

YEAS—313

Abbitt
Abernethy
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Andrews, Glenn
Annunzio
Arends
Ashbrook
Ashmore
Aspinall
Baring
Barrett
Battin
Beckworth
Bell
Bennett
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton
Brock
Brooks
Broomfield
Brown, Ohio
Broyhill, Va.
Buchanan
Burke
Burleson
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Casey
Cederberg
Chamberlain
Chelf
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Clevenger
Cohelan
Conable
Conte
Cooley
Corbett
Corman
Cramer
Culver
Curtin
Curtis
Daddario
Dague
Daniels
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dent
Derwinski
Devine
Dickinson
Dole
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan, Tenn.
Dwyer
Edmondson
Edwards, Ala.
Ellsworth
Erlenborn
Evans, Colo.
Everett
Fallon
Farnsley
Fascell
Findley
Fisher
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gilbert
Goodell
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Gross
Grover
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harvey, Mich.
Hays
Hechler
Henderson
Holifield
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jones, Mo.
Karsten
Kee
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kornegay
Krebs
Kunkel
Laird
Landrum
Latta
Lindsay
Lipscomb
Long, Md.
McCarthy
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Mackay
Mahon
Machen
Mailliard
Marsh
Martin, Ala.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Minshall
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
O'Brien
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neill, Mass.
Passman
Patman

Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Poff
Pool
Price
Pucinski
Quillen
Race
Randall
Reid, Ill.
Reid, N.Y.
Reinecke
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, N.Y.
Roudebush
Rumsfeld
Satterfield
St Germain
St. Onge
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Van Deerlin
Vigorito
Waggonner
Walker, N. Mex.
Watkins
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Willis
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Younger
Zablocki

NAYS—43

Bandstra
Bingham
Brown, Calif.
Burton, Calif.
Callaway
Cameron
Conyers
Craley
Diggs
Dingell
Dow
Duncan, Oreg.
Dyal
Edwards, Calif.
Farbstein
Ford, William D.
Gonzalez
Green, Oreg.
Hawkins
Helstoski
Hicks
Kastenmeier
Leggett
Lennon
Mackie
Mink
Nedzi
O'Hara, Ill.
O'Neal, Ga.
Ottinger
Powell
Resnick
Reuss
Rosenthal
Roybal
Ryan
Saylor
Sickles
Smith, Va.
Todd
Vivian
Walker, Miss.
Whitten

NOT VOTING—87

Adair
Andrews, N. Dak.
Ashley
Ayres
Baldwin
Bates
Belcher
Bonner
Bow
Brademas
Bray
Broyhill, N.C.
Carey
Carter
Celler
Collier
Colmer
Cunningham
Dawson
Denton
Evins, Tenn.
Farnum
Feighan
Fino
Fraser
Fulton, Tenn.
Gathings
Gilligan
Gurney
Hamilton
Harsha
Harvey, Ind.
Hathaway
Hébert
Herlong
Holland
Horton
Jonas
Jones, Ala.
Karth
Kluczynski
Langen
Long, La.
Love
McClory
Macdonald
MacGregor
Madden
Martin, Mass.
Martin, Nebr.
Mosher
Nelsen
Nix
Olson, Minn.
Pirnie
Purcell
Quie
Redlin
Reifel
Rooney, Pa.
Roosevelt
Rostenkowski
Roush
Scott
Shipley
Stalbaum
Sweeney
Taylor
Thompson, N.J.
Toll
Tupper
Vanik
Watts
Weltner
Williams
Wilson, Bob
Young

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Feighan with Mr. Adair.
Mr. Hébert with Mr. Martin of Massachusetts.
Mr. Carey with Mr. Harsha.
Mr. Herlong with Mr. Bow.
Mr. Madden with Mr. Harvey of Indiana.
Mr. Fulton of Tennessee with Mr. Jonas.
Mr. Roosevelt with Mr. Fino.
Mr. Nix with Mr. Ayres.
Mr. Evins with Mr. Belcher.
Mr. Rostenkowski with Mr. Bob Wilson.
Mr. Shipley with Mr. Cunningham.
Mr. Toll with Mr. Martin of Nebraska.
Mr. Celler with Mr. Horton.
Mr. Kluczynski with Mr. MacGregor.
Mr. Macdonald with Mr. Bates.
Mr. Thompson of New Jersey with Mr. Quie.
Mr. Sweeney with Mr. Pirnie.
Mr. Brademas with Mr. Collier.
Mr. Holland with Mr. Gurney.
Mr. Ashley with Mr. Mosher.
Mr. Stalbaum with Mr. Andrews of North Dakota.
Mr. Denton with Mr. McClory.
Mr. Scott with Mr. Langen.
Mr. Taylor with Mr. Nelsen.
Mr. Gathings with Mr. Bray.
Mr. Bonner with Mr. Reifel.
Mr. Rooney of Pennsylvania with Mr. Tupper.
Mr. Long of Louisiana with Mr. Carter.
Mr. Purcell with Mr. Frazer.
Mr. Vanik with Mr. Weltner.
Mr. Love with Mr. Watts.
Mr. Young with Mr. Williams.
Mr. Roush with Mr. Colmer.
Mr. Karth with Mr. Dawson.
Mr. Olson of Minnesota with Mr. Gilligan.
Mr. Farnum with Mr. Hamilton.
Mr. Redlin with Mr. Hathaway.

Mr. CRALEY changed his vote from "present" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMITTEE ON WAYS AND MEANS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until midnight Monday, April 19, to file a report to accompany S. 701.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONGRESSIONAL APPROVAL OF COMMEMORATIVE POSTAGE STAMPS

Mr. OLSEN of Montana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, today I introduced in the House a bill that is designed to reassert congressional policy in an area of postal operations where it has been lacking for many years. My bill provides for the approval by the Committees on Post Office and Civil Service of the Senate and House of Representatives of all commemorative stamps that are proposed to be issued by the Postmaster General.

It is my understanding that some 16 or 17 years ago an informal agreement was reached between the members of the Post Office and Civil Service Committees of both Houses, that they would not consider any of the large number of bills that were being introduced each year providing for commemorative stamps. While I do not intend at this time to argue either the merits or demerits of such an arrangement, it has had the effect of giving to the Postmaster General exclusive and final authority over the issuance of such stamps. This rather informal arrangement between the two committees, which has continued over the years, has put the Congress in the position of abdicating its own authority in this area.

In 1958, the Congress enacted the now famous Postal Policy Act in which it "hereby emphasizes, reaffirms, and restates its function under the Constitution of the United States of forming postal policy." Early in this session of Congress, my Committee on Post Office and Civil Service completely revised its rules of procedure and created eight standing subcommittees in order that we could more adequately discharge our full responsibilities in the many areas of our jurisdiction, and in order that we, as the committee initially charged with forming postal policy, could give real meaning to the Postal Policy Act. I submit that congressional policy is lacking in the field of commemorative stamps and my bill is an attempt to fill that void.

The postal service, the largest communications system in the world, is owned by the people of the United States, and we here in the Congress are, in effect, its board of directors, directly responsible to the people for its operation. The matter of issuing commemorative stamps is of increasing interest and importance to a great many of our constituents. This entire subject warrants more of our attention and of our interest than it has received heretofore. We certainly should, by reasserting our authority, give back to the people some voice in the establishment of standards, criteria, and policies to be followed in issuing these special stamps.

It is interesting to note that, even though my committee does not act on any of the special bills providing for commemorative stamps, 75 such bills were introduced by my colleagues in the 88th Congress. So far in this Congress, there are 16 such bills pending within my committee. This would certainly seem to indicate that, even though we have more or less abdicated our responsibilities in issuing commemorative stamps, many Members of the Congress are not in agreement with us.

I have here a complete listing of the stamps and stamped paper that were issued by the Postmaster General in 1964, and a list of those stamps and stamped paper which already have been issued and which are announced for 1965. I will include these lists for the information of the Members at the conclusion of my remarks.

In comparing these lists with the calendar of commemorative stamp legislation introduced in the 88th Congress and in this Congress, one cannot help but make some interesting observations, particularly as to how much influence the wishes of Members of Congress have apparently had on the Postmaster General's decisions. For example, seven Members of Congress, practically the entire Indiana delegation, introduced bills in the 88th Congress providing for a special commemorative stamp on the 150th anniversary of the admission of the State of Indiana to the Union. We find no Indiana stamp on the Postmaster General's lists, but there are New Jersey and Nevada stamps.

Several Members of Congress have introduced bills calling for a special commemorative stamp in honor of Taras Shevchenko. There is no such stamp listed on the Postmaster General's lists, but we do find listed an amateur radio operator's stamp, a William Shakespeare stamp, and a fine arts commemorative stamp.

Four Members of Congress have introduced bills providing for a special "Star-Spangled Banner" commemorative stamp. I find no mention of such a stamp on the Postmaster General's lists, but I do note that later this year we will have an International Cooperation Year—United Nations commemorative stamp, and that last year we had an American music commemorative stamp and a homemakers' commemorative stamp, and I am sure that all Members will recall the famous series of Christmas postage stamps we had last year that were noticeably devoid of anything at all connected with the birth of Christ.

I do not intend that my remarks be construed as criticism of any of the stamps that already have been issued, or that are planned by the Postmaster General, but I do think that what I have said does point up in some small measure the fact that there seems to be no real policy on who, or what, should be honored, and when.

As I indicated earlier, this is a matter of major importance to many people, and I feel very strongly that the Congress should reassert its authority and jurisdiction. I certainly intend to press for early action on my bill.

STAMPS AND STAMPED PAPER ISSUED IN 1964

January 10: 5-cent Sam Houston commemorative stamp—Houston, Tex. (rescheduled from December 13, 1963), 130 million (black on white), 487,986 first day covers.

February 22: 4-cent U.S. Customs Service commemorative postal card, Washington, D.C. 43 million (blue and red on white), 313,275 first day cancellations.

March 19: 5-cent Charles M. Russell "American Painting" commemorative stamp, Great Falls, Mont., 125 million (yellow, brown, and blue), 658,745 first day covers.

April 22: 5-cent New York World's Fair commemorative stamp, 130 million (green), 1,656,346 first day covers, New York World's Fair, Flushing, N.Y.

April 22: 5-cent New York World's Fair commemorative stamped envelope, 50 million (maroon and white), 466,422 first day cancellations, New York World's Fair, Flushing, N.Y.

April 29: 5-cent John Muir commemorative stamp, Martinez, Calif., 125 million (brown and green), 446,925 first day covers.

May 5: 5-cent Battle of the Wilderness "Civil War Centennial" commemorative stamp, Fredericksburg, Va., 120 million (red and black), 450,904 first day covers.

May 29: 5-cent John F. Kennedy memorial stamp, Boston, Mass., 500 million (blue), 2,003,096 first day covers.

June 15: 5-cent New Jersey Tercentenary commemorative stamp, Elizabeth, N.J., 120 million (blue), 526,879 first day covers.

July 22: 5-cent Nevada Statehood commemorative stamp, Carson City, Nev., 120 million (red, yellow, and blue), 584,973 first day covers.

August 1: 5-cent Register-Vote commemorative stamp, Washington, D.C., 213 million (red and blue on white), 533,439 first day covers.

August 14: 5-cent William Shakespeare commemorative stamp, Stratford, Conn., 118 million (brown on tan), 524,053 first day covers.

September 11: 5-cent Doctors Mayo commemorative stamp, Rochester, Minn., 120 million (green), 674,846 first day covers.

September 26: 4-cent Social Security commemorative postal card, Washington, D.C., 50 million (blue and red on white), 293,650 first day cancellations.

October 5: 8-cent Dr. Robert H. Goddard commemorative airmail stamp, Roswell, N. Mex., 60 million (blue, red, and yellow), 421,020 first day covers.

October 15: 5-cent American Music commemorative stamp, New York, N.Y., 120 million (red, blue, and black on blue paper), 466,107 first day covers.

October 26: 5-cent Homemakers commemorative stamp, Honolulu, Hawaii, 120 million (red, green, and light purple on paper decorated with a yellow linen design), 435,392 first day covers.

November 9: 5-cent Christmas postage stamps (four different designs), Bethlehem, Pa., 1.4 billion (red and green), 794,900 first day covers.

November 21: 5-cent Verrazano-Narrows Bridge commemorative stamp, Staten Island, N.Y., 120 million (green), 619,780 first day covers.

December 2: 5-cent Fine Arts commemorative stamp, Washington, D.C., 120 million (red, blue, and black), 558,046 first day covers.

December 15: 5-cent amateur radio operators commemorative stamp, Anchorage, Alaska, 120 million (purple), 452,255 first day covers.

STAMPS AND STAMPED PAPER ANNOUNCED FOR 1965

January 5: 5-cent stamped envelope (Eagle), Williamsburg, Pa., unlimited printing (purple).

January 6: 4-cent stamped envelope (*Old Ironsides*), Washington, D.C., unlimited printing (blue).

January 6: 1¼-cent stamped envelope (Liberty Bell), Washington, D.C., unlimited printing (brown).

January 7: 8-cent airmail stamped envelope (jet plane), Chicago, Ill., unlimited printing (red).

January 8: 5-cent Battle of New Orleans commemorative stamp, New Orleans, La., 120 million (red, blue, and black), 466,029 first day covers.

February 15: 5-cent Physical Fitness-Sokol commemorative stamp, Washington, D.C., 120 million (black and red on white).

February 25: 25-cent Paul Revere coil postage stamp (issue of 1958), Silver Spring, Md. (Wheaton, Md., postmark), unlimited printing (green).

April 1: 5-cent Crusade Against Cancer commemorative stamp, Washington, D.C., 20013, 115 million (orange, black, and purple).

April 9: 5-cent Appomattox "Civil War Centennial" commemorative stamp, Appomattox, Va., 24522, 115 million (shades of black and blue).

May 29: 11-cent John F. Kennedy Aerogramme, Boston, Mass., 02109, unlimited printing.

June 15: 5-cent Magna Carta commemorative stamp, Jamestown, Va., 23081.

July 2: 5-cent Salvation Army commemorative stamp, New York, N.Y., 10001.

August 4: 4-cent U.S. Coast Guard commemorative postal card, Newburyport, Mass., 01950.

August 10: 5-cent Herbert Hoover commemorative stamp, West Branch, Iowa, 52358.

August 19: 5-cent Robert Fulton commemorative stamp, Albany, N.Y., 12201.

September 3: 5-cent traffic safety commemorative stamp, Baltimore, Md., 21233.

Five-cent Florida Quadricentennial commemorative stamp; Dante Alighieri commemorative stamp; John Singleton Copley "American Painting" commemorative stamp; Winston Churchill commemorative stamp.

Five-cent International Cooperation Year-United Nations commemorative stamp.

Eleven-cent International Telecommunication Union Centennial commemorative stamp.

CLOSING OF VETERANS HOSPITALS

Mr. RESNICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RESNICK. Mr. Speaker, it is a great pleasure for me to take this opportunity to publicly commend two of my distinguished colleagues for their dedication as members of the President's Commission To Investigate the Closing of Veterans Hospitals. I refer to the gentleman from Texas, Mr. OLIN TEAGUE and the gentleman from Indiana, Mr. ROSS ADAIR.

These two gentlemen, acting in the highest tradition of the Congress, disrupted their personal and public schedules last weekend to make a trip to various VA hospitals affected by the closedown order. One of the hospitals visited was Castle Point, N.Y. I commend these gentlemen for the way they are meeting their duties and responsibilities as members of the Commission. Mr. TEAGUE of Texas and Mr. ADAIR did not have to make the tiring trip. There was no glory or promise of personal advantage to be gained, but they did go, at great inconvenience to themselves, because they would not shirk their responsibility. They wanted to see at firsthand what facilities the hospital offered our veterans.

I sincerely hope that the other members of the President's Commission will follow the example set by my two distinguished colleagues. It is my hope that all other members of the Commission will visit these hospitals and meet their responsibility as Mr. TEAGUE of Texas and Mr. ADAIR did last weekend.

THE VOTER REGISTRATION BABY

Mr. O'NEAL of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, the labor pains of the Attorney General and the Judiciary Committee in bringing forth an illegitimate voter registration baby focus attention on the absurdity of the whole thing when, in the name of ending discrimination, they are just as guilty of discrimination.

What is becoming more obvious every day is that the President acted hastily and under pressure from the mob when he extended the Lafayette Square rally into the Halls of Congress. Even his own advisers have seen the folly and unfairness of the bill and are now having to rewrite it in a vain attempt to correct so many serious errors. The result, however, will surely be to multiply problems instead of solving them.

This is what one meets when one tries to psychoanalyze from afar and convict a board of registrars simply by using statistics as evidence. It is like saying a high death rate proves murder.

There are many factors to be considered in analyzing statistics. Voter apathy and indifference that characterize those concerned only with satisfying the daily animal appetites is an important consideration. The fact that Democrats have run unopposed in general elections in the South is a very important consideration. If things continue in the present trend, however, the administration will unwittingly and unintentionally wipe out this last reason.

On Monday of this week the Washington Star reported that the White House was in conflict with the House Judiciary Committee on certain factors that would apply to Texas. It was reported in the news item that the Attorney General thought there was danger of affecting the "practicability." This was a euphemistic way of saying "let's keep it so that it does not discriminate against too many States if we expect to pass it."

Mr. Speaker, how many sacred principles will be destroyed if they pressure this bill through Congress? What will become of section 2 of article I of the Constitution? Will it simply be repealed the same way the 10th amendment has been repealed? Is there any doubt that it has been repealed? Who repealed it? What about the principle that no American is required to prove his own innocence? Does this apply to a State or a subdivision thereof? What about ex post factor laws? Will the new bill enact such a law?

Will the affected States or registration boards have their "day in court" or will they be convicted of malfeasance on long-distance psychoanalysis and without "due process of law"?

Will jurisdiction be granted to a nonresident court? The very thought is repugnant.

Will the Constitution of the United States have universal application? This bill will make a mockery of this deeply ingrained principle.

Turning election machinery over to the Federal Government is another step toward centralization of power. Drawing the line of application at any percentage of the population of voting age registered and voting is a highly arbitrary distinction. It proves its own idiocy by including Alaska when even the authors of the bill had no intention of doing so.

One of the words frequently used in discussing this vicious bill is the word "trigger," used in connection with the proposed activation of Federal registrars. Mr. Speaker, I do not know who first suggested this word, but it is well chosen because it brings up the mental picture of a lyncher's shotgun aimed at an unconvicted victim—in this case selected States.

I would like to suggest to my colleagues that the rights of only a few States are involved today, but when the precedent is established it may be yours tomorrow on some issue other than voter registration.

In closing I quote from that highly respected publication the Christian Science Monitor:

> There is widespread agreement on its purposes. But if they are achieved by questionable means, the mistake will surely remain to haunt the Republic. The end does not justify dubious means in this or any other case.

ALBERT CARDINAL MEYER, ARCHBISHOP OF CHICAGO

Mr. YATES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, yesterday, with thousands of other Chicagoans who mourned his untimely passing, I attended the funeral of the beloved Albert Cardinal Meyer, Roman Catholic archbishop of Chicago. His death came as a profound loss not only to the archdiocese of Chicago and to the Roman Catholic Church, but to men of all faiths everywhere, for his was a spirit of religious understanding and a moral concern for human rights second to none.

In Chicago we knew him as the magnanimous prelate of the largest Catholic diocese in the Nation. His time among us was brief, barely 6 years. His leadership and influence manifested itself quickly as a decisive force for good in our city, particularly in the area of human relations. Men of all races, creeds, and colors recognized him as a courageous and articulate champion of social justice.

Beyond the confines of the archdiocese, Cardinal Meyer emerged as an eloquent prince of his church. In Rome, he became a president of the Second Vatican Council, and as a respected spokesman for the American church, he became a central figure in the reform movement at the council. His determined leadership in the struggle for interfaith understanding, which he pursued in Rome and practiced in Chicago by initiating and promoting dialog and action between different religious faiths was admired by all. His stature as a great man of God, known so well by the people of Chicago and Wisconsin, where his priesthood began 39 years ago, was confirmed on the world scene through his activity in the far-reaching deliberations in the Vatican in recent years.

Cardinal Meyer was a man of peace drawn to a crucial time of conflict in human affairs. Outwardly, he was a reserved, almost shy, person but in pursuit of human justice, equality, and understanding he demonstrated tenacity, determination, and toughness for the tasks at hand. With these qualities he summoned up reservoirs of the human spirit that have given a new direction and a new impetus to his church and his community. He moved quietly and firmly to impress upon his priests his philosophy that "religion cannot be separated from life. The Christian gospel applies to politics, business, social, and domestic life."

In 1960, less than 2 years after he was enthroned in Holy Name Cathedral, he instructed his priests to accept Negroes into their parishes, schools, hospitals, and other church institutions. The next year he told them to preach on racial equality and the next he lent support to the interfaith National Conference on Religion and Race. He said:

> We must remove from the church on the local scene any possible taint of racial discrimination or racial segregation and help provide the moral leadership for eliminating racial discrimination from the whole community. Fundamentally, the [race] problem is a moral one, involving the spiritual character of every man, his uniqueness as an image of God, and his inalienable rights given by the same Lord and Creator of all, who is dishonored when any of his children are dishonored because of their physical difference, background or national origin.

Mr. Speaker, we in Chicago shall not forget the impact of Albert Cardinal Meyer's spirit of dedication, of his brave leadership in thought and action as he sought to achieve a renaissance of the democratic spirit. We value his reverence and love for God and God's creatures. We have shared in his translation of faith into action. If his place is now empty, the memory remains full of this great man and of the ideals for which he worked.

All of us who knew him regret that his labors were confined to so brief an hour of history, but it was a bright hour, and his gifts to the church, to the community and to the world will be long remembered.

ECONOMIC OPPORTUNITIES ACT

Mr. TODD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TODD. Mr. Speaker, my district is blessed with relative prosperity and a great desire to care for its own. Its local charities, community relations groups, and civic organizations exert responsible leadership in our communities and have always tried to assist our less fortunate neighbors to improve their lot.

Now we are organizing our efforts so as to take full advantage of the Economic Opportunity Act, so that even more rapid progress may be made. This is truly a grassroots program, and I am certain my colleagues will be interested in remarks made to the Battle Creek Rotary Club by Dr. Charles Swan, of Albion College, who is one of the leaders in this program in Calhoun County.

I include his remarks, as follows:

THE ECONOMIC OPPORTUNITIES ACT AND THE ANTIPOVERTY PROGRAM

(Speech to the Rotary Club of Battle Creek, Mich., Mar. 29, 1965, by Dr. Charles L. Swan)

Mr. President and friends of Rotary, it is a pleasure to be invited to speak to you again. I have addressed you before on two occasions, and on both I took you to lands overseas, reporting on the journey my wife and I took overland from Denmark to India and Nepal. Today, I have been asked to present a program which is stirring our own country, the antipoverty program.

I should first make a disclaimer. I am going to talk about poverty, but I don't really believe in it, though I confess my wife sometimes thinks I do. Though I am going to describe aspects of a piece of important legislation, the Economic Opportunities Act, I'm not really a legal expert, and I have brought Mr. Richard Anthony and Mr. Robert Langer, of our Calhoun County Community Council, to help me out if your questions, after the speech, become too difficult for me. Finally, I am really here as a substitute for Mr. James Heinz, the chairman of our social action division of the community council; he should be asked later on to come and speak for himself, for he knows the program, and you can depend upon his judgment as one of our county's most able legal minds.

Now there are two reasons why, as a college professor of sociology, I am involved in this antipoverty program. First, the young men and women with whom I work are going to be needed by this program. Second, in a larger and more important sense all of us are involved in this program. In 1847, in his "Communist Manifesto," Karl Marx prophesied that our civilization would one day be destroyed by the conflict between "the have nots" and the "the haves." He said that the differences between the upper classes and the lower classes would become steadily more and more bitter and irreconcilable until finally a bloody and mortal revolution would break out. "The have nots" would liquidate "the haves," capitalism would be eliminated, and the dictatorship of the proletariat would be established. Actually, a very different story has been told by our history: The prophesy of Marx has not been fulfilled because of people like my students and programs like the antipoverty program. My students come from very fortunate homes; they are the sons and daughters of prosperous and successful men. They attend a high-tuition, high-standard private college. They are capable of entering into the most rewarding of professions and positions. Yet they deliberately and consciously choose to serve the "man furtherest down" (as Booker T. Washington called him). They belong to that basic tradition of decency and justice which undergirds our civilization and makes impossible the fulfillment of Marx's prophecy.

* * * * *

In 1962 Luther Hodges and his Department of Commerce was asked by the national legislators to make a survey of our country. They found that of our 47 millions of families, 9,200,000 families—with a total population of more than 30 million—are living on an annual income of less than $3,000. They found that of the 3,200,000 rural farm families in America, 43 percent are below the $3,000 line; of our 4,600,000 nonwhite families, 45 percent are below the $3,000 level; of our 6,800,000 families with the head of the family older than 65 years, 47 percent live on less than $3,000 a year; and of the 4,700,000 families in which a woman is the head of the family, 48 percent fall below the $3,000 annual income level. But these statistics do not clearly describe the real "face of poverty" in our land.

* * * * *

Michael Harrington, in his "The Other America," has given us the phrase, "the culture of the poor." He suggests that a "way of life" has grown up among the poor which literally captures generation after generation of these people. This "culture of the poor" includes all the mental and moral devices necessary for an individual's adjustment to prolonged poverty, including the fatalism, the escape mechanisms of fantasy and withdrawal, the habits of defeat. Parents pass on these values, these adjustment patterns, to their children so that we have a continuing community of the poor, a culture within our culture. This analysis of poverty brings us a first step toward a useful understanding of the poor.

* * * * *

A special segment of the Negro poor deserves particular notice: the unmarried Negro mother. There are, of course, white women who are on aid to dependent children but they involve a different set of problems. The Negro woman in this class has a special history. For one thing, the man who should marry her cannot really afford to support a family; he is unskilled and unproductive and generally unrewarded in our economy. The best he can do is to "visit," and move away whenever there is a threat that the welfare subsidies will be withdrawn. Then again, the unmarried Negro mother lives in the continuing shadow of slavery. In the cabins of the field laborers, a woman was well-adjusted who learned to regard marriage as a brittle, impermanent liaison. As the Negro man learned that it was psychologically fatal to fall deeply in love with a woman and her children, the woman learned to take full charge of her brood and fulfill the whole parental role, insofar as she knew it.

The patterns of this relationship have persisted. The establishment of the attitudes and habits of permanent, monogamous marriage is not easy. The preparation for monogamy is difficult outside the monogamous home, and children brought up in homes where the marital relationship has been different need patient help if they are to acquire a new set of values, a changed set of habits. There is a clamorous demand, today, that we become punitive in our treatment of the Negro unmarried mother. This clamor fails to understand the real difficulties before us. Furthermore, if we should halt the welfare aid to these women, we would suddenly find a million new commercial prostitutes on our streets, and such a prospect is enough to dismay the most callous hearts.

One more segment of our poor should be noted. It was not long ago that a Michigan farmer said to me, "If I had not been able to borrow $50,000, I would have had to sell the farm and try to get a job in a factory, if there was one to find." You have heard this said lately. Or perhaps you have talked to the man who did not get his loan. Between the years 1950 and 1955, one-third of the farmers of Calhoun County stopped farming, turning over their lands to others. The vast technological changes which have engulfed our agriculture have left a host of folk in another economic backwater, where they seem to be trapped by their lack of preparation, by their old habits, and lack of new knowledge. They need patient help if they are to return to the main stream of the American prosperity.

* * * * *

The Economic Opportunities Act is the product of a generation of preparation. It makes, in the first place, available to us a sum of a little less than $1 billion. This is a far cry from the $11 billion which could be so easily wasted on a cash handout to the poor, but it is, by the best estimates, the amount which can be used this year to stimulate our country into action. In the second place, this money is to be spent by local groups, those groups which have been at work for 30 years trying to solve the problems of poverty in their experimental, limited programs. This emphasis on the local community does not mean that we are going to fall into the barren philosophy of "localism": ideas and talents have free-flow in this modern America of ours, and men know how to move and reach across State lines, country lines, community lines for ideas, methods, resources in the solution of our common human problems. We are not confined to local brains and local experience; but local leadership has accepted the responsibility for initiative. Finally, it is recognized that poverty is a complex, ever-changing problem with numerous forms and facets. To transmute the relief recipient into a contributing citizen requires a great deal of patience and a variety of different programs. No one in Washington has been given the power to veto a program which has any real chance of success. That is how the law has been written.

Here in Calhoun County, the Calhoun County Community Council has taken the initiative. Following the advisory sections of the act, the council has organized what is called the social action division of the council, and given its authorization to carry on under the act. The division is composed of all sorts of people, practically everyone who has had some experience with successful work among the poor—whether they have been administrative people or people who have been helped by the existing programs. The "Division" represents the whole county and every segment of the community.

A number of task forces have been appointed. For instance, I was put in charge of the task force to which was assigned the task of describing and preparing a research and program-development project. We have already asked for a sum of $20,000 under the act. With this money, we will get a research man to work with our Mr. Robert Langer in a year-long effort to see how best to use any money we may ask for. In this study we will use volunteer personnel. Last week I came to know that Albion College is planning a program for training VISTA workers; workers for the internal Peace Corps. If that plan goes through, the research project will use some VISTA personnel—during and after their course of training—to give Calhoun County a hard and steady examination.

Already, Dr. Harry Davidson and his colleagues in the Battle Creek Public Shool System have put in a request for some $120,000. For years they have been "itching" to do some necessary extra work among the underprivileged children of Battle Creek, and their families. They know the limits of local resources; now that funds are available they have taken prompt and apt action. They are, I believe, going to be able to do, this summer and this coming year, work among their charges which they have so urgently desired to do for so long.

The word is getting around to responsible people all over this county that it is time to untie the hands which have too long been tied. People who have been looking at poverty with a tragic feeling of helplessness, people who have long known that certain things could be done to change the "culture of the poor," people who know their county well are stirring into action. School people, social agency workers, the colleges, private organizations, and private individuals are beginning to feel the impetus of new opportunity. The war on poverty has been joined in Calhoun County.

The social action division, with James Heinz of the Wolverine Insurance Co. at its head, will act as a clearinghouse. It will scrutinize all proposed projects with careful realism. Men of experience in the schools and social agencies will bring to bear on the projects the light of a generation of accumulated understanding. And in 2 or 3 years we will have a report to make to you.

There are cynics around us. Cynics have a useful role to play, in that they save us from mistakes. But a community that makes no mistakes never does anything, and cynics are not the people who move the human race forward. We have fatalistic people who say that the world cannot be improved; but fatalism is not the philosophy of leadership. There are opponents to the antipoverty program. But our county also has a host of men of good will and foresight, men of hope and of leadership. With their support and encouragement, I believe the social action division of our county community council will operate the Economic Opportunities Act successfully in our little square of America's good earth.

VERMONT MAPLE SIRUP

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. STAFFORD. Mr. Speaker, on Tuesday of last week, during consideration of the second supplemental appropriation bill, several of my highly respected and distinguished colleagues from the States of Massachusetts, Ohio, and Wisconsin took occasion to discuss the excellence of the maple sirup produced in their constituencies.

They did so in the course of supporting the continuing necessity for a Federal research center to improve maple products, located in Philadelphia, Pa.

While we in Vermont also believe it wise to continue the work of the research center, we can understand the special urgency of the pleas made in its behalf by my colleagues.

Their sirup is good—but if it is to compete with that from the Green Mountains it needs much improvement.

My colleagues on Tuesday of last week challenged each other to a contest to determine which State produced the best maple sirup. That is as it should be. When a winner has emerged, if he has the courage, let him then challenge the acknowledged champion in this field—Vermont.

Should the maple sirup from his State approach the excellence of that produced in Vermont, we might then extend to him the privilege—somewhat involuntarily made available to our immediate neighbors, New York, New Hampshire, and Quebec—of marketing a limited quantity of the best maple sirup produced in his State under the label "Made in Vermont."

HORTON BILLS HELP VOLUNTEER FIRE COMPANIES

Mr. HORTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I am introducing two bills today, the benefits of which are desired and deserved by hundreds of thousands of volunteer firefighters in this Nation and the volunteer fire companies they serve.

One would give volunteer fire companies, as well as volunteer ambulance and rescue squads, the same reduced postage rates now available to many other charitable groups.

The second bill would exempt the fund-raising and social activities of volunteer fire companies from Federal taxes when the proceeds are used exclusively in connection with their firefighting functions.

I believe this is needed legislation. It is becoming increasingly difficult for volunteer fire companies to raise the money they need in order to protect our lives and property. Certainly, we can help to relieve some of that burden by extending them reduced mailing rates and tax exemptions on the various events they conduct to purchase new equipment.

Every year the herioc deeds—often unsung—of our friends and neighbors who are volunteer firefighters save the taxpayers millions of dollars. Enactment of this legislation is one of the ways we can say "thanks."

PROPOSED AMENDMENTS TO THE PACKERS AND STOCKYARDS ACT OF 1921, AS AMENDED

Mr. HULL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HULL. Mr. Speaker, today I am introducing a bill to amend the Packers and Stockyards Act of 1921.

This act sets forth the responsibility and authority under which the Secretary of Agriculture supervises trading in livestock, meat, and poultry. Its primary purpose is to protect livestock producers, poultry producers, and others from unethical and dishonest practices, and to maintain a climate which assures the free working of competitive forces in determining industry prices.

The act in its original form was generally well written, but experience has shown that certain deficiencies do exist, and sweeping changes which have taken place in the marketing industry since 1921 necessitate further amendments to the act.

Paramount among these industry changes are: the entry of retailers into the packing function; a concentration of meat retailing in large volume firms; a substantial increase in the number of packers handling large volumes; a very great increase in direct negotiation and settlement between producers and packers; and the decentralization of sales over a wide area.

Presently subject to the Packers and Stockyards Act are 2,250 stockyards, 3,300 packers, 17,000 commission firms and dealers, and 1,000 poultry dealers or processors, which, in 1963, handled about $11.5 billion worth of livestock, $18 billion worth of meat, and $1.5 billion worth of poultry.

Thus, an industry handling products worth $31 billion in 1963, or over 5 percent of our gross national product for that year, is currently regulated under a law more than 40 years old. There is no doubt that the Packers and Stockyards Act of 1921 must be revised to conform to the conditions existing in 1965.

The text of the bill follows:

H.R. —

A bill to amend the Packers and Stockyards Act of 1921, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Packers and Stockyards Act, 1921, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), is amended by changing the title of said statute to read as follows: "An Act to regulate interstate and foreign commerce in livestock, meats, meat food products, livestock products, poultry, and poultry products, and for other purposes."

SEC. 2. Subsection 2(a) of said Packers and Stockyards Act (7 U.S.C. 182) is amended as follows:

(a) By deleting the word "and" at the end of paragraph (5) and redesignating paragraph (6) as paragraph (8); and

(b) By adding new paragraphs (6) and (7) to read, respectively:

"(6) The term 'poultry' means chickens, turkeys, geese, ducks, and other domesticated fowl—whether live or dead;

"(7) The term 'poultry products' means all edible or unmanufactured inedible products and byproducts of the poultry slaughtering and processing industry derived in whole or in part from poultry, and including slaughtered poultry; and".

SEC. 3. Subsection 2(b) of said Packers and Stockyards Act (7 U.S.C. 183) is amended by changing the first sentence to read:

"For the purpose of this Act (but not in anywise limiting the foregoing definition) a transaction in respect to any article shall be considered to be in commerce if such transaction is part of, or burdens or affects, or such article is in, that current of commerce usual in the livestock or meatpacking or distributing industries or in the poultry or poultry slaughtering, processing, or distributing industries, whereby livestock, meats, meat food products, livestock products, poultry, or poultry products are sent from a point in one State with the expectation that they will end their transit, before or after purchase, in another State, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for slaughtering, manufacturing, processing, or preparing within the State and the shipment outside the State of the products resulting therefrom."

SEC. 4. Section 2 of said Packers and Stockyards Act (7 U.S.C. 182, 183) is further amended by adding at the end thereof a new subsection (c) to read: "(c) The term 'unfair practice', as used in this Act, shall include (1) the failure, without reasonable cause, in any transaction subject to this Act, to make full payment for livestock, meats, meat food products, livestock products in unmanufactured form, poultry, or poultry products in accordance with the applicable contract; and (2) the refusal, without reasonable cause, in any transaction subject to this Act, to accept, or fail to deliver, any such commodity in accordance with the applicable contract. Nothing in this subsection shall be deemed in anywise to limit the meaning of the term 'unfair practice' as used in this Act."

SEC. 5. Section 201 of said Packers and Stockyards Act (7 U.S.C. 191) is amended to read:

"SEC. 201. When used in this Act—

"The term 'packer' means any person engaged in the business (a) of buying or otherwise acquiring in commerce livestock or poultry for purposes of slaughter, or (b) of manufacturing, processing, or preparing in any manner meats, meat food products, or edible poultry products, for sale or shipment in commerce, or (c) of buying or selling or otherwise marketing meats, meat food products, livestock products in unmanufactured form, or poultry products, in commerce."

Sec. 6. Sections 203, 204, and 205 of said Packers and Stockyards Act (7 U.S.C. 193, 194, 195) are amended by inserting the phrase "or live poultry dealer or handler" after the word "packer" wherever the latter word appears in said sections.

Sec. 7. Section 203 of said Packers and Stockyards Act (7 U.S.C. 193) is further amended by deleting from subsections (a) and (b) the phrase "this title" and substituting the phrase "this Act".

Sec. 8. The heading of Title III of said Packers and Stockyards Act is amended to read: "Title III—Stockyards; Registration; and Reparation".

Sec. 9. Section 203 of said Packers and Stockyards Act (7 U.S.C. 203) is amended as follows:

(a) By inserting the phrase "in such manner and" before the phrase "under such rules and regulations" in the first sentence, substituting a period for the comma following the word "prescribe" in the first sentence, and deleting the rest of said sentence;

(b) By inserting the phrase "and under such rules and regulations" after the phrase "in such manner" in the second sentence; and

(c) By adding at the end of the section the following sentence: "This penalty shall not apply in case of violation of any order suspending or revoking a registration, for which a different penalty is provided by this Act."

Sec. 10. Section 306 of said Packers and Stockyards Act (7 U.S.C. 207) is amended as follows:

(a) By substituting the word "thirty" for the word "ten" wherever the latter word appears in subsection (c);

(b) By substituting the word "ninety" for the word "thirty" wherever the latter word appears in subsection (e);

(c) By inserting the phrase "including any initial schedule," after the comma following the word "schedule" the first time the latter word appears in subsection (e) and by deleting the phrase "change of" before the word "rate" in the last sentence of subsection (e); and

(d) By adding the following to subsection (e) at the end of said subsection: "The burden of proof with respect to the reasonableness of any rate, charge, regulation or practice shall be on the proponent thereof."

Sec. 11. Section 307 of said Packers and Stockyards Act (7 U.S.C. 208) is amended by adding at the end thereof the following: "Nothing in this Act shall be construed to deprive a stockyard owner from exercising the right to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, including the right to require those persons engaged in business at the stockyard to conduct their operations in a manner which will foster and insure an efficient, competitive public market."

Sec. 12. Subsection 308(a) of said Packers and Stockyards Act (7 U.S.C. 209(a)) is amended to read:

"(a) If any person subject to any of the provisions of this Act violates any of the provisions of this Act or of any order of the Secretary made under this Act, he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation."

Sec. 13. Section 309 of said Packers and Stockyards Act (7 U.S.C. 210) is amended as follows:

(a) By changing the first sentence in subsection (a) to read:

"Any person complaining of anything done or omitted to be done by any person subject to this Act (hereinafter in this section referred to as the 'defendant') in violation of any of the provisions of this Act or of an order of the Secretary made under this Act, may, at any time within one hundred and twenty days after the cause of action accrues, apply to the Secretary by complaint which shall briefly state the facts, whereupon if the Secretary has reasonable grounds for believing that the defendant has violated the Act or an order of the Secretary made under the Act, a copy of the complaint thus made shall be forwarded by the Secretary to the defendant, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be specified by the Secretary.";

(b) By changing the word "or" to "and" in the last sentence of subsection (a);

(c) By deleting the word "petition" from the second sentence in subsection (c) and substituting the word "complaint"; and by adding after the words "including the power" the phrase:

"to submit evidence in favor of or in opposition to any issue and";

(d) By substituting a colon for the period at the end of subsection (e) and adding thereafter the following proviso:

"*Provided,* That in complaints wherein the amount claimed as damages does not exceed the sum of $1,500, an oral hearing need not be held and proof in support of the complaint and in support of the defendant's answer may be supplied in the form of depositions or verified statements of fact unless the Secretary directs that an oral hearing be held."; and

(e) By adding at the end of said section the following subsections:

"(g) Any party adversely affected by the entry by the Secretary of an order granting or denying reparation may, within thirty days from and after the date of such order, appeal therefrom to the district court of the United States for the district in which the hearing was held: *Provided,* That in cases handled without oral hearing in accordance with subsection (e) or in which oral hearing has been waived by agreement of the parties, appeal may be to the district court of the United States for the district in which any party complained against is located. Such appeal shall be perfected by the filing with the clerk of said court of a notice of appeal, together with a petition in duplicate which shall recite the prior proceedings before the Secretary and shall state the grounds upon which petitioner relies to defeat the right of any adverse party to recover, or to establish his own right to recover, the damages claimed, with proof of service thereof upon each adverse party. Such an appeal by an appellant who has been ordered by the Secretary to pay a reparation award shall not be effective unless, within thirty days from and after the date of the Secretary's order, the appellant also files with the clerk a bond in double the amount of one hundred and thirty percent of the amount of the reparation awarded, conditioned upon the payment of any money judgment entered by the court against the appellant, plus interest and costs, including a reasonable attorney's fee for the appellee, if the appellee shall prevail. Such bond shall be in the form of cash, negotiable securities having a market value at least equivalent to the amount of bond prescribed, or the undertaking of a surety company approved by the court. The clerk of the court shall immediately forward a copy of the petition to the Secretary, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the district court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prime facie evidence of the facts therein stated. An appellee shall not be liable for costs in said court and, if he prevails, he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of his costs. Such petition and pleadings certified by the Secretary upon which decision was made by him shall upon filing in the district court constitute the pleadings upon which said trial de novo shall proceed, subject to any amendment allowed in that court.

"(h) Unless a defendant who is registered under this Act, and against whom an order for the payment of money has been issued, shows to the satisfaction of the Secretary within five days from the expiration of the period allowed for compliance with such order either that he has taken an appeal as provided for in subsection (g) of this section or that payment has been made in full as required by such order, he shall be suspended automatically as a registrant under the Act at the expiration of such five-day period until he shows to the satisfaction of the Secretary that the amount therein specified has been paid, with interest thereon to date of payment. If an appeal is taken by such a defendant and the judgment of the court is adverse to the appellant, or if the appeal is dismissed, unless the defendant within five days thereafter makes payment as required by the order, he shall be suspended automatically as a registrant until he shows to the satisfaction of the Secretary that payment has been made, with interest thereon to date of payment. If such a judgment is stayed by a court of competent jurisdiction, the suspension shall become effective five days after the expiration of such stay unless full payment has been made, with interest to date of payment, and shall continue until a satisfactory showing of payment has been made to the Secretary.

"(i) Unless any other defendant, against whom an order for the payment of money has been issued, shows to the satisfaction of the Secretary within five days from the expiration of the period allowed for compliance with such order either that he has taken an appeal as provided for in subsection (g) of this section or that payment has been made in full as required by such order, such defendant shall be liable to a penalty of $500 per day for each day, after said five days, in which he engages in any business subject to this Act, until such defendant shows to the satisfaction of the Secretary that the amount specified in the order, with interest to date of payment, has been paid, which penalty shall accrue to the United States and may be recovered in a civil action brought by the United States. If an appeal is taken by such defendant, said penalty shall not begin to accrue until five days after judgment by the court adverse to the defendant, or dismissal of the appeal. If such a judgment is stayed by a court of competent jurisdiction, the penalty shall become applicable beginning five days after the expiration of such stay unless full payment has been made, with interest to date of payment, and shall continue to be applicable until such payment has been made."

Sec. 14. Sec. 310 of said Packers and Stockyards Act (7 U.S.C. 211) is amended by deleting from subsection (b) the phrase "owner or operator" and substituting the phrase "stockyard owner or market agency".

Sec. 15. Section 311 of said Packers and Stockyards Act (7 U.S.C. 212) is amended as follows:

(a) By changing the first sentence to read: "Whenever in any investigation under the provisions of this Act, or in any investigation instituted upon petition of any stockyard owner, market agency, dealer, packer, or live poultry dealer or handler concerned, which petition is hereby authorized to be filed, the Secretary after full hearing finds that any rate, charge, regulation, or practice of any stockyard owner, market agency, dealer, packer, or live poultry dealer or handler, in connection with any transaction, not in commerce, in any commodity of the kind regulated under this Act, causes any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, or any undue, unjust, or unreasonable discrimination against interstate or foreign commerce, which is hereby forbidden, and declared to be unlawful, the Secretary shall prescribe the rate, charge, regulation, or practice thereafter to be observed, in such manner as, in his judgment, will remove such advantage, preference, or discrimination."

(b) By deleting the phrase "or dealers" from the second sentence and substituting the phrase "dealers, packers, or live poultry dealers or handlers".

SEC. 16. Subsection 312(b) of said Packers and Stockyards Act (7 U.S.C. 213(b)) is amended to read as follows:

"(b) Whenever complaint is made to the Secretary by any person, or whenever the Secretary has reason to believe, that any stockyard owner, market agency, or dealer is violating or has violated the provisions of subsection (a), the Secretary after notice and full hearing may make an order that he shall cease and desist from continuing such violation to the extent that the Secretary finds that it does or will exist or has existed."

SEC. 17. Subsection 314(a) of said Packers and Stockyards Act (7 U.S.C. 215(a)) is amended by changing the first sentence to read: "Any stockyard owner, market agency, or dealer, or any officer, director, agent, or employee thereof, who fails to obey any order made under the provisions of sections 310, 311, 312, or 409 shall forfeit to the United States the sum of $500 for each offense."

SEC. 18. Section 315 of said Packers and Stockyards Act (7 U.S.C. 216) is amended as follows:

(a) By inserting in the first sentence, after the word "dealer", a comma and the phrase "or any officer, director, agent, or employee thereof,"; and

(b) By changing the second sentence to read: "If after hearing the court determines that the order was lawfully made and duly served and that such stockyard owner, market agency, or dealer, or any officer, director, agent, or employee thereof, is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such stockyard owner, market agency, or dealer, or any or all officers, directors, agents, or employees thereof, from disobedience of said order or to enjoin upon him or them obedience to the same."

SEC. 19. Section 316 of said Packers and Stockyards Act (7 U.S.C. 217) is repealed.

SEC. 20. Section 402 of said Packers and Stockyards Act (7 U.S.C. 222) is amended by deleting the phrase "subject to the provisions of this Act, whether or not a corporation" and substituting the phrase "as defined in this Act".

SEC. 21. Section 403 of said Packers and Stockyards Act (7 U.S.C. 223) is amended as follows:

(a) By inserting in the present provisions of said section, before the comma following the word "Act", the phrase "or orders of the Secretary under this Act"; and

(b) By adding at the end of said section the following: "Any cease and desist order issued under this Act against any packer, live poultry dealer or handler, stockyard owner, market agency. or dealer may also be directed against any individual who, as an officer, director, agent, or employee thereof, was responsible for the act, omission, or failure on which such order was based."

SEC. 22. Section 407 of said Packers and Stockyards Act (7 U.S.C. 228) is amended by inserting in the first sentence, after the word "provisions", the phrase "or to accomplish any of the purposes".

SEC. 23. Said Packers and Stockyards Act is further amended by redesignating section 408 as section 412 and by adding to the Act four new sections to read, respectively, as follows:

"SEC. 408. The Secretary may require reasonable bonds from market agencies, dealers, packers, and live poultry dealers and handlers, in such manner and under such rules and regulations as he may prescribe, to secure the performance of their obligations with respect to transactions involving livestock or poultry."

"SEC. 409. Whenever the Secretary determines, after opportunity for a hearing, that any registrant is insolvent or has violated any of the provisions of this Act or an order of the Secretary under this Act, he may by order suspend the registrant for a reasonable specified period and, if the violation is flagrant or repeated, he may by order revoke the registration of the offender. Such order shall take effect within such reasonable time, not less than five days, as is prescribed in the order, unless suspended or modified or set aside by the Secretary or a court of competent jurisdiction. Any person who carries on any business in violation of a suspension or revocation order under this Act, shall be subject to the penalty and enforcement provisions of this Act relating to violation of an order of the Secretary. If a registrant who has been suspended, by an order under this Act, for a period of ninety days or less shall permit any other person to engage in any business for which registration is required under this Act at the place of business of the suspended registrant during such period, the suspended registrant shall thereby be deemed to fail to obey such order."

"SEC. 410. Whenever the Secretary has reason to believe that any person subject to this Act, (a) with respect to any transaction subject to the Act, has failed to pay or is unable to pay for livestock, meats, meat food products, livestock products in unmanufactured form, poultry, or poultry products, or has failed to remit to the person entitled thereto the net proceeds from the sale of any such commodity sold on a commission basis; or (b) has operated in violation of the Act in a fraudulent manner which may endanger payment for such commodities purchased by him or result in injury to any person with whom he engages in business or enters into any business transaction subject to this Act; or (c) (in any case in which injunctive remedies are not otherwise provided for) has operated in violation of an order of the Secretary under this Act; or (d) does not have the required bond, the Secretary may notify the Attorney General, who may apply to the United States district court for the district in which such person has his principal place of business or in which he resides. for an injunction to enjoin him from operating subject to this Act, or to enjoin him from operating subject to this Act except under such conditions as the court may prescribe for the protection of vendors or consignors of such commodities or other affected persons. Upon a showing by the Secretary of the need for a court order to effectuate the purposes of this selection, the court may issue a temporary restraining order, preliminary injunction, and permanent injunction as it deems appropriate.

"SEC. 411. (a) It shall be unlawful for any person subject to this Act—

"(1) to acquire, or to hold, directly or indirectly, the whole or any part of the stock, other share capital, or assets of any other person subject to this Act, where in any line of commerce, with respect to livestock, meats, meat food products, livestock products in unmanufactured form, poultry, or poultry products, in any section of the country, the effect of such acquisition or holding may be substantially to lessen competition, or tend to create a monopoly; or

"(2) to conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by this section.

"(b) Whenever the Secretary shall have reason to believe that any person subject to this Act intends to acquire or has acquired or holds any stock, other share capital, or assets in violation of this section he may institute a proceeding to be conducted in accordance with the provisions of section 203, and if, after hearing, he finds that such person intends to acquire or has acquired or holds such stock, other share capital, or assets and that the effect of such acquisition or holding may be substantially to lessen competition or tend to create a monopoly in any line of commerce, with respect to livestock, meats, meat food products, livestock products in unmanufactured form, poultry or poultry products, in any section of the country, the Secretary may order such person to refrain or cease and desist from such violation and to divest himself of any such stock, other share capital, or assets so acquired, or held, in the manner and within the time fixed by such order. The provisions of sections 203, 204, and 205 of this Act shall apply to such orders and the persons subject thereto. The Attorney General may, upon request of the Secretary or upon his own initiative, apply to the United States District Court for the district of residence of any person proceeded against, for any injunction to prevent and restrain the alleged violation of this section pending the final disposition of the proceeding before the Secretary.

"(c) Every packer and live poultry dealer or lender shall at least 90 days prior to acquiring any stock, other share capital, or assets of any other person subject to this Act, notify the Secretary of his intention to do so, and shall furnish, within 30 days after service of a request therefor, such additional information with respect to the proposed acquisition as the Secretary may require. Any packer or live poultry dealer or handler failing to give notice or to furnish information as required by this subsection shall be subject to a forfeiture of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such packer or live poultry dealer or handler has his principal office or in any district in which he shall do business. Failure of the Secretary to impose objection to such acquisition within the 90-day period shall not bar the institution at any time of any action or proceeding with respect to such acquisition under any provision of law."

SEC. 24. Section 503 of said Packers and Stockyards Act (7 U.S.C. 218b) is amended as follows:

(a) By deleting the phrase "for purposes of slaughter" in the second sentence; and

(b) By adding at the end of said section two new sentences to read: "The term 'handler' means any person engaged in the business of (a) buying or selling live poultry in commerce on a commission basis, or (b) furnishing services or facilities in connection with the receiving, buying or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, unloading, loading on trucks, trucking, or handling, in commerce, of live poultry. A common carrier shall not be deemed to be a 'handler' solely by reason of its common carrier operations."

SEC. 25. The proviso in the paragraph designated "Packers and Stockyards Act" under the heading "Marketing Service" in the Act of July 12, 1943 (57 Stat. 422; 7 U.S.C. 204), is deleted.

Sec. 26. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby. Pending proceedings shall not be abated by reason of any provision of this Act, but shall be disposed of pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, and the Act of July 12, 1943, in effect immediately prior to the effective date of this Act.

ECONOMIC CONDITION OF AFRICA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, because of the wide interest in the new nations of Africa, which have every good wish of the American people, I am extending my remarks to include an article by John Allan May in today's Christian Science Monitor. The article, which is given a conspicuous display on page 1 of the Monitor, follows:

Poor Resources: Africa Found in Economic Mire

(By John Allan May)

London.—The economic situation of the many newly independent states of Africa now is more serious than most people probably imagine.

It requires fresh and urgent action.

Chinese Communists are increasingly active in spreading the claims of Marxism as the solvent for all intractable problems.

The West's most effective replies are likely to include these:

Training of more Africans in business and industry.

Provisions of more money immediately for investment in local, small industry.

Action to prepare the base for more sophisticated African manufacturing industries later.

Building of a continental African communications network.

Strong support for the integration of Africa's economies if possible on a continental scale.

Opening of Western markets to Africa's processed and semiprocessed goods.

REVERSE COLONIZING

These conclusions emerge clearly from two new surveys of the economies of Africa.

One is by the economic intelligence service, "Opera Mundi Europe."

The other is by a commission of the European Economic Community (Common Market).

At present Africa is fragmented, according to Opera Mundi—"one of humanity's saddest mistakes is that decolonization should have followed so slavishly the pattern of colonization."

Between 85 and 90 percent of Africans depend for work on agriculture.

This agriculture is primitive, and its pattern is repeated from state to state.

Industrialization is necessary, Opera Mundi points out, but is "practically impossible without cooperation between the neighboring countries."

In 14 states in the French franc zone of Africa, "agriculture" means five basic products: ground nuts, cocoa, coffee, timber, and cotton.

Ground nuts, for example, constitute 90 percent of all Senegal's exports, and cocoa is 65 percent of Ghana's.

These countries, meanwhile, are seldom complementary from an economic point of view. "Most often they compete with one another," declares Opera Mundi, "or at best are indifferent to each other."

Talk of an African common market it calls "purely wishful thinking." Possibly, "a dangerous illusion." A common market demands industry and Africa "has hardly started."

Niger has neither minerals nor industry. In Dahomey 64 percent of the 1964 budget was used to pay civil servants.

BEGINNINGS MADE

All the same a beginning has been made. Chad and Cameroun have built a joint cement works in Chad and a joint textile center in Cameroun.

The Bamako Conference of African States in October 1964, agreed to build a joint steel works in Nigeria.

But "for all these countries * * * especially for the small ones, the choice," says Opera Mundi, "does not lie between industrializing all by themselves or industrializing together—it lies between industrializing together or not industrializing at all."

Aid today is concentrated largely on schools, roads, ports, power stations, and other public works.

The Common Market has made a significan contribution here, with $561 million for 18 associated countries in the first 5-year program up to 1963 and a projected $730 million in the next.

ALUMINUM DEVELOPED

Britain in 1964 provided $230 million from government sources for Commonwealth countries. There are also 5,000 private British firms operating in Africa.

For the United States, Kaiser and Reynolds are building an aluminum factory in Ghana.

Chase Manhattan Bank and Indian Head Mills are sponsoring textile industries in Nigeria, and Singer is making sewing machines there.

Italian roadbuilders are busy in Africa, and there are plans for a Fiat tractor assembly plant in the Congo.

The West German Government is financing 383 projects in 30 countries.

French businesses provide $60 million a year for African states. Some 92 percent of the Common Market's contracts have gone to French firms so far. And France nationally provides more government money for developing states in Africa than any other country.

CRASH PROGRAM URGED

But a great deal of all government aid—French, American, and British—is tied to the products of the donor.

What is needed is a crash program for training local African entrepreneurs, Opera Mundi declares—and a new understanding in Africa of the need to reward private investment.

It is here perhaps that the Communist drive is most menacing. For without this investment and without those enterpreneurs the future of Africa appears gloomy indeed.

To all this the Common Market report submitted to the European Parliament at Strasbourg adds the note:

"No adequate speedup of economic growth—which is the final objective of development aid—can be expected from the expansion of the exports of the developing countries in the next few years.

"Growth requires an adequate diversification of national production. This objective in turn presupposes, primarily, a growth of manufacturing industry established on a competitive footing and orientated toward more sophisticated products which enjoy rapidly expanding demand in the developing countries themselves."

TAX REDUCTION GIMMICK

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GROSS. Mr. Speaker, when the 1964 income tax reduction bill was approved, a few of us warned that a little publicized provision of the law could spell trouble for many taxpayers on April 15, 1965. Under that provision the withholding rate was cut from 18 percent to 14 percent, which represented a proportionately deeper cut than the actual reduction in basic tax rates on 1964 income. Thus, there was widespread underwithholding of income taxes during the year. Of course, the desired result was realized in an election year. With less money being withheld from his paycheck, the worker was led to believe that the tax reduction amounted to more than the law actually permitted and those who insisted on this withholding gimmick knew that the day of reckoning would not come until the 1964 elections were over.

The Internal Revenue Service has expressed sympathy but there is not much that can be done at this late date to solve the problem that was created in the first place by the Johnson administration.

Tomorrow, April 15, is the final day of reckoning and for those who have to borrow money to meet their tax payments, I suggest they write to the foreign aiders here in Washington and ask for a loan at the same low rate of interest—or no interest at all, that is available to foreigners.

THE FUTURE OF SILVER

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut.

There was no objection.

Mr. MONAGAN. Mr. Speaker, silver is a vital subject of discussion both as a commodity and as a material for coinage. This precious metal is a concern to the people of the Nation and is very important to the people and industries of my district.

On April 6, 1965, there was on this floor a discussion about market control measures relating to silver during which the gentleman from Idaho [Mr. White] made certain suggestions for steps that might be taken during the transition to a new coinage. Unlike the gentleman from Idaho, I am not a silver miner, nor do I represent a State which would benefit by the legislation which he proposes. On the contrary, people in my State—both users and consumers of silver products—would probably suffer severely from the steps which he proposes. I share his concern about our coinage but the proper solution is to eliminate silver from our subsidiary coins and not resort to halfway measures.

During the discussion on the floor, the text of a paper setting forth the views of the silver producers was included in the RECORD. This paper was presented to the New York Society of Security Analysts on March 29. Eleven days earlier, March 18, a paper was submitted to this group setting forth the views of the silver users. The speaker was John B. Stevens, senior vice president of International Silver Co., which is located in my district. Mr. Stevens is also chairman of the executive committee of the Silver Users Association. I ask unanimous consent at this time to place in the RECORD Mr. Stevens' remarks and urge that all Members avail themselves of the opportunity to read this presentation of "the other side of the coin":

THE FUTURE OF SILVER

(An address by John B. Stevens, senior vice president, International Silver Co., and chairman of the executive committee of the Silver Users Association, before the New York Society of Security Analysts, New York City, Mar. 18, 1965)

I appreciate very much the opportunity to speak to you today about a complicated subject of vital importance—the future of silver.

First, I would quickly like to state the variety of uses to which silver is put in our country today. Total industrial use, according to a statement by a Treasury official made on February 6, was 110 million troy ounces in 1963, broken down approximately as follows: photographic film, 33.3 million; electric equipment, 26 million; silverware and jewelry, 22 million; brazing alloys and solders, 13 million; batteries, 6.2 million; dental and medical, 5.1 million; mirrors, 3.1 million; missiles, 200,000; and miscellaneous uses, 1.1 million.

The Silver Users Association, for whom I am now speaking, is comprised of members in practically all of these categories, and we estimate that our members account for approximately 75 percent of all silver consumed in the United States.

I am going to discuss the present silver situation in its relation to supply and demand, new production, and the question of elimination of silver from our subsidiary coins. I will evaluate the factors involved in the elimination of silver from coins; they are: the circulation of coins, intrinsic value in coins, vending machines, counterfeiting and slugs, and foreign coinage.

THE PRESENT SILVER SITUATION

Supply and demand

The basic factor in the silver situation today is that consumption exceeds new production. Free world industrial use for 1965 is estimated at 300 million ounces, while production is estimated at 225 million ounces. The best estimates are that both industrial consumption and new production will increase about 5 percent each year. In addition, foreign coinage consumption is estimated at 50 million ounces. The ever increasing deficit is made up partly from supplies above ground in varying quantities and through the redemption of silver certificates for bullion.

Treasury stocks now amount to 1.1 billion ounces. In acquiring this silver, the Treasury paid for it by issuing silver certificates, redeemable on demand with silver, at the rate of $1.29 per ounce. The Government is legally and morally bound to redeem silver certificates. The demand for redemption amounted to 141 million ounces in 1964. It is now at the rate of 120 million ounces. However, this silver is also being used for coinage at a rate in excess of 312 million ounces a year. This silver is also being sold to other U.S. Government departments and agencies—8 million ounces were used in this manner in 1964. Thus the current demand on the Treasury stocks is at the rate of 440 million ounces a year. Present coinage requirements alone would exhaust the supply in about 3 years.

Reduction of the silver content in subsidiary coins to 30 percent, as proposed by the silver bloc, would require over 100 million ounces at the present rate of coinage. In addition, to combat the coin shortage, the Treasury states it is prepared to double this rate, which may be necessary if outstanding coins are withheld from circulation. In this case, coinage requirements alone would exhaust the supply in about 5 years.

Production

It is estimated that industrial use will require 345 million ounces of silver in 1968. The Silver Committee of the American Mining Congress on November 12, last year, using figures prepared by the staff of the American Smelting & Refining Co., estimated that new production during that year would be 32 million ounces above present production, or a total of 247 million ounces. However, on December 4, a new estimate was made by this committee foreseeing an increase of 38 million ounces, and bringing the total to 253 million ounces. These estimates were based on U.S. production increases of 7.2 and 8.2 million ounces respectively. Secretary of the Interior Stewart Udall, however, estimated an increase of only 6 million ounces in U.S. production by 1970. In other words, using the highest estimated figures of the silver producers, there will be a total deficit between free world consumption and free world production of 92 million ounces in 1968. Any silver used in coinage would cause that much more increase in the deficit.

In relating the silver committee's figures on December 4, Mr. Robert M. Hardy, Jr., stated that almost all of the increased silver production would be recovered in association with other metals, and that almost all of the projects would involve an expansion in the production of copper, lead, and zinc. Simon Strauss, a vice president of American Smelting & Refining, who is also a member of the committee has stated that: "At present much silver production is derived as a byproduct from the mining of ores valuable chiefly for their copper, lead or zinc content. An increase in silver from this source can only occur when demand for the base metals justifies an increase in overall production."

It has long been recognized that factors other than the price for silver affect its production. From 1933 to 1963, the Treasury was forced by law to acquire 3 billion ounces of silver in an effort to raise the market price. The 1.1 billion ounces now remaining in the Treasury is a part of this stock. During this period domestic producers received up to 40 cents an ounce above the market price. In 1947 domestic production amounted to approximately 35 million ounces. Fifteen years later in 1961, despite Treasury buying prices ranging as high as 31 cents per ounce above the market price, domestic production was still 35 million ounces, with an average annual production of 36 million ounces during this period. In 1964, despite a 42-percent increase in the market price since 1961, production is still at the 36-million-ounce level.

Obviously, new mine production cannot cover industrial requirements alone, to say nothing of coinage requirements. Please note that a rise in the market price for silver does not result in substantial increases in production. With world production for 1965 estimated at 225 million ounces, and U.S. production estimated at only 37 million ounces, producers outside the United States account for approximately 85 percent of the total world production, and would receive the benefit from the increased prices.

Silver in coins

An analysis of all the factors involved clearly shows that the only solution to the silver supply situation is the elimination of silver in the minting of coins. As I have indicated, there will not be enough silver to meet industrial requirements alone. The use in coinage of a metal in short supply violates every concept of a proper medium of exchange. The market price for the metal will sooner or later be driven up to the meltdown value of available coins. This is the objective of those who advocate the retention of silver in our coinage in the face of shortages.

Bear in mind the fact that at the present rate of coinage, 30-percent-silver coins would require over 100 million ounces a year, and it may be necessary to double this rate if new coinage requirements so demand. Foreign coinage will require 50 million ounces at the present rate.

The retention of silver in our subsidiary coins is advocated by the silver producing interests. In an article appearing in the February issue of Mining Engineering, the reason is set forth very clearly by Mr. Strauss, of American Smelting & Refining, a company whose refined silver production normally is in the range of 90 million ounces annually: "That the silver coinage producers should want to have silver retained in coinage is not surprising either. To them the use of silver for coins is a traditional market—one that has existed for thousands of years. As sellers they want as many different customers as possible and particularly they like to have a buyer with the financial resources and the insatiable appetite of the U.S. Treasury."

In the same article he also asks: "Is it more important to have silver for spoons and forks than to have silver for coins?"

The next question will be, Is it more important to have films than silver for coins—"cheap" silver coins, containing only 30 percent silver?

The retention of some silver in coins would again use our coinage system as a vehicle for a rise in the market price. The use of any silver in coins reduces the amount of Treasury silver available to make up the existing deficit between consumption and production and eventually the users of silver would be forced to resort to melting down coins to obtain silver. It is interesting to note that the Mexican Government has provided silver for its domestic users at 69 cents an ounce.

The producers plan for the withdrawal and melting down of high content coins for reminting into "cheap" coins of 30 percent silver content. This would raise the meltdown value of subsidiary coins from $1.38 per ounce to $4.80 per ounce.

The philosophy of the producers is rather interesting. The following is taken from a statement by the American Mining Congress on January 21, 1965:

"After the bulk of the old coinage has been withdrawn from circulation, a gradual rise in the price of silver above the level at which it is profitable to melt down present subsidiary coinage could occur, preceded by a rise in the monetary price. This would have two effects:

"1. It would stimulate segments of industry and the arts to seek more economical substitutes, thereby further reducing total demand for silver.

"2. It would stimulate additional new production, thereby further adding to the world supply."

Representatives of the silver producing interests have also informed us that: "In the long run, increased prices of silver will stimulate the search for new production and chase certain silver users out of the market. Some consumers will be eliminated, thus lessening the demand and the search for development of new silver production will be stimulated apart from base metal production."

The proposal by the American Mining Congress is novel, to say the least. The producers seek a price rise which will drive their customers to look for more economical substitutes, thereby reducing demand, and they also seek to increase supplies, ostensibly for customers whom they have driven away.

FACTORS INVOLVED IN ELIMINATION OR RETENTION OF SILVER IN COINS

Circulation of coins

The most important question in the decision as to silver or no silver in coins is the question of circulation. Coins must circulate or trade will cease. We now have a coin shortage in spite of a phenomenal increase in coinage. Coins are being collected, hoarded, held from circulation, sold at a premium, and held for speculation. This is in addition to saving coins in piggy banks.

The increase in coinage is far out of proportion to the increase in population, gross national product, coin vending machines, or any other criteria. The coin shortage was not created by a silver shortage, but the former has created the latter, which necessitates immediate action.

The supply situation does not permit the continuation of any silver coins unless high content coins now in circulation can be captured and melted down to make reduced silver content coins. Proposed legislation calls for 30 percent silver. The same legislation calls for the redemption of silver certificates at $4 an ounce for silver at which price the metal content of the present silver coins will be worth three times their face value. Will the public permit them to be captured by the Government and melted down to make cheap silver coins? Judging by recent actions in connection with the coin shortage, they will not, and there is every reason to believe that outstanding high content coins would disappear for speculative purposes.

What is the alternative? The only one is to issue coins without silver. The public must be reassured that they can keep the present coins. The Treasury must continue to protect outstanding coins by keeping the market price of silver at $1.29 until sufficient new coins are in circulation. Further, the Nation cannot fail to redeem silver certificates.

Intrinsic value in coinage

Those who contend that our subsidiary coins must have intrinsic value, specifically silver, do not understand the function of a coinage system. Coins must circulate freely as a medium of exchange. They must not have value which causes them to be kept out of circulation, such as a potential metal value greater than the face value of the coin, or any other value, such as the Kennedy half dollar which is, in reality, a commemorative coin.

The gold dollar is the standard unit of value in the United States. Even if gold were available it would be impractical to divide it into smaller pieces than the dollar. Accordingly, token coins are issued which represent the standard metal, which is gold. The United States has two types of token coins—subsidiary silver coins of 50 cents, 25 cents and 10 cents and minor coins of 5 cents and 1 cent.

Any material may be used in token coins, however, it must be in adequate supply. It is necessary to choose specifications which will keep the value of the metal content well below any possible market price. The value of token coins is not derived from their content. It stems from their usefulness as a medium of exchange as convenient fractional substitutes for standard money. The intrinsic value of our silver coins has varied with the market price which has ranged from 24 cents an ounce to the present $1.29 per ounce.

The principal metals now used for token coins are silver, copper, and nickel as well as combinations of these metals. When our coinage system was established in 1792, the silver dollar and lesser silver coins were also standard money. The content of the dollar has never been changed. The content of other silver coins was reduced slightly so that they would circulate, but it remains very high. This has not been a detriment until recently because of the plentiful supply and low price of silver. However, the inevitable problem has now arisen because of a world shortage of silver which has driven the market price almost to a point where our subsidiary coinage is endangered. Indeed, if the Treasury were not redeeming silver certificates for bullion at $1.29 per ounce as prescribed by law, the market price would reach a level where subsidiary coins would be melted down for their silver content. This is always a dangerous situation, and particularly so for the United States where a coin shortage already exists.

Intrinsic value in coins is desirable only where the purchasing power of the money at its face value is uncertain. This is not the situation with regard to U.S. money. Any amount of silver in our coins is not only unnecessary, but under existing circumstances, undesirable. The market price could rise to the point where coins would be melted down.

There has been a good deal of talk about the necessity of retaining silver in our coinage for prestige, psychological, historical, or other reasons. Such talk comes from those who would profit through the retention of silver in coins. Confidence in our coinage is based on confidence in the economic and financial structure of our country and it is absurd to contend that some silver, no matter how small the amount, is necessary in coinage for this purpose. In comparison with our present 90-percent content coins, a 30-percent content can scarcely be called a significant amount.

Counterfeiting and slugs

It has been stated that a coin containing a significant amount of silver is uneconomical to counterfeit. However, we have counterfeiting with our present high-content coins. Until the Treasury decides upon a new material for subsidiary coins it is not possible to evaluate the counterfeiting potential. We now have a cupronickel 5-cent piece without appreciable counterfeiting problems. Furthermore, all United Kingdom coins are made of cupronickel. Counterfeit coins may not, and probably would not, work in vending machines. It is difficult to understand why anyone would bother to make counterfeit coins for use in vending machines when it is possible to use slugs.

Slugs are now used in coin machines. A penny filed down to the size of a dime will work in any machine. This is prohibited by law, and obviously is not an overriding problem. Concern has been expressed that if a cupronickel 10-cent piece were adopted, our present 5-cent piece would be filed down to the size of a dime. Obviously, this operation is more difficult and less profitable than reducing a penny to the size of a dime.

Vending machines

Coin operated devices have varying methods of rejecting slugs, which are pieces of metal which may be inserted into the slots for the purpose of operating the machines. Automatic merchandising machines, generally called vending machines, have, in addition to others, a rejection system which depends upon the electrical conductivity characteristics of coins. This is based on the application of the so-called eddy current system. These machines now accept 5-cent pieces made of cupronickel—75 percent copper, 25 percent nickel. They will reject 10-, 25-, and 50-cent pieces which do not have the same conductivity characteristics as the present coins. The machines can be altered to accept coins of materials with different conductivity characteristics. They can be altered to accept both present and other coins. The broadening of the field of acceptable conductivity could increase the materials which might be used as slugs. However, copper slugs will work in present machines, but such use is obviously within limits acceptable to the industry.

Unless coins are adopted which will work in the present vending machine mechanisms, alterations may be required. This may entail some lose of sales and some cost for alterations. It is hoped that this can be avoided or minimized through the selection of new silverless coins which will be compatible with existing coins. Most machines will operate with 5-cent pieces which could help during the transition period.

One important factor, which appears to have been overlooked by the vending machine industry, is the fact that increased coin shortages are bound to accompany attempts to retain any amount of silver in subsidiary coins, and this will, in turn, certainly have an adverse effect on the vending machines, which will be inoperative without coins.

Specifications for the new coins should be decided with a view toward the best interests of the Nation as a whole.

Foreign coinage

One of the arguments advanced for the retention of some silver in U.S. coins is that there is a world trend toward the resumption of silver in foreign coins. Available figures, however, do not substantiate this contention. A considerable amount of silver in foreign countries goes into the minting of commemorative coins which are not issued regularly, but which are included in coinage totals. The average for foreign coinage over the past 5 years has been about 60 million ounces. In 1964, of the estimated total of 61.5 million ounces, at least 20 million ounces were used in commemorative coins. Thus, the use of silver in coins used as a medium of exchange has declined appreciably. Nearly all silver coins of large denominations have paper equivalents.

Canada is the only foreign county using a substantial amount of silver in circulating coins. It has been announced that Canada will soon use cupronickel in place of silver in all coins except the silver dollar which will be retained for prestige reasons. Likewise, Australia, in 1966, is shifting from silver to cupronickel in all coins except the 50-cent piece, and South Africa has announced plans of shifting from silver to bronze and nickel coins, minting only one silver coin, a new 1-rand piece.

Franch is the second largest user of silver in coins. Her monetary unit is the franc which is made of nickel. The French have minted a 5-franc coin which has been rapidly disappearing from circulation. France has now started a limited distribution of a 10-franc silver coin which is designed specifically for hoarding in order to cut down consumer spending. It is estimated that only 7 million ounces will be used by France this year, as contrasted with 10.5 million ounces used in 1964.

Japan's monetary unit is the yen, which is made of pure aluminum; however, one silver coin, the 100 yen, is minted. In 1964, to commemorate the Japanese Olympic

Games, Japan minted two commemorative coins, the 100 yen (0.600 fine) and the 1,000 yen (0.925 fine). Japan consumed 18 million ounces in these commemorative coins which have virtually disappeared from circulation.

In 1964, Germany, Austria and Italy each used a little over 1 million ounces of silver in coinage. None of these countries use silver in their standard units. Sweden, the Netherlands, and Switzerland each used from 1 to 3 million ounces of silver in their coinage of 40 percent silver, 72 percent, and 83.5 percent, respectively. Thus, it can be seen that the use of silver in coins used as a medium of exchange has dwindled to an insignificant amount except in Canada. The most significant example of the fact that silver is not required in coinage is that of Great Britain which eliminated all silver in coins in 1946, obviously without loss in prestige, lack of confidence in the monetary system, and all the other attributes which even a "pinch of silver" is supposed to impart. Much of the confusion results from a failure to understand the difference between monetary units of a country and token coins.

THE FUTURE FOR SILVER

If the use of silver is continued in subsidiary coinage, it is impossible to predict the future of silver as a commodity. Shortages in supply will seriously affect all industrial users, while a rise in the price would drive some users out of business. This situation could adversely affect the producers.

Higher prices do not guarantee any increase in production, but there will be less silver used. In the end, no one will gain, but by far the most important losers will be the public who may be without coins as a medium of exchange, and will have to pay higher prices for all silver products.

The elimination of silver from subsidiary coinage, however, should end speculative interest in a windfall due to some Government action relating to coinage, which would cause the price to rise. Treasury silver stocks would no longer be dissipated in the minting of coins. There will be no need for the Treasury to retire silver certificates except to provide silver for other Government departments and agencies which required 8.7 million ounces last year.

The deficit between free world consumption and new production in 1965 is estimated at 75 million ounces. Foreign coinage is estimated to require about 50 million ounces, making a total deficit of 125 million ounces. At this rate, silver obtained through the redemption of silver certificates should make up the deficit for a number of years, depending upon how much silver the holders of silver certificates desire for other purposes. Treasury silver was acquired to help the mining industry by taking both foreign and domestic surplus silver off the market. It should now be used to protect our coinage and to make up the deficit caused by the Treasury's purchases throughout the world.

Until the speculative interest has abated, it will be difficult to assess the situation. The Treasury, the Congress, as well as the users and the producers, all agree that the price must not exceed $1.29 during the transition to another material in coins.

There will be continuing demand for silver at $1.29 per ounce.

The effect of this price on the producers is stated by Representative COMPTON I. WHITE, JR., of Idaho, in his recent speech to the Colorado Mining Association: "To briefly summarize, I would say that no matter what happens with regard to silver-coinage legislation silver miners are going to enjoy unprecedented prosperity."

Yet, note that Representative WHITE gears his remarks to suit his audiences.

Changing his pace, he remarked on January 11, 1965, on the floor of the House: "The present ceiling of $1.29 per ounce not only discourages production but prevents a fair return to the miners of this metal."

An official of the largest silver mining company in the United States made the following statement in August 1964: "One prospect should be kept in mind by all. That is the possibility of the profit margin per ounce of silver being tripled or quadrupled within a few years because of the immediate price rise. After all, when the costs of extraction are more than covered at present, any rise in the market price of silver will immediately increase the profit per ounce produced."

The silver users are now generally operating profitably. However, the sterling silverware manufactures, who use a very high proportion of silver in individual items, have seen a marked decrease in unit sales. The most important reason for this decrease is the increase in the cost of silver. The price of silver has doubled in the last 15 years, while the use of silver in silverware has been almost cut in half. In other words, unit sales declined almost in direct proportion to the increases in the price of silver. Unit sales obviously determine the number of jobs required for production. Thus, employment has decreased substantially.

Even in the face of deficits, efforts will be made by the silver producers to whittle down the supply available by calling for the repudiation of the obligation to redeem silver certificates at the present rate, or through the creation of a stockpile. A bill has been introduced to create a silver stockpile of not less than 500 million ounces of silver which is to be administered by the Secretary of the Treasury and would thus be outside of the existing stockpile established for other materials. The need for such a reserve has yet to be determined. These and other issues will be dealt with as they arise.

As developed in the 1963 congressional hearings, the purpose of our present silver laws set forth by the administration and the Congress was the recognition of silver as an industrial material for which there is an increasing demand. The senseless retention of silver in coins is contrary to this purpose.

In conclusion, I cannot emphasize too strongly the potential repercussions of retaining any amount of silver in our coins. Although mint production has increased tremendously over the last 5 years, we still have a coin shortage. In a 5-year period from 1959 to 1964, the mint more than doubled its production of coins, jumping from 2.4 to 5.5 billion. The Treasury's estimate for 1965 is an astounding figure of 9 billion, or 15 percent of the total minted since 1792.

Despite this fantastic production, a combination of numismatists, collectors, hoarders, holders, savers, and speculators have perpetuated a coin shortage. What is going to happen if silver is retained in our coins to permit a market price rise above the meltdown value of our present outstanding coins? Proposed legislation mentions the price of $4 an ounce. This would make the metal content of present coins worth three times their face value. As specialists in the financial field, if you were in any of the above categories, what would you do?

It is inconceivable that the mint would recommend the retention of silver in coins for the benefit of the silver producers, a situation that would also provide a windfall for speculators.

Whether or not you are interested in the positions of the users of silver or the producers, whatever happens to our coinage system is of direct concern to you, both as financial specialists and as American citizens.

I thank you for your attention.

STUDY OF THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HARRIS. Mr. Speaker, I am today ordering a study of the organizational structure and the huge, expanding, and farflung operations of the Department of Health, Education, and Welfare. Emphasis will be placed on those agencies and bodies within the Department whose activities are primarily within the jurisdictional purview of the Committee on Interstate and Foreign Commerce. Anything further would be ancillary to the study.

This study will be undertaken by a special subcommittee within the Subcommittee on Investigations of our committee.

Recently, the committee reported a bill which would provide for three additional Assistant Secretaries of the Department of Health, Education, and Welfare. I supported this proposal because I believe the organization is such that there is a need and requirement for these additional Assistant Secretaries.

The main purpose of the subcommittee will be to study the organizational setup of the Department as it pertains largely to matters of public health. We would have in mind particularly the U.S. Public Health Service, including the National Institutes of Health, and the Food and Drug Administration.

The study will, of course, be objective in its purpose and intent. To carry out the study, the chairman of the special subcommittee will be the gentleman from Florida, the Honorable PAUL G. ROGERS. With him will be the gentleman from California [Mr. VAN DEERLIN], the gentlemen from New Hampshire [Mr. HUOT], the gentleman from California [Mr. YOUNGER], and the gentleman from Pennsylvania [Mr. CURTIN].

As recently as February 1965, an important report was submitted to the President. A committee of distinguished scientific and lay members, headed by Dean E. Wooldridge, was asked by President Johnson to survey the organization and activities of the National Institutes of Health. That committee's report contains a number of conclusions and recommendations that need evaluation by Congress. A principal purpose of our proposed study will be to consider the conclusions and recommendations of the Wooldridge report.

The concern for public health of the Committee on Interstate and Foreign Commerce dates back to the early days of our Republic. In the last Congress, the committee, through its Subcommittee on Health and Safety, held hearings on the organization of the U.S. Public Health Service.

There is growing concern in Congress over the rapid expansion of the size and activities of the Department of Health, Education, and Welfare. A significant portion of the committee's legislative accomplishments in recent years has been in the health field.

In the past few years, the participation of the Federal Government in supporting basic and applied medical research has grown as never before. NIH research funds alone jumped from $28 million in 1950 to $570 million in 1963. The total appropriation proposed for NIH in the 1966 budget exceeds $1.1 billion.

It is estimated that the Department of Health, Education, and Welfare will spend $2.2 billion in 1966 for health research, training, public health services, and related consumer protection activities.

I think the time has come for us to take a hard look at how these expanded programs fit into the Department of Health, Education, and Welfare as a whole.

THE CHIPS ARE DOWN FOR GRAND CANYON

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SAYLOR. Mr. Speaker, on April 7 our distinguished colleague, the gentleman from Arizona, GEORGE F. SENNER, addressed the House concerning the current Bureau of Reclamation proposal to construct Bridge Canyon and Marble Canyon Dams to the detriment, in my opinion, of the Grand Canyon. My very able friend had some complimentary remarks to make about me which I assure you I appreciate. But, as I told the gentleman, "Flattery will get you nowhere," when it comes to trying to make one of the most unfortunate schemes ever to come out of the darkness of the Bureau of Reclamation more palatable.

I can understand and appreciate why my friend from Arizona would be interested in construction of this preposterous project because it is in his own backyard. I believe he is sincere in his statement:

> If anyone in this Nation were to intentionally or unintentionally do any damage to so beautiful a natural phenomenon, I would be the first to rise and protest with all the energy at my command.

For this reason, I suggest he restudy this proposal with an open mind and make his own conclusions rather than being led astray by some fast-talking bureaucrats who want to further their own little empires.

Mr. Speaker, many of the individuals who are beating the drums for construction of Marble Canyon and Bridge Canyon Dams are reminiscent of the old medicine show pitchmen hawking the snake-oil elixir which they claimed would cure all ills; but, in reality, would result only in a big headache the next morning.

Fortunately, I am not alone in my concern over the consequences which these dams could have on the Grand Canyon. Several newspapers expressed opposition to the proposal in editorial columns. Other Members of Congress have already expressed themselves in both bodies in opposition to this latest raid on nature's handiwork by the Bureau of Reclamation. Recently I received the February 1965 bulletin of the famed Sierra Club. I am sure each of my friends here today will recall that the Sierra Club, which was founded in 1892, has devoted itself tirelessly to the study and protection of national scenic resources, particularly those of mountain regions. The club has helped people explore, enjoy, and protect parks, wilderness, waters, forests, and wildlife. The Sierra Club has done much to rescue places that made America beautiful and which can help keep it beautiful. I mention this brief background of the Sierra Club to indicate that it is not unthinking and unresponsive to the needs of our people.

Included in this recent issue of the Sierra Club bulletin was a sincere and thoughtful discussion of the bills which have been proposed to construct Bridge Canyon and Marble Canyon Dams. The title of this discussion is "The Chips Are Down for Grand Canyon."

While I can agree with many of the Sierra Club's analyses of the shortcomings of this proposal, I would have to take exception to part of their suggested alternative. At one point in the article it is stated:

> Power is acknowledged in the report on the Southwest water plan to be only a small increment of the projected future power demand of the area. It obviously could be generated by public or private thermal plants fueled by fossil fuels—oil, gas, or coal—or nuclear fission. It appears that no engineering analysis has been made and released of this alternative: Providing the needed pumping power with thermal plants and providing the subsidy for the plan either from nonpower revenues or from public thermal plant revenues.

I would agree that power needed in the Southwest could be generated by private thermal plants, but I would resist—as I am sure the Congress would resist—any suggestion or proposal that the Federal Government construct public thermal plants in that or any other area of this Nation outside TVA. The Congress has repeatedly refused to authorize such Federal construction and has refused to recognize that the Federal Government has a utility responsibility to supply the total power requirements of Federal customers regardless of amount and regardless of cost.

I do not question the Sierra Club's right to make such a suggestion because they are not directly concerned with Federal policy on public thermal electric generating plants. But, I have been reliably informed that there is no power shortage in the Pacific Southwest and no future shortage can be expected. The existing electric companies have always constructed facilities in anticipation of future demands. In fact, last fall 10 investor-owned utilities operating in all or parts of Arizona, California, Nevada, Utah, Colorado, Texas, New Mexico, Wyoming, and Idaho announced a $10.5 billion, 20-year expansion program which will be entirely financed by capital secured from the investing public. No Federal tax money will be used. The program calls for the long-range joint planning of some 36 million kilowatts of new generating capacity and an extra-high-voltage transmission system interconnecting the member power suppliers. With an expansion program such as this envisioned by the taxpaying electric utilities, the need for publicly owned thermal plants is nonexistent.

So that each of us in this body can have the benefit of the thinking of this conservation group, I am including the full text of the Sierra Club's article at this point in my remarks:

THE CHIPS ARE DOWN FOR GRAND CANYON

Bills authorizing dams within Grand Canyon proper are in the congressional hopper. California and Arizona have reached a compromise on distribution of Colorado River water, and the Bureau of Reclamation's plan for destroying the living river in the Grand Canyon is moving forward rapidly with all too few people knowing what is at stake and how totally unnecessary the enormous sacrifice would be.

You, and your friends who care, are the only safety Grand Canyon has—plus the people in Government you can awaken.

What Grand Canyon dams are proposed?

Why will they destroy the Grand Canyon as we know it?

Why are they totally unnecessary? What can you do?

You owe it to yourself to find the answers to these questions. You also owe it to the unborn of future generations who can vote only through your perception now. What you lose by being too busy to care no one can ever replace.

For these reasons, please set aside whatever time it takes you to read through these four pages and to act now upon what they have to suggest. These pages are our best short summary, based upon what we can put together in this emergency, of what the facts are. Please do what you can with this information, augmented by other sources we cite. More will follow, from now until Grand Canyon is saved from the Bureau of Reclamation's dam-building momentum—the adverse force that needlessly destroyed Glen Canyon, that threatened Dinosaur National Monument and still does, that breached an honorable agreement to save Rainbow Bridge.

What you do, now, will make the difference.

IT COSTS YOU NOTHING, BUT WOULD YOU GIVE IT UP FOR A DIME?

Because of some dramatic moves initially by Theodore Roosevelt and good defensive battles fought since then by a legion of citizen-conservationists, America still has an unspoiled Grand Canyon as one of the great places on earth. It cost the taxpayers nothing, really, to get the land, and we all own a share of it. All the world shares our ownership in a sense. Grand Canyon is one of the places people want to see in their one chance on earth.

Evaluating each American's interest in it as worth about 10 cents per year, and the world's interest as worth nothing at all, the Bureau of Reclamation is proposing to destroy the heart of Grand Canyon.

That 10 cents per year per American citizen is about what the alleged economic advantage would be if electrical energy were produced by dams in Grand Canyon instead of by alternate means. We say "alleged" because the advantage is no more than an allegation. There is evidence from other sources to suggest that power could be generated sooner, cheaper, and with less risk by using coal-fired steam plants instead damming Grand Canyon. Moreover, it could be generated closer to market, and with less damage to water quality, saving enough water (otherwise lost through reservoir evaporation) to supply Denver and Phoenix.

Coal reserves in the intermountain States are far longer lasting than reservoirs on a silt-laden Colorado River. And there is evidence that atomic power, competitive with coal-fired plants now, will soon be cheaper.

Use of the alternative power sources would keep Grand Canyon unspoiled, as it was intended to be when parts of it were set aside as a national park and national monument—unspoiled as some exceedingly beautiful parts of it should continue to be even though they are not yet protected by park or monument status.

It is true that Arizona's central plateau is running out of water; it has developed so fast that it has overdrawn its water bank badly, and depletions will increase faster than they can be corrected if the population continues to grow at the present rate. The Southwest water plan would try to correct the same water deficit in the Southwest as a whole, a deficit produced by the same causes.

But hydroelectric dams and power are not essential in order to put water on the thirsty land. Instead they waste water where there is none to waste, and they further the American threat to the quality of Mexico's water, downstream.

What these dams would be, instead of a solution to a region's water problem, is a monument to the lack of imagination of the Bureau of Reclamation—a monument to the Bureau's inflexibility, to its unwillingness to attempt some legislative pioneering and to find other ways of financing the movement of water.

Further, any dams in Grand Canyon would be a permanent monument to the cynicism of the Bureau that computed a value of 10 cents per year as the American citizen's interest in his canyon—and then destroyed the canyon so as to claim that 10 cents as a benefit to America.

Such cynical disregard for a supreme natural wonder comes at a strange time. On February 8, in his much admired message to Congress on natural beauty, President Johnson wrote: "For centuries Americans have drawn strength and inspiration from the beauty of our country. It would be a neglectful generation indeed, indifferent alike to the judgment of history and the command of principle, which failed to preserve and extend such a heritage for its descendants."

The President's words struck a responsive chord. Senator HART seemed to speak for a vast majority of his countrymen when he said, "I hope that two or three generations down the road those who follow us will be able to say that Congress responded to this message appropriately and effectively."

A response that was hardly appropriate (and which we hope may be ineffective) was made by more than 30 Members of Congress who introduced bills authorizing construction of dams in Grand Canyon. (One of the sponsors, Congressman MORRIS UDALL, said, "The President's natural beauty message will be cited for years to come as one of the most thrilling conservation landmarks in the Nation's history." Another sponsor, Senator KUCHEL, is quoted in the CONGRESSIONAL RECORD of February 8 as saying: "When men of the future look back on the last half of the 20th century, let us hope they will be moved to say, 'There was a generation which was a good steward of the earth and its bounty.' ") How appropriate a response to a plea for preservation of natural beauty is a proposal that would mar the most celebrated natural scene in America, if not the world? Is it good stewardship to destroy something unique in order to save things that we have in abundance?

HIGH-COST ELECTRICITY TO SUBSIDIZE LOW-COST WATER

Perhaps the most important point to bear in mind is that the Marble Gorge and Bridge Canyon Dams would produce only electricity and dollars from the sale of electricity—both of which are obtainable from other sources. Hydroelectric power would be sold, and revenues from its sale would be used to subsidize the pumping of water to users at prices lower than the cost of pumping it. The two dams would add nothing to the total supply of water in a water-short area, but on the contrary, would waste much of the already inadequate supply through evaporation losses and seepage.

Power generated at the dams would be expensive, saleable only as peak power that commands a premium price when demand rises above base capacity. Without low interest Government financing of the dams, and the high price commanded by peak power, the project would not be feasible at all. Who will buy this high cost public power? The buyers would be private utility companies, which would otherwise have to build added capacity to handle peak loads with their own capital.

Proposed dams in Grand Canyon would be water wasters, and as such, are antithetical to the southwest water plan. They are included in the plan merely to provide financial support, at taxpayers' expense, for a project that cannot pay its own way. They make the project economically feasible, or appear to, only because of a pattern of financing that amounts to a Federal subsidy for the region. The power project, says an Interior Department document, would "use a region's hydroelectric resources to tax the people in support of long-range and large-scale Federal resource investments that are beyond the ability to repay of immediate beneficiaries."

Surely the dams would serve some useful purpose besides generating dollars? Yes, they would. Part of the power generated would be used to pump water into central Arizona. But the dams are not needed and would not be used to divert water into the central Arizona aqueduct; power to operate the pumps would be conducted through transmission lines to a diversion point far below Hoover Dam on the lower Colorado.

If hydroelectric power is used to pump water from the lower Colorado into central Arizona, the system may be technologically obsolete before it is completed. The San Francisco Chronicle of February 16 reported that California's director of water resources had proposed a nuclear powerplant producing 4.1 billion kilowatt hours of energy a year. Part of this power would be sold, the rest would be used to pump water over the Tehachapis into southern California—a far greater lift than is required in the central Arizona project. Is hydroelectric power, bought at so dear a price, conceivably the best alternative in a region that contains some of the Nation's largest reserves of coal and uranium?

WILL THE PLANS PAN OUT?

Admitting for the sake of argument that dams in Grand Canyon would be a tolerable alternative, what guarantee have we that they would achieve the results that the Bureau of Reclamation hopes for? The Bureau has proved somewhat less than infallible in the past, and the stakes are immense. (Preliminary estimates—seldom high—show the Bridge Canyon Dam costing $511 million and the Marble Gorge project costing $239 million.) Assumptions underlying the entire Southwest water plan may be unrealistic.

The Arizona Republic reported in January that "a 440-year study of climate, as recorded by tree rings, indicates that the Southwest may have to reevaluate its water plans." An annual flow of 16 million acre-feet past Lee's Ferry was assumed on the basis of a wet cycle from 1906 to 1920, but the flow has exceeded this estimate in only 13 years out of 49. In 7 years the flow was less than 7.5 million acre-feet, and it once dropped to 4.4 million. The average has been only 12.8 million. The last wet cycle comparable to the one that led to this miscalculation occurred in 1826–40 and the last one before that in the early 1600's.

Overoptimistic estimates of the Colorado's flow have already led, many contend, to the creation of more reservoirs than the river can fill. On February 9 the Department of the Interior announced that it had awarded a million-dollar contract for boating facilities on Lake Mead. "The work is necessitated," the announcement said, "by conditions resulting from the rapid drop of Lake Mead due to low flow of the river." Older facilities are now high and dry. This situation may be attributed in part to the closing of the gates at Glen Canyon Dam to form Lake Powell. But some old canyon hands doubt that the Colorado River can fill both Lake Mead and Lake Powell in normal years, much less additional reservoirs. There is reason for doubt. The Boulder City News reported January 14 that "about 25 percent of the water being held back of Glen Canyon Dam in Lake Powell seems to be percolating into the porous Navajo sandstone basin. This is substantially higher than the 15-percent factor allowed by the Bureau of Reclamation * * *. With Lake Powell less than quarter full at 6,200,000 acre-feet content, streamflow records indicate an additional 1,600,000 acre-feet to have seeped into the porous lake bottom and sides."

If all goes well with the Bureau of Reclamation's plans, and badly for the rest of us, Bridge Canyon Dam would back a reservoir up through Lake Mead recreation area, along and through Grand Canyon National Monument, and into Grand Canyon National Park itself. Marble Gorge Dam would drown a canyon comparable in beauty to an earlier victim, Glen Canyon. Of the Colorado River's 280 miles within Grand Canyon, only 104 miles would remain a flowing river. Even this remnant would be inaccessible to boatmen since there is no place between the Marble Gorge and Bridge Canyon reservoirs where a boat could be brought down to the river.

What is at stake is not just the future of white water boating on the Colorado, or the preservation of the unimpaired beauty of 150 miles of the Grand Canyon's inner gorge, or even the protection of the integrity of Grand Canyon National Park. What is at stake is the whole National Park System. If we sacrifice Grand Canyon National Park and Monument to the dam builders' dreams of empire, we will sooner or later have to accept similar infringements of Dinosaur, Glacier, Yellowstone, Grand Tetons, Yosemite, Kings Canyon, Mammoth Caves, Big Bend, and Arches national parks and monuments. The Bureau of Reclamation and Army Corps of Engineers have plans for them all.

If ever there was a fight that conservationists (and the country) could not afford to lose, it is the fight to prevent the violation of Grand Canyon. Where could we hope to make a successful stand if we failed to beat back an attack on the world's most magnificent canyon and the national park we thought protected some of it? A defeat here would turn the flank of the whole conservation movement and put men who cherish natural beauty on the defensive everywhere. Enlist in this fight. It's your fight—and the future's.

SOME POINTED QUESTIONS AND PERTINENT ANSWERS

1. Why should Americans be concerned about dams in Bridge Canyon and Marble

Gorge of the Grand Canyon, dams which would flood only the bottom of a narrow canyon in the national park and monument?

The dams the Bureau of Reclamation plans to build in Marble Gorge and at Bridge Canyon, within the Grand Canyon proper, would destroy not only the living river but also the unique life forms that through the ages have come to depend upon the river's life. The major part of the canyon walls would still be there, but the pulsing heart of the place would be stopped. A chain of destructive forces would be begun in what by law was set apart as part of the National Park System, to be preserved unimpaired for all America's future.

2. Aren't these dams essential to the water supply needs of Arizona and southern California?

Not at all. Looked at hard, these dams are nothing more than hydroelectric power devices to produce electricity and dollars from its sale to pay for projects that ought to be financed by less costly means. The dams would make no water available that is not available already. Indeed, they would waste enough to supply the water needs of both Denver and Phoenix, and would impair the quality of the too little that was left. Water already too saline is made more so by evaporation to the peril of downstream users, especially of neighbors in Mexico. All this on a river that already has more dams than it has water to fill them.

3. Aren't these dams essential to the total Southwest water plan and the central Arizona project?

No. Alexander Hildebrand, registered professional mechanical engineer, says in "Time and the River Flowing" that they are "* * * not necessary to divert water; not necessary to conserve water; not necessary to generate power; and not desirable economically, except to save fuel costs for future generations who may have cheaper ways of generating power anyway. They are 'necessary' only if we insist on using a particular water subsidy system, even when to do so would submerge the heart of one of the scenic wonders of the world."

4. Isn't the power generated by these dams of major importance to the Southwest?

Such power is acknowledged in the report on the Southwest water plan to be only "a small increment of the projected future power demand of the area * * *." It obviously could be generated by public or private thermal plants, fueled either by fossil fuels (oil, gas, or coal) or nuclear fission. It appears that no engineering analysis has been made and released of this alternative: providing the needed pumping power with thermal plants and providing the subsidy for the plan either from nonpower revenues or from public thermal plant revenues.

5. Aren't alternative sources of power, such as steamplants, more expensive?

Steamplants would admittedly have fuel costs, and hydroelectric plants would not. At 3.6 mills per kilowatt-hour, however, 3 percent interest on the $487 million investment saving would buy enough fuel to generate over 4 billion kilowatt-hours per year; it would take about 30 years for the savings on fuel of the hydroelectric plants to pay for their higher cost and the interest thereon. Thus steamplants could be built much faster, would save the heart of the Grand Canyon, and would have a lower cumulative cost until fuel costs exceeded the savings on initial investment some 30 years after completion of the plants.

6. What alternative sources of water are possible?

Many projects exist or are contemplated to import water from areas of surplus to areas of deficit—without, in the process, destroying a unique scenic resource. And research on the desalinization of sea water accelerates year by year.

7. Does the law establishing Grand Canyon National Park allow dams and reservoirs to be built within it?

The Bureau of Reclamation says yes. It quotes section 7 of the Grand Canyon National Park Act: "That, whatever consistent with the primary purposes of said park, the Secretary of the Interior is authorized to permit the utilization of areas therein which may be necessary for the development and maintenance of a Government reclamation project." The primary purpose of the park is "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Bridge Canyon Reservoir would obliterate the scenic values of the river flowing between canyon walls, would destroy the river (and the plants and wildlife dependent upon it) as a "natural object" that the national park was designed to protect, and could not in any sense be consistent with the primary purposes of the national park.

8. Won't the proposed dams provide some important recreation in areas now accessible to only a few people?

We already have on the Colorado River more than 600 miles of reservoir recreation behind Flaming Gorge, Navajo, Glen Canyon, Hoover, Davis, Parker, and Imperial Dams. There is recreational value in swift-running water, too.

AIRLINE BAGGAGE WEIGHT LIMITATIONS

The SPEAKER pro tempore. Under previous order of the House the gentleman from California [Mr. Hosmer] is recognized for 2 minutes.

Mr. HOSMER. Mr. Speaker, printed below is a letter I dispatched to the Civil Aeronautics Board on Monday. I take this means to advise my colleagues, the traveling public, and the airlines of this move to initiate a review of airline baggage weight limitations. It is my purpose hereby to enlist the assistance of as many interested parties as possible to encourage such a review.

April 12, 1965.

Re airline baggage weight limitations.

Mr. Alan S. Boyd,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Boyd: I believe it is past time for the Board to initiate a constructive review of the so-called free allowance of 40 pounds baggage on domestic airline flights. This review should aim at upping the allowance a reasonable amount.

The airlines define "baggage" to mean "all luggage, including briefcases, portfolios, parcels, camera equipment, and similar articles whether carried in the cabin or checked in the cargo compartment." Any baggage weight in excess of the 40-pound limit must be paid for at the rate of one-half of 1 percent of the full first-class adult one-way fare per pound. Thus, on a flight carrying a $100 first-class fare, the charge is 50 cents per pound.

Suppose a passenger flying jet tourist from Washington to Los Angeles or San Francisco has 50 pounds baggage. He must pay an excess baggage charge on 10 pounds at one-half of 1 percent of the first-class fare of $152.75 per pound, or around $7.64. The first-class traveler pays the same amount. Two hundred pounds' excess baggage would cost the same as a first-class ticket, $152.75, receives no free drinks, no free meal, no attention from the stewardess, and is unable to enjoy the movie.

It is a well-known fact that many passengers, resenting this extra charge, conceive a variety of ways to get around it by carrying into the cabin heavy parcels that have not been presented for weighing. The alert Air Line Pilots Association has expressed safety concern over the increasing amount of carry-on luggage being brought aboard aircraft. If it is not stored properly under the seat it can become a lethal projectile should a crash landing, severe turbulence, or rapid deceleration occur. Even if properly stowed, such carry-on baggage can be dislodged and can interfere with speedy evacuation.

Originally there was a valid reason for establishing a penalty for excess baggage. Early in commercial airline history, load weight was a very critical safety factor. Passengers had to be encouraged to travel with a bare minimum of luggage. This was done by placing a penalty on baggage weight. Some 30 years ago when airlines used the Curtiss Condor biplane and the Ford Trimotor, 30 pounds of luggage was allowed free. The *Graf Zeppelin* had the same luggage allowance. Yet today, 30 years later, when airframe and aircraft engine developments, for all practical purposes, have eliminated load weights associated with passengers as a safety factor, the allowable weight has been increased by only 10 pounds.

The situation has changed completely. I have been furnished statistics by the Airways Club indicating that if every inch of baggage space of a modern DC–8 or Boeing 707 jet airliner were crammed with gold bricks, it would still be impossible to overload the aircraft. Yet severe weight limitation remains as an anachronism and a source of revenue for the airlines.

It is specifically requested that the Board initiate a review of the weight limitation question as soon as its schedule permits.

Sincerely yours,

Craig Hosmer,
Member of Congress.

THE BRACERO PROGRAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wyoming [Mr. Roncalio] is recognized for 30 minutes.

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, on at least three occasions in this session in both Houses of the Congress much time has been consumed by debates dealing with the passing of the bracero. To add to this interesting and historical matter, we have had features in some of our great newspapers treating of this in the light of a Steinbeck novel of the thirties or of Edward Murrow's famous features of a decade ago.

Mr. Speaker, to all of this there is a poignancy and the underscoring of loss to domestic farmers of America, good old-fashioned American citizens. It seems to me that these are the real unsung victims of this change, not particularly the corporate farmers of California or the vast growers of Florida, but the little beet farmers of the Rocky Mountain States and particularly Wyoming which is the congressional district I represent.

Mr. Speaker, much debate has dealt with the large numbers of Mexican nationals going into the rich fields of California and with the presence in Florida of migratory farmers from Puerto Rico and from the British West Indies.

The introduction of legislation to extend the bracero program for years on end is the last thing and is furthest from my mind. I do believe, however, that under the existing limits of the law which expired last year, it is now the intent of Congress that if the Secretary of Labor finds hardship in any area of America where immigrant, imported labor is no longer permitted, under the statute he may certify such hardship and will thus effect the importation of qualified numbers for specific lengths of time in the particular areas of America where such labor will thus avoid a hardship.

Mr. Speaker, the sugarbeet companies with plants in Wyoming have cooperated over the years with research agencies, the extension people everywhere, in an effort to develop agricultural techniques and farming materials which may reduce the necessity for stoop labor in the thinning process of the sugarbeet industry.

It is my hope that machinery will soon be developed which will eliminate the need for any human being, foreigner or American, to have to engage in the topping, loading, and delivery of sugarbeets from the fields to the factories. This is menial, difficult labor and it will be a great day for mankind when this labor can be eliminated, as it was when the blasting of coal from the face of the seams in the great coal fields was ended, and machines replaced the human being and the animal, in this function.

I rise today to say that a 12-hour day in the fields by a Mexican national is just as difficult as a 12-hour day by anyone else, whether engaged in by the braceros—the good worker from Mexico—or whether it is engaged in by the farmers of Wyoming whose concerns are just as vital to our economy as is the slowing up of the migrant from Mexico in this regard. The sugarbeet farmer and his role in the economy of this Nation is what is of vital concern today, and what warrants an exception made now for a certification of import labor in my particular State.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from California, whose interest in this subject is deep and sincere.

Mr. COHELAN. The gentleman from Wyoming well knows my position on this matter, having made a very fine contribution the other afternoon when we discussed this matter at length. I do not want to interrupt the gentleman, if he wants to complete his statement, but with his permission I would like to ask a question:

Does the gentleman know how many workers are required in this particular area?

Mr. RONCALIO. I believe so, and I will show out of five particular areas we have now signed up domestic workers in at least one of them—Torrington.

Mr. COHELAN. Does the gentleman know whether the growers in the gentleman's district complied with the criteria of the Department of Labor?

Mr. RONCALIO. Yes, I am happy to report, and I will touch on this criteria in my speech. It has been complied with, and I hope today or tomorrow the Secretary of Labor could make this a memorable Easter for all of us by a statement of certification for Wyoming.

Mr. COHELAN. Having met those requirements in all cases, where there is a clear, demonstrated case and there is a requirement for supplementary labor, this fact will be considered by the Department in making such proportionment?

Mr. RONCALIO. Yes. I may say to the gentleman I am aware of this, and I hope I may look for the cooperation of the gentleman from California to alleviate our problem in this regard.

Mr. COHELAN. The gentleman understands it is the purpose of the gentleman from California, as I know it is of the gentleman from Wyoming, not only do we not want any crops to rot in the field, but we do not want any people to rot in the field. It is our objective to raise the standards of migratory labor, and I know the gentleman shares that goal.

Mr. RONCALIO. I thank the gentleman. I will touch on that later in my remarks.

Some of us had hoped that we might be permitted in the transition from the passing of the bracero era to all domestic labor that any hardships that might be imposed would be alleviated by the temporary use of certain numbers of braceros for a short time. Many Members of both Houses of Congress were extremely critical of the Secretary of Labor for playing the role of an advocate rather than a fact-finder. I was one of those Members who expressed a wish that the Secretary would go to the fields of the States involved and engage in some fact-finding, and make his own objective determination of the necessity for certified import labor. I was happy to see that the Secretary did travel to California and make his own conclusions accordingly, and I was one of the first to express the wish that the Secretary would visit the States involved and make his own investigation, and report accordingly, and I was among the first to compliment him for doing this very thing.

Two occurrences have taken place in the past several weeks, Mr. Speaker, that make it mandatory that the Secretary of Labor should indicate certification now for a few beet workers in Wyoming. One of the present results of the impasse is simply this—but before we get to that I wish to show compliance again so that the Members interested, including the Members from Florida and California, can see that the companies of Wyoming have complied and have made every possible effort in good faith to hire all the domestic help possible.

Mr. Speaker, I include as a part of my remarks an article from the Torrington, Wyo., News, of Thursday, April 8, pointing out the effort which both companies have made in sending out personnel all over the six Rocky Mountain States looking for help to work in the fields:

BEET GROWERS MAKING STATEWIDE EFFORT TO RECRUIT FIELD WORKERS

Wyoming sugarbeet growers are making an all-out effort to recruit local beet workers this year and, from recent reports, the outlook is for adequate laborers for local beet growers.

The two Wyoming sugar processors, Holly Sugar Corp. and Great Western Sugar Co., are sending their representatives to various cities in Wyoming in an effort to sign up beet workers. Holly has assigned Dave Prado, of Torrington, and Great Western has named Ralph C. Stenehjem, of Billings, to do recruiting at Green River, Rock Springs, Rawlins, Laramie, Cheyenne, and Casper during April.

They will be offering Wyomingites 6 to 8 weeks' employment in any of the various sugarbeet growing areas of Wyoming; Powell, Lovell, Greybull, Basin, Worland, Riverton, Clearmont, Douglas, Wheatland, or Torrington. The pay will be piece rates, so much per acre and there will be a guarantee of $1.25 per hour to qualified workers, if their piece-rate earnings fall below that average in a 2-week pay period. To qualify, workers should be in good health, at least 16 years of age and willing to work 6 days a week, 8 hours a day, with the long-handled hoes furnished by the farmers. Some children, ages 14 and 15, may also be hired. No past experience is required.

Workers who are hired will be furnished transportation to the place of work and, if they work until the end of the season, they will be provided transportation home. Workers will also be given housing and occupational insurance without charge. They will provide their own food.

Sugar company recruiters will be in Green River and Rock Springs Tuesday, April 13; in Rawlins on Thursday, April 15; in Laramie Friday, April 16; in Cheyenne Tuesday, April 20; and in Casper Thursday, April 22. In addition, beet worker recruitment will be continuous in all branches of the State employment offices throughout the State. Recruiters have been searching for beet workers throughout Texas since mid-February and may also recruit in New Mexico, Arizona, and on Indian reservations.

Interested crews, families, and individuals may obtain more information at any office of the Wyoming State Employment Service.

I also include at this point an article from one of the papers of Wyoming entitled "Wanted—Sugarbeet Workers":

WANTED SUGARBEET WORKERS

Crews, families, individual workers, 14 or more years old, to hoe sugarbeets—6 to 8 weeks employment.

Transportation, housing, occupational insurance furnished.

Wages: Piece rates per acre hoed, guarantee of $1.25 per hour to qualified workers.

Areas: Powell, Lovell, Greybull, Basin, Worland, Riverton, Clearmont, Douglas, Wheatland, Torrington.

How to apply: Arrange for hiring interview by calling or visiting the State employment office at special recruiting office at Green River City Hall on Tuesday, April 13, 1965, 9:00 a.m. to noon, 91 West First North, Green River, Wyo. Phone 875-3324.

Duration: Work will start in May, will run into July, but put in your application right away.

For their growers:

HOLLY SUGAR CORP.
GREAT WESTERN SUGAR CO.

To the employment service officers of Wyoming, we and our growers—this is from the Holly Sugar Corp., of Colorado Springs—have placed clearance orders for 2,530 workers, either solo or in family groups.

These criteria have been prescribed as follows by the Secretary of Labor in order for them to be eligible for employment:

> (a) A guarantee of $1.25 per hour even though the employee is working on a piecework basis established by the Secretary of Agriculture;
>
> (b) The obligation of the employer to maintain a complete payroll record;
>
> (c) A guarantee of work for three-fourths of the work days during the contract period;
>
> (d) The obligation to provide occupational insurance at no cost to the employee;
>
> (e) The obligation to provide free transportation from the area of recruitment to the place of employment and return;
>
> (f) The obligation to provide free housing and other perquisites; and
>
> (g) The obligation to pay subsistence of $1.50 per day when the employer does not provide work opportunity for 64 hours of employment in each 2-week work period.

STILL AN ACUTE SHORTAGE

As of this date, we have no assurance of the availability of sufficient migratory labor except for one of the five areas in the State of Wyoming. It remains pessimistic for Worland, Riverton, Clearmont, and Sheridan, Wyo., in spite of the generous offer of employment.

The results of all this mean two things: first, the beet growers in Wyoming are giving up their coveted allotments. I read now from the Casper Morning Star of a week ago:

> POWELL.—A total of 23 sugarbeet growers in the Lovell factory district have turned back all or part of their 1965 acreage allotments because of the uncertainty of the beet labor picture.
>
> Among them was Joe Kysar, the largest grower in the district, who decided against the big labor gamble this year—now that braceros from Old Mexico will not be returning to the fields in the spring. Kysar had 321 acres.
>
> The Agricultural Stabilization and Conservation (ASCS) office in Powell reported that a total of 750 acres of sugarbeet allotments had been turned back for redistribution to other growers in the district.
>
> Despite this, the ASCS said more than enough requests for additional acreage had been received to make up the difference. The office had set a March 31 deadline for turning back beet acreage allotments.
>
> "Many growers are just waiting to the last minute to see if any assurances are made that we'll get the labor we need," said Howard Hart, president of the growers' association. "To date, we don't know we'll have the labor."

Second, I quote from a Mexican magazine called Vision in which the Mexican writer states that "due to the arbitrary cutoff of imported labor, the Nation of Mexico feels that the agricultural processing industry may well start moving to Mexico from the United States, and that this could be of real benefit to Mexico and Central America."

Therefore, Mr. Speaker, I frankly plead that the Secretary of Labor make a certification for temporary employment of approximately 2,530, or whatever the number that may be proven, foreign braceros to be used in the conversion from imported foreign labor to domestic labor in the beetfields of Wyoming.

Mr. Speaker, let me again say how strongly I urge that he consider this, because otherwise he may cause irreparable damage to the beet growers and workers of Wyoming.

THE REAL PROBLEM

Mr. Speaker, a small State where life is difficult at best, a State high in the arid plains of the mighty prairies of America, with elevations of 3,000 and 4,000 feet above the fruited plains of the sea level valleys of Florida and California, now fights to stay alive in the highly competitive agricultural America we have today. Thus we find ourselves, citizens and farmers, who by and large have asked little except to be left alone to live in decency with their fellow men, now categorically denied opportunity to stay in business in the sugarbeet industry, all because of the dramatics attached to the end of a program of importing migratory labor. I wish I could enlist all to see the real nub of this problem, Mr. Speaker. The real need is money.

I should like to treat this matter from this eternal angle.

It is a fact that at this late date, most of us in Wyoming had complacent faith farmers and sugar companies have had all along that the administration would at a proper time make the usual provisions so that the migratory Mexican laborers would stream happily back to the beetfields from their impoverished Mexico.

I should like to submit that a better hope is some type of money appropriation to the beet farmer to pay a better wage to beetfield labor whether it be domestic or whether it be imported.

The problem is really money, as it has always been. The farmers of Wyoming have never received enough money for their beets to justify the wages that the difficult and backbreaking work in the beetfields warrants. And, of course, as long as there has been an easily available import labor always waiting with hat in hand for the few small crumbs to fall from the farmer's all-too-small slice of bread, that farmer has been happy to oblige in accepting contract labor.

If the money were available to pay a better salary than is now being paid, there is no doubt in my mind that there would be plenty of domestic labor available to do this work.

Mr. Speaker, let me refer again to the criteria I mentioned earlier for employment of these workers, and in some instances, workers as young as 14 years of age where the law permits—$1.25 per hour minimum guarantee even though on piecework; free transportation; field housing; and subsistence of $1.50 per day when there is not an opportunity to work 64 hours in a 2-week period. These are minimal standards, Mr. Speaker.

I submit that the very essence of the present drive toward the alleviation of poverty could not find a more appropriate beginning than to raise at this time the economic levels of the sugarbeet farmers of Wyoming and of those who labor in their fields.

After all is this not what this entire program is about?

I would like to give you two examples.

LIFE IS HARD

Sixteen years ago, great mountain climbers, great citizens of Wyoming, settled to become farmers in one of the valleys of my State. After 10 years of struggling with the elements, fighting the ground, crop failures, long hours and endless days of labor upon 160 acres, and a log cabin which they called home, they walked away after a long investment to make their home "in town" with nothing to show for their attempt at a life on the high plains of the West.

Theirs is but an example of the tribulation that individuals meet in trying to become farmers and eke out an existence in Wyoming. And what of the laborer?

Let me give you this example—I have been in and out of hundreds of Mexican homes in recent years, and in all of my life I am oppressed by the appalling depravation of their lives. Whereas improvements do seem to be made in the other ethnic groups, I find an absence of this improvement with this particular group. I happen to know very well the history of one particular Mexican girl of about 32 years old—she was at one time a handsome female; now she looks 60 years old. For many years she worked for a local farmer in Wyoming of some repute in the beetfields, lambing his sheep, hauling manure, driving tractors, plowing in the spring. She clearly did more work for that man for $300 a month than that farmer could have obtained for three times that amount invested in standard so-called American-type farm labor. But yet, after he lays her off each season when the lambing and the shearing are done his complaints are manifold and he bellyaches with letters to his Congressman and letters to his editor all summer because she frequently has to appeal to welfare for a little food to keep her family from starving. Although she lives in Wyoming, Mr. Speaker, her life is just as segregated as it would be if she were black in Alabama or Mississippi.

Her children are all attractive, and they are intelligent, but the poverty of their lives is guaranteed unless something can be done to bring about a raise in the level of the existence of their mother.

The whole foundation of hand labor upon the farms of the West has always been the sometimes brutal, sometimes benevolent use of other men. The Secretary of Labor's basic position in this matter is, of course, sound and it is not in fact the Secretary for Labor's basic position, it is the position of Congress as reflected by the people themselves, who will bring about an end to braceros eventually. But this end must be done in good conscience, without an abrupt destruction of the lot of the farmer himself, and with regard for the industry, and for the economy of large areas of Wyoming.

I feel confident that the limited use in Wyoming of some braceros labor this year, a new look into a program of higher pay both for the farmer and for labor, can bring about corrections to two groups who have long suffered in the iniquities of sharing the prosperity of our land.

PERSONAL ANNOUNCEMENT

Mr. BATES. Mr. Speaker, at the time the vote was taken on House Resolution 310, I was unavoidably detained and did not vote. Had I been able to be here, I would have voted "yea."

INTRODUCTION OF TRUTH-IN-PACKAGING BILL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, today I introduce a companion bill to Senator HART's truth-in-packaging legislation. I sponsored similar legislation in the last Congress, and I submit that the pressing need for the enactment of this bill is greater now than it has ever been in the past.

Today, there are well over 30,000 supermarkets in this country, and a countless number of smaller markets, each of which contains as many as 8,000 different items. In deciding which of the various competing products to purchase, the consumer can no longer rely upon the informed advice of the neighborhood grocer. Rather, he must look to the package for pertinent information on the product it contains. Too often, however, this information is hidden, deceptive, or just not there, and the consumer selects at his peril.

When the consumer strolls the aisles of a supermarket or looks at the shelves in a store, he sees an orderly display of attractive packages. What he cannot realize until he returns home is that the illustrations appearing on the packages often deliberately misrepresent the article inside; the package is twice as large as the product it contains; and what may be advertised as "serving four" will probably serve only two. In addition, it is often extremely difficult to locate the net weight on packages, and even more difficult to compare it with the net weight of similar items, which will either be expressed in complicated fractions or in different units of measure. Instances of this nature are by no means rare and by no means accidental. My bill represents a frontal assault on a carefully calculated scheme to confound and confuse the consumer.

The bill would authorize the Secretary of Health, Education, and Welfare, and the Federal Trade Commission to promulgate regulations governing the packaging and labeling of consumer commodities. It would require net weight or quantity statements to be printed on the front panel of packages, and would establish standards of location and prominence for such information. It would prohibit deceptive illustrations on the label, "cents-off" promotions, and such qualifying terms as "giant half-quart."

In addition, discretionary authority would be provided for the issuance of regulations, on a product-to-product basis, that would: standardize package sizes to specified quantities, determine shapes of packages, and establish criteria for the use of such designations as "small," "medium," and "large."

Mr. Speaker, these measures are necessary if the Congress is to discharge its responsibility to the American consumer. I have the highest regard for the intelligence of the American consumer, but one's judgment can be only as good as the facts upon which it is based. This bill would establish and protect the consumer's right to those facts.

Finally, Mr. Speaker, may I point out that earlier this year, in his economic report to the Congress, the President expressed his support for this kind of legislation. He acknowledged that the consumer needed the kind of information this bill is designed to provide him, and stated:

> Truth in packaging will help to protect consumers against product misrepresentation.

The Council of Economic Advisers reported the prevalent abuses and lauded the purposes of this legislation. Esther Peterson, the President's Special Assistant on Consumer Affairs, has long supported our efforts in this area. In light of this, it is most unfortunate that Mr. Connor, the new Secretary of Commerce, is reported to be opposed to this legislation, and that, on the basis of this, the administration is working out a new position. Mr. Speaker, the time for delay has passed. The need for this legislation has been with us for too long, and now is the time for action.

THE OAS AT 75

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONTE. Mr. Speaker, I would like to join with my colleagues in marking Pan American Day. This year, as you know, the celebration of Pan American Day is of particular import since it is also the 75th anniversary of the organization that we know as the Organization of American States. The OAS is today, perhaps more so than at any other time in its long existence, serving as one of the bulwarks of the Western Hemisphere. That we can effectively work together to achieve common goals through the combined efforts of the members of this organization has been forcefully illustrated in the events affecting this hemisphere in recent years. I salute this organization which has not let its 75 years of existence stultify its approach to today's problems. An anniversary is not only a time for reflection, but should provide an occasion to look toward the future, to assure that by not becoming complacent over what has been, there will be commemorations for years to come.

An editorial in this morning's New York Times wished the OAS "many happy returns." I join in this wish. I believe the text of this editorial is of merit and I include it at this point.

THE OAS AT 75

Pan American Day, which is celebrated every year on April 14, has a special significance today because it is the 75th anniversary of what is now called the Organization of American States. This makes the OAS the oldest international organization of its kind in the world.

The week-long celebrations that are underway all over the hemisphere are legitimate. There is something to celebrate. But when the banquets, the speeches, and the self-congratulations are over, it would be well to turn to the ways in which the OAS can be improved.

Secretary General José Mora did just this last November with a series of recommendations. He suggested strengthening the Council of the OAS, which is a permanent executive body like the Security Council of the United Nations. The theoretically supreme body of the OAS is the Inter-American Conference, which is supposed to meet every 5 years. It has not met since 1954 and no one wants it to meet. Mr. Mora suggested, instead, that the foreign ministers of the hemisphere meet at least once a year.

Nothing has yet been done to reform the OAS. Admittedly it will not be easy. That maverick, Cuba, has been excluded from participation in the OAS, but it is legally still a member, since there is no provision in the Bogotá Charter to expel members. The Inter-American System is, by mutual agreement, anti-Communist and democratic, although some regimes that have not been excluded can hardly be considered democratic.

Latin America has not found an ideology of its own. Its traditional authoritarian political structure and its feudal social structure have broken down in many countries and they are collapsing in all 20 nations. Marxism, as an ideology, is weak except in Cuba, and Christian Democracy has taken hold only in Chile and Venezuela. Democracy, as it is practiced in the United States, does not suit either the temperament or the economic structures found in the Latin American countries.

Thus, one falls back on the good old—75 years old—Organization of American States. It provides collective security and an instrument for international action. It is a bit infirm, but there is a lot of life in it. On this anniversary one can sincerely wish the OAS many happy returns.

FREE WORLD SHIPPING TO NORTH VIETNAM IS INCREASING

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINDLEY. Mr. Speaker, lack of free world cooperation is making our task in South Vietnam unnecessarily difficult. For example, free world trade with Communist North Vietnam is increasing. Although much of this is doubtless food and other so-called nonstrategic items, it nonetheless benefits North Vietnam directly and substantially.

A free world trade embargo against North Vietnam would certainly aggravate the supply problems of the Communists and hopefully hasten the day when we can negotiate with them on our terms.

Our most pressing and urgent need is to negotiate with our free world allies, rather than with the Communists. We must unify free world policy in trouble spots like Vietnam. Consultation has obviously been inadequate.

The table below, prepared for me by the Library of Congress, shows the trend in free world trade with North Vietnam:

Trade of North Vietnam with the free world, 1962–64

[In thousands of dollars]

	1962 exports	1962 imports	1962 total	1963 exports	1963 imports	1963 total	1964 exports	1964 imports	1964 total
United States	1	-------	1	-------	-------	-------	-------	-------	-------
Austria	-------	-------	-------	28	-------	28	58	-------	58
Belgium-Luxembourg	60	58	118	1,514	2	1,516	544	15	559
Denmark	89	1	90	5	41	46	10	12	22
France	28	26	54	3,600	2,542	6,142	3,740	2,550	6,290
Germany	26	504	530	191	322	523	200	1,100	1,300
Ireland	-------	-------	-------	3	-------	3	-------	-------	-------
Italy	118	213	331	593	2,207	2,801	[1] 269	1,000	1,269
Netherlands	51	-------	51	2,276	167	2,443	1,272	122	1,394
Norway	-------	-------	-------	-------	-------	-------	-------	-------	-------
Sweden	(2)	1	1	2	167	169	-------	-------	-------
Switzerland	20	2	22	70	72	142	70	-------	70
United Kingdom	197	44	241	73	102	175	165	101	266
Iran	3	-------	3	-------	-------	-------	-------	-------	-------
Morocco	-------	-------	-------	3	11	14	-------	-------	-------
Ivory Coast	-------	-------	-------	1	-------	1	-------	-------	-------
Jordan	-------	-------	-------	27	-------	27	-------	-------	-------
United Arab Republic (Egypt)	159	332	491	9	140	149	-------	-------	-------
Burma	2	-------	2	-------	-------	-------	-------	-------	-------
Cambodia	-------	-------	-------	1,409	580	1,989	1,093	936	2,029
Hong Kong	719	29	748	3,304	162	3,466	3,729	88	3,817
India	999	83	1,082	-------	81	81	-------	52	52
Indonesia	222	-------	222	-------	-------	-------	-------	-------	-------
Japan	4,554	4,781	9,335	10,255	4,316	14,571	8,628	2,919	11,547
Malaya and Singapore	52	42	94	1,434	1,296	2,730	1,241	1,225	1,466
Pakistan	-------	-------	-------	-------	163	163	-------	-------	-------
Senegal	-------	-------	-------	-------	3	3	-------	-------	-------
Australia	-------	-------	-------	-------	350	350	-------	-------	-------
New Zealand	-------	-------	-------	-------	27	27	-------	[3] 24	[3] 24
Argentina	-------	-------	-------	-------	-------	-------	-------	606	606
Mexico	-------	30	30	3	-------	3	-------	[3] 5	[3] 5
Venezuela	-------	-------	-------	-------	-------	-------	-------	-------	-------
Finland	-------	376	376	-------	-------	-------	-------	-------	-------
Yugoslavia	-------	14	14	-------	-------	-------	-------	-------	-------
Total	7,300	6,536	13,836	11,899	12,751	24,650	21,019	10,755	31,774

[1] January–October.

[2] Less than $500.

[3] January–June.

Sources: U.S. Department of Commerce, Bureau of International Commerce, International Trade Analysis Division.

(1) Exports of free world countries to Sino-Soviet bloc countries, 1959–62; January–December 1963; 1964, cumulative and latest month.

(2) Imports of free world countries from Sino-Soviet bloc countries, 1959–62; January–December 1963; 1964, cumulative and latest month.

DO CUSTOMERS APPROVE OF INCREASED PRICES?

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TALCOTT. Mr. Speaker, Secretary Wirtz and a few Members of Congress have recently said in effect "farmers can increase wages, improve housing and boarding facilities, provide family housing for the migrant farm laborers and enhance the many fringe benefits—and that the housewife and consumer of fruit and vegetables will gladly pay the increased costs."

There is no proof of this noble assertion. I wish it were true because many workers could use increased wages. Every farmer I know would gladly pay his employees more if consumers would pay him more.

There are some apparent paradoxes in the noble way in which the Secretary dismisses the farmers' problems of increased costs.

The administration claims to be protecting the farm laborers from competition from "cheap foreign labor." But will the administration protect the farmer from the competition of cheap foreign produce and products which are produced not only with cheap foreign labor but with cheap foreign materials, seeds, water, land rent, fertilizers, capital and management?

If the increased prices are so certain why, I wonder, did not the "grasping" farmers increase the prices much sooner?

If higher prices were so easily obtainable and profits so great and certain, what are we to do with the great influx of farmers and financiers into the fruit and vegetable industry?

An apricot grower asks me where the housewife or consumer is that will pay 40 cents a unit (his present cost) for his apricots when comparable, but cheaply grown, apricots imported from Spain and South America are selling in the same U.S. markets for 38 cents.

Can we expect the same "protection" by our Government for the farmer as the unemployed factory worker who wants to become a farm laborer?

All the vegetable farmer asks is fair treatment—the same treatment afforded other importers, other employers, other producers, other laborers. Is this asking too much?

CHANGES NEEDED IN DOCUMENTARY TAX REGULATIONS TO PERMIT CREDIT FOR STATE TAXES PAID ON CONVEYANCE OF REALTY

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. MIZE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MIZE. Mr. Speaker, I am pleased to introduced today a bill to amend the Internal Revenue Code of 1954 to provide a credit against the Federal stamp tax on the conveyance of realty for amounts paid under equivalent State sales, stamp, or transfer tax laws.

When the Federal conveyance tax was first imposed in the early days of the Republic, it was needed to finance various crises; that is, the Civil War, Spanish-American War, and so forth. It has long since stopped serving a revenue purpose. In fiscal year 1963, for example, the Federal Government's take on all documentary taxes amounted to $140 million, or one-tenth of 1 percent of its tax collections. Only about one-fourth of this $140 million was realized from the Federal documentary tax on conveyances, or real estate transfers; the remaining three-fourths coming from the Federal documentary taxes on the issue and transfer of stocks and bonds.

My bill is concerned only with the Federal tax on conveyances, however, since these taxes involve thousands of individual transactions at the county court house level and, in those cases where State and local taxes are also levied, involve overlapping taxation. They create the image of unnecessary Federal-State duplication in the minds of individuals, particularly attorneys and realtors, who are required to purchase stamps at two different windows and to compute relatively small tax liabilities two different ways.

Mr. Speaker, apparently no studies of the cost of administering documentary taxes have been made, either within or outside the Treasury Department. However, the Federal conveyance tax has a record of weak enforcement and spotty taxpayer compliance. Because the amount of revenue involved is small, the Internal Revenue Service devotes minimal effort to the enforcement of documentary stamp taxes. Nor is Federal tax enforcement likely to be increased because it is tangential to the mainstream of Internal Revenue activity—which is geared to the income tax—and the revenue yield would not be expected to increase much above the costs of increased enforcement.

It would be difficult to justify urging the Treasury Department to assign to the stamp tax on conveyances the amount of resources that would be needed to enforce it adequately. Effective Federal enforcement of this tax might well require extensive audit of the deed records at county courthouses throughout the Nation. The cost of such auditing would probably be prohibitive in the light of the insignificant revenue return it would yield.

In regard to taxpayer compliance, deed documents conveying real estate and policies issued by foreign insurers are required to have the stamps affixed—but the regulations allow considerable latitude, and affixing practice varies. The blue-ribbon Advisory Commission on Intergovernmental Relations stated in their report of September 1964, entitled "The Intergovernmental Aspects of Documentary Taxes," that:

> Compliance, in fact, is almost completely voluntary and noncompliance and violations may be considerable.

The tax on real estate transfers is one of the very few that can be enforced effectively at the local level. Most real estate transactions are recorded by county recorders, many of whom are elected officials. Since the States have it within their means to require such local officials to enforce their laws, the administrative support that local officials can give the tax is available for the enforcement of State laws in connection with the providing of State sales, stamp, or transfer tax credits against the Federal stamp tax.

Mr. Speaker, the principal consideration supporting the Federal real estate transfer tax has been its alleged byproduct value for assessment-sales ratio studies to improve property tax administration. However, because of inadequate enforcement and exclusion of assumed mortgages from the tax base, the stamp value frequently bears little relationship to actual selling price, and this, in turn, severely limits its usefulness for assessment-sales ratio studies. The Advisory Commission on Intergovernmental Relations reported that analyses in connection with ratio studies have uncovered numerous cases that range from complete noncompliance to under- or overstamping. The Commission concluded:

> The deficiencies of the Federal real estate transfer tax for establishing the sales price of realty could be overcome only by shifting enforcement responsibility to the States.

This would be the case with the enactment of my bill, as the incentive of increased State revenues would be present as well as the existence of State laws with which the local and State officials would be compelled to comply. The States would be able to obtain the necessary market value information under the system provided for by this bill.

Utilization of credits against the Federal conveyance tax by enactment of State laws is expected to be widespread. Indeed, transition would not be a problem, as State and local governments are already showing a rising interest in real estate transfer taxes. Some 12 States and the District of Columbia have real estate transfer taxes; four of these States have enacted them since 1951. The State and local documentary taxes are patterned, by and large, after the Federal taxes.

It is worth noting that the nine States—Florida, Louisiana, Maryland, Massachusetts, Minnesota, South Carolina, Tennessee, Virginia, and West Virginia—now having a State tax rate equal to or greater than the Federal tax, would be relieved of the Federal tax burden. By a slight increase in the State rate and/or the statewide adoption of the local tax, three States—Alabama, Pennsylvania, and Washington—and the District of Columbia also would be relieved of the Federal tax burden. The 38 remaining States could, by adopting a tax equivalent to the Federal, gain revenues without increasing the overall tax burden within the State. By adopting the credit device, the Internal Revenue Service would not lose the value of capital gain information on realty transactions in all States and the Federal Government would be inviting the States to enact their own real estate transfer taxes without adding to the tax burden of their own taxpayers. Since the taxpayers' liability would be the same whether the State imposed the tax or not, the availability of the Federal credit would exert a strong compulsion on the States to impose their own transfer taxes.

Mr. Speaker, I urge careful and complete consideration of this bill by my distinguished colleagues in the House.

THE CASE FOR VIABLE INTEREST RATES

Mr. **WYDLER**. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. **CURTIS**. Mr. Speaker, on Monday, March 22, 1965, Hon. JOE L. EVINS, placed in the RECORD two recent articles written for the United Press International by my colleague, Representative WRIGHT PATMAN and myself presenting our views concerning the great issue of viable interest rates versus low interest rates. I received a number of letters from various people commenting on these two articles, to which I have responded. One of these letters, I believe, would be of general interest in carrying forward the dialog on this important economic problem; and I include a copy of it in the RECORD:

> Thank you for your March 25 letter regarding my article, "The Case for Viable Interest Rates," in the Washington Post. I am always pleased to have the opportunity to amplify my views to those who are interested.
>
> As you know, Mr. PATMAN, the chairman of the Joint Economic Committee, argues for a reduction in interest rates that many consider already too low. Mr. PATMAN does not think of interest rates as a cost like other costs, which are determined by the forces of demand and supply and which represent compensation to banks for performing financial services. Interest rates are the market's mechanism for maintaining the balance between the supply of money and the demand for it. When I and other Republican members of the Joint Economic Committee advocate a policy of "viable" interest rates, we ask only that demand and supply not be manipulated to produce distorted interest rates that will damage the U.S. economy and international economic posture.
>
> I stated in my article that "only by the exercise of self-discipline can we maintain correct monetary and fiscal policy." We must curb our understandable preference for an "easy money" policy because such a policy can produce harmful results. Past experience has shown that easy money policies are inappropriate during periods of economic boom.
>
> What effects can an overreliance in low interest rates cause?
>
> One effect may be inflation. On the surface inflation does not seem to exist. Wholesale and retail price indexes and traditional indicators have remained stable. But I and others are concerned about the existence of concealed inflation. Since 1961 bank credit has grown 28 percent while gross output has increased by only 22 percent. Since wholesale prices have remained relatively stable, we must ask where the excess in the growth of credit over capacity has gone.
>
> One answer is that credit increases have maintained wholesale prices at a high, though stable, level. Without credit expansion the wholesale price level would probably have dropped, as it has during other periods of our economic history.
>
> My concern about the possibility of inflation stems not only from the threat of concealed inflation but also from the boom psychology the President and his economic advisers have encouraged. Such forced optimism is politically motivated and dangerous. For the promotion of a boom through overconfident reliance on "easy money" policies will likely lead to painful correction.
>
> Furthermore low interest rates may also have a harmful effect on the quality of credit. I have no doubt that the office expansion you plan is soundly based. But this has not been the case with many U.S. borrowers. Easily available money encourages marginal businesses to expand operations without sound financial bases. Many such ventures subsequently fail because they simply are unable to compete—they are uneconomic. Such failures are wasteful and costly to the entire economy.
>
> Home mortgage loans are subject to the same forces. In 1964 the foreclosure rate exceeded 100,000, higher than any year since 1939. For every 1,000 mortgages there were during this period 4.59 foreclosures—twice the 2.34 figure for 1959. In a recession such foreclosures would no doubt increase as low-income families became unable to meet payments. Tighter credit policies would help to reduce this disturbing high foreclosure rate, promote more careful lending policies, and thus strengthen the economy.
>
> Another result of easy credit policies has been to stimulate the outflow of United States bank funds to other countries. This outflow became so large in the last quarter of 1964 that the administration felt remedial action was required. Thus the "interest equalization tax" on foreign securities purchased by American citizens is proposed by the administration to be extended to bank loans. This action would represent a restriction of the free flow of capital across international boundaries, a policy for which the United States has stood for two decades. The same restriction, many economists agree, could be achieved by higher interest rates.
>
> All of the above are good reasons for looking very critically at present United States credit policy. If this examination shows that on balance interest rates are too low to be in the long-term welfare of the economy, then they should be allowed to rise in accord with the demands of the market.
>
> Sincerely,
>
> THOMAS B. CURTIS.

THE SECOND BEST KNOWN TEXAN IN WASHINGTON

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WIDNALL. Mr. Speaker, the April issue of Fortune magazine has given deserving recognition to our colleague and friend, the gentleman from Texas, WRIGHT PATMAN, in an article "The Warrior From Patman's Switch." In a fair and objective account, the author, Hubert Kay, describes the activities and interests through the years of the man who has become, in this session of Congress, the chairman of both the House Banking and Currency Committee, and the Joint Economic Committee.

As a member of both these committees, and knowing of the chairman's hard work and determination, I think it appropriate to place this article into the RECORD so that all his colleagues in the House may have a chance to read it.

The article follows:

THE WARRIOR FROM PATMAN'S SWITCH

(By Hubert Kay)

(NOTE.—The second best-known Texan in Washington has tried to scalp Andrew Mellon, Herbert Hoover, and the Rockefellers, and now he's going after the banks and the Federal Reserve System.)

It should be no surprise to anyone that a sizable chunk of the recent financial news—about the balance of payments, the gold backing for the dollar, interest rates, Federal Reserve policy, bank failures, the economic power and tax advantages enjoyed by foundations—involves WRIGHT PATMAN, Congressman for the past 36 years from Texarkana, Tex. PATMAN himself often seems to be the financial news. Over the years he has left his name on one major piece of economic legislation (the Robinson-Patman Act) and his imprint on scores of others (notably the Employment Act of 1946); nowadays he is perhaps best known in connection with the long and acrimonious war he has waged against the Federal Reserve System, which, in PATMAN's book, is just a "wholly owned subsidiary of the American Bankers Association."

PATMAN's continuous presence onstage in the House arises mainly from the fact that he is chairman of its Banking and Currency Committee, through which legislation affecting banking, monetary matters, and housing must be filtered. Recently, for example, the committee had the job of rushing through approval of President Johnson's proposal to remove the gold backing on Federal Reserve deposits. PATMAN, fresh from a hospital siege of "executive flu," got the required approval through the committee in 1 day. The Banking Committee chairmanship, which he attained in 1963, is not PATMAN's only lever on congressional power. Since 1957 he has also been alternate chairman of the Joint Economic Committee, a Senate-House group that advises Congress on issues raised in the President's annual Economic Report. He brought about the creation of the select House and Senate Small Business Committees, and until 1963 served as chairman of the House committee. At 71, he commands the additional prestige and influence of having served in Congress longer than all but four other Members (HAYDEN, CELLER, MARTIN, MCCORMACK). PATMAN is surely the second best known Texan in Washington, and his prestige is obviously not dimmed by his old and well-known friendship with the best known Texan.

But perhaps the ultimate source of his influence has been, simply, the persistence and zeal that marks all his works. Originally a poor boy, from a northeast Texas town called Patman's Switch (it was named for his own numerous family and a Katy Railroad switch), he sees himself as the champion of the little fellow, and is all over the place with bills to help him and to thwart the big interests. Recently, he was preparing to sponsor bills strengthening the area redevelopment program and providing for a massive expansion of the urban-renewal program. In addition, he was announcing that the committee would look into a string of bank failures, was assailing the Treasury for its reluctance to crack down harder on tax-exempt foundations, and was warning that the Fed was again trying to raise long-term interest rates. Bank stockholders, he tirelessly proclaims, profit at the taxpayer's expense through the Fed's chronic bias in favor of banks in general and of high interest rates in particular.

Perhaps PATMAN's most predictable move in this Congress was his introduction of a bill, on the session's first day, "to make the Federal Reserve System responsive to the best interests of the people of the United States and to improve the coordination of monetary, fiscal, and economic policy." PATMAN has introduced Fed-reform bills in every session of Congress since 1934, even though they have never had administration support. Most bankers view the current bill as an effort, not merely to end the Fed's independence, but to yoke it to inflation. PATMAN naturally sees his proposals in a more constructive vein. During his committee's hearings last year, he said to the Fed's chairman, William McChesney Martin: "It is my contention, Mr. Martin, that if we had had the Federal Reserve System operating in the people's interest and the Government's interest the last 40 years, we would not have any $300 billion debt today; we might not even have any debt."

In the course of feuding with the Fed, PATMAN has got into the habit of summoning its officials for prolonged questioning about the broad drift of monetary policy, the narrow details of administration, and everything in between. A year ago he became convinced that the Fed was spending the taxpayers' money on high living for its own employees and executives, and tirelessly read into the record a list of expenditures made by the Federal Reserve Bank of Cleveland, including money for ping-pong balls and paddles, theater tickets, and a $125 comedian, who performed at the bank's annual dinner dance. PATMAN stopped short of asking for an audited report on the number of jokes the man had told, but just barely.

Naturally, PATMAN has a fair number of enemies and detractors. Many bankers would warmly endorse the judgment of Marriner Eccles, who once, when he was Chairman of the Federal Reserve Board, said to PATMAN in public: "Your conception of the American banking system and how it operates is totally erroneous." Some of his colleagues dismiss him as a crank and a bore. But not all of them. Senator PAUL DOUGLAS, of Illinois, who has alternated with him as chairman of the Joint Economic Committee, and who is one of the few men in Congress with unimpeachable credentials as an economist, says, "I consider WRIGHT one of the most underrated men in Congress. He knows more about the Federal Reserve than anybody in Congress, and has more factual knowledge of its operations than its officials themselves. I wouldn't want to have him making all monetary policy, but he's a good influence."

THE SQUEEZABLE CONGRESSMAN

PATMAN in person is something of a surprise to anyone who knows him only from the financial pages. He is soft-voiced, friendly, alert, with something of a paunch, a small round head, twinkling blue eyes, and a cherubic smile—the overall effect being a mixture of Santa Claus and Foxy Grandpa. In public debate or oratory he often employs the invective of a prosecuting attorney (which, as a matter of fact, he once was). But in conversation, though highly opinionated, he is also quiet and calmly reasonable. He doesn't get personal or impugn motives, and he seems to believe that nearly all the people who disagree with him are honestly mistaken. The appeal of what might be called PATMAN's noncombat personality is attested by a young woman newspaper reporter in Texarkana, who calls him "Honorable Honey," or sometimes "Hon Baby," and declares: "He's so sweet that you just feel like squeezin' him every time you see him."

Actually, the friendly Congressman they know in Texarkana is quite a different proposition from the fire breather of the financial headlines. Most of his constituents know little or nothing about the monetary and other economic crusades that have won him national renown. What his constituents do know is that their Congressman works endlessly to strengthen the district's faltering economy, reads every letter addressed to him and gets off a prompt reply, listens patiently to individual callers, and spares no effort to help either a supporter or an opponent. Although he has long suffered from diabetes, and tires a bit as the day wears on, PATMAN still follows his long-time habit of going to his office—in Texarkana or Washington—7 days a week. He puts in half a day on weekends, but a good 10 hours or so Monday through Friday.

Not many bankers have been exposed to PATMAN's lovable side, and there are quite a few who would deny that he is even sincere in what he says about big business. They can, in fact, point to a fair number of charges he has made that seem wild. His Small Business Committee's 1962 report on foundations included a suggestion that Rockefeller-endowed foundations' holdings of oil-company stocks represented an attempt to restore the old Standard Oil Trust. Again, many bankers are infuriated by the five-volume report on his investigation of the ownership of stock in leading banks. They contend it proves nothing except that some investors own stock in more than one bank—but that it implies the existence of a sinister conspiracy.

Another, more serious complaint that bankers have against PATMAN concerns his insistent demand for lower interest rates and his apparent belief in a high rate of expansion of the money supply. His position on these matters is a little fuzzy around the edges, and perhaps this is why he is sometimes accused by bankers of insincerity. To be sure, he denies that he favors inflation and seems to believe that the rate of increase in the money supply should be reduced any time inflation is a threat; this would be done by raising bank reserve requirements. However, these views are put forth in a way that makes them seem a bit academic, and his pronouncements on any current Federal Reserve policy almost invariably involve complaints that it is not supplying enough money to the economy and is keeping interest rates artifically high. There seems never to have been a time when PATMAN was actually heard to complain that rates were too low or the money supply too large. In general, it is hard to know what are his criteria for determining the amount of money needed by the economy. PAUL DOUGLAS says, "WRIGHT's weakness is that he won't accept the quantity theory of money";—i.e., the theory of the relationship between the quantity and rate of use of money in circulation, the price level, and the output of the economy. The formulations below, taken from a 135-page booklet, "A Primer on Money," issued by the Banking Committee, may suggest what Douglas means—and also suggest why so many bankers suspect the worst about Patman:

"If the Government can issue bonds, why can't it issue money and save the interest?

"A few clearheaded and firm individuals, such as Abraham Lincoln, have insisted that the Government can * * *. To a small extent, the Government does issue money, to buy back the bonds it has already issued, through the Federal Reserve System. However, it has long been one of the political facts of life that private banks must be allowed to create the lion's share of the money, if not all of the money. Thus there is little opposition to the Government's printing bonds and then permitting the banks to create the money with which to buy those bonds; but proposals that the Government itself create the money instead of the bonds have always set off tremendous political upheavals. Bankers are politically very powerful, even in wartime. For example, Abraham Lincoln set off a political furor when he insisted upon having the Government issue $346 million in money (the so-called greenbacks) instead of issuing interest-bearing bonds and paying interest on the money * * *. It is a fallacy to think, as many do, that the 'greenbacks' were inflationary.

"If the Government issued more money instead of Government bonds isn't there a danger that the Government would issue too much money and cause inflation?

"Once again, it is no less inflationary for the private banks to create $1 billion of new money to buy $1 billion of bonds than it is for the Government to create $1 billion of new money."

Most bankers would probably object that this answer is irrelevant. Ordinarily, when the Treasury issues $1 billion of bonds there is no occasion for the banks to create $1 billion of new money. Most Treasury bonds are bought by private investors—which means that they sop up private savings and are not inflationary. Before 1951, it is true, the Fed was often a heavy buyer of these bonds, and Patman has a point when he notes that such purchases were no less inflationary than just printing new money. The Fed's checks for the bonds would end up in banks, ultimately expanding their reserves and lending capabilities and, in effect, adding to the Nation's supply of "checkbook money." The purpose of the Fed's heavy buying was to peg the prices of Government bonds; the bonds carried interest rates too low to attract many private buyers. But these forced purchases interfered with the Fed's function of controlling the money supply, the Fed itself was distressed by their inflationary effects, and the practice ended with the famous March 1951, "accord" between the Fed and the Treasury. Patman himself was, and is, loudly opposed to the 1951 accord.

WHAT COMES AFTER THE PRIMER

Patman's views about money management clearly inspire his efforts to overhaul the Fed's administrative and policymaking apparatus. If he were a monetary conservative, these efforts would not seem so controversial. But given the ideas expressed in the "Primer on Money," it is hard to view the demands for an overhaul except as a preface to other demands, for cheap money.

Patman's argument with the Fed comes down, essentially, to two matters: (1) his contention that the Fed is now improperly dominated by private banks; and (2) his insistence that it should be responsible to the President and the Congress.

Proposition No. 1 refers primarily to the Fed's Open Market Committee, which meets every 3 weeks and decides whether to increase or decrease the Nation's money supply—i.e., by buying or selling Government securities. Patman contends that commercial banks unduly influence these crucial decisions. Commercial banks elect most of the directors of the 12 regional Federal Reserve banks, and the directors elect the Reserve banks' presidents, five of whom sit on the Open Market Committee. (The president of the New York bank is a permanent member; the other four seats are rotated among the other 11 presidents.)

At any given time, to be sure, the five are outnumbered by the seven members of the Fed's Board of Governors, who are permanent committee members. But Patman points out that all 12 Reserve bank presidents attend the committee meetings and have an opportunity to argue and influence the Governors. In a vote, moreover, only two Governors need be won over to give the bankers a majority.

Most bankers and Fed officials deny that Patman has much of a case. First of all, they point out, the election of any regional Reserve bank president can be vetoed by the Board of Governors in Washington. In addition, the five men representing the banks often disagree with one another. The most important vote taken by the committee last year was probably a 6-to-5 decision, on August 18, to switch to a slightly less easy monetary policy. The five bank presidents voted 3 to 2 in favor of the new policy.

Patman's other main contention about the Fed—that it should not be independent of the President and Congress—probably has more support than his charges of banker domination. Many conservatives agree with Patman that it is undemocratic for monetary decisions to be sealed off from the voters; for example, Prof. Milton Friedman of the University of Chicago, whom many regard as our most distinguished writer on monetary theory, testified before Patman's Banking Committee last year that "it is most undesirable politically to give so much power to individuals not subject to close control by the electorate." Many also agree with Patman's view that it is absurd to tolerate a situation in which responsibility for the health of the U.S. economy is shared by the Fed, the Treasury, and other agencies, but there is no formal coordination between them. Patman wants the administration to have statutory control of the Fed "so that one agency will not be stamping on the brake while another is stepping on the accelerator."

If Patman's bill were enacted, the Fed would scarcely be recognizable. The bill would abolish the Open Market Committee, leaving its functions to be performed by the Board of Governors alone. It would compel member banks to sell back their stock in the Federal Reserve banks; this would serve to end the banks' troublesome illusion, as Patman sees it, that they "own" the Reserve banks. Otherwise, the bill is devoted to canceling out the provisions by which previous Congresses sought to assure the Fed's independence of political control. For example, the Fed is now uniquely free of any need to request appropriations; before turning over to the Treasury the sizable income it derives from interest on Government securities, it deducts its own expenses (of about $200 million per year). Patman's bill would compel the Fed to ask Congress for a yearly allowance like any other agency. It would also require the Fed, which now has its books audited by private firms, to justify its expenditures to the Comptroller General and Congress through regular audit by the General Acocunting Office.

The seven members of the Board of Governors are now appointed by the President for 14-year terms, with one member's term expiring every 2 years. Thus, barring deaths or resignations, it is only during his last 2 years in office that a two-term President can enjoy a board with a majority of members appointed by himself. Patman's bill would change this by reducing the board to five members appointed for 5-year terms, with one member's term expiring each year; thus the President would have a majority after his first 2 years. He would also be empowered to begin and end any member's term as chairman whenever he chose.

Nor is that all. Patman also wants to clear up an ambiguity in the 1946 Employment Act. The preface, which he helped to write, makes it the responsibility of the President "to coordinate and utilize all of the Government's plans, functions, and resources * * * to promote maximum employment, production, and purchasing power." Patman believes that this means Federal monetary policy is now required to be coordinated with the Treasury's fiscal policies. Fed Chairman Martin believes that the Fed has cooperated to this end, but that it is not legally required to. Patman's bill would make it mandatory for the Fed to carry out the President's recommendations on fiscal and debt-management policy as well as guidelines concerning monetary policy, domestic and foreign, including the growth of the money supply as defined by him, and to submit quarterly reports to Congress setting forth in comprehensive detail just how this was being done. In sum, the Patman bill would reduce the handsome white Federal Reserve Building on Constitution Avenue to an annex of the White House.

THE ROAD FROM PATMAN'S SWITCH

Wright Patman and Samuel Ealy Johnson shared one of the Texas Legislature's double desks in the early 1920's, and there is a warm bond between Patman and Lyndon Johnson today. The President has often publicly recalled the advice his father gave him when he was first elected to Congress in 1937: "Son, when you get up there in Washington you're going to have to vote on a lot of issues that you won't have had time to study up on. So when you don't know how to vote, you pass until you see how Wright Patman votes and vote like he does, because he always votes for the people."

Patman's concern for the people, and his hostility to big eastern banks, are admittedly bound up with nostalgia for the small town and rural America of his youth. During his hearings on the Fed last year he declared: "I think a lot of these ghost towns all over America today can be charged to the failure of many of the banks—not all of them—to come to the aid and rescue of their own local people * * *. Today it looks like we are going to have about 12 big cities with practically all the population—little towns dried up, the countryside bleak."

The Patmans had come to Cass County from Georgia, around 1865, in covered wagons; they stopped at what came to be known as Patman's Switch because the red hills there looked like Georgia. Most of them were Primitive Baptists, who believed that churches should have no trappings or music in them. The Patmans owned farmland, had sawmills, shingle mills, and gristmills, and a country store at Turkey Creek. They also built a church, which the older Patmans quit going to when the Missionary Baptists in the congregation installed an organ. Wright's recollections of his boyhood make it clear that life was austere in Patman's Switch. "My father was a farmer, and earned a little extra by repairing cotton gins, but we were always poor. Neither of my parents had much education, but my mother was an ardent student of the Bible. She told me never to use the Lord's name in vain and I never did. My father was against cigarettes—he called them coffin tacks—and said he'd rather see me drink than smoke if I had to have a vice, although he would rather I didn't do either. So I didn't do either. In recent years I may take one cocktail at a party—but I almost never go to cocktail parties. I'd rather spend 15 minutes really talking with somebody."

At 15, Patman began reading the Congressional Record, and organized a high school debating society. After high school he sold life insurance for a while, later worked as a sharecropper until he had saved enough for a 2-year course (and a law degree) at Tennessee's Cumberland University. By 1920, when he was 27, Patman was a lawyer, a war veteran, a Boy Scout leader, a spellbinding orator—and obviously a political comer. He was elected to the legislature and promptly attacked the Ku Klux Klan, which almost beat him when he came up for reelection in 1922. But he won again, by 300 votes, and in 1924 moved to Texarkana, where he was elected district attorney.

The job was a tough one, for Texarkana sprawls across the Texas-Arkansas border and is also near both the Oklahoma and Louisiana State lines—a location that, during prohibition, attracted bootleggers, highjackers, gamblers, and vice operators. "We had highjacking and robberies in the streets, in the post office, and all around," Patman remembers. "I had a hectic time. Thugs were sent from Chicago to get me, and the Governor sent Texas Rangers to protect me. But I broke up vice and gambling." In 1928 he was elected for the first time to the U.S. House of Representatives.

A BONUS OF CONTENTION

Patman got off to a fast start there too. He was one of the early supporters of the intensely controversial bonus bill, and soon became leader of the campaign for it. The bill concerned the soldiers' bonus, originally adopted by Congress in 1924. Each World War I veteran was to receive an extra $1.25 per day for oversea service and $1 per day for service in the United States, with payment in the form of endowment policies payable in 1945. When the depression began, demands for immediate cash payment of the bonus rose to a clamor. Patman was among those who believed that a huge payment in greenbacks might boost purchasing power enough to end the depression. (He still thinks it might have.)

The Hoover administration opposed the bonus bill, and this got Patman into a feud with Secretary of the Treasury Andrew Mellon. Before long, Patman was charging that Mellon had used his office to further private business interests. He tried to get Mellon impeached, but after 2 weeks of hearings the Secretary resigned to become Ambassador to Britain, and the charges were dropped. The bonus battle warmed up in the summer of 1932, when a ragtag "bonus army" of veterans camped on Anacostia Flats and demonstrated in front of the Capitol. This was at a time when the House had passed but the Senate had rejected the Patman bonus bill. When the Army burned out the Anacostia encampment and dispersed the veterans, a move arose in Congress to impeach the President. The impeachment resolution never got very far, but Patman was among those who tried to prevent the House from tabling it.

The bonus bill did a lot to hurt Patman's political advancement. He was now permanently labeled an inflationist and a "funny money" man. Worse, perhaps, he was a rebel in the eyes of his party leaders—for Roosevelt no less than Hoover opposed the bonus payment. Vice-President-elect John Nance Garner ordered Patman to lay off, but he refused. In retaliation, Patman says, "they kept me off the Banking and Currency Committee for 8 years. Otherwise, I would have become chairman of it 18 years ago" (instead of 2 years ago).

Session after session he popped the bonus bill first into the House of Representatives hopper, so that "H.R. 1" became almost synonymous with "Patman bonus bill." In 1935 both the House and Senate passed a modified version of the Patman bill, providing for $2.2 billion worth of greenbacks; President Roosevelt appeared in person before a joint session of Congress to deliver his veto message. Finally, in January 1936, both Houses of Congress passed still another version of the bill and also overrode the President's veto. Out to veterans that June went $2.2 billion worth of "baby bonds" (they accumulated interest but were not salable). By the end of the year over $1 billion of the payment had been cashed in by the veterans.

To Patman's intense disappointment, the payment seemed to have no effect whatever on the economy. The reason, he gradually came to realize, was that the Fed was then acting to cut down consumer purchasing power (it doubled bank reserve requirements in 1936–37). Patman's hostility toward the Fed dates from this episode.

THE TEXARKANA TRUSTBUSTER

Meanwhile, he had found another challenge to his crusading instincts—the challenge of monopoly. He became exercised about the problem of suppliers that offer special temporary discounts to big and favored customers, thereby helping them to outdistance and eliminate their competitors. The Clayton Act of 1914 had outlawed such discriminatory pricing except when made "in good faith to meet competition." With the coming of the depression, hard-pressed independent merchants began clamoring that this "good faith" loophole was giving the big new chain stores an unbearable advantage. With Joseph T. Robinson, of Arkansas, the Senate majority leader, Patman put together a loophole-closing bill that swept through Congress in June 1936, in a near-unanimous vote.

Trade associations of grocers, druggists, and some small businessmen are still warm supporters of the Robinson-Patman Act. Patman himself calls it the Golden Rule of American business. But in practice the act's provisions have proved difficult to enforce; they generate a fantastic volume of litigation, and some lawyers believe that their net effect is to restrict legitimate price competition.

Patman's biggest cause in recent years, aside from his war on the Fed, has been a war on tax-exempt foundations, waged through the House Small Business Committee. His ostensible purpose was to look into the "tax-dodge" aspects of foundations. Patman did, in fact, have little difficulty in showing that many foundations with worthy sounding purposes were actually set up to enable their sponsors to avoid income taxes. But as the investigation developed, it came to be a kind of nit-picking exposé of all sorts of big business practices that he considered wicked—e.g., the Ford Foundation's payment to Benson Ford of $15,000 for attending only three trustee meetings during 1960–62.

A BOUQUET FROM ROBERTSON

But whether Patman is remembered as a major figure in economic history or as an ineffectual meddler in money matters will depend on the outcome of his feud with the Fed. What is the likely outcome?

Patman's immediate plans call for still another round of Banking Committee hearings on the Fed. However, he does not expect congressional action soon on his bill, and he is not forecasting Presidential help on it either. Any aggressive Presidential action against the Fed would be surprising in the light of Johnson's statement last October, when the President pointed with pride to the excellent results of the Nation's monetary policy "over the past 4 years," and continued: "All this has been made possible by close ties between our monetary and our fiscal and debt-management policies, and close harmony among the men responsible for these policies. We have maintained the Federal Reserve's traditional independence within the Government. Yet the Federal Reserve and the administration agree entirely on the practical need for informal coordination among the various economic programs of the Government." Another clue to the way the wind is blowing toward Patman from the White House is the fact that, soon after becoming President, Johnson offered him a Federal judgeship.

On the whole, then, it does not seem likely that Patman will succeed in overhauling the Fed drastically. But perhaps the outcome of the feud will not be seen as a total setback for Patman, either. There is, at least, something to be said for a view that was put forward by one of the Fed's own Governors, J. L. Robertson, a conservative who has generally opposed Patman in the past. At the opening of the Banking Committee hearings last year Robertson said, "I think that it is all to the good that you are taking a look at the whole System and all aspects of it." Then, addressing himself directly to Patman, the Governor declared: "I would like to add that I think that the scrutiny which you, Mr. Chairman, have personally lavished on the System over the years has been beneficial in more ways than you know, because it has served to keep the System on its toes."

A PROGRAM WITH RESPECT TO WILD PREDATORY MAMMALS

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Conte] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CONTE. Mr. Speaker, I wish to call the attention of my colleagues to a bill which I have introduced to establish a national policy and program with respect to wild predatory mammals such as the wolf, the mountain lion, the lynx, the bobcat, several species of bear, and other large wild carnivorous animals native to North America. My bill is identical to one which was introduced earlier this session by the gentleman from Michigan, Congressman Dingell.

Mr. Speaker, during the 87th Congress I introduced a House resolution calling for the establishment of a Special Committee on Predator Control. I was prompted to do so by my concern for the seemingly wholesale and indiscrimate slaughter of these native American animals under the guise of protection of domestic animals and agricultural crops. This concern was shared by many conservation organizations in this country. The state of affairs in this area was such that following the introduction of my bill, Secretary Udall called upon a blue ribbon group under the leadership of A. Starker Leopold to investigate the question of predator and rodent control in the areas under his jurisdiction; namely, the Branch of Predator and Rodent Control.

On March 9, 1964, the Advisory Board on Wildlife Management, as this group was named, transmitted to the Secretary its report. This report has since became known as the Leopold report. Mr. Speaker, I would like to quote the first paragraph of the two paragraph summary of this report. The paragraph states that:

> Federal responsibility for minimizing animal damage is properly assigned to the Fish and Wildlife Service. But the program of

animal control, under the Branch of Predator and Rodent Control, has become an end in itself and no longer is a balanced component of an overall scheme of wildlife husbandry and management. In the opinion of this board, far more animals are being killed than would be required for effective protection of livestock, agricultural crops, wildland resources, and human health. This unnecessary destruction is further augmented by State, county, and individual endeavor. The Federal Government, it would seem, should be setting an example in the proper scientific management of all wildlife resources, with a view to total public interest and welfare. Instead, the Branch of Predator and Rodent Control has developed into a semiautonomous bureaucracy whose function in many localities bears scant relationship to real need and less still to scientific management.

Mr. Speaker, the bill which I have introduced today would be a first step in the right direction. It would be a first step in the creation of such an overall scheme as is mentioned in the Leopold report, but it would not infringe upon the prerogatives of the Secretary of the Interior who, as we all know, has shown such admirable commonsense in matters such as these.

Speaking as an avid hunter who has long recognized the necessity of marshaling our natural resources and who has long advocated a sensible conservation policy by all groups, I strongly urge that my colleagues support this necessary legislation.

The bill calls upon the Secretary of the Interior to make such reorganizations, reductions, and adjustments in the predatory control programs of the Bureau of Sport Fisheries and Wildlife as are necessary to prepare for the implementation of this act.

It also states that the policy of this Congress is to recognize that the wolf, the coyote, the mountain lion, the lynx, the bobcat, the several species of bear, and other large, wild carnivores native to North America and commonly known as predatory mammals, are among the wildlife resources of interest and value to the people of the United States, and that the Secretary of the Interior, through the U.S. Fish and Wildlife Service, is authorized to engage in the conservation and, when necessary to prevent damage to domestic livestock, the control of such predatory mammals.

PAN AMERICAN DAY

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. Morse] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MORSE. Mr. Speaker, today we mark the 75th anniversary of the founding of the Organization of American States. This Organization, which has existed for three-quarters of a century under various names, is the oldest international organization of this kind in the world.

The accomplishments of this organization in terms of hemispheric solidarity and development are legion. Today we mark not only the anniversary of an organization but the reaffirmation of our own commitment to Latin American nations and peoples.

Together we can do much to strengthen the ties of loyalty and solidarity between our nations. But we can also continue our steady progress toward economic and social development in the Latin American nations.

We have made great gains. The partnership of the Alliance for Progress has resulted in a better standard of living and more of the fruits of modern technology and science for millions of people already. But much more remains to be done. Perhaps the most important lesson of the Alliance thus far is the magnitude of the job before us and the necessity for patience in solving the problems that have developed over centuries.

As a member of the Inter-American Subcommittee of the House Foreign Affairs Committee, I have been honored to represent the United States at a number of interparliamentary meetings with Latin American legislators. I have developed warm friendships with many of them and feel a personal commitment to hemispheric progress.

Time and again, I have been struck with the dedication and purpose of these leaders in helping their nations solve their pressing problems. They know, as we know, that while Pan American Day is an opportunity for commendation of our progress to date, it is also an occasion to take a new look at the structure of hemispheric relations.

I was pleased that the New York Times and the Washington Post today took the opportunity to point out possible revisions of the Bogotá charter and other measures to bolster freedom in Latin America. I would like to call these two editorials, both entitled "The OAS at 75" to the attention of my colleagues by inserting them in the Congressional Record at this point in my remarks:

THE OAS AT 75

Pan American Day, which is celebrated every year on April 14, has a special significance today because it is the 75th anniversary of what is now called the Organization of American States. This makes the OAS the oldest international organization of its kind in the world.

The weeklong celebrations that are under way all over the hemisphere are legitimate. There is something to celebrate. But when the banquets, the speeches and the self-congratulations are over, it would be well to turn to the ways in which the OAS can be improved.

Secretary General José Mora did just this last November with a series of recommendations. He suggested strengthening the Council of the OAS, which is a permanent executive body like the Security Council of the United Nations. The theoretically supreme body of the OAS is the Inter-American Conference, which is supposed to meet every 5 years. It has not met since 1954 and no one wants it to meet. Mr. Mora suggested, instead, that the foreign ministers of the hemisphere meet at least once a year.

Nothing has yet been done to reform the OAS. Admittedly it will not be easy. That maverick, Cuba, has been excluded from participation in the OAS, but it is legally still a member, since there is no provision in the Bogotá Charter to expel members. The Inter-American System is, by mutual agreement, anti-Communist and democratic, although some regimes that have not been excluded can hardly be considered democratic.

Latin America has not found an ideology of its own. Its traditional authoritarian political structure and its feudal social structure have broken down in many countries and they are collapsing in all 20 nations. Marxism, as an ideology, is weak except in Cuba, and Christian Democracy has taken hold only in Chile and Venezuela. Democracy, as it is practiced in the United States, does not suit either the temperament or the economic structures found in the Latin American countries.

Thus, one falls back on the good old—75 years old—Organization of American States. It provides collective security and an instrument for international action. It is a bit infirm, but there is a lot of life in it. On this anniversary one can sincerely wish the OAS many happy returns.

THE OAS AT 75

Ever since the epoch of discovery, residents of the New World have sensed that their hemisphere was somehow tied together by more than geographic accident. In 1826, Simon Bolivar saw the New World as comprising "independent nations, bound together by a common set of laws which would govern their foreign relations and afford them a right to survival through a general and permanent congress."

The Organization of American States, which today marks its 75th birthday, reflects and enhances that historic impulse. The OAS finds its origins in the Commercial Bureau of the American Republics, created in 1890 as the first venture in Pan-Americanism. From that seed grew the OAS, which took its present form in 1948, and the Alliance for Progress, which is the economic and social analogue of the hemisphere organization.

Much has changed in 75 years. What is truly remarkable is the extent to which that common sense of destiny has survived those changes. It is undeniably true that countries with an Iberian heritage differ in fundamental attitudes from countries with an Anglo-Saxon background. It is true that the United States has had to learn some hard realities about Latin-American national sensibilities—and that the day has gone forever when a Secretary of State could say (as did Olney) that the United States was "practically sovereign" throughout the New World.

Yet it is not empty hyperbole to speak about the sister Republics in the hemisphere. The best proof was offered during the Cuban missile crisis in 1962. When the pinch of pressure was hardest, and when the outcome was far from certain, Latin-American members of the OAS were unanimous in supporting the United States in the confrontation with the Soviet Union. There is little question that Soviet behavior was influenced by the common resolve displayed on that critical occasion.

No doubt the OAS is imperfect. It is hampered by twin difficulties. The constitutional inhibitions of the United States, which make this country reluctant to enlarge its grant of authority to the OAS, are one problem. Another is the very diversity and frequent clash of interests that characterize the Latin-American countries—making them reluctant to vest more responsibility in a regional group.

Still, progress has been enormous and growth impressive. The Pan American Health Organization, founded in 1902, has become a model of its kind. The Inter-American Development Bank, established 5 years ago, has become a principal instrument in the Alliance for Progress. And the Inter-American Committee on the Alliance, known as CIAP, has brought a small patch of order into the complex and confused economic interrelations of sovereign states.

More progress can be achieved this May at a Special Inter-American Conference in Rio. There are some practical organizational proposals suggested by Secretary General Mora, who is showing a somewhat stronger leadership role than in the past. Certainly the OAS should do more to ensure respect for human rights and constitutional government. Annual meetings of foreign ministers are an obvious and useful idea.

Some countries—notably Chile—are interested in even more drastic changes in the OAS structure. Surely debate will be welcomed, because the warmth of the discussion suggests that the system is worth arguing about. On its 75th birthday, the OAS not only survives but flourishes. It may yet show the way to a freer, safer, and more prosperous world.

Another series of events marking Pan American Day and Pan American Week will take place in Boston in the next week. Throughout the month of April special exhibits have been shown in Boston through the auspices of groups such as the Boston Public Library, Boston University, and Harvard University.

The Boston Museum of Fine Arts has prepared a special showing of Peruvian textiles, the Boston University Latin American Club prepared an exhibit on Brazil and films and art displays on various Latin American nations are scheduled.

On Thursday, April 22, the Pan American Society of New England, under the presidency of Mr. Forrest Cranmer, will conduct a day-long program on "Private Initiative in Latin America." I think that these programs demonstrate the affection and interest in Massachusetts for Latin America, and I would like to include the list of the scheduled events in the Congressional Record:

Program of the Pan American Society of New England

DATES, EVENTS, AND COOPERATING GROUPS

Month of April 1965, Copley Square: Exhibits in connection with 75th anniversary of the Pan American Union and National Library Week, Boston Public Library.

March–April 2, room 8, 725 Commonwealth Avenue, Boston: Pan American Society exhibit on the Bi-National Institute of Mexico City, Boston University.

April 6–30, third floor, exhibit area, 300 The Fenway: Bi-National Institute of Mexico City exhibit, Simmons College.

Thursday, April 1, 2:40 p.m., room 100, Baker Library: "How Latin America sees the U.S. Investor," first public lecture in the 1965 George H. Leatherbee Lecture series on international affairs. Speakers: Dr. Enrique Garcia Vasquez, vice president, Central Bank of Argentina, and Mr. Miguel S. Wionczek, of Mexico City, information director, Center for Latin American Monetary Studies, Harvard Business School.

April 1–May 2, galleries DD, 465 Huntington Avenue, Boston: "Peruvian Textiles Mark Pan American Anniversary," from the museum's own collection, colorful tapestries, embroideries, headdresses and dolls range in date from approximately 300 B.C. through the 18th century, Boston Museum of Fine Arts. Museum hours: Tuesday 10 a.m. to 10 p.m.; Wednesday to Saturday 10 a.m. to 5 p.m.; Sunday 1:30 to 5:30 p.m.

Sunday, April 4, 4 p.m., galleries DD, 465 Huntington, Avenue, Boston: "The Special Exhibition of Peruvian Textiles," gallery talk by Mr. Adolph S. Cavallo, curator of textiles, Boston Museum of Fine Arts.

Tuesday, Wednesday, Thursday, April 13, 14, 15, 9 a.m. to 5 p.m., George Sherman Union, Stone Lobby, second floor, 755 Commonwealth Avenue: Exhibit on Brazil—photographs, handcrafts, paintings, books, magazines, newspapers. Brazilian music. Brazilian coffee will be served. Arrangements made through the cooperation of Marcio Rego Monteiro, Brazilian Consul to Boston, Boston University, Latin American Club.

Wednesday, April 14, 11 a.m., 11 Divinity Avenue, Cambridge: Outstanding display of Mayan art and archeology, with rare gold objects. Gallery talk by Dr. Gordon R. Willey, Bowditch, professor of Mexican and Central American archeology and ethnology, who has recently returned from Guatemala. He will discuss the many art objects and give an account of recent work at the great Maya Center at Seibal in the Guatemalan Peten, Peabody Museum of Archaeology and Ethnology, Harvard University. Museum hours: Daily 9 a.m. to 4:30 p.m., Sunday 1 to 4:30 p.m.

Thursday, April 15, 2 p.m., lecture hall, Central Library, Copley Square: "People of Latin America," a program for the Never-Too-Late group. Two films: "Man of America, and "A Portrait of Mexico," Boston Public Library.

Thursday, April 15, 8 p.m., George Sherman Union, ballroom, 755 Commonwealth Avenue: "Obstacles to Progress in Latin America," address by Mr. Bruce Lancaster, Deputy Director, East Coast Affairs (countries of Colombia and Venezuela), U.S. Department of State, Washington, D.C., Boston University, Latin American Club. Introduction by Samuel H. Beer, professor of Government, Harvard University.

Wednesday, April 21, 8:30 p.m., Jordan Hall: Concert of 15th and 20th century Latin American music, voices and ancient instruments, conducted by Charles Fidlar, graduate assistant, MIT, New England Conservatory of Music.

Thursday, April 22, 1:30 to 10 p.m., Sheraton-Boston Hotel, Prudential Center: Private initiative in Latin American development, a conference to promote World Trade Week and to observe the 75th anniversary of the founding of the Pan American Union. Significant discussions and addresses by specialists concerned with trends in "Social Evolution by Private Initiative," "Business Opportunities and Challenges in Latin America," "Private Responsibility and Voluntary Action in Latin America." Brochures available. Write to Pan America Society, 75A Newbury Street, Boston, or call CO 6–2248. Cosponsors: Pan American Society of New England and International Trade Association of New England with the cooperation of 60 business, educational, and voluntary agency groups. Do plan to attend this important event. Register early.

Saturday, April 24, 10 a.m. to 4 p.m., Clark University, Worcester: The 14th spoken Spanish contest finals. Purpose: To stimulate interest in spoken Spanish. Topic: "Mexico—Evolution and Revolution." Open to students of Spanish in New England public and private schools and universities. Clark University; American Association of Teachers of Spanish and Portuguese (New England chapter), Pan American Society of New England; many public and private schools and universities in New England; Mexican schools offering scholarships; book and music stores presenting prizes; business firms giving awards.

Tuesday, Wednesday April 27–28, 8:30 a.m. to 1:30 p.m., 64 Westbourne Terrace, Brookline: Latin American festival; music, art and table displays on Latin American culture and business. Pupils of Mr. Ara Ishkanian, Michael Driscoll School.

Friday, April 30, 8:30 p.m., YMCA, 316 Huntington Avenue: Demonstration of rarely heard native instruments, performed by Latin American students, Folk Music Society of Greater Boston.

The ideal that we work toward in our relations with Latin America was stated in 1826 by the patriot Simon Bolivar when he said that the New World should be composed of "independent nations, bound together by a common set of laws which would govern their foreign relations and afford them a right to survival through a general and permanent congress."

The Organization of American States has made notable strides toward that goal. We congratulate the institution today and wish it a future of continued success and even greater progress.

RESIDUAL OIL IMPORT QUOTAS

The SPEAKER pro tempore (Mr. Albert). Under previous order of the House, the gentleman from Massachusetts [Mr. Conte] is recognized for 30 minutes.

Mr. CONTE. Mr. Speaker, in the recent uproar over the residual fuel oil import program when the Secretary of the Interior did a last minute flip-flop and announced continuation of these needless controls, there was considerable speculation as to the source of pressure on the Secretary which forced his reversal, which forced it in spite of his frank admission that there is no justification, especially on national security grounds, for import quotas on residual fuel oil.

In all the furor little attention was paid to the revised import allocations for the period April 1, 1965–March 31, 1966, which were announced on April 1.

Included among authorized importers is the General Services Administration in Washington, D.C., which now has an allocation to import 4,110 barrels of residual oil a day or 1,500,150 barrels a year. This amount, I am advised, represents GSA's total requirements for the year to heat and cool buildings in the Washington area, including numerous schools, hospitals, military installations, and other Federal facilities.

Now that GSA has this import quota for all the residual oil it needs in Washington, it no longer will have to pay needless premiums for its supplies—premiums, incidentally, which the Secretary of the Interior estimates will cost non-Government consumers over $40 million a year. I am delighted the Interior Department has taken care of the Federal Government, at least in this area. I am concerned, however, that only this one Federal agency's problem has been solved and many other public users of residual oil from Maine to Florida still face the same problems GSA had prior to receiving its own allocation—specifically, lack of competitive bidding among fuel oil suppliers resulting in unfavorable fuel oil prices.

I think the problem of public residual oil users was stated most succinctly by Mr. J. David White of the Massachusetts Bay Transportation Authority in his testimony on March 11, 1965, at the Secretary of the Interior's hearing on the question of residual fuel oil imports. Under unanimous consent I insert Mr. White's remarks at this point in the Record:

The Massachusetts Bay Transportation Authority, of Boston, Mass., is the largest public user of residual fuel oil in the New England area. The authority uses approximately 650,000 barrels a year, which are used in the authority's powerplants that generate electricity for our subway's rapid transit cars, PCC cars, and trackless trolleys.

Three years ago, the authority requested proposals from 15 companies in the Boston area. We received three proposals of which only two were of a competitive nature. Eight other oil companies stated that they would like to submit proposals, but because of the import restrictions, they were unable to quote.

This year the authority will again request proposals from the same 15 companies. During the past 2 weeks, I have contacted four of the larger companies who have stated to me that because of the import restrictions they do not feel they will be able to submit proposals. Of these four companies, two are companies that submitted a proposal 2 years ago.

In my opinion, when the Massachusetts Bay Transportation Authority requests proposals for 650,000 barrels of residual fuel oil, we will receive only one bid and that will be from our present supplier.

In addition, I have contacted other public agencies, municipalities, and the Commonwealth of Massachusetts. In every instance they have expressed the same sentiments. There has been considerable reduction in the number of bids received since import restrictions went into effect. Judging from the public bid openings in the Boston area to date, not only has there been a great reduction in competition, but the price of residual fuel oil has increased 5 to 10 cents a barrel.

	Bid opened	Lowest price quoted [1]	Number of bidders	Previous price [1]	Increase over previous price [1]
City of Boston	Feb. 4, 1965	$2.283	5	$2.1956	$0.0874
City of Quincy	Mar. 2, 1965	2.38	1	2.327	.053
Town of Framingham	Dec. 18, 1964	2.31	2	2.277	.033

[1] Price is per barrel.

In the case of the Massachusetts Bay Transportation Authority, if the cost of oil increases 5 cents a barrel, the cost to the authority would be an additional $32,500. If it should increase 10 cents a barrel, our additional cost would be approximately $65,000. That would be reflected in the additional cost of service to the 78 cities and towns served by the authority.

It is my understanding that one major supplier in the past had available about a million barrels which they used for public competitive bidding. This year because of the import restrictions they expect to have only 250,000 barrels which they will use for public competitive bidding.

Many companies, in order to fulfill their present commitments, have to buy the oil at premium prices and, of course, the additional cost is passed along to the consumer.

I have noticed that in 1963, the Federal Government had a difficult time receiving competition right here in the Washington area and that this problem was quickly corrected by allowing the General Services Administration to receive an allotment of import tickets.

At a meeting of the Governmental Purchasing Agents Association on Monday of this week, the subject of residual fuel oil was thoroughly discussed by the representatives of the municipalities and public institutions throughout the New England area. It was unanimously voted that the New England Governmental Purchasing Agents be recorded as being strongly opposed to the continuation of the import restrictions on residual fuel oil.

In closing may I again thank you for the opportunity to speak and to be recorded against the continuation of the import restrictions.

The problems of the Massachusetts Bay Transportation Authority are exactly the same as those experienced by GSA before the Interior Department, "in the public interest," came to GSA's assistance. If it was "in the public interest" to find relief for the Federal Government then, by all means it would be in the public interest for all the State and other public residual users along the eastern seaboard, including the Massachusetts Bay Transportation Authority, to obtain similar relief. The easiest, simplest way to realize this objective would be through the complete elimination of import controls. In this regard I am disturbed by statements attributed to Secretary Udall that we might be stuck with this $40 million burden for another full year just because he was not permitted to act decisively on March 31. These controls could be eliminated tomorrow without causing the slightest disruption of supply or confusion to the fuel oil market.

Mr. Speaker, one ray of sunshine in this distressing situation, however, is the promptness with which the Honorable Buford Ellington, Director of the Office of Emergency Planning, moved in announcing his investigation into the national security justification for continuing residual controls. I would suggest to the OEP Director that while waiting for the submission by interested parties of additional statements on this issue that he review the mountains of material available which clearly refute any assertion that these controls are essential. Let him look at the February, 1963, report of his own OEP which considered the impact of imported residual oil on all facets of our economy—including the oil industry, the coal industry, and the coal-carrying railroads—and which concluded that "a careful and meaningful relaxation of residual controls would be consistent with national security." It's true, circumstances have changed in the last 2 years—but only to the point where these controls are less necessary, if that is possible, than they were then.

The percentage of residual produced domestically has continued to decline.

Coal production and coal profits have increased substantially even though miner employment is down.

The railroads are carrying just about all the coal they can handle.

On these latter two points, the Fairmont, W. Va., Times on April 2, 1965, carried an editorial which points up the practical realities of the situation. I would like to quote from that editorial:

> Northern West Virginia mines are working at capacity and the railroads are handling about all the tonnage they can move. The relationship between producers and consumers has reached the point where the market can be called fairly stabilized, and the tonnage displaced by residual—while considerable—does not mean the difference between life and death to the coal industry that it once did.
>
> The newspaper favors even tighter curbs on the importation of residual fuel oil, as it always has. (In spite of the fact that the Secretary of Defense with the unanimous support of the Secretaries of State, Labor, Interior, and Commerce has concluded that tighter controls on residual imports would not be in the national interest.) But if present market conditions continue, it also feels that the coal industry will be able to weather the storm.

I would also like to suggest to Governor Ellington that he review the still secret—for some strange reason—report made by Secretary McNamara's special interagency coal study committee which, I have been reliably advised, analyzed in depth the impact of imported residual oil on the coal industry.

From these last two sources alone, in my opinion, the OEP Director should find sufficient evidence to expedite his finding and his recommendation to the President.

It is my understanding that a significant decision may be made by Secretary Udall with regard to the entire mandatory oil import control program prior to the next crude oil allocation period in July of this year. I see no reason why the OEP's conclusion—which has to be that continued residual controls are not essential to national security—could not and should not be implemented at this time. I would like to urge that the administration select July 1, 1965, as its target date and end once and for all the uncertainties of this grossly unfair and unnecessary program.

BILL PROTESTING BOMBARDMENT OF OUR YOUNG PEOPLE BY UNSCRUPULOUS PURVEYORS OF FILTH

Mr. HANSEN of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DANIELS. Mr. Speaker, there is no part of the United States where prominent clergymen of all faiths and educators on all levels have not raised their voices to protest against the ever-increasing bombardment of our young people by unscrupulous purveyors of filth.

The bill which I have introduced today is designed to authorize a full study of this evil trade in order that a concentrated attack at all levels of government may be made upon smut. This bill is not intended as a censorship bill; rather, it is an attempt to further define the scope of the problem.

The study group which my bill sets up will consist of persons representing a broad spectrum of our society appointed by the President. This committee of 15 members will consist of 1 representative from each House of the Congress, 1 from the Post Office Department, 2 from the Department of Justice—one of whom shall represent the Federal Bureau of Investigation—1 from the Department of Health, Education, and Welfare, 3 from the clergy—with the proviso that no 2 clerical members shall represent the same faith—1 librarian, 1 from the book publishing industry, 1 from the newspaper, magazine, and periodical industry, 1 from the motion picture industry, 1 from the radio and television industry, and 1 educator.

Mr. Speaker, the spreading network of filth which is intended for juvenile consumption presents us with a problem which is no longer local in scope. What we are dealing with is a gigantic industry which earns an annual profit, estimated to be in the hundreds of thousands of dollars, for unscrupulous individuals who earn their living debauching our youngsters.

The other day, we passed a bill which would allow a householder to return offensive material to the Postmaster General, who would then order the distributor to cease sending mail to the postal patron unless it was solicited.

While the overwhelming majority of the Members of this House voted for this bill, they did so, I am sure, with the full knowledge that this bill would only solve one facet of the national traffic in smut.

Clearly, we are faced with a problem which has become gigantic in scope. It is for this reason that I urge passage of my bill. We must mobilize every level of government and every sector of our society in a war against this insidious evil which is eating away at the moral fiber of the Nation. I urge all Members of this House to vote for the bill which I have introduced today.

NEW YORK CITY IN CRISIS—PART XLVI

Mr. HANSEN of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article on the crime situation in New York City.

The article is part of the "New York City in Crisis" series and appeared in the New York Herald Tribune of March 4, 1965.

The article follows:

New York City in Crisis—Fear: The Impact of Rising Crime on New Yorkers

(By Jim Lynn, of the Herald Tribune staff)

(Crime-bred fear has become a way of life. Today the Herald Tribune talks to some of the 8 million New Yorkers who—once cautious about walking on dark streets—now wait in fright even behind the bolted doors of their own homes. Tomorrow, five working experts talk about the crime crisis and what can be done to cope with it.)

A West Side political club invited a policeman over one evening not long ago to tell members how they could help make the city's streets safe to walk in. Quite a few people said later they had missed the officer's talk because they had been afraid to walk to the meeting.

"Here in New York City, in 1965, in the heart of town, people are afraid to go out at night," said Franz Leichter, Democratic leader of Manhattan's seventh assembly district. "What you really have—or almost have—is battle conditions in New York City."

Many New Yorkers agree with that assessment.

"When I come home late at night I walk in the middle of the street," said a self-employed man who lives alone in a high-rise, high-rent building on Central Park West.

"If I walk anywhere and it's after dark, I walk fast and keep my head down," said a young career woman who lives with a roommate just off Madison Avenue in the eighties.

"I heard about those tear gas bombs that look like a lipstick," said a financial executive who lives on West End Avenue. "I got one for my wife. Some women have gotten whistles, or sirens, but they're more expensive."

These people may be frightened, but they are not cranks. They are simply dwellers in a city where practically no one is a complete stranger to violence. Who in New York today does not know someone who has been robbed, attacked, or even murdered by a mugger, a rapist, a gunman?

The statistics are sobering. In New York last year there were 636 killings, 1,054 forcible rapes, 7,988 robberies, 14,831 assaults—in every category an increase over the figures for 1963, by anywhere from 14 to 28 percent.

That averages out to almost 2 homicides a day, just under 3 rapes, 22 robberies, 41 assaults. These are complaints actually received by police; no one knows how many crimes go unreported for one reason or another.

Not everyone is frightened by these numbers. A good many New Yorkers—especially women living alone—believe they are safe if they choose their neighborhood carefully and make a few rules for themselves about getting from one place to another after dark.

"I live here," said a magazine researcher in the 90's near Park Avenue, "because any other place I would be afraid. It's quiet and it's well lit. On the West Side I'd be afraid of a couple of crosstown blocks." But she takes a cab home when she works late, and she notices gratefully when a cabbie waits outside until she has her door open.

"I'm less afraid in New York in the Village than I am anywhere else," said a freelance book designer who lives just off Greenwich Avenue. "But you still don't walk down dark streets all by yourself—you're not stupid."

SAFER THAN THOU

Outside Manhattan, in parts of the city that are still semisuburban, this safer-than-thou attitude is likely to be even more clear cut. Here is one man's description of the Belle Harbor section of Queens, on the Rockaway Peninsula:

"These streets are immaculate. If you littered here there'd be five phone calls to the local constabulary before the paper was dropped."

But this man's business is in the Bedford-Stuyvesant section of Brooklyn, and rather than keep it there he threatened to move it out of the city entirely. Robbers got $15,000 from his plant a year and a half ago, he said; now it is broken into on an average of once every 3 weeks.

"You can't run a business in New York," he declared. Law and order have broken down because judges "have lost perspective in terms of what works in a society." Niceties in the language of the law hamstring police attempts to obtain evidence or make arrests.

"The civil rights movement has as its objective the emasculation of the police," said this factory owner, who now carries his own gun. And the process is abetted, he went on, because "the concern of the courts is primarily with the isolated wrong that the cops do. Overwhelmingly, guilty people are not punished."

TOOLS FOR POLICEMEN

The police themselves are concerned, of course, about judicial decisions that restrict their power to search suspects, for example, unless they have actually seen a crime committed. "You have to give the policeman some tools to work with," said one precinct captain.

Whether the policeman's hands are tied or not, however, nearly everyone agrees that his very presence is a deterrent to crime. Nearly everyone, therefore, thinks the expansion of the city's police force—by more than a third in the last 10 years—is a good thing.

The force is supposed to get bigger yet. Although the police department has yet to be brought to its authorized strength, which is 26,728, Mayor Wagner announced last month that the quota will be increased by 1,000 more men in July.

Right now, though, the department is about 500 below its quota. And New Yorkers who are frightened by the city's rising crime rate—it has gone up even faster in most categories than the police rosters—have exerted what pressure they could to get the available men assigned where they will do the most good.

On Morningside Heights, for instance, neighborhood pressure on the borough president's office led to the creation of a unique patrol post around the Bryn Mawr Hotel, which has been described repeatedly as a hangout for drug addicts, prostitutes, and assorted other undesirables.

A DIFFERENT BLOCK

Until last December, the established pattern of foot-patrol posts in the 26th precinct was up and down the avenues, with each patrolman responsible for half a block down the cross streets as well. But the Bryn Mawr block is different.

The man on duty there walks a rectangle with the Bryn Mawr at its northwest corner. And according to the precinct commander, Capt. Paul F. DeLise, there was a slight falling-off in the crime rate on the block during the first 6 weeks the new system was in effect.

But Captain DeLise carefully pointed out that a decline of about 3 percent over such a short period was not necessarily significant. The mere fact that the Bryn Mawr has been widely publicized, he suggested, may have driven some of the drifters who have given it a bad name to move on to more anonymous quarters.

Changing the patrol pattern "undoubtedly helped to drive away some of the worst of the troublemakers," said the Reverend Dwight C. Smith, who lives around the corner from the Bryn Mawr. "But we had some awfully cold weather then and that may have been as much as anything else responsible."

On Morningside Heights, of course, the police are not the only uniformed patrolmen. Such institutions as Columbia University, St. Luke's Hospital and Riverside Church, collectively organized as Morningside Heights, Inc., budget $100,000 annually for their own street patrol, which assisted in making about 40 arrests last year.

LIMITED AVAILABILITY

Captain DeLise is glad to have the patrol's help. "I appreciate any assistance I can get from any source," he said. His precinct has also just completed a recruiting campaign that increased its roster of auxiliary policemen from half a dozen men to about 45.

"We use them when they are available," Captain DeLise said. "But their availability is limited."

So is their usefulness. Auxiliary police are part-timers, unarmed except for a nightstick, who normally can make arrests only when they see a crime actually being committed—citizens' arrests, in other words, which they would be able to make whether they were wearing a uniform or not.

The fact is that the city has made no great effort to enroll auxiliary policemen on a wide scale. And when citizens take the initiative themselves, they are more likely to form the kind of quasi-vigilante groups that have recently been patrolling the Crown Heights section of Brooklyn, a stretch of Clay Avenue in the Bronx, and the Delano Village development in Manhattan.

The Crown Heights group is perhaps the best known; it was organized after a number of women were attacked and some were actually raped in their own homes. Orthodox Rabbi Samuel Shrage mustered a force he called the Maccabees, who began patrolling the streets at night in cars equipped with two-way radios.

They are still patrolling, and so are the Bronx storekeepers and householders who set up the Clay Avenue patrol. Their spokesman, Irving Cohen, said there has been no crime in the patrolled area since the group began putting two or three carloads of watchful men on the streets between 8 p.m. and midnight.

SIMPLE DETERRENT

The Clay Avenue group has expanded from a handful of people to about 60. The patrol area, originally centered on the avenue between 169th and 171st Streets, has been stretched two long blocks farther south, to 167th Street. Requests to extend the patrols still farther have been turned down.

"Not that the area was crime-ridden or anything like that," said Mr. Cohen. "But so far we have succeeded."

By and large, the vigilante groups have succeeded, if only in making people feel safer in the areas they patrol. Even Police Commissioner Michael J. Murphy has suggested that they may have some value, provided they don't overstep their function, which is primarily to deter crime by their mere existence.

The commissioner made it quite clear, however, that catching criminals, as opposed to preventing crimes, is a job for the police, not for amateurs. The patrol groups evidently agree; there is no evidence that their members regard themselves as unpaid detectives or criminologists.

There is evidence, on the other hand, that if people feel safer on the streets they actually become safer—because there are more of them. "A feeling of fear on the part of the public," said Captain DeLise, "keeps them indoors, and this only adds to the problem. The more people on the streets the better."

That rule is not just a bit of police lore. Again and again, people who live in Greenwich Village—to take the most conspicuous example—say they feel safe there because there are always people on the streets. Peculiar people, sometimes, but people.

The rule has been elevated almost to a dogma by Jane Jacobs, who happens to live on the western edge of the Village, in her polemic against orthodox city planning. "The Death and Life of Great American Cities." She writes:

"It does not take many incidents of violence on a city street, or in a city district, to make people fear the streets. And as they fear them, they use them less, which makes the streets still more unsafe."

Today's planners, according to Mrs. Jacobs. "build city districts that are custom made for easy crime." She continues:

"The first thing to understand is that the public peace—the sidewalk and street peace—is not kept primarily by the police, necessary as police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves, and enforced by the people themselves."

HIRED STREET WATCHERS

Mrs. Jacobs said zoning laws in general, and high-rise apartments in particular, discourage the kind of neighborhood where the sidewalks are always being watched, either because people are on them or because somebody is looking out the window of a store, a restaurant or an apartment.

To find examples, Mrs. Jacobs' readers need look no further than Manhattan. "In some rich city neighborhoods," she writes, "where there is little do-it-yourself surveillance, such as residential Park Avenue or upper Fifth Avenue in New York, street watchers are hired."

Park Avenue, she goes on, "is so blank of built-in eyes * * * that if rents were to slip below the point where they could support a plentiful hired neighborhood of doormen and elevator men, it would undoubtedly become a woefully dangerous street."

What might happen on the East Side has already happened on the other side of Central Park, according to people who live there. And ever since a 63-year-old lawyer named Leonard Simpson was shot to death in a self-service elevator at 203 West 90th Street, those people have been trying to do something about it.

First it was the tenants in Mr. Simpson's building. They started keeping watch themselves to see that nobody got in the front door who didn't belong there. They started pressing their landlord to keep the doors locked, fix the intercom system, install brighter outside lights—and hire a doorman or an elevator attendant.

After paying a uniformed guard themselves for a while, they are under no illusions about the necessity of a rent increase if a man is hired full time. It would come to something more than $13 a month for each of the 45 families in the building. But most of them seem willing to pay at least part of that if it will make them safer.

FULL-TIME ATTENDANT

Their city councilman, Democrat Theodore S. Weiss, is cosponsor of a bill that would require any apartment building with a self-service elevator to supply an attendant at all times. The cost should be shared between landlord and tenants, he said, "on a sliding scale depending on the landlord's profit."

But the response to Mr. Weiss' bill has been cool: "The only support we've gotten has been from the police department." Even tenants recognize that the burden in a small building would be almost insupportable by either landlord or tenants, no matter how it was apportioned.

The tenants' association at 203 West 90th Street still hasn't decided just how it wants to divide its nightwatchman chores between tenant volunteers and professional guards, but it has definitely jumped into the wider arena of the upper West Side as a whole.

"We're interested in doing more than just making one building or two buildings safer," said Herbert Bromberg, a leader of the tenants. "We'd like to help make the whole city safer."

They are helping through what may be the city's most cumbersomely named civic organization: the West 88th to 91st Street Neighborhood Improvement Association, which is trying to get every landlord in its area, from Amsterdam Avenue to Riverside Drive, to tighten up on building security as the landlord already has at 203 West 90th Street.

"In making one particular building a little more tightened up," explained Robert Schur, who is active in both the larger and the smaller organization, "you're not really solving anything. You're just pushing it off on your neighbors."

Mr. Schur's neighbors, instead of having things pushed off on them, are being urged to support bills that would make a landlord hire a doorman or elevator attendant if 75 percent of the tenants in a building wanted one, would require adequate exterior lighting (none at all is required now) and would mandate an intercom system in apartment elevators without attendants.

THIRTY BLOCKS, 30,000

Closed-circuit television has been suggested, too, but the executive director of the Hudson Neighborhood Conservation District, Bernard A. Veney, pointed out, "Unfortunately, there has to be somebody to watch it." And hiring a round-the-clock somebody—three shifts plus a relief man, costs about $16,000 a year.

The conservation program covers 30 blocks and about 30,000 people between 86th and 96th Streets, from Amsterdam Avenue to Riverside Drive. Basically, its job is to keep the neighborhood from deteriorating—on a city budget of about $35,000 and a few private contributions.

"We want to get people over the delusion that all they have to do is make a demand and a doorman will be forthcoming," said Mr. Veney. The conservation people are working closely with Mr. Schur and his group to get tenants busy helping themselves.

Similarly, the Bloomingdale Neighborhood Conservation District, directly to the north, is cooperating with the West Side Tenants Coordinating Council. David Lavene, the council's leader, hopes soon to have the nucleus of a tenants' organization in every apartment building west of Broadway from 96th Street to 106th.

In the long run, it seems clear, some kind of community action will be necessary if New Yorkers are ever to feel safe on their streets. And for effective community action, according to Percival Goodman, an architect and member of the Columbia University faculty, there must be a sense of community.

AN IMMEDIATE EFFECT

"You can't belong to a community of 8 million people," said Mr. Goodman. "In a community, if you do something, the effect is immediately felt."

One way to help establish the sense of community, he went on, would be to redraw the city's wildly scrambled boundaries for school districts, police precincts, election districts and so on, to make them coincide wherever possible. Let people belong to a community, he advised: "Once you belong, you don't bust it up."

In other words, according to Mr. Goodman, all the talk of doormen and street lighting, tear-gas lipsticks and more police gets nowhere near the heart of the problem, which is to give people a sense of where they are in society.

"When you lose contact with the society," he said, "you begin to get destructive * * *. We don't try to prevent violence at its source. What we continue to do is expect the violence and then build barriers against it."

That doesn't work, obviously. The question is, what will?

NEW YORK CITY IN CRISIS—PART XLVII

Mr. HANSEN of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns the fate of a New York City Planning Commission report on the development of a tract in southern Staten Island as an urban renewal area.

The article appeared in the New York Herald Tribune of March 4, 1965, and is part of the New York City in Crisis series.

The article follows:

New York City in Crisis—City Buries Its "Bold Plan" for Staten Island Area

(By Jerome Zukosky, of the Herald Tribune staff)

When the city planning commission, on April 17, 1963, formally reported on the reasons it was designating 1,080 primarily vacant acres in southern Staten Island as an urban renewal area, it said:

"We are confronted with a great and almost unique opportunity to help insure that this area is wisely planned and developed. If we let this opportunity slip through our fingers we will be failing in our trust as planners and responsible citizens to the future welfare of our children and the generations to come."

The plan, called the Annadale-Huguenot urban renewal area, was the biggest and boldest of its type ever attempted in New York City; the planners had hoped to lay out a modern suburban community unlike any other built here as part of the mapping program for the remaining one-third of Staten Island that was still undeveloped woodland and plain before the Narrows Bridge was completed. "The Annadale-Huguenot proposal is one of the initial steps in this program," the commission report said.

The planners' report was as far as their dream ever got, last May, Mayor Wagner, under pressure from Richmond Borough President Albert V. Maniscalco, ordered the commission to drop the renewal scheme and instead lay out the land as best they could without renewal. The commission yesterday disclosed the product of Mayor Wagner's order, which in effect buries once and for all the last remains of the attempt to salvage some of Staten Island from conventional suburban home development.

The commission mapped about one-half of the rectangular tract using a conventional gridiron pattern of streets, reserving three large blocks for schools and about six blocks for three shopping centers. At the heart of the original plan was the attempt to rid the land of this gridiron and instead use cul-de-sac streets that would permit homes, parks, schools and stores to mingle together in a layout similar to those used in "new towns," such as Reston, Va., now being built outside major cities in the Nation.

Existing zoning will be retained for the most part, permitting single-family homes, most of which can be built on plots of 40 feet by 100 feet. The remaining one-half of the land, the commission, said yesterday, will be mapped later.

Approval of the maps will permit the sale at public auction by the department of real estate of about 130 acres in the first half of the tract to be mapped the commission said. About 600 acres of the 1,080 acres in the tract are owned by the city and pressures from real estate investors, builders, and city officials anxious to sell this land as quickly as possible, played a role in killing the renewal scheme.

The commission set March 16 for public hearings on the mapping proposals, some minor zoning changes and a resolution to rescind its April 1963, designation of the tract as a renewal area. Only twice before has the commission formally revoked such a designation, according to a spokesman; in January 1962, for the West Village renewal area in Manhattan after a bitter battle against residents led by Jane Jacobs and in January 1963, for an area near Brooklyn Heights called Cobble Hill.

A Staten Island citizens' group last month brought suit in supreme court in Manhattan to force the city to continue its renewal plan, but Justice Irving H. Saypol took their petition under advisement. The commission said yesterday its March 16 hearing will be held unless the court rules otherwise.

Planning commission officials have made no secret of their belief that only by the renewal procedure could the Annadale tract, and all other similar undeveloped lands in southern Staten Island, be rescued from the kind of home development that is spreading along the south shore of the island now. This conventional development has been called the best example in the city of monotonous expensive, uninspired community building that uses nothing learned in the past 40 years by planners and large-scale suburban builders in the creation of model communities.

The commission summarized its original reasons for attempting to use renewal at Annadale as part of a 9-page statement, accompanied by 6 pages of maps, that was issued yesterday. The only way to replan Annadale, the commission said, was to have the city acquire all the land it did not already own and start from scratch. This was necessary because some 600 homes, some of them seashore bungalows, were scattered over the rolling and wooded land; more important, over the last 40 years or more, streets had been laid out—but for the most part never built—and were part of official city maps. These maps straitjacketed the land as it was proposed for building before the depression; after the depression much of the land reverted to the city for nonpayment of taxes. But these holdings, too, were scattered.

Through renewal, the city would acquire all the land, remap it into a modern community, then sell off the land to private builders; city planning technicians figured that not only would the city get back all the money it spent to buy noncity land, but well over $20 million from Federal renewal funds to pay for streets and utilities and public facilities such as schools and parks.

In addition, the planners stated in their original designation report, more than 100 acres could be reclaimed (they proposed using them as parks) because the gridiron street system was extraordinarily wasteful of land; modern suburban streets would require only about one-third of the 357 acres in the tract mapped as streets and which, for the most part, now will be used as such.

When some citizens' groups and major business and real estate groups on Staten Island forced Mr. Mansicalco to ask Mayor Wagner to kill the Annadale plan, Francis J. Bloustein, then acting chairman of the planning commission, told Mr. Mansicalco in a letter that "failure to take advantage of this great opportunity will prove a mistake that will haunt not only Annadale, but the entire borough, for generations to come."

The cancellation of the renewal designation, the mapping of the land in the conventional grid and sale of city land (which is expected to begin this spring) will open Annadale to private development of rows of houses, back-to-back, side-by-side, in huge rectangular blocks that were the typical shape of neighborhoods built in Queens and Brooklyn during the 1920's. And the planners have given up any further hope of preventing this pattern for the remaining open areas of southern Staten Island.

All that William F. R. Ballard, present chairman of the planning commission, would say yesterday about the forthcoming Annadale hearing was: "Under difficult circumstances for planning, we believe we were able to set down some sound guidelines for good development. We hope that the future developers of this area will recognize its fine potential and respond to the growing civic concern for better development standards by providing the residents of this community with tasteful and well-designed homes, shops, and community facilities."

SAFETY AND LABELING REGULATIONS FOR TIRES

Mr. HANSEN of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Helstoski] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HELSTOSKI. Mr. Speaker, I have just introduced a bill to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall comply with certain safety and labeling regulations. The bill provides that the Secretary of Commerce shall prescribe regulations calling for minimum safety and performance standards and a grading and labeling system for motor vehicle tires.

The problem we are facing at the present time will multiply in the years ahead in view of the fact that more high speed highways are being built and the automotive industry is making every effort every year to surpass its previous year's production of motor vehicles. Therefore, highways will be carrying a heavier burden of traffic at high speeds in the foreseeable future. It is, therefore, incumbent upon us, Mr. Speaker, to take such precautionary measures at this time to provide definite specifications for motor vehicle tires so that they may withstand the high speed and high temperatures when being used on fast, nonaccess highways.

We do not have accurate information on tire safety and the consumer has no way of appraising existing standards and specifications for tires. The Federal Trade Commission has held hearings on this matter and evidence presented to the Commission indicated that many new cars come equipped with tires which are not adequate even for normal traffic use. Six-passenger sedans were tested for tire purposes with only three passengers and no luggage in the big trunks now provided for by every auto manufacturer. Compact station wagons which normally would require eight-ply tires, were equipped by some manufacturers with four-ply and even two-ply tires and the sizes stamped on many tires did not tell the actual size and, in many cases, were not intended to do so.

This bill, if enacted into law, would assure the consumer that the car he buys is equipped with sound, safe tires by prescribing normal safety and performance standards.

In reading your daily newspapers, you come across full page advertisements announcing a spectacular tire sale at ridiculously low prices and a person of average intelligence can readily see that the prices advertised for some of these tires cannot warrant a well-built and sturdy tire.

We know for a fact that many lives are lost on our American highways because of the failure of a tire and if we have adequate safety standards the saving of only one life will be a step in the right direction.

It is my hope that the committee to which this bill is referred will take speedy action to call for hearings on this proposed legislation so that we can enact this bill into law at the earliest possible date.

INVESTIGATION OF KU KLUX KLAN

Mr. HANSEN of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. HELSTOSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HELSTOSKI. Mr. Speaker, after years of inaction in the face of murder, church burnings, and school bombings, the House Committee on Un-American Activities has been prodded into investigating the Ku Klux Klan. What can we expect from this inquiry? Will this investigation abate the endemic racism that is the real cause of the recent appalling events and provide a legislative end?

Mr. Henry Leichter, of Dumont, N.J., in a recent letter to the editor of the Bergen Record, said:

> The violation of constitutional guarantees by southern authorities in the field of voting and human rights shows that the problem goes beyond the hooded hoodlums so rightly denounced by our President. The juries which refused to convict or indict, the police and State officials who looked the other way, and the southern clergy and business leaders who remained silent could not have been entirely controlled by the Klan.
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> The action of the Klansmen is the logical outcome of propaganda being preached by such rightwing extremists as the John Birch Society, the Nazis, and the Minutemen. Apologists for these groups portray them as conservatives on guard against a Communist takeover, but the latest bulletin of the Birch Society claimed that the United States is 70 percent controlled by international Reds and the official John Birch publications denounced the late President Kennedy as a Communist.
>
> We may laugh off their drivel as a product of an unbalanced mind, but it is just the kind of inflammatory material which will turn a hate-filled segregationist into a church bomber and murderer who defends the action as a patriotic gesture.
>
> As long as there are ignorant individuals who will believe anything they find in print, on the naive assumption that the victim of a falsehood has easy recourse to the law, we shall have wolves in sheeps' clothing spreading their poison and appealing to man's basest nature. The Committee on Un-American Activities could stop looking for Reds under every bed long enough to expose the bigots and the rights.

The basic problem is still racism and the local Klan incidental to it. Mr. Speaker, I concur in the views of my distinguished colleagues who also oppose the appropriations for the House Un-American Activities Committee, not on the basis of whether the KKK should or should not be investigated, but that it is more properly a function of the House Committee on the Judiciary, with a legislative end.

Seven weeks ago less 1 day the Members of this honorable body debated House Resolution 188 to provide $370,000 for the expenses of the House Committee on Un-American Activities. At that time much was said about the usefulness or lack of usefulness of this committee. In its many years of existence it has been an investigative body that has produced only a drop in the legislative mills to provide corrective legislation on matters which were undertaken for investigation by this committee.

It has been and still is my belief that the House Un-American Activities Committee serves no useful purpose with regard to providing legislation; consequently, its activities would better be conducted by the House Judiciary Committee which has legislative powers and an adequate investigative force to conduct the matters now being undertaken by the House Un-American Activities Committee. It has been shown in the past that the House Un-American Activities Committee has been very active in branding many persons as purveyors of falsehood when many of us in fact believe otherwise. Its whole approach is its obsession with the conspiracy theory in the history.

I believe that any individual's being represents a sacred entity which must be protected. The House Un-American Activities Committee, as I stated before, has fulfilled no useful legislative function. It has tarnished the reputation of many innocent people by having them called before this committee without due cause and accusing them of being Communists without the right of facing their accusers. In this request for additional appropriations, we are dealing with the same basic principle—does this committee serve a useful legislative function. It is of no concern whether there is a desire to investigate the left or the right, but rather should this committee be the vehicle. May I respectfully point out that this House did approve the appropriation of $370,000 by this committee. They are now requesting an additional $50,000 to investigate the Ku Klux Klan. The laws we seek are for the Federal protection of civil rights and the proper committee to formulate these laws is the House Committee on the Judiciary. It is this committee which has conducted all hearings both previous and pending on civil rights legislation. In conjunction with the hearings on voting rights, it would, therefore, be within the proper function of the Judiciary Committee to take testimony from members of the Ku Klux Klan or any other group, or from individuals who could provide information or present views on the corrective measures which need to be taken. Such hearings and investigations would be undertaken for the purpose of preparing legislation, not for the purpose of exposure. Exposure for exposure's sake violates the first amendment and serves no legitimate end, tempting as it may be to vent our anger.

I continue to stand in opposition to the authorization of this additional money, and it is not because I believe communism, fascism, nazism, or the fight on the left, and so forth, should or should not be investigated, but because I believe that the functions of this committeee should be, as I stated before, turned over to the House Judiciary Committee. I believe that the only "ism" which we in this country should be concerned with is Americanism, and if this current request for additional funds was made by the House Judiciary Committee, I would like to see that it be quickly granted and I would support any such resolution. However, in this case I do not believe that the House Committee on Un-American Activities will serve a useful purpose in protecting the civil rights of any person summoned to appear before the committee to present testimony or other information on subversive activities of any right or left wing groups.

In conclusion, Mr. Speaker, I would like to call to your attention the following statement of Rev. Martin Luther King's group, the Southern Christian Leadership Conference:

> The Southern Christian Leadership Conference is opposed to the House Committee on Un-American Activities investigating Klan-like groups. We call upon the President of the United States to form a Presidential Commission, comparable to the Warren Commission, to fully investigate the present crisis in law enforcement and the Nation's patterns of violence. Such a Commission should be assisted by a select committee of the Congress.
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> In urging this course, we wish to make it absolutely clear that such investigation should be concerned only with overt acts and not thought processes. We further urge the Department of Justice to prosecute those guilty of acts of violence, terror, and intimidation. Be it resolved that we call upon all sections of the civil rights movement as well as all civic, fraternal, and religious organizations to join with us in recommending this course of action to the President and the Congress.

Therefore, Mr. Speaker, I hope that this resolution for the additional appropriation will be defeated.

TIMELESS ARCHITECTURE

Mr. HANSEN of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. FOGARTY] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FOGARTY. Mr. Speaker, in recent weeks several Members of the Congress have expressed concern over the appearance of several new Federal buildings which are being planned for construction in Washington. The public buildings in question are, I am told, to have exterior walls of exposed concrete. A story has apparently been making the rounds that the Fine Arts Commission is encouraging architects to specify this particular kind of construction. While the Commission has vigorously denied this, some Members of both bodies of the Congress are dismayed at the prospect that some sort of effort is being exerted to create a new "official" style of Federal architecture in the Capital City.

Since I spent many years in the building industry and have many constituents who are building craftsmen, I am naturally very interested in this matter and would like to try to place it in a clearer perspective.

I submit, Mr. Speaker, that the first thing we must do in this matter is to separate the issue of architectural design from the selection of building materials. Though they are related, they are not, in this case, the same thing.

I do not believe that anyone—Government administrator, Fine Arts Commission, or the Congress itself—should attempt to dictate the forms of our new architecture. Architectural design is a matter of creating spaces that meet very specific human demands. It changes as human needs change. Design is also a matter of art, and I am happy to say that many of my constituents are working fruitfully with our architects to create great new masonry buildings of striking modernity. These buildings illustrate that the great architecture of today has turned away from the cold and sterile "international style" of yesterday and is utilizing skilled young craftsmen to create new beauty in mass, color, pattern, and texture.

Architecture should no more be warped or frozen into an official style than a computer or a space rocket. It does not really matter who favors the style or what his intentions are. Our friends can sometimes do us as much harm as our enemies.

It is also true, of course, that the selection of building materials is important in creating lasting beauty or lasting ugliness. The noted architect, Edward Durell Stone, used marble to striking advantage in the new headquarters of the National Geographic Society. Many people believe it is Washington's most beautiful new building. Mr. Stone also has said that he plans to use marble to clothe the John F. Kennedy Center for the Performing Arts. It is worth mentioning here that, when a lady asked Mr. Stone whether the design of this great center would be "traditional" or "modern," he answered that he would prefer to think of it as "timeless." He had the wisdom to renounce the use of any style as a determining factor in form and appearance.

From Mr. Stone's work, it is apparent that he thinks highly of marble. Recently, I am told, architect Philip Johnson said on a New York radio program that he thought marble was the most beautiful of all building materials. The immortal Frank Lloyd Wright thought very highly of brick. It is obvious that many of our finest architects have favored the use of limestone and granite in our Federal buildings.

All preferences aside, I submit that no one has any serious question as to how well any of these fine masonry materials will stand up under the test of time. A construction bulletin which recently crossed my desk described the recent cleaning and tuck pointing of the Washington Monument. This great stone obelisk is perhaps the most dramatic and beautiful of our manmade monuments. If anything has a "timeless" design, the monument has. It stands 555 feet high and takes a buffeting from the elements which few structures are called upon to endure. It was cleaned up and pointed in 1964 for the first time in 30 years. Here is real proof of endurance, real evidence of low maintenance cost.

This brings me to what I think is the essential point: While neither we nor any other body should dictate or influence architectural form or design, the Congress does have the clear duty to insure as best it can that public buildings are built to last with the least possible repair and expense to the taxpayers. We are trustees of public funds. I believe we should also heed the timely request of our President to make our Capital City a model of beauty for the Nation.

On these grounds, I think we have a legitimate concern in the quality and performance of Federal buildings. As someone who is conversant with the building industry, I most certainly have no quarrel with the cement industry. We depend upon concrete for our highways and bridges and, often, for concrete structural supports and concrete blocks which are used in buildings. Concrete is a splendid building material. It was used in the time of the Romans. They generally sheathed it in brick or marble.

But no material, regardless of its capacities, is suitable for every purpose. Stone cannot do the work of glass and exposed concrete cannot do the work of stone. Justifiable criticism has been directed at the appearance of the concrete in the District of Columbia stadium. The design of the stadium is exciting, but the concrete in many places is cracked and spalling. Unfortunately, the brilliant design of the Dulles International Airport is marred by this same condition. The General Services Administration Building at Seventh and D Streets in Southwest Washington is only 30 years old, but it is disgracefully shabby. So is the National Airport Building, which was built even later.

I think, Mr. Speaker, that the Capital City deserves better. The taxpayers who provide the money to build these buildings certainly deserve better. Let us have the finest of contemporary architecture from the hands and minds of today's architects. Let us tell them that we reject all styles and decrees which serve to limit and handicap the process of design, and that we will not countenance such limitations by any public agency, commission, or special interest. Let us, instead, merely exercise the normal concern and discretion of any intelligent building owner and ask that the use of building materials be consistent with permanence, dignity, economy, and lasting beauty. If we do this, we and the people we represent will be well served.

THE HORROR OF DRUG ADDICTION

Mr. HANSEN of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Powell] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. POWELL. Mr. Speaker, along with poverty, unemployment, and racial discrimination, one of the most critical social pathologies in our society is narcotics addiction. To satiate a never-ending urge for drugs, addicts are driven to crimes to obtain money with which to buy drugs. Recently, Life magazine did a two-part series on two drug addicts and how they live. The series which brilliantly explored the world of the "junkie" was the result of unusual original research by the Life associate editor, James Mills, and photographer Bill Eppridge—they actually lived with the two addicts, a man and a woman, for several weeks. The written story alone cannot do justice to this remarkable example of public service because the searing pictures of addicts groping for survival in a sea of addiction also tell the horror of their hungry cancer. I am pleased to offer the two-part series into the Record:

John and Karen, Two Lives Lost to Heroin

Four times a day, this is John and Karen, holed up with heroin. Faces desperate and intent, teeth pulling tight the tourniquet, grimy fingers squeezing fluid into the bloodstream, and then—peace. This is everything they live for—this is what heroin is all about. With this shot their problems vanish, and the world they cannot handle fades to leave them in solitary bliss.

No "square"—the addict's word for anyone who does not use drugs—can imagine the strength of heroin's hold. The addict will beg for it, walk miles for it, wait hours for it, con for it, stay up days and nights on end to pursue it, steal from those he has loved for it, risk death for it. Heroin, more than any other drug, leads the greatest number of addicts to squalor and desperation.

The frightening power heroin holds over John and Karen is the subject of this essay and the article that follows. To outsiders, they sometimes seem to stroll, but always they are driven by the drug—he to thievery, she to prostitution, and both to "pushing" heroin to pay for their own supply. The drug urges them, as the story shows, to murky streets and ill-lit corners, through shabby rooms and in and out of hospitals and jails. It is their jealous lover, and their wrathful god.

Every day heroin wins a few new converts to its ranks, and now there are more addicts in America than authorities can successfully count. The Federal Narcotics Bureau estimates that the United States has 60,000 heroin addicts, but other less official counts climb into the hundreds of thousands. Half of the country's addicts live in New York City, and almost all the others are in the slums of Detroit, Chicago, and Los Angeles. Half are Negro. Only 20 percent are women. They commit an enormous number of crimes—more than 15 percent of New York City's burglaries (but less than 2 percent of its felonious assaults). Few are violent. Contrary to popular belief, it is not heroin that may lead to violence, but the excessive use of other drugs: amphetamines, barbiturates, cocaine, Doriden, marihuana.

The heroin addict is a very busy man. For those who would separate him from his heroin he has no use and no time. When he awakes in the morning he reaches instantly for his "works"—eyedropper, needle ("spike," he calls it), and bottle top ("cooker"). He dissolves heroin in water in the cooker and injects the mixture. This is his "wake-up," a morning shot to hold off the anxiety and sickness of withdrawal and get him "straight" enough to start the day. If his habit is costing him $20 a day, and that is not a large habit by any means, he must now start out to steal at least $100 worth of goods, knowing that a fence will give him only one-fifth the true value of his loot. When he has stolen something, he must haggle with his fence over the price. The argument seems interminable to him, for it has now been hours since his wake-up and he is getting nervous again, his eyes are watering and he is beginning to feel like a man coming down with a bad case of flu.

Finally he gets the money and begins his search for a "connection"—someone with heroin for sale. Not just any connection, but a connection who deals good quality stuff—"dynamite," not "garbage." Once the addict has bought his fix (has "copped" or "scored") he is faced with the risky business of getting it to his cooker and into his arm without getting caught and "busted" (arrested). When he has finally injected the heroin—he calls it "shooting up," "taking off," "getting off"—he may or may not go on a "nod"—his eyelids heavy, his mind wandering pleasantly—depending on how much heroin his body has become accustomed to and how much actual heroin was in the powder he injected.

He hopes that the shot will be at least strong enough to make him straight for a few hours. He can judge immediately the quality of the shot. If it is strong enough, he calms down, the flu feeling leaves, and he instantly begins looking for money for the next shot.

What haunts the addict are anxieties, which only heroin can relieve. In the shaky families and oppressive environment of big-city slums, anxieties pile up fast—and it is in the teeming slums that heroin is handy. From friend to friend the drug spreads inexorably among the emotionally weak and unstable.

John and Karen have much in common with other big-city junkies. Karen is 26, John 24. Both had broken the law before they started on heroin—she as a prostitute in the Midwest, he as a thief in New York. Karen is the first in her family to use illegal drugs; but John has two addicted brothers, and a third died of an overdose.

Both John and Karen have used many drugs, but they prefer heroin to all the rest just as a gourmet prefers wine to beer. Both have been to jail (he 10 times, she twice)—and to hospitals (he 4 times, she twice)—and have emerged each time to start their habits fresh.

John and Karen have been together—sleeping wherever they can find a place to lie down—for 3 years. They use the same last name, but never got around to formal marriage. ("We did get a blood test once," says Karen.) Karen's earnings as a prostitute also support John's habit, and he occasionally contributes a little money by breaking into parked cabs, in which drivers may have left coin changers.

Both John and Karen are at all times all but overcome by revulsion for their habit and for the horrifying, unseen world it forces them into. "We are animals," says Karen. "We are all animals in a world no one knows."

THE WORLD OF NEEDLE PARK

(By James Mills)

From legal poppy fields in Turkey, by camel across the sands of Syria to the not-so-legal laboratories in Lebanon, then by ship to southern France for final refining, back to Italy and, courtesy of the Mafia, to New York's docks and airports—heroin comes to Harlem. And from Harlem the drug moves swiftly through the city of New York, as efficiently and regularly as milk from New Jersey or fish from Fulton Street. As it moves, the illicit stream swells into pools from which addicts in various parts of the city draw their daily needs. Addicts—and the police—are as aware of the selling locations as the housewife is of her neighborhood shopping center.

In the rush and confusion at 96th Street and Broadway, addicts gather on the corner to meet the pushers and buy their drugs—ignored by crowds of New Yorkers on their way to work. On the southwest corner of 82d Street and Columbus Avenue, two blocks from Manhattan's Museum of Natural History and the expensive Central Park West apartments nearby, addicts spend thousands of dollars a day for heroin. In front of a drugstore at 47th Street and Broadway, within the chaotic glow of Times Square, unknowing tourists brush shoulder to shoulder with barbiturate addicts waiting stiff and zombielike for their connections. It's the same just two blocks south, among the honky-tonk bars and nightclubs, or down in Greenwich Village, where heroin and marihuana pass from hand to hand on the benches of Washington Square.

Of these hundreds of locations outside Harlem, one of the most typical is located at the corner of 71st Street where Broadway pushes through Amsterdam Avenue on its diagonal slice across Manhattan. To subway riders who use the stop there, the intersection is Sherman Square. To the drug addicts it is "Needle Park."

Needle Park, like the rest of the world of the big-city narcotics addict, is peopled by a conglomeration of individuals who come from different backgrounds, have different ways of getting the money they need, and who prefer different combinations of drugs. Simply by hanging around Needle Park for a while with John and Karen and John's older brother "Bro," you can meet a whole spectrum of addiction: Irene, a slight, wispy lesbian addicted to "goofballs," barbiturates. Goofballs usually produce a quiet drowsiness, but also at times a tense aggressiveness that can be frighteningly unpredictable. Irene's behavior when she is high on GB's, which is most of the time, has created such havoc in the neighborhood restaurants that they no longer let her in. So sometimes she stands outside on the sidewalk and tries to shout at her friends through the window. After a while, she laughs uproariously and goes running on down the street with another girl.

There is Billy, who never stays around for long because he is trying desperately to stay clean. He just finished 3 years in Leavenworth for smuggling drugs from Mexico. Now he has had enough and wants to be square. He is trying to get a job, "but how can you explain 3 years out of your life? And no one in his right mind is going to hire a junkie."

Hank is a regular habitué. He is on bombitas—Spanish for "little bombs." In Harlem they cost a dollar; in Needle Park the price is $1.50 or $2. Hank has the customary symptoms of a bombita user. Because they are amphetamines, stimulants, he talks constantly, cannot sit still, and his arms and face are covered with sores where he has picked at the skin, sometimes with the illusion that bugs are crawling underneath.

And always lurking in the shadows, haunting Needle Park, stands Mike, a tall, trench-coated Negro. Mike is a "take-off artist," and a man to keep away from. He supports his habit by taking off (robbing) connections, and almost anyone else in the junkie world who appears to have money.

When junkies meet, they talk incessantly about drugs. Which is better, heroin mixed with a bombita or with cocaine? Both cocaine and bombitas are stimulants, and either one combined with heroin, which is a depressant, produces a more pleasurable high than heroin alone. The mixture is called a "speedball." But cocaine is very expensive, so addicts agree that for the money a bombita-and-heroin cannot be topped.

During one of these interminable conversations, someone said he had a friend who liked to shoot model airplane glue. No one else had heard of that. Sniffing glue, yes; but not shooting it. They had heard of people doing something to paregoric and shoe polish and then shooting it, but the high was reported to be no good. Heroin, of course, was the best. Heroin and a bombita. It gave the best high, completely relaxed, not a problem in the world.

But that's not really the best high, one addict said. Do you know what the best high really is? The voice was serious. Everyone turned and stayed very quiet to hear, maybe, of a new kind of high that was better than heroin, better than anything else. The best high—the voice was low and somber—is death. Silence. Man, that's outta sight, that's somethin' else. Yeah, no feelin' at all. Everyone agreed. The best high of all was death.

Junkies hang around Needle Park because it is surrounded by cheap hotels, needed by addict prostitutes; because three blocks away, a short walk for a sick junkie, are respectable neighborhoods which are good for burglary and "cracking shorts"—breaking into cars; and because, probably, a long time ago someone started selling dope there and the area just got to be known as a good place to make a connection—to "score."

Today much of the heroin in Needle Park comes from a man who lives in a very nice apartment on a pleasant East Side street. He buys heroin in "pieces" (ounces), cuts it and bags it, and hands it over on consignment to a handful of pushers—junkies themselves—who sell it for him. The pushers do not really have to push. It is a seller's market with heroin, and the junkies fight their way to any connection who has good stuff. The image of the sly pusher enticing nonusers into trying a free bag of heroin is pure myth.

The amount of payment the junkie pusher gets is the same anywhere in the city. Fifteen $3 bags are wrapped together with a rubber band (the package is called a half load). The pusher buys the package for $25, sells enough bags to recoup his investment, and uses the rest himself. Often the junkie pusher will deal "nickel bags" at $5 each, as well as $3 "Treys." These come in "bundles" similar to half loads, except that the package costs $75 and consists of 25 $5 bags. Sometimes a junkie pusher can get half loads or bundles on consignment. But if he decides to shoot up all the bags himself and beat the supplier for the money, his friends will soon be remarking that they haven't seen him around for a while. He usually keeps pushing until he is "busted" (arrested) or until he gets scared and decides to stop pressing his luck with the police, and return to less serious crimes to finance his habit.

JUNKIES TURN A HOTEL ROOM INTO A "SHOOTING GALLERY"

From time to time the addict may voluntarily interrupt his life on the street to enter a hospital. (Several New York hospitals reserve beds for addicts.) His body has achieved such a high tolerance to heroin that he must shoot a huge number of bags—not just to get high, but to keep from getting sick. In the case of a prostitute, she may be getting so thin and sick-looking—so "strung out"—that she has been forced to reduce her price. In both cases the addict goes into a hospital to withdraw from the drug and get back to the point where just a bag or two will make him high.

The male junkie, when he isn't pushing, almost invariably turns to theft and burglary to support his habit. One of the most expert burglars among Needle Park junkies is John's brother, Bro. Bro is 28, with thick black hair and an intent, quiet face. He was first arrested—for purse snatching—when he was 9 years old. He mainlined his first heroin shot when he was 13 and has now done 20 "bits" in jail for a total of 9 years, plus 2 years in the Federal narcotics hospital at Lexington, Ky.

"I'm the best burglar on the West Side," he told me proudly one night. I believe him. Once I was standing with him outside the door of a hotel room I had rented near Needle Park, fumbling in my pocket for the key. "Man, you don't need that," he said, and quickly slipped a celluloid card into the doorjamb. In an instant the door was open and Bro was in the room.

He has skill and daring—what junkies call "heart." "Burglary is my job," he explained soberly. "It's what I'm good at." In addition, he has an indispensable talent for talking his way out of tight spots. "You see," he said, "when I go into an apartment I jam the lock—stick some toothpicks in the keyhole and break them off—so if the people come back I can hear them trying to get their key in and I can make it out the fire escape. But once in a while I get careless and don't jam the lock and then—well, like once this guy come back and got in the apartment and saw me.

"It was real tight, man. He was standing there with his wife and his little kid, and I grabbed the kid and said, 'Man, I don't want to do nothin' to the kid, but I'm a dope fiend and I'm real sick and I got to get out of here.' And I guess the guy thought I was really gonna hurt the kid or something—I mean, you couldn't blame him—and he let me go."

Bro is married, but his wife does not use drugs, and so he spends as little time with her as he can get away with, preferring to stick with John and Karen and the other junkies. Often none of them has a hotel room, and then they lounge around on the benches in Needle Park or in a nearby luncheonette, or just walk the streets. When Karen is working—and by that she means hustling, on the telephone with old customers when possible, on the street if necessary—she may end up with a room for the night and a little sleep.

That doesn't happen to Johnny. If he cannot find a friend with a room, he walks around all night looking for cars to break into or for a place to lie down. Often he finds a public bathroom in one of the hotels around the park and sleeps there. Bro jokes about the time Johnny actually moved into a fourth-floor bathroom in a hotel on Sherman Square. "I went looking for him there." Bro said, "and he even had laundry strung up in the place. A couple of more nights and the hotel would have put in a phone."

At one point John and Karen had a room in a tiny, seedy hotel sandwiched between more respectable hotels on West 72d Street across from a row of high-rent apartment houses. The hotel does a fast business with prostitutes and junkies, possibly because it has a night desk man who will send heroin to the room faster than you could get a ham on rye from room service at the Hilton. When a junkie has a hotel room, the word spreads fast. All his friends and their friends stream in, and the place turns into a "shooting gallery."

I knocked on the door one night, and Johnny let me in. It was in the midst of a panic—a citywide drug shortage—and the desk man was out of stuff. Drugs were so scarce addicts were kicking their habits in the street, and many had been forced to switch to barbiturates. The room was littered with the debris of addiction—bits of toilet paper and clothing that had been used to wipe blood from arms; glasses half-filled with water tinted red from the cleaning of many needles; scraps of electric light cord chopped up and separated into thin strands with which to unclog needles; charred metal bottle tops used for cookers. Everywhere on the floor, strewn so thick you could not see the carpet, were clothing, old comic books, and cigarette butts. Sheets and blankets, cigarette holes burned in them by nodding addicts, had fallen from the bed and lay kicked into corners. Stuffing oozed from a waffle-sized burn in the mattress. The smell was of sweat and smoke and heroin.

Karen looked worse than I had ever seen her. Her eyes were widely dilated, partly from heroin withdrawal, partly from enormous doses of barbiturates. She had a $50 date with a "John" in New Jersey and Johnny and his friends were trying desperately to get her into shape for the trip. She was nearly unconscious. Two men held her up, and another whose name was Ronnie brushed her hair for her. Her face looked as if makeup had been laid on with a trowel. "Come on, Karen," Ronnie pleaded, "you got to make that train. You got to get out there, baby. You can't miss this trick, Karen, you got to make it." She mumbled and slouched in her supporters' arms, and Ronnie kept brushing.

Johnny walked over to a corner of the room that was stacked high with cases of coffee and cellophane packages of women's hair curlers. He and a friend had spotted a truck unloading supplies onto a sidewalk in front of a grocery store. They had grabbed everything they could carry and ran with it in their arms to the hotel. Now they were going to try to sell the haul.

The men who had been holding up Karen sat her down on the bed. She fell back, anesthetized by the barbiturates. Someone knocked on the door and Johnny yelled at the men, "There's too much noise in here. Can't you guys shut up? That's probably the cops now. You make so much racket they could hear you inside the station house." He walked to the door and whispered, "Who is it?"

"It's the FBI." It was Bro's voice. Johnny opened the door. "Funny," he said as Bro slipped past him and sat down on the edge of the bed. He glanced at Karen and shook his head in mock distaste. He had a bag of heroin and dumped the powder into a bottle top. "Where'd you get that?" Johnny demanded.

Bro gave the name of a connection. "It's probably garbage." He produced a bombita, broke off the glass top and poured the fluid in with the heroin. Bro held a match under the cooker until the white powder dissolved. Then he put the tip of the needle—the same one Ronnie and Karen and the other men had used—into a pea-sized wad of cotton (used to filter out large impurities that might clog the needle) and drew up the liquid from the bottom of the cooker. Borrowing Ronnie's belt, he wrapped it around his arm. held the end in his teeth, stuck the needle into a vein and waited for the blood to start backing up into the eyedropper. Instead of shooting the fluid in immediately he squeezed in a few drops, let it back up into the eyedropper again, squeezed in a little more, let it back up, squeezed in more, and continued the in-and-out process until the fluid in the dropper was dark red with blood.

The technique, known as "booting," is believed to prolong the drug's initial effect. He continued booting until there was so much blood in the dropper he was afraid it would coagulate and clog the needle. Then he shot it all in and withdrew the needle. Had the needle clogged, he would have dumped the mixture of blood and drugs back into the cooker, heated it until the blood dissolved, and started over. Addicts call this "shooting gravy"; "because that's what it is—right? Cooked blood?"

"IT'S GARBAGE," BRO SAID, "ALL I FEEL'S THE BOMBITA"

Bro put the dropper and needle into a glass of water. "How is it?" one of the men asked. "Garbage," Bro said. "All I feel's the bombita."

Ronnie had Karen sitting up on the edge of the bed and was brushing her hair again and begging her to stay awake, but it was hopeless. She was too far gone to make her New Jersey date until the next afternoon. The phone rang and Johnny talked on it for a minute and then announced he was leaving to sell some of the stolen coffee to a grocer. Around Needle Park it is not uncommon for addicts to steal from one grocer and sell to another, or to steal meat from a supermarket and sell it to a restaurant. "At one point," Johnny once told me, "Karen and I were robbing every candy store in the area, mostly for cigarettes. We told one candy store guy that if he bought all our cigarettes, we'd leave him alone. We did quite a business for a while."

Johnny loaded three coffee cases into the elevator and I rode down with him. He put them out next to the desk in the lobby and we sat and talked while he waited for someone to pick them up.

Stringent search and seizure laws make it tough for detectives to produce much unshakable evidence against addicts and addict pushers. Merely being an addict is not a crime in New York; he must have drugs or a hypodermic needle in his possession. Many addicts—especially pushers—wear a rubber band on their wrists (a "dealer's band," some call it) which, if hooked properly around a deck of heroin, will send it flying if an approaching detective is spotted.

But when police are in a drug neighborhood they have no difficulty spotting addicts on the street. An experienced narcotics cop, or a longtime addict, can with surprising reliability spot a user in a group of 20 people, state with authority what kind of drug he is on, approximately how long it has been since his last fix, and whether or not he is at that moment "dirty," carrying drugs. Because heroin subdues appetite, the addict is almost always thin. He has a craving for sweets, and often carries a bottle of soda pop (although he may know that, to a detective, it is a badge of addiction). The backs of his hands are chronically puffed and swollen, from shooting in the veins there.

The addict is habitually dirty, his clothes filthy, and he stands slackly as if his body were without muscles. Waiting for a connection, he is nervous and intent, staring for minutes at a time in the direction from which he expects the pusher to come. Detectives know that when a group of addicts is standing around, talking, waiting, none of them is carrying heroin. But if you watch the group long enough suddenly it explodes, all the addicts walking off in different directions. The pusher has appeared and soon, one by one, they will make their roundabout way to him to "cop."

Once the addict has drugs on him, he keeps moving. He is about to achieve the one thing for which he lives, and he is not slow about it. His shoulders are hunched, his head is down, and he strikes out with what some detectives call a "leaving-the-set walk," as if he had just learned where a million dollars was hidden. When the heroin addict is high, his pupils are "pinned," constricted, and if the shot was sufficiently powerful he goes on a "nod"—his head drooping, eyelids heavy.

But though he appears terribly sleepy, he speaks coherently. His mind wanders, he daydreams, and everything he does, he does with maddening slowness. He can take 30 minutes to tie his shoelaces. But he always resists admitting that he is on a nod. He is very sleepy, he says, and if he stops talking in midsentence, he argues that he is not nodding, only trying to phrase the sentence properly. Once the addict has had his shot and is "straight," he may become admirably, though briefly, industrious, suddenly deciding to shine his shoes, brush his coat, comb his hair—all the while scolding himself bitterly for having slipped so far.

Even the seasons conspire to identify addicts. In winter, waiting to cop, they alone stand around in the snow and slush, apparently aimlessly. In summer, they alone wear long sleeves (to cover their "tracks"—needle marks). Because heroin users almost always feel cold, they wear piles of sweaters, even in hot weather.

When male and female addicts gather together, in a hotel room or public bathroom, the narcotics detective knows better than to suspect sexual activity. Heroin depresses sexual desire—men may become impotent, women often do not menstruate. (If a woman gives birth while she is addicted to heroin the infant also will be physically addicted and must live his first 3 days withdrawing from the drug.) For most heroin addicts a sex crime would be impossible, and they are all contemptuous of stories about the "raging, dope-fiend, sex maniac."

Almost all heroin addicts are childishly immature; full of demands, empty of offerings. When they want something, they want it yesterday and they want it effortlessly. Nothing is their fault—their addiction, their degradation, their desperation. All are insecure, most dislike people, and—though the mechanics of obtaining and injecting drugs forces them into relationships with other people—most would prefer to be alone.

None can tolerate "changes." If the junkie goes looking for a connection and does not find him on the right corner at the right time, he grumbles about all the changes. Almost everything he is forced to do involves too many changes. He must go through changes to steal, to find a fence, to get a shot, to avoid police, but the addict is rarely violent. He wants heroin to get his fix with as few complications, as few changes, as possible, and be left in peace to shoot it. He prefers simple, nonviolent crimes—theft, burglary, prostitution.

When they are off heroin, addicts tend to be morose and restless. On heroin, when they are straight, they are pleasant, gentle, likable. Psychiatrists who have studied them over long periods know that most of them are extremely narcissistic, that their intense preoccupation with heroin is a surface manifestation of a more profound emotional preoccupation with themselves.

In pursuit of the drug they can bring to bear extraordinary cunning, nerve, and acting ability. But once they have the fix in hand and the problem shifts from how to get drugs to how to avoid arrest, these qualities vanish. An addict who is arrested because a detective discovered heroin hidden in his pants cuff may, once he is released, immediately buy a deck of heroin and hide it in his pants cuff.

Perhaps the dominant emotional characteristic of the addict is his enormous compulsion to abdicate all responsibility for his own life. He craves to be told what to do. If he is encouraged to go to a hospital by someone he trusts, he will go; but soon, when he finds the hospital not to his liking, he will leave, and then blame the failure not on himself but on the person who urged him to go. An addict will walk along a street openly displaying a container of drugs, all but asking to be arrested. If a detective does spot the drug and arrest him, the addict will blame it on bad luck. He thus purges himself of the responsibility of choosing between jail and abstinence, or continued addiction on the street. He feels he has left the choice to fate.

Female addict prostitutes may, for the same reason, solicit men who are almost certainly detectives. One psychiatrist reported that when one of his addict patients saw another patient in an artificial lung, she became enraged and demanded the lung for herself, unconsciously demonstrating her wish to relinquish to the lung her ultimate responsibility—breathing.

After I had known John and Karen for a couple of months I sat down with them individually and we talked of familiar events and ideas, and about some subjects that had never before been mentioned. Because most drug addicts, particularly those in big cities, live similar lives and display common symptoms, these tape-recorded conversations reveal much about the lives and personalities not only of John and Karen, but of the many thousands of other young people who suffer from drug addiction. They should be read with the thought in mind that just as the paralytic's every step is twisted by his affliction, so every word an addict speaks is colored by the symptoms of his disease—self-deception, immaturity, insecurity, guilt.

The morning the conversation with Karen occurred, she was lying on a dirty, bare hotel mattress, relaxing under the effects of a shot taken 30 minutes earlier. She had just discovered lice crawling on her and had placed one of them on a table by the bed. She stared at it while I connected the recorder.

KAREN EXPLAINS IT: "I LIKE THE FEELING OF NOT FEELING"

"I can't stand these terrible things," she almost shouted. "The filthy little things. Johnny must have brought them home from jail. I put it on the table there so I can see how tiny it is and then it doesn't scare me so much."

"Karen, when did you first use illegal drugs?"

"I got this awful toothache and Johnny gave me a shot, and it took the pain away, and it also took my fear of drugs away. So I started doing it myself, while Johnny'd be in the bedroom sleeping. I was scared to death of Johnny catching me. And I had a habit before I knew it. We were living right in the same house and for a long time he didn't know I was using it. I liked it. It made me very relaxed, very high. I grooved with it. I dig junk. I won't kid anybody. I dig the high, the whole bit. I like the feeling. I like the feeling of not feeling.

"What is it the Spanish say? No siento nada—I feel nothing. That's just the way you get to feel—nothing. Nothing fazes you. You could hear about your mother dying an excruciating death and you wouldn't even shed a tear. And I was still hooking then—$100 dates, making maybe $2,200 a week. Meanwhile, Johnny was just sitting home doing nothing. Shooting up, sleeping, watching TV, reading comic books, having his buddies over, turning them on. He had a real ball."

"What do you think of other junkies, junkies in general?"

"They're pigs. I can't stand them."

"Why not?"

"I'm probably looking in a mirror and I can't stand it. They're animals. We're all animals. We'll step on one another for a shot if there's no dope. I've seen it. I can't even trust Johnny. I had my wake-up shot 3 days ago right here on the table. When I got up, it was gone and Johnny was the only one that was straight that morning. Everyone was sick but Johnny. And I know Johnny didn't have a wake-up of his own.

"And I'm just as bad. I don't live from day to day or paycheck to paycheck. I live from fix to fix. Yesterday morning, as sick as I was, Johnny insisted that I go with this John. Johnny brought him up here and I turned the trick. I gave the money to Johnny, but I never saw any junk for it.

"I'm no different from any of the others. I'll beat somebody for their money just as fast as look at them. That's why I say we're animals. One time when I was sick myself, a girl came up here and she had $30. She said, 'Karen, can you cop?' I said, 'Yes.' I took the money and I never came back. I didn't intend to come back from the very beginning. She waited 10 hours for me, and I never came back."

"Karen, have you ever used a knife on anybody?"

"No. But I could, and I know how. I'm capable. And I'll cut anybody who threatens me. Like I said, that's what I mean about being an animal. Three years ago I couldn't have hurt a fly. But when you don't care about your own life—that much—then you know what you care about someone else's life. And when someone threatens the little bit of care that you do have for your own life, then you know what you're going to do to them. If they're gonna hurt me, I could kill somebody and it wouldn't faze me. Just like Freddy—you know Freddy—said he ripped somebody's stomach wide open and when he found out his guts weren't falling out, he put his hand in and pulled them out. He made sure that guy died. And I could do the same thing."

"Has Johnny ever cut you?"

"Yes. He went crazy behind bombitas. He didn't cut me badly. I broke the blade of the knife off. But when you can't get stuff and you get sick, you get desperate. Like, let me tell you what you go through sometimes just trying to cop. When you cop, you don't know whether you're going to get caught with that bag on you or whether you're going to get it home. Let me tell you what goes on in your mind.

"All right, let's say it costs me $10 to get a fix—two nickel bags. OK. Well, I have my $10. Now, if I can't locate a connection around Needle Park, what I have to do is go uptown. Last night I went up to 112th Street in Harlem, where the better junk is. Once I'm there, I walk with a knife opened, like this. That's the way you have to walk up there. They see a white in Harlem and they're ready to jump all over you. So you walk up there with a knife out—or like Julio did the other day. He carries a .45 right out in the open. OK. I have my $10. I want to get two $5 bags. So I go and ask someone, 'Who's got the best stuff around here?' 'Chico has.' OK. Chico has. Then someone says, 'Emanuel has.' So I have to find out who's who and who has the better stuff, Emanuel or Chico.

"Meanwhile you're walking on this street, you know darn well The Man (any cop) is watching you. You know it. You feel it. But you don't care because you're sick. So you're going to take that chance anyway. Now, you don't want to jeopardize the connection either. So all right, you're gonna cop off Chico. You walk by Chico and say, 'I want two,' and keep walking. Then you turn around and you come back and you give him the money and at the same time you say you want two. Then you come back and he gives you the two.

"Now if Chico decides to beat you, Chico's just gonna turn around and walk away. And you're dead. Your $10 is gone with the wind. Or maybe you're gonna get the stuff home and find it's baking soda. The fellow you met steered you wrong because he's getting a piece of it. This doesn't often happen when it's not panic time.

"Now, after you cop, most of the time you have to walk home because you don't have that much money for a cab. Buses takes too long, and you're standing on that corner with stuff on you. So all the time you're walking, you're praying too. You're saying to yourself, 'Is there a narco (narcotics detective) around that knows my face and is going to call me over just for the hell of it?' Which they do. Meanwhile, you've got stuff on you, and you're sick. You never know—you're never relaxed until you feel the stuff in you, and even then you know that within 4 hours you've got to get some more money, and get more stuff again. This is gonna go on and on. And you know that before you go to bed that night you not only have to have your bedtime fix but you have to have your wake-up. So that's $20 right there that you must have, you absolutely must have. And you have to cop before you go to bed because when you wake up you might be too sick to be able to go out and cop."

"I IMAGINE I'VE BEEN SORRY EVERY DAY I'VE HAD THE HABIT"

"Karen, I know you can think up a very glib story and with your acting ability deliver it to a doctor and get a prescription. Can you do this with other people as well?"

"I can do this with anyone. Anybody I want to do something for me, I can make them do it. Just by talking. I've been able to do that since I was a little girl, since I first told a lie to my father. My father was very strict. I had to think up reasons to get out of the house to do the things I wanted to do. So that was what I did. I started on my father. It worked on him, it worked on my mother, it worked on my teachers, and it worked on everybody else. The only thing you really need is a sincere approach. If someone thinks you're sincere, they'll do anything in the world for you.

"If ever I was going to get a licking—not a licking, but a punishment, rather—that I didn't want, I used to cry and say, 'Gee, I'm sorry.' They felt so bad about my feeling sorry that they wouldn't do anything. I was a cute little girl—until they started telling me what to do and my father started to be a tyrant. My father started to use military tactics on me. Never hit me. But he messed my mind up. I had to sit on a straight-backed chair for 3 and 4 hours at a time with my hands folded without talking. Three years old. Or he made me stand at attention 3 and 4 hours till my back felt like it was breaking. I never cried to my father, or to my mother—she was an angel—but I cried to my aunts and uncles. I got what I wanted."

"Karen, have you ever been sorry that you went on the stuff 3 years ago?"

"I imagine that I've been sorry every day that I've had a habit."

"Why don't you kick and get clean and be square?"

"That's probably what will happen eventually."

"Why don't you do it now? Why didn't you do it a year ago?"

"Johnny didn't want to do it then."

"All right then, why don't you do it now?"

"I might. I just might do that. I don't want to start right into a job. I want to go on a vacation first somewhere. I want to go to Puerto Rico."

"How long ago did you have your last shot?"

"Half hour ago."

"Do you ever look at a square girl on the street?"

"And envy her? Yes. Every day. Because she doesn't know what I know. I could never be a square like that. I was once, but once I took that first shot, that shattered the whole bit—because then I knew. I knew what it was to be high. I knew what it was to groove with junk. Even the first habit that I kicked, which was the worst that I ever kicked, I kicked cold turkey of my own volition—and I still went back to junk. Right in this very hotel. I bought my first fix right here. Why? Oh, I don't know. I found some excuse or another to do it. I'll tell you right now. I wouldn't care if I died. I just hope it isn't painful, that's all."

"What do you think is going to become of you eventually, Karen?"

"I don't know. I'll probably die—early. It won't be from junk, but it'll be from something connected with junk. Hepatitis or something. I don't care anymore. I really don't. Because there's nothing for me. I don't have any reason to quit using."

"Isn't it enough of a reason that you wouldn't be living the kind of life you live now?"

"That means nothing to me. I don't give a good damn."

The conversation with John was recorded in the same hotel room his brother Bro had entered so effortlessly with a celluloid card. John had just injected a bombita, and began to talk long and easily about his addiction, his career as a pusher and his relationship with Karen.

"Johnny, how old were you the first time you used any drugs?"

"About 13. I smoked some pot [marihuana]. And I've seen drugs practically all my life. My brother was already hooked, not just starting but already hooked, at 13 when he was still going to school. I was going with this girl, and like I used to walk the straight and narrow line. And then I think I had an argument with her, and instead of going drinking to get drunk, I went and bought a stick of pot. I was started. Ever since then, boy, I've been going real strong."

"How did you meet Karen?"

"My brother and his girl were living in Karen's apartment. And one day I went to visit them and my brother brought me into the bedroom and says, 'Karen, this is Johnny, the brother I was telling you about.' And like the first words out of her mouth made me turn like blood red. She said, 'Oh, yeah, but he's cuter than what you said he was.'

"Now I wasn't used to talk like that, because I'd been away at jail for 3 years and hadn't so much as kissed a girl. And I've always been kind of shy of girls when I first meet them. Usually when I first meet people I'm quiet. I sit and find out what kind of people they are before I even commit myself. So like right away when I blushed she thought it was cute. She started teasing me. So we got along right away.

"I wanted to get high. So I told my brother, I says, 'I want to get high.' So he says no. Now, Karen's listening to this—like she was death on drugs. She was death. Karen says, 'No, don't give him any.' So I said, 'The hell with you. I got money, I know where to score. I'll see you later.' So I started going out the door and my brother said, 'Look, Karen, one of my other brothers went with somebody else to get high and they left him, and he died. I don't want it to happen to Johnny.' So after she thought about it, she said, 'All right.'

"So I got high. I got high and then I left and when I was leaving I turned around to Karen and I told her, 'Karen, I like you. You're real people.' Because, like, every hooker I've ever met, I'd never made it with a hooker before. Like, when you walk into the house and they first meet you, they start talking $100 bills, $500 bills, I don't know, they're phonies. And she was regular people—like, for real.

"And the second day I come downtown from the Bronx and I walk into this restaurant and they were sitting in the back. She had black slacks on and a black jacket and a black scarf. And I hadn't seen her before with any makeup on. It was raining out and I had an umbrella in my hand and I looked at my brother and I says, 'You told me she was pretty.' And like I could see that she was starting to get insulted, probably thinking like I was going to say she was ugly. But then I said, 'She's not pretty, she's beautiful.' And she didn't know how to act behind that.

"And neither did I after I said it. I was hung up for words. I started to turn red again. We went out and started running through the rain. We wound up in a drugstore and there was an iron Karen liked, a clothes iron, and they wanted $7 for it. So my brother said, 'Karen, for a couple more dollars you could get a big steam iron.' She says, 'Yeah, but it's nice, I want it.' And like, I like that, too. She says, 'This is nice. I like it. I want it. I'm going to get it.' So, I like that. I went for the way she came on with it. So it stuck in my mind. I like people that if they want something, they'll get it. I'm like that myself. If I can't buy it, I'll steal it. If I can't steal it, I'll get it some way. Anyway, she bought the iron.

"So the next night I went over and my brother and his girl left and now my hand accidentally bumped against Karen's arm and her skin was so smooth, like I was fascinated by it. It was like silk. And then all these other people came over and Karen says, 'Everybody has to go, I'm going to sleep.' So I started to put my coat on. I figured she meant me too, and I was on parole anyway. I had to be home at certain times. And my brother says, 'Take your coat off. Karen says she wants you to stay.' And I says to my brother, 'I'm on parole. And if the parole officer comes over to the house, it's going to be all over.' So anyway, all he had to do was say it one more time. 'Karen wants you to stay.' That was it. I took my coat off. Ever since then, we've been together."

"SHE USED TO HAVE MY FIX READY, LIKE BREAKFAST IN BED"

"She wasn't using drugs then?"

"No. And she was some beautiful girl. We used to go out for a walk and people used to look at her—twice. Boy, she was a doll. And then once we were in the bedroom, and we were lying down talking. And out of nowhere she says, 'Johnny, I'm on stuff.' I looked at her and says, 'What do you mean, you're on stuff?' She says, 'I've been using behind your back the past 6 months.' I don't know how I felt. But I felt so empty. Like, I wanted to get up and bash her brains against the wall. And then I felt sorry for her.

"She's been using stuff ever since then. But even before she was using, she had this problem with her own mind—not sure whether she wanted to go with girls or with boys. So, like she was very unsure of herself, very insecure. And I started going with her and eventually, as the time went on, she found out, like, she wasn't gay. And like she was always afraid, and then, I don't know, as time went on, she realized like she loved me. Like it was me and only me—first, last, and always. Since then like everything was like real sweet.

"So anyway, she was hooking when I met her. So I didn't go for that at all, because I had never made it with a hooker before. So one night she had a date and she told me to come back later, in an hour or something like that. I came back later, I rang the bell and walked through the front door and was going to the apartment, and the door opened and she had the chain on it and she stuck her hand out. And I stopped dead right in the hallway. I don't know if I wanted to cry, run, kick the door in. I didn't know what to do, I was so hurt.

"Ever since that time, every time she'd go out with a trick, I'd get an attitude. Or, if the trick would come over, I'd just be sulky, nasty with the trick. Even today I don't like her hustling. I'd rather have her stay home and I got to go out and steal. I don't think you or anybody else can understand the way I felt standing in the hallway—like, the only person I really loved in there with someone else. And, like, stopping me from coming in. Even today when we get to talking, like, that always comes up. I never liked her to hook. Like a lot of times I tell her, 'Don't go out. Stop hooking, get a job.'

"She's very timid in a lot of ways. She has to have me to lean on. With little problems she'd come to me. She'd cry in her sleep. She'd wake up crying. If somebody would wake her up too hard, she'd cry. It's hard to explain. I just never liked her to hook. She used to make like at least $1,500 a week, maybe more. Even with that money coming in—and most of it going on clothes and me, nothing but the best she used to get me—and even with that, I would have rather given that up than have her go out with other guys. Even today, like she's got two habits to support.

"I don't do anything. I don't contribute anything. Except another problem, another habit to support. And my love for her, that's all."

"Johnny, do you and Karen ever fight?"

"Do we fight? Boy! Like yesterday she woke up real sick. She had given somebody $25. She wanted to surprise me by coming home with the stuff instead of coming home and giving me the money and having me go out and get it. She wanted to surprise me by waking me up and saying, 'Here, Johnny,' and I could just get off in bed. That's what she used to do—wake me up and have my fix ready, like breakfast in bed.

"Well, she gave the guy $25. He went uptown. This was 9 o'clock in the morning. At 9 at night we finally find out where he lives and we go up there and he says, 'Look, I don't know how to tell you, but I got beat.' Now that's 12 hours we're waiting for him. He could have called and we could have went out and got some money. We didn't get straight until about 3 o'clock this morning. And my last shot before that was close to maybe 18, 20 hours, something like that. It was a long time.

"When she woke up, she was very sick. She had a bombita and a $3 bag. And she started putting it on the cooker. I told her, 'Leave half of it in the cooker for me.' Now, we'd be lucky if two $3 bags would straighten either one of us out—the way stuff is out there now—never mind one, never mind half of one. She looked at me like I was crazy.

"She said, 'Johnny, it's only a $3 bag.' I says, 'I know what it is, leave half of it for me.' She says, 'Johnny'—she started crying—'Johnny, I'm sick. Please let me do it and I'll go out and get some money, fast. I'll turn a trick or something. I can get money faster if I'm straight,' which is true. I would probably have got straight in an hour.

"But I was like cold-blooded. I told her, 'I don't want to hear no stories. Leave half in the cooker, or I'm going to take it all.'

"It's not like me to do something like that. That's just vengeance, some kind of vengeance. I'm very spiteful. Like if I have an argument with somebody and they bite me on my big toe, you know eventually I'm going to get to their big toe and bite it back. I don't like myself like that. It scares me. Maybe it wouldn't even bother me with someone else. But with her, who's supposed to mean so much to me, that I could do something like that and threaten to take the whole thing, knowing that neither one of us are going to get straight, maybe just get the edges taken off. If I'm going to keep that up, she can get somebody a whole lot better than me.

"Last night we had an argument and she got scared and started running up these stairs. And her being afraid of me like that, that got me mad. She ran up to the sixth floor—as sick as she was—and ran into a bathroom and locked the door and tried to hide from me. You do something like that with an animal. You hide from an animal. She wouldn't open the door. I threatened to kick the panel out and she finally opened it. And she was in the shower stall, crouched down like a real refugee. You see them picture posters of refugees crouched down, and the fear that she had on her face, and the shaking. She was actually, really shaking. Afterwards, she couldn't hold the cooker steady. I tell you I'll leave her for good before I keep putting her through that. I don't want her to be afraid."

"When you were pushing, Johnny, what's the largest amount you ever bought—to put into bags and resell?"

"Three pieces, 3 ounces."

"How many bags will that make?"

"That depends how many times you cut it. Some connections used to cut it four to one, maybe five to one. But I only cut mine 3½ times. That way it would be very strong. And I put the rest of the connections in my neighborhood out of business.

"I used to get very good stuff. I went up to this guy's house and he cut it for me. You stretch a nylon stocking over a wire hanger, put the stuff on it and run over it with a spoon. And it flows through the nylon and gets fluffed up. And after that you cut it with quinine and milk sugar. And after it's mixed you have these stamp-collectors' bags, little glassine envelopes, and you have these baby measuring spoons, like a mother uses with her kids. You put the stuff in one of the small spoons and run a razor over the top to flatten it out. Then you put it into the bag, wrap it up, put tape on it and you've got yourself a bag. And then you go out and sell it."

"How much does your habit cost you a day?"

"I'll tell you, when people tell you, like they're using $50 a day, they can't tell you that. They don't really know how much heroin they're using. Like I might find old Joe Schmo today and buy three bags from him and find that one bag straightens me out. Now, okay, so I'll time my shots and get away with $15 today. Tomorrow I can't find Joe Schmo so I go find Larry the Jerk, and I buy three off him and one don't straighten me out, and maybe three won't straighten me out. So, actually how much you use depends on the quality of the stuff.

"Like right now the stuff is so weak that to find somebody on the streets that you can really say has a real bad habit would be doing something. I mean, it's not like it used to be. I've seen guys come into jail and, like the expression goes, they kicked their habit on the elevator. In 2 or 3 days they're eating, sleeping, doing pushups.

"So it depends on the quality. I can't say I use this much or that much. I used to use a lot. Even today, if I have 10 bags in the morning, I won't have anything left that night, or maybe not even that afternoon. I just can't hold onto stuff without shooting it. I won't actually get greedy and shoot it all at once but like, whenever it enters my mind to get off, I just get off. I can't hold on to it."

"Johnny, when you go to a hospital or to jail and you get clean, why do you always go back on drugs?"

"Well, the longest I ever stayed clean on the street on my own was when one of my older brothers died of an overdose. I didn't want to use drugs. I think it was like 2 weeks, 3 weeks. I thought I would really do it—stay clean—because of my brother. And then, one day I was with one of my other brothers and I saw this kid I knew standing on the corner. He was sick. I was doing good, staying dressed nice, leading a good life. I was happy. He was sick. So I said to him, 'What are you shooting, what's your fix?' And he says, 'Two bags.' So I gave him $6. And I know where he's going and what he's going to do, and I know the feeling he's going to get.

"It must have hit my mind all the way in the back. I looked at my brother. He knew what was on my mind and he like shrugged his shoulders, like to say, 'I don't care.' So I said to the kid, 'Look, here's another $6. Get two more.' So we got up to the bathroom in some hotel and the kid got off first because he was sick, and my brother got off and then I drew up the stuff and I just kept sitting around with it in my hand. And I kept thinking about my dead brother. And I didn't want to use because of what happened to him. Then I says to myself, only it was like to him, 'I hope you'll understand. You know what it's like.' And I got off. After almost squirting it on the floor for maybe four or five times. But finally I shot it. And ever since then * * *."

"What do you think of junkies in general, Johnny?"

"Well, I wouldn't put my money in another junkie's hand unless I really, really trusted him. I've been beat by my own brother, and if my brother's going to run around and beat me, who can I trust? I can't trust nobody out there. Even Karen has gotten off behind my back. Like all the times I've stayed 16, 17, 18 hours without a fix and she disappeared someplace, and I know she's not going to go that long without a fix. She can tell me anything she wants, but I know Karen. And she'll come back and tell me she hasn't gotten off, but she's high. A couple of times she's been gone all day and all night and I didn't see her until the next day, and if I didn't do anything, I'd be sick when she came back. But when she came back, she'd have a bag of stuff to get me straight and I'd get off first before I even started arguing with her. And then I'd be happy I was straight and I'd only give her like half an argument.

"You can't trust junkies. But after using drugs for so long, they're, like, my people. That's what I call them, my people. I can't get along with square people. If I'm walking in the streets, anywhere, I walk pretty fast and, if somebody's in front of me, I get very, very aggravated with them. I'll shoot around them and I might say something under my breath or I might say, 'Move it the hell out of the way.' I don't like people. Maybe if I got back off drugs and got a job, I might try to force it from myself. Maybe in a week or two it'll just come back."

"What do you think is going to become of you, Johnny?"

"I don't know what's going to happen. But I've had it with drugs. I'm going to stop. I've had enough of it. If I want to go back to it 10 years from now, it will still be out there. I can always get it. And if I can't make the square life, if I find it too rough—which I doubt—the stuff will always be on the corners, the connections will always be there. It's been there for hundreds of years, and it'll be there for another hundred years."

"Well, Johnny, what is it that keeps you around Needle Park?"

"Nothing, I just don't have any place else to go. That's the whole thing in a nutshell. I could go to my parents upstate. Like, Monday I'm going home. I want to clean up. I want to get a job. I want to be square again. I'm tired of this life. I've had it. I'm ready to stop. And I'm ready to take on responsibilities of all kinds that I should be able to—as a man. Instead of using escapes, all kinds of escapes."

"How long has it been, Johnny, since you've had a fix?"

"Two or three hours."

"How long do you think it will be before you get off again?"

"Maybe right after I leave here."

"Well, then, why do you say that you've had it with drugs?"

"Well, after Monday, anyway."

I Told Them Not To Go Home—Drug Addicts, Part II

(Note.—In the barred, echoing hallway of a Federal narcotics hospital, a doctor tries desperately to reason with two young sisters, both drug addicts. "Did you write our mother?" one sister asks. "We got another nasty letter from her. She says we're cured physically but not mentally. Did you tell her that?" The girls, sent to the hospital in Lexington, Ky., at their mother's insistence, write her every day begging her to get them out. But the doctor writes too, urging the mother to leave them in. The girls finally wear down their mother. A week later they are back in New York, back on heroin, back in the sordid addict world where a man in a beret, prowling for prostitutes, walks up and asks. "You girls want to make some money?" "I told them not to go home," says the doctor. "Addicts need help. They get it—but not nearly enough." Here the second of Life's two articles on drug addicts shows what help they do get. And it tells what could be done—what must be done—to give them the help they really need.)

The world's largest, oldest, most prestigious center for treating drug addicts sits atop a hill near Lexington on a thousand acres of

Kentucky's finest blue-grass meadowland. It opened 30 years ago as the U.S. Narcotics Farm, but when addicts started writing in to order narcotics, the name was hastily changed to the U.S. Public Health Service Hospital. It has been an off-and-on home for countless addicts, who refer to it simply as "K.Y." Until recently, when a few big cities started putting aside hospital beds for addicts, Lexington and a smaller Public Health Service hospital in Fort Worth, Tex., were just about the only spots in the United States where a junkie could hole up, get off heroin, catch his breath and have a crack at permanently overcoming his addiction.

The scores of addict treatment centers that spread across the country—there are 40 in New York City alone—range from the well-known, multichaptered Synanon (Life, Mar. 9, 1962) to the offices of a few individual physicians with an honest sympathy for addicts. But Lexington still bears the brunt of addiction treatment, taking in 1,900 voluntary patients and 432 Federal prisoners last year (at any one time prisoners, who stay longer, outnumber voluntaries).

Anyone who has never been a voluntary patient before and uses any drug included in a long—but outdated—list set by Federal law may get in simply by showing up at the main gate. Former voluntary patients who seek readmittance must file an application. Unfortunately, some of the more hazardous addicting drugs, like barbiturates and amphetamines, are excluded from the list, and users of them are admitted only if they also use a listed drug. While a once-in-a-while marihuana smoker can get in, a dangerously addicted barbiturate user is turned away.

Checking into Lexington, an addict finds himself swept up by a system designed to take him off drugs and keep him off. Getting him off is not much of a problem. Because of the high price of heroin on the street, few addicts today can afford enough to give them a severe habit. When they kick the habit, even without assisting medication, they ordinarily experience intense nervousness, runny nose, goose flesh, diarrhea, mild stomach cramps—symptoms familiar to anyone who has fought off a bad case of flu. To relieve discomfort during the first few days of withdrawal, heroin addicts get a periodic swallow of methadone, a synthetic narcotic. Barbiturate addicts get pentobarbital. After a few days, the addict's body has lost its dependence on heroin and needs not drugs but rest and food.

The real battle at K.Y. is not with the addict's body but with his mind. He must be weaned from his emotional craving for drugs. Once off drugs, he is moved to "orientation," where for 3 weeks he is tested and talked to by psychiatrists, psychologists, social workers and job trainers. Finally assigned a room in "population," he finds himself with a 30-hour-a-week job or a school program teaching him to be almost anything from a printer or pants-presser to a dental assistant.

From here on in, Lexington stops looking like a hospital. The staple medicine is other people. The addict is forced to cope with the staff and other patients, and now he has no drugs to help him escape—as he always has before—the problem of dealing with other people and with himself. Group therapy sessions help him along and, if he needs it, he may get individual therapy from one of the hospital's 14 staff psychiatrists.

Treatment does not always go so smoothly. Most patients are big-city heroin addicts who, though they come voluntarily to the hospital, may not be really sure they want to make the break. Sometimes they try to smuggle drugs in with them. They show a resourcefulness and ingenuity picked up in years of street living. Addicts have hidden heroin under their toenails, taped to the bottom of their feet, stuffed behind dental plates, sprinkled through their hair. To inject drugs smuggled into the hospital, patients have fashioned syringes from plastic bottles and needles from ballpoint pens. Some years ago, the entire hospital system appeared outsmarted when patients suddenly started showing up high on heroin. Security men sitting in the admitting rooms could not detect the flaw, and the heroin kept coming in. Finally a helpful addict sent a hospital official a copy of a leaflet he had bought on a Harlem street corner for $1. It was titled "How to Smuggle Drugs Into Lexington": simply, go in with a couple of bags of heroin in your hand, ask for a paper towel to wipe your nose, crumple the bags into the towel and hold on to it—nobody will suspect the towel because a hospital official gave it to you in the first place. And it worked.

Dr. Frederick B. Glaser, the psychiatrist who appears on the preceding pages, considered the two young sisters to be among his most hopeful patients. "You talk to those girls," he said before they had returned to New York, "and your heart goes out to them. They're ingenuous, not at all hardened. Both girls break a lot of rules, but you hate to punish them because they're so childish and they break them so innocently. One day they don't go to work and you tell them they have to, and they ask innocently, 'Why?' They're so childish that someone suggested that when they do something wrong, we ought to just spank them. If I were in New York and could see these girls as outpatients I think I could help them."

When they did get back to New York, the younger sister moved in with her mother and the older one went back with a 60-year-old bookie who had kept her before she went to Lexington. They live only a few blocks from a corner—96th Street and Broadway—popular with junkies and pushers. "I try to stay out of the neighborhood," the older sister said, looking up toward the drug-infested corner, "but it's tough. The other junkies ride you when you're off stuff. I guess they want to get you back on so they won't feel put down by you. I really want to stop drugs. At K.Y. I saw these junkies with scars and abscesses and all that. That's not for me. I want to stop." But a week after leaving Lexington, she was back on drugs—and so was her sister.

Doctors at Lexington, though disappointed, were hardly surprised. Very few Lexington patients—probably less than 10 percent—stay off drugs when they get home. Dr. Glaser and the other doctors would seem to have ample reason for feeling that they are fighting a losing battle. But they do not. They are bolstered by one intriguing and extraordinary fact: nearly half the country's addicts are in their twenties, and only 11 percent are over 40. What happens to an addict when he begins to age? Evidently, as he grows older, he also grows up. He matures. His compulsion to avoid the desperate, degraded life of addiction overpowers his compulsion to use drugs.

Many psychiatrists believe that the maturing process can be hastened by hospital therapy, that as the addict experiences drug-free life in a hospital—or perhaps even in a jail—a layer of maturity is laid down within him. Each time his addiction is arrested for a few more weeks or months, the layer thickens. Finally, he outgrows his infantile need for the solace of drugs and gives them up. This theory, combined with the obvious humanitarian necessity of providing some kind of hospital treatment to addicts, is what refutes Lexington's high relapse rate—and keeps its doctors plugging. Dr. Glaser scratches his head and listens to suggestions and gripes from some addicts in one of the female dormitories (their faces have been retouched). His toughest job in treating patients is getting them to recognize their problems and to attack them without the help of drugs. Many addicts have for so long used drugs to insulate themselves from the world and its anxieties that they cannot recognize a problem when they see it. They reject responsibility for their own lives. Some prisoner patients, upset by the relative freedom and the responsibility it implies, ask to be transferred to conventional prisons where every door is locked and every movement regimented. Teaching all patients to accept responsibility, to recognize their faults, and to move ahead into the complicated business of living a drug-free life can take months and years of steady, perceptive, inspired labor.

Almost all the patients' problems have something to do with their families. A young girl received a telegram from her husband telling her that her father had been fighting with him, trying to break up the marriage. He said that if she wasn't home in a week he was going to kill her father or be killed by him. The girl read the telegram and burst into tears.

"Why can't I kick my habit and be happy one time in my life, when I love this man so much. All my father ever did all my life was drink and chase me and make trouble for me. And now I finally find one man worth giving up drugs for and why won't he leave me alone?" Glaser said softly, "I'll arrange for you to make a phone call home. See what you can do to keep from leaving. Maybe your husband sent the telegram in a fit of anger or desperation and things aren't really that bad. Try to stay as long as possible and let us help you."

Another voluntary patient complained that because she had bad teeth no one in her "alley" (dormitory corridor) liked her. She demanded a room in another alley. Glaser explained that rules forbade such a move until she had been in the room a certain number of weeks.

"Well, I can't stand it there," she cried. "I don't like anyone. They don't like me. I'd rather be on the street than living there. If I stay there, I'll have to have something to calm me down. Else I'll have to go back to the street."

"You'll have to decide what you think is best," Glaser said, and left her to think it over. "Sometimes," he explains, "you have to force patients to face their problems. They'll try anything to make you bend and solve their problems for them. But that's what's been happening all their lives. That's why they're sick and on drugs. You can't let yourself do it."

Another patient told Glaser she went on drugs because she felt guilty about having stolen a wallet from her grandfather when she was 14. She stays on drugs, she said, because her husband has just been transferred to Mexico and won't give her air fare to get there.

"But he says he'll give you the fare. He just won't give you round-trip fare," Glaser points out.

"If he wanted me, he'd give me a ticket to there and back home."

"Then it's not really your fault you're on drugs, is it? It's your grandfather's and your husband's fault."

"Yes."

"Well then, if you're just a victim and it's not really your fault at all, why are you here for therapy? Maybe you should send your grandfather and husband here for therapy. It's their problem."

"Well, if it's anything I've done, I don't know what it could be."

"Then I don't think we can help you until you realize that you have something to do with what happens to you, that you have some responsibility, that it's not all just other people and fate."

"I'll think about it," she said. "After a while I might get to think it's partly my fault—maybe."

On a street corner in Harlem, at the center of the drug world, ministers and former addicts preach to a crowd. They are part of a

5-year-old religious organization called Teen Challenge. Its workers penetrate the drug jungles of cities from New York to Los Angeles. Addicts may enter Teen Challenge centers in seven cities in the United States and Canada. "Addiction is not hopeless," Teen Challenge founder David Wilkerson, a minister of the Assemblies of God Church, tells the addicts, "but only one force in the world can rescue you from your habit—God."

An ex-addict's eyes, focused feelingly on the face of a young boy, tell the story of a release from drugs. The man has used heroin for years, then heard a Teen Challenge speaker and decided "to give God a go." At Teen Challenge's 21-room headquarters building in Brooklyn, he was withdrawn from drugs, indoctrinated into the program, then sent to the group's farm in Pennsylvania.

The Rev. David Wilkerson started Teen Challenge to retrieve young toughs from New York street gangs. With the spread of addiction, the emphasis shifted to drugs, and many of the patients are beyond the teens. Money has come from churches, school collections, and wealthy businessmen. Some addicts hear of the program in sidewalk rallies, some from a Teen Challenge booklet "A Positive Cure for Drug Addiction," some from other addicts who have been helped.

When addicts get to a reception center, they kick their habit "cold turkey," without the help of medication. After a few weeks' indoctrination in one of the reception centers, the addicts who appear responsive to the religious approach go to one of the group's large country facilities—men to the farm in Pennsylvania, women to a 100-acre estate near Rhinebeck, N.Y. There they participate in the fervent daily religion services, full of emotional responses and hand clapping. They study the Bible intensively and from a fundamentalist point of view. And those who stay are baptized. Teen Challenge is a worthy, highly successful approach. But, like everything else tried so far, it has hardly dented the huge problem of addiction. The article on the following pages explains what more could be done.

REALITIES WE MUST FACE—BUT WON'T

(By James Mills)

If you smoke a pack a day, drink too much, weigh more than you should, or have a bad cold—your system is taking a bigger beating than it would from heroin. Even a long-time, hard-core heroin addict, if he stops using the drug (either voluntarily or because he is in a jail or hospital), loses all physical need for it within 3 to 5 days—less time than it takes to shake off a common cold. After that time, his body is clinically unaware that it has ever had a shot. Though the addict may be in miserable condition—emaciated, covered with abscesses, weak with hepatitis—his afflictions are not caused by heroin itself but by unsterile needles, by impurities in the heroin he has used, and by general neglect of his health. If he remains in the hospital for months of treatment and general drug-free routine he emerges strong and healthy, completely cured of his physical addiction.

Why then is there so much concern over addiction? Obviously, because it destroys the life of anyone who becomes ensnared by drugs, and turns each day's struggle to maintain his habit into a degrading hell. Furthermore, drug addiction is an emotional problem, and no matter how often or how painstakingly the addict is physically rehabilitated, his emotional problems have not necessarily been touched. As soon as he is on his own he will almost certainly go looking for another shot. Within a few weeks he will be physically addicted again, sick again, desperate again.

Why does the cycle begin? The addict, as a result of his own deep seated insecurities, feels that he has been thrown into life's conflicts without the armor and weapons everybody else has. Heroin allows him to escape this uneven battle. It deadens his desire for wealth, strength, success, sex—even for food. With heroin, he needs nothing more. The satisfactions sought so relentlessly by the rest of the world, the addict can have—temporarily—with a $5 deck of heroin. So he takes a shot.

But in exchange for these brief periods of artificial bliss, he surrenders everything else. Whenever the addict comes out of a high—and he cannot stay euphoric indefinitely—he faces the agonizing truth that family, home, friends, and job are gone, his clothes are dirty, his neglected body is filthy and sick. Shame overwhelms him—and at that moment he wants desperately to stay off drugs. But heroin can handle shame, too. So he takes another shot.

THE REASONS FOR NOT LEGALIZING DRUGS FOR ADDICTS

Many who argue that the addict's problems are created not by drugs, but by the attempts to deprive him of them, go on to claim that if every addict could get drugs without resorting to crime, he might straighten up, take the time to sterilize needles, eat occasionally, maybe even work.

The best answer to this argument is to take a backward look: until 50 years ago, narcotics were completely legal in the United States. Opium in its various derivatives—today they include heroin, morphine, Dilaudid and codine—were basic ingredients in countles patent medicines. Many doctors and pharmacists handled narcotic drugs with the cure-all enthusiasm of an Army corpsman passing out aspirin. At the turn of this century one in every 400 Americans was addicted to opium in one form or another. Many of them were unwittingly hooked on such accepted household nostrums as Mrs. Winslow's Soothing Syrup and Dr. Cole's Catarrh Cure.

Then, in 1914, Congress passed the Harrison Narcotics Act, forbidding anyone but licensed doctors to prescribe cocaine or opiates and then only "in the course of his professional practice." Five years later the Supreme Court ruled that professional practice did not include handing out narcotics for the sole purpose of satisfying addiction. All over the country, doctors cut off the flow of drugs, and addicts by the tens of thousands showed up at local boards of health for help. Government narcotics agents suggested drug-dispensing clinics as an answer, and some 44 were set up by local authorities.

On the whole, the clinics appeared to have had no other purpose than to save addicts from exploitation by pushers. But there was a fatal flaw in this seemingly enlightened program. Given an unlimited supply of heroin, few—if any—addicts level off at a stable dose; an addict receiving a prescribed amount from a clinic or doctor soon demands more. To get it, he returns to the illegal pusher—and he is back where he started.

After 3 years of experiment the clinics closed down, largely on the advice of the medical profession. And the AMA today sticks by its opinion, first expressed in clinic days: "Any method of treatment for narcotic drug addiction, whether private, institutional, official or governmental, which permits the addicted person to dose himself with the habit-forming narcotic drugs placed in his hands for self-administration is an unsatisfactory treatment for addiction, begets deceptions, extends the abuse of habit-forming narcotic drugs, and causes an increase in crime."

But why limit the addict's dose at all? Why not give him all he wants? First, it is not done because society—especially the medical profession—feels a responsibility to cure the sick, not just to abandon them to their sickness. And second, it is not done because if narcotics were legally available to everyone without prescription, addiction would spread. A psychiatrist who has worked closely with addicts for years points out that addiction is "pathological behavior which can be viewed as infectious. The individual who is susceptible to this particular disorder most often decides to try drugs after his curiosity has been stimulated by the presence of an addict in the neighborhood."

A study by doctors at the Federal narcotics hospital at Lexington, Ky., indicates that in his lifetime the average addict introduces four nonusers to heroin. If addicts could get drugs legally, cheaply, and in unlimited quantity, they would hardly be less inclined to share them with nonusers than they are today. People who accepted heroin as a means of escaping their emotional problems would become addicted. The number of these addiction-prone individuals is enormous—perhaps a majority of the millions of people who are emotionally unequipped to tolerate discomfort, or who are directed toward pleasure more than responsibility.

Federal narcotics laws have been refined and tightened—often at the urging of the medical profession—since the Harrison Act, but they still permit much more freedom than most doctors realize, or are willing to exercise. "It is clear," says the Medical Society of the County of New York, "that the majority of physicians do not understand what kind of therapy they can undertake."

The laws do not, for example, forbid that a physician treat an addict or give him narcotics. They state only that he must do so in an effort to cure the addict, not simply to maintain his addiction, and that the doctor must not trust the addict to administer the drugs to himself. The laws require that treatment of an addict, during which drugs are given to reduce withdrawal discomfort, must—except in certain extreme circumstances—be restricted to a hospital. The doctor is permitted to dispense narcotics continuously to patients with painful chronic diseases and also to the "aged and infirm," whose collapse and death might result from withdrawal of the drug. When an addict is awaiting admittance for hospital treatment, a doctor may, for as long as 2 weeks, give him daily doses of a narcotic to hold off withdrawal. Also, restrictions on the use of narcotics may be modified for the benefit of research into addiction. In rare instances, it is even possible to secure Government permission to maintain a young, otherwise healthy addict on drugs.

One reputable east coast doctor, an exception in that he has treated many addicts, encountered a patient he thought could benefit from a steady, easily obtained supply of narcotics. The doctor had good reasons for his belief. Though numerous attempts to cure the patient had failed, he did have—and this was the crucial factor—an understanding and sympathetic family, eager to help him control his habit as much as possible. The doctor called the Federal Narcotics Bureau to explain the situation, and the Bureau agreed. The doctor then informed a pharmacy of the dosage the addict was authorized to receive. The pharmacist confirmed the legality of the procedure with his own call to the Bureau. The patient got his drugs. (The doctor took the precaution of warning the addict that if any of his addict friends showed up at the office, the whole arrangement was off.)

But most doctors, although they publicly may advocate less stringent narcotics laws, privately want nothing to do with treating addicts, even within the framework of existing laws. Addicts make very bad patients. They often steal, lie, refuse to cooperate, and, when it comes to paying for anything except drugs, they're always broke. They can be withdrawn from drugs temporarily, but they almost always relapse. Give drugs to one and he returns the next day at the head of a long line of other hopeful addicts.

Some unscrupulous doctors take advantage of this very weakness. Without checking with the Federal Narcotics Bureau, or with other doctors, or with anyone, they deal with addicts strictly for the money they can make by writing illegal prescriptions. Addicts call such doctors croakers. One New York doctor freely hands out small amounts of cocaine and six Dilaudid tablets (which cost him less than $2) and charges $13. Another—and there are many like him—sells Dilaudid prescriptions (not the drugs, just the prescription) for $10 each. The ease with which croakers do this sooner or later trips up most of them: detectives, who must go through elaborate search-and-seizure procedures to get evidence against pushers, can pinpoint an unscrupulous doctor simply by tracing his blizzard of prescription slips back to the source. On this evidence, a croaker can lose his license to practice and be jailed for up to 5 years.

Doctors—respectable and otherwise—will themselves sometimes turn to drugs. Exhausted by long hours, upset by personal problems, a doctor may be tempted to seek relief with a handy dose of morphine, Demerol or Dilaudid. He unwisely assumes that he is not addiction-prone and that one shot will not necessarily lead to another. But doctors are not that different from other people—some of them do have an emotional susceptibility to addiction, and some of them do become addicted. One study indicated that the proportion of addicted doctors in the Nation's total number of addicts was eight times the proportion of doctors in the general population—a concrete and disturbing example of what can happen when drugs are easily available.

Other examples of the dangers of an unlimited supply of drugs are evident abroad. Israel for 4 years operated drug clinics, but closed them when they failed to control the spread of addiction. The people of Denmark, where drugs are legal, consume 60 percent more drugs per capita than any other country in the world, and that government is now tightening controls.

THE MYTH OF THE BRITISH SYSTEM OF DRUG CONTROL

But what of England? Almost everyone has heard of the British system of dispensing drugs to addicts. Over a period of years ill-informed commentators have created the impression that in Britain the addict invariably is treated as a sick person, in America as a criminal; that in British laws radically different from our own require the official registration of addicts, who may obtain their needed drugs simply by visiting a pharmacy and displaying their registration card. This system, some observers have argued, has reduced the British narcotics problem to practically nothing.

British doctors and government officials are the first to deny that they have a system at all. Addicts there are not required to register, do not have registration cards and cannot get drugs from a pharmacy without a doctor's prescription—though prescriptions are more easily obtained than in this country.

England has never had a severe narcotics problem; its procedure for handling addicts appears to be the result of the problem's small size, not the cause of it. The New York County Medical Society supports this conclusion. "There is no evidence," it says, "that the permissive approach in England is responsible for their low addiction rate. Other countries, such as Norway, with a similar approach, have very high addiction rates."

The British narcotics laws differ from our own in only one significant respect. A British doctor is allowed to dispense drugs to an addict if "it has been demonstrated that the patient, while capable of leading a useful and normal life when a certain dose is regularly administered, becomes incapable of this when the drug is entirely discontinued."

An infinitesimal number of addicts falls into this category. British journalists and researchers report that the problem there is far more acute than official statistics indicate, that there are perhaps four times as many addicts as the government admits—almost none of whom fulfill the "useful and normal life" requirement. Many of these addicts get their drugs from illegal pushers, from unscrupulous doctors who make a living writing "scripts" for addicts, or from other addicts who con more drugs from legitimate doctors than they really need.

A British doctor who studied 30 addicts seeking hospital treatment in 1962 reported that the going black-market price for heroin was 30 shillings ($4.20) per grain, about four times what a New York addict pays for it—an indication that British addicts sometimes find it tougher than Americans to get drugs. Like U.S. addicts, most of the 30 were thin, poorly dressed, dirty and unemployed. On the whole their lives—and the lives of other British addicts investigated more recently—appeared hardly less distressing than the life of the typical American big-city junkie.

Even if the British did have a system that could reduce their drug problem, would it be equally effective everywhere else? Since addiction is an emotional problem, an antiaddiction program that worked well in the British environment might not work so well on a people with a different emotional and cultural makeup. In support of this view, authorities point to the drug problem in Hong Kong. Although it is a British colony, enjoying the benefits of the British system, Hong Kong, with one-third the population of New York City, has more addicts (approximately 150,000—or 1 for every 10 adult males) than the entire United States. It is, in fact, the only city in the world with more heroin addicts than New York.

Even as practiced in England, the British system contains curious inconsistencies. Doctors there often accommodate heroin addicts by prescribing cocaine with their heroin—not because the addict needs cocaine, but only because the two drugs mixed together provide a more pleasurable high than heroin alone. But, because cocaine is a far more dangerous drug than heroin—it may destroy brain cells and body tissues, induce paranoia and sometimes lead to violence—addicts would be better off without it. Marihuana, on the other hand, though far less dangerous, is totally illegal and strictly controlled in England.

Britain is not the only country where these two drugs are misunderstood. Some Americans—mostly members of beatnik groups—have protested that marihuana should be legalized, since it is not addicting. They are correct that it is not addicting (though it is strongly habituating), but they are wrong in assuming that this fact alone makes it safe. Many drugs which are not addicting are nevertheless dangerous, and quite properly controlled by law. (Cocaine, for example, is not physically addicting, but it is extremely dangerous.) Marihuana, in its action on the central nervous system, may produce dangerous and unpredictable effects ranging from distortions of time and space to hyperexhilaration and acute depression. Though many marihuana smokers never progress to heroin, a significant number of them do. Rarely is a heroin user found who did not come to the drug by way of marihuana.

Public confusion concerning which drugs are dangerous and which are not extends beyond the better-known narcotics like heroin. Newspaper stories of crimes committed by "drug addicts" rarely mention the specific drug. Because to most laymen "drug addict" means heroin addict, the implication is that the crime was committed by someone on heroin. In the case of assaults or sex crimes this is rarely true, unless the assailant was unusually desperate or had been using the drug in small doses or for a short time. The drugs that are more likely to produce violence are cocaine; amphetamines like Dexedrine, Benzedrine, Desoxyn; barbiturates like Tuinal, Seconal, Nembutal, when taken to great excess; and Doriden (thought to be responsible for much addict violence, it is often taken by heroin addicts when they cannot get heroin).

If opening the narcotics gate completely is not the answer to the problem, what about really locking it shut? Presumably, you cannot have drug addicts if you do not have drugs. The addict, deprived permanently of his supply, would not, according to most doctors, be likely to slip into some worse antisocial pursuit. He would perhaps have more than ordinary trouble keeping up on his rent payments, getting along with coworkers, coping with his family, handling routinely difficult problems of everyday life—the same symptoms displayed by nonaddicts with a personality disorder. But most authorities concede he would be decidedly better off than he is on heroin.

Any disease—including drug addiction—depends for its spread on three necessities: a susceptible individual, an infecting substance and an environment where the two can meet. Removing the environment—big-city slums—is itself a problem broader and thornier than drug addiction. But what about the other two corners of the triangle—the individual and the infecting substance, the drug? A psychiatrist at the Lexington hospital put it this way: "To have a drug addict, you must first have an unstable personality and a drug. It is the scientist's responsibility to reduce the supply of unstable personalities, and the Government's responsibility to reduce the supply of drugs."

HOW THE COURTS IMPEDE NARCOTICS LAW ENFORCEMENT

Is the Government doing its part? On the whole, police work aimed at the nonusing pusher—the pusher who is in business only for the high profit—is efficient and productive. But getting a pusher into court is not getting him into jail. If a man walks up to you on the street and hits you in the mouth, you call a policeman, sign a complaint and agree to appear in court to testify against the attacker. You are the complaining witness, not the police. But the drug pusher's victim, the addict, would usually not think of bringing charges against the pusher. The pusher is his savior, the supplier of his fix. So it falls to the police to take the pusher to court. To have a case against a pusher, the police must have evidence; but the laws dictating how evidence may be seized are a basic constitutional protection, framed with great care. In recent years the U.S. Supreme Court has broadened its interpretation of these laws with such zeal that at times seizure has seemed all but impossible to frustrated law enforcement officers.

Every day New York's Police Narcotics Bureau receives letters from slum tenants reporting the names, nicknames, descriptions, and addresses of drug pushers. Obviously, the letter writers assume that such information should be sufficient to produce the pusher's arrest. Actually, narcotics detectives often can do little more than make routine checks of this information. They already may know more pushers than the average addict. Their need is not for information, but for evidence. And to get evidence admissible in court often takes weeks or months of intense investigation, endless patience, and a deep awareness of the subtleties of seizure.

For example: a detective staking out the home of a suspected heroin wholesaler sees him emerge with an attaché case. On the sidewalk, he meets another man, known to be a pusher. They enter a parked car, sit for a moment and, as the detective approaches, he sees the pusher hand the suspected wholesaler a fat manila envelope. The detective opens the car door, flips open the attaché case and finds it filled with a kilogram of pure heroin—worth at the addict level a quarter of a million dollars. The envelope is filled with cash. He arrests both men. Later, in court, both men are freed. Recent Supreme Court decisions, rules the judge, indicate that the detective's knowledge of the suspects' background and method of operation did not legally justify his opening the attaché case.

Another example: Some time ago police raided a New York apartment and seized six kilograms (13.2 pounds) of heroin—enough, after repeated cuttings, to make 270,000 $5 bags. The haul indicated a well-financed, highly organized operation. Sophisticated laboratory equipment was seized with the heroin. A man in the apartment was arrested. In court, police produced the warrant on which the raid had been made. But, argued the defense, had the warrant been legally issued? It had been issued on the strength of information from an informant, the police replied. But was the informant known to be reliable? After all, you can't go barging into an apartment because just anyone says it's loaded with heroin. (The fact that the apartment did indeed prove to contain heroin was not considered sufficient indication of the informant's reliability.) Had the informant ever before provided information producing a conviction? Yes, he had—twice.

But had those convictions been handed down at the time the warrant was issued? In other words, was he at that moment known to be reliable? No, at that time the particular cases on which his reliability was based were still in court. In that event, the judge ruled, the warrant had been obtained on information from an informant not—at the time the warrant was issued—known to be reliable. The warrant was therefore ruled illegal. Since the warrant was illegal, the raid was illegal and the evidence illegally seized. Case dismissed.

All this occurred, not during a trial, but at a hearing requested by the defense to suppress the evidence. Had the suppression been denied, the case would have gone to trial. "These people get two cracks at us," says Inspector Ira Bluth, head of the New York Police narcotics bureau. "If the pusher loses out at the suppression hearing, he of course gets another chance to beat the case at the trial—and it's easier for him there because at the hearing he got a good look at the kind of case we have against him."

Often a pusher arrested for selling drugs never even approaches a suppression hearing, much less a trial. New York's courts overflow with unsettled cases, and judges and district attorneys frequently agree to reduce felony charges to misdemeanors to help clear the calendars. Pushers may end up happily pleading guilty to minor charges like mere possession and drawing a 6-month sentence—sometimes less than their addicted customers receive for getting caught with a hypodermic needle.

In New York City, which is to the Nation's heroin supply what Chicago is to beef, a pusher can stand an excellent chance of amassing a considerable fortune without ever seeing the inside of a jail. He buys an ounce of heroin for $750, then cuts it and bags it into more than 500 $5 decks. Even as a fledgling street-corner pusher, he can make up to $1,000 a day. If he is cautious and smart, he can keep at it for years without an arrest. When he is caught—say, after 3 years—he knows that the incredibly flexible legal technicalities involving seizure of evidence give him a good chance of beating the case. If he is unlucky and does not beat the case, he may, if it is his first offense, get away with about 3 years in jail. (Legally he could receive a maximum of 15 years, but usually does not if he pleads guilty.)

During the 3 years he was pushing, he could have cleared close to a million dollars. Spread out over 6 years, to include his 3 years in jail, his earnings average out to something over $150,000 a year (untaxed)—a tempting income for a man brought up in the oppressive climate of a slum. The pusher ends up earning more money for his crime than most bank robbers, counterfeiters or kidnapers, whose sentences customarily range from 20 years to the electric chair. Such staggering profits, coupled with the relatively low risk of prison, are a constant frustration to police. "It's not always new laws we need," a Federal Narcotics Bureau official observed recently. "Often we'd just settle for a realistic administration of the laws we've got."

The results of stricter penalties against pushers can be seen in Ohio. In 1955 the percentage of drug addicts in Ohio's big cities was almost as high as New York's. Then the State imposed a mandatory 20- to 40-year sentence for a first offense of selling drugs, and the courts backed the prosecutors with strict interpretation of the law's intent. The number of important violations plummeted 80 percent in 8 years. Evidently the pushers were scared out of business, or at least in setting up shop in more lenient States. The decline was so sharp that the Federal Narcotics Bureau reduced its agents in Ohio from 20 to 3. Unfortunately, Ohio and many other States did not stop with severe penalties for selling drugs. They also passed laws punishing mere users with unfairly harsh sentences ranging from 2 years to life, often with no chance of parole.

Assuming that 50,000 addicts live in New York City (estimates range from a low of 23,000 to a high of 100,000) and each spends about $20 a day for drugs (a very conservative figure), then $1 million in drug money changes hands illegally in New York City every day, not counting money paid for drugs eventually shipped westward across the country. Considering that New York City's political machinery periodically shows itself to be mildly clogged by corruption, it is possible to believe that some of this $1 million a day in untaxed cash must find its way in bribes to city officials. Some Government officials in New York and Washington argue that such must be the case, although they concede that both the local and Federal narcotics police are completely untainted. One official, who perhaps knows more about the existence of corruption than most other sources, admitted: "Unquestionably there is [corruption] among politicians. But often the politicians don't know that narcotics are mixed into the total package gangsters pay them for. They may think it's only bookmaking or loan sharking. If they knew narcotics were involved, they would not touch it." Another source thought for a moment, leaned back in his chair, and said, "Well, you do see certain jail sentences that surprise you. I can't say there is no corruption." Another just said simply, "I can't prove it."

A MAJOR STEP: CUTTING OFF THE SOURCE OF SUPPLY

If, because of legal technicalities, impossible court conditions, corruption, the torrent of heroin into New York and, through it, to the rest of the country, cannot now be dammed, why not attack the source of the flood? During World War II, when war conditions made smuggling difficult, drug addiction in the United States dropped to an alltime low, less than half its present level. Heroin's high value and easy concealment makes its movement virtually impossible to control. But what about the poppy fields where the original opium from which heroin is refined, is grown? Poppy fields are not easy to hide.

Actually, there is no need to hide them. More than 80 percent of the heroin reaching New York City comes from opium grown legally in Turkey. Turkish peasants are allowed to grow it as long as they sell all of it to the government, which then sells it to legal pharmaceutical factories. A Turkish farmer must tell the government how much land he is using for opium production, and must estimate the amount of opium he expects his land to yield. But Turkish police guess that half of their country's 200,000 opium farmers manage quite easily to underestimate their crops and sell the few extra pounds to black marketeers—for about $32 a pound, or double what the government pays. If the farmer is caught, the penalty is usually no more than a fine.

The U.S. Federal Narcotics Bureau reports that "Turk peasant producers, and even the wholesalers who buy up quantities from groups of producers, are often dealt with leniently when they are apprehended," often receiving in cases of serious violations "minor prison sentences of up to 6 months." The bureau says that 6 percent to 8 percent of Turkey's 340-ton yearly opium output enters illegal channels, most of it ending up in the veins of U.S. heroin addicts.

Black marketeers who collect opium from the Turkish farmers move it to Syria in armed caravans of camels, mules or—less frequently—trucks. As many as 30 gunmen, armed with rifles or machine guns, guard these convoys, often fighting pitched battles with Turkish and Syrian patrols. U.S. narcotics agents, in Turkey to help halt the America-bound flow of drugs, join in the fights. Turkish authorities have resorted to planting land mines along frequently used routes, but smuggler armies overcome this tactic by driving sheep ahead of them. Turkish authorities say an average of 11 police and smugglers are killed each month in skirmishes along the Syrian border.

Once it has passed through Syria and into Lebanon, the smuggled opium is easily converted to less bulky morphine base and shipped through France (where clandestine laboratories convert it to heroin) to the United States.

In recent years the Turks have tried to improve control of opium production in their country. Our Federal narcotics agents, working with police in Turkey, Syria, Lebanon, France, Italy and in United States cities have assisted in seizures of enormous quantities of opiates. But the seizures hardly dent the total traffic. Stopping the flow at the source remains, in the words of the U.S. Public Health Service, "the most readily available means of preventing narcotic drug addiction." But our own State Department argues that encouraging producing countries to stop the flow is not its job. "The State Department is not the proper agency to push controls," says a spokesman. "The problem is being handled in the U.N. and is their baby at the moment. If the public puts up enough of a clamor, changes will be made."

What about the U.N.? "The remedy," says the U.N., "lies in strengthening the system of control." But the U.N. has no means of enforcing control. It admits that worldwide illicit opium traffic is "appallingly high," as much as 25 percent of the world's total legal crop—or up to 200 tons a year. Turkey is not the only source. Southeast Asian countries contribute to the illicit traffic, but the heaviest opium source in that part of the world is Red China. Chinese opium pours into Hong Kong. From there heroin moves on to Japan—the principal victim country—and then, in limited amounts, to Mexico and California.

"Clandestine manufacturers," says the U.N., "still have access to ample supplies of opium for the production of morphine and heroin, and this has been the most serious aspect of the opium problem throughout the last three decades."

What does the U.N. think can reduce the drug traffic? It echoes the State Department: "Public opinion."

All right. Opium production is not sufficiently controlled. Heroin pushers operate under the umbrella of the courts. Legalizing drugs won't help matters. Then what is being done to cope with the victims of these shortcomings and impossibilities—the addicts themselves?

In New York City, home of half of the Nation's heroin users, an addict arrested on almost any charge can usually elect to swap a trial and possible jail sentence for treatment in a hospital. If he has committed only a misdemeanor and takes advantage of this option, he spends about 3 months in a hospital, followed by 9 months of regular visits with a social-worker or psychiatrist at an after-care center. If the charge against him is a felony, the total length of treatment and follow-up care may extend to 3 years. If the addict does not respond to treatment—if he fails to show up at the center or repeatedly goes back on drugs—he may be returned to the court for trial on the original charge.

THE CHANGES THAT MUST BE MADE—STARTING NOW

Most drug users when arrested never take advantage of this opportunity for treatment. Most do not want to. An addict brought into court on a misdemeanor charge—possessing drugs, petty larceny—reasons: "Why serve 3 months in a hospital and then endure 9 more months of staying off drugs during follow-up care when I can get a 6-month sentence—maybe less—on the charge, serve only 4 (2 months off for good behavior) and come out totally free to take all the drugs I want?" "Also," he reasons, knowing that the option cannot be invoked repeatedly, "why waste this privilege on a mere misdemeanor? I'd better wait till I get hit with a felony and need the treatment option to avoid a really long jail term."

If an addict in court elects to go to jail briefly rather than to a hospital, society is, of course, better off than if he remained on the street. In jail the addict is not stealing—a saving to society of perhaps $1,000 a week, the value of property that must be stolen and fenced to support a $20–$30 day habit. The addict himself also may be better off. He is at least eating, exercising, regaining strength and—perhaps to his emotional advantage—rediscovering what it takes to face social situations without the aid of drugs. And he is not introducing young nonusers to drugs.

Most authorities agree that, if the drug addict is to be successfully treated, long-term care must be forced on him. They argue that a typhoid fever victim who does not want to go to a hospital is required to go—for his own sake and for the sake of the community. Why not the addict? Dr. Warren Jurgensen, a top psychiatrist at the Lexington hospital and one of the leading authorities in the field, has written that drug addiction "is an illness of comfort. In other diseases, the discomfort of the patient provides real motivation to seek help. The addict, however, knows that successful treatment means loss of a source of great comfort: the drug."

The addict who sincerely wants to kick needs more than hospital treatment. He needs close, intensive assistance when he gets out. Few, if any, knowledgeable authorities in the area of drug addiction suggest that after-care as it exists today is anything but inadequate. The addict emerging from a hospital or jail still carries with him his basically infantile personality—and his child's need for training, support and encouragement. Unassisted, he is no more capable than a 3-year-old of finding a place to live, respectable friends, a means of support.

For 10 years, Dr. Jurgensen has watched many Lexington patients stay off drugs for very long periods while hospitalized only to return to them within hours after they hit the street. He puts it this way: "Post hospital treatment and supervision have, to say the least, been meager. Probation and parole officers have been the most active group providing the followup supervision. We find ourselves professionally frustrated when our discharged patients have so few resources for help. There cannot be good treatment without good followup care in the community. In the treatment of addiction, followup care after discharge is perhaps the greatest unmet need."

The problem of addiction abounds with unmet needs. The public, the Government and the medical profession—with shamefully few exceptions—have not begun to grasp the broad realities of drug addiction—let alone tackle them. Ill-informed observers have obscured the truth, while authorities in the know—doctors and officials experienced in treatment and control—have remained silent or unheard.

What strong, specific steps could be taken to control addiction? Our State Department, without passing the buck to the United Nations, could pressure Turkey to police its peasant farmers closely and force them to stop diverting opium to black marketeers. In New York, the principal port of entry and principal victim city, the courts could stop bending over backward to protect the legal rights of drug traffickers, and act on the realization that the addict needs protection too—that only stiff jail sentences will force drug dealers to abandon their lucrative crime. Legislators could face up to the need for new laws that will force addicts to undergo treatment. The Government could set up adequate after-care facilities to help addicts stay off drugs when they emerge from jails or hospitals. Research into addiction—into both its social and organic aspects—could be increased and accelerated. And doctors could accept their responsibility to treat the addict instead of using the law as an excuse to ignore him.

All these things could be done. But they are not.

MIGRANT LABORERS MUST NOT BE FORGOTTEN

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, today I have introduced two bills which I hope will become two more girders in the structure Congress has been building to raise the quality of life for America's migrant agricultural laborers. I have been concerned about the abominable condition of migrant laborers, whether in my own State of New York or 3,000 miles across this continent; in the 88th Congress I introduced six bills to create better working and living conditions for migrant workers. I am pleased to say that three of those bills were incorporated into the antipoverty law enacted in August of last year. And a fourth bill was enacted as the Farm Labor Contractor Registration Act—Public Law 88–582.

The three bills provided the States with financial assistance to improve the educational opportunities of migrant workers and their children; established day-care services for children of migrant workers; and provided funds to appropriate authorities to assist in the construction and renovation of sanitation facilities used by migrant farm families. The Farm Labor Contractor Registration Act established a registration system for those who recruit migrant workers.

The legislation that has passed will, no doubt, ameliorate the conditions of migrant laborers. However, anyone who has examined their plight realizes that a great deal more remains to be done if migrant farm laborers are to enjoy even a part of the opportunities available to most Americans. The two bills I have reintroduced today will increase our knowledge of the problem and reduce the hazards of migrant farm life.

One bill would create a National Advisory Council on Migratory Labor consisting of 15 members appointed by the President from among State officials, private citizens, farmers and—most importantly—from the migrant laborers. The Council would be responsible for investigating in an organized and thorough manner the problems of migrant farm labor and for proposing creative solutions to those problems. The need for a complete study is obvious, if we intend to come up with solutions that will not merely be stopgap measures. An educated concern about the conditions of migrant farm life will lead to comprehensive measures designed to bring migrant laborers into the mainstream of American life.

The second bill regulates the employment of children in agriculture. It extends the Fair Labor Standards Act of 1938 to include the children of migrant laborers. The Secretary of Labor is given the power to issue regulations barring children below the age of 18 from working on particularly hazardous farm operations. It should be apparent that any long-range solution to the ills of migrant farm life must include provisions for the protection of children of migrant laborers. The antipoverty act will improve living conditions for these children by improving their educational opportunities and creating day-care services for them. We should complement those provisions with legislation to prevent the exploitation of migrant farm children.

Mr. Speaker, the continuous, intense, and impassioned affirmation on the part of Congress and the President of the goal of eliminating the evils of poverty has been evidenced in almost every part of America. Education, job opportunities, health care—the House has already passed legislation to extend programs in these areas. From the time that John Steinbeck wrote his classic, "The Grapes of Wrath," until today, migrant laborers have suffocated from all the evils which choke the poor. We must make a continuous commitment to improve the standard of living for America's migrant farm laborers. They must not remain America's forgotten people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. GRIDER (at the request of Mr. ALBERT), for April 15 through April 25, 1965, on account of official business in the Ninth District of Tennessee.

Mr. HAMILTON (at the request of Mr. ALBERT), for today, April 14, 1965, on account of official business.

Mr. BOW (at the request of Mr. GERALD R. FORD), for today, on account of official business as a member of the Presidential party inspecting flood and storm damaged areas.

Mr. ADAIR (at the request of Mr. GERALD R. FORD), for today, on account of official business as a member of the Presidential party inspecting flood and storm damaged areas.

Mr. BRAY (at the request of Mr. GERALD R. FORD), for today, on account of official business as a member of the Presidential party inspecting flood and storm damaged areas.

Mr. CAREY (at the request of Mrs. KELLY), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CONTE (at the request of Mr. WYDLER), for 30 minutes, today, and to revise and extend his remarks and to include extraneous matter.

Mr. RYAN (at the request of Mr. HANSEN of Iowa), for 5 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. MCCARTHY.

(The following Members (at the request of Mr. WYDLER) and to include extraneous matter:)

Mr. MAILLIARD.

Mr. BYRNES of Wisconsin.

(The following Members (at the request of Mr. HANSEN of Iowa) and to include extraneous matter:)

Mrs. KELLY.

Mr. FARBSTEIN in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 664. An act to provide for the disposition of judgment funds of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 893. An act to amend the act of June 13, 1935 (49 Stat. 388), as amended, relating to the Tlingit and Haida Indians of Alaska; to the Committee on Interior and Insular Affairs.

S. 908. An act to authorize the Department of Commerce to adopt improved accounting procedures; to the Committee on Interstate and Foreign Commerce.

S. 1129. An act to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product; to the Committee on Interstate and Foreign Commerce.

S. 1229. An act to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2594. An act to clarify the application of certain annuity increase legislation.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 974. An act to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 13, 1965, present to the President, for his approval, bills of the House of the following titles:

H.R. 4778. An act to increase the amounts authorized for Indian adult vocational education; and

H.R. 5721. An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

ADJOURNMENT

Mr. HANSEN of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 14 minutes p.m.) the House adjourned until tomorrow, Thursday, April 15, 1965, at 12 o'clock noon.

REPORTS OF EXPENSES IN CONNECTION WITH FOREIGN TRAVEL

Mr. BURLESON. Mr. Speaker, submitted herewith are reports of expenses in connection with foreign travel authorized by House Resolution 687, 88th Congress, 2d session:

Report of expenditure of foreign currencies and appropriated funds, travel authorized by H. Res. 687, 2d sess., 88th Cong., Committee on Education and Labor, U.S. House of Representatives, Jan. 1 and Dec. 31, 1964

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Adam C. Powell: Switzerland	Swiss francs	June 19	June 30	12	120.7	28	1,448.67	336	672	155.84	2,120.67	491.84
Do	do	July 14	July 22	1 7 1	120.7 120.7 120.7	25 19 26	793.41	184	2,923	677.87	3,716.41	861.87
Total				21				520		833.71		1,353.71

ADAM C. POWELL,
Chairman, Committee on Education and Labor.

MAR. 3, 1965.

Report of expenditure of foreign currencies and appropriated funds, travel authorized by H. Res. 687, 2d sess., 88th Cong., Committee on Education and Labor, U.S. House of Representatives, Jan. 1 and Dec. 31, 1964

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Roosevelt:												
Switzerland	Swiss franc	July 3	July 11	8		28	966.22	224.02			966.22	224.02
France	French franc								4,091.31	834.95		834.95
Total								224.02		834.95		1,058.97

Report of expenditure of foreign currencies and appropriated funds, travel authorized by H. Res. 687, 2d sess., 88th Cong., Committee on Education and Labor, U.S. House of Representatives, Jan. 1 and Dec. 31, 1964

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Albert H. Quie: Switzerland	Franc	June 16	June 24	9	120.7	28	1,086.5	251.45			1,086.5	251.45
Total				9		28		251.45				251.45

ALBERT H. QUIE,
Committee on Education and Labor.

MAY 22, 1965.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

932. A letter from the Comptroller General of the United States, transmitting a report of unnecessary procurement of Nike mobility equipment, Department of the Army; to the Committee on Government Operations.

933. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 2, 1964, submitting a report, together with accompanying papers and illustrations, on a review of the reports on the channel to Newport News and Norfolk Harbor, Va., requested by two resolutions of the Committee on Public Works, House of Representatives, adopted July 31, 1957 (H. Doc. No. 143); to the Committee on Public Works and ordered to be printed with five illustrations.

934. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize transportation at Government expense for dependents, accompanying members of the uniformed services at their posts of duty outside the United States, who require medical care not locally available; to the Committee on Armed Services.

935. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to utilize volunteers for active police duty; to the Committee on the District of Columbia.

936. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

937. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact, and for other purposes; to the Committee on the Judiciary.

938. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 9, 1965, submitting a report, together with accompanying papers and an illustration, on a survey of Prospect Harbor, Maine, authorized by the River and Harbor act approved July 14, 1960; to the Committee on Public Works.

939. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 17, 1965, submitting a report, together with accompanying papers and an illustration, on a letter report on Myrtle Beach, S.C., authorized by the River and Harbor act approved July 24, 1946; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SELDEN: Committee on Foreign Affairs. Report on Communism in Latin America; without amendment (Rept. No. 237). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 908. A bill to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes; with amendment (Rept. No. 238). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 3045. A bill to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations; without amendment (Rept. No. 239). Referred to the House Calendar.

Mr. PHILBIN: Committee on Armed Services. House Concurrent Resolution 100. Concurrent resolution expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile; without amendment (Rept. No. 240). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. House Resolution 246. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 245; without amendment (Rept. No. 241). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 310. Resolution authorizing the expenditure of certain funds for the additional expenses of the Committee on Un-American Activities; without amendment (Rept. No. 242). Ordered to be printed.

Mr. PHILBIN: Committee on Armed Services. House Joint Resolution 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile; without amendment (Rept. No. 243). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 317. Resolution authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction; without amendment (Rept. No. 244). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 338. Resolution for the consideration of H.R. 6497, a bill to amend the Bretton Woods Agreement Act to authorize an increase in the International Monetary Fund quota of the United States; without amendment (Rept. No. 245). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 339. Resolution providing for the consideration of S. 4, an act to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to authorize the establishment of standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters, and for other purposes; without amendment (Rept. No. 246). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 7459. A bill to amend section 107 of the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. BROYHILL of Virginia:

H.R. 7460. A bill to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Va., its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House—The Robert E. Lee National Memorial; to the Committee on House Administration.

By Mr. CARTER:

H.R. 7461. A bill to amend title 38 of the United States Code to increase the rates of pension payable to Spanish-American War veterans; to the Committee on Veterans' Affairs.

By Mr. CELLER:

H.R. 7462. A bill to provide for the appointment of two additional judges for the U.S. Court of Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 7463. A bill to amend title I of the Tariff Act of 1930 to provide for the continuation of the long-established duty-free reciprocity with Canada in the case of parts for farm equipment; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 7464. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIELS:

H.R. 7465. A bill creating a Commission to be known as the Commission on Noxious and

Obscene Matters and Materials; to the Committee on Education and Labor.

By Mr. EDMONDSON:

H.R. 7466. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H.R. 7467. A bill authorizing the Secretary of the Army to establish a national cemetery in Ohio; to the Committee on Interior and Insular Affairs.

By Mr. FINO:

H.R. 7468. A bill to amend section 5155 of the Revised Statutes of the United States, relating to the establishment and operation of branches of national banks; to the Committee on Banking and Currency.

H.R. 7469. A bill to provide coverage under the old-age, survivors, and disability insurance system (subject to an election in the case of those currently serving) for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 7470. A bill to extend to volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second- and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

H.R. 7471. A bill relating to the status of volunteer fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

By Mr. KING of California:

H.R. 7472. A bill to amend the Federal Firearms Act; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 7473. A bill to require the establishment of certain regional offices for the Bureau of Customs; to the Committee on Ways and Means.

By Mr. MATHIAS:

H.R. 7474. A bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS:

H.R. 7475. A bill to name the authorized lock and dam No. 6 on the Arkansas River in Arkansas and the lake created thereby for David D. Terry; to the Committee on Public Works.

H.R. 7476. A bill to establish the limits and conditions under which the United States will make grants to the States in assisting in defraying the cost of unemployment compensation benefits paid by the States, and to that end to increase the rate of the Federal unemployment tax and to establish the recession unemployment compensation account; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 7477. A bill to establish the limits and conditions under which the United States will make grants to the States in assisting in defraying the cost of unemployment compensation benefits paid by the States, and to that end to increase the rate of the Federal unemployment tax and to establish the recession unemployment compensation account; to the Committee on Ways and Means.

By Mr. MIZE:

H.R. 7478. A bill to amend the Internal Revenue Code of 1954 to provide a credit against the Federal stamp tax on the conveyance of realty for amounts paid under equivalent State sales, stamp or transfer tax laws; to the Committee on Ways and Means.

By Mr. OLSEN of Montana:

H.R. 7479. A bill to provide for approval by the Committees on Post Office and Civil Service of the Senate and House of Representatives of commemorative stamps proposed for issuance by the Postmaster General; to the Committee on Post Office and Civil Service.

By Mr. RACE:

H.R. 7480. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. RESNICK:

H.R. 7481. A bill providing a nationwide marketing order for table eggs; to the Committee on Agriculture.

By Mr. RHODES of Arizona:

H.R. 7482. A bill to guarantee the right to vote under the 15th amendment to the Constitution of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. RIVERS of Alaska:

H.R. 7483. A bill to conserve and protect Pacific salmon of North American origin; to the Committee on Ways and Means.

By Mr. RIVERS of South Carolina:

H.R. 7484. A bill to amend title 10, United States Code, to provide for the rank of lieutenant general or vice admiral of officers of the Army, Navy, and Air Force while serving as Surgeons General; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 7485. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; to the Committee on Education and Labor.

H.R. 7486. A bill to provide for the establishment of a Council to be known as the National Advisory Council on Migratory Labor; to the Committee on Education and Labor.

H.R. 7487. A bill to prohibit vessels operating on certain interstate waters within New York City and the State of New Jersey from carrying certain outdoor advertising; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Virginia:

H.R. 7488. A bill to authorize the use of certain real property in the District of Columbia for chancery purposes; to the Committee on the District of Columbia.

By Mr. DON H. CLAUSEN:

H.R. 7489. A bill designating the Luther Burbank Shasta daisy as the national flower of the United States; to the Committee on House Administration.

By Mr. CORMAN:

H.R. 7490. A bill to provide for family winter recreational use of a portion of the San Gorgonio Wilderness Area, San Bernardino National Forest, Calif., without reducing the area set aside for wilderness preservation within such forest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ:

H.R. 7491. A bill to provide for the licensing and certificating of officers on certain vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. HAGEN of California:

H.R. 7492. A bill to provide for an appropriation of a sum not to exceed $75,000 with which to make a survey of a proposed Sierra Way in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H.R. 7493. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 7494. A bill to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall comply with certain safety and labeling regulations; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California:

H.R. 7495. A bill to provide for an appropriation of a sum not to exceed $75,000 with which to make a survey of a proposed Sierra Way in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. OTTINGER:

H.R. 7496. A bill to amend section 5155 of the Revised Statutes of the United States, relating to the establishment and operation of branches of national banks; to the Committee on Banking and Currency.

By Mr. PEPPER:

H.R. 7497. A bill to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health; to the Committee on Interstate and Foreign Commerce.

H.R. 7498. A bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise; to the Committee on Interstate and Foreign Commerce.

H.R. 7499. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for construction of certain outfalls; to the Committee on Public Works.

By Mr. POAGE:

H.R. 7500. A bill to provide for the establishment, ownership, operation, and regulation of the U.S. Agricultural Land Development Corporation and for other purposes; to the Committee on Agriculture.

By Mr. SCHMIDHAUSER:

H.R. 7501. A bill to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 7502. A bill relating to the income tax treatment of certain casualty losses attributable to major disasters; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.J. Res. 428. Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia, to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes; to the Committee on Public Works.

By Mr. ERLENBORN:

H. Con. Res. 397. Concurrent resolution to insure equal rights and self-determination for the peoples of Latvia, Lithuania, and Estonia; to the Committee on Foreign Affairs.

By Mr. ST. ONGE:

H. Res. 334. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. GERALD R. FORD:

H. Res. 335. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. WALKER of Mississippi:

H. Res. 336. Resolution authorizing the expenditure of certain funds for the additional expenses of the Committee on Un-American Activities; to the Committee on House Administration.

By Mr. SMITH of New York:

H. Res. 337. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

199. By Mr. MORRIS: Joint memorial of the Legislature of the State of New Mexico, requesting the President of the United States to use all resources at his disposal to insure peaceful enjoyment of equal protection of the laws by all citizens of the United States; to the Committee on the Judiciary.

200. By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, relative to establishing Bunker Hill Monument in the Charlestown district of the city of Boston as a national historic site; to the Committee on Interior and Insular Affairs.

201. Also, memorial of the Legislature of the State of Massachusetts, relative to establishing a special commission for the purpose of conducting a study of existing international fishing treaties and recommending such treaty modifications as it may deem necessary to the protection of the fishing industry; to the Committee on Merchant Marine and Fisheries.

202. Also, memorial of the Legislature of the State of Massachusetts, relative to reducing the age of eligibility for persons under the Federal Social Security Act from age 65 to age 62; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 7503. A bill for the relief of Lidia Di Bartolomeo; to the Committee on the Judiciary.

By Mr. AYRES:

H.R. 7504. A bill for the relief of Renzo Grassini; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 7505. A bill for the relief of Romeo O. Jackson; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 7506. A bill for the relief of Jean Garabet Meledonian; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 7507. A bill for the relief of Mrs. Gertrude F. Moorhead; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 7508. A bill for the relief of Guiseppe Bossio; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 7509. A bill for the relief of Andrzej Podbielski; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 7510. A bill for the relief of Anna Maria Taibi; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 7511. A bill for the relief of Mrs. Paz L. Ocampo; to the Committee on the Judiciary.

By Mr. MORGAN:

H.R. 7512. A bill for the relief of Carina Barthow; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7513. A bill for the relief of Antonio Sacca; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 7514. A bill for the relief of Mrs. Chake Kazazian; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7515. A bill for the relief of Dr. Ali Kiani; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 7516. A bill for the relief of Fat Neu Chan; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 7517. A bill for the relief of Italia Botticelli and her children, Teresa and Giuseppa Botticelli; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 7518. A bill for the relief of Mrs. Markala P. Vorrias; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Greek Independence Day

EXTENSION OF REMARKS

OF

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1965

Mr. FARBSTEIN. Mr. Speaker, as a Nation which fought bitterly for its own independence, we are always happy to join with other countries to celebrate their similar battle for political freedom. But we must feel a special kind of satisfaction on the anniversary of the independence of Greece.

For Greece and its cultural heritage stand at the base of everything we revere in western civilization. Certainly the culture of our own United States owes more to this tiny country than we could ever repay.

The story of Greece's fight for liberation is a stirring tale of courage and resolve. From the day when they raised the banner of revolt against the Turks on March 25, 1821, until the famous battle of Navarino in October of 1827, they faced their more powerful and ruthless foes almost alone, and at times it looked like these courageous descendants of ancient Greece were doomed. The whole civilized world watched the Greek war of independence with keenness and anxiety. But they could not remain in the spectator's role for long. In the fall of 1821, when the Greek position seemed desperate and their foes more ruthless, then European governments stepped in, restrained the Turks, and thus insured Greek independence. In their finest hours the Greeks fought gallantly for their freedom, and the European governments rendered a great service to humanity by helping the Greeks in their desperate struggle.

It is with great pride that we join with our 1½ million fellow Americans of Greek origin to celebrate this 144th anniversary of Greek Independence Day.

Green Bay, Wis.: All America City

EXTENSION OF REMARKS

OF

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1965

Mr. BYRNES of Wisconsin. Mr. Speaker, some cities can boast of an All America athletic team. Some athletic teams can boast an All America City. In Green Bay, Wis., we have both.

Green Bay has long been famed for its Packers—often the football champions of the world and always All America in the highest tradition of this All America sport. And the city's hometown pride in the Packers has known no bounds.

Today it is the city that moves into the spotlight, and while my hometown has always been All America to me, now Green Bay has achieved that distinction nationally and officially. The National Municipal League and Look magazine, cosponsors of the All America Cities Awards, have awarded the title of "All America City" to Green Bay. The honor was won because of the vigorous action of Green Bay's citizens in bringing about major improvements in the city, and thus setting a good example to all America.

I particularly want to congratulate Mayor Roman P. Denissen of Green Bay and his Committee for a Cleaner Green Bay:

Leslie Andrews, chairman; Mrs. Ralph Curtis Smith, secretary; Mrs. Elaine Griffin, treasurer; Peter Dorschel, chairman of river project; F. J. Euclide, director of public works; Arthur Lundquist, air pollution inspector; Ralph Bergman, city planner.

Robert Adams, James Cordry, Robert Blaney, Paul Buehler, Robert Detry, Sgt. Harold Compton, Dr. Jerome Gandt, K. W. Haubenschild, Mrs. Walter Lambert, Mrs. Alvis Kasberg, Mrs. Larry Medd, Chester Miller, George Murray, Bernard Murray, Walter Singleton, A. E. Swanstrom.

Hugh Sargent, James E. Shepeck, Charles Williams, Walter Zahn, Dewey Decker, Fire Chief David Zuidmulder, Mrs. Robert Brandenburg, John Sainsbury, Cletus Weber, Robert Heaslett, Fred Luisier, Kenneth Larson, Jerome Gille, Frank Vandersteen, and Miss Wilma Bancroft.

The All American Cities Awards go each year to 11 U.S. communities. The winning cities are selected by a jury of prominent citizens and experts on government impaneled by the National Municipal League. The 12-member jury is comprised of:

Dr. George H. Gallup, foreman, chairman of the council, National Municipal League, and director, American Institute of Public Opinion; William E. Dauer, president, American Chamber of Commerce Executives; Miss Lois V. Edinger, president, National Education Association; Mrs. Dorothy M. Ford, president, National Federation of Business and Professional Women's Clubs; George W. Jones, secretary, San Francisco Labor

Council, AFL–CIO; Mark Matthews, former president, Junior Chamber of Commerce of the United States; Willard V. Merrihue, chairman, Effective Citizens Organization; Vernon C. Myers, publisher, Look; Mrs. Robert H. Rawson, assistant to the president, Greater Cleveland Associated Foundation; Allen H. Seed, Jr., executive vice president, Keep America Beautiful; Mrs. Robert S. Stuart, president, League of Women Voters of the United States; Dr. Donald H. Webster, director, Bureau of Government Research and Services, University of Washington.

In announcing the members of what they refer to as "this fine new term of All America Cities," the sponsors said about Green Bay:

> Green Bay, Wis., has a sweeping campaign going to get next to godliness. The mayor's committee for a cleaner Green Bay is winning its skirmish with litter and air and water pollution. "It all started," says the lady chairman, "when I swept my front porch." Green Bay enjoys the mixed blessing of being an industrial town; for every 2,500 tons of coal burned, 150 tons of ash used to cascade onto the city. Pressured, local manufacturers installed expensive electrostatic dust collectors to catch the ash before it left the smokestack. Sulfite liquor, a byproduct of papermaking, once poured into the Fox and East Rivers, which merge at Green Bay. Now, the local paper companies dry it, bag it, then sell it to mining firms and to packers of animal food pellets. In 1950, 75 tons of dust swirled over every square mile of downtown—every month. Thanks largely to a committee-inspired ordinance requiring hard surfacing of parking lots, the dust count is down to 18.2 tons.
>
> In the summers of 1963 and 1964, volunteers worked to get the waterfront cleaned up; dilapidated buildings came down, and boat hulks were removed. Green Bay's educators cagily employ a new kind of little red schoolhouse: the ordinary suburban home converted into primary classrooms. Such home schools make do while the school board waits to see if housing shifts justify traditional buildings.

To the extent that each city, town, village and hamlet throughout all 50 States improves itself, to that degree is America improved. Thus I am confident that my colleagues in the Congress—all of us together representing all America—share in the pride I feel over the achievement scored by Green Bay and its 10 All-America teammates of 1965, and join me in extending congratulations:

Bluefield, W. Va.; Columbia, S.C.; Fort Worth, Tex.; Hazelton, Pa.; Hopkinsville, Ky.; Keene, N.H.; Niles, Ill.; South Portland, Maine; White Bear Lake, Minn.; and Winston-Salem, N.C.

San Francisco's Registered Voters Express Opinions in Congressman Mailliard's Survey on Controversial Legislative Matters

EXTENSION OF REMARKS

OF

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1965

Mr. MAILLIARD. Mr. Speaker, some 20,000 of my San Francisco constituents have responded to my annual questionnaire mailed in February to every household containing one or more persons who registered for last November's election in California's Sixth Congressional District.

The following tabulation of the replies may interest my colleagues:

	Percent		
	Yes	No	No opinion
A. IMMIGRATION			
Under present law, approximately 300,000 people immigrate to the United States each year based on quotas computed according to the number of Americans of the same national origin living here in 1920. Do you favor—			
1. Retaining the present law?	24	54	22
2. New legislation submitted to Congress by the administration which would gradually eliminate immigration quotas based on national origins and substitute priorities based on needed skills and relationship to present U.S. citizens and resident aliens?	73	15	12
B. MEDICARE FOR THE AGED			
The President has submitted to Congress a bill which would initiate a program of hospital insurance and certain other limited medical benefits for the aged. This program would be initially financed by gradually increasing the present social security tax for employers and employees combined to an estimated 10.4 percent of the 1st $5,600 employee income. Do you favor—			
1. The Administration proposal?	38	45	17
2. Our present system of private medical practice backed by Federal and State aid in behalf of the aged who are unable to pay for needed medical services?	35	35	30
3. A Government-sponsored comprehensive program of voluntary medical and hospital care for the aged financed partly by general tax revenues and partly by individual participants on a graduated premium scale based upon their ability to pay?	35	37	28
C. EDUCATION			
The administration has requested $2,600,000,000 from the 89th Cong. to spend on education in fiscal year 1966. This is twice as much as was spent for this purpose in 1964. Do you favor the following essentially new programs—			
1. Spending $150,000,000 for preschool training of the very young in urban and rural slum areas to give them a better chance to learn when they reach school age?	49	36	15
2. A $1,000,000,000 program of general budget support to elementary and secondary schools concentrated in those school districts with the greatest number of low-income families?	60	26	14
3. A $70,000,000 program of Federal scholarship grants to help 140,000 needy 1st-year college students?	55	29	16
D. VIETNAM			
The war in South Vietnam has become increasingly costly to the United States in terms of men and money. In your opinion, should we—			
1. Maintain our policy of military and economic support for the Vietnamese without the direct commitment of entire U.S. combat units?	22	48	30
2. Intensify our prosecution of the war in Vietnam on the theory that the increased risks involved are justified by the chances of an earlier end to the fighting?	43	35	22
3. Conclude the best armistice or peace treaty available to us under present circumstances so as to withdraw our troops and reduce military expenditures?	43	35	22

Passover Message

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1965

Mrs. KELLY. Mr. Speaker, of all the seasons of the year, Passover is perhaps fullest of religious depth, historical significance, and human warmth and gladness for those who share the precious heritage of the Jewish faith, Jewish history, and Jewish cultural traditions. For men and women of good will in all religious faiths, it is a time when the most sincere best wishes may be tendered to their Jewish friends.

The Passover is a reminder of one of the great events of history, the deliverance from Egyptian bondage of the children of Israel. That momentous deliverance is forcefully brought to mind by the four questions asked and answered at the seder and by the dietary rules that must be followed on this occasion.

The reliance upon divine providence that characterized the first Passover should be our reliance today. In the ceremony of the seder the knowledge and wisdom of Jewish fathers is tested by their replies to their sons' four questions, and the faith and courage of all who participate is stimulated and deepened. In this religious ceremony which is also a family meal, the members of the families are drawn together and renew their bonds of affection, as they resolve once again to live in the warmth of these precious human relationships and religious traditions.

In the singing and storytelling, in the ceremonial sharing of wine, in the beautiful words of the benediction concluding the Passover service, parents and children and guests are brought together in affection for each other and for God, as blessings are called down upon the whole world in a prayer for redemption, peace, justice, and brotherhood.

The benediction is truly beautiful:

> With songs of praise we have lifted up the cup, symbolizing the divine promises of salvation, and we have called upon the name of God. Let us again lift our soul to God in faith and hope. May He who broke Pharaoh's yoke, forever shatter all fetters of oppression and hasten the day when swords shall at last be broken and wars ended. Soon may He cause the glad tidings of redemption to be heard in all lands, so that mankind—freed from violence and from wrong and united in an eternal confidence of brotherhood—may celebrate the universal Passover in the name of our God of freedom.

Statement of Hon. Frank T. Bow

EXTENSION OF REMARKS

OF

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1965

Mr. McCARTHY. Mr. Speaker, on April 7, 1965, my distinguished colleague, the gentleman from Minnesota, the Honorable JOHN A. BLATNIK, received a National Clay Pipe Institute award for his outstanding contributions in the field of water pollution control.

I have had an opportunity to work closely with Mr. BLATNIK as a member of the Rivers and Harbors Subcommittee, of which he is chairman. He is rightfully recognized as the leading expert in the House on water pollution problems.

The National Clay Pipe Institute is cosponsor of the National Clean Water Campaign, which is being sponsored by another forward-looking organization, the U.S. Junior Chamber of Commerce. I commend both organizations for their leadership in combating water pollution.

Mr. BLATNIK received his award at a luncheon at which one of the speakers was another of my distinguished colleagues the gentleman from Ohio the Honorable FRANK T. BOW.

In an outstanding address Mr. Bow paid tribute to Mr. BLATNIK and outlined the water pollution problem this Nation faces and the sacrifices required to solve them.

I think Mr. Bow's remarks merit attention by other Members of the House and for this reason I am placing his talk in the CONGRESSIONAL RECORD.

Mr. Bow's speech follows:

SPEECH BY REPRESENTATIVE FRANK T. BOW AT THE AWARDS LUNCHEON, NATIONAL CLAY PIPE INSTITUTE, MAYFLOWER HOTEL, APRIL 7, 1965

I am delighted and impressed with your recognition of leaders in this fight against complishing in Kentucky is an outstanding the formidable and deadly enemy—water pollution.

The efforts of my colleague, JOHN BLATNIK, in this field are worthy of every commendation.

The fine work that Ralph Pickard is accomplishing in Kentucky, is an outstanding example of activity at the State level, and he has gone on to a position of national leadership as the spokesman for the States and the architect of interstate cooperation.

And it is indeed heartening to see that a respected, dynamic organization of young men, the Jaycees, is supporting the cause all over the United States.

For this country needs all the help it can get to cope with this serious national menace.

We need all the brains and talent and energy we can muster to make certain that this Nation will have a safe, adequate, and dependable water supply.

We used to think of this as a problem for the future. But the tremendous growth of our population and the ever-growing demand for water for our industrial economy has made it an immediate problem.

The solution cannot be postponed.

Scientists and technicians used to warn of the threat, but we no longer need their warnings. We can see and we can smell, and when we find that one-fourth of the surface of Lake Erie, one of the largest bodies of fresh water in the world, is filled with a nasty island of slime, we know there is no time for further delay.

And this week hundreds of thousands of tourists are coming to Washington to see our beautiful cherry blossoms—one of the great attractions of the entire Nation. Those blossoms are only a few hundred feet from the Potomac. Just a stone's throw from all of that springtime beauty is a river so filthy that no one dares swim it, so polluted that the health of our downstream communities is threatened. This river could be a tremendous asset for recreation, boating, swimming, fishing, but the sad truth is that anyone who dares to use the Potomac for these purposes risks a bad case of hepatitis, or worse.

This is an appropriate place to discuss water pollution for the problem of the Potomac is similar to that of many of our great rivers, and because the work that is being done here can serve as a pattern for solving the problem on the Hudson, the Missouri, and other streams. Through the cooperation of communities all along the river, and of the States of Virginia and Maryland, the Potomac is in far better condition today than it was 10 years ago, but we still have a long way to go.

Most of you know the facts about our pollution problem, but they can never be stated too often or emphasized enough.

Eighty percent of the Nation's water supply is pumped out of lakes and rivers that are functioning simultaneously as the Nation's sewer system.

The discharge of industrial wastes has increased to 16 billion gallons a day.

Twenty-five percent of municipal wastes are still dumped as raw sewage. Puting it another way, there are over 1,500 communities serving 13 million people that just dump their sewage into our lakes, rivers, and streams. Ten of these cities have a population of over 100,000.

Another 31 percent of the Nation's municipal wastes are given only primary treatment—removing the solids but doing nothing about contaminants in solution.

Still another 2,700 communities, serving close to 6 million people, don't even have sewers to collect waste materials.

In other words, more than half the municipal waste in the Nation is being permitted to contaminate our water supplies.

And in major cities where we have made adequate preparations to handle the normal volume of municipal waste, the problem is compounded by our failure to separate storm and sanitary sewers. When runoff from bad storms enters the combined sewer systems, untreated waste is carried off into rivers and lakes with a resulting heavy impact on an already serious problem. More than 1,900 communities with a total population of nearly 58 million people have this problem to solve.

I am pleased to note that Washington is well on the way to completing a separate storm sewer system, an important step toward cleaning up the Potomac.

And progress has been made in other respects.

Since 1956 Congress has appropriated $408 million for construction of municipal sewage treatment plants, $370 million of which has been allocated as the Federal share in sewage works with a total cost of $2.2 billion. These plants are serving or will serve some 40 million people.

Current sewage plant construction is moving ahead at the rate of more than $800 million a year.

A great deal of planning and research has been accomplished. The seven river basin projects are a case in point.

Intensive, comprehensive studies, reconnaissance surveys, recommendations for remedial measures, analyzing stream flow regulation, designing mathematical models to predict the impact of waste loads and evaluating proposed water pollution control activities, are being done in these areas.

Research centers in Alaska, Georgia, Massachusetts, Rhode Island, Michigan, Oklahoma, Oregon, and Minnesota are gathering data and making surveys. At the Robert A. Taft Sanitary Engineering Center in Cincinnati we are making progress on new, economically feasible techniques for waste water renovation.

There has been progress, too, in interstate cooperation and uniform laws. Congress has given its consent to the formation of seven interstate compacts having substantial powers. The areas include New England, a joint effort by Connecticut, New York and New Jersey, a commission on the Potomac River, a Klamath River Basin compact, a Delaware Basin compact, a Tennessee River Basin compact involving seven States, and Orsanco, the Ohio River Valley water sanitation compact.

Coming from Ohio, I am best acquainted with Orsanco of which Bart Holl is the chairman this year. Orsanco has made great strides toward cleaning up the Ohio River. Today 99 percent of the sewage emanating from communities along 1,000 miles of the Ohio is piped into purification plants. Now we are turning to the problem of Lake Erie, and Governor Rhodes has called a conference of the Governors of the seven Great Lakes States for April 28. They will review the problem and set the course for cleaning up the pollution problem in this vital area.

We have seen the scope of the problem and we have reviewed what has been done and is being done about it. Now, what more should we do?

Congress, as you know, is now working on additional legislation. The Senate has passed a bill that authorizes an appropriation of $60 million for 3 years for demonstration projects and for separation of storm and sanitary sewers. It also increases the amount that may be given a single treatment project to $1 million, and to $4 million for multicommunity projects. Planned metropolitan projects may receive an additional 10 percent above the new limits.

The bill creates a new agency within the Department of Health, Education, and Welfare to take over the Federal pollution control enforcement powers now in PHS.

Mr. BLATNIK's bill is more generous, raising the limit on single projects to $1.2 million and on combined projects to $4.8 million.

It authorizes a grant without regard to the dollar ceiling limitations with a full 30 percent to be made per project if the State matches the full Federal contribution. This kind of grant can be made only from the State's allotment of appropriated funds in excess of $100 million.

The BLATNIK bill also provides that the allotment of funds to the State in excess of any appropriations over $100 million yearly will be made solely on the basis of population. Finally, it increases the annual authorization for this work to $150 million.

It seems to me that Congress must weigh carefully the impact of this larger authorization on the problem I have described.

Is $60 million for demonstration projects sufficient to tackle the problem of storm and sanitary sewer separation? Do we really need more studies and demonstration projects in this area? Is it not self-evident that combined sewers are a major source of contamination, and that any separation project is certain to alleviate pollution problems? I think this is one area where we could get on with the work with a much larger expenditure.

How about the treatment plant program? Will $150 million per year from the Federal Government do the job, or could more be used to advantage?

We know that there is a backlog of about $2.6 billion worth of waste collection and treatment projects. If our goal is to clean up municipal wastes by 1970, an annual expenditure of $830 million would be required. It seems to me that some careful study should be given to the ability of States and municipalities to match additional Federal funds. If they can do so at a rate greater than $150 million a year, Congress should consider very thoughtfully an appropriation equal to whatever can be used.

Beyond this, there is the problem of obsolescence. Many older systems must be replaced as the years go by; in particular, I might suggest, those systems that are now using inferior though inexpensive pipe. The wise planners who start with good clay pipe will not have that worry.

It may seem strange to some that the ranking Republican on the House Appropriations Committee, the man who is usually talking about cutting the budget, is talking today about larger expenditures. But I have often said that we must learn to distinguish our needs from our wants. We must review Federal programs on the basis of what is required for the Nation, and what may be only desirable.

If we agree that protecting our water resource is perhaps the most fundamental requirement for our future growth and well-being, then I suggest that we can devote maximum effort on this program, foregoing some of the things that are less essential.

Summing up, it seems to me that we have these things to do:

First, we must continue to dramatize and publicize the problem. The President has set the course by using the Potomac as an example of what can and must be done. If the American people recognize the nature of the problem, they will support any effort that is required to correct it.

Second, we must continue our research, but we must also be quicker to put our new knowledge into action. We have studied enough to know pollution when we see it. We know when it gets out of hand. We know what causes it. Now let us work to achieve standards in pollution enforcement measures that will pinpoint sources of pollution quickly and set up methods to correct them with dispatch.

Third, we must encourage the States to enter into interstate programs for control of entire river systems and lakes. Again I will mention Orsanco as an example of what can be done, and Governor Rhodes' Great Lakes Conference as an example of what must be done to tackle the job ahead.

Fourth, we must provide Federal support equal to the maximum capabilities of the municipalities and the States.

Competent authorities have testified that the States may be able to match up to $175 million in Federal funds next year and as much as $200 million in the years following. Certainly this should be thoroughly investigated.

And we should do it all with clay pipe.

It gives me a really deep satisfaction to come here today when you are honoring JOHN BLATNIK, and to join with you in recognizing his leadership in this field. As you all know, JOHN is a Democrat and I am a Republican, and on many issues we have quite different views. I'm certain that would be apparent in any study of the rollcall votes in the House. But there are also issues on which partisanship is not a factor, and we have been discussing one of them today. All of us in the House recognize JOHN BLATNIK as the expert and the leader of the causes and cures of water pollution. I am glad to support him every way that I can, and I am doubly glad to be with you today and to join in this well-deserved recognition of JOHN's magnificent achievement. Generations of Americans are in his debt.

Helicopter Service in New York

EXTENSION OF REMARKS

OF

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 14, 1965

Mr. FARBSTEIN. Mr. Speaker, on January 24 the President's budget message called for an end to Federal subsidies in support of passenger helicopter operations throughout the country. I question whether such immediate withdrawal of support is the wisest move at this point in the development of helicopter service.

To quote a New York Times editorial of February 6:

> Any Government subsidy must, of course, be submitted to unremitting review. But it would be most unfortunate and shortsighted to stop the subsidy of helicopter passenger service at this stage. For one thing, the Pan Am heliport itself, because of its great convenience, should encourage an immediate increase in passenger use to make trips to airports in 5 to 10 minutes that might require an hour or more by highway. If, as likely, the proposed new fourth major airport in the area is situated even further away, the helicopter's time advantage will be enhanced.

While the helicopter service would probably be unable to exist this year or next without support, it seems that the great increase in recent years of public support and usage points to a time in the very near future when such service would be able to pay for itself. New York Airways when it started its operations 12 years ago carried approximately 25 passengers daily. Today that figure is up to 1,000 daily. As recently as 1958 subsidies received were 72.9 percent of all revenues received by New York Airways. In 1964 other commercial income had grown so that only 45 percent of all revenues came from Government subsidy. In 1965, this will drop to 34.8 percent and in subsequent years it will fall to 23.6 percent, finally in 1970 to 3.5 percent.

The Civil Aeronautics Board has proposed a plan for ending subsidy which takes account of this attenuating need as well as the requirement of Government economy. This program would gradually phase out aid to the heliports between now and 1970 and offer only the barest subsidy needed to match increasing profits.

I support this plan because I believe it will enable the needed convenience of helicopter service to survive, yet will call for the minimum of Federal funds necessary to do this.

We must remember that we have a large investment in this service. The Federal Government has spent $46.7 million in the past 11 years in fostering the growth of the program. To cut off aid now would be to nip it in the bud and render our previous investment useless. The Civil Aeronautics Board program would call for a small amount of additional funds to complete our investment and would allow that investment to reap the dividend of self-sufficient service that was our original goal and which promises to be an imminent reality.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 15, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used these words from Colossians 3: 1: *If ye then be risen with Christ, seek those things which are above.*

O Thou great God of all mankind, may this day be rich and glorious in the revelation and realization of Thy presence, Thy peace, and Thy power to strengthen and sustain us as we confront unforeseen and unknown experiences.

Inspire us with faith and hope for we are encountering difficult domestic and foreign problems and may our lives be the centers of sympathy and friendship, of peace, and good will.

Fill us with a passionate longing to minister to the welfare of needy humanity, lifting and leading all who dwell in darkness and bondage into the light and liberty of the sons of God.

Grant that as we observe the blessed Easter season, commemorating the resurrection of our Lord, we may rise with Him unto vervness of spirit and be victorious over everything that undermines man's character and corrupts his soul.

Hear us in the name of the Captain of our Salvation. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

THE 89TH CONGRESS 1ST HUNDRED DAYS AND THE JOHNSON PROGRAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCormack] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCORMACK. Mr. Speaker, 32 years ago, in the depths of the most horrible and devastating depression ever to wreak havoc on civilization, a new administration took office in this country. Under the leadership of a dynamic President, Franklin Delano Roosevelt, Congress swung into action. Within a period of a short 100 days our National Legislature produced a flood of legislation designed to meet the crisis of the day.

The impact of that virtuoso congressional performance became so deeply ingrained in our national consciousness that it has become almost a ritual for us to appraise every President's first hundred days. Fortunately, President Lyndon B. Johnson entered into his first complete administration without the cruel spur of terrible domestic tragedy. It is therefore all the more to his credit and to the credit of the Congress that the first hundred days of this 89th Congress has produced so splendid a legislative record.

President Johnson promised the American people that he would lead them toward the Great Society. To do so, he required the closest cooperation on the part of Congress. We in these legislative halls can proudly say that we have not rejected the challenge he offered.

Congress in these hundred days has completed action on 10 major pieces of legislation. It has made a grand start in the battle to eliminate poverty by passing the Appalachia Assistance Act. It has added to our forces in that battle by expanding and extending the Manpower Training Act.

We have agreed to a most tremendous and worthwhile investment in our future by passing the law to aid elementary and secondary education.

In the cause of peace, we have passed bills providing for additional contributions to the Inter-American Development Bank and for a 3-year extension of the Disarmament Act.

To maintain the health of our economy and of our international financial standing, we have passed a gold cover law.

Agriculture has not been forgotten. Congress has already enacted the tobacco acreage bill and a $1.6 billion agricultural supplemental bill.

For our defense we have already disposed of a $114.2 million Coast Guard authorization. For the better operation of our Government we have passed a proposal for a constitutional amendment relating to Presidential succession.

In addition to this impressive record of legislation already achieved, a water resources planning program is in conference between the two houses.

Finally, this House of Representatives has acted on two further great measures, a Drug Control Act, and the bill to extend our social security program and to offer medical care to the aged.

Our work is not yet done. But we have made a start. In President Johnson's words, "We are moving," and we shall continue to move until every portion of his great program is enacted into law.

ADJOURNMENT SCHEDULE OVER THE EASTER HOLIDAYS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next and that when the House adjourns on Monday next the 19th it adjourn to meet on Thursday next the 22d and that when it adjourns on Thursday next it adjourn to meet the following Monday, the 26th.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday, April 28 may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PROGRAM FOR WEEK OF APRIL 26

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I ask for this time in order to inquire of the distinguished majority leader as to the program for the week following the Easter holidays.

Mr. ALBERT. Mr. Speaker, if the gentleman from Michigan will yield, the program for the week beginning April 26 is as follows:

Monday is District day. There are no District bills. Under a previous order of the House, the Consent Calendar and the Private Calendar will be called on April 26. There are no suspensions.

On Tuesday H.R. 6497, increasing the International Monetary Fund quota of the United States will be considered under an open rule with 2 hours of debate. House Resolution 317, authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction will also be considered.

For Wednesday and the balance of the week, the bill S. 4, Water Quality Act of 1965, under an open rule waiving points of order, with 2 hours of general debate, and H.R. 4714, amending the National Arts and Cultural Development Act of 1964, under an open rule with 1 hour of debate.

This announcement, of course, is made subject to the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, I thank the distinguished majority leader.

SOCIAL SECURITY AMENDMENTS OF 1965

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Herlong] may extend his remarks at this point in the Record and include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HERLONG. Mr. Speaker, under permission granted I submit the following letter from William Netschert, M.E., one of my constituents:

Daytona Beach, Fla.,
April 6, 1965.

Hon. A. S. Herlong,
House Office Building,
Washington, D.C.

Dear Mr. Herlong: Please convey to your colleagues of the Committee on Ways and Means my admiration for the tremendous job which was accomplished in the preparation of your collective determinations of what should be the content of H.R. 6675, Social Security Amendments of 1965.

I write this despite my total and complete disagreement with the philosophy demonstrated in the table for determining primary insurance amounts and maximum family benefits up to 1970 and for months after 1970.

If I am correct in my assumption, without direct reference to the statute, that minimum eligibility of $50 per average quarter gives entitlement to a pension of $40 per month, I can continue to regard this as a corruption of the principles of equity in insurance, which no commissioner of any State would dare allow that industry to practice under his regulation. The ratio of pension to minimum eligibility wages will continue to be 240 percent at $40 per month in retirement. The act of 1939, recapitulated on page 164 of H.R. 6675, showed a variation in that ratio from 81 percent at $50 per quarter to 18 percent at $250 per month. The proposed rates of pensions on average wages now vary from 264 percent, at minimum eligibility, to 31.5 percent which the maximum pension of $127 is compared to $403—and 33.5 percent which the proposed pension is of $403, while the maximum pension of $149 will become only 32 percent of $466, up to the end of 1970. Then thereafter your recommendation to Congress calls for, in column 4, a maximum pension of $168 on wages of $550, which takes the ratio down to about 30.55 percent. This, I pointed out in petition No. 851 to the 88th Congress, when the discrimination ratio was about 8 to 1. Now your committee proposes a spread of monetary discrimination at 8.65 to 1.

Again I want to repeat what I quoted from Dean Brown, of Princeton, who was writing for the October 1960 issue of Industrial and Labor Relations Review (published on the campus of Cornell University):

"The state, in order to assure a self-reliant and responsible citizenry necessary for democratic government, agreed to enter (in 1935, he seems to mean) upon a mutually advantageous contract with each productive citizen. In effect, a contract of cooperation replaced the age-old paternalistic obligation, at least for a large segment of our people." On this I now ask your committee: Did it? And does it now? And will you be doing that in 1970? Dean Brown continued later in his essay on "The Role of Social Insurance in the United States":

"The absence of conscious understanding of the concept of cooperative contract in American social insurance programs is most likely to cause error when persons in high places (sic the Committee on Ways and Means), with the best of intentions, propose modifications in the program which alter this basic concept. This has already occurred (mind you) in the emergency legislation of 1958 to extend unemployment insurance benefits as a substitute for relief." Now I would like to put this question to the Ways and Means Committee: What is this discrimination in monetary determinations of pensions on past wages but a substitute for relief, as a matter of right by law.

So, for the benefit of a harassed committee, I now offer Dean Brown's "Guidelines for Future Policy" (and I remind the committee he was a member of the advisory council which has just this winter filed its 1965 report):

"The problem of the future role of social insurance in America is that of testing out how far and into what areas of individual economic risk the concept of cooperative contract (which this bill most certainly is not) between the citizen and the state should be extended. The concept does not stand alone as an absolute good, but must be weighed against other political and social concepts which have long contributed to the progress of America. Among these other concepts are:

"1. The need for individual incentive;

"2. The advantage of private corporate enterprise, particularly in insurance, as opposed to, public enterprise.

"3. The integrity of the family and the value of mutual support as tangible manifestations of a spiritual relationship;

"4. The dignity and responsibility of the individual as opposed to growing sanctions of the state."

In view of what was done in the 88th Congress at the very time a second memorial from the Florida Legislature was on its way to emphasize the meaning of its 1961 memorial, I now exercise my right of citizenship to ask your colleagues: What more could you have done to violate the principles of fiduciary integrity of government than by the sanctions of monetary discrimination you have designed against the best producers of our economy?

I respectfully request you make this part of the RECORD of the 89th Congress.

Sincerely yours,

WILLIAM NETSCHERT, M. E.,
Employment Security Consultant, 1961 and 1963 Florida Legislatures, and Past President and Honorary Member-in-Retirement, central New Jersey Statistical Society at Princeton.

PROTECTION OF ALASKA'S FISHERIES

Mr. RIVERS of Alaska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER**. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. RIVERS of Alaska. Mr. Speaker, within a few weeks fleets of Japanese fishing vessels are expected to begin an intensive harvest of red salmon on the high seas—salmon spawned in large numbers in Alaska's Bristol Bay region. This high seas salmon harvest, would, if carried out, disrupt Alaska's well-established, sustained yield, salmon management program and be destructive of the economy of the salmon-dependent Bristol Bay area and ruinous to all those associated with it.

And these tragic consequences would be worked on America by a nation that has done nothing to conserve the north Pacific fishery, a nation that has done nothing to make the fishery abundant. These consequences would be worked on America by a nation that wants only to harvest the resource for profitable export to other nations.

The administration has diligently and patiently negotiated with Japan in an effort to secure needed limitations upon her high seas fishery. These negotiations, however, have not been successful, and though they continue, there appears little prospect that they will be. And even if successful results might be obtained, say, in a few months, that would be too late.

If we are to preserve our salmon fisheries, it is not enough to practice sound conservation. We must also make certain that such conservation efforts are not made meaningless through high seas fishing by others.

Protection of our fisheries against the destructive effects of high seas fishing must come through legislation. And, the time for that legislation is now.

To point up the urgency of action now to save our fisheries, let me describe more fully the tragic case of the Bristol Bay red salmon fishery, and the threat posed to it today by Japanese high seas fishing.

The International North Pacific Fisheries Convention, ratified by Canada, Japan, and the United States in 1954, drew a provisional line far out in the Pacific Ocean—at 175° west longitude—to exclude the Japanese from catching American-spawned salmon. Under the terms of the convention, Japan was to abstain from fishing for salmon east of that line which was to be called the "abstention line" as long as Canada and the United States continued to fully utilize and regulate the fishery.

Although Japan has not violated that line by fishing east of it, Japan has taken American-spawned salmon on the high seas, because experience has shown that such salmon, especially Bristol Bay reds, do migrate and feed west of the line. Japan has abided by the line, but ignored its intent by taking full advantage of the situation in terms of fishing and by blocking any amendment of the convention to rectify the matter.

Now that the International North Pacific Fisheries Convention has expired, the United States has endeavored, in negotiations for a renewal of the convention, to relocate the abstention line farther west. Thus far the Japanese will consent to no such change and will not even reaffirm the abstention principle.

Over the past 10 years, the Japanese have taken on the high seas about 30 percent of the total catch of Bristol Bay red salmon. In 1964 alone they took about 2 million fish, a very substantial number of which were immature.

The effect, then, of the Japanese high seas fishery is of two kinds. First, by depriving American fishermen of the opportunity to harvest millions of American-spawned salmon, within Alaska's territorial waters under strict conservation practices, it brings poverty and hardship upon them. Secondly, the Japanese high seas fishery reduces future runs of salmon by the taking of immature fish, defeating replenishment and other conservation efforts being made by Americans. In short it leads to destruction of Alaska's Bristol Bay salmon fishery.

Of the predicted 1965 run of 27 million Bristol Bay red salmon, there should be escapement of 12 million for spawning. If the remaining 15 million fish could make up the catch of the Bristol Bay fishermen, their season's work could be profitable. They could repay the debts they incurred during the past three seasons of runs reduced by Japanese catches.

Tragic to report, however, the Bristol Bay fishermen may not look forward to a good season, but instead must anticipate catastrophe. For press reports from Japan indicate that the Japanese motherships will be operating in the area west of 175° west longitude where a substantial portion of the Bristol Bay red salmon will be concentrated. An intensive high seas effort by the Japanese could reduce the Bristol Bay run by 5 to 7 million fish.

If this happens, Mr. Speaker, there will be economic disaster for the Bristol Bay fishermen, packers, and cannery employees, and the Bristol Bay fishery will be another step closer to extinction.

In order that this not happen, I urge my colleagues to give their support to legislation that will conserve and protect Pacific salmon.

I have introduced a bill that would permit the President to increase the duty on any fishery product from a country whose vessels are being used in a way that diminish the effectivenes of our conservation programs for Pacific salmon of North American origin whenever the Secretary of Interior finds that such deleterious practices are in fact occuring. The increased duty could not be more than 50 percent of the rate existing on July 1, 1934.

I recognize that passage of this bill would appear unfriendly to Japan, and constitute economic pressure toward obtaining her cooperation in the North Pacific, but the interest of our people dependent upon the Bristol Bay fishery—today and for many years hence—demands that this legislation be enacted and approved.

The time is past for discussion. If we are to make our conservation program meaningful, and protect the livelihod of American fishermen, it is imperative that we act now.

OREGON DUNES NATIONAL SEASHORE

Mr. DUNCAN of Oregon. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DUNCAN of Oregon. Mr. Speaker, today I am introducing a bill for the establishment of the Oregon Dunes National Seashore, a 30-mile stretch of the Oregon coastline which contains the finest examples of coastal dunes in the Nation, and which merited mention in the President's February 8 message to the Congress on natural beauty.

During the 88th Congress I also had a bill pending for the establishment of this seashore, on which hearings were held in Oregon. I have labored many weeks reshaping the bill to remove some objections stated at these hearings and to conform more closely to the version reported out by the Senate Interior Committee in November 1963. I believe that I now have a bill which will both provide an Oregon Dunes National Seashore of which all the American people can be proud and which all can use and enjoy and which will, at the same time, allow the continued economic and industrial development of the nearby coastal communities.

Mr. Speaker, I have no doubt whatsoever that eventually there will be an Oregon Dunes National Seashore. For nearly a decade this issue has been before the Congress and has been a matter of concern to the local citizens and property owners in the area. Quite naturally, it has kept these people in a constant state of unrest. With this in mind, I think it only fair that we should put this matter to rest by taking prompt action on the bill, establishing the national seashore, and allowing the orderly development of the area to proceed as it should.

ACCOMPLISHMENTS IN AMERICAN AGRICULTURE

Mr. PURCELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PURCELL. Mr. Speaker, on Tuesday, April 13, it was my privilege to attend a conference of farm organization leaders in Kansas City, Mo., sponsored by the Missouri Farmers Association.

Secretary of Agriculture Orville Freeman addressed the group on Tuesday morning. His remarks on that occasion, in my opinion, present the story of American agriculture in a way that would enable any listener, regardless of his background, to clearly understand the accomplishments we have made in American agriculture and the problems and opportunities which face us. I commend the Secretary's remarks, not only to my colleagues, but to every American who wants a better understanding of the purposes and goals of our farm programs and policies.

There is no field of Government activity about which there is less understanding and more confusion. All of us who are elected to represent the producers, processors, sellers, and consumers of agricultural products have a deep responsibility to gain the best understanding possible of all phases of American agriculture. For this reason, I urge my colleagues to give their careful consideration to the Secretary's remarks, which follow:

ADDRESS BY MR. FREEMAN

Recently, the leaders of the Soviet Union announced their willingness to spend $75 billion in order to have the kind of problems in agriculture that we have in the United States.

And what are those problems?

American families, on the average, spend less than 19 percent of their takehome pay for food. We spend more for housing and home furnishing than we do for food, while food costs in many countries still take over half or more of what people earn. If the American farmer was no more efficient than before World War II, the American consumer would be paying about 17 billion more for farm products each year.

Less than 8 percent of the American people produce the food and fiber for all the rest. Other Americans released from agriculture are thus able to produce the infinite variety of goods and services which provide us with the highest standard of living any people have ever known. In many countries, farming is still the means of existence—or subsistence—for most people.

The United States exports each year over $6 billion worth of farm products, including over $1.5 billion worth which we share with other countries to fight hunger and starvation. Agriculture last year contributed about $2.3 billion to the dollar earning of the United States abroad.

Each year, for the past 4 years, the abundance of food produced by the farmer has been shared with over 6 million Americans who otherwise would have had less than an adequate diet.

American agriculture is the base on which rests the jobs and profits for nearly 12 million Americans and hundreds of thousands of businesses. The farmer and his family spend about $40 million a year for goods and services, and the products of the farm make possible an $80 billion a year food industry.

On the basis of these facts, it is clear that American agriculture, far from being a problem, is the greatest success story of our times. And this is why the Russians are willing to spend billions, for they want the same benefits that we enjoy from an abundant agriculture.

Whether they will achieve success is another question. It can be said without reservation that our success is no accident—nor is it alone the product of a substantial investment of money. Our agriculture is a freehold family-farm system that not only rejected Old World feudalism, but also has outproduced and outshone the 20th century agriculture feudalism created in the name of communism.

Our success in agriculture is the result of enterprise and hard work on the part of American families who took risks and invested their capital and their life's work.

Public policy also has played a key role. The Nation fostered family farm agriculture through land grants, the Homestead Act, the land-grant colleges and universities, the founding of the USDA, and a host of programs which foster family farm agriculture.

The action of the Russian leaders, while it flatters our ego, accentuates the vital importance of agriculture in a way that all people—farmers and nonfarmers alike—can understand.

Food is survival—and we should never become so well fed that we forget it. A productive agriculture is basic to industrial society—and we should never become so industrialized that we forget it. A strong agriculture is necessary to economic growth—and we should never grow so big that we forget that.

But while our success is no accident, neither is it inevitable. And that is what I want to discuss here today.

The greatest threat to the continued abundance provided by family farm agriculture can be said in very few words. Fewer than 400,000 farmers today out of more than 3 million receive near parity of income—the equivalent of the wages of skilled labor ($2.46 an hour) and a 5-percent return on investment. Most do not even earn the minimum wage of $1.25 an hour.

In the absence of a fair return in agriculture, we will not, in the long run, get the people and the resources we must have in farming if the abundance we enjoy today is to be assured for tomorrow.

I believe the American people understand this fact, and will support constructive action designed to keep a productive commercial family farm agriculture—and that means effective commodity programs.

In recent months, I have been encouraged by the evidence of better understanding which the American people have shown toward agriculture and the farmer. I believe the message of the real bargain we enjoy in food is getting through, and I find that the burden of the label of surplus and subsidy that Ezra Taft Benson left behind him is being lifted from the farmer as understanding grows, and as practical steps are taken to reduce our surpluses. I believe the American consumer, if approached with fair and sensible reasons, will agree that the farmer is entitled to a fair return in the marketplace just like labor and business and the professions.

Lauren Soth, the distinguished editorial director of the Des Moines newspapers, made the same point recently in another way. He said the objection to measures which provide a way to maintain farm income have come "from certain farm organizations and agriculture-related industries which have a stake in large volume farm production, and from theorists who see such regulations as beyond the pale of prescribed doctrine of free enterprise. There has been talk of farm price support legislation being a 'bread tax' on consumers. So far as I have been able to find, this protest does not come from consumers." And he based his findings on a review of material published over the last 10 years by labor unions, consumer groups and urban groups which "failed to produce significant examples of protest against farmers because of high food costs."

This conclusion underscores a belief expressed by many people sympathetic to the need of family farm agriculture. It is that if we fail to provide the kind of public policy which will insure a fair return in agriculture, the general public will not be at fault as much as the community of agricultural leaders.

Let me explain.

There are a great many people willing to support the efforts of commercial family farm agriculture to obtain a fair income in return for the abundance the Nation enjoys. This support comes not so much from an emotional attachment to the family farm system as from a growing understanding of the vital importance of agriculture and the family farm system to the national welfare.

During the presidential election last year, for example, it was clearly understood that one of the specific issues was whether or not farm commodity programs would continue to be an instrument of national economic policy to maintain farm income during this period of enormous adjustment in agriculture. One view held that commodity programs should be phased out as quickly as possible. The other view held that commodity programs were essential if the supply of farm products was to be kept in reasonable balance with the demand so that farm income would not drop from about $12.5 billion to about $6 billion.

The elections last November were a decisive mandate for the latter position. A President sympathetic to agriculture was overwhelmingly elected, and a new Congress in which agriculture and rural America have substantially more supporters than the previous one was sent to Washington.

President Johnson, in his message on agriculture and in his letter this week transmitting the administration's farm proposals, summarized the need for price and income support programs this way. He said:

"For more than three decades, and particularly since the end of World War II, the United States has experienced a staggering revolution in the techniques of farming. Science and technology, applied to agronomy and animal husbandry, have brought the American people a greater abundance of food and fiber than the citizens of any nation in history have ever known. Prior to the Second World War, farming productivity was increasing at only half the rate of industrial growth; but since 1945, it has increased at twice the speed of industrial growth.

"For three decades we have had programs which, by one means or another, have sought to achieve a balance between supply and demand. Born in the emergency of the 1930's, they have countered the income-depressing potential of the revolution in agricultural production.

"Our farm programs must always be adapted to the requirements of the future. Today, they should be focused more precisely on the opportunity for parity of income for America's family farmers and lower Government costs. But we must recognize that farm programs will be necessary as long as the advance in agricultural technology continues to outpace the growth of population at home and markets abroad."

Thus, in 1965, at a time when the American farmer is the beneficiary of improved public understanding, and has the support of a President actively committed to his welfare, and can go to a Congress sympathetic to his needs, it would seem that passing farm legislation would be a breeze.

But such is not the case. Instead, it is likely that not one commodity program would be extended by the Congress if the vote were taken today. This currently bleak picture is the product of disunity in agriculture's own house, of friction which fritters away our strength because it confuses and disillusions our friends.

This disunity in agriculture's house takes many forms.

For some, it reflects a belief in the free market so strong as to almost constitute a theocracy which forbids any kind of governmental activity even at the expense of destroying the family farm system. But we have overcome these extremists before, and we can do it again.

Other kinds of disunity are more dangerous.

Competing interests among producers on the same farm commodity threaten agriculture's house as never before. The most recent example of this was an editorial in a Midwest newspaper complaining that Federal programs failed to give preference to the superior wheat produced in its area of influence over the inferior wheat produced in the Northwest. The reverse sentiment is held by the Northwest. Similarly, the cotton growers of the Southeast cannot agree on policy with the growers in the delta, and neither of these groups want the same thing as high plains growers in Texas or irrigation farmers in California. The same kind of divisions create abrasive relations among tobacco farmers, rice growers, and peanut producers, and are potential sources of division in the case of practically every commodity produced in this country.

Such divisions are understandable, for there are legitimate differences which flow from competition between regions and between varieties as each seeks an improved position. However, vigorous competition should not overshadow the legitimate interests of the farmer and his family—North, South, East, and West—in a decent income. This is a big and boisterous country with room for a great many differences, but those differences should not be allowed to block national action which is essential to the welfare of every farmer, particularly this year when important farm commodity programs await congressional action.

The third area of division is the most difficult—and dangerous—of all, for it is the product of the massive and irreversible changes now underway throughout agriculture. Many farmers have little to show for their work and sweat at the end of a year. Their income is low. Yet they see a nation becoming more prosperous around them, and their frustration grows as they fail to share in it. When they try to increase their efficiency the cost of new equipment, chemicals, and other production items consume much of the increase in income. They seem, like Alice in the book "Through the Looking Glass," to be running faster and faster just to stay in the same place.

As frustration mounts, disillusion sets in. Many farmers lash out at farm programs that don't seem to go far enough or at farm leaders who don't seem to do enough. Such a reaction is understandable. The fact that it exists calls for action. But it doesn't mean that we should abandon commodity programs. It does mean that farm leaders must develop programs which are at the same time acceptable to the country and responsive to the complex needs of agriculture and all who farm today. Such programs must give more than hope, they must give promise that the opportunity for parity of income for the efficient family farmer will be realized. This will require greater maturity and better leadership than ever before.

The country cannot afford the terrible cost of ending commodity programs, nor can agriculture indulge the luxury of demanding the impossible. The end result of both extremes is the same. Either way the farmer will lose, and the country will lose, for our commodity programs will be lost.

Everyone here had a part in developing the legislative program which the President sent to Congress last week. It can meet the test of public acceptability if understood. It will meet the test of solid progress toward parity of income if passed by the Congress. It can be passed if everyone in this room gets solidly behind the program and works hard for it during the next several months. Its proposals are geared especially to—

Maintain and improve farm income;

Make greater use of the marketplace in domestic and export sales, relying less on tax dollars, and moving away from the use of export subsidies;

Assist small farmers by giving them special consideration in commodity programs wherever possible;

Help small farmers with the capacity and desire for growth to acquire the resources they need for an adequate size family farm operation, and at the same time help those who seek to earn a decent living in other than farming or who wish to retire to receive fair and just compensation for their assets; and

Provide the instrument for long-range adjustments in agricultural resources, recognizing that the need for balancing the supply of farm commodities with the demand will be of long duration.

Cut cost of farm programs, freeing resources so that the war on poverty, such as the food stamp plan, can be adequately funded.

The proposed wheat and rice legislation will mean higher incomes for farmers than the current programs. At the same time, the cost of the programs will be lowered. The tax dollars which are saved can go to finance the war on poverty, including the food stamp program which will make an adequate diet available to as many as 4 million needy Americans in the next few years. The increased value of the wheat certificate, if passed on to the consumer, might raise the cost of wheat in a loaf of bread by about seven-tenths of a cent (and in the case of rice would add 2 or 3 cents to the farm cost of a pound of rice). Should this happen the total effect would be to increase the costs of food which an average person consumes in a week by about 3.6 cents.

It can properly be asked: Will this be an imposition on consumers? I think not, and for these reasons: In the past 4 years the proportion of income an average American family spends for food has decreased as take-home pay has sharply climbed; both the quantity and quality of surplus food distributed directly to needy families have been greatly improved, and over 6 million persons now receive a better diet; by the end of the summer the food stamp program will have enlarged the food purchasing power of a million people in low income families by, on the average, more than a third; and we have launched a series of programs designed to help millions escape from poverty.

It is both unfair and unsound to deny the farmer an opportunity to get a fair return in the marketplace as do other segments of our economy. It is better to use the dollars we save through this program to provide the food which low income families need than to discriminate against the farmer in order to favor the consumer by 3.6 cents a week. This program enables us to act in the best interest of both the consumer and the farmer.

The feed grain program, which this year broke all records on participation and acreage placed in conserving uses, will be continued with important adjustments simplifying its administration. As this program continues to bring surplus stocks down by keeping production at reasonable levels, the position of graingrowers as well as livestock producers will be strengthened.

Since 1960 income to rice producers has climbed 44 percent from $240 million to $345 million and the cost of the rice program has increased 54 percent, climbing from $117 million to $180 million. The two-price certificate program recommended for rice will cut costs which are becoming prohibitive in the current program.

Through the use of graduated payments, a system long followed in the successful sugar program, the income for all rice producers would be increased and at the same time additional income for the smaller producer would be possible.

The bill also will extend the wool program, and will enable the small wool producer to earn a better income than he does now.

We are continuing to discuss with producers and other interested groups legislative proposals for cotton and dairy, and we are hopeful that widespread support can be found for proposals in both commodities.

Through the proposed authority to transfer and lease allotments, the part-time farmer who seeks to leave or the farmer who wishes to retire will get a fair return for his allotment while the smaller farmer who needs to expand to an adequate size family farm will be able to acquire the additional capacity he needs to efficiently use modern technology.

The cropland adjustment program will help the part-time farmer who wants to discontinue operations and the older farmer who wants to retire, and at the same time will help contain production and reduce the cost of the several commodity programs. Obviously it will be less expensive to keep land out of production on a long-term basis than to make the same adjustment year by year as we do now in the wheat and feed grain programs. Such a program will assist local communities to move cropland permanently into new conservation, recreation and beautification uses, thus enabling land resources to serve multiple purposes.

Both the cropland adjustment and the sale and lease of allotment features will be carefully supervised by the county ASCS committees to prevent abuses and any adverse effect on the local economy.

The proposals of the President are not a sliding-back or a no-gains program. These programs will provide higher income for the farmer. They will provide new opportunity for the farmer who wants to acquire the resources necessary for an adequate sized 20th century family farm, and they will give meaningful assistance to the farmer who wishes to retire or has the chance to earn a better living in another occupation.

And what are the alternatives?

Consider wheat, for example. This week—2 days from now in fact—I am required by law to proclaim marketing quotas on wheat. If no legislation were then forthcoming to arrest the inexorable march of events required by the old law, we would then have to hold a grower referendum by August 1.

If marketing quotas were not approved, price supports would be at 50 percent of parity or $1.25 to wheatgrowers who produced within their allotments.

In the absence of feed grain legislation, price supports for corn in 1966 would be set between 50 and 90 percent of parity—at a level which avoids any increase in the stocks of the Commodity Credit Corporation. This means that price support would have to be near the lower limit of the permitted range—in other words, near 50 percent of parity. A price support at 50 percent of parity—based on recent levels—would be around 78 cents a bushel.

Are there other realistic alternatives? Ask yourself whether a Congress willing to help the farmer but besieged by competing and conflicting proposals which portray the absence of a broad consensus in agriculture will be able to take constructive action. You know the answer better than I do.

I am here today to urge you as responsible leaders of sectional and competing interests within farm organizations and commodity groups, and the sectional and competing interests within farm organizations and commodity groups, to give the farmer the united leadership he deserves and must have if he is to profit from the improved climate of understanding and support that has developed in recent years.

I speak plainly and even bluntly to you when I say that the extension and strengthening of the commodity program this year before they lapse is your responsibility. The President is concerned. The Secretary of Agriculture is concerned. We care deeply about the farmer and the Nation's well-being. And we have worked hard and consulted broadly to develop a sensible practical program that will increase income, cut Government costs, continue fair prices to the consumer, and help to ease the pain of adjustments that are taking place inexorably in agriculture. We have done about all we could do. The Congress waits now to hear from you. If you speak with a common voice that makes sense, I am confident the country and the Congress will respond in like manner. If you bicker between yourselves as farm organizations, and if subcommodity groups fight one another, each trying to get more for their group at the expense of the others, then the urban American and those who represent him in the Congress will say "a plague on all your houses."

Together we have fought many battles on many fronts to improve farm programs and to move closer toward parity of income. We have won some battles, and we have lost some. But since 1960 we have made real progress. Net farm income nationally is $1 billion more than in 1960. Net income per farm is $681, 23 percent greater than it was in 1960. Grain surpluses have been sharply cut. Public understanding of agriculture's importance and problems is much improved.

At this moment and in this year, in a very real sense, we are at a fork of the road. One fork has a sign that reads "unity and cooperation." It means continued hard work but it promises us progress. The other fork has a sign that reads "I want mine my way." It leads to friction, confusion, frustration and before the year is out, chaos in American agriculture.

The choice is yours; the benefits, or the agony of that choice, belongs to all farmers and the Nation.

STATEMENT OF PROF. DAVID NELSON ROWE ON PRESIDENT'S JOHNS HOPKINS UNIVERSITY SPEECH

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAIRD. Mr. Speaker, the President's remarks at the Johns Hopkins University on April 7, 1965, constituted an important policy declaration in the field of foreign affairs. One of the most perceptive analyses of the President's remarks, that has come to my attention, is a statement by Prof. David Nelson Rowe of the department of political science at Yale University. I am inserting this statement in the RECORD.

Professor Rowe is one of the foremost authorities in the Nation on the Far East. Consequently, his observations on the President's address deserve the thoughtful consideration of every Member of Congress:

STATEMENT OF PROF. DAVID NELSON ROWE, DEPARTMENT OF POLITICAL SCIENCE, YALE UNIVERSITY

Most analyses of President Johnson's speech of April 7 have focused on the statement, "We remain ready for unconditional discussions." The commentators, for the most part, have emphasized the "unconditional" nature of discussions that might take place regarding a Vietnam settlement, without noting that the President carefully stated just prior in his speech, the conditions that had to be met before peace could come to Vietnam.

These conditions which the President stated in his speech were contained in the following passage:

"Such peace demands an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others, free from outside interference, tied to no alliance, a military base for no other country.

"These are the essentials of any final settlement."

Logically, of course, if the government in North Vietnam were to agree to unconditional discussions on a settlement in South Vietnam, they would have to accept the preconditions laid down by President Johnson as stated above. In other words, the President would really seem to have stated in his speech the conditions of an unconditional discussion about peace in South Vietnam.

One is therefore justified in asking what, in this context, has genuine priority in administration thinking and planning about a settlement for South Vietnam, conditions or unconditional discussions? What does the President really mean? How can we know?

We do know this; namely, that the conditions the President laid down for a settlement in Vietnam have, in the past, been repeatedly rejected in specific terms, not only by Hanoi, but by the Chinese Communists and the Russians. Since the administration clearly knows this, is his tender of unconditional discussions in reality a thinly veiled offer to the Hanoi government that, if they will enter such discussions, the preconditions stated in the speech will be downgraded, deemphasized, or even set aside?

In view of the clarity with which our objectives for South Vietnam have been stated in the past, it would not be surprising if the Hanoi government and its Communist backers in China and the U.S.S.R. concluded that any such setting aside of U.S. objectives for South Vietnam was clearly highly improbable. Along this line, the Chinese Communists have already described the speech as full of "lies," and we may expect more of the same, in their future reactions to it.

Perhaps another interpretation of the tender by the President of "unconditional discussions" is that discussions of a settlement can go on while the fighting still continues at the present level of intensity or at even higher levels of intensity. It is a fact, of course, that the U.S. level of participation in the fighting is steadily and materially rising, with notable increases in our military action in the area having taken place within some 36 hours of the delivery of the speech. At the same time, it seems probable that material increases in U.S. military manpower in combat operations in South Vietnam will be made very shortly.

To the Hanoi government this must mean simply that U.S. policy remains just what it was before the President's speech, namely, that we will employ any and all military means to secure victory in South Vietnam, and victory over North Vietnam if necessary to a South Vietnam settlement along our own lines, while at the same time we invite unconditional discussions.

The President's speech went a long way toward trying to avoid any such conclusion on the part of the Hanoi government, particularly in his open offer to that government that it accept a part of the profit to be secured from an offer of gigantic U.S. economic aid to southeast Asian countries. He thus implied that a victory for our policy in respect to South Vietnam did not necessarily imply the loss of North Vietnam's own independence at our hands. It must be noted that the development of the Mekong River for electrical power and irrigation, to which the President referred, is now in its preliminary stages, but that cooperation of southeast Asian countries in this work includes only Laos, Cambodia, Thailand, and South Vietnam. North Vietnam is conspicuously absent from this cooperative enterprise, and the President's invitation to Hanoi to join in is not very likely to gain any more support in Hanoi than his invitation in his speech to the U.S.S.R. to cooperate actively in this U.N. enterprise.

It is quite clear that Communist policy toward the Mekong River development is to stand aside, allow the free world and its allies to support the Mekong River project, and, in the meantime, to destroy the independence of all southeast Asian countries and subvert their governments by Communist takeover. This will, in their thinking, effectively secure for Communist regimes in southeast Asia, the future fruits of all such free world investment in this gigantic project as develop prior to Communist takeover of all southeast Asia. For them to think otherwise, and to join in with U.N. sponsored and free world financed development plans in southeast Asia, would, to them, be nothing less than suspension of the cold war and a contradiction of their hopes for victory over us in the hot war now underway in Vietnam.

Thus President Johnson seems to have given in to the hope that through a combination of economic inducements and military pressures, the current Communist program for the takeover of southeast Asia may be abandoned. No one can blame him for using economic inducements if he can, but, in the light of past history, can the administration really believe that anything but military action can stop Communist aggression? In fact, the President himself, in his speech, says: "The central lesson of our time is that the appetite of aggression is never satisfied. To withdraw from one battlefield means only to prepare for the next. We must say in southeast Asia—as we did in Europe—in the words of the Bible: 'Hitherto shalt thou come, but no further.'"

There is, however, a totally dismaying parallelism in the so-called carrot motif in the President's speech, with the pre-World War II arguments of the appeasers, namely, that if we could only change Hitler's Germany from a have-not country into a have country (at the expense of other countries, of course), that German aggression would no longer be necessary, and being unnecessary, aggression would be abandoned. This argument, of the isolationists, appeasers and self-styled liberals of that day, has been proved, over and over again, to be as wrong in respect to Hitler's Germany, as it always has been in respect to the Communist aggressors of our own day. Yet it is constantly being preached both at home and abroad, in simplistic primitive-Marxist terms, that economic uplift is the key to alleviating and eliminating all human troubles, conflicts, and difficulties. The President, who seems to quote the Bible with such facility, should recall the Biblical adjuration to the effect that "man does not live by bread alone, but by every word that issues from the mouth of God." This would seem to mean, at the minimum, that the limits of economic cooperation and mutuality lie at the boundaries of total disagreement about basic ideologies and values.

Here, again, the President's speech displays an utterly dismaying characteristic. I refer to his seemingly careful avoidance of any identification of the North Vietnamese regime as Communist, or of its own aggression against South Vietnam as a North Vietnamese Communist aggression.

In his entire speech, in fact, he uses the word "Communist" only once, in reference to Communist China. The paragraph in which this reference takes place is an important one. It identifies Communist China as the backer of Hanoi, and states that "the contest in Vietnam is part of a wider pattern of aggressive purpose." But nowhere in the speech is Hanoi identified as Communist. One can only wonder at the possible purpose of this obvious attempt to disidentify communism from the Hanoi government and its aggression in the South. Is the President trying to adopt the old and now utterly discredited tactic of trying to "wean away" one Communist government from its Communist backer? Is this the political parallel in the speech, of the carrot motif in economics, i.e., let's all have peace and we will help you have prosperity and full bellies, too? That is to say, when we invite Hanoi and the U.S.S.R. both to join the Mekong River project, and refrain from inviting Communist China to do so, are we saying in effect, Moscow is a "good Communist," China is a bad one; you should join up with Moscow against Peiping?

Such a line is wholly understandable when coming from those who accept at its crude face value the Moscow line of coexistence and who attribute to the Chinese Communists a genuine departure from this line and an aggressive militancy toward the free world both qualitatively and quantitatively different from that of the U.S.S.R. But why does the President seem to feel that Hanoi's aggression in the South is backed any less by Moscow than by Peiping? Surely all the evidence is to the contrary. The efforts to make a distinction in this respect are invidious in the extreme. Moscow's longstanding doctrinal and material support to wars of liberation everywhere is surely well known.

Whatever may be the basis for the President's avoidance in this speech, of any Communist identification of labeling of Hanoi and its aggression in the South, there is no doubt that this avoidance embodies a genuine contrast with past official statements by both the President and the State Department. For example, the State Department publication of December 1961 (No. 7308) and titled "A Threat to the Peace—North Vietnam's Effort To Conquer South Vietnam" fully and explicitly identifies North Vietnam and its aggression in the South with communism. By contrast with President Johnson's speech of April 7, 1965, this State Department publication uses the terms "Communist" or "communism" five times on its first page in referring to the war of the North against the South in Vietnam. And it identifies the Vietcong operating in the South as "Vietnamese Communist," and uses the term "Vietcong" on that same first page three times.

In the State Department white paper of February 27, 1965, entitled "Aggression From the North—the Record of North Vietnam's Campaign To Conquer South Vietnam," as printed in the New York Times on February 28, 1965, the first half-column of newsprint contains six uses of the term "Communist," referring clearly to the "Communist regime in Hanoi," the "Communist program of conquest directed against South Vietnam," etc.

Finally, as recently as March 25, 1965, President Johnson himself called for an end to "Communist aggression" in Vietnam, and accused the "Communists" of being unwilling to enter into any reliable agreement to guarantee the independence and security "of all in southeast Asia."

Thus his avoidance of any such reference to the Hanoi regime and its aggression in South Vietnam in his speech of April 7, 1965, takes on an added significance. It could not be accidental; it must have been planned carefully. It seems to be part and parcel of a definite change in emphasis in our policy toward southeast Asia in general. Under such a policy are we going to differentiate so strongly and definitely between good Communists and bad Communists that, in the end, we may persuade ourselves that there are some good Communists even in South Vietnam, and that it is to our interest to discover and treat with them by way of stabilizing the political situation there? Is this what the President's new policy of unconditional discussions really will come to mean in the end? If so, it can be predicted that the President will fail to disabuse us of the truth, namely, that "Communist" and "aggressor" are synonymous terms.

The same avoidance of the identification of the Hanoi regime as Communist characterizes the reply of President Johnson on April 8, 1965, to the 17th so-called nonalined nations which had urged quick negotiations on Vietnam. This is a much briefer document than his speech of the previous day, and it includes much wording taken directly from that speech. In it, after listing a number of specific components of North Vietnam's aggression in the South, the President states: "When these things stop and the obstacles to security and stability are removed, the need for American supporting military action will also come to an end."

This clearly refers to American military action against North Vietnam as currently being carried on, for later on in the statement he promises the withdrawal of our forces from the South only after "conditions have been created in which the people of South Vietnam can determine their own future free from external interference."

The reply to the so-called nonalined nations repeats the proviso for peace in Vietnam made in the speech of April 7 and quoted on the first page of this memorandum, above. At this point it will be well, in view of all that we have said, to point sharply at one component of the President's prescription for peace in Vietnam; namely, that Vietnam should "be tied to no alliance."

Does the President thus prescribe a nonalined South Vietnam or a neutral South Vietnam? If so, would he dictate this condition for South Vietnam both to the aggressors in Hanoi and to the people of South Vietnam as well? What if the people in South Vietnam resist any such proviso? Would we then be prepared, as in the case of former President Diem himself, to connive at the removal from power there of any elements that resisted our view? If so, is this our understanding of self-determination and independence for South Vietnam, to which President Johnson so strongly subscribes?

In fact, of course, neutralization for South Vietnam, as with Laos previously, would almost certainly end in steady, if slow, Communist takeover. The President actually implies then when he specifies for South Vietnam the necessity of having new ways and means of assurance that aggression has in fact been stopped. But he understandably avoids any stipulation in either his speech or his statement to the 17 nations as to just what these new ways and means could be apart from continued deep and pervasive U.S. involvement in South Vietnam, together with a firm commitment to that government, after pacification, that U.S. force would be quickly available to stop further aggression in that country from any source whatever and of whatever sort. This is the essential which has been lacking in respect to Laos, with thus far disastrous results for that country.

In this connection, the reactions from abroad to the President's speech are of great interest. Among these is the reaction of Tran Van Huu, former Premier of South Vietnam and an active advocate of neutralization for his country. He described the President's speech as comforting and specifically interpreted it as advocating the idea of neutralization.

Surely what has recently happened to India demonstrates that in the face of Communist aggression the only neutrality that is possible is one which is tied to defense arrangements with the West which will help provide the sanctions necessary to prevent that aggression. This is the posture which India, after much suffering at the hands of the Communists, and much soul searching, has finally come to adopt. But is this neutral? And can it be based upon the President's prescription that such a country "be tied to no alliance—a military base for no other country"? The President, and all of us, will have to face up to the reality that in this world where Communist aggression endangers everyone, genuine neutrality is an impossible dream. In the world today, the only people that can genuinely mind only their own business are those who combine with others of like mind to do so and to protect their right and opportunity so to do.

Cambodia is another case in point, and in southeast Asia. Can anyone deny that Cambodia's heretofore rather dubious neutralism has become a much more positive thing vis-a-vis both Hanoi and Peiping since the Americans started bombing North Vietnam?

Seen in this light, the President's simultaneous talk of neutralization for South Vietnam and the continuance of strong military sanctions against North Vietnam, can at the best merely confuse our friends and allies in southeast Asia and elsewhere. At worst, it can convince them all that we are preparing another Laos-type surrender in the shape of coalition government including in the future those native to either North or South Vietnam and whom we now no longer term "Communists."

Finally, should we perhaps conclude simply that the recent statements by and from the President are merely political? Are they meant only to offer something for everyone? In view of their inherent contradictoriness, this is a tempting view. But if they are merely political it would seem that they are so for both domestic and foreign consumption. British Empire reaction, with the possible exception of Australia, seems uniformly approving. The French think the speech did not go far enough, that the President should have openly stated the possibility that all Vietnam must eventually be united under Hanoi with a government either Communist or neutralist. But of course they are forgetting that such overtness on the part of the President could hardly escape arousing an intensely hostile reaction among the majority of the American people and their Congress. It is hard to escape the conclusion that after the President's latest efforts to justify the policy of his administration have been studied and digested by the American people, they will be even more doubtful as to the real and ultimate purposes and intents of that policy than they ever have been before. And if finally our military actions in Vietnam purchase nothing but another negotiated sellout of Vietnam as was the case with Laos without such military action on our part, the defeat of our Nation will thus be all the greater.

THE ELECTION RESEARCH COUNCIL, INC., REPORT

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LAIRD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAIRD. Mr. Speaker, the issue of fraud at the ballot box is of continuing concern to all Americans. In recent correspondence with Republican National Committeeman Winthrop Rockefeller of Arkansas, my attention was called to a report compiled by the Election Research Council, Inc., which dealt with alleged irregularities in last November's elections in the State of Arkansas.

Under unanimous consent, I include at this point in the RECORD my correspondence with Mr. Rockefeller and the text of the report compiled by the Election Research Council, Inc.

The correspondence and material referred to follow:

MARCH 17, 1965.

Hon. MELVIN R. LAIRD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: Republicans in Arkansas are deeply concerned that discussion of proposed legislation regarding voting rights has not touched on one of our major problems—protection of votes once they are cast.

Assuring the right to vote is not enough when coercion is used to influence the outcome of elections or if the votes are improperly counted.

Certainly, voting rights must be guaranteed, but rights should not end with the privilege of registering or even casting a ballot.

Additional safeguards are indicated, and I urge that you make every effort to see that such protection is given consideration before any new legislation is enacted.

Currently, when local authorities choose to frustrate citizens' attempts to assure themselves of honest elections, there is very little if any effective recourse to Federal authority, even though Federal elections may be involved.

In the near future, we will send documentation to illustrate that of which we speak.

Sincerely,

WINTHROP ROCKEFELLER.

MARCH 18, 1965.

Hon. MELVIN R. LAIRD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LAIRD: As I promised in my letter of March 17, I enclose a copy of the Election Research Council, Inc., preliminary report on absentee voting in the Arkansas 1964 general election.

I believe this nonpartisan study clearly illustrates why more consideration must be given to protecting votes once they are cast.

Please give your closest attention to incorporation of safeguards for the votes of all our citizens into any new legislation.

Sincerely,

WINTHROP ROCKEFELLER.

APRIL 9, 1965.

Mr. WINTHROP ROCKEFELLER,
Tower Building, Little Rock, Ark.

DEAR WIN: I am very grateful for your recent letter calling attention to the importance of guarding against fraudulent voting in legislation protecting the right to vote. The casting and counting of fraudulent ballots means a dilution of the vote of honest men and is tantamount to a deprivation of their right to vote.

The report of the Election Research Council is an important document. I plan to insert it in the CONGRESSIONAL RECORD next week. I am also calling to the attention of Republican members of the Judiciary Committee and of our task force on voting rights your correspondence and report.

If we need fuller information about the situation in Arkansas, I shall ask Bill Prendergast to get in touch with you about it. One item that would be helpful would be newspaper clippings dealing with voting irregularities. I notice the report that you sent referred to articles that have appeared in the Pine Bluff Commercial. Copies of these and other news stories and editorial comment would be very helpful in focusing attention on the evil which should be corrected.

It might interest you to know that the report of the joint congressional committee on Republican principles, which I headed in 1962, had the following to say about voting fraud: "The right to vote is denied by fraud in the casting or counting of ballots as surely as by exclusion from the polls. Republicans urge vigorous investigation of fraud at the polls and recommend corrective action."

Very best regards and good wishes.

Sincerely yours,

MELVIN R. LAIRD,
Member of Congress.

THE ELECTION RESEARCH COUNCIL, INC., REPORT, FEBRUARY 21, 1965

The first postelection report of the Election Research Council summarizes activities and findings of the council from November 3, 1964 to date. It does not purport to be a comprehensive summary of election irregularities occurring in the November election. To compile such a summary would require the full time and effort of scores of people over many months.

Rather than cover the entire field, the council has attempted to concentrate its efforts in the area of absentee voting. The reason for this is apparent. Until the requirement was imposed by amendment 51 that voters must register in person, the absentee ballot boxes were subject to manipulation almost at will.

For example, anyone could purchase poll tax receipts for an assortment of gravestones, and then apply by mail for absentee ballots. The county clerk, seeing that the applicants were listed in the poll book, would then send the ballots and voters' statements to the designated address. The ballots would be returned and counted.

It is generally agreed that there was more purging of absentee ballots this general election than ever before. This was due in part to the intense heat generated by the presidential and gubernatorial races and the controversial nature of some of the amendments on the ballot. Local option and other local issues also played an important part in many areas. Despite this widespread casting out of ballots, our preliminary studies indicate that the total of 30,930 ballots actually counted was bloated with fraudulent and invalid votes.

As previously indicated, our studies are incomplete at this time and we are therefore unable to specify exactly how many of these votes were fraudulent or otherwise invalid. If the ratio established thus far continues, it is probable that well over half of the 30,930 absentee votes are invalid. It is well to point out that this estimate does not take into consideration those voters who were not qualified voters either because of residency or other reasons. Neither does it take into consideration those applications with doubtful reasons for voting absentee listed.

A superficial leafing through applications and voter statements gives firm purchase to the proposition that residency and reason-for-absence requirements were not enforced. If these factors were considered, it is doubtful that there were 10,000 valid absentee votes cast in the general election of 1964.

Now that registration of each voter in person is required under Arkansas constitutional amendment 51, the problem of nonresident voters will be minimized. But, as the following report reflects, many of the abuses occurring in absentee voting could have been avoided if county clerks were more conversant with the absentee voting laws and with their duties in connection with it. For example, if an invalid application is received into the office of a county clerk, that clerk does a disservice to the voter by issuing him a ballot and voter's statement. Without an application in legal form, the ballot should not and may not be counted. Properly, the clerk should refuse all illegal applications and request the voter to make new application in legal form.

An additional problem encountered by the council was the inaccessibility of some records. Many fraudulent votes were no doubt cast and counted in the absentee boxes because some county clerks refused to allow public inspection of the absentee applications in advance of election day. This was certainly the case in Jefferson County, and we speculate that this would have been the case in Madison County to a greater extent than the few affidavits in our files reflect.

In many counties, we found conscientious county clerks who welcomed inspection of the records and who had a broad knowledge of our absentee voting laws. In those counties, in nearly all instances the absentee voting laws were followed to the letter with the result that illegal votes in those boxes were kept to a level below 10 percent. To name just a few, we were particularly impressed with the offices of the county clerks in Mississippi, Lonoke, Izard, Calhoun, Drew, and Lawrence Counties.

Although our investigation of the November election is by no means complete, we present some of our findings to date:

A. NURSING HOMES

The absentee boxes were utilized by many nursing homes in the State as a means of bloc voting in the November election. Of course, this is not a novel procedure. Following the Democratic primary, for instance, the GPW Negro nursing home administrator, Newport, Jackson County, was charged with commission of a felony after he purportedly forged the absentee applications of 44 patients, one of whom had been dead for some months.

But this November the political activity in nursing homes hit a new high. The reason can be found in a letter written by Charles A. Stewart, executive secretary of the Arkansas Nursing Home Association, to its constituent members. That letter is as follows:

(First, a memorandum to Governor Faubus concerning legislative proposals is set forth.)

"You will notice from the above memorandum that a great deal of work has been done toward the three State classification of nursing homes. We feel very sure that with your help and 100 percent effort from all the nursing homes in the State of Arkansas, that we can put this plan into effect in full in early 1965. To do this we still must do several things. We must have the complete cooperation of as many State senators and representatives as possible and this is where you come in. We may and we will ask you to do some things which will require some work and a little money, but we cannot stress strongly enough that this is a must. We must have your help. One of the first things that must be done is that we need your help in securing a poll tax for each of your nursing home patients who do not have a new poll tax receipt and a poll tax receipt for each of your employees. It will be necessary for you to contact each employee and each patient to see if they have a new poll tax receipt which will be good for the November election. These may be bought until September 31 of this year.

"After making this survey of your own nursing home or nursing homes then we ask you to go to your county courthouse and secure poll taxes for every patient and every employee who does not have one. After doing this it is most important that we have, in this office, a list of these patients and employees with their poll tax numbers. There are about 7,000 nursing home patients in Arkansas at this time and an estimated 5,000 employees, you can see how effective, politically, that a stack of these listings with poll tax numbers will be to us. This is an effort that requires the help of every nursing home in the State. Cooperation by half of the nursing homes simply will not get this job done.

"Again let us say that this is the most ambitious program that the nursing homes in Arkansas or any other State have ever undertaken. We have plans to change the entire regulations of both the health department and the welfare department and effect a complete new pay scale which will more equitably reimburse you for the care you are now giving your patients.

"We are most sensitive to the fact that the present rate of payment of $105 by the welfare department is woefully inadequate to care for those intermediate and skilled care patients who need care the most. The responsibility of caring for these patients is shared jointly by the State welfare department and the owners and administrators of the private nursing homes in Arkansas. We strongly believe in the future of proprietary type nursing homes. We want to make them stronger, and better, but at the same time that responsibility shared with us by the State welfare department must of necessity be truly shared in equitable reimbursement.

"This brings us to the summary in our memorandum to the Governor. Even though this new program will probably go into effect in early 1965, you need help now. The small raise we have asked for is dictated by the small amount of funds available to the welfare department for the balance of this year. We cannot assure you now that our request will be granted; we can assure you we are doing our best.

"Sincerely yours,

"CHARLES A. STEWART,
"Executive Secretary."

The Pine Bluff Commercial, some 2 months ago, carried an article on voting practices at the Kilgore Nursing Home in Jefferson County. The newspaper pointed out that at least three of the Kilgore home voters were also on the list of persons who had been committed to the State hospital for the mentally ill. Two of the names of voting patients corresponded with the names of persons adjudged mentally incompetent in Jefferson County.

The Commercial interviewed one patient at the Kilgore home who stated that he couldn't say whether he voted or not, but that if he had, he didn't know for whom he voted.

The Commercial also determined that the home maintains a "political" folder, containing all of the poll tax receipts for the patients. The home paid for some 60 of the poll taxes. The administrator of the home, Mick Vaskov, stated that political materials had been received from the Nursing Home Association, including a brochure favoring amendment 55 (legalized gambling).

The council submitted the applications for poll tax receipts, the applications for absentee ballots, and the voters' statements accompanying the ballots for some sixty of the patients in the home to its handwriting analyst, who detected a number of forged signatures, and in fact stated that in his opinion many of the "x" marks of patients who presumably could not write were forged, 18 by one person and 13 by another. The analyst has formed an opinion as to the identity of the person making the 18 marks.

In absentee box number four, where the Kilgore patients were voted, only about 126 votes were cast. That box markedly deviated from the Jefferson County averages, being overwhelmingly in favor of Governor Faubus, and amendment 55 (legalized gambling), and overwhelmingly against amendment 54 (voter registration).

Other Kilgore nursing homes are located in Dallas County, where seventy patients voted absentee. Strenuous objections were raised to counting many of these votes where the patients had been transferred from the State Hospital for Nervous Diseases in Benton to the homes, but the votes were nonetheless counted.

The election officials of the absentee box in Saline County disqualified all the absentee ballots cast by or for patients at the Doyle Shelnutt nursing home in Benton during the November election, because all applications had been delivered to the county clerk by the Shelnutts personally, and this is not legally acceptable.

Previously, the Shelnutts had carried many of the patients to a polling place to vote in the Democratic primary. But this time, all were voted absentee. One lady, whose grandmother was in the home, objected to the purchase of her grandmother's poll tax receipt by any third party, and also objected to her grandmother's vote being cast in any election. Immediately following the election, she and her family were requested by Mrs. Shelnutt to remove her grandmother from the home.

Affidavits on file in the council office quote Mrs. Shelnutt as stating that she purchased poll tax receipts for many of the patients. Of course, this was contrary to our election laws.

The Pioneer Nursing Home in Melbourne, Izard County, with Mrs. Boyce Cook as administrator, was also politically active. Analysis of the handwriting of the 49 applications for absentee ballots reveals, in the opinion of the analyst, that 47 of these signatures were forged by the same person, and two others were authored by still another person. Scrutiny of the signatures on the voter statements showed that 34 of these signatures were forged by the same person forging 47 of the signatures on the applications. The handwriting analyst has formed an opinion as to the identity of the person forging these many signatures.

Interestingly enough, the forger made no effort to conceal the similarities in handwriting on the applications, but did attempt to cover up the forgeries on the voters statements by simulating the shaky, erratic handwriting of the very old and the infirm.

Similarly, handwriting analysis revealed forgeries in the applications for absentee ballots and the voter statements from patients in the Twin Lakes Nursing Home at Mountain Home, in Baxter County. The expert's opinion is that 11 of the applications and 12 of the voter statements were signed by the same person, and that still another person executed the signatures on 6 applications and 6 voter statements. Here again, the forger attempted to disguise and vary his handwriting.

Boland Nursing in Howard County also produced some forged voter statements and applications. The handwriting analysis showed at least seven discrepancies in marks and signatures on the documents, and further showed that whoever filled out all the applications also signed signatures to at least two of the applications and two of the voter statements.

The Mitchell Nursing Home in Danville, Yell County, had a number of patients voting absentee. Of these, in three cases the signatures on the applications did not correspond with the signatures on the voter statements. And the signatures on five of the applications and corresponding voter statements were all made by the same person, in the opinion of our handwriting analyst.

The foregoing is not intended to be a complete listing. Many other instances are under investigation. Some instances cannot be investigated. For example, in Crawford County the applications for absentee ballots from patients in a nursing home there are not in the files of the county clerk.

We do not imply that any of the patients in any of the nursing homes are abused or receive anything other than the best of care. But it is apparent that after the urging of Mr. Stewart, many administrators of nursing homes found it their duty to "get out the vote," even as to senile or disoriented patients. An interesting footnote is that the 1965 Arkansas General Assembly has enacted the legislation sought by Mr. Stewart.

B. OTHER FORGERIES

In addition to the forgeries detected that stemmed from nursing homes, the handwriting analyst has discovered hundreds of other examples.

Taking the worst for illustration, in Phillips County there were 835 names on the absentee voters' list. Of these, 209 names were either illegible or not in the poll books. Of the remainder, 223 were white and 403 were Negro.

The Phillips County clerk, Warfield Gist, had on file only 301 applications. He stated that the remaining 534 persons were allowed to vote absentee without applications. Of course, these votes should not have been counted. In addition, there were only 744 voters statements, 91 less than the total number of absentee votes counted.

Taking the first 500 names on the absentee voters' list, 326 are Negroes, of whom 195 reside in the fourth ward of Helena. This number represents over 20 percent of the total number of Negro voters listed in the poll book for that precinct.

We were curious about the cause of this remarkably heavy absentee vote, and interviews with local Negroes disclosed that Jack and Amanda Bryant, Negro proprietors of the Dream Girls Beauty Shop in Helena, were extremely active in the solicitation of absentee votes in this ward.

Our handwriting analyst informs us that in his opinion more than 100 of the voter statements from the Helena fourth ward bear signatures forged by the same person. The identity of the forger has been determined, and the information is being forwarded to the proper authorities.

Ward 4, Helena, was not the only Phillips County area in which absentee voting fraud occurred. Our handwriting expert found other groups of statements which were signed by common authors, but as yet these persons signing the names of others have not been identified.

One indication that these fraudulent ballots may have been voted almost as a bloc is the lopsided results in the most controversial issues: Amendment 54 (voter registration) received 169 votes for and 528 votes against. Amendment 55 (gambling legalized) received 599 votes for with 96 votes against.

A great many other instances of suspected falsification of signatures on absentee applications and voter statements from other counties are being studied and examined for a report at a later date.

We should observe at this juncture that some counties with a previous history of questionable absentee voting practices were exemplary in the November election. For instance, in the Democratic primary in Desha County there reportedly were more than 100 forgeries on absentee ballot requests in an unusually heavy absentee vote. This was brought to the attention of the public officials and citizens as a result of an election contest.

In the general election in Desha County, no forgeries were detected. Only 4.3 percent voted absentee, irregularities seemed to be at a minimum, and the absentee vote outcome was substantially similar to the total vote of the county, indicating that no faction exploited the box. The county clerk did an excellent job of attending to the absentee applications.

This is an example of the improvement that can be made in the conduct of elections when improper practices are brought to the attention of public officials.

C. NONRESIDENT VOTERS

Under our previous system of no voter registration whatever, quite a number of voters would cast their ballot in their county of residence, while at the same time continue to vote through absentee procedures in another county.

Of course, a few individuals in the State exerted some extra effort and voted in person in more than one county. Probably the worst performance in recent years in nonresident voting fraud was turned in by the resident of a county in the Arkansas River Valley who, while traveling through the northwest portion of the State on election day, cast his vote personally in at least four counties. This is not an isolated instance, but it is certainly the most outstanding one. Prior to the passage of the voter registration amendment, there existed no effective system of controls to prevent voters from voting on both sides of a county line if poll taxes were purchased in both counties.

Former residents vote

Then there is another category of migratory voter. In this classification fall former residents of counties who continue to hold poll taxes in those counties and who continue to vote in those counties, not realizing that this is taking place. In illustration, a spot check of the absentee voters in Poinsett County produced affidavits from six or eight nonresidents who stated that they did not purchase a poll tax for Poinsett County; that they did not have the poll tax receipts in their possession; that they authorized no one to purchase their poll tax for them; and that they had not made application for absentee ballot. Nevertheless, the names of these persons are shown in the Poinsett County pollbook; and applications, obviously forged, for absentee ballots were mailed in. Some of these fraudulent applications were among the more than 175 applications received by the Poinsett County clerk from box 256, Trumann. Apparently this box number was used by some political group as a means of colonizing voters.

Madison County highest

Based on some fact and considerable speculation, we would place Madison County high on the list of areas infiltrated by nonresident voters.

Inasmuch as the Madison County voting records, previously inaccessible, disappeared on January 13, a complete study of election frauds there will be impossible.

The highest percentage of absentee voting in the State is an indication that the absentee box in Madison County was manipulated for political purposes. More than 1 of every 10 votes cast in Madison County was cast in the absentee box. This "packing" of the absentee box resulted in a remarkable departure from the county averages. For example, in the Governor's race, Faubus received 64 percent of the total Madison County votes. But he received 91 percent of the votes cast in the absentee box. The discrepancy on the other issues and races were considerably less dramatic than this, except as to proposed amendment 55, which received a favorable vote on 56 percent of the votes cast in the absentee box, but only 41 percent of the countywide votes.

Affidavits on file

The affidavits and tape recordings on file now with the council reflect that political workers in Madison County went into the surrounding counties persuading residents of those counties to vote in the Madison County absentee box. How many fraudulent votes were cast in this fashion may never be determined, but the fact remains that it did happen. Now the persons who cast those fraudulent votes in the Madison County absentee box cannot be brought to justice for the crimes committed due to the stubborn refusal of the county clerk, Charles Whorton, to permit examination of the voting records prior to their theft.

Migratory voter problem

The migratory voter problem was also present in Perry County. Although the percentage of clearly invalid applications is relatively low when compared with other counties, many of the applications have been filled out by the same person and mailed to persons outside the county and State for their signatures. In such cases, there is an indiscriminate use of the term "work" as a cause for being absent. Nine and one-half percent of the total vote of Perry County (which exceeded the number of eligible voters as shown by the last census) was cast in the absentee box. We have contacted several longtime residents of Perry County and have gone over the list of absentee voters with them. A large number of these absentee voters are unknown to the Perry County residents of the wards in which the voters are supposed to reside.

As our studies are still incomplete on Perry County, we can offer no statistics at this time.

Conway County, the perennial home of the out-of-State voter, once again opened its absentee box to the applications and votes of many persons who have not lived in Conway County for many years. Indeed, some of the votes cast were by persons who have not entered the State of Arkansas in recent years. Other than the problem of adulterating the Conway County vote with the votes of nonresidents, no other unusual problems were encountered, although this county's results are still being studied.

In all counties where nonresident voting has become a problem, there were few if any controls over the purchase of poll tax receipts. In fact, in some counties poll tax receipts were purchased in large blocks by politically active personages for individuals who would not otherwise have paid a dollar for the privilege of voting.

Irregularities and Noncompliance With Laws

Many thousands of illegal votes were cast in the November election simply through failure of the voters or the county clerk to conform with the laws. The most extreme example is that of Pike County. The voter list shows that 190 absentee votes were cast and counted. Nevertheless, only 135 applications were on record, of which 127 were clearly invalid on their face. Some applications were not on the prescribed form, some were not signed by the voter, some gave no reason whatever for being absent from their precinct, and some were no more than notations on a scratch pad. This left only 8 possible valid votes of the total of 190.

But apparently there were no voters' statements submitted with the ballots, none being on file. This means that Pike County if in fact the voter statements were not presented, had no valid absentee votes. A majority of the absentee applications examined from Pike County were written on commercial pads from the clerk's office, and were filled out by only one or two persons. At present, these applications are in the hands of a handwriting expert to examine in particular those applications which appear to the untrained eye to be signed by the same person.

In Polk County, failure to strictly comply with the law resulted in the invalidity of about one-third of the 459 ballots cast. In many of these instances, the applications were not signed by the elector. Other applications were simply in letter or memorandum form and not in compliance with our election laws. Other applications gave no reason or an inadequate reason for voting absentee.

Of the 254 absentee ballot applications examined in Monroe County, 87 were invalid on their face, all for failure to meet the requirements of the law. On some applications, persons other than the applicant signed. On others, the requests were made by letter or on notes rather than on the prescribed form. And in others, no reason or an insufficient reason was given for being absent.

Of the 246 applications examined from Cleburne County, there were 156 invalid on their face. Not all of these 156 persons applying voted, 124 actually casting ballots. The problem in this county is that most of the applications were made by letter.

The council previously observed, in news releases prior to the November election, that hundreds of applications for absentee ballots in Garland County were illegal for much the same reason as those listed above for the other counties. One difference, however, is that in Garland County error was invited by furnishing prospective absentee voters with a form of application which permits it to be signed by one other than the voter. Of course, votes cast upon such an application would be illegal and void.

A high percentage of invalid applications was also noted in Woodruff County, where of 153 votes counted, 65 were illegal because of invalid applications.

The problem of sloppy procedures in administration of absentee voting was graphically illustrated in Logan County, where an election contest for the office of county judge was recently concluded.

In Logan County, 375 absentee votes were cast and counted. Of this total, 147 were declared illegal during the course of the trial of the election contest. These votes amount to some 39 percent of the total absentee vote, and the illegalities were primarily the result of failure of the applicant to make application on the prescribed form or failure of the applicant to sign the application. As to those applications received in time, the county clerk could and should have returned the illegal applications to the applicant advising the voter to submit another application in proper form. Had this simple procedure been followed, those voters would not have been disenfranchised and their votes could have been counted in that very close election contest.

E. CONCLUSION

The foregoing findings, as we have observed, should not be considered a comprehensive review of all fraud involved in the November election. Even the limited areas studied by the council have not been completely explored.

The council files are replete with evidence of voting frauds occurring at the polls, but not so easily categorized as the studies we have chosen to present in this initial report. But as we have stated, our files are open for inspection by anyone as to any of our areas of inquiry.

We would like to acknowledge our appreciation to the civic groups, volunteers, county clerks, county election commissioners, and Democratic and Republican Party officials without whose assistance we could not have conducted this study.

We hope that something good may come of our study. With necessary revisions in our voting laws, greater appreciation of the election process on the part of the people, and willingness of Arkansas citizens to perform their public duty from time to time by serving as election judges and clerks.

Our election process, at best, is rather inefficient, but it marks the difference between our democratic society and totalitarian systems. The voice of the people can best be heard through the ballot, and we should never condone or close our eyes to any condition which would pollute or adulterate the integrity of the vote in any election on any candidate or issue.

URBAN RENEWAL: THE NEW HAVEN EXPERIENCE

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WIDNALL. Mr. Speaker, on the day that our Federal income taxes fall due, it is worth noting an urban renewal program that appears to be, after some uncertain starts, a good example of a profitable use of taxpayers funds. I am speaking of the urban renewal program in New Haven, Conn., as outlined in a New York Times article of April 11, 1965. The article was written by William Lee Miller, associate professor of social ethics at Yale, and L. Thomas Appleby, former development administrator of New Haven's urban renewal program.

As a commentary on the urban renewal program in general, it is interesting to note that the authors felt compelled to deny that, in New Haven at least, "urban renewal means Negro removal". From the facts given us in the article, there is apparently a great improvement within the past 2 years since the August 1963 Report of the Connecticut Advisory Committee to the U.S. Civil Rights Commission, which sharply criticized the results of dislocation in Connecticut urban renewal projects, including New Haven's.

Nor were New Haven's projects always as successful in appearance as now. There was a period of time, a few years ago, when a good deal of difficulty was encountered in locating developers, particularly in the downtown projects. Small businessmen were displaced to an out-of-the-way triangle area. The first apartment house for luxury apartments, University Towers, had a high vacancy rate at first, and a good deal of vacant land was quite apparent around the square. The first rehabilitation, in somewhat of the style of the Georgetown section of Washington, D.C., was for Georgetown type incomes.

New Haven's urban renewal program has taken a new turn, however, as construction continues unabated, and the needs of all income levels are being given ever-increasing consideration. In fact, it is this concern for the people involved in the process, rather than simply for buildings and plans, that sets New Haven apart as an example for other cities and towns to follow.

Mr. Appleby has recently been named director of the District of Columbia Redevelopment Land Agency, and his record in New Haven holds out great promise for our Nation's Capital. He will find that in the Southwest project at least, urban renewal has meant Negro removal. Of the 23,000 low- and middle-income people living in the area prior to clearance, 76 percent were Negro. Today, after the expenditure of nearly $100 million it is, according to the Washington Post, 90 percent white. Judging from the General Accounting Office criticisms of relocation in Washington, which found relocation into substandard dwellings and the use of a different criteria for judging a building standard for relocation than for clearance, there is a great deal that the Redevelopment Land Agency can learn from Mr. Appleby.

I would hope, however, that Mr. Appleby would modify his positions with respect to clearance and rehabilitation. He holds, in this article, that the only way to go about urban renewal in our cities is by clearance; "by knocking down the worst slums and starting over." In some cases this may be true, but Congress in the 1964 Housing Act, in adopting amendments that I offered, made clear that clearance was a last resort, not the first priority.

Mr. Appleby also seems certain that since 1954 rehabilitation has been successful. In fact, as Urban Renewal Commissioner William L. Slayton told Action, Inc., last fall, the Federal Government has simply been "not equipped" to deal with rehabilitation, however many plans they may have given that label.

The chairman of Action's Rehabilitation Committee, Seth Taft, of Cleveland, recently told the membership at a Washington, D.C., meeting, that he did not "know of any city in the country where you can say there has been a successful rehabilitation program."

It is obvious that despite the success in New Haven, the urban renewal program cannot afford to rest on its laurels. There is a need for people, within the program, who are concerned for the people affected by the program. Old approaches must be reexamined, mistakes admitted, and corrected, problems anticipated and avoided or met through administrative and legislative action. The article on New Haven's program provides us with an opportunity to learn and move forward in other areas.

The article follows:

[From the New York Times Magazine, Apr. 11, 1965]

"YOU SHOVE OUT THE POOR TO MAKE HOUSES FOR THE RICH"

(By William Lee Miller and L. Thomas Appleby)

NEW HAVEN, CONN.—A faculty member of Amherst, visiting Yale recently, looked around at the very impressive rebuilding of the center of New Haven and, after the manner of professors, was not impressed.

"Where are the Negroes who used to live here?" he asked. "They push the poor people out and put up these luxury apartments and fancy stores and office buildings. Urban renewal means Negro removal."

This is one of the more pungent criticisms of urban renewal expressed nowadays by liberals, reflecting their disenchantment with a tool for social reform which they themselves sponsored. It is criticism that hurts, because the welfare of hundreds of thousands of slum dwellers—not to mention the future of our cities—depends on continued public support for the renewal program. These allegations must, therefore, be refuted as they arise, and fortunately the city of New Haven, Conn., can supply most of the evidence to do so. (There are also criticisms from the right, of course, about Government interference with freedom and subsidies for uneconomic uses of land; but civic-minded people have long ago agreed that a great many human needs are not going to be served at all by a free market left entirely to itself.)

The urban renewal program came into being as title I of the Housing Act of 1949. The idea was that the Federal Government would pay two-thirds of the cost (prohibitive for any private agency or for government at a lower level) of buying, clearing and reselling slum land.

This meant a greater use by local governments of "eminent domain." Whereas before they had taken private properties for public use (a highway or a school), now they could take private properties for a public purpose—to eliminate slums and urban blight. The Federal Government made it possible to tear down one set of private properties (tenements, flophouses, rundown businesses), to compensate the owners and to resell the land to another set of private developers and owners for office buildings, housing projects, hotels and business plazas.

The program has since spread, prospered and been improved by further legislation—especially by the 1954 Housing Act, which provided for commercial redevelopment, rehabilitation of existing buildings and comprehensive urban planning. To date, $4.7 billion has been provided for renewal projects which are dramatically visible in the center of many cities from Boston, Hartford and Pittsburgh to San Francisco. The Federal Government is now spending at the rate of $700 million a year on the program and the President's housing message proposes that this be raised to $750 million—which is still not nearly enough, according to most people in the field.

New York City has spent the largest amount, but its program in the past has emphasized clearance almost to the exclusion of rehabilitation, and is still far too small for the staggering and unique problems of the great metropolis. The top four cities in total urban-renewal spending are New York (population 7.7 million), Chicago (3.5 million), Philadelphia (2 million), and New Haven, Conn. (152,000). New York has spent $109 million. If it had had a program of New Haven's scope, it would have spent more than $1.5 billion.

But even in New Haven some liberals, like that Amherst professor, are uneasy about urban renewal. They charge that taxpayers in effect subsidize the erection of fancy apartment buildings like University Towers (which has a swimming pool and rents to match), Madison Towers and the soon-to-be constructed Crown Towers. The answer, of course, is that there is no subsidy, because the cleared land is sold at market value, and also that those are valuable properties which help to make a beautiful city and markedly increase its tax base. Rebuilding New Haven's center has already added over $9 million to the tax list of this medium-sized city—$2.9 million last year alone. Furthermore, we want the people who live in those apartments to stay in the city. We need them and the money they spend.

The liberal critic, however, may say that this answer only confirms his worst fears. "You have shoved out the poor to make homes for the rich," he claims. "You may help the city's finances, but what has happened to the people who used to live on Oak Street?" (Oak Street, once New Haven's most notorious slum, has been wiped away by urban renewal and replaced by those Towers and by a highway connector, among other things.)

There are two answers to this. One is defensive—that those displaced are better housed today than they ever were. The second is more positive—that without urban renewal the problems of the destitute who once lived on Oak Street would not have become the visible responsibility of the community that they are now. Urban renewal is a weapon the community needs to meet that responsibility.

The defensive argument is based on statistics showing that the overwhelming majority of people displaced by urban renewal—the removed Negroes—have moved into better housing; that a lot less slum now exists. Today there simply isn't as much "substandard" housing in New Haven as there was when Oak Street existed.

But are the people who lived on Oak Street and in other renewal areas now paying a higher rent than before? This is another sore point with liberals. The answer is yes—they are, on the average, paying higher rents, but only slightly higher, and for better housing.

Many relocated families—151 of the 886 from Oak Street—have moved into low-income public housing, where they have priority, and where rents are pegged at 21.8 percent of the family's gross income—usually less than they were paying before. Moreover, many relocated families are on welfare, so that the change, one way or another, in rent has not affected their budget, since the rent is part of their grants.

What about the others? A study just completed of the 100 families most recently relocated into private housing in New Haven shows that they paid an average of 16.8 percent of their income for rent before relocation and 20.3 percent afterward. Thus their rents did go up, on the average, but they are still below the 21.8 percent the public housing laws regard as standard.

That is the general picture. What about individual cases? Having looked over the case-by-case summary of the 100 families, we found that the extremes have become less extreme. The "worst" case before relocation—in terms of percentage of income paid for rent—was that a woman with a large family who made $365 a month and paid out $151 a month for rent—40.3 percent of her income. After being relocated, she is now paying $120 a month—32.9 percent of her income—and is still the worst case.

Most of the increased rent is being paid by those who were paying quite low rents before relocation. The percentages come down from 40 percent but up from 15 percent, and more of them now cluster around 20 percent. These figures do not, of course, tell the whole story about the misery of slum dwellers, but they do indicate that, on balance, urban renewal has not added to the misery.

Is there a long wait and much scrambling around before these families find new homes? Not if the relocation agency can help it. The New Haven agency's 14 workers go to great lengths to help them find the places they want—even if the family, as has happened, turns down the first five offers, and even to the point of playing cupid in one celebrated instance so that a couple could meet public housing standards.

Very well, say some critics, but do the families just move to another slum or Negro ghetto? The answer to this is no. The New Haven family-relocation office has a wall chart showing where all the relocated families have gone from each project. Negroes cluster only in the public-housing projects. Elsewhere, racial distribution is very mixed throughout the city.

It is clearly apparent that urban renewal does not make worse housing for the poor in New Haven, and that holds—despite particular exceptions and soft spots—for the Nation as a whole. Nearly 30 percent of the housing units in New Haven were substandard in the early fifties before the city's urban renewal programs began; today less than 15 percent are, and by 1970 New Haven may be—in this sense at least—the Nation's first slumless city.

The overwhelming majority of the 5,000 families relocated from New Haven's projects—95 percent from the early Oak Street, Church Street, and Wooster Square projects and 99 percent from the more recent Dixwell and Hill High—have been placed in standard, not slum, housing. In the Nation as a whole it is clear from Federal statistics that 9 out of 10 families relocated from renewal areas have moved up to standard housing.

All this, however, is part of the defensive answer to the critics of urban renewal. The more positive reply is that it has brought the urban poor to the community's attention and, at its best, provided not only new houses but new neighborhoods and new sets of possibilities.

It is greatly to the credit of recent antipoverty tracts like Michael Harrington's "The Other America," as well as of President Johnson's program and, on a smaller scale, Mayor Richard C. Lee's efforts in New Haven, that the American public has been forced to pay attention to the poor, but urban renewal has been doing the same thing for years. Many liberals uneasy about urban renewal but enthusiastic about the "war on poverty" should remember that experience with family relocation was one of the principal wellsprings of the national antipoverty program, uncovering problems of the urban poor that had been kept out of sight for decades and making them a public responsibility.

Urban renewal has a greater potential for eliminating ghettoes and segregated living than any other program yet devised—if a city uses it in the right way. It may be possible, with strong fair-housing efforts, to move a small and select number of Negro families, mostly middle class, out into the lily-white surburbs—but the great mass of Negroes will stay right where they are now, in the center of the cities. (Having middle-class Negroes move out, incidentally, is rather a mixed blessing: these are precisely the leaders who are needed in the center of the city, where problems are concentrated.)

Civil rights laws alone, therefore, are not going to alter racial patterns in the Harlems of the land. The only way to achieve integrated living in the blighted centers of our great cities is by clearance—by knocking down the worst slums and starting over.

Then comes the question of what is to be built on the cleared land to achieve a balanced mixture of industrial, commercial, and residential elements in a city's overall plan. It has to be said that cities vary widely in their answers to this question, but the Amherst professor and other liberals like him should not condemn all urban renewal on the strength of a few failures.

In New Haven, for instance, redevelopment has spread over 1,000 acres, and while it is true that luxury apartments, a telephone building and the Oak Street connector have replaced the old Oak Street fire traps, in other renewal areas throughout the city new low-rent housing projects are a major feature—housing for the elderly in Wooster Square, Newhallville, Dwight, and Dixwell, co-op housing in the same neighborhoods. This is new housing, added to New Haven's stock of public housing from the thirties and forties.

One of the cooperative housing ventures now being shown to prospects is directly in the middle of the Dixwell area, New Haven's small version of Harlem. Like all these projects, it will, of course, be integrated. To buy a unit a family has to have $325 to put down, and must be able to pay from $91 to $129 a month, depending on the number of rooms. This does, it is true, put these units out of reach of the very poor, but those who can pay it are not only covering their rent, utilities, and property taxes, but are building up equity. The other day a young former resident of Dixwell walked wide eyed and marveling around Florence Virtue Homes and remarked, "I never thought I'd see anything like this built here."

Too many people, in New Haven and the Nation, equate urban renewal with new business buildings downtown. Important as a healthy downtown is, there is, or can be, much more to it than that. It means the planned rebuilding of the housing and community facilities of deteriorating neighborhoods. Suppose 60 years ago, when Jacob Riis walked Theodore Roosevelt night after night, despairing and angry, through the miserable conditions of Five Points and the Bends, they had had a public agency that could go in, plan, level, and rebuild—what could they not have achieved?

Yet there are still people who say: "New Haven's urban renewal is one of the worst in the country. Too few people are involved in the decisions—the inhabitants of the areas to be renewed must be consulted." And then there are those whom Mitchell Sviridoff, director of New Haven's antipoverty program, calls "slum romantics," represented by a New Haven literary man: "I used to be in favor of urban renewal. But then I talked to artist friends of mine who couldn't any longer find top-floor studios and cheap cold-water flats."

Put these criticisms together and we have a poignant picture of happy slum dwellers enjoying a varied and interesting life in their cold-water flats until shoved out of their congenial neighborhoods by a few powerful bureaucrats. Their homes are then destroyed and, after a long, messy delay, replaced by badly designed office buildings and luxury apartments. It is a powerful indictment, but it is false.

Although there have been occasions when developers were too quick with the bulldozer, destroying esthetically or historically valuable buildings and viable lower income communities, since 1954 there has been a growing emphasis on neighborhood conservation and on the rehabilitation of existing structures.

And in the late fifties "planning with the people" became a major theme in urban renewal. In New Haven the Wooster Square project was developed in more than 100 meetings with residents of the area, and the same thing is now going on in Dixwell, Newhallville, and the section called "the Hill."

But there are limits. "Planning with the people" cannot always be as dandy and democratic as it sounds. What happens when a neighborhood says it wants no Negroes, no low-income public housing, no site for a public high school? Some times that's exactly "what the people in the area themselves want," but it is a little hard to work with on a communitywide basis.

There has been a progression in American efforts to grapple with the problems of cities and slums. Public housing was the great thing in the late thirties, urban renewal the featured program of the fifties, antipoverty is the rage now. In the beginning the first two were oversold leading to negative reactions as soon as it was found that neither was a cure-all, and one day the same thing may happen with the "war on poverty." It is important not to look on these programs as panaceas, in the first place, and then not to overdo the criticisms, in the second.

The low-income public-housing projects built in the late thirties and the forties with such hope and promise now are said to have become "legalized slums" or "fireproof slums." At the very least, it is desirable for slums to be fireproof, but in fact far more was accomplished than that. Decent housing was provided for hundreds of thousands of families that simply was not available before and which the free market was simply not going to provide.

It is true that public housing did not eliminate slum life and slum behavior, but that merely proved that "decent, safe, and sanitary" housing under public control is not, in itself, enough to win the battle against the slum.

Similarly, urban renewal, which grew in part out of the background of public housing, has now reached a stage where it inspires disillusionment among its onetime liberal supporters. But again they should remember that while there have been many failures and deficiencies, it is a complicated program involving a long and difficult journey between cup and lip.

It still represents the expanded role for public planning for public purposes that liberals long have advocated. That conservatives should attack it is understandable. Liberals, however, would surely be better advised to look behind the standard criticisms of urban renewal and work to make it a more effective tool for the social purposes in which they believe.

ROLLCALL VOTE ON HOUSE RESOLUTION 310

Mrs. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. GURNEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GURNEY. Mr. Speaker, yesterday, April 14, I was ill and unable to attend the session of the House, and consequently missed the rollcall vote on House Resolution 310, which provided $50,000 additional expenses for the Committee on Un-American Activities. Had I been present and voting, I would have voted "yea."

MANUFACTURERS' EXCISE TAX ON PASSENGER AUTOMOBILES AND TRUCKS

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MINSHALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MINSHALL. Mr. Speaker, I am today introducing legislation to repeal the manufacturers' excise tax on passenger automobiles and trucks.

Like all excise taxes imposed during wartime as temporary measures, its reason for being has long since expired. Reasons for its not being are numerous and obvious.

Elimination of the passenger car tax would stimulate purchase of new and used automobiles, creating jobs not only in the basic industry itself but in allied industries and businesses. One business in every six is automotive. One out of every seven workers—more than 11 million Americans—is employed in highway transport.

Automobile production utilizes 21 percent of all steel, 61 percent of all rubber, 32 percent of all zinc, 12 percent of all aluminum, 49 percent of all lead, and 58 percent of all upholstery leather in the United States.

It is estimated that as much as 25 percent of all new passenger cars are sold to firms, salesmen, or others whose livelihoods are dependent on automobile transportation. As much as one-fourth of the $1.7 billion of automobile excise tax revenue collected annually is added to the consumer cost of producing other goods and services. We have seen national recessions triggered by a slump in the automobile manufacturing industry; repeal of the automobile excise tax could have a tremendous impact on the economy in the opposite direction.

I am hopeful that repeal of the 10-percent excise on cars and trucks will be one of the areas covered by the President when he sends his promised, and long-awaited, excise tax message to the Congress.

MILESTONE IN EDUCATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. BOLAND. Mr. Speaker, 140 years ago Daniel Webster, in speaking of the necessity for education in a democratic society said:

> Education, to accomplish the ends of good government, should be universally diffused. Open the doors of the schoolhouse to all the children of the land. Let no man have the excuse of poverty for not educating his children.

Since that far-off day, the necessity for education in America has not diminished by so much as one iota; indeed, due to the industrial, technological, and scientific revolutions, it has increased tremendously. Education is still the primary means of accomplishing "the ends of good government." And yet for far too many Americans, poverty is a bar to educating their children. By acting wisely we did loosen that bar and made a giant stride toward an avowed goal of all who have the good of our Nation at heart—the quality education of every American child.

The Elementary and Secondary Education Act of 1965, which I voted for closely adheres to the educational recommendations of our President. Its aims have the general approval of educational bodies, such as the National Education Association and the American Federation of Teachers; of religious organizations, such as the National Catholic Welfare Conference, Agudath Israel of America, the executive council of the Episcopal Church, and the United Presbyterian Church; and of highly respected commentators of American life, including Dr. Reinhold Niebuhr, Walter Lippmann, and Dr. Robert M. Hutchins. I can also state that the bill had the backing of the people, some of the respected newspapers, and educational authorities in my State of Massachusetts. The following words from a telegram to our great Speaker of the House JOHN W. MCCORMACK in connection with hearings on the bill are indicative of this support:

> I have been instructed by the president of the Massachusetts Association of School Superintendents to respectfully notify you that our organization wishes to be recorded as supporting H.R. 2362 and the extension of Public Law 874. We would greatly appreciate your support of these two measures.
>
> (Signed) WILLIAM A. WELCH,
> *Executive Secretary-Treasurer.*

Mr. Speaker, under permission granted, I insert in the RECORD with my remarks two editorials in support of the Elementary and Secondary Education Act of 1965, taken from the Springfield Union, in my home city, and the Boston Globe, both printed on April 13:

[From the Springfield Union, Apr. 13, 1965]

NEW SOURCE OF SCHOOL FUNDS

Is President Johnson's new aid-to-education program the doorway to the Great

Society or the keyhole through which the Federal Government will assume control of the Nation's public schools?

Conceivably it could be either. But those who fear the evil of Federal control may be reacting too strongly too soon. The weight of evidence suggests that State and local authorities can make good use of the new benefits without diminishing their present roles.

For one thing, Federal funds will not be entirely new to many local hands. Springfield, for example, has had a generally favorable experience with money supplied to federally impacted areas.

Nevertheless, the act is a breakthrough to new ground. It will provide $1.3 billion to 94 percent of the country's public school districts in the year starting July 1, with subsequent authorizations to be measured against needs. Massachusetts is eligible for nearly $20 million, and Springfield for a portion of that.

The dominant philosophy of this measure—to improve the public education offered youngsters in poor neighborhoods—presents an unprecedented challenge to local administrators and policymaking boards. If lack of money has been an obstacle to spreading the quality of education around evenly in the past, this obstacle, at least, is being lessened.

The task will be to direct the funds where the most good will be done the underprivileged children, rather than on improvements where education already is good. Communities may have to face hard choices between elaborate new buildings, on the one hand, and additional teachers—perhaps with a bonus for special skills at inspiring slum inhabitants—on the other.

The national civil rights awakening and the war on poverty are very much involved. In fact, the antipoverty effort may overlap the educational effort at some points. That is one of the hazards of falling back on the admittedly cumbersome Federal machinery to finance local programs.

But it is hard to see how the hard-taxed States and localities can make the necessary advances in these areas without reclaiming a greater share of the Federal tax dollar. That is what is happening now, and it will be advantageous to the next generation of Americans if the present generation of administrators measures up to the challenge and opportunity.

[From the Boston Globe, Apr. 13, 1965]

MILESTONE IN EDUCATION

The signing by President Johnson of the $1.3 billion aid-to-education bill is a milestone. It was preceded by decades of deadlock and bitter fighting, and in almost all the earlier struggles the sticking point was Federal aid to parochial schools.

The overwhelming Senate vote on the measure Friday night, in just the form the administration wanted it, was Mr. Johnson's greatest legislative victory. He was obviously deeply moved when he affixed his signature to it at the old Texas country school where he had his first lessons, and gave the pen he used to his first teacher.

He said then he deeply believed that "no law I have signed or will ever sign means more to the future of our Nation."

Of the $1.3 billion aid package for this year, Massachusetts is slated to get a relatively small portion, about $19.6 million. The reason lies in the distribution formula, which primarily aids schools in areas of poverty. The Bay State's percentage of children from low-income families (under $2,000) is among the lowest of the States—namely 4 percent. The upshot is that the bulk of the "educational poverty" dollars will go to the rural Southern States. It may help their attitude in education for Negroes.

A more equitable formula may be worked out in years to come. But most Massachusetts residents will be content for now that a major general aid-to-education measure has at last been passed. They will recall the acrid row in 1949 over aid to parochial schools in the late Senator Robert A. Taft's bill. The bitterness reached its height in a public spat between Francis Cardinal Spellman and the late Mrs. Eleanor Roosevelt. The cardinal later quarreled publicly with the late President Kennedy—who believed that direct Federal aid to parochial schools is unconstitutional.

The new measure will provide aid to private and church schools—but indirectly. For pupils in all schools it will provide textbooks, library facilities and a wide assortment of educational services they do not now have.

The main point of the administration is that the Federal aid will go to parochial pupils—not parochial schools. In this way it is hoped that the divisive issue will have been skirted, and that the law will survive a constitutional challenge.

That such a challenge will come is a certainty. There are sincere persons and groups who are all for Federal aid to education—but feel that the new law simply does not meet the constitutional test of the separation of church and State. But even if the high court should knock out this indirect aid to parochial schools, it does not mean that Federal funds would stop flowing into public schools. The two can be separated.

Even with the relatively small size of Massachusetts' allotment, its receipt here will be most welcome. The big lift, of course, would come with legislative passage of the Willis report recommendations, and a new tax program to relieve property owners.

The Federal Constitution is silent, specifically, on aid to religious schools, as well as to parochial pupils. The sooner the Supreme Court makes a definitive ruling, the sooner there will be an end to second-guessing and anxiety.

SETTING THE RECORD STRAIGHT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. de la Garza] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. de la GARZA. Mr. Speaker, there is an organization headquartered near the city of Mercedes, in the 15th Congressional District of Texas, known as the Confederate Air Force.

This is not a warlike organization. It is not a political organization. I suppose one might properly call it a sentimental and patriotic organization. It has one purpose, and only one: to preserve and enshrine the World War II aircraft and to honor the pilots who flew these planes and helped to defeat the tyrannical forces that threatened to overrun the world.

I know personally many of the fine men making up this organization, and I join them in deploring the fallacious news accounts which appeared recently to the effect that incendiary leaflets had been dropped over Selma, Ala., from a Confederate Air Force plane.

Nothing of the kind happened.

The Confederate Air Force has no affiliation whatsoever with any of the white supremist groups, or with any civil rights group. It does not have even one member in the Alabama area, nor does it have any aircraft within 1,500 miles of Selma, Ala.

Immediately upon hearing of the false charge, I asked the Federal Aviation Agency to make every possible effort to learn the identity of the pilot responsible for dropping the leaflets. The FAA sent two inspectors to the Selma area from its southern regional office in Atlanta, Ga., and they worked throughout the night running down leads.

The FAA has reported to me:

> Our inspectors talked to U.S. marshals, border patrol, National Guard, and FBI people; however, none was able to tell us from which aircraft the drop was made since there were several aircraft in the vicinity.

If the pilot can ever be identified, the Confederate Air Force is prepared to file charges against him for falsely representing himself as a member of that organization.

Mr. Speaker, I deem it highly proper to make this known to you and to the Members of this House, that there is no finer group of men, and no more dedicated Americans, who cherish and love this country and the principles on which it was founded, than the men who compose the Confederate Air Force.

CONTINUITY IN THE OFFICE OF PRESIDENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Wolff] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WOLFF. Mr. Speaker, in accordance with my vote to pass the President's succession bill, I wish to make my views on this subject clearly written in the Record.

For more than 1¾ centuries this Nation has played a dangerous form of brinkmanship with the highest office in our land, the office which today is without a doubt the most powerful and influential in the democratic world.

This bill, we have passed, will rectify previous inconsistencies and lack of concise planning in the following important processes: discharging the powers and duties of the President in the event of his disability or incapacity; and assuring the continuity in office of the Vice President.

It can readily be seen that hesitation and lack of direction in the above areas lead to potential paralysis of our form of government. Surely none can deny the seriousness of these voids in conjunction with the position our country assumes in the free world. That we have escaped the possible tragic repercussions of these omissions have, as the President has said, "been more the result of providence than any prudence on our part."

I am happy that we have acted with diligence and speed to pass this bill. This was a bill which cut across party lines; partisan politics must and were relegated to extinction so that we could concentrate on the most sacred of legislative pronouncements—the amendment of our Constitution.

The importance of the office of President need not be dwelled on; the importance of the office of Vice President has been indelibly written by the tragic events in November 1963. The Vice President, outside of his increased authority, participation, and responsibility as an elected official, must be a position which allows instantaneous transition to the powers of the Presidency. Under this bill we have a significant departure from previous law on the subject. It declares that when the Vice-Presidency becomes vacant, the President shall nominate a candidate who shall take office after confirmation by a majority vote of both Houses of Congress. One of the principal reasons for filling the office of Vice President when it becomes vacant is to permit the person next in line to become familiar with the problems he will face should he be called upon to act as President. If we are to achieve this end, we must assure that the position will be filled by a person who is compatible to the President. Cognizance of this principle has led the major political parties to allow the presidential candidate to choose his own candidate for Vice President. In this way, the country would be assured of a Vice President of the same political party as the President, someone who would presumably work in harmony with the basic policies of the President.

The incapacity or disability of the President has also been resolved by this bill. The Constitution while offering procedure to fill the vacancy of Presidency, in case of death or our Chief Executive, is silent on the procedure when the President is incapacitated by injury, illness, senility, or other infliction. The country's security and movement must not be entrusted to the immobilized hands or incomprehending mind of a Commander in Chief, unable to command.

We have passed a bill which will allow the transitions of power to move to the Vice President and back to the President in case of the latter's disability. The finalizing of this plan will lend continuity of power and leadership to the office of the Presidency. The past history of our country has illuminated sequences in which this country was stagnated due to a President's disability. I implored this House to act, and they have, to prevent the possibility that this Nation will be encumbered with an Executive who cannot act.

FARLEY ON VIETNAM

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. Pepper] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. PEPPER. Mr. Speaker, undoubtedly members of both parties have been fondly aware of a great American and patriot, Mr. James A. Farley, former Democratic National Committee chairman and Postmaster General, whom we affectionately call "Jim." Mr. Farley was in my district last week and was interviewed by an outstanding reporter, Mr. Jack Kofoed of the Miami Herald on April 7. On April 6, Mr. Farley's wisdom appeared in the Miami Herald strongly supporting the present administration's current policy toward Vietnam. I am happy to have this appear in the body of the Record for my colleagues' information:

[From the Miami (Fla.) Herald, Apr. 6, 1965]

Farley Lauds Viet Policy

Jim Farley, former Postmaster General and Democratic National Committee chairman, declared here Monday he wholeheartedly endorses the Johnson administration policies in Vietnam adding that "we have no other choice in the matter."

"We're in there and it's our fight whether we like it or not," Farley told reporters during a brief stopover in Miami. "The thing I'm sorry about is that other nations are not giving us more assistance.

"I thoroughly approve of what President Johnson and the administration are doing in Vietnam and I think this is the attitude of a vast majority of the American people," Farley said.

He said he sees no danger of Vietnam accelerating into World War III "because of the potential nuclear strength we have."

The 76-year-old Farley, who just completed a 2-week business trip to the Caribbean area as board chairman of the Coca Cola Export Corp., said he believes "Lyndon B. Johnson will undoubtedly go down as one of the truly great Presidents of our country."

[From the Miami (Fla.) Herald, Apr. 7, 1965]

Jack Kofoed Says "Thanks" Is a Word Not Too Often Used

The phone jangled. I answered. The voice was strong, vigorous. It said: "Hello, Jack. This is Jim Farley."

Jim was chairman of the New York Athletic Commission when I went to work in Big Town. He was a man of Irish charm, keen intelligence, an unsurpassed knowledge of politics, and an amazing memory. Farley went on to maneuver Franklin Delano Roosevelt into the Presidency, and get him reelected by the greatest landside of votes ever known in our history until Lyndon Johnson's election last year. For years Jim has headed Coca Cola's export division.

We liked each other in the old days, but our paths were widely divergent. I saw him a few times during the Roosevelt days, and occasionally thereafter. But James Aloysius Farley's memory reaches far into the past. He isn't one to forget someone he liked when we were all younger and the world was not so tense.

When he passes through Miami on his way to South America, he calls, and we chat a bit. It is the kind of thoughtfulness that makes the world a warmer place in which to live.

My day was brighter because of his call. A small thing in itself, perhaps, but it is a continuation of small things that bring a lift to the heart.

Before Jim's call, the day had started well. I had written a piece about Debbie Reynolds when she was here. A note came from her in Beverly Hills, thanking me for being nice to her.

Thanks is a word not often used, particularly to columnists, so Debbie Reynolds' thoughtfulness, and Jim Farley's, gave me a great lift.

Courtesy is the most neglected of all attributes to a happy life. Lack of it causes thousands of deaths by automobiles, breaks up marriages, makes enemies of those who should be friends. People like Jim Farley and Debbie Reynolds are instinctively courteous because they are nice people, way deep down nice people. Everyone cannot only help make the days of others pleasanter because of thoughtfulness, but their own much happier, too.

NEW YORK CITY IN CRISIS—PART XLVIII

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following articles from the New York Herald Tribune of March 5, 1965 on the continuing crime crisis in New York.

The articles are a part of the series on "New York City in Crisis," and follow:

New York City in Crisis: Courts, Public Criticized by Murphy

(Note.—In yesterday's "New York City in Crisis," the Herald Tribune documented the growing fear of violence in the streets and even the homes of New York as viewed through the eyes of its citizens. Today, Police Commissioner Murphy, three district attorneys, and the head of the Patrolmen's Benevolent Association give their views as to what should be done.)

(By Barry Gottehrer, of the Herald Tribune staff)

Charging that judicial decisions and public indifference have handicapped the police department's efforts to protect the city's 8 million people, Police Commissioner Michael J. Murphy called yesterday for an urgent reexamination of the "delicate balance between individual liberties and the welfare of society as a whole."

"The weapons, which we have used with success in the defense of our communities, are being blunted by judicial decisions and rusted by public indifference," he said at the monthly luncheon of the New York Chamber of Commerce.

"We ask with increasing urgency for a new look, a new deal, a new frontier. We ask that you consider the road ahead and decide for yourselves whether this overprotection of the individual at the expense of the community will lead to Utopia or to a hell on earth."

The commissioner said he spoke of this not in bitterness or criticism but as a statement of fact.

He added that "when efforts are made, as they have been in the State of New York, to enact legislation formalizing basic concepts (of police authority), they are met with accusations of 'police state' and invasions of individual rights.

"These objections," he said, "come in large measure from well-meaning groups and individuals who pride themselves on their zealous safeguarding of individual rights. What they fail to realize, and what the community as a whole tends to overlook, is that the history of democratic society is a constant reevaluation of the delicate balance between individual liberties and the welfare of society."

New York's growing awareness of violence in the streets was heightened with the release of the crime statistics several weeks ago.

The shocking figures showed that in only 1 year major crimes of violence had risen 13.8 percent, assaults 13.9 percent (and, according to police, many are never reported), robberies 17.1 percent, forcible rapes 28.1 percent, murders and nonnegligent manslaughters 16.1 percent, and major subway crimes 52 percent.

Contributing to this crisis in crime, said Commissioner Murphy, an attorney, are "rising crime rates and billions of dollars lost by theft and vandalism. They wreak their havoc in needless deaths and injuries. They have as adjuncts the menace of drug addiction, the perversion of our moral standards, and the untold misery of homes broken by crimes of violence and sexual molestations.

"In fact, the fate and future of our young and our Nation are at stake. For those who follow us either must be strengthened to continue our fight or unfortunately become captives or collaborators of the forces of crime."

He said the police are "puzzled and bitter because too often they are ill supplied and ill supported by the community, which hides in its homes, ignoring the battle ranging around it," remain the primary deterrent against "complete criminal victory."

He was highly critical of the citizens' prevailing attitude toward the police and said that even if there were some 20th-century Paul Revere to awaken the citizenry to the growing crisis of crime, "he would—I fear—be met with false cries of 'brutality' and answered with a constant refrain, 'Let's not get involved.' "

Emphasizing that professional law enforcement officials do not and never will condone "brutalized extraction of confessions or other illegal acts committed in securing evidence of guilt," he maintained that "carefully controlled legal procedures do not create a gestapo.

"Police states," he continued, "are created when the community loses its perspective, accepts slogans and catchwords instead of facts, and when a government of laws is weakened by corruption of its judiciary, the abdication of its responsibilities by the bar and by the legislative branch—and by public apathy."

He hastened to add, however, that he did not foresee "that horrible day for this great Nation."

Outspoken and hard hitting in his charges of civil apathy and disrespect, Commissioner Murphy gave three specific examples of recent cases emphasizing what he called "some of our current problems."

In the first, policemen, with probable cause to arrest a suspect for robbery, arrived at a hotel where the suspect was staying only to be told that he was out. After explaining to the room clerk what they were after and their concern because the man was known to be armed, the police were allowed to enter the room.

The suspect was not there but the police quickly found a gun, with a clip and cartridges. When the man returned to his room, the police arrested him.

The court ruled, however, that the search for and seizure of the gun, clip, and cartridges was unreasonable, struck down the subsequent conviction of the defendant and ordered a new trial. According to the commissioner, the State will not be permitted to use the weapon in evidence at the retrial.

"Had the accused been in his room," said the commissioner, "the search and the seizure would have been reasonable because it would be considered incidental to his lawful arrest. The gun could then have been properly admitted in evidence and his conviction would have been upheld."

In the second case, a defendant and two companions who had been sitting in a parked car since 10 p.m. were arrested for vagrancy at 4 in the morning. After they had been booked, police searched their car and found two loaded revolvers, caps, women's stockings (one with mouth and eye holes, rope, pillow slips and an illegally manufactured license plate equipped to be snapped over another plate.

Though they were convicted of conspiracy to rob a bank, the conviction was set aside when the court ruled that the search and seizure of the articles was improper because the car had not been searched at the time of the arrest.

"Thus," according to the commissioner, "very convincing evidence could never be used. As Judge Cardoza said, 'The criminal is to go free because the constable has blundered.'"

In the third case, a policeman watched a man drag a heavy suitcase down the street one night, stop at a public bench, place the valise behind him and sit down. The policeman walked over to the man and asked him where he had obtained the valise.

"What valise?" the man answered.

REFUSES TO ANSWER QUESTIONS

When the policeman told the man he had seen him drag the valise down the street and place it behind the bench, the man refused to answer any further questions. At this point, the policeman took the man—and the valise—into the station.

Though subsequent investigation disclosed that the suitcase contained articles that had just been stolen, the court ruled that the arrest was unlawful and the evidence of the burglary illegally seized because the policeman did not know the burglary had been committed when he approached, questioned and detained the defendant. Because of this, the case against the defendant was dismissed.

Concluding his talk, Commissioner Murphy said, "It is an established safety procedure that, before a plane takes to the air, a warning light flashes the words, 'Fasten your seat belts.'

"I would suggest that every time an attempt is made to further limit the authority of law enforcement, your own warning light go on and that you be prepared to fasten your seat belts for the turbulent flight into the gathering storm."

VIEWS ON CRISIS SERIES

Earlier in the week, Commissioner Murphy offered a special statement of his views to the Herald Tribune's "New York City in Crisis" series. In it, he said:

"It is in the very nature of social and intellectual advancement that we the people impose limitations and rigid restraints on our police. We are a highly civilized society living in the midst of violence. The criminal mind has no principles; only contempt for society manifested in aggression, violence, and defiance of our laws."

Our system of justice frequently favors the criminal and frustrates law and order. But in our advanced society we would have it no other way. When crime erupts in a neighborhood and tension runs high, the law abiding community calls for police action and indulges in wishful thinking; hoping for some master stroke to end the terror. But the police must deal with reality within the framework of established principles of justice and rules of evidence. This kind of challenge impels the police toward ever greater achievement; accomplishments which are reflected each day with an increasing number of arrests on the streets of our city. Last year, felony arrests rose 14.6 percent; misdemeanor arrests increased 17.5 percent.

If crime were purely a police matter there would be less criminal acivity in New York City than in any other community on earth. Our police force is a militant, highly disciplined, smooth functioning organization second to none. Police strength is at an all-time high of 26,210. And we are still growing. Five hundred men are scheduled for induction in April and more in June. For the fiscal year beginning July 1, Mayor Wagner has recommended an additional increase of 1,000 men.

Increases in police manpower will undoubtedly improve the community's safety and repose. But I have no illusion that law enforcement alone can eradicate crime. A substantial reduction in crime requires the sustained and coordinated efforts of the courts, the legislature, educators, social scientists and clergy; all working in cooperation with police and supported by the great multitude of law-abiding citizens.

The police are not omniscient; nor can they be omnipresent. It would be impractical and unrealistic to station a policeman on every street and corner, at every business establishment, in every hallway, in every self-service elevator, in every backyard, in every alley; ad infinitum.

The responsibility for crime is not an exclusive police matter. The responsibility must be placed where it belongs on the criminal element and on the society in which crime breeds. The police are neither guarantors nor insurers of social behavior. In New York City, we have the best trained and best equipped law enforcement agency in the world. But we can offer no panacea. To look to the police for a miracle cure for the twisted criminal mind is to flirt with fantasy and ignore the world of reality.

The criminal element constitutes a very small minority but their conduct has great and terrifying impact on the entire community. A high degree of peace and good order is within our grasp. But it requires a massive attack by all of society: The courts, the legislature, teachers, clergy, sociologists, penologists, probation authorities and the great mass of people who respect the law—firm in purpose and united in action—can have a profound effect in achieving a more peaceful community.

In terms of improved public safety, the New York City police force is making more progress at a faster rate than any other law enforcement agency on earth. They will continue to work tirelessly and relentlessly to protect the public peace.

A City Afraid: What Four Lawmen Say

(Note.—Crimes of violence have soared in New York City and the fear of violence continues to spread among the city's 8 million people. As they have never been before, New Yorkers today are afraid—in their streets, in their parks, in their subways, and even in the privacy of their own homes and apartments. Here, for the Herald Tribune's "New York City in Crisis" series, four experts, the men who must supply the answers, explore the problems and offer possible answers.)

Frank D. O'Connor, district attorney, Queens County:

"There is a growing temptation to believe that somewhere in the process of law enforcement, criminal investigation and prosecution there is a magic switch that only needs to be thrown to solve the problem of crime. All of us in law enforcement sincerely wish there was such a switch.

"But reality is more complicated and stubborn. And to compound the problem is the fact that our concept of crime is changing.

"No field of human concern, therefore, is marked by more ferment and contradictions today than the criminal law.

"Some people cry out for rehabilitation and prevention, others for defendants rights, still others for swift prosecution and long sentences and still others for shorter sentences, etc.

"If all the suggested panaceas were embraced indiscriminately, the crime cost already second only to defense—would probably exceed the defense budget itself and still be of doubtful value.

"To devise a new, balanced and realistic attack on crime, we must see the whole problem and distinguish reality from illusion.

"Unless guilty people can be proven guilty, the law and all it can ever offer ideally by way of rehabilitation and prevention is at once academic and even laughable.

"And yet, law enforcement is being divested of many of the sound instruments of swift investigation and secure prosecution by courts concerned with antiseptic almost angelic methods of proof and with principally one phase of the problem—the rights of defendants. These rights are precious but they are only part of the complexus of problems and interests involved with crime. Layman and professional must try to see the whole problem and make a conscientious and enlightened study of all the values involved and then act. From a presidential panel to a metropolitan institute of criminology such study is already being considered.

"In my judgment, these are some of the more important areas where courageous and creative study and action must follow:

"The effectiveness of the policeman on the beat must be enhanced. His may not be the last word on the law but it is very often the very first. The law must be definite and realistic enough to enable him to act with dispatch and sureness.

"The public must accept a single standard of justice not a double one—when they are injured and when they are injuring.

"Some laws which are in a state of flux—like those involving gambling and narcotics addiction—must frankly be revised, pruned or outrightly abolished. Addiction is estimated to be related to approximately half of our urban crime. It is primarily a sickness and should be treated as such.

"First offenders should be helped in the fullest sense of that term. That does not mean excused or ignored.

"Fair and equal treatment, especially with regard to sentencing must characterize our justice.

"Courtesy and reasonable dispatch must accompany the handling of cases. Pleataking should not be regarded as a subject for suspicion. Many factors enter into taking a plea and mercy may be one of them in some instances but so, too, may information. Its value to the system is also important as a factor in reducing the backlog.

"We must continue to develop and be able to use an ever improving 20th-century investigative technology on the 20th-century criminal syndicate.

"We must remember, however, that there is no ultimate magic in the criminal law. For the law establishes only an immediate context wherein other arts, disciplines, professions and sciences must be allowed to work their power ultimately over the moral character, mental and physical life of the offender during a long period of time and under the most ideal circumstances.

"As a background of this professional reevaluation of the criminal law, there must certainly also be a concurrent promoting of a fair and more humane society, for crime is still rooted, in part at least, in the other complicated social, economic and moral problems of our time."

Aaron E. Koota, district attorney, Kings County:

"The problem of crime basically is twofold. First are the underlying causes or conditions in our society which are conducive to crime. Within this category lie the absence of fair and equal employment and educational opportunities, poverty, discrimination, lack of proper housing and environment. These, however, present long-range problems to which are addressed the studied efforts of experienced and knowledgeable public officials and civil leaders.

"But how do you approach the second phase, which is the immediate problem of dealing with day-by-day crimes of violence? In the County of Kings, there has been a substantial increase in violent crimes. To meet this expanding challenge of the criminal, immediate and vigorous law enforcement is essential.

"A serious obstacle to such enforcement lies in the present confused and muddled state of the law in areas such as search and seizure, wiretapping, confessions, the right of the accused to counsel and the oft-competing claims to jurisdiction of the State and Federal courts.

"Prompt legislation to clarify these uncertainties is essential or law enforcement will face insuperable obstacles. What is essential to stem the tide of crime is not so much an extension of the powers of the police as it is a resolution of doubt concerning the extent of the present powers.

"An all-out assault by all law enforcement agencies within the framework of the law is imperative so that the streets, our parks, our subways may be made safe against the onslaught of the hoodlum and thug and restored to the decent citizens of our community where they rightfully belong. Thus can the city of New York maintain and enhance its reputation as a city of law and order.

"It is essential, also, that criminal business be dispatched with all possible speed. Justice delayed is justice denied. Where a backlog of cases exists, crime is encouraged. Since September 1962, following court reorganization and with the cooperation and counsel of the administrative board of the New York State judicial conference, of which Mr. Presiding Justice George J. Beldock is at the helm in the second judicial department, the backlog of pending cases has been considerably reduced, and our criminal calendars are reasonably up to date."

John A. Braisted, Jr., district attorney, Richmond: "As far as the court backlog in Richmond is concerned, there is a backlog which has been caused primarily by reason of the fact that in 1964 there were only six trial terms. We believe that the backlog will be taken care of or removed, because there now have been assigned 10 trial terms.

"My personal opinion on reducing crime is that there is a need to establish a more equitable balance between the rights of the public to be protected from criminal violence and the rights granted to a person accused of crime. Our appellate courts have liberally construed the rights of an accused at the expense of public security. Victims of crime have become the forgotten people. There is a direct relationship between the rate of crime and the probability of conviction. Since the probability of conviction and subsequent imprisonment have decreased as a result of these decisions, the rate of crime has increased. This is only one cause for the rise of our crime rate. There are many others.

"There is a great need for good housing and good employment. The depressed economic condition of our people leads many of them to crime.

"We must quickly restore to the police some of the power they had to deal with crime. Because of the decisions rendered in many cases, the police are afraid to act. They are not sure if they have made a lawful arrest and are afraid of civil suits.

"If they had the power, there is no question about it, crime would be reduced."

Frank S. Hogan, district attorney, New York County: "I do not want to make a statement on a subject so all-embracing. Anything I did say would be inadequate. I don't want to give the impression by making a statement that this office has the pat solutions. Because we don't."

Isidore Dollinger, district attorney Bronx County: "Though the Herald Tribune offered to give Mr. Dollinger any amount of time and cooperation to prepare his statement, the Bronx district attorney first delayed doing it, then, after a half-dozen calls, said, 'I'm much too busy.' "

John J. Cassese, president, Patrolmen's Benevolent Association: "An essential element to the control of crime in New York City is the restoration of public respect for the police uniform.

"Initially, this can best be accomplished by the adoption of a get-tough policy in the police department. Juvenile delinquents, known criminals, and potential violators of the law must not be allowed a continued opportunity to scorn and ridicule policemen. Rather than enjoying the protection of civil liberties groups and bleeding hearts, this element should be made to feel the full force and effect of the law, with the police officer supported by his superiors and the courts meting out punishment in keeping with the crime.

"Too many cries of police brutality and too much leniency have become the order of the day. Under such circumstances, effective law enforcement is virtually impossible."

NEW YORK CITY IN CRISIS—PART XLIX

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues two articles on the crisis in the flight of jobs and school dropouts in New York.

The articles are part of the "New York City in Crisis" series and appeared in the New York Herald Tribune of March 5, 1965.

The articles follow:

New York City in Crisis: Fighting the Flight of Jobs—Action on Two Fronts

(By Barrett McGurn)

The businssmen who are organizing to fight the flight of New York City blue collar jobs, and to combat other municipal problems, worked yesterday on two parallel fronts. They sought the cooperation of labor and of City Hall, and were encouraged by the reaction of both.

H. Chandlee Turner, Jr., president of the 3,200-member Commerce and Industry Association of New York, this city's largest businessmen's organization, reported on talks with key figures in both groups. He spoke to Louis Broido, former executive vice president of Gimbels, who is Mayor Wagner's commissioner for commerce and industrial development. He talked also with Harry Van Arsdale, president of the city central labor council.

Mr. Turner is part of the three-man committee representing 70 presidents and board chairman of the largest companies of New York, and of the world, in attempting to provide a citizens' answer to this city's difficulties.

Mr. Turner told Commissioner Broido that although businessmen want to retain the dominant control of the projected industrial development corporation, they do want some city government representation. He made it clear that the purpose of the businessmen's movement is to find answers to city difficulties, not to fight city hall.

A 2-hour talk with Mr. Van Arsdale assured Mr. Turner that "I think he'll be behind our program." The aim of the businessmen is to get a half dozen labor leaders representing the textile, printing, building construction, and other fields to join forces. The buinessmen want at least some of the union leaders as directors of the job-sponsoring industrial corporation.

The talk with Mr. Broido was an effort to assuage what the businessmen understand are ruffled feelings at city hall. The Commerce and Industry Association head tried to make plain that the businessmen's initiative is not a personal attack on Mayor Wagner. Many of the persons active in the movement are convinced that it is essential to have City Hall's good will to obtain needed zoning variances, favorable taxation and even the assignment of city property for development as factory sites. The businessmen have their eyes on the New York Naval Shipyard in Brooklyn, on Governors Island and on other areas. They also are mindful that the city government of Philadelphia gave a successful businessmen's reform drive 2 square miles of municipal land for development.

The hope with labor is that unions will not "throw the book" at factories willing to move in from other parts of the country. In this regard Mr. Van Arsdale himself has sent a chill down out-of-State entrepreneurial spines by getting a 5-hour day and a 5-day week for his own electricians in New York.

The 197-year-old New York Chamber of Commerce, America's oldest businessmen's organization, and another of the main supporters of the reform drive, held its monthly meeting yesterday in its lofty-ceilinged assembly hall at 65 Liberty Street and approved all that has been done to date.

Walter F. Pease, president of the chamber, put his emphasis on excluding politicians "at least at first" for fear that they might reduce the effort "to one more of the 19 or 20 committees that have ended by rendering a report, and accomplishing little or anything else." He agreed that the businessmen at a later stage should "cooperate and work with" city officials.

Meanwhile, City Councilman Theodore R. Kupferman, Republican-Liberal of Manhattan, introduced a resolution in the council commending the businessmen's reform campaign in behalf of what "has aptly been termed a city in crisis."

Picking Up the Dropouts—A $5.1 Million War Chest

(By Terry Smith)

Armed with a $4.6 million Federal grant, New York began its first major attack on its massive school dropout problem yesterday.

Mayor Wagner announced the grant and the initiation of the Neighborhood Job Corps, through which 5,400 of the city's 77,000 unemployed youngsters will get jobs during the next 6 weeks.

The goal, said the Mayor at a press conference at city hall yesterday morning, is to "break the cycle of poverty—to see that the children of poverty do not become the fathers of poverty."

In the afternoon, Mayor Wagner went to a youth center in East Harlem and spoke briefly to 50 of the first recruits, urging them to get the most out of their jobs and reminding them that "the success of the program depends on you."

The Neighborhood Youth Corps is the first of the Federal antipoverty programs to be integrated into the city's antipoverty operations, but Mayor Wagner said "several" others would be announced during March.

The Youth Corps will provide part-time jobs for 900 teenagers still in school who would otherwise be required to drop out to help support their families, and full-time work for another 4,500 teenagers who are out of school and out of work.

The program will cost $5,139,785, of which $4,621,890 is provided by the Department of Labor, and $517,895 by the city. According to City Council President Paul R. Screvane, who is also the chairman of the city's Anti-Poverty Operations Board, some 70 percent of the money will be used for teenage wages and the remaining 30 percent will provide for administrative expenses and special counseling.

The 900 teenagers on part-time work will have jobs within their schools as library and clerical aids, recreational assistants, switchboard operators and kindergarten and nursery school aids. None of the students will work more than 15 hours a week.

The youngsters working full time will work 30 hours a week or less in jobs created by the city, community agencies and other antipoverty programs. The city will provide about 2,000 of the jobs and Mayor Wagner emphasized that in no case will a Youth Corps worker deprive someone else of an existing job. Instead, new jobs will be created, such as clerical assistants, aids in the city laboratories, museum guides, etc.

For each hour of work, the teenagers will receive $1.25.

The screening of the Youth Corps recruits has already been started by agencies such as JOIN and HARYOU-ACT at centers in all five boroughs.

A maximum salary of $37.50 per week may not seem a lot, but it obviously meant a great deal to 20-year-old Robert Matos, who was one of the 50 recruits who listened to Mayor Wagner's speech at a JOIN Center on East 104th Street yesterday. Robert, who lives with his parents in an East Harlem tenement, has been assigned a job as a receptionist in a community center in Long Island City, Queens.

He begins work there Monday and he seemed pleased with the prospect of bringing in $37.50 per week. "At least it's a start," he said.

THE CHALLENGE AND PROMISE OF FOREIGN AID

The SPEAKER pro tempore (Mr. Patman). Under previous order of the House, the gentleman from New York [Mr. Lindsay] is recognized for 30 minutes.

Mr. LINDSAY. Mr. Speaker, seldom in the history of international relations has an instrument of policy been either more productive or more abused than the American foreign aid program. For 20 years the American people have provided assistance ranging from the reconstruction of the European economies left shattered by World War II to the introduction of basic health and educational facilities in countries that are just beginning the long process of development. Throughout the period we have squabbled among ourselves over the real and alleged shortcomings of our aid and whether we ought to have an aid program at all.

It is true that foreign aid has not fulfilled the hopes with which we undertook it, but that has more to do with the extravagance of our hopes than with the failures of our aid. The value of foreign aid in the past is not open to serious challenge. The Marshall plan saved Europe from collapse and Communist domination after World War II and set Europe on the road to its current prosperity. Nor has our aid been ineffective in the much more difficult task of contributing to economic growth in the less developed nations of Asia, Africa, and Latin America. According to the calculations of Dr. Isaiah Frank, of Johns Hopkins University, economic growth in the less developed world since 1950 has been at the impressive rate of 4.2 percent a year. Notwithstanding the rapid increase in population, a per capita growth rate of about 2 percent has been achieved. The last 15 years have seen a measurable improvement in the lives of many millions of people in the world's poorer countries.

The American aid program has contributed to impressive economic progress of which both recipients and donor may well be proud. Greece, Israel, and Taiwan have all developed strong economies with the assistance of American aid. India has made steady if unobtrusive progress while maintaining a functioning democracy among a population which is over a third that of the entire underdeveloped world. Western aid in the form of foreign exchange and surplus food has substantially helped Pakistan and India, taken together, to maintain an industrial growth rate of about 8 percent a year and to strive to produce sufficient food for their soaring populations. American aid to Latin America has offset the effects of a long-term deterioration in the terms of trade for Latin American exports. In Africa, where development is hampered by a lack of skills of all kinds, Western aid is bringing about an educational revolution.

The Alliance for Progress, which has just completed its fourth year, has now, despite shortcomings of administration and other difficulties, achieved a measure of success. Preliminary statistics for 1964 show an average increase of per capita income in Latin America of 3 percent, part of which may in fact be the result of our aid program. The construction of dwelling units and schoolrooms, roads, some new industries, new hospitals, somewhat increased food production and expanded business activity, has generated some new attitudes, and the beginnings of commitments to social and economic reforms in several of the Latin American republics. Again, some of this has been helped by our Government's efforts.

In most of the less developed nations, whether they are under democratic government or military rule or some form of homegrown socialism, there has been no general tendency toward communism. In some areas, Communist pressure has ceased to be an important threat. In general, the aid the rich countries have provided to the poor countries over the past decade and a half has contributed to positive economic progress in the face of enormous obstacles, and has helped stem the tide of anarchy and communism.

Foreign aid has not, by any means, achieved all that we had hoped, but it has achieved a great deal and can, if properly reformed, achieve much more. We have underestimated the scope of our commitments and have been disillusioned. It would be a great misfortune if we were now totally to abandon foreign aid, not because it has failed, which it has not, but because we expected too much of it.

As George Woods, president of the World Bank, has pointed out, the essential fact about foreign aid is that "despite political upheavals, despite inflation, despite outmoded social structures, despite unparalleled population growth, despite inadequate savings and investment, the underdeveloped world is moving forward and the whole process of development is acquiring an encouraging momentum"—address to the Investment Bankers Association, Hollywood, Fla., December 5, 1963.

Foreign aid is neither the panacea that we took it to be 10 or 15 years ago nor the bleak failure that those who oppose it seem to think it is. When progress achieved is weighed against obstacles overcome, we can take some pride in our record and view our future aid—if it is intelligently modernized—with modest optimism. Above all, as a group of American development experts recently suggested, we must lengthen the time horizons in our thinking and in our action because, as they put it:

> We are dealing with the development century and not the development decade "New Directions in Foreign Aid"—statement of experts published by Indiana University.

When all the revolutions of the 20th century—national, ideological, military and economic—are assessed in the perspective of history, it is not unlikely that the revolution of economic development will be judged the most important. Prior to World War II economic development was something that took place in the West. In the last 20 years it has become global, and it is changing the face of societies that have been virtually stagnant for centuries. With a growth rate of a little over 4 percent a year, the total income of the underdeveloped world has about doubled in the last 15 to 20 years. This means that a revolution is being wrought in the lives of the great majority of the world's population and, like all revolutions, it carries both the promise of a better life and the certainty of untimely disappointments and profound dislocations.

For the foreseeable future, the world economic revolution is likely to generate many more problems than it will solve. One problem is the unevenness of economic development, not only among countries but within the various sectors of national economies. Specifically, in many underdeveloped countries industrial growth proceeds at a satisfactory rate while agriculture lags far behind—so much so that in some countries agricultural production per capita is less than it was 10 or 15 years ago. At best, food production the world over is barely keeping pace with population growth.

Another critical problem is trade. In the last 20 years world trade has expanded at an unprecedented rate but most of the expansion has taken place in trade among the advanced countries and in exports from the advanced to the less developed countries. Exports from the poorer countries, chiefly primary products, have not risen greatly. As a result, these nations are unable to earn the foreign exchange necessary to finance their development. To some extent this is attributable to neglect of export industries by the underdeveloped countries; the more important reason is simply that they are in the wrong businesses, exporting primary products such as basic foodstuffs and industrial raw materials for which demand rises very slowly. The consequence has been a continuous decline in the prices of commodities exported by the less developed countries and increasingly higher prices of products imported from advanced nations. The deterioration of the terms of trade thus threatens to choke off economic development unless the advanced nations provide a steady and adequate flow of essential foreign exchange.

Another problem arising from the slow growth of export earnings is a mounting burden of foreign debts. Many less-developed countries are so heavily burdened with short-term debts that an alarmingly high proportion of their future export earnings—in some cases up to 25 or 30 percent—is pledged to debt service over the next few years. They confront great threats to their continued economic development:

First. They may be compelled to forego necessary imports to service their debts.

Second. They cannot afford, and lenders are unlikely to provide, further loans at conventional rates of interest.

Overriding all the other threats to economic development is the population increase. At the current rate, the world population will double in the next 40 years and most of the increase will occur in the underdeveloped countries. To maintain even their existing levels of nutrition, housing, health, and education, the poorer nations will have to double their production in the next 40 years. About two-thirds of all their potential new investment will be devoted to meeting the needs of increased population rather than raising living standards. Unless the growth of population is brought under control, it is unlikely that even the most intelligent development programs will be able to achieve and sustain acceptable living standards.

It is clear in any case that, far from having run its course, one form or another of foreign aid remains a necessity if development is to continue in the world's poorer nations. They will require an adequate and reliable flow of unconventional development lending—loans provided at minimal rates of interest with long repayment periods.

For all its enlightened generosity in the field of foreign aid, the United States has not yet committed itself to the idea of a development century and to its own long-term interest in making it a success. We have not yet been willing to acknowledge that there can be no lasting security for the affluent in a sea of turmoil based chiefly on human misery and that the development of the world's poorer nations is not only a challenge to our conscience—which it rightfully should be—but a matter of elemental self-interest.

The scope of the development problem and our own vital interest in it answers the question of whether our aid has run its course. It has not; nor is it likely to before the end of this development century. It would free our vision if we could lay to rest the irrelevant debate over whether foreign aid has accomplished all that it can and whether it is permanent or temporary. The answer is that the stability it has helped to create is still unsure and may not become sure or reliable for a long, long time. As immutable as time itself is the proposition that that stability is essential to our survival as a free, rich, and powerful country, justly proud of its free enterprise system.

Once the need for stability is understood and acknowledged, we can turn to more pertinent questions. What kind of aid is most needed and by whom? How can we make our aid as efficient and productive as possible? How can we improve our own bilateral aid programs? To what extent, and in what ways, can we cooperate with other nations to provide economic aid through multilateral channels, converting it from a national charity to an international responsibility? I should like to comment on some of these questions in a broader discussion of how we can participate most effectively in the development century.

I believe that the most important, single contribution the United States could make to the success of the development century would be the multilateralization of much or most of our economic assistance. I strongly support the proposal made by Senator FULBRIGHT that our development loans—which is to say, that part of our aid which finances basic industrial and economic development as distinguished from military assistance and other forms of aid designed to serve short-term political purposes—be diverted from bilateral management by the Agency for International Development to multilateral management by the World Bank's Development Association.

Three major purposes would be served by channeling our development aid through IDA: First, it will establish economic development as an essential objective in itself, to be promoted by an agency with no political goals except the development of the world's poorer nations; second, it will largely remove economic aid from the mounting pressures of our own domestic politics; third, it will begin to convert the assistance of the rich nations to the poor nations from separate acts of generosity to something closer to a community responsibility.

Internationalization, I believe, will advance the ultimate political objectives of our aid—as distinguished from its short-term political objectives—which are to build a world community in which freedom is secure and prosperity is at least a realistic hope for all men. In the words of the Foreign Aid Task Force of the Republican Citizens Committee's Critical Issues Council, the purpose of our aid is nothing less than "to help build conditions aimed at a peaceful resolution of today's struggle with international communism and, with this, to help shape a certain kind of world community"—critical issues paper No. 8, page 6.

Far from being a major departure in American foreign policy, the internationalization of aid represents a logical transition in the United States ventures in world order. These ventures have consisted largely of the creation of international institutions that provide some essential but unspectacular services. Among these are such "functional" international organizations as the Universal Postal Union and the International Telecommunications Union. Beyond the useful but limited services which they perform, these institutions produce a beneficial byproduct, as Eugene Black has pointed out, in that they "foster the habit of officals getting together with their equivalents in other countries in order to try to work out solutions to common problems" and in some instances foster the creation of a genuinely international civil service—Eugene R. Black, "Ventures in World Order," Princeton Alumni Weekly, June 1, 1962.

Internationalism became a major force in world affairs after the First World War . The League of Nations soon foundered but the World Court survived and the International Labor Organization, which was created along with the League, not only survived but has come to exert important influence on labor laws, working conditions and industrial relations in many countries. The League itself had some limited political successes and some notable successes in the social and economic field.

From these cautious, occasionally fruitful ventures in world order the idea began to take hold that communities of national effort toward peace made more sense than unbridled nationalism. It became unmistakenly clear in World War II that the United States would be required to take a leading role in building international institutions.

After World War II, the United States committed itself to military and diplomatic international cooperation. But we have not yet shown a commensurate willingness to unite our efforts with those of other nations in the equally important field of social and economic cooperation with the world's less developed nations. We have a good deal to make the United Nations an effective multinational instrument for keeping the peace, although recently our Government has shown signs of wearying in this effort, and clearly better leadership is required. We have committed ourselves to multinational defense alliances such as NATO and the Organization of American States, although here, too, there has been an unfortunate deterioration of United States leadership. But in the field of social and economic assistance we have clung tenaciously to a bilateralism that I believe to be outmoded.

The institutions for international cooperation in aid already exist. The World Bank is a solid success and its soft loan affiliate, the International Development Association, is a going concern, as is the Inter-American Development Bank. We have only to decide to make full use of their facilities. This decision in turn depends on our willingness to make a fundamental commitment to the idea that we are living in the development century; that the United States has a humane and economic interest in the development of the poor nations, and that the assistance that the rich countries can provide is to their collective advantage and therefore should be carried intelligently and reasonably as a multinational enterprise.

A significant, if preliminary, basis has been laid for converting aid from bilateral, temporary instrument of policy to one that is multilateral and permanent. The success of the Marshall plan was due in no small measure to its cooperative execution by the OEEC, the Organization for European Economic Cooperation. The United Nations performs limited but useful social and economic functions through such specialized agencies as the special fund and the expanded program of technical assistance. Most important of all, the World Bank, officially the International Bank for Reconstruction and Development, has established itself as a successful and profitable banking institution providing loans on commercial terms for developmental purposes.

The International Development Association was formed in 1960 as an affiliate of the World Bank to provide funds for essential projects that developing countries could not finance by conventional loans. The IDA, which is under the same management and staff as the Bank, extends 50-year no-interest credits bearing an annual service charge of three-fourth of 1 percent. By July 1964, IDA had extended 57 loans amounting to $778 million to 22 countries in Asia, Africa, Europe and Latin America for such purposes as transportation, agriculture, industrial development, power, telecommunications, water supplies and education.

I believe it would be a great advance for American interests, for the development of the poorer nations, and for the broader purpose of building a world community if the United States were to channel much or most or all of its development lending through such international agencies as IDA and the Inter-American Development Bank. Having taken the lead over the last 20 years in efforts to build an international security community, it is now time for the United States to take the lead in building a no less important community for social and economic development.

As the Republican Citizens' Critical Issues Council pointed out last year, aid channeled through international agencies can often achieve American objectives—long-term objectives, it should be added, not short-term manipulations—better than direct U.S. aid.

> It has been learned from experience—

Said the council—

> that frequently there is less resentment and resistance from an underdeveloped nation when the World Bank, for example, rather than AID, conditions a loan on a specific government concession to private enterprise. (Critical issues paper No. 8, p. 16.)

The premise of multilateral aid is that economic development is itself a vital objective, apart from considerations of the political ties it may generate. In the words of George Woods:

> Economic aid is not an infirmity which we must learn to live with—which we render tolerable by making it a byproduct of programs which are created and implemented essentially with the view of furthering the diplomatic, political or export objectives of the industrialized countries. Economic assistance to developing countries should be the central objective—not the peripheral one—of the aid programs. (Address to the Investment Bankers Association, Hollywood, Fla., Dec. 5, 1963, pp. 15–16.)

Economic development, in short, is an end in itself—vital to the aspirations of the poor and the security of the rich. It should properly be administered by international lending agencies with no political objectives to be advanced, no special interests to be appeased, and indeed no reason to exist except for the promotion of economic development.

Again in the words of Mr. Woods:

> Unlike nationally administered aid programs, World Bank loans have not been concerned with political objectives, with short-term commercial factors, or with military considerations. We have been able to call the shots as we saw them, from a strictly economic and financial point of view. We have been concerned solely with assuring the best economic performance by the developing countries. Because we have no objective to serve but economic development, we have been able to be hardheaded in our adherence to economic criteria to an extent not open to national aid programs. (Ibid., p. 8.)

There is a profound psychological problem involved in bilateral aid of which an international agency like the World Bank is free. Bilateral loans carry an inevitable connotation of charity which, put in the worst light, has an element of humiliation for the borrower and irritation or embarrassment for the lender. Neither can ever quite forget that one is in need, the other without material need. Human nature being what it is, this is not the kind of relationship that imparts self-confidence or self-sufficiency to the borrower or generosity and tolerance to the lender. Genuinely grateful though he may be, the borrower eventually will resent his benefactor because he is rich. The lender in turn, may become exasperated with the borrower because he is needy, in some ways inefficient, and ungrateful besides.

There has been a great deal of talk about ingratitude for our aid, and it is mostly nonsense. Effusive gratitude of the sort that many Americans seem to want is contrary to human nature. The United States, for example, was not overly appreciative to France for helping us to win our Revolution in 1783; in fact, we almost went to war with France a few years later. Nor did the Halls of Congress ring with gratitude to England during the century that the British fleet provided us with free security from the power politics of Europe; on the contrary, the 19th century was a period of most eloquent and outspoken Anglophobia in America. The point is that thankfulness is an unrealistic objective of foreign policy and a most unworthy objective for a great nation.

> Magnanimity in politics—

Said Edmund Burke—

> is not seldom the truest wisdom; and a great empire and little minds go ill together. (Edmund Burke, second speech on conciliation with America, Mar. 22, 1775.)

Bilateral aid has been described as an instrument for influencing the policies of recipient countries. In many instances, our aid has given us temporary leverage, although often at the cost of ingrained resentments on the part of proud nationalist leaders. The belief that aid gives us direct and immediate influence on the behavior of its beneficiaries is belied by our experiences. The United States provided massive assistance to the Republic of Korea and fought a war to defend its independence. When the peace negotiations reached a decisive state in 1953, the government of President Syngman Rhee attempted to abort them. The United States provided billions of dollars to revive France after World War II, and now a fully recovered France is creating difficulties for American policy all over the world. In the last few months our generosity to Indonesia has been rewarded by the burning of American libraries while the Egyptians have burned down our libraries and invited us to "go jump in the lake besides."

The political usage of aid has been appraised by the Critical Issues Council of the Republican Citizens Committee.

> It is imperative—

The council wrote—

> that we distinguished clearly between hostility and mere differences of opinion, or even sharp clashes of view on particular matters * * *. The country's direction must be clear; but, in pursuing basic objectives on which there is agreement, differences in judgment will always be found on individual points of foreign policy. Moreover, our own judgment may not always be right. Besides, we stand for independence, and in exercising independence, countries must be free to seek their own way through the perplexities of today's situations, in a manner they believe serves their own interests. We are trying to build free nations, not to make satellites. It is communism that demands subservience. (Critical issues paper No. 8, p. 9.)

If direct and immediate political leverage were the basic objective of American aid, I would suggest that we terminate our aid programs at once. The crude exercise of political influence is not our basic objective. The valid and rational goal of economic aid is economic development, which in turn has a vital and direct bearing on our efforts to create a world environment in which free societies can be secure and prosperous.

If this is accepted as the purpose of our aid, then it follows that our aid will be effective to the extent, and only to the extent, that it is provided without taint or suspicion of self-serving motivation. A single nation providing aid may or may not be free of ulterior political motives, but even if it is, it is almost impossible for it to be free of the suspicion of political purpose. Entirely valid economic advice may thus be rejected because the recipient suspects that the real purpose of conditions attached to aid is not to encourage economic efficiency but to influence an election or to gain some commercial advantage.

The American Ambassador to Argentina, for example, recently found it necessary to make an extraordinary effort to persuade the Argentine Government that a delay in aid disbursements had nothing to do with a stalemate in negotiations between Argentina and certain American-owned oil companies whose contracts had been canceled over a year ago. Ambassador Martin is an able diplomat and he may succeed in allaying Argentine suspicions, but the fact remains that, on its face, the delay in aid disbursements can as well be taken to be a lever on the oil negotiations as the purely "technical and legal" matter that the State Department says it is. The question of the oil contracts is an extremely emotional one in Argentina and it is conceivable that suspicion of U.S. policy was a factor in the election of Peronist candidates in Argentina's congressional elections on March 14. This is not to suggest that the United States should not take steps to help assure a fair settlement for the oil companies but only that it would be most unfortunate if the effectiveness of our aid program were compromised by its use as a lever in a private commercial dispute.

The decisive advantage of the international lending agencies is their economic objectivity and the fact that this objectivity is well known to both contributors and borrowers. As Eugene Black has put it:

> Economic priorities are inevitably confused when economic objectivity is lost—and economic objectivity is not easy when aid is influenced by political ends * * *. The Bank, and IDA, for example, can apply what should be the real criterion—the practical merits of the particular case. Because they are known to have no ulterior motive, they can exert more influence over the use of a loan than is possible for a bilateral lender. They can insist that the projects for which they lend are established on a sound basis, and—most important—they can make their lending conditional upon commensurate efforts by the recipient country itself. (Address to Board of Governors of the World Bank, Sept. 18, 1962.)

Even if our development lending were channneled entirely through the international lending agencies, much of our foreign aid would necessarily remain bilateral—military assistance, surplus foods, stopgap budgetary support and all the various forms of assistance that have short-term political aims as distinguished from long-range economic objectives. Broadly speaking, the division of aid between bilateral military and political assistance and multilateral development assistance reflects the reality of a world which, though still divided by national and ideological rivalries, is struggling slowly and painfully toward the creation of a broader community.

The distinction is of the greatest importance. In the words of a statement issued by some 50 American development experts:

> This generation lies between two worlds; an Old World in which sovereign nationals states regard each other as allies or enemies; and a New World, still adolescent, in which nation states recognize their interdependence and engage cooperatively in the tasks of mutual benefit and concern.
>
> What is commonly called foreign aid is a mixture of governmental measures appropriate to the Old World and of others quite different that are appropriate to the new. Military aid and short-term politically motivated economic aid * * * could suffice to the Old World. Developmental assistance * * * is an essential additional activity of the New World of increasingly interdependent states. ("New Directions in Foreign Aid," statement of U.S. development experts published by Indiana University.)

The multilateralization of development lending is the most important reform needed in our foreign aid. There is also need for improvement, however, in the conduct of the programs that would remain bilateral should our development lending be internationalized. A most desirable reform in this category would be a continuing review of both country programs and the bilateral aid program as a whole by nongovernmental economists and technical experts. The participants in the periodic reviews should be wholly independent, engaged by the Government solely for the purpose of surveying the conduct of aid, documenting both its successes and shortcomings, and providing objective information to the Congress and the public.

There is a need for even greater selectivity in our aid than has already been achieved. Indeed, what has been achieved thus far is concentration rather than selectivity. The President pointed out in his foreign aid message on January 14, 1965, that 64 percent of our development aid went to only 7 countries in fiscal year 1964; he did not point out that we nonetheless maintain aid programs of one sort or another in about 90 countries. Many of these are designed to do nothing more than maintain an American "presence"—an irritating and purposeless presence, in some instances, the elimination of which might very well lead to better relations with the countries concerned.

A final and most important need is public education. It would be useful and constructive if the administration were to undertake a sustained effort to inform the American people quite candidly as to what can and cannot be expected of foreign aid and why it should be regarded not as something abnormal but as an instrument of policy in this development century. As the Critical Issues Council points out, the resolution of the current controversy over aid ultimately depends on the quality of political leadership exerted in its behalf.

> Aid—

They write—

> has few constituents, and few politicians ready to fight for it. More important, there are few ready to educate for it. A wide, sustained, educational effort should be promoted to bring the aid story to more people. (Critical issues paper No. 8, p. 4.)

Such an educational effort should seek, above all, to remind Americans of both the challenge and the promise of foreign aid. The challenge is to our enlightened self-interest and to a proper and decent concern with the happiness of peoples less favored than ourselves; the promise, if we persevere, is hope for emerging peoples and security for established peoples in a world struggling toward lasting peace and a genuine community of nations.

PUBLIC INFORMATION POLICY OF THE DEPARTMENT OF DEFENSE

The SPEAKER pro tempore (Mr. Patman). Under previous order of the House the gentleman from Indiana [Mr. Bray] is recognized for 10 minutes.

Mr. BRAY. Mr. Speaker, I would like to call attention to a report issued today by the Freedom of Information Committee of the American Society of Newspaper Editors. This report criticizes in the strongest terms the public information policy of the Department of Defense which, it says, tries to tell the public that "everything's coming up roses."

I know of no greater danger to our freedom nor to our ultimate survival than an attempt by the Government, particularly by our military authorities, to confuse and delude the public by concealing unfavorable information. Whatever the bad news, sharing it with the American public is infinitely wiser than attempting to keep it from them.

The committee reports that "it has not been an encouraging year for freedom of information." In the Defense Department, it points at a directive requiring that a monitor be present at all Pentagon interviews and states that this practice is also carried out in the field. The committee shares the opinion voiced by Wes Gallagher, general manager of the Associated Press, who says such policies are "aimed not at security matters but at controlling what American fighting men say. Such control exceeds anything done in the darkest days of World War II."

Freedom of Information bills are now pending in the House and Senate. Hearings have been completed on H.R. 5012 by the Freedom on Information Subcommittee of the House Committee on Government Operations. No action has been taken as yet on S. 1160.

A free society, resting as it does on the ultimate wisdom of the people, cannot survive if the people are not well informed. Their judgment is limited by scope of their understanding of public issues, and it is the job of the Nation's newspapers to expand the scope of the people's knowledge and understanding.

The job of obtaining and disseminating information with reasonable impartiality and restraint is always difficult. One major problem, which grows as our Government grows, is the inherent desire of the Government to cover up some aspects of its operations and reveal only what it wants to reveal.

This is a natural tendency. Anyone wants to present only their best side, and is not anxious to have some particulars of their actions subjected to public view.

Especially this is a tendency of governments, which automatically clutch to their bosoms every shred of information about their operations and thus maintain their dominance over the people. Even aside from trying to quell criticism, hiding government information from the people makes them more dependent and less able or likely to resist the actions of the existing regime.

There is an old saying that "Doctors bury their mistakes; and the Government classifies its mistakes."

Of course there is information which must be kept secret so as not to aid our enemies. Strangely, however, many things which clearly are known to our enemies are kept secret from our own people.

The more I have observed the Washington scene, the more convinced I have become that it takes constant watching to keep the Government from becoming extremely secretive about its operations. As our Government grows to mammoth proportions we have to watch at every level at every moment.

The Freedom of Information Subcommittee of the House Committee on Government Operations has been of great help in this endeavor. It is often tipped off to attempted efforts at unnecessary Government secrecy by enterprising members of the press who are seeking to get the full story.

Mistakes will be made in our Government, of course. Sometimes they may damage our prestige and impair basic confidence in our Government. But nothing is so bad as the attempt to keep full information about them from the people.

For their unceasing efforts to keep the people informed, ripping apart the veil of secrecy which is often used to conceal official acts, the press of the Nation is much to be congratulated.

LEGISLATION INTRODUCED TO REMOVE EXCISE TAXES ON RETAIL PRODUCTS

The SPEAKER pro tempore (Mr. Patman). Under previous order of the House the gentleman from Florida [Mr. Rogers] is recognized for 30 minutes.

Mr. ROGERS of Florida. I urge passage of legislation to remove the excise taxes on such retail items as ladies handbags, jewelry, cosmetics, furs, and related commodities, and am introducing legislation to accomplish this purpose.

The 10 percent excise taxes levied on these products are collected for the IRS by retail merchants. To eliminate these taxes will eliminate excess bookkeeping imposed on American businessmen as well as offer tax relief for the overburdened U.S. taxpayer.

These excise taxes have outlived their original purpose as they apply to commodities once considered luxuries but now regarded as necessities. It is worth noting, for example, that although a Federal excise tax is applied on the sale of women's handbags now taxed under the category of luggage, the Army, Navy, and Air Force issue handbags as part of the clothing for their women personnel.

Last year Americans paid out nearly $185 million in taxes on jewelry. Many of the items taxed under this category were birthday gifts or Christmas presents, and it is my understanding that this category has been extended so far as to include ornamental buttons on women's dresses.

The 1964 fur sales totaled approximately $30 million, and while furs are taxed as a luxury item, many cloth coats and dresses costing much more were not taxed.

I have also urged that legislation removing the excise tax on cosmetics, perfumes, and other toilletries be enacted. Removal of the 10 percent tax now imposed on these products would have great effect in view of the more than $6 million spent by the American consumer last year on these items. To remove the tax on this category would not only cut the price on articles used by women, but lower the price of men's after-shave lotion as well.

I am hopeful that the House Ways and Means Committee will act on this matter before June 30 in order that some tax relief may be granted.

IMPORT QUOTAS FOR FOREIGN-PRODUCED RESIDUAL OIL

The SPEAKER pro tempore. Under previous order of the House the gentleman from Pennsylvania [Mr. Dent] is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, on March 31 the Secretary of the Interior announced at a press conference that import quotas for foreign-produced residual oil are being increased by "somewhere in the range of 75,000 barrels a day which is somewhat comparable to the increase of last year." On the following day, April 1, the opening day of the residual oil import control year, the Department of the Interior issued a statement indicating a daily increase amounting to about 115,000 barrels per day.

According to my calculations, the difference between the Secretary's announcement of a 75,000-barrel-per-day increase in residual oil import quotas and the Department's statement showing an increase of 115,000 barrels daily is something more than 53 percent. The net effect is to place on very shaky ground the entire import quota program as it is administered by the Secretary of the Interior.

This is especially true in view of the Secretary's comments at his press conference. It would appear from what he told the press that he is tired of the program and would like very much to do away with the whole thing. As a matter of fact, he was moving in that direction—by his own admission—but was sidetracked by the intervention of administration lawyers, including those in the White House.

The Secretary has said, in effect, that the whole quota system will be eliminated when a "basic determination" is made that the "national security no longer warrants the program." He had this to say specifically at his March 31 press conference:

> There is in my judgment a very serious question whether the national security warrants the continuation of this program and this was reflected in the initial decision that I had made. However, a national security determination is not something that is within my power, acting alone, to make * * * nor did I approach it in terms of making this type of basic decision.

Mr. Speaker, the initial decision made by the Secretary of the Interior concerning future imports of foreign residual oil into the United States—the decision he himself described as the best solution—

was to eliminate import quotas in five New England States, exclusive of Connecticut, and in the State of Florida, and to modify the program in the remaining States of district I. But he was overruled, he said, by administration lawyers, including White House lawyers, "because of the national security basis of the program" and because his "best solution" was not "legally viable."

It is obvious that we have in the present administration an official who is charged with administration of a critically important program about which he professes to understand little in terms of its relationship to the security of this Nation. If the Secretary had not been overruled only 48 hours before he made his announcement, chaos would have reigned supreme in those segments of our economy from which we draw vitally needed fuels, and I have particular reference to the coal industry.

We hear arguments to the effect that unwarranted dependence on foreign sources of fuel could mean trouble in a serious international emergency. Even with the naval strength we have in the Atlantic, vessels carrying residual oil to our east coast ports would be particularly vulnerable to submarine attack. Residual oil burning generating stations and industrial plants would be forced to curtail operations because of the resulting fuel shortages.

I subscribe to this argument, of course. But I suggest that this argument alone does not point with sufficient emphasis to the critical national security aspects of fuel supplies. Lacking imported oil, consumers in New England and Florida, and elsewhere, too, would be forced to turn to other fuels.

Mr. Speaker, the one fuel to which utilities and industrial plants would turn in an emergency is coal. However, even though we have some 830 billion tons of coal unmined in this country, the coal industry cannot fill the void overnight. Coal would not be instantly available to replace the foreign residual oil if the Secretary's views were to prevail and if all quota restrictions were to be removed.

In order to meet suddenly increased demands, the coal industry would have to open new mines, employ additional miners, order new equipment, and wait for it to be built and delivered. This takes time which might not be available in abundance.

Such a situation can be avoided, simply and directly, by insisting, here in the Congress, that the residual oil import control program be retained on a long-term basis and that quotas be set and maintained at reasonable levels which permit all domestic fuels—including coal—to compete for the growing energy market in the East. Imports have been increasing at a rate of about 9 percent yearly, and the Secretary of the Interior himself said one of the reasons for the increased daily import quota starting April 1 was "for the growth factor increase that is normal."

The Secretary thus grants to residual oil importers first crack at the growing energy market in New England, New York, and New Jersey where residual oil consumption has increased 21 percent since 1958 during the same period the coal market in that part of the country fell sharply. The result of the ever-increasing quotas has been the dumping of residual at east coast ports at prices designed to undercut coal and drive it from the market.

Mr. Speaker, indeed, if the quota restrictions are removed, as the Secretary would like, foreign residual oil will be everywhere in the northeastern corner of our Nation, and coal's present market for some 39 million tons yearly will all but disappear. Who will be penalized then? Will the Nation be stronger when the coal industry has been weakened?

If the coal industry is not permitted to compete in the northeastern fuel markets on an equitable basis, it simply cannot afford to prepare to meet the heavy production demands that would be imposed upon it in the event of a national emergency. Estimates show that a capital investment of from $10 to $12 per ton of annual coal production is required to open a new mine, and the coal industry officials with whom I am acquainted are prepared to make such investments only if they can be assured of market conditions which justify the required outlays.

The coal industry has no desire to prohibit entirely the importation of foreign residual oil, but it does urge that the import control program be administered with proper concern for the present and future welfare of the people who work in and are supported by this country's vital coal mines. This can be done by stabilizing imports at a reasonable level rather than increasing quotas at every opportunity.

A stabilized residual oil import program would assure those industries and installations which now burn oil that sufficient quantities would be available as protection against fuel scarcity. It would enable all domestic fuel industries, including the coal industry, to plan for the future on an intelligent and predictable basis featuring equitable consideration for all concerned. It would give the coal industry, especially, an opportunity to compete for a fair share of the market now glutted with residual oil, thus providing needed employment in the mines and in coal-carrying railroads. Most of all, it would safeguard national security by permitting intelligent planning by all parties to cope with any situation involving wartime cessation of imports.

Mr. Speaker, we are engaged in a war on poverty costing $1.5 billion. And we are engaged at the same time in a program costing additional millions of dollars to eliminate economic stagnation in the coal-rich Appalachian region. We are told these programs are necessary if the Nation is to be made stronger and more secure.

Simultaneously, however, the Secretary of the Interior seeks to endanger national security by attempting to allow certain portions of this country to place total and entire dependence on foreign oil at a time when the national security demands strengthening of our domestic fuel industries so that they may be able to meet emergency demands at some future time. I fail to see the logic behind the Secretary's reasoning, and I believe my feeling is shared by many of my colleagues.

I am happy to learn that the Office of Emergency Planning is looking into the national security aspects of the oil import control program. I am confident that this agency will look at all the facts coldly and objectively, with the welfare of the Nation in mind, and will recommend that the program be continued in the national interest. If the OEP seeks expert judgment on the relationship of national security to this program, I am certain it will not seek advice from the Secretary of the Interior who by his own words has eliminated himself as an expert in the field.

VERRAZANO DAY, APRIL 17, 1965

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. ROONEY] is recognized for 10 minutes.

Mr. ROONEY of New York. Mr. Speaker, I take particular pleasure each year in joining with my Italian-American friends in paying tribute to that great explorer, Giovanni da Verrazano, whose discoveries played such an important part in our American history.

Verrazano can truly be heralded as the great "martyr of exploration." This intrepid 29-year-old navigator was not one to rest on his well-won laurels. After having completed a series of explorations of the North American coast all the way from Cape Fear northward to Cape Breton, Verrazano set forth on a similar exploring expedition to the Southern Hemisphere. The people of the world long pondered the outcome of this journey for it still remains shrouded in mystery. Historians can tell us only that in all likelihood Verrazano was killed and probably eaten by natives on the "island of Darien" off Panama.

The widespread public interest in Verrazano and the genuine appreciation of his important contribution to the development of our country motivated the administration to honor his name with a commemorative stamp last fall.

The great Narrows Bridge which bears his name will be a constant reminder to all who traverse it of the young man who was first to explore and chart for posterity the waters in and around New York as well as Narragansett Bay.

Mr. Speaker, when we think of Verrazano and when we honor him for his great deeds, we think of the hundreds and hundreds of other great men of Italian birth or descent who have done so much for America. The memory of these fine Americans creates a chain of thought which immediately relates itself to our whole process of immigration.

President Lyndon B. Johnson in meeting last fall with the group of Italian-American leaders seeking to obtain approval of the commemorative stamp for Verrazano said:

> Two years ago this month I visited the city of Naples. There I was privileged to speak to and meet with several hundred families who were leaving their native land to become citizens of our land.

> There is no more difficult decision men can make than to leave their homeland—and their family ties to begin life anew in another land. In this office, I think always of the more than 40 million men and women who since 1820 have made that choice. A President has no greater duty than to use every strength and talent to keep America as a land to which many will want to come—and none will want to leave.
>
> We must have laws regarding immigration. Personally, I believe our laws should not say that the relatives of any Americans are not welcome to become Americans themselves. We are committed to eliminating discrimination in our society. I believe we should also eliminate discrimination in the laws relating to those who would join our society from abroad.
>
> The strength of our Nation has been built from many groups from many lands.
>
> No group has contributed more—few have contributed so much—as the sons and daughters of Italy.

Mr. Speaker, as we recall these words of the President and as our hearts join with our Italian-American friends in gratitude and tribute to Verrazano, may we remind ourselves that this Congress has an unfinished task of utmost importance. We cannot and we must not ignore the President's request for legislative action to revise and update our inadequate and discriminatory immigration laws. When we complete this vital task we can feel that we have somewhat repaid our obligation to the great martyr of exploration—Giovanni da Verrazano.

LEGISLATION TO AMEND TITLE 39, UNITED STATES CODE, TO AUTHORIZE FREE MAILING OF BOOKS AND PERIODICALS FOR THOSE WHO ARE HOUSEBOUND

The SPEAKER pro tempore. Under previous order of the House the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 5 minutes.

Mr. FOGARTY. Mr. Speaker, I am today introducing, for appropriate reference, a bill to amend title 39 of the United States Code in order to authorize the free mailing of books and periodicals between public libraries and individuals who are housebound.

This bill is designated to make it possible for shut-ins to receive adequate library serivce in their home communities through the mail without having the cost of postage for this service deter local libraries from instituting it because of budgetary problems.

Some community libraries have begun using bookmobiles as a means of bringing library service to people in their home neighborhoods. However, these bookmobiles usually park in a specific place to serve people who live within a radius of several blocks. Since it is impossible for shut-ins who are too ill, disabled, or infirm to walk several blocks to the bookmobile, and since it is not always possible or desirable for shut-ins to arrange for someone to select books for them, library service by mail is the only logical and efficient solution to providing adequate library services for housebound individuals.

My bill would require the shut-in individual to furnish to the librarian or chief administrative officer of his local public library, the statement of a physician attesting to the fact that the individual is permanently housebound owing to illness or disability or that he will be confined to his home for medical reasons for a period of not less than three months' duration. The bill would also require that the book or periodical be clearly marked "Free Matter for the Disabled" in the upper right-hand corner of the address area. Thus, with these provisions, the service would be simple to operate by both the library and the Post Office Department. Similar free and reduced postage rate privileges for books and equipment for the use of blind persons have been in operation since 1899 and have been most helpful to these persons.

The need for this bill to assist shut-ins was brought to my attention by F. William Summers, associate librarian of the Providence Public Library. I am sure that a similar need exists in every community throughout our country.

I am sure that all of my colleagues in the House of Representatives will join with me in supporting this urgently needed legislation as a means of stimulating adequate library service to shut-ins, the group of individuals who, perhaps more than any other, need ready access to books and periodical literature.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WIDNALL (at the request of Mr. RUMSFELD), for 20 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. PATMAN, for 30 minutes, on April 26 and April 27; to revise and extend his remarks and to include extraneous matter.

Mr. DENT (at the request of Mr. ALBERT), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. ROONEY of New York (at the request of Mr. ALBERT), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. FOGARTY (at the request of Mr. ALBERT), for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. SKUBITZ.

(The following Member (at the request of Mr. ALBERT) and to include extraneous matter:)

Mrs. KELLY.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, April 19, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

940. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 6, 1965, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of the Atlantic Coast from the Delaware-Maryland line to Gargathy Inlet, Va., authorized by Public Law 71, 84th Congress approved June 15, 1955 (H. Doc. No. 144); to the Committee on Public Works and ordered to be printed with two illustrations.

941. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated January 26, 1965, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of the Rhode Island coastal and tidal areas, authorized by Public Law 71, 84th Congress approved June 15, 1955 (H. Doc. No. 145); to the Committee on Public Works and ordered to be printed with 10 illustrations.

942. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 5, 1965, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of the Connecticut coastal and tidal areas, authorized by Public Law 71, 84th Congress approved June 15, 1955 (H. Doc. No. 146); to the Committee on Public Works and ordered to be printed with six illustrations.

943. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 1, 1965, submitting a report, together with accompanying papers and an illustration, on a letter report on Tittabawassee River, Mich., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 27, 1956; to the Committee on Public Works.

944. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work; to the Committee on Agriculture.

945. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend subsections (a) and (b) and to repeal subsection (f) of Section 3 of the Rural Electrification Act of 1936, as amended, to establish the Rural Electrification Administration Loan Account, and for other purposes; to the Committee on Agriculture.

946. A letter from the Assistant Secretary of the Interior, transmitting a report of a soil survey and land classification of lands in the Baker project, Oreg., pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

947. A letter from the Comptroller General of the United States, transmitting a report on unnecessary requisitioning of aeronautical parts by the Naval Supply Depot, Subic Bay, Republic of the Philippines, Western Pacific Area, Department of the Navy; to the Committee on Government Operations.

948. A letter from the Assistant Secretary of the Interior, transmitting a report of the

reclassification of certain lands of the Tulelake Irrigation District, pursuant to the provisions of section 8 of the Reclamation Project Act of 1939 (act of Aug. 4, 1939, ch. 418, 53 Stat. 1187, 43 U.S.C. 485); to the Committee on Interior and Insular Affairs.

949. A letter from the Assistant Secretary of the Interior, transmitting notice of the receipt of a loan application from the Roosevelt Water Conservation District of Higley, Ariz., pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 2984. A bill to amend the Public Health Service Act provisions for construction of health research facilities by extending the expiration date thereof and providing increased support for the program, to authorize additional Assistant Secretaries in the Department of Health, Education, and Welfare, and for other purposes; with amendment (Rept. No. 247). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 2985. A bill to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers; with amendment (Rept. No. 248). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 2986. A bill to extend and otherwise amend certain expiring provisions of the Public Health Service Act relating to community health services, and for other purposes; with amendment (Rept. No. 249). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of Missouri: Committee on House Administration. House Joint Resolution 324. Joint resolution to provide for the reappointment of Robert V. Fleming as citizen regent of the Board of Regents of the Smithsonian Institution; without amendment (Rept. No. 250). Referred to the House Calendar.

Mr. JONES of Missouri: Committee on House Administration. House Concurrent Resolution 305. Concurrent resolution expressing the sense of the Congress with respect to the designation of a grove of redwood trees as a memorial to the late Dag Hammarskjold; without amendment (Rept. No. 251). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL:

H.R. 7519. A bill to authorize the Secretary of the Interior to set aside certain land within the National Capital park system in Washington, D.C., for construction of a building by the Bureau of Water Resources of the National Rivers and Harbors Congress, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 7520. A bill to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers; to the Committee on Interstate and Foreign Commerce.

H.R. 7521. A bill to amend title II of the Social Security Act to provide that a survivor beneficiary shall not lose his or her entitlement to benefits by reason of a marriage or remarriage which occurs after he or she attains age 62; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 7522. A bill to authorize the Secretary of the Army to review the report on the Gulf Intracoastal Waterway in Louisiana and Texas to determine whether certain modifications should be made in that project; to the Committee on Public Works.

By Mr. CONABLE:

H.R. 7523. A bill to prevent the use of stopwatches or other measuring devices in the postal service; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN of Oregon:

H.R. 7524. A bill to establish the Oregon Dunes National Seashore in the State of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOGARTY:

H.R. 7525. A bill to provide certain free mailing privileges with respect to books, periodicals, and other reading matter mailed between libraries and other nonprofit organizations and persons confined by illness or disability to their places of abode; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 7526. A bill to provide for the striking of medals in commemoration of the 250th anniversary of the founding of San Antonio; to the Committee on Banking and Currency.

By Mr. HULL:

H.R. 7527. A bill to amend the Packers and Stockyards Act of 1921, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. KREBS:

H.R. 7528. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 7529. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. MacGREGOR:

H.R. 7530. A bill to provide Federal assistance to restore and repair certain disaster areas in the State of Minnesota; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 7531. A bill to amend title 38 of the United States Code to provide that World War II and Korean conflict veterans entitled to educational benefits under any law administered by the Veterans' Administration who did not utilize their entitlement may transfer their entitlement to their children; to the Committee on Veterans' Affairs.

By Mr. MINSHALL:

H.R. 7532. A bill to repeal the manufacturers' excise tax on passenger automobiles and trucks; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 7533. A bill to provide Federal assistance to restore and repair certain disaster areas in the State of Minnesota; to the Committee on Public Works.

By Mr. OTTINGER:

H.R. 7534. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 7535. A bill to amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes; to the Committee on Education and Labor.

By Mr. QUIE:

H.R. 7536. A bill to provide Federal assistance to restore and repair certain disaster areas in the State of Minnesota; to the Committee on Public Works.

By Mr. REINECKE:

H.R. 7537. A bill to repeal the manufacturers' excise tax on passenger automobiles and trucks; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 7538. A bill to amend sections 2072 and 2112 of title 28, United States Code, with respect to the scope of the Federal Rules of Civil Procedure and to repeal inconsistent legislation; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 7539. A bill to assist cities and States by amending section 5136 of the Revised Statutes, as amended, with respect to the authority of national banks to underwrite and deal in securities issued by State and local governments, and for other purposes; to the Committee on Banking and Currency.

By Mr. SIKES:

H.R. 7540. A bill to authorize the Secretary of the Interior to set aside certain land within the National Capital parks system in Washington, D.C., for construction of a building by the Bureau of Water Resources of the National Rivers and Harbors Congress, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 7541. A bill to provide Federal assistance to restore and repair certain disaster areas in the State of Minnesota; to the Committee on Public Works.

By Mr. VIGORITO:

H.R. 7542. A bill to repeal the cabaret tax; to the Committee on Ways and Means.

By Mr. DIGGS:

H. Res. 340. Resolution authorizing cards of identification for certain officers and employees of the House of Representatives; to the Committee on House Administration.

By Mr. POWELL:

H. Res. 341. Resolution providing for consideration of H.R. 3584, a bill to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines; to the Committee on Rules.

By Mr. REINECKE:

H. Res. 342. Resolution creating a select committee to conduct an investigation and study the operation of hospital facilities by the departments, agencies, and instrumentalities of the United States; to the Committee on Rules.

By Mr. ROONEY of New York:

H. Res. 343. Resolution to authorize the Committee on Armed Services to conduct an investigation and study with respect to all aspects of the proposed closing of the New York Naval Shipyard, Brooklyn, N.Y.; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

203. The SPEAKER presented a memorial of the Legislature of the Commonwealth of

Massachusetts, memorializing the President and the Congress of the United States to enact legislation authorizing the cities and towns of the Commonwealth to mail absentee ballots free of postage charges, which was referred to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 7543. A bill for the relief of Stephan N. Bilezikjian; to the Committee on the Judiciary.

H.R. 7544. A bill for the relief of Marara Potete Martin; to the Committee on the Judiciary.

By Mr. MACGREGOR:

H.R. 7545. A bill to provide for the sale of certain mineral rights to William Sima and Thelma L. Sima in Minnesota; to the Committee on Interior and Insular Affairs.

By Mr. SIKES:

H.R. 7546. A bill for the relief of Gilmour C. MacDonald, colonel, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 7547. A bill for the relief of Han Chin Wong; to the Committee on the Judiciary.

H.R. 7548. A bill for the relief of Ming Sing Wong; to the Committee on the Judiciary.

PETITIONS

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

169. By the SPEAKER: Petition of Hawaii National Guard Noncommissioned Officers Association, Fort Ruger, Honolulu, Hawaii, relative to stating that the Legislature of the State of Hawaii urges and strongly supports increased pay for personnel of the Armed Forces; to the Committee on Armed Services.

170. Also, petition of Choko Kuwae, Representative, the 15th Islandwide Mandataries Conference, relative to obtaining compensation for damages caused by U.S. Forces and members thereof while in the Ryukyu Islands; to the Committee on Foreign Affairs.

171. Also, petition of Henry Stoner, Avon Park, Fla., relative to safe and unsafe areas in the United States during this nuclear age; to the Committee on Rules.

SENATE

THURSDAY, APRIL 15, 1965

The Senate met at 9 o'clock a.m. and was called to order by Hon. FRED R. HARRIS, a Senator from the State of Oklahoma.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 15, 1965.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. FRED R. HARRIS, a Senator from the State of Oklahoma, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. HARRIS thereupon took the chair as Acting President pro tempore.

ADJOURNMENT TO MONDAY, APRIL 19, 1965

The ACTING PRESIDENT pro tempore. Under the order of Tuesday last, the Chair declares the Senate adjourned until 9 o'clock a.m. Monday next.

Thereupon (at 9 o'clock and 13 seconds a.m.) the Senate adjourned, under the order of Tuesday, April 13, 1965, until Monday, April 19, 1965, at 9 o'clock a.m.

EXTENSIONS OF REMARKS

Verrazano Day, 1965

EXTENSION OF REMARKS
OF

HON. EDNA F. KELLY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 15, 1965

Mrs. KELLY. Mr. Speaker, on or about April 17, 1524, 441 years ago, an adventurous Florentine navigator sailed his ship into New York Harbor and sent a small boat through the Narrows to explore what we call today Upper New York Bay. The name of the navigator was Giovanni Verrazano.

Long before the voyages of Raleigh, Hudson, and the Pilgrims, Verrazano and his intrepid companions came to the shores of North America, explored these shores, and reported their findings to Europe. For centuries, Americans remained ignorant of this exploit. The name they gave to their continent evoked the voyages of Amerigo Vespucci. They set aside a day to commemorate the discoveries of Christopher Columbus. But neither of these great explorers—who contributed so largely to the renown of Italian navigation—came to the shores of what today is the northeastern coast of the United States. It is to Verrazano that credit belongs for first exploring this coast.

Belatedly, Americans have come to recognize the achievements of Verrazano. In 1909, a statue of Verrazano was unveiled in Battery Park in New York City. In 1964, a suspension bridge across the Narrows of New York Harbor was completed, bearing appropriately the name of Verrazano. It is my hope that one day all our citizens will be acquainted with the exploits of Verrazano, and that his name will be set alongside those of Columbus and Vespucci when the glorious history of Italian navigation is evoked.

Report to Kansas on H.R. 6675

EXTENSION OF REMARKS
OF

HON. JOE SKUBITZ

OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 15, 1965

Mr. SKUBITZ. Mr. Speaker, under unanimous consent, I include in the CONGRESSIONAL RECORD my report to the people of Kansas on H.R. 6675:

REPORT TO KANSAS

The House of Representatives, on April 8, passed the administration's hospital and medical services bill. Although President Johnson has recommended that Congress enact a limited hospital care program—the Ways and Means Committee, apparently with the President's blessing, came forth with one of the most far-reaching medicare programs ever to reach the floor of the House.

Let's not kid ourselves. When this bill becomes law, the soundness of the social security pension program will be in real jeopardy.

It has always been my feeling that we have a responsibility to provide hospital and medical care for all our people, young and old, who are in need of such assistance. We have a responsibility to assist our senior citizens who are able to care for their ordinary expenses of living, but who live in constant fear of a major illness, which might wipe out their savings, and force them to become public charges—and such assistance should be given without embarrassment or humiliation to those who need help.

Hence, the real issue before the Congress during the debate on H.R. 6675, insofar as I was concerned, was not whether we should provide assistance but how we should provide assistance.

The administration bill was brought to the floor under a closed rule which permitted 10 hours of discussion but denied to House Members the right to offer amendments, to remove objectional provisos, clarify ambiguities or improve it. Hence, a Member was required to vote "yes" or "no" on the whole package. With a single exception, the minority was permitted to offer one amendment in the form of a motion to recommit. Under these circumstances, the minority offered the Byrnes bill as an alternative proposal.

The administration program and the Byrnes alternative both included the provisions of H.R. 11865 which passed the House last year (and I supported it) providing for (a) an increase in social security benefits, (b) lowered the retirement age to 60 years for widows, (c) provided social security benefits for those over 72 years of age, and (d) continued benefits to dependent children up to 22 years of age if in school. Both bills provided for a voluntary insurance program for medical (physicians) care. Both bills provided for hospital care. In fact, the Byrnes proposal was far more liberal since it provided for catastrophic illnesses and medicinals—these were not included in the administration's bill, H.R. 6675.

The major difference in the two programs was not so much in the benefits provided but in the method of financing. The administration bill provided that hospital care for those over 65 should be paid through an additional payroll tax attached to social security by those who now pay social security but who would not be entitled to any benefits until they reach 65. The Byrnes proposal, which I supported, provided that those over 65 should pay one-third of the hospital and medical care insurance premium (average

$6.50 per month) and the Government would pay two-thirds of the cost out of the general fund of the Treasury. It was the same program provided by the Government today for Members of Congress and Federal employees.

It was agreed by some that if we could give aid to the nations all over the world, if we could pay benefits to labor, industry, and agriculture, if we could assist Federal employees, then we could subsidize the medical needs of the aged to meet their medical costs. The question has also been raised why should a worker with two dependents and earning $3,600 per year be required to pay an income tax of $214 and also hospitalization costs for a person on retirement who has an income of $3,600, pays no income tax and contributes nothing toward the hospital care program.

I supported the Byrnes proposal. I could not in good conscience support the administration proposal which in my opinion undermines the whole social security structure and places unnecessary additional burden on those who now pay social security.

WHAT'S WRONG WITH HOSPITAL CARE UNDER SOCIAL SECURITY?

Most of us have always considered social security as a program under which we would receive a pension at age 65—which combined with our life savings—would make it possible for us to maintain a decent standard of living during our years of retirement. When the program was first enacted in 1937, it held out much promise. But since then what has happened to social security?

Through the years we have so expanded and enlarged upon the original intent that, like Government bonds, it is rapidly losing its attractiveness. We now have on the books commitments to pay out approximately $625 billion to those on retirement or covered by social security. We have in assets around $305 billion. If all payments into the fund were to stop—we would be $300 billion short to meet present commitments.

Instead of building up reserves, as private pension programs do, we have actually been paying out approximately as much as we have been taking in. We have continued not only to increase the social security rate but also the earnings base upon which the tax is paid. In 1954, when disability payments were added, we were told OASI trust funds would climb to $28.5 billion by 1965—actually the fund is now estimated at around $19 billion—$7.5 billion short. And now we are enlarging the program by adding hospital care, increasing cash benefits and reducing the age requirements for widows.

Have pension payments kept pace with the increased social security payments made by the worker? The answer is "No." In 1939, an employee who earned $550 per month paid $30 per year into the social security fund. He could look forward to receiving $58 per month on retirement. Today an employee earning the same amount pays $174 into the social security fund and his maximum social security benefit is $127 per month. By 1973, an employee earning $550 per month will pay $353 annually into the social security fund, and he will receive a maximum pension check of $168. In other words while the cost has gone up 480 percent—the workers retirement check has increased only 119 percent.

What is there about social security that is attractive to the young man who is about to enter the labor force for the first time? One must remember that these are the workers upon whom we must depend to pay into the fund so that those over 65 may secure these benefits. A young man, 21 years of age, entering the labor force next year and paying the full amount of social security until 65, could have deposited the same amount in a building and loan at 4½ percent, and he would accumulate by retirement time an estimate of $42,000. If we add the employer's share, it would be $84,000. His retirement checks under social security would total $2,004 per anum. If he invested $42,000 at 5 percent, he would earn $2,100 annually and still leave an estate of $42,000 at his death.

Can we keep expanding the social security program by adding hospital care, medical care, increasing benefits to those over 65, and charge it to social security? Yes, if those who pay into the fund are willing to stand for an increase in the payroll tax and the earning base upon which the tax is paid. It should be remembered, however, that the social security tax by 1971 will be as burdensome as the income tax. For example, take a man earning $5,000 per year with a wife and two dependents—in 1971 his income tax will be approximately $290 and his social security tax will be $260. These, of course, will be increased when demands are made that Congress grant further increases in social security benefits to meet living costs, and as hospital and medical services increase in cost.

A hospital care program for those over 65 financed by a payroll tax attached to social security not only does serious damage to the social security pension program but it also inflicts the most unfair tax in our whole taxing system. The president of the corporation pays on the same basis as the plant janitor.

In closing may I repeat what I said in the beginning—I believe in providing hospital care and medical care for those who are in need. I want to help those who can care for themselves, but live in constant dread that one serious illness will place them on relief. But I want to do it without wrecking the social security pension system for those who are between the ages of 21 and 65 and are required to foot the bill. I do not want to kill the goose that lays the golden egg. That is why I favored the financing provided by the Byrnes alternative and opposed the administration bill.

HOUSE OF REPRESENTATIVES

MONDAY, APRIL 19, 1965

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. BOGGS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
April 19, 1965.

I hereby designate the Honorable HALE BOGGS to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with Acts 11: 24: *He was a good man, and full of the Holy Ghost and of faith.*

Most merciful and gracious God, who art always guiding and guarding us in the difficult ways of life, may we commit ourselves gladly and faithfully to the wise and beneficent dispensation of Thy divine providence.

Inspire us with a triumphant faith in our search and struggle for the welfare of all mankind and may we be fearless and undisturbed in the midst of life's frustrations and confusions because of Thy sustaining grace and our trust in Thee.

May we always seek to coordinate our freedom with restraint and self-discipline and may we be unswervingly loyal to the highest ideals of democracy and the leading of Thy Holy Spirit.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 15, 1965, was read and approved.

BIG DAYS ON CAPITOL HILL

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHEUER. Mr. Speaker, on April 11, the New York Post published an editorial entitled "Big Days on Capitol Hill." The editorial said some very complimentary things about the work of this Congress. I think that there is a great deal of merit to these comments and I am inserting them in the RECORD so that these views will gain an audience all over the country:

BIG DAYS ON CAPITOL HILL

1. VICTORY FOR MEDICARE

Overwhelming House approval of the medicare bill is, in President Johnson's words, "a landmark day in the historic evolution of our social security system." It is also a tribute to the President's skillful legislative hand.

Passage of the measure by so decisive a margin virtually insures its enactment; no serious obstacles are anticipated in the Senate, where such legislation was approved in 1964.

Thus, a long, memorable battle, begun under Harry Truman and pressed by John F. Kennedy, draws to a triumphant close. Despite the propaganda war cries of the American Medical Association, the measure embodies no revolutionary change in our social structure; private medical business will go on as usual. But citizens over 65 will have the chance to obtain reasonable protection and treatment too often denied.

"The people do not understand this bill," lamented Dr. Dunovan F. Ward, president of the AMA, when he heard the news of the House action.

He is wrong. The people finally rejected the political quackery so long practiced by the AMA lobby. The issue was fought out clearly in the presidential campaign, and it was basically resolved in the Johnson landslide. How many more dollars will the AMA invest in its dreary lost cause?

2. NEW ADVANCES ON VOTING RIGHTS

There is growing prospect that the voting rights bill so eloquently advocated by President Johnson in his memorable "we shall overcome" address will return to him in even stronger form than originally urged by the administration. In the Senate Judiciary Committee a coalition of six liberal Democrats and three Republicans has succeeded in pushing through five amendments to broaden the scope of the measure; the major ones would bar the poll tax and extend automatic coverage to counties where court determination was initially required. In the House Judiciary Committee, headed by Representative CELLER, similar steps have been taken to close all loopholes in the original draft.

These committee moves are subject to future challenge; but they clearly reflect a decisive turning of the tide. The ancient GOP-Dixiecrat coalition is divided and retreating on Capitol Hill; the civil rights legions are on the offensive, an the scope of their victory may exceed all original expectations.

3. TOWARD AN EDUCATION BILL

In the resurgence of progressivism on Capitol Hill, the long stalemate over aid-to-education legislation is finally over. We regret that our cheers for this development must be accompanied by some reservations.

We previously voiced our hope that the bill would embody a provision explicitly authorizing taxpayer suits to contest the constitutionality of aid for religious schools. Such an amendment was rejected by the Senate Friday.

While our concern on this point remains, it must also be acknowledged that many lawyers—including Senator MORSE, Democrat, of Oregon—argue that the disputed issue can still be tested by State actions. They also contend that inclusion of the amendment could, as Senator MORSE put it, "tie up this bill in litigation for 5 to 7 years and delay indefinitely the aid for 5 million children so badly needed."

This is a close argument of both substance and strategy on which men of good will can reasonably differ. Our preference for the amendment stands. But we do not regard its defeat as calamitous in the larger context of a breakthrough toward a meaningful Federal aid program.

IN COMMEMORATION OF THE MARTYRDOM OF JEWS IN WARSAW GHETTO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. ROONEY] is recognized for 10 minutes.

Mr. ROONEY of New York. Mr. Speaker, the date April 19 is a solemn reminder of the cruelest and most diabolical atrocities ever committed against mankind. Throughout the world people can never forget, nor should they forget, the bestial acts of the Nazis against the innocent men, women, and children in Warsaw. These human beings, who loved, obeyed, and feared God were the victims of the savage and ruthless lust for blood and torture of Hitler's minions only because they were Jews. Because they were Jews they were subjected to the basest and most painful forms of torture and death ever recorded in history.

Last week my friend, Cantor Moshe Koussevitsky, stood before an overflow crowd of silent and emotionally moved men and women, some of them weeping survivors of the concentration camps, to sing again the El Mole Rachamim as he had done in Warsaw 20 years ago.

It was my privilege several years ago to visit the Ghetto Monument in Warsaw and to pause in silent tribute to the memory of the hundreds of thousands of martyred Jews who met death at the hands of the Nazis. It was 20 years ago on that spot Cantor Moshe Koussevitsky chanted the Hebrew prayer for the dead, the more than 6 million Jews who were slain by the Nazis.

Mr. Speaker, I can assure you that my visit in Warsaw made a lasting impression upon me and I shall never think of Warsaw without recalling the horrors inflicted upon so many of its citizens. But even without such a visit to the ghetto memorial, we as Americans can ill afford to forget that black and evil page of history. We must remind ourselves again and again that such tragedies can and will recur unless we maintain constant vigilance and be ever watchful to see that no tyrant, no despot and no segment of people can assume power sufficient to mow down millions of people whose only crime is to be born of a certain race or of a certain color or who may follow certain religious concepts.

Mr. Speaker, as we remind ourselves of this 20th year of the opening of the death camps and the liberation of thousands of suffering prisoners, as we share our sympathy with those who lost loved ones in those camps, may we firmly resolve that we will rededicate ourselves to the resolute purpose of assuring that never again will man be permitted to mistreat his fellow man in the awful manner which is recalled by this anniversary.

Under the permission granted me by the House, I should like to include the following news article written by Irving Spiegel, for the New York Times of Monday, April 12, 1965:

MEMORIAL HERE RECALLS WARSAW PRAYER FOR JEWS

(By Irving Spiegel)

Twenty years ago this month, Cantor Moshe Koussevitsky stood in the rubble of the Warsaw ghetto and chanted the Hebrew prayer for the dead, the "El Mole Rachamim" (God, full of mercy) in memory for 6 million Jews who died during the Hitler regime.

Yesterday, Cantor Koussevitsky, standing before an overflow crowd of 2,500 persons, their heads bowed, in the grand ballroom of the American Hotel, again sang the "El Mole Rachamim." Many who were survivors of the death camps wept.

The ceremony had a twofold purpose: a memorial meeting and the 20th observance of the liberation of the concentration camps by the Allied armies. It was sponsored by the Council of Organizations of the United Jewish Appeal of Greater New York.

A film of the scene of 20 years ago when Cantor Koussevitsky intoned the prayer in the charred ruins of the battle of the Warsaw ghetto showed the emaciated faces of the newly liberated survivors.

CANDLES AS SYMBOLS

The 10-minute film was called "Prayer for the Dead on the Ruins of the Warsaw Ghetto."

After the showing, six concentration camp survivors lighted six candles on a black-covered candelabra, each candle symbolizing 1 million Jewish men, women, and children who had died. As the six stood by the candelabra, wiping tears away, Cantor Koussevitsky, accompanied by a choir, chanted the "El Mole Rachamim" in sotto voice.

The survivors were Mrs. Frances Garfinkel, of the Auschwitz camp; Mrs. Jacob Brass, of Buchenwald; Mrs. Eva Romanowitz, of Bergen Belsen; Isaac Pulvermacher, of Dachau; Mrs. Pola Tycon, of Mathausen, and Joseph Wasser, of Treblinka.

Overhead on the platform, which was draped in black, were three lines, also in black, that stood out in bold relief. The first, in Hebrew, was a verse from Isaiah the prophet: "And I shall give unto you in mine house and mine walls a monument and a name." The second, in Yiddish, read: "Remember forever the 6 million martyrs." The third, in English, said: "We will never forget."

Cantor Koussevitsky is now associated with Temple Beth El in Brooklyn. Twenty years ago he returned to Warsaw from the Soviet Union, to which he had fled to escape the Nazis. He came to this country shortly after the end of the war.

In a message to the group President Johnson wrote, in part: "The memory of those who died in this century as victims of prejudice and oppression must be honored by us all through unceasing vigilance against bigotry and bias in our society and unrelenting efforts to assure a world of peace, freedom, and justice for all peoples without regard to creed, color, or continent of their birth."

SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. ROONEY of New York (at the request of Mr. MOSS), for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Member (at the request of Mr. YOUNGER) and to include extraneous matter:)

Mr. BROYHILL of Virginia.

(The following Member (at the request of Mr. Moss) and to include extraneous matter:)

Mr. BLATNIK.

THE LATE HONORABLE OLIN D. JOHNSTON

Mr. MOSS. Mr. Speaker, I offer a resolution.

The Clerk read as follows:

H. RES. 344

Resolved, That the House has heard with profound sorrow of the death of the Honorable OLIN D. JOHNSTON, a Senator of the United States from the State of South Carolina.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of five Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolution was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints as members of the funeral committee the following members on the part of the

House: Mr. McMillan, Mr. Rivers of South Carolina, Mr. Dorn, Mr. Ashmore, and Mr. Gettys.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the remainder of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

Accordingly (at 12 o'clock and 5 minutes p.m.), pursuant to its previous order, the House adjourned until Thursday, April 22, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

950. A communication from the President of the United States, transmitting proposed amendments to the fiscal year 1966 budget request for the Department of Health, Education, and Welfare (H. Doc. No. 147); to the Committee on Appropriations and ordered to be printed.

951. A letter from the Assistant Secretary of the Interior, transmitting a certification of an adequate soil survey and land classification of lands in the silt project, Colorado, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

952. A letter from the Secretary of the Treasury, transmitting the semiannual report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1964, pursuant to 75 Stat. 443; to the Committee on Foreign Affairs.

953. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report of shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank, for the month of March 1965, pursuant to title III of the Foreign Aid and Related Agencies Appropriation Act of 1965 and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

954. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs incurred through the duplication of shipping services to the Panama Canal Zone by the Military Sea Transportation Service and the Panama Canal Company, Department of Defense; to the Committee on Government Operations.

955. A letter from the Comptroller General of the United States, transmitting a report of failure to effectively utilize excess U.S.-owned foreign currencies to pay international air travel ticket costs being paid in dollars, Department of State, Department of Defense, Agency for International Development, U.S. Information Agency, and other Government agencies; to the Committee on Government Operations.

956. A letter from the Comptroller General of the United States, transmitting a report of inconsistent practices in the administration of the Government schools program in London, England, Department of Defense; to the Committee on Government Operations.

957. A letter from the Chairman, Federal Power Commission, transmitting drafts of two bills to amend the Federal Power Act with regard to the construction and operation of electric transmission lines; to the Committee on Interstate and Foreign Commerce.

958. A letter from the clerk, U.S. Court of Claims, transmitting copies of the court's opinions and findings *In re North Counties Hydro-Electric Company, a Corporation of Illinois* v. *The United States,* Congressional No. 2–59, pursuant to House Resolution 189 of the 86th Congress, to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee on Ways and Means. S. 701. An act to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes; with amendment (Rept. No. 252). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYAL:

H.R. 7549. A bill to amend the Civil Service Retirement Act to authorize retirement without reduction in annuity of employees with 20 years of service involuntarily separated from the service by reason of the abolition or relocation of their employment; to the Committee on Post Office and Civil Service.

By Mr. KEOGH:

H.R. 7550. A bill to amend the act of October 15, 1914, commonly known as the Clayton Act, to make it applicable to certain sales of commodities made to governmental agencies for resale; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 7551. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 7552. A bill to provide Federal assistance to restore and repair certain disaster areas in the State of Wisconsin; to the Committee on Public Works.

By Mr. WELTNER:

H.R. 7553. A bill to repeal the excise tax on amounts paid for communication services or facilities; to the Committee on Ways and Means.

By Mr. ROGERS of Texas:

H. Res. 345. Resolution relating to the operation of the House of Representatives restaurants; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

204. By the SPEAKER: Memorial of the Legislature of the State of Alaska relative to opposing the executive reorganization plan relating to the Bureau of Customs; to the Committee on Government Operations.

205. Also, memorial of the Legislature of the State of Alaska, relative to prompt approval of legislation relating to voting rights of all citizens; to the Committee on the Judiciary.

206. Also, memorial of the Legislature of the Commonwealth of Massachusetts relative to the voting rights bill of 1965; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINO:

H.R. 7554. A bill for the relief of Marianna Galati; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 7555. A bill for the relief of Filippa Fucarino; to the Committee on the Judiciary.

By Mr. TENZER:

H.R. 7556. A bill for the relief of Irene Kalamaridou (also known as Irini Kalamarides); to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

172. By the SPEAKER: Petition of City Council, Honolulu, Hawaii, relative to expressing opposition to the rice price increase as proposed in the omnibus farm bill; to the Committee on Agriculture.

173. Also, petition of Lawton Area AFL–CIO Labor Council, Lawton, Okla., relative to enacting legislation to restore full freedom of collective bargaining as uniform national labor policy and practice throughout the United States; to the Committee on Education and Labor.

174. Also, petition of Nassau County Mental Health Board, Mineola, N.Y., relative to enactment of H.R. 2985 and/or S. 513, authorizing Federal assistance to communities for initial staffing operations of the community mental health centers; to the Committee on Interstate and Foreign Commerce.

SENATE

MONDAY, APRIL 19, 1965

The Senate met at 9 o'clock a.m. and was called to order by Hon. JOSEPH D. TYDINGS, a Senator from the State of Maryland.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 19, 1965.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH D. TYDINGS, a Senator from the State of Maryland, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. TYDINGS thereupon took the chair as Acting President pro tempore.

ADJOURNMENT TO WEDNESDAY, APRIL 21, 1965

The ACTING PRESIDENT pro tempore. Under the order of Tuesday, April 13, 1965, the Chair declares the Senate adjourned until 12 o'clock noon, Wednesday.

Thereupon (at 9 o'clock and 23 seconds a.m.) the Senate adjourned, under the order of Tuesday, April 13, 1965, until Wednesday, April 21, 1965, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

The Future of the Great Lakes

EXTENSION OF REMARKS
OF
HON. JOHN A. BLATNIK
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 19, 1965

Mr. BLATNIK. Mr. Speaker, I am proud to have included in the RECORD the graphic statement of the mounting demand for stronger action to combat water pollution of the Great Lakes. As the author of one of the most important amendments to the Water Quality Act of 1965, my colleague and friend, the gentleman from New York, RICHARD D. MCCARTHY, is fast distinguishing himself as a real fighter for clean water. The 39th District of New York can be justly proud of the bright, industrious leader that they have sent to Congress. I hope that he will long serve them and us.

The statement follows:

THE FUTURE OF THE GREAT LAKES

(By RICHARD D. MCCARTHY, U.S. Representative, 39th District, New York, at junior chamber of commerce banquet, Cordon Bleu Restaurant, Buffalo, N.Y.)

Tonight, I would like to share with you some of my thoughts on a problem that I regard as the most urgent of our times.

The problem to which I refer, in a word is, water.

Water is the lifeblood of this Niagara frontier. Without Lake Erie, there would be no Buffalo—there would be no Erie County—as we know it. Without Lake Erie many of us would not even exist today. For without it, our forebears would not have had an economic reason to come here, marry, and settle down. In my own case, this is so. It was in 1822 that my great, great grandfather came here to work on the Erie Canal. Since then, all six generations of my family have, at various times, in one way or another, earned their livelihoods from activities connected with the lake.

Water is vital to our commerce * * * to our manufacturing plants * * * to our recreation. Most important, water is vital to sustaining life. Water truly is Buffalo's most precious resource. Lake Erie is like a great goddess, brooding over the vast metropolis she spawned. Brooding indeed, for we have been extremely careless with this precious resource.

Lake Erie is so terribly polluted that it is in danger of becoming worthless for many purposes. And Lake Erie problems are compounded by the fact that the level of the lake is at the lowest point in many years.

Pollution of fresh water supplies is not a problem that is peculiar to Buffalo—or to Lake Erie. This is a national problem.

As the late Rachel Carson observed in her well-known book, "Silent Spring."

In an age when man has forgotten his origins and has neglected even his most essential needs for survival, "water along with other resources has become the victim of his indifference."

Our Nation uses about 300 billion gallons of water per day—out of a total manageable supply of 1,200 billion gallons a day. And our consumption is rising fantastically. It is estimated that by 1980 the United States will be consuming 600 billion gallons of water per day—twice as much as we using now.

We no longer can afford to be indifferent about our water.

The problem in Lake Erie isn't something that is going to reach a critical stage 10, 15, or 20 years in the future. The problem is critical now. We should have acted before this.

Already, some experts are wondering whether it is too late to save Lake Erie.

I am not that pessimistic. I certainly am not about to throw up my hands in despair. But I do believe that we need to pledge all our skills, all our imagination, to seeking solutions to this perplexing problem.

During my campaign for election last fall, I talked a lot about pollution. During the 3½ months I have been a Member of Congress, I have been trying very hard to do something about it.

I have sponsored legislation in the House of Representatives that is designed to strengthen the role of the Federal Government—and enhance the Federal-State-local partnership—in fighting water pollution in western New York and elsewhere.

My communications with the people of Erie County show that 70 percent of the citizens in the 39th Congressional District agree with me that a strong Federal program is needed.

Yet, the deeper I get into water, the more I question whether even a strong Federal program, intermeshed with State and local programs, will in the long run be adequate to solve all the problems of Lake Erie.

Let's take a quick look at some vital geographical factors.

Lake Erie touches the borders of four States—New York, Pennsylvania, Ohio, and Michigan. A huge portion of Lake Erie's shoreline lies in the Province of Ontario.

Lake Erie is not just the concern of the United States. The fortunes of this body of water are of immense importance to both the United States and Canada.

The fortunes of Lake Erie also are closely tied to the other Great Lakes—Ontario, Huron, Michigan, and Superior. And these other lakes, in turn, affect the well-being of millions of people in other States and other Provinces.

Therefore, it seems to me that when we reflect on the problems of Lake Erie, we must do so in the context of the entire Great Lakes Basin.

Within this huge basin reside 27 million people. Touching these lakes are 15 cities with populations in excess of 100,000.

Pollution is a serious matter in the Great Lakes, but it is not the only problem. Another problem that probably is just as serious is the level of the lakes.

As I reminded you earlier, Lake Erie is at its lowest level in many years. This is a problem that is shared by the other Great Lakes.

Man can be blamed for pollution—but he is not responsible, at least not in a significant way, for rising and falling lake levels. Nature causes this fluctuation, but man must somehow learn to live with it—or perhaps try to do something about it.

Many people—myself included—are disturbed by the present low level of Lake Erie. It dropped almost 5 feet from 1952 to 1964.

This is a serious matter—but it is less shocking when viewed from a long-range perspective.

Lake Erie was lower in 1936 than it is today. When you look at records for the past 100 years, you discover up-and-down trends in rainfall in the Great Lakes Basin—and that the level of the lakes generally follows the precipitation patterns.

Present problems don't stem from the fact that anything unusual is happening to lake levels. Rather, our difficulties stem from our increasing dependence on the lakes.

As more and more people depend on the lake for more and more pursuits, it becomes increasingly necessary that we receive a so-called normal amount of rainfall to keep the lakes at a so-called normal level.

Nature, unfortunately, doesn't operate that way. Wild fluctuations from the "normal" are in themselves normal.

One hundred years ago a sharp drop in the lake levels was inconvenient. Today the same occurrence could prove disastrous.

The problems of pollution and low lake levels are not separate and distinct. They very definitely are linked.

It is obvious, I think, that when the amount of water in a lake decreases, pollution problems are increased.

There are some who think that the ultimate answer to pollution in Lake Erie lies in seeking means to develop faster turnover of the water in the lake.

Preventing pollutants, in the form of municipal and industrial wastes, from entering the lake is an obvious necessity. And the legislation I have sponsored in the House of Representatives is designed to check the flow of wastes into Lake Erie. In time, with local and State cooperation, this can be done.

But—even if this program is completely successful—there are serious doubts that it will succeed in actually abating pollution in Lake Erie. Scientists say that stopping wastes from entering the lake will only prevent the Lake Erie problem from becoming much worse.

There are various possibilities for actually abating pollution—none of them simple or cheap.

Scientists have discovered that the oxygen supply has been depleted in a vast portion of Lake Erie by algae—which apparently are prospering because pollutants, in the form of nitrogen and phosphorus, have given them an abundant food supply. So, one step in controlling pollution would be to dredge the algae from the lake and bury it in adjacent ground. Another would be to recharge the lake's water supply.

More water for the Great Lakes would abate pollutants by flushing them out. The infusion of more water, on a controlled basis, would make it possible to stabilize and regulate lake levels and more water would provide for the increasing needs of the growing United States and Canadian populations in the Great Lakes Basin.

How could such a solution be brought about? Where would we get the water to permit faster turnover in Lake Erie? The only source for the vast quantity of water that would be needed to implement such a scheme is our northern neighbor, Canada.

The ultimate solution lies in diverting water into the Great Lakes from rivers that flow into Hudson's Bay.

The political and economic problems of such a grand scheme are enormous. The technical difficulties that would be encountered stagger the imagination.

The costs, obviously, will run into many, many millions of dollars. And they should be shared by the United States and Canada in proportion to the benefits each would receive. It is obvious that both nations would realize enormous benefits from such a vast project. But only Canada has the water that both countries need.

The problems would be gigantic—but the benefits very probably would be equally gigantic.

We must recognize that we face some very serious handicaps in making sweeping, long-range plans for the Great Lakes.

Basically, these handicaps fall into two categories. On the one hand, we have a multitude of legitimate and reasonable vested interests, both public and private, in the lakes. On the other hand, we have a multitude of agencies that in one way or another are involved in the management of the lakes.

A good many entities—the State of New York, for instance, have both a vested interest and a hand in management.

Sadly lacking is any agency with the authority and the capability to look at the problems of the Great Lakes from an overall perspective and chart overall goals and the means of attaining them.

The need for such an agency is clearly indicated when we consider the deep interdependence of the water users on the lakes. The Chicago area, for instance, depends on Lake Michigan in various ways and would like to divert more water from the lake. Chicago's needs cannot be argued, but if Chicago diverts more water, this will affect the level of Lake Erie at Cleveland, aggravate the pollution problem at Detroit, and reduce power-generating capacity at Niagara Falls. Lower levels in harbors mean that shipping firms cannot load their boats to full capacity—thus increasing shipping costs per ton.

The principal coordinating agency for the lakes is the International Joint Commission, which was created by a treaty between the United States and Canada in 1909. The International Joint Commission's sphere of interest extends all across the long boundary between our Nation and Canada.

I definitely am not critical of the International Joint Commission. This is a distinguished body with many accomplishments to its credit.

The difficulty with the International Joint Commission, as presently organized, is that it lacks effective teeth. The International Joint Commission is an instrument of the United States and Canadian Governments and is empowered to inquire into and coordinate matters referred it by the two Governments.

We might expand the powers of the International Joint Commission or some other agency or agencies. Or we might create a new body. And this is what I propose: A new international agency whose sole concern is the Great Lakes.

One model we might consider using for guidance in establishing a planning and development body for the Great Lakes is the Arctic Institute—a creation of the United States and Canada that has been notably successful.

Setting up a similar institute for the Great Lakes was one of the possibilities suggested by Michel Chevalier in a distinguished treatise he wrote. Mr. Chevalier, who is from Montreal, wrote the paper in connection with research he has been conducting at the University of Pennsylvania.

The Arctic Institute was incorporated in 1945 in both the United States and Canada. Legally, it is two separate bodies. But it shares the same Board of Directors and the same staff.

Strictly speaking, the Institute has no direct link with either Government. But, in fact, senior officials of both Governments have been active in the Arctic Institute.

The Institute is considered the authoritative body on research and planning on the Arctic.

The problems of the Arctic and the Great Lakes are scarcely comparable. But I think there is a possibility that an agency modeled after the Arctic Institute might be a way to grapple with the problems of the Great Lakes.

In any case, present planning facilities for the Great Lakes are inadequate. Something needs to be done—and what we should be doing now is considering various alternatives.

I was heartened by the statements of President Johnson and Canadian Prime Minister Pearson following their recent meeting at Camp David, Md.

They discussed the problems of the Great Lakes—including pollution and water levels—and they considered possibilities of working out an agreement between the two nations to help solve these problems.

It is not my purpose tonight to propose any final solutions.

But I want to stress that the Great Lakes, and the Canadians and Americans who depend on them, face some grave problems. And I also want to stress that as things now stand we do not have the means to cope with these problems. I am hopeful that talks between the executive branches of both countries will lead to agreements and, possibly, to a new United States-Canadian treaty.

My purpose tonight is to focus public attention on the problem in order to stimulate public discussion in the United States and Canada. For it will be public opinion finally that will persuade both Governments to reach an agreement for joint, long-range research, planning and development of the future uses of the Great Lakes.

We dare not wait. The threat that the world's largest supply of fresh water will become one vast dead sea is too ominous.

The time for action is now.

Proposed Voting Rights Legislation

EXTENSION OF REMARKS

OF

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1965

Mr. BROYHILL of Virginia. Mr. Speaker, at the outset I wish to reaffirm and reemphasize my support of the Constitution of the United States and particularly in reference to the 15th amendment which assures the right to vote to all citizens regardless of race, color, or previous condition of servitude.

While this may seem a superfluous and unnecessary statement to make, I do so in view of the recent fervor and wave of emotionalism concerning efforts to implement the provisions of the 15th amendment.

I do not believe that there is great difference among the people of the United States as to the meaning of the 15th amendment, and the desirability as well as the necessity for enforcing it whenever the rights of any of our citizens to vote are denied or abridged. It seems, however, that any objection or criticism voiced against the pending proposal made by the President of the United States causes an immediate inference that the individual making the criticism is not sympathetic to the 15th amendment or willing to support enforcement of it.

I recognize that the 15th amendment provides for its enforcement by the Congress and I am willing to support legislation to achieve this. In fact, I will support legislation far more extensive in character than the proposal made by the President, if such action is required.

However, I think we should make every effort first to establish just what is required. The President's bill obviously was hurriedly written under the stress of great emotion. It is fraught with inconsistencies and inequities and therefore must be thoroughly studied and debated.

We must make certain that in our effort to prevent violation of the 15th amendment we do not "burn down the barn in order to get rid of the rats." I am afraid that this is what the proposal made by the President does as it now stands and certainly we can all agree that two wrongs do not make a single right.

Among my objections to the proposal offered by the President is that while it attempts to protect the rights of citizens under the 15th amendent, it violates article I, section 2, as well as the 17th amendment of the Constitution, which specifically provides for the States to set the qualifications of voters.

The present bill, in my opinion, denies due process and equal protection of the law, as guaranteed by the 14th amendment, to a large segment of our people in the States to which it applied. Further, it would seem that the bill as written inflicts punishment without judicial hearing and is therefore a "bill of attainder" in violation of section 9 of article I of the Constitution.

It seems that there should be some way of preventing unfair application of voter qualifications without eliminating the qualifications entirely. While we all agree that there should be equal right to vote I think we likewise can agree that there should be a reasonable requirement of intelligence. However, if the separate States do not care to make this minimum requirement they are not required to do so by the Constitution but neither are they prevented from so doing.

Another serious deficiency in the President's proposal is that it uses an arbitrary, and, in fact, punitive formula by which we would enforce the 15th amendment. The formula assumes that discrimination exists in some six States in this Nation, but not in the other States. Its double application would make it necessary for Federal registrars to come into my own State, Virginia, and register an illiterate voter because less than 50 percent voted and we have a literacy test. But in New York State, where a literacy test is also required, the same illiterate voter would not be allowed to register because New York's literacy test is not questioned since more than 50 percent of the adult population voted in the last election there.

It has been observed that because of the literacy test embodied in the constitution of the State of New York, thousands of Puerto Ricans, who are literate in Spanish but not in English, are disfranchised. Under the administration's proposal this practice is perfectly legal. The question could well be asked about other States, particularly the State of Texas, where less than 50 percent of the adult population went to the polls in 1964. But Texas is not included in the legislation because a literacy test is not used. Could public apathy and lack of a strong two-party system in Texas have been responsible for less than 50 percent participation—or could there have been discrimination which should bring the State of Texas under this bill, which certainly should be seeking to enforce the 15th amendment equally for all citizens regardless of where they live?

Mr. Speaker, I will support a proper proposal that will implement and enforce the provisions of the 15th amendment equally and uniformly throughout every State of this Nation without prohibiting reasonable provisions requiring minimum intelligence and standards of citizenship. The present proposals do not meet these standards.

SENATE

WEDNESDAY, APRIL 21, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Our Heavenly Father, the flag of the United States of America flies at halfmast this morning, paying tribute of honorable memory to the life and service of a Member of this Chamber. We are grateful for the long leadership, clarity of purpose, and sincerity in decision of the distinguished Senator from South Carolina who now rests from his labors with the peace which only God can give. The influence of Olin D. Johnston reaches our hearts and minds today. Be with his wife and family through the Easter message of eternal life.

We thank Thee for morning light and evening peace; for the few days of rest at home of these Senators, that has restored the spirit's strength. Now lead them this day into larger service.

Clouds of questions and discouragement hang over the world today. Threatenings of nation against nation make loud voices in the air. Give, O God, to the men of right the courage to stand firm where firmness is justified, meekness and strong understanding when peace can be won by this spirit, and sound judgment after crystallizing all points of view and convictions through prayer and reasoning.

"God of the strong, God of the weak,
  Lord of all lands and our own land,
Light of all souls, from Thee we seek
  Light from Thy light, strength from
    Thy hand."

We pray in the name of the Prince of Peace. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 13, Thursday, April 15, and Monday, April 19, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of April 13, 1965,

The Secretary of the Senate, on April 14, 1965, received a message in writing from the President of the United States, transmitting several nominations, which was referred to the Committee on Armed Services.

Also, on April 20, 1965, the Secretary of the Senate received a message from the President of the United States, transmitting the nomination of William C. Foster, of the District of Columbia, to be a Deputy Representative of the United States of America on the United Nations Disarmament Commission, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under authority of the order of the Senate of Tuesday, April 13, 1965,

The Secretary of the Senate on April 14, 1965, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the enrolled bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes, and it was signed by the Vice President.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on April 14, 1965, the President had approved and signed the act (S. 307) granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Olin D. Johnston, late a Senator from the State of South Carolina.

The message announced that the House had passed the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2594) to clarify the application of certain annuity increase legislation, and it was signed by the President pro tempore.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Flood Control, Rivers, and Harbors of the Committee on Public Works was authorized to meet during the session of the Senate today.

DEATH OF SENATOR OLIN D. JOHNSTON OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, it is with profound sorrow that I announce the death of my colleague, the late Senator Olin D. Johnston.

Senator Johnston leaves behind a long and successful career of political service.

He was born on a farm near Honea Path, S.C., on November 18, 1896, to E. A. and Leila Webb Johnston. His studies at Wofford College, Spartanburg, S.C., were interrupted by World War I in which he served as a volunteer with the 117th Engineers of the 42d Division. He served for 18 months overseas.

After the war, he resumed his studies at Wofford College and earned a B.A. degree in 1921. Subsequently, he earned a master's degree at the University of South Carolina in 1923 and the bachelor of law degree in 1924 from the University of South Carolina.

He was elected to his first political office in 1922 as a member of the South Carolina House of Representatives from Anderson County. In 1926 he was elected to the house of representatives from Spartanburg County, having moved his home to Spartanburg in 1924. He served in the house of representatives until 1930.

He narrowly missed being elected Governor in 1930, and 4 years later, in 1934, he was elected as Governor of South Carolina. He was elected again as Governor of South Carolina in 1942, and in 1944, he was elected to the U.S. Senate where he served continuously until the time of his death.

Senator Johnston had a large and loyal political following in the State of South Carolina. He was one of the most popular leaders to serve the people of South Carolina in the history of our State as is shown by the numerous times the people entrusted him with positions of great responsibility—twice with the governorship and four times with a seat in the U.S. Senate.

Senator Johnston leaves behind him a long record of dedicated and distinguished service in South Carolina and the U.S. Senate, and many stanch friends and admirers in South Carolina, Washington, and throughout the country. He will long be remembered for his warm human kindness and his strong determination to serve his fellow man. Mr. President, it is my intention to reserve my fuller remarks on the death of Senator Johnston until the day set aside in the Senate for eulogies to him.

Mr. President, I send to the desk a resolution and request its immediate consideration.

The **PRESIDENT** pro tempore. The resolution will be stated.

The resolution (S. Res. 95) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Hon. Olin D. Johnston, late a Senator from the State of South Carolina.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an engrossed copy thereof to the family of the deceased.

Mr. THURMOND. Mr. President, I send to the desk a resolution and request its immediate consideration.

The **PRESIDENT** pro tempore. The resolution will be stated.

The resolution (S. Res. 96) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable Olin D. Johnston, late a Senator from the State of South Carolina, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, the death of the Senator from South Carolina [Mr. Johnston] is a great loss. His State and the Nation are bereft of a dedicated public servant and a man of the people in the finest sense of the phrase. In the Senate, there is now an empty place which he once filled with his homespun decency, his human warmth and his friendly wisdom. An appropriate day for eulogies will be set aside and announced as soon as arrangements can be made. At this time, I wish to join with the senior Senator from South Carolina [Mr. THURMOND] in his expression of regret to Mrs. Johnston and to the Johnston family I express the deepest sympathy of Mrs. Mansfield and myself. For the information of the Senate, it is the intention of the leadership to move adjournment of the Senate as a further mark of respect for our late colleague at the conclusion of the morning business.

Mr. MORSE. Mr. President, I rise to express my very deep regret that I was unable to attend the funeral of Senator Johnston yesterday. Senator Johnston and I were very close friends. Unfortunately, I had been committed for some weeks to a speaking schedule yesterday, and it was impossible for me to break those engagements. I extend to Senator Johnston's wife Gladys, who is one of Mrs. Morse's closest personal friends in Washington, and to the members of the Senator's family and his close relatives in behalf of Mrs. Morse and myself, our loving affection and deepest sympathy.

Mr. President, I have said many times that a Senator should be judged by his voting record. Unless what he says can be squared with his voting record, one should pay no attention to what he says. Olin Johnston had one of the finest voting records in this body in regard to most issues. We agreed on most issues affecting the welfare of our people except in the civil rights issue. I considered Senator Johnston to be one of the greatest constitutional liberals in this body, and I was proud to be his friend. Federal employees were the recipients of his dedicated public service as chairman of the Post Office and Civil Service Committee of the Senate. Farmers, workers, teachers, consumers, professional men and women always had a champion fighting for their welfare whenever Senator Olin Johnston supported any of their legislative causes. He always supported them when he decided after careful study that their cause was just.

It is a great loss to me personally and to the Senate that this great statesman has been taken from our midst. South Carolina has every reason to be proud of Senator Johnston's dedicated record of public service to his State and Nation.

Mr. DIRKSEN. Mr. President, I doubt whether, in the hurly-burly of legislative and political affairs, we fully appreciate the character and the attributes brought to this body by men with whom we are so intimately associated, and that somehow take wing and are not fully appreciated at the time.

Olin Johnston served his country in war and in peace. As a young man he served his Nation as a soldier. He served overseas with great distinction. In peace he served his country and his State in public life, beginning with the State legislature ultimately succeeding to the governorship of that State, and then to the U.S. Senate, having completed 21 years of service in this body.

I have served with Senator Johnston for a long time on the Senate Judiciary Committee. I knew his fixity of purpose. No Member of this body exceeded him in that respect. With that fixity there was a tenacity that bid him always, once he was convinced of his own position, never to relent and to go down with all colors flying. As the distinguished Senator from Oregon has pointed out, he had his own views in the field of civil rights, and never once did he retreat from his conviction.

But there was another quality about him, and that was his cooperative spirit. As chairman of a standing committee of the Senate, he was exceeded by no other committee chairman in the matter of cooperating with Senators with respect to questions pending before his committee, whether they involved proposed substantive legislation, the nomination of postmasters, or whatever it might be.

It was his custom to seek out Senators in the Chamber and tell them in advance what the committee contemplated, what his own views were, and what he could possibly do by way of cooperation.

We have lost a valuable Member. We have lost a stanch patriot. We have lost a valued public servant.

All hail and farewell, and a deserved salute for the constructive contribution which he made to his community, to his State, and to his country.

Mr. ELLENDER. Mr. President, I regret that I was unable to attend the funeral of my friend, the late Senator Olin Johnston. I was in Louisiana at the time attending a meeting of the Red River Valley Association.

I well remember that when I first came to the Senate in 1937, I was selected on a subcommittee of the Senate Committee on Agriculture and Forestry to hold grassroots hearings throughout the country on farm legislation. It was my privilege to conduct hearings in Columbia, S.C., when Olin D. Johnston was Governor of the State. He took a deep interest in the hearings which were being held there. He invited me to dinner, and to break bread with his family. It was the first time I had ever met him. I also well remember that his lovely wife, Gladys, was much disturbed when I, a U.S. Senator, was invited to break bread with them, because she claimed the only thing she had for dinner was black-eyed peas and ham hock. I made her understand that I was raised on such food, that I liked black-eyed peas, and that I appreciated their hospitality.

Senator Johnston was a highly valued member of the Committee on Agriculture and Forestry. He was next in line to become chairman of the committee in the event I should resign. He worked hard on that committee. He was head of one of the four subcommittees which held hearings recently on proposed legislation that the committee hopes to report to the Senate at an early date.

Senator Johnston was self-made. He worked hard for his education and his climb to fame. He served his country well in war and peace. Mr. President, what a far cry, Olin D. Johnston, the farmhand and textile worker to Hon. Olin D. Johnston, Governor of his State and U.S. Senator.

I deeply mourn his death and I extend to his wife Gladys and his children my heartfelt sympathy.

Mr. TALMADGE. Mr. President, I desire to associate myself with distinguished Senators on both sides of the aisle who have commented on the untimely passing of our late, mourned colleague, Olin D. Johnston, of South Carolina.

It was my privilege to know Senator Johnston for a great many years. He had one of the most remarkable careers in the modern history of our country. He was born of humble origin, the son of a tenant farmer. He worked on a farm as a child and later, at the age of 11, went to work in a textile mill. He was determined, however, to improve his lot, and he diligently pursued education. He dropped out of school to enter World War I, in which he served as a sergeant. He was the victim of a gas attack in Europe. He returned from Europe after the war and completed his education, going first to an industrial training school and then to Wofford College. He received his law degree from the University of South Carolina. While attending the University of South Carolina Law School, he was elected to the Legislature of South Carolina from his home county. From that time forward, he followed a political career. He twice served as Governor of his State and served for 21 years in the U.S. Senate.

I had the honor and privilege to serve with Senator Johnston on the Committee on Agriculture and Forestry. I know of his intense interest and loyalty not only to the farmers of South Carolina, but to the farmers throughout the Nation, as well.

As chairman of the Committee on Post Office and Civil Service, he worked tirelessly to improve the lot of Federal employees.

He was a devoted and loyal Democrat and fought valiantly for his party, even when it advocated programs with which he disagreed.

On behalf of my wife and myself, I extend deepest sympathy to Mrs. Johnston, to the family, and to the people of South Carolina, who have lost a strong and valiant leader.

Mr. GRUENING. Mr. President, I desire to associate myself with all the remarks that have been made by Senators on both sides of the aisle.

I shall deeply miss Olin Johnston. He was a great human being. He was kindly, he was generous, he was considerate in all matters. He was an effective Senator. He had the courage of his convictions.

The preceding speaker, the able Senator from Georgia [Mr. Talmadge], has outlined the distinguished public career of Olin Johnston. It was distinguished because it exemplified one of the outstanding characteristics of America; namely that a man of character can rise from humble beginnings and, through his own efforts, through his own high purpose, through his determination to improve his lot, achieve as great distinction as is vouchsafed to any of our fellow citizens. This Olin Johnston did.

He served both as Governor of his great State and as U.S. Senator and served with outstanding effectiveness in both these high offices. His story is an epic of Americanism.

We shall miss him greatly, but his service will not be forgotten by the people of his State and by the Nation. To Mrs. Johnston, my wife Dorothy and I extend our heartfelt sympathy. We hope that her sorrow and loneliness will be mitigated by the consciousness of the love and respect in which Olin was held by all of us who knew him and by the knowledge that so many of his fellow citizens were helped by him.

Mr. LONG of Louisiana. Mr. President, when the junior Senator from Louisiana first came to this body as a fledgling Senator to fill out an unexpired term, the first Senator to welcome him was the Senator from South Carolina, Olin Johnston. This was the beginning of many kindnesses he showed to the junior Senator from Louisiana, as he did to other freshmen Senators.

As a committee chairman, perhaps to a greater degree than did any other chairman on either side of the aisle, in the House or the Senate, he gave to the junior members of his committee an opportunity to perform to the utmost of their ability. He made us chairmen of subcommittees having important responsibilities. Almost without exception, when we worked out the best bills we thought we could recommend to the full committee, he would support our recommendations and help us to report them to the Senate. He frequently helped me in that respect. He did the same thing for the then junior Senator from Minnesota, Mr. Humphrey, who is now the Vice President, and for many other Senators. We all came to know him and revere him as one of the most considerate, kindly, effective men to serve in this body.

Senator Johnston was a great friend of Federal employees. He was constantly studying their problems and fighting for them on the floor of the Senate, day in and day out, to make certain that legislation that was necessary, desirable, and appropriate for the civil service would be passed and become effective.

The Nation, particularly its civil service, will forever be indebted to Olin D. Johnston, a great Senator.

Together with my colleagues, I extend my sympathy to his devoted wife and fine family.

Mr. MOSS. Mr. President, it has indeed been a privilege to serve in the U.S. Senate with Olin D. Johnston. Not only was he one of the great leaders of the Senate; he was a strong champion of his State. He was a kindly, considerate, thoughtful man who extended himself to do kindness and justice to all whom he met.

It was my privilege to attend the funeral of Senator Johnston in his home State of South Carolina yesterday. It was a deeply moving service, one that did honor to him, his family, his community, and his State. We shall greatly miss him in the Senate.

I add my voice to those of other Senators who have spoken of Senator Johnston. He was one of the great Members of this body.

I extend my condolences and those of my wife and family to the wife of Senator Johnston and his family in their hour of bereavement.

Mr. KUCHEL. Mr. President, over the last dozen years, I came to know the late Olin Johnston, senior Senator from South Carolina, as a friend. A kindly man, devoted to his family, he also demonstrated in this Chamber an earnest, steadfast devotion to his own creed and to the good of the Nation as he saw it. In his capacity as chairman of the Committee on Post Office and Civil Service, surely it may be said that he was a preeminent friend of the man and women who toil for the Government of the United States in all its far-flung agencies.

But far more than that, Olin Johnston was a friend of all of us in this Chamber. We cherished his friendship. We exalt his memory. He conducted himself in all his public service with courage, with vigor, and with honor.

Mrs. Kuchel and I extend to his widow and his family our sincere sympathy.

Mr. YOUNG of North Dakota. Mr. President, I wish to associate myself with the very appropriate remarks made today concerning our departed friend and colleague, Senator Olin D. Johnston. Mr. President, I understand that a day will be set aside later for eulogies of the late Senator Johnston. At that time I shall speak in tribute to the honor of this great and good man.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Supplemental Appropriation To Pay Claims and Judgments Rendered Against the United States (S. Doc. No. 19)

A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims and judgments rendered against the United States, in the amount of $7,767,949 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

Amendment of Rural Electrification Act of 1936

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend subsections (a) and (b) and to repeal subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended, to establish the Rural Electrification Administration Loan Account, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Reduction of Borrowing Power of Commodity Credit Corporation

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation providing for reduction of the borrowing power of the Commodity Credit Corporation and the cancellation of notes due the Treasury in amount equivalent to such reduction and other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

Amendment of Act Relating to Certain Inspection Services by the Secretary of Agriculture, Involving Overtime Work

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work (with an accompanying paper); to the Committee on Agriculture and Forestry.

Report of Export-Import Bank of Washington on Guarantees of Certain Transactions

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that shipments to Yugoslavia insured by that Bank under the short term export credit insurance program totaled $25,511, for the month of March 1965; to the Committee on Appropriations.

Amendment of Title 10, United States Code

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize transportation at Government expense for dependents, accompanying members of the uniformed services at their posts of duty outside the United States, who require medical care not locally available (with an accompanying paper); to the Committee on Armed Services.

Amendment of Natural Gas Act To Vest Jurisdiction in the Federal Power Commission Over Certain Interstate Sales of Natural Gas

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting a draft of proposed legislation to amend the Natural Gas Act to vest jurisdiction in the

Federal Power Commission over certain interstate sales of natural gas for industrial use and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Alcoholic Beverage Control Act (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioners of the District of Columbia to utilize volunteers for active police duty (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on unnecessary procurement of Nike mobility equipment by the Department of the Army (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on excessive cost-of-living allowances paid to Federal employees in Puerto Rico and the Virgin Islands, U.S. Civil Service Commission, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary requisitioning of aeronautical parts by the Naval Supply Depot, Subic Bay, Republic of the Philippines, western Pacific area, Department of the Navy, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred through the duplication of shipping services to the Panama Canal Zone by the Military Sea Transportation Service and the Panama Canal Company, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on deficient administration of spare parts procurement and other deficiencies in contract administration relating to the nuclear-powered merchant vessel NS *Savannah*, Maritime Administration, Department of Commerce and Atomic Energy Commission, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on failure to effectively utilize excess U.S.-owned foreign currencies to pay international air travel ticket costs being paid in dollars, Department of State, Department of Defense, Agency for International Development, U.S. Information Agency, and other Government agencies, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

ACQUISITION OF CERTAIN LANDS FOR ADDITION TO CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, GA.

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the acquisition of certain lands for addition to the Chickamauga and Chattanooga National Military Park, Ga., and for other purposes with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON RECEIPT OF PROJECT PROPOSAL UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal under the Small Reclamation Projects Act of 1956 from the Roosevelt Water Conservation District of Higley, Ariz.; to the Committee on Interior and Insular Affairs.

REPORT ON RECLASSIFICATION OF CERTAIN LAND UNDER THE RECLAMATION PROJECT ACT OF 1939

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the reclassification of certain land under the Reclamation Project Act of 1939, requested by the board of directors of the Tulelake Irrigation District; to the Committee on Interior and Insular Affairs.

CERTIFICATION OF ADEQUATE SOIL SURVEY AND LAND RECLASSIFICATION, BAKER PROJECT, OREGON

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification had been made of the lands in the Baker project, Oregon; to the Committee on Interior and Insular Affairs.

APPOINTMENT OF CRIER-LAW CLERKS BY DISTRICT JUDGES

A letter from the Deputy Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to authorize the appointment of crier-law clerks by district judges (with an accompanying paper); to the Committee on the Judiciary.

TEMPORARY TRANSFER OF PROCEEDINGS IN CERTAIN CIVIL ACTIONS

A letter from the Deputy Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON ADMINISTRATION OF WELFARE AND PENSION PLANS DISCLOSURE ACT

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the administration of the Welfare and Pension Plans Disclosure Act, for the calendar year 1964 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTION —

"Resolution memorializing the Congress of the United States to establish a special commission for the purpose of conducting a study of existing international fishing treaties

"Whereas the fishing industry is one of the principal industries of the commonwealth; and

"Whereas the fishing fleets of other nations, under color of right, have been fishing in the waters traditionally fished by residents of the commonwealth; and

"Whereas the methods used by these fleets are not up to the high standards maintained by the residents of the commonwealth; and

"Whereas this has a deleterious effect on the fishing industry of the commonwealth and on the livelihood of many of our citizens: Now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation establishing a special commission for the purpose of conducting a study of existing international fishing treaties and recommending such treaty modifications as it may deem necessary to the protection of the fishing industry; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of the Congress, and to the Members of the Congress from the Commonwealth.

"House of representatives, adopted March 23, 1965.

"WILLIAM C. MAIERS,
"*Clerk*.

"Senate, adopted in concurrence March 29, 1965.

"THOMAS A. CHADWICK,
"*Clerk*.

"A true copy.
"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth*."

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION —

"Resolution memorializing the Congress of the United States to enact legislation extending medical aid to persons at age 62

"Whereas the Congress of the United States has recently reduced the eligible age allowing persons to collect benefits under the Federal Social Security Act from age 65 to age 62; and

"Whereas there exists a national tendency to reduce the age of retirement from age 65 to age 62; and

"Whereas the present program for medical aid to the aged now takes effect at age 65: Now, therefore, be it

"*Resolved*, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation reducing the age of eligibility for persons under the Federal Social Security Act from age 65 to age 62; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of representatives, adopted March 23, 1965.

WILLIAM C. MAIERS,
"*Clerk*.

"Senate, adopted in concurrence March 29, 1965.

"THOMAS A. CHADWICK,
"*Clerk*.

"A true copy.
"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth*."

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs:

"RESOLUTION —

"Resolution memorializing the Congress of the United States to enact legislation establishing Bunker Hill Monument as a National Historic Site

"*Resolved*, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation establishing Bunker Hill Monument in the Charlestown district of the city of Boston as a national historic site, and assuming financial responsibility for its maintenance; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of representatives, adopted March 23, 1965.

"WILLIAM C. MAIERS,
"*Clerk.*

"Senate, adopted in concurrence March 29, 1965.

"THOMAS A. CHADWICK,
"*Clerk.*

"A true copy.
"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Post Office and Civil Service:

"RESOLUTION —

"Resolution memorializing the Congress of the United States to enact legislation authorizing the cities and towns of the Commonwealth to mail absentee ballots free of postage charges

"*Resolved*, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to enact legislation authorizing the cities and towns of the Commonwealth to mail absentee ballots for all elections for public office free of any postage charge; and be it further

"*Resolved*, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the Presiding Officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of representatives, adopted March 23, 1965.

"WILLIAM C. MAIERS,
"*Clerk.*

"Senate, adopted in concurrence March 29, 1965.

"THOMAS A. CHADWICK,
"*Clerk.*

"A true copy.
"Attest:

"KEVIN H. WHITE,
"*Secretary of the Commonwealth.*"

A resolution adopted by the Hawaii National Guard Noncommissioned Officers Association, Honolulu, Hawaii, relating to the armed services pay bill; to the Committee on Armed Services.

A petition signed by Wilamena Keifer, and sundry other citizens of the State of Ohio, praying for the enactment of House bill 3727, the so-called eldercare bill; to the Committee on Finance.

The petition of Choko Kuwae, president of the Association To Acquire Compensation for Damages prior to peace treaty, of Neha, Okinawa, relating to the settlement of peace treaty claims; to the Committee on Foreign Relations.

A resolution adopted by the City Council of the City of Thief River Falls, Minn., relating to the order of the Post Office Department for removal of mail from trains 9 and 10, in that city; to the Committee on Post Office and Civil Service.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (by request):

S. 1789. A bill for the relief of Philip C-Cheng Liang and Nancy (Yui Li Fong) Liang; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1790. A bill for the relief of Augusto Donadel; to the Committee on the Judiciary.

By Mr. MOSS:

S. 1791. A bill to extend the provisions of the Dealer Reserve Income Adjustment Act of 1960 to certain financial institutions; to the Committee on Finance.

S. 1792. A bill to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Moss when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. MONDALE (for himself and Mr. MCCARTHY):

S. 1793. A bill to amend the Federal Disaster Act to provide assistance for the rehabilitation and reconstruction of areas damaged by floods and high waters; to the Committee on Banking and Currency.

(See the remarks of Mr. MONDALE when he introduced the above bill, which appear under a separate heading.)

LAW ENFORCEMENT ASSISTANCE ACT OF 1965

Mr. MOSS. Mr. President, at this time I introduce for appropriate reference a bill which will have a tremendous effect on the quality of law enforcement in the United States, and most particularly in the West, where many serious problems combine to prevent totally effective action in reducing crime.

Utah, as is the case in many other States, must fight the professional criminal with methods and manpower lacking in training or professionalism.

Lest I be misunderstood, Utah has taken the lead among the sparsely settled States of the West to do all within its ability to increase the knowledge and training available to the local law enforcement officer.

Over the past 3 years, the Utah Peace Officers Association has undertaken to organize and conduct many specialized seminars and classes, open to police officers from surrounding States, as well as Utah, for the purpose of providing competent training not obtainable elsewhere in Utah or some other areas.

The Federal Bureau of Investigation, through its Salt Lake Field Office, has been of invaluable assistance in securing experts to address these classes, and in preparing the materials to be studied.

The classes have been held on an irregular basis, but have covered such major topics as firearms training, dealing with sex offenders, methods of criminal investigation, scientific investigation and other subjects.

At best, however, only a small proportion of lawmen are able to attend the brief sessions. Utah, and other States, do not have enough law enforcement personnel to allow individual departments to send more than one or two men to each training session.

The need for additional training which can be fully utilized by all departments on a continuing basis is critical. The Utah Peace Officers Association, and other qualified individuals, have cited time after time the need for more specialization in law enforcement. They admit they are not equipped to face today's problems with yesterday's methods.

The bill which I am introducing in the Senate is similar to one introduced in the House of Representatives by Mr. CELLER.

It provides for Federal grants to public or private, nonprofit agencies to establish programs and facilities to provide professional training and related education to law enforcement personnel.

There is no widely accepted, fully utilized State police academy in Utah, or any other surrounding State. On occasion, the Utah Highway Patrol will conduct an academy for its recruits, and invite a few officers from other jurisdictions to join in the classes. This does not replace a continuing training center which operates on a steady basis.

The incidence of major crimes across America went up 13 percent in 1964, according to preliminary figures from the FBI crime index. Major crimes include homicide, robbery, rape, grand larceny, and other violent and personal crimes. Because of a rapidly expanding population and a lack of enough competent law enforcement personnel, the West has experienced a similar or higher incidence of crime.

Without increased professionalization and better methods of investigation and prevention of crime, the situation will worsen.

Taking a look at some of the major problems faced in Utah, we see that my State lies at the crossroads of travel between the Pacific coast and Denver and points east. Safe burglars, as an example, have committed burglaries in Seattle, driven all night and part of the next day, stopped in Salt Lake City, committed several burglaries, and moved along to the East. Salt Lake City appears to be chosen as a resting place because of its being the largest metropolitan area between the Pacific coast and Denver, which offers increased protection through anonymity.

A force of adequately trained and well-equipped lawmen, with modern interstate communications, would be in a better position to use the wide open spaces and high-speed highways to beat the criminal at his own game.

The bill which I introduce deals with agencies and individuals as well as the field officer.

Those charged with administering justice would receive valuable training and assistance under the type of projects envisioned by this bill. Certainly no system of criminal justice is complete without adequate courts and administrators, working with those in charge of correctional institutions and practical law enforcement officers.

As President Lyndon B. Johnson said in his March 8 message on crime:

> We must arrest and reverse the trend toward lawlessness.

Certainly this bill which I introduce today will go a long way toward helping to identify the problems and shortcomings of State and local law enforcement, and at the same time provide programs and projects which will increase the proficiency of police officers, jurists, and administrators.

The police officer receives the greatest attention in my remarks, because, as President Johnson says:

> Police are our frontline, both offensive and defensive, in the fight against crime.

If Congress remains inactive in this field, the increased burden on society caused by the small lawless segment will only mount higher costs and greater problems for the future.

By moving ahead now, and giving prompt favorable action to this bill, we might hasten the day that organized crime will be defeated.

Mr. President, I ask unanimous consent that this bill be printed in the Record and lie on the table for a week for cosponsorship.

The PRESIDING OFFICER (Mr. Mondale in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record and will lie on the desk, as requested by the Senator from Utah.

The bill (S. 1792) to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques, and practices in State and local law enforcement and prevention and control of crime, and for other purposes, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Assistance Act of 1965."

Sec. 2. For the purpose of improving the quality of State and local law enforcement and correctional personnel, and personnel employed or preparing for employment in programs for the prevention or control of crime, the Attorney General is authorized to make grants to, or to contract with, any public or private nonprofit agency, organization or institution for the establishment (or, where established, the improvement or enlargement) of programs and facilities to provide professional training and related education to such personnel.

Sec. 3. For the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, the administration of the criminal laws, the correction of offenders or the prevention or control of crime, the Attorney General is authorized to make grants to, or contract with, any public or private nonprofit agency, organization, or institution for projects designed to promote such purposes, including, but not limited to, projects designed to develop or demonstrate effective methods for increasing the security of person and property, controlling the incidence of lawlessness, and promoting respect for law.

Sec. 4. The Attorney General may arrange with and reimburse the heads of other Federal departments or agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act with respect to any program or part thereof, and authorize the redelegation of such powers.

Sec. 5. (a) The Attorney General or his delegate shall require, wherever feasible, as a condition of approval of a grant under this Act, that the recipient contribute money, facilities, or services for carrying out the project for which such grant is sought. The amount of such contribution shall be determined by the Attorney General or his delegate.

(b) The Attorney General is authorized to prescribe regulations establishing criteria pursuant to which grants may be reduced for such programs, facilities, or projects as have received assistance under section 2 or 3 for a period prescribed in such regulations.

(c) Payments under section 2 or section 3 may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General or his delegate, and shall be made on such conditions as he finds necessary to carry out the purpose of section 2 or section 3, as the case may be.

(d) Payments under section 2 may include such sums for stipends and allowances (including travel and subsistence expenses) for trainees as are found necessary by the Attorney General or his delegate.

Sec. 6. (a) The Attorney General is authorized to make studies with respect to matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, including the effectiveness of projects or programs carried out under this Act, and to cooperate with and render technical assistance to State, local or other public or private agencies, organizations, and institutions in such matters.

(b) The Attorney General is authorized to collect, evaluate, publish, and disseminate information and materials relating to studies conducted under this Act, and other matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, for the benefit of the general public or of agencies and personnel engaged in programs concerning these subjects, as may be appropriate.

Sec. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the organization, administration or personnel of any State or local police force or other law enforcement agency.

Sec. 8. (a)(1) The Attorney General is authorized to appoint such technical or other advisory committees to advise him in connection with the administration of this Act as he deems necessary.

(2) Members of any such committee not otherwise in the employ of the United States, while attending meetings of their committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Sec. 9. The Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1966, and the two succeeding fiscal years.

Sec. 10. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) There are also authorized to be appropriated such sums as may be necessary for the expenses of commissions or committees which have been or may be established by the President to study crime and delinquency.

ADDITIONAL COSPONSORS OF BILL AND RESOLUTION

Mr. KUCHEL. Mr. President, on behalf of the distinguished junior Senator from Vermont [Mr. Prouty], I ask unanimous consent that the name of the distinguished Senator from New York [Mr. Javits] be added as a cosponsor of S. 1486, the College Students Tax Relief Act of 1965, introduced by Senator Prouty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, on behalf of my colleague from Vermont, I observe that this brings to 26 the number of Republican Senators who are cosponsoring the proposed legislation.

Mr. President, on behalf of the distinguished junior Senator from Vermont [Mr. Prouty], I ask unanimous consent that the name of the distinguished senior Senator from Oregon [Mr. Morse] be added as a cosponsor of Senate Resolution 30, which provides for full legislative authority for the Senate Committee on Small Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND CONCURRENT RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills and concurrent resolution:

Authority of April 1, 1965:

S. 1643. A bill to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall comply with certain safety and labeling regulations: Mr. Hartke, Mr. Inouye, Mr. Pell, Mr. Randolph, and Mr. Yarborough.

S. 1676. A bill to provide for certain reorganizations in the Department of State and the Department of Health, Education, and Welfare, and for other purposes: Mr. Young of Ohio.

Authority of April 6, 1965:

S. 1727. A bill to provide for strengthening and improving the national transportation system, and for other purposes: Mr. McGee.

Authority of April 8, 1965:

S. Con. Res. 32. Concurrent resolution relative to planning for peace: Mr. Hartke, Mr. Magnuson, and Mr. McCarthy.

NOTICE OF HEARINGS BY COMMITTEE ON FOREIGN RELATIONS

Mr. SPARKMAN. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, I wish to announce that the following public hearings have been scheduled for next week in room 4221 of the New Senate Office Building:

Monday, April 26, at 10 a.m., S. 1368, to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes. Witness: Sargent Shriver, Director, the Peace Corps.

Tuesday, April 27, at 10 a.m., to consider nominations of USIA employees to the Foreign Service. Witnesses: William J. Crockett, Deputy Under Secretary of State for Administration; Carl Rowan, Director, U.S. Information Agency; Joseph Palmer, Director General of the Foreign Service.

Wednesday, April 28, at 10 a.m., two amendments to the Charter of the United Nations to increase the membership of the Security Council from 11 to 15—increasing the voting majority from 7 to 9—and to increase the membership of the Economic and Social Council from 18 to 27—Executive A, 89th Congress, 1st session. Witness: Dean Rusk, Secretary of State.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 14, 1965, he presented to the President of the United States the enrolled bill (S. 974) to amend the Manpower Development and Training Act of 1962, as amended, and for other purposes.

RESTORATION OF FORD'S THEATER

Mr. YOUNG of North Dakota. Mr. President, on another subject, a dream I have had since coming to the U.S. Senate 20 years ago is in the process of being fulfilled. Ford's Theater, where on that tragic night of April 14, 100 years ago, Lincoln was assassinated, is now being restored.

We had hoped to have the work completed by this year so that the theater might have been utilized in commemorating this event. Unfortunately, many delays have been experienced in getting this project underway.

A great many people played major roles in making this restoration possible. I shall name just a few of them later in my remarks, but with some reluctance only because I am sure I shall fail to mention some who made great contributions in making this restoration possible. If there be such an oversight, it will not be intentional.

There was one great soul who was largely responsible for encouraging me to undertake this project—the late Melvin Hildreth, a prominent Washington attorney and a former North Dakotan. To Melvin Hildreth must go all of the credit for any part I have had in the restoration of Ford's Theater. His enthusiasm and dedication were always a source of great inspiration to me.

On February 26, 1946, at Mr. Hildreth's suggestion, I introduced Senate Joint Resolution 139 to restore Ford's Theater. Mr. President, I ask unanimous consent that a copy of this resolution be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. YOUNG of North Dakota. Mr. President, the mere introduction of this resolution resulted in considerable favorable publicity in all of the Washington newspapers and other news media throughout the Nation. All of this most favorable reaction played a major role in the eventual approval of the restoration of Ford's Theater. This resolution, reintroduced by me later, was finally approved by Congress and signed by President Eisenhower on May 28, 1954.

The research work by the National Park Service, as directed in this resolution, was completed and sent to Congress on July 14, 1955. This research was largely responsible for Congress appropriating $200,000 for fiscal year 1961 for the planning work necessary in the reconstruction of the theater.

After all of the planning work was completed, more difficulties and delays were experienced in securing the appropriation for the actual reconstruction work. In its appropriations for fiscal year 1965, Congress made available to the Department of the Interior $2,073,600 for the restoration of Ford's Theater.

As soon as the funds were available on July 1, 1964, steps were taken to complete the drawing and advertise for bids. Coe Construction, Inc., of Washington, submitted the low bid and was awarded the contract. The amount of the contract was $1,390,000, which included all structural work.

From the remainder of the appropriated funds, all equipment, furnishings, and interpretative devices will be purchased. The contractor moved into the theater to begin work on January 4, 1965. Barring unforeseen conditions which may delay the project, we are all hopeful that this work will be completed late in 1966.

The restoration of Ford's Theater is a most difficult undertaking since the original plans of the structure have never been located. It is remarkable, however, how much detailed information has been secured from documents and photographs collected over the years.

I have always envisioned the restored Ford's Theater as being complete and accurate in every detail. Those of us in both Houses of Congress who have worked closely with this great undertaking realize that there will necessarily be structural modifications consistent with modern building standards, but these will not be seen by the visitor.

Having taken part in most of the discussions, hearings, and legislation involving the Ford's Theater project, I can, without hesitation, state that it was the consensus that the restoration should be as authentic as possible in every detail. This means that the stage scenery, draperies, wallpaper, floor covering, chairs, and light fixtures will all be reproduced as accurately as possible from contemporary photographs. Future visitors to the restored theater will be transported back 100 years to the tragic night of April 14, 1865. No discordant decorative detail or structural modification is to be allowed to destroy in any way the midvictorian scene and atmosphere that existed on that night.

Certain structural modifications must be made to conform to present building standards and regulations, including the District of Columbia Building Code. These changes will not be visible for they are within the fabric of the structure. For instance, in 1865, fire regulations were nonexistent and the builders showed little concern for this hazard. Today, the fireproofing of a building is of major importance. A visitor to the theater will not be conscious of the substitution of steel for wood in the balcony framing.

Mr. President, over these 20 years I have accumulated a voluminous file on the restoration of Ford's Theater. The file includes speeches, letters, and various documents which give some indication of the interest and effort put forth by many people to make this restoration possible.

Among the many deserving special mention—and I am afraid I shall miss many who should be included—are such present and former Members of the House of Representatives as the Honorable George Dondero, of Michigan; the Honorable Michael KIRWAN, of Ohio, chairman of the Subcommittee on House Interior Appropriations who made possible the necessary funds for reconstruction; the then ranking Republican member of this committee, the Honorable Ben Jensen, of Iowa; and the Honorable Fred Schwengel, of Iowa, who has been one of the foremost and most effective workers in behalf of this restoration.

There are many on the Senate side who deserve special mention. One in particular is the Honorable CARL HAYDEN, of Arizona, chairman of the Senate Appropriations Committee. He has always been a stanch supporter of this project and was largely responsible for securing the necessary funds.

I would like to name just a few officials of the National Park Service who have devoted a great deal of time and dedicated effort to this project. They include such fine people as T. Sutton Jett, Regional Director, National Capitol Region; Cornelius W. Heine, Assistant Regional Director; Randle B. Truett, Historian; Dr. George Olszewski, author of the historic structures report, "Restoration of Ford's Theater"; William Haussmann, who directed the architectural phase of the work; and both the present Director of the National Park Service, George B. Hartzog, Jr., and former Director Conrad Wirth.

Among others who are most deserving of special mention are Richard L. Coe, of the Washington Post, and Richard Hildreth, the son of Melvin Hildreth, both of whom appeared before the committees of Congress in behalf of appropriations for this project; and the following members of the Lincoln Group of the District of Columbia—Victor Birely, Anna Hausman, and Elden E. Billings.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a speech I made in the Senate on February 6, 1946, at the time of the introduction of Senate Joint Resolution 139 directing the Secretary of Interior to make a study and estimate the costs of reconstructing Ford's Theater.

I also ask unanimous consent to have printed in the RECORD just a few of the many letters I have received on the restoration of Ford's Theater, most of which are strongly in support of this restoration and are of considerable historic value.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

S.J. RES. 139

Joint resolution directing the Secretary of the Interior to estimate the cost of reconstructing Ford's Theater

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to cause an estimate to be prepared of the cost of reconstructing the stage, boxes and scenic setting of Ford's Theater, in Washington, District of Columbia, as they were on April 14, 1865, and to make a report with respect thereto to the Congress.

EXHIBIT 2

Mr. President, a visit to Washington is to many an American family an experience of a lifetime, long planned for, expectantly awaited, and undertaken with a singleness of purpose and a sincerity of interest. To those who do come to the Nation's Capital, Lincoln holds particular appeal. To visit the Lincoln Memorial, the Capitol of the United States, the White House, are great experiences in the lives of many of our people.

To those who love Lincoln, a visit to Ford's Theater is an additional experience long anticipated. But to those who go to Ford's Theater there is awaiting for them a distinct disappointment. What they see is not the theater at all, but a warehouse. On the floor is a thin black line outlining the position of the stage where the awful tragedy took place. On the wall is a single photograph of the stage, the box in which Lincoln sat, and the scenic setting of the last play ever to be there presented.

On the 4th of March 1865, President Lincoln was inaugurated for his second term. His address, which is enshrined in the memorial, was one of the most beautiful ever pronounced by this great man in a trying ordeal. He sought by calmness to inspire his countrymen "with malice toward none, with charity for all," to go about the work of healing the Nation's wounds and restoring a political and social fellowship throughout the Union.

It will be recalled that the War Between the States had not then ended, it was in its last tragic months. President Lincoln had visited Richmond, and a few days afterward the tragedy of his own sad life had entered its last act.

On the ninth of April, General Lee had surrendered to General Grant at Appomattox Court House. It was there that General Grant directed that the men should keep their horses because they would need them for the spring plowing and farmwork. It is recalled that General Lee was urged by some of his own officers to carry on in small fighting squads and Lee refused with solemn anger, stating, "You must remember we are a Christian people. For us, as a Christian people, there is now but one course to pursue. We must accept it now. These men must go home and plant crops, and we must proceed to build up our country on a new basis."

Those who observed President Lincoln at this time knew with what kindliness of judgment and with what sober motives he acted. Thus how great the tragedy. On the evening of the 14th of April, 5 days after Lee's surrender, there came the shocking end to the great plans which had been announced. On that evening he attended Ford's Theater with his wife and a party of friends. During the course of the play an assassin slipped into the President's box, leveled a pistol at his head and shot him through the brain. Lincoln fell forward in his seat, was borne from the building to a home directly across from the theater and lingered in an unconscious state until the following morning, when he died. This house, located at 453 10th Street, is also a Lincoln shrine, and is intact. How unfortunate that the theater across the street is not intact.

Thus ended the life of one who was prudent, farsighted and resolute, thoughtful, calm and just, patient, tender-hearted and great. The manner of his death consecrated his memory. The American people placed him in his tomb, mourning the one who fell when we could least spare him.

Therefore, Mr. President, although 80 years have elapsed since that tragic event, it is not too late to bring back to the American people a vision of exactly what occurred. The restoration of the stage, the boxes, and the scenery in Ford's Theater is a duty which should be carried forth by us all. It is not a question of the cost. Each visitor is now charged by the Department of the Interior an admission fee, which moneys could be applied to the cost of restoration.

I ask for unanimous consent of the following resolution directing that at the earliest possible moment stage, boxes, and scenery be restored to Ford's Theater, and that there be included in the restoration the chair in which the immortal Lincoln last sat and the flag which draped the President's box.

WASHINGTON, D.C.,
December 19, 1945.

HON. MILTON R. YOUNG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YOUNG: May I suggest that on Lincoln's birthday, February 12, 1946, it might be in order for you to suggest the restoration of the stage, boxes, and scenery in Ford's Theater, 511 10th Street NW., Washington, D.C., where Lincoln was shot on April 14, 1865. The theater at the present time is under the direction of the National Park Service of the Department of the Interior. Admission is 10 cents.

The location of the stage and boxes is indicated on the floor of the theater by a black line. However, they have available photographs of the stage and of the setting taken a few days after the assassination. The booklet that I am sending you shows pictures of the stage and setting on pages 11, 12, and 13.

It might be in order, if you approve, to ask the Washington Star to publish an illustrated article outlining your plan and also arrange for a nationwide radio broadcast arousing public support.

I am certain that in initiating this movement you would attract extensive and favorable response, and at the same time you would be restoring to Ford's Theater something which would have great interest for the tens of thousands of people who visit this site annually.

Sincerely,

MELVIN D. HILDRETH.

P.S.—The flag which decorated President Lincoln's box, and on which Booth tripped, is on display in the Treasury Building. This could be restored to the theater, together with some of the furnishings, such as the chair in which President Lincoln sat.

U.S. NAVAL PROVING GROUND,
Dahlgren, Va., February 25, 1946.

HON. MILTON R. YOUNG,
U.S. Senator,
Washington, D.C.

MY DEAR SENATOR YOUNG: In the Washington Post yesterday I noticed Nelson B. Bell's column concerning your interest in the restoration of the Ford's Theater on 10th Street where the immortal Lincoln was assassinated the night of April 14, 1865.

A few years ago I traveled 700 miles to see Washington. I was greatly disappointed to find Ford's Theater in its present condition.

My old home and birthplace is only 60 miles from the birthplace of, as we in Kentucky say, "Abe" or "Honest Abe," the guiding symbol of millions of Americans.

I have only to refer you to the Gettysburg Address to show that he is second to none and loved by millions of Americans.

I am not writing all this to condemn you but to say millions will love you for the interest and loyalty you are showing in behalf of our historic, beloved, immortal, and martyred Lincoln.

With your influence and power we feel sure that Ford's Theater shall be intact again.

With best wishes, I am
Sincerely yours,

ROBERT A. WALTERS.

MARCH 5, 1946.

Senator MILTON R. YOUNG,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR YOUNG: May I introduce myself, as the granddaughter of John T. Ford, owner of Ford's Theater in Washington in the year 1865. I am sure you will now understand why I am writting to congratulate you upon the resolution you introduced to restore the old theater, the present condition of which is not only a disappointment but a disgrace to a patriotic American.

It is therefore a joy to read of your interest, and may I assure you of my cooperation and support. Please feel free to call upon me if I can be of help to you in obtaining some of the articles that were in the theater at the time of the assassination of President Lincoln.

Wishing you every success in your commendable undertaking, which you so greatly deserve, I am,

Most sincerely,

MABEL FORD HOPKINS
Mrs. Walter Hopkins.

BALTIMORE, MD.

[From the Times-Herald, July 5, 1951]

A SHRINE NEGLECTED

Ford's Theater, in the 500 block of 10th Street NW., is supposed to be a national shrine. Yet the Government has permitted it to sink to the shoddy level of a dime museum.

WHERE BOOTH SHOT LINCOLN

In this now tattered skeleton of a theater took place 86 years ago the assassination of Abraham Lincoln by John Wilkes Booth, a psychopathic actor.

Let us go back to that night of April 14, 1865. Five days earlier Lee had surrendered to Grant at Appomattox Courthouse, but Lincoln knew better than any man that dark, bitter days still lay ahead.

He was persuaded to put aside the cares of his office for one night. He went to Ford's Theater to attend a performance of "Our American Cousin." Ford's was new and glittering, the most modern theater of the day. Presidential bunting and American flags covered Lincoln's box in the theater. The President leaned back and relaxed in a rocking chair which had been borrowed for the occasion.

A few minutes after 10 o'clock a pistol shot rang through the theater. Lincoln, who had been shot in the back of the head, slumped in his chair.

Booth leaped from the President's box to the stage. He caught one of his spurs in a flag draped around the box, fell heavily to the stage and broke his leg.

Brandishing a dagger and crying "Sic semper tyrannis" (Thus ever to tyrants), Booth limped across the stage. He escaped through the stage door and rode off on horseback. Although there has been some skepticism about details of Booth's death, it is pretty generally accepted that he was cornered and shot by Federal troops in a barn on the Garrett farm near Port Royal, Va.

From Ford's Theater, the mortally wounded Lincoln was carried across 10th Street to the house of William Petersen, a tailor, where, according to some Lincoln scholars, he died in a bed in which Booth had slept 1 month before.

The story goes that Booth, wet and cold, had staggered into the room of a brother actor who was a lodger in the Petersen house, Booth, like the true ham he was, proclaimed dramatically that he was certain to die of pneumonia. His fellow thespian gave him a few shots of whisky to ease his sniffles and put him to bed. Booth recovered, unfortunately, to commit an act that found no sympathy, North or South, in the Nation struggling to overcome civil war.

Booth emerges historically as the sort of character who, if he lived today, would be swimming in the Communist stream and its tributaries, as a sure-shot witness refusing to talk to the House Committee on Un-American Activities. He was considered only moderately successful by his contemporaries. He was only a dwarf of an actor when ranged alongside his famous brother, Edwin Booth. His warped ego would have equipped him perfectly for life as a Communist, sneak, liar and murderer.

But to return to the dying President. Lincoln breathed his last at exactly 7:22 o'clock on the morning of April 15, 1865, in the Petersen house.

We should have supposed that the theater in which he was shot and the house in which he died would stand today as well-kept memorials to the martyred President. They're not. They're dull and drab and hardly worth the dime the Interior Department charges to view them.

HOW IT CAN BE RESTORED

Ford's Theater, in particular, has had a gloomy history since the assassination of Lincoln. Naturally, there was never another theatrical performance there after the President's death. The property was acquired by the Government for $100,000 a few years after the assassination. In June, 1893, while it was being used to house Government pension records, the second and third floors collapsed and 22 persons were killed and 68 were injured.

Congress was slow to do anything. For many years the theater was used as a bureaucratic waste-bin and the Petersen House across the street was the only place for Americans visiting their capital to view Lincoln relics.

Finally, in 1926, Congress authorized the purchase for $50,000 of the Lincoln collection gathered over a lifetime by Col. O. H. Oldroyd. Then, in 1931, Ford's Theater was opened as the Lincoln Museum to house the Oldroyd collection and other mementoes of Lincoln's era.

But even the National Capital Parks people who operate the museum admit the Ford's Theater of today is a far cry from what it was the night Lincoln was shot. And they admit, too, that its dust-covered relics and waxed museum floors are pretty much of a disappointment to visitors.

Senator Young, Republican, of North Dakota, has the right answer. In 1946 he introduced a bill under which Ford's Theater would have been restored exactly as it was the night of the assassination (with stage, scenery, flag-draped boxes, etc.) but the bill died in committee.

He has since suggested that he would take the matter up again, if public interest is shown.

Certainly this historic place ought to be kept up in proper fashion, for thousands upon thousands visit it every year, even though it lacks the proper treatment.

We suggest you write the Senator your encouragement and support.

Silver Spring, Md.,
July 6, 1951.

Dear Senator Young: Last night an editorial in the Times Herald impressed my husband and I very much.

The Lincoln Museum is definitely a sore eye in viewing our Nation's Capital.

We heartily support a bill for the restoration of Ford's Theater as it was the night of Lincoln's assassination.

We support your action on such a bill; however, this time let's not let it die in committee.

Sincerely,
Mr. and Mrs. Robert M. Linkins.

Department of Ohio, Ladies of the Grand Army of the Republic,
Cleveland, Ohio, July 16, 1951.

Senator Milton Young.

Dear Sir: As a member of this fading order—the granddaughter of two Civil War men—I, too, think it a shame to let such an important place as the Ford go to ruin.

Our Civil War boys are mostly gone, as of May 30, only 19 were left. Wouldn't it be a wonderful thing to honor them with this project? Why not send a letter to the national convention of Sons of Union Veterans of Civil War which will be held in Columbus in August (Deshler-Wallick Hotel). The auxiliaries to the sons meet at the same time, September 3 to 7, the Ladies of Grand Army of Republic, Relief Corps, hold their national convention in Chicago. Bessie Hart, of Indiana, is national president of the ladies.

I personally will introduce a resolution in both conventions to back anything you can get started and help in any way I can.

Yours in F.C. and L.,
Anna Tubaugh.

Freedom, charity, loyalty.

Washington, D.C., *July 23, 1951.*

Hon. Milton R. Young,
U.S. Senate,
Washington, D.C.

Senator: The resolution introduced by you for the restoration of Ford's Theater merits the approval of every patriotic citizen. I shall never forget my poignant disappointment when I first entered this historic building on my arrival in Washington more than 10 years ago.

As a child in history class I had been told of the tragic occurrence in this building. The history book had a picture of the theater. It was the first place of historical interest that I visited in Washington. When I had seen the interesting collection of relics, I began to look for a staircase to go and see the box where Lincoln sat. I asked an attendant for directions, but he told me what I had seen was all. Only the outside of the building remained the same.

The sense of personal loss and keen regret that I felt at that moment I know has been experienced by many of the visitors to this historic shrine.

I profoundly hope that you will be successful in your efforts to have this hallowed place in our country's history restored. The inspiration that will be given to the countless thousands, especially the younger generations, who visit there in the years to come, will more than justify the monetary expenditure necessary to consummate the worthy project which you have initiated.

Very respectfully yours,
Herbert E. Feakes.

Mayo Clinic,
Rochester, Minn., July 24, 1951.

Senator Milton R. Young,
U.S. Senate,
Committee on Appropriations,
Washington, D.C.

Dear Milt: I was very pleased to read in the Minneapolis Tribune this morning that you had started a movement to make Ford Theater into more of a national historical monument than it is at the present time. As you know, my hobby is the Civil War and I can remember my disappointment on going into the Ford Theater and finding merely an empty hall.

It was nice to hear from you.

With personal regards.

Sincerely yours,
Jan H. Tillisch, M.D.

Senator Milton Young,
Washington, D.C.

Dear Senator Young: I read in the Christian Science Monitor recently that you were interested in a project to have the old Ford Theater on 10th Street in Washington, turned into a museum.

Thought you would like to know that my mother's uncle—and my granduncle Barker Rudd, was one of the bodyguards for President Lincoln the night he was shot and helped carry him across the street where he was taken care of. I understand that record is kept in Washington. We called him "Uncle Beck."

As one of your supporters here in your home State, I thought you would like to have this information.

Sincerely,
Mrs. Walter L. Quin.

Fargo, N. Dak.

[From the Washington (D.C.) Times Herald, May 12, 1953]

Move Pushed for Lincoln Museum Here—Young, Dondero Take Lead

(By Mary Spargo)

Proposals for the establishment of a great national museum in Washington in honor of Abraham Lincoln are meeting with renewed interest and enthusiasm on Capitol Hill, it was disclosed Monday.

Senator Young, Republican, of North Dakota, who launched a one-man crusade in 1946 to improve the Lincoln Museum at Ford's Theater, said he will press for action this session.

Young, who has introduced a resolution calling for an estimate of the cost of restoring Ford's Theater in each Congress since 1946, told the Times-Herald he will appear before the Republican Policy Committee to ask support.

"There are many urgent reasons," Young said, "why the Congress should take the lead at this time in dramatizing the affection of the American people for Lincoln.

CITES RED MOVES

"Never in the history of the world has it been more necessary that the attention of all men everywhere be directed to the great force of love of liberty, justice, tolerance, and brotherly love as exemplified in the life of the Great Emancipator.

"Communist hate mongers are everywhere spreading the poison of racial and religious hatreds, inflaming and confusing those who would be our friends in Asia, the Middle East and elsewhere.

"No figure in American history is so beloved throughout Asia and the Middle East as Lincoln, and we would do well to remind our friends overseas that this Nation, with God's help, is dedicated and rededicated to the ideals for which Lincoln stood.

"Within our own borders, too, are those who would divide to conquer. Love of country is the strongest single bulwark against treason and surely the study and knowledge of our great President who more than any other spoke for compassion, tolerance and freedom for all, will lift up the minds and hearts of our young people.

BILL'S CHANCES GOOD

"We have but to imagine the anguish of spirit with which Lincoln would have regarded the millions of slave laborers in Soviet prison camps to see how urgent it is that we keep green his memory both here and abroad."

Chances of action, YOUNG indicated, are greater this session than in many years since this is the first time in 22 years that the Republican Party, to which Lincoln belonged has controlled both the executive and legislative branches.

YOUNG added that with the unfolding of greater knowledge of the way in which Lincoln planned to handle post-Civil War problems has brought to many Democrats of the South the realization that had Lincoln lived the Reconstruction would have been carried through with malice toward none and charity for all.

On the House side, the North Dakota Senator's plan met mingled criticism and praise from Representative Dondero, Republican, of Michigan, leading Lincoln authority in Congress.

HEARTILY IN FAVOR

Dondero said he was "heartily in favor" of focusing attention on one whom he considers the greatest American of all. But said Dondero, the resolution introduced by the North Dakota Senator does not go far enough.

YOUNG's resolution would direct the Secretary of the Interior to prepare an estimate of the cost of reconstructing the stage, boxes, and scenic setting of Ford's Theater, as they were on the date of the assassination, April 14, 1865, and to make a report with respect thereto to the Congress.

The Michigan Representative said he believed that the best way to direct attention to the ideals of Lincoln might be the establishment of a real Lincoln museum in Washington in which could be gathered together documents and other items relating to the life, character, and public service of Lincoln.

Many such items now are scattered among several agencies such as the Library of Congress, the Smithsonian Institution, and the War Department.

SOME PRIVATELY OWNED

Many others are in the hands of private collectors, who would give or lend them only to a first-class, fireproof institution of real prestige.

It is possible, Dondero declared, that a plan can be worked out with Congress taking the lead, whereby a great national museum could be established here by popular subscription.

MILITARY ORDER OF THE
LOYAL LEGION OF THE UNITED STATES,
Washington, D.C., May 25, 1953.

Hon. MILTON R. YOUNG,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR YOUNG: I have been somewhat distressed to hear that you have introduced Senate Joint Resolution 69 with a view to the restoration of the Ford Theater in what is now the Lincoln Museum at 511 10th Street NW. The matter of such a restoration was exhaustively considered at the time the War Department turned over this building to my then office of Public Buildings and Public Parks.

It was felt at that time that such a restoration would make a monument to a tragic assassination, and that the best way of preserving the building and doing honor to the memory of President Lincoln would be to put the collection of Lincoln memorabilia, which had just been purchased by the Government, in it. This provided a relatively fireproof and safe place for the Lincoln collection without undue emphasis on the murder and the murderer.

The District of Columbia Commandery of the Military Order of the Loyal Legion had a major part in the arrangements that were made with the full consent of the interested Members of Congress, one of whom was Mr. Rathbone, the son of the officer who was in the box with President Lincoln and who was himself wounded by Booth. The first floor of the house across the street in which Mr. Lincoln died was refurnished by the Dames of the Loyal Legion at their own expense in accordance with the remaining descriptions of the furniture there when he was carried in. So you see this military order has a real interest in the preservation of things very much as they are.

I venture to hope that you will reconsider the matter and give me an opportunity to talk it over with you personally some day before your resolution comes up for a vote.

Hoping that you will realize that my intercession in the matter is due to the part I had in the present establishment and in the discussions that took place at that time, and that I am not trying to interfere officiously,

Sincerely yours,
U. S. GRANT, 3d,
Major General, U.S. Army (Retired),
Commander.

THE DAILY NEWS,
Huntingdon, Pa., July 7, 1953.

Hon. MILTON R. YOUNG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YOUNG: I read with interest an Associated Press report that you and Representative Dondero have introduced a bill that would instruct the Interior Department to draw up plans and make cost estimates for restoring the ground floor of old Ford's Theater to approximately its state of April 1865.

I want to add my "amen" to this suggestion. For years, I have thought it was a shame that the theater that was honored by President Lincoln on the last night of his life should have been allowed to lose its original appearance. I'll never forget how disappointed I was the first time I visited the Ford's Theater; it seemed more like a warehouse instead of a hallowed shrine.

I feel that the objection voiced by a nephew of President Grant that such a move would be to make it a "monument to an assassin" is not valid. As it is now, it is visited by thousands every year who are not interested at all in glorifying John Wilkes Booth, but only to feel the thrill of standing near where Lincoln sat and in solemnly contemplating the horrible deed that snuffed out his life.

How in the world would restoring the theater change the present attitudes one whit?

But, restoring the old theater would have the effect of bringing additional thousands who might better capture the great soul of the man who said: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

With all good wishes, I am,

Sincerely yours,
JOHN H. BIDDLE,
Publisher.

[From the Washington (D.C.) Star, July 12, 1953]

MISSING DATA HINDERS FORD'S THEATER RESTORATION

(By William J. Moyer)

For those of historical bent, Washington has much to offer, but perhaps one of the most important and interesting and, at the same time, disappointing places is the old Ford's Theater on 10th Street NW., where President Lincoln was shot.

It is important and interesting because it contains a priceless collection of rare Lincoln items, many of them connected with his assassination.

In the minds of many, it is disappointing because the building long since has been stripped of its original equipment and furnishings and in no way resembles a theater.

Only a painted line across the floor outlines the stage upon which the comedy, "Our American Cousin," was being given when John Wilkes Booth's fatal shot rang out.

Only painted footprints indicate the path of Booth's flight. After jostling Laura Keene, star of the show, in the wings, he fled out a rear door. The door now is a window.

Only a door with the peephole Booth cut to watch Lincoln remains of the Presidential party's box.

Visitors and students must draw on their imagination to reconstruct the setting where an evening of happy make-believe suddenly was turned into one of America's worst real-life tragedies.

That is why Senator YOUNG, Republican, of North Dakota and Representative Dondero, Republican, of Michigan have introduced resolutions in Congress that they hope will result in the restoration of the theater's interior as it was on that fateful night. They have been encouraged by many letters.

"I was greatly disappointed to find Ford's Theater in its present condition," a Kentuckian wrote.

"I was * * * altogether disappointed to find that it has no resemblance to a theater," said a Seattle woman.

A grandniece of a Lincoln bodyguard, who helped carry the wounded President across the street to the house where he died, said she also "was disappointed * * * to find it an office building."

Those are typical excerpts from the letters. Additional evidence that the building does not rank with other tourist attractions here is the fact that last year 1,793,000 persons visited the Lincoln Memorial, 1,056,000 were at Mount Vernon, 985,000 at the Washington Monument, but only 146,000 visited Ford's Theater.

After Senator YOUNG offered his resolution, a descendant of John T. Ford, who owned the theater at the time of the shooting, offered to help track down its furnishings.

That will be difficult, to say the least.

Records and plans have vanished—even if they ever existed. The box office was in the building's south front, but there is no known record of its size or appearance.

A stairway to the upper balconies was in the north front corner, but there is no evidence as to whether it was angular or circular, wide or narrow.

Fortunately, pictures of the stage and the box Lincoln occupied are available. Taken for trial evidence purposes, they would enable accurate reproduction of the historically important parts of the interior.

Nevertheless, enthusiasts for the restoration are hopeful that, as word spreads, a long-forgotten letter or picture or set of plans will turn up.

Restoring the theater would not be necessary had a fund drive shortly after the assassination succeeded. The YMCA attempted to raise money to buy the building to preserve it as a Lincoln memorial. The drive fell short.

Maybe the old building has been jinxed from the start.

The original structure on the site was the First Baptist Church. When the congregation moved in 1859, the building was sold to Ford. He remodeled it into a theater, Ford's Athenaeum. In 1863 it was wrecked by fire.

After Lincoln was shot in 1865, public indignation prevented Ford from reopening the theater.

Consequently, the Government rented it from him for a time before buying it outright for $100,000 in 1866. It was remodeled into a warehouse and office and that is when the theatrical furnishings vanished.

Tragedy again struck in 1893 when the floors collapsed, killing 22 persons and injuring 68 others. The interior again was rebuilt and it was used for governmental purposes until the present museum was set up in 1933.

[From the Washington (D.C.) Evening Star, May 28, 1954]

PRESIDENT SIGNS BILL FOR FORD THEATER STUDY

President Eisenhower today signed a measure calling for a study of appropriate treatment to be given Ford's Theater, on 10th Street NW., to preserve it as it was on April 14, 1865, when President Lincoln was shot there.

The study is to include estimates of the cost of reconstructing the stage, box, and scenic setting, under direction of the Secretary of the Interior. The latter will be reported to Congress with recommendations.

LAROMAR FARM,
Brookeville, Md., April 5, 1955.

DEAR SENATOR: Upon my first visit to Ford's Theater 2 years ago, my first impression of it was rather unfavorable; although only 16 years old, I too am very interested in Lincoln; not only for his achievements, but his personality and his way of life. His duty to his country couldn't begin to be counted.

It is the least we can do for him. Let's stop this "dime museum" and restore this historic theater to its original atmosphere, recreating that theater in which our indispensable was shot.

America is interested but even that can deteriorate. Let's help these people remember the President who gave his unsurmountable efforts to the survival of our Nation.

Sincerely,

RICHARD MARTIN.

[From the Washington (D.C.) Post & Times Herald, July 15, 1955]

PARK SERVICE FILES FORD THEATER PLAN

(By Paul Sampson)

National Park Service recommended to Congress yesterday that Ford's Theater should not be completely restored to its condition on the night Abraham Lincoln was shot there, April 14, 1865.

Instead, the Service advised restoration only of the exterior of the theater and use of the interior for an expanded Lincoln Museum.

The building itself is deteriorated and unsafe the NPS said, and a further study is being made of its structure.

In its report to Congress, the Service noted "considerable sentiment that the full-scale restoration would leave a morbid impression and overemphasize Booth and his accomplishment."

Restoration policy of the NPS, as a rule, does not favor large-scale restoration, the report says. "We believe that it is better to retain or preserve intact a vestige of that which is real and historic than to build new structures, the nature of which may be misunderstood by the general public," the report states.

The report—requested by Congress in a joint resolution a year ago—"unhesitatingly" recommends gathering all the NPS's Lincoln collections together in the interior of the theater. A large-scale diorama would depict the interior of the theater on the night of the assassination. The building is at 511 10th Street NW.

If Congress desires to restore both the exterior and interior of the theater, it will cost $1,787,560, the report estimated. This figure includes funds for a new adjacent building to house the Lincoln collection now in the theater.

The report urges that if Congress does not approve the NPS recommendation, it consider the alternative of restoring the exterior and the stage, including the boxes and front-row seats, with the rest of the interior used for the museum.

MARCH 2, 1956.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

MY DEAR SENATOR MURRAY: The Commissioners have for report S. 2669 and S. 2696, 84th Congress, bills "To provide for the restoration of the stage and of the interior of Ford's Theater in the District of Columbia and for a museum in the remainder of such theater."

While the Board of Commissioners believes the purpose of the bills is a laudable one, the President of the Board has a reservation with respect to the benefits to be derived from the proposed action, in the light of the possible cost. The bill contains no indication of the amount of money which would be required to carry out the purposes of the bill, but the Commissioners have been informed that the Department of the Interior estimates that the cost of the work required by the bills would amount to approximately $1,645,000. The President of the Board of Commissioners, despite his desire to honor the memory of one of the greatest Presidents of the Nation, seriously doubts whether the benefits which might accrue from the enactment of either of the bills would be commensurate with the considerable cost of the work required by the bills.

Accordingly, the Board of Commissioners desires to report that a majority of the Commissioners have no objection to the enactment of either of the bills, but that one member of the Board doubts whether the benefits which would accrue therefrom would be commensurate with the cost.

The Commissioners have been advised by the Bureau of the Budget that there is no objection on the part of that office to submission of this report to the Congress.

Yours very sincerely,

SAMUEL SPENCER,
President, Board of Commissioners, D.C.

FEBRUARY 16, 1959.

Mr. MELVIN D. HILDRETH,
1420 New York Avenue NW.,
Washington, D.C.

DEAR MELVIN: Just a note to thank you for your thoughtful letter of February 13 concerning the Ford Theater.

Melvin, I have been thinking of contacting you a little later when the appropriation for the National Park Service is considered. I am planning to offer an amendment for $400,000 or $500,000 to start the reconstruction of Ford Theater. The Park Service advises that no further authority or legislation is needed.

No one in the District has done more toward the reconstruction of this theater than you. In fact, you were the one that got me started on this. I will not only want you to appear before the committee, but I would like to have your help in organizing an influential group of people from Washington and perhaps elsewhere to support this item.

Thank you again for your letter.

With warmest personal regards,

Sincerely yours,

MILTON R. YOUNG.

THE WASHINGTON DAILY NEWS,
Washington, D.C., April 8, 1959.

Senator MILTON R. YOUNG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YOUNG: Thanks for the information with regard to the restoration of Ford's Theater. I'll be glad to support your bill if you should feel that I'd be any help. I've thought for many years that the theater should be restored to its original state and serve as a museum, but not as a legitimate theater.

Sincerely,

JAMES O'NEILL, Jr.,
Drama Editor.

THE WASHINGTON POST
AND TIMES HERALD,
Washington, D.C., April 23, 1959.

Senator MILTON R. YOUNG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YOUNG: As I told Mr. Sylvester this morning, I was most embarrassed that your letter to me of April 1 should have taken so long to reach my desk. (I'm not blaming Mr. Summerfield's department; it's just life.)

I am most pleased you are trying to restore Ford's Theater for it seems to me we pay far too little attention to the history in the midst of our remarkable city. I am most honored to be asked to support the required appropriation. Please consider me at your service.

With warmest personal regards,

Sincerely,

RICHARD L. COE.

TREASURY DEPARTMENT,
Washington, D.C., May 6, 1960.

Hon. MILTON R. YOUNG,
Room 3121,
New Senate Office Building,
Washington, D.C.

MY DEAR SENATOR YOUNG: We were extremely happy, last night, when we read that, at last, you have succeeded in making a start on the restoration of the Ford Theater. This has long been of great concern to us and we wrote you about it many months ago.

May it move ahead—and as rapidly as possible. Our gratitude to you for your constructive interest.

Sincerely,

ISABELLE S. DIAMOND,
LEAH L. ZANOFF,
VIOLET E. WINTER,
DORIS VAN WAGNER,
MAUDE COOK,
Library, U.S. Treasury Department.

NOVEMBER 9, 1963.

DEAR SIR: I have read in the Los Angeles Times, that largely through your efforts that Ford's Theater will be completely restored sometime in 1965.

My thanks to you for your interest in this project to the extent of working since 1946 to have this historic place put in shape for visitors to see.

I'm planning a tour of Lincoln country in the near future, and hope that this attraction will be available for my viewing.

Sincerely,

DON BRANNAN.

SAN PEDRO, CALIF.

VOTING RIGHTS—EXTENSION OF TIME TO FILE SUPPLEMENTAL AND INDIVIDUAL VIEWS ON S. 1564

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order until midnight tonight to receive supplemental and individual views to S. 1564, and that they be printed separately.

Mr. ELLENDER. Mr. President, reserving the right to object, do I correctly understand that the committee has already filed its report and the request for additional time would relate to the individual views of members of the committee, and is not to be considered a majority report?

Mr. MANSFIELD. The Senator is correct. It would be supplemental and individual views.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. Mr. President, since there was a dateline and deadline of April 9 for reporting the measure from the Committee on the Judiciary, we worked well into the evening on that date. Indeed, there was no requirement that the report be filed; nor was there time in which to prepare the report. Therefore, this additional time within which to submit supplemental and individual views is necessary.

Mr. ELLENDER. Mr. President, a unanimous-consent agreement was entered into to allow until the 21st of April for the filing of the report.

Mr. MANSFIELD. Midnight of the 20th.

Mr. DIRKSEN. The Senator is correct.

Mr. ELLENDER. The request is for one additional day?

Mr. DIRKSEN. The Senator is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE REPORTS UNTIL APRIL 22

Mr. MANSFIELD. Mr. President, I ask unanimous consent that during the adjournment of the Senate following today's session, until April 22, committees be authorized to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 100TH ANNIVERSARY OF THE FOUNDING OF THE SALVATION ARMY

Mr. DIRKSEN. Mr. President, as we return to our posts as servants of our people after a joyous Eastertime, having refreshed our bodies, our minds and our spiritual force, could there be a more fitting time to give recognition to the most noble army of dedicated workers of our times, the Salvation Army, which is celebrating its centenary.

In London, England, in 1865, this religious and charitable organization was formed under the leadership of William Booth, an English Methodist minister, for the purpose to evangelize and obtain social betterment of the poor and degraded not reached by the various churches, throwing aside all conventionalities. Because of the deep concern, dedicated service, and loyalty to his fellow man, Salvation Army Corps members and the members of the local citizens advisory boards of the Salvation Army throughout the 400 countries now being served, the works of this unique organization are known and respected the world over.

The solace given to millions of persons through the past 100 years has been a service not only to "help others," as individuals, but also to help communities and nations—"Our help is in the name of the Lord, who made heaven and earth."

I pay tribute to these outstanding servants of God and man.

YOUNG CITIZENS REBEL

Mr. DIRKSEN. Mr. President, at the University of Northern Illinois, a group of students have banded together. They call themselves a Young Citizens Council. Their objectives and purposes are indeed intriguing and laudable.

In connection with their efforts and meetings, there appeared an editorial in the Chicago Tribune of April 7, 1965, entitled "Young Citizens Rebel." The editorial relates to a group of young Republicans at Northern Illinois University, located at De Kalb, Ill., who are becoming sharply aware that as youngsters they are the ones who will be exploited under the various tax measures considered by the Congress from time to time.

I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

YOUNG CITIZENS REBEL

A group of students at Northern Illinois University, De Kalb, has formed a Young Citizens Council and hopes to recruit other students and young people throughout the State to their cause. Their purpose is to combat what they regard as the exploitation of young taxpayers under the social security program.

These students maintain that the Government is exploiting them by compelling them to pay the same rate of social security taxes that older citizens have to pay. They are not opposed to social security as a so-called system of old-age insurance, but they assert that, like life insurance payments, the taxes should be graduated equitably according to the number of years the taxpayer will be required to pay. They think it only fair that the young taxpayer who is getting set on a job and starting to raise a family should pay lower social security taxes at the beginning than older persons who have to pay only a few years before they start receiving benefits at age 65.

These young citizens note, for example, that under the Johnson administration's bill to finance health care for the aged under social security, payroll taxes would be increased four times between 1966 and 1987. The increases would apply to all wage earners, regardless of age. The council plans to send representatives to testify on the bill before the Senate Finance Committee in early June and to propose an amendment that would freeze social security taxes for young taxpayers until they reach age 35.

From a young taxpayer's point of view this makes sense, but why limit the freeze to that age group? Why not make it absolute and freeze social security taxes for everybody? This would put an automatic brake on the grandiose plans of the bureaucracy for ever-expanding political handouts at a cost which constantly bites more deeply into the paycheck.

THE CRISIS OF FEDERALISM: WHO IS RESPONSIBLE?

Mr. MOSS. Mr. President, Prof. John J. Flynn, professor of law at the University of Utah College of Law, has written a very interesting and penetrating article entitled "The Crisis of Federalism: Who Is Responsible?" The article appeared in the American Bar Association Journal issue of March 1965.

I ask unanimous consent that the article may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CRISIS OF FEDERALISM: WHO IS RESPONSIBLE?

(By John J. Flynn, professor of law at the University of Utah College of Law)

(NOTE.—The responsibility for the crisis of federalism—the growing power of the Federal Government against the weakening of the State governments—is the responsibility of all of us, Professor Flynn declares. He analyzes the factors which have contributed to the growth of the Federal power and he points the way in many areas in which the States may resume their effectiveness.)

Concern with the evolution of our Federal system of government, a continual issue for debate since the adoption of the Federal Constitution,[1] has deepened during the past three decades. Most participants in the debate readily recognize that the Federal Government has grown to vast size while the States have either lost many of their powers[2] or have not kept pace with Federal expansion.[3] Most of the debates have centered on the extent and implications of Federal expansion, real and fanciful, with little attention paid to the causes for the growth and centralization of governmental powers in the hands of the Federal Government.[4] Some, attacking the expansion of Federal power, have used the issue of federalism as a diversion to cloud rational discussion on the merits of a particular Federal program or policy behind an emotional smokescreen of "States rights." Others have beclouded the issue of responsibility for the crisis of federalism behind the emotion-laden euphemisms of "Federal intrusions" upon State power, "monolithic" National Government and "grasping Federal bureaucracy."

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[1] The debate began soon after popular concern with the Revolution ended. From the Annapolis Convention of 1786, through the Constitutional Convention, the Federalist papers, the Marshall Court, the Civil War, judicial limitations on State attempts to regulate the industrial revolution, the Court-packing plan of 1937, to the present issues of Federal legislation in local affairs and judicial interference in the very structure of State government, the issue of federalism has never been far from the forefront of popular concern.

[2] See, e.g., Evans, "A Lawyers' Trust: Equilibrium in the Federal System," 50 A.B.A.J. 848 (1964); Laski, "The American Democracy," ch. IV (1948) Laski, "The Obsolescence of Federalism," 98 New Republic 367 (May 3, 1939); Neuberger, "The Decay of State Governments," 207 Harpers 35 (October 1953); Neuberger, "States in Straitjackets," American magazine 34 (April 1951).

[3] Governor Rockefeller paints a somewhat rosier picture, citing a 150-percent jump in State expenditures from 1950 to 1960 while Federal expenditures increased during this period by only 94 percent; Rockefeller, "The Future of Federalism," 11–12 (Atheneum ed. 1963). These statistics may be somewhat misleading because a part of the State expenditures were reduced by Federal grants-in-aid, the States were starting from a much lower base of comparison, and the Eisenhower administration made concentrated efforts to hold Federal spending down, rejecting the theory of Government fiscal policies being used as expansionary devices. However, States have begun a belated awakening to the fact that they have responsibilities as well as rights.

[4] See e.g., Satterfield, "Law and Lawyers in a Changing World: The President's Annual Address," 48 A.B.A.J. 922 (1962). For an effective analysis of the causes for the growth of Federal power, see U.S. Commission on Intergovernmental Relations: A Report to the President (1955).

The use of the complicated question of federalism to divert debate on the merits of a particular issue and the bandying about of emotion-laden cliches does little to illuminate the causes for the crisis of federalism and seriously hampers any efforts to reverse the trend of diminishing State power.

WHO IS RESPONSIBLE FOR NATIONAL EXPANSION?

Those of the States rights persuasion usually accuse the Federal Government in general and the Supreme Court in particular of being responsible for the decline of State power. These accusations are enlivened by such epithets as "grasping," "encroaching," "power hungry." While someone might make out an individual case in which it may be shown that Federal expansion has been caused by a conscious or unconscious grasp for power by national leaders or by a Parkinsonian aggrandizement of power by a geometrically growing bureaucracy, this proof has not yet been produced. By and large, Federal expansion has been caused by a vast increase in national economic integration and social complexity, the external pressures of hot and cold war and, perhaps most of all, by the failure of the States to take up their responsibilities.

I. Economic integration

Only a Rip Van Winkle who has slept for the past hundred years can be expected justifiably to deny the amazing economic integration and interdependence caused by the industrial and technological revolutions[5] and the common market of the United States.[6] The expansion of national power has become a necessity for coping with huge corporations and labor unions which do not recognize the arbitrary and artificial political boundaries of States in their operations.[7] In many instances States have been unable to regulate business, commercial or labor practices in the light of the realities of the situation, thereby necessitating Federal action.[8] In others, the States have succeeded in retaining some of their powers only by such devices as uniform and model legislation[9] and interstate compacts.[10]

Economic integration has also succeeded in eliminating the State boundaries of semiautonomous economic units and making the various economic regions of the country thoroughly interdependent. The economic stability of the farmer has a direct impact on the reliable supply of food products to the urban dweller many hundreds of miles away. The ability of the farmer to purchase goods and services has an immediate relation to the production and employment capacities of industries located in every corner of the Nation. The lack of buying power of the unemployed, displaced, or striking worker adversely affects the profit margin of distant manufacturers. Consequently, if our mythical Rip Van Winkle were to awaken today he would find his local community no longer self-sufficient, but dependent on the production efforts, economic security, and transportation facilities of the entire Nation.

The price at which foreign competitors may sell their products here or compete with American products abroad may affect adversely the manufacturer and producer of a particular product made within a tiny political subdivision of a "sovereign and independent" State. Technological revolution may destroy the economy of one State while boosting that of another.[11] The required labeling of a package of cigarettes as a health hazard may benefit the well-being of the Nation; it may also destroy the economies of States producing tobacco. Thus our Rip Van Winkle will be surprised to learn that a pricing decision made in Tokyo or Frankfurt may have a profound impact on his little corner of the world; that technological change in another State may bring the label "depressed area" to his hometown; and that scientific knowledge may dictate the implementation of measures adversely affecting the economy of his State in order to promote the welfare of the Nation.

Obviously, these problems cannot be resolved by one State acting independently or even in concert with other States. When coupled with the homogenization of American culture by rapid communication and social mobility, economic integration and complexity make certain types of centralized governmental activity imperative.

II. Hot and cold war

A second major factor demanding the centralization of governmental power has been the external threat of hot and cold war.[12] Whatever the objectives of military policy may be, the demands of common defense consume vast quantities of money. The only source of power available to carry out this task, practically as well as constitutionally,[13] is a central government. The natural consequences, of course, are preemption of a large portion of the tax base for defense purposes by the Central Government, deployment of this money with the effects of Federal control over the expenditures and all the political complications arising from any governmental power expending this largess.[14] But the States are unable to provide for or direct this necessary defense operation and Federal action is imperative.

III. Failure of the States

While the economic, international and cultural realities of the day have contributed to the centralization of governmental power, they are not the sole factors in the crisis of federalism.

The charge that Federal officials are power-hungry demagogs can be dismissed at the outset. Elective Federal officials are, after all, not from some foreign nation. They are citizens of a State and are elected on the basis of their attachment to their State or in a few cases by national elections. In most cases they are the products of the political and governmental life of their States. A cursory reading of the rolls of the judicial, executive, and legislative branches of the National Government will show the vast majority of Federal officials to be former elected or appointed officials of State governments.

Instead of the crisis of federalism being caused by a power-hungry Federal Government, a main cause of centralization of governmental power has been the failure of the States to fulfill their responsibilities. State failure may be postulated on several reasons.

A. Nonrepresentative Government

Perhaps the greatest blow struck for "States rights" in recent times has been the decision by the U.S. Supreme Court that malapportionment of State legislatures presents a justiciable issue under the Federal Constitution[15] and that State legislatures must be apportioned on a population basis.[16] The impact of these decisions has been felt in almost every State, since most State governments have suffered under the handicap of unrepresentative and consequently unresponsive State legislatures.[17] It is not surprising, therefore, that the greatest loss of State power is by default to the Federal Government.

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[5] The industrial revolution, economic integration and economic disaster sounded the death knell of dual federalism and called for the broad Federal action of the New Deal and a shift of the State's role in our Federal system to that of cooperating sovereigns rather than competing sovereigns. See, generally, Clark, "The Rise of a New Federalism: Federal-State Cooperation in the United States" (1938); Flynn, "Federalism and State Antitrust Regulation" (1964); Kallenbach, "Federal Cooperation With the States Under the Commerce Clause" (1942); Corwin, "The Passing of Dual Federalism, 36 Va. L. Rev. 1 (1950).

[6] U.S. Constitution, art. I, sec. 8: "The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes * * *." See, generally, Kallenbach, op. cit. supra note 6; Frankfurter, "The Commerce Clause Under Marshall, Taney and Waite" (1937); Ribble, "State and National Power Over Commerce" (1937); Corwin, "Commerce Power Versus States Rights" (1936); Stern, "The Commerce Power and the National Economy, 1933–46," 59 Harvard Law Review 645 and 883 (1946).

[7] See, generally, Berle, "Evolving Capitalism and Political Federalism" in "Federalism Mature and Emergent," 68 (McMahon, ed. 1955); Hays, "Federalism and Labor Relations: A Case Study of Congressional Responsibility," in "Federalism Mature and Emergent," 235 (1955); Flynn, op. cit, supra note 6, at 19–20.

[8] See, e.g., *People* v. *North River Sugar Refinery Co.*, 121 N.Y. 582, 34 N.E. 834 (1890), an unsuccessful attempt by New York to break up the "sugar trust." This case was relied on in the debates on the Sherman Act to demonstrate the need for Federal antitrust regulation (21 CONGRESSIONAL RECORD 2549 (1889) (remarks of Senator Sherman)). See, also, *Carter* v. *Carter Coal Co.*, 298 U.S. 238 (1936), holding the Guffey Coal Act invalid. The attorneys general of 7 coal-producing States filed briefs in support of the act, which provided for Federal regulation of competition in the bituminous coal market, since the States were unable pragmatically to regulate.

[9] For an enumeration of the standards applied by the Commissioners on Uniform State Laws to determine whether a particular subject is proper for uniform State legislation, see "National Conference of Commissioners on Uniform State Laws Handbook" 265 et seq. (1959).

[10] See Rockefeller, op. cit. supra note 3, at 50–53; U.S. Commission on Intergovernmental Relations: A Report to the President 45–46 (1955). A pre-Federal Constitution compact between Virginia and Maryland settling conflicting claims over the Potomac River set in motion the forces leading to the Annapolis and Philadelphia conventions. See Hicks and Mawry, "A Short History of American Democracy," 105 (2d ed. 1956). The compact is still in effect. See *Wharton* v. *Wise*, 153 U.S. 155 (1894).

[11] The development of oil and gas as power sources has dealt a severe blow to coal-producing States while giving Oklahoma, Texas and California a big economic boost. The economy of these States in turn may be threatened to some degree by the development of atomic power.

[12] "In recent years, the almost continuous presence of a crisis, either economic or military has accounted for vast expansions of national activities." U.S. Commission on Intergovernmental Relations: A Report to the President 1 (1955).

[13] U.S. Constitution, art. I, sec. 8, vests power to declare war and provide for military forces in Congress; art. I, sec. 10, prohibits the States from doing so; and art. II, sec. 2, vests command over the military forces in the President.

[14] For a perceptive article examining the implications of governmental "largesse," see Reich, "The New Property," 73 Yale L.J. 733 (1964).

[15] *Baker* v. *Carr*, 369 U.S. 186 (1962), overruling *Colegrove* v. *Green*, 328 U.S. 549 (1946). See, generally, De Grazia, "Apportionment and Representative Government" (1962). It is interesting to note that many State courts have long held apportionment a justiciable issue under State constitutional apportionment provisions. See, e.g., *Parkinson* v. *Watson*, 4 Utah 2d 191, 291 P. 2d 400 (1955). For a collection of State cases recognizing apportionment as a justiciable issue, most of them before *Baker* v. *Carr*, see Goldberg, "The Statistics of Malapportionment," 72 Yale L.J. 90, 101–104 (1962). Some State constitutions

Federal "intervention" has occurred in areas of concern to the underrepresented citizen of the metropolitan and industrial sections—urban renewal, slum clearance, highway construction, mass transportation, civil rights, welfare programs, housing, business and labor regulation, public health, ad infinitum ad nauseam.[18] Unheeded by unresponsive State governments, the urban and industrial area citizen has turned to the more responsive and responsible Federal Government for solution of his problems. Federal activity has filled the void of State inactivity.

B. Outmoded State Constitutions

The decline of State power, however, cannot be blamed primarily on unrepresentative State governments. Even with a fairly apportioned and responsive State legislature, many States would be hampered in the performance of their responsibilities by outmoded State constitutions.

Most State constitutions are relics of the era of popular mistrust and hostility toward government; [19] and it is not strange that this distrust is readily apparent on the face of many State constitutions.[20] Executive power is fragmented among several popularly elected officials with the result that affirmative executive action is impossible.[21] In fact, one may question whether most States have a "chief executive" at all, since most State constitutions vest an individual with the title of "Governor" but with little or no power to carry out the responsibilities the popular mind attributes to that title. More often than not, executive power is vested in a "troika" of elected officials or a similar unwieldy vehicle of administration which renders the State leaderless, except in such important areas of exclusive gubernatorial power as issuing proclamations declaring a State pickle week.

States legislatures are hamstrung by long lists in State constitutions of what they cannot do.[22] Time limits are arbitrarily put on the length of legislative sessions,[23] usually corresponding with the height of agricultural inactivity, with many legislatures restricted to holding meetings once every 2 years.[24] Some State constitutions set the amount of compensation to be paid State legislators, usually in terms corresponding to 2 months' livery costs plus $5 a week for 1890 boardinghouse costs.[25] And most State constitutions have strange limitations on qualifications for office.[26]

One may also question whether many States have a legislative branch of government in the normal sense. The philosophy that government is a necessary evil rather than a positive instrument of society so pervades State constitutional provisions on legislatures that it is not surprising that many of them serve as oratorical societies or places to introduce friends and relatives to the galleries, while legislative deliberation is limited to rubberstamping proposals of State agencies and public-minded or private-minded special interest groups. Is it any wonder that Federal action has taken place to fill the vacuum created by the inactivity and poor record of most State legislatures?

Attempts to analyze the crippling provisions of State constitutions that render the fulfillment of State responsibilities impossible would be endless. State constitutional provisions governing the judiciary,[27] elections,[28] apportionment,[29] taxing and finance,[30] State administrative agencies,[31] corporations,[32] local government,[33] and an infinite number of other basic fields of State government read like the statutes of the latter part of the 19th century rather than the constitution of a modern and viable State government. A careful reading and analysis of State constitutions, done by all too few of us, would make readily apparent one of the major reasons for the decline of State power. So long as the Federal Government continues to operate on a broad and flexible Constitution capable of accommodating change in the world around us and on a philosophy that government is an instrument to accomplish the ends of society, while State governments operate on a 19th century statute masking as a constitution and a philosophy that government is no more than a policeman and a necessary evil, we may expect the continuation of the centralization of governmental power in the Federal Government.

C. Attitudes Toward State Government

A final primary factor causing the sterility of State governments has been the popular attitude toward them. Perhaps the best indicator of such attitudes is the compensation received by those serving in elective and appointive positions in State government. The old adage "you gets what you pays for" serves as a useful rule of thumb to measure what popular sentiment expects

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provide for judicial review of apportionment legislation. Alaska Constitution, art. 6, sec. 11; Arkansas Constitution, art. 8, secs. 1 and 4; Hawaii Constitution, art. 3, sec. 4; New York Constitution, art. 3, secs. 4 and 5; Oklahoma Constitution, art. 5, sec. 101; Oregon Constitution, art. 4, sec. 6.

[16] *Reynolds* v. *Sims*, 377 U.S. 533 (1964).

[17] The citizens of any malapportioned State need only look about them to see the effects of unrepresentative State governments. Urban areas suffer from slums, poor highways, overcrowded schools, and lack of recreational areas, while rural areas are dotted with fine highways, new schools, and nearby State parks or reclamation projects.

[18] In most instances ad nauseam to Federal elective officials often overworked and faced with enough difficult political decisions. See, e.g., Humphrey, "The Mazes of Modern Government: The Legislature," a paper delivered at a 2-day convocation of the Center for the Study of Democratic Institutions of the Fund for the Republic (December 1963).

[19] See, generally, Bayard Still, "An Interpretation of the Statehood Process," 1800–50, 23 Mississippi Valley History Review 189 (1936); Hicks, "The Constitutions of the Northwest States" (1929); note, limitations on the legislature: Pennsylvania Constitution, art. 3, 100 U. Pa. L. Rev. 1218 (1952). Many State constitutions were drafted in the latter part of the 19th century, a time of suspicion of government. For descriptions of the temper of the time, see Hofstadter, "Social Darwinism in American Thought" (rev. ed. 1955); Hurst, "Law and the Conditions of Freedom in the 19th Century United States" (1956).

[20] Iowa (1857); Illinois (1870); Kansas (1861); Oklahoma (1907); Utah (1896). See, generally, Schnader "Dead Wood in the Pennsylvania Constitution," 25 Temp. L.Q. 399 (1952); Pope, "Tennessee's Octogenarian Constitution," 22 Tenn. L. Rev. 346 (1952); Graves, "Concepts of Legislative Power in State Constitutions," 14 La. L. Rev. 749 (1954).

[21] See, e.g., Alabama Constitution, art. V, sec. 112; Arizona Constitution, art. V, sec. 1; Idaho Constitution, art. VI, sec. 1; Illinois Constitution, art. V, sec. 1; Montana Constitution, art. VII, sec. 1; Washington Constitution, art. III, sec. 1. Few State constitutions give any power of executive reorganization, e.g., Alaska Constitution, art. III, sec. 23; New York Constitution, art. V, sec. 3. See, also, Rich, "State Constitutions: The Governor" (1961).

[22] California Constitution, art. III; Delaware Constitution, art. II; Florida Constitution, art. III; Indiana Constitution, art. 4; Missouri Constitution, art. III; New Jersey Constitution, art. IV; New York Constitution, art. III; North Carolina Constitution, art. II; Pennsylvania Constitution, art. III; Texas Constitution, art. III. See, generally, Note, "Limitations on the Legislature: Pennsylvania Constitution, Article III," 100 U. Pa. L. Rev. 1217 (1952); Weeks, "Research in the American State Legislature Process" (1947).

[23] Wyoming Constitution, art. III, sec. 6 (40 days); Montana Constitution, art. V, sec. 25 (60 days); Nevada Constitution, art. IV, sec. 29 (60 days); Washington Constitution, art. II, sec. 12 (60 days). Sometimes the consequences can be drastic. See *State* v. *Winters*, 132 S.W. 2d 374 (Sup. Ct. W. Va. 1963).

[24] Arkansas Constitution, art. V, sec. 5; Indiana Constitution, art. IV, sec. 9; Minnesota Constitution, art. IV, sec. 1; North Carolina Constitution, art. II, sec. 2; Ohio Constitution, art. II, sec. 25; Wisconsin Constitution, art. IV, sec. 11; Utah Constitution, art. VI, sec. 2.

[25] Kansas Constitution, art. II, sec. 3 ($3 a day, not to exceed $150 for a session); North Carolina Constitution, art. II, sec. 28 ($4 a day not exceeding 60 days); Louisiana Constitution, art. III, sec. 14 ($10 a day); Connecticut Constitution, art. III, sec. 15 ($600 for term elected); Delaware Constitution, art. II, sec. 15 ($1,000 per year).

[26] North Dakota Constitution, art. II, secs. 37 and 38; Kentucky Constitution, sec. 165; West Virginia Constitution, art. VI, sec. 13; Utah Constitution, art. VI, sec. 6; Arkansas Constitution, art. V, sec. 9; Nebraska Constitution, art. III, sec. 9.

[27] Colorado constitution, art. VI; Florida constitution, art. V; Idaho constitution, art. V; Kansas constitution, art. III; Louisiana constitution, art. VII; New Mexico constitution, art. VI.

[28] Maine constitution, art. II, sec. 1; Delaware constitution, art. V, secs. 7–9; Colorado constitution, art. XX, sec. 6(d); California constitution, art. II, sec. 2¾; Missouri constitution, art. I, sec. 4.

[29] New Mexico constitution, art. IV, sec. 3; North Dakota constitution, art. II, secs. 26–29 and sec. 35; Oregon constitution, art. IV, sec. 6; Pennsylvania constitution, art. II, secs. 16–18; Vermont constitution, chap. II, sec. 13.

[30] Louisiana constitution, art. VI–A and art. IV, secs. 1–3; Kentucky constitution, secs. 169–182; Indiana constitution, art. 10; New York constitution, art. VII; South Carolina constitution, art. X; South Dakota constitution, arts. XI–XIII; Utah constitution, arts. 13–14.

[31] Ohio constitution, art. II, sec. 32; Idaho constitution, art. V, sec. 13; North Carolina constitution, art. IV, sec. 12; Alaska constitution, art. III, sec. 22; Nebraska constitution, art. IV, secs. 1, 27; New York constitution, art. V, sec. 2; Pennsylvania constitution, art. IV, sec. 1; Louisiana constitution, art. VI. See, generally, Heady, "State Constitutions: The Structure of Administration" (1962).

[32] Alabama constitution, arts. XIII and art. XII, secs. 242–246; Arizona constitution, art. XIV; California constitution, art. XII; Iowa constitution, art. VIII; Louisiana constitution, art. XIII; New Mexico constitution, art. XI; Ohio constitution, art. XIII; South Dakota constitution, art. XVII; Texas constitution, art. XII; Utah constitution, art. XII.

[33] Florida constitution, art. VIII; Georgia constitution, art. XI; Idaho constitution, arts. XII and XVIII; Illinois constitution, art. X; Louisiana constitution, arts. XIII–XV; Utah constitution, art. XI; Washington constitution, art. XI. See note, "Constitutional Objections to the Creation of State Authorities," 21 U. Chi. L. Rev. 159 (1953).

from State government. In most States compensation for State officials is pitifully low. Not only are most State legislators paid token salaries, but in many cases they also receive ante-horseless-carriage allowances, no office space and no office staff.

Consequently, most citizens are denied not only effective communication with their legislators but also the right to run for legislative office by the economic realities of the situation. Those who run must either make financial sacrifices or accept financial assistance or employment that creates serious conflict-of-interest questions. State judges must often sacrifice lucrative law practices with little prestige as part compensation. That the quality of many of our States' elective officials is not the best should come as no surprise. That we have many of high quality in the light of these factors is surprising and warrants our gratitude.

The responsibility for the crisis of federalism belongs to all of us, particularly those members of the bench and bar who are often all too ready to cite de Tocqueville in calling ourselves the aristocracy of American democracy,[34] while ignoring the responsibility of an aristocracy. Responsibility belongs to those of us who perpetuate the myth of Federal encroachment and States' rights without mentioning State sterility and lack of State responsibility; to those of us who misuse the complicated issue of federalism as a smokescreen in an effort to defeat a particular proposal for Federal action and avoid a debate on the merits of the proposal; to those of us who remain in blissful ignorance of State constitutions and promote the outmoded philosophy that government is a necessary evil; to those of us unwilling to participate in bar association or other programs to improve and strengthen State government; and to those who submerge the duty of the lawyer to act in the public interest beneath the selfish motives of vested interests whose only objective is to keep State government dormant.

And, finally, responsibility for the crisis of federalism belongs to those of us in the academic world of law teaching who long have ignored State law and State constitutions and who have nurtured a generation of lawyers oblivious to the problems of State government.[35]

PROPOSED $15 MILLION VENEZUELAN BOND ISSUE IN UNITED STATES UNDER AUTHORIZATION OF SECURITIES AND EXCHANGE COMMISSION

Mr. MORSE. Mr. President, as chairman of the Subcommittee on Latin America of the Foreign Relations Committee, I call the attention of the Senate to two related events happening simultaneously—one in Venezuela, the other in the United States.

The first event is that in Venezuela there has passed before Easter in the Venezuelan Chamber of Deputies, and there is now about to come before the Venezuelan Senate, a proposed Venezuelan law providing that foreign insurance companies doing business in Venezuela, mostly United States owned, must sell out control of these companies to private Venezuelan interests at forced sale or get out of Venezuela.

Venezuela is the richest country in Latin America—made rich by U.S. capital and a country whose attainment of democracy has had our deepest sympathy and assistance.

Mr. President, we have given a great deal of foreign aid to Venezuela, and rightfully so. I am for more foreign aid through hard dollar loans in Venezuela.

However, Mr. President, there has been a turn of events in Venezuela that should cause all of us great concern, because it amounts to a form of expropriation.

This is event No. 1.

Event No. 2 is that today the Securities and Exchange Commission in Washington is deciding on the content of a prospectus for selling securities in which the Venezuelan Government is proposing to sell new Venezuelan Government bonds to the United States investing public.

This proposed bond flotation is for $15 million. My plea, as chairman of the Latin American Subcommittee, is that the Securities and Exchange Commission withhold issuance of a prospectus until we find out what the Venezuelan Congress is going to do about this form of expropriation of American investments in Venezuela, and also withhold issuing the prospectus until there can be a full disclosure to the innocent American investing public.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. The Commission should withhold issuing the prospectus until there can be a full disclosure to the innocent American investing public of the risks they may run by buying Venezuelan bonds. In my judgment, we cannot justify with one hand having the Government encourage investments in Venezuela and with the other hand find ourselves in a position in which we have to negotiate with Venezuela in regard to expropriation of American investments.

The bill before the Venezuelan Congress is not even nationalization of insurance companies for Venezuelan Government operation with full and adequate compensation according to the rules of international law. Instead the Venezuelan bill provides for expropriation of the value of the foreign companies for the private account and profit of favored Venezuelan private citizens. Those favored Venezuelan citizens will either pick up the control of the foreign companies at forced sale in a limited market or again at forced sale will pick up the Venezuelan assets of such foreign countries when such companies, refusing to sell to such private Venezuelans, are forced to go out of business in Venezuela.

The significance of the legislation is not only its effect in Venezuela but the pattern it will set for other countries.

I say to the State Department and to the White House, "Watch out for this pattern, because if this pattern is started in Venezuela, it can spread to other Latin American countries."

So far there has been no precedent in the Americas for such legislation. Cuba, of course, has nationalized the insurance business and in Costa Rica insurance has for a long time been a monopoly of the State, excluding both national and foreign private companies. Mexico, Uruguay, and Chile have prohibited the future entry of additional foreign private insurance companies but they have left undisturbed the operations of those already established before the law was changed. Of course, Venezuelan insurance companies, no matter what their ownership, can operate freely in the United States provided they comply with the local insurance laws.

This expropriation law for the benefit of private Venezuelans has already passed the lower House of the Venezuelan Congress. After the recess of Holy Week, it is now to be considered by the Venezuelan Senate.

It is shrewdly contrived. North American companies involved, operating through branches in Venezuela, have in some cases individual capital and surplus exceeding $100 million. Since Venezuelans cannot buy such companies at fair value, these companies in accordance with the proposed law would have to go out of business in Venezuela and liquidate their assets in Venezuela. The assets that will have to be liquidated again for the benefit of Venezuelans able to profit by the forced sale will for U.S.-controlled companies alone be close to $70 million.

Worse, it is clearly foreshadowed from the reported debates on the bill in the Venezuelan lower House that in an excess of misguided nationalism, those promoting the bill in the Venezuelan Congress see this bill, which now refers only to insurance companies, as a beginning of similar confiscation for foreign banks and foreign investments of every kind—again for the purpose of the same benefits to the same Venezuelan private accounts.

That brings us to the significance of the second event—the registering of the proposed Venezuelan bond issue with the SEC for sale to U.S. investors.

Today when U.S. private investors in insurance companies in Venezuela are facing retroactive confiscation of their present investment in Venezuela and when the enthusiastic confiscators in the Venezuelan Congress are projecting the confiscation of all other foreign investments in Venezuela, the Venezuelan Government, with the cooperation of U.S. investment bankers, is asking the U.S. public to buy more private investment in Venezuela.

I do not know exactly how far the powers of the Securities and Exchange Commission extend. But I remember that one of the chief reasons why the

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[34] See Evans, "A Lawyer's Trust: Equilibrium in the Federal System," 50 A.B.A.J. 848, 850 (1964).

[35] Some law schools are now offering courses in State constitutional law. The Legislative Drafting Research Fund of Columbia University has published a two-volume collection of State constitutions with a useful index volume. This set is most helpful and should become the standard reference work. "Constitutions of the United States: National and State" (3 vols., 1962). The National Municipal League has been in the forefront of State constitutional reform for many years. Its many publications and its model State constitutions should also be standard reference works.

SEC was created was the record of the failure of prewar Latin American government issues. When I was first in Washington this was dramatically documented by Ferdinand Pecora investigating the investment business for the Banking and Currency Committee of the Senate.

We have the deepest sympathy for the intelligence and good will of the present administration in Venezuela and for the responsible friends of the United States and private enterprise in Venezuela. I am sure they are doing all they can to hold in check this shrewd promotion for private profit of antiforeign nationalism in Venezuela. But however sympathetic we may be with their problem, our first duty is to protect our own citizens. We cannot presume to tell Venezuela what to do to protect our citizens. But we can do our utmost to apply our own law to the utmost to protect our citizens.

In this attempt before the SEC to open anew the market for Latin American securities among U.S. investors, I think the Senate should note with interest how much the SEC insists that the U.S. investing public is entitled to know about what is going on in Venezuela in relation to the transfer of U.S. investment into the pockets of private Venezuelans.

There is a possibility that the Venezuelan Senate may pass the confiscatory bill in the not too distant future, I believe the proposed bond issue should be held up until the SEC is in a position to tell the American public about the truth of what has happened, if it does happen, in Venezuela with regard to expropriation of American insurance company investments. The SEC should not be telling American investors to invest in a country to the tune of $15 million through the proposed bond issue if at the same time the Venezuelan Congress is thinking of expropriating American insurance companies in Venezuela.

I think that this Venezuelan bond issue—as well as all future issues of foreign governments—is a challenge to the SEC that full disclosure of material facts should be the fullest.

Certainly, in today's atmosphere, the most material fact conceivable to a U.S. investor solicited to invest in a foreign country is the attitude of a foreign country toward expropriation of foreign investments.

Before the SEC permits U.S. bankers to try to induce the U.S. public to put more of their private savings at risk in foreign countries, I think it is the duty of the SEC to lean over backward and give U.S. investors the benefit of every—and I mean every—indication of the past, present, and projected future attitude toward existing U.S. investment in any such country.

I am giving the SEC notice that I shall watch with the greatest interest how they handle this problem. Floating loans in the United States for bond issues to benefit countries in Latin America or elsewhere in the world cannot be separated from foreign policy. It is a form of foreign aid. Unless American citizens are fully protected by full disclosure of the risks they run from various forms of expropriation, I think the Congress must take stock of the situation.

Unless the Venezuelan bond flotation meets the disclosure tests I have referred to, I intend to present the matter to my Subcommittee on Latin America. No division of our Government, quasi-judicial or administrative, is exempt from responsibility for foreign policy effects of any of its decisions.

DEATH OF JOSEPH LEVY, FORMER NEW YORK TIMES MIDDLE EAST WAR CORRESPONDENT

Mr. DIRKSEN. Mr. President, in 1945, when I was in Istanbul, Turkey, I met one of the most interesting newspaper correspondents I ever knew. His name was Joseph Levy. He was the Middle Eastern correspondent for the New York Times. He had fabulous contacts. He was fluent in many languages. He was an excellent reporter.

In talking with him, I remember that he told me he was a victim of migraine headaches, which finally caused him to relinquish his beat in the Middle East and come home.

Joseph Levy passed away on Monday of this week.

I ask unanimous consent, in connection with my remarks, to have printed in the RECORD an article published in the New York Times of yesterday, paying tribute to Mr. Levy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOSEPH LEVY DIES—WROTE FOR TIMES—WAR CORRESPONDENT, 64, WAS LEGION OF HONOR OFFICER

Joseph M. Levy, former New York Times war correspondent in the Middle East, died yesterday of a cerebral hemorrhage in the New York Hospital. He was 64 years old and lived at 451 West End Avenue.

Mr. Levy, after retiring from the Times in 1947, served as public relations counsel to the French Embassy in Washington. More recently he had been a press liaison representative of the House Judiciary Committee.

Mr. Levy was fluent in eight languages, including Hebrew and Arabic. Born in New Brunswick, N.J., he was taken to Jerusalem as an infant. He attended the University of Beirut.

As a young man he served as private and political secretary to Sir Ronald Storrs, Governor of Jerusalem under the British mandate. In his twenties, he spent 7 months with a Bedouin tribe in the Transjordan desert, studying its customs.

JOINED THE TIMES IN 1928

He was engaged by the Times as a foreign correspondent in 1928 and made his headquarters in Jerusalem. The following year his articles about Arab outbreaks against the Jews and British in Palestine began to appear.

From 1935 on, he was more frequently based in Cairo. He made excursions to Damascus, Baghdad, and Amman as the news required. Many of his stories were about archeological discoveries, economics, and peaceful pursuits.

Increasingly his work dealt with riots, combat, and war. In 1940 he reported the Royal Air Force strikes at Italian Africa, and, with the British forces in the Western Desert, covered Anglo-Italian hostilities. In 1941–42 he reported the back-and-forth movement of the North African battle.

In 1943 he left Cairo, because of ill health, and was assigned to Ankara, Turkey. From there he sent many stories of the effect of the war in the Balkans.

After he retired from the Times, Mr. Levy worked privately and through organizations to help the Jews living in Arab countries outside Palestine.

SERVED THREE AMBASSADORS

As public relations counsel to the French Embassy he served Ambassadors Henri Bonnet, Maurice Couve de Murville, and Hervé Alphand, explaining the French point of view on international problems to Government leaders.

For his services he was made an officer of th French Legion of Honor.

He had been active in the American Jewish Committee and was a member of the Overseas Press Club and the Society for the Advancement of Judaism.

Surviving are his widow, the former Esther Levine; two sons, Fred and Robert, and three grandchildren.

A funeral service will be held at 11:30 a.m. today in the Chapel of the Riverside Funeral Home, Amsterdam Avenue and 76th Street.

ANOTHER TRIBUTE TO SENATOR KUCHEL'S GREAT COURAGE

Mr. DIRKSEN. Mr. President, there was published in the Bridgeport, Conn., Catholic Transcript, on March 4, 1965, an editorial entitled "Extremes, Extremists Meet."

It deals with a nasty situation which developed in connection with our distinguished friend and colleague, the minority whip, the Senator from California [Mr. KUCHEL].

To my dying day, I shall applaud his great courage in moving into this matter with the resolution that he did.

The editorial is further testimony to the fact that he will have been instrumental in clarifying a situation which, pray God, we shall never have to encounter again.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXTREMES, EXTREMISTS MEET

Shocking was the disclosure this week of the cruel ordeal to which Senator THOMAS H. KUCHEL, of California, has been subjected for the last several months. The Senator, a moderate Republican, has been the target of lewd accusations supposedly proved in an affidavit. Copies of the alleged affidavit were circulated by the thousands in various parts of the country. Several rightwing publications spread the charges through their columns. An investigation has established that the accusations are utterly baseless, and a grand jury has indicted four men on a charge of conspiracy to commit criminal libel. One of the four was, until last week, a public relations man for the Eversharp-Schick Co.

The attempt "maliciously [to] defame the honesty, integrity, virtue, and reputation" of the Senator and to bring "public hatred, contempt, and ridicule" upon him is vile. But quite as significant is the political bent of the people who gave the charges currency. They are extremists who profess to be passionately concerned for the American freedoms and the rights of Americans. They declare themselves the only genuine opponents of communism, and label as Communists or the dupes of Communists anyone who disagrees with their ideas and is critical of their methods.

Just how American are their tactics as disclosed in this instance? Is it the American way to try to ruin an upstanding and outstanding public servant by circulating loathsome lies about him? Is this American freedom, or the proper means of defending American freedom? Does it indicate due concern for the rights of an American, or a sensible and honorable approach to protection of those rights? And what does it say of the perpetrators' real attitude to the moral concepts and practices of the Communists? These people credit themselves with a profound horror of Communist immorality, and tax anyone differing from them with indifference to, or even tacit approval of, Communist immorality. Yet they themselves employ the very abuses which the Communist code canonizes—deceit, misrepresentation, calumny, obloquy, reckless disregard of the rights and the good name of a person whose views do not perfectly coincide with theirs, and a ruthless determination to destroy him.

Extremes meet, and so do extremists. The extreme rightist is the twin of the extreme leftist in his abandonment of rational argument and his resort to violence against truth and decency. Both are far removed from the American ideal, and both are equally inimical to the preservation of the American way.

THE WAR IN VIETNAM

Mr. MANSFIELD. Mr. President, it is time for some blunt words on Vietnam. There is a great deal of talk in Moscow, in Peiping and, in all honesty, in Washington on what the President meant or did not mean by his speech at Johns Hopkins a short time ago. While the talk goes on, the bloodshed also goes on. The bleeding is not being done in the capitals of the world. It is being done in the rice fields and jungles of Vietnam—in North and South Vietnam alike. It is being done by Vietnamese and Americans. It is being done by Communist and anti-Communist Vietnamese and, mostly, in all probability, by simple peasants who cannot distinguish the one from the other, and whose greatest wish is to be spared the ravages of war. In all probability, these people want peace and a minimum of contact with distant Saigon and distant Hanoi, not to speak of the places which they have scarcely heard about—that is to say, Peiping, Moscow, or Washington.

That, it seems to me, is the fundamental reality of the situation in Vietnam. It is grasped, in part, but only in part, when it is declared that all would be well if North Vietnam would only leave its neighbors alone. It is grasped, in part, but only in part, when it is contended that all foreign troops must be withdrawn forthwith from Vietnam. It is grasped, in part, but only in part, when it is argued that the bombings of North Vietnam must continue indefinitely until a solution is reached. It is grasped, in part, but only in part, when it is argued that the bombings must cease before even an effort to reach a solution can begin.

It is grasped fully; it was grasped fully when President Johnson called for unconditional discussions, with the object of restoring a decent and honorable peace. Those words do not need interpretation. They say what they mean. They mean what they say.

The situation has gone so far that superficial truisms which seize upon only one or another aspect of the problem do not offer any key to its resolution. It does not much matter whether these truisms originate in Hanoi or Saigon, Peiping, or Washington. All would not be well if the bombing of North Vietnam ceases today, and it will not be well if it continues for months or years. All would not be well if the United States were to withdraw tomorrow, lock, stock, and barrel. All would not be well if North Vietnam on today, tomorrow, or the day after, ceased to send weapons, men, and even words across the 17th parallel.

The United States is in Vietnam, and whatever the circumstances which led to its projection into that situation, that commitment is now in great depth. Anyone who assumes that this projection is reversible before an ordered and acceptable peace can be obtained assumes in error. Indeed, it is far more likely to be increased.

The Saigon government and South Vietnamese military and bureaucratic structure which surround it and the tens of thousands who have actively supported it are not going to dissolve at the behest of Hanoi, Peiping, Moscow, or even Washington, tomorrow or the day after. They will not throw away their weapons and place their heads on the block of those who have hunted them for so long.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for an additional period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, North Vietnam, too, is deeply involved in South Vietnam, and when all the rational air and naval targets have been exhausted, it is likely still to be involved. The fact is that there are both historic and modern ties between these two areas which can be ignored or obscured in the flames of the present military and ideological conflict but which are not likely to be severed in any permanent sense. Even if it were possible to perform this radical cultural surgery, the fact still remains that tens of thousands of Vietnamese in the south, who have been in active or sympathetic revolt against Saigon for years under the general command of the so-called National Liberation Front, are not going to put aside their weapons and fears and placidly accept the domination of those who have hunted them for so long.

It is significant and ironic that on all sides in this dispute there is reference to the need to return to the Geneva agreements as a basis for peace. Those agreements, at least, did recognize the basic factors in the Vietnamese situation and were in harmony with the realities of it. The agreements would have been extremely difficult of achievement had all sides sought to carry them out faithfully for the past decade. The fact is that all sides did not work to carry them out. Hanoi did not work to carry them out, except as parts could be interpreted to advantage. Saigon did not work to carry them out except as one aspect or another of the agreements might have coincided with what one political faction or another in Saigon interpreted as to its advantage. It is the people of Vietnam, North and South, who now pay the price in blood for this past maneuvering of expediency.

The situation in Vietnam is now immensely more complex than in 1954. It now involves the United States directly and increasingly with major military forces and may soon involve other outside powers clearly and directly with major military forces. It now involves North Vietnam and tens of thousands in South Vietnam in active military effort to overthrow the Saigon government. It involves a 10-year crescendo of fear, hostility, and terror.

Yet, the Geneva agreement achieved in 1954, after much discussion, still remains the touchstone of the policies—at least of the pronounced policies—of all the nations significantly involved in Vietnam. It offers the last slim hope of peace before events move beyond the reach of hope.

It is, therefore, of the utmost importance that the question of how to apply the principles of the Geneva Agreement of 1954 be faced as soon as possible. That question, moreover, must be faced, in all realism, in the circumstances which exist today which, as I have noted above, are sharply changed from those of a decade ago.

It does not much help to pay lipservice from afar to this agreement, as Peiping and Hanoi have done, and then reject any consideration through discussion of its practical application in today's circumstances. And the longer this confrontation is put off, the more the people of North and South Vietnam pay for the delay, the more the likelihood that the present limited conflict will spread into a general war in Asia.

That is why it seems to me that those who seek peace in Vietnam will be well-advised to note the President's willingness to enter into "unconditional discussions," and respond to them. Those are his words and they do not require interpretation from Peiping, Moscow, or, in all honesty, from anonymous bureaucrats in this city. I repeat: "They say what they mean. They mean what they say."

That is why, too, the Soviet suggestion of a few days ago that the Geneva Conference be reconvened on the question of guaranteeing Cambodian neutrality is, as I have noted previously, worthy of the most serious consideration. Cambodian neutrality is a matter of the utmost importance, in itself, if the present conflict is not to spread. And the need for a confrontation on a situation in which none is involved so directly may indeed be a preliminary to a second and separate confrontation on Vietnam in which the involvement of all is direct. Such a conference may, indeed, be the beginning of the road not only to an assured Cambodian neutrality but to peace in Vietnam and the stability and development of all of southeast Asia.

If the desire for a bona fide peace takes precedence over face on all sides, then the convening of a conference might be accompanied by a cease-fire and standfast throughout Vietnam—north and south. That is a goal which, it is to be hoped, the 17 nations, the Secretary General of the United Nations, and the cochairmen of the Geneva Conference and the diplomats of every nation might well bend every effort to achieve.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. AIKEN. I hope the world will read and take note of what the majority leader has said this morning. I particularly hope that the leadership of our Armed Forces and the leadership of the U.S. Government will read and take note of what he has said.

It is plainly evident now that unless reason returns to the world, we will be headed into the most devastating conflict the world has ever known, and we will not come out of it covered with glory, no matter who wins, because no one can win that kind of war.

It is difficult for me to understand what our Armed Forces, our Defense Department, and our executive branch are thinking of when they send 200 planes to blow up a bridge. Is it simply braggadocio, our way of saying that this is what we are doing as an example, and it is nothing at all to what we will do if those people of North Vietnam do not yield.

Those people over there, I suppose, are not in a mood to negotiate when they see everything they have worked for being blown to pieces by a huge air fleet. Instead of capitulating they seem to be consumed by greater hatred for the United States.

For the life of me, I cannot understand what we are doing by sending those tremendous air armadas to do the work which normally, I understand, can be done equally well by a small force even if it were desirable to invade North Vietnam at all.

I realize there is wrong on both sides. Who started this trend toward human catastrophe will probably always be debatable. Whether the North Vietnamese or the South Vietnamese or no Vietnamese started it is not a question that I can answer. However, I believe it is plainly evident now that unless this conflict is stopped, whatever history there will be left to record will show a very black page.

I say again that I hope the world—and that includes Russia and the United States and everybody else—will read and heed what the Senator from Montana has said. [Applause.]

The PRESIDING OFFICER. The occupants of the galleries are advised that demonstrations are not permitted.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I ask that additional time be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I thank the Senator from Vermont for his remarks. I reiterate that I believe what the President said at Johns Hopkins on the question of unconditional discussions held out the possibility that reason might return to the conference table, especially in view of the invitation issued by the Soviet Union for a reconvening of the Geneva Conference of 1954, a conference which, incidentally, has never gone out of existence.

I recall that some weeks ago the British suggested that the Geneva Conference be reconvened. At that time the Soviet Union showed no interest whatever. In the meantime Norodom Sihanouk, the Chief of State of the Kingdom of Cambodia, has renewed his plea that the conference be held for the purpose of guaranteeing the neutrality and territorial integrity of Cambodia.

On this occasion the Soviet Union came forward with the suggestion that the Geneva Conference be reconvened. This time it is the United Kingdom that does not come forward to accept the invitation.

I mention these two nations because both the United Kingdom and the Soviet Union are cochairmen of the Geneva Conference, and at any time that they desire, the conference can be reconvened.

I believe that the reconvening of the Geneva Conference, to consider the question of the neutrality of Cambodia, would be in the best interest of all concerned.

I feel that if it were spread out to other areas of southeast Asia, it would be meritorious in itself.

I emphasize again that what the President said at Johns Hopkins about unconditional discussion is still the order of the day, and that the President in that speech laid down a dictum which I hope will reach into Peiping and Hanoi and Moscow and into the capitals of the 17 uncommitted nations and into the capitals of the 114 nations represented in the United Nations.

Mr. MORSE. Mr. President, I rise, filled with admiration for the leadership of my majority leader, the Senator from Montana [Mr. Mansfield], whose head reasons through the Vietnam crisis that confronts this Republic. His mind is never brainwashed by his adrenalin glands. Senator Mansfield has made here today one of the most powerful speeches on the Vietnam crisis that has ever been given in the historic debate on the Asiatic crisis during the past several months.

I rise also to pay my respects and to express my admiration for the Senator from Vermont [Mr. Aiken]. He and I, as members of the Foreign Relations Committee, have listened to all the briefings that we have received from the State Department and the Pentagon in regard to our program in Asia.

I can best express myself on this crisis at this time by asking unanimous consent to have published at this point in my remarks an article by Walter Lippmann published in the Washington Post of the 19th of April, and an article by Walter Lippmann published in Newsweek for this week, in which Mr. Lippmann makes the major points that the Senator from Alaska [Mr. Gruening] and the senior Senator from Oregon have made for more than a year in speech after speech on the floor of the Senate. We have pleaded for a change in America's involvement in South Vietnam by returning to our treaty obligations which our warmaking acts in Asia have violated time and time again.

Mr. MORSE. Mr. President, I ask unanimous consent that certain other editorials and newspaper columns and correspondence that I have received on the South Vietnam and Asiatic crisis be printed at this point in my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post,
Apr. 19, 1965]

Unbuttoned Diplomacy

(By Walter Lippmann)

In the wake of President Johnson's Baltimore speech of April 7 and of the appeal of the 17 unaligned countries, which preceded it by about a week, discussions looking toward an eventually negotiated settlement have actually been underway. Some of the discussion has been public and has consisted of exchanges of statements by Washington and Hanoi; some of the discussion is private through the various intermediaries who are concerned to prevent the spread of the war.

A curious, yet important, fact about the public discussion is that Washington and Hanoi start from the same legal basis. The President on March 25 declared that "we seek no more than a return to the essentials of the Geneva Agreements of 1954." On April 13 Premier Pham Van Dong of North Vietnam made a policy declaration which said that Hanoi's fundamental war aim is the carrying out of the Geneva Agreements of 1954.

If both sides were in fact prepared to abide by and to enforce the Geneva agreements, a strong legal basis for a settlement would exist. But the fact is that neither we nor they are willing to settle for the Geneva agreements.

These agreements stipulate that North and South Vietnam are not two separate nations but two temporary zones of the same nation, and that 2 years after the armistice which demarcated the two zones, "the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms guaranteed by democratic institutions established as a result of free general elections by secret ballot." As Hanoi has never held anything resembling a free election in North Vietnam, there is little reason to believe that it is prepared to have free elections in both zones of Vietnam. As for the United States, while our Government endorsed the Geneva agreements, and especially the provision for free elections, it opposed free elections when it realized that Ho Chi Minh would win them. General Eisenhower states this frankly in his memoirs. Since that time we have insisted that South Vietnam is an independent nation.

And so, in spite of the apparent agreement on the "essentials of the Agreements of 1954," neither side has as yet adopted a credible and genuine negotiating position. This country, at least, should do so. Our policy since February has been to attack, to make war upon, North Vietnam in order to compel it to negotiate a settlement that we approve. Therefore, it matters a great deal that we adopt a negotiating position which we are able to defend clearly and openly.

A cardinal weakness of our diplomatic position today is the President's statement at Baltimore that "the first reality is that North Vietnam has attacked the independent nation of South Vietnam." This was not our original position. It has been called the first reality only in the most recent phase of the war, the phase which began in February. Our present position is contrary to the indubitable essentials of the Geneva Agreements of 1954, that North and South Vietnam are not two nations but two zones of one nation.

It is argued by some, though not yet by the State Department explicitly, that the 1954 agreements have been overtaken by history and that de facto, as things have actually been for 10 years, there are now two separate and independent nations. But if this is our official position, how then does the State Department explain why we ignore the charter of the United Nations, especially articles 39 and 51, and declared on our own sayso that North Vietnam was the aggressor against an independent state? Had we gone to the Security Council for such a determination, we would, of course, have collided with a Soviet veto. But we would at least have proved that we believed what we were saying and perhaps we might have gotten a few votes to support us.

As a matter of fact, the argument that we are now using, that the two Vietnams are independent because they have been separated for 10 years, is a very embarrassing principle for the State Department to rely on. It would mean, for example, that there are two independent German states because Germany has been partitioned for 10 years.

I am well aware that to be concerned about our legal and moral position is regarded by the new school of superrealists as unworthy of a proud and tough nation. But I think we have something to be very much concerned about when we look about us and see how we are drifting into an icy isolation.

On the continent of Asia there are besides Red China four major Asian powers, the Soviet Union and Japan in the north, Pakistan and India in the south. With the possible, though only apparent, exception of Japan, we are embroiled with all the powers of Asia. The bitter truth of the matter is that we can search the globe and look in vain for true and active supporters of our policy.

That is how successfully the State Department has planned our diplomatic policy and has argued the American case.

[From Newsweek magazine, Apr. 26, 1965]

THE TEST IN VIETNAM

(By Walter Lippmann)

The President's Baltimore address on Vietnam marked a certain change in our official policy. For the first time he offered to engage in discussions with Hanoi without reserving the right to refuse discussions unless certain conditions (which were not specifically stated) were met first.

Although this opened the door a little for discussions, there is no reason to expect a diplomatic settlement of the Vietnamese war in the near future. For the time being the outcome in Vietnam is being determined by the course of the war itself, and there is no disposition as yet on either side to avoid a military showdown.

The scene of the showdown has been and, it seems certain, will continue to be in South Vietnam. It will be a showdown between the government in Saigon which we are supporting and the Vietcong which Hanoi is supporting. The issue hangs on whether there can be a government in Saigon which is able to subdue the Vietcong rebellion, pacify the countryside, and get itself accepted by the preponderant mass of the people in the greater part of South Vietnam. There is now no such government in Saigon. As a matter of fact, the Saigon Government is in a critical position, having lost control of a large part of the countryside by day, of an even larger part at night.

The United States has been committed, and never more strongly than by the President at Baltimore, to reversing the military trend in South Vietnam. The President has undertaken to make the Saigon Government, which is near to defeat and collapse, into the victor in the civil war. This will take a lot of doing, but the administration has decided that it will be possible to defeat the Vietcong in South Vietnam if it is deprived, as the President put it, "of the trained men and supplies, orders and arms," which "flow in a constant stream from north to south. This support is the heartbeat of the war."

THE OFFICIAL THEORY

This is the basis of the policy adopted in early February, of putting increasing pressure on North Vietnam by bombings which creep nearer and nearer to the highly populated and industrialized centers around Hanoi and Haiphong. The official theory is that by these bombings we can deter Hanoi from supporting the civil war in the south and even force Hanoi to force the Vietcong to ask for peace, especially since we are offering an attractive economic future if they do this. We hope also that the bombings in the north will inspire and enable the Saigon Government to rally the people and to win the war.

We are now embarked on a crucial test of this theory. Can the Saigon Government win the civil war while we attack the Hanoi Government? The outcome of this test depends in the first place on whether the government in Saigon can acquire the military morale and muster the national support to put down the rebellion. It depends in the second place on whether our bombing can hurt or frighten the North Vietnamese sufficiently to cause them to stop supporting the Vietcong rebellion and indeed, to tell the Vietcong to desist. The official policy assumes that they will do that when they are hurt more than they can endure. Looking at it in a cold-blooded way, this is a test of a military theory. For my part, I am inclined to think that Hanoi will endure all the punishment that we dare to inflict.

BOMBING CAN'T WIN

I am assuming that we dare not and will not devastate the cities of North Vietnam and kill great masses of their people. I am assuming that we shall not do this because we are too civilized, and also because the reaction to such cruelty, would be incalculable in every continent.

The relatively moderate punishment we are inflicting we shall probably continue to inflict. I believe it will not force the North Vietnamese to their knees. They are, we must remember, a country of peasants. Their industries are comparatively primitive, and their capacity to do without the products of their industries is quite different from that, let us say, of a well-to-do, middle-class American community in an affluent suburb. Provided they get some food, which they can from China, they are not likely to quit and to do what we might want because their powerplants and bridges and factories are demolished. What they are likely to do if we make the north increasingly uninhabitable is to go south into South Vietnam.

So, experience may show that our official theory of the war is unworkable. If it does, we shall have to do what we have already done several times in the coure of our entanglement in southeast Asia. We shall have to change our minds. This is always a painful process, especially in a big, proud country. But it may have to be done, and it will be done best if we keep the problem open to free and resolute public debate.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 1, 1965]

SOUTH VIETNAM CONSIDERS WEAKENING LAND REFORM BY BOOSTING LIMIT ON ACREAGE OWNERS CAN HOLD—STIPULATION WOULD BE THAT THEY HIKE OUTPUT WITH MODERN METHODS—REACTION BY UNITED STATES IS MIXED

(By Richard Dudman)

SAIGON, SOUTH VIETNAM, April 1.—The Government of South Vietnam is considering weakening a key provision of its land reform program. United States officials here are thought to be giving the controversial proposal some encouragement. They consider it premature but believe it has some merit.

The provision in question is the current limit of 100 hectares (247 acres) on what a single landowner may hold. Holdings beyond that amount are supposed to be sold to the government and then sold to landless peasants on a time payment plan in plots of three to five hectares.

The Minister of Rural Affairs, Nguyen Ngoc To, told the Post-Dispatch he thinks it may be advisable to increase this limit to 200 or even to 1,000 hectares. He said that the higher limit would apply only to the owners who agreed to use modern machines and fertilizers to increase their crop production.

Some Americans and Vietnamese familiar with the land problem here are outraged over the proposed increase. They contend that it is given in to pressure by the big landowners, who have been powerful in every regime since Vietnam won its independence 11 years ago. Critics argue that the Vietcong always poses as the protector of the peasant and would capitalize on the change in propaganda.

Asked about the origin of the proposal, To said that many farmers had asked that the limit be increased because they wanted more land for cultivation. He said it would be politically useful to satisfy these landowners. He observed that the big landowners are better educated than the peasants and thus can adopt modern methods and produce better crops more readily.

American officials have learned of the proposal only informally. Their reaction has been mixed.

"That's about the last thing we need—to satisfy a few big landlords in a country of 16 million people who are mostly peasants."

Another contended, however, that land hunger was not the imposing political problem here that it is in some other countries. He said that the Vietcong had been trying to raise a false issue without great success. As concerns land reform, he said, they are "rebels without a cause."

Aside from self-serving pressure by landlords, the controversy is between economics and politics. Large areas can be farmed more economically, as French rice planters demonstrated, but most observers agree that the Vietcong have had considerable success in stirring peasant resentment over high rents charged to sharecroppers and unfair practices under the 1956 land reform law.

Land distribution under that law is less than half accomplished although in January 1962 President Ngo Dienh Diem announced that it already was completed.

The regime of Gen. Nguyen Khanh eased the burden on the peasants by doubling the 6-year repayment period and halting the expulsion of squatters from government land.

But Khanh rejected a proposal by his Deputy Prime Minister for Pacification, Ngyen Ton Hoan, that the top limit on land holding be reduced to 10 hectares. Nguyen Cong Hau, then Minister for Rural Affairs and a big landowner himself, opposed the plan.

Leroy S. Wehrle, assistant director of the American aid mission, reported last November that the present retention quota of 100 hectares still left the majority of farmers in tenant status.

He quoted a study in a typical delta village that showed the people "were bitterly disappointed by the land reform, which left nearly all of them tenants."

Recommendation by Wehrle and others that a land reform expert be sent to Vietnam has not been adopted. Officials give the land problem little concentrated attention. They are stronger in their opposition to proposals for tightened land reform than in heading off the plan taking shape in the Quat government to loosen the program.

[From the St. Louis (Mo.) Post-Dispatch, Apr. 4, 1965]

A New Vietnam Strategy—Results of Increased Bombing May Not Be Known for Months—Pretense of Obeying 1954 Geneva Agreements Is Abandoned

(By Richard Dudman)

Saigon, April 3.—President Johnson's new bomb-until-they-give-up strategy in Vietnam is a gamble against odds that can only be guessed. These unknown odds will have much to do with whether the United States is heading toward something that can be called a victory or toward obvious and humiliating disaster.

Resort to the new strategy came as this undeclared war was taking an abrupt turn for the worse. It had been a gradual loser from the start, despite official statements expressing standard "cautious optimism."

Then in recent months a big increase in men and arms from Communist North Vietnam helped the Vietcong guerrillas attack in larger units and come close to cutting the country in half.

Everyone here is actually aware that Mr. Johnson's new strategy has made this a new war—a bigger war and to a greater extent, an American war. That was an obvious result of the air raids against the North (in which Americans pilot their own planes as well as some of the Vietnamese air force planes), the use of American jet bombers against targets in South Vietnam and the sending in of the first big units of American ground combat forces.

The justification is that infiltration from the North to help the Vietcong has made the conflict more of a North Vietnamese war and less of a civil war.

Little is said here, however, about legal or moral aspects of the new strategy. The United States has expanded its own violation of the Geneva Agreements of 1954, which prohibited "the introduction into Vietnam of foreign troops and military personnel as well as of all kinds of arms and ammunition," any foreign military bases in either zone, and the participation of either zone in any military alliance.

The United States now has abandoned all pretense of abiding by the 1954 agreements. It refused at the time to sign the accords, stating merely that the United States would "refrain from the threat or the use of force to disturb them."

Officials whose advice Mr. Johnson now at last is taking are largely those who favored American armed intervention in 1954 to help the French. They disapproved of the Geneva Conference from the start and considered the accords a major diplomatic defeat for the West.

For them, stepped up infiltration and Vietcong raids against American installations was a powerful argument, but did not change the essentials of the situation. They denied this was a civil war when that was more nearly true than today.

North Vietnam continues to maintain the fiction that it is abiding by the agreements, just as did the United States until the last few months.

There are other perhaps more significant signs of moral change in the war.

The American Embassy in effect gave its blessing to the recent forced exile to North Vietnam of three signers of a petition calling for peace negotiations. The Embassy is understood to have advised against an original plan to dump the three civilians out of a plane and let them parachute into North Vietnam. As long as they were merely shoved across the international bridge at the 17th parallel, the United States had no objection.

The predominant view among American officials seemed to be that this was a relatively humane solution, even though there was no trial and it was not clear what Vietnamese law the three men had broken. A Vietnamese Government spokesman, asked why there was no trial, said "we didn't have enough proof."

Nor was there any sign of U.S. objection when Vietnamese bombers attacked a schoolhouse taken over by the Vietcong. A South Vietnamese report estimated that 20 to 30 children were killed. The pilot was said to have seen either gunfire from the school or a Vietcong flag on the flagpole. The village was described as Vietcong infiltrated but not Vietcong dominated. More and more, the United States is declaring "free strike zones" and warning the innocent to get out before unrestricted bombing begins. The United States tried an attack by forest fire this week in an effort to clear Vietcong from a 48-mile square forest stronghold.

The U.S. Military Assistance Command reports meticulously each day how many of the Vietcong are said to have been killed in the day's air attacks in South Vietnam. But there is no such reporting system for the men, women, and children being killed, burned, and maimed by rockets, napalm, and white phosphorus from American and Vietnamese planes. Hundreds jam civilian hospitals in Hue, Danang, Qui Nhon, and other cities throughout South Vietnam. Medical teams from the United States and allied nations help treat the patients with makeshift equipment, two or three to the bed. Success of the new strategy will be determined on a strategic rather than a moral level, however. It will be determined by the composite answer to some questions that are not now answerable.

How painful to the regime in Hanoi are the raids north of the 17th parallel?

There is no expectation here that the attacks in themselves can come anywhere near stopping the infiltration. There is hope—but only a hope—that they will persuade Hanoi to abandon the war.

The belief here is that it may be weeks or months before any effect of the raids can be observed, either in reduced infiltration or in a change in North Vietnamese policy. The further belief here is that the United States would not consider it sufficient if Hanoi merely halted the infiltration, but would insist also on clear orders being issued to the Vietcong to end the war. Weather sometimes makes targets hard to find and damage hard to photograph. Current estimates of damage may turn out to be too rosy. The Navy has been making return raids on some radar stations hit earlier. Despite all the attacks on radar stations in recent weeks the North Vietnamese are always out of their buildings and into trenches and bunkers and manning antiaircraft guns by the time the high level American jets appear over the target.

How much are the stepped up raids in South Vietnam hurting the Vietcong?

Vietnamese who fought with the Viet Minh against the French in the war of independence sometimes say that the French bombs and napalm were effective at first, but became much less so when the Viet Minh learned how to disperse its men and supplies and use jungle cover and camouflage. American officers who have studied the French war here recall that French planes destroyed many bridges each day in an effort to block the flow of arms and supplies from China to the siege of Dienbienphu. The Chinese kept a gang of coolies and a supply of timbers beside each bridge. In 24 hours a bombed bridge generally was back in service.

There are offsets to whatever positive effect comes from the increased use of airpower. It is making the Vietnamese army overly dependent on air support, which will be less useful when clouds obscure targets for days at a time in the approaching rainy season.

The raids also can make recruits for the enemy as well as inflicting damage on him. Some officials fear that many may be driven into the Vietcong when American bombs destroy their villages or kill or maim their relatives. Propaganda efforts to blame the Vietcong for attracting the bombs have only limited success, it is felt.

Even when leaflets and loudspeakers warn that a village has been declared a "free strike zone," to run from American bombs may be to invite a Vietcong bullet.

How strongly does North Vietnam want to continue the war that it is sponsoring?

"Those people in Hanoi are tough and won't give up easily," says a diplomat who spent 2 years there. Wishful thinking sometimes causes Western officials to exaggerate the effectiveness of bombs or economic pressure to force nations to abandon their cherished plans. The bombing of London and Berlin during World War II and the present economic squeeze on Cuba are examples. As the bombing raids against the North continue, as the targets creep farther northward and perhaps shift from military to industrial installations, there must come a time of appraisal of the Communist response.

The response can range from a big increase in terror along the lines of the bombing of the American Embassy, through invasion by the North Vietnamese Army, the strongest in southeast Asia, to intervention by China or the Soviet Union or both through supplying of ground-to-air missiles, air assistance, volunteers or regular troops.

What if the response is the hoped for announcement that Hanoi is closing down the war?

The question then is how to tell whether the guerrilla war is really being ended or whether the Vietcong is merely going underground, hiding its weapons and melting into the population to wait for an opportunity to start over again. That is what the Viet Minh did in 1954.

In either case—whether the Communists step up the pace or whether they make motions to close it down—the likelihood is that American troops must remain here on the ground indefinitely. Their mission would be in one case to defend against new Communists moves, in the other to police whatever agreement is reached. The United States has shown little enthusiasm thus far for the alternative of a United Nations peacekeeping force.

The present course is quite different from a State Department plan reported to have been agreed upon last December here and in Washington. That plan called for small unannounced raids, all south of the 19th parallel and thus well south of Hanoi combined with certain incentives. These would include offers of economic aid to North Vietnam through the American food for peace program and through international development assistance. Broadened diplomatic recognition and expanded foreign trade.

Underlying that plan was the thesis that North Vietnam could serve its vital interests—avoid domination by Communist China, resume its normal trade with South Vietnam and continue its industiralization—all by discontinuing an increasingly costly war in the south.

It was intended to follow the classic principle that an adversary should be given a way out. The proposal resembled a suggestion made last summer by Dr. Bernard B. Fall, an authority on North and South Vietnam. Officials here doubt that the plan ever won administration approval. In any event, it now has gone out the window. The raids have been big, highly publicized, and north as well as south of the 19th parallel that was supposed to be their northern limit.

Indications here are that the United States is thinking entirely in terms of increasing punishment, not at all in terms of positive incentives.

In the embattled northern region of South Vietnam, two middle-grade American advisers had just finished briefing a reporter on their difficulties in trying to break the tightening Vietcong noose around their provincial capital.

The reporter asked: "If you were Ho Chi Minh, would the air raids make you decide to quit the war?" The major replied: "Would I quit when I was winning? Don't be silly."

[From the New York Times, Apr. 15, 1965]

THE HANOI COUNTERPROPOSALS

The most important thing about Hanoi's counterproposal for a Vietnam settlement is not what it says but that it was said at all—after Peiping's violent rejection of President Johnson's peace plan.

The exegetists undoubtedly can find innumerable traps in North Vietnam's statement. But the fact that Hanoi felt compelled within a week to make a serious reply to the Baltimore speech demonstrates dramatically that a political offensive can be no more ignored than a military one.

Nothing about the Hanoi declaration is more interesting than its tone. Invective is absent, apart from a single passing reference to American aggression. President Johnson's proposals are called nothing stronger than inappropriate. The need to appeal to world opinion has forced both Washington and Hanoi to spell out their objectives in a form that would appear reasonable. And this process alone has inevitably narrowed the gap between the two sides.

Whether Hanoi is insisting that there be prior agreement in principle on the nature of the settlement is not yet clear. But it is intriguing that American withdrawal from South Vietnam and even cessation of the bombing of North Vietnam now seem to be listed as objectives rather than preconditions for a negotiation. It must be hoped that such important points as these will be clarified when Hanoi replies formally to the proposal for unconditional negotiations made by 17 nonalined chiefs of state, a proposal President Johnson has already accepted.

Both Hanoi and Washington seem to agree on restoring the 1954 Geneva agreements—in itself enough of a basis for at least exploratory talks. Both agree that reunification of Vietnam is for a later day and that the first task is to end the war and assure a neutral South Vietnam. Surprisingly, Hanoi seems prepared even to accept the principle that North as well as South Vietnam must be neutral, free from any military alliance or foreign military bases, troops, or military personnel.

The goal Hanoi sets for a Vietnam solution is hardly one, of course, that would recommend itself to Saigon or to Washington. It provides that the internal affairs of South Vietnam be settled in accordance with the program of the Vietcong's National Liberation Front.

But no one has ever claimed that negotiations, once engaged, would be easy or that they would lead quickly to agreement. It took President de Gaulle 18 months to get the Algerian guerrillas to the conference table.

The problem in Vietnam now is to find a forum for exploratory talks and to get negotiations started. It is as irrelevant at this stage to argue about the delicate needlepoint of a settlement as it would be to dispute how many angels can dance on the point of a needle.

[From the Champaign-Urbana Courier, Apr. 11, 1965]

AN OPEN LETTER TO PRESIDENT JOHNSON ON VIETNAM FROM MORE THAN 200 MEMBERS OF THE CHAMPAIGN-URBANA UNIVERSITY COMMUNITY

(Paid advertisement, prepared and paid for by ad hoc faculty committee)

We, as members of the academic community, feel impelled to raise publicly with you, Mr. President, the question of our Government's present policy in Vietnam.

Neither the latest American decisions to escalate the war in Vietnam nor the future course of American action has been openly and freely discussed in this country. We are deeply disturbed by the managed silence concerning both the extent and the direction of our involvement in Vietnam. In our belief, the choice is now between a return to the free flow of information as a basis for open discussion of public issues, or the infliction of permanent damage to democratic institutions at home. Therefore we urge you, Mr. President, to encourage domestic examination of our current policy in Vietnam.

We ask you to consider our present course of action in view of the following facts:

We are militarily intervening in support of a succession of undemocratic regimes which have not won the support of the South Vietnamese people.

We are employing increasingly inhumane means of attaining our professed goals in Vietnam, which have aroused concern and moral indignation even among America's closest allies.

Our expanding air attacks on North Vietnam and our introduction of American combat troops in large numbers intensify the danger that a local conflict will develop into a major war. The possibility of a nuclear war cannot be ignored.

Our present policy, instead of preventing the spread of communism, has had the effect of alienating the people of South Vietnam and of other southeast Asian countries.

Mr. President, we urge you to halt the war in Vietnam by initiating the following courses of action:

The United States should cease its attacks on North Vietnam.

A conference of all parties to the conflict in Vietnam should be convened to negotiate a political settlement in Vietnam.

To prevent a repetition of the tragedy of Vietnam, an international conference should develop guidelines for the peaceful settlement of disputes throughout southeast Asia.

Oliver Aberth, Mathematics; Gary Adelman, English; Eqbal Ahmad, Political Science; Joseph A. Albert, Psychology; Thomas J. Anton, Institute of Government and Public Affairs; Mark Appelbaum, Psychology; Suzanne Appelbaum, University Press; David E. Aspnes, Physics; Joyce Aspnes, Physics; K. C. Atwood, Microbiology; Terrance Auger, Education; James S. Ayars, Bonita S. Baker, English; Sheila Baker, Psychology; V. Lewis Bassie, Bureau of Economics and Business Research; Edwin G. Belzer, Jr.; Health and Safety Education; Howard J. Birky, Psychology; Lindsay M. Black, Botany; Richard J. Bloesch, Choral Music; Victor Bloomfield, Chemistry; Van Bluemel, Physics; Robert Blum, Music; Thomas L. Bohan, Physics; Kenneth A. Bowen, Mathematics; Niels W. Braroe, anthropology; Herbert Brun, Music; Edward M. Bruner, Anthropology; Geoffrey Bruun, History; Mary M. Burdette, Music; Robert Carroll; Mathematics; W. Ellison Chalmers, Institute of Labor and Industrial Relations; Lee Chesney, Art; Milt Cloud, Computer Science; Carl Cohen, Philosophy; Anthony J. Conger, Psychology; Daniel Curley, English; Philip W. Curry, Institute of Labor and Industrial Relations; Lawrence J. Daley, Music; E. E. Davis, Psychology; James D. Davis, Mathematics; Natalie H. Davis, Botany; D. G. Bourgin, Mathematics; Sylvia Dugre, Microbiology; Phillips L. Garman; Institute of Labor and Industrial Relations; J. Goodisman, Chemistry.

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(This advertisement has been paid for by individual contributions of the signers. Departmental affiliations are listed for identification purposes only.)

To ad hoc Faculty Committee on Vietnam.
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W. ELLISON CHALMERS,
Chairman.
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JACQUELINE FLENNER,
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☐ You may call on me for further support of this appeal.

☐ I enclose a contribution of $—— toward further publication of this advertisement.

Name__________.
Address__________.

SOUTHAMPTON MONTHLY
MEETING OF FRIENDS,
Southampton, Pa.

The Southampton Monthly Meeting of the Religious Society of Friends authorizes Norman E. Polster to present his deep concern that the destruction of life and property in Vietnam cease and the tasks of rebuilding and healing envisioned by the President be taken up without delay.

Minute from the meeting of the Southampton Monthly Meeting held in Southampton, Friday, April 9, 1965.

ANNA S. MORRIS,
Clerk.

CONCERN ON VIETNAM OF MEMBERS OF SOUTHAMPTON MONTHLY MEETING OF FRIENDS

In his speech of April 7 our President has pointed out certain goals of our presence in Vietnam with which we are in cordial agreement. He has stated that, in that country, we seek nothing for ourselves—only that the people of South Vietnam be allowed to guide their own country in their own way. He has, furthermore, mapped out a great program of development in southeast Asia which might permit us, in close cooperation with the other nations of the world, to heal the scars of war, to improve the conditions of life, and to replace enmity with cooperation for the common good. He has, finally, announced our readiness for "unconditional discussions" as a way toward terminating the bloodshed and destruction which are now engulfing not only South Vietnam but, through our bombing forays, North Vietnam as well.

We are in full agreement with these objectives and this approach and urge our representatives in Congress and the departments of our Government to give them their unstinting support. However, we submit that not only our declarations, but also our actions, must change if the desired goals are to be realized. Specifically,

1. We must halt our bombing raids on North Vietnam, which have been extended increasingly to civilian objectives—roads, railroads, powerplants, bridges—with a human toll which is unknown to us. The wanton destruction of the fruits of hard labor in a country which is not rich will not convince its inhabitants of American interest in their welfare, but only spread the notion that "the American invader is the enemy of the people."

2. We must include the National Liberation Front or the Vietcong in our openness for unconditional discussions. Whether it is a creature of North Vietnam, as our State Department has contended, or a broadly based nationalist movement comparable to the French resistance in the Second World War, as Shunichi Matsumoto, investigator for the Japanese Government, a firm supporter of our policies, has found, the immediate conflict in South Vietnam is between the National Liberation Front and Vietcong on the one hand and the South Vietnamese Government and American forces on the other. If the killing in South Vietnam is to stop, a cease-fire must be arranged by consultation between these two groups. A final settlement will without doubt have to be reached by negotiations which would include North Vietnam and the broad range of nations with interests in southeast Asia.

Our goals in these negotiations have been spelled out by the President. Presumably they would include the withdrawal of outside military forces from South Vietnam, and the holding of elections under the supervision of International Control Commission or United Nations teams to ascertain the manner in which the people of South Vietnam desired to be governed. We must contemplate the possibility that, if these elections are truly free, they may express the desire of the people of South Vietnam to be reunited with their brothers in North Vietnam under a government with primarily Communist orientation. The force of nationalism would seem to render such an outcome probable unless Vietcong terror has alienated the people even more than American bombings, burnings, and gas. Yet, if we are true to our word, we must abide by the outcome, whatever it is. Doing so, we will support the cause of law in the world, enhance confidence in American motives, and strengthen our sense of national purpose and leadership. We shall have demonstrated that respect for the dignity of the human person which we seek to have acknowledged everywhere.

Shirley Garth, Marlies Harper, Robin Harper, Robert Horton, Anna S. Morris, Elliston P. Morris, Elizabeth Polster, Norman Polster, Edward Ramberg, Sarah Ramberg.

SOUTHAMPTON, PA., *April 15, 1965.*

FRESNO, CALIF.,
April 16, 1965.

Senator WAYNE MORSE,
Washington, D.C.

HONORABLE SIR: I deeply appreciate your opinion on the war in Vietnam. And I feel that the Nation owes you a debt of gratitude for daring to state it in the face of almost unanimous opposition.

I am a registered Republican because I think we need an opposition party. But alas, on at least three major issues that are destroying our Nation, and our civilization (war, liquor, and finance) there is no longer any difference between the two parties. This means that we are fast becoming a one-party government. And one-party government inevitably becomes a dictatorship.

What to do about it? If reactionary Republicans continue to rule the party, the die is already cast. An effective coalition of conservatives and liberals is impossible. This seems to leave a new party, with new leadership, as the only hope. The last election showed that the voters no longer merely rubber stamp the party label. So I am convinced the time for an independent party is now. But the fiction is out which says "third parties cannot win." In 1860 the Republicans won as a third party. With intelligent leadership it might happen again in 1968. The need is fully as great as in 1860. I believe all we need is leadership. But time is running out. So hurry.

Sincerely yours,

REV. W. R. WILLIAMS.

FIRST METHODIST CHURCH,
DES PLAINES, ILL., *April 17, 1965.*

Senator WAYNE MORSE.
Washington, D.C.

DEAR SENATOR MORSE: I am counting on you to step up your pressure against our stupid policy in Vietnam. I do not in any way wish to be classed as being the same group as the so-called leftist student demonstration, but someone must try to bring some sanity to our foreign policy. Let us stop bombing North Vietnam. Let us defend South Vietnam so long as necessary, but by all means let us avoid the possible confrontation with Russia in North Vietnam. We should rather be weaning Russia away still farther from China, not throwing them in each other's arms.

Also may request your concern over the possible strike. One more problem would be too much. May I urge Federal intervention if necessary.

Sincerely,

R. A. W. Bruehl.

Woodland Hills, Calif.,
April 14, 1965.

Dear Senator Morse: I support fully your position on the war in Vietnam. Continuation of the war is not only destroying life and property in Vietnam, and turning peoples in the underdeveloped nations against the United States, but is also eroding democracy here. It is becoming commonplace for the Government to manage and distort news, and lie to the people. Your efforts to penetrate the blanket of mass media distortion are a great service to the preservation of peace and democracy around the world.

Sincerely,

Lynn Halmi.

St. Louis, Mo.,
April 15, 1965.

Dear Mr. Morse: You are putting your finger on the meaningful point when you say that the war in Vietnam is not the American people's war. We were given a choice only between Johnson and Goldwater by the professional political organizations financed by big business which choose the candidates. This is little choice, and I frequently heard the opinion expressed during the campaigns that it was choice between the lesser of two evils.

It turned out that the candidates were perfectly agreed on foreign policy, or more likely, that both were committed to the same foreign policy laid down for them by the big business men who financed both campaigns. Goldwater said frankly that he intended to escalate the Asian war, while Johnson kept his mouth shut except to chew barbecue, and the result was that Goldwater was buried for his frankness. He said Johnson was the biggest phony in Washington, and now we know in our hearts that the general was right about that, anyway.

The hot and cold wars through which the taxpayers have been bilked of huge sums annually for years are for the financial benefit of big business thriving on Government contracts. It is the representatives of big business who really run this country because they support both political parties. Their greed for profits has increased our national debt to topheaviness dangerous to our economy, and has destroyed our freedom under the pretense of protecting it from communism. The American voters no longer have much say about how their country is run, as witness the war.

Johnson ought to be impeached for the Bobby Baker affair.

G. B. Corwin.

Columbia, Mo.,
April 13, 1965.

Hon. Senators Church, Gruening, McGovern, and Morse,
Senate Office Building,
Washington, D.C.

Dear Senators: Although I am not one of your constituents I wish to commend the strong stand you have taken against the official policy on Vietnam.

It seems that the preelection talk of being a "peace President" has been replaced by acquiescence in the plots of our military establishment. Instead of a sane, realistic, compassionate policy toward the people of southeast Asia, we have regressed into a savage play for power, which will make us the most hated nation on earth, if indeed, the whole earth is not destroyed as the result of our cruel stupidity.

The $3 billion spent for war in that area should have been used for the Mekong River development and other such projects. It's not too late to admit our mistakes, and call on all concerned to meet under U.N. supervision to work out a humanitarian settlement.

Maybe China needs help with a hydroelectric project, too.

I feel that what we do in the next few days will ruin or strengthen the U.N. depending on whether we act outside or inside its "good offices." The press of many countries reflects a loss of faith in our integrity, and fitness for leadership.

May you continue your good work.

Sincerely and respectfully yours,

Lena Greenlaw (Mrs. J. P.).

Long Island City, N.Y.,
April 17, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I please ask you to consider the letter to President Johnson which appears below. If you feel that you can support the suggestion contained therein, a formula for ending the fighting in Vietnam, won't you please detach the letter, sign it, and mail it to the President? I should also be most grateful to get your considered reaction to the proposal.

Yours most sincerely,

Irving Amdur.

P.S.: A number of foreign policy specialists have been of help to me in formulating this proposal. Won't you please take a hard look at it and do something with it if it makes sense to you?

Date: ———.

President Lyndon B. Johnson,
The White House
Washington, D.C.

Dear Mr. President: Although your recent offer to negotiate unconditionally with North Vietnam was one of the most morally impressive utterances ever made by an American statesman, it is now apparent that we must go further if we want to end the destruction of human lives and the possibility that the conflict might escalate beyond control.

The proposal outlined below could further strengthen our moral case, prevent further damage to the Soviet-American rapprochement, reinforce the U.N., shift the struggle in Vietnam from the battlefield to the ballot box, and yet safeguard our aims, interests, and friends in Asia and elsewhere.

I propose that we induce the Saigon government and the Vietcong to agree on the following terms:

1. An immediate cease-fire;
2. Temporary occupation of South Vietnam by a neutral force, assembled either by the U.N. or by an ad hoc grouping of neutral powers and consisting of troops and general officers from countries acceptable to both the government and the insurgents;
3. Surrender of all arms by the government and the insurgents to the occupying command;
4. Withdrawal of all American, Soviet, Chinese, and North Vietnamese personnel to points outside the borders of South Vietnam;
5. Assignment by the Saigon government and by the Vietcong of their fighting men in equal numbers to the occupying command which would proceed to form mixed military units consisting half of government and half of Vietcong personnel;
6. The gradual phasing out of troops from the neutral countries and the replacement of them by the mixed units which would operate under either a Neutral or a U.N. Command and retain an absolute monopoly on military equipment;
7. Division of Vietnam into electoral districts equal in population for the election of delegates to a constitutional convention which would frame a constitution stipulating that there shall be: (a) elections every 2 years, (b) guarantees that all parties are to have complete freedom to participate in election campaigns, (c) a provision similar to article 9 of the Japanese Constitution, an article which would renounce war as an instrument of the foreign policy of South Vietnam and would prohibit government authorities from ever raising an armed force exceeding that required for legitimate internal police functions (which would continue to be subject to supervision by the U.N. or the ad hoc grouping of neutral powers);
8. Massive economic and technical aid to South Vietnam, and possibly also to North Vietnam, through the joint efforts of the United States, the Soviet Union, and perhaps the United Nations.

I beg you prayerfully to consider this proposal which might conceivably end the danger of the eruption of World War III.

Yours most sincerely,

———.

For additional copies of this appeal write to: Dr. Irving Amdur, 2115 34th Avenue, Long Island City, N.Y., 11106.

Flushing, N.Y.,
April 13, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am a resident of the State of New York and so I did not have the opportunity of casting a vote for you. However, I feel that you are representing me.

I have written to my New York Senators urging them to speak out in opposition to the present policy on Vietnam. I shall continue to express my belief that our present policy is a wrong and dangerous one.

However, I felt that I did want to express my gratitude to you for your forthright position. You are really acting in the best interests of all the American people, as well as for the Vietnamese and all the peoples of the world. All of us have cause to be glad that you are in the Senate of the United States.

Sincerely yours,

Mrs. Mariane Kulick.

Seattle, Wash.,
April 13, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: As our son goes to Washington, D.C. to visit you with a number of like-minded young people, I thought of asking you again to discontinue the U.S. self-subscribed role in Vietnam, that of fighting. The 1954 Geneva Conference held the answers for today's conflict there. Initiate an official cease-fire there now, to reduce the present tension there, here, and abroad. Promote a plebescite in Vietnam under U.N. auspices.

Pave the way for worldwide disarmament achievement, and withdraw all foreign troops everywhere.

I am glad to see the growing number of Congressmen in favor of withdrawing men and materials from Vietnam and looking toward a peaceful solution.

Thank you,

Sincerely,

Cecilia Carr.

April 14, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: In my ninth grade social studies class, we have been discussing the crisis America faces in South Vietnam. I favor military withdrawal from this nation with continued economic aid. From our discussion, it has become apparent that Americans must think it a sacrilege to question their Nation's actions in a conflict that theoretically could become global. It is a frightening thought to think that the United States may be precipitating a far greater war by carrying the conflict across South Vietnam's border.

Another thing that makes this war an enigma is its nondefinition. Although President Johnson delivered an address to define the war in Vietnam, I feel certain that his nebulous terms and assorted tangents did not placate the parents of those who have been lost or killed, nor did his speech enlighten the public greatly. The talk only reiterated the American obligation and ideal.

I commend your efforts and ideas concerning America's policy in southeast Asia. I hope you, your associates, and interested Americans can make a case for withdrawal and perhaps for a conference of nations to conclude fighting and launch a program to rebuild wartorn South Vietnam.

Sincerely,

ANDREA CALI.

SANTA BARBARA, CALIF.,
April 13, 1965.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: I would like to express my approval of your stand on the U.S. position in Vietnam, and urge you to continue speaking out on important issues.

It was a statement of yours that sent me to the library to read all I could find on southeast Asia and to inquire as to how this country became involved there. All the information that I could find leads to a confirmation that our country's position is morally wrong. President Eisenhower's position was wrong, President Kennedy's position was wrong; President Johnson's position is unconscionable. We who love our country would, as Dr. Pauling said, like to see her near the top in the listing of moral nations instead of near the bottom of the list.

Judging from the letters to the editors in our local newspaper, there must be many more people than myself who feel that our policy in Vietnam is shameful and should be altered. An editorial in support of Government policy on Vietnam brings a spate of letters lucidly spelling out our errors in that area.

It seems to me that a foreign policy that isolates our Nation from contact with upward of a billion people (i.e., China and Russia) and seems to depend more and more on warlike actions and intimidation by threats of nuclear war to maintain it's position, needs to be reviewed.

Please do continue to speak out on vital issues. Your speaking out not only challenges one to search out the truth or error of your premise, but also gives aid and comfort to citizens who sometimes view Government actions with uneasiness of conscience and even alarm, but feel that they are unable to truly justify their views in opposition of the learned columnists and editorial writers.

Yours truly,

MRS. J. M. WILLIAMS.

SAN CLEMENTE, CALIF.,
April 8, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: It is heartening to hear your voice raised against the policy of our Government in escalating the war in southeast Asia. The increased bombings were supposed to bring the hostilities to an end in perhaps less than 2 months. Instead, they are threatening to bring China and perhaps Russia into a war. When can we learn that retaliation only brings on more countermeasures and solves nothing?

Keep up your good work in protesting and publicizing our continued use of violence and threats. Let us try to reach a civilized settlement before it is too late.

Sincerely,

R. W. WOLFE.

LOS ANGELES, CALIF.,
April 16, 1965.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are appalled at the contradictions between your statements and your actions. How can you say you are for independence and freedom in southeast Asia and yet deny the Vietnamese the right to determine their own affairs by free elections, under international supervision, as promised in the Geneva Convention?

How can you say you want peace, yet order the dropping of bombs on North Vietnam? How can you offer "unconditional negotiations" to North Vietnam and Red China—knowing full well that by omitting mention of the ones who are actually waging this war, the South Vietnamese NLF, you are thus creating not only a "condition" but an impossible obstacle.

We agree with the 2,700 ministers, priests, and rabbis who, in a full page ad in the New York Times of April 4, pleaded with you to stop it in the name of God. The longer your present policy of brutal military assault on the Asians continues, the more will you drive them into the arms of the Communists—thus creating the very situation you so dread. Your daily escalation of the war will win you the hatred not only of the Asians, but all the peoples of the world—including the American people, as our youth is slaughtered so needlessly.

We urge you to stop doing the bidding of those war hawks who are advising you, or you and your family will wind up in an early grave, together with all the American people. Listen, instead, to the counsel of Senators GRUENING, MORSE, MCGOVERN, and CHURCH. Stop this murder before it is too late. Leave Asia to the Asians and tend our own problems here at home. Lord knows we have enough of them; overcoming poverty and unemployment; reconversion of industry from war to peace (so that our economy won't depend on maintaining wars to keep from crumbling); guaranteeing equal rights to our Negroes and other minorities; spreading our affluence around among our own people, as well as the world, and showing, by example, not bombs and death, that democracy can be better than communism.

Please, Mr. President, do not bring the judgment of God upon our Nation. Put an end to war, or it will put an end to us.

Very sincerely concerned,

Mr. and Mrs. S. EHRLICH.

P.S.—Please do not send me any more explanations from the State Department. We are sick of these rationalizations for meting out death. Nothing short of stopping the war will satisfy us.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST IN THE U.S.A.
New York, N.Y., March 31, 1965.

Hon. WAYNE MORSE.

DEAR SENATOR MORSE: Impressed with the growing gravity of the Vietnam situation, leaders in the National Council of Churches have taken two actions and we share them with you in view of your responsibilities along with the President for U.S. foreign policy.

Among our constituency across the country, increasingly strong and insistent concern is being expressed about Vietnam developments. Many questions are being pressed as to the direction and decisions of our Government, and whether they mean a drift toward war. Now, special importance and encouragement are being attached to the statement of President Johnson on March 25, emphasizing again the principle of restraint and the willingness for honorable negotiation, and indicating the possibility of a peace offensive in terms of new initiative for economic, political, and social development which can help to make viable, stable, independent nations in that whole area. We hope that such initiatives will find a real response among peoples in other parts of the world and among all in our own Nation having responsibilities in developing and carrying through such an imaginative program for peace and human betterment.

The deep concern of our constituents across the Nation is clear. On the basis of the meaning of religious faith and ethics for events in Vietnam, insofar as facts could be known to us, our president, Bishop Reuben H. Mueller, telegraphed President Johnson, February 15 copy enclosed. This was also sent to the U.N. Secretary General and the Secretary of State. Further concern was expressed by church leaders gathering from all parts of the country and meeting of the west coast in our policymaking body, the general board. After deliberation, they adopted the February 26 resolution, enclosed.

For your information reviews about Vietnam among church leaders in other parts of the world are enclosed: the World Council of Churches' statement from its commission of the Churches on International Affairs. We cooperate, they being worldwide and we a national organization, but we are not organically related.

We have appreciated the debate of issues re Vietnam in the Senate and we trust that there will be continuing fulfillment of this important function, the expressing of various views on this critical issue in the highest deliberative body in our Government. Be assured of our prayers and appreciation for your services in your critical role in our national life as decisions are made toward possible war, or peace with justice and freedom, affecting the lives of our people and others around the world.

Sincerely yours,

KENNETH L. MAXWELL,
Director.

FEBRUARY 15, 1965.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In pursuit of policies long advocated by the National Council of Churches, we welcome your repeated statements that the purpose of the U.S. Government in actions in Vietnam is not to escalate war but to open the way for negotiations and peaceful settlement.

We realize something of the tremendous complexity and the awesome significance of the situation. We are concerned that continuing efforts be made to create conditions for honorable and effective negotiations. We feel it is imperative that all parties involved live up to international agreements already entered into conducive to peace with justice, and that they exercise the utmost restraint by ceasing infiltrations and subversion and deeds which threaten to escalate the military action into a wider war which would benefit none and do vast harm to all.

We would urge, too, that all nations seek peaceful means for settlement of conflict and the development of that area, as in the Mekong River project, making use of the United Nations and other channels as will be most effective, for the sake of the people of Vietnam, the best national interests of all, and the peace of the world—hopes which we, as Christians, share with people of other faiths and men of good will everywhere.

Be assured of our appreciation for your seeking to exercise restraint and your earnest efforts to find peaceful ways to deal with this extremely complex and critical set of issues. You and other leaders in our land and in other countries involved are in our prayers that you and they may be enabled to lead us all into the paths of peace with justice and freedom.

Sincerely yours,

Reuben H. Mueller,
President, National Council of the Churches of Christ in the U.S.A.

RESOLUTION ON VIETNAM ADOPTED BY THE GENERAL BOARD FEBRUARY 25, 1965

Recognizing the concern of the United States for the freedom and independence of all peoples;

Acknowledging our responsibility to the people of South Vietnam who have been depending upon our aid;

Expressing our distress at the continued violence, war, and loss of life of all the peoples involved;

Believing that mankind must learn to settle its disputes around the conference table rather than on the battlefield;

Welcoming the initiative taken by the Secretary General of the United Nations in the present crisis and sharing his conviction that, "only political and diplomatic methods of negotiation and discussion may find a peaceful solution" to the problem;

Conscious that there are many difficulties and dilemmas facing our country in negotiations for political settlement, but mindful also of the seriousness of prolonged military conflict, the danger of escalation of hostilities, and the possibility of a third world war.

The General Board of the National Council of Churches urges the U.S. Government:

To engage in persistent efforts to negotiate a cease fire and a settlement of the war which will attempt to achieve the independence, freedom, and self-determination of the people of South Vietnam;

To utilize United Nations assistance in achieving a solution and in seeking to reduce the area of conflict by effective border control and internal policing; and

To give bold and creative leadership to a broad international development program for the Mekong region and to continue full-scale U.S. economic and technical assistance where necessary.

The general board pledges support and cooperation in the urgent tasks of reconciliation and reconstruction in Vietnam.

SOUTH VIETNAM

(A statement on certain lines of action by the chairman and director of the Commission of the Churches on International Affairs, Sir Kenneth Grubb and O. Frederick Nolde)

In the complex and explosive situation of Vietnam today, where precise information is not at hand, caution must characterize both appraisal and public utterance. As officers of the CCIA, we have been in touch with a number of our regional and national commissions of the churches on international affairs, particularly those of the East Asian Christian Conference and of the National Council of Churches of Christ in the United States, and thereafter have issued an interim report on South Vietnam. In speaking now more specifically, we do not seek to pronounce judgment but rather to voice the deep concern of millions of Christians in the World Council of Churches; to identify ourselves with the tragic lot of the people of Vietnam; and to suggest certain lines of action which we believe merit consideration.

The effort to solve the problem of South Vietnam by military measures to offset acts of calculated infiltration or subversion is bound to prove futile. While conceivably results of a temporizing nature may thus be achieved and the stage set for negotiations, the risk of escalation is an ever-present danger, and critical world public opinion especially among the peoples of Asia will inevitably increase in depth and volume.

Our commission has over the years held that justice will be more fully served and world order under law better advanced by processes of peaceful change and peaceful settlement. We believe we reflect a widely held conviction in calling upon all parties foreign to South Vietnam to exercise the utmost restraint by ceasing on the one hand acts of infiltration and subversion and on the other consequent military measures which may result in enlarged conflict. This is a first requirement, and if it is not met negotiation for a solution will become increasingly difficult if not impossible.

The United Nations Secretary-General has said that means must be found urgently, within or outside the United Nations, of shifting the quest for a solution away from the field of battle to the conference table. We are convinced that this can be done and that it can be done honorably, but only if false pride in facesaving is abandoned and there appears a readiness to take necessary risks without guarantees of success in advance. The shift from the battlefield to the conference table will not be facilitated if the United States awaits a clear signal from North Vietnam, or if North Vietnam awaits the withdrawal of U.S. forces from active participation. A new attitude of cautious venturesomeness is needed if catastrophe is to be averted.

Various suggestions have been made as to how the parties concerned could be brought to the conference table and all should be looked into carefully. They include recourse to the United Nations, recognizing the disadvantage that the Peoples Republic of China has not been seated; response to initiatives of the United Nations Secretary General; utilization in some form of the 14-Power Conference, realizing that the commitments made in 1954 have not been sufficiently honored and that the machinery there set up has proved ineffective; the use of ad hoc representation by great powers—notably the U.S.S.R., the United Kingdom, and France—in whom the interested powers may have sufficient confidence. We see in addition to these yet another possibility which should be adequately explored. While the whole world is concerned with the problem of South Vietnam, governments in the area who are not involved in the conflict are nevertheless most immediately and vitally involved in the total situation. Their good offices might serve to bring into negotiation the parties in conflict or responsible for the conflict.

The objective which we believe should be sought by all is a situation where the people of South Vietnam are permitted to seek what seem to them to be the best solution for their problem, and one which satisfies the demands of peace and security in southeast Asia. The expressed will of the people of South Vietnam or the decision of a government freely chosen by them—taking into due account the common concern of all peoples—is the essential justification for the presence of foreign forces on their territory. We know how difficult it will be to insure that all foreign intervention based on force or the threat of force shall be removed and that the people be given an opportunity to express their desires. It may be that here again governments in the area who have much at stake could provide the manpower for observation and direction on the scene whereas other governments proceeding through impartial channels could contribute to the financial costs.

We cannot overlook two factors of longstanding concern which play adversely into the present situation in Vietnam. In the first place the inability of the United Nations to deal with the problem as it should is in no small measure attributable to the absence of the Peoples Republic of China from its deliberations and decisions. The continued artificial isolation of some 700 million people is a dangerous situation and may well aggravate the intransigence of the government in effective power—an intransigence which has thus far made peaceful solutions in the area difficult or impossible. In the second place, peace will be endangered or only precariously maintained so long as one side supports wars of liberation and the other side provides military support for the defense of freedom. A frontal approach to these two problems may well at this time result in failure. However, ingenuity motivated by good will should be able to create a situation in which there emerges a coincidence of interests and it becomes possible to override hostile attitudes and conflicting ideologies.

In this troubled world, Christians as well as all men of good will can find their obligation and opportunity in the struggle to convert evil into good and to make what is potentially destructive redound to the benefit of mankind. We pray Almighty God who rules and overrules our tangled history that such may be the course of events in South Vietnam.

APRIL 15, 1965.

Hon. WAYNE MORSE.

DEAR SIR: Am writing you in regard to the disgraceful way we are bombing in Vietnam. I guess the United Nations don't apply to us; it makes one ashamed to be born in America.

Where we bomb women and kids and schools, maybe someday we will get it back, then what?

Are we always going to bully the rest of the world to our way of thinking? Which I don't think is so hot. We are taxed to death and still in debt up to our eyes, free world—Christ—what a joke, freedom, another joke. This economy is dead, dead, dead. People borrowing money to pay their income taxes. We have a tax curtain.

It makes sense—that if we had a sound monetary system, the Communist system won't get nowhere in this country—but why are we so afraid? It is because our political system is rotten. How did Ike get his farm?

I have always admired your work.

No use writing to these nincompoops in California—one thinks he can dance and sing. I don't know why, he never proved it, now he wants to live on tax money.

Thanks,

C. MACOMBER.

LITTLE SILVER, N.J.

Senator MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR MORSE: You are no doubt in my mind the greatest Senator in our times. From your brave stand in the early 1950's opposing Senator McCarthy (and you almost stood alone then and as now) to the present stand in Vietnam you deserve my heartfelt thanks.

The cry over the entire country must be "We should not have gotten in, we should not have stayed, we should get out."

Cordially yours,

DAVID POLLOCK.

LOS ANGELES,
April 15, 1965.

DEAR SENATOR MORSE: I enclose a Drummond column from the Los Angeles Times of the 13th and a Chamberlain column from the Herald-Examiner of the 12th, aimed at you particularly—a nasty slur or two.

Have answered sharply both gentlemen—and they will not be happy with my letter. When even Senator JAVITS says his mail is running 50 to 1 against our role in Vietnam am afraid its the columnists who are misled as to popular feeling. Regarding the Chamberlain statement on the use of private letters in the CONGRESSIONAL RECORD, I assured him I am certain most writers would be happy to have their Vietnam views publicized particularly because the press has failed to carry the bulk of the criticism but is conducting a virtual campaign to escalate a real war.

The "polls" are very unreliable as we know—especially since they are not truly representative and they are belied by the evidence on every hand—I have yet to talk to anyone who approves Vietnam—not all write letters.

Erma Dutton.

[From the Los Angeles (Calif.) Times, Apr. 13, 1965]

No Further Doubts on Vietnam

(By Roscoe Drummond)

President Johnson's strong and lucid report on Vietnam to the Nation—and to the world—leaves nothing in doubt.

Three consequences flow from it:

It will, I am certain, decisively unite the American people behind what is being done and whatever still must be done to successfully defend South Vietnam from aggression.

It puts the onus totally on Hanoi for refusing to seek a peaceful settlement by opening talks with the United States.

It will enlist for the United States mounting support from world opinion—particularly the 17 unalined nations which have appealed for negotiation. It will do so because the President says that he will talk with the aggressors or other nations any time under any circumstances without any conditions.

I am convinced that only weakness and vacillation on the part of the President in his commitment to defend South Vietnam could divide the Nation.

There is no weakness, no vacillation in the actions which Mr. Johnson has taken in the last 2 months to show Hanoi that aggression will not pay.

There is no weakness, no vacillation anywhere in the address in which he expounded those actions.

His message is clear. To our beleaguered ally, South Vietnam, to our adversaries in Hanoi and elsewhere in the Communist world, to the American people who bear much of the pain and cost, he made this total commitment: "We will not be defeated. We will not grow tired. We will not withdraw"—until the aggression ceases.

I believe that the Nation will be overwhelmingly relieved that he said it.

But the President made it equally clear that the United States does not put one single condition, one single barrier, not even one diplomatic breath in the way of our willingness to discuss an end to the war.

In his Johns Hopkins speech he told everybody that the United States stands unconditionally ready to begin "unconditional discussions." To the 17 neutral nations he said, in effect: Yes, we will talk; see if Hanoi will, too.

This is a crucial clarification of Johnson policy.

The President is saying that we will talk with the aggressor even while the aggression persists, that we will talk with Hanoi even if the infiltration of men and arms from North Vietnam continues, that we will negotiate and defend—simultaneously.

Does this mean that the United States is going to negotiate away the independence of South Vietnam? Does willingness to undertake "unconditional discussions" mean that there would be no conditions on the results of such discussions?

I can say with knowledge that it means no such thing. It means that nothing will keep the United States from the conference table except the absence of Hanoi. It also means that we will have only one objective to take to the conference table: the independence of South Vietnam and its freedom from future attack.

Mr. Johnson makes this vital point: If Hanoi wants to talk and continue the aggression, we will talk and continue the pressure until the aggression is ended either by negotiation or by any other means.

He assures Hanoi—and the world—that we seek no overthrow of the North Vietnamese regime, no military base in South Vietnam, and that we stand ready to give enlarged assistance to any cooperative effort in which the nations of southeast Asia would collectively join.

The President is saying that defending South Vietnam successfully is not a road to war; it is the road to peace.

[From the Los Angeles Herald-Examiner, Apr. 12, 1965]

U.S. Letters Help Soviets

(By John Chamberlain)

Do you want to know how Moscow's Pravda, the official news organ of the Soviet Communist party, is dealing these days with American attitudes toward the Vietnam crisis?

The issue for April 2 is an astounding eye-opener, and it makes one wonder about the naivete of Oregon's off-beat Democratic Senator, Wayne Morse, in presenting the Soviets with opportunities for scoring a major propaganda triumph.

What has happened is that a number of letters to Senator Morse from his admirers and supporters have turned up in Pravda as grist for the Communist peace propaganda mill. The letters are from all over the United States.

A man from San Francisco writes Morse that today the "supreme manifestation of patriotism is to be in opposition to the Government." Someone from Detroit accuses Lyndon Johnson of following the policy of that maniac, Goldwater, in southeast Asia.

PREFERS IMPRISONMENT

An abject fellow from a town in Indiana writes that "if my country demands my service in this war, I would prefer imprisonment. I never thought that the day would come when I would have to say that I am ashamed of being an American. But that day has arrived."

Pravda has printed the names of Senator Morse's correspondents. I refrain from passing them along because I assume that most of the letter writers would, on due reflection, be ashamed of the anti-American use to which their words have been put. (He assumes too much.)

The Russian reporter who has used the letters to Senator Morse is S. Vishnevsky. That Mr. Vishnevsky is a partisan distorter of the worst order is proved by the use he has made, in the same Pravda issue of April 2, of a column written by my colleague, William S. White.

In the particular column in question Mr. White poured scorn on the handful of professionally anti-American Americans who continually run down their country, calling it "ugly America," "guilty America," and so on. But Mr. Vishnevsky, ignoring the whole thrust and meaning of the White column, quoted selected bits from it to prove that America is indeed a guilty nation.

True enough, Senator Morse did not hand the correspondence directly to the Russian reporter. The letters may be found in the Congressional Record.

It is one thing to carry on a campaign against White House policy as part of a great debate over the issue of American interest in southeast Asia, but isn't it something else again to make presumably private letters available for use by anybody?

U.S. POPULAR FEELING

Can you imagine the embarrassment that would have been caused back in 1940 to patriotic members of the America First Committee if their letters to Congressmen had found their first news exploitation in Dr. Goebbels' press in Berlin?

We may be sure that Senator Morse wanted his mail to make an impression on the White House, but S. Vishnevsky stresses the point that none of these letters have been published in local papers.

I am sure that many Americans, including Oregonians who voted for him, are ashamed of Senator Morse's naivete in permitting Russians to be misled about popular feeling in the United States.

The polls indicate that a majority of Americans have backed Lyndon Johnson's policy of standing by our promises to the South Vietnamese.

In helping to pass along to the Russian people the palpable lie that America as a whole is ashamed about honoring its commitments Senator Morse may be doing his own cause of peace a great disservice.

For wars are most likely to come when great powers misread each other's minds.

Greeley, Colo.,
April 17, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have the honor to receive your regular newsletters. I wish to commend you for your stand on the Vietnam situation. I am dismayed at what is going on there, and feel that our Government's position and actions are reprehensible. The idea of our bombing raids with numbers of planes against a nation, which by news accounts has almost no fighting air force. Our punishment of North Vietnam it seems to me is out of proportion to what they have done and will be useless.

Yours very truly,
Gertrude E. Jacobs.

Yorba Linda, Calif.,
April 16, 1965.

Dear Mr. Morse: I do not wish to smother you with stupid and vain compliments, but I do wish to commend you.

I support you 100 percent on Vietnam. I wish to express my appreciation for the wonderful job you and Mr. Gruening are doing in fighting the warhawks. Whether you succeed or not, I know you will know you have fought the good fight.

Yours truly,
Bob Blair.

Clearwater, Fla.,
April 16, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

I have written the President about bombing in North Vietnam.

Please keep up your opposition.

Mrs. Isabel S. Clark.

April 17, 1950.

Dear Senator Morse: Again I wish to express my appreciation of your strong stand against our military policy in Vietnam and your comments on the President's speech at Johns Hopkins.

I am glad to have heard your excellent speech on the same campus several weeks earlier.

Very sincerely,
Lillian M. Kloppel.

April 14, 1965.

Dear Senator: By passing the Vietnam resolution, Congress abdicated constitutional responsibilities, and gave President Johnson power greater than De Gaulle's or Khrushchev's.

When people protest Johnson's war, Congress replies it has no further control over the situation and washes its hands of it. Who then, are the people to petition?

A mounting disaster, the foolish work of President Johnson, appears irreversible unless Congress acts to take back the powers so casually handed over.

Yours,

George Chalden.

Portland, Oreg.

Dear Senator Morse: We make an urgent plea for your continued effort for United Nations intervention in Vietnam.

Lesley McCormack.
Tom Rossen.

We support a cease-fire in Vietnam and immediate application of U Thant's formula for negotiations.

Nina Graboi.
Michael Graboi.

Dear Senator Morse: Thank you so much for the support that you have on the war in Vietnam.

Please continue to uphold peaceful means to avoid a nuclear war. We need more people like you that want to see worldwide peace.

I appreciate your interest very much.

Sincerely,

Mrs. Charles Meade.

Teaneck, N.J.,
April 17, 1965.

Hon. Wayne Morse,
Washington, D.C.

Dear Senator: May I express appreciation of your efforts to clearly reflect the Vietnamese situation to the American people.

After studying the facts leading up to today, I am really appalled and ashamed of American foolish and harmful policy. I did think President Johnson would see the light, but apparently if he does he's hiding it.

I only hope that his leadership is gaged to draw the greatest backing, to enable him to guide our policy in a more intelligent and humane way.

I know that you and other Government leaders will do everything in your power to have the United States adopt policies designed to lead us into more idealistic action than we sometimes follow, in particular strengthening the UN.

Sincerely,

Rena Kamena.

Grove City, Ohio.

Senator Wayne Morse.

Dear Senator: We appreciate the stand you have taken on the war in Vietnam.

We have been a savior in times past for many small nations I know, and sometimes I wonder if the war is justified in Vietnam. Communism is a terrible thing if the reports are true, but we must work for peace sometime, so why not now.

Alma E. Taylor.

Tannersville, N.Y.,
April 15, 1965.

Dear Senator Morse: Please accept my cordial good wishes for a blessed Easter. They are accompanied by the hope that you will continue to speak and act against prolongation of the war in Vietnam. My friends and I are with you wholeheartedly.

Sincerely yours,

Mariquita Platov.

Feminine Touch

Editor, The Hackensack (N.J.) Record:

To all American women under 40 and over, married or single, with children or without, housewives, or jobholders, organized or unorganized, churched or unchurched, plain or fancy: we have something valuable.

Social scientists are saying that we have qualities superior to the male's—intuition, adaptability, resourcefulness, ingenuity, peacekeeping and negotiating ability, patience, tact, understanding, and compassion. They are even saying that women should be represented in the councils of decisionmaking, since men have brought the solution of conflict by war to its limits.

If President Johnson happened to be Madam President, his intuition (defined by H. L. Mencken as a sharp and accurate perception of reality) would have told him that chemicals are being used to gas innocent villagers in Vietnam. It is quite clear that the President needs an overwhelming dose of feminine persuasion to counteract the effect the warhawks have had on him. He finally identified himself with those trying to put Negroes on a par with whites; he could finally identify himself with the majority of Americans who are appalled at our militant action in Vietnam. United States officials even admit that most Vietnamese people don't want us in their country. We certainly aren't making the world a better place for them. And we are defying the United Nations, our own repeated verbalizations that the best hope for peace lies in the United Nations, and the urgent pleas to negotiate coming from Secretary-General U. Thant and countless other statesmen and leaders.

President Johnson will listen if hundreds of women will take the time to write a short but urgent note expressing their concern. When casualty lists start coming in together with other evidence that we are involved in a brutal war—worse than the suffering going on down South—damage will be great. For years we shall have to compensate for our foolish and harmful ways.

Mrs. Rena Kamena.

Teaneck, N.J.

Brooklyn, N.Y.,
Easter Sunday.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Easter greetings to you—a man of peace. Please continue to resist the insane and criminal policy of the "war howls" in our Government in the war in Vietnam. Your recent piece in the New York Times was the most intelligent and humane article by anyone in the Government.

The eyes of the whole country are on you and mothers like me look to you as a leader out of this terrible, cruel war we are sacrificing our sons to in Vietnam.

Help sanity to prevail.

Sincerely,

Ruth G. Philips.

New York, N.Y.,
April 18, 1965.

Dear Senator Morse: We have written to the President asking for the immediate cease fire negotiations on Vietnam and the adoption of U Thant formula in further talks.

It seems logical that the cessation of our air raids on North Vietnam should be the logical prerequisite to any meaningful diplomatic activity.

Sincerely yours,

Anatol Kovarsky.

Berkeley, Calif.,
April 16, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I have just written to President Johnson the following letter:

"Dear Mr. President: As a loyal taxpayer and registered Democrat I wish to protest your action in Vietnam. Please stop the bombings and killings. Only you can stop the war and I pray that you will have the courage to do it immediately.

"In protest.

"P.S. To Presidential staff: Do not bother to acknowledge this letter but instead mail it on to Mr. McNamara or Dean Rusk to read."

My letter to you is to thank you for your clear stand on Vietnam and to let you know that I am a solid supporter of yours here in Berkeley. I am writing to you to urge you to continue your very fine work in the Senate and to tell you that many are beginning to take notice of your views here in Berkeley because the national syndicated columnists (for and against you) are mentioning you. More power to you.

Please let me know if there is anything I can do here in Berkeley to help you. If letters help I will gladly write to congressional members, etc. Do protest marches around the White House do any good? What can the concerned citizen do that will help stop all this Vietnam madness?

Yours truly,

Babrara Leighly,
Mrs. John B.

New York, N.Y.,
April 16, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: The world already knows our military strength. Now let us show our moral strength by (1) immediate cease-fire in Vietnam; (2) immediate use of U Thant formula for negotiations.

Very truly,

Mrs. H. Betty Salpeter.

Cleveland, Ohio,
April 17, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: I recently came across some historical material about the origins of World War II which I think are extremely topical in our own times. The enclosed article, which appeared in the Port Clinton, Ohio, Daily News, resulted from this.

I should point out that I was one of those who thought that Sir Robert Vansittart was right, that the free world should rearm against nazism. But until now I had no idea that Sir Robert's thinking was so far off base, so impractical, so useless. In our own era, Sir Robert would be a "hawk."

But, I think, a "hawk" should do more than to lead his people to war—he should weigh the consequences of his advocacy. Sir Robert, obviously, did not.

As to the sorry role played by Ian Colvin, "the man who started the war," one cannot help but wonder if we don't have his likes whispering into the ears of our "hawks" today. If the quality of the information he gave in 1939 had not been so completely wrong, the mutual defense pact with Poland might not have been concluded. Yet, I ask myself, was this bad? It was, after all, the only morally correct step taken by the Anglo-French entente in those dismally immoral days.

Still, it is hard to say that our own political calculations in southeast Asia are based on firmer ground.

Yours sincerely,

Stephen G. Esrati.

[From the Port Clinton-Oak Harbor (Ohio) Daily News, Apr. 14, 1965]

Steve Looks at the News

(By Steve Esrati)

What might be called "The Secret History of the Origins of World War II" is still being written.

With each publication of memoirs, each new snippet of previously unknown information, the jigsaw puzzle slowly falls into a discernible whole.

But the entire story remains to be told as the governments release their official papers in drips and drabs.

One man who played a large role in attempting to rearm Britain throughout the period of Hitler's ascendancy was Sir Robert Vansittart, a man who performed as a 20th century counterpart of Rome's Cato (who repeatedly told the Roman Senate, "Delenda est Corthago," or "Carthage must be destroyed").

Vansittart was permanent undersecretary of the Foreign Office from 1930 to 1937. He clearly saw the threat of German rearmament and, as captured German records now show, repeatedly exaggerated the actual German state of preparedness.

But Vansittart was satisfied, like Cato, to make bleating sounds. He warned. He prophesied doom. But he had no plan with which the free world would defend itself against the threat of Nazi supremacy.

In fact, Vansittart was the godfather of the Hoare-Laval Treaty which helped doom the only chance the free world had to defend itself against the Nazi-Fascist threat.

The time was when the Fascisti invaded Ethiopia. Forty-two nations agreed to condemn Mussolini's aggression and to apply sanctions under the League of Nations Covenant.

In a famous speech, Sir Samuel Hoare, British foreign secretary, pledged that Britain would stand by the convenant. But, instead, he had come to an agreement with French Premier Pierre Laval to do nothing of the sort. Sanctions were not applied and poison gas was allowed to pass through the Suez Canal, then still British, in unlimited quantity.

By May 1936, the Italians had captured Addis Ababa and the world had stood by as Emperor Haile Selassie had appealed in vain to the League.

What Hoare and Laval had agreed to was predicated on Vansittart's theoretical and completely impractical theory that the great democracies could stop Nazi conquests in Austria and Czechoslovakia.

In 1936, Vansittart wrote: "We should do all we can to secure better treatment of German minorities (in non-German countries). And I would certainly dispose of the demilitarized zone in Germany's favor. And I would restore her colonies to Germany. In return for these offers we should extract from Germany a return to Geneva disarmament and a formal renunciation of any territorial designs in Europe, including aims at absorptions of Austria and Czechoslovakia."

Commented the British historian A. J. P. Taylor: "This was curious advice. Great Britain and presumably France were to give way to Germany over the colonies, where they were comparatively strong, and were to resist her over Austria and Czechoslovakia, which they had no means of doing."

And so the Germans remilitarized the Rhineland without objection from the British or French. Next, they forced the unification of Austria with Germany. You know the rest.

The hope of the time was in collective security under the League. But Vansittart was the man who destroyed the League by being the real brains behind the Hoare-Laval Treaty. The idea behind this treachery against Ethiopia was that it could buy the friendship of Mussolini.

And so Britain ended up fighting alone.

Playing a peculiar part in all this was a British newsman stationed in Berlin, Ian Colvin. Sir Winston Churchill pinned everlasting fame on Colvin by calling him "The man who started the war."

The time was 1939. British ministers consulted Colvin before the conclusion of the British guarantee to defend the borders of Poland against German aggression (a moral guarantee that could not be exercised though the Rhineland could have been defended.)

The Polish Pact was made known March 31, 1939. The invasion of Poland began Sept. 1, 1939.

Here is what Colvin told the British ministers in March:

"The Germans may attack the Poles tomorrow, the next day, the day after, in a week." (He gave March 28 as the most likely date.)

Colvin is said, by Taylor, to have told the ministers that Hitler was unpopular in Germany because of his persecution of the Jews in the synagogue attacks of Nov. 9, 1938. Many German officers were said to have been eager to overthrow Hitler.

"A British guarantee to Poland would help Hitler's opponents within Germany. The guarantee was duly given. It committed Great Britain and France to fight for a country which they could not aid; it destroyed such slight chance as there was of alliance with Soviet Russia. Yet there had been no German preparations for an attack on Poland; there had not even been a decision by Hitler to go against Poland; there was no effective movement against Hitler in Germany," Taylor writes of Colvin's advice.

Why write about these almost forgotten events today?

We, too, have our hawks and our doves. We have our foreign correspondents who report what one side or the other wants to read. We have highly placed officials who have been predicting the withdrawal of Americans from Vietnam after a victory that recedes further into the future every day.

Who will earn the title as "the man who started World War III?"

ARLINGTON, VA.,
April 16, 1965.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: For the past few months I have followed your statements over television and in the newspapers, regarding our presence in Vietnam. I feel that your position is correct and that we should not be there, and want to encourage you to continue to express your views.

Very truly yours,
GLENNON N. MESNIER.

HARWICH PORT, MASS.,
April 17, 1965.

DEAR SENATOR MORSE: Thank you for your courage and initiative in asserting your congressional prerogative to point out the dangers and immorality of our war in Vietnam.

May you press on with all vigor to halt these bombings before we have reached the "point of no return."

Sincerely,
IONA S. FITZGERALD,
Mrs. H.S.

BERKELEY, CALIF.,
April 15, 1965.

DEAR SENATOR MORSE: I support you and Senator GRUENING in your opposition to the war in Vietnam. We should never have gone in, we should not have stayed in, we should get out. Like it or not, there can be no peace unless we agree to leave. If we refuse, the fighting will continue until we either escalate the situation into a major debacle or a major catastrophe. We cannot win. I oppose the bombing of North Vietnam because (1) it won't have the intended effect; (2) it's inhumane; (3) it could lead to World War III. In general, am highly critical of our foreign policy and most unhappy with the President's advisers.

Sincerely,
WOODY BANES.

P.S.—I call your urgent attention to the April 12 issue of the Nation pertaining to the appalling scandal in foreign aid to Iran.

BALTIMORE, MD.,
April 19, 1965.

DEAR SENATOR MORSE: Thank you for your forthright, courageous, and thoughtful comments and statements on Vietnam. Power to you.

Sincerely,
ELEANOR AND BILL BRAINARD.

A STATEMENT BY THE IOWA YEARLY MEETING OF FRIENDS (CONSERVATIVE)

We are deeply concerned by the developments in South Vietnam. The increasing casualties of Vietnamese on both sides and of Americans fill our hearts with sorrow. The cruelty of using incendiary bombs indiscriminately over a whole region causes anguish, horror, and shame.

These methods of warfare, the enlargement of United States combatant forces, and bombing of North Vietnam seem to us breaches of international law, the United Nations Charter, and especially of the Geneva accord of 1954 which the United States promised to respect.

We urge our Government and our countrymen to reconsider their present attitudes, to ask for an immediate ceasefire, and to start negotiations toward a coalition government on a broad popular basis with mutual guaranty of amnesty to members of the previously warring factions. We hope for neutralization of the whole area of the former French Indo-Chinese Federation under the guaranty of all the states which signed the Geneva accord of 1954, the United States and the United Nations. We also urge generous support of far reaching regional development plans by all the powers, diplomatic recognition of North Vietnam, and close economic association between North Vietnam and a South Vietnamese state, independent from, but friendly to her neighbor to the north.

If peace is our goal we have to realize that true peace can never be reached by violence.

Even an almost impossible victory in the civil war by our present and extended bombings of North Vietnam, and the employment of large American land forces could only bring about an insecure absence of open hostilities. Also there is the threat of almost certain intervention of North Vietnamese and Chinese armies if we extend the war too far.

True peace can only be achieved through understanding and cooperation toward goals which further the interests common to all concerned. The United Nations' secretary general's proposal for a Vietnamese peace conference included plans for utilizing the United Nations' Special Fund project for the Lower Mekong River Basin as one of the bases for opening negotiations. It is not too late yet to accept this suggestion, and to use our money, influence and technical skill for the benefit of the whole Indo Chinese region and Thailand, instead of squandering them in a lost civil war.

On behalf of Iowa Yearly Meeting of Friends (Conservative),

SARA EMMONS,
Interim Clerk.

OXFORD, OHIO,
April 15, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SIR: I have followed with considerable interest in your pronouncements on the situation in southeast Asia. I agree with your sentiments in many instances and offer my support for you. Certainly something must be done at the earliest moment.

I am wondering if you maintain a mailing list for newsletters to your constituents. If so, I would greatly appreciate having my name placed on such a list so that I may follow your views on Vietnam and other issues more closely.

My sincerest best wishes for continued success in representing your State and the Nation.

Sincerely,

David Jerome Reith.

Cambridge, Mass.,
April 16, 1965.

Dear Senator Morse: As a concerned American citizen, I would like to express my support for your courageous and perceptive opposition to the present policy in Vietnam. Your presence in the Senate is a heartening comfort to those who feel the present military involvement both unjust and inhumane.

With sincerest respect,

Courade Jaffe.

Bridgewater, Mass.,
April 17, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Morse: Just a word of encouragement to let you know that I am in complete agreement with your views on the Vietnam struggle.

I believe that the vast majority of our people, though inarticulate, share these views.

May we soon see an end to this murderous business which has brought unspeakable havoc to a long-tortured people and which, if unchecked, can involve all of us in ruin.

Thank heavens, we have a few men in Congress who, like you, are not afraid to take a stand. I predict that as the chorus of opposition to present policies swell (and it is swelling) you will find yourselves joined by some of the more timid who perhaps feel as you do but lack the courage to say so.

Sincerely yours,

Herman W. Richter.

Claremont Men's College,
Claremont, Calif., April 18, 1965.

My Dear Senator Morse: Like a good many of my friends I find myself wondering if our behavior in Vietnam is really in the national interest. If the United States is in danger is this place the most advantageous place to make a stand against our attackers? If, as some allege the troubles in Vietnam are in the nature of a civil war is it in our interest that we should be intervening on one side or the other of a civil war in a small country several thousand miles away?

I am not in the least anxious for us to be in a war but if it is in the national interest to be in one should we not go through the formality suggested by our Constitution in regard to such matters; i.e., have Congress declare war?

Much general discussion of the incredible news about what we are doing in Vietnam ends on a note of uncertainty because many of us feel uncertain about the accuracy and completeness of the news we are receiving. Should not Congress ask for more news and more complete news and share it with the public?

Sincerely,

Walter B. Smith.

Waban, Mass.,
April 18, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Applaud your efforts in our behalf and in behalf of world organization and peace.

May you continue your effort with increased support for your views from your colleagues.

Very truly yours,

Raymond B. Roberts.

Evansville, Ind.,
April 17, 1965.

Hon. R. Vance Hartke,
Senate Office Building,
Washington, D.C.

Dear Senator Hartke: Since receiving your letter and speech concerning Vietnam, I have been intending to write. The news broadcasts about more than 20,000 students demonstrating in Washington against the Vietnamese war pushed me into expressing my agreement with their viewpoint.

I hope that my beloved country will abandon this cowardly policy of bombing Vietnamese. Surely there can never be any worthwhile objective gained from such actions. Our children and grandchildren will have to reap the hate from this as surely as Americans today reap the hate sowed by slavery and serfdom in our own country.

Furthermore, the military superiority that enables us to attack Asians with no fear of retaliation upon our homeland will not last forever. Already the Chinese test nuclear weapons.

I believe I speak for many who voted for you when I say that the various viewpoints of Senators Morse, Gruening, McGovern, and Fulbright (to a lesser degree), are more to our liking than those expressed on the Senate floor by yourself and Senator Bayh.

In fact your position, and that of the President, remind me of ex-Senators Jenner, Capehart, Goldwater, and ex-Congressman Bruce. I believe that both Indiana and the Nation have progressed to a point where we see the fallacy of negotiation with bombs and bullets. May I take this opportunity to compliment you on your attempts to strengthen the voting rights bill.

My wife agrees, generally, with my opinions.

Sincerely,

Stephen Oliker.

P.S.—I belong to no radical organizations, hold a white-collar job in private industry and am a Democrat generally. This is my own letter.

Bronx, N.Y.,
April 16, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: As one, of many Americans, who is becoming more and more alarmed by the policy of escalation in Vietnam, I feel the policy you have been advocating is the only one that can bring peace to area and avoid another world war. I have written to the President, my Senators, and Congressman, asking them to adopt the policies you have been stating.

You have my full support in the stand you are taking to prevent another world war.

Sincerely yours,

Antonio L. Beonio.

Houston, Pa.,
April 13, 1965.

Hon. Wayne Morse:

You are to be commended for opposing escalation of war in Vietnam. Thinking Americans are dismayed. We cannot understand that the President honestly believes he is doing right.

I can imagine you are discouraged and think you stand alone, but remember God is always on the side of right and peace.

Neither are you as alone as you may think. The Korean war is still in our memories. We were afraid of an atomic war then—we are afraid of one now.

We have written to the President asking him to turn away from military advisers. Will you keep trying to show him your conviction in this matter?

Mr. and Mrs. Homer H. Wagner,

Sacramento, Calif.,
April 15, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Mr. Senator: I thank you sincerely for continuing to speak out in the Senate and elsewhere about our indefensible policy in southeast Asia.

Since there are so few voices to oppose that policy, we urge that you not become discouraged, but continue your active opposition to our strikes against nations with whom we are supposedly at peace. We pray that you continue to hammer away on this every week or every day. Each time some few Americans may begin to think and to question. This is our only hope.

With heartfelt gratitude, I am,

Yours sincerely,

Mary Goodwin Daniels.

Washington, D.C.,
April 16, 1965.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: Please add my name to those who concur in the appeal of the Clergymen's Emergency Committee for Vietnam of the Fellowship of Reconciliation as published in the New York Times on April 4, 1965. I would change the address thereof to Mr. President: In the name of the people of the world, stop it.

Months ago President Johnson said he did not want to get us into war with 600 million Chinese, but sometimes the right hand does not know what the left hand is doing. As of this moment, Senators Morse and McGovern are the true statesmen of this Nation and in the pattern of the greatest world statesmen of my time—the late President Kennedy.

Several years ago in a letter published in a local newspaper, I could have been the first to speak of an accidental war, quoting from Dr. Freud's "Civiliation and Its Discontents," published more than 30 years ago, in which he mentioned man's ability to wipe out the human race. Now the theme is commonplace.

In the last analysis, the murder of innocent people, including Americans, in Vietnam is but a war of words—the battle of capitalism versus communism. This tragedy could be generated only by unconscious motivation (Freud) and high-level abstraction or unscientific communication (Korzybski). See my "plaint," "Interpersonal Relationships—Sadness, Alarm, and Chagrin," published by a crusading editor, John H. Tobe, in the Provoker, copy of which is enclosed. A statement of my background is also enclosed.

I hereby volunteer my services (and I would refuse payment) in any manner whatsoever to assist you in making a contribution toward world tranquillity.

Respectfully,

James Edward Hughes.

P.S.—I repeat my offer of volunteer service.

J.E.H.

Books—To Make You Think, To Bring You Health, To Enlighten and Entertain

INTERPERSONAL RELATIONSHIPS—SADNESS, ALARM, AND CHAGRIN

Any conscionable person who meditates on current interpersonal relationships cannot but be sad—and alarmed. And one who is familiar with the work of Alfred Korzybski and Sigmund Freud must also feel chagrin that much of so-called man's inhumanity to man therein might be due, in large measure, to the ignoring of their concepts.

Millions have known about Freud's basic contribution as to tricks played by the subconscious, although few are aware that in his "Civilization and Its Discontents," published in 1930, he then thought man had discovered the means of destroying himself "to the last man" and decision rested on "struggle between Eros and Death, between the instincts of life and the instincts of destruction."

Probably fewer are acquainted with the communication concepts of Count Korzybski. He came to this country prior to the Second World War, did work with patients at St. Elizabeths Hospital and wrote extensively about our errors in the transmission of thought, including "Science and Sanity" of over 1,000 pages.

As Freudian ideology furnishes guides to greater individual insight, such as in awareness of projection, identification, and transference, new ideas on communication are made available by this Polish mathematician aimed at avoiding statements which are not in accord with the facts of reality, which can cause illness, and which facilitate detection of such errors in others. It was his opinion that if statesmen had understood the utterances of Hitler the carnage wrought by that sick person might have been avoided.

It would be futile herein to attempt any summary of Korzybski's formulations. Man does not readily change his heritage of values and any attempt to explain his work meets with some of the same errors in thinking which he tried to eradicate. But one of his most important contributions was his emphasis on unwitting piling of abstraction on abstraction until there is such polarity of words in communication that group conflict is almost beyond man's ability to understand, let alone settle. Such either/or approach, whether it be in terms of liberal/conservative, Negroes/whites, freedom/slavery, et al., harms the health of humanity and retards the beneficient evolution of culture.

Notwithstanding the immensity of scientific achievement in other fields, there appears to be, indeed, cause for sadness, alarm, and chagrin about man's relationships with his fellow man. Unscientific communication could be the most important factor in a "struggle between Eros and Death."

JAMES EDWARD HUGHES.

James Edward Hughes

Entered Federal service as stenographer and (following graduation from Georgetown University Law School) advanced to classification of trial attorney. Fifteen years with Navy Department as head of correspondence section (including mail for signature of Franklin Delano Roosevelt, ghost writer, and auditor. Ten years with Division of Mental Hygiene, U.S. Public Health Service, doing State law compilations and medico-legal writing (including brochure on eugenic-sterilization laws and decisions), admission of first narcotic-addict patients to hospitals, and as Legal Adviser. Twenty-three years with Solicitor of Labor on Davis-Bacon, Walsh-Healey, Fair Labor Standards, and Longshoremen's and Harbor Workers' Compensation Acts. Author of articles, letters, and book reviews.

Admitted to practice before U.S. Supreme Court, but not in practice.

Office activities: Elected member, U.S. Civil Service Appeals Board; president (two terms), American Federation of Government Employees lodge; delegate, two national conventions and District of Columbia Department, A.F.G.E.; president, relief association; chairman of supervisory committee (audit) and member of board of directors, Federal Credit Unions; charter president, bridge club.

Other activities: Instructor in social legislation, Washington School of Psychiatry; Advisory Board, Santa Barbara Socialization Institute; courses in WSP, General Semantics at Department of Agriculture Extension School, Public Service Broadcasting at American University; board member, National Committee Against Fluoridation; president (two terms) Capital City Chess Club (duplicate bridge); vice president, Rock Creek Golf Club.

Former member: American Bar Association, National Lawyers Guild, American Judicature Society, Institute of Criminal Law and Criminology, American Academy of Political and Social Science, American Academy of Political Science, American Association for Social Psychiatry, Beaver Dam (now Prince Georges) Country Club, Manor Country Club.

Member: Federal Bar Association, National Lawyers Club, Georgetown University Alumni Association of Washington, D.C., International Society for General Semantics, (Friend) the Minority of One, the World Peace Broadcasting Foundation (participating), Washington Educational Television Association (sponsoring), the American Irish Historical Society (life), Soil Association (London), Washington Natural Hygiene Society, National Kidney Foundation, National Travel Club, Boys Club of Metropolitan Police, District of Columbia, Honorary Citizen of Boys Town, American Federation of Government Employees, District of Columbia Association for Mental Health, Committee for a Sane Nuclear Policy, American Contract Bridge League (master), Brooke Manor Country Club, Hook and Slice Club, Rock Creek Golf Club, Capital City Chess Club.

ALHAMBRA, CALIF.,
April 17, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Having been a longtime admirer of your political actions and utterances, particularly on the Vietnam war, I felt constrained to write you and give you some of my ideas on the problems perplexing our Nation and the world. There is no doubt the world is going through one of those cataclysmic changes that have marked the history of mankind since the beginning of recorded time. Babylonia, Persia, Greece, Rome, Spain, Great Britain, and now the United States have and are still trying to rule the world. Slavery, from absolute through serfdom and chattel to economic or wage, has been the lot of the workers through all history. The right of the strong and cunning to exploit the weak and simple has always been part of the law and morality of all ruling nations and peoples. We are now going through an era when the workers and little people of the world are demanding a change. They insist that their labor be applied to the natural resources of the earth for the general welfare of all, instead of for the private profit of those who have in some manner taken possession of the wealth of the world. I am enclosing herewith some verses that I believe tells the story; "The March of the Hungry Men."

In view of your expressed views on the war in South Vietnam, I am also enclosing my observations on the speech made by President Johnson on the subject before the Johns Hopkins Hospital group. I contend they are based on facts and the logical conclusions arising from them. It is appalling that more people do not see where we are heading and what is being done to us under the guise of seeking peace and freedom. We are so brainwashed that most of us freeze into spells of fear and hatred at the mention of the word "communism." It is thus our rulers keep us quiet while they borrow and tax us into insolvency, waste the money on unnecessary military splurges. We are told we now have enough atomic weapons to kill every person on earth 25 times, but we are spending $56 billion this year for more military might. Perhaps that is why we are spending more billions on space exploration; we must find some other people to kill in order to keep our military production going.

Doesn't the present military, economic, and political program of our rulers give one the impression we are a nation of fools governed by a bunch of imbeciles? How else can we account for the low standards and ethics of our principles? The motivation of economic and political activities is competition. This is the law of the jungle. Only the strongest and most cunning can succeed. All of our businesses and professions are operated on that basis. "Caveat emptor," let the buyer beware is the rule. The Federal Government, every State, county, city, borough, or other municipal unit has inspectors, investigators, and examiners employed to keep the operations of free enterprise merely legal. There is no attempt to keep them moral or ethical. This causes operation by the rule of the four B's: bull, bluff, bribery, and brutality. Think it over; isn't this the way things are generally done under our system?

I am also enclosing some verses on the kind of political campaign we are inflicted with these days. Each side tries to outdo the other in its denunciation of communism; or tries to convict the opponent of friendship or softness toward Communists. In the present mental and emotional condition of our people that is usually sufficient. But the fact that you and some other Members of the Senate and Congress are telling the truth gives us hope that sense and reason may be restored to our people. Then we can have a Government ruled by truth and justice unclouded by a fog of fear and hatred. But I am afraid as long as we are trying to mix economic royalty with political democracy, the ferment caused, as in all ferments, will bring a scum to the top, with notable exceptions, of course. Thank you for letting me bother you. With all good wishes, I am,

Respectfully yours,

CYRUS A. DAVIS.

COMMENTS ABOUT PRESIDENT JOHNSON'S SPEECH BY CYRUS A. DAVIS, ALHAMBRA, CALIF.

Whoever wrote the President's speech on the war in Vietnam followed closely the precepts of Machiavelli's political doctrines and Hitler's big lie. It was a magnificent exhibition of concealing intentions with words.

First: North Vietnam, which is not attacking the United States, but being bombed by U.S. planes, can have peace any time it accepts the U.S. terms. These are unconditional surrender of the right to give or allow the transportation of any and all assistance to the people of South Vietnam, who are rebelling against the puppet government we imposed on them, in violation of the Geneva Conference agreement. He made it clear and emphatic that we are going to maintain our fight to impose a government favorable to us on the nations of southeast Asia if we have to fight an atomic war to do so. The rest of the speech was an offer of bribes to those who will accept that kind of government.

This is an example of imperialist tactics since the beginning of history. As long as the weak accept the domination of the strong on the strong's terms, they can have peace. This is known as Roman peace as it was first named during the reign of that rapacious empire. It is the kind of peace experienced by a man who is prostrate, with a robber sitting astride his body ransacking his pockets. As long as he submits peacefully he will not be injured. In fact, he may have some of his possessions returned to him as charity. Charity is a salve concocted to ease the conscience of those inflicting and the pangs of those suffering injustice.

When Vietnam was divided into north and south nations, by the Geneva Conference, it was agreed that no foreign government should interfere with them. They were to form their own governments and in 1956 held a plebiscite election to decide if they desired to unite. Foster Dulles, the U.S. delegate at the Conference, refused to sign the agreement and immediately, with the assistance of the CIA, of which his brother Allen was the head, installed a puppet dictator as the head of South Vietnam and moved in our financial and military power to support him. This is the modern form of imperialism. Hitler used it in his attempt to conquer the world. In fact, the name of his Norway puppet, Quisling, is the contemptuous title applied to such characters. The people of South Vietnam rebelled against the dictator and the war started to dislodge him is still going on. The original dictator was ousted and murdered by a palace revolution and military junta installed, which we immediately recognized. This in turn has been followed by several other palace revolutions installing other dictators and military juntas, all of which we recognized and accepted, despite the demand of the people to elect their own ruler. These dictators and military juntas are the peoples governments the President said the Communists were trying to overthrow and we are going to maintain if it starts an atomic war. It has already cost us billions of dollars and hundreds of American lives with no observable benefit, but the President says that unless the people of Asia, and the world, agree to accept and endure this kind of imperialism, we will force it on them or destroy the world in atomic horror. In other words, we intend to rule or ruin the world. It is our way or none at all.

The President stated all he wanted was to establish peace and freedom in the world. We have already described the kind of peace he wants to impose on the weaker nations. Let us examine the kind of freedom the United States is supporting all over the world. Every dictator in the world, upholding capitalistic economy, is on our payroll. Most of them were installed by overthrowing a people elected government with a U.S. organized and financed revolution. Guatemala, Panama, Venezuela, and lately Brazil. All these countries are recognized and supported by us. Chiang Kai-shek helped take over Formosa, where he slaughtered 65,000 of the leading citizens in so doing. The people of Formosa had no opportunity to accept or refuse him. They have never had a chance to vote in a free and fair election whether they want to live under Chiang or join the Communist mainland. Yet under the pretense of protecting their freedom, we are supporting their dictator financially, and keeping the 7th Fleet of the U.S. Navy between Formosa and the mainland to keep the Communists from removing him. We have even coerced the United Nations to seat him as the real China, while inducing it to refuse to admit the real China. The President's freedom is on a par with Roman peace. More submissiveness for the victim and more freedom for the robber.

Suppose the Bay of Pigs invasion had been successful and the so-called freedom fighters had one-half of the island in their possession. Suppose the Russians were helping Castro with air support, including the use of napalm bombs, gas and corrosive acid to destroy villages, farms and vegetation held by the invaders; that the Russian navy captured or destroyed all the ships supplying the invaders with arms and supplies and finally started to bomb bases in Guatemala and Nicaragua, would we accept their claim that they were doing so to bring peace and freedom to Cuba? Our blockade of Cuba and the threat of atomic war on the importation of guided missiles into Cuba is the answer. How hypocritical can we get?

In surveying conditions in our country and the attitude of the President, one is inclined to wonder if we aren't in a throwback to ancient times, and using the methods of these days to solve our difficulties. Bread and circuses of the Roman empire are copied by welfare and pageants; queens are crowned for all kinds of public spectacles; games and parades, radio and TV programs keep them entertained and amused. Doles maintain our unemployed and subsidies our industries. Lately automation has taken the place of millions of workers, both skilled and unskilled. It is estimated that 40,000 workers are replaced weekly by automation. Big corporation profits increase as their labor cost decreases. The result is we have a rapidly increasing army of unemployed. They must be taken care of someway.

In olden days when rulers were affected by such problems they declared war on each other and had the surplus populations killed off. That was easy for old absolute rulers. But in modern times different tactics must be employed, so the people affected will think the war is for some high and noble purpose, or to defend against aggression. Thus we are steeped in false and hypocritical propaganda about peace and freedom and resistance to aggression in order to brainwash us into approving and supporting the war. The President's speech was a fine exhibition of that system in action.

First, he butters up the people generally by announcing a program of welfare covering social security, medicare and education. He will probably get it through the Congress and Senate, by assuring the sponsors of the Members, that it will not be in effect long, if at all, by telling them of his plan to start an atomic war, which will reduce the population to manageable proportions. This is like giving a condemned man a wonderful meal before his execution. So eat, drink, and be merry for tomorrow you may die.

Then he has secret meetings with those members, who are in on the deal, and distributes brochures to them showing how the contemplated war will work. It will diminish the population of both Russia and the United States by from 100 to 150 million each. The extermination will be greatest in the large cities and urban areas where most of the indigent and unemployed live. (See Pearson's column in the Los Angeles Times, Apr. 9, 1965). The President and those in the know will hide in specially prepared bombproof shelters in the mountains in Maryland until the holocaust is over. (See Pearson's column at the time war threatened over Russian missiles in Cuba). Then the President and his cortege will emerge and compel the survivors to clean up and rebuild the shattered cities for the privilege of living. This is the Fascist dream.

All this could be averted by allowing the people of each country to have a free and fair election in which they could choose their own rulers. If they wish to go Communist, it should be their privilege. If they do not wish to remain Communist, they can revolt against that regime as well as they can against puppet dictators. Then we can help the people instead of the puppets. It is as simple as that. No rigged or ex parte elections will do. They should be conducted by the league of nations through a committee composed of members of every economic and political belief. No election under the supervision of the army of a supposed neutral nation will do. The election in Greece under the British Army supervision was rigged to return 70 percent for the royalty ticket, according to the officer in charge as related in Reynolds News. Then after a free and fair election, the chosen leader should be protected against any machinations to start a revolt against him, no matter what ideological group seeks to remove him. It should be lawful to remove him by a vote of the people or the organization authorized to do so; like the vote of no confidence in England, or the vote of the politburo in Russia. The people of every nation should be allowed and protected in advocating and voting for any political or economical party or program they desire. And each party should be given equal and protected time to expound the tenets of their doctrines. That is real democracy.

Two world wars in which hundreds of millions were slaughtered and trillions of property destroyed hasn't taught us anything. Three-fourths of the world's population live in poverty, including one-third of our own. Our Nation and all of its municipal parts are in debt up to their ears and going deeper. Crime and unemployment are increasing daily. Most of our agriculture and industries are maintained by subsidies. The only remedies we are offered is more borrowing and spending and war on communism, which wants only to take and use the natural resources and industries of the world and operate them, not for the accumulation of individual wealth but for the general welfare. They want to substitute cooperation for competition in the economic affairs of the world. We are taught that makes them our enemies, even of our religion. I wonder if those who recite the Lord's Prayer "Thy Kingdom come, Thy Will be done on Earth as it is in Heaven" do honestly believe that God concessions out the properties and services necessary to the operation of Heaven to His favorites to exploit the population generally; or do they think He throws such concessions up for grabs so the strong and cunning can get control of them and use them to get wealthy at the expense of others. Don't you think we should reexamine our political and economic programs?

POLITICAL SESAME: A LA NIXON

(By Cyrus A. Davis)

It used to be a problem in this great Democracy,
To acquire success in politics or fame of a degree,
As a radio purveyor of scandal, news and such,
For as columnist or writer it required a certain touch.
There was need of education and an understanding mind,
With a wide vocabulary of a strong convincing kind.
There were many weighty issues; many questions were involved,
And political aspirants were assessed on how they solved
These ever pressing problems in the political lists,
But all they need today is curses for the Communists.
The old time politicians who made the welkin ring,
With their mighty perorations of the good their rule would bring,
Now are stilled; for none will listen to the issues of the day,
Though the Elephant may trumpet and the Donkey loudly bray,
From the sun of California to the rock bound coast of Maine;
From the mountains to the oceans; from the city to the plain,
Every platform, stage and pulpit, business, labor, racket, farm,
Sounds and echoes to the clamor of the unending alarm,
Of our self appointed Saviors grinding propaganda grist,
Like a broken record playing, Communist, Communist.

We sometimes miss the glamor of the old red light parade,
And the old spell binding speakers who their eloquence displayed.
As they extolled their virtues and denounced opponents claims;
Pointed to their deeds and honors and exposed their rivals shames.
But today the politicians are more sinister and sly,
And conceal their real intentions in a patriotic lie.

They cannot expound a thesis in which they are so unversed,
So they just repeat a slogan in which they have been rehearsed.
To hide their lack of learning they scream and shake their fists,
And denounce all their opponents as a bunch of Communists.
If you seek for fame and fortune in the varied ways of men,
There is one unfailing system to extoll your tongue or pen.
You don't even need to spell it or define or understand;
No one asks for explanations; all debate on it is banned.
You can charge, accuse, and slander; disregarding truth and facts,
Without fear of an accounting for the results of your acts.
All your writings will be published; your opinions hailed as wise,
Even though they lack coherence—Heaven help him who denies.
Fame as a news commentator or note as a columnist,
Waits for him who tries to teach us how to hate a Communist.
Let us do away with wisdom, all the arts and liberty,
Lest they delude and lead us into true democracy.
What's the use of constitutions or the brotherhood of man,
When they provide protection for the communistic clan?
Who depend upon our justice and rely upon our truth,
Till we destroy our heritage in fighting them forsooth.
For despite all our denials, here's a fact that still persists,
We are losing truth and freedom in our war on Communists.

THE MARCH OF THE HUNGRY MEN

(Blessed are the poor for theirs is the kingdom.)

"The lowly of earth are stirring,
Like a giant aroused from sleep.
As the host of a storm advancing;
The rumble grows steady and deep.
Give heed to the crowding masses—
From desert, dungeon, and den;
The tramp of the earth's forsaken;
The march of the hungry men.

"For the promise of old they gather;
From the jungle and cave they came;
Crawling, falling, and struggling;
Through slaughter, famine, and flame.
They follow their crucified leaders
To battle with tongue and pen—
For the heritage God has promised
The army of hungry men.

"In the ease of their downy couches—
Through the dreams of their pampered sleep;
The Lords of the World are tossing,
As terrors upon them creep;
The clamor of starving millions
Is ringing from crag and fen;
While the city canyons echo
The tramp of the hungry men.

"In vain are the pleas to Jehovah;
In vain the diversion of war;
The people ere girding for battle
Ask—'What are we fighting for?'
For quarrels and spoils of the Masters,
They will not be puppets again;
But march now as brothers united;
The legions of hungry men.

"Through the fear of created darkness,
As the dawn invades the night;
They are coming, as it is written;
Their banners ablaze with light.
Tomorrow—as God has promised,
Will come the fulfillment; when
The kingdom will be given
To the hands of the hungry men."

They ask for bread and we give them bullets; for the wounds of oppression we offer the salve of charity. But eventually and inevitably, individually and collectively, we must account to and settle with eternity on the basis of truth and justice.

NAPA, CALIF.,
April 11, 1965.

Hon. ERNEST GRUENING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: Our heavy hearts were eased by your informed and concerned plea for a cease-fire in Vietnam, at the San Francisco Masonic Auditorium Sunday, April 4. We indeed share your view that this is the most rational and feasible means of creating the proper climate for realistic negotiations. The American Friends Service Committee and other sponsoring groups, felt that the very responsive audience of over 2,000 was the largest peace meeting they could recall here.

The periodic standing ovations must have convinced you of audience support and determination to pursue every channel to persuade our Government to reverse its blindly dangerous military policy in Vietnam.

While the President's address at Johns Hopkins University, had some hopeful aspects, the consensus here was that the administration's position was too self-righteous and we were still pugnaciously assuming the role of "world policeman"; that those even slightly informed on the background of Indochina simply cannot accept the dishonest propaganda reiterated so blatantly to sell our war strategy; that it is demeaning to one's intelligence.

A large group here met Saturday night, April 10, to hear a radio rebroadcast of Steve Allen's objective coverage of the Vietnam dilemma. Their expressed hope was that such rationality as you and he detailed should be accessible to all the Nation and that our policymakers ponder and implement this wisdom even at this late hour.

Again, we greatly admire and respect the effort, traveling-strain and time involved, which you have contributed so generously for our country and the world. We earnestly pray for your continued health and strength.

Gratefully,

MRS. GRETA SLATER.

P.S.—There are many antiwar projects scheduled throughout the bay area for all the coming weeks and all those around us are expressing marked enthusiasm to participate.

NAPA, CALIF.,
April 13, 1965.

Hon. THOMAS KUCHEL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: In response to your letter received today on South Vietnam enclosing your views as outlined in speeches to the Senate, I am enclosing copy of my letter to Senator GRUENING. This expresses generally the feeling of all those we know and that of the various groups to which we belong.

In fact, the opposition to our Government's military policy in South Vietnam is so general it is noticeably uniting the common voter of both parties in this shared protest. This feeling has been so predominant that many have expressed loss of confidence in achieving world peace through political channels and are delving into the potentials of a genuine people to people's movement.

Qualified authorities on southeast Asia have made frequent references to the book, "The Battle of Dienbienphu" by Jules Roy (Harper & Row); also to "France Against Herself" by the Swiss author Herbert Luthy (Praeger, New York). It is planned by many interested here to have these books reviewed shortly at a meeting concerning our Government's most unpopular military policy in Vietnam.

In conclusion, the common comment is that one can not recall a situation where opposition to Government policy has ever been so unequivocal, articulate, and widespread as their position on South Vietnam.

Sincerely yours,

MRS. G. M. SLATER.

(Senator WAYNE MORSE, we were not eased much by President Johnson's speech at Johns Hopkins University. Everyone is terribly frightened at his adamant stand to pursue the killing policy.)

CLEVELAND, OHIO,
April 15, 1965.

SENATOR WAYNE MORSE:

[From the Cleveland Plain-Dealer, Apr. 14, 1965]

IT'S UP TO CONGRESS

The language of the President's speech on Vietnam was eloquent, but unrelated to the realities of the situation. If a resolution were introduced in Congress to declare war against North Vietnam, the American people would overwhelmingly oppose it.

The Congress of the United States has no right to place the responsibility or authority for this conflict upon the President. The Congress has no right to pass resolutions giving the President the equivalent of the power to declare war.

The Vietnamese want the Americans to get out of Vietnam, and that is what we should have done long ago. France won't support the United States position and other NATO allies have given at most token support. It is not our responsibility to go it alone in Vietnam. If we continue to do that, we shall be embroiled in wars all over the world.

Sincerely,

HARRY A. BLACHMAN.

UNITARIAN UNIVERSALIST FELLOWSHIP FOR SOCIAL JUSTICE, LOS ANGELES CHAPTER, LOS ANGELES, CALIF., RESOLUTION ON VIETNAM, APRIL 6, 1965

"Whereas President Johnson was elected on a peace mandate and should respect the opinions of those who elected him;

"Whereas the presence of United States forces in Vietnam is in defiance of the Geneva agreements;

"Whereas we are shamed by the actions of our country in Vietnam and revolted by the dishonest excuses and pretexts for this aggressive foreign policy;

"Whereas the North Vietnam Government does not control the National Liberation Forces which are a legitimate and real movement of the South Vietnamese people;

"Whereas our involvement in support of military dictatorships is indefensible;

"Whereas the killing of men, women, and children and the use of chemical warfare on the false and arrogant assumption of defending democracy outrages our moral senses;

"Whereas the bombing by the United States of a sovereign country could very well end in a nuclear holocaust for all of us;

"*Therefore*, We demand of our Government an immediate cease-fire in Vietnam and withdrawal of United States forces from that country."

This resolution to be mailed to: President Lyndon B. Johnson, Vice President HUBERT H. HUMPHREY, Senator J. W. FULBRIGHT (chairman of Foreign Affairs Committee), Representative THOMAS E. MORGAN, (chairman of Foreign Affairs Committee), Secretary Robert S. McNamara, Secretary Dean Rusk, Senator THOMAS H. KUCHEL, Senator GEORGE MURPHY, Representatives of southern California and other leaders in our Nation.

Flushing, N.Y., *April 17, 1965.*

President Johnson,
The White House, Washington, D.C.

Dear Mr. President: I agree with Senators Gruening and Morse that the war in South Vietnam is a civil war, that America has flaunted the Geneva Convention of 1954 and that we are aggressors.

With this concept of the actual conditions, "unconditional discussions" merely sounds like a maneuver to shift world public opinion away from them toward us.

Unless your humanitarianism and compassion, so magnificently demonstrated in your struggle for the Great Society and civil rights extends, not only to all Americans, but to all the world, you and your administration will be condemned now and in the future, if there is any, by enlightened mankind.

I urge an immediate cessation of the bombings. I urge an immediate reevaluation of our policy in South Vietnam. I urge you to focus your compassion, humanitarianism, and great powers of leadership on a genuine struggle for peace in that area of the world.

Sincerely,

Benjamin Matz.

Lansdowne, Pa.

Dear Senator Morse: I am very much in opposition to the President on his Vietnam policy. I think the bombing should stop at once and all policy should be taken to the United Nations. There shouldn't be unilateral action in such a matter—that is for the body that represents the people of the world.

Even more am I in opposition to those who would start a preventive war—who will use some excuse to bomb China.

Johnson's blank check to use force in Asia should be revoked. I'm glad you and Gruening voted against it but am frightened that everyone else went along.

Sincerely,

Charles Butterworth.

Peterborough, N.H.,
April 12, 1965.

Dear Senator Morse: Thank you for your courageous stand against our present policy in Vietnam. I agree with you and support your ideas wholeheartedly. Do please continue to press your points until we persuade our President to order cease-fire.

Most sincerely,

Emily B. Anable.

Senator Morse: I am fighting this battle until somebody like you tells me that it is in the national interest to desist.

Key West, Fla., *April 15, 1965.*

Hon. Spessard L. Holland,
Washington, D.C.

Dear Senator Holland: I have the greatest sympathy for those of you up on the Hill who have to find "yes or no" answers to such awesome questions. I would do nothing to make your task more difficult. I also appreciate highly the gracious manner in which you express your dissent from me in the matter of Vietnam, and hope that I am reciprocating.

Like you I deplore foreign aggression, international illegality, terrorism, hoodlumism, and the violation of solemn commitments by anybody, but I deplore them most when they are perpetrated in my name by my Government.

The most honorable commitment we made with respect to Vietnam was the promise not to interfere in the implementation of the Geneva agreements of 1954. This promise was not kept. For details I refer you to the enclosed document, which I have hesitated to send you because the reproduction is so bad. Key West weather, perfect for most purposes, is not very friendly to gelatine sheet duplicating machines.

My concern is that Americans know all the pertinent facts. In this matter both the administration and the news media have been remiss, and we cannot have democratic solutions to problems on these terms. To anyone aware of the facts, the President's recent presentation must seem something less than completely straightforward; this opinion seems to be shared by the most perceptive of our news commentators.

Of course we have the power to destroy Vietnam, and we probably shall. But we shall live to be sorry.

Sincerely yours,

Mortimer Graves.

New York, N.Y.,
April 15, 1965.

The Honorable Senator Morse,
Washington, D.C.

Dear Senator Morse: We are all for you against U.S. policy in Vietnam. We pray every hour that the bombing and killings be stopped immediately.

We appeal to your influence to stop the war in Vietnam.

Sincerely,

Ann Chung.

Santa Cruz, Calif.,
April 12, 1965.

Dear Senator Morse: This is to extend to you my most deep gratitude and support—as one of the pitifully few voices of society in our legislative body—on the subject of Vietnam—in the past as well as in the recent escalation of our war there. Since the mandate given to Mr. Johnson by thousands of us, particularly women, last November, we have to stand by and see the very policies we thought we were voting against, in the period of the (undoubtedly) Mr. Goldwater, being followed by what we now realize was the very directives from the military-CIA-industrial complex of which even Mr. Eisenhower was moved to rebel against, as he was leaving office as President. There are thousands of others, unquestionably loyal, well-informed, and courageous citizens who also have been speaking out as groups and individuals for a reappraisal of our whole foreign policy, but their real power is as nothing, compared to a small, powerful group in the State Department, and related governmental departments, who arrogantly take into their own hands, and successfully, perhaps, the fate of the whole universe itself. As you said at Stanford recently, we are entering the stage of intensified war propaganda. Thank you for thinking for ourselves.

Gratefully,

Rullo Robertson.

[From the New York World-Telegram and Sun, Mar. 15, 1965]

VIETNAM ANALYSIS: MAJOR WAR IS NEAR

(By Richard Starnes)

The imminence of a major war in southeast Asia is now generally assumed throughout the Government and diplomatic establishment in Washington.

Recognition of the war threat has grown with the silent speed of a malignancy, until it has invaded every chancery and quasi-official listening post in the Nation's Capital. The same alarms have been sounded before, but never with the urgency that has followed the ominous events that have taken place in the fortnight since the State Department's "white paper" sought to justify war against North Vietnam.

The white paper itself was regarded as a fateful portent, at least partly because of the obvious haste with which it had been cobbled together. Reasoned analysis of the document shows that it actually proves the reverse of what it set out to prove. The magnitude of the civil war in South Vietnam simply cannot be made to parse with the white paper's account of North Vietnamese intervention—even accepting the State Department document at face value.

The reality, which is no secret to anyone who has taken the trouble to tote up admitted weapons losses by South Vietnamese units is that Vietcong guerrilla forces are largely equipped with captured U.S. materiel. Even accepting the white paper's wholly unsubstantiated reckoning of the total number of North Vietnamese guerrillas who have been sent to the south, it is plain that the Vietcong guerrillas—like their weapons—originate largely in South Vietnam.

This reporter recalls sharing a helicopter mission in the Mekong Delta with a pilot whose plastic crash helmet had been neatly holed by a direct hit from a Vietcong sniper a few days earlier. The young man's head was still intact because in that day the Vietcong was still using homemade weapons of short range and low velocity. They gradually upgraded their arsenal by capturing (or otherwise obtaining) U.S. weapons, and nothing in the State Department's long-winded indictment can shake that fact.

(Note.—In this connection it is worth recording that the U.S. white paper, which listed captured supplies of Communist origin down to 16 sweaters manufactured in Ha Dong, North Vietnam, does not list items of U.S. origin recaptured from Vietcong units. The reason is clear—the ratio of recaptured U.S. arms and captured Communist arms would accurately reflect the actual equipment ratio of the guerrillas. It would show what every expert knows to be the case—the Vietcong war against the Saigon governments is self-supporting to an overwhelming degree.)

This is a tedious recital, to be sure, but it is a vitally important one, for it peels away the veneer of sham that seeks to justify the expansion of the war in southeast Asia. There is no basis in objective reality for believing Hanoi could stop the war in the south even if it wanted to.

There is, on the contrary, ample reason to believe that the mass of Vietnamese on both sides of the 17th parallel fervently wish the round-eyed warriors would pack up and go home.

Buddhists, who make up 70 percent of the population of South Vietnam, have expressed this wish forcefully. More than that, the continuing success of the Vietcong testifies to the measure of support it finds among the peasants of South Vietnam—support that no guerrilla war can do without.

In contrast, none of the clandestine forays by which CIA-trained infiltrators have sought to turn the tables on Hanoi has borne any fruit. This fact is as eloquent as it is cheerless.

Like the rest of the truth about the war in southeast Asia it cannot be obscured by any State Department preachment. It belongs among the realities that Americans ought to be asking questions about, but apparently aren't.

Write President Johnson, your Senators, Congressmen, and your newspaper today.

Join the demonstration for peace in Vietnam, Saturday, April 10.

AN APPEAL TO THE CONSCIENCE OF AMERICA FOR PEACE IN VIETNAM

With the Easter-Passover season at hand, the world finds itself on the brink of a major war in Vietnam. The escalation of the war has brought destruction and death to countless Vietnamese men, women, and children, as well as many Americans. World opinion cries out against this brutal and senseless war—a war that cannot be won with napalm, bombings, and gas. A spiraling exchange of blows and counterblows in Vietnam can lead to a nuclear war involving the United States, China, and the Soviet Union. The present tragic conflict can only be resolved by political, not military, means. Join with us in calling for an immediate cease-fire and negotiated settlement of this war. We fathers, mothers, and children, from all over the New York area are walking with this world-famous pediatrician—dedicated to life and peace—to make our voices heard for peace in Vietnam.

We start our walk from Columbus Circle at 1 p.m., Saturday, April 10. We walk to the United Nations, 47th Street and 1st Avenue.

Hear Dr. Spock and other speakers.

Pope Paul VI appeals for "Use of the United Nations in promoting mediation of disputes and restoration of peace."

U Thant calls for "Discussions and negotiations which can create conditions which will enable the United States to withdraw from that part of the world."

Senator Javits says his mail is running 15 to 1 against our policy in Vietnam and that most Congressmen's mail opposes continuation of the war.

Senator Frank Church, Idaho: "We lost 157,000 dead and wounded in Korea. It cost us $18 billion. But, in the end, we had to go to the conference table for a political settlement. So it is with southeast Asia."

Defense Secretary Robert McNamara said: "120 to 149 million Americans would be killed in a nuclear war."

Walter Lippmann: "If the warhawks prevail and we become involved in a big war, they will rejoice. In the end the people will weep."

Write President Johnson to stop the widening of the war, seek a cease-fire, negotiate an international settlement.

Sponsored by: New York and New Jersey Council for a Sane Nuclear Policy, 17 East 45th Street; Women Strike for Peace, 151 East 50th Street; Metropolitan Branch, Women's International League for Peace and Freedom, 37 Washington Square West; Student Peace Union, 5 Beekman Street, New York City.

Neffsville, Pa., *April 14, 1965*.

Dear Mr. Morse: Wish to commend all who are putting forth an unending effort toward negotiations in the trouble spots of our war weary world.

"War never settled anything."

Prayerfully yours,

Mary M. Pfoltzgraff.

Neffsville, Pa., *April 14, 1965*.

Dear Senator Morse: It is heartening that you are working for the beginning of negotiations in Vietnam.

Thankfully and prayerfully,

Mrs. Calvin A. Lefever.

Springfield, Ohio.

Dear Sir: I would like to commend you for taking the stand you took in South Vietnam, and how much courage you took it with.

As of a 14-year-old boy if my prayers mean anything to you, they are always behind you. I do know our God.

Please as you make decisions think of peace.

God bless you.

Yours truly,

Dale Parks.

Baltimore, Md.,
April 16, 1965.

Dear Senator Morse: I just heard your speech at Johns Hopkins the other week, and I would simply like to reinforce the balance of your mail in favor of your courageous and circumspect position. (I agree with you on a good number of issues at any rate.)

That a man like yourself can continue to be elected to the National Government strengthens my faith in the system.

God help you, though, if you must rely on an insignificant few million Vietnamese peasants to get a new dam for the State of Oregon.

Sincerely yours,

Anthony M. Paul.

Everett, Wash.,
April 15, 1965.

Senator Wayne Morse,
U.S. Senate.

Honorable Sir: We have admired you and Senator Gruening for your outspoken efforts to get the United States to hand the problem of Vietnam over to the United Nations and to get our troops out of there.

However, Technocracy, Inc., informs us that in the past 25 years, the United States has spent $980 billion, $973 million, for war, and preparation for war.

Technocracy, Inc., has suggested that if war seems to be such a necessity to our economy, that we should declare war on the millions of square miles of the Pacific Ocean, as this would be an area that could never surrender, nor fight back, and it could absorb all of our production for many years to come.

Having peace would make it imperative that we solve some of our domestic problems, perhaps this would involve social change, and we could start creating a civilization that would be worthy of man's intelligence.

Enclosed please find some of our literature, for your earnest study, and comment.

Please continue your efforts to get the Vietnam war stopped.

We thank you in advance, for your reply.

Very truly yours,

David E. Livingston.

[From the Technocracy Briefs]

Sabotage by Planned Apathy

For many years Technocracy has warned the people of North America that the arrogant disregard for basic social and physical trends, at home and abroad, by the front men for the North American price system would jeopardize the security and welfare of North America.

Since the launching of Russia's sputnik we have suddenly heard a great deal about science and technology, and their fundamental importance to this continent.

Thirty-seven years ago Howard Scott, director in chief of Technocracy, Inc., was interviewed by Charles H. Wood, associate editor of the New York World, on the subject of the social effects and importance of technology on this continent. During that interview, on February 26, 1921, Mr. Scott outlined the key to the unique social problem before North America. The Technical Alliance, of which Mr. Scott was the director, was composed of leading technical personnel of North America, and had, by 1921 developed a clean technological perspective of social and physical trends in this civilization. Mr. Scott's technological views of social affairs astonished Mr. Woods; for example, that North America's problem was really an engineering problem, not a political or financial one. Such astonishment was not justified by the facts that were available even 37 years ago; it was the measure of how far ahead of social thought Technocracy has always been in its views of social affairs. Time and events have vindicated Technocracy's position and original statements.

Technocracy, Inc., since its inception as a field organization, formed to carry on the research-educational program that was begun in the winter of 1918–19, has continued to convey an accurate picture of developing trends affecting this continent. More than that, Technocracy, Inc. has given the people of North America the organizing vehicle to do something about their problem.

The central problem before North America is the conflict between science (and the requirement of scientific social operation) and the obsolete methods of the price system. At an incalculable cost, which is only now becoming apparent, politics and business have kept the price system afloat for the past 20 years—years in which a new social system should have been born and flourishing. The measures which have been taken in the framework of the price system to prevent the arrival of a technological social control in North America constitute the worst example of calculated sabotage against a social area in recorded history. At no time in history has so much been at stake for so many people.

A succession of arms programs and wars, which have proved useless, and were declared so by Technocracy before we became involved in them, gave temporary relief from the depression. These moves to preserve the price system have kept people fat, dumb, and happy for the past few years. And though many of them knew better, today they are not above pleading ignorance. At any rate, all of us now are reaping the fruits of price system sabotage and the social emergency that has been created.

LACK OF OBJECTIVE

Now that some of the arrogance has been knocked out of us by current events on the international scene, some people are giving pause to look at our social circumstances a little more objectively than in recent years. Outstanding is the total lack of a national objective of any kind. There is no social unity, and little national pride except in our bigness and in certain philosophic words, phrases and ideas that no longer apply in this age of science. These things aren't reason enough in a world that is moving as fast as this one. The cult of individualism, which we think we believe in, but which in fact we can't even practice, dominates the social attitude required to survive and progress upward and forward in this scientific era.

We are finding that it was most unfortunate to allow reactionary minorities to intimidate and belittle those individuals who could appreciate and work with science; and to make science almost a dirty word to citizens of this continent, especially the youngsters. It is too bad that the social consciousness of the average youth is at the moronic level of burning rubber from the tires of his "hotrod" or listening to "rock 'n' roll." Among the older generations, it can't seem to be so smart any more to have "sold out" to the price system in an attempt to amass a few pieces of shoddy goods and an inferior dwelling, most of which aren't paid for now and probably won't ever be paid for in full. All of those hours in a semistupor before the television set don't seem to have been wisely spent either. The past critical years have been marked by a succession of mistakes, individual and national. They add up to an extremely high social price for this continent. It's pretty hard to pin the responsibility for the sabotage of this civilization on any particular group of individuals. Too many people have welcomed it, and participated in it.

A SCIENTIFIC INTEREST

If, today, we are to consider ourselves in scientific competition with the Soviet Union, we are in pretty sorry straits, for we are pitted against a people in whom a lively interest in science has been generated. These people are moving collectively to accomplish certain national objectives. According to reports, they seem to be getting a kick out of what they have done and are doing. What we think about their brand of politics couldn't matter less under the circumstances. On the other hand, we of North America are about as unorganized for any social objective as we can be and, furthermore, we are without any evident desire to get organized. Technocracy, for years, has been addressing with telling effect only a minority of the citizens of this continent. We are just beginning to emerge from a period of years when it didn't make the slightest difference to more than 95 percent of the population how correct an analysis one might present; people weren't interested. Nevertheless, Technocracy, Inc., has built and maintained under the most difficult conditions for its type of thought a nucleus of personnel to whom nothing that is occurring on the North American scene is a surprise. What some people are becoming alarmed about is "old stuff" to Technocracy and Technocrats.

In less spectacular, but more socially important, ways than by beating the United States in the ballistic missile field, the Russians are acknowledged to be forging ahead of the United States. While the social system of the United States has been making salesmen, the Russians have been making scientists. While the emphasis in Russia has been on science, the emphasis in the United States has been on business enterprise.

In comment on international affairs more than 20 years ago, Howard Scott told an audience in New York, and since then he has repeated it many times at public meetings across the continent, that: "If the United States, in the conduct of its foreign affairs, continues to be dominated by the policy of business expediency, the day will come in the next three decades when the United States will be compelled to eat international dead crow served with Russian dressing and Tartar sauce." We are now being forced to eat a liberal serving of this international dead crow. It doesn't taste very good.

ARROGANT DISREGARD

Collectively, North Americans have looked upon their great land area, which they have regarded as their birthright, only as a wonderful opportunity to exploit for their personal benefit. This idea has been hammered into them by the educational system, politics, business, and numberless other sources from the time they were first able to read and understand words. For a time this continent was able to tolerate such a social attitude, despite the damage that it inflicted upon natural resources. A loose political control favored and rewarded the most adapt chiselers. Graced with a great wealth of natural resources and an accommodating climate for the white man, North America has fostered the growth of a mighty industrial civilization, which grew at a tremendous rate with the application of technology by technically trained personnel. The rate of growth soon rendered obsolete the social attitude and the price system of the continent. But that occurrence has not stopped us from continuing to use the old system. Therein lies the crucial conflict. It is a battle to the death for one or the other. No one can say with absolute certainty what the final outcome will be. We do know that we live by science and technology; therefore, the decision of each North American had better be in favor of these social forces. Our utter failure, as a people, to recognize the problem and to act is pushing us into the category of a second-class power, with the prospect of much worse social consequences to come, unless there is a widespread revival of social consciousness.

Since the North American Continent is without a governing mechanism that is capable of supplying the leadership and direction required to guide us out of the present mess, the question arises: What can anyone else do about it?

At some point in time in the future, probably all too soon, the mass of people on this continent is going to be jolted into action by the pressure of events. When this mass movement begins, it had better be directed by an organization that knows the score. As conditions become more intolerable, a social ferment will develop, producing the mass movement which will be largely devoid of intelligent understanding.

While Technocracy, Inc. is not designed to be a governing mechanism, Technocracy, the method, is so designed. When we consider that 40 years of engineering and scientific research have gone into Technocracy, we begin to understand why it is qualified to discuss comprehensively, and with the correct insight, problems before North America. What we are attempting to make clear is that we North Americans have a course of action to take to solve our problems. Technocracy is born of science, it is being presented in an organized way, and its organization has the leadership to see us through social change on this continent. What more do we want?

So What? Here's the Answer

America, the greatest potential on earth.

America menaced by inefficiency at home.

America demanding action.

Americans can and will solve this riddle of disaster and inefficiency on this continent of abundance.

America is in the midst of a struggle to fulfill its social destiny—a destiny made possible by its wealth of resources and technology. We are in the midst of a battle between the old and the new—scarcity versus plenty; hand tools versus technology; the status quo versus social change. Political bungling must be replaced by flow-line social control. Confronted by this battle, every American sooner or later must make the choice of either futile apathy or active assistance—or America will go under.

BUILDING THE NEW AMERICA

Only Americans under American leadership can build the new America. No importations of European social philosophy—communism, socialism, fascism, clericalism, or any other "ism" can be permitted to retard America's progress. A new technique of social operation is required. North America alone has the tools and the trained men for this technique. Technocracy lays the issue squarely upon the American people. You cannot escape responsibility.

TECHNOCRACY

Technocracy had its origin in the Technical Alliance in 1919, when prominent technologists, scientists, educators, and engineers under the leadership of Howard Scott, chief engineer, began the study of the impact of technology on our social structure. The method of social analysis and research founded at that time has made many important contributions to the design of the new America. To enable the expansion of its work, to make possible a general understanding of its principles and purposes, and to guard against distortion and subversion by abortive organizations its leaders organized Technocracy, Inc., with Howard Scott as director in chief.

Technocracy, on the basis of exact scientific data, projects the operating design for the new America. This is the first time in history that such a design has been projected. This planned social operation is technological in structure and will replace political and monetary methods with a system in which the design itself will be the determining factor. Technical achievement will be raised to the highest possible level and used to serve all citizens in an adequate and impartial manner.

Technocracy was the first to point out that our modern technology, coupled with the vast resources of this continent, makes it possible to increase production so that we can provide an abundance of goods and services to meet all the requirements of each and every North American.

Technocracy builds on the solid rock of fact and is not involved in emotional vagaries or political chicanery. It invites sincere individuals to make an earnest study of its factual approach to America's social problem.

Technocracy's social design includes the entire North American continental area, with its enormous wealth of physical resources, for purposes of operation and defense against foreign aggression. This area of over 10 million square miles must be consolidated and operated and defended as one unit.

EVERYTHING TO GAIN

Here are some of the results to be realized by operating this continent on the basis of a planned, technological social design:

Standard of living: A higher standard of living for everyone—highest in the world. All productive capacity would be released from artificial restrictions. A maximum, unrestricted distribution would be made to all citizens without differentiation in incomes, based on the total goods and services available in any given time period.

Housing: Redesigned housing—machines for living—for the entire population, measuring up to the standards of modern technology. There would be no mortgages, taxes, or financial assessments.

Hours: Reduction of working hours in direct ratio to the diminishing total of man-hours required. Ultimately, under planned operation, hours could be reduced to 4 hours per day, 4 days out of 7.

Retirement: Full income, after retirement, until death. This is not an old-age pension, but continued participation in the abundance of available goods and services.

Production: Capacity operation of physical equipment on a balanced-load basis.

Education: Education of a new, high standard for all up to the age of 25 with specialized training for all in chosen fields.

Health: Full medical and dental attention for everyone as a compulsory service through the continental public health sequence.

Freedom: Full opportunity for everyone to spend leisure time in any manner desired. Freedom from restraint in religion, speech, culture, sports, and hobbies.

Opportunity: Equal opportunity for every boy and girl, every man and woman, to take his or her place in society to the degree of his or her attainments and ability.

Charity: Elimination of the necessity for public and private charity handouts and poorhouse methods of subsistence.

Money: Elimination of money and consequently of debts, taxes, insurance, etc.

Politics: Elimination of the inefficiency of politics through replacement by a system of operation based on the ability of the citizens to perform and to accept social responsibility. There will be a vertical alinement of functional capacity in all branches of social service and for the first time in history the individuals charged with responsibility will continue to hold their positions only on their demonstrated ability to serve their fellow citizens.

Utopia? Sounds like it; but technocracy does not guarantee to make people happy—only to provide abundance, security, and freedom from toil through an efficient operating design.

THE TECHNOCRACY ORGANIZATION

Technocracy states that a social transition of such a magnitude and of such a nature neither requires nor permits of a revolution or a coup d'etat, but must proceed within the channels of a planned and orderly progression—that progression which is unique to this Continental Area. The failure to accomplish this imperative demand of our advanced technology will bring chaos to the North American Continent.

Technocracy, Inc. is building a trained and disciplined organization capable of meeting the demands of the march of events. This organization—the technological army of the new America—is designed to show the people of this continent how to assure the continued functioning of the equipment on this continent. A severe break in the continuity of our physical processes would spell chaos. Such an organization requires the participation of all types of people. Individuals who are citizens may obtain membership. Aliens and politicians are barred.

Technocracy, Inc., at its continental headquarters and through its units in the field, publishes several periodicals and a variety of standard official literature; these are available to interested persons.

Read. Learn. Participate. There is no time to be lost. The battle of America—the battle against poverty, malnutrition, scarcity, and disease—will have a greater effect on history than all the battles of Europe. Enlist now before you are drafted by the march of events.

To: All North Americans.
Subject: Information On Technocracy.

Greetings, fellow North American, Technocracy is receiving the attention of an ever greater number of citizens of North America as the trends today bear out Technocracy's observations of many years ago.

There is a growing apprehension among North Americans concerning what the future holds for them. You may recall that Technocracy was first by many years to point out the fundamental conflict between North America's growing technology and its price system. This conflict now has assumed the proportions of a death struggle as to which will survive, with the life of every citizen of this continent at stake.

For your convenience in learning about Technocracy, we are attaching to this letter a subscription order to Technocracy field magazines.

We trust that you will appreciate the literature enclosed on Technocracy, and we suggest that you contact this organization for more information without delay. Technocracy plays North America to win. How about you?

Very truly yours,

TECHNOCRACY, INC.

SWARTHMORE, PA.,
April 11, 1965.

DIRECTOR, BUREAU OF INTERNAL REVENUE,
Washington, D.C.

DEAR SIR: I am enclosing a check for my 1964 income tax (balance due). As I wrote last year, I have strong feelings about so much of our tax money going for the military. In particular I wish to register my objections to the Government foreign policy on South Vietnam, which seems very wrong. I support Senator WAYNE MORSE in all he has to say on this situation. There are many others who feel the same way and I expect to join some of them (my Quaker friends) on April 17 on the protest march in Washington to end the war in Vietnam.

I am glad that the President is offering unconditional discussions on the matter. I hope that the aid we give will not be unilateral and that the goal will be to seek a reunification of Vietnam through a United Nations trusteeship.

If withholding tax money would help I think I would have the courage to take this step, but I know that the money would be taken from my bank account with an addition for interest, so that in the end the Government would have more money.

I applaud the Government's efforts in education, medicare, etc., but not war and destruction.

Sincerely yours,

MRS. MARY C. FOSTER.

P.S.—In checking last year's income tax form I discovered this 1963 withholding statement which supposedly had been sent with my form and check last year. I also have the copy for my records. Perhaps it is a duplicate.

Copy to Senator MORSE.

DEAR SENATOR MORSE: I was thrilled with your speech (on film) shown at this rally at Swarthmore College. I admire your continued courage to speak out. There are many who feel strongly against our Government policy on Vietnam.

P.S.—I carried this with me to Washington yesterday when I went on the protest march on Vietnam (but didn't pass a mail box). It was thrilling to be a part of such a large gathering but today I wonder, How can we really make our voices heard and have things changed? God forgive us for what we have done and are doing.

MARY FOSTER.

Some of the children in our group said the police tore down the message that the leaders of the March posted on the doors of Congress but a wire was also sent to the President.

SWARTHMORE COLLEGE,
April 1965.

Contradiction and confusion have been the norm of the war in Vietnam. There is hopeful talk of negotiations from both sides, but there has been in recent weeks a steady expansion of the war by the United States.

We must assess events of the past months and closely examine the directions of conflicting policy. We must, as citizens deeply concerned about peace, consider possible courses for the future.

Therefore, while registering our protest of present policy, we are following the examples of the University of Michigan, Columbia, Temple, and the University of Pennsylvania by calling for a teach-in at Swarthmore on April 7 from 8 p.m. to 3 a.m. The proposed program includes speeches by professors and outside experts and general discussions in which all may participate.

Solomon E. Asch, psychology; Robert Barr, dean of men; Carl Barus, engineering; Monroe C. Beardsley, philosophy; George T. Beech, history; Andrew Boelcskevy, German; William C. Denison, biology; John R. Dixon, engineering; Lewis R. Gaty, economics; Walker Gibson, English; Mark A. Heald, physics; Olga Lang, modern languages; Erika A. Mares, mathematics; David Wiesen, classics.

John A. Nevin, psychology; Clair W. Nielson, physics; Martin Ostwald, classics; Kenneth S. Rawson, biology; Hedley H. Rhys, fine arts; David Rosen, mathematics; Alburt M. Rosenberg, biology; Charles J. Seigman, economics; Gilmore Stott, philosophy; George Von der Muhll, political science; Robert M. Walker, fine arts; James F. Wanner, astronomy; Clair Wilcox, economics; M. Joseph Willis, engineering.

(Our apologies to all faculty members who wanted to sign, but whom we did not have a chance to contact.)

At. 8: Introductory remarks.

At 8:15: Helen Lamb, spent 2 years in Vietnam, now writing a book, formerly a faculty member at Smith College.

At 8:45: Paul Booth, co-coordinator of the peace research and education project of SDS.

At 9: President Johnson's speech on Vietnam policy from Johns Hopkins University.

At 9:30: Franz Gross, head of Political Science Department at Pennsylvania Military College.

At 10: Clair Wilcox, head of Swarthmore Economics Department.

At 11: Break for seminars and discussion.

At 11:30: Film of WAYNE MORSE speaking on Vietnam.

At 12: Folk sing with Nick Warren.

Jesse Allen, presently on the staff of Newark community project, may speak.

Wednesday, April 7, 1965, Friend Meeting House.

BOSTON, MASS.,
April 14, 1965.

DEAR SENATOR MORSE: The issue is no longer war or peace in Vietnam. The men who are advising the President want war with China, quickly, before they get atomic weapons. This is the policy we must challenge and oppose.

We will not build the Great Society on the corpses of half a billion Asians. Let us for God's sake hold our hands from a crime worse than anything Hitler ever dreamed of.

Sincerely yours,

JOHN HOLT.

STORRS, CONN.,
April 13, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Please accept my long ovedue thanks for your vigorous quarrel with the administration policy in southeast Asia. I disagree with you on a couple of important points, but if it weren't for people like you and Senator GRUENING there's no telling what would have happened to the entire body of dissenting opinion. Thanks again, and please keep it up.

Sincerely,

JAMES BAKER HALL.

RANCOCAS, N.J.,
April 14, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Ever since having heard the commencement address you delivered at George School, Pennsylvania, back in 1961 (if my memory is accurate) I have been impressed with your ability as a statesman. Let me now tell you how grateful I have been for your opposition to the administration's course in Vietnam. Surely your story should be added to the other "Profiles in Courage." It does seem incredible that, in this nuclear age, war is still used as an instrument of policy. Aren't there enough thinking people in this Nation to change our present collision course? Or must we just sit back and await the holocaust?

You have expressed so well the fact that our presence in this area is wrong, that the whole area should be under international supervision. I believe most Americans agree. What can we do further to help?

Very sincerely,

MRS. COLIN F. TAIT.

ALLEN J. REINER & CO., INC.,
Hicksville, N.Y., April 13, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Although not from Oregon, I am writing to you to express my complete agreement with your views concerning the Vietnam crises. It seems to us that almost everybody in Washington must have completely lost their sense of perspective or just be reluctant to speak out.

Today I have written again to Senators KENNEDY and JAVITS (as I am a New Yorker). I have also written to Senators AIKEN and COOPER.

If you could give us some suggestions as to how we might make our opinions known and felt to the right people then I would be happy to make these suggestions known to a great many people who feel as we do.

Yours truly,

ALLEN J. REINER.

LONDON, ENGLAND,
April 14, 1965.

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR MORSE: I hope that you will not be fooled by President Johnson's Johns Hopkins speech. It does not offer unconditional negotiations, but only conditional ones: that the Vietnamese National Liberation Front give up all that they have been fighting for for 20 years, before beginning to talk. Even Ho Chi Minh does not call for withdrawal of U.S. troops before the opening of negotiations (New York Times of today). Please keep speaking out vigorously for real negotiations and peace in South Vietnam.

I wonder if you would be so kind as to pass this message on to your colleagues, Senators Gruening and McGovern.

Thank you very much.

Sincerely,

Steven Jonas, M.D.

[From the Friends Committee on National Legislation, Action, Apr. 14, 1965]

Vietnam Crisis Moves to New, More Dangerous Phase

President Johnson's speech to the Nation, April 7, marked a watershed in American public opinion on the war in Vietnam. Whether it will have any real effect in altering the escalating course of the war there remains to be seen.

In past military-political crises, the figure of the American eagle with a bundle of arrows in one claw and an olive branch in the other has symbolized the national policy of arming to parley, of negotiating from strength, and preparing for war in order to secure peace.

What has so distressed many in the public, in Congress, and in the press is that since February 7 when the policy of retaliation and escalation in North Vietnam began, the United States has emphasized military policy in Vietnam almost exclusively. Only after 2 months of strong and increasing public pressure, plus adverse reaction to the use of gas and the loss of much support from allied and nonalined nations, did President Johnson come to the traditional "arrows and olive branch" policy.

The President's comments on U.S. willingness to negotiate and to aid the region economically drew the applause of many of his previous critics, such as the New York Times; Senator Frank Church, of Idaho; and Senator George McGovern, of South Dakota. At the same time they drew the fire of some who had supported his no-negotiation policy and those who criticize economic assistance programs.

There was one crucial missing ingredient in the President's speech—he did not say he was suspending air bombardment of North Vietnam in order to facilitate the negotiating process. Indeed, the continued and intensified U.S. military action may well be answered by increased Vietcong and North Vietnamese military action, rather than by steps to the negotiating table.

SOME COMMENTS ON THE PRESIDENT'S SPEECH

1. The proposal for a greatly expanded cooperative economic development effort by the countries of southeast Asia including North Vietnam was most welcome. The President pledged to ask Congress for a billion dollar American investment in this effort when it is underway. He hoped other industrialized countries, including the Soviet Union, would join in the effort. He called on the U.N. Secretary General to help initiate such a plan. This proposal was along the lines urged by Gilbert White and others for the development of the Mekong Basin.

2. The President's statement that the United States is prepared for "unconditional discussions" now was urgently needed, but an important limitation was added.

President Johnson indicated that there might be many ways to peace: "in discussion or negotiation with the governments concerned; in large groups or in small ones; in the reaffirmation of old agreements or their strengthening with new ones."

This broad statement, however, was immediately modified by Government spokesmen who noted that the National Liberation Front (Vietcong) which controls well over half the territory in South Vietnam is merely an agent of North Vietnam and is therefore not entitled to sit at the conference table. Senator Ernest Gruening, of Alaska, charged April 9 that "the refusal to concede that the fighting in South Vietnam is essentially a civil war and that to bring that fighting to a halt it is necessary to discuss the issues with the principals—the Vietcong—is tantamount to retaining a precondition to our willingness to negotiate." It is interesting to note that the appeal of the 17 nonalined nations, to which President Johnson was responding in his Johns Hopkins speech, was delivered to the National Liberation Front as well as North Vietnam, China and others, thus indicating a neutral view that the NLF is a real party in interest.

3. The President's proposal for an "independent South Vietnam" clarified U.S. goals but does not make a settlement easy to achieve. In his speech he suggested the essentials of a final settlement: "an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others, free from outside interference, tied to no alliance, a military base for no other country."

The goal of an independent South Vietnam is not consistent with the Geneva Accords of 1954. Those accords referred to the 17th parallel as a provisional military demarcation line and contemplated general elections in 1956 to bring about the unification of North and South Vietnam. Those elections were opposed by the United States and South Vietnam and not pressed by North Vietnam. They were never held. Former President Eisenhower states in his book, "Mandate for Change," that Communist Ho Chi Minh was a popular national leader who would have received 80 percent of the vote in Vietnam during the war with the French.

On the timetable for withdrawal of U.S. troops, President Johnson said in his formal reply on April 8 to the 17-nation appeal that the United States would be "ready and eager to withdraw its forces" from South Vietnam "when conditions have been created in which the people of South Vietnam can determine their own future free from external interference."

4. The President indicated the United States will continue its policy of bombardment of North Vietnam without letup. He thus rejected the advice of Canadian Prime Minister Lester Pearson who had urged a pause in the air attack, and of Senator George McGovern, of South Dakota, who had urged a 2-week moratorium.

Since the President's April 7 speech, U.S. air attacks on North Vietnam have continued and increased in intensity. Over that 2-month period these attacks have escalated in the sense that more and more vital targets such as bridges and roads are now being hit and the bombs are falling closer and closer to Hanoi. While this policy was supposed to bring the North Vietnamese Government to the conference table, indications are that there is even less willingness to negotiate now than 2 months ago.

U.S. military policy in Vietnam has seemed to be a military juggernaut inexorably gathering speed. There seems to be no readiness within the administration to halt this escalating bombardment, even briefly, in order to create an atmosphere in which Hanoi could indicate a readiness to talk.

5. Continued U.S. bombing of North Vietnam violates the United Nations Charter, according to Senators Wayne Morse, Joseph Clark, and Ernest Gruening. Article 2, section 4 provides: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

Article 33 states: "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation * * * or other peaceful means of their own choice." This section, which the United States has signed, would clearly seem to require negotiation before bombing, not after.

Under article 51, the United States reported to the Security Council on February 7 that the bombing raids on North Vietnam were "defensive action." Article 51 provides that: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of their right of self-defense shall be immediately reported to the Security Council."

South Vietnam is an observer, but not a Member of the United Nations. The implication of United States reporting to the Security Council is that it feels the United States itself is being attacked by North Vietnam. But since the beginning of the year, the United States has done nothing to call a session of the Security Council as is implied in article 51.

6. President Johnson for the first time put his prestige behind the view that Mainland China is a major party in the war in South Vietnam. The President said: "Over this war—and all Asia—is another reality: The deepening shadow of Communist China. The rulers in Hanoi are urged on by Peiping. This is a regime which has destroyed freedom in Tibet, attacked India and been condemned by the United Nations for aggression in Korea. It is a nation which is helping the forces of violence in almost every continent. The contest in Vietnam is part of a wider pattern of aggressive purpose."

For some time, Secretary of Defense Robert McNamara has been arguing publicly that Communist China is the real enemy and that China is seeking to prove to the world that it can overthrow, by covert means, a non-Communist government of an emerging nation even when the United States aids that government.

Senator Wayne Morse has charged that there are those in the Pentagon who propose that the United States bomb Chinese nuclear installations and he has predicted this may happen within 4 months. Such a step would be a moral and political catastrophe of immense proportions for the United States.

Lasting peace in Asia can only be promoted by intensive and direct negotiations between the United States, China, and other involved parties to achieve political settlements, a comprehensive test ban treaty and major steps toward world disarmament. The Vietnamese war only makes more difficult and postpones the day when these wide-ranging talks between the United States and China must begin.

7. Although the President suggested that U.N. Secretary General U Thant could play a useful role in initiating the economic development program, he did not call upon the Secretary General, or the U.N., or other third parties for their mediating service or other good offices.

In this difficult situation, the intercession and mediation by third parties ought to be sincerely welcomed and actively encouraged by the United States. All the countries of the world have a direct and immediate interest in restoring peace and stability in southeast Asia.

8. The President did not spell out, nor could he be expected to at this stage, the amount of Vietcong participation in an independent South Vietnam Government. Would the United States and South Vietnam agree to NLF representation in the Cabinet? If so, how many would there be? In what posts? If South Vietnam is to be an inde-

pendent country, would the United States be prepared to see South Vietnam move, over the course of a few years, to union with North Vietnam—as envisaged by the original Geneva Accords of 1954? Would the United States be prepared to support a Titoist type government in Vietnam? These questions ought to be faced and discussed openly in the United States if there is to be any hope for a negotiated solution in Vietnam.

On the Senate floor March 25, Senator GEORGE AIKEN, of Vermont, stressed that North Vietnam does not want to be a Chinese satellite. Senator MIKE MANSFIELD, of Montana, noted that there has been more than 1,000 years of enmity between the Vietnamese people and the "Chinese colossus to the north."

In a little-noticed speech at Johns Hopkins, March 12, Senator J. W. FULBRIGHT, of Arkansas. made a general remark relevant to the situation in Vietnam: "I think we ought to ask ourselves, hypothetically, whether a Communist regime that leans away from China is worse or better from the viewpoint of our political and strategic interests than a non-Communist state, such as Indonesia or Cambodia, that leans toward China."

WHAT OF THE FUTURE?

Many close observers feel the U.S. position in Vietnam is deteriorating rapidly. In this situation it is felt that moves either (a) to the conference table, or (b) toward a major U.S. military involvement in Vietnam will take place in the next month or two. Military involvement could mean 300,000 to 1 million U.S. servicemen in Vietnam, according to Hanson Baldwin of the New York Times, vastly increased draft calls, huge new military appropriations, and a possible spreading of the conflict to other areas such as Korea and even beyond.

Given the current position of the Vietcong, Hanoi and Peiping, the steps to the conference table are not easy and the negotiating process may be difficult, frustrating and complex. But there are moves which the United States could make which might brighten the prospects for a settlement including, for example:

(a) An end to the bombing of North Vietnam and U.S. troops movements to South Vietnam;

(b) A willingness to negotiate with the NLF;

(c) A readiness to abide by the results of a free and supervised election in South Vietnam and to support moves toward a reunified Vietnam as proposed in the Geneva Accords of 1954; and

(d) Some indication that the United States is prepared to begin extensive negotiations with the People's Republic of China on a broad range of issues.

There are difficulties involved in all courses of action, but is it not better to come to the conference table before rather than after widespread violence and war?

CROWN POINT, IND.,
April 12, 1965.

DEAR SENATOR MORSE: Thank you for your courageous stand on Vietnam.

Respectfully,
Mr. and Mrs. DAVID GRATNER.

APRIL 12, 1965.

HONORABLE SIR: May God's blessings be upon you, for informing your people, on the wrong being committed in Vietnam and the threat to all mankind if this war is not controlled. Peace, through negotiation is our only hope. For it is only in peace can a war against poverty and other ills be most effective. I fervently pray that our Nation will take the lead in seeking peaceful solutions, as not only would we gain honor and dignity—but all of the peoples on this earth would be forever grateful. It could begin with this Easter week—calling for a moratorium, as suggested by Lester Pearson (Prime Minister of Canada). In the meantime—above all else—please keep on talking.

Respectfully yours,
CLEO DORMAN.

KALAMAZOO, MICH.,
April 13, 1965.

MY DEAR SENATOR: I certainly agree with your stand against escalation of the Vietnam war.

Further, any talk of bombing China would be sheer folly. It would be an open act of war.

Keep up the good work.

Respectfully,
HERBERT A. TOMPKINS,
Secretary, Michigan Fellowship of Reconciliation.

Senator WAYNE MORSE,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your stand for peace in Vietnam. In order for a nation to stand there must be some righteous and peace-loving people in its land. Again my prayers are with you and thank you for your efforts.

Sincerely,
MRS. DONNA LOWER.

LOS ANGELES, CALIF.,
April 10, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You, singularly, deserve the thanks of your fellow citizens for a valiant and effective battle against foreign aid—that coercive taxation which is proliferated upon barren foreign fields, their dictators and tribal chiefs.

We admire your courage in challenging the epileptic policy in southeast Asia. Truly, it is an American tragedy when a President arrogates the power of Congress to wage war in order to mask his blunders in foreign policy. Can we or will the history tell a boy, whose father was sent to Korea or South Vietnam to die, that his father truly died for his country and that he did not die in vain?

Senator MORSE, it appears to me that the only way to check the warring power of the executive is to introduce a constitutional amendment to limit the President's term of office to the term in which he wages war.

Sincerely yours,
MICHAEL VERBA, Jr.

APRIL 13, 1965.

DEAR SIR: Although I am not one of your constituents, I admire keenly your stand on the issue of Vietnam.

And I urge you to keep up the good work. I have wired and written the President, protesting his heedless course, and, of course, have received no acknowledgment.

Is there any possibility that the whole issue could be put to a popular referendum? I'm asking the same question of my Congressman, GEORGE BROWN, JR. I believe the results of such a referendum would be very revealing. According to what I read, public opinion is running high against not only this reckless, ruinous escalation, but involvement at all. We should get out.

Sincerely,
JACQUELINE D. TUNBERG.

JAMAICA, N.Y.,
April 13, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: It seems that you and a handful of other Senators are the only sane people in Washington these days with regard to our Vietnam policy.

Keep up the pressure on the administration.

We're behind you 100 percent.

Very truly yours,
ARTHUR EDELSTEIN.

SILVER SPRING, MD.
April 13, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We have read in the Baltimore Sun a portion of your April 8 speech on the Vietnam crisis, and want to tell you how much we agree with your views.

Yours sincerely,
FRANZ L. ALT.
ALICE M. ALT.

BOLTON, MASS.,
April 13, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heartily support your stand against the war in Vietnam. Legally and morally, our position there is indefensible.

I am going to Washington this weekend with thousands of others from all over the country, to try to make my protest against Pentagon madness visible.

Sincerely yours,
WILLIAM H. CARY, Jr.

WELLESLEY, MASS.,
April 12, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Permit me to congratulate you. Your courageous campaign against our cruel, immoral, and disgraceful war against a small country located 10,000 miles away, is most commendable, and worthy of admiration and support.

Today, the New York Times devotes only four inches of one column to your speech of day before yesterday in Ohio. Do you have copies of this speech for distribution? If so, I certainly would like to receive one.

Thank you.

Yours truly,
MANUEL PEDRO GONZALEZ.

ELMONT, N.Y.

Senator WAYNE MORSE.

HONORABLE SIR: As a loyal and Government employed citizen, I wish to express my deepest admiration for your views on the present Vietnam crisis. The little amount I have read of your attitude about the above has given me great satisfaction in that our country is blessed in having you as a representative in our Government.

In reading the newspapers I find very little information about your speeches and views. It seems to me that since you advocate a more sensible and logical approach to many things your avenues of making your views publicly aired by all mediums of information is held to the barest minimum. Even the great New York Times gives very little attention to your views or other similar attitudes.

I am most interested in reading all about your speeches, views, and other points that will give me great pleasure in knowing you better. May I please request material about the above or information where I might attain them.

Very truly yours,
BENJAMIN HOCH.

CEDARHURST, N.Y.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We support the ceasefire in Vietnam and immediate application of U Thant's formula for negotiations.

DR. IRWIN HOFFMAN, M.D.

GARY, IND.

Thank you and the few others who are trying to extricate us from the crazy Vietnam war. We are dead wrong over there and could well use all our available funds for better purpose than establishing fake governments in other lands.

PAUL PIXLEY.

SANTA MARIA, CALIF.,
April 9, 1965.

Senator WAYNE MORSE.

DEAR SIR: Thank you for your courage in keeping up the fight to get out of Vietnam.

I think if the people who elected the President, myself included, were to vote today, he would be in for a surprise.

Sincerely yours,

J. W. SANFORD.

APRIL 11, 1965.

Senator WAYNE MORSE.

DEAR SIR: It is with great admiration and hope that I was privileged to listen once again to your words of reason and logic concerning our unwarranted military presense in South Vietnam.

You and Senator GRUENING, of Alaska, give courage to all those of us who believe that might is not always right.

I am speaking for myself and family, am 78 years of age and believe in peace.

Sincerely yours,

Mrs. LUDMILLA O. SALK.

APRIL 10, 1965.

DEAR MR. MORSE: You're fantastic in urging the United States to get out of Vietnam.

Don't give up. Keep trying, even if our cause might be hopeless.

I read your statements in printed material published by the War Registers League and the American Friends Service Committee.

The United States is not humane while we remain in Vietnam.

Respectfully,

Miss ROBIN VELTE,
University of California, Santa Barbara.

WASHINGTON UNIVERSITY,
St. Louis, April 9, 1965.

DEAR SENATOR MORSE: I want to thank you from the bottom of my heart for your courageous stand on our Government's Vietnam policy. I am convinced that if our foreign policy was made by men like yourself it would be a far better world for all of us. Your courage in speaking out again and again despite the pressures you must feel to change your views or remain silent is an example for all of us and a reminder that there is hope for democracy.

Sincerely yours,

WILLIAM M. BOOTHBY.

NEW YORK, N.Y.,
April 9, 1965.

DEAR MR. MORSE: Thank you for fine efforts for a cease-fire in Vietnam.

Negotiations—not war.

Thank you.

PEARL A. LAFORCE.

APRIL 1, 1965.

DEAR SENATOR WAYNE MORSE: I join with Pope Paul VI and U.N. Secretary General U Thant in urging:

An immediate cease-fire in Vietnam.

A conference of all nations to negotiate peace.

Please continue to work toward these ends.

Yours truly,

VICKI TANENHAUS.

CHICAGO, ILL.,
April 13, 1965.

DEAR SENATOR MORSE: In refusing to recognize the war in Vietnam as a civil war, our Government is committing the same error as the racial bigots in this country. Unless the people of South Vietnam have a real voice in their government, no amount of military or financial aid can bring about peace.

Sincerely yours,

Mrs. RAMONA SCHUTT.

ENUMCLAW, WASH.,
April 5, 1965.

DEAR MR. PRESIDENT: Our presence in Vietnam has neither moral nor legal justification.

Our actions there are contrary to all our declared principles.

We should get out.

C. K. STEDMAN, Ph. D.,
Research Consultant.

OCONOMOWOC, WISC.,
April 12, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The press, and the younger Members of Congress tossed their hats in the air over a few crumbs of peaceful talk from the President's table at Johns Hopkins, but I am pleased to see that you remained calm amid the tumult. The refusal of the United States to face the fact that this is a civil war which in fact has been lost, not by us, but by the 21-odd Saigon governments we have leagued ourselves with leaves things pretty much the way they were before the President launched his equivocal peace overtures.

I'm enclosing a news article which appeared in French in the Paris paper, Le Figaro Litteraire, written by Max Clos. It is not that Clos has said anything that has not been reported before in the better news media here and abroad, but he does say it pungently, and also throws some light on how the Saigon government's defeat has come about, and what program and future the Vietcong are holding out to the people of Vietnam.

The guerrilla war professionals in the U.S. Government have spent so much time poring over the propaganda of Mao and General Giap that they have swallowed the Communist line that South Vietnam represents a model for Communist insurgency against U.S. counterinsurgency, and that if a Vietcong government comes to power in Saigon, shaky governments all over the world will topple. Shaky governments don't need a domino to push them over. They all will fall of their own weight without popular support and a sound domestic program.

The flames of war inevitably and tragically can only leap higher and higher unless Washington will start to base its policies on a mental image of the South Vietnam of 1965 that has some basis in reality. It would be nice if we could go back to 1954 and have another go at it, but unless we think we are some kind of gods this faculty is not accorded us in either our private or our public lives.

I think Clos' piece and Stanley Hoffman's letter in the New York Times of April 10 complement each other nicely. They are both charming and lucid, qualities which seem hard to come by in discussions of Vietnam. We can only hope that the still small voices of reason heard here will gradually swell to a mighty roar which will make the Selma uproar seem like only a mild breeze.

MOLLY KEALY.

P.S.—Please give Clos' article what circulation you think it merits.

VIETNAM

(By Max Clos)

(Translated from Le Figaro Litteraire, No. 984, Mar. 3, 1965, M. Kealy)

The bar on the fifth floor of the Hotel Majestic in Saigon overlooks the harbor. At night from time to time muffled explosions can be heard from the other side of the river. From time to time a brilliant flare shoots up and glitters for some minutes. What we have again is a probe by a Vietcong patrol.

Some young American officers with crewcuts and with the red patch of their Vietnamese parachute battalion tilted over the ear are drinking whiskey amid peals of laughter. They are charming and just like the French officers who 10 years ago were sitting in the same place recounting their exploits in the rice paddies and in the jungles.

Don't they know that this war is lost, that their deaths will accomplish nothing, that their hardships are useless and their sacrifice without point, that we have seen the start of the usual comedy of threatening statements which are the prelude to settlement talks? Probably not. It is no doubt part of the charm of young officers that to the very end they do not realize that their death in Vietnam will be futile.

The Cantho area 75 miles southwest of Saigon is one of the most far gone of the delta. A night operation is in progress. For 3 days the Vietnamese battalion has slogged through the mud without finding anything. Some villages were burnt, some hundreds of scared peasants were terorrized, and to vary the menu a certain number of chickens and black pigs which squeal unbelievably shrilly have been commandeered. And then just when everyone thinks that it is all over the leading company is ambushed. In a flash: 8 dead and 30 wounded. Night has fallen. Nearby the day's dead, already turned gray, are piled up under canvas. I was seated at the side of an old friend, a colonel in the Vietnamese army. Let us call him X.

"The Americans," he said, "are jaunty fellows, but they are inexperienced. Like a young dog they wish to dig out everything. The sad thing is that here the war does not obey the rules of the textbooks, and of the manuals. My last corporal knew perfectly well that if we went in a certain direction we would find a 'bone.' My people were not eager to go, but the Americans insisted." X used his fingers to show the number of dead, saying, "This was the result."

"The truth is," he said, sipping a cup of coffee, "That the game is up. We are fed up with this war now, and no one wants to prolong the killing. Take me. I've been in the army for 20 years. If I were given a choice between stars and a discharge, I'd take the discharge without a moment's delay. You know wars are not won with men who think of only one thing: to become civilians again."

The relations between Vietnamese and American officers are cool, not to use a worse term. The Vietnamese are critical of the Americans for understanding little or nothing about this war. The Americans often have a poor opinion of the Vietnamese generals, find their officers mediocre, and their soldiers without stomach for combat.

But it is certainly not a matter of the Vietnamese lacking physical courage. At the end of the first Indochinese war, practically all of the French units were half "yellow," and most of the officers would agree that combat operations were first rate. The Vietcong who attack well-defended positions, are exposed to heavy artillery fire and to the government's air power, undergo at times frightful ordeals, and always display real courage, if not fanaticism. Their opponents admire them for their courage. And these men, with the exception of a small majority who have come down from the North, are peasants of Indochina who have got their training at places only miles from the American training centers in South Vietnam.

What then is the explanation of the combat inefficiency of the government forces? In a few years when this war will be over, it will be seen that the American defeat in Vietnam was caused by two things. First, the guerrillas depend not merely on military training and professional skill, but also on the creation of warm personal ties between their men. Second, they make a detailed and exact analysis of the political and social setting and climate in which the war is carried on. In these two areas the second Indochinese war is ending in an American defeat.

In Vietnam the American "advisers" do a job, or, if you prefer, they perform their duty with conscientiousness. They serve with devotion and competence. But all this is not enough. They are merely guerrilla warfare professionals. The French when they were here made of the Indochinese war a sentimental and romantic adventure. French officers and men fell in love with the country, infected with what Larteguy aptly calls "the yellow sickness." They played their part in a stirring adventure, which, it is true, ended badly, but which gave them a sense of glory. It was because of this that they were able to make contact with the Vietnamese, to form emotional ties with them, and to draw them into that cruel adventure. Contrary to appearances, there exist few peoples more passionate, more sentimental, and more sensitive than the Vietnamese. They have a need to be loved. The stiff ways of the American military, its love for formality, its taste for following military regulations to the letter greatly upset the Vietnamese. The Vietnamese can't understand how a military order can be treated as anything else but a topic for debate and discussion. In this they found that the French often shared their point of view. This divergence in military philosophy creates problems, and in the case of Vietnam it is evident that it has taken its toll.

Intimate contact has never been established between the Vietnamese and the Americans. The French, spellbound with the exotic, took up the Vietnamese way of life. They were delighted with Chinese soups flavored with exotic ingredients, they smoked opium, they organized riproaring parties with their yellow friends, and topped off the night in their company with the girls. This of course was not particularly decent, but what connection is there anyway between decency and war?

The Americans, on the other hand, have tried to introduce puritan morality in Vietnam and the American way of life. At the doors of hotels restricted to Americans there are signs reading: "Women are forbidden to enter." Their food comes directly from the United States in sealed packages. A recent article written by one of the better American war correspondents describes the Vietnamese war. It is all a matter of bad odors, of food contaminated by the natives, and of the resulting stomach aches. In short, it is a hell from which each American is eager to escape. In Saigon marine sergeants in mufti sport silk jackets on which you can read embroidered in yellow letters: "When I die I shall go straight to heaven. I have put in my purgatory here." At Camau at the south end of the peninsula another sergeant told me that he didn't like Vietnam. I asked him where he was stationed before.

"At Frankfurt."

"Were things better there?"

He frowned and thought for awhile. "You know, things are better here than in the States."

The 25,000 American advisers live in Vietnam "like in the States." At Cantho, for example, the headquarters for one of the four military districts, it's like this. At staff headquarters every Vietnamese office is duplicated by an American opposite number. At 5 p.m. it's closing time, and the Americans return immediately to their compound at the edge of the city. It is a big camp ringed with barbed wire and protected by Vietnamese guards. The lowest private is entitled to quarters of his own furnished with a refrigerator and air conditioning. He has a shower with hot water. A PX supplies him with all that he can desire, from shaving cream to record players with whiskey in between—all at ridiculously low prices. The bar offers 30 brands to choose from. Every night at 8 there is a new movie shown on a wide screen in color at a theater furnished with lounge chairs.

Vietnamese officers are rarely at American messes. It is not that they must eat separately, but Americans and Vietnamese do not enjoy one another's company. I went to the compound at Cantho with Colonel X whom I mentioned before. On leaving, he said to me: "I have a feeling these Americans have come from another planet."

Then he told me: "When I came out of school in 1948, I was assigned to a French port unit. The first night at table I was a little shy. I didn't know how to use a fork very well. The CO was a naval lieutenant. He said to me: 'Tell me, X, do you eat with a fork, or a pitchfork?' Afterwards, we made the rounds of the girls together. With the Americans there is no danger that anyone will talk about anything of this kind. No one goes to the girls anymore."

Now there is no objection to movies, hot water, and refrigerators. Except this: If you want to persuade people to join your side, its not a good idea to set up what in the eyes of the Vietnamese soldiers appears to be excessive luxury.

More or less confused, Nguyen, a Vietnamese GI Joe of the second class, tells himself that it's not normal to see people engaged in the same war treated in such an unequal fashion. He not only says this to himself, but the Vietcong tell it to him. Communication is easy. There are women who act as messengers. They are the ones who spread the good word. They have only simple things to explain. This, for example:

"The Americans which you see down there in their well-lit compounds are the masters. As for you, you are poorly fed and poorly paid. You are going to die for them—and for nothing."

Nguyen gets 1,750 piastres a month, about $18. His lieutenant receives a salary of $80. Eighteen dollars is not a small sum in Vietnam, but Nguyen thinks he would be more useful in his own village. But, it's not only a question of this. Theoretically he is drafted for 3 years, but this is already the 5th year he's been in uniform. The war continually gets harder. The Vietcong continually are better armed. Life for him is very tough. The Vietcong propaganda says: "Why do you fight us? The war will eventually end. The Americans will leave. Go over the hill now, or do not fight when you are attacked. Keep still, and nothing will happen to you."

Nguyen, to say the least, is upset. He knows his village is controlled by the Vietcong. He knows also that if he is wounded, he will be poorly cared for because there is a scarcity of doctors and medicine. Moreover, the military hospitals are crowded with wounded. They are stacked four and five high under the tarpaulins which extend the roofs of the hospitals. The wounded painfully line up to go to the latrines which are always jammed and to get a drink of water at the scarce fountains. Nguyen knows also that if he loses an arm or a leg, he will be left without any chance to make a living—and he is not more than 20. So, sometimes, when he is on guard around the compound of the big-shot Americans with their laughter ringing in his ears, he asks himself what he will do if the Vietcong attack.

The Americans are bitter. They have been disillusioned by Vietnam. They say: "These people are incomprehensible. We come here to save them from Communist slavery, and they couldn't care less."

The Americans carry with them their almost insane horror of communism. They apply here all the fatuous ideas they have on the subject in the States. For them the problem is simple: The Vietnamese are divided neatly into two groups, the Vietcong and the anti-Vietcong, that is, the pro- and the anti-Communists. These two groups, by the iron law of logic and history, cannot but hate each other, and fight each other to the death.

This is unfortunately a mental picture which in Vietnam has little basis in reality.

In the first place because the pro- and anti-Vietcong are not isolated from each other. There hardly exists in Vietnam a single family which is not divided between the two factions. It is rare that a Government minister or general does not have one or more relatives more or less close to him on the other side. Between the two sides of the family the ties are not cut. News is exchanged, and sometimes, visits. It is necessary also to take into account the problem of nationalism which complicates things even more. On this score ambiguity existed all during the first Vietnamese war. Large numbers of anti-Communist Vietnamese fought with the Vietminh nevertheless in order to get independence for their country. Today there is a bit of the same problem. The continuous line of Vietcong propaganda is that the Americans have stepped into the shoes of the French, that national independence is again in jeopardy, that the Vietcong fight chiefly to end the interference of the foreigner. You have to be pretty ignorant of the Vietnamese to imagine that this line of argument does not carry weight.

Officially, the American intervention has for its objective "the fight against communism." This is a notion which to the Vietnamese peasants means absolutely nothing. The Vietcong never mention the subject of communism. They don't present themselves as the exponents of an ideology. The whole thing is infinitely more simple than that. Their political staff doesn't hold meetings of the peasants to conduct seminars in political theory. What they do is propose concrete solutions to concrete problems. These problems are not difficult to state. They are, in the order of their importance, the return of peace, the reestablishment of law and order, and better management of public affairs.

What the Vietcong leaders say to the peasants, and what all the officials down the line repeat, is this:

"You have nothing to pay to the landlords who have taken refuge in Saigon. The land belongs to the man who farms it. Don't worry, if someone tries to persecute you, we will protect you."

When, under Diem, the program of strategic hamlets was tried, the Vietcong argued: "Don't let yourselves be locked up in disguised concentration camps. No one has the right to force you to leave your homes. Resist. We will help you. If you can't help it, cooperate, but help us later to destroy the hamlets."

When the Government tries to draft, the Vietcong tells the parents: "Don't let your children go. The Saigon government wants them to be killed to advance the objectives of the Americans. Hide them. In an emergency, send them to the areas we hold. We will make use of them."

The families with boys in service are told: "Have them desert, and no harm will come to them. If they don't we will be forced to kill them."

In a revolutionary period, propaganda is worthless if it does not put out a concrete action program. The Vietcong tells the population: "You are oppressed by corrupt men representing a government which has sold out to a foreign country."

On hearing this the peasants look around. The chief of the province appointed by the Saigon Government lives in a big house, drives a Mercedes, and loads his wife with jewelry. The Governor is a man of importance who is approached with deference, protected by police, soldiers, and assistants. His Vietcong opposite number can be seen every day. He is out among the people. He is dressed like a peasant, in black calico and with sandals cut from an old tire. He makes his rounds in his district on foot, walking along the public roads. You can be sure of one thing: he is not on the back of the people getting rich.

When the Vietcong began their revolution in 1959 and 1960, it was opened with a wave of terrorism. In isolated places, in hamlets, then in villages and cities, officials and private persons loyal to Saigon were assassinated. Government propaganda strove mightily to exploit these facts to arouse popular indignation. This backfired. It was understood too late that in most cases the peasants had fearlessly helped in the brutal liquidation of the men on whose death the Saigon Government was basing its case. Instead of murderers, the terrorists were considered dispensers of justice.

All this was not exactly an unplanned reaction. The Vietcong do not leave anything to chance. The heart of their system is always to explain the reasons for the course of action they adopt. Before killing a man they explain at length, repeating tirelessly the same arguments, giving the reasons for which the victim must be punished. And they don't stop there. The population too must repeat the arguments, learn them by heart, and tell everyone about them. The Vietcong want the people themselves to demand the punishment of the guilty. And no one is satisfied with mere lipservice.

The difference between the two Vietnams, official Vietnam, that of the Saigon Government, and the real Vietnam, that of the Vietcong, is undoubtedly here. The Vietcong is a great, perfectly oiled machine which organizes the people after winning their inner conviction, after becoming master of their heart and head. The Saigon Government also has tried to win over the people. This was under Diem, but it was all a matter of externals. I was well acquainted with Ngo Dinh Nhu, the brother of the dead President. He was the regime's man of theory. He was obsessed with the idea of having at his command, as the Vietcong does, an army of fanatical partisans who would go from village to village, from man to man, doing the kind of work the Vietcong has done. He never could develop a corps of this kind, however, because there are no competent people of this kind who side with the Saigon Government, and he didn't have time to create them.

With the fall of Diem the Vietcong machine preempted this field of activity. One Saigon government after another fell. There was a confusing succession of heads of state and commanders in chief. There was a continual turnover of important civil and military officials who were killed, jailed, silenced, fired, and recalled.

The people have this picture to look at. On one side there is a real government, law and order, and responsible people. On the other side, chaos, anarchy, and disorder. The people chose those who had won the contest. Against this bombs and strafing mean nothing.

If the National Liberation Front imposed itself by clever propaganda and by professional leadership, it also offered a political program designed to win adherence.

The Vietnamese are by nature distrustful and sensitive to possible trickery. They don't swallow naively the arguments of the Vietcong leaders. They know perfectly well what they have to fear from the installation in South Vietnam of a government comparable to the one imposed by the Vietminh on North Vietnam. They don't want a government of that kind at any price. They passionately want two things: First, not to be subjected to the North Vietnamese Government which they detest, and second, not to see installed in the south a political and economic system less humane than that of Hanoi.

The National Liberation Front, with the approval of Hanoi, gives pleasing assurances on all of these different points. First, it stresses that it is a question of a front, and not of a single party. It's not the Marxist Party alone, but the Popular Revolutionary Party—a party made up of 20 other groups. It is therefore necessary to make out the Popular Revolutionary Party plays an essential role in the conduct of the struggle, but it is known that neither the president nor the secretary of the front are members of the Popular Revolutionary Party, and that only one of the front's five vice presidents is affiliated with the Popular Revolutionary Party.

The program of the front is one that could not be more reassuring. To read it, it is for a sort of liberal Socialist government. It is precise in providing for the retention of the right to private property, that private industry and commerce will be encouraged, that the property of French citizens will be protected. In foreign affairs, diplomatic relations will be established with all countries "without distinction as to political system." Economic, cultural, and technical aid will be sought from countries "having different political systems." It is the same as saying that Vietnam will be a friend of the United States. Lastly, the separate existence of South Vietnam is promised. On reunification of the two Vietnams the program says: "The question will be determined by the two parts * * * subject to the proviso that one part will not swallow up the other."

All observers are in agreement on one point: The program and the conduct of the National Liberation Front have won it the adherence, enthusiastic or resigned, of a very large part of the Vietnamese population. This is a fact which becomes particularly clear when one interviews middle class and intellectual people in Saigon. One of them summarizes the problem in this way: "We have a choice between two solutions: to wage an endless war while every day placing ourselves more at the mercy of the Americans, and without any guarantee that this will end in a clearcut victory, or categorically to demand the end of the war and trust to the good faith of the National Liberation Front's leaders and to their willingness to carry out a program which to us appears acceptable."

Before that vast majority who above all want peace and the fulfillment of their hopes, there is one minor obstacle: some generals who command troops ready to die like the troops of all ages. There is also a major obstacle presented by the open intervention of the United States in the Indochinese war. One thing at least is sure: the fiction that American military power has been introduced upon demand of a people fighting communism no longer holds today.

Senator Morse, as Senator from Oregon and a welcome critic of the official policy in Vietnam, I particularly want you to read a copy of my letter to the President:

San José, Costa Rica,
April 11, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I want to thank you for your on-the-whole, excellent speech at Johns Hopkins offering a new resolution to the Vietnam crisis.

I am thrilled with the offer of an extensive development plan for southeast Asia which is to be cooperative in nature and to be administered by the U.N. The sum of $1 billion seems adequate to do the job and is certainly generous. I approve of your naming Secretary of the U.N., U Thant, as a man who would be in a particularly good position to know the problems and to bring a peaceful solution to this strife-torn area. I was very pleased to have you call upon all the countries of the U.N. to participate in the plan, including Russia.

However, I was not entirely pleased by all of your speech, by any means. You stated that U.S. forces will remain in South Vietnam so that the people of that country will be governed as they wish. I believe that until the whole Vietnam area is neutralized, both North Vietnam and South Vietnam, and all foreign soldiers and equipment are removed from the area—which means American, as well as other—then there will be no hope for a democratic government there. There certainly is not such a government in South Vietnam now. Walter Lippmann has pointed out that even the military dictatorship which is now functioning in South Vietnam only counts the large centers of population under its control and not the open countryside. When we examine American reasons for being in Vietnam, we find them full of superficial thinking and confusion.

I believe that your insistence in the Johns Hopkins speech of continuing air raids against North Vietnam is part of the confusion of U.S. policy toward Vietnam. You offer peace and bountiful self-development with one hand and armed destruction with the other. Which policy is the real policy? Which is what you really mean?

It is time to decide for the peaceful policy of construction with the help of U Thant and the U.N. It is time to face the futility and foolishness of continuing an aggressive military policy in southeast Asia. Such a policy can only stave off the day when you have to come to terms with mainland China on a live-and-let-live policy for southeast Asia.

Very truly yours,
Mrs. Chester M. Patterson, Jr.

San Diego, Calif.,
April 13, 1965.

Senator Wayne Morse,
Senator Ernest Gruening,
Senator Frank Church.

Dear Senators: You deserve the deep appreciation and utmost support from every citizen, for your efforts to end the disgraceful war in Vietnam. If only the true facts could be presented to everyone, through our mass-communication media, then the war would end tomorrow. Forgive me for not writing three separate, individual letters to each of you, but there are so many letters of protest (not commendation), that I must send to those who favor the administration's insane "escalation" policy.

No doubt your mail is heavy, so I will be brief. I am enclosing a copy of a letter which I wrote to President Johnson (before his recent double-talk speech). Part of his speech seemed conciliatory, but his actions show that he is still following the advice of Goldwater and the military strategists.

I am writing this letter while in a mood of despair and near desperation. Many of my friends say I am just wasting time, sending protest letters to President Johnson, Dean Rusk, McGeorge Bundy, etc., that the ball is rolling too fast now towards big general war for everyone to stop it. If President Johnson will not listen to the advice of wise, principled statesmen such as Morse, Gruening, and Church, then there is no chance that an ordinary citizen can make his voice heard.

But, somehow the voices of protest must not be silenced. I have never before taken part in any demonstration, or march for peace or civil rights or anything. But now—now perhaps there is still time for me to take a plane to Washington and join those who will be marching to end the Vietnam war, on April 17.

Please do not allow the war hawks to silence you and I pray that the list of legislators who support your views will grow bigger and bigger. Now I must hurry. I will write protest letters while in Washington.

Most sincerely,

J. L. MINER.

SAN DIEGO, CALIF.,
April 4, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is not easy for an American citizen who loves his country dearly, to speak out critically against actions taken by his President. Yet I cannot keep silent about the horrifying, impractical, and indefensible (both morally and legally) actions which are now being carried out in Vietnam by the U.S. Government.

Last fall I was one of many trusting citizens who really believed that you fully intended to take positive steps toward disengagement in South Vietnam, just as soon as the elections were over. Yes, millions of us ordinary citizens believed your campaign statements and we gave you the "mandate for peace" that you asked for. But now—now you are embracing, and carrying out, the worst aspects of Goldwaterism.

Why, just think how terrible to be sucked into a long, hopeless war such as France tackled for 8 years? What if our casualties should equal those suffered by France? Also the end result would be the same. Are we in South Vietnam at the request of a freely elected and popular government? We do not need a beachhead in southeast Asia anymore than we need a beachhead in Korea, as the advent of nuclear power and ICBM's has made such beachheads obsolete. We have had about 55,000 soldiers guarding the 38th parallel for 15 years. It would take three or four times that many soldiers to guard the frontiers of South Vietnam, if we should win and then would the Pentagon be satisfied? And would the South Vietnamese people then be allowed to have the free elections that were promised them in the Geneva agreements, or would we find another Diem? Then the military strategists would increase pressure on Cambodia and Laos, saying that we must make the "domino theory" operate in reverse. Then Russia and China would patch up their differences and we would face worldwide nuclear war.

Mr. President, I sincerely believe that you really want to be a good President and to be remembered in our history books as a man of peace. But you are under tremendous pressure. As Columnist Marquis Childs wrote in the Republican San Diego Tribune on April 1, 1965:

"While he [Goldwater] approved the steps taken to carry the war to North Vietnam, he went on to say he had a terrible feeling that turning tail and coming home is what the Johnson administration has in mind. In short he [Goldwater] was identifying the political trap, and if his opponent of last November should fall into it, he will be heard from loud and long."

Mr. President have you forgotten that this man's views were repudiated at the polls overwhelmingly, just last November?

Yes, the Goldwaterites will howl loudly (if you turn away from suicidal war), but not for long. A few Gallup polls will show that the millions who voted for you will applaud your courage, and will reelect you again, and even more overwhelmingly. The moderate Republicans would also applaud and only the Goldwaterites would say you were turning tail but, if you continue to appease the Goldwaterites then you will be handing them a campaign issue on a silver platter. The Republicans will soon begin to talk and act like a peace party saying: "The Democrats always get us into war. Eisenhower stopped Truman's Korean war and now we must elect Gov. George Romney as President so he can stop Johnson's war in South Vietnam."

Mr. President, please listen to wise statesmen like Senators MORSE, GRUENING, and CHURCH.

Sincerely,

J. L. MINER.

CLEVELAND, OHIO,
April 11, 1965.

TO SENATOR WAYNE MORSE:
Re Vietnam.
THE PLAIN DEALER, CLEVELAND, OHIO,
To the EDITOR:

The President's speech re Vietnam was eloquent but unrelated to reality.

If a resolution to declare war against North Vietnam were introduced in Congress, the American people would overwhelmingly oppose it.

The President is responsible for the death of every American boy killed in Vietnam in his illegal, undeclared war there. Furthermore the U.S. Congress has no right to place either the authority, or responsibility for war through resolutions, which give the President the equivalent of the warmaking power, which is granted only to the Congress by the U.S. Constitution. Granting the altruism which prompts us to want to aid others, let us not destroy our country in the process. For that is what we shall do, if we allow the President to declare war.

By and large the Vietnamese people want the Americans to get out of Vietnam. If we virtually continue to go it alone in Vietnam, for we are not a world police force, we shall become embroiled in wars all over the world, to the private delight of our allies, who chuckle at our stupidity in sacrificing our men for them in distant parts of the world.

We have no foreign policy except force. We delude ourselves in thinking there is no alternative. The first thing we should do is to get out of Vietnam forthwith and stop sacrificing the lives of our boys needlessly. By getting out we shall not lose face, but we shall gain the respect of our allies. What our enemies will say is meaningless and so much tripe to be ignored. It is what we do that is important.

We should certainly give our surplus food and more to the hungry peoples of the world. We should not force our presence where we are not wanted, we with our high standard of living, while they struggle to keep body and soul together with their rice plantings.

Our first line of defense is not a battle line. All nations, wake up before we destroy the world. All peace-loving nations join hands and work together, not just the United States.

HARRY A. BLACHMAN,
CLEVELAND, OHIO.

ROSEVILLE, CALIF.,
April 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I hope you will permit a Californian to congratulate you on your consistent opposition to President Johnson's policies in South Vietnam. I have just witnessed your reply to the President's speech at John Hopkins University last night and wish to state—for whatever it is worth—that I find myself in complete agreement with your remarks.

California would be fortunate to have such a man as you representing her in the Senate; we have, unfortunately, no such man of your caliber. I have written my Representative [HAROLD JOHNSON], and both my Senators about the atrocities being carried out in the name of democracy in Vietnam; but all, apparently, subscribe to the falling dominoes fallacy.

Both my wife and I want to express our appreciation of your efforts and to beg you to continue in your search for a foreign policy which approaches decency or, at least, eschews the near-genocidal crimes America is responsible for in Vietnam.

Respectfully yours,

DOUGLAS DAVIDSON.

LOS ANGELES, CALIF.,
April 2, 1965.

DEAR SENATOR: Just want you to know how very much I admire your courage to speak out on war in Vietnam and the many other things you stand for. Why can't we have more honest men to represent us in Government. When those leaders in Washington say they are speaking for the masses of this country they are sadly mistaken. I get heartsick when I hear those Democratic Senators say they are for extending the war in Vietnam. Wish I had the words to express my true feelings toward you few Senators that stand up for justice. I pray for your continued good health and courage.

Sincerely yours,

MRS. LOUISE P. WHITEMAN.

MERRIMAC, MASS.,
April 6, 1965.

Senator WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I support your views on the Asian situation and commend you for your efforts for peace. I hope you continue. With my thanks.

Sincerely,

JOHN R. RING.

NEW YORK, N.Y.,
April 5, 1965.

Senator WAYNE L. MORSE,
Washington, D.C.

DEAR SIR: May I express my endorsement and appreciation for your position on Vietnam?

We have long come to expect courage and sanity from you on such vital matters as war and peace, and we are fortunate, indeed, to have a man like you in the Congress.

Sincerely yours,

JEROME ENNIS.

WESTPORT, CONN.,
April 5, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I support your position on Vietnam most heartily. Negotiation, through the U.N., and eventual withdrawal of U.S. military forces from Vietnam are policies for the long range—but an immediate stop in the escalation into North Vietnam is essential.

I recently received a copy of a Senate speech from Senator DODD, which, I believe, completely distorts the facts of the situation. Would you please send me material, such as articles you have written, or speeches you have given, with which to counter Senator DODD's statements?

Sincerely yours,

GERALD HARRISON.

DEAR SENATOR: I fully support your views on the Vietnam tragedy and have written letters to Senators CHURCH, GRUENING, and MCGOVERN as well as President Johnson to this effect. What else can one do?

Please send, if possible, a copy of your speech last week in Portland.

Truly,

MAC WADDELL,
Naples, Fla.

MARSHALL, VA.,
April 2, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: It has been some time now since I have heard your firm voice on TV and I hope I can rouse you on this Vietnam holocaust. The policy this administration has indulged in is progressing from bad to the ludicrous. The people here at home have been advocating our withdrawal from the very beginning and urging it every way we know how but still we are ignored. You know, as we all do, that the mess in Vietnam is far more important than voting rights in the South and yet Martin Luther King is actually dictating to the President and furthermore getting away with it. Just what is our form of government coming to when one black man can say what he wants and gets it and the billions of us who have been pleading for the President to get us out of the mess in Vietnam have made no headway at all. This I cannot understand and I have been asking everywhere what can we do to make ourselves heard.

There's a very intelligent article in the April issue of Pageant called "A Program for Winning the War in Vietnam." I hope you will read it and present it to Congress. This is the way I have always believed freedom should be won; and not by combat. As I have said many times before, wars have never won anything and whatever the outcome we are still the losers. We never have peace but only a lull until we can raise more sons to go at it again. To force us here at home to sacrifice our boys for peace and freedom is indeed the most ridiculous command I have ever heard of. We are not stupid although the administration assumes we are complete idiots and this hurts us as much as an actual slap in the face.

I hope you can provide me with some ammunition to carry on my crusade for a settlement in Vietnam more effectively and that you will read the article I mentioned and get in there and fight for us.

Yours truly,

Mrs. Frances P. Ashley.

Pasadena, Calif.,
March 23, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: I wish to express my full sympathy with your remarks, as reported by the press, on American involvement in Vietnam and American foreign policy in general.

I would be most appreciative if you could send me full texts of pertinent statements made by you during recent months.

Sincerely yours,

George Aid.

Westwood, N.J.,
March 31, 1965.

Dear Senator Morse: I strongly support your position on Vietnam and I regret that there are so few men of your moral courage and intellectual honesty in American public life today.

There was mention in the press of your intention to make a detailed critique of the State Department's White Paper. Have you made such an analysis? If so, could you tell me now I might obtain a copy of it? I would, of course, be interested in reading any of your other analyses of the situation in Vietnam.

Thank you for keeping up the good fight.

Sincerely,

Raphael J. Etigson.

March 31, 1965.

Dear Senator Morse: With greatest gratitude for your stanch and continuing fight for sanity and for constitutional government.

Very sincerely,

L. T. Wyly.

P.S.—Please send me any available copies of your speeches on Vietnam; one each of what you can.

P.P.S.—I welcome any suggestions for anything I can do.

Wilmette, Ill.,
March 31, 1965.

The President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: On March 5 I sent the following Western Union public opinion message to President Lyndon B. Johnson, Vice President Hubert H. Humphrey, Senator Everett M. Dirksen, Senator Paul H. Douglas, and Congressman Donald Rumsfeld, Washington, D.C.:

"I urge you support position 400 professors from 20 universities, New York Times, February 16.

"L. T. Wyly."

In addition to the carefully weighed and convincing reasons which the 400 professors gave in support of their position I urge, also, the following:

1. Our country was founded on the principles expressed in the Declaration of Independence.

2. The meaning of the Declaration of Independence: The first obligation of government is the protection and preservation of the personal security and liberties of the individual.

3. The Constitution and its amendments, the supreme law of the land, was planned and written to implement the Declaration of Independence, to insure a rule of law based on justice and liberty, responsible to the people.

4. Our relations to other nations should be based on justice to all. In the long run, only such a policy will serve our own best interests.

5. All justice is founded on the search for truth.—Socrates.

6. The search for truth can be conducted, with hope of success, only by the methods of scientific inquiry.

"It is the progress which has been made in physics, chemistry, and experimental biology which gives everyone confidence in the procedures of the scientist." Conant, "Science and Common Sense" (1952, p. 45).

7. The search for truth by the methods of science is an intellectual operation. The following do not enter into this search for truth:

Authority, power, force, belief, hope, public opinion, official opinion, personal opinion, propaganda, public relations, vote of legislative body, vote of committee, wishes of a man or group, policy of any nation, or self-interest of any nation.

EXAMPLES: AUTHORITY TRIES UNSUCCESSFULLY TO DECIDE TRUTH

Galileo: Church tried to decide cosmic truth by authority, 1633.[1]

Dayton: State tried to decide evolution by authority, 1925.[2]

Russia: State tried to decide genetics by authority, 1936.[3]

PERTINENT COMMENT

Trial by ordeal was forbidden by church in 1216.[4]

Trial by combat was outlawed in England in 1819.[5]

Duels were outlawed in England in 1879.[6]

Attempts to obtain court evidence by torture were outlawed in the United States after the Revolution.[7]

8. Roadblocks to search for truth are the following:

(i) Any deceit or falsehood in evidence.

(ii) Any secrecy or suppression of evidence.

(iii) Any ex parte evidence.

(iv) Any bias, prejudice, or conflict of interest on part of judges, witnesses, jurors.

(v) Any attempt to prevent the giving of testimony by harassment of witnesses, coercion, bribery, or undue influence.

(vi) Any attempt to interfere, by force, or otherwise, with freedom of speech, thought, press, investigation, peaceable assembly, or communication.

9. In attempting to solve international controversies truth should be sought in a court of justice; by methods of science as provided by and safeguarded in the U.S. Constitution and its amendments, implemented by modern court procedure.

Wigmore: "The Science of Judicial Proof," 1937.

10. An idea cannot be killed by force. Witness: Christianity and the Roman Empire.

11. Justice between nations, as between men, must conform to Cicero's natural law; "the law of right reason—which is in accordance with nature."

Hutchins and others: "Natural Law and Modern Society."

Montagu: "On Being Human," 1950, Scientific basis for Cicero.

PERTINENT COMMENT

Cicero's natural law is consistent with and has been embodied in the doctrine of the Christian church.

Montagu's book furnishes a scientific basis for the interpretation of Cicero.

The above two books may easily be the most important to appear in the past century.

EXAMPLES

Three times within the past half century we have seen great dynasties or reichs, planned to endure 1,000 years destroyed apparently by the natural revulsion of mankind against aggressive war.

Plainly, the leaders who planned and directed national policy in these reichs did not understand life, or natural law.

12. It is seldom safe to attempt firm conclusions regarding interpretation scientifically of historical events. However, answers to the following questions, if available, would be pertinent to our situation in Vietnam:

(i) Why were the Romans, despite the use of terrible tortures of thousands of Christians over long periods, unable to stamp out the new religion?

(ii) Why, after nearly half a century of planning, with meticulous attention paid to everything, except human nature, did the Kaiser and his war party lose the Battle of the Marne, and hence lose the war and the Second Reich?

(iii) Why, with the great advantages of arming, initiative, and overwhelming numerical superiority, did Hitler and his war party lose the Battle of Britain, and hence lose World War II and the Third Reich?

(iv) Why, despite the very great amount of arms and money poured by the United States into the support of Chiang Kai-shek's regime, were the Communists able to take over all of China?

(v) Why did the French lose the Battle of Dienbienphu and with it lose Indochina?

(vi) Why, despite the very great amounts of money and armament poured by the United States into Vietnam, have we not won the war?

COMMENT

Mr. President, you have inherited in Vietnam a problem and a policy. The policy has not worked and the problem has steadily worsened. An Asian war now threatens.

Why not work out and establish a new policy? It has been said that the proper subject for the study of mankind is man. Why not study man?

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[1] Britannica.

[2] Britannica.

[3] Zirkle: "Death of a Science in Russia," 1949.

[4] Radin; Anglo-American Legal History, pp. 35–36.

[5] Radin, pp. 227–228.

[6] Britannica.

[7] Radin, pp. 244–246.

SUGGESTION

(A) Set up at once a high-level Presidential Advisory Committee to seek answers to the questions on page 3 of this letter, and to recommend a policy on Vietnam, with time limit set.

Suggested personnel: Ashley Montagu, Martin Luther King, Jr., Sargeant Shriver, Robert M. Hutchins, Virgil M. Newton, social scientists.

(B) Refer to the World Court, via the United Nations, for adjudication, the problem of Vietnam, together with your proposed new policy: the Johnson policy.

(C) Accept the World Court verdict and implement it wholeheartedly.

Note.—The above suggestion is entirely consistent with the recommendations of the 400 professors from 20 universities in the New York Times of February 16.

Sincerely yours,

L. T. Wyly,
American Citizen.

March 30, 1965.

Dear Senator Morse: I had, in the past, written my approval of your attempts to encourage negotiations in Vietnam.

On March 20, the western edition of the Christian Science Monitor carried an article entitled "Air Raids: U.S. Lid on Debate." The sense of this article along with others point to a movement toward ever greater involvement in a questionable war without even considering alternative solutions.

Since even consideration of alternatives seems to be successfully squelched by proponents of further escalation in official circles, it is more important than ever that alternatives be examined in the light of day by the public. I can think of no greater tragedy than a deepening involvement merely because we didn't think the issue through.

In line with this feeling I would like you to send me some copies of your speech dealing with Vietnam. These will be placed on the social concerns committee table of my church.

Sincerely,

Norma Litman.

Susquehanna University,
Selinsgrove, Pa., April 5, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I was very pleased to hear a portion of your public statement of March 30 in which you so courageously called for an end to warmaking by our Government and a beginning of peacemaking in Vietnam.

In this you certainly have the support of more Americans than you may be aware. I hope that this note may be some support to you in your efforts to put a stop to the current illegal and immoral activities being carried out in the name of "freedom" and "justice." It is becoming increasingly clear that the only sensible solutions to the Vietnam impasse are economic and social. If present policies are continued, the results can only be political and moral disaster at home and loss of any semblance of justification abroad.

Yours very truly,

Robert G. Mowry.

Champaign, Ill.,
April 5, 1965.

Senator Wayne L. Morse,
The Senate,
Washington, D.C.

Dear Senator Morse: I am horrified by the position and the actions of the administration in the war in Vietnam, and believe that all warlike procedures should be canceled immediately.

I wish to encourage your position on Vietnam and ask you to use any possible influence or powers to bring about:

An immediate cease-fire in Vietnam.

A conference of all nations to negotiate peace.

Sincerely,

Mrs. Barbara Brandt Chen.

Hempstead, N.Y.,
April 4, 1965.

Senator Wayne Morris,
Washington, D.C.:

Feel present Vietnam policy too dangerous for expected benefits. Recommend immediate institution of negotiations steps through U.N. if possible or other available channels.

Arnold Franco.

Thorne, Stanton, Clopton, Herz, & Stanek,
San Jose, Calif., April 5, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: Those of us who supported and worked for you in the election did so because we felt you would do your utmost to stop the killing of one human being by another anywhere in the world, especially where it involved our own citizens.

Polls of all kinds can be taken to give you any answer you might desire, but let me assure you that a poll of the entire American population would undoubtedly overwhelmingly endorse the idea of our getting out of Vietnam.

I think a most effective step that you could take at the present time would be to meet with Senator Gruening, of Alaska, and Senator Morse, of Oregon. These are fine Americans with the best interests of their country at heart, and I do believe they have something to say which has the support of the vast majority of their fellow Americans.

I think the gesture of your meeting with them to discuss the situation in Vietnam could have great impact, not only here in the United States, but around the world. Perhaps it could be the start of getting to a conference table where negotiations for ending the senseless war can be culminated.

Very truly yours,

John E. Thorne.

El Cerrito, Calif.,
April 3, 1965.

Senator Wayne Morse,
Washington, D.C.:

Dear Senator Morse: I commend you for your customary high purpose and honesty with regard to public criticism of the brutal aggression by our Government in Vietnam.

Sincerely yours,

Roland R. Austin.

Torrence, Calif.,
April 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: Although not a constituent, I have thought for some time to write to commend you, and to express my appreciation, for your courageous, unswerving, and steadfast opposition to American military policy in Vietnam.

But as those responsible for American policy seem determined to pursue their folly to the ultimate folly of nuclear confrontation, if not disaster, it behooves one to encourage those who seek to enable rational resolutions of the conflict in southeast Asia. To that end, I hope this letter will let you know that a great many of us look to you for the spark of leadership to crystallize and effectively make known our opposition to the present course of events.

Yours sincerely,

John F. Hodgson II.

Palo Alto, Calif.,
April 6, 1965.

Senator Wayne Morse,
Washington, D.C.:

Urging you to implore Adlai Stevenson resign as protest of administration's insane escalation of Vietnam war.

Oliver Henderson, M.D.
Psychiatrist.

Santa Barbara, Calif.,
March 27, 1965.

Senator Wayne Morse.

Dear Senator: At a speech at the University of California last night by Kenneth Armstrong, of the Cleveland Plain Dealer, he referred you as a "Ninny" for your stand on Vietnam, to a group of students discussing the situation after his talk.

It would interest me greatly to know who paid his fare out here and if the Plain Dealer paid his fare, why? And/or who paid them?

Did the USIS maybe pay him, or the Plain Dealer, or a nominee, under a new directive I read about lately by which they are now allotted money to propagandize us domestically as well as our overseas brethren?

Very truly yours,

Hugh French.

Arlington, Va.,
March 26, 1965.

Dear Senator Morse: Your stand on our actions in Vietnam is heartening to all of us who oppose the administration policy and see around us the signs of a war escalating up and up with no foreseeable end.

It is sad to see the once free and independent press towing the line of McNamara and the Bundy boys. More and more columnists are sounding like Defense Department press releases (William S. White, Alsop, etc.).

Our criminal use of so-called nonlethal gas is just one more sign of our desperate situation in Vietnam and of the hard-headed stupidity of our military planners.

Steven Hendel.

Jelinek & Glickman,
Counselors at Law,
New York, N.Y., March 29, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Honorable Sir: Since my last letter, you have received the qualified endorsement of the National Review, that well-known proponent of Barry Goldwater and all that he stood for.

In the issue dated March 23, 1965, the following was written:

"Are these just isolated incidents, of no importance? Do they portend a major strategic turn in U.S. foreign policy, a decision to take a hard line against aggression of all sorts and to protect every last acre of the free world? Probably not. Certainly it's too soon to pronounce the verdict, one way or the other. But these are signs of at least a temporary tactical turn, of a coolheaded effort to test out the will of our own people, of our allies, and of the enemy."

Although one should never be judged by the company one keeps, it should be little source of comfort to you to know that your activities in Vietnam are approved by that voice of extremism.

We can only guess what their reaction will be to the use of gas warfare by the United States for the first time in five decades.

Once again, I join with many in strongly hoping that you will immediately negotiate our withdrawal from Vietnam.

Respectfully yours,

Donald A. Jelinek.

(Copies to Senator McGovern, Washington, D.C.; Senator Wayne Morse, Washington, D.C.)

ARLINGTON, VA.,
March 29, 1965.

MY DEAR SENATOR MORSE: While not a constituent of yours, I feel impelled to write to express my admiration and support for your courageous and outspoken stand on the situation in Vietnam, and to urge you to continue to press for negotiations. Our "save face escalation" in that unfortunate little country seems to have cost us the support of the world. The support which we claim to have from the British Government seems to be most reluctant and uneasy. I am enclosing a troubled editorial from the March 10 edition of the Manchester Guardian.

I hope that those of you in the Senate who support a sane, humane, and constructive policy will exert all your influence to change the perilous course upon which this Nation has almost unwittingly embarked under the urging of our overzealous military establishment.

Very respectfully,

ELIZABETH NORTH.

MR. WILSON ESCAPES FROM VIETNAM

Whether or not the Prime Minister's statements on Vietnam in the Commons yesterday satisfy his Labour critics they are probably as good as we can expect. Disingenuous, of course—particularly the quick references to the 1954 agreements (a very complicated story), and to the change which he sees in the war in recent months. It was not to be supposed that in present circumstances he would flatly contradict the American line. Nor would it have done any good if he had. In fact, his only harsh words were directed neither at Mr. Rusk nor at the critics of his own attitude in the Labour Party, but at Tory attempts to exploit the disagreement between these critics and himself.

Moreover, he did give an impression of activity—talks with Mr. Gromyko next week, the Foreign Secretary's journey to Washington the week after. Probably these efforts will have only a marginal effect on the course of events; the end of the war will almost certainly be determined more by what happens in South Vietnam than by what happens in London, or even in Paris, Peiping, Moscow, or Washington. So it has been throughout; what Mr. Wilson thinks matters less (as no doubt he realizes) than what a handful of Saigon generals and monks and a whole countryful of other Vietnamese think. That is an additional reason for not wanting to offend the U.S. Government pointlessly. But meanwhile the British Government's efforts combine with those of U Thant, Mr. Lester Pearson, President de Gaulle, and other statesmen to create an atmosphere in which negotiations come to seem natural and inevitable. Here again it is important that some of those adding their mediatory pressure on President Johnson should seem sympathetic to his dilemma.

There are, of course, limits. Washington's good opinion is not the sole factor in our foreign policy. It is deeply disturbing that a report has been circulated giving the impression that the British Government supports the U.S. air strikes against North Vietnam. This report has been printed in foreign newspapers and broadcast in the United States. It naturally shocked Mr. Vladimir Dedijer, as he made clear in a letter to the Times yesterday and it must have shocked many others whom we like to feel well disposed toward us. Apparently it arose from a misunderstanding of something a Government spokesman said. It must be untrue; when Mr. Wilson was asked yesterday by a Conservative Member of Parliament for an assurance that the Government was "supporting the U.S. Government in the actions which they have taken," it was noticeable that he evaded a direct answer. Instead, he took refuge in the truism that "if the 1954 agreements were observed, there would be no problem." But a more definite denial of the harmful report is needed. The British Government may not feel able to condemn the raids, but it is not called upon to approve them.

NEW YORK, N.Y.,
March 29, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: It becomes increasingly clear that our Vietnam policy is lacking any kind of moral or ethical base and I know I speak for many friends when I ask for an immediate cease fire in Vietnam and immediate use of U Thant's formula for negotiations.

Sincerely,

JAMES D. PROCTOR.

BRONX, N.Y.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I appeal to you to urge the President to replace Gen. Maxwell Taylor with a civilian representative as envoy to Vietnam. His (the General's) questionable advice and statements seem to have outraged public opinion—both home and abroad, have escalated the war tremendously and dangerously, and created distrust of our declared policy of negotiation in Vietnam.

A military mind can furnish only a military solution to a political problem.

Sincerely yours,

SOLOMON SCHIFF.

SYRACUSE, N.Y.,
March 5, 1965.

Hon. LYNDON B. JOHNSON,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: The strafing and bombing of installations in North Vietnam and Laos can be interpreted only as another serious step in the escalation of the war in southeast Asia. In this thermo-nuclear age, such an action by the U.S. Government must be termed highly dangerous. Given the harsh realities of the South Vietnamese conflict—the indigenous nature of the Vietcong troops and the authoritarian and unpopular character of the Saigon ruling clique—it seems to be a desperate and futile measure as well.

As a group of Syracuse area faculty members who have studied the growing American involvement in what was formerly Indochina, both in terms of America's moral posture and American national interest, we urge you to consider a solution to the crisis which will involve an end to the unilateral U.S. military presence and an effort to neutralize the area under international control.

Very truly yours,

Elias Balbinder, Irwin Deutscher, Joseph Julian, Keith Olsen, Arnold Honig, Harry Schwaylander, J. W. Trischka, Roland E. Wolseley, Seymour Bellin, Stewart Kranz, Reginald Manwell, Earl George, Louis Skoler, Byron Fox, Henry Woessner, Klaus H. Heberle, David H. Bennett, George Moutafakis Nanavatie, R. James A. Smith, Gordon Kent, William W. West, Robert H. Hardt, James L. Brain, Louis Krasner, David Dobereiner, Robert Root, Peter G. Bergen, Erich M. Harth.

CLEVELAND, OHIO,
March 27, 1965.

Senator WAYNE MORSE,
Senate Office Building.

DEAR SENATOR MORSE: Keep up the good work you are doing in trying to help us stop this war in Vietnam. My husband and I are 100 percent behind your efforts.

Sincerely,

MRS. ELMER S. NEWMAN.

WILLOWS, CALIF.,
April 2, 1965.

HONORABLE SIR: I have been thinking how stupid it is for us to be bombing North Vietnam. It would be just as logical for us to bomb Canada or Mexico to make Cuba submit. The old proverb if you build a better mousetrap they will beat a path to your door. Well we have had a better trap for years. But I have begun to wonder if the spring hasn't been broken. If the right bait is in the trap the mouse will come—get in by himself. But you can set a trap and try to drive the mouse in it—it is impossible. Seems we are trying the latter. I admire you very much.

Respectfully,

ROY BEEVERS.

SILVER SPRING, MD.,
April 3, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your firm stand for negotiations to end the Vietnam fighting.

You have demonstrated tremendous courage in bringing the real issues to the attention of the American people. Please continue your good work.

Cordially,

JEROME OELBAUM.

EL CERRITO, CALIF.

DEAR SIR: I would like to congratulate you for your stand on Vietnam. That this hoax is being perpetrated in the name of freedom and democracy is incredible. The acceptance of this hoax by the American people is saddening. The platitudes voiced by the bulk of the U.S. Senate are sickening. Your voice is refreshing. I thank you.

Sincerely,

DENNIS C. WRIGHT.

NEW YORK, N.Y.,
April 4, 1965.

DEAR SENATOR MORSE: Just a note to let you know that I agree with your position on Vietnam.

I have written to this effect to the White House, especially pointing out my agreement with the ad in today's New York Times, "In the name of God, stop it."

Very truly yours,

AUGUSTUS MORRIS.

NEW YORK, N.Y.,
April 3, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We thank you for your stand demanding negotiations in Vietnam.

We hope you will continue to speak up in this cause. We belive that American withdrawal from Vietnam will have to be part of the most satisfactory possible solution.

Respectfully,

Mr. and Mrs. HERBERT MENZEL.

NEWTON, MASS,
April 3, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My daughter who is in sixth grade came home a few weeks ago in a rush of resentment and chagrin. Only she and a few others had taken the position after a class debate on Vietnam that we should get out of the place and out of Asia as well. What particularly disappointed her was that some of the smartest kids in the class were for keeping it up in Vietnam.

Well, sixth graders don't have much power, but people in high places do, even the smartest ones. We know people like yourself have a tough position to maintain. We want you to know we're all for you. We have written to President Johnson and our Senators expressing our firm opposition to our dangerous policy in Vietnam.

Sincerely yours,

MIRIAM SIPERIN.

P.S.—My daughter has not given up trying to convince the sixth grade of their folly. She, as well as our junior high daughter, say you're "cool."

BROOKFIELD, WIS.,
April 3, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I read with a great deal of interest the report in today's Milwaukee Journal of your debate with Senator PROXMIRE at Portland. I heartily approve of your position. The situation, a mistake from the beginning, is worsening all the time with a useless outlay of billions. We must get out for the sake of erasing the negative image and the charge of imperialism which is arising in so many countries, especially in Asia and Africa. Some way must be found through the mediation of the U.N. or some other peaceful means of "saving face" if that is necessary. But we must get out.

Congratulations to you. Keep up the good work. I have expressed my disappointment over his stand to Senator PROXMIRE; and I did it with a great deal of real regret as I agree with him on more issues than I disagree. But this time he is just on the wrong side.

Sincerely yours,

JOHN C. LAZENBY,
Professor Emeritus,
University of Wisconsin.

APRIL 1, 1965.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I want to thank you for representing us so well in your courageous stand on Vietnam.

Several weeks ago I was asked to spend a Saturday afternoon passing out leaflets urging negotiations on Vietnam for the Women's Strike for Peace. I was about to say no when I heard on the radio that you were urging the same course of action. Your statement made me feel that if someone as respectable and prominent as you took such a stand it certainly must be OK to follow my own inclinations on the matter. I passed out the leaflets.

I cannot help but feel that the horrors we are perpetrating in Vietnam will eventually be visited on us and, as a mother, I thank you for your effective leadership on behalf of sanity.

Sincerely,

MRS. MARGARET BONNEFIL.

LAGUNA BEACH, CALIF.,
April 1, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I strongly admire the stand you take against the American war hawks.

President Johnson preaches peace and practices war to the utmost.

I hope sanity will return to the White House in time to save the world from utter destruction by the war lords.

More strength to you and those like you.

Respectfully,

FOSTER WILLHIDE.

MARCH 31, 1965.

DEAR SENATOR MORSE: I thank you from the bottom of my heart for your courageous position on Vietnam. If we do not get out now, it will be to our eternal shame and the world will not forget. We brandish our powerful arsenal like any bully on a street corner. If we live, you will soon be in the majority. The American people's hearts are not in this burning and bombing of peoples even though they may not be too clear on where the truth lies. Goldwater is gloating.

Again I thank you.

Sincerely,

MARION KINNEY.

NEW YORK CITY,
April 3, 1965.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: Heartfelt congratulations to you, Senator COOPER, Senator AIKEN, for blending into a responsible voice demanding more than news management by the President to explain the use of power without policy in southeast Asia.

Your 4-point "general principles for honorable negotiation" (cease-fire * * * supervision thereof * * * a South Vietnam with free institutions * * * and normalization of * * * economic relations between North and South Vietnam), though 11 years late, is of course the sine qua non of preventing further escalation.

However, I predict, based on my analysis of the situation (you may not be willing to publicly admit your concurrence), that the following will ultimately be proven correct:

1. As price for election support Johnson agreed to permit Goldwater escalation campaign planks to go into effect if elected:

a. Pentagon would practice—policy statements, or managed rationalizations would follow:

b. Weapons testing (gas, etc., what next?) in South and North Vietnam and neighboring countries would be a purely military decision, and Johnson would voice no protest if used;

c. The consensus of American opinion expressed to House and Senate Members, if against escalation and testing above, would be an exception to Johnson's obedience to his politics of consensus rule.

2. An agreement exists with Chiang, made God knows how long ago, pledging United States might to risk and if necessary fight China (and any allies) in his interest, regardless of changing world situations or justice to Asian peoples. This agreement also provides that United States will (would) never sit down in the same U.N. with representatives of the 700 million real Chinese. And it provides (a later codicil in a world suicide pact?) for the earliest possible nuclearization of Japan.

3. That in the 1950's American economic policy (the National Economic Council abnegating world leadership by example) subverted civilian economic and human productivity (butter) to military overkill stockpiling and space programs—a parasitic growth profiting the few via incredible waste of technical human manpower and hardware at the expense of domestic nonhardware industry and the use of America's productivity of real humanly needed goods and their distribution around the world.

In short, by economically planning the parasitic, wasteful, growth in hardware and space industry, America in the 1950's and 1960's became in all major civilian industries a second-rate producer in world markets * * * ruined its banking and gold standing in the world * * * and caused the following:

Two-thirds of America's paycheck dollar earned by working for Overkill and space-racing;

Only token funds available for domestic programs to create better than 97 physicians per 100,000 population (1963 figures) * * * for new teachers and new schools to replace firetraps * * * for nursery schools * * * for programs against pollution of air and water, waste and plunder of our natural resources * * * for the rebuilding of civilian industries like shipbuilding (we built 40 in 1964, while Russia built over 600, and Japan captured the free world markets), like fishery technology (we are 20 years behind, hire foreign advice), like railroads (the mayhem here needs no comment), like housing (outmoded building designs and methods—and outrageous graft—keep building down, and so make slums of old and new the source and result of our rapidly increasing impoverishment and demoralization of fully one-third of our citizens, black and white), like machine tool and printing equipment companies (lack of economic planning has forced these to produce overseas, or import, in epidemic proportions) * * * and so on ad nauseam.

The export to the developing nations around the world of similar parasitic growth, the subversion of their populations' energies and budget to similar economic planning, which their economies can even less endure than our, and the creation around the world of an image of United States pursuing military power and space technology out of all proportion to human needs, morals, and values at home and abroad.

The above analysis, from a variety of sources and researches far superior to my humble same, will appear increasingly in the near future, in a variety of forms. I send it to you now in hopes it will stimulate your more careful analysis of the Vietnam situation and its sinister implications, and open up your mind to the larger picture of the depletion at epidemic rate of America's resources and people in the service of "guns" at the expense of "butter."

I am sending copies to my friend JOHN LINDSAY, as well as to Senator KENNEDY (ROBERT) and Senator WAYNE MORSE. I would welcome any communication supporting weakness in any part of my argument.

Respectfully yours,

HOWARD PLUMMER.

Copies, per above final paragraph.

NEW YORK CITY, N.Y.,
April 3, 1965.

DEAR SENATOR WAYNE MORSE: Realizing full well the probability of its quick trip to the wastebasket, I send you the enclosed comments on the Vietnam situation, its political preelection background as I feel forced to view it, and an overview of the depletion and subversion of the real human and economic strengths of our country.

All for your consideration in depth, comment welcome of course.

All presented with the utmost dedication and skill of which I am capable, and hoping against hope someone will prove I am wrong or, if I am right, set partisan politics and greed aside long enough to commit themselves to the revolution necessary in American military and economic policies to alter our suicide course in both areas.

Publication will result, in time I trust, from a more careful presentation of the above. Your comments now will be of course extremely helpful in making that piece true-to-fact and well-balanced. However, the briefest of comment will be profoundly appreciated.

Respectfully yours,

HOWARD PLUMMER,

Enc.: copy, letter this date to Senator JAVITS.

NEW YORK, N.Y.,
April 3, 1965.

Senator WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR: You have consistently spoken out against this deplorable war in Vietnam, correctly foreseeing our increasing involvement and the impossibility of our goals there. Unfortunately, most others in public office are unwilling to discuss openly the issues involved, and the premises upon which our policy is based. We are grateful for your outspokenness. You inspire in us a mighty urge to move to Oregon.

Your admirers,

Carol and Andrew Duncan.

Wellesley, Mass.,
April 4, 1965.

Senator Wayne L. Morse,
Washington, D.C.

Dear Senator Morse: Your courageous fight for negotiation and peace in Vietnam has my wholehearted support. Many others I know who are not writing you also support your stand.

Sincerely yours,

Katherine Lever.

Toward Freedom,
Chicago, Ill.,
April 3, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Congratulations on your continuing fight against our Vietnamese adventure. The prospects for negotiations look slightly better now—probably due in large part to the efforts of you and your colleagues of like mind—but there is still a long way to go.

I am enclosing back copies of "Toward Freedom" which illustrate our long-time interest in giving the Vietnamese people a chance to determine their own fate. In addition, your name is on our regular list and you should have received our January issue with a main article by Hoang Van Chi, an anti-Communist Vietnamese, who courageously examines American misconceptions and mistakes about his country. If your copy of this issue has been misplaced we will be glad to send you another on request.

Permit me to call your attention particularly to our suggestion of a "pro people" swap agreement: we would accept popular elections in all Vietnam in return for Soviet acceptance of all-German elections. Elections may seem a long way in the future in the present excruciating Vietnam situation, but I feel that we must envisage and plan for a turn toward ballots instead of bullets unless we are to make a mere propaganda pitch out of democracy. After all we connived in depriving the Vietnamese of the chance to use ballots in 1956, so it's not too surprising that they turned to bullets instead. We certainly must have proposals for going back and taking the ballot way.

The British were the first to push the partition idea in 1954, and now they have come up with something almost equally poisonous: the garrisoning of Vietnam by Red Chinese and American troops to maintain order. How can it be called a peace move to bring United States and Chinese troops face to face? India provided 6,000 troops for the prisoner exchange supervision in Korea, and neutral troops could also be found for Vietnam—say a combination of Philippines, Burma, Malaysia, Ethiopia, and Ghana.

I believe that constructive moves on Vietnam are of the utmost importance. Let me know if there is anything I can do to help.

Sincerely yours,

William B. Lloyd, Jr.,
Editor.

Princeton, N.J.,
April 4, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I wish to thank you for the courageous stand you have been taking in opposing American escalation of the war in Vietnam. In doing so you are performing a great service for the people of your State and the entire United States. If there were more men of your caliber this would be a safer, more prosperous, and happier world to live in. Keep up the good work.

Cheers,

Joel Epstein.

April 3, 1965.

Dear Senator Morse: I only wish we had more people like you in important places who would speak out against the folly of southeast Asia. People who do not have to worry about what may happen to them in the future for speaking their piece.

May God give you the grace to keep up the good work. There are not enough like you.

Archie J. James.

Mesquite Tree Ranch,
Thermal, Calif.,
April 1, 1965.

Dear Senator Morse: My reason for taking your time with this letter is the serious dilemma of Vietnam and your interest in finding a way out. I want to suggest a possibility, based on "War, Revolution—or Cooperation on the Mekong," the main article heading the Wells "Between the Lines" Newsletter of March 1, 1965.

Walter Lippmann, in his March 19 column says our present policy will not work and will lead to disaster, either by military defeat, escalation of the war, or our expulsion from the area by a Vietnamese deal with the Vietcong. Mr. Lippmann says our policy is all stick and no carrot. The missing ingredient is a sketch of the settlement our bombing is designed to bring about.

Quoting the March 1 Wells Newsletter:

The most tragic shortcoming of U.S. policy in southeast Asia has been the failure to cooperate with and use the great Mekong delta development program as a means for curbing and defeating communism. * * * This is an immense and bold plan for land, agriculture, water, and power * * * that unites all factions in the four nations of the delta, Cambodia, Laos, Thailand, and South Vietnam. * * * This imaginative project provides a framework in which all free nations could join under the U.N. but with very little U.N. expenditures. * * * It could be supported by only a small fraction of the cost of the war.

Instead of bombing the fragile industries of North Vietnam we could be offering them incalculable benefits for cooperation. * * * The United States could use the project as a basis for a negotiated peace, withdrawing our military and substituting a new free Asia emergency peace force—troops from Thailand, India, Japan, the Philippines—while concentrating all strength and energy on the development program. The Communists would not dare alienate all Asia by attacking such a representative peace force, nor would they dare to sabotage the Mekong project.

Mr. Wells lists reference articles on the Mekong project. Before we destroy Hanoi or bomb Red China, why not explore this possibility? If you do not read the "Wells Newsletter" and desire a copy of the March 1 issue, I could have one sent to you.

I am a conservative Republican.

Very respectfully,

Horace Hagerty.

New York, N.Y.,
April 4, 1965.

Hon. Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: May I express my gratitude for your courageous and conscientious effort for negotiations in the Vietnam war. I wrote to President Johnson in support of the pleas by the clergymen's emergency committee on Vietnam "In the Name of God, Stop It" (New York Times of April 4, 1965).

This urgent plea by the thousands of men of God deserves the support of every humane Senator, and thank God that we still have a Senator like you in these critical days.

Respectfully,

I. A. Brunstein.

(P.S.—The tragedy of it all: We defeated Goldwater only to see Goldwaterism triumphant.)

New York, N.Y.,
April 3, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: May I express my sincere support of your courage and consistency in calling for U.S. withdrawal from South Vietnam and the placement of the problem before the United Nations.

Sincerely,

Johanna Grant.

Cambridge, Mass.,
April 5, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

We encourage your efforts to bring responsible discussion of the Vietnam war before our Nation.

Mennonite Congregation of Boston.

Pomona, Calif.,
March 23, 1965.

Dear Senator Morse: As an American citizen I am firmly behind you in your fight to find a better solution to Vietnam than the one the present administration is now following.

I believe our actions over there have erased all of the good will our country has won throughout the world. Unfortunately our actions have unmasked us as a naked aggressor in a land thousands of miles from our borders. Any justification for this must go down in history as a rebirth of the Nazi Weltanschauung.

It is impossible for me as an American, who has been brought up in the traditions of equal rights before the law, self-detemination, and fair play, to accept that for the first time in our history the rest of the world can justifiably label us as an out-and-out aggressor in a foreign land.

I fear that if things continue as they have in Vietnam the "war hawks," who seem to be controlling the situation, will resort to nuclear weapons and probably bombs in desperation. Our action over there must be stopped before its too late.

Sincerely yours,

William T. Anderson.

April 3, 1965.

Senator Morse: This is to endorse your position regarding the peaceful settlement of the war in Vietnam.

Respectfully,

Herbert E. Isaacson.
Paula D. Isaacson.

Bronx, N.Y.,
April 3, 1965.

Senator Wayne Morse,
Washington, D.C.:

I wish to state my support of your opposition to the administrative policy in Vietnam.

Yours truly,

Stephan Friedberg.

Los Angeles, Calif.,
April 2, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: While I am not one of your constituents and will probably never be able to cast a vote for you as Senator, still I find that you most frequently speak for me on a majority of issues. For this reason I am writing you today to urge you to continue your efforts to conclude our involvement in Vietnam.

This situation may already have gone too far to avoid general war, but so long as there is any hope, do please use all your powers of persuasion not only to prevent further spread of the fighting, but also to end our military participation in the affairs of Vietnam.

It does not seem to me the proper way to correct an old mistake by making new blunders.

Sincerely yours,

ROSEMARY H. DAVIS.

KIMBERLY, B.C., CANADA,
April 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: From time to time, I have been reading your anxious views on the conflict in Vietnam. I am interested to know what you think of President Johnson's offer (April 7, Johns Hopkins University) for unconditional talks to end the dreadful war in Vietnam. Mr. Johnson said the United States would not leave South Vietnam until the country has secure peace free from outside interference. Are we to assume from this that the President has not changed the U.S. position? I thought his ideas for reconstruction in southeast Asia excellent. However, if the United States remains ready to carry on its military effort in South Vietnam and against the north, in the final outcome will there be anything left to reconstruct? Make no mistake, we in this country share your grave concern over this costly war.

I would sincerely appreciate hearing your views on the latest development.

Yours truly,

MRS. EARL PEDERSON.

UNIVERSITY OF CALIFORNIA,
BERKELEY, CALIF.,
April 14, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heartily endorse your stand on Vietnam and am quite thankful that there is still a visible, vocal and intelligent opposition in the Senate. I sincerely hope and pray that you and others like you have some effect on U.S. policy in Vietnam.

I would appreciate any material or literature, including the State Department's white paper, on the Vietnam situation.

Sincerely yours,

ARTHUR LIEBMAN.

MANSFIELD, OHIO,
April 13, 1965.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Many thanks for your service to the people in giving much needed information on the war in Vietnam. It is hoped that your voice will never be stilled by the threat of dams or any other favors to your State, for if the present policy is pursued to its ultimate conclusion there will be no need for dams or anything else anywhere.

In all wars of history, religion has played its part either in instigating or blessing the participants and there are vague hints that there are religious issues at stake in Vietnam. Otherwise, it doesn't seem that those Buddhist monks would seek to publicize their side of the controversy by such violent means as burning themselves to death. Such behavior suggests that a way of life is being forced upon them that is inimical to their sense of justice.

I am wondering if you could give me information or suggest reading material concerning this phase of the war.

Again thanking you for your almost singlehanded fight in the Senate and urging you to remember, in lonely moments, that there were "7,000 in Israel who had not bowed the knee to Baal." All people of good will will be grateful to you for your fearless advocacy of a more lenient policy in Vietnam.

Very sincerely,

ALICE G. BEER.

SACRAMENTO, CALIF.,
April 16, 1965.

DEAR SENATOR MORSE: I have recently read an article by Bertrand Russell entitled "Free World Barbarism: The War of Atrocity in Vietnam" (Minority of One, December 1964) which has left me seriously disturbed and anxious to discover additional and reliable information on the political nature of the struggle in South Vietnam.

Russell and others have described the national liberation front as "indigenous" and have asserted that the uprising in Vietnam against the Diem and subsequent governments is a national one. It seems to me critical that one know the truth of this assertion for the reason that one cannot pass judgment on the political validity of the U.S. role in the suppression of the Vietcong (NLF) without understanding just what and who our Government has determined to crush.

A document that would indicate the origins of the front, its leadership and their backgrounds, and the nature and source of its support is sorely needed. This kind of information is simply not available (as far as I have been able to discover) in the American press. I cite to you David Halbertram's article in the January edition of Commentary magazine, "Getting the News Out of Vietnam," as illustrative of the distortion and unreliability of American news coverage in Vietnam in most recent years.

I would be most appreciative of any references you are able to suggest that report a comprehensive and reliable description of the national liberation front. Foreign periodicals (British, French, or German) would be most acceptable. In addition, I would like a copy of the U.S. white paper on Vietnam.

I know that you for one have been most critical of our role in Vietnam, and I assume that your position is based on information and facts that do not give credence to our present Vietnam strategy. The abysmal horror and destruction of fellow human beings in that far off land by Americans does not rest easy on this citizen's mind. I would appreciate any information you are able to provide.

Sincerely yours,

DAVID M. BLICKER.

LOS ANGELES, CALIF.,
April 12, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: A friend has lent me a copy of the CONGRESSIONAL RECORD for the Senate for April 1, 1965, and I want to congratulate and commend you on your courageous stand demanding a United Nations cease-fire order as the beginning of a negotiated peace in Vietnam.

However I have not been able to finish all the excellent statements which you succeeded in getting printed in the RECORD for April 1, since I had to return the copy, and I would like if it is possible to have this issue of the RECORD for my files.

You probably don't remember me but if you think back to the days when you were dean of the University of Oregon Law School and an arbitrator for the longshore union you may remember a young United Press correspondent going to the university in Eugene and working on the Eugene Register-Guard who used to pick up copies of your decisions. I was that reporter and it was my job to digest the decisions and wire overhead to Portland a 100- or 150-word version for news stories that went up and down the Pacific coast, and I suppose also to the east coast if the dockside issue was important enough.

Now I have my own news agency in Los Angeles, serving weekly neighborhood papers with reports on local government. The publishers who buy my service are almost uniformly conservative and would not print any column of mine stating my views pointblank about our aggression in Vietnam. But I am enclosing a column which contains one single paragraph which compares the Asian situation to George Orwell's predictions of "1984" so you can see how I feel.

Without voices such as yours and Senator GRUENING's the United States would be in a sorry state. The conservatives control the pipelines of news and opinions and those of us who feed material into these pipelines are often foreclosed from warning our readers and listeners of the dangers of nuclear disaster. But I at least write the truth as I see it and if I can't take a stand against would never write a word apologizing for what I think is morally wrong and stupid in the bargain.

I wish you well. I've followed your career for more than 25 years and you are a credit to Oregon, the Senate, and your country.

Very cordially yours,

RIDGELY CUMMINGS.

P.S.—You are free to insert this into the CONGRESSIONAL RECORD if you think it would do any good.

RIDGELY CUMMINGS.

CIVIC CENTER SPOTLIGHT

(By Ridgely Cummings)

Phase II includes animal exhibit groups in five continental areas with each area planted with trees and shrubs native to that continent. Actually there are six continents if my grade school geography was accurate but Europe and Asia are being combined into one, Eurasia. This for some reason reminds me of George Orwell's "1984" and the constant wars between three world powers, two of them ganging up on the third, then switching sides and rewriting history to make it appear they had always been allies with their present partners. This may come to pass yet in our time with Red China, Soviet Russia, and the United States and its economic dependencies as the three, but I had better get back to the subject at hand, the safer subject of animals and my little daughter's reaction to same.

BRONX, N.Y.

Senator W. MORSE,
Washington, D.C.

DEAR SIR: Every U.S. Senator should read Hans Morgenthau's article in the April 18 edition of the New York Times magazine section. His analysis of the course of our present policy and actions in Vietnam are terrifying and foreboding.

The President should be urged to revise the present policy to conform with a pragmatic political policy suggested by Morgenthau, otherwise an ensuing Asian war could have catastrophic consequences for us and the rest of the world.

SOL SCHIFF.

BERKELEY, *April 18, 1965.*

SENATOR MORSE: Many of us are with you in your struggle to stop the senseless killing in Vietnam in the name of what has been called the big lie.

President Johnson is branding the world with his deadly L.B.J. in the name of "peace, freedom, and America." Immune to words of sense, of mercy, of humanity, he would use those instead and profane their meaning. Like the King of Lilliput, he makes a benevolent proclamation and proceeds to his dastardly deeds of bombing.

I have marched, I have written, and will continue although it sometimes seems futile. We cannot give up—yet, I wish I could be more effective—have you any suggestions? 15,000 march on the White House and President Johnson refuses to stop bombing as he speaks of peace.

Please, please continue your heroic and sensible efforts—shout the truth as loud as you can, for as long as you can—I, we, see it is our only hope in a world rapidly heading toward its own destruction.

Sincerely,

Sandra Diiksha.

Seattle, Wash.,
April 18, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: As Johnson's war in Vietnam is escalated toward a global conflict, we are ever more grateful that you and Senator Gruening continue to speak out against this shameful action by our beloved country.

More and more Americans join you in efforts to achieve a cease-fire and negotiations. Yesterday 200 of us marched in a peace witness in Bellingham instituted by the American Friends Service Committee. We heard two University of Washington professors talk on the right to protest and the wrong of the U.S. war in Vietnam. One used much of your argument in calling for an end to our shameful participation in this civil war.

We work for peace here and know you will continue to do the same in the Senate.

For peace.

Lyle Mercer.

Oswego, N.Y.,
April 17, 1965.

Dear Senator Morse: Keep up the fight against our murderous activity in Vietnam. We are proud of you for your courage. Hope you can get through to the President and Dean Rusk but it seems hopeless.

We are with you. Wish there were direct aid to give. Is there?

Sincerely,

Warren E. Steinkraus.

Fremont, Calif.,
April 5, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: As a graduate of the University of Oregon, I feel that I am an Oregonian. I have long supported your courageous stand on South Vietnam, that the problem should have long since been submitted to the United Nations. Such action would not only have demonstrated our genuine willingness to preserve world peace, but would have branded the Communists as aggressors in the eyes of the world. Our continued support of a corrupt regime which lacks the moral and material support of its citizens seems destined to failure. At best all we can hope to create is an artificial situation which will collapse soon after our troops are withdrawn.

McGeorge Bundy, on a press interview Sunday, April 4, 1965, appeared to evade directly answering questions posed to him on American opposition to our policy in South Vietnam. Bundy's remarks on television seem to lend support to former State Department adviser Owen Lattimer's charge that the State Department "hushes everybody up by saying, 'we know all the facts.' "

I feel that such State Department high-handedness is doing irreparable harm to our democratic institutions. It seems that our State Department officials are presuming to act for the American people without consulting the very people whom they profess to represent. Perhaps the present administration should be reminded that the Constitution was created by and for the American people.

Yours truly,

Bert K. Robarts.

April 1965.

Dear Senator Morse: Without fail—everytime we hear on the radio—what you have to say on any issue—and particularly Vietnam, we are overwhelmed with gratitude that you are there and saying what you are saying.

Sandra Skavdon.

Belmont, Mass.,
April 7, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We ask for an immediate cease fire in Vietnam and for prompt application of the U Thant formula for negotiation.

Sincerely,

Larry Bader.

Vallejo, Calif.,
April 8, 1965.

President Johnson,
The White House,
Washington, D.C.

Dear President Johnson: We want you to know that we are against the war in Vietnam. We support Oregon Senator Wayne Morse and his views on the terrible things that the U.S. Government is doing in Asia.

Stop this dirty, unjust war against people of Vietnam.

Yours truly,

cc: Oregon Senator Wayne Morse.

Dear Senator Morse: We have also written this same letter to California Senators George Murphy and Kuchel.

Irene Byers,
Warren Byers.

Santa Barbara, Calif.,
April 7, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: As I recall it, the Constitution says Congress has the right to declare war. Of course, it did not define war exactly; but it seems to me that bombing another country every day regularly might well be considered a state of war.

It seems to me there might be considerable mileage in some Senators or Representatives attempting to assert the ancient rights of Congress at the present time?

Best wishes,

Irving F. Laucks.

Jersey City, N.J.
April 8, 1965.

Hon. Wayne Morse,
Senator from Oregon,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: It was mentioned over the air Saturday morning, April 3, that you had a discussion or debate with Wisconsin Senator Proxmire in San Francisco or Los Angeles, on our private undeclared war on the Vietnam people who are fighting for freedom from their oppressors, the rulers we in the United States are forcing on them in the name of preserving democracy for the freedom-loving people in South Vietnam, and that our democratic and freedom-loving warmongers in Washington will fight for that freedom even if they have to kill every noncombatant man, woman, and child living in North or South Vietnam by incendiary bombs, napalm bombs, gas bombs, and ordinary dynamite bombs dropped by the tons by our men serving as consultants or advisers to the Vietnam armed forces we are creating, training, supporting, and paying for with our sons' lives and with our own taxpayers' money in the billions.

It's our men, planes, and ships that are doing most of the killing and committing wanton murder like Hitler did to the Jews and to all others who opposed his ideas of solving the race problem.

I believe that we are committing a greater crime against humanity than Hitler because it was the United States that plunged into World War I and II, which wars took over 75 million lives and property destroyed worth hundreds of billions of dollars to make the world safe from future wars and hatred and to permit self-determination of governments by the people and for the people—not governments forced on them by outside powers. Colonization and slavery was supposed to be out.

What are we doing in southeast Asia? What kind of an example for freedom and peace are our ruling clique in Washington displaying for the newly created governments?

How can our President, and my friend, Lyndon B. Johnson, who is fighting so hard for rights and improvements to our people in our United States criticize and condemn the crimes and shameful acts committed by our own extreme right group, yet permit the shameful crimes we are committing in Africa with the Tshombes and in southeast Asia with the gangster rulers whom we have put in a position to rule their people by oppression and mass murder. These rulers are sitting on top of a government supported by our bayonets, money and military might—not by the wishes of the great majority of their citizens.

Dear Mr. Senator, what can we do here in the United States to arouse the conscience of enough Senators and Congressmen to stop this shameful undeclared wanton murder of innocent people who are paying the supreme penalty for something they don't know what it's all about.

Does our war clique in Washington really want to bring this undeclared private war to an atomic war climax? What then?

I am certain that there are enough decent and liberal thinking Senators and Congressmen in the Senate and House, and many millions of citizens in the United States who are willing to support them morally, and financially if necessary, to stop this shameful undeclared private war which is being pursued under the guise of saving democracy for the freedom-loving people.

Why the hypocrisy? Why not have the United Nations take over the responsibility of handling this situation as proposed by U.N. Secretary U Thant?

Smart people are those that admit their mistakes and try to make amends without face saving and schemes.

Please mail me a copy of your recent debate with Wisconsin Senator Proxmire (in San Francisco or Los Angeles) who was elected on a liberal platform of the LaFollettes but is now singing a different song.

Very truly yours,

Samuel Kipnis.

Daytona Beach, Fla.,
April 6, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: I am so disgusted with the stand our Florida Senators take on the war in Vietnam, that I am writing to you. The U.S. image is being blackened by bombings, strafings, and burnings of peasants and homes in Vietnam. This is in direct opposition to our policy at home—where we oppose such acts on a lesser scale by the KKK, White Citizens Council, etc. If we oppose terror at home, why should we not oppose it in Vietnam?

From what I can understand the people of Vietnam want to be left alone—and only a few Vietnamese plus military personnel want the war to continue.

My plea to you—please do all you can to stop this war.

Sincerely,

Mrs. E. L. BAKER,

BROOKLYN, N.Y.,
April 8, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I am glad to see the beginnings of a change in our Vietnam policy and I must commend you on your stand. I must add, however, that I would like to see an immediate cease-fire there and use of U Thant's formula for negotiations.

Sincerely yours,

PAULA JHEWIN.

APRIL 8, 1965.

DEAR SENATOR MORSE: You may feel very much in the minority but I know many Americans support your conscientious stand on U.S. involvement in Vietnam. Stay strong.

Sincerely,

WILLIAM M. HODSDON.

FLINT, MICH.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I wish that, if possible, you would get time for a national broadcast in reply to President Johnson's message to be delivered tonight. I believe "our action" in Vietnam are uncalled for. I have protested to the President and to some of the Senators about U.S. action there. I consider it an invasion of North Vietnam.

I may not have agreed with you on any other controversial question, but I am glad you have spoken out against our war there. When "our" approved rulers had charge there, there were murders, I believe, until they were slain.

Yours for a responsible America,

FRANK REEDER.

SEATTLE, WASH.,
March 5, 1965.

Hon. WAYNE MORSE,
The Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You have honestly and fearlessly voiced your opinion to some of the gravest issues facing the world today.

I fully share your views and pray, the Lord may give you strength and time, strength enough and time enough for your noble efforts to make this world a better one.

I pray for you, and I thank you from the bottom of my heart.

Sincerely yours,

JOSEPH GUENTHER.

I most heartily commend your stand regarding Vietnam. Many of us are definitely opposed to present administration policy there. In my opinion our tactics there—just plain war—are dangerous, illegal, and expensive in life and money.

More power to you.

Very truly yours,

MARIE LANDEN.

SAN FRANCISCO, CALIF.,
April 5, 1965.

Once again I heartily agree with your remarks re Vietnam. It seems to get us nowhere—but don't stop hollering. Will you?

K. H. BALD.

APRIL 8, 1965.

DEAR SENATOR: I agree that peace cannot be bought in Vietnam.

The first "condition" of peace is a stable regime—on the ground—and this seems to be what the NCF has.

General world reaction will be—beware of Greeks bearing peace in bombing planes.

Respectfully,

HARRIS RUSSELL.

STATE UNIVERSITY OF NEW YORK,
BUFFALO, N.Y.,
April 7, 1965.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I wish to let you know that I have the highest respect and admiration for your position on Vietnam and on the other issues of international policy.

I admire your honesty, integrity and courage. You are serving America, Americans, and mankind.

God bless you.

Sincerely yours,

KAREL HULICKA,
Professor of History.

ST. PETERSBURG, FLA.,
April 6, 1965.

DEAR SENATOR MORSE: Again we are grateful to you for your courageous efforts to oppose the majority opinion in Washington—in this instance, our failing policy in Vietnam. We are appalled at the methods of warfare being tried against the Vietcong and North Vietnam, and at the unwillingness of our policymakers to see the immorality of our position and the frightful danger of an expanded war. Please continue to make every effort to get us into negotiations.

Thank you for representing a saner point of view.

Yours sincerely,

CLARK and PAT BOUWMAN.
Florida Presbyterian College.

ST. HELENA, CALIF.,
April 5, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to tell you that I am in wholehearted accord with the views you recently expressed over the radio concerning the Vietnam situation. Why we are there I cannot quite understand. I do hope you will continue to express your views.

Thank you.

Very truly yours,

WILHELMINA M. COLLENBURG.

FRESH MEADOWS, N.Y.,
April 7, 1965.

DEAR SENATOR MORSE: As longtime admirers of your valiant and lonely stand against the administration's policy in Vietnam we hope you might, if at all possible, and in some way, participate in the march on Washington to protest the war in Vietnam on April 17, sponsored by sane, Women's Strike for Peace, and Students for a Democratic Society. You have earned the praise of all thinking Americans for your persistent dissent in this matter.

Sincerely,

Mr. and Mrs. JOHN KAUFMANN.

OAKLAND, CALIF.,
April 7, 1965.

Senator WAYNE MORSE.

SENATOR: I am deeply concerned over the Vietnam situation and am writing you in the hope of a brief explanation for our presence there. You happen to be my favorite Senator and that is my reason for directing this letter to you.

There appears to be much confusion and diversity of opinions, reports and explanations for our involvement in Vietnam. My questions are as follows: Did the United States enter into the 1954 Geneva agreement as a formal party? It is frequently reiterated that a breach of the agreement is the sole reason for our intervention in Vietnam. Are the North Vietnamese directly and solely responsible for the civil and political disturbance in South Vietnam? I have not read or heard of any North Vietnamese troops or aircraft being employed in the south.

Finally, if our presence and objective in Vietnam is as vital as generally alleged, I am extremely curious to know why our allies are not rendering us any assistance. Would not the outcome in Vietnam affect them as drastically as the United States?

Is it true that the European nations are trading and selling goods to the North Vietnamese while we are engaged in military conflict with them? If true, this situation appears ridiculous.

Needless to state I am quite confused with respect to Vietnam and would, indeed, welcome even the slightest clarification.

Sincerely yours,

Mr. WALTER DUDA.

NEW YORK, N.Y.,
April 8, 1965.

DEAR SENATOR MORSE: I'm much heartened always by your readiness and willingness to "speak truth to pomposity."

As for Mr. Johnson's speech last night—which did not answer world criticism of United States havoc in Vietnam, North and South—at this point it's as though he's trying to get the world to chip in on what is all too clearly our reparations bill there for 10 years of dislocation, devastation, death, and destruction. Is there any unscorched earth left? Are any villages left? Did Operation Sunrise ever really end?

Above all, though, Mr. MORSE, is our continued pledge to force North Vietnam into the war. How the Pentagon must be vexing at the North's refusal to rise to our bait. And we continue to bomb and burn with impunity.

A Japanese report earlier this week, likening the NLF of South Vietnam to the French resistance movement of World War II seems to best state the situation. This Washington can never concede for with it would have to die our lie of the NLF as a Red subversive, outside-directed group. It would also reveal that there is no substantial government in South Vietnam except the NLF.

Negotiations, then, with whom? The United States and North Vietnam?

No. Rather the NLF in conference with all southeast Asian governments.

Again, thanks for your strength which gives so many of us strength and courage and determination to do something every day—even if it's only letterwriting.

Yours devotedly,

SIDNEY D. BERFER.

VALLEY STREAM, N.Y.,
April 7, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We support a cease-fire and immediate application of U Thant's formula for negotiations.

We strongly urge you, Senator, to continue your fight to prevent the escalation of the Vietnam war by giving your support to U Thant's call for negotiation to settle this conflict.

Yours truly,

JOSEPH SCHACHNER.
CHARLOTTE SCHACHNER.
CAROL SCHACHNER.
JEFF SCHACHNER.

CHICAGO, ILL.,
April 7, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: L.B.J. just finished his speech on Vietnam. He gives his views on this conflict and he still gives a stance that hasn't changed.

He speaks of the adversaries' atrocities, but doesn't mention the atrocities committed by the regimes we support.

The newspapers have been full of pictures of how the South Vietnamese torture captives.

If you were to go through the "letters to the editor" columns of all the Chicago papers in the last couple of months you would judge L.B.J. as akin to Goldwater.

Senator, what recourse do 40 million disfranchised voters have?

I recommend peaceful negotiations, immediately, under international supervision.

Respectfully yours,
TONY MALLIN.

NEWTON, MASS.,
April 6, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We ask for an immediate ceasefire in Vietnam and for prompt application of the U Thant formula for negotiation.

Yours truly,
MAURICE J. SILVER.

NEW BRUNSWICK, N.J.,
April 8, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Although I am not a member of your constituency, I feel compelled to voice support for your efforts to uphold the validity of international agreements in the face of such transgressions as the advisory action of the United States in Vietnam. I feel that negotiations must be undertaken immediately or we risk nuclear destruction. It has been a sad time in world history. We speak of democratic government and do such things as attempt to assure the civil rights of minority Americans and we conjure up a consensus foreign policy which acts against the interests of democracy and civil rights in Vietnam. Despite the legal arguments against United States actions in Vietnam, there has long been substantial evidence that the Saigon governments which we have supported work against the people of Vietnam. There is also the obvious and apparent censorship of the American press representatives in Vietnam. I feel that this acts to deceive the American people and further injure the interests of the Vietnamese people. Again, I must congratulate you on the position which you have defended in the face of gross unreason in the Congress of the United States of America.

Very sincerely,
JAN PHILIP BRAVERMAN.

NEW HAVEN, CONN.,
April 5, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: These days when letters from friends say "Thank God I did not vote for Johnson," I am sad that I did not have the same kind of insight last November, for I did vote for you.

Many, many people who voted for you did so because Barry Goldwater said he would increase military aid to Vietnam. Of course you can say you did not say, as President Eisenhower did about Korea, what you would do but you know you gave the impression you could be trusted to decrease rather than increase military activity there.

You talk about "democracy and freedom." What does democracy mean for the ordinary person? Mail against the present policy in Vietnam is running up to 500 to 1 against what is being done now. Senator JAVITS' mail is 50 to 1 against. I have not been to Washington recently but friends who have come back sad and discouraged. These people are not Communists, either. Those who knew Germany best under Hitler say Washington reminds them of early Hitler Germany with what they call your "arm twisting" to force Senators and Representatives as well as Governors and mayors to back your policy in Vietnam. Our minister and best rabbi friend call the present policy illegal, inhumanitarian, stupid, and immoral. Personally, I agree with Senators MORSE and GRUENING.

The ordinary person feels so helpless and cynical about the lies we get from our highest officials and the talk about "freedom" for the people of South Vietnam. You and all the war hawks know the United States has not been willing to have free elections in Vietnam. The United States has violated the Geneva agreements. In spite of all the propaganda about aid and aggression from the north, you and the Washington war hawks know, as do many, many of us ordinary people, that it is the United States that is really providing most of the arms for both sides and that in the truth the United States is the aggressor half a world from home.

The dear lady who made a torch of herself in Detroit trying to awaken you barely escaped Hitler's gas chambers. Your orders to burn helpless people, including babies, with napalm are just unbelievable. This Nation that claims to be Christian is about the most barbaric in the world now—terrible bombs, napalm, gas, etc., etc. I hope you cease using the name of God. He can have nothing but condemnation for us, it seems to me. Certainly a loving God would never, never do what our soldiers are being ordered to do in Vietnam.

I know the pressures on you are great. World opinion is against us and we are hated; but because we are rich we have power to be used for good or evil. Most people at home think our foreign policy is wrong. Many are terribly confused and afraid. They want to live and fear you are rushing us toward the complete destruction of the world.

Please bring military men home instead of sending more and lose all the face necessary to stop the war. Stop unilateral action and ask the United Nations to take over the job in Vietnam.

I am thankful for every speech you make. Copies have been made of the tape you made for Yale students and is being widely used.

Sincerely,
(MRS. W.) OLA H. UPHAUS.

CONCORD, CALIF.,
April 6, 1965.

Mr. MCGEORGE BUNDY,
Special Assistant to the President, The White House, Washington, D.C.

DEAR MR. BUNDY: Your appearance on "Meet the Press" telecast last Sunday inspired me to write this letter. You rather indicated that your mail regarding Vietnam was not being counted, and I do not expect this letter to be counted, either. I do not know when I have heard such a weasel-worded conversation as you put on. My wife said, "Well, at least he didn't tell any outright lies." That may be so, but neither do I recall you telling any outright truths. The nearest to an outright lie was your contention that we are not aggressors in Vietnam. I doubt that the majority of the people of the world would agree with you, and perhaps not even a majority in this country.

I say that you have a lot of blood on your hands, and I should imagine psychiatrists are wondering how you can sleep. There will undoubtedly be a lot more blood on your hands, unless and until, the President gets rid of advisers such as you.

Very truly yours,
M. C. BELKNAP.

cc: Senators ERNEST GRUENING, WAYNE MORSE, MICHAEL J. MANSFIELD, and THOMAS H. KUCHEL.

APRIL 6, 1965.

DEAR SENATOR MORSE: I want to let you know that I support you and you are speaking for me when you urge that we negotiate over the Vietnamese situation.

The area should be neutralized and we, as a nation, should get out. Morally, we are all wrong, and politically, we are cutting our own throat before the world.

Keep up the good work.

Sincerely,
MRS. CAROL TYSON.

LOS ANGELES, CALIF.,
April 6, 1965.

President L. B. JOHNSON,
Washington, D.C.

DEAR PRESIDENT JOHNSON: Recent events, taken in conjunction with the evidence summarized below, have forced me to come to the reluctant conclusion that you are taking the United States down a path which bears a terrifying similarity to that taken by prewar Germany.

The evidence forcing me to this conclusion follows:

1. The U.S. Government claims that the present war is an instance of Communist aggression is authoritatively refuted by the noted historian Devillers in the China Quarterly for January–March 1962.

2. The U.S. Government states that actions of the Vietcong are only made possible by the infiltration of personnel and equipment from North Vietnam and that the Communists in North Vietnam are attempting to conquer South Vietnam.

Data obtained from the recent White Paper, and from the Pentagon, indicate that Communist-made weapons constitute less than 2½ percent of the weapons used by the Vietcong.

The White Paper names only six native-born North Vietnamese who have infiltrated into South Vietnam in the 5-year period prior to and including 1964.

Therefore, the Government's own figures contradict its claims of significant infiltration from the north.

The above items indicate that the U.S. Government has deceived the American public. This is corroborated by the New York Times editorial of July 29, 1964, which states that "unpalatable facts were suppressed and the truth subverted" and also by an American in Saigon who is quoted in Newsweek of February 10, 1964, as saying, "Washington repeatedly lied to the American people during the last 3 years."

3. The use of torture, poison chemicals, and gas, the leveling by bombing of villages suspected of containing a few Vietcong, the willingness to inflict a horrible death by burning through our extensive use of napalm, and the bombing of North Vietnam on the false pretext that significant quantities of arms and men have been infiltrated, are contrary to morality and international law and have caused death and misery to countless innocent people. Many American boys have been killed and maimed in carrying out the Government's policy.

4. Foreign policy has apparently been taken over by the military. Except for a few courageous Senators such as MORSE, GRUENING, MCGOVERN, and CHURCH, Congress has abdicated its responsibility and goes along with the actions by which we are being led deeper into an immoral war which will kill and maim millions, if not hundreds of millions, of human beings.

When a government deceives its people and uses methods which have shocked the world to gain its ends, it does not deserve the respect of its citizens.

If the American people do not demand that their Government tell them the truth about our actions in southeast Asia, we are going to reap the nuclear holocaust which you seem determined to bring about.

The crimes tried at Nuremberg were a Sunday school picnic compared to those of which these responsible for world war III will be guilty.

Yours truly,

Thomas Amneus.

Care of Senator Wayne Morse, Senator Ernest Gruening.

St. Louis, Mo.,
April 5, 1964.

Dear Mr. Morse: Big Brother Johnson's —— administration is soon going to have us in an atomic war, as you recently predicted on TV, the way things are going. I have come to the conclusion that we will be lucky if we have an economic collapse that will put us out of the war business before we get into an atomic war that will end it in an even more unpleasant manner, and perhaps the rest of the world as well.

The only people who are satisfied with this war are the industrialists and military who have been making huge profits from the cold war, and never want it to end, except by escalation into a hot, or at least lukewarm war, through which they can make even more in graft and profits.

These are the people Big Brother is taking care of, and no doubt it was they who backed his campaign financially as well as Goldwater's. Big Brother ought to be impeached for the administration's whitewash of Bobby Baker because it is obvious why.

Lawrence Strickland.

San Diego, Calif.,
April 4, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: This is simply to express my deep admiration for your stand on Vietnam. I fully agree with your position.

We are indeed fortunate in having a man of your courage in the Senate.

Very truly yours,

Ross von Metzke.

Old Lyme, Conn.

Dear Senator Morse: Keep fighting. We don't belong in Vietnam in the first place and our current effort there is one of simple brutality. Not only is our bombing immoral, but it is clearly the one thing that can make the Indochinese accept the Chinese protection they fear. You've been a voice of reason and a tower of strength throughout this dark time. We urge you to keep up the good fight.

Sincerely,

Walter Kaylin.

Boston, Mass.,
April 6, 1965.

Dear Senator Morse: I want you to know that I appreciate your long-time criticism of our policies in Vietnam. Your article in "Progressive" plus your Congressional Record statements of protest and explanation following the Gulf of Tonkin business have been substance for my own debating.

My reasons for supporting negotiation and withdrawal of military machinery are, I believe, substantially the same as yours; we never belonged there in the first place, and we've bungled it while we've been there.

I was really disappointed by the recent "White Paper" which attempted to cover up the whole fiasco. We are really getting desperate. I just hope we can get smart and get out before bombing Chinese targets becomes as accepted as bombing North Vietnam and Laos has become.

Keep up your good work. There are some of us out here who think you're on the ball. I'm one of them.

Sincerely yours,

David Gothard.

North Conway, N.H.,
April 4, 1965.

Dear Senator Morse: I have always admired you, but never as much as I do today when I see you stand against a mob who are "Hellbent" for war.

I believe that now is the time for all true patriots to rise and be counted.

Sincerely,

J. Harold Klock.

San Francisco, Calif.,
April 4, 1965.

Hon. Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Mr. Senator: The last line of the enclosed letter is rhetorical; however, it seems you and Mr. Gruening stand almost alone in the Senate.

Two aspects of this matter seem to me to demand much more than a routine protest—one, the wrecking of the United Nations spoken of in the attached letter, and two, the fact that the power of making war now resides de facto in the hands of the President alone. This is a monstrously revolutionary condition for our country. One-man war, undesirable any time to our way of thinking, would seem in this epoch to be simply fantastic.

I suspect the popular protest against our policy in Vietnam is enormous, as reflected in congressional mail. And yet the press as well as the Congress seem determined to support this policy, apparently feeling that as soon as we can get enough Americans killed public sentiment will change. A frequent comment is that the "Government" must know something we (the people) don't know, or the Government would not be so persistent in this outrageous course. As a member of the Committee on Foreign Relations, could you make a public statement on this specific point?

Sincerely yours,

William Brandon.

San Francisco, Calif.,
March 31, 1965.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Senator: You state that you believe it would be unwise to commence negotiations in Vietnam when the prospects for success are unfavorable—this seems to say that if we are losing we will throw away the rulebook. But the only real test of a set of rules is to lose under them. Are we to cripple or even demolish the United Nations to keep from losing in Vietnam?

If our present policy of stepping outside a rule of law and pulling a gun succeeds and gains us a more favorable position, surely such a fine policy will then be used again and again in the future? And surely other nations will follow our winning example? If our present policy fails, we shall find ourselves involved in an inexorably widening war. In either case, the United Nations will have been most neatly dismantled.

This seems a high price to pay. Is what we are "losing" in Vietnam of equal value? Is it possible that the President's advisers are laboring under "a profoundly and dangerous false notion," in the words of Walter Lippmann, as to what constitutes winning and losing in Asia?

The unlovely arrogance of our Pentagon diplomacy in operation in Vietnam is abhorrent to the whole world. Every village burned creates thousands of new friends for world communism and thousands of newly dedicated anti-Americans. The serene cynicism with which we pour out massive destruction in "retaliation" for any Americans killed by underground terrorists makes this enormous nightmare an enormous Operation Lidice. The violent brutality toward those "who threaten the stability" of South Vietnam (i.e., those who object to American policy); the "hunting trip" raids of U.S. airplanes looking for "random opportunity targets"; the "experimenting" with splendid new antipersonnel weapons that cause "extremely painful burns extremely difficult to heal"; bombing of a countryside by the map grid numbers—all these recall Mr. Hitler in his finest hour.

Is the United States to conclude its record of reasonably civilized leadership of the last 20 years by becoming a Fourth Reich? Are you yourself willing to cap your heretofore distinguished record in foreign affairs by quietly acquiescing?

There are many Americans who are appalled at being cast in the role of the Nazis this time around, and are doing their utmost to make vocal and effective their dissent.

Are there no such Americans in Congress?

Sincerely yours,

William Brandon.

Esmond, N. Dak.,
April 5, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to congratulate you on the stand you have taken on the Vietnam question. I believe it should be given to the United Nations. That would show the world the United States is willing to abide by the decisions of the United Nations. It would certainly raise the prestige of the United Nations and at the same time I believe the United States would be leading the world a step nearer peace.

Sincerely yours,

Mrs. Lloyd Stadig.

Miami Beach, Fla.,
April 6, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Because of your boldly stated stand on the Vietnam situation, may I add my voice to the great masses who demand an immediate cease-fire.

You are truly a great and fearless leader.

Respectfully yours,

Milton F. Goldstein.

Attleboro, Mass.,
April 3, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am writing to express my appreciation of the stand you have been taking on the Vietnam issue. I am convinced that in the future Americans will be very ashamed of this period in our history. There may be some legitimate debate about whether we should withdraw from southeast Asia or from South Vietnam, but we certainly should stop this insane bombing of North Vietnam.

Yours truly,

Paul Jolly.

Levittown, N.Y.,
April 6, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We strongly urge a policy leading to a ceasefire in Vietnam and urge application of the United Nations and U Thant's formula for negotiations.

Sincerely,

Bert K. Leffert,
Counselor at Law.
Louise Leffert

Granite City, Ill.,
April 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Thank you, Senator, for your speech expressing your outrage with actions of U.S.

Government in Asia. My native land has been brought to point where humanity requires the United States be brought to senses or to knees. Many citizens share your deep revulsion. I was unable to learn where and when this speech was made. Can you furnish me copy so that I can distribute. Letter follows.

Robert L. Wolf.

Louisiana State University
Law School,
Baton Rouge, La., April 6, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I wish to add my voice as a citizen to those of the ministers, priests, and rabbis who appealed to you to reverse our course in Vietnam and work for an immediate cease-fire and self-determination for the Vietnamese people. There are disturbing indications that our actions are resulting in the suffering of the people of Vietnam. The enclosed photograph from the Baton Rouge Morning Advocate of March 29, 1965, is one of them.

While expediency may seem to dictate a different course, God and history teach us that righteous action is the most expedient policy—the best policy for securing (1) the peace and welfare of the United States and (2) the love and esteem of other countries and peoples toward the United States and its people.

Please, Mr. President. The people will thankfully and joyfully follow your lead toward peace in Vietnam.

Sincerely yours,

Benjamin M. Shieber.

(Copies to Senators Church, Fulbright, Gruening, Javits, Russell B. Long, and Morse.)

Flushing, N.Y.,
March 31, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I would like to express my support of your opposition to the administration's program in South Vietnam.

At this time when it appears that our foreign policy is being governed only by rules of expediency and brutal and unthinking force, I am thankful that you and some of your associates have undertaken to represent the responsible opposition to the administration policy.

Be assured that you have my support in every possible way in this matter.

If I can in any way be of aid or assistance to you in this endeavor, I volunteer my services.

Sincerely,

Alan M. Uris,
Counselor at Law.

(Copies to Senator Ernest Gruening and President Lyndon B. Johnson.)

Seattle, Wash.,
April 5, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I wish to commend you on your position on Vietnam.

You are right and Johnson is following the policy of the late A. Hitler.

Sincerely yours,

Nels Ehroth.

Winchester, Mass.,
April 6, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Please accept my warmest thanks for your efforts to restore U.S. foreign policy on Vietnam to the course of decency, humane behavior, and respect for international agreements. I hope that you will be successful in your effort to secure open debate on our activities in Vietnam, which threaten the future of our country. Perhaps such debate might result in the willingness of the administration to negotiate the issues of the war in Vietnam.

I pray for the preservation of your health, energy, and sense of humor that you may continue this fight with unabated vigor.

Sincerely yours,

Ruth O. Terzaghi.
Mrs. Karl Terzaghi.

New York, N.Y.,
April 5, 1965.

Senator Wayne Morse,
Senate Building,
Washington, D.C.

Dear Sir: I wish to express my gratefulness and admiration for your consistent, courageous stand against the evil that is continually occurring in the Government. I follow your valiant fighting the sinister force (I read the I. F. Stone weekly and have other people read it) since 1963, your January 6 speech, June 29, 1964, March 16, 1964, March 4, 1965, and many others. I had the rare pleasure of hearing you speak at Cooper Union, New York City (heard it a second time when it was broadcast on New York City station, in company with friends I had invited to my home to hear you).

The time is drawing near, very near to a third world war, really, a world war. In my 65 years of life I have observed and heard much. The First World War, World War II, the Korean war, and yet I continually ask myself and (others if they are willing to listen to me) why this brutal murder of innocent people? Why this wanton destruction? I continually talk about the Korean war, and tell the people how the American officers were supervising Korean soldiers with their hands tied in their backs and others digging their own graves, it told that when they will finish digging their graves they will have their hands tied also and they will all jump into their graves, alive. And what was our gain from the Korean war: 196,000 Americans dead, the flower of our youth; a corrupt Government and millions of dollars lost, and millions still give the gangster government in South Korea, and what a fiasco. What is the reason to repeat this tragedy? Do you know what the name for Americans is? "The American Killers." This was told to me by two people of integrity, one a writer, woman, the other a publisher. They both speak several foreign languages, and their pleading that they were not American by birth could not convince the people that they are not as evil as those Americans who make wars, directly and indirectly (that was 6 years ago). What a pity. Oh, for those years when Americans were known the world over as liberty loving, democracy loving, generous, friendly people. No more. I have experienced only disdain (because I did not speak Spanish) when I was in Mexico in 1954 and again in 1959 (the second time not so much hatred) it was right after the American Ambassador who boastfully acknowledged in speech and print, in the Times, that he came into the President of Guatemala with two pistols and so forced him to flee the country. The Mexicans, and not only the literate; even the illiterate, the street vendors, wanted to know why the Americans destroy the Latin American peoples. Oh, I could go on, but I know that you hardly have time to read my letter. I could say so much more to relieve my anger and anguish, but I shall close with my gratitude to God, that there are men like you even if few in number—very few indeed.

Gratefully yours,

Fannie Padwe.

New York, N.Y.,
March 23, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: We are very fortunate in having at least a few Senators like you who can be a voice of dissent against the excesses of the United States in Vietnam. I do not believe that the administration can be allowed to conduct a war in any name without the approval of the legislature and the populace.

I write this letter as an individual, but I know I am also representative of most of my acquaintances. Please continue the work you are doing.

Respectfully,

Herbert Weiss.

Woodmere, N.Y.,
April 6, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Please add my small voice to the many great voices who have called for cease fire in Vietnam and an application of U Thant's formula for negotiations.

Sincerely,

Suzanne Geller.
Daniel Geller.

Berrien Springs, Mich.,
April 9, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: We are very seriously disturbed at our present policy in Vietnam. Quite clearly we are responsible for escalating the war in that sector of the world; this is fraught with grave dangers militarily and diplomatically. Once again we present the picture of the "ugly American" which works so well to the advantage of the Communists.

We want to commend you for your foresight and courage in this matter and to urge you to continue to use your influence to dissuade us from this path and to recommend active peace negotiations.

Sincerely,

Martin Sorken
Mrs. Ruth Sorken.

New York, N.Y.,
April 6, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: It seems obvious to almost everybody except Gen. Maxwell Taylor and the administration that the policy in Vietnam has gone very sour indeed. Instead of breaking the resistance of the North Vietnamese, we are strengthening it, and even driving them into the dubious embraces of Communist China. How stupid can we get?

Our whole policy appears to be calculated to strengthening the Communist world, pushing Moscow and Peiping closer together, turning all of Asia and Africa against "white imperialism"—the best weapons in the Red propaganda arsenal, in addition to actual military materiel, have been made in the United States of America. When will we learn?

Worse than that, the actions of the administration have sown dismay and distrust in this country at a critical time when we should be united. The people have been lied to and betrayed. After repudiating escalation of the conflict at the polls, we find that our expressed hopes have been cynically tossed out. Goldwaterism without Goldwater. The press releases from the White House, the white papers of the State Department are such obvious lies that it is impossible to take them seriously, if it were not for the fact that they have such serious results.

How is government by the people possible when the people are misled, bamboozled, and denied access to information vitally affecting their safety and welfare? "Big Daddy knows best" is hardly in the American tradition.

We are not at war with North Vietnam. Why, then, are we committing acts of aggression on a par with Pearl Harbor? If we are at war, the Congress should exercise its constitutional duty of making a legal declaration, and not leave it to the Executive to wage war unconstitutionally. This tendency to bypass the Constitution, to me, is a far graver threat to our Republic than the feeble efforts of Ho Chi Minh. The Congress should reassert its duties as representative of the people, and not slip into an emasculated role of a rubberstamp, like the Roman senate under Augustus.

All the way with the American people. The President should execute the will of the people, not impose his own.

Respectfully,

JOSEPH M. SHELLEY.

EMMANUEL CHURCH,
Baltimore, Md., April 7, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Keep up your good fight against the insane policy being followed in Vietnam. There is a rising tide of public opinion supporting your efforts, and thousands of us who are clergy are doing all we can to help your cause.

Sincerely yours,

ALFRED B. STARRATT.

NORWOOD, PA.,
April 3, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I would like to express my gratitude for your firm and courageous stand against extending the war in Vietnam.

Sincerely,

Mrs. MARTHA ADAMS.

ADEL, IOWA,
April 6, 1965.

HON. SENATOR MORSE: Want to voice my appreciation for your opposition to the war in Vietnam.

This war is not only too inhumane but also too dangerous to continue.

Why not turn this over to the U.N.? This war must be brought to a close and it seems to me it would greatly strengthen the U.N. to allow them to mediate a peace.

Sincerely,

VIRGIL I. MARSHALL.

LONG BEACH, CALIF.,
April 3, 1965.

DEAR SENATOR MORSE: I am 100 percent with you in your opposition to the war in Vietnam. I believe there is nothing to justify the administration's position there and everything to make the risk intolerable.

Sincerely,

WILLIAM V. MCCAY.

DEARBORN, MICH.,
April 4, 1965.

DEAR PRESIDENT JOHNSON: Our recent bombings of the defenseless inhabitants of Vietnam, north and south, are costing us all of our influence and prestige in Asia, not to mention American reaction at home and elsewhere.

You have stated that our purpose is to end Communist aggression and terror in South Vietnam. How true is this? Judging from reports most Vietnamese, except for Saigon, seem to prefer the Vietcongs.

From almost every viewpoint our position seems to be coming more and more untenable. Let's have a cease fire before the situation deteriorates still further. Then we can plan to rebuild and if possible regain some self-respect.

Sincerely,

Mr. and Mrs. PAUL KERBER.

APRIL 5, 1965.

DEAR SENATOR MORSE: I heartily endorse your position for negotiation in Vietnam.

ANNE KABACK.

DEAR SIR: You are one of the most courageous and honest men in the United States. If it weren't for you and men like you I would lose faith in our Nation. I only hope that your fervent pleas for peace in Vietnam, for a halt to the awful horrors which the United States is perpetrating are answered.

I am thrilled that you will visit my college, Union, and await your talk eagerly.

Sincerely,

ROBERT S. HOFFMAN.

NEW YORK, N.Y.
April 7, 1965.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washintgon, D.C.

DEAR SENATOR MORSE: Although I am not a constituent, I should like to express my admiration for your courageous and far-seeing position on ending the conflict in Vietnam.

You may be sure that when you advocate immediate negotiation to end this unjust and unnecessary war that you speak for Americans across the Nation. The fear of this thing escalating into another Korea-type conflict or erupting into a major disaster haunts us all.

Very truly yours,

Mrs. EVELYN S. SMITH.

APRIL 7, 1965.

Hon. ERNEST GRUENING,
Member, U.S. Senate,
Washington, D.C.

DEAR SIR: I offer my thanks for your patriotic efforts to bring about the liquidation of the stupid adventure in Vietnam.

Every Senator ought to read "Letter from Saigon" in March 20 New Yorker.

Yours truly,

HENRY W. CHERRINGTON.

THE SAVANNAH SUN,
Savannah, Ga., April 2, 1965.

SENATOR WAYNE MORSE:

Would you read the enclosed and if you approve of its general content, have it inserted in the CONGRESSIONAL RECORD?

I believe the majority of the American people are strongly against this increased involvement in Vietnam. Parents of sons who are now in Vietnam are especially bitter.

If this war continues another month, we will have "escalation" of friction in Germany, the Middle East, Africa, all over the world.

I met Representative JOHN CONYERS yesterday (he's in Savannah for a voter registration drive for the NAACP), and he spoke out strongly against our involvement in Vietnam; he said many Congressmen are strongly against it.

Thanking you for your continued fight for world peace and sane government, I am,

Sincerely,

ABRAM EISENMAN.

P.S.—Sent you my book; you never have told me whether you read it, liked it, or disliked it.

HOW TO GET OUT OF VIETNAM

Five thousand years ago, Confucius said: "Easy to save face in Asia—just keep body in native land."

Today, I say: "Easy to get out of Vietnam—let's become part of the world."

We have no more right in Vietnam than the Chinese would have had intervening during our Civil War.

But, there we are in Vietnam, and seemingly hellbent on starting world war III, if necessary, so that we can save South Vietnam for Democracy.

But, are we not there to stop communism? If we don't stop them in Vietnam, what country is next?

Well, there's communism in Cuba, 90 miles from our shores, but we don't bomb them. There are Communists in Italy, but we don't bomb them to save them from communism. There are Communists in France, India, England, we don't bomb them. There are allegedly Communists in the United States—should we bomb ourselves to keep ourselves safe from communism?

This is the age of geographical schizophrenia: There's a North and South Korea, and a North and South Vietnam; there's an East Germany and a West Germany, a West Pakistan and an East Pakistan—and the only reason we haven't got an East Pole and a West Pole is because we've got a North Pole and a South Pole.

France moved out of Indochina and Algeria, reluctantly, after years of war, and countless millions of dollars of wasted money, and many scores of thousands of futile deaths, and now France enjoys unprecedented prosperity. Now, we are spending $2 million a day in Vietnam. The cost is bound to go up in dollars and lives.

Ask yourself this awful question: If the Vietnamese were not brown-skinned people without voting power in the United States, would we bomb them?

Are we not racists on the world scene? Governor Wallace sent his State troopers to whip, cattle-prod, and beat Negroes and their white friends trying to march for freedom. On the world scene, how distinguish between Governor Wallace's actions and ours? Is not ours even worse because we use napalm bombs, gas, and we kill and kill to save face to try and bring about a negotiated peace.

Presumably, the frightened Vietcong will get down on their hands and knees and say: Big tall white men, lords and masters of democracy, stop your bombing and we'll agree to your peace terms.

Governor Wallace attempted to horsewhip freedom into the ground. We are attempting to bomb out Communist leadership from Vietnam. And the more we bomb them, the more Communist we make them. The more we bomb brown people in Asia the more we are hated in all of Asia, not only by the Vietnamese and the Chinese, but also by the Japanese, the Burmese, the Indonesians, the Hindus, and the Moslems. The wild men of Borneo could truthfully ask: What do the white savages want?

What do we want in Vietnam? John Foster Dulles put us in Vietnam with a few hundred advisers. Look how close we now walk to the brink of world war III because John Foster Dulles put 300 military advisers into Vietnam to save it from communism.

But, you ask, if we pull out of Vietnam, what about the rest of Asia? What about South Korea? What about Formosa or Taiwan? What about the rest of Asia?

We do have some historical interests in the Philippines. Curiously, since Spain settled so much of Latin America and also the Philippines, they have the same basic economic problems though separated by thousands of miles.

But, we did eventually grant the Philippines their independence, and some of their 30 million people understand and appreciate the United States and its democratic potential.

What about the rest of Asia? How about inviting the Philippines in as our 51st State? How about offering all-out aid to Japan, India, Pakistan, Australia, and New Zealand?

How about offering all-out aid to North and South Vietnam, North and South Korea, Formosa, and Red China, too?

Is it possible that we are about to blow the world to bits because our President has watched too many westerns on TV and considers himself the good man, and anybody who opposes him the bad man or men, and feels entitled to shoot them down if they disagree with him? Especially if they are short, dark, brown men, Buddhists, who will travel 7,000 miles across the Pacific to get us if we don't get them first?

But how does a great power like the United States extricate itself from Vietnam? Well, the French just picked up and left. The British picked up and left Ireland, Israel, the Middle East and India. Russia picked up and left the Congo. The only way to leave a country where you don't belong in the first place is just to pick up and leave. It's a very easy thing to do, much easier than fighting the Asian people in a prolonged war involving billions of dollars and perhaps millions of casualties.

But you say, "we can stop the Red Chinese now; 5 years, 10 years from now may be too late."

History repeats the follies of warriors who fought out of fear. Hitler speculated on a cheap and easy victory, too, but the British stuck it out, the Russians stuck it out, and in a few years, Hitler was defeated.

Is it not just possible that 650 million Chinese will stick it out? Isn't it possible that if we use atomic bombs in Asia, the brown and black men around the world will rise in revolt against us? Isn't it just possible that we could lose the world trying to save South Vietnam?

But what happens to Chiang Kai-shek and his hundreds of thousands of troops? What happens to the many millions of anti-Communist forces in Asia if we pull out of Vietnam and subsequently from Korea and don't defend Taiwan?

Look homeward, O angels of mercy. How about our unemployed in the United States? How about Latin America which could go Communist?

But, how about Chiang Kai-shek and the anti-Communist forces in Asia?

Must we play the part of the eternal counterrevolutionaries, holding back the thrust of history, whether it be progressive or reactionary, leaving Asia as a dangling participle in an infinitely unfinishable sentence?

I don't believe the Communists have as their primary desire the killing off of everybody in Asia who's against them. What would be the advantage of ruling over dead men, women and children? We could offer Chiang Kai-shek and some of the leaders of the anti-Communist forces sanctuary in our country even though there would be a danger inherent in this act.

I have no illusions about Ho Chi Minh and his government. Ho Chi Minh has been a long-time member of the Comintern—but, the joker is now whether he wants Chinese aid, which can gobble him up too in the process. He probably will not ask for Chinese aid unless we force him to.

We must wonder where all this will end. For, if we have the right to bomb North Vietnam, why does not Castro have the right to bomb a country he considers unfriendly? Why don't the Communists have the same right to bomb non-Communist countries? Where will all this end except in world war three?

Unfortunately, the classic definition of capitalist-imperialism as defined by Marx fits us in this Vietnam venture:

1. We have military weapons; we have a powerful military force that must be used to keep the wheels of industry going so that we can have wealth.

2. We attack a weak formerly subjected country.

3. We prevent a nation from self-determination.

You could put it another way: Bombs and profits as McNamara beats the band.

That is the heart of this issue: So long as such a preponderance of our production is geared for military might and spending, we are going to be engulfed in destructive wars not only to destroy people (and prevent the spread of communism) but to keep our military industrial machine humming at profitable speed.

If we do not convert 50 percent of our military spending at once to the construction of homes, hospitals, schools, roads, and conservation of our natural resources, we will have continued unemployment, growing crime, insanity, juvenile delinquency, and we will not have enough homes, schools, hospitals, roads and conservation of our natural resources.

We could win the friendship of the entire world with our wealth and our hand extended in friendship and peace. Instead we fritter away our wealth and the good will of the world with napalm bombs and incendiary bombs on the jungles of Vietnam to flush out a few hundred or a few thousand Vietcong.

In Alabama, it was racism that impelled Governor Wallace to send his armed forces against the Negro people and their white allies, who wanted to march peacefully for the right to vote. How explain to the brown and black people of the world that it is not racism that impels our Government to use its military force against the brown people of Vietnam who want the right of self-determination of government? If the Vietnam people choose a Communist form of government how does that endanger our national security?

There are more Communists in Italy than in Vietnam but we don't bomb Italy. There are more Communists in France than in Vietnam but we don't bomb France. There are more Communists in Cuba than in Vietnam but we don't bomb Cuba. There are more Communists in India than in Vietnam but we don't bomb India. There are more Communists in Red China than in Vietnam but we don't bomb Red China. There are more Communists in the Soviet Union than in Vietnam but we don't bomb the Soviet Union. Then why does our national security demand that we bomb Vietnam?

It is evident that Vietnam, like Korea, is the wrong war in the wrong place at the wrong time. But the dangers now are even greater than during the Korean war. For that war came when Red China did not have the atomic bomb, when the Soviet Union and the United States had not begun to conquer outer space. Today, if total war comes, it can come from nuclear bombs rained down from up above with space ships zeroing in on their targets.

So this terrible question arises:

If there were no Vietnam, would we in the United States have to create one somewhere to use up our military weapons, to give purpose to our military, to keep the wheels of much industry going, to keep us affluent?

But France found out that it became richer once it pulled out of Indochina and Algeria, once it stopped spending useless lives and dollars fighting hopeless wars on foreign soil.

So now we come to the bitter fact that we have these choices in Vietnam:

1. The present use of American armed might in the avowed hope of obtaining a peaceful negotiation;

2. The planned withdrawal of American military might from Vietnam.

It is strange that we have to fight against our President on foreign policy since we are so much in agreement with him on domestic issues. It is strange that war, which kept the New Deal from moving further along with its domestic revolution, which also interrupted the progressive march of the Fair Deal, now challenges the Great Society, which has only begun to fight its war against poverty, crime, racial intolerance, unemployment, slums.

Some will counsel us to go along with our President in this strange adventure in Vietnam because he has all the facts, and has arrived at his position through knowledge. Some will continue to advocate this war action in Vietnam, which is bound to create the conditions for world war three on the holy grounds that it will prevent world war three.

But, many of us cannot go along with our President on this brinksmanship diplomacy, not out of fear alone of world war three but because we are convinced that we, the United States, do not have any right at all to be in any part of Vietnam.

But how do we withdraw from Vietnam? What about South Korea? What about Taiwan? What about the rest of Asia and the world? We cannot rewrite the history of the world. We cannot color the maps of the world's geography to our liking. China has been, China is, China will be. China can no more conquer the world than the Russians can, than we can, for it is now evident after World War II that Eastern Europe, the Communist dominated, has certain desires of its own, too. And the era of Stalinism and Hitlerism is dead.

But I do not advocate withdrawing from Vietnam without offering a world plan of action. I repeat: We must invite the Philippines to become the 51st State of the United States; we must offer all-out aid to Japan, India, Pakistan, Australia, and New Zealand; We must recognize Red China, and offer all-out aid to both North and South Vietnam, North and South Korea, Taiwan, and Red China, too.

In addition, we must ask Puerto Rico in as our 52d State, and extend the invitation to all the Central American republics to become States of the United States.

We must offer more aid to Latin America.

And we must convert 50 percent of our military spending to domestic spending for homes, hospitals, schools, roads, and conservation of our natural resources.

Believe it or not, the only way to win the war in Vietnam is to withdraw and make all-out effort to win the war against poverty and unemployment and race hate here in the United States, and in our sister republics to the south of us.

The only way to win the war in South Vietnam is to quit fighting a war in other people's lands, and then magnanimously offer the world a share in our limitless bounty for peace, for trade, for understanding.

For we have nothing to fear if our democracy is a working democracy, and if its fruits go down to our people and the people of the world. We shouldn't fear the bogeyman of communism so much that we are willing to forfeit our destiny as world leader fighting a senseless war in Vietnam. Let us pull out of Vietnam, militarily, but let us join the peaceful people of the world even more.

For the only way to win the war against communism is to win the people of the world to our way of life—and our way of life is not conducive, as now constituted, to winning the people of the world to a great belief in our democracy.

ABRAM EISENMAN.

SAVANNAH, GA.

SEATTLE, WASH.,
April 4, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Enclosed is a copy of a letter on Vietnam I recently sent my two Senators and Representative.

It was heartening to read Walter Lippmann's perceptive column of March 31 in which he concludes, "In southeast Asia we have entangled ourselves in one of the many upheavals against the old regime, and we shall not make things any better by thrashing around with ascending violence."

This tragic and immoral war must be stopped. I am encouraged whenever I read about your penetrating speeches on this subject on the floor of the Senate.

I would like to receive your newsletter. Please put my name on your mailing list.

With kindest regards.

Sincerely.

ROBERTA C. HAMMER.

SEATTLE, WASH.,
March 31, 1965.

Senator WARREN G. MAGNUSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: The U.S. Government is guilty of gross immorality in Vietnam. It is conducting a war of annihilation against the people of that country. It is bombing, burning, torturing and destroying without the slightest regard for human life. The bombing of North Vietnam is sheer madness.

The story that we are losing the war in South Vietnam because of North Vietnamese support and supplies is a myth. The guerrillas we are fighting are South Vietnamese and the greater part of their weapons are captured U.S.-made weapons.

It is a popular uprising we are trying to extinguish in South Vietnam, led by the National Liberation Front which has the support of at least 80 percent of the people. There are Communists within the NLF but they are in a minority. The objectives of the NLF are peace, independence, democracy and neutrality.

In trying to extinguish this revolution the United States-Siagon forces have resorted to napalm bombing of villages, inhuman torture, the bombing of hospitals and schools, the spraying of poisonous chemicals as defoliants and now have sunk to the use of poison gases against both guerrillas and civilians.

I am shocked and outraged by these actions. I demand that a cease-fire be called, our troops withdrawn and international negotiations begun to establish peace and neutralization in southeast Asia.

Sincerely,

ROBERTA C. HAMMER.

BROOKLYN, N.Y.,
April 2, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: We ask for an immediate ceasefire in Vietnam and immediate use of U Thant's formula for negotiations.

Yours truly,

C. BLAKE.

COMPTON, CALIF.,
April 5, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have never written you before. I deeply apologize for such neglect because I have admired you over a long period of years. How I do commend you for your courage in being willing to stand up to your convictions. Too many people in all ages and today turn whichever way the wind blows. I commend you for the stand you take in Vietnam; namely, the necessity and urgency of getting out of Vietnam. To me your arguments are valid and should be so recognized by all persons with the responsibility of molding and formulating the decision—the President, Vice President, Department of State, Congress, cabinet officers, and the general public. When your ideas on Vietnam become popular enough to be crystalized into public opinion if it isn't too late with world war III with all of its nuclear destruction (God forbid), your speaking as a voice in the wilderness will be at an end. Then will your stanchness pay rich dividends. Keep on "keeping on" with your cries to awaken the slothful and the indolent, the know-it-all and sophisticated, the sincere and earnest seekers for truth so that we can make the slogan of freedom and justice for all the reality and manifestation it should be.

Thanking you for attention to my letter.

Cordially,

HELEN E. DOLLEY.

CHAPEL HILL, N.C.,
April 5, 1965.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Although I am not an Oregonian, I want to tell you what I think about Vietnam. I have just read parts of your speech to the Senate from last August, and I agree with it 100 percent. I hope you are continuing to take the same stand. I think the Senate ought to call the administration to task for fighting a war of its own that the Senate never declared. I know the Senate gave the President the right to knock around on behalf of SEATO countries, and I don't think it should have done it. And now, I think it should tell the President that he is going entirely too far. I think that President Johnson stands for so many good and excellent things, and I am sorry to see him fighting this war that is so queer that objective inquiry by the press is not permitted. If this is not irreverent, I wish that Mr. Kennedy were still with us, as I believe he would have been more straightforward with the press. I think the white paper is a bad job of rationalization and whitewash. The business of the Geneva Accords and the International Control Commission is used to make half-truths, which have the same effect as lies—worse, as they are more persuasive and harder to fight. As I graduated from the same college as Secretary Rusk—Davidson—and once shook his hand when he visited my fraternity house, and have heard him give really excellent lectures in the past (they are getting worse lately; his speech a few months ago at the University of North Carolina was all rhetoric), I am especially disappointed in him. I get the impression that State has been following the Pentagon very faithfully, and that the Bundy mythology of counterinsurgency is leading the Pentagon. It is all very strange. Please keep fighting against war.

Very sincerely,

TIMOTHY B. RAY.

BROOKLYN, N.Y.
April 5, 1965.

Senator WAYNE L. MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I heartily endorse your position for negotiations with Vietnam to stop this frightful war.

America has always been strong enough and humane enough to deal fairly not only with her friends but with her enemies too.

Respectfully,

IRENE SABBEDL.

LOGAN, UTAH,
April 3, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I support your activities against the aggression against North Vietnam, and urge you to greater lengths. I think many others have doubts about this. We may be too far gone, but keep it up.

Yours truly,

BUD O. WATKINS.

STUART, FLA.,
April 5, 1965.

DEAR SENATOR MORSE: Please use your influence in getting our boys out of Vietnam. Let's take care of our own country first. Our President has the wrong advisers in Taylor and McNamara, who are getting us into a big war. I agree with your point of view in every respect. Keep on telling us.

Sincerely,

MRS. THOMAS DARLING.

APRIL 7, 1965.

DEAR SENATOR: Enclosed is a copy of a letter I have sent to President Johnson.

Sincerely yours,

LORRAINE P. COHEN.

TEANECK, N.J.,
April 3, 1965.

DEAR MR. PRESIDENT: Last fall my husband and I, along with millions of other Americans voted enthusiastically for you and what we were led to believe were realistic and humane policies in foreign affairs. We feel now as if we have been betrayed, that you are misusing or misinterpreting the mandate accorded to you. We are unequivocally against American action in Vietnam, discerning no reason warranting the bombing of North Vietnam and fearing the very real possibility of escalation. Each day we hear that the United States is still open to negotiations, that we desire no wider war and yet every day there is some new aggressive aspect to our warfare. This morning it was the first bombing of nonmilitary targets. What will it be tomorrow?

Our adversaries seem to be showing unusual restraint. They are continuing the war exactly as they had been fighting it, but are not retaliating for reprisal sake. We seem to be goading them to see how long they will take it lying down. When we have angered and frightened and shamed them sufficiently and they lose their caution, we will loudy place the blame of the ensuing holocaust on them. I don't believe history will be so kind.

We have so many real problems to be faced. Your magnificent image of the Great Society has to be built. The civil rights struggle is still with us. And all over the world, wherever poverty and tyranny are being ignored, we can fight our ideological battle with the Communists without futility and rationalizations and loss of life, but with a real cause. Please lead us out of the barbarism of war before it is too late.

Sincerely yours,

LORRAINE P. COHEN.

ROCHESTER, N.Y.,
April 5, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Enclosed is a copy of a column by Robert M. Hutchins. The underlining is mine. Unless you have already read this column, I am sure it will interest you very much. I, myself, think it one of the very best on the subject that I have read—anywhere.

Yours truly,

H. R. CLARKE.

FOREIGN POLICY "FUTILE"—NEW START NEEDED

(By Robert M. Hutchins)

The bankruptcy of American foreign policy is now so clear that even the administration must be ready for a new start.

The essential element of the old, tired policy is the "containment" of communism. Everybody in the world is supposed to be interested primarily in "containing" communism. The people of Vietnam and the Congo are not permitted to say whether they would rather die than see communism rear its head in their country. It is assumed that every Asian or African peasant knows that communism is worse than death and that he should be delighted to have his country destroyed in the effort to repel it.

Of course, we do not really care about the Asians and Africans. If we did, we would ask them what they wanted. We have not let the South Vietnamese vote on joining North Vietnam or on any related subject, because we have suspected that the vote would not go our way. The foreign policy of the United States has not been built on justice; it has been built on the supposed self-interest of this country.

But "containment" is not in the interest of this country. It puts us into every situation anywhere in the world in which there are alleged to be any Communist elements. There is no situation in which this cannot be alleged.

And, in fact, there is no situation in which the allegation cannot eventually be proved. If the Communists are not there to start with, they will appear sooner or later in response to appeals from elements opposed to those we are supporting.

Hence we are committed to get into any fight going on anywhere, and usually on the wrong side.

The reason we are likely to be the wrong side is that we are allied with the status quo all over the world, and the status quo in the underdeveloped countries, at least, is usually wrong.

We are opposed to those who want to change it unless we can be sure they have the same ideas as the people they want to displace.

For example, we have no difficulty in adjusting ourselves to the game of musical chairs as played by military dictators in Latin America. But we find it almost impossible to accept a social revolution there or anywhere else.

Any regime, however corrupt or detested, that says it is against communism will have our instantaneous support. And if anybody asks why we should get into a vain, hopeless war to bolster up such a regime, the great domino theory, the handmaid and companion of "containment," is invoked. We are told we cannot withdraw because if we do other nations who have relied on us will fall like dominoes to the Communists.

The display we have put on in South Vietnam must have alienated the people of southeast Asia. By going into the Congo we alienate the people of Africa. How we strengthen our position with our friends or with neutrals by fighting losing wars in unpopular causes remains obscure.

The obvious substitute for "containment" is the United Nations. By working out the methods—and they must eventually be worked out—by which the United Nations may maintain order during revolutions we may obtain peace with justice. That should be the aim of the foreign policy of the United States.

MADISON, WIS.

DEAR SENATOR MORSE: I support your effort to change America's policy in South Vietnam. This war must be stopped before we get involved in an even greater conflict. If at all possible not only continue your present work, but step it up. It is wonderful to know that there are men of your stature in the Senate.

Sincerely yours,

ALAN T. OLMSTEAD.

LOS ANGELES ART THEATER,
Beverly Hills, Calif.,
March 31, 1965.

DEAR SENATOR MORSE: Your repetitions of reality and law must not stop. Can't you get more press for your vital message?

With gratitude,

DONALD FREED.

HAZELHURST, WIS.,
April 5, 1965.

DEAR SENATOR MORSE: This is just to inform you that many Wisconsin voters fully agree with your stand on the Vietnam war. You are serving this Nation well in this matter.

Sincerely yours,

PHIL KRONENWETTER.

BUFFALO CENTER, IOWA.

DEAR SIR: Every week brings us into a new phase of the escalation of the war in Vietnam with no honest hope for a backdown of North Vietnamese troops and their supporters.

World war III will take place unless we stop this escalation. We are always led to believe that all our efforts are retaliatory but the facts do not bear this out. We started it on July 31 when South Vietnam naval vessels shelled two islands off North Vietnam's shore. Those vessels we supplied. We armed them and we trained their crews. We also had ships in the vicinity that was a provoking element. CONGRESSIONAL RECORD, volume 110, part 16, page 20936.

The North Vietnamese then sent out PT boats. At a distance of nearly 3 miles we opened fire first. CONGRESSIONAL RECORD, volume 110, part 16, page 20936. We then bombed four of their bases and destroyed many of their PT boats.

The escalation has continued. We must stop it. The lives of all of us are at stake and it is foolishness to continue the escalation. This is no Pearl Harbor. This is provocation on our part and our fears, that continue to motivate us, enable us to continue such injustices. May enlightened public opinion bring pressure to bear on you and others to change our present faulty foreign policy before it is too late.

A concerned citizen,

Pastor WAYNE WASTA,
Methodist Minister.

NATICK, MASS.,
April 5, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE, I strongly support your efforts toward solving the Vietnam crisis.

Sincerely,

MRS. DAVID COOK.

DIVISION OF PEACE AND WORLD ORDER, GENERAL BOARD OF CHRISTIAN SOCIAL CONCERNS OF THE METHODIST CHURCH,
Washington, D.C., April 6, 1965.

MY DEAR SENATOR: In view of the grave situation in Vietnam I believe you will be interested in the enclosed statement very recently adopted by the Executive Committee of the General Board of Christian Social Concerns of the Methodist Church.

Sincerely yours,

HERMAN WILL, Jr.,
Associate General Secretary.

STATEMENT ON VIETNAM ADOPTED ON MARCH 24, 1965, BY THE EXECUTIVE COMMITTEE OF THE BOARD OF CHRISTIAN SOCIAL CONCERNS OF THE METHODIST CHURCH

We are gravely concerned over developments in the war in Vietnam. We acknowledge the complexity of the situation in southeast Asia, and we recognize the extremely difficult problems confronting the U.S. Government as it seeks to maintain as much as possible of that area free from Communist domination. Those responsible for policy determination deserve sympathetic understanding as they grapple with the unpleasant choices which they confront.

Nevertheless, we firmly believe that citizens of the United States and of other countries likely to be affected by the future course of events in southeast Asia have a right and a responsibility to study the issues and express a thoughtful judgment as to the wisdom of the national policies involved.

We, therefore, direct attention to the following considerations. The bombing of North Vietnam at an accelerating pace raises serious moral questions as to the appropriateness of the means chosen for the implementation of legitimate policy objectives. If the desired response from Hanoi and the Vietcong is not forthcoming, the present course of action could well lead to full-scale war with North Vietnam and possibly Communist China. Such an eventuality would be a disaster of world dimensions, and, in our judgment, out of proportion to the goal sought.

Accompanying this military course of action has been an apparent coolness toward offers of mediation and toward negotiation on any basis other than an unconditional acceptance of the terms laid down by the United States. We believe a proper regard for world opinion and the role of the United Nations calls for a clearer expression of readiness to negotiate and to accept the good offices of the United Nations Secretary-General in making arrangements for such negotiation to take place.

The Commission of the Churches on International Affairs of the World Council of Churches and the General Board of the National Council of Churches have made significant statements to which we direct the attention of Methodists. We agree with the World Council's Commission that the quest for a solution must be shifted from the battlefield to the conference table. We also support the National Council's General Board in its request to the U.S. Government:

"To engage in persistent efforts to negotiate a cease fire and a settlement of the war which will attempt to achieve the independence, freedom and self-determination of the people of Vietnam;

"To utilize United Nations assistance in achieving a solution and in seeking to reduce the area of conflict by effective border control and internal policing; and

"To give bold and creative leadership to a broad international development program for the Mekong region and to continue full scale U.S. economic and technical assistance where necessary."

NOTE.—The Executive Committee of the Board of Christian Social Concerns of the Methodist Church speaks only for itself and not for the Methodist Church as a whole.

PHILADELPHIA, PA.

We ask for an immediate ceasefire in Vietnam and immediate use of U Thant's formula for negotiations.

ESTHER EPSTEIN.

MINETTO, N.Y.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to express my support of your statements on our policy in Vietnam and to urge you to continue in your stand.

Sincerely,

MRS. MARY RUTH HANKS.

BRONX, N.Y.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I am writing to you rather than to my own Senators because more than any Member of Congress, you have been a leader in the fight against our unjust aggression in South and North Vietnam, and our flagrant and increasing violations of the Geneva agreement. President Johnson is getting more and more brutal and bloodthirsty. He seems to recognize no moral or legal limits. Today I read of nonmilitary targets in North Vietnam being bombed, last week I read that poison gas attacks will continue, trial balloons on the use of nuclear bombs and on attacks on China are being placed in the press.

With increasing justification, Johnson's policies in Vietnam are being compared to those of Adolf Hitler. Public opinion polls, letters and public officials, statements by clergy and intellectuals all oppose Johnson's course. But he has paid no heed to pleas for peace—neither to our own pleas nor to those of international figures like U Thant, De Gaulle, Shastri, Pearson, etc.

Pleas, in short, appear to be futile; more drastic protest action is required. I am writing this letter to urge you (the voice of conscience in the U.S. Congress), to call for impeachment proceedings against President Johnson. Although I am sure he will not at this time be successfully impeached, let it be written in history, that a Member and hopefully Members of the U.S. Congress attempted to take the course of impeachment if necessary to stop the wanton killing ordered by the President of the United States. Let the impeachment proceedings symbolize the hopes and desires of all peace-loving, international laws respecting Americans. Let us not be judged at Nuremberg.

Sincerely,

HAL LEVIN.

NEW YORK, N.Y.,
April 8, 1965.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.:

Warmly support immediate discussion for a peaceful settlement in Vietnam.

EMANUEL KLEIN.

NEW YORK, N.Y.,
April 9, 1965.

DEAR SENATOR MORSE: I admire you and have followed closely all you have said and written about Vietnam. You have, I believe, the support of most Americans on this issue.

But do you have to confine yourself to showing that the present American policy is wrong? Can you not go further and take the lead in reestablishing Congress' right to decide when we shall go to war and when we shall not. Article I section 8 clearly gives Congress this power in the words "Congress shall have power—to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

The mere fact that the present war is undeclared does not abrogate Congress' right in this field, it seems to me.

And our representatives in Congress have a responsibility to stop this un-American adventure on the other side of the world, and to prevent the nuclear holocaust which may follow.

Again, please accept my thanks for the many times you have fought against heavy odds for policies which were right.

Sincerely yours,

KATHERINE KENT.

SAN JOSE, CALIF.,
April 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We still support cease-fire and unconditional negotiations in Vietnam.

EDWARD and JENIFER SCHOENBERGER.

BROOKLYN, N.Y.,
April 8, 1965.

Senator WAYNE MORSE,
Washington, D.C.:

Urge negotiations in Vietnam. History has proven war begets only more war. Bible says thou shalt not kill. No ifs in Bible. Please stop killing at once.

Dr. and Mrs. I. OYLE.

HOLLYWOOD, CALIF.,
April 6, 1965.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR MR. MORSE: Below is the text of a message I have sent to the President on April 6, 1965:

"We ask for an immediate cease-fire in Vietnam and an immediate use of U Thant's formula for negotiations."

We wanted you to know of our support for you.

Sincerely,

Mr. and Mrs. LEWIS O. TEAGUE.

CHICAGO, ILL.,
April 6, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I am very glad that you are coming to Chicago to take part in the commemoration of our Jewish martyrs, including my father, mother, and sister, who have been killed by the German murderers.

Taking this opportunity I would like to add a few words that I had in mind to write to you for a long, long time.

I am one of your stanch followers, and I appreciate and admire very deeply your courage, honesty in your pursuing fight for justice, integrity for the whole of humanity. As a matter of fact I have a great collection of all your speeches and lectures in which you fearlessly speak out your mind and conscious.

I know there are many people like I, who are standing on your side, but they are afraid to speak out and express their views.

I have always voted Democratic and so I did in the last election, but I feel now terribly disappointed and misled. I cannot stand politicians who are breaking promises. I like honest, sincere people, men like you and your colleagues. I pray that God should give you health and long life that you should be able to continue your fight for justice, for the whole of mankind.

Please convey my best wishes to your colleagues, the Senators, ERNEST GRUENING, FRANK CHURCH, and the others.

I hope to see you, please God, next Sunday in Chicago, and hear you talk and shake your hand.

Yours faithfully,

Rabbi DOV B. WARSHAWSKI.

NORTHFIELD, MASS.,
April 6, 1965.

Mr. GEORGE BUNDY,
White House,
Washington, D.C.

DEAR MR. BUNDY: In your interview this past Sunday evening on "Meet the Press" program I had the distinct impression that you were playing down public reaction to the administration's Vietnam policy not in agreement with what is presently being done. I feel sure that you must know the increasing concern over the attacks on bases in North Vietnam, bringing with it the increasing danger of all-out war.

I am convinced that the administration is being strongly influenced by the Pentagon and that propaganda is now being put out to condition the American people to the dropping of bombs on targets in mainland China—which would be an open act of aggression.

Senator WAYNE MORSE in an address[1] in Cambridge, Mass., on March 12 stated that "the Pentagon is deliberately pursuing a policy of escalation in Asia aimed at the destruction of Chinese nuclear installations within 90 to 120 days." He told his audience that "the failure of the new Vietnam policy is frankly recognized in private by administration officials, who are now determined to bring about mounting escalation of the war. If the American people do not make their voices heard in support of U Thant, Pope Paul, and the Council of Churches in their calls for negotiations." MORSE warned, "We stand to awaken only when we are being drenched in blood."

"The white paper," MORSE noted, "contains virtually nothing that was not known last summer and fall when the President was saying 'We are not going north.' And both Pentagon and State Department insisted that no useful purpose would be served in the South by attacking the North. To put the old stories in the white paper and call them a justification for expanding the war now when they weren't before" MORSE charged, "is an insult to the intelligence of the entire world not to mention the Americans."

Since listening to the aforementioned Sunday broadcast I have learned that there are reports to the effect that the President is not fully aware of the extent of public disagreement with administration policies. Is this reaction being played down to him as seemed to me to be the case when you spoke Sunday evening?

If this is true, Mr. Bundy, I am wondering if the advisers to the President are not doing him and the people of America a serious disservice in not acquainting him with the facts.

Very truly yours,

FRANCES A. COVEY.

DETROIT, MICH.,
April 7, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Tonight I listened to President Johnson explaining about our war in Vietnam, naturally I was disappointed.

I appreciate the difficulty he is in—his loyalty is to the international financiers, corporations, and monopolies, yet he must assure the people of this country to trust him and his cause in Vietnam. This indeed is very hard to do in face of the facts.

He as much as told the people that if all men cease their Socialist endeavors and surrender to the imperialists life will blossom anew as never before for all.

History refutes these possibilities—Africa was under their absolute power for centuries yet the imperialists never took advantage of their opportunities to show mercy, magnanimity, and fair play. Latin America is right now feeling the hard hand of the same gentleman. Asia too has had her share of the blessings of serving imperialism. Even if Johnson is sincere does he think for 1 minute that capitalists will change their ways just to please him—that's wishful thinking.

Anyway he assures us that the war will go on and we shall win—over the dead body of little Vietnam.

If President Johnson can kill Asians, Africans, and Latin Americans at will with impunity what will stop the racists, bigots, and fanatics from doing the same to those that they don't like? What an example for the world to watch?

How quick our Government responds to events in far away Asia and Africa, yet how painfully slow it is to react to injustices within our own borders.

I am glad that you are against our aggression in Vietnam, more power to you.

Sincerely,

JOHN Z. GILSAVAGE.

P.S.—Please, excuse the pencil I'm anxious to mail this to you.

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[1] Quoted from "Mass. PAX News," official organ of Massachusetts Political Action for Peace—April 1965.

Manchester College,
North Manchester, Ind., April 7, 1965.
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am greatly disturbed by, and opposed to, escalation of the war in Vietnam. I believe that this policy is more likely to lead to an upward spiral of retaliation, destruction, and bitterness by both sides than it is to surrender by the North Vietnamese Government.

I appreciate your efforts to bring about a change in our Government's policy.

I urge that we take the initiative in bringing about a cease-fire in Vietnam through the United Nations or the powers of the Geneva Conference of 1954, and in negotiating an honorable settlement.

I am encouraged by the President's proposal that we should assist in a comprehensive program of economic development in Vietnam and elsewhere in southeast Asia, such as the Mekong River project. I believe that such a creative alternative should accompany our efforts to bring a cessation in hostilities. Thus we could help to meet some of the legitimate needs and demands of people in that area. I think that the problem is not basically a military one, and that our attempt at a military solution will greatly lessen our ability to reach a constructive resolution of the difficulty and avoid an all-out war.

I am aware of the dilemmas in this situation, and sympathetic to your efforts to meet the problems. May God give you wisdom.

Sincerely yours,
William Schuhle,
Professor of Political Science.

Tyngsboro, Mass.,
April 8, 1965.

Dear Senator Morse: This is to say that as a Christian homemaker, I heartily support and agree with your position on the Vietnam situation.

I pray that you and those who hold to the hope that there must be an alternative to the escalation of the Vietnam war will soon be heard and headed.

Very truly yours,
Cynthia D. Marriner.

Buffalo, N.Y.,
April 7, 1965.
Hon. Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator: I have sent the following telegram to the President:

"As a student and young voter, I was deeply disturbed by your speech on Vietnam. Our bombings, brutal atrocities and suppression of truth, are both immoral and indefensible. Only an honorable America can take the first step to end this insanity."

I have remained silent far too long on this issue. I merely wished to inform you of my feelings in this matter. Your concern and courage in this, as in so many other national matters, has been inspiring. Thank you.

Very truly yours,
John D. Marciano,
University of Buffalo.

Ravena, N.Y.,
April 5, 1965.

Dear Senator Morse: Thank you for being a courageous man. Thank you for speaking for the millions of Americans whose voices go unheard.

What is there left for the moral American to do? We have written our newspapers, written our Congressmen, marched in protest demonstrations—and yet we must go on living with our indignation and shame over our policy in Vietnam, because the voice of the people no longer counts.

I appreciate your willingness to speak at a time when other politicians seem to seek their political expediency through silence.

Sincerely,
Janet D. Newman.

Berkeley, Calif.
Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I wish to extend to you my heartfelt thanks for bringing to the attention of the American people the immoral war which we are fighting in South Vietnam.

That a great democratic nation such as ours can be waging a cruel and atrocious war in the name of freedom is hypocrisy epitomized. But there are many who share our sentiments and I therefore hope that you will not give up the fight.

Thank you again.
Margaret Shepard.

Sebastopol, Calif.,
April 4, 1956.

Dear Senator: Will you please tell the President of this United States how he can get us out of the world war that we are getting into as sure as God made little apples. Tell him to instead of putting more troops, etc., into Vietnam to pull them out, but tell them we are their friends and will back them up to the fullest extent with everything we possess for the purpose of defending themselves. That way we can let them take the rap for war while we will defend them. And for God's sake, yours, his and mine, to get them out right now.

Furthermore tell him if by any means he wants to build some bad fences in Alabama to have Mrs. Johnson to start a Ladybird Special to Montgomery and Selma, to have her select a dozen or so Governors' wives and take them along and call on Mrs. Wallace for a tea or perhaps she might invite them to a tea.

I believe that would fix some broken fences for him because I don't think, according to the results of the last election, they don't feel too kindly towards him. But they would to Lady Bird's Special and, according to the newspapers, she is a very intelligent and gifted speaker herself. I am thinking for this trip an old fashioned campaign train with speeches off the back end of the train like they used to do. What do you think of that?

Now, dear Senator, I have taken too much of your time already. Forgive, please.

Most sincerely yours,
Floyd H. H. Mead.

Ain't I a devil of a politician? Ninety-nine years young, voted Democratic my entire life. Had quite a few winners, eh. Was in Cuba with Teddy, but wouldn't vote for him.

Detroit, Mich.,
April 7, 1965.

Dear Senator Morse: We just had to write you and thank you for the stand you have taken to stop the unnecessary war we are fighting in far off Vietnam. We are also happy that Senator Gruening from Alaska is helping you to try and stop the war.

We had too many wars already. I have voted here in Detroit 50 years now. I have fought; my sons went to Japan to fight for freedom; my brother's boy was killed in Japan. So we had our share of wars.

I want to thank you again, Senator Morse, and God bless you, Senator.

Edward C. Marks.

And God bless you again, Senator.

Santa Cruz, Calif.,
April 9, 1965.

Dear Sir: For years I and my friends have followed your liberal and commonsense approach to world and domestic affairs. We think that you will agree with us that the U.S. attack against the Vietnamese people is indefensible on legal, moral, and tactical grounds. As one consequence among several, our country is isolating itself even from its friends. We urge that you advocate negotiation before there is left no country worth negotiating about. Why not a new foreign policy: Asia for the Asiatics?

Yours sincerely,
Ransom Rideout.

Cleveland, Ohio,
April 9, 1965.
To the Editor,
The Plain Dealer.

The language of the President's speech re Vietnam was eloquent, but unrelated to reality.

If a resolution were introduced in Congress to declare war against North Vietnam, the American people would oppose it overwhelmingly.

The President is responsible for the death of every American boy killed in Vietnam in this illegal, undeclared war. Furthermore, the Congress has no right to place either the authority or responsibility upon the President through resolutions which give the President the Congress warmaking power.

By and large the Vietnamese people want the Americans to get out of Vietnam. They should have gotten out long ago. France won't support the U.S. position in Vietnam. Other NATO allies have given token support at most.

It is not our sole responsibility to try and resolve the situation in Vietnam. We are not a world police force. If we continue going it alone we shall be embroiled in wars all over the world, to the private delight of all of our allies, who chuckle at our stupidity in sacrificing our men in distant parts of the world.

We have no foreign policy except force, which will never bring lasting peace.

We should certainly give our surplus food and more to the hungry peoples of the world. We should not force our presence where we are not wanted, we with our high standard of living, while they struggle to keep body and soul together with their rice plantings.

The President knows that we certainly do want something in Vietnam—we want to dominate and control. So, we had better get out of Vietnam at once, where the lives of our boys are being sacrificed needlessly.

Very truly yours,
Harry A. Blachman,
Attorney at Law.

Pasadena, Calif.,
April 6, 1965.
Readers' Forum,
Star-News,
Pasadena, Calif.

Dear Sir: Vice President Hubert Humphrey and other administration lackeys are showing signs of frustration over their failure to sell the war in Vietnam. He is quoted in Los Angeles: "Some people get a little more concerned about our deeds than Communist terrorism." "I haven't heard of any demonstration about their blowing up our Embassy."

There was a time when the United States was only advising their friends, the South Vietnamese, on how to deal with restless elements. This farce was at its peak during the regime of that great democrat who never got elected, Ngo Dinh Diem. Remember him? Many saw Mr. Diem as a corrupt and arrogant despot but he was the best that Mr. Dulles could find to serve as the agent who could invite the United States to participate in South Vietnamese affairs—for a price, of course.

Mr. Diem duly invited the United States in but it turned out that more than advisers were needed because the Diem policies were somehow alienating his own subjects. Some leftwingers have even suggested that, had the elections of 1956 been held (as required by the 1954 Geneva Agreement), Ho Chi Minh of the North would have won handily. President Eisenhower had this to say: "I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held as of the time of the fighting, possibly 80 percent of the population would have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai." This comment about Bao Dai (long since retired to the rigors of the French Riviera) has been applied by spiteful souls to include Diem.

Naturally, Diem, although a great democrat (haven't we been assured endless times on this count) could not tolerate a democratic election of Ho Chi Minh. The result has been that Diem is gone and was for a time supplanted by a number of generals, very democratic ones to be sure. Finally, the generals were effaced and the United States has stepped in and is running the show. Everyone knows that nothing could be more democratic than that. The greatest irony is that the restless elements in South Vietnam have come to regard the United States as fair game for ambushes, blowing up of embassies, and other deviltry—all this while their arms bear the signature "Made in U.S.A." There simply is no gratitude left in this world.

Yours,

DAVID B. NIELSEN.

(Copies to HUBERT H. HUMPHREY, Senator WAYNE MORSE, and Senator THOMAS KUCHEL.)

SAN FRANCISCO, CALIF.,
April 6, 1965.

SIR: It is a relief to hear some sane voices in the Senate about the Vietnam situation. We do believe peace is possible. We also believe that an end should be brought to the Vietnam war. This is too much of a threat to international peace to be playing war and using torture, napalm, etc.

Peace is possible. It only needs men of good will to bring it about. Thank you for being one of them.

Sincerely,

Mr. and Mrs. CLARK DAVIS.

SAN FRANCISCO, CALIF.,
April 6, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This is just to tell you that I—and many others like me—support fully your opposition to our militant military policy in Vietnam. For the first time in my life (60 years), I am ashamed of my country's actions. I have long admired you and never more than now—please keep up the good work, which I realize is most difficult in the face of the ignorance and apathy of most people.

Sincerely,

Mrs. MARIAN S. PHILLIPS.

Don't bother to answer—you have more important things to do.

BROOKLYN, N.Y.,
April 11, 1965.

Senator WAYNE MORSE,
Washington, D.C.

HONORABLE SIR: My wife and I are two Americans who approve of the stand you are taking on the Vietnam war. We are deeply concerned about the warlike gestures of the present administration. We believe that millions of American citizens disapprove, but we fear that not enough of them are concerned enough to do anything about it. Like you we are strongly convinced that we have no legal nor moral right to be down there, and we are not impressed by the President's excuses for his actions.

We call ourselves a nation under God, but God seems to be completely left out in the decisions of our leaders. We are acting like savages with guns. We are incurring the disapproval and hatred of the world. We cannot stand against the whole world. We are courting war with China and probably with Russia, which would be disastrous. Nobody would win. We are bombing helpless people; destroying their land; burning them with napalm and poisoning them with gas.

We should negotiate now, and withdraw with dignity, not necessarily as victors but with prudence and the love of God.

Our military seem to be drunk with power, and the President must be ill advised. History teaches us that the decline and fall of empires always ensue when that empire seeks to conquer the world. The peaceful nations that seek no conquests are the ones that survive.

We hope you will become our President some day so that we may have peace without fear.

Very truly yours,

HERBERT and BEAULAH MORRISON.

BALTIMORE, MD.,
April 9, 1965.

DEAR SIR: I am a college student who had the great privilege to hear you speak on Vietnam at Johns Hopkins. It is reassuring to find a person like you in politics.

If only some sort of peace party could be formed with you as Presidential candidate. You would have my vote. My esteem for you is unbounded.

Sincerely,

ERICA BUCHMAN.

LEESBURG, FLA.,
April 8, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MORSE: Perhaps this is a fan letter but I cannot resist the impulse to tell you how much I admire your stand and your courage to speak out on the issues of our times. I find myself wishing you represented my State in Washington.

Let us hope that your voice will be heeded and not just a cry in the wilderness.

Sincerely,

HELENE ST. JOHN.

HISTORICAL AND RESEARCH COMMITTEE, MENNONITE GENERAL CONFERENCE,
Goshen, Ind., April 8, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to congratulate you for the courageous statements you have made concerning the U.S. involvement in southeast Asia. It seems to me that what we have done there has been simply to solidify the forces against America and to turn world public opinion against us. As one who has lived in the Orient several years and has traveled in the interior of Vietnam, I feel convinced that the United States cannot win a war there any more than France was able to do it there or in Algeria. The forces of nationalism are too strong to allow a U.S. military victory. Let us not do the things that we were afraid Goldwater would have done had he been elected President.

Sincerely yours,

MELVIN GINGERICH,
Executive Secretary.

BERKELEY, CALIF.,
April 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Knowing your sensitivity to this important issue, we have enclosed a photocopy of our letter to the President on U.S. policy in Vietnam. We hope that you will continue to use your considerable influence in the pursuit of a reasonable solution to the Vietnam crisis.

Respectfully yours,

GRADUATE STUDENTS IN ASIAN STUDIES.

MARCH 24, 1965.

Hon. LYNDON BAINES JOHNSON,
President, the United States,
Executive Mansion,
Washington, D.C.

DEAR MR. PRESIDENT: Sir, we, the undersigned graduate students of Asian affairs at the University of California, have with mounting concern watched the development of U.S. policy in Vietnam. Lacking the detailed information on the current situation there that is available to the Government, we do not presume to offer any specific solutions. From our knowledge of the general development of modern Asian history, however, it is apparent that the recent trend in U.S. policy can only lead to ultimate disaster.

Until recently our own Government spokesmen have repeatedly stressed that any solution to the civil war in South Vietnam must be 90 percent political and only 10 percent military. If "political" is taken to include basic socioeconomic reform, we entirely agree with this analysis. Therefore, it is incomprehensible how the recent drastic intensification of direct military participation can attain our professed goals of a stable and independent Government in a peaceful South Vietnam.

The increasingly overt U.S. involvement and direction of the war can only undermine whatever remaining support the Saigon government has in South Vietnam by completely identifying it with a foreign power. Since Vietcong strategy, following the classical lines of wars of national liberation, is to mobilize mass support on a nationalist appeal of resistance to foreign intervention, the American military presence removes any possibility of the local government gaining the popular support necessary to defeat the Vietcong.

Similiarly, the bombing of North Vietnam cannot win a guerrilla war in South Vietnam. It can, however, expand the war into a major conflagration in the Far East whose ultimate consequences would be unforeseeable.

That such risks should be taken in a military policy that is self-defeating to our purposes in South Vietnam we find appalling. Furthermore, the increasing suppression of information from Vietnam further undermines our faith in the wisdom and efficacy of this policy. We therefore strongly urge you to reconsider this futile attempt at a military solution to what is essentially not a military problem. Since suppression of the Vietcong now seems impossible, other means of securing a peaceful settlement in Vietnam must be explored.

Respectfully,

(Signatures illegible.)

APPLE VALLEY, CALIF.,
April 7, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We would like to commend you for your stand on the Vietnam situation. We, the public, need to hear more words from you so that we have some feeling of hope. The escalation of the war in Vietnam is indeed discouraging. Military involvement cannot settle political and economic problems.

We have written to our own Senators KUCHEL and MURPHY calling for their leadership in urging the United States to negotiate now.

President Johnson gave us a flame of encouragement by his call for economic programs for Vietnam. Please send us more information about the Mekong River project and the proposal that we send surplus farm goods to Vietnam. What other proposals have you heard of which we can study and perhaps urge our Senators and Representatives and President Johnson to support?

Very truly yours,

Edward P. Flowers.
Phyllis Jean Flowers.

El Cerrito, Calif.,
April 7, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing once again to thank you for your unstinting efforts on behalf of humanity—your opposition to the U.S. policy in Vietnam. I have written letters, talked for hours, helped to pay for ads, and am helping a little to plan events for April 17, the march on Washington day. But I felt horribly depressed this evening to hear the President say the same things based on the same false picture of Vietnam—interlaced with images of the Great Society which hasn't the chance of a snowball in hell while we get nearer and nearer to war with China.

I know you are too busy to answer mail yourself—I can't even find copies of your speeches, though, of course, some of them are in the Congressional Record—but I have wondered if you perhaps know whether Mr. Johnson reads any dissenting mail, and whether he reads anything but State Department handouts about Vietnam. The other day on CBS television news in the morning, Johnson was complaining about the press conjecturing about a disagreement over Vietnam policy. He said he had said to his wife, "O Lord, forgive them, for they know not what they do." Now I believe that traditionally people who have delusions of being God or Christ are considered mentally ill. At any rate, this remark suggests a frightening arrogance in that "folksy" man—and none of the humility that marks a scholar of human affairs. Is there any way to approach the man? Would letters to Vice President Humphrey be more useful? I haven't written to McGeorge Bundy—I started to but his resemblance in role and manner to Goebbels put me off.

What I would like to know, however, is whether there are any particular things that ordinary citizens like me can do that you would consider especially useful. If there are, I would like to know about them.

Sincerely yours,

Mrs. M. J. Billings.

Brooklyn, N.Y.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: I write this letter in support of your position on the Vietnam situation. Your reasonable and ethical stand on this question is most heartening in the midst of so much saber rattling and stupidity.

Sincerely yours,

Laurence M. Olivo.

Midland Empire Insurance
& Real Estate,
Klamath Falls, Oreg., April 8, 1965.

Sentor Wayne Morse,
Senate Building,
Washington, D.C.

Dear Senator Morse: The United States has no business in Vietnam. When the U.S. Government has to pay an enemy to stop fighting, after we already have them whipped to a standstill, which cost us billions of dollars in the first place to do; I, as many other citizens feel that our representatives are trying to bankrupt our Nation.

If I should try to run my business on borrowed money that I couldn't pay for, my complete organization would collapse.

We, as citizens have no complaint when our tax moneys are spent on the improvement of our own country; but when we have to support foreign dictators, large and small, with our tax dollars, I feel that we have gone too far.

Please, do everything in your power to curtail this gross sabotage of the American tax dollar. We, the people, depend on you, as one of our representatives. You are a custodian of our American heritage. Let's relieve the tax burden at home now, by curtailing all giveaways of any kind to all foreign nations.

Let's be Americans, let's think American, and let's take care of America.

Thank you and best wishes.

Very truly yours,

Clem Lesueur.

North Hollywood, Calif.,
April 7, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I have just heard your speech on the Vietnam problem. I am very glad you have offered to negotiate with Russia, China, and North Vietnam. However, refusing to talk with the Vietcong, I believe, is wrong, as they are a part of both North and South Vietnam. I further believe that the United Nations should handle this problem, even if Russia has not paid all its dues. If we do not support the United Nations, our chance for real and lasting peace will end.

I believe our intensification of the war in Vietnam and the bombing of cities in North Vietnam has only solidified the peoples of Asia against us. If we spread even further to the bombing of China, more of Asia will join against us.

I believe we should be sure that what we are really doing is right, and, if it is right, it would be the will of God. So with this in mind, let us look at all the reasons we are in Vietnam. If we are wrong in any way, which is very possible, let us admit it and ask the United Nations to settle this problem now.

In your speech tonight you said you asked yourself each night if you had done all you could for peace, etc. You suggested that each of us ask ourselves the same question. I asked myself tonight, as I have many times before, and the answer is "No." That is why I am writing you. If I did not write you of my concern, I would not be doing my part today. However, if I wrote only to you it still would be insufficient; so I am sending copies to some Members of Congress.

May God be with us all.

Sincerely,

Stanley K. Weitkamp.

New York, N.Y.,
April 1, 1965.

Senator Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I endorse your position for negotiations on the Vietnam situation.

Sincerely,

D. Samuels, D.D.S.

Rochester, N.Y.,
April 10, 1965.

Dear Sir: I commend your opposition to the Vietnam mess and to foreign aid.

In paying taxes on April 15 I have urged taxpayers to write Congress and the President to stop wasting our tax dollars abroad. If pushed this could be the "ground swell" needed to stop wasteful "foreign aid."

Yours truly,

Homer G. Whitmore.

La Habra, Calif.,
April 7, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I would like to thank you for your most courageous stand in urging a peaceful settlement of the Vietnam situation.

To me, this is the only rational solution, for further escalation could easily lead to a nuclear holocaust.

Please continue to urge this peaceful means of ending the Vietnam crisis.

Thank you for your great courage and high principles.

With greatest gratitude and deepest admiration,

Esther H. Adler.

New York City, N.Y.,
April 9, 1965.

Hon. W. Morse:

I certainly do agree with Your Honor that any amount of U.S. money in the way of promised aid will not buy peace. There must and should be, Your Honor, other easier ways of finding peace. So I close to Your Honor and yours and those near and dear to your heart with my highest respect.

Sincerely,

George McCullough.

New York, N.Y.,
April 10, 1965.

Dear Senator Morse: I heard the speech of our President and I have read it with care. I am horrified that it is being accepted as a peace speech. It is the most well-thought-out effort to further confuse the American people and surely anyone who is knowledgeable about what is going on knows this well. Our people can all be fooled—sometimes—but, as history shows, not for all time and they are increasingly aware these days that we have no legitimate business in Vietnam, that the killing, the burning, the destruction of food as well as people, has no justification in the eyes of any but a small, wealthy, powerful (because U.S. supported) group who will be overthrown when the National Liberation Front achieves victory.

How can we mouth words about loving people, grieving over the hungry, etc., at the very moment when we send more soldiers and planes and arms to this land?

I hope that people who, like yourself, do have some vision of a future for the world other than nuclear destruction, will make clear that—while the Mekong Delta idea is fine—not new, already underway with many countries—it is impossible because the United States keeps the civil war going and expands it. First—cease-fire—then begin to find ways to talk instead of kill. And I hope too that there will be voices to point out that it is as futile and deceitful to talk of negotiations without the so-called Vietcong (National Liberation Front) as it would have been for the British to announce their desire for peace—but negotiations to be only with the French.

We need every voice of sanity. Help bring some to the Halls of the Senate—join Senator Gruening who speaks with such a clear and brave and true voice.

Respectfully yours,

Elizabeth Moos.

Malibu, Calif.

Dear Senator Morse: Thanks for your words for peace.

Keep it up.

Richard M. Powell.

April 8, 1965.

Dear Senator Morse: I just read your "Senator Morse Reports" and wish to congratulate you for your valiant, forthright stand against the brutal and futile war in Vietnam which has damaged U.S. reputation and has evoked the just criticism and indignation of heads of states, churchmen, and decent people here and the many countries overseas.

I also fully support your bill aiming at restricting military aid and replacing it with economic aid to countries developing their free institutions.

Respectfully,

K. Weigl.

APRIL 8, 1965.

MY DEAR SENATOR MORSE: I wish to praise you for your stand on the southeast Asia situation. Are we going to have a truce, like in Korea, and keep U.S. troops there indefinitely?

Harry Truman called the Korean war a police action, but if Margaret Truman had been 2d Lt. Harry Truman, Jr., and in the Army in Korea in 1950, I'll bet it would have been declared a war.

I had command of an ammunition ship in 1950-51 delivering bombs to the aircraft carriers at sea and we worked long and hard, but after October 24, 1950, and we saw that Harry Truman would not let us win the war, I could no longer tell my crew that we should be there.

Will we ever get our troops out of Korea or do we keep supporting a corrupt, unstable government there forever at over a million dollars a day?

And now the President proposes to give a billion dollars to southeast Asia. For what? To support more corrupt politicians there.

We should not allow any more American lives to be lost in Vietnam or in southeast Asia. Maybe it would stop if we gave each widow of an American who lost his life there a million dollars—better that than for foreign aid. We cannot buy respect or loyalty—ask Sukarno.

Yours sincerely,

M. W. GRAYBILL,
U.S. Navy (retired).

[From Time magazine, Mar. 19, 1965]

COLUMNISTS—IF GOLDWATER HAD WON

How would the United States have fared if Barry Goldwater had been elected President? "The mind boggles to think of it," mused Columnist Art Buchwald last week in the New York Herald Tribune. Nonetheless, Buchwald did his deadpan best to guess how things really would have turned out under Goldwater. To begin with, he wrote, "the Vietcong would have blown up an American barracks. Goldwater would immediately call for a strike on military bases in North Vietnam and announce a 'new tit-for-tat policy.' Democrats would make speeches that Goldwater was 'trigger happy' and was trying to get us into a war with Red China.

"But Goldwater would ignore the criticism and continue the raids, using not only Air Force bombers, but also jets from the U.S. Fleet. As time went on, he would explain that, instead of a 'tit-for-tat' policy, we now intended to bomb North Vietnam in order to let Hanoi know that they could not support the Vietcong without expecting retaliation.

"Senators would call for some sort of negotiations. But Goldwater, with his lack of restraint, would retort that there is nothing to negotiate and we would only be selling out southeast Asia if we sat down at a table with the North Vietnamese and Red China. Instead, he would recklessly announce that he was sending in a battalion of Marines with Hawk missiles to protect our airfields. His critics would claim he was escalating the war, but Goldwater would deny it. Instead he would bomb supply routes in Laos and Cambodia.

"To explain these desperate actions, Goldwater would have the Defense and State Departments produce a 'white paper' justifying the attacks and proving that Hanoi was responsible for the revolution in South Vietnam."

Of course, wrote Buchwald, Democrats would hotly insist they had known all along that Goldwater would plunge the United States into a war. Republicans would argue that Goldwater had no choice, that anyway he had merely inherited the Vietnam mess from the Democrats. "It all seems farfetched," allowed Buchwald, "and I may have let my imagination run away with itself, because even Barry Goldwater wouldn't have gone so far. But fortunately, with President Johnson at the helm, we don't even have to think about it."

[From the Saturday Review, Feb. 27, 1965]

VIETNAM AND THE AMERICAN CONSCIENCE

Vietnam is profoundly complex, but it is not so complex as to defeat the American intelligence or disable the American conscience. Some facts and implications are clear, no matter how murky the general situation.

The first fact is that the United States today does not have the backing of the Vietnamese people in whose name it went into Vietnam in the first place and whom it is seeking to save today. The U.S. military forces have had to cope not just with secret agents from North Vietnam but with the growing opposition of the populace as a whole. In briefings of new U.S. military personnel, the point is stressed that most Vietnamese are either sympathizers with or secret members of the Vietcong. The retaliatory bombings by the United States of North Vietnam targets do not meet the problem represented by internal opposition within South Vietnam itself.

The second fact is that most of the military equipment used against American and South Vietnam military forces has come neither from Communist China nor North Vietnam but from the United States. It is ludicrous to talk about bombing supply lines from North Vietnam as a means of shutting off the flow. According to some estimates, up to 80 percent of the military equipment used by the Vietcong originates in the United States. In largest part, it is either captured by the Vietcong or turned over by supposedly loyal South Vietnamese. No one knows how much of the equipment finds its way to Communist China. A Chinese official interviewed in Peiping several months ago said he was almost reluctant to see the Americans leave; they had contributed so heavily to the Chinese arsenal.

The third fact is that the legal justification invoked by the United States for its involvement in Vietnam has long since been nullified. Under the terms of the 1954 Geneva agreement, all foreign forces and military equipment were to stay out of Indochina. The United States came with military force into Indochina, most notably in Laos, South Vietnam, and Thailand, declaring it had done so at the request of the Governments involved, which was not a violation of the treaty. But nothing in the treaty gave the United States the right to finance revolutionary movements or to participate in undercover subversion. (In Laos in 1960 and 1961, the United States financed and equipped the effort of General Phoumi Nosavan to overthrow the only elected government in the history of Laos. At the same time, the United States continued to pay the salaries of loyalist forces and to furnish their supplies. Thus the United States was in the astonishing position of underwriting both sides of a civil war. Eventually, the situation was restored to its prerevolutionary status, but only after many thousands of civilians were killed or became homeless.)

In South Vietnam, the inability of the Diem government to maintain the support of its own people constituted a severe drag on the war effort. Eventually, the Diem government was overthrown and the Premier assassinated. Later, Frederick E. Nolting, Jr., former Ambassador to South Vietnam, said the United States has been directly involved in the antigovernment plot. Whether Premier Diem was or was not authoritarian and backward is beside the point; the American people have never given their Government a warrant to engage in subversion or murder. Since Diem, regimes in South Vietnam have come and gone; which of them has enjoyed genuine legitimacy it is difficult to say. In any case, what is the legal basis for our presence now? Our presence was requested by a government no longer in existence, and one that our own ex-Ambassador said we helped to overthrow.

The fourth fact is that our policy in Vietnam in particular and Asia in general has not been of a piece. Basically, an important objective of our foreign policy is to keep the Soviet Union and Communist China from coming together in a unified and massive ideological and military coalition. But our policy in Vietnam is producing exactly the effect we seek to avoid. Nothing that has happened since the original rupture between the two major Communist powers has done more to bring the Soviet Union and Communist China together again than recent American actions in Vietnam. The Communist Chinese have long argued that the Russian idea of coexistence was an anti-Marxist and antihistorical notion that could only be advanced by naive sentimentalists. They claim war is inevitable because of the nature of capitalism. As evidence, they assert that the United States, despite its claim that it sought only to promote the internal stability of Indochina, was actually pursuing a war against Asian peoples as an extension of the very imperialism Asians had fought so hard to expel. The Soviet Union, which is no less concerned than the United States about Chinese expansion throughout Asia, also has to be concerned about its standing in the world Communist community. It cannot allow itself to appear indifferent to military action involving a member of that community. Any expansion of the war by the United States into North Vietnam would force the Soviet Union to identify itself with North Vietnam and thus with China.

REDLANDS, CALIF.,
April 5, 1965.

To the Right Honorable WAYNE MORSE,
Senate of the United States,
Washington, D.C.

DEAR SENATOR MORSE: I wish the enclosed clippings might be read into the CONGRESSIONAL RECORD.

Your remarks on our foreign policy are always a great satisfaction to me.

Respectfully yours,

MRS. ARTHUR M. SARGENT.

BERKELEY, CALIF.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: For what my support is worth, I give it to you with great gratitude and encourage your courageous campaign for an intelligent approach to our involvement in Vietnam.

You and Senator GRUENING are worth the other 98 Senators combined.

Please continue and I cannot thank you enough.

F. JOHNSON.

RUTLAND, VT.,
April 9, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I would like to bring to your attention that the Constitution of the United States provides that Congress shall have power to declare war. This means that the President has not got the power to declare war.

Therefore, in South Vietnam the United States is carrying on an unconstitutional war.

I suggest that Congress refuse to appropriate any money for this undeclared war or for the aid of South Vietnam. And, I suggest that Congress refuse to confirm presidential appointments to men who will not do everything in their power to stop this undeclared war.

Moreover, neither the people of the United States nor the people of South Vietnam want the U.S. forces in South Vietnam.

Furthermore, the cost of this undeclared war and aid to South Vietnam deprive the people of the United States of their tax money which they would either like to keep themselves or have spent for local improvement and public benefit. The city of Rutland needs better schools, better roads, more sewers, and new sidewalks.

Yours truly,

Irving H. Reynolds.

Upland, Calif.,
April 5, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I would like to express my wholehearted support of your stand on the issues involved in our current Vietnam policy. I feel that a sane appraisal of our moral obligations is very much in order before we are pushed into a situation where our national destiny is imperiled by reactions of fear and irrational anger. Please keep us out of Red China and North Vietnam.

Yours truly,

Gregory H. Reisner.

[From the New York Times, Apr. 6, 1965]

WRONG VIETNAM POLICY

To the Editor:

In seeking to establish peace in southeast Asia, President Johnson has placed himself under a severe handicap by taking the advice of the same men who persuaded President Kennedy to continue the Eisenhower-Dulles policy of unilateral military intervention in Vietnam, instead of—as in Laos—seeking to implement the Geneva accords of 1954.

The more this interventionist policy has failed, the more its sponsors insist upon trying to redeem failure by ever deeper, more dangerous and more reckless commitment of United States prestige and power.

It is now evident that the policy urged upon Presidents Kennedy and Johnson has failed and will continue to fail if carried further. When a policy has shown itself incapable of achieving its ends, there is only one thing to do and that is to adopt a different policy. And when Presidential advisers who have sponsored a bankrupt policy refuse to recognize the need for changing course, it is time for the President to seek other advice.

ECONOMIC COOPERATION

To the outside observer it appears that President Johnson is about the only "dove" among the present policymakers. He alone has spoken, vaguely to be sure, of the kind of economic cooperation with all of southeast Asia which might bring the warring factions to the conference table.

Surely there are in Washington men able and willing to help the President formulate a clear-cut policy for peace; Walter Lippman's recent articles are an outstanding example, and there are plenty of leaders in the world who stand ready to help end an ill-advised adventure that more and more threatens world peace and, with it, the President's noble hope of establishing in the Great American Society an example of what all men everywhere may hope eventually to achieve.

James P. Warburg,
Greenwich, Conn.

WCRB,
Boston, Mass.,
April 8, 1965.

Dear Senator: Please try to seek a peaceful settlement in Vietnam and not spread the war.

Sincerely,

Theodore Jones, *President.*

Dear Sir: I share your misgivings about the Johns Hopkins speech. Indeed it seems to me that this might as easily be an attempt to quiet student opposition on campuses, liberal and church opposition and to lull the consciences of those abroad and at home, while the aggressive war is continued or expanded. L.B.J.'s "sons" are not dying—his daughters are safe and I dare say if McNamara and Bundy have them, they are safe, too. The people of South Vietnam are not allowed to decide—and it is an evil thing we do to forbid people the right to be free of foreign troops and intervention, and to take sides in a civil war, too, when it is intervention. The "aid" may be a way of purchasing the right to dissent from our policies from other people by propping up more puppets. I do not want to feather the beds of Diems on the Riviera, with our tax dollars. To help the people, yes—but not to corrupt a people.

You are a brave and wise man.

Thank you.

H. Martin.

Silver Spring, Md.,
April 12, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Sir: President Johnson is waging a war against North Vietnam beyond any power given him by the Constitution or any Federal law. Would you help me to commence an action of mandamus through the U.S. Supreme Court to stay his hand in North Vietnam?

Very truly yours,

Arthur A. Levine.

Cambridge, Mass.,
April 11, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: A short note of support for your stand on the present U.S. policy in Vietnam, and encouragement for your continued vigorous protests of the administration's policies there.

I shan't bore you with the reasons I find present U.S. policies in Vietnam most shocking, and quite frightening; they do coincide in general with your own views as elaborated last month at Harvard University, however.

What disturbs me most, though, is the almost unanimous accedence of your colleagues in Congress with the President's rather bellicose policy in Vietnam. I have and shall continue to hammer away at my own Representatives on the subject. Poor fellows, they are not blessed with such short letters.

Best wishes.

Most sincerely,

Gerald Pacholke.

Pittsburgh, Pa.,
April 10, 1965.

Hon. Wayne Morse,
Senator of the United States,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am writing to you in reference to your recent statements regarding our so-called advisory war in Vietnam.

I think our action in Vietnam is a deplorable situation and can only result in involving us in a major war in Asia. I believe Gen. Douglas MacArthur warned our leaders about involving our country in a land war in Asia shortly before his death. Who are we to intrude in the internal affairs of any country? The enclosed newspaper clippings pretty well sum it up. All of the smart talk by President Johnson, Mr. Rusk, Mr. McNamara, and General Taylor won't brush these facts away.

Herewith are some of the things I believe has led this country into our present situation.

1. The CIA and their meddling in the affairs of other countries. Why is this agency not responsible to our Senate and Congress? They have assumed an all-powerful position wherein they could involve us in a catastrophic war.

2. Has the country been taken over by the military and is our civil government power less to exercise control over this group?

3. Has the Federal Government, along with the Supreme Court, overstepped their powers in respect to States' rights? What is being done about the enforcement of laws for all groups in our society? Or do we only enforce the law of the land for some pressure group and turn our back when others break the law?

As I am one of the 25 million disappointed voters in the recent presidential election, I decided to write you as you seem to be one of the few responsible leaders left in our great land. Since both of our Senators from Pennsylvania support the administration in the Vietnam war, it would be a waste of time to write them. Who is trigger happy now?

Being the parent of a son who was shipped off to Korea in 1950, at the age of 19 years, with little or no training, to spend almost 2 years in that hole, for what? I do not want to see this country go down the drain again in such a war.

Thanking you for any consideration you may give to my views.

Yours truly,

E. T. McGuire.

[From the Pittsburgh (Pa.) Press, Mar. 26, 1965]

REASON GASSED OUT

(By Richard Starnes)

Washington.—The Bamboozle Curtain behind which the United States is waging undeclared war against North Vietnam has parted ever so slightly and revealed some desperately ugly circumstances.

The vital point has been lost in the controversy that has raged since disclosure that nonlethal disabling gas had been used against Communist guerrilla forces.

Apart from professional Communist propagandists no one contends the gas is analogous to chemical-biological-radiological weapons banned by the Washington Disarmament Treaty of 1921–22 or the Geneva Treaty of 1925.

But that, of course, is not the point, the point is that world reaction to the use of any sort of chemical warfare agent—but particularly gas—could have been expected by any but the most desperate bitter-end professional soldiers trying to stave off defeat.

Failure of the U.S. military technology to defeat the Vietcong is a doleful fact that in the military mind transcends any ideological consideration.

The most cogent argument on behalf of continuing the fight in Vietnam is that defeat there would lead only to repetition in Thailand, Malaysia, and the Philippines.

Thus the ultimate conclusion is the same: Defeat in southeast Asia is inadmissible; at whatever cost, the war must be "won."

This has led to desperate adventurism such as the use of gas more poisonous to American repute than to the foe, and to a news blackout as rigid as any of World War II. The American people are being denied the information they need to reach mature democratic decision or upon which to base outspoken protest.

The United States has been using horror weapons in Vietnam almost since the beginning. Napalm is a far more savage instrument of war than nonlethal toxic gas, but strangely enough it has excited little protest. Worse even than napalm is white phosphorous—and proxy-American use of that dreadful chemical passed almost unnoticed early this month.

Projectiles or bombs filled with white phosphorous would win most professional soldiers' votes as the most barbarous weapon of modern war—not excepting lethal gas. White phosphorous shells explode in a hellfire that clings to whatever it strikes, and which cannot be extinguished.

Use of these devices is a true measure of how far we have gone in Vietnam. Even the use of nonlethal gas lets down bars that have been painfully erected over centuries of human travail.

Napalm and white phosphorous are ghastly; so, indeed, are hand-held weapons of such tremendous muzzle velocity that men are no longer wounded by them, they are dismembered.

Madness has replaced reason in Vietnam, and desperation has become the rationale for all manner of savagery. That is the real lesson that the use of gas has brought with it.

[From the Pittsburgh (Pa.) Press Mar. 28, 1965]

MOST POWERFUL ROCKET

WASHINGTON, March 27.—World's newest, most powerful rocket will be flight tested in June by the Air Force.

It's the Titan 3–C. It will generate 2,970,000 pounds of thrust—more than five and a half times as much as Titan–2, which launched Grissom and Young Tuesday.

June test will be first of 12 designed to perfect Titan 3–C for operational use by July 1, 1966.

Air Force will use it to orbit an experimental manned space station late in 1967 or 1968; will rehearse with a dummy in 1966.

Titan 3–C will take the space heavyweight title from NASA's Saturn 1 rocket which generates 1,590,000 pounds of thrust. Biggest rocket launcher Russians have displayed is estimated to have 1,433,000 pounds.

Core of Titan 3–C will be a Titan 2 rocket. It will have two giant solid-fueled stages strapped to its sides, and on top will be a twin engine which can be fired three times in space for orbit-switching maneuvers.

It will be used as a space truck by the Air Force for future military missions. In one of its tests—next February—Air Force will try orbiting eight specially geared military communications satellites in one shot.

Titan 3–C probably will remain world's biggest "thruster" until NASA develops Saturn 5. That one will generate 8,700,000 pounds of push—enough to propel a 45-ton, three-man spaceship to the moon.

Housing and Home Finance Agency has compiled list of banks, insurance firms, and savings and loan associations that are Negro controlled; will encourage them to invest in urban renewal or other federally sponsored construction.

Combined assets of firms on the list is $775 million, with $298 million in Southern State firms—that already have $86 million in Government-insured mortgages. Now under consideration are a 17-story office building for Negro-controlled Atlanta Life Insurance Co., and an 8-acre shopping center in Mobile to be built by Negro investors for Negro shops.

White Citizens Council in Selma is using radio time to urge white persons to shop there instead of going to Montgomery. It's an effort to counteract the Negro boycott of Selma stores.

Voice on the air is not identified, but residents say it's one of Sheriff Clark's possemen.

NOTE.—When President Johnson briefed 42 governors this week he indicated his concern that Red China may send 350,000 troops into Vietnam; said negotiations are out of the question since there's no one to negotiate with.

Ambassador Maxwell Taylor will recommend increased pressure on Hanoi when he reports to President Johnson next week.

He will urge more air strikes with more planes carrying heavier bomb loads, aimed at military, then industrial targets.

And he may urge that we hit targets north of Hanoi, including bridges leading to China, if Chinese Communist troops mass near the border.

Taylor will report that South Vietnam morale is up and U.S. position there improved but that Hanoi is stepping up infiltration of small regular army units and Vietcong is making a major effort to cut South Vietnam in two. (He doesn't think they can do it with present forces.)

Partial blockade of Tonkin Gulf is still under study. Carrier jets will continue to be used for raids and ships will bombard North Viet coastal installations.

More U.S. troops are not needed now, Taylor will say.

Education notes: Wyoming, holdout against taking Federal school funds, has finally passed a law enabling it to participate in Natioanl Defense Education Act. New survey of Missouri shows it has at least 10 school districts operating racially segregated schools. Connecticut Supreme Court has ruled that if State law designates teacher retirement age, local school boards can't change it. Second-term college enrollment at 16 large State schools shows 9.6 percent increase over last spring, 5.3 percent decrease from last fall (due to midyear graduations, dropouts, and flunkouts.)

President Johnson will not recommend reduction in 10 percent auto excise tax. Treasury estimates tax brings in $2 billion in revenues. And Mr. Johnson, in his budget message, set $1,750 million limit on excise cuts he will propose.

But Treasury is beginning to fear Congress will cut the auto tax anyway. Pressure is building up, despite record auto sales. Some congressional leaders talk about cutting auto tax in half—which would add billion to overall excise reduction.

Auto manufacturers say they'll pass on any cut to buyers. Reduction to 5 percent tax would save buyers an average of $100.

Also, Treasury has agreed that if a cut is passed by Congress, it may be retroactive to date the bill goes to Capitol Hill. Aim is to prevent any slump in auto sales while customers wait for taxes to drop.

Administration proposals are expected in about a month. They're likely to ask repeal of excise on furs, jewelry, toilet articles, leather goods, and other luxuries.

There's a chance Alabama may share its Governor Wallace with the Nation after 1966.

State constitution keeps him from running again for Governor; also has a ban on running for any other office, including U.S. Senate, until he has been in private life a year.

If he wants to run for Governor again, he may try to have State constitution amended, but is likely to run into a filibuster in his legislature. But he may not have to go this route if he decides to run for the Senate—Alabama attorney general thinks the Alabama restriction is unconstitutional.

[From the Pittsburgh (Pa.) Press, Apr. 11, 1965]

MY TURN

(By John O'Hara)

It was a frightening picture that has stayed with me, and I am not one to use that word, frightening, every day.

The taxi drivers of New York City for years had refused to be organized into a union. Back in 1934, for instance, the drivers had to fight the goons who overturned their cabs and beat them up, but the hackies remained unorganized. So it has remained until this year, and the professional unionists did not like that.

There are only 11,000 cabs in the city, but they are public conveyances and the public had a constant reminder of the fact that in all these years, the organizers had been unable to compel the hackies to join up. From the professional unionists' point of view, that was a disgrace, and it could not continue.

So this year the unionists went all out. Although there had just been a fare increase, that made no difference. They began working on the hackies early in the winter, finally calling a meeting in Madison Square Garden, which was attended by several thousand hackies.

To make sure the meeting would be attended, the unionists announced that the hacks were not to roll that day. Some did, and their tires were spiked, windshields smashed, some members of the public and some hackies got hurt. At meeting time the hacks were not rolling.

The head of the electrical workers' union said it did not matter if some people got hurt. What mattered was that the hackies had to come into the union.

POLITICIANS NEED BIG LABOR

The head of the garment workers screamed and waved his arms and said his union had 180,000 members who would support the hackies, and he emphasized the word financially. The mayor of New York, who will run for reelection this year, sat there with the head of the electrical workers and the head of the garment workers, and thereby gave quasi-official support to the takeover.

The mayor is not personally popular with the hackies, but the garment workers and the electricians are big unions and he needs them.

You looked down at the first few rows in the audience, and you saw the new breed of professional unionists, who obviously had never driven hacks for a living. And interspersed among them were the union tumulers.

A tumuler is a cheerleader, a master of ceremonies. It is a Yiddish word that used to be applied to the entertainment directors at the summer hotels in the Catskills. Danny Kaye, for instance, started out as a tumuler. But Willkie had his tumulers at the Republican convention in 1940; Goldwater had them.

The meeting ended, and the unionists won. After all those embarrassing years of shame, all they had to do was smash a few cab windows, injure a few citizens, spike a few tires, and get some big union leaders and Wagner of city hall on a platform, and the hackies succumbed.

You can buy beer at Madison Square Garden, but this was not even a beer-hall putsch.

Well, not quite. But it's the way you get your message across if you want to organize the recalcitrant. Some violence, a large quantity of inconvenience to the public, the promise of financial support by big labor, and the active cooperation of compliant politicians.

THE NEW FACE OF FASCISM

A few days later Martin Luther King demanded a total economic boycott of Alabama industry, and did he not state that he would enlist the support of the unionists? Had he not already been photographed with another Detroit boy, Walter Reuther? Had not various Governors sent their representatives to Selma?

The naive, the outraged, the victimized, the men and women who loathe the Ku Klux Klan seem to join with the exhibitionists, the subverters, the sinister, and decent indignation reinforces the new fascism.

We are looking in the wrong direction for the new fascism, which will not be called fascism and will not be identifiable by swastika armbands. The Hitler-Mussolini kind began in beer halls and in marches, among the middle class people who were more or less committed to some form of socialism.

We saw what happened to them, and to the rest of the world in the process. The word "socialist" remains in the official title of the U.S.S.R., where fascism seems to flourish. The socialism which Eisenhower saw creeping into our system of government is now inherent to it (with some help from Eisenhower himself).

The latent evil in goodness is not always apparent. Cancer is the life force gone wild.

April 10, 1965.

Hon. Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

My Dear Senator Morse: We hereby express our wholehearted endorsement of your enlightened stand on Vietnam. It takes political courage to consistently express views that most Americans unfortunately, are not yet prepared to accept. You have gained however, the eternal gratitude of many among us who wish to see restored, the image of America as a nation dedicated to the free expression and self-determination of peoples, anywhere in the world.

Gratefully yours,

Joseph Sparacino.
Diane Sparacino.
Edith Gitto.
Pete Gitto.

Swarthmore College.

Dear Senator Morse: I have just seen your film (made at Yale) at a teach-in at Swarthmore, and to make a long letter short: Keep it up. It must seem kind of lonely at times to be one voice, but you are not alone, and we hear you. I, and many others, will be in Washington to protest our position in Vietnam, but what we really need is your voice.

Thank you.

Larry Ornstein.

First Methodist Church,
North Andover, Mass., April 12, 1966.

The President of the United States,
The White House,
Washington, D.C.

Dear Mr. President: I strongly endorse your initiative for peace made to your address on April 7th at Johns Hopkins University.

Both your offer of "unconditional discussion" and the proposal of massive aid to Southeast Asia were most helpful and commendable.

I know that you are faced with many grave decisions concerning Vietnam and sense many conflicting pressures, but I respectfully urge you to make every possible step to lessen the liklihood of a direct confrontation between mainland China and the United States.

I hope that you will give serious consideration to the suggestion that the air strikes be called off since they appear only to strengthen the resolve of the North Vietnamese and are likely to drive them further toward their Chinese and Russian allies.

I heartily support every effort toward peace and reconciliation in Vietnam.

Sincerely,

Neal F. Fisher.

Copies:
The Honorable Edward M. Kennedy.
The Honorable Leverett Saltonstall.
The Honorable Wayne Morse.
The Honorable Ernest Gruening.
The Honorable George McGovern.

Milwaukee, Wis.,
April 11, 1966.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to commend you for your stand on our withdrawal from Vietnam. You seem to be "the voice of one crying out in the wilderness and I for one hope you will continue to "cry out".

Most sincerely,

Gertrude Gobel.

New Castle, Del.,
April 10, 1965.

U.S. Senator Wayne Morse,
Office of Senator,
Washington, D.C.

Hon. Senator Morse: Knowing that you are interested in seeking negotiations to quickly end the conflict in Vietnam, we are asking you to do all you can by vigorous efforts for negotiated peace, to end this war. This conflict threatens the peace of the world and all our security and, if continued, the destruction of all we hold dear, and our little ones.

There should be a pause in the air attacks of our country on the North Vietnamese, and not to invade the territory involving China. This is a grave mistake. Our President voices hope and words for peace efforts, but the next day, papers have great headlines of additional troops landing, planes, and heavy equipment for battle.

This is confusing to many and especially to an oriental mind who would think we do not mean what we say. They are slower to move and do not think the same as we do. It is the time not to be too quick. There must be a pause or cease fire, so to speak, so that the efforts seeking settlement may have a chance. Sometimes we must be still, so God can have the chance to answer the prayers of many and help.

We feel that the United Nations must play a vital role in bringing about a settlement. The pause would help there also.

Through the help of the United Nations, many think that we should have a contingent of troops together with those from other U.N. nations—a peace force to see that fighting stops and to police the area of conflict. This, with an internationally supported economic and social program of reconstruction and development many think desirable to have peace established, then we should leave the mainland of Asia. It is the land of oriental peoples.

Protestant clergymen and all their people ask that "vigorous efforts be made now to negotiate an end to the war." May God help us and give you wisdom to help. Kind regards and wishes, I am

Sincerely,

Mrs. E. Calhoun Farmer.

East Boston, Mass.,
April 6, 1965.

Dear Senator Morse: Your speech against our policy in Vietnam might have been made not in Athens, Ohio, but over 2,000 years ago in Athens, Greece, before Greece ruined itself in the treacherous and uncalled-for expedition in Syracuse.

The people are again misled by warmongers and profiteers. Their good sense of self-sacrifice and patriotism is again being perverted to the ruin of all of us.

Thank God for Wayne Morse and a handful of others. I hope for yourself that you have the highest reward of every honest man—that you could look back through your life of honesty and integrity.

Your sincere admirer,

Milton Heimlich.

Seattle, Wash.,
April 8, 1965.

Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Will you please do what you can to get us out of this international mess and then run for President in 1968?

Ronald Johnson.

Inter-Office Teletype,
April 9, 1965.

Dear Sir: Thank God for brave men like you. Please continue your valiant efforts in regards to the Vietnam situation in the face of all this "sheep-like" opposition.

Respectfully,

My Brothers' Keeper
Mrs. William Gallie.

Santa Clara, Calif.,
April 9, 1965.

Dear Senator: Just a note to tell you that my wife, my friends, and I think you are a great statesman. Your stand against our Government's policy in Vietnam takes a great deal of courage and we applaud you for it.

Sincerely,

D. Lieberman, M.D.

Ann Arbor, Mich.,
March 31, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: From 8 p.m., March 24 to 8 a.m., March 25 an all-night teach-in to protest American policy in Vietnam was held at the University of Michigan. Two hundred and fifteen members of the faculty and staff of the university sponsored the 12-hour program of lectures and seminars designed to inform the academic and local communities on Vietnam and the nature of the war which is taking place there, and to search for viable peaceful alternatives to our Government's present aggressive course. Enclosed is a copy of a petition sent to President Johnson which was signed by 768 of those who participated in the program.

At the conclusion of the sessions a resolution was passed to broaden our local action into a national faculty-student movement which would engage the active participation of academic communities throughout the country in a continuing program of protest and constructive criticism. Telegrams of support have already been received from almost 50 colleges and universities across the Nation with assurances that several have already scheduled or are scheduling teach-ins of their own. Plans also are now being made for a national teach-in.

We wish to thank you for your continuing efforts against our foolhardy attempts at a military solution to the problems of southeast Asia. We will continue to keep you informed of our activities, and hope, that if you have any suggestions to make as to how our group can be most effective, that you will send them on to us.

Sincerely yours,

William Gamson,
Joel Isaacson,
(For the Faculty-Student Committee To End the War in Vietnam).

University of Michigan All-Night Protest Teach-in on the War in Vietnam, 8 p.m. March 24 to 8 a.m. March 25, 1965

Mr. President: We, members of the faculty, staff, and student body of the University of Michigan, and citizens of the local community, have joined together for an all-night protest at the university against the policy of the United States Government in Vietnam. Our protest has taken the form of a series of lectures and discussions through the night, in search of nonmilitary solutions to the problems of southeast Asia.

We are profoundly concerned about your present course of military expansion, and do not believe that it can bring about a permanent and satisfactory resolution of the conflict. We call upon you to initiate a policy, not of intensified war in southeast Asia, but of an offensive for peace. The conferences and negotiations for such solutions are long and hard, but we urge that they begin now.

Let us begin with constructive initiatives toward a cease-fire. These must include the cessation of our unilateral military actions, including the bombing missions into North Vietnam, and our introduction of grotesque weaponry, such as the nonlethal gas recently tested. It must also include a greater respect for the safety of civilian populations in both parts of Vietnam. Nothing short of such a total effort to effect a negotiated settlement in Vietnam will lead our Nation back upon the path of reason and morality from which we have so dangerously strayed.

Endicott, N.Y.,
April 1, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: This letter is long overdue: Thank you for myself and for dozens of my acquaintances for the very courageous stand you've taken on the Vietnam mess. Please don't ever falter in your most patriotic fight against what we are doing there. I recall enough of the 1954 Geneva Conference (when Dulles walked out in a huff) to know that our policy there is very wrong. The only people around here that are for our policy in Vietnam, strangely enough, are those who supported Goldwater.

When I read this morning's paper about the mass defoliation and burning out of a forest there, all I could think of is that Goldwater is smiling with satisfaction. I am shocked, sickened, and horrified at the napalm, gassing, and the wholesale slaughter going on there. It defies all morals, ethics, and decency, for I sincerely believe those people in South Vietnam are fighting a civil war in which we have no business, except to help bring it to an end.

I've written President Johnson my views and also enclosed a clipping quoting Pope Paul's pleas for a ceasefire before the thing gets out of hand.

Thank you again and keep up the good fight.

Respectfully yours,
Mrs. Helen Spiegel.

New York, N.Y.,
April 1, 1965.

Senator Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Morse: I endorse 100 percent your position in seeking a negotiated settlement for the Vietnam war.

Yours truly,
Arthur Parrilla.

New York, N.Y.,
April 1, 1965.

Dear Senator: I am grateful that we have you and a few more Senators who see that the only way out of this horrible war is negotiation. So many people here and abroad feel that this is a senseless war. Why does the President shut his ears? Please keep talking peace. Thank you.

Yours truly,
P. Klingleoffer.

San Francisco, Calif.,
April 1, 1965.

Dear Senator: Please accept my heartfelt congratulations on your courageous speaking out on Vietnam. We in the peace movement take much encouragement from your sensible stand that we have no business being there at all. We run the risk of becoming involved in a major war.

Alice Hamburg.

Bronx, N.Y.,
March 31, 1965.

Your Honor: I write to express my support for your opposition to our present policy in Vietnam. The instigators of this policy are probably more behind the scene than out in the open. Your colleagues must be made aware of this and induced to speak up. Are they more concerned about their political future than the potential loss of millions of lives?

Sincerely,
Emanuel Rosenbluth.

Plainfield, N.J.,
April 1, 1965.

Hon. Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am one of, I hope, millions of ungrateful citizens who have for many years admired you and enjoyed the benefit of your selfless service to our country without ever having taken a few minutes to thank you for it.

I want to extend these long overdue thanks to you now and to encourage you to continue even though we are not writing to thank you and must seem uninterested and completely apathetic.

Particularly today I want to urge you to continue your strong stand against our military action in Vietnam. I enclose a copy of a letter I have written to the President about this.

My sincere thanks, admiration, and all good wishes to you.

Sincerely yours,
Miss Rita Campbell.

Brooklyn, N.Y.,
April 1, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: We ask for an immediate cease fire in Vietnam and immediate use of U Thant's formula for negotiations.

Respectfully yours,
Mrs. T. Schulman.

Plainfield, N.J.,
April 1, 1965.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I read the New York Times every day. I read "The Reporter." I listen to radio and television discussions and try to inform myself as well as possible on the reasons for our war in Vietnam. Much of the information heard and read is contradictory and I realize that you have more information than the general public, but for some time now I have had to conclude that we are grievously wrong in taking part in the involved politics of that unhappy country.

I therefore urge you to turn from this course immediately and negotiate. I fear we are wasting men, supplies, and money and gaining nothing but resentment and ill will toward ourselves. I do not care to win a war, even a justified one, which this one is not, by destroying a people's food supply and shade trees, by using gas, even a little bit of harmless gas and by making little children squeal on parents. How low can we sink? Shame on us.

Mr. President, let us discontinue retaliatory attacks and cease fire immediately and begin negotiations now in spite of present unfavorable conditions.

Respectfully yours,
Miss Rita Campbell.

(Copies to Senator Clifford Case, Senator Harrison A. Williams, Senator Wayne L. Morse.)

White Plains, N.Y.,
March 31, 1965.

Dear Senator Morse: We wholeheartedly agree with you and support your position regarding immediate negotiations in the Vietnam war.

Sincerely,
Monroe and Jesse Blumenfeld.

Middle Village, N.Y.,
April 1, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: The deaths that resulted from the bombing of the American Embassy in Vietnam underscore that "We shouldn't be there in the first place."

Neither this administration, nor any other, has given we American people a justification for the loss of American life in this area. Our leaders are ignoring the people's opinion. They are responsible for our men being killed and for risking the lives of all of us in a nuclear war.

This is a matter for the U.N. or other responsible international body.

Very truly yours,
Rene A. Reeves.

(Copies to Vice President Hubert Humphrey, Senators J. William Fulbright, Jacob Javits, Robert Kennedy, and Wayne Morse.)

Little Silver, N.J.,
March 30, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: My own representatives in the Congress have been silent on Vietnam. I write to thank you for your criticism of the present policy.

To me, it looks like another Korea—or worse. All of Indochina would not be worth it, even if we could win with the present strategy—which seems doubtful. Even the Pope has asked for peace, and nobody is more concerned about communism than he is.

But you know all of this. I appreciate greatly the fact that some few courageous men have questioned. The great mystery to me is why so many are silent at such a critical time.

I hope you can persuade others of your peers to represent the interests of this Nation as you have.

Sincerely,
David A. Nichols.

Philadelphia, Pa.,
April 1, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Earlier letters from me have told you how thankful my wife and I are that you are in the Senate, working for the reign of reason in Vietnam. I am sending with this note a copy of the Churchman, on page 3 of which there is a letter quoting a Vietnam petition which we circulated recently in the Philadelphia Ethical Society. Over 150 people signed it.

I also enclose a copy of an open letter to Billy Graham which we are preparing. How we shall manage to get it published I do not yet know. If Billy Graham got converted by it he could really help in preserving the world. Let us hope for the best—and keep the peace powder dry—if it is proper to talk in such terms in this connection.

I don't know why, but I find myself feeling optimistic today about the future of the world.

Yours with the greatest admiration.
Henry S. Huntington.

April 1, 1965.

Dear Senator Morse: As an American mother I want you to know I appreciate your logic concerning the Vietnam situation. I most strongly urge you to advise our President against any further commitment of American young men to the civil war in Vietnam.

I shall raise my voice, along with millions of other American mothers, in objecting to our sons' participation in an undeclared war for an undefined cause.

Sincerely,

Mrs. John J. Dwyer,
Resident of California.

San José, Costa Rica,
March 31, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I once again implore you to stop the employment of armed violence in Vietnam. I urge you to rethink and redirect the U.S. foreign policy so as to practice world government under law for all nations and a peaceful settlement of all disputes. Such a policy practiced by the United States would be to live up to our best traditions and to help fulfill the hopes of a world yearning for peace. It would prove that strength of character and moral strength are mightier than any strength of arms, which I fervently believe. We must mature enough as a nation to come to understanding this.

I want to point out to you the contradiction between your domestic policy of deploring unilateral violence (as in Selma, Ala.) and of your foreign policy of violence and armed might unilaterally used, as in Vietnam. No wonder confusion and growing delinquency burgeon among the young in the United States when Uncle Sam exhorts youth, "Don't do what I do, but only what I say." Individual violence, whether in a big city, or by the Ku Klux Klan or by whomever is rightly deplored. But the U.S. Government, like God, exempts itself from all rules controlling arms and the use of them.

Let us turn urgently to the use of law, both at home and on the world scene.

Very truly yours,

Mrs. Chester M. Patterson, Jr.

March 31, 1965.

Dear Senator Morse: I admire your courage in saying on TV that our present policy in Vietnam is leading us into a large-scale war in Asia, and I thoroughly agree with you. You are not second-guessing the President, either, because you said months ago on TV that we should work this out through the United Nations rather than to intervene as we have done, and you were absolutely right.

Johnson has been acting like a Russian czar rather than the head executive of a democracy every since he was elected, but he has done exactly what the voters rejected Goldwater for advocating, by escalating the war in Vietnam. Furthermore, he ought to be impeaced for the administration coverup of the Bobby Baker graft ring, because it is obvious that to expose Baker would have been very embarrassing to some much higher up.

It is unfortunate that you are not in Johnson's job, and if the voters really picked their elected leaders, you would have been a much more likely choice than Johnson. Mr. Johnson and Mr. Goldwater both were the choices of the people who have been enriching themselves at the taxpayers' expense for years with the money from supplying military materiel and equipment for the cold war.

The late President Kennedy had thawed the cold war to the point where China and Russia had turned on each other, and the people who are exploiting the cold war didn't want that. They want the cold war to go on, but it is turning into a very hot war fast under Johnson's leadership. We will be lucky if we have an economic collapse before we have atomic war.

Harry Bonfield.

Pittsfield, Mass.,
March 31, 1965.

Dear Senator Morse: Congratulations on your fine speech on Vietnam in Cambridge on March 12. It's almost enough to give one some hope for the future, hearing such honest and courageous talk. You're influencing many people to ask for debate on this issue. You make such good sense, and you bring out so many facts to support your position.

Thank you for your efforts on behalf of all of us.

Most sincerely,

Mrs. Albert Rowe.

West Tyler, Tex.,
April 1, 1965.

Hon. Wayne Morse,
The Senator from Oregon,
Washington, D.C.

Dear Senator Morse: I am 69 years old. Served 20 months overseas on the western front in World War I. I am the father of two sons both of whom served their country in World War II. The elder in the Pacific, the younger, 2 months under 20 years of age, first lieutenant of infantry killed in action in Germany in March 1945.

We, the United States, are aiding, abetting, and committing murder in Vietnam without (just) cause, and without the sanction of the people of the United States as provided in the U.S. Constitution. We are killing and a party to the killing of an innocent people against whom we have no just grievance. Our own innocent sons are making the supreme sacrifice in an Asian war not of our making, not of our cause and not of our business to commit our sons to the jungle sacrifice.

President Johnson was elected on a promise of peace ticket in the sense that the Republican nominee could only promise a more vigorous action in the Asian war, which obviously God loving, God fearing, and merciful people did not want.

The Congress of the United States is the only constitutional agency, short of an invasion, that has power to make war. My God, why does it not exert its constitutional power to call a halt to our invasion of Vietnam? Our cities and our people should be spared the deadly destruction now being poured upon others. Our best security lies not in making war upon others, and that I think Senator Morse, of Oregon, and Senator Gruening, of Alaska, have made known to the American people.

Sincerely,

Cyrus McCaskill.

Elm Grove, Wis.,
April 1, 1965.

Dear Senator Morse: As a citizen of Wisconsin, I have written my congressmen to strongly protest the use of gas and the fire bombing of a forest area in Vietnam.

There is a most urgent need for moral justice in today's world. Should not Congress, as the representative of a nation that believes in the dignity and equality of man, speak out against this brutality? There are many of us who admire your courage and dedication toward peace.

Yours truly,

Dora Kneen,
Mrs. Eric Kneen.

St. Louis, Mo.,
March 31, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: I could not agree with you more in your statements about our position in Vietnam.

We could expend 100,000 men and $50 billion and then not win the war.

Sincerely,

Harry L. Branigin.

Cambridge, Mass.,
March 31, 1965.

Senator Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am writing to urge you to continue to support a policy of negotiation in Vietnam, and to praise you for the stand you have already taken.

Yours respectfully,

Margaret W. Brooks.
Mrs. Peter Brooks

Guymon, Okla.,
April 1, 1965.

Senator Ernest Gruening,
Senate Chamber,
Washington, D.C.

Dear Senator Gruening: I have been listening to your opinions on the Vietnam matter over television and reading about them occasionally in my newspaper.

I agree with you completely. As Sidney Lens said in the January Progressive:

"We have made of communism a cause of our worldwide difficulties, whereas in reality it has been an effect of them. Communism has spread only because the 'respectable' powers refused to do something about the burning problems of poverty and oppression."

To hear over our news media that our leaders think the American people "would never consent to negotiation on the Vietnam matter," and that such leaders are afraid to have Red Chinese delegates come to the U.N. to discuss our mutual problems because our people might become screaming meemies and toss such delegates into the ocean, makes us ill.

Why not air the causes of our failure to deal sensibly with the Red China problem since 1949 and let us see how our McCarthyism and extremist followups have made us the laughingstock of the world, as well as a danger to world peace?

Why doesn't this Democratic Administration enlist the aid of the 1936 GOP presidential candidate, Alf M. Landon, of Kansas, who makes such good sense now in his plea for U.S. recognition of Red China and for our support in getting her into the U.N.; as well as approaching "Mao's formal proposal to all the countries of the world (for a summit conference on nuclear weapons) with cordiality and caution rather than with coldness and negativity"? That would be a bipartisan effort and help to blunt the opposition of the far right, it seems to me.

As an American citizen, I am glad that the world is hearing your continuing pleas against escalating the war in Vietnam. Keep it up at every possible occasion. You come right into our living rooms now, you know, through television, and your pleas are most effective. We wish there were more Senators like yourself, Frank Church, Gaylord Nelson, George McGovern, and Wayne Morse.

Above all, don't falter now in your campaign. People almost everywhere now know science has outlawed war as a means of settling disputes between nations. Thanks a million for your good efforts on behalf of peace.

Respectfully,

Mrs. H. L. Curtis.

Bronx, N.Y., *April 1, 1965.*

Dear Senator Morse: You with your energy and ability can bring this to the Senate floor and end this mess. Since when can Presidents order killing without consulting the Senate or the American people?

Lyndon B. Johnson,
President, the White House,
Washington, D.C.

My Dear Mr. President: Some time ago you had taken the position that our Armed Forces in Vietnam were only advisers, yet they were there killing and being killed. It was only through a leak via television that the American people really learned the truth. Since then our newspaper reports indicate very clearly that we are at war.

In November 1964 you received a mandate from the American citizens, which actually drowned out the warmongering Barry Goldwater, only because we all felt that you were a man of keen judgment and would bring this Vietnam situation around the conference table for settlement.

Instead of conferences for peace, this horrible war is being escalated daily so that the danger of a nuclear holocaust is possible with the resultant loss of 150 million within an hour of such hostilities.

Mr. President, your children as well as mine, and my grandchildren are not being given a chance to make friends and patch up the differences that exist and that you have inherited. Instead of making friends, we are making more and more enemies all over the world.

We blundered when we sent our boys to Korea, and we blundered more when we sent our so-called advisers to Vietnam. It takes a big man to say that we erred, and I still believe that you are this man. But how long is it going to take? The Asiatics, Europeans, Latin and South American peoples are not being fooled by us. They know the score and it is up to you, Mr. President, to negotiate now before it is too late.

We have no business trying to settle the business of real revolutionaries 10,000 miles from our shores no more than we would tolerate interference from other countries when we so desperately fought the English in our Revolution. Further, if it is not a crime for us to bomb incessantly the poor North Vietcong, then it is not a crime to have our embassies bombed in retaliation.

Mr. President, I beg of you, let's stop interfering with the affairs of other people. Let's show them that democracy can really work. Let's give a brave people the right to overthrow corrupt 24-hour governments and let's save our children from being devoured by insects that will flourish and be the only gainers.

A line from you is invited.

Respectfully yours,

Henry H. Oelbaum.

People with feelings for human lives all over our land support you fully in your honorable and determined effort to oppose our cruel and aggressive actions in Vietnam.

Lewis Mumford speaks for me.

Elizabeth Waldran.

Berkeley, Calif.

[From the San Francisco Chronicle, Mar. 3, 1965]

Playing Russian Roulette in Vietnam

(By Lewis Mumford)

(Editor's Note.—The following letter on America's role in Vietnam was written to President Johnson by critic Lewis Mumford.)

Mr. President: The time has come for someone to speak out on behalf of the great body of your countrymen who regard with abhorrence the course to which you are committing the United States in Vietnam. As a holder of the Presidential Medal of Freedom, I have a duty to say plainly, and in public, what millions of patriotic fellow citizens are saying in the privacy of their homes; namely, that the course you are now following affronts both our practical judgment and our moral sense.

Neither your manners nor your methods give us any assurance that your policy will lead to a good end; on the contrary, your attempt to cure by military force a situation that has been brought about by our own arrogant, one-sided political assumptions cannot have any final destination short of an irremediable nuclear catastrophe. That would constitute the terminal illness of our whole civilization, and your own people, no less than the Vietnamese and the Communists would be the helpless victims.

In embarking on this program, you are gambling with your country's future, because you have not the courage to discard a losing hand and start a new deal, though this was the magnificent opportunity that your election presented to you. Your games theorists have persuaded you to play Russian roulette. But you cannot save the Government's face by blowing out our country's brains.

From the beginning, the presence of American forces in Vietnam, without the authority of the United Nations, was in defiance of our own solemn commitment when we helped to form that body. Our steady involvement with the military dictators who are waging civil war in South Vietnam, with our extravagant financial support and underhanded military cooperation, is as indefensible as our Government's original refusal to permit a popular election to be held in Vietnam, lest communism should be installed by popular vote. Your attempt now to pin the whole blame on the government of North Vietnam deceives no one except those whose wishful thinking originally committed us to our high-handed intervention: the same set of agencies and intelligences that inveigled us into the Bay of Pigs disaster.

Instead of using your well-known political adroitness to rescue our country from the military miscalculations and political blunders that created our impossible position in Vietnam, you now, casting all caution to the winds, propose to increase the area of senseless destruction and extermination, without having any other visible ends in view than to conceal our political impotence. In taking this unreasonable course, you not merely show a lack of "decent respect for the opinions of mankind," but you likewise mock and betray all our country's humane traditions.

This betrayal is all the more sinister because you are now, it is plain, obstinately committing us to the very military policy that your countrymen rejected when they so overwhelmingly defeated the Republican candidate.

Before you go further, let us tell you clearly: your professed aims are emptied of meaning by your totalitarian tactics and your nihilistic strategy. We are shamed by your actions, and revolted by your dishonest excuses and pretexts. What is worse, we are horrified by the immediate prospect of having our country's fate in the hands of leaders who, time and again, have shown their inability to think straight, to correct their errors, or to get out of a bad situation without creating a worse one.

The Government has forfeited our confidence; and we will oppose, with every means available within the law, the execution of this impractical, and above all, morally indefensible policy. There is only one way in which you can remove our opposition or regain our confidence; and that is to turn back from the course you have taken and to seek a human way out.

Thank you for your effort to stop the war in Vietnam. Please read Hans Morganthau's piece in the current New Republic. This should be read to the Senate.

May commonsense prevail.

Robert M. Finnell.

Muncie, Ind.,
April 1, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Indubitably your name will stand in history along with that of Bertrand Russell, of England, Jerome D. Frank, Linus Pauling, and others who have devoted so much effort toward avoiding a nuclear holocaust.

A sequel to your incisive remarks in the Senate is Bertrand Russell's article, "The War of Atrocity in Vietnam." Lord Russell meticulously documented his case and pleaded for President Johnson to listen to reason rather than get us swept up into a nuclear war. The absurdity of escalation is apt to culminate in an Armageddon. Why, why, why will not our President listen to those who plead for peace rather than those who are all too anxious to beat out the all too familiar sounds of the war drums? Lord Russell's article appeared in the December 1964 issue of "The Minority of One." This is the one publication which has the courage to print material on Vietnam that urges withdrawal. Senator Morse, in order that more Americans might read your views on Vietnam, please write an article and mail it to the following address: M. S. Arnoni, editor, The Minority of One, Inc.; 155 Pennington Avenue, Post Office Box 544, Passaic, N.J. The writer is confident that Mr. Arnoni would be honored to publish an article by you. You see, sir, most of the population does not have the faintest idea that you and Senator Gruening vehemently denounce our current policy in Vietnam. Thus, if you were to write an article for the publication, even more people might join in your plea for peace.

Personally, sir, it appears that Leonid Brezhnev is to be commended for being as patient with us as he has been. No doubt if Russia tried something in South America similar to what we are trying in Vietnam, we would already have been through a nuclear war by now.

Sir, please keep up your fight against the inanities of war. Muncie's population is well represented in the Birch Society, and nearly every day one reads letters to the editor of the Press that apparently are trying to foment another Red scare and which demand escalation, escalation, and more escalation. If you were to write a letter, even a long one, to the Muncie Evening Press, Muncie, Ind., giving your views on Vietnam, the writer is certain that it would be published in full. Sir, if you would be so kind as to do that, then people around here who seemingly have not even heard of the word "negotiation" would be able to at least see, though perhaps not agree with, another point of view.

Congratulations, sir, for having the courage to take an unpopular stand on this crucial issue. Thousands will remember you as a man who did all in his power to avert World War III. The remaining millions, perhaps, while the earth is burning around them, will be consoled to know in their hearts that they were furthering 100 percent true-blue pure Americanism.

Sincerely yours,

Nile Shields.

Chicago,
April 2, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.:

Since 1942 we are in wars and police actions all the time. In my opinion we are now involved in the most stupid war of all, 7,000 to 8,000 miles away from our own shores. Something must be wrong with our foreign policy.

Dear Senator, please keep up your good work for our country.

Respectfully,

G. Griebel.

Weston, Mass.,
March 31, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We strongly disapprove of the widening of the war in Vietnam. Bombing the north will not alter the situation in the south and only earns us bitter hatred around the world.

The use of nausea gas, napalm, the new shattering bullet, and other military inventions are self-defeating in a war with racial overtones. The Pentagon's advice is dangerously out of touch with reality in our judgment.

Respectfully yours,

John C. Gray,
Helen L. Gray.

P.S.—We greatly admire your courageous stand.

Oxford, Ohio,
April 1, 1965.

Dear Senator Morse: We congratulate you on your support of negotiations to bring about an end to the war in Vietnam and we urge that you do everything possible to bring about open hearings of the Senate Foreign Relations Committee on the grave situation in southeast Asia.

Sincerely,

Melvin Bloom.
Rosabelle Bloom.

Lakewood, Ohio, *April 4, 1965.*

Dear Senator Morse: So glad for your courageous stand re the Vietnam situation. How can we continue use of napalm, that hideous, devilish weapon, and not be shamed before the world, and before any God of justice and mercy?

God's grace and power be with you as you gather more to the banner of true Americanism with its concern for humanity—en masse or as individuals.

With whole-souled appreciation.

Hilda A. Foster.

Senator Morse: Just a few words of encouragement on your stand on Vietnam. How easy or much easier it would be for you to change your stand but thank God for your not doing so. God loved his people and I am so thankful there are men around who will do the same.

God bless you.

Mrs. D. Lower.

New York, N.Y.

We ask for an immediate cease-fire in Vietnam and immediate use of U Thant's formula for negotiations.

Ruth Bocour and Family.

New York, N.Y.,
March 31, 1965.

Senator Wayne Morse,
U.S. Senate.

Dear Senator: We are in complete agreement with your patriotic and farsighted stand on Vietnam.

We hope many other members of the Senate would join you in your courageous efforts.

Sincerely,

Anatol Kovarsky,
Lucille Kovarsky.

P.S.—We are enclosing the copy of a letter we've sent to President Johnson.

New York City, N.Y.,
March 29, 1965.

Dear Mr. President: I am writing to you to express my shock, indignation, and surprise at the U.S. Government's actions in Vietnam.

Not only is the policy we are following immoral in nature, but worse yet, it appears to be reckless and self-defeating politically. If, as you stated on March 25, we "seek no more than a return to the 1954 Geneva agreements," then why have we been consistently rebuffing General De Gaulle who for the past 2 years has been urging us to seek a negotiated solution on this very basis?

Why is our Government still listening to those who in 1965 are evoking the specter of "Munich," which took place in 1938 at the time of England's extreme weakness and has no relevance to the relationship of forces as it exists today?

Why do we discard without explanation Mr. U Thant's advice? He spoke to us not only as the Secretary General of the U.N., but as a Burmese citizen whose country has been experiencing serious problems of civil strife? Yet, despite her very long border with China and lack of U.S. military aid, Burma remains non-Communist and maintains good relations with her neighbors. Are the opinions of Burma, Cambodia, Afghanistan, Ceylon, Nepal, India, and even of allied nations like Pakistan and Japan to be dismissed without as much as an explanation? Aren't these the very countries we are trying to protect?

Why, inasmuch as the Hanoi government is desperately trying not to become China's satellite, do we feel it incumbent upon us to push it further into China's arms by threatening it with extinction?

Perhaps the central cause of the danger in Vietnam is not so much the aggression by Communists, but our refusal to see the events there in any other way and the inability to change our own habits of thinking, when it comes to our relations with China? The purpose of our policy was to isolate China; instead we are isolating ourselves as the proceedings at the U.N. and our lonely role in Vietnam prove.

How can we reconcile our claims to moral leadership and your own pledges of "seeking a reduction of tensions" with General Taylor's alarming comment that "there are no limits to escalation; the pressure stops when the enemy gives in."

We are no doubt sincere in our belief that we are fighting communism, not realizing of course that what we are really fighting is our own policy of trying to improve relations between all nations and of trying to promote some sort of stability in this dangerous world.

How can a religiously moral people ignore repeated appeals by the Pope and Protestant leaders and continue to rationalize our destructive policy?

It has been said that the Communists show no interest in negotiations. However, inasmuch as there were indications to the contrary, prior to our attacks on North Vietnam, should not the cessation of these attacks be the logical prerequisite to any meaningful exploration of diplomatic alternatives?

We have to realize that not only the Communist side but both sides have a great deal to lose from the extension of this conflict and act accordingly.

Yours truly,

Anatol Kovarsky.

P.S.—One is amazed to read that people like General Taylor and Mr. H. Cabot Lodge are still advising our Government. Whatever their competence in their respective fields, their advice on Vietnam has led from one disaster to another.

A.K.

Columbia University,
New York, N.Y., March 31, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Please work for a cease-fire in Vietnam. I know from hearing you speak on television that you have no sympathy with those who would extend the war. There are many who support you.

Sincerely yours,

Mrs. Hilda Johnston.

New York, N.Y.,
April 1, 1966.

Senator Wayne L. Morse,
Washington, D.C.

Dear Sir: In recent months I have written three letters to President Johnson protesting against U.S. military intervention in Vietnam. Ironically, it seems that every time I write the war tempo is increased as if in utter scorn of my opinion.

Although you have been courageously attacking the administration for its dangerous policy, please continue to use your influence to end our folly.

Yours respectfully,

Louis J. Kane, M.D.

Seekonk, Mass.,
April 1, 1966.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. Johnson: First, we bombed a schoolhouse with children in it, causing the deaths of 40 youngsters. Then we attacked civilians with poison gas. Now, as if we had not done enough to "preserve democracy" in Vietnam, we are resorting to burning the jungles with fire bombs and fuel oil, killing people, animals, and vegetation.

The bombing of our Embassy in Saigon was tragic. It is, however, exactly what we must expect when we help military dictatorship suppress its own population. How much longer must Americans, Asians, and wildlife perish to support tyranny?

Are we staying in Vietnam to save face? My God, man, who cares about prestige when hundreds of innocent people are dying every day. Who cares what the world thinks when Vietnam is being torn apart by fire bombs, tanks, rockets, and littered with broken bodies and charred ruins of villages and cities?

Mr. Johnson, our Vietnam policy is totally without justification, commonsense, or reason. It is criminal and hateful for the United States to be engaged in such crimes against humanity. The Nazis resorted to any means to prevail over their victims; the United States is doing the same thing when it murders children, gasses civilians, burns jungle, wildlife, and men, and supports tyranny.

What more can I say? I am opposed to your policy (not ours, since most New Englanders with whom I have spoken deplore your policy). I doubt that it will change until you have succeeded in drawing China into the conflict, and have seen millions of people die. What, Mr. Johnson, will be left? And, why?

Very truly yours,

W. Bruce Dean.

Cc: Senators Saltonstall, E. Kennedy, Gruening, and Morse.

Bronx, N.Y.,
April 1, 1965.

Senator Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: In order to show you that we fully appreciate your efforts to bring about negotiations to restore peace in Vietnam, we are sending you, enclosed, a copy of our letter to the President.

Our heartfelt wishes for success in this endeavor to the benefit of our country and the world are with you.

Respectfully yours,

Henry and Lisi Marx.

Bronx, N.Y.,
April 1, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Mr. President: We share your anxiety about the dangerous situation in Vietnam and are fully aware of the tremendous difficulties confronting you in deciding on a policy which will bring peace and security to the entire area of southeast Asia. As citizens of this country we cannot help being obsessed by grave doubts regarding the role of our country in the Vietnamese war. We sincerely believe that force and destruction will only strengthen the forces we are trying to destroy, a fact vividly illustrated by the experiences of the French in the same area.

Mr. President, we believe that immediate steps should be taken to stop shooting and to start talking. The offers of negotiations made by Mr. U Thant should be accepted, even those of De Gaulle and of our other friends should be sincerely considered. The civilian leaders of all factions of Vietnam should be given a chance to meet with our civilian representatives and, with our fullest cooperation, to meet with each other in order to form a provisional government representing the people of Vietnam at the conference table.

If only a small percentage of the money spent for war in Vietnam would be diverted to efforts for peace, the honor of our country and the freedom of Vietnam could be advanced immeasurably.

Mr. President, the thoughtful citizens who elected you are confident of your leadership, not to more bombings, but to immediate efforts toward peace in Vietnam.

Respectfully yours,

——— ———.

PRAYER-FOR-PEACE PROGRAM,
Farmingdale, N.Y., March 31, 1965.

Senator WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

YOUR HONOR: I have written to the President of the United States this afternoon expressing my views of his great acts of iniquity in the policy used by his administration regarding the daft Vietnam situation.

I wrote to him on many other occasions about this.

I wholeheartedly endorse your position for negotiation over the Vietnam crisis. I pray you may have the strength to make others realize the same.

Sincerely,

DOUGLAS WAYNE PIEPER.

NEW YORK CITY,
March 31, 1965.

DEAR SENATOR MORSE: I heartily endorse your position for negotiations in Vietnam and for immediate ceasefire.

MRS. R. A. MINSTER.

April 1, 1965.

DEAR SENATOR MORSE: I would like you to know that I am in wholehearted agreement with your position on Vietnam.

Please continue to fight for negotiations.

Respectfully yours,

CAROL HIRSCH,
SYDELL HIRSCH,
DAVID HIRSCH.

cc: Senators GRUENING, CHURCH, and MCGOVERN.

ROCKVILLE CENTRE, N.Y.,
April 1, 1965.

DEAR SENATOR MORSE: We urge you to exert your considerable power to check the escalating war in Vietnam.

We believe that this peace cannot be won on the battlefield, but must come about through negotiation, and preferably under the auspices of the U.N.

We fail to see the rhyme or reason to our policy on Vietnam, and on the contrary are struck by inconsistencies, vague assumptions, and unfortunately inhumanities that we attribute to the Vietcong.

Sincerely yours,

HERBERT M. PERR, M.D.
MERIDEN PERR.

BERKELEY, CALIF.,
March 31, 1965.

Senator WAYNE MORSE.

DEAR SENATOR: The following telegram, which summarized a lengthy letter was sent at this date to President Johnson:

"Alarmed by Goldwater's military attitudes, we campaigned for your election. Now the Republicans claim that the Democratic Party is the war party is refuted only by men such as CHURCH and MORSE. Please stop the killing in Vietnam."

Dr. and Mrs. EDMUND LEVIN.

NEW YORK, N.Y.,
April 1, 1965.

DEAR SENATOR MORSE: We ask for an immediate cease-fire in Vietnam and immediate use of U Thant's formula for negotiations.

Mrs. J. BELLFORT.

ROSLYN HEIGHTS, N.Y.,
April 1, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: As all decent people must be, I am aghast at the wanton disregard for human life evidenced by our country's actions in Vietnam, which are leading to world war.

The only ray of hope for the salvation of mankind is the courageous fight you are conducting in opposition to the madness of the administration.

I implore you, please continue and increase your endeavors to bring about negotiations.

Respectfully,

GLADYS BLUM.

MEDIA, PA.,
April 1, 1965.

Hon. WAYNE MORSE,
Senator, Oregon,
Washington, D.C.

DEAR SIR: Your continuing fight against the all-pervasive influence of the Pentagon and big business in the Senate, your forthright stand against our involvement in the civil war in Vietnam—these take courage and understanding of what is true representation of the people's interests. We all hope you will continue your good work in the Senate in the months and years ahead.

Sincerely yours,

MICHAEL KESSLER.

SPARTA, N.J.,
April 1, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. SENATOR: Your stand on the Vietnam situation always impressed me.

I take the liberty enclosing copy of my today's letter to the President, which may interest you.

Respectfully,

PETER PRINS.

SPARTA, N.J.,
April 1, 1965.

TO THE PRESIDENT OF THE UNITED STATES,
Washington, D.C.

DEAR MR. PRESIDENT: I doubt whether you will be able to read this letter yourself, because you must be extremely busy.

Nevertheless I take the liberty to give my views on the Vietnam situation.

I strongly feel that our policy in Vietnam is completely wrong and utterly deplorable.

In this respect I admire people like Senator WAYNE MORSE, Senator RIBICOFF, the Senator from Alaska (I think it was Senator GRUENING), Walter Lippmann, and others, who have the courage to express their views freely; warning of the dangers confronting us, and the moral angle of the case.

I have the feeling that people in the United States are not fully informed about developments in Vietnam and about the real feelings of the majority of the people over there, who want us to leave them alone.

On the other hand it seems that the American press is more or less influenced by Washington.

We have always abhored this policy in the Communist bloc, and it should certainly not be allowed in a great democracy like ours.

In this respect I applaud programs like yesterday's "Changing World" on TV channel 13.

We all know that the popularity of the United States has gone downhill pretty fast in the world during the last years, which is regrettable and not always justified.

Our policy in Vietnam, however, is adding fuel to this consumptive fire, and will be felt for years to come.

Even a great nation like ours, can never stand alone in this world, especially economically.

Sure, there are countries who are friendly toward us, but we may never lose sight of the fact that their attitude is often influenced by financial support we give them.

If we really want to be a leader of the Western world, we should give moral leadership.

What we are doing in Vietnam is not a shining example of moral leadership. It only satisfies the "hawks" in Washington and elsewhere, and I am sure that the majority of our people do not agree with this policy, regardless of the outcome of so-called reliable opinion polls.

Of course we are opposed to communism, but what we are doing in Vietnam is not the right way to fight it.

On the contrary, I strongly feel that in this way we are only playing into the hands of communism.

We feel reassured that the Russians did not interfere up until now, but could it be that in the back of their mind they are thinking "give them enough rope, etc."?

As I see it, we will never be able to stop communism on the ruins of a devastated and underdeveloped Asian country, especially where these ruins are for a great deal caused by our own intervention.

Having lived in Asia myself for 25 years I feel strongly on the subject.

Let us not fool ourselves by saying "we cannot pull out now without losing face," because as the Senator from Alaska said these days: "more setbacks are still to come."

Please, do not consider this a negative attitude.

We have to face the naked fact that, apart from the moral angle, the struggle in the swamps of Vietnam is not our type of war, and will downgrade the image of the American eagle still further.

Respectfully,

PETER PRINS.

SPARTA, N.J.

BRATTLEBORO, VT.,
April 1, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I heartily approve your efforts to stop the war in Vietnam. I believe firmly in a negotiated peace and I have written to President Johnson and other Senators.

Sincerely yours,

CORA M. LEVER.

NEW YORK, N.Y.,
March 31, 1965.

DEAR SENATOR MORSE: I wish to register my support for the positions you have stated in public concerning the present policy of the U.S. Government with respect to the Vietnam situation. There seems to me no doubt that the present unilateral action of the United States poses a threat to world peace. Any thought that military action is going to change what is a political issue appears simplistic to say the least. As a physician and psychiatrist I am much more concerned with the possibility of saving human lives—Americans and Vietnamese—than with proving points of dubious principle. The issues presented by the administration as justifying their intervention in Vietnamese affairs do not appear warranted by the facts. The American people are being asked to defend an allegedly anti-Communist regime against an alleged threat of Communist domination. There is little evidence that any of the governments of South Vietnam enjoy any measure of public support—there is inadequate evidence that the Vietcong is actually controlled from Hanoi. There is, on the other hand, considerable evidence that South Vietnam is in the throes of a civil war being waged by dissidents within the country. It would appear that we have little justification for being involved in this.

When I voted for President Johnson in November it was largely because he appeared less likely to involve us in ill-considered war. It is indeed disheartening to see us drifting in this direction at the present time—particularly when clear reasoning reveals no necessity for this. I hope that you will have the strength to persist in bringing to the American people the facts of this situation so that they may be able to impress the administration officials with their repugnance for the present policies being followed in South Vietnam.

Sincerely yours,

Leonti H. Thompson.

Sunnyvale, Calif., *April 1, 1965.*

Hon. Wayne Morse,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Sir: Just a note to let you know that we strongly support your stand in behalf of a negotiated peace in Vietnam. We go further, we are for pulling out of Vietnam. I commend you on your good activity in that regard.

I am sure that the great majority of silent Americans feel the same way. For reasons of job and other pressures they hesitate to say so. I sincerely hope that you keep up the good work.

Respectfully yours,

Petersen Engineering Co., Inc.,
Gerald A. Petersen, *President.*

P.S.—It was only last November that President Johnson won by a landslide and was a very popular man in the United States. He is losing his popularity rapidly and unless he changes his tactics he is likely to become the most despised President we ever had, that is, if his actions lead us to the point of no return so that we don't live to arrive at that or any other decision.

Brooklyn, N.Y.,
April 1, 1965.

Senator Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: We are writing to support your views on Vietnam. We think it is urgent to stop the North Vietnam bombings, withdraw U.S. troops and begin negotiating for peace there immediately.

We urge you to continue your efforts to convince your fellow Senators and President Johnson of the futility of the present U.S. policy in Vietnam.

Sincerely,

Mr. and Mrs. Lenny Almeleh.

Berkeley,
April 1, 1965.

Dear Senator Morse: Congratulations on your right and eloquent attack on the current U.S. policy in Vietnam.

There is widespread support for those—unfortunately—few Senators who are talking sense about the blundering, illegal, destructive, criminal, and atrocious U.S. military intervention in Vietnam.

Eventually, you and Gruening and the others will be proved right. Something must be done soon, before we permanently alienate all of Asia.

I am informing President Johnson of my concern. In continuing and extending the American war in Vietnam, he must be relying on evil counsel. I trust the President has not lost his mind.

I want my country to do the right thing—also the sensible thing.

We must get out of Vietnam now.

Keep up the attack.

Sincerely,

M. H. Wixman.

New York, N.Y.,
April 1, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing this letter (the first of its kind in my 24 years) out of emotion; a feeling of frustration and helplessness over what our country is doing in Vietnam, and a feeling of thankfulness that there is at least one voice, one conscience, in a place where its utterances mean something, that speaks out against our behavior in this situation.

My wife and I would jump at the chance to speak out in favor of the U.S. actions some place in the world. After all, it is our country. But we cannot. When I read even the slanted and softened news releases that we are given I cannot help but feel anger, sorrow, resentment, and alienation from this country. I am angry that we pursue such a course of action. I am sad that the Government should be deluded with a sense of self-righteousness and self-protection that it justifies any means to any end it so declares. I resent being forced to pay taxes from my labor, a portion of which supports our immoral actions. But most tragically, I feel alienated from this country, alienated to an extent that I would sit in jail rather than fight for the United States in any such action anyplace, at any time during my life.

Please sir, continue speaking against these outrages of morality and justice. There are precious few left with the principles, guts, and position to do anything about it.

At this time of national hypocrisy, I am grateful to be able to look at my Government and say "at least there is one who can see and does speak."

Sincerely,

Joel P. Baumwoll.

Oakland, Calif.,
April 2, 1965.

Hon. Wayne Morse,
Washington, D. C.

Dear Senator Morse: I have been a teacher and occupational therapist for the past 15 years having worked with the disabled including the disabled veteran and I am disturbed about the situation in Vietnam as one issue that must be arrested, if at all possible, for better solution for world peace.

I am strictly opposed to the decisions and actions to allow the U.S. troops to engage in combat in this country of Vietnam to say nothing of the use of gas warfare. This is a definite act of aggression by the United States and should immediately cease.

As a member of the Women for Peace of Oakland and the First Unitarian Church of Berkeley, Calif., I will continue to give my wholehearted support to proselytize for cease-fire and withdrawal of the U.S. troops promptly.

Sincerely yours,

Dorothy L. Bohlman.
Citizen.

Bellingham, Wash.,
March 31, 1965.

Senator Wayne Morse.

Dear Sir: Keep up the fight to stop the war in Vietnam. I'm with you all the way, and so are some others in this town. They had a peace march, 40 people, and all were arrested for parading without a permit, but today, because of the pressure, the judge threw the case out of court. I am wondering what can be done by me, or just the little people. Writing letters to our Congressmen and the President don't phase them, they don't even have the courtesy to answer.

My hat is off to the pastor who is refusing to pay his income tax because the money is being used to fight a war. He can do this and I know that if enough of us did this the war would stop overnight. It is impossible for some whose employer has to withhold ours. For us we have no choice.

Maybe we can figure out some way to help you in your uphill fight. Our town paper gives us no coverage of what is being said against the war.

Sincerely and hopefully,

Fred Cary.

Walnut Creek, Calif.,
March 26, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I do want to thank you for alerting people to the war propaganda, but I think that I am probably writing this letter to you in part so that I can write one letter to Washington without getting back a deluge of that propaganda—never just one sheet, but two or three saying the same things in a different arrangement. If we read it often enough are we supposed to believe it?

This solid front propaganda is deeply disturbing to me, apart from the fact of half-truths and lies: It is handed out like the party line for all good comrades to read, swallow, and repeat. I think that Washington should be aware that the elections last November clearly went against this way of doing things (it's the Birch way), and against the belligerence in Vietnam advocated by Barry Goldwater. Do we have a two-party system or don't we? If we are a free country, why can't we get what we voted for, not what we voted against?

The Office of Public Disservice of the Bureau of Public Affairs, Department of State, tells me that "at this time, no issue commands more of the time, energy, and attention of the President and his senior advisors (than Vietnam)." Perhaps they should be spending more time, energy, and attention on what we the people voted for. Then they might find that Vietnam solved itself quite easily.

Peace is "face" enough.

Sincerely,

Mrs. Barry Stevens.

April 1, 1965.

Senator Wayne Morse.

My Dear Senator: Excuse the impulse to economy that behooves me to use up old campaign stationery but it's the L.B.J. tradition of turning off the lights in the White House.

Only he shouldn't turn off the lights all over the world.

For your genuinely effective efforts to stay his hand as it reaches to flip off mankind in order to appease the light company of the Macs, thanks so great no words approach the extent of my appreciation, respect, reverence.

Devoutly,

Mark Knox Nichols.

Beverly Hills.

The Tobacco Supply Co., Inc.,
Springfield, Tenn., April 3, 1965.

Hon. Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse: I am quite disturbed about the war situation in Vietnam. I believe we should pull out of there one way or another.

If we should get in a war with China, I am told they could march a line six men wide and unarmed from now on and still if we killed them as fast as they walk in, that their population would not decrease. I think that they would welcome anything that would destroy about 50 to 100 million Chinese.

In my opinion, we have no chance whatever of winning a war that close to China unless we should go in immediately with atomic bombs and I think that would be too risky, for Russia would no doubt bomb us out as soon as we have weakened.

At the rate we are going, this country will soon go bankrupt and all the fine things we have fought for, produced, and developed will go to naught.

Please use your great influence to get this trouble settled.

Thanking you in advance, I remain,
Yours very truly,
MARVIN L. SMITH,
Chairman of the Board.

NEW SMYRNA BEACH, FLA.,
April 1, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May I congratulate you on all the energy you are expending in an endeavor to arouse the American public from their stunned apathy to better understand the tragedy of our war policy in Vietnam?

I hope you are no longer a lone voice crying in the wilderness in the Senate. We need more courageous leaders like you and Senator FULBRIGHT.

My cousin, who lives outside of Boston, wrote me that she had just heard you speak and that you said you had been told in briefings that the United States hopes to bomb Chinese nuclear bases in 90 to 120 days. Is this true? If it is, how terrifying. Are we inviting a nuclear war? Where is our compassion? Where is our integrity? And we claim to be a Christian nation.

Is there anything we can do to help change our unimaginative foreign policy other than writing to our Representatives?

The irony of our present foreign policy in Vietnam is that it is so stanchly backed by the Dirksens and Goldwaters.

I hope every Senator has read Norman Cousin's editorial in the March 27 Saturday Review.

We seem to be going through an international McCarthyism today with our fear of communism making us perform with totalitarian tactics. Haven't we learned that war doesn't stop the spreading of an ideology?

But this is more dangerous because we are playing with the lives of the entire world.

Thank you for all you are doing.
Sincerely,
ESTELLE B. CLAPP.

MISHAWAKA, IND.,
March 30, 1965.

DEAR SENATOR MORSE: Technically you do not represent me in the Senate but you do represent my thoughts on foreign affairs and bless you for that.

Referring to the bombing of North Vietnam of course. If it wasn't for you and Walter Lippmann I would be sure that either the entire United States had gone mad or that I had slipped off the deep end myself.

With the notable exception of yourself and Mr. Lippmann[1] I have looked and listened in vain for any responsible person, in or out of Washington, to even question these unprecedented attacks on another country much less condemn them.

Please keep speaking up as you have been and perhaps some of your colleagues will be inspired to stand up on their hind legs. I pray so, for the sake of the greatness of our country.

Respectfully yours,
JOHN D. MARSHALL.

(Copies to Senators HARTKE, BAYH, and Representative BRADEMAS.)

STEPHEN WISE FREE SYNAGOGUE,
New York, N.Y., April 2, 1965.

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I send this letter to express my concern and dismay over the war that is presently being fought in South Vietnam. There is no question that we are presently engaged in a war in Vietnam which is being escalated at a frightening pace. It is a war without purpose or meaning. The Vietnamese people do not wish us to be there. South Vietnam has no strategic military importance to us and there is every possibility that a compromise government can be established in Vietnam which in time will act independently of the Chinese Government.

I personally know of no one who wants this war. Therefore, it seems to me, that responsible representatives of the people and leaders in Government must put a halt to this senseless slaughter.

Urging your best efforts in this matter, I remain
Sincerely,
Rabbi GERALD A. GOLDMAN.

ITHACA, N.Y.,
April 2, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR WAYNE MORSE: You will recall I sent you, and you very kindly had published in the CONGRESSIONAL RECORD, some proposals for negotiation in Vietnam. I also sent a somewhat shortened version in the form of a copy of a letter to the Secretary of Defense. Enclosed is the correspondence with the Defense Department which may indicate how little they care for informed public opinion. Make such use of this as you deem wise.

Cordially,
HARROP A. FREEMAN,
Professor of Law, Cornell Law School.

ITHACA, N.Y.,
April 2, 1965.

JOSEPH A. CALIFANO, Jr.,
Special Assistant to Secretary of Defense,
Washington, D.C.

DEAR MR. CALIFANO: Again, I have your letter of March 27 in reply to mine of March 5. I do not see how the Defense Department can be so unconcerned with the public and particularly the informed and concerned public.

Your letter refers to mine as a "comment" on your letter of March 2. It was not primarily a comment, but a request for answer of specific questions, for documentation and information. This, you chose wholly to ignore.

Your total reply is in the form: "If you have not yet done so, I recommend that you carefully read all the public statements of the State and Defense Departments * * * (etc.)." How could you make that suggestion, when the letter to which you are replying specifically says: "I have ready at hand and have carefully read all the releases of the State and Defense Departments; the speeches of Johnson, Kennedy, McNamara, Rusk, and others; the various white papers, including the recent one."

I am about tired of this correspondence and about ready to release it to some press service as an example of the way in which the Defense Establishment treats an informed American who is deeply interested in a central problem of policy—a matter of life and death to Americans.

Very truly yours,
HARROP A. FREEMAN.

WASHINGTON, D.C.,
March 27, 1965.

HARROP A. FREEMAN,
Professor of Law, Cornell Law School,
Ithaca, N.Y.

DEAR PROFESSOR FREEMAN: Thank you for your letter of March 5, 1965, commenting on my letter to you of March 2, 1965, concerning the situation in Vietnam.

If you have not yet done so, I recommend that you carefully read all the public statements of the State and Defense Departments; the speeches of Presidents Johnson and Kennedy, and Secretaries McNamara and Rusk; the 1961 Department of State report entitled "A Threat to the Peace," as well as the recent State Department pamphlet entitled "Aggression From the North." My letter of March 2, 1965, was merely a summary of these documents, which represent the carefully considered views of the Eisenhower, Kennedy, and Johnson administrations on the subject.

Sincerely,
JOSEPH A. CALIFANO, Jr.,
The Special Assistant to the Secretary and Deputy Secretary of Defense.

MARCH 5, 1965.

JOSEPH A. CALIFANO,
Secretary ROBERT MCNAMARA,
Office of Secretary of Defense, Washington, D.C.

MY DEAR MR. CALIFANO: I have your letter of March 2 in reply to my thoughts on settlement of Vietnam.

I assume you are a bright and coming young man, but please don't try to just make assertions as though you know all the facts and no one else does, to an old scholar.

* * * * *

Now, you say, "The Vietcong insurgency was never, from its inception, an internal revolt," as a correction of one of my points. Will you please document: (1) the earliest date for which you have proof of other than American or local weapons being used in South Vietnam, (2) the earliest date for which you have proof of North Vietnamese participating as combatants in South Vietnam, (3) the earliest date for which you have proof of any training of South Vietnamese by North Vietnamese or other outside countries (other than the United States), (4) what that proof is. Now, I have ready at hand and have carefully read all the releases of the State and Defense Departments; the speeches of Johnson, Kennedy, McNamara, Rush, and others; the various white papers, including the recent one. I am particularly interested in the period from 1955 to 1959.

I would also like you to elaborate a little more what your proof is on the subject of Catholics and our changes in Vietnam. As myself a person who fairly regularly attends Catholic retreats, who participated in pacem in terris, I doubt that I could be thought of as unfavorable to Catholics. But I happen to know the whole story as to Cardinal Spellman and Diem. And I happen to have been all through south Asia and know the Buddhist situation and what is involved.

Be assured, that as a scholar I do not take any unalterable position. I am always open to proof. But I never have, and I shall not now, take the mere assertion of someone who knows less about the facts than I do, as an adequate explanation.

Sincerely yours,
——— ———.

WASHINGTON, D.C.,
March 22, 1965.

HARROP A. FREEMAN,
Professor of Law,
Cornell Law School,
Ithaca, N.Y.

DEAR PROFESSOR FREEMAN: Secretary McNamara was grateful for your kind letter and for the copy of your letter to the Vice

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[1] I delete CHURCH and MCGOVERN because they condoned the raids in their Senate speeches.

President. He asked that I thank you for sharing your comments with him.

If I may, I would like to take exception to several points raised in your analysis. The Vietcong insurgency was never, from its inception, an internal revolt. It is and has been an effort closely coordinated, directed and supported from Hanoi and further supported by Peiping. Therefore, we did not enter wrongly into an internal struggle, but entered legitimately, because the government of South Vietnam asked for our help in turning back a threat to the freedom and sovereignty of the Republic of Vietnam. The Communists have described the Vietcong effort as "a holy war of national liberation that will be a test case for other underdeveloped areas." To allow such an effort to go unchecked would be to open up the entire area of southeast Asia to similar aggression and, eventually, other areas in Africa and Latin America. Our dedication to the principles of freedom and our concern for the fate of the free world demanded our presence.

Nor have we been concerned with "Catholics rather than people." While assisting the Republic of Vietnam to build an armed force capable of deterring Communist aggression, we have been equally interested in helping the people develop a government truly responsive to the needs of all the people and the dictates of the revolution of rising expectations.

On the basis of the evidence now piling up, it will be very difficult for the Communist bloc to continue their claims of not aiding external aggression, but only internal liberation. For Vietnam is a very definite case of Communist assistance to external aggression.

As Secretary McNamara said in his recent testimony before the House Armed Services Committee:

"The road ahead will be difficult and continuing sacrifices will be required of our people, both in money and in lives. But the challenge must surely be met. If we fail to meet it here and now, we will inevitably have to confront it later under even more disadvantageous conditions. This is the clear lesson of history which we can ignore only at our peril.

"We may be certain that as soon as they had established their control over South Vietnam, the Communists would press their subversive operations in Laos and then in Thailand and we would have to face this same problem all over again in another place or permit them to have all of southeast Asia by default. Thus, the choice is not simply whether to continue our efforts to keep South Vietnam free and independent but, rather, whether to continue our struggle to halt Communist expansion in Asia. If the choice is the latter, as I believe it should be, we will be far better off facing the issue in South Vietnam."

Let me assure you again that we were pleased to have the benefit of your thinking.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
The Special Assistant to the Secretary and Deputy Secretary of Defense.

KEY WEST, FLA., *April 2, 1965.*

Hon. SPESSARD L. HOLLAND,
Senator From Florida,
Washington, D.C.

DEAR SENATOR HOLLAND: I hope that you will support Senator MORSE and his associates in their effort to stop the current Pentagon hoodlumism in Vietnam and to help President Johnson find an honorable solution to the problem inherited from his predecessors by giving Vietnam back to the Vietnamese.

I should add that almost 40 years (since 1927) of professional concern with Asia gives me the right to an opinion, and that everybody I talk to about the matter agrees with me.

Sincerely yours,

MORTIMER GRAVES.

Same to Senator SMATHERS and Representative DANTE FASCELL.

ROBERT L. WOLF & ASSOCIATES,
Granite City, Ill., April 2, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I hope you can stand firm in your opposition to the sadly unworthy course of our Government in South Vietnam. I know you will not share my use of the word "murder" as describing the actions of President Johnson but having searched my conscience I can find no other word. Surely if some friend of the Vietcong would today bomb Scott Field near here there would rise up a great cry. I cannot so close my mind as to fail to see the exact parallel.

I find it difficult to be so at odds with the man I just helped to elect but I cannot join with Goldwater and Nixon and approve that which I thought the nation had rejected. We have reached the point where my nation has so abandoned itself that it has left me behind. Now I can only say that humanity requires that the United States be brought to its senses or to its knees. I suppose I am guilty of treason but not treason to the country I loved but only to what she has become. McCarthy, McCarran, all you rightwing ———, what have you done to my country.

Please do what you can. Even now I cannot really understand how we have been brought to the position where the world must unite to bring an end to U.S. aggression against humanity wherever it seeks to change the shameful status quo. How have we come to embrace every shameful dictator and slave owning tyrant and military cabal? At least could we not call them our ——— opposing the enemy ——— instead of describing the wretches as "Freedom Loving."

I suppose it is a case of "Those the gods would destroy they first make mad." What have our people done to deserve the horrors that must surely be heaped on on even to our little children. Yes Mr. Lippmann the war hawks are now rejoicing the people shall soon cry.

Yours in tears,

ROBERT L. WOLF.

P.S.—The St. Louis Globe Democrat, a leading antihuman newspaper approves the acts of Barry Johnson or is it Lyndon Goldwater. I personally voted for Lyndon Johnson, advocate of human decency.

BARRY—L.B.J.'S MILITARY MENTOR

During the presidential campaign of last fall, the Republican candidate for President, Senator Barry Goldwater, was roundly castigated by his political enemies as an irresponsible warmonger—largely because of the views the Senator expressed on the Vietnam struggle.

It might be well now to review a few of the more extreme positions held by the Senator during that campaign.

We recall Mr. Goldwater suggested that perhaps the staging areas for North Vietnamese troops in neutral Laos might be bombed. Subsequent to November, President Johnson has bombed them repeatedly.

Senator Goldwater further suggested that perhaps carrying the war to North Vietnam might serve to induce Hanoi to end its aid and direction of the fighting in the South. Since November, President Johnson has initiated the bombing of North Vietnam, not just as retaliatory raids for Vietcong blows against American installations, but as a set policy, the purpose of which is to induce Hanoi to desist its support of the war.

Senator Goldwater suggested that it might be beneficial from a military standpoint if America undertook to defoliate areas where trees and shrubbery protected the guerrillas from air assault.

Now comes word from South Vietnam that a large forest northwest of Saigon, which provides a canopy of cover for the Vietcong, has been the target of chemical defoliation, to leave the forest dry and dead. Yesterday that forest was set ablaze by Air Force planes. The purpose: Nothing if not defoliation.

To find out what the administration plans to do next in Vietnam we suggest rummaging through Senator Goldwater's old speeches.

HOW 1962 CIA SUGAR SABOTAGE WAS NULLIFIED—PRESIDENT KENNEDY ACTED TO DETAIN SOVIET-BOUND CARGO

(By Max Frankel)

WASHINGTON, March 26.—Discussions here about the use of nausea gas in Vietnam have brought to light the story of an ingenious scheme by which the White House once nullified the use of a different kind of chemical agent on some Soviet-bound sugar.

It is the story of how former President John F. Kennedy outraged the Soviet Government by conspiring in the detention of a British ship with cargo from Cuba in order to undo a successful sabotage operation of the Central Intelligence Agency.

The Caribbean melodrama involved mysterious shipboard fires and hijacked sacks of sugar, court battles, and angry diplomatic messages, all against the background of the Cuba missile crisis.

The story, 30 months old, is not ended. At least one attorney in Puerto Rico still is being sued by Moscow for damages.

The story has no direct relationship to gas and Vietnam, but sources have been recalling it as they talk about the various unorthodox weapons that occasionally pose special problems for Washington.

It began on August 22, 1962, when the British freighter *Streatham Hill*, under lease to a Soviet agency, limped into San Juan harbor, Puerto Rico, for emergency repairs after it had damaged its propeller on a reef. The 7,130-ton vessel was carrying 80,000 sacks of Cuban sugar to the Soviet Union on one of the then regular commercial runs by Western ships that were infuriating the Kennedy administration.

Of the sugar aboard, 14,135 bags came ashore, allegedly unloaded to permit the making of repairs. The bags of sugar were placed in bond in a customs house, because Cuban products could not be imported into the United States.

As the freighter lay in port for several weeks, either before or after some of its cargo was taken ashore, one or more agents of the United States managed to get to some of the sugar to apply a substance that would spoil its taste and usefulness. It is said to have been an essentially harmless substance, not likely to inflict injury, but certain to arouse serious dissatisfaction among Soviet consumers.

How many sacks were tampered with is not known, but subsequent developments indicate that most if not all of the adulterated sugar was among the sacks in the warehouse.

The purpose of this chemical sabotage is said to have been manifold: To damage an expensive cargo; to rouse Soviet suspicions about the quality of Cuban sugar; to create discord between Soviet and Cuban authorities and, possibly, to discourage shippers from providing services that were likely to lead to disputes, recriminations, and perhaps even suspicions of sabotage.

KENNEDY ANGERED BY PLOT

The operation appeared to have been a success and the Streatham Hill was preparing to reclaim the doctored sugar and resume its journey on September 19 when President

Kennedy learned of the sabotage. He is said to have been angered by the plot and fearful not only of injury to Soviet consumers but also of setting a dreadful precedent in chemical sabotage.

In early September, therefore, the order went out from Washington: The contaminated sugar must not leave U.S. territory. Intelligence agents, harbor authorities, customs officials, and Government attorneys were put on the job and thus began the intrigue to undo intrigue.

How it was done is clear from the recollection of sources here, in San Juan, and Miami and news reports at the time. Exactly who played what role could not be learned.

On September 18, Terry Kane and some associates from Miami appeared in the Superior Court of Puerto Rico to contend that the sugar in the warehouse belonged to Cuba and ought to be seized as compensation for the Cuban Government's debt to them.

A year earlier, they had obtained a judgment in a Dade County court in Florida that Premier Fidel Castro's regime owed them $833,978 for the seizure of a farm machinery business in Havana.

WRIT OF ATTACHMENT

Kane said it was his own idea to go after the sugar in San Juan. What encouragement he had from Washington is not clear but on September 19, just as the *Streatham Hill* was about to reload its cargo and depart, court records show, the Puerto Rican court issued a writ of attachment against the sugar in the warehouse.

The next day, with the freighter still in drydock, the remaining sugar on board was ordered impounded and held for a possible settlement of the debts due Kane and associates.

Apparently President Kennedy's orders had then been carried out. A long series of diplomatic and court bouts followed.

Canoga Park, Calif.,
March 30, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I believe it is time for all countries to consider the needs of individuals within other countries before imposing a foreign will upon them. Only a country whose citizens are well fed and well educated, morally and economically strong can approach international crises with such humanitarianism. No country measures up to those standards as well as our United States of America.

For that reason, I must protest our country's intervention in Vietnam. It is time for the Vietnamese people to be united and to learn self-government without ouside interference. This can only be done if all foreign elements leave Vietnam immediately. Our presence in that country is a detriment to the health, welfare and future growth of all concerned, and can only result in hatred and international chaos.

I appreciate your efforts on behalf of the people of this country to seek an expedient and peaceful solution to the Vietnam crises, and I hope that you and other Members of the Senate will continue to move in that direction as long as it is necessary.

Sincerely,

Mrs. Jo Anne McColloch.

Berkeley, Calif.,
March 31, 1965.

Dear Senator Morse: Enclosed is a carbon of a letter I sent to Senator Fulbright. I thought that because of your own forthright stand in the Vietnam matter you might be interested in the activities of the group discussed in the letter—a group which has made one of its main purposes the pushing of a hard line in cold war policy. Especially alarming, of course, is the fact that important public figures, including our Secretary of State, appear to be lending their prestige to this group.

P.S. I am sending a copy of this note to your colleague, Senator Gruening.

Yours truly,

James T. Burnett.

Berkeley, Calif.,
March 31, 1965.

Dear Senator Fulbright: Several years ago, in your excellent study of the influence of the extreme right in our Armed Forces you noted the role of the Institute for American Strategy. Shortly thereafter, I was engaged in research for a pamphlet on the far right published by Norman Thomas' Socialist Party (The American Ultras, New York: 1962). In the course of my research I came across additional evidence of the ties of the IAS—and its director, Frank Rockwell Barnett—with organizations on the ultraright fringe. Therefore, I was surprised to receive in the mail the other day an advertisement for a book to be published by Doubleday Anchor: "Peace and War in the Modern Age." The book is announced as being published by Anchor for National Strategy Information Center, Inc. In case there was any doubt about the identity of the group, Frank R. Barnett's name appears among the contributors to the volume. What is dismaying, however, is that the names of Dean Acheson, Allen Dulles, Dwight D. Eisenhower, and Dean Rusk also appear. I am not, of course, questioning the right of Mr. Barnett or his group to express their views. But I am wondering whether the public figures mentioned are aware of the extremist connections of the group to which they are lending their prestige.

I should mention that I am a graduate student in political science at the University of California, so I assume that the mailing list of the American Political Science Association may be being used for the distribution of the advertisement in question.

Yours truly,

James T. Burnett.

Los Angeles, Calif.,
April 1, 1965.

Senator Wayne Morse.

Dear Senator: The stand that you have taken against the war in Vietnam is the most courageous thing for a man to do. You will never know how I appreciate it. And I'm not alone. There must be millions who want that war stopped. Seems we are becoming the aggressors.

I never miss your talks when you come here. They are so inspiring.

Is there anything we can do as American citizens to stop that war? If it keeps on we all will be destroyed.

I wish to thank you again for your courage.

Sincerely,

Mrs. Lucille Martin.

New York, N.Y.

Hon. Senator Wayne L. Morse: Thank you for the forthright position you are taking in our protestations against our participation in the Vietnam civil war.

I hope our leaders will "see the light" as as you do.

Respectfully,

Rebecca G. Epstein.

New York, N.Y.,
April 3, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I write to thank you with all my heart for your position on the involvement of the United States in South and North Vietnam. I fully support your position. You know of course that thousands of knowledgeable Americans agree with you and are horrified at the measures being taken by this Government. I feel that those surrounding the President are wrongly advising him. Please continue to fight. Can you think of ways that the hundreds of Americans who want our involvement to cease can make their objections count? Already the United States has lost the respect of Asians and many European countries as well as Latin America and Africa.

I think Senators McGovern and Cooper may agree with you to some extent. Also we must keep Walter Lippmann and James Reston at work on behalf of this effort to find a new and better Vietnam policy.

Gratefully,

Winnifred Wygal.

Larchmont, N.Y.,
April 2, 1965.

U.S. Senator W. L. Morse,
Washington, D.C.

Dear Senator Morse: I, too, voted for President Johnson last November; and I, too, oppose the American use of gas, napalm, and bombings in South Vietnam. We have neither the duty or right to tell the people of southeast Asia how to live, what government to have, or to force freedom upon them. I agree with the enclosed ad from the New York Times.

Very truly yours,

Moses Cammer.

A Letter to the President of the United States

Dear Mr. President: Last November we cast our vote for you because we were alarmed by the war policies of Barry Goldwater.

Today we find your administration is, in Vietnam, following the very policies we voted to reject.

All this in the name of "freedom."

Freedom for whom? There has never been a free election in South Vietnam. The Vietnamese people do not support the "24-hour" governments imposed on them by military coups. They want an end to this fratricidal war.

The bombings of North Vietnam and the landing of the Marines in South Vietnam constitute an open invitation to world war.

We join with Pope Paul VI and U.N. Secretary General U Thant in urging an immediate cease-fire in Vietnam, a conference of all nations to negotiate peace.

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WYOMING

Grace Anderson.

What you can do to stop the war in Vietnam:

Reproduce this advertisement in your local newspaper.

Write to President Johnson and send copies to your U.S. Senators.

Write to U.S. Senators Wayne L. Morse, Ernest Gruening, Frank Church and George S. McGovern endorsing their position for negotiations.

Brooklyn, N.Y.,
April 1, 1965.

Senator Wayne L. Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I fervently endorse your position for negotiations for ending the war in Vietnam. I think that the time has come for us to stop talking about saving face and to start talking about saving lives. Men cannot resolve differing ideologies by plunder or mass murder—that can only lead to heavy loss of life, property, and esteem on both sides. And in the end, nothing permanent, i.e., this homogeneous ideology, can be effected. In addition, we are losing face among our allies and other free nations of the world for our current "walk softly, carrying a big stick" policies.

It would seem self-evident that people would realize that nuclear war—and the threat increases every hour, every day—would be disastrous. Indeed, it would be annihilating, for as there is no such thing as one drink for an alcoholic, there is no such thing as a localized war. The way things are developing now, it is almost a matter of time before this universal dread becomes a reality.

I repeat, I heartily endorse your policies and hope that as a strong voice in our Government, you can somehow further make clear the need for negotiations. Are we, in the final analysis, a nation of mice or men? Is our hoped for Great Society all for naught? Must we throw sticks and stones like children at play (albeit, alas, we are not at play) or can we sit down at the conference table and discuss our fundamental differences?

I have just turned 21, and am looking forward to legally adding my voice to governmental policies, I shall vote, not for the war for destruction, but for peace.

Sincerely yours,

Ellen Gardiner.

Scarsdale, N.Y.,
March 31, 1965.

Dear Senator Morse: As a former west coast resident, perhaps I can get your ear.

Please do not cease in asking that the United States heed world opinion, U Thant, and Pope Paul and stop bypassing the U.N. in Vietnam.

Thank you for being a voice of moral integrity over the years.

What "democracy" are American boys fighting for in Vietnam. I'm ashamed that we are tearing up that country with bombings. We should use the U.N to develop the Mekong Valley; thus help them achieve a stable government. This isn't giving them a stable government. I feel my country is betraying its humanitarian ideals. 1984 is indeed here, if all contrary opinion is silenced by Johnson, as it indeed seems to be.

He has been so fine on Alabama, I'm distraught that his international advisers have been so military in the old-fashioned prenuclear sense.

I voted against Goldwater because of his warlike stance; but now Johnson is doing precisely what the electorate repudiated.

BEVERLY NYGREEN.

SCIENTIST OPPOSES WAR

WOODS HOLE, MASS,
March 24, 1965

To the EDITOR:

In the last election we scientists stood as one man behind President Johnson, being afraid of what Mr. Goldwater, as President, might do. Now President Johnson does in Vietnam what we feared. He made no promises to us scientists. Nevertheless, I feel disappointed, alienated, if not betrayed. I am sure many of my fellow scientists feel as I do. We are deeply concerned because it was our work which opened the way both to a better future for mankind or its final catastrophe. We are going the wrong way, and it is time for scientists to get together once more, this time to sound a warning.

As an American I am deeply concerned also because this is more than a war. It is a moral issue from which we can only emerge with our name badly tarnished. Even victory must mean a defeat. The administration's policy is contrary to the principles for which this country has always stood. If a war can be conducted, our treasures spent on it, our boys taken to far-off countries to kill and be killed, all without asking the people or their representatives, then democracy becomes a hollow word.

The great majority of the American people is opposed to this war that also scuttles the U.N., on which mankind pinned its hopes and which we promised to support.

ALBERT SZENT-GYORGYI, M.D.

(NOTE.—The writer was awarded the Nobel Prize for Medicine in 1937.)

ORLANDO, FLA.,
April 2, 1965.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I endorse your position relative to the hostilities in Vietnam.

I do not believe the issues involved are such as to require U.S. participation in the actual fighting. I hope you will continue to work for immediate withdrawal of U.S. forces.

Sincerely yours,

ABE SCHESTOPOL.

A LETTER TO THE PRESIDENT OF THE UNITED STATES

DEAR MR. PRESIDENT: Last November we cast our vote for you because we were alarmed by the war policies of Barry Goldwater.

Today we find your administration is, in Vietnam, following the very policies we voted to reject.

All this in the name of "freedom."

Freedom for whom? There has never been a free election in South Vietnam. The Vietnamese people do not support the "24 hour" governments imposed on them by military coups. They want an end to this fratricidal war.

The bombings of North Vietnam and the landing of the Marines in South Vietnam constitute an open invitation to world war.

We join with Pope Paul VI and U.N. Secretary General U Thant in urging:

An immediate cease fire in Vietnam.

A conference of all nations to negotiate peace.

What you can do to stop the war in Vietnam:

Reproduce this advertisement in your local newspaper.

Write to President Johnson and send copies to your U.S. Senators.

Write to U.S. Senators WAYNE L. MORSE, ERNEST GRUENING, FRANK CHURCH, and GEORGE S. MCGOVERN endorsing their position for negotiations.

VIRGIL CONNER INSURANCE, Inc.,
Apopka, Fla., April 1, 1965.

Senator GEORGE S. MCGOVERN,
Senator JOSEPH S. CLARK,
Senator ERNEST GRUENING,
Senator WAYNE MORSE.

DISTINGUISHED GENTLEMEN: Am enclosing copy of my letter of February 24 to President Johnson to which I did not receive a reply.

Am taking the liberty to send copies of this letter to you. My reason for doing so is because from reading the papers I get the idea that the thinking of you four distinguished gentlemen is not completely conditioned by the interests of the economic-military complex warned against by retiring President Eisenhower. Am not sending the letter to the Senators from my own State. With them the ideas here expressed would likely fall on stony ground.

My information is from the same source as that of the late and lamented Will Rogers. To me the situation in Vietnam is madness. If we were to hire really smart men to study the problem with the purpose of coming up with the worst plan for its solution—for the one most inhuman, most nearly completely against the public interest, the one most expensive and most dangerous—could these said smart men find a worse way than that the United States has drifted into, and into which it seems bent on drifting further?

For one like me who feels helpless against this dangerous trend, do any of you gentlemen have any suggestions? Any information will be received with thanks.

Yours truly,

VIRGIL CONNER.

LAWRENCE, KANS.,
April 1, 1965.

Mr. WAYNE MORSE, of Oregon.

DEAR SIR: I believe this trouble in Vietnam should be settled by conferences.

Do what you can to get this done. Please. Thank you.

ELIZABETH HENDERSON.

FEBRUARY 24, 1965.

Hon. L. B. JOHNSON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: I think you are doing a good job.

I realize that the State Department, the military, the CIA, and even the White House itself are colored more or less with the Dulles policy of overcommitment throughout the world. Even an able and conscientious man like you, and a really good politician besides, will have to have some time to clean the mess out.

Of course, being a small businessman in a country community, and having interests that coincide with the interests of nearly all the American people, I am for pulling the United States out of southeast Asia and using the money to start a new schoolhouse or student dormitory every day for the next year. I suggest this in defense of freedom.

Incidentally, I do not believe that the leaders of the Republican Party, nor any of the groups mentioned above are capable of making decisions in the public interest. I believe any decision that they influence would by that much be slanted contrary to the public interest.

In a previous letter I told you I was born a Southern Democrat. The precinct in which I live and the one in which I have my office went for Johnson in a county that gave Goldwater 76 percent of the votes cast. Of this I am proud.

Yours very truly,

VIRGIL H. CONNER.

SYRACUSE, N.Y.,
April 1, 1965.

DEAR SENATOR MORSE: I wish to express my support for your stand on Vietnam. I urge a cease-fire and conference to negotiate peace.

Sincerely yours,

RUTH FLEISS.

DEAR SENATOR: Maybe it would be a good idea for you and fellow Senators who are against what the United States is doing in Vietnam to call on the wife of the President and explain the situation to her. Perhaps she will see the folly of the President's advisers and use her influence. She looks to me as a woman with a lot of good commonsense.

Sincerely,

ED.

APRIL 1965.

DEAR SENATOR: I am grateful for the effort you have made to get us out of this crazy, cruel war in Vietnam. I read that 80 percent of American citizens are against it, too.

Could you get a bill passed so that we people who foot the bills and bear the moral shame could have a plebiscite on war?

More power to you.

WILHELMINA TAGGART.

OAKLAND, CALIF.

Senator WAYNE MORSE,
The Capitol,
Washington, D.C.

DEAR SENATOR MORSE: Allow me to add my name to your growing number of admirers. It is heartening to see that honor and dignity still exist (especially in the face of such overwhelming odds) in our Government. Sir, I am speaking, of course, on your refusal to fall in line with the administration on the Vietnam question. Whether our policymakers have been seized with madness is hard to tell, but, more important, it remains within the power of persons such as yourself to make every effort to bring such shameful hypocrisies into public view. I am not too certain that if the American people knew what was really going on in Vietnam, they would be willing to support our suicidal policies with such docility.

Senator, I am almost sick with horror at the thought of such wholesale public irresponsibility. The world saw the gathering clouds of two World Wars and, during all the months that preceeded both, nothing was done by any of the nations which could have done something. The same situation exists today. Britain complains with a weak voice. France does nothing, no one puts any pressure on our Government—which seems to be perfectly oblivious to any opinion outside of the borders of the continental United States. When our own State Assemblyman John L. Burton took an initiative (he sent a letter of appeal to the heads of state in Great Britain), he was shouted down in the San Francisco Chronicle—the most widely read daily in the bay area. At the same time, this worthy journal of public information relegates news releases from Vietnam to mere one-column blurbs, while it titilates a sensation-hungry public with front-page scandal.

Mr. Senator, what are we to do? It is impossible to surrender myself over to such stupidity and injustice. Perhaps you know of some way in which I can direct my energies so that I may do what I can to avert another senseless slaughter. Certainly, letter writing is some help, but it is not enough. With the full realization that you are a very busy man, and that you may not be able to reply to me personally, I eagerly await your reply and possible suggestions. Keep up the good work and count me on your side.

Sincerely,

Philip Hocking.

April 2, 1965.

Senator Wayne Morse,
Oregon.

Dear Sir: I write you to encourage and support your position on Vietnam. I think it's quite clear that the day we bomb Hanoi, the United States will be involved in a total war. I cannot understand how our roads of suppression and exploitation of underdeveloped areas can continue without an expression of concern from the Congress. And how can we be at war without the consent of the Congress?

All these questions and more continue to go unanswered, yet Hanoi approaches us quite rapidly. Americanism begins to be a very dirty word around the world, and we know all too well, that our only allies are the fascist dictatorships and racist countries.

Respectfully yours,

Robert Keffke.

New York City, N.Y.

Morrisville, Pa.

Senator Wayne Morse,

Dear Sir: I heartily approve of your stand on Vietnam.

Have courage and stick by what you know is right.

Fred Goldman, DDS.

Warrington, Pa.,
April 12, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We want to let you know that we are grateful for your honesty and integrity as shown by your position in the Senate in opposing our Government's policy in Vietnam.

It is our concern that we will continue to have outstanding statesmen such as you speak forth on issues that affect the welfare of our country and the rest of the world.

Let us know what we can do to help you.

Sincerely,

Mr. and Mrs. J. Reed Suplee.

Benson, Ariz.,
March 31, 1965.

Dear Senator: I beg you to rise and make a major address denouncing our whole indecent adventure in Vietnam. It is your duty since only you and Senator Gruening seem to have the knowledge and the courage to say what the majority of Americans are thinking and saying.

Goldwater lost the election but Goldwaterism goes clomping on in military boots. It's the old story—first you build up a military force for defense then you use it for aggression.

You are one of my few long enduring heroes since I have for years followed your career. Congress is always hopelessly "dated" but I nearly always find you correct and stimulating.

Please talk long and often and please denounce this war from the Senate floor. I have written Johnson and Humphrey crying "shame."

Sincerely,

Peter R. Kelly.

April 2, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Enclosed please find a copy of a letter I have written to the President. I hope it has not been an exercise in futility.

I heard your speech at Johns Hopkins University on March 15. Thank you for your courage and effort to educate the public. I only hope that you will continue to speak out against this Vietnam policy.

Sincerely,

Mrs. Catherine L. Mink.

Baltimore, Md.

April 1, 1965.

President Lyndon B. Johnson,
1600 Pennsylvania Avenue,
Washington, D.C.

Mr. President: I write to register my disapproval of our actions and policy in Vietnam. I have read and heard your statements on the subject. I am familiar with the last white paper released by the State Department. I am saturated with all the justifications put forward by our Defense Department, Members of Congress, and various and sundry advocates of this course. But I also have researched the history of that area and our involvement there.

What a tragic story it is: From the unenlightened French colonial exploitation, to the rise of the nationalist movement under Ho Chi Minh, to the Japanese occupation, to the duplicity of the British General Gracey after World War II, to the vain efforts of the French and their duplicity in trying to replace the yoke of colonialism on Vietnam by means of puppet regimes—yes, right down to our fanatical anticommunism as espoused and promulgated by John Foster Dulles. His was the warped view of the world which put us into a struggle on the wrong side with the French and their puppets and it has been the political cowardice of three Presidents which has kept us there.

I wonder if you, Mr. President, and the policymakers ever bothered to read the history of the Vietnamese struggle to rid themselves of the exploitation of Western man. If we had more historians and fewer CIA people and State Department "hard nosers" making policy we might not find ourselves the "last French colonialist in Indochina."

I heard your press conference on Saturday March 20, and your reiteration of policy on Vietnam and I can only say that whether it was started 10 years ago or 110 years ago, whether it was the policy of 3 Presidents or 33 Presidents, and whether you repeat it 47 times or 147 times—it still doesn't make it right.

The people of this country do not support this hideous little war of napalm and massive bombardments and U.S. official propaganda, but they have become so intellectually lethargic with affluence that they cannot bestir themselves to give loud voice to their disapproval. They assuage their consciences with the balm of anticommunism.

Have we come to the point where anything is justifiable in the name of anticommunism? When I consider that after World War II and just prior to it's ending, Vietnam was a unified and independent nation from northernmost to southernmost boundaries—when I consider that Bao Dai had relinquished his throne in support of Ho Chi Minh and the Vietminh government and wrote De Gaulle asking that the French not persist in reclaiming these colonies; then I go on to find that the United States came into this struggle on the side of the French, then the Diem regime, and that it was officially stated policy during Dulles' secretaryship to back Diem's refusal to hold elections in accord with the 1954 Geneva agreements—that we built up Diem's army again in violation of the 1954 Geneva agreement—and now we have to listen to our officials saying that North Vietnam must show it's willingness to live up to those 1954 agreements—I can only say, what hypocrisy. Why should the Vietnamese respect the artificial 17th parallel imposed on them by others, yes, even Russia and China along with the Western Powers.

In closing let me say I am ashamed of my Government. I do not support the President. I believe we shall fail in this effort because we do not have right on our side.

With regret,

Mrs. Catherine L. Mink.

Baltimore, Md.

Briarcliff Manor, N.Y.,
April 2, 1965.

Dear Senator Morse: I am writing to tell you I endorse your position on Vietnam and have written to the President urging negotiation or failure in this to withdraw our troops.

With deep concern and best wishes,

Sincerely,

Hollie D. Stadtfelt,
Mrs. Nicholaas T.

New York, N.Y.,
April 4, 1965.

Senator Wayne L. Morse,
Washington, D.C.

Dear Sir: Tonight I have written to President Johnson urging that he help bring about a cease-fire in Vietnam and get all nations to sit down at the conference table to negotiate a peace.

I endorse your position for negotiations and will do all in my power to continue supporting you.

Very truly yours,

Edwin Greenblatt.

April 5, 1965.

Dear Senator Morse: I would like you to know that I endorse your position for negotiations (after cease-fire) in Vietnam crisis.

I have just written the President asking that he take a strong step forward and call for cease-fire and negotiations.

Sincerely and respectfully,

Mrs. F. Bermann.

April 2, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: We ask for an immediate cease-fire in Vietnam and immediate use of U Thant's formula for negotiations.

Yours truly,

Muriel Blake.

Brooklyn, N.Y.

Torrance, Calif.,
April 1, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: I would like to take this opportunity to congratulate you and urge you to continue your positive stand insofar as Vietnam is concerned.

Although those of us who want a disengagement in Vietnam are in the minority we are growing each and every day.

It is my personal thinking that we will be able to stop the war in Vietnam only if we act quickly, hard-headedly (in the sense that we seek peace) and together.

The world is looking at southeast Asia today and so are many Americans. We must show them that the present U.S. position in Vietnam can lead to nothing else but war unless and only if it is stopped now.

You are to be commended for your stand and you have my continued support and admiration.

Sincerely,

G. D. Wiebe.

N.B.—I am wondering if we could have a copy of the Record where you, according to the Saturday Evening Post, I believe, called the Vietnam fiasco McNamara's war?

G.W.

BROOKLYN, N.Y.,
April 4, 1965.

DEAR SENATOR MORSE: The news of the last few days is most alarming. What can a lone citizen do to express his fear and anger at the ever increasing war which our Government is waging in South Vietnam? It is wrong, terribly wrong.

We are so fortunate to have you in the Senate and we beg you to continue your utmost efforts to arouse the American people to an understanding of what is really happening. Our Government is playing with high stakes. The worst thing is that we may lose—if not already—control of our maneuverings and find ourselves in an inextricable position escalating into a large terrible war.

We support you—we beg you to continue your strong efforts and keep speaking out.

Our gratitude to you.

Sincerely yours,
FAMILY OF LOUIS J. LIFSHEY.

NEW YORK, N.Y.,
April 4, 1965.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR: We wanted to tell you how immensely grateful we are to you for your fight against our involvement in Vietnam. We only hope that it leads to an early cease fire and negotiations.

Even if it is very little, we will do our utmost to uphold your position among our friends and acquaintances.

Respectfully yours,
PAUL RONALD.
MIRIAM RONALD.

NEW YORK, N.Y.,
April 3, 1965.

Senator WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I fully endorse your position on Vietnam—an immediate cease-fire in Vietnam and negotiation to begin at once.

Yours sincerely,
MARTIN TILLER.

BROOKLYN, N.Y.,
April 2, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: We ask for an immediate cease-fire in Vietnam and immediate use of U Thant's formula for negotiations.

Yours truly,
CARMELITA BLAKE.

MIDDLETOWN, PA.,
March 25, 1965.

DEAR SENATOR MORSE: I'm a busy housewife with five children, but I must take time out to let you know how much I appreciate and respect you for speaking out against the terrible situation in Vietnam.

It's wonderful to know that there are today in 1965 courageous men such as you, who are comparable to the few who spoke out 200 years ago, and 100 years ago.

I sincerely hope that you are receiving much mail supporting your position and viewpoint on the Vietnam issue.

As you know, very little appears in print concerning those of us who don't support the administration on their Vietnam policy, so if you have any printed material available (speeches, et cetera), I would very much appreciate your sending me anything at all that I could use on radio programs such as "Voice of the People," "Open Mike," et cetera.

Thank you very much for taking time to listen to me; and above all thank you for "speaking out," so that I could and can listen to you.

Gratefully and sincerely,
LILA H. BRETZ.
Mrs. Harry W. Bretz, Jr.

PONTIAC, MICH.,
March 25, 1965.

DEAR SENATOR: I am deeply troubled about many things that are going on in our country which seems to me that you able men in Congress seem to have no say into whatever.

What has happened to our trusted Congressmen? Why is it the Congress has nothing to say about Vietnam? Why is it that Dean Rusk, McNamara, McGeorge Bundy, seem to be the only ones calling the shots in Vietnam?

Why is it our allies are sitting on their hands and having nothing to do with us as far as Vietnam is concerned?

What has happened to the United Nations? No help.

Why must we send the cream of the crop over into the jungles to be shot down in cold blood far away from home to fight against godless, heartless, people?

Senator, down deep in your heart do you think we will ever receive any thanks from it all?

Do you really think we can police the whole world?

What about the billions of taxpayers money that is handed out year in and year out?

As a Christian I feel very sure that you people whom we trust will some day have to stand before God with the blood of every boy who is killed in that ugly war and give an account.

Why is it we can't mind our own business?

Are we so desperate, Mr. MORSE, that we have to induct young men with only one eye into the Army?

Please tell me.

Do you remember Korea? I do.

Why, oh, why can't our Congressmen stand up and be counted?

Whom are we afraid of anyway? We have so many problems right here at home to keep us all busy.

I know, Mr. MORSE, that your thoughts are like many Americans on this Vietnam mess. I say let all Americans protest.

Why should these mothers and wives carry burdens on their hearts, day in and day out, of something not of our own making?

Why should we buy savings bonds to support wars? We are selling ours.

These are some of the questions that trouble me greatly.

Is this the Government of all the people, or for just two or three?

Let those in Washington who are anxious to get us involved in a big war change places with the servicemen for a few days. Thank you very much, Mr. MORSE, for listening to my pleas. I am concerned. We can't end these wars.

God has promised to end all wars. He will, I know, for I have him in my heart. Let me have your views.

Yours very truly,
MRS. GEORGE MCGLATHEN.

CHARLESTON, W. VA.,
March 26, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I had the pleasure of meeting you many years ago while I was a member of Chapman Revercomb's staff and I have always admired your honesty and integrity.

Last month I attended the Convocation on Pacem in Terris given by the Center for the Study of Democratic Institutions in New York and was impressed by what was said at this meeting but I didn't hear any reference to the reasons you have given for the United States being in Vietnam rather than having the United Nations settle the dispute.

Based on my very limited knowledge of your thoughts on the above subject, I am inclined toward and interested in your position. However, it seems that you are cut off from virtually all the news media in this area and I wish to know more about the reasons for your opinion thereon.

Would you be kind enough to have one of your staff send me any speeches you have made on the subject either contained in the CONGRESSIONAL RECORD or any other available writing concerning your views on the subject of our participation in the war in Vietnam.

Thanking you in advance for this favor and trusting your staff will have time to do this for a nonconstituent, I remain

Sincerely yours,
E. FRANKLIN PAULEY,
Attorney at Law.

COLUMBUS, OHIO,
March 24, 1965.

DEAR SENATOR MORSE: I wanted to write you a short note expressing my appreciation at your existence. It would seem that on the basis of your position on Vietnam you are the only honest man left in Washington. That you have the courage to pronounce the obvious is one ray of light on a dark sea of lies and abysmal stupidities which pass for a U.S. policy in Vietnam.

I have a heartfelt question: What can I do to end my government's hopeless and dangerous policy against the North Vietnamese Government? I have written to Senator LAUSCHE, a warhawk; to Congressman DEVINE, almost as bad; to Senator YOUNG who is not quite so bad. If there is something more tell me. If you run for President I'll vote for you. Had not even one Senator raised his voice, I would be a sad man indeed.

I would be very grateful for any information you might be able to send me on the subject of Vietnam policy. Local papers and newscasts are understandably quite chary with meaningful information.

A gratified admirer,
JOHN H. FRYE.

WATERTOWN, MASS.
March 25, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Let me congratulate you and shake your hand for your courageous and unfailing stand on the Vietnam crisis and for your farsighted criticism of U.S. foreign policy. I regret that, as a Massachusetts resident, I cannot express my fundamental beliefs at the ballot by voting for you.

For years I have been frustrated while trying to understand how a great nation can tie itself down to untenable situations, assume without hesitation or a moment's thought, the role of setting things straight around the world and of policing and guiding other nations; or how people like McNamara, Taylor, Mr. McGeorge Bundy, and other able administrators do not hesitate to adopt brutality in foreign policy and commit a great country to a cause utterly in opposition to its basic interests and to the concepts on which it was founded.

The United States are not historically responsible for what is happening in Asia or Africa. Why should they be so eager to shoulder the colonial heritage when the former colonial powers themselves, by force or reason, find it advantageous to adjust to the realities of the 1950's and 1960's? In order to clear up the mess and fill the power vacuum? But what mess and what vacuum? No power vacuum can be filled from the outside and any such attempt smells very much like the old, cherished colonial policy tantamount to unrestricted intervention. Neither can the aim of scaring the

Vietnamese into withdrawal be considered any more realistic or historically justified. Unlike individuals, nations, no matter how small, are very rarely scared when attacked, as evidenced by the valiant fight put up by Greece, Yugoslavia, Norway, etc., against the Nazi aggressors.

Such policies have been ruled out and rendered ineffective by the realities of the nuclear age. This may be frustrating to certain policymakers in Washington, who would rather change reality than their views, but the truth is that people the world over prefer to live, compete, and prosper rather than die for somebody else's frustrations. No amount of American force or anti-Communist propaganda would persuade Africans or Asians to do otherwise. As a matter of fact, some of them, and I mean Nasser, Toure, Ben Bella, etc., are resisting communism much more effectively than any American suggestion would have accomplished.

Wishful thinking or the attitude of good-doing may produce some interesting plots in the movies or television, but the foreign policy of a great nation should be guided by far deeper and more realistic motives. It often appears to me, however, that this is the only reason that can be offered, officially or otherwise, in support of many recent Washington policies. The overthrow of Castro or Mao may seem to many a good cause to fight for, but none of them ever felt obligated to offer an alternative to these established and organized states. Does anybody seriously believe that the United States has the answer to China's problems and can feed the Chinese millions after Mao's overthrow? Unless the U.S. obligation stops right there, after millions of dead and without any hope that a new and more fanatical Mao will not reappear in a few years.

Another incomprehensible attitude, at least to me, is that of Senator F. CHURCH. He lost his voice as if the reasons for his initial criticisms have disappeared or explained away. If the explanation offered in Time magazine, that the President threatened withdrawal of his political support in the Senator's home State, is true, his silence seems even more ominous to me. If this kind of pressure can silence beliefs and convictions of such fundamental importance to the interests of this country, I wonder about the strength of Senator CHURCH's convictions or his motivation in expressing them in the first place. He did, in my opinion, a disservice to his initial beliefs by expressing them without being prepared to defend them vigorously.

I would very much appreciate any literature on your views and your general political philosophy that you would care to send.

Respectfully,

JOHN G. FIKIOUS.

DEAR SIR: Today as I read my newspaper, I was stunned to learn that the United States and South Vietnam are employing gas in this war.

Lethal or not, I fail to see why we must use it with all the other types of weapons found in our arsenals.

It appears to me that the "war" is being escalated while the administration says that it is not closing the doors to negotiation. I can well understand that the President is waiting for the right moment to head for the tables but are they not pushing the date further into the future with this new tactic? And have we not given Hanoi, Peiping, and Moscow some great material for propaganda in this undeclared war?

I hope you will write me and try to explain what the administration is doing because I cannot make heads or tails of it and especially this unwarranted and grossly nonhumane mode of battle.

Thanking you in advance, I remain,

Faithfully yours,

JAMES E. NEWTON.

MINNEAPOLIS, MINN.,
March 28, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We were thrilled with the message over KVOM you gave at Cooper Union. If you have the script for that speech, we would be happy to distribute printed copies in our State. We'd do our best to get at least 1,000 copies to voters, and try to get it into print in county papers as much as possible. Does this seem good to you?

Deep appreciation,

VERA STEPHENS.

BIG TIMBER, MONT.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Would you send me a copy of your views and reasons for our withdrawal from Vietnam? Our aggression against South Vietnam is unforgivable. This should be handled by the only force with a jurisdictional right to arbitrate disputes. The American taxpayers never gave any President a mandate to police the world. The U.N. must have its forces and power increased so it can deal with such messes as those in Vietnam and try to find what the Vietnamese want, not what the Pentagon thinks it should have.

I admire your courage and statesmanship when it is so sorely needed.

MRS. MABEL BRENDLEN.

FISHER'S ISLAND, N.Y.,
March 31, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: It would give me great pleasure to be able to think that yours was not a voice in the congressional wilderness crying out against the policy of power-mad brutality and recklessness now being pursued by America in Vietnam.

Are you alone in your clear-cut condemnation? Or is it simply a matter of the radio and press not reporting your unpopular views anymore, thereby proving your early contention, that 85 percent of the information was being withheld from the American people, correct in more ways than one? Since that statement of yours I only once more heard that you had said (in Tulsa, Okla.) that "the United States is waging an undeclared war in Vietnam, and this country is an aggressor Nation."

I would certainly appreciate copies of any other statements you have undoubtedly made (several copies, for distribution to friends). For that matter of fact, if you know when and where Mr. Eisenhower admitted that he "had never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had election been held in 1954, possibly 80 percent of the Vietnamese would have voted for Ho Chi Minh," I would like to suggest that you have it entered into the CONGRESSIONAL RECORD.

To quote the poet Leigh Hunt: "May your tribe increase."

Sincerely,

RAINER F. MEYEROWITZ.

MARCH 26, 1965.

Hon. WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have just heard a rebroadcast of a speech you gave at Cooper Union entitled "That Mess in Vietnam." You gave one of the most helpful presentations I have heard or read on the history and solution of our envolvement there. I would like very much to have a copy of it, if this is still possible.

Several people here would like to make our concern about U.S. action in Vietnam felt in Washington. Where do you think letters should best be sent? We assume that we start with our President and our own Senators and Representatives.

We would also like to raise the issues for discussion in groups in our community. If your speech is not available in quantities of 50 to 100, can you suggest any other brief presentations which we could order to use as a background of reading before group discussions?

Thank you very much for the job you are doing in questioning present U.S. policy of unilateral action in South Vietnam. We are very proud to call you a former Minnesotan.

Sincerely,

LANELLE OLSEN
Mrs. Kenneth Olsen.

NORTHFIELD, MINN.

BERKELEY, CALIF.,
March 29, 1965.

Hon. Senator MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Please accept our appreciation and gratitude for your efforts to end our participation in the war in South Vietnam. I want you to know that both my wife and I fully support your position. We read about your speech at Stanford University a couple of weeks ago, and if possible would like a copy of it. Could you also furnish us with a copy of the State Department white paper including all of the appendixes?

Thank you very much for your consideration, attention, and efforts.

Sincerely,

MAURICE FREEDMAN.

LOS ANGELES, CALIF.,
March 31, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I was sitting here at the typewriter when I heard your speech on the radio concerning Vietnam. I was unaware that any of our legislators were against the policy of the Government in Vietnam, and it does my heart good to know that you feel the way you do. Of course, I might have known from your past record, but there has been so much silence from any opposition (either accidental or planned) that I thought that I was alone. Then I heard Senator GEORGE MCGOVERN, of North Dakota, on "CBS Reports," and I wrote him commending him on his stand.

He replied stating that he had received thousands of letters like mine.

I would like to suggest, Senator, that the legislators who feel like you and Senator MCGOVERN, get together and speak to others. I am sure there are many who are either wavering, or afraid to speak out.

I would like to have a copy of your speech. Keep up the good work.

Respectfully,

MRS. ROSALIE SHENEFIELD,
Mother of two boys.

SAN JOSE, CALIF.,
March 4, 1965.

Senator MORSE,
State Capitol,
Sacramento, Calif.

YOUR EXCELLENCY: Your address to the Young Democrats at Stanford University was quoted on the 8 a.m. KABL broadcast. Senator MORSE, I love you.

You are expressing the concept held, I feel, by the majority of U.S. citizens, not only in California, but across the Nation. How else was President Johnson elected by so overwhelming a vote? The issue uppermost in the minds of the voters was, I believe, not so much race relations, educational aid, war against poverty, as it was the sharp demarcation between President Johnson's and Mr. Goldwater's foreign policy in regard to Vietnam. Now that the former is firmly ensconced is he about to be pressured into adopting Goldwater's stand?

I voice the feelings of the mothers in my neighborhood and among my friends. It is not (as yet) so much the knowledge that we have sons of military age as it is the horror of knowing that American bombers are wiping out defenseless jungle villages, maiming, blinding, and burning infants and children such as we have cradled and nursed.

Why is this problem not placed before the U.N.? Do we only refer crises to the U.N. if we are sure of a pro-United States decision?

Most respectfully yours,

Marie E. Curry.

March 31, 1965.

Hon. Wayne L. Morse,
U.S. Senate.

Sir: It is not surprising, but still reassuring, to find you continuing to fight for what you believe in. Your stand for negotiations in Vietnam is something which I am sure has the support of most Americans.

Thank you for your courage and best wishes for your success.

Sincerely,

Nancy Frederiksen (Mrs. Nils).

Brookline, Mass.

Key West, Fla.,
March 31, 1965.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: With great apologies for the low quality of the reproduction (Key West weather has not been good to my gelatines). I am sending you for your archives a rewrite of my March 14 sermon to the local Universalist-Unitarian Fellowship. The after-sermon discussion which is usual in this gathering was enthusiastic and wholly favorable. The only criticism was to the effect that I was too obviously pulling my punches.

I think that I meet a fair sample of literate Americans of varying shades of political and philosophical opinion and allegiance, and I find them pretty much in agreement with you on the matter of Vietnam, the more so the more that they know the full story; the principal trouble is that too few of them really know many of the facts. It is this difficulty that I am trying to do something to cure. Our media of information have let us down.

Sincerely yours,

Mortimer Graves.

(Note.—I should add that almost 40 years—since 1927—of professional concern with Asian matters, gives me some right to opinions. MG.)

Sermon by Mortimer Graves

Now that the Department of State's white paper on Vietnam has made us the laughing stock of the civilized world, it is perhaps time for us to chide the news media for their reluctance to keep the American public informed about how we got this way. It is true that finding a news commentator or editorial writer who has not overnight become an authority on the subject is an almost impossible feat and that reports of weekend trippers to Saigon, military and civil, jostle more responsible news in print and on the airwaves. But almost universally the authors of such comment consider themselves probing the limits of antiquity if they mention President Eisenhower's October 1954 letter to Ngo Dinh Diem and regard anything that happened before the Geneva agreements of earlier in that year as prehistory. The fact is that it is quite impossible to have an intelligent concept of the present mess without going back in relevant history at least as far as 1940.

American involvement in Indochina in its present unfortunate state is the result of two magnificent historical stupidities. The first was President Truman's acquiescence in the mad idea of forcing French colonial rule back upon the Indochinese without consulting them at the end of World War II. The second was Secretary Dulles' equally foolish obsession that Indochina might be made, however unwillingly, to fight his undeclared war against China for him. The first took place in 1945; the second seems to have been formulated sometime around 1950, when Mr. Dulles was an adviser to Secretary of State Dean Acheson.

Pearl Harbor and American entry into World War II came at the end of 1941. At that time Japan had been at war with the Chiang Kai-shek Chinese for a decade, was a full partner with Nazi Germany, and was well started toward conquest of southeast Asia; indeed, the Japanese interpreted Secretary of State Hull's note of late November 1941 as an ultimatum precisely because it expressed American disapproval of this venture toward the south. President Roosevelt and his advisers felt that Vichy France's readiness to cooperate with Japan's control of Indochina was a disservice to the anti-Nazi powers in Europe and expressed their objection in statements to the effect that "if Japan wins, she will take over Indochina; if she loses, we will." In any event France was never again, in their minds, to have Indochina as a colony.

Once the United States was in the war, our allies in the Pacific were Chiang Kai-shek China and the British Empire. Military jurisdiction between them was fixed at the 16th parallel of north lattitude, which happens approximately to divide Vietnam in half. The Pacific war lasted until August 1945 and the defeat of Japan. Meanwhile, there grew up Vietnamese nationalist resistance to the Franco-Japanese government of Vietnam, aided, and in some cases led, by dissident French and by the American Office of Strategic Services military operating from and with the help of China. In May 1941 the Vietnamese formed the Viet Nam Doc Lap Dong Minh Hoi (League for the Independence of Vietnam), which we now call the Vietminh, under Ho Chi Minh; 3 years later it proclaimed the Provisional Republican Government of Vietnam in Liuchow, China.

In the summer of 1944 France was freed of the Nazis; the Free French replaced the Vichy Government. The Japanese in Vietnam then turned on the French there and on March 10, 1945, declared Vietnam an independent state under the Emperor of Annam, Bao Dai. The United States, dominated by Roosevelt's distrust of the French under either Pétain or De Gaulle and his determination not to reestablish French colonialism in Indochina, refused help to the French though the British did aid them somewhat desultorily. In any event, August of 1945 brought the final defeat of the Japanese, the abdication of Bao Dai, and the establishment of the Democratic Republic of Vietnam under the great Vietnamese hero Ho Chi Minh to which Bao Dai was attached as counselor. Ho was, and still is, a Vietnamese nationalist who is convinced that a Vietnamese communion is the only kind of government appropriate to his country.

When Gen. Douglas MacArthur, upon the surrender of the Japanese, became Supreme Commander, his General Order No. 1 assigned the disarmament of the Japanese south of the 16th parallel to the British, and of those north to the Chiang Kai-shek Chinese, in accordance with the earlier division of military responsibility. The British committed the operation to General Gracey, an Australian in command of Indian troops. Under this divided command the disarmament of the Japanese was turned into a war against the new Vietnamese state, carried on with an obscene ferocity and rapacity disgraceful to any nations claiming to be civilized. Americans had no part in this disgusting episode; General MacArthur said it made his blood boil. It ended with the arrival of a highly intelligent and sympathetic French commissioner, Jean Sainteny, a hero of the French resistance, who on February 26, 1946, signed with Ho a pact recognizing the Democratic Republic of Vietnam as a free state within the French Union. A French political figure was to comment later that by 1953 the French had performed this gesture no less than 18 times, but never fulfilled it once.

If France had honored this agreement, the whole story from here on might have been different. But unfortunately France was at the moment in one of those fits of political and constitutional disarray chronic to her for the next decade or so. Sainteny was de facto repudiated; the new French Constitution contained no provision for associated or independent states within the French Union.

From at least 1943 on, President Roosevelt had committed himself to a postwar international trusteeship for Indochina. At the Cairo-Tehran Conferences in 1945 he had convinced Stalin and Chiang Kai-shek and believed that Churchill had come around, though reluctantly. Secretary of the Navy Forrestal wanted to be assured that the United States would have naval bases there. But by the time of the events recounted in the preceding couple of paragraphs, Roosevelt had been dead for a year or more and President Truman had succeeded him.

For some reason or other, Truman scrapped the Roosevelt policy and committed himself and the United States to the reestablishment of French control of Indochina. The result is history; a decade of American effort to reestablish the French, followed by a decade of American effort to replace them, neither a howling success.

On November 8, 1946, the democratic Republic of Vietnam adopted its first constitution. Hanoi was full of favorable American observers, the new Truman doctrine not yet having penetrated; there were French military forces arriving in Haiphong, Chiang Kai-shek's troops were just across the Chinese border, and Mao Tse-tung and his Communists were holed up in Yenan, whence nobody but the best China service in the world—the American—predicted their escape for a decade. But by now the French had accumulated enough military force in Vietnam to launch a new offensive against the democratic Republic. They succeeded in securing by force a rather precarious hold on the ports and some of the more industrialized centers but they made no headway at all among the general population in the hinterland villages. These remained committed to the Vietminh and No Chi Minh, who were indeed giving them a taste of better popular government than they had ever had. Paul Mus, the eminent French authority on Indochina, could write even so late as 1949 that "the French have succeeded in establishing themselves in certain of the cities of Vietnam, but not in the interior of the country, the stronghold of the villages. Large areas of the country have resorted to armed resistance under leftist leadership. * * * This is an organized popular movement (not, as the French claim) a mass of apathetic peasants who have been terrorized by their leaders."

Five years thereafter Joseph Alsop could find himself surprised at the democracy and popularity of this "Communist" village rule. Neither of these, of course, could possibly be identified as a Communist before any congressional committee or anywhere else. The dirty, destructive, expensive little war then resumed was to last under changing auspices down to the present day.

As the United States began to realize that this costly French venture was devouring resources which might better have been used to rehabilitate European France—an American concern of the impending Marshall plan—American missions to Vietnam began to proliferate. William C. Bullitt is usually credited with first proposing that some of the unpleasant odor of French colonialism might be relieved by the creation of an independent Vietnamese Government under Bao Dai. Late in 1948 the French "recognized solemnly" such independence within the French Union. This Bao Dai regime was dominated by southern landowners and the feudal sects. It was never recognized by any considerable portion of the Vietnamese people and was the target of constant demonstrations. The French never realy consummated its independence; it was a French puppet. The United States and Britain recognized it in February 1950; the Soviet bloc had recognized the Democratic Republic of Vietnam a week earlier.

In 1950 there were three formal American missions to the new Bao Dai government: Jessup, Griffin, and Melby. This last is the most interesting. John Melby was a U.S. Foreign Service officer in the Department of State. He reported (paraphrase) "there is no evidence that the French forces will succeed for many months or even years. * * * French efforts to gain the support of the people are a complete failure. An absolute majority of the politically conscious Vietnamese support Vietminh which is fighting for the independence of the country." Mr. Melby did not last very long in the Department of State after that. Meanwhile, President Truman—as he states later in his memoirs—was directing "acceleration in the furnishing of military assistance to the French in Indochina and the dispatch of a military mission." The U.S. Military Assistance Advisory Group (USMAAG) reached Vietnam in July 1950.

It is worthwhile to point out here that the Chinese Communists did not have effective control of China until 1950. Hence, it is impossible to blame much of what has been recited to this point on the wicked Mao Tse-tung.

There follows increasing American support and control of the war and increasing deterioration of the Franco-American-Bao Dai military position. The French—including ex-Nazis and African troops—were doing most of the fighting; the Bao Dai Vietnamese were not much help. By the end of the Truman administration we find Secretary Acheson complaining that the United States is carrying almost half the cost of the French war in Indochina but that the French are already defeated psychologically and the native population is "sitting on the fence."

The Eisenhower-Dulles regime began on January 20, 1953. Secretary of State Dulles who had, indeed, been an adviser to the Department of State during the Acheson tenure, continued this disastrous policy with almost fanatic zeal. As succeeding French governments attempted to discover honorable ways out, Dulles found ways of pressuring them to persist. When, in the spring of 1954, the French position at Dienbienphu was seen to be precarious, Dulles succeeded in getting, in spite of Eisenhower's better judgment, some support in Congress for the idea of a heavy American bombing operation. Fortunately too many Congressmen went home for their Easter vacations and found, as one of them put it "no disposition among constituents to fight and die for dear old Dong-Dong at the other end of the earth." One Senator named Johnson asseverated that he was "against sending American GI's into the mud and muck of Indochina on a bloodletting spree to perpetuate colonialism and white man's exploitation in Asia." Senators named Kennedy and DIRKSEN seized the opportunity to express much the same sentiments and to reveal a rather confused ignorance about Indochina, so that fortunately this folly was averted at that time. One can but wonder whether the Easter vacation idea might not be a good one for 1965; the U.S. News & World Report's survey of congressional mail indicates that it would.

By this time even Bao Dai was beginning to be restive under French control. He commenced fighting the French politically; the Vietminh was doing pretty well militarily, as was exhibited when General Giap destroyed the French Army at Dienbienphu.

Early in 1954 the Four Power Foreign Ministers' Conference in Berlin decided to sponsor a Conference in Geneva of the nine powers concerned with Indochina (United States, U.S.S.R., Britain, France, Laos, Cambodia, Vietminh, the Bao Dai government, and China). Mendès-France became Premier of France with a promise quickly to end the Indochinese war. The Conference convened. Dulles tried to sabotage it in ways for which Anthony Eden never forgave him. The victorious Vietminh, held somewhat in check by the conciliators of the Conference, Molotov and Chou En-lai, agreed to settlements less than they might have considered themselves entitled to. The Geneva agreements, concluded in August, established a cease-fire line at approximately the 17th parallel behind which both sides were to withdraw their military forces, the French to the south, the Vietminh to the north. The French were to regroup for eventual complete withdrawal, upon which by 1956 a general election over the whole country was to decide upon a unified government. In other words, the 17th parallel did not constitute a division of the country into two parts. Unfortunately some matters were left unclear. Since the Bao Dai regime did not sign the agreement or even accept them, it can have no standing under them. Apparently the French considered that they were still responsible for the region south of the 17th parallel because Mendès-France immediately airlifted reinforcements into the area and ordered two French divisions in Germany prepared for tropical service, at the same time appointing Gen. Paul Ely High Commissioner. The United States refused to sign the agreements but formally and solemnly promised to abide by them. This promise was not kept.

A funny thing happened on the way to the Geneva agreements. Ngo Dinh Diem suddenly replaces Buu Luc as Bao Dai's Prime Minister. There seems some question as to how he got into the act; Drew Pearson blames it on Francis Cardinal Spellman. Bao Dai was persuaded to abdicate practically all his powers to his new Premier and was restrained from returning to Vietnam from Europe where he was waiting out the conference. This was accompanied by a strange campaign of denigration of Bao Dai in American newspapers which was something less than deserved. A month after the agreements, the United States notified the French that all American military aid would henceforth go directly to the Indochinese native states (Laos, Cambodia, and Ngo Dinh Diem) instead of to the French as hitherto. In October President Eisenhower wrote his famous letter to Ngo Dinh Diem, now usually quoted as the foundation stone of the American commitment to Vietnam of the south. It did, indeed, confirm Diem's status as a complete American puppet. The suspicious French, not unreasonably, have always considered these moves just the last steps in ousting them from Indochina with a view to replacing French control by American.

In accordance with the agreements the Vietnam military withdrew north of the 17th parallel, but much of the area south of that line remained under Vietminh civil control. The new Saigon Government of Ngo Dinh Diem was dominated by the Central Vietnamese and the close to a million northern Vietnamese Catholics who flooded into the Saigon area and then on provided the hard core of Ngo Dinh Diem's political support. This Government hardly existed anywhere except in Saigon and the coast cities and certainly never gained the acquiescence, to say nothing of the affection, of much of the South Vietnamese population. Until October 1955 it functioned under the name of Bao Dei, but on that date a "popular referendum" disposed of the latter; 5.7 million votes were alleged to have been cast, 88.8 percent for Diem, 63,017 for Bao Dai. Enough said.

On April 26, 1955, the last of the French military left the country somewhat mitigating the Franco-American hostility which had distinguished the last months of their stay. In July the deadline for the plebiscite which was to unite Vietnam under one government passed. Diem refused to cooperate with the Vietminh in making arrangements for it on the grounds that his government was not signatory to the Geneva agreements. The real reason, of course, was that the Vietminh was certain to win in a free election.

Instead of a plebiscite, Diem instituted a persecution. This was aimed not only at the Vietminh pockets in central and South Vietnam but at a number of nationalist and religious groups who became the object of Diem's witchhunting and religious intolerance. A series of repressive decrees made about 80 percent of the population of southern Vietnam subject to arrest. This kind of nonsense sealed Diem's doom. From about 1957, opposition was active though more or less clandestine; by 1960 it was vocal and organized for resistance by force. Within the next couple of years a reluctant North Vietnamese Government was induced to take cognizance of its struggling southern compatriots. More American missions, more American military help simply accelerated Diem's deterioration. The appointment of Gen. Paul Harkins as head of a high command for the Thailand-Vietnam theater signaled direct and patent American intervention. Diem was overthrown by his own military and then murdered in November 1963; the nature and extent of American implication in Diem's political and physical extinction is still something of a mystery.

The 7 years of Ngo Dinh Diem's stoogery and the 18 months of his even less effective successors are a recital of the same story, perhaps at increasing tempo. The American puppet regime, under whatever military or civil head, has been little more than the local government of Saigon, and nothing to boast about even in that function. After $7 billion, more than 300 Americans killed (not many, considering that the French killed were 60,000, and the Vietnamese killed and homeless must run into the millions or more) the southern part of Vietnam is a shambles and shows no signs of being anything else for a long time. It is proposed to remedy this situation by reducing northern Vietnam to this same condition.

In all of this it is difficult to find any of that "peace and freedom for Vietnam" with which Government officials are accustomed to decorate their public pronouncements. Quite the reverse. While the first phase, the attempt to reestablish French rule, may be attributed largely to ignorance, the second, that of trying to get the Vietnamese to fight our undeclared war against China for us, is simply hoodlumism on an international scale. This is especially heinous because it has involved constantly recurring violations of our most solemn commitments under the United Nations Charter, a species of wickedness of which we are never hesitant to accuse other less-powerful nations. One must feel very sorry for Americans who are proud of this record.

Some facts stand out. We were not, as Walter Lippmann suggests, "sucked into" (his words) this situation in an innocent fit of absence of mind. Surely there can hardly be a more premeditated, deliberate, intentional operation in all our history than Dulles' conversion of southern Vietnam into an American satrapy. The Saigon Government is a purely American creation, established and maintained by American Armed Forces. If it had been a good Government for its own people or even served some overriding international purpose, one might find grounds for condoning its illegality, but it has done neither. The Vietnamese Government of Hanoi, on the other hand, whatever else may be said of it, is Vietnamese, and, if for no reason other than that it signed the Geneva Agreements of 1954, has a greater claim to international legality than the foreign-supported dissidents of the south. If there is any reason for calling either side "rebel," the title should be awarded to the south.

It should give us pause that no other substantial nation shows such disposition to provide anything but token support to our Vietnam venture. Only some assurance of moral rectitude, quite impossible to anyone who knows the facts, could make palatable the immense Asian hostility which our Vietnam policy is engendering. This is very sorry preparation for entering what promises to be an Asian century.

President Johnson deserves all the sympathy and help anyone can give him in his ordeal of asking decisions with respect to an awesome problem bequeathed to him by earlier administrations. This sympathy might well include a certain restraint in critical comment but it should not involve sweeping any facts under the rag. President Johnson's testy characterization of critics as people "who do not know the facts" hardly encourages such sympathy, for if Americans do not know the facts, the major blame rests upon the administration. If the time has come when Americans are supposed to acquiesce in national policies ignorant of the facts because the Government has shirked its responsibilities, we had better stop talking about our democracy. The Department of State's recent "Aggression from the North" compounds this dereliction, for its facts do not support its argument. It is, indeed an insult to American intelligence. If assistance to one's compatriots struggling to free themselves from an externally dominated bad government is to be called aggression, what name is to be given to the activities of 25,000 foreign troops from half way around the world imposing that government?

It is in President Johnson's interest that Americans should know all the facts, for knowledge of the facts will determine the spirit in which the search for an honorable settlement is made. If we go into negotiations in any spirit other than a sincere desire to redress two decades of wrong for which we have as much responsibility as anybody, and probably more, negotiations can be only acrimonious and fruitless. President Johnson's main defense against the resentment of his fellow citizens, and indeed the rest of the world, at the unpalatable decisions which he has to make alone can only be more general knowledge that the problems he faces are none of his making. If this must be called seeking scapegoats so much the worse.

Finally, it is folly to expect China to acquiesce in the creation of hostile states on its borders; that day is over. We who pride ourselves on our Monroe Doctrine for the Americas are in no position to cavil at a Chinese desire for a similar barrier to extracontinental interference in eastern Asia.

BROOKLYN, N.Y.,
March 31, 1965.

DEAR SENATOR MORSE: I heartily support your position on a negotiated peace in Vietnam.

I respectfully urge you to raise your voice again and again on this issue.

Respectfully yours,
EUGENE GOLDSTEIN.

HAGERSTOWN, MD.,
March 31, 1965.

DEAR SENATOR MORSE: It seems to me we evidently have very incompetent men in charge of our Vietnam venture.

Recently when an outpost was badly hurt, we called it "a sneak attack." Did they expect to be notified in advance?

Recently a hospital in Saigon was bombed.

How do you account for the failure to have our Embassy well guarded after the two above mentioned experiences?

What we need are keen alert men who are ready for any emergency. I wonder what the people of Asia think of us. We evidently appear very foolish to them.

We had better get out of Vietnam as quickly as possible.

I appreciate your readiness to speak up.

Sincerely yours,
J. C. FULDE.

WALNUT CREEK, CALIF.,
February 28, 1965.

TO PRESIDENT JOHNSON.

DEAR SIR: Why is the United States fighting in South Vietnam? Supposedly, to protect the people of South Vietnam from being deprived of their human rights and their democratic right to choose their own government. But these are rights which the South Vietnamese Government, with U.S. support, has already taken away from the people of South Vietnam. None of the governments of South Vietnam during the past 9 years has been representative of the wishes of the people, and none of them has been elected by a free democratic process. Human rights? We read accounts and see (color) pictures every day of the torture and murder of Vietcong prisoners, of the involuntary relocation of peasants into strategic hamlets; of indiscriminate napalm bombing of entire villages which are suspected of harboring a few Vietcong; of religious persecution; of arbitrary arrests, and bans on newspapers and political activities.

Every day that we pursue the war in Vietnam, we help convince them that we are ruthless and inhuman, and we make a mockery of our voiced concern for humanity and democracy. Every day we stay in Vietnam, we convince more Vietnamese that the Vietcong are a lesser evil.

If we had insisted on a true democracy when South Vietnam was created, if we had not supported the Diem dictatorship and its cruelty, corruption, persecution, and oppression, if we did not support the recent "musical chairs" succession of councils and juntas, regardless of their concern for democracy and humanity, then we might have saved South Vietnam from the Communists.

It is much too late to deny the lessons that the Vietnamese have learned at our hands over the past years. It is said that we will lose prestige if we admit defeat. Perhaps. But how much prestige will we lose if we continue to deny our defeat when the situation is perfectly clear to the rest of the world? We once loudly criticized the French for pursuing a hopeless war in Indochina, and now we pursue a hopeless war on the same ground.

It is unpleasant to lose a battle, but it is a virtue to realize that one has lost, and not compound the loss by attempting bullheadedly to lose even more. The lesson we must learn from Vietnam is the lesson we should have learned from Cuba: that if the United States supports corrupt and inhuman dictatorships because they are "anti-Communist," then all the suffering and misery that exists under that dictatorship will bear the label of "democracy." The people of that land will learn to fear and hate us, and we will have made another opportunity for the Communists to convince them that they can offer something better. If we do not learn this lesson now, we shall have other opportunities, when people rise up against the other dictators whom we now support. If we refuse to learn this lesson, we will be forced, by our own stupidity, to lose again. We cannot afford many more losses. We must get out of Vietnam where we have already lost, and put our effort into places where we can still win by insisting on democracy and human rights as well as anti-Communism from governments that we support.

Sincerely,
JOHN O. STEVENS.

WALNUT CREEK, CALIF.,
March 26, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I want you to know how very much I appreciate your outspoken views on the abominable situation in Vietnam.

I wonder if you are aware of the half-truths and lies about Vietnam that the State Department is sending out in answer to letters written to the President? I enclose copies of some of this State Department propaganda. With it are copies of my original letter to President Johnson and a copy of the cover letter from the State Department Assistant Secretary on which I typed an answer which I sent back to him.

Keep up the fight for honesty, democracy, and humanity.

Sincerely,
JOHN O. STEVENS.

DEPARTMENT OF STATE,
Washington, March 15, 1965.

DEAR MR. GREENFIELD: I want you to know that I consider your enclosures to be propaganda of the simplest and most inexcusable kind, and I am ashamed that I am a citizen of a government that is forced to distortion of the facts in order to justify an unjustifiable war.

For instance, regarding circular "4/34a–1064BT" which says, "The Communists have worked ceaselessly to prevent the success of the treaty" (the 1964 Geneva Accords). It was Diem, supported by the United States who canceled the elections that were to be held in 1956 at the latest—not the Communists, because they would have won that election. President Eisenhower has been quoted as saying that in 1954, 80 percent of the Vietnamese supported Ho Chi Minh—which is not surprising. No matter what his ideology, he was the leader against the corrupt French colonial government, which the United States supported to the extent of $4 billion. If we are so sure that the people of South Vietnam will gladly choose us, then why not call in the U.N.? And why, if we are so completely correct, are our allies not supporting our stand? Even England, our stanchest ally is not enthusiastic.

Do you sleep well at night Mr. Greenfield, after being paid to mail out lies? Lies that do nothing to support democracy and human rights, but lies to support inhuman dictatorship like Khanh.

I hope not.

JOHN O. STEVENS.

Mr. JOHN O. STEVENS,
Walnut Creek, Calif.

DEAR MR. STEVENS: The White House has asked me to reply to your recent communication regarding Vietnam. We appreciate your taking the time to send us your views.

Perhaps you will find the enclosed material useful. I hope you will write again if you desire additional information.

Sincerely yours,
JAMES L. GREENFIELD,
Assistant Secretary.

NEUTRALIZATION OR NEGOTIATED SETTLEMENT IN VIETNAM

Your concern over the situation in Vietnam is understood and shared. At this time, no issue commands more of the time, energy and attention of the President and his senior advisers.

The United States desires no permanent military presence or base in Vietnam. Nothing would please us more than the creation of a situation in which American soldiers could be withdrawn from a peaceful, secure, and independent Vietnam. That is, in fact, precisely the situation we are struggling to bring about.

Suggestions for solving the Vietnam problem by neutralization or negotiation have come from several quarters. A negotiated settlement of hostilities in Vietnam was the intention of the Geneva Accords of 1954, but the Communists have worked ceaselessly to prevent the success of the treaty. Although the situation in Vietnam is a complicated one, the cause of the crisis is not. It is caused by the simple fact that the Communists in North Vietnam are attempting to conquer South Vietnam. It is Communist aggression which makes a negotiated settlement in Vietnam impossible at the present time. As of now the Communists are not interested in a neutral Vietnam. Hanoi has specifically rejected neutrality for itself. Their rule for negotiation is "What's mine is mine, and what's yours is negotiable." Neutralization would simply be a way station on the road to a Communist Vietnam—and after that a Communist Laos—and after that a Communist Thailand—and ultimately a Communist dominated southeast Asia.

As President Johnson said:

"No negotiated settlement in Vietnam is possible, as long as the Communists hope to achieve victory by force.

"Once war seems hopeless, then peace may be possible. The door is always open to any settlement which assures the independence of South Vietnam, and its freedom to seek help for its protection."

VIETNAM: BASIC POLICY

So many conflicting statements are being made about Vietnam that I think it is useful to restate the bedrock truths about the situation there. First, the problem of Vietnam is Communist aggression. We are certainly there in force now, but the South Vietnamese asked for our assistance only when the Communist assault reached such proportions as to imperil the very existence of South Vietnam. Second, we have no desire for a military presence or base in Vietnam. Our goal is precisely to create a situation in which we can withdraw from a peaceful, secure, and independent South Vietnam. That will be possible whenever the Communists decide to leave their neighbor alone. Third, until the Communists call off their assault, our withdrawal would simply mean turning over 14 million people to the Communists. A political settlement is possible only when the Communists are convinced they cannot win by force. Finally, the situation in Vietnam cannot sensibly be isolated from the general world situation. Vietnam is not the end of Communist ambition. After Vietnam there is Laos, and Cambodia, and Thailand, etc. And if we permit Communist armed subversion to succeed in southeast Asia we will surely see it again—and soon—in Africa, in the Middle East, and in our own hemisphere.

It is certainly true that Vietnam is not an ideal place for a test of American determination. That is why the Communists chose it for the test. And it is true that there is much in South Vietnam and in the war there that is not as we would wish it to be. Your concern with the situation is understood and shared at all levels of this Government. No issue commands more of the time and energy of the President and his advisers. Our policy has been examined and reexamined and is kept under constant review. As a result of this study it is the rooted conviction of this Government's policymakers that our involvement in Vietnam is essential to our security. I am enclosing material which explains why Vietnam is important to us and contains other information regarding that area which may be of interest to you.

WITHDRAWAL FROM VIETNAM

First, I want you to know that your concern over the situation in Vietnam is understood and shared at all levels of the U.S. Government. No issue commands more of the attention and energy of the President and his advisers. Our policy has been examined and reexamined untold times and is under constant review. We are involved in Vietnam because it is the deep conviction of the policymaking officials of the Government that our involvement is essential to American security. I am enclosing material which explains why Vietnam is important to us and contains other information regarding that area which may be of interest to you.

You suggest that the United States should withdraw from Vietnam. South Vietnam is literally under a siege mounted by the North Vietnamese Communists. Without our assistance South Vietnam would quickly be overrun and conquered by the Communist terrorists.

I agree with you that Vietnam is far from the ideal fighting ground from our point of view. I agree that there is much in the situation in Vietnam which we would have different, if it were our choice. But I cannot agree that we should abandon 14 million people who need our help, asked for our help, and cannot withstand the Communist assault without our help. The situation in Vietnam is tragic—but it will become even more so if we find our responsibilities too heavy to carry. After Vietnam, there is Laos—and Thailand—and Malaysia, etc. And if armed Communist subversion succeeds in southeast Asia, we may well see it again—and soon—in Africa, in the Middle East, and in our own hemisphere.

New York, N.Y.,
March 28, 1965.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Morse: I am writting to compliment you on the courageous position you have taken with regard to the situation in Vietnam. I wish to express by concurrence with your views and to state that I wholeheartedly support your intelligent and sane proposals.

The United States involvement in Vietnam is constantly increasing. Because of this a vigorous and continued campaign must be carried on in order to eliminate this dangerous threat to world peace.

My support and agreement are with you for your continued attempts at ending the war in Vietnam.

Yours very truly,
William J. Benhken.

Mount Vernon, Ohio,
March 31, 1965.

Hon. Wayne Morse,
Washington, D.C.

Dear Mr. Morse: I read with pleasure some time ago your stand regarding the undeclared war over in Vietnam. My wife and I want to commend you for your courage in taking this noble stand. Your prediction that this uncalled-for war would worsen is being borne out in the series of happenings which are occurring from day to day. Unless it is brought to a speedy end, it will probably develop into a world holocaust. Why continue to have the flower of our Nation and also many innocent Vietnam people slaughtered in this frightful inferno? We were wondering if you might not do something more to awaken the American people and Government as their duty at this time. Perhaps you could make one or more of your stirring appeals from the floor of the Senate. I am convinced that the fathers and mothers and all of the American people appreciate what you have done thus far in behalf of our people. We know that the good Lord will strengthen you for all of your efforts in the future. With our very best wishes, we are,

Yours sincerely,
Mr. and Mrs. F. Guy Corder.

[From the Vancouver (Wash.) Sun, Mar. 27, 1965]

UNITED STATES TRAMPLES

Editor, the Sun, Sir.—Are not the bombings by the Americans of the military and civilian populations of North Vietnam and Laos, deliberate war crimes in retaliation for alleged help to the South Vietnamese National Liberation Army just as was the massacre of the populations of and destruction of villages by the Nazis in the U.S.S.R., in retaliation for the successes of Soviet guerrillas against the Nazi invaders?

Should not L.B.J., Rusk, McNamara, Maxwell Taylor, all be denounced like the Nazis as war criminals?

By the use of terror weapons and by the language used by American military personnel describing the results obtained by the use of these terror weapons, it is shown that the Yanks are out-Hunning the Huns.

See what John Kirkwood, your special correspondent in South Vietnam, reported.

As Brig. Gen. Hugh B. Hester, of the American Army (retired), states in an article in the U.S. Farm News:

"The United States has no respect for international law, and its arrogance has no limits. It is trampling on the rights of defenseless people everywhere."

Arthur Stratton.

Atlanta, Ga.,
March 31, 1965.

Dear Senator Morse: I wish to encourage you in your effort to have the United States pull out of Vietnam.

I plan to participate in the coming march on Washington concerning this problem and would like some material to supplement my views. If at all possible I would appreciate a copy of the white paper on Vietnam.

Sincerely,
Howard Smukler.

Penticton, British Columbia.

Congratulations, Senator Morse. Your efforts to get America out of its murdering muck are most praiseworthy. The odds against you by those who like to kill, and to push others around are great. Keep on trying.

America believes in self-determination if that determination is as America wants it. A nation that has corruption everywhere should clean itself up and show the way. It has so much abundance that it could do this. Unfortunately it has so much selfishness as well. For its own greed it prefers to back Fascist dictators everywhere, those who believe in privilege for the favored few.

Believe me, I am not in any sense communistic or socialistic; but I can observe. A nation that could contribute so much to man's well-being has become the world's most hated.

J. C. Hembling.

[From the Ottawa Citizen, Dec. 19, 1964]

AN OPEN LETTER TO PRESIDENT JOHNSON

Toronto, Ontario.

Dear Mr. President: Canada is an ally of the United States and a partner in what are termed defense arrangements: NATO, NORAD, the DEW Line. U.S. bombers have rights on some Canadian bases and U.S. nuclear warheads have been placed on Canadian missile bases.

Therefore it is reasonable that Canadian citizens should raise their voices against certain policies and actions of your Government which may be considered as unrealistic and dangerous to the peace of Canada and the world.

END THE WAR IN VIETNAM

Of supreme importance is the necessity to end the war in Vietnam. Commonsense, justice, and a decent regard for the opinion of mankind require that the 1954 Geneva Conference be reconvened and a reasonable political settlement be made.

You cannot win the war against the people of South Vietnam. In spite of all the terrorism of your puppet regimes, the National Liberation Front government controls and governs almost 80 percent of the country.

WHAT IS THE DIFFERENCE BETWEEN YOUR "SPECIAL WARFARE" AND HITLER'S WARFARE?

We have recently had a representative in Vietnam. We are shocked and horrified to learn at first hand of the brutal, inhuman and criminal nature of your so-called special warfare.

Thousands of villages have been burned with napalm gas, and huge areas drenched with poison chemicals, killing hundreds of thousands of men, women and children, as well as domestic animals. You have elevated the bestialities of Auschwitz and Buchenwald into a science of "Special warfare." The toll of dead, wounded, and burned is now 1 million.

The vast majority of people in Asia and Africa are being graphically informed. Hundreds of delegations go to see for themselves. You are creating a huge tide of hatred and loathing for the United States of America.

This open letter is published to commemorate the fourth anniversary of the founding of the National Liberation Front government. These heroic men and women really represent 80 percent of the people and the territory of South Vietnam. They have earned the right to be the government of their people just as surely as did George Washington and his supporters during the grim winter of Valley Forge.

In the name of our common humanity, Mr. President, end this inhuman war, reconvene the 1954 Geneva Conference and negotiate a reasonable and just settlement.

CANADIAN PEACE CONGRESS.

NORTH HOLLYWOOD, CALIF.,
March 30, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SIR: May I respectfully offer a bit of ammunition to use in your courageous fight against this Government's policy in Vietnam?

Administration spokesmen have repeatedly stated that the war in Vietnam is "ordered and directed and masterminded by Hanoi."

If this be true, the orders and directions must be communicated to the hundreds of Vietcong units, many of them isolated, operating all over South Vietnam. How is this being done? What means of communication is being used?

Telephone? Telegraph? Personal letter? Hardly.

Messengers? How long does it take a man to walk or bicycle the thousand miles between Hanoi and the southern part of the Mekong Delta?

This leaves us, if we are willing to reject jungle drums and carrier pigeons and clairvoyance, only radio.

But consider: This Nation, as the Japanese learned to their sorrow more than 20 years ago, boasts the finest code breakers in the world; we can crack a complicated code in a matter of hours. Further, all radio messages between Hanoi and the Vietcong are surely being monitored by our experts. We must know, then, exactly what orders and directions are being transmitted by Hanoi to the Vietcong.

Therefore, if Johnson and Rusk and Bundy and McNamara are telling the truth, if indeed that war is being "ordered and directed and masterminded by Hanoi" how is it possible for us to be surprised day after day after day by the "sneak" attacks" of the Vietcong?

To get down to one final specific: if the attack on our embassy was ordered by Hanoi, why didn't we take steps to thwart it?

Sincerely yours,

WHITMAN CHAMBERS.

ANN ARBOR, MICH.,
March 31, 1965.

DEAR SENATOR MORSE: I would like to take this opportunity to indicate my support for the position you are advocating re: South Vietnam.

We haven't the moral right to be there militarily and whether we act out of ignorance or out of aggressive desires (and I sincerely believe and hope it is the former), when our policy yields death and destruction to innocents, then this act is morally reprehensible. Moreover, it is not even effective—for those who advocate realpolitik.

My Senators seem impervious to the pleas of reason on this issue. At least let me indicate, then, my support for you. Please continue to sound the alarm of conscience and reason.

Sincerely,

NATHAN SORKIN.

P.S.—If the New York Times article offering continued and expanded economic aid after the war is won (sic) is a trial balloon, yes; but this can be done even if we withdraw militarily. We can offer economic aid to the people through Communist governments as well as (or sadly even better than) some of the rightest governments we have supported.

N.S.

LOS ANGELES, CALIF.,
March 31, 1965.

DEAR SENATOR MORSE: Your courageous voice raised against the madness in Vietnam gives strength to us who are appalled by the inhuman bombing of schools and hospitals, the shameless use of gas and the false justifications offered by the Government. I beg you to keep up your splendid opposition.

Yours gratefully,

JULIET GREEN.

CARBONDALE, ILL.,
March 29, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I hope you will continue your role as an active critic of our military misadventure in Vietnam. Today, too few voices are heard in public debate on evaluation of this American involvement.

I believe the President should ask immediately for a meeting of the Security Council of the United Nations to consider the problem of Vietnam—and we should offer to withdraw our troops.

Phosphorus bombing, napalm, and questionable use of gas shall not bring peace. The equation "war equals peace" is a dream of madness—one wholly unbefitting the traditions of our country.

Let your voice, Senator MORSE, be heard loud and often on Vietnam.

Yours respectfully,

ROBERT J. BROOKS.

SANTA BARBARA, CALIF.,
March 31, 1965.

DEAR SENATOR MORSE: This is a letter to thank you for your realistic and forthright views on South Vietnam, and to encourage you to continue doing all you can to make our leaders see how awfully wrong they are. Robert M. Hutchins said a few weeks ago:

"The bankruptcy of American policy is now so clear that even the administration must be ready for a new start.

"The essential element of the old, tired policy is the containment of communism. Everybody in the world is supposed to be interested primarily in containing communism. The people of Vietnam and the Congo are not permitted to say whether they would rather die than see communism rear its head in their country. It is assumed that every Asian or African peasant knows that communism is worse than death and that he should be delighted to have his country destroyed in the effort to repel it. * * *

"The obvious substitute for containment is the United Nations. By working out the methods—and they must eventually be worked out—by which the United Nations may maintain order during revolutions, we may obtain peace with justice. That should be the aim of the foreign policy of the United States."

It seems to me that this 20th century witch hunt has lasted long enough.

Respectfully yours,

MRS. WALLACE ROBINSON.

HILLTOP STUDIO,
Harpursville, N.Y., March 31, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I want to commend you for standing against our involvement in Vietnam. I hope many will rally to your side and get our men out of Vietnam and prevent a disastrous war.

Yours truly,

GENEVIEVE KAREN HAMLIN.

JAMAICA, N.Y.,
March 31, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: It is indeed reassuring to hear your voice calling for an end to the war in Vietnam. I and most of my friends support your call for the United States to get out of the fighting.

It is quite clear that the past and present governments of South Vietnam do not represent the people of South Vietnam, but rather whatever military clique happens to be in power.

Please keep up your honorable fight for the U.S. withdrawal from Vietnam.

Sincerely,

STANLEY OFSEVIT.

WEST WEBSTER, N.Y.
March 31, 1965.

DEAR SENATOR: We commend the enclosed article from the current New Republic to your close attention, and urge you to continue your efforts to secure agreement to negotiate now on Vietnam, before further escalation makes it impossible to avoid full scale war.

We have already caused untold suffering in both North and South Vietnam, among friends and foes alike, with our napalm bombs, our nausea gas, our approval of native torture tactics. Further such policies will only multiply suffering and harden more hearts against the cruel aggressors we must appear to be. We will inevitably drive what's left of this poor country into the arms of China, which she fears and distrusts, but which will look like the only refuge if this continues.

We also urge investigation of the bombing of our Embassy in Saigon. News reports tell us this scheme had been known for 3 weeks, yet not even the ground floor offices immediately next to the public street had been evacuated. It almost seems as if an "incident" were desired—certainly no steps were taken to prevent the loss of life or to remove offices to a safer area.

Do not allow yourself to be silenced by the concept of "consensus" or the call to "patriotism." You will serve your country far better if you continue to stand up and speak against further fruitless and damaging displays of "strength" on our part, and in favor of negotiation now.

Sincerely yours,
ETTA RUTH WEIGL
JOHN W. WEIGL
Dr. and Mrs. John W. Weigl.

DEAR SENATOR MORSE: Please forgive the carbon copy. We are deeply grateful for your courage and persistence in fighting for the recognition of human values over empty military objectives—particularly in Far Eastern affairs.

Best wishes to you,
THE WEIGLS.

WAR WITH CHINA?

(By Hans J. Morgenthau)

(Hans J. Morgenthau is director of the Center for the Study of American Foreign and Military Policy at the University of Chicago.)

It illuminates the many misunderstandings that beset our Vietnam policy that in order to criticize that policy in public one has first to justify one's right to do so. The President himself has declared such criticism to be unhelpful and even damaging. A former President has supported him, and many eminent men interviewed on television and elsewhere have at least implied that to support these policies was the only decent thing to do under the circumstances. This position is incompatible both with the principles of democracy and the requirements of sound policy formation.

The Constitution assigns to Congress the right to declare war. How can Congress discharge this function if its Members and the citizens who have elected them are precluded from discussing the merits of the issues which might lead to war? The Constitution implies that Congress has a choice in the matter of war. How can it make that choice if neither it nor the people it represents have the right to debate the issues? To say that the most momentous issues a nation must face cannot be openly and critically discussed is really tantamount to saying that democratic debate and decision do not apply to the questions of life and death and that, as far as they are concerned, the people have given carte blanche to one man.

Not only is this position at odds with the principles of democracy, but it also removes a very important corrective for governmental misjudgment. Would Great Britain have been better off if in the months preceding and following the outbreak of the Second World War Churchill had kept quiet and rallied behind Chamberlain, however disastrous he thought his policies to be? The Chamberlain government was driven out of office in the midst of war; was it the duty of the opposition to keep quiet and rally behind it? Should the German Reichstag have kept silent in 1917 instead of passing a resolution asking for a peace without annexations? The German Government of the day indeed thought so, but history showed that the parliamentary opposition had better judgment than the government. In the years preceding Pearl Harbor, this country engaged in a great debate about the best foreign policy to follow. Did the country not benefit from this clarification of the issues and was its later unity not in good measure founded upon it?

Two main arguments are advanced in favor of the proposition that the people should rally behind the President and not criticize his Vietnamese policies. One is that only the President has all the facts and therefore only he has the right to judge. The truth is that nobody has all the facts and nobody needs them all. What both the President and his critics need and have are the relevant facts, and what they need more than anything else is sound judgment. No one man can have a monopoly of that judgment. More particularly, the President cannot have it under present conditions.

It must be obvious to anyone who is acquainted with the President's principal advisers that the most powerful advice he gets seeks the extension of the war, and that it is hardly anything more than his innate good sense that has thus far prevented these advisers from carrying the day completely. The President ought to welcome, rather than regret, those voices from Congress and the public at large which give arguments and support to his sound instinct. The President would no doubt have personally an easier time of it, but only in the short run, if his Vietnamese policies were not exposed to criticism. Yet what the President must seek is not the convenience of 1 day but the approbation of history for all time to come. President Johnson is as conscious of his historic mission and of his place in history as any of his predecessors. Why, then, does he in this instance not practice what he knows to be right?

The answer to this question is to be found in the other argument in favor of silently rallying behind the President. It is the conception of consensus. Certainly the political health of the Nation and the effectiveness of Government are greatly enhanced when the policies of the Government are supported by the great mass of the people. But consensus is a means to an end, not an end in itself. Here is one of the differences between a totalitarian and a democratic society. In the former, dissent is a moral vice and a political crime by definition and, conversely, consensus is the ultimate good. In a democracy, the ultime standard is the soundness of policy for the support of which popular consensus is sought.

The democratic statesman is faced with an inevitable dilemma if he cannot get popular support for the sound policies he would like to pursue. He will choose the easy disastrous way out if he sacrifices sound policies on the altar of a fleeting popularity. If he chooses to pursue the policies he deems to be right against the opposition of the popular consensus, he must seek to change the consensus in favor of his policies in order to be able to pursue them. Doing this, he risks domestic political failure, but if he succeeds domestically, he will gain the immortality of a great statesman.

George Washington knew how to resolve this dilemma of democratic statesmanship. He proclaimed the neutrality of the United States in the War of the First Coalition against revolutionary France in 1793, while the popular consensus fervently wanted him to join France in that war. For weeks, crowds roamed the streets of Philadelphia clamoring for Washington's head, and John Marshall reports in his biography of Washington that if a motion for Washington's impeachment had not been tabled in Congress, it would have passed with an overwhelming majority. Yet if Washington had made consensus the ultimate yardstick of his policy, he would have gone down in history as the wrecker, not the Father of his Country.

TWO DIFFERENT ANSWERS

A critical assessment of our involvement in Vietnam must start with the question, Why are we involved in Vietnam? Spokesmen for our Government have given two different answers. One answer is implicit in the Secretary of State's often repeated statement that our military mission in Vietnam will end when North Vietnam leaves its neighbor alone. In other words, we are in Vietnam in order to protect the independence of a sovereign state. Once that sovereignty is assured we can go home. It follows from this position that we would not presume to control the way in which that sovereignty might be exercised. If, for instance, the Vietcong should take over the government in Saigon without support from the North or if a South Vietnamese Government should come to an understanding with the North through which the country would be united under Ho Chi Minh, we would not intervene.

The other answer to our question has been most clearly formulated by the Secretary of Defense when he said on February 18 that "the choice is not simply whether to continue our efforts to keep South Vietnam free and independent but, rather, whether to continue our struggle to halt Communist expansion in Asia." It is the same answer Senator DODD has given at length in his Senate speech of February 23. This answer is tantamount to saying that we shall oppose communism in South Vietnam or wherever else we find it in Asia, by military means if necessary. In other words, we shall contain communism in Asia, as we have contained it in Europe. Other official spokesmen, such as Undersecretary of State Ball in his speech of March 16, have expressed the same thought less concisely by defining our mission in Asia as the defense of freedom, that is, of non-Communist governments, against communism.

It is obvious that these two positions are irreconcilable. For if one takes the Secretary of State at his word, then we are engaged in a limited undertaking which could be liquidated through a negotiated settlement without too much difficulty. If Hanoi made a gesture toward noninterference in the affairs of South Vietnam, we could find a formula which would allow us to disengage ourselves from South Vietnam. If, on the other hand, one takes the Secretary of Defense at his word, then we are engaged in a global crusade against communism which we must fight wherever we find it. Consequently, there is no possibility for a negotiated settlement, and we shall stay in South Vietnam as long as communism threatens to expand in Asia, that is, indefinitely.

There can be no doubt, on the basis of external and internal evidence, that the position of the Secretary of Defense is at present in the ascendancy in our Government. It is with that position, therefore, that I am here concerned. I am emphatically opposed to it on two grounds: because of the intellectual errors from which it derives, and because of its likely consequences.

The intellectual errors of that position are two: misunderstanding of the nature of contemporary communism; misunderstanding of the policy of containment.

We are in Asia in order to contain communism. But what do we mean by communism? To answer that question we must take a critical look at the two equations that provide the implicit foundation for our Asian policies. On the one hand, we have equated communism with the power of China; on the other hand, we have equated communism anywhere in Asia with Chinese communism. Yet what has been true of the Soviet Union in Europe has proved to be true also of China in Asia: that the basic direction of her policies is determined primarily by her traditional national interests, and that communism only adds a new dynamic dimension to the means by which those policies are to be achieved. In other words, the fundamental fact in Asia is not that China has a Communist government but that she has resumed her traditional role as the predominant power in Asia. That that power has been restored under Communist auspices is the only relevant fact for our anti-Communist crusaders. Yet it is but of secondary importance to the nations of Asia which, from Japan to Pakistan, behold with awe and admiration the new Chinese power and try to come to terms with it.

The identification of Asian with Chinese communism is similarly the result of the crusading opposition to communism as a political philosophy and a way of life. Such identification is justified in philosophy and ethics, but it has no place in foreign policy. For it is an obvious fact of experience that in the conduct of our foreign policy we are faced not with one monolithic communism, but with a number of different communisms whose character is determined by the character and the interests of the particular nation embracing it. Thus we find in Asia, as elsewhere, different kinds of communism whose relations to China and the Soviet Union range all the way from complete independence to complete subservience. To treat all these communisms alike on the assumption that they are all equally subservient to either China or the Soviet Union or to both is the height of doctrinaire folly. In its intellectual debility, it is no different from the doctrinaire excesses of a vulgar Marxism which sees the capitalistic world as a monolithic monster bent upon the destruction of communism.

Not only is such an attitude of indiscriminate hostility intellectually untenable, but it also precludes any possibility of diplomatic maneuver, subtle bargaining, and tolerable accommodation. In other words, it renders impossible the conduct of a foreign policy worthy of the name. One only needs to consider in the light of such opportunities for creative diplomacy the present relations among the United States, the Soviet Union, China, North and South Vietnam in order to see how self-defeating this doctrinaire crusading attitude toward communism is. Instead of bombing North Vietnam because we don't know what else to do, we would at least have a chance at bending the situation in southeast Asia to our rationally defined interests if the President were advised by a Richelieu, a Talleyrand, a Bismark or—why go abroad—a Hamilton.

FOREIGN POLICY CURSE

Alas, the President of the United States has no such advisers. Instead, he is advised "to continue our struggle to halt Communist expansion in Asia," regardless of its character, its aims, its relevance to the interests of the United States. For such simple-minded conception of the enemy, the complexities and subtleties of diplomatic maneuver hold no promise. It needs an instrument as simple, indiscriminate, and crude as itself, and it has found such an instrument in the policy of the peripheral military containment of China. Here we are in the presence of the other intellectual error that dominates our Asian policy.

It seems to have been the curse of our foreign policy since the end of the Second World War that it has become the victim of its own successes. The Marshall plan was eminently successful in Europe, and so we have fashioned a global policy of foreign aid on the assumptions of the Marshall plan. The policy of containment was eminently successful in Europe, and so we have extended it to the rest of the globe.

Yet the factors which made the policy of containment a success in Europe are present nowhere else and least of all in Asia. First, a line could be drawn across the European Continent which clearly delimits the western borders of the Soviet Empire. Second, two armies face each other across that line of demarcation, which is guaranteed symbolically by the presence of American troops and actually by the nuclear power of the United States to which the Soviet Union is vulnerable. Third, to the west of that boundary there lies an ancient civilization which was but temporarily in disarray and proved itself capable of containing Communist subversion. These factors add up to a threat which is primarily military in nature and to be countered primarily by military means. None of these factors is present in Asia.

The threat here is not primarily military but political in nature. Weak governments and societies are exposed to Communist subversion, which may or may not be an extension of Chinese power, as Chinese power may or may not be carried abroad by communism. Military containment has no bearing upon such a threat. Thus SEATO has been irrelevant to the expansion of Chinese influence into Indonesia and Pakistan. More particularly, China can, in the present state of her development, be hurt but not destroyed by nuclear weapons.

But even if the threat emanating from China were primarily military in nature, it could not be contained through the defense of accidentally selected local outposts at the periphery of China. For since the ascendancy of China in Asia is due primarily to its cultural and political predominance, it is futile to think that one can contain that predominance by militarily defending South Vietnam or Thailand. That Chinese predominance is as much a fact of life as is American predominance in the Western Hemisphere, and our attempts to contain Chinese predominance in Asia through local military operations is about as sensible as would be China's trying to contain the American predominance in the Western Hemisphere by committing her military forces in defense of one or the other of the Latin American countries.

Whoever wants to contain American predominance in the Western Hemisphere must strike at the very sources of American power; he must destroy that power itself. The same conclusion applies to the containment of China. Thus the policy of the peripheral military containment of China leads with logical necessity to war with China. Such a war cannot be fought with even a remote chance for success from the air and the sea; it must be fought and won where the sources of Chinese power lie, that is, on land. It must be fought as Japan tried to fight it, from 1932 to 1945, without ever coming close to winning it.

It is beside the point that all our leaders, past and present, even those who have deemed a war with China inevitable, have recoiled from the idea of sending millions of American soldiers to the mainland of Asia to fight. President Eisenhower said on February 10, 1954, that he "could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina," and General MacArthur, in the congressional hearings concerning his dismissal and in personal conversation with President Kennedy, emphatically warned against sending American soldiers to the Asian mainland to fight China. We are here concerned not with the intentions of statesmen but with the inevitable consequences of their policies. None of the statesmen who made the fateful decisions in July and August, 1914, could have looked back in November 1918, on the European scene and said, "I planned it that way." Yet what happened in Europe during the First World War was the inevitable result of what statesmen decided at its beginning, without wanting or even imagining the consequences. As Mephistopheles said to Faust: "At the first step you are free, at the second you are a slave."

In Vietnam today, we are in the process of taking that fateful first step. At the moment of this writing, at least, our policy is still ambiguous. On the one hand, it seeks to create a position of strength from which to negotiate. There is an ominous similarity between this attempt to fashion somehow out of the wreckage of a lost war a favorable negotiating position, and the French policies leading to the surrender at Dienbienphu. General Navarre's last offensive also sought to establish favorable conditions for a negotiated French withdrawal, and the concentration of the French forces in strong points like Dienbienphu was to serve the protection of those armed forces from uncontrollable guerrilla actions. Is Danang destined to become the American Dienbienphu? And if it is, shall we follow the French example and withdraw, or shall we go forward until we encounter China? It is here that the ambiguity of our present policy comes into play.

The extension of the war into North Vietnam can be interpreted as an attempt to create in Hanoi the psychological precondition for a negotiated settlement. But it can also be interpreted as an attempt to change the fortunes of war in South Vietnam by rupturing the assumed causal nexus between the policies of Hanoi and the victories of the Vietcong. This causal nexus is a delusion, which has been given the very flimsy appearance of fact through the White Paper of February 28. A policy derived from such delusion is bound to fail. Yet when it has failed and when failure approaches catastrophe, it would be consistent in terms of that delusionary logic to extend the war still farther. Today, we are holding Hanoi responsible for the Vietcong; tomorrow we might hold Peiping responsible for Hanoi. "At the first step you are free, at the second you are a slave."

To call attention to these implications of our present policies has nothing to do with pacifism, isolationism, appeasement, and softness on communism. The difference between calling attention to these implications now, when we have still the freedom of choice, and of stumbling unawares deeper and deeper into a morass from which there is no retreat, is the difference between prudence and recklessness; between a rational, discriminating understanding of the hierarchy of national interests and the power available for their support, and a doctrinaire emotionalism which drowns all vital distinctions in the fervor of the anti-Communist crusade.

France owes more to Mendès-France who liquidated the Indochinese War, and to De Gaulle who stopped the fighting in Algeria, than to those who wanted to continue fighting without regard for the limits of their country's interests and power. Those few who warned Athens against the Sicilian expedition, which was to become the grave of Athens' greatness, were better patriots than its promoters. To point to the likely consequences of present policy is, then, not only a right, which ought not to require apologetic assertion, but it is also a duty, burdensome yet inescapable.

BALDWIN PARK, CALIF.,
April 13, 1965.

DEAR SENATOR MORSE: I know I speak for thousands and thousands of American citizens who are most grateful for your courageous stand against the abominable business in Vietnam. I speak also for those who write in protest and whose protest is ignored.

Enclosed is a copy of a letter I sent to President Johnson March 31. Its receipt was not even acknowledged. Heretofore when I have written the President or the State Department, back comes a letter. Perhaps now there are so many protests about his Vietnam policy he is simply provided with extra wastebaskets.

I would be delighted if you get a chance to show it to him, or you might like to put it in the CONGRESSIONAL RECORD.

There is still some hope for our country when the Senate has in it a man like you.

Sincerely,

JOHN MANNING.

BALDWIN PARK, CALIF.
March 31, 1965.

LYNDON B. JOHNSON,
President of the United States of America,
Washington, D.C.

DEAR MR. PRESIDENT: Like thousands and thousands of the American people, I believed that what you said in your campaign expressed your real meaning and purpose; that you were against any widening of the war in Vietnam; that you would work for peace; that a vote for you was a vote for peace. While a vote for Goldwater meant increase and expansion in that "dirty war" in Vietnam, on which course he was verbally insisting.

I supported you strongly in the 1964 campaign and urged everyone I knew to do likewise.

I will not forgive you for allowing your administration to use the vast resources of our country, its manpower, its influence—not only to continue the "dirty war," but to promote and accelerate it with ever-increasing savagery.

Just as the Buddhists in Saigon are opposed to anyone who doesn't stand for peace, I am opposed to you or anyone who is promoting or endorsing this gigantic evil.

How long it will take to get out, I do not know; but out is where we belong. Every successive day and hour American forces are in that unhappy country, devastating the land, murdering its inhabitants, is one more day and hour of disgrace—indelible disgrace for our beloved country.

Yours truly,

JOHN MANNING,
Former member Democratic State Committee of California.

I enclose a brief account of earlier activities for our Democratic Party which, I feel, give me a right to object as forcibly as I can to the disastrous course along which you are leading this country.

BALDWIN, CALIF.

Re John Manning, former member Democratic State Committee of California.

Since 1932 I have worked intensely for the success of the Demorcatic Party, out here in California.

As soon as Garner won in the primaries and "had" the California and Texas delegations, being convinced that a Roosevelt-Garner ticket would carry the Democratic Party to victory, I went about the country urging Garner for Vice President; went down into Texas.

Texas was poor then. Everybody was poor. Texas couldn't even get 10 cents a pound for its cotton. "Look here," I said, "Garner never could win as President but he'll make a corking Vice President. 'Roosevelt and Garner,' is a ticket that will sweep the country."

With the bonus marchers from Texas, I traveled from Texarkana to Louisville, Ky. and campaigned all the way for Roosevelt and Garner. Also I sold them on the idea of making their camp on lower Pennsylvania Avenue. "Don't let them shove you boys out to Quantico," I said, "where no one in Washington will see you. There are empty buildings about to be demolished there on lower Pennsylvania Avenue, why not use them?" They did. And stayed there until MacArthur and his lieutenant, Dwight Eisenhower, drove them out.

I continued my campaign until reaching Washington, D.C., buttonholing everyone who counted in behalf of the Roosevelt-Garner ticket. After the convention, I returned to Pasadena and took charge of the campaign at the East Pasadena headquarters. We succeeded in getting the Catholics to go along for the whole ticket. Including McAdoo. In election districts that never before in Pasadena history had been carried for the Democratic Party, we carried for the Roosevelt-Garner ticket. After the election, Senator McAdoo offered to have me appointed as an appraiser for the farm loan bank. I turned down the job because I knew that if I was to be useful to the administration, it would have to be in the Labor Department.

Texas has gone a long way since those days when I was working indefatigably to convince the Texas voter that the winning ticket was Roosevelt-Garner. No longer is Texas poor. Yet, for all the wealth amassed by Texas since 1933, if John Garner had not been elected Vice President in 1932, you today, Mr. Lyndon Johnson, would not be President of these United States.

YELLOW SPRINGS, OHIO,
April 12, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I have read and heard many of your strong criticisms of this country's policy and actions in Vietnam and I want to state my support of your position. I am very much opposed to what our country is doing in southeast Asia. We are losing friends and gaining more enemies. Each bomb creates more Communists than it kills.

I hope you will continue to speak out against our country's present policies and work for a peaceful solution to the problems of southeast Asia.

Sincerely yours,

ART LANDES.

DETROIT, MICH.,
April 14, 1965.

Hon. Senator WAYNE MORSE,
Oregon Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am with you wholeheartedly on your Vietnam views.

Your courage has been well demonstrated in standing up and speaking out against what you, and others, consider a useless and terrible war in Vietnam. We are spending millions of dollars and sacrificing thousands of lives for what and whom? We were wrong to have entered into this in the first place and I feel, as a Nation, we should admit our mistake and get out now before it is too late. Our so-called American image is getting worse day by day and personally I can see why.

Thank you for speaking up, against all the odds, and trying to give truth to your fellow Americans.

Sincerely,

Miss CARYL MASSERMAN.

TOLEDO, OHIO
April 12, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We wish to congratulate you on your fine speech at Athens, Ohio, condemning the Vietnam war. President Johnson's lack of experience is leading us deeper into this conflict and action should be taken at once by our senior Senators to terminate this war. This war is hopeless and in my opinion it cannot be won. The most we can hope for is a stalemate. We didn't win the Korean war and this one is much more difficult considering the location. Its extremely hard for me to understand why the United Nations is not involved. We talk about opposing communism but there isn't one Russian soldier involved. Why? There weren't any Russians in Korea either. Why? This indicates that Russia is much smarter than we are as they get other people to do their fighting. This is a bad reflection on Mr. Rusk and Mr. McNamara. Why isn't Australia and New Zealand afraid of southeast Asia going Communist and furnishing fighting men.

This is a very unnecessary war and if it spreads we will lose all our resources; the most valuable—our young men—and everything possible should be done to get it stopped.

Yours truly,

V. E. STACY.

RICHMOND HILL, N.Y.,
April 14, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: We wish to express our deepest gratitude to you for your continuing efforts to bring about an end to the war in Vietnam.

Sincerely,

ETHEL C. NAGEL,
CARRIE NAGEL,
FLORENCE MASON.

NEW YORK, N.Y.,
April 10, 1965.

DEAR SENATOR MORSE: Last night I was able to hear your speech on film that was made before the Yale Law School.

I would like to say, sir, that I support your views 100 percent and I only wish that my own representatives would have the courage to stand up and speak the truth.

I am writing to ask you for more facts concerning the situation since I find the daily press more concerned with Pentagon press releases.

If you would tell me of what way I can help you I would appreciate it.

Sincerely yours,

DAVID J. FINNEGAN.

APRIL 12, 1965.

Hon. WAYNE MORSE.

DEAR SENATOR: I want to tell you of what I think of the cause you are fighting for. If only there were more good men like you. There wouldn't be the worry of war and the suffering they cause. Greed and pride guide too many of our elected Senators. I guess I shouldn't say "pride" for there couldn't be any if they just could think of others instead of just their selves. May God help you and others that are carrying the burden of trying to bring peace to mankind.

Sincerely yours,

R. L. RAMSEY.

GOLETA, CALIF.,
April 15, 1965.

SENATOR WAYNE MORSE: I am in total support of your stand on the war in Vietnam. Keep up the good work. Hope you can speak in Santa Barbara at our "teach-in" on Vietnam May 8.

I would greatly appreciate your sending some of your recent speeches on the war.

Peace.

PETER RELIS.

MILFORD, CONN.,
April 14, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The President's fine recent statement on Vietnam is helpful in providing alternatives to the present policy of continuing to escalate the war.

However, more dialog is necessary to get helpful suggestions toward a sound, balanced, and more effective policy in southeast Asia.

Enclosed is a reprint of an excellent article that contributes significantly to this end. It is entitled "How America Can Help Vietnam" and was written by Norman Cousins, editor of the Saturday Review, and appeared in the March 20 issue as an editorial.

It would be most appreciated if you would read this article and send me your considered reaction.

Very sincerely yours,

ROGER W. BURNHAM.

HOW AMERICA CAN HELP VIETNAM

(By Norman Cousins, editor, Saturday Review of Literature)

The problem in Vietnam is clear enough. What is not so clear is whether American policy and action in Vietnam are meeting the problem or whether they may be creating a larger one.

The original problem in Vietnam is represented by an unremitting Communist campaign of terror, assassination, and brutality against the South Vietnamese people and Government. The campaign has its origin in North Vietnam but many South Vietnamese are part of the undercover army, known as the Vietcong. What concerns the United States at least as much as the disorders in South Vietnam is the spread of Chinese Communist influence or dominion in southeast Asia.

The reason it is not clear whether the United States knows how to meet the problem is that the more deeply the United States becomes militarily committed in South Vietnam, the greater its apparent difficulty in attracting the support of the people it is attempting to save. Popular demonstrations of a non-Communist nature against the United States are mounting. In private briefings U.S. officials concede that the large majority of South Vietnamese are opposed to the U.S. presence.

Inevitably, this raises the question of the legal or political basis for American military action in the area. When the United States went into Vietnam in 1955, it said it did so at the request of the Vietnamese Government, then headed by President Ngo Dinh Diem. But that government has long since been violently overthrown. What makes the matter even more pointed and portentous is that, according to Frederick E. Nolting, Jr., former U.S. Ambassador to South Vietnam, the United States was directly engaged in the plot to subvert and overthrow the Diem regime. Whether that government was good or bad or in between is irrelevant; if the United States was in fact engaged in subverting the Vietnam Government—or any government, for that matter—then under the precedents existing in international law and expanded at the Nuremberg trials, those American officials who were involved in the episode are guilty of murder. A situation raising parallel questions existed in Laos in 1960 and 1961 when the United States equipped and paid the salaries not only of the armed forces of the duly constituted and elected government but of the insurrectionist group that was pitted against it.

We have made it clear to ourselves that our presence in Vietnam is in our national interest. But we haven't made it clear to the Vietnamese that our presence there is in their national interest. If this failure should persist, then why are we any better than the French in Algeria or the British in India or the Portuguese in Angola? The whole thrust of the 20th century is to keep the separate national interests in check and to substitute peacekeeping machinery for unilateral action, no matter how great the provocation or urgent the problem.

In any case, when the United States says today it is undertaking military action at the request of the South Vietnam Government, it is not clear which government it is talking about, or whether any genuine government does in fact exist. The repeated changeovers in the Vietnam Government indicate that the problem of stability is not represented solely by subversion from the North. One way or another, the principle of self-determination, at the core of historic U.S. foreign policy and traditions, does not now exist in Vietnam. The full implications of this fact may have a greater bearing on America's posture of world leadership than any military reversals in Vietnam.

The related question that has yet to be answered is: What lies beyond the bombings of North Vietnam? Let us assume that the bombings do not lead to a wider war. Let us also assume that they accomplish their announced purpose of destroying the military installations of North Vietnam and persuading the Hanoi Government to cease its subversive activities against South Vietnam. This still leaves a large part of the problem. Most of the arms used by the guerrillas and undercover fighters in South Vietnam do not come from Hanoi but from the United States. The arms are captured by the Vietcong or are turned over to it. And even if the Vietcong retires altogether, what about the large majority of the Vietnamese who by this time have become bitterly opposed to the United States and to any government that would be responsive to American will? How is stability to be defined?

It ought to be the first fixed rule of our foreign policy never to go into a country with guns for the purpose of creating stability unless we also have an idea about making a better life for the people. Nothing could be more naive or ineffectual in the modern world than the notion that we can combat communism without a fully formed ideology of our own, an ideology that doesn't speak of freedom in abstract terms but relates it concretely to a specific program for fighting hunger, disease, indignity, and joblessness.

The United States did and does have an economic program in Vietnam and Laos but that program lacks grandeur. It is good but not good enough. It doesn't begin to compare in scope or depth with the military program. It doesn't sing out. It is the old story of ready dollars for bombs but reluctant dollars for a better world. In any event, the big and bulging fact about Vietnam is that our policy there has not worked. Instead of recognizing that there may have been something inherently wrong with the policy to begin with, we have allowed our exasperation and frustration to push us even further down an impassable road. But policy-by-exasperation is no substitute for vision.

Another question that has yet to be clarified concerns SEATO. Why has the Southeast Asia Treaty Organization been absent from South Vietnam? In taking leadership in the formation of SEATO, the United States said its purpose was to create a collective military mechanism for underwriting the security of that area. A threat to the security of that area now exists. The United States has said it exists. Where, then, is SEATO? Have the other governments decided that the central problem in Vietnam cannot be met by military means? Or is the operation of SEATO so amorphous that there is no way of knowing in advance what the circumstances are that would produce joint decisions and joint action?

More important still: The United States has said that the world's best hope for peace lies in the United Nations. The past four U.S. Presidents have all gone before the United Nations to proclaim American support for the objectives of the United Nations and to do everything possible to promote the development of the U.N. into an agency with the effective powers of law. How, then, can we reasonably go outside the United Nations if Vietnam constitutes a threat to the peace?

True, one reason it may be difficult for the United Nations to act effectively in Vietnam is that all the parties involved in the conflict do not belong to the United Nations. Even so, U Thant, Secretary General of the United Nations, has proposed a way of starting negotiations looking to a possible solution. He has done so because the military actions in Vietnam could erupt into a world war in which the full destructive power of nuclear weapons would come into play. But the United States has not accepted the recommendation and good offices of the U.N. Secretary General. What would the United States say if another nation acted in this manner?

In 1956 President Eisenhower condemned the military action of the French and British in Suez. He did not doubt that French and British interests were being jeopardized by Egypt, but he believed that the proper way to pursue such questions was through the machinery established for that purpose. And even if the machinery was inadequate, the interests of world peace came first. He said that the biggest need of our time was for the development of principles of world law. And he said that the United States could not maintain a double standard, invoking world law against its foes and bypassing it for its friends. Appropriately, the United States turned to the United Nations to eliminate the threat to the peace in Suez.

The question, therefore, emerging from Vietnam today is whether the United States has a double standard by which it judges others and exempts itself. Do we support the principle of world law through the United Nations in all cases except those in which we feel it is to our national advantage to do otherwise?

We say again, as we said in this space 2 weeks ago, that the choice in Vietnam is not between total victory and total withdrawal. It is late but not too late to do the things that might yet serve the purposes of stability in the area. First, we can welcome the good offices of the United Nations in exploring the possibilities for effective negotiation or settlement. Second, we can call upon the United Nations to concern itself with the general threat to regional and world peace represented by terrorist actions in South Vietnam. Third, we could propose that the United Nations proceed immediately with the lower Mekong River Valley development project recommended 8 years ago by the United Nations Economic Commission for Asia.

The lower Mekong affects the lives and well-being not just of the Vietnamese but of many millions of people in Laos, Thailand, and Cambodia. The project would make possible a second crop in vast areas that now have only one crop because of the dry season. It would generate hydroelectric power for the entire basin. Most important of all, it could shift the focus of attention to the constructive possibilities of joint action in the common good. And if offers the United States an outlet for those things we know how to do infinitely better than superimposing a military presence. We could help develop the natural resources of the area in a way that would give the people something to excite their imagination and enlist their passions in the making of a finer tomorrow.

These things are vital—not just because it is necessary to bring peace and purpose to a pockmarked land but because it is high time that American actions in Vietnam came into harmony with American traditions.

In a totalitarian society, the government demands that its citizens take pride in their nation whether it deserves it or not. The uniqueness of a free society is that the citizens have it within their means to shape the kind of nation in which honest pride is possible. So far, there is little warrant for pride in Vietnam. But a combination of objective thinking and moral imagination might yet save Vietnam and provide a tonic for both the national pride and the national conscience.

[From the St. Louis Post-Dispatch, Mar. 9, 1965]

OFFICIAL HYPOCRISY ABOUT VIETNAM

One unpleasant side effect of the kind of policy our Government is pursuing in Vietnam is the moral deterioration that attends official efforts to justify it. Truth is an early victim in such circumstances, as U.N. Secretary General U Thant has observed. And the moral slippage is progressive. Little white lies have a way of rapidly giving way to whoppers; fraud and hypocrisy gain ascendancy over candor; doubletalk becomes habitual.

President Johnson and Secretary of State Rusk exhibit the classic symptoms of this ailment as they strenuously seek to convert Members of Congress, the diplomatic corps, and the public to their point of view on Vietnam.

The President, for example, keeps telling his visitors that there has not been a single sign of any interest in negotiation from Hanoi, as if this were the major obstacle to diplomatic efforts to end the conflict. He has, however, demanded that North Vietnam "end its aggression" as a precondition of any negotiation. Would we negotiate if talks hinged on our first withdrawing from South Vietnam? Of course not. The obstacle to diplomacy, therefore, is quite as much the precondition set by President Johnson as it is unwillingness in Hanoi to talk. The United States should stand ready to negotiate whether Hanoi does or not.

Nowhere does truth take so much punishment as in Secretary Rusk's repeated description of the Vietnam conflict as a simple case of aggression across national frontiers—like Korea, like Hitler's invasions, and so on. If this were the simple truth, as the Goldwater extremists have always claimed, then our moral posture in Vietnam would be defensible. But the complex truth is that national aggression and support of a native revolution are not the same thing; that the great majority of Vietcong guerrillas are natives, not outside infiltrators; that the 1954 Geneva accords did not establish South Vietnam as a nation, but on the contrary clearly intended all of Vietnam to be unified under a government chosen in free elections; that our own Government supported South Vietnam in refusing to hold those elections, and has done as much as anybody to destroy the military neutrality that the 1954 accords sought to establish for the whole of Vietnam.

When Mr. Rusk says we are only repelling aggression, he is stating the proposition to be proved, without proving it. In all honesty, the United States cannot support the claim that our military aid is a noble defense of freedom while North Vietnam's is a reprehensible act of aggression. That may be why our Government has never presented the case to the United Nations, the proper and lawful body to decide when aggression has been committed and how it should be responded to. In candor, the United States shares responsibility for the conflict in South Vietnam and must end its own intervention as a part of any peace settlement.

The President and Mr. Rusk speak as if no peace settlement is needed, but only a wtihdrawal by North Vietnam. The fighting will not be ended by fiat, however. There will have to be a settlement in some form, and the best basis for it remains the principles of the 1954 Geneva accords, which the Johnson administration so righteously accuses Hanoi of violating.

Those principles were: an immediate ceasefire, an immediate freeze on the levels of foreign troops and military aid, followed by gradual withdrawal; no foreign military bases to be permitted anywhere in Vietnam; respect by all concerned for the "independence, unity and territorial integrity" of Vietnam; unification to be achieved within 2 years under a government chosen in free elections, internationally supervised; protection for persons and property, and no reprisals for past activities in the civil war.

The main lines of these accords still hold good, though of course they would have to be adapted to meet changed circumstances. Unification, for example, may now have to be delayed until passions of the civil war cool. But military neutralization of the whole of Indochina could be established, with more direct guarantees by all interested parties than in 1954. Under such terms American troops could be gradually withdrawn and the future of Vietnam left to the decision of the Vietnamese people.

The Johnson administration keeps contending these are its only aims—that the United States covets no territory, no military position, no bases, no political gains. The best, and the most honest way to realize such aspirations—if indeed we entertain them—is through an honorably negotiated peace settlement.

ON THE WAY TO THE BRINK

(By Walter Lippmann)

The war in Vietnam has reached the point where the President is wrestling with momentous and fateful decisions. For what has happened is that the official theory of the war, as propounded by Gen. Maxwell Taylor to President Kennedy and by Secretary McNamara to President Johnson, has proved to be unworkable. The Government in Saigon has not been able to pacify South Vietnam even with the help of American munitions, money, and 25,000 military advisers. The crucial fact today is that for all practical purposes the Saigon Government has lost control of the countryside, and its followers are increasingly holed up in cities.

The roads and the railroads connecting the cities have been cut by the Vietcong. The cities now have to be supplied in great measure by air and by sea. This condition of affairs has been well reported by Mr. Richard Dudman in a series of reports to the St. Louis Post-Dispatch, and his findings are confirmed in all essentials, though not yet publicly, in the well-informed quarters in Washington.

The surest evidence that Mr. Dudman's reports are substantially correct is that in the Pentagon and the State Department there is mounting pressure for the commitment to southeast Asia of American infantry. The current estimate is that the President should be prepared to send 350,000 American soldiers, even though this would compel him to order a mobilization of reservists and draftees.

This call for American ground forces is the logical and inevitable consequence of the virtual collapse of the Saigon Government in the villages. Having lost the countryside, Saigon has lost the sources of military manpower. This deprives it of the means for winning the war. The official estimates today are that the Saigon Government commands forces superior to the Vietcong by a ratio of not quite 5 to 1. Experience shows that no guerrilla war has ever been subdued with such a low ratio of superiority. It is estimated that in Malaya, the British and the Malayans, who were fighting the indigenous Chinese guerrillas, reached a superiority of 50 to 1. In Cyprus, which they gave up, the British had overwhelming force. In Algeria, though the French army had unmistakable superiority, the country became untenable. It is the deficiency in South Vietnamese military manpower which explains why the pressure is now on to put in Americans to fill it.

After 2 months of bombing North Vietnam, it has become manifest also that the bombing has not changed the course of the war. As a result of this disappointment, the President is now under pressure to extend the bombing to the populated centers around Hanoi and Haiphong.

There is no doubt that American air power can devastate North Vietnam and, if China intervened, could do great damage in China. But if we had an American army of 350,000 men in South Vietnam, and extended the war in the air, we would have on our hands an interminable war without the prospect of a solution. To talk about freedom and national independence amidst such violence and chaos would be to talk nonsense.

In order to rationalize, that is to sell, the wider war, we are being told by Secretary McNamara and others that this war is a decisive test for the future. It will decide the future of wars of liberation. This is a profoundly and dangerously false notion, and it shows a lamentable lack of knowledge and understanding of the revolutionary upheavals of the epoch in which we live. It assumes that revolutionary uprisings against established authority are manufactured in Peiping or in Moscow, and that they would not happen if they were not instigated, supported, and directed from one of the capitals of communism. If this were true, the revolutionary movements could be suppressed once and for all by knocking out Peiping or Moscow. They little know the hydra who think that the hydra has only one head and that it can be cut off.

Experience shows that there is no single central source of the revolutionary upheavals of our epoch. What is there that is common to the Irish rebellion, to the Jewish uprising in Palestine, to the civil war in Cuba, to the Arab rebellion in Algeria, to the Huk revolt in the Philippines? What is common to them all is violent discontent with the established order and a willingness of a minority of the discontented to die in the attempt to overthrow it.

What has confused many well-meaning Americans is that in some of these rebellions, though not by any means in all of them, Communists have become the leaders of the rebellion. But that does not mean that they have owned the rebellion. The resistance to the Nazis in France and Italy contained a high proportion of Communists among the active partisans. But 20 years later it is General de Gaulle who presides over France.

It would be well to abandon the half-baked notion that the war in southeast Asia will be decisive for the future of revolutionary upheavals in the world. Revolution is a homegrown product, and it could not be stamped out decisively and once for all—supposing we had such delusions of grandeur—by stamping out Red China. In southeast Asia we have entangled ourselves in one of the many upheavals against the old regime, and we shall not make things any better by thrashing around with ascending violence.

[From the Eugene (Oreg.) Register-Guard, Apr. 8, 1965]

LIMITED WAR

A funny thing has happened between November and April. Those who were most critical of Barry Goldwater last fall because of his tough line on southeast Asia are now President Johnson's principal critics in the Vietnam dispute. Conversely, those who thought Johnson was too wishy-washy then are in his corner now. The President finds a champion in Nixon, a foe in Morse.

But the whole thing is not so topsy-turvy as a first look would make it appear. The difference between the Goldwater and Johnson approaches is explained in part by the Riverside (Calif.) Press-Enterprise.

Senator Goldwater said he would try to win the war in Vietnam. President Johnson doesn't want to lose it, but doesn't think, as we get it, that a people can be won over by annihilation. Nor does he want to carry the war so far that it could erupt into a general, global fire-storm. The President says he will negotiate at any time the Communists feel the burdens of war intensely enough to buy a compromise which, from this country's point of view, would be honorable and enforcible. Senator Goldwater and his admirers scoffed at the idea of negotiations.

The idea of limited war, a war that would be neither lost nor won, was at the heart of the Truman-MacArthur controversy. Yet, it is a concept that was not foreign to our ancestors. In the colonial age and the age of rising nationalisms, many wars were fought less to attain a new objective than to maintain a status quo. The idea of unconditional surrender, winner take all, is relatively new—with only such ancestors as Carthage.

VIETNAM: AMERICA MUST DECIDE BETWEEN A FULL-SCALE WAR AND A NEGOTIATED TRUCE

A spiraling exchange of blows and counter blows in Vietnam can lead to a major war involving the United States and China—a war nobody wants and no one can win. The present tragic conflict can only be resolved by political, not military means. Join with us in asking negotiations to end the war in Vietnam. Help mobilize public opinion to stop the widening of the war.

Bombing North Vietnam will not stop the conflict in South Vietnam. Widening the war only serves to invite the intervention of the North Vietnamese regular army, the U.S.S.R. and China.

SEEK A CEASE-FIRE

No issues will be decided by prolonging the bloody and fratricidal conflict in South Vietnam. The fighting must be brought to a halt so that the devastated nation may recover.

NEGOTIATE AN INTERNATIONAL SETTLEMENT

Now, before the war escalates into a major disaster, means must be found and found urgently to take the issue from the field of battle to the conference table.

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IT'S STILL GAS

One of the most disturbing bits of news from the disturbing battle zone in Vietnam is the announcement that South Vietnam's troops are using nonlethal gas. This is not the mustard of World War I memory, but a kind of gas that makes victims temporarily ill. It can be argued that this is really humane, as the work of war goes, because the victim soon recovers. But it's still gas.

The danger is that in using this gas one side, our side, has pulled the plug out of the bottle. If one side can fight with such a weapon, the other side can retaliate with such a weapon or a better one. How big a step is it from nonlethal gas to gas that might be lethal under just the right circumstances? And then how big is the step to the real thing? What next? Germs? Will this lead to an "escalation" of a new and terrible kind?

There wasn't much humane about World War II. But no major power used poison gas, although all were probably prepared to—if the other side did first. The belligerents in World War II were not being polite. They were scared, each worrying about the new kind of gas the enemy might have and each hesitating to risk having its own troops and cities used as targets. It was this balance of terror that saved us.

The first use of a humane, little nonlethal gas is like the first use of a humane, little, low-yield atomic bomb. The important thing is not what that first bomb does, but what it could lead to.

The United States cannot wash its hands of such decisions in Vietnam. The world holds us responsible for what South Vietnam does, and the chances are the world is right. We lament both the use of the gas and the fact that it was our side that started it.

[From the St. Louis (Mo.) Post-Dispatch, Mar. 14, 1965]

THE AMERICAN MISSION

Apologists for the war in Vietnam argue two ways. On the one hand they say we face there an entirely new kind of warfare which we must learn and master lest we perish; on the other, they say the conflict is nothing new, but simply another chapter in a long struggle that began when doughty Harry Truman stopped the Communists cold in Greece and Turkey with the Truman Doctrine.

The arguments are contradictory, and illustrate why the Vietnam crisis has called into question the whole muddy philosophy of "containment," which has served all too long as substitute for a sane and balanced American foreign policy. The flaw in "containment" is that it makes no distinction between restraining the power of a hostile nation to injure our vital interests, and undertaking as a kind of world policeman to intervene in other nations' lives and beat down revolution wherever it appears. The first is necessary, the second is folly.

The Truman Doctrine did indeed have something in common with the "Dulles doctrine" now being followed in Vietnam, but not to the credit of either. In Greece as in Asia we intervened unilaterally in a nation's internal affairs to help the Government fight a Communist insurrection.

Fortunately the Communists were beaten in Greece without need for large-scale military operation by our forces as in Vietnam. They were beaten, however, not by the Truman Doctrine but by Tito's closing of the Yugoslav border, the main route for infiltration into Greece, after his split with Moscow. U.S. power did not "contain" the Soviet thrust into Greece; it was contained by the divergence of national interests within the Communist camp.

It was Mr. Truman's Marshall plan, rather than his venture in Greece, that proved to be our great success in helping free nations stay free, and thus restrain the undue expansion of Soviet national power. In Western Europe we gave massive economic aid; we held intervention in internal affairs to a minimum; we helped rebuild an already viable society whose people knew how to govern themselves; we were fighting economic distress rather than political revolution, hunger rather than communism.

The principles of the Marshall plan, of Mr. Truman's point 4 technical assistance, of the Alliance for Progress, economic development aid, the Peace Corps—these and not the doctrine of military containment ought to govern our policy toward underdeveloped lands emerging from colonialism, such as Vietnam. Only by building social and economic conditions that undercut the incentives for revolution can free peoples stay free—and then only if they want our kind of freedom badly enough to sacrifice for it.

Instead of pouring futile billions into a senseless Vietnam war, we should be investing millions in the U.N. plan for Mekong river development.

There will be occasions when judicious military aid may help a beleaguered government stave off revolution long enough to effectuate needed reforms itself. A strong and vital government with the confidence of its people can win a civil war, even when the rebels are getting outside support. But when a government loses the elementary power to preserve order—when armed troops successfully challenge its authority—revolution is often inevitable. It is then utter madness for the United States to take over a war which the people themselves will not wage. Any victories are bound to be temporary, and can gain us only hatred by oppressed peoples elsewhere.

Our country has a long history of armed intervention in Latin America's internal politics—the latest venture being the Bay of Pigs invasion of Cuba in 1961—and not once has the policy well served our own interest in the long run. It cannot serve our interests in Asia or Africa either. We do not have the right, or the power, to decide for any nation what kind of society, economy or government it shall set up.

Must we then reconcile ourselves to triumph after triumph for communism, until at last America itself is conquered? The Birchites and other fanatics with little faith in the power of democratic ideas hold this out as the only alternative to a holy war against the Reds. Neither history nor commonsense supports their view. National identity and the love of freedom are stronger than any ideology. Yugoslavia, Eastern Europe generally, even Ho Chi Minh in North Vietnam, all discredit the fears of a monolithic world revolution controlled by Moscow or Peiping.

What Americans must understand is that revolutions will occur so long as social injustice endures. Some revolutions will take a Communist form or be exploited by Communists. But this does not mean they will become mere agents of Russian or Chinese national power, nor does it mean that the United States has a messianic mission to suppress revolution everywhere in the world.

The American mission is to develop our own society into the best of many in a diverse world; to aid peoples, not governments, in the struggle for a better life; to live at peace and unafraid alongside systems of which we do not approve.

[From the Oregonian, Mar. 13, 1965]

MORALE BOOSTED

The use of U.S. jet bombers against Vietcong concentrations within South Vietnam, starting less than 3 weeks ago, has brought no conclusive evidence of turning the tide of war. But evidence is hard to come by. It requires ground observation of the results of strikes and this is difficult in jungle and mountain areas.

One of the purposes of the United States and South Vietnamese air strikes across the 17th parallel, in North Vietnam, and of the employment of U.S. bombers and crews within South Vietnam, was to strengthen the will of the South Vietnamese ground forces to resist the Communists. Military and civilian sources report that the strikes have, indeed, encouraged the South Vietnamese. After all the talk in the United States of negotiation, withdrawal, and neutralization, this showing of U.S. determination to fulfill President Kennedy's and President Johnson's promise to go all the way to help South Vietnam remain independent has bolstered the morale of the military and of those civilians in South Vietnam who care.

The war in South Vietnam, of course, cannot be won by air strikes alone. As time goes on, however, positive results of this aerial support of the ground forces should become evident. Those who say the war is already lost may have to revise their opinion. The Vietcong are not supermen.

PENTAGONIAN PUSSYFOOTING

(By Richard Starnes)

Scarcely a month ago as the truth-seeking hindsight flies, U Thant stirred up the conditioned reflexes that lurk in all editorial pages when he said the American people "if they know the true facts, will feel that further bloodshed is unnecessary and that negotiations alone can create conditions which would enable the United States to withdraw gracefully" from Vietnam.

A lot of chronically short fuses sputtered angrily at the suggestion the American people are not being told the score in Vietnam, and poor Uncle T. was compelled to issue a statement that appeared to disavow what he'd said the day before. Close reading (a dying art in our soap-selling culture) discloses that the Secretary-General didn't really recant at all. But he seemed to and thus honor was saved.

Now we find that U Thant was uttering prophetic truth of a high order.

The American people are not being told the truth about the clandestine war that is being carried out against North Vietnam. American reporters have been arrested by U.S. troops (a circumstance that would have caused an outraged cry in a more vigorous day) and they have been denied access to news, at its source in Vietnam.

Reporters have been forbidden access to officers' clubs and mess facilities at the Da Nang Air Base and in the city of Da Nang.

This sort of totalitarian abuse never occurred in the blackest days of World War II. The theory in that war was that the people who were paying for it and sending their sons to die in it were entitled to know about it. Rump-sprung old correspondents flew combat missions, landed on beaches, shared the dangers, with the tough young kids who did the fighting. Ray Clapper and Ernie Pyle, to name just two of a gallant and tragic company, died in combat—armed with nothing but their determination to see the truth and write it.

There is no security consideration in the news controversy in Vietnam. War reporters exercise built-in precensorship; indeed all willingly submit to more formal censorship when circumstances demand it. But pruning potentially harmful facts from copy and choking news off at the source are two vastly different things. In the first instance, the enemy is properly deprived of information that might help him. In the second, it is the American people who are kept in shameful ignorance.

Defense Secretary Robert McNamara, who once shuttled between Saigon and Washington like an optimistic yo-yo, has long been displeased by the nature of the reporting from Vietnam.

Some weeks ago Mr. McNamara instituted a dangerous innovation by offering selected stateside journalists free 10-day junkets to Saigon, where they were to be met by military shepherds and shown any aspect of the war they wanted to see. I have been unable to learn if this determination to show everything to these U.S.-subsidized reporters included the air base at Da Nang, or in any event if it still includes it.

The official rationale of this experiment in news management was in exquisitely poor taste. It was to the effect that the arrival of handpicked squads of fresh—and inexperienced—reporters in Saigon would encourage resident oorrespondents to go more into the field and see what the war was really about. This, to be sure, was a thinly veiled libel of a courageous group of newsmen. Some (including Scripps-Howard's Jim Lucas) have spent far more days in combat than many American troops now in Vietnam.

These circumstances bring into sharp question the reliability of the accounts of the war that are being made available to the American people. Many air raids against North Vietnamese targets are now recounted only by Radio Hanoi—a bitter commentary on the present Pentagonian view of the people's right to know.

[From the Oregonian, Apr. 1, 1965]

ASIAN NOVELIST CRITICIZES UNITED STATES VIETNAM POSITION

WILLAMETTE UNIVERSITY, SALEM.—United States action in Vietnam is promoting communism and "you should pay attention to your Senator, WAYNE MORSE, on the Vietnam issue," claimed Dr. Han Suyin in talks at Willamette University, Tuesday.

Dr. Han, a doctor of medicine and successful novelist who knows many of Asia's leaders personally, criticized U.S. policy and actions in Vietnam and said "you're not reassuring your friends, you're frightening them and consequently losing them."

Dr. Han, who lives in Malaya, backed Morse's position calling for United States withdrawing a solution that she feels is necessary to achieve the ends which the United States claims to be seeking in Vietnam.

Her comments came during informal talks to students following a morning address on "The Many Faces of Asia," as part of the Willamette lecture series.

UNITED STATES SAID MISINFORMED

Dr. Han indicated that the United States is sadly misinformed on the Vietnam situation and that citizens in general are trying to take a short cut to knowledge on the basis of mass communication that still doesn't present the whole situation.

In speaking on the many faces of Asia, Dr. Han stated that the "bedrock problem of Asia today is that it did not invent the steam engine."

"While the western world has been involved in an industrial revolution for the past 400 years, only in the last 100 years has Asia begun to emerge from the feudal age in a struggle to assume its identity in the world."

POVERTY PREVALENT

Dr. Han indicated that 80 percent of the Asian population lives in the countryside, where peasants stagnate at the level of poverty.

"But," she added, "the peasant no longer accepts the problems of poverty as God-given; he knows they are from the hand of man."

Land reform was seen as a necessity before any industrial revolution and "we cannot look forward to anything but change and turmoil for at least the next two decades."

TRADE, NOT AID

"Trade, not aid," is the motto of Asia she declared. Restrictive tariffs have hindered external markets for Asian goods and poverty hinders internal markets.

She said any form of government that offers some measure of security, some measure of prosperity to the many people who are starving, will have the people's support.

"It is good for Americans to talk of freedom and democracy, but the word freedom is unknown to the peasant—it is not even in his language. He has only the freedom to starve," she said.

There has to be an overwhelming drastic reform in Asia from the bottom up. And it's not going to be attained by means of arms or might, according to Dr. Han.

[From the Sunday Oregonian, Mar. 21, 1965]

WHOM TO BELIEVE?

The U.S. State Department's so-called White Paper on Vietnam sought to document with records, reports, interviews and photographs its charge of "a brutal campaign of terror and armed attack" in South Vietnam "inspired, directed, supplied and controlled by the Communist regime in Hanoi" (capital of North Vietnam).

The document was unconvincing to Miss Angela V. Lane, whose letter appears on this page, and to some others who have communicated with the editor. Their general view appears to be that the United States has no business in South Vietnam; that the trouble is domestic, without proof of North Vietnamese aggression, and would be settled by the South Vietnamese themselves if the United States got out.

The State Department's report, the second on Vietnam, employs the usual strong statements of Government propaganda supporting the Government's position. But it also includes specific evidence to back up its charges. We see no reason to accept the doubts of the pacifists or the charges of anti-American propagandists as more valid than the evidence submitted by our own Government.

Miss Lane cites appendix D and her tabulation of 179 Communist-made weapons captured from the Vietcong. This was a list of weapons submitted to the International Control Commission by the government of South Vietnam on January 29, 1964. She does not document her statement that the reported weapons were only 2½ percent of the captured Vietcong weapons "during the same period." But the State Department reports elsewhere in the paper, for example, the capture of approximately 100 tons of arms, ammunition and supplies brought into South Vietnam by a single trawler. The White Paper gives examples of infiltration, of which appendix D is a sample.

Reports from correspondents, American and others, and from military personnel in the field support the statements of the White Paper in section II (to which appendix D refers, incidentally).

These are, in brief, that the Vietcong relied chiefly on weapons and ammunition left by the defeated French when the V-C campaign began in 1959, and that Ho Chi Minh's troops in North Vietnam were supplied mainly from the same source.

"As the military campaign progressed, the Vietcong depended heavily on weapons captured from the Armed Forces in South Vietnam," the White Paper continues. "This remains an important source of weapons and ammunition for the Vietcong. But as the pace of the war has quickened, requirements for up-to-date arms and special types of weapons have risen to a point where the Vietcong cannot rely on captured stocks * * *. Large and increasing quantities of military supplies are entering South Vietnam from outside the country. The principal supply point is North Vietnam, which provides a convenient channel for materiel that originates in Communist China and other Communist countries."

The White Paper may be subject to criticism—it does give evidence of having been thrown together in a hurry to meet a demand throughout the country for justification of the U.S. presence in Vietnam. But we see nothing in it to support Miss Allen's assertion that it is a "whitewash of the real facts." On the contrary, more recent evidence from the field is that the movement into South Vietnam of North Vietnamese soldiers and weapons has been greater than the State Department charged.

[From the Oregonian, Mar. 22, 1964]

DOWN THE ESCALATOR

As U.S. persecution of the war in Vietnam moves up the escalator, public knowledge of what is going on moves down. At the very time information is most important to the American people, U.S. officials in the Pentagon and in Vietnam clamp tighter the lids on such information.

Public knowledge of the course developments are taking at this critical stage depends on the 115 accredited correspondents in Vietnam. Time and again it has been proved that their reports have been more reliable than those channeled through self-serving military and diplomatic sources.

In the past few days correspondents have been arrested for venturing into sensitive areas. Each of the 115 has been subjected to a babysitting procedure—one information officer per correspondent. In effect, every source of information is screened. Not even in World War II was official monitoring so tight as it has become at some points in Vietnam.

The U.S. operation in Vietnam needs all the public support it can muster in America and throughout the world. It will not get that support by treating U.S. news correspondents in Vietnam as spies.

[From the Oregonian, Mar. 26, 1965]

RED CHINA'S THREAT

Should Red China carry out its threat to send its troops into Vietnam it could not expect to be granted, as in the Korean war, a privileged sanctuary in China. Yet the U.S. Government would be fat-headed, indeed, to disregard the threat. U.S. bombers could wipe out 100 million Chinese and there still would be 450 million or more to contend with.

What Mao Tse-tung may be considering this time is not the potential of a privileged sanctuary, but the possibility that the United States would not again, as it did at Hiroshima and Nagasaki, resort to nuclear bombs. Of course, the United States has no desire to bomb Red China even with conventional explosives. And almost certainly the use of nuclear weapons, which might bring the Soviet Union into a world catastrophe, could only be justified by a desperate menace to the United States or its principal allies.

Red China qualified its threat by saying it would send a land army when requested by the Vietcong (not by President Ho Chi Minh of North Vietnam). This may not mean anything. If Red China decides to move, it will not be governed by the wishes of the Vietnamese either north or south of the 17th parallel. It would be fatuous for Americans to consider this an idle threat, as we tended to do when Mao said he would defend North Korea if U.N. troops crossed the 38th parallel.

But the Vietcong's plea for world support against "American aggression," the Soviet muttering about "volunteers" and the Red Chinese threat may be evidence that U.S. policies of bombing the North Vietnam supply lines are bringing matters to a head. The prospect of a far bigger and meaner war could lead more quickly to a ceasefire and the conference table.

SAN FRANCISCO, CALIF.,
March 26, 1965.

Hon. WAYNE MORSE,
U.S. Senator.

DEAR SIR: I have written the Senators who do represent me but they have not chosen to take a stand against the criminal policy we are pursuing in Asia. I appreciate the daily argument you present from the floor of the Senate. You are acting from a moral standpoint and you are interested in establishing the basis for a world in which international law is regarded. I have no knowledge of the number of treaties the Soviets and Chinese have broken, but I do know that by our unilateral intervention in South Vietnam which violates the 1954 Geneva agreements and by our intervention in Laos which is in violation to accords to which we were a party, we are doing all we can to encourage, through our example, similar violations on the part of the states we normally accuse of being the ones most likely to violate international treaties.

But the problem is how do we get out of the present morass. Perhaps the President could make a statement to the effect that the information reaching him in the past was in error and that he has since found out the true nature of the Vietnamese situation and that having so become aware of true facts he now realizes just in time the best thing for the people of Vietnam is a U.S. withdrawal under the condition that the country be unified under the leadership of the North and that the further aid we would send would be in the form of materials to rebuild the country we have destroyed. This would be a voluntary reparation; it would save us more "face" than any other plan of disengagement I can think of. It sounds absurd for many reasons but what other way out is there for us now that the war is on the brink of a full-scale limited action.

The point of this is that we are now in too far for the North to back down. That is, of course, making the assumption which is probably in error that the North Vietnamese have the power to stop the guerrilla war in the south.

Perhaps what we need around the Capital is a bunch of lobbyists whose vested interest is the establishment of new relations between the states so that the developing countries would become customers of our factories who sell the means of production instead of just the product. If there were some voice other than the interests of those who stand to gain by the continuation of our present relationship with the underdeveloped world, that is, where we buy the primary products, then perhaps there would be enough steam for us to lead in decolonization instead of allowing the Communists to preempt the field.

Sincerely,

DONALD R. WASKEY.

THE CONGREGATION MISHKAN ISRAEL,
Hamden, Conn., February 22, 1965.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am enclosing a reproduction of an advertisement which appeared on Friday in the New Haven Journal Courier, the New Haven Register, and today in the Yale Daily News. This petition was circulated within only 3 days' time and yet it represents a group of prominent New

Haven citizens, all of whom voted for you in the last election.

In November, I departed from my own usual practice and publicly endorsed your candidacy from my pulpit, even though I had heretofore never used the pulpit for partisan politics. I spoke on your behalf because I believed that you represented the voices of sanity and decency in our Nation. I still feel this way and I am proud of your many achievements.

At the same time, like so many Americans, I deplore the military approach that our Government is using to solve the problems of Vietnam. Only today, Senator Goldwater complimented you on our recent bombing raids and went even further, suggesting the bombing of Hanoi but the American people voted for you and not for Senator Goldwater. Had they wanted his policies to prevail, they had the opportunity to elect him.

May I respectfully request that you reconsider our present actions in Vietnam and be willing to negotiate, in or outside of the United Nations, to make peace in that unhappy country and to secure an enduring peace among the nations.

Sincerely,

RABBI ROBERT E. GOLDBURG.

AN OPEN LETTER TO PRESIDENT JOHNSON

"We will never negotiate out of fear, but we will never fear to negotiate."

—President JOHN F. KENNEDY.

We support the appeal of the Secretary General of the United Nations U Thant, calling on the countries involved in the conflict in Vietnam to move "from the field of battle to the conference table" in or outside the U.N.

We believe that the military approach cannot lead to a real solution or serve the best interests of our Nation and that expansion of the war by any party threatens the peace of the world.

Merton C. Bernstein, Yale Law School.
Brereton W. Bissell, Human Relations Council.
Walter Brooks, New Haven.
Roger Burnham, Milford.
Rev. David Byers, Wider City Parish.
Mrs. Margaret Casanova, Hamden.
Dr. Arthur D. Chiel, Rabbi, Cong. B'nai Jacob.
Mrs. Shulemith Chernoff, New Haven.
Rev. William C. Coffin, Jr., Chaplain, Yale University.
Edward W. Cohen, Woodbridge.
George Conklin, Woodbridge.
Prof. Robert Dahl, Yale University.
Mrs. John B. Dick, New Haven.
Rev. Wade Eaton, Christ Church, New Haven.
Rev. Dr. Erwin D. Edmonds, Dixwell Congregational Church.
Prof. Thomas I. Emerson, Yale Law School.
Mrs. Ruth C. Emerson, North Haven.
Dr. Estelle E. Feldman, New Haven.
Dr. and Mrs. Stephen Fleck, Hamden.
Mr. Florence Frank, New Haven.
Laurence R. Freedman, M.D., Hamden.
Mr. and Mrs. Saul Friedler, New Haven.
Rev. Robert Forsberg, Wider City Parish.
Rabbi Robert E. Goldburg, Temple Mishkan Israel.
Paul Goodwin, Woodbridge.
Prof. Robert L. Jackson, Yale University.
Harry Klein, M.D., New Haven.
Mr. and Mrs. Bernard P. Kopkind, New Haven.
Rev. Robert W. Keeling, Spring Glen.
Kathleen and Kenneth Kuenster, New Haven.
Robert La Camera, M.D., New Haven.
Joseph Lalor, New Haven.
Prof. Paul Lavietes, M.D., Yale Medical School.
Prof. Robert Jay Lifton, M.D., Yale University.
Mrs. Betty Jean Lifton, Woodbridge.
Dr. and Mrs. Milton Lisansky, Hamden.
Rev. Sidney Lovett, Chaplain Emeritus, Yale University.
Prof. Stoughton Lynd, Yale University.
Rabbi Jordan F. Ofsayer, Congregation Beth-El.
Edward M. Opton, Woodbridge.
Herbert Paris, North Haven.
Mrs. Anita Pepper, New Haven.
Rev. William M. Philpot, Community Baptist Church, Hamden.
Irwin H. Pollack, New Haven.
Rev. Dr. Liston Pope, Yale Divinity School.
Mrs. Miriam Pouzzner, Hamden.
Prof. Charles A. Reich, Yale Law School.
Mrs. Celia D. Rostow, Hamden.
Mr. and Mrs. Leonard E. Sampson, Woodbridge.
Mrs. Shirlee Schaffer, Woodbridge.
Dr. and Mrs. Jerome M. Serling, Hamden.
Prof. Albert J. Solnit, M.D., Yale Medical School
Mrs. Martha Solnit, Hamden.
Mr. and Mrs. Robert C. Spodick, Woodbridge.
Jody Stadler, New Haven.
Dan Stewart, New Haven.
Prof. Clyde W. Summers, Yale Law School.
Earl F. Vaughn, Hamden.
Rev. Wallace T. Viets, First Methodist Church.
Mrs. Laurel F. Vlock, Woodbridge.
Richard Weinerman, M.D., Yale Medical School.
Prof. Paul Weiss, Yale University.
Donald Wendell, Human Relations Council.
Hubert C. H. Woodward, New Haven.
Prof. Arthur C. Wright, Yale University.
Prof. Mary C. Wright, Yale University.
Ronald Zimmerman, Woodbridge.

We urge all like minded people to write or wire their views to President Johnson, Secretary Rusk and Senators DODD and RIBICOFF.

Organizations or titles listed are for purpose of identification only.

Mr. MORSE. Mr. President, I should like to say to my friend, the Senator from Montana, that there is no question that an international conference has to be held to stop the war in Asia. To be effective it must have a third power force at the head of the table. Let us face it. Although the President talked about unconditional discussion, he really talked about bilateral discussion. There is no hope of settling the war by bilateral discussion. Does any Senator believe that North Vietnam and Red China would come to a conference table with their diplomatic tails between their legs? The very sitting down at such a conference under the proposal of the President would require first a surrender, and those countries have no more intention of surrendering than we or the South Vietnamese do.

For that reason, the majority leader is sound when he calls attention to the fact that Russia and Great Britain have the authority to reconvene a Geneva Conference. I point out most respectfully to our foreign allies that our allies have the authority under the United Nations Charter also to bring the third party force of the United Nations to the head of the table.

We shall have to come to such a procedure under international law unless we are going to lead mankind into a massive war. I say, with all solemnity, that the senior Senator from Oregon is satisfied, from what he has heard within the administration, that if we follow our present course of action in southeast Asia, 12 months from today there will be several hundred thousands of American troops in Asia and there will be thousands of them coming back in coffins. That is how serious I think the situation is.

My plea—and I am not ashamed to plead for peace—is a plea for an honorable peace under the application of the rules of international law. We cannot apply those laws while making war.

We cannot apply those rules of international laws while at the same time we resort to the law of the jungle. I would have the representatives of my Government read Lippmann, for Lippmann makes a devastating case against the administration's policies in the two articles that I have asked to have printed in the RECORD and the one by him that I had inserted last week.

Senators talk about the Geneva Accords. As Lippmann has pointed out, is it our argument now that there is a de facto government in South Vietnam? "Watch out" says Lippmann, "for that argument, for if you are going to argue that there is a de facto government in South Vietnam, then East Germany is a de facto government because it, too, has existed for over 10 years."

No, Mr. President. The Geneva Accords did not set up a government in either North or South Vietnam. The Geneva Accords set up two zones—no government, North or South. The United States set up a puppet government in South Vietnam. The United States took a Washington-trained South Vietnamese by the name of Diem to South Vietnam and put him in power, financed him, militarized him, and then, when he blew out as far as his leadership was concerned, we proceeded to support another puppet, and then another puppet, and one puppet after another.

We talk about having been invited into South Vietnam by an independent government of South Vietnam. There has never been an independent government in South Vietnam. Since the Geneva Accords there has been a series of American puppet governments. That is why we have stood in violation of the Geneva Accords from the very beginning, as has North Vietnam and, in my judgment, Red China, too, as well as the South Vietnamese and the Vietcong. In fact, most people still do not seem to know that the International Control Commission has so declared.

Are we going to be big enough as a Nation to recognize that we have committed wrongs in South Vietnam? Are we going to be big enough as a Nation to return to our ideals and say to the world that we are now ready to sit down at an international conference table, not controlled by the United States, not controlled by Red Russia and North Vietnam or Red China, or the Vietcong, or the South Vietnamese but a conference table at the head of which sit the representatives of the noncombatants?

In my judgment, that is our only hope to avoid a war, because we are about to escalate it now by sending over there increasing thousands of American men. We shall leave the Asiatics no choice but to respond. I fear that we shall be bogged down there for 10, 20, or 25 years, and then there will be no victory, because a military victory will not produce a peace.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may have 1 additional minute.

The PRESIDING OFFICER. Without objection the Senator from Oregon is recognized for 1 additional minute.

Mr. MORSE. We have reached the time in the history of mankind when wars can no longer produce peace, because new modern weapons are so devastating that they are bound to entrench people for hundreds of years in hatred for those who they will feel are the cause of the war.

Let us face up to it today. The Asiatic people will hate the United States for centuries if we continue our course of action in Asia. I have never advocated, and do not now advocate, the United States getting out of Asia. I am pleading for others to come in. I say to the Prime Minister of Great Britain, "It is nice to have your words."

I say to the Prime Minister of Canada, "It is nice to have your words."

I say to the Prime Minister of Italy, who is now in this country, "It is nice to have your words. But where are your men?"

Where are the British soldiers, the Canadian soldiers, the Italian soldiers, and the soldiers of all the other countries that are patting us on the back, egging us on? But their soldiers are not dying in South Vietnam. I am calling not for them to come in to make war; I am calling them to come in to keep the peace, as we keep the peace, through the United Nations, in the Gaza strip, in Cyprus, and have kept it in the Congo. I have been pleading for an end to warmaking in Asia and the substitution of peacekeeping. I am calling for as many divisions of men from as many countries as necessary to enforce a cease-fire order in Asia.

Mr. President, I am pleading for America to rededicate herself to the great ideal that Franklin Roosevelt set out in Cairo and Teheran 20 years ago—an ideal that was blocked from implementation by Great Britain—when Franklin Roosevelt called for an international trusteeship of Indochina. I am calling for an international conference with noncombatants sitting at the head of the table and the combatants on the two sides to try to see what we can do to set up a rule of law in Asia—honorable in its implementation to both sides—under which the third party force, through the United Nations, would maintain the peace in Asia until the happy day comes when the combatants can lay down their arms and there will be war no more. I am pleading for the nations of the world to all work together in trying to establish the seedbeds of economic freedom in Asia, so that the people can themselves, of their own volition, develop political freedom over the years.

That means that the nations of the world must maintain a peacekeeping force there—I care not how many divisions—so that there will be no massacre of human beings on either side of the dispute. The senior Senator from Oregon pleads for an honorable negotiated treaty whereby the South Vietnamese will not be massacred by the thousands, or the Vietcong by the thousands.

Let us not forget that the Vietcong are a party to the dispute. They happen to be the controlling force in much of South Vietnam, controlling more than 75 percent of the land area. I am advised that if an election were held in South Vietnam today, Ho Chi-minh would undoubtedly be elected president of both South and North Vietnam as would have been the case in 1956 when the United States prevented the very election called for by the Geneva Accords of 1954.

Let us extricate ourselves from this situation by insisting that others come in and establish the international conference for which I have pleaded for more than a year and a half on the floor of the Senate.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may have an additional 30 seconds.

The PRESIDING OFFICER. Without objection, the Senator from Oregon is recognized for an additional minute.

Mr. MORSE. I introduced certain material in the RECORD today, for it is my answer to reactionary columnists such as Mr. Chamberlain, whose column has charged me in effect with aiding and abetting the Communists. To those of us who raise our voices for peace I should like to say, "You must get ready for that kind of castigation." It constitutes a resurgence of McCarthyism. Mr. Chamberlain has not pointed out that the material I have introduced is cited in the free press of the free countries of the world; of course, it will be cited in the Communist press. But my voice will continue to be raised, no matter how much castigation I receive from reactionaries and warmongerers such as the Chamberlains in this country and others of his stripe. I shall continue to plead for an honorable peace before it is too late. I shall continue to try to help lead my country to a peaceful solution of this war crisis which, in my judgment, if it is escalated, can threaten the future of all mankind.

OUR MAJORITY LEADER MOVES FOR SANITY IN SOUTHEAST ASIA

Mr. GRUENING subsequently said: Mr. President, earlier today our distinguished majority leader, the senior Senator from Montana [Mr. MANSFIELD], a noted expert on the Far East, made an important declaration on a subject which should be in the minds of all Americans—the undeclared war in southeast Asia. I commend the Senator from Montana for bringing up the subject, because there has been great need for debate in this body and elsewhere in the Nation. Debate has been going on in various colleges, but so far it has been conspicuously absent from the place where it really belongs—in the Congress of the United States.

Senator MANSFIELD began by saying:

> It is time for some blunt words on Vietnam.

I agree.

He went on to say that while there is a great deal of talk about what the President meant or did not mean by his speech at Johns Hopkins University, on April 7, the bloodshed goes on, and people in both North and South Vietnam are dying.

He called for a cease-fire, for which the Senator from Oregon [Mr. MORSE] and I have been asking for over a year, so that there would be a reasonable chance of a peaceful settlement and a cessation of the slaughter.

He suggested that the conferences suggested for Cambodia might very well be extended to a discussion of the Vietnam situation.

Certainly, all rationally minded people should want to find a peaceful solution to a steadily escalating conflict which is on the eve of involving us in a major war possibly a thermonuclear holocaust. Every suggestion to prevent this should be gratefully received.

The Senator from Vermont [Mr. AIKEN] has rightly expressed the hope that the world will read and take note of what our distinguished majority leader [Mr. MANSFIELD] has said. Senator AIKEN correctly stated, in his comment, that it was plainly evident that unless reason returned, we would be headed into the most devastating conflict the world has ever known, and that we will not come out of it covered with glory because no one can win that kind of a war. I fully agree with the able Senator from Vermont.

I compliment the majority leader [Mr. MANSFIELD]. I join the Senator from Vermont [Mr. AIKEN] and the Senator from Oregon [Mr. MORSE], who also thinks, as he long has, that it is high time that discussions be had so that reason and the rule of law might be allowed to prevail over the warhawks who, as the advisers to the President to whom he listens, seem to be in charge of our national destiny.

MINIMUM WAGE IN THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, there appeared in the Washington Post this morning a very fine editorial entitled, "Minimum Wage in D.C." I certainly share the opinion of the Washington Post that minimum wage and hours legislation is a very necessary ingredient to the District of Columbia antipoverty program. I ask unanimous consent that this excellent editorial be printed in the RECORD at the conclusion of my remarks.

As one who has supported minimum wage legislation for a good many years, I am pleased and gratified with the tremendous general public support which exists in this city for improvements in minimum wage and hours conditions in the Nation's Capital. My colleagues will be interested to learn, I am sure, that the Washington Metropolitan Board of Trade recently withdrew its opposition covering a good many years to minimum wage and hours legislation. I am pleased that the Washington Board of Trade has seen fit to change its position on this very important matter and I wish to commend it for taking such action.

My colleagues will recall that I introduced S. 3233, a bill to improve wage and hours conditions in the Nation's Capital on May 1, 1962. I reintroduced the bill, S. 860 on February 19, 1963.

My Subcommittee on Public Health, Education, Welfare, and Safety, of which I have the privilege of being chairman, held public hearings on S. 860 on October 1, 4, and 8, 1963.

The Senate passed S. 860 on August 21, 1964, exactly as it was reported by the Senate Committee on the District of Columbia.

I have reintroduced the bill, S. 19, this year and plan to hold public hearings on the measure as soon as my schedule permits. The District of Columbia Board of Commissioners in recent weeks have had a minimum wage and hours bill introduced in the House of Representatives which is my bill with a few minor and technical changes in it.

I wish to commend Congressman Multer and his subcommittee for the thoroughness in which his subcommittee has gone into this subject in recent weeks.

As I mentioned earlier, it is heartening to see the tremendous public support in the District of Columbia for new minimum wage and hours legislation. I wish to commend the Washington Metropolitan Board of Trade, organized labor, the District of Columbia Board of Commissioners, U.S. Department of Labor, League of Women Voters, religious and neighborhood organizations and the press for supporting much needed improvements in existing minimum wage and hours conditions in the District of Columbia.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Apr. 21, 1965]

Minimum Wage in D.C.

It is easy to get lost in the complicated details of the minimum-wage legislation for the District on which a House District subcommittee has been conducting hearings. But the principle behind these bills seems to us both simple and clear. A large number of people in this Capital City are working for less than a minimum living wage. That condition should not be allowed to continue.

The country is now thoroughly committed to minimum-wage laws. Four years ago Congress fixed the Federal minimum wage at $1.25 per hour, although some of the groups covered by that law will not reap the full measure of its benefits until the coming fall. In these circumstances it would be highly unreasonable to talk of a lower minimum in this center of high living costs. On the other hand, it is estimated that at least 100,000 employees in the District are not covered by any minimum wage law at present and the wages of some are far below the $1.25 figure. In these circumstances, a figure above $1.25 per hour for local industries would seem to be premature.

Both the Multer bill and the District Commissioners' bill would, therefore, accept the $1.25 figure as the goal to be attained. As previously amended by the subcommittee, however, the Multer bill would exclude from coverage more than 50,000 hourly employes and delay the full effectiveness of the $1.25 floor for some until 1968. Far more desirable is the Commissioners' plan of comprehensive coverage and adjustment to the Federal minimum within 6 months.

The Commissioners' recommendation is similar to the bill passed by the Senate last year. It cannot be regarded as drastic. If the net result is to increase the cost of services now being rendered in hospitals, nursing homes, some educational institutions and so forth, the recipients of such services will have to make the necessary adjustments. It is not sound policy to subsidize such agencies through the payment of less than a living wage.

Another important provision of the Commissioners' bill would allow them to adjust the $1.25 minimum wage to keep abreast of living costs, fair compensation and comparable work standards. Minimum wages should not be static while prices and economic conditions are constantly changing. It is necessary of course to relate the changes that can be made to specific finding on the part of administrative officials, but allowance for improvement as the economy itself improves should be regarded as vital.

This bill is a necessary part of the President's antipoverty program. It would be ironic indeed if a Congress which seems dedicated to the elimination of poverty elsewhere should remain indifferent to the payment of starvation wages in the Nation's Capital.

"WATER—THE ULTIMATE RESOURCE"—ADDRESS BY SENATOR LEN B. JORDAN, OF IDAHO

Mr. KUCHEL. Mr. President, no Member of the Senate is more experienced in the important field of water and water development than the distinguished junior Senator from Idaho [Mr. Jordan]. Senator Jordan has had a long lifetime of active interest in water problems, questions of reclamation, and reclamation development. He served as a distinguished Governor of his State. He graces this Chamber as an able member of the Committee on Interior and Insular Affairs.

Mr. President, you will recall with me that during the administration of President Eisenhower, Senator Jordan's services were used in Afghanistan with respect to that country's urgent problems of water development.

On April 13, 1965, Senator Jordan spoke before the Pacific Northwest Trade Association at Portland, Oreg., on the subject "Water—The Ultimate Resource." It is an extremely thoughtful address. Senator Jordan devotes himself to a number of specific questions that are of concern not alone to the Pacific Northwest but to each State in the American Union, as well.

I ask unanimous consent that the entire text of the address be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Morse in the chair). Without objection, it is so ordered.

The address is as follows:

Speech by Senator Len B. Jordan Before the Pacific Northwest Trade Association Portland Meeting on "Water—The Ultimate Resource," April 13, 1965

I am pleased to participate with the members of the Pacific Northwest Trade Association in this, your 53d conference, on the important subject of water.

Your fine organization is commended for the excellent public service it has rendered back through the years in providing a forum for discussion of current problems.

This is the third time I have been privileged to speak to you and I sincerely hope that my remarks here today will be of interest to you.

Water is more than a natural resource—it is a necessity of life. Here in the United States we have lived more than 200 years before the water problem became generally acute. But the uses we make of water in modern society are so tremendous that they stagger the imagination.

The coming of our industrial era, the raising of our living standards, and the increased application of water to land have now highlighted the problems until in much of the Nation there is grave and increasing concern over water resources.

Planning for the development of water resources has undergone a marked evolution during the past 50 years. At the turn of the century the use of water resources was planned largely on a single-purpose, single-project, single-agency basis. Too frequently other equally important uses of water were overlooked. This was because no agency was authorized to plan for comprehensive development. Each carried out its specific function as prescribed by law.

The local people, through established agencies, such as State water resource boards and/or interstate compact commissions should have an effective voice, along with the Federal agencies in this planning which would recognize and properly weigh all the varied and sometimes contrary programs affected by the proposed development of water resources.

Here in the Northwest we are especially favored with an abundance—sometimes a superabundance—of potable water. This is not to say that our water is always available in the right place at the right time. The problems of distribution are always with us. How to capture nature's rainfall on our watersheds and then by proper storage and supply management mold this water resource to best achieve its multipurpose benefits is a real challenge, but one that is richly rewarding. These multipurpose benefits must include domestic, industrial, reclamation, power, navigation, recreation and fish and wildlife. No longer can we tolerate single purpose planning.

One basic point I wish to emphasize early in this statement is the interdependence of land and water. Any serious study or planning for one must necessarily and inevitably involve the other. Sound water resource development depends first of all on a healthy, well-maintained watershed. This is of primary importance.

Several years ago I spent a summer in Afghanistan investigating the economic feasibility of a large reclamation development. There I found that centuries of watershed abuse had first removed all of the timber from the slopes and the higher elevations. Overgrazing had contributed to the destruction of the brush and grass cover, leaving insufficient vegetation to retard the runoff. Erosion was inevitable and devastating almost beyond belief. Soil movement had bared the hillsides to bedrock so that there was little more runoff retardation than from the roof of a building.

Masonry arched bridges perhaps a quarter of a mile long stood stark and desolate in the desert, mute evidence to the fact that a rampaging river had dammed its own channel by lodging debris against the bridge piers and then cutting a new channel as if in defiance of man's effort to contain it. At flood stage the river was a monster out of control. In the heat of summer when water was most needed the river would shrink to a docile, sluggish stream, an altogether inadequate fraction of its flood stage.

In Afghanistan I have seen drifting sand dunes uncover the houses of a village that was once the center of an irrigated agricultural community. Here are the ghosts of a civilization that perished for lack of water—a silent indictment of man's refusal to observe sound conservation practice.

This is where I learned more of the importance of watershed protection against complete ruination. Here it was indelibly printed in my mind that we cannot take for granted that water will always be available downstream, no matter how we abuse the watershed upstream.

In the Columbia basin most of the watershed is federally owned. This poses a real problem because the funds available for watershed protection on public lands are not adequate. Moreover, funds which provide technical assistance to private landowners for soil conservation have been substantially reduced in the administration's budget.

In order to protect our watersheds, sometime in the not too distant future, it may be necessary to levy against power sales for headwater conservation purposes, including additional storage. A very small assessment per kilowatt-hour on all power sold, public, private, Federal and non-Federal alike could provide a fund to keep the watersheds healthy. A prudent businessman employs similar methods to protect his long-range interest. No less prudent should be our approach to sound conservation and watershed protection.

A second point I wish to make is that there is no single uniform policy, no magic formula relating to water resources which can be applied to all parts of the country at all times and in all places. The problems involve particular needs and uses of water from State to State, from basin to basin, and from region to region.

While it is generally sound to plan coordinated development of water resources by large river basin areas, it is possible to place too much importance on this concept without giving full consideration to the States as sovereign units in basin complexes because the larger river systems have no respect for State lines. For example, basin planners must concede the validity of water rights that are protected under State law.

Too often the upstream States of a river basin are short changed in the allocation of benefits derived from main-stem plants downstream. A case in point is the Columbia Basin. Testimony before congressional committees indicates that some 13 million average kilowatts of hydroelectric power can be developed in the U.S. portion of the Columbia River Basin that will be cheaper than an alternate source. Most of this power development will be in the State of Washington or on its boundary. Yet the watersheds of the State of Washington will supply but a small part of the water that passes through these main-stem turbines.

Washington watersheds contribute less than 3 percent of the water at Grand Coulee, 8 percent of the water at Chief Joseph, and 13 percent of the water at McNary. Thus, most of the water originates on upstream watersheds, but the downstream reclamation projects receive a lion's share of the benefits. Simple equity would call for a sharing of downstream benefits with upstream States which supply the water.

Insofar as upstream Canada is concerned the United States-Canada treaty gives recognition to the contribution that will be made by yet-to-be-built Canadian storage. A cash payment of more than one-quarter-billion dollars has been made by the United States to Canada. This will pay for Canada's entitlement to a share of increased production at U.S. plants downstream made possible by Canadian storage for a 30-year period. Bear in mind that not 1 gallon of new water will be added to the Columbia. What will be accomplished is a partial regulation of the streamflow, storing the flood peaks, and releasing the water when normal streamflows are lowest. In addition Canada will receive $64 million for flood control benefits to the United States.

This treaty is a great step forward in river basin planning. As a former Chairman of the U.S. section of the International Joint Commission, I was privileged to work on the early stages of the Columbia Treaty and I know first hand the months and years of assembling the basic data which preceded the additional months and years of hard bargaining. The significant fact is that an accord was reached and consummated in a treaty thus indicating, at the international level, a meeting of trained minds as to the value of upstream watershed and storage resources.

Likewise the upstream watershed and storage resources of Montana, Idaho, Wyoming, and Oregon make a contribution similar to, and perhaps even greater than, that to be made by Canada.

Now someone will probably challenge this comparison on the basis that much of the U.S. headwater storage is for reclamation and that part of this water is consumptively used. The answer is that the purpose of upstream storage is to capture the floods or at near the source and to release the stored waters as needed.

Irrigation accomplishes this purpose admirably. Even the water that is lost by transpiration or evaporation is returned in the form of added precipitation. Only that small part which becomes a part of the plant is truly lost.

In Idaho, on the Snake River alone, we have between 8 and 9 million acre-feet of storage now through reclamation projects. Two-thirds of this water returns to the Snake River during its low flows. Thus, by shaping and improving the runoff pattern, reclamation contributes substantial flood control benefits and hydropower benefits as well.

At the present time no provision is made for upstream States to share in downstream benefits and there is no provision in the law for such a sharing. Nor is there any provision in the law that would prohibit some such arrangement as a Columbia Basin project account through which upstream reclamation projects might share in the downstream power revenues as an aid to reclamation beyond the ability of the water users to pay. This is not an unreasonable arrangement.

Let us review briefly, the evolution of reclamation law. The basic reclamation law, beginning in 1902, required that the cost of irrigation facilities be repaid, but without interest. Even though such projects benefited directly many other people in the community, the water users were responsible for the repayment of the total cost. Under this general requirement the projects which were relatively simple and easy to build were constructed, leaving the more complicated and expensive ones undeveloped. Although many of these more complicated and expensive irrigation projects are desirable and worthwhile, the water users are unable to return the irrigation costs in full and it is thus impossible to establish their feasibility under reclamation law without repayment assistance from sources other than the project lands.

In recognition of this situation the Congress has from time to time, enacted legislation providing for the use of power revenues to assist in the return of costs of a reclamation project.

Up until now only an individual project-by-project approach has been legislated in the Pacific Northwest. To illustrate: the Columbia Basin Reclamation project of 1 million acres will require financial assistance in the amount of $474 million from power revenues from Grand Coulee Dam. By 1975 the power costs of Grand Coulee with interest will have been paid back to the Federal Government. The net power revenues from 1975 to 2022 are pledged to pay that part of the Columbia Basin reclamation project beyond the ability of the water users to pay. The water users on this project will pay $125 million.

This project is an outstanding example of a thoroughly sound reclamation project integrated physically and financially with a specific power project and using a substantial block of assistance from project power revenues.

However, under this piecemeal approach, the development of a reclamation project depended entirely upon the accident of location and the physical possibility of developing power in connection with irrigation on each specific project. Other reclamation projects of equal merit but having no direct tie-in with a hydropower installation could not be developed unless power assistance was made available from another source not directly a part of the reclamation project.

Congress has met this problem in three major river basins of the West by providing for the use of power revenues to aid irrigation on a basinwide basis. The effect of this action has made possible the development of desirable but isolated irrigation projects by providing financial assistance from the pooled net power revenues of all Federal power projects in the basin after power costs and interest have been repaid to the Federal Government. The basins where the basin account principle applies include the Missouri, the upper Colorado, and the Central Valley of California.

To date all efforts to implement a basin account for the Columbia have been unsuccessful. In lieu of a basin account a few isolated irrigation projects in the lower basin have been tied to a specific Federal power project not physically a part of or in any way connected with the irrigation project for which financial assistance is sought. In Idaho a recent reclamation project was authorized to receive financial assistance from all Federal power projects in Idaho.

In my opinion this practice discriminates unfairly against an upstream State which supplies much more water for main stem powerplants than the downstream State which is the sole beneficiary of all funds that might be available for irrigation assistance from these downstream plants. Moreover, it could lead to the rejection of a sound reclamation project in an upstream State in favor of a downstream project of less merit.

The use of political muscle to reserve all power benefits downstream exclusively for downstream reclamation assistance does violence to the concept of the interdependence of land and water resources. It works a gross injustice on upstream States simply because the accident of a State boundary may separate the upstream watershed from the downstream hydro plants.

Fish do not recognize State boundaries. The commercial salmon fishing industry of the Pacific Northwest was irreparably damaged by the building of Grand Coulee Dam, thus forever blocking salmon spawning on the hundreds of miles of upstream Columbia and its tributaries. Fortunately for the salmon industry two Northwest streams have been spared the dams that block salmon runs. They are the Fraser in British Columbia and the Salmon River in Idaho.

Idaho has no commercial salmon fishing but, recognizing the importance of the Salmon River to the industry, we in Idaho have been willing to withhold power development on the Salmon even though this great river has the greatest hydro power potential remaining undeveloped in our State.

Recently there was introduced in the Congress the administration's wild rivers bill which would designate six rivers in the United States to be preserved in their wild state. Included in the six are Idaho's Salmon and Clearwater Rivers.

Now we in Idaho agree that our two rivers have wild characteristics in abundance. We are not unmindful of the need to preserve for posterity something of this irreplaceable resource. We know, too, that two-thirds of the area of Idaho is federally owned, and that, of all the States in the Union, Idaho has the largest area set aside for a single purpose wildnerness use—a wilderness that is traversed by many miles of streams of unsurpassed wild beauty.

So in Idaho we have a double loyalty in our great love for the wild, in our determination to protect our great wildlife and recreation resources and in our desire to grow and develop agriculturally and industrially. We believe that these objectives are not incompatible.

We are pleased that Idaho can contribute so much in wild beauty, spawning grounds, wildlife and recreation resources, and water in great abundance to the community of Northwest States, but frankly we believe that someplace in this whole picture there should be a measure of reciprocity.

For many years the National Reclamation Association has been on record to the effect that reclamation development on a basinwide multipurpose basis is the only manner in which full utilization of river basin water resources can be realized.

A Columbia Basin project account should be properly funded. I do not contend that the Federal power projects alone shall carry the whole burden of assistance to future reclamation. Every hydro powerplant in the Columbia Basin should contribute to the project account whether it be Federal, private, or non-Federal public.

Federal power projects do not require licenses from the Federal Power Commission. All other hydro plants do require 50-year licenses. As in other river basin accounts no funds would be available from Federal hydro projects until the power costs plus interest are repaid to the Federal Government and then only such unassigned revenue that has not been already pledged as authorized financial assistance to reclamation.

In the case of licensed projects no financial assistance should be requested under existing licenses but should be a part of rate base for a license renewal.

The amount of assistance required and what legislation is necessary to implement a Columbia Basin project account are matters that should be discussed in a proper forum between the States involved and I believe the proper forum is a Columbia Basin compact meeting.

Back in 1951 when I was Governor of Idaho, at my instigation, a Columbia Basin compact proposal was made by Idaho to the other basin States. Over the years numerous meetings were held and more than once an acceptable compact seemed near accomplishment. Having worked on the Columbia Treaty, I know how worthwhile and productive such discussions can be. It is my hope that agreement among the States will soon be reached, for I earnestly believe the compact concept has a very real and mutually valuable place in interstate negotiations.

I regret, too, that the Columbia Basin was excluded from the Water Resources Planning Act of 1965 which I was pleased to cosponsor. The need is great for serious conferences between authorized representatives of the several States in the Columbia Basin. All of the States now have proper agencies to engage in open discussions of our many common problems. Certainly not the least of these common problems is the need for united action against unreasonable demands for out-of-basin diversion to another area.

I use the word "unreasonable" because I firmly believe that we cannot forever refuse to go along with a request for a study of the economic feasibility of exporting to another basin a reasonable percentage of the unused water of the Columbia River.

Of course, there must be adequate safeguards. Not one single acre-foot of water for which there is ever likely to be a use in the Columbia Basin could be considered surplus.

First of all we need to know in detail the demands for water of every conceivable use within our basin—not for 10 years or 50 years—but for as far as we can see into the future. Here is where united action in planning is all important.

On other occasions I have said that we in the Northwest cannot defend our right to waste many times as much water as originates in the whole Colorado River Basin. This statement has brought about much discussion. Not all of the comments have been favorable I assure you, but I stand by my original statement.

Let us consider for a moment, what has happened to another natural resource. Some of the critics who do not want to even talk about exporting water assume we have a vested interest in the natural gas that is imported into the Northwest from Canada and from the Southwest. The unique properties of water and gas need no elaboration here except to state that water is indestructible and the supply is renewed annually. Gas is both consumable and nonrenewable. Let us examine a little of the history of gas marketing:

Beginning about 1945, when wartime restrictions on the use of strategic materials were raised, the natural gas pipeline industry filed with the Federal Power Commission many applications for transportation of large quantities of gas from the Southwestern States, principally Texas and Louisiana, to other States. In the course of FPC hearings on these applications, officials of Texas and Louisiana made public statements and appearances in opposition. Two documents are particularly informative in this connection: (1) an article written by Governor Sam H. Jones of Louisiana, in March 1943, entitled "Louisiana's Natural Gas Resources"; and, (2) a brief filed with the FPC in January 1946 by Senator W. Lee O'Daniel, of Texas, in opposition to the proposed pipelines.

The statements of Governor Jones and Senator O'Daniel are typical of the position advanced by many others in the southwestern region at that time. They argued that the export of natural gas from Texas and Louisiana would seriously retard industrial development of these States and, in the long run, require them to look to the remote coal-producing States for needed energy resources when the natural gas was exhausted. At that time the estimated natural gas reserves of these two States were about 100 trillion cubic feet, and the gross annual production about 4 trillion, indicating a life of some 25 years at the 1945 annual rate of production. Over 80 percent of the gas produced was then being used within the States and they wished to keep it that way. Notwithstanding these formidable statistics a decision to export gas was made in the public interest.

In the ensuing 20 years, many thousands of miles of pipelines have been built to transport natural gas to other States, and the annual production in Texas and Louisiana has increased nearly 200 percent, to about 12 trillion cubic feet. While exports of gas have increased to an amount 10 times the 1945 figure, reserves have doubled. Thus, the States' relative position has not been seriously impaired with respect to its long-term natural gas resources, even though exports are now about 50 percent of total production. The export business itself has stimulated and accelerated exploration for new gas supplies, and with the discovery of large new supplies, the amount of gas available for local industrial development has been greatly increased. The phenomenal growth of the petrochemical industry along the Texas gulf coast area, particularly in the Houston area, can be attributed in large measure to the discovery and development of these natural gas resources. But, bear in mind that the decision to export gas was made before the reserves were discovered.

If the arguments used in the early opposition to export natural gas from Texas and Louisiana had prevailed and been extended to other natural resources, such as oil, coal, iron ore, timber, et cetera, the Nation's economic development would have been seriously retarded. The same argument could just as well have been applied to export of crude oil and gasoline from these States, coal from the Ohio Valley, and iron ore from the Mesabi Range of Minnesota. Fortunately, these and other valuable natural resources have been viewed as national assets, available for development of the entire Nation.

While the export of replenishable water resources from an area of surplus supply to an area of chronic deficiency is not wholly comparable to export of exhaustible mineral resources, it is difficult to support a prohibition against such export if comprehensible long-range studies show that there is a real surplus of water beyond any foreseeable need of the supplying area. Canada is recognizing this principle by its willingness to export electric power to the United States under long-term agreements. For many years it had taken the position that its tremendous undeveloped water power resources should be preserved for future needs of its own people. In recent years it has found, however, that new sources of electric power may render much of its undeveloped water power uneconomical and the opportunities for marketing this valuable resource, both in Canada and the United States, will be greatly diminished.

I need not remind you that the arid Southwest is one of our best customers for aluminum, forestry products, dairy products, fish, meat, apples and potatoes. It is very much in our interest to encourage and expand this lucrative market.

In conclusion I wish to summarize the points I have discussed:

1. Land and water resources are interdependent and inseparable. All hydro electric powerplants owe a responsibility to the land that catches and stores the water, metering it to the turbines in a more even flow. This responsibility may call for financial help to provide more headwater storage and to keep the watershed healthy.

2. Reclamation law has established the principle of power revenues as a source of financial assistance to sound reclamation projects where the costs are more than the water users can pay.

3. Recognizing that sound reclamation projects may not always be physically integrated with power installations, Congress has provided basin accounts in three major river basins: Missouri, Upper Colorado, and Central Valley of California in order that isolated sound reclamation projects may share in power revenues from all Federal power installations in the basin.

4. That efforts to initiate a basin account in the Columbia Basin have been unsuccessful resulting in a situation where present policy threatens to override the rule of reason resulting in great injustice to upstream States.

5. That a Columbia Basin account is reasonable and just, follows established precedents and should be funded by contributions from all power installations in the basin whether they be Federal, private, municipal or other non-Federal public, so that when the cost of the power plants shall have been either repaid as in the case of Federal plants or amortized as in the case of licensed projects, each kilowatt hour thereafter produced shall make an equal contribution to the support of reclamation.

6. That a Columbia Basin compact agreement could serve as a mutually beneficial device for resolving basin problems between the States and that an interstate and interagency commission could well serve as a proper forum for basin planning.

7. That a thorough and complete study must be undertaken immediately to inventory all present and potential uses for water in the basin.

8. That a study to determine the economical feasibility of exporting water from the Columbia to the arid Southwest is inevitable and not altogether disconcerting provided adequate safeguards are recognized and applied.

I have always believed that this generation's responsibility to future generations makes it imperative that we pass on to them these great natural resources of land and water as good or better than they came to us. This conservation concept is entirely compatible with wise multipurpose use and development.

Much work is waiting action in the Columbia Basin and the first step is a continuous and conscientious planning effort. This will require unity of purpose toward a common objective. In the language of the prophet Isaiah, "Come let us reason together."

INTERVIEW OF SENATOR DIRKSEN BY CHICAGO DAILY NEWS

Mr. KUCHEL. Mr. President, the people of Illinois will, I have no doubt, take considerable pride in the illustrious career of their great Republican Senator, who once again has been elected to be the leader of this party, the party of Lincoln, and who each year demonstrates again the integrity of purpose, the courage of conviction, and the unique facility of expression which combine to make him an outstanding American leader in and out of this Chamber.

I have just finished reading the Chicago Daily News for Monday, April 19, which contains an exclusive taped interview of Senator DIRKSEN, by four able newspapermen representing that great Chicago newspaper.

As always, his answers are pointed, fluent, relevant, and highly interesting. Some of the quotations he uses, which come from a wellspring of knowledge and information, are delightful to read.

I feel certain that all Senators and the people of Illinois will enjoy the interview of our colleague, the Republican leader, every bit as much as I have. I ask unanimous consent that the entire text of the interview be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago (Ill.) Daily News, Apr. 19, 1965]

EXCLUSIVE: A TALK WITH DIRKSEN

(NOTE.—In this exclusive, tape-recorded interview, Senate Minority Leader EVERETT DIRKSEN talks informally with four Washington correspondents of the Daily News about his personal political philosophy and such topics as civil rights and the future of his Republican Party.)

WASHINGTON.—With a gifted tongue, a pliable mind, a sense of history and what he calls "the old political oil," EVERETT MCKINLEY DIRKSEN has become a powerful leader of his party in the Senate and a key figure in the Great Society legislative program.

A product of conservative politics, this son of the Illinois Prairie has recently emerged as a darling of the eastern liberal set for his espousal of civil rights. He professes to disdain labels and claims to be free of dogma.

He is one of the few sights in Washington not made of granite that has become something of an institution. His curly ringlets, his basso-profundo voice and florid oratory—these attributes of a colorful public figure of the pre-TV era have made him into a fascinating character.

He heads the opposition party in the Senate and dines often at the White House at a table set by a Democrat.

What he thinks matters to President Johnson, to Republicans, to the Nation.

But in order to probe deeper into the man and his outlook on life, as well as politics, the Chicago Daily News' Washington Bureau sat down with DIRKSEN in his Senate office the other day for a tape-recorded conversation.

DIRKSEN was encouraged to let his mind roam freely over the issues, great and small, of the day. He was gently prodded by Peter Lisagor, William McGaffin, James McCartney and Charles Nicodemus.

Here is the conversation:

Question. Everybody is interested in your relationship with the President and the White House because of these stories about how many times he telephones you, looking for advice on Vietnam or whatever. I wonder if you could start out by just talking a bit about this.

Answer. Well, obviously my relations with the White House are extremely friendly. It could not be otherwise. I've served with the President both in the House and the Senate for a long period of years. He was, in fact, a doorkeeper when I first took the oath as a Member of the House in 1933. Sometime thereafter he was elected to the House and from that day to this, there has been more or less an intimate association.

When I was privileged to occupy the minority leader's chair, that made it necessary for us to cooperate, in the interest of the country, so that the Senate could turn in a useful and productive piece of work. Now we always went on the theory that the leaders had to cooperate unless you wanted to convert the Senate into a shambles. All, of course, of no benefit to the country. We could always fight, hard and clean, but always make the Senate operate.

Now that developed a rather interesting intimacy with the President because you can't pick a man's mind day after day without knowing what makes him tick. He knows my weaknesses and shortcomings and certainly I know his. Out of it there ripened a very durable friendship that has continued from that day to this even though I sometimes say things that hurt him. Maybe he winces a little bit, but when I say it, it will be in the interests of the country.

As an example, he did not like the statement I made last week about his Baltimore speech (offering unconditional discussion on Vietnam). You may recall that I suggested that perhaps they were sounding the trumpets of retreat and why did they have to put in a billion-dollar bundle and make it appear that they were going to try to buy peace in Vietnam?

I had a telephone conversation with his appointments secretary the other day. He said, "the boss is sitting right here." I asked whether he wanted to talk with me and he said, "No, he's hurt." I said, "He might get hurt a good deal worse before it's all over because I have to say what I think about a situation."

Those are no love taps he dishes out to me either on occasion, as you well know. But that's the great art of legislating and not letting the sun set on your anger and always keeping yourself in a poised position for the benefit of the country.

THE TREATMENT

Question. Senator, he has been pictured as a wizard in bringing people around to what he wants them to do. You know—the famous L.B.J. treatment. Have you ever experienced that?

Answer. Well, I'm afraid the press jumps on an expression, gives it currency, and magnifies it out of all proportion. I think I first invented that phrase "the Texas twist." Well, there's no treatment about it, goodness knows. Because it's administered without ether.

It's a case of where the President, if he doesn't like the way one of his own party members casts a vote, can call him up and can use language that sounds just a little tough and testy. His boys know they've been talked to when he talks to them.

I have had occasion for Members on his side to change their votes when actually they were voting in my corner and then come over very apologetically to tell me what happened. I know what happened. So that's really not a treatment; that's just a little verbal twist to say, "You'd better get right with the gods that be or difficult things can happen to you."

That's the rougher side of political life. There are several ways of going about it. You can threaten, or you can use an oil can. From the standpoint of the abrasive effect of either of these approaches, I prefer the oil can.

Question. How often do you talk with the President on the telephone?

Answer. It depends on the course of events. There are occasions when either I have called him or he has called me six, seven times in a single day.

Question. Had he given you any kind of advance notice about the Baltimore speech?

Answer. No. Nor did I get a copy until later in the day.

Question. Would you have been a little happier if you had?

Answer. It wouldn't have made any difference. First, when we were having a bit of a rowdy-dow last night at the White House, he said, "You didn't read my speech." I said, "That's what you say. I not only read your speech, but I listened to every word and I still stand by what I said. And the way the British papers and others are giving you the old business on this billion dollar lure, shows that I wasn't the only one in the world who looked under the chair."

CHANGING SIDES

Question. Senator, you yourself have observed that at times people have accused you of being a political chameleon because you have changed your position from time to time. Could you discuss that?

Answer. Did I ever tell you what Lincoln put in his message to Congress in 1862? Lincoln said, "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new so we must think anew and act anew." And then he added this one precious sentence. He said, "We must first disenthrall ourselves and then we shall save the country."

That's as good today as it was then. New circumstances develop new duties, new obligations, new changes of view and, as I've said so often, the only people who do not change their minds are either in the involuntary institutions by an order of the court or they are occupying a spot in the cemetery. I hope that will never happen, meaning that I can't change my mind when the occasion arises.

Question. Senator, will you describe the evolution of your philosophy as a trend from the right toward the center over the last 15 year?

Answer. I have always abjured any kind of a label. When I've been asked I've said, a thousand times, "I'm a garden variety

Abraham Lincoln Republican. Don't tag me right. Don't tag me left. Don't tag me center. Because those terms came over here like a virus from the Old World and I don't believe they fit a free country."

I have convictions. I try to have a sense of history and certainly I try to keep abreast of the legislative history of the country and get as good a perspective as I can.

Now just to illustrate the point. I went back to read some of the debates in the McKinley administration when Harvey Wiley was the chief chemist for the Department of Agriculture. And Congress was dealing with the first Food and Drug Act. It's absolutely incredible, the things that were said on the floor of the Senate as to the right of a merchant to adulterate his sugar if he could get away with it.

Well, you know we have risen to a far better moral position since then and I try to keep abreast of the moral imperatives of history also.

Now, take civil rights. We have the 1957 act, the 1960 act, the 1964 act. I had a modest bit to do with each one of them, particularly the 1964 act. And I had a voting rights bill drafted and ready this spring before the White House ever got around to it. So I was no Johnny-come-lately. They finally all gathered in here, and I think that was mainly the overtone of what happened in 1964. Because they said, "Well, if the minority leader isn't with us, we don't get a bill."

So this had happened all over again, and most of these meetings to work out a voting rights bill have happened right here around this table.

But I get letters that say to me, "Do you think you're going to get any votes out of this?" Fancy people talking to me that way at my age. [He is 69.] As if that concerns me a hoot. I do what I do because I think it's the right thing to do from the standpoint of the country.

And to put the moral capsheet on it, there is a little clause in the Preamble to the Constitution which says we ordain this Government in order to promote domestic tranquillity. If anybody thinks it's going to be tranquil until we've had a fundamental solution for some of these problems, on which they've been demonstrating, I can only say he better get it out of his mind.

Question. Do you believe that in the field of education you have undergone a historical evolution of your thinking?

Answer. Somewhat, but there are still things about it (the new Federal aid to education law) that bother me. We've got to see whether the heavy hand of the Federal Government is going to try to give direction to our whole educational system including the curriculums. Now, if that's the case, then I think you're going to see a very considerable shuffle.

SUPPORTING BARRY

Question. Senator, how do you reconcile your crucial support for Senator Goldwater last year with your position on the civil rights question?

Answer. First, Barry Goldwater earned the right to have the nomination. He worked at it. No meeting was too small for him to address. Second, he was quite diligent in his senatorial duties and he showed his convictions from time to time on most subjects. Third, he seemed to captivate nearly every kind of an audience.

Nearly every component in the party was on his wagon, more or less. There wasn't any question in my mind that there was even a runner-up in that campaign. That was No. 1. No. 2, he was a friend. No. 3, he was a senatorial comrade.

Question. If he were a friend, he would have supported you on civil rights, wouldn't he?

Answer. Well, he had an excellent community service record out in his own community as notably desegregating the Arizona National Guard. There are no color lines in the Goldwater stores. And finally, I did not know exactly what he was going to do on civil rights.

We had discussed it off and on in the back room, but I thought surely I could have him for cloture (the vote that ended the southern filibuster against the 1964 civil rights bill). After that, I thought he would surely support me on the bill itself, but he felt that parts of it were unconstitutional.

Question. Senator to get back to the historical perspective, have you wondered what your place would be in history? Has it motivated you in any of the things that you have done?

Answer. First of all, there is a natural force. You know in the Apostle Paul's great letter to the Corinthians, he said, "When I was a child, I spake as a child."

You can just take that as a thesis and spell it out. You mature as you grow and you see in a wider, longer perspective. I think you get a better sense of mission and a better sense, I believe, of the moral imperatives that push any country and any people along the road to higher ground.

Now there are modifications and changes in our country from time to time. New needs, then, develop because of congestions of people, the necessity for jobs, that sort of thing. As it changes, as Lincoln said, you rise with the occasion. If you don't you're going to drop with a thud.

KENNEDY'S BACKING

Question. Senator, there was a widespread suspicion—and more than that—that President Kennedy would just as soon have seen you reelected in 1962 and that somehow this was communicated to you.

Answer. Well, you know, we were in session so late that year that I hardly had any time to campaign. At long last we got this curtain down and I think I had about 3 weeks to cover a little ground.

Now, in that period he sent that jet out because of this Cuban problem. We had a meeting each day and as the leadership was leaving the White House he said, "Ev, wait, I want to talk to you." I said, "I want to get home if I can. I have to campaign." He said, "You don't have to campaign. You're in," I said, "Look, mister, it isn't quite like that in a State like Illinois. I can tell you."

So I got on a plane in the morning and Mrs. Dirksen met me at O'Hare. We had this nine-passenger station wagon. There was a young chap from WENR (a Chicago FM radio station)—riding with us. Mrs. Dirksen asked "Did the President have anything political to say?"

I dropped my voice, and I said, "He seemed rather curious when I said I want to get back home to campaign. He said, 'What are you squawking about? You're in.'" Well, this little boy heard it. So he couldn't wait for that station wagon to stop, and he got that on the station in a hurry.

Sidney Yates (the Chicago Congressman who was Dirksen's opponent) said that Dirksen was a contemptible liar. That's the language that was used. When Sidney heard about it, he called Lawrence O'Brien (the President's liaison aide for Congress). Well, Lawrence didn't know anything about this. It was between me and the President. No one else was around. Nobody knew anything about it except Kennedy and myself.

Well, you know when your blood pressure is up something gives you a charge. And the mind can range over a whole epic of history and come up with something that seems suited to the occasion and just like that I thought of that damn story that Lincoln told down in Quincy, Ill., about two fellows who were gassing back and forth.

One said, "Let me give you a riddle. If you call a sheep's tail a leg, how many legs does a sheep have?" he said, "five." The other fellow said, "Oh, no, he doesn't. Calling a sheep's tail a leg don't make it a leg."

I said, "If Sidney Yates calls me a liar that doesn't make me a liar." Now that's all I know about it.

Question. I'd like to get you back to Goldwater for just 1 minute. Didn't you have any reason to believe before that campaign started that it was going to be the disaster it turned out to be?

Answer. No. No. I didn't feel that he was not going to win. I felt he was going to make an excellent race. What happened afterward was the result partly of careless expressions and perhaps a little distortion in the press. I think that if they had taken the trouble to get to the core of it, perhaps a lot of this would not have happened.

For instance, his remark about social security. Well, how perfectly insane for anyone to even think that a President of the United States can repeal the social security system.

EXTREMISM ERROR

Question. Senator, do you think he made a mistake in refusing to repudiate the extremists who were supporting the Republican campaign?

Answer. Well, you know I puzzled and pondered and I wondered where in the world he ever got that expression * * *.

Question. In his acceptance speech, the extremist remarks?

Answer. * * * and I finally ran into the same thing almost verbatim. I think you will find it in Roman history and it was used by the historian Livy (Titus Livius, 59 B.C.–17 A.D.). So somebody—whoever put it together—must have been charging through these quotations for ready speakers, probably saw it there and said, "That sounds pretty good," never thinking about its implications.

Now, it's pretty difficult to disown your own baby after you give it birth. That's the trouble in this business. When you get in those holes, especially if there's a big chunk of pride wallowing around in you most of the time, you just don't back up. You think the best thing to do is fight it through.

See what it was that Macbeth said to Lady Macbeth, "I'm in deep, steeped in so deep, that should I wade no more, returning were as tedious as go o'er."

Question. Senator, what has the Republican Party done since November to merit better support in 1966 than it had in 1964?

Answer. First, time is a great healer. You had to heal the hurts in your own party first.

Question. What about the so-called image to the voters themselves?

Answer. The press and the news media create the image. If it's going to be changed, you're going to have to help change it. We could shout from now till doomsday, unless there's some communication. That has been the weakness of the Republican Party—the communication of the real stuff to the people.

Question. Is that improving?

Answer. Yes. It is improving. There's a better press; there's a better understanding. I think there is a better attitude on the part of the public toward the party. Now you are beginning to see a few signs without having to put too much effort into it. They had an election in Berwyn the other day, just outside Chicago. Elected a Republican mayor and a majority of the city council. That was quite an achievement.

CAN GOP COMPETE?

Question. On the national scene, Senator, how are you going to compete with the Great Society that offers everybody everything and really offers to the Americans a millennium.

Answer. Oh, there are a number of factors. First, I don't know if you accept the thesis, "Parties do not defeat each other, parties defeat themselves." They offend the public.

Question. Do you feel the Republicans offended the public in 1964?

Answer. No, they frightened them—which is quite a different thing. I've said over and over again that I haven't seen an analysis of the 1964 election with which I could agree. I talked with people and I thought I saw pretty well that you had a fear complex operating. George Bernard Shaw once said that fear is the only universal passion and it's true.

Now, the minute that crack came about social security, what happened? "Why, he's going to take away our social security." It went like wildfire. They were afraid.

He made that crack about the Tennessee Valley Authority. Barry Goldwater knows about as well as I do that you could never sell TVA to private interests. You couldn't get beyond the Senate door with that. But it frightened them in the Tennessee Valley. Then there came that trigger-happy statement which was embellished. The next conclusion was, "He'll get us into war."

I think that Barry had his own answer at the Gridiron Club when he said, "You all know me, I'm that trigger-happy SOB, Barry Goldwater." They laughed like hell. All they had to do was to think what's going on in Vietnam.

Trigger-happy, more marines, more marines. When that statement was pinned on him, we had less than 20,000 out there. There are 32,500 now, and more are going in. That's this trigger-happy guy.

But when they had Barry on the defensive, he couldn't attack. He was so busy defending himself on these various charges that we never did get to put our story across and I thought we had a good story.

Why should his vote on civil rights obscure the fact that I got all except six Republicans to vote for the bill? That was the party image, not Barry Goldwater. But did it get to the country? No.

DIXIE REPUBLICANS

Question. Are you going to get a Republican resurgence in the South?

Answer. It's hard to tell. It will develop slowly, I think. There could be a resurgence. Now we've got those five young Republican Congressmen from the South. But did you notice the Gallup poll this morning with respect to voting rights? That in the South 49 percent favor legislation. Well, it almost knocked my hat off when I saw that figure.

When (Southern Republicans) come in here to see me I say, "Have a real confrontation with them. Go down there and speak your piece. And fortify what you have to say with logic and stand up and take it on the chin. They'll admire you for it. Don't duck the issue."

Question. Senator, are there any one or two things that you would particularly like to get done still that you haven't done in your career?

Answer. I don't know. Shall I make up a must list for you? You know I sometimes think in an obverse direction. By that I mean this: There's a quotation that sticks in my mind: "There are occasions when there must be a negative brake on progress." And by that I mean that we are moving forward so fast, and so far at one time, that there is danger unless we set the signals and try to halt it a little bit—not destroy it—but slow it down.

I have tried to make that part of my function. Because as Edward Gibbons said in his great history, "Progress is made, not by what goes on the statute books but more often by what comes off." So I've tried to think of that in terms of a weapon in the interest of the country.

So everybody wants to get stuff on books. They want to have their tag on it. Well, it's all well and good. There's some things I think perhaps ought to get off the books. Maybe my ultimate epitaph will be: "He tried to help his country by trying to keep it from making mistakes."

SENATOR'S AILMENTS

Question. A lot of people here in Washington have been worried about your health and about you. A lot of things have been written about that. If they had been true, you would have been carried out at least 2 weeks ago.

Answer. If it would have been true, I would have been carried out 2 years ago.

Question. Well, now I know I tried to make a compilation of all your health problems and maladies, and I think I ended up with nine. I thought it would be easier to list the things you didn't have.

Answer. Yeah. You're probably correct.

Question. First of all, you look pretty well right now compared to how you looked when you got out of the hospital. You must feel better. Do you?

Answer. Yes. I said, I thought that according to the report I had everything except floating kidney and housemaid's knee. But I feel quite good. I do have this fracture and I got 20 pounds of steel in that damn girdle I wear and I'll have to wear it another 4 or 5 months because there is no medication for a fracture. It has to calcify and close and it just takes so long.

Question. How long has it been since the doctor told you you had to quit smoking?

Answer. Oh, God. He must have told me 50 years ago.

Question. Anybody recently? I noticed you smoked several cigarettes while we were here.

Answer. Oh, yes. They tell me all the time to quit.

Question. What is your attitude toward it?

Answer. Oh, I'm getting around to it.

REV. DAVID PREUS PROTESTS REEB MURDER IN ALABAMA

Mr. MONDALE. Mr. President, over a month ago I rose to address the Senate with consternation and dismay over the news of the brutal beating of 600 praying civil rights marchers in Selma, Ala. I said then that the only question facing us in Congress is what we and the decent and honorable people who know better will do. I was heartened thereafter by the vocal and public support for correction of the ills that the Selma situation so well illustrated. At this point, Mr. President, I wish to call the attention of the Senate to a moving eulogy for James Reeb, delivered by Pastor David Preus, of the University Lutheran Church of Hope, in which he called attention to the need for Americans to carry the torch of human dignity, of human freedom, and of justice. I ask unanimous consent that Pastor Preus' remarks be printed at this point in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR JAMES REEB—CIVIL RIGHTS RALLY ON CAPITOL STEPS, ST. PAUL, MINN., MARCH 13, 1965

(By David W. Preus, pastor)

James Reeb was beaten with a long, ugly club by a man who had never seen him. He was beaten, not because he was known and disliked. He was beaten for his convictions. That club was aimed at every man who shares those convictions and so lives. That is why we feel inside ourselves that the bell tolls not just for James Reeb, but for all of us.

The beating and death of James Reeb shows forth the terrible fruits of hate—irrational, unseeing hate.

The beating and death of James Reeb bares the terrible fruits of injustice—practiced, defended, held up for praise.

The beating and death of James Reeb declares the terrible fruits that accrue when good men keep quiet, doing nothing, letting evil reign by default.

James Reeb joins a growing list of martyrs who have fallen in this present battle for justice. Just a week ago it was Jimmie Lee Jackson, shot down while he sought to register to vote. Not long ago it was Medgar Evers, and the three civil rights workers, and others. There were the innocents—not venturing into troubled areas, gathered at church to learn of the Prince of Peace—four little girls dead, five blinded.

As James Reeb lay on his deathbed an associate said of him, "He has a healing personality, but his convictions are like iron." That is a great statement to make about a man. The record seems to bear them out.

James Reeb had a healing personality because he cared about people. The head counselor at St. Olaf College, under whom James Reeb served, said of him, "Jim was the best counselor we had, because he had the deepest concern for the people around him." How else do you explain a man and his wife, born to privilege, taking their four children and living and working in a hive of underprivilege. He moved into a store front office under the auspices of the American Friends Society to join an impoverished people in their battle for good life in a depressed, discouraged, downtrodden urban neighborhood. Of him it was simply said, "He was good for people." That was the reason for going to Selma—to be good for others. That is what a healing personality is, a person who has learned how to care about people, to be good for others.

James Reeb was an unassuming man but he carried his convictions like a royal torchbearer. He carried his convictions in his life and acts.

James Reeb carried the torch of human dignity. He believed there was one race, the human race. He believed that participation in that human race in this United States meant equal value in the sight of God and equal rights before the laws of the land. He believed that no man could be diminished without diminishing us all. Because he so believed he went to Selma to stand with those being beaten by men sworn to protect them. His life, his death, stands as testimony to the dignity of man, the equality of man before God and the law. He has passed the torch on to you.

James Reeb carried the torch of human freedom. He knew that freedom cannot be had for some and not for others. He identified himself with the cause of human freedom. He sought freedom for the Negro forcibly kept from the Alabama polling booth. He sought freedom for the impoverished of Boston, Mass., caught in the terrible circle of bondage that the poor know so intimately. He sought freedom for white Americans too. The white Americans who are locked in a bondage of fear and hate that turns life to hatred and brutality. How can one speak of freedom for a man who looks at another man and sees not a fellow human, but a boogeyman, a caricature of a creature that does not exist except in the crazed imagination of people who have heard lies all their lives. He carried the torch of freedom, and he passed it on to you.

James Reeb carried the torch of justice. He knew there was no dignity for man, no lasting freedom, except where justice was assured every man. The right to vote, to assemble peaceably, to move and live and work. Justice meant equality of educational opportunity, equality of job opportunity, equality of housing opportunity, equality in public accommodations, equality legislatively secured and enforced by a law abiding populace. He carried the torch of justice and he passed it on to you.

Memorials will rise in different places to remind us of James Reeb. One memorial he would have sought—the living memorial of men and women and children carrying the torch he passed, healing personalities with convictions like iron.

TECHNICAL AND FINANCIAL ASSISTANCE FOR SOIL AND WATER CONSERVATION—RESOLUTION OF THE MINNESOTA LEGISLATURE

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Legislature of the State of Minnesota, memorializing the U.S. Congress to provide for technical and financial assistance for soil and water conservation.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 2

Resolution memorializing the Congress of the United States to provide for technical and financial assistance for soil and water conservation

Whereas the conservation of soil and water is of vital importance to the maintenance of a strong economy in Minnesota; and

Whereas 10 million acres of cropland in Minnesota has been damaged by the loss of from one-fourth to three-fourths of the topsoil through soil erosion; and

Whereas many thousands of landowners are clearly showing by individual and community action that these losses can be greatly reduced through proper land use and the application of needed soil and water conservation practices; and

Whereas it has been further demonstrated that the application of these soil and water conservation practices require technical and financial assistance to insure widespread results; and

Whereas any curtailment in the availability of such technical and financial assistance from Federal sources would cause irreparable damage to the State and Nation's soil and water conservation work: Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That the Congress of the United States is urged to enact legislation to provide sufficient technical and financial assistance for soil and water conservation measures to continue to be made available to landowners; be it further

Resolved, That the secretary of state send a copy of this resolution to each Minnesota Senator and Congressman in the U.S. Congress.

L. L. DUXBURY, Jr.,
Speaker of the House of Representatives.
A. M. KEITH,
President of the Senate.
Approved April 9, 1965.
KARL F. ROLVAAG,
Governor of the State of Minnesota.

TAXATION OF PROFESSIONAL CORPORATIONS — RESOLUTION OF THE MINNESOTA LEGISLATURE

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the Legislature of the State of Minnesota, memorializing the U.S. Congress to pass Senate bill 177, House bill 697, or House bill 4969.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 1

Resolution memorializing the Congress of the United States to adopt S. 177, H.R. 697, or H.R. 4969

Whereas self-employed individuals have for more than 20 years been discriminated against under Federal tax law because they could not adopt retirement plans covering themselves unless they incorporated or formed associations taxable as corporations; and

Whereas the Internal Revenue Service in November 1960 issued the so-called Kintner regulations which laid down guidelines to be used in determining whether or not groups of self-employed individuals would be eligible to be taxed as corporations; and

Whereas the Legislature of the State of Minnesota in reliance on the guidelines contained in the Kintner regulations and in order to remove the discrimination against professional persons under Federal tax law, passed in 1961 a Professional Corporation Act relating to physicians and in 1963 a Professional Corporation Act relating to attorneys; and

Whereas the Internal Revenue Service on February 3, 1965, issued amendments to the Kintner regulations which would deny to physicians and attorneys organized under one or the other of the Minnesota Professional Corporation Acts and acts of other States similar thereto the right to be taxed as a corporation under Federal tax law and thus nullify the action of the Legislature of the State of Minnesota; and

Whereas there has been introduced into the 89th Congress S. 177, H.R. 697, and H.R. 4969 which would amend the definition of corporation in the Internal Revenue Code to make clear that professional corporations are included therein and would as a result require the Internal Revenue Service to recognize corporations formed under either of the Minnesota Professional Corporation Acts and acts of other States similar thereto as corporations for the purpose of the Internal Revenue Code: Be it

Resolved by the Legislature of the State of Minnesota, That the Congress of the United States be urged to enact S. 177, H.R. 697, or H.R. 4969; Be it further

Resolved, That the secretary of the State of Minnesota send copies of this resolution to Vice President HUBERT H. HUMPHREY, to Senators MCCARTHY and MONDALE, and to all Members of the House of Representatives from the State of Minnesota.

A. M. KEITH,
President of the Senate.
L. L. DUXBURY, Jr.,
Speaker of the House of Representatives.
Approved April 1, 1965.
KARL F. ROLVAAG,
Governor of the State of Minnesota.

PROPOSED REDUCTION IN SOIL CONSERVATION SERVICE OPERATING FUNDS

Mr. MONDALE. Mr. President, I feel privileged to add my voice to those of my distinguished colleagues in opposing the reduction in Soil Conservation Service operating funds, as proposed by the Bureau of the Budget.

I join with them in supporting the increase in appropriations, proposed by the National Association of Soil and Water Conservation Districts, which would permit the Soil Conservation Service and the local soil conservation districts to provide an accelerated program of assistance to the caretakers of our most valuable heritage, the land.

In 30 years of diligent and dedicated effort, the Soil Conservation Service and the soil conservation districts have assisted thousands of farmers and ranchers from coast to coast in bringing sound conservation practices to the land. This great experiment in the conservation and development of the Nation's soil and water resources is a monument to the concept of Federal-State-local cooperation. More than 93 percent of all lands in farms and ranches are now in local, self-governed districts. But all land is not under conservation plans. There is much yet to be done. As the committee is well aware, the job of conservation is never done.

In Minnesota, 96 percent of the farms are in organized soil conservation districts. The almost 46,800 cooperators farm 6 million acres of land covered by basic soil conservation plans.

Twenty watershed projects have been authorized for planning assistance, but 174 watersheds in the State have been found to need this assistance. Nor is this situation unique to Minnesota. A backlog of needed conservation action exists across the Nation, not alone in small watershed planning and development, but significantly in providing technical assistance to the soil conservation districts in their work with cooperators on the land—the very area of Federal-local cooperation where the Bureau of the Budget would cut deeply into SCS funds.

Surely, we are not going to progress in applying sound conservation measures by shortchanging this vital program. Rejection of the Budget Bureau's revolving fund proposal is not enough. Needed also is bipartisan congressional support of the proposal of the National Association of Soil and Water Conservation Districts that the Congress increase the SCS appropriations over the Budget Bureau estimates to assure adequate technical assistance to soil conservation districts, an acceleration of small watershed planning construction, and additional help for farmers and ranchers waiting for assistance under the Great Plains conservation program.

Approval of these increases over the budget estimates would testify to an understanding on the part of the Congress of the continuing and increased importance of soil and water conservation in the Nation.

The members of the committee who lived through the bleak, destructive times of dust storms, flash floods, gullied landscapes and barren farms a quarter of a century ago are aware of the striking contrast to this scene today.

Since those dark days of the thirties great wonders have been worked in restoring fertility to the soil and in the protection of the Nation's land and streams. The battle is a continuing one—and that is why we must not falter now in a struggle that has carried us far along the road to a better, more prosperous rural America, and that has assured a sounder foundation for our urban developments.

I am confident that the committee and the Congress will stand opposed to the revolving fund plan proposed by the Budget Bureau that would seriously inhibit soil and water conservation in this country, and that the Congress will give strong approval to those increases in the Soil Conservation Service budget which will permit acceleration of existing programs for the benefit of all Americans.

Mr. President, I ask unanimous consent to insert into the RECORD an explanation of the 1966 appropriation proposed for conservation operations.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

Explanation of the 1966 Appropriation Proposed for Conservation Operations

The budget allowance for 1966 under the conservation operations appropriation item provides for an eventual reduction of $20,130,000 from the 1965 base of $104,233,000. It is specified that $20 million of the reduction is to be made in the activity of assisting soil conservation districts and cooperating landowners and operators in applying conservation practices. The impact of the reduction is proposed to be offset by charging program cooperators for part of the cost of this technical service furnished to them.

To implement this plan on a practical operating basis will require setting up a public enterprise revolving fund for deposit of collections received from program cooperators for services rendered. This requires special legislation. A bill to authorize the revolving fund and also to provide for payment into the fund of the SCS contribution from the conservation operations appropriation to the financing of practice application assistance is being prepared for submission to the Congress. In the meantime, the budget will request an appropriation of the full $104,103,000 for conservation operations for 1966. As soon as the revolving fund is authorized and in operation and sufficient collections from program cooperators have been deposited in it to fund part of the cost of technical practice application assistance, supplemental appropriation legislation will be sought to rescind up to $20 million of the 1966 appropriation.

The SCS has formal and long-standing cooperative working relationships with the individual soil and water conservation districts throughout the country. It would be the intention of the SCS to look to these districts, rather than individual farmers and ranchers, to raise the funds annually that are to be paid into the revolving fund as the local contribution toward the cost of practice application assistance. Under the proposed joint financing system technical practice application assistance to a district would have to be limited each year to that which the sum of its contribution plus its allocable share of the Federal contribution to the revolving fund would finance. To the extent non-Federal contributions fail to reach the planned total of $20 million it will be necessary for the SCS to reduce proportionately its technical staff providing practice application assistance to districts. This amount currently pays the salaries and expenses of over 3,000 man-years of full-time technical employees and temporary local aids.

Some of the possible methods by which districts could raise their share of funds required to finance practice application assistance are as follows:

1. State appropriations to soil conservation districts,
2. Appropriations from local subdivisions of State government,
3. Assessments, contributions from, or charges to district cooperators in soil conservation work and to groups of landowners or operators,
4. Contributions from commercial concerns and others,
5. Taxation by soil conservation districts.

Mr. TYDINGS. Mr. President, I rise to protest the proposed reduction in the level of Federal support to the Soil Conservation Service. The President's proposed budget for fiscal year 1965 does not include any funds for technical assistance to soil conservation districts. Heretofore the Soil Conservation Service received $20 million for this purpose.

The Bureau of the Budget has proposed that the $20 million deficit be made up by establishing a revolving fund to be replenished from local soil conservation district contributions. In other words, local districts will now be required to pay for the costs for technical assistance that their members receive from their soil conservation agent. The local districts will have to raise this money either by receiving contributions from the State or a county, by assessing user charges on those who receive assistance or by levying taxes on their members.

I feel this policy is shortsighted.

This reduction will seriously injure the conservation programs of the soil and water conservation districts. A great many districts will not be able to afford to make substantial contributions to the revolving fund. These, the poorer districts, will suffer a reduction, or a denial, of technical assistance to their conservation programs. But these are precisely the districts which need this assistance the most.

One chairman of a conservation district in my own State of Maryland has expressed the opinion that the change would discriminate against the poor farmer. Another has expressed the fear that the program would be shifted "from dirt farmers to wealthy farmers and nonfarmer landowners." Such a program seems to conflict rather sharply with our aim to build a Great Society.

In Maryland the proposed elimination of technical assistance could reduce the operations of the conservation districts as much as 75 percent. A like reduction in conservation projects on a nationwide scale will result in losses to our natural resources which will more than overbalance any purported saving.

I should like to emphasize, Mr. President, that this proposed reduction in the Soil Conservation Service adversely affects not only our farmers, but our city dwellers as well. Water is the life blood of our cities. Without fresh water, flowing through their mains, they would shrivel and die like a flower. The technical assistance program of the Soil Conservation Service is vital to maintaining and improving our watersheds.

At present, we as a nation require 350 billion gallons of water per day. By 1980 we will require 600 billion, for our farms and our factories and our residences. In 15 years we will need almost double the amount of water that we need today. By the end of this century our requirement of agricultural products will more than double, and our need for recreation areas will triple.

Obviously, it is in the interest of the urbanite and the suburbanite to unite with the farmer, in cooperative programs to preserve our soil and water resources.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. MONDALE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, received during adjournment, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. PROXMIRE, from the Committee on Banking and Currency:

Sherman J. Maisel, of California, to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

DEPARTMENT OF STATE

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the Department of State be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Department of State are confirmed en bloc.

UNITED NATIONS

The legislative clerk proceeded to read sundry nominations in the United Nations.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the United Nations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the United Nations are confirmed en bloc.

ADVISORY COMMISSION ON INFORMATION

The legislative clerk proceeded to read sundry nominations in the Advisory Commission on Information.

Mr. MANSFIELD. Mr. President, I ask that the nominations in the Advisory Commission on Information be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Advisory Commission on Information are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of these nominations.

The **PRESIDING OFFICER.** Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, after discussing the matter with the distinguished minority leader, I move that the Senate proceed to the consideration of Calendar No. 150, S. 905, and that the rest of the calendar be considered in sequence.

The motion was agreed to.

AUTHORIZATION TO SECRETARY OF COMMERCE TO EMPLOY ALIENS IN A SCIENTIFIC OR TECHNICAL CAPACITY

The bill (S. 905) to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce to the extent he determines to be necessary, and subject to adequate security investigations and such other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard to statutory provisions prohibiting payment of compensation to aliens.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 163), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

S. 905 would authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity without regard to statutory provisions prohibiting payment of compensation to aliens. The measure was introduced at the request of the Secretary, who submitted along with the request a detailed statement of purpose and need. This statement included the following excerpts:

"Such employment would be subject to adequate security investigations and to a prior determination that no qualified U.S. citizen is available for the particular position involved.

"The need to utilize the services of these talented foreigners is due in part to the general shortage of scientists and engineers in this country. More significant, however, is the fact that some of the Department's technical programs are outside the popular or currently fashionable areas of modern science, and, therefore, are not particularly attractive to American students and scientists. In many such fields, the supply of talent is much more plentiful abroad."

Legislation similar to S. 905 has been enacted giving various agencies authority to employ aliens of special classes or for specific purposes without regard to statutory prohibitions.

AMENDMENT TO RIVER AND HARBOR ACT OF 1948—PERMANENT INTERNATIONAL COMMISSION OF THE CONGRESSES OF NAVIGATION

The bill (S. 1501) amending section 107 of the River and Harbor Act of 1948, relating to the support and maintenance of the Permanent International Commission of the Congresses of Navigation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107 of the River and Harbor Act of June 30, 1948 (62 Stat. 1174), is hereby amended by striking out "$5,000", and inserting in lieu thereof "$10,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 164), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to authorize an increase in the annual appropriation available to the Chief of Engineers for the support of the Permanent International Commission of the Congresses of Navigation, from $5,000 to $10,000. This increase is necessary to meet rising costs.

The association, commonly called "PIANC," is an international association of engineers, scientists, and others interested in promoting the progress of inland and maritime navigation. An international commission governs the association and holds annual meetings usually in Brussels. Navigation Congresses are held every 4 years in a member country selected by this commission from invitations tendered at the annual meeting 3 years prior to the Congress.

The association was organized in its present form in 1902 and the United States became a member nation by an act of Congress approved June 28, 1902. An annual appropriation of $5,000 in support of PIANC is made from which $1,500 is paid directly to the international association and the remainder finances attendance of official U.S. delegates to the annual meetings and to Congresses. In addition to the United States, 51 member nations and international organizations support the association through annual subsidies.

The American section of PIANC is governed by a national commission, the members of which are selected and approved by the Chief of Engineers and the Director of the Office of International Conferences, Department of State. The Director of Civil Works and the resident member, Board of Engineers for Rivers and Harbors are ex officio chairman and secretary, respectively, of the national commission.

The objective of the association is accomplished by holding International Navigation Congresses; publishing the proceedings of the Congresses, a quarterly bulletin, an illustrated technical river and harbor dictionary in six languages, and other papers and documents; and acting as an international bureau of information on problems connected with the improvement of waterways. The Congresses are held as nearly as possible every 4 years. The 20th Congress was held in Baltimore, Md., in 1961. The 21st quadrennial Congress will be held in Stockholm, Sweden, June 27 through July 3, 1965.

CONSTRUCTION AUTHORITY FOR FACILITIES AT GUAM AND THE VIRGIN ISLANDS

The bill (S. 956) to amend the act entitled "An act to provide better facilities for the enforcement of the Customs and Immigration laws," to extend construction authority for facilities at Guam and the Virgin Islands of the United States (76 Stat. 87; 19 U.S.C. 68) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 26, 1930, as amended (76 Stat. 87; 19 U.S.C. 68), is further amended (1) by inserting after the comma following the word "available" where it appears the first time, the phrase "and for similar purposes in the Virgin Islands of the United States,", and (2) by inserting after the comma following the word "expend", the phrase "and for similar purposes in Guam the Attorney General is hereby authorized to expend,".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 165), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The bill would extend the authority of the Attorney General and the Secretary of the Treasury to provide adequate housing for the officers and their families of the Immigration and Naturalization Service and the Customs Service on Guam and the Virgin Islands, as is presently allowed along the Canadian and Mexican borders. Projects must be submitted in prospectus form to both Committees on Public Works for authorization, and no project can exceed a cost of $100,000, including site. Funds for these projects would come out of the appropriations of the two agencies concerned.

The existing construction authorization of the Customs and Immigration and Naturalization Service is limited to areas along the Canadian and Mexican borders. The proposal would extend this authority to include Guam and the Virgin Islands of the United States, areas which present grave housing problems for personnel of the Immigration and Naturalization Service.

Rotation of career officers to oversea offices is an integral part of the executive development program of the Immigration and Naturalization Service. Such assignments normally are for 2 or 3 years. At present, a staff of three officers is required at Guam and two officers are required in the Virgin Islands. The Immigration and Naturalization Service has been repeatedly faced with serious housing problems encountered by its officers assigned to these locations.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

EDGERTON, WYO., BONDS ITSELF TO OBTAIN WATER

Mr. SIMPSON. Mr. President, since its creation in 1924, the small community of Edgerton, in Wyoming's oil-rich Natrona County, has been denied what virtually every other community in the Nation takes for granted—an adequate supply of fresh water. The city's mayor since 1940, Alfred Miller, has referred caustically to the city's "municipal water system"—water hauled from a well 3 miles outside of town, for from 50 cents to $1 a barrel—which jacked up the per capita price of water in Edgerton to about $30 a month.

I have met several times with Mayor Miller and his municipal advisers, in an effort to construct a formula under which the township could get Federal assistance in developing an adequate water system. Paradoxically, due to Edgerton's stable employment rate—nearly everyone in town works—the town could not qualify for relief as a depressed area, even though her citizens, the most highly taxed in Wyoming, could not afford the high cost of a water system.

After turning to governments at various levels, the people of Edgerton, by the overwhelming vote of 147 to 4, last week voted a $190,000 bond issue, so that the crystal liquid of life could flow into their town.

When government failed, private initiative responded, as it always has in America. The people of Edgerton willingly and overwhelmingly placed themselves under onerous indebtedness, rather than leave the community into which they had sunk their roots.

I ask, Mr. President, that the story of Edgerton and its water problems, written by Ward Marchant, and published in the April 19 issue of the National Observer, be printed in the CONGRESSIONAL RECORD, for the perusal of my colleagues and other readers of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the National Observer, Apr. 19, 1965]

OIL FORGOTTEN BY TOWN THAT'S FINALLY GETTING ITS WATER SYSTEM

EDGERTON, WYO.—You wouldn't think a town could get so excited over something nearly every town or city in the United States takes for granted. But the 350 or so residents of Edgerton, Wyo., were jubilant last week when a bond issue to build a $190,000 water system was passed by an overwhelming majority although the town's taxes are already among the highest in the State.

Nearly every eligible voter in the community cast a ballot. The result turned out 147 in favor, 4 against. These residents of Edgerton, located in the windswept central Wyoming plains, have waited 41 years for their first water system. Around Edgerton, the sight of a new oil well coming in is old hat, but water—well, that's different.

The community, situated in the heart of the oil-rich northeastern corner of Natrona County, has been plagued with a water problem since it was established in 1924. The closest body of water is the North Platte River about 40 miles to the south, and attempts to drill for water wells in the town—or anywhere around—were fruitless.

Every time a well was drilled in the area it brought in oil, or hot mineral water so charged it is completely unfit for any kind of life—animal or vegetable.

People driving through the town, about 40 miles north of Casper, get the impression it's inhabited by poor folk, which isn't true. As a matter of fact, Edgerton boasts one of the highest employment rates in Wyoming—mostly people working in the oilfields, associated with oil production, or businessmen. But the impression of poverty in the town can be attributed to one thing: There is hardly a patch of grass in the whole community.

Water costs between 50 cents and $1 a barrel hauled in from a water well 3 miles outside the town (Mayor Alfred Miller laughingly calls it the municipal water system), and in a dry summer it costs the one man in town who has a grassed yard around $150 a month just to keep the lawn alive. High employment rate or not, most people just can't afford this kind of luxury. For the people who use water just for drinking and bathing, the bill will run as much as $30 a month.

Edgerton had a population of 1,500 shortly after it was established in the Salt Creek field oil boom back in the twenties. But in the past 20 years, progress—and the lack of water in the town—moved the bulk of the people south to Casper.

Mayor Miller and the town council have been trying desperately to get a Federal grant to help finance a new water system, but since everybody works in Edgerton, the town couldn't be classified as a depressed area. So, Mr. Miller and the council, with help from Pan American Oil geologists, hunted around the hills and successfully drilled three water wells a few miles east of town. The water has been accepted as suitable for domestic consumption by the State board of health and with the new water system, there will be no more need for hauling it in barrels.

Mr. Miller, one of the longest term mayors in the State—he's held the office continuously since 1940—has high hopes that the exodous from Edgerton will stop now that the town will get fresh water, and the price of it will drop. It could be. A lot of the townspeople are starting to buy gardening tools.

WARD MARCHANT.

COMBATING OBSCENE BOOKS AND MATERIALS

Mr. MUNDT. Mr. President, the sale of pornographic materials appears to be on the increase; and the concern of decent Americans over this problem appears to be deepening. There is much evidence to show that part of the moral decay in our Nation can be traced directly to the publication of filth, aimed at the teenage citizens of our country.

The Sioux Falls, S. Dak. Argus-Leader recently editorialized on this subject. It called the distribution of obscene literature "a pestilent problem," and described these materials as "deplorably putrid." I can think of no better description. The editorial urged action to combat this sordid traffic.

Part of the action that is being taken by some groups is the effort to promote good books and decent literature. An article published in the Clear Lake, S. Dak., Courier, on April 15, 1965, tells of the Social Action Committee of the Western League of Christian Reformed Men's Societies in the tristate area of Iowa, Minnesota, and South Dakota, and of its attempt to combat immoral and objectionable reading materials, and to make available the services of libraries stocked with good books.

I believe that the editorial and the article will be of interest to many Americans, and I ask that they be printed at this point in the RECORD.

There being no objection, the editorial and the article were ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (S. Dak.) Argus-Leader, Apr. 8, 1965]

LITERARY FILTH DESERVES SCRUTINY

Disturbing, indeed, is the virtual avalanche of extremely obscene literature that is prominently displayed on many newsstands today and also that which is finding its way through the mails.

Much of it is deplorably putrid—so much so that it seems to cater to lasciviousness.

The magazines, pictures, and other materials are freely sold. Some of it goes unsolicited to teenagers whose names have appeared on a mailing list.

The net impact of this outpouring of obscene literature is not easy to assay. But surely it does no good. And certainly it can do much harm.

The problem in counteracting its distribution is in the determination and clarification of that which is offensively obscene and that which may be regarded as art. This involves opinion and judgment. The courts have displayed an inclination to be quite liberal, apparently fearing that strong action might set in motion a wave of extreme censorship.

What appears to be a sensible answer is the bill introduced by Senator KARL MUNDT, of South Dakota, in the U.S. Senate. In brief, it provides for a commission to study the problem of obscenity and pornography, to advance suggestions for effective laws, to provide for programs of education and to develop a legal definition of obscenity that would stand up in the courts.

This bill has been approved by the Senate twice but it hasn't been accepted by the House. It is to be hoped that current conditions will induce the House Members to give it the attention it deserves.

Just last month, MUNDT's bill was endorsed by a conference representing 17 major organizations, including Jewish, Catholic and Protestant groups. Because so much concern has been manifested and the need for action is so great, it is possible that congressional leaders will be stirred to action. Whether they are or not, MUNDT is to be commended for bringing a pestilent problem into the foreground for discussion and analysis.

[From the Clear Lake (S. Dak.) Courier, Apr. 15, 1965]

OBJECTIONABLE LITERATURE IS COMBATED

The Social Action Committee of the Western League of Christian Reformed Men's Societies in the tristate area of Iowa, Minnesota, and South Dakota has started an all-out effort to combat objectionable and morally degrading literature.

The committee is presently contacting all newspapers in the area to help promote its efforts.

The committee suggests that each person work out a comprehensive approach to the rising problem that meets the need.

An article submitted to newspapers in this area by the Men's Society of the Bemis Christian Reformed Church, rural Clear Lake, said, "We ought to begin by developing a loyalty to the Bible's standard of truth, honesty, moral cleanliness, and social decency both in ourselves, our children, and others for whom we are responsible.

"We ought, as citizens, to do our utmost to exert this influence for good upon our courts and law enforcement agencies.

"When magazine articles are judged morally damaging and offensive we should inform the editors by way of protest. We should examine book and magazine racks in our communities and if necessary discuss the issue with the proprietors.

"Sound, useful, and well-stocked libraries should be maintained. Children and teenagers are avid readers. Good Christian magazines can make a weekly and monthly impact for good upon their minds, if available in our homes.

"Good books can inform and instruct. They can inspire and elevate our thoughts. They can challenge young people to live useful lives which contribute rather than contaminate. Let's combat this menace of 'moral fallout' and work for decency and truth."

END IS FORECAST FOR FARM SURPLUSES

Mr. NELSON. Mr. President, the distinguished Swedish economist, Gunnar Myrdal, stopped in the United States recently, on his way back to Sweden, after completing studies of the food problem in south Asia. During his visit, he addressed the annual convention of the National Farmers Union, in Chicago, on the topic "The American Farmer in the World Economic Revolution."

Mr. Myrdal has given this pressing world problem the same thorough study and analysis that he provided in the 1940's, in his intensive studies of the American race problem. In "An American Dilemma," he forecast the revolution underway today.

In regard to Asia, he has concluded that the rapidly growing populations of underdeveloped countries face starvation, accompanied by internal political violence, unless a massive international food program is developed. He suggests that the cost be shared by all nations that are able to contribute.

The outlook for continued American farm surpluses also was analyzed by Mr. Myrdal. When taking into account reasonable expectations of the rise in food consumption in the United States and of commercial exports, he concluded, the deliveries of food under Public Law 480 will soon approach the limit of the foreseeable available surpluses in the United States. He said this means that this country is fast approaching the time when farmers can shift gears and can produce all the food an advanced agricultural technology permits.

Mr. Myrdal's analysis, as presented in his Chicago speech, deserves the attention of all who are concerned about our agricultural policy. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE AMERICAN FARMER IN THE WORLD ECONOMIC REVOLUTION

(Address of Gunnar Myrdal to the Convention of the National Farmers Union in Chicago, Ill., Monday, Mar. 15, 1965)

The American farmer has always been in the center of economic development in America and the world. He has been an astonishingly efficient producer, and for long periods has provided food at low prices not only for the United States but also for other industrial nations. At times, as for instance immediately after the First World War, his ability to raise production speedily was essential to prevent hunger in many countries abroad. He has ordinarily worked for low incomes and has had difficult adjustments to accomplish; but through them all he has continually increased his efficiency. We are all aware of the fact that in recent times productivity has been rising three times as fast in agriculture as in industry, and that the real difficulty is not, and for decades has not been, that he is faltering as a producer, but that he is producing too much, which endangers his possibility to get a fair reward for his labor.

But my purpose today is not to retell the success story of the American farmer and the difficulties America is facing, and has been facing, as a result of his astonishing efficiency to produce food and other agricultural products. I want, instead, to place his problem in its world setting and, more particularly, in its contrast to what is happening to the overwhelming majority of farmers who are eking out an existence in the underdeveloped countries.

I have for many years been working on a book on the development problems in south Asia, where a quarter of mankind lives, and I have also in that connection become familiar with conditions in other underdeveloped countries. When this evening I want to share with you some of the major conclusions I have reached in this study, it is not only because it is natural for anyone to talk about what is on his mind. I do it because I feel that what is brooding in the agricultural section of these poor countries will, much more than is yet commonly understood, radically transform the American problem of agricultural overproduction. Frankly, the trend to continual overproduction of agricultural products in American economic policy, will, I am sure, 10 years hence, indeed earlier, stand out as the great opportunity to head off world calamity.

I

Let me first point out that the world's true proletariat are the agricultural workers in underdeveloped countries, including not only the landless laborers, but also the sharecroppers, most other tenants and even the majority of peasants who hold ownership of tiny plots—not the industrial workers as Karl Marx thought a hundred years ago, basing his theories on his studies of the first industrialized country, England, in the middle of the 19th century. It is the agricultural workers who are at the bottom in these poor countries and who suffer the worst deprivations. They constitute the bulk of the hungry masses.

Agriculture is by far the largest sector in the economy of all underdeveloped countries. Regularly more than half and in most underdeveloped countries much more than half, in Asia and Africa up to 80 percent, of the total population make their living in agriculture. It is a dangerous illusion to believe that there can be any significant development in underdeveloped countries without radically raising the productivity of agricultural labor.

The total labor force in the underdeveloped countries is presently rising and will for decades ahead continue to rise by from 2 to 4 percent annually. Under the best auspices, birth control will spread only slowly in these countries. The youthfulness of their populations, itself a result of high fertility, implies a tremendous momentum in the population increases. Moreover, a decrease in birth rate has no effect on the size of the labor force for 15 years and only a very minor effect for three decades. We can therefore safely predict that, until the end of the present century and longer, the labor force will continue to grow very fast, indeed faster than at any time in the now developed countries—except in the New World where conditions for development were much brighter.

My next point is that agriculture will have to continue to take care of its full share of this tremendous increase in the labor force. Contrary to common opinion—occasionally expressed even by economists—industrialization even if it were pushed much more rapidly than has been possible in underdeveloped countries will not create much employment. This is so, because the additional labor demand created by industrialization is a function not only of the speed of industrial growth but of the low level from which it starts.

Moreover, there are backwash effects of industrialization when the new industries come to outcompete craft and traditional production, which in most cases were more labor intensive. In a study undertaken by the Secretariat of the Economic Commission for Europe of development in the Central Asian Republic of the Soviet Union, we found that, in spite of a heavily accentuated industrialization effort, the labor force employed in manufacturing decreased for more than two decades before the industrial base became large enough so that a rapid continuation meant a corresponding big increase in labor demand.

If we combine our two findings: That for decades ahead the employment-creating effect of industrialization is ordinarily rather small, and may be none or even negative, and that we know with certainty that the labor force will increase between 2 and 4 percent per year, we must conclude that the far greater part of this increase in the labor force must remain outside industry, mainly in agriculture.

The part of the agricultural labor surplus that seeks refuge from poverty and oppression by moving to the cities will go mostly into petty trading, services of various sorts, and other occupations that are characterized by the same underutilization of labor as its agriculture, or it will swell the number of odd jobseekers, idlers, and beggars. Unfortunately, urbanization in underdeveloped countries is not equivalent to industrialization.

II

The conclusion that agricultural planning in underdeveloped countries must count on a very rapid increase in its labor force becomes a more serious challenge to the planners since the present labor force is already underutilized on a vast scale—a situation that in the popular idiom is called underemployment. Rational agricultural policy must therefore be directed toward more intensive utilization of an underutilized labor force that is meanwhile constantly and rapidly growing.

In this short address I cannot go into the implications for agricultural planning of this important conclusion, except for stressing that successful agricultural development in underdeveloped countries requires an entirely new technology. As yet no scientific basis, taking into account the climatic conditions in the tropical and subtropical areas where most of the underdeveloped countries are located, has been laid by detailed and localized, intensive research of the type and scope that has been basic to the rapid advance of agriculture in the United States and all the rich countries which for various reasons never faced during their development the need to absorb such a large and growing labor surplus in agriculture.

The important difference is that, while agricultural progress in the rich countries could go together with a rapid decrease in the labor force employed in agriculture, the underdeveloped countries must plan for a more intensive utilization of a labor force with no outlet but agriculture, that will continue to grow very rapidly. However, a ray of hope in this desperate situation springs from the fact that in underdeveloped countries the productivity of the land is mostly exceedingly low. There must be means by which a very great increase in labor input and labor efficiency can raise the yields per acre much more than proportionally to the increase of that more efficiently used labor input.

A main impediment to the utilization of a new technology capable of solving this problem is political, institutional and attitudinal. The power in many underdeveloped countries is in the hands of reactionary people who have, or shortsightedly believe that they have, an interest in preventing these changes in land ownership and tenancy that would increase the opportunities and the incentives for the peasantry to try to improve their lot.

Indeed, in many countries where there are enlightened national leaders in political control they are made impotent by the landlords, moneylenders and other middlemen who have the power in the villages as well as in the parliaments, and who use it to prevent the implementation of the leaders' decisions, even when they are given the form of legislation. And the poor peasants often do not protest; they are sunk in apathy, ignorance and superstitious beliefs caused and maintained by their poverty. And so, in practice, very little of land reform is accomplished.

We must sincerely hope that the political institutions in the underdeveloped countries will prove themselves able to push land and tenancy reforms so that in these countries, too, and in agriculture, Marx will be proved wrong when he prophesied violent revolutions as the inevitable effect of increasing inequality and impoverishment of the masses.

III

Meanwhile what we actually see happening in the underdeveloped world is stagnation in agriculture. In India agricultural production has for 3 years not been rising appreciably, while population is increasing by 2½ percent, perhaps more. Except for American deliveries of food under Public Law 480, there would have been mass starvation. Also Pakistan and Turkey, two other very populous countries with hundreds of millions of inhabitants and with more than three-quarters of their population in agriculture, could not have survived if they had not increasingly been fed by the agricultural surplus from the United States. South Asia as a whole has in recent decades changed from a surplus to a deficit region in regard to food. Food production per head in Latin America has been at a standstill for the last decade and its present level may be somewhat lower than a generation ago.

On the late President Kennedy's proposal the sixties were declared the development decade, but what we have so far seen is a retardation of the pace of development in underdeveloped countries. Lack of progress in agriculture is the main cause of this ominous course of recent history.

FAO has calculated that close to one-half of the world's population suffers from sheer hunger or crippling malnutrition or both—this half of humanity lives in the underdeveloped countries. Indeed, the masses of the underfed are in agriculture. Taking into account the pending increase in population, FAO calculates also that in order to provide a reasonable level of nutrition for all the world's peoples, total food supplies must be doubled by 1980 and trebled by 2000. From my own studies, I am inclined to believe that this is an underestimation rather than an overestimation, particularly if the nutrition level for the poorest strata is to be raised, which is already a necessity for increasing labor productivity.

Several things are clear. First, most of this increase in agricultural production must take place in the underdeveloped countries, which would imply a sharp turn of the present curve of development of agricultural production there. Second, nonfulfillment of this goal will imply a world calamity, the real import and effects of which are terrifying to consider. Third, there is no realistic hope that these huge reforms in the agriculture of underdeveloped countries can be engendered rapidly, say within the next few years. Fourth, to prevent the internationally intolerable situation where tens and hundreds of millions of people are starving to death the rich countries will have to increase their gratuitously given food deliveries very much.

Let me add as a sixth point that, when considering the great multitude of the rapidly increasing populations in underdeveloped countries, in the long run such charity deliveries of food will for almost physical reasons not suffice. They will only bridge over the rapidly approaching emergency situation. In all our policies in regard to underdeveloped countries, we must in their own, in our, and in the world interest be most careful to spur them to raise the productivity of their land and labor and, in particular, be careful of not increasing their complacency.

IV

In the world emergency which I foresee exploding upon us within only a relatively few years, there will be a fundamental change in the way we will come to view the problem of agricultural overproduction in the United States. For 3 decades or more the United States has been under the compulsion to use various means of holding down production; nevertheless surpluses have tended to accumulate.

In recent years, the food deliveries under Public Law 480 have, besides being of great importance to aid underdeveloped countries, been instrumental in taking care of a growing share of the U.S. agricultural surpluses. More than two-thirds of the total export of wheat was, for instance, disposed of as part of the food-for-peace program. The president of the National Farmers Union, Mr. James G. Patton, has accurately characterized the situation when he recently explained:

"We can take pride in the positive concept of using our food abundance as a weapon for peace and prosperity in a hungry, poverty-stricken world. Our ability to produce in excess of domestic needs and our willingness to share our abundance has won and is winning many friends for democracy as a way of life and for all citizens of our Nation.

"Yet this great Nation is not one to look back on accomplishments; we must look forward to ever increasing the peace and well being of all citizens of the free world."

If I am right in counting up the world situation in regard to agricultural production and the need for food—and I am afraid I am—very much more food will be urgently needed within a short time to avert world calamity. I am informed that when taking into account reasonable expectations of the rise in food consumption in the United States and of commercial exports, the deliveries of food under Public Law 480 will soon approach the limit of the foreseeable available surpluses in the United States. But, we all know that agricultural production in the United States would rise very sharply if the lid were taken off. If the rich world shall carry out its obvious duty to prevent hunger on a mass scale in the underdeveloped countries, all that the American farmers can produce will be needed, as also what Canada, New Zealand and other similar countries can produce above their countries' domestic needs.

To the U.S. farmers, this will be a great opportunity. It is, indeed, foreseeable that this freedom from holding back their production may make it possible that they will be prosperous with less and, in the end perhaps, no policy efforts to keep up farm prices. It is true that even such a development will not solve the problems of the poor farmers with too little or too unproductive land. But they should be aided in other ways as President Johnson has recently been urging. The young should be given education and training possibilities to move into more remunerative sections of the American economy; the old, who cannot move, should be pensioned in some way. That rich America can easily afford.

The increased food aid to underdeveloped countries must be paid for in some way. In an address I gave to the World Food Congress in Washington in 1963, I stated my opinion, that there is no rational reason why the aid should be paid by the countries who happen to be able to produce a large surplus of food. To be more specific, when my own country, Sweden, which is about as well off as the United States, is able to give remunerative work to the 9 percent of its labor force still counted as belonging to agriculture, without producing much of a surplus—mainly because of our substantial forestry—this is no reason why it should be relieved from paying its due share for food aid to underdeveloped countries.

A condition, of course, is that this aid be internationalized. In this connection, I would like to draw your attention to the world food program, administered by FAO. It was set up on the proposal of the U.S. Government. It is still diminutive, only $100 million for 3 years. Within its limitations it has been a clear success. It is pioneering methods for international handling of food aid without disturbing commercial trade and especially without interferring with—in fact actually helping—the progress of agriculture in the underdeveloped countries receiving the food. It is proposing to go further and explore methods of using international food aid on a development program basis. This should be an invaluable experience for the vastly increased food aid that will become a necessity within a few years and which should not be paid for by the United States alone.

I am aware that I have been talking about problems which are not of immediate importance in the practical game of framing current agricultural policies in the United States. But when I have for many years withdrawn to being only the independent scholar, I have seen it my special duty to look a little further ahead and also to tell people what I then discern. I have also the feeling that no other group in the United States is more open to forward-looking analysis than the National Farmers Union which has done so much to keep the U.S. policy on a progressive line. This is the explanation for my daring to direct your attention to the pending world calamity in agricultural production and nutrition and the challenge its approach is raising to the American farmer and the U.S. Government.

"THREE DEATHS"

Mr. TALMADGE. Mr. President, there appeared in the April 13 edition of the Macon, Ga., News a touching and splendid editorial concerning the tragic deaths of three citizens of the United States. The editorial speaks for itself, and its point is well taken.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Macon (Ga.) News, Apr. 13, 1965]

THREE DEATHS

Death is death and it is a terrible blow to the loved ones who must bear up in their grief. At such a time, the comfort and consolation of those who believe the life of the one who has gone had meaning and usefulness can greatly help in shouldering the burden.

This is the story of three deaths, partly based on information given in a letter to an Atlanta newspaper.

Two of the deaths were in Alabama. One was in Georgia.

A white minister was killed by a blow on the head in Selma. He had left his work in Boston to come South and join Negro demonstrators. The President of the United States provided a jetplane for the transportation of the body and sent the widow roses.

A white woman was murdered by gunfire on the road between Montgomery and Selma. She had left her husband and five children in Detroit to join Negro demonstrators in Alabama. Her husband, on learning of the tragedy, tried to call the President late at night and was upset when he couldn't get through to Mr. Johnson. The White House switchboard operator, however, assured him the President would call back early next morning. And he did. Later, the Vice President of the United States at the direction of Mr. Johnson went personally to the Detroit home to comfort and extend sympathy to the family.

A white Navy Reserve officer died on March 9 in a midair Navy jetplane collision near Senoia, Ga. Lt. David R. Ousley, proud of the Navy and glad to serve his country, skipped the usual weekend recreation and relaxation period to improve his flying skill in a training flight.

His wife was visiting his parents in Kokomo, Ind., at the time. A taxicab brought a telegram notifying her that her husband had been killed in the service of his country. There was no chaplain to ease the pain. There was no Navy representative to console her. The Vice President of the United States was not here to express sympathy to the wife and little daughter of the dead Navy pilot.

The Navy could not furnish transportation so, in addition to her other problems, she had to pay to fly to Arlington for the burial services. President Johnson did not put an airplane at her disposal.

She had to make many expensive long distance telephone calls before the Navy finally consented to send the remains by commercial plane to Kokomo for the funeral, rather than waiting 4 days as previously planned. The President of the United States did not call and the White House switchboard, of course, did not handle any of the calls.

Three deaths. Two of persons who were in Alabama to join in a protest march which the courts initially prohibited. One of a Navy officer in the skies over Georgia as he sought to make himself better able to handle the responsibilities he might one day be called on to perform by his country.

One wonders. Roses and a jetplane and telephone calls from the White House and a visit from HUBERT HUMPHREY. One cannot help but wonder what sort of values those in high places put on the meaning of lives and the ways of death.

THE HUNDRED DAYS OF L.B.J.

Mr. CHURCH. Mr. President, I think most Members of Congress would agree with me that the first 100 days of President Johnson's first full term represent one of the most productive periods in our national history. It is certainly appropriate to compare this period with the first 100 momentous days of Franklin D. Roosevelt's administration.

In this brief period, Congress has acted swiftly on a surprising number of President Johnson's proposals. Great progress has been made to provide much needed funds for our schools, voting rights for all our citizens, medical care for the elderly, and aid to Appalachia, and in dealing with the constitutional problem of Presidential succession.

These points are well made in an article published on April 15 in the New York Times. The article is entitled, "Johnson's 100 Days: Domestic Achievements in Legislation Compared With Period Under Roosevelt." It was written by Tom Wicker, the able Washington bureau chief of the Times.

President Johnson has, indeed, made progress in building the Great Society; and I am sure that most Americans share his feeling of achievement for our country.

I ask unanimous consent that Mr. Wicker's article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York (N.Y.) Times, Apr. 15, 1965]

JOHNSON'S 100 DAYS: DOMESTIC ACHIEVEMENTS IN LEGISLATION COMPARED WITH PERIOD UNDER ROOSEVELT

(By Tom Wicker)

WASHINGTON, April 14.—President Johnson and Congress have completed 100 days of legislative action that may rank as one of the most remarkable periods of domestic achievement in American history.

The weeks since January 4, when the 89th Congress convened and Mr. Johnson outlined his program in the state of the Union message, have been more notable in at least two ways than the similar period under President Franklin D. Roosevelt in 1933.

Then, there was a national economic crisis and a national demand for action, neither of which eixsted this year. And Mr. Johnson's program, unlike Mr. Roosevelt's, was carefully planned in advance, sent to Congress on a calculated schedule, and pursued according to a deliberate strategy.

LANDMARKS ARE LISTED

By the traditional Easter break, most sessions of Congress have done little more than organize committees and hold hearings on a few bills. This week, as members of both houses drifted away for Easter holidays, they could look back on these landmarks:

Action completed on the first successful general school aid bill in history, a measure that also makes a beginning attack on the ancient controversy about Federal aid to private and parochial, as well as public, schools.

House passage of a bill to provide medical care for the aged through social security, and expanded to include a voluntary program to pay doctors' bills. The House had blocked such action for most of the last decade.

A broad bipartisan consensus to support a voting rights bill that could put a decisive end to the historical disfranchisement of Negroes in some Southern States.

In addition, a sweeping regional aid measure for the Appalachian States had been passed; both houses had approved differing versions of a constitutional amendment to fill the vacuum on the question of Presidential inability and succession; and a number of lesser measures had cleared in at least one of the houses.

TWO PRACTICAL PURPOSES

The education and medicare bills alone would make most congressional sessions historic. They are viewed here as having also accomplished two practical purposes beyond their own merits.

They cleared out of the way two major and longstanding controversies that have divided and paralyzed many different sessions in recent years, thus making possible legislative action on numerous other Johnson administration proposals.

These bills also laid the groundwork for what the White House is convinced, on the basis of early polls, will be a Democratic success in the congressional elections of 1966. Historically, the party in control of Congress loses seats in such midterm elections.

These polls have satisfied administration strategists that Democratic candidates in 1966 can run on a platform of the promise of a better America and overcome the standard Republican arguments against too much Government spending and too much Federal power.

They think the impact of the school aid, medical care, and other programs will help the party hold its substantial majorities—294 Democrats to 140 Republicans in the House, 67 Democrats to 33 Republicans in the Senate.

DEADLOCK IS AVERTED

White House sources are confident that education and medicare also were the two issues that could most easily have involved Congress in bitter dispute and deadlock, barring or endangering action on other measures. Since the medical care bill is regarded as sure of passage by the Senate, there now appears to be little danger of Congress bogging down as it did in 1937 as a result of President Roosevelt's Supreme Court "packing" plan, or in 1961 as a result of President Kennedy's aid-to-education bill.

The hottest congressional fight of the year, it is now believed, is likely to come on Mr. Johnson's intention to repeal the section of the Taft-Hartley Act permitting the passage of so-called State right-to-work laws, which prohibit compulsory union membership as a condition to continuing employment.

The administration definitely will seek the repealer this year, and expects it to be passed after a hard fight.

There also is a possibility, not conceded by the administration, of a revolt against the President's antipoverty program. He has asked for a doubled appropriation of $1.5 billion but charges of irregularities, confusion, and politics in its administration is causing Congress to look at the program more searchingly.

The White House expectation now, disputed by few congressional sources, is for passage this year of virtually all of the following:

An immigration bill eliminating national-origin quotas; a measure looking to high-speed rail transportation in the Boston-New York-Washington corridor; an expanded area development bill, an improved mass transit program; a National Arts Foundation; a Cabinet-level Department of Housing and Urban Development; the President's national beautification program; a bill to relieve water pollution, and another expanding the saline water conversion program.

In addition, passage this summer of some form of Mr. Johnson's proposed voting rights legislation is believed certain. The constitutional amendment on Presidential inability is likely to go to the States for ratification within weeks.

Even the ever-controversial foreign aid bill may be approved earlier than usual. The administration aims at closing this battle before July 15, and the last time that was done was in 1952.

The fundamental reason for congressional accomplishments so far is the big majority President Johnson carried into office with him in his landslide victory in the 1964 election.

EFFECTIVE STRATEGY

Still, the speed of action so far and the total prospects for the year owe a good deal also to the effective strategy of the President and his legislative leaders, particularly their timing.

Seizing on the momentum of his election, Mr. Johnson laid out his program and started sending up bills and messages almost three weeks before his inauguration. He kept the pressure on with a constant flood of messages and proposals—a total of 97, accompanied by 78 draft bills.

The Senate has already passed 21 of these, of varying importance.

Mr. Johnson also deliberately set his priorities to get the medical care and education controversies out of the way early. He and his leaders adapted their tactics, in each case, to take account of differing situations.

The education bill, for instance, was developed entirely at the White House, with the general agreement of both Roman Catholic and Protestant leaders, education groups and important Members of Congress. Then it was rammed through both Houses without change, on Mr. Johnson's insistence.

The President's theory was that opening the bill to amendments would invite the same old church-state controversy that so often before had prevented passage of general school aid. It was this kind of debate that he sought, at all costs, to avoid.

As a result, the program will need perfecting amendments in another bill later on. But the basic measure is on the books with a minimum of controversy.

On the other hand, the key to the medicare bill was the support of Representative Wilbur D. Mills, of Arkansas, the powerful chairman of the House Ways and Means Committee. To get it, Mr. Johnson gave Mr. Mills virtually a free hand in writing the bill, then in steering it through the committee and the House.

PERSONAL LOBBYING

The President has also paid careful attention to personal lobbying. Only 25 Members of Congress have failed to attend a series of parties, combined with briefings, at the White House. Mr. Johnson keeps in close personal touch with important legislators, gives deferential treatment even to some who oppose him, and in general has heightened the congressional sense of rapport with the Executive—a rapport often strained to the breaking point in recent years.

Perhaps as important as anything else has been the fact that Mr. Johnson has maintained an atmosphere free of acrimony and bitterness beyond his relations with Congress—for instance, with the business community and other pressure groups that often have powerful influence with Congress.

He has moved quickly to snuff out or blunt issues that could have unsettled Congress—for instance, the debate that once seemed to impend on his Vietnam policy. When the balance-of-payments situation worsened, and violence erupted in Selma, Ala., he took action before Congress could get the bit in its own teeth or before these issues could divide his supporters.

And although the cost of his proposals is large, it has been kept small enough to prevent a massive conservative counterattack. This has been done largely through the technique of relatively small first-year appropriations. They are sure to grow larger as the programs expand, but at least in Lyndon Johnson's first 100 days even the perennial cost-of-Government issue seems to have been muted.

THE LATE HONORABLE SHERMAN MINTON

Mr. BAYH. Mr. President, Indiana's only native son to serve on the Supreme Court of the United States, the Honorable Sherman Minton, died recently after an illustrious career as a public servant. One of his former law clerks, Mr. Marshall E. Hanley, delivered a moving tribute to the late Justice Minton at the time he retired from the bench in 1956. I ask unanimous consent that certain portions of this speech, which appeared recently in the Evening Press of Muncie, Ind., be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Tribute Paid to Justice Minton

Paying tribute to former Supreme Court Justice Sherman Minton, who died today, is Marshall Hanley, Muncie attorney.

Hanley served as clerk for Minton in 1945–46 when the latter was judge of the Federal court of appeals in Chicago and Hanley was fresh out of law school.

"Justice Minton, as you know, was Indiana's only Supreme Court Justice. Those of us fortunate enough to have worked closely with him received a tremendous benefit from the experience.

"In October 1956 when Justice Minton retired from the Supreme Court the 20 men who had served him as clerks honored him with a surprise party at the Mayflower Hotel in Washington, D.C. These former clerks are practicing law all over the United States now, but we got together to let him know how we felt about our association with him.

"I was picked to speak for these 20 former clerks, and what I said then is still true. I can't think of any better way to say it."

Portions of the text of Hanley's 1956 tribute reads:

"BEST GUY AROUND HERE"

"To eulogize the record of public service of Mr. Justice Minton, I leave to others. They will, in the days ahead, write and say many wonderful things of his useful life. But you and I have had the privilege of knowing him as most others have not.

"Someone has said that if you want to know what kind of a person a man really is, ask the janitor in his office, or the boy who runs the elevator in the building where he works. I am convinced there is a good bit to this, and I will tell you why.

"When I was with the judge on the court of appeals in Chicago, I often went to the court in the evenings. There, old John, the colored janitor, would say to me, 'young fellow, you works for the best guy around here.'

"Later, I practiced in the Justice's former law offices in New Albany. His name, of course, was a legend in the town, and as many knew I had recently been in his office in Chicago, a day did not pass that someone did not inquire of him.

"The crippled boy who operated the elevator in the building told me over and over again how much he thought of our friend, and how the Justice always stopped to talk with him on his visits home and to his old law office.

"His work habits on the court of appeals, and I assume they have remained the same in Washington, were such that his written opinions were in fact the combined efforts of the Justice and his law clerk. We have reworked his rough drafts many times. And the Justice has rewritten our drafts many, many times. This partnership in spirit and in fact has meant much to us all.

DESCRIBED AS "DEAR FRIEND"

"To have worked with you has given us something of the fighting spirit of the advocate, the considered wisdom of the jurist, the admiration and affection of a friend.

"Through the varied work of these young men here today to do you honor, our profession will be of greater service, and our country will be a greater land. And this will be so in large part because for a short time each of us has had the privilege of walking arm in arm with you.

"Of you, Judge, more eloquent words will be spoken. But to the best of my ability, I have said this evening as nice a thing as could be said of any man; and that is as it should be, for you are, and have always been, to each of us, a great fellow and a dear friend."

RECENT DECISIONS OF THE CIVIL AERONAUTICS BOARD ON SERVICE TO SMALL- AND MEDIUM-SIZE TRANSPORTATION CENTERS

Mr. BAYH. Mr. President, I wish to acquaint the Senate with a decision rendered last week by the Civil Aeronautics Board—a decision detrimental to the welfare of the city of Terre Haute, Ind., and, by logical extension, detrimental to every small community in the entire Nation. By a 3-to-2 decision, the Board terminated Trans World Airlines service between Terre Haute and the east-west points of Indianapolis and St. Louis. The Board also refused to allow an extension of service from Terre Haute to St. Louis by Lake Central or Ozark Airlines. This decision has severed the airlink between Terre Haute and key industrial outlets.

Mr. President, this decision was not in the public interest. A hearing on air transportation in Terre Haute was conducted on July 30, 1963, before Examiner Barron Fredricks. Briefs were filed by Lake Central, Ozark, TWA, the Bureau of Economic Regulation, the city of Columbus and the Columbus Area Chamber of Commerce, the Aeronautics Commission of Indiana, and the city and Chamber of Commerce of Terre Haute. Examiner Fredricks concluded that service by TWA should be terminated and that Ozark Airlines should be certified for east-west service to Terre Haute on a routing between St. Louis and Indianapolis. This decision was satisfactory to the Terre Haute officials. However, on October 16, 1964, the CAB reviewed the initial decision. On April 13, the CAB decided to overrule Examiner Fredrick's decision to allow Ozark to supplant the lost service of TWA. I stated before Examiner Fredricks in the original hearing:

> Cities divorced from the service of the most modern transportation carriers fall from the mainstream of society and lose their economic importance. One only needs to recall the great problems created in the river towns when the steamer was replaced by the railroad and motor car. The principal ingredients of that problem are identical to the problem our Nation faces with air travel today. But the CAB now has the benefit of past experience to guide it in its present decision. History need not be repeated here. It is my hope that preventive medicine will be administered here so as not to create a need for expensive cures in the near future.

But preventive medicine was not administered. Nor was it considered in South Bend, Ind., or in Fort Wayne, Ind., in similar petitions for abandonment. The petition was granted, but the requested assumption of flight responsibilities by local service carriers was denied. Thus, the citizens of South Bend and Fort Wayne lost their access by air to other communities and two smaller carriers were denied the opportunity to enter into what they believed would be a desirable business operation. Decisions of this type cannot be justified as being in the public interest. Decisions such as these may well sound the death knell for air service in smaller communities in America.

It seems clear to me that this nationwide problem, accentuated by preemptory CAB rulings, will be solved only when we establish and maintain healthy local service airline systems. Subsidy policy should be set by the CAB based on transportation need, not a fixed formula applied to a predetermined budget. The CAB must look for ways to develop new patterns of air traffic to smaller communities to enable small cities to have adequate service along routes that are economically feasible to the carriers. Without adequate air transportation for small metropolitan areas, our Nation may be pockmarked by semidepressed, underdeveloped, dying communities. Then, partly as a result of shortsightedness, we will be faced with expensive crash programs to remedy a situation that we need not encounter if we try to comprehend the logical result of today's action. The CAB decision for Terre Haute was based solely on the basis that east-west operation of a small airline would be too costly. Public interest and public necessity were not, in my opinion, given reasonable consideration. In a dissenting opinion, Vice Chairman Robert T. Murphy stated:

> The gravamen of the majority's opinion is the carriers' interest with little weight given to the resultant dissimulation of presently available air transport services. Were we establishing a pattern for first Terre Haute air service, I would not certificate TWA. But it is a very different matter to delete a used and useful service with a resultant net loss in air transport services available to the public in the absence of any meaningful carrier gain. But accepting my colleague's decision to delete TWA, I would be inclined to authorize a Lake Central replacement by extension beyond Terre Haute to St. Louis on a nonsubsidy eligible basis.

And a Board member, Joseph Minnetti, stated in his dissenting opinion:

> Deletion-substitution proceedings like this one should properly have as their objective leaving the community under evaluation with a grade of service superior to that which it had previously experienced, and of course, meeting its principal air transportation requirements.

Mr. President, this is not the first time the CAB has rendered a decision which has had the effect of stripping three Indiana cities of adequate air transportation. Nor is Indiana the only State adversely affected by similar decisions. Many other areas of the Nation have been damaged—I hope not irreparably—by such actions. I believe that the Board may have lost sight of its duties as defined in section 102a of Public Law 85-726 as "the encouragement and development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States."

I want to compliment my distinguished colleague, the senior Senator from Oklahoma, for having conducted hearings into the activities of the CAB. I want to urge him to continue this investigation and to ascertain if decisions such as the one rendered in the Terre Haute case fulfill the duties and obligations of the Board as prescribed by law.

Mr. President, air service to small communities is essential if they are to improve their economic base. The public interest demands that there be a halt to decision after decision designed to isolate the smaller cities. The public interest demands a thorough study of the Board's activities involving air transportation to America's small towns.

TRIBUTES TO SAM ZAGORIA

Mr. CASE. Mr. President, many people on Capitol Hill demonstrated their regard for my administrative assistant, Sam Zagoria, by attending his swearing-in as a member of the National Labor Relations Board on Tuesday, April 20.

As they may be interested in some of the press comment on this appointment, I ask unanimous consent to have printed in the RECORD four editorials which have appeared in New Jersey about the appointment of Mr. Zagoria.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Long Branch (N.J.) Daily Record, Mar. 27, 1965]

GOOD CHOICE FOR NLRB

The selection of Sam Zagoria, a former New Jersey resident, to a position with the National Labor Relations Board, is one that is well received.

Mr. Zagoria, chief aid for 10 years to Senator CLIFFORD P. CASE, Republican, of New Jersey, was named by President Johnson during a news conference at his Texas ranch.

Mr. Zagoria, who was born in Somerville, succeeeds Boyd Leedom, whose term on the NLRB has expired.

We know that he will be sorely missed as a member of CASE's staff.

We came to know Mr. Zagoria even better than we had before during the gubernatorial campaign of the late James Mitchell, and we found him to be a capable, fair, and affable person.

Mr. Zagoria is a former newspaperman, having served with the Washington Post. While at the Post he was chairman of the American Newspaper Guild unit. He began work with CASE in 1955. He was on a Nieman fellowship at Harvard University in 1955 when Senator CASE asked him to become his administrative assistant. He began work with CASE immediately and did not complete the year-long fellowship.

We are pleased with the appointment, and we congratulate Mr. Zagoria and wish him well in his new position.

[From the Somerset (N.J.) Messenger-Gazette, Apr. 1, 1965]

SAM'S NEW JOB

Latest native son to make good is Sam Zagoria, whose appointment last week to the National Labor Relations Board by President Johnson caps a career of hard work that started in the halls of Somerville High School and led to the halls of Washington.

Zagoria was a successful newspaperman and editor when he was asked by U.S. Senator CLIFFORD CASE to become his administrative assistant.

During the 10 years he served CASE, Sam gained a reputation for his administrative and political know-how and his ability and acumen contributed no little to CASE's demonstrated popularity with the voters of New Jersey.

The Messenger-Gazette is especially proud of Sam's latest achievement since he began his editorial career with this paper.

In addition to being proud, we also are confident that a better choice for appointment to the NLRB could not have been made.

The post for which Sam has been tapped is a sensitive one, which requires someone with more than ordinary skill, tact, knowledge, and intelligence. Obviously, President Johnson was of the opinion that his appointee possessed these qualities.

All of Somerville should be proud that the country's Chief Executive has placed his confidence in someone whose roots are in the old hometown.

[From the New Brunswick (N.J.) Daily Home News, Mar. 28, 1965]

ZAGORIA CHOICE HAILED

Selection of Sam Zagoria, Somerville native, by President Johnson, for a seat on the National Labor Relations Board, is an excellent one, we feel.

Zagoria, who has been chief aid to U.S. Senator CLIFFORD P. CASE for the past 10 years, will gain the $27,000-a-year post if he is confirmed by the U.S. Senate and there is no doubt that he will.

Son of Mr. and Mrs. Nathan Zagoria of Somerville, Sam will succeed Boyd Leedom, whose term on the NLRB has expired.

Commenting on the selection of his aid, Senator CASE remarked: "The public service couldn't have an abler and more dedicated addition. My loss is the executive branch's gain."

Zagoria is a former newspaperman and was on a Nieman fellowship at Harvard in 1955 when he became CASE's administrative assistant after the latter went into the Senate. He started work with CASE and did not complete the fellowship. Previous to that time, Zagoria was with the Washington Post, serving as reporter, suburban editor, and State editor. Following graduation from Rutgers where he was editor of the student newspaper, "Targum," Zagoria worked for this newspaper and others in the area. He also edited the Rutgers literary magazine.

During World War II, Zagoria was in the Army Air Force for 3½ years with service overseas. In the southwest Pacific he was a staff sergeant to the late Gen. Douglas MacArthur. After the war, he returned to newspaper work in California and later entered the Government service.

Zagoria, who now resides in College Park, Md., is a registered Republican. In that area he is active in many civic groups.

In making the selection, it would seem that President Johnson acted wisely and took experience rather than political affiliation into consideration.

We don't think the President will have any reason to regret that move and wish Zagoria well in his new endeavor.

[From the Franklin (N.J.) News Record, Apr. 1, 1965]

THE SOMERSET SCENE

Two competent gents moved up to new and bigger jobs last week. Ex-Somervillite Sam Zagoria left Senator CLIFF CASE's side to take a seat on the National Labor Relations Board, and County Parks Director Austin Palmer turned in his resignation to head a county park development program in New York State.

There's a heap of success-story stuff in both of these guys, and they have one thing in common—they both know how to get things done.

About 10 years ago Sam was awarded one of the grand prizes of journalism—a Neiman fellowship. He was on leave of absence from the Washington Post when he received a telegram from a man he did not know. The wire was from Senator-elect CASE, and he was asking if Sam would accept the job as the Senator's administrative assistant.

There are very few Neiman fellowships available in any given year. Some newsmen wait in line for ages and never make it, but here was Zagoria in the ivy-covered halls of Harvard confronted with a big decision: To complete the fellowship and gain new recognition in the newspaper world—or surrender it abruptly to go with a Senator he did not know. The decision had to be made quickly, and Sam made it. He went with Case. The Zagorias in Harvard packed their bags and headed back to Washington which they had left but a few months previously.

A very strong bond soon developed between the Senator and his chief aid, and it was a mutual admiration society that was to grow stronger each year. They built a very competent staff for the Senator around Sam, and before long he was more than administrative chief. He moved into the cauldron of political campaigning, and when Case stood for reelection a lot of guys had titles but Zagoria was the real field commander. He roamed New Jersey from corner to corner, displaying a political acumen that was a delight to behold.

The Senator had a lot going for him—a long and distinguished record as a legislator, a reputation for being a gentleman of the first order, a sense of purpose that few political figures could match—and a strong, devoted right arm named Zagoria. Case won by a wide margin.

It was a topnotch team that earned the respect of Republicans and Democrats alike.

Then came another campaign. The Senator convinced Jim Mitchell and President Eisenhower that Mitchell should run for Governor of New Jersey, and Zagoria was appointed to be the field marshal for the former Secretary of Labor. Once again he was on the move through the State, getting back to his family only on weekends.

Although Mitchell was a heavy favorite to beat Richard Hughes, it was not an easy campaign. Put Mitchell down in a small gathering and he displayed an exceptionally keen sense of what was going on and what he had to do about it. But in front of a big crowd it was something else again.

The jolly, extroverted Dick Hughes loved crowds, big or small, and he scored a plus mark wherever he went. The personalities of the two candidates were in sharp contrast, and the Hughes triumph made political history.

When the battle was over we talked with Sam one night about the Mitchell campaign, and to his lasting credit he never once, during a lengthy analysis, took a slap at the man who had lost. Sam knew early in the game what his own problem as campaign chief would be, and he lived with them, never flinching, never doing less than his best in those long days and nights of a gubernatorial fight.

Then it was back to the desk in the Senate Office Building with his favorite Senator, and last week the Case-to-Zagoria battery was broken up when President Johnson named the former Somerville lad to the NLRB, a job drawing $27,000 a year, some 10 G's or more a year than that which he has had as the Senator's chief aid.

The scenarist sends best wishes to a longtime friend in a new job—and condolences to the Senator on his loss.

It won't surprise us at all if Zagoria one day moves into the White House as a Presidential press secretary. He's got all the stuff that tough job needs.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD DISASTER LEGISLATION

Mr. MONDALE. Mr. President, less than 2 weeks ago, on April 9, 1965, I spoke on the floor of the Senate, calling your attention to a major disaster which was then in the process of developing in the State of Minnesota and in surrounding States. I said then that we expected devastating flood conditions, and to the great misfortune of the State of Minnesota, those predictions proved to be accurate.

I also said at that time and I quote:

> It may very well be necessary to ask the Senate for emergency remedial legislation or for authorization of additional Federal funds to rehabilitate the State once the waters have receded.

The time has come for me now to ask the Congress of the United States to take action to remedy the problems caused by floods and high waters in major disaster areas. This legislation is limited to those areas in which the President has declared a national major disaster, and will amend the existing Federal Disaster Act to provide greater flexibility and a wider range of tools to assist in the very extensive work of reconstruction.

The exact dimensions of the devastation are as yet unknown. Preliminary estimates of up to and over $40 million of flood damage have been labeled "very conservative." It is estimated that $13 million of damage has been done to Federal aid roads alone in the State and 46 Minnesota counties have been designated as disaster areas. Twenty-seven Federal and State highways have been listed as closed by the Minnesota Highway Department and traffic to assist in the redevelopment and rehabilitation of areas cut off by high waters is made more difficult.

Damage in Mankato, Minn., has been estimated at $5.5 million and even yet the problem of the floods remains with the States affected. The fight against the multi-million-dollar flood is far from over. The dikes still have to be maintained and the people must remain vigilant, because the river is going down very slowly. Estimates have been made in St. Paul that it will probably be a week before the flood waters are even down to the level of the worst previous flood of 22 feet in 1952. Heavy rains could aggravate the situation further. The massive flood waters have been exerting heavy pressure along the lines of dikes and levees protecting both private and public property and this danger will continue to exist for up to 2 weeks.

However, we cannot wait until the danger is completely over or the damages have completely been assessed to begin the planning for reconstruction. For myself and my distinguished colleague, the senior Senator from Minnesota [Mr. McCarthy], I am today introducing, for appropriate reference, a bill to amend the Federal Disaster Act to provide increased assistance for rehabilitation and reconstruction in areas damaged by floods and high waters.

The bill is designed to aid the victims of floods in many ways not permitted under present disaster legislation. For example, it authorizes a Federal-State matching fund program under which mortgages could be retired or adjusted on homes destroyed or heavily damaged by floods. The Federal Government would provide 75 percent and the State 25 percent of the funds for this matching fund program, and would apply to those instances in which other programs for relief are not available. This program would be administered by the State in accordance with a plan submitted by the State and approved by the President. The program would also include regulations to prevent unjustified payments or gains to the State mortgagees or mortgagors. This provision is very much similar to one in Public Law 88-451, which the Congress passed in response to the needs created by the Alaskan earthquake.

The bill would also authorize adjustment of loans made by the Farmers Home Administration, the Housing and Home Finance Agency, and the Rural Electrification Administration. Other provisions of the bill include authorization to use 100-percent Federal funds for repair of flood damaged Federal-aid highways, authorization for special urban renewal programs for rebuilding flood damaged communities, additional flood control surveys by the Army Corps of Engineers, and authorization for the Small Business Administration to make low-interest disaster aid loans over a 30-year period rather than 20-year period as at present.

The bill would also provide for establishment of regulations so that flood relief to nonpublic parties would reflect any obvious flood risks which they assumed on their own responsibility.

I am also privileged at this time to ask unanimous consent of the Senate to have printed at this point in the Record the remarks of the President of the United States, made on arrival at the Minneapolis-St. Paul Airport just this last Wednesday. The President's remarks convey to us his very deep concern over the suffering and hardship occasioned by disasters in the Midwest and in Minnesota, and his assurances that assistance be provided to these areas is extremely encouraging and very much appreciated by the people of the State of Minnesota and by both Senators from the State of Minnesota.

I also ask unanimous consent that an article from the April 19, 1965, New York Times on the flood disaster be printed in the Record at this point.

There being no objection, the President's remarks and article were ordered to be printed in the Record, as follows:

REMARKS OF THE PRESIDENT ON ARRIVAL AT MINNEAPOLIS-ST. PAUL, MINN.

Governor Rolvaag, Senator McCarthy, Senator Mondale, Congressmen Karth, Fraser, McGregor, Olson, Langen, Governor Keith, Governor Milliken, ladies and gentlemen, boys and girls, and Mr. Chancellor, only last week, at the request of your Governor, Karl Rolvaag, after a number of visits with members of your delegation, and your very able and beloved Vice President, Members of your Senate—Senator Mondale and Senator McCarthy—I declared a number of areas in the great State of Minnesota as disaster areas because of the great floods you are now experiencing.

Over the weekend, more of your neighbor States were struck unexpectedly by disaster from the skies. Death and destruction fell upon homes and businesses in six of your neighbor States—as well as in the State of Minnesota.

I am today—together with Governor Buford Ellington, Director of the Office of Emergency Planning, also with many Members of the House and the U.S. Senate—meeting with the Governors and public officials of the afflicted States. Our purpose is to come and to see what the Federal Government can do to provide promptly and effectively the appropriate assistance available under the established Federal programs to assist the families and communities suffering from these natural disasters.

It was on Good Friday, last year, that the costliest disaster since the program of Federal disaster assistance began struck the State of Alaska. This year, on Palm Sunday, disaster struck again in this region through both tornadoes and the floods that you are now experiencing. So none of us are immune to the unknowns of nature.

Over the past year, in fact, one out of seven Americans have had their lives touched by such occurrences. When such disaster strikes, I know it is the will of the American people that assistance shall be provided to help the citizens and communities undertake the task of rebuilding and restoring the lives of families and cities and farms.

So, I pledge to you today, that along with your distinguished Congressman delegation, the members of both parties, your Governor, the State officials, and your very able Vice President, that we will all do everything we can. We will do it as promptly, as efficiently, as useful as possible to render the maximum amount of aid in this crucial hour that the Federal Government can render.

As always, it is delightful to be here in your fine State. I regret that we must come under these circumstances. I hope that we may return again under happier circumstances in the future.

I want to thank you for coming out and saying hello to me. I trust that our visit here will be helpful to the end that we can get the information we need to bring all the assistance we can as quickly as we can.

Thank you very much.

MINNESOTA OFFICIALS SPUR PLANS TO STEM DAMAGE FROM FLOODS

(By Donald Janson)

ST. PAUL, April 18.—As the record flood crest of the Mississippi River moved downstream from here today, officials turned their attention to repairing the damage wrought by the worst recorded flooding in Minnesota history—and to efforts to prevent a reoccurrence.

Top officers of the Army's Corps of Engineers from Washington and Chicago conferred with Gov. Karl F. Rolvaag at the State Capitol.

They were joined in the Easter Day strategy meeting by authorities of the National Guard, civil defense organization, National Office of Emergency Planning, and other agencies.

The Governor has estimated property damage in 46 Minnesota counties designated as disaster areas at $40 million.

Before the Mississippi crested here yesterday at the record level of 12 feet over the 14-foot stage, the Red Cross reported 1,831 dwellings in Minnesota had been destroyed or damaged, 4,179 families had suffered losses, 19,000 persons had been evacuated from homes, and 100 industries had been damaged.

Ten Minnesotans have died in the flooding of the Mississippi and its tributaries.

PERIL STILL REMAINS

Reinforced dikes held fast here today and the water level dropped again. The peril of further flooding, however, will remain for a week or so, and the crest has yet to hit in many downstream cities.

Acting on a suggestion by Secretary of Labor W. Willard Wirtz, Mr. Rolvaag ordered plans drawn to use Job Corps youths for reconstruction work under the Federal antipoverty program.

The Red Cross announced that it would open 14 headquarters here and in other flood-stricken cities to aid families who must rebuild.

Congress gave the Corps of Engineers responsibility for flood control in 1936. Why, families and towns reeling from this year's flood have asked, is it still possible for rivers that the corps has sought to tame to cause such havoc?

The answer has many parts, Lt. Col. Leslie B. Harding, district engineer here for the corps, said in an interview.

Not least among them, he said, is the unpredictability of nature. The historic flood this month stemmed from unusual weather conditions.

THAW WAS LEFT

A winter without thaws left a heavy snow and ice pack on the ground in Minnesota till April. Then the melting came with a rush. Fed by swollen tributaries, the Mississippi jumped from a level of 2½ feet at St. Paul on April 2 to a crest of 26 feet in 2 weeks.

Preparations to meet such emergencies are ponderously slow.

Since 1936 the corps has built 16 flood-control projects in Minnesota, including reservoirs to impound excess water, concrete floodwalls and earthen levees to constrict rivers, and diversion channels to take overflow.

However, Colonel Harding pointed out, it all takes money. Each project has to be authorized by Congress. Also, in almost every case, the active backing and financial support of the local government concerned is required, too.

In the normal course of events under the existing system, the city or county seeks flood-control help through its representatives in Congress. If Congress approves, the corps makes a study, estimates costs and makes recommendations. If both Congress and the local government then approve a course of action, the necessary easements are obtained and the land involved is cleared of residents. Finally, the corps actually begins work on the project.

LANDOWNERS PROTEST PLANS

Obstacles frequently encountered at the local level are objections from landowners who do not want to move and from taxpayers whose own property is not threatened by flooding. Opponents of flood-control projects exert political pressure at both national and local levels.

Mankato, one of the Minnesota cities hit hardest by the flooding this spring, provides an example.

In 1962, both Mankato and North Mankato rejected a project recommended by the Corps of Engineers to prevent flooding of the Minnesota and Blue Earth Rivers. The project was authorized by Congress in 1958. The Federal Government would have paid all but $404,000 of the $3,594,000 cost.

This month, the Minnesota went on a rampage before emptying its flood waters into the Mississippi. Preliminary estimates place damages in the Mankato area at $5.5 million. Had the project been built, the corps said, the loss would have been held to $1 million.

Now Mankato and North Mankato officials have asked the corps to meet with them to reconsider the project.

In St. Paul, by contrast, the city approved a corps plan to protect 500 acres of industrial property along the Mississippi with a concrete flood wall and earthen levee nearly 2 miles long. Construction was completed 2 years ago. St. Paul contributed about $475,000, partly in land and labor, of the $3.5 million cost.

Although the city had to heighten other dikes it had elsewhere along the river to contain last week's record crest, the corps dike never was topped by the hurtling Mississippi and, thus, prevented millions of dollars in damage.

Colonel Harding said completed projects had prevented about $16.5 million in flood damage this month. Projects authorized by Congress but not yet carried out, including the one at Mankato, would have prevented $17.2 million more in damage, he said.

Other factors besides rain, snow and thaws affect flooding, but there have been no adequate studies to determine how much. These stem from impingements on nature made by modern-day living.

One factor is private drainage for agricultural purposes. Another is the effect of urban and suburban housing and business developments that denude land of the natural sponge provided by trees, plants, and grass.

Twenty-nine locks and dams have been built on the Mississippi by the Corps of Engineers between here and St. Louis, but their purpose is to impound enough water to aid navigation. They have no flood-control function. Gates are pulled completely out of the water to let the spring floods through, the corps said, but cannot be used effectively otherwise for flood control.

One expert said today that engineering alone had not prevented floods in the past and would not stop them in the future.

The key to preventing future flood losses, in the opinion of Dean Athelstan Spilhaus of the University of Minnesota's Institute of Technology, is permanent relocation of families who live in the flood plains of rivers.

A science strip prepared by Dean Spilhaus appears each Sunday in 115 newspapers. Today's says:

"Flood warnings move people out, but disaster relief must not move them back in—nor should cities be allowed to grow on floodable plains."

He believes that in many cases growing cities are encroaching on rivers rather than vice versa, faster than the Corps of Engineers can build dikes and levees.

Most of the flood damage this month has been to riverside property. Some engineers have suggested that these low-lying areas, subject to flooding each spring, be zoned only for parks and such industries as powerplants, which gain more from a riverside location than they will lose from predictable flooding.

Mr. MONDALE. Mr. President, I also ask unanimous consent that the bill be referred to the Committee on Banking and Currency.

The PRESIDING OFFICER. The bill will be received; and, without objection, the bill will be referred to the Committee on Banking and Currency, as requested.

The bill (S. 1793) to amend the Federal Disaster Act to provide assistance for the rehabilitation and reconstruction of areas damaged by floods and high waters, introduced by Mr. MONDALE (for himself and Mr. MCCARTHY), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PROXMIRE. Mr. President, I commend the junior Senator from Minnesota for introducing this legislation. I was in Wisconsin last weekend.

La Crosse, Wis., is suffering severe flood damage. Saturday I was in Monroe, Wis., where some 100 homes endured serious and in some cases devastating tornado damage.

There is no question that the people need assistance they cannot, under present law, get. The Federal Government provides some assistance, but in the case of a home that has been obliterated, or a business that has been wiped out, all that a victim can do is hope to get a long-term loan from the Government. This loan must be repaid. This procedure imposes on a victim a mortgage which may prove to be unbearable.

It is particularly cruel in the case of farmers and people whose incomes are low. I feel very strongly that the Senate should give most serious consideration to passage of this kind of legislation in a recognition of our national responsibility to those who, through no fault of their own, have suffered punishing loss. We should give consideration in the future to a more generous, thoughtful, and compassionate policy on the part of our Federal Government than we have up to this time.

I commend the Senator from Minnesota for his proposed legislation.

Mr. MONDALE. Mr. President, I thank the Senator from Wisconsin for his most appropriate remarks.

Anyone who was on the trip with the President to view the results of the tornado damage in Indiana, Ohio, and the upper Midwest, and the damage and destruction from Minnesota's worst flood, which is also striking La Crosse and other areas of Wisconsin and Iowa, cannot help but be impressed by the fact that a humane and personal government ought to have some regard for those who suffer from national disasters. It is not the personal fault of those who suffer the damage—the homeowner, farmer, or small businessman.

It is perfectly possible that a wage-earner would be found after such a national disaster to have lost his home and to have been left with nothing else in the world but a large, unpaid mortgage. He would have to spend the remainder of his life with his wife and family with the prospect of doing nothing but paying for a home that has gone.

It seems to me that there ought to be more provision for help, where needed, to assist such a person, businessman, or farmer who has been visited with such a loss.

This is what we hope to achieve through the proposed legislation.

Mr. PROXMIRE. Mr. President, at the meeting which I called on Friday morning in La Crosse, we had a showing of all of the Federal agencies which are responsible for or can do anything in the event of flood disaster. Such agencies as the Corps of Engineers, the Weather Bureau, the SBA, the Farm Home Administration, the Bureau of Public Roads, the Office of Emergency Planning, and others, were present.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may be permitted to continue for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Representatives of all of the Federal agencies that can act at all were present at this meeting. There was an excellent turnout. The representatives did a fine job of briefing the appropriate mayors, village representatives, homeowners and others as to what could be done. The representatives of these agencies wanted to do all that was possible.

It was very clear at this meeting that the Federal Government has tied its hands. It can do very little to assist people who have suffered drastically.

Mr. ELLENDER. Mr. President, I regret very much what took place in Wisconsin, Minnesota, and other areas of the country.

But at the same time I cannot help remembering that there was another quite serious flood in that area of the country several years ago. The Appropriations Subcommittee on Public Works took up the question of providing, not relief, but ways and means to prevent such floods.

We asked the Corps of Engineers to survey the problem to find exactly what would be required. The local people were at first very cooperative. Then the sun came back out, and for some reason the local interest died away. The assurances of local cooperation were withdrawn.

Mr. President, I would like to insert at this point in the RECORD a memorandum on what was experienced in regard to projects on the Minnesota River at Mankato and North Mankato. It points out clearly that if the corps had been able to proceed with its work, we would not now have to be faced with a request to liberalize the Federal Government's policies with respect to emergency and disaster aid.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

NORTH CENTRAL DIVISION,
April 15, 1965.

MINNESOTA RIVER AT MANKATO AND NORTH MANKATO, MINN.

The local protection flood control project at Mankato and North Mankato was authorized by the 1958 Flood Control Act as recommended by the Chief of Engineers in House Document No. 437, 84th Congress, 2d session.

Description: The proposed project, in south-central Minnesota on the Minnesota River about 105 miles above its mouth, provides for improvement of about 2 miles of river channel; raising, strengthening, and extending existing levees in Mankato and North Mankato to obtain a flood barrier totaling about 5 miles in length; and construction of appropriate interior drainage works and minor related features.

Local cooperation: Local interests will be required to provide lands, easements, and rights-of-way; hold and save the United States free from damages due to the construction works; maintain and operate the works after completion; make necessary changes to utilities, highways, and highway bridges; obtain legal control of ponding areas and prevent encroachment; furnish pumps from existing pumping stations; and contribute in cash or equivalent work an amount equal to 1.9 percent of Federal gross first costs.

Cost

Estimated cost at time of authorization:	
Federal	$1,870,000
Non-Federal	157,000
Total	2,027,000

Benefit-to-cost ratio at time of authorization, 1.5 to 1.

Latest estimate of cost (design memorandum estimate 1961)

Federal	$3,190,000
Non-Federal	404,000
Total	3,594,000

Benefit-to-cost ratio in 1961, 2 to 1.

Funding

Appropriations fiscal year 1959 (added by Senate)	$55,000
Appropriations fiscal year 1960	47,000
Added by transfer	69,800
Total expenditure	171,800

Work accomplished: All funds were spent on preconstruction planning. The design memorandum was completed by the district engineer in August 1961 but was not acted on by the Chief of Engineers in view of lack of ability of local interests to furnish the required local cooperation.

Status of local cooperation: At a meeting by the district engineer with the mayors and city attorneys of both Mankato and North Mankato in June 1961 it was established that because of legal and financial difficulties assurances could not be furnished for the project at that time. Prior to this time local interests had pressed for completion of the project.

Present status: In view of lack of local cooperation the district engineer on August 11, 1961, recommended that the project be placed in an inactive status. On March 14, 1962, the Chief of Engineers approved reclassifying the project from the active to the inactive category. No work has been done on this project since it was placed in the inactive category.

April 1965 flood: The design discharge developed in the design memorandum was 99,000 cubic feet per second. The actual discharge was about 98,000 cubic feet per second on April 10, 1965. Thus, this most recent flood could have safely been contained by the proposed channel and levee improvements. Of the preliminary estimated 1965 flood loss of $5½ million, about $4½ million in damage would have been prevented if the authorized project had been constructed.

Funding to complete planning: It is estimated that $100,000 and 8 to 10 months is required to complete preconstruction planning.

Mr. ELLENDER. Mr. President, it is a sad thing that it required a calamity such as the current one to reawaken the people to the extent that they not only want protection by the Federal Government through cheap interest rates, but also, I presume, assistance in constructing the necessary levees and dams by which to prevent such floods.

I express the hope that the Committee on Banking and Currency, which will study the bill, will not be too liberal.

I believe that under the law at the present, 3 percent interest can be made available to small businesses. I believe that rates of interest can also be reduced to the farmers who have suffered and need funds to plant crops in the future. Many other forms of aid are also available.

We have sufficient laws to enable the necessary aid to be given. I express the hope that if any liberalization of our policies is made by Congress it will apply not only to the area currently involved, but also to all areas of the country which may be involved in the future.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

FLOOD PROTECTION

Mr. COOPER. Mr. President, on April 13, 1965, S. 1229 was called up for action and passed by a voice vote of the Senate. In the Congressional Record, there had not been prior notice that the bill would be acted upon that day or that the Senate would be taking action on such legislative business. When the bill was passed that afternoon, some Senate committees were in session, and at that particular time, I was attending a meeting of the Subcommittee on Public Works Appropriations, on which I sit with respect to projects of the Corps of Engineers.

After the Senate met on April 13, it went into Easter recess, and this is the first Senate session to consider legislative business since that date. Because of this situation, I wanted to bring a matter affecting this bill to the attention of the Senate.

The bill would, among other provisions, call for one-half of the separable costs allocated to recreation and fish and wildlife enhancement in Federal multiple-purpose water resource projects to be borne by non-Federal public bodies. It is, therefore, a bill of wide interest to the States and to communities throughout the Nation because of its effect on various types of facilities, including flood protection facilities constructed by the Corps of Engineers.

The bill is supposed to have primary reference to programs under authority of the Department of the Interior, and it has particular reference to projects of the Bureau of Reclamation and to plans being formulated in connection with the Land and Water Conservation Act. It is not, however, clear what degree of applicability it would have to flood protection facilities, and reservoirs for that purpose, which would be constructed by the Corps of Engineers. It is also not clear exactly how certain costs would be allocated among non-Federal public bodies and whether they might be borne by the States or by the communities adjacent or most directly affected.

This subject, and questions which may be raised by this bill, are matters of great concern, as many—perhaps nearly all—of the local communities which require flood protection would be unable to bear alone the costs which would be imposed upon them. If this policy were to apply to all such projects which gained approval by the Corps of Engineers, it would mean that many communities would then be denied flood protection available under Federal authority.

Last year, when I heard that this change in policy was being considered, I met with officials of the Bureau of the Budget, seeking information about the details of the policy and opposing it as a bar to the construction of needed flood protection facilities in the State of Kentucky, and in other areas of our country. On last November 10, I wrote a letter to the President of the United States expressing my opposition to the application of criteria which would involve requirements for payment by local communities of part of the costs of reservoirs for flood protection built upstream from those communities. I pointed out that, under the policy of the Bureau of the Budget, the burdens imposed would not be bearable by local communities, and I know that this concern has been taken under consideration.

I also discussed this matter some time ago with the distinguished chairman of the Senate Committee on Interior and Insular Affairs, Mr. Jackson, and I have also talked to members of the Committee on Public Works, on which I serve, about the problem. In recent weeks, I have again met with officials of the Bureau of the Budget, with the Secretary of the Army, and with officials of the Corps of Engineers about the situation. In the hearings begun last month before the Senate Public Works Committee on a new omnibus authorization bill, I raised this issue when General Wilson and General Graham, along with Mr. Fitt, General Counsel of the Army, were testifying before the committee. Other members of the committee, including the chairman, Senator Pat McNamara, and Senator Jennings Randolph, among others, also expressed their concern.

I think it of the greatest importance that interpretation of the intent and effect of the bill be made, in order to clear up the concern and the problems that have been noted. I have written the Director of the Bureau of the Budget to seek a careful explanation of provisions which might apply to projects of the Corps of Engineers, and I will discuss the need for interpretation with Senator Jackson, chairman of the Committee on Interior and Insular Affairs. I know the great interest of the chairman of the Subcommittee on Public Works Appropriations [Mr. Ellender] in pressing for needed flood protection facilities, and I will be seeking his views.

I think it proper that the Senate should have the benefit of an interpretation of provisions which might apply in a different way to Corps of Engineers projects than to Bureau of Reclamation projects. I have been working for over 5 months to secure assurance that policies or provisions proposed in S. 1229 would not prevent the authorization of required flood protection reservoirs or other necessary flood protection facilities and I believe that further explanation and interpretation is required. Since the Senate Committee on Public Works has jurisdiction over the Corps of Engineers projects, I will insist that it is in the authority of our committee to prescribe criteria for Corps of Engineers flood protection facilities which the committee must consider before they come before the Senate.

Flood protection is vital to the life and security, and to the economy, of communities in Kentucky and throughout the Nation, and we must not neglect those areas of our country that need the protection the most.

ALICEVILLE, ALA., TORNADO

Mr. SPARKMAN. Mr. President, several weeks ago the city of Aliceville, Ala., was the victim of a tornado which did at least $400,000 damage to the community. However, the Small Business Administration, the Red Cross, and local agencies responded quickly to the needs of the community, and Aliceville has made a quick recovery from the disaster. I believe my colleagues will be interested in reading the following Birmingham News account of the way that SBA, other organizations, and individuals responded immediately to meet the needs of this city. This is another instance in which the Small Business Administration has responded quickly to natural calamities by providing disaster loans, at the low interest rate of 3 percent to the victims.

I ask unanimous consent that the article to which I have referred be printed in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Birmingham (Ala.) News, Apr. 1, 1965]

HAD EXPERIENCE—ALSO GOT HELP: FEW SCARS REMAIN FROM ALICEVILLE TORNADO

(By George Metz)

ALICEVILLE, April 1.—Six weeks ago, Aliceville's fourth tornado in one generation skipped into town, leaving a trail of destruction and debris.

Today, one hardly notices the scars.

Aliceville has reroofed, repainted, dug out the uprooted tree trunks and, for the most part, cleaned away the telltale litter which once marked the tornado's path. Only a couple of smashed homes remain to be rebuilt.

All in all, we've done right well," explained Mayor David Stringfellow this week. "I'd say we have cleaned out from under this one a lot quicker than I expected."

However, Stringfellow admitted Aliceville has had practice digging out after tornadoes. The town has been hit four times: once in 1938, twice in 1957, and at exactly 6:40 p.m. February 18.

Fortunately, the February tornado, which roared out of the darkened western sky and preceded by torrential rain, failed to smash to earth with full tornado fury. Witnesses claimed its funnel skipped along just above rooftops, snapping off trees and housetops, knocking over power and utility poles, and knocking out entire walls from some buildings and homes.

Miraculously, no one was killed. Less than a dozen persons were seriously injured, none critically.

Total damage has been conservatively estimated at "about $400,000." Mayor Stringfellow feels damage could eventually run a half-million dollars, perhaps slightly more. As he points out, it is sometimes difficult to evaluate superficial damage.

Credit for Aliceville's quick recovery belongs, of course, to the people themselves. For the most part, tornadowise Aliceville homeowners carried insurance. As one man told a reporter: "I'd go without my coffee to keep that insurance premium paid."

Homeowners are also quick to praise assistance from the Federal Small Business Administration, which granted some dozen low interest (3 percent) loans, and the American Red Cross. Both agencies set up emergency centers in the Church of Christ at Aliceville's hard-hit "Milltown section."

In some cases, the Red Cross paid the first month's rent for temporary housing and made outright cash donations. According to Mr. Robert Kirksey, local Red Cross executive secretary, 37 case files were handled by his office but quickly points out that not everyone given assistance became a statistic.

One of Aliceville's luckier tornado victims, Sam Scarbrough, this week recalled this west Alabama town's latest night of terror, his own narrow escape and, as he put it, "new start."

Scarbrough did not attempt to rebuild his tiny grocery store, blown completely away moments after the tornado dipped earthward on Aliceville's west side. He considers himself lucky just to be alive.

Seconds before the tornado struck Scarbrough had sat watching television in back of his small store.

"It started raining real hard but I didn't think about a tornado. I went outside to roll up my car windows, looked up and saw it coming—or heard it at least. I just dove in the car and slammed the door."

Scarbrough rode out the tornado partly lying on the front seat of his Mercury sedan, battered by flying debris. It cost him $268.28 to repair the car.

Today, Scarbrough operates another grocery, purchased with savings and an $800 Government small business loan. He even feels the grocery, located in a predominately Negro neighborhood, may even do better financially than the one blown away. At least, he is optimistic.

Like almost everyone else, Scarbrough, a two-time Aliceville city councilman, praises the Red Cross' role in assisting tornado victims. "I know they have been extra good to me," he said. The hammering, repainting and reroofing is by no means completed in Aliceville today.

Some residents, like the George Wilkerson's had practically to rebuild from foundation up. Fortunately Wilkerson had insurance.

"I figured I could get by with $1,000 more," he explained Monday. "I got one of those small interest loans. As a matter of fact, I got the check this weekend. I thought that was pretty quick."

Wilkerson went on to sum up, in a phrase, the spirit behind Aliceville's quick recovery. "* * * can't really complain. It could have been worse."

ADJOURNMENT

Mr. SPARKMAN. Mr. President, I move that, as a further mark of respect to the memory of the deceased Senator Johnston from South Carolina, the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 1 o'clock and 37 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 22, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 14, 1965:

CENTRAL INTELLIGENCE AGENCY

Vice Adm. William F. Raborn, Jr., U.S. Navy, retired, of California, to be Director of Central Intelligence.

Richard Helms, of the District of Columbia, to be Deputy Director of Central Intelligence.

Executive nominations received by the Senate April 20, 1965:

UNITED NATIONS DISARMAMENT COMMISSION

William C. Foster, of the District of Columbia, to be a Deputy Representative of the United States of America on the United Nations Disarmament Commission.

Executive nominations received by the Senate April 21, 1965:

TREASURY DEPARTMENT

Joseph W. Barr, of Indiana, to be Under Secretary of the Treasury.

Merlyn N. Trued, of New Jersey, to be an Assistant Secretary of the Treasury, vice John C. Bullitt, resigned.

STATE DEPARTMENT

Anthony M. Solomon, of the District of Columbia, to be an Assistant Secretary of State.

ECONOMIC COMMISSION FOR LATIN AMERICA

Jack Hood Vaughn, of Virginia, to be the Representative of the United States of America to the 11th Session of the Economic Commission for Latin America of the Economic and Social Council of the United Nations.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Hamilton Hawkins Howze, O18088, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Lt. Gen. Dwight Edward Beach, O18747, Army of the United States (major general, U.S. Army), in the grade of general.

Lt. Gen. Gordon A. Blake, 582A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general, under the provisions of section 8962, title 10 of the United States Code.

Maj. Gen. Benjamin O. Davis, Jr., 1206A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10 of the United States Code.

IN THE COAST GUARD

The following-named persons to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Cecil Warren Allison
David Head Amos, III
Ralph Edward Anderson
James Stephen Andrasick
Arcangelo Vincent Arecchi
Wayne Walter Becker
William Harry Blanchard
Paul Michael Blayney
Gene Elliott Bowen
Terry Warren Brady
Stephen Lee Brundage
Robert Allan Brunette
John Wilmer Carbin
William Charles Carr
Richard Burton Chapman
Edward Amedee Chazal, Jr.
Robert Walter Christiansen
Raymond Victor Cicirelli
Larry Allen Cochrun
Davy Mack Cohan
Joseph Patrick Coleman
Stephen Hull Cox
Samuel Johnson Dennis
Holmes Martin Dillian
David Kenneth Duffy
John Pierce Fagg
David Allen Faurot
Anthony Francis Finizio
Ronald Eugene Fritz
Philip Radcliffe Fuller
Lloyd Frank George
Ronald Maurice Gipson
Kipling Edward Grassit
Robert Joseph Gray
Larry Robert Greif
Jeffrey Nelson Hall
Frederick Morris Hamilton
Norris Randolph Harod
Russell Thomas Hebert
Carl Henry Helman, III
Bartholomew Joseph Hennessey
Joe Miles Hibbs, III
Martin Clifford Hoppe
Andrew Thomas Horsey
Donald Scott Jensen
Eugene Karns Johnson
Gary Edward Johnson
Neil Burton Johnson, Jr.
Richard Frank Johnson
Carl Josephson
Gerald Joseph Kane
Michael Emmett Koloski
Stanley Kruszewski, Jr.
Dennis William Kurtz
Roger William Kushla
David Mitchell Labuda
David Thomas Livingston
Thomas Joseph Lucey
Robert Thomas Luckritz
Robert Wayne Mason
Richard Dennis Manning
James Robert McDermott, Jr.
Gerald Allen McGill
Michael George Meany
James Douglas Morgan
Howard Newhoff
William Harry Norris
Michael John O'Connor
Joseph Robert Offutt, Jr.
Thomas Edward Omri
Lindon Albert Onstad
Jerry Marsh Payne
Carl Hodgson Pearce
Thomas Richard Pennington
William Ward Peterman
Randall David Peterson
Anthony Joseph Pettit
Delgene Orvis Phillips
John Atchley Pierson, Jr.
Peter Theodore Poulos
John Lawrence Ray
William Carl Riley
Joseph Michael Rogers
Roger Thomas Rufe, Jr.
Richard Edward Ruhe, Jr.
David Kenneth Rutherford
Peter Anthony Rutski
Paul Nelson Samek
Leonard Franklin Sanders
James Andrews Sanial, Jr.
William Schorr
John Everett Schwartz
Robert William Scobie
Glenn Edward Serotsky
William Thomas Sigler
William Maurice Simpson, Jr.
Laurence Howard Somers
John David Spade
Robert Wadleigh Staton, III
Robert Marshall Stephan, Jr.
Robert Louis Storch, Jr.
Douglas Hunter Teeson
Michael Douglas Trammell
Walter Samuel Viglienzone
Robert Carlton Walker
Richard William Walton
Rikki William Wells
Ronald James Wetzel
Gerry Wayne White
James Alan White
James Rodney Wilburn
Kent Harlan Williams
Francis James Wright, Jr.
Thomas Eugene Yentsch
Geral Joseph Zanolli

WITHDRAWAL

Executive nomination withdrawn from the Senate April 21, 1965:

POSTMASTER

I withdraw the nomination sent to the Senate on March 15, 1965, of Mrs. Eva D.

Young to be postmaster at Center Harbor, in the State of New Hampshire.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 1965:

DEPARTMENT OF STATE

Henry H. Fowler, of Virginia, to be U.S. Governor of the International Monetary Fund for a term of 5 years, U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years, and a Governor of the Inter-American Development Bank for a term of 5 years and until his successor has been appointed.

William B. Dale, of Maryland, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

UNITED NATIONS

Walter M. Kotschnig, of Maryland, to be the representative of the United States of America to the 20th plenary session of the Economic Commission for Europe of the Economic and Social Council of the United Nations.

Morris B. Abram, of New York, to be the representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

ADVISORY COMMISSION ON INFORMATION

The following-named persons to the positions indicated:

Palmer Hoyt, of Colorado, to be a member of the U.S. Advisory Commission on Information for the term expiring January 27, 1968, and until his successor has been appointed and qualified.

Morris S. Novik, of New York, to be a member of the U.S. Advisory Commission on Information for the term expiring January 27, 1968, and until his successor has been appointed and qualified.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 22, 1965

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore (Mr. BOGGS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid befor the House the following communication from the Speaker:

APRIL 22, 1965.

I hereby designate the Honorable HALE BOGGS to act as Speaker pro tempore today.

JOHN W. MCCORMACK,
Speaker.

PRAYER

The Chaplain, Rev. Bernard Braskamp, D.D., used the words of the psalmist, 85: 11: *Truth shall spring out of the earth, and righteousness shall look down from heaven.*

Almighty God, as we humbly and reverently engage in this sacred moment of prayer, wilt Thou answer our highest aspirations with Thy divine inspiration and satisfy all those desires which are well pleasing unto Thee.

May we never take a neutral or negative attitude toward life's lofty moral and spiritual principles, but show us how we may live affirmatively and helpfully, faithfully and hopefully, and place ourselves in the direction of the leading of the Holy Spirit.

Help us to be partners in hastening the dawning of that glorious day of prediction when the forces of evil and darkness shall be supplanted by righteousness and justice and transformed into the forces of peace and light, redounding to Thy glory and the welfare of humanity.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Monday, April 19, 1965, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 905. An act to authorize the Secretary of Commerce to employ aliens in a scientific and technical capacity;

S. 956. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to extend construction authority for facilities at Guam and the Virgin Islands of the United States (76 Stat. 87; 19 U.S.C. 68); and

S. 1501. An act amending section 107 of the River and Harbor Act of 1948, relating to the support and maintenance of the Permanent International Commission of the Congresses of Navigation.

The message also announced that the Senate had passed a resolution, as follows:

S. RES. 95

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Honorable Olin D. Johnston, late a Senator from the State of South Carolina.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an engrossed copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

AMERICA'S BEST GOOD-WILL AMBASSADORS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, last night two groups of Washingtonians were privileged to watch outstanding performances by some of the finest good-will ambassadors our country will ever possess—our American Indians.

At the Department of Interior Auditorium, representatives of many tribes gathered to participate in the first American Indian Festival of the Performing Arts, under the sponsorship of Secretary of Interior and Mrs. Stewart Udall and the Bureau of Indian Affairs.

It was a magnificent demonstration of the variety and versatility of American Indian dancers, musicians, and artists, and won the enthusiastic applause of a distinguished audience headed by Secretary Udall and Mrs. Udall.

At the Calvary Baptist Church, meanwhile, the gifted Indian chorus of Bacone College, of Muskogee, Okla., was presenting a concert which ranged from the classics to songs from "Music Man," and the Bacone singers received a standing ovation from their distinguished listening audience.

Under the direction of Miss Jeannine Rainwater, the Bacone chorus is completing a singing tour which has taken them to many parts of the country, and they have enjoyed enthusiastic receptions wherever they have sung.

My wife and I were fortunate enough to have heard the entire Bacone concert and to have witnessed a major part of the festival at the Interior Department, and we left both events with a sense of increased pride in the artistic accomplishments of these first Americans.

When the Department of State lines up its next traveling attraction to tour the world selling American culture, they should give serious consideration to representatives from Bacone College and the talented artists who participated in the festival. We could not secure more authentic or impressive ambassadors of American life from any other quarter.

PERSONAL ANNOUNCEMENT

Mr. YOUNGER. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. BROYHILL] may extend his remarks his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROYHILL of North Carolina. Mr. Speaker, on Wednesday, April 14, 1965, I was unavoidably absent when a vote was taken on House Resolution 310 providing $50,000 for additional expenses of the Committee on Un-American Activities incurred in the investigation of the Ku Klux Klan. I should like the RECORD to show that had I been present, I would have voted "yea" in support of the resolution.

BEDTIME STORY ABOUT COTTON SUBSIDIES

Mr. YOUNGER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FINDLEY. Mr. Speaker, on March 18 the weekly publication, America's Textile Reporter, carried an open letter entitled "Dear Congressman FINDLEY," challenging my contention that textile mills are on the receiving end of a half-billion-dollar subsidy as the result of the new cotton program enacted last year.

I include here the text of the magazine article with my reply:

DEAR CONGRESSMAN FINDLEY: We are confident your opposition to one-price cotton legislation, was, is and shall be based upon a fierce belief in the system of free enterprise, free markets, and frugal government.

You suggest you wish to rid the taxpayer of this economic burden. You admit, at the same time that American mills should be able to buy cotton at the same prices as foreign mills. And you say that the only final solution to this problem is to drop cotton support prices sufficiently to make cotton competitive at world market prices.

We fully agree with you on these points and are certain the majority of textile mills in this country share such accord.

Our paths part, however, when we read your irresponsible statements that the textile mills "are on the receiving end of a half-billion-dollar subsidy."

While we are the first to admit the 1964 Cotton Law, so entangled by past legislative errors, practically defies understanding, it is difficult to believe you can't see who gets the subsidy.

Upon reading our Washington correspondent's recent interview with you (at which time you once again failed to see the light) we asked Mr. J. Craig Smith, president of Avondale Mills, Sylacauga, Ala., to write us a bedtime story about Farmer Brown and the cotton subsidy. Mr. Smith is the type of fellow who can take a 14-page insurance policy and reduce it to first-grade English. This he has done below. We feel certain it will help you understand "who gets the subsidy?"

"Once upon a time there was a man named Farmer Brown. He lived in the United States. He grew a bale of cotton which was worth $115. It was worth only $115 because farmers in 39 other countries grew similar bales of cotton which they were selling for $115. Farmer Brown's government decided that he needed to get $145 for his bale of cotton in order for him to make a reasonable profit. His government then went to the foreign mills and said, 'Give Farmer Brown $145 for his bale of cotton and we will give you back $30.'

"This went on for 9 years.

"In the meantime, Farmer Brown's customers in the United States began using bales of manmade fibers instead of cotton fibers. Farmer Brown lost his customers at home because these customers could not pay $145 for his bale of cotton and compete with mills which could buy bales for $115. Farmer Brown's government then said to his American customers, 'You pay Farmer Brown $145 and we will give you back $30.'

"Who got the subsidy? Was it the American mill, which wound up getting a bale worth $115 for $115? Or was it Farmer Brown, who got $145 for a bale worth $115?"

Please read Mr. Smith's story carefully and pass it around to members of Congress. We are happy to report we showed the story to our 6-year-old son. He understands perfectly well who gets the subsidy.

But this is only half the story.

You also argue that the industry has not lived up to "its side of the bargain to reduce the price of cotton products to consumers" and that cotton fabric prices have remained about the same.

Here again, we feel your remarks are based on a rather casual, political view of the complexities of marketing a pound of cotton from field to fabric to Macy's shelf.

We will repeat what we said some weeks ago in an attempt to dispel some of the foggy notions that seem to arise when talk of one-price cotton legislation extension is batted about in the House.

Politically, it is easy to say that if 5 or 6 cents have been removed from the cost of raw cotton to the mills, that some considerable part of this savings should be apparent in the retail outlets. Congressmen representing large eastern urban populations are bound to play on that consumer price consciousness, refusing to recognize or admit that a cotton mill cannot control the prices of garments sold in the big chain outlets. It is the cutters, the wholesalers and jobbers who control the price of a woman's dress as they play off one weaver against the other, endeavoring to beat down the price of yard goods at the mill level.

Eighty squares a year ago was selling at from 18½ to 18¾ cents a yard or an average of 74½ cents a pound. During recent weeks (around November) these same constructions were selling from 18¼ to 18½ cents, or an average of 73½ cents or 1 cent difference. It is fair to say that it takes 2 yards of printed fabric to make a cotton dress; then at the mill level and at the prices presently quoted, there is an indicated savings at the grey goods level of one-half cent in the yardage content of that dress.

But have the politicians and the bureaucrats considered that before these gray 80-square yardages can be made up into a garment, they must be bleached, dyed or printed and finished and shipped to those concentrations of garment manufacturing in the big market areas, and all of this advances the costs inherent in the finished garment.

As cotton manufacturers have stated it, even if the market went down and even if a sudden 1-cent-a-yard decline in grey goods prices should occur, how could the mills, themselves, guarantee that the cutters would pass on this theoretical 2-cent savings to the wholesaler or jobber? And then how could the latter assume that the retailer would automatically follow suit?

It seems silly to us that anyone would think that a cotton mill in Honea Path, S.C., could govern the pricing at Macy's.

To go at this thing another way, consider these same 80-square four-yard goods at the mill level of 12½ cents in 1935. In 1935, raw cotton was selling at 98 percent of the 1910–14 index of 100; the percentage is 265 today. At the same time, the dollar has greatly depreciated as industrial wages have greatly increased. Nevertheless, it is a fact that the cotton manufacturer has steadily passed on to the consumer every saving he has been able to accomplish in that 28-year period.

Putting it still another way, let's say that a fabric manufacturer could pass on to the consumer the full 8½ cents he originally saved in the price of his raw material due to enactment of one-price cotton legislation. A dress shirt contains about half a pound of cotton which means the retailer could sell a $3.95 shirt for 4¼ cents less or at $3.90¾ cents.

We are the first to admit every cent counts these days, but such a saving is less than postage for a first-class letter. Do you suppose that the retailer would pass this saving on to the consumer? No. He would merely absorb it as profit.

However, it is another story that Arrow is producing a $4 shirt at retail that, prior to one-price cotton, sold at $4.25. That puts two bits more in the consumers' pocket and two bits is almost six times greater than 4¼ cents. In short, give the textile fabric manufacturer a fair shake, as you have done with one-price cotton, and the consumer will benefit proportionately—without your riding herd on the textile industry.

We must point out to you also that the same man who wrote the Farmer Brown story above, wrote to President Johnson on January 11, 1965, reiterating a statement he had made earlier. Mr. Smith wrote, in part, as follows:

"The market's anticipation of the enactment of the one-price cotton legislation and the uncertainty caused by the possibility of legislation had the effect of depressing our prices an average of at least 2 cents a pound over the past year. Immediately upon President Johnson's signing the cotton bill, we reduced the price on every unfilled order on our books for either cloth or yarn 4½ cents a pound. We, therefore, involuntarily passed on 2 cents a pound before the legislation was enacted and voluntarily passed on an additional 4½ cents a pound immediately after it was enacted. We had on our books orders for 29 million yards of cloth and 14 million pounds of yarn, so that by any yardstick the amount of money involved was substantial."

Now, Congressman, we refer to still more evidence which negates allegations the industry is not passing savings on to the consumer.

In the October 8, 1964, issue of America's Textile Reporter was a chart which showed the relationship of production to manufacturers sales to wholesale prices (textile products and apparel) using 1947 as the base of 100. This shows that textile mill production increased 32 percent since 1947 while dollar sales were only 25 percent higher and wholesale prices were down 8 percent. The comparison was 1963 against 1947.

Turning to still another chart we see that textile mill net profits in 1963 were about 2.8 percent of net sales and that profits dropped to this figure from around 7 percent in the middle of 1947.

Another graph, relative to this whole discussion, shows that while the textile industry's labor force was reduced 34 percent since 1947, the worker's average weekly gross pay increased 94 percent. At the same time wages, as a percentage of the sales dollar, were reduced but 14 percent.

You were quoted in the Reporter as saying you had not received any evidence indicating your basic complaint is wrong.

We are confident such evidence is in the preceding paragraphs and we would be happy to give you equal space in these columns to disprove it, if you can.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 21, 1965.

Mr. ROGER W. SMITH,
Editorial Director, America's Textile Reporter, Greenville, S.C.

DEAR MR. SMITH: This letter is in response to your kind offer to print my reply to your "Dear Congressman FINDLEY" cover editorial of March 18. I hope you will print it in its entirety and give it the same favored position. The statistical table is the most significant item and should not be deleted or condensed.

I am pleased we agree on the objectives: to reduce cotton supports sufficiently to make cotton competitive at world market prices, and relieve taxpayers of the excessive burden of the present cotton program.

Now let's see whether we can agree on the facts.

Is the new payment program really a mill subsidy? The following is a table from the Cotton Situation, USDA, January 1965, brought up to date. It shows by months the mill margin (difference between cloth prices and cotton prices) from August 1, 1960, through February 1965. You will note that the trend of price and margins is still upward. The price of cotton is down sharply.

TABLE 14.—*Fabric value, cotton price and mill margin, per pound, United States, by months, August 1960 to date*

[Amounts in cents]

Month	Fabric value (20 constructions) [1]					Cotton price [2]					Mill margin [3]				
	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964	1960	1961	1962	1963	1964
August	62.86	58.78	61.12	60.60	61.00	32.52	34.84	35.89	35.33	27.64	30.34	23.94	25.23	25.27	33.36
September	61.90	59.78	60.93	60.99	61.02	32.25	35.16	35.23	35.19	26.82	29.65	24.62	25.70	25.80	34.20
October	60.64	60.32	60.71	61.34	61.25	32.05	35.35	35.08	35.11	26.80	28.59	24.97	25.63	26.23	34.45
November	59.98	60.45	60.68	62.00	61.48	31.99	35.46	35.10	35.27	26.98	27.99	24.99	25.58	26.73	34.50
December	58.61	60.54	60.67	62.29	62.27	32.00	35.58	35.30	35.37	27.30	26.61	24.96	25.37	26.92	34.97
January	58.06	60.63	60.55	62.34	63.24	32.01	35.78	34.45	35.47	27.30	26.05	24.85	25.10	26.87	35.94
February	57.78	60.76	60.47	62.40	63.28	32.41	35.82	35.66	35.55	27.26	25.37	24.94	24.81	26.85	36.02
March	57.64	61.07	60.49	62.45	--------	33.32	35.98	35.95	35.58	--------	24.32	25.09	24.54	26.87	--------
April	57.46	61.23	60.26	62.00	--------	33.46	35.85	36.08	35.63	--------	24.00	25.38	24.38	26.37	--------
May	57.54	61.19	60.00	61.62	--------	33.86	36.13	36.16	35.67	--------	23.68	25.06	23.84	25.95	--------
June	57.60	61.24	60.11	60.87	--------	34.09	36.34	35.86	35.76	--------	23.51	24.90	24.25	25.11	--------
July	57.88	61.29	60.28	60.95	--------	34.45	36.19	35.57	35.60	--------	23.43	25.10	24.71	25.35	--------
Crop-year average [4]	59.00	60.61	60.52	61.65	--------	32.87	35.71	35.61	35.46	--------	26.13	24.90	24.91	26.19	--------

[1] The estimated value of cloth obtainable from a pound of cotton with adjustments for salable waste.

[2] Monthly average prices for 4 territory growths, even running lots, prompt shipments, delivered at group 201 (group B) mill points including landing costs and brokerage. Prices are for the average quality of cotton used in each kind of cloth. Beginning August 1964, prices are for cotton after equalization payments of 6.5 cents per pound have been made.

[3] Difference between cloth prices and cotton prices.

[4] Starts Aug. 1 of the year indicated.

Source: Cotton Division, AMS.

When this legislation was under consideration by the Congress, we were told Government costs would be $448 million, as compared with $566 million under the old program (assuming price support at 32½ cents a pound) or $451 million (assuming price supports at 30 cents a pound).

Now we know the first-year cost of the new program will exceed $800 million—up $350 million over the previous year. Even if we ignore the cost of the interim payments, the first-year cost will be up nearly $285 million compared with the previous year.

These, too, are official facts.

Now what about increased consumption? The March 1965 Cotton Situation estimates an increase of 900,000 bales. Divide this into the increased cost of the new program (and here, to be conservative, take the lower figure of $285 million which ignores the interim payment). The result: $316 extra program cost for each bale increase in consumption. Rather expensive, wouldn't you say?

These, too, are official facts.

I have read your bedtime story about Farmer Brown. That is exactly what it is—a story intended to lull to sleep a 6-year-old child—related or unrelated. There is probably a sequel. One of the questions the 6-year-old may ask on awakening is, "But Daddy, if the cotton cost the mill $32 a bale less, why did he sell the cloth at a higher price?"

The fundamental purpose of the 1964 cotton law was to make cotton textile prices more competitive, not to expand mill margins. Never once in the hearings did I hear anyone even hint that the objective of the legislation was to make mill margins higher. And yet, that seems to be what happened. The price advantage the mills gained on raw cotton was shifted to the margin column, not to the product column.

Your arguments with respect to the retail shelf prices of cotton products at Macy's try to minimize the influence of raw material costs on consumer prices. If they are valid, they argue just as well for higher cotton prices as for lower. When the cotton proposal was before Congress, mills were screaming that the spread between U.S. raw cotton and foreign cotton was killing them. Now you argue that a few cents a pound has little to do with retail prices.

Personally I cannot accept the theory that there is little relationship between the raw material costs and finished product costs.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

THE 50TH ANNIVERSARY OF THE ARMENIAN MASSACRE

Mr. YOUNGER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MORSE. Mr. Speaker, April 24, 1965 marks the 50th anniversary of one of the most shocking events in human history, for on that date, in 1915, there began a massacre of Armenians living within the Ottoman Empire.

The horror that marked this tragedy is almost inconceivable. It began with a war tax and the complete disarming of the people.

Then the young men in the communities were taken away from their homes and families; they were not heard from again; then the older men and the women and children.

It is hard to believe that so drastic a means could have been used. Measures not even justified to put down a rebellion were employed on a peaceful, unarmed, civilian population.

We observe this anniversary with profound sorrow and admiration for a brave people who survived and continued to fight for liberty. Many of their relatives and friends came to America and will mark this day with appropriate services.

I hope that my colleagues will join with me in extending our sympathy on this tragic anniversary to the thousands of Americans of Armenian descent who have contributed so much to the progress and the culture of our country.

LEXINGTON MINUTEMEN

Mr. YOUNGER. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MORSE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MORSE. Mr. Speaker, on April 19 the citizens of Massachusetts celebrated Patriots Day, the 190th anniversary of the opening battle of the Revolutionary War. One hundred and ninety years after the Minutemen of Massachusetts answered the call of Paul Revere, their spirit is being kept alive by present-day companies of Minutemen, who drill and parade proudly in colonial uniforms, to the beat of fife and drum.

One of these companies is the Lexington Minutemen, who have been in continuous existence since 1775. The Lexington Minutemen played a prominent role in the Patriots Day ceremonies in Lexington, Mass., and have paraded in countless other events. On May 15 they will observe their 190th anniversary with a ball in Lexington, which will be attended by representatives of many other military units from the Original Thirteen States.

Under permission granted, I include in the RECORD the following article about the Minutemen from the Boston Sunday Globe of April 18:

LEXINGTON MINUTEMEN ARE STILL IN ACTION

(By Virginia Bright)

America's sun rose the morning of April 19, 1775.

In the wee hours of that fateful day, the Lexington Minutemen who answered the call to arms sent out by Paul Revere are among the Revolutionary heroes whose names are emblazoned forever in the shrine of democracy.

What is more important, Lexington Minutemen are still in action—some 53 officers and men—making the "Yankee Doodle" spirit very much alive. They are the present-day counterparts of the original 77 patriots in Capt. John Parker's Lexington Company who jumped out of bed in the dawn, grabbed their muskets and dashed out into the countryside to fight the oncoming Redcoats.

Lexington Green still resounds to the music of fife and drum when these men in the colonial uniform known to George Washington drill on that historic green.

Of the various local Minutemen companies, the Lexington group claims it is the only one to have been in continuous existence since

1775. From April 19 until November 11, the company will turn out and parade for patriotic, historic and civic celebrations both in and out of Massachusetts.

On May 15, the group, mainly a ceremonial and social organization, will celebrate its 190th anniversary with a ball at the new Lexington Armory. The Lexington Minuteman Award will then be presented to the outstanding soldier of the year from the 3d Battalion, 101st Artillery, 26th Division. Many State and Federal officials are expected to attend.

The company already has received congratulatory letters from Senator EDWARD M. KENNEDY, Governor Volpe, and Congressman F. BRADFORD MORSE. Among the guests will be the Centennial Legion of Historic Military Commands which is made up of military units from all of the 13 original States.

Regular monthly meetings are held by the men at the Lexington Armory where the business of the company is conducted and the engagements are decided upon. Although cannonballs don't whistle over their heads, the Lexington Minutemen respond to their assignments with the patriotic fervor of the Colonists.

Some of the events they have participated in during the past year include Loyalty Day on May 3 in Quincy; Memorial Day in Lexington; the 326th Anniversary of the Ancient and Honorable Artillery Company in Boston on June 1; Lynnfield's 150th anniversary; Muster Day at Old Sturbridge Village. Each year on July 4, the Lexington Minutemen parade in Bristol, R.I., in a celebration sponsored by the Bristol Train of Artillery.

In addition, the group has helped recruit musters of other Minutemen companies which are being reactivated in neighboring communities. A few individual members also lecture to school, civic and fraternal groups.

The fall and winter months mark the social season. The semimilitary unit participated in the 190th anniversary of the Kentish Guards of East Greenwich, R.I.; the Governor's Horse Guard ball sponsored by the 2d Company in West Haven, Conn.; the 2d Corps of Cadets ball in Salem and at the annual ball of the Putnam Phalanx in Hartford, Conn.

Many of the members attended the inaugural ball of Governor Volpe and the annual ball of the Old Guard of the city of New York. The Lexington company was also guest of honor on February 20 at the 180th anniversary dinner-ball of the Bristol Train of Artillery. The town council of Bristol had declared that day Lexington Minutemen Day.

The enthusiasm of the men is constantly being replenished as they receive calls to parade. During the season for marching, the group may be seen stepping out smartly at least 1 day a week in ceremonial events. It soon expects to reach its authorized strength of 77 active men.

"We are always interested in receiving invitations to assist in patriotic events from cities and towns anywhere. The Lexington Minutemen are still eager to answer the call wherever needed," said Lt. Robert Brown, adjutant of the company.

OREGON LEGISLATIVE MEMORIAL—VALE GRAZING DISTRICT

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ULLMAN. Mr. Speaker, the 53d Legislative Assembly of the State of Oregon, in Senate Joint Memorial 4, has commended the Congress of the United States for instituting a program of public-land rehabilitation by the Bureau of Land Management in the Vale grazing district of Oregon, and has urged that this outstanding program be continued as programed.

As one of the initial supporters and sponsors of a pilot program of intensive public rangeland management in the Vale grazing district, I am pleased with this demonstration of support by the Oregon Legislature, and submit the memorial for the consideration of my colleagues:

SENATE MEMORIAL 4

To the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your memorialists, the 53d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the Vale project has been initiated as a multiple resource development program on the public lands of Oregon; and

Whereas the resources on millions of acres of similar public lands in the Western United States are in urgent need of rehabilitation and more intensive management; and

Whereas the public lands are adaptable to development and utilization in a multiple use combination that will meet present and future needs of the American people; and

Whereas rehabilitation under the Vale project program has been demonstrated to be highly feasible, technically sound, and economical; and

Whereas the Vale project is a breakthrough to a workable manner of harmoniously reaching the needs of resource rehabilitation and the users of the public lands; and

Whereas results of the Vale project obtained through cooperation of the Bureau of Land Management and resource users have focused attention of the State and Nation: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

1. The Congress of the United States is memorialized to urge continuance of the Vale project program in Oregon to successful completion, as planned, and is commended for its efforts and foresight in implementing the program thus far.

2. A copy of this memorial shall be transmitted to the President of the United States, to the Secretary of the Interior, and to each member of the Oregon congressional delegation.

Adopted by senate March 2, 1965.

CECIL L. EDWARDS,
Secretary of the Senate.
HARRY J. BOIVIN,
President of the Senate.

Adopted by house March 25, 1965.

F. F. MONTGOMERY,
Speaker of the House.

FOREIGN AID PROGRAM

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. OLSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OLSON of Minnesota. Mr. Speaker, the House of Representatives today expressed the Nation's overwhelming support of our President's recent actions in the face of the continuing Communist threat. This is also an appropriate time for us to recognize the positive role our foreign aid program plays in assisting the President in supporting freedom and assure him of our support of his requests for the foreign aid program of fiscal year 1966.

The proposed program further reflects the determination of the President and the Congress to increase its effectiveness by emphasizing selectivity, self-help, the role of the private sector, continued improvements in management of our assistance, and multilateral coordination with the aid programs of other developed countries. The following excerpt from the summary presentation to Congress, prepared by the Agency for International Development, on the proposed mutual defense and development program for fiscal year 1966, discusses in detail the objectives of this year's bill:

AID IN PERSPECTIVE: THE OBJECTIVE IN FISCAL YEAR 1966

The Foreign Assistance Act of 1961 set our assistance goals. Consistent with that act and its objectives, the program for fiscal year 1966 will intensify the concentration of our aid and our insistence that aid be tied to self-help and performance; improve the quality of assistance through greater reliance on private skills and resources; continue tightening the management of assistance; and increase reliance on multilateral aid coordination, and seek to put more free world aid on a multilateral basis.

The $3,380 million request for fiscal year 1966 is the lowest request in the history of the foreign assistance program.

This minimum request reflects a determination to present to the Congress the lowest aid budget consistent with the national interest. It takes full account of the increasing efficiency of the assistance program, and the increasing availability of assistance funds from international agencies in which the costs are shared among a number of countries.

It represents the smallest burden on the American taxpayer: one-half of 1 percent of our gross national product (compared with 2 percent of gross national product at the height of the Marshall plan), and 3.5 percent of the Federal budget (compared with nearly 12 percent 17 years ago).

CONCENTRATING ASSISTANCE

The program proposed for fiscal year 1966 will intensify the concentration of U.S. assistance in countries of priority need and best performance.

Of a proposed total of $1,667 million in development assistance (technical cooperation and development loans), two-thirds is presently planned for seven countries which are engaged in strong, self-help, development programs: Brazil, Chile, Nigeria, Tunisia, India, Pakistan, and Turkey.

Of a proposed $380 million in supporting assistance, nearly 90 percent is planned for four countries whose security or stability depends on continued U.S. support: Vietnam, Laos, Korea, and Jordan.

Of a proposed $1,258 million military assistance program, nearly three-quarters is planned for 11 countries now maintaining 3.5 million of their own men under arms in defensive forces rimming the Communist world.

In recognition of the priority the United States places on the progress of our Latin American neighbors and in response to the momentum achieved under the Alliance for

Progress, Latin America will again be the scene of our most intensive assistance effort. The $596 million planned for Alliance countries during fiscal year 1966 represents nearly a third of total AID country assistance and a per capita aid level of $2.73, by far the highest of any region.

EMPHASIS ON SELF-HELP

Foreign assistance can add an important margin of resources and skills to the self-help efforts of other countries. But it cannot spare others the need to make the major effort themselves.

Self-help was formally made a criterion for aid in the Foreign Assistance Act of 1961. Since then, AID has led the way among free world donors in relating assistance to sound self-help measures.

At the simplest level, this means cost-sharing in any AID-assisted project, with the U.S. contribution of experts or American commodities related to the host government's carrying its share of local costs.

* * * * *

Performance in development, however, is more than a matter of sharing project costs. It involves every major aspect of a country's development effort: tax policies, budgeting, exchange controls, government actions that affect the climate for private initiative, the relative emphasis being given to agriculture, industry, education, health, and the like.

In countries to which the United States is giving substantial development assistance, self-help and the measurement of satisfactory performance is a complex matter. Overall country performance must be thoroughly reviewed and taken into account. In some instances, assistance agreements are entered into which contain specific provisions as to what an aid recipient will or will not do.

* * * * *

In measuring self-help, AID is concerned with performance that directly affects economic growth and social development. Assistance is not tied to political conformity or the way a country chooses to vote in the United Nations.

But when countries divert their scarce resources into arms in order to mount political adventures against their neighbors, they waste substance badly needed for the welfare of their own people.

The United States cannot afford to provide major assistance to countries that choose to make their own development a minor concern.

The minimum appropriations requests for both fiscal years 1965 and 1966 reflect AID's determination to limit assistance to those making the best use of it. The 1966 request leaves no room for the support of marginal activities or for costs that aid-receiving countries are able to carry themselves.

IMPROVING THE QUALITY OF ASSISTANCE

Many efforts are underway to make better use of the tremendously productive and diverse skills and resources of the private sectors of the American economy.

For example, the agricultural revolution in the United States was sparked by the Nation's great land grant colleges and universities, which provided both a research and a training base for the agricultural extension network that helped to make American agriculture so productive.

In the developing countries today, it is proving very difficult to raise farm output. As a result, food supplies are lagging behind demand in several countries and serious shortages could develop in a few years' time unless strong measures are taken quickly.

Surplus American food, provided through the food-for-peace program, can help greatly, but the ultimate answers lie in improving these countries' ability to buy food from abroad and, most important, in making their farms more productive.

The United States is relying heavily on the same institutions that transformed American agriculture to apply their skills and experience to the difficult agricultural problems of the developing nations. Through more extensive contracts with the land grant universities and colleges and broader use of Department of Agriculture experts provided through interagency agreements, AID will increase emphasis in its fiscal year 1966 programs on agricultural development in Asia, Africa, and Latin America.

* * * * *

ENCOURAGING PRIVATE INVESTMENT

Private investment puts management skill as well as capital to work in the less-developed countries, and encouragement of more private American investment in Asia, Africa, and Latin America remains a priority objective in the AID program.

Since the establishment of AID in 1961, there has been a dramatic growth in programs available to American investors through AID, and a significant improvement in the management of existing incentive programs.

More developing countries have undertaken formal agreements with the United States which enable AID to extend investment guarantee coverage to new American private investments in these countries. * * *

The handling of investment guarantee applications was streamlined in 1964, and the 468 specific risk contracts written during the calendar year. * * *

Increased use is being made of the investment survey program initiated in 1962, under which AID will share the cost of studying a potential investment opportunity overseas.

AID compiled a catalog of more than 1,200 recent economic and feasibility studies made in the less-developed countries—the first such listing ever to be made available to potential American investors. * * *

The Congress has been asked to approve a tax credit for investments in the underdeveloped countries, which is expected to provide further inducement for American investors to risk the uncertainties of ventures in the less-developed countries and act to increase the flow of U.S. private capital to them. The proposal would grant a tax credit against the total tax liability of an investor equal to 30 percent of his new investment in underdeveloped countries.

Before the close of fiscal year 1965, the Agency expects a report from its Advisory Committee on Private Enterprise which is reviewing current programs and will suggest new or more effective means to encourage greater private participation in economic development.

Strengthening the private sector

The developing countries that have made the best progress are those in which private initiative and private enterprise have been encouraged to play a vigorous role in national growth.

AID has long provided technical assistance to private industry, encouraged government measures that improve the climate for private initiative and helped to strengthen productivity councils and trade associations designed to raise standards and performance in private industry.

One of the greatest bottlenecks to growth in both the private industrial and agricultural sectors has been a shortage of credit on reasonable terms. To ease this, AID has emphasized the establishment of thrift institutions and intermediate credit institutions such as development banks, housing and farm credit banks. * * *

Another continuing handicap in the growth of private enterprise in the less-developed countries is a shortage of experienced managerial help—people skilled in management, marketing, and production control. With strong encouragement from AID, the International Executive Service Corps was established under private auspices during 1964 to provide the help of experienced American businessmen to entrepreneurs in the less-developed countries. * * *

Finally, AID commodity loans have become an increasingly important factor in the growth of private enterprise in countries such as India, Pakistan, Chile, and Brazil. They are made available to countries with sound development programs, and they make it possible for private enterprise to import a wide variety of American goods and equipment needed to maintain or expand existing plants, repair or increase the supply of farm equipment, and the like. * * *

TIGHTENING MANAGEMENT OF ASSISTANCE

AID is continuing its drive for efficiency and economy in the management of assistance. The Agency has reduced the number of employees, raised performance levels, cut operating costs, and instituted improved management procedures.

In fiscal year 1964, the Agency reduced direct-hire staff by 1,140—from 16,782 at the beginning of fiscal year 1964 to 15,642 by the close.

Further reductions are being made through improved operating procedures and continued improvements in job performance.

AID has increased attention to the professional improvement of its staff, setting high performance standards, rewarding competence, and weeding out ineffective employees. Procedures initiated to this end include a new performance evaluation system, field visits by headquarters staff to review personnel procedures on the spot, and an improved initial selection process.

We expect to take further steps in this direction, in the context of a program designed to strengthen the personnel capabilities of all foreign affairs agencies of the Government.

Rotating the foreign aid staff between headquarters and field assignments is important to the achievement of a common well-knit staff operation. Experience has also underscored the value of assigning new Foreign Service Reserve appointees to headquarters operations before they undertake a first oversea tour. To this end, we are requesting broadened authority to appoint Foreign Service Reserve officers to initial duty in Washington, without the existing limitations on the number, duration, or purpose of such assignments.

* * * * *

IMPROVING THE FREE WORLD AID EFFORT

The United States strongly supports the principle of multilateral assistance for development. We will persist in our efforts to channel more free world aid through multilateral agencies and we will increase our own contributions to international institutions as rapidly as other members do so.

Use of multilateral agencies

There has been a steady increase in the amount of economic assistance provided through international agencies such as the World Bank, the International Development Association (IDA), the Inter-American Development Bank (IDB), and the European Development Fund (EDF).

The multilateral share of the total free world aid flow has increased from 12 percent in 1960 to 17 percent in 1963; in the past 4 years, the multilateral agencies have increased the amount of their capital assistance to the less-developed countries by 50 percent, to a total of $1.4 billion in new commitments in 1963.

The U.S. share of official contributions to multilateral agencies now ranges from 30 percent of World Bank subscriptions up to 43 percent of the subscribed ordinary capital of the IDB. (The United States does not participate in funding the EDF and other European multilateral assistance programs.)

Coordinating bilateral aid

The United States has been a leader in seeking improved international coordination of bilateral aid. The United States was instrumental in the formation of the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD), the central review body for major free world aid donors.

We have participated from the outset in the aid consortia and consultative groups set up by the World Bank and by the OECD for India, Pakistan, Turkey, Greece, and more recently, Colombia, Nigeria, Sudan, and Tunisia. During fiscal year 1966, 85 percent of all AID development loans in Asia and Africa will be committed through these multinational consortia or consultative groups.

All U.S. assistance to Latin America is provided within the international framework of the Alliance for Progress. The Inter-American Committee for the Alliance for Progress (CIAP) is rapidly becoming a most useful forum for the coordination of assistance to Latin American countries.

The activity of the CIAP, and the World Bank's expressed willingness to expand its role as a sponsor of multinational consultation will greatly strengthen the international framework within which a substantial portion of U.S. bilateral aid is already being provided.

The U.S. share in the total free world aid burden has declined with the rise of other free world aid. By 1963—the last year for which complete figures are available—the U.S. bilateral share declined to just under 50 percent of the $8.1 billion total in new aid commitments, a drop from 56 percent the previous year.

Working primarily through the Development Assistance Committee of the OECD, the United States is pressing other free world donors to continue enlarging their efforts.

The problem of terms

The most pressing problem in the common aid effort remains the terms on which aid is extended, and the effect these terms are having on the debt burdens of the recipient nations. Some improvements have taken place. But the aid terms of most other free world donors remain significantly harder than ours. In most cases their interest rates are higher and their maturities are shorter.

* * * * *

The debt repayment burden of the less-developed countries now totals nearly five billion dollars annually and is rising by 15 percent each year. The DAC has established a working party to study the problem, and to work actively for better terms in both official and private credits. Unless the debt service burden can soon be substantially reduced, the effectiveness of new assistance will be sharply reduced and the development prospects for a number of countries will dim.

HOSPITAL INSURANCE FOR THE AGED

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, on April 9, 1965, I was among the overwhelming majority of our body who voted in favor of the historic Social Security Amendments of 1965—H.R. 6675—to provide hospital insurance for the aged with a supplementary health benefits program of medical assistance. Today I would like to point out who is covered by the bill, and to illustrate just how this bill will help to meet the cost of a major illness.

WHO IS COVERED

The proposed basic hospital insurance would be provided under the social security system for people aged 65 and over who are entitled or will become entitled to monthly social security benefits or to annuities under the Railroad Retirement Act. In addition, people who are now aged 65 or will reach age 65 by 1968, but who are not insured under the social security or railroad retirement programs would also be covered. Included under this special provision would be all uninsured people who have reached 65 before 1968. People who reach 65 after 1968, but who are not covered by the social security or railroad retirement programs, will have to have quarters of coverage, which by 1974 will be the same as required for cash benefits under social security, old-age, and survivors insurance.

Currently, 93 percent of the people reaching age 65 are eligible for benefits under social security or railroad retirement, and this percentage will rise to close to 100 percent as the program matures. Thus, over the long run, virtually all older people will earn entitlement for the proposed hospital insurance.

The proposed optional supplementary medical program would be provided under private insurance carriers for all persons aged 65 or over, on an optional, voluntary basis regardless of whether or not they are eligible for social security, railroad retirement, or other benefits.

HOW IT IS FINANCED

The basic hospital insurance will be financed by separate payroll taxes, paid by employers, employees, and self-employed persons, deposited in a separate hospital insurance trust fund established in the Treasury. The cost of providing basic hospital benefits to people who are not social security or railroad retirement beneficiaries would be paid from general funds of the Treasury.

The optional supplementary medical program will be financed by a monthly premium of $3 paid by each enrollee. The Government would help through a payment in an equal amount of $3 a month per enrollee. Both the individual and Government contributions would be placed in a separate trust fund. The $3 premium rates for enrolled persons—and the matching Government contribution—would be increased from time to time if medical costs rise, but not more often than once every 2 years.

WHAT IT COVERS

The basic hospitalization program, which would go into effect July 1, 1966, would pay in-patient hospital room and board charges for up to 60 days of hospitalization in each spell of illness, subject to a $40 deductible amount which would be paid by the patient. It would also pay for 20 days of care in a nursing home in each spell of illness, after transfer from the hospital, with provision for additional nursing home care if the patient has not used all 60 days of hospital room and board coverage. It would pay for outpatient diagnostic services, subject to a $20 deductible amount for services furnished by the same hospital during a 20-day period. Finally, it would pay for 100 visits for health services provided in the patient's home after discharge from a hospital or nursing home.

The optional supplementary medical program, which would go into effect July 1, 1966, would pay 80 percent of the patient's bill—less an annual $50 deductible amount paid by the patient—for physicians' and surgical services furnished in a hospital, clinic, office, or in the patient's home; hospital care for 60 days in a spell of illness in a mental hospital—180-day lifetime maximum; home health services—without regard to hospitalization—for up to 100 visits during each calendar year; and additional medical and health services, provided in or out of a medical institution, including diagnostic X-ray and laboratory tests, surgical dressings, splints, casts, iron lungs, oxygen tents, and artificial limbs.

HOW IT WORKS

What these benefits can mean is shown by the following case histories of people over 65 who have recently written the Social Security Administration:

An 80-year-old man broke his right leg, and was in the hospital 18 days. His total bill was $1,251.51—doctor, $400; hospital, $851.51. The basic hospitalization program would pay $811.51 of the hospital bill, the remaining $40 being the deductible amount paid by the patient. The optional supplementary medical program would pay 80 percent of the doctor's bill after the first $50 had been paid by the patient. Thus, the program would pay $280 and the patient $120. Of the total cost of this man's broken leg, then, the patient would pay $160, with the Federal program paying $1,091.51.

A 70-year-old man was hospitalized for 18 days with tick fever. His total bill was $846—doctor, $120; hospital, $710; ambulance, $16. The basic program would pay $670 of the hospital bill, the remaining $40 being the deductible amount paid by the patient. The supplementary program would pay $56 of the doctor's bill—80 percent of the bill after first $50 paid by the patient. The patient would pay $64. Of the ambulance charge—80 percent or $12.80—would be paid by the supplementary program, with the remaining $3.20 paid by the patient. In this case, all but $107.20 would have been paid through insurance coverage.

A man in his late sixties underwent surgery for a nonmalignant tumor, and was in the hospital 31 days, which cost $1,005. The basic plan would pay all of this less the $40 deductible amount, or $965. The cost for physician, surgeon, and anesthesia was $670. The supplementary plan would pay 80 percent of this cost less the $50 deductible amount, or $486. Private nursing in the hospital for 7 days, at a cost of $387 would not be covered, and would be paid by the patient. Posthospital extended care, including a visiting nurse and physiotherapist, at the patient's home, cost $212. The basic plan would pay all of this. But drugs at home, which cost $90 would not be covered and would be paid for by the patient. Finally, ambulance and special equipment, a wheel chair, cost $20, of which the supplementary plan would pay 80 percent or $16.

In this case, the total cost of the illness was $2,275. Of this, the patient would pay $696, with the remaining $1,699 paid under the House approved programs.

On August 14, 1935, when my father signed the original Social Security Act, he said it was but the "cornerstone in a structure which is by no means complete." On April 9, 1965, the House added to it a great and sturdy wall—hospital and medical assistance for the aged.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. DERWINSKI (at the request of Mr. YOUNGER), for 1 hour, on April 29.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Member (at the request of Mr. YOUNGER) and to include extraneous matter:)

Mr. LANGEN.

(The following Member (at the request of Mr. MOSS) and to include extraneous matter:)

Mrs. KELLY in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 905. An act to authorize the Secretary of Commerce to employ aliens in a scientific and technical capacity; to the Committee on Interstate and Foreign Commerce.

S. 956. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to extend construction authority for facilities at Guam and the Virgin Islands of the United States (76 Stat. 87; 19 U.S.C. 68); to the Committee on Public Works.

S. 1501. An act amending section 107 of the River and Harbor Act of 1948, relating to the support and maintenance of the Permanent International Commission of the Congresses of Navigation; to the Committee on Public Works.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on April 21, 1965, present to the President, for his approval, a bill of the House of the following title:

H.R. 2594. An act to clarify the application of certain annuity increase legislation.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

959. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget, for 1966 for the Department of Health, Education, and Welfare (H. Doc. No. 149); to the Committee on Appropriations and ordered to be printed.

960. A communication from the President of the United States, transmitting amendments reducing the request for appropriations transmitted in the budget for 1966 for Mutual Defense and Development and the Peace Corps (H. Doc. No. 150); to the Committee on Appropriations and ordered to be printed.

961. A letter from the Secretary of the Army, transmitting a letter from the chief of engineers, Department of the Army, dated March 8, 1965 submitting a report, together with accompanying papers and an illustration, on an interim hurricane survey of the Maine coastal and tidal areas, authorized by Public Law 71, 84th Congress approved June 15, 1955 (H. Doc. No. 151); to the Committee on Public Works and ordered to be printed with one illustration.

962. A letter from the President, Board of Commissioners, District of Columbia, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended relative to the "Operating expense, public safety" appropriation; to the Committee on Appropriations.

963. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the July 1964–February 1965 report on Department of Defense procurement from small and other firms, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

964. A letter from the Chairman, Export-Import Bank of Washington, transmitting the semiannual report of the Bank for period ended December 31, 1964, pursuant to section 9 of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking and Currency.

965. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act and the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

966. A letter from the Director, District of Columbia Unemployment Compensation Board, transmitting the 1964 Annual Report of the District Unemployment Compensation Board, pursuant to section 13(c) of the District of Columbia Unemployment Compensation Act; to the Committee on the District of Columbia.

967. A letter from the Under Secretary of the Interior, transmitting the annual report of the Division of Coal Mine Inspection, Bureau of Mines, for calendar year ended December 31, 1964, pursuant to sections 106 (a) and 212(c) of the Federal Coal Mine Safety Act (66 Stat. 692); to the Committee on Education and Labor.

968. A letter from the Comptroller General of the United States, transmitting a report of a review of economic assistance provided to the Republic of the Philippines for development purposes, Agency for International Development, Department of State; to the Committee on Government Operations.

969. A letter from the Comptroller General of the United States, transmitting a report of ineffective administration of military leave at Richards-Gebaur Air Force Base, Mo., Department of the Air Force; to the Committee on Government Operations.

970. A letter from the Comptroller General of the United States, transmitting a report of overpricing of ammunition components from Honeywell, Inc., Hopkins, Minn., Department of the Army; to the Committee on Government Operations.

971. A letter from the Comptroller General of the United States, transmitting a report of costs incurred in the premature introduction of a new finish for cotton duck cloth, Department of the Army; to the Committee on Government Operations.

972. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs incurred in the procurement of selected subsystems for F–4 type of aircraft, Departments of the Air Force and the Navy; to the Committee on Government Operations.

973. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs resulting from failure to promptly record decisions to eliminate unneeded items from the supply system, Department of Defense; to the Committee on Government Operations.

974. A letter from the Secretary of the Interior, transmitting a report summarizing the 1964 desalting operations of the Department of the Interior, pursuant to Public Law 448, 82d Congress, as amended; to the Committee on Interior and Insular Affairs.

975. A letter from the Chairman of the Board, Virgin Islands Corporation, transmitting the annual report for the year ended June 30, 1964, of the Virgin Islands Corporation on the operation of its saline water plant in St. Thomas, V.I., pursuant to Public Law 85–913; to the Committee on Interior and Insular Affairs.

976. A letter from the Secretary of Commerce, transmitting a report on the activities of the Secretary of Commerce relative to providing aviation war risk insurance, pursuant to title XIII of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

977. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend section 633 of title 28, United States Code, prescribing fees of U.S. commissioners; to the Committee on the Judiciary.

978. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Civil Service Retirement Act to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee; to the Committee on Post Office and Civil Service.

979. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 17, 1965, submitting a report, together with accompanying papers and an illustration, on a letter report on the intracoastal waterway, boat basin, Beaufort, S.C., authorized by the River and Harbor Act approved July 24, 1946; to the Committee on Public Works.

980. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated February 23, 1965, submitting a report, together with accompanying papers and an illustration, on a letter report on a waterway from Alvin, Tex., to the Gulf Intracoastal

Waterway, authorized by the River and Harbor Act approved March 2, 1945; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 5401. A bill to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes; with amendment (Rept. No. 253). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY:

H.R. 7557. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit for certain tuition and fees paid by individuals to institutions of higher education and to allow a tax credit for certain contributions made by individuals or corporations to institutions of higher education; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 7558. A bill to amend the Act for the Retirement of Public School Teachers in the District of Columbia; to the Committee on the District of Columbia.

H.R. 7559. A bill to amend the Act for the Retirement of Public School Teachers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CORMAN:

H.R. 7560. A bill to confer upon the Federal Trade Commission the power and duty to regulate the advertising and labeling of cigarettes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 7561. A bill to amend title 23 of the United States Code relating to highways in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highway systems for the purpose of protecting fish and wildlife and recreation resources; to the Committee on Public Works.

H.R. 7562. A bill to amend the Internal Revenue Code of 1954 to require the filing and publication of additional information by certain tax-exempt nonprofit organizations which conduct public fund drives, in order to protect the public against improper utilization of the proceeds of such drives; to the Committee on Ways and Means.

By Mr. HARVEY of Michigan:

H.R. 7563. A bill to amend the Bank Merger Act so as to provide that bank mergers, whether accomplished by the acquisition of stock or assets or in any other way, are subject exclusively to the provisions of the Bank Merger Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. KARTH:

H.R. 7564. A bill to amend the Federal Disaster Act to provide assistance for the rehabilitation and reconstruction of areas damaged by floods and high waters; to the Committee on Public Works.

By Mr. LAIRD (by request):

H.R. 7565. A bill to donate to the Stockbridge-Munsee community some submarginal lands of the United States, and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 7566. A bill to amend the Civil Service Retirement Act to authorize the retirement without reduction in annuity of employees with 20 years of service involuntarily separated from the service by reason of the abolition or relocation of their employment; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas (by request):

H.R. 7567. A bill to amend title 38 of the United States Code to increase the rates of disability compensation so that they are consistent with economic impairment arising from the disability as well as the continuing increase in cost of living; to the Committee on Veterans' Affairs.

H.R. 7568. A bill to amend title 38 of the United States Code to increase disability compensation payable to widows and dependent parents, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7569. A bill to amend title 38 of the United States Code to increase the compensation rates for dependents and for other purposes; to the Committee on Veterans' Affairs.

H.R. 7570. A bill to amend title 38 of the United States Code to increase the monthly rates of dependency and indemnity compensation payable to dependent parents and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas:

H.R. 7571. A bill to amend title 38 of the United States Code with respect to liability of individuals arising out of certain loans made, guaranteed, or insured by the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. VAN DEERLIN:

H.R. 7572. A bill to provide that the gross rate of compensation for certain persons paid from the clerk hire of a Member of the House of Representatives shall not exceed $1,500 per annum; to the Committee on House Administration.

H.R. 7573. A bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tia Juana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WHALLEY:

H.R. 7574. A bill to repeal the manufacturers excise tax on passenger automobiles; to the Committee on Ways and Means.

By Mr. HOWARD:

H. Con. Res. 398. Concurrent resolution to request the President to initiate discussion of the Baltic States question before the United Nations with a view to gaining the independence of Lithuania, Latvia, and Estonia from the Soviet Union; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

207. By Mr. MORRIS: Memorial of the Legislature of the State of New Mexico, asking that the Congress decline to enact legislation restricting or regulating mail-order sales of firearms; to the Committee on Ways and Means.

208. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to the continuance of the activities of the Area Redevelopment Administration; to the Committee on Banking and Currency.

209. Also, memorial of the Legislature of the State of Alaska, relative to adequate and low-cost housing in villages in Alaska; to the Committee on Banking and Currency.

210. Also, memorial of the Legislature of the State of Alaska, relative to requesting the Congress to reject an executive reorganization proposal affecting the Alaska customs district; to the Committee on Government Operations.

211. Also, memorial of the Legislature of the State of California, relative to providing incentive payments by the Federal Government for domestic gold producers; to the Committee on Interior and Insular Affairs.

212. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to enacting legislation presenting to the States a proposed constitutional amendment permitting the recital of a nonsectarian prayer in the public schools; to the Committee on the Judiciary.

213. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to the enactment of legislation providing medical care for the elderly through social security financing; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 7575. A bill for the relief of Sarita Lew Warren; to the Committee on the Judiciary.

H.R. 7576. A bill for the relief of Mrs. Laura C. Dangel; to the Committee on the Judiciary.

H.R. 7577. A bill for the relief of Shanti Tayal; to the Committee on the Judiciary.

H.R. 7578. A bill for the relief of Sung Hyum Hong; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 7579. A bill for the relief of Dr. Emilio V. Soto; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 7580. A bill for the relief of Sophie Caba; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 7581. A bill for the relief of Rosemarie Schweiger; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 7582. A bill for the relief of Eishin Tamanaha; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 7583. A bill for the relief of Mrs. Peiletzak Papazian; to the Committee on the Judiciary.

By Mr. VIVIAN:

H.R. 7584. A bill for the relief of Col. Hossein Gholi Ashrafi and Mrs. Mahine Ashrafi; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

175. By the SPEAKER: Petition of Chairman, Chatan-Son Assembly, Chatan-Son, Okinawa, Ryukyu Islands, relative to requesting that the administering authority of the Ryukyu Islands be returned to Japan as soon as possible, regardless of the present international situations; to the Committee on Foreign Affairs.

176. Also, petition of Assembly Speaker, Koza City, Okinawa, Ryukyu Islands, relative to calling the attention of the United States and Japan to the fact that unfair domination has been executed in a Japanese territory against the will of the people living there, and that Okinawa be restored to the sovereignty of Japan; to the Committee on Foreign Affairs.

177. Also, petition of Henry Stoner, Columbus, Ohio, concerning enforcement of section 2 of the 14th amendment of the Constitution of the United States relative to equitable

apportionment; to the Committee on the Judiciary.

178. Also, petition of department commander, Veterans of Foreign Wars of the United States, State of Connecticut, relative to opposing any action whatever in closing of VA facilities until the President has time to evaluate committee reports of congressional hearings, and requesting that the May 1, 1965, deadline be delayed; to the Committee on Veterans' Affairs.

179. Also, petition of coordinator, National Licensed Beverage Association, Racine, Wis., relative to supporting legislation to eliminate the "temporary" Korean war tax on distilled spirits; to the Committee on Ways and Means.

180. Also, petition of Bernard M. Rice, Detroit, Mich., relative to a redress of grievance concerning abuses and harassments of a citizen who complained about a certain illegal operation which is being shielded from exposure by the Internal Revenue Service; to the Committee on Ways and Means.

SENATE

Thursday, April 22, 1965

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

We are reminded, our Heavenly Father, of the fact that Thou art the way, the truth, and the life which we seek today for all mankind.

The ways of life are many. They are challenging, yet frightening. Help us to choose the way personally and collectively for many. To do this we pray:

"Be still my soul: Thy God doth undertake
To guide the future as He has the past,
Thy hope, Thy confidence let nothing shake;
All now mysterious shall be bright at last."

We are also told in Holy Scripture, "You shall know the truth, and the truth shall make you free." At this seat of government we pray:

"Send down Thy truth, O God:
Too long the shadows frown;
Too long the darkened way we've trod.
Thy truth, O Lord, send down."

Life is glorious when lived aright. Life is a torment when lived amiss. We seek a good life for all. With these who are giving their lives through service in high office, we pray:

"Spirit of life, in this new dawn,
Give us the faith that follows on,
Letting Thine all prevailing power,
Fulfill the dream of this high hour."

In the name and in the spirit of the Lord and Master of life, we pray. Amen.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 21, 1965, was dispensed with.

VOTING RIGHTS—JOINT STATEMENT OF INDIVIDUAL VIEWS (PART 3 OF S. REPT. NO. 162)

Under authority of the order of the Senate of April 21, 1965,

Mr. HART, from the Committee on the Judiciary, submitted a joint statement of individual views of Mr. Dodd, Mr. Hart, Mr. Long of Missouri, Mr. Kennedy of Massachusetts, Mr. Bayh, Mr. Burdick, Mr. Tydings, Mr. Dirksen, Mr. Hruska, Mr. Fong, Mr. Scott, and Mr. Javits of the Committee on the Judiciary, supporting the adoption of S. 1564, the Voting Rights Act of 1965, together with the additional views of Senators Dodd, Hart, Long of Missouri, Kennedy of Massachusetts, Bayh, Burdick, Tydings, Fong, Scott, and Javits, in support of S. 1564, and the individual views of Mr. Javits, which were printed as part 3 of Senate Report No. 162.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were transmitted to the Senate by Mr. Jones, one of his secretaries.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

ELECTION OF CHAIRMAN OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The resolution (S. Res. 97) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senator from Oklahoma, A. S. Mike Monroney, be and is hereby elected chairman of the Post Office and Civil Service Committee.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to consider executive business.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Vice Adm. William F. Raborn, Jr., U.S. Navy, retired, of California, to be Director of Central Intelligence.

By Mr. BREWSTER, from the Committee on Armed Services:

Richard Helms, of the District of Columbia, to be Deputy Director of Central Intelligence.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nomination on the Executive Calendar.

FEDERAL RESERVE SYSTEM

The Chief Clerk read the nomination of Sherman J. Maisel, of California, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1958.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. PROXMIRE. Mr. President, in connection with the nomination of Dr. Maisel, I should like to say that I am a member of the Banking and Currency Committee, and also a former classmate of Dr. Maisel. We both went to Harvard Graduate School together. We were both teaching fellows at the same time.

Dr. Maisel is exceedingly well qualified for the appointment. He is one of the Nation's outstanding economists. He is an author. He has had a great deal of practical experience in the area of real estate and in areas which would particularly qualify him for the appointment to the Federal Reserve Board.

It is most heartening that President Johnson has made that kind of appointment. In the past a variety of people have been appointed to the Federal Reserve Board from various walks of life. In the kind of era in which we are moving it is most important that we obtain the services of the best qualified economists, because the position of Governor of the Federal Reserve Board is primarily an economics job, and Dr. Maisel is a real expert in the monetary field. I am delighted to rise in support of the nomination of a man who has achieved high economic distinction. He has been an outstanding professor and a very great economist. The appointment is an exceedingly fine one.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

NOMINATION OF VICE ADMIRAL RABORN TO BE DIRECTOR OF CENTRAL INTELLIGENCE AGENCY

Mr. TOWER. Mr. President, I send to the desk a report from the Committee on Armed Services recommending the confirmation of the nomination of Vice Adm. William F. Raborn, Jr., to be Director of the Central Intelligence Agency. I ask that the report be read.

The PRESIDENT pro tempore. The report will be read.

The legislative clerk read as follows:

> Vice Adm. William F. Raborn to be Director of the Central Intelligence Agency.

The PRESIDENT pro tempore. Does the Senator from Texas ask for the immediate consideration of the nomination?

Mr. TOWER. Mr. President, I ask for the immediate consideration of the nomination, and I ask that the nomination be considered at this time.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. TOWER. I ask that the President be immediately notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith of the confirmation of the nomination.

Mr. TOWER. Mr. President, the Committee on Armed Services unanimously recommended that the Senate confirm the nomination of Vice Adm. William F. Raborn to be Director of the Central Intelligence Agency.

I believe that Admiral Raborn is uniquely qualified by heritage, background, and training to be a strong and capable administrator of the Central Intelligence Agency. He has a distinguished war record.

The existence of the progress evaluation reporting technique, which he developed, is a tribute to his great managerial ability. The existence of one of our great strategic deterrents, the Polaris missile, is also a tribute to his outstanding ability.

I ask unanimous consent that there be printed at this point in the Record a brief biographical sketch of Admiral Raborn's dedicated and accomplished career of service to his Nation.

I note with great pride that he is a Texan.

There being no objection, the biographical sketch was ordered to be printed in the Record, as follows:

Vice Adm. William Francis Raborn, Jr., U.S. Navy, Retired

William Francis Raborn, Jr., was born in Decatur, Tex., on June 8, 1905, the son of William Francis Raborn, Sr., and Cornelia Moore Raborn. He attended public schools in Ryan and Marlow, Okla. In 1924 he was appointed to the U.S. Naval Academy by Senator Elmer Thomas, of Oklahoma. He graduated from the Naval Academy and was commissioned an ensign in the Navy on June 7, 1928.

Admiral Raborn is married to the former Mildred T. Terrill of Baytown, Tex. He has two children, Mrs. Barbara Raborn Richardson and William Francis Raborn, III.

Following his graduation from the Naval Academy in 1928, he performed gunnery duty aboard the U.S.S. *Texas* and the destroyers *Twiggs* and *Dickerson* until June 1933. He was assigned to flight training at the Naval Air Station in Pensacola, Fla. He was designated naval aviator on April 16, 1934.

In June of 1934 he was assigned to Fighting Squadron 5 aboard the carrier *Lexington*. He continued in this type of duty assignment in other naval fighter squadrons until 1937. In June 1937, he returned to the Naval Air Station at Pensacola where he served as an instructor. He then returned to duty with naval fighter units. In August 1942, he reported to the Free Gunnery School, U.S. Naval Air Station, Kaneohe Bay, Hawaii, as officer in charge where he initiated, developed, and organized the Aviation Free Gunnery School.

From March 1943 to the fall of 1944, he was assigned to the Office of the Deputy Chief of Naval Operations for Air and served there as head of aviation gunnery training. He then joined the U.S.S. *Hancock* as executive officer. The *Hancock* carried out operations against enemy Japanese forces in the Philippine Islands, the South China Sea, Iwo Jima, and the Japanese homeland.

His subsequent naval assignments were as: chief of staff to commander, Task Force 38 and commander Carrier Division 2 in the Western Pacific; operations officer on the staff of the commander, Fleet Air, with headquarters in San Diego, Calif.; and the Bureau of Ordnance, Navy Department, Washington, D.C., where he was responsible for the development of guided missiles and aviation ordnance. In July 1950, he assumed command of the U.S.S. *Bairoko*, which conducted training in antisubmarine warfare in waters off Japan, Okinawa, and Formosa.

He attended the Naval War College, Newport, R.I., in 1951 and 1952. In July 1952, he was designated Assistant Director of the Guided Missiles Division, Office of the Chief of Naval Operations, Navy Department. He continued in this assignment until he assumed command of the U.S.S. *Bennington* in April 1954. He then served as Assistant Chief of Staff for Operations on the staff of the Commander in Chief of the U.S. Atlantic Fleet from February 1955 until December 1955 when he reported as Director of Special Projects, Department of the Navy.

As Director of Special Projects he was charged with the task of developing a fleet ballistic missile system. He established the Special Projects Office, Department of the Navy, and created a management system, implementing a new management tool—the progress evaluation reporting technique. This system has been adopted extensively in many areas of American industry.

The operational readiness of the fleet ballistic missile system was established by two underwater launchings of Polaris missiles on July 20, 1960. On March 9, 1962, he became Deputy Chief of Naval Operations Development, Naval Department. Admiral Raborn was retired from the Navy on September 1, 1963.

At the time of his nomination to the position of Director of Central Intelligence, Admiral Raborn was vice president for program-management at the Aerojet General Corp. He resided at 315 Madeline Drive, Pasadena, Calif. He is a Mason and a member of the Baptist Church.

Admiral Raborn has been the recipient of the following awards: Distinguished Service Medal, the Silver Star Medal, the Bronze Star Medal with Silver Star, the Commendation Ribbon with Bronze Star, the Navy Unit Commendation Ribbon, the Defense Service Medal, the American Campaign Medal, the Asiastic-Pacific Medal with one Silver Star and one Bronze Star (6 engagements), the World War II Victory Medal, the National Defense Service Medal, the Korean Service Medal, the United Nations Service Medal and the Philippine Defense Ribbon. President Kennedy presented Admiral Raborn with the Collier Trophy Award in 1963.

LEGISLATIVE SESSION

On request of Mr. Mansfield, and by unanimous consent, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Overobligation of an Appropriation

A letter from the President, Board of Commissioners, District of Columbia, reporting, pursuant to law, the overobligation of an appropriation under "Operating Expenses, Public Safety, District of Columbia account symbol 99–5–9003"; to the Committee on Appropriations.

Report on Department of Defense Procurement From Small and Other Firms

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other firms, for the period July 1964–February 1965 (with an accompanying report); to the Committee on Banking and Currency.

Proposed Legislation Relating to Federal Power Commission

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting two drafts of proposed legislation, as follows:

A bill to amend section 202 of the Federal Power Act, as amended, to encourage and facilitate the construction of extra-high-voltage electric transmission lines in the public interest; and

A bill to amend the Federal Power Act so as to require Federal Power Commission authority for the construction, extension, or operation of certain facilities for the transmission of electric energy in interstate commerce (with accompanying papers); to the Committee on Commerce.

Report of Export-Import Bank of Washington

A letter from the President and Chairman, Export-Import Bank of Washington, Washington, D.C., transmitting, pursuant to law, a report of that Bank, for the 6-month period ended December 31, 1964 (with an accompanying report); to the Committee on Banking and Currency.

Report of Balances of Foreign Currencies Acquired Without Payment of Dollars

A letter from the Secretary of the Treasury, transmitting pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1964 (with an accompanying report); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs resulting from failure to promptly record decisions to eliminate unneeded items from the supply system, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred in the procurement of selected subsystems for F–4 type of aircraft, Departments of the Air Force and the Navy, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on review of economic assistance provided to the Republic of the Philippines for development purposes (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inconsistent practices in the administration of the Government schools program in London, England, Department of Defense, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective administration of military leave at Richards-Gebaur Air Force Base, Mo., Department of the Air Force, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on costs incurred in the premature introduction of a new finish for cotton duck cloth, Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

Report on Desalting Operations of Department of the Interior

A letter from the Secretary of the Interior, reporting, pursuant to law, on desalting operations of that Department, for the calendar year 1964; to the Committee on Interior and Insular Affairs.

Report of Division of Coal Mine Inspection, Bureau of Mines

A letter from the Under Secretary of the Interior, transmitting, pursuant to law, a report of the Division of Coal Mine Inspection, Bureau of Mines, Department of the Interior, for the calendar year 1964 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Certification of Adequate Soil Survey and Land Classification, Silt Project, Colorado

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the silt project, Colorado (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report of Virgin Islands Corporation on the St. Thomas Sea Water Distillation Plant

A letter from the Chairman of the Board, Virgin Islands Corporation, Christiansted, St. Croix, V.I., United States of America, transmitting, pursuant to law, a report of that Corporation, on the St. Thomas sea water distillation plant, for the year ended June 30, 1964 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Compelling of Testimony With Respect to Certain Crimes

A letter from the Attorney General, transmitting a draft of proposed legislation to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith (with an accompanying paper); to the Committee on the Judiciary.

Report on Claim of Oregon Forest Fire Association and the State of Oregon *v.* the United States

A letter from the clerk, U.S. Court of Claims, Washington, D.C., transmitting, pursuant to law, copies of the court's opinion and findings in the claim of the *Oregon Forest Fire Association and the State of Oregon* v. *the United States,* Cong. No. 6–60 (with accompanying papers); to the Committee on the Judiciary.

Amendment of Section 633 of Title 28, United States Code, Prescribing Fees of U.S. Commissioners

A letter from the Director, Administrative Office of the U.S. Courts, Washington, D.C., transmitting a draft of proposed legislation to amend section 633 of title 28, United States Code, prescribing fees of U.S. commissioners (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the House of Representatives of the Commonwealth of Massachusetts; ordered to lie on the table:

"Resolution of the Commonwealth of Massachusetts

"Resolution memorializing the Congress of the United States to name the voting rights bill of 1965 the Reeb-Jackson bill

"Whereas President Lyndon B. Johnson has submitted a voting rights bill to Congress; and

"Whereas the Reverend James J. Reeb and Jimmy Lee Jackson gave their lives for a cause that is intimately linked with the President's proposed legislation; and

"Whereas it is fitting that the heroic sacrifices of these two men be perpetuated by naming the voting rights bill of 1965 the Reeb-Jackson bill in their honor and memory: Therefore be it

"*Resolved,* That the Massachusetts House of Representatives respectfully urges the Congress of the United States to name the voting rights bill of 1965 the Reeb-Jackson bill in honor and memory of Rev. James J. Reeb and Jimmy Lee Jackson; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the Presiding Officer of each branch of Congress, and to the Members thereof from this Commonwealth.

"House of representatives, adopted, March 23, 1965.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

A resolution of the Senate of the State of California; to the Committee on Banking and Currency:

"Senate Resolution 98

"Resolution relative to providing incentive payments by the Federal Government for domestic gold producers

"Whereas domestic gold producers have been obligated to sell their product to the Federal Government at an established price of $35 an ounce since 1934; and

"Whereas increasing inflationary costs of mining and milling this precious metal have resulted in the closing down of the properties of virtually all the gold producers in the United States; and

"Whereas production of gold from domestic sources has diminished to less than 1.5 million ounces in 1964, compared with 6 million ounces in 1940, while current industrial use of gold in this country totals more than 3 million ounces each year; and

"Whereas it is in the national interest to increase our domestic gold production as an increase in our domestic gold production would enable gold mines currently operating to survive under present high levels of cost; would aid in reopening closed mines; would provide an impetus for exploration and development of new gold properties; would provide new outlets for the employment of persons released from employment in defense-related industries and of persons normally only seasonally employed; and

"Whereas our dwindling national gold reserve is a matter of grave concern to our citizens, and an increase in our gold reserves would improve our Nation's economic and financial position in world trade and international affairs, as well as provide a powerful weapon for our continuing war on inflation and for our fight against devaluation of the dollar: Now, therefore, be it

"*Resolved by the Senate of the State of California,* That the members of the senate of this State respectfully request the Congress of the United States to provide incentive payments to assure domestic gold producers a fair economic return on their properties with the objective of increasing gold production in the United States; and be it further

"*Resolved,* That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

"Read and adopted on April 13, 1965.

"Glenn M. Anderson,
"*President of the Senate.*

"Attest:

"J. A. Beek,
"*Secretary of the Senate.*"

A joint resolution of the Legislature of the State of Alaska; to the Committee on Armed Services:

"Senate Joint Resolution 67

"Resolution relating to the jurisdiction over Naval Petroleum Reserve No. 4

"*Be it resolved by the Legislature of the State of Alaska:*

"Whereas our Nation is consuming petroleum products at a rate which far exceeds the discovery of new sources within our national boundaries; and

"Whereas the oil and gas industry is currently engaged in an active exploration program all along the arctic slope of North America; and

"Whereas there is presently established Naval Petroleum Reserve No. 4 containing 23 million acres which is not open to exploration and development by private enterprise; and

"Whereas private enterprise is ready, willing and able to undertake the development of new petroleum reserves in the national interest: Be it

"*Resolved,* That Naval Petroleum Reserve No. 4 as established by Executive Order No. 3797–A dated February 27, 1923, as amended by Public Land Order No. 289 dated July 20, 1945, be abolished and terminated; and be it further

"*Resolved,* That the lands encompassed in Petroleum Reserve No. 4 be restored to the public domain and that deposits of oil and gas underlying these be made subject to disposition by the Secretary of the Interior in the manner provided for by act of Congress (41 Stat. 437), as amended, or wholly by bid if so authorized by the Congress; provided that nothing shall affect the validity of any existing lease, license, permit, transfer or agreement, including the authority of the Secretary of the Navy under Public Law 87–599 (76 Stat. 401) to develop the South Barrow gas field, and under Public Law 88–389 (78 Stat. 340) to produce and sell crude oil from the Umiat field; and be it further

"*Resolved,* That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Hubert H. Humphrey, Vice President of the United States and President of the Senate; the Honorable Paul H. Nitze, Secretary of the Navy; the Honorable Stewart L. Udall, Secretary of the Interior; and the Honorable E. L. Bartlett and the Honorable Ernest Gruening, U.S. Senators, and the Honorable Ralph J. Rivers, U.S. Representative, members of the Alaska delegation in Congress."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Banking and Currency:

"SENATE JOINT RESOLUTION 12

"Resolution relating to low-cost housing in villages

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the Federal Housing Administration makes possible the construction and purchase of low-cost housing in urban areas; and

"Whereas adequate housing in villages in Alaska is more than critical: it is a condition for survival; and

"Whereas it is difficult for persons in outlying areas to finance housing because of the scarcity of financial institutions in those areas, and because many of the villages have a partial subsistence economy: Be it

"Resolved, That the Congress of the United States is respectfully requested to consider the creation of a Federal Village Housing Administration, patterned after the Federal Housing Administration, to provide assistance in financing modest, comfortable homes of not more than 800 square feet of floor space, at a cost of about $4,500, with low principal payments and a minimal interest rate, and with standards lower than those set for the Federal Housing Administration, for all persons living in the United States for whom the benefits of the Federal Housing Administration program are not available, and for whom no reasonable means of acquiring adequate housing now exists; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable Neal J. Hardy, Commissioner of the Federal Housing Administration; and the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U.S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representatives, members of the Alaskan delegation in Congress."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Commerce:

"SENATE JOINT RESOLUTION 50

"Resolution endorsing S. 1091, now before Congress, which relates to the exploration and development of the Continental Shelf

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the members of the Alaska Legislature are familiar with Senator BARTLETT's bill (S. 1091) which proposes a positive program for the exploration and economic development of the physical, chemical, geological, and biological resources of the Continental Shelf; and

"Whereas the Alaska Legislature is aware of the startling discoveries of rich and extensive mineral and other resources on the Continental Shelf which have been made in recent years; and

"Whereas the Alaska Legislature believes that the potential economic value of the enormous resources awaiting exploration on the shelf is of such magnitude as to compel the adoption of the program made possible by S. 1091: Be it

"Resolved, That the Legislature of Alaska strongly endorses S. 1091 and urges the Congress of the United States now assembled to take appropriate action to insure its prompt passage; and be it further

"Resolved, That copies of this resolution be sent to the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; the Honorable CARL HAYDEN, President pro tempore of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable WARREN G. MAGNUSON, chairman of the Senate Commerce Committee; and the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U.S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representative, members of the Alaska delegation in Congress."

A joint resolution of the Legislature of the State of Alaska; ordered to lie on the table:

"HOUSE JOINT RESOLUTION 46

"Resolution relating to Federal legislation on the voting rights of all citizens

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the President of the United States has urged the enactment by Congress of effective legislation prohibiting the denial of the right to vote in State, Federal or local elections, by reason of race, religion, color, creed, or other factor; and

"Whereas Alaska has been in the forefront of States seeking to extend the franchise to all citizens, for example, by requiring only that the voter be able to read or speak the English language and by extending the franchise to citizens of the age of 19 years or over; and

"Whereas Gov. William A. Egan has made the denial of voting rights in Alabama, and the failure of certain State officials there to prevent violence, a moral question which reaches the conscience of millions of Americans; and

"Whereas the denial of the franchise to Negroes is contrary to the best interests of the Nation at home and abroad; and

"Whereas this denial of franchise gives improper voting weight in Congress to those elected from districts apportioned on the basis of full population but in which large segments of the population are denied the right to register and vote because of their race; and

"Whereas prevailing conditions in certain areas of the South hamper commerce, tourism, and other contact with that area by Americans living in the East, North and West; and

"Whereas the adoption of President Johnson's legislative program dealing with voting rights will ease the present crisis that exists in certain areas of the Nation: Be it

"Resolved, That the Alaska Legislature urges prompt approval of effective measures creating Federal limitations upon literacy tests and other devices used to deny certain Americans their franchise in State, Federal, and local elections, and further urges provision in Federal law for the registration of voters by Federal officials in situations where State officials are unwilling to perform this function; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives; the Honorable CARL HAYDEN, President pro tempore of the Senate; the Honorable Nicholas Katzenbach, Attorney General of the United States; and the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U. S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representative, members of the Alaska delegation in Congress."

A resolution of the Senate of the State of Alaska; to the Committee on Government Operations:

"SENATE RESOLUTION 10

"Resolution requesting Congress to reject an executive reorganization proposal affecting the Alaska customs district

"Whereas there is now before Congress an executive reorganization plan whereby the Bureau of Customs Office in Alaska would be abolished and the collectors of customs positions would no longer be subject to Presidential appointment; and

"Whereas if the plan is not rejected by Congress the Alaska district office will in effect be moved thousands of miles away where there will be delays in making the necessary day-to-day decisions on and interpretation of regulations at the hands of those not familiar with the special customs situation of Alaska; and

"Whereas with the elimination of Presidential appointment of collectors the citizens of Alaska will lose that essential contact in customs matters between one of its own citizens and the members of the Alaska delegation in Congress which now enables the State to have advocates who can prevail upon Federal administrators to meet Alaska's peculiar problems and needs: Be it

"Resolved, That the Honorable JOHN W. MCCORMACK, Speaker of the House of Representatives, and the Honorable CARL HAYDEN, President pro tempore of the Senate, are respectfully requested to advise the Congress that the State of Alaska opposes the executive reorganization plan relating to the Bureau of the Customs; and be it further

"Resolved, That the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, U.S. Senators, and the Honorable RALPH J. RIVERS, U.S. Representative, members of the Alaska delegation in Congress, are urged to pursue the appropriate courses of action necessary to reject the customs proposal which if adopted would be most detrimental to the interest of the State of Alaska."

A resolution of the House of Representatives of the State of Alaska; to the Committee on Banking and Currency:

"HOUSE RESOLUTION 8

"Resolution relating to the continuance of the activities of the Area Redevelopment Administration

"Whereas the congressional authorization for the Area Redevelopment Administration program to attack chronic and persistent unemployment expires June 30, 1965; and

"Whereas this condition persists in all but one of the county equivalents of the State of Alaska despite the intensive efforts of the Area Redevelopment Administration, the State of Alaska, and the grassroots efforts of Alaskans in 23 economic development planning committees; and

"Whereas during the brief span of its activities, the Area Redevelopment Administration programs, including the Accelerated Public Works Act, have contributed $12,271,000 toward the economic stability of the State; and

"Whereas the programs conducted by the Area Redevelopment Administration complement and give depth to newly developed programs under the Economic Opportunity Act of 1964, and provide the people of Alaska with the dynamic tools with which to attack poverty on every level: Be it

"Resolved, That the Congress of the United States is urged to renew the authorization of the Area Redevelopment Administration and to appropriate to it sufficient funds for it to continue at its present level of activity for a period of 3 years; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable HUBERT H. HUMPHREY, Vice President of the United States and President of the Senate; the Honorable JOHN W. MCCORMACK, Speaker of the House; the Honorable CARL HAYDEN, President pro tempore of the Senate and chairman of the Senate Appropriation Committee; the Honorable GEORGE H. MAHON, chairman of the House Appropriation Committee; the Honorable John T. Connor, Secretary, Department of Commerce; the Honorable Kermit Gordon, Director, Bureau of the

Budget; the Honorable Sargent Shriver, Director, Office of Economic Opportunity; and the Honorable E. L. Bartlett and the Honorable Ernest Gruening, U.S. Senators, and the Honorable Ralph J. Rivers, U.S. Representative, members of the Alaska delegation in Congress."

A resolution of the House of Representatives of the State of Alaska; to the Committee on Government Operations:

"House Resolution 12

"Resolution requesting Congress to reject an executive reorganization proposal affecting the Alaska customs district

"Whereas there is now before Congress an executive reorganization plan whereby the Bureau of Customs Office in Alaska would be abolished and the collectors of customs positions would no longer be subject to Presidential appointment; and

"Whereas, if the plan is not rejected by Congress, the Alaska district office will in effect be moved thousands of miles away where there will be delays in making the necessary day-to-day decisions on and interpretation of regulations at the hands of those not familiar with the special customs situation of Alaska; and

"Whereas, with the elimination of Presidential appointment of collectors, the citizens of Alaska will lose that essential contact in customs matters between one of its own citizens and the members of the Alaska delegation in Congress which now enables the State to have advocates who can prevail upon Federal administrators to meet Alaska's peculiar problems and needs: Be it

"*Resolved*, That the Honorable John W. McCormack, Speaker of the House of Representatives, and the Honorable Carl Hayden, President pro tempore of the Senate, are respectfully requested to advise the Congress that the State of Alaska opposes the executive reorganization plan relating to the Bureau of the Customs; and be it further

"*Resolved*, That the Honorable E. L. Bartlett and the Honorable Ernest Gruening, U.S. Senators, and the Honorable Ralph J. Rivers, U.S. Representative, members of the Alaska delegation in Congress, are urged to pursue the appropriate courses of action necessary to reject the customs proposal which if adopted would be most detrimental to the interests of the State of Alaska."

Resolutions adopted by the Upper Mississippi Waterway Association, Minneapolis, Minn., October 27, 1964; to the Committee on Commerce.

A petition, signed by Juei Miyajima, assembly speaker, Koza city assembly, Okinawa, praying for a restoration of administrative power to Okinawa; to the Committee on Foreign Relations.

A resolution adopted by the Lawton Area AFL–CIO Labor Council, of Lawton, Okla., favoring the restoration of full freedom of collective bargaining as a national labor policy; to the Committee on Labor and Public Welfare.

A resolution adopted by the Association for Democratic Procedures, Inc., of Los Angeles, Calif., relating to civil rights of union rank-and-file members; to the Committee on Labor and Public Welfare.

A resolution adopted by the Association of Highway Officials of North Atlantic States, in Hartford, Conn., on March 26, 1965, favoring the development of the Nation's highway needs; to the Committee on Public Works.

A resolution adopted by the Plymouth County Democratic League, of Halifax, Mass., relating to civil rights; ordered to lie on the table.

A resolution adopted by Local 3204, Communications Workers of America, Atlanta, Ga., relating to the threatened boycott of the State of Alabama; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 327. A bill to provide assistance to the States of Oregon, Washington, California, and Idaho for the reconstruction of areas damaged by recent floods and high waters (Rept. No. 166).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. AIKEN:

S. 1794. A bill to amend the National School Lunch Act, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. PROXMIRE (for himself, Mr. Hartke, Mr. Long of Missouri, Mr. Mondale, Mr. Miller, and Mr. Nelson):

S. 1795. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to provide additional assistance for disaster victims; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. Proxmire when he introduced the above bill, which appear under a separate heading.)

By Mr. PROXMIRE (for himself, Mr. Douglas, Mr. Hartke, Mr. McCarthy, Mr. Mondale, Mr. Long of Missouri, and Mr. Nelson):

S. 1796. A bill to amend the Small Business Act to provide additional assistance for disaster victims; to the Committee on Banking and Currency.

(See the remarks of Mr. Proxmire when he introduced the above bill, which appear under a separate heading.)

By Mr. KUCHEL:

S. 1797. A bill to amend the Davis-Bacon Act to extend its application to contracts for the maintenance of Federal installations; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Kuchel when he introduced the above bill, which appear under a separate heading.)

By Mr. EASTLAND:

S. 1798. A bill to amend the Veterans' Benefits Act of 1957 to provide a 3-year presumption of service connection for active tuberculous disease in peacetime cases; to the Committee on Finance.

By Mr. EASTLAND (for himself and Mr. Stennis):

S. 1799. A bill to provide for the establishment of Fort Massachusetts as a national historic site; to the Committee on Interior and Insular Affairs.

By Mr. McCARTHY:

S. 1800. A bill to authorize the payment of pay and allowances to members of the Naval Reserve and Marine Corps Reserve when such members are hospitalized beyond the end of their prescribed duty or training as the result of illness or disease, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. McCarthy when he introduced the above bill, which appear under a separate heading.)

By Mr. McINTYRE:

S. 1801. A bill for the relief of Moon Wook Kim; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 1802. A bill for the relief of Dr. Jose Raul C. Soler y Rodriguez, and his wife, Dr. Gladis B. Pumariega de Soler; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1803. A bill for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 1804. A bill to provide for the appointment of two additional judges for the U.S. Court of Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 1805. A bill to establish Capitol Reef National Monument as Capitol Reef National Park; to the Committee on Interior and Insular Affairs.

RESOLUTION

ELECTION OF CHAIRMAN OF POST OFFICE AND CIVIL SERVICE COMMITTEE

Mr. MANSFIELD submitted a resolution (S. Res. 97) to elect a chairman of the Post Office and Civil Service Committee, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Mansfield, which appears under a separate heading.)

FARM DISASTER RELIEF

Mr. PROXMIRE. Mr. President, on behalf of the Senator from Indiana [Mr. Hartke], the Senator from Minnesota [Mr. Mondale], the Senator from Iowa [Mr. Miller], the Senator from Wisconsin [Mr. Nelson], the Senator from Missouri [Mr. Long], and myself, I introduce, for appropriate reference, a bill to enable the Farmers Home Administration to provide relief to farmers for disaster losses to their homes and buildings.

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). The bill will be received and appropriately referred.

The bill (S. 1795) to amend the Consolidated Farmers Home Administration Act of 1961 to provide additional assistance for disaster victims introduced by Mr. Proxmire (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. MANSFIELD. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. I commend the distinguished senior Senator from Wisconsin for his proposal. I do so on the basis of the experience which we in Montana had last year, when floods on the Flathead and the Sun caused great damage to small business and the private sector in general.

The Government areas, such as the Blackfeet Reservation, and the Government projects were well taken care of; but so far as the private sector was concerned, we were in deep difficulty.

I know that the tremendous floods which have ravaged the Midwest—in Minnesota, Wisconsin, now in Iowa, and soon, very likely, to occur farther down the Mississippi—are bound to cause undue hardships to many people and many small businesses.

I believe that the Senator's proposal is a step in the right direction. I commend him because perhaps next month similar difficulties may occur in the

Rocky Mountain West, and we want to be prepared along these lines.

So far as the Small Business Administration is concerned, Mr. Foley rendered fine service in extending all the support he could to the people of Montana last spring through lengthening the loan period and giving whatever succor and assistance he could to those people who had little to go on. That help was sincerely and deeply appreciated.

Mr. PROXMIRE. Mr. President, I deeply appreciate the support of the majority leader. It means a great deal to us. He is entirely correct when he points out that such a disaster could strike anywhere in the country. It has been disclosed recently that every State in the Union, with the exceptions of Utah and Arizona, has had a major disaster within the last 10 years. When these great natural disasters strike, all the hard work, all the savings, all the diligence, all the prudence, and all the thrift can do no good to the persons whose property is damaged or destroyed.

There is nothing that could possibly be recovered under present law without incurring an overwhelming or, in many cases, a crushing debt burden. The proposed legislation is designed to meet this overall need, not just in Wisconsin or the Midwest, but everywhere in America, and not simply for the recent disasters but whenever these destructive forces of nature are unleashed.

DISASTER RELIEF

Mr. PROXMIRE. Mr. President, on behalf of the Senator from Illinois [Mr. DOUGLAS], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MONDALE], the Senator from Missouri [Mr. LONG], the Senator from Wisconsin [Mr. NELSON], the Senator from Minnesota [Mr. MCCARTHY], and myself, I introduce a disaster relief bill to provide Federal grants and loans for rebuilding homes and businesses destroyed by floods, tornadoes, and other natural disasters.

The only Federal assistance available under present law to homeowners and businessmen are interest-bearing, fully repayable loans.

I hope that we can take firm action in time to provide prompt and genuine help to flood and tornado victims in the Midwest.

Our bill would authorize the Small Business Administration to make grants and long-term, low-interest loans for rebuilding homes and businesses in flood, tornado, and other natural disaster areas.

The bill would permit the Small Business Administration to pay a part of the homeowner's cost of rebuilding and furnishing his house under a "25 percent of income" formula. The formula authorizes the SBA to pay off enough of the victim's home indebtedness so that the victim's payments will not exceed 25 percent of his net income.

The bill would also extend the payment period for 3-percent SBA disaster loans from 20 to 30 years. This extension would also apply to SBA disaster loans to businesses. The longer payment period would enable homeowners and businessmen to meet their heavier debt burden by reducing monthly payments.

In order to give small businesses an opportunity to rebuild and resume operations, the Administrator of the SBA would be empowered to suspend payment on disaster loans for as long as 5 years.

I have just returned from a 5-day visit to Wisconsin. The flood damage at La Crosse, Prairie du Chien, and other communities along the Mississippi River system was tremendous, and it continues to mount. Conditions will be much worse before the crisis has passed than they are now.

Tornadoes leveled whole areas in Monroe, and farms near Evansville and Watertown. Damage estimates run into millions of dollars.

Last Friday, at La Crosse, I called a meeting of officials from a dozen Federal agencies to brief local authorities on available Federal assistance in a major disaster. Much of the assistance would help to restore public services and repair public facilities. However, much of the damage has been done to farms, homes, and privately owned businesses. Help to those homeowners and small businesses would, in most cases, be at the cost of a crushing increase in debt, a cost that would have to be repaid.

The bill is designed to provide aid that would not drown the disaster victim in a flood of debt. Without this kind of help, hundreds of prudent, hard-working homeowners and business people will be wiped out. With it, the disaster-stricken communities can be rebuilt and restored to their former vitality.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1796) to amend the Small Business Act to provide additional assistance for disaster victims, introduced by Mr. PROXMIRE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

AMENDMENT OF DAVIS-BACON ACT RELATING TO CONTRACTS FOR MAINTENANCE OF FEDERAL INSTALLATIONS

Mr. KUCHEL. Mr. President, I introduce for appropriate reference a bill to amend the Davis-Bacon Act to extend its application to contracts for the maintenance of Federal installations. I ask unanimous consent that the bill lie on the desk for cosponsors until next Wednesday, April 28.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk until next Wednesday, April 28, as requested.

The bill (S. 1797) to amend the Davis-Bacon Act to extend its application to contracts for the maintenance of Federal installations, introduced by Mr. KUCHEL, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

PAYMENT OF PAY AND ALLOWANCES TO CERTAIN MEMBERS OF NAVAL RESERVE AND MARINE CORPS RESERVE

Mr. McCARTHY. Mr. President, I introduce for appropriate reference, a bill to authorize the payment of pay and allowances to members of the Naval Reserve and Marine Corps Reserve when such members are hospitalized beyond the end of their prescribed duty or training as the result of illness or disease, and for other purposes.

Under existing legislation—title 37, United States Code, sections 204 (g) through (i)—members, other than those of the Regular services, who are called to active duty for more than 30 days and become disabled in line of duty from disease are entitled to continuation of their pay for their period of disability, the same as for members of the Regular services. In the case of injury, pay is continuous without regard to the length of the active duty period.

In the case of the Army and Air Force, however, there is in addition to the above cited provisions, a law—title 10, United States Code, sections 3722 and 8722—which entitles Army and Air Force reservists to various benefits, including basic pay and allowances, during the period of hospitalization not to exceed 6 months, if they contract a disease while on active duty, with no minimum limitation as to the period of duty. There is no similar provision of law applicable to members of the Navy or Marine Corps Reserve components.

The bill which I am introducing would provide benefits for Navy and Marine Corps reservists comparable to those now available for Army and Air Force reservists.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1800) to authorize the payment of pay and allowances to members of the Naval Reserve and Marine Corps Reserve when such members are hospitalized beyond the end of their prescribed duty or training as the result of illness or disease, and for other purposes, introduced by Mr. MCCARTHY, was received, read twice by its title, and referred to the Committee on Armed Services.

VOTING RIGHTS ACT OF 1965—AMENDMENTS (AMENDMENTS NOS. 83 THROUGH 96)

Mr. ERVIN submitted amendments, intended to be proposed by him, to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. BAYH. Mr. President, on March 4, 1965, I introduced Senate Joint Resolution 58, a proposed constitutional amendment relating to the election of the President and Vice President.

At the next printing of this resolution, I ask unanimous consent that the names of Senators Brewster, Douglas, Hartke, Lausche, Inouye, Magnuson, Montoya, Morse, Neuberger, Proxmire, Randolph, and Tydings be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREWSTER. Mr. President, I ask unanimous consent that the senior Senator from Wyoming [Mr. McGee] be added as a cosponsor of S. 937, which amends the Federal Aviation Act of 1958, and that his name be listed on the bill when it is next printed.

I also ask unanimous consent that the junior Senator from Nevada [Mr. Cannon] and the junior Senator from Indiana [Mr. Bayh] be added as cosponsors of S. 1108, which amends Public Laws 815 and 874, 81st Congress, and that their names be listed on the bill when it is next printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROHIBITION OF HIRING OF PROFESSIONAL STRIKEBREAKERS IN INTERSTATE LABOR DISPUTES—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 13, 1965, the names of Mr. Bartlett, Mr. Case, Mr. Hartke, and Mr. McCarthy were added as additional cosponsors of the bill (S. 1781) to prohibit and make unlawful the hiring of professional strikebreakers in interstate labor disputes, introduced by Mr. Williams of New Jersey (for himself and Mr. Morse) on April 13, 1965.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

W. Arthur Garrity, Jr., of Massachusetts, to be U.S. attorney, district of Massachusetts, for a term of 4 years. Now serving under an appointment which expired April 12, 1965.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, April 29, 1965, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS RELATING TO ADDITIONAL ASSISTANCE FOR DISASTER VICTIMS

Mr. PROXMIRE. Mr. President, I should like to announce that the Small Business Subcommittee of the Senate Banking and Currency Committee will hold a hearing on Tuesday, April 27, 1965, on S. 1796, to amend the Small Business Act to provide additional assistance for disaster victims. The hearing will begin at 10 a.m., in room 5302, New Senate Office Building.

Persons wishing to testify on this measure should contact, as soon as possible, Mr. Reginald W. Barnes, assistant counsel, Senate Banking and Currency Committee, 5300 New Senate Office Building, Washington, D.C., 20510. Telephone: 225-3921.

NOTICE OF HEARINGS RELATING TO REAPPORTIONMENT OF STATE LEGISLATURES

Mr. BAYH. Mr. President, as chairman of the Senate Judiciary Subcommittee on Constitutional Amendments, I wish to announce further hearings on the matter of reapportionment of State legislatures. These hearings will be held on April 27, 28, 29, 1965 in room 2228 of the New Senate Office Building beginning at 10 a.m.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. ROBERTSON:

Address by Vice President Humphrey, delivered at the Azalea Festival luncheon, in Norfolk, Va., on April 22, 1965.

AN OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES

Mr. ERVIN. Mr. President, the High Point Enterprise, of High Point, N.C., carried a thought-provoking editorial entitled "An Open Letter to the President of These United States" in its issue of March 31, 1965. This editorial merits the thoughtful consideration of the Members of the Congress, as well as that of the President of the United States. For this reason, I ask unanimous consent that it be printed at this point in the body of the Record as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

An Open Letter to the President of These United States

We are disturbed to the extreme about what is going on in this Nation of ours. The events of the past few weeks in Alabama—and some of what is going on in Washington—have, we feel, made it very difficult to be a good American.

Let's go back a few years.

Whether it started prior to the Supreme Court school decision in 1954 is not important. At least that long ago a public awareness came into being in the South that our Negro citizens were not getting a fair shake—and perhaps to a greater extent in the South than elsewhere, although it is not now important to debate that point.

In our part of the South, at least, a great many people who had not previously given so much thought to it developed full sympathy for the Negro. They came to look upon themselves, and we believe rightly so, as moderates. They were not, on the one hand, diehard segregationists, nor were they what are often referred to in these parts as wild-eyed liberals. They were realists. They recognized the Negro's plight and they were ready to admit the Negro into first-class citizenship.

But to repeat, sir, they were realists. They recognized that you don't change a way of life overnight. They knew that many of their fellow citizens were not as ready as were they to take steps to bring the Negro into that first-class citizenship and that there were obstacles to be overcome.

Nevertheless, the Negro citizen had more allies among the white people of the South than he perhaps realized.

It is with growing distress that we now recognize a reversal in trends. The events of recent weeks have done much to destroy the "middle ground" in the South. The thousands who had begun paving the way for improvement of the lot of the Negro have found their ground untenable.

We do not and never will condone some of the actions in our sister States in the Deep South. That every qualified citizen should have the right of the ballot is, to us, unquestioned. But we did use the word "qualified" and we will defend it as we defend the Constitution itself.

Our democracy lives and breathes on the basis that an informed electorate will periodically determine who will speak for them in the halls of government. No person who is illiterate in the full sense can be expected to be a qualifying member of that informed electorate.

Thus we can never agree with a law which strikes out the requirement that a person be able to read and write before being allowed to vote.

There are, sir, laws aplenty to cover willful violation of voting rights, and it would seem to us that proper administration of those laws would eliminate the necessity for a new law which strikes at the very heart of the Republic, the unwarranted interference with the rights of States to conduct their own internal affairs. Never forget the truism that the cure can sometimes be more disastrous than the disease.

The presence of mobs in Alabama and the obvious approval of their presence from your Office has done more than anything else to destroy the middle ground which we have sought to defend. No matter how earnest their cause, the state of our civilization cannot put up with a group which disobeys laws simply because it doesn't agree with them—and to do so with the acquiescence of the President of the United States drives one more wedge between you and many of your people.

One doesn't hear in this part of the South much true sympathy for the Reverend Mr. Reeb and Mrs. Liuzzo, latest victims of southern strife. This comes not from callousness in the face of violent death but may instead be viewed as another indicator of what has happened to moderate thinking. The talk here is that such people as the Reverend Mr. Reeb and Mrs. Liuzzo were in the wrong by being where they were.

Let's clear up another point or two.

Southern moderates have no sympathy for people such as Governor Wallace. They realize that a more reasonable form of leadership would take the play away from those who employ violence to combat something they don't like.

His lack of statesmanship, however, is not sufficient reason to allow his State, the home of many people who might otherwise join the great middle ground of moderation, to be turned into a battlefield.

And the developments of recent weeks have left the distinct impression among the people that this battlefield is being occupied on the one hand by the people of Alabama and on the other by glory seekers, self-styled do-gooders and the U.S. Government. Whether this be right or wrong, your Office and that of the Justice Department have been party to creating this impression.

Perhaps it is not always apparent, but we've seen it happen elsewhere. The marching demonstrators are never brought face to face with the great body of good citizens, those who have it within their power to bring about change. They are met instead by the small minority of southerners who think that violence is the answer to any problem.

Thus the very act of demonstrating beyond the point of making clear the issues is nothing more than an invitation to violence.

And what happens to that great body of good citizens? They are driven inevitably out of the field of moderation. They do not support Ku Klux Klan activities. But, just as strongly, they find less and less impetus to take a hand in working out the inequities that exist.

We implore you, Mr. President, to use your offices first to bring an end to the strife in Alabama. You cannot defend to the people of the South the sending of troops to keep the peace when your very actions in applauding operations outside the law are a direct contributor to that strife.

Above all, recognize once more that there are still at least two sides of every issue. We of the South have the distinct impression that you may have lost sight of this fact.

JEFFERSON-JACKSON DAY SPEECH BY SENATOR HERMAN E. TALMADGE AT RALEIGH, N.C.

Mr. ERVIN. Mr. President, on the evening of Saturday, April 10, 1965, the able and distinguished junior Senator from Georgia, HERMAN E. TALMADGE, delivered a most eloquent speech to 1,500 North Carolina Democrats at the Jefferson-Jackson Day dinner in Raleigh, N.C. This speech was received with great enthusiasm by those in attendance. On behalf of my colleague, Senator JORDAN, and myself, I ask unanimous consent that this speech be printed in full at this point in the body of the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR TALMADGE

Governor Moore, Senator ERVIN, Senator JORDAN, Congressman COOLEY, and members of the North Carolina congressional delegation, distinguished officials, honored guests, and my fellow Democrats, it is with a sense of high honor, great privilege and pleasure that I come before the Democrats of North Carolina this evening to renew with you our dedication to the principles of the party of Jefferson and Jackson.

I am deeply grateful for the opportunity to share this monentous occasion with my friends and neighbors.

Georgians feel a close kinship with the people of North Carolina.

Working shoulder to shoulder to achieve growth and prosperity, our States have developed economically along parallel lines.

Our States share common political bonds, and while the people of North Carolina and Georgia have not wedded themselves to the past, they are ever mindful of its lessons.

Our States have stood together in victory and defeat.

And it is my earnest hope that the people of our States will always be united as one in all matters concerning their lives, fortunes, and sacred honor.

Over the years, to the everlasting credit of the people of North Carolina, this great State has been blessed with able, courageous, and stalwart leadership. You have held high the cherished ideals of those early North Carolinians who endured grave hardships, and who gave so much of themselves during our Nation's formative years.

Yours is truly a rich heritage, which springs from the soil of Roanoke Island, where English history was born in America nearly 400 years ago. You have kept the faith. You have shown unswerving dedication to the sacred principles of the Founding Fathers who laid the cornerstone of our party.

You have carefully guarded these principles and nurtured them into full blossom. From the time of the great Jefferson, one of the most outstanding political thinkers and prophets of all times, the record of the Democratic Party rings and resounds down through the unbroken channels of history. It is a record which cannot possibly be equaled by any other party or any other political group anywhere in the world. It is a record that is acclaimed by triumphant and grateful voices of millions of loyal Americans who have abided by the ageless principles of our party, sustained its leadership, and benefited by its policies.

The resolute will of the people of North Carolina to protect this heritage, to keep it alive and make it secure for all time, and thus to strengthen and give lasting meaning to our republican form of government, is matched by the same measure of determination in your elected officials, at every level of government.

They too are deeply conscious of their responsibilities to Democratic ideals, to their State and Nation. Their devotion to good government is manifest in the capitol and statehouse here in Raleigh, in the county courthouses and city halls throughout the State, and in the Halls of the Congress of the United States.

I have found from personal experience that your representatives in Washington are unsurpassed in ability and integrity. You may rest assured that the trust you have placed in them is in good and capable hands.

No other State has Senators and Congressmen who are more highly respected or who are more consistently effective in serving the interests of their constituents, their State, and their Nation than North Carolina.

It is especially an honor to serve in the U.S. Senate with statesmen of the high caliber of SAM ERVIN and EVERETT JORDAN, both of whom hold renowned positions in the world's greatest deliberative body.

Their constant and vigorous efforts to protect and preserve constitutional government and individual liberty, upon which our illustrious party is based, are examples of statesmanship of the finest order. It has often been my privilege to be at their side in matters of legislative importance to the people of North Carolina and Georgia, and I have profited from the experience.

I can say here and now that if we had more men in the Senate of the United States of the character and sagacious qualities of leadership of SAM ERVIN, this country would not be in many of the difficulties it is in today.

I know of no truer servant of constitutional government than Senator ERVIN. Although there are those amongst us who regard the Constitution as something less than sacrosanct—and regrettably such betrayals of the principles of the Democratic Party sometimes emanate from our side of the aisle—Senator ERVIN cannot be counted in their number.

To the contrary, SAM ERVIN towers in the Senate as an unshakable bulwark against all who would weaken the Constitution and undermine our Republic. His wise counsel would be sorely missed in the Senate, but I long for the day when he can take a seat on the Supreme Court of the United States.

The Senate's loss will be the Supreme Court's gain. And I believe a majority of the people of the United States would approve of the contributions SAM ERVIN could make toward returning the Supreme Court to the law of the land, as written in the Constitution. We need men on this Court who can shut their ears to the howl of the mob, who can disregard emotionalism running rampant in the streets, who recognize the distinction between the judicial and legislative branches of our Government, and who are more concerned with strict adherence to the law than in reforming the country.

I for one do not believe that the people of the United States condone changing the Constitution by judicial fiat. It is my view that they look with disfavor upon legislating by court decision. They will not long countenance action by the court which increasingly expands the Federal Government to the point that its power reaches deeper and deeper into the affairs of State and local governments.

If I may presume to speak for the majority of the citizens of Georgia, they do not approve of the Court's departure from its assigned role in our Government or from the law as found in the Constitution.

And I would hazard a guess that neither do the people of North Carolina.

Let me take this opportunity to express my appreciation to Governor Moore for his hospitality. You have sent to the Governor's office a man of determination and purpose whose devotion to serving North Carolina is already well established. I am confident that he will lead the State in the finest tradition of the outstanding men who have preceded him in this high office.

As a member of the Senate Committee on Agriculture and Forestry, I have the pleasure to serve with EVERETT JORDAN, and I have seen him demonstrate time and time again that he is the unflagging servant of the best interests of farmers, both in his native State and throughout the Nation.

Let me also pay tribute to Congressman COOLEY, the beloved dean of the North Carolina congressional delegation and chairman of the House Committee on Agriculture.

His tireless work and peerless leadership is an inspiration to all of us who are interested in achieving legislation which will restore the farmer to his rightful place in the American economy. In the midst of ill-advised proposals that our Nation could get along with just 1 million farmers and that the other 2½ million might just as well be plowed under, Chairman COOLEY was quick to rise to the defense of our family farm system and to express concern about the future of agriculture.

I share his concern and Democrats stand with him 100 percent for the preservation and improvement of the family farm system. It has always been, and is now, the primary concern of the Democratic Party to formulate programs which will benefit the farmer, which will increase his income, and which will enhance the development of rural America—not to adopt policies to drive the farmer off his land.

Our farmers have not forgotten the dire results of patchwork policies and negative action, under the direction of one Ezra Taft Benson, and they want no more of it.

Our party, which instituted price support programs to rescue farmers from lives of abject poverty, demonstrated in most meaningful terms that it is committed to strengthening the economic status of the men and women who supply America, and a good part of the free world, with life-giving food and fiber.

The Democratic Party will never turn its back on this commitment.

To do so would be to reject the fundamental philosophy that ours is the party of the people:

The big and the small, the rich and the poor, and the young and the old.

The Democratic Party is the instrument of all the people, workers in the factories, farmers in the fields, and men and women of business, science, and the professions. Whatever their calling, the people of this country look to the Democratic Party for responsible and inspiring leadership that will promote prosperity and happiness, and guarantee the well-being and freedom of all Americans.

This is the mission of the Democratic Party.

And history reflects that this mission has been accomplished.

It was the Democratic Party which breathed life and vitality into American agriculture.

It was the Democratic Party which instituted unemployment insurance which over the years has been of immense benefit to countless millions. It was under Democratic leadership that this program was extended in 1961.

It was the Democratic Party which brought American workers under wage and hour protection.

It was the Democratic Party which provided social security for our aged citizens which over the years has been expanded to meet changing conditions.

It was the Democratic Party which last year instituted the largest tax cut in history, which has to a large degree stimulated unparalleled economic expansion, reduced unemployment to the lowest level in 8 years, and raised the hourly employment rate to the highest point in 20 years.

It was the Democratic Party which molded a partnership between management and labor, to the mutual advantage and progress of free enterprise and the workingman.

In foreign relations, the Democratic Party is dedicated to the furtherance of freedom and democracy throughout the world. Whenever it has become necessary, our determination has been proven, with victorious results, in battlefields in every corner of the globe.

We want peace and we will work for peace. But Americans are strong in their resolve that whenever and wherever our vital interests are challenged, they will at any cost be protected.

In October of 1962, when Khrushchev installed nuclear rockets in Castro's Cuba, America demonstrated this resolve. It is being demonstrated now in Berlin and in South Vietnam.

The American people now applaud the positive action being taken by President Johnson to stem the tide of Communist aggression in southeast Asia.

If this is the brand of action needed to prove to the world that America will not back down to communism, then this it will be. Let the Kremlin make no mistake about that.

Every generation of Americans, in peace and prosperity and in war and economic catastrophe, has been the beneficiary of the wisdom, foresight, and humane judgment of leaders of the Democratic Party. In fact, there is hardly a person in America today who, in some way or other, has not shared in the fruitful harvest of the policies and programs of the Democratic Party or the service of some of its leaders.

Through the talents of honest, courageous, forward-looking, and sensible leadership, the Democratic Party can continue as it has in the past to lead State and Nation to prosperity, security, and peace.

To assure our future, we need but to rededicate ourselves to the maxim that the Nation which lives by the Constitution, grows great by the Constitution.

Unfortunately, a great deal of our national strength in the past several years has been dissipated by internal dissension. Much of the energy of the American people has been laid to waste by dissident elements which seek to divide our country on great social issues.

Such is the state of affairs at the present time that there is a desperate need for a moratorium during which the fans of hatred and strife can be stilled long enough for men of good will and understanding to say to each other, in the words of the Prophet Isaiah: "Come now, and let us reason together."

According to a newspaper article, a leading authority on the Constitution was asked recently if he thought the so-called voting rights bill now before Congress would be upheld by the Supreme Court.

"Certainly," the attorney quickly replied. "I thought you were going to ask me a hard one. Is the bill constitutional?"

Such is the temper of the times. So high-pitched are emotions that there is a great nationwide clamor for the passage of this bill, notwithstanding the Constitution, notwithstanding the law, regardless of its damaging effect upon the rights of the States. Because of extreme and unwarranted racial agitation in some parts of the South which has been compounded by unfortunate and tragic events, the stampede is on.

As you know, Senator ERVIN, who draws from a wealth of judicial experience and broad knowledge of the law, has been endeavoring on the Judiciary Committee to alert the country to the constitutional shortcomings of this legislation.

No patriotic and law-abiding citizen condones discrimination against citizens who are eligible to vote, and whenever and wherever it exists, it should be eliminated. No one disputes the claim that the right to vote is fundamental to our democratic society, and that the free, unhindered, and responsible exercise of that right belongs to every qualified American.

I submit that this is not the issue. Stripped of all emotionalism, the real issue is whether it is necessary or wise to enact a law that is in direct conflict with the Constitution and numerous Federal court rulings in order to attain the desired end of voter discrimination.

It is neither necessary nor wise. In attempting to correct one evil, it unjustly creates a far greater one by turning election machinery in carefully selected States over to Federal officials.

Moreover, the right to vote is already well protected by 16 civil and criminal statutes, including the far-reaching provisions of the 1957, 1960, and 1964 Civil Rights Acts. It is beyond question that the Attorney General is sufficiently armed with the weapons to combat voter discrimination, if he will but use them, and vigorously prosecute under the laws which he now has at his disposal.

This bill would abolish the constitutional right of States to administer literacy tests and other standards to prospective voters even though there have been no judicial findings of fact that these tests and standards are being applied in a discriminatory manner. On the basis of an arbitrary formula, the bill was contrived to apply to some States and not to others, which flies in the face of the equal protection under the law provisions of the Constitution. The bill would punish whole States for alleged, yet unproven, sins of the past 10 years which clearly places it in the category of unconstitutional ex post facto legislation.

The Constitution, in at least three separate places, plainly leaves to the individual States the question of qualifying their voters, so long as it is done on a nondiscriminatory basis. Our Federal courts, including the Supreme Court, have on numerous occasions upheld and reinforced this right.

Notwithstanding the worthy objective of this bill, and what it purports to achieve, I cannot subscribe to the proposition that the end justifies the means.

Public passion is never justification for overriding the Constitution and long-established law. It is my earnest hope that reason and commonsense will be permitted to prevail.

It was Thomas Jefferson, the wise and far-sighted father of the Democratic Party, who declared:

"In questions of power let no more be heard of confidence in men, but bind him down from mischief by the chains of the Constitution."

It was Thomas Jefferson who outlined in his first inaugural address what the American people desire of their Government. It was he who laid the foundation of the Democratic Party when he called for "equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce and honest friendship with all nations—entangling alliances with none; the support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against antirepublican tendencies; (and) the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad."

And it was that other great Democrat, Andrew Jackson, who issued the clarion call of all Americans, for all time:

"Our Federal Union; it must be preserved."

That rugged warrior and dedicated man of the people brought to the Democratic Party a fuller realization of Jeffersonian principles. He believed with Jefferson that there is "no safe depository of the ultimate powers of the society but the people themselves."

In a most masterful statement, Jackson expressed the Democratic philosophy thusly on one occasion:

"In the full enjoyment of the gifts of Heaven and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by the law. There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. Nor is our Government to be maintained, nor our Union preserved, by invasion of the rights of the several States. In thus attempting to make our General Government strong, we make it weak. Its true strength consists in leaving individuals and States, as much as possible, to themselves; in making itself felt, not in its power, but in its beneficence; not in its control, but in its protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its power orbit."

Your presence here tonight testifies to your faithful adherence to the ideals and heritage of the party of Jefferson and Jackson, and I am pleased to tell you that your Georgia brethren stand by your side in mutual determination to keep alive those ideals and perpetuate that heritage.

The Democratic Party was founded as the party of the Constitution. It is eternally dedicated to the protection and preservation of our great, unique, republican form of government.

The Democratic Party grew strong in its espousal of individual freedom to live and work and aspire, each according to his ability, his will, and the dictates of his conscience.

The Democratic Party has always held the confidence of grassroots America so long as it was faithful to its founding principles. Its very strength lies in the fact that it has attracted supporters from all walks of life and all segments of the economy.

The Democratic Party, more than any other single force in America, has been responsible for the great social, political, and economic progress of the United States. Under the leadership of the Democratic Party, our citizens have come to enjoy more freedom than any other people on the face of the earth.

Our task now as Democrats is to guarantee for those who come after us that all that has been gained will never be lost by the departure from the sound principles of constitutional, democratic government. Let us endeavor as never before to protect our heritage from all assaults, whether they come from within or without.

We meet tonight then to rededicate ourselves to the time-honored and imperishable principles of those two great standard bearers of democracy, Jefferson and Jackson.

In doing so, let us also reject the tactics of the apostles of ill will and disunity who seek to revive the bitterness of sectionalism, and for political gain or personal profit to divide our country.

Let us settle our differences in accordance with the requirements of law and order. Let nothing, not the mob in the streets nor the irresponsible and violent conduct of a few, make us forget that we are a nation of laws and not of men.

Let us condemn all who take the law into their own hands, whoever they are or whatever banner they may travel under.

Let us never forget that our constitutional government is no stronger than the people it protects, and if our great Nation is to remain strong and free, it must be united. A nation of people pitted against one another, neighbor against neighbor, section against section, State against State, courts certain disaster.

Let us remember the warning of Lord Macauley more than 100 years ago.

Lord Macauley, the eminent British historian, was not much of a believer in Jeffersonian democracy. Nor did he think much of our Constitution.

In connection with the completion of his biography of Jefferson, Lord Macauley in 1857 wrote to one of his American friends, expressing great disapproval of our way of life. Macauley wrote:

"I have long been convinced that institutions purely democratic must, sooner or later, destroy liberty or civilization, or both. You think that your country enjoys an exemption from these evils. I will frankly own to you that I am of a very different opinion. There is nothing to stay you. Your Constitution is all sail and no anchor. As I said, when society has entered on this downward progress, either civilization or liberty must perish. Either some Caesar or Napoleon will seize the reins of government with a strong hand or your Republic will be as fearfully plundered and laid waste by barbarians in the 20th century as the Roman Empire was in the 5th; with this difference, that the Huns and Vandals who ravaged the Roman Empire came from without, and your Huns and Vandals will have engendered within your own country by your own institutions. Thinking this, of course, I cannot reckon Jefferson among the benefactors of mankind."

Down through the years, through revolution, civil strife, great economic depression, and two world wars, America has proven Macauley wrong.

Now, when there are those among us who would drive our people apart and destroy our Republic, when there is a foreign ideology ever watchful for weaknesses which may be used to bring about our downfall, we are still proving Macauley wrong.

We can and we must continue to prove him wrong.

This is the challenge facing the Democratic Party today.

Our party occupies a position of leadership that is stronger and more secure than ever before in the history of our country.

Therefore, upon the use of this strength and the wisdom of our leaders depend the future of the United States and the well-being of our people.

We are prepared to meet our sacred obligations as citizens of this great Republic, and we do so with solemn resolution to do the work that needs to be done and to make the sacrifices that need to be made.

Doing that, we and our posterity can look to the horizons of tomorrow with the assurance that peace, security, and liberty under God will continue to be our heritage.

THE 25TH ANNIVERSARY OF BELTONE ELECTRONICS CORP.

Mr. DIRKSEN. Mr. President, the Beltone Electronics Corp., of Chicago, was founded in Chicago, Ill., 25 years ago and on March 8, 1965, is formally observing its 25th anniversary.

Beltone was founded by a young couple, Mr. and Mrs. S. F. Posen, of Chicago, who staked their lifesavings on their new business of developing and manufacturing hearing aids, which, with each technical advance, have helped give a growing number of Americans the opportunity to live more useful, normal lives.

This tiny husband-and-wife company has grown to become the world's largest exclusive manufacturer of hearing aids and precision hearing test equipment. Certainly, Beltone's history of success is in the best tradition of the American free enterprise system. But more than that, this company's record is dramatic proof that capitalism, far from being the heartless enemy of humanity our enemies make it out to be, is concerned with people and with their health and welfare.

Beltone represents much that we in the great State of Illinois and in our great Nation can be proud of.

Not only has Beltone demonstrated its concern for the hearing handicapped by continually conducting research into development of increasingly effective hearing aids to help people with this invisible affliction of deafness, but it also has demonstrated its concern for the public in other ways.

Among Beltone's outstanding contributions is its establishment 10 years ago of the Beltone Institute for Hearing Research, a not-for-profit, independent organization whose policies and programs are directed by its trustees, each representing a major discipline in the hearing field.

The institute has diligently aided research in the field of hearing throughout its history. In addition, it has disseminated translations of significant research studies done abroad—studies which might not otherwise have been available in the United States—to doctors, medical clinics, hearing clinics, universities, and libraries, free of charge.

As it marks its 25th anniversary, Beltone can look back to other accomplishments in its chosen field—technological developments in the use of printed circuits, transistors, and microminiaturization of components—which have benefited the hearing handicapped.

We in Illinois know that a company with a record like this will redouble its efforts in meeting its continuing responsibility to the hearing handicapped public.

ABRAHAM LINCOLN IN THE HOUSE OF REPRESENTATIVES—SPEECH BY HON. JAMES M. GRAHAM, OF ILLINOIS

Mr. DIRKSEN. Mr. President, a few days ago we marked the 100th anniversary of the tragic departure of Abraham Lincoln. When he served one term in the House of Representatives he represented the district in which the capital city of Springfield, Ill., is located.

Long after that time that same district with some modification was represented by the Honorable James M. Graham. On February 12, 1913, the anniversary of Lincoln's birth, the Honorable James M. Graham delivered an address on Abraham Lincoln in the House of Representatives. It is indeed a splendid utterance and although it appeared in the CONGRESSIONAL RECORD 52 years ago it is worthy of reprinting in the RECORD. and I therefore ask unanimous consent that it be made a part of my remarks as a reminder of the life and service of Abraham Lincoln as we approach that tragic day in the history of this Republic when he was given to the ages in such an untimely and distressing way.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ABRAHAM LINCOLN

(Speech of Hon. James M. Graham, of Illinois, in the House of Representatives, Feb. 12, 1913)

Mr. GRAHAM. Mr. Speaker, in the growth and development of a nation it would be difficult to overestimate the value of great examples, of high ideals, and one of the compensating benefits we derived from the Civil War is the long list of heroic actions of magnanimous and noble deeds performed by men on either side.

Never before in the history of the world did the vanquished exhibit greater valor, and never did the victor in a great war treat the vanquished with such splendid generosity as in that titantic struggle. No Roman triumph marked the final victory. Napoleon standards waved at one time or another from the citadels of almost every capital in continental Europe. The Germans took literal possession of conquered Paris, but Grant turned from Richmond at its very gate. No humiliating terms were imposed at the surrender of the great Confederate commander. He received the courteous and chivalric treatment which brave men always accord to brave men. Perhaps the greatest moment in the life of the silent commander was when asked at Appomattox what disposition was to be made of the horses of the Confederate cavalry, which were mostly owned by the men who rode them, and he replied in his quiet way, "Let them keep them; they'll need them for the spring plowing."

Deeds of personal heroism were so numerous that it would be invidious to mention any particular ones. There were, indeed, giants in those days. That awful struggle was in truth a struggle of Titans. But out of it all one great gaunt figure rises and stands above the others like a cedar of Lebanon, towering beyond his fellows in massive grandeur, unique, alone, for in the whole field of profane history there is neither prototype nor parallel for Abraham Lincoln.

I was not always an admirer of President Lincoln. When a boy the first book I read about the Civil War was Pollard's Lost Cause, which was published in Richmond before the heat of the conflict had time to cool.

But later in life a number of circumstances conspired to attract me to a study of the career of this wonderful man, this first American, as Lowell called him.

For many years I have lived within a stone's throw of his old home in Springfield. He once represented in Congress the district I now have the honor to represent, and April 14, the anniversary of his martyrdom, reminds me of the too frequent recurrence of my own birthday anniversary.

I have loved to talk of him with the few men still left in Springfield who knew him and admired him long before the general public appreciated him. I have marveled at a career which far outdistances romance. Many a time have I traveled with him in spirit over that long and weary journey from the Kentucky cabin to the White House. I have tried to understand him, to estimate his character, only with this result, that as my own vision broadened I saw in him new strength, new wisdom, new self-control, new elements of greatness, till he became to me, as Stanton said of him, "the most perfect ruler of men the world had ever seen," and I am forced to the conclusion that in the providence of God he was destined to be the savior of the Republic, the preserver of government of the people, by the people, for the people. [Applause.]

Having said this much, you are not surprised to hear me say that I regard Abraham Lincoln as one of the world's greatest men.

What is the real test of greatness? How is greatness to be weighed or measured? By what method is it to be determined?

If a man's greatness is to be measured by the service he rendered his fellow men, then indeed was Lincoln great.

If we accept the criterion that he that ruleth his own spirit is greater than he that taketh a city, still was Lincoln a great man.

If the ability to recognize and understand right principles and to stand for them and stand by them, in gloom and defeat as well as in sunshine and victory, is a sign of greatness, still was Lincoln great.

If absolute and abiding faith in the ultimate triumph of that which is right because it is right is a sign of greatness, he had it.

If the broadest charity, the greatest magnanimity, the most complete absence of the spirit of resentment is an evidence of greatness, then was Lincoln superlatively great.

If a deep, strong, boundless, active, and abiding sympathy for all those who labor and are heavy laden is an evidence of greatness, he had it in a degree approached by few other human beings.

Unbounded courage, unwavering determination, unlimited capacity to work and to suffer are essentials of greatness. Lincoln had them all in a remarkable degree.

Nor were these admirable qualities marred by any vice or weakness, barring a supposed weakness resulting from his excessive human sympathy.

He was absolutely unselfish; he had in him no element of cupidity; he was incapable of the feeling of mere revenge, and his greatest ambition was to be right and to be of service to his country and to humanity.

Who can be named who had all these qualities in such degree as this railmaker of the Sangamon? If we are to measure greatness by the power to accomplish, by the conquest of obstacles, by difficulties overcome, whom can you name fit to be compared with this untaught and unaided child of the forest and the prairie?

The so-called "ladder of fame" furnishes us with at least a figure of speech by which we are wont to measure and compare the achievements of the great. Let me use that rhetorical figure for the purpose of a brief comparison between Lincoln and some of the great ones of the earth whose names fill the pages of the histories and whose fame comes ringing down the ages.

I will not attempt more than mere suggestion, but I invite you at your leisure to go into the details and ascertain what each did for himself and what others did for him; where each began his individual career of accomplishment and where he ended it; in other words, how far he traveled, through his own efforts, on this strenuous and toilsome journey up fame's ladder.

Let me illustrate what I mean by citing just a few of the names of the world's great which at once occur to anyone—Alexander, Caesar, Charlemagne, Napoleon.

Alexander was the son of a great monarch and heir to a kingdom. He had all the advantages position could give. He had as his private tutor the philosopher Aristotle, one of the greatest intellects the world has known. At the age of 20 his father's death placed him on the throne of Macedon. Thus, without any special personal effort, he found himself, before he reached his majority, far up fame's ladder.

Caesar was of patrician birth and had both wealth and family influence behind him. He enjoyed the benefit of the best schools, and official preferment awaited his desire. His family connection and social position enabled him to begin life well up fame's ladder.

Charlemagne was a worthy descendent of the famous Charles Martel, a King of France. He was, in truth, a great empire builder, but he, too, was born well up the ladder of fame.

And Napoleon, that wonderful man of destiny, was the son of a general, a graduate of one of the greatest military schools of the time. Others prepared him for the opportunity he seized so promptly and utilized so completely.

Nor is our own land without illustrations. Washington had all the advantages that wealth and station could give, and Jefferson added to these advantages a thorough college training.

So that all these, through inherited advantage, began their life work well up fame's ladder. But what of Lincoln? What advantage of birth or wealth or environment had he? Absolutely none. He was born on the frontier in a log cabin 14 feet square. His parents were poor, shiftless, and ambitionless, and the father tried hard to repress his son's desire for knowledge. He lived till manhood amid the poorest and most depressing surroundings, away from schools and schoolmasters, enjoying only eight meager months of school opportunity in his entire life.

He did not start in the race halfway up fame's ladder, not even within sight of it. He had to clear away the brush and traverse the swamps and overcome innumerable difficulties to get within view of it; and these difficulties he overcame, not because of his surroundings, but in spite of them, till he finally planted his feet on the lowest round and, without influence or assistance, began the toilsome ascent.

And who will say that any of those favored sons of fortune climbed higher than he?

If my theory be sound, if we are to measure the greatness of the man by the distance covered from start to finish in life's journey, whom can you recall who began so low, and, of his own strength, rose as high as Abraham Lincoln?

The opinion is quite too prevalent that Lincoln's greatness developed after his election to the Presidency. That is a mistake. The truth is he was always great, but it was, of course, after his election that the people were convinced of his greatness.

While he was fond of office and was somewhat persistent in seeking it, he never sacrificed, or even modified, his opinions in order to gain it.

He was a real leader of public opinion; he never changed his views to be in accord with that opinion. When the public differed from him he set to work to win the public to his view.

As early as 1837 he filed a written protest against slavery in the Illinois Legislature, of which he was then a member, being joined by but one other member. Nothing could at that time be more unpopular, as he well knew.

Just prior to the debate with Douglas, when he prepared the Springfield speech in which he used the illustration that "a house divided against itself cannot stand" he submitted it to a number of his personal and political friends and admirers. They were almost stunned at his rashness in using this biblical quotation. They felt that it would kill him politically, but in spite of protest, regardless of results, he used it, and time has surely vindicated his sagacity and his courage. The men who knew him in those days say that it was habitual with him to draw out the views of others on political subjects while he withheld his own. Even in those days he had supreme confidence in himself. But it was not mere pride of opinion that made him so self-confident, for he did not hesitate to adopt the views of others when it seemed wise to do so.

His supreme self-confidence and his intense patriotism are evidenced by his choice of a Cabinet. A smaller or less patriotic man would have hesitated to choose as his adviser one who almost held him in contempt or one who was generally supposed to so far outclass him as to cast him altogether in the shade.

I never heard of anyone who so greviously offended Lincoln as did Mr. Stanton, but that did not prevent him from making Stanton Secretary of War.

Few other men could have borne the conduct of Secretary Chase as Lincoln did under intolerable provocation, but he realized Chase's value to the country and made all else subservient to that; and later, in spite of his disloyalty to his chief, Lincoln appointed him to the highest place within his gift—Chief Justice of the Supreme Court. He placed at the head of his Cabinet his chief rival for the presidential nomination, Mr. Seward, and quietly tolerated Seward's assumption of superiority, confident that time would determine their relative positions, as indeed it soon did to the Secretary's complete discomfiture. Lincoln felt intuitively that he had nothing to fear from comparison with any man. He was, therefore, entirely devoid of envy or jealousy, first, because of this supreme and abiding confidence in himself, and, second, because he was ready at any time to adopt the views of others if they seemed sounder than his own.

The breadth and depth of Lincoln's charity passes ordinary comprehension. The sight of misery in man or beast touched him profoundly.

I believe he spoke with absolute sincerity and out of the fullness of his great heart when in his second inaugural he urged Congress to proceed "with malice toward none, with charity for all."

His patience, his justice, his honesty, his sincerity conquered everyone who really knew him. Douglas, his rival in love, in the law, and in politics, pronounced him the honestest man he ever knew. Wendell Phillips, who bitterly assailed him because he was not an abolitionist, finally declared that he was "God given, God led, and God sustained." Seward, who at first thought lightly of him, lived to refer to him as a "man of destiny with character made and molded by divine power to save a nation," and Stanton, whose treatment of him when they first met was almost contemptuous, truly said, as the gentle spirit left the body, "Now he belongs to the ages." The rail splitter, the flatboat hand, had conquered them all, and the conquest was complete and enduring. [Applause.]

Our country has been abundantly blest in the fact that it owes everything to the common man, nothing to aristocracy or royalty. What an array of names—Columbus, Washington, Franklin, Jefferson, Jackson, Lincoln—all springing from the common people, but none of them quite so near the common clay as this child of the frontier, this—

"Kindly-earnest, brave, foreseeing man,
Sagacious, patient, dreading praise, not blame,
New birth of our new soil, this first American."

Truly does the poet say he was new birth of our new soil. Generations separated him from the ways and the amenities of cultivated society. He was so close to nature that, as another poet well says of him:

"The color of the ground was in him—the red earth;
The tang and odor of the primal things;
The rectitude and patience of the rocks;
The gladness of the wind that shakes the corn;
The courage of the bird that dares the sea;
The justice of the rain that loves all leaves;
The pity of the snow that hides all scars;
The loving kindness of the wayside well;
The tolerance and equity of light that gives as freely to
The shrinking weed as to the great oak flaring in the wind—
To the grave's low mound as to the Matterhorn
That shoulders out the sky.

" * * * * *

"And when the step of Earthquake shook the house,
Wrenching the rafters from their ancient hold,
He held the ridgepole up and spiked again
The rafters of the Home. He held his place—
Held the long purpose like a growing tree—
Held on through blame and faltered not at praise.
And when he fell in whirlwind, he went down
As when a kingly cedar green with boughs
Goes down with a great shout upon the hill,
And leaves a lonesome place against the sky."

Abraham Lincoln was the very incarnation of the spirit of democracy, of the rule of the common people. His thoughts were their thoughts, their joys were his joys, and their sorrows were his, too. His sad, deep-furrowed face was so marked with melancholy that he seemed to bear all the burdens of his people.

What a man, and what a career. Just look for a moment with the eyes of your imagination and behold this awkward, barefoot, backwoods boy at 10 trying to do a man's part in the woods with his ax; living in a forest hut entirely open on one side; at night dragging his tired frame to his attic nest of leaves by climbing on pegs driven into the logs, to find himself ere morning sleeping under a coverlet of snow; walking miles to borrow a book and lying prone on the floor to read it by the light of the blazing pine knots; wading waist deep through the wintry waters of a creek to rescue a worthless dog; guiding a flatboat down the Mississippi; making rails to fence the little farm on the Sangamon for his father and stepmother before leaving them to make his own way in the world, before starting out at 22 on the quest for the road leading to that figurative ladder on which he was destined to climb so high. Again see him start from Springfield on a flatboat trip to New Orleans; see him find a way to extricate the stranded boat when older and more experienced men fail, just as later on, in affairs of greater moment, he always found a way; see him as grocer's clerk treating all with rigid, scrupulous honesty, walking 3 miles before breakfast to bring to a customer the modicum of tea which the accidental use of a wrong weight deprived her of the evening before; see him postmaster, with the mail in his hat, and see him laying away at the end of his term the very pennies which belonged to the Government, to be produced years afterwards when called on for a settlement. Step by step see him progress on the toilsome way, now storekeeper, now surveyor, soldier, politician, and lawyer, but ever and always faithful student, good citizen, and honest man. [Applause.]

Then see him arrive in Springfield at the age of 28, bringing with him little credit, and less money, and riding a borrowed horse. See him gradually rise, gaining steadily in public estimation. See him in the State legislature and in Congress, and when the question of slavery extension becomes acute see him challenge for a joint discussion his opponent for senatorial honors, the ablest debater of his day, Stephen A. Douglas, the little giant of the Prairie State. The whole civilized world knows the result of that debate.

Like a skillful general, Lincoln so directed the course of the contest that he lost a skirmish in order to win a battle. He was beaten for the Senatorship only to gain the Presidency.

On May 18, 1860, he was nominated by the national convention of his party at Chicago, and duly elected in November. On the 11th of the following February he departed from his Springfield home never to return alive.

I can see in imagination the parting scene. In a pouring rain he stood bareheaded on the coach platform at the old Wabash depot and bade goodby to his friends and neighbors. Listen to him:

"My friends, no one not in my situation can appreciate my feeling of sadness at this parting. To this place and the kindness of these people I owe everything. Here I have lived a quarter of a century, and have passed from a young man to an old man. Here my children were born, and one is buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him I cannot succeed. With that assistance I cannot fail. Trusting in Him who can go with me and remain with you and be everywhere for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell." [Applause.]

How touching, how sincere, how full of faith in God. And the language itself—how rhythmic, how direct, how simple it is. Where did this man, who scarcely entered the schoolhouse and knew not the college or the university, get this magnificent, this perfect command of language? How and where and when did he master that elusive thing called style so thoroughly that some of his letters and speeches adorn the walls of great institutions of learning as specimens of perfect English? Let me read to you his letter to Mrs. Bixley, which both graces and adorns a wall of Oxford University as a specimen of perfect composition:

"Dear Madam: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any words of mine which should attempt to beguile you from a loss so overwhelming, but I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save. I pray our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost and the solemn pride that must be yours to have laid so costly a sacrifice on the altar of freedom." [Applause.]

His Gettysburg address is conceded to be the best short speech in the language, but short as it is and excellent as it is, I shall not now ask you to listen to it. Indeed, were I to indulge in quoting specimens of his eloquence, I should find no reasonable stopping place. I cannot, however, resist the impulse to quote the prophecy which concludes his first inaugural:

"I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature." [Applause.]

And may I not also recite the hymn with which he closes his second inaugural?

"With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan—to do all things which may achieve and cherish a just and a lasting peace among ourselves and with all nations." [Applause.]

What rhythm, what majesty, what patriotism.

If we did not know that his spare moments from boyhood up were given to the study of the Bible and to the companionship of Aesop and Bunyan and Defoe and Burns and Shakespeare, we might well exclaim as did the doctors and the scribes of old concerning Him who spake as man never spake, "Whence hath this man letters, having never learned?" But we know that his mastery of his native tongue, the only one he knew, did not come unsought. It was acquired by persistent and resolute effort, and was tinged and tempered by the tenderness of a nature filled with love for God and man and country. It reflected his patience, his fortitude, his fidelity, his absolute fairness and sense of justice, as well as his courage, sincerity, and resolution. In short, with him, as with every master of diction, the style bespoke the man.

Almost 47 years have come and gone since the fateful night when the hand of a poor deluded lunatic, without a moment's notice or a word of warning, struck him down. What a shock he gave the world and what a cruel wound he thus inflicted on the torn and bleeding Southland. By that blow he struck down the only man who had the strength and the will to stay the ruthless hands of those greedy and unscrupulous adventurers who, at the close of the war, promptly proceeded to plunder the stricken South. I give it as the opinion of his lifelong friends in Springfield that Lincoln never lost his love and sympathy for his native Southland, and that had he lived he would never have permitted the reign of robbery and ruin which that fair land experienced in reconstruction days. The hand, the only hand, which had the strength to save them was paralyzed in death by one who vainly imagined he was aiding their cause.

As for Lincoln, it was far beyond the poor power of the assassin to rob him of one tittle of his fame. Indeed, he added the one thing needed, if anything were needed, to enshrine his memory forever in the hearts of the American people, and that was the martyr's crown. And for this he chose, most opportunely, the moment when his victim had reached the summit, nay, the very zenith of his fame.

The war was practically over. The dove of peace hovered over the land. The Union was saved. Government of the people, by the people, and for the people had not perished from the earth. The ship of state was safe at anchor. The shackles were struck from the limbs of 4 million slaves. And the people gave Lincoln credit for it all. The world was filled with the sound of his praises. His feet were on the topmost round of fame's ladder. Millions of his countrymen would cheerfully have laid down their lives to save his life. There was little glory left for him to gain, and then, lest he trip and stumble, fate closed and sealed the splendid record.

With what dramatic force Walt Whitman tells the pathetic story:

"O Captain! my Captain! our fearful trip is won.
The ship has weathered every rack, the prize we sought is won.
The port is near, the bells I hear, the people all exulting.
But Oh heart! heart! heart!
Oh the bleeding drops of red,
Where on the deck my Captain lies,
Fallen cold and dead.

"O Captain! my Captain! rise up and hear the bells;
Rise up—for you the flag is flung—for you the bugle thrills,
For you bouquets and ribboned wreaths—for you the shore's acrowding,
For you they call, the swaying mass, their eager faces turning;
Here Captain! dear father!
This arm beneath your head!
It is some dream that on the deck
You've fallen cold and dead.

"My captain does not answer, his lips are pale and still,
My father does not feel my arm, he has no pulse nor will,
The ship is anchored safe and sound, its voyage closed and done,
From fearful trip the victor ship comes in with object won!
Exult, Oh, shores, and ring, Oh, bells!
But I, with mournful tread,
Walk the deck my Captain lies
Fallen cold and dead."

In the very heyday of his fame he fell at the post of duty; and so we shall always think of him as he was at his best, not a single shadow, not a single blur, not a single flaw in the picture.

As the years file slowly past, as we get further and further away from his time and see him in clearer and truer perspective, his splendid moral and intellectual proportions, his patience, his fidelity, his sense of justice, his foresight, his charity, his patriotism—in a word his greatness—become more and more apparent.

In a spirit of patriotic devotion, imbued with a feeling of profound gratitude for the blessing of a reunited country under the old flag, let us reverently bless God that He vouchsafed us such a captain to direct the ship of state at such a time. [Prolonged applause.]

SENATOR DIRKSEN'S RECORD ON IMMIGRATION LAWS

Mr. DIRKSEN. Mr. President, the Constitution of the United States provides for the right of citizens to petition their Government on any given subject. Many citizens and organizations literally flood Congress with petitions and letters which are seriously considered by Members of Congress when they are of merit. My office receives as much mail as any in Congress. Recently, there was a serious abuse of the right of petition when Mr. Joseph De Serto, secretary, Chicago chapter, American Committee on Italian Migration, rather than writing me directly for comment, inserted an open letter to me in Fra Noi in the April 1965 issue which was based on a false premise and would definitely mislead the readers who were extended an invitation by the newspaper to send the open letter to me with a notation, "These are my sentiments too," with the signature and address of the sendor.

The open letter by Mr. De Serto was so written that it created inferences and innuendos which made it appear that I and some of my Republican colleagues in Illinois were against liberalized quotas and other provisions to amend our immigration laws, where Mr. De Serto knows—and so do all nationality groups interested in immigration know—of my record for liberalized immigration quotas as noted in my Senate bill, S. 2178—1959—which was killed in a Democratic controlled Congress.

It seems unnecessary for me, a son of immigrant parents, whose strong record in helping the passage of civil rights legislation in 1957, 1960, 1964, and 1965; whose continuous efforts to get passage of Senate resolutions of freeing captives behind the Iron Curtain as expressed in Senate Concurrent Resolutions 6 and 10, and whose strong activity in liberalized immigration bills, to enumerate my record as to favorable liberalized immigration laws, but I shall do so even though many nationality groups and religious faiths have honored me with plaques and citations for my efforts on immigration. For example, Mr. De Serto's organization had this to say on a bronze plaque which his organization gave me in 1958 which is prominently displayed in my office:

AWARD OF THE AMERICAN COMMITTEE ON ITALIAN MIGRATION NATIONAL CATHOLIC RESETTLEMENT COUNCIL, PRESENTED TO THE HONORABLE EVERETT MCKINLEY DIRKSEN

In recognition of his dedication to the principles and ideals upon which America was founded; for outstanding contributions to the welfare of his fellow men; for championing the liberalization of our immigration laws and, particularly, for his many labors and selfless services which have furthered the migration, reception and resettlement of Italians in this country.

JUVENAL MARCHISCO,
National Chairman.
Rev. CAESAR DONANZAN, P.S.S.C.,
National Executive Secretary.

Given under the auspices of the Chicago ACIM chapter on the 16th day of February in the year of our Lord 1958.

The record shows that both the Displaced Persons Act—1948—and the Refugee Act—1953—were passed by a Republican-controlled Congress which enabled many Italian, Greek, Jewish, and other immigrants to come to America as displaced persons and refugees. I stand on my record on good and liberal immigration law amendments just as I stand on my record by introducing Senate Concurrent Resolution 6 and Senate Concurrent Resolution 10, in helping people all over the world who are captives behind the Soviet communistic Iron Curtain, in their efforts to become freemen and free nations again; and my record in advancing the cause of civil rights of all people regardless of their race, nationality, religion, or creed.

As the ranking Republican on the Senate Immigration Subcommittee and the Senate Judiciary Committee which have jurisdiction over immigration and naturalization and refugee matters, I shall always support appropriate immigration legislation.

I wish to assure all of the 40 groups who attend meetings of the Committee for a Fair U.S. Immigration Law, that my record on immigration is public for all to see.

I ask unanimous consent that a list of the immigration bills introduced by me in the Senate, together with a copy of the letter to which I have referred, be printed in the RECORD.

There being no objection, the list and letter were ordered to be printed in the RECORD, as follows:

IMMIGRATION LEGISLATION INTRODUCED BY SENATOR DIRKSEN

THE 85TH CONGRESS

January 7, 1957: S. 129, a bill to amend the act of September 3, 1954 (68 Stat. 1145), and for other purposes.

June 19, 1957: S. 2335, a bill to amend section 239 of the Immigration and Nationality Act, and for other purposes.

June 24, 1957: S. 2369, a bill to amend the Immigration and Nationality Act, and for other purposes.

August 14, 1957: S. 2792, a bill to amend the Immigration and Nationality Act, and for other purposes. (Supersedes S. 129 and S. 2369.) Became public law.

March 3, 1958: S. 3392, a bill to amend section 212 of the Immigration and Nationality Act, as amended—adjustment of status of Hungarian refugees for permanent residence.

THE 86TH CONGRESS

January 20, 1959: S. 504, a bill to amend section 239 of the Immigration and Nationality Act, and for other purposes. (Same as S. 2335, 85th Cong.)

June 15, 1959: S. 2178, a bill to amend titles I, II, and III of the Immigration and Nationality Act, and for other purposes (Eisenhower administration bill).

March 18, 1960: S. 3225, a bill to amend the Immigration and Nationality Act so as to modernize and liberalize the quota system and provide for the admission of persecuted peoples, and for other purposes (Eisenhower administration's proposal to liberalize national origins quota system).

THE 87TH CONGRESS

May 4, 1961: S. 1809, a bill to amend the Immigration and Nationality Act.

July 12, 1961: S. 2237, a bill to permit the entry of certain eligible alien orphans—extension of the adoption orphan law.

I have introduced also many private immigration bills, most of which were enacted into law, to enumerate. I suppose my office handles as many individual immigration cases as any of the Senators from the larger States covering all phases of immigration difficulties.

AN OPEN LETTER

Subject: Immigration; Senate bill, S. 500;
House bill, H.R. 2580.

Hon. EVERETT M. DIRKSEN,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: As an American, descendant of a people from southeastern Europe, I must register a protest against the misinformation and half-truths being circulated by the enemies of any form of immigration to the United States.

Those people who preach a master race theory that the greatness of my country is due only to Anglo-Saxon Protestants forget that I know about such people as Christopher Columbus, Amerigo Vespucci, Cabot, Einstein, Fermi, La Salle, Lafayette, Salomon, Mazzei, Dubinsky, Teller, Astor, Cudahy, and Pupin to mention only a few.

I am ready to give the Anglo-Saxon Protestants their due credit, but I believe the people mentioned above and the many thousands of others who were not of Anglo-Saxon

Protestant heritage all contributed to the greatness of my country.

We fought a terrible and costly war to disprove the "master race" theory. Let's keep it out of our own boundaries.

"Let's not open the floodgates," scream others. Let them rave and rant—we know that the proposed bills will not increase the number of permitted entry under this law by more than 7,000 or 8,000—which is about a 5½ percent increase according to good old U.S.A. arithmetic.

"Labor is against it—it will create greater unemployment" is the claim of still others. Wrong. Labor is not against it as witness the statement of the AFL-CIO Executive Council on Immigration at its Bal Harbour, Fla., meeting on February 25, 1965.

With regard to the creation of more unemployment, we refer you to the article from the Wall Street Journal—"Severe labor shortage develops at many firms as the boom rolls on"—which was spread on the daily CONGRESSIONAL RECORD (p. A1009, Mar. 8, 1965) at the request of Congressman THOMAS B. CURTIS, of Missouri.

We are sure, Senator, that you know the true facts. Can we count on your support and the prestige of your minority leadership to bring about a fair and equitable immigration law for which Americans can be proud?

Sincerely,

JOSEPH DE SERTO,
Secretary, Chicago Chapter, American Committee on Italian Migration.

COOPERATION BETWEEN ARIZONA AND CALIFORNIA RELATIVE TO THE PROBLEM OF WATER SHORTAGE

Mr. KUCHEL. Mr. President, on Monday, April 12, I spoke before the annual meeting of the board of directors of the Southland Water Committee in the Biltmore Hotel in Los Angeles. Among other subjects I spoke on the growing problem of water shortage from the Colorado River. With great pride I pointed out that two great American States, Arizona and California, are working together for their common good. I ask unanimous consent that a portion of the text of my remarks on that occasion be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PARTIAL TEXT OF REMARKS BY U.S. SENATOR THOMAS H. KUCHEL

Statuary Hall in our Nation's Capitol in Washington, D.C., holds the likeness in stone and bronze of the two most illustrious people from each of our several States. Here stand the forms and figures of two giants of bygone days who trod this soil, and who live in history. One is that of Junipero Serra, lowly Franciscan friar, who brought Christianity to this land, who built our missions, and who early undertook to transform great tracts of semidesert lands into gardens, by ingenious and successful undertakings to conserve the precious waters, which, then as now, too infrequently fell from the sky. The other is that of Thomas Starr King, a Unitarian minister who, a century ago, saved California for the Union in the tormenting and bloody conflict between the States. In September 1862, Reverend King spoke before the San Joaquin Valley agricultural system in Stockton. He sketched, for those who gathered, the glories of our State. He spoke of "an artist's dream" of what California might look like a hundred years hence. In his mind's eye, he saw long ribbons of fields of grapes and grains—of houses grouped and hamlets booming—of villages with spires and cities of columns. He described the millions who would live here in 1962. But in all the dreams which Thomas Starr King dreamed that day in Stockton long ago, he could not have dreamed by the wildest stretch of his imagination, all the wonders of our State in the 1960's, of the fantastic and endless mass migration to our midst, bringing millions upon millions of new residents, to achieve an imposing leadership in agriculture, in industry, in business, in science, in transportation, in outer space, in education, in development, and human progress, which, all together, have made this State first in the Nation. In all our State's history down to today, the leaders of our communities have had a thirst for progress which has remained unslaked, and whose dreams for our future reach out to touch the moon and the stars.

As a Californian, as the son of a Californian, as a grandson of an immigrant who came here from across the seas to be a Californian, I have the same pride that is yours in what has been accomplished, and in what surely will be our constant forward march in the decades ahead.

From the very beginning a basic problem facing this arid land of ours has been water, mostly too little, occasionally too much. I mentioned what really were irrigation projects of Junipero Serra's time. Parts of them still remain near the mission in Santa Barbara. In the history of southern California, our growth has ever been controlled by our supply of water. There never has been any abundance. Our artesian wells, which I remember as a boy, are long since gone. Pumps have reached ever deeper in the ground. Salt water intrusion from the ocean has been a menacing problem for many of our coastal cities. Indeed, had it not been, since the 1870's, for the continuing importation of water from the great Colorado River, our growth would have been stunted, and our future would have been bleak. There would be no giant, Metropolitan Los Angeles as we know it, were it not for this water supply from beyond our State borders. Men who were leaders in this city in bygone days, to their infinite credit, planned for the future and carried their plans into reality. An epoch was reached for California in 1928 when that superb leader, the late, great Senator Hiram Johnson, was finally able to overcome embittered opposition, and to obtain passage of the bill authorizing construction of Hoover Dam. That massive people's project, with the water and the power which it supplies to Los Angeles and to the southland, represents, I think, the difference between economic life and death in our farflung empire south of the Tehachapi Mountains. This Federal water and power project and the hundreds of millions of dollars which the Federal Government has invested in it, almost all of which is being repaid by you and me who reap its benefits, has underwritten southern California's burgeoning economy. It points the way to satisfying the future needs not alone of California but of the entire Pacific Southwest area as well.

I must add that north of the Tehachapi Mountains vast and vital Federal reclamation works, built and building, have brought economic viability and growth to the areas they serve. The Central Valley project has assured the future of our northern cities and towns. It has transformed barren lands into hundreds of thousands of lush agricultural acres and new communities. Water shortage is not a problem in the north. Rather it is a problem of water conservation and water control. All credit to the people of California, north and south, for the expenditures they have made, and the indebtedness they have readily assumed, to help plan for an expanded tomorrow. And all credit, too, to the Government of the United States whose repayable investments in multipurpose reclamation projects have opened new horizons for our people.

The story I have to tell today deals in the main with southern California, and the questions of an adequate future water supply to meet the needs of the additional millions of citizens who will live here with us as the years go by. It is the story in great part of the waters of the Colorado River which are being used, and will be used in greater quantity, by Utah, Colorado, Wyoming, and New Mexico, the so-called Upper Colorado River Basin States, and by Arizona, Nevada, and California, the so-called Lower Basin States, as well. They will continue to be used also by our neighbors in Mexico with whom we have a treaty obligation to furnish annually a usable supply.

The American States through which the river wends its way are tied together by an agreement, called the Colorado River Compact, which seeks equitably to divide the supply. The fact is, as the Upper Basin States develop their own necessary projects, the supply available to the lower basin will diminish. But, at the same time, California will need more water to sustain her growth. So, indeed, will Arizona, and Nevada, too. I think it a good rule of life that when you can help your neighbor, you should seek to do so, and that when you and your neighbor, working together, can help each other, without damaging either, there are two reasons to do so. In a word, that is the basis on which, at long last, Arizona and California came into an agreement this year.

I do not wish to burden my comments with statistics or by a discussion of complex legal questions and formulas. Suffice to say, that California, long ago, was required to place a ceiling on the amount of river water it would use as a prerequisite to the construction of Hoover Dam. The California Legislature in 1929 imposed a limitation of 4.4 million acre-feet of river water per year out of the first 7.5 million-acre feet available in the Lower Basin, plus one-half of any excess or surplus water over and above that amount.

In that connection, the U.S. Supreme Court decree, in *Arizona* v. *California*, holds that if sufficient mainstream water is available for release to satisfy 7.5 million acre-feet of annual consumptive use, the waters shall be apportioned 4.4 million to California, 2.8 million to Arizona, 300,000 to Nevada. California actually is using, and has been using, Colorado River water in excess of 5.1 million acre-feet each year and our actual contracts with the Secretary of the Interior for Colorado River deliveries total 5,362,000 acre-feet per year.

The day after the Supreme Court decree, March 10, 1964, the two Arizona Senators introduced a bill to construct the central Arizona project and to create a new demand on the river of 1.2 million acre-feet per year of Colorado water. I offered an amendment to that legislation providing that in times of scarcity the existing uses of Colorado River water in Arizona and in California to the extent of 4.4 million acre-feet would be given priority. Some people in California urged that my amendment terminate after 25 years. Their theory was that Congress would provide California with additional water within such a period of time. But that is a bad theory. Anyway, if Congress were to do so, no harm would result from my amendment. Contrawise, if Congress failed to do so, only one State would suffer if the waters in the river diminished. Our water agencies objected to a 25-year guarantee. So did I. I suggested that it was like selling a man a life insurance policy which provided that the policy would lapse if the insured individual were to die.

The truth is that it is becoming increasing difficult to enact giant water projects. And I must frankly say that there are people in Washington, in and out of Congress, who are somewhat averse to passing any legislation helpful to our State. They are blind to the fact that our State's population increases 600,000 a year. They poohpooh the fact that tens of thousands of our school children attend school only half days because of a lack of facilities.

At any rate, there is a growing danger of shortage in the river. Some day, and not too far in the future, the Pacific Southwest is going to require the importation of supplemental water from some surplus northern source in order to unshackle our otherwise inevitable future growth. And it is going to take the best exertions of all the States involved, and not just California, to enact the necessary Federal statutes. All the Colorado River States share this problem in varying degrees. And it will be far better, and the chances of legislative success will be far greater, if the States work together effectively rather than be ready to pounce at each other's throats.

Where there is a risk, common to two States or more, should not the risk be shared? If there is danger to two people, or to two States, why should one alone face it. Should they not stand together to repel it? That is the position of your southern California water agencies, a position which I wholeheartedly accepted from the beginning.

Several weeks ago in Washington, Secretary of the Interior Udall called a meeting attended by Governor Brown, of California; Governor Goddard, of Arizona; Senators HAYDEN and FANNIN, of Arizona; and myself. My California colleague, Senator MURPHY, was unavoidably absent but his views and mine are the same, and I spoke for both of us. We discussed the obvious need for additional water supply to both our States. I am glad to say it was agreed that, at long last, Arizona and California should join forces as good comrades and friends, and that we should together seek the means by which to avoid a shortage of water in the river in the years and generations ahead. We generally recognized that existing uses of Colorado River water in both Arizona and California ought to receive protection over new uses which would come into existence, when, for example, the $1 billion central Arizona project would be built, as we know it must and should be built.

As a result of that meeting, legal representatives of those in attendance and of our water agencies met to draft a bill.

Here (I wish to pay tribute to a great water lawyer, Northcutt Ely, whose experience, whose skill, and whose indefatigable energy have been of enormous benefit to our cause. He has performed valiant service to our State. He was the leader in drafting the present bill, and his advice has been of immeasurable assistance to all of us who have labored to find a fair and equitable answer to a long and bitter struggle. I must, too, give thanks to your own Bob Will whose fidelity to this cause has been constant, and whose help has been invaluable.

The guarantee to California of 4.4 million acre-feet of Colorado River water annually was written into the draft legislation. This proposed legislation recognizes the validity and the integrity of California's claim. It provides that if there is insufficient Colorado River water to supply 7.5 million acre-feet of consumptive use, divergence to the central Arizona project shall be reduced to the extent necessary to supply 4.4 million acre-feet of existing uses and decreased rights in California and to supply similar existing uses and rights in Arizona and Nevada as well. It further provides that this protection shall remain in force until the President proclaims that additional public works carry into the river, from an outside source, 2.5 million acre-feet of supplemental water.

Thus, this proposal gives to California a guarantee against new water demands which the central Arizona project will create. And when finally surplus waters in the north are transported thousands of miles into the Colorado River main stream, by a new repayable multibillion-dollar Federal undertaking, California's future requirements, far in excess of 4.4, will be met by the Colorado River and by the supplemental waters which will be poured into this selfsame stream.

On February 8, I introduced this legislation for myself and Senator MURPHY. It was subsequently introduced by all 3 Arizona Representatives and by 33 of California's 38 Representatives. The two Governors have publicly endorsed it. Senator HAYDEN has stated that he will support it, as has Senator FANNIN as well. They have not, however, placed their names on the bill as coauthors, though, as I say, their Governor has endorsed it, and their Arizona colleagues have all introduced the same bill.

A few days ago, Senator HAYDEN, Governor Goddard and I met with President Johnson. The President indicated an interest in approving my bill. He instructed his staff to confer with the Budget Bureau and the Secretary of the Interior to discuss the economics of the legislation, relative to the Bureau's report which must be made. I venture to hope that the executive branch will sanction this undertaking. If that is done, I think the Representatives in the Congress of all the Basin States may well give their approval. We will need all the help we can get.

The construction of the central Arizona project will be the first in a series of authorizations which finally will bring new water into the mainstream of the lower basin. Scarcity would be avoided, and the apprenhensions of the Upper Basin States would be allayed. Our obligation to Mexico would be fulfilled, and all the States along the river could far better plan for their future water needs.

I think the agreement of our two States is a happy and auspicious development. We can now work together for the good of both. All the imprecations and bitterness of bygone years may now be swept away. As good neighbors, Arizona and California can work for the development and progress of both our people, and a brighter light will shine upon our future. We may look forward with considerable assurance to an increasing, rather than a dwindling, water supply. The magnet which has drawn, and is drawing, millions of people to this corner of the continent, does not seem to be losing its power. If we can solve the problem of an adequate water supply, then the 40 million Californians, who will call this State their home in the year 2000, will fulfill the hopes and dreams we proudly and fondly have for the future of our State.

NEGOTIATIONS TO BRING ABOUT A PEACEFUL, JUST, AND HONORABLE SETTLEMENT IN VIETNAM

Mr. AIKEN. Mr. President, few Senators, and few people of the United States have as full an understanding of foreign affairs and how to get along with the people of other countries as has the Senator from Kentucky [Mr. COOPER]. Therefore, I believe it is particularly appropriate at this time to have printed in the RECORD an editorial which was published in the Gleaner-Journal, of Henderson, Ky., on Friday, April 9, 1965. I ask unanimous consent that it be printed.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR COOPER'S TIMELY ADDRESS

On March 25, Kentucky's JOHN SHERMAN COOPER, in a speech before the Senate, asked President Johnson to make it clear that our Government was willing to enter into negotiations to bring about a peaceful, just, and honorable settlement in Vietnam.

On April 7, a little more than 2 weeks later, President Johnson has followed up on Senator COOPER's request. The President said in a televised speech Wednesday night that the United States is ready to begin, without prior conditions, diplomatic discussions to end the war in Vietnam.

Though the President said that our Government has been willing to conduct such negotiations before, he has never said this publicly.

Previously, as Senator COOPER pointed out, the United States has imposed certain conditions before any negotiations could be started. The Communist Chinese and the North Vietnamese said that the United States would have to pull out of Vietnam before negotiations could begin. Quite naturally, our Government cannot agree to any such notion. But the United States imposed its own condition, namely, that the intervention and aggression of North Vietnam must cease before negotiations start.

Senator COOPER noted that in this atmosphere, both sides were seeking "a kind of unconditional surrender. I believe it more reasonable to say that we are prepared to enter into true negotiations."

Recalling events leading up to the ceasefire in Korea, COOPER noted that neither side in that conflict imposed previous conditions prior to the negotiations.

"Through negotiations, the effort was made to attain the objectives that we still seek today," said COOPER.

Every American ought to realize that the United States "can never accept the conditions now imposed by the Communists * * * and it is reasonable to say that they will not accept ours. There is no evidence that the Communists are willing to negotiate at all or that they will agree to any settlement which would end their support of the so-called war of national liberation which they have initiated," said COOPER.

But a formal announcement by the President that the United States is willing to negotiate without prior conditions would clear the air. President Johnson has now made such an announcement.

The Gleaner-Journal commends Senator COOPER for his very timely speech in the Senate. There is no doubt that the speech had a beneficial effect on U.S. policy.

Kentuckians can be grateful that Senator COOPER is on the alert in following foreign relations policy. His remarks triggered wide comment. The fact that our Government has altered its course is indicative of the importance of COOPER's speech.

PRESIDENT JOHNSON'S RECENT VISIT TO MIDWEST HEARTENED CITIZENS OF OHIO

Mr. YOUNG of Ohio. Mr. President, On April 14 President Johnson personally visited the tornado-ravaged sections of Ohio and neighboring States. Our President again demonstrated his deep concern over the problems faced by citizens in distress. It was not satisfactory to Lyndon Johnson to receive factual reports of the sad loss of life and of damage caused by this disaster. He had to see firsthand the havoc and misery resulting from this tragedy.

Almost immediately help was forthcoming from many agencies of the Federal Government. The Farmers Home Administration made available loans for farmers in this area unable to obtain assistance from other sources. Officials of the Small Business Administration set up disaster loan offices for businessmen and homeowners in all of the stricken areas. Officials of the Office of Emergency Planning established a disaster field office to facilitate that agency's role in supplementing State and local emergency efforts. The President's visit did much to hearten and encourage families who suffered great hardship as a result of the tornado.

Mr. President, upon his arrival at Toledo on April 14 and before his departure from that city on the same day, President Johnson made two brief speeches. They both express clearly our President's real and sincere concern in the welfare of all Americans. I ask unanimous consent that his remarks be printed at this point in the RECORD as part of my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT ON ARRIVAL AT TOLEDO, OHIO

I am delighted to be here this afternoon with Governor Rhodes, Congressmen ASHLEY, SWEENEY, FEIGHAN, VANIK, LOVE, BOW, and MOSHER.

I have visited today in three States. I have flown across and observed from the air six States. All these States were struck by the tragedies of this past weekend.

I have come here this afternoon to Toledo to see firsthand, to look for myself at the extensive damages caused and to meet with your public officials to plan with them the support and the action that the Federal Government can take in assisting your city and your citizens to meet the challenge which has been inflicted so cruelly and so unexpectedly.

No words of ours would be adequate to express the sympathy and compassion of the entire Nation for those who have suffered the loss of loved ones or injuries to members of their families. So I want each of you to know that we share with you the heavy-heartedness that I know weighs upon you now.

It is an American characteristic to be concerned not about self alone but about the fate and the fortune of your neighbors and your friends under circumstances such as these. It is also an American characteristic for those who have suffered hardship and tragedies to turn quickly and hopefully to the task of reconstruction.

Wherever we have gone throughout this long, long day I have seen that spirit and I have seen it in Americans and it is strong and it is sure.

I would like to express to you my personal concern as evidenced by my presence here and my condolences. I would also, as your President, like to pledge to you the full cooperation and support of your Government in working with your State and with your local officials to help overcome the losses that so many of you have suffered.

Governor Rhodes was in contact with us yesterday. We told him then that the full facilities and power of the Federal Government were at your disposal. We will be here today to take a firsthand look. We hope by the time we get back to Washington tonight we can have plans in the offing to relieve as much misery as possible and to begin our task of rebuilding.

Unfortunately throughout the years we suffer from these disasters, and we can't help that, but once we have them we can do something about it. That is what I have come here to do.

Thank you very much.

REMARKS OF THE PRESIDENT ON DEPARTURE FROM TOLEDO, OHIO

Governor Rhodes, Members of Congress, public officials, my dear friends in Ohio, for many years I have been coming to this wonderful State and meeting its fine citizens. I always enjoy learning that I am scheduled to be here, and I always hate to leave. But for myself and all the people that traveled with me from Washington, this has been a day of both heartsickness and hopefulness.

We have much to be thankful for. Each of us don't know how lucky we are until we see what has happened to our neighbors through no fault of their own.

From the air and on the ground today we have seen destruction and desolation the kind of which I have never seen before in all of my life. It is of the very worst degree. When you think of the lives that are lost, the lives that have been changed, the lives which will forever bear the memory of this sad Sunday, when you look at the little boys with the holes in the top of their head, the mothers' homes that were there yesterday and now are gone they know not where, it is enough to bring tears to the eyes of anyone.

Yet, we have seen very few tears in these six States that we have visited today. At the very worst of the stricken neighborhoods we have seen the young, we have seen the old standing there shoulder-to-shoulder planning hopefully for tomorrow.

Well, that is the purpose of our mission—to come here to personally extend our sympathy and our condolence, to try to learn and understand about what has happened, and then try to do something.

There are talkers and there are doers, and there are people who believe in action, and there are people who put it on the back burner. But we want to be certain that everything is done as rapidly and as effectively as it can be done. We want to rebuild for tomorrow.

In a situation such as this, it is the role of the Federal Government to assist the States; for the President to work with the Governor; for the Governor to work with the mayors, and all of us to work together. While there are limits to what we can do, I want to pledge this afternoon to every citizen, to every community afflicted by the tornadoes or the floods, that your Government, and your President, will do everything conceivably possible to be of assistance under our laws.

Before I leave, I want to congratulate especially the Governors, the mayors, and the local officials that we have talked to in these areas. Each of them are tremendously concerned and want to do all they can. You have one of the finest delegations in the Congress, and each of those men are here with me today and are going back to roll up their sleeves and try to redo what was undone only yesterday and the day before.

I am pleased by the ready, willing understanding, and the cooperation which exists between the Federal Government and the State of Ohio, between the Federal Government and the local governments. Everywhere I have gone I have heard the very highest praise for the performance of the National Guard, and the highway patrol, the State police, the local law-enforcement officers, as well as the Red Cross. I want to express my personal appreciation to each citizen who is giving much of himself to be helpful and useful to his neighbors and his community in these times of need. This is really America at its finest and at its best.

I remember back when I was a youngster growing up. When adversity would overtake my family we would all pull a little bit closer together and try to be sorry for the things we said just the day before about each other—our brothers and our sisters, and maybe our fathers and our mothers. So, in this hour of adversity we are not concerned with titles or positions, we are not concerned with parties or politics. We are concerned with the country that we all love so much.

As I speak here men are manning their stations 10,000 miles from here in order to protect the freedom that we enjoy here. And I hope that when we get ready to turn out the light tonight each of us will say a prayer for them, and also for these poor people who have suffered these great losses, suffered them with their chins up and their chests out, and who are ready to roll up their sleeves tomorrow when we build what has been taken from them.

This has been a sad experience for me today. It has been a long one that began at 5:30 this morning. I am due to report to 33 Senators at 6 o'clock in Washington this evening. And I am going to report to them on what is happening in Vietnam and what is happening out here in the heartland of America. I am so proud that I am privileged to live in a country and to lead a country like the United States, and one of the really best parts of that country is the State of Ohio and you people that live here.

Thank you so much.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO THE SUCCESSION OF THE PRESIDENCY AND VICE PRESIDENCY

Mr. BAYH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives amending Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States relating to the succession of the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 1) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office which was, to strike out all after the resolving clause and insert:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office or of his death or resignation, the Vice President will become President.

"SEC. 2. Wherever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"SEC. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"SEC. 4. Whenever the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, transmit within two days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assemblying within forty-eight hours for that purpose if not in session. If the Congress, within ten days after the receipt of the written declaration of the Vice President and a majority of the principal officers of the executive departments, or such other body as Congress may by law provide, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of the office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office."

Mr. BAYH. Mr. President, on April 13, 1965, the House of Representatives passed the above-mentioned joint resolution with amendments. Because of the substantial changes made, I move that the Senate disagree to the amendments of the House of Representatives, that a conference be requested, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAYH, Mr. EASTLAND, Mr. ERVIN, Mr. DIRKSEN, and Mr. HRUSKA conferees on the part of the Senate.

RESOLUTION OF THE DALLAS GUN CLUB CONCERNING PROPOSED AMENDMENTS TO THE FEDERAL FIREARMS ACT

Mr. TOWER. Mr. President, the board of directors of the Dallas Gun Club recently adopted a resolution concerning proposed amendments to the Federal Firearms Act. In order that other Senators may share the views of this distinguished club, I ask that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas Senate bill 1592 has been presented to Congress containing proposed amendments to the Federal Firearms Act; and

Whereas Senate bill 1592 can in no way accomplish its purpose of the suppression of crime in the United States, but contains provisions which will abridge and encumber the right of law-abiding free people to own and bear arms; and

Whereas such attempted legislation can lead to a further attempt to disarm the law-abiding gun-owning public and hamper their ability of self protection: Now, therefore, be it

Resolved, That the Dallas Gun Club be recorded as opposed to the passage of Senate bill 1592 and be further recorded as demanding a public hearing on said bill.

RESOLUTION OF THE SAN ANTONIO HOMEBUILDERS ASSOCIATION CONCERNING H.R. 6363

Mr. TOWER. Mr. President, the San Antonio Homebuilders Association recently passed a strong and thoughtful resolution concerning H.R. 6363. I commend to the Senate the views of the association upon the most pressing matter involved in this bill, and I ask that the association's resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the board of directors of the San Antonio Homebuilders Association supports the principal purpose of the National Labor Relations Act, as amended, namely, to foster peaceful relationships between labor and management throughout the Nation, including the homebuilding and construction industry; and

Whereas legislation (H.R. 6363) has been introduced for consideration by the 89th Congress which would change this law to permit a union within the industry to apply coercive picket and strike pressures against neutral employees and employers performing work at a construction site where such union has a primary labor dispute with another employer; and

Whereas secondary strike or boycott pressure against neutral and innocent employees and employers by such unions in the industry was outlawed by the Congress under this law in 1947, and reaffirmed in 1959 by passage of the Landrum-Griffin labor reform law, to protect and insulate such neutral parties from being injured through irresponsible and damaging acts of such unions; and

Whereas picketing and strike coercion by construction unions against such neutral and innocent employees and employers not involved in the primary labor disputes will result in loss of employment by such employees and direct harm to the business of the neutral employer and cause increased home building and construction costs to the American home buyer and the Federal Government: Now, therefore, be it

Resolved, That the board of directors of the San Antonio Homebuilders Association urges Hon. RALPH W. YARBOROUGH and Hon. JOHN TOWER, U.S. Senators, and Hon. HENRY B. GONZALEZ, House of Representatives, 20th District, Texas, to oppose vigorously H.R. 6363 and similar bills which would make any change in the National Labor Relations Act's ban against secondary boycott strike and picketing by unions in the construction industry as destructive to the basic purpose of this law, contrary to the general public welfare and as harmful special interest legislation.

Adopted this 6th day of April 1965, by the board of directors of the San Antonio Homebuilders Association.

LLOYD W. BOOTH,
President.

Attest:

CARL E. NIEMEYER,
Secretary.

RESOLUTION OF RETIREES OF THE MONSANTO CO. CONCERNING MEDICAL CARE LEGISLATION

Mr. TOWER. Mr. President, retirees of the Monsanto Co. at Texas City, Tex., recently unanimously adopted a succinct and thoughtful resolution concerning medical care legislation. In order that other Senators may share the convictions of these Monsanto Texas City alumni, I ask that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Be it resolved, That we, the retirees of Monsanto Co. at Texas City, Tex., are unalterably opposed to the medicare bill as presently written or any other bill that provides for:

1. Financing through increased social security tax of a compulsory nature.
2. Benefits limited primarily to hospital costs to the exclusion of other major medical expenses, such as—doctor's fees, drug fees (outside of hospitals), etc.
3. Coverage of everyone 65 and over regardless of their financial status.

Furthermore, that Texas Congressmen be urgently requested to vote against the medicare bill or any other bills which includes the provisions of this resolution.

Respectfully submitted.

M. D. VARNADORE,
President,
Monsanto Texas City Alumni.

TEXAS CITY, TEX.

RESOLUTION OF THE McLENNAN COUNTY, TEX., CENTRAL LABOR COUNCIL CONCERNING VOTING RIGHTS

Mr. TOWER. Mr. President, the McLennan County, Tex., Central Labor Council recently passed a most succinct and thoughtful resolution concerning the protection of voting rights. I support the council's determination that no American be denied the right to vote because of discrimination, and I ask unanimous consent that the resolution be printed at this point in the RECORD so that other Senators may review it.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION TO PROTECT CONSTITUTIONAL RIGHTS

Whereas organized labor's struggle for freedom was much like the present day struggle of Negroes for freedom; and

Whereas by the events these past few days we have seen a basic freedom denied; and

Whereas if the right to vote can be denied, the right to picket an employer while on strike can also be denied; and

Whereas the President of the United States made a speech Monday night and introduced legislation that would protect the right to register to vote: Therefore be it

Resolved, That the McLennan County COPE, AFL–CIO, let it be known that we favor legislation that would protect this freedom; and be it further

Resolved, That we favor quick passage of this legislation.

(Passed Wednesday night, March 17, 1965.)

THE CRISIS IN SOUTH VIETNAM

Mr. CLARK. Mr. President, every day accelerates the crisis in South Vietnam. The problems that confront the President are indeed difficult of solution. The advice that he is receiving from various sources is conflicting.

We must all give the President our support in the most difficult decisions which confront him. My personal view is in accord with that expressed by my distinguished colleague and seatmate, the senior Senator from Idaho [Mr. CHURCH].

I ask unanimous consent that a closely reasoned and extremely able article entitled "We Should Negotiate a Settlement in Vietnam," written by Senator CHURCH, and published in the April 24 issue of the Saturday Evening Post, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE SHOULD NEGOTIATE A SETTLEMENT IN VIETNAM

(By Senator FRANK CHURCH)

Our struggle in South Vietnam has reached a point where neither side can achieve a conclusive military decision, and the only visible prospect for a solution is to be found at the conference table. But there is so much Washington talk about stepping up the war that it threatens to engulf all rational discussion of the crisis we face—as if peace was something to be avoided.

The war hawks are putting on the heat. Anyone who disagrees with them is accused of "running up a white flag." Debate is discouraged; dissent is condemned as endangering the country. Any talk of a negotiated settlement in Vietnam is equated with Munich; any prospect of an eventual American withdrawal is likened to Dunkirk.

Yet everyone senses that peace in Vietnam can only be restored through a political settlement, and that the United States neither wishes nor expects to keep a foothold in southeast Asia. Accordingly, I believe we should try to break the diplomatic deadlock ("First you withdraw, then we will talk") that finds both sides, in effect, demanding the surrender of the other as the price for negotiations. I disagree with the prevailing doctrine that now is not the time to parley. The longer we wait, the harder it will become to achieve a satisfactory solution.

Opposing any negotiations, the war hawks contend that we Americans must first have it out with the Communists in Vietnam. They see the struggle there, which has thus far been mostly confined to the Vietnamese, as one of suddenly portentous importance. Hanson Baldwin, military editor for the New York Times, declares that we should ready ourselves to send a million Americans into battle. He writes: "We must fight a war to prevent an irreparable defeat. Vietnam is a nasty place to fight. But there is no good place to die. And it is far better to fight in Vietnam—on China's doorstep—than fight some years hence in Hawaii, on our own frontiers."

Such trumpetings substitute sound for sanity. We may have invested prestige in Vietnam, but by no stretch of imagination does this struggle threaten the life of our country.

We conquered the Pacific in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. With unchallenged naval and aerial supremacy we dominate it, patrol it, and defend it. There is no way for the landlocked forces of Asia to drive us from the Pacific. The elephant cannot drive the whale from the sea, nor the eagle from the sky. Our presence in the Far East is not anchored to Vietnam.

I believe that the containment of a hostile China is a proper goal for American policy. To avoid Chinese conquest of her neighbors, we fought in Korea, and we have solemnly pledged ourselves to defend Taiwan. The weakness of the Chinese-expansion argument, as it relates to Vietnam, is that China has thus far displayed no wish to invade southeast Asia. To date, Chinese troops have not been fighting in Vietnam. Moreover, China hasn't yet moved a cadre of "advisers" into North Vietnam that begins to compare, in numbers of men or in the amount of aid given, to the American presence in the south. The best way to keep China out of Vietnam is to settle the war there. An escalation of the war northward, if it continues unabated, is the most likely way to draw Chinese armies down, thus creating the very calamity our policy should be designed to avert.

However, a new definition of containment has emerged to justify the deepening involvement of the United States in the fighting in southeast Asia. Our presence there, it is said, is not to furnish a shield against an anticipated Chinese invasion, but rather to counteract the spread of Chinese influence. If this is our purpose, it is a vain one indeed.

China is the giant of Asia, unshackled and determined to reclaim her prerogatives as the dominant power of the mainland. In the natural course of events, we can no more expect to deny China her influence in southeast Asia, the region immediately beneath her, than China could expect to deny the United States our influence in Central America.

No outpost bristling with bayonets—least of all one held in South Vietnam by American occupation forces—is going to stem the spread of Chinese influence in Asia. If we cannot live in a world where the Chinese exert influence in Indochina, then we had better forget Vietnam and commence now to destroy and dismember China, something no other nation in history has ever managed to do.

But since the conquest of China is not an American ambition, we should stop fooling ourselves with talk that our involvement in Vietnam can somehow bring an end to the spread of Chinese influence in Asia. In fact, the evidence is just the other way around. Because of the extent of our intervention in South Vietnam, the Peiping Government is able to pose as the champion of Asia for the Asians, defying the United States in the name of resisting the return of Western imperialism. Chou En-lai had reason to rub his hands with glee when he said recently to a foreign visitor: "Once we worried about southeast Asia. We don't anymore. The Americans are rapidly solving our problems for us."

Although we cannot immunize southeast Asia from Chinese influence, the restoration of peace to this war-weary region offers the little countries of Indochina their best hope for remaining independent. They would, of necessity, establish friendly ties with China, staying scrupulously neutral and unalined, but they need not become the vassal states that a spreading war, drawing Chinese armies in, would surely make them. This even applies to North Vietnam, where nationalist feeling against China is deep, and where Ho Chi Minh does not yet take his orders from Peiping. Clearly, if we seek to restrict Chinese hegemony in southeast Asia, a settlement in Vietnam is essential.

Those who urge the contrary course—a Korean-type war in Indochina—often argue that South Vietnam has become the testing ground of a new and vicious form of Communist aggression, the guerrilla war. They contend that the Vietcong rebels, though perhaps not the pawns of Peiping, are at least the agents of Hanoi; that indirect aggression by infiltration is being practiced by the North against the South; and that we Americans must see to it that the guerrillas are driven out, or such wars of subversion will spread.

I grant this seems a compelling argument, but it won't stand up under close analysis. Communist guerrilla wars didn't begin in Vietnam and won't end there, regardless of the outcome of this particular struggle. American muscle, sufficiently used, may hold the 17th parallel against infiltrators from the North, but our bayonets will not stop—they could even spread—Communist agitation within other Asian countries. A government may be checked by force, but not an idea. There is no way to fence off an ideology.

Indeed, Communist-inspired guerrilla wars have always jumped over boundary lines. They have erupted in scattered, far-flung places around the globe, wherever adverse conditions within a given country permit Communist subversion to take root. The threatened governments put down such guerrilla uprisings in the Philippines, Malaya, Burma, and Greece. The decision for Saigon hangs in the balance.

This is a time of ferment. Some of these guerrilla revolts will succeed; others will fail. The outcome, in each case, will depend upon the character of the government challenged, and the willingness of the people to rally behind it. That some governments won't prove equal to the test is no reason for us to panic. The other governments in southeast Asia are not so many dominoes in a row. They differ, one from another, in popular support and in capacity to resist Communist subversion. We all hope Saigon will prevail, but the argument that "as goes South Vietnam, so goes all of southeast Asia," is predicated more upon fear than fact. Communism isn't going to take over the world; it is much too poor a system for that.

Whether Saigon can meet the test remains to be seen. Until now, it has been losing its war, not for lack of arms, but for lack of internal cohesion. The Vietcong grow stronger, not because they are better supplied but because they are united in their will to fight. This spirit cannot be imported from without. The weakness in South Vietnam emanates from Saigon itself, where we, as foreigners, are powerless to pacify the spoiling factions. Only the Vietnamese can furnish a solution.

This brings us back to the central question: Why did we intervene in South Vietnam? President Eisenhower, who committed us there, expressed the reason, and his successors, Kennedy and Johnson, have faithfully repeated it. We went in, upon the invitation of Saigon (10 governments ago), to give aid and advice to the Vietnamese who were fighting the Vietcong rebels. We can give arms, money, food, training, and equipment, which is all we committed ourselves to do, but we cannot, as a foreign nation, win the war. Ultimately, a civil war has to be decided by the people of the country concerned.

We only deceive ourselves when we pretend that the struggle in Vietnam is not a civil war. The two parts of Vietnam don't represent two different peoples, with separate identities. Vietnam is a partitioned country in the grip of a continuing revolution. That the Government of North Vietnam has deeply involved itself in support, or even direction, of the rebellion in the south doesn't make the war any less a civil war. The fighting is still between Vietnamese. The issue is still that of determining what groups of Vietnamese shall govern the country.

It is true, of course, that foreign powers are interested in the outcome of this struggle, China favoring Hanoi, the United States backing Saigon. But, again, the involvement of outside countries, even when it takes the form of limited intervention, doesn't change the essential character of the war.

With the war in Vietnam at a point where neither side can achieve a conclusive military decision, some kind of political settlement has to be worked out. I cannot furnish a precise blueprint for a peaceful settlement. No one can at this point. But I can indicate, in general terms, a form of settlement that lies in that middle ground that both sides must seek out if a negotiated settlement is to be reached. The timing of any settlement must, of course, be left to the President. He alone can know whether or when Hanoi appears willing to bargain.

As for the United States, we can always deal at the conference table from a strength that rests not upon the softness of Saigon but upon our own possession of the sea and air. Therefore I believe we must demonstrate that we cannot be driven out of Indochina, and that we won't bow to a Communist-dictated peace. Our recent bombings should make it clear to Hanoi that we will not quit under fire, or withdraw or submit to coercion.

At the same time we should make it equally clear that we are prepared to negotiate on honorable terms. The judicious use of both the arrows and the olive branch, clutched by the American eagle in the Presidential seal, represents our best hope for avoiding a Korean-type war on the Asian mainland. We should indicate our willingness to interpose a neutral buffer zone in Indochina, consisting of Laos, Cambodia, and South Vietnam. Such a zone need not create a power vacuum for Chinese armies to fill. This is a more likely result, in the absence of such an agreement, of an expanded war. The integrity of the neutralized region against invasion from without could be guaranteed by the signatories to the agreement. Thus the military might of the United States would remain a deterrent to Chinese encroachment from the north, which is—or ought to be—our primary purpose in southeast Asia anyway. During its transitional phase such an agreement could be policed by special forces of an international commission, set up to preside over a cease-fire while political arrangements are worked out by the people of each country.

Admittedly, this involves the unavoidable risk that pro-Communist elements may come to prevail, but the war itself—which sees Western forces increasingly pitted against Asians—has become the breeding ground of steadily growing political support for the Communist cause. As Prince Sihanouk, Cambodia's royalist ruler, has pointed out, the risk of Communist ascendancy after a settlement grows larger every day the war is prolonged. If this estimate is correct, and there is mounting evidence to support it, then the time to negotiate is now, while the anti-Communist elements in Indochina still possess authority.

Now is the time, while the jungles and rice fields still belong to the Vietnamese, to strive for an end to the war. Hanoi has reason to bargain, for she covets her independence and has cause to fear China. The same holds true for Laos, Cambodia, and South Vietnam. Even the Soviet Union has incentive to work for a settlement that will foreclose a Chinese occupation of southeast Asia. These propitious conditions, all of which work in our favor, are likely to be the first casualties of a widening war.

Mr. CLARK. Mr. President, I find myself also in agreement with the overall strategic position with respect to our foreign policy that is outlined from time to time by the distinguished columnist, Walter Lippmann.

I ask unanimous consent that a column printed this morning in the Washington Post entitled "The Falling Dominoes," and an excellent article published in the April 26 issue of Newsweek magazine, entitled "The Test in Vietnam," both articles being by Mr. Lippmann, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Apr. 22, 1965]

THE FALLING DOMINOES

(By Walter Lippmann)

Why is it, it is time to ask, that our position in Asia has declined so sharply though we are widening and intensifying the war in Vietnam?

According to the so-called domino theory, the United States would lose the respect and support of the peoples of Asia if, in confronting Chinese communism, it showed itself to be a paper tiger and refrained from military action. For 3 months, since February, we have applied this theory ever more vigorously. And what are the results? Quite contrary to what was predicted: Today the United States is not only isolated but increasingly opposed by every major power in Asia.

With the exception of Japan, which has a government but not a people who support our policy, all the Asian powers are against us on this issue, not only China and Indonesia, but the Soviet Union, India, and Pakistan. The crucial fact is that although the Asian powers are by no means at peace with one another, what they do have in common is an increasingly vociferous opposition to the escalated war we have been waging since February. India and Pakistan, India and China, China and the Soviet Union are quarreling to the point of war with one another. But they are united in condemning our February war.

The administration should put this fact in its pipe and smoke it. It should ponder the fact that there exists such general Asian opposition to our war in Asia. The President's advisers can take some comfort, but mighty little, from the fact that alined with us is the Thailand Government in Bangkok, which is independent though weak, the government in Seoul, which we subsidize, the government in Taipei, which we protect, the government in Saigon, which governs something less than half of South Vietnam. Pondering the matter, we must, alas, put into the other scale the ominous, rising anti-Americanism in the Philippines.

The dominoes are indeed falling, and they are falling away from us.

What is the root of all this swelling anti-Americanism among the Asians? It is that they regard our war in Vietnam as a war by a rich, powerful, white, Western nation against a weak and poor Asian nation, a war by white men from the West against nonwhite men in Asia. We can talk until the cows come home about how we are fighting for the freedom of the South Vietnamese. But to the Asian peoples it is obviously and primarily an American war against an Asian people.

In my view the President is in grave trouble. He is in grave trouble because he has not taken to heart the historic fact that the role of the Western white man as a ruler in Asia was ended forever in the Second World War. Against the Japanese the Western white powers were unable to defend their colonies and protectorates in Asia. That put an end to the white man's domination in Asia which had begun in the 15th century.

Since then, despite our ultimate victory over the Japanese Empire, the paramount rule has been that Asians will have to be ruled by Asians, and that the Western white powers can never work out a new relationship with the Asian peoples except as they find a basis of political equality and nonintervention on which economic and cultural exchanges can develop.

This great historic fact is an exceedingly difficult one for many Westerners to digest and accept. It is as hard for them to accept this new relationship with Asia as it is for many a southerner in this country to accept the desegregation of schools and public accommodations. The Asia hands who still instinctively think of Asia in prewar terms are haunted by Rudyard Kipling and the white man's burden and the assumption that east of Suez are the lesser breeds without the law.

Until we purge ourselves of these old preconceptions and prejudices, we shall not be able to deal with Asian problems, and we shall find ourselves, as we are today in Vietnam, in what the German poet described as the unending pursuit of the ever-fleeting object of desire. We shall find ourselves widely rejected by the very people we are professing to save.

Until this purge takes place, we shall go on drifting into trouble. For us the problem in Asia is primarily a problem in our understanding of historic reality. In our view of Asia there will have to be a fundamental change akin to the illumination, which has come so recently here at home, that the American Negro must become a full, not a second-class citizen.

The day will come when the same kind of illumination of the facts of life is granted to the makers of our policy in Asia.

[From Newsweek magazine, Apr. 26, 1965]

THE TEST IN VIETNAM

(By Walter Lippmann)

The President's Baltimore address on Vietnam marked a certain change in our official policy. For the first time he offered to engage in discussions with Hanoi without reserving the right to refuse discussions unless certain conditions (which were not specifically stated) were met first.

Although this opened the door a little for discussions, there is no reason to expect a diplomatic settlement of the Vietnamese war in the near future. For the time being the outcome in Vietnam is being determined by the course of the war itself, and there is no disposition as yet on either side to avoid a military showdown.

The scene of the showdown has been and, it seems certain, will continue to be in South Vietnam. It will be a showdown between the government in Saigon which we are supporting and the Vietcong which Hanoi is supporting. The issue hangs in whether there can be a government in Saigon which is able to subdue the Vietcong rebellion, pacify the countryside, and get itself accepted by the preponderant mass of the people in the greater part of South Vietnam. There is now no such government in Saigon. As a matter of fact, the Saigon government is in a critical position, having lost control of a large part of the countryside by day, of an even larger part at night.

The United States has been committed, and never more strongly than by the President at Baltimore, to reversing the military trend in South Vietnam. The President has undertaken to make the Saigon government, which is near to defeat and collapse, into the victor in the civil war. This will take a lot of doing, but the administration has decided that it will be possible to defeat the Vietcong in South Vietnam if it is deprived, as the President put it, "of the trained men and supplies, orders and arms," which flow in a constant stream from north to south. This support is the heartbeat of the war."

THE OFFICIAL THEORY

This is the basis of the policy adopted in early February, of putting increasing pressure on North Vietnam by bombings which creep nearer and nearer to the highly populated and industrialized centers around Hanoi and Haiphong. The official theory is that by these bombings we can deter Hanoi from supporting the civil war in the south and even force Hanoi to force the Vietcong to ask for peace, especially since we are offering an attractive economic future if they do this. We hope also that the bombings in the north will inspire and enable the Saigon government to rally the people and to win the war.

We are now embarked on a crucial test of this theory. Can the Saigon government win the civil war while we attack the Hanoi government? The outcome of this test depends in the first place on whether the government in Saigon can acquire the military morale and muster the national support to put down the rebellion. It depends in the second place on whether our bombing can hurt or frighten the North Vietnamese sufficiently to cause them to stop supporting the Vietcong rebellion and, indeed, to tell the Vietcong to desist. The official policy assumes that they will do that when they are hurt more than they can endure. Looking at it in a coldblooded way, this is a test of a military theory. For my part, I am inclined to think that Hanoi will endure all the punishment that we dare to inflict.

BOMBING CAN'T WIN

I am assuming that we dare not and will not devastate the cities of North Vietnam and kill great masses of their people. I am assuming that we shall not do this because we are too civilized, and also because the reaction to such cruelty would be incalculable in every continent.

The relatively moderate punishment we are inflicting we shall probably continue to inflict. I believe it will not force the North Vietnamese to their knees. They are, we must remember, a country of peasants. Their industries are comparatively primitive, and their capacity to do without the products of their industries is quite different from that, let us say, of a well-to-do, middle-class American community in an affluent suburb. Provided they get some food, which they can from China, they are not likely to quit and to do what we might want because their powerplants and bridges and factories are demolished. What they are likely to do if we make the north increasingly uninhabitable is to go south into South Vietnam.

So, experience may show that our official theory of the war is unworkable. If it does, we shall have to do what we have already done several times in the course of our entanglement in southeast Asia. We shall have to change our minds. This is always a painful process, especially in a big, proud country. But it may have to be done, and it will be done best if we keep the problem open to free and resolute public debate.

Mr. CLARK. Mr. President, I ask unanimous consent that another closely reasoned article which appeared in the New York Times Magazine of April 18, 1965, by the distinguished political scientist, Hans J. Morgenthau, entitled "We Are Deluding Ourselves in Vietnam," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE ARE DELUDING OURSELVES IN VIETNAM

(By Hans J. Morgenthau)

The address which President Johnson delivered on April 7 at Johns Hopkins University is important for two reasons. On the one hand, the President has shown for the first time a way out of the impasse in which we find ourselves in Vietnam. By agreeing to negotiations without preconditions he has opened the door to negotiations which those preconditions had made impossible from the outset.

By proposing a project for the economic development of southeast Asia—with North Vietnam a beneficiary and the Soviet Union a supporter—he has implicitly recognized the variety of national interests in the Communist world and the need for varied American responses tailored to those interests. By asking "that the people of South Vietnam be allowed to guide their own country in their own way," he has left all possibilities open for the future evolution of relations between North and South Vietnam.

On the other hand, the President reiterated the intellectual assumptions and policy proposals which brought us to an impasse and which make it impossible to extricate ourselves. The President has linked our involvement in Vietnam with our war of independence and has proclaimed the freedom of all nations as the goal of our foreign policy. He has started from the assumption that there are two Vietnamese nations, one of which has attacked the other, and he sees that attack as an integral part of unlimited Chinese aggression. Consistent with this assumption, the President is willing to negotiate with China and North Vietnam but not with the Vietcong.

Yet we cannot have it both ways. We cannot at the same time embrace these false assumptions and pursue new sound policies. Thus we are faced with a real dilemma. This dilemma is by no means of the President's making.

We are militarily engaged in Vietnam by virtue of a basic principle of our foreign policy that was implicit in the Truman doctrine of 1947 and was put into practice by John Foster Dulles from 1954 onward. This principle is the military containment of communism. Containment had its origins in Europe; Dulles applied it to the Middle East and Asia through a series of bilateral and multilateral alliances. Yet what was an outstanding success in Europe turned out to be a dismal failure elsewhere. The reasons for that failure are twofold.

First, the threat that faced the nations of Western Europe in the aftermath of the Second World War was primarily military. It was the threat of the Red army marching westward. Behind the line of military demarcation of 1945 which the policy of containment declared to be the westernmost limit of the Soviet Empire, there was an ancient civilization, only temporarily weak and able to maintain itself against the threat of Communist subversion.

The situation is different in the Middle East and Asia. The threat there is not primarily military but political in nature. Weak governments and societies provide opportunities for Communist subversion. Military containment is irrelevant to that threat and may even be counterproductive. Thus the Baghdad Pact did not protect Egypt from Soviet influence and SEATO has had no bearing on Chinese influence in Indonesia and Pakistan.

Second, and more important, even if China were threatening her neighbors primarily by military means, it would be impossible to contain her by erecting a military wall at the periphery of her empire. For China is, even in her present underdeveloped state, the dominant power in Asia. She is this by virtue of the quality and quantity of her population, her geographic position, her civilization, her past power remembered, and her future power anticipated. Anybody who has traveled in Asia with his eyes and ears open must have been impressed by the enormous impact which the resurgence of China has made upon all manner of men, regardless of class and political conviction, from Japan to Pakistan.

The issue China poses is political and cultural predominance. The United States can no more contain Chinese influence in Asia by arming South Vietnam and Thailand than China could contain American influence in the Western Hemisphere by arming, say, Nicaragua and Costa Rica.

If we are convinced that we cannot live with a China predominant on the mainland of Asia, then we must strike at the heart of Chinese power—that is, rather than try to contain the power of China, we must try to destroy that power itself. Thus there is logic on the side of that small group of Americans who are convinced that war between the United States and China is inevitable and that the earlier that war comes the better will be the chances for the United States to win it.

Yet, while logic is on their side, practical judgment is against them. For while China is obviously no match for the United States in overall power, China is largely immune to the specific types of power in which the superiority of the United States consists—that is, nuclear, air and naval power. Certainly, the United States has the power to destroy the nuclear installations and the major industrial and population centers of China, but this destruction would not defeat China; it would only set her development back. To be defeated, China has to be conquered.

Physical conquest would require the deployment of millions of American soldiers on the mainland of Asia. No American military leader has ever advocated a course of action so fraught with incalculable risks, so uncertain of outcome, requiring sacrifices so out of proportion to the interests at stake and the benefits to be expected. President Eisenhower declared on February 10, 1954, that he "could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina." General MacArthur, in the congressional hearings concerning his dismissal and in personal conversation with President Kennedy, emphatically warned against sending American foot soldiers to the Asian mainland to fight China.

If we do not want to set ourselves goals which cannot be attained with the means we are willing to employ, we must learn to accommodate ourselves to the predominance of China on the Asian mainland. It is instructive to note that those Asian nations which have done so—such as Burma and Cambodia—live peacefully in the shadow of the Chinese giant.

This modus vivendi, composed of legal independence and various degrees of actual dependence, has indeed been for more than a millennium the persistent pattern of Chinese predominance on the mainland of Asia. The military conquest of Tibet is the sole exception to that pattern. The military operations at the Indian border do not diverge from it, since their purpose was the establishment of a frontier disputed by both sides.

On the other hand, those Asian nations which have allowed themselves to be transformed into outposts of American military power—such as Laos a few years ago, South Vietnam and Thailand—have become the actual or prospective victims of Communist aggression and subversion. Thus it appears that peripheral military containment is counterproductive. Challenged at its periphery by American military power at its weakest—that is, by the proxy of client-states—China or its proxies respond with locally superior military and political power.

In specific terms, accommodation means four things: (1) recognition of the political and cultural predominance of China on the mainland of Asia as a fact of life; (2) liquidation of the peripheral military containment of China; (3) strengthening of the uncommitted nations of Asia by nonmilitary means; (4) assessment of Communist governments in Asia in terms not of Communist doctrine but of their relation to the interests and power of the United States.

In the light of these principles, the alternative to our present policies in Vietnam would be this: a face-saving agreement which would allow us to disengage ourselves militarily in stages spaced in time; restoration of the status quo of the Geneva Agreement of 1954, with special emphasis upon all-Vietnamese elections; cooperation with the Soviet Union in support of a Titoist all Vietnamese Government, which would be likely to emerge from such elections.

This last point is crucial, for our present policies not only drive Hanoi into the waiting arms of Peiping, but also make it very difficult for Moscow to pursue an independent policy. Our interests in southeast Asia are identical with those of the Soviet Union: to prevent the expansion of the military power of China. But while our present policies invite that expansion, so do they make it impossible for the Soviet Union to join us in preventing it. If we were to reconcile ourselves to the establishment of a Titoist government in all of Vietnam, the Soviet Union could successfully compete with China in claiming credit for it and surreptitiously cooperate with us in maintaining it.

Testing the President's proposals by these standards, one realizes how far they go in meeting them. These proposals do not preclude a return to the Geneva Agreement and even assume the existence of a Titoist government in North Vietnam. Nor do they preclude the establishment of a Titoist government for all of Vietnam, provided the people of South Vietnam have freely agreed to it. They also envision the active participation of the Soviet Union in establishing and maintaining a new balance of power in southeast Asia. On the other hand, the President has flatly rejected a withdrawal "under the cloak of a meaningless agreement." The controlling word is obviously "meaningless," and only the future can tell whether we shall consider any face-saving agreement as "meaningless" regardless of its political context.

However, we are under a psychological compulsion to continue our military presence in South Vietnam as part of the peripheral military containment of China. We have been emboldened in this course of action by the identification of the enemy as "Communist," seeing in every Communist Party and regime an extension of hostile Russian or Chinese power. This identification was justified 20 or 15 years ago when communism still had a monolithic character. Here, as elsewhere, our modes of thought and action have been rendered obsolete by new developments.

It is ironic that this simple juxtaposition of "communism" and "free world" was erected by John Foster Dulles' crusading moralism into the guiding principle of American foreign policy at a time when the national communism of Yugoslavia, the neutralism of the third world and the incipient split between the Soviet Union and China were rendering that juxtaposition invalid.

Today, it is belaboring the obvious to say that we are faced not with one monolithic communism whose uniform hostility must be countered with equally uniform hostility, but with a number of different communisms whose hostilities, determined by different national interests, vary. In fact, the United States encounters today less hostility from Tito, who is a Communist, than from De Gaulle, who is not.

We can today distinguish four different types of communism in view of the kind and degree of hostility to the United States they represent: a communism identified with the Soviet Union—e.g., Poland; a communism identified with China—e.g., Albania; a communism that straddles the fence between the Soviet Union and China—e.g., Rumania, and independent communism—e.g., Yugoslavia. Each of these communisms must be dealt with in terms of the bearing its foreign policy has upon the interests of the United States in a concrete instance.

It would, of course, be absurd to suggest that the officials responsible for the conduct of American foreign policy are unaware of these distinctions and of the demands they make for discriminating subtlety. Yet it is an obvious fact of experience that these officials are incapable of living up to these demands when they deal with Vietnam.

Thus they maneuver themselves into a position which is antirevolutionary per se and which requires military opposition to revolution wherever it is found in Asia, regardless of how it affects the interests—and how susceptible it is to the power—of the United States. There is a historic precedent for this kind of policy: Metternich's military opposition to liberalism after the Napoleonic wars, which collapsed in 1848. For better or for worse, we live again in an age of revolution. It is the task of statesmanship not to oppose what cannot be opposed with a chance of success, but to bend it to one's own interests. This is what the President is trying to do with his proposal for the economic development of southeast Asia.

Why do we support the Saigon Government in the civil war against the Vietcong? Because the Saigon Government is free and the Vietcong are Communist. By containing Vietnamese communism, we assume that we are really containing the communism of China.

Yet this assumption is at odds with the historic experience of a millennium and is unsupported by contemporary evidence. China is the hereditary enemy of Vietnam, and Ho Chi Minh will become the leader of a Chinese satellite only if the United States forces him to become one.

Furthermore, Ho Chi Minh, like Tito and unlike the Communist governments of the other states of Eastern Europe, came to power not by courtesy of another Communist nation's victorious army but at the head of a victorious army of his own. He is, then, a natural candidate to become an Asian Tito, and the question we must answer is: How adversely would a Titoist Ho Chi Minh, governing all of Vietnam, affect the interests of the United States? The answer can only be: Not at all. One can even maintain the proposition that, far from affecting adversely the interests of the United States, it would be in the interest of the United States if the western periphery of China were ringed by a chain of independent states, though they would, of course, in their policies take due account of the predominance of their powerful neighbor.

The roots of the Vietnamese civil war go back to the very beginning of South Vietnam as an independent state. When President Ngo Dinh Diem took office in 1954, he presided not over a state but over one-half of a country arbitrarily and, in the intentions of all concerned, temporarily severed from the other half. He was generally regarded as a caretaker who would establish the rudiments of an administration until the country was united by nationwide elections to be held in 1956 in accordance with the Geneva accords.

Diem was confronted at home with a number of private armies which were politically, religiously or criminally oriented. To the general surprise, he subdued one after another and created what looked like a viable government. Yet in the process of creating it, he also laid the foundations for the present civil war. He ruthlessly suppressed all opposition, established concentration camps, organized a brutal secret police, closed newspapers and rigged elections. These policies inevitably led to a polarization of the politics of South Vietnam—on one side, Diem's family, surrounded by a praetorian guard; on the other, the Vietnamese people, backed by the Communists, declaring themselves liberators from foreign domination and internal oppression.

Thus, the possibility of civil war was inherent in the very nature of the Diem regime. It became inevitable after Diem refused to agree to all-Vietnamese elections and, in the face of mounting popular alienation, accentuated the tyrannical aspects of his regime. The South Vietnamese who cherished freedom could not help but oppose him. Threatened by the secret police, they went either abroad or underground where the Communists were waiting for them.

Until the end of last February, the Government of the United States started from the assumption that the war in South Vietnam was a civil war, aided and abetted—but not created—from abroad, and spokesmen for the Government have made time and again the point that the key to winning the war was political and not military and was to be found in South Vietnam itself. It was supposed to lie in transforming the indifference or hostility of the great mass of the South Vietnamese people into positive loyalty to the Government.

To that end, a new theory of warfare called counterinsurgency was put into practice. Strategic hamlets were established, massive propaganda campaigns were embarked upon, social and economic measures were at least sporadically taken. But all was to no avail. The mass of the population remained indifferent, if not hostile, and large units of the army ran away or went over to the enemy.

The reasons for this failure are of general significance, for they stem from a deeply ingrained habit of the American mind. We like to think of social problems as technically self-sufficient and susceptible of simple, clear-cut solutions. We tend to think of foreign aid as a kind of self-sufficient, technical economic enterprise subject to the laws of economics and divorced from politics, and of war as a similarly self-sufficient, technical enterprise, to be won as quickly, as cheaply, as thoroughly as possible and divorced from the foreign policy that preceded and is to follow it. Thus our military theoreticians and practitioners conceive of counterinsurgency as though it were just another branch of warfare like artillery or chemical warfare, to be taught in special schools and applied with technical proficiency wherever the occasion arises.

This view derives of course from a complete misconception of the nature of civil war. People fight and die in civil wars because they have a faith which appears to them worth fighting and dying for, and they can be opposed with a chance of success only by people who have at least as strong a faith.

Magsaysay could subdue the Huk rebellion in the Philippines because his charisma, proven in action, aroused a faith superior to that of his opponents. In South Vietnam there is nothing to oppose the faith of the Vietcong and, in consequence, the Saigon government and we are losing the civil war.

A guerrilla war cannot be won without the active support of the indigenous population, short of the physical extermination of that population. Germany was at least consistent when, during the Second World War, faced with unmanageable guerrilla warfare throughout occupied Europe, she tried to master the situation through a deliberate policy of extermination. The French tried counterinsurgency in Algeria and failed; 400,000 French troops fought the guerrillas in Indochina for 9 years and failed.

The United States has recognized that it is failing in South Vietnam. But it has drawn from this recognition of failure a most astounding conclusion.

The United States has decided to change the character of the war by unilateral declaration from a South Vietnamese civil war to a war of foreign aggression. "Aggression From the North: The Record of North Vietnam's Campaign To Conquer South Vietnam" is the title of a white paper published by the Department of State on the last day of February 1965. While normally foreign and military policy is based upon intelligence—that is, the objective assessment of facts—the process is here reversed: a new policy has been decided upon, and intelligence must provide the facts to justify it.

The United States, stymied in South Vietnam and on the verge of defeat, decided to carry the war to North Vietnam not so much in order to retrieve the fortunes of war as to lay the groundwork for "negotiations from strength." In order to justify that new policy, it was necessary to prove that North Vietnam is the real enemy. It is the white paper's purpose to present that proof.

Let it be said right away that the white paper is a dismal failure. The discrepancy between its assertions and the factual evidence adduced to support them borders on the grotesque. It does nothing to disprove, and tends even to confirm, what until the end of February had been official American doctrine: that the main body of the Vietcong is composed of South Vietnamese and that 80 percent to 90 percent of their weapons are of American origin.

This document is most disturbing in that it provides a particularly glaring instance of the tendency to conduct foreign and military policy not on their own merits, but as exercises in public relations. The Government fashions an imaginary world that pleases it, and then comes to believe in the reality of that world and acts as though it were real.

It is for this reason that public officials are so resentful of the reporters assigned to Vietnam and have tried to shut them off from the sources of news and even to silence them. They resent the confrontation of their policies with the facts. Yet the facts are what they are, and they take terrible vengeance on those who disregard them.

However, the white paper is but the latest instance of a delusionary tendency which has led American policy in Vietnam astray in other respects. We call the American troops in Vietnam advisers and have assigned them by and large to advisory functions, and we have limited the activities of the marines who have now landed in Vietnam to guarding American installations. We have done this for reasons of public relations, in order to spare ourselves the odium of open belligerency.

There is an ominous similarity between this technique and that applied to the expedition in the Bay of Pigs. We wanted to overthrow Castro, but for reasons of public relations we did not want to do it ourselves. So it was not done at all, and our prestige was damaged far beyond what it would have suffered had we worked openly and single-mindedly for the goal we had set ourselves.

Our very presence in Vietnam is in a sense dictated by considerations of public relations; we are afraid lest our prestige would suffer were we to retreat from an untenable position.

One may ask whether we have gained prestige by being involved in a civil war on the mainland of Asia and by being unable to win it. Would we gain more by being unable to extricate ourselves from it, and by expanding it unilaterally into an international war? Is French prestige lower today than it was 11 years ago when France was fighting in Indochina, or 5 years ago when she was fighting in Algeria? Does not a great power gain prestige by mustering the wisdom and courage necessary to liquidate a losing enterprise? In other words, is it not the mark of greatness, in circumstances such as these, to be able to afford to be indifferent to one's prestige?

The peripheral military containment of China, the indiscriminate crusade against communism, counterinsurgency as a technically self-sufficient new branch of warfare, the conception of foreign and military policy as a branch of public relations—they are all misconceptions that conjure up terrible dangers for those who base their policies on them.

One can only hope and pray that the vaunted pragmatism and commonsense of the American mind—of which the President's new proposals may well be a manifestation—will act as a corrective upon those misconceptions before they lead us from the blind alley in which we find ourselves today to the rim of the abyss. Beyond the present crisis, however, one must hope that the confrontation between these misconceptions and reality will teach us a long-overdue lesson—to rid ourselves of these misconceptions altogether.

Mr. CLARK. Mr. President, I find these articles far more persuasive than those by certain other columnists such as Marguerite Higgins and William S. White, who take what is to my point of view an unduly emotional and quite unsound position.

I hope that the articles introduced today will have some bearing on the final judgments made in the White House.

SAVE AND STRENGTHEN THE UNITED NATIONS

Mr. CLARK. Mr. President, I ask unanimous consent that a statement adopted by the National Executive Council of the United World Federalists, on March 7, 1965, at New York City, entitled "Save and Strengthen the United Nations" be printed at this point in the RECORD.

There being no objection, the brochure was ordered to be printed in the RECORD, as follows:

SAVE AND STRENGTHEN THE UNITED NATIONS: A DECLARATION

In 1961 the General Assembly of the United Nations designated 1965 as International Cooperation Year, to celebrate the 20th anniversary of the founding of the United Nations.

It was a good purpose but International Cooperation Year could turn out to be a grim, cynical joke unless certain present trends are soon reversed. The year 1965 may mark not only the 20th anniversary of the founding of the U.N. but also the beginning of its destruction. Either the nations and peoples of the world will revive the United Nations in 1965—or they will bury it, and with it the best hopes of humanity for survival in the nuclear age. And if the U.N. is allowed to die, mankind will have to create another world organization to take its place.

The U.N. is in peril for one single, tragic reason: it was not made strong enough at San Francisco in 1945, nor has this been done in the intervening years.

The United Nations can live only if it is granted independent life—only if it is endowed in its own right with the necessary capacity to establish and preserve the peace. The U.N. does not now have that strength. It is allowed to act only with the consent of the nations affected by its actions.

The peoples of the world deserve something better than to live in constant dread of world war III. With the development of mainland China's nuclear device, the people of the world can only hope that the necessity for universal, enforceable world law will become too plain to be disregarded. They can only hope that the recent spectacle of the United Nations, unable to collect its dues, to decide its issues, indeed to vote at all on any question, will so shock the conscience of the member nations that they will at last act to strengthen the U.N. The people of the world can only hope that this is the darkest hour just before the dawn.

Yet hope is not enough.

Twenty years ago mankind wrote its hope for peace into the United Nations. That was before the first atomic bomb exploded on Hiroshima. After that event, mankind's hope for peace—and for survival itself—has rested primarily in the United Nations despite its weaknesses.

Today—20 years later and in the midst of International Cooperation Year—those weaknesses have been revealed by the General Assembly's recent display of impotence. Either the United Nations will be strengthened or it will wither away.

The hour is at hand for a true world statesman to arise and speak for man, to say that his nation is ready to vest in the United Nations sufficient peacekeeping power to prevent the existing world situation from plunging mankind into the disaster of world war III. It is time for a world statesman to challenge all nations to propose the kind of United Nations that could effectively police peace and render justice.

Now is the time for some nation to define the terms under which the United Nations could survive and develop.

As Americans, we cherish such a role of world statesmanship for the President of the United States. Presented with what may well be the ultimate challenge of the ages of man, he would speak not only for his nation but would voice the hope of all mankind.

Adopted by National Executive Council, United World Federalists, March 7, 1965, New York City.

REMARKS OF VICE PRESIDENT HUMPHREY BEFORE THE PACEM IN TERRIS CONFERENCE

Mr. CLARK. Mr. President, I ask unanimous consent that the comments made by Vice President HUBERT H. HUMPHREY before the Pacem in Terris Conference in New York City on February 17, 1965, entitled "Peace on Earth," be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PEACE ON EARTH

(Remarks of Vice President HUBERT H. HUMPHREY before the Pacem in Terris Conference, New York City, February 17, 1965)

The Scripture tells us to "pursue peace"—and mankind has since the beginning of time condemned the horrors of war. If discord and strife, wars and the threat of wars have persisted throughout history, it is perhaps as St. Augustine says: "that men make war not because they love peace the less, but rather because their love their own kind of peace the more." Yet men of peace of every kind and every land remember well the year 1963. For in that fateful year a venerable apostle of peace left our world, leaving behind a legacy which will endure for years to come. Generations of men—young and old alike—will remember the final testament of that gentle peasant Pope, Pope John XXIII, the encyclical "Pacem in Terris," in which he left to men of all faiths, to men holding many concepts of peace, an outline for peace in our world which can be accepted by all men of good will.

And if our generation can heed the parting plea of the man whose work we honor at this Conference, generations yet to come may hope to live in a world where in the words of the late President Kennedy "the strong are just, the weak secure, and the peace preserved."

It is a privilege and an honor to participate in this Conference dedicated to exploring the meaning and the messages of "Pacem in Terris." It is particularly fitting that this convocation meet at the beginning of International Cooperation Year. I am confident that your deliberations here will advance our world along the road to "peace on earth" as described by Pope John.

The encyclical John XXIII presented to the world was a public philosophy for a nuclear era. Comprehensive in scope, his message expounded a political philosophy governing relations between the individual and the state, relations between states, and relations between an individual state and the world organizations.

"Pacem in Terris" continues and completes the social philosophy which the Pope had begun a year earlier in his encyclical "Mater et Magistra," in which he elaborated the principles of social justice which should guide the social order. In "Pacem in Terris" he extended this philosophy to the world, concentrating now on relations between states and the role of the world community.

This encyclical represents not a utopian blueprint for world peace, presupposing a sudden change in the nature of men. Rather, it represents a call to action to leaders of nations, presupposing only a gradual change in human institutions. It is not confined to elaborating the abstract virtues of peace but looks to the building of a world community governed by institutions capable of preserving peace.

The Pope outlined principles which can guide the actions of men—all men regardless of color, creed or political affiliation—but it is up to statesmen to decide how these principles are to be applied. The challenge to this conference is to provide statesmen with further guidelines for applying the philosophy of "Pacem in Terris" to the problems confronting our world in 1965.

I would like to direct my remarks principally to the questions of relations between states and to that of a world community. Pope John's preoccupation—and our preoccupation today—is with an amelioration of international relations in the light of the dangers to mankind posed by the existence of modern nuclear weapons. The leaders of the world must understand—as he understood—that since that day at Alamogordo when man acquired the power to obliterate himself from the face of the earth, war has worn a new face. And the vision of it has sobered all men and demanded of them a keener perception of mutual interests and a higher order of responsibility. Under these conditions mankind must concentrate on the problems that unite us rather than on those which divide us.

Pope John proclaimed that the issues of war and peace are the concern of all. Statesmen—who bear a heavier responsibility than others—cannot ignore the implications for the survival of mankind of new discoveries in technology, biology, nuclear physics, and space. In this nuclear age the deliberate initiation of full-scale war as an instrument of national policy has become folly.

Originally a means to protect national interests, war today can assure the death of a nation, the decimation of a continent.

Nuclear power has placed into the hands of men the power to destroy all that man has created. Only responsible statesmen—who perceive that perseverance in the pursuit of peace is not cowardice, but courage, that restraint in the use of forces is not weakness, but wisdom—can prevent present international rivalries from leading to an incinerated world.

The confrontation between the United States and the Soviet Union over Cuba in the autumn of 1962 undoubtedly weighed heavily in the Pope's thinking and lent urgency to his concern to halt the nuclear arms race. Addressing the leaders of the world, he stated: "Justice, right, reason, and humanity urgently demand that the arms race should cease; that the stockpiles which exist in various countries should be reduced equally and simultaneously by the parties concerned; that nuclear weapons should be banned; and that a general agreement should eventually be reached about progressive disarmament and an effective method of control."

This plea had special pertinence for the leaders of the United States and the Soviet Union, the principal nuclear powers.

A few months later, President Kennedy demonstrated the U.S. commitment to the goal of peace. In a speech at American University in June of 1963, he called for renewed efforts toward a "more practical, more attainable peace—based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned."

The leaders of the Soviet Union responded favorably. In October 1963, the United States and Soviet Governments signed a treaty banning nuclear tests in the atmosphere, in outer space and under water. This treaty won respect throughout the world for the United States and the Soviet Union—indeed for all nations who signed it. It has inspired hope for the future of mankind on this planet. And members of this audience will recall that the man who first proposed a test ban treaty way back in 1956—and who shares in the credit for its accomplishment—is the U.S. representative to the United Nations, Ambassador Adlai E. Stevenson.

The nuclear test ban was the first step in the path toward a more enduring peace. "The longest journey begins with a single step," President Johnson has said—and that single step has been taken.

Other steps have followed.

We have resolved not to station weapons of mass destruction in space. A United Nations resolution, jointly sponsored by the United States and the Soviet Union, called on all countries to refrain from such action. It was adopted by acclamation—without a single dissenting vote.

This was a vital step toward preventing the extension of the arms race into outer space.

This year the United States is cutting back on the production of fissionable materials. Great Britain and the Soviet Union have announced cutbacks in their planned production of fissionable materials for use in weapons. As President Johnson has stated, the race for large nuclear stockpiles can be provocative as well as wasteful.

The need for instant communication between the United States and the Soviet Union—to avoid the miscalculation which might lead to nuclear war—was proven during the Cuban missile crisis. Since that time, we have established a hot line between Washington and Moscow to avoid such miscalculation.

The agenda for the future remains long. Among the measures needed to limit the dangers of the nuclear age are measures designed to prevent war by miscalculation or accident.

We must seek agreements to obtain safeguards against surprise attacks, including a network of selected observation points. We must seek to restrict the nuclear arms race by preventing the transfer of nuclear weapons to the control of nonnuclear nations; transferring fissionable materials from military to peaceful purposes, and by outlawing underground tests, with adequate inspection and enforcement. The United States has offered a freeze on the production of aircraft and missiles used for delivering nuclear weapons. Such a freeze might open the door to reductions in nuclear strategic delivery vehicles.

It is the intention of the U.S. Government to pursue every reasonable avenue toward agreement with the Soviet Union in limiting the nuclear arms race. And the President has made it clear that he will leave no thing undone, no mile untraveled to further the pursuit of peace.

Today in the year 1965 we must recognize that the next major step in controlling the nuclear arms race may require us to look beyond the narrow United States-Soviet competition to the past. For the explosion of a nuclear device by Communist China in 1964 has impressed upon us once again that the world of today is no longer the bipolar world of an earlier decade. Nuclear competition is no longer limited to two superpowers.

The efforts of the United States and Europe to enable the nations of Europe to have a greater share in nuclear defense policy—without encouraging the development of independent national nuclear deterrents—constitute a recognition of this.

In addition to Europe, we now have the problem of finding ways of preventing the further proliferation of nuclear weapons in Asia, Latin America, Africa and the Middle East.

With the explosion of the Chinese nuclear device several months ago—and the prospect of others to follow—it may be that the most immediate next step in controlling the nuclear arms race is the prevention of further proliferation of nuclear weapons in Asia.

In view of the evident determination of the present Communist government of mainland China to use its limited nuclear capability it hopes to develop for maximum political and propaganda benefit, it is not surprising that other modern Asian nations are tempted to build their own nuclear deterrent.

But the nations on the perimeter of Communist China are not alone. As President Johnson has stated, "The nations that do not seek national nuclear weapons can be sure that if they need our strong support against some threat of nuclear blackmail, then they will have it."

If the need for preventing the proliferation of nuclear weapons is more immediate in Asia today, it is no less important in Latin America, Africa and the Near East. All of these areas are ripe for regional arms pacts which would prevent these countries from developing nuclear weapons. Nuclear weapons would serve no useful purpose in preserving their security. The introduction of these weapons would provoke a rivalry that would imperil the peace of Latin America and Africa and intensify the present rivalries in the Near East. It would endanger the precarious economies of countries which already possess military forces too large for their security needs and too expensive to be maintained without outside assistance.

Such nuclear arms control agreements should naturally be initiated by the nations of the area. In Latin America, such an agreement has already been proposed. Should the nations of Latin America, of Africa and the Near East through their own institutions or through the United Nations, take the initiative in establishing nuclear free zones, they will earn the appreciation of all nations of the world. Containment in these areas would represent a major step toward world peace.

If nuclear rivalry is an obstacle to peace today, it is not the only one.

In "Pacem in Terris," John XXIII returned to a theme he had discussed in "Mater et Magistra" when he stated: "Given the growing interdependence among peoples of the earth, it is not possible to preserve lasting peace if glaring economic inequality among them persists." If control of nuclear weapons is a central issue in improving relations between East and West, accelerating the economic development of new nations is essential to harmony between North and South.

In Latin America, in Asia and Africa, another threat to peace lies in the shocking inequality between privileged and impoverished, between glittering capitals and festering slums, between booming industrial regions and primitive rural areas. A real threat to peace in these areas is the revolutionary challenge of an unjust social order in which true peace—peace based on justice—is impossible.

Those who have been "more blessed with this world's goods" must heed the Pope's plea to assist "those political communities whose citizens suffer from poverty, misery and hunger and who lack even the elementary rights of the human person."

We must do this out of compassion—for we are our brother's keeper. And we also do it out of self-interest as well—for our lot is their lot, our future their future, our peace their peace. This planet is simply too small for the insulation of the rich against turbulence bred of injustice in any part of the world.

The flow of foreign aid—both capital and technical assistance—is indispensable to the narrowing of the gap between rich nations and poor. Much has been done by individual nations and by international organization. But more must be done—both through foreign aid and by enlarging their opportunities for trade—to assist those developing nations which are striving to bring to their people the economic and social benefits of modern civilization. The exact dimensions of the task and the most effective way of fulfilling it are questions which deserve further attention by the United Nations.

If the arms race is a strain on the economy of rich nations, it is an intolerable burden on that of poor nations. For developing nations with a rapidly expanding population, primitive economic institutions, and little capital development, participation in a nuclear arms race is indefensible.

A pioneer statesman of the nuclear era, the late Senator Brien McMahon, proposed almost two decades ago that resources diverted from the arms race could be set aside to meet the unmet social and economic needs of mankind. His counsel remains valid today.

The man whom we honor today—like his predecessors—recognized that a secure peace depends on a stable world community. And a stable world community requires a viable international organization.

The strengthening of the existing world organization—the United Nations—is one of our most urgent tasks.

Today we hear voices advocating abandonment of the United Nations, withdrawal from the United Nations. They are misguided. They would abandon an imperfect instrument for preserving world peace because they dislike our imperfect world. To abandon the U.N.—or to immobilize it through crippling restrictions or failure to support it—would only prove that our generation had forgotten the lessons of half a century of nationalism and isolationism. Let those who would destroy the United Nations recall the international anarchy that followed the demise of the League of Nations. In a nuclear era when anarchy can lead to annihilation, the United Nations deserves the support of all nations—large and small, rich and poor. The heroes of the world community are not those who withdraw when difficulties ensue—not those who can envision neither the prospect of success nor the consequence of failure—but those who stand the heat of the battle—the fight for world peace through the United Nations.

As everyone knows, the General Assembly has felt obliged to go into recess while negotiations proceed in search of a solution to the present constitutional impasse.

This is not a happy situation and it raises some political and legal problems for the U.N.'s largest contributor as I am sure it does for other members. There are several things to be noted about this crisis.

First, the United Nations will continue even though the General Assembly has been deadlocked by a refusal of certain members to meet their obligations. The Security Council is not affected—nor are the operations of that diversified family of affiliated agencies in the U.N. system.

Second, the membership includes nations with radically different ideas about the proper role of international organizations in world affairs; yet none denies they have a role. The argument is not whether the General Assembly should continue to function but under what ground rules it should carry on.

Third, the United Nations has expanded rapidly and almost continuously for two decades now—and in the course of it the membership has more than doubled. In the meantime, the world environment in which it operates has undergone pervasive change. Under the circumstances, it would be surprising if the Organization did not face some awkward adjustments to new realities.

It may take time and patience and a high capacity to absorb frustration before the General Assembly gets back on the track or selects a somewhat different road ahead. But I am confident we meet in the hall of an institution which is in the throes of growing pains—not in the grip of a fatal disease.

Another aspect of the world organization that requires immediate strengthening is the peacekeeping machinery of the United Nations. Given the scope and the scale of major power interests and commitments around the world—we are required to assume that any armed conflict may bear within it the seeds of a nuclear disaster.

So a workable peace system must be able to resolve by nonviolent means the kinds of disputes which in the past have led to wars—and to keep disruptive change in nonviolent channels.

Here we can begin to see just how operational a peace system must be—to visualize peacekeeping machinery in being and in action.

In its most operational and visible form, peacekeeping in action is an armed patrol of soldiers of peace in blue berets—standing between warring ethnic groups in Cyprus—men who patrol the Gaza strip 24 hours a day for the eighth year running, those who jump in to repair breaches of the peace along the other frontiers of Israel, others who still stand watch along the 15-year-old truce line in Kashmir, and still others who keep tabs on the armistice line along the 38th parallel in Korea.

These units, of operational peacekeeping machinery were in place and in action when we arose this morning and they will be there when we go to bed tonight because there was an international organization to deal with threats to the peace; because there were established rules and procedures for conducting the business of peacekeeping; because there was a way to finance peacekeeping missions; and because members made available personnel and equipment and transport and other goods and services.

But the machinery of peace is much more than keeping an uneasy truce: It is the Security Council and the General Assembly and the Secretariat; it is conference machinery and voting procedures and resolutions and assessments; it is a mission of inquiry or observation—and a single civilian moving anonymously from private meeting to private meeting on a conciliation assignment.

Peacekeeping machinery is organization—plus people and resources—designed and operated to sustain a secure world order.

What we have so far is rudimentary—even primitive—machinery. It is not as extensive as it should be. It is not as versatile as it should be. It is not as reliable as it should be.

But it is machinery. It has proved to be workable in practice when enough members in practice wanted it to work.

Clearly one of the requirements of a workable peace system is to supplement and complement and improve the operational peacekeeping machinery of the United Nations.

Eventually we would hope that this machinery would be in a position to seek the peaceful resolution of disputes and incipient conflicts—ideally by quiet conciliation—if need be by verbal confrontation before the bar of world opinion—and in extremes by placing whatever kind of peacekeeping force is needed in a position between antagonists—so that no sovereignty is without potential international protection and no nation need call upon other nations to help protect them from predatory neighbors. Today we recognize that this is not possible.

In 1954 the Geneva accords were ratified guaranteeing the independent status of South Vietnam. Today in Vietnam that freedom is endangered by the systematic attempt of foreign backed subversives to win control of the country. Today peace in southeast Asia can be obtained if the violators will cease their aggression.

Our policy is clear. We will continue to seek a return to the essentials of the Geneva accords of 1954. We will resist aggression. We will be faithful to a friend. We seek no wider war. We seek no dominion. Our goal in southeast Asia is today what it was in 1954—what it was in 1962. Our goal is peace and freedom for the people of Vietnam.

An essential step for the strengthening of peacekeeping is the establishment of a flexible troop call-up system for future emergencies. The U.N. cannot do its peacekeeping job if there are long delays in getting its forces to world trouble spots.

The Secretary General's request that members maintain special U.N. peacekeeping contingents deserves the support of all, and I rejoice that some members have already responded—Canada, the Scandinavian countries, the Netherlands, and Iran.

The United States will assist in this strengthening of the peacekeeping capacity by helping to train and equip contingents of other nations earmarked for U.N. use—by transporting these units when necessary—and by paying their fair share of the cost of peacekeeping operations. We hope others will do the same.

It is, of course, the smaller countries which stand in the greatest need of international protection. But the great powers have an equal interest in effective peacekeeping machinery.

For a nation like the United States, the investment in U.N. peacekeeping is one of the best we can make. We do not aspire to any Pax Americana. We have no desire to play the role of global gendarme. Although we shall honor our commitments to assist friendly nations in preserving their freedom, we have no desire to interject American troops into explosive local disputes.

But disputes do occur; and if hostilities are to be ended and the peace preserved, there must be some outside force available to intervene. In many cases—though not in all—a stable professional U.N. force can play that role.

Therefore both the large powers and the small powers have a common interest—if for different reasons—in effective international peacekeeping machinery.

This is why the current impasse in the General Assembly—and the consequent paralysis in its ability to rise to an emergency if need be—is to be so deeply regretted.

I have dwelt briefly this evening on but three of the foremost problems of peace—nuclear competition, the gap between rich nations and poor, and the need for building a world community through the United Nations. In this Conference you will explore others.

A year ago in addressing the United Nations, President Johnson stated: "All that we have built in the wealth of nations, and all that we plan to do toward a better life for all, will be in vain if our feet should slip, or our vision falter, and our hopes ended in another worldwide war. If there is one commitment more than any other that I would like to leave with you today, it is my unswerving commitment to the keeping and to the strengthening of the peace."

Our commitment to strengthening the peace has not weakened. We seek a peace that is more than a pause between wars. But our knowledge of ourselves tells us that we can expect no sudden epidemic of peace; that we have far to go before as President Johnson says the "greatness of our institutions" matches the "grandeur of our intentions." The pursuit of peace is a gradual process.

Peace is too important to be the exclusive concern of the great powers. It requires the attention of all—small nations and large, old nations and new.

The pursuit of peace resembles the building of a great cathedral. It is the work of generations. In concept it requires a master architect; in execution, the labors of many.

The pursuit of peace requires time—but we must use time as a tool and not as a couch. We must be prepared to profit from the vision of peace left by great men who came our way.

We honor Pope John XXIII on this occasion not because he demonstrated that perfect peace can be achieved in a short time. We honor him because he raised our hopes and exalted our vision.

He realized that the hopes and expectations aroused could not all be satisfied in the immediate future. What can be accomplished in a limited time will always fall short of expectations.

This should not discourage us. What is important is that we be prepared to give some evidence that progress toward peace is being made, that some of the unsolved problems of peace can be met in the future.

This is the vision which Pope John left us in his encyclical "Pacem in Terris."

"Without vision the people perish," says the Scriptures.

It is the duty of our generation to convert this vision of peace into reality.

PLANNING FOR PEACE

Mr. CLARK. Mr. President, in connection with the planning for peace resolution introduced by me on April 8—which, I am glad to say, has been cosponsored now by 25 Senators—I ask unanimous consent that an extremely able speech entitled "Planning for Peace," delivered by the Senator from Missouri [Mr. Long] before the Bishops' Assembly on Peace and World Order on April 10, 1965, at Columbia, Mo., be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Planning for Peace

(Address by Senator Edward V. Long, Democrat, of Missouri, before the Bishops' Assembly on Peace and World Order, Columbia, Mo., Apr. 10, 1965.)

This is a particularly warm occasion for me because together we are allies in a great cause. I say this because I have received hundreds of letters from Missouri Methodists who are actively supporting the planning for peace resolution. I have saved these letters for they are a great testament to the deep concern which all of you—and many other Americans—have for world peace.

I am sure that I have received letters from many of you attending this luncheon, and I welcome this opportunity to thank you in person.

Usually, most of the mail I receive is against something. But you have written for something—for progressive, forward-looking legislation. Your active support for this type of legislation has been most inspiring and helpful.

I certainly wish more of my friends in the U.S. Congress knew about this pilot study project which you have undertaken.

If similar projects spring up in other States, they will know, for the impact on Congress will be tremendous.

To those of us already committed to planning world peace, your project is extremely encouraging. And to the skeptics and critics of disarmament and the United Nations, it is time they found out about the urgent and serious work you are doing.

In January 1963 a Gallup poll showed that 2 out of 3 Americans supported the United Nations. Yet we went through a campaign last fall in which some candidates disparaged this Nation's commitment to peace, to the United Nations, and to disarmament.

As you well know, it will take more than a Gallup poll to show where we stand. It will take study projects like yours in every State, in every community. It will take more men like Jim Speer. It will take serious determination to apply our Christian principles to the cause of mankind. It will take the reasoned voice of the Christian church, united with conscience and wisdom, to reach into this armed and anxious world. It will take an army of dedicated American parents working, as you are working, for the future—for our children's future—toward a world without war, a world of peace and brotherhood.

Already the Methodist Church has taken extensive and practical steps for peace education. I can tell you that your offices in Washington and at the United Nations are known and respected for their intelligent and progressive programs.

Your offices are influential supporters of the planning for peace resolution, and it is this resolution about which I am going to speak.

First, I think you will be pleased to know that the planning for peace resolution was introduced in the Senate just this week. With a few improvements, it is still the same vital bill we worked for last year. As many of you know, last year we came close to having hearings on this resolution. This time, with a new Congress and with your help and support, I think our chances for hearings and a Senate vote are better than ever.

Now, there are some people who think it was bad strategy to introduce this resolution while there is a crisis in southeast Asia. They think that the resolution might be construed as critical of President Johnson's policy in Vietnam. Of course, there is absolutely nothing about this resolution which criticizes, or opposes in any way, our policy in Vietnam.

The crisis in southeast Asia today means we must intensify our efforts to build a world where aggression and war are eliminated. The danger of full-scale war, the task of stopping Communist aggression, the threat to the peoples of southeast Asia—all testify to the danger of our times. Of course, we must do what we can to help the people of southeast Asia regain peace. We cannot stand idly by while Communist guerrillas take over peaceful South Vietnamese villages.

But, in the long run, the great question is: Can we mobilize the world behind a plan that will eliminate the threat of war and aggression?

The resolution was first introduced in October 1963, shortly after the Test Ban Treaty was signed. If it is passed it will declare our support for the President's efforts to achieve general and complete disarmament. It will declare support for the Arms Control and Disarmament Agency which President Kennedy created. It will request the President to draw up as speedily as possible specific and detailed proposals for keeping the peace. It will urge general and complete disarmament guaranteed by adequate inspection and controls. The resolution requests the President to consider: (1) an international disarmament organization, (2) a permanent world peace force, (3) world tribunals for peaceful settlement of disputes, (4) international organizations for enforcement of world peace, (5) reliable financial arrangements for the support of peacekeeping machinery, and (6) a new treaty for revision of the Charter of the United Nations.

This would be the most forward-looking, progressive mission of peace ever undertaken by any nation in the world. When we add this resolution to our accomplishments of the past 4 years we will have the most reasoned, responsible approach to world affairs ever envisioned by man.

There is no doubt about the fact that there are plenty of problems wrapped up in achieving a reasonable world peace. I am sure that in your 2 years of study you have encountered many of the barriers to a sound arms control and disarmament policy.

Three things are very clear.

First. Atomic fission and fusion are here to stay. We cannot reverse modern science and technology. We know how to split the atom. We know how to obliterate whole cities. We know how to fire nuclear warheads at targets 5,000 miles away.

There is no way to rid the world of the know-how to blow itself up. And there is no way to eliminate the raw materials with which we make weapons. Uranium and plutonium—needed for nuclear bombs—are just below the surface of the earth.

In the next 5 years, atomic power for electricity will reach the point in some areas where it is cheaper than conventional power. In a decade or two, most nations will need atomic power to drive their developing economies. And with the advent of atomic power, there will come to most nations the basic know-how to use atomic force for destructive purposes.

It is also true that once achieved, a nuclear army may be cheaper to maintain than a conventional one. So, without any disarmament agreements in the near future, we can expect more and more countries to want nuclear weapons—both for power and for economy.

Already, our experts estimate that there are 20 countries which have the capability of making nuclear devices before 1970. In many cases, the only thing holding them back is the fact that the U.S. military forces are providing adequate protection. All that has to happen is for half of these countries to decide to develop nuclear weapons and the nuclear club will increase by 200 percent.

So it is too late to turn the clock back. The nuclear age—with all its danger—is here to stay. The question now is: Can we act in time to prevent the spread of nuclear weapons to other countries? Can we harness nuclear power for peaceful uses without lighting the fuse to nuclear self-destruction?

The second fact is this: There will always be disagreements and hostilities among nations. No plan we can ever devise will rid the earth of disputes and rivalries. The pressure of population explosion, the vast economic gulf between the developed and the under-developed countries, the international effects of domestic power struggles—nothing can sweep these things away. Our plans for a permanent peace must provide ways to solve all international disputes peacefully and without military threat.

The third fact is this. There are going to be large and small nations for a long time to come. No plan we can devise will be able to eliminate the physical differences between nations. There are going to be great nations whose power will affect the affairs of small nations.

The great nations, for example, will have more to say about trade relations than the small nations. There is no way to eliminate power from the world. If we took everybody's weapons away overnight there would be no nation remaining as powerful, and as healthy, and as dominant as the United States. Already today our economic power is felt in every marketplace in the world.

These three facts make it perfectly clear that whatever our world is like 20 or 50 years from now, it will still be imperfect. Men will still have the ability to make and use nuclear weapons. Nations will still be competing and disagreeing. Nations will still be unequal—some will still dominate others.

Another sobering truth of our times is that the peace movement has been going on in America for nearly 200 years. Yet the danger of world war is greater today than it was 200 years ago.

Men and women have been organizing to urge world peace since the Revolutionary War. George Washington said: "My first wish is to see this plague to mankind—war—banished from the earth * * * to see the whole world in peace * * * peace with all the world is my sincere wish. I am sure it is our policy."

The world's first peace society was founded in 1815—in New York—by David Dodge. He wrote a pamphlet called "War Is Inconsistent With the Religion of Jesus Christ."

In May 1837, the American Peace Society, by then an influential group, amended its constitution to read: "All war is contrary to the spirit of the Gospel." In cooperation with organizations in Europe, this society proposed a Congress of Nations.

In 1843, the world's first Universal Peace Congress took place in London.

The peace movement miraculously survived the Civil War and in 1872 Senator Anthony, of Rhode Island, introduced into Congress the first resolution urging the President to initiate measures for "a permanent system of international arbitration by the adoption of a High Court of Arbitration." While this bill never made it out of committee, another one did—4 months later. It was to make arbitration a substitute for war in determining differences between nations. This new bill was tabled.

By the end of the 19th century efforts for world peace were more effective. International treaties were being signed. World conferences were actually making agreements to which nations promised to adhere. Serious efforts were underway to form a Pan American Union to outlaw war in this hemisphere.

The history of the peace movement during the 20th century is, as you know, vast and complex. Yet in many ways we have met with failure.

The first peacekeeping force was proposed in Congress in 1910. Congress approved a commission which would study "constituting the combined navies of the world into an international force for the preservation of universal peace." This navy, of course, was never established.

Instead we had to fight a World War which did not establish the peace we yearned for. We achieved an international court and a League of Nations. But war did not cease.

By the 1930's the drive for peace was at a complete halt. No practical proposals were being made and the thrust of Fascist armies made those who stood for world peace look weak and impractical.

Here is one significant sign of the times: in 1932 and in 1933 the Swedish Academy could find no one in the world upon whom to bestow the Nobel Peace Prize. Two years when the great voices of peace were deathly silent.

In 1934 a professor wrote: "The students on the campus are divided in view—some are stirred with idealism for peace but others surrendered to the idea that it will be their fate to fight."

Sir Stafford Cripps, the great British leader, wrote in 1936: "I feel as if we were in the clutches of some terrible power that we cannot resist and which is slowly crushing us."

The lesson is so clear. There were no plans for peace. There were few cries for sanity. Pessimism and fatalism swept the Western World. And the result was the ugliest, most devastating war the world has ever seen.

Today, we have the most educated generation in recorded history. More people know more about more things than ever before. Yet we have not conquered war.

Unless I am deceived, I believe we have more determination, more patience, and more need to accomplish peace than any generation before us. The fear of nuclear war is too much a part of our daily life to ignore the challenge of eliminating that fear. It is true that peace must somehow be woven into the fabric of human motives. But it is also true that we alone fashion our political and military tools. It is true that we can never forget how to make nuclear weapons. But it is also true that we can organize with other nations to determine the way in which nuclear material is used.

We are at a great crossroads of history.

We must decide whether the risks of remaining armed are greater than those of disarming.

The Bible counsels us: "To everything there is a season, and a time to every purpose under the heaven * * * a time of war, and a time of peace."

So we are gathered here today with the rugged determination to make this a time of peace. After decades of war and threats of war our needs for peace and freedom are converging. They are moving toward the very pulse-beat of civilization. They cry for practical solutions and their voice echoes around the world.

In my opinion, our greatest question is not: Exactly how will the final plan create a responsible peace? There are plenty of proposals now being made and some combination of them would most certainly work. The great problem is: How to reach the first step. How do we begin the long climb down from the top of a swaying tree?

We come again and again to the question: How are we ever going to get the Communist nations to drop their demand for world domination? The answer seems to rest in creating numerous ways in which it is more rewarding to them to compete peacefully than it is to compete with force.

It is certainly encouraging to note that in the last 2 years the Soviets have come around to the idea of having an international peacekeeping force in the United Nations. Of course, at present they refuse to pay for past peacekeeping efforts. But surely in time they will see that peacekeeping by the United Nations is a better alternative than risking all-out nuclear war over somewhere like Cyprus—or perhaps Vietnam.

In spite of all the zigs and zags, the Soviets and the United States have agreed more and more about how peace should be kept in the future. Six years ago no one thought a test ban treaty was possible. Two years ago we had a test ban treaty. Ten years ago the Soviets opposed all peacekeeping forces. Five years ago they voted for the peacekeeping force in the Congo, and now they have accepted the idea that some permanent peacekeeping force is needed. Six years ago disarmament was merely propaganda for the Soviets. Today, they are taking some serious second looks at concrete proposals.

As leaders of the free world, it is our solemn task to take the initiative. We must lead the world peace movement. We must marshal our greatest minds to the wheels of history.

Our task is to mold the most brilliant plan ever contrived. And we must exert all our moral and mental force toward its accomplishment. Certainly, if we do not, the Communist countries will try to lead us to a world without freedom. And the neutral nations do not have the power or the experience to lead us to a permanent peace. So the burden is ours.

The planning for peace resolution could turn the clocks forward. We must not pause until its great goals are achieved. We must not deal in pessimism for if we do all will be lost. Let us have perseverance and patience, a firm grip of realities, careful but imaginative planning, a clear awareness of all the dangers—but let us also have the faith that our future is what we make it.

THE SUBPENAING OF FDA OFFICIALS BY THE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. LONG of Missouri. Mr. President, it is my purpose to bring to the attention of the Senate a disturbing situation which involves the authority and prerogatives of the Senate itself.

As may be known, the Subcommittee on Administrative Practice and Procedure has begun an investigation of invasions of privacy by Federal agencies. In effect we are investigating the investigators.

So far—and we have only just begun—we have run across some truly startling practices and procedures. The most recent to be revealed is the practice of the Post Office Department of turning over first-class mail of delinquent taxpayers to the Internal Revenue Service, which opens this mail and seizes any articles it likes.

Revelation of this secret practice shook not only my confidence but also that of the American public in the sanctity of the mail service and the integrity of the postal establishment.

It is my intention to introduce a bill which would place the highest criminal penalties on Government snoopers who persist in this unconscionable and unconstitutional practice.

We have held hearings since February and we may have completed a single agency, the Post Office Department. Note the word "may," as we may not be through with them yet.

Our lack of progress stems almost entirely from a lack of candor and cooperation on the part of the agencies.

We have been plagued with foot-dragging from the very outset.

We are now approaching a state of near recalcitrance on the part of some agencies.

Although we are all very much aware of the separation of powers which was so wisely devised by the Founding Fathers, we are all equally aware of the impossibility of an effective job by Congress if it cannot obtain reasonably complete information and accurate information from the agencies.

We have run into nothing but foot-dragging and road blocks since we began.

Our record on Post Office peepholes, and mail covers is far from complete, and much of the testimony that we have, though given under oath, is contradictory.

When we asked for a list of 24,000 mail covers in the last 2 years we were refused.

When we asked that one chief investigator be permitted to talk with postal inspectors in Boston, we were refused. In fact, our man in Boston was tailed, trailed, and photographed by a squad of Federal agents in that city.

When we sought information from the Government with respect to a case under investigation and another case in litigation, we were refused. This refusal came despite clear-cut judicial decisions that Congress is perfectly within its rights to look into any matter affecting legislation, whether or not the matter is the subject of investigation or litigation. See *Sinclair* v. *U.S.* (279 U.S. 263 (1929)) and *Hutcheson* v. *U.S.* (369 U.S. 599 (1962)).

We have had considerable trouble getting information from the Department of Health, Education, and Welfare. Before we can talk to an employee, we must make a formal written request. After we talk with the employee, he must make a written memorandum of conversation for his supervisors.

Mr. President, we have written a number of requests to the Secretary of the Department of Health, Education, and Welfare. The head of that Department has not even extended the courtesy of a reply to the committee. We receive a reply from some minor employee down the line, advising us that he will tell us later what he thinks our procedure should be.

For months we have been unsuccessfully attempting to get the complete FDA manuals of operations.

We have been refused witnesses by both IRS and FDA.

As long as a month ago, I requested the presence of certain FDA employees from the field at our coming hearings. Eventually I was told that departmental officials would explain to us the subject matter in which we were interested. Then, if we still wanted the out-of-town witnesses, FDA would reconsider and discuss the matter further with us.

Mr. President, this raises considerable question in my mind. I have become suspicious as to what the Department of Health, Education, and Welfare is covering up or concealing because of their refusal to give the desired information to our committee.

I promptly issued subpenas for the appearance of the FDA employees, and I expect them to be present at the hearing on April 28.

It is not for the agencies to tell the Senate, through their representatives, what witnesses this committee desires to hear and what witnesses we need not, or cannot hear. Nor is it for the agencies to decide whether we need to examine a whole manual or whether excerpts should suffice.

I want to make it perfectly clear now to the agencies involved that we intend to complete this investigation into invasions of privacy by Federal agencies.

If it takes a year, so be it. If it takes 2 years or 3 years, so be it. But, one way or the other, this committee will get the information, and then we will decide what type of legislation to recommend to Congress.

RECOMMENDATIONS FOR COST REDUCTION BY COMPTROLLER GENERAL OF THE UNITED STATES

Mr. WILLIAMS of Delaware. Mr. President, in the past few days the Comptroller General has sent to the Congress a series of reports calling our attention to some more extravagance on the part of certain agencies. I shall comment briefly on three of these reports.

The first is dated April 12 and deals with waste under the AID program (report B–146995). I read from the first paragraph of the Comptroller General's letter transmitting that report:

> Our examination into the utilization of excess personal property by the Agency for International Development showed that in five aid-receiving countries U.S.-financed property purchases and planned purchases estimated at $2,840,000 could have been avoided and that additional purchases and planned purchases estimated at $660,000 probably could have been avoided if excess property already owned by the Agency or available from other Federal agencies had been substituted therefor.

I ask unanimous consent that the entire letter of the Comptroller General, dated April 12, 1965, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., April 12, 1965.

To the President of the Senate and the Speaker of the House of Representatives:

Our examination into the utilization of excess personal property by the Agency for International Development showed that in five aid-receiving countries U.S.-financed property purchases and planned purchases estimated at $2,840,000 could have been avoided and that additional purchases and planned purchases estimated at $660,000 probably could have been avoided if excess property already owned by the Agency or available from other Federal agencies had been substituted therefor. In certain cases, the Agency was financing the procurement of new equipment while the military departments and other Federal agencies were selling or otherwise disposing of excess stocks of the same or similar-type items.

Although considerable excess property had been transferred to aid recipients, we concluded from our review that little, if any, U.S. dollars were saved as a result of such transfers because the excess property was generally not substituted for proposed new purchases but was provided as additions or supplements to regular Agency-financed projects and programs. Such transfers of excess property result in additional expenditures of U.S. resources rather than in dollar savings to the United States. We see no basis for questioning the furnishing of excess property as supplemental assistance; however, we are concerned with the Agency's failure to place primary emphasis on those uses of excess property which would result in savings to the United States in view of the vast potential which exists for such savings.

Our examination covered only 5 of the approximately 85 aid-receiving countries. In those five countries we covered a limited number, but a wide variety, of U.S.-financed activities and we screened only a small percentage of the total available excess property. Accordingly, we estimate that the unnecessary procurements which we identified represent only a fraction of the total funds wasted by the Agency and that many millions of dollars annually can be saved if the Agency's overseas missions give reasonable consideration to the use of excess property in lieu of new procurement in the foreign assistance program.

In commenting on our findings on December 18, 1964, the Agency's Assistant Administrator for Administration referred to an April 13, 1964, memorandum from the Administrator setting forth policy guidance for utilization of excess property in the aid program. The Assistant Administrator stated that the memorandum recognized the need for the same corrective action indicated by our findings and that appropriate implementation by the Agency, generally of the letter and the spirit of the memorandum, would result in satisfactory corrective action.

Our analysis of the Administrator's memorandum and steps taken by the Agency subsequent to the issuance of that memorandum lead to the conclusion that additional positive steps are required to be taken by the Agency to achieve effective utilization of excess property in the foreign assistance program.

Accordingly, we are recommending generally that the Administrator, Agency for International Development, (1) require aid recipient countries to furnish more complete information on proposed U.S.-financed property purchases, (2) direct those individuals responsible for procurement activities to diligently screen proposed new procurements against excess property listings with the view of substituting available excess property in lieu of new procurement, (3) require a written certification from responsible individuals that, for each purchase of new property, either no suitable excess property was available or available excess property was not used for a stated reason, and (4) require appropriate review and policing of excess property utilization in the aid program.

We are reporting on this examination to apprise the Congress of our findings and of the measures which we believe are required to be taken by the Agency to bring about the significant economies to be achieved from the effective utilization of excess property in the foreign assistance program.

Our examination disclosed also that the Agency's annual program presentation to the Congress for fiscal year 1965 contained inaccurate and misleading statements and misrepresented the achievements of its excess property program. We are repeating our recommendation made to the Administrator of the Agency in previous similar instances that the Agency make more informative, clear, and accurate disclosure of significant data in annual program presentations.

Copies of this report are being sent to the President of the United States; the Secretary of State; and the Administrator, Agency for International Development.

JOSEPH CAMPBELL,
Comptroller General of the United States.

Mr. WILLIAMS of Delaware. The second report is dated April 15, 1965, B–114839. I read the first paragraph of the Comptroller General's letter accompanying this report:

> Unnecessary costs of as much as $1.2 million are being incurred annually because duplicate transportation services have been established by the Panama Canal Co. and the Military Sea Transportation Service for transporting cargo between New Orleans, La., and the Panama Canal Zone.

I ask unanimous consent that this letter from the Comptroller General be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 15, 1965.

B-114839.

To the President of the Senate and the Speaker of the House of Representatives:

Unnecessary costs of as much as $1.2 million are being incurred annually because duplicate transportation services have been established by the Panama Canal Co. and the Military Sea Transportation Service for transporting cargo between New Orleans, La., and the Panama Canal Zone.

The Canal Company operates a passenger/cargo steamship between New Orleans and the Panama Canal Zone to provide necessary passenger and cargo services for its own organization, the Canal Zone Government, and other Federal agencies. The Military Sea Transportation Service operates two cargo ships between New Orleans, Puerto Rico, and the Canal Zone and employs commercial carriers to provide similar cargo services for the military departments.

The consolidation of these services should result in a savings of as much as $1.2 million annually to the Government through eliminating the use of one ship and by substantially reducing the use of commercial carriers for transporting cargo between New Orleans and the Canal Zone. Although the Military Sea Transportation Service and the Canal Company officials have been aware of the duplication of shipping services between New Orleans and the Canal Zone for some time, and despite the fact that unnecessary costs of as much as $1.2 million annually could be eliminated by consolidation of these services, we found no evidence that these officials made a concerted effort to study and evaluate the situation with a view to removing the duplication and reducing the transportation costs to the Government. Since the Military Sea Transportation Service and the Canal Company have been providing duplicate shipping services between New Orleans and the Canal Zone since April 1961, the unnecessary costs incurred in the past 3 years as a result of this duplication could exceed $3 million.

The Panama Canal Company advised us of its agreement with the factual data contained in this report. The Department of Defense has agreed that there is some duplication between the operations of the Military Sea Transportation Service and the Panama Canal Company in the Caribbean area. The Deputy Assistant Secretary has advised us that all possible alternatives for eliminating the duplication in shipping services and the attendant unnecessary costs should be explored, particularly in the light of military requirements. The Department of Defense is therefore requesting the Secretaries of the Army and the Navy to undertake a joint study for this purpose. The Deputy Assistant Secretary has stated that we will be advised of the final decision in the matter when the study is completed. In view of the Department's contemplated study, we are not making any recommendations on this matter at this time.

In its report of June 23, 1961, on discontinuance of transportation of commercial cargo and passengers by the Panama Line, the Subcommittee on Panama Canal, Committee on Merchant Marine and Fisheries, House of Representatives, recommended that those charged with the responsibility of supplying the defense needs of the country on an economical basis take prompt steps to eliminate duplication of service between the United States and the Panama Canal Zone. In addition, the subcommittee agreed in the decision of the Canal Company to reduce the operation of the Panama Canal Line to a one-ship service between the Canal Zone and New Orleans for carrying Company employees and cargo. The subcommittee stated, however, that the necessity and economic advantage for continuing this service remained to be determined on the basis of future experience and felt that a close watch of the situation was warranted.

We are reporting this matter to the Congress because the recommendation of the above-mentioned subcommittee made in June 1961 has not yet been effected and because of the continuing substantial unnecessary cost that is being incurred.

Copies of this report are being sent to the President of the United States, the Secretary of Defense, and the Secretaries of the Army and the Navy.

JOSEPH CAMPBELL,
Comptroller General of the United States.

Mr. WILLIAMS of Delaware. The third report is dated April 19, 1965, B-146778. It deals with $30 million waste in the Defense Department. I read the first paragraph:

> Our review of a selected number of the item-reduction projects processed since 1959 under the Defense standardization program disclosed that potential savings of over $30 million in supply-management costs were lost as a result of administrative delays by the Army, Navy, and Air Force in recording decisions providing for the elimination of unneeded supply items. This amount is based on the Department of Defense estimate of $1,000 a year to manage an item of supply.

I ask unanimous consent that that letter from the Comptroller General be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 19, 1965.

B-146778.

To the President of the Senate and the Speaker of the House of Representatives:

Our review of a selected number of the item-reduction projects processed since 1959 under the Defense standardization program disclosed that potential savings of over $30 million in supply-management costs were lost as a result of administrative delays by the Army, Navy, and Air Force in recording decisions providing for the elimination of unneeded supply items. This amount is based on the Department of Defense estimate of $1,000 a year to manage an item of supply.

The process through which military users of supply items consider and decide which of a variety of similar items are to be retained and which are to be eliminated is time consuming and costly. The failure of responsible individuals to process the necessary paperwork on a timely basis to put these decisions into effect results in continuing management costs which should be avoided. Equally deplorable to the failures to perform assigned functions is the fact that responsible officials either were not aware of the situation or failed to accomplish the necessary corrective action in a timely manner.

We found that the services delayed on an average of almost 1 year the according in the Federal catalog system of more than 35,000 finalized item-reduction decisions. In addition, we noted approximately $52,000 in unnecessary supply-management costs because of the failure to record item-reduction decisions in supply records to avoid future procurement. In one case at an Army supply operation, the failure to properly annotate supply records as to item-reduction decisions resulted in procurement valued at $445,000, involving 13 supply items. These procurements took place during a 22-month period after the decisions were made to eliminate the items.

The first report issued on our review of item-reduction work accomplished under the standardization program was entitled "Lack of Progress Under the Defense Standardization Program Resulting in Unnecessary Procurement and Supply Management Costs for Electronic Items Within the Department of Defense" (September 1964, B-133313).

It identified the failure of the military services to coordinate standardization decisions because of administrative and procedural deficiencies, and it identified inaccuracies in reporting program accomplishments to the Congress. As shown in the enclosed report, many millions of dollars in additional unnecessary supply-management costs have been spent because item-reduction decisions providing for the elimination of unneeded items were not recorded on a timely basis.

We are reporting these matters to the Congress because of its continuing interest in the defense standardization program and because of the significant effect of the deficiencies identified during our review on the objectives and accomplishments of the program.

Other General Accounting Office reports also illustrate the deficiencies in standardization that prevail throughout the military supply system. In the area of military clothing and textiles, we have issued a number of reports concerning the failure to standardize such items as tropical wool trousers, utility caps, and Navy officers' dress shoes. These reports were forwarded to the Congress during the period October 1961 through June 1964 under our control No. B-133177.

The Department of Defense expressed general concurrence in the conclusion of our report and advised that revised procedures had been issued to insure proper implementation of item-reduction decisions and to correct previously existing deficiencies. In view of the corrective action taken subsequent to our bringing this matter to the attention of responsible officials, we are making no further recommendations at this time. However, we plan to evaluate the effectiveness of these revised procedures after a period of implementation.

Copies of this report are being sent to the President of the United States; the Secretary of Defense; the Secretaries of the Army, Navy, and Air Force; and the Director, Defense Supply Agency.

JOSEPH CAMPBELL,
Comptroller General of the United States.

Mr. WILLIAMS of Delaware. Mr. President, I shall not incorporate the answers furnished by the various agencies in reply to the Comptroller General's reports. They are the same excuses which the same agencies have been making over the past 15 years when other incidents of waste have been called to their attention, they just promise they will do better next time. The only way to accomplish the reforms necessary to eliminate these unnecessary expenditures is by firing some people, as would be done in private industry, and not by acceptance of some Milquetoast reply that "We will do better next time."

It is about time that the Government got rid of the people responsible for this waste.

TEACHER TRAINING GRANT BY MINNESOTA MINING & MANUFACTURING CO.

Mr. McCARTHY. Mr. President, the Minnesota Mining & Manufacturing Co.

of St. Paul, Minn., recently announced a $1.5 million grant to assist the colleges of the United States in teacher training.

The 3M Co. is distributing individual grants of $2,000 in teaching tools and reference materials to each of the 700 accredited teacher training colleges in the Nation. The materials are designed to enable future teachers to have experience with modern teaching techniques.

This is the second extensive grant made by the Minnesota Mining & Manufacturing Co. In 1963 the 3M Co. awarded $1.5 million in equipment to 500 public, private, and parochial schools across the Nation.

In announcing the awards Mr. R. H. Herzog, vice president, 3M Co., stated:

> The 3M Co. feels strongly that the business community has a very real stake in our educational system. In the largest sense, our national well-being is dependent upon the effectiveness of the schools in turning out an educated citizenry. But I think we must also recognize that our free enterprise system cannot flourish unless our people are educated.
>
> Our great corporations know only too well that they cannot grow and prosper without an abundant supply of superior, well trained, well educated executives * * *. A good education may not make a good manager but it is difficult to conceive of an effective manager today who is not well educated. The successful manager of today must be a man who can recognize, absorb, and apply knowledge. This is something that can—and indeed must—be taught in schools.

I commend the Minnesota Mining & Manufacturing Co. for making this award and for their contribution to the teacher training colleges.

CENTENNIAL CELEBRATION OF JEAN SIBELIUS

Mr. McCARTHY. Mr. President, the American people have long had a high regard for the people of Finland and for the courageous efforts of this nation to maintain its freedom against invasion and serious threats to its autonomy.

The culture, the character, and the industrious habits of the Finnish people are well known in Minnesota, the State to which many thousands of Finnish immigrants came to make their homes and to contribute to the development of our State.

The bond with Finland has also been strengthened by the arts, and in a most special way by the works of the composer, Jean Sibelius. His music is enjoyed for its own greatness by people around the world; some of his works, "Finlandia" in particular, are a moving reflection of the desire of the Finnish people for freedom—and thus in a broad way they have become an expression of the will of all peoples to be free.

This year is the centennial of the birth of Jean Sibelius, and in Finland the event is being celebrated as a festival year.

The centennial celebrations in the United States are being held under the patronage of the President of the United States and Mrs. Lyndon B. Johnson and the President of the Republic of Finland and Mrs. Urho K. Kekkonen. The honorary patrons are the Secretary of State and Mrs. Dean Rusk and the Minister for Foreign Affairs and Mrs. Ahti Karjalainen.

I ask unanimous consent to have printed in the Record at this point the statements of President Johnson and of President Kekkonen of Finland regarding the centennial celebration of the birth of Jean Sibelius and also the names of the honorary chairmen, chairman, and members of the national sponsors committee of Sibelius celebrations in the United States.

There being no objection, the statements and names were ordered to be printed in the Record, as follows:

Statement of President Kekkonen

Finland will celebrate 1965, the centennial of the birth of Jean Sibelius, as a festival year. In the long history of music, few composers have reflected the faith of a nation to the same extent as Sibelius' music reflects the faith of the Finnish people. Some of his works have come to symbolize the desire of the Finnish people for freedom, and the greatest of them have given the world high examples of Finnish cultural achievement. But the art of Sibelius, springing from a national context, has grown until it can be said to belong to humanity as a whole. I am proud and happy that the American people, whose interest in the music of Jean Sibelius has always meant so much to us, are honoring with affection and appreciation the memory of our great composer.

Urho K. Kekkonen.

Statement of President Johnson

We in America celebrate this year the centennial of the birth of Jean Sibelius, the great Finnish composer. His achievement has become a part of the world's cultural heritage. Through his art, Sibelius has made an enduring contribution to the enrichment of the human spirit, and his music continues to bring enjoyment to people throughout the world. For us, as for the people of Finland, his "Finlandia" has become a symbol of man's indomitable will for freedom. We are therefore proud to join in doing homage to this son of Finland during Sibelius Year.

Lyndon B. Johnson.

National Sponsors Committee

Honorary chairmen: The Ambassador of the United States to Finland and Mrs. Tyler Thompson; the Ambassador of Finland to the United States and Mrs. Olavi Munkki.

Chairman: Mrs. Serge Koussevitzky.

Members: Marian Anderson, Mrs. Robert Low Bacon, Sir John Barbirolli, Mrs. August Belmont, Leonard Bernstein, Rudolf Bing, Mr. and Mrs. Leonard Carmichael, Walker L. Cisler, James A. Farley, Zino Francescatti, Rudolf Ganz, Benjamin Grasso, Lauder Greenway, Peggy de Gripenberg, Walter Hendl, Jascha Heifetz, V. A. Heiskanen, Väinö A. Hoover, Walter Hoving, Edwin Hughes, Thor Johnson, Erich Leinsdorf, Mr. and Mrs. John A. Logan, G. Hilmer Lundbeck, Alfred Lunt and Miss Lynn Fontanne, Raymond K. Luomanen, Bernard B. McMahon, Lorin, Maazel, Jean Martinon, Yehudi Menuhin, Howard Mitchell, Charles Munch, Harry C. Moore, Mrs. Clifton J. Muir, Herman Neuman, Tore H. Nilert, Eugene Ormondy, Paul Paray, Samuel F. Pryor, Ruggiero Ricci, Hugh Ross, Mr. and Mrs. Carl T. Rowan, Arthur Rubinstein, Julius Rudel, Aline Saarinen, Thomas Scherman, Rudolf Serkin, Fabien Sevitzky, William Schuman, Harold Spivacke, William Steinberg, Isaac Stern, Leopold Stokowski, George Szell, Mrs. Helen M. Thompson, Henry A. Thouron, Kurt Weinhold, John H. Wuorinen.

Counselor: Antero Vartia, Embassy of Finland, Washington.

Secretary: Edith Nykänen, Consulate General of Finland, New York.

COMBINATION OF NATIONAL GUARD AND ARMY RESERVE INTO SINGLE RESERVE COMPONENT

Mr. BREWSTER. Mr. President, the efficacy of the proposal to combine the National Guard and the Army Reserve in a single Reserve component is everywhere a matter of interest and debate.

The Defense Department plan is being carefully considered by the appropriate committees of both the House and Senate. It is being argued by every citizen involved in the Reserve system and concerned for the security of our Nation.

On April 8, I was invited to address a dinner meeting of the Association of the U.S. Army at the Pikesville Armory in Baltimore County. In the remarks which I prepared for this occasion, I tried to present a clear and concise description of Secretary McNamara's plan. I tried to emphasize that it was only a plan—a proposal—one requiring careful congressional study and congressional approval before implementation.

Mr. President, I congratulate the Senator from Mississippi [Mr. Stennis] and Representative Hébert on the painstaking review and evaluation of the merger proposal which they are currently directing, and I ask unanimous consent to have printed in the Record the address which I prepared for the Association of the U.S. Army.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech Before the Association of the U.S. Army, Pikesville Armory, April 8, 1965

General Van Brunt, General Reckord, General Train, ladies, and gentlemen, I am honored by your invitation and happy to find myself again on the platform at the Pikesville Armory. This building and the 5th Regiment Armory have provided the backdrop for some of the most colorful and historic political conclaves in recent years.

These famous armories have also been the traditional homes and headquarters for the thousands of Maryland citizens who have served this State and this Nation so valiantly in times of peace and of war. Maryland's 29th Division is steeped with tradition. Few, if any divisions have a longer history or more valiant record. Men from this State have served and sacrificed as members of the 29th Division in World War I, on the Normandy beaches in World War II, in Korea, in the Cuban crisis, and the Berlin crisis. We would be remiss if we did not pause here for a moment to pay tribute to these men.

I am certain that every family represented in this audience has seen one of its sons in uniform. There is hardly a man here who has not himself served in the Army, Navy, Marine Corps, or Air Force during the 24 years since the 110th Field Artillery left this armory for the battlefields of World War II.

I need not tell you the meaning of military service. I need not tell you that the necessity for military service can be expected to continue as far into the future as you and I can see.

The President's eloquent address here in Baltimore last night, while it gives us renewed hope that our struggles in South Vietnam can be redirected toward an increased multilateral participation and economic involvement, rather than an escalated military involvement. But, the need for the maintenance of Active Forces and Reserves in a high degree of readiness will continue.

As a Marine veteran, a member of the House Armed Services Committee during my congressional term, and a present member of the Senate Armed Services Committee, I can assure you that no one is more concerned or interested in the complex problems of military preparedness than I. When I was invited to speak to you this evening, it was suggested that I might direct my remarks to the current discussion surrounding the reorganization of the Army Reserves. It seemed to me that this topic would be of great interest to many of you.

At the close of World War II, the Reserve Forces Policy Board sat for many months, under the chairmanship of our own General Reckord, for purposes of drawing a plan for the organization of the Reserves in the postwar era. This plan was not unlike that now being proposed by Secretary McNamara though it provided for the retention of 18 divisions. It was accepted by the Pentagon, but never implemented. Instead, with demobilization as the watchword, and future aggression seemingly incredible, returning veterans organized themselves into Guard and Army Reserve units almost according to personal interest and preference.

Twenty years have passed. Though it seems only yesterday, even the Korean emergency occurred 14 years ago.

The Cuba and Berlin crises are more immediate—more typical of the kind of rapid response commensurate with contemporary communication and weaponry. These more recent challenges, each of which required the selected call-up of certain Reserve and Guard units, provided us with a test—an experience which brought certain facts about the structure and equipment of our Reserve Forces into bold relief.

I am sure you all recall the publicity, both good and bad, attendant on these call-ups. The necessity for a careful study of our organizations and their readiness was demanded and required.

This study established what experience had shown—that there was a serious imbalance in our Reserve Forces between manpower and equipment; that of the total authorized Reserve strength of 700,000. Only about 450,000 men were in units adequately manned and equipped. The remainder were in units of 60 percent strength, marked with low priority, and boasting little or no equipment. In many instances, the skills and equipment represented in these units was no longer required for mobilization, and their equipment cost would add $10 billion to the budget.

This study pointed its finger at another question—the dual management system and the separate chains of commands involved in the Guard and Reserve organization. The proposal for reorganization now promulgated by Secretary McNamara is the Defense Department answer to the problems which we face in the call-ups for Cuba and Berlin and the weaknesses cited by the study committee.

The Secretary's announcement of the merger plan has created a storm of protest and misunderstanding. It seems to me important to attempt to clarify certain aspects of the issue here tonight.

First of all, one cannot argue with the Nation's need to tailor the Reserve components to the requirement of national security and national strategy. Second, the proposal promulgated by Secretary McNamara is only a proposal. To be effected, it must secure the endorsement and funding of the committees of both the House and the Senate.

The Armed Services Subcommittees on both sides of Capitol Hill have recently taken extensive testimony from Secretary McNamara and Secretary of the Army Ailes relative to the reorganization. I think I can assure you that, whatever position you may have, that position will have been expressed in the testimony of your elected and professional representatives before the committees. I think I can assure you that these committees, deeply concerned for the defense of this Nation, will make the wise determination.

I am sure that you would agree that considerations of security must come first. Our preparedness is our protector. Being prepared to fight the last war is not to be prepared at all. In the forties and the fifties, the oceans gave us time. They permitted us to come from behind and to catch up—to muster our forces over many months. Today the Military Establishment must be ready to react in an instant. It must serve to deter through a strength in being and in evidence.

An effective Reserve Force today must have the capability for mobilization and deployment within 4 to 8 weeks. This compares to nearly 1 year for mobilization to readiness in World War II; 6 months in the Korean war; and 3 months in the Berlin crisis.

Both the Guard and the Reserve have come a long way on the "make do, can do" spirit. I believe that there is no practical limit to what they are capable of if organized efficiently and equipped accordingly. Secretary McNamara insists that the reorganization plan is aimed at this.

Let me take a minute, at this point, to sketch out the general features of the new reserve program as Secretary McNamara has proposed it.

In order to provide a reserve structure which will produce at the right time the numbers and kinds of units in a state of readiness required by current defense plans, the Secretary would provide the Active Army with the capability for quick reinforcement and general mobilization through the development of a series of high priority units at between 80 and 100 percent personnel strength, well trained, and fully equipped.

To accomplish this, the Secretary proposes the retention of those National Guard and Army Reserve units actually required in the event of a crisis. He proposes to organize these units under the single command structure of the National Guard, and utilize the savings resulting from this reorganization to purchase the necessary equipment to bring the retained units to full readiness.

This brief outline gives immediate rise to certain questions. First, why has the National Guard been chosen as the organizational structure, rather than the Army Reserves. The answer to this question is both constitutional and traditional. The Bill of Rights provides for a well regulated militia, and the constitutions of our several States provide for the raising of Guard units and their command by the Governors. History has seen the callup of National Guard units on hundreds of occasions since the founding of this Nation. Their utilization in times of violence or disaster, as a means through which the Governor exercises his police power and his humanity, have been traditional and invaluable.

In the past 2 years, there have been 35 deployments of our own Guard here in Maryland. They have served on search and rescue missions, at aircraft disasters, in the aftermath of the 1962 coastal storm, and for 13 months in Cambridge. They have served without pay or for slight compensation.

It was 5,000 men, serving at great personal sacrifice, away from home and family, who made it possible for this State to resolve successfully, without death or serious injury, the kind of racial crisis which has required Federal assistance in other States. I salute these guardsmen, and their commander, Gen. George Gelston. These men responded to a brave, skillful, and talented leader in the finest traditions of their service and their country.

Let me return to the questions raised by the new reorganization proposal. If the rationale for the selection of the National Guard as the single command structure is accepted, then what becomes of the Army Reserve?

The Army Reserve today consists of approximately 4,100 company and detachment size units with some 680,000 individual reservists, of whom 300,000 are in authorized paid drill status. In the realinement plan, almost all Army Reserve personnel will have the opportunity to transfer to the National Guard. They will not be required to do so, since the National Guard is a voluntary force. It is expected, however, that the great majority will desire to continue their participation in the Reserve forces, and their contribution to American security. Ready Reserve personnel not assigned to units and members of the standby and retired Reserve are not affected.

Let's bring this thing home to Maryland. There are presently 132 National Guard and Army Reserve units in Maryland, with a total enlistment of 12,180 men and women. Under the reorganization plan, the number of units will be reduced to 93, and the number of personnel to 10,258. These figures indicate a sharp cut in number of units, but only a very slight cut in personnel. The explanation, of course, lies in the fact that the 93 units to be established will be enlarged and brought to nearly 100-percent strength. Some personnel will be lost through attrition, and a few Army reservists may not elect to participate in the new Guard structure. It is not anticipated that any person desiring to participate will be refused, since each of the new units will be allowed to operate at more than 100-percent strength if necessary.

The decision on the units to be required under the new reorganization plan will be made jointly by the Department of the Army, the staff committees of the National Guard and the Army Reserve, the State Governors, and the adjutants general. A proposed troop list for each State has been prepared by the Department and submitted by the National Guard Bureau to the States for approval. It is my understanding that, this week, under the overall direction of General Reckord, there is a committee composed of senior Guard and Reserve officers meeting at Fort Meade in an effort to work out the details of the merger.

The early selection of this committee, and its daily application to the task, are an indication of the kind of alert and forward leadership which has characterized both Guard and Reserve units in this State. It means that when and if the new plan is implemented, Maryland will be ready for a smooth transition.

If congressional approval of the reorganization plan can be presumed, Secretary McNamara has called for the realinement to commence about June 1, and to be completed by March 31, 1966. During this period, I have been assured by General Reckford and General Gelston that the unit readiness will not be impaired by the necessary transfers and that the final reorganization in Maryland will probably absorb every interested reservist without marked inconvenience to him in his continued participation. General Gelston has told me that present indications are of a high reaffiliation rate among Army Reserves.

From the beginning of my remarks, I have emphasized that the reorganization announcement made by Secretary McNamara constitutes only a proposal or a plan—a plan requiring congressional approval. Let me close with a few remarks about the congressional situation.

The Senate Preparedness Subcommittee, chaired by Senator STENNIS, and a House Armed Services Subcommittee, chaired by Congressman HÉBERT, have been holding extensive hearings and directing probing questions at Secretary McNamara and Secretary Ailes.

The Defense Department has contended that no authorizing legislation is necessary to effect the merger of the Reserve and the

National Guard. This would mean that the Appropriations Committees of the House and Senate would be the responsible legislative bodies capable of effecting the Department's plans through their power to appropriate the necessary funds for the implementation of these plans.

But the Armed Services Committees of the House and Senate see this matter differently. They contend that the proposal of the Secretary is a policy matter—a preparedness matter. Their hearings are a consequence of this determination. If these authorizing committees are to affect the implementation of the Department's plans, they must do so through the mechanism of a report and recommended legislation sent to the floor of the House and the Senate, requiring the maintenance of a minimum strength of both National Guard and Army Reserve units.

I can report that the committees appear sharply divided at the moment. Any prediction on the ultimate outcome would be pure guesswork.

One thing seems certain, however. What really counts in the readiness and morale of our Reserve Forces is not the name of the individual unit, but the individuals who form these units. The benefits to be derived from any reorganization—this one or some other—can come only from the hard and dedicated effort of every participant in each unit. Neither guardsmen nor reservists are strangers to this type of effort. The past performance of our guardsmen and reservists gives me complete confidence in the quality of their future service.

Distinguished guests, ladies and gentlemen, I salute the members of the 29th, and predict that, if they must transfer, they will become the best brigade in the 28th.

AID TO EDUCATION

Mr. BREWSTER. Mr. President, recently, Congress passed and the President signed the most comprehensive aid to education measure in this Nation's history. I was proud to support the legislation and to assist in its early enactment.

Expressions of enthusiasm for the purposes and policies embodied in this legislation have flooded my office. They continue to arrive.

Mr. President, I ask unanimous consent to have the lead editorial, published in the Baltimore Sun, April 13, 1965, which includes the remarks of Dr. James A. Sensenbaugh, Maryland's distinguished superintendent of schools, printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

In a Country School

It was wholly in keeping with his rural upbringing for President Johnson to go back to the one-room country schoolhouse in Texas, where he began the long climb toward learning, to sign the bill authorizing the vast new program of Federal aid to education. The one-room schoolhouse has long since passed from the lives of most of the Americans living today, but for men and women of the President's generation who were raised on farms the small rural school will always stand as a symbol of many fundamental aspects of education, such as the skill and devotion of teachers, the long-lasting effect that capable instructors exert on their pupils, and the fact that books and teachers are more valuable than big, new buildings.

The new bill and the boys and girls it is intended to help have little more than history in common with the one-room country schoolhouse. But history is important, and the contrast between Mr. Johnson's old school and the complex of modern problems—centering in the cities—toward which the Federal bill is directed helps to underline the fact that this is a major program which now challenges the ingenuity of State and city educators as much, if not more, than a roomful of lively boys and girls, ranging from the first to the eighth grades, challenged the country schoolteacher.

The bill is not intended to relieve States or communities of their present burdens, but to help them to do more and better work in areas which need attention. Its emphasis is on low-income families which may be aided, by new measures ranging from preschool education to efforts to reduce early teenage dropouts, to lift themselves and their children from the poverty level. There is a difference of opinion, of course, about the bill's special provisions under which parochial school pupils may benefit—and this may not be settled until the issue has been tested in court—but for the time being the significance of the bill is that it will make Federal funds available where outside help seems to be needed.

Dr. James A. Sensenbaugh, Maryland's superintendent of schools, deserves special mention for his comment yesterday. He said that educators have always said in the past that they couldn't do what they wanted to do with the money they were given. Now, he said, "we have an obligation to use our best thinking to come up with new ideas." That kind of an approach, and emphasis on the point that initiative should come from the community rather than from the Federal Government, will help to justify the bill and quiet the fears of citizens who feel that today, as in the time of the one-room schoolhouse, education should begin as close to home as possible.

Mr. BREWSTER. Mr. President, I also ask unanimous consent to have the recently adopted statement of the Council of Orthodox Synagogues of Greater Washington in support of S. 370 printed in the Record.

There being no objection, the Statement was ordered to be printed in the Record, as follows:

Statement by Council of Orthodox Synagogues of Greater Washington on S. 370, the Elementary and Secondary Education Act of 1965

The Council of Orthodox Synagogues of Greater Washington, which represents nine synagogues in the Washington area, and, through them, the entire Orthodox Jewish Community of Greater Washington, unqualifiedly supports S. 370, the Elementary and Secondary Education Act of 1965. We share with all Americans of every race and creed the vital interest all have in improving the quality of public and private education and making knowledge fully available to the future generations of this country's citizens. There can, indeed, be no more certain insurance for the continued prosperity and well-being of the United States than a firm commitment of this Nation's resources toward the goal of superior educational opportunity for all. We view the proposed legislation as a sound and necessary step in that direction.

Our religious heritage also gives us a particular interest in this legislation. The Jewish people have come to be known as the "People of the Book," and our traditions have taught us reverence for learning and for scholarship, of both secular and religious. As Orthodox Jews we are concerned not only with training our children in the sciences and humanities, but in transmitting to them an understanding of and appreciation for the Jewish traditions which have kept our faith alive for almost the full recorded history of man. Experience has demonstrated that the most effective means of achieving this dual result is through the Jewish Day Schools, which supply children of the Jewish faith with a comprehensive secular education side-by-side with a Jewish religious program of study. There are now 272 such schools throughout the United States—two of which are in Washington, D.C.—and they operate autonomously as privately sponsored institutions supported by tuition-paying parents and voluntary contributors. These schools maintain exceedingly high standards in both their curriculums, and their graduates have distinguished themselves in various professions and community positions as well as in Jewish religious life.

The proposed legislation would alleviate the financial burden now borne by the parents of the children attending these schools, most of whom are of moderate means. It would do so by providing library and other books to be used in the secular curriculum of those schools, and by allowing the day schools, together with other public and private schools, to use the facilities of supplementary educational centers which could make available laboratories and other facilities, supplies, or services which strain the modest budgets of these institutions. Since the day schools provide a secular education which is equal to that given students in public or nonsectarian private schools, it is only fair to allot equal Federal assistance for these community services. Any exclusion for schools of this character from a program of Federal assistance for secular education merely because these schools offer, in the same building and as a part of the same day's course of study, classes aimed at fostering appreciation for and observance of Jewish traditions, would penalize children because of their faith. We believe that the first amendment's guarantee for the free exercise of religion as surely forbids such discrimination as does its prohibition against the establishment of religion proscribe direct support for any single religious cause.

The present legislation, S. 370, insures equal treatment for all institutions which mold our country's destiny by educating future generations in the sciences, humanities, and in the principles of loyal American citizenship. Since Federal assistance is necessary and since the legislation's standard is, in our view, one of the few permissible ones by which such assistance can be distributed, we unqualifiedly support S. 370 and urge its adoption.

PROPOSED AMENDMENT OF HATCH ACT

Mr. BREWSTER. Mr. President, some time ago, I introduced S. 1474 which would establish a bipartisan Commission of 12 members, including 2 from the Senate and 2 from the House, to suggest ways in which the Hatch Act might be amended to enable Government employees to participate more fully in civic and political affairs locally.

I am happy to report that the chairman of the Subcommittee on Privileges and Elections of the Rules Committee, the Senator from Nevada [Mr. Cannon], has agreed to hold early hearings on this measure.

I ask unanimous consent to have printed in the Record an editorial published in the Washington Evening Star on April 14, 1965, supporting the measure which would establish such a Commission.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Back to the Hatch Act

In refusing to authorize Government workers to participate in purely local politics on a partisan basis, the Civil Service Commission did not specifically contest the good sense of that proposal. But it passed the buck, with the comment that such a change should "more appropriately be considered by Congress."

This is a disappointment. For surely the spirit of the Hatch Act, and of the safeguards which that statute provides for the Federal career service, would not be abused by a Government employee who takes an active part in the local political affairs of his community. The fact is, of course, that some Government workers already do so. But they are forced, as the rules now stand, to circumvent the normal political structure and to participate only under the label of nonpartisan organizations. In an area such as Washington's, where so many citizens are affiliated with the Government, the effect is to sharply diminish the base of effective local leadership.

The Civil Service Commission position is, as we understand it, that this issue ought to be considered as part of a review of the Hatch Act as a whole. And such a review, along the lines proposed in a bill by Senator BREWSTER of Maryland, is no doubt in order after all these years.

But the trouble is that an extensive review and overhaul of the act is also an exceedingly complex proposition, on which Congress is not apt to complete any legislative action soon. Local political leaders, who are seeking a simple change in the civil service regulations to deal with the problem of local political participation, have now asked Commission Chairman John Macy for a hearing in order to further discuss the proposal. We think that request, at least, should be granted.

THE 50TH ANNIVERSARY OF MASSACRE OF ARMENIANS BY TURKS

Mrs. SMITH. Mr. President, the 50th anniversary of the Turkish genocide of the Armenians brings to mind not only the great self-sacrifice of this virile though ancient nation in the interest of virtuous government and human rights, but the important contributions made by the Armenians to the Allied war effort of 1915-18 as "The Little Ally" of the West.

The Armenians, although the smallest of the Allied nations to participate in the struggle against Germany and Turkey in World War I, contributed more to the Allied cause in terms of casualties than any other single allied state, large or small.

It is not generally known that when the Russian armies withdrew from the Caucasian front in 1917, the Armenians, scarcely 2 years after the terrible blood bath of 1915 which had been designed to destroy their nation, fielded an army and, in a series of brilliant campaigns, prevented the Turks from winning the oil reserves at Baku for use of the German war machine. These victories forced Turkey to recognize the newly formed independent Armenian state.

Such great sacrifices and devotion to the cause of freedom must not be forgotten in this year 1965, one-half century removed from the tragic events of 1915.

MEDICARE FOR THE AGED: SOCIAL SECURITY COVERAGE FOR DOCTORS

Mr. YOUNG of Ohio. Mr. President, it is heartening to know that the Senate Committee on Finance is working intensively to draft a report to the Senate on the administration bill, as amended, providing medical, hospital, and nursing home care for the elderly under social security coverage, commonly referred to as medicare.

Of course, the political doctors who control the House of Delegates of the American Medical Association oppose this bill, as they have always opposed every movement to better the health of the American people.

Furthermore, under the auspices of the political doctors heading the American Medical Association, referendums have been taken in various States of the Union—including my State of Ohio—and in every instance the physicians and surgeons in those States responded to the referendums by invariably voting by a percentage of 67 percent or more in favor of including doctors under social security coverage.

However, despite that, the American Medical Association's ruling clique continues to oppose social security coverage for physicians and surgeons. At the present time the medical profession is the only profession not included under the beneficent provisions of our social security laws. Of course, our social security system should be universal. It should apply to all, employed and self-employed alike.

Recently, Dr. W. E. Lockhart, writing in the Texas Journal of Medicine, stated:

> In the decades that will come, historians, doctors and statesmen may marvel that the medical profession almost always took the conservative stand against progressive measures. * * * 20 years ago we opposed Blue Cross, fearing that this would lead to socialized medicine. * * * We doctors opposed Federal aid to medical education although we knew that medical schools had inadequate financing. * * * We are now opposing medical care for the aged under social security—actually a conservative measure that will become law and will be accepted by the American people. Why cannot medical leadership pick a winner in one race?

Mr. President, that was the statement of an eminent doctor from Texas. Many physicians and surgeons oppose the reactionary policies of that small group of political doctors who control the AMA. May I conclude by repeating a short statement recently made to me by an Ohio physician, a personal friend of mine:

> Most hospitals have the recovery room in the wrong place. It should be next to the cashier's office.

JOHN L. SWEENEY, FEDERAL COCHAIRMAN OF APPALACHIAN REGIONAL COMMISSION

Mr. BYRD of West Virginia. Mr. President, the Appalachian Regional Commission held its first meeting this week and began the work of this important program. Since an important aspect of the program will be its administration, I believe it is essential that we know the man who will be in charge of carrying out the day-to-day tasks. He is Mr. John L. Sweeney who is the Federal Cochairman of the Commission.

An interview with Mr. Sweeney was reported in the Charleston, W. Va., Gazette on April 19, 1965. It portrays him as an industrious, resourceful, hardworking public servant.

I ask unanimous consent to insert the article in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SWEENEY: AMERICA'S ENVOY TO APPALACHIA

(By Harry Ernst)

WASHINGTON.—In the life of John L. Sweeney, theory and practice have frequently clashed and theory almost always has lost.

Sweeney, a 37-year-old combat veteran of American politics, recently was appointed by President Johnson, confirmed by the Senate and sworn in as Federal Cochairman of the Appalachian Regional Commission at an annual salary of $27,000.

With a $1.1 billion carrot and veto power over its spending as an imposing stick, Sweeney is the man who has to keep aid to Appalachia from becoming just another pork barrel.

His job will be essentially the same as that of a diplomat. As U.S. Ambassador to 11 States, he has to forge a regional development program that transcends State boundaries while keeping the natives and his Federal partners happy.

They include 11 Governors, ranging in politics from the racism of Alabama to the relative liberalism of West Virginia; their sometimes independent department heads; and a dozen Federal agencies that will be involved in the program.

If success emerges from such a melting pot of bureaucracy, Sweeney will be hailed as the first architect of President Johnson's creative federalism. If he fails, the State Department can always find a new country in Africa where it can dispatch a used diplomat.

A Chicago native, Sweeney clashed with theory when he enrolled at Michigan State University and discovered the serene academic life costs money. So he developed his character by driving a taxicab and bartending while working his way through school.

The State Department couldn't have come up with a better description of a skilled diplomat—the type of personality needed to keep aid to Appalachia from degenerating into an 11-State free-for-all.

Practical politics lured him away from the classroom and shattered some of his favorite theories.

Sweeney served as legislative secretary to former Gov. G. Mennen Williams, of Michigan, for 4½ years, then became legislative assistant to Senator PAT MCNAMARA, Democrat, of Michigan, and later staff director of the Senator's labor subcommittee.

After moving to Washington, Sweeney was so used to working and going to school that he couldn't resist obtaining a law degree from George Washington University by attending night classes.

"I have changed every one of my ideas about politics since coming to Washington," he observed. "I have learned the necessity for compromise in transferring the objectives of politics into public policy."

He thinks his best teacher has been President Johnson and his practice of consensus. And he has grown fond of Congress as "an immensely effective and responsible organization," although in his student days he considered it a historical hangover.

"The Appalachian development program," Sweeney thinks, "is a perfect example of how a useful program can result 'from an enormous amount of compromising'."

In 1963, he was appointed Executive Director of the President's Appalachian Regional

Commission and the following year became Chairman of its successor, the Federal Development Planning Committee for Appalachia.

President Johnson undoubtedly chose Sweeney, a cool midwesterner who never could be mistaken for a hillbilly, to serve as Federal commander of Appalachian development because of his knowledge of the delicate compromises that shaped the program.

Sweeney thinks two key decisions kept the program from fading away even before it reached Congress.

One was winning the support of conservative governors by limiting the program to financing public facilities and by giving them veto power over projects in their States.

The other was uniting the dozen Federal agencies behind the program by giving them the funds and responsibility for implementing the parts of it that are their traditional concern. They undoubtedly would have fought any effort to create a TVA-style Appalachian authority that would have displaced them.

Will Sweeney be as successful in implementing the Appalachian development program as he was in helping to establish it?

"He has one of the best minds I've seen," a coworker commented. "He has a terrific ability to express himself clearly and knows the best ways to persuade people to agree with him."

PROMPT ACTION ON IMMIGRATION REFORM LEGISLATION NEEDED

Mr. JAVITS. Mr. President, the Immigration and Naturalization Subcommittee of the Senate Judiciary Committee has pending before it important immigration reform legislation in the form of S. 500, introduced on behalf of a number of Senators by the Senator from Michigan [Mr. HART]. Another measure pending before the subcommittee is S. 1093, an immigration reform bill, which I introduced on February 10 together with the Senator from Pennsylvania [Mr. CLARK] and the Senator from Oregon [Mr. MORSE].

Some of the ways in which this measure differs from S. 500 are: First, provisions to accelerate the 5-year phase-out of the national origins quota in line with the prompt elimination by the bill of similar discrimination in the Asian-Pacific triangle; second, establishing of authority for judicial review of claims to U.S. nationality under the Administrative Procedure Act or Declaratory Judgment Act; third, the establishment of the 10-year statute of limitations for deportation cases; and, fourth, the creation of a Board of Visa Appeals in the Department of State to review, upon the request of the Secretary of State, any consular officer concerned, or of any person aggrieved all decisions denying or revoking visas or extensions thereof or the application of any State Department immigration regulations.

The latter two proposals were endorsed by the Association of the Bar of the State of New York in 1961 during its consideration of S. 551, immigration reform legislation which I introduced in the 87th Congress.

On April 1 of this year, the report of the Committee on Federal Legislation of the New York State Bar Association was published. The report urges the prompt enactment of S. 500 and favors the inclusion in S. 500 or enactment of separate legislation containing the provision of S. 1093 establishing a 10-year statute of limitations for deportation cases. On March 29, the New York County Lawyers' Association's Committee on American Citizenship issued its report also favoring enactment of S. 500.

I hope that the subcommittee will give both S. 500—which I have cosponsored—and S. 1093 its serious consideration, along with other measures, pending before it, and that prompt and favorable action will be taken by the Senate to enact badly needed immigration reform legislation during this session of Congress. It is time for the patchwork and piecemeal approach to immigration reform to be overhauled and a comprehensive new law codified.

It has been a decade since our immigration wall was perpetuated by the Immigration and Nationality Act of 1952, better known as the McCarran-Walter Act. Time and experience have more than dramatized the fact that, as its opponents contended 11 years ago, it is perhaps as unique a law as we have on our statute books. But these 11 years have also produced an atmosphere of political helplessness to exasperate even the most determined immigration reformers, so that today most are resigned to the now annual practice of settling for piecemeal revisions or temporary relief, rather than an effective overhaul of our entire policy of immigration. The backdoor methods Congress has used to cover up deficiencies in the basic law is the greatest proof of the law's inadequacies. Since the McCarran-Walter Act was enacted, Congress has passed special, short-term immigration and refugee legislation which has had the cumulative effect of admitting into the United States more than twice as many persons as permitted under the basic McCarran-Walter Act.

I ask unanimous consent to have printed in the RECORD the report by the Committee on Federal Legislation of the New York State Bar Association.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NEW YORK STATE BAR ASSOCIATION—A REPORT BY THE COMMITTEE ON FEDERAL LEGISLATION

(The President's proposals (S. 500, H.R. 2850) to amend the immigration laws to abolish the national origins system and to effect other reforms)

On January 13, 1965, President Johnson proposed to Congress that the national origins quota system for admission of immigrants be eliminated over a 5-year transition period and replaced by a system based upon the merits of each individual applicant as measured by, e.g. his skills, his relationships to persons living here, or his flight from political oppression.[1] These recommendations are contained in S. 500, introduced by Senator HART and 32 other Senators including JAVITS and KENNEDY of New York and in H.R. 2850, introduced by Congressman CELLER.[2]

More specifically, the principal proposals of S. 500 are:

1. "Phase-out" of the national origins quota system over a 5-year period by reducing such quotas 20 percent each year and transferring the numbers so released to a quota reserve pool. Thus in the first year, 20 percent (roughly 32,000) would be released to the pool; in the second year 40 percent (or 64,000) would be in the pool; until in the fifth year and thereafter, all quota numbers would be allocated through the pool. During the transition period the pool would be made up of the above released numbers and unused numbers of the previous year assigned to the old quota areas.

2. Immediate relief to minimum quota areas by increasing the min'mum quota, now 100, to 200, subject to future reduction in the same manner as in (1) above.

3. Issuance of quota numbers based on the following preferences, (a) the first 50 percent, to persons with exceptional skills who will be "especially advantageous" to the United States, (b) next 30 percent (plus any part of the first 50 percent not used), to unmarried sons and daughters of U.S. citizens not eligible for nonquota status because they are over 21 years of age, (c) next 20 percent (plus any part of the first 80 percent not used), to spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence in the United States, and any portion remaining to other quota applicants, with percentage preferences to other relatives of U.S. citizens and parents of resident aliens, and then to certain classes of workers where there is a shortage of employable persons in the United States.

4. To prevent a single country from obtaining disproportionate benefits, issuance of more than 10 percent of the total quota numbers authorized for any year to any quota area would not be permitted.

5. To prevent inequities, the President, after consultation with the Immigration Board (established by sec. 18 of S. 500), may reserve for otherwise qualified immigrants whose admission would further the national security interest, up to 30 percent of the reserve quota pool and for refugees from oppression because of race, color, religion, national origin, adherence to democratic beliefs, or their opposition to totalitarianism or dictatorship, or who are uprooted because of natural calamity or military operations, up to 10 percent of the reserve pool. Any numbers so reserved and not needed revert to the pool.

6. Immediate elimination of the "Asia-Pacific Triangle" provision of existing law, discussed below.

7. Establishment of nonquota status for parents of U.S. citizens, as well as to a child (under 21) or spouse as present law provides.

8. Establishment of an Immigration Board composed of two Members from the House, two from the Senate and three members appointed by the President to study and consult Government departments on immigration policy, to make recommendations to the President as to reservation and allocation of quotas and to recommend to the Attorney General criteria for admission of skilled specialists and workers whose services

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[1] H. Doc. No. 52, 89th Cong., 1st sess. (1965).

[2] Other bills with the same objectives and substantially similar provisions have been introduced; viz., S. 436 (SCOTT), H.R. 503 (MATSUNAGA), H.R. 541 (THOMPSON, N.J.), H.R. 764 (GALLAGHER), H.R. 768 (GILBERT), H.R. 832 (MINISH), H.R. 1764 (DONOHUE), and H.R. 2587 (BURTON). H.R. 5234 (REID, N.Y.), having substantially the same objectives as the administration bill, would accomplish them by basing annual quotas on the latest U.S. census instead of the 1920 census as at present, and by redistributing unused quotas through regional pools; that is, Europe, Asia, Africa, and Australia. H.R. 1803 (WYDLER) would also abolish the national origins system but differs in other respects from the administration bill. H.R. 2078 (PHILBIN), provides for pooling of quotas under the present system.

are needed by reason of labor shortages in the United States.

In addition, S. 500 contains other provisions of more specialized application and makes technical changes in existing law which will not be discussed in this report.

RECOMMENDATIONS

The committee approves the objectives and provisions of S. 500 and urges its enactment.

In addition, we recommend that consideration be given to enacting, by inclusion in S. 500 or by separate bill, a 10-year statute of limitations for deportation cases, as was proposed in 1961 in S. 551 of the 87th Congress, which was a bill to amend the immigration laws by modifying but not abolishing the national origins system, introduced by Senator Javits for himself and Senators Keating, Morse, Case, and Scott.

DISCRIMINATORY PROVISIONS OF EXISTING LAW

(1) The national origins system

The national origins system had its genesis in the Immigration Act of 1924 (referred to as the 1924 act) and was carried forward in the Immigration and Nationality Act of 1952 (referred to as the 1952 act). The number of persons allowed to enter the United States from any quota area (i.e., a particular country as designated under the act) during any year is limited (subject to exceptions respecting Asiatic persons hereinafter mentioned) to one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to such country. Each country, however, has a minimum quota of 100.[3] Determination of quotas is the joint responsibility of the Secretary of State, the Secretary of Commerce, and the Attorney General.[4]

As most recently determined,[5] 33 countries have quotas of more than the 100 minimum ranging from Great Britain and Northern Ireland (65,361) and Germany (25,814) to Estonia (115). Italy has 5,666.

While the national origins systems per se discriminates respecting country of origin of the immigrant, the law contains a not easily apparent discrimination against Negroes on the basis of race.[6] This is accomplished by the provision of 8 U.S.C.A. 1151(a) which requires that "the number of inhabitants in the continental United States in 1920 * * * shall be the same number heretofore determined under the provisions of section 11 of the Immigration Act of 1924 * * *." Section 11(d) of the 1924 act provided that in computing quotas the term "inhabitant of the continental United States in 1920" did not include the descendants of slave immigrants. Thus the Negro population of the United States is excluded in determining quotas under present law.

Moreover, the method of computing the national origins of the 1920 population of the continental United States is designed to give only a rough approximation of where our ancestors came from.

As explained in the 1961 report of the committee on Federal legislation of the Association of the Bar of the City of New York[7] on legislation then proposed to amend the immigration laws:

"The method employed in making the national origins calculations pursuant to that act was explained in a joint memorandum of the Secretaries of State, Commerce, and Labor dated February 25, 1928. S. Doc. 65, 70th Cong., 1st sess. In essence, the method employed in making the calculations was as follows:

"The population of the United States in 1790 was classified by national origin simply upon the basis of their surnames. Then immigration and census records for the period 1820 to 1920 were used to furnish the numbers of persons coming from each foreign country during those years. (Records from 1790 to 1820 were unavailable.) Then 1920 census statistics were used to supply the numbers of persons in the population who were either immigrants or the children of immigrants, and the countries of their national origin.

"Other persons included in the 1920 census were allocated among countries of origin upon the basis of projections of the 1790 population and the immigration thereafter, which projections were based in part upon assumed rates of natural increase. S. Doc. 65, 70th Cong., 1st sess.

"In other words, if persons of one national origin multiplied faster than persons of another national origin, the calculations made under the 1924 act would not reflect it."

S. 500 would phase out the national origins system over a 5-year period and eventually eliminate it.[8]

(2) Asia-Pacific triangle

The Asia-Pacific triangle comprises all quota areas situated wholly within an area bounded by meridian 60° east and 165° west longitude and north of the parallel 25° south latitude. It embraces all Asiatic countries from India to Japan and all Pacific islands north of Australia and New Zealand, including (in addition to India and Japan) for example, China, Burma, Indonesia, Korea, Laos, Pakistan, Philippines, Thailand, and Vietnam. The 1952 act established a separate quota of 100 for the triangle itself[9] in addition to the separate quotas for each country within the triangle.

Complex rules determine whether an immigrant is chargeable to a quota area within the triangle or to the triangle quota.[10] The interesting point is that these rules are based not on national origin but on race and apply to a person born outside the triangle (as well as to one born within it) if he, by as much as one-half his ancestry, is attributable to a people indigenous to, or a colony or dependent area or quota area located within, the triangle. For example, an immigrant born in Germany of a Malayan father and a German mother is chargeable to the Asia-Pacific triangle quota and a native of Canada born of a Japanese mother and a Canadian father, who otherwise would be a nonquota immigrant,[11] since he is a native of an independent country in the Western Hemisphere, is chargeable to the quota for Japan.

Enactment of S. 500 would result in immediate elimination of the Asia-Pacific triangle.[12]

(3) Chinese persons

When the Chinese exclusion laws were repealed in 1943, a special racial quota of 105 was established for Chinese persons wherever born.[13] In addition, there is a quota of 100 for non-Chinese persons born in China. This arrangement was carried over into the 1952 Act.[14] The Act of December 17, 1943, defined a Chinese person as an alien who has as much as one-half Chinese blood.[15] Thus an adult Canadian born in Canada of a Canadian father and a Chinese mother cannot enter the United States except under the special Chinese quota.

Enactment of S. 500 would forthwith terminate this discrimination.[16]

NEED FOR REFORM OF IMMIGRATION LAWS

The Committee believes that amendment of the Immigration and Nationality Act in the respects proposed in S. 500 is long overdue. President Johnson favors, and his three predecessors, Presidents Kennedy, Eisenhower, and Truman favored, immigration law reform and the present bill has bipartisan support.[17]

Our immigration law today reflects a racial philosophy repugnant to our American tradition. It assumes that certain people are inferior to others solely because of where they were born. It discriminates against immigrants from Southern and Eastern Europe. It is particularly offensive to Asiastic countries. It amounts, as Attorney General Nicholas de B. Katzenbach recently said, to selecting immigrants on the basis of "personal pedigree."[18] It is an insult to the millions of U.S. citizens whose ancestors came from the very countries discriminated against by present archaic and anachronistic law.

As one writer has commented:[19]

"Through our immigration policies, we have managed to rub salt into the deepest wounds of two-thirds of the people of the world. Moreover, as we do not tire of pointing out to the Russians, deeds speak louder than words. It is difficult for the Voice of American to explain away what we are doing in these fields. At the moment, when we are calling for a united free world opposed to communism, our immigration policies are based on invidious distinctions among countries and nationalities, including the very countries we wish to ally with us."

In 1776, our Declaration of Independence declared all men to be created equal in respect of certain inalienable rights. The Declaration was intended to be, and its consequences have been, worldwide in impact. Its promise of equal opportunity brooks no qualification based on what Chief Justice Stone has called "* * * obviously irrelevant and invidious * * *" grounds.[20]

The onward march of American history has been in significant part the story of ever-greater fulfillment of the promise of "liberty and justice for all" referred to in our Pledge of Allegiance to the Flag and reflected in the Declaration of Independence. The latest step was the Civil Rights Act of 1964, which outlawed discrimination based on race, color, religion, or national origin in public accommodations and in employment affecting commerce.[21] That act constituted a solemn national declaration that henceforth such arbitrary discrimination was inconsistent with the deepest purposes of our Nation, thereby confirming the principles previously enunciated by the executive and judicial branches which are supported by increasing numbers of our people.[22]

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[3] 8 U.S.C.A. 1151(a).

[4] Id. 1151(b), 1152.

[5] Pres. Proc. See 8 U.S.C.A. 1151, pocket part.

[6] In addition to discrimination against Chinese persons and races indigenous to the Asia-Pacific triangle, hereinafter discussed.

[7] Reports of Committees of the Association of the Bar of the City of New York Concerned With Federal Legislation (1961).

[8] S. 500, secs. 1 and 3. Bills to abolish the national origins system, similar to S. 500, have been proposed in earlier Congresses; for example, 84th Cong., 1st sess., S. 1206 by Senator Lehman. In 1961, the Committee of the Association of the Bar of the City of New York above referred to did not even consider two such pending bills (H.R. 6555 and H.R. 607, 87th Cong.) because the committee felt that they did not have enough support to stand a chance of enactment at that time.

[9] 8 U.S.C.A. 1152(b)(1).

[10] 8 U.S.C.A. 1152(b)(2)–(6).

[11] See 8 U.S.C.A. 1101(27).

[12] S. 500, sec. 6.

[13] Act of Dec. 17, 1943, 57 Stat. 600.

[14] 8 U.S.C.A. 1151(a).

[15] Sec. 5(b).

[16] S. 500, sec. 1.

[17] Truman (H. Doc. No. 520, 82d Cong., 2d sess., p. 3 et seq. June 25, 1952); Eisenhower (H. Doc. No. 1, 85th Cong., 1st sess., p. 7; H. Doc. No. 329, 84th Cong., 2d sess.; H. Doc. No. 85, 85th Cong., 1st sess.); Kennedy (Congressional Record, vol. 109, pt. 10, pp. 13768–13769).

[18] New York Times, Feb. 11, 1965.

[19] Kingsley, "Immigration and Our Foreign Policy Objectives," 21 Law and Contemp. Prob. 299, 306 (1956).

[20] *Steele* v. *Louisville & Nashville R. Co.*, 323 U.S. 192, 203 (1944).

[21] 78 Stat. 24, titles II and VII.

We believe that the selection of immigrants on the basis of their race and national origins is reminiscent of the notion that "some are more equal than others"[23] and should have no place in our national policy.

We have considered assertions that S. 500 would open the floodgates to uncontrolled immigration and we believe them to be groundless. Limitations in the bill would prevent any influx of undesirable immigrants. Indeed the emphasis placed in the bill on skilled persons should elevate the quality of those admitted. Safeguards protect against immigration becoming a contributing cause of unemployment in the United States. The provision (section 3) limiting to 10 percent of the total quota numbers authorized for any year the number of immigrants of a single quota area protects against any one country sending a disproportionate number of immigrants to the United States. Finally it is estimated that if S. 500 is enacted, authorized quota immigration would increase from the present 158,361 per year to about 166,000 and that the number of individual immigrants would increase by about 63,000.[24]

Another reason for our support of S. 500 is that under judicial rulings to date remedial action for discriminations in existing law lies solely with our citizens and Congress. Often when a statute affects interests not represented in the legislature—which is the case with aliens—courts have been careful to protect the unrepresented from undue discrimination.[25] As to immigration policy, however, the courts have declined to exercise such review on the ground that the political branches have plenary power because immigration is "* * * vitally and intricately interwoven with * * * foreign relations."[26] Judicial rulings which have upheld the national origins system have been based on such plenary power of the political branches of Government.[27] Accordingly, such rulings cannot be taken as sustaining the reasonableness of existing immigration laws. There is here no "legitimation" of the enactment[28] as there might be in other areas.

THE PROPOSAL FOR A 10-YEAR STATUTE OF LIMITATIONS IN DEPORTATION PROCEEDINGS

S. 551, introduced in the 87th Congress by Senator JAVITS, proposed adding to the 1952 act a new section entitled, "Limitation of time of commencing deportation proceedings," as follows:

"SEC. 294. No alien shall be deported by reason of any conduct occurring more than 10 years prior to the institution of deportation proceedings."[29]

Practically all civil remedies and criminal sanctions in our legal system are subject to time limitations precluding adverse consequences for conduct more than a certain number of years in the past. These are not to encourage unlawful conduct but because of the harmful social consequences of disrupting human affairs by reason of events in the far distant past.[30] The chief purposes of deportation are similar to two of the aims of the criminal law, i.e. to deter specified conduct and to prevent its repetition (in this country).

The result of the absence of any statute of limitations at present is shown by *Niukkanen* v. *McAlexander*, 362 U.S. 390 (1960), where a 52-year-old house painter who had been in the United States since his first birthday and had served honorably in our Army was ordered deported on parole evidence of conduct more than 20 years earlier.

We see no benefit to society resulting from deportations for long-past misconduct sufficient to justify such hardships in individual cases.[31]

CONCLUSION

The committee (1) urges the prompt enactment of S. 500 and H.R. 2580 and (2) favors enactment of legislation to amend the Immigration and Nationality Act to add a 10-year statute of limitations for deportation cases.

Respectfully submitted.

Edwin L. Gasperini, Chairman; Francis A. Brick, Jr., Max Chopnick, Gerald E. Dwyer, William G. Fennell, Richard A. Givens, Judd D. Grey, Constantine N. Katsoris, Lawrence Keepnews, Anthony P. Marshall, Thomas R. McHugh, Herbert Miller, Peter P. Mullen, George W. Myers, Jr., Edward L. Nadeau, Ellsworth Nichols, Alan K. Sawyer, Max Schwartz, Horace C. Winch.

REGIONAL RAILROAD PLANNING

Mr. JAVITS. Mr. President, the coordinated efforts of the States of New York and Connecticut in arriving at a solution for continued service of the New Haven Railroad is indeed good news. The approach of an agreement on State contributions of financial assistance is expected to permit service to continue in its present form for at least 18 months. This breathing period should be used to confront the problems of the New Haven and metropolitan mass transportation with new and greater vigor. The period of 18 months should permit sufficient time for the interested State governments and the Federal Government to formulate and act upon new, long-term solutions, to the control problems, which have received serious attention in the past months.

The New Haven commuter crisis has demonstrated more strongly than ever the need for a bistate public authority, which I have, together with Representative REID of New York, urged for some time to coordinate mass transportation problems in New York and Connecticut and the rest of the New England States. The bistate agency which I have proposed would consist of the States of New York and Connecticut and could be expanded to include the States of New Jersey, Rhode Island, and Massachusetts. The bistate agency would have the authority to operate passenger rail and transit systems located within the participating States. It is conceivable that such an agency could also consider problems of regional planning for helicopter commuter service, interstate highway construction, and water travel.

We should not permit expectations of a temporary solution of the New Haven Railroad crisis to impair renewed efforts to deal immediately with long-term problems affecting the New Haven and problems of mass transportation in the Northeastern States generally. The renewed efforts of the Congress, the executive branch, and the State governments are very much needed to solve transportation problems affecting millions of citizens in these States.

On February 13, I introduced legislation to create a New York-Connecticut Rail Authority to provide machinery for such operation of passenger rail and transit systems in the New England States.

I ask unanimous consent to have printed in the RECORD two editorials published in the New York Times of April 20 and April 22, 1965, supporting the principle and an editorial published in the New York Herald Tribune of April 21, recognizing the precedent of the assumption of governmental responsibility in the rail service problem area.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 20, 1965]

BASICS IN URBAN TRANSPORT

Analyzing the transportation problems that beset virtually every metropolitan area across the Nation, the Committee for Economic Development concludes that their root lies in the pattern of population growth. Over the last half century metropolitan areas have increased their share of the total population from under 40 percent to about 65 percent. The projection for the year 2000 is that 74 percent—or 235 million people—will then be living in 300 metropolitan areas.

At a time when major decisions about transportation are inescapable, governments in metropolitan areas are so fragmented that they have not developed agencies to take responsibility for viewing the area as a whole. As a result, decisions too often are left to State and Federal officials. This is certainly the case in the New York metropolitan area, spread as it is across three States, and containing 1,467 different political entities.

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[22] See "To Secure These Rights: Report of the President's Committee on Civil Rights" (1947); *Brown* v. *Board of Education*, 347 U.S. 483 (1954); *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886).

[23] George Orwell, "Animal Form" (1946).

[24] Op. cit., notes 1 and 17 supra. The apparent contradiction in the above figures is explained by the fact that some countries—for example, Britain and Eire—have large quotas under present law which are never filled. Under S. 500 unused quotas during the transition period would be allocated to the reserve pool and used.

[25] See *Southern Pacific Co.* v. *Arizona*, 325 U.S. 761, 767–768, n. 2 (1945); *McGoldrick* v. *Berwind-White Coal Mining Co.*, 309 U.S. 33, 45–46, n. 2 (1940); *Helvering* v. *Gerhardt*, 304 U.S. 405, 412, 416 (1938); *South Carolina States Highway Dept.* v. *Barnwell Bros.*, 303 U.S. 177, 184–185, n. 2 (1938); *Edwards* v. *California*, 314 U.S. 160, 174 (1941); *Nippert* v. *Richmond*, 327 U.S. 416, 434 (1946); Dowling, "The Methods of Mr. Justice Stone in Constitutional Cases," 41 Colum. L. Rev. 1160 (1941); Givens, "Chief Justice Stone and the Developing Functions of Judicial Review," 47 Va. L. Rev. 1321, 1343–1354 (1961).

[26] *Harisiades* v. *Shaughnessy*, 342 U.S. 580, 588–589 (1952).

[27] Ibid.

[28] See Charles L. Black, Jr., "The People and the Court" (1960).

[29] This proposal was endorsed by the Committee on Federal Legislation of the Association of the Bar of the City of New York in 1961. Note 7 supra.

[30] See *Wood* v. *Carpenter*, 101 U.S. 135, 193 (1879); Holmes, "The Path of the Law," 10 Harv. L. Rev. 457, 477 (1897); Pound, "A Survey of Social Interests," 57 Harv. L. Rev. 1, 19 (1943); "Developments in the Law—Statutes of Limitations," 63 Harv. L. Rev. 1177, 1185–1186 (1950); compare H. Rept. No. 2096, 82d Cong., 2d sess. 192 (1952).

[31] Maslow, "Recasting Our Deportation Law: Proposals for Reform," 56 Colum. L. Rev. 309, 314–315 (1956).

Now that New Jersey, after years of delay, has finally ratified the compact granting the Tri-State Transportation Committee legal status, the Legislatures of New York and Connecticut should follow suit without delay. The aim must be to have the committee functioning as the legal transportation-planning body for the metropolitan area by July 1, the date stipulated in the Federal Highway Act. The CED wisely emphasizes that the entire metropolitan area should be the basis for urban transportation planning. No one part of the area can go it alone.

The difficulties now being encountered in trying to work out some way to keep the bankrupt New Haven Railroad's commuter services running show the urgent need for a strong central body. New York and Connecticut are following divergent tacks; the Federal Government is reluctant to become involved, and there is danger that the rescue operation will be submerged in recriminations among the politicians. As we have repeatedly urged, the only sound solution is a public authority to operate all the commuter railroads in the area and coordinate them with the city subway system.

[From the New York Times, Apr. 22, 1965]

REPRIEVE FOR THE NEW HAVEN

The agreement that the New Haven Railroad will continue commuter operations into New York at their present level for at least 18 months from June 1 is a reprieve for 25,000 daily riders from Connecticut and Westchester County.

It is, however, only a temporary solution for the problem; not a permanent one. But it is an essential first step toward the ultimate goal.

Negotiations for a long-term agreement under which the New York Central Railroad would take over the management of the New Haven commuter operations for a fee are being carried on by New York and Connecticut. The essential problem here is how the inevitable operating deficit will be financed. While Federal officials have indicated a willingness to approve the $3 million demonstration grant for the initial period, the White House opposes a continuation of subsidies. Will New York and Connecticut then foot the bill?

Analysis of the commuter railroad problem as a whole leads to the inescapable conclusion that any piecemeal settlement cannot be lasting. New York State is now negotiating to take over and operate the biggest commuter line of all, the Long Island Rail Road. New Jersey is trying desperately to shore up the Erie-Lackawanna, with its 35,000 commuters.

The transportation problems of the metropolitan community can only be resolved properly when the area is viewed as an entity. That is why we continue to urge the necessity for a tristate public authority to integrate the commuter railroads with the city subway system and to operate them as a public utility.

[From the New York Herald Tribune, Apr. 21, 1965]

THE NEW HAVEN COMMUTERS RESCUED

New York, Connecticut and the New Haven Railroad trustees have hit off an agreement which insures the preservation of commuter service for the next 12 to 18 months. Furthermore, all parties are confident that "a permanent solution" will be achieved during this breathing spell.

What's agreed upon for now is a "demonstration grant" program, which means that the two States chip in with money and tax relief, all of it rounded out with Federal help.

The point of first importance, of course, is that the trains won't stop running. Negotiation and good will triumphed. And for the long pull it has been established that rail mass transportation is absolutely essential, and that government accepts the responsibility of contracting and paying for this indispensable service. That's an important precedent; it makes history.

Mr. JAVITS. Mr. President, I also invite attention to the fact that there are a number of bills pending before the Committee on Commerce which could be helpful in giving a firm direction to Government policy on this issue.

TOWARD A STRONG WORLD MONETARY SYSTEM

Mr. JAVITS. Mr. President, a recent letter to the editor of the New York Times by my distinguished colleague on the Joint Economic Committee, Representative TOM CURTIS, of Missouri, emphasizes the need for new ways of providing adequate liquidity to finance world trade and payments. Representative CURTIS points out that, while liquidity has been barely sufficient, the recent drying up of U.S. capital outflows has created shortages of capital severe enough to present the danger of a liquidity crisis, and to impel Europeans as well as Americans to make innovations in present international monetary arrangements to avoid this possibility.

I, and my fellow Republican members of the Joint Economic Committee, have introduced concurrent resolutions in both the Senate and House urging the Executive to convoke a well-planned international conference to find solutions to the weaknesses of the world monetary system. Such a conference would consider the correct role for the IMF or other appropriate international organizations in the management of international credit, would consider how to supply credit to deficit countries in time to correct threatening imbalances, and how to increase the availability of long-term, low-cost credit to developing nations.

I ask unanimous consent that Representative CURTIS' letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TOWARD A STRONG WORLD MONETARY SYSTEM

To the EDITOR:

Evidence is accumulating that the administration's voluntary controls on U.S. foreign loans and investments have tightened European capital supplies. A Times correspondent in Europe recently pointed out that the program "is working in the direction intended. It is greatly reducing and perhaps temporarily drying up, the flow of dollars to Europe."

Further evidence is the quieting of European bankers' demands that the United States raise its interest rates to curb the dollar outflow. These sentiments had been informally expressed as recently as March at the American Bankers Association international monetary conference.

The broad significance of the tightening of credit in European capital markets is its meaning for the international monetary system. Europeans have begun to experience the effects of our balance-of-payments deficits, as these deficits cease to supply the new liquidity that steady growth in world trade and payments demands.

Therefore, while the administration's controls over capital are clearly harmful to long-run U.S. interests, they may serve the short-run purpose of dramatically demonstrating the need for reform of the world monetary system, perhaps helping to break the inertia that has too long characterized the attitude both of key European governments and of our own.

FOR DECISIVE ACTION

The Republican members of the Joint Economic Committee unanimously stated in their recent views on the 1965 Economic Report of the President and the Council of Economic Advisers that "reform of the existing international monetary system is urgently needed." We felt that "because liquidity for the existing system is largely supplied by U.S. balance-of-payments deficits, the system could break down when the United States finally eliminates its chronic deficit * * *." The time for decisive action is now at hand. It should not await the final solution to our balance-of-payments problem.

Leadership of the kind required is not to be gained by mere tinkering with the present system, however valuable it has proved itself in the past. The resolution to increase the International Monetary Fund quotas approved in March by the IMF executive directors makes modest innovations in the ways gold will be used to back new quotas. One wonders with the London Economist whether this will be the last increase in fund resources made under the present largely anachronistic accounting mechanism, which works reasonably enough when the dollar and sterling happen to be strong but in present circumstances makes the Fund heavily dependent on bilateral credits agreed through the Paris Club.

Many international economists will argue that international liquidity is now great enough to continue for several years to serve the requirements of world trade. Others, such as Dr. Walter Salant, of the Brookings Institution, feel that recent developments are already bringing the liquidity problem to a head.

TO CONVOKE CONFERENCE

Concurrent resolutions introduced in both the Senate and House, and sponsored by Republican members of the Joint Economic Committee, request the Executive to convoke a well-planned international conference to find solutions to the weaknesses of the world monetary system.

Such a conference would consider the correct role for the IMF or other appropriate international organizations in the management of international credit, would consider how to supply credit to deficit countries in time to correct threatening imbalances and how to increase the availability of long-term, low-cost credit to developing nations.

U.S. leadership in creating a suitable world monetary system is long overdue. The President must provide that leadership now. Prime Minister Harold Wilson's visit to the United States provides a unique opportunity to demonstrate that leadership.

THOMAS B. CURTIS,
Member of Congress,
Second District, Missouri.

WASHINGTON, D.C., *April 12, 1965.*

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of the town of Henrietta, N.Y., protesting the closing of a Veterans' Administration hospital at Bath, N.Y.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Henrietta, N.Y.,
April 14, 1965.

Senator Jacob Javits,
Senate Office Building,
Washington, D.C.

Dear Sir: At a meeting of the Town Board of the Town of Henrietta on April 7, 1965, the following resolution was passed:

"In consideration of the many veterans residing in Monroe County, State of New York, and taking into account the many medical needs required by these veterans because of war inflicted injuries and disabilities: Be it hereby

"*Resolved,* That the Town Board of Henrietta, N.Y., support the Monroe County Veterans' Organizations attempts to secure a veterans hospital for the county of Monroe; further

"*Resolved,* That this town board wishes to go on record as being opposed to the closing of the veterans hospital in Bath, N.Y."

Your thorough investigation and considered favorable action in this matter will be greatly appreciated and made known to all veterans and other interested persons of our area.

Very truly yours,
Vincent Haggett,
Town Clerk,
Town of Henrietta.

PROPOSED LEGISLATION ON VOTING RIGHTS

Mr. JAVITS. Mr. President, I ask unanimous consent that there be included, as a part of the debate on the pending bill, S. 1564, the report of the Committee on Federal Legislation and the Committee on the Bill of Rights of the Association of the Bar of the City of New York, which in my opinion sustains the constitutionality of the pending bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the report relates to news reports on actions of the committee up to April 9; hence it is somewhat dated, but in essential substance it will give Members of the Senate the information which they urgently need with respect to a consideration of the bill before us.

There being no objection, the report was ordered to be printed in the Record, as follows:

Proposed Federal Legislation on Voting Rights

(By the Committee on Federal Legislation, the Committee on the Bill of Rights, the Association of the Bar of the City of New York, N.Y.)

INTRODUCTION

On March 17, 1965, President Johnson sent to Congress a special message on voting rights and submitted with it a proposed bill to enforce the 15th amendment to the Constitution of the United States, to be known as the Voting Rights Act of 1965. The next day the bill was introduced in the Senate as S. 1465, sponsored by 66 Senators, and in the House of Representatives as H.R. 6400, 89th Congress, first session (1965). This bill and the special message immediately followed an address by the President to an evening joint session of Congress and the Nation on voting rights. The circumstances in which S. 1564 was introduced focused immediate and principal attention upon it, and this report is chiefly concerned with that bill. However, although the report was substantially completed before the administration's bill was reported out of committee, the report comments on changes proposed in both the Senate and House Committees on the Judiciary, including significant changes ultimately included in the bill reported out of the Senate Committee on the Judiciary with Senate Report No. 162, 89th Congress, first session (1965). The report also comments on two other bills which we believe have helpful provisions.

The crisis in voting rights which reached its decisive stage with the recent demonstrations in Selma, Ala., has been developing for years. After extensive study the U.S. Commission on Civil Rights in its 1961 report concluded that "the franchise is denied entirely to some because of race and diluted for many others. The promise of the Constitution is not yet fulfilled."[1] Attempts to deal with the problem through litigation under Civil Rights Act passed in 1957, 1960, and 1964 have proved ineffective. There has been increasing recognition of a need to enforce the proscription of the 15th amendment against racial discrimination in voting by administrative rather than judicial formulas.[2] The Selma demonstrations, and the violence which accompanied them, focused national attention on the urgent necessity for a prompt new remedy for such discrimination.

DESCRIPTION OF BILL

S. 1564 as originally introduced provides that "no voting qualification or procedure shall be imposed or applied to deny or abridge the right to vote on account of race or color" (sec. 2). In particular, it prohibits denial of the right to vote in any Federal, State, or local election because of a person's failure to comply with a "test or device," in any State or political subdivision as to which both of the following determinations are made: (1) the Attorney General determines that a "test or device" as a qualification for voting was maintained on November 1, 1964, and (2) the Director of the Census determines that less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964 or voted in the presidential election of November 1964 (sec. 3(a)). The phrase "test or device" is broadly defined to include any requirement that a person demonstrate "the ability to read, write, understand, or interpret any matter," or "educational achievement or his knowledge of any particular subject," that he "possess good moral character," or that he "prove his qualifications by the voucher of registered voters or members of any other class" (sec. 3(b)). The inapplicability of such tests as qualifications to vote continues until the State or political subdivision, by an action brought in a three-judge District Court of the District of Columbia, obtains a declaratory judgment that neither it nor any person acting under color of law has engaged in racial voting discrimination for a period of 10 years. A direct appeal lies to the Supreme Court. The district court may not issue such a declaratory judgment if there has been a final judgment of any court of the United States that racial discrimination in voting has occurred within a 10-year period "anywhere in the territory" of petitioner (sec. 3(c)).

The bill further provides (sec. 4) that if the Attorney General certifies, with respect to any political subdivision as to which such determinations have been made by the Attorney General and the Director of the Census, that he has received meritorious written complaints from 20 persons who allege that they have been denied the right to vote on account of race or color, or that he otherwise deems the appointment of examiners necessary to enforce the 15th amendment, the Civil Service Commission shall appoint examiners to register applicants to vote in any such subdivision pursuant to the detailed provisions of the act (secs. 5–8; 10). There are, in addition, criminal sanctions imposed upon those who deny the right to vote because of race or color or conspire to do so or to interfere with rights guaranteed under the bill, or who commit criminal or civil contempts or who make false statements to examiners (secs. 9, 11(a), (d)).

S. 1517, introduced by Senator Douglas, for himself and others, and H.R. 4552, introduced by Representative Lindsay, have also received considerable attention, and some of their provisions will be discussed below.

SUMMARY

We conclude that a new statute to enforce the 15th amendment to the Constitution is urgently required and that S. 1564 is a constitutional exercise of congressional power under that amendment. However, we believe that its reach, effectiveness, and clarity can be improved by certain amendments suggested in this report.

CONSTITUTIONALITY

Appropriate legislation: S. 1564 is obviously a bill to enforce the 15th amendment and does not purport to rest on any other constitutional basis. The 15th amendment reads as follows:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude.

"Sec. 2. The Congress shall have power to enforce this article by appropriate legislation."

The ultimate constitutional question, therefore, is whether S. 1564 constitutes "appropriate legislation" within the meaning of section 2 of the 15th amendment. We believe it does.

In cases interpreting the language "appropriate legislation" as it occurs in the 14th and 15th amendments, Congress has been held to possess wide latitude to enact legislation which is directed to the enforcement of their provisions. In *Ex parte Virginia*, 100 U.S. (10 Otto) 339 (1879), the Supreme Court considered the validity of a Federal law which prohibited the States from disqualifying Negroes, otherwise qualified, from sitting on juries in their courts. The Court held that the statute was "appropriate legislation" under the 14th amendment and, speaking of the 13th, 14th, and 15th amendments together, said:

"Congress is authorized to enforce the prohibition by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power." Id. at 345–46.

The wide scope of the 15th amendment is indicated by *Lane* v. *Wilson*, 307 U.S. 268 (1939), which struck down an Oklahoma "grandfather clause":

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[1] Rept. of U.S. Commission on Civil Rights, Voting 133, 135 (1961).

[2] The Committee on Federal Legislation reported on bills respecting literacy tests in the 87th Congress in 1 Reports of Committees of NYCBA. Concerned with Federal Legislation 143 (1962) (hereinafter cited as "Reports"). The Committee on the Bill of Rights reported on the voting provisions of the Civil Rights Act of 1964 (title I) in 2 Repts. 63 (1963).

"The reach of the 15th amendment against contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color, has been amply expounded by prior decisions. *Guinn* v. *United States,* 238 U.S. 347; *Myers* v. *Anderson,* 238 U.S. 368. The amendment nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race." Id at 275.[3]

Some further enlightenment can be had on the standards of "appropriate legislation" from cases interpreting that clause as it appeared in the 18th amendment which permitted the States and the Federal Government in the exercise of concurrent jurisdiction to enforce prohibition by "appropriate legislation." The Supreme Court considered the appropriateness of such legislation in *James Everard's Breweries* v. *Day,* 265 U.S. 545 (1924), where the Court said:

"It is clear that Congress, under its express power to enforce by appropriate legislation the prohibition of traffic in intoxicating liquors for beverage purposes, may adopt any eligible and appropriate means to make that prohibition effective. The possible abuse of a power is not an argument against its existence." Id at 560.

In *Rose* v. *United States*, 274 Fed. 245 (6th Cir.), cert. denied, 257 U.S. 655 (1921), the Court defined "appropriate legislation" under the 18th amendment very broadly:

"'Appropriate legislation,' as used in this section, necessarily means such legislation as will tend to make this constitutional provision completely operative and effective." Id. at 248.

We believe that legislation under the 15th amendment may broadly deal with those activities which have been found to be prohibited by the amendment itself. It is thus clear that Congress may reasonably conclude, based on investigations by the Civil Rights Commission and other evidence, that discrimination in voting is practiced in several States and that a further remedial statute is necessary.

Basis for S. 1564: In surveying discriminatory voting practices, the Johnson administration apparently concluded that the "tests or devices" reached by the bill present obstacles to voting particularly susceptible of discriminatory application. The 50-percent "triggering mechanism" in section 3(a) has been said to apply to Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and Alaska, 34 counties in North Carolina, and one county each in Arizona, Idaho, and Maine (although the Department of Justice has stated that Alaska and the counties in Arizona, Idaho, and Maine could probably obtain exemption under the relief provisions of the bill) 23 Congressional Quarterly, p. 586 (1965). Criticism of the constitutionality of the "triggering mechanism" has included the contention that the drawing of jurisdictions which do not discriminate within the sweep of the bill and the exclusion of "pockets of discrimination" in other States because they do not use a "test or device" as a qualification for voting is an arbitrary exercise of power.

We believe that this criticism does not take account of the wide latitude of Congress to determine the extent to which it shall attack an evil and to select the means to do so. Congress, no less than the States, may have its choice from among all "the various weapons in the armory of the law" *Tigner* v. *Texas,* 310 U.S. 141, 148 (1940).

In a recent attack upon the validity of the public accommodations provisions of the Civil Rights Act of 1964, it was asserted that Congress could have pursued other methods to eliminate the obstructions to interstate commerce caused by racial discrimination. However, in upholding the statute the Supreme Court stated that "this is a matter of policy that rests entirely with the Congress, not with the courts * * * subject only to one caveat—that the means chosen by it must be reasonably adapted to the end permitted by the Constitution." *Heart of Atlanta Motel, Inc.* v. *United States,* 379 U.S. 241, 261–262 (1964). Similarly, as stated by the Supreme Court in upholding the Federal Corrupt Practices Act of 1925 in *Burroughs* v. *United States,* 290 U.S. 534, 547–548 (1934):

"The power of Congress to protect the election of President and Vice President from corruption being clear, the choice of means to that end presents a question primarily addressed to the judgment of Congress. If it can be seen that the means adopted are really calculated to attain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship between the means adopted and the end to be attained, are matters for congressional determination alone."

Thus, Congress may determine how far to exert its authority under the 15th amendment against the evil of discrimination in voting. As observed by the Supreme Court in upholding the National Labor Relations Act in *NLRB* v. *Jones & Laughlin Steel Corp.,* 301 U.S. 1, 46 (1937):

"We have frequently said that the legislative authority, exerted within its proper field, need not embrace all the evils within its reach. The Constitution does not forbid 'cautious advance, step by step,' in dealing with the evils which are exhibited in activities within the range of legislative power."[4]

All regulation involves classification, and the selection of categories is for the legislative body with leeway which "allows a penumbra to be embraced that goes beyond the outline of its object in order that the object may be secured."[5] *Cf. United States* v. *Darby,* 312 U.S. 100, 121–122 (1941); *Currin* v. *Wallace,* 306 U.S. 1, 11, 13–14 (1939); *James Everard's Breweries* v. *Day,* 265 U.S. 545, 560 (1924); *Jacob Ruppert* v. *Caffey,* 251 U.S. 264, 289–292 (1920); *Purity Extract & Tonic Co.* v. *Lynch,* 226 U.S. 192, 201 (1912). Moreover, the constitutional application of the "triggering mechanism" in the generality of situations is not foreclosed by any arguable doubtful validity of application in certain cases:

"What the law looks for in establishing its standards is a probability or tendency of general validity. If this is attained, the formula will serve, though there are imperfections here and there. The exceptional, if it arises, may have its special rule," *Burnet* v. *Wells,* 289 U.S. 670, 681 (1933).[6]

We conclude that, on reasonably determining that "tests or devices," as defined in S. 1564, have been employed to discriminate on racial grounds in the denial of the right to vote, Congress may suspend or eliminate such requirements (even if fair on their face) in all elections in the manner provided by that bill.[7]

Desirability of congressional findings: The Supreme Court in *Katzenbach* v. *McClung,* 379 U.S. 294, 299–300 (1964), pointed out that formal congressional findings are not necessary to establish constitutionality and concluded that the hearings prior to the enactment of the Civil Rights Act of 1964 supplied adequate basis for the statutory provisions against discrimination by public accommodations. Nevertheless, we believe that specific findings in the voting rights bill would be highly desirable in supporting the constitutional justification for the legislation, particularly the "triggering mechanism"—the relationship between the evil and the means chosen to combat it. For example, the findings in section 101(a) of S. 1517 that tests as a prerequisite to voting have been used as instruments of discrimination on grounds of race or color would provide helpful buttressing for the choice of remedies in the legislation in that such findings would be given great weight by the courts in determining the constitutionality of the legislation. See *Block* v. *Hirsh,* 256 U.S. 135, 154 (1921); *Borden's Farm Prods. Co.* v. *Baldwin,* 293 U.S. 194, 209 (1934); *Communist Party* v. *Subversive Activities Control Bd.,* 367 U.S. 1, 94 (1961).

Other objections to constitutionality: In addition to challenges to the reasonableness of the basic scheme of S. 1564, various other objections have been asserted on constitutional grounds. It has been charged that the bill encroaches upon the rights of the States to determine voting qualifications, that it constitutes a prohibited ex post facto law and a bill of attainder, that it creates a presumption which is invalid under the due process clause and otherwise operates with unconstitutional inequality both within a single State and between different States, and that it places excessive burdens upon the States to end Federal "interference." We do not believe that any of these objections can be sustained.

Right of States to determine voting qualifications: The right of the States to determine voting qualifications is implied in article I, section 2 of, and in the 17th amendment to, the Constitution, which provide that the electors in each State for Members of the Senate and the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature." It has been repeatedly held that the States may constitutionally require tests, nondiscriminatorily applied, as a condition of the right to vote. E.g., *Lassiter* v. *Northampton County Bd. of Elections,* 360 U.S. 45 (1959); *Guinn* v. *United States,* 238 U.S. 347, 366–367 (1915); *Trudeau* v. *Barnes,* 65 F. 2d 563 (6th Cir.), *cert. denied,* 290 U.S. 659 (1933); cf. *Breedlove* v. *Suttles,* 302 U.S. 277, 283 (1937); *Pope* v. *Williams,* 193 U.S. 621, 633 (1904); *Mason* v. *Missouri;* 179 U.S. 328, 335 (1900); *McPherson* v. *Blacker,* 146 U.S. 1, 39 (1892); *Davis* v. *Beason,* 133 U.S. 333, 345–347 (1890); *Ex parte Yarbrough,* 110 U.S. 651, 664–665 (1884); *Minor* v. *Happersett,* 88 U.S. (21 Wall.) 162, 170–773 (1874).

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[3] See also *United States* v. *Raines,* 362 U.S. 17 (1960); *Hannah* v. *Larche,* 363 U.S. 420, 452 (1960), *rev'g* 177 F. Supp. 816, 819–21 (W.D. La. 1959); *United States* v. *McElveen,* 180 F. Supp. 10 (E.D. La. 1960); *United States* v. *McElveen,* 177 F. Supp. 355, 358 (E.D. La. 1959).

[4] "The Constitution does not make it a condition of preventive legislation that it should work a perfect cure. It is enough if the questioned act has a manifest tendency to cure or at least to make the evil less." *Louis K. Liggett Co.* v. *Baldridge,* 278 U.S. 105, 115 (1928) (Holmes, J., dissenting).

[5] *Schlesinger* v. *Wisconsin,* 270 U.S. 230, 241 (1926) (Holmes, J., dissenting).

[6] A proposed amendment to preclude applicability of the triggering mechanism in S. 1564, as introduced, to States or political subdivisions where Negroes make up less than 20 percent of the voting-age population would remove from coverage Alaska and rural counties in Southern States with very small Negro populations. See New York Times, Apr. 3, 1965, p. 14, col. 7.

[7] In making the triggering mechanism operative upon a figure of less than 50 percent voting rather than registering, the bill would reach political subdivisions in which complete registration rolls kept by local registrars have been found to be unavailable or materially inaccurate (such as those in 115 counties in 7 Southern States where the number of white registrants exceeded the white voting age population, according to statistics in 1 Rept. of U.S. Commission on Civil Rights, Voting 252–53, 260–62, 264, 266–68, 278–83 (1961)), and would guard against the effect of alterations of such records. One member of the Committee on the Bill of Rights expresses the view that literacy or educational requirements bear on registration and not on the casting of a vote. Accordingly, while agreeing that a new statute to enforce the 15th amendment is urgently required, he feels that the conjunctive application of (1) the 50 percent vote test (as distinguished from the 50 percent registration test), and (2) the Attorney General's findings of the existence of literacy or educational requirements in order to trigger the bill, is somewhat illogical and that it therefore may be inappropriate legislation.

It is also beyond constitutional doubt that the 15th amendment forbids the States from discriminating in the exercise of their otherwise valid power on racial grounds. *United States* v. *Mississippi,* 85 Sup. Ct. 808 (1965); *Louisiana* v. *United States,* 85 Sup. Ct. 817 (1965); *Schnell* v. *Davis,* 336 U.S. 933 (1949), *aff'g per curiam,* 81 F. Supp. 872 (S.D. Ala. 1949); *Lane* v. *Wilson,* 307 U.S. 268 (1939); *Guinn* v. *United States, supra.* Moreover, when Congress exercises its constitutional powers under the 15th amendment the powers which the State might have enjoyed give way to those enactments. In *Ex parte Virginia, supra,* the Supreme Court stated with respect to the 14th amendment:

"Nor does it make any difference that such legislation is restrictive of what the State might have done before the constitutional amendment was adopted. The prohibitions of the 14th amendment are directed to the States, and they are to a degree restrictions of State power. It is these which Congress is empowered to enforce, and to enforce against State action, however put forth, whether that action be executive, legislative, or judicial. Such enforcement is no invasion of State sovereignty. No law can be, which the people of the States have, by the Constitution of the United States, empowered Congress to enact. This extent of the powers of the General Government is overlooked, when it is said, as it has been in this case, that the act of March 1, 1875, interferes with State rights. It is said the selection of jurors for her courts and the administration of her laws belong to each State; that they are her rights. This is true in the general. But in exercising her rights, a State cannot disregard the limitations which the Federal Constitution has applied to her power. Her rights do not reach to that extent. Nor can she deny to the General Government the right to exercise all its granted powers, though they may interfere with the full enjoyment of rights she would have if those powers had not been thus granted. Indeed, every addition of power to the General Government involves a corresponding diminution of the governmental powers of the States. It is carved out of them." 100 U.S. (10 Otto) at 346.

In considering voting, the Court in *In re Wallace,* 170 F. Supp. 63, 67 (M.D. Ala. 1959), specifically addressed itself to this question:

"The authority delegated to the Federal Government by the 15th amendment to the Constitution of the United States is undoubtedly the authority under which the Congress of the United States was acting when the Civil Rights Act of 1957 was passed. The provision in the act providing for investigation of alleged discriminatory practices, including inspection of voting and other pertinent records, must be considered to be an essential step in the process of enforcing and protecting the right to vote regardless of color, race, religion, or national origin. That part of the act is, therefore, by this Court considered 'appropriate legislation' within the meaning of section 2 of the 15th amendment.

"The sovereignty of the State of Alabama, or of any other of the States, must yield, therefore, to this expression of the Congress of the United States, since this expression of Congress—by this act—was passed in a proper exercise of a power specifically delegated to the Federal Government. * * *"

Since Congress may determine the means to attack the evil of discrimination in voting, we conclude that no constitutional objection can be sustained against the bill on the ground that it interferes with the rights of the States to prescribe voting qualifications.

Ex post facto and bill-of-attainder objections: Nor does the bill constitute an ex-post-facto law or a bill-of-attainder, prohibited by article I, section 9, clause 3. It has been held since 1798 that the constitutional prohibition against ex post facto laws applies only to retroactive penal statutes. *Calder* v. *Bull,* 3 U..S (Dall.) 386, 390 (1798); *Ex parte Garland,* 71 U.S. (4 Wall.) 333, 377 (1866); *Johannessen* v. *United States,* 225 U.S. 227, 242 (1912). Since S. 1564 does not operate retroactively in its criminal sections, but proscribes and punishes only future acts, it is not a prohibited ex-post-facto law. The bill-of-attainder provision is also inapplicable; that clause has been given limited scope and applied only to legislative acts deemed to inflict punishment without trial. *Ex parte Garland, supra; United States* v. *Lovett,* 328 U.S. 303 (1946).

It is also significant that the proposed legislation does not suddenly proscribe discrimination in voting rights on the basis of race or color. Such discrimination has been barred by the Constitution for almost a century, and the new legislation simply seeks effective enforcement of the constitutional guarantees.

Due-process-clause and inequality objections: Although expressed in various ways these objections essentially challenge the reasonableness of the basis for the legislation and the choice of "triggering mechanism," which have already been discussed above. In other words, what is challenged in terms of an alleged unwarranted "presumption" by Congress is really the factual basis for the inference by Congress of the nexus between "tests or devices" in certain jurisdictions where the 50 percent formula applies and discrimination in voting rights on the basis of race or color. As we have already noted, Congress has the power within broad limits to determine the nature of the evil and "the closeness of the relationship between the means adopted and the end to be attained." *Burroughs* v. *United States,* 290 U.S. 534, 548 (1934).

Although the cases involving statutory presumptions operative in Federal court proceedings are not strictly apposite, the statement of the Supreme Court in a recent statutory presumption case is of interest:

"As the Court of Appeals correctly stated in this case, the constitutionality of the legislation depends upon the rationality of the connection 'between the fact proved and the ultimate fact assumed.' *Tot* v. *United States,* 319 U.S. 463, 466. The process of making the determination of rationality is, by its nature, highly empirical, and in matters not within specialized judicial competence or completely commonplace, significant weight should be accorded the capacity of Congress to amass the stuff of actual experience and cull conclusions from it." *United States* v. *Gainey,* 85 Sup. Ct. 754, 757 (1965).

Congress, in basing the proposed legislation on "the stuff of actual experience" before it, could validly "cull conclusions" about the relationship among voting "tests or devices," extent of registration and voting, and unconstitutional discrimination.

With respect to the allegedly unequal operation of the bill within a State and between States, the considerations already discussed of the basis for the legislation and the classifications selected by Congress are applicable. It is not an objection of constitutional standing that the formula chosen by Congress may not reach all areas or all means of discrimination already prohibited by the 15th Amendment.

The doctrine of equality of the States defined in *Coyle* v. *Oklahoma,* 221 U.S. 559 (1911), is not abridged because the bill is operative in some States and not in others. There the Court held that Congress could not constitutionally condition its admission of Oklahoma to the Union upon a prohibition against moving the State capital after admission, and stated that the United States is a Union of States, "equal in power, dignity and authority, each competent to exert the residuum of sovereignty not delegated to the United States by the Constitution itself" Id. at 567. Such State sovereignty, however, does not embrace the authority to discriminate racially in voting, and the power to eliminate such discrimination has been specifically delegated to Congress. As we have already noted, legislation drawn to exercise that power is not objectionable because its impact is not felt equally by all the States.

Burden imposed on the States: When a State or political subdivision is brought within the statutory formula of section 3(a), the bill in effect makes it take the initiative in asserting under section 3(c) that it has not discriminated for 10 years. It is no less within the power of Congress to determine the period during which the new statute should be operative to undo the effects of the discrimination than to select the means to do so. It appears from proposed amendments that a 5-year period may be selected. New York Times, April 6, 1965, page 18, column 6. Attorney General Katzenbach testified that, after a State or political subdivision had filed affidavits of nondiscrimination, the burden of proof of establishing the contrary rested with the Federal Government. It is suggested that the statute as enacted or the legislative history furnish clear confirmation of that interpretation. (See 23 Congressional Quarterly, p. 586 (1965).)

As to the requirement of section 8 that prior approval be obtained from the U.S. District Court for the District of Columbia by a jurisdiction for which determinations under section 3(a) are in effect before new voting qualifications or procedures are instituted, the history of evasive action by some Southern States as to voting rights and in seeking to avoid compliance with *Brown* v. *Board of Educ.,* 347 U.S. 483 (1954), provides ample justification for such "preclearance." Furthermore, where apportionment laws have been declared unconstitutional, the Federal courts have frequently required submission of the new apportionment for approval before it was put into effect. See e.g., *Honsey* v. *Donovan,* 236 F. Supp. 8 (D. Minn. 1964); *Petuskey* v. *Clyde,* 234 F. Supp. 960 (D. Utah 1964); *Ellis* v. *Mayor,* 234 F. Supp. 945 (D. Md. 1964); *League of Nebraska Municipalities* v. *Marsh,* 232 F. Supp. 411 (D. Nebr. 1964); 23 Congressional Quarterly, page 585 (1965). To avoid needless red tape proposed amendments contemplate a procedure for quick approval of routine changes in voting procedure. (New York Times, Apr. 6, 1965, p. 18, col. 6.)

The requirement that certain judicial proceedings under the new law be brought in the District of Columbia is supported by the precedent of legislation during World War II confining the right to challenge the validity of provisions of the Emergency Price Control Act and action thereunder to a single Emergency Court of Appeals with review by the Supreme Court. *Yakus* v. *United States,* 321 U.S. 414 (1944); *Bowles* v. *Willingham,* 321 U.S. 503 (1944).

We therefore conclude that, since the scheme of S. 1564 tends to make the provisions of the 15th amendment operative and is not prohibited by other provisions of the Constitution, it is "appropriate legislation" under the 15th amendment and is a valid exercise of congressional power.

SCOPE AND CLARITY OF PROPOSED BILL

While we are satisfied that the bill is not subject to basic constitutional objection, we believe that there are areas in which it fails to accomplish fully its underlying purpose or is unclear as to its application.

Coverage of bill: Because the "triggering mechanism" of S. 1564 depends on the existence of a "test or device," it does not apply to States not having such voting qualification requirements but where "pockets of discrimination" have been asserted to exist. Thus, Arkansas, Florida, Tennessee, and Texas, which allegedly include such areas, are not covered. Counties in North Carolina which have low Negro registration are also excluded because registration and voting in such counties exceed the 50-percent levels specified in section 3(a) of S. 1564. Where no "test or device" is utilized, discrimination has been accomplished by other procedures, such as failure to process applications, refusal to accept poll tax payments, failure to open registration offices, and a myriad of other methods.[8]

As we have already noted, it has been the experience of three administrations under the Civil Rights Acts of 1957, 1960, and 1964 that these discriminatory procedures can only be circumvented to a meaningful degree by the establishment of administrative registration procedures not requiring separate, lengthy judicial proceedings in each locality. On the basis of that experience, we believe that the provisions for appointment of Federal examiners in S. 1564, as introduced, should be extended to other jurisdictions than those covered by the original "triggering mechanism" in that bill. S. 1517, for example, provides in section 201 (a) and (b) that Federal registrars shall be appointed for counties where less than 25 percent of the total number of persons of voting age of a race or color are registered to vote. Section 3 of H.R. 4552 provides for the appointment of Federal registrars in areas where the court finds that a pattern or practice of discrimination exists on the basis of a finding that 50 or more persons of a race or color who are qualified to vote have been denied the opportunity to register. We approve and recommend strengthening the admininstration's bill by amendments of similar effect which, we understand, are being proposed. (New York Times, Apr. 10, 1965, p. 14, col. 1.) Although Attorney General Katzenbach expressed concern that racial voting statistics might not be sufficiently reliable to apply a provision like that of section 201 (a) and (b) of S. 1517, that objection would seem to relate more to whether such a provision should be invoked as to a particular area, based on the reliability of its racial voting statistics, than to the inclusion of the provision in the legislation itself. (See 23 Congressional Quarterly, p. 586 (1965).)

Application of the bill to primaries and referendums: At no point does S. 1564 contain a definition of "election" (the reference to "vote" in section 10(c) is not sufficiently inclusive), and we recommend the inclusion of such a definition making it clear that the bill applies equally to the registration and voting process in general elections, primaries, and referendums. A comprehensive definition of "election" is given in section 3(a) of S. 1517, and it has been reported that a clarifying amendment to the administration bill is being proposed in the House Committee on the Judiciary. It would indeed be unfortunate if there were any doubt about the applicability of the bill to primary elections, which often have the practical effect of a general election in certain parts of the South, or its applicability to referendums. There can be no doubt that Congress acting under the 15th amendment can reach primary elections, and the 15th amendment does not distinguish between elections of officials and elections at which issues are determined. Cf. *Smith* v. *Allwright*, 321 U.S. 649 (1944); *Terry* v. *Adams*, 345 U.S. 461 (1953); *United States* v. *Classic*, 313 U.S. 299 (1941).

Qualifications examiners are to apply: Under section 5(b) of S. 1564 a Federal examiner is to register persons whom he finds "to have the qualifications prescribed by State law" pursuant to instructions issued by the Civil Service Commission after consultation with the Attorney General, as provided in section 6(b). Such qualifications would doubtless include age, citizenship, and residency, but the bill is not clear as to what State qualifications would be respected by the Federal examiners, although they would not include a voting "test or device," as defined in section 3(b). (See 23 Congressional Quarterly, p. 434 (1965).) It is not specified whether, for example, State disqualifications based on felony convictions or mental incompetency would be respected.

On the other hand, section 203(a) of S. 1517 specifically limits qualifications to be applied by the registrars who would be appointed under that bill to those with respect to "citizenship, age, residence, mental competency, or absence of conviction for a felony under the laws of the State in which such voting district is located," but the registrars would not be permitted to apply qualifications "more restrictive than those in effect on May 17, 1954" (sec. 203(b)) (apparently to bar more restrictive disqualifications following the stepped-up program of civil rights activity after the decisions in the school segregation cases on that date). Furthermore, "mental competency" is defined in section 3(d) of that bill to mean "absence of an adjudication of mental incompetency," in order to avoid circumvention of the law on the basis of that criterion. We believe that it would be desirable to provide clarification as to the objective, nondiscriminatory State qualifications to be applied by the Federal examiners, which may include qualifications as to party membership for eligibility to vote in primaries (again excluding a "test or device").

It has been suggested that the bill should redress the discriminatory application of literacy tests by providing that henceforth Federal examiners will administer them in a nondiscriminatory fashion. However, as Attorney General Katzenbach has contended, the objective application in the future of literacy standards would serve both to penalize Negroes for the deficient education provided them by the Southern States in the past and to impose a requirement which was disregarded in the past in favor of illiterate whites now on the registration rolls. It has similarly been argued that wiping the registration books clean and starting afresh with literacy tests applied fairly to both whites and Negroes would still result in unfair disqualification of Negroes because of past denial to them of educational opportunity in violation of the 14th amendment. Furthermore, disenfranchisement of large numbers of illiterate whites who have voted all during their adult lives would be an anomalous byproduct of legislation designed to extend the franchise. We believe that the administration's approach is sound in excluding literacy tests altogether wherever the bill applies, and it should be noted that in so doing the practice of 30 States which impose no literacy test at all would be followed. (See New York Times, Mar. 29, 1965, p. 28, col. 4.)

Poll taxes: Section 5(e) of S. 1564 deals with the problem of poll taxes required to be paid under State law. Such a requirement obviously applies only to elections for State and local officials, since the 24th amendment to the Constitution now bars the imposition of poll taxes with respect to elections for President and Vice President (and electors for such offices) and Members of Congress.[9] Under Section 5(e), no person shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner, whether or not such tender would be timely or adequate under State law. In contrast, title III of S. 1517 provides that the collection of poll taxes shall in all circumstances be barred as a condition to voting in any election, and section 3 of H.R. 4552 provides that the Federal registrars shall disregard any poll taxes as a prerequisite to vote.

The poll tax provisions of section 5(e) of S. 1564, as introduced, appear to be a compromise approach to a difficult problem. It has been argued that the poll tax is an objective voting requirement whose propriety in non-Federal elections was endorsed by implication when Congress proposed a constitutional amendment to abolish such taxes for Federal elections. Opponents of the poll tax contend that it is historically a method used to circumvent the 15th amendment by reason of a basic economic disadvantage of the Negro and the greater impact upon him of any per capita tax. The justification given for the requirement in S. 1564 that a poll tax for the current year be paid is that the right to pay such tax to the examiner precludes the misuse of the poll tax by local officials who have heretofore refused to accept payments from Negroes even when tendered, whereas the elimination of any requirement to pay cumulative poll taxes removes the economic problem presented by large arrearages which bear particularly heavily on Negroes, and recognizes that such cumulative taxes have often been built up in the case of Negroes because of their inability to vote and their unwillingness to engage in an exercise in futility by making payment.[10]

Attorney General Katzenbach testified that the administration bill did not outlaw poll taxes completely because of concern that, in view of other more effective means of discrimination, it would be difficult to prove that poll taxes had been used as an instrument of discrimination in violation of the 15th amendment. He suggested a separate statute to eliminate the poll tax as a violation of the 14th amendment. (23 Congressional Quarterly pp. 586, 588 (1965).) It appears that committee amendments to the bill will outlaw the poll tax completely. (New York Times, Apr. 10, 1965, p. 14, cols. 1–2) We strongly oppose the economic impediment to voting represented by the poll tax, and upon Congress finding adequate basis for concluding that it has been used as an instrument of discrimination, the poll tax can stand on no different footing than a "test or device" initially proscribed by the bill.

Requirement of attempt to register within 90 days: Under the provisions of section

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[8] See 1 Rept. of U.S. Commission on Civil Rights, Voting 252–311 (1961). For example, the Civil Rights Commission in its 1961 report found that no Negro voters were registered in Lafayette County, Fla. (11.9 percent Negro population) or Liberty County, Fla. (15.2 percent Negro population). 1 id. at 260–61; see New York Times, Apr. 3, 1965, p. 14, col. 6.

[9] Only Alabama, Mississippi, Texas, and Virginia now have a poll tax for State and local elections; Arkansas has recently taken action to eliminate its poll tax. New York Times, Apr. 6, 1965, p. 18, col. 3.

[10] S. 1564 does not make explicit that payment of past poll taxes cannot be a condition for voting after the examiner procedure ceases to be applicable to a jurisdiction.

5(a) of S. 1564, as introduced, an application to an examiner must contain the allegation that, within 90 days preceding the application, the applicant was denied under color of law the opportunity to register or was found not qualified to vote, with the proviso that the requirement of such allegation may be waived by the Attorney General. It appears to be an unnecessary and often onerous requirement that such an attempt be made to register before local officials in areas where a sufficiently clear pattern of discrimination is established to call for the appointment of examiners. Unless the Attorney General were to waive this requirement in such a large percentage of cases as to make it meaningless, it might well impose upon the Negro registrant an unwarranted risk of harassment. We understand that, in response to such objections, an amendment is contemplated to eliminate the requirement that registration first be sought before local officials, and we support such an amendment. (See New York Times, Apr. 9, 1965, p. 6, col. 4.)

Meaning of "political subdivision" and other ambiguities: S. 1564 does not contain any definition of "political subdivision," and we believe that it would be desirable to include such a definition, which in most cases would probably be the county but might be a city or other unit. It would likewise be desirable for section 3(c) of S. 1564 to make explicit that a political subdivision which has not discriminated for the requisite period may be removed from coverage by the statute even though other political subdivisions in the same State may not be eligible for such relief.

Section 4(a)(2) should also be clarified to make explicit that like section 4(a)(1), as the Attorney General testified, section 4(a)(2) relates only to jurisdictions with respect to which determinations have been made under section 3(a).

Suggestion as to Civil Rights Act of 1964: Although S. 1564 does not directly relate to the Civil Rights Act of 1964, there is a relevant amendment of the latter which we think would be advisable. The Civil Rights Acts of 1957 and 1960, in dealing with voting rights, apply to all elections. In contrast, title I of the Civil Rights Act of 1964 applies only to "Federal elections."[11] There does not appear to have been adequate basis for the belief that, in practical effect, the same provisions would automatically apply to State elections which are conducted under the same electoral process. The flaw in such argument has been well established in the reaction of some States to the similar provisions in the 24th amendment by distinguishing between State and Federal elections in imposing poll tax requirements. We believe that new legislation in this field should promptly eliminate the distinction made in the 1964 act between elections of Federal and State officials since the 15th amendment extends to both. The exemption under the Civil Rights Act of 1964 of elections for those officials most closely affecting the day-by-day life of local citizens is particularly inadvisable since the disabilities under color of law from which Negroes suffer most deeply are imposed by such officials.

We therefore recommend the addition to S. 1564 of sections similar to those now contained in S. 1517 and H.R. 4552 amending sections 2004 of the Revised Statutes (42 U.S.C., sec. 1971) to eliminate the provisions limiting it to Federal elections.

CONCLUSION

The history of the development of Negro voting rights since the ratification of the 15th amendment in 1870 has been replete with constant efforts, both simple and sophisticated, to circumvent its basic purpose—elimination of distinctions on the grounds of race or color in the right to vote. Sincere efforts by Congress and the Executive to meet these problems through the courts have proven unsuccessful despite the provisions of the 1957, 1960, and 1964 Civil Rights Acts. The record makes clear that administrative procedures are essential to permit rapid and extensive registration of persons heretofore discriminatorily denied the right to vote. We believe that the proposed bill is a clearly constitutional exercise of congressional power under the 15th amendment, and we strongly urge its prompt enactment with the strengthening and clarifying amendments we have suggested.

Respectfully submitted.

Committee on Federal Legislation: Fred N. Fishman, Chairman; Sidney H. Asch; Charles R. Bergoffen; Eastman Birkett; Benjamin F. Crane; Nanette Dembitz; Sheldon H. Elsen; Leonard Epstein; Elliot H. Goodwin; Andrew N. Grass, Jr.; Jerome E. Hyman; Robert M. Kaufman; Ida Klaus; John E. Massengale; Robert B. McKay; John E. Merow; George Minkin; Gerald E. Paley; Mahlon F. Perkins, Jr., H. David Potter; Arthur I. Rosett; Albert J. Rosenthal; Peter G. Schmidt; Henry I. Stimson.

Committee on the Bill of Rights: Arnold Bauman, Chairman; Edgar E. Barton; Jane M. Bolin; William J. Butler; Louis A. Craco; Norman Dorsen; Victor M. Earle III; Justin N. Feldman; William G. Fennell; Marvin E. Frankel; Callman Gottesman; Richard D. Kahn; Robert K. Knight; Robert O. Lehrman; Robert P. Patterson, Jr.; Amos J. Peaslee, Jr.; Robert Pitofsky; Seymour M. Waldman.

APRIL 10, 1965.

THE SITUATION IN VIETNAM

Mr. JAVITS. Mr. President, I noted with great interest the debate which was held on the floor of the Senate yesterday with respect to the situation in Vietnam. I believe that the suggestion which was made by the majority leader, the Senator from Montana [Mr. MANSFIELD], and concurred in by other Members of great distinction in the Senate, was a most constructive one.

I should like to add, however, this one point, which I believe is very important to our country. I, like every other Senator, travel widely, particularly in my own State, and in other States as well, and as a result I have a very good idea of what is worrying our people. There are straws in the wind to indicate that there is to be an escalation of our efforts on the ground in Vietnam. If the Commander in Chief feels that a further commitment is necessary with regard to ground forces in the Vietnamese struggle—paralleling what we are trying to do in the air, with American aircraft actually engaged in bombardment—then, at that point, I believe the issue should again be submitted to Congress and to the country, and Congress should have an opportunity to give a new mandate in that respect.

I point out that the joint resolution which Congress passed on August 7, 1964—which I supported and which I continue to support, as I support the President's actions—"approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

In the same resolution the President is authorized—if he needs authorization—"to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

That resolution gave the President authority, if he needed any. I urge upon the President that he again ask the advice of Congress if we are to engage in the struggle in Vietnam on yet another level by commitment of an appreciable number of our ground forces in actual combat. I say that because such a commitment is of such a nature and of such importance that Congress should again have the opportunity to pass on it by resolution.

I shall draft a resolution on that subject, if it is needed, though the administration is well able to do it. However, I urge that it be done that way, rather than through unilateral action by the Commander in Chief, if that is the step we contemplate.

CHARLES B. BOLTON, RECIPIENT OF HAWKEN SCHOOL ALUMNI AWARD

Mrs. SMITH. Mr. President, recently a distinguished citizen of Ohio received the coveted Hawken School Alumni Award for his work in education in various fields. He is Charles B. Bolton, business executive and philanthropist of Cleveland, Ohio. Mr. Bolton considers as tremendously exciting the challenge of today confronting educational establishments, independent, parochial, and public. But he regards it as sobering in the realization that the future of this and other countries is at stake.

It is his considered opinion that the present social unrest will be resolved only through education.

Because his acceptance speech sets forth impressive perspective in the fundamentals of the mission of education, I ask unanimous consent that it be placed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

Mr. President, members of the alumni, ladies, and friends, many thoughts are racing through my mind as I stand here tonight. Thoughts that are most difficult to put into words. Basically these are a confused mixture of incredibility, surprise, humbleness, and disbelief flavored with the salt of pride and gratitude. To be honored by men, many of whom I have known intimately as friends over a period of 50 years, is something I cannot talk about as I feel an emotion that mere words tend to destroy. I've searched diligently, however, for a simple word or phrase to adequately express my feelings and only one truly does. I use it in its very broadest and all encompassing sense—thank you.

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[11] The Committee on the Bill of Rights recommended that no such distinction be made in the legislation. 2 Repts. 63, 78–79 (1963). The Committee on Federal Legislation took a similar position on bills before the 87th Cong. 1 Rept. 143, 160–61 (1962).

John Newell, our president, has asked that I talk to you about Hawken School as I see it, both today and tomorrow. This I am more than willing to do provided all of you remember these thoughts and opinions are mine alone. They do not necessarily express any official conceptions of or decisions by the board of trustees, but are strictly those of an alumnus who has been forntunate enough to be associated with Hawken in some capacity since its inception.

In thinking of Hawken School today one cannot help but think of the many well-lived yesterdays that made the immediate realities of today and the great dreams of tomorrow even possible. These memories lump together, I'm sure, in your minds as well as in mine, but let me briefly sort them out into three categories; housing, traditions, and individuals.

All of us here tonight are fully aware of the humble facilities available in first one quarter and then a second on Ansel Road that housed the newborn but lusty Hawken, followed by the move to the then new building in Lyndhurst. All three changes in location were implemented by the growth of the student body and were made only after much study and thought by Mr. Hawken and the then small board of trustees. The school resembled an adolescent, growing in great spurts and, as is typical of youth, constantly on the verge of fiscal collapse with only faith and friends as parents to turn to in the struggle toward manhood. These moves were followed by a period of comparative calm during which reorganization and strengthening were stressed. Growth, however, was not to be denied and the Lyndhurst facilities grew in size to be followed, only recently, by the addition of the nucleus of an upper school in Gates Mills. Thus at last Hawken attained a semblance of manhood as far as a physical framework is concerned at the youthful age of 50 years.

What, you may ask, was the moving force behind this growth, the flame under the broiler and the fuel to feed the fire. I believe it was the desire to extend the tradition of excellence in education envisioned by the founders, the concept of fairplay and the desire that each generation introduce its successor to a higher plane of living. These three traditions, you will agree, have formed Hawken's Triangulum Major in the heavens and as such are the constellation that has set the school's course. It is and has been a great and true reference point and guide through sunlight and storm. May it always be so.

Now, for a minute, I want to pay tribute to those rare and devoted men and women who conceived the idea we call Hawken, and also to those who joined the original group in ensuing years, who nurtured it on all fronts, in good times and in bad, who have taken the knocks and the bows and who have made this school loved and respected by not only ourselves but by countless others as well. Time limitations prevent each to be named but no one of them ever requires his name to be mentioned. Each is aware that Hawken School stands firmly on the broad foundation built many years ago with the bricks and mortar of true ideals and practical devotion by men not now on the stage but who will never be forgotten. Humbly we thank each of them.

Hawken School today is a macrocosm of the 1915 Ansel Road beginning. As defined in the December 11 edition of the Upper School paper, the affirmative no, in its lead editorial; "The primary concern of the Hawken philosophy is the individual and his relation to society. It is a philosophy not narrowly confined by academic considerations, but based upon a consideration of the student as a future citizen. Inherent in this philosophy is the hope that Hawken can guide the individual toward an awareness of his environment and a sincere concern for the welfare of his fellow men. Hawken is an academic institution devoted to excellence, but perhaps more important it is devoted to instilling in the student certain basic qualities of character so that upon his graduation he may enter into whatever he undertakes, able to make responsible decisions based on a valid evaluation of his situation."

It is increasingly difficult these days to establish and expand an environment to nurture this philosophy of excellence and awareness. One hears on all sides of the tremendous advances by science and the effect they have on the society in which we live. In reality these are broader concepts of basic truths but they tend to effect the confusion in the minds of students toward these truths. Hawken students are no exception. I can honestly say the board of trustees, the headmaster, the faculty, and even the students themselves are constantly striving to maintain the vital balance between the heart and the mind so essential if we are to live up to the philosophy expressed above. How do we attempt this? We continue to rely on the concept of small, intimate teaching units even though each grade may consist of 40 or more individuals. The school, as you know, can take a boy from kindergarten to college, has 563 students and a faculty of over 65. Hawken is the largest independent school in the area and even so the clamor to join the student body has led to a current study reevaluating the upper school program as dictated by our curriculum and finally to the ultimate size of that body. Perhaps too much emphasis is put on admission to college by the pressures of the times and not enough on the development of the student's capacity to its fullest. We are constantly striving to bring more order in all our study programs so that today's students, tomorrow's leaders for whom we are presently responsible, will not regret in their mature years that these studies could have been broader, more intense, and more conclusive. We hope we are succeeding in our efforts today as we continue to use our reference point I call Hawken's triangulum major; but what of tomorrow.

The curriculum and program used at the Lyndhurst campus has resulted in the adoption of a master building plan. I venture to say this will gradually be completed. This plan envisions the centralization of the athletic areas and isolation of the quieter areas. It will lead to an expansion of the campus acreage and the prompt completion of the Edward Godfrey swimming pool and building. To the west of that new building a gymnasium will be built utilizing the southwest wing of classrooms as new locker and shower rooms. This in turn will free up the gym in the old building for use as a fine library and in addition as a lecture hall. The present locker rooms will be reconverted to classrooms while the commons room will once more be used as originally planned. No increase in boy population dictates these changes. The plan is one of refinement based on a continuum of the belief that all our boys be given a real chance to fully develop inborn, God-given capacities.

I cannot, at this time, be as specific concerning the Gates Mills campus. Our curriculum there as well as its programing must be broadened and refined. This will lead to a determination of student body size and finally to a master building plan. All these facets must be flexible but again they should surround the student with greater opportunities for self-discipline through learning. It is a challenging, exciting future.

In conclusion I want to quote President Millis of Western Reserve University as he expresses our opportunities so well. I am sure he will not mind as his beliefs are mine: "There is in education both permanency and change. The eternal values of the well-furnished and literate mind, the intellectually oriented person, remain the same. The same basic skills of communication, of understanding, of the organization of thought, the approach to problems, and the solution of problems, remain here as they did for me, for my father, for my grandfather. But at the same time, they are within the perspective and the framework of an ever-changing society and world. New knowledge, new concepts, and a sense of new values. Therefore, it is to meld this change and this element of permanency that is the essential task of devising the instruction of the student."

A never-ending challenge lies before us. Let us continue with the help of the Almighty to give these young men every opportunity for self-development and self-discipline coupled with a true desire to continue the stoking of the fires of their own learning. In this fashion, guided by fair play, excellence will prevail and each generation cannot help but introduce its successor to a higher plane of living. Thank you again for this accolade. I shall remember this crown of glory carries with it the thorns of great responsibility and shall always do my utmost to further all our dreams for Hawken. Your presence here tonight touches me deeply. I consider it a great tribute, not so much to myself, but to Hawken School. I shall count on your help as we urge the young generation of today along the road of life and toward the ultimate destiny of man.

U.S. POLICY IN THE MIDDLE EAST—A TRAGIC FAILURE

Mr. GRUENING. Mr. President, in the Washington Post for April 20, 1965, there appeared a news story datelined Cairo to the effect that President Nasser of Egypt had sent President Johnson a personal message through Assistant Secretary of State Phillips Talbot. Reportedly the message asked for an additional $500 million in U.S. economic aid.

If this report is true, this request represents colossal gall on the part of President Nasser.

Through June 30, 1964, our economic aid to Nasser's Egypt has totaled $888.9 million in loans, grants, and food.

In the last 2½ years, Nasser's Egypt has wasted over $2 billion in fighting an aggressive war in Yemen.

Congress has written into law a provision requesting the President to cut off foreign aid to any country found to be an aggressor—which Egypt clearly is.

Repeatly over the world, Nasser has interfered to thwart U.S. foreign policy.

Congress has written into law a requirement that the final $27.5 million worth of food under the Egyptian agreement expiring in June not be shipped unless the President finds that such shipment is "in the interest of the United States."

Nasser has told the United States to take its aid and jump in the sea.

In the face of this sorry record, President Nasser's reported request for an additional $500 million in U.S. economic aid shows an unbelievable misreading of sentiment in the United States by those who have been advising President Johnson who are in communication with President Nasser, and who have carried out this costly, harmful appeasement policy for over a decade.

From 1952 to the present time—under three different administrations—both Republican and Democratic—U.S. foreign policy in the Middle East has been vacillating, weak, and ineffectual.

The lack on the part of the United States of sound policies, firmly bedded in moral principles aimed at bringing about lasting peace in the Middle East, has contributed greatly to the tinderbox situation existing there today.

U.S. appeasement, time and time and time again during those years, of the dictator of Egypt, President Nasser, has led to almost unbelievable arrogance on his part, ever-widening aggressions against his neighbors, and a growing closeness to communism, making his actions more and more resemble those of any other Russian satellite.

I was in Egypt over 2 years ago on a study mission for the Senate Committee on Government Operations to observe the administration of the U.S. foreign aid program in that country.

Upon my return I filed a report with the Senate Committee on Government Operations in which I made certain observations with respect to happenings in the Middle East that are as pertinent today as they were when the report was filed on October 1, 1963. The report running to 472 printed pages has been published as a Senate document.

I pointed out that it was Colonel Nasser, in 1956, who gave the Russian Communists their first foothold in the Middle East—the fulfillment of a dream that went back to the czars. I warned that the police state being built by President Nasser was modeled after that built in Communist Russia, socially, economically, and politically, making it easy for a Communist takeover. But most importantly, I noted with alarm that "militarily Egypt is completely dependent on Soviet bloc countries. Colonel Nasser has maneuvered himself into a position of being completely dependent on Communist Russia for a continued flow of arms and parts. Should that flow be cut off, Egypt is militarily unarmed." And no one knows this better than President Nasser of Egypt.

Both before and after my report, U.S. foreign policy in the Middle East has been hinged on the continued appeasement of President Nasser with the result that he has become bolder and bolder and his demands greater and greater.

When Israel proclaimed its independence and its birth as a nation on May 14, 1948, President Harry Truman, to his everlasting credit and over the opposition of his Secretary of State and many of the advisers in the Department of State, recognized the new State of Israel the very same day.

If we judge by outward appearances, the State Department advisers then and thereafter reluctantly went along with President Truman's decision.

When Colonel Nasser came to power in 1952, the advisers in the State Department seized upon him as the strong man in the Middle East and by catering to his whims sought to build on that image.

The appeasement of Colonel Nasser has continued from that date to this.

At about the time I was in Egypt, in February 1963, the State Department's justification for its policy of appeasement was based on the following points, quoting from material set forth in my report:

> Nasser now is trying to reestablish the United Arab links with the West, particularly in Europe.

His recent wooing of East Germany, his permitting the burning of the Kennedy Memorial Library in Cairo last November, his shooting down of an unarmed Texas Oil plane over Alexandria, with the deaths of the American pilot and copilot—to mention but a few incidents—hardly seems like "trying to reestablish links with the West."

Another justification given by the State Department for its appeasement of President Nasser was:

> He and his country have done a complete turnabout in the Congo—from being one of the chief supporters of the late Patrice Lumumba and his leftist successor, Antoine Gizenga, to joining ranks behind the United Nations in its current efforts for Congo unity.

But who is now supplying the Congo rebels with Russian arms? President Nasser of Egypt—the dictator supported to the tune of hundreds of millions of dollars in U.S. foreign assistance while he denounces us as he did, for example, in a speech made at Port Said as recently as December 23, 1964, in the following words:

> Can we possibly recognize Tshombe as the representative of the Congolese people? Tshombe is a murderer. If America and Belgium had installed Tshombe as a premier, he is then a premier in the pay of America and Belgium, and we cannot under any circumstances recognize him as a premier representing the Congolese people * * * Tshombe is an agent serving the interests of America and Belgium in the Congo.

Another reason advanced in the early part of 1963 by the State Department in justification of its policy of appeasing President Nasser was:

> Nasser has played down his country's Arab holy war with Israel, proposed to his colleagues a while back that the issue be put in the icebox, and, for his pains has been accused by Syria of "subversion."

This again is but another example of how the Department of State has time and time again made an incorrect assessment of the situation in the Middle East and of President Nasser's intentions in that part of the world.

Nasser and his Arab allies have repeatedly announced it to be their policy—despite the State Department's "head in the sand attitude"—to drive Israel "into the sea."

The State Department's alleging that its policy of appeasing President Nasser is based on the fact that he has now become "soft on Israel" does not jibe with the facts.

President Nasser called the first Arab unity summit meeting in Cairo a year ago to take steps to resist Israel's moves to withdraw water from Lake Tiberias. The Arab countries, assembled at President Nasser's call, agreed on a united front and set up a unified army command. They also established a Palestinian political body, headquartered in Jerusalem, with the objective of carrying the case to the United Nations for recognition as a government-in-exile. But more importantly, the conference agreed to divert the headwaters of the Jordan in Lebanon and Syria. Work on this project has begun. It is not a project—as admitted by Egypt and its allies—having a worthy irrigation objective. The Arab nations could have achieved such an objective by adhering to the Johnston plan. The Johnston plan was evolved by the late Eric Johnston at the request of President Eisenhower and provides for the equitable distribution of the waters of the Jordan River between Israel and the Arab nations. The problem is basically simple. The Jordan River contains only a limited amount of water. In that area of the world, water is vital. There simply is not enough water for all the nations that need it. The Johnston plan simply provided for dividing the available waters of the Jordan River among the nations equitably and on the basis of their needs.

But the Arab nations have announced that they will not adhere to the Johnston plan. What they want to do is keep the Jordan's water from irrigating Israeli soil. This is truly a "dog-in-the-manger" attitude.

With President Nasser taking a leading part in each and every one of these moves against Israel—all designed to destroy that country—it is difficult to follow the Department of State's estimation of the situation that President Nasser has put the Israel issue "on ice."

Another reason advanced by the Department of State in justification of its policy of appeasing President Nasser is:

> Nasser personally kept a strict silence a few months ago when it became known that the United States was going to sell Hawk missiles to Israel to help that country defend itself. In former years, this would have been the occasion for a major anti-U.S. campaign.

Recent events have again proven how wrong the State Department has again been.

For some time now, it has been common knowledge that Israel was being supplied by West Germany with U.S. arms. I shall return at a later point in my remarks to the unhappy and dangerous arms race in the Middle East. At this point, I wish to dwell upon President Nasser's recent actions with respect to the arms received by Israel from West Germany.

Using his tried and true blackmail techniques—techniques which have been perfected through constant use during the past years—President Nasser chose the time and place to become outraged at the very thought that Israel is being given arms by West Germany, conveniently forgetting the vast amounts of aid Egypt has been receiving from the same source, both in money and technical assistance, including German scientists of the Nazi stripe busily perfecting missiles for President Nasser's Egypt. President Nasser, in his outrage, also conveniently overlooked the tremendous quantity of Communist arms received by him over the years—arms which were the very reason why Israel, for its own defense, had to make arms arrangements with West Germany.

As part of his blackmail plot, President Nasser invited Ulbricht, of East Germany, to visit Cairo. West Germany, in a reaction entirely unbefitting a sophisticated world power, panicked and stopped further arms aid to Israel.

The whole sorry story is set forth in a factual editorial in the Washington Daily News for March 17, 1965, entitled "Who Won?" One sentence from the editorial should be quoted at this point:

> United States: Gained bad case of jitters for fear Egypt-Israel-German triangle might lead to Arab-Israel war with desert water as the excuse.

In great haste, the United States sent our roving Ambassador, Mr. Harriman, to Israel for secret and urgent talks with the heads of that government.

I am not privy to the purposes and objectives of Ambassador Harriman's trip or to what was discussed or what was agreed to by both sides. But some of the rumors and reports coming back from Tel Aviv are most disturbing.

According to the London Times for March 3, 1965:

> The divergence of views was principally over an American demand that the Eshkol government renounce the use or the threat of military action.

However, the New York Times for March 4 reported:

> Mr. Harriman, however, was said not to have laid down any condition of nonintervention for Israel's obtaining American military assistance. The Israel officials, in turn, were said to have made it clear that they viewed the arms race and the Jordan River problem as separate issues.

I hope the New York Times article is correct and that we—the United States—did not try to use Nasser's blackmail against West Germany as the occasion to pressure Israel to give up its right of self-defense. That, no country can give up. That, no country should be asked to give up.

After all, there was an agreement between West Germany and Israel—an agreement to which the United States apparently had acceded—for supplying a certain quantity of arms to Israel. These arms are needed by Israel because of the quantity of arms received by Egypt from the Communist bloc.

For the United States to attempt to appease Egypt again by agreeing to Egypt's blackmail would indeed be intolerable.

The key to the situation in the Middle East is the safety and independence of the State of Israel. U.S. vital interests in that area of the world are inextricably bound up with the continued safety of that nation.

Consider the State of Israel.

Born in strife and turmoil, nurtured in adversity, Israel, in the relatively few years of its freedom, has been capable of phenomenal economic growth in a climate of democracy unique in that dictatorship-ridden area of unstable governments, even though it has been surrounded at its land borders by hostile nations sworn to destroy it.

Even though those nations have been having an on-again, off-again romance with Communist nations—with Nasser's romance as constant and persistent as it could be—Israel has steadfastly aligned itself with the West.

If the Arab nations in the Middle East had not, through all these long years, been consumed by hatred—fanned in good measure by President Nasser of Egypt, but had instead taken Israel as a model of a democratic government interested in the economic and social advancement of its people and had followed in Israel's footsteps, the Middle East would have been today a far more stable and eonomically advanced region.

The American people have given without stint of their tax dollars for the economic development of that area. At the conclusion of my remarks I shall set forth a table showing just how many millions have been poured into that region. However, what galls the American people particularly is when President Nasser uses those American tax dollars to wage a bitter, bloody war of aggression in Yemen, which to date has cost him over $2 billion; to pressure Libya to force the United States to remove its Wheelus Air Base from that country; to foment strife in Algeria, Cyprus, the Congo, and wherever else President Nasser sees an opportunity to thwart the policies of the United States and its Western allies.

The time is long since past for the United States to change its policies in the Middle East, to stop aiding Nasser wage war in that area, and to take positive measures to bring abiding peace to that long-troubled region.

The Congress is well ahead of the Department of State in urging that these positive steps to curb aggression in the Middle East be taken.

In 1963 there was added to the Foreign Assistance Act an amendment proposed by me which provided:

> No assistance shall be provided under this or any other act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against—
>
> (1) The United States,
>
> (2) any country receiving assistance under this or any other act, or
>
> (3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954, until the President determines that such military efforts or preparations have ceased and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed. This restriction may not be waived pursuant to any authority contained in this act.

That amendment was adopted in this body by a vote of 65 to 13—indicating clearly the sentiments of this body.

That it was clearly aimed at Egypt—as well as Indonesia—was made perfectly clear during the floor debate at the time.

The then majority whip and now Vice President HUMPHREY interpreted the language of the amendment as follows:

> There appears to be little doubt that Nasser was responsible for the attack on Yemen, and I favor cutting off our aid to Egypt. From the available evidence it would appear that Nasser is guilty, and let us say that he is. We know perfectly well what he [Nasser] has been doing in Yemen and in Algeria and we know perfectly well about his constant meddling in the Middle East governments in many, many instances which include Iraq and Syria; and we could name many more of them.

Despite this clear directive from the Congress—and my amendment is still the law of the land—no finding has been made by the President of the United States that President Nasser is waging an aggressive war in Yemen or preparing for aggression against Israel or aiding aggression in Cyprus, as was disclosed just recently, that Communist missiles were being furnished the Greek Cypriots by President Nasser. Still our foreign aid to Egypt continues.

Earlier this year the Congress, feeling that some further action should be taken, amended the Supplemental Appropriation Act to provide that no further Public Law 480 shipments should be made to Egypt unless the President found that doing so would be in the interest of the United States. So far I have not been informed that the President has made such a finding. It is difficult to see how, if there should be any reliance upon the facts, the President can make such a finding.

How can the President find the following actions by the dictator of Egypt to be in the interest of the United States:

Pressure on Libya to force the United States to close our air base there;

Provision of Communist arms to the Congolese rebels, even while they were slaughtering innocent whites and Negroes and indulging in cannibalism;

Waging war in Yemen with 50,000 troops for 2½ years at a cost of over $2 billion to date;

Hurling constant anti-Western propaganda into the Aden area;

Constant undermining of our prestige in Africa;

Supplying Communist missiles to the Greek Cypriots;

Continuing a barrage of anti-American propaganda in the Egyptian-controlled press and on the Egyptian-controlled radio;

Recognizing East Germany and pressuring the other Arab nations to do likewise;

Taking the leadership in seeking to divert the headwaters of the Jordan from peaceful uses.

These are but random samplings of Nasser's anti-American actions in recent times. The intensification of these anti-American actions is ominous. Having "gotten away with it" in the past, with the United States continuing to supply his vital food needs despite repeated abuse, President Nasser has gotten bolder and bolder.

But worse than that, his "getting away with it" emboldens other nations—friendly to the United States—to attempt the same tactics.

Jordan is a typical example of a nation which has become colder to the United States and more closely aligned with Egypt as it sees enmity rewarded.

Our hasty recognition of the Egyptian puppet government in Yemen and our continued support of Egypt in its aggressions there proved for all the world to see that for a nation to thumb its nose at the United States was profitable.

The old method of securing more and more foreign assistance was to make overtures first to the East and then to the West—playing one against the other.

Something new has been added. Burn an American library, storm the American Embassy—American taxpayers dollars will still continue to flow.

One of the most disturbing and critical situations in the Middle East is the threatened diversion of the waters of the Jordan. Water is the lifeblood of the desert parched state of Israel. Diversion of the headwaters of the Jordan will be as much an act of aggressive warfare against Israel, even though accomplished on Lebanese and Syrian soil, as though Arab troops physically invaded the land of Israel. It is an attempt to make Israel take the first militant move while the Arabs claim they are not militarily engaged, and to make Israel appear the aggressor.

The time to prevent this disastrous event is now—not when the waters are so close to being diverted that Israel must take military steps to prevent the diversion.

Let us not mistake the times. History is repeating itself. The fateful days and events of 1956 are with us again. Then—but I hope not now—we waited until it was too late—we waited until the border raids onto Israeli soil became intolerable, until the seizure of the Suez Canal cut the lifeline of France, Britain, and Israel, and until their armies marched to hold further depredations.

This time not only are we failing to act, we are actually furnishing Nasser with the wherewithal to continue his aggressive attacks.

Self-defense is an inherent right of national sovereignty. During its entire history, the United States has asserted and defended this right, exercising it even though its own territory was not invaded. Hit and run raids on defenseless villages, the intensification of the economic boycott, and now, the diversion of water vitally needed for irrigation, can rightfully be treated as acts of aggression warranting forceful retaliation. This the United States should recognize and take adequate and forceful steps to prevent.

Unfortunately—as in 1956—the Middle East advisers in the Department of State still seem to believe that, with respect to Nasser, we should appease his aggressions while telling the aggrieved party—the State of Israel—to turn the other cheek. Such a bankrupt policy can, as it has, but lead to further aggression on the part of other nations.

The time to slow down the quickened arms race in the Middle East is now, not when all the countries have squandered the wealth so sorely needed for their economic development on ever more sophisticated weapons of destruction.

We have contributed as much to the arms race in that area of the world as any other nation. We have a moral obligation to stop it.

The facts are simple. In 1956 Nasser turned to Russia for weapons. Lacking sufficient foreign exchange to pay the Russians for the weapons he desired, he offered to trade the Russians cotton for weapons. That left Nasser short of foreign exchange to buy food to feed the people of Egypt. Nasser turned to the United States, which sold him the needed food in exchange for Egyptian pounds, the expenditure of which, in Egypt, Nasser controls.

With his weapons obtained by barter—weapons which have become better and better—Nasser, with his continued threats to drive Israel into the sea, became more and more of a menace to Israel and to the peace of the Middle East. Israel, therefore, had to divert foreign exchange sorely needed for its own economic development to the purchase of arms to match the ones traded to Nasser by Communist Russia.

These are the simple elements of the arms race in the Middle East—an arms race made possible in great measure because of U.S. foreign aid.

There are three steps which the United States can and should take immediately to lessen tensions in the Middle East.

First, the President of the United States should offer his good offices to end the declared war in the Middle East. The fact remains that the Arab States declared war against Israel at that nation's birth. That declaration of war is still in existence. It is a running sore in that area, the cause of much bitterness and the cause of much friction. Israel is not at war with the Arab States. However, the Arab States continue to remain in a state of war with respect to Israel. I do not urge the diplomatic recognition by the Arab States of the State of Israel, but only a rescission of the declaration of war.

Second, the United States should immediately enter into a mutual defense pact with Israel, along the lines of the mutual defense pact the United States maintains with Taiwan and the Philippines. This move alone would lessen the need of Israel for ever-increased expenditures for costlier and costlier weapons.

Third, if the United States accedes to Libya's request and removes the Wheelus Air Force Base from Lybia—it should relocate the base in Israel with Israel's assent, as an indication of its firm resolve to back up instantly the pledge given in its mutual defense treaty with Israel.

It should go without saying that I presuppose that as a condition precedent there will be the immediate enforcement of the antiaggressor amendment of the Foreign Assistance Act against Egypt and those joining Egypt in these continued preparations for aggression.

Since Nasser came to power almost 13 years ago, many in this body have prophesied that firm action in dealing with Nasser's aggressive intentions were needed if the peace were to be kept.

On June 4, 1956, the Senator who was known as the conscience of the Senate, the late, great Senator Herbert H. Lehman, speaking on this floor at the time our Government was very foolishly shipping tanks to Saudi Arabia, said:

> Peace will not come (to the Middle East) as long as there is on one side blind hate and a will to kill and destroy. Peace must be based on security and respect for legitimate hopes and ideals of a noble democratic nation.

I subscribe to those sentiments. They are as valid today as they were the day they were uttered—a few short months before Israel, France, and England marched their troops into Egypt to keep open the Suez Canal and to stop the hit and run raids across Israel's borders.

We must act now to assure "security and respect for the legitimate hopes and ideals of a noble democratic state." Tomorrow may be too late.

I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the editorial "Who Won?" from the Washington Daily News of March 17, 1965, the articles from the London Times March 3, 1965, and the New York Times for March 4, 1965, and a table I have had prepared showing the amount of U.S. foreign assistance given or loaned to the nations in the Middle East.

There being no objection, the editorial, article, and table were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Mar. 17, 1965]

WHO WON?

The Mideast game isn't over yet, but let's take a look at the score:

West Germany: Lost face around the world when she let Egypt's Dictator Nasser stampede her into cutting off arms shipments to Israel. Regained some face by cutting off $250 million economic aid to Nasser—but German industries engaged in Egypt under that aid program will suffer. Gained back more face when she hit at Nasser by offering diplomatic recognition to Israel. But stands to lose diplomatic relations with Egypt and a half dozen other Arab States. Arabs also expected to recognize Communist East Germany in retaliation. This means West Germany must junk the Hallstein Doctrine, which sought to isolate Communist East Germany from rest of world. And Germany has jeopardized the safety of hundreds of West Germans working in Egypt.

Egypt: Gained $100 million in economic aid from East Germany, but lost $250 million aid from West Germany. Lost face when several Arab States failed to follow Nasser's demand that all Arab States break off with West Germany. Humiliation of Israel-West Germany diplomatic exchange may mean some weakening of Nasser's personal dominance in Arab world.

Israel: Gained diplomatic recognition from West Germany, which she has always wanted. Lost out on delivery of $16 million in arms—but she may get this anyway, when the Mideast pot simmers down a bit.

United States: Gained bad case of jitters for fear Egypt-Israel-German triangle might lead to Arab-Israel war with desert water as the excuse. Breathing a bit easier now but still keeping oxygen tent handy.

East Germany: The real winner. For a measly $100 million in credits to Egypt, East Germany is on verge of breaking out of her isolation and getting recognition of half dozen Arab States; other nations may follow suit in recognizing Moscow puppet regime.

[From the London Times, Mar. 3, 1965]

Israel Refuses To Renounce Use of Armed Force—No Agreement in Talks With United States

Talks between the United States and Israel here have ended disappointingly, and all that Mr. Averell Harriman, President Johnson's special envoy, could say this morning as he flew to Kabul was: "The Government of Israel is fully aware of the views of the U.S. Government, and I am now able to report to the President on the view of the Government of Israel."

The divergence of views was principally over an American demand that the Eshkol government renounce the use or the threat of military action to deter the Arabs from diverting the sources of the Jordan River rising in Lebanon and Syria before they reach the intake of the Israel national water carrier. The Americans claim they cannot meet Israel's demands for direct and overt military supplies in an atmosphere inflamed by Israel's implied threats of war.

Mr. Harriman's nebulous statement and the failure of an expected joint statement to materialize demonstrated that the 5 days of talks ended without agreement. Negotiations are being continued by diplomatic channels.

SUGGESTION DERIDED

The Americans are inclined to concede that if West Germany indeed reneges on her undertakings to deliver American-made tanks, and if Soviet arms shipments to Egypt upset the arms balance, circumstances will have been created which permit the United States to become Israel's supplier of defensive weapons. However, they attach requirements, including assurances that American arms should not jeopardize the security of her pro-Western Arab neighbors, Jordan and Lebanon. The United States is also arming Jordan and Saudi Arabia and wants Israel to show understanding of her position.

The American argument that the Arab river diversions may be for local irrigation purposes within the framework of the American-sponsored regional plan for the division of the waters is derided here and Mr. Eshkol is reported to have firmly rejected the suggestion that Israel undertake not to react until the Arab diversions exceed their allotted quotas.

The U.S. advice to Israel to rely less on her own might, bluff, and bluster and more on American diplomatic assurances has also been poorly received; American diplomatic support of Israel's case has not ended the Egyptian blockade of Israel shipping by the Suez Canal. Nor is the proposal that the Security Council adjudicate considered practical here in view of the systematic veto of any pro-Israel resolution by the Soviet Union.

NEW WEAPONS

The Syrians have begun work near Banias Springs at a slow pace and the Lebanese have not started at all. Opinion here is that the Arabs may be dragging their feet in order to adjust the timing of the completion of the project to coincide with the completion of military preparations, including the return of Egyptian troops now pinned down in Yemen, the strengthening of the Jordan and Lebanese armies and Egypt's absorption of new weapons, including ground-to-ground rockets.

Accordingly, some Israelis have said the timing of a probable military showdown should not be left to the Arabs. In fact the leveling of the canal route to Syria is at present only half a mile from the Israel border and could be easily disrupted by a few competent snipers. Some influential Israelis advocate action now while Israel has military advantages.

The Americans have been appalled by talk of preventive action. Officials said the Israelis had been asking too much, expecting military aid to enable them to take care of themselves, commitments by the United States to support them in case of an attack, together with freedom for unhampered military action when they see fit.

[From the New York Times, Mar. 4, 1965]

United States To Weigh Sale of Arms to Israel—High-Level Talks Expected Soon—Washington Policy Is Apparently Shifting

(By John W. Finney)

WASHINGTON, March 3.—The United States, seemingly modifying its Middle East arms policy, has agreed to discuss with Israel the possibility of supplying American weapons to offset Soviet arms shipments to Arab States.

High-ranking Israeli officials including possibly Foreign Minister Golda Meir, are expected here shortly, according to diplomatic sources to discuss the purchase of American arms.

The discussions will be an outgrowth of talks that Ambassador at Large W. Averell Harriman had during the last week with Israeli officials in Tel Aviv. Since Mr. Harriman's departure from Israel on Monday, some State Department and White House advisers have remained behind in Tel Aviv to continue the talks, which will lay the basis for the higher level discussions here within the next few weeks.

A TACIT ACCEPTANCE

Ostensibly the Harriman mission was prompted by the diplomatic and military confusion brought about by West Germany's termination of its $80 million arms deal with Israel. But the talks went far beyond the immediate problems created by Bonn's action and included the more complicated issue of how to provide Israel with an assured supply of modern arms in the coming years.

According to diplomatic sources, there was at least a tacit acceptance by Mr. Harriman of a contention by Israel that the cutoff of the West German arms shipments pointed up Israel's need to find new sources of weapons to maintain a military balance with the Arab States.

Mr. Harriman was reported to have expressed concern about possible Israel military intervention if some of the Arab States went ahead with plans for diverting the headwaters of the Jordan River.

Mr. Harriman, however, was said not to have laid down any condition of nonintervention as a prerequisite for Israel's obtaining American military assistance. The Israel officials, in turn, were said to have made it clear that they viewed the arms race and the Jordan River problem as separate issues.

The problem to be discussed in the forthcoming talks transcends immediate Israel demands for the arms undelivered by West Germany. Bonn responding to threats by the United Arab Republic to recognize East Germany, terminated the arms shipments when 80 percent completed. Among the weapons undelivered were some American-made M-48 tanks that West Germany was shipping to Israel with the U.S. approval and encouragement.

ASSURED SUPPLY SOUGHT

While the Israelis made it clear that they wanted the undelivered arms, they also emphasized that a more important consideration was finding an assured source of weapons over the next several years to counter continuing Soviet arms shipments to the United Arab Republic and other Arab States.

This is raising for the Johnson administration the difficult question whether the United States is willing to modify or abandon its policy of not being a direct supplier of arms to Israel.

The United States has provided limited amounts of arms to certain Arab States, such as tanks to Jordan and jet fighters to Saudi Arabia. The State Department confirmed today that the United States was discussing with Jordan a "general request" for arms but refused to comment on the details.

Largely because of a desire not to alienate the Arab nations, the United States has consistently refused to supply arms to Israel. The lone exception occurred 2 years ago when the United States agreed to sell Israel some Hawk antiaircraft missiles on the ground they were purely defensive weapons.

The administration's position has been that Israel should look to Western European sources for her arms, and at times, as in the West German deal, Washington has cooperated behind the scenes in obtaining European weapons for Israel. With the diplomatic difficulties encountered by West Germany in its arms deal, Israel obviously is going to have increasing difficulty in obtaining arms in Europe and therefore is turning to the United States.

The State Department was maintaining strict secrecy about the overtures from Israel. But the fact that the administration was willing to discuss arms purchases with Israel officials was an indication that the United States was moving away from its past policy.

While refusing to comment on the Israel situation in particular, a Department spokesman said the administration's policy in general in the Middle East was in "seeing a balance is maintained" in armaments.

The general appraisal of American officials is that Israel currently has a military balance with, if not superiority over, her Arab neighbors. The contention being advanced by Israel and generally accepted by American officials, however, is that this balance is likely to be upset in the next few years by continuing Soviet arms shipments to Arab nations, especially the United Arab Republic.

Total U.S. aid received through June 30, 1964

[In millions of U.S. dollars]

Algeria	$149.3
Iran	798.4
Iraq	46.3
Israel	996.8
Jordan	431.5
Lebanon	78.9
Morocco	451.0
Saudi Arabia	46.6
Sudan	81.4
Syria	81.9
Tunisia	397.0
United Arab Republic (Egypt)	943.1
Yemen	34.6
Total	4,536.8

Source: "U.S. Oversea Loans and Grants, Obligations and Loan Authorizations, July 1, 1945–June 30, 1964," special report prepared for the House Foreign Affairs Committee.

"MAN AND FOOD"—ADDRESS BY VICE PRESIDENT HUMPHREY

Mr. MONDALE. Mr. President, Vice President HUBERT HUMPHREY recently presented to the National Farmers Union Convention an address entitled "Man and Food." In the course of that address, the distinguished Vice President delivered one of the most comprehensive and commendable statements on American farm policy made by the present administration.

The Vice President is not content to extol the blessings which have provided America with the greatest agricultural ability and abundance in the history of mankind, nor is he content to extol the virtue of our extension of the hand that helps the less developed nations of the world where hunger is a constant companion and the dry wellspring of hope. "Man and Food" is a brilliant statement, not alone of where American agriculture has been, but of where it is going; not alone of the contributions which agriculture has made to our own and to several nations of the world, but of the unlimited horizon looming before agriculture in a world of burgeoning population, increasing urbanization, and rapid mechanization.

"Man and Food" promises, above all else, hope to the man who has given so much to the hopeless and hungry of the world—the small farmer. "Man and Food" declares in unmistakable terms this administration's determination to lift the haze of impending economic disaster which has begun to hang heavily and ominously over the rural community.

I welcome "Man and Food" as one of the finest farm statements of recent years. I commend it to the attention of my distinguished colleagues, and request unanimous consent that it be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

MAN AND FOOD

(Speech by Vice President HUBERT H. HUMPHREY at the National Farmers Union Convention, Mar. 15, 1965)

I have looked forward to this meeting for some time. It is an opportunity for me to renew old friendships, to relive old and happy experiences, and to learn from the men and women of America's farms.

I also want to pay tribute to you who are providing leadership in the creation of an efficient and productive agriculture. This is basic to the security and strength of this Nation—and to the free world.

This land is blessed among all others, and you help to make it so.

Here there has been developed the most efficient agricultural plant in all history, and you help to make it so.

Our great agricultural capabilities have abolished for us the twin fears of hunger and famine, and you help to make it so.

The day when the soil was mined, water taken for granted, and the forests were despoiled, is past. Exploitation of the soil has yielded to conservation. The people now know how to take care of nature's bounty, and you help to make it so.

The American consumer now is enjoying food at the lowest cost of any people in the world in terms of human effort expended, and you help to make it so.

The miracle of American agricultural efficiency is leaving its imprint in every area of the world, and you help to make it so.

We now are exporting at a $6 billion annual rate and you help to make it so.

Agriculture is our greatest dollar earner in foreign trade today, and you help to make it so.

Food is power. Abundance—and the ability to produce abundance—is one of our most valuable assets of strength in the world today.

Without that asset, our entire economy would be crippled. Without that asset, we could not have moved tremendous quantities of food and fiber under the food for peace program to help the economies of many less developed nations.

Without that asset, we could not provide nourishment to millions of children at home and in foreign school lunch and other child feeding programs.

And without that asset, food could not be such a vital bulwark of our foreign assistance efforts.

I have mentioned only a partial list of farmers' contributions to our national well being.

President Johnson said it best in his recent farm message when he declared:

"The bounty of the earth is the foundation of our economy.

"The farm people of this Nation have made and are continuing to make a lasting contribution to our national prosperity. As a matter of simple justice they should share equitably in this prosperity. They deserve a place of dignity and opportunity," unquote.

That is the fundamental, unalterable policy of this administration.

At no time in three centuries has American agriculture reached so far and touched the lives of so many people as it does today.

At no time has American agriculture been so closely connected with world agriculture in its gigantic task of feeding and clothing more people; husbanding and developing its various resources; expanding its trade; sharing in and contributing to the upsurge of modern science; providing a foundation for economic growth. By doing all this, American agriculture has assumed an ever larger role in mankind's long struggle for freedom and plenty.

It is hard for persons living under modern conditions to realize that we enjoy such widespread abundance and luxury. Over 150 years ago Sir Thomas More said, "I could wish rather than hope that laborers could have glass in their windows and meat once a week." We now have glass in our windows and meat is part of the ordinary diet of our people, along with milk, butter and other foods. In More's time these were luxuries hardly known to princes.

But there still is suffering in the world, and we are deeply concerned about it. We are, in fact, doing something about it. At home we are waging a war on poverty; abroad we seek to relieve suffering and want by a host of programs. We are putting to use constructively our resources of science, technology, finance, food, and knowledge.

We are well on the way in the conquest of hunger. You are in the forefront of that successful endeavor.

Twenty years ago 1 farmworker fed 11 people. Today he feeds 30, and feeds them better. Productivity per farmworker has increased at a rate of 5 percent per year during the past decade, more than twice the nonfarm rate. There has been more change in agricultural production during the lives of people now living than in all the previous years since Biblical times.

If it were possible to transport someone from the time of Christ to an American farm as of 100 years ago, our visitor would have recognized virtually every tool then in use: the rake, the hoe, the plow, the flail. Transported to an American farm today, he would think he was on another planet.

Scientific and technological progress have given us new sources of power, new kinds of machines, new substitutes for scarce materials, and new knowledge. This makes it possible for us to produce more physical goods with less human effort than ever before.

It is true that this power is not developed everywhere it is needed. The knowledge is not distributed as widely as it should be. But it does exist. Today science and technology have progressed so far that we know how to produce enough so that no man, woman, or child on earth need want for food.

We are on the threshold of an age of abundance. Yet we are not progressing fast enough in overcoming scarcity in those parts of the world where it presses heavily on millions of people.

The most important truth of our generation is the fact that the physical barriers that imposed hunger upon men have been struck down within our lifetime. The most important need of our generation is to develop the means to overcome the social, political, and economic barriers that prevent the promise of enough food and fiber for all from becoming a reality. This is a goal so promising and so inspiring that it is worthy of the best of all of us.

The time also has come for action in meeting head on the problem of poverty in rural America. This must be a large, comprehensive and generous effort. And if we are to do something about it, we must face the facts and make an all-out attack on its causes.

This means better employment information and counseling.

This means training of rural people for local nonfarm employment.

This means assistance in the development of industries in those areas where considerable surplus farm labor is available and where nonfarm employment must supplement limited farm income.

The small farmer has a great sense of independence. Many of these people do not want to leave the land—nor should we want them to. I reject any "solution" that would, in effect, force the small farmer off his land. We need a rural America. We need stewards of the soil. We need the moral and social values of rural living.

On the other hand, for those farmers who feel that the best opportunities for themselves and their families lay in nonagricultural pursuits, we should create an economic environment which makes it easy for them to make that shift.

This means vocational training, improved education for rural Americans. It means technical and other assistance for firms desiring to locate in agricultural areas, along with improved water supplies and health facilities. Freedom of choice with the technical and other abilities to make an intelligent choice should become a hallmark of our rural society.

Parity of opportunity for income, for education, for housing, for health care, for sanitation, for other public services. These are the needs of our day. We must fulfill these needs if we are to emerge into our Great Society here at home.

Further ahead, however, lies the greatest challenge of all—meeting the rising demands of a burgeoning world population sustained by higher per capita incomes.

Here, too, if we are to comprehend the true extent of this challenge, there are certain basic facts which must be understood:

North America, Australia, and New Zealand are now the only consistent net exporters of agricultural commodities. Asia and Africa have joined Western Europe as permanent net importing regions. Eastern Europe and Latin America appear to be losing their surplus producing capacity.

Most of Asia, Africa, and Latin America are the less developed areas of the world. The rest of the world comprises the developed areas.

Before World War II the less-developed world exported 11 million tons of grain each year to the developed world. In 1964 the developed world exported 25 million tons of grain to the less-developed world. The less-developed world is losing the capacity to feed itself. A growing share of each year's population increase is being fed by food shipments from the developed world, primarily food-for-peace shipments from the United States.

The world population gain is running 2 percent a year. The demand for food is increasing at this rate in addition to the amount resulting from higher per capita incomes. It does not seem likely that the downward trend of food output per person in several major less-developed countries can easily be reversed.

Unfortunately, the vast increases in population will come in the regions least prepared to feed them. The imbalances between population and food in the less-developed regions are certain to grow.

In Western Europe, the major question with respect to our exports depends on what emerges from the Kennedy round trade negotiations. We expect the rate of economic growth to remain high, and the demand for agricultural commodities to expand. The extent to which this increase in demand will be reflected in European imports will depend to a major extent on the current negotiations. We intend to make every effort to achieve trade liberalization in agricultural as well as industrial products.

It may not be realized, but Japan is today our top oversea export market, taking three-fourths of a billion dollars worth of farm products in 1964. And the market is growing.

The dynamic forces which have doubled U.S. farm exports over the past decade still are in existence. An even greater impact from these same forces on the level of U.S. farm products exported is expected in the years ahead. The share of our agricultural output moving abroad will very likely continue to climb. The export market is the big area of potential expansion for U.S. agriculture if we compete—if we sell—and if we don't price ourselves out of the market.

The challenges of the war against poverty can and will be converted into opportunities for our farm people. The challenges of the foreign demand for agricultural commodities can and will be converted into opportunities, too. The future of this Nation as a world leader depends to a major extent on the productive capabilities of our farm people. The Nation will provide equitable returns for this service. This is our policy.

Carl Sandburg wrote a poem entitled, "A New America." I would like to read a portion of it for you:

"I see America not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun, fresh from the burning creative hand of God. I see great days ahead, great days possible to men and women of will and vision."

That is the fundamental philosophy of this Administration.

TORNADO DISASTER

Mr. BAYH. Mr. President, on Wednesday, April 14, President Johnson made a tour of the several Midwestern States recently struck by floods and tornadoes. His first and most extended stop was in northern Indiana where he viewed portions of the tornado destruction which severely affected the lives of thousands of Hoosier residents and caused over $400 million in damaged property.

For the people of Indiana who are now beginning the long, slow process of reconstruction and recovery, the President's visit was a welcome sign of encouragement and help. Those of us in the Indiana congressional delegation who accompanied the President were gratified by his indication of concern and understanding. As he stated in his remarks on arrival in Indiana, the President came not only as the harbinger of sorely-needed aid, but also as the symbol of the neighborly support which has been flowing to the Hoosier State from all parts of this great Nation.

Mr. President, I ask unanimous consent that the remarks made by President Johnson last week on his arrival in South Bend, Ind., be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of President Lyndon B. Johnson on Arrival at South Bend, Ind.

Governor Branigin, Senator Hartke, Senator Bayh, Congressmen Brademas, Adair, Bray, Denton, Hamilton, ladies and gentlemen, and my good friends from Indiana: All of our Nation was stunned and shocked over the weekend by the tragedies which struck so many families and communities in so many of our States.

Today, together with Gov. Buford Ellington, Director of the Office of Emergency Planning, I am visiting in three of the States which were stricken—and inspecting from the air the damages caused in six States here in our great Midwest.

I am beginning the visit here so that we may go to our neighbor communities of Elkhart and Goshen where the loss of human life was the highest. Neither our presence—nor our programs of assistance—can do more than symbolize the sympathy of the Nation for those who have lost their loved ones in these grim disasters. But I know that all Americans—in all their homes all across the land are here with me this morning to extend their sympathy and a helping hand.

Only last week, Governor Ellington reported to me that in the past year of 1964 natural disasters of all kinds touched the lives of more than one out of every seven Americans. This is indeed a very high ratio. I know that we all wish it were possible to do more than we can now do to avoid the death and the destruction of such disasters. We may pray that our technology and science will some day enable us to exercise greater control and prevention toward that end.

Until that day comes, I know it is the will of the American people that whenever their neighbors or friends in any community or in any State, suffer such losses at the hands of nature, the Government of this good and generous people should be ready, and will be ready, to assist in every useful way. That is the reason I have come here with this good delegation from Indiana this morning, because we hope that our presence, and we believe that our meetings with your public officials of the communities in this State, as well as the other States, and the personal visits with those who have borne the brunt of these disasters will enable our Federal assistance to the States and communities to serve more effectively and more promptly, and more efficiently in the task of reconstruction and the task of rebuilding that face the citizens of this area.

In an hour and time like this the Federal Government must not be something cold and far away, but must come and be a warm neighbor and warm friend.

We hope as a result of our association with you today and what we observe here, that we can bring to the people of this area what they need and what they should have in this hour of trial and tribulation.

Thank you very much.

LEGISLATIVE APPORTIONMENT

Mr. McNAMARA. Mr. President, ever since the Supreme Court's historic one-man, one-vote decisions on legislative apportionment--those who want to preserve the malapportioned status quo have been making dire predictions that legislative chaos would result if everyone's vote had equal weight.

As a long-time supporter of equal apportionment I have heavily discounted these prophets of gloom and doom.

As many know, the district in both houses of the legislature in my own State of Michigan were reapportioned last spring on a one-man, one-vote basis in time for the primary and general elections of 1964.

The legislature elected last November 3, from the equally apportioned districts, has now been sitting since January at the State capitol in Lansing. Already some fundamental and badly needed changes have taken place.

In an article in the Sunday, April 11, Detroit Free Press two veteran reporters analyzed in some detail these changes.

Mr. President, I ask unanimous consent that the Detroit Free Press article entitled "The New Look in Lansing" be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Detroit Free Press, Apr. 11, 1965]

The New Look in Lansing; a Quiet Revolution Is Sneaking Up on Us

(By Roger Lane and Tom Shawver)

(Editor's Note.—They've been remodeling at Lansing. New buildings. Fixing up old buildings. New furniture. The most thorough facelifting the capital has had in years. But the remodeling goes deeper than bricks and mortar and cloth. The legislature, itself, has been facelifted. There's a new breed of lawmaker sitting in its seats and walking its corridors. Free Press politics writer Tom Shawver and Lansing bureau Roger Lane today give you an inside look at the historic change that has taken place.)

Lansing.—A major revolution is underway in the State capitol. It is the biggest upheaval since the beginning of G. Mennen Williams' 12-year reign, and potentially as important.

Yet it moves forward almost unnoticed by the men and women who set it in motion at the polls last November 3. And many actors in the drama, like foot soldiers, glimpse only dimly the new direction being taken.

The 139 men and 6 women members of Michigan's 73d Legislature are working the transformation in hundreds of little ways. Taken together they mark a major turning in Michigan history.

They are carving out a broadened, more professional, better informed, and probably year-around role for the State legislative function—something akin to the place of Congress in the national scheme of things.

Purposefulness and a sense of mission seems to be gaining ascendency over the passivity and myopic parochialism often conspicuous in the past.

It is happening less than a year after the U.S. Supreme Court's historic decision ordering reapportionment of both house of State legislatures on a population basis.

Michigan, scarred by years of bitter partisan warfare over legislative redistricting, reacted quickly. The State supreme court ordered a reapportionment plan conceived by Democrats and laying out districts virtually equal in population.

Republicans cried "gerrymander," but the election was held and Democrats came out on top, 23 to 15 in the senate and 73 to 37 in the house. (Three of 148 total seats now are vacant.)

The new legislature is the first with both branches under Democratic rule since the Great Depression 30 years ago.

"But that's only one of a hundred differences," said one long-time capitol observer. "This legislature is a different breed of cat from any I've ever seen."

The group that first met in Lansing nearly 3 months ago undoubtedly is the youngest since before World War II, probably in the 20th century.

"This is no longer an old folks home for retired farmers and township supervisors," remarked one seasoned Republican in the house.

"Many members are youthful and eager," he said. "They carry briefcases and they have a businesslike air. There's more burning of the midnight oil."

The new legislature also is one of the best educated ever assembled in Michigan. It is one of the greenest politically and in lawmaking rituals. It is markedly more city oriented than its rural-dominated ancestors.

Half of its members are brand new, twice the usual quota.

The legislature is the best paid in the Nation, with members drawing $12,500 in annual salary and lump-sum expense. This compared with $8,250 last year, $5,000 in 1960, and $3 a day as recently as the mid-1940's.

Seventeen legislators are schoolteachers and educators, over twice the usual number. The senate roster for the first time in memory includes not a single member listing farming as his main occupation.

Besides 9 lawyers, the senate has 13 college graduates (3 with master's degrees). In the 1959 "cash crisis" legislature, only three senators had college degrees in addition to nine lawyers. A parallel trend characterizes the house.

There are more women lawmakers now than ever before, 6, and more Negroes, 10. Both women and Negroes wield unprecedented power, authority out of proportion to their numbers.

For example, Negroes James Bradley, George Edwards, and Mrs. Daisy Elliott, all of Detroit, chair the house committee on labor, private corporations, and revision and amendment of the constitution.

In the senate, Basil W. Brown of Highland Park heads the judiciary committee and serves as majority floor leader. Coleman Young of Detroit heads the elections committee.

Each of the woman members, like the Negroes, all Democrats, sits at the head of a committee table. Mrs. Josephine Hunsinger of Detroit presides over roads and bridges, and Mrs. Lucille McCullough of Dearborn chairs the important education committee.

The legislature, for the most part, is hardworking. But because of the inexperience of many members and the newness of Democratic leaders to their jobs, there is little concrete yet to show for its efforts.

Some committees meet and summon busy appointive officials at the breakfast hour. State Controller Glenn S. Allen, Jr., answered calls at 8:15 a.m. and 8:30 a.m. on successive mornings 10 days ago. Increasingly, other committees are staging after-dinner hearings.

Still, to the delight of favored restaurateurs and hotel managers, the legislative banquet schedule is fuller than ever as lobby groups strive to memorize new names and faces and read unfamiliar—and often disquietingly aloof—personalities.

"I need another dinner like I need a hole in the head," freshman Senator Jerome T. Hart, Democrat, of Saginaw, grumbled to his secretary in mid-March. "I've gained 15 pounds in 2 months from big dinners and not enough walking."

As for lobbyist headaches, an illustrative story making the rounds relates the embarrassment of a well-known practitioner, a representative of a corporate giant who concentrated in the Republican-run senate in 1963-64.

"I'm Joe so-and-so with such-and-such a company; who are you?" the lobbyist said one day to a youthful-looking house member.

"I'm Bob Traxler, Democratic floor leader in the house," replied Representative J. Robert Traxler, 33, of Bay City. "Where the devil have you been the last 2 years?"

The preponderance of freshmen in a setting where votes spell power has a few times inspired words of rebellion against party leaders, especially after sundown and a few draughts of heady cheer.

It's anybody's guess whether a weighty or emotional issue—perhaps an income tax, mental health spending, Romney's politicking, or some touchy minor issue—might suddenly fan smoldering coals into flames of insurrection.

Nobody is betting now that this will happen. And if revolt broke out, it likely would be short lived.

One significant alteration already well begun would have met stern resistance from established order a few years ago.

This was the decision of the new house speaker, Representative Joseph Kowalski, of Detroit, and other Democratic leaders to reshape the legislature's operation with Congress as a model.

First, this means rejection of the "public lounge" aspect of the legislation as a kind of oversized two-room schoolhouse on parents' night.

In this setting, lawmakers were arranged much of the time in neat rows, making convenient targets for hovering lobbyists and other pressure-generators, with only a few committee rooms and lavatories as handy places of refuge.

The new regime set wheels turning to give each senate and house member a respectable off-the-floor operating base and some pretense to privacy.

Each soon will have his own desk, telephone, filing cabinet and reasonable access to stenographic service—and in tasteful and cheery surroundings.

This meant a flushing out of bureaucrats from cluttered and usually dingy quarters on three floors of the capitol. It required roughly a quarter-million dollars in painting, carpeting, wiring, new furnishings and carpentry.

Legislative officers and Lt. Gov. William G. Milliken got private suites. Romney likewise was emancipated from cramped quarters that have shackled Governors since the administration 40 years ago of Alex Groesbeck, who in less complicated times got along with a staff of five.

Since mid-March Romney's 29 aids and clerical helpers have enjoyed just about double the square footage formerly occupied—excluding windowless balcony space first used by Governor Williams and sometimes called "the black hole."

The new capitol layout, unsurprising to most visitors, has evoked gasps from some exlegislators who were accustomed to getting postage stamps doled out a few at a time and waiting days to have a few letters typed.

Legislators' new off-the-floor hide-outs also make it tougher for the 200-odd registered lobbyists to track them down.

Strict new rules barring lobbyists from the house and senate chambers for considerable periods have relieved lawmakers of some of the gauntlet-running ordeal they used to face in adjoining corridors.

To stop a bill in committee is no longer the shooting-fish-in-the-barrel exercise it was said to be for certain of the capitol's most seasoned and talented lobbyists.

In other moves that reflect patterns in congress, the house majority has set up a policy committee, beefed up the house staff by about 50 percent (92 employees compared with 60 a few years ago) and sought to strengthen research, analysis, public relations, bill drafting, and other services.

Don Hoenshell, a veteran Detroit and Lansing newsman, was hired at $17,500 a year to energize this operation through a greatly enlarged and revitalized legislative service bureau.

Under the new constitution, the legislature now directs a legislative auditing unit. This new watchdog agency in time might function like the General Accounting Office of Congress.

There is evidence that lawmakers more and more think of carving out legislative careers comparable to those of veterans in congress.

A surprising sign of the time, and a probable herald of the future, is the description of 19 house members as professional legislators in biographies submitted to the house clerk. It was almost unheard of before.

The phenomenon assuredly reflects the higher pay and richer pension prospects. But likely even more, it represents a provision in the 1963 constitution that prevents State legislators from clinging to jobs they formerly doubled at in township, county, or city governments.

Legislative internes, young college graduates paid 50 percent by Ford Foundation grants and assigned to assist house and senate leaders, are another fresh element in the legislative scene.

As for the infusion of youth in lawmaker ranks, the key factor is the $12,500 salary and expense allowance. A young man on the way up—lawyers, particularly—now can afford the valuable experience of legislative service without crippling financial penalty.

The average age in the senate is down to 43.6 years from the 55 average of 1959-60, with 15 of the 37 senators in their thirties, 12 more in their forties, and only 4 beyond 60. Five years ago 5 of the then 34 senators were past 70 and 11 others beyond 60. Only 4 were under 40.

Fred I. Chase, who retired recently after more than four decades as senate secretary, recalled that "in the old days serving in the legislature was mostly an honorary position."

"We had bank presidents, retired judges and others with substantial incomes," he said. "I can recall seeing senators match quarters for each other's paychecks. The $3-a-day salary then didn't amount to a spit in your eye for those fellows."

After the composition of the legislature began to change materially in the 1950's, the money-grind exacted a painful price of many lawmakers, especially those from the faraway Upper Peninsula.

Many a veteran remembers the stringencies of the deadlocked 1959 legislature that met from January until nearly Christmas. That was when the overall pay was at $5,000.

"I had to borrow $2,000 to make ends meet that year," said Representative F. Charles Raap, Democrat, of Muskegon, a machine operator at Continental Motors Corp. with three children. "It took me 2 years to pay it back."

"We voted a pay increase (to $6,250 a year) at the end of the session and I was defeated for reelection," Raap said. "Considering my debts then, it probably was a blessing in disguise."

At the higher pay level, Raap expects to devote full time to legislative work, concentrating on mental health as chairman of the House Mental Health Committee.

Many other legislators see their office as becoming a year-round job.

Representative Russell H. Strange, Republican, of Mount Pleasant, said interest in Lansing activities was more and more a full-time * * * on the upswing among his constituents. He said he was getting more mail than ever in his 9 years in the House, more calls at home and more invitations to speak in his district.

"Part of it," he said, "is because State government is entering into peoples' lives more than ever before."

Traxler, among others, foresees lengthening sessions from the 4-to-5 months meetings of the past attuned to the seasonal rhythms of the farm.

"I think we'll be for practical purposes a year-round legislature before long," he said. "Eight months, rather than 5, will be the usual thing."

THE UNITED STATES AND A LATIN AMERICAN COMMON MARKET

Mr. JAVITS. Mr. President, a few days ago the presidents of all Latin American nations received a 30-page report proposing the establishment of a Latin American Common Market. The report was prepared by Dr. Carlos Santamaria, Chairman of the Inter-American Committee for the Alliance for Progress; Dr. Felipe Herrera, President of the Inter-American Development Bank; Jose Mayobre, Executive Director of the United Nations Economic Commission for Latin America; and Raul Prebisch, Secretary General of the United Nations Conference on Trade and Development. The fact that this proposal has been made by four distinguished leaders of Inter-American thought is highly significant, but the support of public opinion and political support at the highest levels in Latin America are greatly needed.

I strongly urge the political leaders of the hemisphere to translate this idea of a Latin American Common Market into the reality of a mass market of some 220 million people, with a combined gross national product of between $70 and $80 billion.

It is also appropriate, however, to remind all those working toward this inestimable goal that hemispheric unity is vital to its success, and that provisions must be made for the eventual inclusion in such a market of the United States and Canada, the largest markets of all. There is no place in the Americas for any exclusive concept of the economic unification of the hemisphere. Without North America, success of such a venture is dubious, at best. But there is no need to court failure, as public opinion in North America is very sympathetic to these ideas.

To those of our neighbors in Latin America who see their course as being economic unification of Latin America alone, which would then do business with Europe and North America as potential competitors, one with the other, it should be pointed out that this arrangement will not provide the best opportunity for success for any of the parties involved. The economic unity of the Americas is the logical course; and it should be broadened to include Canada, bringing it into full association with Latin America, to assure that the experience of the European Common Market is paralleled, so as to give the greatest strength economically to all the Americas, and make it as greatly an improved trading partner for Europe as the EEC has proved to be to itself and the rest of the world.

Accordingly, the Latin American Common Market proposed in today's report should be the first step toward the ultimate objective of a Western Hemisphere free trade area, aiding the growth of the private sector in the constitutional Republics of the Americas, and maintaining a place for Cuba, when that nation again becomes free and democratic.

I ask unanimous consent that an editorial published in today's New York Times which deals with the same point be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 22, 1965]

LATIN COMMON MARKET?

Latin America is being urged to give immediate consideration to a bold concept—a continental common market. An integration plan has been drawn up by four of Latin America's most distinguished economists. They ask each government to approve establishment of a Latin American parliament and of an "institutional mechanism" for an economic union.

Their proposals go far beyond the vague desire for a common market expressed in the charter of the Alliance for Progress. They have revived in new and realistic form the old dream of unifying the continent that had possessed Simon Bolivar. Latin America's four "wise men" have drawn up a program that includes a timetable for lowering tariffs and plans for industrial cooperation and for a payments union.

This program is based on the plan adopted and carried out with such success by the European Economic Community. Its authors are under no illusion that a Latin American Common Market can proceed at anything like the same pace or produce as significant results; but they are confident that it is possible to find workable solutions and that the important thing is to make a start.

At this stage the planners are seeking the participation of neither the United States nor other industrial nations. They think it essential that Latin America take the first steps on its own, recognizing that it will require spirit and enthusiasm as well as sound policies to surmount the obstacles of integration. Indeed, progress toward economic union depends on first overcoming the inertia and the opposition of vested interests that have kept the countries of Latin America in watertight compartments.

While the United States is not directly involved, it can still make a contribution by encouraging the efforts of the planners. They need Washington's support—material and moral—in helping make their dream come true.

RESPONSIBILITIES AND COMMITMENTS IN SOUTHEAST ASIA

Mr. INOUYE. Mr. President, I invite the attention of Senators to two editorials, one from the Nashville Tennessean and the other from the Philadelphia Inquirer. I believe that these editorials are very much worth bringing to the attention of a wider circle of those interested in our responsibilities and commitments in southeast Asia.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Nashville Tennessean,
Apr. 13, 1965]

PRESIDENT'S ASIA PLAN MAY BRING RESULTS YET

North Vietnam, in abnormally bitter language, has rejected President Johnson's offer to enter into unconditional discussions to end the fighting in South Vietnam.

The Communist regime's official newspaper in Hanoi reacted to the President's proposal with one of the most abusive attacks against Mr. Johnson and this country that have yet come out of the Communist propaganda mill.

The intensity of the attack suggests that the President's proposal for a development program for southeast Asia might have received a more favorable response in that region than the Communists care to admit. Any proposal that raises the hope of peace and more abundant living in an area that has been torn by war for many years is bound to attract some wishful attention, even among the weary Vietcong.

Thus it is not surprising that Mr. Johnson's proposal should be met by a Communist propaganda attack of unprecedented bitterness. Only by a twisted verbal assault can the Communist leaders in South Vietnam sell Mr. Johnson's peace proposal as insincere and as a toast to peace that "smells of poison gas." Only by misrepresenting what the President said can the Reds make a genuine aid program, "bait" offered by "stupid pirates."

There are dangers for the United States in Vietnam. But the reaction to the President's speech—violent in tone, as it was—isn't necessarily dangerous. It makes it clear that Mr. Johnson's ideas and alternatives to war carried some appeal for southeast Asia. That is why the Communist response was so severe.

Hanoi's rejection statement should not be taken as all bluff. The tenseness of the situation in southeast Asia has not diminished. But neither does the tough statement rule out any possibility of future peace talks on terms acceptable to this country.

The State Department, while declaring that President Johnson's offer of peace talks will be kept "on the table," pointedly noted that Hanoi's statement, although harshly worded, was not a rejection of anything. It may be significant that Hanoi has not yet responded to an appeal by 17 nonalined nations for a start on peace talks without preconditions.

If and when Hanoi is ready to talk about peace in Vietnam, the Communist leaders obviously would prefer that the negotiations grew out of the 17-nation proposal, instead of appearing to result directly from any move on the part of the United States, or any suggestion by President Johnson.

For the present the United States is on the initiative. President Johnson has offered to talk peace. At the same time bombing attacks continue in the North. The principal problem that remains is whether Hanoi is really desirous of peace. For the present it seems that only increasing pressure by American planes and South Vietnamese fighters can determine that.

[From the Philadelphia Inquirer,
Apr. 19, 1965]

OUTRAGE OVER VIETNAM

President Johnson's Easter reiteration of America's willingness to start Vietnamese peace talks at once and without preconditions was remarkable in many respects. It was a moving and thoughtful summation of the tragic situation.

But one aspect of the statement seemed to us of special significance under the circumstances—a weekend that saw Moscow threatening (again) to send "volunteers" and thousands of U.S. students milling around the vacant White House, probably well intentioned but offering their country no more useful advice than to turntail and run, leaving millions of Vietnamese to merciless exploitation by communism.

The President said:

"I understand the feelings of those who regret that we must undertake air attacks. I share those feelings.

"But the compassion of this country, and the world, must go out to the men and women and children who are killed and crippled by the Vietcong every day in South Vietnam.

"The outrage of this country, and the world, must be visited on those who exploded their bombs in cities and villages, ripping the bodies of the helpless * * *"

It is probably worth noting that the latest Moscow declaration was elaborately hedged with conditions. Those "volunteers" might be sent "if" the U.S. "aggression" intensified, "if" it proved a "necessity," and "if" an appeal from North Vietnam were received. The Soviets do not appear to be anxious to spread the conflagration, and there is abundant reason. They know what an all-out war on their own soil is like. They had one, perpetrated by Adolf Hitler.

And if, even in Moscow, the President's calm and rational approach to the Vietnam impasse is having some effect, it can at least be hoped that it also is reducing the thirst for conquest in Hanoi and Peiping.

For it is plain enough, to those who do not delude themselves, that this "dirty little war" of terror by night in the rice paddies is one started by Communists and which must be stopped by Communists. The President is doing everything possible from this side, unhelped by thousands of misled juvenile underminers who, in another age, might have "done business with Hitler," and he deserves America's gratitude and support.

A redirection of loudly vocal "outrage" over Vietnam to the proper object, the black-pajama mob in the jungle, led and loaded by the Communists, would be a proper first step.

BARNS AND SKYSCRAPERS—INSEPARABLE

Mr. MURPHY. Mr. President, Mr. W. B. Camp, one of California's most respected agricultural leaders, recently made a speech to the Santa Ana Chamber of Commerce. His remarks are a significant analysis of our Nation's agricultural economy; and I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Barns and Skyscrapers—Inseparable

(Talk by W. B. Camp, farmer, Bakersfield, Calif., at the quarterly general membership meeting of the Santa Ana Chamber of Commerce, Santa Ana, Calif.)

Recently I read a statement attributed to an enterprising produce man who said: "You can't do today's job with yesterday's methods and be in business tomorrow."

In other words: "There is nothing so constant as change." This is particularly true in American agriculture. The story is the same whether it be north, south, east or west. We are in the middle of an agricultural revolution all over America.

Today, less than 8 percent of our people live in the country. Less than half of these depend upon farm income for a livelihood for themselves and their families.

This shrinking farm population has been a sign of strength, rather than weakness—the inevitable consequence of rapidly expanding agricultural efficiency.

In spite of this dwindling farm population, farming remains our biggest industry. About 40 percent of all workers in America are employed directly or indirectly by agriculture. Investment in farming was over $214 billion in 1962. That's about three-fourths of the total value of current assets for all U.S. corporations.

It isn't news when I tell you that some farmers across the country aren't doing so well just now. But, I hope it isn't news when I tell you there are other farmers, right in the same areas, who are not yet yelling disaster. I'm not ashamed of the job we farmers have done—nor do I come before you pleading special consideration for farmers.

The proportion of people who understand agriculture is small, and continually declining. Even so, it is important to remember that farmers, and the farms, are absolutely essential. Food and fiber must be produced if the people are to live and work. They can do without radios and automobiles and other modern conveniences, but they must be fed and they must be clothed.

Contrary to public opinion, American agriculture itself is not sick. In terms of productive efficiency, farmers have done a superb job. Modern production, distribution and marketing techniques have provided the American people with a quantity and quality of food and fiber unparalleled in history. Actually, this job has been so effective that progress itself poses our most important problem.

Every year consumers save twice as much in their food and fiber bills as has been the total costs of all farm research during the past 100 years. In fact, if we were operating today on the basis of our 1940 know-how, the yearly cost of present farm production would be $15 billion more than it is. Only 12 years ago consumers were paying 26 cents of each dollar for food, whereas today's food cost is less than 19 cents. A 27-percent reduction.

In spite of this efficiency, some alarmists predict that soon we will run out of land on which to produce enough food and fiber for our increasing population. This is not so, and will not be so in the foreseeable future. By merely doing a better job, using only our present knowledge of scientific agriculture, we can again more than double the production we are now getting from the farms presently under cultivation.

The marvel of the 20th century has not been aviation, the automobile, radio, TV, space travel, or even the atom bomb; but the tremendous forward surge of American farmers' capacity to produce the great abundance of food and fibers. And this has been done with less than half the number of farmers in business only 20 years ago.

However, research and education are the fundamental bases for all progress, and the progress made in American agriculture up to now is but a stepping stone to what we may expect in the future. We have hardly scratched the surface. Of course, I mean, provided we are able to reverse the direction of the transmission belt which is now rushing us into socialism.

Newspaper cartoons still picture farmers wearing patched overalls and seedy straw hats. We don't mind this too much. Most of us do wear sturdy clothes when out working our crops or when around the barn taking care of farm chores. But the time has come when farmers must not be considered a separate or a special class of the American society. No longer should we use the term, "farmers and businessmen." It should be, "farmers and other businessmen."

The agricultural world and the industrial world are not two separate economies, having merely a buyer-seller relationship. Rather, they are so intertwined and so inseparably bound together that one must think of them jointly if there is to be any sound thinking about either one or the other.

Awareness of the mutual interdependence of agriculture and industry is growing generally. The present-day farm could not exist without the products of industry. It is also true that industry could not prosper without the products of agriculture, and strong outlets among its farm customers.

Farmers are the biggest single group of buyers and consumers in the United States—which is another reason why the welfare of the rest of our economy still depends so heavily on how agriculture is getting along.

This interdependence is due primarily to the development of a more fully mechanized commercial agriculture. And while increasing commercialization has at times brought more prosperity to the farmer, it has also made it possible for him to go broke much faster. Before 1930 it took 8 or 10 years for a farmer to go broke—while today the job can be done in a fraction of that time. Everyone knows it now takes a lot of money to buy, equip, and successfully operate a farm.

Again I speak of "change." For the country as a whole, the tendency over a period of years has been toward the consolidation of small farms into larger farms. That tendency will continue, if we are to have the greatest advance in economic production. We must recognize this as a normal result of progress, and as a perfectly natural outgrowth of our changing times. This does not mean that these larger farmers are not still family farmers—they are.

Family farms are not being swallowed up by factory-type farms, as so many of these professional do-gooders falsely claim. Family-operated farms make up approximately the same proportion of the Nation's farms today as they did 50 years ago—about 97 percent.

Those who are close to the land should be helped to stay there if it is possible to do so. But I do not want them kept as mendicants nor as slaves, nor as political pawns of the "welfare state." I do not want them kept there by any sort of device that penalizes initiative or rewards inefficiency. Such devices are brutally unjust and inevitably lead to a day of final liquidation. After all, the public interest is going to prevail if we are to remain a free people.

The most important single ingredient in the success story of the American farmer has been that of freedom. Yet, we have in this country a bunch of irresponsible do-gooders, many of whom know little or nothing about agriculture, blindly arguing for programs that would be utterly destructive. They advocate higher and higher wages for everybody. We would all like to pay high wages—actually we do. But the famer's ability to pay is determined by what he gets for his product. These do-gooders also yelp for cheaper food. I'm for that too, provided there is sufficient profit left to provide a decent living for the farmer and his family.

The very same bunch is damning the actual and inevitable trends in American agriculture and demanding a return to the old-type family-size farm which really means a return to horse and buggy days. In those days, modern plumbing and other conveniences were not for farmers. Most of these do-gooders would have us believe that "success of the farmer is a social evil."

This type of loose-lipped mouthing has its appeal to many unthinking people, but the cold facts are these three things—higher and higher wages, cheap food and very small inefficient farms—never have gone together, do not now go together and never will go together. We all know that a pair of shoes, a tractor, or an automobile would cost a great deal more if they were made in thousands of little shops, and, if present high rates of pay maintained. I insist that farmers are entitled to just as good wages and just as good living as anyone else.

Good farmers will survive if they are good managers, and employ modern methods intelligently. Again I must add, provided the smart boys in Washington are prevented from carrying out their program of planned attrition, a device that will inevitably eliminate today's most efficient farmers. They do this under the guise of helping the family-size farmer. Efficiency should be rewarded, not penalized.

When looking toward the welfare of the families living on these small farms, consideration should be given to the establishment of new industries, including agricultural industries, as an outlet for their labor.

There is now a program in many States where unskilled workers, many of them living on small farms, are being given special training courses. This, so that they will be able to better serve the industry—and at the same time equip themselves for personal advances—and a higher standard of living for their families. In some cases this program is being sponsored by Federal and State agencies, while others are being carried on by private industry itself.

In my opinion, a program such as this is far sounder from a social, spiritual, and economic standpoint than many of the Government so-called farm programs that have been proposed to aid families living on small uneconomic farms. This program of training these people, and at the same time bringing more industries to the different areas, will make it possible for them to gain a decent livelihood for themselves, with the use of their own labor and skill, without having to look to the Government for a cash handout—which is totally unacceptable to any independent-minded, red-blooded American.

It cannot be argued that this type of program will solve the basic farm problems in America. Most assuredly though it will rejuvenate a lot of families that never can, under our present pattern of industry and political agriculture, become self-supporting and self-respecting, trying to support themselves on a few acres of land, and a small annual dole handed out from Washington.

The annual dole is not the answer to any farm problem. In all fairness and frankness it must be admitted that the farm family, barely existing on an inadequate farm, constitutes a social problem, not a farm problem.

The Government can't possibly guarantee a decent living to a family with a cotton allotment of 5 acres or a tobacco allotment of one-half acres—even with 200 percent of parity. Special political consideration for this type operator is definitely a disservice to him and to everyone else. We should insist that our agricultural policies make economic sense as well as political sense.

But again I speak of change. I agree with the late Charles F. Kettering; "Ain't no such thing as the good old days. The only thing that counts is the good new days, and people are afraid of 'em, afraid of change."

It has not been so terribly long ago that I was plowing with my bull on our little farm in South Carolina. It has been still a shorter time since I came to California and planted the first patches of cotton in the San Joaquin Valley.

For many years it was thought that cotton would not grow successfully anywhere in the United States except in what is known as the Deep South. However, when the boll weevil destroyed the Sea Island cotton industry along the coast of South Carolina and Georgia, our Government officials became alarmed. They felt we might be caught someday in an emergency and find ourselves without a supply of long staple cotton. This was needed to make strong fabrics for airplane wings and ambulance tires. It was then, at the beginning of World War I, that the search was begun to see if areas could be found in the West where staple cotton could be grown. I was given that assignment.

Thus, it can be said that the cotton industry in California, Arizona and New Mexico was largely a "war baby."

Today cotton is the number one cash crop in each of these three States. The income from cotton in California in recent years has been greater than the total combined income from the three major fruit crops of citrus, grapes and peaches. All of this cotton is grown under irrigation.

It is my conviction, based upon my own personal experience and observation, that supplemental irrigation is the most important single thing now offered for the improvement of agriculture in the rainfall belt. I say this in spite of the fact that I know there are still a lot of doubting Thomases. Supplemental irrigation is the best and cheapest form of "crop insurance" obtainable. In my opinion, the time is not far distant when all the better farmers across the country will accept irrigation just as readily as they accept milking machines, tractors and electricity today. Certainly a revolutionary change.

Progress marches on. We cannot and should not attempt to reverse a natural economic trend. Certainly within the United States we should not by legislation, try to artificially prevent the shift of crops from one State or area to another.

These shifts are often very disturbing to the persons involved, and unfortunately, sometimes disastrous to entire communities. However, I have always been one of those who feels that just as surely as water runs downhill, crops and livestock are also going to flow, or migrate, toward those areas in this country where they can be most economically produced and marketed. This same reasoning also applies to industrial plants. This is as it should be, though it can only happen under a free economy. This is not the way they do it in Russia.

There are some things that continually bother me when I try to project my thinking into the future to try and see what the farming pattern is going to be when the time comes for my grandsons to take over. I am, by no stretch of the imagination, an alarmist. Some call me an optimistic pessimist. I prefer in this case to think of myself as a realist, willing to acknowledge the facts and then to face them. Be that as it may, I have had certain personal experiences that just can't be lightly dismissed from my mind. For several years I sat across the table from Communist agents in Washington and watched them and their fellow travellers move with incredible skill—through the farm areas, doing their dirty work.

If I could bring myself to believe there is no longer danger from these internal enemies I have known so long, I would not ask you to listen. But, I do know there is a definite longtime program being vigrously pushed by these termites, looking to the day when they will "bury agriculture in a planned economy." You and I have simply got to be on our guard, day and night, to prevent these vicious agents of the "welfare state" from taking over. So, all the good things I have said about the future of agriculture depend entirely upon our keeping America free.

Farmers took a giant step toward a relatively free agriculture when they decisively defeated the complicated compulsory wheat program in the referendum last spring. But this is not the end. These planners will come back with another gimmick—and soon.

Freedom is not a physical object. It is a spiritual and moral environment, and it is this that our Constitution was intended to protect. The constitutional integrity of the States is our best defense. That is why the Communists, at home and abroad, are dedicated to the complete destruction of our States' rights.

Unfortunately, too many Americans are still unaware of the evil forces trying, by devious means of one sort or another, to shape their future for them. Some are losing sight of the human values upon which our democratic society is based. Efficiency in our agricultural operations will mean little to us if we fail to preserve our liberty.

This is why our whole citizenship needs today, as never before, intelligent and enlightened understanding. We must read the signs of the times. We must read them correctly and wisely. Without this wisdom and clear understanding, we may barter away our birthright and destroy our national security. We have many good people who are so out of touch with reality that they are saying, "It can't happen here." History, as well as my own personal experience, tells us that it can happen here. So, I plead with you to please not be so blind as not to see. I would invite you to take a look at what is happening all over the world, and for that matter, here at home, too.

A study of agricultural production throughout the world shows that only in countries where men are free to own the land they work, is there enough food to adequately feed their people. Therefore, and with all my heart, may I urge again and again that we safeguard the independent, individual landowning system that has made American agriculture the most productive and the most rewarding in the world.

I only need remind you of the stories of food shortages coming out of Russia, Red China and Cuba in recent months to convince you of this fact.

The one thing that stands out in brilliant clarity from the Communist crisis is the lesson in economic planning it is giving to all in the world who are willing to see and understand.

The reason it doesn't work is no mystery to Americans, who have seen a free market give them economic and military preeminence. A handful of planners in a central government cannot substitute for the interaction of the decisions of millions of free men.

History records no instance where socialism has been permanently successful in producing widespread abundance—but many instances—where it has failed.

The biggest job we have is to inform our people. The most seductive and the most destructive influence abroad in our land today is the free and easy Government money that is already tightening the noose of strangulation around our necks. Every time we hold our hands out for this free and easy money, we pull the rope tighter, and bring closer the day of the collapse of the private enterprise system, which made this country so great.

When the farmer is told how much acreage he must plant, when the laboring man is told he must join a union in order to work, when the merchant or manufacturer is told how much he can charge for his product, then we are dangerously close to a controlled economy.

When the power to tax is used to redistribute our wealth then we are dangerously close to socialism.

Abraham Lincoln reflected his insight and understanding of human nature, his wisdom, and his genius for simplicity in expression, when he said: "You cannot bring prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong.

"You cannot help the wage earner by pulling down the wage payer. You cannot further the brotherhood of men by encouraging class hatred. You cannot help men permanently by doing for them what they could and should do for themselves."

More than 100 years ago a great French liberal politician and writer wrote in his "Democracy in America," "I sought for the greatness and genius of America in her commodious harbors and her ample rivers, and it was not there. In her fertile fields and boundless prairies, and it was not there. In her rich mines and her vast world commerce and it was not there.

"Not until I went to the churches of America and heard her pulpits aflame with righteousness did I understand the secret of her genius and her power.

"America is great," de Tocqueville concluded "because she is good, and if America ever ceases to be good, America will cease to be great."

The Russian leader, while in the United States boasted about being an Atheist.

You and I are dedicated to the conviction inscribed on our coins: "In God We Trust." The question is: What are we doing about it? It is urgent that every red-blooded, loyal American stand up and be counted.

It is not enough to have convictions; one must have the courage to defend those convictions. The moral coward's motto is "don't stick your chin out." The courageous person, the person who really counts for America, when convinced of the righteousness of a cause, stands firm, no matter what the cost.

We must be a nation of tough-minded people, with the hardy moral fiber that will not give an inch to the internal saboteur or to the provocations of international gangsterism.

We must recognize and acknowledge that the moral purposes of our society are not manmade, but come from God, who is the sole source of goodness, and the final judge of our performance.

Let us, then as good citizens, recognize the challenge before us. Let us as Christian businessmen and statesmen, prove to all the world, and particularly to the weak among us, that the soul of America is good, because there are so many good Americans.

Let me underpin all that I have been saying by again pointing out that the productivity of the farms of America is a bulwark of strength for our country in this troubled world. For this, we should all be sincerely appreciative and grateful. The history of civilization is the history of agriculture. Just as we recognize that it's the mainspring that causes a watch to tick, so, we must recognize that agriculture is the mainspring in the overall economy of any nation.

If we will read our histories, we will find that the independence of the farmer is basic to democracy. A dictatorship cannot succeed where the farmer is free and independent. Every dictator has recognized this. The first act of the dictators in Russia was to destroy the freedom and independence of the farmer. This was done in Red China, it's being done in Cuba, and my fear is that here in the United States of America we may accomplish the very same thing under the guise of helping the farmer.

Thomas Jefferson said: "If we let Washington tell us when to sow and when to reap, the Nation shall soon want for bread."

Summing up, then we might ask: What do our farm problems mean to each of us as individuals here today? Or what do they mean to the man behind an assembly line in an auto factory? To the man behind a desk in a New York skyscraper, or the salesman behind a counter in a Santa Ana department store?

Not much? Only the breath of economic, as well as physical life, only the difference between hunger and plenty, only the difference between success and failure, that much and nothing less.

Therefore, I say barns and skyscrapers are inseparable.

THE LOS ANGELES COUNTY DOMESTIC RELATIONS AND CONCILIATION COURT—STATEMENT BY JUDGE ROGER A. PFAFF

Mr. MURPHY. Mr. President, I wish to draw to your attention a man held in very high esteem by the legal profession of California. He is the Honorable Roger Alton Pfaff, judge of the superior court of Los Angeles County. He is also chairman-elect of the Section of Family Law, American Bar Association, and consultant to the American Bar Association.

Judge Pfaff has been a member of the California judiciary for the past 17 years, and for the last 6 years has been presiding judge of the consolidated domestic relations and conciliation court of Los Angeles County. His judicial work in the field of family law and conciliation courts has won him national and international recognition; and during this month of April he has been invited to confer with authorities in these fields in the Republic of Germany, Sweden, Denmark, France, and England.

Since 1958, 7 counties in California have established conciliation courts, and 18,000 children have been spared the sufferings of a broken home. I compliment the work of the Los Angeles courts. As the title of Judge Pfaff's speech indicates, the work of the court has certainly paid dividends to the people of California.

I ask unanimous consent that Judge Pfaff's talk entitled "The Court That Pays Dividends," be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE COURT THAT PAYS DIVIDENDS

(By the Honorable Roger Alton Pfaff, presiding judge of the consolidated domestic relations and conciliation court of the superior court of Los Angeles County)

The conciliation court of Los Angeles County celebrates its 26th anniversary this year.

For the first 15 years after its establishment in 1939 the court operated with slight success, receiving lukewarm support by both bench and bar, and in some instances, open antagonism.

In retrospect, we can say with some certainty that most of the court's problems and lack of success in its early years was due primarily to two causes, (a) poor procedures, and (b) the counseling was conducted by the judge and other untrained personnel.

In 1955 the legislature, at the court's request, made sweeping amendments to the Conciliation Court Act, established high professional standards for the court's marriage counselors, and deleted certain mandatory provisions which were objectionable to the legal profession. Since that time the conciliation court has received national recognition for its outstanding record in marital reconciliations.

We call the Los Angeles County conciliation court "the court that pays dividends," and with great justification.

By saving thousands of marriages which otherwise would terminate in divorce, this court, with its unique procedures, is a constructive factor in promoting social stability in the community, restoring economic solvency to families, reducing juvenile delinquency and crime, and keeping women and children off of our public assistance rolls.

An unexpected dividend which no one ever envisaged or contemplated when the conciliation court was created is that it is perhaps one of the finest public relations programs that the bench and bar has ever had. We all know that the losing party in litigation is unhappy, if not mad, and the successful party feels he has been put to unnecessary expense to achieve justice. However, couples in the conciliation court feel grateful and voice their praise of both the court and lawyers if a reconciliation is effected, and even if reconciliation fails, they are grateful to their attorney and to the judge that someone has taken a personal interest in them and their problems.

The success of the Los Angeles conciliation court's system is best indicated by a few statistics. Last year 11 marriage counselors reconciled 60 out of every 100 couples who participated in counseling. There were a total of 3,435 preliminary interviews, that is, where a counselor had at least a 20-minute exploratory conference with a couple preliminary to their filing a petition. In most instances they filed a petition. In others they did not. The total number of formal petitions filed in the conciliation court was 4,394. There were 3,644 formal counseling conferences where both parties were present. The number of children involved in those cases where couples were reconciled was 2,778.

We have found by follow-up procedures, with an approximately 97 percent coverage, that three out of four such reconciled couples are still living together 1 year later. This is indeed an unusual and phenomenal record. But there are reasons for it.

Many people in the Middle West and East have expressed surprise and in some instances skepticism concerning the high percentage of reconciliations which we report. Our statistics that 60 out of every 100 couples who participate in conciliation conferences and 1 year later 3 out of 4 such couples are still living together is hard to believe. To be perfectly frank, we find it sometimes hard to believe ourselves, but nevertheless this is a fact.

Now why is it difficult for some of our middle western and eastern brethren to accept these statistics? The difficulty lies, we believe, in an unfamiliarity with the operations of our court.

In the first place, the Los Angeles conciliation court's procedures are noncompulsory. We are not saddled with each and every divorce case with minor children under the ages of 14 or 16 whether there is a chance of reconciliation or not. Our counselors and attachés are not swamped with a constant and unending deluge of cases, many of which are completely fruitless and should never be the subject of a professional marriage counselor's time. Of the over 4,300 petitions filed in 1964, they came principally from the following sources:

(a) Attorney referrals, where the lawyer, after consultation with his client, felt that there was no real cause for divorce. Over 50 percent of the petitions filed in our court were referrals by attorneys.

(b) Referrals from judges and commissioners during a hearing for temporary pendente lite· orders. Over 100 referrals every month come from this source, where the judge or commissioner feels that there is a chance to save the marriage. Over one-half of such referred couples voluntarily file a petition.

(c) A pamphlet informing the parties to a divorce action is mailed out promptly after the divorce complaint has been filed, where there are children under 18 years of age, informing the parties of the problems of divorce and the availability of the conciliation court. Since 1959 this little pamphlet has resulted in hundreds of petitions being filed with the conciliation court each year.

(d) Clergymen, doctors and other professional people, who recommend that their patient or client solicit the conciliation court's services.

(e) Family service agencies, which advise a party desiring reconciliation to file a petition in the conciliation court, since the noncourt agency has no power to force the recalcitrant spouse into a conference.

(f) Legal aid, bureau of public assistance, district attorney's failure to provide, and other such community agencies refer couples.

All of the above factors indicate that the couples who are counseled in the conciliation court are a selective group and in many instances those where at least one party has an urgent desire to effect a reconciliation. However, it should be pointed out that this does not indicate that these same couples would have reconciled in any event. A general national statistic indicates that at least one-third of all divorce complaints which are filed "die on the vine," so to speak. In other words, the husband strikes his wife on Saturday, on Monday morning she files for divorce, Monday night they kiss and make up, and Tuesday the divorce complaint is dead to all intents and purposes. These are not the couples, however, who come to our conciliation court.

Our startling statistics, therefore, are the product of this noncompulsory, partially selective, reconciliation-prone group of couples. Under a compulsory system the statistics inevitably are much lower and more discouraging.

Another factor which should not be overlooked, which contributes to our high percentage of reconciliations, is the fact that the standards for counselors in the Los Angeles conciliation court are extremely high, to wit, a master's degree in one of the behavioral sciences, and at least 10 years prior counseling experience. Equally important is the personality factor involved in selecting a counselor for our court. Degrees are important, but short-term counseling requires a counselor with a warm, outgoing, friendly personality who can get into immediate rapport with the client.

Finally, it has been characteristic of the Los Angeles court to adopt a trial and error method as to its procedures, and a willingness to discard unworkable practices and to develop new ones. This has been a contributing factor in securing the enthusiastic approval and support of the bench, bar, clergy, social agencies, Board of Supervisors, and the general public.

The concept of attempting to reconcile couples with marital problems and to establish a stable family home for both parents and children, has its roots in the ancient ecclesiastical courts and has been recognized for many years by some civil authorities.

In the United States a number of jurisdictions other than California have adopted legislation providing for a conciliation process. In certain instances it has achieved a remarkable measure of success, in others it has failed.

It is highly essential and of vital importance to all of us interested in reconciliation procedures to analyze and understand the basic reasons for the outstanding success of reconciliation processes in some jurisdictions and their tragic failure in others.

May I present to you a brief résumé of the principal practices and procedures we have found by experience in the Los Angeles county court of conciliation to: (1) encourage divorce-bound couples to solicit our services; (2) effect reconciliations; and (3) ensure their permanence:

I. Reconciliation proceedings should be under the jurisdiction, direct control, and supervision of an interested and dedicated judge. It should be emphasized that the judge appointed to preside over the conciliation court is not just a mere figurehead or supervisor. He should completely control and direct the operations of the court, announcing and enforcing policies, issuing directives, holding staff conferences, signing orders, determining questions of procedure, and in required cases actually holding hearings where the plenary powers of the court are required.

Wherever the marriage counseling phase of the process has been delegated to a nonjudicial social agency with only limited or indirect control by the court, the program too often has gotten out of hand and aroused widespread criticism on the part of lawyers, litigants and the general public.

II. Marriage counseling should not be performed by the judge but by trained and experienced counselors under his direct supervision. The required qualifications for appointment as a counselor in our court are a master's degree in the behavioral sciences and at least 10 years of counseling experience. In practically every instance where judges have attempted to act as counselors the program has ended in frustration and failure.

III. Although the judge rarely participates in any of the counseling procedures, he does see each reconciled couple after they sign the husband-wife agreement. The counselor brings the couple to the judge's chambers, thus enabling him to congratulate them at the time he signs the court order attached to the husband-wife agreement, thereby impressing upon them the importance of the step they have taken and that the success of their marriage is of considerable concern to the court and the community.

IV. The procedure to invoke the court's services should be simple and direct.

In Los Angeles County couples can obtain a preliminary conference with a marriage counselor without even filing a petition. In other words, a divorce-bound couple can literally walk into the court "off the street," so to speak. This often leads to the filing of a petition.

A petition can be filed prior to or after a divorce action has been instituted. Even where parties are in court for a pendente lite order, the judge or commissioner can refer the couple for an exploratory conference without the necessity of filing a petition.

All of these simplified procedures, making the court readily accessible, encourages utilization of its services, promotes understanding, and results eventually in reconciliations.

The pressing marital problems of most couples, like someone with a ruptured appendix, need immediate attention. Too often undue delay results in the death of the marriage through further estrangement and divorce.

I might also point out that complicated procedures, in other words, involved redtape, is not appealing to lawyers, and our simplified procedures have met with widespread approval by the bar.

V. No filing fee is required, and no charge is made for marital counseling, thus removing a further impediment to soliciting the court's assistance.

VI. The court files, including the counselors' written reports, and all written and oral communications to the counselors are made secret by law. The counselors maintain strict neutrality, thus providing a uniqueness and integrity to the proceedings which immediately instills confidence and trust in the parties.

VII. Attorney's fees are awarded upon proper application. This has created a favorable impression among members of the bar. There is no reason why an attorney, who devotes office conference time to the parties and prepares the petition and supporting affidavit, should not be compensated.

I have always felt that the policy of waiving an attorney's fee where the parties reconcile is misplaced generosity and poor psychology.

VIII. The court does not engage in continuing marriage counseling to a couple in need of it. This, as we view it, is beyond its scope and purpose. We have worked out a cooperative and complementary relationship with the various family service agencies in the community, which take those cases needing additional counseling on a priority basis and for a nominal fee.

On the other hand, we can be of considerable assistance to the family service agencies. Possessing no power to force a recalcitrant spouse into counseling, the social worker can suggest to the party desiring a reconciliation to file a petition in the conciliation court, which can require the appearance of the other party.

IX. Considerable controversy exists in the field of reconciliation procedures as to the desirability or propriety of the use of any coercion whatever in the conciliation process. Many social workers find the use of coercion repugnant or ineffective. However we are convinced that what we term "gentle judicial coercion" plays an important role in effecting reconciliations.

An embittered husband or wife, due to pride, may feel that the initiating of overtures toward "talking things over" means a loss of face, although secretly desirous of mending the marriage.

The court notice requesting an appearance of a spouse (and if refused of ordering the appearance) is a means of saving face, and in many instances is effective in saving the marriage.

X. Every effort is made to limit the number of cases referred to counselors. No counselor should be assigned more than three or four cases per day. Marriage counseling cannot be conducted on a conveyor-belt system, and a fatigued and harassed counselor, who is forced to squeeze in five or six cases in his conference calendar each day, cannot possibly hope to be effective.

XI. Widespread community publicity concerning the existence of the conciliation court, its procedures and functions, are of great importance. In 1959, pursuant to rule 6 of the superior court, each divorce complaint must contain the names and addresses of both parties, thus enabling the court to mail out a little pamphlet, "A Personal Message to Parents," to each party, which points out the problems of divorce and facts concerning the conciliation court.

Within the first 6 months after this pamphlet was mailed, we conservatively estimated that a 15-percent increase in filings in the conciliation court was due to its message.

Copies of this pamphlet are available to you at the rostrum, if you are interested.

The judge and counselors regularly speak before service clubs, civic organizations, and professional groups. This, coupled with frequent articles in the metropolitan and local press, special features in national publications such as the Saturday Evening Post and the Reader's Digest, and interviews on radio and television programs, have all contributed to the almost 200-percent increase in the petitions filed in the past 5 years.

XII. We place strong reliance in the use of our husband-wife agreement.

This unique document consists of approximately 25 pages, which cover practically every facet of married life and common marital problems. There are also eight special form agreements covering problems not encountered in the ordinary case, such as: third parties in the home; stepchildren; agreement to utilize the services of Alcoholics Anonymous; or concerning a third party romantic interest. Only the paragraphs and pages of the agreement which pertain to the problems of a given family are utilized in their reconciliation agreement.

When this agreement is signed by both parties, the counselor, and the judge, it becomes a formal court order, punishable by contempt. However, contempt proceedings are sparingly and discriminately used.

We know, after using the husband-wife agreement for 10 years, that it is a practical and workable tool in insuring the permanence of a reconciliation. Very often reconciled couples volunteer, in the questionnaire we send to them 1 year after they have been reconciled, that they have read and reread their agreement and emphasize its importance in strengthening their marital ties.

We term the husband-wife agreement "unique" and do so deliberately. This document is more than simply expressing in writing the important relationship between two parties to a marriage. It is a blueprint for successful living. It is like the script of a play in which the leading man and woman, by faithfully portraying their dramatic and romantic roles, can bring the story to a happy ending.

This commonsense and practical document used in the conciliation process is not only psychologically sound, but in the opinion of an eminent psychiatrist, utilizes a technique entirely in keeping with the most advanced thinking in the psychiatric field.

XIII. The conciliation court also pays tangible dividends, in addition to reuniting broken homes.

We are all too familiar with the tragic byproducts of divorce. Seventy-five percent of the young people in juvenile hall and over half the inmates in San Quentin are from broken homes. It is reported that two-thirds of the persons in our psychiatric courts have similar family backgrounds—all of which results in a tremendous burden to the taxpayers, not to mention the serious consequences to the stability of our social life. If the home and family unit are the bulwark of our civilization, then widespread and contagious divorce is more dangerous to our free way of life than the Communist conspiracy.

Nor should we fail to note another costly concomitant of divorce, which is indigence and the ever-mounting costs of public assistance.

A successfully operated court of conciliation results in substantial savings to the taxpayers in reducing the cost of public assistance. Let me give you an example.

One day a few weeks ago three reconciled couples were brought to my chambers by our marriage counselors. Each family had seven children and one mother was pregnant with number eight. The husbands were all laborers and if they had not reconciled each mother would have commenced receiving from the bureau of public assistance over $300 per month aid to needy children support. These three reconciliations alone saved the taxpayers of Los Angeles County over $1,000 per month. When we stop to consider that aid to needy children in Los Angeles County alone this year will cost over $75 million, we can truthfully say that this is a court that pays dividends.

XIV. We are not so naive as to believe that the mere establishment of a court of conciliation and its successful operation is going to solve all of our present-day social problems, but the people of Los Angeles County are convinced that it is a necessary and effective means of improving the social, economic, and moral stability of the entire community.

They not only have the satisfaction of knowing that they are performing a humanitarian service, but gratification in the realization that the bread of conciliation thrown upon the waters of marital discord is returned a thousandfold in tax dollars. And when we realize that in Los Angeles County over half of its total budget last year was disbursed for public assistance of one kind or another, such substantial savings are not to be overlooked or ignored.

XV. If you are persuaded that similar conciliation procedures are needed in your county, no State legislation is required to inaugurate such a program immediately. Nor does the establishment of a conciliation court involve any elaborate procedural change in your superior court structure. A conciliation court is nothing more than another department of the superior court and in no way represents the creation of a separately functioning, independently operated judicial organization.

In 1958, the board of supervisors in Imperial County, at the request of Judge Elmer W. Heald, supported by the bar and civic organizations, appropriated sufficient funds to employ a marriage counselor and a clerical staff. The counselor came to Los Angeles and studied our procedures for several weeks before actually commencing the conciliation court operations.

The program immediately proved successful. In fact, so successful that the board of supervisors had a bill introduced at the 1959 session of the legislature to make the conciliation court permanent.

Since 1958 seven counties in California have established conciliation courts—Imperial, San Mateo, San Bernardino, Sacramento, San Diego, Alameda, and most recently, San Luis Obispo. Three Western States—Arizona, Montana, and Oregon—have passed conciliation court acts modeled on the California act, and all have successfully operating conciliation courts in major cities. The counselors for these new courts have spent several weeks in an indoctrination course in Los Angeles in order that procedures are uniform. An annual conference of conciliation courts, attended by judges and marriage counselors, was first held in 1963 and has become an annual event.

I know there are those synical souls who will deprecate the court engaging in such activities and will brush off the importance of reconciling couples with the customary defeatist expression, "So what?"; but the 18,000 children in Los Angeles County who have been restored to their parents in a united home during the past 7 years bear eloquent witness to the importance of the court of conciliation.

Today the legal profession and the judiciary have expressed the belief, through their official organizations, that the customary adversary nature and proceedings of the ordinary civil law suit be reduced to a minimum in domestic relations matters. Conciliation court proceedings are by nature nonadversary, and every reconciled couple is an enthusiastic booster for the Court and the legal profession. Even couples who are not reconciled are appreciative of the conciliation court's contributions toward amicably solving controversial questions of custody visitation rights, and even in settling property rights which are incorporated in a property settlement agreement.

It is an interesting commentary that during the past 7 years it has been the legal profession in other California counties and States that has spearheaded the movement to create a conciliation court.

However, what is most gratifying, rewarding, and indicative of the real success of conciliation court proceedings is exemplified in the thousands of letters we receive from reconciled couples who report to us 1 year after their reconciliation. Let me conclude by reading you a typical letter taken from our files:

"We are happy to report on this first anniversary of our visit to your conciliation court that we are happily together with our three children. Each of us has done his best to keep the promises we made in the wonderful reconciliation agreement we both signed.

"We shudder to think of what untold unhappiness would have befallen each of us and our lovely children had we followed the line of least resistance with a judge eventually uttering the fateful words, 'Divorce granted.' "

THE MESS IN VIETNAM—X

Mr. GRUENING. Mr. President, it is becoming increasingly evident that, with respect to the undeclared war in Vietnam, the warhawks advising the President are desperately seeking not only to change the future course of history to one of unbelievable carnage and destruction but are also seeking to rewrite the immutable facts of the historical past.

In a totalitarian nation such as the Soviet Union it is fairly easy—at least within the confines of its own borders—to play at "make as though it never was" by chiseling off the names of former leaders from public edifices, by obliterating the tombs of those leaders, and by rewriting history books so that it appears as though those leaders never existed.

In a democracy such as ours, which zealously guards its hard-won freedoms of speech and press, that same game cannot be played as easily or as successfully.

But it can be tried.

And, with respect to the facts on our involvement in Vietnam, it has been and is being tried.

This was cogently pointed out by the noted columnist, Mr. Walter Lippmann, in his column in the Washington Post on April 20, 1965, entitled "Unbuttoned Diplomacy." Said Mr. Lippmann, in part:

> A cardinal weakness of our diplomatic position today is the President's statement at Baltimore that "the first reality is that North Vietnam has attacked the independent nation of South Vietnam." This was not our original position. It has been called the first reality only in the most recent phase of the war, the phase which began in February. Our present position is contrary to the indubitable essentials of the Geneva Agreements of 1954, that North and South Vietnam are not two nations but two zones of one nation.

This attempt to rewrite history was also pointed out vividly by Hans J. Morganthau, Michelson Distinguished Service professor of political science and modern history at the University of Chicago, in a brilliant article in the New York Times on April 18, 1965, entitled "We Are Deluding Ourselves in Vietnam." Professor Morgenthau, who also serves as consultant to the State and Defense Departments, states in part:

> Until the end of last February, the Government of the United States started from the assumption that the war in South Vietnam was a civil war, aided and abetted—but not created—from abroad, and spokesmen for the Government have made time and again the point that the key to winning the war was political and not military and was to be found in South Vietnam itself. It was supposed to lie in transforming the indifference or hostility of the great mass of the South Vietnamese people into positive loyalty to the government * * *.
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> The United States has recognized that it is failing in South Vietnam. But it has drawn from this recognition of failure a most astounding conclusion.
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> The United States has decided to change the character of the war by unilateral declaration from a South Vietnamese civil war to a war of foreign aggression. Aggression from the north: "The Record of North Vietnam's Campaign To Conquer South Vietnam" is the title of a white paper published by the Department of State on the last day of February 1965. While normally foreign and military policy is based upon intelligence—that is, the objective assessment of facts—the process is here reversed: A new policy has been decided upon, and intelligence must provide the facts to justify it.
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> The United States, stymied in South Vietnam and on the verge of defeat, decided to carry the war to North Vietnam not so much in order to retrieve the fortunes of war as to lay the groundwork for "negotiations from strength." In order to justify the new policy, it was necessary to prove that North Vietnam is the real enemy. It is the white paper's purpose to present that proof.

My able and distinguished colleague from Idaho [Mr. CHURCH], in a penetrating article in the Saturday Evening Post for April 24, 1965, entitled "We Should Negotiate a Settlement in Vietnam" also commented on the "double think" process of the warhawks in attempting to change the character of our involvement in Vietnam by characterizing events in a manner contrary to the facts: Senator CHURCH states in part:

> We only deceive ourselves when we pretend that the struggle in Vietnam is not a civil war. The two parts of Vietnam don't represent two different peoples, with separate identities. Vietnam is a partitioned country in the grip of a continuing revolution. That the Government of North Vietnam has deeply involved itself in support, or even direction, of the rebellion the South doesn't make the war any less a civil war. The fighting is still between Vietnamese. The issue is still that of determining what groups of Vietnamese shall govern the country.

Given freedom of speech and press, the true facts will ultimately reach the people.

Two excellent books, recently published, by two Pulitzer Prize winning authors seek to set the record straight on the events in Vietnam which have led the United States to the dangerous crisis it now confronts.

The first book, by Malcolmn M. Browne, is entitled "The New Face of War" and is published by Bobbs-Merrill.

The second book, by David Halberstram, is entitled "The Making of a Quagmire" is published by Random House.

Both books should be required reading for all those who wish to acquire the requisite background to understand the fast-moving events in Vietnam.

The noted writer, I. F. Stone, writing in the New York Review for April 22, 1965, reviewed both these books in an article showing his clear grasp of events in southeast Asia. As part of his review, Mr. Stone stated:

> What makes these books so timely, their message so urgent, is that they show the Vietnamese war in that aspect which is most fundamental for our own people—as a challenge to freedom of information and therefore freedom of decision. They appear at a time when all the errors on which they throw light are being intensified. Instead of correcting policy in the light of the record, the light itself is being shut down. Access to news sources in Vietnam and in Washington is being limited, censorship in the field is becoming more severe. Diem is dead but what might be termed Diemism has become the basic policy of the American Government. For years our best advisers, military and civilian, tried desperately to make him understand that the war was a political problem which could only be solved in South Vietnam.

More and more people in the United States are beginning to be aware that the facts of history are immutable and cannot be changed to suit the purposes of any nation—big or small.

In a splendid editorial in this morning's New York Times the case is made for the "Descalation" of the war in Vietnam.

Just as our able and distinguished majority leader [Mr. MANSFIELD] yesterday stated that the time had come for "some blunt words on Vietnam," the New York Times calls upon the people of the United States to face the true facts. The editorial states in part:

> Nothing is more important for Americans today than to face these hard truths before it is too late. And it is vital that the channels of communication, of opinion, and of dissent be kept open—on the floor of Congress, in the press, in the country at large—in the face of a growing tendency to ridicule or to denounce the opposition and to demand unswerving support of further escalation in the name of patriotism.
>
> Bitterness and emotionalism are increasingly entering the discussions on Vietnam in the United States. This is a deplorable development, and so is the polarization of opinion in every country and between blocs of countries. It is as if the battlelines were being drawn all over the world—but for a major war that need not and must not take place.

In the same vein, Mr. Arthur Krock in today's New York Times stated that "the Senate today responsibly fulfilled the role assigned to it by the Constitution to 'advise' the President on foreign affairs." That discussion on the U.S. dilemma in Vietnam must continue not only on the floor of the Senate but throughout the country.

That dilemma was underscored by Walter Lippmann in his column in this morning's Washington Post when he said:

> In my view the President is in grave trouble. He is in grave trouble because he has not taken to heart the historic fact that the role of the Western white man as a ruler in Asia was ended forever in the Second World War. Against the Japanese the Western white powers were unable to defend their colonies and protectorates in Asia. That put an end to the white man's domination in Asia which had begun in the 15th century.

Mr. Lippmann then proceeded to demolish the Secretary of State Dulles' so-called domino theory by pointing out that escalation of the war in Vietnam has brought about a falling of the dominoes—but a falling away of the dominoes from support of the U.S. position.

It is time for the warhawks advising the President to change their ostrichlike heads in the sand postures and face the facts as they really are, rather than what they would like them to be or to have been.

I ask unanimous consent that the article by Walter Lippmann appearing in the Washington Post of Tuesday, April 20, 1965, entitled "Unbuttoned Diplomacy," the article in the New York Times of Sunday, April 18, 1965, by Hans J. Morganthau, entitled "We Are Deluding Ourselves in Vietnam," the article by Senator FRANK CHURCH appearing in the Saturday Evening Post of April 24, 1965, entitled "We Should Negotiate a Settlement in Vietnam," the article by I. F. Stone appearing in the New York Review of Thursday, April 22, 1965, entitled "Vietnam: An Exercise in Self-Delusion," the editorial from the New York Times of Thursday, April 22, 1965, entitled "Descalation Needed," the article appearing in the New York Times of April 22, 1965, by Arthur Krock entitled "In the Nation: The Senate on Vietnam," and the article appearing in the Washington Post of Thursday, April 22, 1965, by Walter Lippmann, entitled "The Falling Dominoes," be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Apr. 20, 1965]

UNBUTTONED DIPLOMACY

(By Walter Lippmann)

In the wake of President Johnson's Baltimore speech of April 7 and of the appeal of the 17 unalined countries, which preceded it by about a week, discussions looking toward an eventually negotiated settlement have actually been underway. Some of the discussion has been public and has consisted of exchanges of statements by Washingtan and Hanoi; some of the discussion is private through the various intermediaries who are concerned to prevent the spread of the war.

A curious, yet important, fact about the public discussion is that Washington and Hanoi start from the same legal basis. The President on March 25 declared that "we seek no more than a return to the essentials of the (Geneva) agreements of 1954." On April 13 Premier Pham Van Dong of North Vietnam made a policy declaration which said that Hanoi's fundamental war aim is the carrying out of the Geneva Agreements of 1954.

If both sides were in fact prepared to abide by and to enforce the Geneva agreements, a strong legal basis for a settlement would exist. But the fact is that neither we nor they are willing to settle for the Geneva agreements.

These agreements stipulate that North and South Vietnam are not two separate nations but two temporary zones of the same nation, and that 2 years after the armistice which demarcated the two zones, "the settlement of political problems, effected on the basis of respect for the principles of independence, unity, and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms guaranteed by democratic institutions established as a result of free general elections by secret ballot." As Hanoi has never held anything resembling a free election in North Vietnam, there is little reason to believe that it is prepared to have free elections in both zones of Vietnam. As for the United States, while our Government endorsed the Geneva agreements, and especially the provision for free elections, it opposed free elections when it realized that Ho Chi Minh would win them. General Eisenhower states this frankly in his memoirs. Since that time we have insisted that South Vietnam is an independent nation.

And so, in spite of the apparent agreement on the "essentials of the agreements of 1954," neither side has as yet adopted a credible and genuine negotiating position. This country, at least, should do so. Our policy since February has been to attack, to make war upon, North Vietnam in order to compel it to negotiate a settlement that we approve. Therefore, it matters a great deal that we adopt a negotiating position which we are able to defend clearly and openly.

A cardinal weakness of our diplomatic position today is the President's statement at Baltimore that "the first reality is that Norh Vietnam has attacked the independent nation of South Vietnam." This was not our original position. It has been called the first reality only in the most recent phase of the war, the phase which began in February. Our present position is contrary to indubitable "essentials" of the Geneva Agreements of 1954, that North and South Vietnam are not two nations but two zones of one nation.

It is argued by some, though not yet by the State Department explicitly, that the 1954 agreements have been overtaken by history and that de facto, as things have actually been for 10 years, there are now two separate and independent nations. But if this is our official position, how then does the State Department explain why we ignore the charter of the United Nations, especially articles 39 and 51, and declared on our own say-so that North Vietnam was the aggressor against an independent state? Had we gone to the Security Council for such a determination, we would, of course, have collided with a Soviet veto. But we would at least have proved that we believed what we were saying and perhaps we might have gotten a few votes to support us.

As a matter of fact, the argument that we are now using, that the two Vietnams are independent because they have been separated for 10 years, is a very embarrassing principle for the State Department to rely on. It would mean, for example, that there are two independent German states because Germany has been partitioned for 10 years.

I am well aware that to be concerned about our legal and moral position is regarded by the new school of superrealists as unworthy of a proud and tough nation. But I think we have something to be very much concerned about when we look about us and see how we are drifting into an icy isolation.

On the continent of Asia there are besides Red China four major Asian powers, the Soviet Union and Japan in the north, Pakistan and India in the south. With the possible, though only apparent, exception of Japan, we are embroiled with all the powers of Asia. The bitter truth of the matter is that we can search the globe and look in vain for true and active supporters of our policy.

That is how successfully the State Department has planned our diplomatic policy and has argued the American case.

[From the New York (N.Y.) Times, Apr. 18, 1965]

We Are Deluding Ourselves in Vietnam

(By Hans J. Morgenthau)

(Note.—We have let ourselves become engaged in a war we find we cannot win, says one expert, who declares there is only one way out—"Out.")

The address which President Johnson delivered on April 7 at Johns Hopkins University is important for two reasons. On the one hand, the President has shown for the first time a way out of the impasse in which we find ourselves in Vietnam. By agreeing to negotiations without preconditions he has opened the door to negotiations which those preconditions had made impossible from the outset.

By proposing a project for the economic development of southeast Asia—with North Vietnam a beneficiary and the Soviet Union a supporter—he has implicitly recognized the variety of national interests in the Communist world and the need for varied American responses tailored to those interests. By asking "that the people of South Vietnam be allowed to guide their own country in their own way," he has left all possibilities open for the future evolution of relations between North and South Vietnam.

On the other hand, the President reiterated the intellectual assumptions and policy proposals which brought us to an impasse and which make it impossible to extricate ourselves. The President has linked our involvement in Vietnam with our war of independence and has proclaimed the freedom of all nations as the goal of our foreign policy. He has started from the assumption that there are two Vietnamese nations, one of which has attacked the other, and he sees that attack as an integral part of the unlimited Chinese aggression. Consistent with this assumption, the President is willing to negotiate with China and North Vietnam but not with the Vietcong.

Yet we cannot have it both ways. We cannot at the same time embrace these false assumptions and pursue new sound policies. Thus we are faced with a real dilemma. This dilemma is by no means of the President's making.

We are militarily engaged in Vietnam by virtue of a basic principle of our foreign policy that was implicit in the Truman doctrine of 1947 and was put into practice by John Foster Dulles from 1954 onward. This principle is the military containment of communism. Containment had its origins in Europe; Dulles applied it to the Middle East and Asia through a series of bilateral and multilateral alliances. Yet what was an outstanding success in Europe turned out to be a dismal failure elsewhere. The reasons for that failure are twofold.

First, the threat that faced the nations of Western Europe in the aftermath of the Second World War was primarily military. It was the threat of the Red Army marching westward. Behind the line of military demarcation of 1945 which the policy of containment declared to be the westernmost limit of the Soviet Empire, there was an ancient civilization, only temporarily weak and able to maintain itself against the threat of Communist subversion.

The situation is different in the Middle East and Asia. The threat there is not primarily military but political in nature. Weak governments and societies provide opportunities for Communist subversion. Military containment is irrelevant to that threat and may even be counterproductive. Thus the Baghdad Pact did not protect Egypt from Soviet influence and SEATO has had no bearing on Chinese influence in Indonesia and Pakistan.

Second, and more important, even if China were threatening her neighbors primarily by military means, it would be impossible to contain her by erecting a military wall at the periphery of her empire. For China is, even in her present underdeveloped state, the dominent power in Asia. She is this by virtue of the quality and quantity of her population, her geographic position, her civilization, her past power remembered, and her future power anticipated. Anybody who has traveled in Asia with his eyes and ears open must have been impressed by the enormous impact which the resurgence of China has made upon all manner of men, regardless of class and political conviction, from Japan to Pakistan.

The issue China poses is political and cultural predominance. The United States can no more contain Chinese influence in Asia by arming South Vietnam and Thailand than China could contain American influence in the Western Hemisphere by arming, say, Nicaragua and Costa Rica.

If we are convinced that we cannot live with a China predominant on the mainland of Asia, then we must strike at the heart of Chinese power—that is, rather than try to contain the power of China, we must try to destroy that power itself. Thus there is logic on the side of that small group of Americans who are convinced that war between the United States and China is inevitable and that the earlier that war comes, the better will be the chances for the United States to win it.

Yet, while logic is on their side, practical judgment is against them. For while China is obviously no match for the United States in overall power, China is largely immune to the specific types of power in which the superiority of the United States consists—that is, nuclear, air, and naval power. Certainly, the United States has the power to destroy the nuclear installations and the major industrial and population centers of China, but this destruction would not defeat China; it would only set her development back. To be defeated, China has to be conquered.

Physical conquest would require the deployment of millions of American soldiers on the mainland of Asia. No American military leader has ever advocated a course of action so fraught with incalculable risks, so uncertain of outcome, requiring sacrifices so out of proportion to the interests at stake and the benefits to be expected. President Eisenhower declared on February 10, 1954, that he "could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina." General MacArthur, in the congressional hearings concerning his dismissal and in personal conversation with President Kennedy, emphatically warned against sending American foot soldiers to the Asian mainland to fight China.

If we do not want to set ourselves goals which cannot be attained with the means we are willing to employ, we must learn to accommodate ourselves to the predominance of China on the Asian mainland. It is instructive to note that those Asian nations which have done so—such as Burma and Cambodia—live peacefully in the shadow of the Chinese giant.

This modus vivendi, composed of legal independence and various degrees of actual dependence, has indeed been for more than a millennium the persistent pattern of Chinese predominance on the mainland of Asia. The military conquest of Tibet is the sole exception to that pattern. The military operations at the Indian border do not diverge from it, since their purpose was the establishment of a frontier disputed by both sides.

On the other hand, those Asian nations which have allowed themselves to be transformed into outposts of American military power—such as Laos a few years ago, South Vietnam and Thailand—have become the actual or prospective victims of Communist aggression and subversion. Thus it appears that peripheral military containment is counterproductive. Challenged at its periphery by American military power at its weakest—that is, by the proxy of client-states—China or its proxies respond with locally superior military and political power.

In specific terms, accommodation means four things: (1) recognition of the political and cultural predominance of China on the mainland of Asia as a fact of life; (2) liquidation of the peripheral military containment of China; (3) strengthening of the uncommitted nations of Asia by nonmilitary means; (4) assessment of Communist governments in Asia in terms not of Communist doctrine but of their relation to the interests and power of the United States.

In the light of these principles, the alternative to our present policies in Vietnam would be this: a face-saving agreement which would allow us to disengage ourselves militarily in stages spaced in time; restoration of the status quo of the Geneva Agreement of 1954, with special emphasis upon all-Vietnamese elections, cooperation with the Soviet Union in support of a Titoist all-Vietnamese Government, which would be likely to emerge from such elections.

This last point is crucial, for our present policies not only drive Hanoi into the waiting arms of Peiping, but also make it very difficult for Moscow to pursue an independent policy. Our interests in southeast Asia are identical with those of the Soviet Union: to prevent the expansion of the military power of China. But while our present policies invite that expansion, so do they make it impossible for the Soviet Union to join us in preventing it. If we were to reconcile ourselves to the establishment of a Titoist government in all of Vietnam, the Soviet Union could successfully compete with China in claiming credit for it and surreptitiously cooperate with us in maintaining it.

Testing the President's proposals by these standards, one realizes how far they go in meeting them. These proposals do not preclude a return to the Geneva Agreement and even assume the existence of a Titoist government in North Vietnam. Nor do they preclude the establishment of a Titoist government for all of Vietnam, provided the people of South Vietnam have freely agreed to it. They also envision the active participation of the Soviet Union in establishing and maintaining a new balance of power in southeast Asia. On the other hand, the President has flatly rejected a withdrawal "under the cloak of a meaningless agreement." The controlling word is obviously "meaningless," and only the future can tell whether we shall consider any face-saving agreement as "meaningless" regardless of its political context.

However, we are under a psychological compulsion to continue our military presence in South Vietnam as part of the peripheral military containment of China. We have been emboldened in this course of action by the identification of the enemy as "Communist," seeing in every Communist party and regime an extension of hostile Russian or Chinese power. This identification was justified 20 or 15 years ago when communism still had a monolithic character. Here, as elsewhere, our modes of thought and action have been rendered obsolete by new developments.

It is ironic that this simple juxtaposition of "communism" and "free world" was erected by John Foster Dulles' crusading moralism into the guiding principle of American foreign policy at a time when the national communism of Yugoslavia, the neutralism of the third world and the incipient split between the Soviet Union and China were rendering that juxtaposition invalid.

Today, it is belaboring the obvious to say that we are faced not with one monolithic communism whose uniform hostility must be countered with equally uniform hostility, but with a number of different communisms whose hostilities, determined by different national interests, vary. In fact, the United States encounters today less hostility from Tito, who is a Communist, than from De Gaulle, who is not.

We can today distinguish four different types of communism in view of the kind and degree of hostility to the United States they represent: a communism identified with the Soviet Union—e.g., Poland; a communism identified with China—e.g., Albania; a communism that straddles the fence between the Soviet Union and China—e.g., Rumania, and independent communism—e.g., Yugoslavia. Each of these communisms must be dealt with in terms of the bearing its foreign policy has upon the interests of the United States in a concrete instance.

It would, of course, be absurd to suggest that the officials responsible for the conduct of American foreign policy are unaware of these distinctions and of the demands they make for discriminating subtlety. Yet it is an obvious fact of experience that these officials are incapable of living up to these demands when they deal with Vietnam.

Thus they maneuver themselves into a position which is antirevolutionary per se and which requires military opposition to revolution wherever it is found in Asia, regardless of how it affects the interests—and how susceptible it is to the power—of the United States. There is a historic precedent for this kind of policy: Metternich's military opposition to liberalism after the Napoleonic Wars, which collapsed in 1848. For better or for worse, we live again in an age of revolution. It is the task of statesmanship not to oppose what cannot be opposed with a chance of success, but to bend it to one's own interests. This is what the President is trying to do with his proposal for the economic development of southeast Asia.

Why do we support the Saigon government in the civil war against the Vietcong? Because the Saigon government is free and the Vietcong are Communist. By containing Vietnamese communism, we assume that we are really containing the communism of China.

Yet this assumption is at odds with the historic experience of a millennium and is unsupported by contemporary evidence. China is the hereditary enemy of Vietnam, and Ho Chi Minh will become the leader of a Chinese satellite only if the U.S. forces him to become one.

Furthermore, Ho Chi Minh, like Tito and unlike the Communist governments of the other states of Eastern Europe, came to power not by courtesy of another Communist nation's victorious army but at the head of a victorious army of his own. He is, then, a natural candidate to become an Asian Tito, and the question we must answer is: How adversely would a Titoist Ho Chi Minh, governing all of Vietnam, affect the interests of the United States? The answer can only be: Not at all. One can even maintain the proposition that, far from affecting adversely the interests of the United States, it would be in the interest of the United States if the western periphery of China were ringed by a chain of independent states, though they would, of course, in their policies take due account of the predominance of their powerful neighbor.

The roots of the Vietnamese civil war go back to the very beginning of South Vietnam as an independent state. When President Ngo Dinh Diem took office in 1954, he presided not over a state but over one-half of a country arbitrarily and, in the intentions of all concerned, temporarily severed from the other half. He was generally regarded as a caretaker who would establish the rudiments of an administration until the country was united by nationwide elections to be held in 1956 in accordance with the Geneva accords.

Diem was confronted at home with a number of private armies which were politically, religiously or criminally oriented. To the general surprise, he subdued one after another and created what looked like a viable government. Yet in the process of creating it, he also laid the foundations for the present civil war. He ruthlessly suppressed all opposition, established concentration camps, organized a brutal secret police, closed newspapers and rigged elections. These policies inevitably led to a polarization of the politics of South Vietnam—on one side, Diem's family surrounded by a praetorian guard; on the other, the Vietnamese people, backed by the Communists, declaring themselves liberators from foreign domination and internal oppression.

Thus, the possibility of civil war was inherent in the very nature of the Diem regime. It became inevitable after Diem refused to agree to all-Vietnamese elections and, in the face of mounting popular alienation, accentuated the tyrannical aspects of his regime. The South Vietnamese who cherished freedom could not help but oppose him. Threatened by the secret police, they went either abroad or underground where the Communists were waiting for them.

Until the end of last February, the Government of the United States started from the assumption that the war in South Vietnam was a civil war, aided and abetted—but not created—from abroad, and spokesmen for the Government have made time and again the point that the key to winning the war was political and not military and was to be found in South Vietnam itself. It was supposed to lie in transforming the indifference or hostility of the great mass of the South Vietnamese people into positive loyalty to the Government.

To that end, a new theory of warfare called "counter insurgency" was put into practice. Strategic hamlets were established, massive propaganda campaigns were embarked upon, social and economic measures were at least sporadically taken. But all was to no avail. The mass of the population remained indifferent, if not hostile, and large units of the army ran away or went over to the enemy.

The reasons for this failure are of general significance, for they stem from a deeply ingrained habit of the American mind. We like to think of social problems as technically self-sufficient and susceptible of simple, clear-cut solutions. We tend to think of foreign aid as a kind of self-sufficient, technical economic enterprise subject to the laws of economics and divorced from politics, and of war as a similarly self-sufficient, technical enterprise, to be won as quickly, as cheaply, as thoroughly as possible and divorced from the foreign policy that preceded and is to follow it. Thus our military theoreticians and practitioners conceive of counterinsurgency as though it were just another branch of warfare like artillery or chemical warfare, to be taught in special schools and applied with technical proficiency wherever the occasion arises.

This view derives of course from a complete misconception of the nature of civil war. People fight and die in civil wars because they have a faith which appears to them worth fighting and dying for, and they can be opposed with a chance of success only by people who have at least as strong a faith.

Magsaysay could subdue the Huk rebellion in the Philippines because his charisma, proven in action aroused a faith superior to that of his opponents. In South Vietnam there is nothing to oppose the faith of the Vietcong and, in consequence, the Saigon Government and we are losing the civil war.

A guerrilla war cannot be won without the active support of the indigenous population, short of the physical extermination of that population. Germany was at least consistent when, during the Second World War, faced with unmanageable guerrilla warfare throughout occupied Europe, she tried to master the situation through a deliberate policy of extermination. The French tried "counterinsurgency" in Algeria and failed; 400,000 French troops fought the guerrillas in Indochina for nine years and failed.

The United States has recognized that it is failing in South Vietnam. But it has drawn from this recognition of failure a most astounding conclusion.

The United States has decided to change the character of the war by unilateral declaration from a South Vietnamese civil war to a war of "foreign aggression." "Aggression from the North: The Record of North Vietnam's campaign to conquer South Vietnam" is the title of a white paper published by the Department of State on the last day of February 1965. While normally foreign and military policy is based upon intelligence—that is, the objective assessment of facts—the process is here reversed: A new policy has been decided upon, and intelligence must provide the facts to justify it.

The United States, stymied in South Vietnam and on the verge of defeat, decided to carry the war to North Vietnam not so much in order to retrieve the fortunes of war as to lay the groundwork for "negotiations from strength." In order to justify that new policy, it was necessary to prove that North Vietnam is the real enemy. It is the white paper's purpose to present that proof.

Let it be said right away that the white paper is a dismal failure. The discrepancy between its assertions and the factual evidence adduced to support them borders on the grotesque. It does nothing to disprove, and tends even to confirm, what until the end of February had been official American doctrine: that the main body of the Vietcong is composed of South Vietnamese and that 80 to 90 percent of their weapons are of American origin.

This document is most disturbing in that it provides a particularly glaring instance of the tendency to conduct foreign and military policy not on their own merits, but as exercises in public relations. The Government fashions an imaginary world that pleases it, and then comes to believe in the reality of that world and acts as though it were real.

It is for this reason that public officials are so resentful of the reporters assigned to Vietnam and have tried to shut them off from the sources of news and even to silence them. They resent the confrontation of their policies with the facts. Yet the facts are what they are, and they take terrible vengeance on those who disregard them.

However, the white paper is but the latest instance of a delusionary tendency which has led American policy in Vietnam astray in other respects. We call the American troops in Vietnam advisers and have assigned them by and large to advisory functions, and we have limited the activities of the marines who have now landed in Vietnam to guarding American installations. We have done this for reasons of public relations, in order to spare ourselves the odium of open belligerency.

There is an ominous similarity between this technique and that applied to the expedition in the Bay of Pigs. We wanted to overthrow Castro, but for reasons of public relations we did not want to do it ourselves. So it was not done at all, and our prestige was damaged far beyond what it would have suffered had we worked openly and single-mindedly for the goal we had set ourselves.

Our very presence in Vietnam is in a sense dictated by considerations of public relations; we are afraid lest our prestige would suffer were we to retreat from an untenable position.

One may ask whether we have gained prestige by being involved in a civil war on the mainland of Asia and by being unable to win it. Would we gain more by being unable to extricate ourselves from it, and by expanding it unilaterally into an international war? Is French prestige lower today than it was 11 years ago when France was fighting in Indochina, or 5 years ago when she was fighting in Algeria? Does not a great power gain prestige by mustering the wisdom and courage necessary to liquidate a losing enterprise? In other words, is it not the mark of greatness, in circumstances such as these, to be able to afford to be indifferent to one's prestige?

The peripheral military containment of China, the indiscriminate crusade against communism, counterinsurgency as a technically self-sufficient new branch of warfare, the conception of foreign and military policy as a branch of public relations—they are all misconceptions that conjure up terrible dangers for those who base their policies on them.

One can only hope and pray that the vaunted pragmatism and commonsense of the American mind—of which the President's new proposals may well be a manifestation—will act as a corrective upon those misconceptions before they lead us from the blind alley in which we find ourselves today to the rim of the abyss. Beyond the present crisis, however, one must hope that the confrontation between these misconceptions and reality will teach us a long-overdue lesson—to rid ourselves of these misconceptions altogether.

[From the Saturday Evening Post, Apr. 24, 1965]

WE SHOULD NEGOTIATE A SETTLEMENT IN VIETNAM

(By Senator **FRANK CHURCH**)

Our struggle in South Vietnam has reached a point where neither side can achieve a conclusive military decision, and the only visible prospect for a solution is to be found at the conference table. But there is so much Washington talk about stepping up the war that it threatens to engulf all rational discussion of the crisis we face—almost as if peace were something to be avoided.

The war hawks are putting on the heat. Anyone who disagrees with them is accused of "running up a white flag." Debate is discouraged; dissent is condemned as endangering the country. Any talk of a negotiated settlement in Vietnam is equated with Munich; any prospect of an eventual American withdrawal is likened to Dunkirk.

Yet everyone senses that peace in Vietnam can only be restored through a political settlement, and that the United States neither wishes nor expects to keep a foothold in southeast Asia. Accordingly, I believe we should try to break the diplomatic deadlock (First you withdraw, then we will talk) that finds both sides, in effect, demanding the surrender of the other as the price for negotiations. I disagree with the prevailing doctrine that now is not the time to parley. The longer we wait, the harder it will become to achieve a satisfactory solution.

Opposing any negotiations, the war hawks contend that we Americans must first have it out with the Communists in Vietnam. They see the struggle there, which has thus far been mostly confined to the Vietnamese, as one of suddenly portentous importance. Hanson Baldwin, military editor for the New York Times, declares that we should ready ourselves to send a million Americans into battle. He writes: "We must fight a war to prevent an irreparable defeat. * * * Vietnam is a nasty place to fight. But * * * there is no 'good' place to die. And it is far better to fight in Vietnam—on China's doorstep—than fight some years hence in Hawaii, on our own frontiers."

Such trumpetings substitute sound for sanity. We may have invested prestige in Vietnam, but by no stretch of imagination does this struggle threaten the life of our country.

We conquered the Pacific in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. With unchallenged naval and aerial supremacy, we dominate it, patrol it and defend it. There is no way for the landlocked forces of Asia to drive us from the Pacific. The elephant cannot drive the whale from the sea, nor the eagle from the sky. Our presence in the Far East is not anchored to Vietnam.

I believe that the containment of a hostile China is a proper goal for American policy. To avoid Chinese conquest of her neighbors, we fought in Korea, and we have solemnly pledged ourselves to defend Taiwan. The weakness of the Chinese-expansion argument, as it relates to Vietnam, is that China has thus far displayed no wish to invade southeast Asia. To date, Chinese troops have not been fighting in Vietnam. Moreover, China hasn't yet moved a cadre of "advisers" into North Vietnam that begins to compare, in numbers of men or in the amount of aid given, to the American presence in the South. The best way to keep China out of Vietnam is to settle the war there. An escalation of the war northward, if it continues unabated, is the most likely way to draw Chinese armies down, thus creating the very calamity our policy should be designed to avert.

However, a new definition of containment has emerged to justify the deepening involvement of the United States in the fighting in southeast Asia. Our presence there, it is said, is not to furnish a shield against an anticipated Chinese invasion, but rather to counteract the spread of Chinese influence. If this is our purpose, it is a vain one indeed.

China is the giant of Asia, unshackled and determined to reclaim her prerogatives as the dominant power of the mainland. In the natural course of events, we can no more expect to deny China her influence in southeast Asia, the region immediately beneath her, than China could expect to deny the United States our influence in Central America.

No outpost bristling with bayonets—least of all one held in South Vietnam by American occupation forces—is going to stem the spread of Chinese influence in Asia. If we cannot live in a world where the Chinese exert influence in Indochina, then we had better forget Vietnam and commence now to destroy and dismember China, something no other nation in history has ever managed to do.

But since the conquest of China is not an American ambition, we should stop fooling ourselves with talk that our involvement in Vietnam can somehow bring an end to the spread of Chinese influence in Asia. In fact, the evidence is just the other way around. Because of the extent of our intervention in South Vietnam, the Peiping government is able to pose as the champion of Asia for the Asians, defying the United States in the name of resisting the return of Western imperialism. Chou En-lai had reason to rub his hands with glee when he said recently to a foreign visitor: "Once we worried about southeast Asia. We don't anymore. The Americans are rapidly solving our problems for us."

Although we cannot immunize southeast Asia from Chinese influence, the restoration of peace to this war weary region offers the little countries of Indochina their best hope for remaining independent. They would, of necessity, establish friendly ties with China, staying scrupulously neutral and unalined, but they need not become the vassal states that a spreading war, drawing Chinese armies in, would surely make them. This even applies to North Vietnam, where nationalist feeling against China is deep, and where Ho Chi Minh does not yet take his orders from Peiping. Clearly, if we seek to restrict Chinese hegemony in southeast Asia, a settlement in Vietnam is essential.

Those who urge the contrary course—a Korean-type war in Indochina—often argue that South Vietnam has become the testing ground of a new and vicious form of Communist aggression, the guerrilla war. They contend that the Vietcong rebels, though perhaps not the pawns of Peiping, are at least the agents of Hanoi; that indirect aggression by infiltration is being practiced by the North against the South; and that we Americans must see to it that the guerrillas are driven out, or such wars of subversion will spread.

I grant this seems a compelling argument, but it won't stand up under close analysis. Communist guerrilla wars didn't begin in Vietnam and won't end there, regardless of the outcome of this particular struggle. American muscle, sufficiently used, may hold the 17th parallel against infiltrators from the north, but our bayonets will not stop—they could even spread—Communist agitation within other Asian countries. A government may be checked by force, but not an idea. There is no way to fence off an ideology.

Indeed, Communist-inspired guerrilla wars have always jumped over boundary lines. They have erupted in scattered, far-flung places around the globe, wherever adverse conditions within a given country permit Communist subversion to take root. The threatened governments put down such guerrilla uprisings in the Philippines, Malaya, Burma, and Greece. The decision for Saigon hangs in the balance.

This is a time of ferment. Some of these guerrilla revolts will succeed; others will fail. The outcome, in each case, will depend upon the character of the government challenged, and the willingness of the people to rally behind it. That some governments won't prove equal to the test is no reason for us to panic. The other governments in southeast Asia are not so many dominoes in a row. They differ, one from another, in popular support and in capacity to resist Communist subversion. We all hope Saigon will prevail, but the argument that "as goes South Vietnam, so goes all of southeast Asia," is predicated more upon fear than fact. Communism isn't going to take over the world; it is much too poor a system for that.

Whether Saigon can meet the test remains to be seen. Until now, it has been losing its war, not for lack of arms, but for lack of internal cohesion. The Vietcong grow stronger, not because they are better supplied but because they are united in their will to fight. This spirit cannot be imported from without. The weakness in South Vietnam emanates from Saigon itself, where we, as foreigners, are powerless to pacify the spoiling factions. Only the Vietnamese can furnish a solution.

This brings us back to the central question: Why did we intervene in South Vietnam? President Eisenhower, who committed us there, expressed the reason, and his successors, Kennedy and Johnson, have faithfully repeated it. We went in, upon the invitation of Saigon (10 governments ago), to give aid and advice to the Vietnamese who were fighting the Vietcong rebels. We can give arms, money, food, training and equipment, which is all we committed ourselves to do, but we cannot, as a foreign nation, win the war. Ultimately, a civil war has to be decided by the people of the country concerned.

We only deceive ourselves when we pretend that the struggle in Vietnam is not a civil war. The two parts of Vietnam don't represent two different peoples, with separate identities. Vietnam is a partitioned country in the grip of a continuing revolution. That the government of North Vietnam has deeply involved itself in support, or even direction, of the rebellion in the south doesn't make the war any less a civil war. The fighting is still between Vietnamese. The issue is still that of determining what groups of Vietnamese shall govern the country.

It is true, of course, that foreign powers are interested in the outcome of this struggle, China favoring Hanoi, the United States backing Saigon. But, again, the involvement of outside countries, even when it takes the form of limited intervention, doesn't change the essential character of the war.

With the war in Vietnam at a point where neither side can achieve a conclusive military decision, some kind of political settlement has to be worked out. I cannot furnish a precise blueprint for a peaceful settlement. No one can at this point. But I can indicate, in general terms, a form of settlement that lies in that middle ground that both sides must seek out if a negotiated settlement is to be reached. The timing of any settlement must, of course, be left to the President. He alone can know whether or when Hanoi appears willing to bargain.

As for the United States, we can always deal at the conference table from a strength that rests not upon the softness of Saigon but upon our own possession of the sea and air. Therefore I believe we must demonstrate that we cannot be driven out of Indochina, and that we won't bow to a Communist-dictated peace. Our recent bombings should make it clear to Hanoi that we will not quit under fire, or withdraw, or submit to coercion.

At the same time we should make it equally clear that we are prepared to negotiate on honorable terms. The judicious use of both the arrows and the olive branch, clutched by the American eagle in the Presidential seal, represents our best hope for avoiding a Korean-type war on the Asian mainland. We should indicate our willingness to interpose a neutral buffer zone in Indochina, consisting of Laos, Cambodia, and South Vietnam. Such a zone need not create a power vacuum for Chinese armies to fill. This is a more likely result, in the absence of such an agreement, of an expanded war. The integrity of the neutralized region against invasion from without could be guaranteed by the signatories to the agreement. Thus the military might of the United States would remain a deterrent to Chinese encroachment from the north, which is—or ought to be—our primary purpose in southeast Asia anyway. During its transitional phase such an agreement could be policed by special forces of an international commission, set up to preside over a cease-fire while political arrangements are worked out by the people of each country.

Admittedly, this involves the unavoidable risk that pro-Communist elements may come to prevail, but the war itself—which sees Western forces increasingly pitted against Asians—has become the breeding ground of steadily growing political support for the Communist cause. As Prince Sihanouk, Cambodia's royalist ruler, has pointed out, the risk of Communist ascendancy after a settlement grows larger every day the war is prolonged. If this estimate is correct, and there is mounting evidence to support it, then the time to negotiate is now, while the anti-Communist elements in Indochina still possess authority.

Now is the time, while the jungles and rice fields still belong to the Vietnamese, to strive for an end to the war. Hanoi has reason to bargain, for she covets her independence and has cause to fear China. The same holds true for Laos, Cambodia, and South Vietnam. Even the Soviet Union has incentive to work for a settlement that will foreclose a Chinese occupation of southeast Asia. These propitious conditions, all of which work in our favor, are likely to be the first casualties of a widening war.

[From the New York Review, Apr. 22, 1965]

Vietnam: An Exercise in Self-Delusion

"The New Face of War," by Malcolm W. Browne; Bobbs-Merrill, 284 pages, $5.

"The Making of a Quagmire," by David Halberstam; Random House, 312 pages, $4.95.

(By I. F. Stone)

The morning I sat down to write this review, the Washington Post (March 25) carried the news that Malcolm W. Browne had been arrested and held for 2 hours by South Vietnamese Air Force officers at the big U.S. air and missile base at Da Nang. The incident is symbol and symptom of the steady degeneration in the conduct of the Vietnamese war. These two books by two newspapermen who won Pulitzer Prizes last year for their coverage of the war, Browne for the Associated Press, David Halberstam for the New York Times, record the agony of trying to report the war truthfully against the opposition of the higherups, military and civilian. The books appear just as the war is entering a new stage when honest reporting is more essential than ever, but now restriction and censorship are applied to black it out. Da Nang, the main base from which the war is being escalated to the North, was officially declared "off limits" the day before Browne's arrest and newsmen were told they could not enter without a pass obtainable only in Saigon, 385 miles to the south. "Newsmen," the dispatch on Browne's arrest, "doubted such a pass existed." The incident occurred only a few days after the highest information officer at the Pentagon claimed that its policy on coverage of the war was "complete candor."

What makes these books so timely, their message so urgent, is that they show the Vietnamese war in that aspect which is most fundamental for our own people—as a challenge to freedom of information and therefore freedom of decision. They appear at a time when all the errors on which they throw light are being intensified. Instead of correcting policy in the light of the record, the light itself is being shut down. Access to news sources in Vietnam and in Washington is being limited, censorship in the field is becoming more severe. Diem is dead but what might be termed Diemism has become the basic policy of the American Government. For years our best advisers, military and civilian, tried desperately to make him understand that the war was a political problem which could only be solved in South Vietnam. Three years ago the head of the U.S. mission spoke of the war as a battle for the "hearts and minds" of the people, and primarily the villagers, whose disaffection had made the rebellion possible against superior forces and equipment. To win that battle it was then proposed to spend $200 million to bolster the Vietnamese economy and raise living standards. Though much of this money seems to have been frittered away, it was at least recognized that the military effort was only one aspect of the problem. Now we have adopted Diem's simple-minded theory that the war is merely a product of Communist conspiracy, that it is purely an invasion and not a rebellion or a civil war, and that all would be well—in Secretary Rusk's fatuous phrase—if only the North let its neighbors alone. This is the theory of the white paper and this is the excuse for bombing North Vietnam.

While the war expands, the theory on which it proceeds has narrowed. Washington's "party line" on the war has been shrunk to rid it of those annoying complexities imposed by contact with reality. The change becomes evident if one compares the white paper of 1965 with the Blue Book of 1961. The Blue Book was issued by the Kennedy administration to explain its decision to step up the scale of our aid and the number of our "military advisers" in South Vietnam. The white paper was issued by the Johnson administration to prepare the public mind to accept its decision to bomb the North and risk a wider war. The change of policy required that rewriting of history we find so amusing when we watch it being done on the other side.

Four years ago the Blue Book told us that the basic pattern of Vietcong activity was "not new, of course." It said this followed the tactics applied and the theories worked out by Mao Tse-tung in China. It said much the same methods were used "in Malaya, in Greece, in the Philippines, in Cuba, and in Laos." If there is "anything peculiar to the Vietnam situation," the Blue Book said, "it is that the country is divided and one-half provides a safe sanctuary from which subversion in the other half is supported with both personnel and materiel." This implied a conflict which was doubly a civil war, first between the two halves of a divided country and then between the government and Communist-led guerrillas in one-half of that country.

The white paper disagrees. It abandons complexity to make possible simple-minded slogans and policy. It declares the conflict "a new kind of war * * * a totally new brand of aggression * * * not another Greece * * * not another Malaya * * * not another Philippines * * * Above all * * * not a spontaneous and local rebellion against the established government." "The fundamental difference," the white paper says, is that in Vietnam "a Communist government has set out deliberately to conquer a sovereign people in a neighboring state." This implies that there is no popular discontent in the south to be allayed, no need to negotiate with the rebels. The war is merely a case of international aggression and the aggressor is to be punished by bombardment until he agrees to call off the invasion. The rebellion can be shut off, all this implies, as if by spigot from Hanoi. The truth about the war has been tailored to suit the Air Force faith in "victory by airpower." This was Goldwater's theory and this has become Johnson's policy.

Browne's book sheds some sharp light on the white paper's thesis. The white paper says the war is "inspired, directed, supplied and controlled" by Hanoi. But Browne reports that "intelligence experts feel less than 10 percent and probably more like 2 percent of the Vietcong's stock of modern weapons is Communist made." He also reports that "only a small part of Vietcong increase in strength has resulted from infiltration of North Vietnamese Communist troops into South Vietnam." An astringent examination of the white paper and its supporting appendixes will show that it really proves little more than this, despite the sweeping headline impressions it was intended to generate. Browne also tells us that "Western intelligence experts believe the proportion of Communists (in the National Liberation Front) is probably extremely small." He describes it as "a true 'front' organization appealing for the support of every social class." Browne declares the Front a "creature" of the Vietnamese Communist Party and says it has "strong but subtle ties" to the Hanoi regime. For many Vietnamese, nevertheless "the Front is exactly what it purports to be—the people's struggle for independence." This is what our best advisers tried to tell Diem. This is what our bureaucracy now refuses to see rather than admit past error and defeat, preferring to gamble on a wider war.

The really terrible message in these books is not that the bureaucrats have tried to deceive the public but that they have insisted on deceiving themselves. The Vietnamese war has been an exercise in self-delusion. David Halberstam tells us in "The Making of a Quagmire," that when the first Buddhist burned himself to death, Ngo Dinh Diem was convinced that this act had been staged by an American television team. The Buddhist crisis, as Halberstam describes it, "was to encompass all the problems of the government: its inability to rule its own people; the failure of the American mission to influence Diem * * *. Observing the government during those 4 months was like watching a government trying to commit suicide." The stubborn insistence of the South Vietnamese dictator on insulating himself from reality spread into our own Government. The most important revelation these two books make is the unwillingness of the higher-ups in Saigon and Washington to hear the truth from their subordinates in the field.

South Vietnam swarmed with spies, but apparently they were only listened to when they reported what their paymasters wanted to hear. Halberstam says that at one time Diem had 13 different secret police organizations. Browne provides a vivid picture of how our own intelligence agencies proliferated. The CIA, Special Forces, the Aid mission, the Army, the Provost Marshal, the Navy, and the U.S. Embassy each had its own operatives. But they were not, in Browne's words, "one big happy family." On the contrary they "very often closely concealed" their findings from other agencies "because of the danger that the competitors may pirate the material and report it to headquarters first, getting the credit."

All of this fierce application of free enterprise to the collection of information seems to have been of little use because of a top level political decision. "Ever since Vietnamese independence" (i.e., 1954), Browne reveals, "American intelligence officials had relied on the Vietnamese intelligence system for most of their information." This was "because of Diem's touchiness about American spooks wandering around on their own." In the interest of preserving harmony, "somehow the intelligence reports always had it that the war was going well." We circulated faithfully in orbit around our own satellite. Diem's men told him what he wanted to hear, and ours passed on what he wanted us to believe. Halberstam confirms this. In those final months before Diem's overthrow, "CIA agents were telling me that their superiors in Vietnam were still so optimistic that they were not taking the turmoil and unrest very seriously." John Richardson, then CIA chief in Vietnam, displayed a kind of infatuation with Diem's brother Nhu and his wife. Halberstam describes a lunch with Richardson in 1962, shortly after the New York Times sent him to Saigon, in which the CIA chief dismissed Nhu's notorious anti-American remarks as simply those of "a proud Asian." As for the tigerish Mme. Nhu, Richardson thought her "sometimes a little emotional, but that was typical of women who entered politics—look at Mrs. Roosevelt."

A persistent Panglossianism marked our entire bureaucracy up to and including the White House. General Harkins, our military commander in South Vietnam, said "I am an optimist and I am not going to allow my staff to be pessimistic." Halberstam describes a briefing at his command post after the battle of Ap Bac in January 1963, the kind of setpiece battle for which our military had long hoped and which they first described as a victory though it turned out to be a disastrous defeat. With "the government troops so completely disorganized that they would not even carry out their own dead," "a province chief shelling his own men" and "the enemy long gone," General Harkins told the press a trap was about to be sprung on the enemy.

The enemy was the press. When the facts about Ap Bac could no longer be concealed, headquarters became angry "not with the system" that brought defeat, Halberstam writes, nor with the Vietnamese commanders responsible for it "but with the American reporters who wrote about it." Admiral Harry Felt, commander of all U.S. forces in the Pacific, gave classic expression to the bureaucratic attitude toward the press when he was angered by a question from Browne. "Why don't you get on the team?" the admiral demanded.

When Halberstam, Browne, and Neil Sheehan,[1] then with the UPI, visited the Mekong Delta in the summer of 1963 and saw for themselves the deterioration of the war, their reward for reporting it was a campaign of denigration. Rusk criticized Halberstam at a press conference. President Kennedy suggested to the publisher of the New York Times that Halberstam be transferred to some other assignment, a suggestion Mr. Arthur Hays Sulzberger, to his credit, rejected. The bureaucracy counterattacked through Joe Alsop, who insidiously compared the reporters on the scene to those who a generation earlier had called the Chinese Communists agrarian reformers. The New York Journal-American wrote that Halberstam was soft on communism. A friend in the State Department told Halberstam, "It's a damn good thing you never belonged to any leftwing groups or anything like that because they were really looking for stuff like that." Victor Krulak, the Pentagon's top specialist on guerrilla warfare, was vehement in his criticism of the press: "Richard Tregaskis and Maggie Higgins had found that the war was being won, but a bunch of young cubs who kept writing about the political side were defeatists." The official attitude was epitomized by Lyndon Johnson, then Vice President, on his way back from Saigon in 1961. He had laid the flattery on with a shovel, calling Diem the Churchill of Asia. Halberstam reports that when a reporter on the plane tried to tell Johnson something of Diem's faults, Johnson responded, "Don't tell me about Diem. He's all we've got out there." A brink is a dangerous place on which to prefer not to see where you're going.

The hostile attitude toward honest reporting is made the more shocking because reporters like Halberstam and Browne, as their conclusions reveal, were critics not of the war itself but only of the ineffective way in which it was conducted. The force for which they spoke, the sources on which they depended, were not dissident Vietnamese but junior American officers. Their books disclose little contact with the Vietnamese. The battle between the press and the bureaucracy arose because the newspapermen refused to report that the war was being won, but there was not too much reporting of why it was being lost.

For Halberstam the war was a lark, a wonderful assignment for a young reporter; his pages reflect his zest and are full of graphic reportage, though also marked by some egregious errors, such as locating Dienbienphu in Laos and attributing the origin of the agrovilles to the French whereas they really sprang from Nhu's mystical authoritarianism. For Browne the war was less romantic. The life of a wire service reporter on call 24 hours a day in so tense a situation is no picnic. His book is written in flat agency prose. Both men acquitted themselves honorably, in the best tradition of American journalism, which is always to be skeptical of any official statement. But both books are marked by that characteristic intentness on the moment; the idea that the past may help explain the present appears only rarely. There is no time for study, and American editors do not encourage that type of journalism in depth which distinguishes Le Monde or the Neue Züricher Zeitung.

This defect is most damaging in reporting on the origins of the revolt against Diem. The average American newspaper reader got the impression that this was brought about by esoteric and long-distance means, by Communist plotters activated from Hanoi to engage in that mysterious process referred to in our press as "subversion." This is the closest modern equivalent to witchcraft. Halberstam's account of the origins is better than Browne's, but the real roots of discontent are touched on only peripherally. We get a glimpse of them in Halberstam's report that General Taylor after his first mission in 1960 recommended "broadening the base of the government, taking non-Ngo anti-Communist elements into the Government; making the National Assembly more than a rubberstamp; easing some of the tight restrictions on the local press." The prescription was for a little of that democracy we were supposed to be defending, but Diem would not take the medicine. The accumulation of grievances, the establishment of concentration camps for political opponents of all kinds, the exploitation and abuse of the villages, the oppression of the intellectuals, the appeal of the 18 notables in 1960, and the attempted military coup that year, "the long standing abuses" which finally led to the revolt, are not spelled out as they should be[2] and would be if U.S. reporters had more contact with the Vietnamese. In a flash of insight Halberstam writes:

> Also, though we knew more about Vietnam and the aspirations of the Vietnamese than most official Americans, we were to some degree limited by our nationality. We were there, after all, to cover the war; this was our primary focus and inevitably we judged events through the war's progress or lack of it. We entered the pagodas only after the Buddhist crisis had broken out; we wrote of Nguyen Tuong Tam, the country's most distinguished writer and novelist, only after

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[1] See the vivid account in his preface to Jules Roy's agonized and eloquent "The Battle of Dienbienphu," Harper, $6.95.

[2] The best account is by the French historian, Philippe Devillers in "North Vietnam Today" (Praeger, 1962), edited by P. J. Honey.

he had committed suicide—and then only because his death had political connotations; we were aware of the aspirations of the peasants because they were the barometer of the Government's failure and the war's progress, not because we were on the side of the population and against their rulers.

This accounts for how poorly these reporters understood the central problem of land reform, how few realized that from the standpoint of the peasants, particularly in the Delta, Diem's land reform policy like his hated agrovilles and our equally unpopular strategic hamlets seemed to be mechanisms for reinstating the rights of the landlords who had fled during the long war against the French. Diem's downfall, and the rebellion's success, were largely due to the fact that he tried to do what even the Bourbons in France after the Revolution were too wise to attempt. He tried to turn back the clock of the revolutionary land seizures in the name of land reform many peasants found themselves being asked to pay rent or compensation for land they had long considered their own.

This lack of contact with the Vietnamese people, and this fellow feeling for the junior officers who were sure they could win the war if only HQ were different, also accounts for the weak way both books fizzle out when the authors try to supply some conclusions. Both oppose negotiation and neutralization. Halberstam is indignant with the indifference to Vietnam he encountered on his return home. He believes Vietnam "a legitimate part" of "our global commitment." He feels "we cannot abandon our efforts to help these people no matter how ungrateful they may seem." For the "ungrateful" majority, the American presence had only succeeded in polarizing the politics of the country between authoritarian Communists and authoritarian anti-Communists; the former at least have the virtue of being supported by native forces. The anti-Communist minority was grateful, of course, and feared that with American withdrawal they would be treated as mercilessly by the National Liberation Front as Diem had treated veterans of Vietnam after 1954, although a specific provision of the Geneva agreement forbade persecution of those who had fought against the French. The files of the International Control Commission from 1955 onward were full of complaints that ex-Vietminh had been thrown into concentration camps or executed without charge or trial. In any eventual settlement in Vietnam, the future of minorities must certainly be a matter for concern, but the notion that we have a mandate from heaven to impose on an unwilling people what we think is good for them will strike few Asians or Africans as an object lesson in democracy. Browne's feeble ending is even worse. "Perhaps in the end," he writes, echoing the cliches of the counterinsurgency experts at Fort Bragg, "America will find it can put Marx, Lenin, Mao, and Giap to work for it, without embracing communism itself."

This was the delusion of French military men like Colonel Lacheroy and Colonel Trinquier, who returned from Indochina thinking they could apply Communist ideas in reverse to the "pacification" of Algeria. When frustrated, they tried to turn their borrowed techniques of conspiracy and assassination against De Gaulle and the French Republic. To apply Communist methods in reverse, the favorite formula of our "counterinsurgency" experts, does not make them any less unpalatable or dangerous to a free society. The basic tactic confuses the effect with the cause. To see "wars of liberation," the Pentagon's dominant nightmare, simply as a reflection of conspiracy, to overlook the social and economic roots which make them possible, to prescribe counterconspiracy as the cure, is not only likely to insure failure but it tends to shut off debate on peaceful alternatives. Here the growing tendency of the Johnson administration to make it seem disloyal to question the omnicompetence of the Presidency is reinforced by the natural tendency of the Pentagon to see doubts about resort to force as unpatriotic. There is the danger here of a new McCarthyism as the administration and the military move toward wider war rather than admit earlier mistakes.

[From the New York Times, Apr. 22, 1965]

"DESCALATION" NEEDED

The war in Vietnam is to be "stepped up," Washington now says. In other words, the U.S. Government is going to continue to bomb, send in more Americans, spend more and commit more lives, money, destructiveness and power—and take more risk. In return, the hope is that Hanoi will act to curb the Vietcong guerrillas in South Vietnam, if it can, and will refrain from sending in more men and arms and orders to the south. The hope also is that Peiping and Moscow will hold off from their own particular methods of escalation.

Those who have all along feared that the course the war has been taking since early February would force the United States into an ever greater commitment, leading to ever greater danger to Asia and to the world, are unhappily being proved true prophets. Once a war begins, forces take over which seem beyond control. In Vietnam, on both sides, one step is leading—as if inexorably—to another and then another. Continuance of the present process by the opposing forces could lead to catastrophe.

Nothing is more important for Americans today than to face these hard truths before it is too late. And it is vital that the channels of communication, of opinion and of dissent be kept open—on the floor of Congress, in the press, in the country at large—in the face of a growing tendency to ridicule or to denounce the opposition and to demand unswerving support of further escalation in the name of patriotism.

Bitterness and emotionalism are increasingly entering the discusions on Vietnam in the United States. This is a deplorable development, and so is the polarization of opinion in every country and between blocs of countries. It is as if the battle lines were being drawn all over the world—but for a major war that need not and must not take place.

President Johnson's offer of "unconditional discussions" was a splendid move on the diplomatic-political front, in the effort to achieve a peaceful solution of the quarrel. While it deserved a far better response from the other side than it has yet received, it did mark, as we have previously noted, a beginning to an interchange among the combatants—subtle and indirect, but nevertheless a beginning.

But the continued bombing of North Vietnam makes progress toward a peaceful settlement—however far off it must necessarily be—more difficult rather than less, harder rather than easier. We think that as a followup to the President's fine declaration in Baltimore, a "descalation" of the war is needed, rather than the escalation that we now see imminent.

It is at least worth the effort to see whether a scaling down of the bombing might not evoke a corresponding scaling down of North Vietnamese aggression in South Vietnam. The North Vietnamese incidents in the south are easily measurable; if a diminution of American bombing of the north should lead to a diminution in the rate of incidents in the south, a major step would thereby be signaled toward the "unconditional discussions" offered by the President.

Of course there might be no such response at all; and if there were not, the bombing would be resumed. But at least a "descalation" such as we suggest would afford the opportunity to the other side of making a gesture toward peace without losing face. It might lead, ultimately, to a cease-fire and a truce.

President Johnson launched a very tentative but real peace offensive at Johns Hopkins. He has not yet given this policy enough time but the continued bombing has tended to cast some doubt on the sincerity the United States desire for negotiations.

This is clearly a moment of crisis—for Vietnam, for the United States, and for the world. Less bombing, not more, offers some hope of peace—without any weakness of American resolution. By taking such an attitude the United States would show strength as well as wisdom.

[From the New York (N.Y.) Times,
Apr. 22, 1965]

IN THE NATION: THE SENATE ON VIETNAM

(By Arthur Krock)

WASHINGTON, April 21.—On the initiative of its majority leader, MIKE MANSFIELD, the Senate today responsibly fulfilled the role assigned to it by the Constitution to advise the President on foreign affairs.

Senator FULBRIGHT who, in his official capacity as chairman of the committee on which the Senate relies for guidance on these questions, has been subjected to unwarranted abuse for stating as a mere hypothesis that "the prospects for discussions" looking to peace in southeast Asia "might be enhanced by a temporary cessation" by the United States of the military actions it is steadily escalating in the Vietnams. But, except for specific endorsement of what FULBRIGHT plainly identified as only a speculation, all the Senate speeches today were directed at the same objective, which MANSFIELD expressed as follows:

APPLYING GENEVA PRINCIPLE

It is of the utmost importance that the question of how to apply the principle of the Geneva agreement of 1954 be faced as soon as possible. * * * The longer this confrontation is put off, the more the people of North and South Vietnam pay for the delay, and the more the likelihood that the present limited conflict will spread into a general war in Asia.

His reference was to a proposal that the Geneva Conference be reconvened on the limited basis of producing an international guarantee of the neutrality of Vietnam's neighbor, Cambodia. "The need for a confrontation," he said, "on [this] situation in which none [the United States, Communist China and the two Vietnams] is involved so directly may indeed be a preliminary to a separate and second confrontation on Vietnam in which the involvement of all is direct." And though MANSFIELD extolled the President as one who has "grasped the problem fully," citing his call for "unconditional discussions with the object of restoring a decent and honorable peace," it was evident from remarks by Senators who praised MANSFIELD's observations that they detected in these their own doubts of the wisdom of escalating U.S. military attacks on North Vietnam while there is the slightest possibility of progress in the secret negotiations for reconvening a Geneva Conference on Cambodia.

"While the talk goes on," said MANSFIELD, "the bloodshed also goes on. And the bleeding is not being done in the capitals of the world. It is being done in the rice fields and the jungles of Vietnam" whose "peasants, in all probability, want peace and a minimum of contact with distant Saigon and distant Hanoi—not to speak of places of which they have scarcely heard about—Peiping, Moscow, or Washington. This called attention to the officially inconvenient fact that the conflict is in part a civil war.

CONFLICTING VIEWS

Taking this from the majority leader as his cue, Senator AIKEN protested that "it is difficult to see (except as an act of braggadocio) what U.S. military leaders are trying to accomplish when they send 200 planes to destroy one little bridge. But on the same day that the Senate was voicing its disturbance over the policy of military escalation, Secretary of Defense McNamara was announcing its wide expansion, as agreed on at the Honolulu conference this week. This conflict of attitudes is the inevitable product of the involvement into which the U.S. Government has drifted in Vietnam.

The Senate today reflected its alarmed conviction that the time is overdue for ending the war in southeast Asia, hopefully through the back door of guaranteed neutrality of Cambodia. But it has no magic formula for reconvening a Geneva conference, now that the U.S.S.R., which proposed this, has set preconditions it is aware the United States cannot possibly accept. And the close Presidential relations of some of the sources of the hysterical attacks on Senator FULBRIGHT for speculating that a temporary halt of U.S. military actions against North Vietnam might be the best way to discover whether the aggressors are open to a reasonable and honorable settlement, suggest that this idea has no future in the administration.

TO RESTORE PEACE

President Johnson has more information than the Senate can possibly have for the alarm which MANSFIELD and others expressed on the floor. But the sole meaning to be read into Secretary McNamara's announcement on the same day is that continued escalation of the Vietnam war on a steadily rising scale is our only policy for the restoration of peace in southeast Asia.

[From the Washington (D.C.) Post, Apr. 22, 1965]

THE FALLING DOMINOES

(By Walter Lippmann)

Why is it, it is time to ask, that our position in Asia has declined so sharply though we are widening and intensifying the war in Vietnam?

According to the so-called domino theory, the United States would lose the respect and support of the peoples of Asia if, in confronting Chinese communism, it showed itself to be a paper tiger, and refrained from military action. For three months, since February, we have applied this theory ever more vigorously. And what are the results? Quite contrary to what was predicted: today the United States is not only isolated, but increasingly opposed, by every major power in Asia.

With the exception of Japan, which has a government but not a people who support our policy, all the Asian powers are against us on this issue, not only China and Indonesia, but the Soviet Union, India, and Pakistan. The crucial fact is that although the Asian powers are by no means at peace with one another, what they do have in common is an increasingly vociferous opposition to the escalated war we have been waging since February. India and Pakistan, India and China, China and the Soviet Union are quarrelling to the point of war with one another. But they are united in condemning our February war.

The administration should put this fact in its pipe and smoke it. It should ponder the fact that there exists such general Asian opposition to our war in Asia. The President's advisers can take some comfort, but mighty little, from the fact that alined with us is the Thailand government in Bangkok, which is independent though weak, the government in Seoul, which we subsidize, the government in Taipei, which we protect, the government in Saigon, which governs something less than half of South Vietnam. Pondering the matter, we must, alas, put into the other scale the ominous, rising anti-Americanism in the Philippines.

The dominoes are indeed falling, and they are falling away from us.

What is the root of all this swelling anti-Americanism among the Asians? It is that they regard our war in Vietnam as a war by a rich, powerful, white, Western nation against a weak and poor Asian nation, a war by white men from the West against nonwhite men in Asia. We can talk until the cows come home about how we are fighting for the freedom of the South Vietnamese. But to the Asian peoples it is obviously and primarily an American war against an Asian people.

In my view the President is in grave trouble. He is in grave trouble because he has not taken to heart the historic fact that the role of the Western white man as a ruler in Asia was ended forever in the Second World War. Against the Japanese the Western white powers were unable to defend their colonies and protectorates in Asia. That put an end to the white man's domination in Asia which had begun in the 15th century.

Since then, despite our ultimate victory over the Japanese Empire, the paramount rule has been that Asians will have have to be ruled by Asians, and that the Western white powers can never work out a new relationship with the Asian peoples except as they find a basis of political equality and nonintervention on which economic and cultural exchanges can develop.

This great historic fact is an exceedingly difficult one for many westerners to digest and accept. It is as hard for them to accept this new relationship with Asia as it is for many a southerner in this country to accept the desegregation of schools and public accommodations. The Asia hands who still instinctively think of Asia in prewar terms are haunted by Rudyard Kipling and the white man's burden and the assumption that East of Suez are the lesser breeds without the law.

Until we purge ourselves of these old preconceptions and prejudices, we shall not be able to deal with Asian problems, and we shall find ourselves as we are today in Vietnam, in what the German poet described as the unending pursuit of the ever-fleeting object of desire. We shall find ourselves widely rejected by the very people we are professing to save.

Until this purge takes place, we shall go on drifting into trouble. For us the problem in Asia is primarily a problem in our understanding of historic reality. In our view of Asia there will have to be a fundamental change akin to the illumination, which has come so recently here at home, that the American Negro must become a full, not a second class, citizen.

The day will come when the same kind of illumination of the facts of life is granted to the makers of our policy in Asia.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is S. 1564.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS] numbered 82, to the committee substitute.

Under the precedents of the Senate, in such a case, the substitute, for the purpose of amendment, is regarded as original text. Any amendment proposed thereto is therefore in the first degree, and any amendment to such amendment is in the second degree, and not open to amendment.

Any amendment to the original text of the bill, or any amendment to such an amendment, would have precedence over the committee substitute or any amendment thereto.

In the event the committee amendment is agreed to, no further amendment is in order.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I can see the Continental Congress in session 189 years ago. It was June. It was considering a resolution by Richard Henry Lee, of Virginia. The purport of the resolution was that the Colonies are and of right should be free and independent States. That resolution was referred to a committee consisting of Jefferson, Adams, Franklin, Roger Sherman, and Robert Livingston. Jefferson undertook the task of formulating a declaration to carry out the sense of that resolution. What he wrote and what was approved was the Declaration of Independence.

How significant it is as a world document and how highly it is esteemed in the American tradition can be noted from the care that has been lavished upon its preservation. First, it was kept in the archives of the State Department. When the British invaded our Capital in 1812, it was removed to Virginia. When it was returned to Washington, it was kept in the Patent Office. Later it was placed in the Library of Congress. Today, it reposes in the National Archives in a glass case, bound in bronze and sealed in helium that light, dampness, or insects will not mar it.

One especial sentiment in that document is appropriate to this occasion. After asserting that man is endowed with certain inalienable, God-given rights, Jefferson then wrote:

> Governments are instituted among men, deriving their just powers from the consent of the governed.

What a strange, amazing concept in a world of kings, czars, and emperors who had fastened upon mankind the belief that they rule by divine mandate. Was this a whimsy from the pen of the great Virginian? Was it a mockery or did it have purpose. How well we know that it did have purpose for it became the very foundation of the system of government which the Constitution makers promulgated in Philadelphia 11 years later. In his own way, Abraham Lincoln reaffirmed it at Gettysburg fourscore and 7 years later when he expressed the prayerful hope that government of the people, for the people, and by the people would not perish from the earth.

How then shall there be government by the people if some of the people cannot speak? How obtain the consent of the governed when a segment of those governed cannot express themselves?

How strange that nearly two centuries after Thomas Jefferson wrote those words into the Declaration of Independence, assuring to the governed a reasonable chance to consent or dissent, the problem still vexes the National Government.

Can there be any doubt that this is the problem before us?

Men are taxed but not permitted to pass upon those who impose such taxes. Can this be the consent of the governed?

Men are compelled to render military service but not permitted to pass upon those who decree such service. Is that the consent of the governed?

Men are fined and imprisoned under laws dealing with crime and social infractions but not permitted to pass upon the authors of such laws. Is this the consent of the governed?

Men are compelled to send their children to schools which are supported with their taxes but not permitted to pass upon those who make the laws and issue the regulations under which their children are educated. Is this the consent of the governed?

Men pay for a variety of services such as gas, electricity, telephone service, railroad fares, airplane fares, the rates for which are predicated upon laws enacted by men whom they are not permitted to select. Is this the consent of the governed?

Bloody strife and a century of history have brought no solution to the problem. The final fulfillment of the basic concept set forth in the Declaration of Independence has not been achieved. And now, 100 years to the month after civil strife came to an end, we seek a solution which overrides emotion and sentimentality, prejudice, and politics and which will provide a fair and equitable solution.

This is the fourth civil rights measure to come before Congress in the last 8 years. The act of 1957 provided the right to go to court and to secure the aid of the Attorney General in providing injunctive relief where voting rights were denied. It also created the Civil Rights Commission with subpena power to make investigations in this field and report to the Congress. The act of 1960 enlarged the powers of the Attorney General to investigate and find a pattern or practice under which voting rights were denied and then file suit so that a court could issue an order showing that the plaintiff in the suit was qualified to vote. Then came the Civil Rights Act of 1964 under which three-judge courts could deal with voting rights actions. But discrimination in the matter of voting rights has continued and the data and information collected by the Civil Rights Commission and the Department of Justice makes it quite clear that additional legislation is needed if the unequivocal mandate in the 15th amendment to the Constitution of the United States is to be enforced and made effective and if the Declaration of Independence is to be made truly meaningful.

Mr. President, that is a preliminary statement. It does not undertake to deal with any analysis of the bill that is before the Senate. That will come later. But I believe that it is necessary to lay down a philosophical predicate that is the inspiration for the endeavor that is before us at the present time. The story could be multiplied ad infinitum. One could deliver a long dissertation, going back to an unsolved problem in the Constitution. The framers of the Constitution picked the year 1808 in which to continue the importation of persons. Parenthetically, the Constitution does not use the word "slaves" or the word "slavery," but it speaks about the continued importation of persons until 1808, and provides that such importation shall not be denied until that time. The only limitation on that trade was that there could be imposed a $10 capitation tax. So importation continued.

At long last, after 50 years and a bloody strife, that institution came to an end, and those people were here. The question was how to deal with them realistically and recognize the fact that they were human beings. They were people with souls, and they were entitled to equality if the Declaration of Independence and the Constitution meant anything whatsoever.

After that strife came the 13th amendment abolishing the hideous institution that had grown up in our country.

Then in 1868 came the 14th amendment, with a further expansion of rights, privileges, and immunities.

Then came the 15th amendment in 1870. That amendment dealt very specially with citizens of the United States. That is what we are concerned with at the present time. The amendment stated that the right of citizens of the United States to vote shall not be abridged or denied by the United States or any State on account of race or color. That is as short, as explicit, and as clear as the English language could make it.

The authors of the amendment went further. They said that the Congress shall have power by appropriate legislation to enforce the amendment.

It is on the basis of that authority that we proceed with the measure that is now before the Senate.

Mr. President, this has been no easy chore. It has been one of the most difficult, intricate, and abstruse subjects with which I have contact in all of my legislative career. I am not insensible of those requirements by way of the qualification for electors that appears in article I of the Constitution. But I am not insensible either to the mandate in the 15th amendment and how it shall be consummated and made effective.

It has taken a long time, under the peculiar procedure that has inhibited some of our action, even to file a document, which I presume I cannot call a "report." It is entitled "Joint Statement of Individual Views of Mr. Dodd, Mr. Hart, Mr. Long of Missouri, Mr. Kennedy of Massachusetts, Mr. Bayh, Mr. Burdick, Mr. Tydings, Mr. Dirksen, Mr. Hruska, Mr. Fong, Mr. Scott, and Mr. Javits of the Committee on the Judiciary, supporting the adoption of Senate 1564, the Voting Rights Act of 1965."

I wish to pay testimony not only to the members of my staff, who are gracing the Senate Chamber today, but also to the staff of the majority leader and the staff of the Attorney General, because they worked until the hour of 11:58 last night, 2 minutes before the deadline that was set for the filing of this report. It is an excellent piece of work. Perhaps in the interest of accurracy I had better strike that word "report" and say "the filing of this document." It is an excellent piece of work. Some time later I intend to read a good deal of the document into the Congressional Record, because many hours and weeks of endeavor have gone into the document; and it deserves wider currency than a report or a document usually receives.

So at that point, I shall yield the floor. At a subsequent period, I shall begin to deal with an analysis of the bill and how we expect to remedy the difficulty that confronts us.

Mr. ERVIN. Mr. President, will the Senator from Illinois yield for questions?

Mr. DIRKSEN. I yield for questions.

Mr. ERVIN. The bill contains a provision which condemns without judicial trial the States of Alabama, Mississippi, Louisiana, Georgia, South Carolina, and Virginia, and 34 counties in North Carolina; does it not?

Mr. DIRKSEN. Yes; if the Senator will modify his language.

First. I do not believe it condemns the States. It takes account of a condition that has existed in those States.

Second. I do not for a moment admit that the bill is punitive. Surely I do not admit that it is a bill of attainder, a point that was made before the full committee.

Mr. ERVIN. I presume that the Senator from Illinois will admit that the States that I have designated and the 34 counties of North Carolina are brought within the provisions of the bill without being given any judicial trial to determine whether they are violating the provisions of the 15th amendment.

Mr. DIRKSEN. We are seeking by the bill to remedy a condition that exists in those States, or that we believe exists with respect to citizens of the United States. It is not a question of providing a judicial trial for various States where that condition exists. We go to the heart of the problem and seek to supply a remedy that we think is constitutional and is nonpunitive.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. I do not believe we should allow the record to stand with the statement of the Senator from North Carolina that the bill condemns the States without a judicial trial. The fact is that the States can go into court in the District of Columbia. The bill so provides and establishes procedures by which they must take themselves out from under the provisions of the law. Therefore, there is a legal avenue through which they can act. The Senator from North Carolina has consistently reiterated that there is no opportunity for the States to go into court. I cannot agree with him. The fact is that the States must motivate, rather than that the United States must motivate, which has been the cause of the breakdown under the present law.

Mr. ERVIN. I ask the Senator from Illinois if he does not know that under section 4 of the bill those States and counties cannot go into a court in the District of Columbia and rebut the presumption arising against them by showing that they are not engaged in violation of the 15th amendment.

Mr. DIRKSEN. The bill provides the method for the States to cleanse themselves of any taint, if they believe that the finger of taint has been placed upon them.

Mr. ERVIN. I ask the Senator from Illinois if the bill does not shut every courthouse door in America against the States I have enumerated and the 34 counties of North Carolina, except the U.S. District Court for the District of Columbia?

Mr. DIRKSEN. My distinguished friend has used the expression "shut every courthouse door" in the land except the U.S. District Court for the District of Columbia. The device of the court of the District of Columbia has been used in a great many other statutes. It is neither a restraint nor an infamous device that we resort to in connection with the bill to give a State an opportunity to make a test case in court.

Mr. ERVIN. The Senator from Illinois seems to be reluctant to give a direct answer to a direct question. I asked if under the bill the sovereign States of Louisiana, Alabama, Mississippi, Georgia, South Carolina, and Virginia, and 34 counties of North Carolina are denied the right to go into any court, anywhere on the face of the earth, to defend themselves against the assumption or presumption, except the U.S. district court of the District of Columbia.

Mr. DIRKSEN. It is true up to that limited point, but no further.

Mr. ERVIN. If they go into the U.S. District Court for the District of Columbia, they cannot escape the consequences of the act by showing that they are not engaged in denying any person the right to vote on account of race or color in violation of the 15th amendment.

Mr. DIRKSEN. I shall take up that matter a little later. I do not wish to become involved in a prolonged discussion of that point with the distinguished Senator from North Carolina. We shall get around to it later for a fuller analysis.

Mr. ERVIN. Cannot the Senator from Illinois give me a simple answer "Yes" or "No" now, and then elaborate later?

Mr. DIRKSEN. No; for the very good reason that as the question is put there is no simple "Yes" or "No" answer. But I shall get around to making a good affirmative answer later.

Mr. ERVIN. Does not the bill provide, in effect, that a State or political subdivision of a State covered by the formula set out in section 4(b) cannot escape the coverage of the bill unless it does one of these three things: First, it has to show to the District Court of the District of Columbia that it has not used a literacy test during the 5 years preceding the filing of the action in the U.S. District Court for the District of Columbia, for the purpose of abridging or denying the right to vote on account of race or color; second, it must show the District Court of the District of Columbia that the percent of persons in such State or subdivision voting in the most recent presidential election exceeded the national average percent of persons voting in such election, and that there is no denial or abridgement of the right to vote on account of race or color in such State or subdivision; or third, it must show the District Court of the District of Columbia that the percent of persons registered to vote in the State or political subdivision by State or local election officials exceeded 60 percent of the persons of voting age meeting residence requirements in such State or subdivision, and that there is no denial or abridgement of the right to vote on account of race or color in such State or subdivision.

Mr. DIRKSEN. Yes; and why not put emphasis on the very last point that the Senator from North Carolina read; that is, that if there is no discrimination with respect to the voting rights based upon race or color—and that is the whole key to the bill, and is the key to the provision the Senator just read——

Mr. ERVIN. No; even in that case, the State or counties could not escape the consequences of the bill.

Mr. DIRKSEN. That is an unconditional clause at the very end.

Mr. ERVIN. The word "and."

Mr. DIRKSEN. That is correct.

Mr. ERVIN. "And" is added to the first clause.

Mr. DIRKSEN. That is the reason "and" was put there instead of "or."

Mr. ERVIN. It was placed there so as to "hook" the States twice. They would be required to escape two dilemmas.

Mr. DIRKSEN. The whole bill is predicated upon a showing of discrimination, wherever it is shown. Then, of course, there is no choice except to put into effect the machinery set up by the bill.

Mr. ERVIN. But the bill provides, in addition, that it must be shown that there is no abridgement or denial of the vote in violation of the 15th amendment. In one alternative the States must show that the number of persons voting in the State or the political subdivision falling within the compass of the formula exceeded the national average of persons voting in the United States, must they not?

Mr. DIRKSEN. If their voting record was up to the national average and they had registration up to 60 percent, and they still discriminated, there would be no effect to the bill. We are aiming at discrimination, and that is the reason for the final clause.

Mr. ERVIN. Why does the Senator believe the bill should require each of the 34 counties in North Carolina to prove not only that it is not engaged in a violation of the 15th amendment, but also that it voted more people than the national average?

Mr. DIRKSEN. That is a device, if one wishes to call it a device, to encourage States where there has been discrimination to bring their registration lists up, to get their voting lists up, if they can, and if they are so disposed; but always with the understanding that no matter where they go with registration, no matter what their percentage of votes is in a given election, if discrimination still continues, it still becomes a problem for the instrumentality that is set up under the act.

Mr. ERVIN. But why must we require a North Carolina county to vote to a greater extent than the national average in order to escape the consequences of this bill? Why not have the North Carolina counties on an equal basis with all of the other States and counties which are not covered by the bill?

Mr. DIRKSEN. If the Senator wants to change the percentage of registration, I would not oppose it. I have indicated time and time again that I may be charged with reaching into the air and pulling down the figure of 60 percent. My friend may have some other suggestion. I have kept myself quite flexible.

Mr. ERVIN. I have one suggestion. Instead of requiring such counties to exceed the national average, why not make it a requirement that they merely equal the national average?

Mr. DIRKSEN. All I received for my pains in even suggesting this amendment was a good deal of hostility and objection. Nevertheless, I still kept myself quite amenable to any other fruitful and practical suggestion that could be made.

Mr. ERVIN. I am making a suggestion to the able and distinguished Senator from Illinois now. In the interest of equality to all men, I suggest that the Senator from Illinois offer, or accept, an amendment to the bill which would allow the States and counties condemned by the formula to escape liability under the bill when they prove not only that they are not engaged in discrimination, but also that their registration or their voting equals rather than exceeds the national average.

Mr. DIRKSEN. First, I have no recollection that my distinguished friend from North Carolina made such a suggestion in the committee when the figures were introduced. Second, the suggestion of the Senator will certainly receive consideration. It may not be accepted, but it will be considered.

Mr. ERVIN. I say to the Senator from Illinois that I offered many amendments in the course of the committee hearings, but the steamroller rolled all over me and flattened me out. I offered amendments that would have brought the bill more in keeping with the Constitution. But the amendments were rejected overwhelmingly.

I am sorry that the Senator from Illinois is required to leave the floor and cannot answer any more questions.

Mr. MANSFIELD. Mr. President, I think the Senator from North Carolina should consider the reasons for the departure of the Senator from Illinois and be fair in this matter.

Mr. ERVIN. I am trying to be.

Mr. MANSFIELD. The Senator from Illinois said that he had an engagement with some constituents who were waiting for him. He made that announcement before he spoke. Nevertheless, he yielded to the Senator from North Carolina. I would hope that the Senator will consider these facts and be fair.

Mr. ERVIN. Mr. President, if my friend, the majority leader, will tell me in what regard I have been unfair, I shall correct it.

Mr. MANSFIELD. By saying that the distinguished Senator from Illinois was leaving the Chamber, with the possible implication that he was doing so in order to avoid answering any further questions.

Mr. ERVIN. I said that he was required to leave.

Mr. MANSFIELD. Mr. President, I am sorry that I misunderstood the Senator from North Carolina.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. In answer to that question, there is one fundamental concept about his bill which we must understand. That is the analogy with a person who was speeding and then comes into court and says, "I am not speeding any more."

This bill was designed not only to correct an active history of discrimination, the denying to Negroes of the right to register and vote, but also to deal with the accumulation of discrimination. Our means may be reasonable or unreasonable. They may stand up or not stand up. But to assume that this bill has only one dimension and to say, "I am not discriminating now" is neither the background nor purpose of the bill.

The bill would attempt to do something about accumulated wrongs and the continuance of the wrongs.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ERVIN. The Senator from New York and the Senator from Illinois do not agree in their statements about the bill. The Senator from Illinois said that it is not of a punitive nature. The Senator from New York makes it very plain that in his judgment it is.

Mr. JAVITS. Mr. President, if I may end the colloquy, the word "punitive" is the word of the Senator from North Carolina.

He cannot and will not throughout this debate impute the word to me. It is one thing for the courts to deal with a problem which has resulted from accumulated wrongs, and thereby try to right that wrong through the accumulation of registrations and voting. It is another thing to deal with the situation currently. I do not believe that the word "punitive" applies. We are not punishing a State. We are merely giving the right to an individual, of which he can avail himself when, over the years, he has been unable to avail himself of it because of existing conditions. Therefore, we are giving the right to the individual in the most advantageous and efficient way that we can, through an examination by Federal examiners.

Mr. ERVIN. Mr. President, I assure the Senator from New York that I did not bring in the word "punitive." The Senator from Illinois used the word "punitive," and the Senator from New York used the words "accumulated wrongs."

Mr. MANSFIELD. Mr. President, slightly more than a month ago the President, in a moving and eloquent address before a joint session of Congress, outlined his proposals for carrying out his state of the Union promise—to remove the last remaining barriers to the right to vote. On March 18, the distinguished minority leader and myself were joined by 64 other Members of this body in introducing S. 1564, a bill to enforce the 15th amendment to the Constitution.

One of the great virtues of our Constitution is its straightforwardness. That virtue is reflected in the 15th amendment which states with such decisive clarity:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

And section 2 of that amendment provides simply and succinctly:

> The Congress shall have power to enforce this article by appropriate legislation.

That language, Mr. President, is unequivocally clear, unmistakably direct. That, Mr. President, is both our mandate and our solemn responsibility.

Today, we enter upon a deliberation of the voting rights bill designed to fulfill this constitutional promise and to redeem the rekindled hope of millions of Americans.

This bill is brought to us after patient and thoughtful counsel from both sides of the aisle; it has been thoroughly documented by extensive hearings and thoughtful examination in the Senate Judiciary Committee which labored most effectively within the time limit set by the Senate. It is a legislative proposal that needs but little polishing to remove all vestiges of the unfulfilled promises of the 15th amendment and also any question of its constitutionality. It is now our responsibility—I know we shall fulfill our pledge to insure that all our citizens can freely exercise their right to vote.

The strength of our Nation is the form of our government; it is government by the consent of the governed—all the governed. Around this principle we have united time and time again. It is the bedrock of our commitment to freedom. None of us doubt the fundamental nature of this principle; it should be the source of unified action in this Congress on this most pressing domestic issue.

We have, of course, tried in the past to live up to the mandate of the 15th amendment. In 1870 the Congress enacted a law declaring that the right to vote was guaranteed and could be enjoyed by all citizens without distinction as to race, color, or previous condition of servitude. By the same statute, the act of May 31, 1870, State officials who failed to give all citizens equal opportunity to qualify as voters were subjected to criminal penalties. Violence, intimidation, and conspiracies to interfere with the process of registration or voting were likewise made punishable offenses. Federal officers were charged with the duty to arrest and prosecute violators of the act. Indeed, the following year Congress established a system of Federal supervisors for elections.

But these measures of the 1870's were never adequately enforced; in fact, other considerations took precedence over the duty to make the post-Civil War constitutional amendments meaningful, and by 1894 most of the enforcement measures had been repealed or negated.

The remaining provisions of the post-Civil War legislation—two criminal statutes (18 U.S.C. 241 and 242), their civil counterparts (now 42 U.S.C. 1983 and 1985) and the declaration of the right to vote without racial discrimination contained in what is now 42 U.S.C. 1971(a)—were meager tools indeed to use against the growing mass of State legislation obviously designed to deprive many hapless, and in short time, hopeless, citizens of their constitutionally guaranteed rights to equal protection of the laws and equal enjoyment of the electoral process. What chance had an ex-slave or his descendant to fulfill the requirement of having had a voting grandfather—what chance to pass a literacy test enacted for the purpose of discriminatory disfranchisement and administered in the same spirit? What meaning was there to the promise of equal treatment when there were barriers to voting in primaries—the only meaningful election in many areas? What justice was there for citizens afforded a hopelessly inadequate education because of their race or color and then told that to vote they had to pass complicated understanding and informational tests? In the absence of Federal action, the rights promised by the 14th and 15th amendments were not only not realized, they were effectively and systematically frustrated.

But we are told that the States have sole responsibility for determining the qualifications for voting; none of us would deny that bare premise—but what a hollow and barren sound when measured against decades of abuse and contravention of the Constitution. The exclusiveness to the States prevails only so long as the responsibility is discharged in conformity with the Constitution of the United States, including the 15th amendment to that Constitution. Upon a congressional finding of abuse these determinations must be tempered to conform to constitutional guarantees. It is this judgment Congress is called upon to make in S. 1564—this bill affords a remedy to correct these abuses. Congress will thus respond to its responsibility to breathe life and meaning into the promise of the 15th amendment.

Congress first acted, in this century, in 1957. The Civil Rights Act of that year established a Civil Rights Commission to investigate denials of constitutional rights; it created a Civil Rights Division in the Department of Justice;

and it authorized the Attorney General to bring suit to prevent denials of the right to vote. The 1957 statute was a step forward, but it was not enough.

Three years later Congress again acted. The Civil Rights Act of 1960 attempted to correct the shortcomings of the 1957 statute by providing for preservation of election records; by making it clear that a State can be made a party defendant in a suit to protect the right to vote; and by introducing the "pattern or practice" formula designed to confer the benefits of a court finding of discrimination not only on the parties to the suit but on all similarly deprived persons in the locality; and finally, by authorizing the appointment of Federal voting referees in areas where a pattern of racial discrimination was found to exist.

These statutes have been vigorously enforced. By mid-1964, the Department of Justice had brought 61 court actions and has been successful in almost every case. However, the overall result has been disappointing. Unfortunately, many courts have been found reluctant to use the Federal referee provision of the 1960 act and thus the person-by-person method continued to be the rule. The litigation process, by its very nature, is slow—a slowness built into our judiciary system to permit a deliberate and hopefully accurate determination of fact and application of law. A citizen, however, who has been denied the right to participate in the process of government—by his vote—derives small comfort from a lawsuit which slowly winds its way through a succession of courts. Relief through litigation was further complicated by the fact that States frequently changed their laws—especially the requirements of the so-called literacy tests—in order to evade the spirit and promise of the Constitution. In 1964 the Congress did amend the 1957 and 1960 acts——

Mr. ELLENDER. Mr. President, will the Senator yield for a question before he gets to 1964?

Mr. MANSFIELD. Yes, indeed.

Mr. ELLENDER. The Senator stated many suits were filed prior to 1964.

Mr. MANSFIELD. Yes.

Mr. ELLENDER. Is it not a fact that under the 1960 law if it were found that there was a pattern of discrimination, the Attorney General was authorized to go in, not for one person, but for as many as he saw fit? I am wondering if that has ever been tried by the people who say they are deprived of the right to vote.

Mr. MANSFIELD. The Senator is correct as to the 1960 law. I should like to point out that the Department of Justice has brought a number of suits in several different States in which the courts have found discrimination pursuant to a pattern or practice. If this procedure has not been followed in a sufficient number of cases, I am unable to state why, except to point to the fact that the Department of Justice, prior to 1960, had been operating on a person-to-person formula.

Mr. ELLENDER. Yes; but we amended the law later so as to permit them to be hauled into court.

Mr. MANSFIELD. As I understand it, whether or not this pattern or practice is to lead to appointment of referees is within the discretion of the court.

Mr. ELLENDER. I understand that. I am wondering why those who are now complaining that the law is not sufficient do not use the laws now on the statute books. I would like somebody to explain that to me.

Mr. MANSFIELD. The hearings in the Judiciary Committee reflect a reluctance on the part of some courts to act on this basis.

Mr. ELLENDER. Does not the Senator believe that if there is a law whereby as many as 500 or 1,000 can get remedy at one time, that method should at least be tried? In my speech of March 22 I listed seven different laws now in force which protects voting rights. There are as follows:

In addition to the 15th amendment, guaranteeing that all qualified persons may vote without regard to race, and the remedy of the due process clause of the 14th amendment, there exist at present seven different and distinct laws on the statute books guaranteeing the right to vote.

First. Any citizen may sue any election official for damages who denies him the right to vote—42 U.S.C. 1983.

Second. Any citizen who alleges he is wrongfully denied the right to vote may sue in Federal court without a jury to prevent the denial of that right—42 U.S.C. 1971.

Third. Any election official, anywhere in the United States who denies any qualified voter his right to register and vote under color of law is punishable by fine and imprisonment—18 U.S.C. 242.

Fourth. Any election official who conspires with another to deny any citizen the right to vote is subject to a fine of $5,000, or imprisonment for 10 years, or both—18 U.S.C. 241.

Fifth. The Attorney General may sue in the Federal courts for an injunction at any time any person is engaged or there are reasonable grounds to believe he is about to engage in any act designed to deprive a person of his right to vote—42 U.S.C. 1993.

Sixth. If a Federal judge finds a pattern of discrimination pursuant to the 1960 Civil Rights Act, he may appoint Federal voting referees to replace local officials.

Seventh. The 1964 Civil Rights Act provides that all voting cases be expedited; that if less than 15 percent of a race is registered, Federal referees be appointed; and that everyone with a sixth-grade education is presumed literate—42 U.S.C. 1971.

Mr. MANSFIELD. Yes, indeed. Again, I say that the only answer I can give to the distinguished Senator from Louisiana is that the courts in certain areas have been very reluctant to find, or to enter an order appointing a referee on the basis of, a pattern or practice.

Mr. ELLENDER. If the Senator will allow me, I think it is a mighty poor excuse for anyone to say he wants a new law when the laws on the statute books have not been adequately tried. If certain courts were reluctant to utilize these laws to the fullest an appeal could be taken and their compliance assured. The fifth circuit has never been timid about these matters. I would have the same criticism as to the law that was enacted in 1964. The Senator remembers that we even made it easy to have quick action in the courts. With all those laws on the statute books, it would seem to me that before anything more is done with regard to voting rights, the laws on the statute books ought to at least be tried.

Mr. MANSFIELD. There is much merit in what the Senator has said, but some judges have been extremely slow.

Mr. ELLENDER. I do not think that would apply in all States where there is discrimination.

Mr. MANSFIELD. No; not in all States.

Mr. ELLENDER. It would seem to me that in some States where a judge would respond to the request, it ought to be tried. It has been my observation that many people prefer to bypass the law and bypass the Constitution and do what is sought now, to get the Negroes, and whites as well, to vote en masse, irrespective of whether they are qualified to vote.

Mr. MANSFIELD. I agree with the first part of the Senator's statement, but I must point out again that, as indicated on page 10 of the joint statement of individual views of 12 members of the Judiciary Committee, the Department of Justice has frequently charged and proved the existence of a pattern of discrimination in a number of court actions. There has, nonetheless, been great reluctance to appoint referees who would properly register aggrieved applicants for registration.

Mr. President, in 1964, the Congress did amend the 1957 and 1960 acts by prohibiting certain discriminatory practices in the use of literacy tests and providing for expedited hearing of voting suits. Yet the fundamental problem remained.

Today, in spite of the efforts to enforce previous legislation, discriminatory tests and devices are still with us. The hearings on this bill are replete with example after example of abuse and misuse of the literacy tests and similar subjective performance examinations. Indeed, new forms of discrimination are being devised and applied as quickly as old ones are invalidated by the courts. The voting and registration statistics in many areas point unerringly to deliberate and systematic discrimination. Plainly, something more than the approach tried thus far is required. The provisions of S. 1564 will meet the problem head on. They will do so fairly yet effectively.

While S. 1564 runs to 18 pages, its basic provisions are simple. What complexities there are, are due essentially to provisions guaranteeing procedural fairness as well as administrative direction and workability.

Let me describe the bill, very briefly.

First. S. 1564 flatly forbids every State or any political subdivision therein to use any qualifications or procedures so as to deny or abridge the right to vote on account of race or color. In other words, it enforces the 15th amendment.

Second. Within the framework of any lawsuit brought by the Attorney General under existing legislation, the bill provides for three new remedies: the suspension of literacy tests and similar devices, a ban on new voting qualifications or procedures and the appointment of examiners to determine voting eligibility. These new remedies will apply in any suit, brought in any State, where the Federal court finds discrimination.

Third. The bill provides for an automatic suspension of literacy tests and similar devices in States or political subdivisions where the objective facts themselves point clearly to discriminatory use. In these areas, Congress is making the legislative judgment that the tests or devices have been used in a discriminatory manner. Thus, under the bill, tests and devices will be suspended whenever two conditions are present—when less than 50 percent of the persons of voting age were registered or voted in 1964 and when more than 20 percent of the population was nonwhite. The committee adopted, as a separate and additional triggering mechanism, suspension when less than 25 percent of persons of voting age of any race or color are registered to vote. The suspension is to last until a court judgment is issued declaring either that there has been no denial of voting rights by means of tests or devices during the preceding 5 years or that the percentage of persons registered or voting exceeds either 60 percent or the national average and there is no denial of the right to vote. This latter provision was sponsored in the Judiciary Committee by the distinguished minority leader whose credentials as an advocate of this legislation are unimpeachable. There has been some misunderstanding and misinterpretation as to its design and effect. I know that the distinguished minority leader in his wisdom will clarify the effects of this provision prior to final passage. In like manner, I am confident the Senator as a whole shall thoughtfully consider the entire bill and especially the difficult problem of dealing with the poll tax. The bill we ultimately pass shall then be free of any possible ambiguity or constitutional doubt.

Some concern has been expressed that a logical relationship is lacking between the statistical trigger in the bill and the existence of actual discrimination. In my judgment, the record made in the Judiciary Committee hearings clearly demonstrates that where a State uses a literacy test and there is a substantial nonwhite population coupled with a low participation in the election process, the low voter participation is almost always caused by a discriminatory use of the test. This experience—which cannot be controverted—proves the reasonableness of the formula chosen to trigger the automatic provisions of the bill. Moreover, since the bill contains so-called escape clauses permitting any State or political subdivision which has not discriminated to reinstitute its literacy tests upon a court finding of no discrimination, there can be no legitimate complaint that the Congress exceeded its authority under section 2 of the 15th amendment.

Fourth. As I mentioned earlier, a great deal of ingenuity has been shown on occasion in enacting novel approaches to continue systematic exclusions after a particular device has been outlawed by the courts. To insure the effectiveness of our action in adopting this act, we provide that no State or political subdivision which has been precluded under this act from enforcing tests or devices may enforce new qualifications or procedures until a court rules that such new qualifications will not frustrate the mandate of the 15th amendment. This, of course, is merely a commonsense method of insuring that literacy tests and similar devices are not replaced by other vehicles of discrimination as soon as the ban on literacy tests takes effect.

Fifth. The bill further provides for the appointment of Federal examiners to determine voter eligibility if the Attorney General certifies, with respect to political subdivisions in which tests or devices have been suspended, that examiners are necessary to enforce the guarantees of the 15th amendment. The examiners will, of course, apply all valid State laws except tests or devices in determining voter eligibility, and they will be withdrawn as soon as it becomes evident that deprivations of the right to vote will no longer occur.

Sixth. Finally, the bill provides for appropriate criminal penalties and civil enforcement procedures, as well as for ample safeguards to States and political subdivisions, such as the opportunity to challenge the determination of Federal examiners and the termination of Federal voter lists when the need for Federal registration has ended.

This, in brief, is the essence of the bill which I hope will be the structure of the Voting Rights Act of 1965. It is an answer to the frustrations incurred in the enforcement of the acts of 1957, 1960, and 1964. But more fundamentally it is an answer to a century of neglect—neglect by the States of their responsibility to treat all their citizens with equality and justice, neglect by the Congress of its responsibility to insist that this be done. Since this is a highly technical piece of legislation, ample time will be set aside for its consideration. However, after due deliberation, I know the Senate as a whole will meet its responsibilities and pass on its merits.

I urge the Members of this body to act with wisdom and to act with concern. I urge them to consider and enact this vital legislation in order that we may keep faith with our past, our present, and our future.

Mr. HART, Mr. ELLENDER, and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am happy to yield.

Mr. ELLENDER. The distinguished Senator from Montana referred to another Dirksen amendment which was adopted, whereby in certain communities the question of discrimination is apt to be passed upon by a court; is that not correct?

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. Then why was not that same provision made applicable to other parts of the bill, wherein it is left to the Attorney General to make the decision upon showing that a certain percentage of those of voting age or those who are registered do not vote? Why is that left to the Attorney General instead of leaving it to the courts?

Mr. MANSFIELD. In some areas where the facts support it, Congress, I hope, will assume the responsibility by making the legislative finding upon which this bill is founded; in the other less difficult areas the courts have assumed it and will continue to have the responsibility.

Mr. ELLENDER. Is that the only reason?

Mr. MANSFIELD. That is the reason.

Mr. ELLENDER. Is the State of Virginia one of the difficult places?

Mr. MANSFIELD. My understanding is that the State of Virginia is not covered as a State.

Mr. ELLENDER. The State of Virginia is covered in the first triggering.

Mr. MANSFIELD. No. Under the bill reported from the Judiciary Committee only certain political subdivisions of Virginia would be covered, not the State as a whole.

Mr. ELLENDER. Also the State of Louisiana.

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. Also the State of North Carolina——

Mr. MANSFIELD. Not as a State, again, only certain counties of North Carolina are covered by the bill.

Mr. ELLENDER. South Carolina, I mean.

Mr. MANSFIELD. South Carolina, yes.

Mr. ELLENDER. There is quite an area in North Carolina that was included.

Mr. MANSFIELD. Certain counties.

Mr. ELLENDER. Does the Senator from Montana believe that the mere fact that a certain percentage of people who are old enough to vote do not register—if 50 percent of them do not register, or 50 percent of those registered do not vote—is sufficient cause for the Attorney General to come in on his own and have the power to permit Federal registrars to register and vote people, whether they are qualified or not?

Does the Senator believe that is a correct procedure?

Mr. MANSFIELD. That is not the procedure prescribed by the bill. There are several triggers, one of which involves not only registration or voting in 1964 by less than 50 percent of the residents of voting age but also the use of a test or device in 1964 and a finding that more than 20 percent of the residents of voting age were nonwhite. This is a reasonable formula. This statistical formula was the best we could devise based on the information derived from the Census Bureau.

Mr. ELLENDER. As I understand, this proposal would doubtless do away with all State qualifications now provided under the laws of the various States. Is that correct?

Mr. MANSFIELD. No; only discriminatory tests and devices.

Mr. ELLENDER. Let us say that in the State of Louisiana it is alleged that 63.4 percent of the people may register, and have the age, but that if less than 50 percent of them vote, it would mean that the Attorney General could declare, based on the fact that less than 50 percent of those qualified to vote had voted in the November election, that he is authorized to go into court, and would authorize him to have Federal registrars appointed to register a person whether he is qualified or not?

Mr. MANSFIELD. The statistics concerning 1964 election, together with the other factors which I have mentioned, would be the determining factors.

Mr. ELLENDER. As I understand they would not have to pay any attention whatever to the qualification requirements set out by the States. Am I correct?

Mr. MANSFIELD. No. The State laws having to do with the age at which a voter becomes eligible to exercise the franchise, the laws relating to residence in the State and in the county, the laws relating to criminal records, felonies, and the laws relating to insanity, all would be adhered to.

Mr. ELLENDER. Will the Senator point out to me where such provisions appear in the bill?

Mr. MANSFIELD. Section 7(b) of the bill provides that Federal examiners shall list only those persons who have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States. In addition, the only qualifications affirmatively suspended would be tests and devices. The words "tests and devices" are used.

Mr. ELLENDER. That refers primarily to written tests, does it not?

Mr. MANSFIELD. Yes, primarily to literacy tests?

Mr. ELLENDER. Yes.

Mr. MANSFIELD. It includes literacy tests but does not mean only written tests. I refer the Senator to section 4(c) on page 17 of the bill, which I am sure the Senator has already read.

Mr. ELLENDER. Is that in the amended bill?

Mr. MANSFIELD. Yes. Section 4, at page 17, subsection (c), reads:

> (c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any education achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

Mr. ELLENDER. How does the Senator interpret that language? What does it mean?

Mr. MANSFIELD. Those are the tests or devices which are to be considered suspended by the bill under certain circumstances.

Mr. ELLENDER. Very well. Would that not be establishing qualifications by Federal law rather than leaving it to the States?

Mr. MANSFIELD. In a sense, in the negative, the Senator is correct; the bill would disallow discriminatory application of qualification requirements by States. It would carry out the 15th amendment. The question of age, residence, criminal record, and insanity, however, would not be touched. Therefore the State laws would apply there.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

Mr. HOLLAND. I hope the Senator will withhold the suggestion of the absence of a quorum. I should like to address a few questions to the majority leader.

Mr. ELLENDER. I withhold it.

Mr. HOLLAND. I should like to ask the Senator a question or two. All of us have been awaiting with bated breath the availability of reports on the bill, but up to this time certain reports have not been available. I do not know whether they are available now on the floor. Are all reports printed and available?

Mr. MANSFIELD. The joint views of 12 individual members of the Judiciary Committee are printed and available now on the floor. For the Senator's information, after clearing the matter with the interested parties, we obtained permission for the filing of several additional views up to midnight last night. That is why the Senator did not see them before. They are all here now.

Mr. HOLLAND. Since midnight certain reports have been filed and are now available for the first time. Is that correct?

Mr. MANSFIELD. They are printed and are available to the Senator.

Mr. HOLLAND. Are they actually here in the Chamber?

Mr. MANSFIELD. Yes; they are on the desks of Senators.

Mr. HOLLAND. I thank the Senator. I wished to ask some questions, but with some trepidation, because I have not seen the reports, particularly with respect to whether certain provisions which were in the original bill are retained in the bill that has been reported by the committee, which seems to be almost a complete substitute for the original bill.

Mr. MANSFIELD. No; I would not say that this is a complete substitute. Some additions have been made to the original bill, but basically the original bill remains.

Mr. HOLLAND. If that is the case, perhaps the Senator will find it easier to answer this question. On page 4 of the print of the bill there appears the language of the original bill. I refer now to subsection (b) of section 4 of the bill. It is found in lines 18 to 21 on page 4 of the printed measure. The language has been stricken out, of course, because it has been eliminated, along with the original provisions of the bill which were not included in the substitute bill.

Mr. MANSFIELD. I refer the Senator to page 17, lines 7 through 10, which read as follows:

> A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 shall be final and effective upon publication in the Federal Register.

Mr. HOLLAND. I thank the Senator. That provision of the original bill is carried forward into the substitute bill; is that correct?

Mr. MANSFIELD. The Senator is correct.

Mr. HOLLAND. Is the effect of that language such that a finding of the Attorney General or of the Director of the Census, when published in the Federal Register, becomes nonappealable, with no way of reviewing it by appeal or certiorari?

Mr. MANSFIELD. The Senator is correct.

Mr. HOLLAND. Does the Senator know of any other proceeding under our jurisprudence under which a finding by a Cabinet officer is made so final that there is no review allowed of it, and no way of attacking it by direct appeal or certiorari?

Mr. MANSFIELD. The Senator finds me at a disadvantage, in that I am not a lawyer. However, I understand that this is a determination or certification based on census figures.

Mr. HOLLAND. These are Census Bureau figures?

Mr. MANSFIELD. Yes. Inasmuch as we appropriate money every so often to the Census Bureau for the taking of the census, I believe we must have some faith in the credibility of the Census Bureau. If not, we are wasting money in maintaining that division of the Government.

Mr. HOLLAND. If the Senator will yield further I should like to say that my question was addressed primarily not at the finding of the Census Bureau but at the finding of the Attorney General, a finding upon which examiners or registrars are to be appointed.

Mr. MANSFIELD. Examiners.

Mr. HOLLAND. What is that?

Mr. MANSFIELD. Examiners.

Mr. HOLLAND. Commissars? What was that?

Mr. MANSFIELD. Examiners. That is a well-known term in the civil service.

Mr. HOLLAND. Not commissars?

Mr. MANSFIELD. No; nor registrars.

Mr. HOLLAND. I thank the Senator. It is upon that finding that these registrars are to be appointed. That finding is to be made beyond the reach of any appeal to any court, either the Circuit Court of Appeals or the U.S. Supreme Court, if I correctly understand the distinguished Senator.

Mr. MANSFIELD. That is correct. It would be at the discretion of the Attorney General. But he would be permitted to send examiners only into those States or subdivisions that Congress by this bill makes a finding that tests or devices have been used discriminately or a court makes a finding of discrimination but he would not have to send examiners into any county except as he might deem it necessary to do so.

Mr. HOLLAND. Then the finding of the Attorney General in that case would be made to take the place of the decrees of the courts under ordinary provisions, and even under the provisions of the far-reaching Civil Rights Act of 1964. Is that correct?

Mr. MANSFIELD. In response to the statement made by the Senator from Florida, I would say that the particular part of the bill to which he has referred could be used as easily to keep examiners out as it could be to send them in. We must depend upon the discretion of the Attorney General as to what would be most effective in the matter of doing away with discriminatory practices in voting, a subject with which the distinguished Senator himself had a great deal to do in getting the Holland amendment passed by the Congress, and which is now a part of the Constitution.

Mr. HOLLAND. I thank the Senator. The Senator from Florida believes in a constitutional approach to questions of this kind and to all similar questions. It is for that reason that he strongly objects to the bill. He thinks it is a completely unconstitutional approach.

I ask the Senator if I understood him correctly to say that the reason he had no objection to the proposed delegation of such high authority to the Attorney General by leaving his finding not subject to any appeal was that the Senator would be willing to abide by the discretion of the Attorney General to do either the right or the wrong thing.

Mr. MANSFIELD. That is it in part. I would also call to the attention of the Senator from Florida the fact that the Senator from Michigan [Mr. Hart], who I hope will obtain the floor next, is prepared to go into the constitutional aspects of the bill.

Mr. HOLLAND. I thank the Senator. But the distinguished majority leader, I have found, is always able to defend a bill of which he is the principal sponsor. I see his name set forth as the leading sponsor of the bill.

Mr. MANSFIELD. The leading sponsor with 65 other sponsors.

Mr. HOLLAND. I would be surprised indeed if he were unable to justify this unusual procedure of making a finding of an Attorney General so final that it could not be reviewed by even the Supreme Court itself or by a circuit court of appeals, when we know that the normal procedure in the case of all findings and rulings by regulatory agencies and by department heads is to provide for review either in the closest district court or, in some cases of great dignity, in the circuit court of appeals.

I am wondering why it was found necessary to adopt that ultralegal approach, which would in effect bypass entirely the operation of the courts and all legal processes?

Mr. MANSFIELD. The particular section of the bill to which the Senator refers does not provide for an adversary proceeding, but, by a congressional finding, the areas in which the Attorney General may exercise his discretion are limited. I believe the Senator would be very much opposed to giving the Attorney General the power automatically to send examiners into every area where a complaint might be lodged, rather than giving him discretion which would allow him to keep examiners out if in his judgment the facts so indicate.

Mr. HOLLAND. I thank the Senator. I would not expect anyone seriously to introduce a bill which would give the Attorney General a mandate to send into a State hearing examiners, regardless of whether he felt they were necessary or not. Discretion would have to be reposed in him. But the thing I object to, and the thing I am asking the Senator to justify, if he can, is why the Attorney General would be given such supreme authority that his finding in this very vital matter would be of sufficient importance as to be made final and not subject to review by any court, even the court of highest dignity in the Nation. What is the justification for that?

Mr. MANSFIELD. The Attorney General would not make the finding. It is the Congress which, in its wisdom, would lay down the rules and regulations. As the chief law officer of the Government, delegated and empowered to do what the Congress, by its vote, says is the law, he would act under the law.

Mr. HOLLAND. The Senator does not mean to say that by the law the Congress would judge in advance the necessity of sending in registrars to any particular place or at any particular time or under any particular circumstances regardless?

Mr. MANSFIELD. In certain areas it would, in all frankness; and it would give the Attorney General the discretion as to how that power should be used.

Mr. HOLLAND. I thank the Senator for his frankness, because it is so clear to me that the discretion which would be vested in the Attorney General under the act would far surpass any such delegation of discretion of which I have known in connection with the entire operation of the Government, and it would tend to substitute a government of a man for the government of law, in which we pride ourselves so greatly. I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, all I can say is that the discretion would allow the Attorney General to keep them out as well as to see that they would go in.

Several Senators addressed the Chair.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 59 Leg.]

Aiken
Bennett
Boggs
Brewster
Clark
Cooper
Cotton
Dirksen
Ellender
Fannin
Gruening
Harris
Hart
Holland
Inouye
Jackson
Javits
Jordan, Idaho
Kuchel
Long, Mo.
Long, La.
Mansfield
McCarthy
McNamara
Miller
Mondale
Monroney
Mundt
Murphy
Nelson
Pastore
Pell
Sparkman
Tydings
Williams, Del.
Young, Ohio

Mr. LONG of Louisiana. I announce that the Senator from New Mexico [Mr. Anderson], the Senator from Alaska [Mr. Bartlett], the Senator from Tennessee [Mr. Bass], the Senator from Nevada [Mr. Bible], the Senator from Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Connecticut [Mr. Dodd], the Senator from Arkansas [Mr. Fulbright], the Senator from Alabama [Mr. Hill], the Senator from Massachusetts [Mr. Kennedy], the Senator from Washington [Mr. Magnuson], the Senator from Wyoming [Mr. McGee], the Senator from Oregon [Mr. Morse], the Senator from Utah [Mr. Moss], the Senator from Oregon [Mrs. Neuberger], the Senator from Mississippi [Mr. Stennis], the Senator from Texas [Mr. Yarborough], and the Senator from Tennessee [Mr. Gore] are absent on official business.

I also announce that the Senator from North Dakota [Mr. Burdick], the Senator from West Virginia [Mr. Byrd], the Senator from Illinois [Mr. Douglas], the Senator from North Carolina [Mr. Jordan], the Senator from Ohio [Mr. Lausche], the Senator from South Dakota [Mr. McGovern], the Senator from New Hampshire [Mr. McIntyre], the Senator from Montana [Mr. Metcalf], the Senator from Maine [Mr. Muskie], the Senator from West Virginia [Mr. Randolph], the Senator from Connecticut [Mr. Ribicoff], the Senator from Georgia [Mr. Russell], the Senator from Florida [Mr. Smathers], the Senator from Missouri [Mr. Symington], and the Senator from Georgia [Mr. Talmadge] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott], the Senator from Vermont [Mr. Prouty] and the Senator from Massachusetts [Mr. Saltonstall] are necessarily absent.

The Senator from Hawaii [Mr. Fong], the Senator from Iowa [Mr. Hickenlooper], the Senator from Pennsylvania [Mr. Scott] and the Senator from Wyoming [Mr. Simpson] are absent on official business.

The Senator from Kansas [Mr. Pearson] is absent on official committee business.

The Senator from Kansas [Mr. Carlson], the Senator from New Jersey [Mr. Case], the Senator from Nebraska [Mr. Curtis], the Senator from Texas [Mr. Tower], and the Senator from North Dakota [Mr. Young] are detained on official business.

The PRESIDING OFFICER. A quorum is not present.

Mr. HART. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER (Mr. Mondale in the chair). The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. Bayh, Mr. Church, Mr. Dominick, Mr. Eastland, Mr. Ervin, Mr. Hartke, Mr. Hayden, Mr. Hruska, Mr. Kennedy of New York, Mr. McClellan, Mr. Montoya, Mr. Morton, Mr. Proxmire, Mr. Robertson, Mrs. Smith, Mr. Thurmond, and Mr. Williams of New Jersey entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present. The Senator from Michigan is recognized.

Mr. HART. Mr. President, the distinguished majority leader has very effectively outlined the objective which the bill seeks to achieve. He was joined by the distinguished minority leader in an additional summary both of the objective and, as we see it, the necessity for the proposed action. It is our hope—and we voice the hope in the belief that it would make for a more orderly procedure—that those of us who recommend to the Senate the passage of the bill will today, tomorrow, and in the next few days outline for the RECORD, and in that way for those of us who have not had an opportunity to study the reports fully, our concept of the bill and our conviction that it is desirable, and indeed essential. Having done that, it would seem that the Senate then would be in a position more effectively to develop, through the presentations of those who feel strongly that the bill is a mistake, an understanding of what is involved and where we should go. For that reason it is anticipated that in the next few days there will be a presentation of the mechanics established by the bill and an explanation of its operation.

Mr. ELLENDER. Mr. President, before the Senator begins his speech, do I correctly understand that the Senator is suggesting that probably today, tomorrow, and some time next week—whatever the time required might be—there will be a presentation of the bill to the Senate?

Mr. HART. Mr. President, it is our belief that in the next several days it would be desirable for those of us who support the bill to explain and discuss our point of view. I believe that approach would enable those who hold a different point of view to come in with the record containing our statements and examine us with respect to the details.

Mr. ELLENDER. In other words, Senators opposed to the bill will have the opportunity to discuss it after the proponents have finished explaining the bill to the Senate?

Mr. HART. Clearly, that would be up to those who oppose the bill. I am suggesting that it might be orderly to proceed as I have suggested.

Mr. ELLENDER. I agree with the Senator from Michigan.

Mr. HART. Mr. President, I am certain no Member of this body would question that all qualified citizens of all races should be permitted to register and to vote. That proposition is beyond dispute or debate. It is not, however, beyond reiteration. As Judge Rives, of the fifth circuit has so eloquently written (*United States* v. *Wood,* 295 F. 772, 784–85 (C.A. 5, 1961)):

> The foundation of our form of government is the consent of the governed. Whenever any person interferes with the right of any person to vote or to vote as he may choose, he acts like a political termite to destroy a part of that foundation. A single termite or many termites may pass unnoticed, but each damages the foundation, and if that process is allowed to continue the whole structure may crumble and fall even before the occupants become aware of their peril.

We are now aware of that peril. We have been awakened by court decisions, by the heavy weight of statistics evidencing our past failures, by demonstrations in the streets, by the gamut of disappointment, fear, and terror which must be run in order to exercise that most basic of rights.

As the period of denial has been long, so must the remedy be swift; as the deprivation has been extensive, so must the remedy be sure; as the cause is just, so must we do it justice. To quote a recent Court decision (*United States* v. *Louisiana,* 225 F. Supp. 353, 355–56 (E.D. La., 1963) aff'd, 85 S. Ct. 817 (1965)):

> A wall stands * * * between registered voters and unregistered, eligible Negro voters. This wall, built to bar Negroes from access to the franchise, must come down.

The remedy which we propose is what we debate today—S. 1564. The bill in basic structure is sure; it is complete; it is, in short, effective. That is as it should be. We can no longer content ourselves with stopgap measures. We can no longer indulge in palliatives. Almost everyone is agreed on that much. But doubts have been expressed whether the proposed legislation does not exceed the legitimate powers of the Congress or invade the rights traditionally and constitutionally reserved to the States. Certainly the Members of Congress must take seriously their obligation to enact only such laws as are consistent with the Constitution. Certainly, this obligation cannot be abdicated to the courts, for, like the judges, we have taken an oath to uphold the Constitution. If proposed legislation does not meet the test of constitutionality, we have no business approving it. But if after deliberation we find those doubts unjustified, then we should not permit them to stand in the way of passage.

I have no question that the proposed Voting Rights Act of 1965 is constitutional. I should like, as we develop the record, to discuss the basis for my judgment.

A fundamental consideration to be constantly kept in mind in any discussion on constitutionality is that in the 15th amendment we are dealing both with a very specific prohibition on State action and a very specific grant of congressional authority. The powers which would be exercised by S. 1564 need not be deduced or inferred. The bill needs no support from any of the inherent powers of Congress. What we rely on is specific, expressly granted constitutional authority, delegated to Congress in no uncertain terms. The 15th amendment unambiguously prohibits denials or abridgments of the right to vote on account of race or color, and it goes on expressly and deliberately to vest responsibility in the Congress to enforce that prohibition by "appropriate legislation."

What legislation is appropriate? Chief Justice Marshall's comment in the famous case of *Gibbons* v. *Ogden*—9 Wheat. 1, 196—is both instructive and apposite. The great Chief Justice there said with reference to the congressional power to regulate interstate commerce:

> This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution.

This comment applies with even greater force here, for unlike the commerce clause and other provisions of the Constitution which generally authorize legislative action in a wide area, the enforcement clause of the 15th amendment charges Congress with a specific duty to protect a specific right—a right which Congress must keep "free and pure whenever that is necessary"—*Ex parte Yarborough,* 110 U.S. 651, 665.

Congressional enforcement responsibility is made clear not only by the words of the amendment; there is evidence that its drafters placed primary reliance upon congressional action to implement the right to vote free of racial discrimination. Immediately after the effective date of the 15th amendment Congress acted to implement the newly created right. The act of May 1870—16 Stat. 140—declared the right of all citizens to vote without distinction of race, color, or previous condition of servitude; subjected to criminal penalties State officials who failed to give all citizens equal opportunity to qualify to vote; and punished violence, intimidation, and conspiracies to interfere with registration or voting. Another, equally sweeping statute was passed the following year providing for a system of Federal supervisors of elections—act of February 28, 1871, 16 Stat. 4313. Among the duties of the supervisors were the inspection of registration books, poll watching on election day, counting ballots cast, and certifying the results of elections. In short, contemporary action confirms a broad view of the 15th amendment and an emphasis on Federal legislation to give vitality to its terms.

To be sure, a number of the laws enacted at that time were subsequently declared unconstitutional, but this was for reasons having no bearing upon the legislation now being considered. The Supreme Court has never voided a statute limited to enforcement of the 15th amendment's prohibition against discrimination in voting. In the old cases of *United States* v. *Reese,* 92 U.S. 214, 218 and *James* v. *Bowman,* 190 U.S. 127, 138–139, the Court, while invalidating certain statutory provisions, expressly pointed to the power of Congress to protect the right to "exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation."

This judicial view of congressional responsibility still prevails. During the past decade, Congress has several times utilized section 2 of the 15th amendment to protect the right to vote. The Civil Rights Act of 1957 authorized the Attorney General to bring civil actions for injunctive relief where discrimination denied or threatened the right to vote. The Civil Rights Act of 1960 added a procedure to permit persons who were wrongfully deprived of the opportunity to register to apply directly for registration to a Federal court or a voting referee. And the 1964 Civil Rights Act prohibited the rejection of applicants because of insignificant errors on registration forms and the use of oral literacy tests as a qualification for voting in Federal elections. Constitutional assaults on this recent legislation have been uniformly rejected. *United States* v. *Raines*, 362 U.S. 17 (1957 Act); *United States* v. *Thomas*, 362 U.S. 58 (Same); *Hannah* v. *Larche*, 363 U.S. 420; *Alabama* v. *United States*, 371 U.S. 37 (1960 Act); *United States* v. *Mississippi, supra; Louisiana* v. *United States, supra.* And the constitutional rule enunciated by Chief Justice Marshall in *Gibbons* v. *Ogden* was expressly reaffirmed by a unanimous Court when it sustained the public accommodations provisions of the Civil Rights Act of 1964. *Heart of Atlanta Motel* v. *United States*, 379 U.S. 241, 250.

It has been suggested that the present bill is defective because it defines by legislative judgment the areas in which remedies are to be effective while previous legislation left that task strictly to the courts. Aside from the fact that the premise of this suggestion is erroneous—the act of 1871, for example, applied remedies directly, without prior judicial findings of discrimination—there is no reason to suppose that the Congress is limited to implement the 15th amendment by the judicial approach alone.

Again, the proper constitutional rule to be applied was settled once and for all by Chief Justice Marshall. Speaking for the Court in *McCullouch* v. *Maryland*, 4 Wheat 316, 421, he said:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

This rule is applicable not only to the original congressional powers; it applies equally to the powers conferred in the prohibitory amendments. In *Ex Parte Virginia*, 100 U.S. 339, 345–346, speaking of the 13th and 14th amendments, the Court said:

> Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasions, if not prohibited, is brought within the domain of congressional power.

See also, *Everard's Breweries* v. *Day*, 265 U.S. 545, 558–559, applying the same standard to the enforcement section of the prohibition—18th—amendment.

Thus, the end is clearly legitimate, and what the constitutional question ultimately comes down to is whether the means employed in S. 1564 are appropriate to that end, without infringement upon other constitutional provisions.

In addition to the ban on the poll tax and the procedure for holding up the enforcement of new voting qualifications—which I shall discuss separately—the proposed Voting Rights Act of 1965 has two central features.

First, where certain conditions are met in a State or a political subdivision the bundle of State laws described as tests or devices will be suspended for a period of time. These tests and devices range from literacy tests to the more sophisticated requirements that a person seeking to vote demonstrate his understanding of the duties and obligations of citizenship, or his ability to interpret any provision of the State or Federal Constitution.

Second, examiners will be appointed in certain political subdivisions to determine the eligibility of persons for voting in Federal, State, and local elections.

These provisions may become operable under section 3 of the bill as a result of a lawsuit and a judicial decree. There is very little constitutional controversy about this—the judicial—aspects of S. 1564, and I shall not dwell on it. But the suspension of tests and devices will also occur automatically under specified circumstances. Since this is the feature which has been most persistently questioned, I shall discuss it at some length. Under section 4 of the bill, the suspension of tests or devices becomes effective when the following determinations are made:

First, that the State or subdivision has maintained laws or practices establishing "interpretation," "understanding," or "literacy" tests or other tests or devices;

Second, that less than 50 percent of the persons of voting age in the State as a whole or an individual subdivision have registered or voted; and

Third, that 20 percent of the population of voting age are nonwhite.

This aspect of the bill, it seems to me, stands or falls depending upon the answer to the query whether it is reasonable to assume a causal relationship between discrimination on account of race or color and the existence in a given area of the three conditions the legislation requires as a prerequisite to coverage. The answer must be in the affirmative if the Congress, in light of the facts and testimony before it, has a rational basis for making the determination that such a relationship, in fact, exists. Compare *Katzenbach* v. *McClung*, 379 U.S. 294, 303–304.

In my opinion, there is not only a rational basis for utilizing the method here chosen to protect the right to vote but an overwhelmingly compelling basis.

Briefly stated, the facts before us are as follows:

First, statistical experience demonstrates that where there is a coincidence of (a) the use of tests or devices with (b) low registration and voting and (c) a substantial Negro population, there is a strong probability that the low registration and voting are the result of racial discrimination in the use of the tests.

In the 1964 presidential election, ballots were cast by 62 percent of the American electorate. In only eight States did the ballots cast fall below 50 percent, and six of these eight States—Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia—have both tests and devices, and a substantial nonwhite population, many of whom are not registered to vote.

Second, history demonstrates that most tests and devices—notably the "interpretation" and "understanding" tests—were adopted and have been administered for the purpose of denying Negroes the right to vote. They have been, as Mr. Justice Black said for a unanimous Court, "not a test, but a trap" (*Louisiana* v. *United States*, 85 S. Ct. 817 (1965)).

Third, most States and counties as to which the three determinations provided for in the bill can be made, have in fact engaged in widespread violation of the 15th amendment over a long period of time. This is amply shown by evidence in suits brought by the Department of Justice during the past 5 years and by the studies of the Civil Rights Commission.

The Department of Justice has concentrated its efforts in those areas where racial discrimination has been most blatant—in Alabama, Mississippi, and Louisiana. In every case that has come to a final adjudication, the Court has found evidence of racial discrimination. There is as well, evidence of racial discrimination in the voting process in South Carolina, and Georgia—again States falling within the determinations provided for in S. 1564. Court judgments of racial discrimination have been entered in Georgia, while in South Carolina, the objectionable practices were terminated after conciliation efforts by the Department of Justice.

Fourth, the States primarily affected by the formula contained in section 4 of the bill—Alabama, Georgia, Louisiana, Mississippi, and South Carolina—have each had within the past decade a general public policy of racial segregation. That policy has been written on the statute books for all to read—in travel, recreation, schools, and the use of hospital facilities. Virginia and North Carolina, in which many counties are covered by S. 1564, have also had a policy of racial segregation in their laws. Yet, in most of the literacy test States where the electorate turned out in force—States for which the 50-percent determination could not be made—statutes exist prohibiting discrimination.

These four fundamental factors, I suggest, are more than enough to warrant the conclusion that whenever the circumstances recited in the determinations made by the Attorney General and the Director of the Census exist, it is probable that violations of the 15th amendment have occurred through the use of tests or devices. It follows that it is not irrational for the Congress to conclude that suspension of such tests or devices in the affected areas is an appropriate measure for enforcing the 15th amendment right to vote without distinction of race or color.

But, it is said, racial discrimination in the electoral process cannot be established with respect to each and every political subdivision in which tests or devices are suspended. Similarly, it has been said by some, not every test now outlawed has been shown to have been used to discriminate. There are two answers to these points.

First, the grant of power in section 2 of the 15th amendment to enact appropriate laws for its enforcement includes not only the power to strike down the strictly illegal but also the power to eliminate any substantial risk of evasion.

This may be done even to the point of prohibiting conduct that might be legal had it not been intertwined with violation of constitutional rights.

The Congress has the clear power to forbid otherwise lawful and unobjectionable conduct when it is sufficiently related to the illegal conduct as to make its prohibition a reasonable measure for preventing the harmful conduct. Thus, in *Everard's Breweries* v. *Day*, 265 U.S. 545, 560, the Supreme Court sustained against constitutional attack a general ban on traffic in malt liquors prescribed for "medicinal purposes" as appropriate legislation to enforce the 18th amendment's prohibition on intoxicating liquors "for beverage purposes"—even though there would obviously be bona fide prescriptions as well as efforts to circumvent the amendment by nominally "medicinal" transactions. See also *Purity Extract Co.* v. *Lynch*, 226 U.S. 192; *Ruppert* v. *Caffey*, 251 U.S. 264; *Currin* v. *Wallace*, 306 U.S. 1; *Terry* v. *Adams*, 345 U.S. 461, 475–476 (opinion of Mr. Justice Frankfurter); *Warner & Co.* v. *Lilly & Co.*, 265 U.S. 526, 532.

Second, S. 1564 makes provision for these States or political subdivisions in which racial discrimination in voting does not exist to come out from the bans otherwise imposed. Under section 4 of the bill, an adjudication may be secured that tests or devices have not been used for the past 5 years for the purpose or with the effect of denying or abridging the 15th amendment rights and the suspension of such tests is thereupon terminated. Indeed, even if there has been a judgment of racial discrimination in voting within the past 5 years, that judgment does not bar court relief if the incidents of discriminatory use of tests or devices were limited in number, if their effect has been eliminated, and if such abuses will probably not recur in the future. In other words, the proposed bill establishes, in effect, a mere presumption, which can be rebutted in a court action. There is accordingly even less cause for objection if the formula which governs coverage may initially include those who did not discriminate. As with all rebuttable presumptions, constitutionality is assured if the inference drawn is well founded in common experience. *Lurin* v. *United States*, 231 U.S. 9, 25–26; *Hawes* v. *Georgia*, 258 U.S. 1, 4; *Yee Ham* v. *United States*, 268 U.S. 178, 184; *Casey* v. *United States*, 276 U.S. 413, 418; *United States* v. *Gainey*, *supra*. Certainly the all too common experience of the Department of Justice in enforcing the present laws, and the all too common experience of Negroes who have sought to exercise their right to vote in the great majority of the States and political subdivisions initially covered by S. 1564, supports the presumption.

It is also suggested that, whatever the intrinsic need for effective relief, the right to set qualifications is vested in the States, and that the Congress simply cannot interfere. Indeed, it is claimed, there is special judicial sanction for literacy tests. See *Lassiter* v. *Northampton Election Board*, 360 U.S. 45.

The Constitution recognizes in article I, section 2, and the 17th amendment the right of the States to fix the qualifications for voting. But, as a three-judge Federal court recently said in invalidating some Louisiana voting laws (*United States* v. *Louisiana*, 225 F. Supp. 353, 358 (E.D. La. 1963), *affirmed*, 85 S.Ct. 817):

> There is no license for the loose statement that in our constitutional system the qualification of voters is exclusively committed to the States [citation omitted]. More accurately, the States, under article 1, section 2, of the Constitution and the 17th amendment, are free to establish voting qualifications—only if the qualifications do not transgress the U.S. Constitution [citations omitted]. The books are filled with examples of State election laws and practices found to transgress constitutional guarantees.

The restriction of the franchise to whites in the Delaware Constitution was a "voting qualification." Yet it had to bow before the 15th amendment, *Neal* v. *Delaware*, 103 U.S. 370. So did the grandfather clauses of Oklahoma and Maryland, also "voting qualifications," *Guinn* v. *United States*, 238 U.S. 347; *Myers* v. *Anderson*, 238 U.S. 368.

Nor are only the most obvious devices reached, for "the amendment nullifies sophisticated as well as simple-minded modes of discrimination." *Lane* v. *Wilson*, 307 U.S. 268, 275. Literacy tests and similar requirements enjoy no special immunity. To be sure, in *Lassiter* v. *Northampton Election Board*, *supra*, the Court found no fault with a literacy requirement, as such, but it added:

> Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot. (Id. at 53. See, also, *Gray* v. *Sanders*, 372 U.S. 368, 379.)

Indeed, as the opinion in Lassiter notes, the Court had earlier affirmed a decision annulling Alabama's literacy test on the ground that it was "merely a device to make racial discrimination easy." 360 U.S. at 53. See *Davis* v. *Schnell*, 336 U.S. 933, affirming 81 F. Supp. 782.

The true rule was stated by the late Mr. Justice Frankfurter, speaking for the Court in *Gomillion* v. *Lightfoot*, 364 U.S. 339, 347, a 15th amendment case:

> When a State exercises power wholly within the domain of State interest, it is insulated from Federal judicial review. But such insulation is not carried over when State power is used as an instrument for circumventing a federally protected right.

In sum, as long as State laws or practices erecting voting qualifications do not run afoul of the 14th or 15th amendments, they stand undisturbed. But when State power is abused, the Constitution calls a halt. There is no magic in the words "voting qualifications."

I noted earlier the second major feature of S. 1564—its Federal examiner procedure. Section 6 of the bill authorizes the Attorney General to charge the Civil Service Commission with appointing Federal examiners in those political subdivisions where tests or devices are suspended, and where in his judgment the appointment of examiners is necessary to enforce the guarantees of the 15th amendment. The examiners will operate as Federal registrars—examining applicants as to their qualifications for voting, placing those who meet valid state qualifications on a list of eligible voters, and issuing certificates evidencing their right to vote. They will apply all State laws which are not invalid under the U.S. Constitution or Federal statute. Provision is, of course, made for challenging those persons placed on the eligibility list, as well as for protecting the right to vote of all persons listed by an examiner who are not successfully challegened. Federal examiners may also be appointed by a court as a result of suit brought by the Attorney General under his present statutory authority.

No serious constitutional objection can be made to this procedure. Almost 100 years ago, Congress enacted a very similar provision. The act of February 28, 1871, 16 Stat. 4313, provided a pervasive system for supervising congressional elections. At any such election held in a town "having upward of 20,000 inhabitants" upon request by two citizens desiring to have the "registration or election guarded and scrutinized," the court was required to appoint Federal election and registration supervisors who were to be in attendance at "all times and places fixed for registration of voters." The statute charged the supervisors with registering those applicants they deemed qualified, inspection of registration books, poll watching on election day, challenging voters believed ineligible, counting ballots cast, and certifying the results of elections. Appointment of special deputy marshals, with the power of arrest, to aid and assist the supervisors, and to prevent fraudulent registration and voting, was also authorized. In upholding that system, the Supreme Court said in *Ex parte Siebold*, 100 U.S. 371, 386:

> As to the supposed conflict that may arise between the officers appointed by the State and National Governments for superintending the election, no more insuperable difficulty need arise than in the application of the regulations adopted by each respectively. (See also, *United States* v. *Gale*, 109 U.S. 65; *Smiley* v. *Holm*, 285 U.S. 355, 366–367.)

S. 1564 would not eliminate the office of the State registrar; it would simply establish an additional method of registration, parallel to that provided by the State, in order to make certain that the promise of the 15th amendment will be kept. Nor does the procedure authorizing the attendance of Federal officials at the polling place to insure a proper count present any constitutional problems. As the Supreme Court has said in upholding the validity of an indictment for falsely counting and certifying ballots (*United States* v. *Classic*, 313 U.S. 299, 315):

> Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted at congressional elections.

The provisions for Federal examiners, then, stand on constitutionally unassailable grounds.

Complaint has been also raised against section 5 of the bill, which deals with attempts by a State or political subdivision whose tests or devices have been suspended to alter voting qualifications and procedures in effect on November 1, 1964. Section 5 permits such

States or political subdivisions to enforce a new or changed requirement, if the Attorney General does not interpose objection. If the Attorney General does object, the State or county may still enforce its new voting law if it secures a declaratory judgment that the law does not have the purpose and will not have the effect of denying or abridging rights guaranteed by the 15th amendment.

Section 5 is supported by much the same evidence as underlies the suspension of tests or devices. This provision is a further appropriate assurance that 15th amendment rights will not be denied, either by laws currently in force, or by fertile imaginations. Each passing year there has been demonstrated by the enactment of new laws a settled policy to delay and frustrate the enforcement of the 15th amendment. What we have witnessed this past decade has been a prolonged fencing match, with each thrust of national power designed to protect Negro rights parried by new methods for curtailing those rights.

In Mississippi, for example, when it was held in 1951 that the State constitution required registration of anyone who could read or interpret a section of the constitution, the State promptly enacted an amendment requiring ability both to read and interpret. When the Civil Rights Act of 1960 was before the Congress, authorizing the inspection of voting records in the several States, Mississippi immediately passed a statute repealing its well-established practice of preserving registration and voting records and authorized their destruction in order to frustrate Federal investigation. In 1962, when an injunction was issued forbidding the registrars of Forrest County from engaging in racial discrimination, Mississippi enacted a new package of laws requiring applicants to pass stiffer tests and to have their names published in local newspapers for an extended period of time before they should be registered to vote. In instance after instance, victories achieved in the courts have been nullified by new laws pressed into the breach. In view of that pattern and that history, then, section 5 is appropriate legislation, most necessary to meet and overcome evasion and subterfuge.

There is one major provision of S. 1564 which I have not touched upon as yet. In February 1964, with the ratification of the 24th amendment, the poll tax was outlawed as a prerequisite for voting in Federal elections. Section 9 of the proposed Voting Rights Act of 1965 would outlaw the poll tax as well for State and local elections. I do not intend to discuss the poll tax provision, not because I doubt its constitutionality, but because the case for its constitutionality has been so ably stated by the junior Senator from Massachusetts just last week. I see no need for further elaboration on his fine presentation. The history of the entanglement of the poll tax with racial discrimination, and the deprivation of economic opportunity to which the Negro has been subjected, make even a small fee a burdensome requirement.

Moreover, to my mind, at least, the number of coins one may carry in his pocket has absolutely no rational connection with the qualities expected of a citizen and a voter. These seem to me persuasive reasons why this provision of S. 1564 is supported not only by the 15th amendment, but by the 14th amendment as well.

Mr. President, the time for action, effective action, has come. The Constitution does not forbid what we have set out to do; it commands action. To fail to protect the constitutionally guaranteed right to vote on the ground that the Constitution does not permit such protection would be to engage in sophistry of a particularly high order.

The first amendment to our Constitution recognizes the right to petition for a redress of grievances as a fundamental American freedom. The petitions are here. The President has asked us to act. The great civil rights movement, supported by the overwhelming majority of our people, is asking us to act. Individual Negroes, deprived all their lives not merely of economic opportunity but of the elementary attributes and the dignity of citizenship, demand that we act. And our consciences require that we act.

Mr. President, I hope very much that the Senate, after a fair discussion, beginning with a study of the RECORD as it is now developing, will respond by supporting strongly the bill which is now before the Senate, and which reflects very effectively what I believe is the overriding concern of the people of America.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. CLARK. I commend the Senator from Michigan for his presentation of what I believe to be a very splendid point of view, and his constitutional argument in support of the bill.

The Senator from Michigan is rapidly becoming—and I believe by his speech today has become—one of the outstanding constitutional lawyers of the Senate.

It is a part of our mores in the Senate to refer from time to time to lawyers who are also Senators as great constitutional lawyers when they are attacking the constitutionality of a provision which is in the interest of the people of the United States. I should like to have the term "great constitutional lawyer" applied to one, like the Senator from Michigan, who is defending the Constitution of the United States in legislation that is proposed to be enacted under it, which will support the fundamental principles that were established by the 13th, 14th, and 15th amendments. Those amendments are an inherent part of the Constitution of the United States, whether some of our colleagues like it or not.

I congratulate the Senator again on his presentation of legislation which he had such a major part in drafting, and for the excellent constitutional argument he has made in support of provisions which are necessary to grant the right to vote to every American citizen regardless of race, creed, or color, and the right to vote in State as well as in Federal elections.

Mr. HART. Mr. President, I appreciate the kindness of the Senator from Pennsylvania, who has supported, over long years—many more than I have been in the Senate—the civil rights cause.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. ERVIN. Mr. President, I should like to ask the Senator a few questions. I listened with great interest to his speech. I must confess that I am appalled by the logic on which the bill rests.

The bill would deny 34 North Carolina counties the right to administer their own election procedures on the ground that less than 50 percent of their adult population voted in the last presidential election.

I should like to ask the Senator to explain to me the logic of a theory that assumes when 34 North Carolina counties turn out a vote of less than 50 percent of their adult population, it proves that those 34 North Carolina counties violate the 15th amendment, but when 137 counties in the State of Texas vote less than 50 percent of their adult population, it does not prove that Texas is violating the 15th amendment.

Mr. HART. Mr. President, as the Senator has commented, he does not agree with the logic. In my remarks, I indicated that the presence of several factors overwhelmingly suggest the high degree of probability, because, over the years, these tests and devices have been used in such a discriminatory fashion that there was a low turnout of voters. These factors are such factors as a substantial nonwhite voting-age population, a high percentage of white registration, a low percentage of nonwhite registration, and a low voter turnout in November of last year. When those circumstances combine, the probability is great that racial discrimination exists.

Mr. ERVIN. Mr. President, can the Senator explain to me why the 137 counties in Texas, in which less than 50 percent of their population voted, should not be condemned, and why the 34 counties in North Carolina should be condemned?

Mr. HART. First of all, they do not have tests or devices which over the years, the record makes clear, have been the tools readily available to promote discrimination.

Second, a provision for less than 25 percent of nonwhite population was included in an amendment which the Senator from North Carolina did not support, and the provisions of the bill might reach Texas or other States without tests and devices. Parenthetically, I believe there were some comments that one of the problems in certain areas of Texas is that the poll tax is applicable as well to local elections.

Mr. ERVIN. The Attorney General suggested that it might be because of the poll tax in Texas. When I called his attention to the fact that the poll tax had been removed as to presidential elections, on which the figures are based, he suggested that perhaps the people of Texas had not found out about it. I suggested that if the people in Texas were required to learn to read and write, as is the requirement in North Carolina, they might have found out about it in their newspapers.

Mr. HART. I do not recall that anyone suggested that the people did not know about it, but did not the Attorney General additionally suggest that, having agreed with the Senator from North Carolina, that one of the factors in the elections is indifference and lethargy—and we do not dispute it, apart from any discriminatory practices. When we combine lethargy with the problem that a person can go in and vote half a ballot and not the other half, it explains why that disparity exists. I do not remember that the Attorney General suggested that they might not have read about it.

Mr. ERVIN. I recall he said that they might not have known about the repeal of the poll tax.

I should like to ask the Senator from Michigan by what logic the bill fails to condemn the State of Texas, in which 44.4 percent of the adult population voted, but condemns the county of Beaufort, the county of Camden, the county of Chowan, the county of Martin, the county of Pasquotank, the county of Perquimans, the county of Pitt, the county of Greene, the county of Halifax, the county of Lenoir, the county of Northampton, the county of Vance, the county of Warren, the county of Nash, the county of Person, and the county of Anson in North Carolina, which cast a higher percentage of vote than the State of Texas.

Mr. HART. If the Senator from North Carolina is making the point that the assumpiton, in the case of the 30-odd counties in North Carolina which the Senator has mentioned, is wrong, I assume that a declaratory judgment readily would issue. If in fact there had been no discrimination, well and good. Opportunity is provided under the bill to establish that approach in a State. I take it that the Senator from North Carolina believes strongly that a case could be made in his State.

Mr. ERVIN. The Senator from North Carolina is desirous of comprehending the logic which underlies the bill. For the life of me I cannot understand logic which states that all of the counties I mentioned in North Carolina should be denied the right to exercise a portion of the sovereignty of the State of North Carolina when a higher percentage of the people in that State voted in the last election than voted in the State of Texas. I point out also that at that time North Carolina had no hotly contested Governor's race, no Senate race whatsoever, and no son of North Carolina running for the office of President of the United States. I should like to hear my good friend, the Senator from Michigan, explain the logic of using figures in any such fashion as that.

Mr. HART. Throughout the committee hearings and the meetings of the committee the Senator from North Carolina eloquently voiced his dismay at this seeming conflict. The majority of the committee felt with equal strength that the formula which the bill incorporates logically structures a test which would identify, in very large part areas where over the years, through the use of test devices, there has been racial discrimination in registration and voting. We agree—and indeed that is why the bill so provides—that there should be an opportunity to escape such a conclusion. There might be instances in which the general assumption would not be valid. In such case clearly the opportunity would be available to escape.

Mr. ERVIN. I do not know why it should be necessary to escape. I am puzzled by the demand of the proponents of the bill that the North Carolina counties which I have mentioned should be included. The Civil Rights Commission of the United States has reported that discrimination in voting on the basis of race is virtually a thing of the past in North Carolina, and the Attorney General of the United States testified before the Judiciary Committee, in the presence of the Senator from Michigan and myself, that he had no evidence that those North Carolina counties were presently engaged in violation of the 15th amendment.

Mr. HART. In order to reach the comment of the Senator from North Carolina on the figures that relate to certain counties in North Carolina, I refer the Senate to page 44 of the individual views of the committee members filed by the majority of the committee, which show devastating approval, as we see it, of the reasonableness of the proposed formula in an attempt to bring effectively to bear in those areas a mechanism which would enable the registration of nonwhites to move forward. If a county, or all of those counties with which the Senator is concerned, in fact—not based on an assumption—have not discriminated, a consent decree is available. The formula would reach those States concerning which the statistics are quite revealing and I think devastating. The table in appendix C on page 44 of the views of the majority points that out.

Mr. ERVIN. Does not the Senator's explanation suggest that in order to catch those who are guilty, a big enough net would be provided so that the innocent would be caught along with the guilty? Would it not have that effect?

Mr. HART. The Senator from North Carolina has always admitted that his client is innocent. I anticipate that he would continue that argument, and if he has a good case, the court clearly will agree with him.

Mr. ERVIN. Not only does the Senator from North Carolina make that contention, but the Attorney General of the United States, in advocating passage of the bill, admitted it. That is why I cannot understand why the administration and my good friend the Senator from Michigan desire to catch North Carolina, whose innocence is admitted by the Attorney General, in the net they are setting for what they consider to be the malefactors.

Mr. HART. Has the Senator from North Carolina any concern as to whether a declaratory judgment favorable to North Carolina would issue? I cannot imagine it in view of the strength of his argument.

Mr. ERVIN. I have concern in relation to a bill which states to North Carolina counties that they are innocent, according to the admissions of the Attorney General himself, but they have to come all the way to the District of Columbia and claim their innocence in a lawsuit before they can be allowed to be adjudged innocent.

There used to be a theory in our country that a person was presumed to be innocent until he was proved guilty. Does not the Senator from Michigan agree with the Senator from North Carolina that a person charged with treason against the United States would not be treated in any such fashion as that but, on the contrary, would be presumed innocent until he was proved guilty beyond a reasonable doubt?

Mr. HART. The Senator from Michigan would share the deep concern voiced by the Senator from North Carolina if those who in fact are innocent would, by the application of a formula which is reasonable, had no opportunity to avoid the effect of the formula. But a route is available.

Mr. ERVIN. Would not the counties in North Carolina which are innocent of a violation of the 15th amendment stand condemned by the formula and be deprived of their sovereignty by the formula if they did not come all the way from North Carolina to the District Court of the District of Columbia to establish their innocence?

Mr. HART. I do not know what the judgment of the Nation would be. The Nation entertains a judgment with respect to these problem areas right now. If we should get the bill on the statute books, there would be a much broader acceptance and confidence that an equal opportunity to participate in full citizenship would be available for everyone.

Mr. ERVIN. Does the Senator believe that there would be any justification for treating North Carolina in a more horrid fashion than a person charged with treason against the United States?

Mr. HART. The Senator from North Carolina knows perfectly well that my answer is "no." I would insist that the treatment accorded the States of the Union under the bill in no wise is comparable to the extreme example which the Senator has cited.

Mr. ERVIN. Under existing law, if a person in North Carolina were charged with treason against the United States, he would have a right to be placed on trial before a district court in North Carolina, would he not?

Mr. HART. Yes.

Mr. ERVIN. And yet North Carolina counties, under the terms of this bill, could not get a trial in a district court in North Carolina, where they are located, but they would have to come all the way to the District of Columbia to secure a vindication of their innocence, would they not?

Mr. HART. The Founding Fathers themselves established the proposition that when one sues the State, he must come to the District of Columbia. When a plaintiff sues the Nation, he must come to the District of Columbia. Over the years that course has been modified. But I see nothing comparable in the treatment provided for State actions to be brought in the District of Columbia, as stated in the bill, and the requirement, which all of us appreciate, that a defendant in a criminal trial shall be tried at home.

Mr. ERVIN. All other cases are allowed to be tried in other district courts, are they not? Can the Senator from Michigan tell me a single case that could not be tried in a district court outside the District of Columbia other than suits against the United States in the Court of Claims? Virtually all other cases are triable in Federal courts outside the District of Columbia.

Mr. HART. Lest the reader of the RECORD think that the Senator from Michigan was able to carry the answer to a question like that in his head, he should like to refer to page 19 of the majority views where there appears a number of precedents for the proposed procedure:

> The Emergency Price Control Act of 1942; the Civil Rights Act of 1964, section 709(c); the Interstate Commerce Act; the Securities and Exchange Commission Rule 10 B-8(f), promulgated pursuant to the Securities and Exchange Act of 1934.

Mr. ERVIN. Does not the Senator from Michigan know that every one of those citations concerns a regulatory body which is engaged in making regulations which have the force of law instead of assuming the guilt of people? Can the Senator from Michigan point to a single statute that requires anyone to come to Washington, passing all the courthouses en route to Washington, to prove his innocence of anything?

Mr. HART. Perhaps the Senator from North Carolina may be helpful. Is it not true that those who are involved in land actions against the Government are still required to come to Washington? I hesitate to make that as a factual statement.

Mr. ERVIN. I do not think so, unless they bring suit in the Court of Claims; and in such a case, the Court of Claims will send one of its Commissioners out to the State where the land lies to conduct proceedings in the case.

Mr. HART. The Senator from North Carolina well recalls the reasons assigned to the committee by the Attorney General, and which are supported by the majority of the committee, that it is highly desirable in a matter of such national concern as fair treatment at the ballot box that there be unformity in decisions. The point of the whole discussion is that nobody is to be considered guilty. If North Carolina has practiced, in fact, a fair application of these tests and has not discriminated, the court shall so hold. If, in fact, it has discriminated, I think the overwhelming majority of this body will support the effort to insure that it shall happen no longer.

Mr. ERVIN. From the standpoint of the Senator from North Carolina, the bill not only declares that people in seven States are guilty; it declares, in effect, that all the Federal judges presiding south of the Potomac River are so lacking in judicial character that they cannot be trusted to dispense justice in cases like these.

Mr. HART. Let me reply directly to that statement, as we discussed it fully in committee. This is not a fair interpretation and is rather unkind toward the members of the judiciary in certain regions of the country. That there has been extraordinary delay in some cases is, I think, nationally recognized; but that is not the motivation for the provision. The motivation is to insure uniformity of treatment at the ballot box.

Mr. ERVIN. I shall have to concede that that is the Attorney General's excuse for nailing shut all the courthouse doors south of the Potomac River; but his excuse is about the lamest I ever heard. The area where the courthouse doors would be fastened shut against the States and the political subdivisions of the States includes only two judicial circuits, the fourth and the fifth. If there be any conflict between the fourth and the fifth circuits, that conflict can be resolved by one appeal to the Supreme Court of the United States. But in the United States as a whole there are 10 circuits. They stretch from Maine to Hawaii. When we add the Court of Appeals for the District of Columbia Circuit, we have 11 circuits, and we have 11 ways, instead of 2 ways, to have conflicts occur. So that excuse certainly does not hold water.

Now to return to figures and questions of logic. Why does the fact that North Carolina voted 51.8 percent of its total adult population in the latest presidential election prove that North Carolina is violating the 15th amendment; whereas the fact that Tennessee, which adjoins North Carolina, and formerly belonged to North Carolina, voted only 51.1 percent of its total adult population, prove that Tennessee is not guilty of violating the 15th amendment?

Mr. HART. I think the Senator from North Carolina in the course of the hearings—I know that he was present during the course of my comments—knows that it is the feeling of the majority of us that the record is quite clear that when we put together the combination that represents the formula of this bill, the probability is high that there was racial discrimination in the application of that testing device. Tennessee does not have such a testing device. But if in fact the Attorney General concludes that there are regions in Tennessee or in any other State where fewer than 25 percent of the nonwhite adult population has registered, action is permitted under the bill; and I hope it would begin.

Mr. ERVIN. But the fundamental difference is this: Before a proceeding could begin against Tennessee, it would be necessary to go into court and prove the case, and Tennessee would have the right to disprove its guilt. Under the bill, North Carolina is condemned without a judicial trial. If North Carolina is to get out from under the provisions of the bill, it would have to come all the way to the District of Columbia to prove its innocence. Tennessee would be presumed to be innocent and would be granted a trial in court, while North Carolina would be adjudged guilty and denied access to the courthouse.

Mr. HART. The Senator from Michigan mentioned the 25-percent section of the bill as the device available, but it does not provide for a court decision in advance.

Mr. ERVIN. Another piece of logic I should like to have explained is this: Upon what logical basis or upon what basis of relevancy do the proponents of the bill say that the fact that 47.3 percent of the adult population of Louisiana voted in the last presidential election proves that Louisiana is guilty of violating the 15th amendment, whereas the fact that 44.4 percent of the adult population of Texas voted in the last election shows that Texas is not guilty of violating the 15th amendment?

Mr. HART. The Senator from North Carolina uses the word "prove."

First. It does not prove; it presumes.

Second. The Supreme Court rather recently had some comment with respect to practices in the State of Louisiana which I think tend to support the validity of the presumption.

Mr. ERVIN. The Senator from North Carolina meant "presume," because there is no proof allowed under this bill.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. LONG of Louisiana. I would be the first to concede that in some parishes of Louisiana discrimination has been practiced against Negroes. The Ku Klux Klan has chastised me for making that statement, but it is correct and I would be the first to concede it. Yet in other areas of Louisiana Negroes are not being discriminated against. For example, in the Third Congressional District of Louisiana, a study indicates that 4,500 Negroes who cannot read and write are registered. They are registered in clear violation of the law. The law provides that to be registered, one must be able to read and write. But those Negroes were registered anyway. The registrars have violated the law. They have flouted the law by registering those people.

Mr. HART. Did the Senator say that those were Negroes who were registered?

Mr. LONG of Louisiana. Yes. Those Negroes were registered and voted. The sheriffs and local officials wanted them registered and saw to it that they were registered; but they were registered in clear violation of the law.

Yet under the proposed statute, it would require only 20 people to sign a petition, and if the Attorney General would agree with them, and the State would have no right to go to court, even before a judge recommended by the Attorney General for appointment, to have any contest as to whether the petition was correct or not. A person could not even present this evidence that he has registered a thousand people who are Negroes, who are clearly unqualified to show the fact that Negroes have not been discriminated against within the parish.

There is in the bill, as I understand, a test that if less than 50 percent voted in the last presidential election, a State would fall within the purview of the act.

We had a gubernatorial race in the same year in which more than 50 percent of the persons of voting age voted.

In the presidential race everyone knew that Louisiana would go decisively for Goldwater. I should know. I fought hard for Lyndon Johnson, although I knew we could not win the State. I knew we could not carry Louisiana for Lyndon Johnson; that was a foregone conclusion. All the polls showed that Barry Goldwater would carry the State.

But in the gubernatorial primary that year, substantially more than 50 percent of the persons of voting age voted.

Is it also true that under the Senator's test, he would include in the 50-percent requirement all the members of the Armed Forces stationed in Louisiana? There are about 50,000 of them. They are disfranchised because they are not citizens of Louisiana; they vote in New York, in Illinois, in Michigan, and other States; they are not citizens of Louisiana. That is why they cannot vote there.

Does the Senator from Michigan wish to hold against our State the fact that servicemen are receiving good training there because we have a hot climate and can provide more training days than any other State in the Union? Why does the Senator want to hold against us the fact that we have in our State fine citizens from other States who cannot vote in Louisiana?

Mr. HART. The Senator from Louisiana commented on the bill as initially introduced. However, the committee has amended the bill. As it now stands, we do not include aliens, persons in the active military service, or their dependents.

Mr. LONG of Louisiana. The Senator now proposes to remove those persons from the coverage of the bill. I say that is an improvement of the bill.

Mr. HART. The more I hear from the Senator from Louisiana about voting practices in Louisiana, the more firmly convinced I am that this is a very desirable bill.

Mr. LONG of Louisiana. I am firmly convinced that a bill ought to be passed, but not in the form in which this one is drafted.

If the Senator is talking about somebody being discriminated against and wants to refer the presidential race between Lyndon B. Johnson and Barry Goldwater, and the fact that 50 percent of the people did not vote. Theoretically they are being denied the right to vote, why does not the Senator give us credit for the fact that there was a gubernatorial race during the same year in which more than 50 percent of the people voted? That was a close race. No one knew who was going to win the race. However, in the presidential race, many people did not vote because everyone knew that Barry Goldwater was going to carry Louisiana. They knew how the race was going to come out.

Mr. HART. How about the figures on registration?

Mr. LONG of Louisiana. I believe that, according to the registration figures, more than 50 percent of the people were registered in Louisiana. I concede that in Tensas and a number of other parishes, Negroes are being discriminated against. Why would the Senator want to make a culprit of the entire State and take the attitude that these people are not entitled to a trial before their own district judge, who is named by the President, merely because some one or two parishes engage in discriminatory practices?

Mr. ERVIN. Perhaps I can answer the question. Josh Billings said:

> It is better to be ignorant than to know what ain't so.

Some very erudite men favor this bill. However, they are trying to legislate on the basis of facts concerning which they are not ignorant, but concerning which they know what "ain't so."

They take areas in North Carolina in which the Republican Party had no candidates running for county offices and no candidates running for Congress against the Democratic incumbents, and measure the vote turnout in such counties against the voting turnout in States such as New York, in which there was a hot senatorial race that attracted the attention of the Nation. If our friends were merely ignorant instead of knowing what "ain't so," I believe they would have come up with a fairer bill.

I do not attribute any such imperfection to the Senator except in these areas. In other areas, my friend from Michigan is one of the most erudite men of my acquaintance.

Mr. HART. Before the Senator from Louisiana leaves the point that we were discussing, may I, perhaps without extending the discussion, refer to a section of the majority report on page 16.

I ask unanimous consent that the last three paragraphs on page 16 of the majority report be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

> We are also of the view that an entire State covered by the test and device prohibition of section 4 must be able to lift the prohibition if any part of it is to be relieved from the requirements of section 4. The statewide ban is a prophylactic measure grounded on the probability of future discrimination throughout the State even if it may not now exist in some areas. As the Supreme Court said about title II of the Civil Rights Act of 1964: "With this situation spreading as the record shows, Congress was not required to await the total dislocation of commerce. * * * 'Congress was entitled to provide reasonable preventive measures * * *.' (*Katzenbach* v. *McClug*, 379 U.S. 294, 301)."
>
> Moreover, in most of the States affected by section 4 local boards of registration are so closely and directly controlled by and subject to the direction of State boards of election—and, indeed, the State legislature—that they would be required to misapply tests and devices, irrespective of their own inclinations, if this suited the general policy of the State government.

Mr. ERVIN. The Senator mentioned registration. Does not the Senator from Michigan agree with the Senator from North Carolina that the best way in which to determine whether there is discrimination is to be governed by registrations rather than the voting figure? States have no way in which to compel people to vote.

Mr. HART. The argument could be made both ways. I would be perfectly willing to agree with the Senator from North Carolina that it might be a test in some areas, but we do know, or, rather we believe—and I think the Senate will find it so—that all that is required in a region in which registration is high is one cruel incident, whether it is 1 day or 6 months before election, to discourage a great many registrants from voting.

Mr. ERVIN. So far as I have heard, there have been no incidents of that kind in North Carolina. If the Senator from Michigan has heard of any, I should be glad to be enlightened.

Mr. HART. I did not suggest that. However, would the Senator not agree that all that would be needed would be one killing?

Mr. ERVIN. I would say that such an incident would tend to increase registration activities rather than quiet them.

Mr. HART. Certainly the man who pulls the trigger does not intend to encourage them.

Mr. ERVIN. I know of no such incident in North Carolina. The best test of whether a State is discriminating is to consider the registration figures. If there is discrimination, it shows up in the registration figures. If the State registers a man, it is not likely to obstruct his voting.

I invite the attention of Senators to registration figures for various States. These figures were supplied to the House Committee by the Attorney General while he was advocating the passage of this bill. According to these figures, 66 percent of the adult population in Arizona was registered. Fifty-six percent of the adult population in Arkansas was registered. Seventy-five percent of the adult population in California was registered. Fifty-four percent of the adult population in Florida was registered. Sixty and six-tenths percent of the adult population in Hawaii was registered. Fifty-one percent of the adult population in Kentucky was registered. Seventy and six-tenths percent of the adult population in Maryland was registered. Seventy-two percent of the adult population in Michigan was registered. Sixty-seven percent of the adult population in Nevada was registered. Seventy-four and one-half percent of the adult population in New York was registered. Seventy-five percent of the adult population in Oregon was registered. In Tennessee, 72.7 percent of the adult population was registered. In Texas, 56.3 percent of the adult population was registered.

The bill would not apply to any of those States. The bill would apply to North Carolina, although North Carolina, according to the figures of the Attorney General, had 76 percent of the adult population registered. This is a higher percentage of people registered than in the States of Arizona, Arkansas, California, Florida, Hawaii, Kentucky, Maryland, Michigan, Nevada, New York, Oregon, Tennessee, and Texas.

I have lived a long time and seen many strange things done. However, I have never seen anything so strange as the logic employed in this bill.

Mr. HART. Mr. President, I am sure I shall not be able today to persuade the Senator from North Carolina to the point of view that the majority of us on the committee have been trying to persuade him to over these weeks. I know how deeply the Senator feels that this formula is not reasonable. We feel with equal conviction that it makes very good sense. The purpose and objective of the bill is to broaden the participation in the voting and registration rolls and the voting at the ballot box.

We feel that the bill will materially improve the record of voting and registration in all areas.

Mr. ERVIN. Mr. President, I transgressed a good deal on the time of the Senator from Michigan. I have two or three additional questions, and then I shall cease.

I ask the Senator if article I, section 2, and the 17th amendment of the Constitution of the United States do not provide that electors for U.S. Senators and Members of the U.S. House of Representatives shall possess qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. HART. That is correct. It is a part of the same Constitution which carries the 15th amendment.

Mr. ERVIN. I ask the Senator from Michigan if he agrees that the courts have uniformly held that in prescribing qualifications for electors to the most numerous branch of the State legislature, legislatures of States may establish literacy tests which apply alike to all persons.

Mr. HART. That is correct.

Mr. ERVIN. I ask the Senator if the bill does not suspend—in the words of the Attorney General—the literacy test in Louisiana, Alabama, Mississippi, Georgia, South Carolina, Virginia, and 34 North Carolina counties.

Mr. HART. Not Virginia.

Mr. ERVIN. Virginia was taken out as a result of some of our consideration in committee.

Mr. HART. The answer to the corrected question is "Yes."

Mr. ERVIN. It applies to 35 Virginia counties and 10 independent cities; does it not?

Mr. HART. I am sure that conforms to the record.

Mr. ERVIN. Mr. President, I take it the Senator agreed with me that, in the words of the Attorney General, the bill would suspend the power of the States I have enumerated and the counties I have enumerated in North Carolina and the counties and cities in Virginia to use the literacy test.

Mr. HART. Yes. It would suspend the tests and devices referred to in the bill. I think we are agreed that we are talking about literacy tests.

Mr. ERVIN. I ask the Senator from Michigan how he justifies that provision of the bill in light of the Supreme Court decision in the case of *Ex parte Milligan*, which is reported in 4 Wall. 2, 18 L. Ed. 281. This is what the Court said, not merely when there was a demonstration in Alabama, but when what my geology teacher called the "uncivil war" was raging:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of Government.

How does the Senator from Michigan reconcile the provision of the bill suspending the constitutional power of States to use literacy tests with the decision of the Supreme Court that no provision of the Constitution can be suspended, even in time of war?

Mr. HART. The Senator from Michigan does not view this bill as a suspension of the Constitution. The Senator from Michigan regards this bill as an effort to deliver on the Constitution. As we all know, the Supreme Court has found—and I had the language in my prepared remarks—that the 15th amendment very clearly prohibits the application of what we describe as tests or devices if it has the effect of denying one the right to vote because of race or color.

The position of the Attorney General, the testimony before the committee, and the position of a majority of us in support of this bill all indicate that the suspension of the tests and devices clearly is within the authorization granted to the Congress to legislate against acts or practices which a State engages in which has the effect of denying a person the right to vote.

Mr. ERVIN. Does not the Senator know that the Supreme Court has also laid down as a rule for the interpretation of the Constitution that the Constitution is to be so interpreted as to give effect to all its provisions, and that no one provision shall be nullified?

Mr. HART. Yes; but I think the Court, in making the point, did not state that section 2, article I, shall override applying the 15th amendment as well.

Mr. ERVIN. The bill provides that we cannot use article I, section 2, for 5 years. If Congress says a State cannot use a provision of the Constitution for 5 years, it could state that it cannot use it for 1,000 years.

Mr. HART. If a State wants to use various tests and devices with clean hands, there is no problem.

Mr. ERVIN. It is a problem in North Carolina——

Mr. HART. Yes; it has been stated that the problem is that one must get on a train or plane and come to the District of Columbia; but in terms of the big problem involved, that is no problem.

Mr. ERVIN. Does not the Senator realize the impossibility of trying a case in the District of Columbia when the law provides that a subpena for witnesses will not run more than 100 miles from the courthouse in the district?

Mr. HART. The Attorney General has said, in substance, that if a person's hands are clean all he has to do is mail a petition.

Mr. ERVIN. The Attorney General said that, so far as he knew, my position was correct as applied to this case. But if the Attorney General can assure a State of its declaration of innocence after its representatives get to the District of Columbia, why not let him submit that request and have it determined in advance before he comes here?

Mr. HART. The bill has been amended to modify that aspect if the consent of the Attorney General is given.

Mr. ERVIN. After one gets under the bill, a State can come before the Attorney General of the United States and beg for the privilege of exercising a right given to it under the Constitution of the United States. That is another bad thing about the bill.

Mr. HART. It is not correct that it would have to wait and require that examiners be appointed before the opportunity to seek relief could become available.

Mr. ERVIN. That is the only way a State can get rid of the examiners. The bill gives that power to the Government. The only way the State can get out of it is to come to the District of Columbia and have its representative get down on his knees before a man who has never been elected to anything and who is not responsible to anybody on the face of the earth except the President, and beg him humbly to allow the State in question to exercise a right given to the State by the Constitution. That is what the bill provides.

Mr. HART. The bill does not bar a State from coming in after examiners have been appointed. If indeed the Attorney General believes that there is no reason to think that a test or device has been used, he will consent to the decree. Additionally, a State may apply for a delclaratory judgment prior to the appointment of examiners.

Mr. ERVIN. Why not amend the bill and provide that the Attorney General can issue his pardon in advance, before attorneys are retained and have to come up to the District of Columbia? If one is innocent, why not let him be declared innocent before he becomes here?

Mr. HART. If it were feasible to have effective legislation of this kind and avoid any of these mechanics, and parenthetically exempt States to which it did not apply, we would be in complete agreement. The overwhelming judgment of the members of the committee is that we need this kind of approach.

Mr. ERVIN. Is there any sensible reason why the innocence of a State could not be agreed to beforehand instead of after its having to retain lawyers and come to the District of Columbia? I may have to go back to practice law, and I like lawsuits, but I do not see why we have to have so much unnecessary litigation.

Mr. HART. Congress, I believe, will make a decision which it will finally reach in voting for the bill, that the formula which triggers this action is reasonable, and that the mechanism provided for a State to persuade a court that the State is innocent—as the Senator states—is reasonable. Clearly, we have recognized the possibility and made adequate provision for that situation, if any. The Senator from North Carolina [Mr. ERVIN] would assure us that all those counties certainly would be in this category, that adequate provision would be made to take care of the situation on political subdivisions which, in the judgment of the Attorney General, is not, in fact, within the category that reasonable presumption broadly establishes. I believe that will be the decision Congress will make.

Mr. ERVIN. That shows how unreasonable the bill is, as illustrated on page 16 of the bill, starting on page 16 and going down through line 6.

Even if a State or county were to come to the District of Columbia and establish its innocence, under this bill, it would still be hooked in the court for 5 years. Why keep someone in a court who has proved his innocence?

Mr. HART. Is the Senator commenting on the 5-year provision?

Mr. ERVIN. On page 16, beginning on line 1 it states:

> The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose of denying or abridging the right to vote on account of race or color.

Even under that provision, if a county in North Carolina established its innocence in the District of Columbia, it would still be held in court 5 years in the future. The court will retain jurisdiction over a State even where innocence had been established.

Mr. HART. The 5-year period, as the report indicates, was selected in order to provide for an appropriate period of proof of the elimination of past discrimination. Parenthetically, I believe that we have such precedents in the antitrust field, with which the Senator from North Carolina is familiar. That establishes exactly this method of retention of jurisdiction.

Mr. ERVIN. It was to prevent the infliction of new punishments for past events that the provision was placed in the Constitution regarding ex post facto laws. Now the Senator from Michigan [Mr. HART] and the Senator from New York [Mr. JAVITS] are talking about past punishments for past sins and inequities.

I should like to ask the Senator from Michigan one more question——

Mr. HART. If there are sins, yes; if there is innocence, no.

Mr. ERVIN. But if one comes up and proves his innocence he will still be held in court for 5 years. A North Carolina County can come up here and prove itself to be as innocent as Michigan, only to be held by the nape of the neck for 5 years, in a court 250 or 500 miles away. Does not the Senator know that the Supreme Court of the United States held in 1959, in the unanimous opinion in Lassiter against Northampton County Board of Elections, that the North Carolina literacy test was perfectly valid under the Constitution of the United States.

Mr. HART. I have commented on that in my remarks. I also added the language of the Lassiter case which made the point that if there had been discriminatory use, the 15th amendment would come into play.

Mr. ERVIN. I wish to thank the Senator from Michigan for his kindness and courtesy to me. However, I confess that I still believe the bill itself is a most illogical instrument.

Mr. HART. I believe that I express the attitude of all Senators in the Chamber that one is never delayed or bored by any comment, exchange, or discussion which Senators have with the Senator from North Carolina.

Mr. HOLLAND. Mr. President, will the Senator from Michigan yield?

Mr. HART. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator from Michigan for yielding to me.

Mr. President, prior to the appearance of the distinguished Senator from Michigan, he was kind enough to say that he would allow me, at some time during his remarks, to intervene long enough to make certain points which I thought should be made, both in the preservation of the rights of the State of Florida and in the preservation of the appropriate viewpoint of the advocates of the bill who, I believe, have been misinformed in certain respects and which I wish to correct for the record.

With that preface, I should like to place in the RECORD the provisions of the State of Florida relative to the qualifications of electors. They will be found in section 97.041 of title IX of the Florida Revised Statutes, which read, as to the pertinent portions, as follows:

> Any person 21 years of age * * * who is a citizen of the United States, and a permanent resident living in Florida for 1 year, residing in the county where he wishes to register for 6 months is eligible to register.

Later in that same section there are these words:

> The following persons are not entitled to vote: First, persons not registered. Second, persons under guardianship or confined in any State prison. Third, persons insane or idiotic. Fourth, persons convicted of any felony * * * whose civil rights have not been restored. Fifth, persons convicted of bribery—et cetera. Sixth, persons not registered in the precinct in which they have their permanent place of residence.

I place that in the RECORD, Mr. President, to state what I believe is already known to the Senator from Michigan; namely, that my State of Florida has no educational requirements of any sort. It also has no poll tax requirements, nor any requirements as to moral character other than those which require that a person not be a convicted felon.

I believe that lives up to about the simplest qualifications for registration to be found in any State. There are other States which have substantially the same simple requirements. The Senator from Michigan, I am sure, is acquainted with that fact, is he not?

Mr. HART. That is my understanding, yes.

Mr. HOLLAND. Since 1937, qualifications for registration and voting in the State of Florida have been as stated in the words which I have read directly from the Florida statutes.

My previous remarks I wish to be the predicate for the following comments—which will be critical comments—about the provision found in line 25, at the bottom of page 16, and lines 1 to 6 at the top of page 17 of the printed bill.

These so-called additional triggering provisions under which, in a State where there is no requirement as to literacy or any of these other provisions which are said to be handicaps for the registration of Negro or any other minority voters, were added to the bill by action of the committee or its majority these words:

> That the provisions of subsection (a)—

That is the meaningful subsection of the early part of the bill—

> shall apply in any State or in any political subdivision of the State which—

Then going down to the (2) on line 25:

> the Director of the Census determines, by a survey made upon the request of the Attorney General that the total number of persons of any race or color who are registered to vote in any State or political subdivision is less than 25 per centum of the total number of all persons of such race or color of voting age residing in such State or political subdivision.

Do I correctly understand that the so-called additional triggering provision was added by the committee with the thought that even in States where there is no legal inhibition of any kind to the registration of Negroes or other minority races, that the mere fact that less than 25 percent of the total number of all persons in a State or county who have actually registered shall be held to bring them under the provisions of the act?

Mr. HART. It was the opinion of the majority, as the Senator from Florida states, that it would be very desirable to permit, even in these cases, where there was no test or device, a means whereby the Attorney General could attempt to assure the opportunity to increase nonwhite registration. The figure of 25 percent was felt to be in a sense an alarm. If, indeed, less than a quarter of a race was registered, we had reason to be concerned that opportunity to do so for some reason was limited, if not actually denied.

Mr. HOLLAND. In other words, there was an assumption or a presumption written into the law that if less than 25 percent of the colored citizens of legal voting age in a given State or subdivision of a State had not availed themselves of the privilege of registering, that very fact would be regarded by the committee as justification for the appointment of Federal registrars to go in to attempt to register citizens. Is that correct?

Mr. HART. I believe the Senator from Florida referred to an assumption. I would suggest that it was a presumption. This is in fact what the bill does. It makes the presumption.

Mr. HOLLAND. Was this presumption made when the Senator and his associates found that they had missed some of the other Southern States by an earlier triggering device, and decided that this might apply to the remaining Southern States?

Mr. HART. No. The Senator will notice that the summary sheets or the appendixes in the majority report show that other than Southern States may indeed be identified as including subdivisions in which this less-than-25-percent factor may apply. This presumption, we feel, is a valid one. We feel that it is related to the 15th amendment. As with respect to the other presumption, in the event the Attorney General does, in fact, act, after a census or survey identifies less than 25 percent of a racial group as being registered, there is available to that subdivision to obtain, by declaratory judgment, a decision that in fact the presumption was not correct in that case.

Mr. HOLLAND. Mr. President, I thank the Senator. I wish to make it clear that this presumption is not a sound one, and is not a safe one to follow. It is well shown by what is included in the report of the committee relative to my own State of Florida. It is stated that five counties in Florida come under the terms of the 25-percent figure that is found on page 38 of the committee report.

The counties of Gadsden, Jefferson, Lafayette, Liberty, and Union are said to be five counties in my State in which this triggering device would create a presumption that someone, notwithstanding the fact that the law does not place any inhibition against registration of Negroes, prevented the registration of Negro citizens.

I have taken the trouble to check with the secretary of state of Florida. I wish the record to show the facts with reference to three of those counties.

First. As to Gadsden County—and that is the only county of any size in the five counties that are listed in the report—the figures shown in the report indicate that there were 1,425 Negroes registered to vote out of 12,261 of qualified age of that race. It happens that the committee was incorrectly informed by the U.S. Civil Rights Commission. The Civil Rights Commission had given the figures as of an earlier date, in March 1964. Between that date and the November election, additional Negroes had registered in Gadsden County, to bring the total from the figures stated in the report, of 1,425, to 4,447, or just over 36 percent of the total of qualified Negroes in that county.

That shows the unsoundness of the presumption to which the Senator from Michigan has referred. The same law applies, the same people were there, the same registration officer was serving. The only difference was that some civil rights groups went in and overcame the apathy and lack of interest on the part of enough of the Negroes to the point where 36 percent of them registered, as a total number, by November. Yet under this presumption, if it had been sound, it would have been presumed that someone was preventing the Negroes from registering. They registered without violence. They registered without any disaster of any sort. More of them will register as they overcome their apathy. There are still nearly 8,000 more who can register if they wish to register.

The inertia of people who have not voted in over 100 years cannot be overcome overnight or in 1 year or in many years, because, as I have already said for the record, since 1937, Negroes in Florida have been eligible to register and eligible to vote, and they have done so in numbers in many places. We have more than 300,000 eligible. I believe that fact shows the unsoundness of the presumption that my distinguished friend and his associates would have written into the law if the bill were passed.

Mr. HART. Mr. President, I should like to comment on that point.

Mr. HOLLAND. I shall be glad to desist.

Mr. HART. The amendment to which the Senator from Florida is directing his attention, namely, the less-than-25-percent amendment, would have assured against what the Senator from Florida would describe as a miscarriage of justice. We note that the requirement of the amendment is that there be established whether in fact less than 25 percent of all persons of color are registered by a Census Bureau survey of the county, requested by the Attorney General. Such a survey would have established that 36 percent of the Negroes in Gadsden County were registered. The county would not have been included.

Mr. HOLLAND. The Senator is correct if he is speaking as of November 1964. If he is speaking as of March 1964, he is incorrect. The survey would have shown only 11 percent registered, and the finding of the Director of the Census, once made and certified under the bill—I am reading from line 9, page 17, which immediately follows the provision I have already read:

> A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 shall be final and effective upon publication in the Federal Register.

That determination would not be subject to any appeal and not subject to any certification to any court for a decision or review or revision.

I say that that kind of law varies completely from the fair system of Anglo-Saxon law which this Nation has maintained during all its life, and I hope will always maintain.

I have never heard that any such certification by the Attorney General or by the Director of the Census, that what they found last March would be regarded as a presumption, not subject to any appeal anywhere, that Negroes were being prevented from registering in Gadsden County, when so clearly the opposite is shown by what happened immediately after March 1964.

Mr. HART. Mr. President, several points become evident.

First. The presumption is, indeed, possible of refutation if, in fact, the reason for the less than 25 percent of a racial group being registered is not because of discriminatory treatment. That is available under the declaratory judgment section.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. HOLLAND. That good county would have had to come to the District of Columbia. It would have had to maintain a suit successfully or it would have had to receive the certification of the Attorney General. It would have been in court for 5 years, and it would have been subjected to all of that trouble because of the mere fact that in the lines immediately following what I read, it is provided that the determination of the Director of the Census and the Attorney General would both be made final and not subject to ordinary review by any court and not subject to any appeal. It would have the force and effect of an order of court.

I do not know of any such practice which can be justified by which a State, a sovereign agency, or a county, a part of a State, should be subjected to that kind of treatment in this Nation and under the laws under which we have lived so long and so happily.

Mr. HART. I believe it is desirable that we make clear in the early days of the discussion that the determination of the Attorney General, which would be final and effective, bears only on the existence of a test or a device. The action for a declaratory judgment is the time and the occasion when the State or the political subdivision could establish that the figures are not the consequence of racial discrimination practiced at the ballot box or the registration office.

Mr. HOLLAND. Where would they go to get that judgment?

Mr. HART. They would come to the District Court of the District of Columbia.

Mr. HOLLAND. They would have to come from Gadsden County, Fla., to the District Court of the District of Columbia before they could have a simple declaration of what had become a fact within a week or two after the certification.

Mr. HART. Unless—and this is the second point that I think our exchange develops—unless the existence of the law would encourage other counties to do precisely what occurred in Gadsden and people would be registered. I salute the effort that occurred in Gadsden to raise the percentage of those registered to vote from 11½ to 36 percent.

That is fine. There is another county down there.

Mr. HOLLAND. There are two other counties that are involved.

Mr. HART. They have made an effort to achieve the same situation. I believe Jefferson County is one.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. I am glad that the Senator recognizes that. I wish it could have been recognized before the individual views had been printed and sent out to all the world, for they contain statements which do not happen to be true about either of those good counties. In Jefferson County the total number of Negro registrants is 1,493. The registration in that county went up between the March date concerning which the Secretary of State was asked to give the figures to the Civil Rights Commission from 638 to 1,493 in November. After all, they were getting ready for November.

For the Committee on the Judiciary to have adopted those figures before the books closed, indicating that two counties were preventing their Negroes from registering, when that simply was not true, is not fair. The committee was imposed upon by the Civil Rights Commission. I do not know who is responsible for having used those figures. I certainly do not claim that any member of the committee would have desired to have that kind of information in the record. But it is here, and it illustrates two things:

First. It illustrates the unsoundness of a presumption of this kind.

Second. The fact that the job was done so hastily as not to give a good committee an opportunity really to go to the bottom of the facts.

I could not see my distinguished friend, a former Lieutenant Governor of his State, certainly a fine lawyer and a ranking member of the Judiciary Committee, putting a thing like that into the individual views except that he, his staff, and his associates on the committee did not have sufficient time really to find out what the facts were. That action merely illustrates the complete unwisdom—in fact, the foolishness—of sending a bill of the effect, the scope, and a proposed great change from our system of laws to a fine committee and giving that committee a few days to consider it and submit a thoughtful report on it. There could not be a finer illustration of the unwisdom of those who insisted—and they did it over my vote—on sending the bill to the fine committee of which the distinguished Senator from Michigan is such an outstanding member, with instructions to do a job that could not be done, and to bring back a fine report that could not be brought back because there was not time to bring it out, and then inviting a situation under which the report casts a diatribe against good people that is not justified.

I call attention to it now for various reasons. I have already explained this to my distinguished friend, the Senator from Michigan. I do not want anyone in the course of the debate to be mislead by the report. The report does not happen to be correct in that regard. I do not wish to have a difference of opinion arising when the facts are so clear and so different from what is stated in the individual views. I hope that the Senator will realize that I could easily have kept that information until a later stage in the debate. I think he told me when I went to him today to tell him about the information which I have stated that he thought I was treating him rather generously. I appreciate that. I have tried to do that. But I think we ought to recall that the bill has not been wisely handled and that the report has not been accurately drawn and could not be under the conditions which the Senate in its wisdom, or a majority of Senators, of which I was not one, visited upon an able and distinguished committee which I know likes to do competent work.

Mr. HART. Mr. President, the Senator from Florida is extremely gracious in his comment. I should like to interject, first, that I believe what he has been discussing confirms the wisdom of the committee in requiring a census survey to be taken to assure and insure that there will be special accuracy and currency with respect to the figures on which the Attorney General would operate. So much for that point.

But to the more basic point——

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. HOLLAND. If the survey had been made in March and was accurate, and if the certification given on that date was not subject to appeal and was not subject to attack, even though it was quickly corrected in the normal course of registration in preparing for the November election, there would have been no way in the world, short of coming to the District of Columbia in an expensive lawsuit, ever to correct the error. Even then a cloud would have hung over that good county for 5 years. I do not think that is fair, and I do not believe that the distinguished Senator from Michigan thinks it is fair to have such a cloud hang because an alleged fact, once determined, proved not to be the case perhaps a week, 2 weeks, or 2 months after that time.

Mr. HART. Every one of the counties is on notice that that is not the law, and registration efforts are to be encouraged. I hope that this word will get through.

I should like to address myself to the second point to which the Senator referred. He suggested that the committee was abused by being directed to report the bill back.

In the past 10 years the Committee on the Judiciary of the Senate has had referred to it 121 civil rights bills. In that 10-year period, on 121 bills we have held 67 days of hearings. One bill was reported, and it was sent to the committee under identical circumstances—a direction on the part of the Senate to report it back. The action of the Senate in directing that the bill now before the Senate should be returned to the Senate was very prudent. Over a 10-year period 121 bills were introduced, and until the bill now before the Senate, only 1 was ever reported back to the Senate, and that was because, as in the present case, we were directed to report it back.

But I agree with the Senator. It is a great committee.

Mr. HOLLAND. I hope the Senator will agree with me further that the committee was abused by these directions, whether those directions seemed wise at the time—because there is no doubt that if the certification had been asked for last March or April and it had been given, it would have been accurate at that time. It would have stood not subject to appeal. It would have had to have been attacked only in the District of Columbia at great expense for the county that was involved—and neither county is a rich county—and then a cloud would have hung over that county for 5 years. If that is the good old American way of doing things, at least it is not the way I was taught.

With reference to the Committee on the Judiciary, the Senator from Florida has not always cheered when civil rights measures were sent to that committee, because he had referred to that committee a poll tax measure which he thought was constitutional, and as to which his dear friend from Michigan agreed with him and helped him, but we could not get action from that committee. Yet when the time came, we had no difficulty at all getting the bill to the floor of the Senate.

With the great majority in the Senate which the distinguished Senator has to hold up his arms, I wonder if he has thought the proposal through carefully when he says it was necessary to impose the restriction of time, which was hard even for an able committee, when at any time that bill could have been withdrawn from the committee or could have been attached as an amendment to some innocuous bill, if that had been the pleasure of the great majority.

As I recall, there are 67 or 77 cosponsors of the bill. Surely the Senator from Michigan does not feel that he was operating helplessly in the introduction of the bill when he had 76 associates. Surely he knows that he was not operating under the hopeless burden of having to persuade three Senators from the South out of that committee to have reported a bill in which he was interested. I cannot understand how anyone who has operated in the Senate as long as all of us now have can approve such an unwise course as limiting a committee to a few days' consideration of a bill which contains something new, novel, and, to me, very unsafe and, I think, has such un-American provisions in it as this bill contains.

Mr. HART. The Senator from Florida has been a Member of this body far longer than many others of us; but I think that those who have most recently come to the Senate know perfectly well the kind of music that would have been played if, rather than directing that when the bill was sent to commmittee it be reported back at a date certain, any Senator should have been so imprudent or ungentlemanly as to rise and say, "Let us get the bill out of committee. Let us order the committee to do something." I think that would have been a refrain with which the record is replete, if anyone wants to go back to determine the fact.

Mr. HOLLAND. Having heard the singing of certain demonstrating groups around the Capitol, and having seen some of them even lie down in the Capitol corridors, I think I know what the Senator is referring to when he refers to the music which we would have heard.

Mr. HART. I am referring to the only music that counts: the 100 voices that can direct the committee to report a bill to the Senate.

Mr. HOLLAND. I am here to say that such music or any other music coming from a bunch of demonstrators ought to have no more effect upon the Senate of the United States than a drop of water upon the Rock of Gibraltar, because we have to decide these questions according to our own judgment, based upon our own experience, having to live with our own consciences. I am surprised to hear the distinguished Senator from Michigan suggest that we would have heard music if we had not given this kind of direction to the committee.

Mr. HART. Let me be very explicit about the music we would have heard. I am speaking about the voices and their eloquence—generally soft—in this Chamber, with the right to speak, that would have been raised had we followed the course suggested by the Senator from

Florida rather than to send the bill to committee with directions to report back at a date certain. We sent the bill to the committee with such directions.

I am speaking about the refrains we would have heard in this Chamber, the voices of the Members of this body, describing how wrong any other course of conduct would have been.

Mr. HOLLAND. The Senator from Michigan is certainly not speaking about the feeble voice of the Senator from Florida.

Mr. HART. It is effective and soft, and I am sure it has been raised to caution us against that practice anytime it is suggested. I have not looked at the record, and we do not "make book" here, but I think that is a safe assumption.

Mr. HOLLAND. The Senator from Florida has not been urging the Senate to refer a bill of great importance, touching intimately the lives of a great many people, to a committee of the Senate for only a few hours or a few weeks' consideration, and then to have it sent back. I do not believe in that kind of hasty, cursory, unwise, inaccurate handling of a bill of that type.

If the Senator will permit me to conclude, I shall appreciate his courtesy.

There is one other county to which I wish to refer. The fifth Florida county listed is Union County. The list shows that 128 Negroes, or 11.8 percent, were registered out of 1,082. The Senator did not know—and that is the reason I think the record should now show, so that we may finish talking about Union County—that Union County is the county in which our State penitentiary is located. Most of the Negroes in that county happen to be inhabitants of the penitentiary. A great many of the white people of that county are also inhabitants of the penitentiary. But the inhabitants of the penitentiary are not eligible to vote under our law. I do not believe there is a State in the Union which wants that kind of people to vote. Yet that is one of the counties listed here as a nonconforming county, one that is preventing its Negroes from registering. They are prevented from registering only because they are inhabitants of the State penitentiary.

I hope we shall hear nothing more about those three counties during the course of this debate. I have been very glad to have the opportunity to mention these facts.

There are two other counties in Florida which are mentioned. I think brief mention should be made of them. They are both forestry counties. They are both naval stores and pulpwood counties. There is no town of any size in either the county of Lafayette or the county of Liberty. My observation since 1937—and I have watched the situation carefully—has been that the registration of our Negro citizens does not take place all at once. It has come in some counties relatively early, in others a little later, and in others still later. The inertia is greater in some places than in others.

It is greater in this particular type of county than anywhere else because the Negroes are scattered. They live in their quarters in the forests. There are such settlements in both Liberty and Lafayette Counties. The mere fact that only a few have registered—and, by the way, the list in the hearings is not correct—a small number have been registered in both counties since the March date. My recollection is that there were 6 in one and 12 in the other—but the very fact that they have come in and registered shows an awakening of consciousness that even the Negro citizens in those two counties can vote, if they want to, by coming to the little county seat villages and registering.

The bill is very poorly drawn as to the 25 percent provision with respect to those little counties. I want the record to show that the 1960 census shows 152 Negroes of voting age in Lafayette County and 240 in Liberty County. This indicates the sparseness of settlement in those two counties. They do not happen to operate with the speed in this question that some of the other counties do, and they are not going to do so, whether this bill is passed or not.

My observation, extending over 28 years from 1937, has been that there is no clear answer to why the Negro citizens in one county have registered early and in large numbers, and in other counties have not registered at all for some years, and then have begun to register very slowly. This has no relation at all to the southern attitude, so-called, because among the counties that have been slowest in the registration of their Negro citizens are these three counties, which I shall name: Pinellas County, in which St. Petersburg, Clearwater, Largo, and others are the principal cities. Most of the people in those cities have come into our State and added themselves to our population. We are proud to have them. We are proud of them. But they have not come with any unwillingness to have registration under provisions similar to the places from which most of them have come. Negroes have registered and voted in that county for a long time; yet it is one of the slow counties for Negro registration. Yet this has been one of the very slow counties for Negro citizen registration. The second county is Sarasota County. I hope the Senator will forgive my personal reference in this instance. Sarasota County happens to be the only county which I lost in the last general election. This was due solely, I believe, to the fact that most of the citizens are newcomers and nearly all of them believe in republicanism. They want to be voting Republicans. They are good people. They have nothing against Negro citizens. They are descendants of Abraham Lincoln. They want the Negro citizens to register. It still is one of the slowest counties in our State for the registration of our Negro citizens.

I point this out not by way of criticism of them, but because of the fact that I wish to bring out that there is not any rule of reason in this matter. There would be good leadership for Negroes in one county. The Negroes in that county are led into a voting habit earlier. There would be a lack of such leadership in some other county, and therefore in that county they have not voted earlier.

I mentioned Pinellas and Sarasota. The third county is Orange, the county in which Orlando is situated. Orange County has had very great growth. There are very fine people there.

In contrast to Sarasota, Orange is one of the counties that I carried last year by a heavy majority. I think it was 3 to 1. So far as registration of the Negroes to vote is concerned, they are just as free to vote as they are to breathe in the good old Florida air and enjoy the good Florida sunshine. They have been backward about registering and voting.

I can assign no reason for it. It has not had anything to do with threats, intimidation, or fear of any sort. Likewise, many of the Negroes there are very able people. I do not know why someone has not taken over leadership in registering the Negro citizens there. However, for some reason they have not.

I believe that county has the only incorporated Negro town in our State, the town of Eatonville. Let us not expect the situation to be alike in all areas. It will not be. It will not be if the bill passes, or if any bill passes. If the people register, they will not all vote in the same proportion. They will have their own ideas about the relative importance of voting.

We are merely talking about something that involves human beings. When our great State in 1937 removed even the slightest handicap to voting and has encouraged people to vote since then—and they are voting to the tune of about 300,000—I think very little of a policy which seeks to bring in five counties of that State simply because they do not happen to have proceeded as vigorously or as quickly as has the average county in the State.

I thank my distinguished friend for yielding. He is always kind to me, and has been this time. I wanted it to be clear.

First, that three of these counties must come out of that list in this discussion from now on. I do not want my friends to be misled into relying on a report which is obviously unsound or inaccurate.

Second, I do not want my State to be suffering under a cloud for having done something that it has not done.

Third, I was especially anxious that my dear friend from Michigan—who I know has his heart and soul in this matter—realize that the unwisdom of both the method of approach to this in committee and the content of the bill is best shown by how this particular provision of the act would have applied in these three counties which I have mentioned.

I do not think there can be any serious question to the contrary. I thank the Senator warmly for having yielded.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I shall yield in just one moment.

I thank the Senator from Florida. I shall disappoint him. I believe that my own reaction in light of the discussion that we have had is a strengthening of my belief that there is much merit in the retention of the 25-percent formula. It would appear that there are many counties in Florida in which with a minimum of effort at registration, they will never be bothered by this bill in the event it becomes law.

We have not thus far commented on this, and I do not intend to open the subject. However, I am intrigued by the fact that three of these counties—and bear in mind that the committee, I think prudently, required that a survey be made by the Director of the Census to get current figures—of the five listed in Florida show an extraordinary percentage of white citizens registered. I am not sure that it is a practice that is to be encouraged to the extent that the figures suggest. I note that there is a total of voting-age citizens in one of these counties of 1,536. There are 1,889 registered. These are white citizens.

In another county, the white voting-age population is shown to be 2,383. The white citizens registered are 2,443. In the third county, the total number of whites in the county is 1,525, and the number registered is 2,104.

This is 100 percent plus. I think it indicates a concern that those of us share, lest, by enacting a piecemeal bill, we encourage this extraordinary white registration in order that the 50-percent factor be washed out, or that the 60-percent factor be achieved.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, I call attention to two things. The figures as to voting population are based in all instances on the 1960 census, whereas the other figures are based on the registration in 1964. That is the first point.

The second point is that in all of the smaller countries in Florida—and I am glad that the Senator has brought this point up—we have so-called permanent registration. They do not tear the books up and reregister everybody every 2 years as they do in the city, counties, and many other counties. The registration officials merely keep the books. There will be found on those books the names of many people who have registered and have the right to vote, but who have moved elsewhere or have passed away. That is true not only in some of our small counties, but it is also true generally in many small counties in many States. The larger counties pay the expense of an annual or biennial registration. Therefore, the situation that the Senator mentions results.

The third point that I want the Senator to recognize is that our State has continued to grow at a rapid rate. The census estimated the population last July of Florida at nearly 6 million.

When I was elected Governor in 1940, there were fewer than 2 million people in our State. The acquisition of the population in the last 8 or 10 years has been at an extraordinary rate. That, too, is something that must be remembered in connection with the census figures.

But aside from the report of the committee, I have not heard anybody indicate that there was anything wrong in the registration of our people. I know of no scandals down there in that connection. I carefully read the report of the Civil Rights Commission. The Commission said it had not brought any cases in Florida. The Department of Justice had not brought any cases in Florida. Attention was called to what they thought was indirect discouragement of registration in one of those five counties, and not in the other four.

So it is disappointing to me to find in the report of an able committee the finger pointed at five counties that I do not believe deserve to have the finger pointed at them, particularly when the bill as presented, after a great deal of study, did not include any people in our State, because we did not fall short of the requirement of registration, having nearly 80 percent of our people registered, and we had enough voting to fill that requirement.

Anybody knows that the legislation Congress enacted in 1964 can be used if there is any misconduct in a great State that is obeying the law and has a decent law on the subject. I do not think it was a kindly thing to put the five counties in the invidious position they are in.

Mr. HART. Let me say to the Senator that there is no intention to have an invidious effect.

Mr. HOLLAND. I thank the Senator.

Mr. JAVITS. Mr. President, I shall be speaking in my own right tomorrow to develop points which are important here, but since there was considerable colloquy, and adequate presentation within the context of the colloquy, as to individual counties in Florida and in North Carolina, I want to be sure we understand the legal situation.

It is true, is it not, that Florida, has no test or device within the scope of the bill?

Mr. HART. That is correct.

Mr. JAVITS. Therefore the provision of section 4(a)(1), requiring 5 years of no discrimination by tests or devices preceding an action to be excused from the application of this bill would not apply to Florida; is that correct?

Mr. HART. There is a need to have had it for 5 years.

Mr. JAVITS. That is correct. The devices would have had to have been used for 5 years preceding enactment of the bill in order for a State with devices to bring suit. Since Florida has no such devices, section 4(a)(1) cannot be used by Florida. Therefore the other provision of the bill, section 4(a)(2), would apply and the affected county could bring suit to show that its voter participation had reached the national average and that there is no discrimination in voting within its borders.

I read from section 4(d) of the bill:

> For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose of denying or abridging the right to vote on account of race or color if—

That applies to the whole section—

> (1) incidents of such have been limited in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I cannot. I did not interrupt the Senator. I would like to finish my points.

Would the Senator from Michigan agree with me that, if the Attorney General intended to move against a Florida county, the only pain to which the Florida county would be put would be to come to the Federal Court in the District of Columbia and litigate?

Mr. HART. That is correct.

Mr. JAVITS. If that be correct, will the Senator agree that a majority of the committee, the 10 members of the committee who have joined in this report, had proof—and I think the proof is irrefutable—of the widespread abuse of the registration provisions of various States in the South in order to prevent Negroes from voting by all kinds of stratagems and intimidations? Therefore, we felt there was a necessity for generic legislation to deal with this question, and also that there was a physical impossibility of meeting every specific condition which might be found and left out of the impact of the law.

Mr. HART. The Senator from New York well remembers our realization that it would be utterly impossible to spell out in chapter and verse a bill which would result in the elimination of practices heretofore used to discriminate in the registration booth and at the ballot box and to assure, in addition, against the development and evolution of new techniques to achieve the same illegal end. Therefore, we, and the administration, in the submission of the bill, established a presumption based on a formula that the overwhelming majority of us on the committee feel to be absolutely fair and wholly defensible, and then made provisions to insure that the exceptions would have recourse to court order; that the application of the suspension and other consequences of misuse would not be applicable to them.

Mr. JAVITS. Finally, I ask the Senator how the Senator would feel about a county, even such as those described, which had an actual record of discrimination, which prevented registration for voting as the Constitution contemplates, and then had currently brought itself up to par? Would the Senator feel we had at least the right to test in court the bona fides of that activity, the likelihood of its continuance, and whether there has been some measurable catchup over all the inequities of the past?

Mr. HART. I believe, as the Senator from New York does, that if we should fail to recognize the problem and respond to it, we could be fairly criticized.

Mr. JAVITS. The Senator from Michigan has been on his feet a long time, and the Senator from Florida wishes to speak. We would expect Senators from States to justify the conduct of their States. That is laudable. I do the same for New York. The Senator does the same for Michigan, as do the Senators from Florida, North Carolina, or any other State.

First, must we not prescribe the procedures to prove our case on the floor? This is the first day of debate. I shall address myself to the bill tomorrow, as will many other Senators. The Congress is making a finding. Without a finding of widespread abuse of literacy tests or other devices to avoid the provisions of the 15th amendment, we should be defeated. Therefore, we must make our case and meet our burden.

Secondly, having made our case, we must provide machinery which will eliminate the abuse where it is demonstrated that there has been abuse.

It seems to me these are two courses along which we who are proponents of the bill must have absolutely open lines and understand our responsibility.

I deeply feel that if anybody can show where any road is shut off for a particular county or State, within the principles laid down by this legislation, I shall do my best to correct it. From that point of view, I have studied the bill in the best conscience I can. Unless we can defend it on that ground, we have to change it. No one would be more ready to admit that than I, but I feel that the scheme of legislation, considering the problem which we have to meet, is a fair, decent, and just one, and enables those who should escape from it to escape.

However, the problem is so deep, so long standing, and so intolerable to the country that those who would get out of it will have to take a little trouble to do so. I do not believe that to be unreasonable in terms of what the Supreme Court construes as reasonable in carrying out the purport of the Constitution. If we could prove that there has been widespread discrimination and denial of the right to vote, then we could not qualify these measures, because they would then contravene other sections of the Constitution which gives the States the power to control who shall vote and who shall not vote within their borders.

I thank the Senator from Michigan for yielding to me.

Mr. HART. I thank the Senator from New York for his comments.

Mr. HOLLAND. Mr. President, will the Senator from Michigan yield?

Mr. HART. I am happy to yield.

Mr. HOLLAND. I invite attention to two misunderstandings in the statement just made by the Senator from New York, who generally has thoroughly familiarized himself with what he is talking about, but has failed to do so in these two instances.

First, he quotes from the subsection (d) beginning on line 19 on page 17 of the bill, as follows:

> For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices.

The Senator from New York is talking about something that could never apply to my State, because it is freely admitted by all concerned that there are no tests or devices required in Florida. The Senator from New York is talking about something that has no application at all to the statement that I made.

Second, in talking about the 5-year limitation, he picked out the wrong horse, because the 5-year limitation I was talking about was the 5 years of continued jurisdiction of the District Court of the United States for the District of Columbia after the passing down of the court's decree, and not to the 5 years referred to by the Senator from New York, which has no application whatever to this situation.

In closing, let me say that the people of Florida are just as free to vote as they are to breathe the air. I wish I could say that about the people of the State of New York, which prevents its citizens who do not have a command of the English language from registering or exercising their right of franchise.

Mr. JAVITS. Mr. President, will the Senator from Michigan yield?

Mr. HART. I am happy to yield.

Mr. JAVITS. In regard to what the Senator has said about how New York State allows its citizens to vote, the fact is that I offered the amendment in committee which would allow Puerto Ricans to vote who are able to read and write Spanish. Laying that aside—which is quite gratuitous—I knew exactly what I was talking about, because if the Senator will read the provision to which he has referred, on page 16 of the bill, with relation to the 5-year continuance of jurisdiction, he will see that it in fact refers to tests or devices. In short, both the provision of section 4(a) relating to discrimination in the preceding 5 years, and the provision of the bill which keeps a court decree open for 5 years after it has been entered, relate to tests or devices.

The point I was making was that areas without tests, but covered by the 25-percent trigger, are dealt with in section 4(a)(2) of the bill, which relates to the participation of 60 percent of persons of voting age and the showing of nondiscrimination. Therefore, I still maintain that a county which can demonstrate that it has not been discriminating, that it has not been utilizing whatever procedures it does have, aside from a literacy test, for the purpose of denying or abridging the right to vote, would not find itself caught under the judicial review provisions of the bill and would speedily be out of it.

I agree with the Senator from Florida that they would have to come into court, if the Attorney General sought to apply this law to them.

I do not wish to protract this colloquy any longer, because I realize that the Senator from Louisiana [Mr. LONG] has some remarks he wishes to make, and the Senate wishes to adjourn; but in future debate I hope that we can pinpoint exactly what other provisions the Senator from Florida, or other Senators, might believe to be fair in order to deal with the specific situation.

I agree with the Senator from Florida that if the Attorney General moves into a county, it would have to go into court; but I say that, once in court, it has an adequate way out of the situation in which it finds itself. That is my whole point.

Mr. HART. Mr. President, I thank the Senator from New York.

Mr. President, I yield the floor.

BALANCE OF PAYMENTS ADVERSELY AFFECTED BY OIL IMPORTS AND MILITARY PURCHASES

Mr. LONG of Louisiana. Mr. President, on February 10, President Johnson sent a special message to Congress expressing a determination to bring an end to our balance-of-payments deficit. This is a welcomed message.

The balance-of-payments deficit must be faced, and constructive steps must be taken to correct it.

It is a cause of concern to this Nation when we see that during the period 1950–64 the U.S. deficit in the balance of payments has totaled some $33 billion. In only 1 year of this 14-year period has this Nation enjoyed a favorable balance in which the U.S. income from abroad exceeded its payments to foreigners.

President Johnson has already instituted measures designed to help resolve this problem. He has also asked Congress for certain legislative action needed to meet some of the major causes of our continued imbalance of payments.

Among the important steps outlined by the President to solve this vexing problem is his resolve to reduce Government expenditures abroad.

I was pleased to learn that President Johnson has declared that:

> Until we master our balance-of-payments problem, AID officials will send no aid dollars abroad that can be sent instead in the form of U.S. goods and services.

I was glad to see him state that:

> The same rule will apply to our defense dollars.

I am greatly pleased to note that President Johnson stated:

> I have directed the Secretary of Defense to intensify his program—to shift defense buying from sources abroad to sources in the United States.

Mr. President, this action is particularly significant to me inasmuch as last fall 35 of my colleagues joined me in a letter to the President in which we declared:

> We wish to urge you to take immediate steps to correct the situation with respect to military purchases of petroleum which seems to us should be corrected without further delay.

In our letter, we went on to say:

> The military purchases about 600,000 barrels daily of light petroleum products consisting primarily of jet fuel and gasoline. Of this total, over 200,000 barrels daily, or 35% of these requirements, are purchased from foreign sources. This reliance upon foreign sources has been substantially increased in recent years as shown by the following table:

U.S. military purchases of foreign oil (excluding residual fuel oil)

Fiscal year	Barrels daily	Percent of total domestic purchases
1954	46,000	13.0
1955	89,000	22.5
1956	109,000	25.2
1957	127,000	25.9
1958	145,000	31.9
1959	169,000	29.9
1960	164,000	30.5
1961	184,000	32.8
1962	203,000	33.4
1963	210,000	34.4
1964	210,000	34.8

Source: Office of Oil and Gas, Interior Department.

In view of the shut-in producing capacity of crude oil in the United States and the unused refinery that has persisted during

> the past several years, it is most difficult to see the justification for the military to pursue a policy that increases its dependence on foreign oil. This is in direct conflict with the national security purpose of the mandatory oil import program. It would seem that the Department of Defense would be the first to support the objectives of this program.
>
> In addition, the more than $300 million annual expenditure by the Department of Defense for foreign petroleum purchases is a substantial factor in the balance-of-payments problem.
>
> Of the 200,000 barrels daily of jet fuel and gasoline purchased abroad, the military actually imports into the United States 35,000 barrels daily. The continuation of these imports by the military is in flagrant conflict with the objectives of the mandatory oil import program and also the policy of the administration with respect to the balance-of-payments problems.
>
> The subject of military petroleum purchases from foreign sources has been under study by the Department of Defense for several years. It would seem, therefore, that this matter could and should be acted upon promptly and without further delay. It is urged, therefore, that you consider this matter with the objective of (1) discontinuing the importation by the Department of Defense of 35,000 barrels daily of jet fuel and gasoline and (2) diverting an additional substantial portion of foreign purchases of jet fuel and gasoline to domestic sources.

In due course, I and each of the other 35 signers of this letter to the President received a reply from the Deputy Secretary of Defense in which, among other things, it was stated:

> With respect to our other offshore procurement, may I state that this has been, and continues to be, a matter of careful study in connection with efforts to reduce the foreign exchange cost of petroleum procurement. Further, you undoubtedly know that the Secretary of the Interior has requested the Oil Import Administrator to confer with representatives of this Department in order that further study and evaluation can be made of all our offshore procurement activities. We welcome this opportunity and wish to state that these conferences are underway.
>
> It is recognized that a return of some of our offshore procurement may inure to the benefit of the domestic petroleum industry and at the same time may, in some degree, reduce the foreign exchange cost of such procurement. On the other hand, however, there are other important factors which must be carefully considered in our complete evaluation of the matter.

The Deputy Secretary then listed some of what he considered overriding factors as to why the Department was not planning any significant changes in its oversea procurement policies.

We were thanked for our interest in the matter and assured that the subject was being given careful attention.

Mr. President, we received this letter last September. I was most happy, therefore, to learn that on March 12, 1965, the Defense Department announced a cutback amounting to about 9 percent of its foreign procurement. It is most encouraging to see that the Department recognizes the need to divert some of the purchases to domestic sources. But, frankly, this is only token action. I am most hopeful that the Department will continue to examine this problem and make some real and meaningful adjustments before the next fiscal year in its procurement policies concerning oversea petroleum purchases for two basic reasons: First, to help solve in a more meaningful way our serious balance-of-payments deficit; and, second, to serve the national security goals of the mandatory oil import program.

As to the latter, it seems to me that more than any other department in our Government, the Military Establishment should appreciate the need for a strong and healthy domestic petroleum industry. The Defense Department should be the first to line up in favor of this Nation's policy of limiting petroleum imports in the interest of national security.

Yet, the history of its procurement policies shows just the opposite.

As can be seen from the table above, Defense has increased its foreign purchases of oil from 13 percent of its total petroleum procurement in 1954 to almost 35 percent in 1964, an increase of 160,000 barrels per day.

In dollars and cents, these annual purchases increased by more than $100 million in the last 10 years.

Mr. President, I recall that back in 1960 President Eisenhower in a directive concerning steps to be taken with respect to the U.S. balance-of-payments problem declared:

> As a result of the above and other factors the United States has been facing continuous deficits in its balance of payments. In the last 3 years a total of about $10 billion more has been paid out than has been received. The resulting deficits are settled by sizable outflows of gold and increases in our dollar liabilities.
>
> * * * * *
>
> A definite improvement in our balance-of-payments situation is mandatory not only to insure our economic well-being and military security here at home but also to insure that the United States can continue as a strong partner in the future economic growth and military strength of the free world.

Accordingly, the President directed, among other things, that the Secretary of Defense shall:

> (b) Take promptly all possible steps to reduce by a very substantial amount the expenditures, from funds appropriated to the military services and for the military assistance program, that are planned for procurement abroad during calendar year 1961, by establishing a minimum amount of which such procurement shall be reduced.

Here was a firm directive from the President for a substantial reduction in planned procurement for the year 1961.

Let us see what action the military took as a result of this directive.

First, it increased its percent of foreign purchases of light petroleum products from 30.5 percent of its total petroleum procurement in 1960 to 32.8 percent in 1961; 33.4 percent in 1962; 34.4 percent in 1963; and 34.8 perecent in 1964.

In May 1963, as a result of further inquiries to the Defense Department, the Independent Petroleum Association of America was told in a departmental letter that:

> We have, however, recently issued instructions to the military departments and the Defense Supply Agency that effective July 1, 1963, all future oversea petroleum procurement will be limited to the dollars spent for such procurement during fiscal year 1963. This will establish a ceiling on the amount of dollars that can be spent in the future for our oversea petroleum requirements.

Mr. President, this action froze the procurement of foreign oil at the highest level these purchases had ever reached. Still no reductions in money spent for foreign oil.

Next, Mr. President, in 1963, President Kennedy sent a special message to Congress designed to reduce the deficit in our balance of international payments.

In his message he likewise called on the Department of Defense to take action to help in meeting this Nation's imbalance in payments.

President Kennedy stated in his message:

> The Defense Department has, since the beginning of this administration, been making vigorous efforts to restrain oversea expenditures, without reducing military effectiveness.
>
> * * * * *
>
> In line with these continuing efforts, the Secretary of Defense has informed me that the annual rate of expenditures abroad by the Department of Defense will be reduced—by measures to be put into effect before the end of the calendar year 1964—by more than $300 million from the 1962 level * * *. The Secretary has further assured me that this reduction will be accomplished without any reduction in the effectiveness of our military posture and with no impairment in our ability to meet our commitments to our allies in all parts of the world.

What happened? Light petroleum products procurement continued to increase as pointed out above.

We are being asked to pass a law which would tell our American tourists overseas that they could no longer bring back $100 worth of goods, but only $50 worth. I inquired how much that would save. We understand now that it would save approximately $100 million a year. What we recommend here would save about four times as much.

Mr. President, I now wish to refer to the most glaring abuse of the Department's oil purchase program. Of the total foreign purchase of light products of some 200,000 barrels per day, the Department imports 35,000 barrels per day for use in the United States. This is done despite the fact that such products are readily available from domestic refineries which are only operating at 80 to 85 percent capacity, and there is a large crude oil producing capacity shut in for lack of a market.

There is absolutely no justification for the Military Establishment buying and bringing into this country 35,000 barrels of foreign petroleum products each day. To me, this is a flagrant disregard of the national security objectives of the mandatory oil import program and is an inexcusable aggravation of our already critical balance-of-payments deficit.

Is it any wonder that President Johnson has again called on the Defense Department to take another look at its purchases of foreign goods.

I was happy to see President Johnson's statement in his message that the Department of Defense has already done some cutting back in other areas and that the Secretary assures him he can do more, while fully protecting our security interests and discharging his responsibilities.

Mr. President, I submit that the place to start and really do the job that three Presidents have directed is a substantial reduction in the purchase of foreign oil by the Military Establishment.

As much as $125 million can be saved and thus help our balance of payments to that extent if the Department of Defense would purchase in the United States 100,000 barrels of the 200,000 it now buys abroad each day.

This reduction would still provide ample flexibility to the Military Establishment to fulfill all of its needs for supplying our foreign military activities. Again, I repeat, there is no justification for the Department of Defense to purchase abroad and bring into this country 35,000 barrels of light petroleum products each day. A reduction, as outlined here, would serve to eliminate our balance-of-payments deficit as well as serve the national security goals of the mandatory oil import program.

I urge the Military Establishment to reduce its purchase of foreign petroleum accordingly.

Now, Mr. President, there is another important action that can and must be taken to help solve this balance-of-payments problem concerning petroleum.

I call to the attention of my colleagues that one of the largest contributions to the chronic deficit in this Nation's balance of payments is the matter of excessive petroleum imports for commercial use.

Oil is now the Nation's No. 1 import, dollarwise. We are now in our 8th year in which the trade deficit attributable to petroleum imports has exceeded $1 billion each year. This deficit keeps our overall trade surplus from being larger than it otherwise would be. If we can reduce our petroleum trade deficit, we can help the trade surplus and ultimately the balance-of-payments problem.

The following table entitled "U.S. Petroleum Trade Balance and the Balance of International Payments" shows the growth of petroleum imports and their adverse effect on this Nation's balance-of-payments picture.

U.S. petroleum trade balance and the balance of international payments

[In millions of dollars]

	Petroleum trade balance	U.S. net balance of payments
1958	−1,068	−3,477
1959	−1,049	−3,897
1960	−1,064	−3,918
1961	−1,171	−3,071
1962	−1,325	−3,605
1963	−1,314	−3,286
1964	(1)	−3,000

[1] Not available.

Source: U.S. Department of Commerce.

During the past 10 years, the adverse balance of trade in petroleum has been a major factor in the overall U.S. balance-of-payments deficit. If we include tanker transportation costs paid to foreigners to haul the oil and military purchases abroad, the total adds up to a figure of $1.5 billion as the average annual trade deficit attributable to petroleum purchases abroad by the United States.

We tell Americans who want to travel, "Do not travel abroad. Stay at home. If you do go abroad, do not buy anything."

We tell our servicemen abroad, "Do not buy anything but American products." Yet we find the Defense Department to be the biggest violator of its own order. During the war we found that every time a commanding officer told his soldiers or sailors, "Do not do this," he was doing the very thing he told the soldiers or sailors not to do. That caused people to say, "What they mean is, 'Don't do as I do, but do as I say.'"

Our Defense Department is doing exactly what it is telling the soldiers and sailors not to do.

Mr. President, in considering this matter, it is important to keep in mind the following considerations:

First. The adverse balance of payments in petroleum trade and the outflow of funds for military purchases of foreign oil are matters of public record. There is no question that these items contribute heavily to the Nation's balance-of-payments problem.

Second. If imports and foreign military purchases were reduced substantially, the total oversea operations of American companies would continue to expand greatly and generate an increasing inflow of funds.

The facts show that foreign earnings of American oil companies have been generated primarily from increased operations to meet the expanding demand for oil in Europe, Africa, and Asia. A huge gain in foreign oil production is required each year merely to keep pace with the increases in foreign demand. The increases in foreign crude oil production by the group of companies included in the Chase Manhattan Bank's annual financial analysis, which group includes all of the principal American oil companies operating overseas, when compared with the increases in total U.S. imports of crude oil and finished petroleum products, excluding residual fuel oil, shows that some 95 percent of the increased production by the American companies was absorbed in foreign markets. The following table shows this situation:

Foreign crude oil production by American companies compared with U.S. imports (excluding residual)

[In thousands of barrels per day]

	Crude oil production (Chase group)	U.S. imports (excluding residual)
1958	4,871	1,201
1959	5,238	1,170
1960	5,791	1,178
1961	6,309	1,251
1962	7,091	1,358
1963	7,754	1,376
1964	[1] 8,709	1,452
Total increase, 1964 versus 1958	3,831	251
Average increase per year	639	42

[1] Estimated.

Foreign production by the American companies included in the Chase group has increased 3,831,000 barrels daily or 79 percent during the period of mandatory import controls. This tremendous increase in foreign production by American companies during the period of import controls went almost entirely to satisfy the increasing demand for oil in foreign countries. U.S. exports of casing, drill pipe, pumps and refining equipment, as well as the return to the United States of increased foreign profits have been, and will continue to be, generated primarily by the increase in foreign sales rather than by increased imports into the United States.

It is also clear, therefore, that imports can be reduced substantially without reducing the inflow of dollars due to foreign oil operations. If imports had been reduced, for example, by 250,000 barrels daily in the period 1959–64 and if all of the reduction had been absorbed by the American group of companies, their combined crude oil production gain would have been 74 percent instead of 79 percent.

Further evidence of the fact that the foreign oil production outlook for the American producing companies included in the group is healthy is indicated by the expenditures made by the American oil companies to find and develop oil overseas during the last several years.

Exploration and development expenditures by American companies overseas

	Millions
1960	$730
1961	758
1962	763
1963	789

Source: Chase Manhattan Bank.

These substantial expenditures are only for producing activities and do not include expenditures for oil refineries and other facilities. These producing expenditures have been made with the full knowledge that increased foreign production will not readily find outlet in the United States since the mandatory oil import program has been in effect for over 6 years. Rather, they were made in an effort to increase foreign production to satisfy the rapidly growing demand for oil in Europe, South America, Africa, and Asia. Therefore, a substantial reduction in U.S. oil imports would not deter the finding and development activities in foreign areas needed to fuel the expanding economies of the foreign nations of the world.

Mr. President, one place that this Nation can and should act to aid our balance of payments problem is to reduce substantially the level of petroleum imports.

This action would kill two birds with one stone. It would not only serve the deficit payments problem, but it would also serve this Nation's established policy of limiting petroleum imports in the interest of national security.

The mandatory oil import program was established in 1959 to preserve "to the greatest extent possible a vigorous, healthy petroleum industry in the United States."

During its operation, this program has contributed greatly to this goal.

However, it is a long way from accomplishing its goal of insuring a stable and growing oil producing industry within the United States.

During the operation of this program, this Nation has witnessed a constant decline in petroleum exploratory activity; a loss in employment, a reduction in wellhead price of petroleum; and a cost-price squeeze, all of which add up to a worsening economic climate in the domestic producing industry.

These adverse trends are not entirely due to excessive petroleum imports. But the excessive import levels permitted today are not only draining off enormous sums which aggravate our balance-of-payments problem; the present import level of some 2.2 million barrels per day is also making it more and more difficult for independent domestic oil producers to stay in business.

This Nation cannot afford to lose the independent producer any more than it can afford to lose the battle against the balance-of-payments deficit.

Mr. President, I urge this Government to take the necessary action to win both battles.

Early in my remarks I offered a suggestion as to how the Military Establishment could aid this cause.

Further, I offer these recommendations as to how the executive department can contribute to the easing of the balance-of-payments problem and also to the national security goals as set out in the mandatory oil import program:

First. Reduce imports presently controlled by the 12.2-percent ratio under the mandatory oil import program to a 10-percent ratio in districts I-IV (east of the Rockies).

Second. Include within controlled imports all nonresidual imports such as shipments from Puerto Rico, bonded imports of distillate fuel and bonded imports of jet fuel for commercial use until all such imports are eliminated.

Third. Phase out and eliminate imports of light finished products which are unnecessary and should be supplied by domestic oil.

Adoption of these recommendations by the executive department would reduce the imports which are now running at the rate of 2.2 million barrels per day by approximately 250,000 barrels per day. Such a reduction would not only contribute greatly to the national security goals of the mandatory oil import program, but it would also reduce the cost of oil imports in the neighborhood of $250 million annually and thus do much to ease the balance-of-payments deficit. Further, as I pointed out earlier, it must be remembered that the evidence is clear that a substantial reduction in petroleum imports and oversea military purchases would not only greatly assist the balance-of-payments problem, but there would continue to be an increasing inflow of funds resulting from healthy increases in oversea operations of American oil companies required to meet rapidly rising demands in foreign areas.

Mr. President, my recommendations are not a final answer to these payment and import problems, but I believe they would go a long way toward meeting our Nation's best interest goals in both instances. I shall make other recommendations from time to time which I feel will help the U.S. balance-of-payments position. It is only by a concerted effort on a number of fronts that this problem can be brought under control.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. Does the Senator desire me to yield for a question?

Mr. BYRD of West Virginia. Yes. I should like to ask the distinguished Senator from Louisiana a question.

Mr. LONG of Louisiana. I yield.

Mr. BYRD of West Virginia. I should like to ask the Senator if he feels that the excessive imports of residual oil, for which we paid to Venezuela and the Netherlands West Indies a total of $473 million in 1963, contribute also to our balance-of-payments deficit, and therefore should not be permitted to increase?

Mr. LONG of Louisiana. That is a parallel problem. I believe that the Senator's position has much merit to it. As the Senator so well knows, I am not so familiar with the problems of the coal industry as is the Senator from West Virginia. However, it seems passing strange to the Senator from Louisiana that, on the one hand, we should pass a bill to help the Appalachian region, and then permit a continued increase in the import of residual fuel oil. That increase puts more miners out of work, while at the same time we are trying to put that area on its feet.

Mr. BYRD of West Virginia. Mr. President, I commend the Senator for calling the attention of the Senate to the significant contribution which petroleum imports have made and continue to make to our balance-of-payments deficit. All of us are deeply concerned that the integrity of the dollar be maintained, regardless of the State or region we represent. I believe we can all agree that the opportunity for achieving a substantial reduction in our payments deficit, as outlined by the Senator from Louisiana, is worthy of the most serious consideration.

Mr. LONG of Louisiana. As the Senator well knows, it is stated that we must have a much higher interest rate than that which the Senator from Louisiana would recommend, which I believe costs the working people of our country about $10 billion a year, at a minimum, by having a higher level of interest rates than this Senator thinks is necessary. We are told that such interest rates are necessary because we must get our balance of payments in line.

It seems rather ridiculous to the Senator from Louisiana to go around pleading with people to cooperate and engage in voluntary measures in order to bring the problem into line when the Government has so many means available to it. The Government could, by a stroke of the pen, achieve far more results. Although it might step on the toes of a few major corporations, at the same time it seems to me that it would be better to bring about a balance in that way than to go begging people to adopt voluntary action which some of those people are loath to take, and which would be very inconvenient, I might say, to those who would be directly affected.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. BYRD of West Virginia. Just as the problem presented by the balance-of-payments deficit is a national problem so is the problem created by imports of petroleum and petroleum products. The effects of excessive oil imports are not limited by State or regional boundaries. If this Nation permits oil to be imported into the country in such excessive amounts as to weaken our domestic fuels industries and thereby undermine our national security the people of our great cities and areas not blessed with great fuel resources will suffer just as severely as the people in the oil, gas, and coal producing areas of the Nation.

Mr. President, I wish to see the import control program strengthened. I feel it is a vital national security measure.

Mr. LONG of Louisiana. Mr. President, a mere cursory glance at the problem shows that if the recommendations I have were put into effect, the State of Louisiana would be able to produce more oil, and our producers would contribute about $8 million a year additional taxes and in royalty payments to the State. That would go toward giving our schoolteachers a pay raise and providing more schools for children.

In addition, much of the increase would be on Federal lands, where the State would reap no benefit, but the Federal Government would make about 50 cents a barrel from royalty payments alone. The income which our Government receives in tariff would increase. It would greatly exceed the income which our Government receives in tariff. I believe that the tariff on the oil is only a few cents a barrel compared with what it would receive under the royalty payment arrangement. It is not a substantial tariff at all, whereas the Federal Government would receive about 30 cents a barrel in other respects.

Mr. BENNETT. Mr. President, I too am very much concerned about the serious and deteriorating condition of our domestic oil industry brought about largely by excessive oil imports, and about the serious effect of these excessive oil imports upon our international balance-of-payments problem.

At various times I have joined other Senators in signing letters appealing to the President for a substantial reduction in oil imports; and I have also addressed various personal appeals to the President, the Secretary of the Interior, and the Secretary of Defense. Last year the Governors of some 20 States sent a telegram to President Johnson requesting his assistance in establishing "oil import quotas which comply with the congressional mandate aimed at insuring continued domestic exploration and development of domestic supplies adequate to meet the needs of our national security."

Many private citizens, in letters and telegrams, expressed their convictions favoring lowered oil imports. Perhaps most importantly, the oil producers themselves have repeatedly presented a strong and meritorious case for a substantial reduction in oil imports.

Yet, despite the overwhelming justification and support for a substantial reduction in oil imports, the administration has continued to increase import quotas. Excessive imports continue to injure the domestic oil industry and to have an adverse impact on the Nation's economic growth and security and upon the balance-of-payments problem. The seriousness of the outflow of funds has been the subject of recent hearings in which I have been privileged to participate as a member of the Banking and Currency Committee.

The Independent Petroleum Association of America has sent me two short statements which provide an excellent summation of information on "Oil and the Balance of Payments Problem" and "The Threat to Petroleum Security" of excessive oil imports. I ask unanimous consent that these two statements appear at the conclusion of these brief remarks, together with letters I have addressed to the Secretary of the Interior and the Secretary of Defense to express my concern over this problem.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

OIL AND THE BALANCE-OF-PAYMENTS PROGRAM

President Johnson in his special message to Congress on February 10, 1965 on the balance-of-payments problem expressed a "firm determination to bring an end to our balance-of-payments deficit" and instructed the Secretary of Defense and other officials "immediately to step up their efforts to cut oversea dollar costs to the bone."

The deficit in U.S. petroleum trade is a significant item in our balance-of-payments problem. Oil is now the Nation's No. 1 import, dollarwise.

For the last 7 consecutive years the adverse balance in our international accounts has ranged between $3 and $4 billion. During this same interval, the oil trade deficit has exceeded $1 billion each year and this does not include the tanker transportation costs paid to foreigners to haul the oil, nor does it include U.S. military purchases of oil abroad. If these payments are added, the average annual trade deficit due to oil alone becomes $1.5 billion for the last 7 years or 40 percent of the total imbalance.

U.S. military purchases of light petroleum products—excluding residual or bunker oil—exceed 200,000 barrels per day and annual expenditures for these foreign supplies aggregate $250 million. The purchase of light petroleum products from foreign sources have grown from less than 15 to 35 percent of total Department of Defense light product purchases during the last 10 years. The U.S. military imports about 35,000 barrels daily of these foreign purchases—mainly jet fuel— into the United States for consumption at air bases within this country despite the fact that such refined products are readily available from domestic refineries which have operated at only 80–85 percent of capacity for several years and there is a large shut-in producing capacity of crude oil in the United States.

Under the Burleson bill (H.R. 2177) the present excessive oil import level of 2,200,000 barrels daily would be reduced by 375,000 barrels. By this reduction in imports, the imbalance of payments would be reduced by about $375 million annually. In addition, the bill would require the U.S. military to reduce foreign purchases of light oil products to a more normal level of 15 percent of total requirements, thereby diverting 100,000 barrels daily of these purchases to domestic sources. This would reduce the dollar outflow by about $125 million annually.

The total effect of H.R. 2177 on the outflow of funds for oil would be a reduction of $500 million annually.

The reduction of oil imports and the diversion of a portion of military purchases from foreign to domestic sources are two practical means of making a substantial contribution toward correcting the balance-of-payments problem. Equally important such actions would serve the interest of national security by restoring the health of the domestic petroleum industry so that adequate availability of oil and gas would be assured.

THE THREAT TO PETROLEUM SECURITY

"What has been done since 1956 to find new supplies of oil, whether through new discoveries or through increasing recovery rates of old deposits, has not been enough to provide a sound basis for future growth." ("An Appraisal of the Petroleum Industry of the United States," January 1965, U.S. Department of the Interior.)

This recent conclusion by the Interior Department brings into focus the serious threat to our national security as to oil and gas supplies. The domestic petroleum industry in general, and the independent producer in particular, have been in a depressed and unhealthy condition since the mid-1950's. As a result, exploration and development activity in the United States has declined as follows:

	1956	1964	Percent change
Geophysical crew-months	7,846	[1] 4,174	−47
Rotary rigs active	2,618	1,502	−43
Wildcat wells drilled	13,034	9,258	−29
Development wells drilled	45,126	35,978	−20

[1] Data for 1963.

Following these declines, proved reserves of crude oil have decreased in 4 of the past 7 years, when less was found than was produced.

Crude oil prices have eroded by more than 5 percent since 1957 in the face of rising costs. In Oklahoma and Kansas, for example, the average income per well has dropped by more than 20 percent. The necessary incentives to find and develop adequate new reserves do not exist.

Excessive oil imports are an important factor in the deterioration of the domestic industry. The mandatory oil import program has prevented the complete collapse of the industry, but the need to reduce imports and strengthen the program is urgent. Due to substantial increases in imports into district V (United States west of the Rockies), the ratio of total U.S. imports of crude oil, unfinished oils and light finished products to domestic production of crude oil and gas liquids has increased from 14.7 percent in 1959 to 16.5 percent in 1964. In districts I–IV (United States east of the Rockies) these imports have been generally stabilized in relation to domestic production, but the continuing declines in exploration, development, employment, and incentives show clearly that there is a need to lower the import-production ratio.

The military purchases over 200,000 barrels daily of jet fuel and gasoline, about 35 percent of their requirements, from foreign sources. Of this total purchased abroad, 35,000 barrels daily are imported into the United States where these products are readily available.

The military should be required to: (1) discontinue the importation of 35,000 barrels daily and (2) purchase no more than 15 percent of its requirements from foreign sources thereby resulting in increased domestic production and increased incentives to explore for and develop needed reserves.

A substantial reduction of oil imports and the diversion of a portion of military purchases from foreign to domestic sources would serve the interest of national security by restoring the health of the domestic petroleum industry so that adequate availability of oil and gas would be assured.

MARCH 10, 1965.

Hon. STEWART L. UDALL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: This letter is being sent to you with the request that it be incorporated in the record of the hearing being held today and tomorrow on all aspects of the mandatory oil import control program. I commend the action of the Department of the Interior in scheduling these hearings, and hope the outcome will be immediate action to provide relief for the domestic oil industry through strengthening the mandatory oil import program.

One of the vital facts pertaining to the growth and development and success of the oil industry is the attitude of the national administration on the question of oil imports. As one who is very much concerned about the serious and deteriorating effect excessive oil imports have had upon the domestic industry, I have spoken out in the past and have joined my colleagues in the Senate in petitioning for corrective action; namely, a lowering of the import levels. Yet import allocations have been increased. This action is bewildering in light of repeated recognition by Government officials of the distressed conditions in the domestic oil industry.

Excessive oil imports have greatly reduced employment in the domestic industry, thus damaging our national economy.

Crude oil prices have deteriorated, with corresponding reductions in income to producers, refiners, and oil communities and States.

Exploration, drilling, and development activities have also steadily declined, with a resulting decline in proved oil reserves and reserve productive capacity—which may be needed for emergency.

The industry has suffered a continuous decline for 10 years, and the crisis facing the small producers particularly is rapidly reaching critical proportions.

The coal industry, too, is adversely affected by excessive imports of residual oil which compete for the fuel and energy markets.

In a related detrimental effect to our domestic economy, the heavy purchasing of overseas oil is responsible for a tremendous drain of our gold reserves.

The facts clearly demonstrate that imports under the mandatory oil import program have been and continue to be too high. The program, by allowing excessive imports, is not serving its objective of keeping the domestic oil industry strong for national security reasons.

Representatives of the Independent Petroleum Association of America and other industry organizations have conferred with Interior officials with regard to the import program and have presented factual evidence that conditions in the domestic industry have deteriorated throughout the period of the import program. The association has presented an 11-point import program which I believe represents a constructive solution to the problem. Their recommendations would reduce import levels by 275,000 barrels daily and eliminate leakages and loopholes in the program for the future. I respectfully urge that these recommendations be given every favorable consideration along with other constructive suggestions which will be offered during the course of the current hearings.

My own State of Utah is on the threshold of tremendous growth and development in the oil industry. Indications are that production of oil from previously dormant bituminous sands in Utah will get underway in this decade. Likewise, scientific research will soon unlock the vast deposits of oil shale in Colorado, Utah, and Wyoming to commercial development. So, although statistics indicate a drop in Utah crude oil production in 1964, the future oil picture is optimistic. If we are to obtain the kind of growth we envision from either oil shale or bituminous sands or conventional oil production, however, we must guard against excessive dependency upon foreign oil and the resulting weakening of our domestic industry.

I cannot overstress the widespread importance of the domestic petroleum industry to both the peacetime economy and the national security. We must have a healthy industry, and the time for corrective action is now. The present hearing on the import program can only serve to document the distressed conditions in the domestic industry. I vigorously urge prompt action to reduce and stabilize import levels under the mandatory oil import program.

Sincerely,

WALLACE F. BENNETT.

U.S. SENATE,
Washington, D.C.,
March 26, 1965.

Hon. ROBERT S. MCNAMARA,
Secretary of Defense,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: Along with many others, I am very much concerned about the serious and deteriorating condition of our domestic oil industry. Excessive foreign oil imports have been responsible largely for the existing situation, together with large oversea purchases of petroleum products by the military. I am addressing you with regard to the latter, hoping a larger portion of the oversea purchases of the Department of Defense may be diverted to domestic sources.

The Department's recent action in reducing foreign purchases is a step in the right direction, but a further substantial reduction is needed to bring about a more reasonable balance between foreign and domestic purchases.

The balance-of-payments problem and the importation and oversea purchases of oil are closely related. I have recently received the enclosed statements from the Independent Petroleum Association of America, which provide an excellent summation of information on "Oil and the Balance-of-Payments Problem" and "The Threat to Petroleum Security." Your consideration of this information would be very much appreciated.

Sincerely,

WALLACE F. BENNETT.

Mr. BYRD of West Virginia. Mr. President, I agree with the Senator from Louisiana that we should reduce offshore purchases of oil to the absolute minimum, that imports of light products, which this Nation produces in abundance, should be phased out and that a ceiling should be imposed upon the imports of crude oil.

Such action would not only reduce by a significant amount the present payments imbalance but it would also materially strengthen the Nation's security posture.

I am firmly convinced that this Nation must maintain strong, healthy, and expanding domestic fuels industries. Fuel and energy are the very basis of our industrial society. In time of emergency, the need for fuel would increase tremendously. I do not believe it is sound national policy to permit and even encourage imports of fuel to a point where they are actually replacing domestic fuel, with consequent serious economic dislocations in important and essential domestic industries.

The Senator today has spoken of crude oil and lighter products. I would like to add that there is another and essential ingredient element of the oil import picture. I refer to residual fuel oil.

Imports of residual fuel oil are, of course, not as great as imports of crude. In many respects, however, residual fuel oil imports have created more acute problems than have crude oil imports.

In the first place, residual imports have for the most part gone into a concentrated geographic area—the Northeast States. The availability of increasing amounts of residual fuel oil, at ever decreasing prices, has encouraged consumers of fuel to convert their burning facilities to take advantage of the presence of this cheap foreign oil. No one knows just how widespread and dangerous this sole dependence of vital industries upon an imported fuel has become. The trend toward conversion, and thus, sole dependence, upon foreign fuel has been more evident in the past 5 or 6 years. I have no doubt that the trend has accelerated greatly in recent months as import quotas have been consistently increased and the price of the imported oil has declined.

The Office of Emergency Planning is at present looking into the national security aspects of the residual oil import control program. This trend toward conversion to burn only imported oil by utilities and other essential industrial plants should be a matter of primary importance and I am confident that the recently appointed director of OEP, Mr. Buford Ellington, will want to have this matter thoroughly and exhaustively studied before any national security determination is made in this case.

I also wish to point out that the money which is paid out each year for the residual fuel oil imported from Venezuela and other oversea sources adds to our balance-of-payments problems, just as do payments for imported crude oil. Obviously, the payments for residual oil are not of the same magnitude as those for crude, for a smaller total amount of oil is involved. But when Interior Secretary Udall increased the quota for residual oil imports recently by about 40 million barrels annually he increased by about $80 million the amount of dollars which must be paid out to overseas sources.

There is one consideration about the oil import program which I would urge Senators to keep in mind at all times. You cannot break the program down into component parts, as Secretary Udall attempted to do, without fatally weakening the entire program. We have one oil import program which by presidential proclamation covers crude oil and its principal derivatives and products, including residual fuel oil. If residual fuel oil is removed from the program, it is my belief that this would set into motion a debilitating process which in the end would destroy the entire program.

A little more than a year ago, Secretary Udall expressed the thought that the crude and residual program are inseparably joined in a single oil import program. He did so in a forceful and unequivocal manner. In a letter to the junior Senator from Massachusetts [Mr. KENNEDY], Secretary Udall said:

> In order to maintain the integrity of the control program it is necessary to retain controls on all of the principal derivatives of crude oil, including residual fuel oil.

This same opinion has been stated by any number of persons affiliated with the domestic oil industry.

As I stated earlier in my remarks, I am fully committed to the proposition that effective controls on the imports of petroleum and petroleum products are essential to national security. This Nation cannot maintain strong and viable domestic fuels industries if imports are permitted to come into the country in excessive amounts. And the only way imports can be held in check is through an effective oil import program.

I commend the Senator from Louisiana for his speech today. I sincerely hope that the facts he has presented will convince the administration of the need to take a long and careful look at present import policies. We must take every possible action that will reduce the present international payments imbalance.

I want to see the import control program strengthened, as do the Senator from Louisiana and many of our colleagues. It is a vital national security measure. I am sure Senators who fought so long to have the oil import program started, and have defended it so strenuously against attempts to weaken or destroy it, oppose just as strongly as I do any effort to achieve by indirection what so far opponents of the program have been unable to achieve directly. To them I say that the removal of import controls on residual fuel oil would be a step in that direction. Such action would be only the first step toward dismemberment of the entire program. This must not be permitted to happen. The security and economic well-being of the Nation demands the maintenance of the oil import program.

Mr. LONG of Louisiana. Mr. President, the Senator from West Virginia well knows that no other industry has been asked to absorb such a fantastic increase in dollar volume of imports. This industry has sought to do its share toward improving the national economy. The industry is suffering. What is happening is particularly bad for the independent producers who do not have oversea investments. While they suffer, the Nation suffers along with them because, as the Senator knows, the adverse balance of payments in this country, that has been chronic and has been continuing for years, has now reached the point where the Nation must take action.

Mr. RANDOLPH subsequently said: Mr. President, I share with my colleagues a very real concern for the balance-of-payments problem and the complications induced by excessive imports of petroleum.

The need for strengthening our international monetary position is a vital one. As a West Virginian, and as a Senator, I am troubled by the continuing imports of what seem to me to be excessive amounts of foreign oil dumped on our markets at low "foreign" prices in competition with our own domestic fuels. My interest is in both residual and crude oil imports. West Virginia is not only the Nation's leading coal-producing State, but it also produces more than 3 million barrels of crude oil a year, plus almost 9 million barrels of natural-gas liquids.

Thus, it is not surprising that the people of my State ask why is it the policy of the Federal Government to insist on permitting the importation of vast amounts of foreign petroleum when it replaces domestic oil and coal and thereby adversely affects American jobs.

One of the answers given by the Government—and specifically by the State Department—is that we must import oil from Venezuela in order to retain the friendship of the Venezuelan people and to prevent economic disruption there. We must discourage them from embracing communism.

To a considerable degree I accept this argument, although I am convinced that we cannot actually buy democracy for other nations. It is folly for us to attempt to do so at the expense of the livelihood of American workers. However, I am in full accord with our policy of maintaining friendly and helpful relationship with other nations of this hemisphere.

The establishment of reasonable restrictions on the imports of residual fuel oil does not violate this principle as far as Venezuela is concerned. Reducing the influx of residual oil helps promote the growth of American coal and railroad industries, and a more substantial reduction of all petroleum imports would make a material contribution to solving our present unfavorable balance-of-payments problem.

America's oil import control program has not penalized Venezuela. In fact, that nation's favorable trade balance with this country, largely the result of her vast oil exports to us, has more than doubled since 1959, the year during which our import controls first were applied.

If we go back to 1958, the last full year before quota limits were applied on residual and crude oils, the growth of Venezuela's favorable trade balance has been even greater—from $156 million that year to $429.8 million in 1963. These and other figures I use are from the Department of Commerce, and 1963 is the latest year for which I was able to obtain data.

During that same period, although the dollar value of crude oil imported from Venezuela declined from $504.6 million to $490 million, the value of residual oil imported from that country to the United States increased from $168,4 million to $277.6 million, or a net value of $767 million paid to Venezuela for petroleum in 1 year. This does not even include the large amount paid for residual oil imported from the Netherlands Antilles, most of which is refined from Venezuelan crude oil. In 1963 these latter imports totaled $196 million, an increase of $46 million since 1958.

In all, the United States paid $936,900,000 for goods imported from Venezuela in 1963, while selling to that country $507,100,000 worth, thus providing a trade balance of $429,800,000 in Venezuela's favor.

This does not indicate that our oil import control program has been harmful to Venezuela. A residual import quota program that would maintain imports at about their present level would do no serious damage.

The international oil companies which operate the Venezuelan wells argue that the trade balance is not a true reflection of the balance of payments position because these companies, largely American-owned, remit large profits back to this country. Even if this is true, a firm program to hold residual import levels at their present rate would not effect the companies' profits.

In fact, with the world demand for residual growing as fast as it now is, firm limitations on U.S. imports would encourage these companies to seek greater participation in the European and Far Eastern market for residual. The oil companies could thus maintain or increase their profits, but not at the expense of the outflow of American payments.

In Europe, for example, consumption of residual oil has been increasing about 10 percent per year. Because of the higher prices prevailing at channel ports, where residual oil does not have to compete with low-priced domestic coal, as in the United States, residual could be shipped from Venezuela and sold in much greater volume than now occurs.

Likewise, there is a growing market for crude and residual oil in the Eastern Hemisphere, and Venezuela is already moving into that outlet. Crude shipments from Venezuela to that hemisphere have increased from 90 million barrels to 153 million, and residual exports from 30 million to 55 million. Venezuela has increased its total share of the Eastern Hemisphere market from 15.5 percent to 21.6 percent. It is also interesting to note that the Far East now consumes 17 percent of Venezuela's total residual exports, compared to 12 percent in 1958.

Thus, it is clear that establishing a more effective control program on residual oil imports into the United States, even at the present levels, would not do damage to the Venezuelan economy, but it would contribute to an improvement in our balance of payments.

It is time that the Congress consider measures to restrict the excessive imports of foreign fuels which are seriously damaging domestic coal, oil and transportation industries and their employees.

At the same time, such an action would be contributing a total of well over a billion dollars a year to our balance-of-payments deficit.

NOMINATION OF RICHARD HELMS TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

Mr. BREWSTER. Mr. President, I ask unanimous consent that, as in executive session, the nomination of Richard Helms to be Deputy Director of Central Intelligence, reported unanimously today by the Committee on Armed Services, be considered by the Senate.

The **PRESIDING OFFICER.** The nomination will be stated.

The legislative clerk read the nomination of Richard Helms to be Deputy Director of Central Intelligence.

The **PRESIDING OFFICER.** Without objection, the nomination is considered and confirmed.

Mr. BREWSTER. Mr. President, I ask that the President be immediately notified of the confirmation of the nomination.

The **PRESIDING OFFICER.** Without objection, the President will be notified forthwith of the confirmation of the nomination.

THE DANGERS OF INFLATION

Mr. MILLER. Mr. President, the Chicago Tribune recently published a series of editorials pointing up the dangers of inflation.

The editorials merit reading since the inflation to which the editorials refer to is very present in our midst today. In no way can we diminish the inroads of this menace, which does so much to reduce the purchasing power of pensions and savings of the people.

I ask unanimous consent that the editorials, entitled "Reminders of Inflation" and "Inflation Can Happen Here," be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Mar. 14, 1965]

REMINDERS OF INFLATION, I—FRANCE, 1790–96

(EDITOR.—Everyone talks about inflation. It is the topic of innumerable remarks in Congress, in newspapers and magazines, and in ordinary conversation. In April 1959, the Tribune, beginning with a two page spread, published a series of advertisements as a public service which told how inflation depreciates your money and eats into your savings, pensions, and insurance.

(Yet, today, we wonder whether individuals realize what creeping inflation can do to them; how it can upset the private economy of every household. Therefore we are printing five editorials, the first of which appears below, describing the catastrophic experience of other countries with inflation, and some historical acquaintance of our own with this stealthy robber. We believe that, after reading this review, our public will be much more aware of this menacing problem which confronts the Nation as the result of governmental policy. And we hope you, our readers, will write your Congressman and Senator.)

It is easy to forget the perils of inflation when things seem to be going smoothly and when the Government keeps assuring us there is nothing to worry about.

But the mounting alarm of economists and bankers (even Chairman Martin of the Federal Reserve Board fears we are on the brink of a new inflation) should alert us to the havoc that inflation can cause—and has caused in one country after another. We mustn't become so anesthetized by the promises of a government-financed utopia as to forget that other countries have tumbled over the brink in pursuit of the same enticing goal. And the Government's mechanical assurances should remind us of similar assurances which have been given so often before, and have proved false.

They should remind us that in 1790, on the eve of the great classic example of inflation, members of the Revolutionary French National Assembly welcomed the proposal to restore prosperity by issuing paper money, called assignats, backed by the land which had been seized from the church. It was hailed as "the only means to insure happiness, glory, and liberty to the French nation."

"We are told," the respected nobleman, Mirabeau, informed the assembly, "that paper money will become superabundant. Of what paper do you speak? If of a paper without a solid base, undoubtedly; if of one based on the firm foundation of landed property, never."

Of course Mirabeau knew better; barely a year earlier he had denounced paper money as "a nursery of tyranny, corruption, and delusion." But France faced a financial crisis, and in time of crisis even intelligent men sometimes grasp for the most convenient straws.

The tragedy of the assignats is well known. At first, the issue was limited to 400 million livres, and was used to pay pressing government obligations. The assignats could be used to buy the church land, in which event they were to be retired from circulation, or they could continue in circulation as long as land was available as security.

But as the land was sold, the government failed to destroy the money. It spent it over again; and as still more money was needed to prepare for war and to keep the people content, it printed new assignats.

Prices rose daily. When Queen Marie Antoinette was told the people couldn't afford bread, she is said to have suggested they eat cake. Instead of pacifying the people, the outpouring of assignats angered them. Moderate leaders were replaced by radicals; the royal family was guillotined, and the assignats were pumped out faster than ever. Soon the peasants refused to accept paper money, complaining it couldn't be used even to feed the horses. A loaf of bread cost 45 livres, or what had been almost a year's wages. By 1796, it took 12,000 paper livres to buy the gold louis, a coin which had once been the equivalent of 1 livre. Only half of the former church lands remained as security for the assignats, but their volume had climbed to 45½ billion livres.

In the fall of 1795, citizens of Paris rebelled and a 26-year-old artillery officer named Napoleon Bonaparte subdued them with "a whiff of grapeshot."

The assignats were abandoned in 1796, but the economy remained in disarray and 4 years later the Directory was dismissed by the same Napoleon, who established a new money system and in 1800 turned the responsibility for paper money over to the new and autonomous Bank of France.

The bank remained independent until the end of 1945, when a socialistic government took it over and plunged the country into financial chaos once again.

[From the Chicago Tribune, Mar. 15, 1965]

Reminders of Inflation, II—Germany, 1922–23

A Swedish traveler walked into the largest bank in Wurttemberg, Germany, in 1923 and asked to change 100 Swedish kroner into marks. The cashier apologized that the bank had only 20 million marks on hand and could, therefore, make change for only eight kroner. Germans waiting in line behind the Swede begged him not to take all the bank's money. The mark was losing value so fast, they said, that if they couldn't cash their pay checks and spend the money immediately, it would buy only half as much food the next day. The Swede took change for two kroner (52 cents in our money) and left.

This is just one of countless published stories about the most extreme case of inflation in history. Although the German Government was only partly to blame for the chaos, the experience shows how runaway inflation can wipe out the savings of half the citizenry and can create the conditions in which a Hitler could thrive.

Financially, Germany was not much worse off at the end of World War I than its neighbors. The Reichsbank had suspended payments in gold so as to enable the government to expand the supply of paper money and pay for the war. By 1919, the mark was down to about 12 cents, half its prewar value—but the same was true of the franc and other currencies.

It was the allies who set the stage for the collapse of the mark by imposing limits on German industry in 1919, and in 1921 by handing Germany an impossible reparations bill (for 132 billion gold marks) and giving half of the Upper Silesian industrial area to Poland.

With Germany in this straitjacket, pessimists there and abroad began to get rid of their marks, and by November 1921 the foreign exchange value of the mark was down to one-third of a cent. But as yet there was little inflation of the money supply within Germany, and the storm of pessimism might have been weathered if the German Government had been willing and able to balance its budget and thus avoid putting any more marks into circulation. This it failed to do, partly because it was an inexperienced, left-wing regime without the will to hold down spending, and partly because a vindictive France refused to grant a moratorium on the reparations, even though Britain and Italy were willing.

Any hope that was left for the mark in late 1922 was dashed in January 1923, when French troops moved into the Ruhr industrial area and set up what Premier Poincare called a "mission of control" to squeeze the reparations money out of German industry.

The Germans replied with passive resistance. They closed the factories, and the Berlin government ground out billions of new marks, largely to support the resistance. As prices went up, the billions became trillions and the trillions became quadrillions. Two thousand printing presses enlisted by the Reichsbank could not keep up with the demand for money. In the 9 months following the occupation of the Ruhr, the mark fell from 20,000 to 4.2 trillion to the dollar. In November there were more than 518 quintillion marks in circulation.

Housewives lucky enough to get money had to carry it in satchels. An egg which had cost a quarter of a mark in 1918 cost 5,000 marks in the summer of 1923 and 80 billion in November. Very few people would lend money, even at the going rate of 20 percent a day—though the Reichsbank continued to accept IOU's from government and industry at a mere 90 percent a year, and print paper money for them in return.

In early 1923, Berlin railroad workers went on strike for an increase in their weekly 2½ million mark wages. After 3 days they settled for 9 million a week. And by the end of the first week the 9 million wouldn't buy as much as the 2½ million had bought when they went on strike. Shops would close at intervals during the day in order that new prices could be posted. Streetcar fares went up daily.

Hughston McBain, the Chicago merchant, happened to be in Berlin the fall of 1922 and wrote of being able to treat his German friends to luxuries which they couldn't dream of buying for themselves for only a few cents in American money.

In November 1923, the nightmare came to an end with the issuance of new "rentenmarks," one for each trillion inflation marks. The rentenmark was backed in theory by the land of the country and was thus no sounder in principle than the old French assignats; it worked only because the Government refused to increase the supply and because the people knew that it had to work.

But it was too late to save the middle class—the townspeople living on fixed incomes from salaries, pensions, interests, or rent. Until late in 1923, courts enforced the right of debtors to pay off their debts in the worthless marks. People who once had lived comfortably on the income from bonds or mortgages found themselves paid off in full for less than the cost of a cup of coffee. They were reduced to selling their furniture and clothing in order to buy food to live, and many chose suicide instead.

Those who survived were glad to listen to the promises of the National Socialists, who were busy in Berlin as early as 1919. And thus the inflation resulting from one war created conditions which helped to bring about the next.

[From the Chicago Tribune, Mar. 16, 1965]

Reminders of Inflation, III—Italy and Poland

Like nearly all modern wars, World War II ushered in a period of inflation which, in many places, is still going on. But it would be misleading to say that war creates inflation. War creates conditions in which inflation thrives—an abundance of money and a shortage of consumer goods—but this doesn't make inflation inevitable.

It is significant, for example, that the two countries which were hardest hit by inflation after World War I—Germany and Russia—were among the least affected after World War II even though their physical destruction had been greater than in the first war.

They had learned their lesson the hard way. When a team of American economists handed Germany an inflationary prescription shortly after the end of the war, the Germans filed it away and proceeded in the opposite direction—with conspicuous success. Previously, in 1948, the Germans had countered the threat of inflation by reforming the currency and issuing only enough new deutsche marks to conform to the supply of goods available. The effect of this was to hold prices steady and force people to work and produce more if they wanted to buy more.

Where inflation did occur, as in Italy, Poland, and France, it was not so much because of the war as because of the policies of socialistic postwar governments which made the familiar mistake of assuming that more government controls and more spending would mean more prosperity.

Italy had experienced some inflation after World War I (enough, in fact, to help make a success of Mussolini's march on Rome in 1922); but when things settled down, prices leveled off at from four to seven times what they had been in 1914 and a disaster like Germany's was averted.

Therefore when Italy turned to the Socialists again after Mussolini's downfall, the people were eager to believe the promises of socialism and to overlook what had happened 20 years before in Germany—if indeed they knew of it. The government embarked on a program of nationalization and welfarism which has kept it in the red almost constantly ever since. The best that can be said of today's deficits is that they are not as bad as in 1949, when the government spent almost twice what it took in.

An inflated wartime money supply was further inflated by government programs designed to help those who were not working and by an endless succession of pay raises for the burgeoning army of government payrollers who weren't producing anything of value. Prices inevitably soared; by 1949 the lira would buy barely one-fiftieth of what it would buy in 1938. It dropped from 20 to the dollar to 640. And as prices rose, a familiar reaction set in; people demanded higher pay and more handouts instead of greater production. Industrial workers were more interested in striking than in working. The incentive to work which Germany had created was missing.

As prices went up, it was possible in one case for a man to embezzle 5 million lire from his employer, get caught, repay the money plus a sizable fine, and still come out ahead. He was a prudent thief. He had used the loot to invest in property and on being caught he sold it for double what he had paid for it.

But most people were much less fortunate, especially the landlords. While their costs doubled and redoubled, their rental income was frozen. Tenants of large and luxurious apartments would stay on and on long after their children had married and moved away, because as long as they remained, their rent was trivial; if they moved to a smaller apartment without a rent ceiling, they would have paid 4 or 5 times as much. Thus the housing shortage was aggravated.

Pensioners and others with fixed incomes added to the pressure for government handouts, thus increasing the money supply by another round and adding nothing to the supply of purchasable goods. Marshall plan aid helped, to the extent that it went into production; but the extravagances and the deficits continue, and Italian prices are still rising.

Behind the Iron Curtain socialism produced the same results. Glorious things were promised by the Communists when they took over the Polish Government and, in 1948, tied the zloty to the Russian ruble instead of the dollar. But efforts to communize the farms soon boomeranged; food production plummeted and prices rose until, in 1957, Poland found it was unable to obtain any more western money except by admitting that the zloty had declined in value from 25 cents to 4 cents, and offering it to the West at that price.

It may still be asked how Russia, the champion socialist state of all, managed to avoid so common a pitfall of socialism. Thomas Wilson, a British economist, gives the answer in his recent book, "Inflation." Russian workers can't strike for higher pay, they can't quit their jobs, Russian voters can't force the government to give them handouts, and the Russian people, lacking a free press, were so ignorant that they didn't even know what was bad for them. The Russian Government, fearing inflation, manipulated the money system so as to avoid it. Russia succeeded, but it's method will hardly appeal to free men.

[From the Chicago Tribune, Mar. 17, 1965]

REMINDERS OF INFLATION, IV—POSTWAR FRANCE

When Napoleon Bonaparte entrusted the French money system to the new and independent Bank of France in 1800 after the collapse of the revolutionary assignats, he declared that he would never allow France to be defrauded again by irredeemable paper money.

But a lesson learned, no matter how painful the experience, rarely seems to last more than a lifetime. Later generations have to relearn it for themselves. And one of the first things the socialists under Leon Blum did in December, 1945, when they dominated the provisional De Gaulle government, was to nationalize the Bank of France and thus, in effect, put the money supply in the hands of the politicians. De Gaulle resigned the following month, and Blum soon became premier.

Instead of limiting the money supply and encouraging production, as Germany was to do in 1948, the French Socialists interfered with production by taking over or threatening to take over large segments of industry, and they pumped up the money supply by a succession of vast government deficits. Deliberate deficits caused by socialistic welfare spending were augmented by emergency deficits caused by the fighting in Indo-China and later in Algeria. The military spending was budgeted separately, as if a deficit caused by emergency military spending was, somehow, different from one caused by welfare programs. But unfortunately inflation doesn't know one from the other.

As deficit after deficit was financed by "printing press" money, the volume of currency in circulation climbed from 500 billion francs in 1945 to 868 billion in 1947, 1,886 billion in 1952, and 3,500 billion in 1957, when a degree of stability was finally restored.

The bank had long since stopped redeeming money in gold. The franc, which emerged from the war at about half of its pre-war value, or two cents, fell to less than one cent by the end of 1945. Successive governments tried to forestall nature by all sorts of regulations and controls, but in vain. For every regulation there was a bribe, and for every control a loophole. It was as impossible to legislate a stable franc in the 1940s and 1950s as it had been in the 1790's, when it was made a capital offense to dispose of a paper assignat at less than face value. One after another, a procession of governments promised to stabilize the franc, and one after another they refused to follow through with the economy and discipline which were necessary to do the job.

The black-market value of the franc fell to 480 to the dollar in 1952. Prices in 1946 were 5 times those of 1938; in 1949 they were 15 times as high, and in 1953, 20 times as high.

Production, already handicapped by Government controls, was further stalled by strikes; and the successive Government crises made it impossible to know what the Government was going to do from month to month. There were occasional and unrealistic proposals to levy a confiscatory tax on business or the wealthy, but most of them came to nothing. The property owners protected themselves by buying gold, when they could get it, and by buying foreign land and securities.

Marshall plan aid is credited with helping to revive French industry, and no doubt it did. But the amount received through the Marshall plan—about $5 billion—was only half the amount which would have been available right in France if inflation and an irresponsible Government hadn't driven it into hiding. Jacques Rueff, the economist, reported to General de Gaulle in 1958 that the French people had stashed away about $10 billion.

With almost no gold available to back paper money or to guarantee loans, it was difficult for the Government or anybody else to borrow money. Antoine Pinay overcame this problem in 1952, as Finance Minister, by issuing rubber bonds, repayable not in the number of francs borrowed, but in the number which would buy the same amount of gold if gold could be bought. This worked until lenders realized the official value of the franc in relation to gold was arbitrary and fictitious and set to favor the borrowers, including the Government.

So they insisted that the amount of repayment be determined by more realistic measures such as the price of wheat, electricity, or cement. Similar escalator clauses were built into wage contracts. Farm leases were stated in terms of butter or milk. And a country doctor's fee for an office call might be the current price of a chicken.

As is always true of inflation, it was the pensioners, small property owners, and middle class townspeople who suffered the most. A typical example is the Frenchman who retired in the late 1930's as regional manager for a Chicago firm. When he retired, he had a comfortable income from insurance, pension, and interest on a savings account. Today his life savings barely yield enough, as he puts it, for two good meals at Maxime's.

"I was taken in," he confesses, "by the representations of the Government that the franc would always be good."

And having been deluded by the government, he finds himself now largely dependent on it.

[From the Chicago Tribune, Mar. 18, 1965]

REMINDERS OF INFLATION, V—BRAZIL

Germany, Russia, France, and Italy have demonstrated how a socialistic or irresponsible government can plunge a country into ruinous inflation with the help of war. Brazil, for one, has shown us how such a government can do just as thorough a job without any help at all.

Brazil has been in financial trouble more or less chronically since the overthrow of the empire in 1889. A succession of inexperienced and visionary governments created such chaos that for years they had to keep one set of books in terms of the gold milreis and another in terms of the paper milreis, which was worth a great deal less.

But in the late 1920's a certain amount of order was restored and the milreis leveled off at 5 or 6 cents in our money. World War II had little effect on it, although the name was changed to cruzeiro in order to distinguish it from the former Portuguese coin.

Brazil's previous financial difficulties have been dwarfed in the last decade or so, and the trouble began as a result of conditions which should sound very familiar to Americans today: a foreign exchange deficit and persistent demands for increased domestic spending.

The foreign exchange trouble came about, ironically, because of the high price of coffee in the years immediately following 1950. American housewives refused to buy Brazilian coffee, and Brazil's dollar income fell off sharply. Meanwhile, many Brazilians, and especially the increasingly powerful Socialists, were clamoring for wage increases, expansion of government activity, and the development by the government of new industries, especially oil. The problem was how to spend money that didn't exist, and even before the Socialists came to power in 1956, the government had invented an intricate sort of shell game by which it could feed IOU's into one door of the government-owned Bank of Brazil and receive brandnew paper money out of another door, while at the same time pretending that it wasn't creating new money at all.

The people may not have known what was going on inside the bank, but they could hardly escape noticing that the supply of money in circulation grew from 50 billion cruzeiros in 1948 to 185 billion in 1955. In the latter year, prices rose 40 percent. And the Socialists persuaded the people that the only way to handle rising prices was to see that wages went up even faster.

The government of Dr. Juscelino Kubitschek, elected in 1955, was dominated by leftwingers, especially "Jango" Goulart, the spokesman of the labor unions.

The campaign promise of "50 years of progress in 5 years" was soon forgotten as wages and prices spiraled upward. The government pleaded for—and received—aid from the United States to help it stabilize its money.

More than $1 billion in American aid has been used instead to feed the inflation.

Instead of being stabilized, the cruzeiro slipped down and down. From 20 to the dollar, it fell to 70 in 1957, 170 in 1958, 360 in early 1962; 1,000 in early 1963, and 1,600 last April.

Commercial interest rates rose to 30 percent but still found few lenders—except for the puppet Bank of Brazil, which continued to lend money at 12 percent to industrialists on the theory that they would enlarge their plants; instead, they poured the money into current inventory in order to make a quick profit. As always happens in such situations, nobody was interested in saving money. The smarter the operator, the quicker he spent it—often abroad.

Unable to cope with the economic problems, Dr. Kubitschek sought to immortalize himself by squandering fantastic sums on a new capital city called Brasilia—which is still unfinished.

The end of Kubitschek's term brought a year of political turmoil approaching civil war, and the end of 1961 found the Socialist Goulart in the Presidency. Urgent pleas for restraint from the United States were greeted by assertions that Brazil wasn't going to be forced into "the cold bath" of fiscal austerity. Prices rose 52 percent in 1962 and doubled in 1963. Private investment from the United States, already discouraged by fear of nationalization, slowed to a trickle. Meanwhile, the Bank of Brazil ran out of gold and suspended payments abroad.

In April 1964, Goulart was deposed by a military revolt, and a new government was installed which has managed so far—by drastic economies—to hold the cruzeiro steady at about 1,750 to the dollar. It will be years, however, before the average Brazilian, who was protected neither by the labor unions nor the government, can recover from the effects of inflation. Unlike the average Frenchman or Italian, he cannot fall back on a vast social security system whose benefits can be counted on to escalate with prices.

Brazil's story could be applied to Argentina by making a few changes, such as substituting "Eva Peron" for "Jango Goulart." It has been argued that the Latin American troubles stem from dependence on a one-crop (or one-mineral, as in Chile) economy, with undependable prices. Like war, they undoubtedly contribute to the problem. But other Latin American countries like El Salvador have managed to get along with relatively little inflation. And one country which is beginning to worry about inflation is Sweden, which has a well diversified economy and a long history of peace. But it does have an unbalanced budget brought about largely by welfare expenses. In short, there are many conditions which can play into the hands of inflation; but it has never conquered a country without the collaboration of an extravagant government.

[From the Chicago Tribune, Mar. 19, 1965]

INFLATION CAN HAPPEN HERE

For the last 5 days we have printed on page 1 a series of editorials reminding our readers of the damage that inflation can do and has done in one country after another when it is allowed to go unchecked.

Two questions must occur to almost everyone who read the editorials: Can such a thing happen in the United States? And if so, what can we do to prevent it?

Not only is runaway inflation possible here, but under existing policies it is a distinct danger, as the Republican minority members of the Joint Economic Committee of Congress warned just Wednesday. Even the Democratic majority report conceded vaguely that there are hazards in the economy, and one courageous Democrat, Senator PROXMIRE of Wisconsin, went so far as to echo the Republican warning.

If the spending plans called for in the majority report take hold, he said, "we may kiss goodby to balanced budgets in our lifetime and say a big hello to national debts of astounding proportions and to a steady and increasing inflation."

Yet every day some Pollyanna tells us not to worry about inflation and says that conditions here are not conducive to it and that the dollar is basically as good as gold.

Do not let them fool you. It is quite true that war and other dislocations beyond a government's control can feed and aggravate inflation; but for almost every such alleged example, it is possible to find a country which resisted inflation. There is only one indispensible ingredient in the recipe for inflation, as our editorials have demonstrated, and that is a cooperative government.

Every government under which inflation has run wild has been lacking is wisdom or self-discipline or both. It has allowed deficits to pile up. It has made extravagant promises to the more gullible voters and has tried to fulfill them by pumping fiat money into circulation. It has talked up the advantages of "managed money." It has belittled the signs of danger.

It has been forced, step by step, to impose rules and controls in a vain effort to protect its fiat money. It has explained to the people that they may no longer buy gold—and the same may become true here of silver—because of the rising price or the shortage of these metals. Yet these are largely ways of trying to hide the fact that the money has declined in value.

Our Government has fallen into all of these dangerous habits, and in 30 years our money has lost more than half of its value. A mild inflation compared with those we have described, perhaps, but there is no invisible barrier which prevents a 2-percent inflation from becoming 4 or 8 or 20 or 50 percent.

Today's tax restraints on the flow of capital, exchange controls, proposed travel taxes, and urgent pleas to bankers and businessmen are nothing but refined versions of the law of the French Directory making it a capital offense to dispose of papermoney at less than face value. They are aimed at the symptoms of the ailment, not the cause.

The cause will remain until the administration or the Congress finds the courage to determine what this country can afford in the way of international and domestic beneficences and what it cannot. It will last until the administration stops calling every program a necessity. Necessity and self-preservation have always been offered as the excuses for unwise extravagances, but neither necessity nor self-preservation is much of an excuse for suicide.

The way to fight poverty is not to court a disaster which could wipe out the savings of half the country. That way to improve education is not to weaken the monetary system which offers the primary reward, in our society, for a good education. The way to create respect for the United States abroad is not to act the part of a foolish spendthrift.

So far we have been spared the worst effects of inflation, except for a brief period of disorganization after the Revolution and the greenback experience following the Civil War. But we have had a trotting inflation ever since World War II, and every Member of Congress owes it to himself and his constituents to keep it from running away. This is a continuing obligation which applies not to any particular bill but to the whole platoon of spending projects which the Great Society has ushered in like a Trojan horse.

We urge our readers to remind their Congressmen and Senators of this duty. The two Senators from Illinois are PAUL H. DOUGLAS and EVERETT M. DIRKSEN, and their address is the Senate Office Building, Washington, D.C., 20510. You can determine your Congressman's name from the accompanying maps and lists, and he should be addressed at the House Office Building, Washington, D.C., 20515.

If Congress hasn't the spine to make the decisions which the administration is unwilling to make, and to get the budget under control, the outlook is gloomy indeed.

CONCURRENT RESOLUTIONS OF IOWA LEGISLATURE

Mr. MILLER. Mr. President, I present three concurrent resolutions of the Legislature of the State of Iowa, which I ask unanimous consent to have printed in the RECORD, and appropriately referred. The resolutions relate to flood control.

There being no objection, the concurrent resolutions were referred to the Committee on Public Works, as follows:

"HOUSE CONCURRENT RESOLUTION 20

"Whereas the waters of the Boyer River have overrun its banks, and caused heavy destruction of property and personal effects; and

"Whereas there seems to be no reasonable assurance this will not occur again in the near future; and

"Whereas the Corps of Engineers conducted a study of the Boyer River as requested by the 78th Congress: Now, therefore, be it

"*Resolved by the house* (*the senate concurring*), That the State Legislature of Iowa in session assembled, urge the Congressmen from Iowa to assist Congressman HANSEN in getting the following resolution passed that he has placed before the Public Works Committee of the House of Representatives of the United States:

"'*Resolved by the Committee on Public Works of the House of Representatives, United States*, That the Board of Engineers for Rivers and Harbors be, and is hereby, requested to review the reports of the Chief of Engineers on the Boyer River, Iowa, printed in House Document No. 254, 78th Congress, 1st session, and other reports, with a view to determining whether improvements in the interest of flood control and other purposes are advisable at this time'; and be further

"*Resolved*, That a copy of this resolution be forwarded to each of the members of the Iowa delegation in the Congress of the United States."

We, Vincent B. Steffen, speaker of the House of Iowa, and William R. Kendrick, chief clerk of the house, hereby certify that the above and foregoing resolution was adopted by the house and senate of the 61st general assembly.

VINCENT B. STEFFEN,
Speaker of the House.
WILLIAM R. KENDRICK,
Chief Clerk of the House.

"HOUSE CONCURRENT RESOLUTION 22

"Whereas 19 lives were lost in a flood in Audubon County in 1958; and

"Whereas the Nishnabotna Valley has been regarded as a dangerous flooding area which has caused the loss of many lives and much livestock and personal property; and

"Whereas just this spring high waters in this area have again taken a toll of livestock and property; Now, therefore, be it

"*Resolved by the house* (*the senate concurring*), That this legislature recognizes the danger of flooding in the Nishnabotna Valley area as being one which requires immediate attention from the Corps of Engineers of the U.S. Army, and that this legislature urges the corps to investigate with all speed the possible remedies for this situation; and be it further

"*Resolved*, That a copy of this resolution be forwarded to each of the members of the Iowa delegation in the Congress of the United States."

We, Vincent B. Steffen, speaker of the House of Iowa, and William R. Kendrick, chief clerk of the house, hereby certify that the above and foregoing resolution was adopted by the house and senate of the 61st general assembly.

WILLIAM R. KENDRICK,
Chief Clerk of the House.
VINCENT B. STEFFEN,
Speaker of the House.

"House Concurrent Resolution 23

"Whereas the construction of drainage ditches, tiling, and sewers in the Skunk River area had dumped billions of gallons of extra water into the Skunk River, resulting in increased flooding of the commercial, residential and farmland downstream during some months; and

"Whereas water in the river has been so low during some other months as to cause pollution, damage to fish and wildlife, and such a health hazard that the city of Ames has considered using its drinking water supply to help flush the stream, and

"Whereas recreation provided by a lake in the Ames area would provide Iowa industries, Iowa State University, and research activities with a much better chance to secure professional and technical personnel whose skills are so much in demand that they can choose the place they want to work in accordance with the availability of water recreation; and

"Whereas recent floods have again caused damage to both private property and public roads, and the threat of more flooding is present; and

"Whereas damage loss from flooding was in excess of $625,000 in 1 year, without considering the loss Iowa will sustain if we do not encourage industrial development; and

"Whereas there is now an opportunity to begin to catch up with the rest of the Nation in the development of our great water resources if our State agencies cooperate with Federal officials: Therefore be it

"*Resolved by the house (the senate concurring)*, That we deem it necessary and proper that this 61st general assembly support the project providing for the construction of a dam near Ames, now pending before the U.S. Board of Rivers and Harbors, and urge their favorable consideration of this measure as a valuable aid in the control of flooding along the Skunk River, water quality control, a long-term assurance of a water supply, recreation, and protection for fish and wildlife, and attracting new industry to Iowa; and be it further

"*Resolved*, That the Iowa Natural Resources Council and all other State agencies and officials should fully cooperate in every way to secure approval of this project as quickly as possible; and be it further

"*Resolved*, That a copy of this resolution be sent to the Iowa Natural Resources Council, Iowa Highway Commission, Iowa Conservation Commission, Army Corps of Engineers, the Board of Rivers and Harbors, and to all U.S. Senators and Members of the House of Representatives from Iowa."

We, Vincent B. Steffen, speaker of the House of Iowa, and William R. Kendrick, chief clerk of the house, hereby certify that the above and foregoing resolution was adopted by the house and senate of the 61st general assembly.

Vincent B. Steffen,
Speaker of the House.
William R. Kendrick,
Chief Clerk of the House.

PROPOSED AMENDMENT OF INTERNAL REVENUE CODE

Mr. MILLER. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code to provide for a change that is necessary to prevent what amounts to an unintentional overreaching on the part of the Federal Government. I ask that the bill be printed in the Record and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1806) to amend the Internal Revenue Code of 1954 to permit taxpayers to have the benefit of net operating loss carrybacks to taxable years with respect to which a closing agreement or compromise has been entered into, introduced by Mr. Miller, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(1) Section 7121 of the Internal Revenue Code of 1954 (relating to closing agreements) is amended by adding at the end thereof the following new subsection:

"(c) Net Operating Loss Carrybacks.—Notwithstanding the provisions of subsection (b), no agreement entered into under subsection (a) relating to the liability of any person in respect of the tax imposed by chapter 1 for any taxable year shall prevent such person from receiving a credit or refund of an overpayment of such tax for such year if such overpayment is attributable to the carryback of a net operating loss sustained in a taxable year ending after the date on which such agreement is entered into. For purposes of determining the amount of such overpayment, the liability of such person in respect of the tax imposed by chapter 1 for such year shall be the liability agreed upon in such agreement."

(2) Section 7122 of such Code (relating to compromises) is amended by adding at the end thereof the following new subsection:

"(c) Net Operating Loss Carrybacks.—No compromise made under subsection (a) with respect to the amount of the tax imposed by chapter 1 (including interest, additional amounts, additions to the tax, and assessable penalties) for any taxable year shall prevent the taxpayer with whom such compromise is made from receiving a credit or refund of an overpayment of such tax for such year if such overpayment is attributable to the carryback of a net operating loss sustained by the taxpayer in a taxable year ending after the date on which such compromise is made. For purposes of determining the amount of such overpayment, the amount of the tax imposed on the taxpayer under chapter 1 for such year, and the amount of any interest, additional amount, addition to the tax, and assessable penalty imposed with respect thereto, shall be the amount payable in accordance with the terms of such compromise."

(3) The amendments made by subsections (a) and (b) shall apply with respect to closing agreements entered into and compromises made on or after the date of the enactment of this Act.

Mr. MILLER. Mr. President, quite often compromise agreements are entered into between taxpayers and the Internal Revenue Service to settle a disputed liability for a particular year. Under the present law, if there is a net operating loss carryback which develops in a subsequent year which could not have been foreseen at the time the compromise was entered into, the taxpayer is without the benefit of utilizing the net operating loss carryback.

My bill would provide that taxpayers who had entered into compromise agreements to settle liabilities for a particular year would nevertheless be entitled to reopen that year to take advantage of the net operating loss carryback deduction for any year which ended after the time the agreement was entered into.

This is a technical amendment, but it is necessary to do equity, which at the present time the Federal Government is unable to do.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODERNIZATION OF CORRECTIONAL PROFESSIONS

Mr. CLARK. Mr. President, for myself and on behalf of the Senator from New York [Mr. Javits], I introduce, for appropriate reference, a bill to provide for an objective, Federal, and nationwide analysis and reevaluation of the extent and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation.

I ask unanimous consent that the bill may lie at the desk for 1 week, with the thought that other Senators may wish to cosponsor it.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be held at the desk, as requested by the Senator from Pennsylvania.

The bill (S. 1807) to provide for an objective, thorough, and nationwide analysis and reevaluation of the extent and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation, introduced by Mr. Clark (for himself and Mr. Javits), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. CLARK. Mr. President, the bill would authorize Federal grants for a 3-year study of professions engaged in treating or rehabilitating potential or actual delinquents and criminals. The bill is a companion measure to a bill introduced in the House by Representative Edith Green, of Oregon, in January.

It authorizes $500,000 in Federal grants in the first year and $800,000 in each of the 2 succeeding years. The grants would be made to appropriate organizations to undertake coordinated studies on such problems as the future personnel needs in the correctional professions, the adequacy of education and training in the field, the utilization of manpower within the professions, and the proper responsibilities among the various occupations involved in criminal rehabilitation.

The study is needed to help to clear up the anarchy which currently prevails among many of the correctional professions in such matters as training, qualifications, and responsibilities.

Despite increasing efforts to prevent crime and rehabilitate criminals and delinquents, we have failed to provide the qualified manpower we need in the correctional professions to do the job. The study to be financed under this bill would help us find out how we can fill that need.

The correctional professions include those who work in probation, parole, and penal institutions as well as those in the social welfare field. Social workers, parole officers, prison guards, wardens, lawyers, and psychiatrists are among those whose efforts must be effectively coordinated in correctional rehabilitation.

In many of the correctional occupations we are about as far along as we were in 1920 so far as training and qualifications are concerned.

There are many rivalries among the various professions which make it difficult to determine what training and qualifications are required. About 60 percent of the people in the field are without professional training. The professions involved recognize this. At the Arden House Conference last June they all agreed that an independent, federally financed study was needed to establish future guidelines for their professions and also to determine the role of each occupation in the field of correction.

The bill carries out one of the major recommendations of that conference.

Among the many organizations sponsoring the conference were the American Bar Association, the American Psychiatric Association, the American Psychological Association, the American Correctional Association, the American Sociological Association, the Council on Crime and Delinquency, and the Western Interstate Commission for Higher Education.

The bill is patterned after other legislation passed by Congress with respect to the mental health professions. We have learned a lot in the last 40 years about how those prone to crime and delinquency can be rehabilitated. But we have yet to bring all those engaged in correctional programs abreast of that knowledge. Out of the studies to be funded under this bill, we will find out how this can be done. The rising tide of crime and delinquency lend a special urgency to such an undertaking.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

S. 1806. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers to have the benefits of net operating loss carrybacks to taxable years with respect to which a closing agreement or compromise has been entered into; to the Committee on Finance.

By Mr. CLARK (for himself and Mr. JAVITS):

S. 1807. A bill to provide for an objective, thorough, and nationwide analysis and reevaluation of the extent and means of resolving the critical shortage of qualified manpower in the field of correctional rehabilitation; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 20 minutes p.m.) the Senate adjourned until tomorrow, Friday, April 23, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 22, 1965:

U.S. ATTORNEYS

Raymond J. Pettine, of Rhode Island, to be U.S. attorney for the district of Rhode Island for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Miles W. Lord, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Edward F. Boardman, of Florida, to be U.S. attorney for the middle district of Florida for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965

U.S. MARSHALS

John Terrill, of Wyoming, to be U.S. marshal for the district of Wyoming for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

E. Herman Burrows, of North Carolina, to be U.S. marshal for the middle district of North Carolina for the term of 4 years. He is now serving in this office under an appointment which expired April 17, 1965.

Paul D. Sossamon, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years. He is now serving in this office under an appointment which expired April 17, 1965.

Francis M. Wilson, of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

Olin N. Bell, of Missouri, to be U.S. marshal for the eastern district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired April 13, 1965.

D. Clive Short, of Nebraska, to be U.S. marshal for the District of Nebraska for the term of 4 years vice Jack D. Obbink, resigned.

George A. Bayer, of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years. He is now serving in this office under an appointment which expires April 13, 1965.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 22, 1965:

FEDERAL RESERVE SYSTEM

Sherman J. Maisel, of California, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1958.

CENTRAL INTELLIGENCE AGENCY

Vice Adm. William F. Raborn, Jr., U.S. Navy, retired, of California, to be Director of Central Intelligence.

Richard Helms, of the District of Columbia, to be Deputy Director of Central Intelligence.

EXTENSIONS OF REMARKS

Warsaw Ghetto Uprising

EXTENSION OF REMARKS
OF
HON. EDNA F. KELLY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 22, 1965

Mrs. KELLY. Mr. Speaker, although the history of mankind is unfortunately liberally sprinkled with dictatorships of the right and the left, as human beings we may still take pride in the fact that there have always been men who have been willing to risk all in order to counter them.

One of the most recent tyrannies was that which existed in Germany from 1933 to 1945, when the Nazis under Adolf Hitler attempted to establish their "thousand year Reich." April 19, 1965, was the anniversary of one of the most tragic uprisings against that dictatorship: The revolt of the Warsaw ghetto in 1943, when 40,000 Jews decided to confront the German war machine. Inadequately equipped, almost completely untrained, and overwhelmingly outnumbered, their defiance of the SS and the Gestapo was in the true sense of the word a tragedy, because despite the knowledge of certain defeat, they never hesitated.

The Warsaw ghetto was officially established in November of 1940: 100 city blocks were surrounded by brick walls 10 feet high and barbed wire fences, and the Jewish population was completely cut off from the rest of the city—indeed, the world. Despite the starvation, misery and death which followed, Jewish community life continued: soup kitchens, child care centers, schools, lectures, musical events, and a host of other activities were carried out. Perhaps most important for posterity, daily reports on activities, scientific papers, and complete archives were maintained. It is from these that we have our information on life in the ghetto; they provide a moving and memorable record of the courage and determination of the unfortunate people to preserve and maintain their Jewish traditions and way of life against the Nazi holocaust.

But, their actions provide us at the same time with a more meaningful and wider lesson: that no tyranny, no matter how ruthless and inhuman, is ever able to extinguish the desire of man to live in freedom. The Warsaw ghetto will forever live as an example of how guns, barbed wire, starvation, and torture are, in the long run, unable to compete with dedication and determination to the cause of liberty.

Republican Task Force on Agriculture

EXTENSION OF REMARKS

OF

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1965

Mr. LANGEN. Mr. Speaker, the members of the House Republican Task Force on Agriculture have expressed grave concern over the rapid increase in U.S. farm debt. It is our feeling that the American farmer is literally being crushed under this enormous burden of debt. With farm mortgage and short-term debt increasing far out of proportion to income, the farmer's economic situation is rapidly deteriorating.

We on the task force are continuing our research into the agricultural situation for the purpose of arriving at a better understanding of what is wrong with present and past programs which have not served the best interests of the American farmer, taxpayer or consumer. Such a thorough understanding is most essential as a background for any and all considerations of the farmer's economic problems. Preliminary research into the farm debt situation has revealed some alarming facts.

Unfortunately, administration farm programs have accomplished the exact opposite of their stated objectives. Since 1961, net farm income has remained virtually at the same level, while total farm debt has increased nearly 50 percent. Total farm debt today is actually greater than the entire Federal budget in 1948.

U.S. farmers in 1961 were indebted $1.97 for every dollar of realized net income. This year, after 4 years of current farm programs, the farmer will owe a whopping $2.86 for every income dollar. To further illustrate what this means, in 1929, on the eve of the great depression, the farmer owed only about $2.30 for each income dollar. The farmer's best postwar year was 1947, when the ratio was 49 cents debt for every dollar of income.

USDA STATISTICS JUGGLING

Statistics juggling by official agencies of the Federal Government clouds the issues, and hides the real problems of agriculture. USDA attempts to show an improvement in farm income prove to be a complete fallacy when we review all of the factors involved.

Our task force took a look at a USDA report on farm income which states that:

> With a continuing decline in farm numbers * * * realized net income per farm from farming was at a record high of $3,642 in 1964, compared with $3,504 in 1963.

Using the same method of comparison for farm debt, the task force came up with a far more dramatic figure: "Total debt per farm from farming was at a record high of $9,502.30 in 1964, compared with $8,301.15 in 1963." Thus, while income per farm went up 3.9 percent, debt per farm went up 14.4 percent. But, unlike USDA, we do not use this method of comparison, for it is neither accurate nor valid, and is definitely misleading.

This is pointed out in an article by a USDA Economic Research Service specialist who criticized USDA's use of this method by noting that:

> The very rapid decline in the number of farms has boosted the arithmetic means of a variety of farm * * * statistics, but it does not necessarily follow that farm incomes of persons remaining in agriculture have improved.

It is easy to see what is really happening to farm income. USDA figures show that last year production expenses increased $200 million, while cash receipts from marketings went down by the same amount. At the same time, prices received by farmers declined 2½ percent. These are the results of rising farm costs, including larger interest payments, and a further weakening of the marketplace.

Less than 6 percent of U.S. farmers today actually receive a parity of income. Internal Revenue Service statistics for 1962 tax returns show that profits of operators in agriculture, forestry, and fisheries whose annual receipts totaled less than $10,000 averaged one-third less than operators in service activities. Profits of the few with receipts of $100,000 or more averaged less than one-half of the profits realized by operators of service activities in the same economic class.

DEBT GROWS FASTER THAN REAL ESTATE VALUES

While some have argued that increases in farm real estate values have offset mounting farm debt, an examination of the facts proves otherwise. During the last 2 years alone, total farm debt grew 23.1 percent while the value of farm real estate grew 9.8 percent. Obviously, farm debt is increasing at a much faster pace.

The comparative balance sheet of agriculture clearly reveals that rising real estate values have not offset losses in the farm economy. Total farm liabilities in relation to total farm assets have almost doubled in the past 10 years. This means that the proportion of the farmer's equity in his land, livestock, and equipment is getting less and less. From 1961 to 1964, this rate of decline was one-third greater than from 1958 to 1961.

LITTLE HOPE IN FARM BILL

This all adds up to a rather disturbing picture. The farmer is being forced more and more to use credit as a substitute for income. When there are no more assets left upon which to borrow, what will he do? It is no wonder that tax returns show the number of farmers reporting a net loss went up from 29.8 percent in 1962 to 34 percent in 1963.

Many looked hopefully toward the President's farm bill, but in its present form it offers little hope for increasing farm income.

The amount of research required in this area is enormous, and it will be some time before our Republican Task Force on Agriculture studies progress to the point where they can be used as a basis for any legislative recommendations.

If there is no objection, we would like to submit tables that illustrate the statistics presented to you today.

The tables follow:

Approximate total farm debt

[In billions]

Year:	
1947	$8
1950	12
1953	14
1956	17
1959	21
1962	26
1965	36

Approximate total realized net farm income

[In billions]

Year:	
1947	$18.0
1950	14.0
1953	13.5
1956	12.5
1959	12.0
1962	13.0
1965	13.0

Address by Vice President Humphrey at the Azalea Festival

EXTENSION OF REMARKS

OF

HON. A. WILLIS ROBERTSON

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 22, 1965

Mr. ROBERTSON. Mr. President, one of the most spectacular festivals annually celebrated on the east coast is the International Azalea Festival, at Norfolk, Va. Norfolk, now the largest city in the Old Dominion, and one of its most progressive, has developed an Azalea Park which rivals, if it does not excel, the famed Azalea Gardens of the historic city of Charleston. Thousands of tourists are attracted to Norfolk at this season of the year, to witness that inspiring spectacle of the rebirth of nature; and added interest will be given to this festival this year through the participation of our distinguished Vice President, Hon. HUBERT H. HUMPHREY.

I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the address which Vice President HUMPHREY delivered at the Azalea Festival luncheon today, in Norfolk.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE AZALEA FESTIVAL

(Address by Vice President HUBERT H. HUMPHREY, International Azalea Festival luncheon, Norfolk, Va., Apr. 22, 1965)

My friends, it is my honor to be invited to address this International Azalea Festival luncheon. For this great festival celebrates not only the well-being and prosperity of Virginians and Americans, but celebrates also this country's commitment to interdependence among nations.

Today I would like primarily to discuss with you our well-being at home—and then to place that domestic well-being in the context of the role we Americans play in the world.

Today, our democratic society faces great challenges. We are being challenged both at home and abroad by great political, economic, and social forces.

Will we be able to meet these challenges:

Can democratic government provide for the general welfare:

Is freedom incompatible with responsibility?

Is democracy as a system able to provide rapid and just progress for the hungry and disaffected on our planet?

Must the fulfillment of the individual be subordinate to the welfare of the whole?

We will meet these challenges if we preserve, direct, and utilize all this country's vast human resources. We will meet these challenges if we realize the full potentialities of this country and each of its citizens.

This administration and this Congress, acting out the will of the American people, are providing to the world our answers to these challenges.

We are building a solid, lasting base for American health and growth.

Health and growth built on a strong and flourishing economy—and we have just celebrated our 50th consecutive month of uninterrupted prosperity, I might add.

Health and growth which can give us the means to provide a social system with justice at its heart.

Health and growth to provide sustained American leadership in the world.

President Johnson told this Congress, on the first day of its session, that: "Our Nation was created to help strike away the chains of ignorance and misery and tyranny wherever they keep man less than God means him to be."

We are not afraid to say it: We will work until every citizen of America has equal opportunity to make a better life for himself and his children. Only when this equality of opportunity is achieved can we truly find the freedom we seek.

Today in this country we are making great strides toward achieving that goal.

There are two basic forces at the heart of our progress:

First, the vigorous leadership of Lyndon Johnson.

Second, the unprecedented peacetime unity of our Nation which now exists.

There is another word for this unity. It is consensus.

Consensus is voluntary agreement based on constructive dialog, mutual respect, and understanding. In consensus, we Americans are breaking through.

United we stand. And united we gain.

We gain together as a great national consensus says all Americans shall have equal voting rights. And that consensus today is truly national, not regional.

We gain as our Nation agrees that all Americans shall have an education which can give them the opportunity to live themselves.

We gain in agreement that all Americans shall have adequate medical care;

That we should make our cities better places in which to live and work in safety and health;

That we should preserve this Nation's beauty, history, and natural resources;

That we should give the aging hope for life and work;

That we should open our doors again to immigrants who can enrich and lend new vitality to our national life;

That we should help our urban and rural Americans alike adjust to technological revolution and social change;

That we should not drop the torch of international leadership;

That we should make whatever investment is necessary to realize our American dream.

That investment will be great. But it will be less than the cost of illiteracy—of school dropouts—of poverty—of discrimination—of disillusion and bitterness—of isolation in the world. Far less.

For example: We spend $450 per year per child in our public schools, but we spend $1,800 a year to keep a delinquent in a detention home, $2,500 a year for a family on relief and $3,500 a year for an inmate in a State prison.

We must make the investment necessary so that all in our society may be productive. Poor and uneducated people are poor consumers. They are a drain on our economy. They are wasted resources.

With continuing support of the American people, we will continue now and in the years to come to make the basic investments necessary to answer "yes" to our future.

We will continue to forge a strong economy, unmarked by recessions. We will continue to search for and develop tools to overcome the so-called business cycle.

We will continue to explore outer space and inner mind in development of knowledge for use by all the world.

And we will continue to defend and preserve the precious peace with strength and perseverance.

We will maintain our strong and active faith in the ability of freemen—developed to their fullest—to build a better life for themselves and for others.

Now, before closing, would like to direct a few personal words to you about America and its role in the world.

For a long time we Americans have stood for the belief that the world need not destroy itself by war, and that we Americans can help others, too, find a better society.

We hear many voices these days saying that America is overextended in the world—that other people's problems needn't be our problems—that we ought to close up shop overseas and enjoy our blessings here in the good old United States of America.

My friends, when that time comes, this Nation is doomed. Who in the world will work for democracy if we do not? Who in the world can preserve the peace if we do not? Who in the world can set the example, can offer the needed hand, if we do not?

We live in a time when everything is complex, when there are no more rapid or easy answers. We live in a time when we must retain our patience as never before.

Have we the patience, for instance, to work and bleed 5,000 miles from home for months and years ahead—without any guarantee of final success? I can tell you that the forces of totalitarianism have that patience.

This is what the Great Society is all about. It is the recognition that vacations abroad, fur coats, and electric toothbrushes are not enough. It is the recognition that we stand for something not seen before in the world.

We stand for the dignity and fulfillment of individual man and woman.

We stand for the chance for each man to make something better of himself.

We stand for free speech and government of the people.

We stand for peace without conquest.

We stand for the belief that others in less fortunate places should have opportunity for the blessings of abundance and should be free of tyranny. We stand for the pledges made by men and women who left the old ways and fought a living out of the soil of a new continent.

As President Johnson expressed it in his historical speech at Johns Hopkins University:

"We will not be defeated.

"We will not grow tired.

"We will not withdraw."

We will stand, at home and abroad, for the pledges made and efforts expended by Americans who came before. We must love freedom and justice enough to practice them.

America is still the last, best hope on earth.

Opinion in the Capital

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1965

Mrs. KELLY. Mr. Speaker, the night of Sunday, March 28, 1965, was a most noteworthy occasion.

On that night, the Honorable Margaret Chase Smith gave a dinner party to a dear friend and colleague, Congresswoman Frances Bolton.

I was so proud to have been included in this intimate group of family and friends. Frances is a most remarkable person and a valiant woman and I am happy to be privileged to insert in the Record the transcript of an interview between these two great public servants.

The interview follows:

OPINION IN THE CAPITAL

(Produced by Florence Lowe)

(A Metropolitan Television Broadcasting Production (WTTG, Washington, D.C.) March 28, 1965)

Guests: Senator Margaret Chase Smith, Republican, of Maine, and Representative Frances Bolton, Republican, of Ohio.

Reporter: Mark Evans, vice president in charge of public affairs for Metromedia, Inc.

This program will also be broadcast on:

TV: WNEW, New York, N.Y.; WTVP, Decatur, Ill.; WTVH, Peoria, Ill.; WTTG, Washington, D.C.; KTTV, Los Angeles, Calif.; KMBC, Kansas City, Mo.; Eastern Educational Network (13 stations).

Radio: WIP, Philadelphia, Pa.; WHK, Cleveland, Ohio; KMBC, Kansas City, Mo.; WNEW, New York, N.Y.; Armed Forces Radio Network.

Mr. Evans. In the 87th Congress, there were 20 women, 2 in the Senate and 18 in the House of Representatives. Now, in the 89th Congress, there are still 2 lady Senators, but only 10 women in the House of Representatives. Representative Bolton, how do you account for this?

Mrs. Bolton. Oh, the men.

Mr. Evans. What's your opinion, Senator Margaret Chase Smith?

Mrs. Smith. Oh, I think one reason is, that there aren't enough qualified women who run for office.

Mr. Evans Metromedia's "Opinion in the Capital" is honoring Representative Frances Bolton on her silver anniversary in the Congress of the United States. Senator Margaret Chase Smith is our special guest to pay tribute to her long-time friend.

Representative Bolton, I detected a little bit of sarcasm in there when you said the men are responsible for the lack of women.

Mrs. Bolton. Well, you see what the men did. They gerrymandered various districts on the Democratic side. They didn't do that on our side.

Mr. Evans. Did they gerrymander women out?

Mrs. Bolton. They gerrymandered women out, which I thought was too bad * * * they were fine women.

Mrs. SMITH. But, where were the women while they were doing this?

Mrs. BOLTON. Well, they were only Democrats mind you, I wouldn't know just where they were.

Mr. EVANS. I think there should be a very fine distinction drawn here. There is a very great difference between politicians who are women and women in politics.

Mrs. BOLTON. Oh, that's interesting.

Mr. EVANS. I certainly think you are both women in politics. You're women first but I wonder why neither of you have ever married again.

Mrs. BOLTON. I thought one marriage was enough.

Mr. EVANS. Well, you had a very good one then?

Mrs. BOLTON. I had a very good one.

Mr. EVANS. MARGARET, have you ever thought of this?

Mrs. SMITH. Yes, indeed, I thought of it very seriously, back along—I haven't lately, I've been too busy. I haven't had many offers.

Mr. EVANS. Well, I'm sure this may provoke some. Are there problems in this? Being in politics and leading this kind of life that would lead to another marriage?

Mrs. SMITH. I don't think there are too many problems. I don't know any reason why a woman couldn't be married and serve in public office as well as a man in public office being married. I think men and women work together, whichever way it is.

Mr. EVANS. Both of you came in, and this is probably a very cruel thing to say, but you both came in the back door of politics. Your husbands were in politics and you inherited the kingdom and have held them admirably since.

Mrs. BOLTON. But remember, we had to be elected to it.

Mr. EVANS. I know that, subsequently.

Mrs. BOLTON. That's not just inheriting it.

Mr. EVANS. No, I agree, but originally you inherited it.

Mrs. BOLTON. Yes. No, oh no. We had to be elected.

Mr. EVANS. I thought you had to be appointed.

Mrs. BOLTON. No, no. No appointments in Ohio.

Mrs. SMITH. The Senate vacancies are filled by appointments in some States. But, the House is always by election, and we were both elected. I must say I think FRANCES had a tough election and campaign the first time. I'm sure that I did.

Mr. EVANS. Would you have agreed with your husbands politically?

Mrs. BOLTON. I never agreed with him.

Mr. EVANS. Did you like politics?

Mrs. BOLTON. No, I didn't like it at all. You see, the difficulty was that we had a son who had just broken his neck and was desperately ill for many years. Every time there was an emergency, my husband wasn't there. He was up at the House, or he was off somewhere. So, politics to me, wasn't a very appealing thing.

Mr. EVANS. What convinced you to get into politics?

Mrs. BOLTON. Well, when he died, all the Ohio men thought I knew everything he knew and thought he'd brought all his troubles back home, which, of course, he never did, and they suggested that I finish out his term. Then, I learned that they were saying among themselves, "Of course, she won't stay long." So, being a woman, I decided I'd stay.

Mrs. SMITH. You've certainly done a job at it.

Mr. EVANS. Recently, a woman in the Congress, and I won't mention her name because she's from the opposition party, made a comment to the effect that more women didn't get into politics because they cannot make decisions.

Mrs. SMITH. I think that's a rather ridiculous attitude. I know of few women who don't make decisions. Women have to make the decisions. They have to make the decisions all the way through life. They certainly have to make the decisions as far as the budget is concerned in the family.

Mr. EVANS. How about the decisions you have to make, Senator SMITH and you Congressman BOLTON, you are now dealing in monumental things, the figures that deal in the millions and billions. Mrs. BOLTON, you're a 24-year veteran of the House Foreign Affairs Committee.

Mrs. BOLTON. Yes, I'm ranking now. I began at the bottom.

Mr. EVANS. All these monumental problems resting on your shoulders. Are they? Is a woman up to all this?

Mrs. BOLTON. Why, we're more than up to it. I think we take it more simply, more fundamentally than the men, so we don't get quite so excited. I don't. I find the men around me, on the committee, get terribly upset by this and that. I may be upset, yes, because some things I don't agree with at all, and one is troubled. But I don't feel all excited about that trouble.

Mr. EVANS. Well, let's take a specific example. There has been a recommendation from the Senate committee that's the counterpart of your committee, and he has recommended that there be a separation of the funds that are used for economic aid.

Mrs. BOLTON. I had the pleasure of dining the other evening, across the table from Senator FULBRIGHT, and it was a very interesting dinner, of men, and we were there to listen to their opinions and of course, the Senator spoke first. He made it very clear that he thought it was ridiculous to have the two together, that they should be separated immediately. When it came to my turn, I said, "I'm so sorry, I don't agree with the Senator at all," and we had it out a little bit across the table. It was delightful.

Mr. EVANS. You thought they should not be lumped? Can you tell me why?

Mrs. BOLTON. Because I think that the billion dollars that goes from our committee, our authorization, to the Department. I don't think it would be feasible in the $50 billion that defense has. It would be lost. Who would care about it? Who would know where it went? It's terribly important where it goes.

Mr. EVANS. Do you feel the same way about it, Senator?

Mrs. SMITH. No, but I would be prejudiced. I've majored in defense affairs through the years and I have a pretty high respect for the defense of the country.

Mrs. BOLTON. So have I.

Mrs. SMITH. And the way that this money is used. I don't know what I would do if I were placed in the position of having to decide.

Mr. EVANS. I'm glad to find that there is some friction between you two.

Mrs. BOLTON. Not friction, just a difference of opinion.

Mr. EVANS. Are there many things on which you differ?

Mrs. SMITH. This particular one—of course, FRANCES BOLTON has majored in foreign affairs through the years, and I've majored in defense affairs. So, there is a reason for our differing on this. I don't know that we differ on many things, we don't very often have arguments.

Mrs. BOLTON. On fundamental things, I don't think we disagree at all.

Mr. EVANS. One of the great moments for women everywhere in my estimation, is when a woman from Ohio stood before a great convention, and nominated her friend——

Mrs. BOLTON. Seconded it——

Mr. EVANS. Seconded the nomination for the lady from Maine.

Mrs. BOLTON. I tell you Mark, that was the high point of my life.

Mr. EVANS. First woman ever to be nominated for President.

Mrs. BOLTON. Yes, and to have the privilege of seconding MARGARET's nomination for the Presidency was the highlight of my life.

Mrs. SMITH. If it was, FRANCES, you must know what it meant to me, because it was one of the finest things that could have happened to me, a woman who was a serious candidate for President, to have another woman in this world, where they say women don't get along and don't support each other.

Mr. EVANS. It would be normal for you to be envious of her.

Mrs. BOLTON. That's right.

Mr. EVANS. And you weren't a bit?

Mrs. BOLTON. Not a bit. Proud of her.

Mr. EVANS. Senator SMITH, have you had any afterthoughts, have you changed your thinking? Have you come up with any suggestions along political lines as a result of your running for the Presidency?

Mrs. SMITH. Yes, I think it was a wonderful effort. I wouldn't do it any differently if I were to do it again. I'm very pleased that I did. If not for any other reason than historical purposes, it was good. I've come up with a good many ideas and I don't think this is the time to go into them. I'd like to discuss them someday with you. For several years, I have introduced legislation for a direct presidential primary, a national primary with a runoff. That, too, I'd like to talk about some day.

Mr. EVANS. I'd be happy to do it. Mrs. BOLTON, you are in the House of Representatives on the Foreign Affairs Committee and there is now a suggestion by Representative LINDSAY to invite the Secretary of State to appear before the entire House to be cross-examined on foreign affairs. Do you like it or don't you?

Mrs. BOLTON. I don't like it particularly because I don't see that we'd get anywhere with it. After all, that's a British institution. It may be good but I'm not at all sure that it fits into our way of doing things.

Mr. EVANS. What do you hear from your respective constituencies on what's going on in the South, now. You come from the great State of Ohio which I'm sure has many problems of its own. Are you getting much mail regarding this?

Mrs. BOLTON. Very little. Almost none.

Mr. EVANS. Do you think people are apathetic about the whole situation?

Mrs. BOLTON. No, I don't think they are exactly apathetic. I think they are very fearful about it. They don't understand it. Because, up with us, we've never had any problem. We've had integrated schools, always. We're very troubled.

Mr. EVANS. How about you, Mrs. SMITH?

Mrs. SMITH. I've had very little mail. I think that, what I do hear, back in the State, is that they thought the last time we acted on civil rights legislation, that everything was ready to go and could be administered through the administration. This is a great surprise to them and I think they haven't quite decided what it means. I personally thought that we gave this administration what it asked for and I was a little surprised that it needed another——

Mrs. BOLTON. I agree with you on that, MARGARET.

Mr. EVANS. How about the marches? Do they understand the reason for the marches in your State?

Mrs. BOLTON. I don't think so. I don't think they think enough about them. Of course, we had one man killed under a bulldozer, which was very tragic. I think they are very enthusiastic over doing everything they can—I think everybody feels they should do something. Perhaps that's the only way they can express it.

Mr. EVANS. What were they concerned with? What does your mail indicate?

Mrs. BOLTON. They are concerned with Vietnam.

Mrs. SMITH. Medicare, some on education.

Mrs. Bolton. Yes, some on education. They do not want Federal control of education.

Mr. Evans. How about Vietnam? What's their major question.

Mrs. Bolton. They don't see why the President doesn't tell us frankly, what's really going on; what does he propose; what do we have to do? Now, we've sent Marines over—what does that mean? Is it going to be followed?

Mr. Evans. Are these your words?

Mrs. Bolton. No, that's my mail.

Mr. Evans. Is that your attitude, too?

Mrs. Bolton. Not entirely.

Mr. Evans. What's your attitude?

Mrs. Bolton. I don't think I should discuss it. I really don't tonight, Mark.

Mr. Evans. How about you, Senator?

Mrs. Smith. Well, I think it's very encouraging to see the administration be more firm on their actions in Vietnam. I think there is quite a noticeable difference between the days of the campaign last year and today. It seems changed about the time of the election. I think this is encouraging. I wish it weren't there, but it is there and we can't forget it and I have great admiration for the people who stay firm and give the people the true facts.

Mr. Evans. Mrs. Bolton, how do you maintain the vigor in your life. I'm not going to ask how old you are, but it's printed.

Mrs. Bolton. Oh, I am 150.

Mr. Evans. You don't look a day over 90, no, this sweet lady, she defies the calendar.

Mrs. Bolton. That's good.

Mr. Evans. I just think you ought to share it with other people.

Mrs. Bolton. You share it. You sit on your head. Everybody tells me that's why I'm so young. I stand on my head.

Mr. Evans. Is this coincidental—that you stand on your head—or have you always this joie de vivre?

Mrs. Bolton. I didn't have it years ago. I'm so terribly healthy, Mark.

Mr. Evans. Well, I've been reading part of a book and so has Senator Smith about you, "The Long Way Forward."

Mrs. Bolton. Yes, but that book stops at the most exciting moment of my life. What David Loth did I think is wonderful, but I went to Africa and there's not a bit of it in there, he stopped just before that.

Mrs. Smith. I shall always remember when you returned from that trip.

Mr. Evans. Let's get back to politics before you two embrace each other.

Mrs. Smith. I'd like to get back to another question and ask Frances Bolton if she doesn't think that the exercise she's had through the years, not only standing on her head, but exercise generally, had a great deal to do with your stamina.

Mrs. Bolton. I think it's absolutely imperative if one wants to really live. Physical fitness is tops.

Mr. Evans. You don't want to tell us how old you are?

Mrs. Bolton. I'd just as soon. I've got my 80th birthday coming up.

Mr. Evans. I'm proud of you.

Mrs. Bolton. Why, that's nothing.

Mr. Evans I know it's nothing, but I think its real noteworthy when you can do what you do. What kind of day do you put in?

Mrs. Bolton. I've been going since 6 this morning. But, why not?

Mrs. Smith. The remarkable thing, Mark, is that Frances Bolton is so modest in all of this. Frances Bolton did a life's work before she went into Congress. She brought up a family, she had a home, and she did so much and then at 55 years old, to go into Congress, to run the election, the campaigns that she's had.

Mr. Evans. She's had some tough ones too, hasn't she?

Mrs. Smith. She certainly has.

Mrs. Bolton. They've been wonderful, though. If you loved people as much as I do. It gives me my chance every 2 years, to have an excuse to go down to have suppers and things in the playrooms and the basements and everywhere, it's wonderful.

Mr. Evans. One of the things that impresses me though, and I hope it doesn't embarrass you, you are well-to-do. You don't have to do this.

Mrs. Bolton. I couldn't help that.

Mr. Evans. I know, it was thrust upon you, but you've got to be brave. You don't have to do this.

Mrs. Bolton. Yes I do. There's a compulsion about it. I couldn't sit around and do nothing. I come from a line of people who have always served their country. I couldn't possibly stay home and do nothing.

Mrs. Smith. Yes, but you don't have to work at the rate you do.

Mrs. Bolton. Oh but, that's just me. I have to.

Mr. Evans. The theme of your biography dwells pretty much on the fact that you were kind of ignored, kind of left out, I'm not sure whether that's true. In spite of all of this, you'd think the kind of life you led would be enough to keep you from this. Did you burst when you were finally free?

Mrs. Bolton. I think there was a certain amount of bursting in it. It takes you a long while to come from a deep sense of inferiority and I'm really a timid person * * * nobody believes that, but it's true.

Mr. Evans. I'm sure Senator Fulbright doesn't.

Mrs. Bolton. Of course, he doesn't, but Bill and I are old friends. It's taken me a long while where I can be relaxed with people and just kind of be myself.

Mr. Evans. Let's get on to party politics here. You are both members of the loyal opposition. Are you pleased or displeased with the way things are going? Do you think they are headed upward? Would you classify yourselves in the same ranks? You're both moderates; is that a fair statement?

Mrs. Smith. I coined that word in my 1948 campaign, you may remember.

Mr. Evans. I know you did. Will you buy that label?

Mrs. Bolton. Yes, I think so.

Mr. Evans. Let me get a consensus, here, on where the Republican Party is headed?

Mrs. Bolton. May I speak on it from a different angle? I think it's terribly important for the continuance of freedom in this country that we have a two-party government.

Mr. Evans. I don't think even the Democrats will disagree with you. They just want to win.

Mrs. Bolton. I think that it's very important that we realize how much it will mean when we once get together. Of course, I find the Democrats fighting too, but I think we haven't learned how to have a big battle, disagree, and then stick together and punch through something.

Mr. Evans. Even if you get together, you're a minority party.

Mrs. Bolton. Yes, 140. But back in 1936 there were only 89 left after the Roosevelt sweep.

Mr. Evans. I mean registrationwise in the country. Now where do you go in your estimation?

Mrs. Smith. I think, in my direct-primary proposal, it would help. I think it would get more people interested and I think that's very, very important. I think Frances has hit upon something that's most vital and that is that the Republicans, as I've seen them through the years, think that they have to agree on all issues and basically, we should have a statement of principles and agree on perhaps, four or five issues, and then let the people go their own ways on other issues. Perfection is not to be expected in a party. We have great minds, we have issues. I'm not at all discouraged. It does look rather hopeless but I think that if we would start now. We've just had the inauguration and we can't do anything to destroy the administration as long as they're in but I think that doesn't prevent us from getting ready for 1968. This is the time—not to wait 3 months before the convention and come out with a candidate.

Mr. Evans. Are you telling me that they should concentrate on a man? Several men?

Mrs. Smith. Yes. I think it would be well, and I think we have many—men and women in the country who are qualified—who have personalities. I think it's very important for a man or a woman to have a partner who likes the game—who is willing to get into it. It's going to take a great deal of energy—a great deal of courage—a great deal of time.

Mrs. Bolton. And a great deal of wisdom.

Mr. Evans. In the State of Maine, there's has been a real reverse—an about-face in politics. Maine used to set the pattern in republicanism. You now have a Democratic Senator and a Democratic Governor.

Mrs. Smith. No, we have a Republican Governor.

Mr. Evans. Oh. That's right. But, there has been a substantial change in Maine politics. Is this fearsome to you?

Mrs. Smith. No. If you look at the registration figures, there has been quite a change. There have been large numbers of people registering as Democrats in Maine, and a large number of independents. I think that, but there were many thousands of people in this last campaign that stayed at home. One hundred and fifty thousand registered people who stayed at home from the polls. How it's divided, I don't know.

Mr. Evans. You write a completely new book in politics in honoring this lovely lady but I think it's significant that we point out that she turns all her political contributions down. She will not accept a nickel from people for her political campaigns (Mrs. Smith).

Mrs. Bolton. But isn't that the way it should be?

Mr. Evans. I'm sure it is but I'm not sure it's very practical for most people.

Mrs. Bolton. I've always loved the way she would go into a town and say, "Well, here I am." "Look me over." With no money attached, at all.

Mr. Evans. Have you two ever jointly sponsored any legislation?

Mrs. Smith. I don't know.

Mrs. Bolton. The only thing we ever did together was the rose.

Mrs. Smith. Yes, that was a very worthy one.

Mrs. Bolton. It was your rose.

Mrs. Smith. We didn't get very far because about the time we were suggesting the rose we found that almost every State in the Union has a flower and each State thought that that flower should be the national flower.

Mr. Evans. You ran into a man named Dirksen in favor of a flower.

Mrs. Smith. Oh yes, marigolds, and his colleague in Illinois wants the corn tassel.

Mr. Evans. The corn tassel?

Mrs. Bolton. Imagine. Of course, with goldenrod, everyone would have hayfever.

Mrs. Smith. I think, Frances, why don't you tell Mr. Evans about your contribution along the line of nurses and hospitals and health, because we did do something together there.

Mrs. Bolton. Well, we did work together there, we worked very hard. I've always worked with the nurses. During the first war we established the Army School of Nursing, with Mr. Baker, who is a great friend of mine.

Mr. EVANS. Were you a sponsor of that?

Mrs. BOLTON. No, but I worked behind the scenes and bumped everybody off who was in my way. We finally got our school established which lasted quite a long while. Then when the second war came along, two or three of the nurses and I went to see the Surgeon General and we said we were quite ready to staff the school again. "Over my dead body the Army will do any nursing," he said. Oh, we were crushed. We now have nurses very well established in the services.

SENATE

FRIDAY, APRIL 23, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Edward B. Lewis, pastor, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

Our Heavenly Father, inspiration is the need of this moment as we join together in another session of the U.S. Senate. Endow these worthy men and women with purpose, integrity, and faith. Inspire them with Thy presence.

In order that man's inhumanity to man will cease, we need information—information that will acquaint neighbor with neighbor, friend with enemy, light with darkness. Inform us, O God, as citizens and leaders. Inspire us to put into practice what we learn to be right for all men.

Dear Lord, we pause with the words of the Psalmist:

"My soul, wait Thou upon God, for my expectation is from Him. He only is my rock and my salvation; He is my defense; I shall not be moved. In God is my salvation and my glory; the rock of my strength, and my refuge, is in God. Trust in Him at all times, ye people, pour out your heart before Him. God is a refuge for us."

Thus we believe, our Heavenly Father; we receive inspiration, information, and have expectation as we find ourselves in Thee—our salvation, our defense, our refuge, and rock in time of storm.

We pray in the name and spirit of our Lord. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 22, 1965, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

SENATOR FROM SOUTH CAROLINA

Mr. THURMOND. Mr. President, I advise the Senate that DONALD S. RUSSELL has been appointed by the Governor of South Carolina as a Senator from the State of South Carolina to represent that State in the Senate of the United States until the vacancy thereof, caused by the death of the late Senator Olin D. Johnston, is filled by election as provided by law.

I send the certificate of appointment to the desk.

The certificate of appointment was read, and ordered to be placed on file, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of South Carolina, I, Robert E. McNair, the Governor of said State, do hereby appoint DONALD RUSSELL a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Olin D. Johnston, is filled by election as provided by law.

Witness: His Excellency our Governor Robert E. McNair, and our seal hereto affixed at Columbia, S.C., this 22d day of April, in the year of our Lord 1965.

ROBERT E. MCNAIR,
Governor.

By the Governor:

O. FRANK THORNTON,
Secretary of State.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. RUSSELL of South Carolina, escorted by Mr. THURMOND, advanced to the Vice President's desk, and the oath of office prescribed by law was administered to him by the Vice President and was subscribed by him. [Applause, Senators rising.]

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

APPOINTMENT OF SENATOR WILLIAMS OF NEW JERSEY TO 18TH ASSEMBLY OF WORLD HEALTH ORGANIZATION

The VICE PRESIDENT. The Chair announces the appointment of the Senator from New Jersey [Mr. WILLIAMS] to the 18th Assembly of the World Health Organization to be held at Geneva, Switzerland, May 4–21, 1965.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON NUMBER OF OFFICERS ASSIGNED OR DETAILED TO PERMANENT DUTY AT THE SEAT OF GOVERNMENT

A letter from the Secretary of the Air Force, reporting, pursuant to law, that, as of March 31, 1965, there was an aggregate of 2,177 officers assigned or detailed to permanent duty in the executive part of the Department of the Air Force at the seat of government; to the Committee on Armed Services.

AMENDMENT OF SMALL BUSINESS ACT AND SMALL BUSINESS INVESTMENT ACT OF 1958

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Small Business Act and the Small Business Investment Act of 1958 (with accompanying papers); to the Committee on Banking and Currency.

REPORT ON PROVISION OF AVIATION WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of aviation war risk insurance, as of March 31, 1965 (with an accompanying report); to the Committee on Commerce.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary retention of high-value land, Fort Gordon, Ga., Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overpricing of ammunition components purchased from Honeywell, Inc., Hopkins, Minn., Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the procurements of spare parts and assemblies in excess of current needs by the U.S. Marine Corps, Department of the Navy, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting pursuant to law, a report on unnecessary procurement of office furniture, Department of Labor, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

REPORT OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of that Department, for the fiscal year 1964 (with an accompanying report); to the Committee on Labor and Public Welfare.

Amendment of Civil Service Retirement Act, Relating to Certain Annuities

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to amend the Civil Service Retirement Act to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Finance:

"House Resolution 1623

"Resolution of the General Assembly memorializing the Senators and Representatives from Rhode Island in Congress to take immediate action to abolish the quota restriction on the import of residual oil

"Whereas residual oil is the energy source in generating electricity used by all our industries, businesses, institutions, municipalities, and homes; and

"Whereas because of the restrictions imposed on the import of residual oil into this area, our electric rates in Rhode Island are among the highest in the Nation; and

"Whereas our industries, business and homeowners who are dependent on electricity are at an economical disadvantage in comparison to other areas; and

"Whereas because of this economic disadvantage our industries are in an unfavorable competitive position; and

"Whereas new industries are detracted from establishing in Rhode Island because of this competitive disadvantage caused by the high electric rates that are dependent upon the cost of the residual oil: Now, therefore, be it

"*Resolved,* That the Members of Congress from the State of Rhode Island are hereby respectfully requested to take proper and immediate necessary action to have all restrictions on the import of residual oil abolished; directing the Secretary of State to transmit duly certified copies of this resolution to the Secretary of the Senate, the clerk of the House of Representatives and to each Member of Congress elected from the State of Rhode Island."

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolution of the Commonwealth of Massachusetts

"Resolution memorializing the Congress of the United States to enact legislation providing medical care for the elderly through social security financing

"Whereas a major problem facing a large number of elderly citizens is how to meet the rising cost of medical care with fixed or declining income; and

"Whereas the social security system has enabled large numbers of elderly citizens to maintain a way of life which preserves their dignity and their independence; and

"Whereas adding medical care would be a natural extension of the social security idea: Now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to provide medical care for the elderly through social security financing; and be it further

"*Resolved,* That the secretary of state transmit a copy of these resolutions to the presiding officer of each branch of the Congress, and to each Member thereof from the Commonwealth.

"Senate, adopted, March 25, 1965.

"Thomas A. Chadwick,
"*Clerk.*

"House of representatives, adopted in concurrence, April 7, 1965.

"William C. Maiers,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on Government Operations:

"Resolution of the Commonwealth of Massachusetts

"Resolution memorializing the Administrator of Veterans' Affairs relative to the office of the Commissioner of Veterans' Services of the Commonwealth

"*Resolved,* That the General Court of Massachusetts respectfully urges the Administrator of Veterans' Affairs to recognize the office of the Commissioner of Veterans' Services of the Commonwealth of Massachusetts as an agency authorized and accredited to represent veterans and other persons in matters dealing with affairs of veterans before the Veterans' Administration; and be it further

"*Resolved,* That the General Court of Massachusetts further respectfully urges the Administrator of Veterans' Affairs to procure from the Administrator of the General Services' Administration office space in the John Fitzgerald Kennedy Federal Building in the city of Boston for the office of the Commissioner of Veterans' Services of the Commonwealth of Massachusetts in order to provide better service for the veterans of the Commonwealth; and be it further

"*Resolved,* That the General Court of Massachusetts further respectfully urges the Administrator of Veterans' Affairs to initiate legislation, if necessary, to accomplish these ends; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the commonwealth to the Administrator of Veterans' Affairs, the Administrator of the General Services' Administration, the presiding officer of each branch of the Congress of the United States, and to the Members thereof from the Commonwealth.

"House of representatives, adopted, March 29, 1965.

"William C. Maiers,
"*Clerk.*

"Senate, adopted in concurrence, April 5, 1965.

"Thomas A. Chadwick,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolution of the Commonwealth of Massachusetts

"Resolution memorializing the Congress of the United States to enact legislation presenting to the States a proposed constitutional amendment permitting the recital of a nonsectarian prayer in the public schools

"Whereas in the recent case of ***Engel* v. *Vitale,*** the Supreme Court of the United States declared the use of a voluntary prayer as prepared by the board of regents of the State of New York to be unconstitutional; and

"Whereas it is the will and desire of the majority of our citizens to recognize the existence of God and our dependence on Him;

"Whereas it is their belief that there is a great need to instill in the hearts and minds of our youth proper respect and reverence to a Supreme Being; and

"Whereas the recital of voluntary prayers in our public schools will accomplish that purpose and will help maintain traditions cherished by so many of our citizens: Now, therefore, be it

"*Resolved,* That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation presenting to the States a proposed constitutional amendment permitting the recital of a nonsectarian prayer in our public schools; and be it further

"*Resolved,* That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress, and to the Members thereof from the Commonwealth.

"House of representatives, adopted, March 29, 1965.

"William C. Maiers,
"*Clerk.*

"Senate, adopted in concurrence, April 1, 1965.

"Thomas A. Chadwick,
"*Clerk.*

"Attest:

"Kevin H. White,
"*Secretary of the Commonwealth.*"

A resolution adopted by the Southern Interstate Nuclear Board of Hollywood Beach, Fla., favoring the enactment of legislation to amend the Atomic Energy Act of 1954, to extend the provisions of the Price-Anderson indemnity legislation for an additional period of 10 years; to the Joint Committee on Atomic Energy.

RESOLUTION OF THE CITY OF GARY, IND., COMMON COUNCIL ON SECTION 14(b), TAFT-HARTLEY

Mr. HARTKE. Mr. President, I have received from the office of the city of Gary, Ind., a resolution passed by the Gary Common Council recently urging Congress to repeal the well-known section 14(b) of the National Labor Relations Act. This is an official resolution direct to the Congress. I ask unanimous consent that it may appear in the Congressional Record, and request that it be referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on Labor and Public Welfare, as follows:

Resolution 952

Resolution of the city of Gary urging Congress to enact legislation to restore full freedom of collective bargaining as uniform national labor policy and practice throughout the United States, by repealing existing sanctions of State right-to-work laws contained in section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, and by other appropriate action

Whereas section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 sanction the enactment of State right-to-work laws prohibiting the negotiation of agreements between unions and employers assuring union security during the terms of such agreement; and

Whereas by constitutional provision or statute 19 States have such right-to-work laws in effect, and by ordinance or other enactment numerous municipalities, counties, and other local bodies have adopted and put such laws into effect; and

Whereas such laws are contrary to and in derogation of provisions of Federal law contained in sections 8(a)(3) and 8(f) of the National Labor Relations Act, as amended, which in the absence of section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, permit under specified conditions the negotiation of agreements between unions and employers assuring union security during the term of such agreements; and

Whereas State right-to-work laws undermine union organization and interfere with full freedom of collective bargaining between unions and employers; tend to depress wages and working conditions and to promote strikes and instability and antagonism in labor-management relations; and unfairly compel unions to represent and bargain for workers who are unwilling to bear the cost and responsibility of participation in union organization and collective bargaining; and

Whereas State right-to-work laws are unfair and antilabor in their effects and are designed to weaken and harass labor unions in their organization efforts and in representing workers in bargaining with their employers; and

Whereas labor unions are generally rendered less effective in promoting the welfare of wage earners, and wages and working conditions are generally lower in States having right-to-work laws than in States where such laws exist; and

Whereas successful implementation of the national labor policy in support of union organization and collective bargaining is not possible unless unions and union security are accepted by management as desirable forms of industrial dealings: Now, therefore, be it

Resolved, That the City Council of Gary, Ind., urgently requests that the Congress of the United States enact such legislation as may be necessary and appropriate to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959, which sanction State right-to-work laws, and to restore full freedom of collective bargaining as uniform national labor policy and practice throughout the United States; and be it further

Resolved, That copies of these resolutions be sent forthwith by the clerk of the city of Gary to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing their State in the Congress of the United States.

Adopted by the common council this 16th of March 1965.

Louis G. Karras,
Presiding Officer.

Attest:

Betty Malinka,
City Clerk.

Approved and signed by me this 19th day of March 1965.

A. Martin Katz, *Mayor*.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Missouri (for himself and Mr. Hruska):

S. 1808. A bill to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States; to the Committee on the Judiciary.

(See the remarks of Mr. Long of Missouri when he introduced the above bill, which appear under a separate heading.)

By Mr. McCLELLAN:

S. 1809. A bill to establish a uniform national policy concerning property rights in inventions made through the expenditure of public funds, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. McCLELLAN (by request):

S. 1810. A bill to amend section 1498 of title 28, United States Code, to define the word "owner"; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan when he introduced the above bill, which appear under a separate heading.)

By Mr. COTTON:

S. 1811. A bill for the relief of Catalina Vera-Pericas; to the Committee on the Judiciary.

MORE EFFECTIVE CORRECTIONAL PROGRAMS

Mr. LONG of Missouri. Mr. President, not long ago the President of the United States sent to the Congress a message on crime. He proposed the enactment of the Law Enforcement Assistance Act of 1965 which among other things would authorize a search for ways of making the correctional process more effective. He also established the President's Commission on Law Enforcement and Administration of Justice, charging this body with finding the answers to a number of specific questions relating to the crime problem. One of these questions was: "What correctional programs are most promising in preventing a first offense from leading to a career in crime?"

The Judiciary Committee's Subcommittee on National Penitentiaries, of which I am chairman, has long been concerned by the need for improvements in the correctional process. Our inspections of Federal facilities over the years has indicated that if we are more effectively to salvage the offender we must provide a wider range of facilities and more flexible procedures for their correctional treatment. Our report of February 27, 1964, requested that the Attorney General give study to several suggestions that came up in our January hearings. It also expressed the intention of the subcommittee to develop legislation which would adapt the Huber law principle to the Federal jurisdiction and extend the halfway house idea to selected adult prisoners.

Recently the Attorney General transmitted to Congress such a measure. It is my pleasure to join with the distinguished Senator from Nebraska [Mr. Hruska] in introducing the bill.

The proposal provides a plan under which selected Federal prisoners may work at paid employment or undertake training courses in nearby communities, each day leaving from and returning to the institutions in which they are serving sentences. The prisoners given this privilege would be chosen from those who are considered to be trustworthy and who can be expected to benefit from the program. This so-called work-release plan has been adopted in various forms by 17 States and has proven successful. It promotes rehabilitation, enables prisoners to continue supporting families, and reduces costs of imprisonment. It should be made available for application to Federal prisoners.

The bill also authorizes the assignment of qualified prisoners to community residential treatment centers patterned on the Federal halfway houses that have proven so successful for juveniles and youths released to Los Angeles, Chicago, Detroit, and New York City. The centers serve as a bridge between institutional rehabilitation and reintroduction to the community. We are convinced that they are part of the answer to the President's question concerning correctional programs which would help to prevent a first offense from leading to a career in crime.

Over the past few years, I have visited a large number of Federal penal and correctional facilities, from the camps and halfway houses to fairly secure prisons. I am convinced that the Federal prison system has developed the technical competence to expand its correctional programs into the community with virtually no risk to citizens and property. Certainly if prisoners can be trusted at the open camps that I have seen in Arizona and the completely open institution near Dallas, Tex., they can be selected with similarly skilled analysis for assignment to community-oriented programs.

The bill will provide desirable flexibility that will greatly assist the Federal Bureau of Prisons in its mission of inmate rehabilitation.

Mr. President, I introduce for appropriate reference, on behalf of myself and the Senator from Nebraska [Mr. Hruska] a bill to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States. I ask unanimous consent that the bill be held at the desk until April 30 so other Senators may join as cosponsors. I also ask unanimous consent that the bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Moss in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record and held at the desk, as requested by the Senator from Missouri.

The bill (S. 1808) to amend section 4082 of title 18, United States Code, to facilitate the rehabilitation of persons convicted of offenses against the United States, introduced by Mr. Long of Missouri (for himself and Mr. Hruska), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4082 of title 18, United States Code, is amended to read:

"§ 4082. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough.

"(a) A person convicted of an offense against the United States shall be committed, for such term of imprisonment as the court may direct, to the custody of the Attorney General of the United States, who shall designate the place of confinement where the sentence shall be served.

"(b) The Attorney General may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether maintained by the Federal Government or otherwise, and whether within or without the judicial district in which the person was convicted, and may at any time transfer a person from one place of confinement to another.

"(c) The Attorney General may extend the limits of the place of confinement of a prisoner as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to:

"(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted only to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, or for any other compelling reason consistent with the public interest; or

"(2) work at paid employment or participate in a training program in the community or voluntarily serve a public or nonprofit agency, while continuing as a prisoner of the institution or facility to which he is committed.

"(d) The willful failure of a prisoner to remain within the extended limits of his confinement, or to return within the time prescribed to an institution or facility designated by the Attorney General, shall be deemed an escape from the custody of the Attorney General punishable as provided in chapter 35 of this title.

"(e) The authority conferred upon the Attorney General by this section shall extend to all persons committed to the National Training School for Boys.

"(f) As used in this section: The term 'facility' shall include a residential community treatment center; and the term 'relative' shall mean a spouse, child (including stepchild, adopted child or child as to whom the prisoner, though not a natural parent, has acted in the place of a parent), parent (including a person who, though not a natural parent, has acted in the place of a parent), brother or sister."

Sec. 2. The chapter analysis of section 4082 of title 18, United States Code, is amended to read:

"Sec. 4082. Commitment to Attorney General; residential treatment centers; extension of limits of confinement; work furlough."

Sec. 3. Sections 751 and 752 of title 18, United States Code, are amended by inserting the words "or facility" following the word "institution".

Mr. HRUSKA. Mr. President, I wish to join the subcommittee chairman, the Senator from Missouri [Mr. Long] in sponsoring the bill that he has just outlined. Over the several years that I have been a member of the National Penitentiaries Subcommittee I have been privileged to visit most of the facilities of the Federal prison system. These visits have convinced me that the system operates some excellent programs under fairly stringent budgetary limitations. I know too that more authority and more funding are required to make the correctional treatment of offenders as flexible and individually appropriate as it ought to be.

This bill, in my opinion, goes a long way in providing Federal correctional officials with the authority needed to achieve flexibility in dealing with prisoners and provides these officials with a new set of tools in their important work.

The bill contains three major provisions.

First. It gives the Attorney General the authority to commit or transfer prisoners to residential community treatment centers, or more commonly called halfway houses.

Second. The Attorney General could grant brief periods of leave under emergency conditions or for purposes related to release preparation.

Third. Finally, the Attorney General would be able to permit prisoners to work in private employment or to participate in community training programs while continuing as inmates in the institution to which they have been committed.

Now, I would like to comment on the three major provisions briefly:

TO EXPAND A TRIED CONCEPT

First. The bill grants authority to expand the halfway house concept. It now applies to juvenile and youthful offenders in the Federal correctional system. This idea ought to be extended to more mature offenders who, in the opinion of the Federal authorities, should be given partial correctional treatment in a wholesome community setting. Regardless of the efficiency and humanity with which a Federal correctional institution may be administered, the daily life there is much different than that of the free community or the free world as the inmates term it. The contrast is inherent and largely unavoidable. The result too often is that when a prisoner has finished his sentence or is paroled, his abrupt release to the community immediately confronts him with an array of problems that often comes as a severe shock and tends to overwhelm him. If part of his correctional treatment could be undertaken in the community, or if he could be gradually reintroduced to community living, some of these problems could be resolved and he could be adjusted to others in such a way that he could not panic and revert to undesirable ways.

The problems of a released inmate are many. He needs to find a job. He needs a place to live. He needs clothing and he needs food. In many instances he needs to find a way to become reassimilated as a member of a family that has closed ranks while he was gone. He also faces the plight imposed upon him by his status as an ex-convict. These are all basic and crucial problems that really must be resolved in the community. The authority provided by this bill would give the Federal prison system some means to deal directly with them.

The halfway house concept has been tried out for almost 4 years in the Federal prison system for juvenile and youthful offenders. It has proved to be an important and effective rehabilitative tool. The incidence of returning to criminal behavior patterns upon release has shown a marked decline in former inmates who have had the benefit of terminal confinement in a halfway house. The transition from prison life to the world outside is made more gradually, meaningfully, and under expert guidance and supervision in a way that optimizes the chances for a successful return to society.

Mr. James V. Bennett, the distinguished former Director of the Bureau of Prisons, made a speech in Boston recently which describes very eloquently the halfway house concept in the Federal prison system.

Mr. President, I ask unanimous consent that the speech be placed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

REHABILITATION LEAVE

Mr. HRUSKA. The second major provision of this bill has to do with emergency or rehabilitation leave. It also is not a new concept, having been incorporated into the prison systems of at least 10 States and several European nations. As with the halfway house, the leave concept has already found its way into the Federal system under the Federal Youth Corrections Act and the Federal Juvenile Delinquency Act.

It may be that the emergency leave provision of the bill can be demonstrated to be a valuable tool. Our subcommittee will want to examine this concept in detail in its deliberations on the bill.

The work release provision of the bill would greatly enhance the resources available to the Federal institutions. Like Senator Long, I feel that the supervisory personnel of the Federal system have the technical know-how and judgment to use these additional resources with the welfare of the public uppermost in mind. This has already been demonstrated by the experimental application of work-release procedures to juvenile and youthful offenders. But two-thirds of the prisoners released from Federal institutions are over 25 years of age. We should not overlook any plan that promises to create more rehabilitative opportunities for them.

STATE EXPERIENCE

The work release concept has been tried in many States and has proved to be a valuable penological tool. Started in the State of Wisconsin in 1913 with the enactment of the first Huber law, it has now spread to at least 16 other States. An excellent article on "Work Release in the United States" appeared in the Journal of Criminal Law, Criminology and Police Science recently. Written by Stanley E. Grupp for the September 1963 edition of that journal, the article outlines the concept in detail and summarizes State experience with it.

Mr. President, I ask unanimous consent that the article be placed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HRUSKA. Mr. President, I want to make it very clear that, in my opinion, this bill offers several effective and tested techniques to help those who have run afoul of the Federal law and who are paying for their crimes become rehabilitated. The bill will help them to become useful and responsible citizens upon fulfilling their debts to society. The bill will not turn hardened criminals loose on society. I have great faith in the officials of the Federal prison system and their abilities to administer the provisions of this bill, if enacted into law, in a fair and impartial manner. The limited experience with juvenile and youthful offenders indicates that this is so. The many inspections of the members of the National Penitentiary Subcommittee, as reflected in our reports for the past several years are further evidence of the outstanding job that is being done with the limited resources that are available.

The bill will provide more support in the way of statutory authority and flexibility for procedures to make Federal correctional work more effective.

Mr. President, I am pleased to cosponsor this important bill with the chairman of the Subcommittee on National Penitentiaries, Senator LONG. It is my earnest hope that the subcommittee will be able to hold early hearings on the measure, and that the Judiciary Committee will report it favorably and promptly to the Senate.

EXHIBIT 1

A BOSTON HALFWAY HOUSE

(By James V. Bennett, Forum Director, U.S. Bureau of Prisons)

It's good to be in Boston again where so many new and progressive ideas in dealing with problems of human welfare have been cradled. Whether you think of probation, mental hygiene, the Juvenile Court, parole or a dozen other progressive movements of a similar character, you will find that if they did not get their start here it was in this area that their practicality and usefulness was demonstrated. Indeed my friends, there is something about the New England conscience that breeds these social outcroppings. And we do not have to go back to the days of John Augustus, or Samuel Gridley Howe, or Laura Bridgeman, or Dorathea Dix or Julia Ward Howe to prove it. That same sort of altruism and social consciousness is evident here tonight. You, Friends of Framingham, are seeking some substitute for the cavalier way in which men and particularly women in your case are released from prison with nothing more than a bus ticket, enough money perhaps to tide them over the weekend, and the prayerful words, "And try not to come back."

The significance of this sort of casual "Godspeed" I can perhaps best demonstrate by sharing with you some of the correspondence I have with inmates of our institutions. In each Federal prison and correctional institution there is prominently placed a mailbox in which any inmate can deposit a letter addressed to the Attorney General, my office, to the sentencing judge, or to the Congressman or Senator representing the residence of the inmate. These letters are forwarded without censorship by the institutional officials. In addition to being a helpful outlet and safety valve for the prisoners they let me learn and appreciate the inmates' point of view.

Some are funny but mostly they are pathetic pleas for help. Not the least are requests for assistance after release. For example, a boy who had been recently discharged from our halfway house in Brooklyn in writing me of his experiences said: "The day I left Chillicothe I thought people could see right through me. I sat there at the bus station, and I didn't want to let the guard go. He said to me, 'If you're not ashamed of my uniform, I'll sit with you until the bus comes.' He said all the guys felt the way I did. When it came, I just hung on him. I felt like somebody leaving his mother. All the way to Columbus I sat in the back with my hand over my eyes."

Just before I came up here Miss Bowman, our superintendent at Alderson, sent me a letter she had received from an 18-year-old girl who had been discharged to a remotely related aunt. She had no family worthy of the name, no friends, just nothing. She was begging Miss Bowman and her cottage officer to write her. She said she was going to need advice and guidance so much and she didn't know where to turn.

Another girl said: "Had no idea people were so stuffy about prison records. Appearance and intelligence have gotten me into personnel managers but I am still unable to find a way to get beyond them. If there are not some changes made a return trip (meaning Alderson) might be necessary and I am not smiling."

This fear of rejection, of guilt, of loneliness seems to overwhelm some of our releasees to the point they won't even try. That has been amply demonstrated by a study of our so-called failures and successes made by a team of researchers at the University of Illinois under a Ford Foundation grant. We have been able to document the belief that it is the period immediately after release which is the most dangerous, frustrating and hazardous for the prisoner. Of those who fail, upward of 70 percent do so in the first 6 months after discharge and almost one-half of those who commit another offense do so in the first 6 weeks after release. One other interesting fact is that the study shows about 90 percent of all releasees made at least one legitimate effort to find an honest livelihood. If these figures mean anything they mean that the crucial days and weeks for the discharged prisoner are those immediately after he is handed his release papers.

The problem, therefore, is to help the man or woman over the first few days and weeks, to build on good intentions and honest efforts. There is just one sensible way to do that—provide community help and support during the transition period. That points to the need for a new kind of institution—one that is intermediate between the close and secure regime of the prison and ultimate release on parole or otherwise. We in the Federal prison service are trying to do this through some halfway houses or guidance centers as we call them for our juvenile and youth offender group.

Soon after his appointment, Attorney General ROBERT F. KENNEDY, whose greeting I bring you, sent a special request to Congress that funds be allocated to establish a series of halfway houses designed to evaluate new methods in assisting released offenders. The basic purpose of these centers is to bridge the gap between the institutions and the community by establishing the released offender in a stable employment and social situation. During September 1961, the first two guidance centers were opened, one in New York and one in Chicago. The following month, a third center was opened in Los Angeles. In January of this year, we opened our fourth guidance center in Detroit, Mich.

Our center in New York City is operated under a contract with Springfield College, Springfield, Mass. As you know, Springfield College has long been associated with the training of staff to work in community welfare agencies. Under the provisions of our contract, the college provides the staff for the guidance center from its faculty and alumni and have leased space for the project in a Brooklyn YMCA.

The Los Angeles center is operated by our Bureau and staffed by our personnel. It is situated in a private building we have leased for the project. The building was formerly occupied by a small college and is ideally located near the downtown Los Angeles area. We have provided office, recreational and bedroom space within the building and have built a kitchen and dining room area.

Another guidance center was opened during January of this year in Detroit. This center is unique in that it is a joint operation involving the Federal Bureau of Prisons and the Michigan Department of Corrections. We have leased a building similar to the one we use in Los Angeles. One of the staff members in Detroit is an employee of the Michigan Department of Corrections while the remainder of the staff come from the Federal Bureau of Prisons. One half of the residents in Detroit come from our institutions while the remainder are State offenders who have been confined in institutions operated by the Michigan Department of Corrections. Maybe someday a similar arrangement could be made for this area if sufficient funds become available to us.

Each of the four centers we operate can accommodate a maximum of 25 residents. Young men are transferred to the centers approximately 4 months prior to their release dates which have been established by the U.S. Board of Parole. This means that youngsters transferred to the centers this month will be released to parole supervision in July. The actual date of release is flexible, however, and can be advanced or retarded according to the individual needs of the residents.

We accept only men who are legal residents of the metropolitan areas in which the guidance centers are located. This policy has been adopted because of our belief that it would be inadvisable to relocate offenders in an urban area simply because there was a guidance center available. In addition, we have found that community leaders are willing to accept the guidance center for young men from their own area but are reluctant to accept offenders whose homes are in other cities.

While the program provided at the four centers varies to some degree there is a basic uniformity in the program design. In general, the project can be divided into three basic areas:

1. Employment placement.
2. Individual and group counseling.
3. Introduction to community agencies and resources.

Shortly after a young man arrives at the center, the employment placement officer on the staff begins assisting him in locating employment and in most instances, is able to place him on a job within 2 weeks. As soon as a youngster is placed on a job, he begins working on a full-time basis, returning to the center in the evening following work. He is permitted to spend part of his earnings for personal needs and is required to place the remainder in a savings account.

The guidance centers have a caseworker on the staff who is responsible for both the individual and group counseling program. The primary focus of the counseling program is on assisting the youths in solving the problems they encounter on the job and in the community. On several evenings each week, the center staff assists the residents in planning leisure time activities which will introduce them to a wide variety of programs and interests. Activities included are dances sponsored by community agencies, athletic events, and a variety of recreational programs.

In order to gradually move the guidance center residents back into their homes and neighborhoods, a progressive system of weekend privileges has been established.

One of the best illustrations of such problems center around the tremendous anxieties and fears released offenders have when they leave the institutions. Many of the men who come to the guidance centers are very hesitant to venture out into the community initially and actually attempt to escape from their fears by remaining in the center as much as possible. Others may put on a facade of bravado in an attempt to cover up their basic feelings of inadequacy and anxiety.

Jack was about as seriously handicapped a boy as we ever had to take over from other agencies. Coming as he did from a home broken by alcoholism and poverty no one much cared what happened to him when he lost the use of his arms and shoulders due to infantile paralysis. Among the almost innumerable operations he had had was a facial transplant. He became rebellious and hostile and of course used his handicaps as a crutch and excuse for stealing and forgery. Finally, of course, he was committed and we tried to help him at our medical center without too much success. We decided, however, to try him at our Los Angeles guidance center. At first he gave us a pretty hard time. But later he changed and one day he said to his counselor, "I like this center. I have lived in orphans homes, in foster homes, with relatives and there was no feeling for me at all. Now, I finally am home and found that there are people who really care."

This change came when we finally got him a job in a photographic studio. This turned out to be Jack's dish. He really liked the work, developed some real talent, and now we think he's on the high road to success, and incidentally, having married and become a father, and continuing to earn something over $400 a month. He goes back to the center occasionally and tells the other boys the joys of being a square.

It is a little too early to make a conclusive evaluation of our experience but everything seems to indicate the guidance centers have been most helpful. The Brooklyn guidance center has had 88 residents of whom 45 have been discharged and up to now have not relapsed. Eighteen we found were not yet ready for release and have been returned for further training at an institution. Please do not conclude this group committed another offense. They did not. We felt that they needed a little more training, or psychotherapy or to complete some vocational course. We know of only two who have actually committed another offense. However you figure it, this has been a pretty good record if you remember that almost half of those who are discharged without guidance get into trouble again before their parole period expires.

Now what we can do with young men can also be done I am sure with women. As a matter of fact, I think the need is even greater for women. To be sure there are relatively much fewer women in prison than men but their problems of community adjustment are more serious. Many of them have been rejected by their families and friends, if they ever had any. There are fewer job opportunities available to them. Many are not acceptable as marriage partners by any self-respecting man because of the kind of sex lives they have lived. I have noticed, too, that proportionately they have more mental and physical handicaps.

All of this clearly means that women are in greater need of help if they are to overcome their handicaps, their fears and the urge for the one big night they have been dreaming about as one dreary day followed another. I do not need in this presence, I am sure, to illustrate these understandable temptations or cite particular cases. You know them. You also know that in the case of many female offenders their basic problem is some social inadequacy. They are the female alcoholics, sex deviates, mental defectives, and the physically unfit. These are the grist of our women's institutions. They need help and help not of the prayerful go-thou-and-sin-no-more type but practical, down to earth aid, support, and guidance. A decent meal, a clean bed, and new hairdo or brassiere could make a world of difference. And they need all these at the peril point which is when they are ready for release.

It's all very well to seek that support through volunteers. Many of these whom I personally know have done magnificent bits of personal charity that way but after awhile they get tired or something else attracts their energies.

Sincere volunteers can always be useful but after all reintegrating hard cases of the kind I have in mind into the community is a public responsibility. Discharging it fully pays large dividends in crime prevention and human values as well. No better way to fulfill this responsibility can be found, I believe, than through establishing a halfway house for women here in Boston where so many pioneering and rewarding experiments in human betterment were undertaken. I wish you well and pledge my assistance.

Exhibit 2

Work Release in the United States

(By Stanley E. Grupp)

(Note.—The author is assistant professor of sociology in the Department of Social Sciences of the Illinois State Normal University. He received the M.A. degree from the University of Iowa. Professor Grupp's publications include articles in the fields of anthropology, penology, and criminology.

(What are the objectives of a work release program? What are the comparative merits of the various types of work release legislation? What are the major difficulties encountered in implementation of work release? And how does work release measure up to society's requirements for effective penal sanctions? In the following article, Professor Grupp considers these and other questions growing out of the increasing use of work release in U.S. penological practice.—Editor.)

In U.S. penological practice, the work release program is well underway. Inaugurated in 1913 by Wisconsin's Huber law, the acceptance and expansion of work release has gained momentum in recent years. Certainly we have moved too slowly in applying sound penological practices to the misdemeanant problem. Thus, the growth of work release programs is encouraging to penologists and enlightened citizenry alike.

Under the typical work release program, the prisoner is employed outside the jail during working hours and returns to the jail at the close of his workday. His wages go directly to the program's administrator, who is responsible for the allocation thereof. In some States provision may also be made for the prisoner to attend school and church, as well as activities such as union and Alcoholics Anonymous meetings. Work release is generally limited to misdemeanants, but North Carolina has led the way in applying the program to felons with sentences up to 5 years, and Maryland has recently authorized a similar program.

At least 17 States currently have laws formally providing for the work release sentence. In addition to Wisconsin (1913) these are: West Virginia (1917), Virginia (1956), California (1957), Idaho (1957), North Carolina (1957), Minnesota (1957), North Dakota (1957), Wyoming (1957), Montana (1959), Oregon (1959), Illinois (1959), Washington (1961), Missouri (1961), Michigan (1962), Maryland (1963), and Indiana (1963). Dates in parentheses indicate the first year work release sentences were formally provided by statute in the respective States. Clearly the development has come in the last 7 years.

In addition, in a number of jurisdictions apparently some use is made of work release without any formal legislative sanction. This practice contains built-in limitations, since it expands responsibilities beyond the formal legislative specifications. Nevertheless, it appears that some judges have undertaken to impose work release sentences on their own initiative.

OBJECTIVES

The major objectives of work release are rehabilitation of the offender and provision for the support of both the prisoner and his family. It may well be that the interests of economy have served as the major impetus to the inauguration of work release laws. The evidence indicates that the State is saved literally thousands of dollars. Work release costs only a fraction of the amount required to maintain a prisoner full time in the county jail. The Wisconsin Service Association has stated, for example, "But in all candor it must be said that savings in cost of prisoners' board in jail and in public relief for their impoverished families have proved greater inducements to apply the law." Be this as it may, wisely administered, the program serves sound objectives of sentencing and correction.

IMPLEMENTATION

Those interested in the expansion of work release legislation should not be content with statutory enactments alone. An unused work release law is of no value. Information regarding current implementation of work release statutes is incomplete. Wisconsin appears to be the only State with relatively inclusive statewide data concerning the extent to which work release sentencing is utilized. Data from most of the other States is either spotty or nonexistent, probably because the program is usually administered on a county basis, because there is no central data collecting agency, and undoubtedly because the laws are new. Hopefully, more data will be available in the years to come. Minnesota, for example, has recently passed legislation requiring that counties make annual reports to the department of corrections.

Available evidence indicates that work release is applied most extensively in Wisconsin, California, and North Carolina. It will be noted that these States are among those with the longest experience with the law.

Not all of the 71 Wisconsin counties make use of the Huber law. Available information is summarized in the accompanying table. Though use of work release varies considerably from county to county, statewide statistics indicate that in 1956 and 1960, "Huberites" comprised 35 and 33 percent, respectively, of the total Wisconsin county jail population. Sanger Powers hopefully predicts the day when they will comprise 60 to 70 percent thereof.

Commitment under the Huber law does not ipso facto assure employment for the prisoner. And we may assume that a comparable situation exists under work release laws in other States. The problems of securing employment will be discussed below. In 1960, 71 percent of the Huber prisoners were employed. Urban counties of 100,000 and over accounted for 82 percent of the employed Huberites. In the words of the Wisconsin report, 1960, "Over half * * * of the Huber law sentences were in Milwaukee and Dane Counties and well over half * * * prisoners actually employed under the law were from the same two counties, which comprise less than one-third of the State's population." It is clear that sentencing under the Huber law occurs principally in the large urban centers.

Wisconsin counties reporting use of the Huber law

	Number of counties
1914	28
1939	11
1956	50
1960	52

Work release in California, as promulgated under the work furlough rehabilitation law of 1957, section 1208 of the Penal Code of California, requires an ordinance by the county board of supervision for full implementation. The law of 1957 was antedated by experiments in Fresno and Santa Clara Counties. The work of these counties was briefly reported in the 1957 California State report, "The County Jails of California: An Evaluation," which recommended passage of a work release law. Work release programs are currently underway in Marin, Del Norte, Orange, Santa Clara, and Stanislaus Counties; and one is now being established in San Mateo.

North Carolina's program, as mentioned above, includes felons with sentences up to 5 years. Work release applies to the entire State, and the prison department is empowered by statute to establish programs where the need exists. On May 9, 1962, there were 179 misdemeanants and 22 felons in the program.

SELECTION AND EMPLOYMENT

Careful selection of work release participants is imperative. There is general agreement that work release is most appropriately used for certain classes of offenders. Among these are nonsupport cases, traffic offenders, selected check offenders, and individuals for whom alcohol is a problem—though the latter undoubtedly call for special consideration. Certainly the individuals selected should possess sufficient stability not to pose a security problem.

In no instances should such objectives as the relief of overcrowding in the jail be the major consideration in the program. Further, officials responsible for selecting, finding employment for, and supervising the work release prisoners should not be subject to political or other pressures either from prisoners with "influence" or from potential employers. At its worst, work release can be a means of prisoner exploitation whereby personal friends of the work release administrative personnel are provided with cheap labor. A statutory provision requiring employment at the prevailing wage for similar work may be of some help. California and Oregon have such provisions.

At the same time the implementation of work release must be realistic and bear a reasonable relationship to the prevailing economic conditions of the community. In our desire to implement the sound objectives of the program, care must be taken not to be so zealous that we deprive law-abiding citizens of employment. But it would be absurd to **wait until all** law-abiding citizens have jobs. The work release program must stand on its own merits. This of course is but one of the many problems in the art of punishment.

What type of work do work release prisoners do? Among those jobs commonly mentioned are positions as laborer, salesman, painter, construction worker, and gas station attendant. Under the Wisconsin program, in addition to the more usual types of employment, the prisoner may leave jail to conduct his own business, to obtain medical treatment, to attend school, and, if the prisoner is a woman, to attend to housekeeping tasks.

In most jurisdictions work release authorization is in the hands of the court, which in some jurisdictions must act in conjunction with the sheriff, the State's attorney, or both. In North Carolina the parole board, too, may authorize work release assignments. Of the 222 participating inmates on May 9, 1962, 96 were recommended by the courts and 126 by the parole board.

Information from Wisconsin and North Carolina suggests that work release prisoners are apt to be those inmates who had employment at the time of sentencing. In 1960 many of the Huberites continued with their usual employment. The same pattern prevails in North Carolina. The statute as interpreted by the North Carolina Prison Department is "primarily set up for those inmates who have employment with a reputable firm or person who is willing to continue him on the job under this plan."

States vary in their efforts to find employment for the work release inmate. Wisconsin illustrates an active effort on the part of the State. Wisconsin law requires the sheriff to seek employment for work release prisoners. In 1960 the sheriff's offices of 29 counties helped in finding jobs for at least some prisoners. Conscientious implementation of this law requires the sheriff and his staff to be what Sheriff Hass of Dane County has termed "Huber-law-minded." With regard to his office's function in finding jobs, Sheriff Hass says, "We * * * keep up the soliciting of jobs every day so that is the reason for * * * success. It has great therapeutic value because it keeps them occupied and we also find work for individuals who could not find work themselves."

Most other work release States appear to make at best a moderate effort. North Carolina does not usually try to find employment, but the door is kept open for including those inmates who, though not sentenced to the program, are somehow able to find employment after commitment.

In a number of work release States, the inmate may seek employment. Wisconsin, Michigan, and Maryland allow the prisoner to leave jail to seek employment for himself.

Section 36.63.260 of the Revised Code of Washington, 1961, provides for the continuation of regular employment, but also specifies that the court "may authorize the sheriff or other appropriate officer to make every effort to secure some suitable employment or may authorize the person to secure employment for himself in the county." Idaho, Minnesota, Missouri, and Oregon have similar statutory provisions.

The Montana and Wyoming statutes make express provision for the continuation of regular employment, but fail to say anything about finding jobs for the unemployed. The Virginia Code similarly applies to those "regularly employed."

Limiting work release to those already having employment is a questionable policy. It may tend to include only the best risks, ease administration, and minimize costs. At the same time, it probably excludes those who have the most to gain from a well contrived and well implemented program. If the objectives of work release are to be attained, every reasonable effort should be made to secure work for the work release inmate without a job. In those States where either statute or practice excludes the inmate without employment at the time of sentencing, serious consideration should be given to a change of policy.

One further consideration must be mentioned in connection with the State's effort to secure employment for the work release inmate. If sentences under work release are too short, the expenditure of time, effort, and money made in seeking employment may be unjustified. As we become more "work-release-minded," we must recognize the need for intensified scrutiny of our sentencing policies. This is but another of the problems in balancing the interests of the individual with those of society, an endless road in the implementation of punishment.

SPECIAL PROBLEMS

Administrative duties, recordkeeping, checking prisoners in and out, job finding, et cetera, encumbent upon already overburdened offices, rank high in the list of so-called disadvantages of work release programs. In 1956 and 1960, Wisconsin sheriffs ranked "lack of personnel" among the important reasons for the limited use of the law. In most work release States, the administrative burden falls on the sheriff. It is unwise to burden the office of sheriff with the multiple work release administrative duties without providing him with adequate personnel to do the job. Too, it may be that the administrative and supervisory duties inherent in the work release program call for specialized skills that we cannot legitimately expect of the sheriff. This is not to imply a lack of confidence in the sheriff nor to suggest that his role is inherently inconsistent with the requisite rehabilitative orientation. But in relatively large counties an extensive and well conceived program calls for a full-time work release administrator. Since work releasers are prisoners, a "work-release-minded" deputy sheriff might be the logical person for this position.

At the same time there seems to be merit in the position that the administrative responsibilities of work release should be removed from political offices, where the administrator may be exposed to undue political pressure. The best administrator may well be a civil service appointee, who is relatively removed from potential political pressures, possibly one with social work training and one who can work closely with the sheriff's office. In two California counties, Marin and Orange, probation officers serve as work release administrators. In California the county board of supervisors is required by statute to prescribe whether the probation officer or the sheriff is to perform the function of administrator—a wise policy in that it provides for an appropriate consideration of factors peculiar to the given community. As a result, small counties may be able to adopt a work release program which would not otherwise be possible under rigid State requirements. The requirement of a full-time administrator, for example, would be out of the question for small counties. It is noteworthy here that the statewide system in North Carolina seems to be moving along quite well. As we move toward increasing cooperation between counties, an inter-county administration system may be worthy of experimentation in other States as well.

Should separate jail facilities be provided for work release prisoners? Positions on this question vary; most, however, see an imperative need for separate housing. The Wisconsin Service Association, while recognizing the confronting difficulties, takes a definite stand in favor of separate facilities. Certainly work releases do not require traditional confinement, and separate facilities help to reduce the need for security safeguards made necessary by intermingling the two groups of prisoners. But need the implementation of work release necessarily await separate housing facilities? It is the feeling of this writer that a county need not await the ideal to implement the law. The decision must be made at the local level and take into account the existing jail facilities as well as the availability of the personnel necessary to carry out the program.

These are but several of the many problems encountered in the implementation of work release programs. Other problems include the extensive bookkeeping necessary in collecting and disbursing the inmate's wages, the development of a standardized basis of recordkeeping, the development of reciprocal provisions between counties, the education of the public to the advantages of the program, and the provision of adequate casework services in helping both the prisoner and his family.

WORK RELEASE AND PUNISHMENT

Cursory observation reveals the potential advantages of work release. Further inspection suggests that work release may be one of the more fruitful methods of implementing the integrative or inclusive theory of punishment. The integrative theory recognizes that in the punishment of the criminal, society demands the fulfillment of a number of functions; namely, deterrence, rehabilitation and retribution; further, this position maintains that under sound penal-correctional practice, it is both necessary and possible to work toward the fulfillment of these multiple functions. Attention will now be given to work release viewed within this context.

The rehabilitative function as well as the pecuniary advantages of the program have been discussed elsewhere. Of major importance is the fact that the prisoner is able to retain some degree of self-respect because he remains a self-supporting and contributing member of society. The implications of these values alone make the program worthwhile in terms of the rehabilitative function of punishment.

In addition, work release informs the offenders that the community means business. The nights and weekends in the cell provide ample opportunity for penitence and self-castigation while also helping meet the public's demand that prisoners not be coddled and that they receive their just desert. Clearly, work release prisoners bear the stigma of the criminal label. Viewed in terms of retribution, when it is remembered that most work release inmates are misdemeanants, the work release sentence is sound.

The deterrent function also appears to be served by the work release sentence. Bearing more stigma than probation and involving additional punishment in that the individual is removed from society for the greater portion of the week, such a sentence should well be sufficient to cause the potential repeater to think twice.

Viewed within the context of the integrative theory of punishment, work release programs are worthy of serious exploration.

CONCLUSION

What does the future hold for work release? Work release is sound penology, and it is heartening to observe evidences of growing interest in the program. Maryland and Indiana have recently passed work release laws, and work release bills were introduced in the recent sessions of the Florida and Iowa Legislatures. Recently the Cook County, Ill., chapter of the League of Women Voters has become interested in work release. On May 14, 1962, E. H. Shomo, CBS Radio vice president and general manager of WBBM radio, Chicago, spoke in favor of implementing a work release program in Illinois. The National Jail Association at a regional forum in Sioux City, Iowa, in 1962, gave attention to the subject. These concrete examples of interest in work release are encouraging, and there are undoubtedly more. Hopefully, this growing interest will continue to result in both new State statutes and greater use of existing provisions.

GOVERNMENT PATENT POLICY

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to establish a uniform national policy concerning property rights in inventions made through the expenditure of public funds, and for other purposes.

The Subcommittee on Patents, Trademarks, and Copyrights, of which I am chairman, of the Committee on the Judiciary, has been engaged for some time in a study of the patent policies and practices of the various Government departments and agencies. The subcommittee has given particular attention to the equitable allocation of patent rights in inventions arising from Government-financed research and development contracts. In recent years the Congress has frequently considered the inclusion of patent provisions in legislation authorizing new Government research programs. It is clearly the intent of Congress that the basic guidelines of Government patent policy should be determined by the Congress. However, the preferred method of accomplishing this objective is by the enactment of a comprehensive bill rather than by individual amendments to every bill authorizing Government research programs.

In an effort to make a contribution to a reasonable solution of this complex question, I introduced during the 88th Congress, S. 1290. I then indicated that while I believed the bill reflected a sound approach, it was not the definitive expression of my views. I accordingly invited all interested parties to make suggestions as to how the bill could be improved. A number of constructive comments were submitted and these have all been given the most careful study.

After the introduction of my bill, the late President John F. Kennedy, on October 10, 1963, issued a memorandum of Government patent policy. I stated in the Senate on October 15, 1963, that I regarded President Kennedy's statement as a constructive contribution which would be of considerable assistance to the Congress, but that the need for legislation persisted. I believe subsequent events have amply confirmed the desirability of Congress finally resolving this matter by the enactment of general Government patent policy legislation.

The most significant revision of my earlier bill concerns the procedures governing the determination of patent rights as between the Government and the contractor. S. 1290 precluded final determinations being made until the inventions were actually disclosed. The revised bill, while containing adequate safeguards to protect the public interest, affords greater flexibility as to the time when the determination of ownership rights may be made.

I am sure that further improvements may be made in the bill, and I once again invite those who have an interest in this matter to communicate to me their views and any proposed amendments.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1809) to establish a uniform national policy concerning property rights in inventions made through the expenditure of public funds, and for other purposes, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT OF SECTION 1498 OF TITLE 28, UNITED STATES CODE, TO DEFINE THE WORD "OWNER"

Mr. McCLELLAN. Mr. President, by request, I introduce, for appropriate reference, a bill to amend section 1498 of title 28, United States Code, to define the word "owner."

This proposed legislation is being introduced at the request of the Department of Justice. According to the Attorney General, the purpose of this bill is to permit only the "owner" of a patent as defined by the Supreme Court to bring suit under section 1498. During the 88th Congress, at the request of the Department of Justice, I introduced a somewhat similar bill, S. 1655, but no action was taken on the measure.

I ask unanimous consent that a letter addressed to the Vice President from the Office of the Attorney General, which sets forth additional justification and background on the proposed legislation, be printed in the RECORD at this point as part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 1810) to amend section 1498 of title 28, United States Code, to define the word "owner," introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

The letter presented by Mr. McCLELLAN is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., January 26, 1965.

The VICE PRESIDENT,
U.S. Senate, Washington, D.C.

DEAR MR. VICE PRESIDENT: There is attached for your consideration and appropriate reference a draft bill "To amend section 1498 of title 28, United States Code, to define the word 'owner'." A somewhat similar bill was submitted in the 88th Congress and introduced as S. 1655 but received no action.

Subsection (a) of section 1498 of title 28, United States Code, provides for suit against the United States by the owner of a patent used or manufactured by or for the United States without license of the owner. Because of the lack of a statutory definition of the word "owner" as used in section 1498, there has been considerable litigation in the Court of Claims as to the meaning of that term. In comparatively recent decisions that court, which has exclusive jurisdiction of suits under the section, has interpreted "owner" to include licensees who held no legal title interest in the patents alleged to have been infringed. In some of such cases the owners have voluntarily joined the licensees as plaintiffs, while in other cases the court has permitted licensees to maintain suits by including the names of the owners of the patents as joint plaintiffs, without their consent. We are concerned that this will open the door to multiple suits by multiple licensees under the same patent for the same alleged infringement.

Permitting suits by licensees having no legal title interest in a patent is contrary not only to the uniform decisions of the Supreme Court interpreting the language of the section, but also to the intention of the Congress when it enacted the statute. In the congressional proceedings on the original act of June 25, 1910, it was stated that the measure was intended to waive sovereign immunity as to, and provide a remedy for, only the owners of patents, and also that the bill was not intended to permit suits by licensees under the patents (H. Rept. No. 1288, 61st Cong.; 45 CONGRESSIONAL RECORD 8755–8785).

The draft bill would amend subsection (a) of section 1498 to define the word "owner" to mean the person who, at the time of the alleged use or manufacture, held legal title to the whole patent or an undivided part or share of the whole patent throughout the United States, or to the whole patent within, and throughout a specified geographic part of the United States. Also, the amendment would provide that legal title comprises the right to exclude others from making, using, or selling the invention throughout the United States or any specified part of the United States. This amendment adopts the definition given by the Supreme Court in *Waterman* v. *Mackenzie*, 138 U.S. 252, 255–256; *Crown Co.* v. *Nye Tool Works*, 261 U.S. 24, 40–41, and other cases cited in those decisions.

The Bureau of the Budget has advised that there is no objection to the submission of this recommendation from the standpoint of the administration's program.

Sincerely,

NICHOLAS deB. KATZENBACH,
Acting Attorney General.

ADDITIONAL COSPONSORS OF BILLS

Mr. LONG of Missouri. Mr. President, on April 9, 1965, I introduced a bill

(S. 1758), which was cosponsored by several other Senators, to provide for the right of persons to be represented by attorneys in matters before Federal agencies.

I ask unanimous consent that at its next printing the names of the senior Senator from Mississippi [Mr. EASTLAND] and the senior Senator from Nebraska [Mr. HRUSKA] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, on March 18 I introduced again my bill calling for a reinsurance program for private pension funds, in order to prevent the loss to employees which is involved when such an event as the closing of a company or plant occurs. I am pleased that Congressman JOHN BRADEMAS, of Indiana's Third District, whose home is in South Bend, has introduced a parallel bill, H.R. 6944, in the House. I am also pleased that the Senator from Washington [Mr. MAGNUSON] has expressed his desire to associate himself with this bill. Therefore I ask unanimous consent that his name may be added to the bill, S. 1575, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that at the next printing of S. 1793, a bill to amend the Federal Disaster Act, that the names of the distinguished Senators from Wisconsin [Mr. PROXMIRE and Mr. NELSON] be added as cosponsors of that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, on behalf of the senior Senator from Connecticut [Mr. DODD], I ask unanimous consent that at the next printing, the name of the distinguished Senator from Illinois [Mr. DOUGLAS] be added as a cosponsor of S. 1591, a bill to amend the National Firearms Act, and S. 1592, a bill to amend the Federal Firearms Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, on Wednesday I joined with Senator MONDALE in introducing S. 1793, a bill to provide assistance for the rehabilitation and reconstruction of areas damaged by floods. We are pleased to have the Senator from North Dakota [Mr. BURDICK] join as a sponsor. I ask unanimous consent that at the next printing of the bill the name of Mr. BURDICK be added as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, on behalf of the senior Senator from Connecticut [Mr. DODD], I ask unanimous consent that at the next printing of S. 1483, a bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes, the name of the senior Senator from Connecticut [Mr. DODD] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON TITLES II AND IV OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT

Mr. DOUGLAS. Mr. President, I should like to announce that the Production and Stabilization Subcommittee of the Senate Banking and Currency Committee will begin hearings on titles II and IV of S. 1648, the Public Works and Economic Development Act, on Tuesday, May 4, 1965. This bill has been referred to the Public Works Committee. However, titles II and IV of S. 1648 are similar to provisions of the Area Redevelopment Act, which has been considered on previous occasions by the Banking and Currency Committee; therefore, the chairman of the Public Works Committee has requested that the Banking and Currency Committee informally review these titles and advise the Public Works Committee of the Banking and Currency Committee's views on these titles of S. 1648.

The hearings by the Production and Stabilization Subcommittee will begin at 10 a.m., on Tuesday, May 4, and will continue, if necessary, through May 7.

Persons wishing to testify on titles II and IV should contact Mr. Jonathan Lindley, Senate Banking and Currency Committee, 5300 New Senate Office Building, Washington, D.C., 20510. Telephone: 225-3921.

OIL IMPORTS

Mr. CARLSON. Mr. President, yesterday the distinguished Senator from Louisiana [Mr. LONG] and other Members of the Senate discussed at some length the affect of oil imports and military purchases on our balance of payments.

I regret sincerely that I was unable to be present in the Senate at the time this discussion took place, as I would have liked to have expressed my views on it at that time.

Balance of payments is a problem that we must face realistically.

As we all recognize, this matter is receiving more and more attention as more and more people realize the seriousness of the situation.

As far back as 1959, we were told by President Eisenhower that the United States had been facing continuous deficits in its balance of payments. President Eisenhower told us then that a definite improvement in our balance-of-payments situation was mandatory in order to insure our economic well-being and military security here at home. He also declared that an improvement in our balance-of-payments situation was necessary in the interest of the economic growth and military strength of the free world. President Kennedy likewise sounded the alarm in 1963, and now President Johnson has urged measures that would help solve this payments deficit.

Mr. President, it would appear that our balance-of-payments situation is something akin to the weather. We talk an awful lot about it, but never are we able to do anything about it. Fortunately, there are measures that can be taken to effectively solve this Nation's payments deficit. Our able colleague, the Senator from Louisiana [Mr. LONG], and others, told the Senate of the role that excessive petroleum imports has played over the years in contributing to our payments deficit. I wish to associate myself with Senator LONG's recommended solutions pertaining to petroleum imports and military purchases of foreign petroleum. I am particularly concerned over the 35,000 barrels of unneeded light petroleum products brought into the United States each day for the use by the military. I am at a loss to understand how the Department of Defense, in spite of Presidential directives to do otherwise, has seen fit over the years to increase its petroleum purchases abroad. We can hardly ask our business community and our fellow citizens to voluntarily restrain themselves from spending dollars abroad when the Department of Defense completely ignores governmental appeals and Presidential directives to reduce its purchases of foreign goods such as petroleum.

Mr. President, I am hopeful that those charged with military procurement will not take lightly what has been said in this floor discussion of the important matter.

I can state emphatically that this Nation's small independent oil producers are in real trouble. However, I would like to confine my remarks to the economic position of independent producers in my own State of Kansas. Kansas has been a leading petroleum producer for many, many years. In 1956, in the year of the Suez crisis, my State was producing 340,000 barrels of crude oil each day. Last year daily production of crude oil in Kansas had dropped 50,000 barrels per day or 14 percent less than in 1956. This is a reduction of more than $50 million annually in the dollars flowing into the economy of my State. Instead of these dollars flowing into Kansas, they have gone overseas. While production in Kansas since 1956 has been reduced 14 percent, oil imports into the United States have risen by more than 800,000 barrels per day for an increase of 57 percent. It is small wonder that we are suffering an imbalance in our international payments in view of this fact.

We have had a drop of almost 50 percent in the number of rotary rigs active in 1964 over 1956. The rotary rig is the tool with which oil is found. When you have a drop from 166 active rigs in 1956 to 87 in 1964, it can be easily seen why the proved reserves of crude oil in Kansas have declined every year since 1956. Today we have 150 million barrels less of proved reserves of crude oil in Kansas than we had in 1956. This, Mr. President, does not only hurt the State of Kansas, but it is a threat to our Nation's security.

Employment in the oil producing industry in Kansas is down 25 percent over what it was in 1956. The price our producers receive for their oil has declined from an average price of $3.01 per barrel in 1957 to $2.91 per barrel in 1963, the latest figures available, and I am informed that there have been further price reductions since 1963. Although the price the producer receives for his oil has gone down since 1957, the cost of drilling and equipping his wells rose 10 percent. Add to this the fact that the cost of labor during this period has risen some 15 percent, and one can see why there exists in the State of Kansas a sour economic climate in the oil producing industry.

While a substantial reduction in oil imports and a meaningful drop in the military purchases of foreign oil will not solve all of the economic problems facing the oil producing industry, such actions would go a long way toward encouraging the independent wildcatter to continue his search for new oil reserves in this country. A reduction in imports and military purchases of foreign oil would also help ease our balance-of-payments deficit. I am hopeful that effective action on both can be taken promptly.

SUGGESTIONS FOR THE STRENGTHENING OF PROPOSED PENDING FARM LEGISLATION

Mr. CARLSON. Mr. President, the members of the Kansas Farmers Union at a recent meeting in McPherson, Kans., approved several suggestions for the strengthening of the proposed pending farm legislation.

I ask unanimous consent that the letter from Martin J. Byrne, president of the Kansas Farmers Union, containing these suggestions, be made a part of these remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KANSAS FARMERS UNION,
Topeka, Kans., April 19, 1965.

Hon. FRANK CARLSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARLSON: The members of the Kansas Farmers Union assembled at a statewide meeting at McPherson, Kans., April 19, 1965. The purpose of the meeting was to discuss, in depth, the proposals on farm legislation now before the Congress. The Kansas Farmers Union supports the proposed legislation and urges that it be passed.

We do believe, however, the following provisions should be added to strengthen the bill and improve income for farm families. We respectfully request they be included in the proposed legislation.

1. The program be effective for 5 years instead of 2 years to give farm operators an opportunity to carry out long-range management plans.
2. The full parity provision for domestic consumption on wheat be written into law rather than left to the discretion of the Department of Agriculture.
3. A minimum value of at least 25 cents per bushel placed on the export certificates by legislation and authority be provided the Secretary of Agriculture to declare a higher value.
4. Congressional approval be given the Secretary of Agriculture to move upward the 105 percent of support price plus costs affecting release of Government-stored wheat.
5. A strategic reserve of agricultural commodities sealed from the market be established.
6. The bill prohibit placing whole farms in the cropland adjustment reserve to protect renters of land and especially the younger farm operators and to preclude the disruption of the economic base of farm communities and farm suppliers such as machinery, auto, fertilizer, hardware and petroleum dealers.
7. There is no need or demand for the provision which would permit sale or lease of allotments. This provision, if enacted, could lead to fraud and scandal.
8. Protection and encouragement for the family farm be woven into the language of the legislation.

The Kansas Farmers Union wishes to reiterate its historic position of the goal of full parity for American agriculture. We support this legislation and the recommended additions because we believe their enactment into law will move the income of farm families toward full parity.

We also wish to use this message to express the appreciation of the Kansas Farmers Union for your many efforts through the years to improve the income of farm families.

Respectfully yours,
MARTIN J. BYRNE,
President.

DISPATCH OF TROOPS TO VIETNAM

Mr. CLARK. Mr. President, the morning newspapers carry some rather disturbing columns on the present situation in Vietnam. One by the vitriolic and somewhat pyrotechnic columnist Joseph Alsop refers to the "endless, silly public talk" about negotiations; another by the well-informed and accurate reporters Rowland Evans and Robert Novak contains the disturbing prediction that President Johnson will shortly dispatch up to 100,000 U.S. ground troops to Vietnam starting in the next several weeks.

From where I sit there is nothing silly about the public discussion and the great debate as to the validity of our Vietnam policy. I would hope very much that we would not be sending 100,000 ground troops to Vietnam within the next few weeks.

As an indication of public opinion in my State, I should like to read into the RECORD the following statement: I have received since the first of the year 1,390 individual communications, plus petitions bearing an additional 500 signatures, protesting the continuation of the war in Vietnam, and expressing support for negotiations and opposition to acceleration of the war.

During that period, I have received only 16 communications advocating a continuation of the war. I have had 82 communications protesting the use of gas, and 11 supporting the use of gas.

Certainly, so far as my mail is any indication, the people of Pennsylvania support every effort to enter into meaningful negotiations in Vietnam. There is every indication that they support the President in his efforts to bring the war to a close with honor to us, and it is equally plain that they are strong in their opposition to the very belligerent position which has been taken by Mr. Joseph Alsop, Mr. William S. White, Miss Marguerite Higgins, and various other columnists, the validity of whose judgment I question.

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield to the Senator from New York.

Mr. JAVITS. I should like to ask the Senator from Pennsylvania a question. I have been urging that if the President is going to make the move that he says he contemplates, he ought to ask Congress for a joint resolution which would follow and supplement the joint resolution of August 10, 1964, and thus provide Congress and the country with an opportunity to give this subject the consideration it deserves. The President as Commander in Chief could take the action that is said to be under consideration, but I have urged that he should not do so without coming to Congress again. I wonder whether the Senator from Pennsylvania, who, I believe, feels much as I do about this matter, has done any thinking about that question.

Mr. CLARK. I would hope very much that the suggestion of the Senator from New York would be taken, although I agree with the Senator that legally there is no need to do so.

Mr. JAVITS. I thank the Senator from Pennsylvania.

INVASIONS OF PRIVACY

Mr. LONG of Missouri. Mr. President, our hearings on invasions of privacy have turned up a number of interesting items.

One of these is an excellent recent statement over the ABC radio network by the distinguished commentator, Mr. Edward P. Morgan. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EDWARD P. MORGAN AND THE NEWS

(Sponsored by the AFL–CIO, American Broadcasting Co. radio network, Apr. 15, 1965)

Even in an open society like ours, the big brother of bureaucracy can rear his head with ugly arrogance unless he, too, is watched. The Federal Government has been caught invading the public's privacy a little too aggressively of late and it is time to list a bill of particulars and raise a loud cry of rightful indignation. The bureaucracy is not only watching us, sometimes through peepholes, it turns out, but listening in increasingly on our conversations, probing the sexual history of stenographers and other citizens applying for Federal jobs, telling people where they cannot travel and even, in some instances, seizing and reading their first-class mail.

Day before yesterday it was revealed that the State Department had refused permission to editors of 13 college and university newspapers to send student journalists on Easter vacation assignments to report on life in Cuba.

In their written request, campus editors from Yale, Harvard, Princeton, and other prominent schools had said: "A knowledge of the conditions within Cuba is prerequisite to our forming intelligent opinions as to our relations with that country. As student editors in a free and democratic society, we consider the freedom to travel a necessary condition for the freedom to learn."

Their request was rejected by the Department's Administrator of Security and Consular Affairs, Abba P. Schwartz, on the questionable technicality that they were not legitimate newspapermen and implying that anyway their presence would somehow impede U.S. efforts to isolate Castro's dictatorship from the rest of the hemisphere.

To which the New York Times today angrily replies:

"The right to know and the right to travel—except in wartime—ought to be sacred. Americans should be swarming over the island with magnifying glasses. The American public in general has a right to know what is going on in Cuba; and so, obviously, does every segment of our society, including the residents of college campuses and the readers of college newspapers."

In a recent report by the House Committee on Government Operations critical of the use of lie detectors by the Federal Government, Representative Cornelius E. Gallagher, Democrat, of New Jersey, termed compulsory polygraph tests "unconstitutional," said they should be discontinued immediately until proved "infallible." Recalling his own testimony that a 17-year-old girl, just out of high school, had been subjected to humiliating questions about sexual matters when she applied for a typist's job with the National Security Agency, Gallagher charged that "the threat of outright voyeurism runs throughout too many of the cases that have come to my attention regarding the use of the lie detector."

A Senate judiciary subcommittee, headed by Missouri's Democratic Senator Edward V. Long, investigating Federal invasion of privacy, questioned the use of mail covers—a process of checking on, without opening, the mail received by a person under suspicion of some criminal violation. The subcommittee was also concerned about a Post Office Department practice of spying on employees through peepholes. Last month, Chairman Long said Postmaster General Gronouski had agreed to improve controls over mail cover procedure and plug up the peepholes which had been used to prevent depredation of the mails by postal workers.

But on April 5, still another practice came to light. Congressman Durward G. Hall, Republican, of Missouri, revealed on the floor of the House that the Internal Revenue Service was opening the first-class mail of delinquent taxpayers. He charged a collusion involving the Treasury, the Post Office Department, and the Director of Internal Revenue had resulted in 14 such levies since 1962. Today Hall's office said the Post Office now admits 34 cases are involved. One person—a "tax deviate" might be the bureaucratic term for him—allegedly had all his mail withheld for a month. Revenue Commissioner Sheldon Cotten wrote Hall citing one case in which a delinquent had been persuaded by seizure of his mail to pay up his tax liability in full.

The Government argues this practice is legal. But several Members of Congress, Missouri's Hall foremost among them, maintain it is an outrageous violation of privacy, comprising, in effect, unwarranted search and seizure and demand new legislation specifically outlawing the practice.

On Tuesday a somewhat contrite Government lawyer, Deputy General Counsel Harvey H. Hannah, of the Post Office, told Senator Long's committee, "we've been doing it wrong, no question about it."

Manifestly, the Government has been doing a lot of things wrong in respect to the private rights of citizens. Human beings, unhappily perhaps, are not always saints but if somebody isn't constantly watching the Government agencies watching their foibles, there can be the devil to pay.

This is Edward P. Morgan saying good night from Washington.

Mr. LONG of Missouri. Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Is Big Brother Taping You?" written by Arthur Whitman and published in the February issue of the magazine Tape Recording.

There being no objection, the article was ordered to be printed in the Record, as follows:

Is Big Brother Taping You?

(By Arthur Whitman)

Last September, a car pulled up beside a 36-year-old West German diplomat named Horst Schwirkmann on a quiet street in the outskirts of Bonn. The rear window opened, and a mass of oily liquid flew out, splattering over Schwirkmann's face and body. He screamed in agony. The car roared off. The substance thrown at Schwirkmann was mustard gas, the viscous killer developed for trench warfare in the First World War.

Rushed to a hospital, Schwirkmann survived. However, his lungs are so severely damaged and his torso and legs so badly burned that it seems unlikely he will ever work again. Thus the attack served its purpose—to remove Schwirkmann from the international eavesdropping war.

An electronics wizard, Schwirkmann's special job in the diplomatic service was to clear German embassies of "bugs," or electronic eavesdropping devices. On his last periodic visit to the Russian Embassy, he had installed an ingenious device of his own design that administered a severe electric shock to anyone who tried to tap an embassy phone. Nothing will ever be proved, but there is no question that the mustard-gas attack on him was a direct retaliation for installing the shock device.

News of the incident was particularly upsetting to me. As the victim of an eavesdropping outrage myself, Schwirkmann, whose job was to prevent such things, was one of the best friends I ever had. Engaged in a project in behalf of one publisher, I was approached by another to do a similar job. For reasons only the good Lord knows, this second man recorded his conversation with me, without my knowledge. When I refused him on the grounds of my prior commitment, he edited the tape, leaving in some ill-considered remarks I had made, but leaving out the substance of our talk—his offer and my refusal. I lost the commission and the substantial sum of money that went with it.

I regret my loss, but I regret even more that I was the only participant in this reechy affair who seemed to find anything unusual, let alone outrageous, in it. With my radar now out on the subject, I've discovered that no one else seems to think twice about electronic prying, either. It has become so much a part of the landscape that when "bugs" were discovered embedded in the walls of the American Embassy in Warsaw in November 1964, it hardly caused any stir in the press. On the earlier discovery that our Moscow Embassy had been bugged for at least 11 years, there was some press outcry, but no one in the know was even half horrified. A State Department man, filling friends in on the incident, commented that it was "as surprising as the sun rising in the east."

When you consider how deeply the practice has penetrated our daily life, the official's comment is hardly shocking. Eavesdropping has apparently become as much a part of the American way as apple pie and mother, though it is hardly as savory as the one or as beneficent as the other. Numbers are difficult to establish in an enterprise that is by definition clandestine, but here are a couple that are available. In 1962, a House committee reported that at least 5,000 phones in Federal offices in Washington were bugged—not by Russians, but by American bureaucrats spying on each other. Not long ago, an official of the San Francisco Telephone Co. estimated that 10,000 firms in northern California alone monitor the calls of their executive employees without the executives' knowledge.

Here is a partial list of other everyday uses of bugs of one type or another:

Federal security agents have microphones installed in certain rooms in popular hotels in many major cities. When guests under surveillance are expected to register, the management is notified and the guests are assigned the bugged rooms.

Agents of the Food and Drug Administration carry concealed tape recorders on routine inspections, to record possible bribe attempts. So do food and building inspectors in some large cities. So do police "shooflys"—the special squads maintained in some cities to police the police themselves.

Local investigators almost everywhere use illegal phone taps to tape evidence against bookies, panderers, and the occasional dope pushers who do business by telephone. The evidence cannot be used in most courts, but it does provide useful leads to evidence that may be admissable.

Difficult as it is to sympathize too deeply with suspected spies and known criminals, the fact remains that what can be done to them can be done to the rest of us. Thus, the use of bugs and wiretaps has spread into other areas:

Classrooms in many school systems are bugged so that principals can flick a switch and listen to class discussions without the knowledge of teachers and pupils. Going the educators one better, students have, on many occasions, used hidden recorders to "get the goods" on teachers suspected of liberal political views and other heresies.

Business firms regularly bug the offices of key rivals to learn trade secrets or get inside knowledge about sales and other strategies.

Corporations, as we've seen, monitor executives' phone calls. Others have bugs to monitor conversations at spots where employees congregate such as time clocks, locker rooms, cafeterias and washrooms. One large company recently was faced with a strike because it has installed a hidden TV camera in the men's washroom. Another installed bugs in the toilet paper containers in the ladies' john.

Politicians, each election season, tap phones and bug campaign headquarters to learn rivals' plans and strategies.

Individuals involved in civil suits bug each others' premises to gather useful information and evidence. The prime area for this is divorce actions, particularly in States with restrictive codes. So little is sacred in this line of endeavor that bugs routinely are discovered under the beds of estranged husbands and wives who suspect each other of errant ways. The latest twist in this game is the installation of tiny radio transmitters in cars that relay to prying ears and tape recorders any conversations or other sounds produced by drivers and passengers.

Thoughtful connoisseurs of electronic prying attribute its spread to several factors. One is the cold war fears that have given us a McCarthy and a Goldwater in a single decade and have produced such national phenomena as the John Birchers.

Perhaps the greatest single boost to prying techonolgy is space research, which makes fantastic budgets available for the development of miniaturized sensors and transmitters used to monitor men and modules orbiting at vast distances from the earth. Among the results of this research are powerful transmitters so small they can be embedded in sugar lumps for placement at your favorite restaurant. Women can carry potent transmitters in a cigarette case or lipstick tube. Men use chapstick holders.

There are devices so thin that a transmitter, plus microphone and antenna wire fit between a framed print and its paper backing, leaving a budge no greater than that caused by normal warpage and wrinkling of the backing. Microphone-and-transmitter combinations fit inside fountain pens. They also fit into quarter-inch-thick pads of sponge rubber. These may be slid under doors or placed under rugs and carpets in small squares cut out of their normal padding. Ingenious as all this is, it is rapidly becoming obsolete. There are directional mikes now available that are so sensitive that elaborate placement techniques are unnecessary. They can pick up conversational tones from distances up to 500 feet.

Curiously, no one knows whether the uses to which all this prying gimmickry are put is legal or not. The fourth amendment assures us of "the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures," and the fifth amendment guarantees that no person will be deprived of liberty without due process of law. These certainly would seem to assure us of the right not to be bugged, but the Supreme Court has been very slow to consider electronic prying as unreasonable search.

This has led to rather moonstruck incidents. In one of the very few arrests Federal officers have ever made on private complaint for eavesdropping (in a recent Washington, D.C., case of industrial spying), the culprits had planted a tiny transmitter in a hotel room. When apprehended, they were charged by the Justice Department not with trespass or violation of privacy, but with broadcasting without a license.

It's doubtful how much good would be done even if our Federal laws did take on better definition in the area. For example, if Congress got interested, the most it could do would be to ban the shipment and sale of bugging devices in interstate commerce. Even if such laws ever did come into existence, circumvention would be laughably easy. Manufacture and sell within the same State and you're home free. If you do ship out of State, be sure you ship only to police organizations and such other exceptions as the law is sure to provide for. Suppression of the devices in these circumstances is about as promising as hunting butterflies with a harpoon.

The States doubtless could provide much more effective control, but so far New York is the only State with a statute making the use of bugging devices a felony. Pressures on our notoriously susceptible State legislatures by manufacturers and distributors of the bugs, as well as by satisfied users, doubtless will prevent the enactment of statutes similar to New York's by many other States—unless there is coherent and persistent action by their citizens. This is an action I would support. In a time and place where anyone with a few hundred dollars and a reason can appoint himself big brother, the little brothers have very few options. They can either learn to act together in the interests of preserving their rights—or they can learn to keep their thoughts pure on an individual basis.

Mr. LONG of Missouri. Mr. President, no less a publication than the Wall Street Journal published in its edition of April 22, 1965, at page 10, an advertisement for sophisticated "bugging gear." I have eliminated the manufacturer's name and address, but I ask unanimous consent that the bulk of the advertisement be printed at this point in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

World's first fully voice-activated automatic security recording system completely self-contained in an attractive security-proof standard-looking attaché case and it can also record perfectly controlled inconspicuously by remote control from the outside with case open or closed and can be operated from a distance of 200 feet away when used with wireless FM transmitter and FM receiver.

A highly versatile unit which is a complete package and includes (separate list prices shown):

1. Specially modified 330 high-fidelity AC-DC multipurpose tape recorder: $199.
2. High impact attaché case with best quality interior housing of polyfoam insulation for safety and silent security. It contains precision built-in concealed subminiature ultrasensitive microphone and subminiature microswitch: $115.
3. Uni-Con telephone pick-up adapter which starts recorder when phone call is started and stops when receiver is returned to phone—completely automatically in your absence: $69.50.
4. AC adapter: $18.95.
5. Special tape for 6 hours of recording: $4.75.
6. Foot control (another excellent way of recording control): $18.95.
7. Complete set of batteries: $1.50. You save almost $80 by purchasing this entire package at the low price of $349 (add $2.25 postage, handling, and insurance). You may of course purchase and use one or more of these devices at the list price above. Total cost at list price is $427.65 (our package is a low $349 for the same devices (add $1.25 postage and handling per separate item).

The "440" security sound system is the cumulative result of years of research into recording important matters inconspicuously and, if need be, without the distraction of obviously fumbling around with switches while recording and by remote wireless control.

OPTIONAL ACCESSORIES

Wireless ".007" FM transmitter (which you carry around in your shirt pocket) with built-in pinhead microphone: $49.50.

AM-FM receiver, used for remote recording: $39.50.

Tie clasp or cuff link microphone (inconspicuous): $24.95.

Fountain pen microphone (who will know?): $24.95.

And new, the keyhole extension microphone—many will find this an indispensable accessory. Unique device is an extended flexible tube just three-sixteenths inch in diameter—fits about any keyhole. One end of the extension mike fits neatly and simply into the FM transmitter-FM receiver setup which connects to the "Continental 440"; other end contains the smallest and most easily concealed microphone you have ever seen—just three-sixteenths inch by five thirty-seconds inch in size—and you can poke it through the door, crack, over the wall, under the rug and even unreel it like a fishing line out the window down to the next story. Its uses are many as you can well imagine: $119.50 (add 85 cents postage and handling).

Ten-day money back guarantee if not represented as advertised. Up to now the "Continental 440" security recording package was made expressly for, and available only, to registered private investigators. All sales final.

Mr. LONG of Missouri. Mr. President, the ad and its placement in the Wall Street Journal almost speak for themselves. The availability and relative inexpensiveness of this gear illustrates very vividly that "big brother" is already here.

The manufacturers are quite blatant about the surveillance features of their wares.

The recorder "can also record perfectly controlled inconspicuously by remote control from the outside with case open or closed and can be operated from a distance of 200 feet away when used with wireless FM transmitter and FM receiver."

And then there is the telephone pickup "which starts recorder when phone call is started and stops when receiver is returned to phone—completely automatically in your absence." This would appear to be in direct violation of FCC regulations in effect—if not in force—today.

In addition to the tie clasp, cuff link, and fountain pen microphones, there is a new gadget, similar in principle to the one used by the Soviets to "bug" our Embassy in Moscow. It is the keyhole extension microphone, described as "an extended flexible tube just three-sixteenths inch in diameter—fits about any keyhole."

It is my intention to question the FCC officials about the sale and use of this type of equipment when they appear before our subcommittee on May 5.

RECONSTRUCTION ASSISTANCE TO OREGON, WASHINGTON, CALIFORNIA, AND IDAHO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 153, S. 327.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 327) to provide assistance to the States of Oregon, Washington, California, and Idaho for the reconstruction of areas damaged by recent floods and high waters.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works, with an amendment, to strike out all after the enacting clause and insert:

That Congress hereby recognizes (1) that the States of California, Oregon, Washington, and Idaho have experienced extensive property loss and damage as the result of floods and high waters during December 1964, and January and February 1965, (2) that much of the affected area is federally owned and administered, and (3) that the livelihood of the people in the area is dependent on prompt restoration of transportation facilities, and therefore Congress declares the need for special measures designed to aid and accelerate those States in their efforts to provide for the reconstruction of devastated areas.

SEC. 2. (a) Notwithstanding provisions of existing contracts, the Secretary of the Interior and the Secretary of Agriculture, separately, with funds and authorizations available to him for the construction and maintenance of highways, roads, and trails, shall reimburse timber sale contractors to the extent of costs estimated by the Secretary's representative as incurred or to be incurred by the contractor for restoring roads in any stage of construction authorized by a timber sale contract to substantially the same condition existing prior to the damage resulting from the floods of December 1964, and January and February 1965 in California, Idaho, Oregon, and Washington, and to the extent costs estimated by the Secretary's representative as incurred or to be incurred by the contractor for completing road construction not performed prior to the floods but which, because of changed conditions resulting from the floods, exceed road construction costs originally estimated by the Secretary's representative. The estimated costs for such road restoration, reconstruction, and construction under any single timber purchase contract on roads not accepted prior to the floods, whether construction was complete, partial, or not yet begun, shall be borne as follows: The timber purchaser shall bear 15 per centum of all amounts: *Provided*, That the purchaser shall not be required to bear costs of more than $4,500. The Secretary shall bear the remaining portion of such costs.

(b) Where the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the above cost-sharing arrangement, the Secretary may allow cancellation of the contract notwithstanding provisions therein.

SEC. 3. (a) That section 125 of title 23, United States Code, is amended to delete the second sentence of paragraph (a) and insert in lieu thereof the following: "There is authorized to be appropriated not to exceed $80,000,000 for the fiscal year ending June 30, 1965, nor to exceed $50,000,000 for each fiscal year thereafter, for the establishment and annual replenishment of this fund."

(b) That section 125 of title 23, United States Code, is amended to delete the period at the end of the second sentence of paragraph (b) and insert in lieu thereof the following: ", and unless the Secretary has reported the proposed expenditure to the Public Works Committees of the Senate and House of Representatives and has not received disapproval of the proposed expenditure from either committee within thirty days following submission of his report."

SEC. 4. Paragraph (3) of section 2 of the Federal-Aid Highway Act of 1964 is amended to read as follows:

"(3) For forest development roads and trails, $123,000,000 for the fiscal year ending June 30, 1966, of which not to exceed $38,000,000 shall be used solely for the construction, repair, and reconstruction of forest development roads and trails in the States of California, Oregon, Washington, and Idaho necessary because of the floods and high waters in such States during December 1964, and January and February 1965, and $85,000,000 for the fiscal year ending June 30, 1967."

SEC. 5. The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that the sale of such timber will assist in the reconstruction of any area of California, Oregon, Washington, and Idaho damaged by floods or high waters during December 1964, and January and February 1965.

SEC. 6. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands in Oregon, Washington, California, and Idaho as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement resulting from floods and high waters during December 1964, and January and February 1965.

SEC. 7. Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) for the purpose of replacing, reconstructing, or repairing dwellings in Oregon, Washington, California, and Idaho, damaged or destroyed by the floods and high water of December 1964, and January and February 1965, may have a maturity of up to thirty years, except that section 7(c) of such Act shall not apply to such loans.

SEC. 8(a) The Secretary of the Army is authorized and directed to make a survey to determine what protective works would be necessary to prevent the recurrence of damage by floods or high waters to those banks of the Eel River, California, which are adjacent to the trackage of any common carrier by railroad and shall report to Congress the results of such survey together with the cost of any recommended work within one hundred and twenty days after the date of enactment of this Act. The Secretary is authorized (1) to perform such of the recommended work as may be approved prior to June 30, 1966, by resolution adopted by the Committees on Public Works of the Senate and the House of Representatives, and (2) after the adoption of such a resolution, to reimburse any common carrier for any such recommended work approved by such resolution which is undertaken before the date of adoption of such resolution.

(b) The costs of the survey authorized in this section shall be paid from funds heretofore appropriated for general investigations. Such costs shall not exceed $250,000.

(c) There is authorized to be appropriated such amount as may be necessary for carrying out work and making reimbursements authorized in accordance with this section.

SEC. 9. This Act, other than sections 3, 4, and 8, shall not be in effect after June 30, 1966, except with respect to payment of expenditures for obligations and commitments entered into under this Act on or before such date.

SEC. 10. This Act may be cited as the "Pacific Northwest Disaster Relief Act of 1965".

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. **MANSFIELD**. Mr. President, hearings were conducted on this measure on April 1, by the Subcommittee on Public Roads under the chairmanship of the capable senior Senator from West Virginia [Mr. RANDOLPH].

It is my understanding that there is complete concurrence between the Committee on Public Works, which reported the amended bill unanimously, and the chief sponsor of the original measure, the distinguished senior Senator from Oregon [Mr. MORSE].

Also there is basic agreement between the administration and the spokesman of the timber industry, which was so severely affected by the floods in the Pacific Northwest, and only minor differences remain between this measure and similar legislation pending before the Public Works Committee of the House of Representatives.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed at this point in the RECORD certain portions of the committee report.

There being no objection, the excerpts from the report (Rept. No. 166) were ordered to be printed in the RECORD, as follows:

THE NEED FOR S. 327

During Christmas week, 1964, and again in January and February 1965 the States of Oregon, California, Washington, and Idaho were struck by catastrophic floods which were unprecedented in terms of high water and subsequent damage to roads, farms, residences, and industrial installations.

The abnormal weather conditions of warm rain falling on snow and frozen ground which caused the floods were summarized in the U.S. Weather Bureau publication "Pacific Northwest Monthly Precipitation and Temperature," December 1964, as follows:

"December 1964 will long be remembered in Oregon and southern Idaho for the unprecedented winter rainfall which fell during the period December 19–27. * * * Precipitation for the month was 200 percent or more of average southeast of a line extending from Brookings, Oreg., Yakima, Wash., Spokane, Wash., Kalispell, Mont. Over much of this area the precipitation for the December just past far exceeded that for any previous December. * * * The series of storms moving inland from the Southwest during the period December 19–27 brought abnormally heavy precipitation over Oregon and southern Idaho. Prior to the beginning of the storm, the ground was frozen and snow covered over nearly all areas of the Pacific Northwest. This combination of warm rain falling on frozen ground and snow resulted in the greatest winter flood on record in western Oregon and in a number of other basins east of the Cascade Range."

The same publication revealed the extent of runoff created by the abnormal precipitation:

"Runoff in December ranged from high to record high for December over southern Washington, all of Oregon, nearly all of Idaho. * * * Floods of record or near-record proportions occurred in all of this area * * * in the last 10 days of the month. Eighteen deaths in Oregon and two in Idaho were attributed to this flood. * * * Runoff was low in only a few rivers in the region."

The floods brought destruction or extensive damage to more than 12,000 homes, serious economic dislocation of some 18,000 families, disruption of industrial facilities, and widespread destruction of transportation facilities.

Estimates of the Office of Emergency Planning, supplied on March 29, place the total damages incurred in the flood-stricken area at $461,500,000:

	Public	Private	Total
Oregon	$95,000,000	$147,000,000	$242,000,000
Washington	9,000,000	3,000,000	12,000,000
California	140,000,000	60,000,000	200,000,000
Idaho	5,500,000	2,000,000	7,500,000
Total	249,500,000	212,000,000	461,500,000

Though the committee does not minimize the extent of this destruction, it should be noted that the above damages would have been greatly exceeded but for the protection of existing flood control projects. In the Willamette Basin alone, projects authorized by the Congress and constructed by the Corps of Engineers prevented some $572 million worth of damage, a figure exceeding the total cost of all facilities constructed in the basin.

Of most critical importance to the economy of the region was the disruption and destruction of transportation facilities. S. 327 is principally addressed to the problems of reconstructing and restoring these facilities.

The Bureau of Public Roads of the U.S. Department of Commerce estimates that the Federal share of reconstructing Federal-aid and forest highways will be $56 million. Under Public Law 88–658 the basic 50-percent Federal share is increased by a percentage equal to the percentage which the area of certain nontaxable Indian and public domain lands is to the total land area of the State. Thus, the presently authorized matching Federal share for the States involved in S. 327 is: California 59.78, Idaho 62.91, Oregon 63.45, and Washington 53.51 percent of the cost of emergency repairs to the A–B–C and Interstate System highways located in these States.

Of the total $56 million required by the Bureau of Public Roads, $8.1 million has already been approved under existing authorizations; an additional $4 million can be financed under present authorizations, leaving an unfunded balance of $44 million.

The Forest Service reported damages to approximately 12,000 miles of forest development roads and trails under its administration, with a cost of restoration of approximately $47 million. Of this amount, $3 million will be reprogramed and $8 million will be financed from unused authorizations, leaving an unfunded balance of $36 million.

In addition to the damages to Government-owned forest development roads and trails, there were damages in excess of $3 million to roads constructed under timber purchase contracts with the Forest Service and with the Bureau of Land Management of the Department of the Interior. These roads, in various stages of completion at the time the floods struck, were constructed by purchasers of Government timber according to standards and specifications of the Forest Service and the Bureau of Land Management. On completion, they will be accepted by the respective administrative agencies and will become part of the federally owned and administered system of forest development roads and trails.

Finally, in assessing the damages to vital transportation facilities, the committee notes the extensive destruction of trackage, bridge and embankment structures, and other facilities of the Northwestern Pacific Railroad on the Eel River, Calif. Management of the railroad has estimated total damages of $10.7 million, including an estimated $3,625,000 required for minimum bank stabilization and protective works necessary to prevent further damage from floods or high water. Though the committee does not propose that the railroad be reimbursed for damages to its trackage or for clearance of debris and wreckage, S. 327 would authorize $250,000 for a survey of the Eel River and would authorize the necessary funds to perform the stream-bank stabilization work recommended by the Secretary of the Army on the basis of the survey.

MAJOR PROVISIONS OF THE BILL

Shared costs for reconstruction of timber purchase roads

The forest industry is a major segment of the economy of the Pacific Northwest, with much of the industry being dependent for its raw material supply on lands owned by the Federal Government. In the four States which come under the provisions of S. 327, the federally owned forests comprise 44,508,000 acres, or 56 percent of all commercial forest land, and provide 54 percent of the total timber supply of these four States.

Approximately 400,000 people in the region are employed by the industry, and in Oregon alone it provides a payroll of $470 million for 80,000 people and directly generates approximately 60 percent of the income of that State. Thus, it is imperative that access to both public and private commercial forest lands be restored as quickly as possible in order to avoid further severe economic dislocation in the region.

In western Oregon, where the Federal Government owns two-thirds of the timber, impaired access to Federal forests has already created significant unemployment. Log inventories are abnormally low for this time of year, and because of impaired access they were not replaced in many areas where winter and early spring logging are normally conducted. A survey made in early March of 142 forest products operations employing 26,285 persons in western Oregon and southwestern Washington revealed 15 mills which would have to close and lay off 1,721 persons if access to Federal forests were not quickly restored so that logging could be resumed.

Section 2 of the bill would facilitate this action by authorizing the Secretaries of Agriculture and the Interior to reimburse timber sale contractors for reconstruction and restoration of roads which were under construction but had not been accepted by the Government as part of the national system of forest development roads and trails at the time of the floods.

At the time of these floods, many purchasers of timber from lands under the jurisdiction of the Secretaries of Agriculture and the Interior were in the process of constructing roads under the terms of their timber sale contracts. Some had substantially completed the construction of such roads but the roads had not been accepted. The damage to roads of this type was in many instances severe. In some instances the actual road location was either destroyed or so damaged that the replacement road would have to be constructed on a new location. Thus, the damage resulting from the floods has made it necessary to reconstruct all or portions of many roads for which the timber purchasers were responsible under their timber sale contracts. Also, the flood damage has in some instances resulted in such changed conditions that the estimated cost of completing the construction of roads which had been partially constructed will exceed the original estimated cost.

Section 2(a) supersedes existing timber sale contracts which would impose the entire loss on the purchaser, and provides that the purchaser shall bear 15 percent of the costs of reconstruction and restoration, up to a maximum cost to the purchaser of $4,500; the Government shall bear 85 percent of the costs, and 100 percent of all amounts above $30,000 on a single timber purchase contract.

It is the intention of the committee that the provisions of subsection (a) of section 2, including the provisions for proration, shall apply to the entire cost of restoring or reconstructing those portions of roads which timber purchasers had wholly or partially constructed prior to the floods but which had not yet been accepted. The provisions also apply to that portion of the estimated cost of completing road construction not accomplished prior to the floods which exceeds the road construction costs originally estimated for such portions where the excess was the result of changed conditions brought about by the floods. The estimates of cost in each case would be made by the appropriate Secretary's representative.

In the case of roads that timber purchasers were required to construct under their timber sale contracts on which work had not been started at the time of the floods, the provisions of subsection (a) of section 2 would also apply to that portion of the current estimate of road construction costs which exceeds the original estimate because of changed conditions resulting from the floods. For work not performed prior to the floods, and for which the original cost estimates still prevail, costs shall be assigned under the terms of the original timber contract.

Thus, section 2(a) provides for reimbursement for three kinds of costs:

1. Costs necessary to reproduce in replica work formerly done which was destroyed by the floods.

2. Costs necessary to replace the damaged or destroyed facility in a new location because the old location is no longer usable as a result of the floods.

3. Costs in excess of original estimates for contemplated construction which had not been performed but which costs will be incurred upon constructing the needed facility.

The reimbursements authorized in this section are mandatory, not permissive, and are in recognition of the Government's responsibility as a landowner and proprietor. The small deductible of 15 percent is in recognition that the operator should take some of the risks of normal winter maintenance on roads which have not stabilized. But it also recognizes that such natural catastrophes as floods and earthquakes are an inherent risk of landownership and provides that contracts may be adjusted so that the Government assumes a major share of such risk of loss if damage occurs. This principle is equitable to both the Government and the purchasers of its timber.

Section 3(b) provides the Secretaries with discretionary authority to cancel a timber purchase contract where it is determined that the damages are so great that restoration, reconstruction, or construction is not practical under the above cost-sharing arrangement.

Increased authorization for emergency funds for Federal-aid highway systems

Section 3(a) would amend section 125 of title 23, United States Code, to increase the annual authorization for emergency road funds for the Federal-aid systems from $30 to $80 million for fiscal year 1965 and $50 million for each fiscal year thereafter.

The recommended increase of $50 million in the authorization for fiscal year 1965 would provide for the estimated $44 million of unfunded reconstruction work on the Federal-aid systems required to restore the flood damages, and the annual increase after fiscal year 1965 from $30 to $50 million is consistent with the increasing flood damages due to the growth in the capital investment in the Nation's highway system.

This emergency fund is not cumulative; it is the product of annual replenishment, and withdrawals for this purpose from the highway trust fund will be reimbursed by appropriations from the general fund.

Increased authorization for forest development roads and trails for fiscal year 1966

Section 4 would authorize an additional $38 million for forest development roads and trails for the fiscal year ending June 30, 1966, bringing the total authorization for that year to $123 million. This section stipulates that the additional $38 million shall be used solely for the construction, repair, and reconstruction of forest development roads and trails in the States of California, Oregon, Washington, and Idaho damaged by the recent floods.

The $38 million recommended by the committee will finance the remaining unfunded balance of repair work on the 12,000 miles of damaged roads reported by the Forest Service, which is estimated at $36 million, and will provide $2 million to enable the Government to reimburse timber purchasers in accordance with the provisions of section 2(a) of S. 327. The committee assumes that this authority will be administered by the Forest Service as part of its general construction program for forest development roads and trails.

Reduction of minimum time required for advertising sale of national forest timber

One of the effects of the disastrous storms and floods in the Pacific Northwest last winter has been the complete disruption or serious impairment of access to sources of timber supply from the national forests for the wood-using industries of the region. Until this access can be restored, other sources of timber must be provided if the affected industries are to continue operation. Otherwise, communities dependent on the timber industry will face the imminent prospect of mills shut down and severe unemployment.

To help avert this condition, section 5 would authorize the Secretary of Agriculture to reduce from 30 days to 7 days the minimum time required to advertise the sale of national forest timber in the affected area.

Compliance with requirements of law regarding entry on public lands

Because of the havoc created by the floods and high waters, persons seeking to perfect their rights in entries under the various public land laws have been disadvantaged. Section 6 would grant authority to the Secretary of the Interior to suspend the time limits embodied in those laws for the performance of certain acts where appropriate in cases where the entryman's ability to comply has been interfered with by the floods and high waters.

Maturity date of loans made under the Small Business Act

In many cases a person whose home has been destroyed or extensively damaged is placed in serious financial straits. Although his resources may be very limited, he must find some means of financing replacement or repairs and, at the same time, continue meeting his existing mortgage obligations. Thus the Small Business Administration is often compelled to refuse a loan because the applicant cannot demonstrate ability to repay on a 20-year amortization basis.

Section 7 of S. 327 would amend the Small Business Act to allow for the maturity of such loans up to 30 years.

Survey of bank stabilization of the Eel River, Calif., and provision for reimbursement of work performed

Of primary importance to a large area of northwestern California is the restoration of the Northwestern Pacific Railroad, which carries approximately 80 percent of the freight in its service area—an area in which the timber industry comprises 70 percent of the economy.

Northwestern Pacific Railroad lines extend from San Rafael, Calif., to Eureka, Calif., a distance of about 285 miles. For approximately 100 miles the line follows the precipitous canyon of the Eel River, between Longvale, 30 miles north of Willits, and the river's outlet to the Pacific in the Eureka area. It was this 100-mile section which was virtually wiped out by the flooding of the Eel River during Christmas week of 1964.

In some areas, not only were the rails washed away, but also the complete roadbed, including the protective riprap between the river and the roadbed. Huge redwood logs, carried by the raging floodwaters, knocked out three large steel bridges and in many areas completely covered the trackage.

The cost of restoring the line has been estimated by the management of the Northwestern Pacific at $10,700,000, including $3,625,000 in protective works to stabilize the streambanks and prevent further damage from recurrent floods or high water.

The railway management has acted with great dispatch and with high regard for its responsibility to the economy of the region by taking emergency action to restore the lines and resume operations at the earliest possible date. Between 750 and 800 workmen have been employed with much overtime work at 10 different locations. As of April 12 the company had expended in excess of $5,600,000 on reconstruction work.

S. 327 would not authorize reimbursement of the line for such items of work as wreckage and debris clearance or reconstruction of its trackage. In addition to this kind of work, however, and of major importance in expediting the restoration of the railroad and in preventing further permanent damage, is correction of the Eel River Channel by providing essential minimum riprap protection along the stream channel. This would include clearing the channel where debris, large boulders, and rocky point projections in the channel forced the stream against the river channel and subsequently undermined the railroad embankment. Much of this work is not on the railroad right-of-way.

Section 8(a) would authorize the Secretary of the Army to conduct a survey of the Eel River to determine what protective works would be necessary to prevent the recurrence of damage by floods or high waters to the railroad lines, and directs the Secretary to report to the Committees on Public Works of the Senate and the House of Representatives within 120 days. By resolution the committees would authorize the Secretary to perform such recommended work as the committees approve and to reimburse the Northwestern Pacific for its expenditures on such approved work prior to the date of adoption of the resolution.

Section 8(b) authorizes the expenditure of $250,000 from funds already appropriated for general investigations.

Section 8(c) authorizes the appropriation of such funds as may be necessary for carrying out work and making reimbursements authorized in accordance with this section.

TERMINATION

Section 9 stipulates that except for sections 3, 4, and 8, and except for payment of expenditures for obligations and commitments entered into prior to June 30, 1966, this act will not be in effect after June 30, 1966.

Title

Section 10 entitled the act as the "Pacific Northwest Disaster Relief Act of 1965."

Mr. KUCHEL. Mr. President, I desire to have the RECORD show that I wholeheartedly endorse the proposed legislation, which is also endorsed by my colleague from California [Mr. MURPHY], by the two Senators from Alaska [Mr. BARTLETT and Mr. GRUENING], and by the Senator from Idaho [Mr. JORDAN].

When the bill reaches the House, certain problems affecting the people of my State may possibly give rise to some amendments. However, because we are dealing with an urgent situation, the bill should be moved through the Senate.

Mr. MURPHY. Mr. President, as a cosponsor of S. 327, and a member of the Senate Public Works Committee, I rise to urge its enactment. Words are inadequate to properly convey the catastrophic damages that occurred during the late December and early January floods in the Northwest. Only a personal inspection of the area would fully enable one to comprehend this disaster.

My first job as a U.S. Senator was to tour the stricken areas, and observe firsthand the result of uncontrolled nature. The flood damage was widespread and touched every activity in the area. Homes, schools, factories, and the transportation system were among the flood's victims.

The Office of Emergency Planning estimated that the total damage to the Northwestern United States exceeded $450 million and my State of California alone suffered $200 million in damages.

These citizens need assistance and need it immediately. Although Federal and State programs are alleviating the damage, it is clear that further Federal assistance is required. Delay will tend to aggravate the already overwhelming difficulties the region and people are experiencing.

All of the witnesses who appeared before the Public Works Committee and all of my colleagues on the committee appreciated the emergency nature of the situation and the necessity for urgent action.

Expeditious enactment of this measure by the Senate will extend a helping hand to the hard-working and energetic citizens who, through no fault of their own, must now attempt to pick up the pieces and rebuild their homes and communities.

Mr. JORDAN of Idaho. Mr. President, I am pleased that S. 327 which will provide assistance to the States of California, Oregon, Washington, and Idaho for the reconstruction of areas damaged by floods and high waters during the past winter has been reported by the Senate Committee on Public Works. I join other Senators from these States in urging prompt and favorable action by the Senate on this important legislation.

In December of 1964 and January of 1965 many parts of these four States had unprecedented falls of snow and rain. This along with unseasonably warm weather caused most of the streams and rivers in these areas to become raging, unmanageable torrents. Bridges were washed out, roads and railroad tracks destroyed and millions of dollars worth of livestock were killed. Logs, lumber and wood products were carried away by these waters and made unfit for use. Towns and farms were inundated and littered with debris of every sort. Many towns were isolated for days and could only be reached by helicopters. The people in these communities responded in true American tradition to start repairs on the property damaged such as homes, farms, mills, and plants. Before the usual full economy of these areas can be restored it is necessary to repair and rebuild their transportation systems. The economy of most of the communities is tied in with timber, agriculture, or minerals. We need emergency repairs to highways, bridges, and forest roads and trails. The purpose of this bill is to authorize funds for this necessary work. Many of these facilities are located on Federal lands. Our State and local agencies as well as private property owners are responding magnificently. Our Idaho State Highway Department is working closely with the Federal Bureau of Public Roads and with our local counties. The counties affected are straining every fiber to meet the needs of local communities in restoring county roads and bridges. Some of our Idaho cities have actually expended money allocated to other necessary local needs in order to meet this emergency restoration program.

This amendment to S. 327 along with other purposes of the bill will provide for accelerated emergency relief funds by authorizing $80 million for restoration purposes for the remainder of this fiscal year and $50 million annually for future years. While the damage in Idaho is not as great as in California or Oregon, preliminary figures indicate it will require more than $11 million of Federal, State, and local funds to restore our damaged highways, bridges, roads, and forest trails. In addition the damage to private property will run into millions of dollars. Property owners will pay this from their own funds or in some instances from borrowed funds. Had it not been for the fact that the dams and reservoirs built for multipurpose use on our rivers were operated in an efficient and effective manner to stabilize and equalize the water runoff, our damage would have been much greater.

Mr. President, I am attaching a list to this statement indicating the amounts of money that are estimated to be necessary along with the agencies and counties involved in this undertaking in the State of Idaho. I am sure when you study this list, you will agree with me that the individuals, the counties, the States and local governments are coordinating their program in an excellent manner.

Total estimated flood repair needs

Army Engineers	$3,460,000
Idaho State Highway Department	2,093,000
U.S. Forest Service	3,974,560
U.S. Bureau of Reclamation	55,000
U.S. Bureau of Land Management	180,000
Idaho counties (incomplete)	1,315,800
Total	11,078,360

Breakdown of Idaho counties reported to date

Ada	$25,000
Blaine	35,000
Butte	5,640
Cassia	5,000
Elmore	125,000
Lewis	8,800
Nez Perce	217,600
Minidoka	100,000
Madison	22,000
Washington	311,760
Power	460,000
Total	1,315,800

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 327) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KUCHEL. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, on behalf of the Senator from Alaska [Mr. Bartlett], I ask unanimous consent to insert his statement on S. 327 into the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Bartlett

It was with great satisfaction that I noted the Senate took prompt action on aid for flood stricken areas of Oregon, Washington, California, and Idaho.

We Alaskans know too well the havoc and financial loss inflicted by nature on the rampage.

We are well aware that commercial insurance only covers a fraction of the financial loss.

We know the importance of promptly bending our back to the task of rebuilding stricken communities.

In the true tradition of America, the people of the Nation, through their Government, came to the aid of Alaska last year. We know the value of that help.

In the same spirit, the Senate has voted financial assistance to these flood ravaged areas.

I am proud to be a cosponsor of this bill.

LEGISLATIVE APPORTIONMENT

Mr. DOUGLAS. Mr. President, the February issue of the American Bar Association Journal contains an excellent article on the Supreme Court decisions on reapportionment of the State legislatures. Its author, Robert McKay, is the associate dean and a professor of law at New York University. He is the author of the forthcoming book, "Reapportionment: The Law and Politics of Equality."

In his article, Dean McKay develops the background of the present rotten-borough system, which deprives many of our citizens of a full vote simply because of where they live. This situation brought about the Supreme Court rulings, beginning in 1962, that to dilute the strength of a person's vote because of his place of residence denies him the equal protection of the laws guaranteed him by our Constitution. The Court's finding was clear: the malapportioned legislatures give many citizens drastically less representation than others, in violation of the 14th amendment and the basic principles of representative democracy.

The Senate Subcommittee on Constitutional Amendments now has before it several proposed constitutional amendments designed to allow States to continue to deny the standards of fair representation which the Court has correctly held are required by the Constitution. I ask unanimous consent that Dean McKay's article entitled "The Reapportionment Decisions: Retrospect and Prospect," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Reapportionment Decisions: Retrospect and Prospect

(By Robert B. McKay, associate dean and professor of law at New York University School of Law)

By the end of 1964 it already had become a cliche of constitutional law to state that *Baker* v. *Carr*, 369 U.S. 186 (1962), and *Reynolds* v. *Sims*, 377 U.S. 533 (1964), had ordained a constitutional revolution in State legislative representation,[1] and that *Wesberry* v. *Sanders*, 376 U.S. 1 (1964), had decreed the necessity for similar, although somewhat less dramatic, changes in congressional districting. The short of it is that substantial equality in terms of population was held to be the guideline principle for each house of all State legislatures and for all congressional districts within each State. There were, to be sure, refinements of the "equal population principle" (as the Supreme Court labeled it), but the qualifications were not many.

With equality thus definitively fixed as the basic standard, inquiry must now be made as to what these decisions portend for the judicial process and for the political process in a representative democracy.

By the middle of the 20th century malapportionment in State legislatures had reached epidemic proportions. Justice Frankfurter in his dissenting opinion in *Baker* v. *Carr* acknowledged "the gross inequality among legislative electoral units within almost every State," but he did not believe that these gross inequalities would yield to judicial correction. His reasons were two: First, he doubted that courts could devise workable standards because of his conviction that courts would shrink "from asserting that in districting at least substantial equality is a constitutional requirement enforceable by courts." Second, he reminded that the Federal courts lack direct enforcement powers and so might be unable to devise workable remedies. "The courts' authority—possessed neither of the purse nor the sword—ultimately rests on sustained public confidence in its moral sanction."

These arguments, which seemed weighty in 1962, were proved surprising insubstantial by 1964. The Supreme Court did not shrink from defining equality to mean equality, and it did devise a comprehensible standard which could be applied by courts without examination in each case of the political factors which motivate legislative decisionmaking. The anticipated enforcement difficulties also did not arise. The feared crisis of "public confidence" did not materialize when the State legislatures and State courts themselves took principal responsibility for compliance with the equal population principle enunciated by the Supreme Court.

In Baker the Court professed to decide only three things: (1) That Federal courts have jurisdiction of suits challenging State legislative apportionment formulas for alleged violation of the equal protection clause of the Constitution of the United States; (2) that such suits state justiciable causes of action for which Federal courts may give appropriate relief; and (3) that qualified voters from underrepresented districts have standing to raise the issue.

With the advantage of only a reasonable amount of hindsight, it is not difficult to realize now that decision of these issues came perilously close to resolution of the substantive issue of standards as well. Justices Frankfurter and Harlan, dissenting, recognized that Baker was the crucial case. Once the courts penetrated that "political thicket,"[2] there was no rational stopping place short of real implementation of the equal-population principle, in both houses of State legislatures. It is difficult, bordering on the impossible, to explain how the 14th amendment can require application of the equal-population principle in one house of a State legislature but not in the other. At least that is true unless one is willing to accept the so-called Federal analogy as a basis for differentiation between the constitutional requirements for representation in the two houses.

FEDERAL ANALOGY JUST ISN'T ANALOGOUS

Proponents of the Federal analogy in justification of State legislative malapportionment had pointed to the U.S. Congress as a model for inequality, with its Senate based on equal representation for each State regardless of population and the House representation closely related to population. However, in Reynolds the Supreme Court rejected the Federal analogy as inapplicable. Chief Justice Warren said that reliance on it was an "after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements."

Certainly, the congressional formula had not been widely copied by the States. In 1964, when the Chief Justice wrote, no more than 10 States could have been described as having a legislative apportionment formula even closely approximating that of the U.S. Congress,[3] and each of those States departed to some extent, usually substantially, from the alleged Federal model.

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[1] Companion cases decided at the same time as *Reynolds V. Sims* were *WMCA, Inc.* v. *Lomenzo*, 377 U.S. 633; *Maryland Committee for Fair Representation* v. *Tawes*, 377 U.S. 656; *Davis* v. *Mann*, 377 U.S. 678; *Roman* v. *Sincock*, 377 U.S. 695; and *Lucas* v. *Forty-Fourth General Assembly of Colorado*, 377 U.S. 713.

[2] This phrase comes from Justice Frankfurter's opinion in *Colegrove* v. *Green*, 328 U.S. 549 at 556 (1946).

Even more important are the historical reasons for rejecting the Federal analogy. State representation formulas commonly adhered to the population standard until after 1890 and the later departures from the equal-population principles were ordinarily motivated by considerations of selfish advantage to particular interest groups. To understand how and why this should have occurred in nearly every instance more than a century after the ratification of the Constitution, it is necessary to see why it was that State representation formulas were originally most often based on population in both houses of bicameral State legislatures and why it was that these formulas were later modified or abandoned in many States. The simple truth is that the original constitutions in 36 of the 50 States provided for representation largely in accordance with population in both houses of the legislature.[4] But by 1964 the vast majority of the representation formulas allowed substantial departure from population in one or both houses of the legislature.

During the first century of U.S. history representation in State legislatures throughout the Nation bore a close relationship to population, usually in response to requirements of the State constitutions. But even where the representation formula in the State constitution was to some extent dependent on local political subdivisions, counties or towns, the deviations from population equality were usually not large. Malapportionment, in the sense we have come to know it in recent decades, was not a factor that seriously distorted the representation process until late in the 19th century.

THE BACKGROUND OF POPULATION REPRESENTATION

The reasons for the original emphasis on population as the basis for legislative representation are rooted in the American philosophy of representative government, as adapted to the pragmatic realities of American federalism. American constitutionalism has always included three principal themes—liberty, equality, and majority rule. All were derivative to some extent, but the amalgam was a distinctively American contribution.

The notion of liberty may be traced to the English Revolution of 1688 and the resulting bill of rights promulgated the following year. The influence of John Locke had been substantial then, and his writings continued to be important in the formation of the Government of the United States a century later.

The important theme of equality may be credited in part to Rousseau, the principal philosopher of the then looming French Revolution, with its motto of "liberté, égalité, fraternité." These ideas were well known to Jefferson, who included in the Declaration of Independence the broad assertion that "all men are created equal" and thus showed himself already ahead of his times.

Majority rule, however logical an outgrowth of liberty and equality, was the boldly new American contribution to the philosophy of government. Even the limited experiments with democracy known to the world up to this time were not genuinely based on majority rule. In 18th century England the House of Lords, without any pretense of representing people, unashamedly represented favored interest groups; and in the House of Commons "rotten boroughism" was at its height, so that large numbers of the people were not represented at all.

Apparently, these considerations were much in the minds of those who drafted the Constitution of the United States. The first comprehensive constitutional scheme presented to the Constitutional Convention in 1787 was the Virginia plan. As originally proposed, it provided for representation in accordance with population in both Houses of the Congress. At one time during the Convention a majority of the States voted for that plan in principle; but, as is well known, it was ultimately agreed that the small States would be allowed representation equal to that of the large States in the Senate, the price necessary to secure their agreement to form a union. And so the sovereign States entered into a consensual union based almost exclusively on representation in relation to population in one House and not at all in the other.

Further striking evidence that population equality as a basis for electoral representation was a view widely accepted at that time is the fact that article II, section 14, of the Northwest Ordinance of 1787, intended by Congress for the future governance of all that vast territory, included the following requirement: "The inhabitants of the said territory shall always be entitled to the benefits * * * of a proportionate representation of the people in the legislature."

MAJORITARIAN IMPULSES GOVERN THE STATE

The story of the development of representation formulas for State constitutions reflects similar majoritarian impulses for more than a century after 1776, when the first of the constitutions of the Original Thirteen States were being drafted. Although several of the Original Thirteen States adopted apportionment formulas which today produce substantial inequality among election districts, the population at the time those formulas were approved was much more evenly spread among the counties that were given equal representation (as in Delaware and New Jersey) and among the towns that were given equal representation (as in Connecticut, Rhode Island, and Vermont). Today the situation has been vastly altered by the shift of population to the great urban centers.

The various formulas in the State constitutions adopted before 1787 did not, however, furnish the pattern for the National Congress. Even more significant is the fact that the congressional formula, ordained by the great compromise, did not serve as a model for States later admitted to the Union. Between 1790, when Vermont was admitted, and 1889, when Montana was admitted, almost 100 years later, every State admitted to the Union entered with a constitution providing for representation based principally on population in both houses of the legislature.[5]

To speak of those 19th century legislatures in terms of acceptance of the principle of population as the basis for apportionment is not, however, to suggest that there was mathematically precise equality among the districts at that time. A number of States, particularly in the West, relied on county boundaries in drawing their apportionment formulas, but the distortions which resulted from assuring each county at least one representative, for example, or from grouping whole counties to form election districts, were much less in agricultural and rural America, as it then was, than in industrial and urban America, as it now is.

As the United States became primarily an industrial and urban nation, honest application of the representation formulas would have meant in nearly all States a gradual shift of political power from the county seats in the rural areas to the cities. So changes were made, accompanied by astonishingly frank expressions of distrust for majority rule. Behind those sentiments, however, we can be sure lay the perfectly natural fear of diminished political power, specifically loss of legislative seats to the population-gaining areas largely at the expense of the rural areas.

HOW THE URBAN AREAS WERE DENIED POWER

The response was of two kinds:

1. In many States, including such populous States as California, Illinois, Michigan, New York, Ohio, and Pennsylvania, the constitutional formula was adjusted to preserve legislative control in the areas of declining population regardless of subsequent shifts in population. The device was, of course, to make population of slight of at least diminished importance in one or both houses. These formulas tended to become locked into the constitutions, because with continuing population shifts, the number of legislators who would be prejudiced by a return to emphasis on population was bound to increase. Change often became a virtual impossibility.

2. Where amendment of the constitutional formula was not practicable for one reason or another, a number of State legislatures simply ignored the State constitutional provisions for periodic (usually decennial) reapportionment to take into account population changes. Tennessee, from whence came Baker, and Alabama, the source of Reynolds, were such States. So was Maryland, which produced *Maryland Committee for Fair Representation* v. *Tawes*, where the legislature simply ignored repeated popular votes calling for the convening of a constitutional convention. And, of course, some States, not content to rely on constitutional change or on legislative foot dragging alone, did a little of both.

The result was malapportionment, tested by any measurable standard. By 1962, when the Supreme Court first held that this was a matter for judicial cognizance, the population disparities among election districts were as high as 987 to 1 (the Vermont House) and 422 to 1 (the California Senate); and in 1962, immediately before the decision in Baker, a voting majority could be elected in each of eight State senates by less than 20 percent of the population, including California (10.7 percent), Florida (12.3 percent), and Nevada (8 percent).

The original decision to give equal representation in one house of Congress to each State had been grounded on another fact of political life relevant to the States but not to their political subdivisions. That is the fact that States are themselves sovereign governmental entities whose borders are immune from alteration without their consent and whose retained authority is guaranteed by the Constitution. Counties, cities, towns, villages, and other local subdivisions are solely creatures of the State, subject to alteration or obliteration at the discretion of their parent authority, and altogether lacking in assurance of any residuum of retained authority.[6]

REAPPORTIONMENT DECISIONS WERE NO SURPRISE

For the reasons already stated, the decision in Reynolds requiring substantial population equality among election districts should have come as no great surprise. Once the equal protection clause was ruled applicable and the Federal analogy shown to be inapplicable, the already familiar facts of malapportionment pointed inescapably in the direction of the Court's command for substantial equality among election districts.

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[3] Arizona, Connecticut, Idaho, Montana, Nevada, New Jersey, New Mexico, Rhode Island, South Carolina, and Vermont.

[4] Advisory Commission on Intergovernmental Relations, Report on Apportionment of State Legislatures, 10–11, 35, 69 (1962).

[5] Id. at 11.

[6] See the discussion in *Reynolds* v. *Sims*, 377 U.S. 533 at 575 (1964).

Similarly, the 1964 decision in *Wesberry* v. *Sanders,* requiring near-population equality among congressional districts, should not have been particularly surprising, even though that ruling was grounded on the requirement of article I, section 2, of the Constitution that Members of the House of Representatives be chosen "by the people." The same underlying doctrine—faith in the principle of majority rule—was found to have been incorporated into the Constitution as to the choice of Representatives. Any other decision would have made a mockery of the plain sense of the compromise which produced the equal representation of all States in the Senate, while assuring representation in accordance with population in the House of Representatives.

The reaction to these decisions was interesting. To whatever extent there may have been doctrinal disagreement with the requirement of equality in congressional districting, it was largely swallowed up in the fact of acquiescence. A number of States made legislative adjustments almost at once to come into compliance with the mandate of near equality.[7] Where there was initial failure to act, the problem seemed not to involve dispute as to whether equality should be legislated, but involved instead the familiar issue of whether the lines should be drawn in one way or another. These difficulties can eventually be surmounted, and it must be assumed that the decision in Wesberry has been accepted as part of the living law.

The situation in relation to Reynolds is, however, rather different. The initial reaction was mixed and, it must be said, somewhat confusing. As might be anticipated, many State legislators, particularly those whose seats were placed in jeopardy, objected strenuously; the Republican Party (perhaps inadvisedly, even from a partisan standpoint) stated support in its platform for a constitutional amendment; and efforts were made in Congress, ultimately unsuccessful, to deny or to postpone the exercise of jurisdiction by Federal courts in connection with apportionment matters.

It was hard to believe, however, that this reaction represented majority sentiment; it was, after all, the majority of the voters, until then frequently underrepresented in congressional districts and in State legislative representation, who stood to benefit from these decisions. Not surprisingly, when the voters learned the significance of the decisions (in part from the largely favorable press reactions), they reacted as might have been expected. A Gallup poll conducted in August 1964 recorded a 3-to-2 support for the decision; mayors of the principal cities importuned the White House to oppose the restrictions on Federal court jurisdiction then being debated in Congress; and the Democratic Party, although silent on the issue in its platform, gave important behind-the-scenes support to the Court and the decisions.[8]

Meanwhile, the lower Federal courts, the State courts and even the State legislatures moved with almost surprising alacrity toward good faith compliance. The Court had warned that "once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan."[9] By the end of 1964 reapportionment had either been completed, or substantial steps had been taken toward apparently satisfactory compliance, in most of the States.[10] When there are added the States in which the present formula is valid, of which there are probably a few, and the States in which initial legislative action is probable in 1965, one might speculate that the prospects for ratification of a constitutional amendment by three-fourths of the State legislatures would be dim indeed, even if, as now appears unlikely, approval of such an amendment could be secured by the necessary two-thirds vote of each House of Congress.

The propositions advanced in the earlier part of this paper—that the equal-population principle is sound constitutional doctrine and that the decisions seem now destined for implementation and not reversal—suggest the appropriateness of giving brief attention to a third point. What problems of implementation and interpretation lie ahead? What benefits may be anticipated from full compliance with the equal-population principle?

The equal-population principle now held applicable to State legislatures has been criticized, principally perhaps by those who have not read the decisions or refuse to believe what they read, on the ground that the Court has required the absurdity of mathematical equality among congressional districts and in State legislative representation. But the Court denied that implications as plainly as words can speak:

"Mathematical exactness or precision is hardly a workable constitutional requirement. What is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case. So long as the divergencies from a strict population standard are based on legitimate considerations incident to the effectuation of a rational State policy, some derivations from the equal population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two Houses of a bicameral State legislature."[11]

When State experimentation with various representation plans was thus invited, the Court was of course aware that further litigation would be necessary to distinguish that which might be marginally permissible in one State from that which may be unsatisfactory in another. Prediction as to which of the myriad of possible variations will be upheld and which rejected is too speculative to be worthwhile at this juncture, but it may be helpful at least to outline some of the questions that are likely to arise.

1. TO WHAT EXTENT MAY ELECTION DISTRICT LINES BE BASED ON EXISTING POLITICAL SUBDIVISIONS SUCH AS COUNTIES AND TOWNS?

The Court specifically recognized that some deviations from population might be based on State preference for "insuring some voice to political subdivisions, as political subdivisions."[12] Although the distortion cannot be so great as to subvert the basic norm of population equality, considerable latitude remains.

"Local governmental entities are frequently charged with various responsibilities incident to the operation of State government. In many States much of the legislature's activity involves the enactment of so-called local legislation, directed only to the concerns of particular political subdivisions. And a State may legitimately desire to construct districts along political subdivision lines to deter the possibilities of gerrymandering."[13]

This receptiveness to individualized apportionment formulas should encourage study of local government to determine what State governmental function is served by each of the local units—the counties, cities, towns, villages, school districts, and other special purpose districts. If, for example, the town is found to be the significant instrument of local government, county lines may not be relevant in legislative representation. When inquiry is made into these matters and into the extent of county and city home rule, it may be that duplication of function will be revealed.

The local governmental process ordinarily has proved quite unyielding to demands for change; but improvement may prove less difficult when legislatures are no longer tied exclusively to local units of government and thus become more directly responsible to the voters. Return to majority rule in State legislatures holds promise of giving to the demand for States rights a new dignity and urgency.

2. TO WHAT EXTENT, IF ANY, DOES THE CONSTITUTION FORBID THE PARTISAN GERRYMANDER?

By the end of 1964 the Supreme Court had offered no direct guidance on this obviously troublesome problem. In *Wright* v. *Rockefeller,* 376 U.S. 52 (1964), in which appellants claimed that the election district lines in the four congressional districts in Manhattan had been drawn along lines based on racial considerations, the Court affirmed the lower court's dismissal of the complaint for failure to show legislative contrivance to segregate on the basis of race or place of origin. But even that case did not raise the ultimate question whether an artful arrangement of election districts to promote political advantage (as opposed to racial discrimination) is forbidden by the equal protection clause or by any other provision of the Constitution.

Elimination of gross population disparities removes one of the devices by which partisan advantage has in the past been secured. There is no difficulty, however, in imagining instances in which equality is satisfied but the representative function nevertheless is seriously undermined by the gerrymander.

It is clear at least that Congress can, as it once did,[14] require compactness and contiguity in the drawing of congressional district lines. This requirement should be reinstated for congressional districting; the adoption of similar requirements would be useful additions to State legislative representation formulas. It is difficult to see how any political party could raise good-faith objections to such a requirement in supplement to the constitutional necessity for equality.[15]

3. MAY A STATE ESTABLISH MULTIMEMBER AS WELL AS SINGLE-MEMBER ELECTION DISTRICTS?

The equal-population principle, as formulated by the Supreme Court, does not in so many words address itself to the question whether State legislators and Representatives to Congress may be chosen, within the discretion of each State, from single-member constituencies or from multimember districts. In commenting on the possible ways in which varied bases of representation could be achieved between the two houses of a bicameral legislature, Chief Justice Warren observed in *Reynolds* v. *Sims*, with all the casualness of unstudied dictum, that "One body could be composed of single-member districts while the other could have at least some multimember districts." But it may not be quite that easy.

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[7] For example, Colorado, Connecticut, Georgia, Michigan, and Wisconsin.

[8] I have reviewed that congressional episode in "Court, Congress and Reapportionment," 63 Mich. L. Rev. 255 (1964).

[9] Chief Justice Warren in *Reynolds* v. *Sims,* 377 U.S. 533 at 585 (1964).

[10] By the end of 1964 changes had been effected in 16 States, and in at least as many States the existing systems had been held invalid, in many cases with a judicially imposed date (most often 1965) by which compliance was to be completed.

[11] 377 U.S. 577–579 (1964).

[12] This language is from 377 U.S. at 580, with emphasis supplied.

[13] 377 U.S. at 580–581.

[14] See, for example, 17 Stat. 28 (1872), 31 Stat. 733 (1901).

[15] Several courts have suggested that compactness, equality, and "neutrality" may be secured by the use of computer techniques. For a discussion, see Weaver and Hess, "A Procedure for Nonpartisan Districting: Development of Computer Techniques," 73 Yale L. J. 288 (1963).

The issue is presented in *Fortson* v. *Dorsey*, 228 F. Supp. 259 (N.D. Ga. 1964), a case challenging the validity of the 1962 Georgia senatorial apportionment.[16] By that act the State was divided into 54 senatorial districts, generally adhering to county boundary lines. In order to conform to some extent to the equality requirement, some of the districts included two or more counties, some were single counties, and some consisted of portions of counties. All were single-member districts except that, where more than one senator was assigned to a single county, all senators were to be elected at large. The three-judge Federal district court held that the provisions for county-at-large elections in the populous counties violated the equal protection clause of the 14th amendment.

On January 18, 1965, the Supreme Court reversed the district court, repeating what had been said as dictum in Reynolds, now as the holding of the Court, that one body of a bicameral legislature could have at least some multimember districts. Justice Brennan, for the majority, emphasized that the Court did no more than uphold the statute on its face. "It might well be that, designedly or otherwise, a multimember constituency apportionment scheme, under the circumstances of a particular case, would operate to minimize or cancel out the voting strength of racial or political elements of the voting population." Thus, the validity of the gerrymander to serve racial or political ends has not yet been passed upon.

4. TO WHAT EXTENT MAY THE FEDERAL COURTS INTERVENE IN THE STATE LEGISLATION PROCESS TO ASSURE SATISFACTION OF THE EQUAL-POPULATION PRINCIPLE?

In Reynolds the Court recognized that "legislative reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to Federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so." Only in that case, and in the Oklahoma case,[17] has the Supreme Court approved affirmative judicial intervention as a remedy for an existing apportionment formula found to be invalid, and both of those were exceptional cases of legislative failure to reapportion after repeated judicial attempts to secure legislative reapportionment.

Subsequently, three-judge Federal district courts have sought in several instances to limit legislative action in connection with anticipated reapportionment. Four examples will suffice. In New York the court limited the term of legislators elected in 1964 to 1 instead of the usual 2 years and fixed April 1, 1965, as the time within which reapportionment was required.[18] In Connecticut the court ordered that no legislative elections be held in November 1964, and that the holdover legislature prepare a temporary apportionment and prepare for a constitutional convention to establish a permanent plan.[19] In Vermont the court ordered that a new plan be established by April 1, 1965, and that State legislators elected under the invalid apportionment enact no legislation except that relating to reapportionment.[20] And in Georgia the court enjoined submission to the voters for ratification of a proposed new State constitution approved by the malapportioned legislature. But the Supreme Court, in a somewhat inconclusive per curiam order, vacated and remanded for reconsideration in the light of subsequent developments.[21]

Whether the Court will uphold or reject particular judicial restraints imposed by the lower Federal courts on legislative action is, of course, difficult to predict. What does seem moderately clear is that some discretion will be continued in the Federal courts charged with protecting against further encroachment on the equal-population principle.

5. WHAT ADVICE SHOULD BE GIVEN TO STATE LEGISLATURES IN DEVISING NEW APPORTIONMENT FORMULAS?

The Supreme Court ruled that legislative compliance with the equal-population principle will be tested by a good-faith standard, including the possibility of individual variations among the States. The local governmental process has been made to seem mysterious only because of too-long neglect and lack of careful study. If the premises of the State and local representation function are now reexamined conscientiously, the benefit resulting to government from that study alone would justify the temporary dislocations attendant upon reapportionment. Once the study has been made which is here suggested, there should be little difficulty in devising a system that is fair and workable.

To facilitate adjustments that may prove necessary, the most useful device is likely to be an effective apportionment commission which can be charged with a continuing study of the reasons why particular apportionment plans prove to be well or poorly adapted to the needs of the State. If this commission can be nonpartisan, so much the better. The political side of the governmental process has quite enough with which to concern itself without insisting that the "thicket" of legislative representation continue forever to be "political."

ARMENIAN MEMORIAL DAY

Mr. BAYH. Mr. President, a half century ago the world was sickened and saddened by the virtual eradication of the proud little nation of Armenia.

Hundreds of thousands of Armenians were executed or died from other causes directly related to their persecution. A quarter of a million Armenians escaped terror by fleeing to Russia.

April 24 has been established as Armenian Memorial Day. That date in 1915 marked the beginning of horrible brutalities against the Armenian people.

Why should the anniversary of this tragic occurrence be observed? Nothing can be done now to redress the wrongs that were committed in the Armenian massacre, which is a page of history that cannot be erased. What happened to the Armenians was not the first, nor the last, episode of genocide in the world. By reminding ourselves of the Armenian tragedy, however, we should see more clearly the vital necessity for seeking a world in which such events cannot recur.

Approximately 250,000 persons of Armenian origin now live in the United States, and I am proud that several thousand of them make their homes in my State of Indiana.

Mr. President, I salute the Armenian people for their courage and their dedication to human freedom.

SPEECH OF SECRETARY FOWLER

Mr. HARTKE. Mr. President, I have received a copy of the first speech delivered publicly by Secretary of the Treasury Henry H. Fowler following his confirmation by the Senate and his assumption of office. It was delivered before the Washington Conference of the Advertising Council on Tuesday, April 6. While it is a short speech, it touches upon a number of the areas which lie within the Secretary's responsibility and affirms his desire to maintain a continuity of policies while, as he says:

> Further sharpening the tools we have developed, and patiently applying the lessons we have learned in recent years to the tasks of sustaining our domestic economic momentum and at the same time bringing our international accounts into balance.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE HENRY H. FOWLER, SECRETARY OF THE TREASURY, BEFORE THE WASHINGTON CONFERENCE OF THE ADVERTISING COUNCIL, APRIL 6, 1965

Had your conference been but a week earlier, I might have found myself on the other side of this platform, among the questioners. The passage of a week's time and the change in seating arrangements are hardly enough to alter my basic role in your session. So I count it a privilege to listen and learn.

But even a recently returned sojourner from private life may be permitted a few general observations. First, the national economic goals referred to have the same familiar ring as they did when I left the Treasury 12 months ago.

Second, I do feel and hear a more insistent and welcome emphasis on the fact that the challenges and opportunities in our national economy arise in large part out of the inherent dynamics of our free market system, as it ceaselessly changes and grows, and they can and must be met in that same framework.

Third, there is a considerable consensus on the fact that Government has an affirmative role, namely, a responsibility for helping to shape a fiscal and financial environment in which business can flourish, and in which the collective energies of business, labor, and Government can be applied to the achievement of these goals.

Achieving the proper mix of economic policies—both fiscal and monetary—is vital to successfully meeting the responsibilities of the Treasury. The proper course ahead, as I see it, lies in carrying forward the main lines of existing policies, further sharpening the tools we have developed, and patiently applying the lessons we have learned in recent years to the tasks of sustaining our domestic economic momentum and at the same time bringing our international accounts into balance.

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[16] Probable jurisdiction was noted by the Supreme Court on Oct. 12, 1964, and the case was placed on the summary calendar. A joint motion to advance the case was granted by the Court on Nov. 23, and it was argued on Dec. 10, 1964.

[17] *Williams* v. *Moss*, 378 U.S. 558 (1964). For the opinion on remand, see *Reynolds* v. *State Election Board*, 233 F. Supp. 323 (W.D. Okla. 1964).

[18] *WMCA, Inc.* v. *Lomenzo*, — F. Supp. — (S.D. N.Y. 1964), petition for cert. filed 33 Law Week 3174 (Nos. 611, 623).

[19] *Pinney* v. *Butterworth*, — F. Supp. — (D. Conn. 1964).

[20] *Buckley* v. *Hoff*, 234 F. Supp. 191 (D. Vt. 1964), modified and affirmed per curiam, 33 Law Week 3243 (Jan. 28, 1965).

[21] *Fortson* v. *Toombs*, 33 Law Week 4172 (Jan. 18, 1965).

This is the course already clearly laid out in the President's economic program for this year. The excise tax reduction planned for midyear is an excellent illustration of the creative application of economic experience to maintain a healthy and balanced expansion.

Coming so soon after the liberalization of depreciation and the enactment of the investment credit of 1962 and the income tax cut of 1964, it underscores a willingness to use fiscal policy—and tax reduction in particular—as a more effective and flexible instrument for sustaining our economic growth by lifting burdensome or discriminatory taxes from the private sector while keeping sensible and effective limits on increases in Government expenditures.

Recent events abroad have made it plain for all to see that the international stability and standing of the dollar is not only a matter of concern to world business and trade, but also directly affects our national security and our capacity for effective diplomatic action throughout the world. A strong currency is an essential underpinning for worldwide responsibilities, and we cannot—and we will not fail in the job of keeping the dollar strong.

This determination to balance our international accounts is an essential prerequisite to the successful negotiation of a sound modification of the international monetary system to adapt it to the changing requirements of an expanding free world economy.

The intensified balance-of-payments program announced by the President in February is already yielding good results. But much more remains to be done before we can claim success—for we need results not only this month, or through the spring and summer, but for the months and years ahead.

Sometimes we hear the complaint that the new elements in our total balance-of-payments program—the voluntary efforts of business and financial institutions to achieve savings through their own operations—represent no fundamental solution. Instead, some have suggested that we should, in effect don a protective shell of tight direct controls—or accept instead the risks and hazards for our domestic economy that would come from applying a hard brake to credit expansion. I share none of that skepticism. American business, I am confident, will not relax its early response to the President's call for cooperation with the first sign of success.

But, I am equally certain that this kind of voluntary program cannot, and should not, be looked upon as a permanent solution. The clear need remains to make our own economy even more competitive in world markets and to encourage capital flows into the United States. Nor can we relax our efforts to economize in dollar outlays for defense and aid abroad. And perhaps even more important, we cannot escape the complex and difficult task—a task that must be shared by our European friends—of attacking at its roots the basic source of the disequilibrium in world capital markets.

That is the fundamental approach that has motivated the entire balance-of-payments effort since 1961. Moreover our unequaled record of price stability and sustained advances in productivity are beginning to pay off in a rising trade balance. Substantial economies in Government spending abroad have been achieved. The investment climate in the United States has vastly improved, with the result that greater outlets are developing at home to absorb our vast savings. And there are encouraging signs that Europeans more clearly recognize, and are beginning to deal with, deficiencies in their own capital markets.

The fact that an extraordinary flow of capital abroad could undermine our progress last year—and that the President was compelled to ask for special efforts to curb that outflow—is evidence enough that our progress is still incomplete. But, as I take up my new responsibilities, I do so in confidence that the main elements in our program are sound, and that business and Government and all the people of our Nation working together have both the capacity and will to achieve our national objectives at home and abroad.

FIFTIETH ANNIVERSARY OF TURKISH GENOCIDE OF ARMENIANS

Mr. HARTKE. Mr. President, tomorrow is the 50th anniversary of the Armenian massacres of 1915 and following which shocked the conscience of the world at the time. On April 24, 1915, the campaign began which was to last through 1918 and which resulted in the death of a million Armenians and the displacement and exile of another million. The total of 2 million Armenians comprised about half of all Armenians living in 1915.

April 24 has been set as the official Armenian Memorial Day. On that date 50 years ago more than a hundred Armenian intellectuals of Constantinople were arrested, later to be transported into the interior of Turkey and killed. The Turkish atrocities against these people, who had once been proudly independent but who were believed a threat to the Ottoman Empire, comprised perhaps the greatest example of genocide in history prior to the advent of Hitler and his genocide of the Jews. Indeed, it was Hitler who asked, speaking before the Third Reich in 1939 just before the opening of operations against Poland, "Who, pray say, remembers the Armenian massacres today?"

Perhaps if the world had recalled rather than seemingly forgotten the events of the generation before, there would have been a greater and earlier understanding of the monstrous plot of Hitler to exterminate an entire people within his borders. On this 50th anniversary of the helpless martyrdom of the Armenians, against whom was turned the might of a nation which was the ally of an earlier imperial Germany, we need to call to mind their plight. We need to recall that the United States has not yet joined in official endorsement of the international Genocide Convention, and that we need to maintain alertness to the first beginnings of any such oppression of peoples by governments in any part of the world.

There are many Armenians in America, men and women who came here, or whose parents arrived, as a result of the events of 50 years ago. They have been a welcome addition to our melting-pot population, and they have enriched the Nation. We owe it to them, and to Armenians wherever they are, to join them in remembrance of this 50th anniversary of an event which can never die in their memories.

For the Armenian martyrs of 1915 contributed to the success of America and its allies in World War I against the Turks, the Germans, and their alliance. As President Woodrow Wilson put it at the time, "The Armenians are our little ally."

AMERICA'S GREAT AGRICULTURAL EXTENSION SERVICE

Mr. MUNDT. Mr. President, now that our Senate Agriculture Appropriations Subcommittee is underway with hearings, I think it is appropriate to point up an agency of the Department which has been neglected over the years but which has done outstanding work for the farmers of our Nation.

The Cooperative Extension Service probably has as close contact with our farmers as any other agency, branch, or service of the Department. The budget recommendation this year calls for an increase of $700,000. This increase recognizes the problem but only begins to solve it.

If divided among the 3,000 counties in the United States, each would receive an average increase of about $233.

Much more than this amount is needed just to help bring the salaries of Extension workers in line with prevailing pay scales. Last year all classified civil service employees and postal workers received a substantial pay increase. But nothing was provided in Federal legislation to raise the salaries of the 15,000 Extension Service employees in the States.

These 15,000 Extension workers probably contribute as much to the progress of agriculture and the Nation's overall economy as any other group of similar size. They have the responsibility of providing educational support to every facet of our farm programs and to helping to raise the standards of living for families and youth throughout rural America.

Too much emphasis is being given to a decline in number of farms. The true measure of agricultural needs is the product. The farmers of this country are producing more and better food and fiber than any nation in the world has ever seen. And they are doing it with the least help and fewest acres since the start of this century. This is the current miracle in American enterprise.

Such an achievement does not come automatically. Without taking any credit from the many other agencies helping on farm programs, I emphasize again that Extension workers have given the educational service that has helped farmers and other rural people most in meeting the many challenges of the last half century.

Cooperative Extension is now starting its second 50 years of service to American agriculture. We should give it the support it deserves in meeting the many problems still facing us.

South Dakota alone could use nearly a third of the proposed increase in Extension funds for the next fiscal year. That much is needed to help keep the most skilled workers in extension and to hire more specialists to meet the problems of farmers, families, and rural communities in our State.

Although our Nation enjoyed the most prosperous year in its history in 1964, the income of farmers and ranchers in South Dakota was at a 5-year low. This has been a result of drought, diseases, low prices for livestock, and high prices of things they must buy.

Our farm people need the advice and assistance of men and women with special training in the problems of agricultural production and marketing. Research is giving us a vast amount of valuable information. We should have more and better-trained people to help them interpret that research and to help them apply the knowledge gained to everyday problems.

Extension workers are doing their share in training for greater service. Two-thirds of the 59 State extension specialists in South Dakota, for example, have master's or doctor's degrees in their special lines of work. Five years ago only one-third of the State's specialists were as advanced in their training.

I am convinced that every dollar we appropriate for extension work returns far more than that in increased agricultural efficiency, better products for the consumer, and improvement in rural communities.

Let me give you one striking example in that first category.

A serious outbreak of western corn rootworm damage in 1963 cost South Dakota corngrowers an estimated $2 million in yield losses. Extension entomologists and county agents conducted tests which showed that chemicals which growers had been using were ineffective against this species.

They quickly analyzed results from research and some extension demonstration plots which helped provide information on the proper treatment. Before the 1964 planting season, they conducted an intensive educational program on the rootworm problem, chemicals that should be used, how they should be used, how they should be applied, and precautions to be taken in handling them. They held many meetings for growers and dealers, issued thousands of fact sheets and bulletins, and used newspapers, radio, and television to reach farmers with information about the program to control western corn rootworm.

Result was that 600,000 acres were treated with the proper insecticides last spring. Savings from these treatments are estimated to be over $4 million to South Dakota corngrowers in that 1 year.

This estimated savings is more than twice as much as the total money spent for all extension work in South Dakota in 1964. And this is only one of the dozens of programs carried on by the cooperative extension service in our State. You can point to many similar results in your State.

Extension takes a problem-solving approach. Another program on which they have used this approach is that of resource development. One of the principal means of economic growth in South Dakota is agricultural development. And a key to agricultural development is water supply.

With Extension assistance, three water conservancy districts have been organized to obtain better management of water resources.

Extension workers in home economics likewise devote their efforts toward helping families solve problems in the use of both human and financial resources for better family living. Added educational services are provided for youth—many of whom have not found it possible to finish high school.

We are especially proud of the success of 4–H Club programs in our States. In 1964, membership in these clubs reached a new high of 19,588 boys and girls between the ages of 9 and 19.

The youth phase of the Cooperative Extension Service programs is complimented by the fact that 75 other countries have established youth programs similar to our 4–H Club program. Similarly, many other countries already have or are now setting up Extension programs patterned after the Extension Service in the United States. What better proof do we need of the benefits of this service?

South Dakota might well be called a "feeder" State. Not only do we feed lots of livestock and poultry, but we send out of the State more than three-fourths of the products of our farms. These fine products go into the marketing channels for consumers throughout our Nation and also to other countries around the world.

We also supply large numbers of our youth to industry and government in other States and foreign countries to improve the total skills and products of this land of ours.

South Dakota has the good fortune of being host to an international seminar this summer. We look forward to this opportunity of being the "show window" of the United States for many foreign friends.

In all of these activities I have mentioned, you see the hand of our Cooperative Extension Service. Let us give them the support they need to maintain—yes, to increase—the pace of progress for rural America.

THE PORT OF DULUTH, MINN.

Mr. McCARTHY. Mr. President, before the opening of the Great Lakes-St. Lawrence Seaway, in 1959, the port of Duluth was considered an inland port—the largest inland port in the world, because of the large tonnage of iron ore, coal, and grain moving in and out of the port in Great Lakes shipping.

Since the opening of the Seaway, the port of Duluth is classified as a seaport, even though it is 2,400 miles from salt water; and it is the fourth seaport in size in the United States. The port of Duluth includes the facilities at Duluth and also those on the other side of the harbor, at Superior, Wis.

Robert T. Smith, port director of the port of Duluth, recently spoke to various vessel owners and shipping interests in Europe concerning the development of the Great Lakes seaway in the past 6 years and the facilities offered by the port of Duluth. I ask unanimous consent that excerpts from his speech be printed at this point in the Record.

There being no objection, the excerpts from the speech were ordered to be printed in the Record, as follows:

PORT OF DULUTH, MINN., U.S.A.

(By Robert T. Smith, port director)

The Great Lakes-St. Lawrence Seaway system of navigation, when opened in 1959, exposed a vast area in both the United States and Canada to greater participation in foreign trade. It provided access for the average size ocean carrier into the very heartland of the North American Continent, a distance of approximately 2,400 miles from salt water. It actually provided the United States with its fourth seacoast, a coast adjacent to one of the Nation's greatest concentration of heavy and light industries, as well as rich farmlands producing farm products, of which grains are the dominating production. It is estimated that better than 40 percent of our Nation's industries, as well as population, are located either on the waterway or within a reasonable distance thereof. In due time, this waterway system will change many habits and practices of importing and exporting that previously applied to the Atlantic and gulf coast ports. It will provide a cheaper avenue of transportation for those already so engaged, and will make possible, through cheaper overall transportation costs, the entrance into foreign markets by industries that were restricted by reason of the high cost of rail transportation to other coastal ports. Conversely, it will open new markets for exporters in Europe and other continents on the globe. It definitely provides a two-way road for trade.

When the seaway opened in 1959, shipowners and operators encountered many frustrating problems, some of such serious proportions that many refused to return their vessels to the waterway system. In effect, the new waterway, as we say in the United States, received a "black eye," and many predicted it was doomed to failure. There were a number of factors responsible for the fiasco of 1959, as I experienced it in the port of Duluth. First and foremost, in my opinion, was the inexperience of those involved in port operations, port authorities, vessel agents, terminal operators, and longshore labor (stevedores). Every port, both large and small, envisioned being a second New York port overnight, at least that is what their propaganda indicated. Very few ports were prepared for the onslaught of ocean-type vessels that surged through the seaway locks when they were first swung open. They were, however, well prepared with welcoming ceremonies for the first vessel to enter their harbor, and with gifts to shower upon the captain, and that is about as far as it went.

In the major ports there were not sufficient modern transit shed berths and other docking areas. Many of the grain elevators' loading spouts were not high enough to effectively reach a vessel's hatch when she was light. Tugboat crews, when available, lacked in the knowledge of docking and undocking safely this new type of vessel. Longshore labor was inexperienced and insufficient in number to meet the demands. Many ports' navigation channels had a depth less than the seaway depth of 27 feet. Many marine terminals and grain elevators failed to deepen their slips even to the depth of their main harbor channels. Vessel agents increased in number, but not in experience, and above all, there was a shortage of qualified pilots to direct vessels through the strange waters.

My heart ached for every shipmaster that came into the Seaway during that eventful year, and it was only through their constant vigilance that accidents were held to a minimum under the circumstances.

The waterways connecting the lakes, referred to as connecting channels—to be specific, those connecting Lake Erie with Lake Huron, and Lake Huron with Lake Michigan and Lake Superior, did not have a depth corresponding with the Seaway's 27 feet. It was not until the early part of the 1963 shipping season that these areas had the 27-foot depth. At this time many of the ports considered as major ports do not have the 27-foot channel within their harbor district, and it may be as late as 1967 before they do.

Added to all the woes of 1959 was an attitude of resentment on the part of many to what they referred to as invasion by ocean ships, because they thought they were in direct competition with domestic lake vessels through which they derived their livelihood. This attitude had a direct bearing on the activities of port authorities. Many were deprived of funds to effectively promote a flow of traffic. As would be expected, opposition groups on the Atlantic and Gulf of Mexico seaboards continued their harassment of Great Lakes shipping, and I might add, there has been no letup in their tactics to this date.

The Seaway has had 6 years of experience, that has seen foreign trade—other than bulk grain—increase from 20,593,142 tons in 1959 to 39,309,029 tons in 1964. During this period there has been a marked improvement in efficiency on the part of all industries involved in the handling of waterborne carriers. Government agencies of all lake-bordering States, consisting of Governors, congressional representatives, mayors and other officials have begun to take a keen interest in their respective port's problems. They are beginning to effectively counter the moves of opposition groups. This was clearly evident when the Seaway toll structure was not changed in 1964. Another indication of the Seaway's maturity was the forming several years ago of the International Association of Great Lakes Ports, and just recently, the Great Lakes Terminals Association. Both associations were formed for the express purpose of close cooperation in the promotion of efficiency, and a solid front against the ever-pressing and manipulated opposition groups.

My remarks concerning the Seaway in general were a prelude to the specific reason for my visit to your great country. As you no doubt have surmised, I am here to tell you about the Port of Duluth, Minn. When I speak of Duluth, remember I am also referring to Superior, Wis. The two ports serve a common harbor, separated by a very narrow navigable river, and are considered as one port of entry by U.S. Customs, Immigration, and other Federal agencies having jurisdiction in the harbor. Vessel agents, Customs, Immigration and other agencies having to do with the port are domiciled in Duluth. There is one mark of distinction, and that is harborfront workers' unions. Each port has its own union headquarters, but work in close harmony with each other. In domestic lake shipping circles, Duluth and Superior are referred to as the "twin ports."

There is a similar situation existing at the northern part of Lake Superior, where the twin ports of Fort William and Port Arthur, Canada, are referred to as "lakehead ports." Duluth's side of the harbor contains all of the general cargo terminals, as well as tank farm, heavy-lift cranes, and some grain elevators. The Superior side at the present time consists only of grain elevators.

Duluth is the westernmost port on the Great Lakes-St. Lawrence Waterway. It is some 1,400 miles west of Montreal, and 2,400 miles from salt water. By direct steamer track we are only 90 miles farther from Montreal than Chicago, yet we penetrate the very heartland of the North American Continent by 500 miles over the port of Chicago. Our port is located in what is considered one of the world's best natural harbors. It contains over 17 square miles of water surface, with 49½ miles of established harbor line, well protected from Lake Superior by a sand spit 9 miles in length and approximately one-half mile in width. The sand spit is covered with vegetation, contains many fine homes, and small boat docking facilities. Navigation channels, marine terminal, and grain elevator ship berths all have the seaway depth of 27 feet.

Prior to the opening of the St. Lawrence Seaway, Duluth was considered as an exclusive domestic bulk shipping port, and further had the distinction of being the world's largest inland port, because of the millions of tons of iron ore, coal, grain, and other bulk commodities carried on what are known as lake-type vessels. As much as 80 million tons of bulk commodities moved through the port in one shipping season of approximately 8 months. Because of its seaport status, acquired when the seaway opened in 1959, it is designated by the U.S. Army Corps of Engineers as the fourth port in size in the United States. Because of its geographical location, it serves a tremendous trade area that prior to the opening of the seaway had little exposure to foreign trade. The trade area encompasses some 580,000 square miles, containing a population in excess of 10 million persons. It is primarily a grain, dairy, cattle, and ore-producing area. There are, however, considerable manufacturing and processing industries constantly expanding. Because of the farming area we serve, we are the largest grain exporting port on the American side of the Great Lakes, exceeded only by Port Arthur and Fort William on the Canadian side. We have 11 grain elevators with a combined capacity of nearly 70 million bushels, and with ship's loading berths totaling 13. Counting the weight of grain exported, and other commodities in direct foreign trade, our port has held the No. 1 position since the advent of the seaway in 1959.

During the 1964 shipping season, a total of 3,273,005 tons moved through our port, nearly double the tonnage of the No. 2 port, Chicago. The port of Duluth has what is considered the best marine terminal complex of any Great Lakes port. In addition to having transit shed berths and backup warehouse, there is a tank farm consisting of 13 storage tanks with a total capacity of 6,000 tons, and trackage for railroad tank cars capable of holding 50 units at one time. There is sufficient boiler capacity to heat the liquid contents of all the cars and tanks simultaneously.

There are four pumps with a total capacity of 270 tons per hour. The terminal also is equipped with two traveling gantry cranes, each with a safe working load of 90 tons, and in tandem can lift 180 tons. Our heaviest lifts to date have been 125 tons.

It is of interest to know that the arrangement of our facilities permits the pumping of bulk liquids into a vessel's deep tanks while loading and/or discharging general cargo. The docking area accommodating our two gantry cranes permits the handling of heavy lifts and steel directly between railroad cars and vessel while the handling of general cargo by vessel's gear is being performed. Another feature of our terminal is the location of 11-million-bushel grain elevator complex on the opposite side of a 325-foot-wide slip. Vessels loading parcel lots of grain are permitted to use their own lines in crossing to the terminal for loading of general cargo.

The total area of the terminal site consists of 120 acres. Eighty acres are undeveloped and held in reserve for additional terminal facilities when needed. This undeveloped area is completely bulkheaded, with mooring bollards installed, and is used for temporary berthing by vessels preparing their holds for grain, or waiting for a grain berth. The design of the terminal provides for docking and undocking of vessels without the aid of tugs. Its location in relation to Lake Superior eliminates the hazards of passing through swinging bridges, a problem of many other Great Lakes ports. Eight major railroad lines have access to the facility, and, of course, there is roadway access for trucks. There are other marine terminals where their usage is confined exclusively to general cargo handled by ship's gear. I can say, without fear of contradiction, that shipmasters I have talked with concerning the efficiency of our port have all stated our public marine terminal is the best on the Great Lakes; our longshore labor is excellent; and the harbor leaves nothing to be desired. These unsolicited compliments are usually concluded with a remark to the effect that they wished all other ports were like Duluth, as it is a true seaport.

The Port of Duluth, because of its geographical location, affords considerable savings in inland transportation cost to a vast area that heretofore had little exposure to the benefits of foreign trade. The savings have enabled a number of industries for the first time to become exporters and/or importers. Industries within the area, now forced to use a Lake Michigan port, do so at additional expense of inland transportation. If they could use the Port of Duluth, their savings could very well result in increased business, producing more traffic for the ship operator, and from my experience in the steamship business, the aim of all ship operators is the production of more and more waterborne commerce.

With the aid of regular liner services on a frequently scheduled basis, Duluth could become the major import distribution port on the North American Continent. Imports through the Atlantic coast ports can only be directed in one way—west; from the gulf ports—north; and from the west coast ports—east. Whereas in Duluth, because of its location in the very heartland of the North American Continent, imports can be directed to the 4 points of the compass. There is a manufacturer of small diesel engines in Germany who has seized upon this opportunity by using our port as a distribution center. We have shipped his engines to Los Angeles on the west coast, New York on the east coast, New Orleans on the gulf coast, and to many in-between areas. There are ample storage facilities for this purpose. During the 1964 shipping season, some 10,000 tons of various commodities were stored with us for distribution during winter months when the lakes are closed to navigation.

EXHIBIT

Predicted and actual tonnages moving through St. Lawrence Seaway, 1959 through 1964

[In tons]

Year	Predicted	Actual
General cargo:		
1959	2,500,000	1,950,163
1960	2,900,000	2,253,897
1961	3,300,000	2,074,183
1962	3,700,000	2,517,608
1963	4,100,000	2,940,795
1964	4,400,000	3,676,587
Bulk cargo:		
1959	22,500,000	18,642,979
1960	26,100,000	18,056,449
1961	29,700,000	21,343,537
1962	33,300,000	23,075,992
1963	36,900,000	28,002,095
1964	39,600,000	35,632,442
Total, general cargo and bulk:		
1959	25,000,000	20,593,142
1960	29,000,000	20,310,346
1961	33,000,000	23,417,720
1962	37,000,000	25,593,600
1963	41,000,000	30,942,890
1964	44,000,000	39,309,029

LEGISLATION IN THE HEAT OF PASSION DOES VIOLENCE TO THE CONSTITUTION

Mr. ERVIN. Mr. President, I have pointed out recently that 46.8 percent of all the nonwhites in North Carolina are registered on a statewide basis, according to the figures supplied me by the U.S. Civil Rights Commission for the year 1965.

Furthermore, 76 percent of the total voting age population in North Carolina were registered in 1964.

It would appear that some of the reasons attributed by the proponents of S. 1564 for the small percentage of North Carolina Negroes voting might also be applicable to New York and New York County where only 51.3 percent of the people of voting age voted, and particularly in New York's 17th, 18th, 19th, and 20th Congressional Districts which voted 62, 46.7, 43.5, and 52.1 percent, respectively. These districts are largely located within New York County.

The 18th Congressional District, which voted 46.7 percent of its voting age population, is one of the few districts in the United States represented by a Negro, Congressman ADAM CLAYTON POWELL, and includes the heart of Harlem. It is interesting to note that this heavily Negro populated congressional district voted one-tenth of 1 percent less persons than the percentage of nonwhites registered to vote in North Carolina. Can anyone reasonably say that there is a widespread discrimination in Harlem, or would it not be more accurate to assert that general apathy is the reason for such little participation at the polls?

Yet, North Carolina is somehow different, according to the experts, notwithstanding the fact that she has 76 percent of her voting age population registered to vote as compared to 74.5 percent of the voting age population of New York State.

Although the percentage of North Carolinians of voting age who voted in the last presidential election was only 52 percent as compared to New York State's 63 percent, it is well to remember that North Carolina had no hotly contested statewide election to draw out the electorate whereas New York had perhaps the most vigorously contested senatorial race of the entire election and certainly one which stimulated a great deal more voter interest and participation. Notwithstanding the interest generated by that race, in the 18th Congressional District of New York fewer people of voting age voted than did the people of two-thirds of the counties in North Carolina. Yet, no part of New York comes under this bill whereas virtually one-third of North Carolina would. This, notwithstanding the assertion of the North Carolina Advisory Committee to the U.S. Commission on Civil Rights that the lack of voting rights complaints "may mean that the disproportionately low registration and low voting of Negroes in North Carolina is due more to apathy, or, as the registrars in Bertie and Greene Counties suggested, to poor schooling and poor school attendance, than to election officials' arbitrary denial of the right to register on account of race."

The proponents of this bill have failed to make a logical case for its discriminatory triggering provisions. The atmosphere in which the bill has been considered has not been a dispassionate one or one that was calculated to generate more light than heat. Instead, logic has been overcome by passion and what, unfortunately, appears in some instances to be vindictiveness.

Mr. President, the emotional climate which surrounds the President's goal to implement the 15th amendment has entangled this well-intentioned goal with blatantly unconstitutional prescriptions. It occurs to me that before acting in the heat of legislative passion to pass a voting rights bill, we should first delve deeply into the basic constitutional issue involved: Does the President's proposal to enforce the 15th amendment do violence to other sections of the Constitution?

Of the administration's voting rights bill two definite statements can be made: First, the bill abolishes, in certain arbitrarily selected areas of the country, a State's prerogative to prescribe literacy tests. Second, the bill abolishes by a simple legislative act State poll taxes.

Mr. President, I think most of us would agree that if there is any provision of the Constitution which prohibits the enactment of this bill, that provision will prevail, and I maintain that the provisions of S. 1564 which abolish or suspend literacy tests and poll taxes, fly in the face of numerous provisions of the Constitution.

There is little doubt about the authority of Congress and the States to amend the Constitution and to abolish literacy tests and poll taxes. Indeed, only recently this deliberative body played a role in abolishing poll taxes in Federal elections by a constitutional amendment, and it did so by constitutional amendment because it realized it had no authority to legislate in the area.

Proponents of S. 1564 fail to recognize the existence of conditions precedent to the exercise of the power of Congress to protect the right to vote. After the State determines who its voters are to be, after it sets uniform standards to apply to all prospective voters, then Congress constitutionally may legislate to insure that persons who meet those standards are able to cast their ballot. Congress has authority, under the 15th amendment, only to enact appropriate legislation to insure that no person is deprived of the right to vote because of race, color, or previous condition of servitude. This amendment does not grant a right to vote where it did not formerly exist; it only prohibits the States from denying suffrage on the ground of race or color. The essentially negative mandate of the 15th amendment, in effect, declares that if a person can qualify under State laws to vote for members of the most numerous branch of his State legislature, the State may not deny him that right because of his race, color, or previous condition of servitude.

It is clear that under the Constitution as it exists today, and under the decisions of the U.S. Supreme Court, when Congress considers a bill to establish voter qualifications, as it is attempting to do in S. 1564, it considers an amendment to the Constitution. If the Constitution is to be amended, I prefer that these amendments be adopted openly in the manner authorized by that document itself, rather than result indirectly from judicial decision or from congressional enactment of legislation which tends to destroy the traditional State-Federal balance. Into this latter category of legislation falls the present voting rights bill.

If it is true that S. 1564 is validly based on the 15th amendment, a supposition with which I disagree, it must conform, nevertheless, with other sections of the Constitution in order to be valid. I believe that this bill, which abolishes States literacy tests, does violence to article I, section 2; article II, section 1, clause 2, and the 17th amendment.

My opinion is that under these sections of the Constitution the States alone possess the right to establish qualifications for voting. The very first article provides that, in choosing Members of the House of Representatives, the electors shall have the same qualifications required for electors of the most numerous branch of the State legislature. The same proposition is enunciated by the 17th amendment with respect to elections of U.S. Senators. Under the only reasonable interpretation of article I, section 2, and the 17th amendment, anyone qualified to vote for members of the most numerous branch of the State legislature also is entitled to vote for Members of Congress and for Senators. Conversely, those who do not have the right to vote for State legislators are ineligible to vote for Members of the House and Senate. Article I, section 2, and the 17th amendment reveal unmistakably that the qualifications for electors in the senatorial and congressional elections shall be the same as those for the election of State legislators, and it seems highly unlikely that, either when the Constitution was originally adopted, or at the time the 17th amendment was adopted, there was any intent to give the Federal Government any power over State elections. In fact, when the 17th amendment regarding election of Senators was ratified in 1913, it in effect recognized and sanctioned anew the principles of article I, section 2. The words in article I, section 4, of the Constitution, taken in conjunction with section 2 of the same article, lead inevitably to the conclusion recited by Mr. Justice Field in *Ex parte Clark*, 100 U.S. 399—1879—that:

> Regulations as to the manner of holding elections cannot extend beyond the designation of the mode in which the will of the voters will be expressed and ascertained. The power does not authorize Congress to determine who shall participate in the election, or what shall be the qualification of the voters. These are matters not pertaining to or involved in the manner of holding the election, and their regulation rests exclusively with the States. The only restriction upon them with respect to these matters is found in the provision that the electors of representatives in Congress shall have the qualifications required for electors of the most numerous branch of the State legislature, and the provision relating to the suffrage of the colored race. And whatever regulations Congress may prescribe as to the manner of holding the election for representatives must be so framed as to leave the election of State officers free, otherwise they cannot be maintained.

According to James Madison's "Journal of the Constitutional Convention," article I, section 2, would appear to be the provision that met with the most complete approval of the delegates to the Constitutional Convention. The overwhelming majority there felt that the right of the States to prescribe qualifications should remain unfettered; and they were loathe to authorize the National Legislature to decide who might vote. George Mason, of Virginia, said:

> A power to alter the qualifications would be a dangerous power in the hands of the National Legislature.

And James Madison took the floor to state that:

> The right of suffrage is certainly one of the most fundamental articles of republican government, and ought not to be left to be regulated by the [National] legislature.

The question of the constitutionality of literacy tests both on their face and in their application has been presented to the courts on several occasions. Rarely has the court held a State's literacy test to determine the qualifications for voters to be unconstitutional on its face. On the contrary, literacy tests have been recognized as a proper and constitutional vehicle for determining those who possess the qualifications necessary for the right of suffrage for more than 100 years. As early as 1893, the Supreme Judicial Court of Massachusetts stated in *Stone* v. *Smith,* 159 Mass. 414, that the States had the right to deny the right to vote to those "as were thought not to possess the qualifications necessary for an independent and intelligent exercise of the right." This position has been consistently upheld by the courts.

In those instances, it has decided that, in the absence of unreasonable and discriminatory application as condemned by the 15th amendment, the literacy test is a valid exercise of the State's power, and the citizen is not deprived of any right under the U.S. Constitution.

In *Guinn* v. *United States,* 238 U.S. 347, the Supreme Court stated:

> No time need be spent on the question of the validity of the literacy test considered alone since, as we have seen, its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision.

As recently as 1959 in ***Lassiter*** v. ***Northampton County Board of Elections,*** 360 U.S. 45, the Supreme Court in a unanimous decision upheld the constitutionality of literacy tests. This decision follows an unbroken line of precedents. The Lassiter case involved a suit challenging the constitutionality of the North Carolina literacy test. In affirming the decision of the lower court upholding the constitutionality of the test, the Court said:

> Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.

No better characterization of the general overall applicability of literacy tests can be found. The Court has, indeed, in this phrase gone to the crux of the matter, and provided an adequate answer for the skeptics who view the literacy test as just a sham used to disenfranchise a certain class of otherwise qualified voters. Additionally, the Court in the Lassiter case said:

> The present requirement, applicable to members of all races, is that the prospective voter "be able to read and write any section of the Constitution of North Carolina in the English language." That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay springes for the citizen. Certainly we cannot condemn it on its face as a device unrelated to the desire of North Carolina to raise the standards for people of all races who cast the ballot.

Other cases which have upheld literacy tests as against charges of unconstitutionality are: ***Williams*** v. ***Mississippi,*** 170 U.S. 213; ***Trudeau*** v. ***Barnes,*** 65 F. 2d 563; ***Darby*** v. ***Daniel,*** 168 F. Supp. 170, and ***Williams*** v. ***McCulley,*** 128 F. Supp. 897. Considering the holdings in these cases that literacy tests do not, per se, violate either the 14th amendment of the 15th amendment, neither of these two amendments will uphold the proposal to abolish or suspend a State's literacy test.

Turning now to section 9 of the voting rights bill which abolishes the poll tax, I maintain that Congress has no power to prohibit the States from requiring payments of a poll tax, or other tax, as a condition for exercising the right to vote in State and local elections.

As in the case of literacy tests in article I, section 2, and in the 17th amendment, the Constitution acknowledged the right of the States to determine voting qualifications including the poll tax by adopting as qualifications for electors of Members of the U.S. House and Senate the qualifications prescribed by the States for electors of the most numerous branch of the State legislature.

Although the use of poll taxes to determine qualifications for voters in Federal elections has been abolished by the 24th amendment, States still retain the power to prescribe poll taxes with respect to State elections, subject only to the 14th, 15th, and 19th amendments. State laws which require no one to pay poll taxes in order to vote unless they were redheaded, Negro, or female would violate the 14th, 15th, and 19th amendments, respectively, and in enforcing those amendments Congress could prohibit the collection of such taxes. But the poll tax does not violate these amendments, and the cases could hardly be more clear in this regard.

In ***Williams*** v. ***Mississippi,*** 170 U.S. 213 (1898), the Supreme Court considered an attack on the constitutionality of statutes requiring both poll taxes and literacy tests as conditions on the right to vote. The Court held the statutes constitutional because they "do not on their face, discriminate between the races, and it has not been shown that their actual administration was evil."

Breedlove v. ***Suttles,*** 302 U.S. 277, 283 (1937), held that a poll tax prescribed by the statutes and constitution of Georgia did not offend the Federal Constitution. The Court said:

> To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment.

The Court also indicated that the requirement did not violate the equal protection clause of the 14th amendment despite the fact that it exempted from payment the blind males under 21 and over 60, and all females not voting.

It is, perhaps, in *Butler* v. *Thompson,* 97 F. Supp. 17 (D.C.E.D. Va. 1951), affirmed per curiam 341 U.S. 937 (1951), that the constitutionality of the poll tax under the 15th amendment is most thoroughly considered. Virginia law required payment of poll taxes for the 3 years preceding the year in which a vote is cast. The Court said:

> That such a law [poll taxes] both fair on its face and also fairly administered does not offend the Federal Constitution is well settled.

Yet, section 9 would abolish, by a legislative act, all poll taxes.

The Court rejected the argument about discriminatory administration because there was not a bit of evidence to show that any Negro who wanted to pay was not allowed to, nor that any white person who did not pay was permitted to vote.

Therefore, S. 1564 is an effort to nullify by arbitrary percentages three separate provisions of the Constitution; that is to say: section 2 of article I; section 2 of article II; and the 17th amendment. These three provisions clearly fix in the State the power to prescribe the qualifications for voters for presidential electors, for Senators, and for Members of the House. S. 1564 is absolutely inconsistent with every decision of the Supreme Court on this precise point.

I wish to make it crystal clear that I deplore the act of any election official in any Southern State who wrongfully denies to any person or any race his right to register and vote. I do this for two reasons: First, he does a gross wrong to the individual concerned; and second, he adds immeasurably to the task of those of us who reverence the Constitution.

When men succumb to the temptation to do evil, they often lay to their souls the flattering unction that the evil they do will result in good. It is thus with the advocates of S. 1564; and the magic name "voting rights bill" cannot cure the evil inherent in the measure. The Constitution is too precious a document to be lightly tampered with, for evil done, even in the name of a just cause, will surely come back to haunt us some day through the precedents we set.

The highest goal any judge or elected representative can have is to preserve the Constitution for the benefit of all Americans of all generations and all races.

SILVER RESERVE

Mr. DOMINICK. Mr. President, on January 28 of this year I introduced S. 813 to require the Secretary of Treasury to set aside 500 million ounces of silver as a reserve for national defense purposes. When I introduced the bill I briefly reviewed the factors which indicated that we are fast approaching a silver crisis. During the past 3 months I have become even more firmly convinced that such a crisis will be upon us and in the very near future.

As we all know, Washington is a city of rumors. There are many rumors and much speculation about what, if anything, the Treasury intends to recommend on the coinage problem. I strongly suspect that there is a wide divergence of opinion among the so-called experts in the Treasury about what can and should be done, but it seems clear that we can no longer maintain the present program of trying to flood the country with coins, thus further depleting our short supply of silver, while in effect "selling" silver at home and abroad in order to keep the price down and thus protect the coins we have. One of the most disquieting rumors that I have heard is that the Treasury will attempt to do nothing this year because of the disagreement within that Department. In my opinion no action at all could prove to be very dangerous. The Treasury has just about 1.1 billion ounces of silver left and even if the present consumption of silver were to remain constant, we would be out of silver by the end of next year. Last year the United States consumed almost 450 million ounces and projections for 1965 are even higher. I ask unanimous consent to insert in the RECORD at this point a memorandum dated January 28, 1965, prepared by the Department of Commerce for the House Committee on Government Operations.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

SILVER CONSUMPTION FIGURES FOR HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

JANUARY 28, 1965.

JOHN S. STILLMAN,
Deputy for Congressional Relations,
Through Thomas G. Wyman, George Donat.

In reply to your memorandum of January 19 requesting figures on the industrial use of silver, we herewith attach a statistical table including the years 1959–65. The data, except for 1964–65 export and coinage figures, are the same as reported to the Office of Emergency Planning for supply requirements analysis.

Figures on total domestic consumption for 1959–63 are those published by the U.S. Bureau of the Mint; the data represent net quantities of silver issued by that agency and by private refiners and dealers to consuming industries in the United States. The end-use estimates for 1959–63 were developed after consultation with industry and with interested Industry Divisions of this Agency.

Estimated end-use consumption figures for 1964 were obtained by applying percentage uses reported by industry to the total 1964 consumption provided by Treasury. The 1965 estimates were projected from 1964 figures. No estimates have been made for 1966; it would be extremely difficult to evaluate changes in the consumption pattern that may result from legislation being prepared for consideration by the Congress. A bill (H.R. 3294) has been introduced by Representative FINO of New York to authorize the issuance of fractional (paper) currency in order to relieve the shortage of coins, as a temporary measure. Another bill, expected to be introduced early next week by Representative WHITE of Idaho, would reduce the silver content of coins. In addition the Treasury Department is preparing a report to the House Banking and Currency Committee which will contain recommendations regarding the minting of coins. The nature of these recommendations is not expected to be known until this report is presented to the Committee.

Estimated exports in 1964, based on the average of the first 11 months, show an increase of 216.5 percent over 1963. About 50 percent of U.S. exports during the first 11 months of 1964 went to the United Kingdom.

Consumption of silver in coins also increased greatly in 1964. Preliminary coinage figures show an 81.5 percent increase in 1964 over 1963.

Silver—Consumption and exports

[In thousands of troy ounces]

Field of use or end product	1959	1960	1961	1962	1963	1964	1965 (estimated)
Batteries	3,500	3,500	5,000	6,000	6,200	9,000	10,000
Brazing alloys and solders	10,500	10,500	11,000	13,000	13,000	15,750	17,050
Dental and medical	4,800	4,800	4,900	5,000	5,100	5,200	5,300
Electrical contacts and other electrical uses, electronic components	20,500	19,500	24,000	25,000	26,000	30,275	32,275
Mirrors	2,950	3,000	3,100	3,100	3,100	3,100	3,100
Missiles				1,000	200	1,000	1,000
Photographic film, plates, and sensitized photographic paper	30,750	31,700	32,300	33,300	33,300	40,300	43,650
Silverware and jewelry	28,000	29,000	25,000	22,000	12,000	22,500	22,950
Miscellaneous			200	2,000	1,100		
Total industrial use, domestic	101,000	102,000	105,500	110,400	110,000	127,125	135,325
Coinage, United States	41,400	46,000	55,900	77,400	111,500	203,000	235,000
Exports (excluding coinage)	9,180	26,593	39,828	13,047	31,485	109,395	100,000
Grand total	151,580	174,593	201,228	200,857	252,985	439,520	470,325

NOTE.—Figures in last 2 columns revised as of Apr. 6, 1965.

Source: Miscellaneous Metals and Minerals Division, Business and Defense Services Administration, U.S. Department of Commerce, Jan. 27, 1965.

Mr. DOMINICK. Mr. President, these statistics are broken down into estimated uses by category but do not show what portion was used in each category by industrial nongovernmental users and the Federal Government except use for coinage. However, in conversations with the Office of the Secretary of Defense they have given me estimates of their uses in these various categories. According to their rough estimates, their yearly requirement is approximately 27 to 30 million ounces per year or roughly 20 to 25 percent of our total industrial consumption excluding coinage and exports. Most important of all, these estimates do not take into account any type of national emergency of national mobilization. The amount of silver that S. 813 would set aside, 500 million ounces, would insure a ready supply for defense purposes for at least 15 years if present estimates hold true. However, as I have already pointed out, a national emergency or some type of crisis could cause this supply to be exhausted much sooner. There is no magic about 500 million ounces but it does seem imperative to provide at least an adequate amount for the next 10 years to be used for national security purposes. This would be in line with the recommendations of the Department of Interior, Bureau of Mines, made last year.

At this point we are still not sure what, if anything, the Treasury Department will recommend to Congress. The enactment of S. 813 seems to be the least of what we can do to prevent this serious silver crisis.

ARMENIAN MEMORIAL DAY

Mr. DOUGLAS. Mr. President, April 24 marks the 50th anniversary of the massacre of the Armenian population of Turkey.

On that date in 1915, the Turkish Government began a program of mass deportation and genocide, in an effort to end the so-called Armenian question. That government was motivated in part by a fear that Turkish Armenians might join an invading Russian army. But the program was executed with unparalleled barbarity; and, 50 years later, it speaks out to us as an example of man's inhumanity toward his fellow man. Since that time, we have witnessed attempts by others to exterminate a persecuted minority: In that respect, both World Wars have scarred man's conscience. The Armenian people, whose memorial we observe on April 24, serve as a continual reminder that the world which we seek is a "world made safe for diversity," a world in which all peoples may live without fear, and may determine their own form of government with freedom.

Mr. President, I ask unanimous consent that a statement prepared by the Chicago Committee for the Commemoration of the 50th Anniversary of the Armenian Massacres be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TURKISH GENOCIDE OF THE ARMENIANS

Event: 1965 constitutes the 50th anniversary of the Turkish genocide of the Armenians.

Span: Scholars refer to the Turkish genocide of Armenians as having opened in 1915, and with its concomitant deportations, extending to 1918.

Official memorial day: Official Armenian Memorial Day for the martyrs of 1915–18 has been set by Armenians as April 24. On that day in 1915, the Turks signalized the opening of brutalities by arresting over 100 Armenian intellectuals of Constantinople. All were later transported into the interior and murdered.

Progression of events: It is today known, through authoritative sources and through various scholarly analyses, that the Turkish genocide was simply the execution of a systematic plan of extermination planned and executed by the Turkish Government in

Constantinople. There exist a large body of authenticated documents from the offices of Talaat Bey, Turkish Minister of the Interior, Enver Pasha, Turkish Minister of War, and other arch Turkish criminals testifying not only to the official nature of the genocide, but the brutality of the measure.

Generally, the massacre plan as it unfolded was the following:

1. Most areas of Armenia, or communities of Armenians living elsewhere in the Turkish Empire, were suddenly imposed an onerous "war tax."

2. In order to disarm the Armenian communities, and prevent resistance to the coming massacre measures, the Turks first demanded that the Armenians give up everything that even remotely constituted a "weapon"; in some communities, families having nothing to give up were so badgered and terrorized they are known actually to have purchased firearms from Turkish neighbors to give them over to the authorities, thus, they hoped, to satisfy their demands. The original demand that weapons be given up was followed by visits to Armenian homes by armed bands ostensibly "searching" for weapons. Plunder taken, people arrested, etc.

3. Having disarmed the communities, the authorities then turned their methodical attention to the menfolk, the elimination of whom would render the communities helpless. While Armenian soldiers in the Turkish armies, who had been disarmed and put into Turkish labor battalions, were being slaughtered in remote areas, the Turks fell on the males of the cities, towns and villages, arresting all 12 to 45 years of age, taking them away from their families and homes, and committing them to murder.

4. Having eliminated the males, the Turks then deported the remaining folk, old men, women, and children under 12. The general goal of most deportation caravans was the Syrian desert in northern Mesopotamia, with Der el-Zor the chief focal point. On the way, the caravans were under constant attack by Turkish troops, civilians, and savage Kurds. Women were attacked, raped, and murdered. Children were summarily put to the sword. Properties were stolen. The Armenian homes left behind were impounded by the government and handed over to the use of Turkish refugees.

5. The purpose of the deportation, as announced by the government was to take the Armenians temporarily out of war zones. It is known today from official Turkish governmental dispatches the the general scheme was one of total elimination of the Armenian nation. Only a small percentage of the deportees ever reached the deserts. Armenia in 1915–18 was a vast charnel house. Foreign observers, including American missionaries, noted with nausea the scenes of brutal murder that disfigured the highways and purlieus of the area.

6. When finally deportation camps were in fact established at Der el-Zor and elsewhere, the Turks encouraged the abduction of what comely women remained, the kidnaping of Armenian children, and in several cases the wholesale murder of the children who had survived the terrible deed.

Object of the genocide: The object of the genocide was a purely political one. Having lost his Balkan possessions, faced by the growing emancipatory movement in the southern reaches of the Turkish Empire among the Arabs and kindred peoples, the Turk's first fear was the Armenians, whose historical territories the Ottoman Turk had occupied after conquest since after the first millennium after Christ, would attempt to break off from the empire and constitute themselves once again a free state. To eliminate this danger, and to preserve Armenia as a part of Turkey, the Turk proposed to destroy all vestiges of Armenian proprietorship in Turkey. All other reasons advanced for the massacres are either ancillary or else academically unsound. There was no Armenian "revolt," there was no pretext for genocide; the Turk acted out of his own political interests in a way traditional with the Turk.

Losses: The Armenians loss, conservatively, was more than 1 million in dead; but another 1 million were permanently scarred by the massacres, deported, ill, maimed, mutilated by the terrible experience. Thus, about one-half of all known living Armenians in 1915 were victims of the Turkish genocide.

Churches and clerics destroyed: According to careful studies, the Turks seized and delivered to various fates 2,050 Armenian churches and 203 Armenian monasteries during the genocide. It is estimated that this episcopal property was valued at $1 billion in gold. Scarcely 10 percent of all Armenian clerics in the affected areas survived the atrocities. Only one prelate was spared, the others were brutally murdered; 127 Armenian Catholic priests, 57 nuns, joined their Armenian Apostolic brethren in death. A frightful toll was exacted from the Armenian Protestant community. Many churches were made into armories, others became homes of prostitution, or else were torn down ritualistically.

Property losses: A good estimate of private and public domiciliary, estate, business, institutional, church holdings, etc., would be $35 billion lost by the Armenian nation during the Turkish holocaust of 1915–18.

NATIONAL ASSIGNMENT FOR WEST VIRGINIA LABOR LEADER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record the newspaper article published in the April 18, 1965, edition of the Sunday Gazette-Mail, Charleston, W. Va., reporting on the departure of Mr. Miles C. Stanley, president, West Virginia Labor Federation, for a new position as a special assistant to AFL–CIO President George Meany. Although his new duties will mean that he will be stationed in Washington as coordinator of labor's role in the war on poverty, they will also mean that West Virginia's labor movement will lose the advantages of his full-time services based on his extensive knowledge of organized labor.

I believe that his humanitarian approach to the problems of the laboring man effectively suit him to his new assignment, and I wish him success in his attack on poverty.

There being no objection, the article was ordered to be printed in the Record, as follows:

Big Shadow—Departing Miles Stanley Was Healthy Influence on State Labor Movement During 8 Years as Chief

(By Don Marsh)

Miles C. Stanley, a little man who cast a big shadow over the State labor movement, said he was giving up active direction of the West Virginia AFL–CIO with many regrets but with one satisfaction.

"Whatever our failures have been we at least know that none of them was caused by lack of sincerity or because we didn't try," he said.

Stanley, who's been president of the West Virginia Labor Federation since its formation in 1957, is leaving to take a new job as a special assistant to AFL–CIO President George Meany.

His first official act will be delivering a speech Monday at a conference of Appalachian labor leaders in Pittsburgh.

Although he will be stationed in Washington, he will retain his title as president of the State federation until at least October, when the organization holds its convention, and possibly longer.

James Nelson, former director of the West Virginia Council of Public Employees, will be in charge of day-to-day operation of the federation. His title is executive assistant to the president.

Stanley's plans are to visit the State office on Kanawha Boulevard at least once a week until the convention and to attend executive board meetings.

"My status with the federation is a little confusing," he said. "But I will retain the title and the responsibilities of the presidency."

Nonetheless, he is building a house in Montgomery County, Md., a Washington suburb, where he and his family will reside. Eventually, someone else will become State president. Right now, that someone most probably will be Nelson.

Whatever happens—and it's not inconceivable that Stanley could become national AFL–CIO president—he said his career could end tomorrow and he wouldn't complain.

"As I look back over the years I've spent in this position, the experiences I've had, it's just been absolutely indescribable. I've been fortunate in many ways, with many friends and a lot of support and I'm just deeply grateful to have served in this capacity during such an exciting period."

Stanley said part of the excitement was helping create "a truly organic merger as opposed to a paper merger" of AFL and CIO unions.

"Many people may have forgotten it but when we merged in 1957, labor was pretty much in disarray in West Virginia. There was a great deal of suspicion and bitterness. I doubt if there would have been a State merger if the national office hadn't demanded one.

"I'm told by those who have traveled extensively throughout the country and have a knowledge of organized labor that the West Virginia labor movement probably represents the best example of complete organic merger and integration among those of all the other States.

"Those aren't my words but theirs. I hasten to add this has been accomplished by a lot of effort from a lot of people. We've been blessed in West Virginia by leaders of large national unions who have been willing to put the welfare of the entire labor movement ahead of their individual unions."

Stanley said the completeness of the merger was, in his opinion, the most important accomplishment of his administration.

He said he was also pleased by AFL–CIO leadership in public affairs—support of such things as civil rights, progressive net income tax, improving State salaries, support of legislation affecting the indigent and the like.

"I'd say that I've spent a good deal more than half my time working on legislative matters," he said. "Of course it's really part of my constitutional duties. And more and more in the future I think that labor will become—has to become—more deeply involved in the political and outward social changes in the State and the Nation. This is a trend not only of our own organization but I suspect of other organizations also."

He said he thought the federation would continue to grow in West Virginia. "We have 70,000 affiliated members now. I think the number will increase not only because of the success of organizing drives, such as the auto workers and the machinists here in the valley, but because of things that are happening nationally."

"For example, I think the Teamsters and the Mine Workers, who are now independent, will be back in the AFL–CIO within the next 5 years. The entire labor movement should be united, but if you're familiar with national labor history you know there's been a strong personality conflict between some of the leaders of big international unions. But the leadership is changing, the problems are changing and there's all the reason in the world why labor should be together and very few reasons why it should stay apart."

In his new job, Stanley will be coordinator of labor's role in the war on poverty. He also will be responsible from the President's office for overseeing 50 States and more than 800 local central bodies.

Stanley's rise has been meteoric. Until 1956, his most important position had been as an officer of a steelworkers local at Gravely Tractor Co. in Dunbar where he worked for 15 years.

In April 1956, he became secretary-treasurer of the West Virginia Industrial Union Council, the old CIO State central body, a position he held at the time of the merger in 1957.

He was a natural choice as president of the newly created federation because Eugene Carter, president of the AFL unions, was not eligible to serve. Carter is a Teamster and the Teamsters Union was in the process of leaving the AFL–CIO at the time.

Over the years, a close friendship developed between Stanley and George Meany. Indications of Meany's regard for Stanley was the West Virginian's twice being appointed as a delegate to International Labor Organization meetings in Europe, as labor's member on the top level advisory committee created to aid Sargent Shriver in the war on poverty, and finally as one of only three special assistants to Meany himself.

The thought might not be quite appropriate at a time he is only beginning his new work, but with a little bit of luck it is not inconceivable that Stanley might be a good candidate for the national presidency.

He is young enough (41 later this year) not to be affected by criticism of too many aging leaders on the national level (Meany, for instance, is in his seventies) and old enough not to be considered inexperienced.

He also has no powerful enemies. As supervisor of State and local central bodies he will have a unique opportunity to increase his already large number of friends.

"I really haven't thought about what happens next," Stanley said. "My principal concern now is to do a good job. I know there'll be failures but I'm determined that none of them'll be because I didn't try."

AWARD TO VICE PRESIDENT HUMPHREY BY ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

Mr. RIBICOFF. Mr. President, on April 8 the Anti-Defamation League of B'nai B'rith honored Vice President Hubert H. Humphrey with its Human Rights Award for 1965.

In my opinion, this award could not have been given to a more deserving man. Indeed, Vice President Humphrey's many years in public service have been a living tribute to the energy and imagination, the faith and courage, that have made America great. The speech with which he responded to the honor given him on April 8, 1965, contained one of the finest descriptions I have heard of these very qualities and what they mean in our quest to give equal rights to all the people of our Nation.

I therefore ask unanimous consent to insert in the Record the speech Vice President Humphrey delivered to the Anti-Defamation League of B'nai B'rith.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Vice President Hubert H. Humphrey to the Anti-Defamation League of B'nai B'rith, April 8, 1965

It is indeed a high honor to receive the Anti-Defamation League's Human Rights Award for 1965.

It is with a sense of deep humility that I join the company of those who have received this award in past years: Lyndon B. Johnson, Harry S Truman, Adlai E. Stevenson, Nelson A. Rockefeller, John J. McCloy, and Paul G. Hoffman.

Knowing that ADL and "human rights" are synonymous, and knowing of your unflagging commitment to root out bigotry, prejudice, and discrimination wherever it exists, I regard this as one of the proudest moments of my life. Thank you very much.

"The God who gave us life," observed Thomas Jefferson, "gave us liberty at the same time." It has, however, been the responsibility of man to preserve, protect, and defend this God-given liberty. And nowhere has this responsibility been taken more seriously than in America.

One hundred and seventy-six years ago, this Nation was new, but it was founded on ancient ideas of popular government and equal opportunity. What made it new—what made it ring with hope and promise, what made it America—was the new energy, the new faith, the new dedication that men brought to an old dream of liberty.

The pioneers of this Nation were not content with the old—they sought the new on the farthest reaches of our continent. America did not grow by turning inward on what it had, but by reaching out for new frontiers of opportunity and challenge.

The American dream was never conceived in the conscience of conservatives but in the hearts of visionaries. And the substance of this dream was energy, innovation, creativity, and freedom.

"I believe in democracy," said Woodrow Wilson, "because it releases the energy of every human being." And his program of the New Freedom found its deepest roots in the concept of ordering our social and economic life in a maner which permitted each individual the opportunity to expend his energies in building a better America—for himself and for his neighbors.

It is this capacity to release the enegry of the American people which has set this Nation apart from all others of the world. And it is the energy, creativity, and innovation brought by Americans to the task of democratic government which has preserved this Nation as a beacon of hope in a weary and struggling world.

What was new in America after the normalcy of the 1920's was the New Deal of Franklin D. Roosevelt, with its compassionate and realistic social programs for America, and its good neighbor policy for nations of the world.

What was new in America—and the world—after the desecration of World War II was the creative force of the Marshall plan and point 4 of Harry S. Truman which helped restore dignity and optimism to the Western World.

What was new in America after the lull of the fifties was the New Frontier of John F. Kennedy with its infusion of youth, talent, vigor, and confidence into our national life.

And what is new in America today is the energy, vision, and faith of Lyndon B. Johnson as he challenges us to join with him in building the Great Society.

Read any period of our history, and the lesson is always the same: democracy in America is a difficult business. In fact, man's eternal struggle to govern himself is the most demanding of all human endeavors. This is just as true today as it was in the days of this Nation's birth.

The world turns—and, like it or not, we turn with it. Man's eternal quest—the search for justice and peace—can only be fulfilled by the patient, unremitting application of free and searching minds to solving the problems which divide men and nations.

Thomas Jefferson once said: "If you expect a nation to be ignorant and free, you expect what never was and never will be." In 1787 the Continental Congress proclaimed in the Northwest Ordinance that "schools and the means of education shall ever be encouraged."

In 1965 we reaffirm this commitment in President Johnson's historic elementary and secondary education bill and the higher education bill.

Why do we propose and advocate this legislation? Because every American must be given the opportunity to lead a meaningful and satisfying life. We cannot afford to squander the energies and abilities of a single American due to inadequate educational opportunity.

Franklin D. Roosevelt, speaking to a tired and frightened people on the occasion of his first inaugural, expressed a boundless confidence that a prosperous America would arise from the ashes of the great depression—an America where the needs of the few would become the concern of the many. He said: "These dark days will be worth all they cost us if they teach us that our true destiny is not to be ministered unto but to minister to ourselves and to our fellow men."

In 1965—in the midst of plenty—we reaffirm our faith in this vision of compassion and justice through President Johnson's war on poverty and his goal: to achieve equality of economic opportunity for every American.

Abraham Lincoln, urging the abolition of slavery by the States themselves, addressed the following remarks to Congress in 1862: "in giving freedom to the slave we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last, best hope of earth."

In 1965 we reaffirm in the voting rights bill our determination to finish this struggle to free those Americans still held prisoner by the chains of discrimination and segregation. We seek to liberate the energies of 20 million Americans who have been told, again and again: "We don't want your labor; we don't want your votes; we don't want your business."

Today it is a thrilling experience to witness Americans from all walks of life stand together and proclaim: We shall overcome.

Ten years ago this week in Montgomery, an average American decided to stand up fearlessly in defense of her God-given liberty. Mrs. Rosa Parks, the Negro seamstress, refused to move to the back of the bus. And an unknown young Baptist minister, Martin Luther King, Jr., found himself leading the historic Montgomery bus boycott.

Almost one decade later Martin Luther King returned to Montgomery. He returned not as an unknown Baptist preacher—not as the leader of a spontaneous boycott—but as the Nobel laureate who symbolizes America's commitment to fulfill the promise of the Emancipation Proclamation.

These past 10 years will be known as the freedom decade in American history. These past 10 years have demonstrated that America still possesses the energy, faith, and spirit which first established freedom on these shores.

We know this battle is not yet over. But we also know that victory is certain. And in winning, America—and all mankind—will know that the last, best hope of earth endures.

Arnold Toynbee, the noted British historian, described the greatness of our generation with these words: "Our age will be remembered not for its horrifying crimes nor its astonishing inventions, but because it is the first generation since the dawn of history in which man dared to make the benefits of civilization available to the whole human race."

America—above all other lands—dares to believe this is possible.

Through such programs as the Peace Corps, food for peace, and foreign economic assistance, we have given living meaning to the historic words of John F. Kennedy that "here on earth God's work must truly be our own."

Thus we must resolve to make no small plans—to accept no small results—and to regard each partial success as a steppingstone in the exhilarating task of extending the benefits of civilization to people everywhere.

All these great plans require only energy, creativity, and willingness of the spirit—the very qualities that built America into the great Nation it is today. And while we need an America with the wisdom of experience, let us never permit America to grow old in spirit.

Let us always continue to be an America of new faith in old dreams. Let us continue to be an America eternally vigorous and creative. Let us retain compassion in the midst of indifference, ideals in the midst of cynicism, belief in the midst of despair.

Let America continue to be what it was meant to be by its founders—a place for the renewal of the human spirit and the liberation of human energy.

If there is anything new under the sun, let it always be America.

EXCEPTIONAL PUBLIC SERVICE RENDERED BY RKO GENERAL BROADCASTING CO.

Mr. JAVITS. Mr. President, I call attention to an exceptional public service by RKO General Broadcasting. This group of 5 TV and 7 radio stations, including WOR–TV and radio in New York, has produced and is currently broadcasting a special series of 30 statements in answer to a crucial and timely question: "The United States and Communist China: What Should Our Policy Be?"

The overall name for this RKO General project—a continuing national symposium—is "In Search of a Solution," This is the third such search for a solution undertaken by this firm. Previous ones have concerned the questions: "What Should Be Done To Resolve the Civil Rights Crisis Peacefully and Justly?" broadcast in 1963, and "How Can We Solve the Problem of Presidential Succession and Disability?" broadcast in 1964.

In this pioneering and original public service concept, RKO General focuses public attention on an urgent problem, permits untrammeled expression of varying points of view, points to the need of a solution, and helps raise the level of public understanding and interest. Each statement is heard individually and frequently, on an around-the-clock schedule on all RKO stations for 6 weeks, so as to reach the widest possible audience.

Credit for this unusually worthwhile public service effort is due to the president of RKO General, Hathaway Watson, its two executive vice presidents, Sam J. Slate and Jerome Bess; and its director of public affairs, Martin Weldon, who conceived the project and produced the series.

I was privileged to be among the participants in the current series on Communist China, as were seven of my colleagues: Senators AIKEN, DODD, DOMINICK, KUCHEL, PROXMIRE, SALTONSTALL, and WILLIAMS of New Jersey.

Since the complete set of statements would be too long for publication in the RECORD, I ask unanimous consent to have printed at this point in the RECORD a list of the other participants in the series and the statements made by Members of the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OTHER PARTICIPANTS IN "SEARCH OF A SOLUTION: COMMUNIST CHINA"

Dr. Derk Bodde, Department of Oriental Studies, University of Pennsylvania.

Howard L. Boorman, modern China project.

Benjamin Bradlee, managing editor, Newsweek.

William Bundy, Assistant Secretary of State for the Far East.

Adm. Arleigh Burke, former Chief, U.S. Naval Operations.

O. Edmund Clubb, former American Consul General at Peiping.

John K. Cooley, correspondent, Christian Science Monitor.

Norman Cousins, editor, Saturday Review.

Everett Drumwright, former Ambassador to Taiwan.

Felix Greene, author of "A Curtain of Ignorance."

Roger Hilsman, former Assistant Secretary of State for Foreign Affairs.

Joseph E. Johnson, president, Carnegie Endowment for International Peace.

Former Congressman Walter Judd.

Arthur Krock, of the New York Times.

Max Lerner, of the New York Post; professor, Brandeis University.

Sol M. Linowitz, chairman of the board of the American Association for the United Nations.

Henry Cabot Lodge, former Ambassador to the United Nations.

Robert Murphy, former Ambassador to Japan.

Dr. David N. Rowe, Yale University.

Harrison Salisbury, of the New York Times.

Eustace Seligman, honorary chairman, Foreign Policy Association.

George Taylor, director, Russian and Far East Institute, University of Washington.

STATEMENT BY SENATOR GEORGE D. AIKEN, OF VERMONT

Some people resolve the problem of U.S. policy toward China by simply ignoring the existence of this great land area and its population of 700 million people.

Others have felt that in the course of time the forces of Chiang Kai-shek would return to the mainland and oust the Communists from power.

Both schools of thought should be disillusioned by now.

Since the Communists have come into power, China has steadily grown stronger economically, militarily, and industrially.

Where once ostracized by the Western World, the Chinese now have established trade relations with most of the non-Communist nations—the United States being the principal exception.

The Chinese pay their bills promptly and are found to be good customers of those nations that deal with them.

China has, up to now, been refused admittance to the United Nations since she refuses to renounce violence as a means for settling international disputes and since she will not consider membership except as such membership carries with it the right to absorb Taiwan.

China also insists on promoting Communist forms of government—abetting revolution and promoting violence in the developing nations, even where the people are opposed to this ideology.

Under such circumstances, the United States cannot enter into trade relations with China nor consider her eligible for membership in the respected society of nations. We must, however, realize that China does exist, that she is making progress, that her people are better equipped to enjoy life, that she is militarily strong.

If China will cease her efforts to foist her ideology on weaker nations, renounce her claims to lands to which she has no title and indicate by word and deed a desire to get along with the rest of the world, then we should be prepared to renew both trade and diplomatic relations with the Chinese people.

STATEMENT BY SENATOR PETER DOMINICK, OF COLORADO

There's no single issue of American foreign policy which commands such widespread agreement as does U.S. policy toward Communist China. This policy of strength and firmness in dealing with the aggressive Peiping regime has prevailed under four administrations. It reflects the sentiment of the overwhelming majority of the American people toward a Communist-dominated China which grows bolder and more aggressive each year. Indications of this sentiment were evident in the Democratic and Republican platforms of 1964. The Democratic platform carried a plank which states categorically, and I quote, "We continue to oppose the admission of Red China to the United Nations." The Republican platform included a plank, which said, and again I quote, "We are opposed to the recognition of Red China, we oppose its admission to the U.N., we steadfastly support free China."

As of this moment, more than 313 Members of the new 89th Congress, from both parties, and from both the House and the Senate, have endorsed a resolution which states their opposition not only to diplomatic recognition and admittance of Red China into the U.N., but also their opposition to establishing trade relations between the United States and Red China. This widely accepted resolution also spells out their opposition to any policy of accommodation which might be interpreted as U.S. acquiescence in, or approval of, Communist China's aggression, direct or indirect, against her neighbors.

Now Communist China, which in the early 1950's was feared not so much for her own military strength as for her Russian support, has now, in the 1960's, become an open threat to Asian and worldwide security. While keeping more than 600 million mainland Chinese in bondage, her Communist masters have murdered more than 18 million of her own people, and have forcibly overrun and enslaved the Tibetan and Mongolian states. They have conducted aggression as far west as India, and have continually fomented civil disorder, rebellion, and revolution throughout southeast Asia. Our State Department has just recently released a white paper clearly documenting the hand of Red China around the throat of South Vietnam. And we now have thousands of American boys in that theater of operation attempting to break the Communist stranglehold. Communist Chinese aggression has not been limited to nations having contiguous borders with her own, nor even to those on the Asian continent. They have also actively supported the revolutionary activities of Fidel Castro, who now maintains the second most powerful military force in the entire Western Hemisphere. And these same Chinese Communists are working feverishly to subvert many of the newly independent states of continental

Africa. Wherever the Chinese Communists have seen an opportunity to subvert the cause of freedom they have not hesitated to move in quickly and, in far too many cases, effectively.

Recognizing that the Communist Chinese have no intention of working with the United States toward a just and lasting peace, the American people and their Government believe that the maintenance of a strong opposition to Red China is absolutely necessary to our own national security. We cannot afford to do less, even though we can have diplomatic discussions with them through outside sources other than the U.N., or through recognized circles.

STATEMENT BY SENATOR THOMAS J. DODD, OF CONNECTICUT

The question of Red China looms large in the public mind. Despite the record of experience with dictators and aggressors in our time there are some who say that we should admit Red China to the United Nations and establish diplomatic and commercial ties with her. Apparently they believe that such concessions to Red China will somehow contribute to the peace and stability of the world. But nothing could be further from the truth.

The Chinese Communist regime is, without any doubt, the most ruthless and aggressive regime in human history, and while its people live near the starvation level, a very substantial portion of its income is devoted to aggressive and subversive activities in every part of the world. It has played a key role in organizing and supplying the pro-Communist rebels in the Congo. It is the prime instigator of the war at Laos and South Vietnam. It has declared its intention of liberating Thailand. It bears a heavy share of the responsibility for Sukarno's aggression against Malaysia. Its agents are active in virtually every part of Latin America.

The admission of Red China to the United Nations or its recognition by the United States would make peace in the Far East less secure, not more secure. Instead of protecting China's neighbors against the possibility of aggression it would only serve to stimulate the Chinese Communists to further aggression, and to stepped-up subversive activities, and it would undermine the confidence and the will to resist of the non-Communist nations on China's periphery. The free world will pay a very heavy penalty if it fails to draw the line now, against Communist Chinese expansion, in the naive hope that we can satiate its desire for expansion and power by yielding a few countries like Laos and Vietnam on its periphery.

STATEMENT BY SENATOR JACOB K. JAVITS

One of the most critical questions for the United States is the question of U.S. policy with regard to Communist China. China occupies an enormous strategic land mass in Asia with a population of more than 700 million people. These basic factors are compounded by the facts that (1) the Communist Chinese have exploded a nuclear device; (2) they are pushing very hard against the forces of freedom in Asia, Africa, and Latin America; (3) they are engaged in an intensified campaign against the United Nations; and (4) they are involved in an enormous schism with the Soviet Union, which of course has affected Soviet policy toward us.

In my judgment we cannot stand at the door of the United Nations and welcome them. We cannot even recognize them. Nor can we condone the past, when in Korea we suffered enormous casualties at the hands of the Communist Chinese, or the present, where in South Vietnam we know that they are a material factor behind the effort to overwhelm our own forces and to bring the South Vietnamese into the slavery of communism.

However, I believe we have got to find ways to open the doors somewhat between us, and I think the best openings will come in some type of exchanges of journalists and students, which conceivably might be followed by something in the economic field.

STATEMENT BY SENATOR THOMAS H. KUCHEL, OF CALIFORNIA

There is nothing in the recent history of Red China—the so-called Chinese Republic—to indicate any peaceful intentions whatsoever. She continues to supply war materiel to Hanoi, North Vietnam, and to give them all the aid and encouragement of which she is capable of giving. Recently, she has threatened Thailand. A few months ago she raped Tibet. She has had many border incidents and conflicts with her neighbor, India.

In all this background how different the policy of the people and the Government of the United States. The American people believe in peace. That is why we joined the United Nations. That, indeed, is why we have responded to the people and the Government of South Vietnam today. We believe in peace. We want the nations of the world to be let alone, to live out their own lives.

I think it quite fair to say that the American people and both their political parties, the Republican Party and the Democratic Party, are correct in objecting to recognition by the American Government of Red China and of opposing her admission into the United Nations. As a matter of fact, the United Nations, itself, branded Red China as an aggressor in the recent lamentable and bloody Korean conflict.

Let Red China demonstrate to the world, if she can, that she has changed her position and now desires to work for peace. Until that kind of a happy day arrives, I see no reason for the people and the Government of our country to change their position with respect to her.

STATEMENT BY SENATOR WILLIAM D. PROXMIRE, OF WISCONSIN

These are my ideas on what our policy should be regarding Red China. How about recognition? Should we recognize Red China? My answer is no.

I think that few people realize that from the time Red China came into existence in 1949 until the present date, it's been almost impossible for our country to recognize her.

Shortly after Red China came into existence she burned down our consulate. She arrested our consular officers. And then a few months after that—and of course that made it very difficult for us to recognize her then, when some other nations were recognizing Red China—a short time after this the Korean war broke out and Red China, of course, came in on the side of the North Koreans and was guilty of aggression against the United Nations as well as guilty of aggression against South Korea.

No nation recognized Red China from that time until France recognized her a short time ago. Now the nations that did recognize Red China in 1949 have gained almost nothing from it. The relationships have not been improved. Great Britain has gained virtually nothing from the fact that she did recognize Red China.

How about Red China's admission to the United Nations? Should we favor that? Again I say emphatically no. The fact is that the United Nations is not a reform school. We certainly can't expect Red China to change as drastically as some people optimistically assume if she comes in. Furthermore, if Red China comes into the United Nations, she comes in with a permanent seat on the Security Council—because the charter provides that China shall have that permanent seat. She comes in with a veto over any action the Security Council can take.

Red China has declared that her present policy is against coexistence. She believes in using war as an instrument of national policy. Now any nation which takes that policy has no place on the Security Council and no place in the United Nations, because on the Security Council with a veto power Red China would be in a position to block any effective action by the United Nations.

Now this doesn't mean that I feel that our policies must be inflexible. After all, nations aren't entrenched in concrete. They change, and Red China may change. But until she does change, with specific actions, definite actions that show that she has changed, it seems to me it would be a great mistake for us either to recognize Red China or to favor her admission to the United Nations.

One final point. Of course, most of us are deeply concerned with the situation in South Vietnam. Here we're opposing Red China, because Red China is undoubtedly behind North Vietnam's aggression against South Vietnam, and I feel very, very strongly that we must be firm here. I feel that we should support the President, that Red China understands this kind of language, that big as Red China is, she's a weak country economically, and therefore cannot be strong militarily. If we persist, if we're patient, eventually I think we can win. This kind of policy toward Red China is more likely to change her attitude than anything else.

STATEMENT BY SENATOR LEVERETT SALTONSTALL, OF MASSACHUSETTS

Our most pressing major objective is to assure that Red China will not swallow up or take over the other countries of southeast Asia. And if we are to assist those free countries in need of, and requesting, our military or economic assistance, then the United States must remain strong. We know that Red China will understand firmness and strength on our part. The free countries neighboring Red China cannot either resist the Red Chinese alone or progress sufficiently without our help. We must, therefore, continue to help them achieve the economic base which will give them the confidence and ability to resist Red Chinese economic or political or military aggression.

There can be no Munich; no appeasement of the Red Chinese Communist Government—and this means we must remain firm in our determination to oppose expansion of the Chinese Communist empire. We must solicit increased support and cooperation from other free countries to join with us in confronting the Red Chinese with united opposition against their aggressive aims. We must continue to resist strenuously efforts of other Communist nations to allow Red China to shoot her way into the United Nations. We should renew our efforts to discourage any trade with Red China that will serve to strengthen her strategic position.

We know that we cannot trust the government leaders of Red China and we cannot, therefore, hope to negotiate successfully with those leaders. American boys are dying in Vietnam in support of this policy. Eventually a political settlement of that particular conflict may be possible. Certainly a civic government which all elements in South Vietnam will respect is a fundamental need. But, to give up in Vietnam in frustration, or to be less than firm in our commitments to maintain the independence of the other free Asian nations, would more surely result in further Red Chinese affronts to our country. We must not allow this to happen, and it will not happen if we remain strong and firm.

STATEMENT BY SENATOR HARRISON A. WILLIAMS, OF NEW JERSEY

President Johnson recently said that this Nation looks forward to the day when the people and governments of all southeast Asia may be free from terror, subversion, and assassination. When they will no longer need military support and assistance against aggression, but only economic and social cooperation for progress and peace. That was a clear expression of our ultimate goal in Asia, and a clear statement that our interest in the Asian nations is not just in helping them to fight off the neocolonialism of Red China, but in helping them to peaceful and prosperous economic, social, and political stability. But for 15 years Communist China has pursued a policy of territorial and ideological expansion through subversion, aggression, and outright acts of war. No neighbor is safe, as Korea, India, and the nations of southeast Asia have discovered. If we condone this conduct by extending diplomatic recognition, or by giving the Red Chinese a seat in the United Nations, we will be giving the aggressors an invitation to expand their activities, using all the new avenues which would be open to them.

In a changing world we must be ready to meet that change; and the President, it seems to me, has moved creatively to let the Red Chinese and all those within their orbit know that we are, in fact, ready and eager to find evidence in their conduct which would justify a change in our policy. Unfortunately all the evidence, so far, points in the other direction. And so, for the present, we must continue our policy of treating Red China as an outlaw among nations, acting in fundamental violation of the principles of international conduct.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT OF 1965

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **PRESIDING OFFICER.** The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS] numbered 82, to the committee substitute.

Mr. **MANSFIELD.** Mr. President, it is my understanding that the distinguished Senator from New York [Mr. JAVITS] is prepared to start the debate today on this proposal.

Mr. **JAVITS.** Mr. President, I have listened with the greatest interest to the debate which has taken place so far on the bill. I have been impressed, with respect to the debate, particularly with one thing. There is very grave danger in the debate of missing the forest for the trees. I realize as well as any of my colleagues the deep feelings which individual Senators have about situations in their States and in certain political subdivisions of their States. I understand the reasons for their feelings and their duty, both morally and legally, to defend in every way the rights of those political subdivisions and States. I recognize the wisdom, astuteness, and skill with which they do this.

The provisions of this bill, as I stated yesterday, are designed, we should hope, to be consistent with the views of a great majority of the committee, which has undertaken the burden of proof to substantiate the need for this bill. We should hope that the provisions of this bill are adequate to enable States and subdivisions which should not be under the provisions of the bill to come out from under these provisions. We should hope that the practices that we have set up, by which we would permit this procedure, are reasonably to be availed of.

As I stated yesterday, if that is not so, and there are deep feelings upon that subject, and it can be shown to us how—without basically changing the effort that we are engaged in—we can more greatly facilitate a determination as to which counties and States should not be under the statute, I would welcome the information.

I do not claim to be the seat of all knowledge or the last word in legislative draftsmanship or legislative ideas. I do not believe that the Attorney General is. I do not believe that any one person is, no matter how competent, skilled, or experienced he may be. The process of debate has the enormous advantage of enabling people whose interests are adversely affected to develop an idea which otherwise may never have been received. I welcome it.

I repeat what I have said many times. To me, proudest words in the English language are, "I am persuaded." Nothing would please me more than to find arrangements by which accommodations may be made without destroying the fundamental intent of the bill.

I note the presence in the Chamber of the distinguished Senator from Florida [Mr. HOLLAND]. We had a discussion yesterday with respect to untriggering the trigger. It is a fact that as to the particular trigger that I was discussing with the Senator at that time—the trigger of less than 25 percent of the Negroes or nonwhites registered to vote in a particular area—some question might be raised in the operative sections of the proposed law as to how a county or a State which feels that it should not be covered by the law can get out of it.

As things now stand, the construction of a great majority of the committee members—in which construction I have joined, because, as is always true, we must seek some unanimity—is that it is possible to untrigger that trigger. That provision is contained in section 4(a)(2), the so-called 60 percent provision, which provides that where there is a demonstration that 60 percent of the people have finally voted and that no discrimination is being practiced, that particular county or State can get out from under coverage.

Mr. **HOLLAND.** Mr. President, will the Senator yield?

Mr. **JAVITS.** If I may finish my thought, I would then welcome the Senator's observations upon this subject.

If it were felt, for example, that the so-called 5-year provision, which is contained in section 4(a)(1), should also be applied in those cases, I would be certainly very sympathetic to that kind of an amendment. In my own judgment, if I had to make the sole decision as a lawyer on the interpretation of section 4(a) as to a county covered by the so-called 25 percent trigger, I should say that it is not absolutely certain in my own mind at all. I went along with the overwhelming view of the members of the committee. I subscribe to that and stand by it. But it is not absolutely certain in my own mind that a court may not construe section 4(a), as it is now written, as stating that such a county shall come out under the 60 percent provision, or that the court could hold that, as there is no violation of the 15th amendment on a purported showing of fact, the act does not apply at all.

In that case, there would be no need to utilize either the 60-percent mechanism or the 5-year mechanism specified in section 4(a).

The provision would be susceptible to that kind of interpretation, too. I have joined with the great majority of committee members in the construction which is set forth in our views and oppose the 60-percent provision.

I now yield to the Senator from Florida.

The **PRESIDING OFFICER** (Mr. DOMINICK in the chair). The Senator from Florida is recognized.

Mr. **HOLLAND.** Mr. President, I thank the Senator for his consideration of the problem which we discussed yesterday.

I firmly feel that the 5-year provision applies in the cases that the Senator has mentioned, in which the 25-percent triggering mechanism is applied to a particular county, State, or other subdivision.

There is very little doubt that such is the case. The fact that the distinguished Senator from New York expresses a doubt about it is what I appreciate.

I ask the Senator what method is available to us for correcting the report of the committee, in which report three counties in my State have been inaccurately listed as coming within the potential coverage of the bill, when the facts are that the figures in relation to that subject were out of date, and that those three counties could not be brought under this act by the application of the 25-percent triggering provision.

How can that situation be corrected? How can that blight be removed? How can that untrue statement in the report—and the report bears the signature of the distinguished Senator from New York, along with the signatures of his associates—be corrected?

Mr. **JAVITS.** Mr. President, the Senator has already corrected it by his statement in the RECORD, which statement I know will be widely reported in the Florida press, as it should be. The facts are put in focus in that way. I know that the Senator is a very practical and reasonable man, as well as an outstanding Senator.

Mr. **HOLLAND.** Mr. President, I thank the Senator for the complimentary reference.

Mr. **JAVITS.** Mr. President, I am sure that the experience of the Senator has indicated many times that imperfections, difficulties, and mistakes occur. In this case, it was not a mistake. It was merely not covered according to the Senator's presentation at the present moment.

The only way in which one can and should—and I have done it, and the Senator has done it—correct those things is the way it has been done—by the facts disclosed, and disclosed just as much on the public record as was our report. We are not to be diverted, by reference to the number of counties in Florida which may be covered, from the fundamental proposition that there is widespread and prevalent discrimination in voting over a very important and large section of the country. I do not ascribe guilt by association. I am not saying that that statement applies to the counties to which the Senator refers, or any other county as to which there is a factual demonstration. But I do not want to get off on a tangent from the fact that there is widespread denial of rights of people in the country so that we need Federal legislation.

Now I yield.

Mr. HOLLAND. If the Senator will yield, the thing I objected to strenuously yesterday, and shall continue to object to, is the inclusion of the three good counties in my State and the fact that the committee staff, or the committee, or the Civil Rights Commission, or whoever sought the facts, did not see fit to bring the facts up to date, up to November 3, 1964, which is the standard date in the bill itself.

I think the Senator agrees that it would have been fair to have that done. I think he believed it was done when he joined in this report with the mistaken statement of facts. But we will endeavor to correct them. I hope the Senator, while he attacks some figures, will recognize that there are many States, counties, and areas in the South which have been encouraging better registration and participation in voting by all the people, because that fact is evident in the record.

I thank the Senator for yielding. As always, he is most gracious.

Mr. JAVITS. Mr. President, it is essential to lay down two basic propositions as we debate this voting rights bill:

First, it is based upon the power of Congress to prevent violations of the 15th amendment by means reasonably adopted for that end, even if such means could not be adopted by Congress under the Constitution in the absence of such violations.

If there is one fundamental precept which Chief Justice John Marshall made clear, it is that the United States has the right to defend the Constitution, insofar as citizens of the United States are concerned, by means which would otherwise contravene the power of the States preserved by the Constitution, in the absence of the violation or threatened violation of the rights of citizens of the United States.

The cases are legion to the effect that once that trigger of all triggers has been touched—namely, violation to an extent and magnitude warranting general legislation—the Congress may adopt means appropriate to the end which it would have been unable to use, as such laws would have been unconstitutional, if adopted in the absence of that supertrigger—if I may call it that—to wit, violation of the constitutional rights of citizens of the United States.

Unless we understand that basic proposition, this whole piece of legislation seems strange, because the Constitution provides, in unequivocal terms, that the fixing of qualifications for voting shall be in the hands of the States. But the Constitution also provides that no citizen shall be denied the right to vote on the ground of race or color.

The Supreme Court has made it clear those two provisions are completely reconcilable; that when a State has failed to honor the mandate of the 15th amendment, Congress may adopt appropriate means, even if those means reduce the power of the States insofar as other provisions of the Constitution which preserve powers to them are concerned.

Violation, or threatened violation, of the 15th amendment is the supertrigger above all triggers.

Second, and this bears upon my colloquy with the distinguished Senator from Florida—the Congress is acting upon a massive finding—and I emphasize the words "massive finding"—of fact that violation and the danger of violation of the 15th amendment is so widespread as to justify general Federal legislation.

Unless we can prove that, we have no right to be here. It seems to me that there we bear the burden of proof; and we can meet it not merely by a preponderance of the evidence, which is all that is required in a civil suit, but beyond a reasonable doubt, the standard applied in a criminal case. But I am very clear that it is our burden of proof, and this is the standard we have to meet.

Let us remember that when a particular county, or even a State, may prove to be is by no means the whole issue. It is the composite of what is happening in many States, and many counties, which counts. I say advisedly without any question, that there continues to be massive violation, and in some places even defiance, of the 15th amendment, and that hundreds of thousands of Negroes continue to be denied the legal and moral right of qualified citizens to vote.

I point out that the words "legal and moral right of qualified citizens to vote" are words used by two distinguished citizens, both members of the U.S. Commission on Civil Rights—Vice Chairman Storey and Commissioner Rankin. I thoroughly subscribe to that. It is the whole basis for our duty to act.

Let us remember that the background of fact is always relevant in assessing the constitutional appropriateness of legislation. Nor is there any doubt that there is ample room for difference on particular aspects of the facts within the context of these principles. That does not make the scheme of the legislation any less appropriate, so long as the basic order of magnitude of the facts remains provable and valid.

The test is one laid down in the most modern language by the Supreme Court in sustaining the constitutionality of the Civil Rights Act of 1964 in the case of Katzenbach against McClung. The Court said:

> Where we find that the legislators, in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of commerce, our investigation is at an end.

If we substitute the words: "the voting right as guaranteed by the 15th amendment" for the words "of commerce," then we sustain the constitutionality of the law contemplated by the bill. The statement of the court in Katzenbach against McClug would then read as follows:

> Where we find that the legislators in light of the facts and testimony before them, have a rational basis for finding a chosen regulatory scheme necessary to the protection of the voting right guaranteed by the 15th amendment, our investigation is at an end.

My part in this debate shall be the endeavor to prove that the great burden of evidence, based on the facts and testimony before us, gives a rational basis for finding the regulatory scheme chosen by the bill to be necessary to the protection of the voting right as guaranteed by the 15th amendment. It seems to me that the evidence is irrefutable. We offer in evidence the record of the hearings before the committee which is on the desk of every Senator; the testimony of the Attorney General of the United States contained in that record; and the report of the U.S. Civil Rights Commission on voting rights issued September 20, 1963. In that respect, I note again what has been noted so often before, that the report was unanimous and that the Commission was composed of three distinguished southerners, and three members from other parts of the country. This is what the Commission unanimously said in that report:

> In seven States the right to vote—the abridgement of which is clearly forbidden by the 15th amendment to the Constitution of the United States—is still denied to many citizens solely because of their race.

The conclusion to which I have referred was emphasized, underlined, and concurred in by two of the distinguished members of the Commission from the South, Vice Chairman Robert Storey, former dean of Southern Methodist University Law School, and Commissioner Robert S. Rankin, professor of political science at Duke University, in these words:

> Yet, today, thousands of citizens—of the United States and their respective States—have no effective right to vote in parts of seven southern States.

The 100 counties chosen as prime examples by the U.S. Civil Rights Commission were located in Alabama, Florida, Georgia, Louisiana, Mississippi, North and South Carolina, and Tennessee. That was on September 30, 1963. Compare these findings with the findings of the Attorney General in his testimony before us on March 27, 1965, with respect to the States to which he specifically referred: Alabama, Louisiana, and Mississippi—direct figures and quotations on which I will later cite—and it will be seen that progress has been minuscule not only since 1963 but also since 1958 when the first civil rights law with relation to voting took effect.

That is the factual basis for the proponents' case. Also, our conclusions are sustained in order of magnitude, notwithstanding the legitimate differences about some of the individual figures, by the document entitled "Registration and Voting Statistics," issued by the U.S. Commission on Civil Rights on March 19, 1965. Indeed, they are also sustained by the findings in the Louisiana case, recently decided in the U.S. Supreme Court, and in two lower court cases in Louisiana and Alabama, which latter two cases relate to the response of voting registrars even to orders if the court.

Reference is also made to appendix C of the joint statement of 12 of the 15 members of the Judiciary Committee, showing the pattern and relationship between registration of whites and registration of nonwhites in the States of Alabama, Georgia, Louisiana, Mississippi, and South Carolina.

Mr. President, I ask unanimous consent to have that table printed in the RECORD, together with appended notes.

There being no objection, the table and notes were ordered to be printed in the RECORD, as follows:

APPENDIX C

Voting age population and registered voters classified by race in those States where use of tests and devices is suspended by S. 1564

State	White voting age population, 1964 [1]	White registration [2]	Percent	Nonwhite voting age population, 1964 [1]	Nonwhite registration [2]	Percent
Alabama	1,413,270	[3] 935,695	66.2	501,730	[3] 92,737	18.5
Georgia	1,966,456	[4] 1,124,415	57.2	669,544	[4] 167,663	25.0
Louisiana	1,353,495	[5] 1,037,184	76.6	539,505	[5] 164,601	30.5
Mississippi	794,277	[6] 525,000	66.1	448,723	[6] 28,500	6.4
South Carolina	975,660	[7] 677,914	69.5	404,340	[7] 138,544	34.3

[1] The total voting age population for the respective States is taken from an estimate by the Bureau of Census as of Nov. 1, 1964, in a memorandum issued by the Department of Commerce, dated Sept. 8, 1964, No. CB64-93. It includes aliens and persons in active military service and their dependents. The voting age population for white and nonwhite in1964 was computed by taking the voting age population statistics for white and nonwhite as reported in the Census of Population: 1960, determining the ratio of each group to the total voting age population in 1960, and applying that ratio to the total voting age population as estimated by the Bureau of Census for Nov. 1, 1964.

[2] These statistics, excepting those for Virginia, are based on findings published in U.S. Commission on Civil Rights, Registration and Voting Statistics, Mar. 19, 1965. They are not based on official State sources due to the lack of official State information classifying registrants by race.

The registration data based on official State sources in the chart containing voting and registration statistics for all States (master chart) reflect registration as of a later date than the data published by the Commission. For this reason, the registration figures in this chart, when totaled, differ slightly from the registration figures in the master chart. The totals here are as follows: Alabama, 1,028,432; Georgia, 1,292,078; Louisiana, 1,201,785; Mississippi, 553,500; South Carolina, 816,458; Virginia, 1,311,023.

[3] U.S. Commission on Civil Rights, Registration and Voting Statistics, Mar. 19, 1965.

[4] Ibid.

[5] Ibid.

[6] Ibid.

[7] Ibid.

Mr. JAVITS. Mr. President, I have mentioned cases. Let us see what the Supreme Court has said as recently as March 8, 1965, in Louisiana against United States. I read from page 2 of the memorandum of opinion:

> From the adoption of the 1921 interpretation test until 1944—

That is, 23 years—

> the district court's opinion stated, the percentage of registered voters in Louisiana who were Negroes never exceeded 1 percent. Prior to 1944 Negro interest in voting in Louisiana had been slight, largely because the State's white primary law had kept Negroes from voting in the Democratic Party primary election, the only election that mattered in the political climate of that State. In 1944, however, this Court invalidated the substantially identical white primary law of Texas, and with the explicit statutory bar to their voting in the primary removed and because of a generally heightened political interest, Negroes in increasing numbers began to register in Louisiana. The white primary system had been so effective in barring Negroes from voting that the interpretation test as a disfranchising device had fallen into disuse. Many registrars continued to ignore it after 1944, and in the next dozen years the proportion of registered voters who were Negroes rose from two-tenths of 1 percent to approximately 15 percent by March 1956. This fact, coupled with this Court's 1954 invalidation of laws requiring school segregation, prompted the State to try new devices to keep the white citizens in control. The Louisiana Legislature created a committee which became known as the segregation committee to seek means of accomplishing this goal. The chairman of this committee also helped to organize a semiprivate group called the Association of Citizens' Councils, which thereafter acted in close cooperation with the legislative committee to preserve white supremacy.

I remind the Senate that I am still reading the opinion of the U.S. Supreme Court. It is not my opinion. It is theirs.

Continuing reading:

> The legislative committee and the citizens' councils set up programs, which parish voting registrars were required to attend, to instruct the registrars on how to promote white political control. The committee and the citizens' councils also began a wholesale challenging of Negro names already on the voting polls, with the result that thousands of Negroes, but virtually no whites, were purged from the rolls of voters. Beginning in the middle 1950's, registrars of at least 21 parishes began to apply the interpretation test.
>
> In 1960 the State constitution was amended to require every applicant thereafter to "be able to understand" as well as "give a reasonable interpretation" of any section of the State or Federal Constitution "when read to him by the registrar." The State board of registration in cooperation with the segregation committee issued orders that all parish registrars must strictly comply with the new provisions.
>
> The interpretation test, the court found, vested in the voting registrars a virtually uncontrolled discretion as to who should vote and who should not.

I state parenthetically as a fact that in those 21 parishes, although the registration of white persons was increasing, the registration of Negroes dropped.

> Under the State's statutes and constitutional provisions the registrars, without any objective standard to guide them, determine the manner in which the interpretation test is to be given, whether it is to be oral or written, the length and complexity of the sections of the State or Federal Constitutions to be understood and interpreted and what interpretation is to be considered correct.

Here is a profound statement by the Supreme Court:

> There was ample evidence to support the district court's finding that registrars in the 21 parishes where the test was found to have been used had exercised their broad powers to deprive otherwise qualified Negro citizens of their right to vote; and that the existence of the test as a hurdle to voter qualification has in itself deterred and will continue to deter Negroes from attempting to register in Louisiana.
>
> Because of the virtually unlimited discretion vested by the Louisiana laws in the registrars of voters, and because in the 21 parishes where the interpretation test was applied that discretion had been exercised to keep Negroes from voting because of their race, the district court held the interpretation test invalid on its face and as applied as a violation of the 14th and 15th amendments to the U.S. Constitution and of 42 U.S.C. 1971(a).[1]

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I shall yield in a moment.

It will be argued: "All right, that is true. In 21 parishes the Supreme Court found that there was widespread suppression and denial of the right to vote, but the Court struck it down; the district court struck it down. Now there is no test. It has been outlawed as a matter of law. What are you complaining about? The test will not be applied. The courts have taken care of the situation."

If that were the whole of it, that would be just fine, but it is not. After the Supreme Court has struck these matters down, all kinds of strategems have been employed in order to vitiate what the courts are trying to do.

Let me give a few examples, including one in Louisiana.

I quote from page 15 of the joint statement of the majority of the Judiciary Committee:

> The undersigned support the provisions of the bill which provide for the appointment of examiners under the circumstances set forth in the bill. History has shown that suspension of the tests and devices alone would not assure access of all persons to voting and registration without regard to race or color. The maladministration of tests and devices has been the major problem. Other tactics of discrimination, however, have been used and could readily be resorted to by State or local election officials where tests and devices have been suspended.

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[1] "Although the vote-abridging purpose and effect of the [interpretation] test render it per se invalid under the 15th amendment, it is also per se invalid under the 14th amendment. The vices cannot be cured by an injunction enjoining its unfair application," 225 F. Supp., at 391-392.

> That this is so is demonstrated by two recent actions in Louisiana and Alabama. The registrars in East and West Feliciana Parishes were enjoined by the three-judge district court in *United States* v. *Louisiana* (225 F. Supp. 353 (E.D. La. 1963), affirmed, — U.S. — (Mar. 8, 1963)), from using various State literacy tests. Their response was to close the registration office thus freezing the existing unlawful registration disparity in those parishes. In Dallas County, Ala., the registrars (as found by the district court) slowed down the pace of registration so as to prevent any appreciable number of Negroes, qualified or not, from completing the registration process. The appointment of examiners is the effective answer to such tactics.

I now yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, as a Senator who has run for public office in Louisiana, I should like to say that I have repeatedly criticized the same test that the Senator from New York is criticizing. I believe the Senator will concede, however, that a registrar, confronted with a law which requires that such questions be asked of a voter applicant, in the absence of a court decision, would be under the burden of applying the test, when the citizens in his community have stated to him, "You are bound by the law. You must follow it."

Notwithstanding that law, there were other parishes—the Senator mentioned 21, but there are 64 parishes in the State—in some of those other 43 parishes the registrars not only were applying that test, but they were in effect, flouting the law and registering Negro citizens, feeling that they should be permitted to vote. The sympathy of the community and of the elected officials there felt that the Negroes should be accepted as voters, and they assisted Negroes in filling out the complicated form that was required to be filled out by prospective voters, so that they could be properly registered to vote.

The law that is proposed to be enacted would offer no reward to registrars in those parishes where registrars had gone to great effort to help Negro citizens to register and to vote. I should like to ask the Senator if he favors a measure which would seek to substitute by Federal fiat a Federal official for a local official under such circumstances and why this should be done in parishes where registrars went the extra mile.

The Senator mentioned the fact that the number of Negroes registered in 21 parishes declined during a certain period. However, the overall percentage of Negroes registered remained constant, because of the increase in registration in the other parishes.

Does not the Senator feel that if there is to be some legislation on this subject, as a minimum we ought to try to give some recognition and show some appreciation to those registrars who went the extra mile in assisting the Negro citizens to vote?

Mr. JAVITS. My answer to the Senator is that provisions in the bill will enable the parishes which have gone the extra mile to come out from under the bill, assuming that there has been for 5 years an absence of discrimination in those parishes. Other than that, the Senator is well familiar with our argument—again, we are mutable and we can be wrong, although we are deeply convinced that we are right—that we need a 5-year test for a catch-up period, so to speak. It is the best we can do.

If the Senator will bear with me, I should like to say to him that this is a fairly leisurely day, and it is possible for us to discuss these matters in some detail and in a deliberate way.

I have the highest respect for the Senator from Louisiana. He owes complete fidelity to his State and its people, and is one who is really trying to lead, not follow.

I have noticed it in many ways. The Senator and I have not always agreed. I have sometimes found his remedies to be a little too populist for me to take. He and I have engaged in some fairly spirited debate on many of these subjects. I respect the Senator's liveliness and his desire to find out and not be afraid of new trends.

The Senator's statement now indicates what we all know, namely, that no case, no situation is black or white. At best it has various shades of gray. I feel sure there are parishes in the Senator's State, and in other States, where there are groups of people who are thus disposed.

Our problem has been that, as a people, we have gotten into a situation in which individually laudable efforts need to be accommodated as much as possible. I wish to accommodate them. As I said to the Senator from Florida [Mr. HOLLAND], and I now say to the Senator from Louisiana, if there are any other ways in which Senators think we can accommodate them, I assure them that I, for one, would give their suggestions the most profound consideration.

But we are faced with the reality of a burning situation in the Nation. It is a burning of the kind that we cannot wave aside and say, "We are not going to be persuaded by demonstrations of strong feelings, because we are doing our duty. We know what is right." But we would be wrong. The fact is that the times have caught up with us, and great masses of the people will stand for it no longer.

I believe the question—and I am not asking it of the Senator, for I do not wish to embarrass him—which the South must ask itself is as follows: Must not we, too, awaken to the opportunity, not merely in the isolated or relatively nonmajority instances in which we have awakened, but in a far more widespread manner? For example, the business community of the South is beginning to think about the problem. We see instance after instance of that development. In Alabama and Mississippi, chambers of commerce are going far beyond what is popularly supposed to be the local temperament or the local social order because they realize that economically they cannot stand against that kind of a situation.

So our problem is a grave, deep, and troublesome one, because deep feelings are involved, heads are broken, and people are killed. No one knows that better than I. Our problem is this: Is the time such that we must have generic legislation, notwithstanding many desirable, well intentioned, and successful efforts here and there to deal with the situation? Second, can we draft generic legislation which will be so reasonably appropriate to our situation as to be least onerous to those who are really trying?

The problem is grave. I wish that southern Senators such as the Senator from Louisiana—and I know his attitude on the bill is a little different from that of a number of his colleagues—would be able to give us the benefit of their great brainpower and expertise in helping us to draft regulatory language which would, as nearly as possible, reward rather than penalize those who are trying.

Mr. LONG of Louisiana. The bill before the Senate proposes some very unusual, and I believe even harsh methods, with regard to parishes in which there is no discrimination and to counties in which there is no discrimination. I believe the Senator would find in most Southern States, and perhaps in all of them, that there are counties and parishes in which there is absolutely no discrimination.

I should like to cite one example to the Senator. Several years ago a sheriff was running for reelection in a relatively large county. He was trailing going into a runoff. Usually, when an incumbent sheriff is trailing going into a runoff, it means he is beaten, because the incumbent is usually far out in front in the first primary. I presume it is that way even in New York. If the candidate is not ahead in the first primary, in the runoff he would usually be hopelessly behind.

But the man about whom I am speaking observed that the Negroes were voting for him, and in the 2 weeks the books were open between the first primary and the second primary, he put all of his deputies out on the highways driving in all directions looking for Negro citizens and getting them in to register. He had the cooperation of the local registrar. He registered everyone he could find between the time the books were open and the time they were closed again between those two elections.

The result of the vote was the difference between winning and losing.

I can assure the Senate that, in that instance, there was no discrimination against those citizens. If there was any discrimination, it was in their favor, to see that they had an opportunity to register. I suspect that that philosophy had something to do with many of the parishes going out as they did.

The Third Congressional District is an example. We have heard that 4,500 of the Negro citizens who registered cannot actually read and write. They could not have registered in the Senator's State of New York. Under the present law in Louisiana they would not be eligible to register in Louisiana. But they are registered. The fact that the local officials there desired to cooperate and help them to register would certainly indicate that there was no discrimination against them in those parishes.

Mr. President, I know what it is to be chastised and criticized for saying that a Negro citizen is entitled to register. I have made that statement in my State, and on occasions it has caused emergency meetings of citizens' councils at which when they undertook to resolute against their junior Senator. That attitude has very much upset the Ku Klux Klan, and some of those people can terrify one sometimes with some of the things they do to try to back one down. At meetings of local officials in parishes in which there might be segregation, resolutions have been adopted condemning the junior Senator from Louisiana for taking the attitude that Negro citizens were entitled to vote.

I have repeatedly condemned the very practices which the Senator has talked about. I refer to questions of applicants in relation to an interpretation of the Constitution. Registrars have said, "The Constitution states that no State shall pass any ex post facto law or bill of attainder. What is a bill of attainder?"

Most lawyers cannot answer that question.

Frankly, my uncle, whom I supported for Governor of Louisiana, and who supported me for the Senate repeatedly, worked as hard as any southerner has and against adverse circumstances in an effort to see that fairness prevailed and that colored citizens were protected, as all other citizens should be protected, in their right to vote. So I have great sympathy for anyone who wishes to see that qualified citizens are entitled to vote.

A great number of southern people wish to do the right thing. Some are being pressed by the Ku Klux Klan and citizens councils not to register any more Negroes. But my guess is that if there were a statute providing that those people should have an opportunity to register, and if the registrars did not register them, Federal registrars would be appointed, we would have a better statute.

We have before us a bill that would punish people for something that had happened under a law which they were entitled to regard as valid, and under the pressure of local people who contended that that law was valid and should be respected.

It seems to me that it would be possible for us to draft and enact a law that would be regarded as fair and would not be regarded as unwanted interference in the rights and functions of a State.

I regret to say that the bill does not seem to follow that approach. At a minimum, the bill should proceed on a basis that there is discrimination in fact when the percentage of whites registered greatly exceeds the percentage of Negroes registered. But we do not find that test in the bill before the Senate. We find the test to be whether 50 percent voted at an election.

I believe the Senator from New York would agree that, based upon that test, it is conceivable that there could be a higher percentage of Negroes voting than whites, notwithstanding which, the bill would authorize Federal intervention in favor of the Negroes.

Mr. JAVITS. I point out to the Senator from Louisiana, with respect to the specific point that he makes, that an effort to qualify before the local officials should be made before the trigger is pulled by the Attorney General, and that there is a provision in the bill in that regard with respect to the Attorney General having discretion.

That language appears at the top of page 21, lines 1 to 6. I should like to read it into the RECORD. I am sure that the Senator is very well acquainted with it. The provision is—

> That the Attorney General may require the applicant in such State or political subdivision to allege further that, within ninety days preceding his application, he has been denied under color of law the opportunity to register or to vote or has been found not qualified to vote by a person acting under color of law.

That is section 7(a) with relation to the right of the examiner when appointed to register a voter. So I think we have made an effort. Again I invite the creative resources of the Senator in relation to that point, but I think we have made an effort to deal with it.

In fact, even as to the triggers, so-called, in section 4(b), which are really the heart of this bill, it must be noted that in every case, even where there is an automatic trigger, the Attorney General must press it. In other words, the action will not happen by itself. The Attorney General must press the trigger, if the vote is less than 50 percent, and 20 percent of the population is Negro. The Attorney General will get a petition, and he must decide: Yes, he will; or no, he will not.

He must press it when less than 25 percent of the Negro population has voted. That is another one of the triggers. There, again, he must act. He must put the machinery in motion. He must put it in gear, if he is going to seek examiners. Even in the case of examiners, he must determine what qualifications shall apply. For example, the Senator from Louisiana spoke of an effort to qualify in good parishes before registrations are actually begun by an examiner.

Here is an area of creativity. I see no reason why Senators from the South—and again, I do not include the Senator from Louisiana [Mr. LONG], because he may have somewhat different views in this particular case—cannot, at the same time that they strongly oppose, out of the depths of their consciences, the bill on the ground that it is unconstitutional and deprives States of rights under the Constitution, consider creatively the benefits of the bill, and give us all the benefit of their thinking as to how they believe it could be made more practical. I pledge myself never to argue that that would be an admission against interest. I am confident that the rest of us—the other 11 on the committee—feel just as I do. We would welcome such creative effort. So long as we are going to take action anyway, let us try to do it in the right way, without in any way assuming that it is an abandonment of a basic position, stoutly and firmly put forth against the bill or any part of it.

Mr. LONG of Louisiana. It has been impossible thus far to persuade the Attorney General—and I do not suppose we shall persuade him—that the bill should be geared to a showing of at least factual discrimination, if nothing else. For example, the Attorney General took the attitude that he should not be required to take a census or to look at the registration rolls and see what percentage was white and what percentage was colored, compared to the percentage of white and colored citizens in a community. We could supply those figures for Louisiana. We could make them available. At a minimum, if in a parish the percentage of Negroes registered equaled or exceeded the percentage of white citizens registered, there would be no triggering of the act in that instance. Ordinarily, it would seem to me that if the percentage of Negro voters in a county was substantially in line with the percentage of white citizens registered, that should take that county or parish out from under the act.

I admit that it is a little more difficult and requires a little more work to check out the registration roll or to get figures. That is more difficult than merely to say that in the last Presidential election less than 50 percent of the people voted.

I am suggesting that at least that makes more sense, because there would be some showing that there was actually discrimination when the percentage of whites registered greatly exceeded the percentage of Negroes.

The Senator from New York is making his case logically. If in a parish or a county *x* percentage of whites was registered and a much lesser percentage of Negroes registered, that provides a basis upon which a case can be made. Following that philosophy, there should be a showing that the percentage of Negroes registered was low compared with the percentage of white citizens registered in a community, if we are to proceed on the basis that discrimination in fact is presumed to exist.

The fact that people do not vote at a particular election does not prove a thing. In Louisiana, the act would have been triggered because less than 50 percent of the people voted in the presidential race between Lyndon Johnson and Barry Goldwater. People do not usually vote in large numbers in presidential elections in Louisiana; historically, it was because they knew the Democrats would win for a certainty. Last year it was because they knew the Republicans were going to win the election in Louisiana for a certainty. Everybody knew it. I suppose I should have known it. I was campaigning for Lyndon Johnson. I knew we would lose Louisiana, but I was making the effort for my friend Lyndon Johnson. We did the best we could; 49.7 percent of the people voted.

Earlier in the same year, there was a runoff for candidates for Governor, and a much higher percentage of people voted. If that instance had been chosen the act would not have been triggered. If we consider a gubernatorial race rather than a presidential race, a different standard would have to be applied. On the same day that 50 percent of the people of Louisiana failed to vote, the same thing happened in Alaska. I presume that was because it was cold in Alaska.

If the act were geared to a standard which showed that the percentage of

Negroes in a county was low, and Negroes were given a chance to register, that would be a much better approach than to take the attitude that once a certain percentage of people did not vote, someone could hand a petition to the Attorney General, and the State would be presumed to be guilty until it could prove itself innocent. That would place it at the great disadvantage of having to come to the U.S. District Court in Washington to prove its innocence. Granted that a voting rights bill is justified, a better bill than this one could be drawn.

Mr. JAVITS. May I answer the Senator? I do not use the word "answer" in an adversary sense. There is something to be said which will bear on the Senator's comment.

As to the 25-percent figure, we are meeting the standard the Senator has stated, because the Attorney General must request the Bureau of the Census to make a survey, and that must show a registration pattern in accordance with the Senator's views.

As to the figure of 50 percent voting plus 20 percent of Negroes in the population, the analysis of this figure—and the Attorney General justifies this in his presentation—indicates that in practically all places where those incidences occur, it is a fact that there is an adverse relationship between Negro registration and Negro voting, and white registration and white voting.

The Attorney General has taken this position, and I would guess that he would take it in a considered way in a letter to the Senator, if the Senator should ask him. The Department might agree to apply that test before deciding whether to press the trigger, even if the trigger were primed.

Even assuming less than 50 percent voting or registered, plus a 20-percent incidence of all eligible Negroes in the area, plus a petition from 20 citizens, I believe the Attorney General might say he did not intend to press the trigger if, in fact, there was a pattern of registration and voting lacking discrimination pursued over a long period of time and showing a fair promise of equality between white and Negro. I think that would be worth looking into, because it was my impression that one of the things the Attorney General told us was, "Naturally, I am giving discretion as to whether I will press the trigger, even if it is primed, but I will use that discretion with a certain amount of wisdom and governance, in the sense of when it ought to be used and when it ought not to be used, too. I am not bound to press the trigger every time it is primed."

That was clearly his testimony. I believe that if the Senator from Louisiana would pursue that point, he would find that his views on that score would undoubtedly be borne out in the administration of the act.

Mr. LONG of Louisiana. Perhaps if the person is innocent, the trigger should not be pressed at all. I should like to see the bill drawn along in accordance with that general philosophy.

The Representative of the Third Congressional District of Louisiana is a member of the House Committee on the Judiciary. He is one of the ablest members of the committee. He is also chairman of the House Committee on Un-American Activities.

He is now engaged in investigating the Ku Klux Klan. Contrary to what some people might predict, I believe that he will do a studious and fair job in this investigation in an effect to discover and present the facts.

That is a Representative who would like to vote, in my judgment, for a voting rights bill, provided it was a judicial bill which would not discriminate against any section of the country, and provided the registrars had the chance to do what was expected of them once the law required such action, rather than be punished because they had proceeded under an old law which was presumed to be constitutional until the Court declared it to be otherwise.

It is very difficult to see how we can justify condemning a person for obeying the law before that law has been stricken down by the Supreme Court. When a Federal law provides that "This is what you must do" and the person fails to comply with that law, it would seem to me that then we are in a position to say that that man has failed to do what was expected of him and that we should appoint someone to do it for him.

(At this point Mr. MCNAMARA assumed the chair.)

Mr. JAVITS. Mr. President, may I point out to the Senator, with respect to the problem of the 21 parishes we have discussed, that in the Louisiana case the Court found, in respect to the interpretation of what the Senator referred to as the law, that it was certainly unconstitutional. On page 4 of the pamphlet opinion, the Court said:

> There was ample evidence to support the district court's finding that registrars in the 21 parishes where the test was found to have been used had exercised their broad powers to deprive otherwise qualified Negro citizens of their right to vote.

That is the factor that could figure in the judgment of the Attorney General in determining with respect to this statute whether the trigger should or should not be pressed.

Mr. LONG of Louisiana. It should be kept in mind that in the other 43 parishes, each of which contains many more people than do the others, that allegation is not made. In some of those parishes, they favor the Negro applicant and help him to qualify.

Mr. JAVITS. Mr. President, I thank my colleague for his most helpful intercession in the useful discussion which we have had.

I agree that the bill must be drafted insofar as possible to allow States and their political subdivisions to avoid application of the law upon the showing that such application is unnecessary to deal with violations of the 15th amendment, but I cannot agree that the Congress may not adopt reasonable means appropriate to that end, including who shall bear the burden of proof, the forum in which the issue shall be determined and other regulations reasonably applicable to the factual situation.

The fact is that the Congress is under a duty to act. I repeat in this respect the historic words of Vice Chairman Storey and Commissioner Rankin in the 1963 report of the U.S. Civil Rights Commission to which I have referred above:

> The right to vote is the cornerstone of our democratic society. A citizen's respect for law rests heavily on the belief that his voice is heard, directly or indirectly in the creation of law. And his sense of human dignity depends on his receiving the same treatment at the registrar's office and at the voting booth as is accorded to his fellow citizens.

Yesterday, my colleague, the distinguished Senator from Michigan gave an eloquent exposition of the constitutionality of this bill. Today, let us consider a less academic argument—the human factors, the basic practical reasons for this bill. Lawyers and scholars may well direct their inquiry to the constitutional basis for the bill, but America asks, "Why is another civil rights bill necessary?"

During the Judiciary Committee hearings on this bill, opponents of the measure time and time again raised the cry that this was a drastic bill, that it was punitive, and designed to usurp the rights of the States to determine voter qualifications. Very little was said about the effect of discriminatory State laws and practices or the usurpation of the rights of citizens to vote. In the discussions which we are now beginning on the floor—and let me emphasize that I hope and expect this bill to receive full and careful consideration, with every substantial criticism answered—let us not fail to remember the facts which bring this bill before us. It was not drafted to punish States but to protect citizens; it was not introduced to federalize the voting process, but to aid the disenfranchised American to exercise the franchise. And there is every evidence that this bill is not only advisable, but absolutely necessary if every American is to be given the right to participate in this Government.

In the next few weeks, as we consider the bill, let us keep some of the following facts in mind, for they illustrate without question the reality and the gravity of the problem we seek to remedy.

First, the percentage of Negroes who vote in the areas which will be directly affected by the bill is far below the comparable figure for whites. That brings up a point which was raised by the Senator from Louisiana. In Alabama, for example, 19.4 percent of the eligible Negroes are registered, as compared with 69.2 percent of the whites. That is a ratio of well in excess of 3 to 1. In Mississippi, 6.4 percent of the Negroes are registered, and 80.5 percent of the whites. That is a ratio of approximately 14 to 1. In Louisiana, 31.8 percent of the Negroes are registered, and 80.2 percent of the whites.

Mr. President, a very interesting graph based upon the best figures which could be obtained by the U.S. Commission on Civil Rights is attached to its report. It is entitled "Registration and Voting Statistics, March 19, 1965." This report shows the relative paucity of the number of Negroes registered from 1956 to 1964, the whole span of time in which this ardent controversy has taken place in some of the States which will be directly affected by the bill.

The report shows for the State of Alabama that the percentage of Negroes registered in 1956, as compared to 1964—8 years later, and after three civil rights bills, all of which were concerned, at least in part, with the voting problem—has gone up from 11 percent in 1956 to 23 percent in 1964. That is to be compared with the percentage of white people registered in Alabama, almost 70 percent—69.2 percent. In Louisiana, which was discussed earlier today, the percentage has hardly increased. It was 31 percent in 1956. It is now 32 percent for Negroes eligible to vote in 1964. It bears directly upon the point made by the Senator from Louisiana, that while some parishes might be trying, other parishes have dragged them back so that the percentage of registration in some sections has diminished rather than increased, and the number of Negro registrants has remained about static. The figure of 32 percent is to be compared with the figure of 80.2 percent for whites in the same State.

The State of Mississippi has the worst record of all. In Mississippi, where 80.5 percent of the white people are registered, 5 percent of the Negroes eligible to vote were registered in 1956. That percentage increased to 6.7, 8 years later, after three civil rights bills and a series of demonstrations of revolutionary feelings on the part of the country which have hardly ever been seen before in American history.

Mr. President, it certainly is a factual record upon which legislation is absolutely demanded, rather than merely desired.

Figures for individual counties in additional States are equally dismaying. Under the 25-percent trigger formula adopted by the committee, for example, certain counties in the States of Virginia, Arkansas, Texas, Tennessee, and Florida will be covered. According to the Civil Rights Commission, these are the figures on Negro voter participation in some of these counties: Montgomery County, Va., with a nonwhite voting-age population of 960, has not a single nonwhite citizen registered to vote; Liberty County, Fla., has not a single one of the 240 eligible nonwhites registered to vote. These are the so-called fringe areas as opposed to the "hard-core" areas which were covered by the bill as originally introduced. Certainly, such low voter participation figures cannot be explained away by attributing them to apathy. And that, in part, is why this bill is before us today.

Second, in some States with large nonwhite populations, discriminatory tests and devices have been instituted solely to restrict the right to vote. These tests have been discriminatory in fact as well as in application. They are often ignored for whites, but applied with a vengeance to nonwhites. These tests have included everything, from the calculation of age to the exact month and day, to the interpretation of difficult and obscure sections of the State constitution. Negroes have been subjected to vague "good moral character" investigations, to arbitrary delays and refusals to open places of registration. They have suffered both economic and physical intimidation, threats and beatings, bombing, and even death because they attempted to exercise the right to vote. And that, in part, is why this bill is before us today.

Third, existing legislation, which seeks to remedy this injustice through judicial procedure, has proved cumbersome and has failed to provide a reasonable remedy for the irreplaceable loss of the right to vote.

I emphasize the words "irreplaceable loss of the right to vote." Let us remember that the fact of discrimination and intimidation, and worse, has prevented thousands of Negroes from voting—not for years, not for decades, but for generations. Let us remember that officials at every level, officials in State legislatures and county courthouses running the affairs of their community, were running the lives of Negroes, governing those to whom the right to elect those officials had never been given, notwithstanding that this right is the most basic right of every American.

Therefore, when we try to make up, in a small measure, the immoral and illegal derelictions of the past, I hope the country will, at long last, realize the denial and deprivation that we are seeking to end for those who are entitled to vote.

Under the existing Federal law, litigation must be conducted again and again and in county after county. Long and tedious preparation, court delays, and the possibility of recurrent evasions of even the court orders beset the Department of Justice in every case.

Is it any wonder, when we hear arguments against these proposals, we have a right to echo the words which we have heard, "When, O Lord, when"?

Some of this litigation takes 2, 3, 4, 5, and 6 years. Many elections take place in that period. Much water goes under the bridge in that period. Many sheriffs are elected, who push citizens around, who head off Negroes who try to vote. That is not America. We should take any measure reasonable to our minds against such devices. We all desire to be fair and reasonable. We seek to act, at the very earliest possible moment, so that this injustice can be ended.

Perhaps it cannot be ended everywhere at once, because of human frailty, but it can move faster than it is moving in too many places in the United States.

Let us take the history of litigation in Dallas County, Ala.—the scene of the most violent and widely publicized demonstrations in recent times on the great racial issue in this country. Selma—a name well known throughout the United States and the world—is the county seat of Dallas County, Ala. Because only 1 percent of the Negroes of voting age were registered to vote in 1961, the Department of Justice filed suit on April 13 of that year. Two and a half years later, on September 30, 1963, the Court of Appeals issued an injunction against discriminatory practices. In the intervening time, 89 percent of Negro registration applications had been rejected.

That is a pretty good example of what we think about when we hear arguments to the effect that "Negroes do not register. They are apathetic." They are not apathetic in Selma. In Selma 89 percent of the Negro registration applicants had been rejected. That is in addition to the hundreds who did not want to take the risks of applying.

Of the 445 rejected Negro applications, 175 had been filed by Negroes with at least 12 years of education, including 21 with 16 years and one with a master's degree. He was not registered, either.

In October 1963 registration of Negroes began, but at a snail's pace. In February of 1964, registration became virtually impossible because a new and complicated literacy and knowledge-of-government test was instituted. Four years after the filing of the first suit, discriminatory practices continued. That also, in part, is why this bill is before us today.

The facts and figures are voluminous, and the incidents of violations of the 15th amendment are numerous. They are crushing.

With all respect, no effort to defend "this good county" or "that good county," out of so much misery and denial of justice, is going to get down to the situation we are in, which demands the application of reasonable law.

This bill is aimed at providing a direct remedy—the appointment of Federal examiners to register qualified citizens—I emphasize "qualified citizens"—whom the State has refused to allow to vote—either the State directly through discriminatory practices, or by the State's tolerating acts of registrars in certain counties to defeat the purpose, intent, and clear words of the 15th amendment.

The President, in his eloquent address of March 15 last, stated the problem directly and simply: This bill would not be necessary if each State had opened its polls to all its people—as each State was directed to do 100 years ago, in 1870, when the 15th amendment was adopted.

(At this point Mr. COOPER took the chair as Presiding Officer.)

Mr. JAVITS. Mr. President, it is late, but it is never too late to render justice. This time, I hope and pray that Congress, the President, and the Government of the United States will not be deterred in their efforts to insure the franchise for all citizens. We remember the factual basis—the reasons for the bill, the cost to our fellow citizens in human terms of the denial of their right to vote keeping before us the knowledge that justice delayed is justice denied.

Mr. President, as we move into debate on the bill, I would issue one more plea. Time and again, I have heard the most distinguished representatives of the South, including our colleague the Senator from Georgia [Mr. RUSSELL], who is probably not only by seniority but also by intellect and force of character the leader of the southern group—speaking only in sectional terms—in the Senate. His illness has distressed us all most deeply and has enlisted our prayers as well as our hopes for his early and complete recovery. I have heard this distinguished Senator, as well as other distinguished Senators who will be opposing the bill—as is their right and, indeed, their duty, if they feel the bill to be unconstitutional—rise and say, "Whatever you might argue about public accommodation, education, jobs, FEPC, or housing, one thing we would never argue with and that is that every American is entitled to his vote."

I hope very much that in debate on the bill, Senators will think about that, and will remember that in this matter—whatever may be the differing views as to the method of implementation which we have chosen—it is hard to see how, in view of the Constitution and the declared policy of great representatives of a large section of our country, they can fail to feel that we are engaged in a cooperative effort moving toward a single objective; namely, to find a way in which, at long last, the denial of the voting right—where it has been denied—will be corrected.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. Is there anything in the bill which corrects provisions in the law of the State of New York which prohibits New York citizens from Puerto Rico, who speak Spanish but are not able to speak the English language, from voting in elections in the State of New York?

Mr. JAVITS. I did my utmost to propose such an amendment to the Committee on the Judiciary, but it was caught in the jam which resulted from the great differences of opinion between a number of our colleagues on the committee and the other 12 members who voted for the bill; consequently, the amendment could not even be voted upon before the deadline had arrived.

If the Senator will look at the report placed on each Senator's desk, the joint statement of the 12 members, it shows on page 40 that my colleague the Senator from New York [Mr. Kennedy] and I intend to propose that amendment to the Senate. I gather that it will have the support of the Senator from Florida, and I hope very much that the Senate will adopt it.

I would be happy to state my policy on this score. It was pursued by my former colleague from New York, Mr. Keating, and myself for a long time on the floor of the Senate. I am pursuing it further with my colleague the Senator from New York [Mr. Kennedy]. We are both in complete agreement concerning it.

We believe that the qualifications with respect to voting of Puerto Ricans who are now in New York should be such that they will be insured in their right to vote, if they have received an education in the Spanish language, not because of any fault of theirs, but because of the way in which education is maintained in the Commonwealth of Puerto Rico, so that they may qualify as voters in New York State.

I express the hope, which I have stated publicly and do so once more, that the New York Legislature may conceivably deal with this matter in its present session. I should like to see it done that way because I believe that would be an intelligent way to handle it. Under the law, a phaseout period might be given an individual to afford him an opportunity to learn the English language over a period of years—perhaps 5 years, even longer—and allow him to qualify as a voter, in the interim, in the Spanish language.

That cannot be done in the bill before the Senate. All we can do is to say "Yea" or "Nay," either repeal it or not; but we cannot make conditions. Therefore, the Senator from New York [Mr. Kennedy] and I are under the necessity of doing it in a complete way; and we shall do so.

I repeat, I hope that the New York State Legislature will deal with this matter in a more flexible way and more desirably; but we will move in the Senate as well—as I have already pledged in a statement which is on file in the Senate—in the absence of effective action on the part of New York State.

I have completely gone along with the Senator in this matter. It is only fair to say that it cannot be a red herring across the trail of what we are trying to do, because the courts have held, for instance, in the Comacho case, that it is reasonable to have a literacy test requiring ability to read and write in English, which can be satisfied by an eighth grade education, which is the New York law. So long as such a fact is fairly applied without discrimination, as it is in New York, there is nothing in the Constitution against it; hence, the thrust of the bill is not directed against it. We could not pass the bill if literacy tests of reasonable and modest character were being administered in Louisiana, or in other States similarly affected by this bill, in a nondiscriminatory way. We might inveigh—as the Senator has—against the fact that persons should be able to qualify in Spanish, or in Tagalog, or in some other language, if it were germane to the situation, as in the case of the Commonwealth of Puerto Rico.

But that should not divert us from the fundamental reason to enact the bill, which is that the tests in many places have either been such as to involve such discretion on the part of the registrar as to make him a czar as to whether a person could vote, or they have been discriminatorily applied. If we could not prove it—and I believe that we have proved it beyond any doubt on a reasonably widespread basis—we would have no place in this Chamber.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. I appreciate the candor of the distinguished Senator from New York. I assure him that when he and his colleague offer their amendment to clear up the situation in New York which deprives a great many more persons of voting than any number alleged to be deprived in my State, I shall be with him. I shall vote for his amendment.

I am glad that this issue has arisen, because it shows clearly that the majority of the committee, of which the distinguished Senator is one of its most distinguished members, refused to make the law applicable to the great State of New York—one of our greatest States; whereas, they were aiming directly at other States. The committee brought out a puny little provision aimed at five counties in my State having a total of perhaps 14,000 adult Negroes.

As was shown yesterday, three of those counties should not have been included at all, so that the number left is well under a thousand of those citizens against whom the committee has aimed the bill in the State of Florida, which in part I represent. It is evident from the statement of the distinguished Senator himself that the majority of his committee was not willing to make the bill uniform in its application to all States by correcting the situation in New York.

Therefore, I honor the Senator for his effort to place that corrective measure, applicable to New York, in the bill. I shall certainly help him when he offers his amendment on the floor of the Senate.

I thank the Senator for yielding to me.

Mr. JAVITS. I thank the Senator from Florida; but I must straighten out one question of fact. I am confident that there is a majority in committee for the amendment which I offered with my colleague the Senator from New York [Mr. Kennedy], but we were not allowed to get it to a vote. I am confident that when the vote is taken on the floor it will be found that a majority of the Committee on the Judiciary would have included it in the bill. We could not come to a vote in committee because of the clear indication that we would not accomplish anything, and that a filibuster would develop on reporting the bill with the amendments which we had already put into the bill, if I had persisted in urging the amendment. Perforce we were compelled to do the next best thing.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. Williams], numbered 82, to the committee substitute.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Fannin in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, the U.S. Constitution was amended in 1870 to prohibit the States from denying or abridging the right of any citizen to vote on account of race or color. By section 2 of the same amendment, Congress was expressly given the power to enforce this prohibition by appropriate legislation. Recent events have made all of us aware of the fact that, almost a century after its adoption, to many Negro Americans the 15th amendment is only an illusory promise and not a description of reality.

The Congress must acknowledge that it has not fully discharged its responsibility to enact effective legislation to implement that amendment. For decades, the problem was simply ignored. In recent years, we have listened too patiently to litanies in praise of States rights, while State responsibilities were ignored and mass injustice continued.

The sordid and sad history of Negro disenfranchisement in America is by now familiar to everyone with eyes to see and ears to hear and the will to understand. The Negro was long excluded from participation in political life by such crude devices as the white primary and the grandfather clause. After these rather simplistic stratagems were swept aside by the courts, resort was had to more subtle methods of disfranchisement.

In 1957, in 1960, and again last year, the Congress in its wisdom enacted legislation designed to eliminate discriminatory practices in voting. The major premise of this legislation was that such practices could be eliminated by civil litigation and injunctive relief against State and local officials. The voter registration processes themselves were to be largely left in the hands of local officials.

Attorney General Katzenbach testified at length before the Judiciary Committees of both the Senate and the House concerning the efforts of the Department of Justice to combat racial discrimination in voting under existing laws. The record fully supports his conclusion that such legislation is inadequate and that a new approach is necessary, an approach which will provide an expeditious administrative remedy in place of the delays and frustrations of civil litigation. In short, we have tried the traditional litigation approach and that tradition has been found wanting. All of our citizens, here and now, must be guaranteed, by effective Federal legislation, the right to vote without regard to race. In my judgment, the Voting Rights Act of 1965, S. 1564, as amended and reported by the Senate Judiciary Committee on April 9, 1965, will do the job.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. I wonder if I may continue with my remarks. I have a long statement to make. After I have concluded my statement I shall be glad to yield for questions.

My purpose today is to describe the principal provisions of the bill and to explain how they will work.

Let me emphasize at the outset that the bill is designed to do two things which represent distinct departures from legislative remedies previously applied, at least in recent years, to the problem of discrimination in voting. First, the bill provides for the automatic temporary suspension in certain areas of the use of literacy and other tests and devices as prerequisites for registration or for voting. Second, the bill provides for the appointment of Federal examiners to register applicants in areas where the use of tests and devices has been suspended when the circumstances indicate that the appointment of such examiners is necessary to enforce the voting rights under the 15th amendment. Persons listed by Federal examiners would have a Federal right to vote in all Federal, State, and local elections.

Since these provisions are the heart of the bill, I will discuss them in some detail.

SUSPENSION OF TESTS AND DEVICES

Subsection 4(a) grants to all citizens residing in certain States and certain counties of other States the right to vote in any Federal, State, or local election free from any requirement that they must submit to any test or device. The term "test or device" is defined in subsection 4(c) to include four means or methods frequently used to illegally disenfranchise Negroes. They are as follows:

The first test or device is defined by subsection 4(c)(1). It is any prerequisite to voting which requires demonstration of the ability to read, write, understand, or interpret any matter. This definition would cover, for example, Mississippi's so-called constitutional interpretation test. It would reach, as well, any requirement that applicants for voter registration fill out an application form completely without assistance or errors or omissions. A requirement of that type has been used in many counties in Alabama, Mississippi, and Louisiana as a discriminatory means of rejecting qualified Negro applicants for voter registration. An applicant for registration must, of course, provide local officials or a Federal examiner with information relevant to valid qualifications for voting, such as his name, age, address, and period of residence. But where necessary the local registrar or the Federal examiner should elicit this information orally by questioning the applicant.

The second test or device is defined in subsection 4(c)(2). This subsection covers any prerequisite for voting or registration for voting that requires demonstration of any educational achievement or knowledge of any particular subject. The Louisiana citizenship test adopted in 1962 and a similiar test adopted in Alabama in 1964 are examples of the types of requirements covered by this subsection, and so is the requirement on the Louisiana application form that an applicant must know his exact age by years, months, and days.

Subsection 4(c)(3) defines the third test or device covered; that is, any requirement of good moral character. Let me emphasize that this subsection does not include a requirement that an applicant for voting or registration for voting be free of conviction of a felony or mental disability. These grounds for disqualification are objective, easily applied, and do not lend themselves to fraudulent manipulation. But the definition in subsection 4(c)(3) would cover a good moral character requirement where the term has no objective definition and election officials are free to apply their own notions of morality to disqualify prospective voters on this ground. Undefined "good moral character" requirements are simply too much subject to discriminatory abuse to be allowed.

The fourth type of test or device is defined in subsection 4(c)(4). The definition covers any prerequisite for voting or registration for voting which requires a person to prove his qualifications by the voucher of registered voters or members of any other class—in short, the "white voucher" requirement. Wilcox County, Ala., provides the classic example of the discriminatory use of this type of device. Applicants for voter registration in Wilcox have been required to produce a "supporting witness" to vouch for their qualifications and the witness must be a registered voter of Wilcox County. The Negroes far outnumber the whites in Wilcox County, but, until a few weeks ago, not a single Negro was registered to vote.

Subsection 4(b) prescribes the conditions under which the use of tests or services is to be suspended in a given area. In other words, this subsection determines where this key provision of the bill will apply. There are two alternative formulas, each requiring certain factual determinations that are not reviewable in court.

Subsection 4(b)(1) prescribes the first of three determinations which must be made under the first formula before the use of tests and devices is suspended in the area.

The Attorney General must determine that a State, or a political subdivision separately considered, maintained, on November 1, 1964, whether in law or as a matter of practice, any test or device as a qualification for voting.

Second, the Director of the Census must determine that less than 50 percent of the persons of voting age—other than aliens, and military personnel and their dependents—residing in the State or political subdivision were registered to vote on November 1, 1964, or that less than 50 percent of such persons actually voted in the presidential election of 1964. The vote in the presidential election of 1964 is the vote cast for the presidential candidates. Where an entire State falls within this subsection, so does each political subdivision within the State.

Third, the Director of the Census must determine that, according to the 1960 census, more than 20 percent of the persons of voting age were nonwhite in the State or a separately considered political subdivision of a State. Again, where an entire State falls within this subsection, so does each political subdivision within that State. The 20-percent nonwhite determination was not required in the bill as introduced. It was added by the Judiciary Committee, out of an abundance of caution, to insure that the automatic suspension of tests and authorization of examiners would reach only those areas where it is highly probable that racial discrimination in voting exists.

Subsection 4(b)(3) provides an alternative formula to that set out in subsections 4(b)(1) and 4(b)(2). It provides for the suspension of tests and devices whenever the Director of the Bureau of Census determines, on the basis of a survey made upon the request of the Attorney General, that the total number of persons of any race or color who are registered to vote in any State or political subdivision is less than 25 percent of the total number of all persons of such race or color residing in such State or political subdivision.

I have said that the bill provides for the temporary suspension of the use of the defined tests and devices.

Subsection 3(c) of the bill as introduced would have permitted a State or political subdivision to resume the use of tests or devices, and to cancel the authorization for the appointment of examiners, upon the finding of a three-judge district court convened in the District of Columbia that neither the State nor a political subdivision or any person acting under color of law had engaged during the 10 years preceding the filing of the action in racially discriminatory acts or practices denying or abridging the right to vote. No State or political subdivision could have filed such an action for 10 years after the entry of a final judgment determining that denials or abridgements of the right to vote by reason of race or color had occurred in its territory.

However, we amended the bill as originally introduced, and now subsection 4(a) of the bill as reported by the Judiciary Committee prescribes a different method by which States and political subdivisions can seek to resume the use of tests and devices and eliminate examiners. Such relief may be obtained in a declaratory judgment proceeding before a three-judge district court convened in the District of Columbia upon application of an entire State, where the use of tests and devices has been suspended in the entire State, or upon application of a political subdivision where suspension of tests has occurred in such subdivision as a separate unit. A State or political subdivision will not be permitted to resume the use of tests or devices unless the district court makes one of the two following determinations:

First, subsection 4(a)(1) provides that the use of tests or devices may be resumed if the court determines that tests or devices have not been used in the State or political subdivision during the 5 years preceding the filing of the action for the purpose of denying or abridging the right to vote on account of race or color.

In the alternative, subsection 4(a)(2) provides that tests or devices may again be used if the court finds that there is no further racial discrimination in voting and that either of the following conditions exists: First, the percentage of persons in the State or political subdivision that voted in the next preceding presidential election exceeded the national average percentage of persons voting in such election; or, second, the percent of persons in the State or political subdivision that have been registered to vote by State or local election officials—not including persons listed by Federal examiners—exceeds 60 percent of the persons of voting age meeting residence requirements in the State or subdivisions.

This provision was added in the Judiciary Committee at the suggestion of the distinguished Senator from Illinois [Mr. DIRKSEN]. Some of us had misgivings about this escape clause at that time, and 10 of us on the committee still prefer the original version.

It has been suggested that the second "escape clause" provision—subsection 4(a)(2)—could result in evasion of the purpose of the statute by recalcitrant officials in certain States and political subdivisions. Officials in such States or subdivisions which would be initially covered by section 4 might simply register virtually all of the white persons and a token number of Negroes of voting age in the area and thereby try to satisfy the 60 percent or national average percent tests.

Nevertheless, I feel that with a few minor clarifying amendments, this provision would be workable.

Under this provision, the Court must also determine that discrimination from any cause, whether by the use of tests or devices or otherwise, has ceased. In making that determination, in addition to the immediate situation, the court should take into consideration the past history of voting practices and procedures in the area and the likelihood, under all the circumstances, that discrimination might recur in the future. Consideration of these factors should preclude abuse of this provision.

Mr. DOUGLAS. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield for a question.

Mr. DOUGLAS. Is it not true that if 60 percent of the persons of voting age were white and 40 percent were Negro, and if all the whites were registered and none of the Negroes were registered, this would meet the 60-percent test, and therefore the State, so far as that clause is concerned, would not be subject to the provisions of the bill although there would be complete discrimination?

Mr. TYDINGS. As the amendment of the distinguished Senator from Illinois [Mr. DIRKSEN] was originally offered in committee, that would have been the case; but we added an extra subsection, subsection (b), which I just mentioned, which provides that in addition to the 60-percent requirement, the court would have to find that there was no denial of the right to vote because of race or color. I believe the language should be clarified to make it explicit that the court would take into consideration both past voting practices and the probability of future voting discrimination. With such clarification the amendment would be workable.

Mr. DOUGLAS. I see no useful purpose that the 60-percent clause fulfills; I can see a great deal of damage that it might do. I believe that the use of the second clause; namely, if a court finds that restrictive tests or devices have been used, would throw the case immediately into the judicial process, which we found was ineffective in the 1957, 1960, and 1964 acts, involving delays which the judicial process has inevitably involved.

I hope we will reject the so-called Dirksen amendment completely and utterly.

(At this point Mr. KENNEDY of New York took the chair.)

Mr. TYDINGS. In concluding my remarks on the suspension of tests and devices, let me advert briefly to a few technical points relating to judicial proceedings under section 4.

Subsection 4(a) also provides that in any proceeding brought pursuant to it, a final judgment of any court, rendered before or after the passage of the bill—but within 5 years of the declaratory judgment proceeding—determining that there have been racially discriminatory denials or abridgments of the right to vote through the use of tests or devices anywhere within the territory of the petitioning State or political subdivision, may be introduced as prima facie evidence of the facts found by the court. Thus, there is a very heavy burden of proof on the petitioning State or political subdivision where such a judgment is introduced. In many cases, the introduction in evidence of such a judgment should simply preclude relief. That would also be applicable to the issue just raised by the Senator from Illinois [Mr. DOUGLAS].

Subsection 4(d) spells out the burden of proof imposed upon a State or political subdivision which seeks to resume use of tests or devices. This subsection requires that in an action filed pursuant to subsection 4(a), a declaratory judgment shall not issue if the court determines that any one or more of the standards set out in subsections 4(d)(1) through 4(d)(3) have not been met. These three standards are as follows:

First, subsection 4(d)(1) provides that the court must find that incidents of the use of tests or devices for the purpose of denying or abridging the right to vote on account of race or color have been limited in number and have been promptly and effectively corrected by State or local action.

Second, subsection 4(d)(2) requires that the court find that the continuing effect of the discriminatory use of tests or devices has been eliminated. Thus, for example, if discriminatory practices had been followed in a particular area of a State in the past, this subdivision would require a convincing showing that affirmative official action had been taken to notify Negro citizens in the area that they would henceforth be allowed to register and vote without discrimination, and that they would be registered in accordance with standards no more stringent than those applied to white persons already registered.

Finally, subsection 4(d)(3) requires a finding that there is no reasonable probability of the recurrence of the discriminatory use of tests or devices in the future. For example, this might require a showing that a substantial percentage of the qualified Negroes in the area were then registered and had been allowed to vote in recent elections.

The preceding subsections, all of which are contained in section 4 of the bill, are the principal provisions governing the suspension of tests and devices. Let us turn now to the second key feature of the bill—the Federal examiner appointment provisions.

THE EXAMINER APPOINTMENT PROVISIONS

Eight years of unrewarding civil litigation have taught us that the voter registration process cannot be left in the hands of local officials in areas where such officials are determined to resist the legitimate aspirations of Negro citizens to participate in the franchise and in the political process. Accordingly, section 6 of the bill, which was substituted for section 4(a) of the bill as introduced, provides for the appointment of Federal examiners. A crucial difference between the provisions for the suspension of tests and devices and the examiner appointment provisions should be noted at this point. Under subsections 4(b)(1) and 4(b)(2), the Attorney General and the Director of the Census have mandatory duties to make the determinations which will have the effect of suspending the use of tests and devices under subsection 4(a) if the conditions specified in those subsections in fact exist. By contrast, activation of the Federal examiner machinery is discretionary with the Attorney General. The examiner machinery is activated by a certification by the Attorney General. The actual appointment of examiners by the Civil Service Commission is not, however, discretionary with the Commission. Following a section 6 certification by the Attorney General, the Commission has a ministerial duty to appoint an appropriate number of examiners.

Examiners are to be appointed by the Civil Service Commission in areas which fall within the scope of section 4(b) after the Attorney General makes one of two possible certifications.

First, the Attorney General may certify that he has received 20 or more meritorious complaints of voting discrimination from residents of a political subdivision which falls within the scope of section 4(b). The Attorney General's determination that the complaints are meritorious may not be reviewed by the courts.

In the alternative, the Attorney General may certify that in his judgment the appointment of examiners in a subdivision within the scope of section 4(b) is necessary to enforce the 15th amendment. A provision has been added by the Judiciary Committee to the bill as introduced, directing that in making this determination, the Attorney General is to consider, among other things, whether the ratio of nonwhite registered persons to white registered persons in the subdivision appears to him to be fairly attributable to violations of the 15th amendment, a determination he is particularly well suited to make due to the broad knowledge of the Department of Justice of the history and scope of racial discrimination in voting. Under express language in subsection 4(b), section 6, determinations and certifications of the Attorney General are final and unreviewable by the courts.

Section 6 also authorizes the Civil Service Commission to appoint more than one examiner for each subdivision with respect to which certifications have been made if this is deemed necessary. To the extent the Civil Service Commission thinks it practicable, the examiners are to be residents of the State in which they will serve, but not necessarily residents of the subdivision. However, the Commission is free to appoint examiners from other States and should do so when, in its judgment, impartial persons cannot be found to do the job or where such persons might be subject to various economic pressures, physical threats, and the like.

The duties of examiners also are set out in this section. Their functions are to examine applicants who present themselves, determine if they are qualified, and prepare and maintain lists of persons eligible to vote in Federal, State, and local elections.

The Civil Service Commission may, as required by circumstances, have one examiner serve one or more subdivisions so that it will not be necessary to have one examiner in each subdivision that may be covered. But each examiner would be assigned to a specific subdivision or subdivisions.

Section 7 deals with the mechanics of processing and listing applicants by Federal examiners.

Subsection 7(a) provides that examiners appointed pursuant to section 6 are to examine applicants to determine their qualifications for voting at such places as the Civil Service Commission shall designate. This subsection requires the applicant to allege in his application that he is not otherwise registered to vote and that he has been deprived of the right to register or vote on account of race or color. A person may be "deprived of the right to register or vote on account of race or color" not only when his registration application is rejected, or when he is turned away from the polls but also when delay, unavailability of registrars, or some similar difficulty deprives him of an effective opportunity to register or vote. The Attorney General in his discretion may require the applicant further to allege that, within 90 days preceding his application he has been denied under color of law the opportunity to register or to vote or has been found not qualified to vote by a person acting under color of law.

Subsection 7(b) provides that the examiner is to place on a list of eligible voters any person whom he finds, in accordance with instructions received under subsection 8(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States. This latter provision was inserted by the Judiciary Committee to spell out specifically that while State law is to govern, this means only such State laws as are not inconsistent with Federal law, including this act. Subsection 7(b) also specifies the times for transmitting and certifying the lists of eligible voters to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, as well as the times when the list is to be made available for public inspection.

This subsection expressly confers a Federal right to vote on any person whose name appears on a list transmitted by a Federal examiner to appropriate election officials at least 45 days prior to an election. Such transmittal can be accomplished by depositing the list in the mail on or before the 45th day. Any person whose name appears on such a list must be allowed to vote unless his name has been removed from the list in accordance with subsection 7(d).

Subsection 7(c) provides that the examiner shall issue a certificate of voting eligibility to each person whose name appears on a list of eligible voters. This concludes my remarks on the examiner appointment provisions.

OTHER PROVISIONS

In addition to the key provisions relating to the suspension of "tests and devices" and the appointment of examiners, the bill contains a number of other important provisions which I should like to discuss briefly.

FREEZING OF STATE VOTER QUALIFICATIONS AND PROCEDURES

Section 5 deals with attempts by States of political subdivisions whose tests or devises have been suspended under Section 4 to alter voting qualifications and procedures which were in effect on November 1, 1964. Section 5 permits a State or political subdivision to enforce new requirements only if it submits the new requirements to the Attorney General and the Attorney General does not interpose objections within 60 days thereafter.

If the new qualifications are not submitted to the Attorney General, or if they are submitted and he interposes an objection, then the State or subdivision will not be able to enforce the new requirements without obtaining a judicial determination that such new qualifications or procedures do not have the purpose "or" will not have the effect of denying or abridging rights guaranteed by the 15th amendment. Although the word "or", which frequently has a disjunctive meaning, is used, it is intended that the petitioning State or subdivision must prove an absence of both discriminatory purpose and effect. Any such action must be brought in a three-judge District Court for the District of Columbia. Direct appeal lies to the Supreme Court of the United States.

Neither the Attorney General's failure to interpose an objection nor the entry of a declaratory judgment under this section will bar any subsequent action to enjoin the enforcement of a new voting qualification, or procedure whose purpose is to prohibit the franchise.

ELIMINATION OF POCKETS OF DISCRIMINATION

Section 3 provides a means of dealing with a violation of the 15th amendment wherever it may occur throughout the United States. The crucial feature of this provision is that it will not affect registration or voting procedures in any area unless and until there has been a judicial proceeding in which racial discrimination is proved, at least sufficiently to warrant interlocutory relief. The use in the State or political subdivision of a "test" or "device," as defined in section 4(c), must be suspended by the court in such subdivisions as is deemed appropriate and for so long as is deemed necessary, upon proof that any citizen has been deprived of his right to vote on account of race or color by means of such a test or device. The section also provides for the appointment of examiners and the "freezing" of voting qualifications and procedures in appropriate circumstances. But it is important to note that this section does not limit in any way the provisions of section 4 or the appointment of examiners under section 6(b).

ABOLITION OF THE POLL TAX

Section 9 abolishes poll taxes by providing that no State or political subdivision shall deny any person the right to register or vote because of his failure to pay a poll tax or any other payment as a precondition of registration or voting. The bill as introduced originally dealt with poll taxes in subsection 5(e). That provision provided that a person could not be denied the right to vote if he tendered payment of his current poll tax to an examiner, whether or not such tender was timely or adequate under State law. The effect of this provision was to waive payment of poll taxes for the years prior to the one in which the applicant sought to make payment to an examiner. Under former section 5(e) examiners were required to transmit such current poll tax payments to the appropriate State or local officials.

In my judgment, Mr. President, and in the opinion which was shared by a majority of the members of the Judiciary Committee, the bill as introduced did not go far enough in dealing with the poll tax. We were and are convinced that all poll tax requirements can and should be abolished by the exercise of the power of Congress to enact appropriate legislation to enforce not only the 15th but also 14th amendment.

The distinguished junior Senator from the State of Massachusetts [Mr. KENNEDY] made a very masterful defense of the constitutionality of the poll tax amendment on the floor of the Senate last Friday. I do not believe that there is any need to repeat what he has already so well stated.

CHALLENGE PROCEDURE

Subsection 8(a) provides for challenges to listings on the Federal examiners' eligibility lists and sets forth the procedure to be followed in making such a challenge. This subsection provides that a hearing officer appointed by and responsible to the Civil Service Commission shall hear and determine such challenges. Challenges must be filed in an office within the State designated by the Civil Service Commission within 10 days after the listing of the challenged person is made available to public inspection and must be supported by affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge. A copy of the challenge and affidavits must be served upon the person challenged.

The decision of the hearing officer on the challenge may be appealed to the court of appeals for the circuit in which the person challenged resides within 15 days after the person appealing has been served with the decision. The hearing officer's decision on the facts, however, may not be overturned unless it is clearly erroneous and the person listed is entitled to vote pending the outcome of the challenge on appeal. No court or judge may issue a stay of an examiner's decision declaring a person's entitlement to vote.

SANCTIONS

The statute is to be enforced by the Attorney General by civil proceedings for injunctive or other appropriate equitable relief or by criminal prosecutions, or both.

Subsection 12(a) provides for the imposition of criminal penalties for "willfully and knowingly" depriving or attempting to deprive other persons of rights secured by certain enumerated sections of the act or for "willfully and knowingly" violating section 11. The phrase "willfully and knowingly" was inserted by the Judiciary Committee to make it clear that no criminal violation is involved where a person acts with due care and without knowledge of the relevant facts. To put it another way, action or inaction which deprives others of rights secured by the act but which is done or omitted inadvertently is not a basis for prosecution. This language was not intended to require a showing of any specific intent similar, for example, to that presently required under judicial constructions of 18 U.S.C. 242. The same language was inserted by the committee in section 12(c) for the same reason.

Subsection 12(d) provides for a civil action by the Attorney General for preventive relief whenever he has reasonable grounds to believe that any person is about to engage in any act or practice prohibited by certain enumerated sections of the act. The court may issue appropriate orders including an order directed to a State and State or local election officials requiring them to permit persons listed under the act to vote and to count their votes. These examples of orders that may be directed against a State or against election officials are not intended to be exclusive.

One of the most important sanctions is contained in subsection 12(e). This subsection provides in certain circumstances for the judicial suspension of election results unless and until persons who have been listed by a Federal examiner have been allowed to vote and their votes have been counted. Subsection 12(e) provides that, in political subdivisions for which an examiner has been appointed, if any person alleges to the examiner within 24 hours after the polls close that he has not been permitted to vote, that he has been listed under the act or registered by appropriate State officials, and that he is presently eligible to vote, the examiner must immediately notify the U.S. attorney for the judicial district, if the allegations appear to the examiner to be well founded. Upon receipt of such notification, the U.S. attorney may, within 72 hours after the closing of the polls, apply to the Federal district court for an order requiring the casting or counting of the votes of the complainants and the inclusion of their votes in the total vote before the results of the election may be given effect. The district court is required to hold a hearing and determine the issues immediately after the U.S. attorney's application is filed.

CONCLUSION

In conclusion, this review of its key provisions shows that S. 1564 is a practical and effective answer to the problem of racial discrimination in voting. And, in view of the circumstances which produced it, the bill is, in my judgment, a restrained and completely appropriate congressional response to a national need. The bill should be enacted without delay.

UNFAIR TREATMENT RECEIVED BY OTTO OTEPKA

Mr. MILLER. Mr. President, on several occasions, I have called attention to the unfair treatment the career civil servant Mr. Otto Otepka has received at the hands of the State Department.

Here is a civil service employee who began his Government service in 1934 and who started working at a high level in the State Department in 1953. He received the highest ratings possible, and was given the Meritorious Service Award by the late Secretary of State, John Foster Dulles, in 1958.

Then, when Mr. Otepka cooperated with the Senate Internal Security Subcommittee and provided information, as he testified under oath, showing the laxity which had occurred in security clearance matters in the Department, he was removed from his security work and given a make-work job pending a long and drawn out hearing procedure and investigation undertaken by the Department.

I have called attention to the Department's transfers of personnel who shared Mr. Otepka's concern over security procedures—this apparently in retaliation for their sympathy with Mr. Otepka.

Now it appears that further retaliation against Mr. Otepka himself is to take place. He recently received notice that an automatic in-grade promotion, which would amount to $570 per year, scheduled for June 6, will not be granted him because, so they say, he has not been performing up to standards required of his job.

The peculiar thing about this notice is that, according to my information, there have been no job description standards published for this make-work job to which he has been assigned for the past 2 years. How, it may be asked, can some administrative official in the State Department say that Mr. Otepka has not been performing up to standards when there are no standards?

Mr. Opteka's outstanding record of service, his superior performance ratings, and his Meritorious Service Award constitute powerful evidence indicating that someone in the Department is not playing fair with this man. All of us know how easy it is to hide prejudice of an administrative officer under the cloak of "not performing up to standards" even where there are standards set forth in a job description. But where there are no job description standards, it is even easier to try to cover up the prejudice.

I have said before, and I say again, all of this is bound to result in continued suspicion on the part of many people that the security procedures in the State Department have been lax and that someone has been trying to cover this up. We have, I know, received assurance that the security procedures now are proper; but that does not satisfy the question of what has occurred previously. The people want to be satisfied on that point, and if some State Department officials have been lax, they ought to be fired and not just permitted to gracefully resign, keeping all of the benefits which resignation permits and firing does not permit.

Whoever in the State Department made the decision to reassign Mr. Otepka and then to compound the action by passing him over for a $570 per year automatic in-grade promotion has exercised very poor judgment if his objective is to improve the Department's public relations. This is the poorest time that could have been selected to cause a weakening in the public trust and confidence, and I hope that we may soon be told that the officer who made such a blunder has left the Department.

ADJOURNMENT UNTIL MONDAY

Mr. TYDINGS. Mr. President, I move, pursuant to the order previously entered, that the Senate adjourn until Monday next at noon.

The motion was agreed to; and (at 2 o'clock and 42 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, April 26, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, April 23, 1965:

U.S. ATTORNEY

F. Russell Millin, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years. He is now serving in this office under an appointment which expired March 28, 1965.

IN THE COAST GUARD

The following named person to be a permanent commissioned officer in the Coast Guard in the grade of lieutenant:

Philip P. Coady

The following named persons to be permanent commissioned officers in the Coast Guard in the grade of lieutenant (junior grade):

William C. Donnell
Homer A. Purdy
George R. Grochowski
Frederick S. Bowman
Clayton D. Morrison
Gerald W. Barney

The following named persons to be permanent commissioned warrant officers in the Coast Guard in the grade of chief warrant officer, W-4:

Charles C. Colmer
Joseph R. Rowland, Jr.
John A. Flynn
Alfred A. Kolb
William H. Blaylock, Jr.
William P. East
Leroy F. Bent
Howell M. Joynes, Jr.
Lester H. Green
Joseph E. Franken
Albert L. Lingenfelter
Emmett J. Gossen
Charles R. Smith
John J. Gunson
Merrill W. Allison
Raymond R. Thiele
Frank Bartling
Mitchel K. Opsitnik
Herbert L. Simpson
Kenneth L. Heinzen
David F. Ray
Herbert S. Lyman
Paul Schuttpelz, Jr.
James P. Avila
Fred A. Shabo
Frank N. Campagna
Max Trepeta
Sherwood N. Patrick
Albert N. Dill
Kenneth N. Black
James L. Cropper
Newton P. Caddell, Jr.
Louis L. Bayers
Randall H. Spooner
Harold W. Collins
Herbert L. Gordon
Raymond L. Williams
James R. Kane
Thomas J. Hushion
Charles E. Holden
Earl A. Boles
James M. Mauldin
John H. Bunting
John H. Westbury
Gustave F. Scholtz
Harold R. Dycus
Melvin E. Ginn
Charles W. Griffiths
Charles E. Bunkley

The following named persons to be permanent commissioned warrant officers in the Coast Guard in the grade of chief warrant officer, W-3:

Raymond H. Mathison
John V. A. Thompson
Frank E. Braman
Richard Meagher
William C. Bart
Giles M. Bailey, Jr.
John S. Kennedy
Clifford R. Wattam, Jr.
Leo L. Richmond
Melvin D. Mabry
Dale E. Strohecker
Braxton B. Bell
Charles A. Thornton
Robert F. Stager
Harold C. Wadey
John W. Parker
Edwin M. Smithers
Horace F. Stephens
Tugg P. Heimerl
Michael Baron, Jr.
Jackie S. Thornhill
Laurence R. Fillinger
Charles A. Lester
Elmer Lovan
Victor E. Kindrick
Robert M. Clunie, III
Cleo W. Mackey
Wayne J. Fisher, Jr.
Jack Peterson
Robert E. Bowlby
Roger F. Paquin
William A. Lewis
Edward V. Sapp
Harry P. Earley
Loy J. Russell
Penrose C. Dietz
Robert C. Imler
Basil V. Burrell
Albert H. Tremlett, Jr.
Joseph H. McKenna, Jr.
John H. Suchon
Edwin J. Thornton, Sr.
John E. Cherney
Donald Leigh
Francis C. Soares, Jr.
William R. Benedetto
James J. Burley
Roland L. Raleigh
Richard E. Simpson
Edward D. Phelps
Raymond E. Aholt
Harlan Kaley
Alfred R. Kolar
Eddie Brophy
Robert H. Neuman
Clifford A. Gustavson
Richard M. Eberhardt
Charles R. Hug
Harold C. Harris
Constantine J. Kosloski
Gordon L. Anderson
William F. Mueller
Johnnie Broussard
Frank J. Miller, Jr.
Harry S. Huggins
Raymond Teichrow
William W. Cloer
Harold L. Brackett, Jr.
Isaac W. Lance
Patrick J. Mahon
Richard Dickinson
Robert C. Sachs
Freddie J. Turlo
Walter Conway
Donald F. Bradtke
Anthony M. Mazeika
Joseph W. Carawan
Billy R. Burchfield
John P. Hart, Jr.
John A. Keller
Clarence L. Miller
Maxie M. Berry, Jr.
Alan G. Anderson
William M. Rickett
Julian Hatch
Clinton J. Tatro
Mario J. Camucico
Harry T. Lyons
John M. Howarth
Charles M. Burleson
William E. Simmons
Marvin C. Fields
Norman G. Goben
Jack B. Meadowcroft
Theodore E. Schaeffer
Artis L. Whitford
Donald J. Cleveland

The following-named persons to be permanent commissioned warrant officers in the Coast Guard in the grade of chief warrant officer, W-2:

Doyle S. Porter
John R. Rooks
Roy E. Olson
Clarke R. Harwood
Terrance Madigan
James C. Healan
Keith L. Knighten
Glenn L. Marshall
George J. Pearce
Ralph G. Garvin
Thomas J. Christiano
Edward Lienemann
Howard K. Luallin
Kenneth W. Lamar
Felix O. Smith
Thomas J. Collins
John H. Ingram
Harold C. Webster, Jr.
William R. Torrey, Jr.
Harry W. Clarke
David N. Krehmeyer
George V. Ramsey
William D. Hutchins
Michael J. Barry
Myron L. Marcey
Jesse Bradford
Charles B. Dean
Jewel E. Laqua
Charles H. Cox
Harry E. Lape
Francis N. Harrell
Walter L. Hudson
Ralph T. Haskett
Donald E. Nielsen
Roger L. Kennedy
Frederick A. Brockman
William W. Honeycutt
Robert L. Cotter
Gordon W. Umbehocker
Jesse L. Long
Roger E. Steadman
James P. Riddle
Donald L. Landes
Donald J. Bowers
Henry G. Jett
Gerald W. Hayes
Robert L. Perkins
Lee Bradford, Jr.
Eugene R. Lytton
William B. Clark
Howard M. Seaton
George W. Todd
Eugene L. Murphy
William C. Cumming
John W. Collins
Arthur R. Whittum
Ralph M. Dobson
Robert E. Jefferson
Roger J. Conard
Gary R. Klinkman
Stanley W. Haney
Merriel A. Smith
Victor L. Popplewell
George H. Yarrington
Lynald "W" Hendricks
Ellis W. Grimes
David E. Ford
Larry B. Brown
William J. Gesser
Ralph Dennis
George R. Thomas
Robert D. Fiester
Floyd H. McGowan
Rodger G. Biehl
Douglas J. Hymers
Joseph R. Levesque
Delbert F. Gustafson
Billy G. Bailey
David A. Carter
Forrest W. Peil
Beecher D. Rapp
Preston Mason
Hassen S. Salem, Jr.
Robert A. Bhend, Jr.
Lowell W. Waplehorst
Stephen Sperlak
Harold V. Smith
Anthony Simoncini
Louis De Jessie
Paul B. Robertson
Robert L. Southern
John F. Bresnehan
Robert A. Fleming
Frederic G. Cook
Carlton P. Smith
Hugh D. Dasher, Jr.
Richard B. Lewis
Robert E. Halstead
Edward L. Amos
Robert E. Mustard
Frank A. Christoph
Louis R. Stowe
William G. Wohlfarth
Norman B. Bourque
Forrest D. Fesler
Howard E. Wales
Howard A. Hirst
Frank M. Alonzo
Leroy J. Rathbun
Charles A. Lummus
James V. Simons
Harrold M. Cooke
William Chestnutt

IN THE NAVY

Vice Adm. Harold T. Deutermann, U.S. Navy, when retired, for appointment to the grade of vice admiral pursuant to title 10, United States Code, section 5233.

Vice Adm. John S. McCain, Jr., U.S. Navy, for appointment as a senior member of the Military Staff Committee of the United Nations in accordance with title 10, United States Code, section 711.

IN THE AIR FORCE

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

John C. Aarni, Jr.
Stanley L. Adams
Ronald R. J. Aicale
Charles H. S. Alldredge
Charles C. Allen
George L. Allgood
Marvin L. Alme
David W. Almquist
James E. Alsobrook, Jr.
Stuart L. Alton
Stephen L. Amdor
Maxwell L. Anderson
Tim G. Anderson
John E. Angell, Jr.
Henry M. Armstrong
Larry A. Arnold
Wayne F. Arnold
Alvin C. Askew, Jr.
Dennis P. Bagwell
James D. Bain
Richard Barton, Jr.
Baheeje W. Basheer
Davy M. Bass
Arthur L. Beamon
James L. Beavers III
Billy W. Beller
Lewis G. Benham
David S. Bennett
Richard A Benson
Edward Berberek, Jr.
Jeffery W. Beresford-Wood
Bradley B. Berg
Raymond C. Bevivino, Jr.
Jonathan C. Bickham
Theodore S. Birke
Barry A. Blackman
John C. Blackmar
Joseph O. Blacksten II
John E. Blaha
Joseph S. Bleymaier, Jr.
Fred C. Boli
Henry A. Bondaruk, Jr.
George R. Bonds
John W. Bonds, Jr.
George H. Bonnell III
Gordon L. Boozer
Brent L. Bowen
William T. M. Bowers
Peter G. Bracci
William M. Brandt
Martin J. Brennan, Jr.
Roy D. Bridges, Jr.
Ray S. Brill, Jr.
Vincent L. Bristow
Joseph K. Britan
Thomas M. Browder, Jr.
Donald E. Brown
Peter A. Brown
Richard D. Brown
Timothy J. Brown
Wayne D. Brown
Wayne G. Brown
Willard T. Burney
William H. Bussey, Jr.
Hobart S. Cable II
Stephen D. Caldwell
Tommy L. Callies
Gregory H. Canavan
George C. Cardea

Richard E. Carlburg
Steven S. Carter
Bennie H. Castro
William H. Cathey
Raymond Chojnacki
Michael F. Chorvat
Kenneth H. Clark II
Gary A. Close
John E. Coblentz
James G. Codling
William L. Cole
Charles B. Coleman III
William L. Coleman
Charles T. C. Compton
John C. Conn, Jr.
David M. Connaughton
Sidney A. Cook
David R. Cooper
John W. Corman
John C. Cowan
Barry L. Cox
Fred J. Cox III
Harvey B. Cox III
Max A. Creamer
James A. Crew
Stephen P. Cronenwett
Lorenzo M. Crowell, Jr.
Christopher C. Currie
Thomas C. Daffron
Charles W. Dahlberg II
Robert D. Davenport
Robert R. Davies
Joseph P. Davis
Ralph S. Davis, Jr.
Frederick J. DeGroot
Walter E. Deacon II
Gerald P. J. DeMocko
Richard M. Dewing
David A. Dick
Paul B. Dickey
Steven K. Dingman
Wesley B. Dixon
Harry T. Doerer
Myron L. Donald
Donald M. Douglas
William G. Douglas
Terrance M. Drabant
Edward A. Duff
Stewart S. Duncan
George H. Dunkelberg, Jr.
David L. Dye
James C. Edwards
Jerry L. Elder
William R. Engebretson
Guy G. Engler
Brian E. Esterby
Howell M. Estes III
Steven A. Eszenyi
Douglas M. Fain
Edward P. Farrell
Lawrence P. Farrell, Jr.
Edward A. Fausti
Peter F. Fazio
Jackson R. Ferguson, Jr.
Daniel K. Fetzer
William S. Finch
Ronald R. Flake
Robert Y. Foerster
Joseph L. Forinash, Jr.
William B. Fortney
Roy A. Fricke
Ronald G. Gados
Charles B. Gannaway
John T. Garner
Victor L. Genez
Thomas E. Gibbs, Jr.
Robert B. Giffen
Darrell D. Giffin
Donald F. Giglio
Gil L. Gillespie
Robert F. Golden
Brian E. Goldner
Robert V. Golling
Thomas W. Gorges
Samuel B. Graves
Timothy J. Graves
Victor W. Grazier
Bradford C. Grems III
Alfred W. Grieshaber, Jr.
John R. Gritsavage
Stephen R. Grohs
John B. Gross
Bruce D. Grossetta
Willard Grosvenor
Marvin W. Guthrie, Jr.
Charles D. Haas
John J. Haas III
Harley B. Hackett III
Robert P. Haffa, Jr.
John M. Haggerty
L. Kirk Hall
Henry G. Hamby III
Albert T. Hamilton
Robert L. Hanley
Brendan A. Hanniffy
Don R. Hanson
Eric A. Hanushek
Wendell J. Harkleroad
William H. Harris
Harry C. Harrison
William R. Harwood, Jr.
Anderson E. Hatfield III
Carl M. Hatlelid
Robert K. Heaton
Joseph M. Henderson, Jr.
Stephen Henderson
James F. Henkelmann
William C. Harrick
Peter D. Hesford
John A. Hewitt, Jr.
James D. High
Howard J. Hill
Merrill C. Hiscock
Willard E. Hobbs, Jr.
Gerald W. Hodgson
Stephen D. Hoffman
Alva B. Holaday
Robert R. Holder
David M. Holdren
Dennis R. Hollars
Lee E. Hollingsworth
Daniel R. J. Holoviak
James M. Hopkins
Earl P. Hopper, Jr.
Kenneth R. Hough
John R. Howard
Gerald D. Huff
Bruce V. Huneke
Wilbur J. Hunt
Richard C. Husemann
Robert W. Hutter
Steven E. Icardi
Alphonse Iudicello
Neil A. Jacobs
Alfred R. Jacox, Jr.
Charles F. Johnson
Elmer P. Johnson
Keith A. Johnson
Mark A. Johnson
Theodore W. Johnson
Robert F. Jones
William K. Jones
Edward P. Jordan
Stanley K. Jordan
John A. Judd
John A. Justice
James L. Kaltenbach
Michael J. Keefe
George R. Keller
John J. Kelly, Jr.
Robert G. Kemmerer III
William F. Kemp
William J. Kennedy
Gerald L. Keyser, Jr.
Roy R. Kilgore
Robert K. Kirch
John Kiselyk
James R. Klein
Rickell D. Knoll
Joseph A. Koenig
Joseph R. Kolek, Jr.
Norman L. Komnick
Eugene Korotky
Thomas E. Koss
Kenneth E. Krause
Michael G. Krause
Leonard R. Kruczynski
James P. LaBounty, Jr.
Kary R. LaFors
Robert G. Lambert
William M. Landes
Robert W. Langley
Robert A. Larsen
Stephen H. Lawrence
James G. Lawson
Joseph A. LeMire
Bruce G. Leonard, Jr.
Eric L. Lindemann
Charles B. Lingamfelter II
Gerald R. Linn
James C. Lipham, Jr.
William H. Little, Jr.
Marvin R. Loper
James A. Lotter
John J. Love III
Albin E. Lucki
Lynwood H. Luebke
Lionel H. Luxich, Jr.
Carl V. Lyday
Michael J. Lynch
Theodore J. Lynn, Jr.
Glenn M. MacDonald
Paul D. MacDowell
William E. Malerba
William N. Mangan
Michael P. Manley
Charles A. Marks
Randolph M. Martin
Michael J. Mason
Garey T. Matsuyama
Thomas T. Maxwell
Kenneth E. McAlear
Roger McAniff
James E. McArdle, Jr.
Francis X. McCann
Robert B. McCollough
Timothy F. McConnell
James C. McCracken, Jr.
Lawrence L. McCracken
Michael W. McCroskey
Patrick J. McDaniel
William E. McDermott
James P. McGorry
Douglas A. McGrath
Peter T. McInerney, Jr.
Craig L. McKinney
George H. McKinney, Jr.
William C. McLeod II
Joseph V. McNabb, Jr.
James D. Meiggs
Robert J. Meisenhelder II
Steven B. Melnick
Douglas M. Melson
Edward T. Meschko
John H. Metz
Ronald F. Miazga
Preben R. Miller, Jr.
Gary F. Mills
Peter S. Miner
Earle S. Monroe
Ira J. Moore, Jr.
Patrick C. Moore
William T. Morgan
William S. Morris
William J. Morrison
Roger W. Mortensen
Boyd P. Mossman
Anthony E. Mras
Michael D. Muldoon
Thomas A. Murawski
Dennis P. Murphy
John T. Murphy, Jr.
Ronald W. Murray
Mark H. Mutchler
James D. Mynar
Dennis M. Nagy
Allen F. Natella
James C. Navarra
Donald E. Neireiter
Curtis D. Nelson
James V. Newendorp
George W. Nicholas
Terry L. Nicholas
Christopher G. Nied
William C. Nielsen, Jr.
Michael P. Nolan
David L. Nolting
Tad J. Oelstrom
James R. Oliver
Richard C. Oliver
Richard E. Olsen
Theodore E. Olson
James L. Ough
Jesse U. Overall IV
Thomas A. Owens
Roland J. Page
Robert K. Panke
Philip M. Parker, Jr.
Jock P. Patterson
Robert L. Penry
William L. Pepper
Raymond P. Perkowski
James M. Perry
Peter G. Pfendler
Michael A. Phillips
Thomas D. Pilsch
James R. Piper, Jr.
Thomas H. Plank
Bentley V. Plummer
Michael R. Polich
Loren R. Pool
William A. Powers
Gerald E. Preston
Charles E. Price
Robert H. Price, Jr.
Gene T. Puhl
John S. Puster
John M. Raby
John T. Rademacher
Orvin H. Ramlo, Jr.
Larry I. Rank
William B. Raspotnik
Leon L. Rausch
David H. Rawlins
Paul D. Raymond
Frank L. Reid
Errol G. Reiner
Phillip A. Richardson
David M. Richey
Richard J. Robbins
Ross M. Roberts
William A. Roberts
Clinton B. Robertson
Gary E. Robison
James T. Robison, Jr.
Harry E. Rodman, Jr.
Donald W. Rogers
Wayne R. Rogers
Reuel Y. Rolston
Howard C. Rose, Jr.
Perry T. Rose
Albert A. Rowe
Harold L. Rust
John D. Ryan, Jr.
Michael E. Ryan
Charles W. Ryerson
Marc L. Sabin
Charles A. Saletta, Jr.
Larry K. Sanborn
William A. Sanches
Van C. Sanders, Jr.
Dennis G. Scarborough
Scott A. Schafer
Terry L. Schilling
Richard T. Schlosberg III
Jeffrey P. Schmidt
LeRoy B. Schroeder
John G. Sellers
James C. Selser III
Bobby J. Shannon
Stephen D. Sheehan
Harvey W. C. Shelton
Donald J. Shinafelt
Michael C. Short
Richard W. Shuey
John Sidor, Jr.
Lance P. Sijan
Gary H. Silence
Jeffrey D. Silliman
Richard E. Siner
Julius A. Small
Dennis A. Smith
Joseph C. H. Smith
Lester E. Smith
Michael D. Smith
Rocky O. Smith
Victor A. Smith
Wayne O. Smith
Edward C. Soistman, Jr.
Robert S. Sonier
James W. Soulek
Charles W. Specht
James E. Spittler, Jr.
John R. Stephenson
George A. Stetz
Lawrence A. Stone
Neil H. Stone
Kenny W. Sublett
Peter L. Supp
Roy N. Suzuki
Robert S. Svob, Jr.
James F. Swallow III
John T. Swan
Allan R. Sweeny
William A. Swick III
John C. Tait
Donald R. Talbott
John S. Talley
John W. Tankersley
Michael F. Tedesco
Jude H. Terhall
Charles A. Thomas
James L. Thomas
Paul R. Thomas
Howard C. Thompson
Jack E. Thompson
Thomas N. Thompson
Robert R. Tindall
Gary W. Titmas
Zoltan J. Tober, Jr.
John B. Torsey
Thomas A. Treadon
Martin B. Treuhaft
James D. Turinetti III
Armond A. Turner
Larry M. Twitchell
Richard L. Umbarger
Dennis E. Valentine
Jeffrey H. Valentine
Jeffrey F. Vendetti
Malcolm E. Verdict
James L. Vick
John M. Vickery
William T. Vinson
John D. Vrettos
Roger M. Vrooman
Brian E. Wages
John C. Wagner
William F Wall
Bruce A. Wallace
Steven E. E. Wallach
Robert E. Walsh
Jerry T. Walton
John A. Warden III
Gray D. Warren
Robert K. Waterman
Craig K. Waterstraat
Barry D. Watts
William T. Wayne
Edward E. Webber, Jr.
William J. Weida
Douglas T. Weidner
Timothy T. Wheeler
John F. White
Michael B. White
Michael A. Whitehorn
Robert C. Wilburn
Fletcher H. Wiley
Paul L. Wilke
Jerome S. Wilkowski
Charles H. Williams
James S. Wilson
Bruce A. Witty
Curtis L. Wolfe
Timothy R. Wolfe
Charles P. Wood, Jr.
James W. Wood
Wendell B. Wood
Grady A. Wright
George O. Young III
Robert G. Zepecki
Edwin T. Zimny, Jr.
Richard A. Zucker

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties of medical service officers. Date of rank to be determined by the Secretary of the Air Force:

John R. Buscher
John R. Mootz
Lowell A. Schuknecht, Jr.
Eric B. Zurbrugg

The following cadets, U.S. Military Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Ralph W. Adams, Jr.
Edwin L. Armstrong
Robert L. Bedell
John A. Bell
William J. Bradburn
Gerald A. Buckosky
Thomas M. Bumpass, Jr.
Robert M. Carini
Milburn K. Concannon, Jr.
Eric T. DeJonckheere, Jr.
Dominic A. DeSantis, Jr.
Glenn R. Doughty, Jr.
Jerome P. Dufour, Jr.
Donald C. Exelby
William J. Fields
Ernest G. Forrest III
Robert F. Fritz, Jr.
Thomas C. Genoni
Douglas K. Gentzkow
Hershall D. Hall
James H. Hall
William T. Heller
Kenneth E. Hjelm
Robert W. Huffhines, Jr.
Jack M. Jannarone
Thomas H. Johnson
Robert C. Jones
Nathan Kantor
Thomas J. Kelly

Albert E. Knauf, Jr.
John W. Koletty
Joseph P. Kosciusko
Richard E. Kramer
David B. Kuhn, Jr.
Richard A. Leary
Anthony G. Livic
Gordon A. Long
John A. Madia
David V. Mastran
Walter H. Oehrlein
Richard M. Osgood, Jr.
Karl J. Plotkin
Frank J. Prokop
Richard E. Pullen
Anthony P. Pyrz
Thomas A. Ridenour
Dennis J. Sellers
Dennis A. Shantz
Charles F. Shaw, Jr.
Thomas R. Sheckells
Michael T. Shulick
Grover C. Starling
Jerry R. Stockton
Francis P. Tantalo
Thomas D. Thompson
Terrence R. Tutchings
James R. Webb III
Richard G. Wirth
Adolf H. Zabka
Andrew A. Zaleski II

The following midshipmen, U.S. Naval Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Richard D. Bayer
Robert F. Cook
Robert D. Hennessy
Jan M. Jobanek
Henry B. Keese
Boyd K. Knowles
Thomas O. Koch
Bernd McConnell
Nicholas A. Paldino
Furman E. Thomas

HOUSE OF REPRESENTATIVES

Monday, April 26, 1965

The House met at 12 o'clock noon.

Archbishop Hrant Katchadoorian, prelate of Armenians of North America, offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty God, divine Guide of all nations and people, direct us along the path of justice and honor in the conduct of our daily affairs. Shower Thy blessings on this noble Nation so that it may continue to shine with a warm brilliance amidst the darkening clouds of tyranny and oppression. Give of Thy eternal wisdom to the several Members of this august body, that they may be inspired toward a greatness of purpose, that they may be ennobled in the urgent search for peace, freedom, and justice for all of mankind.

In particular, we beseech Thee, O God, to be mindful of the Armenian people who this year sorrowfully commemorate the 50th anniversary of the martyrdom of one and a half million Armenians in the Turkish massacres of 1915. Mindful of the teachings of Thy Son, our Lord, Jesus Christ, we ask not for retribution or vengeance but for repentance and redemption. The Armenians have suffered too long the pain of tyranny and oppression. They, too, wish to share in Thy most precious gifts of liberty and justice. Their once joyous land, that nation of Christian warrors, O Lord, is now but a barren wasteland of sad and painful memories. Grant that they and Thy other homeless children be soon given the hope and reality of freedom.

We pray, Almighty God, that never again on this earth will the horror of genocide afflict any of Thy children. Spare them, through Thy divine intercession, the pain and grief which we try to forget but in our human weakness cannot.

Grant to all of the nations of the family of mankind, the compassion and love which Thy Son offered to us through His sacrifice, that we may live freely with joy and happiness amidst all the glories of Thy creation. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, April 22, 1965, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On April 11, 1965:

H.R. 2362. An act to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools.

On April 16, 1965:

H.R. 5721. An act to amend the Agricultural Adjustment Act of 1938, as amended, to provide for acreage-poundage marketing quotas for tobacco, to amend the tobacco price support provisions of the Agricultural Act of 1949, as amended, and for other purposes.

On April 20, 1965:

H.R. 4527. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 327. An act to provide assistance to the States of Oregon, Washington, California, and Idaho for the reconstruction of areas damaged by recent floods and high waters.

The message also announced that the Senate disagrees to the amendments of the House to the joint resolution (S.J. Res. 1) entitled "Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Bayh, Mr. Eastland, Mr. Ervin, Mr. Dirksen, and Mr. Hruska to be the conferees on the part of the Senate.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency have permission to sit today while the House is in session, during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONSENT CALENDAR

The SPEAKER. Pursuant to the unanimous-consent request of April 14, the Consent Calendar and the Private Calendar will be called today.

The Clerk will call the first bill on the Consent Calendar.

SECTION 502 OF THE MERCHANT MARINE ACT

The Clerk called the bill (H.R. 4346) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone how much longer it is anticipated it will be necessary to pay a 60-percent subsidy for the construction of passenger vessels and 55-percent subsidies for the construction of freight and other vessels.

Mr. BONNER. Mr. Speaker, let me say as chairman of the Committee on Merchant Marine and Fisheries that the gentleman raises a very good question. If we are going to have an American merchant marine, we are going to have to subsidize the construction of vessels and the operation of American-flag vessels. So you can take your choice. We recently held hearings and were advised by high officials of the Navy that the American merchant marine was essential to the operation of the national defense. This bill is a continuation of the existing law. It extends it for 1 year. It is just that plain, I say to my fine friend; we are going to have to have this or we are just not going to construct any more vessels.

Mr. GROSS. Would the distinguished gentleman from North Carolina be able to give us any assurance that these subsidies can be reduced in the foreseeable future or must they continue at the high rate of 55 and 60 percent?

Mr. BONNER. There is a matter of accelerating costs under the situations that now exist. The gentleman knows what those costs are due to.

Mr. GROSS. In other words, if inflation continues in this country——

Mr. BONNER. I do not think it is inflation so much. I think it is the manner in which they operate with respect to labor contracts.

Mr. GROSS. Of course, inflation and increasing costs enter into that.

Mr. BONNER. If you want to call that inflation then, of course, that is your privilege. I am not opposed to unionism, but we do have a difficult time keeping our ships and our merchant marine operating. We have difficulty on the shore side as well as the floating side.

So, I feel very much concerned about this. I know we must have these ships and I know the position of the gentleman from Iowa.

Mr. GROSS. One further question: Are the American shipyard owners spending any money to modernize the shipyards of this country to meet the modernization and lower costs of foreign yards?

Mr. BONNER. If the gentleman will yield further, I believe we have good management in our American yards. I believe they have modern equipment.

They have tried to stay abreast of the advance in technology and engineering. The gentleman from Iowa can visit the yards themselves. I would be delighted to have the gentleman go with us sometime. The gentleman served on this committee and he knows our problems in connection with this matter.

Mr. GROSS. Is the gentleman from North Carolina speaking of foreign yards or the domestic yards in extending to the gentleman from Iowa that invitation?

Mr. BONNER. Under the prevailing arrangements we did help build some very nice foreign yards. But it is not the yard itself, but the cost of material and the necessary manpower to construct the vessels.

Mr. GROSS. I thank the gentleman from North Carolina for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1965," and inserting in lieu thereof "June 30, 1966."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENEFITS FOR DISABILITY IN LINE OF DUTY

The Clerk called the bill (H.R. 3413) to amend section 106 of title 38 of the United States Code to provide that individuals who incur a disability in line of duty during certain service shall be entitled to certain veterans' benefits.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to ask the honorable chairman of the Committee on Veterans' Affairs, the gentleman from Texas [Mr. TEAGUE], about the Civil Service Commission being opposed to this bill and so reported in the hearing on the same, on the basis that this represents five more points than a nondisabled ex-serviceman receives for a rating on examination. Secondly, with reference to the late filing privileges for examination and, finally, as a member of the Committee on Armed Services who just happens to be in this position here today, I would like to have a little discussion from the distinguished chairman about the question as to whether or not this would do away with prior elimination of certain veterans' rights for those who have served less than 90 days in peacetime and whether it would apply to those who are in for training and in order to meet a commitment only under the new 60-day and 8-year Reserve or Guard Training Act, and whether this applies to members of the Selective Service, commonly called draftees?

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Speaker, this bill does one very simple thing. An American citizen up in the hills of Arkansas was ordered to an induction station to be inducted into the armed services. On the way to this induction station he was involved in a bus wreck and was injured.

The Veterans' Administration says he has a service-connected disability and they pay him service-connected disability. But he does not have a discharge because he was never inducted and the Civil Service Commission will not give him veterans' preference.

This bill proposes to do that one single thing of granting to this man a service-connected rating as far as the Civil Service Commission is concerned.

It does not affect the 90-day rule and it does not affect the 6-month inductee or anything of that nature. As far as our committee knows it only applies to one person.

Mr. HALL. Mr. Speaker, if I may query further, it would of course, establish the tradition and the precedent for future similar instances whether they are inductees or the man is being inducted and traveling from the hills of Arkansas to an induction center in the hills of Missouri, is that correct?

Mr. TEAGUE of Texas. That is correct. Here is one department of the Government saying that he is service connected and another branch saying no. If a man is to be inducted and on the way to his induction center he is injured, there should be some disability allowance made.

Mr. HALL. Does the gentleman have any further comment on his being given a 5-point or a 10-point preference?

Mr. TEAGUE of Texas. Yes, he would be given 10 points.

Mr. HALL. Part of the objection of the Civil Service Commission is that he would have five points more than another individual might have.

Mr. TEAGUE of Texas. He has no veteran preference today. He is not considered to be a veteran.

Mr. HALL. But he is going from zero to 10 over those who have only 5 points.

Mr. TEAGUE of Texas. If a man has a service-connected disability he gets 10 points, and if he is simply a veteran he would get only 5 points.

Mr. HALL. Let me clarify this a little further. You are giving the service connection by fiat even though he has not been inducted or has not served, whereas a man who had served maybe 2 years as a draftee but is nonservice connected would have only 5 points.

Mr. TEAGUE of Texas. If a man lives in a city large enough to have an induction center and reports for induction and subsequently is sent to a military post and is in an accident en route, he would be disabled and receive service-connected disability compensation.

On the other hand, a man who must travel a great distance to the induction station, and is injured en route, prior to induction, would not be treated the same.

Mr. HALL. The gentleman feels it would not have any effect on the general laws administered by the Veterans' Administration, and the enlistment or enrollment in the military or naval service, selection by the draft, or the length of time served in a capacity other than in time of emergency or war.

Mr. TEAGUE of Texas. No, sir; it does not change that in any way, form or fashion.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. What would happen in the event an enlistee or inductee lost his life in an automobile accident in reporting to a center for induction into the service?

Mr. TEAGUE of Texas. I do not think this bill changes that at all.

Mr. GROSS. Would he be covered by the bill?

Mr. TEAGUE of Texas. He should be covered, but he is not. This is strictly a civil service bill. He should be covered, in my opinion.

Mr. HALL. Is there any need for haste in connection with this legislation? Because of lack of full information and study immediately after the Easter recess, I am prone to ask that this bill be passed over without prejudice. On the other hand, I do not mean by that, as one of the official objectors, I want to get a rule or want it to come up on the Consent Calendar. I want to be for this legislation if it is needed. I happen to be the only one who has had an opportunity to review it as much as I have.

Mr. TEAGUE of Texas. There is a degree of haste in that one of our colleagues has recommended this man to be postmaster in his hometown. I thought every Member on that side had been contacted during this situation, and had it explained. That gentleman is not on the floor today.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXEMPTION OF POSTAL FIELD SERVICE FROM SECTION 1310 OF SUPPLEMENTAL APPROPRIATION ACT, 1952

The Clerk called the bill (H.R. 6622) to exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1952.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I believe I am on this subcommittee, but I regret that I was not able to sit in on the hearings because of hearings in the Foreign Affairs Committee. I would like to ask the gentleman from New York one question, if I can properly state it.

As to the elimination of the restriction on the Post Office Department, will those thereby liberated be available throughout the rest of the Government?

Mr. DULSKI. No, it will not. The 44,728 positions that are in this legislation will not change the number that we have in the report on page 2.

Mr. GROSS. So there is a restriction that would prohibit that?

Mr. DULSKI. Yes, there is.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Further reserving the right to object, Mr. Speaker, I understand, and this question is analogous to the one asked by the gentleman from Iowa, that this will release the Post Office so far as nonpostal agencies are concerned, but is there anything known about the other agencies insofar as the administration plans are concerned for filling these specific positions when they are vacated, and which nonpostal agencies may fill? What would be the overall cost to the taxpayers?

Mr. DULSKI. Relating to the positions, in 1966 there will be a decrease in positions from the 44,728 if the trend continues.

Mr. HALL. That is a decrease in the original number to be requested?

Mr. DULSKI. That is correct, as shown on page 2 of the report.

Mr. HALL. Does the gentleman have any information about whether other agencies will take up this slack thereby created?

Mr. DULSKI. That is the positions shown on page 2 of the report.

Mr. HALL. I have read this. As I understand it, the cost has not been extended to the taxpayers? The committee in its report states that higher rates per hour can be expected to offset a smaller increase in the manpower, but there is no estimate indicated.

Mr. DULSKI. I do not have any definite figures, but the last three lines of the report show there will be some additional cost.

Mr. HALL. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 6622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1310(a) of the Supplemental Appropriation Act, 1952, as amended (5 U.S.C. 43, note), is amended by striking out "That increases in the number of permanent personnel in the Postal Field Service not exceeding 10 per centum above the total number of its permanent employees on September 1, 1950, shall not be chargeable to this limitation: *And provided further,*".

(b) Section 1310 of such Act, as amended (5 U.S.C. 43, note), is amended by adding at the end thereof the following subsection:

"(f) This section shall not apply to the postal field service of the Post Office Department.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PECOS NATIONAL MONUMENT, N. MEX.

The Clerk called the bill (H.R. 3165) to authorize the establishment of the Pecos National Monument in the State of New Mexico, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone knowledgeable about this bill, why there should be a $500,000 cost if some 300 acres of land are being donated?

Mr. MORRIS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. MORRIS. The cost is going to be for the restoration and development of the Indian pueblo. The land will be free. The pueblos are to be restored like they were in the 13th century. There will be no cost for the land.

Mr. GROSS. There is going to be a cost of $60,000 a year on top of that, apparently, and that seems to be a little high.

Mr. MORRIS. It is going to be a part of the national park system. It will come under the same type of treatment so far as fees and other items are concerned as other units of the national park system. The $60,000 is the estimated cost of operation and maintenance of the facilities and with reference to the regular projects that are held in all national park installations.

Mr. GROSS. They are not going to put hot and cold running water in those pueblos, are they, at a cost of $500,000?

Mr. MORRIS. No, sir. I do not believe the pueblos had that in the 13th century.

Mr. GROSS. I doubt it too. But I cannot quite understand why it should cost $500,000 with the land being donated. These pueblos must be getting quite expensive as have a great many things in the Great Society.

Mr. MORRIS. This pueblo is in a rather isolated part of the country or relatively so at least. But there is no construction cost involved and the figures are on the basis of being a little bit higher than they would be in places where there is a great deal of construction activity. But there is no intention of having any elaborate structures built and they are just going to try to recreate the pueblos as they were in the 13th century.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 3165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to set apart and preserve for the benefit and enjoyment of the American people a site of exceptional historic and archeological importance, the Secretary of the Interior may accept on behalf of the United States the donation of approximately three hundred and forty-two acres of land, of interests therein, including the remains and artifacts of the seventeenth century Spanish mission and ancient Indian pueblo near Pecos, New Mexico, for administration as the Pecos National Monument.

SEC. 2. The Secretary shall administer, protect, and develop the national monument in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

With the following committee amendments:

Page 1, line 8, after "land," strike out "of" and insert "or".

Page 2, after line 4, add a new section reading as follows:

SEC. 3. There are hereby authorized to be appropriated such sums, but not more than $500,000, as are required for construction of facilities and excavation and stabilization of the ruins in the Pecos National Monument under this Act.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CERTAIN MEMBERS OF THE ARMED FORCES TO ACCEPT AND WEAR DECORATIONS OF CERTAIN FOREIGN NATIONS

The Clerk called the bill (H.R. 3045) to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, this is strictly limited to the war in Vietnam; is it not?

Mr. PHILBIN. The gentleman is correct—that is right.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to such regulations as may be prescribed by the Secretaries of the Army, Navy, Air Force, and Treasury, members and former members of the Armed Forces of the United States holding any office of profit or trust under the United States, who have served, subsequent to February 28, 1961, in Vietnam and such of the waters or lands adjacent thereto as may be designated by the respective Secretaries, are authorized, during any period in which members of the Armed Forces of the United States are serving with friendly foreign forces engaged in an armed conflict in Vietnam against an opposing armed force in which the United States is not a belligerent party, or during any period of hostilities in Vietnam in which the United States may be engaged, and for one year thereafter, to accept from the Government of the Republic of Vietnam or from the government of any other foreign nation whose personnel are serving in Vietnam in the cause of the Government of the Republic of Vietnam such decorations, orders, and emblems as may be tendered them for such service, and which are conferred by such governments upon members of their own military forces. For purposes of this Act the consent of Congress required in accordance with clause 8 of section 9, article I of the Constitution is hereby granted. Subject to such regulations as may be prescribed by the Secretary concerned, any such member or former member holding any office of profit or trust under the United States is authorized to wear any decoration, order, or emblem accepted pursuant to authority in this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE DISPOSAL OF RAW SILK AND SILK NOILS FROM THE NATIONAL STOCKPILE

The Clerk called the concurrent resolution (H. Con. Res. 100) expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 100

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), the disposal of approximately one hundred and thirteen thousand five hundred pounds of raw silk and approximately nine hundred and sixty-nine thousand five hundred pounds of silk noils from the national stockpile.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPOSAL OF CHROMIUM METAL, ACID GRADE FLUORSPAR, AND SILICON CARBIDE FROM THE SUPPLEMENTAL STOCKPILE

The Clerk called the joint resolution (H.J. Res. 330) to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 330

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, the following materials, in approximately the following quantities, now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)):

(1) thirty-three thousand five hundred and fifty-two pounds of chromium metal;

(2) four thousand five hundred and forty-eight short dry tons of acid grade fluorspar; and

(3) fifty-six short tons of silicon carbide.

Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b): *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CODIFICATION OF GENERAL AND PERMANENT LAWS RELATING TO DECEDENTS' ESTATES AND FIDUCIARY RELATIONS IN THE DISTRICT OF COLUMBIA—PART III, DISTRICT OF COLUMBIA CODE

The Clerk called the bill (H.R. 4465) to enact part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, and I shall not object. I simply want to state prior to putting over this bill because of failure of compliance with a stipulated agreement during the organization of this Congress, counsel has very excellently supplied the minority objectors with full information and the past history on this bill and we shall not at this time object.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, because of the cost of printing in the CONGRESSIONAL RECORD a bill as lengthy as the bill just passed, I ask unanimous consent that the printing of H.R. 4465 in the CONGRESSIONAL RECORD and in the Journal be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. This concludes the call of eligible bills on the Consent Calendar.

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first individual bill on the Private Calendar.

CHILDREN OF MRS. ELIZABETH A. DOMBROWSKI

The Clerk called the bill (H.R. 1291) for the relief of the children of Mrs. Elizabeth A. Dombrowski.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from California [Mr. TALCOTT] I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTATE OF JOHANNA GRISTEDE, DECEASED

The Clerk called the bill (H.R. 1356) for the relief of the estate of Johanna Gristede, deceased.

There being no objection, the Clerk read the bill, as follows:

H.R. 1356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any period of limitations or lapse of time, claim for credit or refund of any overpayment of income taxes for the taxable year 1953 made by Johanna Gristede, late of Scarsdale, New York, may be filed by the estate of Johanna Gristede, deceased, at any time within one year after the date of the enactment of this Act. The provisions of sections 322(b), 3774, and 3775 of the Internal Revenue Code of 1939 shall not apply to the credit or refund of any overpayment of tax with respect to which a claim is filed pursuant to this Act within such one-year period.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CWO ELDEN R. COMER

The Clerk called the bill (H.R. 1374) for the relief of CWO Elden R. Comer.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from California [Mr. TALCOTT], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. NATHALIE ILINE

The Clerk called the bill (H.R. 1380) for the relief of Mrs. Nathalie Iline.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

FOR THE RELIEF OF MRS. HELEN VESELENAK

The Clerk called the bill (H.R. 1475) for the relief of Mrs. Helen Veselenak.

Mr. RUMSFELD. Mr. Speaker, on behalf of the gentleman from Massachusetts [Mr. CONTE], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MRS. GERTRUDE RESKIN

The Clerk called the bill (H.R. 2155) for the relief of Mrs. Gertrude Reskin.

Mr. RUMSFELD. Mr. Speaker, on behalf of the gentleman from California [Mr. TALCOTT], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SHIRLEY SHAPIRO

The Clerk called the bill (H.R. 2681) for the relief of Shirley Shapiro.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from California [Mr. Talcott], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

OUTLET STORES, INC.

The Clerk called the bill (H.R. 2924) for the relief of the Outlet Stores, Inc.

Mr. RUMSFELD. Mr. Speaker I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BRYCE A. SMITH

The Clerk called the bill (H.R. 3075) for the relief of Bryce A. Smith.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from California [Mr. Talcott], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ESTATE OF BART BRISCOE EDGAR, DECEASED

The Clerk called the bill (H.R. 3076) for the relief of the estate of Bart Briscoe Edgar, deceased.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from California [Mr. Talcott], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES MAROWITZ

The Clerk called the bill (H.R. 1445) for the relief of Charles Marowitz.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

McKOY-HELGERSON CO.

The Clerk called the bill (H.R. 3137) for the relief of McKoy-Helgerson Co.

Mr. RUMSFELD. Mr. Speaker, on behalf of the gentleman from Massachusetts [Mr. Conte], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ROBERT J. BEAS

The Clerk called the bill (H.R. 4443) for the relief of Robert J. Beas.

Mr. RUMSFELD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

DISASTER RELIEF ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 153)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed:

To the Congress of the United States:

I have the honor to transmit herewith a report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law.

Funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief.

Lyndon B. Johnson.

The White House, *April 26, 1965.*

BIRTHDAY OF TANZANIA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the Subcommittee on Africa of the Committee on Foreign Affairs, I am happy to note to the House that this is the birthday of the new African nation of Tanzania.

To President Julius Nyerere and his coworkers and to all of the people of Tanzania for myself, the members of the subcommittee and, I am confident, for all the Members of the House of Representatives, I extend warm congratulations and sincere best wishes. I have no doubt that ahead of Tanzania is a future of radiant brilliance.

I have known President Nyerere for many years and count him as a close personal friend. The union of Zanzibar with Tanganyika I thought wise and consistent with the proposal of the ultimate federation of Kenya, Uganda, and Tanzania, long advocated by Nyerere and others.

Again, Mr. Speaker, my warmest congratulations to Tanzania on this happy anniversary occasion.

Mrs. GRIFFITHS. Mr. Speaker, the United Republic of Tanzania celebrates today its first anniversary. One year ago the African nations of Tanganyika and Zanzibar joined in establishing this new Republic and embarked upon the course of building a unified and prosperous society.

As a nation whose own history of development is young, we extend a special greeting to the people of Tanzania on this their Union Day, remembering the enduring hope and vision of all men.

Mr. MATSUNAGA. Mr. Speaker, today marks the first anniversary of the establishment of the United Republic of Tanzania. On this important day, I want to extend my warmest congratulations to that rising young African nation, to its President, Mwalimu Julius K. Nyerere, and to the people of Tanzania. The 26th of April is Union Day in this African nation, rather than independence day, because it was on this day just one year ago that the two new African nations of Tanganyika and Zanzibar embarked upon the enormous project of combining their two countries into a single nation.

Nature started Tanzania off with the basic fundamentals with which to build a nation—above all, a vigorous people, important values and traditions deeply imbedded in their society, a variety of mineral and agricultural resources having important developmental potential, and exciting touristic possibilities. Starting with their present endowments, Tanzanians, like our own Nation nearly two centuries ago, have set about working out for themselves the physical, political, and cultural foundations for a thriving new nation.

They, and they alone, have the heavy responsibility for deciding the real future of their nation—the kind of government they want in the longer run; the type of society they should develop as they mature as an independent people in today's world; how much they want to keep of the old and the traditional; how much they would like to bring in of the new and the modern. They must determine how to get the schools, the teachers, the doctors, the hospitals, and the formidable array of other assets they want and need.

As this young nation of Tanzania struggles to create a unified and prosperous nation, we Americans may well feel both nostalgia and admiration. A hundred and seventy years ago and more, we, too, were a small, very new nation going through much of the same struggle with many of the same problems as this young nation now celebrating its first birthday. So today, I ask my fellow Americans to join me in expressing our friendship for the nation and peoples of Tanzania, as they pass this important milestone in their country's history.

Mr. FARNUM. Mr. Speaker, exactly 1 year ago today, on April 26, the new African Nations of Tanganyika and Zanzibar embarked upon the enormous task of forging the two countries into a single nation.

To the people of that new nation, Tanzania, and to its President, Mwalimu Julius K. Nyerere, I wish to extend my best wishes for the future, and congratulations for what has been done in 1 year.

All Americans must feel admiration for the daring concepts that were given reality a year ago. Our own history of a struggle toward a concept which many said could not be attained, makes it obvious to us that this young nation has many trials and tribulations in the days ahead. That it will come through successfully and attain the destiny ordained for a people loving freedom is the hope of all Americans on this day.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that any wishing to join me in good wishes to Tanzania have 5 legislative days in which to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

BIRTHDAY OF TANZANIA

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, I should like to associate myself with the remarks of the distinguished gentleman from Illinois [Mr. O'HARA].

Mr. Speaker, 1 year ago today Tanganyika and Zanzibar officially united as the Republic of Tanzania. It is a privilege for me to join with my colleague, Congressman O'HARA, in commemorating this historic event.

Unhappily, we must also recall that during this year of union American-Tanzanian relations have markedly deteriorated. Periodic reports in the western press fluctuate between praise for the Republic and President Julius Nyerere, and alarm over Communist machinations. Whatever misunderstanding exists between our two governments, relations have been made more difficult by these press reports.

Last November our Government was unfortunately accused of instigating a plot to overthrow the lawful Government of Tanzania. Two American Foreign Service officers were expelled on the basis of this erroneous accusation. In turn, the present administration exhibiting more emotion than maturity, retaliated in kind by forcing the recall of Tanzania's diplomatic representatives here in Washington.

It is my hope that the administration with hindsight and calmness will repair this breach in relations between our two countries. Is this first anniversary of the union of Tanganyika and Zanzibar not a good time for the President to take the initiative and open talks leading to a full restoration of our traditional friendly relations?

DEATH OF JOSEPH L. TAYLOR

Mr. TRIMBLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TRIMBLE. Mr. Speaker, it is my sad duty to report the death on February 19, 1965, in Arlington, Va., of Joseph L. Taylor, a distinguished son of Arkansas, who was born in Mulberry, Crawford County, Ark. Many of his relatives and friends now reside there. Mrs. Trimble and I extend our sincere sympathy to the widow, Mrs. Ruby Taylor, and to the entire family.

He had a wonderful record in life, and those who know him best would say of his creed in life was as Edgar A. Guest said:

MY CREED

To live as gently as I can;
To be, no matter where, a man;
To take what comes of good or ill
And cling to faith and honor still;
To do my best, and let that stand
The record of my brain and hand;
And then, should failure come to me,
Still work and hope for victory.

To have no secret place wherein
I stoop unseen to shame or sin;
To be the same when I'm alone
As when my every deed is known;
To live undaunted, unafraid
Of any step that I have made;
To be without pretense or sham
Exactly what men think I am.

To leave some simple mark behind
To keep my having lived in mind;
If enmity to aught I show
To be an honest, generous foe,
To play my little part, nor whine
That greater honors are not mine.
This, I believe, is all I need
For my philosophy and creed.

He had a distinguished life and career.

Joseph L. Taylor was born in Mulberry, Ark., on January 14, 1911, the second son of a family which was to include six brothers and four sisters. In his infancy, his family moved to Oklahoma, where he spent his boyhood and received his education. At a very young age, he became interested in electricity, and often asked for a pair of pliers or electrical wire, rather than toys, for Christmas. Much to the annoyance of his older brother, he strung wires all over the bedroom which they shared, making entrance or exit thereto a hazardous undertaking. In his early teens, he worked after school and during summer vacation helping in a garage, and learning the meter-reading business with the local power company. His first full-time job was with the Oklahoma Gas & Electric Co. in Muskogee, Okla., where he earned an enviable reputation with the oldtimers as being a first-class "kid" electrician. The serious illness of his father and the need of the family precluded this young man's desire for a college education. However, his eagerness for knowledge was not to be denied. He took advantage of extension courses from the University of Oklahoma, various training programs with the companies where he was employed, and most especially his ardent perusal of books of all kinds. His intrinsic ability to learn not only the facts, but to comprehend highly theoretical concepts destined this young man to command a place of repute in the emerging new field of electronics, atom splitting, and space. In 1935 he was studying "Atoms in Action," with the full conviction that the new atom would be split, and that this action would open a whole new field. His friends taunted him as being a "Buck Rogers," and offered to provide him with a suitable soapbox and location in the city to expound his theories and predictions.

Despite the dark days of the depression, with heavy responsibilities to his wife, widowed mother, and brothers and sisters, his deep personal loss of his three children in infancy, Taylor became a licensed pilot, qualified on multiengine airplanes, and became a licensed "ham radio" operator, designing and building all his own equipment. His ability in the electrical and communications field was highly respected and regarded throughout his employment with the Bell Telephone Co., Phillips Petroleum Co., and the Stanolind Pipe Line Co. Thus equipped, and with a growing concern for the expansion of the war in Europe to this country, Taylor sought employment with the Mare Island naval shipyard in September 1941. Pearl Harbor followed on December 7, and Taylor joined the Navy in January 1942, with the avowed desire to rescue the prisoners in the Philippines.

At age 30, Taylor refused a commission in the Navy in favor of the then highly classified and restricted School of Radio Materiel at Treasure Island, Calif., whose subjects included radar and sonar, as well as general electronics and communications, entering the Navy as a radioman 2d class. Upon completion of this highly concentrated and competitive course, he earned the promotion to radio technician 1st class. After refusing an instructorship at Treasure Island, Taylor, with the simple explanation that he wanted to be where the feathers were flying, selected the U.S.S. *Denver*, CL-58, a new light cruiser being commissioned in Philadelphia, Pa. Being a "plank owner" in this ship was to be a matter of great pride to him, and he often spoke of her as "the" ship that won the war.

The *Denver's* record was to be slightly less than 3 years in the South Pacific, but it was to be a highly rewarding one. She was credited with the destruction or assist of 7 Japanese warships, 14 Japanese aircraft, and participation in 14 shore bombardments, most of which covered amphibious landings. On the other side of the ledger, she had her share of hits and near misses, having had three Nip 8-inch projectiles pass completely through her, and getting hit by an aerial torpedo within the next 10 days, and having a Kamikaze crash aboard, holing her starboard side. The *Denver* was destined to make herself well-known and highly respected for her deadly accurate firepower in the familiar names of Empress Augusta Bay, Pelelieu, Leyte, Lingayen Gulf, Tinian, Saipan, Battle of Surigao Straits, and so forth, as part of the famous task force 58 of the 7th Fleet sweeping from the Solomons, Marshalls, and Marianas to Iwo Jima. She served as flagship of her cruiser division on various occasions. Perhaps the most spectacular battle was that of Empress Augusta Bay, where a 3-hour knock-down, drag-out type of battle, in a drenching rainstorm, was to pit our light cruisers and destroyers against the heavy cruisers and destroyers of the enemy, in a churning radius of 30 miles, to sink, damage, and route the entire enemy force with intensive long-range gunnery dueling.

During this tour of duty aboard the *Denver*, Taylor had rapidly been promoted to chief radio technician, warrant radio technician, to lieutenant. Often his officers waived the minimum time requirements for promotion in recognition of his skill, ability, and the wealth of technical knowledge he had brought to the Navy with him. He expertly organized and trained his men to the top of efficiency. He inspired them to unexpected heights by his own self-confidence, his leadership and devotion to duty. Perhaps his greatest personal satisfaction was when the *Denver*, steaming as flagship for Rear Adm. R. S. Riggs, at the head of the cruiser division in column, became the first heavy U.S. man-of-war to enter Manila Bay since the beginning of the Pacific war. It was here that Taylor realized his vow to rescue the prisoners in the Philippines. He was detached from the *Denver* and returned to the United States on the ship that carried the first prisoners from the Philippines. During a recent luncheon in honor of Taylor, Capt. Fred W. Hoeppner, head of the U.S. Naval Communications Headquarters, who had been a junior officer aboard the *Denver* with Taylor, said of him:

> It might well be said that Taylor saved my life and those of others aboard the *Denver* because of his ability and his actions in keeping communications and radar equipments in an effective operating unit at all times.

This was especially true when the *Denver* was torpedoed by planes, when Taylor established emergency auxiliary power, put up an emergency antenna and called Munda Air Force Base for air coverage to beat off the air attack designed to finish off the *Denver* while she lay dead in the water.

Taylor was released to inactive duty in September 1945. He went to the San Francisco Naval Shipyard as a civilian electronics engineer, where among other things, he organized, staffed, and trained the shore electronics division, which became one of the most popular "can-do" crews there. He made frequent trips to Washington to present his requirements and to provide technical advice on many new and novel electronics operations. At his farewell luncheon, he was toasted as being "San Francisco Naval Shipyard's greatest salesman."

In 1958, Taylor came to Washington to head the terminal equipments branch of the shore division of the Bureau of Ships. Here again, he was known for his dedication, his superior ability, and his zest and enthusiasm. The tougher the job, the more satisfaction he enjoyed in solving it.

In June of 1961, Taylor became the chief electronics engineer of the U.S. Naval Communications Systems Headquarters, an organization of the Chief of Naval Operations. His engineering judgments and decisions were to be reflected in every naval communications station throughout the world. He traveled almost constantly to almost every country in the world, where his activities placed him in remote areas to explain an operation to a radio striker, to the highest echelons of foreign governments, both military and civilian. The image and ability he presented was to make him highly respected and regarded, worldwide, for his integrity, devotion, and his exceptionally keen desire to make not only naval communications second to none, but to so integrate these facilities, when required, with those of our allies. Capt. George Dixon, U.S. Navy, retired, his former boss, when relating that Taylor's death had been broadcast worldwide on naval communications, said:

> He was known, admired, and held in great affection by many in foreign lands, both sailors, officers, and those high in civilian governments. They have suffered a great loss in this man's passing.

Taylor was to be promoted again, just prior to his death, to head the facilities and securities division of the U.S. naval district, industrial manager. While he was suffering from increasing pain from a heart attack he had in 1962, he attacked this challenging job with great energy and high hopes, believing thoroughly that here he could do the most good for the Navy he loved so well.

Joseph L. Taylor was to die suddenly, in the arms of his wife, on February 19, 1965. Tributes came from all over the world. Men of great stature were to weep openly and unashamedly. A great host of friends were to fill Fort Myer chapel to overflowing, to participate in the full military honors to be accorded to him. The caisson and white horses carried him to his final resting place, a gentle sloping hill in the Arlington National Cemetery.

WYOMING MUSCLE BUILDER

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. RONCALIO. Mr. Speaker, I trust that my colleagues will not be offended when one who is new among you attempts to show you the ropes. Some of the most exclusive bodies in the world, two in this Congress, are getting out of shape.

I hold in my hand a Wyoming muscle builder, an isometric rope, which is distributed by Ideas, Inc., an industry in the State of Wyoming.

I want to say to my colleagues that if they cannot find the Rayburn Gym, they can still maintain physical fitness with one of these products of my State. One has been distributed to each of you, and I hope it will help keep you in physical fitness.

THE HONORABLE THOMAS C. MANN SPEAKS IN BIRMINGHAM

Mr. SELDEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, each year the city of Birmingham, Ala., salutes a country or an entire area of the world at its annual Festival of Arts. This year Birmingham's 14th Annual Festival of Arts, the world's oldest continuous arts festival, is paying tribute to Latin America in general and to Mexico in particular.

At the request of festival officials, I had the pleasure of extending invitations to the Honorable Fulton Freeman, U.S. Ambassador to Mexico; the Honorable Hugo B. Margain, Mexican Ambassador to the United States; and the Honorable Thomas C. Mann, Under Secretary of State for Economic Affairs. We were delighted that all three of these distinguished gentlemen accepted and were able to attend the opening festivities in Birmingham on Friday, April 23.

The 1965 festival was formally opened at a reception and dinner last Friday evening, with Secretary Mann delivering the principal address. Stressing the close and friendly ties between the United States and Mexico, Secretary Mann's address, which follows, is particularly appropriate at a time when so many nations of the world find it difficult to settle their differences without bloodshed:

OUR AMERICAN COMMUNITY

(Remarks by the Honorable Thomas C. Mann, Under Secretary of State for Economic Affairs, on the occasion of the 14th Annual Festival of Arts, Birmingham, Ala., Apr. 23, 1965)

Mr. Chairman, Congressman SELDEN, Governor Wallace, Ambassador Margain, Ambassador Freeman, other distinguished guests, ladies and gentleman, I am pleased to join with you this evening to celebrate the opening of the 14th annual Festival of Arts which this year pays tribute to the arts and culture of Mexico.

The city of Birmingham and the Festival of Arts committee deserve a salute for the valuable contributions you have made over the past 13 years to the cause of better understanding and appreciation of other cultures.

As a fourth-generation Texan, I feel especially at home in our Southland, and having been born and raised near our border with Mexico, I am delighted at the opportunity to take part in this tribute to our great neighbor to the south.

In recent years, there has been a gratifying increase in the knowledge of our citizens about Latin America, and especially Mexico. More of our people are appreciating the culture and rich heritage of our southern neighbors. We are enjoying a growing interchange of persons through tourism and business, and more of us are learning the Spanish language.

Our first historical ties with Latin America go back to the days of the Spanish conquistadores. The territory which is now Alabama was first explored by Spaniards. Hernando de Soto, after his adventures in the

Yucatan and South America, visited this area in 1539. And for a while in the late 1700's, Alabama was under the flag of Spain.

The Alabamian cities of Cordoba and Andalusia, deriving their names from Spain are testimony to the earlier ties between this area and Spanish culture, and the waters of the Gulf of Mexico have been a continuous bond with Latin America.

Over the years that followed the early explorations, the cultures of Mexico and the United States have developed in independent ways, each dynamic and rewarding.

Mexico has long been concerned for the economics of development and for the practical application of social reforms. The principal discussions of today are about per capita income, economic growth rates, common markets, and productivity. United in the most noble of all alliances—the Alliance for Progress—the United States, Mexico, and the hemisphere are working together for progress. We are working to build economies which can provide the jobs, food, and housing for our growing populations.

The new impetus in economic development should not, however, imply that the concern for the nonmaterialistic values should be any less. The Charter of Punta del Este which established the Alliance speaks of "the indomitable spirit of free man which has been the heritage of American civilization." This spirit is what has moved mankind to its highest accomplishments. Without it, the material benefits we seek from life are without meaning and, indeed, they may become unattainable.

I think there has been a better understanding in recent years among all of us in the Western Hemisphere that what we in the United States have attempted to create for our citizens and what Latin America is now trying to accomplish are basically the same, that is, the greatest good for the greatest number of our peoples within a framework of freedom. Within this goal are included not only the material things but all the spiritual values necessary to man's dignity.

Mexico has an outstanding record of progress toward this goal. Its great revolution, beginning in 1910, broke the bonds of feudalism and launched modern Mexico. After a period of internal strife, this Republic has forged social institutions which have given its people political stability while stimulating a dynamic economic growth.

In this same period, our two peoples have come to know one another better through ties of trade and travel. Our exports to Mexico have exceeded $800 million annually, and imports have been nearly $600 million a year. In addition, Mexico earns in tourism and border transactions over $650 million a year, with U.S. citizens making up 87 percent of all tourists visiting the interior of Mexico—nearly 900,000 in 1964. Similarly, Mexican citizens visiting the United States—over 200,000 a year—spend well over $200 million in this country.

About 69 percent of all Mexican imports come from the United States, and this country buys over 60 percent of total Mexican exports.

Since the time when President Franklin Delano Roosevelt announced our good neighbor policy, our ties with our neighbors to the south have become stronger each year.

One of the most significant accomplishments of the United States and Mexico is the way in which we have managed our boundary problems in this century. In the latter part of the 19th century, we established with Mexico a Commission to mark our common boundary. This Commission has evolved into the International Boundary and Water Commission, which under a 1944 treaty, has carried out and continues to implement a unique cooperative endeavor in water sharing and management in a water deficit area. Today we have taken up together one of man's oldest challenges—the usage of precious water resources—and are building a new, and we believe more durable and vital, southwest community, astride an international boundary and geared to the mutual development of a common river.

In very few places in the world is there a border as long as that between our two countries—some 2,000 miles—which is so tranquil and so informal. Our bilateral differences are those of friends and are taken to the negotiating table for solution. There are few bordering countries with differing languages and cultures which have our record of amity and cooperation. Last September, speaking at a ceremony marking the settlement of the Chamizal border dispute with Mexico, President Johnson said:

"Let a troubled world take note that here, on this border between the United States and Mexico, two free nations, unafraid, have resolved their differences with honor, with dignity, and with justice to the peoples of both nations."

It is gratifying that we are sharing our cultures more and more with one another. This is a process that has enriched our lives.

Finally, I would like to express my hope that the great city of Birmingham and indeed the entire Southland will continue to strengthen the many cultural and economic ties that unite our country with Mexico and all of Latin America. Our Southland is uniquely qualified to serve as the bridge between the two cultures. It not only has a special historical relationship but is the gateway through which commerce, tourism, and ideas flow in both directions.

Again, I would like to applaud the efforts of Birmingham and commend this Festival of Arts as being in the finest tradition of southern hospitality. It truly reflects the deep interest of our country in promoting a better understanding of the world in which we live.

HON. SPESSARD L. HOLLAND

Mr. HALEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HALEY. Mr. Speaker, it has been my privilege to know Florida's distinguished senior Senator, the Honorable Spessard L. Holland, for many years. He is a man highly respected by all who know him and he is one who has served our State and Nation long and well.

Last Monday, April 19, 1965, the editor of his hometown newspaper, Mr. Loyal Frisbie, of the Polk County Democrat, paid tribute to Senator Holland in an editorial entitled "A Man Can Be a Man."

The editorial, which follows, reflects the character of this man who has given such distinguished and faithful service to us all:

A Man Can Be a Man

Spessard Holland, who used to represent the majority opinion not only in Florida but in the United States, is rapidly becoming a political oddity.

He was, and is, a public servant who believes that he can serve the public best by adhering to his own principles; by promising the voters not necessarily what they want to hear, but by outlining his beliefs and promising to stand by them.

On this basis, he won two terms in the Florida Senate in the 1930's. On this basis, he was elected Governor of Florida in 1940. On this basis, he has won election four times to the U.S. Senate.

Today, while the great majority of Members of the U.S. Congress are falling over themselves to cater to pressure groups of all types, he is still demonstrating that, even in political life, a man can afford to be a man.

Spessard Holland learned his political philosophy in a day when it was still fashionable to believe that a man stood on his own feet, earned his own way, and sought help only when his own resources proved inadequate to meet his problems. The same theory applied to cities and counties and States.

The rapidly accelerating trend in this country in the past two or three decades has been for people and cities and counties and States to turn first to a higher level of government for help. It is no longer fashionable to believe in self-help at the community level.

For many, many years, the reaction of lazy or indifferent persons to a call for community service has been, "Let George do it." Today, it is obvious that George's last name is Washington. To meet whatever problems exist, or may possibly exist in the future, the current pattern is to pass the buck to Washington.

Too many people are willing to surrender their own freedom to exercise initiative in return for a Federal handout. It is undisputed that control follows the dollar, and our once self-reliant race of Americans is more and more willing to accept the control as readily as the dollar.

Congress, which could halt this trend if it would, proves to be made up principally of followers, rather than leaders. The votes of a majority of its Members unmistakably are influenced more by what heavy voting blocs in their home States want, than by consideration of what is best for the long-term good of the Nation.

Spessard Holland has demonstrated this doesn't have to be so—and never more clearly than when he was campaigning for reelection in 1964.

To the city dwellers, reapportionment of the legislature solely on the basis of population, in both houses, was a paramount issue. Senator Holland believed that, although the Florida Legislature was badly apportioned, a balance of power should be maintained in any reapportionment. Like the Congress itself, he held that membership of one house should be based on population, that of the other on geography and other factors.

This was not a popular view in, for instance, populous Dade County. But time after time, when questioned on this point in television interviews, Holland gave his opinion frankly, and the reasons for it.

He was warned he would certainly lose Dade County by this stand. He carried it by more than 80,000 votes.

Spessard Holland took the risk of being positive, rather than popular. Liberal-minded Dade joined moderate central Florida and the conservative panhandle in returning him to the Senate by a record vote. Many of his senatorial colleagues, nervously eying bloc votes in their own States, would do well to study the Holland record.

THE 17TH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. DYAL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DYAL. Mr. Speaker, yesterday marked the 17th anniversary since Prime Minister Ben Gurion, standing in the art museum at Tel Aviv in 1948, declared the establishment of an independent state of Israel and the return of the exiles to that land. His declaration was followed by recognition of President Truman and the United States of America.

My travel in that land causes me today to compliment the people of Israel and their leaders for wresting the land from its barrenness and bringing productivity. These people are planting 10 million trees a year in a formerly desolate and ravaged land. The mortality rate of these trees is in excess of 20 percent, but they are continuing to create new soil by these conservation methods.

I witnessed the accomplishment of bringing water from Lake Huleh to the Negev. They are determined to fulfill the ancient promise that "the desert shall blossom as the rose."

Israel's early leaders got the vision of Theodor Herzl in his Judenstaat that "a home would be created secured by public law." Some of the early leaders going into history are Chaim Weitzman, David Ben Gurion, Izhak Ben-Zvi, and others.

New leadership seems just much imbued with a desire for freedom and the principles of democracy. This little nation has shown leadership and competence in the free world.

Our recent program of assistance in the further exploration of desalination of sea water indicates our continuing interests in their welfare.

I desire to join other Members of the Congress in extending compliments on the anniversary.

THE NEW MEDICARE TAX

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. YOUNGER. Mr. Speaker, already the administration seems to have some doubts about the effect of the medicare bill which was steamrolled through the House and on which no hearings had been held. Even the new Secretary of the Treasury Department, in an interview on "Meet the Press" yesterday, seemed to express some doubts about the $6 billion tax involved in the new medicare bill. This is well pointed up by an article prepared by Richard L. Lyons, which appeared recently in the Washington Post. The article by Mr. Lyons follows:

PAYROLL TAX UP—MEDICARE COULD SLOW ECONOMY

(By Richard L. Lyons)

Now that the long-fought medicare fight appears won, some administration economists are jittery about its possible depressive impact on the economy next year.

They look at it this way: The present robust economy is expected to slow somewhat in the second half of this year. It will be given a stimulus by expected higher social security cash payments and excise tax cuts, but whether that can maintain the present momentum is debatable.

On next January 1, according to the bill passed by the House and now awaiting Senate action, payroll tax increases to finance higher social security benefits and hospital care for the aged will go into effect. They will take money out of circulation at the rate of about $5 billion a year.

But medicare payments for hospitalization would not begin until July 1966 so for at least 6 months the Government will be drawing considerably more money out of the economy than social security improvements can pour back into it. Less take-home pay means less money to buy goods and less incentive for business to expand—the exact opposite of the effect the 1964 tax cut was designed to produce.

"It is a problem," said an official at the President's Council of Economic Advisers. "We are keenly aware of it. The economy will be given substantial stimulus the second half of this year. But if the economic momentum slows, pulling that much money out of circulation the first half of next year could hurt."

AWARE OF FACTORS

The administration was aware of these factors when the political decision was made to push the bill. The effective dates in the House bill for increases in benefits and taxes were those spelled out in the President's January budget.

To partially offset any deflationary effect, the administration has said it will ask for a $1.75 billion annual reduction in excise taxes, though economists are divided on the economic stimulus from such tax cuts, which are not reflected in pay checks.

There is heavy pressure from affected industries—such as autos and communications—to blow the excise tax bill up to a reduction of at least $2.5 billion and perhaps more than $4 billion. The impending social security tax increase doubtless will be used as an argument for it. Secretary of the Treasury Henry H. Fowler felt compelled to urge last weekend in his first speech in office that the excise tax bill be held within "prudent" limits.

There has been some talk of taking further steps to cushion the impact of next year's tax increases. One proposal has been to put the tax increases into effect more gradually, or even delay them until medicare payments begin. But this runs into opposition from many, including original battlers for social security, that the fund must be kept actuarially sound so that it can pay its way.

BIGGER REFUNDS

Apparently no action has been decided on now beyond excise tax cuts. And not all economists are convinced the payroll tax increase will pose a serious problem.

A Treasury economist said the second step of the income tax cut, now in effect, will mean bigger refunds next spring and this will help take up some possible slack. He also noted that the last increase in social security taxes, in 1963, had no effect on the economy—though then the income tax cut was anticipated and business had received other tax benefits.

Nelson H. Cruikshank, AFL–CIO economist and a longtime battler for social security, said he was convinced there was nothing to worry about.

"They neglect the psychological factor," he said of his economist colleagues. "There will be a release of purchasing power when older people and young people responsible for old people are relieved of the anxieties of big medical bills. They can go buy that washing machine instead of saving it for an operation."

PONTOOK FLOOD-CONTROL AND WATER PROJECT A BOON TO GRANITE STATE

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, it was a pleasure today to be able to inform my constituents that the first and most major hurdle has been cleared and they can look forward to construction of the $56 million Pontook flood-control and water conservation project in northern New Hampshire.

This project has been approved by the New England division, U.S. Army Engineers and sent to Washington for final action by the Army and the Congress. As a member of the Public Works Committee, I shall do everything I can to bring this project to fruition.

It is going to mean a tremendous economic boost to the northern part of the Granite State and, because of its control of flooding on the Androscoggin River, it will be of immense value to the State of Maine as well.

I have been urging this project for a long time and its approval by the Division Engineers is most gratifying.

The Pontook project, as recommended by the Engineers, will consist of a multiple-purpose storage reservoir with a rockfill, main dam in Dummer and a small, earthfill reregulating dam in Milan. There would be a 135,000-kilowatt power facility at the main dam but, it should be noted, private development of power is not ruled out. Recreation facilities would be provided along the shoreline of the 10-square-mile power pool created by the main dam for swimming, picnicking, camping, boating, hunting, and fishing. About 23,000 acres, including land and water areas, would be acquired for the project.

NEW HAMPSHIRE HOUSE URGES STAMP TO HONOR ABIEL ABBOT, FREE LIBRARY PIONEER

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the free public library system, which is accepted generally throughout our country today, has not always been with us. Its beginnings occurred over 100 years ago in the New Hampshire town of Peterborough, where, in 1833, the Reverend

Abiel Abbot founded the first, tax-supported free public library in the world. This interest and leadership in the education and enlightenement of its citizens has continued to be characteristic of the State of New Hampshire.

This year, 1965, marks the 200th anniversary of the birth of this forward-looking clergyman who was to set a pattern for the world to follow—a pattern to which nearly all of us owe our familiarity with the world's literary heritage. The many hours of our childhood spent in the wonderland of books and the enlightenment, enjoyment, and widening of our horizons which we have found all our lives between the covers of books, have been made available to us through our public library system.

Mr. Speaker, the State of New Hampshire has not forgotten the debt we owe Rev. Abiel Abbot. The New Hampshire House of Representatives recently adopted a resolution urging the Nation to honor this man by means of a suitable postage stamp. Under unanimous consent, I offer a copy of a letter from the clerk of the New Hampshire House of Representatives transmitting the text of this resolution:

STATE OF NEW HAMPSHIRE,
HOUSE OF REPRESENTATIVES,
Concord, N.H., April 21, 1965.

Hon. JAMES G. CLEVELAND,
House Office Building,
Washington, D.C.

DEAR MR. CLEVELAND: The following concurrent resolution was offered by Mr. Brown, of Peterborough, on Tuesday, April 20, 1965, and on a viva voce vote the resolution was adopted by the house of representatives.

"CONCURRENT RESOLUTION ISSUING A STAMP IN COMMEMORATION OF THE FIRST FREE PUBLIC LIBRARY IN THE WORLD

"Whereas the first free public library in the world supported by taxation was founded in 1833 in the town of Peterborough, N.H.; and

"Whereas December 14, 1965, will be the 200th anniversary of the birth of the Reverend Abiel Abbot whose inspiration made this library possible: Therefore be it

"*Resolved by the house of representatives (the senate concurring)*, That we, the members of the 1965 General Court of New Hampshire, respectfully request the President of the United States and the Postmaster General of these United States to issue a suitable commemorative stamp on the anniversary of the birth of Rev. Abiel Abbot; and be it further

"*Resolved,* That a copy of this resolution be forwarded to the President of the United States, the Postmaster General, and to our Senators and Representatives in Congress."

Sincerely yours,
FRANCIS W. TOLMAN,
Clerk.

INDUSTRY APPRECIATION WEEK IN KANSAS EMPHASIZES MANY OF THE REASONS WHY KANSAS IS THE GREAT STATE

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. MIZE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MIZE. Mr. Speaker, when I was in Kansas last week, I had an opportunity to participate in a luncheon at Manhattan, Kans., in recognition of Industry Appreciation Week. This was one of several such observances held throughout the State to call attention to the progress Kansas is making in balancing its farm economy with sound industrial development.

At the start of Industry Appreciation Week, Thad M. Sandstrom, general manager of radio and television station WIBW, Topeka, Kans., delivered an editorial on the importance of taking note of Kansas' place in the sun. I am sure my colleagues will be just as impressed as I am over the outstanding list of accomplishments which make Kansas the great State. Under leave to extend my remarks, I include this WIBW editorial to appear in the RECORD at this point:

WIBW NEWS EDITORIAL NO. 28, APRIL 18, 1965

(By Thad M. Sandstrom)

This week has been designated by Governor Avery as Industry Appreciation Week. The Topeka Chamber of Commerce is sponsoring a luncheon Wednesday noon at the exposition center at the Mid-America Fairgrounds to honor Kansas industry. The Manhattan Chamber of Commerce is having a similar luncheon Wednesday noon where Congressman CHESTER MIZE will speak, and there will be others around the State.

Sometimes we tend to forget what we have in Kansas. Almost everyone knows that Kansas is the No. 1 wheat State in the Nation—and Kansas produces 50 percent more wheat than the second leading State. But, here are just a few of the other things of which Kansas can be proud. Kansas has a livestock and meat packing industry that pumps nearly $1 billion annually into the Kansas economy. Kansas ranks third among the 50 States in total miles of highway, roads, and streets. Kansas is exceeded only by California and Texas—a great credit to the job done by the Kansas highway commission over the years. Kansas is the fifth leading State in the United States in oil production. The largest farm machinery plant in Kansas is at Hesston and it ranks among the 10 largest in the country. One of the world's largest and longest grain elevators is at Hutchinson—not to mention hundreds of other grain elevators of enormous capacities at Topeka, Salina, Wichita, and elsewhere around the State. Big Brutus, one of the world's largest electric shovels, works in the coal mining area around Pittsburg in southeastern Kansas. Eighty percent of the Nation's helium capacity is in Kansas, and the largest helium extraction plant in the world is near Liberal. One out of every six loaves of bread baked in the United States is made from Kansas flour. Wichita is the air capital of the world and 70 percent of the world's private aircraft are made in Kansas. Hugoton is near the center of the largest natural gas field in the world. There are 43 colleges and universities in the State.

Kansas is one of the Nation's leading States in man-made lakes. The Kansas Turnpike, which stretches 236 miles from Kansas City to the Oklahoma line, is the fourth largest toll road in the Nation. Kansas is the leading State in the Nation in the manufacture of mobile homes and camper-type trailers. In Topeka, the Goodyear plant is the largest Goodyear installation anywhere in the world under one roof. The Fleming Co. is perhaps the best known and most respected name in the field of independent wholesale grocery merchandising in the United States today. The Santa Fe—the best run and best managed railroad in the Nation—continues to add more employees in Kansas. The fact that Kansas industry is growing and prospering is evident in the record expansion program in services and facilities planned by the Southwestern Bell Telephone Co.

While Kansas ranks sixth in the Nation as a farm State—it is rapidly coming to the front as an industrial State. The emphasis this week on saluting existing industry is long overdue. Too often, people tend to think of industrial development only in terms of bringing in somebody new from outside. It is well for Kansas to take stock this week of the many fruits of our years of labor—of the tremendous accomplishments in the State—of the great growth Kansas has enjoyed. No finer example exists than the Goodyear plant in Topeka—which is growing and expanding because Kansas people are hard working people—and Goodyear has found the Topeka plant to be most productive. Industry can expand and provide more jobs only if it is located in a State which has a healthy business climate—a State in which the people recognize the fact that government produces no jobs—that the only source of wealth in this country is from private investment. In short—business must be able to make a profit if it is to exist. The only way in which Kansas can create new jobs is to encourage existing industry to expand and make the State so attractive that new industry will want to locate within the borders of Kansas.

We salute the industries of Kansas. We are proud to have them. They help make Kansas a great State in which to live, work, and play. It's great to be a Kansan.

CONFEDERATE MEMORIAL DAY

The SPEAKER. Under previous order of the House, the gentleman from Georgia [Mr. WELTNER] is recognized for 30 minutes.

Mr. WELTNER. Mr. Speaker, today is April 26. Up north that date is meaningless, but to some of us who live in the Old Confederacy, it has a mystical, magical aura. For it is Confederate Memorial Day. I do not know how that day is celebrated in other Southern States. In mine, it is rapidly falling into disuse. A few years ago, there was always a big speaking—often in connection with ceremonies in the small Confederate cemeteries. Now, the speakers and the hearers are fewer and older. Many of the old cemeteries have sunk under the ravages of weeds and time, of change and progress. Confederate Memorial Day is, for many, just a "day off" for State employees. And, because the capitol and courthouses are closed, it is sometimes considered a nuisance to the impatient who must wait for tomorrow to transact their business.

I, for one, regret its declining significance. For it should be a day of deep meaning to our Nation, to the South, and to the age-old struggle of men to win, in their lifetime, some measure of freedom.

Like most southerners, I love the tales of glory that hover around and about the mighty efforts of our great-grandfathers. The scenes of those battles and their relics have for me a deep fascination. Truly, there were mighty men in those days. There were men who did not stop to figure the odds, or to count the cost. And there were great victories at Manassas, Fredericksburg, and Chancellorsville.

But Confederate Memorial Day does not come on the anniversary of those bygone struggles, nor of the formation of the Confederate States of America, nor of secession. Today, April 26, was not the beginning, nor the high point of the Confederacy. It was the end of that dark and bloody war. It memorializes the last defeat of the Confederate forces. It was the end of the trail, it was the final act in a great national tragedy. One hundred years ago today it was all over. Lee had already surrendered. Now the last battle had been lost. The Federal forces had won. The Confederates had lost.

That war proved many things. It established forever a new group of national heroes, who will live for so long as the Republic stands. It proved the valor and courage of the men and the women of the South. It proved that those qualities in themselves can overcome, for a time, seemingly insuperable odds. And it proved, as Mr. Lincoln had said, that this Nation cannot endure half slave and half free. It proved that the Union must prevail.

Now, that was 100 years ago. The Republic has weathered many storms in its history, but none so violent as those 4 perilous years from 1861 to 1865. And we have seen many crises come and go since the last shot was fired in 1865. But none so deadly as that.

I think it not inappropriate at this occasion to refer to the moving events of a century ago. We Americans pride ourselves on looking forward, on serving the future, on viewing the road ahead. Yet, there is much we can learn from the past. The War Between the States holds a great lesson—as yet not quite learned—for us in the South. It is simply this: We are one Nation, one Union, inseparable and indivisible. The needs of Georgia are the concern of the Nation. And the needs of the Nation are the concern of Georgia.

One hundred years ago the Nation was split asunder over the question of slavery. It is to our shame that we tried to justify and defend the proposition that one man could buy and sell, rent and hire, a fellow human being. We were dead wrong, but it took 4 years of blood and fire to prove it. One hundred years ago, 11 States seceded over the proposition that the will of any one State is equal to or greater than the will of the Nation as one Union. We were wrong, as that first April 26 proved.

Those were the great lessons of 1865—union, and the rights of man. How strange it is that today, April 26, some among us are prating the same arguments, stirring the same passions, and waving the same bloody shirt, all without regard to the inescapable dictate of history.

How strange that we still hear the old arguments about "interposition." We still hear those voices proclaim their tender and solicitous regard for the rights of property, while totally insensate to the rights of man. How strange to hear States rights still argued as justification for States wrongs.

How strange that we permit in our midst such vehicles of violence as the Ku Klux Klan, soon to enter upon its second century of dishonor.

History, for these men, stopped at Manassas. For them, Appomattox never occurred.

But history moves nonetheless, and we should try to learn from it. Otherwise, as it has been said, we are condemned to relive it. Our goal must be in accord with its moving tide. The preamble of the Constitution declares its purpose to form "a more perfect Union."

Here is a goal worthy of the most astute statesman, the most gifted scholar, the most dedicated citizen. And this, I believe, should be the goal of our great Nation.

Without the intellect of Jefferson, the new Republic would have soon subsided into a constitutional monarchy, with hereditary titles, and all the waste and mockery of a nobility. Without the determination of Jackson, the Republic might well have become an oligarchy, ruled by giant and corrupt money interests. Without the dream of Wilson, our Nation would never have shaken off the cocoon of isolationism nor ever been ready to assume the burden and the great opportunities of world leadership. Without the genius of Roosevelt, the toils of a grinding depression might violently and disastrously have altered our form of government into some strange and alien thing that surely would have destroyed our liberties. Without the grit of Truman, communism may well have enveloped all of Europe, and later, all of Asia. Without the vision of John Kennedy, the country would still be in its state of drift, never approaching full use of its marvelous and varied natural and human resources. Without his courage, we might today have found ourselves isolated to one-half of our hemisphere, with all South America a giant outpost of communism. And without the steadiness and peerless ability of Lyndon Johnson, we may never have come through that dark and foreboding day in November 1963, when a bright and shining light was forever dimmed from the world's eye.

Here is our heritage—men of ability, courage, wisdom, vision, and accomplishment—a record of achievement, and liberty. And here is our challenge—to build, here and now, during our lifetime, a more perfect Union.

We have an exciting world to win; we have, as each generation before us, a new nation to build.

Our mandate is for a land where justice exists, not merely for the select, but for all the people.

We have wealth. We have power. We have vitality.

But our most awesome responsibility is justice. We sing of it, and pray for it, but somehow it eludes us.

When we are just, the poor are lifted up, helped forward to independence and stability, and ultimately free of assistance. When we are just, education is available to everyone, including those thus far denied it. When we are just, our people are not punished for the accident or color of religious belief or place of birth.

When we are just, we do not harm through neglect the aging.

And this is nothing new.

Indeed, our national purpose is no new thing, nor need our Government seek new bench marks.

It is the old ideal, as yet unrealized, that we must follow.

"All men are created equal." Is that not the standard to which we must repair in the racial struggle?

"Love thy neighbor." Have we the wit and the will to achieve this for the nations of the world?

And so, as one people, we seek justice. Justice for men and women, justice for races, and justice for nations.

These are not new goals, but there are new paths leading to them. We need imagination. We need ideas—ideas that flash and crackle. We need vibrant minds and electric spirits.

You and I can see our old dream at last a reality. We can build a republic strong and secure against every foe, yet charitable and generous to the world. We can build a nation that is rich and prosperous, yet ever mindful of those who do not share in the rewards of that prosperity. We can build a nation where every citizen is limited in his achievement solely by the bounds of his own ambition and determination.

We can build, in this day and generation, a just nation, and a more perfect union.

And in so doing, we will take with us, as Lee so nobly stated it a hundred years ago, "satisfaction that proceeds from consciousness of duty faithfully performed."

CHAIRMAN PATMAN CHALLENGES CONSERVATIVES TO GET BEHIND HIS NEW BILL WHICH WOULD REDUCE THE FEDERAL DEBT BY $30 BILLION AND ANNUAL INTEREST PAYMENTS BY $1.2 BILLION

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, what I am about to say on the bill I am throwing in the hopper today may upset a few people, but let me assure you that my interests are for the many rather than for the few—the many being the people of the United States.

For years the big bankers in the country were screaming about how terrible the public debt was and that something should be done about it. Since the Eisenhower regime, however, when interest rates were arbitrarily upped, the bankers have not found anything wrong with the public debt and are perfectly willing to see it rise.

Of course, the more it rises, the more it costs the public. I am, therefore, introducing a bill today which would make it mandatory to transfer $30 billion worth of interest-bearing Government securities from the Federal Reserve banks to the Treasury of the United States. Actually, this $30 billion is held by the New York Federal Reserve Bank, run by one Mr. Alfred Hayes, whose monetary position is identical with that of the fat-cat money managers of America. Mr. Hayes on frequent occasions takes a position counter to that taken by Mr. Martin, Chairman of the Federal Reserve Board, and the rest of the Board.

Mr. Hayes also is the second highest paid official receiving a stipend from the public till. The President of the United States gets $100,000, Mr. Hayes $70,000. For his $70,000, he works incessantly for higher interest rates in accordance with the wishes of the American Bankers Association and the rest of the big banking lobby. They, of course, will accuse me of being a "funny money" man and my proposal as being rash and irrational. They would say the same of anything designed to cut the national debt, because at the interest rates we have been paying since Eisenhower, banks are very happy with U.S. Government paper and they are drooling to get more at higher rates.

I would like to point out one extremely important fact concerning my proposed legislation. The Government securities that I would transfer from the Federal Reserve Board vaults in New York to the U.S. Treasury have already been paid for once. This is a fact, because Federal Reserve notes—that is, folding money which people carry in their pockets—have already been issued to pay for these interest-bearing securities. Therefore, this paper money is not "funny money." It is not fiat money. It is not what the financial press will say that it is, printing press money. It is money backed up by the full faith and credit of the American people and their government. It is backed by the total productivity of the Nation and by its capacity to expand its economy.

What the Federal Reserve System has done is to buy in the open market interest-bearing securities of the U.S. Government and pay for them with Federal Reserve notes which are noninterest bearing. These non-interest-bearing Federal Reserve notes, of course, were created by the System under the powers delegated to it by the Congress a long time ago and are printed by the Bureau of Engraving and Printing here in Washington, D.C.

What my bill proposes is that we cut the $30 billion principal from the amount of our national indebtedness, since it has been paid for once. By this action, we automatically reduce our annual interest payments on the national debt by $1.2 billion.

If the alleged conservatives were true to their faith—which, of course, they are not if it affects their own pocketbooks—they would insist that the national debt be cut by nearly 10 percent as here proposed. Instead, we will hear a loud noise against the legislation from both the banker dominated Federal Reserve System and its Open Market Committee, which is a closed shop deal whereby the credit of all the people is regulated by a few self-anointed believers in the divine right of money kings. All these will sing out in a mournful dirge along with the big banker dominated American Bankers Association. I care not what these people say because they are venal and antipublic spirited. Money is their god. They believe the public is made up of suckers who can be fooled while their pockets are picked.

I ask that the public understand that my legislation will not upset the economy. It will not ruin our banking system. It will not destroy confidence in the dollar. It will reduce the national debt by $30 billion and interest on this section of the debt by $1.2 billion a year that can remain in the pocketbooks of the American people.

In conclusion, I would like to point out that those who may oppose my bill are in reality insisting that that part of the public debt now held in the vaults of the Federal Reserve bank in New York should be paid twice by our citizens. I care not what shade of the political spectrum my colleagues may represent, I do not believe a majority want the American people to pay twice over for anything.

There is one other matter I would like to bring up that is pertinent to our money system. I am going to talk for a moment about a tightening of credit which has resulted since the beginning of the year from the activities of the Federal Reserve System.

In brief, they have been cutting down on the money supply of the Nation and when you do that, you tighten credit. I certainly am not in favor of loose credit, nor am I in favor of a weakened dollar or inflation or deflation. However, the best economists in the country are agreed that if you tighten the money supply, you cut credit. This can result in disaster because it curtails normal business expansion and, yes, it curtails business. This means more unemployment and results in more Federal appropriations to take care of the unemployed.

All of us want a steady business situation. That is why we must concern ourselves with what the Federal Reserve is doing, or has been doing, regarding the money supply. For weeks now, newspapers have been carrying stories to the effect that the Federal Reserve is tightening credit. The figures support these stories.

The basic measure of the amount of money which is available for lending and spending—the money supply—has continued to increase at an abnormally low rate. The level of free reserves, which measures the amount of money which is immediately available to banks for lending, has been negative throughout March and April. Banks have had to borrow an average of $76 million in March and an average of $139 million in the first 3 weeks of April in order to make the loans they have made.

As our economy produces more goods and services, people and businesses must have more money with which to buy the added goods and services if we are not to have an inadequate demand leading to unemployment and recession. Every recession since World War II has been preceded by a sharp decline in the rate of growth of the money supply. I hope the Federal Reserve is not going to repeat the same mistake in 1965.

There is no inflation nor balance-of-payments problem, nor any sign of excess which would indicate the need for such a tightening. Indeed, we have had a remarkably stable economic expansion. Our price level has been the most stable of any advanced industrial nation for over 7 years. And President Johnson's programs to cut our payments deficit have been so successful that several writers have begun to worry about a dollar gap.

I say let us do not upset the apple cart by upping interest rates and restricting credit, a formula that has proven disastrous so many times in the past. Let us be conservative. Let us reduce the national debt by $30 billion, instead of bringing on a depression.

A copy of my bill, H.R. 7601, introduced today, is as follows:

H.R. 7601

A bill to provide for the retirement of $30,000,000,000 of interest-bearing obligations of the United States held by the twelve Federal Reserve banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the twelve Federal Reserve banks shall transfer to the Secretary of the Treasury interest-bearing obligations (including discounted obligations) of the United States in the aggregate principal amount of $30,000,000,000. The respective amounts of the several issues to be transferred, and the valuation of discounted issues, shall be determined by the Secretary of the Treasury, and the respective amounts to be transferred from the several banks shall be determined by the Board of Governors of the Federal Reserve System. Obligations transferred to the Secretary of the Treasury pursuant to this section shall be canceled and retired.

SEC. 2. Each Federal Reserve bank shall be relieved of its liability upon an amount of Federal Reserve notes issued to it equal to the valuation at which the obligations transferred by it to the Secretary of the Treasury pursuant to the first section are carried on its books, and the Secretary of the Treasury shall transfer an equal amount, on the books of the Treasury, from contingent liability on Federal Reserve notes to direct currency liability.

THE WORLD'S WORST TIMEKEEPER OR THOSE COO-COO CLOCKS

The SPEAKER. Under previous order of the House, the gentleman from Tennessee [Mr. FULTON] is recognized for 15 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, once again that confounding season of confusion and consternation is upon us. It is the daylight saving time season and it commenced again this past weekend. Before the season is out it will have cost this Nation's industry millions of dollars and millions of Americans will be inconvenienced.

This past weekend some 21 States, either statewide or on a local-option basis, switched from standard to daylight time. Between now and the last Sunday in May that number will increase to 31. Then, on the first Sunday in September the annual switchback to standard time will commence and it will be completed by the last Sunday in October except in some counties in Indiana where, I am told, the people enjoy saving time so much they just observe it year round despite the fact that it is technically illegal.

In Virginia today certain portions of that State, particularly those around the District of Columbia, are on daylight time. Later this year the rest of the State will switch except for those areas in the southwestern portion of the State near and bordering Tennessee. They will not switch because Tennessee does not observe daylight saving time. It is illegal in the Volunteer State by act of the Tennessee General Assembly.

Every year the crazy quilt of time observance across this Nation alters its pattern. In 1963 there were 29 States where daylight time was observed either statewide or on a local option basis. In 1964 there was 31. In 1963, 16 States observed daylight time on a statewide basis; 13 did not. In 1964 saving time was statewide in 15 States; in 16 it was not. I believe these figures will be the same for 1965 with the exception, however, that over the past year changes have occurred in the duration of observance. Changes, I must add, which are for the better. There is a trend toward uniformity.

For this much credit must go to the Committee for Time Uniformity and its able executive director, Mr. Robert Redding. This nonprofit organization is interested in only one thing—the establishment of a sane and uniform observance of saving time across the Nation.

The committee has been working at the State and National level to bring this about and, over the past year, has had some limited results in working through State legislatures to achieve this uniformity. But much remains to be done and I feel that only through action by the Congress can we accomplish what needs to be accomplished to put an end to this unnecessary and costly annual time scramble.

Examples of the extent and the extremes to which this problem can be carried are numerous.

We are all aware, no doubt, of that celebrated 35-mile bus ride from Stubenville, Ohio, and Moundsville, W. Va. Until 1963, when the State of West Virginia made saving time mandatory on a statewide basis, passengers on that bus could change their watches seven times to conform to local time observance.

Admittedly this is a rare and extreme case which has now been corrected. However, it could happen again. It is my understanding that there are efforts afoot in West Virginia to again change the time laws of that State.

Or in Colorado, for example, where public debate over the time issue grew so heated that one lady legislator, I am told, was threatened with her life if she did not abandon her efforts in behalf of daylight time.

These are extreme cases, isolated instances. What is more important is the adverse effect these helter-skelter time changes generally have on industry and commerce in this Nation.

Each year, the simple act of changing the Nation's clocks cost millions of dollars.

The problem is particularly acute in the transportation industry. The Nation's railroads estimate this annual change in time costs them $2 million a year. The Nation's buslines estimate their loss at $1 million with $250,000 of this loss incurred in printing costs necessitated in keeping their schedules up to date. For the communications industry the revenue loss each year is now estimated at $2 million.

Let me cite an example. New York, New Jersey, and New England represent the Nation's largest trade center. There are 34 million persons who live in this area.

A great deal of trade and business in my home city, Nashville, Tenn., is conducted back east. In Nashville, as throughout Tennessee, we observe standard time throughout the year. Nashville is on central time. This means that during the saving time season there is a 2-hour time difference between Nashville and, say, New York City, though Nashville is hardly more than 500 miles directly west. The observance of saving time in the east and the failure to observe it in Nashville has these results:

First, very little of any business can be transacted before it is 11 a.m. in the east which is 9 a.m. in Nashville. Second, very little business will be transacted after 4 p.m. in Nashville because it will then be after 6 p.m. in the east. Now, take another hour out of the day for the eastern businessman to have lunch and an hour for the Nashville businessman to have his lunch and you have lost another 2 hours from the day's business time.

You can see from a very practical point of view the adverse effect this has on commerce.

Now, suppose also I want to contact a constituent back in my district. I cannot very well call him at his office until 11 a.m. here in Washington because he will not be there. Therefore, I can probably get him between 11 a.m. and noon Washington time. Then it is lunchtime here. At 2 p.m. Washington time it is lunchtime in Nashville. Then, if by some stroke of fortune I am able to get away from my office here by 6 p.m. and someone at home attempts to call me he will be a little irked and probably think I am neglecting my duties because it is only 4 p.m. in Nashville.

Every day in dozens of similar ways the inconvenience and economic waste arising from this annual time scramble is becoming more and more intolerable. Across the Nation there is growing sentiment for bringing order to this annual chaos of the clock. Even the Farm Bureau Federation, so long opposed to the observance of saving time, is now on record in favor of uniformity of observance where it is observed.

In this Nation it can be said that our people favor daylight saving time. It is observed in 31 States by over 100 million persons. It can also be said that there is a trend to ever greater acceptance of saving time. In the past 2 years two additional States, Kentucky and South Dakota, have moved from the list of States where fast time is not observed to that list where it is observed on a local option basis.

The time has come, however, to put to an end this piecemeal policy of switching the clocks at local convenience. There may have been a time in this country when observance of time was strictly a matter of local convenience and concern. In the age of the jet, however, this time has long passed.

There is a very simple but direct answer to this problem. That is for the Congress to enter this field of time regulation and put it on a rational basis.

To do this I have introduced a bill, H.R. 76, which would put the entire Nation on saving time 6 months each year from the last Sunday in April to the last Sunday in October.

Under the weights and measures clause of our Constitution the Congress has the authority to regulate time in this Nation. There is also precedent for the exercise of this authority. During World War II, when this Nation's defense effort could little afford the waste occasioned by the annual time scramble the entire Nation was put on saving time.

For years the Interstate Commerce Commission has requested the Congress to take the jurisdiction for regulating time from its hands or put some teeth into the law so that it can enforce it. Congress has done neither. The result has been this continuing annual piecemeal shifting of the clocks.

If we are to build the Great Society, it would seem to me our first task might well be to synchronize our watches. Let us do it now, without any further waste of time.

THE LAPP INSULATOR CO., OF LE ROY, N.Y.

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. CONABLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CONABLE. Mr. Speaker, the Lapp Insulator Co., of Le Roy, N.Y., located in the congressional district I am privileged to represent, has been engaged in a program to settle actions for triple damages brought against it as a result of the antitrust indictments of the electrical equipment manufacturers in 1960. The company has settled more than 65 percent of its litigation to date.

The company has been proceeding on the basis of the Internal Revenue Service ruling of last year, but is now disturbed by the efforts to change these rulings in a manner which would be highly damaging to it. Mr. Brent Mills, the president of Lapp Insulator, has written to the Joint Committee on Internal Revenue Taxation, which is studying this matter, and has put forth the position of his company in a sound and clear fashion. I submit a copy of Mr. Mills' letter for the RECORD so that all my colleagues may read his discussion of this matter:

LAPP INSULATOR CO., INC.,
February 16, 1965.

Mr. LAURENCE N. WOODWORTH,
Chief of Staff, Joint Committee on Internal Revenue Taxation, New House Office Building, Washington, D.C.

DEAR MR. WOODWORTH: This letter is addressed to you upon my understanding that you are conducting a preliminary investigation in connection with revenue rule 64–224 relating to the deductibility as a business expense of amounts paid in settlement of private treble damage actions under the antitrust laws.

My company, Lapp, is one of the smallest, if not the smallest, of the companies who became involved in the treble damage litigation which followed the indictments in Philadelphia in 1960 of various electrical equipment manufacturers. My company had never before been a party to any lawsuit during the many years of its existence; practically over night, however, we found ourselves confronted with almost 100 lawsuits brought by hundreds of plaintiffs in many jurisdictions throughout the country. Obviously, whether or not we were under any liability, it was impossible for my company to litigate these cases to a conclusion; our only salvation was a settlement program which we promptly inaugurated and which we have for several years now pursued with vigor and success. My company has settled now more than 65 percent of the litigation, and we have, for a company of our size, paid out very substantial amounts as price adjustments in connection with the settlement.

I am no tax expert, and I do not intend to express my view as to the legal precedents involved, but I do want to bring to your attention and to the attention of the committee the belief of at least one small company that any reversal of the ruling in question could be disastrous to our continued competitive standing. I fervently hope that the ruling, which I am told was most carefully and thoroughly considered by the Internal Revenue Service before it was issued, will not be subject to reversal. I believe that in relationship to the problems and situation of this company, at least, the ruling is sound and eminently fair.

Moreover, we have made a number of settlements in reliance on the holding of the ruling that amounts paid in settlement are deductible. I think it would be completely unfair to now reverse the publicly announced policy of the Internal Revenue Service. It would double the cost to us of the settlements previously negotiated and, in view of our limited capital resources, would seriously jeopardize our competitive position.

Sincerely yours,

BRENT MILLS,
President.

THE UNITED STATES LINES

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. TUPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. TUPPER. Mr. Speaker, it is gratifying to note that one of our Nation's great steamship companies, the United States Lines, has taken the lead in urging American shippers to increase their use of U.S. vessels to help the balance-of-payments situation.

An article appearing in the Baltimore Sun March 23, tells of this helpful effort, arising from the suggestion of U.S. Secretary of Commerce, John T. Connor, that American exporters and importers increase the use of American-flag vessels. The article follows:

USING U.S. SHIPS HELD WAY TO AID PAYMENTS SITUATION

NEW YORK, March 22.—This Nation's adverse balance-of-payments situation could be substantially helped—by millions of dollars—if American shippers would increase the use of U.S. vessels.

This is the theme of a message being sent to leading American industrial executives by the United States Lines, one of the Nation's leading steamship companies.

JOHNSON APPEAL BACKED

The message, contained in a letter sent by the steamship line, supported and emphasized President Johnson's recent appeal to American industry to explore every means toward eliminating the balance-of-payments deficit.

The President made the appeal February 18 at a White House meeting of top American industrial executives. That meeting was followed closely by another, called by the Secretary of Commerce, John T. Connor.

At his meeting, Connor—among other things—suggested that exporters and importers increase their use of American-flag ships for the movement of commerce.

By doing so, Connor said, the shippers would be making a definite contribution toward helping to stem the drain of American dollars overseas.

SENT TO 21,000 SHIPPERS

Connor's statements were mentioned in the letter, which was sent to more than 21,000 shippers. A similar letter, signed by William B. Rand, president of the steamship company, was also sent to more than 800 company chairmen and presidents throughout the Nation.

"When an American-flag ship is used to transport your cargoes overseas," the letters said, "virtually all the freight dollars are conserved to the benefit of the United States—whereas, the opposite is true if other vessels are used."

As a result of this fact, the letters continued, the American-flag shipping industry contributes almost $1 billion a year directly to the U.S. balance of payments.

"If there were no American-flag fleet, our balance-of-payments deficit would be some $2 billion greater," the letters added.

Mr. Speaker, over the years U.S. shippers have on a number of occasions been urged to increase their use of U.S. ships by Members of Congress, leaders in the maritime unions, steamship executives, and members of the executive branch of Government.

One of those who has constantly carried this message to American industry is the Honorable James A. Reed, Assistant Secretary of the Treasury. On March 21, 1963, speaking before the Philadelphia Maritime Association, Secretary Reed said:

I sometimes think we are not altogether mindful of the intent and purposes of the Merchant Marine Act of 1936. It behooves us to remind ourselves and our foreign associates, that this legislation was written not with the intent of benefiting shipping companies as such. It was written for the benefit of American business as a means of insuring that the products of our firms and factories would have a vehicle to reach foreign markets and that we would have the necessary facilities to assure carriage of our domestic commerce as well. The Congress was aware that without ships under our own flag we could not be certain of maintaining our foreign trade.

In the carriage of general cargo or passengers in regular liner service, it does not cost 1 cent more to use an American-flag ship. Through the various conferences covering the trade routes of the world, identical rates are set for ships in that service, regardless of the flag they fly.

Again on October 10, 1963, Secretary Reed, speaking at the American Merchant Marine Conference in Baltimore, Md., said:

Obviously our balance of payments is helped by the use of American shipping * * * the Department of Commerce has found that during 1962 our ships received freight revenues from foreigners approximating $600 million, while U.S. customers paid over $800 million for the carriage of ocean freight on foreign ships. This deficit reflects the declining participation of U.S.-flag vessels in the transportation of foreign trade.

Mr. Speaker, I hope the Members of Congress will exert their influence in their respective districts in urging domestic industries doing business overseas to utilize U.S. ships, thereby helping to build up our U.S. merchant marine, maintain and create U.S. jobs, and contribute greatly to our adverse balance-of-payments condition.

INTRODUCING A BILL TO PROVIDE FOR THE EQUAL TAXATION OF COMMERCIAL BANKS, SAVINGS AND LOAN ASSOCIATIONS, AND MUTUAL SAVINGS BANKS

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CURTIS. Mr. Speaker, legislation enacted in 1962 recognized the inequitable situation then existing whereby savings and loan associations and mutual savings banks were virtually free from the Federal corporation income tax. The 1962 enactment apparently has failed to attain its full purpose. It permitted savings and loan associations and mutual savings banks to deduct as bad-debt loss reserves a substantially larger part of their taxable income than that permitted the commercial banks. There seemed to be and still seems to be sound reasons for some differential treatment. However, the prospective revenue yield from the measure had been estimated by the Treasury at $200 million—$168 million from savings and loan associations and $32 million from mutual savings banks—but actual collections for the year 1963 were only about $98 million.

The commercial banks still argue that an inequity exists in this bad-debt differential and results in an unfair competitive position. There has been some argument to increase the amount that commercial banks should be allowed to deduct as bad debt. However, because of the unexpected small amount of revenue derived from the 1962 enactment, the other aspect of the problem that of an unrealistically high figure for the savings and loan and mutual banks needs further looking into. Certainly in the interest of all the financial institutions, the Congress should review the entire situation.

In order to bring this matter before the Congress, I am introducing H.R. 7585. It is a simple measure. It merely removes the present allowance for bad-debt loss reserve deductions by savings and loan associations and mutual savings banks and permits them to use the same bad-debt loss reserve deduction formula now applicable to commercial banks.

In my opinion, enactment of this bill amended to provide possibly for some increase in bad-debt reserves for commercial banks and possibly leaving some differential to reflect valid differences existing in the bad-debt reserves of the different financial institutions, will provide more equitable basis for the taxation of the competing financial institutions, savings and loan associations, mutual savings banks, and commercial banks. The total result should also lighten somewhat the burden on all other taxpayers by broadening the tax base and producing additional revenue.

THE 50TH ANNIVERSARY OF THE ARMENIAN MASSACRE

The SPEAKER pro tempore (Mr. RONCALIO). Under previous order of the House, the gentleman from Massachusetts [Mr. PHILBIN] is recognized for 60 minutes.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I want to express on this occasion my deep sorrow and my sense of tremendous emotional upset upon the occasion of the 50th anniversary of the Armenian massacre.

Mr. Speaker, on the 50th anniversary of the atrocious, unspeakable Armenian massacre, an event so shocking and revolting to the conscience of mankind, it is appropriate that the House should pause once again to note this horrifying experience in human affairs so ruthlessly imposed upon the helpless, God-fearing Armenian people.

It is significant indeed that the opening prayer in the House this morning should have been offered by the distinguished prelate of the Armenian Church of North America, His Grace Archbishop Hrant Khatchadoorian; and the House was deeply moved, as the country will be, by his lofty, spiritual message containing sorrowful, but shocking, references to one of the most coldblooded, incredible mass destructions of human lives that has ever occurred.

I want to compliment and thank the beloved archbishop for his eloquent and moving prayer which so touched the hearts of the Members of this House.

In my remarks, I do not propose to make an assessment of the perpetration or total impact of this terrible event in history. Though it is past, it will never be forgotten, either by the Armenian people who so cruelly suffered this unspeakable, unbelievable tragedy, or their many friends in the world.

It can never be stricken from the annals of recorded history. Down through the long, unbroken channels of time, the recollection of the Armenian massacre will stand out in all its starkness and brutality as an example of one of the most horrifying episodes in history, illustrative of unrestrained inhumanity to man.

Many people of Armenian blood reside in the United States, with many of them in my district, and they are among our foremost citizens, loyal Americans, who have sustained and upheld the ideals, principles, and security of this country in war and in peace.

These great people are second to none in their love of God, of family, love of humanity, love of this country, and devotion to the highest concepts and practices of ordered liberty and freedom.

Many citizens of Armenian blood reside in my district, I repeat, and they are friends and neighbors of mine, and I cherish, respect, and admire them for their fine qualities as human beings, and am grateful to them for their warm friendship to me, and for their unsurpassed citizenship and for their loyalty to the loftiest truths and principles of this great Government and this great free way of life so precious and dear to all Americans.

It is not my purpose in these remarks by recalling the horrible events of the Armenian massacre to reawaken the hatreds and animosities that have sprung, and that still endure, as a result of the dreadful massacre of more than 1½ million native Armenians and their families.

The passage of time and the deep, religious spirit of the Armenian people have tended to nurture a truly spiritual feeling of forgiveness for these terrible crimes. But these wanton outrages can never be forgotten, because they have seared deeply into the hearts and souls of the Armenian people, and other peoples of the earth, who still recall these incidents with a sense of crushing horror, deepest, most profound grief, poignant sorrow, and thoughts of most heartfelt sympathy for the pitiable victims, and the bereaved families and their survivors, and the Armenian nation and people, to whom the recollection of this bloody mass murder will always bring feelings which no words could describe.

While we live today in a world which has not yet learned how to put love of human beings ahead of hate, to put decency ahead of mistreatment, to put kindness ahead of persecution and violence, there are brightening signs that much of human kind is now moving to soften such feelings and emotions, and is striving to organize the forces of morality and righteousness and the conscience of an awakened, aroused, united humanity pledging itself to find a better way to live, a more decent way to settle problems, and to usher in the healing, antiseptic light of a new day in which people will live together in love, harmony, and peace. For this day we must all seek and pray.

Mr. Speaker, it should be said here today that the gallant people of Armenia suffered more during World War I than any other people involved in that war. They not only lost all their worldly possessions, but more than half of the 2 million Armenian people living in Turkey lost their lives under circumstances of terrible brutality and cruelty.

In the course of less than 1 year, this heartless genocide was accomplished and more than 1 million Armenians were massacred or died of starvation, while hundreds of thousands were enslaved.

This is an awful story to recount, but as we have seen in the history of the world, unrestrained force, cruelty, brutality and slaughter were not able to destroy the spirit of the courageous Armenian people and they have found the way to their place in the sun.

They have given to America the fullness and the richness of their ancient culture. They have won here in our midst the respect and admiration that is reserved for those who live, work, and serve with honor, vitality, loyalty, and fortitude. They have won our affections also, and as we sorrow with them, we ask the good Lord to bring them comfort and resignation and to engender in them more and more through spiritual encouragement and the God-given power, of spiritual strength, the way to lift their hearts in forgiveness and to join with all those of us who are committed to the cause of freedom and humanity, as they have been doing, with renewed dedication of purpose to promote good will, love, and brotherhood among all peoples of the earth willing to embrace the divine blessing.

I want to commend the Armenian people and their leaders, spiritual and temporal, for their patience and forbearance and for the wonderful virtues they have displayed in their personal and family lives and in so loyally fulfilling the highest call of citizenship and for the exalted order of their patriotism and devotion to this country and the cause of peace and freedom.

May their martyred, dear ones rest in peace, and may their blessed memory bring inspiration, hope, and strength to all of us who seek a more enlightened humanity and a more peaceful world based on principles of freedom and justice.

In the words of their great spiritual leader, Archbishop Khatchadoorian, Prelate of the Armenians of North America, let us not ask for retribution or vengeance, but have the compassion and love which the Savior offered to us through his sacrifices, that we may live freely with joy and happiness amidst all the glories of His creation.

Long live Armenia and the Armenian people.

Mr. Speaker, I include as part of my remarks an article from the Worcester, Mass., Daily Telegram; one from the Hairenik Weekly containing Bishop Khatchadoorian's recent remarks at Detroit, Mich.; and an editorial from the Armenian Mirror-Spectator; also an article from the Blackstone Valley News-Tribune. I express deep thanks to my friend, Mr. John Der Hovanessian for his views, counsel, and warm friendship.

The articles follow:

[From the Worcester (Mass.) Daily Telegram, Apr. 26, 1965]

SPECIAL SERVICES MARK ARMENIAN OBSERVANCE

(By Craig R. Whitney)

About 700 persons attended a service in Tuckerman Hall yesterday in commemoration of the 50th anniversary of the genocide or deportation of hundreds of thousands of Armenians by the Turks in 1915.

The special service, uniting members of three different Armenian churches in Worcester, followed traditional services in each of the churches, Armenian Church of the Martyrs (Congregational) Armenian National Apostolic Holy Trinity Church, and the Armenian Church of Our Saviour.

SPECIAL PRAYERS

Special prayers for the Armenian martyrs were also held in Catholic churches of the diocese by order of Bishop Flanagan. In Boston, a solemn pontifical mass in the Cathedral of the Holy Cross was celebrated by Most Rev. Thomas J. Riley in commemoration of the event, and a delegation from Worcester's Armenian community attended.

Most Rev. Michael Ramsey, Archbishop of Canterbury, asked Anglicans to join the observation of the commemoration.

Even a Soviet newspaper in Moscow Saturday accused Turkey of genocide.

DEMONSTRATION PLANNED

Armenian students there also planned a demonstration in front of the Turkish Embassy, but were forced to move away.

In Worcester's observance yesterday, Rev. Vartan Hartunian, minister of First Armenian Church (Congregational) of Belmont, who came to this country in 1922 as a refugee of World War I, spoke of the uniqueness of Armenian Christian culture and of his experiences in Armenia.

Dr. M. G. Sevag, professor of the University of Pennsylvania, spoke in Armenian, and Dr. Anthony Varjabedian of Worcester in English, on the history and political goals of the Armenian people.

HONORED GUESTS

Honored guests included Mayor Mullaney (who proclaimed last Saturday as Armenian Martyrs' Day here), Rabbi Joseph Klein (who compared the genocide of the Armenians in 1915 to that practiced on the Jews by the Germans in World War II), and Rev. Dr. Ralph L. Holland, executive secretary of the Greater Worcester Area Council of Churches.

Special prayers, solos, and recitations were included in the program.

In Whitinsville, a special service was held in the Armenian Apostolic Church yesterday afternoon. About 200 attended.

PRINCIPAL SPEAKER

Principal speaker was Haigaz Kazarian of Boston, representing an Armenian newspaper. State legislators and clergymen from Catholic, Protestant, and Episcopal churches in Whitinsville and Northbridge also spoke. Chairman was George K. Papazian. Pastor of the Host church is Rev. Sahaz Vertanessian.

The massacres commemorated occurred in the spring and summer of 1915, when, by some estimates, 600,000 to 850,000 Armenians were killed by the Young Turks and additional hundreds of thousands were deported.

The explanation for the slaughter is complex, but major reasons were the clash of Armenian Christian and Turkish Moslem culture and Armenian resentment of long years of tutelage under the Turks.

The Ottoman Turks began ruling Armenia in the 16th century and continued, under more or less liberal regimes, down to the 19th century. The system of Armenian self-government under Turkish sovereignty began to grow outmoded, however. In the late 19th century, a period of rising nationalism everywhere, Armenia—partly ruled, then, by Czarist Russia—began to demand independence.

These ambitions were encouraged by the war between Russia and Turkey in 1878. When Russia tried to take another slice of Armenia at the end of that war, Great Britain balked, because important roads from Constantinople to India passed through Armenia. The British, in effect, implied that they would protect Armenia.

The tensions among the countries gave the Armenians a chance to work harder for independence from the Turks. They expected much help, but got little, from the outside.

In the 1880's, they formed revolutionary societies. The Turks took reprisals in the form of slaughters—more than 80,000 Armenians perished in 1895. But a period of reconciliation and improvement followed, and when Turkey entered World War I on the side of the Central Powers, Armenians assured the Young Turk government of their loyalty.

But harsh treatment of Armenian soldiers in the Turkish armies dissipated this good feeling and caused racial friction. In 1915, the Turkish government decided to "solve" the Armenian problem by exterminating or deporting all the Armenians. Men, women and children were robbed and killed indiscriminately or deported. Many of them came to America, whose missionaries had made our culture known to the Armenians.

After the defeat of the Central Powers, Armenia was declared an independent nation, but was soon invaded by both the Soviets and the Turks, and has been ever since split between the two. An Armenian Soviet Republic, containing only a part of the former Armenia, which spread from the Black Sea to the Caspian Sea, was set up in December, 1920.

[From the Hairenik Weekly, Apr. 22, 1965]

THE PRELATE'S REMARKS ON TURK GENOCIDE

(The prelate's remarks at a 50th anniversary observance held at Detroit, Mich., March 19)

(By His Grace Archbishop Hrant Khatchadoorian)

Fifty years ago a sacrilege took place on a territory that had been unjustly taken from a good Christian people in the 13th century. That territory was called Armenia and Cilicia, and its inhabitants were called Armenians. Not in a thousand years in the history of mankind was there such a tragic drama as that enacted by the Armenians 50 years ago. This crime is now known by the name of genocide.

A genocide that was barbaric and abominable, negating the teachings of all religions. It was planned and performed with an unimaginable savagery. I need not mention the name of the government or the people who performed that terrible crime which I list as the eighth mortal sin to the known seven sins. If the people of the world, or the Christian churches, want to know the name of the perpetrators of that eighth sin, let them inquire of the Armenian people who have endured the pain of persecution and injustice, brought to a tragic conclusion 50 years ago.

Today, dispersed throughout the four corners of the world, Armenians are appealing to the hearts and conscience of humanity rather than to the established peacekeeping world organizations, with tears in their eyes, with sad hearts, but with bright aspirations and strong shoulders. Why was this genocidal crime permitted against the first Christian church and against its peaceful flock, the Armenians? Why was the destruction of churches, schools, and entire families tolerated? Why was a whole nation deserted to be massacred or be driven to the burning sands of the desert to die of starvation and thirst? In spite of all that, our martyred people gazed toward the heavens and uttered the words of our Savior, "Father, forgive them, for they know not what they do."

The Calvary of the Armenian people had thousands of crosses. Those crosses were the ossified arms and fists of the martyred lifted in search of justice. Two thousand years ago Christ was crucified on the summit of Golgotha. His arms stretched back and nailed on the cross. In 1915, Christ lowered His right hand from His cross and uttered to the Armenian people, "Come unto Me, all ye that labor and are heavy laden and I will give you rest." In Antelias, there is an oil painting hung on the altar of St. Stephan's Memorial Chapel appropriately placed opposite the bones and skulls of massacred Armenians that dramatically shows the invitation of our Saviour to His people.

Today, after 50 years, our whole nation demands, in evangelic spirit "Ask, and it shall be given you: seek, and ye shall find; knock, and it shall be opened unto you." We demand the return of our own country. We seek to shatter the chains of captivity and to return to our paternal homeland, where we want to become the fourth fruitful seed, even as the one in Christ's parable of the sower. We want to see a healthy development on our soil of our people's mental and spiritual creations. We want to see a free and independent and whole Armenia.

For the last 600 years we have been living with the consolation of a spiritual fatherland. But, hereafter, we demand the emancipation of our confiscated territories, which together with the boundaries of present Armenia, will reestablish a free Armenia, as rightfully designated by President Wilson. We want the return of our sacred Mount Ararat, biblically renowned for Noah's ark—Mount Ararat the granite pedestal of our spiritual life and power; our silent witness to our rededication and sacred devotion to the rebirth of our homeland.

Today, after 50 years, we weep no more, we stand proud and victorious before the peoples of the world, shielded by the armor of our ancient religion, our advanced learning and our perpetuated culture. Our minds are clear, our hearts beat with the assurance of the sun of justice and with the verdict of the righteous judge. We appeal to humanity, we appeal to our beloved Government of the United States and to its diversified citizenship to join us in our prayers and in our pleas for justice on the occasion of this 50th anniversary of genocide of the Armenian people.

May the Lord bless the peaceful memory and soul of our 1½ million dear martyrs.

My dear friend the Honorable Congressman DERWINSKI, I urge you to be one of our spokesmen for our demands and our plea of justice. You and your fellow Congressmen speaking out on behalf of captive nations have won the heartfelt gratitude and friendship of millions of persons. We respect and love you and bless your humanitarian efforts.

[From the Armenian Mirror-Spectator, Apr. 24, 1965]

OUT OF SMOULDERING ASHES

The Armenian people in Turkish-occupied Armenia had existed in the numbness of a virtual state of slavery since 1375, when the last Armenian kingdom in Cilicia fell prey to the invading Memelouks. In the 19th century, after the influenx of Western ideas of liberty and democracy into the country, the leaders of the Armenians awakened, and there was a general stir and cry for reform and for a limited amount of self-determination. The alternatives were eternal slavery or death.

The Turkish Government since Sultan Hamid had chosen to close the Armenian question by the alternative of death. After sporadic massacres in the 19th century in which many thousands of Armenians were killed by the Turks, the great crime began in 1915, 7 years after the young Turk Government had declared a new constitution promising "liberty, equality, and fraternity." Talaat Bey, Minister of the Interior, together with Enver and Jemal, headed the Government. They, with the consent and encouragement of many Turkish officials, started the deportations and atrocities. Talaat gave the orders.

April 24, 1915, is the day on which hundreds of Armenian leaders in Istanbul were taken into Government custody and killed. The marches in the interior provinces that soon engulfed all villages, towns, and cities, had already begun, and although there was Armenian defense in many areas, 1½ million Armenians succumbed to slaughter, after tortures and atrocities. The massacres continued after 1918, when the mask of World War I was gone, in Transcaucasia under the leadership of Kemal.

The Turkish Government had its way in the complete domination and usurpation of the western part of the Armenian historical homeland and part of eastern Armenia. Other Christian nations and people who had shown some sympathy to Armenians previously, ignored the Armenocide and did not intercede on behalf of Armenians, though they acknowledged with gratitude the help of many Armenian soldiers that fought for the Allies. There were notable exceptions, men who tried to stop the massacres or to aid the Armenian cause, men such as Dr. Lepsius, Lord Bryce, Gladstone, Morgenthau, Nansen, Woodrow Wilson, and others.

The Armenians in Armenia and those in the Dispersion have not forgotten their friends; nor have they forgotten their Turkish enemies; nor shall they ever forget their martyrs. On this, the 50th anniversary of the great crime, they remember that lives, homeland, and $35 billion in savings and property were lost to the grace of the Turkish Government and mob. They remember that the world has not yet recognized the need for restitution, and that Turkey itself will never even admit its crime and its present distortions of history. These Armenians feel that the cause of justice is never outdated.

And they realize that out the smouldering ashes and the bodily ruins of death and decay, a small Armenia was born and has made tremendous progress and contributions to the universal cause of education, scientific advancement, arts, and the renaissance of its own cultural heritage. Turkey, by comparison, with much more land and many millions more population, has not made any significant contributions in these fields, even with its billions of dollars of foreign aid.

As an ancient people, Armenians have experienced the flow and ebb of many regimes and many wars, and they know that peace is the only answer.

[From the Blackstone Valley News Tribune, Whitinsville, Mass., Apr. 21, 1965]

A History of Armenian Massacre

(By Mrs. Samuel Sagherian)

The local Armenian Americans have organized a committee to coordinate local efforts on behalf of the national observance for the 50th anniversary of the Turkish massacres of the Armenians. The committee has been organized from the chapters of the Armenian Revolutionary Federation, the Armenian Relief Society, and the organizations of the Armenian Apostolic Church. The executive committee is made up of the following:

Honorary chairman, Rev. Sahag Vertanessian, pastor of Soorp Asdvadzadzin's. Cochairmen: Mr. John Moscofian, Mr. George Papazian. Public Relations: Mrs. Samuel Sagherian, Mr. Horan Hougasian. Program committee: Mr. Archie Misakian, Mr. Samuel Sagherian, Mr. Varkis Arakelian.

Subcommittee members: Mrs. Haiganoosh Egsegian, Mrs. Siraphi Johnson, Mrs. Louise Mantashigian, Mrs. Varter Bedigian, Mrs. Jeannette Sisoian, Mrs. Varsenig Papazian, Mrs. Horan Hougasian, Mrs. Archie Misakian, Mr. Carl Tosoonian.

The anniversary commemorates the opening of a systematic 4-year-long harassment of Armenians by Turks during the period of 1915–18. On April 24, 1915, Turks bent upon the virtual genocide of Armenian people arrested more than 100 Armenians intellectuals in Constantinople, transported them into the interior, and murdered them.

In the months and years that followed, Armenians were subjected to a devastating war tax, their towns and villages were pillaged, and their men were forced into Turkish labor battalions, later to be slaughtered.

All males 12–45 years of age were abducted from their families and homes and were killed. Older men, women and children under 12 were deported to the Syrian desert in northern Mesopotamia, though many did not survive this journey. Women were attacked and murdered. Children were put to the sword, property was stolen, and homes were impounded.

According to experts, a million and a half Armenians were killed, while another million were permanently scarred, sickened, and maimed. It is estimated that about one-half of all known living Armenians in 1915 were victims of the Turkish genocide. In addition, 2,050 churches and 203 Armenian monasteries were seized, with a total value estimated at a billion dollars. A mere 10 percent of all Armenian clerics in the affected areas survived attendant atrocities. Only one prelate was spared; the others brutally murdered. Hundreds of Armenian churches were converted into armories and houses of ill repute or were razed. Estimated loss to the Armenian nation during the 1915–18 period has been set at $36 billion.

Famous historian Arnold Toynbee called his account of the massacre "Armenian Atrocities: The Murder of a Nation." During the last session of Vatican Council II, the Armenian Hierarchy, addressed the matter to the Fathers of the Council meeting at St. Peter's Basilica, describing the persecution as a horrible crime perpetrated upon the Armenian people. On December 6, 1915, Pope Benedict XV referred to "the most unhappy Armenian people (who) have been brought close to extinction."

Mr. DONOHUE. Mr. Speaker, at this time of the 50th anniversary of the cruel and inhuman Armenian massacre of infamous history it is most fitting that the U.S. House of Representatives should suspend its business in order to express its great horror and deep sorrow concerning this awful example of man's inhumanity to man and to pay just tribute to the faithful and courageous people of Armenia.

Back on the 24th day of April in 1915 and during the following several weeks, thousands of Armenian leaders in all walks of life were arrested throughout the Armenian communities, by Turkish authorities, in the middle of the night and deported in groups to distant areas and a great number were murdered with extreme cruelties.

At the same time young Armenians who had been faithfully serving in the Turkish Army were disarmed and murdered by their Turkish fellow soldiers under the orders of their officers.

Having decimated, in this frightful manner, the country of its leaders and fighting men the Turkish Government then next proceeded to deport the entire Armenian population in historic Armenia to distant, desolate regions in Turkey.

Nearly 2½ million Armenians, mostly old men, women, and children, were forced to abandon their homes, their businesses, their belongings, their churches, and schools to form caravans for a terrible journey which reached from the Armenian Plateau to the hot sands of the distant Arabian Desert.

It is estimated conservatively that 1½ million weak and defenseless human beings died in the course of that indescribably inhuman journey from hunger, thirst, exposure, or at the murderous hands of cruel gendarmes and Turkish and Kurdish ruffians all along the way.

Mr. Speaker, the full extent of this most barbarous happening of unprovoked and senseless murder and rapine of even innocent women and children will never be known but even a summary account of only a very small part of such a baseless and brutal political crime is more than enough to cause any decent civilized human being to be filled with horror and revulsion.

However, the most amazing and remarkable thing in this long and excruciating visitation of persecution, injustice, and extreme suffering is that the Armenian people retained their faith, their courage, their beliefs, and their hopes and survived as a Christian nation.

It is unhappily true that their national existence is even now dark and discouraging, under the domination of brutal atheistic communism but, by our recognition here this afternoon, we express our determination and our conviction that neither we nor they will ever despair about their future liberation.

Those of us who have lived among American-Armenians as friends and neighbors know full well why the native people of Armenia will never give up their fight for freedom. The American-Armenians have been second to no other nationality in accepting their share of the burden and contributing their full measure of sacrifice to the development and progress of this country.

In private life the American-Armenian is an honest, industrious, cooperative citizen in his community.

When our Nation has been attacked by armed aggression, the Americans of Armenian origin have distinguished themselves in all ranks of our Armed Forces, and may be justly proud of their military record here.

In the fields of business and professional life in America, the Armenian descendant has exhibited the highest qualities of character and accomplishment.

Having lived and worked among Armenian-Americans practically all my life, I can personally state my own conviction that the spirit of the homeland, as evidenced by the descendants, will never be defeated by any type of barbaric persecution.

As a fellow American, I take heart and courage from their example and the example of the valiant people in their native land.

The struggle of Armenia today is essentially the same struggle in which the United States and all other Christian nations are now fiercely engaged against the most ruthless enemy the civilized world has ever known.

Mr. Speaker, as we, then, today salute the martyrdom, the faith, the courage and the dedication of the Armenian people let us here renew our pledge to persevere in our common fight against the modern Communist enemy until the free cause of the United States, Armenia and all other peace-loving nations is achieved and may the Almighty speed that happy day.

GENERAL LEAVE TO EXTEND

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to extend their remarks on the subject of this unspeakable occurrence.

The **SPEAKER** pro tempore (Mr. RONCALIO). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BIRTHDAY OF TANZANIA

Mr. POWELL. Mr. Speaker, today is an especially important date in the Republic of Tanzania, for it marks the first birthday of the Republic created 1 year ago by the merger of Tanganyika and Zanzibar. On this memorable occasion, we wish to send warm felicitations to His Excellency, President Julius Nyerere, of Tanzania.

The merger was a surprise to many, who viewed the two governments as ideologically at variance and who considered such a major political step unlikely at a time when both countries had just been through political crises. Predictions differed. Some felt that union would not last. But a reassessment at the end of the first year shows that already important steps have been taken toward consolidating and strengthening the union.

Physically the two countries resemble each other little. Tanganyika is a large east African country nearly 363,000 miles square in area. The greater portion of the land consists of an immense plateau. Tanganyika is also the site of Mount Kilimanjaro, the highest mountain in Africa, snowcapped the year round even though it is only 3° south of the Equator, and of Lake Victoria, the second largest fresh water lake in the world. By way of contrast, Zanzibar is an island—or rather two islands, Zanzibar and Pemba—lying off Africa's east coast. The islands are low-lying, studded with bays and inlets, lush with tropical vegetation, and fragrant with the aroma of cloves, the main product of Zanzibar.

Furthermore, differences between Zanzibar and Tanganyika were not limited to physical features alone. The Government of Zanzibar was viewed as drifting ever further leftward, while Tanganyika was pictured as friendly to the West though nonalined.

What brought these two countries together? One of the forces was probably the appeal of the idea of unity in east Africa. The four east African territories of Tanganyika, Zanzibar, Uganda, and Kenya were functionally coordinated under the British colonial administration, and the idea of an eventual east African federation is still a potent force. Shortly after the merger of Tanganyika and Zanzibar last spring, the President of the new Republic of Tanzania, Julius Nyerere, called once again for an east African federation of Tanzania, Uganda, and Kenya.

In any event, on April 26, 1964, Tanganyika and Zanzibar merged into a single sovereign state. The articles of union provided that the new republic would be governed by the constitution of Tanganyika pending the adoption of a new constitution. Zanzibar would retain a separate executive and legislature to handle domestic affairs, but national matters—external affairs, defense, immigration, trade, customs, taxes, and police powers—would be dealt with exclusively by the executive and parliament of the United Republic.

The first year of the union has witnessed the implementation of the articles of union into a workable governmental system. The police force has been successfully integrated. Foreign relations have been taken over exclusively by the union government. Gradually the diverse institutions and policies of the two countries are being integrated, and the two countries are genuinely merging into one. A new development plan has been drawn up by the union government.

On this important anniversary we salute you, President Nyerere, Vice President Karume, and the people of Tanzania, and express our best wishes for the continued successful development of the Republic of Tanzania.

OREGON SENATE MEMORIAL—GRANDE RONDE DAMS

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ULLMAN. Mr. Speaker, one of the river basins that suffered severe damage during the December-January flood disaster in the Pacific Northwest is the Grande Ronde Basin, of northeast Oregon. An engineering and feasibility report by the U.S. Army Corps of Engineers for the development of dams of the Grande Ronde River and Catherine Creek in the basin is currently before the **Secretary of the Army for approval. It** is most important that these projects be authorized and constructed as soon as possible.

The Oregon State Legislative Assembly, in Senate Joint Memorial 6, has memorialized the Congress and the executive department in support of these projects, and it is my pleasure to submit the memorial herewith:

SENATE JOINT MEMORIAL 6

To His Excellency, the Honorable President of the United States, to the Honorable Stephen Ailes, Secretary of the Army, and to the Honorable Senate and House of Representatives of the United States of America, in Congress Assembled:

We, your memorialists, the 53d Legislative Assembly of the State of Oregon, in legislative session assembled, most respectively represent as follows:

Whereas there has been designated by the Corps of Army Engineers a damsite on the upper Grande Ronde River in Union County, Oreg., known as Spring Creek damsite; and

Whereas there has been designated by the Corps of Army Engineers a damsite on upper Catherine Creek in eastern Union County, Oreg., known as Catherine Creek damsite; and

Whereas these damsites designated as such are a part of the multipurpose water development program of the Columbia River Basin; and

Whereas, if the Spring Creek damsite and the Catherine Creek damsite are developed to their full potential by the construction thereon of dams, substantial benefits in the form of flood control, farmland irrigation, and recreational development would be realized in Baker, Union, Wallowa, Grant, and Umatilla Counties in northeastern Oregon: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

1. The Honorable Stephen Ailes, Secretary of the Army, is memorialized to take all steps possible to insure that projected multipurpose dams be constructed as soon as possible on the Spring Creek damsite on the upper Grande Ronde River in Union County, Oreg., and on the Catherine Creek damsite in Union County, Oreg.

2. A copy of this memorial shall be transmitted to the President of the United States, the Secretary of the Army, and to each member of the Oregon congressional delegation.

Adopted by senate March 22, 1965.

CECIL L. EDWARDS,
Secretary of Senate.
HARRY J. BOIVIN,
President of Senate.

Adopted by house April 2, 1965.

F. F. MONTGOMERY,
Speaker of House.

TRUTH-IN-PACKAGING: CORRECT PACKAGING ABUSES

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I am introducing today truth-in-packaging legislation to deal with various packaging practices which have grown up within our marketing industry.

Not so many years ago a shopper in a grocery store purchased commodities out of bulk supply. She asked for a pound of cookies and the clerk behind the counter weighed out a pound of cookies. Almost all commodities were handled out of bulk. In short, the retailer purchased food in bulk from a manufacturer or processor and broke them down into units for the customer.

Today our modern supermarket offers an astounding array of prepackaged merchandise ranging from food items through hardware and drug items. Food is broken down into packaged units by the manufacturer or food processor.

Through these showplaces of American ingenuity and diversity the American housewife obtains the foodstuffs which make Americans the best fed people in the world.

In this world of prepackaged splendor, however, there has crept a disturbing amount of misleading and deceptive packaging practices and unfair trade practices:

Net weight and other important information is often printed in too small type.

Net weight and net contents information does not appear at the same place on all packages.

Packages are oversized even when considering the fact that the contents will settle during transit.

"Giant," "jumbo," "large economy size" often offer no savings over smaller containers of the same brand.

Pictures on packages grossly misrepresent the contents.

Claimed "servings per package" have no meaning to the consumer.

Fractions of ounces are used for no apparent reason other than to frustrate comparison shopping.

This bill seeks to deal not only with the packaging aspects which confront the shopper in the supermarket, but also the industry conditions which give rise to these practices. The bill seeks to—

First, provide the means for the American consumer to know what she is buying;

Second, extend the spirit and substance of the antitrust laws to the relatively new form of nonprice competition of packaging; and

Third, eliminate the unfair trade practices that have developed along with packaging gimmickry and deception.

My bill directs the Food and Drug Administration—for food, drugs, and cosmetics—and the Federal Trade Commission—for other consumer commodities—to promulgate regulations that will require packages to accurately and clearly give essential product information and fairly represent the contents.

The bill is similar to that introduced earlier this year by Senator PHILIP HART, of Michigan, and incorporates changes in the language to meet certain criticism of the packaging industry of earlier bills. The principal changes include:

First. Once a standardized volume is established for a given commodity, any shape container may be permitted.

Second. No rules would be allowed which could outlaw existing standardized containers such as the various standard can sizes.

Third. No weight or measures standards could be established for packages under 2 ounces.

The bill would deal with the so-called "kitchen and bathroom" items which make up the great majority of products sold in the modern supermarket. The average household spends almost one-third of its budget on these items and the current packaging practices are increasingly depriving the consumer of value in his purchases in this area.

Based on my own family's experience, the housewife makes every effort to spend this portion of the family budget with care. In some cases this is easy. She can tell the difference in price between different brands of vegetables in standard size cans. But she quickly is lost in a maze of fractions and higher mathematics when it comes to comparison shopping for other items.

A Wisconsin State legislator recently cited interesting facts in support of a truth-in-packaging bill he had introduced in the Wisconsin State Legislature. State Senator Martin J. Schreiber cited a typical problem faced by a housewife in purchasing soap powder. One actual case he cited was a choice between three sizes of the same brand of soap powder:

The "king size" package contained 5 pounds, 11 ounces, and cost $1.33.

The "giant size" package contained 3 pounds, 5½ ounces, and cost 79 cents.

The "regular size" contained 1 pound, 6 ounces, and cost 32 cents.

It is difficult to tell at a glance or even with a pencil and paper which is the best buy. However, the "king size" label and the "giant size" label suggest that they are a better buy.

Long division will show, however, that the best buy in this case was the "regular size" package. It cost 1.45 cents per ounce, while the "king" and "giant" sizes cost 1.46 cents per ounce and 1.48 cents per ounce, respectively.

Clearly the manufacturer who preprints the package in this fashion has no control over the prices charged by the retailer and the result is that these labels have no particular meaning for the consumer and can be misleading.

This also holds true for "cents off" deals preprinted on packages by the manufacturer. He cannot control the price charged by the retailer and the price charged may be the normal retail price.

I recently received a letter from a Wisconsin housewife, highlighting another packaging device. She wrote that she had purchased two 1-pound packages of potato flakes within a 5-month period. The price had increased from 69 cents to 79 cents and the claimed number of servings had risen from 20 to 25, but the less expensive first package contained the equivalent of 7 pounds of ordinary potatoes and the higher priced one only 6½ pounds.

This illustrates how irrelevant packaging information can be to the actual contents of the container. A provision of my bill would establish serving standards so that the term "25 servings" would have some meaning to the housewife planning meals and not just be used to suggest increased contents.

Other provisions of the bill would—

First, require the net weight or contents to be printed prominently on the front panel of all packages;

Second, prohibit the use of misleading pictures on packages;

Third, prohibit cents-off deals or "economy sized" designations by manufacturers which imply a control over retail prices they may not have;

Fourth, provide means for standardizing package weights and measures for specific types of commodities so the shopper can compare prices without dealing with fractions of ounces; and

Fifth, provide industry with an opportunity to participate in the formulation of these packaging regulations.

Hearings are being held this week in the Senate Commerce Committee on this very language. While it may be difficult to write language to assure that the regulations will not stifle normal growth in the industry, it is not impossible. Furthermore, the evidence shows that some regulation is needed.

This legislation has been before Congress for several years. It has been the subject of hearings and the growing congressional concern over these practices has been similarly of public record for some time. Yet the conditions persist, demonstrating that the industry is not capable of self-regulation in this respect.

The time has come for the packaging industry to assist Congress in writing legislation which will both eliminate the deceptive packaging practices while avoiding any stifling of the development of new products or growth in the industry.

ARMENIAN MASSACRES IN TURKEY IN 1915

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLOOD. Mr. Speaker, April 24 of this year marked the 50th anniversary of an event of World War I almost forgotten, the outright extermination of the Armenian communities in the Ottoman Empire. At the beginning of that year there were close to 2 million Armenians in the sultan's sprawling domain, and about half of these were living in their historic homeland in eastern Asia Minor. By the end of that terrible year nearly all of them had been uprooted from their homes—only those residing in the sultan's capital city of Constantinople were spared through the tireless efforts of the United States Ambassador, Mr. Morgenthau and many hundreds of thousands had been massacred outright.

Most of those who were spared this cruel but quick form of death were doomed to suffer longer in the course of forced marches, but they also shared a similar fate under circumstances of brutality and cruelty unsurpassed in the history even of the blood-stained East. Barely one-tenth of the total number managed to survive this secretly planned and most carefully executed first case of genocide in all modern history. Thus the Armenian people, who throughout their long and turbulent history had steadfastly clung to their ancestral homes, and who in the opinion of those who knew them had long been regarded as the most energetic, industrious and progressive element in the Ottoman Empire, were carried off as if by some affliction early in the First World War.

The causes for this tragedy are numerous, but the real cause was that the Armenians, always oppressed and robbed and violated by the unruly Kurds and unscrupulous government officials, had asked for reforms and improvements in their status. When these were not forthcoming, and the Turks proved unwilling to do anything for the Armenians, then the latter had appealed to European governments for their good offices. These governments, being aware of the prevailing misgovernment in the Armenian provinces of Turkey, had urged the Turkish Government to introduce some reforms for the betterment of the lot of the Armenian people. The Turks had agreed to do this, but they never forgave the Armenians for seeking outside intervention. They felt that one way to avoid foreign intervention was to eliminate the Armenian element in the country. The First World War offered them the golden opportunity to do this. And they proceeded in this hideous task in a most ruthless manner, their sole purpose being the extermination of all Armenians regardless of age and sex. Unfortunately they nearly succeeded in this total genocide, and today there remain barely 50,000 Armenians in a country where there were nearly 2 million before 1915.

On April 24 of this year, on the 50th anniversary of the Armenian massacres in Turkey, all Armenian communities throughout the world and their friends everywhere observed that black anniversary and prayed in memory of more than 1 million Armenian victims of this unprecedented campaign of genocide.

AGAINST HOUSE UN-AMERICAN ACTIVITIES COMMITTEE APPROPRIATION

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Ottinger] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. OTTINGER. Mr. Speaker, the House has voted an additional $50,000 to the Committee on Un-American Activities to permit it to undertake an investigation of the Ku Klux Klan. In my view, this bodes ill for the cause of civil rights.

In the first place, this represents a further extension of nonlegislative investigations by the committee. I believe these investigations to be unconstitutional and in derogation of our basic freedoms. A congressional committee has no business investigating and organization or individuals solely for the sake of exposure, no matter how undesirable the organization may be. The only proper function for a congressional committee is to consider legislation and conduct such investigations as are necessary to determine the need and nature of such legislation.

There is an apparent need for more effective criminal laws to deal with violence against civil rights workers and Negroes who are asserting their rights in the South. Much of this violence seems to be perpetrated by members of the Ku Klux Klan. Investigation of the need and nature of new laws should be performed by the Judiciary Committee, which has been responsible for all previous civil rights legislation.

An even greater danger to the cause of civil rights arises, however. Virtually every civil rights leader has been cited frequently in the House Un-American Activities Committee files and publications which have been used by committee members and foes of civil rights as evidence of Communist infiltration in the civil rights movement. For example, during the 1963 civil rights bill debate, the gentleman from Arkansas [Mr. Gathings] read into the Congressional Record 30 pages of quotes from Un-American Activities Committee files infering that 59 persons prominent in the NAACP were Communist affiliates or sympathizers. Included were the Reverend Martin Luther King, Jr., Dr. Ralph Bunche, Roy Wilkins, A. Philip Randolph, Jr., Thurgood Marshall, and Robert Weaver.

From this, the gentleman from Arkansas concluded that the NAACP was "subversive." There have been similar instances.

There is a real danger that the committee investigation of the Ku Klux Klan will be only a thinly disguised excuse for a later investigation of supposed Communist infiltration into the civil rights organizations. Indeed, several southern colleagues who spoke in favor of the committee appropriation indicated that the civil rights organizations should be investigated for Communist influence.

Mr. Speaker, I hope my prophecy does not prove true, but I forsee the day when every Congressman interested in promoting constitutional rights in this country will deeply regret this latest House Un-American Activities Committee appropriation. This committee, with five of its nine members from the Deep South, is more likely than not to give the Ku Klux Klan a "once over lightly," and then turn with a vengeance on the civil rights groups.

It is noteworthy that virtually every civil rights leader in the House and every Negro Representative present voted against this appropriation, including the gentleman from New York [Mr. Powell] and the gentlemen from Michigan [Mr. Diggs and Mr. Conyers]. These distinguished civil rights leaders certainly would not have opposed a genuine and effective inquiry into more effective legislation to combat violence by the Ku Klux Klan.

Finally, to give the Committee on Un-American Activities more money to extend still further its jurisdiction is indeed a travesty. The committee already has the distinction of being the fourth ranking in terms of appropriations of any committee in the House. It certainly has more money for less accomplishment than any committee.

In my opinion, this latest appropriation will haunt the House for many years to come and the investigations initiated pursuant to it will bring no credit to this noble body.

MILWAUKEE: BIG LEAGUE CITY

The SPEAKER pro tempore (Mr. Roncalio). Under previous order of the House the gentleman from Wisconsin [Mr. Reuss] is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, the major league season opened in Milwaukee on April 15. The day was cool and cloudy.

Fans who like to root for the home team could not forget that next year "their" Braves would be playing for Atlanta, not Milwaukee.

Circumstances were hardly favorable for a large attendance.

Yet 33,874 Wisconsin baseball fans turned out, demonstrating once again that Milwaukee is a big league city that loves big league baseball.

The excellent attendance on opening day added still another entry to the long record of outstanding support Milwaukee has given to the Braves.

The opening day crowd this year should remind baseball's fans and owners of the many other crowds that packed Milwaukee County stadium to build a 12-year average annual attendance of 1,583,027—a figure surpassed by only one other National League club.

Milwaukee has proved itself a big league town; there can be no point in any further "tests" of the thoroughly demonstrated enthusiasm of Milwaukeeans for major league baseball.

Mr. Speaker, the leaders of major league baseball have often appeared before committees of Congress and pledged to operate "responsibly" and "in the public interest."

Yet the oligopolists of baseball have decreed that Milwaukee, a proven major league city with a proven ability and willingness to support amply a major league team, is to be left without major league baseball after the 1965 season.

Unless something is done, Milwaukee will become the first, but—and I hope my colleagues from Cleveland, Kansas City, and Cincinnati in particular will note this—not the last major league city in the 20th century to lose big league baseball entirely.

Baseball's moguls cannot justify their abandonment of the loyal fans and supporters in Milwaukee as meeting their often-stated promise to operate responsibly.

The opening game attendance April 15 spotlights to burden on the club owners to remedy that irresponsible action which they approved last year.

Fortunately, there is a responsible and public-spirited course of action they can take if they will.

Let them proceed forthwith to expand baseball by four new franchises for the 1966 season and to create from the new and existing teams three more geographically compact leagues.

Let them also agree upon greater sharing of television revenues to equalize competition and to wipe out an incentive for clubs to engage in profit-seeking city hopping.

Baseball has promised to operate in the public interest. Let it now fulfill that pledge.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Mathias (at the request of Mr. Gerald R. Ford), through May 15, 1965, on account of illness.

Mr. St. Onge (at the request of Mr. McGrath) for the balance of the week, on account of illness in family.

Mr. Rodino (at the request of Mr. McGrath), for May 3 and 4, 1965, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Fulton of Tennessee (at the request of Mr. Albert), for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. Saylor, for 60 minutes, on Tuesday, April 27, 1965; and to revise and extend his remarks.

Mr. Philbin, for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members at the request of Mr. Mackay, to revise and extend their remarks and to include extraneous matter:)

Mr. Bingham, for 45 minutes, on Wednesday, April 28.

Mr. Hungate, for 30 minutes, on Wednesday, May 12.

Mr. Reuss, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. Pucinski.

Mr. Annunzio.

(The following Members (at the request of Mr. Mackay) and to include extraneous matter:)

Mrs. Kelly.

Mr. Roosevelt.

Mr. Thompson of New Jersey

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 327. An act to provide assistance to the States of Oregon, Washington, California, and Idaho for the reconstruction of areas damaged by recent floods and high waters; to the Committee on Public Works.

ADJOURNMENT

Mr. MACKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 27, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

981. A communication from the President of the United States, transmitting amendments to the request for appropriations made in the budget for fiscal year 1966 for the Department of Agriculture and proposed provisions for the Department of Agriculture and the Department of the Interior (H. Doc. No. 154); to the Committee on Appropriations and ordered to be printed.

982. A letter from the Assistant Secretary of the Interior, transmitting a report on the Touchet division, Walla Walla project, Oregon-Washington, pursuant to section 9(a) of the Reclamation Act of 1939 (53 Stat. 1187) (H. Doc. No. 155); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

983. A letter from the Secretary of the Air Force, transmitting a report on the number of officers assigned or detailed to permanent duty in the executive part of the Department at the end of the third quarter of fiscal year 1965, pursuant to section 8031(c), title 10, United States Code; to the Committee on Armed Services.

984. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report listing Army, Navy, and Air Force contracts negotiated under authority of sections 2304(a)(11) and 2304(a)(16) of title 10, United States Code, during the 6-month period ended December 31, 1964, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

985. A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to the Reserve Officers' Training Corps; to the Committee on Armed Services.

986. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the Department for fiscal year 1964; to the Committee on Education and Labor.

987. A letter from the Secretary of State, transmitting a proposed draft amendment to the United Nations Participation Act of 1945, as amended; to the Committee on Foreign Affairs.

988. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs resulting from the entry into the military supply system of items identical or similar to items previously eliminated or to standard items that were retained, Department of Defense; to the Committee on Government Operations.

989. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs incurred in the production of T208 telescope mounts as a result of an inaccurate and incomplete technical data package, Department of the Army; to the Committee on Government Operations.

990. A letter from the Comptroller General of the United States, transmitting a report of unnecessary retention of high-value land, Fort Gordon, Ga., Department of the Army; to the Committee on Government Operations.

991. A letter from the Comptroller General of the United States, transmitting a report of lack of proper inspection and effective maintenance practices for communication and electronic equipment in certain strategic Army Corps units at Fort Hood, Tex., Department of the Army; to the Committee on Government Operations.

992. A letter from the Comptroller General of the United States, transmitting a report of procurements of spare parts and assemblies in excess of current needs by the U.S. Marine Corps, Department of the Navy; to the Committee on Government Operations.

993. A letter from the Comptroller General of the United States, transmitting a report of unnecessary procurement of office furniture, Department of Labor; to the Committee on Government Operations.

994. A letter from the Chief Commissioner, Indian Claims Commission, transmitting a report that proceedings have been finally concluded with respect to two cases involving the Colorado River Indian Tribes, namely Dockets Nos. 185 and 283–A, with copies of the papers relating thereto, pursuant to section 21 of 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

995. A letter from the Attorney General, transmitting a draft of proposed legislation to permit the compelling of testimony with respect to certain crimes, and the granting of immunity in connection therewith; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CURTIS:

H.R. 7585. A bill to amend the Internal Revenue Code of 1954, as amended, with respect to the taxation of banks, savings and loan associations, and other institutions; to the Committee on Ways and Means.

By Mr. ANDREWS of North Dakota:

H.R. 7586. A bill to amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited services of certain periods of service rendered States or instrumentalities of States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNES of Wisconsin:

H.R. 7587. A bill to amend the Internal Revenue Code of 1954 with respect to certain distributions of money by corporations which have been electing small business corporations; to the Committee on Ways and Means.

H.R. 7588. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on the amount of deduction for contributions to pension and profit-sharing plans made on the behalf of self-employed individuals; to the Committee on Ways and Means.

By Mr. CHELF:

H.R. 7589. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against an undue burden upon interstate commerce, certain property tax assessments of common carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY:

H.R. 7590. A bill to incorporate the Sixth United States Infantry Association; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 7591. A bill to amend the Bank Merger Act so as to provide that bank mergers, whether accomplished by the acquisition of stock or assets or in any other way, are subject exclusively to the provisions of the Bank Merger Act, and for other purposes; to the Committee on Banking and Currency.

H.R. 7592. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

H.R. 7593. A bill to repeal the excise tax on amounts paid for communication service or facilities; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 7594. A bill to establish a Federal Commission on Alcoholism, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS of South Carolina:

H.R. 7595. A bill to amend title 10, United States Code, to authorize transportation at Government expense for dependents, accompanying members of the uniformed services at their posts of duty outside the United States, who require medical care not locally available; to the Committee on Armed Services.

H.R. 7596. A bill to amend title 10, United States Code, to remove inequities in the active duty promotion opportunity of certain Air Force officers; to the Committee on Armed Services.

By Mr. SAYLOR (by request):

H.R. 7597. A bill to establish the veterans reopened insurance fund in the Treasury and to authorize initial capital to operate insurance programs under 38 U.S.C. 725; to the Committee on Veterans' Affairs.

By Mr. SIKES:

H.R. 7598. A bill to provide an appropriation for a preliminary examination and survey for improvement of Lynn Haven Bayou and Canal, Fla.; to the Committee on Appropriations.

By Mr. ULLMAN:

H.R. 7599. A bill to amend the Agricultural Marketing Agreement Act of 1937 to permit marketing orders applicable to pears to provide for paid advertising; to the Committee on Agriculture.

By Mr. KASTENMEIER:

H.R. 7600. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 7601. A bill to provide for the retirement of $30 billion of interest-bearing obligations of the United States held by the 12 Federal Reserve banks; to the Committee on Banking and Currency.

By Mr. WATTS:

H.R. 7602. A bill to amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package; to the Committee on the Judiciary.

H.R. 7603. A bill relating to the reserve for bad debts for income tax purposes in the case of banks; to the Committee on Ways and Means.

By Mr. McDADE:

H. Res. 346. Resolution establishing a Committee on the Captive Nations; to the Committee on Rules.

By Mr. THOMAS:

H. Res. 347. Resolution expressing the disapproval of the House of Representatives of Reorganization Plan No. 1 of 1965; to the Committee on Government Operations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

214. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to endorsing S. 1091, a bill relating to the exploration and development of the Continental Shelf; to the Committee on Merchant Marine and Fisheries.

215. Also, Memorial of the Legislature of the State of California, relative to a study being made of the flood prevention control aspects of the Eel River and its tributaries; to the Committee on Public Works.

216. Also, Memorial of the Legislature of the State of California, relating to the construction of dams on the Eel River; to the Committee on Public Works.

217. Also, Memorial of the Legislature of the State of Florida, relative to a request for designation of a highway from Tampa, Fla., to Miami, Fla., as a part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

218. Also, Memorial of the Legislature of the State of Hawaii, relative to requesting the continuation of present levels of Federal support for soil and water conservation districts; to the Committee on Agriculture.

219. Also, Memorial of the Legislature of the State of Hawaii, relative to the Congress amending all Federal laws granting subsidies to any industry or agricultural pursuit, to require compliance with the Fair Labor Standards Act of 1938, as amended; to the Committee on Agriculture.

220. Also, Memorial of the Legislature of the State of Maine, relative to requesting Congress to promote the protection of our gold reserves; to the Committee on Ways and Means.

221. Also, Memorial of the Legislature of the State of Nebraska, relative to the Missouri River States Committee reaffirming and urging early and favorable action by the Congress so that construction may be started assuring the beginning of another phase of the uses of the waters of the Missouri River Basin; to the Committee on Interior and Insular Affairs.

222. Also, Memorial of the Legislature of the State of Washington, relative to endorsing the orderly development program for the Columbia Basin Commission; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (by request):

H.R. 7604. A bill for the relief of Bartul Ivcevic; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 7605. A bill for the relief of Weenicezie Joan Sharma; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 7606. A bill for the relief of Pyung Ok Kim; to the Committee on the Judiciary.

H.R. 7607. A bill for the relief of Mrs. Flora El Tawil; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 7608. A bill to provide for the free entry of one automatic steady state distribution machine for the use of the University of Oklahoma, Norman, Okla.; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 7609. A bill for the relief of Mrs. Sook Ihn Saw; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 7610. A bill for the relief of Siu Chun Tsu Chao; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7611. A bill for the relief of Muriel C. Greaves; to the Committee on the Judiciary.

H.R. 7612. A bill for the relief of Kaestner George Phillips and his wife Miriam Olive Phillips; to the Committee on the Judiciary.

H.R. 7613. A bill for the relief of Salvatore Prestigiacomo; to the Committee on the Judiciary.

H.R. 7614. A bill for the relief of Lorna Gloria Reid; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 7615. A bill for the incorporation of the Merchant Marine War Veterans Association; to the Committee on the District of Columbia.

By Mr. RODINO:

H.R. 7616. A bill for the relief of Benito Caldas and Carmen Caldas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

181. By the SPEAKER: Petition of Board of Commissioners of Martin County, Stuart, Fla., relative to requesting continuation of the policy of providing technical assistance to soil and water conservation districts without new costs to landowners and operators; to the Committee on Agriculture.

182. Also, petition of National Bicycle Dealers Association, Inc., Wickliffe, Ohio, urging Congress to enact legislation for bicycle paths as an integral part of our highway system; to the Committee on Public Works.

183. Also, petition of Association of Highway Officials of North Atlantic States, Trenton, N.J., relative to resolution petitioning Congress to direct the Secretary of Commerce to develop highway needs of the Nation, and recommending an additional Federal-aid highway program expanding the Interstate System; to the Committee on Public Works.

184. Also, petition of Federation of Homemakers, Arlington, Va., requesting the House of Representatives to create a new standing committee to be known as the Committee on Health and Safety, to consider legislation in these specific fields; to the Committee on Rules.

185. Also, petition of Veterans of Foreign Wars of the United States, Washington, D.C., relative to urging continued efforts to oppose curtailment of veterans' benefits; to the Committee on Veterans' Affairs.

186. Also, petition of Local No. 534, Boston Cement Masons & Asphalt Layers Union, Boston, Mass., requesting Congress to allow the automatic rate reduction on temporary Korean excise taxes; to the Committee on Ways and Means.

187. Also, petition of Southern Interstate Nuclear Board, Atlanta, Ga., relative to extending the provisions of the Price-Anderson indemnity legislation for an additional period of 10 years; to the Joint Committee on Atomic Energy.

SENATE

MONDAY, APRIL 26, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Father of all mankind, we come conscious that our best contrivings and our wisest plans will stand but as mute monuments of futility in a valley of dry bones unless upon them all Thou shalt breathe the breath of life.

If at last, chastened by Thy immutable laws, a shattered world is to leave behind mutual slaughter, exploitation, suspicion, and hatred, and is to march together, no matter how long and steep the climbing way, toward a fairer earth in which nation shall not lift up sword against nation, neither shall learn war any more, only Thy pillar of cloud and of fire can lead to that golden era.

Anxious about our national welfare, as with all nations we stand in the valley of decision, knowing that of those to whom much has been given, much shall be required, we lift our fervent prayer:

Send out Thy light and Thy truth; let them bring us to Thy holy hill of an abundant life and a just peace.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 23, 1965, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of January 12, 1965,

Mr. PASTORE, from the Committee on Appropriations, reported favorably, with amendments, on April 23, 1965, the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, and submitted a report (No. 167) thereon, which was printed.

NOTICES OF MOTIONS TO SUSPEND THE RULE SUBMITTED DURING ADJOURNMENT — AMENDMENTS TO SECOND SUPPLEMENTAL APPROPRIATION BILL, 1965

Under authority of the order of January 12, 1965,

Mr. PASTORE, on April 23, 1965, submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, the following amendment, namely:

On page 9, line 4, insert the following:

"VETERANS' REOPENED INSURANCE FUND

"All premiums and collections on insurance issued pursuant to section 725 of title 38, United States Code, shall be credited to the 'Veterans' reopened insurance fund.' established pursuant to that section, and all payments on such insurance and on any total disability provision attached thereto shall be made from that fund, notwithstanding any provisions of that section: *Provided*, That for actuarial and accounting purposes, the assets and liabilities (including liability for repayment of advances hereinafter authorized, and adjustment of premiums) attributable to each insured group established under said section 725, shall be separately determined: *Provided further*, That such amounts of the 'veterans' special term insurance fund' as may hereafter be determined by the Administrator of Veterans' Affairs to be in excess of the actuarial liabilities of that fund, including contingency reserves, shall be available for transfer to the 'Veterans' reopened insurance fund' as needed to provide initial capital: *Provided further*, That any amounts so transferred shall be repaid to the Treasury, and shall bear interest payable to the Treasury at rates established in accordance with section 725(d)(1) of title 38, United States Code."

Mr. PASTORE also submitted an amendment, intended to be proposed by him, to House bill 7091, making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, which was printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. PASTORE also, on April 23, 1965, submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, the following amendment, namely:

On page 4, line 16, insert the following:

"PEACE CORPS

"During the current fiscal year an additional amount of $1,858,000 shall be available within the appropriation for 'Peace Corps' for administrative and program support costs."

Mr. PASTORE also submitted an amendment, intended to be proposed by him, to House bill 7091, making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes, which was printed.

(For text of amendment referred to, see the foregoing notice.)

ORDER DISPENSING WITH CALL OF LEGISLATIVE CALENDAR UNDER RULE VIII

On request by Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar under rule VIII was dispensed with.

LIMITATION OF STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. MANSFIELD, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Public Works was authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Amendment of Title 10, United States Code, With Respect to the Reserve Officers' Training Corps

A letter from the Acting Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to the Reserve Officers' Training Corps (with an accompanying paper); to the Committee on Armed Services.

Amendment of Peace Corps Act

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred in the production of T208 telescope mounts as a result of an inaccurate and incomplete technical data package, Department of the Army, dated April 1965 (with an accompanying report); to the Committee on Government Operations.

Report on Touchet Division, Walla Walla Project, Washington

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, his report on the Touchet Division, Walla Walla project, Washington, dated January 1964 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Final Settlement of Claims of Certain Indians

A letter from the Chief Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, on the final settlement of the claims of certain Indians against the United States of America (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"SENATE JOINT RESOLUTION 4

"Joint resolution relative to construction of dams on the Eel River

"Whereas, the recent December 1964 and January 1965 floods and storms in the northern part of California have resulted in serious and widespread damage and destruction to private and public property; and

"Whereas a large portion of the damage and destruction might have been avoided or mitigated had there been dams for flood control purposes on the upper Eel River: Now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California (jointly)*, That the Legislature of the State of California respectfully memorializes the Congress of the United States, the U.S. Army Corps of Engineers, and the Bureau of Reclamation to give high priority to the planning and construction of dams on the upper Eel River for flood control purposes; and be it further

"*Resolved*, That the secretary of the senate be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chief of the U.S. Army Corps of Engineers, and to the U.S. Commissioner of Reclamation."

A resolution of the Senate of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE RESOLUTION 126

"Resolution relative to flood control and water conservation projects

"Whereas the great storms of December 1964 caused widespread flooding along the Sacramento River and its tributaries; and

"Whereas this flooding caused extensive damage along the Sacramento River and its tributaries in Tehama and Shasta Counties; and

"Whereas the construction of dams and reservoirs on Thomas, Deer, Cottonwood, Mills, and Cow Creeks, and in Antelope Basin would have prevented much of this damage; and

"Whereas the Department of Water Resources of the State of California has made studies which indicate that these projects are economically justifiable; and

"Whereas in addition to flood control these projects would provide water for local irrigation, recreation, and fish and wildlife beneficial uses; and

"Whereas these projects would additionally yield approximately 200,000 acre-feet of water for export at an early date and at a low cost; and

"Whereas these projects could be integrated with the Federal Central Valley project: Now, therefore, be it

"Resolved by the Senate of the State of California, That the Congress of the United States, the U.S. Army Corps of Engineers, and the Bureau of Reclamation are respectfully memorialized to give high priority to the planning and construction of dams in the upper Sacramento River Basin for flood control, irrigation, recreation, and fish and wildlife enhancement purposes; and be it further

"Resolved, That the Congress of the United States is respectfully memorialized to appropriate funds to the Bureau of Reclamation for conducting such studies during the next fiscal year; and be it further

"Resolved, That the secretary of the senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chief of the U.S. Army Corps of Engineers, and to the U.S. Commissioner of Reclamation.

"Above Senate Resolution 126, read and adopted on April 15, 1965.

"J. A. Beek,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Agriculture and Forestry:

"House Concurrent Resolution 20

"Whereas labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers still exist in the United States and its possessions; and

"Whereas inferior labor conditions, including low wages, constitute an unfair method of competition and interfere with the orderly and fair marketing of goods; and

"Whereas the sugar industry in the State of Hawaii pays the highest wages in domestic sugar production in the United States and its possessions and provides sugar workers a standard of living comparable to workers covered under the Fair Labor Standards Act of 1938, as amended; and

"Whereas the sugar industry in the State of Hawaii must compete with producers and processors of sugar in other areas whose employees labor for wages as low as 65 cents per hour and whose conditions of employment otherwise are, under American standards, substandard; and

"Whereas fairness and justice demand that all workers in the United States and its possessions, whether industrial or agricultural, be entitled to enjoy a standard of living compatible with the American way of life; and

"Whereas fairness and justice to the people and sugar industry of Hawaii require that a minimum wage be set for sugar workers all over the United States so that competition among the different sugar producing areas shall be on fair and equitable terms: Now, therefore, be it

"Resolved by the House of Representatives of the Third Legislature, State of Hawaii, regular session of 1965 (the Senate concurring), That the Congress of the United States be and it is hereby respectfully requested to amend all Federal laws granting subsidies to any industry or agricultural pursuit, in which individuals are gainfully employed, to require compliance with the Fair Labor Standards Act of 1938, as amended, and as may be further amended from time to time, as a condition of the payment of any such subsidy; *Provided, however,* That the Administrator of the Wage and Hour Division shall be authorized to determine temporary exclusions from the Fair Labor Standards Act of 1938, as amended; and be it further

"Resolved, That the Congress of the United States be and it is hereby respectfully requested to amend the Sugar Act of 1948, as amended, to provide:

"1. That payment to all persons employed on a sugar farm of wages not less than the minimum wage as set by the Fair Labor Standards Act of 1938, as amended, and as may further be amended from time to time, shall be a condition of payment to the producer; *Provided however,* That the Secretary of Agriculture shall be authorized to hold hearings to determine temporary exclusions and amounts of payments to be authorized for producers so excluded temporarily.

"2. That there shall be no reduction in the base rate of payments of 80 cents per 100 pounds of sugar for any sugar farm which pays to all persons employed thereon wages at rates not less than the minimum wage established by the Fair Labor Standards Act of 1938, as amended, and as may be further amended from time to time, irrespective of production; be it further

"Resolved, That duly authenticated copies of this concurrent resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives, to the Secretary of Labor, to the Secretary of Agriculture, and to the Hawaii delegation to the Congress of the United States."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Appropriations:

"House Concurrent Resolution 26

"Whereas soil and water conservation districts in the State of Hawaii play an integral role in the protection and effective utilization of the natural resources of the State, and especially the development of productive small farms and flood control projects; and

"Whereas the Budget Bureau of the U.S. Government has proposed that Federal funds for soil and water conservation districts be reduced, and that farmers be required to contribute up to 50 percent of the costs of soil conservation district services now provided by the Federal Government; and

"Whereas the proposal that farmers make substantial contributions to the costs of the program will adversely affect conservation work in the State, and the burden on small farmers or persons now beginning to develop agricultural land will prevent their participation in soil and water conservation districts: Now, therefore, be it

"Resolved by the House of Representatives of the Third Legislature of the State of Hawaii, regular session of 1965 (the Senate concurring), That the Congress of the United States be and hereby is memorialized to continue present levels of Federal support for soil and water conservation districts; and be it further

"Resolved, That certified copies of this concurrent resolution be forwarded to the Honorable Hubert H. Humphrey, President of the U.S. Senate; the Honorable John W. McCormack, Speaker of the U.S. House of Representatives; and to the members of Hawaii's congressional delegation."

A concurrent resolution of the Legislature of the State of North Dakota; to the Committee on the Judiciary:

"House Concurrent Resolution E2

"Concurrent resolution urging the Congress of the United States to propose an amendment to the Constitution of the United States relating to apportionment

"Whereas the Supreme Court of the United States has ruled that membership in both houses of a bicameral State legislature must be apportioned according to population and has thus asserted Federal judicial authority over the basic structure of government in the various States; and

"Whereas this rule denies to the people of the respective States the rights to establish their legislatures upon a pattern of representation deemed suitable to the needs of each State or similar to the pattern deemed advantageous for the Congress of the United States and provided by the Federal Constitution; and

"Whereas this action of the Supreme Court goes so far as to restrict the ability of the citizens of the respective States to designate the manner in which they shall be represented in their respective legislatures, thereby depriving the people of their right to determine how they shall be governed; and

"Whereas the implications of this action by the U.S. Supreme Court raise serious doubts as to the legality of the present form of governing bodies of many subordinate units of government within the States: Now, therefore, be it

"Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein, That this legislature respectfully applies to the Congress of the United States to propose and submit to the States an amendment to the Constitution of the United States substantially as follows:

" 'Article —

" 'Section. 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

" 'Sec. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership or governing bodies of its subordinate units shall be apportioned.

" 'Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress'; be it further

"Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State.

"Arthur A. Link,
"Speaker of the House.
"Donnell Haugen,
"Chief Clerk of the House.
"Charles Tighe,
"President of the Senate.
"Gerald F. Stair,
"Secretary of the Senate."

A resolution adopted by the Missouri River States Committee, in Omaha, Nebr., on April 15, 1965, endorsing the construction of the Garrison diversion unit in North Dakota; to the Committee on Interior and Insular Affairs.

A resolution adopted by the Lions Club, of Rincon, P.R., relating to civil rights; ordered to lie on the table.

constitutes "causing serious mental harm to a group," for which crime American citizens would be exposed to possible arrest, extradition, and trial before an international penal tribunal without benefit of rights secured by the Constitution:

Resolved, That the National Society, Daughters of the American Revolution, commend the Senate of the United States for its wisdom and restraint in thus far refusing to ratify the United Nations Genocide Convention, and express the hope that the Senate will steadfastly continue to protect the American people from the dangers of treaty law.

Combating Communism and Communist Propaganda

Whereas subversive propaganda is disseminated by segments of the communications media, and by misguided persons as well as active Communists and sympathizers; and

Whereas special targets of the Communists are youth, religious, and minority groups; and

Whereas authoritative information on the tactics, methods, semantics, and objectives of world communism is essential to understanding and combating its false propaganda:

Resolved, That the National Society, Daughters of the American Revolution, urge its members to study available reliable information on Communist techniques and objectives, including official Government reports of the Senate Internal Security Subcommittee, the House Committee on Un-American Activities, and other material exposing the Communist conspiracy, in order to be alert to its insidious plans and influences;

Resolved, That the National Society, Daughters of the American Revolution, urge its members to work for the enforcement of the Internal Security Act of 1950, which was designed to provide greater protection for our Nation and our citizens against Communists and Communist organizations.

Regulation of Foreign Commerce

Whereas article I, section 8, paragraph 3 of the U.S. Constitution defining powers of Congress states, "The Congress shall have power to regulate foreign commerce * * *"; and

Whereas the constitutional responsibility of Congress to regulate our foreign trade was surrendered in 1934 to the executive branch of Government through the Trade Agreements Act, with authority to transfer such responsibility to an international agency composed of competitive foreign nations sitting in Geneva, Switzerland; and

Whereas, since 1947, the international agency known as the General Agreement on Tariffs and Trade (GATT), which was never approved by Congress and in which the United States has but one vote, has been regulating our foreign commerce; and

Whereas present low tariffs have adversely affected numerous American industries with consequent loss of jobs of American workers:

Resolved, That the National Society, Daughters of the American Revolution, reiterate its previous support of the constitutional principle that regulation of foreign commerce rests with the Congress of the United States of America.

TO PRINT AS A SENATE DOCUMENT A COMMITTEE PRINT ENTITLED "PROPOSED FEDERAL PROMOTION OF 'SHARED TIME' EDUCATION"—REPORT OF A COMMITTEE

Mr. MORSE. Mr. President, from the Committee on Labor and Public Welfare, I report a resolution to have printed as a Senate document a committee print entitled "Proposed Federal Promotion of 'Shared Time' Education."

It is a digest of the relevant literature and the summary of pro and con comments upon the proposals which was compiled by the Legislative Reference Service of the Library of Congress. In discussion in a full committee meeting on March 5, 1965, it was pointed out that this material should be most helpful to Senators in connection with inquiries they will be receiving as the result of the enactment of H.R. 2362, the landmark Elementary and Secondary Education Act of 1965, which was signed by the President on April 11 and is now known as Public Law 89–10.

The resolution was unanimously reported by the committee.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 98) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed as a Senate document the committee print entitled "Proposed Federal Promotion of 'Shared Time' Education (a Digest of Relevant Literature and Summary of Pro and Con Arguments)", prepared by the Legislative Reference Service of the Library of Congress at the request of Senator WAYNE MORSE and issued by the Subcommittee on Education of the Committee on Labor and Public Welfare during the 88th Congress, 1st session; and that there be printed one thousand additional copies of such document for the use of that committee.

TO PRINT AS A SENATE DOCUMENT A PUBLICATION ENTITLED "STUDENT ASSISTANCE HANDBOOK: GUIDE TO FINANCIAL ASSISTANCE FOR EDUCATION BEYOND THE HIGH SCHOOL"—REPORT OF A COMMITTEE

Mr. MORSE. Mr. President, I further report from the Committee on Labor and Public Welfare a resolution to have printed as a Senate document a publication entitled "Student Assistance Handbook: Guide to Financial Assistance for Education Beyond the High School." This handbook, which was compiled by the Legislative Reference Service of the Library of Congress, is a revision and expansion of an earlier committee print which has already been of much assistance to all Senatorial offices.

We know that the parents of America have a tremendous interest in obtaining the best possible education for their sons and daughters. The proposed Senate document contains much helpful material relating to loans, grants, and scholarships available from a multiplicity of sources.

Mr. President, I ask unanimous consent that the resolution to which I have referred be received and appropriately referred.

The VICE PRESIDENT. The resolution will be received and appropriately referred.

The resolution (S. Res. 99) was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed as a Senate document the committee print entitled "Student Assistance Handbook (Guide to Financial Assistance for Education Beyond High School)", prepared by the Legislative Reference Service of the Library of Congress and issued by the Subcommittee on Education of the Committee on Labor and Public Welfare during the eighty-eighth Congress, second session; and that there be printed four thousand additional copies of such document for the use of that committee.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER (by request):

S. 1812. A bill to amend subsections (a) and (b) and to repeal subsection (f) of section 3 of the Rural Electrification Act of 1936, as amended, to establish the Rural Electrification Administration Loan Account, and for other purposes;

S. 1813. A bill providing for reduction of the borrowing power of the Commodity Credit Corporation and the cancellation of notes due the Treasury in amount equivalent to such reduction and other purposes;

S. 1814. A bill to amend the act of August 28, 1950, enabling the Secretary of Agriculture to furnish, upon a reimbursable basis, certain inspection services involving overtime work; and

S. 1815. A bill to amend section 301 of title III of the act of August 14, 1946, relating to the establishment by the Secretary of Agriculture of a national advisory committee, to provide for annual meetings of such committee; to the Committee on Agriculture and Forestry.

By Mr. METCALF (for himself and Mr. HRUSKA):

S. 1816. A bill to amend the Migratory Bird Conservation Act with respect to the disposal of land and interests in land acquired pursuant to such act; to the Committee on Commerce.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

By Mr. RIBICOFF:

S. 1817. A bill to amend the District of Columbia public assistance law to clarify the categories of federally aided assistance recipients; to the Committee on the District of Columbia.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. PEARSON (for himself and Mr. CARLSON):

S. 1818. A bill to provide for the establishment and administration of the Great Prairie Parkway in the State of Kansas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. PEARSON when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 1819. A bill to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex.; to the Committee on Armed Services.

By Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia):

S. 1820. A bill to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

(See the remarks of Mr. RANDOLPH when he introduced the above bill, which appear under a separate heading.)

By Mr. SCOTT:

S. 1821. A bill for the relief of En Shui Tai; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 1822. A bill to provide for a temporary suspension in the payment of principal and interest charges on certain disaster loans made by the Small Business Administration; to the Committee on Banking and Currency.

By Mr. JACKSON:

S. 1823. A bill for the relief of Young Bin Yim; to the Committee on the Judiciary.

By Mr. GORE:

S. 1824. A bill to provide for the appointment of three additional judges for the Court of Appeals for the Sixth Circuit; to the Committee on the Judiciary.

(See the remarks of Mr. Gore when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 1825. A bill to provide assistance in training State and local law enforcement officers and other personnel, and in improving capabilities, techniques and practices in State and local law enforcement and prevention and control of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. SALTONSTALL (for himself and Mr. Kennedy of Massachusetts):

S.J. Res. 70. Joint resolution providing for the erection of a memorial statue to the late Dr. Robert H. Goddard, the father of American rocketry; to the Committee on Rules and Administration.

CONCURRENT RESOLUTION

RECOGNITION OF WHITEHALL, N.Y., AS THE BIRTHPLACE OF THE U.S. NAVY

Mr. JAVITS submitted a concurrent resolution (S. Con. Res. 33) to recognize Whitehall, N.Y., as the birthplace of the U.S. Navy, which was referred to the Committee on Armed Services.

(See the above concurrent resolution printed in full when submitted by Mr. Javits, which appears under a separate heading.)

RESOLUTIONS

TO PRINT AS A SENATE DOCUMENT A COMMITTEE PRINT ENTITLED "PROPOSED FEDERAL PROMOTION OF 'SHARED TIME' EDUCATION

Mr. MORSE, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 98) to print as a Senate document the committee print entitled "Proposed Federal Promotion of 'Shared Time' Education (A Digest of Relevant Literature and Summary of Pro and Con Arguments)," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Morse, which appears under the heading "Reports of Committees.")

TO PRINT AS A SENATE DOCUMENT A COMMITTEE PRINT ENTITLED "STUDENT ASSISTANCE HANDBOOK (GUIDE TO FINANCIAL ASSISTANCE FOR EDUCATION BEYOND HIGH SCHOOL)"

Mr. MORSE, from the Committee on Labor and Public Welfare, reported an original resolution (S. Res. 99) to print as a Senate document the committee print entitled "Student Assistance Handbook (Guide to Financial Assistance for Education Beyond High School)," which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. Morse, which appears under the heading "Reports of Committees.")

CHANGES IN MEMBERSHIP OF CERTAIN STANDING COMMITTEES OF THE SENATE

Mr. MANSFIELD submitted a resolution (S. Res. 100) making changes in the membership of certain standing committees of the Senate, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. Mansfield, which appears under a separate heading.)

RATCHET II—THE TURN OF THE SCREW

Mr. METCALF. Mr. President, almost 2 months ago, I called the attention of my colleagues to an operation in the Bureau of the Budget called "ratchet I" by employees, who said it described a "tightening up" on investment and expenditure of tax dollars collected at the Federal level.

On February 8, at page 2199 of the Congressional Record, I said I preferred that definition of "ratchet" in Webster's unabridged dictionary, which is "a device for turning the screws or clamps on."

I pointed out to my colleagues that "ratchet I" had at that time resulted in orders to close defense installations, veterans hospitals, and fish hatcheries, and to withdraw Federal funds from State-supported agricultural research programs, among others.

I advised my colleagues that, if they thought "ratchet I" was tough, they should wait until they see "ratchet II."

Today, I am talking about "Ratchet II—the Turn of the Screw." I am talking about proposals, by officials of the Bureau of the Budget, to break faith with our duck hunters—and others sincerely interested in the National Wildlife Refuge System.

It is inconceivable to me that the record written by the historic 88th "conservation" Congress; the words of President Johnson in his message on natural beauty when he said "The wonder of Nature is the treasure of America"; and Secretary Udall's valiant work to arouse the Nation's attention to the "quiet crisis" we face in needs for parks, wilderness, wildlife areas, and recreational space are to be undermined by the sightless mole of false economy.

Recently, I brought this up again at a meeting of the Migratory Bird Conservation Commission, of which I am a member. Senators, as you know, this is the group, established by law to pass on recommendations by its Chairman, the Secretary of the Interior, for additional migratory bird refuges within the National Wildlife Refuge System. Members of the Commission include the Secretary of Agriculture, the Secretary of Commerce, another Member of this body, the distinguished Senator from Nebraska [Mr. Hruska], and two Members of the House [Mr. Karsten and Mr. Conte].

I brought this up at the Commission meeting because officials of the Bureau of the Budget propose to reduce or eliminate 11 wildlife refuges in 12 States at a claimed savings of $210,000 a year and 11 jobs. In fact, this is more than a proposal. It is practically effected—even though the refuges in question are still Federal properties and their personnel still employed. The fiscal year 1966 operating budget for the National Wildlife Refuge System has been reduced by $210,000.

Refuges marked for reduction or elimination—with claimed savings— in fiscal 1966 are, in alphabetical order by States:

First. Havasu National Wildlife Refuge, Ariz. and Calif., $10,000.

Second. Piedmont National Wildlife Refuge, Ga., $44,000 and three permanent positions.

Third. Moosehorn National Wildlife Refuge, Maine, $30,000 and two permanent positions.

Fourth. Monomoy National Wildlife Refuge, Mass., $13,200 and one permanent position.

Fifth. Desert Game Range, Nev., $6,500.

Sixth. Killcohook National Wildlife Refuge, N.J., $1,500.

Seventh. Bosque del Apache National Wildlife Refuge, N. Mex., $10,000.

Eighth. Sullys Hill National Game Preserve, N. Dak., $18,800 and one permanent position.

Ninth. Carolina Sandhills National Wildlife Refuge, S.C., $37,000 and two permanent positions.

Tenth. Little Pend Oreille National Wildlife Refuge, Wash., $29,000 and two permanent positions.

Eleventh. Pathfinder National Wildlife Refuge, Wyo., none.

Mr. President, this proposal raises grave questions of public policy.

It may be that there are units in our wildlife refuge system which, on the basis of experience, should be reduced or eliminated—despite the fact that the basic statute, the Migratory Bird Conservation Act provides in its title for the acquisition of these areas of land and water "in perpetuity."

However, this is a program set up by the Congress, and administered by a Commission created by the Congress, as trustees for the funds of American duck hunters and other contributing conservationists who came to us and asked that we provide for a duck stamp and use the proceeds to acquire necessary land for migratory bird refuges.

In addition, we are trustees of the funds of organizations and private individuals, who have contributed millions of dollars for acquisition, and in some cases development, of these refuges.

At the most recent meeting of the Migratory Bird Conservation Commission, for example, we approved creation of the Great Swamp National Wildlife Refuge in New Jersey, to which hundreds of individuals have made substantial contributions.

This effort began in 1959, when a group of public spirited citizens set out to save this unique area in an urban area. The North American Wildlife Foundation, and the Great Swamp Committee organized a nationwide campaign to raise money to buy and preserve the area. To date, that drive has raised more than $1 million, a substantial part of which already has been invested in more than 2,500 acres of land which the foundation is donating for the refuge. Other land is under option. Implicit in this substantial donation in the public interest is the understanding that the land will be used for a waterfowl refuge and a natural and scientific area.

As trustees of the funds of duck hunters, private individuals, and conservation groups, it follows that there also is a congressional responsibility for removal of lands from the refuge system.

I, therefore, am introducing an amendment to the Migratory Bird Conservation Act providing simply that land gets out of the refuge system the same way it gets in—by approval of the Commission. I ask unanimous consent that my amendment be printed at this point in the RECORD.

There being no objection the amendment was ordered to be printed in the RECORD as follows:

TO AMEND THE MIGRATORY BIRD CONSERVATION ACT WITH RESPECT TO THE DISPOSAL OF LAND AND INTERESTS IN LAND ACQUIRED PURSUANT TO SUCH ACT

That section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) is amended by inserting "(a)" after "SEC. 2." and by inserting at the end of such section a new subsection as follows:

"(b) Any land or interest in land approved for acquisition or use by the Commission pursuant to this Act shall not be sold, terminated, transferred for any other use, or otherwise disposed of without the approval of the Commission."

Mr. METCALF. Mr. President, it is true that parts of the area listed were obtained from funds authorized in the depression to purchase submarginal and unproductive lands, to relieve the financial plight of private owners who could not pay taxes, rather than duck stamp funds. It is equally true, however, that these funds under the authorities of the National Industrial Recovery Act of 1933, the Emergency Relief Act of 1935 and title III of the Bankhead-Jones Farm Tenant Act were intended by the Congress to be used by the embryonic wildlife refuges for the enhancement of national wildlife purposes in a similar manner as this same source added some 9 million acres to the national forests for the advancement of public effort in forest conservation. Therefore, I find invalid any argument advanced in behalf of refuge elimination based upon source of acquisition funds. In addition, we may still pose the question of the amount of duck stamp funds involved not only in acquisition but also in the development, administration, research, and maintenance of these areas. While I do not know the precise expenditures on the areas involved, I do know that in the decade following World War II millions of dollars of duck stamp funds were used in the operation, development, and maintenance of refuges. I know further that many of the areas listed for elimination received duck stamp funds for this purpose. The question may well be asked, "Should the fund, to which waterfowl hunters and conservationists contribute, be compensated when land in which duck stamp funds have been spent or invested in any way, passes from the refuge system?"

And there are other questions, both of general policy and specifically directed at these 11 refuges.

During the past few years, there has been an urgent drive to acquire more public recreation areas, including the open spaces program. I wonder about the advisability of buying such land in one place while disposing of it in another.

What happens to the land, which was in public domain status prior to becoming part of a refuge, when the refuge status is dropped? Does it return to the public domain, or is it to be disposed of as surplus?

We are involved in a program to protect so-called endangered species of wildlife. Is adequate consideration given to this wildlife resource when refuges are proposed for disposal?

As these areas are relinquished, what assurance is there that they will continue to be operated for the purpose for which they were acquired? Is there an estimate of the capability of the receiving agency to do so? If they are unable or unwilling to do so, will title revert to the United States? Are the program purposes of recipients compatible with the productive capabilities of the land given them?

Among these are questions I addressed to the Chairman of the Migratory Bird Conservation Commission, Secretary of the Interior Udall, in a letter under date of February 18, 1965. I shall ask that that letter and the reply be made a part of the RECORD at the conclusion of my remarks.

A few minutes ago, I noted that the reduction or elimination of these 11 national wildlife refuges was being made to save money. One example of the saving is at the Piedmont Refuge. According to the false economy claim, elimination of this refuge would save $44,000 in the next fiscal year. Even if we discount wildlife and other values and deal only with dollars and cents—this is some saving, when you consider that in 1964, sale of timber alone from the refuge brought in $124,000—or almost three times the amount we will save by eliminating the refuge.

It should be further noted that receipts from these refuges become part of the permanent appropriations to the refuge system—funds which Congress presumably would have to replace as revenue-producing units pass from the system. This is another example of saving.

Following are the details on the refuges proposed for elimination or reduction:

First. Havasu National Wildlife Refuge, Ariz. and Calif.: Little objection has been raised to the proposal to reduce the size of this refuge by some 17,000 acres. Here it has been determined that higher values than wildlife conservation exist in connection with the revitalization of the Lower Colorado River land use pattern. In addition, these losses are mitigated by other adjustments in the Lower Colorado plan favoring wildlife at other locations.

Second. Piedmont National Wildlife Refuge, Ga.: The plan is to abolish this 33,900-acre refuge, which has an increasing value for waterfowl and good value for deer, wild turkey, and other forest game. A noted wildlife expert has said it "would be a crime to give up the Piedmont Refuge."

Multiple-use management includes timber production, wildlife management, and intensive recreational use in a sound program, at once profitable to the United States and to the counties in which the refuge is located.

Timber on the refuge now totals some 150 million board feet with a value in excess of $5 million. Annual growth is more than 10 million board feet, valued at some $300,000, and increasing. Even considering an annual cut nearly equal to the annual growth this timber resource will be worth about $10 million in less than 40 years.

Wildlife populations have skyrocketed with good management. In 1960 at least part of the area was first opened to deer hunting, and now attracts some 6,000 hunters annually. The number of wild turkeys continues to increase, and it is anticipated opening the area to turkey hunting. Past development, limited by funds, has increased waterfowl use days from 8,000 in 1958 to 116,000 in 1964, and this upward trend is expected to continue.

The Piedmont Refuge is one of the most popular recreation areas in Georgia, the number of visitors having more than quadrupled in 5 years, increasing from 5,000 in 1960 to almost 23,000 in 1964. This increase is expected to continue with the attendant effect on the local economy.

Jasper and Jones Counties receive 25 percent of the total refuge receipts, after deduction of expenses, in lieu of taxes. The income to the two counties tripled between 1961, when it was $10,530, and 1964, when it was $34,493. The payment in 1964 amounted to $1.05 an acre, compared to an average tax of 40 cents an acre on land of this type in these counties, showing that the refuge is paying its own way—and more.

Besides its paramount contribution to the conservation of our natural resources, the Piedmont National Wildlife Refuge is a major asset to the area. It is one of its major industries, important to the local economy as a base for the timber and tourist industry, while more than paying its own way.

Third. Moosehorn National Wildlife Refuge, Maine: On this 22,600-acre refuge it is proposed to dispose of two areas, the size of which I do not know as yet, leaving a small residual unit for continued Federal administration. I understand that nearly $1 million worth of duck stamp funds has gone into the development of this area. Another question also arises here. I am told that part of the refuge, known as the Edmunds Unit, is proposed for disposal to the State of Maine for recreational use. This is the same area in which the accelerated public works program invested nearly half a million dollars to develop for Federal wildlife recreation purposes just a year ago. Reportedly a 30-year lease agreement already has been executed with the State of Maine which turned over to the State of Maine these newly developed recreation facilities, plus the operating headquarters and employees' residences of the unit. While I am unable to judge the program justification of this action, I do question policies which invest Federal development capital in a wildlife recreation area then abdicate responsibility for Federal management. On top of this I know of no legislative authority for the Bureau of Sport Fisheries and Wildlife to enter into any lease or agreement such as this.

The Moosehorn proposal also contemplates trading part of the area to timber companies for wet lands valuable to waterfowl elsewhere in the State. The interspersed timber resource around many small lakes and marshes is not only valued at half a million dollars but provides a beautiful setting for recreational use of the area where hunting and fishing and other uses total some 25,000 visitors each year with attendant local economic benefits. The timber companies will benefit but will the people and the cause of conservation?

Fourth. Monomoy National Wildlife Refuge, Mass.: When the Cape Cod National Seashore, which I supported, was proposed, conservationists, admitting that their interest was in wildlife, opposed the inclusion of this 2,700-acre refuge in the seashore. This island is tremendously important for migratory shore birds and coastal waterfowl. Its value lies in the fact that it is a natural beach, relatively undisturbed by man. Its addition to the seashore would continue this area's wildlife value only if it remained a natural beach under administration of the National Park Service. There is no assurance that it would. A refuge this important for migratory birds should be continued under the administration of that agency with a wildlife mission, the Bureau of Sport Fisheries and Wildlife, rather than be transferred to the Park Service, pressed as it is for access and recreation development.

Fifth. Desert Game Range, Nev.: Here it is proposed to reduce this 2,250,000-acre area by turning over 500,000 acres, plus buildings and facilities, to the Bureau of Land Management for recreation development. The area marked for disposal is south of the highway from Las Vegas to the Atomic Energy Commission's test installation headquarters, in the vicinity of the Charleston Peaks area administered by the Forest Service. The large size of the game range is due to the arid and fragile nature of the land—and its inability to support more than a few sheep, or cattle. In addition to the AEC, the Air Force also uses part of the area for test purposes. The tract, proposed for relinquishment is away from the main, and best, desert bighorn sheep range.

As you know, the National Park Service supports, as I do, creation of a Great Basin National Park in Nevada. Its proposal is described as being much less of an area, as far as scenery and natural variation are concerned, than the area remaining in the Desert Game Range after the proposed reduction. One suggestion has been that the game range could become the national park site—thus giving greater protection to the rare desert bighorns than would be possible under continued administration by the Bureau of Sport Fisheries and Wildlife. I understand also that the AEC is considering expansion into the game range. This situation I hope will be carefully reviewed by the Public Land Law Review Commission.

Sixth. Killcohook National Wildlife Refuge, N.J.: Experts say this small area, on lands primarily controlled by the Corps of Engineers, has been decreasing in value as it has been used as a diked dredge spoils dumping area.

Seventh. Bosque del Apache National Wildlife Refuge, N. Mex.: Here it is proposed to dispose of some 35,000 acres of low value uplands on the 57,200-acre refuge. This area has a history of overgrazing. When it was taken over by the Bureau in 1939, the fragile desert uplands were heavily overgrazed and erosion was serious. The Bureau says these problems are solved. Watershed experts, concerned with the fragile watershed above Reclamation's Elephant Butte Dam, are concerned with the possibility of renewed aggravated erosion and siltation from this area which is a part of that watershed. The central wetlands core of the area would continue to be managed for waterfowl purposes.

Eighth. Sullys Hill National Game Preserve, N. Dak.: This 1,700-acre, fenced big game range and recreation area with buildings and other facilities is marked for disposal, without objection to date. However, this area is at, or near, the center of the program under which we are seeking to acquire small wetlands for breeding and nesting grounds in the important pothole region of the Dakotas. It may be that consideration should be given to holding at least a part of this land for an administration site for that program.

Ninth. Carolina Sandhills National Wildlife Refuge, S.C.: The proposal is to eliminate this 49,000-acre refuge, which has a present value mostly for deer, turkey and quail, in addition to increasing recrational values. A question here is that if we were planning to dispose of this refuge, why was $500,000 in accelerated public works funds spent recently on clearing land for goose browse, impounding lake sites, and building recreation facilities which are attracting increasing numbers of geese and ducks, in addition to fishermen and campers?

Tenth. Little Pend Oreille National Wildlife Refuge, Wash.: This refuge of almost 44,000 acres, a mountainous area which is the home of a unique species of white-tailed deer and other wildlife, is marked for elimination. I have been told that the timber on this refuge is worth $5 million—which, if true, should well qualify elimination of this refuge for the claimed saving of $29,000 in the year beginning next July 1. This area has an excellent potential for recreation development of many kinds. If we are serious about outdoor recreation development, it occurs to me that this might be a valuable piece of public property managed for wildlife and for recreation.

Eleventh. Pathfinder National Wildlife Refuge, Wyo.: To date, I have heard no objection to releasing 32,000 acres while adding 1,360 acres to this refuge of some 46,300 acres, which supports some waterfowl, deer, and antelope.

Here now I have summarized all I could learn of these proposed actions. Most of the evidence available to me hardly fits any criteria for sensible elimination. The areas in question not only possess wildlife values but also important recreation and natural resource assets to our Federal programs of national wildlife conservation and public recreational enhancement. A few areas appear justified for disposal. The questions before us here today again parallel others before the Congress this session. I refer to the contemplated closings of veterans hospitals, cutbacks in soil conservation services and ACP payments. Specifically, I ask my colleagues, "Can this Nation afford Budget Bureau cuts, for the sake of small economies, when such cuts are contrary to the National purposes determined by the Congress?" Particularly when in the field of natural resource activity and conservation there is no one in this agency of bookkeepers qualified to make such important policy decisions.

I ask unanimous consent that my letter of February 18, 1965, to Interior Secretary Udall, and his reply to me, under date of March 27, 1965, be printed at this point in the Record.

There being no objection, the letters were ordered to be printed into the Record, as follows:

Migratory Bird
Conservation Commission,
Washington, D.C., February 18, 1965.

Hon. Stewart Udall,
Chairman, Migratory Bird Conservation Commission, U.S. Department of the Interior, Washington, D.C.

Dear Mr. Chairman: I take this means to call your attention to my remarks in the Congressional Record of February 8, 1965, entitled "Ratchet I." They deal with the Budget Bureau's present go-round to reduce investment of tax funds collected at the Federal level.

In this connection, I understand that consideration is being given to relinquishing Federal jurisdiction over all or parts of 11 national wildlife refuges in 12 States. I plan to raise questions about this at the next Commission meeting, now tentatively scheduled for March 23, 1965. Before that time, I hope the other Commission members and I may have a complete report on this proposal, including location and description of the refuge lands considered for disposal; details on their acquisition, including whether and to what extent duck stamp funds were involved in acquisition or development, administration, research or maintenance; the agencies to which it is proposed that these areas be relinquished and any commitments from these agencies as to the future of the areas.

As you know, we are involved in a program to protect so-called endangered species. Are any of the refuges proposed for disposal important in this regard?

You and I also share an interest in outdoor recreation and the open spaces program. I am inclined to wonder about the advisability of buying such land in one place while disposing of it in another.

If it is decided to relinquish these areas, what assurance is there that they will continue to be operated for the purpose for which they were acquired? Is there an estimate of the capability of the receiving agency to do so? If they are unable to do so, will title revert to the United States?

I also will appreciate being advised as to whether the Commission, charged with passing on your requests for additions to our refuge program, is to be consulted on any proposals to relinquish these lands.

Very truly yours,

LEE METCALF.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 27, 1965.
Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: I have your letter of February 18 relating to the program of the Department to effect economies and provide more efficient management of the facilities under its jurisdiction, particularly the 11 national wildlife refuges proposed for curtailment.

I am attaching a statement explaining each proposal that is under consideration and the basis on which the proposal is being made. I am also attaching a tabulation that sets forth the acreage within the various units scheduled for curtailment as well as a breakdown of the authority under which the lands came within the National Wildlife Refuge System. On this tabulation we have also indicated the amount expended from the duck stamp funds.

Subsequent to fiscal year 1960 there have been no expenditures from the duck stamp funds for other than the acquisition of lands and related expenses. For fiscal year 1960 and prior years substantial sums of duck stamp money were expended on some of the refuges in question. So far as we have been able to determine there have been no duck stamp moneys expended for development, administration, research, or maintenance on the following refugees: Piedmont National Wildlife Refuge, Ga.; Desert Game Range, Nev.; Sullys Hill National Game Preserve, N. Dak.; Carolina Sandhills National Wildlife Refuge, S.C.; Little Pend Oreille National Wildlife Refugee, Wash.

Duck stamp money has been expended for operation and maintenance, and development on all of the rest of the refuges on the list.

With respect to your questions relating to endangered species and the open spaces program we can assure you that none of the refuges scheduled for relinquishment are of importance for endangered species. Disposition of these areas must be in accordance with existing law; however, it is our plan in each instance that a public agency would take over management and maintain the open spaces you mention.

Your discussion of this problem at the Migratory Bird Conservation Commission was most helpful. We agree that we should hold a meeting of the Commission to discuss this and the whole problem of conflicting uses on refuges soon.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Refuges scheduled for curtailment

LITTLE PEND OREILLE, WASH.	*Acres*
Total project area	43,959
Purchased with reverted Federal aid funds	2,251
Public domain	9,208
Acquired by the Resettlement Administration	28,169
Acquired by exchange	4,331
HAVASU REFUGE, ARIZ. AND CALIF.	
Total refuge area	44,328
Public domain	20,612
Reclamation acquired land	16,736
Meandered area	6,980
DESERT GAME RANGE, NEV.	
Total area	2,188,379
Public domain	2,188,055
Acquired by purchase and gift	324
PATHFINDER REFUGE, WYO.	
Total project area	46,341
Public domain under primary withdrawal	7,344
Public domain under secondary withdrawal	33,146
Purchased by reclamation	5,851
BOSQUE DEL APACHE REFUGE, N. MEX.	
Total project area	57,191
Public domain	140
Purchased with duck stamp funds, $4,334	963
Purchased with $6,000,000 fund	55,887
SULLYS HILL NATIONAL WILDLIFE REFUGE, N. DAK.	
Total project area public domain	1,674
CAROLINA SAND HILLS REFUGE, S.C.	
Total project area	45,011
Acquired by exchange	51
Purchased by Resettlement Administration	44,555
Leased from the State	405
PIEDMONT REFUGES, GA.	
Total project area	32,899
Purchased by Resettlement Administration	27,622
Purchased by the Bureau (duck stamp), $44,000	430
Acquired by exchange	4,847
MONOMOY NATIONAL WILDLIFE REFUGE, MASS.	
Total project area, purchased with reverted Federal aid and $6,000,000 fund	2,696
KILLCOHOOK REFUGE, N.J. AND DEL.	
Total project area	1,486
Purchased by the Bureau	38
Purchased by the Corps of Engineers and Department of Commerce	1,448
MOOSEHORN NATIONAL WILDLIFE REFUGE, MAINE	
Total project area	22,566
Purchased by Resettlement Administration	6,490
Gift to the Bureau	333
Purchased with $6,000,000 fund	11,776
Purchased with duck stamp funds, $43,159	3,967

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1816) to amend the Migratory Bird Conservation Act with respect to the disposal of land and interests in land acquired pursuant to such act, introduced by Mr. METCALF (for himself and Mr. HRUSKA), was received, read twice by its title, and referred to the Committee on Commerce.

AMENDMENT OF DISTRICT OF COLUMBIA PUBLIC ASSISTANCE LAW

Mr. RIBICOFF. Mr. President, we are, I am sure, all agreed that our Capital—the District of Columbia—should be the Nation's pride and not the Nation's shame.

Year in and year out—especially at this season of the year—children come to Washington. They look at our imposing white buildings and at the respected institutions of a great democracy. There is much that they see—much material for them to ponder and talk about when they return to their homes—much that is good and, tragically, some that is bad.

What do they read here in our newspapers of Washington, D.C.? They read about children who are homeless and hungry. They read—just this last week—about a mother who died in the mental ward of our great public hospital. She left five small children—four in overcrowded Junior Village, one in Children's Hospital. They read that this mother had died after several days searching fruitlessly for help for her homeless family. They read that her husband and children wept at her funeral—that because of rigid welfare regulations, it was better for the parents of this family to live separately than together. For each time they were reunited, their welfare payments stopped. They read that this Capital City—governed by the Congress of the United States—was content to enact a far-reaching welfare program for the entire Nation, but not for the Capital, the District of Columbia.

Mr. President, we have fought the good fight to expand and liberalize the District's welfare programs for 2 years now. Each year I have introduced amendments to broaden the aid to families with dependent children's program in Washington. Each year I have asked here in the Senate that children of unemployed parents be included in that category so that all people in need and in trouble will be helped and no children will go hungry. Then parents would have no need to separate so that their children will be helped, and families would be united, not cut apart and left to drift helpless and hapless.

We have lost this issue by a few votes each year. This year, Mr. President, I believe that the whole Senate of the United States should take a long close look at the eligibility rules of the public assistance programs of the District. It is our responsibility to do so, so that the fate of our Capital's children will be based on rehabilitation and opportunity for them and not as ill fate of their parents.

Accordingly, I am introducing substantive legislation today which would provide that at least for the programs in which the Federal Government shares the cost, as it does in the States, that the programs would be broadly enough defined to permit needy individuals to be eligible so long as participation for such individuals would be available under the public assistance titles of the Social Security Act.

This would make eligible needy families in which the breadwinner is unemployed, children in foster care who have been removed from their homes by courts because their home situations were contrary to their welfare, needy families in which the breadwinner is deemed employable, and some other similar groups.

This is a modest step in trying to assure that needy persons in the Nation's Capital are not excluded from public welfare programs.

When I was Secretary of Health, Education, and Welfare, Congress established a far-reaching constructive program for the entire Nation, but so far has failed to implement that program here in Washington, D.C.

I believe, Mr. President, that the Senate District Committee, whose responsibility this is, should explore it thoroughly. In his colloquy with me on this floor last August, the distinguished Senator from Oregon [Mr. MORSE], chairman of the Public Health, Education, Welfare, and Safety Subcommittee, indicated his interest in this matter. I am sure that in his capable hands, it will get the hearing it deserves.

Surely the Congress of the United States should make sure children whose parents are out of work and impoverished in the Capital do not go hungry.

Certainly there must be rules of eligibility, in public welfare as in other publicly financed programs. Welfare chiseling, welfare fraud, are to be decried—just as are all chiseling and fraud—even if they exist in only one or two cases.

But arbitrary rules of disqualification, standing alone, do not comprise a constructive program for solving human problems. They must be accomplished by provisions whereby arrangements are made for every child in need.

Mr. President, I introduce, for appropriate reference, a bill to amend the District of Columbia public assistance law to clarify the categories of federally aided assistance recipients.

The **VICE PRESIDENT**. The bill will be received and appropriately referred.

The bill (S. 1817) to amend the District of Columbia public assistance law to clarify the categories of federally aided assistance recipients, introduced by Mr. RIBICOFF, was received, read twice by its title, and referred to the Committee on the District of Columbia.

GREAT PRAIRIE PARKWAY, KANS.

Mr. **PEARSON**. Mr. President, on behalf of myself, and my colleague, the senior Senator from Kansas [Mr. CARLSON], I introduce, for appropriate reference, a bill to establish a Great Prairie Parkway in Kansas as an integral part of the national park system.

The Great Prairie Parkway we propose will be a fitting and nationally significant presentation of the last major remaining vestiges of the true or tall prairie that once existed in a wide region of the Midwestern United States.

It would exhibit the true prairie and its associated wildlife. It would capitalize on the lure of the historic and scenic attractions associated with the great frontier experience of settling the West. It would parallel the growing national expression of interest in the frontier.

While frontier life was patent to no State, Kansas was unique in this era of our Nation's development because virtually all western-destined emigrants passed through its borders or settled within it. In fact, had it not been for the sustenance of its prairie, its waters, and its wildlife, the history of the settlement of the West might have taken a different course. Thus virtually every frontier story had its origin in Kansas either directly in the area through which the parkway would pass or at points related closely to it. Through the creation of the parkway we have a great opportunity to present an attractive package of frontier history.

The parkway would also offer the opportunity to display Midwest ranching and agriculture yielding their productive contributions to the Nation's well-being and economy. Every part of the Nation and much of the world relies on the Midwest and Kansas for food supplies such as cattle and wheat. Kansas is first in the United States in the production of wheat and fourth in the production of beef. The parkway would provide the opportunity for people to see this great productive area. Indeed, these activities are now a living legend in my State and the surrounding area.

Although this bill does not detail a specific route, it is my belief that the parkway would run roughly north and south through Kansas, beginning at Hanover on the north, the site of the only unaltered, original pony express station still standing, to the area of Sedan and Chautauqua on the Oklahoma border, the site of the Cherokee Strip run in 1889. Along its route the parkway could include such items of interest as the Oregon Trail, historic Fort Riley, Tuttle Creek Reservoir, Beecher Bible and Rifle Church, the Santa Fe Trail, the Overland Stage Lines, the Pony Express Lines, the Old Kaw Mission, the oldest Kansas courthouse, the famous Flint Hills, and the Fall River Reservoir.

Thus the Great Prairie Parkway could accomplish three things that would probably not be possible in any other area—display the prairie, interpret the frontier, and exhibit the great agricultural heart of the Midwest. These are the basic ends of the Great Prairie Parkway.

Of course, I cannot overlook the obvious and significant economic benefits which would accrue from the parkway.

We are introducing this bill at this time because of widespread support for this proposal in my State as indicated by an official transmittal by the State of Kansas to the Department of the Interior and the National Park Service. It is entirely conceivable to me that as this concept progresses in the further stages of study, the concept of a Great Prairie Parkway could be extended to portions of the Midwest well beyond the borders of Kansas.

A Great Prairie Parkway is consistent with the program of the National Park Service, which already has designated parkways within its jurisdiction in other areas of the Nation. It is also in keeping with an apparent trend of national policy toward joint Federal-State development of such projects. In this respect, it is not anticipated that the entire route be built to parkway specifications. But rather, it would provide a through tour route which in the most scenic areas would be designed to parkway standards but in other areas would use existing State and local roads. This, of course, would bring a parkway into existence at a minimum of cost.

I would like to stress that a number of official Kansas agencies have submitted resolutions relative to this proposal, including the Kansas State Park and Resources Authority, Kansas Forestry, Fish, and Game Commission, Kansas Historical Society, Kansas Department of Economic Development, and the Kansas State Highway Commission. They have recognized the need and benefits of such a parkway and are willing to assume specific responsibilities in cooperation with the Federal Government to make it a reality. Further, the State of Kansas and the National Park Service have both expressed an interest in relating other existing or proposed State and Federal facilities to the parkway, perhaps by predetermined alternate route or spurs to tie these other facilities into the route to add to the enjoyment of those who would use it. Although not widely publicized, I ask unanimous consent that several typical editorial comments on the proposed parkway be included in the RECORD at this point in my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Kansas City Times, June 19, 1964]

KANSAS PRAIRIE PARKWAY HAS GREAT POTENTIAL

The proposed Prairie Parkway—to run north and south across Kansas through the lush bluestem pasture area—offers the State a rare opportunity. It would combine a route through historic frontier sites and access to limited areas where the tall grass prairie could be preserved for the public.

Moreover, the proposal makes it plain that Kansas still is deeply interested in a prairie national park. The State suffered a blow last year when the Senate Public Lands Subcommittee defeated a bill to establish a 57,000-acre park in Pottawatomie County.

So vigorous was the opposition from cattlemen to taking the huge tract of grazing use and off the county tax rolls that the Senators voted a flat rejection. They were, however, impressed with the beauty of the pastures. Suggestions were made that the State cooperate in providing scenic overlooks at choice vantage points.

Somewhat in this spirit, the State park and resources authority has presented the proposal to the National Park Service. It received an enthusiastic reception. The feasibility of a joint Federal-State project will be studied. Ultimately, it would require a bill in Congress designating the route.

Gov. John Anderson and five State agencies are supporting the plan strongly. The route would run from Hanover, site of a pony express station, south past Tuttle Creek, through Council Grove, to El Dorado, Eureka, and Sedan, coming close to the Fall River State Park.

It seems probable that, had Kansas failed to make such a move, a tall grass park of some sort would go to another State. The National Park Service is dedicated to the proposal. But the parkway action undoubtedly will be interpreted as writing off the Pottawatomie County area. There are other prairie areas in Kansas, however, and the prairie parkway should not be considered a replacement for a national park.

It is instead, a realistic and attainable goal that is unlikely to create such bitter opposition. Selected sites would permit the restoration of the grasses. Limited acreage, of course, would not permit buffalo, deer, elk, and antelope in a native habitat, but would permit campsites, hiking trails, lookout points, and small animals and birds in abundance.

Kansas has made a sound proposal and in so doing, corrected any erroneous impression that it has lost interest in a prairie national park.

[From the Manhattan Mercury, Jan. 4, 1965]

Hope in an Idea

More than 6 months ago an idea that had been moving around in the minds of those who still want the history, the heritage and the scenic values of the tall prairie preserved was presented to Federal officials.

It came as an aftermath of the defeat of the proposed Prairie National Park, which had merit on its side and widespread support, but which as happens in so many cases was defeated by admirable cleverness and and the emotional approach that so often attends projects that are actually in the public interest. Be that as it may, the national park idea was suppressed. But the germ of appreciation did not die. And out of the determination to present the great prairie of which Kansas holds the last major remaining vestige of what once was a far-flung tall grassland came the idea for a prairie parkway.

While it departed from the idea of a massive, shall we say, park, the proposal of a parkway through the most lush and beautiful grasslands still retained the concept of history, heritage and scenery. In addition it had precedent in the Natchez Trace of the South and the Blue Ridge Parkway of the Southeast.

The idea caught on with National Park Service people and others in Washington who like some persistent Kansans were not willing to give up on dedicating themselves to some form of preservation of the prairie. In addition, the proposal had the weight of being an official one from the State of Kansas—signed by the Governor and endorsed by every agency which has any possible connection with scenic presentations, outdoor life, recreation, or economic development.

Despite unofficial appearances of enthusiasm for the Great Prairie Parkway idea there was nothing concrete to suggest that the idea was going anywhere.

Last week, however, more than a ray—a beam—of hope appeared. It came in the form of an announcement from the Secretary of the Interior that the Kansas concept of prairie presentation and interpretation will be the subject of a serious study by the Department and other Federal agencies.

Apparently the official proposal from Kansas had stirred something in Washington, for not only will the route through the choicest areas of tall grass in this State be studied but also there will be a determination as to whether the entire Great Plains region shall be traversed by a scenic and historic route for the Nation as a while to enjoy.

One of the National Park Service's most able men will head the study task force, working with other Federal and State agencies to determine the worthiness of a parkway or scenic road that would begin in the historic area of northern Oklahoma, follow the general outline of the parkway through Kansas, thence into Nebraska with its inimitable contributions of the Oregon Trail and Fort Robinson and on to the beauty and history of the Dakotas.

Only time will tell what the outcome of the explorations will be. But the mere fact that this is the first major parkway or scenic road study to be made lends considerable significance to the status of the Kansas proposal and the possibility of an overall Great Plains approach.

So while a specific proposal was defeated there is hope indeed that at least some form of prairie presentation and preservation may be achieved at last.

THE FORCE OF A BROADER APPROACH

One of the factors leading to the defeat of the Prairie National Park idea was that it was a fairly isolated project without the weight of a wide region's support.

Obviously there were other factors, including the aforementioned emotionally based resistance. But without the backing of a wide area—bipartisan, or politics, if you please—the odds at the very outset were quite long, despite the acknowledged justification for a national park preserving the prairie.

Now, however, we see developing the broadbased inducement of interest that historically has led to favorable action. The swath across Oklahoma, Kansas, Nebraska, South and North Dakota brings many more pressures to bear, to put it bluntly.

Already in Kansas we have seen considerably more interest in the prairie idea with the proposal of a parkway rather than a park. Communities which couldn't have cared less before are now actively—even aggressively—working for it. Nebraska has been particularly interested, editorially and officially, with just the possibility of a tip-end of the Kansas idea entering its State. Oklahoma has evinced encouraging interest too.

By suggesting that even more benefits might accrue to these States as well as the Dakotas we can well imagine that things may really start to jell.

We have no doubt that more than sufficient justification will be found for the Great Plains Parkway idea when the on-the-ground studies are done. And with the force of a broader approach politically and numerically it could well prove again that while a battle is lost a war can be won.

[From the Topeka State Journal, Jan. 2, 1965]

Plains Parkway Seems Sure

A proposed scenic road project through five of the Plains States is very much alive. A route tying together points of historic and geographic interest in Kansas, Oklahoma, Nebraska, and the Dakotas is looked upon with favor by Stewart Udall, Secretary of the Interior.

A further spur to such a route was seen in Udall's announcement Wednesday that a study of plains and grasslands areas suitable for possible inclusion in the national park system will be made. The study will be coordinated with a special recreation advisory council now considering a national program of scenic roads and parkways.

This would seem to mean that a prairie park in Kansas is not yet out of the picture although the site first projected for Pottawatomie County failed to materialize. Udall has never lost his interest in such a park.

The Government, he said, is vitally interested in preserving for public use and enjoyment representative segments of the country's once vast undeveloped plains and prairie lands, together with their historic sites and outdoor recreation resources.

The proposed parkway in this State already has been fairly well defined if the wishes of Kansans prevail. It would be a moving panorama of the grasslands of the State, meaning principally the blue stem area. The route would enter the State from Oklahoma in Chatauqua County and follow an irregular course northward as it touched Elk, Greenwood, Butler, Chase, Morris, Wabaunsee, Pottawatomie, Riley, Geary, Marshall, and Washington Counties.

The short grass counties might have something to say about the tall grass areas hogging the route. In the light of the Interior Department's enthusiasm this dilemma, should it arise, would be easily solved. Provide two parkways.

Mr. PEARSON. Mr. President, it is not the intent of this bill to embark on a major program of land acquisition of the Prairie National Park proportions considered earlier. However, it is my hope that through careful routing of the parkway, by judicial use of scenic easements, and in cooperation with State agencies and individual landowners, that significant portions of this beautiful and historic area can be preserved for the benefit of those who find in it education, inspiration, and recreation.

I ask, Mr. President, that the text of this bill be included in full at the end of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 1818) to provide for the establishment and administration of the Great Prairie Parkway in the State of Kansas, introduced by Mr. Pearson, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to present and interpret for the benefit, education, and enjoyment of the people of the United States the remaining vestiges of true or tall prairie and associated wildlife, and the frontier experience in the settling of the West, and in order to portray contemporary ranching and agriculture in the great prairie region, the Secretary of the Interior may acquire by donation, purchase with appropriated or donated funds, or otherwise, a right-of-way traversing a generally north-south route in the State of Kansas and construct thereon the Great Prairie Parkway. The right-of-way may vary in width, but may not average more than 125 acres per mile in fee simple plus not more than 25 acres per mile in scenic easements.

Where the right-of-way traverses Federal lands, the head of the Department having jurisdiction over such lands may transfer them to the Secretary without transfer of funds.

Sec. 2. When the State of Kansas, a political subdivision thereof, or any Federal agency has recreational programs that are planned or in operation in the vicinity of the parkway, the Secretary may enter into agreements under which he may coordinate the development and administration of the parkway with such programs. When the public use of the parkway will benefit thereby, the Secretary may construct roads or trails over lands under his jurisdiction as may be necessary to carry out the purposes of this section.

Sec. 3. The Secretary shall administer the Great Prairie Parkway in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to areas administered by the Secretary through the National Park Service, and in accordance with statutory authority otherwise available to the Secretary for the conservation and management of natural resources which he finds will further the purposes of this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

INCREASE IN SOCIAL SECURITY EARNINGS LIMITATION

Mr. RANDOLPH. Mr. President, I introduce, for appropriate reference, on behalf of myself and my colleague from West Virginia [Mr. BYRD], a bill to amend title II of the Social Security Act. This proposal would alter existing law to the effect that social security recipients could earn up to $1,800 per year without loss of benefits payable under the system. Recipients with incomes between $1,800 and $2,400 per year would forfeit $1 in benefits for every $2 of earnings. For those earning more than $2,400 annually the provisions of present law would continue in force, with each dollar of earnings bringing an equal forfeiture in benefits.

The impact of such a liberalization of the earnings limitation could be of considerable significance to thousands of older Americans. It could promote an increased sense of self reliance and independence, and would undoubtedly encourage a happier, more fulfilling way of life.

There is ample evidence that Members of Congress, and citizens generally, are becoming increasingly aware of the need for a liberalization of these earnings limitations. One accurate indicator is the large number of bills for this purpose which have been introduced in the House and the Senate during recent years.

The Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging has also been active in this area. As chairman of the Subcommittee it was my responsibility to hold hearings on aspects of the employment problems encountered by senior citizens. After careful evaluation of all testimony received it was one of the subcommittee's recommendations that "the amount of earnings which can be received by a recipient of old-age insurance benefits without loss of benefits be increased to a more realistic level."

Mr. President, I am convinced that the limitations set forth in the bill which I introduce today would do just that: increase allowable earnings to a more realistic level. I ask that the bill be received and appropriately referred.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1820) to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia), was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL JUDGES FOR THE COURT OF APPEALS FOR THE SIXTH CIRCUIT

Mr. GORE. Mr. President, I introduce, for appropriate reference, a bill to provide for the appointment of three additional judges for the Court of Appeals for the Sixth Circuit. I ask unanimous consent that the bill remain at the desk until Friday midnight for additional sponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be held at the desk, as requested by the Senator from Tennessee.

The bill (S. 1824) to provide for the appointment of three additional judges for the Court of Appeals for the Sixth Circuit, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on the Judiciary.

RECOGNITION OF WHITEHALL, N.Y., AS BIRTHPLACE OF THE U.S. NAVY

Mr. JAVITS. Mr. President, I submit, for appropriate reference, a concurrent resolution proposing the recognition of the village of Whitehall, Washington County, N.Y., as the birthplace of the U.S. Navy. A similar resolution has already been introduced in the House by Representative CARLETON J. KING, of New York.

It was at Whitehall, N.Y., then called Skenesborough that 12 of the 15 warships were built to enable the American forces to engage in the crucial naval battle on Lake Champlian in October 1776, during the Revolutionary War. Although the infant American Navy was defeated in the 3-day battle, the engagement delayed the British Redcoats invasion plans for a full year.

This was made possible only because the people of Whitehall and scores of craftsmen brought to that village from many colonies, were able to turn the oaks of the surrounding forests into fighting ships in just 52 days. The role of the village of Whitehall in this historic naval battle—the first after the Declaration of Independence—is worthy of recognition.

The resolution follows:

Whereas it is generally believed that Whitehall, Washington County, New York, formerly Skenesborough, can well be considered the birthplace of the United States Navy, as twelve of the fifteen ships that took part in the Battle of Valcour in October 1776 were built in its harbor; and

Whereas this fleet was constructed after the Declaration of Independence and engaged in the first naval battle after the Colonies asserted their unity and independence; and

Whereas the Battle of Valcour, though dimmed by the glamour surrounding the Battle of Saratoga, nevertheless played a very important part in shaping the destinies of the Colonies by forestalling early invasion of the Colonies from the north; and

Whereas Whitehall's place in history had not heretofore been given the recognition it justly deserves for the contribution made by it in shaping the early destiny of our beloved country: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby recognize the Village of Whitehall, Washington County, New York, as being the birthplace of the United States Navy.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 33) was referred to the Committee on Armed Services.

PROTOCOL FOR THE EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT, 1962—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive B, 89th Congress, 1st session, a certified copy of the Protocol for the Extension of the International Wheat Agreement, 1962, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Protocol for the Extension of the International Wheat Agreement, 1962, which is open for signature in Washington from March 22 until and including April 23, 1965.

The International Wheat Agreement, 1962, to which there are presently 49 parties, including the United States, will expire by its own terms on July 31, 1965. In order that the International Wheat Council may continue as a functioning body and in order to allow time for the consideration of a new agreement adequate to deal with marketing problems, it is proposed that the operation of the 1962 agreement be extended for 1 year, until July 31, 1966. That is the sole purpose of the proposed protocol, which was formulated at a meeting of the International Wheat Council on February 4–5, 1965.

I transmit also, for the information of the Senate, the report of the Secretary of State regarding the protocol. Attention is invited particularly to the last paragraph of that report. It is my hope that the Senate will find it possible to give early consideration to the protocol so that, if the protocol be approved, ratification by the United States can be effected and an instrument of acceptance deposited by July 15.

The Departments of State, Agriculture, and Commerce concur in the recommendation that the protocol be transmitted to the Senate.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *April 23, 1965.*

AMENDMENT OF HOUSING AND URBAN DEVELOPMENT ACT OF 1965 (AMENDMENT NO. 99)

Mr. LONG of Missouri. Mr. President, on behalf of the senior Senator from Missouri and myself, I send to the desk an amendment to S. 1354, the Housing and

Urban Development Act of 1965, and request that it be appropriately referred. The amendment is designed to extend Federal grant assistance to certain municipalities for water and sewerage construction which would not otherwise qualify for such assistance under the bill as it is presently written.

The VICE PRESIDENT. The amendment will be received, printed, and appropriately referred.

The amendment (No. 99) was referred to the Committee on Banking and Currency.

ADDITIONAL COSPONSORS OF BILLS

Mr. NELSON. Mr. President, I ask unanimous consent that the name of the Senator from Maryland [Mr. TYDINGS] be added as a cosponsor of the bill (S. 1479) to amend the Federal Water Pollution Control Act in order to establish a program to decrease water pollution by synthetic detergents at its next printing.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the name of the Senator from Maine [Mr. MUSKIE] be added as a cosponsor of the bill (S. 362) to amend title 23 of the United States Code (relating to highways) in order to authorize appropriations to assist the States in the purchase of lands and easements for scenic purposes along Federal-aid highways at its next printing.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the names of the Senator from Idaho [Mr. CHURCH] and the Senator from Pennsylvania [Mr. CLARK] be added as cosponsors of the bill (S. 1643) to provide that tires sold or shipped in interstate commerce for use on motor vehicles shall comply with certain safety and labeling regulations at its next printing.

The VICE PRESIDENT. Without objection, it is so ordered.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PELL. Mr. President, as chairman of the Senate Special Subcommittee on Arts and Humanities, I have been greatly encouraged by the volume of favorable mail I have been receiving in regard to S. 1483, the administration bill to provide for a National Foundation on the Arts and the Humanities, which I had the privilege of introducing in the Senate on March 10.

S. 1483 has been transmitted to the many illustrious witnesses who testified before the subcommittee during 7 days of public hearings between the dates of February 23 and March 5. I am very pleased to report that the reaction, broadly representative of excellence in our cultural life, has been favorable and enthusiastic toward the concepts and objectives of S. 1483.

The following members of the subcommittee have expressed their desire to join as cosponsors of S. 1483, at its next printing: Senators YARBOROUGH, WILLIAMS of New Jersey, CLARK, and KENNEDY of Massachusetts.

Senator GRUENING and Senator JAVITS, the ranking minority member of the subcommittee, both of whom had previously introduced legislation in this area, joined as cosponsors of S.. 1483 on March 10.

Senators BREWSTER, BYRD of West Virginia, KENNEDY of New York, HARTKE, INOUYE, JACKSON, MILLER, MONDALE, MONTOYA, MOSS, NEUBERGER, RANDOLPH, and TYDINGS have also indicated their wish to be listed as cosponsors of S. 1483 at its next printing. Every opportunity will be afforded to all interested Members of this body to so join if they desire.

At this time I ask unanimous consent that the distinguished Senators to whom I have just referred be listed as cosponsors of S. 1483 at its next printing, together with Senators WILLIAMS of New Jersey, CLARK, and KENNEDY of Massachusetts. Senator YARBOROUGH so joined as a cosponsor on March 11.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PELL. I am hopeful that legislation to stimulate the development in the United States of the two broad and interrelated cultural areas, the arts and the humanities, can be given early consideration by the Senate. I am now working to prepare for an executive session of the subcommittee in the near future.

Let me add also, Mr. President, that I have been encouraged by the attention these legislative objectives have been receiving in our Nation's press. In contrast to previous years, it is gratifying to note that the legislative concept of an independent national foundation to benefit the arts and humanities has been making front-page news.

In regard to press comments, I would like to call attention to a recent article by Frank Getlein, art critic of the Washington Star; an editorial in the Virginian-Pilot of Norfolk, Va.; and an article by Henrietta and Nelson Poynter from the St. Petersburg Times in Florida.

Mr. Getlein's article pertains to the "Eyewitness to Space" exhibition recently on display at the National Gallery of Art and shows how cooperation between our Government and the arts can illuminate some of the most exciting moments in our important explorations in space.

The editorial suggests beneficial programs which the proposed Foundation could support. The article from the St. Petersburg Times refers to the meaningful opinions of Dr. Barnaby C. Keeney, president of Brown University, in my home State of Rhode Island. As chairman of the Commission on the Humanities, Dr. Keeney gave significant impetus to the legislative concepts which are now before the Congress. His views on how we can best use the increase in leisure time, which our technological advances are more and more producing, are particularly thoughtful.

Therefore, I ask unanimous consent that the two articles and the editorial, to which I have referred, be inserted at this point in the RECORD.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Washington Star]

"EYEWITNESS TO SPACE" EXHIBITION OPENS AT NATIONAL GALLERY OF ART

(By Frank Getlein)

During the last 2 weeks Senator PELL has been conducting hearings on the arts and whether the Government of the United States should join the rest of civilization in recognizing their existence. Among those who feel such a course would be dangerous me-too-ism, some maintain that corruption of art would be the inevitable and immediate result of any such recognition. They feel that if the Government spent money on art it would at once enforce a strict discipline upon artists, somewhat along the lines of socialist realism in the Soviet Union, where the artist's life is more respected and more lucrative than it is here, but where, also, the function of the artist is solely to serve the immediate interests of Government policy.

By a happy happenstance the National Gallery of Art this very day opens to public view a fascinating exhibition that should put such fears to rest. "Eyewitness to Space" is the collective name of 70 paintings and drawings produced by 15 artists under the NASA art program, now 2 years old. The work shows total freedom and a wide variety, ranging from the superb illustrationist's style of Paul Calle to the highly individual abstraction of Washington artist Alfred McAdams.

DIRECTED BY DR. COOKE

There has obviously been no attempt whatever to enforce, or even to suggest, any particular desired direction. The reason for this is that NASA had the great good sense to get the National Gallery's curator of painting, H. Lester Cooke, to run the program. Dr. Cooke is himself an artist and has shaped the program to the end of using the professional sensitivity of artists to what is set before them. The space effort, therefore, from Huntsville to the launching apparatus at Cape Kennedy, to the pickup system in the Pacific, is covered at once as a set of visual phenomena and an immensely varied set of artistic responses to those phenomena.

Within the limits of safety, the Cooke's tour for artists includes everything, and everything finds its way into the pictures. The procedure is to invite artists singly or in small groups to the Cape a few days before a launching. They roam around the place, observe everything, sketch freely and, usually, go back home to make oil paintings of what they have seen.

In the present showing, three of four artists stand out as having handled the assignment brilliantly. One is Washington's Mitchell Jamieson, especially in two oils; a full-length portrait of Gordon Cooper after recovery in the Pacific, the surface divided by sweeping arcs, the face recalling another Pacific figure breathless on a peak in Darien; and a night scene at the Cape, in which the gantry structures with their lights strangely recall the effect of stained glass in an old cathedral.

PROGRAM DESERVES STUDY

Lamar Dodd is seen in an eerie interior of a capsule with astronaut, the supine figure all but lost in the dials and levers around him; and a Pinanesi-like view of a gantry interior, looking down from level to level surrounding the great cylinder.

George Weymouth, an Andrew Wyath relative, employs the dry water color technique associated with Wyeth for stunning views of the Florida sand and grass, with space equipment present almost as an intrusion or afterthought. Masterful water color in themselves, in this context his pictures recall an aspect of the whole space effort that is easily lost sight of, the endurance of the earth itself.

The NASA art program is a modest step but a carefully made one in the gradually reemerging relationship between American art and the American Government. It deserves study by those interested in the larger problem.

[From the Norfolk Va., Virginian-Pilot, Mar. 12, 1965]

The Arts and Government

The arts and Government have been like the gingham dog and calico cat in the past. They were, and are, and will be mutually mistrustful. And so they ought to be, up to a certain point. The arts of creativity and the arts of compromise are incommensurate in practice and in purpose. Where the Government has no place is in the performing of the arts, but it has a place in supporting and stimulating them. And the arts, of course, serve to enrich the lives of the people, which is Government's purpose too. However little they have in common in ways and means, the arts and Government have a common end in the largest sense. If President Johnson's proposal to create a National Foundation for the Arts and Humanities does no more than end the old taboos, it will be a major step.

And it promises to do much more than that. The Foundation would parallel the National Science Foundation established 15 years ago to encourage research in the sciences. Under the bills introduced by Senator Claiborne Pell, Democrat, of Rhode Island, and Representative Frank Thompson, Jr., Republican, of New Jersey, the Foundation would be "two headed," with a national endowment for the arts and a national endowment for the humanities created separately. A Federal Council on the Arts and Humanities would coordinate the activities of the two endowments and existing Government agencies. Each endowment would be given $5 million in fiscal 1966 and authorized another $5 million in matching funds to attract contributions from foundations and private sources. Grants to individual artists, and scholars, as well as to groups, such as a symphony or theater, would be authorized to create conditions under which the arts and scholarship could flourish.

The arts may begin with the individual, but they are also a community responsibility and a national resource (as the State Department has recognized in sending individuals and troupes on overseas tours). The cultural explosion, so called, is a reality in the United States. A new public has been created by technology; art books and prints have become an extension of the museum; the concert hall has been brought into the home on records and tapes; and new opportunities in the theater have been opened through TV. There are some 750 opera groups and 1,400 symphonies in the country today. Many statistics could be cited to make the obvious point.

Local governments are starting to support the arts on the local level. Many musical organizations are partially subsidized by communities. Cultural centers are being built with public funds on sites made available through urban renewal. In Norfolk, the City supports an arts festival and the Norfolk Museum. The Artmobiles of the Virginia Museum of Fine Arts carry a mobile museum to all corners of the State.

There is a broad area in which the Federal Government may work: the underwriting of tours that will bring live performances to areas that do not often see them, the construction of cultural facilities; the development and encouragement of individual talents through grants and experimental programs, the financial support of national organizations such as the Metropolitan Opera, the improvement of programs in the arts in the schools. The arts belong in the Great Society.

[From the St. Petersburg (Fla.) Times, Mar. 28, 1965]

Can Man Live by Technology Alone?

(By Henrietta and Nelson Poynter)

The shock of Sputnik I forced us to reexamine and rebuild our scientific education. We have come a long way since 1957 and now the Congress and the President are asking if man can live by technology alone.

The answer they offer is the establishment of a National Foundation for the Arts and Humanities, to parallel the National Science Foundation in breeding an American culture which can boast of its philosophers as well as its physicists, historians, musicians and sculptors as well as its chemists and engineers. If we can train men's bodies to face weightlessness, they say, we should train their minds to create a culture equal to our achievements in space.

Webster's New World Dictionary describes the humanities as encompassing the branches of learning concerned with human thought and relations, as distinguished from the sciences. And the report of the Commission on the Humanities, which paved the way for this legislation adds eloquently: "Through the humanities we may seek intellectual humility, sensitivity to beauty and emotional discipline. By them we may come to know the excitement of ideas, the power of imagination, and the unexpected energies of the creative spirit."

In combining the proposals for the furthering of arts and humanities, more than 100 congressional sponsors of the bills feel that it will help create an atmosphere where culture will flourish, help to educate better teachers to instruct a new generation and provide a sense of history on the thesis that "humanities may also be the study of the past to create the future."

There has been some argument about broadening education in the arts and humanities since 88,000 out of 228,000 bachelor's degrees conferred in a year have been in this area—which the critics consider a proper proportion. But while other fields garnered 7,000 doctorates in the same year, only 1,800 were conferred in the cultural departments. This means that there will not be enough first-rate teachers in the next decade, that they will be overworked as compared with their scientific colleagues and that undergraduates will be less well taught.

With longer vacations and sabbaticals, shorter workweeks and earlier retirements ahead, there is a strong belief that we must educate ourselves and our children to use leisure profitably and properly. Dr. Barnaby C. Keeney, president of Brown University who headed the study project on the humanities interprets it somewhat differently. He says:

"The real problem is not the utilization of leisure, important as that may be, but rather the development of an ethic and an outlook appropriate to new circumstances. We have now an ethic in which work is equated with virtue. Before long we shall have to develop one in which not to work for a living and to be content in leisure is as virtuous as labor itself. This will require hard thinking by some well-trained philosophers who have competence outside the area of symbolic logic. We are going to need those philosophers very badly. The use of the freed time is more important than its existence. We can employ it trivially or constructively. Despite the interesting work of intellectual primitives, most enduring literature and art are the product of individuals who possess a body of human knowledge about which to think, or write, or paint, and most social advance is accomplished by persons who know the society and the background."

Add to this reasoning for the academics and the really creative people, the need for channeling volunteers into worthwhile endeavors and the cause becomes even more vital. For the days of the "Lady Bountiful" type of charity are over and men and women who give their time and energy to worthy projects must be trained for the job and get real satisfaction from it. The docent program at the Museum of Fine Arts in St. Petersburg and the indoctrination sessions of the League of Women Voters are examples of what other groups must do in the future.

Americans travel across the ocean to see the Vienna Opera, which their money rebuilt, and La Scala at Milan. They trudge appreciatively through the Louvre and the Uffizi. They applaud vociferously for Margot Fonteyn and the Royal Ballet and the Moscow ballet, the Danish and the Swedish. And all of these are maintained by public funds, for the appreciation of the public. In Great Britain alone, $25 million a year is spent on the arts.

Yet, a couple of weeks ago, the House of Representatives of the United States refused to confirm an annual appropriation of $150,000 for the Arts Foundation it voted into being almost unanimously last year. It lost by three votes and four Floridians were in the opposition. We are glad to report that Representative William C. Cramer, Republican, of St. Petersburg, and Representative Sam Gibbons, Democrat, of Tampa, were not among them.

The new administration bill for the arts and humanities has a broader base, and from the bipartisan sponsorship and the testimony at hearings, seems to have broader support, partly because the money involved is not great and the educational aspect is emphasized.

When the voting rights bill is out of the way and the Easter solstice is over, you can expect to hear more about providing a cultural base for Americans, from Capitol Hill.

STRENGTHENING UNIVERSITY PARTICIPATION IN TECHNICAL ASSISTANCE

Mr. McGOVERN. Mr. President, on February 19, I introduced, for myself and 13 cosponsors, Senate bill 1212, intended to strengthen the ability and the role of our colleges and universities in our foreign technical assistance programs. I now ask unanimous consent, Mr. President, to add a cosponsor, the senior Senator from New York [Mr. Javits], and request that his name be added on the bill when it is next printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, at the time of introduction, I had consulted on the measure with a few university leaders; and I quoted to the Senate appraisals of the bill by educational leaders, including President O. Merideth Wilson, of the University of Minnesota; Dr. Richard A. Harvill, of the University of Arizona; and Vice President R. L. Clodius, of the University of Wisconsin.

Two months have now elapsed since the measure was introduced; and it has brought an extremely gratifying response from the educational world. College and university officials are writing me daily that the measure will meet, as was intended, the difficult problems involved in training personnel, conducting research, and staffing technical-assistance undertakings.

The executive committee of the Association of State Universities and Land Grant Colleges has endorsed the bill in principle, as has its international affairs committee. A special committee is now being organized to review and assist with the measure.

Following a meeting of the Board of Education and World Affairs, which has foundation support in facilitating the recruitment and exchange of scholars, President John Hannah, of Michigan State University, and Dr. William Marvel, of Education and World Affairs, called on me, to assure the support of that group.

I have been advised that a number of schools of public health, working on health problems in the developing nations, have taken action in support of the bill.

In recently going through my correspondence, I laid aside several letters from which I have excerpted the comments of deans, directors of international affairs programs, and other university officials. I ask unanimous consent, Mr. President, that these representative comments on the bill be printed in the RECORD.

The response of the university people, who are familiar with the successful working in the agricultural field of the Hatch Act, upon which Senate bill 1212 was patterned, is, of course, very gratifying, for this is a field in which we have great opportunity to help shape the character of the world in which our generation and posterity will dwell.

In his foreign-aid message to Congress, President Johnson said:

> We must bring to bear on the problems of the developing world, the knowledge, the skills and good judgment of people from all walks of American life.

He added, in relation to food problems:

> We can and must mount a more comprehensive program of technical assistance in agriculture engaging the U.S. Department of Agriculture, our State universities and land-grant colleges, and the most creative of our people in agriculture, marketing and industry.

My pleasure in the response to Senate bill 1212 is in the encouragement the response gives and the verification it offers to my belief that the adaptation of the Hatch Act formula to college and university technical-assistance work abroad offers a means of greatly strengthening their efforts in this peaceful, constructive approach to world problems and helping to meet the need President Johnson has pointed out.

There being no objection, the excerpts from the letters were ordered to be printed in the RECORD, as follows:

COMMENTS ON S. 1212

University of Arizona: "This bill, if enacted and activated, would go a long way in offsetting a very serious deficiency in university overseas programs."

State University of Kansas: "We were pleased regarding your bill, S. 1212, and would like to commend you for this action."

University of Minnesota: "The McGovern bill is clearly a step in the right direction. It will provide the underpinning for an all essential fourth dimension for our universities. In turn, then, the universities can provide services for the nation and the world, like those which for 100 years the three dimensional land grant colleges have provided to aid the development of rural America."

Montana State College: "We think the legislation proposed in S. 1212 would be an important step in university-government operating relations in the field of foreign economic development."

University of Nebraska: "Your bill S. 1212 has merit. It would help to alleviate some of the problems we have encountered with the present contract program * * * one of the most difficult problems we face in our contracts with AID is that of recruiting qualified personnel on a short-term basis."

University of Nevada: "If I may be permitted to express a personal opinion, I should like to indicate my complete approval of the bill you have introduced. I believe your proposals would improve the foreign aid program tremendously and that you are suggesting a program that would be quite workable because of the similarity to existing institutional arrangements which are quite successful."

Cornell University, of New York: "We hope a favorable response will come to this important proposed legislation."

Maxwell School, Syracuse University, New York: "Strongly urge passage of S. 1212 to strengthen and improve foreign technical assistance through American universities. Our long experience with international training, research, and development definitely supports your imaginative proposal to utilize universities better in improving foreign assistance programs of the United States."

Ohio State University: "We believe that this is a forward-looking bill and will do much to increase the effectiveness of colleges and universities in international programs."

Pennsylvania State University: "We are pleased to see the introduction of a bill, S. 1212, that would facilitate participation in programs of assistance to developing countries."

South Dakota State University: "We think your efforts to strengthen university cooperation in the field of international technical assistance programs is highly significant. S. 1212 should prove helpful in longtime followup contacts between U.S. universities and educational institutions in other countries."

Washington State University: "Such legislation will do much to improve our ability to make contributions in the development of the economies of underdeveloped areas. It also will strengthen our program at home by providing a much improved means of integrating such activities into the long-term programs of our universities."

University of Wisconsin: "This legislation would materially assist universities in developing more effective training programs for future leaders in developing nations."

LIBERALIZATION OF SOCIAL SECURITY ACT RELATING TO DISABILITY INSURANCE FOR THE BLIND—ADDITIONAL COSPONSORS OF BILL

Under the authority of the order of the Senate of April 13, 1965, the names of Mr. BAYH, Mr. BOGGS, Mr. CANNON, Mr. CLARK, Mr. COOPER, Mr. CURTIS, Mr. FANNIN, Mr. FONG, Mr. GRUENING, Mr. JACKSON, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mr. PASTORE, Mr. RIBICOFF, Mr. SCOTT, Mr. SIMPSON, and Mr. WILLIAMS of New Jersey were added as additional cosponsors of the bill (S. 1787) to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes, introduced by Mr. HARTKE (for himself and other Senators) on April 13, 1965.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HARTKE:

U.S. Department of Agriculture release on tornado area food distribution by Charles A. Howell, of Hagerstown, Ind.

THE MEN WHO PRODUCE SILVER

Mr. JORDAN of Idaho. Mr. President, the State of Idaho produces more silver than any other State in the Nation. For the past few years the shortage of silver has promoted extensive debate, statements and articles, countless pages of the CONGRESSIONAL RECORD to the end that its national and international repercussions and complications have been acutely defined.

But in this abundance of information little has been said about the men who mine this precious metal. Fortunately this oversight was corrected on April 12 in a National Observer feature article by Mr. Harold H. Brayman. In my estimation this writer has done an excellent job of conveying the difficult conditions under which silver is mined and of portraying a picture of the rugged men who mine it. Mr. President, I ask unanimous consent to have this article printed in the RECORD at this point and commend it to the consideration of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUNSHINE MINE AND A DWINDLING VEIN: WHY U.S. COINS MAY LOSE THE CLINK OF SILVER

KELLOGG, IDAHO.—This is silver country. Beneath the snowy hills here, a 90-minute drive east of Spokane, Wash., miners scoop about half the Nation's silver production from the earth.

It's a hard, dirty, and sweaty task for Russ Trexler, with a snuff can stuck under a rubber band around his hard hat, for bearded Jerry Lawley, and for men like them. But it is work that lies at the core of a coming national debate. The Treasury Department will send Congress, probably this month, its findings of a year-long study recommending changes in the amount of silver to be used in future U.S. coins.

Two possible suggestions: Cut the silver content of dimes, quarters, and half dollars to as low as 30 percent, from the current 90 percent (the other 10 percent is copper), or —more likely—eliminate silver entirely in favor of copper coins that are capped with outer layers of a compound of copper and nickel. The object is to conserve America's dwindling silver supply.

The Treasury study has focused attention on the importance of silver. But the furious, around-the-clock activity at a half-dozen mines near here testifies to more than the metal's importance in coinage. Silver continues to be in demand by the silverware and jewelry industries, but it is also sought by countless other industries. Because it conducts electricity and heat better than any other metal, for example, the electrical and space industries find it essential; Eastman Kodak relies on silver for film products, using nearly as much every year as is produced in the United States.

IN THE SUNSHINE STATE

Free world mines produce about 215 million ounces of silver a year, with U.S. mines accounting for 36 million ounces, and Peru, Mexico, and Canada each producing about the same amount. But free world mints and industries consume more than 500 million ounces annually. As a result, U.S. Treasury stocks declined by 364 million ounces last year. In the first 3 months of 1965, stocks fell another 144 million ounces, with the April 1 Treasury supply a bare 1,074 million ounces—enough to last 3 years if demand goes unchecked.

To examine the shrinking supply from its source, I pulled on a pair of white coveralls and rust-colored boots, donned a yellow hard hat with battery-powered miner's lamp, and trekked through the Nation's largest mine producing primarily silver. The Sunshine Mine, owned by Sunshine Mining Co., is a mile or so up Big Creek Canyon from Kellogg and this year will account for a sixth of the Nation's domestic silver production.

The silver for a dime or a piece of jewelry comes from a spot like the 3,850–11 stope, so designated because the tiny cavern was hewn by miners working from a tunnel 3,850 feet below the mine entrance in the No. 11 chute.

I climbed a ladder, then went up a slanted tunnel into an area barely high enough to stand in. While I wiped mist and sweat from my glasses, John A. Brandon, the mine superintendent, grabbed a compressed-air hammer and rammed it against a dusky wall ribboned with orange and black rock. The jackhammer bit into the wall with a roar.

A GRASSROOTS VEIN

"We'll drill a dozen like this, pack them with dynamite, and blow out the rock," he explained. "This stope will produce maybe 250 tons of ore before we're through in another week or two. When we do finish here, that will be the end of the Sunshine vein."

He made the statement without emotion, but there must have been a touch of nostalgia in his mind. The vein, as its name indicates, made the Sunshine mine. It was discovered as a grassroots vein a few yards west of Big Creek by a couple of prospectors late in the 19th century. The spot is now covered by the mine's parking lot.

These prospectors and the miners who followed dug deeper and deeper into the earth, until the Sunshine vein began petering out at 3,700 feet underground. But in their quest, they drove tunnels into other veins, such as the Chester, which starts at 3,100 feet below the level of Big Creek. The Chester vein is now the mine's prime source of ore.

Altogether, the Sunshine Mine has produced some 210 million ounces of silver—more than all the silver extracted from the fabulous Comstock Lode in Virginia City, Nev.

Back in the tunnel at the 3,850-foot level, we walked along the tracks for the battery-powered ore trains under 14-by-14 timbers and metal slabs used to support the tunnel. Mr. Brandon stopped and lifted a hatch in the tunnel floor.

THE BIGGEST WE'VE HAD

"Climb on down," he said, pointing into a black shaft. "This is the 4,000–531 raise, which we can take down to the 4,000 level." The descent down the raise—mining terminology for a working shaft off which a stope shelf is carved—wasn't as harrowing as it might sound, even for an acrophobe.

Halfway down, two men were working in a stope that Mr. Brandon calls "the biggest we've had in 4 years. We're about two-thirds done here. We should get 10, maybe 11,000 tons of ore at about 40 ounces to the ton when we're through in 6 months."

Despite lodes like 4,000–531, silver is a perverse ore. It does not come in long continuous veins, as many other ores do. Rather the vein skips about—a small pocket of rich ore here, another there, and possibly hundreds of feet of barren rock between "There's just no continuity to these veins," Mr. Brandon complains.

In the rich 3,850–11 stope, 800 ounces of silver comes to a ton of ore. But rich lodes like that are offset by low grade—but usable—ore. On the average, the Sunshine gets 36 ounces (a bit over 2 pounds) of silver from each ton or ore it mines.

From each of the 664 tons of ore, the Sunshine Mine processed on a recent day, it gleaned about $45 in silver, 64 cents in lead, $6.70 in copper, and $6.60 in antimony, used to harden lead for batteries and as a flame retardant in paints.

WHERE DOLLARS COME FROM

To process the ore, the Sunshine's mill, built into the hill above Big Creek, grinds the large chunks of ore into sand. Petroleum bubbles through, carrying off the silver-laden particles. "This is where your silver dollars come from," remarked Leon Barr, assistant mill superintendent, pointing to a rotating drum as the black, slimy concentrate peeled off.

A ton of this concentrate, shipped for refining to a smelter in East Helena, Mont., contains 100 pounds of silver, 600 pounds of copper, 200 pounds of lead, and 1,100 pounds of waste. The antimony is handled separately.

These proportions demonstrate another problem of silver mining. Geologically, silver is an "impurity" in other ores, often copper. Silver's presence is relatively insignificant in comparison with the amount of adjacent base metals. The result: "There is no geophysical method of discovering deep-seated silver ore from the surface," says John Edgar, vice president of Sunshine Mining Co. "You can tell from the surface that copper may be there; you just hope there's also silver."

To get at pockets of ore, the Sunshine has carved 115 miles of crosscut tunnels, which cut through barren rock, and drifts, which are tunnels along the vein patterns. From these drifts, miners make diamond drillings into the rock to check the vein, then follow it upward by gouging a raise, such as the one I climbed down to the 4,000-foot level.

Silver mining is filthy and wet; but mostly it's hot. Many miners work shirtless, occasionally gobbling a red salt tablet to offset perspiration. Ventilation becomes an increasing problem as the Sunshine digs deeper: Mr. Edgar figures the heat in the mine rises a degree for every 125 feet the workmen go deeper. Rock temperatures are close to 100° at the current base of the mine, 4,600 feet, which is 2,000 feet below sea level.

AIR CONDITIONING NEEDED

"Sometime after the mine passes the 5,000-foot level a few years from now, we'll have to install mechanical refrigeration to replace the compressed air pumped in to cool the drifts and stopes now," Mr. Edgar notes. Mechanical refrigeration would add to another, if lesser, discomfort: Water.

A bit of water runs out of drinking hoses and seeps from the damp sand used to pack into stopes after excavation to give the mine stability and reduce dangers of collapse. But it's enough to turn many tunnel floors into mud. Riding the open metal elevator up No. 10 shaft, I was drenched by water pouring down the shaft.

The Sunshine is unlikely to increase its silver output. "We are operating now at optimum capacity," Mr. Edgar declares. "Our hoists can only carry up so much rock every day." The Sunshine will produce more silver this year than last, when it turned out 4,650,000 ounces of silver it sold for $5,500,000, plus other metals selling for another $900,000. But last year's production was down because the mine was shut down by a United Steelworkers strike for 3 months.

Despite the Sunshine's major role in silver, about 70 percent of the silver mined in the United States comes as a dividend in mining copper, lead, and zinc. A big open-pit copper mine in Utah may get $5 or so in copper for every ton it extracts, and a few pennies of silver. Because its production tonnage is huge, its silver output is considerable. But no economic education is needed to see the mine can't boost production to get more silver without threatening to glut the copper market.

Aggravating the problem of silver are intangibles and collectors. Two million or so Americans collect ("hoard" might be a better word) coins. They stashed away nearly all the 73 million ounces of silver the Treasury turned over for minting of Kennedy half dollars last year.

To meet the demands of collectors, as well as those of a growing population and the booming $3.5 billion vending machine industry, the mint will make 8 billion new coins this year, double the record 1964 production, which consumed 203 million ounces of silver.

A BOOST TO HOARDING?

If the Treasury eliminates or cuts the silver content of coins, it would relieve some of the pressure on supplies. But a cut or elimination may touch off renewed hoarding of old coins. And the mint would have to produce just that much more to replace the old coins. Whatever happens, it seems inevitable that world demands for silver eventually will cause a rise in silver prices.

But higher silver prices would only put added pressure on the mint. As soon as the price of silver passes its current level of $1.29 an ounce, a silver dollar becomes more valuable as metal than as monetary exchange. Once the price passes $1.38 an ounce, dimes, quarters, and half-dollars become worth more melted down for their silver than as coins.

For the present, the Treasury's decision will stave off any immediate crisis and hold prices stable. But Congress may balk at elimination of silver in coins; men of considerable political power come from silver-rich and silver-conscious States. Such a man is Senate Majority Leader Mike Mansfield of Montana, who has mused about the silver dollar: "I like to hear it clink and clank. I like to throw it over the counter, and maybe some people on occasion like to throw it on the bar."

Harold H. Brayman.

MEXICAN-UNITED STATES RELATIONS

Mr. MANSFIELD. Mr. President, for some years now the tenor of Mexican-United States relations has been steadily improving to the point where today it can safely be said that mutual respect, regard, and good feeling are the outstanding characteristics of these relations. In the last year alone two major and potentially explosive problems were solved to the mutual satisfaction of both countries. That this was possible—that these problems were able to be solved in an atmosphere of friendship and respect—that no big sticks, or threats, or cajoling or under-the-table methods were used by either side—that neither government appealed to extremist elements, nor to emotionalism, nor nationalist groups—that solutions were negotiated, not dictated—that during negotiations all other contacts and commerce remained normal and unabated, indicates the extent to which mutual respect and friendship prevail. Old-fashioned economic imperialism is an unpleasant but dead part of the past—and traces of it ever having existed are all but extinct. Mexico is a sovereign, vital, progressing nation with unlimited horizons. Her people are intelligent, active, and vibrant. Her social and economic problems—and all nations have them to some degree—are being attacked in a rational and responsible manner by rational and responsible leaders. Mexico is a democratic republic where liberty and freedom is cherished by the people and preserved by the Government.

Mexican history is one marked by a struggle for independence and democracy. Only last week in New Orleans, a bronze statue was erected to the hero of that struggle, Benito Juarez who became President of Mexico in 1855. As President, Juarez led the fight for constitutional government and restored a federal republic after much difficulty and travail. Juarez believed in the greatness of Mexico and respect for human rights, human dignity, and individual freedom. For this he was banished from Mexico. He chose New Orleans for his exile. Benito Juarez dreamed of a great Mexico—a Mexico developed by Mexicans. We have seen that dream become a reality. Today a bright and even greater promise for Mexico's future is in store. And even, perhaps, the fulfillment of his poignant words when he said: "Between individuals as between nations, the respect for the rights of others is peace."

Mr. President, at the ceremony dedicating the statue of Benito Juarez on April 24, 1965, the distinguished Mexican Ambassador to the United States, Hugo B. Margain delivered an outstanding address commemorating the occasion. I ask unanimous consent that the complete text of his remarks be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by H. E. Hugo B. Margain, Ambassador of Mexico to the United States of America, on the Occasion of the Dedication of a Statue of Benito Juárez, New Orleans, La., April 24, 1965

I have come to New Orleans on the proudest of missions: to present to the people of the United States on behalf of the Mexican Government, a statue of Benito Juárez our great 19-century statesman, without whose vision and determination the political structure, social progress, and achievement of modern Mexico, would have been postponed for generations.

The meaning of the role of Benito Juárez in our history stands out like a mountain peak when we recall that Mexico attained the independence from Spain in 1821 completely lacking in political experience. We had no precedents for self-government, nor did we have a precise idea of the form of government best suited to our social and political development. We emerged from a highly centralized colonial administration that permitted no initiative to our people and immediately entered a period of unceasing domestic conflict when members of opposite political parties—liberals on the one side and conservatives on the other—fought for predominance.

The social message and advanced ideas of the father of our independence, the venerable priest Miguel Hidalgo, and of his successor, the brilliant strategist José María Morelos, did not yield fruit in the sense that their impact was not felt in the actual everyday life of our people. The leader who finally succeeded in consummating our independence, Agustín de Iturbide, aspired to strengthen the upper social classes and to increase their privileges and power. Crowned emperor in 1822, he was outlawed and executed 2 years later. Because of Iturbide's failure to follow on the steps of our liberators Hidalgo and Morelos, we do not celebrate the actual consummation of our independence, but remember with profound respect and gratitude the ideology of a movement that culminated in our political freedom. We have never forgotten the principles of human rights defended by the men who pioneered for independence, nor their vision of opportunity and welfare more evenly shared by all our people. These ideals have been incorporated in our Constitution, and are integral part of our modern thinking.

In spite of the continuous domestic strife that darkened the early period of our national life, Mexico repelled an expedition sent to reconquer our country for Spain. The blockade of our ports by the French Navy, in 1833, was another vexation; and two wars, one leading to the independence of Texas and the other to the invasion of our country by American forces, caused the loss of about half of our national territory.

Alarmed by the constant struggle between the existing political parties and the disorder that characterized our political affairs, certain European heads of state representing the great powers of the time, reached the conclusion that Mexico would never be fit for self-government. They felt that it was essential to establish a new form of government conducted by a foreign ruler and supported by foreign armies in order to bring peace to the land.

It was precisely at this moment that Benito Juárez, an Indian statesman born in the tiny village of San Pablo Guelatao in the State of Oaxaca, fully demonstrated Mexico's capacity to maintain and defend its own republican institutions.

As a boy, Juárez served as a shepherd and was illiterate until the age of 12. With the help of a priest he began to study and quickly learned to read and write, because he had a brilliant intelligence. As a young man, he became a lawyer, and later joined the Liberal political party, directed the Institute of Arts and Sciences in Oaxaca, was twice governor of his State, and in 1858 became President of the Republic of Mexico. The example set by Benito Juárez is very real in my country. Every Mexican schoolchild learns that after surmounting tremendous obstacles he became President and saved our Nation and our institutions. Our young people are taught that every Mexican, no matter how humble his origin or how many barriers on his path, can reach the highest positions in our democracy.

With his indomitable courage, his unbending will to save our republican form of government against all odds, and his honesty and clear understanding of our needs, Juárez gained for Mexico the respect of the European powers. They realized that our young Republic was fully able to be a master of its own destiny, and did not need the guiding hand of foreign rulers to reach its goals.

Benito Juárez showed us that our only objective must be the greatness of our Nation, that we must not tolerate foreign interference either in our political affairs or in our economic development and social progress.

We believe that our revolutionary movement of today cannot be fully comprehended without the knowledge of Juárez' contribution to the political and social ideology that made possible the Constitution of 1857, the establishment of boundaries between church and state, and laws pertaining to civil marriage, freedom of worship, and the nonsectarian character of public institutions.

Juárez was the defender of our hard-won independence, and the father of a proud nationalism that inspires us to devote ourselves to the development of the resources of our country for the benefit of the people of Mexico. Along with his insistence on the development of Mexico by Mexicans, Juárez left us a rich heritage in his valiant struggle for the freedom of the individual, and respect for all human rights. Nothing could be more eloquent than his famous pronouncement: "Between individuals as between nations, the respect for the rights of others is peace."

Benito Juárez was twice in New Orleans. The first time he arrived on December 29, 1853, as a weary third-class passenger on a boat that brought him from Havana. Banished by Dictator Santa Anna, who had persecuted him and held him in prison, he was placed on a ship headed for Europe; but when the boat stopped over in Cuba, he decided to come to New Orleans. Here he was welcomed by other exiles: his loyal friends Melchor Ocampo, Ponciano Arriaga, and José María Mata, three of the most important figures in the formulation of plans that culminated in the adoption of the Constitution of 1857, and the Laws of Reform that so strengthened the foundation of our Republic and set the stage for further advance in our own century.

It is natural to imagine the long conversations that Juárez and his friends must have had in New Orleans in dingy boarding houses, on the banks of the Mississippi, in Jackson Park, where they would spend some evenings after visiting the French Market for café au lait and rolls.

Juárez, who came from wretched poverty, reverted to it with characteristic stoicism. Not a word of complaint was ever uttered by Juárez, even when he was obliged to move to a suffocating garret because he could no longer afford lodging in a roominghouse on St. Peter's Street, where he paid $8 a month.

A Negro woman provided board for another $8, but that was too large a sum for a man in his circumstances, and he had to accept an even more precarious life. He slept on a cot borrowed from a Mexican pharmacist, bought 10-cent meals at the St. Charles Hotel, and occasionally fished in the Mississippi not for sport but for food. Whenever possible, he earned a few dollars in a printing shop, and rolling cigars and cigarettes in a wretched house on a street called Great Men. While one of his companions peddled them in restaurants and amusement places, Juárez patiently waited at the corner.

Juárez's daily occupations in New Orleans, when not engaged in such humble breadwinning work, consisted of reading constitutional law, studying colonization plans, reading the newspaper, visiting the post office, and educational and civic institutions. His proudest day was when he was invited by a judge to sit in on a case involving a land grant. His opinion was unanimously approved and he received warm congratulations.

There were also lonely hours, as when he disappeared a whole day to the consternation of the friends who shared his privations, and was discovered that he spent it at the harbor, without a bit of food, watching the ships that docked, and hoping that one of them would bring mail from home.

In June 1855, Juárez returned to Mexico to wage his battle for constitutional government. We may well imagine that it was in this city, in the company of his faithful companions, Melchor Ocampo, Ponciano Arriaga, and José María Mata, that he elaborated many of the ideas later incorporated in the Laws of Reform. From this point of view, those 18 long months of exile were not barren.

As President of Mexico, Juárez restored our Federal Republican form of government, after toppling a French supported empire, and he made us feel tall in the family of nations, in spite of our ancestral poverty and undeveloped economy. A man of incomparable dignity, he never referred to his days in New Orleans as full of anxiety, discomfort, and loneliness.

Juárez visited New Orleans a second time, in the year 1858. He arrived here on the 25th of April, and departed on the 1st of May for Veracruz. He had become President, but was obliged to establish his government wherever he could. And so, from Guadalajara he journeyed to Manzanillo, where he took a ship bound for Colón. From that port he traveled to Havana, and thence to New Orleans. During this brief stay he stopped at the Hotel Verandah Conti, located, perhaps, not far from this Avenue of the Americas.

He returned to our land to give battle for laws responding to the needs of the time, for institutions worthy of a modern society, for the right of a nation to self-determination, for everything held dear by free men. More than any other leader in our national life, he contributed to extirpate from the soul of our Mexican Indians the fatalism which for centuries placed them on a level of inferiority, accepting as natural and preordained all social, economic, and moral injustice.

And now Juárez comes for the third time to New Orleans, but this time cast in bronze, the metal suggested by one of our major poets as symbolic of the enduring quality of his race. He is here, as visualized by Juan Olaguíbel, one of our finest sculptors, not as a mere gift from one nation to another, but as a reminder to young and old, that the humblest of origins is no impediment to greatness; that poverty of worldly goods can be overcome by spiritual wealth. May those who glance at his serene countenance on this Avenue of the Americas remember that his life was an inspiration to peoples other than his own. Victor Hugo saluted him as the peer of Abraham Lincoln, and the Congress of Colombia, a sister nation, proclaimed him a hero of the Americas.

And now, ladies and gentlemen, in the name of my people, in the name of my government, in the name of the President of the Republic of Mexico, His Excellency Gustavo Díaz Ordaz, and with deep emotion as Mexican Ambassador to the United States of America, I present to the American people and to the city of New Orleans, the statue of our national hero, Benito Juárez. It will remain here for all time to come, as a memorial to a great man of vision and integrity who lived here in exile, thinking only of his people, a man who succeeded in saving his nation from the destructive influence of civil war, and foreign intervention.

We may be sure that Juárez never imagined that his statue would be some day erected by his country in a city where once experienced so much hardship with perfect poise and unwavering faith in the triumph of his cause. May this gift serve to bring to the attention of all peoples the example of a righteous leader devoted to the attainment of the goals most essential to a nation: liberty, dignity, progress.

PRESIDENT JOHNSON'S SPEECH ON SOUTHEAST ASIA

Mr. RANDOLPH. Mr. President, on April 7, at Johns Hopkins University, President Johnson reiterated our objectives in South Vietnam and our intent to stand firm in securing "the independence of South Vietnam and its freedom from attack." He reaffirmed our desire for a peaceful settlement in this troubled area—but only a settlement with sufficient provisions to guarantee for South Vietnam the ability "to shape its own relationships" free from outside interference.

History has proven that any cessation of hostilities must be followed by constructive programs of development. And the President recognized this critical factor in his call for a cooperative effort for development. He has offered the assistance of the United States in eliminating the ancient enemies of poverty, disease, and ignorance in that strife-torn part of the world. Indeed, this is manifest evidence of our willingness to approach the problems in southeast Asia in good faith.

Diplomatically, the President's address was a masterpiece. It is often fashionable to belittle the inadequacy of American diplomacy at the conference table or in public pronouncements on cold-war activities. The initiative which the President grasped in his recent speech refutes any derogations of our diplomatic endeavors.

A recent editorial in the Dallas Morning News eloquently captures this thought and the impact of the President's remarks in foreign circles.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Political Deal

In the rough-and-ready world of American politics, Machiavelli would have been notable chiefly for his naivete. Considering the sense of timing and skill in swaying public opinion we show in American politics, it is rather ironic that American cold-war diplomacy sometimes seems to be conducted as if we were born yesterday. The early success of the President's Vietnam ploy indicates that may be changing.

Here at home, the speech displayed once again Lyndon Johnson's ability to construct a policy with something for everybody. Texas' two Senators, the conservative Tower and the liberal Yarborough, both hailed the President's talk.

The conservative Chicago American called it "in essence, a stonewall policy. The Communists may ram their heads against it, as long as they choose, but the wall will stay where it is. Meantime, there is an inviting detour around it—an end to aggression."

The liberal New York Post declared, "The United States has recaptured political and diplomatic initiative * * *. Plainly the tone and substance of the speech represent a major rebuff to those in our midst who have recklessly urged an all-out military adventure in Asia.'

Abroad, the speech won praise from allies who have questioned our policy before. Britain's Prime Minister Harold Wilson said the President's "statesmanlike and imaginative approach" offers the Vietnamese "hope of progress toward peace and economic betterment."

Japan echoed this in an even more meaningful way. It offered to help pay for the economic development program the President proposed.

Diplomats spoke admiringly of the President's skill in offering the Reds an acceptable way to give up the war without losing too much face. Others noted the smoothness in which he shifted the weight of world opinion against continuing the conflict onto the Red leaders in Hanoi and Peiping and made a direct appeal to the people of southeast Asia.

But the finest compliment he has received so far on his propaganda finesse and use of the political stratagem has come from those who are best able to judge their effectiveness: Communist leaders in Peiping.

The howls from these professionals are of the hit-dog variety. Peiping radio declared indignantly that the United States "trumpets peace by word of mouth" to induce the Vietcong to disarm. It pointed out that Johnson "clearly stated" that U.S. forces will not leave South Vietnam and that that country's "puppet government must be assured of its rule."

It noted that the United States made clear it would continue bombing North Vietnam and saw this as a move to force Hanoi to negotiate on U.S. terms. The billion-dollar bonus, it screamed, was "a political deal to weaken the South Vietnamese (for which read Vietcong) people's fight and dissolve the U.S. predicament."

The howls from Peiping's experts at our using a political deal to good advantage may sound humorous, coming from the people who signed the Geneva accords 11 years ago. But they are also the best indication that L.B.J. has struck a nerve.

KANSAS PILOTS LOST IN VIETNAM

Mr. PEARSON. Mr. President, this Nation's struggle against the infiltrating forces of communism in Vietnam may appear to be on the other side of the world to many, but the war has come home to Kansas.

Although Wichita, Kans., is 8,300 miles from Vietnam, death knows no distance. Two pilots permanently stationed at our McConnell Air Force Base in Wichita have lost their lives in Vietnam, and a third is missing in action. The Wichita community has accepted this tragic truth of loss.

Mr. President, I ask unanimous consent to have two articles and an editorial from the Wichita, Kans., Eagle-Beacon, reprinted in this Record at this point giving tributes to the two lost Kansas pilots.

There being no objection, the articles and editorial were ordered to be printed in the Record, as follows:

[From the Wichita Eagle Beacon, Apr. 9, 1965]

Base Pays Final Honor to Fallen Fighter Pilot

(By Steve Sells)

"The joy of flying was part of his life. For him, this is a moment of intense joy."

Lt. Col. Erwin R. Ray, base chaplain, McConnell Air Force Base, spoke Thursday of Maj. Frank E. Bennett, Derby, McConnell fighter pilot shot down Sunday in South Vietnam.

In an eulogy during memorial services at the base chapel, the chaplain said, "I don't think he would have had it any other way. His many medals speak of the caliber of the man and we honor him."

Bennett was awarded the Air Medal, Distinguished Flying Cross and 15 other medals in nearly 20 years of active service.

The chapel was filled with 300 persons, family and friends, officers and enlisted men, many of whom wrote their names in a "memory book" to express their sympathy.

Bennett left a widow and five children when he drowned in the Gulf of Tonkin after ejecting from his crippled F–105.

He was the first McConnell pilot reported lost in action in South Vietnam, although Capt. James Magnusson, Jr., Derby, shot down at the same time, still was missing Thursday night.

Eight honor guard members lined the entrance of the chapel as visitors arrived for the services.

In services assisted by the Rev. Richard S. Klein, pastor of First Presbyterian Church, Derby, a poem, "High Flight," was read in tribute.

"Taps" sounded over the base as a bugler ended the services.

A "missing man" formation of three F–105's roared low over the chapel in final tribute to a fallen comrade.

[From the Wichita Eagle-Beacon, Apr. 18, 1965]

McConnell Pilot Dies in Viet War

Capt. Samuel A. Woodworth, 34, became the second McConnell Air Force Base pilot to die in the Vietnam war when his F–105 Thunderchief crashed while dive bombing a military truck in North Vietnam Saturday.

Mrs. Nellie Jane Woodworth was notified of her husband's death while visiting her parents in Duncan, Okla. She and Captain Woodworth resided at 169 Sunset, Haysville. He was attached to the 563d Tactical Fighter Squadron at McConnell.

Maj. Frank E. Bennett, Derby, died April 4 when his F–105 jet was shot down by Soviet-built Mig 15 and 17 fighters south of Hanoi. Capt. James Magnuson Jr., Derby, was shot down the same day and was still on the missing list early Sunday morning.

Mrs. Woodworth said her husband left McConnell April 8 and had been in Vietnam only a few days.

Woodworth, son of Mr. and Mrs. Marvin Woodworth, Minco, Okla., had been in the Air Force since graduating from Oklahoma State University in 1955. He previously had served in Korea with the Oklahoma National Guard. He came to McConnell in September 1963.

Besides his widow, survivors include three children, Marvin, 9, Kathye, 7, and Alan, 5.

A U.S. spokesman said a pilot, later identified as Woodworth, was killed when his plane failed to pull out of a diving pass against a truck on Highway 12 through Mugia Pass along the border.

[From the Wichita Eagle Beacon, Apr. 7, 1965]

The War Comes Home

What does the war in Vietnam mean here in America's heartland, half a world away?

For Maj. Frank E. Bennett, of Derby, it meant death, and for his family and friends, sorrow. For those close to Capt. James R. Magnusson, Jr., also of Derby, it means anxious waiting. Major Bennett was reported killed in action in Vietnam this week, and Captain Magnusson reported missing. For George E. Herrington, of Wichita, it meant risking his life, though he escaped unharmed from riding shotgun on helicopters flying over South Vietnam.

This news that men from our community are seeing action in Vietnam—that F–105 fighter planes from McConnell Air Force Base are taking part in airstrikes there—suddenly brings the distant war home to us.

We see clearly now what may have eluded some of us before: This is our war.

Vietnam may be distant, its terrain unfamiliar to us, its politics mystifying. But the fact remains that South Vietnam's government is locked in a death struggle with Communist insurgents and our Government has given its word we will help. Rightly or wrongly, wisely or unwisely, we are involved in this war, and this means that Americans must risk—and on occasion lose—their lives.

When our fellow Americans—indeed, our friends and neighbors—are dying, we have no choice but to care about this far-off struggle to seek to understand it, to be part of an informed public opinion that will help our Government choose the proper course in Vietnam.

President Johnson will make a major speech on Vietnam Wednesday night. A solid, detailed report is needed. But needed no less is the careful attention of all of us to what he says. Our fellow countrymen are dying, and we must care.

SOUTH CAROLINA NEEDS NO AID, NAACP LEADER SAYS

Mr. RUSSELL of South Carolina. Mr. President, I ask unanimous consent to have printed in the Record an article appearing in the State, of Columbia, S.C., on Saturday, April 24, 1965, entitled "South Carolina Needs No Aid, NAACP Leader Says."

There being no objection, the article was ordered to be printed in the Record, as follows:

South Carolina Needs No Aid, NAACP Leader Says

The field secretary of the South Carolina NAACP said Friday he doesn't think South Carolina Negroes need outside help in voter registration.

The Reverend I. DeQuincey Newman, NAACP field secretary, said, "In the last 4 years there has been a 147-percent increase in Negro voter registration without any outside invasion," the Reverend I. DeQuincey Newman said.

"I think this is one of the best records of voter registration anywhere in the South. I think that record speaks for itself as to whether or not we need outside assistance."

"Registration of Negroes increased from 58,000 in 1960 to more than 150,000 in 1964," he said.

Newman's comments were in response to an announcement last week by Congress of Racial Equality Director James Farmer that CORE would send 100 workers into South Carolina this summer to work on Negro voter registration. Farmer is scheduled to be in Columbia Sunday and will hold a press conference.

In his remarks, Newman added, "Negroes of South Carolina have never spurned a bona fide offer of help. At the same time I believe I voice the sentiment of Negroes in South Carolina when I say that we feel perfectly capable of providing our own leadership in the area of voter registration as well as in other civil rights activities."

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call shall be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON DISASTER RELIEF—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 153)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I have the honor to transmit herewith a report of activity under authority of Public Law 875, 81st Congress, as amended, and required by section 8 of such law.

Funds which have been appropriated to accomplish the Federal assistance determined eligible under this authority are specifically appropriated to the President for purposes of disaster relief.

Lyndon B. Johnson.

The White House, *April 26, 1965.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

SOVIET OFFICIAL APPEALS TO AMERICAN PUBLIC TO END WAR

Mr. DIRKSEN. Mr. President, a very short item appeared in the New York Times under the title "War's End Urged," under date of April 23, 1965.

We know that a great deal of the opposition to our armed response to Communist aggression against South Vietnam has stemmed from the Communists and those who have been duped into following their line, or those who customarily do so.

I submit to the Senate, however, that unique arrogance has been shown in a Soviet official's writing an open letter to the New York Times urging a sector of Americans to oppose our response to armed Communist aggression and to terrorism. Although I would be somewhat horrified if this became the rule, I believe the New York Times performed a service in publishing this letter on its editorial page of April 23. I wish, since it is quite brief, to read it to the Senate.

The letter reads:

[From the New York (N.Y.) Times, Apr. 23, 1965]

War's End Urged

To the Editor:

The expansion of U.S. military operations in North Vietnam evokes serious worries and profound indignation in broad circles of the Soviet public. Through your newspaper I wish to appeal to the American public, and to men of science in particular, to take all possible measures to stop these operations.

Vladimir Aleksandrovich Kotelnikov,
Academician Director Institute of Radio and Electronics.

Moscow, *April 20, 1965.*

I cannot imagine a U.S. citizen who had some official identity with the Government—and certainly an academician of the Soviet Union must have some such identity—writing a letter to Isvestia or Pravda and appealing to a sector of the Soviet people in order to influence them in a matter of this kind. This is carrying their Communist propaganda rather far.

JOINT RESOLUTIONS OF THE STATE OF VERMONT RELATING TO VERMONT'S PARTICIPATION IN FEDERAL HIGHWAY PROGRAM AND TO RURAL WATER SUPPLY

Mr. AIKEN. Mr. President, I ask unanimous consent that two joint resolutions which have been adopted by the Vermont State Legislature be printed at this point in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

H.J. Res. 22

Joint resolution relating to Vermont's participation in the Federal highway program

Whereas the State of Vermont commenced its participation in the program of construction of interstate and defense highways, so-called, in 1957; and

Whereas the Federal act provides that State participation in said program of construction is at the ratio of $1 of State to $9 of Federal participation; and

Whereas the Federal act for Federal aid to highways provides for a ratio of $5 of State money to $5 of Federal participation; and

Whereas Vermont is and always has been willing to bear its fair share of the expense of those projects designed for the good of the Nation; and

Whereas Vermont with a population of less than 400,000 and a per capita income well below the national average is asked to build highways comparable in size and length to those of States having a much greater populace and resources; and

Whereas the cost of construction and maintenance of highways in Vermont, due to the rugged terrain, and severity of weather conditions, far exceeds such costs in the great majority of other States; and

Whereas other States having a similar dearth of population and resources for highway purposes are laboring under the same difficulties as Vermont: Now, therefore, be it

Resolved by the Senate and House of Representatives, That the Vermont General Assembly hereby exhorts the Federal Congress to reevaluate the contribution formulas of said Federal act for the Federal aid to highways program with the object of reducing the contribution of the State of Vermont, and of other States laboring under comparable handicaps, to a proportion based on the factors enumerated above, or to the same ratio now allocated prevailing in the interstate and defense highway program; and be it further

Resolved, That the secretary of state be instructed to send a copy of this resolution to Vermont's Senators and Representative in Congress.

Approved April 21, 1965.

Philip H. Hoff,
Governor.
Franklin S. Billings, Jr.,
Speaker of the House of Representatives.
John J. Daley,
President of the Senate.

H.J. Res. 27

Joint resolution relating to rural water supply

Where it has been declared to be the policy of Vermont that the water resources of the State shall be protected, regulated, and where necessary, controlled under authority of the State in the public interest and to promote the general welfare; and

Whereas the increasing use of water fit for human consumption by Vermonters for residential, recreational, and agricultural purposes is a matter of great public interest; and

Whereas extreme shortages of such water have been experienced in many rural areas of Vermont; and

Whereas such water shortages are not restricted to Vermont but are a national problem well meriting Federal recognition and assistance; and

Whereas it is the primary responsibility of the State and local communities to plan, develop, and distribute water in rural areas; and

Whereas the Congress of the United States is now considering specific proposals such as Senate bill 493, introduced by Vermont's Senator George D. Aiken, to meet the critical water needs of rural America; such proposals designed to provide Federal assistance to the improvement and expansion of existing facilities and the development of new water systems and distribution methods: Now, therefore, be it

Resolved by the senate and house of representatives, That the General Assembly of the State of Vermont endorses the aims and purposes of Senate bill 493 and urges the 89th Congress to give favorable consideration to legislation embodying the principles set forth therein; and be it further

Resolved, That this assembly believes that section 302 of Senate bill 493 should be amended to permit grants to be made to State political subdivisions, as well as cooperative or mutual associations, and be it further

Resolved, That the Secretary of State is hereby directed to send a copy of this resolution to our congressional delegation.

Approved: April 21, 1965.

Philip H. Hoff,
Governor.
Franklin S. Billings, Jr.,
Speaker of the House of Representatives.
John J. Daley,
President of the Senate.

AMENDMENT TO CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961—ADDITIONAL COSPONSORS

Mr. AIKEN. Mr. President, one of these resolutions relates to Vermont's participation in the Federal highway program. The other resolution relates to the rural water supply.

A week ago the distinguished majority leader, the Senator from Montana [Mr. Mansfield] and I introduced a bill which related to the establishment of a program for rural water systems. I ask unanimous consent that that bill remain on the table until tomorrow evening so that Senators who wish to cosponsor it may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I believe that about 20 Senators have asked that their names appear as cosponsors to the bill. However, since not many Senators were present at the time the bill was introduced, perhaps they are not aware of the fact that it has been introduced. The bill has not yet been printed.

Mr. CARLSON. Mr. President, I should like to associate myself with the remarks of the Senator from Vermont relating to the development of a rural water program. I wish to have my name added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

DUBLIN, IRELAND, EVENING HERALD PRAISES SENATOR EDWARD KENNEDY FOR HIS COURAGE IN TERRIBLE CRASH

Mr. YARBOROUGH. Mr. President, we in the Senate each esteem our colleague, the junior Senator from Massachusetts, and we have all been proud of the courageous fight he waged after his very severe airplane accident last year.

He has won that fight and we in the Senate are proud of him.

Last week, while I was in Dublin, Ireland, as one of the U.S. congressional delegates to the Interparliamentary Union Conference, where more than 50 nations were represented, I was pleased to read in the Dublin Evening Herald of Tuesday, April 20, and Wednesday, April 21, two stories by William V. Shannon, of the ordeal of Edward Kennedy following the unfortunate plane crash last year.

I ask unanimous consent to have printed in the Record today these two articles from the Dublin Evening Herald, Ireland, of April 20 and 21, entitled "How Ted Kennedy Survived His Ordeal—Even in the Darkest Days His Robust Spirit Never Failed Him," and "Day of Joy—Ted's First 20 Steps After This Horror Crash."

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Evening Herald, Apr. 20, 1965]

How Ted Kennedy Survived His Ordeal: Even in the Darkest Days His Robust Spirit Never Failed Him

(By William V. Shannon)

Last June 20, on a brilliantly sunlit morning, Senator Ted Kennedy, youngest of the nine children of the Kennedy family, lay semiconscious and in critical condition in emergency room No. 1 of Cooley Dickinson Hospital in Northampton, Mass.

The victim of a plane crash the night before, he was in intense pain. Three vertebrae in his lower back were smashed, two of his ribs were cracked, his left lung was partially collapsed, and there was massive internal hemorrhaging around his spleen and his left kidney. Would he live? If he lived, would he be paralyzed from the waist down? Would he ever be able to resume a normal life again?

As the doctors worked over him, his older Attorney General and brother Bob, then the effective head of the family since the death of President Kennedy less than 8 months before, paced alone in a small park nearby and pondered this latest family tragedy.

Hundreds of curious onlookers kept a respectful distance. After a time, he returned to the hospital.

A reporter approached and asked him the question that was in everyone's mind: "Is it ever going to end for you people?"

Bob Kennedy paused, then said: "I was just thinking out there—if my mother hadn't had any more children after her first four, she would have nothing now. My brothers Joe and Jack are dead and Kathleen is dead and Rosemary is in a nursing home. She would be left with nothing, if she had only had four."

TOO MANY

Then he brightened and added: "I guess the only reason we've survived is that there are too many of us. There are more of us than there is trouble."

The Kennedys knew all too well about back injuries. President Kennedy's back, first injured in a football game, was badly damaged during World War II when a Japanese destroyer knifed through PT-boat 109.

He went through two dangerous spinal-fusion operations and during the long ordeal of his recovery wrote his famous best seller "Profiles in Courage." By an eerie coincidence, Ted now had a back injury as severe as his brother's had been.

"It was my third vertebrae that was hit worst. It was pushed sideways. Fortunately, that's below where the nerves branch out to your legs. If the injury had been just an inch higher, it would have severed my spinal cord and I would have been crippled for life," Ted recalls.

"I found out my legs would be all right at the beginning of my second day in the hospital. After that I was never worried. I had a goal in life—I would walk again by Christmas."

COURAGE

But it was a long road from that June morning to Christmas week. During those months—and since—Ted Kennedy has written a new chapter of courage in the Kennedy story.

During the first hours after the crash, the big danger was Ted's internal hemorrhage. As Lt. Gen. Leonard Heaton, Army Surgeon General, said later after reviewing the case: "The hemorrhage almost necessitated an emergency operation, which would have been very serious because of Senator Kennedy's weakened condition after the crash."

But the profuse bleeding was caused by ruptured blood vessels surrounding the spleen and the left kidney, not, as had first been feared, by direct damage to those organs. With the help of four blood transfusions, the bleeding was gradually brought to a halt over the next 6 days.

During the time, Ted was fed intravenously. He was in great pain from both the internal injuries and the injury to his back.

PAIN

"I received no sedatives the first 18 hours because they wanted to be sure where that bleeding was coming from, and pain is one of the surest indicators," he said later.

The first X-rays taken immediately after his admission to the hospital revealed only the fracturing of two ribs. When his condition improved several hours later, more extensive X-rays disclosed the crushing of his third vertebra and the serious fractures of the vertebra just above and below it. A long recovery period would obviously be needed.

But even before the full extent of his injuries was known Ted's natural high spirits and extraordinary self-confidence came to his aid.

Pat Lawford, his sister, recalls that first morning. "I flew up to Northhampton from New York the morning after the crash, even though I hate to fly. Teddy used to kid me about that. When I walked into his room, he smiled at me and said, "Maybe you've got the right idea, Pat."

"The rest of us were worried and depressed, but Teddy never was."

BALLADS

Ted is easily the most extroverted, relaxed and genial of all the Kennedys. He likes to sing Irish ballads, is a delightful mimic, and is fond of good stories. His father once said: "He's got the affability of an Irish cop."

No one disputes his late brother Jack's judgment that "Ted is the best politician in the family." Oldtimers in Boston often compare him to his grandfather, "Honey Fitz" Fitzgerald, once mayor of Boston, who long regaled audiences by singing "Sweet Adeline."

Joan, his attractive blonde wife, often thought during those first terrible days of Ted's jokes and sense of fun.

"I remembered that the night of the crash he spoke to the convention delegates by telephone to say he would be late and ended by kidding me. 'I really am coming,' he said. 'Don't nominate Joan till I get there'."

FRAME

She wondered how many days it would be before he would be able to tell funny stories again. She did not have long to wait. By 5 days after the crash Ted was well enough to eat a spoonful of cereal—his first solid food—and drink some hot chocolate. His doctor told him: "You're doing very well."

Ted replied, "That reminds me of a story. A prizefighter was taking a pasting from his opponent. When he returned to his corner, at the end of the round, his manager told him he was doing great, that his rival had scarcely laid a glove on him. So the fighter told his manager to watch the referee then—'Because someone in there is beating the daylights out of me.'

"Doctor, I feel like that fighter."

As soon as the second X-rays showed the nature of his back injuries, Ted was placed in a frame. Later, he was shifted into a slightly different orthopedic device known as a Stryker frame. This frame, a substitute for the old-fashioned heavy plaster cast, is made of metal and canvas strips so arranged that they hold the patient's back rigid while leaving him free to move his head, hands, and feet.

Ted was like the meat between two pieces of bread in a sandwich. Except when he was being turned over, one side or the other of the frame could be removed, which prevented bedsores and skin rashes. For the next 160 days, Ted was never to leave the frame.

DECISION

Thursday, June 25, was the first turning point. He was able to eat an egg and milk toast for breakfast and from that time forward was back on solid food. That same day, he put on a headset and with his own hand dialed his parents' telephone number in Hyannis Port.

But a big decision lay ahead. The Army doctors who had flown up from Walter Reed Hospital on the night of the crash now recommended an operation to fuse the fractured vertebrae together.

This is a delicate and difficult operation, requiring several hours, in which bone is grafted from another part of the patient's body and placed in the spine to help new, solid bone to form. Ted's brother Jack had gone through two such operations in 1954—and neither was entirely successful.

By rigorous exercise to strengthen the supporting muscles and by other treatment, John Kennedy was able to walk again, but always with some amount of pain.

DETERMINED

The nature of the fracture is decisive in choosing whether or not to have such an operation performed. If the fracture is stable, rest will be sufficient to permit the bones to knit back together again. But if the fracture is unstable, with the various jagged ends "floating," then an operation is undertaken in an effort to help nature do its job.

Since the Army doctors recommended an operation for him, Ted was inclined to accept their judgment. They told him it should be performed in 6 to 8 weeks and that his convalescence would take 8 months to a year.

But they reckoned without old Joe Kennedy.

"Dad doesn't like doctors and doesn't believe half what they say. He had seen Jack go through this operation twice, nearly dying one of the times, and he was determined that another of his sons would not risk this same treatment," a member of the family said later.

The elder Kennedy, still recovering from his stroke of 3 years ago, cannot speak, but he is perfectly clear of mind and he can make his opinions known when he wants to.

According to an eyewitness, he "just stormed at the doctors" and insisted he would not permit them to go ahead.

More consultations were held. Finally, the doctors from Walter Reed and those at Cooley Dickinson arrived at a joint recommendation. Ted would be allowed to recuperate without an operation. If one should prove necessary, he could have it later.

Since it seemed wiser to transfer him to a more centrally located hospital, the next decision was whether he would go to Walter Reed or to a hospital in Boston. Ted choose Boston. He was still a U.S. Senator running for reelection and he wanted to be among the home folks during the campaign.

"I'm going to run scared even if I have to do it on the flat of my back," he said.

On July 9, he was carried in his frame out of the hospital in Northampton for the ambulance trip to New England Baptist Hospital in Boston. The doctors and nurses gathered, sorry to see their famous patient depart. Although strapped in tightly from neck to ankle, he was able to raise his right hand and wave goodby.

CHEERFUL

Mrs. Esther Madden, one of his nurses, is a stanch Republican. Throughout the 3 weeks she cared for him, Ted tried to enlist her in the Democratic Party, but without success. On leaving, Ted offered this testimonial, "Nonpolitically, Mrs. Madden is a wonderful nurse."

"Senator Kennedy was an exceptional patient because of his stamina and good humor," Dr. Thomas Corriden observed "In cases of this kind, the pain during the first 2 weeks is severe, but he never complained and always tried to think of something cheerful to say."

But if the doctors and nurses missed Ted, the post office employees did not. In less than a month, he received 42,000 letters, 700 telegrams, and innumerable flowers, cakes, religious statues and medals, records, books, boxes of candy, and baskets of fruit.

President and Mrs. Johnson, Mayor Willy Brandt of West Berlin, Premier Sean Lemass of Ireland, Barry Goldwater, Jimmy Durante, and Ed Sullivan were among the thousands who sent letters and telegrams. Pope Paul cabled a special blessing.

A corner suite of the Lahey Clinic's private pavilion on the fifth floor of the New England Baptist Hospital was Ted's home for the next 5½ months. By this time, he had recovered from his other injuries, including a deep gash on his hand which took six stitches to close.

For his back, "time and still more time" was the indispensable healer. But there was much that Ted himself could do, and he devoted all of that tremendous Kennedy drive and energy to doing it.

"I was exercising 3 days after the crash. The exercises never varied much except in the last month, when I was being prepared to actually stand and walk.

EXERCISES

"I progressed so that by the time I got back to the hospital in Boston, I could do my exercises for my back while shaving or reading a newspaper or talking on the telephone."

He had a regular half-hour session every morning with Mrs. Birte Thomasen, the hospital's physical therapist, who praises him unstintingly for his faithfulness to his exercises. The rest of the day he did his exercises while busy with other activities.

Sitting in his Senate office recently, Ted demonstrated some of them to a visitor—wiggling his foot, rotating his ankle, flexing his leg at the knee, and raising his leg straight out from the hip.

"You see, they are all exercises I could do to keep my legs in shape without moving my spine," he said. "I also did resistance-type exercises. I worked a pull-type tension device with my hands. That was to maintain circulation and muscle tone in my arms and shoulders. Using special boots I lifted weights with my feet."

NURSES

Ted took an instant liking to his two male Army nurses, Sgt. Roger Eckert and Sgt. Clayton Booth, who were part of the Army medical team flown to Northampton immediately after the crash on orders from Defense Secretary Robert S. McNamara. Ted reimbursed the Government for the salaries during the months they stayed with him.

Roger and "Boothie" were at his side constantly. It took the strength of both of them to turn him in his frame every 3 hours. They played checkers with him, helped him with his exercises, and laughed at the little jokes that helped ease the pain and tedium.

When it was time to shift him from his back to his stomach, Ted would often say, "Okay, boys, the human rotisserie is ready."

Ted had a way of measuring his progress.

[From the Evening Herald, Apr. 21, 1965]

Day of Joy—Ted's First 20 Steps After This Horror Crash

(By William V. Shannon)

(Note.—This is the story of the long and painful fight back of Senator Ted Kennedy after a plane crash in which he broke his back and lay near death.

(It is a story of the memorable milestones in that struggle—the visits from his children and of the simple things, like the foolproof system the Senator had of measuring his progress.)

"In the corridor there was just the slightest bit of a bubble in the floor—really, almost nothing at all. But when I was being wheeled from my room to the porch outside and went over it, it felt like a mountain.

"Gradually, I could feel my back becoming more stable. Each day, that bump kept getting smaller and smaller. Then, one day, I was wheeled over it and—nothing. I didn't feel anything at all, no bump, no jar, nothing."

The day after Ted arrived at New England Baptist, he had Edward Martin, his press secretary, and Angelique Voutselas, his personal secretary, install a small office in an adjoining room. He personally answered his mail and carried out as many of his senatorial responsibilities as possible from that day forward.

He had a campaign for reelection to win in Massachusetts and worked hard at it, although the outcome was never in doubt. Early in the campaign he participated in the taping of a 15-minute television show. Later, he held a 45-minute press conference.

On November 3, he won reelection by more than 1 million votes, the greatest majority in the history of the State.

Ted worried more about his brother Bob's campaign in New York than about his own. The only time visitors ever saw him depressed was in early October when, for a time, polls indicated his brother might be defeated by Senator Kenneth Keating.

"I wish I could go campaigning for him," Ted said ruefully.

"But he could also razz me," Bob recalls. "One of the biggest handicaps I had to overcome in my campaign was the impression some people had that I was terribly ruthless. One day Teddy called me up during the campaign and said 'You know, I think I'll hold a press conference and invite those New York reporters. I could really tell them about how ruthless you used to be to your younger brother.' "

IMPULSE

A regular caller during the summer and fall was President Johnson. Once a week, he would telephone Ted and ask, "Senator, how's my campaign going up there in Massachusetts?"

Ted was determined to make good use of his time in the hospital. He had the example, of course, of his brother Jack, but he also had his own impulse to learn more.

"Right from the start of his senatorial career, Ted has been extremely anxious to make use of experts and to bone up on public issues and really master the facts," Harvard Prof. Sam Beer observed.

Professor Beer recalls a dinner meeting in Cambridge several months before the accident when Ted greatly impressed 10 professors from Harvard and Massachusetts Institute of Technology with his mastery of facts during a long evening's discussion.

Now Ted turned to his friends at Harvard and MIT for advice during his convalescence. His first thought was to write a book, but after reflection he decided on three other projects—an article on extremist movements in American history which he hopes to get published soon; a book to be privately printed containing sidelights and anecdotes about his father ("this one is really for all the grandchildren who never knew Dad in his prime"); and a series of seminars on public problems.

"We sent him over monster reading lists on intergovernmental relations, the balance of payments, Latin America—all the current tough ones," Professor Beer says.

"Poor guy. He really worked at it."

After Ted had read the books on a given topic, two or three professors would come by 2 nights a week and discuss the subject with him for a couple of hours.

Another participant in these skull sessions, Harvard Economist John Kenneth Galbraith says, "You have to hand it to these Kennedys. They really do their homework."

Ted quickly worked out a regular daily schedule. Awake by 6 a.m., he read six Boston and New York newspapers in an hour. (Like President Kennedy, he has taken a speed-reading course and reads at a fast clip.) After breakfast, he washed and shaved himself. (An elaborate arrangement of mirrors and prisms enabled him to shave, read, write, and watch television while lying in prone position. A strap across his forehead supported the weight of his head.) After shaving, he worked on his exercises for half an hour with Mrs. Thomasen.

LOST WEIGHT

At 9:30 a.m., he was wheeled out on the adjoining porch ("I'll remember that porch all my life"), where he dictated mail, answered phone calls, and read for the rest of the day. He had lunch on the porch. A hearty eater, he ate the regular hospital fare.

Normally a weight watcher who uses saccharin instead of sugar and avoids rich desserts, Ted comments: "One good effect of my accident is that I lost nearly 30 pounds."

On 3 or 4 days a week, his wife Joan joined him for lunch. She divided her time between their Boston townhouse at the foot of Beacon Hill and their house on Squaw Island, near Hyannis Port, where their two children, Kara, 4, and Teddy, Junior, 3, stayed.

Every evening Ted read a bedtime story by long-distance telephone to his children.

Visits from the children were naturally high spots in his stolid routine. On his first visit, young Teddy, then only 2, exclaimed, "Daddy's in a crib."

Kara insisted on seeing her father's doctors. When one arrived, she showed she knew what doctors are for. "When are you going to give him his shot?" she asked.

FROG

On her next visit, Kara brought daddy a present—a frog inside an empty milk bottle.

Because of his own youth and his smiling good looks, Teddy is a hero to many children. Once the initial flood of mail eased off, his incoming letters averaged 200 a day, many of them from children.

A little girl in Massachusetts enclosed a picture of herself and wrote, "I broke my arm last year, so I know just how you feel."

The mail and the visitors and the work helped enormously, but there were still the long nights. This intensely vigorous young man, an active athlete all his life, who played on the Harvard football team and loved to ski, swim, and sail, had to lie, tightly pinned in one position, with nothing to distract his mind.

"The nights were the worst. They'd turn out the lights and I'd say good night to everyone and fall right to sleep. Then I'd wake up and always be surprised that daylight wasn't shining in the window. I'd switch on a light and discover I'd only been asleep for 30 minutes. And the odd thing was, I'd feel completely refreshed and rested as if I had slept the whole night through."

He could have turned the lights on and read, but he tried to go back to sleep because he knew that would be best for his injured body.

"I would lie there for 2 or 3 hours before I drifted off, then I'd wake up again in a half hour or so. I never really slept the whole night through. Nothing looked better than dawn coming up and the chance to do something again."

EAGER

The doctors had told him his recovery would take about 24 weeks. He and his nurses and office staff organized a pool, each chipping in a dollar to see who could guess correctly the day he would leave the hospital. Ted guessed December 17. His nurse Boothie guessed 16 and won, but with an indirect assist from Ted. He was so eager to walk that he kept pressing the doctors to move up the day he could take his first step.

"It's harder to get a firm promise from you doctors than it is from a politician," he told them with a grin.

With the Harvard-Yale football game coming up, he made a bet with Dr. George Hammond, a Yale man, and a surgeon at the Lahey Clinic. If Harvard defeated Yale Dr. Hammond would have to let him try walking 1 day sooner. When Harvard beat Yale in the final 7 minutes, Ted won his day.

In preparation for "the day," Ted was moved, in late November, from his Stryker frame to an electric circle. This is a device invented at Walter Reed and never before used at the New England Baptist Hospital.

Unlike the Stryker frame, in which Ted was turned horizontally, the circle rotated him vertically. The purpose was to restore circulation and a normal sense of balance after months of lying down.

FIRST STEPS

"They increased the angle slightly each day. I was at a 30° angle for a couple of hours, then the next day at a 45° angle. They never stopped it at 90° so that I would be standing upright until the last couple of days."

Ted took his first steps—20 of them from his bed to the door—on December 3. He walked unaided from the hospital on December 16. He had kept his vow to walk by Christmas—with a week to spare.

Dr. Herbert D. Adams, director of the Lahey Clinic, said: "The favorable factor in Senator KENNEDY's condition was his outstanding fortitude and courage."

TED still wears a heavy leather brace, which he hopes to discard by June, and he uses a cane. He walks slowly and stiffly. When fatigue sets in, the old pain returns. But each day he grows in strength. His face is drawn and he has aged.

Something of the easiness, the devil-may-care youthfulness, is gone, replaced by a new maturity. But there is no hint of bitterness over his long ordeal.

"I never thought the time was lost. I tried to put my hours to good use. I had a lot of time to think about what was important and what was not and about what I wanted to do with my life. I think I gained something from those 6 months that will be valuable to me all the rest of my life," he declared recently.

He may sometime have to undergo that spinal-fusion operation if his progress does not persist, but he is confident it will. TED walks into the future unafraid, for he has looked those old impostors—despair and defeat—in the face and stared them down.

JOSEPH McCAFFREY BROADCASTS ABLE EDITORIAL FOR THE COLD WAR GI BILL

Mr. YARBOROUGH. Mr. President, the necessity for continuation of the draft, to insure adequate military forces to defend our country, unfortunately means that we are also continuing the discriminatory conditions of the draft, under which only 40 percent of the draft-eligible men ever enter the armed services. So long as we maintain the draft, and so long as it is discriminatory, the need for a cold war GI bill grows more demanding.

The essence of the need for enactment of the cold war GI bill was recently reported in a television editorial by Joseph McCaffrey, on station WMAL–TV, here in Washington. Joseph McCaffrey is one of the outstanding national news commentators, and is well known for the excellence of his news reporting. I request unanimous consent that the text of his editorial, delivered on April 7, 1965, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COMMENT BY JOSEPH McCAFFREY, WMAL–TV APRIL 7, 1965

A report on the draft and whether it should be retained is expected soon, and upon it the President will make his decision as to whether or not to recommend its continuation.

From all that can be gathered here in Washington, it would appear that the recommendation will be to continue the draft.

If this is so, then coupled with that recommendation should be one which calls for the speedy enactment of a new GI bill of rights, providing veterans of the draft with the opportunity to obtain a college education.

Senator RALPH YARBOROUGH, of Texas, has long urged a peacetime GI bill of rights.

But, actually, would it be peacetime?

Any boy who is drafted might find himself shot at in Vietnam, and therefore he should have the opportunity offered by a GI bill, as did those who were called up in the Korean conflict.

If we are going to wage war in Vietnam, then the men who are called to take part in that war should be given the same privileges we gave to others who came under fire during the last 25 years.

If this is too costly, let us remember that the war in Vietnam is costly, too; and if we are willing to spend for it, then we should certainly be willing to reward those who must take part in it.

FIRST ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED REPUBLIC OF TANZANIA

Mr. YARBOROUGH. Mr. President, today, April 26, is the first anniversary of the establishment of the United Republic of Tanzania. On this important day, I want to extend my congratulations to that rising young African nation, to its President, Mwalimu Julius K. Nyerere, and to the people of Tanzania.

Today is Union Day in this African nation, rather than independence day, because this marks the time when the two new African nations of Tanganyika and Zanzibar embarked upon the enormous project of combining their two countries into a single nation.

Tanzania has been endowed with the necessary elements with which to build a nation—a variety of mineral and agricultural resources, exciting tourist possibilities, important values and traditions deeply imbedded in their society, and most important, a vigorous people. Starting with these endowments, Tanzanians, like our own Nation two centuries ago, have set about working out for themselves the physical, political, and cultural foundations for a thriving new nation.

The first Peace Corps group to train for oversea service trained at Texas Western University at El Paso, for service in Tanzania, then Tanganyika. It was my privilege to visit with those first Peace Corps men before they left El Paso, Tex., for east Africa.

As this young nation of Tanzania struggles to create a unified and prosperous nation, we Americans may well feel both nostalgia and admiration. More than 170 years ago, we too were a small, very new nation going through much of the same struggle with many of the same problems as this young nation now celebrating its first birthday. So today, I ask my fellow Americans to join me in expressing our friendship for the nation and peoples of Tanzania, as they pass this important milestone in their country's history.

ANNIVERSARY OF NICHOLS COLLEGE

Mr. SALTONSTALL. Mr. President, this past weekend Nichols College of Business Administration in Dudley, Mass., celebrated its 150th anniversary. In many ways it is a remarkable institution, and I should like to pay tribute to some of its accomplishments at this time.

Nichols was established as a private academy in 1815 by Amasa Dudley, a wealthy industrialist. It was one of the first nondenominational educational institutions in New England. Unfortunately, the school could not compete with free, public education, and as a result, ceased to function in 1911.

In 1931, the institution was reorganized and refounded as a junior college of business. Through the efforts of its president, James Conrad, it soon received recognition from the Massachusetts Legislature and a degree-granting privilege.

Nichols can be proud of its remarkable success in expanding its physical plant. In 1931, during the depression, it had only 4 acres of land and three buildings. It has now grown to 400 acres, with 32 buildings, providing its student body with excellent classroom, housing, and athletic facilities.

After the war, the college curriculum was expanded to include a 2-year program in forestry. This was made a 4-year course in 1963. In 1958, the Board of Collegiate Authority of Massachusetts approved the establishment of a 4-year course of business administration at Nichols and the conferring of a bachelor of business administration degree. Nichols became the first junior college in Massachusetts to issue such a degree, and also the first junior college in the State to expand to a senior college. Nichols is now the only private college in New England to have an undergraduate forestry, conservation, wildlife, and recreational management curriculum.

Throughout its development, Nichols has placed a strong emphasis on quality and excellence in instruction, and on a close contact between faculty and student.

This 150th anniversary is certainly an important milestone in the long and proud history of the school. It marks an occasion in which all of its students, faculty, and alumni can take great pride. We in Congress should not fail to recognize achievement in education, for it is an essential part of America's growth.

MORE NURSING HOMES FOR ALABAMA'S ELDERLY

Mr. SPARKMAN. Mr. President, those of us who follow the daily development of the Small Business Administration's programs find that one of the most gratifying features of this agency's work is the dual nature of its activities. While, to be sure, the main thrust of the Small Business Administration's mission is economic, with assistance to small business firms its chief objective, this goal can scarcely be attained without also generating many correlative advantages which are socially useful.

Today I shall mention just one example of how by helping small business firms, the SBA is also contributing toward building a better society in America. I refer to that phase of the Small Business Administration's financial aid program which encourages the expansion of nursing home facilities for our elderly citizens.

No civilization can make a valid claim to greatness, Mr. President, that disregards the basic needs of any significant group of its citizens. Thankfully, in many ways we have begun in recent years to pay needed attention to the requirements of the aged. Certainly there is no group comprising a major part of our total human resources more deserving of the solicitude of our society than those among us who have reached advanced years.

Today in America there are more than 18 million persons age 65 or over. What is more, the number of our elderly citizens is growing and the proportion of women 65 years of age and over is constantly increasing. About one-third of this age group are 75 years old and over. Indeed, Mr. President, some 12,000 men and women have already celebrated their 100th birthday.

The health of hundreds of thousands of these elderly citizens presents a special problem, not only to themselves and their families but also to the communities in which they live. With age, unfortunately, often comes infirmity. Many of our old folks are in dire need of the kind of personal attention which can best be provided in nursing or convalescent homes.

According to Government estimates, there are available today about 280,000 acceptable long-term-care beds. There is also a need, I am informed, for more than 500,000 additional beds for those of advanced years who are not quite sick enough to require hospital treatment, but who yet require the constant medical and nursing care to be found in nursing homes.

It is into this field, Mr. President, that the Small Business Administration has moved with the full force of its financial assistance program. Through December 31 of last year, the SBA had made a total of 458 business loans to small business men who were either establishing new nursing homes or expanding existing facilities.

The aggregate amount of these SBA loans to nursing homes was slightly more than $33 million. While no precise figures are available at this time, a cautious estimate would place the number of beds provided by this financial aid to be in excess of 20,000.

These SBA loans, of course, are not the only assistance extended to facilities which provide care for the aged. They supplement grants to States for this purpose under the Hill-Burton Act and also the nursing home mortgage guarantee activities of the Federal Housing Administration.

In my own State of Alabama, the SBA has made 11 business loans totaling about $1 million to small businessmen operating or starting nursing homes. The individual amounts of these nursing home loans in Alabama range from $25,000 to $250,000. The number of beds provided at these Alabama facilities total 550.

Although the social benefits of this phase of the SBA's financial aid program to nursing homes for the aged are widespread and reach into many areas of our Nation, we cannot assume that our responsibilities to our elderly citizens have by any means been fully discharged. In Alabama alone, for example, there were by last count 273,000 men and women aged 65 and over. These constitute more than 8 percent of Alabama's population. As of January 1, 1964, there were approximately 3,350 beds in modern, safe, and sanitary nursing home facilities available to the aged citizens of my State. Reliable estimates place the number of additional acceptable long-term care beds needed at between 13,000 and 14,000.

The well-being of the older citizens of Alabama has long been of concern to me. I am, therefore, gratified to see that a Federal agency which I helped to establish is working so closely with our State and local agencies in Alabama to discharge a part of our responsibility to elderly citizens with health problems.

I know that every Member of Congress joins me in the hope that, by means of continued cooperation between those State and Federal agencies concerned with the welfare of our older citizens, the time will soon come when no old folks in need of nursing home care will be denied it for lack of available and adequate facilities.

ADDRESS BY GEORGE E. LEONARD BEFORE INTER-AMERICAN SAVINGS AND LOAN CONFERENCE

Mr. FANNIN. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an address by Mr. George E. Leonard, president, National League of Insured Savings Associations before the Third Inter-American Savings and Loan Conference in Quito, Ecuador.

I have known Mr. Leonard many years and have closely followed his distinguished career in the savings and loan industry. He is one of the most knowledgeable and highly respected persons in this field and his remarks are always of special interest.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY GEORGE E. LEONARD, PRESIDENT, NATIONAL LEAGUE OF INSURED SAVINGS ASSOCIATIONS, THIRD INTER-AMERICAN SAVINGS AND LOAN CONFERENCE, HOTEL QUITO, QUITO, ECUADOR, MARCH 29, 1965

Ladies and gentlemen, I am very pleased to be here this week to meet with our savings and loan colleagues from Latin America at the Third Inter-American Savings and Loan Conference. We are all participating together in this great effort to bring the basic principles of thrift and the availability of home financing to an ever-increasing number of families. You are succeeding admirably in reaching your joint objectives, and in so doing you are growing more rapidly than did your counterparts 30 years ago in the United States when they were at a comparable stage in their development. At that time in the early and middle 1930's, we in the United States never dreamed that we would reach a level of $115 billion in assets by the year 1965. But that is where we are today in our role as the principal home-financing institution of my country.

My point in stressing this 30 years of growth is simply that you here in Latin America have a similar future ahead of you. Your great strength lies in the close attachment which you have to the average man. It is he who will determine the eventual success or lack of success of your institution. It is he who wants and needs a home for his family and it is he who is willing to work hard and sacrifice so that he might become a homeowner. As the managers of savings and loan associations you have the knowledge and technical training to help make the dream of the average man become a reality. There is nothing more important to the people whom you and I serve as savings and loan managers than this possibility of providing a clean, adequate home for their families.

We are not priests, or social workers in this savings and loan business, although our objectives are similar to the extent that we are trying to help people to help themselves. In reality, we are concerned with the material needs of the people we serve because we are helping to provide adequate shelter for them. This is our limited and specialized objective aside from helping those to save who already have adequate shelter. In order to provide these services effectively and efficiently, we must operate as private institutions which are self-sufficient and independent of changes in governments.

Savings and loan associations in my country and in your countries came into being because our governments were not able to do the job which was required. Governments simply do not have the know-how or money to provide housing for everyone. Even in a totalitarian state such as Russia where the State is supposedly capable of anything and everything, we now find that the Russians have been forced to admit that their Government has not been able to provide all the necessary housing in the 40-odd years which have elapsed since 1917. The Russian Government is now actually encouraging the development of a private sector and is calling on this new private sector to do something about the housing shortage. This is an encouraging development not only for the free world, but also for the people of Russia who have had to suffer with inadequate housing these many years. If the Russian Government would let us show it how to establish a system of privately operated savings and loan associations, we could provide more housing for the Russian people in the next 10 years than the Russian Government has been able to provide for them in the last 50 years.

My point in stressing the private nature of our savings and loan systems is merely to emphasize that such institutions have proven themselves time after time to be capable of providing more housing and of a higher quality than have the government or quasi-government housing corporations or mortgage banks which still operate in so many countries.

In highlighting the effectiveness of your 80-odd privately operated savings and loans—none of which existed prior to 1960—it should be pointed out they have financed the purchase of 27,000 new homes during the last 5 years. Of this number, 14,000 or more than half the total, were financed in the 12-month period ending December 31, 1964, the latest date for which totals are now available. In other words, the savings and loan systems which are still operating in only 7 of the 19 Latin American countries are financing the construction and purchase of new homes at a rapidly accelerating pace. There is every reason to believe that you will be financing as many as 40,000 new homes each year (3 times the present annual rate) within several years as operations of existing institutions are improved and additional ones are chartered.

The development of secondary mortgage markets in countries where savings and loan systems now exist will act as a further stimulus and also reduce the need for additional AID and BID assistance in this area. It should be very strongly emphasized that future AID and BID "seed capital" loans could probably be halved if adequate technical assistance were made available at the outset to help develop secondary mortgage markets in countries adopting savings and loan systems.

In connection with the need for developing internal secondary mortgage markets, many individuals have come to recognize that this would be one of the principal benefits resulting from the establishment of an

International or Inter-American Home Loan Bank. Legislation to permit the creation of such a bank is now before the U.S. Congress. This Bank would, in effect, receive limited investments from savings and loan associations in the United States which would then be reinvested or loaned to savings and loan institutions in Latin America. Such activities would strengthen mortgage markets in the other countries and at the same time permit the proposed Bank to act as a catalyst in developing an international secondary mortgage market. All of these activities are directed toward bringing homeownership within reach of more families throughout the world.

I hope that during the next few days there will be an opportunity to meet as many of you as possible because I want to learn more about what you are doing. Maybe we in the thrift and home-financing industry of the United States can learn from what you are accomplishing. This exchange of information is a two-way street. After all, it was you here in Latin America who developed the condominium type of housing which is now becoming so popular in my own country.

Thank you again for inviting me to participate in this Conference.

TRIBUTE TO FRANCIS S. MURPHY

Mr. RIBICOFF. Mr. President, one of Connecticut's outstanding citizens is Mr. Francis S. Murphy, former publisher of the Hartford Times. He has always devoted his time and energy to all worthwhile causes.

The progress of aviation in Connecticut owes much to his energy and imagination. In the April 15, 1965, issue of the Hartford Times appears a very interesting story, "Retiring Frank Murphy a Lively 'Mr. Aviation'."

I ask unanimous consent that the story be printed in the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

RETIRING FRANK MURPHY A LIVELY "MR. AVIATION"

Francis S. Murphy, "Mr. Aviation," has retired as chairman of the Connecticut Areonautics Commission.

Mr. Murphy, who has headed the commission since its founding in 1946, attended his last meeting as chairman today at the Statler Hilton.

Now 82—he'll be 83 on Columbus Day—he tried to retire in 1962 but was talked out of it by Governor Dempsey. This time he means it.

"Nineteen years is too long," he said emphatically today at his California-style home at 90 Waterside Lane, West Hartford. "It's time to make room for someone younger."

He plans to remain active with personal interests.

Mr. Murphy—the father of Bradley Field (he lent his name to Murphy Terminal), former publisher of the Hartford Times, doer of good deeds, energetic champion of many causes, member over the years of innumerable commissions and clubs, and recipient of medals, awards, and honorary degrees—can't stand still.

The center of his active life is his library and lounge room on the lower level of his home—a spacious room with a picture window looking out on a generous lawn and a small lake.

The room, containing an expanse of bookshelves reaching nearly to the ceiling, is the cherished repository of relics, albums, awards, pictures, and symbols of his action-filled life.

With obvious relish, he talks earnestly about incidents in which he had a hand as part of the State's history.

There was the sheep roast party out at the former Times Tower on Talcott Mountain in 1950 after General Eisenhower—then president of Columbia University—broke ground for the Bradley Field terminal.

Recalls Mr. Murphy: "I told some of these fellows (Republican Party leaders and hundreds of other public personalities) that the general looked like a pretty good man for President. And, by golly, I believe we had something to do with starting things off for Ike, right at that party."

A memento of the occasion—a red and white five-star flag autographed by Ike—now hangs on one pine-paneled wall of the Murphy library.

The Times became the second paper in the Nation to back Eisenhower for President in 1952.

One of Mr. Murphy's scrapbooks is loaded with material about Bradley Field. Its creation and modernization were probably his most famous crusade.

At one point in the battle to get legislators to authorize the State to take over the field from the Federal Government, the crucial bill disappeared. An editorial writer, sent by Mr. Murphy to "birddog" the session, uncovered it in somebody's pocket.

"I know who had it," says Mr. Murphy, "but I just don't want to mention his name."

At any rate, the legislature did take action. Mr. Murphy has the prized headline in his collection.

The publisher and aviation buff also was known for his helping hand.

A picture on the wall—showing Mr. Murphy sitting in a rough-flying prototype of a Kaman helicopter—jogs his memory.

"I remember this young fellow who came in the office one day and said he had left United Aircraft and needed help to get a new type of helicopter going. Well, I liked him and I talked to these men over at the Hartford Club and they helped him out."

That was after World War II and the young man was Charles H. Kaman, founder of the helicopter company in Bloomfield.

A Trinity College citation dated June 16, 1947, awarded with an honorary doctorate of humane letters to Mr. Murphy as "an eminent citizen whose career is worthy of a story of Horatio Alger."

Mr. Murphy began as an errand boy with the Times in 1898 when he was 15. He was publisher and editor from 1950 until his only other retirement in 1953.

TAXATION AND INDUSTRIAL MODERNIZATION

Mr. HARTKE. Mr. President, I call attention to, and make available for perusal by other Senators, an address delivered by Assistant Secretary of the Treasury Stanley S. Surrey before the Commerce Department Modernization Conference, held at Cobo Hall, in Detroit, on April 20. I ask unanimous consent that Mr. Surrey's remarks on "Taxation and Industrial Modernization" be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TAXATION AND INDUSTRIAL MODERNIZATION

(Remarks by the Honorable Stanley S. Surrey, Assistant Secretary of the Treasury, at the Commerce Department Modernization Conference, Cobo Hall, Detroit, Mich.; Apr. 20, 1965)

Tax policy ranks today as one of our most potent weapons for furthering our national economic goals.

One of the most effective methods we used to make tax policy a positive force for economic growth was to provide a tax climate designed to spur industrial modernization—which has been and remains an urgent national need.

The maintenance of the Nation's economic vigor depends in large measure on the continuing infusion of new and more efficient tools of production. If we are to remain the foremost industrial nation in the world, our pool of capital equipment must grow—and grow more productive—even faster than it has been growing. If we are to be efficient at home and competitive abroad, it must keep pace with our advancing technology. We cannot maintain our leadership with old tools, with obsolete methods, and with antiquated ideas.

POSTWAR MACHINE TOOL OBSOLESCENCE

Since the end of World War II, there had been a dismaying trend toward obsolescence in our machine tools and other capital equipment. This trend was not confined to a single industry or to a single geographic region. It was across the board and across the Nation.

At the beginning of the 1960's the economic situation was characterized by a low ratio of investment in productive equipment to gross national product—a ratio which had much to do with our lagging economic growth.

The inventory of metalworking equipment reported in the June 1963 American Machinist, produced some hard statistics on this trend. The survey showed almost two of every three machine tools in metalworking—64 percent to be exact—were at least 10 years old. Five years earlier this figure was 60 percent. In the report, 21 percent of these machines—more than 1 in 5—was more than 20 years old. Many of these old machines were built from designs of the 1930's. Some of them could be described as second generation machines—they were older than the men who operated them.

Obviously, this Nation cannot maintain its technological leadership if it responds too slowly to technological advances. Nor can we increase our productivity if we do not invest in new tools and retire outmoded and overaged equipment.

Three requirements are essential to encouraging a business to modernize by replacing old equipment with new equipment:

First, there must be an adequate rate of return on such investment—and what counts is the after-tax rate of return.

Second, there must be adequate funds for investment—corporate cash flow must be capable of financing modernization.

Third, there must be adequate demand for the increased production resulting from modernization.

The task for tax policy was to operate on the factors affecting investment in such a fashion as to improve the climate for investment.

Our new tax policies were designed with those requirements in mind.

INVESTMENT CREDIT, GUIDELINES REFORM

The first measure we chose was the investment credit—the central provision of the Revenue Act of 1962. The second measure was the 1962 reform of the tax treatment of depreciation.

The investment credit is a real innovation in U.S. tax policy. It provides a direct credit against the tax liability of up to 7 percent of the cost of new equipment. The credit operates directly to increase the rate of return on investment. Because it is provided in addition to depreciation it is a potent factor in increasing profitability of new investment, and thus provides an effective incentive to modernization.

But in 1961 and 1962, at congressional hearings on the tax bill which contained the investment credit proposal, businessmen still strongly emphasized that they were held back from modernizing by unrealistic depreciation policies.

We were aware of that problem, however, and even then we were already well along in the studies that led in mid-1962 to the complete reform of the tax treatment of depreciation—the optional use of new and more liberal depreciation guidelines.

The guidelines we announced offered businessmen an alternative to the old Bulletin F, which contains thousands of separate lives covering every piece of equipment imaginable. The guidelines offered instead lives for 75 broad classes of assets—lives which on the average were 30 to 40 percent shorter than those in Bulletin F.

The central objective of the depreciation reform was to facilitate adoption of depreciable lives as short or even shorter than the guideline lives, provided only that the subsequent replacement practice be reasonably consistent with the life selected. Taxpayers may pick what they want—just so long as their future retirement practices justify the shorter lives. Thus, we provided lives allowing a maximum recovery of capital and greatly increased cash flow.

The climate to invest must be supported by strong consumer demand—demand strong enough to spur expansion of productive capacity. Further, investment looks to the long run and so demand must be not just for today's goods, but it must give evidence of continuing to absorb the goods of tomorrow's increased productivity.

And the desire for goods must, in turn, be supported by strong consumer purchasing power.

That is why we provided the greatest investment stimulus of all—the individual and corporate rate reduction contained in the Revenue Act of 1964.

The new law cut individual income taxes by an average of 20 percent. If you add the continuing benefits of the investment credit, the depreciation reform and the rate cut, business also received a 20 percent overall cut in tax liabilities—and small corporations received a cut of 27 percent.

Our next step was to make sure that the depreciation reform was working well. Business was using the guidelines to the extent that we had anticipated, but a serious problem had developed. Our studies indicated that about 60 percent of the firms we surveyed which had adopted the guideline procedure would be unable to meet the basic reserve ratio test at the end of the 3-year moratorium.

The Treasury started a series of studies to learn the reasons for the failures and to find out how the guideline procedure was working. The studies showed difficulties in the reserve ratio machanics and in the transition arrangement.

THE 1965 RULES CHANGES

In order to meet these problems we developed three major rules, which were announced early this year.

First, the mechanics of the reserve ratio test were unsatisfactory for a business with an irregular growth pattern—which most businesses have. To overcome this problem, we developed the optional guideline form—a technique which enables a taxpayer to calculate a reserve ratio test tailored to his own growth experience.

The moratorium period, 3 years, was found to provide too short a time for adjustment for many industries. To alleviate this condition, we substituted a guideline life—one full life cycle starting in 1965—as the basis for the transition period. We then combined this with an initial bonus or transitional allowance of 15 points which would gradually taper down so that the transition could be made with the necessary leadtime for investment and retirement of assets.

The 1962 guideline procedure provided for an adjustment in the depreciable life when the reserve ratio test was not met. The lengthening of lives under the original procedure could be as much as 25 percent of the life used. Because this seemed to be too abrupt and bore no relation to the degree of failure, we adopted a schedule of minimal 5- and 10-percent adjustments.

We have been asked why we did not drop the reserve ratio test altogether. The answer is that we did not because such action would do nothing to encourage modernization—it would simply have distributed the benefits of the depreciation changes indiscriminately among those firms which were modernizing—by replacing old equipment with new—and those which were not. The reserve ratio will help to insure that the benefits go to those who modernize and not to the laggards. The test is thus in keeping with the basic objective of the depreciation reform.

In the last 4 years tax policy has markedly improved the climate for investment—by providing the means for greater cash flow, by providing measures to insure an increased rate of return, and by providing consumer funds to support a high level of demand. Since all these tax measures interact, each is more effective because of the others, and the total impact both on investment and on the economy is all the more significant.

The investment credit and the guidelines were effective by themselves. But their effectiveness is multiplied by the general tax cut. For, ultimately, machine tool makers and users will look to the consumer market for their products to justify increases in their investment. Tax policy has therefore recognized the important role of the consumer market in modernization incentives. The best economic stimulus to growth is a balanced one, which rests on both producer and investor incentives and on the buying power of people. Our tax policy reflects this broad-based approach to speeding up the tempo of modernization and growth, both in the capital goods and consumer goods sectors of the economy.

When you add the 1964 corporate rate reductions, the investment credit and the depreciation reform together you find that in terms of after-tax rate of return on typical equipment outlays, the profitability of new investment—in the important 10–15 year range for the useful life of an asset—has been increased by some 35 to 45 percent depending on the extent borrowed capital is used. The overall effect on the rate of return is comparable to that which would have resulted from dropping the maximum corporate income tax rate 52 percent to somewhere between 29 and 34 percent—depending upon how much of the new investment is financed from borrowing.

It must be emphasized that these tax measures are general measures—the investment credit extends to all machinery and equipment, the depreciation reform covered all industry and business, the tax reduction was across the board. This approach is deliberate. Tax policy is most useful as a tool of overall governmental policy when it is called upon to achieve such general goals. In contrast, the achievement of narrower goals, such as the development of depressed areas or other particular geographical regions, the alleviation of specific industrial ills, or the encouragement of specific industrial activities is nearly always better accomplished through other governmental devices.

MODERNIZATION STIMULATED

The success of these tax measures in speeding modernization has been truly remarkable.

In 1960, for instance, orders for metal cutting and metal forming machines were at a level of $653.1 million. In 1963, the year following the introduction of the new tax measures, however, orders shot up over 42 percent above the 1960 level. Last year—1964—orders totaled $1,365.2 million, more than double the 1960 figure. Moreover, the index of sales of used machine tools has gone up—purchases of used equipment incidentally, are subject to the investment credit—indicating upgrading as well as modernization.

Pehaps one of the most important contributions of the tax changes has been the stimulus they have given to business management to reexamine its thinking and policies on modernization—giving particular attention to after-tax return. It is increasingly recognized that companies who ignore modernization needs are begging for trouble. An expectation that the company will share in general prosperity may be disappointed. Obsolete plant and equipment will hold it back.

Businessmen can't just sit back and expect to ride the wave of economic expansion. If they don't keep up the wave can go right over their heads. The man who is first to modernize has a competitive edge that's hard to beat—he can deliver better goods faster, with fewer rejects. It is the kind of competition that brings in reorders, and new business as well.

The company that tries to hang on and save money by operating with outdated equipment doesn't save money—it raises costs.

Therefore, it is not surprising that more and more businessmen are looking around for new ideas, new ways to modernize, new way to take advantage of the new tax climate for investment.

In fact, they are doing more than looking—they are making concrete plans. A Commerce Department-SEC survey taken in February reports that planned expenditures for plant and equipment for 1965 will be 12 percent above last year's level and 41 percent above the 1960 level.

When you go back to your offices, it might be very useful—useful in a dollars and cents way—to call in your machine experts and your accountants and your tax counselors and ask: Am I getting the benefits of the depreciation reform? Have my investment plans been analyzed in the light of the investment credit and the tax rate reform? When my competitors here and abroad are newly modernized, can I compete? The answer may well determine the future course of your business and your share in the benefits of our expanding economy.

Let me be still more specific. A basic question you will want to raise is not merely: Should I add new capacity to meet expanded customer requirements and keep my share of the market? For the experienced businessman this is relatively easy to answer.

Rather, it is the more challenging query—one likely to be more vital to the long-range success of your enterprise: Can I profitably replace old, inefficient tools with new, more productive equipment that not only enables me to produce more but also makes it possible to deliver today's output at less cost?

This is the essence of modernization: the will to weed out the obsolete machine and substitute a new machine which embodies the latest technology.

The new tax provisions provide the drive and readily calculable monetary benefits to overcome hesitation or natural reluctance to make the financial commitments involved, which sometimes hold back decisions to modernize. They check the contagion of neglected obsolesence. For if the tempo of progress slows for some businesses, this makes it easier for others to slow down and still maintain their relative position in the competitive parade, until a whole industry or the whole economy stagnates. No business wants this to happen to itself, to its industry, or to the economy in which it operates. The new tax climate reinforces the inherent drive of American enterprise to seek ever more efficient cost-cutting techniques.

The rewards of the modernization incentive provisions are not confined to big business or to small business or to any sector of the economy. Whether your firm is large or small, the more you invest, and modernize, the more you are helping your own business and the more you are helping the Nation itself.

This is a big year in Detroit—a recordbreaking year in the auto industry. I am convinced—and I think most economists would agree—that the principal reason this is a recordbreaking year is the tax cut which President Johnson signed into law just a little more than a year ago.

This tax cut created a real revolution in orthodox thinking about tax policy as an economic tool. You may be sure that, as a result, tax policy will be used again where it can help the economy—as it will be this year with a reduction in the scope and amount of excise taxes.

The Government then, is doing its part to maintain a healthy climate for business investment. This is a proper function of Government, since business is a vital part of our economy. At the same time, business must cooperate if all the economic policies of the Government are to prove effective. We are now seeing a splendid example of business cooperation in the voluntary business efforts to help improve our balance-of-payments position. At the same time, by making the most of investment and modernization opportunities, by the exercise of responsible restraint in maintaining price stability, and by aggressive exploration of new markets and new opportunities both at home and abroad, business can do much to sustain our present economic expansion at its present rate.

Government has modernized the tools of tax policy—to help the builders and users of machine tools to modernize our industrial processes. The Government has retired Bulletin F and invested in a new depreciation policy and an investment credit—so that business can retire its outworn machinery and invest in modern productive tools. Government has retired high tax rates and invested in sweeping tax reductions—so that business can modernize and expand with confidence in a strong consumer demand. With the modernization of Government tax policies thus matched by a modernization of business practices, the forces for economic growth will be powerful and sustained.

We will face economic problems in the future. But with the enlightened and energetic leadership we have today, and with the knowledge and experience we have gained over the past few years, I am confident that these problems will be solved. Our economy will thereby continue to provide the means to enrich the lives of ourselves and our children as we move closer to the Great Society in the years ahead.

THE 50TH ANNIVERSARY OF THE ARMENIAN MASSACRE

Mr. KENNEDY of Massachusetts. Mr. President, April 24, 1965, was the 50th anniversary of the commencement of atrocities against the Armenian people, resulting in the massacre of 1.5 million of this courageous race. Armenians throughout Massachusetts and the Nation have reaffirmed their commitment to the cause of justice and human rights.

Indeed, the Armenian question is very much alive today. In America, where both the concept and practice of justice demand that the slightest trespass of the rights of a single individual receive meticulous attention, certainly the oppression and destruction of a race or nation calls forth our expressed horror and opposition. It becomes a people such as ourselves—dedicated to freedom and individual liberty—not only to remember and reflect upon the past suffering of the Armenians during this prescribed month of mourning, but also to dedicate our efforts and reflections to the best manner by which to avoid and eliminate any future repetition of such ignoble action.

To the Armenian people in Massachusetts I would like to express my sincere admiration for the dignity and concern they have exhibited in carrying out the commemorative programs and for the many fine and intellectual contributions they have made to our Commonwealth. To the Armenian people throughout this Nation and the world, I would like to reaffirm my sympathetic dedication to their fight for justice and liberty for every single human being.

THE JOHNSON WAY: VICTORY THROUGH CONSENSUS

Mr. SMATHERS. Mr. President, I asked unanimous consent to have printed in the body of the RECORD an article enttile "The Johnson Way: Victory Through Consensus." The article, written by Tom Wicker, was published in the New York Times of April 18, 1965.

President Johnson has long been known to all of us here in the Congress as an untiring worker on behalf of the issues deemed to be in the best interests of the country. As President, he has made great use of the skills he learned while serving in this body.

The 89th Congress is establishing a great record and the President has contributed greatly to this progress. In his article, Mr. Wicker describes very well the President's technique of "come let us reason together." The article is worthy of consideration by all of us.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1965]

THE JOHNSON WAY: VICTORY THROUGH CONSENSUS

(By Tom Wicker)

WASHINGTON, April 17.—Were the Republican Party given to iambic pentameter, it would want these days only some lean and hungry Cassius to whisper to some unsettled Brutus:

"Why, man, he doth bestride the narrow world
Like a Colossus, and we petty men
Walk under his huge legs, and peep about
To find ourselves dishonorable graves."

And as 'twas asked in ancient Rome, so it might be wondered now:

"In the names of all the gods at once,
Upon what meat doth this our Caesar feed
That he is grown so great?"

Just 3 months after the inauguration of Lyndon B. Johnson for a full term of his own, it really does seem sometimes that Washington's "wide walls encompassed but one man," just as Rome's in the day of Caesar. To shift the idiom to Texas, the President is in tall cotton and eating high on the hog.

Like Old Man River, his legislative program just keeps rolling along. Education, with its great potential for a divisive church-state uproar, has been passed in peace. Medical care for the aged is over the ancient hurdle of the House of Representatives. Despite dispute on details, the prospect is for passage without filibuster of the major bill on voting rights. Beyond that unfolds the prospect of one of the most extensive records of legislative achievement in any session of Congress.

BLISSFUL SCENE

Elsewhere in the Nation, Mr. Johnson surveys a blissful scene—save for the uncertain prospect of a troubled summer of racial unrest. The Republican Party lies in tatters at his feet, still riven on ideology and without a natural leader. Mr. Johnson's business support also appears to be holding firm. Public opinion polls show his popularity at a high level, and private polls indicate that the legislative successes are laying the groundwork for successful Democratic campaigns in the 1966 congressional elections.

Even in his own administration, the gaps have been filled. A series of major appointments, coming slowly but meeting a high degree of public approval have recast the Kennedy administration into the Johnson administration with little break in continuity and no apparent party resentments.

These appointments have brought Secretary of Commerce John T. Connor, Secretary of the Treasury Henry H. Fowler, Attorney General Nicholas deB. Katzenbach, and Under Secretary of State Thomas C. Mann into positions of new influence. The appointment this week of Adm. William F. Raborn to head the Central Intelligence Agency not only met with congressional approval but also may bring a new effectiveness to that controversial organization.

Mr. Johnson still has a number of appointments to make—notably of ambassadors—but he has filled out the major offices and staffed the regulatory agencies with generally impressive men. His White House staff appears to have become an effective unit, and administration sources say the talent hunt headed by Civil Service Director John Macy is going well.

Abroad, the scene is less encouraging, but except in Vietnam, scarcely alarming. The Western alliance is badly in need of repair, but the task probably cannot be undertaken now in any case, with uncertain Governments in Britain and West Germany, and an all-too-certain Government in France. Major advances in Soviet-American relations can hardly be effected until the new Soviet Government establishes its positions more clearly and while Vietnam is in crisis.

There is plenty of potential trouble in the Middle East and with some of the fierier "uncommitted" nations like Indonesia. The Congo and Cyprus crises continue. But to offset these problems, the Alliance for Progress apparently is having greater effect in Latin America.

None of Mr. Johnson's various foreign entanglements seem to threaten him with extensive trouble at home, except Vietnam. Even on that explosive issue, Mr. Johnson has managed to put together an uneasy consensus of support, particularly since his offer to negotiate. But there is little room for maneuver. The Republicans in Congress have made it plain that they will attack anything they construe as "retreat" in southeast Asia. Yet, a shooting war on the Asian mainland would probably be unpopular and would put a sharp ceiling on Mr. Johnson's ambitious domestic program.

TROUBLE SPOTS

Vietnam alone, in short, seems at the moment seriously to threaten Mr. Johnson's standing as an American colossus. But there are other situations that offer varying degrees of potential trouble, for instance:

1. The economy. Inflationary possibilities abound. In particular, a steel wage settle-

ment and a steel price rise beyond the administration's guidelines would confront Mr. Johnson with hard political choices that could hurt his position with labor or business, or both.

2. Poverty. Increasing evidence of confused administration and political influences in the poverty program has caught congressional attention. A major scandal or a congressional crackdown would reflect sharply on Mr. Johnson's most publicized program.

3. Labor. The unions are demanding both an increase in the minimum wage and the repeal of a Taft-Hartley law provision permitting State right-to-work laws. Both issues are politically explosive and could put Mr. Johnson in the position of having to offend either labor or business supporters.

But Washington is getting accustomed to the sight of Lyndon Johnson picking his way, unscratched, through thorny thickets like these. And there is not much doubt about what meat this Caesar feeds on. It is politics—a mastery of the art so sensitive as to make a radar antenna seem obsolete.

The uneasy left wing of his own party has been stilled with performance—the school bill, medicare and the compelling speech on voting rights during the Selma crisis. The business community, always suspicious of Democratic Presidents, has been brought around by the emphasis on economy, by such appointments as those of Mr. Connor and Mr. Fowler, by the tax cut and its accompanying rhetoric about economic growth and free enterprise and by such astute exercises as the "voluntary" program to right the imbalance of payments. The Republicans reduced nearly to impotence by the disastrous campaign of Barry Goldwater, have scarcely found an opening.

OPPOSITION STIFLED

The best features of a Republican medical care plan were absorbed into the Democratic bill. First-year appropriation requests for the major Johnson program have been kept low enough to muffle Republican cries of pain. On the other hand, the support of old Republican heads like Senator Everett McKinley Dirksen, of Illinois, and Representative William McCulloch, of Ohio, has been assiduously sought on and fulsomely praised in the crucial voting rights situation. This week, that noble Republican name, Henry Cabot Lodge, was dispatched abroad again, not least to add a little bipartisan gloss to the war in Vietnam.

Mr. Johnson never ceases in his pursuit of rapport with any group or individuals whose backing or friendship might be useful. Nearly every Member of Congress has been entertained at the White House and massaged by the Presidential grip. Mayors, Governors, teachers, religious leaders, business executives, newspapermen—all have heard the President expound on everything from the balance of payments to Vietnam. Wednesday he made a flying trip to disaster-stricken areas of the Midwest—not to bring anything tangible to the unfortunate, but to demonstrate his sympathy and interest and that of the administration.

That is why few observers here believe Mr. Johnson is likely to begin fumbling and stumbling, no matter what misfortunes befall. No small part of his success so far has been due to circumstances beyond his own efforts—the national prosperity he inherited, for instance, and the opportunity to run against Mr. Goldwater. Even so, Lyndon Johnson has given ample proof that he is no longer just a political accident in the White House. He knows what he is doing, and how to do it, as few Presidents have.

It would be no wonder if some frustrated opponents, unlike the lean and hungry Cassius, became convinced that the fault for their circumstances lay not in themselves but in their stars.

JAMES RIVER DEVELOPMENT IN THE MITCHELL, S. DAK., AREA

Mr. McGOVERN. Mr. President, on Friday, April 23, I met with a group of 90 interested citizens in my hometown, Mitchell, S. Dak. The purpose of the meeting was to explore the desirability of a survey of James River development possibilities in the Mitchell area. Members of the city council, the Mitchell Chamber of Commerce, the Davison County Board of Commissioners, the clergy, local news media, businessmen, professional people, farmers, and other civic leaders were present.

The group adopted unanimously a resolution calling for a feasibility survey by the appropriate agencies. The resolution led, in turn, to a resolution adopted by the City Council of Mitchell and sent to me, over the signature of Mayor C. W. Klingaman, on the 24th of April.

On the basis of this resolution and the consensus of the Mitchell meeting, I have requested the Department of the Interior's Bureau of Reclamation to undertake immediately a feasibility survey. The Assistant Secretary of Interior on Water and Power, Kenneth Holum, has assured me that he is instructing the district Bureau of Reclamation office, at Huron, to proceed with the survey.

In South Dakota, we have a special awareness of the importance of full development of our water resources. The possibilities of increasing municipal water supply, recreation, irrigation, and flood control, as well as river navigation, need to be fully explored. This, of course, is the purpose of the studies that will soon go forward. After the surveys have been completed, a judgment can then be reached as to whether it is in the interest of the Mitchell area to proceed with a James River dam and other development programs.

I ask unanimous consent that the resolution of April 24 of the Mitchell City Council be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Certificate of Resolution by the City Council of the City of Mitchell, S. Dak.

I hereby certify that the following resolution was duly passed by a unanimous vote of the City Council of the City of Mitchell at a special meeting called and held on the 23d day of April 1965.

"RESOLUTION

"Whereas the future development of agriculture, industry, rural life in the James River Valley and municipal growth of the city of Mitchell depends upon the availability of an abundant, economical and suitable water supply; and

"Whereas detailed studies to survey the feasibility and possibilities of flood control and water development for multipurpose use have not been progressing in a satisfactory manner in the James River Valley; and

"Whereas there is an immediate need and desire to determine the potential benefits of such multipurpose development in the James River Valley; and

"Whereas State and local authorities do not have the financial ability to adequately carry out a program for the study and execution of the development of the James River Valley; and

"Whereas a group of some 90 interested persons in the community of Mitchell, S. Dak., gathered together because of the apparent urgency of the situation; and

"Whereas such group included members of the City Council of the City of Mitchell, the Mitchell Chamber of Commerce, the Davison County Board of Commissioners, members of the clergy, the local news media, local businessmen, professional people and civic and social organizations and other interested individuals; and

"Whereas such group by a unanimous vote requested the Mitchell Chamber of Commerce and other local bodies to make an appeal to appropriate Federal, State, and local agencies to inaugurate an immediate detailed study of the James River Valley: Now, therefore, be it hereby

"*Resolved*, That we respectfully request the appropriate Federal, State, and local agencies to immediately inaugurate a detailed survey of the feasibility of multipurpose water storage development in the James River Valley to provide for irrigation for agricultural land, water for cities and towns, water for industrial use, water for recreation, water for fish and wildlife and flood control; and be it further

"*Resolved*, That copies of this resolution be directed to the appropriate Federal agency or agencies, State and local agencies and to the Congressmen and Senators of the State of South Dakota.

"Dated this 24th day of April 1965.

"C. W. Klingaman,
"Mayor of the City of Mitchell, S. Dak."

NEW YORK CITY FIGHTS OBSCENITY

Mr. MUNDT. Mr. President, since I first introduced legislation to provide for a Commission on Obscene and Noxious Matters and Materials, I have been watching the struggle which many communities and cities have been making against this traffic in smut. The people who are trying to protect public morals, especially the mental and moral health of our youth, have had to carry on without the benefit of adequate laws, or even careful definitions, in an effort to rid newsstands of the pornographic magazines, pictures, and other materials displayed in such a way as to arouse the curiosity of young people.

In New York City, the mayor has appointed a commission to study the particular problems of that area, and to eradicate such offensive materials from public display. The New York Daily News, which has been editorializing on this problem very effectively, carried a story on April 12, which described the activities of the mayor's commission and details some of the proposals which the commission makes for correcting this sordid problem. I am happy to note that the commission endorsed the legislation, S. 309, which I have introduced.

Many citizens in other cities around the country want to know what they can do to organize for the protection of their children. I believe that the material in this news story will give them many of the answers they need and for that reason I ask that the story by Peter Coutros be included in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Blame Courts for Flood of Printed Filth

(By Peter Coutros)

Appalled by the torrent of published filth polluting the minds of youngsters, a jury of 21 public-spirited citizens of the metropolitan area has found the courts guilty of debasing the standards of the community.

This unanimous, strongly worded condemnation has been forwarded to city hall by the Citizens Anti-Pornography Commission, which has simultaneously offered an 11-point program to combat the accessibility of smut to minors.

In a well-documented report, the commission asks for immediate passage of proposed legislation which would stop the peddling of printed filth to those under 18 years of age.

The bill, to be submitted to the legislature later this week, was drafted by Corporation Counsel Leo A. Larkin, the city's ranking legal adviser.

It comes hard on the heels of overwhelming public response to an editorial printed in the News on February 15. The editorial reflected the concern expressed by many Americans over the growing number of books and periodicals whose theme is smut.

Pointing out that alarmed groups were drawing a parallel between peddlers of pornography and dope pushers, the 38-line editorial went on to explain that the reason lawmakers were lax in proposing remedial legislation was an apparent absence of public demand for such action.

After stating its opposition to censorship, the editorial, which asked, "What to smite smut?" concluded by suggesting that readers with ideas on how to combat the dirt-for-dollars delegation contact their representatives in the State legislature.

The readers' views also were solicited. To date, the mail count has exceeded 13,400. The writers represented various faiths and all income strata of the community.

Never before had a News editorial or story elicited such an outpouring of sentiment.

THE NEWS ACTS ON PEOPLE'S MANDATE

Armed with this mandate from the people, this paper undertook to initiate appropriate action on the legislative front.

Previous measures aimed at saving our youngsters from the lewd literature being purveyed to them had run afoul of the courts, which considered the laws confronting them as being too vague for enforcement.

Almost always, the decisions invalidating the legislation were extremely close. In many cases, a switch of one vote would have made the difference.

On July 22, 1964, for instance, the U.S. Supreme Court ruled that Henry Miller's "Tropic of Cancer" could not be construed as being obscene. The tribunal's 5-to-4 decision negated an earlier 4-to-3 vote by the New York Court of Appeals which would have removed the controversial book from shop stalls.

COURT OK IS CLOSE ON "FANNY HILL," TOO

The same court which rejected Miller's novel looked with favor upon "Fanny Hill." Again, it was by the most minimal of margins, 4-to-3, that this diary of a prostitute, written in almost clinical detail, was allowed to be sold throughout the State.

Similarly, the court of appeals turned down section 484–H of the penal law prohibiting the sale and distribution of objectionable material to youngsters.

A law written in virtually the same legal terminology had won approval of the Rhode Island Supreme Court, whose decision was affirmed by the U.S. Supreme Court when it was called upon to adjudicate the matter.

The precise definition as to what constituted obscenity had plagued those who had sought to eradicate this evil earlier. This legal hurdle loomed large and discouraging when, at the behest of various interested parties, Mayor Wagner organized the Citizens Antipornography Commission last August 7.

Made up of representatives of such diverse sectors of the community as law, labor, industry, education, medicine and publishing, the commission first convened October 9, 1964, to be addressed by the mayor.

Voicing his administration's keen disappointment over the manner in which the courts had dealt with the problem, Wagner declared that the judges had misinterpreted community standards.

What was needed, said the mayor, was action by representative citizens' groups to arouse public opinion. Wherever a consensus was properly articulated, the public interest was the ultimate beneficiary, he said.

Even as they were being exhorted by the mayor to initiate some action which could eventually be translated into law, the commission members were being apprised of the difficulty confronting them in their quest by Counsel Larkin.

COMMISSION AGREES BOOKS ARE OBSCENE

To determine for themselves what all the legal hootin' and hollerin' was about, the commission members then read "Tropic of Cancer," "Fanny Hill" (subtitled "Memoirs of a Woman of Pleasure"), the bestseller, "Candy," and Touch magazine.

The commission agreed unanimously that the three books and magazine were "obscene, filthy, indecent, and totally repugnant to their standards as representatives of the community."

That this material could even be distributed among adults was an appalling situation, the commission asserted.

With the rocketing sales of inexpensive soft-cover books, all of this is becoming increasingly available to youngsters.

After chastising the courts for permitting such "vile, disgusting, and loathsome publications" to continue to print unfettered by any legal restraint, the commission proposed the following 11-point plan:

1. That the local, State, and Federal obscenity statutes presently on the books, be vigorously and relentlessly enforced.

2. That the State of New York and other States pass additional obscenity statutes especially designed to preserve the morals of children.

3. That the Congress of the United States adopt the bill presently before it entitled, "A bill to establish a Commission on Noxious and Obscene Matters and Materials."

4. That the city of New York and every city and State in the United States establish a similar permanent commission.

5. That there be established in New York City and every major city in the Nation, citizen commissions to read and review materials alleged to be salacious and thereafter to express a "community standard" as to whether the publication is obscene.

6. That the clergy of the city, State, and Nation be urged to continue to express its deep concern regarding the serious nature of this problem and request their congregations to support the proposals of this commission by urging their legislators and public officials to implement these recommendations.

7. That the citizens of New York City, the State, and the Nation be urged to write to their city, State and Federal legislators urging passage of the legislation and implementation of the program prepared by this commission.

8. That the parents of the youth of our city and our Nation be especially warned by the chief executive of each community of the grossly depraved nature of so many of the publications now on numerous newsstands and in candy stores throughout the city and Nation and the danger they pose to their children.

9. That the chief executive of each community appeal to the morality and civic and national pride of authors, distributors, publishers, and retailers of obscenity and request them to desist from disseminating the same.

10. That the chief executive of each community urge the mass media—newspapers, magazines, radio, and television—to join the mothers and fathers of the children of our city and Nation to assist in eradicating the evil of obscenity.

11. That copies of this report be widely distributed to interested citizens of the city, of the State of New York, to the mayors of the principal cities of the Nation, to the President of the United States, to the Governor of the State of New York, to the Governors of the various States, and to all State legislatures.

NOTHING VAGUE ABOUT LARKIN'S PROPOSAL

The commission called on the public to make its influence felt.

Call the police where necessary, write to the chairman of grand juries and appear as witness when necessary; this, says the commission, is how parents can combat the peril engulfing their children.

The statute being proposed by Larkin to the State legislature, in expectation of having it enacted into law by July 1, can hardly be characterized as too vague.

Its target is any book, pamphlet, or magazine devoted to the exploration of sex, lust, or perversion.

On the subject of nudity, the bill would regard as salacious those publications attracting the viewer's attention to genitals, pubic areas, buttocks, or female breasts below a point immediately above the top of the areola.

The sale of such matter would be prohibited by this law, with the penalty to any person selling such material to those under 18 being a fine of $100 or by imprisonment up to a year.

The penalty for a second conviction of this misdemeanor would be a fine of up to $250 or up to 2 years in jail. Any subsequent offense of this nature would be dealt with as a felony.

In many respects, the bill being proposed by Larkin is similar to one introduced March 22 by Assemblyman Burton Hecht of the Bronx. The latter bill is, however, more explicit and covers more ground.

The Hecht bill would deal severely with publications showing or depicting persons with genitals in a state or condition of sexual stimulation or arousal or * * * engaged in an act or acts of masturbation, homosexuality or sexual intercourse."

Hecht's recommended legislation continues in this vein, leaving virtually nothing open to charges of vagueness.

The bill, if it overcomes legal barriers, would also hold to strict accounting records or tapes dealing in narration of lascivious acts.

In Washington, Senator Karl Mundt, Republican, of South Dakota, has introduced a bill which would create a commission to cope with obscene matters and materials.

EXCEPTION TO RULE OF FREE PRESS

Charges of "censorship" are labeled as spurious by Mundt.

Not only is obscenity not protected by the Constitution, explains Mundt, but the Nation's most historic document clearly regards obscenity as an exception to the guarantees of free speech and free press.

Such is the temper on Capitol Hill relative to smut that Mundt, a member of the GOP's conservative ranks, has the support of Senators Clifford Case, Republican, of New Jersey, and Ernest Gruening, Democrat, of Alaska, usually alined with the party's liberal faction.

> For all these influential persons arrayed against smut, the forces of indecency continue to wage a strong fight, using any technique which serves their purpose best, including sniping.
>
> In New Canaan, Conn., Mrs. Loretta Luce, who operates a newsstand with her husband, has been subjected to an ordeal of slander for refusing to sell pornographic magazines.
>
> SOME OWNERS CALLED "UNENLIGHTED PRUDES"
>
> Mineographed circulars distributed to other store owners and pasted on the window of a laundromat paint the woman in colors of anti-intellectualism and censorship.
>
> Mrs. Luce and those who share her views are characterized as "unlightened, uneducated old women, moral prudes."
>
> In Paris, too, there is a tendency by some to downgrade the strength of the moral revulsion felt by so many Americans vis-a-vis salacious publications.
>
> With French postcards being banned from those pretty stands along the Seine and with President de Gaulle looking reprovingly down his long nose at some of his countrymen's sexual excesses, one peddler of pornography allowed as how he'd pack his clothes and cards and come here.
>
> "Now there isn't any censorship in America," proclaims Maurice Girodias, the purveyor of pornography.
>
> "The courts have cleared things up. You may publish anything in the United States. But the burgeoisie have taken over in France. The French are behind the times."
>
> Who would have thought—?

VOTING RIGHTS ACT OF 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none and it is so ordered.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

AMENDMENT NO. 82

Mr. WILLIAMS of Delaware. Mr. President, as I understand, my amendment is the pending business.

The **PRESIDING OFFICER.** The Senator is correct.

Mr. WILLIAMS of Delaware. Mr. President, the pending amendment is offered on behalf of the Senator from Iowa [Mr. MILLER] and myself. It is known as the "clean elections" amendment to the voting rights bill.

The amendment itself is quite brief, and I would like to quote it in full at this point:

> On page 29, line 20, strike all down to and including line 4 on page 30 and insert in lieu the following: Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

I have always been in favor of guaranteeing to every American citizen an equal opportunity to participate in the election process, but I feel just as strongly that this guarantee is meaningless if that vote is not counted properly, or if that vote is effectively canceled by a vote that is illegally cast, or if another person illegally registers to vote. I feel that the Congress, in its efforts to see to it that the integrity of a man's right to vote is protected, is obligated to see to it that the integrity of his vote itself is protected.

The pending amendment addresses itself to this problem by making it a Federal offense for anyone to give false information as to his name, address, or length of residence in a particular election district. Under the terms of the amendment it would also be a Federal offense for anyone to conspire with another to register falsely or to vote illegally. Third, the amendment would provide a penalty for anyone offering or accepting money or something of value in exchange for registering or voting.

The abuses which this amendment seeks to correct are not sectional in nature. The amendment is not aimed at one part of the country or another. It is aimed at a condition which we know exists and which continues to exist despite the valiant efforts of many local officials to stamp it out.

Nevertheless, it is either the lack of sufficient legal authority or the actual connivance of some in illegal acts which brings about the condition this amendment seeks to remedy. If, then, local officials either do not or will not take appropriate action to curb or prevent such acts it becomes necessary for the Congress to act.

Recently there came to my attention a report of the Election Research Council, Inc., dealing with the 1964 elections in Arkansas. I wish to quote brief portions of the report—not to point the finger at the State of Arkansas but simply because the report contains examples of the type of thing which we should be seeking to prevent.

For example, the nonpartisan report states:

> Anyone could purchase poll tax receipts for an assortment of gravestones, and then apply by mail for absentee ballots. The county clerk, seeing that the applicants were listed in the poll book, would then send the ballots and voters' statements to the designated address. The ballots would be returned and counted.

The report continues:

> It is generally agreed, "that there was more purging of absentee ballots this general election than ever before." But, according to the report, "despite this widespread casting out of ballots, our preliminary studies indicate that the total of 30,930 ballots actually counted was bloated with fraudulent and invalid votes * * * it is doubtful that there were 10,000 valid absentee votes cast in the general election of 1964."

I repeat that I have not quoted from the Arkansas report to indicate that conditions are worse in Arkansas than anywhere else. It just happens that the Arkansas report was called to my attention and it contains excellent examples of voting abuses which unfortunately can be found in too many parts of the United States today.

As a further example I quote from an editorial which appeared in the Chicago Tribune on Saturday, March 20, 1965. The editorial says in part:

> Alabama and the other States of the Deep South are not the only places where citizens are deprived of their right to vote and to have their votes counted honestly. At every election in Chicago thousands of Negroes and other citizens are intimidated and bribed by precinct captains. Illiterate voters and voters who swear they are illiterate are followed into the polling booths and the voting machines are pulled for them.
>
> Another method of controlling votes—

The editorial continues—

> is particularly effective among voters who are receiving public welfare payments or living in public housing. They are visited in their homes, asked to sign ballot applications, and then told they need not appear at the polls. Their votes are cast for them early on the morning of election day.

The same newspaper in an editorial which appeared last fall, summed up this sort of thing as succinctly as possible. The Tribune said, "Election fraud is not occasional, or accidental in Chicago. It is a way of life." It is, I think, a way of life in too many parts of the country today and one which honest men must bring to an end immediately.

We make a mockery of the democratic process if we close our eyes to such abuses of the ballot. We agree, I think, that it is wrong to deny a man the right to vote on account of his race or color, and in fact the Constitution forbids it. But is it any less wrong for abuses such as those cited above to continue? If the Congress is going to enact legislation in this field to guarantee a man his voting rights, can we fail to guarantee at the same time that the vote he casts will be cast in a clean election, will be properly tabulated and counted, and will not be diluted by an illegally cast ballot? Is a man any better off when his ballot is canceled by an illegally cast ballot than he is if he does not vote at all? Who can forget the infamous incident in Chicago in the 1960 election when in 1 precinct 82 votes were cast although the voting list showed only 22 qualified voters?

Such incidents are every bit as much a blot on the American image and the democratic process as are instances of the denial of the right to vote based on race or color. Both must be stamped out and the sooner the better.

> Our election process, at best, is rather inefficient—

Concludes the aforementioned report of the Election Research Council, Inc.—

> but it marks the difference between our democratic society and the totalitarian systems. The voice of the people can best be heard through the ballot, and we should never condone or close our eyes to any condition which would pollute or adulterate the integrity of the vote in any election on any candidate or issue.

Mr. President, I hope the amendment will be accepted by the sponsors of the bill. If not I certainly shall ask for a yea-and-nay vote at the appropriate time. Congress is concerning itself over the matter of the right to vote, and I am in favor of guaranteeing the right of every American to vote; but it is equally important to protect that vote against being canceled by an illegally cast vote.

Assuming that the bill is to be passed, we are already answering the question of whether or not the Federal Government has a right to interfere with State elections. That is not the issue. That question will be settled if the proposed legislation is enacted.

Also, this amendment is equally applicable to every section of the country, in all the 50 States, and it should be. But, that point is not a debatable question because under section 9 the bill already applies to every State of the Union.

So the issue boils down to the simple question: Does the Congress in guaranteeing Americans the right to vote also agree that in casting a ballot that vote must be counted properly and that it will not be canceled by an illegally cast vote or one which has been paid for?

I ask unanimous consent that an excellent article on the same subject, by Richard Wilson, which was published in the Washington Star of April 21 be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, Apr. 21, 1965]

A NEW EVIL TO CORRECT AN OLD?

(By Richard Wilson)

Recent revelations in Arkansas focus attention on the appalling prospects for election frauds, irregularities, and senseless bloc voting under the voting rights bill that Congress will adopt.

The Arkansas frauds were a dreadful repetition of age-old tricks at the polls—voting names from gravestones, and so on, but with a new wrinkle. Thousands of nursing home patients too feeble, sick, or deranged to be much interested in elections were a special target for the organizers. In the investigation of one nursing home, 47 applications for absentee ballots were found to have been forged.

The voting rights bill will bring to the polls many hundreds of thousands of new voters, a very high percentage of whom will be unable to read or write, or survive the most elementary of literacy tests. It is hard to imagine that political organizers in the South are any more righteous than those in the North, whose bloc-voting operations in the poorer district of the big cities have been a national disgrace for generations. Richard M. Nixon's defeat for President in 1960 could have been due to fraudulent voting, although such voting is not strictly a Democratic accomplishment.

In some areas affected by the voting rights legislation more than half of the Negroes who have reached the age of 25, and thus will be able to vote, have a fourth-grade education or less. Literacy tests will be abolished in at least four States.

This drastic measure is deemed necessary to insure that literacy tests shall not be used as a ruse to prevent Negroes from voting. If the drafters of the legislation could have had their way, literacy tests would have been abolished entirely in all the States, but that was recognized as a clear contravention of the constitutional right of States to determine qualifications of voters.

But it is clear that the rationalization behind this legislation is one man, one vote—regardless of color, creed, literacy or any other factor except minimum age and reasonable sanity.

It is not debatable in this country that Negroes cannot be denied the right to vote on account of their color, but it is debatable whether Congress should adopt a new evil to correct an old one. The evils of mass voting, fraud and trickery are likely to be increased by the voting rights bill, and it is for this reason that the Federal Government, having taken the original step in policing local elections, eventually will have to take another.

The right to vote is certainly no more basic than the right to have that vote counted honestly, and not to have it canceled by a fraudulent vote. Yet there are areas in this country, and some of them in Texas, where an honest vote may be cancelled by a dishonest one.

Senator JOHN WILLIAMS, Republican, of Delaware, has a proposal to the point, offered as an amendment to the voting rights bill:

"Whoever gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisioned for not more than 5 years, or both."

While it might have been doubtful at one time that the Federal Government should be burdened with enforcing honest and clean local and State elections, the voting rights bill itself is a new intrusion into local affairs.

The Williams amendment would do no more than have the Federal Government accept responsibility that its intrusion shall not make local elections more fraudulent than they already are.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. ELLENDER. For the record, will the Senator tell us what the difference is between his amendment, No. 82, which I believe is now pending, and the language in the amended bill?

Mr. WILLIAMS of Delaware. The first part of the amendment is the same as in the bill. There are two main differences, however, between the pending amendment and the language in the bill. The language in the bill refers only to "the provision of this act" which means that only five or six States would be affected. The committee bill would be applicable only in those States where the formula had been triggered into effect. The amendment which I have offered is applicable in all of the States, as it should be because we are interested in clean elections throughout the country.

The second point is this: If the Senator will read the second part of page 30 he will note that the sponsors of the bill included in a provision to make it a crime for anyone to offer to pay or accept payment either for fraudulent registration or for illegal voting under the provisions of the act.

My amendment strikes out the words "fraudulent" and "illegal" because, under the language of the bill as written it would be a crime to pay a man to vote only if he registered fraudulently or voted illegally; but if a man had a right to vote, if legally registered and then voted legally, he could be paid.

I do not believe the committee intended that. Certainly it cannot be defended.

If we accept the committee's proposal presumably it would be all right to pay a man to vote the first time, assuming he were properly registered, but it would be a Federal crime if he were paid for casting the second ballot. The administration's bill only proposes to make it a crime to pay a man when he casts an illegal ballot.

By this line of reasoning, if a man goes to court and proves that he was properly registered and that he voted but once he can take all the money he can get for voting.

My amendment, by striking out the two words "fraudulent" and "illegal" means that whoever pays or offers to pay, or whoever accepts payment either for registration or for voting will be subject to certain penalties. My amendment is broad and covers all cases of payment in all of the 50 States.

Mr. ELLENDER. In other words, the amendment of the Senator from Delaware would apply to all elections in all States?

Mr. WILLIAMS of Delaware. In all States and in all elections, it would be ridiculous to say that the Senate would condone payment to a man to vote once but would not condone it if he votes twice or that votes can be bought in one State and not in another.

Mr. ELLENDER. What is the Senator's justification for making it apply to a purely local election, say for mayor, for a representative in a legislature, for sheriff, or for any other local office?

Mr. WILLIAMS of Delaware. Solely because the bill itself so reads. The legislative counsel tried to draft this amendment to comply with other language of the bill. If a man is going to register and vote he should do so legally. In the amendment we are not dealing with the question as to whether the Federal Government should or should not have the right to intercede in a local election. The pending bill if it should be enacted into law answers that question. To provide otherwise the inference would be drawn that we were willing to have a fraudulent election at the local level, which is certainly not the intention. I believe that in any kind of election a man has a right to know that his vote after being cast properly will be counted properly. I see no objection to it being all-inclusive, and it was made all-inclusive.

Mr. ELLENDER. If the bill is enacted into law as presently written, and the amendment of the Senator from Delaware [Mr. WILLIAMS] is adopted, is it not a fact that the Senator's amendment would touch upon all elections, even one selecting a justice of the peace in a State?

Mr. WILLIAMS of Delaware. Yes, the Senator is correct, and so would the committee bill. It would follow the same pattern of the bill.

Mr. ELLENDER. If the bill is adopted along with the Senator's amendment, it would mean that in every election which would be held in a State, a township, or in a ward, the law would become effective?

Mr. WILLIAMS of Delaware. That is true. That is also true with the bill itself, assuming that it is adopted as otherwise written.

Mr. SALTONSTALL. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I am glad to yield.

Mr. SALTONSTALL. My question is a simple one. Do I understand the Senator's amendment to mean that if, for instance—as I have known it to happen—20 people were registered in a house where there are only a few beds, and the question would arise of registration of a questionable character, could those persons be prosecuted under the Senator's amendment?

Mr. WILLIAMS of Delaware. The man who knowingly and willfully falsely registers would be subject to prosecution.

Mr. ELLENDER. You mean more people might be registered at an address on X Street than actually live there.

Mr. WILLIAMS of Delaware. Yes, if 20 people registered at that same address on X street, and it could be proved they did not live there, they could be prosecuted. If only 5 eligible persons lived at that address and 25 others had fraudulently registered, under my amendment those 25 persons who had fraudulently registered as living at that address would be considered as having registered illegally and could be subject to prosecution.

Likewise, if in the general election they voted as the result of this fraudulent registration, under my amendment they could be prosecuted. The person himself could be prosecuted under the amendment because he had given false information in registering.

By the same token, if a ward leader or someone else conspired with this person he too could be prosecuted. If there is a conspiracy between those illegally registering and a second party they can both be held responsible. Why should there not be some responsibility on the part of the man registering?

I supported the section of the civil rights bill which was enacted last year which guaranteed our citizens the right to vote. I thought then we had dealt with the problem, but apparently we did not do it adequately. I am willing to guarantee that every man and woman shall have the right to vote, but if he does not wish to vote without being paid he should not be eligible to vote.

By the same token, when we guarantee that man the right to register he should have some responsibility that when he goes before the registrar he is giving the registrar the proper information and is not registering in a State or a district in which he does not qualify to vote.

Mr. SALTONSTALL. Who would prosecute such a case?

Mr. WILLIAMS of Delaware. The Federal Government—under the same provisions existing in the pending bill.

Mr. ELLENDER. I am sure that if a case should be prosecuted, the Federal Government will do it.

Mr. WILLIAMS of Delaware. Yes, the Senator is correct.

Mr. ELLENDER. Not the State.

Mr. WILLIAMS of Delaware. The State could do it, but if it did not the Federal Government could.

Mr. ELLENDER. This could apply, as the Senator stated before, to any election. It could also apply not only to the person voting but also to anyone who conspires with him—there might be half a dozen people involved.

Mr. WILLIAMS of Delaware. The Senator is correct. The bill itself relates to the guarantee that persons have the right to register. This amendment places some responsibility upon those same persons that they will register properly.

Mr. SALTONSTALL. Could State authorities prosecute as well as Federal authorities?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. SALTONSTALL. What is the authority? Is it the local district attorney, or the State attorney?

Mr. WILLIAMS of Delaware. That would be up to whatever provisions existed under State law. As I understand it, the bill otherwise provides that if the State has adequate laws to provide registration of its voters the Federal Government would not move in.

Mr. President, if there are no further questions, let me conclude by expressing the hope that the Senator in charge of the bill will be willing to accept my amendment. If not I would bring it to a vote as soon as convenient to the Senate.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum—and it will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 60 Leg.]

Aiken
Bartlett
Bayh
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Ellender
Ervin
Fannin
Fulbright
Gore
Gruening
Harris
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Jackson
Javits
Jordan, Idaho
Kennedy, Mass.
Kennedy, N.Y.
Kuchel
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Montoya
Morse
Morton
Mundt
Murphy
Muskie
Nelson
Neuberger
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell, S.C.
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. Bass], the Senator from Connecticut [Mr. Dodd], the Senator from Washington [Mr. Magnuson], the Senator from Oklahoma [Mr. Monroney], the Senator from Utah [Mr. Moss], and the Senator from Rhode Island [Mr. Pastore], are absent on official business.

I also announce that the Senator from Hawaii [Mr. Inouye], the Senator from North Carolina [Mr. Jordan], the Senator from Minnesota [Mr. Mondale], the Senator from Georgia [Mr. Russell], and the Senator from Missouri [Mr. Symington], are necessarily absent.

I further announce that the Senator from New Mexico [Mr. Anderson] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] and the Senator from Iowa [Mr. Miller] are necessarily absent.

The Senator from Hawaii [Mr. Fong] is absent on official business.

The PRESIDING OFFICER (Mr. Harris in the chair). A quorum is present.

The Senator from New York is recognized.

UNIVERSITY EMPHASIS ON TEACHING

Mr. JAVITS. Mr. President, increasing concern is being expressed throughout the Nation with respect to the emphasis on research in our colleges and universities at the expense of classroom instruction. For example, according to an American Association of University Professors survey, the average American professor devotes from 6 to 9 hours a week to teaching; his classroom load was 12 hours weekly a decade ago.

Also, less time is being devoted to counseling students on curriculum. As colleges grow larger and become more impersonal, such counseling merits greater stress, not less. This becomes even more important as we seek, through legislation, and through private efforts, to bring the benefits of higher education to the disadvantaged and to minority groups who heretofore have not been able to enjoy the full benefits of such training.

More and more, colleges and universities are endeavoring to lend greater prestige to teaching. My own alma mater, New York University, for instance, has an annual great teacher program.

Laying stress on teaching in American colleges, the New York University Alumni News of April features an article by Dr. Floyd Zulli, Jr., professor of romance languages at NYU.

I ask unanimous consent that it be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York University Alumni News, April 1965]

Zulli Demands Revival of Teaching Concept in American Colleges

(By Floyd Zulli, Jr., professor of romance languages, New York University)

In the last 10 years, the jargon and theory of education have been notably enriched by such innovations as programed learning, new mathematics, educational television, language laboratories, data systems, computers, and countless other boons to civilization invented by IBM or Remington Rand to assure us that we are living in the space and lunar age. But the fact that Johnny still can't read and often has difficulty writing, and that millions of Johnnies are floundering in colleges or about to storm their portals leaves the present-day teacher uneasy, to say the least. And when he realizes that courses in remedial reading and writing are offered by countless colleges, his unease turns into anguish.

One asks why this is necessary when teachers, editors, and publishers have never before been so willing to do so much for so many. For other than standard texts (perhaps "standard" is the wrong adjective since texts nowadays are rarely given time to become standard) there is at arms-reach a dizzying array of college outlines, how-to pamphlets, student aids, abridgments, made-simple and made-quick condensations of what passes for education but is nothing less than a composite of adulterated learning and a slick homogenized product that only the most magnanimous would call culture. The frenetic desire for altruism on the part of some publishers has led them to reduce, explain, outline, and annotate so simple a work of dubious literary value as Somerset Maugham's "Of Human Bondage" with the same reverential devotion expended on Chaucer and Dante. But, perhaps, this is not so heinous a crime in a society where bargains can be obtained by buying books by the pound. To use the descriptive language of my students, "Who's fooling whom?"

Ever since Sputnik I soared into the empyrean and the less-than-literary expression, "population explosion," was coined, the groves of academe have not been the same. Reason, calm, moderation and measure, once the hallmarks of the cultivated man, are hardly anywhere apparent. Our teachers and administrators, with unbridled energy and vision, are now emulating the antics of their once favorite whipping-boy, Jean Jacques Rosseau. They are so engaged in hustle and bustle that one fears that movement has supplanted meditation. All eyes are on the future, when not on Washington, that imagined drainless cornucopia of all good; the present is merely something to be muddled through while anticipating the advent of the great new day.

But all is far from black in the learned groves despite the uncomplimentary portraits of them found in C. P. Snow's "The Masters" and Edward Albee's "Who's Afraid of Virginia Woolf?" A frightening number of academicians are already dancing the "antic hay" in the "brave new world" which, in their opinion, has largely come to pass and which bodes an ever braver one. And who of them is as courageous as the illustrious king to admit that after them might come the deluge? Of greater moment, how many would confess that it is here now?

Grants and fellowships, like sabbatical leaves, have long been a part of higher education. Their lineage is idealistic and they are frequently beneficient in result. It is imperative that a teacher renew himself through private study and research. It is equally imperative, if his investigations are significant, that the results be made known to his fellow workers through publication. But it is not imperative that a grant be sought, as many are, sorely as a pseudolegitimate means of fleeing the classroom. To teach is to impart knowledge; it is not an invitation to personal aggrandizement, be it in the guise of nutriment for a withering ego, or in the crass idiom of today, pecuniary emolument. Grant fever has swept the Nation's academic communities during the last few years with a vengeance and fury hitherto unknown; not to have a grant in today's academic world of strained values is as much the kiss of death as not to have a Ph. D. And how many splendid teachers have been and are still being broken over the scholastic rack for not possessing that hallowed document?

Jerome Seymour Bruner, professor of psychology at Harvard writes: "We're all becoming big, fat entrepreneurs. We try to get out of our own research, and before we know it, we're tied up in outside research contracts and in editing journals." One is reminded at this point of Bliss Perry's famed remark, which has become no more than a quaint anachronism today, "And gladly teach."

Bruner has his enemies, of course; and, of course, he is viewed in some circles as superficial and in others, reactionary. But this is no more than to be expected in a society which no longer talks but communicates, prides itself on tolerance yet considers any difference of opinion as treason against the current mode of thought or the establishment itself. Bruner might well have reminded his readers that 30 years ago everyone wanted to send the corner grocer to Washington "to straighten out the mess." He never arrived, but the professors did, and without one fleck of chalk dust marring their grey flannel suits.

THERE ARE REALISTS

There are, thankfully, some realists yet found in the present-day teaching community. They are those who have frequent concourse with students; who are aware of what students know and don't know, no matter what their test scores or percentile ratings may be; who listen to them lament the dehumanization of contemporary educational trends; who see them being told to visit the university health services for aid in solving one or more of their emotional conflicts, or being required to carry less than a full academic program; who decry the fact that too little time and too large classes deprive them of opportunities to guide and advise students more successfully; and finally, who recognize, as many students do themselves, that a college education may not be at all what the students are equipped for or basically desire. Many an undergraduate is the victim of parents inebriate of status symbols; and others view the college as a home away from home, a way station which shields them from life and from which they are singularly reluctant to depart. One need not bear the opprobrium of being labeled a "Mr. Chips" by holding firm to the belief that teaching is an art and must concern itself with human beings rather than a battery of aptitude or other mechanically devised tests.

It may be rightfully argued that a college is not a psychologist's waiting room; that it has but one reason for being: to offer knowledge to those capable of receiving it. Yet, is it doing this when good students are held back by the less intelligent; when professors rarely change their lecture notes or are lost without them; when they are torn between teaching a class, addressing a ladies' club or keeping an appointment with their editors; when they are so enveloped in the cloak of administrative duties, the favorite garment of many, that they haven't time to read the students' papers; when many classes are taught by graduate assistants; when textbooks are described by their publishers as gorgeous and are replete with breathtaking pictures; when the magical word "numbers" gives rise to endless electronic experiments while assuaging the conscience of the professor and assuring him that he is in step with the times?

The role of the college student is not an easy one. Despite the rigors of his preparatory work, presuming that it is of high quality, and despite the enormous intellectual potential of the student, he still remains, in many instances, an uninformed individual. To adjust quickly to new standards, values, and what should be an entirely different approach to learning requires a mental and emotional effort of no small measure. Will the machine obviate the transition from adolescence to what one hopes will be, at the very least, incipient maturity? Similarly, it is all very well to prate about the European university system, which, too, leaves something to be desired, or the concept of the master-teacher dispensing knowledge to hundreds and thousands in one fell swoop, but it should be kept in mind that our students have not attended a European primary or secondary school nor sat for highly competitive State examinations.

ANOTHER CRISIS

Immediately following the last world war, the teaching of foreign languages in this country experienced another of its multitudinous and perennial crises. The military, we heard ceaselessly, had not only trained individuals to speak foreign languages fluently in 6 or 12 weeks but also to lisp in accents both measured and golden. The pedagogic defenders of the system failed to consider that no college program allows the student to concentrate on one subject 12 or 14 hours a day, 6 days a week. That experiment, like the little books guaranteeing one to speak like a native in 10 easy lessons or 5 hard ones, has, mercifully, passed into oblivion. Still, too many of today's classrooms resemble experimental laboratories with students serving as unwilling guinea pigs; and who is naive enough to expect students to bite the hand that holds the grade book? If a college in 1965 or 1985 cannot, as Cardinal Newman wished, know "her children one by one," it must certainly not become "a foundry, or a mint, or a treadmill."

Much of the student unrest on today's college campus is owing not to the fact that the social consciousness of this generation's youth glistens any more brilliantly than that of its father's. It comes about largely because students are unmotivated in their studies and find the experience of a college education dull, impersonal, repetitive, or simply a mechanized rat race. The major responsibility for ameliorating this unhappy situation rests with the teacher. Is it too much to ask that he free himself, first of all, from the enticements of the marginal educators: the lyric book salesmen, Federal bureaucrats, and efficiency experts? With such impediments gone, little should hinder him from giving of himself and his knowledge generously. It is not his concern that the entire class understands his every word; the "less equal" will be with us forever, no matter how great the society. Let him follow the advice of Mallarme who told the poets: "You have always been proud, be more so, become scornful."

The college teacher has but one aim: to reach and arouse those individuals who desire and expect nothing less than what they know, and the teacher himself knows, to be excellent. When intellectual honesty and a full commitment to teaching enter the learning process and students, as individuals not IBM cards, are taught to reason and distinguish, the future will have been well prepared and the present will have been not a sticky morass of hesitation and indecision but a meaningful period of growth.

DEATH OF JOHN I. SNYDER, JR.

Mr. JAVITS. Mr. President, I call the attention of the Senate to the death of John I. Snyder, Jr., an outstanding American industrialist, and one of the great leaders in dealing with the human problems engendered by automation. Mr. Snyder, who was chairman and president of U.S. Industries, Inc., and who died at an untimely age, testified before the Committee on Labor and Public Welfare and other committees of the Congress on many occasions. He was an outstanding figure in both business and the public interests, and was serving at the time of his death as a member of the National Commission on Technology, Automation, and Economic Progress.

I extend my condolences to his family, and to his firm and associates through which he represented so much for the American people of the best in American business. I ask unanimous consent that an editorial on Mr. Snyder's passing published in today's issue of the New York Times be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN I. SNYDER, JR.

No American industrialist showed greater sensitivity to the enormous human problems engendered by automation than John I. Snyder, Jr., chairman and president of U.S. Industries, Inc. His company pioneered in making equipment to be used in automating factories, and he never wavered in his conviction that this country had to avail itself fully and swiftly of new technology to raise living standards and maintain its competitive position in world markets.

But he believed equally strongly that management had to cooperate with labor and the Government in making certain that workers would share the fruits of increased efficiency and not pay the whole price of adjustment in mass unemployment. He taxed the machines his company built to finance a foundation to study automation's impact on jobs and to recommend constructive social solutions. His death at 56 deprives the Nation of one of its most creative thinkers in this field just when President Johnson had designated him as an adviser in pointing new paths for public policy.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PROXMIRE. John I. Snyder, Jr., was a truly great American. He was one of those rare businessmen who are not only extraordinarily able and competent, but also had a true sense of compassion. He headed a $100 million business, employing more than 7,000 people. He made machinery, some of which was automated machinery. As the Senator from New York has indicated, he came to Congress and testified. He pointed out that there exists a very serious automation problem. It will not be solved automatically. It will require great concern and effort on the part of the Government.

Mr. Snyder's death is a great loss to our country. He was a rare and unusual person. I join the distinguished Senator from New York in extending my condolences to his family and to his associates. I agree that the passing of this fine and distinguished businessman, a great New Yorker, will be a real loss to all of us.

Mr. JAVITS. I am very grateful to the distinguished Senator from Wisconsin. I know that John Snyder's family, company, and associates will be, too.

IS PEACE CORPS FALTERING BECAUSE OF PART-TIME DIRECTION?

Mr. JAVITS. Mr. President, I wish to speak about a subject which has engaged my attention before and to which I again invite the attention of the Senate in the most considered way; that is, the effort to direct the Peace Corps and the Office of Economic Opportunity by one man. Distinguished, able, and talented though he is, Sargent Shriver is still one man, and he continues to serve not only as Director of the Peace Corps, but also as Director of the Office of Economic Opportunity, which operates the antipoverty program.

We all understand—and I feel certain that Mr. Shriver would be the first to agree with us—that neither the Peace Corps nor the Office of Economic Opportunity is a part-time job. I took the matter up with him and with those who represented the administration when his nomination was considered for the antipoverty struggle. I protested this action on the floor of the Senate when the nomination was confirmed, although obviously Mr. Shriver was much too good a man to have his nomination opposed on that account.

About a month ago, I asked Mr. Shriver how he was getting along in the two jobs. He answered as follows, in response to my letter of March 4:

> I do not ask, however, to be continued in either of these positions, personally satisfying though they both are. I shall continue only to perform to the best of my ability in the responsibilities asked of me by the President as long as he requests me to do so.

Under those circumstances, the only court of appeals is the President of the United States.

I am not the only one who has noted this situation which persists, but it has come to the attention of others. Yesterday's New York Herald Tribune contains a column written by Roscoe Drummond, who points out exactly what I have been fearing for all these months—that is, that the Peace Corps is faltering; it is running down; it is getting old prematurely from lack of full-time direction. Mr. Drummond points out that Mr. Shriver, fine man though he is, is trying to fill two positions, each of which requires a full-time administrator. He says, for example:

> For 14 months Sargent Shriver has been devoting all of himself to two full-time jobs—the war on poverty programs and the Peace Corps. He has devoted all of his energies for long hours every day at two full-time jobs. He has been almost succeeding at both. But not quite. The Peace Corps has been suffering; it is flagging; it is feeling lonely and somewhat neglected.

It seems to me that if the minority is to serve any function in the Senate, this is the kind of situation we must keep after; we must ask seriously and pointedly that such situations be corrected.

Surely there is no shortage of talent available to the administration for these positions. I have not heard of any situation in which the administration has been unable to find a good person for the job.

The Peace Corps and the antipoverty program are two of the most important programs in our Government; both of them are new and critically important. There are published reports that the Peace Corps is faltering. Many of us, too, have been deeply concerned about the administration of the antipoverty program. In my own city of New York, I had occasion only the other day to launch an inquiry by the minority staff of the Committee on Labor and Public Welfare to deal with problems raised in what seems to be a political struggle between two political groups, and which could result in tearing apart the antipoverty program in New York.

It seems to me that the President should place at the head of each of these two important agencies a talented, first-rate person who could give full-time attention to each program. I have no doubt whatever that Sargent Shriver should be one of those persons, but I would hope the President would appoint two persons, not one, for these two important tasks.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article entitled "Peace Corps Falters," written by Roscoe Drummond, and published in the New York Herald Tribune of April 25, 1965; and also, to have printed another article in the Long Island Star-Journal, entitled "Recruitment Woes Plague Peace Corps," by Edwin J. Safford.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune, Apr. 25, 1965]

PEACE CORPS FALTERS

(By Roscoe Drummond)

WASHINGTON.—The Peace Corps isn't what it used to be and is getting less so.

It is running down.

It is growing old—prematurely.

Something will have to be done soon to restore its verve, vitality, and vision.

I make this report as one who has viewed the Peace Corps with admiration. It is one of the most creative and constructive initiatives of the Kennedy administration. It provided a superb channel for the high idealism of American young people and very practical aid to many underdeveloped nations. Sargent Shriver launched it with great zest and with skill as a get-things-done administrator.

But the get-things-done spirit is slipping away.

Somebody has got to make something happen soon or the Peace Corps is going to get completely stuck in administration glue. As this happens, it will lose its flair, its fun, and its appeal to the most qualified volunteers.

Perhaps no one outside the agency itself can pinpoint what's gone wrong. But something has gone out of the Peace Corps and I believe the explanation is to be found in these circumstances.

1. For 14 months Sargent Shriver has been devoting all of himself to two full-time jobs—the war-on-poverty programs and the Peace Corps. He has devoted all of his energies for long hours every day at two full-time jobs. He has been almost succeeding at both. But not quite. The Peace Corps has been suffering; it is flagging; it is feeling lonely and somewhat neglected.

2. For 16 months the Peace Corps has been without the services of its generative Deputy Director Bill Moyers, President Johnson's young Texan aid, who was loaned to the White House for a few days right after the assassination—and hasn't been back since. Thus, for 14 months the Peace Corps has had only a part-time Director and for 16 months no Deputy Director. The team of Shriver and Moyers has been split too many ways.

At one stage Moyers tried to lend a helping hand at the Peace Corps. He set himself to attend regular staff coordinating meetings and, when he found he could only get to two out of the first six, he gave up.

3. Others may see it differently, but it seems to me that the Peace Corps has made one grave mistake in administrative policy. It has been racing into expansion for its own sake; it has engaged itself in a numbers

game which is hurting the quality of its volunteers and impairing its work abroad. It has been unwisely setting unattainable goals of more volunteers in more countries in more kinds of activity year after year.

It started out the first year after its Congressional authorization with the manageable goal of 3,500 volunteers. There were plenty of applicants qualified and eager to join.

Now the Peace Corps is asking Congress funds for a 17,500-man Peace Corps. But the truth is it can't expand to 17,500 without beating the bushes on every campus, without pleading for volunteers, and without resorting to a hard-sell recruitment which dilutes the very volunteerism of the Peace Corps itself.

In some countries abroad the Peace Corps people are running into each other and running over each other.

Let's be clear on one point. You can slice Mr. Shriver down the middle and I admit you will get a good one-and-a-half people. But not two for two full-time jobs.

The Peace Corps needs either all of Sargent Shriver or somebody like him soon—or else.

[From the Long Island Star-Journal, Apr. 22, 1965]

RECRUITMENT WOES PLAGUE PEACE CORPS

(By Edwin J. Safford)

WASHINGTON.—A recruiting program that did not grow as fast as hoped has forced the Peace Corps to lower its planned growth rate.

Reliable Government sources have indicated the agency's Director, Sargent Shriver, later this spring will ask Congress for less money than originally planned.

Although the new request, $115 million, is an increase of nearly $11 million over last year's congressional appropriation, it is still an admission that the Corps cannot field as many volunteers in its next recruiting year as called for in a 5-year schedule dictated by President Johnson.

Johnson wants 20,000 corpsmen in the field by 1969.

Currently the Corps is striving to meet its target of 13,710 by the end of this August.

The Peace Corps recruiting year roughly coincides with the school year because many projects involve teachers.

If present estimates hold, the Corps will have 15,110 volunteers abroad by August 1966, the end of its next recruiting year. This means it will have to step up recruiting if it is to meet the President's target, Peace Corps officials acknowledge.

Spokesmen for the Corps say recruiting is their No. 1 problem. Shriver has made the entire professional staff of the agency's Washington office available to the recruiting division.

Almost every ranking staff member at one time or another has found himself on a college campus speaking to potential volunteers and administering placement tests.

The Corps' Associate Director for Public Affairs, Robert L. Gale, says the Corps gets an average of $23 million a week in free advertising from national advertising agencies and news media. In 1964, he said, the Corps was the third largest recipient of public service advertising time and space.

Yet the acceptance rate on applications for the past 12 months is only slightly higher than for the previous 12 months. Corps officials concede they had hoped for a 20-percent increase.

The quality of the new corpsmen, spokesmen stress, is higher than in previous years. They hold more college degrees, but have somewhat less professional experience than their predecessors. Their average age is lower, having dropped from 25 to 24.

But the original enthusiasm which President Kennedy generated seems to have dissipated. There is less excitement about the corps on college campuses—the main source of volunteers, recruiters report.

Recruiting also has been hurt by reports that returning corpsmen are having trouble finding jobs.

Although the problem exists and was publicly explored in a conference held in Washington this year, the corps says it was blown out of proportion. Most returned corpsmen are gainfully employed or have returned to school, corps officials say.

Potential male volunteers are still wary of the draft, not wanting to yield 2 more years of their lives. Although the vast majority of returnees have been exempted, a few have been drafted. One draft board, a corps spokesman noted sadly, has conscripted every eligible returnee.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. HART. Mr. President, the amendment offered by the distinguished Senator from Delaware relates to a phrase of the bill to which the committee has given consideration. It will be noted that some changes were made in the bill as it was reported back to the Senate. This, in part, reflects a concern that the committee felt following testimony that was offered to us by the Senator from Delaware during the hearings.

I believe it is his feeling—certainly it is my feeling and, I believe, the feeling of the majority of us—that the amendment is one of extraordinary scope and sweep. The great danger that we apprehend is the likelihood that the amendment would reach the activities of and impose limitations on those which most of us agree should not be prohibited. Let us look at it in that light. The possibility is present that the League of Women Voters, for example, undertaking a campaign, as it does—and for which we are all grateful—to persuade people to register and vote, would find themselves seriously impeded, if not challenged as in violation of this amendment.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Michigan yield?

Mr. HART. I yield.

Mr. WILLIAMS of Delaware. Will the Senator cite the language in this proposal which would in any way restrict the League of Women Voters or any other organization from publicly encouraging the right of a person to vote?

Mr. HART. It refers to anyone who "pays or offers to pay or accepts payment either for registration or for voting."

Mr. WILLIAMS of Delaware. That is true, but has the Senator ever heard of the League of Women Voters buying votes?

Mr. HART. No; and I am sure that they would want us to assure the readers of these remarks that they have not done so.

Mr. WILLIAMS of Delaware. That is correct. The League of Women Voters would be the last organization in America that would ever be in violation of this amendment. Nor would the amendment affect any other organizations unless it were going to buy votes. I do not understand the Senator's argument.

(At this point, Mr. MONTOYA assumed the chair.)

Mr. HART. Mr. President, what does the Senator from Delaware mean by "payment in kind"?

Mr. WILLIAMS of Delaware. It does not mention "payment in kind." It says "to pay or accept payment." In some areas voters are paid in cash. In other areas it is said voters are given a quart or a pint of liquor. Giving a fifth or a pint of liquor for a vote is buying just as much as if the payment is in cash. It is the payment of something of value. There is no misunderstanding on that point.

I do not think that is what is disturbing the Senator from Michigan. Furthermore, that is the identical language that is used in the bill already.

Mr. HART. No. The thing that disturbs us is the omission of the words "fraudulent" and "illegal."

On this question of payment in kind, what about the use of the automobile that is provided to a person for carrying him to the polls to register or to vote? What would be the interpretation in that kind of situation?

Mr. WILLIAMS of Delaware. We are talking about whether a man is paid to vote. The Senator keeps referring to "payment in kind." Where does the Senator find any such language as that? I should be glad to answer the question. But I do not find the language in my amendment.

Mr. HART. Would the amendment cover that kind of service or payment?

Mr. WILLIAMS of Delaware. No. It would not cover transporting workers or voters. However, it would cover any situation in which a man is paid to vote, just as the bill proposes to deal with it to a small extent. On page 30 of the bill it is stated "or pays or offers to pay or accepts payment either for fraudulent registration or for illegal voting."

The only difference between the committee bill and my amendment is that I strike out the words "fraudulent" and "illegal". The inference here is that if it is a legally cast ballot it is all right to pay him.

It is just as wrong to pay a man to vote once as it is to pay him to vote the second time. That is what we are debating here.

Interpreting the committee bill narrowly, it would be a crime for a man to pay someone to register if he is illegally registered or if he voted twice, which would be an illegal vote. However, if the man is legally registered and casts his vote legally, as I interpret the committee bill, the man can be paid. Surely that is not what the Senate is trying to say in the bill. If we are not trying to say that, why not accept my amendment and strike out the word "fraudulent"? That is all I am trying to do. According to the language of the bill it is only when one buys an illegal vote that it is a crime to buy the vote. The amendment does not involve transporting people any more than the committee bill does.

Mr. HART. What about the practice which is, I understand, accepted in many regions of the country, whereby an employer, without docking the employee for the time involved, permits an employee, indeed, encourages the employee, to go to the polls to vote, or to the courthouse to register?

Mr. WILLIAMS of Delaware. That is not affected either by the committee bill or by my amendment. I asked that question of the legislative counsel.

Mr. HART. The law, as the bill is presently written, we feel, is adequate to meet the problem of racial discrimination in the election process. If additional legislation is sought, which would have the effect of being a general prohibition of corrupt voting practices—if that is necessary—we feel strongly that it is so serious a crime and may reach areas so lacking in understanding that it should be done only as an individual action. We feel that to consider two subjects as different as racial discrimination and corrupt voting practices in the same bill is a mistake.

Mr. WILLIAMS of Delaware. I cannot understand that reasoning at all. I fully agree with Congress taking whatever action is necessary to guarantee that every man has the right to vote without any regard to his race, religion, nationality, or any other element of his background. I agree to that principle and shall support it. But it is equally important that we have a clean election—the committee bill deals with this question only partially by making it a crime when the man votes the second time and is paid for his second vote.

As I interpret the committee bill a person can go out and buy all the votes he wants to in an election, and he would only be violating the law if the payment were made to those illegally registered or to those who cast an illegal vote such as two votes on the same day.

If Congress is against vote buying let us be against vote buying. This is an evil that can develop in the State of Delaware or in the State of Michigan as well as in the South.

I think it is very important that we have clean elections as well as to guarantee the right to vote to every man. Let us do the job right. As I see it, the committee has already crossed the bridge of determining whether to go into this field. On page 29 and 30 it is proposed that we consider this subject. If we do, let us do the job correctly and not merely adopt a lot of flowery language that in effect means nothing.

Mr. HART. The Senator from Delaware suggested that by not having explicitly prohibited the payment of anything to a person for voting, that the committee bill, or the bill that a majority of the committee reported back, opens the door to that or invites that action. Would the Senator not agree that the existing legislation in the corrupt practices field fully protects against this action?

Mr. WILLIAMS of Delaware. I thought it did, but I also thought we had guaranteed the right to vote. The Senator from Michigan will likewise agree that it has not worked in actual practice. It has not accomplished that end.

Mr. HART. Where does the record show that?

Mr. WILLIAMS of Delaware. Just one moment. I thought we had adequate statutes to guarantee the right to vote to every man. When I returned home last year after the passage of the Civil Rights Act of 1964 I said that we had guaranteed the right to vote to every man. I am sure that the Senator thought so, too. However, it appears that we had not done that job and will have to go further and enact another bill. The Senator will agree with me that we do have situations of voting frauds that either are not covered under the existing law or where there has been a failure on the part of the people in charge of enforcing these laws to enforce them.

In either event what harm does it do to spell it out all over again? If we have the provision in the law, we do not do any harm to anyone to spell it out again and let the people know in very clear language that it was the intention of Congress that vote buying or illegally registering be a Federal crime.

Mr. HART. Mr. President, the existing criminal statutes, I think, go clearly to those causes of action which the Senator from Delaware has enumerated as objectionable.

They reflect, incidentally, the rather long and careful study by Congress, culminating some years ago in a revision of the Corrupt Practices Act.

The language that disturbs me in the proposal of the Senator is: "or pays or offers to pay or accepts payment." Absent a careful committee hearing analysis, very responsible persons close to the enforcement of election laws have a concern that it might force public service announcements off the air. The activity of the Advertising Council of America, in which activity money is expended, may be brought into question.

This is indeed not my opinion alone. It is a concern that has been faced by those in the Department of Justice who are charged with enforcement of our criminal statutes.

Mr. WILLIAMS of Delaware. The words "pays or offers to pay or accept payments" are words that are already in the bill. They are supported by the Department of Justice.

Mr. HART. Yes; but the language is held to the sanctions or penalties for the practice only if it is in connection with fraudulent registration.

Mr. WILLIAMS of Delaware. That is correct. Now we are getting down to the question. Do we want it to be proper for someone to get paid for registering or voting?

An official in the Department of Justice who wanted to remain unnamed—and I do not know why he should be ashamed to use his name—said:

> What is wrong with paying a man to vote as long as you do not tell him how to vote?

He said:

> We encourage 100-percent participation in elections.

That is a theory that is entirely too prevalent in many quarters. Are we to proceed on the theory that we are to allow a man to pay for a vote so long as the man does not know how he is going to vote? Some political figure may calculate that 80 or 90 of these votes will be on his side, so he will pay them all to vote. Is that what the committee and the Department of Justice are condoning?

Let us determine whether the Department of Justice is going to take the position that it is all right for a man to pay another to vote so long as he votes only once.

Mr. HART. Of course not.

Mr. WILLIAMS of Delaware. Certainly, it is not. So far as the language about which the Senator from Michigan is expressing concern and so far as the language about which the Attorney General is expressing concern I point out that it is exactly, word for word, the language I have taken out of the bill. The only changes made between the committee language and my amendment were to strike out the word "fraudulent" before the word "registration"—because I think it is just as wrong to pay a man to register whether he registers rightly or wrongly—and to strike out the word "illegal" before the word "voting," because I think it is wrong to pay a man to vote under any circumstances. The fact that he was legally registered and cast a legal ballot does not make it right to pay him. The committee amendment provides for a penalty only if he votes twice or if he is illegally registered.

Mr. HART. We are anxious to see that there is no effort to discourage registering and voting in every State of the country. We feel that the language of the committee as considered, where it is directed against fraudulent registration or voting, is safeguarded against any threat or intimidation. With reference to those who would actively seek to encourage participation, with the elimination of the word "fraudulent" as the Senator's amendment would do, we have very serious concern that it might be possible to mount a scare campaign that would keep on the sidelines those who legitimately seek to encourage voter participation.

Mr. WILLIAMS of Delaware. I do not see that at all.

The bill as reported by the committee would make it a crime to pay anybody who had fraudulently registered or given false information in his registration. Does the Senator mean by that that he considers it right to pay a person $10 to register so long as he is registered properly? Does the Senator take that position?

Mr. HART. No; the Senator from Michigan does not.

Mr. WILLIAMS of Delaware. Does the Senator take the position that it is all right for such a person to get paid to vote so long as he is legally registered and votes legally or only once?

Mr. HART. No; but what if I want to make him think about getting off from work to vote?

Mr. WILLIAMS of Delaware. That is not the issue at all. There is no disagreement on that point.

Mr. HART. Are we certain that it could not be said that this is in effect a payment, without analysis and consideration of this language?

Mr. WILLIAMS of Delaware. The bill as reported by the committee uses similar language. Assuming that the Senator from Michigan is correct, the same interpretation could be applied to the committee language; if the employer gives a person time off to vote and then the employee votes twice, it is not the employer's fault. That is a useless argument. It is not the point being debated at all.

If the Senator is going to interpret the law that narrowly we both could be accused of having been paid for voting in the last election because we were both on the Federal payroll on election day. If such a narrow interpretation as that were applied nobody could register or vote in the United States. There is nothing in the Corrupt Practices Act as it exists, nothing in the committee language, and nothing in the language of the amendment which affects this point at all. I think that is as clear as it possibly could be.

Mr. HART. Would the Senator from Delaware concede that it would be very undesirable for us to adopt, without a hearing, an amendment which could have the adverse effect which I suggest is possible under that language?

Mr. WILLIAMS of Delaware. Oh, yes, I agree with that statement. That is the reason I offered the amendment in the committee and presented testimony before the committee. There was a great deal of hearing on this proposal. I am only offering an amendment upon which hearings have been held. I agree with the Senator fully. That is an argument for my amendment.

Mr. HART. The committee adopted, in part, some of the suggestions made by the Senator from Delaware. Would the Senator agree that inasmuch as this concern has been faced as a continuing concern by the Department of Justice, namely, the language of the Williams amendment as drafted, the possibility remains that laudatory efforts to increase citizen participation might be jeodardized? That being the case, would the Senator from Delaware permit us to send to the Department of Justice for an opinion? I do not believe Senators would want to adopt the language if it had the effect I have suggested.

Mr. WILLIAMS of Delaware. If the Senator from Michigan can obtain a statement from the Department of Justice, I shall be delighted. I have been trying for a week to do so. I asked the Justice Department if there were any objections whatsoever to the language of my amendment and if so, what they were. The truth is that the Department of Justice does not want to go on record against an amendment that has much merit. The Department of Justice recognizes that in some quarters adoption of the amendment would not be popular with certain political groups, and it wants to keep in good grace with everybody. I point out, however, if the Department of Justice had wanted to say something against it, it could have said so in committee. The Attorney General testified before the committee. I testified on it. At no point has a Department of Justice official publicly made any objection to it. Quietly, they say, they would rather not have this amendment. One unidentified official in effect said, "Really, if a man is legally registered, or if he has not registered and will legally register, or if he casts his vote legally what is wrong with paying a man $5 or $10 if we get him to vote without telling him how to vote?" Apparently that is all that concerns the Department of Justice. That is the reason why I am not concerned about the objections of the Department, because there is nothing wrong with the amendment. The committee staff and legislative council drafted the language of the amendment. The committee has approved a part of that language; namely, "pays or offers to pay or accepts payment." By no stretch of the imagination is it intended that this be interpreted to mean that an employer could not let a man off from work to vote any more than to mean that you and I could not to draw our checks from the U.S. Government while voting on election day. This is a policy all over America. It is part of our election system. But that is not paying a person to vote under the committee bill, nor is it under my amendment.

Mr. HART. I would be anxious to insure that it not be possible for that kind of interpretation to be accepted.

Mr. WILLIAMS of Delaware. It is already clear in the bill.

Mr. HART. The reason I suggested a communication from the Department of Justice is that although the Attorney General testified for 2½ days before the Committee on the Judiciary, the amendment of the Senator from Delaware—along with many others—was not discussed with the Attorney General. The Senator from Delaware came to the committee on the final day of the open hearings, as I recall.

Mr. WILLIAMS of Delaware. That was as soon as I could get an opportunity to testify.

Mr. HART. The Senator is correct.

Mr. WILLIAMS of Delaware. As soon as the committee could arrange to hear me.

Mr. HART. The Senator is correct.

Mr. WILLIAMS of Delaware. When the committee first started its hearings I filed an application to testify. I was glad the committee could arrange for my testimony.

Mr. HART. I understand. Let me point to the great concern we felt, but before leaving that phase of it, is the Senator aware that the Corrupt Practices Act does not quite reach, specifically. Why do we do this?

Mr. WILLIAMS of Delaware. I cited certain cases——

Mr. HART. Was not the Senator's answer that if the law now reaches it, there is no harm in adding language such as the proposed amendment?

Mr. WILLIAMS of Delaware. Yes; I said that.

Mr. HART. If the Corrupt Practices Act does not inhibit any of these worthwhile community agency efforts to register, why has there been this concern that the language might inhibit it? For that reason, I should like very much to have in the RECORD a comment from the Department of Justice concerning it.

Mr. WILLIAMS of Delaware. If I could get a reply to my inquiry from the Department of Justice, I would put it in the RECORD, no matter what it is. I cannot guarantee such a reply because I learned long ago that one cannot make the departments and agencies of the Government answer their mail. But I have officially asked the Department of Justice for comment on this amendment and as yet have received no reply.

Mr. HART. Clearly, the Corrupt Practices Act reaches expenditures which are paid to influence voting. There is no doubt in our minds about that.

Mr. WILLIAMS of Delaware. By the same token, as I told the Senator, if the law already provides for it there should be nothing wrong in putting in the wording again.

Mr. HART. Unless the addition of the language now before us would have the effect of reducing the freedom now enjoyed under existing law——

Mr. WILLIAMS of Delaware. But it does not.

Mr. HART. Which the other communities have.

Mr. WILLIAMS of Delaware. It would not destroy any freedom now being enjoyed except the freedom to buy votes. It would restrict the freedom to buy votes.

Mr. HART. The freedom to buy votes is not available today under the Corrupt Practices Act. I thought we had agreed on that.

Mr. WILLIAMS of Delaware. I agree that it is not being enforced.

Mr. HART. Where? That is a very serious charge.

Mr. WILLIAMS of Delaware. In the courts. There was one case in Illinois, in one precinct, where 82 votes were cast and only 27 persons lived in the district who were qualified to vote.

Mr. HART. Was nothing done about that?

Mr. WILLIAMS of Delaware. Not to my knowledge.

Mr. HART. At least, attention was called to it.

Mr. WILLIAMS of Delaware. Yes. Most of the cases were dismissed.

Mr. HART. But something was done about it.

Mr. WILLIAMS of Delaware. They were dismissed on the basis that it would not change the course of the election.

Mr. HART. But something was done.

Mr. WILLIAMS of Delaware. If you call that something. The Senator is not trying to tell me that he is so innocent or naive that he has never heard of vote buying in the United States?

Mr. HART. That is exactly the reason I do not know. What is the need for this wording when it is already very clearly in existing law, which prohibits what the Senator states he is trying to get at?

Mr. WILLIAMS of Delaware. It would be made a Federal crime. It would be specifically spelled out. By the same token, it is my understanding that a section of the 1964 Civil Rights Act which Congress has enacted into law guaranteed to every American citizen the right to vote. There are laws on the statute books today which guarantee to every man the right to vote without enactment of this 1965 voting rights bill, but apparently they are not working. There are those who say we need the additional legislation. I shall not quarrel with the fact that we now pass another bill even though there is a question in the minds of some as to whether we are trying to excuse the Department of Justice for its failure to enforce existing laws. I shall not go into that question. If we do not have adequate laws providing what we believe should be done and what we thought we had done before, let us do it over again. Just as there are many citizens in the country today who are not being granted the right to vote—I know it, and the Senator from Michigan knows it—by the same token, we both know that there are areas in the country where votes are being bought and sold. Let us be frank and correct both situations through this bill.

Let us face the situation. Let us correct both situations. In either instance, if we are duplicating some of the existing laws, so be it; but at least when we pass the pending bill we can tell the American people that we have done these things: Enacted legislation which we believe will guarantee every man the right to vote; that the vote can be counted only once; and that it cannot be canceled out by an illegally cast ballot. Let us do this with the best intentions in both these sections. I see no objection to the amendment. As I said before, hearings were held on the point. The committee in part approved the principle to the extent that we make it a Federal crime for anyone to pay, offer to pay, accept payment for voting twice, or for registering illegally.

Let us not leave the inference that if a man votes only once or if he registers legally he can be paid. If we adopt the committee amendment we shall be weakening what both of us thought was existing law.

Mr. HART. Existing law is the one thing we can be sure of in this debate which puts the "kibosh" on the person buying a vote. There is no doubt about that.

Mr. WILLIAMS of Delaware. It does, if it is fraudulently registered——

Mr. HART. Or otherwise.

Mr. WILLIAMS of Delaware. Or otherwise.

Mr. HART. The Senator is correct. Therefore, why add language which reads parenthetically not alone for Federal, but State and local elections, which opens up the possibility that in so doing we may give legitimate concern to organizations which have participated in a perfectly healthy and worthwhile civic effort to improve registration and increase voting, confident that under existing law, which prohibits the buying of votes, nonetheless, they may freely voice their civic prerogatives.

Concern now is voiced that by adding this language we shall do nothing to improve the Corrupt Practices Act, but we may improve it if we can reduce the willingness of civic leaders to effectively participate in registration and voting rights. This is the one concern.

Mr. WILLIAMS of Delaware. Will the Senator from Michigan yield further for a question?

Mr. HART. I am glad to yield.

Mr. WILLIAMS of Delaware. In just what manner could the pending amendment bring about the dire results which were predicted any more than the language of the bill itself?

Mr. HART. For the reason that I am concerned that we should obtain the reaction of the Department of Justice in writing before we vote on the amendment. There is concern that the language could lend itself to the techniques which would inhibit the right to register and vote in quite legitimate fashion. It is suggested that campaigns could be launched. The amendment is so broad that it might give added comfort to those engaged in certain practices. The Senator might not wish to do that.

Mr. WILLIAMS of Delaware. Certainly I do not. I wish the Department, if it makes any such claim, to point out just where the pending amendment would bring about such dire results and at the same time to point out how the language in the bill would not. The only difference between the language in the pending amendment and the language reported by the committee and supported by the Senator from Michigan, is that the pending amendment provides that it shall be a crime to buy votes—whether a man votes legally or illegally.

This amendment says it is a crime to buy votes—period.

The bill the committee reported provides that it shall be a Federal offense to buy votes only when illegally cast, which means after a man has voted twice. It is ridiculous for the Department of Justice to state that it is against a man being paid to vote twice but not against a man being paid to vote once. I would like to read the Attorney General's statement on that point. It is like saying that it is all right to break into a filling station once, but if a person does it twice he is violating the law.

Mr. HART. I believe we should reserve the vote on the amendment until we give the Attorney General an opportunity to say how his concern is founded on that language.

Mr. WILLIAMS of Delaware. I shall be delighted to obtain the opinion of the Attorney General. I have been trying to get it for some time and, when I get it I will put it in the record. I have no objection to holding up a vote on the amendment until we hear from the Attorney General, but I wish the RECORD to show that I am not delaying the vote. I am ready to vote now. The amendment has been pending for 6 weeks. It was in committee when the Attorney General testified before the committee. He knew about it at the time. He could have testified on this point had he wished to do so.

I do not understand the position of the administration in saying that they would be willing to make it a Federal crime to be paid to vote a second time but if it is found that an individual got paid for voting the first time it is quite all right. I do not understand any such reasoning.

Mr. HART. No one believes that this is the position of the administration.

Mr. WILLIAMS of Delaware. That is the effect of its argument.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. ELLENDER. I understood from the earlier statement of the distinguished Senator from Delaware that it was his idea that striking out the words "under this Act," which appear in the pending bill would have the tendency of covering all situations in all elections. I wonder if that is what the Senator meant?

Mr. WILLIAMS of Delaware. That is the second part of the amendment.

Mr. HART. That is the second part, which I was about to discuss.

Mr. ELLENDER. I would like to have the Senator's view on that point.

Mr. HART. Mr. President, the proposed amendment, as the Senator from Louisiana immediately sensed, applies to State and local elections, as well as to Federal elections. That question, whether Congress has the power to insure fair election procedures in State and local elections, unless they are related to insuring the guarantees under the 14th and 15th amendments, is a very open one and a very serious one. This is the second reason which persuades us to hope that the amendment will not be agreed to.

With respect to this one, it does not hinge upon an elaboration from the Department of Justice as to why the additional language offered by the Senator from Delaware might inhibit decent citizens from assisting in registration and voting. It involves the basic question with respect to constitutionality.

Mr. WILLIAMS of Delaware. The Senator has raised that same point, and I commented on it earlier in my remarks. Both the committee and the Senator from Michigan have supported section 9——

Mr. HART. The manager of the bill is the senior Senator from Montana.

Mr. WILLIAMS of Delaware. The Senator from Michigan is speaking at the moment. He supported section 9 of the pending bill, as it appears on page 24, and that section is applicable to every State in the Union. The committee has already broadened the bill to include the 50 States of the Union. Therefore the Senator from Michigan answered that question when he reported the bill.

Mr. HART. If the Senator will yield——

Mr. WILLIAMS of Delaware. It is just as wrong to buy a vote in Michigan or in Delaware as it is to buy a vote in Alabama or Louisiana. I am sure the Senator does not wish to take the position that it is a crime to buy votes in certain Southern States but it is quite all right to buy votes in Chicago, New York, Michigan, or Delaware. In reporting the bill the committee recognized the right of the Federal Government to go into all States because section 9 reads: "No State or political subdivision—" In that way the committee has already moved into that area. It has already answered the question as to whether we should move into this broad area.

Mr. HART. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. When the committee included the 50 States and guaranteed the right to vote in the 50 States, it has a responsibility to see to it that it is done honestly.

Mr. HART. Mr. President, the basis for the action on the poll tax is squarely connected with our rights under the 15th amendment, which prohibits any action by the State which would discriminate against anyone in voting because of race or color; and the 14th amendment, which prohibits State action that denies the equal protection of law. We believe strongly that the two constitutional amendments sustain our effort to outlaw the poll tax. This does not go to the question of criminal actions in local and State elections which are not related to discrimination.

Mr. WILLIAMS of Delaware. Under which constitutional amendment does anyone have the right to buy a vote?

Mr. HART. None. Clearly the Federal Government prohibits it with respect to Federal elections.

Mr. WILLIAMS of Delaware. Correct, and I say Congress has a right to spell out provisions against it. This amendment does not go beyond the area that is already covered by the bill reported by the committee.

Mr. HART. Mr. President, the bill seeks to outlaw the poll tax. It does so on the basis of the 14th and 15th amendments. We know there is economic discrimination and racial discrimination. Both amendments permit us to move into State and local elections on that basis. There is a question as to whether, in the absence of discrimination of that type, we can establish a criminal act in a State or local election with respect to vote buying and registration support.

It is for that reason that the amendment should not be added to the bill. We feel that the existing code with respect to corrupt practices prohibits the buying of votes. That is one thing we can all agree on. Admittedly the bill does not reach State or local elections. That is because of the second reason, which persuades us to oppose the amendment. It is the constitutional question. Unless there is discrimination, there is grave question as to whether we could reach it. That treatment, given in the proposed amendment to the bill, responds with reasonable effectiveness to the concern expressed by the Senator from Delaware. Basic to this apprehension on our part, as the Justice Department has reported, is the point that this may have the effect of defeating very worthwhile efforts to raise voter participation, not alone in the South, but all across the country. It is for these reasons that we recommend that the amendment be not adopted.

With respect to the first reason, as to how it would inhibit community efforts, I would be perfectly willing to defer a vote on the amendment, if the Senator from Delaware is willing, until we have had an expression from the Attorney General. However, in all fairness I should state that we would still oppose the amendment on constitutional grounds, regardless of what the Attorney General said on that point.

Mr. WILLIAMS of Delaware. I have no objection to getting the Attorney General reports and I recognize the right of the Senator from Michigan to be against the amendment no matter what the Attorney General says but I do not have to agree with him.

We have just as much right to move into this field of establishing clean elections as we do in any of the other fields. I am not trying to restrict the right to vote or the right to register. I shall support those provisions in the bill. Here we have one of the weaknesses of existing law. Some time ago I had correspondence with the Attorney General's office in Washington on some corrupt practices in our State of Delaware, and I received the reply from the Attorney General to the effect that if I could show that certain money was used to pay for votes for that portion of the ballot which referred to national offices the Attorney General would prosecute, but in effect he said that if it related to vote buying for State offices he would have nothing to do with it.

If national and State officers are listed on the same ballot how could I as a layman prove what vote a man might have been paid $10 for? How could it be shown what part of a vote had been paid for when the man who had been paid voted a straight ticket?

I think it was an excuse on the part of the Department of Justice, which did not want to prosecute fraud in that election. In that instance it would be up to me as an individual to prove that the money was used for the benefit of Federal candidates running at that election and to prove that it was not for the use of those running for State office.

If my amendment were adopted no Attorney General could come back with any such flimflam excuse. He would have to prosecute such a case regardless. That is the heart of the whole question. I am glad that the Senator from Michigan raised the point because now we are getting down to the issue of what is wrong with existing law. Do we wish to exempt under some flimflam excuse the right of someone to buy and sell votes, or do we wish to break up the practice? If we wish to break it up we should desire to break it up entirely, whether a voter is voting once or twice, whether he is voting the Democratic ticket, or whether he is voting the Republican ticket.

Whether he is voting for a national candidate or for a State candidate, if a person is being paid, he ought to be prosecuted. The person who is paying him should be prosecuted also.

Mr. President, that is all we would do under the pending amendment. We would cut through all that redtape. I shall be delighted to read the objections if the Attorney General of the United States can raise any.

Mr. HART. Mr. President, the Constitution of the United States is neither a flimflam excuse nor a piece of redtape. Let us get that clear.

Mr. WILLIAMS of Delaware. No one has said that it was.

Mr. HART. The interpretation of the Senator has not persuaded me that that is really what is involved. The Attorney General very properly would refrain from bringing criminal cases arising out of State or local elections. Merely adding such a provision to the bill would not add a constitutional right if none theretofore existed. The concern that we have is that for us to pass local election laws, unless they are tied to the 14th and 15th amendments, would clearly constitute an unconstitutional action.

Mr. WILLIAMS of Delaware. That particular situation involved a road contractor who was trying to obtain a contract for building a road that was being built partly with Federal funds and partly with State funds. He was approached and asked to make a contribution to the campaign and promised that in turn he was to get the contract. Supposedly we have laws prohibiting corporations making political contributions, particularly under such circumstances. We have laws to prohibit kickbacks on contracts in which Federal money is involved. However, in that case the Attorney General came back and said that unless I could prove that the payment was made and that the money was used for the purpose of attempting to elect national candidates who were on the ticket that year there was nothing he could do about it.

I say again that it boils down to the following question: Are we for clean elections or are we not? The committee itself has already gone part way. The bill which was reported by the committee and supposedly supported by the administration provides that it shall be a Federal crime if anyone buys an illegal vote or pays a person to register fraudulently. If the voter voted a second time it would be a Federal crime if he were paid, but under the bill he could be paid if he should vote only once. So far as the bill is concerned there is nothing against that possibility.

Surely that is not what the committee means to do.

On the other hand, a person might be paid $5 or $10 to register. If he should register properly all well and good, but if he should register illegally the person who registered and the person who paid him would be subject to a fine. I think it is silly to approach the problem in any such manner. Either we are against the practice of vote buying all the way across the board or we are not. The committee itself, in section 9 of the bill, has already made the determination that it will deal with elections in all 50 States. I understand that this provision was supported by the Senator from Michigan. A majority of the committee, including the Senator from Michigan, thought that we had a constitutional right to adopt that provision. I agree with the Senator.

Mr. HART. The Senator is now speaking of the poll tax provision.

Mr. WILLIAMS of Delaware. Yes. I agree with the Senator on that. I shall support him on that provision. At the same time in supporting him in reference to that provision and agreeing with him on that I maintain also that we have the right to go into the same 50 States on the same principle and say that clean elections shall be held in those States.

Mr. HART. The Senator knows that we do not attempt to reach State or local elections with a criminal sanction on payment for fraudulent registration in voting. Why? Because we had very grave doubt that on that basis we could. It is that point to which I reply. It is not a piece of redtape or flimflam. It is a very serious problem.

Mr. President, I understand that the Senator from Oregon has a point of personal privilege that he wishes to make. I yield to him for that purpose.

VIETNAM—PERSONAL STATEMENT BY SENATOR MORSE

Mr. MORSE. Mr. President, I ask unanimous consent that I may take the floor for such time as I think necessary on a matter of personal privilege.

The PRESIDING OFFICER (Mr. Harris in the chair). Without objection, it is so ordered.

Mr. MORSE. Mr. President, to lay the foundation for my discussion of this question of personal privilege, I ask unanimous consent that the brilliant argument and speech made by the Senator from Alaska [Mr. Gruening] at the Students for a Democratic Society rally held in Washington, D.C., on April 17, 1965, at the Sylvan Theater be printed at this point in my remarks. I also ask that it be followed by a column written by Murray Kempton for the New York World Telegram of April 23 concerning a debate between Senator Gruening and Assistant Secretary of State William Bundy.

There being no objection, the speech and article were ordered to be printed in the Record, as follows:

Remarks by Senator Ernest Gruening, Democrat, of Alaska, at Rally of Vietnam Sponsored by Students for a Democratic Society at Sylvan Theater, April 17, 1965

Thank you for inviting me to speak to you this afternoon on the undeclared war in Vietnam.

It is particularly gratifying to me, in addressing similar groups such as this from coast to coast, to find on university campus after university campus both the faculties and students discussing in an informed and informative manner the issues involved in Vietnam.

The extensive use of teach-ins is a promising and welcome development.

Such discussions of the pros and cons of the U.S. position in Vietnam are healthy in a democratic society such as ours. Your right to petition the Congress is a right guaranteed by the Constitution—it is a right forming the very cornerstone of that Constitution—it is a right which you are exercising today in protesting against the continuation of the present U.S. policies in Vietnam—policies which violate the basic principles upon which our democracy was founded and which has heretofore distinguished our Nation from the totalitarian, Fascist, and Communist governments of the right and the left.

The United States has always stood for government by the people—government by majority rule—with full protection for the rights of minorities.

But the course of action followed by the United States in Vietnam under three separate administrations has not been governed by adherence to the principle of government by the consent of the governed.

It is not sufficient to justify the U.S. actions in Vietnam in supporting oppressive governments in South Vietnam on the ground that the government of North Vietnam is a totalitarian, Communist government and likewise does not represent the will of its peoples, who have been deprived of their rights.

We should not be surprised when Communist nations act like Communist nations.

But we should be surprised when the United States, which has been in the forefront of the fight to free oppressed peoples throughout the world, has for 10 years now backed oppressive governments in South Vietnam, and in support of which the United States has now escalated its military actions into North Vietnam.

The roots of the present dilemma facing the United States in Vietnam go back to our decision to back France after World War II when it sought to regain Vietnam as a colony of France.

That was a serious mistake on the part of the United States.

Anticolonialism has been the longstanding policy of the United States. We have sought no colonies for ourselves. We should not have backed the French when they sought to reimpose the yoke of colonialism upon the people of Vietman.

The United States supported France in its colonialization efforts in Vietnam to the tune of $2 billion.

In doing so, the United States became identified with France in the minds of the Vietnamese who were fighting for their freedom from any sort of foreign rule. The people of Vietnam fought as strongly against the French as they had fought hundreds of years before to oust the Chinese.

With the decisive military defeat of the French at Dien Bien Phu in May of 1954, it became evident to the people of France—as it should have become evident to the people of the United States long since—that the war in Vietnam was not to be won on the battlefield, but was a political struggle and could and should be settled at the conference table.

Then came the Geneva conference attended by representatives of France, the United States, the United Kingdom, Soviet Russia, Communist China, Vietnam, Cambodia, Laos, and the Vietnamese Communist regime.

At Geneva, the conferees agreed to four conditions:

First. Vietnam was to be partitioned along the 17th parallel into North and South Vietnam.

Second. Regulations were imposed on foreign military personnel and on increased armaments.

Third. Countrywide elections, leading to the reunification of North and South Vietnam were to be held by July 20, 1956.

Fourth. An International Control Commission—ICC—was to be established to supervise the implementation of the agreements.

The United States did not sign the Geneva agreement.

However, it did issue a statement—unilaterally—promising: "It (1) will refrain from the threat or the use of force to disturb the Geneva agreements; (2) would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security, and (3) shall continue to seek to achieve unity through free elections, supervised by the U.N. to insure that they are conducted fairly."

The armistice agreement—and it was never intended to be more than an armistice until the two halves of Vietnam could be unified—was signed at Geneva on July 21, 1954.

On October 10, 1954, the Vietnamese Communist regime took over North of the 17th parallel under Ho Chi Minh.

Ho Chi Minh immediately took control over North Vietnam in typical Communist style, imposing a tight police state there with all the loss of individual and economic freedoms implicit in such a takeover.

Fifteen days after the Vietnamese Communists took over in the north, South Vietnam became an independent nation south of the 17th parallel with the U.S. handpicked Ngo Dinh Diem as premier.

This was the opportunity the United States had in South Vietnam to show that south of the 17th parallel true democracy could flourish and the people there could live in peace with their individual freedoms preserved and, assisted by U.S. economic aid, enjoying ever-increasing social and economic benefits.

Remember, South Vietnam is the breadbasket of southeast Asia. North Vietnam is the poor part of Vietnam. The United States had everything working in its favor to turn South Vietnam into a showcase so that when the elections called for in July of 1956 under the Geneva Convention took place, Hanoi would be outvoted and the people would choose to be reunited under the leadership of non-Communists.

But we threw away our opportunity.

We did not insist on individual freedoms, but stood by while Diem imposed an ever-increasing terroristic, brutal, corrupt government.

Economic and social benefits for the people were forgotten while Diem, with the help of millions upon millions of American taxpayers dollars conquered faction after faction in South Vietnam to impose on it his iron, ruthless rule. South Vietnam—like North Vietnam—became a police state.

When the time came for the unification elections called for by the Geneva Convention—which we had agreed to in our unilateral protocol—we pulled the string on our puppet Diem and he refused to go through with the reunification elections, playing right into the hands of the Vietnamese Communists both in South Vietnam and in North Vietnam.

Before being overrun by the Chinese, Vietnam had been an independent nation for some eight hundred years. Its people wanted both independence and unity.

When Diem refused unification elections, the people knew that reunification and self-determination could come about only through armed resistance.

Many of the Vietcong fighting in South Vietnam in the early stages of the guerrilla war there were former Vietminh fighters who had gotten their training in the fight against France. Many went North to Hanoi for training there, slipping back to South Vietnam to rejoin the fighting. North Vietnamese Communists joined them in increasing numbers as the years fled by and Diem's government became harsher and harsher.

War is not a pleasant pursuit wherever and whenever fought.

Both the South Vietnamese and the Vietcong, together with their North Vietnamese Communist supporters, fight with brutality, sadism and torture. Perhaps by Asiatic standards anything goes in wartime.

In addition, Diem—openly supported by the United States economically and militarily—sought to retain his domination over South Vietnam and the rule of his corrupt henchmen, practiced torture not in the course of waging war on the battlefied, but against civilians in the torture chambers in Saigon operated by Diem's secret police.

The facts of what went on in South Vietnam before, during and after Diem's regime are now slowly coming to light.

I strongly commend to your attention two new books by two Pulitzer Prize winning authors.

The first, already on the bookstands, is entitled, "The New Face of War," and is by Associated Press Reporter Malcome W. Browne.

The second, which will be released in approximately 10 days, is by New York Times Reporter David Halberstam, and is entitled, "The Making of a Quagmire."

Both these books are must reading for anyone who would understand how the United States got into its present predicament in Vietnam. Both have been excellently reviewed by I. F. Stone in the current issue of the New York Review of Books.

You all recall how, after the fall of Diem, the basic instability of the government in South Vietnam and its lack of a firm basis in popular support became apparent in coup after coup until it became difficult at any given moment to tell who was in charge of the store.

This situation, so reminiscent of a comic opera if it were not so tragic, was best described by the noted columnist, Art Buchwald, last September which in humorous form punctures the myth that we came there in response to a request from the government of Vietnam, a request which, incidentally, we fostered. That government has long since gone and the United States is now in effect the government. This is what Buchwald wrote:

"Probably the man who has the toughest job in the world at the moment is Henry Cabot Lodge, who has been traveling around the world at the request of President Johnson, explaining our Vietnam policies to heads of state.

"Although we haven't attended any of the briefings, we can just imagine what is going on as Ambassador Lodge is presenting his case, let us say, to the King of Denmark.

" 'Now, sir, let me say at the outset that the United States has the situation in Vietnam well in hand. Under the firm leadership of Gen. Nguyen Khanh many new reforms have been instituted.'

"As Ambassador Lodge is speaking, a courier from the American Embassy rushes in and gives him a telegram. The Ambassador reads it.

" 'Well, as I was saying, General Khanh has been dividing the country and the United States feels he can no longer control the various factions. It is our belief that the best solution to the problem would be to support a general who has the confidence of the people.'

"The phone rings and the King hands it to Ambassador Lodge.

" 'Yes, I see, sir. Right, sir. I understand. Of course. Thank you.'

"He hangs up the phone and continues: 'You see, Your Majesty, our experts believe the best solution to the problem would be to have a three-man military junta govern until we can have elections. We feel General Khanh has been a handicap and we intend to support General Minh, whom General Khanh had disposed of several months ago with our help. Our strategy is to send the South Vietnamese Army out into the field to fight the Vietcong on their own terms.'

"An aid whispers something in Ambassador Lodge's ear. He nods and says, 'Because of the rioting in Saigon our strategy has been flexible and we are now urging the South Vietnamese forces to return to Saigon to prevent the breakdown of law and order. We feel this can best be done with General Minh in command of the —.'

"Another messenger from the American Embassy dashes in and hands Lodge a cable.

" 'Therefore, in line with what our people have worked out, we are happy to announce that Dr. Nguyen Xuan Oanh is now in charge of the Saigon government. Dr. Oanh is a Harvard-educated economist and gets along very well with Ambassador Taylor. General Khanh is now in Dalat resting up from a physical and mental breakdown.'

"The phone rings again and Ambassador Lodge answers it. 'Thank you very much. That's very interesting.

" 'I want you to understand, Your Majesty, we have not ruled out General Khanh's contribution to our effort in Vietnam. We have decided that in spite of everything he still holds the title of Premier and we have every intention at this time of supporting his government.'

"The Ambassador's secretary hands him another paper.

" 'As you have probably read, the main problem in Vietnam is the friction between the Catholics and the Buddhists. Realizing this, the Americans have a plan to prevent rioting between the two factions.'

"The secretary hands him another paper.

" 'But we feel at the same time that some rioting would have a good effect and therefore we've authorized the riots now going on throughout the country.

" 'Our main objective, of course, is to win the war, but we realize that this cannot be done until there is a stable government in Vietnam. We feel we have such a government with Dr. Oanh and * * *.'

"The phone rings again and Ambassador Lodge answers it wearily. 'Yes, sir. Whom did you say? Mme. Nhu? Thank you.'

"He turns back to the King. 'Well, where was I?' "

And now we are off again with Henry Cabot Lodge recalled to gather support for the U.S. position in other countries.

So the United States has fumbled and bumbled along in Vietnam for over 10 years now, disregarding our international obligations and commitments.

We violated two commitments of the Geneva Convention which we unilaterally agreed to support.

We increased the armaments and military personnel in South Vietnam and prevented the holding of unification elections called for by that Convention.

But further we failed to live up to our commitment under the United Nations Charter.

Article 33 of the Charter of the United Nations states: "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

The United States has sought no solution to the conflict in Vietnam by negotiation.

The United States has sought no solution to the conflict in Vietnam by inquiry.

The United States has sought no solution to the conflict in Vietnam by mediation.

The United States has sought no solution to the conflict in Vietnam by conciliation.

The United States has sought no solution to the conflict in Vietnam by arbitration.

The United States has sought no solution to the conflict in Vietnam by judicial settlement.

The United States has sought no solution to the conflict in Vietnam by resorting to regional agencies or arrangements.

The United States has sought no solution to the conflict in Vietnam by any other peaceful means.

That is why I have maintained for over a year, and continue to maintain, that if we had waged peace as vigorously as we have waged war we would not now be in the mess we're in.

Within 2 months after the Geneva Convention was signed in 1954, a conference was convened in Manila and a collective security pact was signed known as the Southeast Asia Collective Defense Pact. It was signed by the Governments of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States. The parties agreed to protect these countries from "armed attack and countersubversive activities directed from without against their territorial integrity and political stability."

Are allied soldiers from Australia in the front lines fighting and dying alongside U.S. soldiers and marines? They are not. And where are the French soldiers, the New Zealand soldiers, the Pakistani soldiers, the Philippine soldiers, the Thailand soldiers, the United Kingdom soldiers?

They are not there or if so in only token numbers. At present the United States is going it alone in Vietnam. From reactions in other capitals of the free world, it looks as if the United States will continue to go it alone, often even without the moral support of our SEATO allies, and despite our Government's earnest pleadings for their participation.

And now the United States has escalated the war by air strikes into North Vietnam, while the voices are being raised to send more and more troops into South Vietnam.

As the able publisher of the Detroit Free Press, Miami Herald, Akron Beacon Journal, and other dailies, John S. Knight, one of the great figures in the world of American journalism, stated it:

"The South Vietnamese ground forces cannot cope with their enemies from the North. U.S. troops are engaged in combat, and there is talk in Washington of committing some 250,000 more to the struggle.

"The fact is that we are not winning this war. Nor can we so long as the Republic of South Vietnam is infiltrated by the enemy. As Richard Dudman of the St. Louis Post-Dispatch has reported, 'Our side may still control the cities and the air, but their side controls the great majority of the countryside and commands the allegiance of the great majority of the people.' "

There have been ever mounting protests against the escalation policy in Vietnam.

We might, perhaps, by sending the million men to Vietnam which Hanson Baldwin, the military critic of the New York Times, has proposed and reflects some of the thinking in the Pentagon to keep that area in subjection. But what then? Do we propose to stay there indefinitely and hold Vietnam as conquered territory. Sooner or later that would lead to an all-out Asian war in which there could be no victors and only staggering losses. That is why I say we cannot win the war. Certainly not by military means.

The St. Louis Post Dispatch put the spotlight on the basic problem when it advised the President "to repudiate the misguided advisers who, in the name of a bankrupt philosophy of containment have led him, step by disastrous step, into an Asian morass."

Two thousand five hundred ministers, priests, and rabbis cried out in one voice in a newspaper advertisement: "Mr. President, In the Name of God, Stop It," saying in part:

"It is not a light thing for an American to say that he is dismayed by his country's actions. We do not say it lightly, but soberly and in deep distress. Our Government's actions in Vietnam have been and continue to be unworthy either of the high standards of our common religious faith, or of the lofty aspirations on which this country was founded.

"Now the United States has begun the process of extending the war beyond the borders of South Vietnam, with all the attendant dangers of precipitating a far greater conflict perhaps even on a global and nuclear scale.

"Mr. President, we plead with you to reverse this course. Let us admit our mistakes and work for an immediate cease-fire. Let us call a conference of all the nations involved, including China, not alone to conclude peace but to launch at once a major and cooperative effort to heal and rebuild that wounded land.

"Mr. President, we plead with you with the utmost urgency to turn our Nation's course, before it is too late, from cruelty to compassion, from destruction to healing, from retaliation to reconciliation, from war to peace."

Heading the list of 2,500 clergymen are such outstanding individuals as Bishop John Wesley Lord, Washington area, Methodist Church; Dr. Dana McLean Greeley, president, Unitarian Universalist Association; Dr. Edwin T. Dahlberg, former president, National Council of Churches; Father Peter Riga, moderator, Catholic Council on Civil Liberties; Dr. Isidor B. Hoffman, chaplain to Jewish students, Columbia University; and Dr. Henry J. Cadbury, biblical scholar, former chairman of the American Friends Service Committee.

My able and distinguished Senate colleague, Senator FRANK CHURCH, of Idaho, in an able article in this week's Saturday Evening Post entitled: "We Should Negotiate a Settlement in Vietnam" states: "Our struggle in South Vietnam has reached a point where neither side can achieve a conclusive military decision, and the only visible prospect for a solution is to be found at the conference table. But there is so much Washington talk about stepping up the war that it threatens to engulf all rational discussion of the crisis we face—almost as if peace were something to be avoided."

I agree. But meetings such as this one this afternoon, if conducted in an orderly, thoughtful manner should help in showing that the voices of reason will not be stilled.

The Students for a Democratic Society are to be highly commended for sponsoring this gathering. I appreciate the fact that there are those elements, both fascist and communist, which seek to pervert events such as this for their own mischievous ends. But the voices of reason will not be stilled by such tactics—and the people of the United States will recognize that their own stake in preventing further escalation of this war in Vietnam is too great to be swayed by fascist or communist diversionary tactics.

We stand today on the brink of a world war of cataclysmic proportions.

In commenting on the President's speech in which he offered unconditional negotiations, the noted columnist Walter Lippmann stated: "Though no one can prove it, it is just possible that a year ago that such a Presidential statement could have changed the course of the war."

As it happens, I have been speaking out constantly on this subject for over a year.

In a major address on the Senate floor on March 10, 1964, I urged that the United States take its troops out of Vietnam. I expressed then, and have repeatedly ever since, my view that the United States had no business being in South Vietnam militarily, that we should never have gone in, that we should never have stayed in, that the security of the United States was in no wise jeopardized or imperiled by whatever happened in Vietnam, and that all of Vietnam was not worth the life of a single American boy. We have now lost over 400 of them. And if this war continues, if it escalates still more, as there appears to be every likelihood of its doing, our casualty lists will mount to even more tragic proportions.

I pointed out at that time that President Johnson had inherited the mess in South Vietnam from previous administrations; that it was not of his making, that he could and should reverse the policies of his predecessors. And if he had acted then, as Walter Lippmann has pointed out, disengagement and a negotiated peace would have been a lot easier to achieve. Moreover, our pledge to the United Nations, in article 33, the conditions of which I have cited, made such action mandatory before we increased our military participation, which in itself constituted a violation of the Geneva agreement and our unilateral commitment to it. Consequently, when we charge treaty violation against North Vietnam, let us look at the beam in our own eye.

In consequence of my deep convictions on this subject, I was unable to vote for the resolution sent to the Congress by the White House last August, approving not only of what had been done by the administration in Vietnam, but authorizing the President to use our Armed Forces as he saw fit anywhere in southeast Asia. Only two of us in the Congress voted against this resolution. My distinguished colleague, Senator WAYNE MORSE, of Oregon, who was the other Member of the Senate to vote against this resolution, has repeatedly pointed out that we are conducting war in Vietnam in violation of the Constitution of the United States. Despite congressional ratification of the resolution, there has been no declaration of war by Congress as the Constitution provides. Of course, there should not be such a declaration, but neither should we be carrying on a war as we are doing.

But now is not the time to reminisce about what might have been.

Now is not the time to point out the follies and errors of the past.

Now is the time to think ahead and find a decent way out.

Now is the time to take positive action to wage peace as actively and forcibly as we have been and now seem determined to wage war.

President Johnson is to be commended for modifying a previous stand and declaring that the United States is willing to enter into negotiations without any preconditions.

That is a good first step but it is only the beginning.

More needs to be done.

The United States should immediately announce the cessation of our bombings in North Vietnam, at the very least for a period while negotiations can go forward not at the point of a gun.

The United States should seek to negotiate an immediate cease-fire in South Vietnam. We should do this by recognizing the clear facts of life: the war in South Vietnam is basically a civil war, the control of which does not rest in the capital of North Vietnam—Hanoi—or in Communist China, which our war hawks are apparently baiting to come into the conflict.

Well, China has not yet come in, and in view of our provocative actions and utterances appears to me to have shown, to date, admirable self-restraint.

It is also possible that China as yet feels no need to come in and feels that the United States has trapped itself into a mess which ideally suits China's purposes and propaganda.

"Here," the Chinese may well be thinking, "the United States is ensnared all alone in a bloody war, costly in lives and dollars, sinking in more deeply every day, pitting white men against Asiatics in the Asian homeland, and being fought to a standstill by a small Asiatic nation.

"Why interfere? The U.S. course suits us perfectly. It is alienating its own allies and neutrals and thereby strengthening China's position in the world."

Yes, we are probably helping the very cause which it is our officially declared purpose to defeat.

The ultimate control of the civil war in South Vietnam rests with the Vietcong, and they must be brought to the conference table.

We should then take every honorable opportunity to seek an international peace conference. We should work night and day to bring this about.

Nor do I share the view which is given in justification of our military action, past, present, and future, that a cessation will lead to the loss of all southeast Asia, then of the Philippines, Australia, and New Zealand, and that we shall then be obliged to fight Communist invasion on the beaches of Hawaii and California. This view strikes me as utter nonsense. This is the John Foster Dulles domino theory raised to new heights of absurdity.

As far as southeast Asia is concerned, the future may not be certain but it is a risk that I think all concerned should be prepared to take in view of the tragic alternatives. The people of Vietnam fought Chinese domination in the past for generations. They no more want domination by China than they wanted domination by the French, by the Americans, or by any outsiders. I think we would probably get in South Vietnam a Titoist form of communism, seeking independence from control by Peiping, the very situation that the United States has invested $2 billion to create in Yugoslavia. Actually, our military activity which pits Western whites against Asiatics, our use of bombing, of napalm, and gas, is more likely to produce the undesirable results which it is our declared purpose to obviate. For if our escalation brings the Chinese into the war and they once move into Vietnam presumably to defend it, it may be difficult to get them out.

As for the insular countries in the Pacific—the Philippines, Australia, and New Zealand—the United States complete control by sea and airpower of the Pacific makes such a conjuncture, namely that they will fall unless we carry on militarily in Vietnam, manifestly ridiculous.

Perhaps, as has been suggested by my colleague, an able student of the Far East and majority leader of the Senate, Senator MIKE MANSFIELD, of Montana, we should seize the opportunity of what appears to be a forthcoming international conference on the security of Cambodia's borders to widen the topics to be discussed to include the security of Vietnam.

The United States is a great and powerful nation founded on the principles of peace and freedom. It behooves the United States not to adopt totalitarian tactics that have, in the past, characterized both Fascists and Communist regimes.

The United States should, without delay, focus the spotlight not on the arrows but on the olive branch also carried in our national emblem by the American eagle, and seek an honorable and just peace in Vietnam and an end to the needless killings there.

[From the New York World-Telegram, Apr. 23, 1965]

THE FIRST DEBATE

(By Murray Kempton)

William P. Bundy, Assistant Secretary of State, and Senator ERNEST GRUENING, of Alaska, debated our Vietnam policy last night at Joan of Arc School on the West Side.

William Bundy came through a cluster of the youth against war and fascism wearing their "Stop the War" buttons and sat down with GRUENING for a predebate television spot. Their host asked for voice levels. "Now is the time for all good men," GRUENING began, "to come to the aid of their party," the Assistant Secretary of State finished.

He looked across Jim Jensen at GRUENING and smiled: "And that means Democrats."

We were watching an event for which there was no remembered precedent in our history. If we are not at war in Vietnam, we are indisputably engaged in what Bundy prefers to call a "sober and measured military effort." And now a representative of the President of the United States was publicly debating a Senator from the President's own party who wants to stop the war before an audience overwhelmingly of the President's party and, by any measure of its response, demonstrably hostile to his policy.

ERNEST GRUENING was not to be placated. "The President's policies," he told the cameras, "are leading directly to a major war. He says he wants no wider war, but he's widening it all the time."

They went off to the stage. Congressman WILLIAM RYAN introduced Bundy first.

Bundy arose, tall and weary, to say what an honor it was to share the floor with a man like Senator GRUENING and to meet the reform Democrats.

He recalled the lessons of the 1930's. We had fought Japan to prevent one nation from dominating Asia. "We seek no territory and we seek no bases in southeast Asia."

The United States, he said, is going about its business "in as measured and sober a way as you can carry out a military campaign." At which eight of the Youth Against War unfurled a sheet of paper painted "Stop the War in Vietnam," and began to chant the slogan over and over, until four or five volunteers came over and tore up the sheet and a policeman came and took them out. It did not seem an unpopular act of repression. Bundy began again, "The effort must be pushed in the maximum in the south. The job can be done." He repeated Johnson's promise that we will not withdraw, and sat down.

RYAN began to introduce GRUENING; he came to the citation, a Senate speech called "The United States Should Get Out of Vietnam," and suddenly the applause was twice as loud as any that had followed Bundy and people were standing up.

GRUENING was a small man behind a forest of microphones, with an old, strong and amiable voice.

"We say," the voice declared, "that we are doing what we are doing because other people could not be trusted. But we have violated three different treaties. * * * The bombing of North Vietnam is a wholly disastrous piece of folly which makes us absolutely disgraceful before the whole world * * * After 2 months of bombing, we are not better off than we were before. We should stop it and we should never have done it * * * After you've been bombing villages with napalm, it's going to be very difficult to persuade people that you're their friends."

The applause lasted more than a minute. Bundy would work on through an hour before an audience nasty in patches but in general politely disaffected. But the point is not that audience—the West Side may be thought of as exotic. It is rather ERNEST GRUENING and that conception of the national honor which he has the strength so matter of factly to express at a monent very like a time of war. We are arguing at last in public; and there are not any generations which have lived through an occasion as great as that quite simple thing.

Mr. MORSE. Mr. President, as a further foundation for my discussion of this question of personal privilege, and for the benefit of the warmonger spokesmen of the Johnson administration, including the Secretary of State and the Secretary of Defense, I ask unanimous consent that a speech that I made at a teach-in all-night seminar session at the University of Oregon last Friday night be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TO WHAT PURPOSE WAR IN ASIA?

(Remarks of Senator WAYNE MORSE, University of Oregon, Eugene, Oreg., April 23, 1965)

It is with both pleasure and pride that I accepted your invitation to speak on behalf of the faculty-student committee to stop the war in Vietnam. I am proud not only to be here, but I am proud that the University of Oregon is part of a great, swelling tide of opposition in this country to the war in Asia, and to the use of force which is rapidly becoming the monster that controls its maker instead of the other way around.

There is today a war in Asia that is as much the making of the United States as it is of any other country. And one cannot read the daily paper or listen to the presentations of administration officials in the confines of the Senate Foreign Relations Committee without realizing that the only plans of the American Government are plans for making it steadily bigger.

The whys and wherefores of this war are but vaguely known to the American people and even to the Congress. The contingencies being planned for are not known at all. The ways in which the bombing of the north are supposed to produce peace remain in the realm of pure mysticism.

Yet this week, Secretary of Defense McNamara, Ambassador Taylor, General Wheeler, General Westmoreland, Admiral Sharp, and other military commanders met in Hawaii to plan the further military steps by the United States within South Vietnam against North Vietnam. They take the form of the familiar prescription the Military Establishment has dished up for southeast Asia for the last 5 years—to increase the South Vietnamese forces from 575,000 to 735,000 men, to build up American ground combat forces to several divisions, and to intensify the bombing of military targets and supply routes from the north into the south.

It is to the great peril of the United States and the American people that it is in a military conference of military men in Hawaii that the foreign policy of this country is being made, a foreign policy that is leading the American people into the jaws of both China and Russia, while at the same time stripping us of friends and allies in all parts of the world.

Five years ago we were concerned about a civil war in Vietnam. So we threw American money, weapons, and prestige into that war in an effort to turn the tide in favor of the faction we preferred. Today, more than 30,000 U.S. troops are in the war, hundreds of American aircraft are attacking North Vietnam, and more of the same is being planned. From a civil war in South Vietnam, the conflict has seen North Vietnam brought directly into the battle, the setting up of Soviet antiaircraft missiles to ward off U.S. planes, and the preparation by China to send its armed forces into the fray.

All this has come about because the United States has preferred war to seeing itself proved wrong and mistaken in its support 10 years ago of Ngo Dinh Diem.

The takeover by the military of American policy in Asia is producing not one advantage for the United States. It is not strengthening freedom in Vietnam, north or south. It is not gaining friends, admirers, of allies in Asia for the United States. Yet if it is not to strengthen freedom and maintain strong allies in Asia, what in the world is our policy in Asia?

Why are we fighting? Why do we insist that South Vietnam must remain non-Communist (one cannot say "free" because it is not free)? Why do our advocates of more war in Vietnam believe the United States must fight the Vietcong itself if it is not for the notion that by so doing we are going to establish and maintain some kind of anti-Communist ring around China and North Vietnam?

The whole object of the war effort is to contain China and to keep the other nations of Asia from falling into her sphere. But the use of military means to reach that end is destroying the very end itself.

It is destroying it by driving into opposition the countries we claim we are saving.

There are in Asia six nations that in terms of area, population, industrial capacity, and resources must be regarded as major powers. They are the Soviet Union, China, India, Pakistan, Japan, and Indonesia. Of these, we are driving headlong into direct military conflict with two: China and the Soviet Union. In fact, our expansion of the war by bombing North Vietnam made that result inevitable, for it compelled both those Communist countries to compete with each other in the race to come to the aid of North Vietnam.

So when the Soviet Union announced that many volunteers desired to go to North Vietnam, and offered its antiaircraft missiles, with Russian technicians to man them, China upped the stakes by announcing its preparations to send the Chinese Army into the fray, not as volunteers, but in defense of a country on its borders that was under attack.

Nearly all the assessments offered to date by our American spokesmen have sought to allay fears that the war in Vietnam would drive China and Russia back together. Time and again, questioning Members of Congress have been told that such a result was not considered likely, because Russia is too anxious to concentrate her attention and resources on improving the living standards of her own people.

But what is at stake for Russia and China is the leadership of the Communist world. Neither can afford to allow a sister Communist state, especially a small one, to be shot up like a fish in a barrel by the United States without coming to her aid in one form or another.

It is not a question of whether China and Russia are going to become warm international bedfellows. But it is a question of whether they are going to put men and weapons into North Vietnam that will mean a major war with the United States, and that is exactly what both are preparing to do.

Where do we stand with the other great powers of Asia? How about Pakistan and India?

Because Pakistan has persistently criticized the U.S. war effort in Vietnam, and expressed a certain degree of sympathy and support for China in recent years, a planned visit to this country by its President Ayub was postponed at our request. And in order to even up things between Pakistan and her archenemy, India, we asked Prime Minister Shastri to postpone his visit, too.

Mr. Shastri promptly announced he was canceling his visit to Washington, though he would come to Canada, and to Moscow. Next June we will witness the spectacle of a Prime Minister on the receiving end of close to half a billion in American aid each year visiting Canada, from where he receives next to nothing, but passing up the United States because our relations are too strained. That, incidentally, tells you a lot about our foreign aid program, as well as our policy in Asia.

The reaction to Washington's postponement of the visits has not only been violent, but has served to strengthen both Pakistan and India in their objections to U.S. intervention in Asia. Mr. Shastri, for example, repeated his demand that the United States halt its air attacks on North Vietnam, a statement widely hailed in India as one that stands up to President Johnson and what Indian papers are calling his bullying diplomacy. For the first time in his career, Mr. Shastri has all political factions in India firmly united behind him in his response to the clumsy attempt to whip India into line along with Pakistan on the question of the war in Vietnam.

In Pakistan, we read that the toll of U.S. dead in Vietnam does not alter the image of the struggle there as one with racial overtones in which the United States is seen as insensitive to the military devastation of an Asian country. Memories of Hiroshima are being evoked, and the government-controlled Pakistani newspapers are pointedly asking whether the United States would be risking its present bombing strategy in any European country. A leading newspaper, Dawn, observes that it is "painful to see how little Americans know of the heart of Asia, where they want to act as perpetual policemen to 'protect' Asians against Asians. Should large-scale war flare up in Vietnam," it continues, "Asia will emerge in ruins and the very prospect which the West today dreads so much—the rise of communism—will then become a certainty."

A fifth leading nation of the area is Indonesia. In a recent television interview, President Sukarno responded to a question about Communist aggression in Vietnam with an insulting question of his own: "What Communist aggression?" On Wednesday we learn that Indonesia intends to be counted in on any Asian side against the United States, because that is the meaning of its announcement that thousands of volunteers are appearing at government offices to go to the defense of North Vietnam.

The only major Asian power that gives so much as lip service to the American war effort is Japan. Yet her people are so opposed to that war that the Japanese Prime Minister Sato sent his own personal representative to tour the area and to make his own assessment of the effectiveness and future of our policy. His report to Sato was all against us.

He found that probably 30 percent of the Vietcong were Communists, that the Vietcong cannot be considered as controlled by either Hanoi or Peiping, and that the United States was greatly mistaken in thinking that military force would solve matters. It may be some time before Japan officially changes its position but its repeated statements to China that Japan and China have no great conflicts between them is a hint of what is to come.

The war hawks and their newspaper mouthpieces will tell you that we must stop concerning ourselves with what other countries think, and do what we think is right in Asia. But everything they want us to do there is supposed to be for the benefit not of the United States, but of India, Pakistan, Japan, Indonesia, and the smaller countries of the area to save them from communism. Why it it, then, that they do not appreciate that we know better what is right for them than they do?

I suggest that the editorial I have quoted from Dawn tells our military leadership in the Pentagon something that they apparently will never figure out for themselves; namely, that the great advances made by communism have been made in the ruins of war. The destruction and desolation of military force can kill a lot of Communists. But it also makes Communists where none existed before. And it produces the disruption and breakdown of society which is the great opportunity that communism seizes.

There is nothing wrong with President Johnson's offer of April 7 to help develop the Mekong River Valley. But what is wrong with the speech he made on that occasion is that he revealed no plans for ending the war which is making development impossible anywhere in southeast Asia. And within 2 weeks, his military high command was meeting in Hawaii to plan the next escalation of the action.

I ask you, as I have asked administration officials as they have come before the Senate Foreign Relations Committee: Can you tell me how carrying the war to the north is going to bring an end to the war?

And the answer is the one we hear week after week from our Secretary of State, by way of his chant about making China and North Vietnam leave their neighbors alone. To go 8,000 miles away—alone—to make someone else leave their neighbors alone is perhaps the most hypocritical assumption of the role of international policeman that any nation ever claimed for itself.

It is not going to defeat the Vietcong. It is going to have no other result than to bring China and Russia, as well as the United States, into the war.

Why, indeed, should North Vietnam stop whatever it is that she is doing that Secretary Rusk cannot describe but what he assures us North Vietnam knows—when it has been our own position that we would not quit the war while we were losing? Do we think North Vietnam will cry "surrender" and ask for negotiations when we would not under the same circumstances? Do we think that North Vietnam will do as we say but not as we did, which was to escalate the war in order to put ourselves in a stronger bargaining position?

The returns are coming in on all these assumptions and they spell not peace on American terms but bigger and more terrible war.

I do not suggest that at any point has North Vietnam been innocent of illegal action under the Geneva agreement. Nor do I doubt that in recent months and perhaps in recent years, the Vietcong movement has received considerable advice and support from North Vietnam. But violations by one side do not excuse violations by the other. Terrorist methods employed by one side have been matched by terrorism employed by the other. The United States had the clear duty and obligation under international law to petition the United Nations for redress of North Vietnam's violation of the Geneva agreement. Why didn't we? History for generations to come will continue to ask the United States that question. It will also continue to find us of having been guilty of substituting the jungle law of military might for our often professed ideal of the rule of law through international agreement in cases of threats to the peace of the world. In southeast Asia we have walked out on our ideals and joined the Communists in becoming a threat to the peace of the world.

Each escalation by the United States has resulted in a responding escalation within South Vietnam, and we are now at the point where the next escalation could well result in a direct response from Hanoi. Each violation and retaliation has served to worsen and not to improve the American position.

What I am saying is that our reliance upon wealth and military power to bring about a prowestern government in South Vietnam has been a failure. It does not matter that our designs upon that country are not the same as were the French designs. Our methods are much the same, and they are failing every bit as surely as did the French methods.

If we do not seek traditional colonial objectives, we do seek in Vietnam the nationalist objective of American military security as we see it. We have already demonstrated that far from seeking the free political choice for the people of Vietnam we do not intend to let them choose anything contrary to American interests. We have let Vietnam and the entire world know that the United States considers South Vietnam as something to be lost or held by the United States, and we will kill as many of its people and destroy as much of its property as is necessary to hold it.

Our success with that objective is going to be all downhill, just as it has been downhill for 10 years. We could not cope with rebellion within the south and now we cannot cope with assistance to it from the north. We have thrown our 7th Fleet, hundreds of aircraft, and thousands of U.S. troops into the battle without success and we have not yet encountered the Army of North Vietnam, much less that of China.

Our raids on North Vietnam have been illegal under the United Nations Charter. And they have failed in their purpose of making the Vietcong give up. One thing they have done has been to alienate the major countries of Asia and to cause serious alarm among the countries of Western Europe.

Our real problem in Vietnam is that we cannot control the situation by the means we know best—money and military force. We cannot control it because we want the area to remain pro-Western and to serve as a bulwark against Chinese expansion. Those are not realistic nor realizable objectives in the middle of the 20th century. We never will have peace in Asia on those terms.

But we can have a peace in Asia when control of Indochina is removed from the ideological conflict between this country and China. To do that will require international supervision and self-determination for Vietnam. To return to the Geneva accord offers some hope for ending the war. But it would require a return to the accord by the United States and South Vietnam, too. In the end I expect that we will settle for just that, but in the meantime we and the world may pass through a trial of bloodshed before we find out that American fortunes in Asia are no more achievable than were French, British, and Dutch fortunes before us.

Neither the United States nor North Vietnam now has much chance to settle this terrible war by bilateral negotiations. It has gone too far. It is going much further if a third force consisting of the nations of the world who are not now involved in the fighting is not brought to bear on this Asian crisis. That is why many of us who are urging a negotiated settlement with honor and security for all participants have recommended a formal presentation of the threat to world peace created by the war to the procedures of the United Nations.

Unless the nonparticipating nations come forward and live up to their clear obligations under international law, they are not likely to be nonparticipants much longer. Mankind can very well be on the brink of a third world war. Procedures of international law created by existing treaties do provide for the convening of an international peace conference on the crisis. I ask Great Britain, Canada, Japan, France, Russia, Italy, Belgium, Australia, New Zealand—yes, I ask all nations who profess that they want world peace—when, oh when, are you going to keep your obligations solemnly assumed by your signatures to existing treaties which provide for peaceful procedures for settling threats to peace? Is it your answer that they may not work? Then what is your alternative? War? The time has come for 85, 90, 95 and more nations to say to the United States and South Vietnam on the one hand and the Communist nations on the other who are jointly threatening the peace of the world: "We beg you to cease your fire and come to an International Conference Table."

Oh, I know the specter of Munich is immediately raised, and we are reminded that we could not do business with Hitler and it is better to fight now than later. But in all these comparisons with the years that led up to World War II, I never yet have heard anyone argue that the United States should, in 1938, have acted alone to send troops to Czechoslovakia to fight Germany. What the "Munich" criers have in mind for Munich is not that the negotiation should never have been held, but that a concert of nations should have acted together to serve notice and to take steps to stop further aggression. And that is what I am urging that we do in Vietnam.

The United States can accomplish nothing on the mainland of Asia so long as we are acting alone and in isolation from the large free nations of the area. To do so can mean nothing but perpetual war. Our present policy is not saving Asia from war or from communism, either, yet it compels our friends to choose between one or the other. That is not an acceptable alternative to the people of Asia or of the United States, and I am satisfied that we have much more to offer by way of leadership if we apply President Johnson's admonition to "Come, and reason together."

Mr. MORSE. Mr. President, as a further foundation for my discussion of the question of personal privilege I intend to raise, I ask unanimous consent that a selection of other lectures I have given on university campuses in opposition to the U.S. outlawry in South Vietnam be printed at this point in the RECORD.

There being no objection, the lectures were ordered to be printed in the RECORD, as follows:

Remarks of Senator Wayne Morse at Mock United Nations Assembly, Ohio University, Athens, Ohio, April 10, 1965

The United Nations Charter was drafted in the closing days of World War II with one essential purpose in mind: to save succeeding generations from the scourge of war.

Twenty years later the nation most vitally interested and most energetic in creating and maintaining that organization is carrying on a war just as though the United Nations and its peacekeeping machinery did not exist. Like so many great powers before us, the United States has found that it is more convenient, more expedient, to ignore the procedures of international law and world organization when it considers its national interests threatened.

In his speech of Wednesday, President Johnson invoked the blessings of the United Nations and its Secretary General only to pick up the pieces of a war-wracked country, and then only after the combatants have decided to let the war end, if they should ever so decide.

What a mockery of the United Nations. What a shameful use of the U.N. and its Secretary General. What an admission that to the United States the U.N. Charter is nought but a scrap of paper to be invoked when it suits our purpose and to be ignored when it does not.

Our flouting of the U.N. Charter is going to lead the United States into a war in Asia that we cannot finish. Probably the Vietcong, the Chinese, and the Russians will not be able to finish it, either. But the fighting will cost many thousands more lives, perhaps millions, and the cost is incalculable. In fact, we know the administration cannot calculate the cost because it is seeking a provision in the current foreign aid bill that would give it unlimited, or what we call "open ended" authorization of funds for the war in Vietnam. So far, the Senate Foreign Relations Committee has resisted this request in the hope of keeping at least a formal review power over the course of the war.

A second disaster, less costly in the immediate prospect but with frightening implications, will be the loss of our claim to leadership on behalf of morality and respect for law in world affairs. We have already lost the ability to call to account such countries as Indonesia for its aggressions against Malaysia, Greece, and Turkey for their threatening gestures over Cyprus, and Nasser for his participation in the civil war in the Yemen. As recently as April 6 of 1964, the U.S. Ambassador at the U.N. was able to present the American position on Yemen in these words: "My Government has repeatedly expressed its emphatic disapproval of provocative acts and retaliatory raids wherever they occur and by whomever committed. We believe that we all join in expressing our disapproval of the use of force by either side as a means of solving disputes, a principle which has been enshrined in the U.N. Charter."

When Nasser found it expedient to bomb a source of aid flowing to the royalist government in Yemen, and began air raids on Saudi Arabia, the United States joined in sending a U.N. force to the scene which operated long enough to end the air raids.

But in Vietnam, the U.N. Charter has been as thoroughly violated by the United States as by any country anywhere. And for the American people, the greatest tragedy of all is that the departure from the charter leads down a dark and violent road of which no man can see the end.

GOVERNING PROVISIONS OF U.N. CHARTER

The specific provisions of the charter that should guide our policy in Asia, as elsewhere, are these:

"Article 2, section 4: All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

Other charter provisions are specific as to the duty of nations when they find themselves involved in a dispute. Article 33 states:

"SECTION 1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

Note that the sentence says "shall."

For 4 years, the United States has been participating in the fighting in South Vietnam in disregard of that provision, and for 2 months we bombed North Vietnam in violation of that provision.

On Wednesday of this week, the President for the first time used the words "unconditional discussions." He did not, however, suggest them or call for them, or invite anyone to such discussions. He said only we "remain ready" for them. This presumes that someone else will organize them, set them up, and invite us to take part. Who, where, when, and how are not mentioned.

Meantime, it is clear that the war will continue unabated.

That puts us in violation of article 37 which states:

"Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council."

These provisions do not relate only to members of the organization. They relate to "parties to a dispute." Other sections of the charter make provision for jurisdiction over parties who are not U.N. members. Our contention that because North and South Vietnam and China are not U.N. members makes these obligations inoperative is utterly untrue.

It is commonly said both in and out of government that the U.N. is a waste of time and that the Communists understand nothing but force. However, the line continues, at some future date we may find it in our interest to go to the U.N.

This supposedly sophisticated argument ignores several points.

First, it may not be left to us to decide whether and when the Vietnam war should go to that body. Article 34 provides: "The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."

The Security Council is self-starting in such matters.

Second, article 35 provides: "Any member of the United Nations may bring any dispute, or any situation of the nature referred to in article 34 to the attention of the Security Council or of the General Assembly."

This means that if we wait for another country to invoke article 35, we can be sure it will not be in terms and under conditions most favorable to us.

Our present argument against going to the U.N. is purely one of international power politics, and an unrealistic one at that. It contends that because neither North Vietnam nor Red China is in the U.N., the Soviet Union will become the spokesman for the rebel Vietcong, thus driving Russia into closer collaboration with China, North Vietnam, and the Vietcong.

But it is our bombing that is doing that. It is the air raids on the north that are forcing the Soviet Union to involve itself directly in the war by sending air defense missiles to Hanoi, to be manned initially at least, by the Russians. The longer the war continues and the more it is escalated to destroy North Vietnam, the more Russia and China are going to try to outdo each other in coming to the aid of North Vietnam.

The longer this struggle goes on, the more unified the Communist camp is going to be, and the more isolated the United States is going to be. That is the real fruit of our war policy and the most dangerous for the American people.

UNITED STATES ISOLATED IN ASIA

The Southeast Asia Treaty Organization was established in 1955 to permit concerted action to maintain peace in that part of the world. It got off to a bad start when the major Asian countries declined to take part. India, Japan, and Indonesia, in particular, are notable for their absence from SEATO. And in recent years, Pakistan, the only significant local member, has increasingly neutralized itself in all cold war matters. Of the eight members only two small Asian countries, Thailand and the Philippines, can be viewed as active participants. Australia and New Zealand are Asian, but they are white, and therein lies our essential difficulty.

Only Australia, of all SEATO members, has contributed to the Vietnam war with active participants, and these number only about 160 men. Small Filipino and South Korean units are noncombatant. While Thailand has urged us on in Vietnam, there are no Thais doing any fighting there, nor are there any British, New Zealand, French, or Pakistani forces.

That is how our SEATO allies feel about fighting in Vietnam.

Although India is the one country of Asia most threatened by China, even India has no desire to see a war break out, because in conditions of war between the United States and China, nuclear weapons will be used. Moreover, India knows that in war, nations lose control of events and are controlled by the exigencies of the war more than the other way around.

Prime Minister Shastri of India continues to urge us to seek a negotiated settlement.

Even more indicative of our failure to convince even our friends of the rightness of our policy has been the action of Japan in sending a senior diplomat to southeast Asia to make his own assessment of the war and of American policy. Prime Minister Sato sent his personal emissary after Japanese press and public opinion failed completely to endorse the American military action.

And his report has been that less than 30 percent of the Vietcong are Communist, that the Vietcong has not been shown to be controlled by Communist China or the Soviet Union or by North Vietnam, and that the United States was greatly mistaken in thinking that military force would solve the matter.

Perhaps some improvement in the reception by these countries of our actions in Vietnam will result from the President's speech. But when no change results, when the raids on the north are increased to include civilian targets, as they will be, then the United States is going to find itself openly opposed throughout Asia.

The President's speech is being described as the carrot that goes with the stick, the offer, and the promise to go with the use of force. Presumably, the air raids on the north were designed to force North Vietnam to a conference table more or less on our terms.

Now, so the argument goes, we can say that we have offered to negotiate a peace and if the offer is not accepted, it is the fault of someone else, not the United States.

Yet 2 months ago, when the air raids on the north began, American voices were saying that we had to step up our military activity so that we could bargain at the conference table from a position of strength. How often that phrase has been thrown out in Washington in the last few months. But I have never heard any explanation of why it is a policy that only our side could or should adopt.

Is anyone going to say now that North Vietnam should not undertake any negotiations from a position of weakness, but should increase her own military activity so that when any negotiations do begin, she can bargain from a position of strength?

I heard nothing in the President's speech that suggests to me he has any negotiations in mind at all. There was a lot of lipservice paid to the theory of peace, grandiose utopian verbiage was plentiful, and the dollar sign was liberally displayed, apparently in hopes of quieting the criticism from abroad. But there was no language that suggested that the United States is going to return to the rule of law in southeast Asia or that we are actively seeking a peaceful solution to its problems. There was no word that the United States plans henceforth to observe either the United Nations Charter or the Geneva agreement of 1954.

All I heard in the President's speech was that the United States is going to continue shooting fish in the barrel until they are all dead.

In short, what the President did not say was far more meaningful and significant than what he did say. He did not mention the peace-keeping functions and duties of the United Nations, nor the obligations of the United States under the United Nations Charter. He did not mention that South Vietnam refused to hold the elections of 1956 which were supposed to reunite Vietnam under one government. The most meaningful negotiations that could be held with the North are those that were supposed to have taken place in 1956 to decide the details of a countrywide election.

When are we going to conduct those negotiations? The President is quite wrong in thinking that he can call upon others to observe the 1954 agreement while at the same time he insists that South Vietnam must be guaranteed as an independent nation. The 1954 agreement did not create a sovereign South Vietnam. It created one Vietnam, divided into two zones, to be reunited within 2 years by elections supervised by the International Control Commission. If the President wants an independent South Vietnam, he must negotiate a new agreement. If he wants the old agreement observed, then he must go ahead with the reuniting of Vietnam under one government. But we cannot have it both ways unless we are expecting only to use this line as an excuse for war, and that is how we have been using it for 10 years.

Most of all do I regret the reference the President made to the United Nations and its Secretary General. Clearly, the President sought to invoke the sanctity of the United Nations while at the same time repudiating its most vital function—that of keeping the peace. I say to the President that U Thant could use the prestige of his office, and his deep knowledge of Asia, to initiate peace talks. The good offices of the Secretary General are infinitely more meaningful to peace than they are to the presiding over of a billion-dollar development program. Surely the President well knows that peace must come to that area before any kind of development plan can succeed.

When are we going to make use of the United Nations and of the Secretary General for the one purpose they were created to serve—to save mankind from the scourge of war?

Unfortunately, the American policy in Asia is not saving mankind from war nor from communism, either. And I fear that to continue the war, as we have been doing, is going to help communism make even more gains in Asia, because our policy tells the people of Asia that we would rather see them dead than see them live under Communist control. We are fast killing them. The Pentagon keeps records of how many civilians in the South are killed by Vietcong terrorists, but it says it has no record of how many civilians in the South are being killed by napalm and the other weapons of war being used by American and government forces. But the people know. And if our raids on the North bring down upon South Vietnam the organized force of the North Vietnamese army, all of southeast Asia will be swallowed up in a war for which this country must assume major responsibility, and which we will have to fight alone.

U.S. FOREIGN POLICY IN SOUTHEAST ASIA

(Remarks of Senator WAYNE MORSE, Johns Hopkins University, Baltimore, Md., Mar. 15, 1965)

Last summer and fall, many voices were raised by American politicians and by the political generals of South Vietnam to "go north." The war in South Vietnam was being lost. Gen. Nguyen Khanh, one of the passing parade of Vietnamese leaders, was anxious that the losses in the south be covered by expansion of the war into North Vietnam by the United States. A presidential campaign was being conducted in the United States almost entirely on the issue of who was placing his faith in military power to solve all our problems and who was not.

On September 28, 1964, at Manchester, N.H., President Lyndon Johnson said of all this:

"So just for the moment I have not thought that we were ready for American boys to do the fighting for Asian boys. What I have been trying to do, with the situation that I found, was to get the boys in Vietnam to do their own fighting with our advice and with our equipment. That is the course we are following. So we are not going north and drop bombs at this stage of the game, and we are not going south and run out and leave it for the Communists to take over. We have lost 190 American lives, and to each one of those 190 families this is a major war. We lost that many in Texas on the Fourth of July in wrecks. But I often wake up in the night and think about how many I could lose if I made a misstep. When we retaliated in the Tonkin Gulf, we dropped bombs on their nests where they had their PT boats housed, and we dropped them within 35 miles of the Chinese border. I don't know what you would think if they started dropping them 35 miles from your border, but I think that that is something you have to take into consideration.

"So we are not going north and we are not going south; we are going to continue to try to get them to save their own freedom with their own men, with our leadership and our officer direction, and such equipment as we can furnish them. We think that losing 190 lives in the period that we have been out there is bad, but it is not like 190,000 that we might lose the first month if we escalated that war. So we are trying somehow to evolve a way, as we have in some other places, where the North Vietnamese and the Chinese Communists finally, after getting worn down, conclude that they will leave their neighbors alone, and if they do we will come home tomorrow."

Time after time, the spokesmen for the administration told the public and told congressional committees in private that what was going on in South Vietnam was essentially a civil war. The outside aid was put at somewhere between 10 and 20 percent of the rebels in numbers. Weapons were described as coming primarily from capture of government sources, with perhaps 10 percent brought in from outside South Vietnam.

For these reasons, it was maintained that there was little to be gained by bombing North Vietnam or even the trails leading through Laos into the South. How often did you hear it said that the battle had to be fought and won in South Vietnam?

Yet last month all these policy statements of why expansion of the war would serve no purpose were thrown out by the same people who had made them. Something called a white paper was published by the State Department to coincide with the change in policy. But this white paper did not afford any explanation or any reason or any justification of a change in policy.

What it did in fact was to confirm and verify what we have been told so many times: that somewhere between 10 and 20 percent of the number and about 10 percent of the weapons of the Vietcong rebels come from outside South Vietnam.

That is what the white paper confirms. That is all. It does not even claim that the war is any less a civil war than it ever was. It describes the weapons and it tells where they were found. It cites a grand total of 179 guns of all kinds, including pistols, that were captured from the Vietcong in 1962 and 1963 and which were manufactured in Communist countries. But we already know that some 10,000 weapons were lost by the government to the Vietcong in approximately the same period, and some 7,000 to 8,000 weapons were captured from them.

The white paper estimates that a maximum of 37,100 infiltrators entered South Vietnam from the north from 1959 through 1964. Yet with the known casualties and the estimated current guerrilla force, these men from the north still constitute at most 20 percent of the Vietcong. The confirmed infiltrators constitute only 12 percent.

Moreover, of the men captured and used as exhibits in the white paper, many were natives of the south. Seven were captured in 1962, eleven in 1963, and five in 1964.

In other words, everything in the white paper with the sole exception of the boat sunk on February 15 of this year was known to the administration last summer and last fall when the President said "we are not going north," and when both the Pentagon and the State Department insisted that no useful purpose would be served in the south by attacking the north.

And today it is still just as true as it was then that the Vietcong rebellion is essentially a South Vietnamese affair in personnel and weapons. The stories of the captured men were the same and were known in 1962 and 1963. The captured weapons were the same and were known in 1962 and 1963.

To put them in a white paper in March of 1965 and call them a justification for expanding the war now when they weren't before, is an insult to the intelligence of the entire world, not to mention the Americans. I suppose this is why five very able and prominent men in the intellectual world hired most of a page in the Washington Post March 12 to reprint a devastation of the white paper called "White Paper on Vietnam. What Does It Prove?" The men are Robert S. Browne, formerly a high ranking U.S. aid official in Cambodia and South Vietnam; Benjamin Cohen, once high in the councils of the Roosevelt administration and later the State Department; Lewis Mumford from the world of arts and letters; Hans Morgenthau, perhaps our most prominent political scientist in the field of international relations from the University of Chicago; and Dr. Bryant Wedge, Director of the Institute for the Study of National Behavior at Princeton.

The article these gentlemen sponsored first appeared in the New Republic and concludes: "The white paper fails to sustain its two major contentions, that there is large, militarily crucial infiltration of both men and material from Hanoi."

REASON FOR POLICY CHANGE

The white paper does prove one thing. It proves that the war we had been sustaining in South Vietnam, the effort to retain that area as a Western bastion, was a failure. The Taylor-McNamara program for Vietnam, announced on so many visits to that country by these men, was rapidly going down the drain. Despite aid running in the magnitude of $700 million a year, despite the presence of American military strength that began at 680 and rose steadily to 23,000, despite absolute control of the air including helicopters to rush troops to any troublespot, and despite military equipment of many kinds that were completely in violation of the Geneva agreement, our men in Saigon were losing.

More and more territory was being lost to the rebels, and the political turmoil in the capital reached the point where there was no government at all worthy of the name.

It became clear that something else had to be done. And to the men who have always believed in a military solution to everything, the answer was to increase our military activity.

So we began bombing targets in North Vietnam. Clearly, this was not done with the idea that it would have a direct effect upon the capacity of the rebels to fight in the south, because that contention had been thoroughly disposed of last year. The purpose of the bombing was ostensibly to inflict damage upon North Vietnam that could be called off in return for the Vietcong calling off their war in the south.

I do not doubt for a moment that President Johnson is sincere in his belief that this is a real possibility. But I am satisfied that there are many in the high office of the Pentagon and the State Department who know perfectly well that the only result of such a policy will be the steady expansion of the war throughout all the old colony of Indochina, the steady increase in the use of American air and naval power, and the steady funneling of more and more American troops into southeast Asia.

The white paper is the signal for a new war, because we could not win the one that was already going on.

The committing of 3,500 marines to ground combat is only the first installment of U.S. ground forces that will be needed. I am satisfied that what is behind our expansion of the war is a design to match our half million ground forces in Europe with half a million in Asia, to act as the trip-wire that would bring the full American nuclear power to bear upon China should she make any move to support local governments.

That is the direction we are now taking in Asia. It is the direction of singlehanded U.S. containment not only of China but of all political movements that seek to remove Western influences from southeast Asia. No longer do we propose to organize groupings of friendly countries to act in concert, such as the Southeast Asia Treaty Organization. No longer do we plan to seek the concerted action of our Western allies.

We are now committed to "going it alone" and putting American soldiers into Asia on whatever scale needed to carry out this objective.

The pretense that we are in South Vietnam to help the people win a fight for freedom has been entirely dropped. From now on, the war will be conducted by Americans, under American command, for American objectives. It is obvious that no internal political force within South Vietnam will be allowed to reach a position of power except with American approval. And it will be the strategic interests of the United States, as we see them, that will determine the course of the war.

I am satisfied that this in large part explains the President's anxiety about public debate, and his implied rebukes to Members of Congress who continue raising questions and objections to what we are doing. I am satisfied that the President understands the inherent fallacies in his presumption that we can bring the Vietcong to heel by bombing North Vietnam. He knows the American people will understand these fallacies, too, if there is any discussion in depth of Asian affairs. He surely recognizes that he is now dependent upon the good faith of both North Vietnam and China not to respond to our escalation of the war with an escalation of their own.

His announced policy requires North Vietnam to stop aiding the rebels, it requires the Vietcong to collapse as a result, and it requires stability to emerge in South Vietnam, all as a result of these bombings. The likelihood of any of these things happening is so remote that I do not wonder at the massive campaign with the press and Members of Congress to support what is being done without raising questions or objections.

The failure of this policy, too, will soon emerge. The New York Times already reports a frank recognition, in private, by administration officials that the bombings have not had any effect upon the war in the south and they are now considering what new force to bring to bear upon North Vietnam.

Presumably, this new force will take the form of bombing industrial targets further to the north, instead of military installations in the southern part of North Vietnam.

When that doesn't help, either, I expect that the next step will be the landing of thousands more ground combat troops to engage the rebels directly.

REACTION OF OTHER NATIONS KEY TO FUTURE

How much further this entanglement will go will depend, in my opinion, entirely upon the reaction of other nations. The easy acceptance by Prime Minister Wilson of the white paper excuse strengthens belief in the report he and the President have agreed to go along with whatever the other does in southeast Asia. British shipping in North Vietnam apparently will not be mentioned by the United States so long as Mr. Wilson does not object to our bombing of North Vietnam.

Ten years ago, it was the refusal of Britain to join us that kept us out of Indochina because President Eisenhower did not propose to get into a unilateral war there. But there were many other trouble spots 10 years ago, especially in Europe, that also restrained us from excessive unilateral entanglement in Asia. Today, tensions with the Soviet Union are sufficiently relaxed to encourage many of our policymakers to think we are free to fight in Asia without worrying too much about what Russia will do.

They are counting on Russia leaving us to tangle with North Vietnam and China while she remains quiescent not only in Asia but everywhere. They are also counting on Japan, India, the Philippines and the other nations of the area to remain silent spectators to a war in their midst. And they are counting on both North Vietnam and China to submit to American bombings without commiting their own major military force, which is manpower.

Any change from what is expected of them on the part of these countries could alter our own policy. We have already heard Pope Paul, the United Nations Secretary General, and now the World Council of Churches call upon us to negotiate our problems in Asia rather than make war over them. It is a sad fact to contemplate that the American people and the American Congress have abandoned their international responsibilities to a small handful of men in the executive branch of our Government. For the moment, at least, they have chosen to let the President deicde, and to make his choice not on the basis of full public debate and discussion but on advice from the same group of men whose advice on Vietnam for the last 4 years has been totally wrong.

I hope that this silence on the part of the American public and its Congress will not continue. If it does, that silence will be broken not by wisdom but by casualty lists. I understand that President Johnson is telling visitors that Bob Taft based his opposition to the Korean war on the failure of President Truman to keep leading Republicans advised of his actions. President Johnson presumably does not intend to make that mistake.

But I hope he is not deluding himself with the idea that the revulsion of the American people to the Korean war stemmed from Truman's failure to advise Bob Taft and other leading Members of Congress.

It is not a cozy visit to the White House that will head off disaster for a Democratic President. Only a sound policy can do that, and a sound policy must be one that protects and conserves American lives by limiting our vital interests to those that can reasonably be defended.

I do not suggest that South Vietnam is not of interest to us. But it is not the kind of vital interest that deserves to be protected by American blood. It is the kind of interest that should be the subject of discussion with other affected nations and there are many nations that are even more vitally affected there than we are.

That is why I continue to hope that the President will respond to U Thant's appeal for negotiations under United Nations auspices. And above all, I hope that the American people will bestir themselves to examine the implications of our present course in Asia, and make their voices heard in support of U Thant, Pope Paul, and the Council of Churches. Otherwise, we stand to awaken only when we are being drenched in blood and for an objective that is not shared by any of our allies or even by those nations in Asia whose really vital interests are at stake.

Mr. MORSE. Mr. President, I warn the American people that a propaganda drive has been started by spokesmen for the Johnson administration to interfere with one of their most precious, fundamental liberties and freedoms, namely, the right of freemen to criticize their government. That does not mean that those of us who criticize our Government in regard to this outlawry in Asia, as we see it, question the sincerity of the spokesmen for this administration. We question only their judgment. We also deplore the fact that they are not telling the American people the facts about the record and the policies of the United States in southeast Asia.

So I wish to refer briefly to a speech of propaganda delivered by the Secretary of State of the United States last Saturday night. I ask unanimous consent that that speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE DEAN RUSK, SECRETARY OF STATE, BEFORE THE AMERICAN SOCIETY OF INTERNATIONAL LAW, MAYFLOWER HOTEL, WASHINGTON, D.C., FRIDAY, APRIL 23, 1965

I

When this distinguished society was founded 59 years ago, the then Secretary of State, Elihu Root, became its first president. Within the passage of time, the Secretary of State has been elevated to a less demanding role, that of honorary president. Secretary Root himself not only establishd the precedent of becoming president while Secretary of State; he also superseded it by continuing to serve as your president for 18 years. The proceedings of the first meeting indicate that Secretary Root not only presided and delivered an address, but that he also selected the menu for the dinner.

The year 1907, when the first of the society's annual meetings was held, today appears to have been one of those moments in American history when we were concentrating upon building our American society, essentially untroubled by what took place beyond our borders. But the founders of this society realized that the United States could not remain aloof from the world. It is one of the achievements of this society that, from its inception, it has spread the realization that the United States cannot drop out of the community of nations—that international affairs are part of our national affairs.

Questions of war and peace occupied the society at its first meeting. Among the subjects discussed were the possibility of the immunity of private property from belligerent seizure upon the high seas and whether trade in contraband of war was unneutral. Limitations upon recourse to force then proposed were embryonic, as is illustrated by the fact one topic for discussion related to restrictions upon the use of armed force in the collection of contract obligations. The distance between those ideas and the restrictions upon recourse to armed force contained in the Charter of the United Nations is vast. It is to these charter restrictions—and their place in the practice and malpractice of states—that I shall address much of my remarks this evening.

II

Current U.S. policy arouses the criticism that it is at once too legal and too tough. Time was when the criticism of American concern with the legal element in international relations was that it led to softness—to a "legalistic-moralistic" approach to foreign affairs which conformed more to the ideal than to the real. Today, criticism of American attachment to the role of law is that it leads not to softness, but to severity. We are criticized not for sacrificing our national interests to international interests, but for endeavoring to impose the international interest upon other nations. We are criticized for acting as if the Charter of the United Nations means what it says. We are criticized for treating the statement of the law by the International Court of Justice as authoritative. We are criticized for taking collective security seriously.

This criticism is, I think, a sign of strength—of our strength, and of the strength of international law. It is a tribute to a blending of political purpose with legal ethic.

American foreign policy is at once principled and pragmatic. Its central objective is our national safety and well-being—to "secure the blessings of liberty to ourselves and our posterity." But we know we can no longer find security and well-being in defenses and policies which are confined to North America, or the Western Hemisphere, or the North Atlantic Community. This has become a very small planet. We have to be concerned with all of it—with all of its land, waters, atmosphere, and with surrounding space. We have a deep national interest in peace, the prevention of aggression, the faithful performance of agreements, the growth of international law. Our foreign policy is rooted in the profoundly practical realization that the purposes and principles of the United Nations Charter must animate the behavior of states, if mankind is to prosper or is even to survive. Or at least they must animate enough states with enough will and enough resources to see to it that ohers do not violate those rules with impunity.

The preamble and articles 1 and 2 of the charter set forth abiding purposes of American policy. This is not surprising, since we took the lead in drafting the charter—at a time when the biggest war in history was still raging and we and others were thinking deeply about its frightful costs and the ghastly mistakes and miscalculations which led to it.

The kind of world we seek is the kind set forth in the opening sections of the charter: a world community of independent states, each with the institutions of its own choice, but cooperating with one another to promote their mutual welfare, a world in which the use of force is effectively inhibited, a world of expanding human rights and well-being, a world of expanding international law, a world in which an agreement is a commitment and not just a tactic.

We believe that this is the sort of world a great majority of the governments of the world desire. We believe it is the sort of world man must achieve if he is not to perish. As I said on another occasion: "If once the rule of international law could be discussed with a certain condescension as a utopian ideal, today it becomes an elementary practical necessity. Pacta sunt servanda now becomes the basis for survival."

Unhappily a minority of governments is committed to different ideas of the conduct and organization of human affairs. They are dedicated to the promotion of the Communist world revolution. And their doctrine justifies any technique, any ruse, any deceit, which contributes to that end. They may differ as to tactics from time to time. And the two principal Communist powers are competitors for the leadership of the world Communist movement. But both are committed to the eventual communization of the entire world.

The overriding issue of our time is which concepts are to prevail: those set forth in the United Nations Charter or those proclaimed in the name of a world revolution.

III

The paramount commitment of the charter is article 2, paragraph 4, which reads: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

This comprehensive limitation went beyond the Covenant of the League of Nations. This more sweeping commitment sought to apply a bitter lesson of the interwar period—that the threat of use or force, whether or not called war, feeds on success. The indelible lesson of those years is that the time to stop aggression is at its very beginning.

The exceptions to the prohibitions on the use or threat of force were expressly set forth in the charter. The use of force is legal: as a collective measure by the United Nations, or as action by regional agencies in accordance with chapter VIII of the charter, or in individual or collective self-defense.

When article 2, paragraph 4 was written it was widely regarded as general international law, governing both members and nonmembers of the United Nations. And on the universal reach of the principle embodied in article 2, paragraph 4, wide agreement remains. Thus, last year, a United Nations Special Committee on Principles of International Law Concerning Friendly Relations and Cooperation Among States met in Mexico City. All shades of United Nations opinion were represented. The Committee's purpose was to study and possibly to elaborate certain of those principles. The Committee debated much and agreed on little. But on one point, it reached swift and unanimous agreement: that all states, and not only all members of the United Nations, are bound to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. Nonrecognition of the statehood of a political entity was held not to affect the international application of this cardinal rule of general international law.

But at this same meeting in Mexico City, Czechoslovakia, with the warm support of the Soviet Union and some other members, proposed formally another exemption from the limitations on use of force. Their proposal stated that: "The prohibition of the use of force shall not affect * * * self-defense of nations against colonial domination in the exercise of the right of self-determination."

The United States is all for self-defense. We are against colonial domination—we led the way in throwing it off. We have long favored self-determination, in practice as well as in words—indeed, we favor it for the entire world, including the peoples behind the Iron and Bamboo Curtains. But we could not accept the Czech proposal. And we were pleased that the Special Committee found the Czech proposal unacceptable.

The primary reason why we opposed that attempt to rewrite the charter—apart from the inadmissibility of rewriting the charter at all by such means—was that we knew the meaning behind the words. We knew that like so many statements from such sources, it used upside down language—that it would in effect authorize a state to wage war, to use force internationally, as long as it claimed it was doing so to liberate somebody from colonial domination. In short, the Czech resolution proposed to give to so-called wars on national liberation the same exemption from the limitation on the use of force which the charter accords to defense against aggression.

What is a war of national liberation? It is, in essence, any war which furthers the Communist world revolution—what, in broader terms, the Communists have long referred to as a just war. The term "war of national liberation" is used not only to denote armed insurrection by people still under colonial rule—there are not many of those left outside the Communist world. It is used to denote any effort led by Communists to overthrow by force any non-Communist government.

Thus the war in South Vietnam is called a war of national liberation. And those who would overthrow various other non-Communist governments in Asia, Africa, and Latin America are called the forces of national liberation.

Nobody in his right mind would deny that Venezuela is not only a truly independent nation but that it has a government chosen in a free election. But the leaders of the Communist insurgency in Venezuela are described as leaders of a fight for national liberation—not only by themselves and by Castro and the Chinese Communists, but by the Soviet Communists.

A recent editorial in Pravda spoke of the peoples of Latin America * * * marching firmly along the path of struggle for their national independence and said: "the upsurge of the national liberation movement in Latin American countries has been to a great extent a result of the activities of Communist parties." It added: "The Soviet people have regarded and still regard it as their sacred duty to give support to the peoples fighting for their independence. True to their international duty the Soviet people have been and will remain on the side of the Latin American patriots."

In Communist doctrine and practice, a non-Communist government may be labeled and denounced as "colonialist," "reactionary," or a "puppet," and any state so labeled by the Communists automatically becomes fair game * * * while Communist intervention by force in non-Communist states is justified as "self-defense" or part of the "struggle against colonial domination." "Self-determination" seems to mean that any Communist nation can determine by itself that any non-Communist state is a victim of colonialist domination and therefore a justifiable target for a war of "liberation."

As the risks of overt aggression, whether nuclear or with conventional forces, have become increasingly evident, the Communists have put increasing stress on the "war of national liberation." The Chinese Communists have been more militant in language and behavior than the Soviet Communists. But the Soviet Communist leadership also has consistently proclaimed its commitment in principle to support wars of national liberation. This commitment was reaffirmed as recently as Monday of this week by Mr. Kosygin.

International law does not restrict internal revolution within a state, or revolution against colonial authority. But international law does restrict what third powers may lawfully do in support of insurrection. It is these restrictions which are challenged by the doctrine, and violated by the practice, of "wars of liberation."

It is plain that acceptance of the doctrine of "wars of liberation" would amount to scuttling the modern international law of peace which the charter prescribes. And acceptance of the practice of "wars of liberation," as defined by the Communists, would mean the breakdown of peace itself.

IV

Vietnam presents a clear current case of the lawful versus the unlawful use of force. I would agree with General Giap and other Communists that it is a test case for "wars of national liberation." We intend to meet that test.

Were the insurgency in South Vietnam truly indigenous and self-sustained, international law would not be involved. But the fact is that it receives vital external support—in organization and direction, in training, in men, in weapons and other supplies. That external support is unlawful, for a double reason. First, it contravenes general international law, which the United Nations Charter here expresses. Second, it contravenes particular international law: The 1954 Geneva accords on Vietnam, and the 1962 Geneva agreements on Laos.

In resisting the aggression against it, the Republic of Vietnam is exercising its right of self-defense. It called upon us and other states for assistance. And in the exercise of the right of collective self-defense under the United Nations Charter, we and other nations are providing such assistance.

The American policy of assisting South Vietnam to maintain its freedom was inaugurated under President Eisenhower, and continued under Presidents Kennedy and Johnson. Our assistance has been increased because the aggression from the North has been augmented. Our assistance now encompasses the bombing of North Vietnam. The bombing is designed to interdict, as far as possible, and to inhibit, as far as may be necessary, continued aggression against the Republic of Vietnam.

When that aggression ceases, collective measures in defense against it will cease. As President Johnson has declared: "If that aggression is stopped, the people and government of South Vietnam will be free to settle their own future, and the need for supporting American military action there will end."

The fact that the demarcation line between North and South Vietnam was intended to be temporary does not make the assault on South Vietnam any less of an aggression. The demarcation lines between North and South Korea and between East and West Germany are temporary. But that did not make the North Korean invasion of South Korea a permissible use of force.

Let's not forget the salient features of the 1962 agreements of Laos. Laos was to be independent and neutral. All foreign troops, regular or irregular, and other military personnel were to be withdrawn within 75 days, except a limited number of French instructors as requested by the Lao Government. No arms were to be introduced into Laos except at the request of that Government. The signatories agreed to refrain "from all direct or indirect interference in the internal affairs" of Laos. They promised also not to use Lao territory to intervene in the internal affairs of other countries—a stipulation that plainly prohibited the passage of arms and men from North Vietnam to South Vietnam by way of Laos. An International Control Commission of three was to assure compliance with the agreements. And all the signatories promised to support a coalition government under Prince Souvanna Phouma.

What happened? The non-Communist elements complied. The Communists did not. At no time since that agreement was signed have either the Pathet Lao or the North Vietnam authorities complied with it. The North Vietnamese left several thousand troops there—the backbone of almost every Pathet Lao battalion. Use of the corridor through Laos to South Vietnam continued. And the Communists barred the areas under their control both to the Government of Laos and the International Control Commission.

To revert to Vietnam: I continue to hear and see nonsense about the nature of the struggle there. I sometimes wonder at the gullibility of educated men and the stubborn disregard of plain facts by men who are supposed to be helping our young to learn—especially to learn how to think.

Hanoi has never made a secret of its designs. It publicly proclaimed in 1960 a renewal of the assault on South Vietnam. Quite obviously its hopes of taking over South Vietnam from within had withered to close to zero—and the remarkable economic and social progress of South Vietnam contrasted, most disagreeably for the North Vietnamese Communists, with their own miserable economic performance.

The facts about the external involvement have been documented in white papers and other publications of the Department of State. The International Control Commission has held that there is evidence "beyond reasonable doubt" of North Vietnamese intervention.

There is no evidence that the Vietcong has any significant popular following in South Vietnam. It relies heavily on terror. Most of its reinforcements in recent months have been North Vietnamese from the North Vietnamese Army.

Let us be clear about what is involved today in southeast Asia. We are not involved with empty phrases or conceptions which ride upon the clouds. We are talking about the vital national interests of the United States in the peace of the Pacific. We are talking about the appetite for aggression—an appetite which grows upon feeding and which is proclaimed to be insatiable. We are talking about the safety of nations with whom we are allied—and the integrity of the American commitment to join in meeting attack. It is true that we also believe that every small state has a right to be unmolested by its neighbors even though it is within reach of a great power. It is true that we are committed to general principles of law and procedure which reject the idea that men and arms can be sent freely across frontiers to absorb a neighbor. But underlying the general principles is the harsh reality that our own security is threatened by those who would embark upon a course of aggression whose announced ultimate purpose is our own destruction. Once again we hear expressed the views which cost the men of my generation a terrible price in World War II. We are told that southeast Asia is far away—but so were Manchuria and Ethiopia. We are told that if we insist that someone stop shooting that that is asking them for unconditional surrender. We are told that perhaps the aggressor will be content with just one more bite. We are told that if we prove faithless on one commitment that perhaps others would believe us about other commitments in other places. We are told that if we stop resisting that perhaps the other side will have a change of heart. We were asked to stop hitting bridges and radar sites and ammunition depots without requiring that the other side stop its slaughter of thousands of civilians and its bombings of schools and hotels and hospitals and railways and buses.

Surely we have learned over the past three decades that the acceptance of aggression leads only to a sure catastrophe. Surely we have learned that the aggressor must face the consequences of his action and be saved from the frightful miscalculation that brings all to ruin. It is the purpose of law to guide men away from such events, to establish rules of conduct which are deeply rooted in the reality of experience.

V

Before closing, I should like to turn away from the immediate difficulties and dangers of the situation in southeast Asia and remind you of the dramatic progress that shapes and is being shaped by expanding international law.

A "common law of mankind"—to use the happy phrase of your distinguished colleague, Wilfred Jenks—is growing as the world shrinks, and as the vistas of space expand. This year is, by proclamation of the General Assembly, International Cooperation Year, a year "to direct attention to the common interests of mankind and to accelerate the joint efforts being undertaken to further them." Those common interests are enormous and intricate, and the joint efforts which further them are developing fast, although perhaps not fast enough.

In the 19th century, the United States attended an average of one international conference a year. Now we attend nearly 600 a year. We are party to 4,300 treaties and other international agreements in force. Three-fourths of these were signed in the last 25 years. Our interest in the observance of all of these treaties and agreements is profound, whether the issue is peace in Laos, or the payment of the United Nations assessments, or the allocation of radio frequencies, or the application of airline safeguards, or the control of illicit traffic in narcotics, or any other issue which states have chosen to regulate through the lawmaking process. The writing of international cooperation into international law is meaningful only if the law is obeyed—and only if the international institutions which administer and develop the law function in accordance with agreed procedures, until the procedures are changed.

Everything suggests that the rate of growth in international law—like the rate of change in almost every other field these days—is rising at a very steep angle.

In recent years the law of the sea has been developed and codified—but it first evolved in a leisurely fashion over the centuries. International agreements to regulate aerial navigation had to be worked out within the period of a couple of decades. Now, within the first few years of man's adventures in outer space, we are deeply involved in the creation of international institutions, regulations, and law to govern this effort.

Already the United Nations has developed a set of legal principles to govern the use of outer space and declared celestial bodies free from national appropriation.

Already nations, including the United States and the Soviet Union, have agreed not to orbit weapons of mass destruction in outer space.

Already the Legal Subcommittee of the United Nations Committee on Outer Space is formulating international agreements on liability for damage caused by the reentry of objects launched into outer space and on rescue and return of astronauts and space objects.

Already the first international sounding rocket range has been established in India and is being offered for United Nations sponsorship.

To make orderly space exploration possible at this stage, the International Telecommunications Union had to allocate radio frequencies for the purpose.

To take advantage of weather reporting and forecasting potential of observation satellites, married to computer technology, the World Meteorological Organization is creating a vast system of data acquisition, analysis, and distribution which depends entirely on international agreement, regulation, and standards.

And to start building a single global communications satellite system, we have created a novel international institution in which a private American corporation shares ownership with 45 governments.

This is but part of the story of how the pace of discovery and invention forces us to reach out for international agreement, to build international institutions, to do things in accordance with an expanding international and transnational law.

Phenomenal as the growth of treaty obligations is, the true innovation of 20th century international law lies more in the fact that we have nearly 80 international institutions which are capable of carrying out those obligations.

It is important that the processes and products of international cooperation be understood and appreciated; and it is important that their potential be much further developed. It is also important that the broader significance of the contributions of international cooperation to the solving of international problems of an economic, social, scientific, and humanitarian character not be overestimated. For all the progress of peace could be incinerated in war.

Thus the control force in international relations remains the paramount problem which confronts the diplomat and the lawyer—and the man in the street and the man in the ricefield. Most of mankind is not in an immediate position to grapple very directly with that problem, but the problem is no less crucial. The responsibility of those, in your profession and mine, who do grapple with it is the greater. I am happy to acknowledge that this society, in thinking and debating courageously and constructively about the conditions of peace, continues to make its unique contribution and to make it well.

Mr. MORSE. Mr. President, it is perfectly obvious what the Secretary of State would like to see. It is perfectly obvious what other spokesmen for this administration, whose statements I shall comment upon shortly, would like to see. They would like to see us go silent. They would like to see the critics of the Johnson administration policy in Asia go silent. But let me say to the Johnson administration that no matter how many attacks they make on the senior Senator from Oregon, no matter how many attacks of the likes of the propaganda that was issued this morning by a spokesman for this administration, my lips will not be closed. I intend to continue to carry to the American people what I honestly believe to be the facts about the wrong policy of the Johnson administration in making war in Asia on a unilateral basis, completely outside the framework of international law, and in violation of one treaty after another to which the signature of the United States is affixed. I tell the American people today, as I said in Eugene, Oreg., last Friday night, that if the Johnson administration continues its present warmaking policy in Asia, the probabilities are that 12 months from now there will be several hundred thousand boys fighting and dying in Asia. That is my conviction.

As a member of the Committee on Foreign Relations, I, too, have sat through briefings. On the basis of those briefings, I see no other result than an all-out massive war in Asia. That war will kill hundreds of thousands of American boys. The time to stop that war is now. It can be stopped honorably if the administration will face up to the ugly realities that confront the world. It can be stopped now if our allies, who are giving us all words of encouragement but none of the men to join in doing the dying in Asia, will live up to the signatures on treaties that they signed. I mean specifically such countries as Canada, to the north, Great Britain, France, Italy, and our other NATO allies. I mean every nation that has affixed its signature to the Charter of the United Nations, because every nation that has affixed its signature to that charter and has not carried out its obligation to that charter by seeking to bring the procedures of the charter into effect to try to stop the war in Asia, to preserve the peace of the world, is violating its international treaty obligations.

It is very interesting to read the statement of the Secretary of State in a shocking speech last Saturday night. Apparently the speech is a part of the effort of this administration to drive criticism of its policies underground, because it charges that some of those who speak against the administration are appeasers, in some way, aiding and abetting Communists.

I say to McNamara and to Rusk, I say to President Johnson: "Not a single one of you hates communism more than does the senior Senator from Oregon; but I completely disagree with your judgment as to how you believe the Communist threat can be handled. The Communist threat cannot be handled successfully with war. The Communist threat cannot be handled successfully with bombing. The Communist threat cannot be handled successfully by the United States setting itself up as a one-man policeman in an action to police the world against communism."

What rot, what absurdity, to think that this point of view would come to be given serious thought by the Government of the United States. It is beyond my power of comprehension.

To talk about the United States containing communism is the way to make Communists. Unilateral American military action in Asia is bound to create strength for communism.

But line up 85, 90, or 95 nations under the procedures of existing international law to keep the peace rather than to make war, and we will see a turn of events in human history that will once again return us to the road of peace and have us come back from the shocking road of war that we are now traveling.

We want to get used to this activity, I say to my associates in the Senate who have been criticizing the administration for its warmaking in Asia. We want to get used to the kind of language that will be used by our detractors and will be used, apparently, by those who do not know us; for if they think their actions will drive us underground, they could not be more wrong. We read such tommyrot as this:

> Modern-day appeasers and isolationists are making our task difficult. Every day they make speeches and engage in some sort of irresponsible student rally.
>
> The Communists are led to believe that we will surrender all of Asia to them without a nuclear showdown if they will just keep up the pressure.
>
> So long as our enemies suspect that this may be the case, they are going to pay an increasingly greater price to test our will.
>
> Therefore I have no doubt that our losses in Vietnam will increase so long as anyone suspects that the handful of Senators and Congressmen and the bearded beatniks—

I have only a mustache—

> with the peace-at-any-price placards represent anything more than a small, poorly regarded fragment of American thinking.

That is the kind of smear tactic we can expect, I say to the Senator from Alaska [Mr. GRUENING]. He has already received some. What the administration is worried about, in part—and I think I engage in an understatement when I say it—is that at least 80 percent of the academic world in this country are against the administration's policies in Vietnam, for the authorities, scholars, and students on Asia know that the Johnson administration is leading the country into a massive war that will kill hundreds of thousands of persons.

Do not forget that even ignorant, illiterate orientals are also children of God. I sat and listened to a briefing by a high spokesman of the Government who took pride in the fact that now, at long last, we have a ratio of killing that is about

4 to 1 ratio in our favor. What has happened to our spiritual values? What has happened to our professing about believing in God? If we do not watch out, the propagandists will soon be telling the people of the country that God is on our side, for usually when we get into this kind of war hysteria, it is interesting to note how quickly the advocates of killing associate God with their cause. That does not have any relationship to and is not a part of my religious faith. I merely say that, in my judgment, my country is following an immoral, godless policy in Vietnam, for this war, in my judgment, cannot be reconciled with spiritual values.

I shall continue to pray to my God for peace; not for war.

Mr. President, let me say to the Johnson administration that the war now is not only McNamara's war and Rusk's war; it is Johnson's war, as well. This administration has a solemn moral responsibility to stop the killing.

I say to the clergy of America: Let us hear from you. I want to hear the church bells of America ring, not toll. The church bells of America are going to toll and toll and toll as the coffins start coming back from Asia if the Johnson administration's war in Asia is not stopped.

I say to our allies: I want to hear from you. I want to hear our allies say, at long last, that they will have the courage to call the United States and the Communists to an accounting under the procedures of international law.

The attack by Rusk and the attacks by other spokesmen of the administration upon the academic fraternity of this country, at least 80 percent of whom repudiate the Johnson war in Asia, must be met.

I announce to the Secretary of State, "Mr. Secretary, I shall meet you anywhere, before as many university campus faculty meetings as you want to arrange. I shall discuss with you the McNamara-Rusk war in Asia."

I say to the academic world, "Meet them, for you have a great service to perform by bringing your authoritative knowledge to bear upon the great issue that the United States has now raised in threatening the peace and the future of mankind."

Says McNamara this morning, and I paraphrase him, "He does not think that Russia and Red China will come into the war." I say that he has been so irresponsibly wrong for so long that any prediction that McNamara makes about the future course of this war in Asia, in my judgment, should be discounted and completely discredited. He ought to have been removed as Secretary of Defense months ago, and the Secretary of State along with him.

We are confronted now with what I think is probably one of the most vital issues that has faced this Republic in all of its history. It is a vital issue that is very important to the security and future of this Republic. The many who are meeting on the campuses of America, seeking to exercise their precious right to petition this Government in opposition to a policy, have, in my judgment, every reason to have fear as far as the future of this Republic is concerned. I say to those academic leaders, "So many of you have asked me for so many months past, 'What can we do? We feel helpless.'" I say, "You can now rise up in campus after campus, in city after city, in community after community, and tell the country your answers to the propaganda of this administration's seeking to lull the population of this Nation into the false assumption that we are justified in increasing the rate of this war."

McNamara said this morning that he did not think that Russia and China would come into the war. My rhetorical question to that statement is: "Mr. Secretary, suppose they do?" I happen to think that our course of action and the plans for escalating this war that Rusk, McNamara, and Taylor intend to implement leave China and Russia no other course than to come into this war.

When they escalate those plans and those nuclear installations of China are destroyed—and the preventive war crowd in the Pentagon Building, in my judgment, are bent on destroying them—the massive war in Asia is on. World War III will then be over the brink, into which war we will tumble hundreds of thousands of American boys. It must be stopped. The only place to stop it is here in the United States, by the American people making it perfectly clear to the Johnson administration that they want a change from warmaking in Asia to the United States joining with other nations in peace keeping in Asia.

What makes anyone think that Red China, North Vietnam, and the Vietcong are going to come to any conference table called by the United States, no matter how nice sounding the semantics of unconditional discussion? Of course, we ought to have unconditional discussion. I applaud the President for his enunciation of the concept. It has to be implemented. It cannot be implemented by the United States. It must be implemented by others.

That is why our country ought to do now what it should have done 2 years ago. In fact, we never should have violated the Geneva accords as we have been violating them from the very beginning. We should have insisted that this whole matter be laid before the nations of the world for a peaceful solution.

Mr. President, it is with great sadness in my heart that I speak out strenuously against my Government. But this is not the last time, may I tell you, Mr. President, Mr. Rusk, and Mr. McNamara. I say, "If you continue with this kind of propaganda, starting with the Rusk unfortunate speech of Saturday night, the Senator from Oregon and the Senator from Alaska will not be alone. An increasing number of people across this country must speak out and will."

Let me say to these academic leaders and authorities in regard to Asia—who, in my judgment, were so unjustifiably attacked by innuendo, implication, and direct language by the Secretary of State last Saturday night, and by some of the spokesmen of this administration this morning—that those attacks will and must be answered.

Therefore, I do not welcome this controversy. But I am ready to meet the challenge. I am ready to meet the Secretary of State across the land before the very people he criticized last Saturday night, and let the facts be the judge. Let the facts speak for themselves.

What this means, of course, Mr. Secretary of State and Mr. Secretary of Defense, is that we will start telling all the facts to the American people, for the concealment from the American people of many things that are going on in southeast Asia and their rewriting of history after the fact are a betrayal of the trust of the office of Secretary of State and Secretary of Defense, and also a betrayal of the American people themselves.

Let the Defense Establishment and the State Department tell the American people the facts about the innumerable times that the Geneva Treaty on war prisoners has been violated not only by the Vietcong, but by the South Vietnamese, with their U.S. advisers standing by doing nothing while these atrocities go on.

I never expected to live long enough to read the accurate accounts of the atrocities committed against the Vietcong—of course, the atrocities have gone the other way, too, those of the Vietcong against the South Vietnamese—such as the United Press dispatch last Friday reported. How those stories ever got out of Vietnam is a matter of wonder, because, let the American people know, the Pentagon and the State Department are seeking to screen the information that is coming out of Vietnam. Some of our correspondents who have written have even been arrested by the American military in order to prevent them from having access to events so they can tell the American people about them.

Mr. President, what do you suppose Ernie Pyle would say if he could come back to earth? What do you suppose other fearless war correspondents would say? We have just as fearless and courageous war correspondents in Vietnam today. Many of them have been muzzled. They are not being allowed to tell the truth about the Johnson-Rusk-McNamara war.

The United Press dispatch told of a Vietcong prisoner with cloth wrapped around his neck, being subjected to a tug of war ordered on each end of that cloth while American military men stood by in silence. God forbid. God forbid. I know war is dirty. I know that when people become hysterical in combat, inhumanity to man is practiced. But the reports of these atrocities are too frequent to be alibied on the ground of temporary hysteria.

The sad fact is that the United States has not been doing its duty and standing up for the enforcement of the Geneva Treaty in regard to the handling of war prisoners. That inaction is not justified by pointing at the terror and viciousness of the Vietcong.

Mr. President, I wanted to make this statement as a matter of personal privilege, for I do not have to be hit on the head with a bat to know who is referred to in the vicious propaganda of the administration. I am well aware of the unhappiness I have caused for the Johnson administration because I have been speaking on an average of two to four times a week in opposition to my country's outlawry in Vietnam. But I intend to continue to do so, here and elsewhere.

I invite the Secretary of State to join me at meetings he selects, to meet with the academic group which he insulted Saturday night in his speech, and discuss there our points of view. But, Mr. Secretary, when you meet me on the platform, do not try to hide behind executive privilege. When we meet on the platform, do not give me the old line that you cannot tell me something because it might affect our security. Every time we ask for information to which we are entitled, the officials hide behind executive privilege. To you, the people, I say, "Demand of the Johnson administration that you be given all the information about the war in Asia."

I have stated before, and I repeat now, as an ardent supporter of the administration in most matters—probably 95 percent—that nothing could pain me more than to so completely disagree with the President in his foreign policy in Asia. But, as I have told him, I completely disagree with him.

I am satisfied that if he continues to follow the ill advice of McNamara and Rusk, he will come out of office the most discredited President in the history of this Nation.

No President can lead this Nation into a massive war in Asia, with all the consequences that will flow for many decades to come, and not go down in American history as totally discredited. This war is totally unnecessary.

We can bring economic freedoms, with resulting political freedoms, to the masses of Asia without killing them by the millions first. Our present course of action will kill Asians by the millions, and it will also kill Americans, by the hundreds of thousands.

Mr. President, several weeks ago I received a very interesting letter from Mr. and Mrs. Howard Kurtz, of Chappaqua, N.Y., outlining some of their ideas for the control of war. Mr. Kurtz is a management consultant and former Air Force lieutenant colonel. Mrs. Kurtz is an ordained minister of the United Church of Christ.

As Mr. and Mrs. Kurtz suggests, an administration that can make "war on poverty," might well give time and thought to making "war on war."

I ask unanimous consent to have printed in the RECORD the letter I received from them, together with a press interview which appeared in the Reporter-Dispatch of White Plains, N.Y., on March 3, 1965.

There being no objection, the letter and press release were ordered to be printed in the RECORD, as follows:

WAR CONTROL PLANNERS, INC.,
Chappaqua, N.Y., March 17, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Vietnam is proof of American strategic failure. We lose if the war escalates. We lose if we withdraw. We lose if we negotiate a truce, freeing the enemy to regather his force for yet another thrust.

We are fighting a war in a location chosen by the enemy, at a time chosen by the enemy, in terrain beneficial to the enemy, and fighting the kind of war which is to the advantage of the enemy. We play the enemy's game, in the enemy's ballpark, according to the enemy's rules, when and if the enemy wants to play.

Every attack we make turns more Asian people, and other people of the world against us. Every attack weakens the cohesion with allied people and nations. Every attack tends to reunite our Communist enemies. Every attack tends to tarnish our image of moral leadership before the world, to the advantage of the enemy. Our excuse, as always, is that the "Communists" have forced us to do these things. It is our confession of weakness for mankind to see, that the "Communists" have the power to force us to do the things we say we do not want to do * * * things which jeopardize our own national security.

Americans are being killed in Vietnam in a war being fought in a strategic vacuum.

The strategic problem: The people of all nations are endangered if Vietnam escalates into modern war. The people of all nations need protection, not threat of annihilation. The nation which assumes responsibility for world leadership will not be the nation brandishing the power to destroy all nations * * * nor will it be the nation which disarms and weakens leadership strength. The deepest instincts of self-preservation and national defense will move the people of all nations to follow the leadership of that great power which will dare develop and demonstrate war safety power to guarantee the national security and political independence of all nations.

The President and world leadership: The President can now issue directives to the Joint Chiefs of Staff and National Security Council to begin active planning, development, creation, and demonstration of global war safety control systems strong enough to protect Israel people from the Arabs * * * protect Arab people from the Israeli * * * protect European people from the Germans * * * protect German people from the Russians * * * protect Russian people from the Chinese * * * protect the people of all nations against threats of war or domination from any foreign source * * * strong enough to prevent production and proliferation of nuclear weapons, and other weapons, in all nations * * * strong enough to control production of war materiel, within an entirely new world security organization, or a vastly revised and strengthened United Nations, not world government.

This will be the most difficult and complex problem man has ever mobilized to solve. It will require a generation of creativity in military-technological-legal-economic-public opinion-political-moral fields. There is no precedent in military or political science, for an all-nation defense system. But man now has all of the necessary components within reach, if the effort is made, in addition to maintaining national defense power.

The first international war safety year * * * 1967? The President can project a future yearlong exhibition of man's emerging new power to inspect, detect, and forcefully prevent any preparations or actions of war, anywhere in the world between nations. International war safety games can be held on a world stage for mankind to witness. The President can invite all nations to participate, to assure themselves this is not a plan for the United States to dominate the world. No nation will be able to veto the war safety games. They will be held with whatever nations chose to cooperate, but all communications channels will be used to see that the people of all nations learn the facts of the developing future power to protect their nations, and all other nations from danger of war. There are thousands of "impossible" problems which can be solved, when if the great new initiative begins with strong congressional bipartisan support, and authorizations and budgets.

But who in the hierarchy of American power wants to remove the threat of war?

Profiting from national insecurity: For 4 years, highest military and civilian advisers have refused to bring this new strategic power opportunity to the attention of President Kennedy or President Johnson. There are no evil men involved. There are dangerous unconscious motivations. Each time Communist world power and threat leaps up to new magnitude, American public danger goes up; Americans defense industry capital gains and executive bonuses go up; nonprofit military think-factory budgets go up; engineering university research grants go up; subsidies for scientists go up; military responsibilities and promotions go up; the personal prosperity of the hierarchy of national security policy goes up.

In view of this barrier of self-interest, who will tell the American people and the President that we have within reach the power of safety—the power to bring the threat of war under control throughout the world?

Sincerely yours,

HOWARD G. KURTZ.
HARRIET B. KURTZ.

[From the Reporter Dispatch, White Plains, N.Y., Mar. 3, 1965]

CHAPPAQUA: PROFILE FOR A WEDNESDAY AFTERNOON—TECHNOLOGY, THEOLOGY JOIN FOR PEACE

(By Daniel Harrison)

CHAPPAQUA.—A remarkable couple has combined technology and theology with the aim of creating an "all-nation" defense system which would end the arms race and reduce international tension.

Over coffee in their book-lined living room at 150 South Bedford Road the other day, Mr. and Mrs. Howard G. Kurtz discussed war safety control, now nascent but hopefully "the next historic stage" in man's age-old quest for security.

Mr. Kurtz is a management consultant and a former Air Force lieutenant colonel. His wife, Harriet, was ordained a minister of the United Church of Christ at the First Congregational Church last November.

In essence, war safety control calls for a worldwide intelligence system manned by scientists to detect and evaluate rapid military buildups and the use of United Nations inspection teams to investigate potential danger areas.

It is not, according to Mr. Kurtz, the same as disarmament, but a "new kind of power" in many dimensions, "something new to break a generation-long crisis."

GLOBAL NETWORK

The system the couple envisions would create a global communications network feeding data into electronic computer centers' air traffic control centers, electronic auditing of highways and railways, television equipped satellites and sensory devices that would detect radioactivity and bacteria that might be used in warfare. The couple has produced a booklet and a film on their plan, and much of the material is quite technical and complex.

Once "war safety control" is established, Mr. and Mrs. Kurtz say, nations would begin to eliminate their most destructive weapons.

The system is an extraordinary blending of ethical and technical concerns. In addition to data on the laser and cybernetics, the booklet contains statements from, among others, religious leaders endorsing the concept. Prominent persons in various other fields such as Senator JACOB K. JAVITS and Elmo Roper have reacted favorably.

On the theological side, Reverend Kurtz believes too many clergymen have been silent on issues of war and peace because they have been caught between their desire for peace and their patriotic instincts. She believes that war safety control results in a convergence of interests in national security and in an ordered world.

SOLID ALTERNATIVE

Mr. Kurtz believes the system presents a solid alternative to the arms race and simple disarmament, both of which he believes to be "dangerous." He regards national and regional defense systems as demonstrably meaningless, just as the castle became a meaningless defense against artillery. Thus, in his mind, the only alternative to a conflagration is the all-nation security system.

The United States, the plan says, must take the lead. In order for this to take place, the couple believes, public opinion must be aroused in favor of war safety control, and this is the major aim of their initial efforts. The booklet and other literature have been widely distributed, although the organization which the couple has started, War Control Planners, Inc., has no general membership, no dues, no regular meetings, no set program.

"I guess hope keeps us going," Reverend Kurtz said, when asked how a couple can hope to combat what President Eisenhower called the military-industrial complex. Actually, Mr. and Mrs. Kurtz contend, the military would have certain functions under the plan, and skills now being employed toward the manufacture of arms would be used in the detection and control of arms.

INSPECTION DIFFERENCE

Mr. Kurtz notes that the difference between various inspection proposals made during the last decade and his plan is that no agreement from another nation is needed for war safety control to operate.

Reverend Kurtz, saying, "we refuse to believe this (the present world situation) is the way it will stay," notes that their plan will not change basic human instincts toward such things as power and covetousness but will remove the inordinate dimensions these instincts have assumed in the modern world. National envies and hostilities will be curbed, but the couple is quick to point out that national security won't be vitiated under the all-nation security plan. A diminution of "escalation' is the simple aim.

Among other factors needed to make the system work, the Kurtz' booklet notes, are a reevaluation and revamping of international law and the alleviation of economic woes that spur international friction. Specialists in the legal and economic fields, as well as in public opinion, will be needed for the systems implementation.

The couple observes, however, that "true security can be achieved only when this information (that obtained by technical means) is known and believed by all." They note that the detection of Russian missiles in Cuba in 1962 is an example of the type of activity war safety control would engage in, only the next time, as they put it, the fate of over 100 nations would not be dependent on the actions of the leaders of 2.

The report, at great length, thus suggests that modern technology now makes it possible to assure the prevention of war. But technology is not advocated to the exclusion of more spiritual concerns. Reverend Kurtz, in a sermon recently at the First Congregational Church entitled "Our Enemies and Our Religion," said: "If there are new dimensions to technical capabilities, there are as a corollary new dimensions of religious capabilities."

Mr. and Mrs. Kurtz, in their attempts to marshal public support for war safety control, have recently written letters to Vice President HUMPHREY and McGeorge Bundy, a top White House aid, in addition to the chairmen of key congressional committees. They have been assured by a deputy assistant secretary of defense that the Pentagon has not restrained officers who wish to study the plan.

The couple (they have a son and daughter in college), while readily noting that a generation of problem solving may be required to pioneer war control power, is sincerely earnest. Mr. Kurtz has said:

"If the American people are first to demonstrate not only a national defense capability second to none, and not only a group national defense capability such as NATO, but the new magnitude all nation defense capability of war safety control, aggressively to guard all nations against threats of future war, the impact on the public of the world will be so great that no one will remember who was the first to land a lonely astronaut on an empty moon."

Mr. MORSE. Mr. President, I also ask unanimous consent to have certain other communications and editorials printed in the RECORD at this point as a part of my remarks.

There being no objection, the communications and editorials were ordered to be printed in the RECORD, as follows:

APRIL 20, 1965.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C., U.S.A.

SIR: In view of the critical situation in Vietnam which now threatens peace in Asia and the security of Japan, we, the undersigned, have addressed an appeal to the Japanese Government, calling for its prompt and effective action toward peaceful settlement of the Vietnamese problem.

Enclosed, we are sending you a copy of the appeal, in the hope that it will draw your attention and prove to be of interest to you. We should be grateful if you would, in giving advice to the Chief Executive of the United States, take into your consideration our opinion stated therein.

Sincerely yours,
HYOE OUCHI,
561 Gokurakuji, Kamakura, Kanagawa-ken, Japan, Professor Emeritus of the University of Tokyo, Former President of Hosei University, Member of the Japan Academy.
TOSHIYOSHI MIYAZAWA,
Professor of St. Paul's University, Professor Emeritus of the University of Tokyo, Member of the Japan Academy.
JIRO OSARAGI,
Writer, Member of the Art Academy of Japan.
TETSUZO TANIKAWA,
President of Hosei University.
SAKAE WAGATSUMA,
Professor Emeritus of the University of Tokyo, Member of the Japan Academy.

APPEAL TO THE JAPANESE GOVERNMENT ON THE WAR IN VIETNAM

The devastation and the danger brought about by the war in Vietnam are being aggravated day by day. Not only is this war causing unsurpassable misery to the the people of Vietnam, but it is also constituting a great menace to peace in Asia and to the security of Japan. It is no wonder that there is rapidly growing among the Japanese people concern and apprehension as to the implications of the war. We deeply regret that the Japanese Government has not taken any position action by way of fulfilling its responsibilities to guarantee the security of Japan and to restore peace in Asia.

Therefore, we strongly urge our Government to make a prompt decision according to the three proposals we present below, and to declare its intention to the Japanese people and to other nations.

1. If the United States should persist in her present policy, there is an imminent danger of armed conflicts ensuing between the United States and the People's Republic of China, regardless of the calculated design of the Government of the United States. Furthermore, there is a natural fear for the tension being heightened at the 38th parallel in Korea, between South Korea, who has sent troops to South Vietnam, on the one hand, and North Korea, who has pledged military support to the National Liberation Front (Vietcong), on the other. It is past any dispute that our involvement in these armed conflicts resulting from the military operations of the United States will be absolutely incompatible with the security of Japan.

It is true that Japan is bound by the security treaty to collaborate with the United States. Nevertheless, article I of this treaty holds that, in accordance with the provision of the United Nations Charter, international disputes shall be settled by peaceful means, and the parties to the treaty shall refrain from "the threat or use of force against the territorial integrity or political independence of any state." We believe that the present use of force by the United States in Vietnam is in violation of these provisions. It is evidently in line with the general rule of international law that in such a case Japan is not necessarily bound by the above mentioned duty of collaboration. This point is clearly illustrated by the position of the United States who, at the time of the Suez crisis, opposed the military actions undertaken by Britain and France, in spite of the fact that the United States was in alliance with these two nations.

Accordingly, we appeal to the Japanese Government to manifest its position immediately to its own people and to other nations that if the war in Vietnam should escalate into a war on a larger scale involving additional countries, Japan would refuse to let the U.S. bases in Japan be used for the purpose of military combat operations. A declaration of the Japanese Government in making this stand will in itself be an important impetus toward preventing the war in Vietnam from escalating into armed conflicts between the United States and China or the Soviet Union.

2. The direct cause of such expansion of the war in Vietnam is the air attacks by the United States on North Vietnam. For this reason, the first thing that should take place to prevent this danger is the cessation of the bombardment on North Vietnam by the United States and South Vietnamese forces.

Moreover, the air attacks on the north are in themselves operations beyond the limits of self-defense, even if further escalation of the war might somehow be avoided. Such an abuse of the right of self-defense is contrary to the provisions of the United Nations Charter and article I of the Japan-United States security treaty. It may be noted that the Government of the United States no longer endeavors to justify its actions by invoking such concepts as "retaliation" or "collective self-defense," as it did at the beginning of the air attacks on the north.

Though there may be a certain degree of aid given by North Vietnam to the National Liberation Front, even the figures given by the U.S. Government in the white paper on Vietnam, show clearly that the military assistance from the north is very modest in terms of military force. Looking back on the whole process of the war in Vietnam, we are persuaded to believe that the aid from the north has been more of a counterbalance to the enormous amount of military aid offered by the United States to the South Vietnamese Government, which has taken measures to suppress any groups opposing its policies, and has forfeited the support of the people. This means that the United States is not entitled to justify the air attacks on the north, by citing the help extended by North Vietnam to the National Liberation Front.

For these two reasons, we urge the Japanese Government to appeal to the United States for immediate suspension of the air attacks on the north.

3. At present, in South Vietnam, a gruesome war is going on, side by side with the air attacks on the north. We cannot refrain from expressing our profound indignation against the recent use by the U.S. forces of napalm bombs, poisonous gases and other atrocious weapons, and especially against the bringing in of tactical nuclear weapons into South Vietnam.

If the United States should continue to fight the National Liberation Front with such means of warfare, which would make the war in Vietnam literally a war of annihilation, the greater part of South Vietnam will inevitably be reduced to a scorched land of complete devastation. The people of South Vietnam are exhausted by the war that has lasted more than 20 years. There is no doubt about their not desiring continuation of such a war. The United States, however, is pursuing war efforts and destruction, against the will of the Vietnamese people who are longing for peace. The fact that Japan belongs to Asia makes it all the more impossible for us to remain inactive in the face of the suffering of the people in South Vietnam.

In view of what has been stated above, the war in South Vietnam conducted by the United States cannot escape from being called an inexcusable disregard of human dignity and the right of national self-determination. In order that South Vietnam should emerge out of its present condition of misery and despair, diplomatic negotiations should be opened without delay to terminate the war. In this respect, we welcome President Johnson's statement, made in response to the proposal by the 17 nonalined nations, to the effect that the United States "remains ready for unconditional discussions." This kind of diplomatic discussion, however, must be accompanied by an unconditional ceasefire, so that there can be no room for continued military operations with the aim of gaining a favorable position for negotiation.

The essential conditions for a solution to the war in Vietnam will be firstly to base the whole argument on the recognition that this war is fundamentally a civil war, and should be treated as such; the National Liberation Front should be recognized as a party to the negotiation; the U.S. troops should eventually be withdrawn; and there should be corresponding suspension of the aid from North Vietnam.

We fervently hope that the Japanese Government, in full realization of the points cited above, will send urgent appeals to the United States and other nations concerned to open diplomatic negotiations at once, to which the National Liberation Front should be a party, and to effect an immediate ceasefire, so that there will be the earliest possible restoration of peace in Vietnam.

APRIL 20, 1965.

TOSHIYOSHI MIYAZAWA,
Professor of Law, St. Paul's University, Professor Emeritus of the University of Tokyo, Member of the Japan Academy.

JIRO OSARAGI,
Writer; Member of the Art Academy of Japan.

HYOE OUCHI,
Professor Emeritus of the University of Tokyo, Former President of Hosei University, Member of the Japan Academy.

TETSUZO TANIKAWA,
President of Hosei University.

SAKAE WAGATSUMA,
Professor Emeritus of the University of Tokyo, Member of the Japan Academy.

LIST OF SIGNATURES

Abe, Tomoji, writer; professor of English literature, Meiji University.

Aomi, Junichi, professor of jurisprudence, University of Tokyo.

Ariizumi, Tōru, professor of law, University of Tokyo.

Arisawa, Hiromi, professor emeritus of the University of Tokyo.

Banno, Masataka, professor of Chinese history, Tokyo Metropolitan University.

Egami, Fujio, professor of biochemistry, University of Tokyo.

Egami, Namio, professor of archeology, University of Tokyo.

Fujimoto, Yoichi, professor of physics, Waseda University.

Fukuda, Kanichi, professor of political science, University of Tokyo.

Fukushima, Masoa, professor of Chinese law, University of Tokyo.

Fukutake, Tadashi, professor of sociology, University of Tokyo.

Hidaka, Rokuro, professor of sociology, University of Tokyo.

Hori, Toyohiko, professor of political science, Waseda University.

Horigome, Yozo, professor of European history, University of Tokyo.

Hotta, Yoshie, writer.

Ienaga, Saburo, professor of Japanese history, Tokyo University of Education.

Iizuka, Koji, professor of human geography, University of Tokyo.

Inoue, Yoshio, professor of Tokyo Union Theological Seminary.

Ishii, Teruhisa, professor of law, University of Tokyo.

Ishikawa, Shigeru, professor of economics, Hitotsubashi University.

Isono, Fujiko, lecturer in sociology, Japan Women's University.

Isono, Seiichi, professor of law, Tokyo University of Education.

Ito, Masami, professor of law, University of Tokyo.

Ito, Mitsuharu, associate professor of economics, Tokyo University of Foreign Studies.

Ito, Sei, writer.

Iyanaga, Shokichi, professor of mathematics, University of Tokyo.

Jodai, Tano, former president of Japan Women's University.

Kaikō, Takeshi, writer.

Kainō, Michitaka, lawyer.

Kato, Shuichi, writer.

Katsuta, Shuichi, professor of pedagogy, University of Tokyo.

Kawata, Tadashi, associate professor of international economics, University of Tokyo.

Kido, Mataichi, professor of journalism, Doshisha University.

Kikuchi, Isao, former president of Kyushu University.

Kinoshita, Hanji, professor of political history, Tokyo University of Education.

Kiyōmiya, Shiro, professor of law, Nihon University.

Kuno, Osamu, lecturer in philosophy, Gakushuin University.

Kobayashi, Naoki, professor of law, University of Tokyo.

Maruyama, Masao, professor of political Science, University of Tokyo.

Matsuda, Tomoo, professor of economic history, University of Tokyo.

Matsumoto, Nobuhiro, professor of oriental history, Keio University.

Minemura, Teruo, professor of labor law, Keio University.

Miyake, Yasuo, professor of chemistry, Tokyo University of Education.

Miyazaki, Yoshikazu, professor of economics, Yokohama National University.

Munakata, Seiya, professor of pedagogy, University of Tokyo.

Mutai, Risaku, professor emeritus of Tokyo University of Education.

Nagai, Michio, professor of sociology, Tokyo Institute of Technology.

Nakagawa, Zennosuke, professor of law, Gakushuin University.

Nakamura, Akira, professor of political science, Hosei University.

Nakamura, Takafusa, associate professor of statistics, University of Tokyo.

Nakano, Yoshio, professor of English literature, Chuo University.

Nambara, Shigeru, former president of the University of Tokyo.

Niida, Noboru, professor emeritus of the University of Tokyo.

Noda, Yoshiyuki, professor of law, University of Tokyo.

Nogami, Mokichiro, professor of physics, University of Tokyo.

Nogami, Yaeko, authoress.

Nomura, Heiji, professor of labor law, Waseda University.

Nomuro, Kōichi, associate professor of Chinese history, St. Paul's University.

Oe, Kenzaburo, writer.

Okōchi, Kazuo, president of the University of Tokyo.

Ooka, Shohei, writer.

Otsuka, Hisao, professor of economic history, University of Tokyo.

Saitō, Makoto, professor of American history, University of Tokyo.

Sakamoto, Yoshikazu, professor of international politics, University of Tokyo.

Satō, Isao, professor of constitutional law, Seikei University.

Sugi, Toshio, professor of French literature, St. Paul's University.

Sumiya, Mikio, professor of economics, University of Tokyo.

Serizawa, Kōjirō, writer.

Tajima, Eizō, professor of physics, St. Paul's University.

Takahashi, Kōhachirō, professor of economic history, University of Tokyo.

Takano, Yūichi, professor of international law, University of Tokyo.

Takeda, Kiyoko, professor of history of thought, International Christian University.

Takeuchi, Yoshimi, writer, Chinese literature.

Tamanoi, Yoshirō, professor of economics, University of Tokyo.

Tanaka, Shinjirō, critics, arms control and disarmament.

Tsuru, Shigeto, professor of economics, Hitotsubashi University.

Tezuka, Tomio, professor of German literature, St. Paul's University.

Tomonaga, Sin-itiro, professor of physics, Tokyo University of Education.

Toyoda, Toshiyuki, professor of physics, St. Paul's University.

Uchiyama, Shōzō, professor of civil law, Hosei University.

Uemura, Tamaki, honorary president of Japan YWCA.

Wakimura, Yoshitarō, professor emeritus of the University of Tokyo.

Watanabe, Kazuo, professor of French literature, St. Paul's University.

Yamamoto, Tatsuo, professor of southeast Asian history, University of Tokyo.

Yoshida, Hidekazu, music critic.

Yoshida, Tomizō, director, Cancer Institute, Tokyo.

Hirotsu, Kazuo, writer.

NEW YORK UNIVERSITY,
Bronx, N.Y., April 23, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The ad hoc faculty committee on Vietnam and the ad hoc student committee on Vietnam wish to express our agreement with your public call for a temporary cessation in the air raids over Vietnam. At the same time we would like to apprise you of what we have done to stimulate a thoughtful revision of American policy on Vietnam. On Wednesday evening, April 14, a teach-in on American policy in Vietnam was held on the University Heights campus of New York University.

The response of the college community to the teach-in has demonstrated that concern over the present course of our involvement in southeast Asia is uppermost in the minds of many Americans. An auditorium of 400 seats was filled to capacity, with standees from 8 p.m. to 1:30 a.m. To handle the overflow, the speeches were sent over the public address system to an adjacent cafeteria. At 4:30 a.m., the final lecture of the evening was heard by 250. Allowing for turnover, a safe estimate is that over 700 students and faculty were in attendance. This is reputed to be the largest audience ever to attend a discussion on public affairs at University College. The strong effect this meeting exerted on the audience has been shown by the debate on Vietnam which dominated the classroom and cafeteria for the remainder of the week.

The political, economic and military background of the Vietnamese war, together with an exposition of the administration policy in Vietnam were presented. While different aspects and views were presented, the consensus of the presentations at the teach-in can be summarized as follows: The United States must take immediate steps to reverse a policy in Vietnam that is both dangerous and futile. The speakers noted that President Johnson's address at Johns Hopkins does offer a possible hope of a move toward a Vietnamese settlement. However, they repeatedly stated that continuing elements of the U.S. policy preclude realization of that hope and that the modified policy is still both dangerous and futile.

The willingness to negotiate unconditionally will not bear fruit until a minimal situation is created for North Vietnam's participation in negotiations: a cessation of air attacks on North Vietnam and the inclusion of the Vietminh in all negotations. Whether North Vietnam or the Vietminh will come to the bargaining table under these conditions is problematical; that they will not come without them has been borne out by statements subsequent to the President's speech. No offer of a major development program for southeast Asia, however inviting, can get negotiations underway until these conditions are met. Men will sit down and reason together only when honor and politics permit.

Respectfully yours,

CONSTANCE R. SUTTON,
PHILIP G. ZIMBARDO,
Cochairmen, Ad Hoc Faculty Committee on Vietnam.

OPEN LETTER TO THE FACULTY OF NEW YORK UNIVERSITY

We find ourselves now in a time of great social unrest and political turmoil—a time when we are shocked by the lack of concern and involvement shown by man for his fellow man. It is one thing to be unable to relate oneself to abstractions like "society" or "country," but quite another to disengage oneself from other human beings.

To counter this state of alienation or noninvolvement, perhaps the most serious problem of our generation, a new force has arisen—college students have been in the vanguard of protest movements throughout the country. Their effect within the civil rights movement has been considerable.

It is time for college faculties not only to join their students, but to provide, by example, the leadership in a national protest against our Government's actions in Vietnam.

We believe that the national administration has adopted a military policy which could involve generations of our students in a war on the mainland of Asia.

To preserve peace in Vietnam and to "show the Communists we mean business," we have changed our position from one of providing "advisers" and equipment to the ever-changing South Vietnam governments, to one of direct belligerence. Our Government has explained that its efforts are directed at stopping military aggression. Yet ironically, we support a regime that bombs schoolhouses and ignores the protest of Vietnamese mothers carrying the corpses of their children.

The reasons given to the American people why we must kill as the quickest way to achieve peace would hardly stand examination in a college classroom. We are struck by the Orwellian duplicity used in policy statements: war is peace and destruction means survival.

The pressure of public and world opinion has finally broken the President's silence. He has agreed to consider negotiations, but not to stop the war in order to do it. As President Johnson said, the instruments of war are evidence not of power but of folly. Let us ask, then, that the path to reason not be cluttered by the debris of folly. War is not only foolish: it is immoral.

While we welcome even these ambiguous overtures to peace, we maintain that America must stop all military action immediately in order to conduct negotiations in good faith. Moreover, we must not dictate peace terms, but allow the United Nations to negotiate any settlement.

We, the undersigned, therefore urge a mobilization of faculty in a venture to protest the war in Vietnam, to call for immediate cessation of all bombing, and encourage negotiations which will lead to peace.

PLEASE ANNOUNCE THIS PART TO YOUR CLASSES

We therefore wish to support actively the march on Washington of April 17, 1965, of faculty and students from colleges throughout the Nation, by urging our colleagues and our students to join us on an NYU-sponsored bus to Washington.

A bus will be leaving from our Heights campus early Saturday morning, April 17, and returning here in the evening. The cost will be $6 per seat round trip. Reservations should be made by you as soon as possible. They can be obtained in the lobby of Gould Student Center or at the Faculty Club during lunch time. A number of faculty members have already made this commitment. We need you. Ideally we would like you to come along. If you can't come, would you be willing to contribute money for a student to go?

In addition to this protest to be made in our Nation's Capital, and in order to have the issues presented publicly, we are holding a "teach-in." This is a technique in which faculty members and other informed speakers present information, opinions, and their views about the military, political, social, and moral issues involved in Vietnam (not necessarily the views of the ad hoc committee). There will be an opportunity for questions and discussion. It will be held in the Playhouse, Gould Student Center, on Wednesday, April 14, starting at 8 p.m. We want you to lend your support to this venture. You can do this in several ways:

1. Attend, and convince others to attend.
2. Be willing to assist our committee with the many tasks involved (by contacting one of us immediately).

Philip G. Zimbardo, Chairman; Robert D. Burrowes, Edwin S. Campbell, James T. Crown, Joan Fiss, H. Mark Roelofs, H. Laurence Ross, Constance R. Sutton, Thomas W. Wahman, Ad Hoc Committee on Vietnam.

TEACH-IN ON THE ISSUES IN VIETNAM

(Wednesday night, April 14, 1965, New York University—University College Playhouse, Gould Student Center, West 181st Street and University Avenue, the Bronx, doors open 7:45 p.m.)

8: Philip G. Zimbardo (NYU), chairman, Prof. Seymour Melman, Columbia University, "A Strategy for Peace."

8:50: Dr. Vo Thanh Minh, "The South Vietnamese Position."

9:15: Prof. Amitai Etzioni, Columbia University, "Which Way Out?"

10:15: Constance R. Sutton (NYU), chairman, Prof. Robert Engler, Queens College, "The United States and the World in Revolution."

11: Prof. Ernest van den Haag, New York University, "Is Intervention for Freedom Justified?"

12: Joan Fiss (NYU), chairman, Raymond Brown, Sarah Lawrence College, "The Domestic Economic Implications of the Cold War."

12:45: Prof. Anthony J. Pearce, New York University, "How Did the United States Become Involved in Vietnam: 1954–60?"

1:45: Roscoe C. Brown, Jr. (NYU), chairman, Mr. Ross Flannagan, New York Friends Group, "The Moral and Human Dimensions of the War in Vietnam."

2:30: Michael Arons (NYU), chairman, Prof. James T. Crown, New York University, "The Great War or the Great Society?"

3:15: Prof. Stanley Millet, Briarcliff College, "American Policy in Vietnam."

Sponsors: Ad Hoc Faculty Committee on Vietnam, New York University.

Cochairmen: Philip G. Zimbardo, Constance R. Sutton; Robert D. Burrowes; Edwin S. Campbell; James T. Crown; Joan Fiss; H. Mark Roelofs; H. Laurence Ross; and Thomas W. Wahman.

Ad Hoc Student Committee on Vietnam, New York University.

Cochairmen: B. Diamond; S. Barkas; P. Jacobson; S. Krugman; M. Greenfield; G. Chieffetz; B. Mittenzwei; K. Schoen; D. Feder; J. Meyerson; J. Ween; K. Hirsch; E. Winterbottom; L. Dworkin; L. Giovanella; B. Glushakow; R. Forbes; N. Sachs; J. Roberts; A. Weinert; J. Arak; and A. Greenbaum.

STATEMENT OF AD HOC COMMITTEE FOR A TEACH-IN ON VIETNAM

James Reston wrote, "The first casualty in every shooting war is commonsense, and the second is open and free discussion." As teachers and citizens, we are deeply concerned both with the implications of our present military actions in Vietnam, and with the relative absence of information, debate, and public discussion of the reasons for our involvement there. Our teach-in of April 14, 1965, grows out of these concerns.

We seek to generate discussions based upon the best available information. We do this in the belief that this is one way in which the academic community can best carry out its responsibility toward providing students with an informed basis for their opinions and actions on major issues.

Many topics and views were presented in our teach-in. The speakers were selected on the basis of their area of special competence. A serious attempt was made to present as many informed positions as possible. The conclusions reached by the ad hoc committee do not necessarily represent the views of the speakers. Our major conclusions, therefore, are:

1. The U.S. Government has not offered adequate information and arguments in support of the military risks we are continuing to run in Vietnam.

2. Our present policies in Vietnam have led to the spreading of the war from the south to the north, and create a serious risk of involving the United States in a military conflict with China. We welcome the President's offer for unconditional negotiations, but our stepped-up military actions following the President's offer vitiate the possible positive effect of his gesture.

3. Therefore, we believe that the U.S. Government should cease bombing attacks immediately in the north and should attempt to arrange a cease-fire in the south. This should be followed by negotiations with whomever it may be necessary—not excluding the Vietcong—to the end of insuring peace throughout Vietnam.

4. We disagree that vital interests of the United States are involved in southeast Asia and particularly in Vietnam, and therefore we believe that the solution to the political, social, and economic problems of the peoples of this area should be determined by them with the assistance of the United Nations, and should not be directed by the United States.

5. Finally, we feel that the technique of a "teach-in" is an effective device for providing the academic community with a forum for the public exchange of information and opinions in an atmosphere appropriate to the serious consideration of current, complex issues of national significance.

YALE UNIVERSITY,
DEPARTMENT OF POLITICAL SCIENCE,
New Haven, Conn., April 7, 1965.
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing a copy of a letter on Vietnam sent to the President last week and signed by 209 members of the Yale faculty.

My very best personal wishes.

Sincerely yours,
ROBERT A. DAHL.

YALE UNIVERSITY,
New Haven, Conn., March 29, 1965.
The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We should be deeply gratified to learn that American policy in Vietnam is to negotiate a settlement. We support such a policy.

We believe that recent American actions in Vietnam are inconsistent with your great goal, which we share, of reducing international tensions and moving toward a more stable and more peaceful world. We realize that the conflict in Vietnam is not subject to a simple solution; we realize also that you and your advisers may have important information of which we are unaware. But on the basis of the information available to us, including the recent white paper, we are strongly persuaded that our policies in Vietnam have been inappropriate.

First, no new elements seem to have been added to the steadily deteriorating political and military situation in Vietnam, except for our recent policy of escalation. After nearly a decade, American policy has failed to produce a stable and friendly regime that commands enough loyal support among the people of South Vietnam to turn the tide of war. The crisis cries out for a new definition of our true interests in Vietnam.

Second, the one new element, the policy of escalation by bombing North Vietnam, incurs great new risks without much promise of achieving its objectives, whatever these may be. The balance of advantage in what is to a great extent a civil war in jungles, mountains, and rice paddies cannot be altered very greatly, we believe, by bombing bases, military personnel, and civilians in North Vietnam; the evidence from World War II, we think, supports this judgment. If the objective is to frighten the leaders of North Vietnam or China into submission, experience from World War II suggests that the method is psychologically inept and that the opposite result from the one hoped for is equally likely. If the objective is to force the Soviet leadership to choose between cooperating with the United States or supporting Communist revolutionary movements in Asia, the United States is, we believe, taking a foolhardy gamble. If Soviet leaders are compelled by us to choose between a total break with Communist China and a total break with the United States, the Soviets may well choose to break with the United States. In any case, our policies make it more difficult to strengthen Russian moderation against Chinese intransigence. Yet, a satisfactory settlement hinges more on the attitudes of leaders in Communist China and the Soviet Union than on North Vietnam. If, then, the objective of recent policy is to enable us to negotiate from strength at some future time, we see little prospect that the tide of war will turn in our favor in the foreseeable future. And if it does not? Must we, in order to "negotiate from strength," then escalate the war to higher and higher levels, run greater and greater risks, provide ever more dramatic provocations to the North Vietnamese to send their large army marching southward, to the Chinese to enter actively into the war, and to the Soviets to abandon their doctrine of peaceful coexistence?

Third, our actions in Vietnam are, we think, producing more enemies than friends of the United States in Asia. It is difficult for us to believe that the ordinary Vietnamese, whether in the south or in the north, see much difference between Americans and their predecessors, the French colonials and their army. We Americans know that our actions are not intended to implement "white imperialism in Asia"; but our policies and actions have a different and much more sinister look to Asians. As to the famous "falling dominoes" argument so commonly used to justify our actions, this is almost exclusively an American doctrine; it does not have much support among the "dominoes" themselves. Indeed, these "dominoes" have a thousand years experience in resisting Chinese imperialism. Our two greatest Asian allies, Japan and India, do not endorse our actions in Vietnam, and so far as we can judge, we lack the support of leaders and the general public in those countries. Prime Minister Shastri has appealed for negotiations, as have Secretary General U Thant, Prince Sihanouk, and two European leaders who could hardly be regarded as naive or sympathetic to Communist expansion, Pope Paul and General de Gaulle.

Fourth, we are deeply concerned with the legal and moral implications of our actions in Vietnam. Our military intervention appears to us, as it evidently does to much of the rest of the world, to constitute a violation of the 1954 Geneva agreements. As to our moral position, we cannot help wondering, Mr. President, whether your advisers have given adequate weight in their calculations to the men, women, and children, whose lives are irreparably harmed or destroyed by our bombings. Have we grown callous to the concrete human meaning of "escalation"?

Finally, Mr. President, we believe that American opinion itself is too divided to sustain a long crisis in Vietnam, much less an enlargement of our participation in that war. Among the people we know best, the community of scholars and teachers, there is extensive opposition to escalation. Indeed, a great many thoughtful people throughout the country, the editors of the New York Times, other journalists, publicists of national repute and unimpeachable integrity, like Walter Lippmann, share our view. We believe, therefore, that our policies in Vietnam run the additional risk of creating such discontent, frustration, and disunity here at home as to impair the achievement of other goals and our effectiveness in dealing with the problem of Vietnam itself.

We therefore urge you, Mr. President, to mobilize the energies of your administration in seeking a new and different solution to the problem of Vietnam. In particular, we urge you to enter into negotiations with the leaders of countries whose agreement is needed in order to bring about a cease-fire, to neutralize the area, and to eliminate the direct military participation of the United States.

We should not presume to specify the precise nature of the negotiations, whether you should use the good offices of General de Gaulle or the auspices of the United Nations, or with what specific leaders or countries you should seek negotiations.

We do strongly urge, however, that the United States vigorously and sincerely seek to arrive at a solution by negotiation, not by escalation. We urge you not to lay down requirements for entering into negotiations that the North Vietnamese or others obviously are not going to meet. Though we may continue to hope for it, we cannot reasonably demand or expect that a cease-fire and a cessation of all activity will precede negotiations: these are among the objectives to be achieved by the negotiations themselves.

If the American Government pursues a policy of negotiation as energetically as it has, until now, pursued its policy of unilateral action, we are most unlikely to be worse off than we are now. Surely we shall be better off than we are going to be as time goes on and our position deteriorates as our military intervention escalates. And there is some reasonable hope that we shall move toward a goal that after 10 years of unilateral action still eludes us, a tenable solution to the conflict in Vietnam.

Respectfully yours,
JOHN BLUM,
Professor of History.
KARL DEUTSCH,
Professor of Political Science.
ROBERT TRIFFIN,
Professor of Economics.
ROBERT A. DAHL,
Professor of Political Science.
GEORGE D. MOSTOW,
Professor of Mathematics.
MARY WRIGHT,
Professor of History.

P.S.—The following members of the faculty of Yale University have subscribed to this statement:

Department of anthropology; J. Buettner-Janusch, associate professor; Harold C. Conklin, professor; Richard N. Henderson, instructor; Sidney W. Mintz, professor; June Nash, assistant professor; Harold W. Scheffler, assistant professor.

Department of architecture: Serge Chermayeff, professor; Peter Millard, assistant professor.

Department of biochemistry: George Brawerman, assistant professor; Michael Caplow, associate professor; William Konigsberg, associate professor; S. Vinogradov, research associate.

Department of biology: R. J. Andrew, assistant professor; N. Philip Ashmole, assistant professor; E. J. Boell, professor; Joseph Gall, professor; Arthur W. Galston, professor; Ken Hartford, laboratory business manager; Christopher K. Mathews, assistant professor; R. Bruce Nicklas, associate professor; Donald F. Poulson, professor; Thomas L. Poulson, assistant professor; Charles L. Remington, associate professor; J. P. Trinkhaus, professor.

Department of chemistry: William Doering, professor; Julian M. Sturtevant, professor.

Department of classics: Eric A. Havelock, professor; Gilbert Lawall, instructor; Adam Parry, associate professor; Peter W. Rose, lecturer; Joseph A. Russo, instructor; Erich Segal, visiting lecturer.

Divinity school: Rev. J. Edward Dirks, professor; Rev. Robert C. Johnson, dean; Rev. K. S. Latourette, professor emeritus; David Little, assistant professor; Rev. B. D. Napier, professor.

Department of economics: Bela Balassa, associate professor; Ronald G. Bodkin, assistant professor; William C. Brainard, assistant professor; Gerald K. Helleiner, assistant professor; Shane J. Hunt, assistant professor; Tjalling C. Koopmans, professor; Donald C. Mead, assistant professor; James L. Pierce, assistant professor; Lloyd G. Reynolds, professor; Mary T. Reynolds, research associate; Peter Schran, assistant professor.

Department of engineering and applied science: J. L. Hirshfield, assistant professor; Franz B. Tuteur, associate professor.

Department of English: E. Talbot Donaldson, professor.

Department of epidemiology and public health: Richard A. Greenberg, assistant professor; Kathleen H. Howe, assistant professor; Irving Miller, instructor; Anita Pepper, research associate; M. Elizabeth Tennant, associate professor emeritus; Joan H. Vicinus, research assistant.

Institute of Far Eastern Languages: Kenneth D. Butler, assistant professor of Japanese; Charles J. Chu, instructor in Chinese; Hugh M. Stimson, assistant professor of Chinese.

School of Forestry: William E. Reifsnyder, associate professor.

Department of Geography: David E. Snyder, assistant professor.

Department of Geology: John H. Ostrom, assistant professor; John Rodgers, professor; A. L. Washburn, professor.

Department of History: Robert Anchor, instructor; Harry J. Benda, associate professor; Hans W. Galzke, professor; Eugene Levy, acting instructor; Robert S. Lopez, professor; Edmund S. Morgan, professor; Norman Pollack, assistant professor; Harry R. Rudin, professor; Robin W. Winks, associate professor; C. Vann Woodward, professor; Arthur F. Wright, professor.

Department of the History of Art: Kermit S. Champa, instructor; Kurt W. Forster, assistant professor; George Heard Hamilton, professor; Robert L. Herbert, associate professor; S. K. Kostof, assistant professor; Jules D. Prown, assistant professor; Vincent Scully, professor.

Department of Industrial Administration: Roger Harrison, assistant professor; Fred I. Steele, lecturer.

Law school: Layman E. Allen, associate professor; Joseph W. Bishop, Jr., professor; Boris I. Bittker, professor; Ralph S. Brown, Jr., professor; Marshall Cohen, senior fellow; Thomas I. Emerson, professor; Grant Gilmore, professor; Joseph Goldstein, professor; Pauli Murray, senior fellow; Louis H. Pollak, professor; Charles A. Reich, professor; Clyde W. Summers, professor; Harry H. Wellington, professor.

Department of linguistics: Sydney M. Lamb, associate professor; Rulon Wells, professor.

Department of mathematics: Joseph Auslander, research associate; Richard Beals, instructor; Frank Hahn, assistant professor; G. A. Hedlund, professor; R. Larsen, instructor; William S. Massey, professor; J. Peter May, instructor; Stephen Puckette, research fellow; Charles E. Rickart, professor; George B. Seligman, associate professor.

Medical school: Dr. Marie J. Browne, assistant professor of pediatrics; Harry Fein, research associate in physiology; Dr. Thomas F. Ferris, instructor in medicine; Dr. Lawrence R. Freedman, associate professor of medicine; Daniel L. Kline, associate professor of physiology; Dr. Paul H. Lavietes, associate clinical professor of medicine; Dr. N. Ronald Morris, assistant professor of pharmacology; Dr. Ellis A. Perlswig, clinical instructor, child study center; William H. Prusoff, associate professor of pharmacology; Julina P. Rhymes, research associate in pediatrics and nursing; Dr. Norman S. Talner, associate professor of pediatrics; George Wolf, postdoctoral fellow in anatomy.

Department of molecular biology and biophysics: Alan Garen, professor; Irwin Rubenstein, assistant professor; Robert C. Wilhelm, assistant professor.

School of music: Richmond Browne, assistant professor; Robert Conant, assistant professor.

Department of near eastern languages and literatures: Marijan Despalatovic, assistant in instruction of Serbo-Croatian; Marvin H. Pope, professor of northwestern Semitic languages.

School of nursing: Jean Barrett, professor; Vera Keane, research associate.

Department of philosophy: Richard J. Bernstein, associate professor; Norman S. Care, instructor; Frederic B. Fitch, professor; James Millikan, acting instructor; George A. Schrader, professor.

Department of physics: Earl E. Ensberg, research associate; Henry Margenau, professor; William W. Watson, professor.

Department of physiology: Dr. Louis H. Nahum, lecturer emeritus.

Department of political science: Robert E. Lane, professor.

Department of psychiatry: Dr. Jules V. Coleman, clinical professor; Alice R. Cornelison, research associate; Yasuko Filby, research fellow; Dr. Stephen Fleck, professor; Dr. Robert J. Lifton, associate professor; Roger K. McDonald, associate professor; Nea M. Morton, assistant professor; Dr. Albert J. Solnit, professor.

Department of psychology: Robert P. Abelson, professor; James B. Appel, assistant professor; Sidney J. Blatt, assistant professor; Claude E. Buxton, professor; Irvin L. Child, professor; Dorothy D. Ciarlo, research associate; Michael Cole, assistant professor; Edmund J. Fantino, assistant professor; D. H. Goldberg, lecturer; Michael Kahn, assistant professor; William Kessen, associate professor; Julius Laffal, associate clinical professor; Paul Schulze, clinical instructor; Alan P. Towbin, assistant clinical professor; Cynthia Wild, assistant professor.

Department of religious studies: Rev. Hans W. Frei, associate professor; Rev. James M. Gustafson, professor.

Department of romance languages: Victon H. Brombert, professor of French; Manuel Durán, professor of Spanish; Robert G. Mead, Jr., visiting lecturer in Spanish; Edgar Pauk, acting instructor in Italian; Henri Peyre, professor of French.

Department of Slavic languages and literatures: Richard F. Gustafson, assistant professor of Russian.

Department of sociology: Wendell Bell, professor; Robert M. Cook, assistant professor; Diana Crane, assistant professor; George A. Huaco, assistant professor; James A. Mau, assistant professor: Stephen W. Reed, associate professor.

Department of statistics: G. Yeo, research associate and lecturer.

Additions to the original list of subscribers:

Divinity school: Rev. Charles W. Forman.

Drama school: Edward C. Cole, associate professor.

Department of English: Edward J. Gordon, associate professor.

Department of epidemiology and public health; Jean Emmons, associate in research.

Department of History: Prosser Gifford, assistant professor; J. H. Hexter, professor; Staughton Lynd, assistant professor; D. A. Smith, acting instructor; M. W. Swanson, acting instructor.

Department of mathematics: Howard Garland, instructor.

Medical school: Dr. Elisha Atkins, associate professor of medicine; Dr. Jerome Grunt, associate professor of pediatrics; Dr. George F. Thornton, instructor in medicine.

Department of philosophy: Robert S. Brumbaugh, professor; David Carr, acting instructor; Charles W. Hendel, professor emeritus; T. K. Scott, Jr., assistant professor; Paul Weiss, professor.

Department of physics: Joseph E. Rothberg, instructor.

Department of psychiatry; Dr. Theodore Lidz.

Department of psychology: Barry E. Collins, assistant professor; Doris K. Collins, research associate; E. E. Krieckhaus, assistant professor.

Department of sociology; Roy C. Treadway, acting **instructor.**

[From the Christian Science Monitor, Apr. 21, 1965]

TRUE ASSESSMENT

To the CHRISTIAN SCIENCE MONITOR:

I was a junior officer of the 20th Indian Division (under the command of the late Gen. Sir Douglas D. Gracey) and arrived in Saigon from Burma in September 1945.

We were welcomed by the Annamites—placards from the airport to the town center (Rue Catinat) were marked "Welcome to the Allies, to the British and to the Americans—but we have no room for the French."

The government was being run efficiently by the Popular Front of Vietminh groups—to whom Emperor Bao Dai had abdicated in August 1945.

On September 23, the Free French (not Vichy French), without warning to anyone, seized all the public buildings such as the Palais de Justice, the post office, the power station, etc., and hoisted the French Tricolor.

There followed 10 days of negotiation between the British—who had only one Gurkha battalion of 20th Indian Division to support them (the rest of the division was traveling from Burma by sea)—under the command of Brigadier Taunton—and the Vietminh. No conclusion was reached, and the Vietminh groups withdrew, determined to fight for the freedom of French Indochina in accordance with the ideas of the Atlantic Charter, well known to them, also of General de Gaulle's Brazzaville speech of 1943 offering independence to French Indochina after the war.

General Gracey then took under his command the Japanese surrendered personnel (under Field Marshal Count Teramchi) in order to defend Saigon-Cholon from the Vietminh who attacked each night.

I personally had a Colonel Endo and Lieutenant Colonel Muarata report to me as the ammunition and transport officer of the 20th Indian Division each morning, and we sent lend-lease U.S. vehicles to redeploy the Japanese forces for the defense, and also issued more weapons to them (including 3-inch British mortars which had been captured in February 1942, in Singapore).

For 2 months (October and November, 1945) the Vietminh suffered severe casualties in constant attacks on these Japanese troops and the 20th Indian Division. Thus was a bridgehead secured for the arrival of General Leclerc and his Foreign Legion troops from Madagascar.

The present war stems directly from these events.

Personally I have no doubt that the legitimate government of Saigon in September 1945, was that of the Vietminh who had resisted the Japanese during the occupation—with the help of OSS supplies parachuted to them in 1943, 1944, and 1945.

This is a piece of missing history. I believe its public airing may help the American people make a correct decision about the future of their relations with Vietnam.

I am not a Communist, nor even a supporter of the British Labor Party, but a subscribing member of the Tory Party—yet I believe no true assessment of the situation is possible without the information I have outlined above.

ROBERT DENTON WILLIAMS.
ABINGTON, NORTHAMPTON, ENGLAND.

[From the St. Louis Post-Dispatch, Apr. 20, 1965]

INTERNATIONAL PRESSURES TO HALT BOMBING RAIDS IN NORTH VIETNAM CONTINUING TO INCREASE—IN THIS CONTEXT, CANADIAN MEETS THANT TODAY—FUTURE OF U.N. SAID TO BE LINKED TO ASIAN CRISIS

(By Donald Grant)

International pressures to halt bombing of North Vietnam as a condition for negotiations to end the war are increasing in the

United Nations. Most diplomats believe that the pressures will continue to increase.

The Canadian Minister of External Affairs, Paul Martin, is lunching with Secretary General U Thant today. Canadian policy is clear on the subject of bombing North Vietnam—and important, as Canada is a member of the three-nation international control commission for Vietnam. The other two are India and Poland.

Poland, a Communist country, follows a straight anti-American policy on the whole Vietnamese issue. Until recently, India tended to join with Canada in a more moderate position.

President Lyndon B. Johnson has become irritated—and let it be known that he was—with both Canada's and India's present positions. He has evidenced a similar irritation with Thant's attitude.

This is a part of the background of Canadian Minister of External Affairs Martin's visit with Thant today.

Lester B. Pearson, the Prime Minister of Canada, was active in U.N. affairs for many years. He was the choice of the United States for first Secretary General of the organization when it was founded 20 years ago.

The cause of President Johnson's irritation with Canadian policy was a speech given by Pearson in Philadelphia, April 2.

At that time Pearson suggested that a "supension in the airstrikes against North Vietnam, at the right time, might provide the Hanoi authorities with an opportunity, if they wish to take it, to inject some flexibility into their policy without appearing to do so as the direct result of military pressure."

Thant has refrained, so far, from making a direct appeal for a cease-fire to avoid further White House irritation. At his press conference last Thursday, however, Thant was asked how he would assess Pearson's efforts in behalf of peace in Vietnam. Thant replied that he had "high esteem" for Pearson, for his proposals already made and for those he might make in the future.

The same "high esteem" phrase was used by the Secretary General's spokesman to characterize Senator J. W. FULBRIGHT, Democrat, of Arkansas, yesterday, after FULBRIGHT's statement advocating a halt in American airstrikes against North Vietnam.

Thant, again, refrained from indorsing FULBRIGHT's suggestion, but his spokesman said that the Secretary General valued the Senator's "vision, wisdom, and approach to international problems."

Tomorrow, the United Nations Disarmament Commission will meet—including representatives of all 114 members of the world organization. The meeting will be only for the purpose of organizing the session, but when regular meetings begin, next Monday, the situation in Vietnam and the American bombings of North Vietnam are expected to be major subjects of debate.

Thursday, the 33-nation committee considering the problem of U.N. peacekeeping operations will hold an open meeting. Vietnam may or may not enter the discussion at this session, but most diplomats here see a close connection between the future of the U.N. and its inability, so far, to tackle the problem of ending the war in Vietnam. Among such diplomats is Canada's Minister of External Affairs.

"We are facing, at this moment," Martin said last week in Montreal, "one of the most serious crises we have faced since the end of the Second World War. It is not a crisis which has come upon us suddenly. As Canadians—as members of the international commission—we have watched that crisis build up in Vietnam over the past 10 years. It has now reached the point of open conflict.

"It has reached the point where that conflict, by the progression of stroke and counterstroke, could expand beyond the limits of control.

"In such a situation the interests of the international community are deeply engaged. We would be right to expect, therefore, that the international community would bring its influence to bear upon that situation. And the channel that comes to mind for doing that is, of course, the United Nations."

Martin expressed his regret that the U.N. had not been able to act. In another part of his speech he urged "universal membership" for the U.N.—a phrase meaning that all nations, including Communist China, should be members so the organization would be able to act in crises such as the present one.

The Canadian minister pointed out that "the good offices of the Secretary General have been available to the parties throughout this critical situation." He said that he was "hopeful that the Secretary General will be able to play an important part in carrying forward the imaginative and far-reaching proposals now under consideration for the cooperative development of the whole region of southeast Asia."

Martin's chief, Pearson, along with Paul Hoffman of the U.N., advanced the economic development plan later taken up by President Johnson. The U.N.—after peace is established—may play a large role in this plan. The Canadians, however, believe that the United Nations must be active in the political search for peace, as well as acting as an economic agent, if it is to maintain itself as a viable organization.

Unable to keep the peace, Martin pointed out, the League of Nations "foundered on the rock of collective security." Martin then asked: "Are we going to allow, can we afford to allow, the United Nations to share the fate of its predecessor?"

[From the Portland Oregonian, Apr. 25, 1965]

PROPAGANDA CLAIMS JUSTIFIED—ATROCITIES MAR VIETNAM WAR

(By Michael T. Malloy)

(As the war in Vietnam grows more brutal, charges of atrocities committed by each side increase. The Americans and the South Vietnamese claim that the Communist guerrillas have murdered thousands of minor officials since 1961. The Communists trump this by raising the figure to hundreds of thousands tortured and maimed by the Government. This dispatch looks beyond the propagandists' claims to the truth that in this war neither side's hands are entirely clean.)

SAIGON.—A squad of Vietcong sneaks silently into a sleeping village. Wearing sandals cut from rubber tires, they pad silently to the house of the village chief, who is loyal to the Government in Saigon.

They pull the chief from his bed, wake up the villagers and assemble them in the public square. They pick out one or two more men who are known to have informed the Government of their movements.

Then they cut the throats of the men they have chosen.

The villagers who watch will be less eager to talk next time Government troops come looking for information about the whereabouts of the Communists.

This is an atrocity of war. So is this:

RED CAPTIVE TORTURED

A Vietnamese Ranger captain squats on the chest of a Vietcong captive and pours water from a rusty tin mug into a towel wrapped around his victim's face.

The Vietcong struggles and gags as the cloth becomes so soaked that only water rushes into his nose and mouth when he gasps for air.

A sergeant slams his heavy combat boot into the prisoner's side. Two enlisted men holding the guerrilla's ankles and legs begin twisting them.

The captain dips his mug into a rusty bucket and ladles out more water. This is an "interrogation" on the battlefield, Vietnamese style.

Late one night in February the Vietcong overrun a district headquarters 70 miles northeast of Saigon.

They lead four American soldiers into nearby jungles.

The Americans are bound. Then begins a systematic beating. Blows rain on the Americans' heads, stomachs, kidneys, legs.

After a time the Americans are shot. Their bodies are left to rot in the jungle. A few days later they are found.

This is an interrogation on the battlefield, Vietcong style.

Chalk up one more atrocity for each side.

WAR TOUGH BUSINESS

War is a rough and tough business. The war for control of the rice-rich plains of South Vietnam is getting to be just as ugly as any that has ever been fought.

When opposing groups of men contest a piece of land with guns, planes, bombs, napalm, mortars, and artillery, elements of terror are bound to play a role in the conflict.

Who is committing these atrocities? This is war.

Vietnamese Armed Forces Regulation 609–TT–20 says:

"No torture of any kind is allowed to be performed with the prisoners in order to get information from them."

But a wiry little Vietnamese lieutenant with a chestful of combat ribbons says:

"The Government sometimes looks in the other direction."

It looked in the other direction a few months ago when infantrymen of the 21st Division pulled six Vietcong soldiers out of a foxhole and handed them over to the battalion commander.

Bullets were still whizzing overhead. The battalion was trying to regroup for an attack. The commander handed them over to a middle-aged sergeant with a nod of the head.

The sergeant marched them to a small canal and shot them all.

The Government was looking away last month when a Vietnamese Marine Corps lieutenant looped a pink towel around a prisoner's neck and ordered two husky marines to play tug-of-war with the towel.

It was looking away when a ranger unit operating in mountain country north of Saigon a few weeks ago found three wounded Vietcong in a bamboo grove after a fierce battle and shot them all simply to avoid the labor of carrying them back to base.

This sort of murder in the field reflects the grim economics of war.

The battalion commander could have saved his six prisoners. It would have cost him three or four men to do it, though, because they would have had to be guarded.

The beating of prisoners is ignored and sometimes condoned by the American advisers who accompany the Vietnamese into battle.

"If I had to choose between beating up a guy or being killed by his buddies, I'd take torture every time," said an American Army sergeant riding with this correspondent on a helicopter assault into the central highlands a few months back.

BRUTAL BEATINGS PRACTICAL

The object of beating a prisoner is to get desperately needed information.

The prisoner who gagged and struggled under the ranger captain's water torture was a Vietcong regular. His age and his full kit of equipment, indicated he might be a senior officer.

The captain who squatted on his chest wanted desperately to know whether he was about to be attacked by the hundreds of Vietcong who had quite obviously just left the thatch and bamboo training camp where the prisoner was seized.

A man's brutality depends on his emotions. If his life is in danger, if he has just seen a friend shot down by the man he is about to question, he is less likely to be kind to his prisoner.

A Vietnamese paratrooper with 12 years of combat experience says:

"It depends on the battle. If the paratroopers go on an operation and none of them gets hurt, then the prisoners are lucky.

"If one of the paratroopers gets killed, then nobody can guarantee the lives of those prisoners."

The Vietcong, it is often said here, practice unspeakable savagery in order to retain, through terror, the cooperation of villagers.

The Americans say more than 20,000 village chiefs have been killed since 1961.

They tell of guerrillas impressing hundreds of peasants for coolie labor to help them move supplies and of hundreds more to fight in their battles.

The Vietcong have even begun attacking American civilians here perhaps as a way to terrorize the Americans themselves. They have blown up a ball park, a movie theater and the American Embassy in the past year and a half. They have captured at least two civilian aid officials and three missionaries.

One aid official was shot when he refused to return to Vietcong captivity after having escaped once and been caught.

But it seems evident that if the Communists have learned savagery, it has been at least partly a lesson from the Vietnamese Government itself.

DIEM REGIME HARD

There was, of course, the 9-year reign of Ngo Dinh Diem, who shipped thousands of political opponents to Poulo Condore, a tropical prison island off the coast, who raided Buddhist pagodas, who ordered his troops to fire on Buddhist mobs, who packed up thousands of peasants bag and baggage and moved them into strategic hamlets that were little better than prison camps.

But even after Diem was ousted and assassinated in November 1963, the Government continued to be, perhaps, somewhat less than humane.

The case of Le Dua, a terrorist who was caught this month in a Da Nang hotel used as an American billet with 5 pounds of plastique crammed in a transistor radio case is only the most recent example.

Le Dua's trial was postponed for several days running, while he "sang like a canary" as one of the U.S. officials put it. When he finally did show up, he was sporting a thoroughly blackened eye that twitched in its socket periodically. And he was still groggy from the effects of sodium pentathol truth serum.

Yet there remain signs of hope. The Vietnamese are anything but a barbarous people at heart. When the last bullet has been spent and the last knife sheathed, their good nature bubbles back to the surface like a jet of clear water in a muddy pool.

POINT RICHMOND, CALIF.,
April 26, 1965.

Senator WAYNE MORSE,
Washington, D.C.:

We fully support your stand on our country's course of action on South Vietnam.

DANIEL BREWER.

ENCINITAS, CALIF.,
April 25, 1965.

Senator WAYNE MORSE,
Washington, D.C.:

Never regret what you are doing. No monuments perhaps but love from us all.

ELIZABETH B. NEWTON.

PORTLAND, OREG.,
April 24, 1965.

Senator WAYNE MORSE,
Washington, D.C.:

Warmest congratulations and thanks for urging peaceful settlement and denouncing odious and senseless war.

J. F. DELORD.

SUDBURY, MASS.,
April 24, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We strongly support your stand regarding U.S. activities in Vietnam.

ELIZABETH and WILLIAM WARREN.

LOS ANGELES, CALIF.,
April 25, 1965.

Senator WAYNE MORSE,
Washington, D.C.:

Heard your speech on Vietnam. Agree with you 100 percent. Keep American people informed.

MRS. SYLVIA WARNER.

THE JOHNS HOPKINS HOSPITAL,
Baltimore, Md., March 10, 1965.

Hon. WAYNE MORSE,
U.S. Senator, the Senate,
Washington, D.C.

DEAR SENATOR MORSE: I support you in your stand on Vietnam. I have supported you as long ago as 1962, which year was spent as an American adviser in Saigon. Last year, when you dissented from the carte-blanche approval of the President's actions in Asia, I was in sympathy with you. Having left the Navy in December, I now feel free to openly declare my thoughts.

Three years ago, the assistance to Vietnam had certain clandestine overtones, designed to conceal our efforts from the ICC and vocal critics such as yourself. The ability of the military to thus act outside the interests and intent of the people was partially instrumental in my decision to resign. Casualty figures and troop numbers were handled with utmost care to avoid frightening the public, until the election campaign pointed to the need for popular support. It seems that, knowing American respect for our boys, the administration found it convenient to dwell on the hardships and casualties. The course of policy has changed from concealment to involvement as public emotion is mustered to quell critics. In this atmosphere of growing hysteria, it seems especially important to congratulate you on your courage.

Although the Constitution reserves for Congress the privilege of declaring war, historically Executive action followed by public indignation have lead Congress to the point where no alternative was open to it short of war. Now, before we replace "Jerry" and "Jap" in our vocabulary of hate with "VC" and "Chink," it is important that reasonable opposition be heard. If the American mind is molded to a just war in Asia and Cuba, then the U.N. and world peace become concepts for another generation to define.

Although I am no longer a constituent since I left the Navy, I will continue to regard you as my Senator so long as you continue to speak from your conscience. Today you may be called a character of a man, but it is of no importance if in the long run you are remembered as a man of character.

Very truly,

MELVIN E. GOVIG,
Director, Medical Record Services.

GREATER PORTLAND
COUNCIL OF CHURCHES,
Portland, Oreg., April 12, 1965.

THE PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: The burden of decision regarding Vietnam which you must shoulder is grievous and we would not add to it. We, the board of directors of the Greater Portland Council of Churches, wish to aid and support you.

We support you fully in your statement of April 7 concerning your desire to follow the way of unconditional negotiation. We are pleased that you have stated forthrightly your ultimate goal of just peace through negotiation for the Vietnam conflict. Your offer of $1 billion in aid to eradicate hunger in southeast Asia, to be channeled through the United Nations, is heartening.

On the other hand, for some time we have been perturbed by the escalation of the war in Vietnam for fear it might advance beyond the point of no return. As a Christian body, we have deplored the increasing loss of life, the use of napalm bombs and gas—even though of a nonlethal action—which awaken horror in all parts of the world, and even in our allies.

May God in His graciousness guide you as you lead our Nation to a peaceful negotiation of the Vietnam conflict.

Sincerely,

WILLIAM B. CATE,
Executive Secretary.
PAUL S. WRIGHT,
President.

THE CLEVELAND PRESS,
Cleveland, Ohio, April 22, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is not the first time I have written to you in grateful appreciation for your valiant fights for seemingly unpopular causes. I earnestly hope you will not only continue, but redouble your attempts to awaken the public conscience regarding our reprehensible policy in Vietnam.

I am a lifelong independent Democrat who has lived through two world wars, and I have been a daily newspaper writer for 40 years. Yet now, reluctantly, I have come to the conclusion that the warhawks have their talons imbedded in President Johnson so deeply that it will require a superhuman effort to persuade him his policies are leading straight to a tremendous bloodletting—probably followed by nuclear annihilation for millions.

The point we must strive to bring home to our people is one on which you have been hammering—that we have grossly violated the 1954 Geneva treaty terms by shipping troops, arms, and munitions into South Vietnam. Also, that we have without apparent shame been as responsible as anyone for the fact that the Diem goverment never held the 1956 elections called for by the 1954 agreements.

As usual, truth is the first casualty in wartime. The propaganda emanating from Washington is conditioning our people to stand for a war which we had no business entering in the first place.

Our people are told we are in a fight to guarantee the freedom of others. What freedoms? Since the Vietnamese never have been permitted to elect their own governments, how can our country have the crass effrontery to say we are shedding our blood (and spending mounting millions of dollars) for freedom? The poor rice farmer of Vietnam can have no illusions about this situation, or there wouldn't be so many of them who apparently are Vietnamese in the daytime and Vietcong after dark.

That, incidentally, is the exact remark I heard a wounded GI make on TV when he was shipped home—until an officer quickly stepped in and shut him up.

I am among the millions of Americans who are simply crushed by the obvious fact that we really didn't have a choice at the last national elections. We couldn't vote for Goldwater for many reasons, particularly because he was obviously a irresponsible warhawk.

But now look. The man we felt offered us a decent alternative has apparently turned his back on reason. I can never again vote to Lyndon Baines Johnson. The fight for civil rights and the war on poverty are wonderful goals. But what good will it have done for us to achieve them if the world is shortly to be left in ashes?

For the love of heaven, Senator, redouble your efforts. You will have the blessing of history if we can overcome the impending disaster.

Sincerely,

JACK CLOWSER,
Sports Department.

THE GREATER PORTLAND
COUNCIL OF CHURCHES,
Portland, Oreg., April 14, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We have attached a copy of the letter which we sent on April 12 to the President of the United States regarding the situation in Vietnam.

Sincerely,

WILLIAM B. CATE,
Executive Secretary.

INDIANAPOLIS, IND.,
April 19, 1965.

DEAR SENATOR MORSE: I support the growing numbers of Senators calling for a peaceful solution to end the war in Vietnam. You speak for me when you say "* * * a continuation of the State Department's policy in South Vietnam is certain to lead to a massive war in Asia * * *." We can only do so very little to prevent this but we need to do all that we can and we do admire you for your courage to stand in this day when so many will attempt to do so. Thank you again and take courage. Our thoughts are with you, hoping we have not as yet reached the "point of no return."

MRS. LORETTA CORDELL.

HEIFER PROJECT, INC.,
Goshen, Ind., April 21, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The developments in Vietnam and elsewhere the past few weeks reminds me of the coming of World War I and World War II. I wonder how it looks to you? Because I am sure that I do not have enough of the truth about the situation, I do not want to draw conclusions unduly; but I am confident that the movement of our present foreign policy is heading toward world war III. I want to see it stopped and I know you do too. How to get it done is my big question.

It looks as though the "military-industrial complex" of which President Eisenhower warned has been having a real field day. I was surprised a few months ago to read in our local paper, the "Elkhart Truth" (a fairly conservative paper), the story about the "Missile Gap of Sixties, A Myth of History" by Everett S. Allen. Here was given—about 5 years too late—the story of how the American people were fooled into accepting a $17 billion increase of our missiles. I wonder if a similar deal is being worked out behind the scenes again. Can you find out the truth for me?

Not at all cynical about the present administration (at least yet) I think they are taking the whole world in the direction of destruction. I believe President Johnson honestly means to offer all of this help to southeast Asia after the hostilities cease, but I doubt that many people over there will believe it. And if this is allowed to escalate into a major war the human race is probably doomed. This is what Dr. Otto Hahn told me in his office in Gottingen, Germany, in 1959, "Any major war will be a nuclear war and a nuclear war is likely to destroy all of mankind."

It seems to me a little handful of you Senators there at Washington might be able to work together and turn the tide. It seems to me of critical importance.

If I can do anything out here at grassroots please let me know.

Cordially,

DAN WEST.

P.S.—Can you do anything to help the U.N. meeting on disarmament now? I should hate to see that fail.

WICHITA, KANS.,
April 21, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: According to our Constitution only Congress has the power to declare war. However, the President, as Commander in Chief of the Armed Forces, can involve us in undeclared war not necessarily approved by the American people. It is time an amendment be made to the Constitution which will protect the people from the trigger-happy politicians.

Sincerely,

DON BLAINE.

LA CROSSE, WIS.,
April 19, 1965.

Hon. WAYNE MORSE,
Hon. ERNEST GRUENING,
U.S. Senators from Oregon and Alaska,
Washington, D.C.

DEAR SENATOR MORSE AND SENATOR GRUENING: I am writing to say that I agree completely with your stand on Vietnam. I am only 15 years old and can't do much but I read with interest what you have said. In our classroom at school, I am the only one that agrees completely with your stand. I don't know if this is due to the fact that this area is heavily Republican, but I am surprised at anyone advocating war. We should have learned in Korea. You don't know what the Red Chinese will do if they do have the atomic bomb now. I am a Democrat and worked with Young Democrats last year to help elect President Johnson and other candidates. However, I don't like his Vietnam policy. I hope the President will press for negotiation and you will continue your stand on South Vietnam. I am also interested in going into politics some day. Do you have any information on a career in politics? I would appreciate any information you might have.

Sincerely yours,

CHRISTOPHER KUECHMANN.

CAMBRIDGE, MASS.,
April 22, 1965.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.:

In your stand on the Vietnamese situation you speak for other citizens of United States like myself.

ANNETTE SILBERT.

NORTHVILLE, MICH.,
April 20, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

DEAR SENATOR MORSE: I am with you in all your efforts to stop the Vietnam war. It seems incredible that our country could be pushing such an outmoded, vicious, and dangerous military effort. I hope Senator FULBRIGHT's suggestion of a temporary lull will be pushed in Congress and gain the ear of the President. Many thanks, and please keep up the fight for peace.

Respectfully,

ALICE M. WOODRUFF.

THE SMALL ANIMAL CLINIC,
Cleveland, Ohio, April 20, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Please continue to speak out against the bombing of North Vietnam—the local newspapers rarely carry your comments except to criticize them.

Is there any way of being placed on your mailing list to obtain the full text of your statements?

Yours for a saner world.

Sincerely,

MRS. D. A. RICKARDS.

MINNEAPOLIS, MINN.,
April 19, 1965.

Senator W. MORSE,
U.S. Senate.

DEAR SIR: You have many people behind you. Please keep informing the U.S. people about the truth in Vietnam. As you said, we must deal with the rebels in South Vietnam before we can have peace. It is a civil war and we must deal with that reality first.

Congratulations and keep it up.

Sincerely,

MRS. A. W. WALKER.

ALEXANDRIA, VA.

Senator MORSE,
United States of America,
Washington, D.C.

DEAR SENATOR: I thank you from the bottom of my heart for speaking out and warning the American people about the war in Vietnam. If only there were more Senators like you.

Sincerely,

JANET M. HANNAN.

RICHMOND, VA.,
April 20, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

MY DEAR SENATOR MORSE: As one of your long-time admirers, I must take pen in hand and urge you to step up your well known opinions by more and more public expressions.

It is not that you have been correct from the first, but that the entrance of North Vietnam openly in the conflict will also bring in Red China. Then we will be at war. That is exactly what you were saying long ago.

My background has been on all other matters a strong supporter of the Johnson and Kennedy administrations. I say this to show I am deeply sincere in my support of you and your position.

Now is the time, Senator Morse, for a demonstration of genuine statesmanship and you possess all the prerequisites so rarely found in one person: character, integrity, intelligence, oratorical ability, and knowledge.

Seriously you must step out and keep the story in front of the American people before it is too late.

Sincerely,

LEONARD HIZER.

NASHVILLE, TENN.,
April 19, 1965.

DEAR SENATOR MORSE: I am a Christian laywoman and I am very concerned about the situation in Vietnam. I am aware of your opposition to administration policies. I would like to express my approval and let you know that I am behind you. The only answer to the problems of the world is the love of Christ for all men. We need more people who will at least try to put that love into action both in private and public life. May you find strength from God to continue your stand.

Sincerely,

MRS. DAVID KRAFT.

NEW YORK, N.Y.,
April 21, 1965.

DEAR SENATOR MORSE: I agree with your views on Vietnam. I only wish there would exist less aggressive men in our executive branch. Please continue your fight against hypocrisy and war.

JOHN PAGGIOLI.

Chicago, Ill.,
April 19, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Senator: This is to belatedly thank you for the frank exposition of your views while we were riding in from the airport for you to make your address to the Warsaw ghetto memorial meeting. I must confess I was considerably shaken by your feeling that the movement is toward attack on Chinese bases, leading inevitably to general war. The average citizen, as you can well imagine, faces nothing but frustration when up against the alternatives of doing nothing, marching in peace parades, or writing letters to his representatives, the latter bringing canned replies with which, in my case, you must be well familiar. Despite this, I have again written as per the attached, to Senators Douglas and Dirksen. Is there anything to be gained from such efforts? Do you recommend any more meaningful action?

Sincerely yours,
Philip Brail.

April 19, 1965.

Senator Everett Dirksen,
U.S. Senate,
Washington, D.C.

Dear Mr. Senator: I have written you on previous occasions voicing opposition to U.S. conduct of affairs in Vietnam. I have carefully read your replies, and some of your speeches in the Senate, and am mindful of the fact that there is too wide a divergence of opinion to be narrowed by the enforced limitations of a letter. Let me say only that my opinions developed only after wide reading on the French Indochina background, the 1954 agreement, and subsequent developments, as well as constant reading of American news reports, supplemented by English and French, which are much more complete. Such reading just doesn't confirm the fixed American position that the struggle is an invasion from the north, which Hanoi could turn off at will, even if it so willed.

Be that as it may, and recognizing that no exposition by me is likely to temper your views toward those of your Senate colleagues Morse, Gruening, and others, may I make this suggestion which seems possible of acceptance by both sides. A Geneva conference on Cambodia could assemble all the countries concerned with Vietnam, and permit informal exchanges. This could provide a way to get around the hurdles of "face" and preconditions. While the conference would formally deal with Cambodia, both sides could put out feelers for a Vietnam settlement.

Reports in the New York Times and the St. Louis Post Dispatch, and recent books by Pulitzer Prize winners Browne (AP) and Halberstrom (New York Times) makes it clear that in South Vietnam, we have a most unstable and unpopular ally, that any hope of a clear-cut victory by us for them is hopeless, and that our losses are much greater than publicized. Peace is to the mutual interest of all parties including us, and its pursuit is therefore your obligation as well as mine. The President certainly seems to want it. Wouldn't a Cambodian conference open the way?

Sincerely yours,
Philip Brail.

American Baptist Campus
Ministry in Northern California,
Berkeley, Calif., March 30, 1965.

President Lyndon B. Johnson.

Dear Mr. President: During this month a number of us have engaged in fasting, each for 48 hours, as—(1) in repentance for our share, unwilling though it is, in the brutal, barbarous, illegal, and immoral war in Vietnam; and (2) as a deep expression of our concern that negotiation and economic and social aid may take the place of military escalation there.

Sincerely yours,
George L. Collins.

Brunswick, Maine,
April 21, 1965.

Hon. Wayne Morse,
U.S. Senate.

Dear Senator Morse: Although I am not one of your constituents, I want to thank you for speaking out about our present folly in Vietnam. Why are so few people in Washington criticizing this continuing insanity?

I feel sure that a major reason why States such as Maine turned down Goldwater so heartily was the fear that he might do in Vietnam just what the present administration is doing.

As Norman Thomas said on Monday evening in Brunswick, "Goldwater being dead yet speaketh."

More power to you.

Yours sincerely,
Cecil T. Holmes.

University of Minnesota,
Minneapolis, Minn.,
April 21, 1965.

Senator Wayne Morse: We write to express our approval of your deep questions and objections to the administration's foreign "policy" in Vietnam. We agree that the trouble there is one of a civil war nature; that we have violated the Geneva accords of 1954; that the administration has given no good reasons for our present bombings in North Vietnamese territory. We especially wish to praise you for your Johns Hopkins address.

Sorry that this is so short. We have just written more lengthy letters (but not of praise) to the President and to several Senators, urging the latter to join your stand.

Wm. G. Boardman,
Robert Baker,
Instructors.

Piermont, N.Y.,
April 21, 1965.

Hon. Wayne Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse: Though not a constituent of yours, I want to express my thanks and admiration to you for your consistent and courageous stand on Vietnam. I only wish more Senators and others in the Government had your insight and courage.

More power to you, and good luck.

Sincerely yours,
William W. Stafford.

Woodbury, Conn.,
April 21, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: How glad we are, how thankful to have at least a few of you who are holding firm in your opposition to the war in South Vietnam.

This is just to send a word of encouragement as you make your stand these days. I hope somehow you will be able to persuade some of the other Congressmen of the folly of our involvement in this Vietnamese civil war.

Respectfully yours,
Eben T. Chapman.

Urbana, Ill.,
April 20, 1965.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Your career in the Senate has been one that I have admired for what must be close to 20 years by now.

But at no time have your courage, diligence, and honesty been more apparent than in your struggle to speak the truth about Vietnam.

If we manage somehow to pull out of this morass I am sure that the Nation will be in your debt.

Thank you for being a good Senator.

Sincerely,
Gene Gilmore.

Boston, Mass.,
April 20, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: You may wonder, as the escalation grows of our attack against North Vietnam and our commitment to a military "solution" increases, if your effort is worthwhile. I hope that you will take strength from the knowledge that thousands of Americans depend upon the lone stand of you and Senator Gruening as the voices of realism in our confused political scene. May you find the patience and fortitude necessary to discover means of convincing adequate numbers of your colleagues in the Senate to a real desire for a solution to the dangerous conflict in southeast Asia.

Yours sincerely,
Alick Bartholomew.

Athens, Ohio.
April 21, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Stand firm, stand firm, and stand firm.

There are many of us who are appalled and ashamed at what the United States is doing in Vietnam. You are right, we do not belong there with our bombs and gas. Make a speech on the Senate floor every day to keep us all from becoming lulled into acceptance of the situation.

We enjoyed your speech at Ohio University.

Sincerely yours,
Marjorie S. Stone.

St. Louis, Mo.,
April 21, 1965.

Dear Senator Morse: I want you to know that I fully support your stand against extending the Vietnam war, and I hope you will continue to state your views.

Thank you also for the letter which you sent to the St. Louis Rally for Peace in Vietnam on April 21, 1965.

Support for your position is growing, but there is an incredible amount of misinformation circulated by the news media in regard to the war going on in Vietnam. Also, there is a general feeling that the Government possesses secret information which is not at the ordinary citizen's disposal and without which he cannot formulate an opinion.

Your words do much to dispell a general feeling of irresponsibility on the part of the public.

Thank you,

Sincerely,
Miriam R. Kay.

Austin, Tex.,
April 19, 1965.

Dear Senator Morse: We want to thank you for your continuing courage and honesty about our policy in Vietnam. If only there were more like you in the Congress.

Sincerely,
Mr. and Mrs. Robert Estes.

Greenwich, Conn.,
April 22, 1965.

Dear Senator Morse: Just a note to express my admiration for your candor—and stamina—on the question of Vietnam.

We say we are fighting for freedom in that unhappy land.

Yet, for the last 9 years, we have opposed free elections to reunify both Vietnams.

And hardly any of our free world allies warmly support our military adventures there.

It's argued that if we pulled out now and permitted honest elections under U.N. auspices, we'd lose face. Actually, however, our prestige falls with every napalm bomb.

You're a brave man to stand up to the "hawks" and speak the truth.

Sincerely yours,

JOHN PAMPEL.

MINNEAPOLIS, MINN.,
April 23, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: For the past several weeks I have discussed with many of the customers I call on in Minnesota, North and South Dakota, and Iowa in my work as a steel salesman for the Jones & Laughlin Steel Corp. our Nation's role in South Vietnam. I have been somewhat surprised at their opinion, for almost to a man they have all expressed their complete rejection of our role in this troubled area. Few can find any reason for our being there and most feel that the conflict may escalate into a general nuclear war.

I must say that I tend to agree with their reaction and want to urge you to continue to use your good offices to see what can be done to reduce our aggressive actions in Asia and bring reason to bear on this needless and dangerous conflict.

You and Senator GRUENING seem to be the only ones with enough good sense and courage to speak up in this crucial hour. We salute you.

Yours for the democratic way of life,

Mr. and Mrs. ROBERT W. MCCOY.

ARLINGTON, VA.,
April 23, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Though I am not a constituent of yours, please count me as a supporter in your forthright campaign to pound some sense into our makers of foreign policy in regard to the dangerous and stupid situation in Vietnam.

How can we hope for peace while dropping napalm on civilians? Say we seek conferences on ending the war while we spread it northward? Ask for a lessening of tension when we pour more men, weapons, and planes into the Vietnam civil war?

We sleep better knowing that you and your like-minded associates are keeping an eye on the war hawks in the Department of State and the Pentagon.

Sincerely,

TRAVIS K. HEDRICK.

MIAMI, FLA.,
April 22, 1965.

EDITOR THE HERALD: In recent months we have witnessed in our country almost every conceivable sort of protest, both violent and nonviolent, against our war policy in Vietnam. They have ranged in violence up to the maximum protest of self-immolation by fire, and in size to the great 20,000-person April 17 march on Washington, and to literally millions of letters written to the President, to Congressmen, and to the editors of our daily newspapers.

Despite this magnitude, and depth, and force of protest, our administration sees fit to further escalate this ugly war. What then is to happen now? When people feel so strongly about this issue that they are willing to burn themselves alive in protest, will they simply fold their tents and steal away into the night when their protests are ignored? I do not believe so, especially since there is the lingering, burning, shameful, and comparatively recent example of apathy the German people showed toward the inhumanities perpetrated by the Nazi government under Hitler.

It is my considered opinion that if we persist further on our present course in Vietnam, that we can expect violence of a substantial nature to manifest itself in our country by our own people. I believe this violence will be directed at first against the production facilities, transportation, and communications facilities, military establishments, utilities, and our national shrines. Beyond this I do not even like to think.

Is it worth this much to prove our virility? Or, can it be that when proving it becomes so important to us, that perhaps it is because we have already lost it?

REYNOLDS MOODY.

DAVIS, CALIF., *April 20, 1965.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want you to know that I am very grateful for the reasonable and courageous stand you have taken with respect to our country's military actions in Vietnam.

I hope you will recognize that there are a significant number of people in the United States who do support you. I hope you will not be tempted to compromise your stand.

May God guide and comfort you.

Yours sincerely,

ANDREW C. MILLS.

MEDIMONT, IDAHO, *April 20, 1965.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Would like to commend you for your stand on the Vietnam war. The majority of people I have talked with about this agree with me but doubt if 95 percent of them would take the trouble to write. So I could safely say that the greater number of the common people condemn President Johnson's and McNamara's war.

Am aware that you may be very busy and if you do not answer all your mail it's okay.

Very truly yours,

E. H. HANSON.

STATEN ISLAND, N.Y.,
April 23, 1965.

DEAR SENATOR MORSE: May I congratulate—and thank—you with all my heart for your opposition to this Vietnam madness? It seems that nobody outside Washington, either in the United States or the rest of the world, approves of our present actions there. The administration seems to have sold out to the Army brass, who are always stupid. Also, they love war and don't mind in the least how much of other people's blood (or money) they spend.

Do please stick to your guns.

Your sincerely,

R. CROWLEY.

MERCER ISLAND, WASH.

DEAR SENATOR MORSE: Hitler, Mussolini, and Stalin insisted on unanimity—that is "yes men." It is heartening to learn that there's a few brave representatives left to indicate an alternative course to the present one which history will indict President Johnson as the cat's paw for reaction.

Respectfully yours,

HOMER HENDERICKSON.

P.S.—Is it too late for a democratic solution such as indicated by the Geneva Convention of 1954—a commitment we ignored and which we are trying to cover with bombs.

GAINESVILLE, FLA.,
April 23, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I was shocked to read today of the possibility that 100,000 U.S. troops will be committed to South Vietnam. If Evans and Novak are to be believed U.S. Senators have already been briefed on this decision. I can only consider such an action to be one of unprecedented body. In general the U.S. policy toward Vietnam has been distinguished only by its lack of moral basis and intellect. I can only hope that Senator FULBRIGHT's proposal for temporary cessation of bombing will be adopted and a serious attempt made to negotiate.

Respectfully yours,

E. S. MATALKA.

DEAR SENATOR MORSE: I would like to endorse Mr. Matalka's views in this matter and to add that it is with considerable relief that at long last you seem to be opposing the apparent escalation of the southeast Asian crises. Please continue to take the stand that the Nation has come to expect of you in these matters.

Sincerely,

W. E. BOBLITT.

I am in complete agreement with Mr. Matalka in this matter.

MARK W. OTTEN.
EDWIN E. BURKETT.

BERKELEY, CALIF.,
April 21, 1965.

DEAR SENATOR MORSE: Through your continuing exposure of administration claptrap, hypocrisy, and dishonesty about Vietnam you are performing a great service to world civilization and humanity itself. Your honesty and courage has certainly inspired many Americans, has been a very crucial factor, I think, in creating what is beginning to look like a real mass movement of protest in the United States against actions of our Government that are both stupid and hideous.

HAROLD B. JAMISON.

ABERDEEN, WASH.,
April 21, 1965.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Our war in Vietnam is doing more to bring on socialism in this country than anything since the depression. People in every group you get into are discussing the right and wrong of our military policy in Asia. I only know of one man in this town who is willing to defend what is being done, and he is connected with the John Birch Society. Even he has to admit, in the final analysis, that he thinks what we are doing is politically expedient rather than right.

At a basketball game the other night when we stood for flag salute, not over a dozen people stood at attention and only a few made a feeble attempt to salute or to even look at our flag. Parents and students alike seemed depressed.

It is somewhat more difficult to brainwash people now than it used to be; folks know that we have an interest in tin, tungsten and oil in southeast Asia. They also know that the foreign press tells us things that are later admitted by our Government when convenient. In fact, people feel that they voted against what we are doing in Asia last November. Many will never vote again for anyone. They feel that it is of no use.

Is it true that we have had a military coup in the United States of America and that you do not dare try to control the military? Many people seem to think so. If this is true, would it not be better to let us, the people, know so we could help and try to do what is right and to protect you?

Sincerely,

MAXINE ACKER.

Copy to HENRY M. JACKSON, WAYNE MORSE, Senator GRUENING.

JOHNSTOWN, PA.,
April 22, 1965.

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR: It's too bad that we cannot have a majority in the Senate of men with your good sense in international affairs.

Let's get the hell out of Vietnam.

Best of wishes to you, and keep after the nit-wits.

ARTHUR JOHNSTON.

PHILADELPHIA, PA.,
April 23, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: We thank you deeply for your struggle in behalf of the honor of our country and the rights and welfare of people, everywhere.

Gratefully yours,

ARTHUR and HELEN BERTHOLF.

SUNNYVALE, CALIF.,
April 22, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Enclosed is a copy of a letter that I have sent to President Johnson regarding our current southeast Asia policy.

I realize that you have already spoken out against the present expansion of the war in Vietnam, however, please attempt to further seek methods of enticing our Government to adopt a responsible approach to world leadership.

My own recommended approach to the problem in Vietnam has been described in an earlier communication, however, almost any form of resolution is preferable to our present blind, obstinate, dictatorial and potentially disastrous policy.

Sincerely,

BYRON F. MISCHE.

SUNNYVALE, CALIF.,
April 21, 1695.

The PRESIDENT,
The White House,
Washington, D.C.

SIR: Please consider the adoption of a policy encompassing reason, honor and compassion in Vietnam.

I do not favor withdrawal, or even negotiation necessarily, however, our present premeditated attacks upon the northern portion of the country are no less a criminal act than those of the Viet Cong terrorists. Indeed they are perhaps of a greater degree of viciousness due to our overwhelmingly superior power.

Because of the arbitrary approach of the United States to the solution of an international problem, I have all but lost faith in the intents and purposes of this country in the modern world. For the first time in my life I am actually ashamed of my National Government.

Please, sir, direct our strength and resources into a course of action which will bring honor, respect, and the gratitude of all people who are presently innocent victims of our capacity for death and destruction.

Sincerely,

BYRON F. MISCHE.

Copy to Senator THOMAS H. KUCHEL, Senator GEORGE MURPHY, Representative CHARLES S. GUBSER, Senator WAYNE MORSE, and Senator ERNEST GRUENING.

APRIL 19, 1965.

EDITOR,
San Francisco Call-Bulletin,
San Francisco, Calif.

DEAR SIR: There are many things that are disturbing to me about what is happening in Vietnam. Almost each day brings some incident that is either shocking, or else leaves me with the dim feeling that would have been considered shocking in some earlier, more innocent, time.

But to me the most striking point of all is that we claim to be acting there, not for reasons of narrow self interest, but out of moral considerations. The President has spoken eloquently to the point that we want nothing for ourselves in southeast Asia, that we are there only because of commitment to our friends, that we want only that they be allowed to choose their own government without outside interference.

What can he mean by this? Who are the friends he refers to? Are they the people of South Vietnam? Or are they the members of the sequence of more or less unsavory regimes which we have instituted and supported and which have been unable to obtain the confidence of the majority of the people of South Vietnam?

Perhaps the answer to this question of who are our friends can be seen in the history of the past few years. If we have any commitment in Vietnam at all, it is to the Geneva agreement, which we had pledged to carry out. The history is complicated and there were violations of the terms by both sides. But one point stands out as being of overwhelming importance. According to the terms of the agreement, the split between North and South Vietnam was to be temporary. Nationwide elections were to be held with the object of uniting the country under a single government. When it became clear to us that the regime we favored in Saigon had not much more support in the South than in the North, and would lose in any election, no elections were held. So much for our commitment to self determination for the people of Vietnam.

In view of this, I would be more comfortable of the President, in discussing our role in southeast Asia, spoke in terms of national self-interest rather than moral commitment, and posed the question of whether it is indeed in our self interest to be in Vietnam? To my mind, compelling arguments that it is not in our interest to be there have been given; e.g., by Senators MORSE and CHURCH. But if the administration insists that the matter is one of moral commitment rather than national interest, sensible dialog is impossible.

Even worse, the administration has made it clear that dialog is unwelcome. Members of Congress who have taken a strong stand against our actions in Vietnam have not been gently treated by the administration. There have been increasing restrictions on reporting out of Vietnam and even a few flagrant instances of harassment of reporters. The unhealthy and undemocratic attitude of "only the experts can decide such complicated matters" has been fostered.

But in spite of all this, or perhaps even in part as a response to the challenge, there has been an increasing expression of concern. People, for a great variety of reasons, are standing up and saying "enough." In spite of the awful circumstances which have led to it I find this protest an exciting thing and an indication of health in a society for which many had feared.

Sincerely yours,

KAREL DELEEUW.

SAN FRANCISCO, CALIF.,
April 22, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We appreciate your courage and integrity in maintaining your opposition on Vietnam. We are dismayed that President Johnson has accepted Goldwater's trigger-happy position.

You speak for many quiet people who despair because their President has declared war without their consent or even that of their Congress.

Sincerely yours,

NATHAN SVEN.

SAN FRANCISCO, CALIF.,
April 22, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I feel I must write to congratulate you on your brave speech, which I heard on the radio this morning, regarding the war in Vietnam.

I wholeheartedly agree that the moral position of the United States has been seriously compromised by its escalation of the war. In the last analysis, people and nations are judged by what they do, not by what they say; and the actions of the United States in Vietnam directly contradict our supposed desire for peaceful settlement of international problems. Indeed, I am beginning to wonder if our desire for peace is not merely a desire for the kind of peace which prevails when one group, through naked power, can enforce its viewpoint upon the rest of mankind.

I hope you realize that your voice is finding many responsive listeners in the United States. The purpose of this letter is to encourage you to keep on speaking, loudly and clearly, knowing that many people share your convictions, but do not have the opportunity nor the eloquence to give them direct expression.

Very sincerely yours,

MRS. GRETCHEN ANN HOAD.

CHEVY CHASE VILLAGE,
Chevy Chase, Md., April 24, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I interpret the news as indicating that many Senators are troubled by the violent course we are pursuing in Asia, and I therefore direct my appeal to you.

It is my belief that the President's advisers have lost their perspective, and are quite out of touch, in judgment, with intelligent world opinion. I fear that in their intense desire to prove they are right, they will soon commit us to a bloody land war we can never win, on the continent of Asia.

Under the Constitution, I plead to you as a Senator to do all you can to stop this recklessness.

I am not a member of any pressure group, but am not ashamed to say that I am particularly concerned because I have a young son who could be a part of this sacrifice. Certainly I did not agree to commit him to such a war, nor did the Senate under our Constitution. I am confident millions of other citizens feel as I do.

Please insist on a course of sanity before it is too late. That these advisers will "lose face" if our policy is changed, is certainly a matter of no true importance.

Yours, with hope,

JOHN W. MALLEY.

SANTA ANA, CALIF.,
April 22, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to offer my heartfelt thanks and my support for your rare and welcome voice of sanity in our Government regarding the horrible war in Vietnam.

I have never felt so ashamed, so angry, and so frustrated, probably because I am an American and a Democrat that pounded the precinct pavement to prevent the implementation of the Goldwater policy—and because I'm not sure I would even want to stay the hand of doom that must surely come if we cannot allow life to those who will not run their governments to suit us.

When did we don this mantle of the Aryan supermen? How did we become the judge and executioner of the rest of the world?

Surely there are a few checks and balances left in Washington to halt this course of mad men. And I suggest that the preservation of even one human life is worth all the political wounds that could result through the process of impeachment.

Sincerely yours

R. L. SEIBEL.

ST. LOUIS, MO.,
April 22, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please find enclosed a letter I have just written to President Johnson.

Sincerely,

JUDITH BAUMRIN.

ST. LOUIS, MO.,
April 22, 1965.

President LYNDON JOHNSON,
White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I was one of those who fought hard for your election. I believed that of the many qualities which you brought to the Presidency the most important were caution and patience. You had learned through your many years in the legislature that things worth having are worth striving for carefully, without creating enemies for one's cause along the way. Your many hours of talk with your political opponents usually won them over—gradually.

I believed that in times when our relations with the other nations in the world required delicate, diplomatic, but most of all patient handling, that you would be the man who would fulfill these requirements.

But you, a wise man, have been foolishly advised. President Eisenhower was advised not to engage in direct intervention in Vietnam, and he, a brilliant military man, accepted this advice as sound.

Please, listen to those who would stop this club wielding course we are pursuing. Please hear their arguments. Senators CHURCH, GRUENING, MCGOVERN, and MORSE are all wise and patriotic men. Please, just listen with the best that is in you to what they tell you.

Sincerely,

MRS. BERNARD BAUMRIN.

ORMOND BEACH, FLA.,
April 23, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: These days you must feel like a man standing on the bank of the Niagara shouting at a boatload of joyriders who are pushing off for a ride to the falls: "Turn back before it is too late" only to get their raucous reply: "We know how to take care of ourselves." Are you in a tiny minority in Washington or are there many others who see clearly the terrible disaster that awaits us and the world if we go to war with China? Are there only a few who discern the futility of trying to solve the problem of communism by war?

Hitler tried to destroy Russian communism by invading Russia and he did succeed in killing 15 million Russians and destroying untold property (secretly abetted by many in the West), but he left a fractured Germany. I was in the Far East when Japan launched her invasion of China with far superior military forces plus the advantage of the camouflage of Oriental features and the ability to live as the Chinese do. They did untold damage but lost their empire. Suppose we do beat China to her knees for a time, can we police the country? Can we support the necessary rehabilitation? to say nothing of survive in history the infamy of such an invasion. Is President Johnson to go down in history as the one who led us into such supreme folly?

I spent 18 years in China, most of it as a professor in the University of Shanghai. After 1900 we built up a great fund of goodwill to our people which has been almost completely dissipated by our policy toward mainland China since the war. Not long ago I received a letter from a Christian physician who is head of surgery in a government hospital in Shanghai asking why our Government took up such an attitude toward the Chinese Government when they were putting into effect many of the things Christians tried to accomplish (universal education and medical service, equality of women, etc.). The antagonism of China toward us is not utterly unreasonable when we consider our support of its enemy—Chiang Kai-shek—on Formosa.

Last night Alsop's column defamed Hans Morgentau as a pompous ignoramus because he took a position against the war hawks. Your speeches and Senator GRUENING's don't get into our papers. What can we ordinary citizens do to stop the false patriotism that demands that we support every military adventure which our Government undertakes?

Yours sincerely,

GORDON POTEAT.

P.S.—I met you several years ago at a tea in Paul Raymond's home when you came to speak at our Daytona Beach forum. I have long been one of your supporters. (I'm a retiree, 74 years old.)

BROOKINGS, S. DAK.,
April 21, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MORSE: I read a summary of your address at the Johns Hopkins University in the Hopkins Alumni magazine. I want to go on record for endorsing your remarks. I am afraid the present policy will bring an incident to precipitate an impossible war. Just because a mistake may have been made in a former administration is no reason to intensify this operation.

I admire your courage and sincerity.

Yours very sincerely,

DOUGLAS CHITTICK,
Professor of Rural Sociology,
South Dakota State University.

NEW BEDFORD, MASS.,
April 21, 1965.

The Honorable WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SIR: Do keep on with your messages to the American people over radio, T.V., and in the newspapers. I heard your taped message over the radio this morning, and I think it has powerful appeal to the mothers whose sons may have to give their lives in this unnecessary war, and to mothers who have already lost their sons in battle.

I just want you to know I'm very grateful to you, and a few others in Congress for your keen insight, fairmindedness, and humanitarian sensibilities, in matters dealing with Vietnam.

Sincerely,

MRS. ALENE FORTIN.

KANSAS CITY, KANS.,
April 22, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend and endorse your publicly stated views on the Vietnamese civil war. As the stanchest critic in the Senate of the administration's policy you have again shown your independence and courage.

My personal views of this situation are incorporated in a letter I have written to President Johnson. I have taken the liberty of enclosing a copy of that letter for you.

Please continue your efforts on behalf of a fair and peaceful solution to this problem.

Sincerely yours,

ROBERT G. WUNSCH.

KANSAS CITY, KANS.,
April 22, 1965.

President LYNDON JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am greatly distressed at your policy of continued aggression in the Vietnamese civil war. As a student of this situation for the past several years I continue to be convinced that we are illegally intervening in a situation which is indigenous to South Vietnam. Our destructive efforts there are not in keeping with accepted interpretations of international law, contrary to the letter and the spirit of the Geneva Convention of 1954, and in direct violation of the United Nations Charter.

Your April 7 speech calling for unconditional negotiations was superficially attractive. Upon study, however, it is clear that there were conditions and your protestations of a desire for peace appear to be hollow and quite insincere. Your speech was in reality a sop. It will be used to justify continued American aggression.

You have mentioned many times that the price of appeasement is dear and that the aggressor's appetite is never satiated. But because you give the enemy no choice but to appease our increasingly intransigent position, or fight against us, there can be only one logical conclusion. You have dedicated all of our resources to the single purpose of ensnaring China into a general war. This policy of preventive war is Goldwaterism at its worst and deserves the scorn of all thinking people.

If you must lead us into a general Asian war for the single purpose of perpetuating unchallenged American dominance in Asia you must understand this. You will lead a divided alliance, and worst of all a divided Nation, into that conflict.

Sincerely yours,

ROBERT G. WUNSCH.

VIRGINIA BEACH, VA.,
April 23, 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Even after carefully considering information from the most reliable sources available to me, I am not certain that our Vietnamese campaign is serving the best interests of the American people. Does whatever the American people stand to gain in Vietnam merit the costs in their lives, moral standing, prestige, security, unification and creation of enemies * * *? All of the American people have placed their trust in you and your colleagues to protect them from sacrifice for causes that do not merit that sacrifice. If there is anything I might do to encourage careful evaluation of goals of our war effort in relation to costs involved, please let me know.

B. D. PHIPPS.

SAN JOSE, CALIF.,
April 23, 1965.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wish to heartily commend you and all those in the Senate who have protested the illegal presence of U.S. troops in Vietnam.

I believe it was a tragic error for the Senate to give the President a free hand to follow any policy he deemed best in pursuing his undeclared war in that unfortunate country. It is my understanding that the Senate's business is to see that the wishes of the people determine such important decisions especially when it may mean life or death for themselves and the continuation of life on this planet, which this conflict may well decide.

The President has proven himself a person totally ignorant of understanding of the rights of other nations and the consequences of those events for which he is responsible. I do not mean to infer he alone has made decisions, for it is well known the Pentagon has for far too long had a powerful hand in governmental affairs of this country. This should cease. I believe it to be unconstitutional.

It now appears all the progress made toward better relations with Russia during the past decade is fast deteriorating, if not now entirely destroyed and the friends among those we have considered our allies are day by day becoming fewer and fewer, I believe the mandate given the President should be withdrawn at once. Surely there must be machinery which would make this possible.

In addition I urge that a cease fire be arranged at once, the unprovoked bombing of North Vietnam be stopped. Someone must compromise and if we are seriously interested in peace we should do whatever is required to bring about negotiations toward that end. I urge that these negotiations be entered into by the parties who took part in the 1954 Geneva Conference including also representatives of the Liberation Front, called by some the Vietcong, as they are the ones against whom the attack was originally directed. These negotiations should continue until a settlement satisfactory to the Vietnamese people should be arrived at which, of course, should again include a free election under the auspices of the U.N., and not to be interfered with by the United States as in the 1954 agreement.

It is difficult for me to believe that our objective in Vietnam is that which the President claims, as I do not believe the policies of this Government have changed since Eisenhower made a speech before a Governors' conference in August 1953, when he stated:

"Now let us assume that we lost Indochina. If Indochina goes, several things will happen right away. The peninsula, the last bit of land hanging on down there, would be scarcely defensible, the tin and tungsten that we so greatly value from that area would cease coming. * * * So when the United States votes $400 million to help that war (then France's war) we are not voting a giveaway program. We are voting for the cheapest way we can to prevent the occurrence of something that would be of a most terrible significance to the United States of America, our security, our power, and ability to get certain things we need from the richest of the Indochina territory and from southeast Asia."

Occasionally the cat is let out of the bag. It would seem the interest of the United States is considered by this Government to be the only thing to be considered, as in the Latin American countries and everywhere the Government of the United States could by fair means or foul gain control. It is a disgrace and only a return to the basic ideals upon which this country and its Government were founded, adherence to the principle that each nation has an inalienable right to decide for itself the form of government it wishes to live under to run its own affairs as free citizens, without interference from without, can restore sanity to the world.

Because of the need for the public to understand just what the war in Vietnam is all about and how self-defeating it is I suggest a speaking tour of the United States by yourself and any other Member of the Senate, to lay before them the facts, that our position as the aggressor should be made most plain to them. I believe the expense for this undertaking would gladly be borne by the existing peace, church, civil rights, and other organizations, now so greatly concerned.

The question in my mind is this: Is the Senate unable longer to act in a statesmanlike manner to protect the citizens of the United States or not.

Yours very truly,

Della F. Brown.

San Jose, Calif.,
April 17, 1965.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: This letter is an expression of dissent with the immoral and illegal war in which you have committed the United States in Vietnam, and is being written for the reason that I believe failure to dissent is to imply agreement with the presence of U.S. troops in Vietnam and the senseless bombing of North Vietnam. The time has come when no longer can informed citizens remain silent.

The propaganda emanating from the State Department and the White House is totally alien to the real facts, and affronts the practical judgment as well as the moral sense of millions of those who defended you against the attacks of your opponent during last fall's campaign and who so hopefully cast their vote for you in November on the strength of your promise to take steps to end the hatred so prevalent in this country and to diligently seek roads to peace. We did not realize that the hand you promised to stretch out to all concerned in the quest, would hold a gun.

My vote, as well as that of a large majority of those who supported you was an overwhelming repudiation of the policies voiced by your opponent, Barry Goldwater. That fact should have been crystal clear to you. Now that you are safely in the seat of authority and we see you not only adopting but recommending the Goldwater policies which you soundly condemned during your campaign, we feel that we have been betrayed.

The methods you are employing in your unjustified war in Vietnam are antiquated. They reflect only what stupid men all through history have attempted, and failed to prove, that war is the only way to solve the problems that from time to time beset mankind. The truth is, historical records prove that war has been found hopelessly inadequate to produce anything but more war; is a totally unintelligent way to attempt to solve human problems and it can never result in enduring peace.

On the other hand, our Creator gave mankind laws and provided men and women with mind and the power to reason which, when used intelligently, in conformity with His laws provides the only way the peoples of the world can live and prosper together without conflict. It cannot be that you are totally ignorant of those laws, Mr. President, which comprise Christian doctrine, among which is the Golden Rule. This rule admonishes "all things whatsoever ye would that men should do to you, do you even so to them." Or can it be that you consider yourself immune to the consequences of disobedience to this basic law, and to the commandment "Thou shalt not kill"?

Looking further into the very important, though seldom mentioned subject of universal law; whether one is concerned with matters pertaining to nature or the thoughts of man upon which their actions are predicated, the universal law "like produces like" is inexorable and always operative. The cause of crime and juvenile delinquency, the breaking down of morality, etc., with which our courts are so greatly concerned now and which are increasing at such an alarming rate, leads directly to the doors of our own Government now engaged in the greatest crime of all, ruthless and brutal war which cannot be justified by any pious utterances from the State Department or the White House.

When the news reports daily on the number of Vietcong which have been killed, and in many instances those who did the killing are given medals which only glorifies the act of murder, what effect can any thinking person possibly think it would have upon the mind of our youth? If it is quite legal for their Government to kill innocent women and children, burn their homes and rain down bombs upon them, why then is it wrong to follow the example of their Government whom they have been taught to believe is beyond reproach. So the search for the cause of crime ends right at the door of the White House and the halls of Congress. It is perfectly obvious to all who do any sane thinking that crime in this country is escalating in exact proportion to the escalation of your war in Vietnam. Ponder over that, Mr. President. There is nothing more scientific than divine law.

Today a statement allegedly made by you, reported in the news, states that no human power can force you to change your Vietnam policy. This implies stubbornness, not statesmanship, on your part, a lack of courage to face the fact that to continue your present policy is to not only lose the respect of the rest of the world and their friendship, in the end, but that you not only should but will meet with complete disaster. Does it not seem a very high price to pay for your folly?

To occupy the same position in the pages of history with Mussolini and Hitler who also believed that might made right, should not be an attractive thought to you. They also gave no thought to retribution, but it came in due time and whether you realize it or not, you may be facing the same end as a result of disobedience to divine law.

The U.S. Government made a colossal blunder when it was persuaded to interfere in the internal affairs of a nation, an act forbidden by the Charter of the United Nations, to which the United States was a signatory. It has now developed that you are compounding that error by taking on a war against a people who are actually engaged in a civil war against great odds, in the defense of their inalienable right to a government of their own choosing not one forced upon them by alien bombs, guns, and poison gas. Strangely enough the freedom of choice is the very thing to which this Government is committed, yet it appears that freedom of choice must be approved by the United States. What nonsense.

No one can deny that the Vietnamese, both North and South, are as entitled to their culture, their language, and a system of government of their own choice as are the citizens of the United States. Who among the people against whom this cruel and unjustified war is being waged could possibly believe that the only objective of the United States is to preserve their freedom when the U.S. forces are employing every cruel and inhuman method to prevent them from having that freedom, and especially when it is always stressed that any action must be in the interest of the United States?

The presence of the U.S. Armed Forces in Vietnam is to a large percentage of the population a form of tyranny, and many millions of citizens of this country agree with them. That is why people from all walks of life are demanding that you call for an immediate cease-fire and meet with all parties concerned, most particularly with the Vietcong, against whom the war is being waged, to negotiate a settlement, one acceptable to the Vietnamese people, to be determined by a free election under the supervision of the U.N. and without the presence of U.S. troops. This election is according to the provisions of the Geneva agreement of 1954 but which was circumvented by the U.S. Government. We do not feel that the people of the United States should be called upon to give of their substance, their blood, or their tears to further the aggressive policy of this Government.

It is time to recognize the fact that the world is rapidly changing. No bombs, missiles, or biological war, which this Government is so shamelessly preparing for, can stop it. It is as real as the change of the seasons. The peoples of the world are determined to break the shackles of poverty which have bound them over the centuries. They now know the cause and do not need to be told by the Communists when they are hungry, in need of the education they have never had, or the good things of life.

It is not the ones who now have might on their side and who believe that is their security, but the downtrodden and, as the Bible tells us, the meek who will inherit the earth, and it may be sooner than you think.

I do not expect a reply to this letter, nor nor do I care to receive another copy of the questions and answers on Vietnam fiction.

Most sincerely,

D.F.B.

NORTH MIAMI, FLA.,
April 24, 1965.

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: We wish to congratulate you on your great effort in protesting the senseless war in Vietnam. We want to let you know we are 100 percent behind you all the way.

Yours very truly,

Mr. and Mrs. WALTER L. WISEHART.

OREGON CITY, OREG.,
March 1965.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I am writing this letter to you to state my opinions on the Vietnam crisis. I don't feel that the millions of dollars and numerous lives lost each day are worth all our efforts to gain friendship with this country. This is proved by the fact that each day we are physically losing face more and more; rather than gaining it as we had hoped.

I believe that the smartest move the United States could make would be to clear out of Vietnam and to do it fast. The people of Vietnam have certainly more than proved to me that they are very ungracious toward the help we have been giving them in the past. I am wondering how much longer it is going to take our U.S. Government to realize this and act accordingly.

Thank you.

Yours,

Mr. NORMAN BASS.

SHERWOOD, OREG.,
March 30, 1965.

Hon. WAYNE MORRIS,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE, this is to inform you of my support of your position on our policies in Vietnam.

It is difficult to find a valid reason for American involvement in Asia, either historically, or from people who have traveled or lived there recently.

The oriental must shake his head in wonder at the classic American jokes about "saving face."

One of the best ways I have found to remedy a social blunder is to apologize and leave. I would like to recommend this to the U.S. Government.

Sincerely,

JAY MARTIN BAKER.

CORVALLIS, OREG.,
April 2, 1965.

DEAR SENATOR MORSE: I have been shocked and sickened by what I consider to be the reckless, irresponsible, illegal and immoral actions of President Johnson in his escalation of the war in South Vietnam. During the presidential campaign President Johnson stated explicitly that there was a fundamental difference between the bellicose, trigger-happy policies of Senator Goldwater and his own sober, diplomatic, peace-loving methods. The present policy in southeast Asia makes a travesty of Mr. Johnson's promises. So far as I can see the consequences of this policy can only be disastrous.

My wife and I wish to express our admiration for your courageous and intelligent criticism of this new and savage policy of escalation. We pledge our support to you and to men in the Senate such as GRUENING, CHURCH, MCGOVERN and NELSON. We are saddened and disillusioned by the craven silence of men such as MANSFIELD, FULBRIGHT, and Stevenson.

This is our third year in Oregon. We consider it an honor and a great privilege that you are the Senator from this State who has the integrity and the vision and the knowledge to criticize a policy that is cruel, immoral and ultimately self-defeating.

Respectfully yours,

THOMAS R. MEEHAN.

SHERIDAN, OREG.,
March 30, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I started to write this to the President, but thought I might get more satisfaction from writing to you.

There is so much talk about Vietnam (and while working in our State fair I noticed there was an overwhelming interest from people of all walks of life, all ages, about Vietnam) that I feel it is time for me to voice my views.

It just doesn't make sense to think we are going to ever achieve peace in this world, as long as there is a war going on any place in the world. I don't care how small it is or how isolated it is; relatively speaking there just is no such thing as a "small war," or an "isolated war."

Vietnam surely needs help, but it should come through the U.N. and the United States should get out until their help is needed and asked for by the U.N.

Thank you for the opportunity to air my feelings. I feel I am speaking to a fair man, an intelligent man, and a Christian man. It helps to know you are on the job.

Sincerely,

MOLLY BAIL.

THE DALLAS, OREG.,
March 31, 1965.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My husband and I thank you for your outspoken opposition to our intervention in Vietnam.

Sincerely,

RUTH STOVALL.

CORVALLIS, OREG.,
March 31, 1965.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Enclosed is a clipping that says plenty. Isn't there some way that this undeclared war can be stopped? Each day we read in the papers how war is being stepped up. The French knew enough to get out of South Vietnam but apparently we haven't learned our lesson yet.

Anything that you can do to stop that war that is leading directly to war there will be greatly appreciated.

Thanks for the many favors you have done and for your stand on this South Vietnam situation. I am,

Yours truly,

MARTIN H. BAKER.

[From the Oregonian, Mar. 31, 1965]

ASIAN NOVELIST CRITICIZES U.S. VIETNAM POSITION

WILLAMETTE UNIVERSITY, SALEM.—U.S. action in Vietnam is promoting communism and "you should pay attention to your Senator, WAYNE MORSE, on the Vietnam issue," claimed Dr. Han Suyin in talks at Willamette University Tuesday.

Dr. Han, a doctor of medicine and successful novelist who knows many of Asia's leaders personally, criticized U.S. policy and actions in Vietnam and said, "You're not reassuring your friends; you're frightening them and consequently losing them."

Dr. Han, who lives in Malaya, backed MORSE's position calling for U.S. withdrawal, a solution that she feels is necessary to achieve the ends which the United States claims to be seeking in Vietnam.

Her comments came during informal talks to students following a morning address on "The Many Faces of Asia," as part of the Willamette lecture series.

UNITED STATES SAID MISINFORMED

Dr. Han indicated that the United States is sadly misinformed on the Vietnam situation and that citizens in general are trying to take a short cut to knowledge on the basis of mass communication that still doesn't present the whole situation.

In speaking on the many faces of Asia, Dr. Han stated that the "bedrock problem of Asia today is that it did not invent the steam engine."

"While the Western World has been involved in an industrial revolution for the past 400 years, only in the last 100 years has Asia begun to emerge from the feudal age in a struggle to assume its identity in the world."

POVERTY PREVALENT

Dr. Han indicated that 80 percent of the Asian population lives in the countryside, where peasants stagnate at the level of poverty.

"But," she added, "the peasant no longer accepts the problems of poverty as God-given; he knows they are from the hand of man."

Land reform was seen as a necessity before any industrial revolution and "we cannot look forward to anything but change and turmoil for at least the next two decades."

TRADE, NOT AID

"Trade, not aid is the motto of Asia," she declared. Restrictive tariffs have hindered external markets for Asian goods and poverty hinders internal markets.

She said any form of government that offers some measure of security, some measure of prosperity to the many people who are starving, will have the people's support.

"It is good for Americans to talk of freedom and democracy, but the word freedom is unknown to the peasant—it is not even in his language. He has only the freedom to starve," she said.

There has to be an overwhelming drastic reform in Asia from the bottom up. And it's not going to be attained by means of arms or might, according to Dr. Han.

PORTLAND, OREG.,
April 2, 1965.

Senator MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Our President's barbarianism has gone too far. This time he really flipped his lid, burning people like Nero, and Hitler.

My conscience continues to bother me so I wrote some more letters (copies enclosed). I hope my last letters have enough poison in them to poison those war hawks, because I'm getting a bit discouraged.

I can't even imagine how you could take it all these years.

Sincerely yours,
Mrs. NATALIE DRISCOLL.

PORTLAND, OREG.,
April 2, 1965.

The OREGONIAN,
Editor HERBERT LUNDY,
Portland, Oreg.

DEAR EDITOR: Do you really believe that you can stop our President's barbarity with your editorials?

Nero was a happy and gay person; he was happiest most of all when he set his city, Rome, on fire. As you know, he played his musical instrument while people burned. Sure, he was crazy.

Strange how history repeats itself. Is our President sane when he sets forests on fire, deliberately burning alive babies, children, and illiterate, poverty-stricken villagers. He is happy on TV (see enclosed letter to Vice President HUMPHREY.

Don't say stop, stop President for this he will not do (you can already see this). Instead try to figure a way to yank this pyromaniac out of the Presidency or to get Congress to limit his war authority by new legislation. People should not expect this poor soul to act rationally.

Enough people on both sides have already been murdered; what are you waiting for catastrophic figures or world war III? This is no time for embarrassment, we, the public, are to blame for the President's actions, for we are sane. It should not be my country right or wrong but on the contrary, if my country is right, OK, but if wrong, correction.

Why not try (if possible) to arrange a conference between you newspapermen and TV networks for the purpose of solving the problem for it is a problem that neither you nor the Vice President can manage alone. It's fantastic that world powers and Congress are also afraid to act but the problem is serious and everyone thinks and hopes the other fellow will do the work, and the President continues, in his madness.

Sincerely yours,
Mrs. NATALIE DRISCOLL.

PORTLAND, OREG.,
April 1, 1965.

Vice President HUMPHREY,
White House,
Washington, D.C.

DEAR VICE PRESIDENT: When our side bombed Asian schools both with gas and bombs, most war hawks did not shed many or any tears. However, when the U.S. Embassy, officers club, and other headquarter groups perish, these same war people cry murder! In this day and age, how can anyone not know that war is tragic murder on both sides?

In the past, war hawks enjoyed relative immunity. During the day, they sat unscathed behind desks, far behind the battlefront planning and carrying out bloody wars, in which the sons of common people, for the most part, died in great agony in trenches or were crippled. At night, many of these same war hawks thoughtlessly entertained themselves with speeches, festive dinners, beauties and champagne.

The war in Vietnam is unique in that the Communists are no respecters of this ancient tradition and now, all participate, all die. Tragic murder? What about the schoolchildren?

What about burning alive with fire, innocent South Vietnamese civilians. The United States put on fire 19,000 acres of forest, claiming that leaflets were dropped, warning civilians to get out. The President very well knows that 90 percent cannot read (in fact you could make it 100 percent for villagers). If there would be one or two who could read, would the leaflet fall in their hands, in the right place. One does not need to look for hell after death; this is hell.

Jesus, if there is a God (nature-spirit), like you said there is and you are the earthly spirit (part of the great universe power) why then do you permit this insanity on poor people, while the war hawks laugh like devils and claim their morale is lifted? "What Price Glory."

Come to think of it, Jesus stated that before the advent of His new world system, there would be famines, earthquakes, and wars. It's unfortunate for the human race to suffer such great tortures but maybe they are necessary to produce wisdom (reason and not book knowledge) in order for the world to survive.

Famines and earthquakes force the common people to band together as groups to fight for human rights against both natural and man-made disasters and injustices.

Punishment of war hawks is mandatory for these people do not understand that the earth was created by a great universe power and should not be devastated by their stupidity or insanity. I'm sure its God's will that war hawks will be banished forever, for earth is His footstool and He isn't going to allow pipsqueak generals to make a fool out of Him.

It is for this reason that U.S. doves are crying and their numbers are becoming greater as the war escalates and gets dirtier. Four U.S. wars in half a century is sufficient proof that war does not achieve freedom and that only wisdom can produce this, particularly since both sides are unconquerable and left (Christ and his follower, Karl Marx, were both for the poor).

Since the doves are an intelligent public, how long are you going to ignore their message? If you cannot recognize your public, here is its shape:

1. Science and religious groups clamor for peace.

2. Students and teachers fast and sing such as 1, 2, 3, 4, we don't wan't war (in Vietnam); 5, 6, 7, 8, have the world associate.

3. Newspaper editors and writers (formulators of public opinion) are advising the President not to abdicate his reponsibilities to military hawks and for Congress not to abdicate war responsibilities to one man.

4. Congressmen (even Republicans) cry for humanitarianism.

5. We, common people, demand peace with or without negotiation. How much clearer can the public get? Like Jesus said, "They have ears but do not hear."

Since we doves voted you into office (warhawks lost Goldwater), then we, the people, demand that you serve us. If you too are not capable of carrying out your duties, why not resign and give someone else a chance to do your job better?

Recently I heard the President state, "He felt like a jackass pelted by Texas hail." It's bad enough for others to think this but if the President (in his position) feels this way, he needs help. His soul is not altogether wicked (for he did all right on the home front) but his soul is lost and groping in world affairs.

It is your job to help this poor soul; don't be afraid. As your rank superior, the President's powers are limited. He cannot fire you because the people hired you. The people made you second in command (so quit hiding) and be an assistant to the President, not his servant. However, remember above all, that your oath demands that you remain loyal to the country, not the President.

It's true you haven't shown much support for the President's foreign policy; in fact, your intelligence makes this virtually impossible. However, this doesn't seem to be enough. Wisdom like yours should shine like a beacon and not be just barely visible through cracks in a bushel. Your own advice to the President would be of more value than all the military jackasses that there are in the United States; so why is it necessary for the President to go to the jackasses or feel like one?

When the President saluted the space twins it seemed to me as if he were trying to recapture some kind of a military aura, perhaps the kind he missed in World War II.

If the President really means "Give me liberty or give me death" what is there to stop him from becoming a commander in chief on the battlefront like Theodore Roosevelt? The battlefront is not particular; it will accept anyone, as well as his daughters, as can be witnessed in Vietnam. I'm sure the United States wouldn't miss him, for under his policies the United States considers humans dispensable and then you (the more intelligent) could be President.

The above criticism may be a bit harsh, but it is constructive. Our President should not expect our people to do that which he, himself, or his daughters would not be willing to do. The President once remarked he would be here in the year 2000.

Also, at 57, the President should be able to accept criticism and profit through it, for that is the purpose of criticism. I now reject the idea that public officials should be shielded from criticism; this is a democracy.

However, if the President's narcissistic love of self is so strong that he cannot bear the tiny and ancient Vietcong winning, to such an extent that he will even burn alive people he's supposed to be helping in order to get at the Vietcong, then he needs a psychiatrist. In defeat, insane defiance. Under such circumstances the man apparently will plod and escalate until world war III blows up the world. You cannot expect him to act rationally like Kennedy with Cuba. Kennedy asked the military, "How many people would be killed?"

In World War II, as an overseas WAC, I was saluting and wearing a uniform but I wasn't contributing anything of value to my country. Is this patriotism?

Now in the war against war, I have to summon the utmost courage to write letters like this. It takes real patriotism for I am a diabetic and arthritic, in continual pain and infection, and extremely tired of writing letters.

Wisdom is the greatest weapon but I feel like Jesus trying to teach people full of hate from a painful position on the cross.

In April 1961, I was near death with septicemia (blood poisoning), endocarditis, and rheumatic fever. The pain was more than I could bear and I prayed for Jesus to take me away. Soon after, in a dream, I saw my 4-year-old son, tears streaming down his face, begging me not to die.

It was then that my Jesus philosophy took shape and since then it bothers me to see little children suffer. Yet children are the greatest victims of war; imagine burning children alive for adult problems.

This is my personal appeal but since you men want cold facts, alright there are those, too.

With the advent of nuclear energy, generals are as obsolete as the horse and buggy and earth people have important things to do, such as learning how to get along. Please contemplate and comprehend if possible, genius, the following paragraph retrieved from a pamphlet.

"Space is so immense that the best human minds are unable to comprehend it. In our own galaxy there are about 100 billion stars 'like our own sun' that are stretched over such an inconceivable distance that light, moving at a speed of 186,000 miles a second, takes 100,000 years to cross it. And this is only one of an unknown number of galaxies. Light from the most distant one that man can see with his largest optical telescope took 2 billion years to reach the earth. Compared with such vastness, man's rocket accomplishments fade to insignificance."

This is sufficient reason why the doves must win. In comparison to the universe, tell our President, he isn't even an insignificant flea and blowing us the world isn't going to make him any bigger. If this doesn't give him humility, nothing will.

I am under the impression, that in the event that a Commander in Chief is not capable of discharging his duties that the Vice President takes over. I do not know what is the criteria, who will determine and when, but the world is about to be blown to bits, and there isn't any time to waste. You and those over 400 Congressmen should do something more than talk. Ask the Congressmen for help.

Sincerely yours,

Mrs. Natalie Driscoll.

P.S.—Do not give the President this letter. He is beyond help of my letters and they would only enrage him.

Creswell, Oreg.,
March 29, 1965.

Lyndon B. Johnson,
President of the United States, the White House, Washington, D.C.

Dear Mr. President: In Eugene, as in many places in the United States, groups have used foreign policy association compiled material and other information in "Great Decisions" discussion groups. We have just had a session on Vietnam.

Because of participating in such a study group I do not presume to inform you about a situation concerning which you have plenty of knowledgeable informers. But, I do have to assume that our actions in Vietnam do not become a good American nor a good democracy.

It seems important to me that we lead for self-determination in South Vietnam just as earnestly as we do in Alabama. And, I want this letter to convey to you the strong support I have felt, and tried to express locally, for your leadership in insuring Negro rights in our Southland. That will stand to your credit in history pages.

Contrary to this action, however, you take leadership in Vietnam to force a government upon the people that they detest so much that they run for Communist help to get away from their government and the United States. So, instead of protecting the area from communism we may be said to expand communism, and must, in following our present course, end up in history as the Nation that circumvented a democracy in Vietnam that we preached and tried to practice at home.

In view of the present situation I believe it is most vital to world peace and to our Nation's honor that we move at once, and with the greatest speed consistent with soundness, to make it possible for the South Vietnamese people to elect a government that represents them and their desires. I recognize that there are possibilities of Communist strength in the area but nonetheless that it is an area traditionally opposed to Chinese domination.

Is it not very important that we stop action considered colonial like in the area and take leadership in U.N. effort to give those people the right of free expression in their government? With the right will, a way can be found to do this. Our leadership seems to be lacking the will to give there what we insist upon for ourselves. Lacking this our help and encouragement on the Mekong River project and U.N. activities may fail to convince them that we are not aggressors.

Historically, Communists have been accused of letting the end justify the means used to gain it. Some have answered that the means becomes the end. If we are right, Mr. President, it seems we will be more prudent to exemplify less the violent means of some Communists and more the nonviolent means of some Negroes who are overcoming.

But our time is short. We tarnish our honor by being forced into democratic action for the more lasting good of all. Surely we should stop the "Little Tin God" stand we are making in southeast Asia. And, surely with the right will and cooperation with the United Nations we can give more democracy to that area even though they may make some bad choices as we no doubt have sometimes done.

Sincerely yours,

G. Ralph Earle.

Copy to Senators: Wayne Morse, Maurine Neuberger, and Congressman Robert Duncan.

Corvallis, Oreg.,
March 31, 1965.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Congratulations for your courageous advocacy of peace in Vietnam. Our present policy seems directed toward the destruction of the U.N.; we seem to be striving to earn the enmity of the Indochinese by destroying their villages. We confuse civil war with Chinese- and North Vietnamese-backed invasion, setting ourselves as judges over the right to self-determination of the Vietnamese people.

I believe that just as we have no right to dictate the political destiny of a people, we also have no right to dictate their economic destiny. We are our brothers' keepers, and must help them, but our help need not be given tactlessly. Aid should be so administered as to provide the greatest possible advancement at the least possible cost to the recipient's dignity.

As a Peace Corps volunteer in Chile I observed that AID money was much less effective than Rockefeller or World Bank or UNICEF money. Our foreign aid program has too many bosses—both high AID officials and visiting Congressmen. (However, very few of these take the trouble to go on inspection trips far outside Santiago.) These hurt the program by their emphasis on the writing of apparently fruitless reports and on rapidly visible results. Longer term projects under international organizations suffer much less from these problems. Further, internationally directed projects do not foster a feeling of inferiority, resentment, and dependence toward the donor—partly because he is less readily identified.

I would advocate that as much as possible of our economic foreign aid be directed through international organizations. As for military foreign aid, I fail to see why it needs to be double the economic; I should like to see it eliminated.

Sincerely,

Amos Roos.

The Dalles, Oreg.,
April 1, 1965.

Dear Senator Morse: I'm writing you a few lines to let you know I agree with you 100 percent on your views concerning the situation in Vietnam. Fully four-fifths of the people I talk to also think as we do about that senseless war. Isn't there something that we, the people, can do about it. Many of us are willing and eager to do something to stop the slaughter of both our own boys and the natives of Vietnam but we lack leadership. Please help us.

Yours truly,

Mae McCullough.

Oregon City, Oreg.,
March 12, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I wish to voice my opinion on the present Vietnam crisis. I strongly feel that we should pull our troops out of Vietnam. It seems to me that it's a waste of time leaving our boys to help out in a place where help seems unwanted. If help is wanted, it's wanted only by the minority and the United States goes against her principle "majority rules" by trying to force democracy upon people who don't want it and seem to fight it at every step.

Another point to be considered is—even if democracy finally was accepted by the Vietnamese, their government is so instable that democracy would fail to last for any length of time.

It seems a terrible waste that the lives of our boys and the money of our country should be sacrificed for the well-being of a country that fails to appreciate it. It seems to me that there must be a better answer to this problem.

Respectfully yours,

Miss Pat Lyons.

Coos Bay, Oreg.,
April 1, 1965.

Senator Morse: I read the speech you made at Portland, Oreg., concerning Vietnam and I wish to say that I agree with you. I hope that the United States does not go completely beserk.

I believe the people of this country have been so brainwashed about communism that they can no longer use good judgment about it.

Sincerely,

Lawrence Hagquist.

Yachats, Oreg.,
April 5, 1965.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: McGeorge Bundy says he believes the American people support President Johnson's present policy in Vietnam. He was rather vague about his source for making this assessment.

I want you to know this citizen does not support our present policy in Vietnam. This citizen still agrees with you—we should not be fighting in Asia.

If, as Bundy says, President Johnson believes that Asia is for the Asians, and that the development of their resources should be undertaken by Asian leaders, is it not reasonable that the Asians should fight their own wars?

President Johnson stated something to the effect that the terrorist bombing of our embassy in Saigon will strengthen (?) the American people's resolve to fulfill our obligation (?) in South Vietnam. He sounded almost like Roosevelt after Pearl Harbor. If our security forces there had advance knowledge of such a bombing, was not the laxity in military police protection a virtual invitation for them to go ahead and bomb it?

This is not an accusation—it is a question which I think the American people should be wondering about.

The knowledge that Hanoi, with the overt backing of Peiping and now Moscow, started an aggressive action by organizing the Vietcong insurrection, is coupled with this tragic pose of Uncle Sam as the rich moral crusader who will send his eager nephews to the far side of the world to fight on any foreign battlefield, in any foreign war, where he is invited to defend a non-Communist nation.

The fact remain—lost in the uproar of a righteous cause—that the United States should not be fighting in an Asian war. We should never have undertaken that commitment when the French bowed out. We should recognize now that it was and is a mistake. Or are we too swelled in the head? In the long run continuing this war will hurt us more than it hurts Red China.

Do our generals enjoy this Vietnam thing? Let them be reminded that these men and boys who die in the mud and jungle and skies of southeast Asia are not little tin soldiers. Each one is an irreplaceable human being who deserved better than to die in a war between two nations in Asia.

Sincerely,

LAWRENCE DAWSON.

BEAVERTON, OREG.,
April 3, 1965.

Hon. WAYNE MORSE,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: This letter is written in response to your recorded speech which was broadcast on the Portland, Oreg., radio station, KEX. The speech concerned the "nausea producing, nonlethal" gas being supplied by the U.S. Government for use in Vietnam. Previous to your speech, I had felt that the use of this gas was immoral and unethical. However, your speech pointed out the fact that the use of this gas is also illegal in the terms agreed upon at the Geneva Convention.

Since I am in complete opposition to this action on the part of our Government, I am writing to you to ask what I might do in support of the feeling you so positively expressed in the above-mentioned speech. As a voter, taxpayer, and loyal citizen of the United States, I feel obligated to speak out at this time. I realize my position as part of the masses is quite insignificant in moving our Government to make decisions. Therefore, I hope that you, as my Senator, will be able to act supporting the feelings you have expressed and to call on me requesting any help I might possibly give to aid this cause.

Very sincerely yours,

DIANA M. GERDING.

PORTLAND, OREG.,
April 4, 1965.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: We have attended your recent debate with Senator PROXMIRE in Portland.

As U.S. citizens and the residents of Oregon we are proud to have you as our Senator.

May we thank you for bringing the truth, no matter how ugly at times, to the American people. We trust you will continue your relentless campaign for a lawful solution in Vietnam, as well as in other parts of the troubled world.

You have our gratitude and fullhearted support for your brave actions and your outspoken views.

Sincerely yours,

AZIADNA V. LAPIN.
EUGENE LAPIN.

PORTLAND, OREG.,
April 6, 1965.

Hon. WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: As a retired horse trainer, I have been following your fight to preserve the American people from a cruel and burdensome war in Vietnam.

I must reveal to you that I have nothing but the most highest respect and admiration for your actions and speeches to expose to the public the illegality of this country's involvement in a war largely imposed on the American and Vietnamese people by former Secretary of State, John Foster Dulles and his successors in office, who have failed and neglected to conduct international affairs in conformance with international law and commonsense.

As your loyal supporter, I commend you in opposing this administration's policy and its further involvement to escalate the war in Vietnam. Nearly every person of experience can foresee that before this war is resolved, President Johnson and his advisers, as well as the American people will have an adequate opportunity to sober up with the absolute knowledge of the fact that the United States cannot forcefully rule and dominate the yellow race without extending the casualty lists into the millions.

Retreat may seem cowardly but at times most wise; realistic negotiation, most likely, may lead to an honorable solution. If the President were to appoint you to serve in a capacity to explore and to participate in negotiations with the North Vietnamese and other governments in a United Nations forum, you could help the United States find a peaceful solution to terminate the war. Your experience in solving labor disputes would enable you to bargain effectively in behalf of the United States and the people of the world.

You may use this letter as you may see fit.

Sincerely,

GLEN KLINE.

PORTLAND, OREG.,
April 4, 1965.

DEAR SENATOR WAYNE MORSE: Keep talking, for you are right and we are thankful that you are being understood and we all hear you.

I have been very disappointed since the election that our program is not as peaceful as it was presented.

I would almost think the other party had won if I hadn't seen the victory.

I think the President had too many Republican advisers, and they promised the Democrats waged the wars.

They must be very happy that they are not losing face, when losing face seems to be the big problem in the war program for the Nation. The Republicans will say we told you so for they are now saying the Democrats followed their program.

Respectfully yours,

CRYSTAL MAXWELL.

Hon. WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR MORSE: Please count me among those urging a peaceful settlement in Vietnam soon.

Sincerely yours,

SYBIL EMERSON.

MCMINNVILLE, OREG.

APRIL 6, 1965.

DEAR SENATOR MORSE: Your stand on Vietnam is intelligent and courageous. You deserve the thanks of the whole country.

Very truly yours,

MILLICENT A. ST. HELEN.

SALEM, OREG.

FOSTER, OREG.,
April 7, 1965.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: As you have been consistently right on issues and questions concerning Asia, you are doubtless so on Vietnam.

We should get out of there whether we save or lose face. It seems to me that President Johnson and his chief advisers are sold on the idea that might is right. I wonder if they have considered the nations that have survived the practice of this policy? Most of my neighbors say they feel the same way.

HERBERT T. HUGHES.

SALEM, OREG.,
April 6, 1965.

DEAR SENATOR MORSE: I heartily agree with your stand on Vietnam. Your debate in the ER center April 2 was very enlightening and it seems that the public is being told only what the administration believes the public should know.

We have the undying hatred of the masses in Asia from our conduct of the war.

Respectfully,

VICTOR A. HELGESSON.

PORTLAND, OREG.,
April 7, 1965.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to express my protest concerning our present policies and actions in Vietnam.

We must invest our resources and our prestige in the direction of the rational, intelligent and civilized method of resolution of conflict as provided for by the United Nations. The nonuse of this course of action is irresponsible for a country in a position of leadership.

We must not follow the course of action of even "limited war." In an era of great scientific achievement and growth of all knowledge such as never before dreamed of, it is unbelievable that we resort to fighting and killing in a manner distinguishable from the behavior of animals only by the weapons.

Our present actions in Vietnam are not only morally wrong, but legally and rationally wrong as well. To resolve, or attempt to resolve, differences and competitions between communism and ourselves through anything resembling war is a betrayal of everything we stand for.

This is the time to stand for a world order, a system, a process to resolve differences and achieve compromise, and if there were none our country should strive to create such an organization. Of all things, we must not turn our backs on the United Nations and fail to use it. If we see weaknesses, work to correct them rather than revert to savagery.

Sincerely,

ROSS C. MILLER.

(Copies to Senator WAYNE MORSE and Representative EDITH GREEN.)

PORTLAND, OREG.,
April 9, 1965.

WAYNE MORSE,
U.S. Senator.

DEAR SENATOR: Just a few lines to tell you I am very glad for the stand you have taken on our involvement in southeast Asia. As I see it this is the result of our interest in other people's affairs. I was learned at an early age to mind my own affairs and I have been very glad for that learning; it has paid off wonderfully for me and I am sure the same principle applies to nations as well. Please take a look at the record, I am sure you can see what price England, France, Spain, and Germany paid for their "interest" in outlying countries. Then glance at the record of those countries who have tended their own affairs and see where they stand.

We have spent millions to develop the United Nations and now refuse to put our disagreements before that wonderful body of nations. Even the most ignorant uneducated peoples can see we are on the wrong road if we want a fair and just peace.

Please continue your opposition to all entanglements whether it be in Asia or any other oversea country where we would only be ridiculed for becoming involved. As I am sure you know we have millions of hungry people right here in our good old U.S.A. The bread and soup line is getting longer and longer, even some women in it now right here in Portland, Oreg., so do all you can to stop spending any more money overseas.

No matter who started that mess, over there, Johnson could have pulled out with clean hands since we all know he did not start it but he failed to do that and has now got himself in clear over his head so will be blamed for all of it. Let's let the world know there are a lot of people here that talk peace and mean it.

Yours respectfully,
FRANK H. ANDERSON.

FIRST BAPTIST CHURCH,
Holden, Mass., April 8, 1965.

Hon. WAYNE L. MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: While, as a Democrat and a resident of the State of Oregon, I do not always agree with your political stance, I am writing today to express my appreciation to you for your courageous and reasoned stand relative to the "war" in Vietnam. It seems to me that the United States clearly is in the wrong in pursuing its policy there.

I am a candidate for the ministry and a student at Andover Newton Theological School. While I will be unable to join a march on Washington on April 17 to urge the Congress and the President to press for immediate negotiation and cease-fire in Vietnam, my sympathies are certainly with the march and with your position.

I urge you not to be pressured by those favoring our present position, including the minority leader. You have a good many supporters in the colleges and seminaries of Boston.

Sincerely,
DOUGLAS W. CRUGER.

Senator MORSE: Points you may wish to make relevant to the Rusk speech to Society of International Law, and otherwise:

1. We are embarked on the road to becoming the world's most hated people.

2. This is because we have finally managed to combine pious righteousness with power. Heretofore we have been morally sure of ourselves, but never sure of our power. Now we are sure of ourselves.

One is reminded on the exchange: "Only fools are positive." "Are you sure?" "I'm positive."

3. Secretary Rusk sought in his international law speech to compare the present aggression in Vietnam, with the Hitler aggression. This carries historical analogy to the point of absurdity:

(a) Communist China is not Hitler Germany.

(b) Most of the world perceived the danger of Hitler; only the United States perceives the danger of China.

(c) Germany was a great industrial power; China is not.

(d) Germany threatened the sources of Western Civilization; Communist China does not.

(e) And furthermore, we're not fighting China.

(f) We didn't belong to the League of Nations; we do belong to the United Nations.

4. Someone has lost his perspective; either the President and the Secretary of State and the Secretary of Defense, or the American people, a majority of the Members of the Senate, and most of the nations of the world.

5. I shudder what would be happening now if Mr. Goldwater had been elected President and embarked on this course of action. He would be torn to pieces by the Senate.

ADDRESS BY VICE PRESIDENT HUMPHREY AT DUKE UNIVERSITY

Mr. ERVIN. Mr. President, on April 24 the Vice President of the United States delivered an address before a gathering at Duke University, in Durham, N.C. The remarks of the Vice President on that occasion deserve the thoughtful consideration of all Americans. For this reason I ask unanimous consent that the speech of the Vice President at that time be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY, DUKE UNIVERSITY, APRIL 24, 1965

My fellow students, my theme today is this: "What Can We Americans Ask of Each Other in 1965?"

Where are we bound in life?

What is our place in the world?

It was only 30 years ago that millions of Americans asked of each other: "Brother, can you spare a dime?"

Our great friend Carl Sandburg tells about those times:

> "The man in the street * * * lives now
> Just around the corner from you
> Trying to sell the only thing he has to sell,
> The power of his hand and brain
> To labor for wages, for pay, for cash of the realm.
> And there are no takers, he cannot connect."

No, my fellow students—and we are all students in this world, for the learning process never stops—no, there were no takers then, and there were millions of us who could not connect.

I saw all of it as a young man—a young man the age of most of you in this audience. I saw my neighbors and people in South Dakota losing their farms, their businesses, their health, their hope.

All we had was dust and desperation. We didn't worry much then about "have you gone Cunard in the off-season?" "Why is the Fastback the most exciting news in America?" "Have you cleaned with a White Tornado?"

No. We worried then about shelter, clothing and holding onto work and life.

Thank God those times are past.

But to my generation they will always be fresh and real. And a reminder that our precious democratic society once tottered on the edge.

This Nation 30 years ago was divided, deeply divided: Have and have-not, business and labor, North and South, black and white, farm and city, left and right. But in face of disaster and revolution we united—united, I might add, under brilliant leadership—to face our common foes. First, economic crisis at home. Then, totalitarianism and barbarism abroad.

We did not have to be asked what we could do for each other and for our country. We had to fight for survival.

Most of you here today were born after those crises had passed. You have lived in time of prosperity. You have not known what my generation knew.

But your young generation has not turned inward on itself or satisfied itself with material pleasures.

You have responded to the needs of these times and you have done it in magnificent fashion.

You are the volunteer generation.

There are now 10,000 volunteers serving in the Peace Corps with more than 3,000 already returned and another 100,000 waiting for their chance to participate.

When VISTA—the Volunteers in Service to America—was launched, there were 3,000 inquiries on its first day of business.

And I know that in most of the minds here today there is the question: What can I do to serve my country and my fellow man?

President Lyndon Johnson held his first Presidential appointment at 27 and his first political office at 29. As he has said:

"No one knows more than I the fires that burn in the hearts of young men who yearn for the chance to do better what they see their elders not doing well * * * or not doing at all."

Old men dream dreams, but young men see visions.

Today in our country there is a vision of a Great Society.

The nature of this vision has much to do with my question here today: What can we Americans ask of each other in 1965?

In this time of prosperity, is the Great Society to be a welfare state? Some may think so. But that is not the vision of President Johnson. Neither is it my vision.

We see the Great Society as a state of opportunity.

No government owes every man a living. But a just government of, by and for the people does owe every man an opportunity to enjoy the blessings of life.

The Great Society is based on the proposition that every man shall have that opportunity.

If you examine the legislative program in this Congress; if you listen to the words of our President; if you look into your own heart you cannot escape the conclusion that we are succeeding, we are breaking through in our efforts to provide all American men and women with that precious opportunity.

Some, once receiving it, may squander it. But all Americans must have the chance—a chance now denied to many—to make something better of their lives and the lives of their children.

Only a few days ago this Congress passed a great bill which is a basic investment toward achieving that equality of opportunity: the Elementary and Secondary Education Act. Thomas Jefferson was right. We cannot be both ignorant and free.

This act in itself is accomplishment enough to satisfy an ordinary Congress. But it will be followed soon by passage of the higher education bill.

These bills together will help build classrooms. They will provide funds for libraries and textbooks and teaching materials. They will provide funds for research in teaching techniques and development of community education centers.

They will above all, I hope, give new inspiration to teacher and student alike in the exhilarating experience of gaining and using knowledge. (And may I digress for a moment to say that true education depends more than anything else on the quality of teaching. I may be venturing here into dangerous ground, but I must say that there must thus be an appropriate balance between research and teaching.)

The education bills passed by this Congress will contribute to the long-term, lasting health of this Nation. So will a dozen other bills which will come from this Congress, acting out the will of the American people.

For the American people, in unprecedented peacetime consensus and unity, have made known their purposes.

We today stand united as Americans in agreement:

That all Americans shall have truly equal education.

That all Americans shall have truly equal voting rights.

That we shall provide adequate medical care to our people.

That we shall make our cities better places in which to live and work in safety and health.

That we shall preserve this Nation's beauty, history, and natural resources.

That we shall open our doors again to immigrants who can enrich and lend new vitality to our national life.

That we shall help our urban and rural Americans alike adjust to technological revolution and social change.

That we shall not drop the torch of international leadership.

For there are voices in America today which say that America is overextended in the world; that other people's problems needn't be our problems; that we ought to close up shop overseas and enjoy our fruits here in the good old U.S.A.

When that time comes, this Nation is doomed.

Who in the world will work for democracy if we do not?

Who in the world can preserve the peace if we do not?

Who in the world can set the example, can offer the needed hand, if we do not?

We live in a time when everything is complex, when there are no more rapid and easy answers. We live in a time when we must exert our patience as never before.

Let me spell it out: Have we the patience, for instance, to work, sacrifice, and bleed 5,000 miles from home—in Vietnam—for months and perhaps years ahead without guarantee of final success? I can tell you that the forces of totalitarianism have that patience.

For the forces of totalitarianism do not plan to blow the world to pieces. They plan to pick it up piece by piece as we progressively tire and withdraw.

But, as President Johnson declared in his historic speech at Johns Hopkins University;

"We will not be defeated.

"We will not grow tired.

"We will not withdraw."

We will not sacrifice small nations in the false hope of saving ourselves. We will defend the cause of freedom wherever it may be threatened.

But at the same time, with equal determination, we will pursue each possibility of lasting and just peace. The pursuit of peace resembles the building of a great cathedral. It is the work of generations. In concept it requires a master architect; in execution, the labors of many. It requires patience.

Thus I call on you as the generation coming to leadership to be strong and persevering: strong in defense of justice and in opposition to tyranny—persevering in seeking a goal of peace for all men.

I return then once more to my question: What can we Americans ask of each other in 1965?

I am essentially a religious person. I am not ashamed of it. I believe that God created man in His own image. I believe that there is a spark of the devine in every person. And I believe in the meaning of human dignity.

My fellow students, the big struggle in the world—and at home—today is not over the forms of production. Those shift and change. The struggle is about man's relationship to man and man's relationship to a higher and nobler force.

I say that what we can ask of each other is this:

To fight poverty because poverty destroys the human spirit and human dignity.

To fight discrimination because it violates the precepts of our democratic society and Judeo/Christian ethic.

To pursue justice because it is basic to our religious and ethical heritage.

To pursue an honorable peace because it is the greatest gift we can give to our children.

So that there can be no question that man—and not the state—is the most important thing worth preserving in this world.

We can do it. It is within our grasp—perhaps for the first time in history.

Yes, the first step toward these things is the longest journey. And we have made that step. And the second step. And now we take a third.

We are privileged each year, each decade, each generation in our time to take a new step.

How fortunate we are to live in this dramatic and creative period of change, of challenge, of opportunity How great is our responsibility to achieve excellence of mind and spirit to do the tasks that must be done.

I appeal, therefore, to you the generation of 1965:

Make no little plans.

Have not little dreams.

Do not set your standards and goals by those of your mother and father.

Do not set your standards and goals by those of this time.

Challenge the impossible. Do what cannot be done.

Thirty years ago it was "Brother, can you spare a dime?"

Today we reach the stars.

My friends, I ask of you: Believe in the perfection of man; make a better life for our people; save the peace; build a Great Society to last for generations beyond us.

SMITHSONIAN INSTITUTION

Mr. PELL. Mr. President, relevant to our consideration of pending legislation to benefit the arts and humanities in the United States is the fact that the secretary of the Smithsonian Institution is included on the Federal Council on the Arts and the Humanities proposed in S. 1483, the administration bill which I had the privilege of introducing in the Senate on March 10.

The Federal Council would act in an advisory and coordinating capacity with the proposed National Endowment for the Arts and the proposed National Endowment for the Humanities, and would similarly promote coordination between the programs and activities of these two endowments and the related endeavors of other Federal agencies.

The Smithsonian Institution is importantly concerned with activities which involve both the arts and the humanities; and I believe that its Secretary, Dr. S. Dillon Ripley, is highly qualified to contribute most significantly to the proposed Council's work.

Dr. Ripley has added new dimensions of leadership and new vitality to the Smithsonian's founding principle "for the increase and diffusion of knowledge among men."

In a recent article by D. S. Greenberg in Science magazine, Dr. Ripley is quoted as stating:

> The great strength of the Institution is its ability to renew itself at its own springs and sources.

He envisions the Smithsonian as becoming a center for research and scholarship within the next decade.

Furthermore, he views the Smithsonian as evolving into "an institute for advance study that will assemble and use collections for research, rather than viewing collections as an end in themselves."

I believe that Dr. Ripley personifies the leadership and talent needed to bring these goals into being.

The proposed national foundation to stimulate our Nation's progress in the arts and humanities would involve the principles of mutual cooperation. I believe it would benefit from the advice and assistance of Secretary Ripley, and that in turn the Smithsonian, as well as the other related Federal agencies, would benefit from the endeavors of the foundation.

Mr. President, to help us better understand the present and varied activities of the Smithsonian Institution, its dynamic and progressive Secretary and his aspirations for the Institution, I ask unanimous consent that the article to which I have referred be included at this point in my remarks.

This article relates primarily to the scientific aspects of the Smithsonian. The history of science is an important part of the humanities. This article tells how history can be used creatively as well as instructively.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMITHSONIAN: UNDER NEW SECRETARY IT IS SEEKING TO REGAIN PLACE AS CENTER FOR SCIENTIFIC RESEARCH

(By D. S. Greenberg)

For millions of laymen, and probably for the bulk of the scientific community, too, the Smithsonian Institution is best known as a wondrous repository of historic artifacts and natural curiosities.

It contains John Glenn's space capsule, a mounted bull elephant at the gallop, a cube of uranium from the 1st atomic pile, a 19th-century apothecary shop, Lindbergh's *Spirit of St. Louis*, gowns of every First Lady, a 92-foot replica of a whale, the Hope Diamond, several shrunken heads, a virtually complete collection of all coins struck in Newfoundland between 1865 and 1947, and some 59 million other items—a fraction of 1 percent of them on display and the rest in storerooms and workrooms. In 1953, 3½ million persons visited the Smithsonian. Last year the Smithsonian was host to some 14 million at its various public buildings and displays, which include the Museum of Natural History, the Museum of History and Technology, the National Air Museum, the National Zoological Park, the Freer Gallery, and the National Gallery of Art. The volume of visitors not only makes the Smithsonian one of the most popular institutions in the world but, in the Federal Establishment, of which it has been a part since 1846, it probably ranks just behind the post office as a personal acquaintance of the American people.

Thus, the Smithsonian is renowned as a showplace, and by and large is regarded as no more than a showplace. But the fact is that the Smithsonian is vastly more than a wondrous repository, for in the history of American science it has periodically gone beyond its function of collector and exhibitor to play a uniquely creative role as a stimulator and organizer of research, and, more importantly, as a counterweight when the balance of the Nation's research effort has gone askew. And at the moment, under the leadership of a new chief executive, S. Dillon Ripley, a distinguished ornithologist who became Secretary of the Smithsonian in February 1964 after 4 years as director of Yale's Peabody Museum of Natural History, the institution is once again working its way toward a period of creative influence in the direction and scope of scientific research.

In examining the Smithsonian's current aspirations and potentialities in scientific research, it is useful to look briefly at the traditions that both bind and inspire the institution. Of the Smithsonian it can be said that, if it did not exist, no one could possibly invent it, for in history, structure, and performance there is nothing like it to be found anywhere. It originated with the bequest of an illegitimate, unmarried, and wealthy British chemist, James Smithson, who died in 1829, leaving no close relatives and a will that stated, "In the case of the death of my third nephew * * * I then bequeath the whole of my property * * * to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an establishment for the increase and diffusion of knowledge among men." Seventeen years later, the last of Smithson's heirs died, leaving an estate of $500,000. Then followed a decade of politicking and bickering over what the United States should do about Smithson's curious bequest. In Congress, anti-British feeling and an aversion to Federal involvement in research and education produced some opposition to acceptance of the gift. John C. Calhoun, leading the opposition in the Senate, was quoted as saying that he considered it beneath the dignity of the United States to receive presents of this kind from anyone. And a colleague added the warning that if Smithson's will was fulfilled, every whippersnapper vagabond that has been traducing our country might think proper to have his name distinguished in the same way.

But a free half million dollars wasn't easily dismissed, and after the patriotic oratory was delivered, Congress voted to accept the money, thereby opening the way for years of fighting over what specifically should be done to implement Smithson's desire for an "establishment for the increase and diffusion of knowledge among men."

Some favored setting up no more than a library; John Quincy Adams wanted to use the money for an observatory; others favored the establishment of a graduate school for teachers; and still others thought that the issue could best be resolved by sending the money back to England. Meanwhile, this country had been through a long and unsuccessful experience with efforts to encourage research and exploration through a National Institute for the Promotion of Science. This Institute, chartered by Congress but existing on the periphery of government, eventually foundered from lack of support, and by 1844 attention concentrated on Smithson's bequest. The fighting resumed, but within 2 years the differences were compromised. The Smithsonian would function as a library and a museum, but it clearly wasn't barred from other activities. Under the direction of a Board of Regents appointed by the Congress, it was to function "according to the will of the liberal and enlightened donor"—which came to mean that it could employ its discretion in choosing fields of activity.

That it would seek preeminence in the sciences was quickly established by the Board of Regents, which resolved that the Secretary—whose duties were scarcely defined in the founding legislation—should be a person possessing "eminent scientific and general acquirements capable of advancing science and promoting letters by original researches and effort." The Regents added that the Secretary should be "worthy to represent before the world of science and letters the Institution over which the Board presides."

As far as its place in research is concerned, the Smithsonian has chosen its areas of responsibility with very special care throughout its long history. Under Joseph Henry, the physicist, who became the Smithsonian's first Secretary, the Institution evolved a style of functioning both as a stimulus to research and as what might be called a filler of gaps in American science. Henry decreed that the Smithsonian's goal in science would be to produce only those results "which cannot be produced by the existing institutions in our country." The Institution would remain small, and it would not attempt to become a holding company of American science. The projects it initiated would be turned over to other organizations if they were prepared to accept them. The products of this policy are to be found throughout the history of the Nation's scientific establishment; they include such prominent examples as the Weather Bureau, which grew out of Henry's promotion of meteorological research. When geological research became entangled in political fights, Henry and the Smithsonian provided a refuge for what eventually evolved into the Geological Survey. Under Henry, the Smithsonian, with its "Contributions to Knowledge," promoted scientific publishing in this country, and its naturalists regularly accompanied exploratory and rail-building parties for systematic studies of the West before mass migrations began.

This tradition of performing many scientific functions which, for one reason or another, were being neglected by other institutions was carried into this century by Henry's successors. For example, around the turn of the century, Secretary Samuel P. Langley made the Smithsonian a center for aeronautical research, and out of his efforts there developed the National Advisory Committee for Aeronautics, from which there eventually evolved the National Aeronautics and Space Administration.

Thus, history records for the Smithsonian a long and distinguished series of accomplishments in scientific organization and research, but, with a few outstanding exceptions, the fact is that during the past few decades science has raced past the Smithsonian, and the influence that it once exerted on the American research scene is now very little in evidence. The reasons for this are obvious ones. During the postwar burgeoning of Federal support for research, some 75 percent of the funds for research have come from the Defense Department, the Atomic Energy Commission, and the Space Agency. For better or worse a heretofore unknown dynamism was suddenly injected into American scientific research and science organization, and there was little room in this vast and hurried scene for the low-keyed efforts through which the Smithsonian had earlier influenced science.

Furthermore, the Smithsonian, because of its role as a repository of the natural and biological sciences, found itself heavily involved in fields that were not considered fashionable by the granting agencies, universities, and young researchers. Systematic biology is fascinating and intellectually rewarding for its practitioners, but a poorly conceived project in molecular biology probably stands a better chance of getting financial support than an excellent one in taxonomy.

Finally, in looking for reasons for the Smithsonian's decline as a scientific establishment, it must be noted that during the past decade the Institution has concentrated its attention and resources on its role as a museum, with enormously successful results. A building program in excess of $50 million has produced a monumental new Museum of History and Technology, two large new wings for the Museum of Natural History, a 10-year program to rebuild the zoo, and an effort to improve the display of all exhibits throughout the Institution.

While this building program has been in progress, the Smithsonian's efforts in the sciences have tended to concentrate on service functions for other organizations. In recent years these have included the operation of an oceanographic sorting center, which has come to play a vitally important role in cataloging and distributing the results of oceanographic research. The Smithsonian also operates a Science Information Exchange, which has been struggling, amidst a good deal of indifference on the part of Federal agencies, to become a central source of information on research projects in the life and physical sciences.

The building and service programs, carried out during the secretaryship of Leonard Carmichael, who retired last year after 11 years as head of the Institution, were not altogether at the expense of research; but those parts of the Institution that excel in research generally have had to obtain their support from outside sources. For example, the Smithsonian Astrophysical Observatory, at Cambridge, Mass., receives $1.2 million from the Smithsonian and about $4 million from NASA. The Division of Radiation and Organisms has done a remarkable job of scavenging surplus equipment from other Government agencies; about one-fifth of its $340,000 budget comes from the Atomic Energy Commission, and some of its most important facilities were obtained with a $50,000 gift from the Research Corp.

But outside of these and a few other exceptions, it must be said that, when Ripley became Secretary 13 months ago, the status of scientific research at the Smithsonian was deplorable. As one of the Institution's 300 scientists put it, "It became very easy to vegetate here, and I think a lot of us did." "Now," he said, referring to Ripley, "things are changing." Previously, another scientist explained, budgets for research were once so tight that "I had to save old mayonnaise jars to preserve specimens." Clerical and subprofessional help were in such short supply, another added, "that a lot of researchers spent most of their time typing labels and keeping up the card files." Research programs often had to take second place to assisting with the preparation of public exhibits.

A lot of Smithsonian scientists quite obviously found it not at all uncomfortable to exist in this drowsy atmosphere, and a good number of them appear to have been profoundly disturbed when Ripley arrived and started to make the place over with a vigor that was a bit reminiscent of the way Robert S. McNamara shook up the Defense Department. But now it is probable that a poll at the Smithsonian would produce a nearly unanimous endorsement of Ripley's designs for returning the Institution to a position of influence in American science.

His efforts can best be described in terms of his grand design and the immediate steps that he is taking to implement it. The Smithsonian, he stated in a recent memorandum, "is free to concentrate on needs that were not immediately obvious in the first years of the Nation's rather frantic progress toward present levels of scientific activity. One unfortunate result of the rather rapid growth in financial support for scientific research has been the concentration of universities on courses of work where effort could be most rapidly mobilized. These project grant system has given to the current fashions in science an influence that they could never have achieved on the basis of their inherent intellectual merit. Complex natural systems have been too largely neglected in favor of simpler experimental ones in biology, for example. Such fields as anthropology, where it often seems that insights appear by slow ripening rather than in sudden intuitive flashes, tend to fall into neglect.

"The Smithsonian's scientific commitments tend to be in those classical fields most readily abandoned by the volatile spirits of 'modern' science—anthropology, environmental and systematic biology, and astronomy. And yet, in the latter, the efforts of the Smithsonian have recently been rewarded by the lustrous reputation and scientific achievements of the Smithsonian Astrophysical Observatory. The most urgent objectives of our present efforts are to achieve comparable results in biology and anthropology."

That being the grand design, as far as it has been formulated, the specific steps for its implementation have been concentrated on two points, both aimed at a long-range objective of having the Institution ultimately evolve into what Ripley describes as "an institute for advanced study that will assemble and use collections for research, rather than viewing collections as an end in themselves." The steps toward this goal call for the internal strengthening of the Smithsonian's research capabilities and, closely tied to this, the establishment of an intimate working relationship between the Smithsonian and the university research community. To build up the internal structure, Ripley is rapidly enlarging the Institution's subprofessional staffs to free the research staff from the clerical chores that have come to dominate many of their working days. For example, the Department of Entomology, with 13 professionals and a collection of 17 million specimens, now has 2 technicians. Ripley plans to expand the subprofessional staff to 8 or 10. He has devised a broad program of fellowships for undergraduate and pre- and post-doctoral studies, designed to bring students into the Institution to perform research under and in conjunction with the staff.

Similar arrangements for students have existed in the past, but on a very small scale and not in all departments. In addition, the Institution is exploring or has worked out cooperative arrangements with a number of universities, including Johns Hopkins, Duke, the University of Maryland, and the University of Kansas. Under these arrangements, it is expected that students from these universities will spend some time in residence at the Smithsonian, and Smithsonian staff members will be given leave to teach and conduct research at the universities.

Ripley has also established, but not yet filled, the positions of Assistant Secretary for Science and for the Humanities; he has established an Office of Systematics, and an Office of Ecology, and has combined the Institution's various anthropological activities under a new Office for Anthropological Research. And he has done such small, but important things, as arranging to keep the library open at all hours for the staff. Previously it was closed nightly at 10 p.m. and during weekends. (When Ripley arrived at the Smithsonian, he found many curious practices in effect. For example, as Secretary he was required to sign all checks for supplies and services—about 1,500 a month. One of these included a 7-cent refund to Harvard. It took 4 months of negotiations with the U.S. Treasury to transfer this function to a check-signing machine.)

"The great strength of the Institution," Ripley said in a recent interview, "is its ability to renew itself at its own springs and sources. In the early days, we were a research institute, in contrast to the colleges that then existed. The levels have risen, and now it should be our function to serve as an institute for advanced study.

"Where would I like to see the Smithsonian 10 years from now? I would like to see it as a center for research and scholarship. I would like to see our collections used creatively and across disciplinary lines. You know, a skillfully presented anatomical exhibit can be as meaningful as a book. Collections should be a tool; they should not rule you.

"There are many contributions that we are uniquely equipped to make to contemporary science. Our young people have been led to believe that systematic and environmental biology are exhausted fields. I think it is criminal that this impression is being sold to them. There are vast areas about which we know little or nothing. Throughout the world, more and more genetically distinct systems are being eliminated by man-made environmental changes before we have a chance to study them. The Smithsonian pioneered in studying our West before it was overrun by man; I would like us to lead the way in studying the tropics, where vast man-made changes are now in the works, before whole species are eliminated without our ever having known of their existence.

"I think we are the organization to do this. But we cannot do it until we begin to think of ourselves as a research institution. We should not be dominated by our collections, or 'in' boxes, or the scientific apathy that settled on this place."

In his quest to restore the Smithsonian to an influential position in scientific research, Ripley is the beneficiary of a number of fortunate circumstances. First of all, universities have pretty well dropped out of systematic biology—to a large extent simply because of the amount of space required for useful collections—and, as a result, the Smithsonian's efforts to expand in this area do not threaten any existing institution. In addition, no Government agency has any reason to feel threatened by the Smithsonian's ambitions; to the contrary, some of the research-supporting agencies feel a bit guilty about having neglected the area of concern staked out by Ripley, and they are happy to see someone come forward to do something about it. Finally, the Smithsonian enjoys a unique relationship with Congress, and Ripley can reasonably count upon congressional support for his request to raise the Institution's annual appropriation for operations from the present $15.4 million to $20.8 million. (The Institution also received $8.4 million in grants and contracts last year, as well as separate funds for its long-range construction program.)

The basis of the Smithsonian's good relationship with Congress rests on the fact that Congress tends to think of the Smithsonian as its own charge, rather than as a branch of the executive. The Institution's Board of Regents is appointed by joint resolution of Congress, and in recent years the Regents have included the chairman of the House Appropriations Committee and the chairman of the subcommittee that handles the Smithsonian's budget. Furthermore, like museums in most large cities, the Smithsonian plays something of a chic role in Washington social life. When it opened a new birdhouse at the zoo last month it marked the occasion with a black-tie reception which a large part of official Washington happily attended.

It also appears that official Washington has taken a liking to S. Dillon Ripley. He has a degree of urbanity, wit, and fine tailoring that is not commonplace in the trade of science administrator. One of his first moves was to restore to mid-19th-century decor the executive suite that once served as Joseph Henry's home in the Lombard Romanesque Smithsonian "castle" on Washington's Mall. It now contains a rolltop desk for one of Ripley's secretaries, wooden shutters, victorian chairs in red damask and patterned velvet carpets specially woven from period patterns, a Tiffany clock, and burnished brass and glass chandeliers. The ladies, and not a few of the men, of official Washington love it, and, to a remarkable extent, they seem to be under the spell of the man who brought it about and who plans to restore the Smithsonian to the place of influence that it once occupied in American science.

Mr. PELL. Mr. President, through its century and one-quarter of activity as the national museum of the United States, the Smithsonian Institution has developed outstanding collections and unique facilities for study. It is a repository of our history as a nation and of our cultural life. In the scientific field, the vast collections of organisms from the sea and farthest reaches of the earth form the basis for the study of species biology. Many of these collections have been built through the generosity of our citizens and they constitute a great national treasure. Only a small part is on display in the museum buildings; the remainder is for reference and study. Consequently, I applaud the Smithsonian's efforts to open these great reserves to students and research scholars from the colleges and museums of the United States. As long ago as 1901 Congress passed legislation to provide "that facilities for study and research in the Government Departments, the Library of Congress, the National Museum, the Zoological Park, the Bureau of Ethnology, and similar institutions hereafter established shall be afforded to scientific investigators and to duly qualified individuals, students, and graduates of institutions of learning in the several States and territories"—31 Stat. 1039; 20 U.S.C. 91.

Since that time the National Academy of Sciences has taken leadership in sponsoring programs for visiting investigators in Government research centers. The Smithsonian now proposes to participate in the National Academy program for senior visiting research associates to conduct research in facilities of the Institution for 1-year terms of study. Funds have also been requested to permit graduate students to come to the Smithsonian to complete doctoral dissertations and to offer training in the latest techniques to specialists from museums all over the Nation.

ASSISTANTS FOR RESEARCH STAFF

The research staff of the Smithsonian works behind the facade of exhibits and displays, producing the new knowledge upon which the Smithsonian's program of education for all the people is based. Often the Smithsonian investigator is the only specialist on a group of organisms or artifacts in the country. I have been glad to learn that the Smithsonian generously maintains these talented scholars and specialists as an information service to the world, answering letters from young people, identifying plant pests sent by State agricultural services, and assisting members of the public with answers to questions of every kind. However, the point has been reached at which these services severely diminish the amount of time that scientists and scholars are able to devote to the employment of their highest skills in the specialties which they alone can practice. Rather than contemplate any reduction in service to the public, the Smithsonian is now seeking to utilize technical aids to support research and docents to assist in preparing public information. By training and employing 18 clerk-typists, 83 museum aides and life-science technicians, and 8 administrative assistants the Smithsonian has proposed to meet demands for public service without sacrificing the scarce talent of its professional research staff.

Since its beginnings in the first half of the last century the Smithsonian Institution has been a powerful contributor to the intellectual traditions of the United States and to the quest for knowledge throughout the world. I am especially pleased, as chairman of the Smithsonian Institution Subcommittee, to note that the eighth Secretary, Prof. S. Dillon Ripley, is continuing these cherished traditions.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS] numbered 82, to the committee substitute.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. BAYH. Mr. President, S. 1564 was introduced in response to a fundamental need, a need related to the heart of our form of government. Its purpose is clear. It is designed to secure the right to vote to all qualified citizens wishing to exercise this right. It was proposed only when experience had taught us the inadequacies of prior laws. While this experience has been frustrating, it has also been enlightening. From it we have learned. It has sharpened our focus and enabled us to devise a bill which will effectively deal with the principal methods of discrimination which have been encountered.

Three times in this last decade—in 1957, 1960, and in 1964—we have enacted legislation which committed to the courts the burden of providing a cure for this problem. Some advances have been made: In some areas, Negroes have been permitted to participate in the electoral process in response to court orders. Yet, in relation to the need, the progress has been too slow. Let me illustrate.

On July 6, 1961, the Department of Justice filed a complaint seeking an injunction against discriminatory practices by the registrar of Clarke County, Miss. At the time this suit was filed, 76 percent of the white voting age population was registered to vote. Not a single Negro out of 2,998 Negroes of voting age was registered.

On December 26, 1962, nearly a year and a half later, the trial began. The evidence demonstrated that several highly qualified Negroes, including a school principal, had not been allowed to register. Illiterate and semiliterate whites had been registered. While Negro applicants were sent home "to think over their applications," white applicants merely had to "sign the book" for themselves and their spouses. No test whatever was administered to the white applicants.

On February 5, 1963, the district court found discrimination against Negroes and massive irregularities in the registration of white persons. The court granted an injunction but failed to find that discrimination had occurred pursuant to a "pattern or practice," a finding which precluded the use of the voting referee provisions of the 1960 Civil Rights Act. The court also refused to require the registration of Negroes whose qualifications were equal to those of whites who had been registered.

The relief granted by the court was not enough to cope with the deep-rooted discrimination in Clarke County, Miss. Six months after the court enjoined the registrar from discriminating in the registration of Negroes, the percentage of Negroes registered had risen from zero percent of the voting age population to 2.2 percent. Only 64 out of 2,998 Negroes of voting age had been registered.

The Government appealed. On February 20, 1964, the court of appeals expressly approved of the denial of equalization relief; that is, relief requiring the registrar to register Negroes whose qualifications were equal to those whites who had been registered; a type of relief subsequently approved by the court of appeals and the Supreme Court. The court of appeals modified the district court judgment in some minor respects. And on petition for rehearing, the court held that the district court's refusal to find a pattern and practice of discrimination was clearly erroneous. The case was remanded to the district court.

Three and one-half years after this suit was brought, the district court amended its order, not to find that there had been a pattern or practice of discrimination, but to withdraw its previous ruling on the point and to make no finding at all. This again precluded resort to the voting referee machinery of the 1960 act. And again, the district court denied equalization relief.

The Government's second appeal is presently pending. Thus, nearly 4 years after suit was brought, the suit is still in the courts, and no effective relief has been obtained.

Mr. President, that is only one of many instances which adequately portray the tenuous process which must be followed under the present laws on the statute books.

The result has been this: In Alabama, in 1964, approximately 18.5 percent of voting-age Negroes were registered to vote. This was an increase of only 8.3 percent since 1958. In Mississippi approximately 6.4 percent of voting-age Negroes were registered in 1964. This is to be compared to 4.4 percent 10 years earlier. In Louisiana Negro registration appears to have increased only one-tenth of 1 percent between 1958 and 1965.

Thus, reliance upon judicial remedies has not succeeded. S. 1564 is our answer to a century of experience. While it is comprehensive, it is simple. It suspends the use of the tests and devices, which have been the principal instruments of racial discrimination in the voting process; it forbids enforcement of a new discriminatory law as soon as the old one has been vitiated; and it outlaws the poll tax when it is used in such a discriminatory manner.

Today I will explain why the suspension of test and devices is an effective yet most reasonable means of dealing with the discrimination problem, and why the method of suspension provided for in this bill is the most satisfactory approach.

Unless there is a suspension by court order—as provided in section 3 of the bill—three determinations must be made before a test or device is suspended.

First, the Attorney General must determine that a State or political subdivision of a State maintained a test or device, as defined by the bill, on November 1, 1964, as a qualification for voting.

Second, the Director of the Census must determine that less than 50 percent of persons of voting age, excluding aliens and military personnel and their dependents, residing in any such a State or political subdivision were either registered to vote on November 1, 1964, or voted in the presidential election of 1964.

Third, the Director of the Census must also determine that more than 20 percent of persons of voting age were nonwhite according to the 1960 census.

The evidence not only lays a rational foundation for this "three factor" formula; I believe the evidence compels its adoption:

First. The Department of Justice submitted to the Judiciary Committee evidence of racial discrimination in the voting process in the five States in which tests and devices would be suspended—Alabama, Georgia, Louisiana, Mississippi, and South Carolina. Most of the Federal litigation effort has been directed toward those areas where discrimination is most severe—Alabama, Louisiana, and Mississippi.

Thus far, the Department has instituted 40 voting suits under 42 U.S.C. 1971(a) in those States; 12 in Alabama, 22 in Mississippi, and 14 in Louisiana. Not a single one of the 26 finally terminated has been concluded without a finding of racial discrimination. To be precise, in the eight suits which have been decided in Alabama, in the nine suits which have been decided in Mississippi, and in the nine suits which have been decided in Louisiana, the courts found that there was racial discrimination in the voting process and that this discrimination was effectuated by the use of tests or devises in violation of the 15th amendment. And in each of these cases since the 1960 act where the pattern and practice issue has been formally adjudicated, discrimination has been found to be pursuant to such a pattern and practice, and not just an isolated instance.

Second. Registration and voting statistics themselves are revealing. In the presidential election of 1964, 62 percent of the voting age population voted. Excluding aliens and military personnel and their dependents from the voting age population, only seven States had less than 50 percent electoral participation in the 1964 presidential election. Six of these seven employed tests or devices on November 1, 1964. Registration statistics for these six States—Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia—indicate striking similarities among them.

In each there is a large nonwhite population. Only in Virginia is less than 20 percent of the voting age population nonwhite—18.9 percent. However, 43 out of 130 political subdivisions in Virginia are affected by the bill. In each of the States affected by the bill there are great disparities between the percentage of white persons of voting age and the percentage of nonwhite persons of voting age registered to vote. In each there is a clear and direct correlation between the low electoral participation in the presidential election of 1964 and the low percentage of nonwhite persons registered to vote.

The registration and voting statistics in the counties in which lawsuits have been brought and in which determinations of discrimination have been made reveals a similar pattern. In each there is a substantial nonwhite population. In each there is a great disparity between the percentage of white persons of voting age and the percentage of nonwhite persons of voting age registered. And in each there was low electoral participation in the presidential election of 1964. And, in each we know that low nonwhite registration which lead directly to low electoral participation resulted from the discriminatory use of tests and devices in violation of the 15th amendment. Thus, we know that the assumption of the triggering formula is correct.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the Senator from Louisiana.

Mr. ELLENDER. The Senator has made the direct statement that he knows what is happening in Louisiana and other States which he has named. Will the Senator tell us where he obtained his information? Was any evidence presented to the committee to indicate what the Senator has stated, or is it merely an assumption?

Mr. BAYH. If the distinguished Senator from Louisiana would require the meaning of the word "know" to be knowledge beyond the slightest scintilla of doubt, I would have to say that I do not know; but the evidence presented by the Department of Justice and the Attorney General, which has accumulated down through the years, would lead me to have a reasonable judgment that what I have stated is the case.

Mr. ELLENDER. Has the Senator studied the voting record of southern cities in the past 2 or 3 years?

Mr. BAYH. I have.

Mr. ELLENDER. The Senator knows that registration in most of the Southern States, particularly Louisiana, has been on the increase. The Senator knows that, does he not?

Mr. BAYH. Yes. Registration has improved.

Mr. ELLENDER. The Senator also knows, I presume, that so far as registration in Louisiana is concerned, only in a few parishes of my State has there been a little delay. We have had many nonwhite people registered. The Senator is familiar with the background of that situation, is he not?

Mr. BAYH. The Senator is aware that there are some areas in the Senator's State where great progress has been made, and there are other areas where very little progress has been made. It is our desire to stimulate the efforts in areas in which little progress has been made.

Mr. ELLENDER. I do not think the Senator is going to stimulate it; he proposes to force it. If the bill is enacted, it will mean that anyone, whether he is qualified or not, who presents himself for registration, will be registered. Does the Senator want that to happen?

Mr. BAYH. The Senator does not want that to happen. The Senator feels that what the Senator from Louisiana has stated would not be the case if a good-faith effort were made indiscriminately to apply the provisions of the State tests. It has only been when a State has discriminated that a State's prerogatives would be removed. Here we differ in judgment.

The results demonstrate to the junior Senator from Indiana quite clearly that there has been discrimination.

Mr. ELLENDER. On what does the Senator base his assumption? Is it on the fact that less than 50 percent of the registered voters voted in the last election? Is that the Senator's only assumption?

Mr. BAYH. I would be less inclined to use this as evidence than I would the great disparity in the registration between nonwhites and whites. I could also reinforce this point with specific examples of discrimination in the southern part of the country.

Mr. ELLENDER. The southern part of the country, but not Louisiana?

Mr. BAYH. Yes.

Mr. ELLENDER. As I pointed out in the debate some time ago, in at least 40 parishes in Louisiana Negroes have cast a large vote in the past 4 or 5 years. In some parishes, the proportion of nonwhite voters has greatly increased in the past few years.

It is only in parishes where the Negroes outnumber the whites by from 3 or 4 to 1 that there may have been some discrimination. I have said on many occasions that the reason for that is that there is much illiteracy among both black and white persons in those parishes. The white people who are now in control of the offices in that area—that is, sheriffs, clerks of court, and judges—fear that if the bill were enacted, everybody would be registered, whether or not he could read or write. In my opinion, that would be strictly in violation of the Constitution because, as I understand, the referees who would be appointed by the Commission, through orders from the Attorney General, would be selected, and the registration would not be at all in conformity with State law.

That is what I have been complaining about. I am hopeful that before the debate is over, something can be done to correct that situation.

On the second round, the committee proceeded to change the bill as a whole from its original form. The original bill was completely amended in some regards, particularly in reference to certain counties. The original bill provided that if the Attorney General found that a sufficient number of people were not registered, or failed to vote, or if the registration were out of proportion, then they would be under the bill. But as to other States and the several counties in North Carolina, a finding would have to be made by the judge, referees would then be appointed, and all applicants would be registered, their registration conformed with the State law. Why should there be such a distinction? One small group of States must prove their innocence and as to the others, the Attorney General would have to prove their guilt.

Mr. BAYH. I am tempted to answer the first part of the Senator's question by saying that it was only when those States had, by a continued practice—and here again, the Senator from Louisiana and I do not agree on what constitutes a continued practice—shown that they had not engaged in discrimination that they would come under this provision.

As to the sheriffs and the registrars, to whom the Senator referred, who were concerned that the provision would violate the constitutional right of the States to make the rules and the laws, it is unfortunate that the same sheriffs and registrars have not been as much concerned about the violation of the constitutional rights of the individuals involved under the 15th amendment. If they had not engaged in such discriminatory practices as they have engaged in for many years, this type of legislation would not be necessary; and I certainly wish it were not.

Mr. ELLENDER. But the Senator from Indiana concedes, does he not, that if the bill were enacted, the action of setting aside or suspending State laws would amount, in itself, to fixing qualifications by the Federal Government?

Mr. BAYH. I do. In the final analysis, we are not setting aside State law. Rather, State laws have been unconstitutionally administered throughout the years.

Mr. ELLENDER. But the fact that existing laws in the States would be suspended would mean that qualifications were being fixed by the bill. That is what would happen.

Mr. BAYH. I say in all sincerity to the Senator from Louisiana that, so far as I am concerned, this is a matter of last resort. I regret to see the Federal Government become involved. But law after law has not been broadened enough to strike at the injustice the bill is designed to correct; namely, to guarantee each American citizen the right to vote.

Mr. ELLENDER. As I read the 15th amendment and the cases that arose pursuant to its adoption, there is no inkling of anything that shows that there was the remotest intention of fixing qualifications under the 15th amendment. It is only where a person has been discriminated against on account of race that the 15th amendment comes into action. In those cases, it must be shown that there was discrimination at some stage of the voting process.

I wish to read the 15th amendment:

> The right of citizens of the United States to vote—

When we speak of voting, we mean someone who is qualified to vote.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ELLENDER. If the Senator does not mind, I should like to finish reading the amendment.

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

As the Senator has just admitted, if the bill were enacted, it would mean that Congress was suspending and setting aside State laws and fixing qualifications. It is my judgment that there is no question that that would be directly in contravention of article I, section 2, of the Constitution, and also of the 17th amendment, which gives the States the right to prescribe qualifications for voting.

Furthermore, the bill is absolutely against a decision that was made by the Supreme Court of the United States in March 1965, which held in no uncertain terms that the right to determine who shall or shall not vote or register is within the province of the State, not the Federal Government, so long as there has been no discrimination because of race.

Mr. BAYH. The provisions of the bill, so far as the Federal Government preempting a State's right to set qualifications is concerned, apply only where the State's actions have been unconstitutional when they have been directed at depriving individual voters of the right to vote.

Mr. ELLENDER. That is correct in the event there has been discrimination. To me, that must be shown first. However, that is not proposed to be done in this case.

Mr. TYDINGS. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, is not the point that the Senator from Indiana wishes to make that the so-called qualifications adopted by the States of Mississippi, South Carolina, Louisiana, Alabama, and Georgia—in which States we are primarily interested in this legislation—were not adopted until after the Civil War and after the adoption of the 15th amendment?

When the purpose of the qualifications is to deprive a person directly of the right to vote, then I think it falls under the purview of the 15th amendment. I think that is the guts of the bill.

Mr. ERVIN. Mr. President, will the Senator yield for a question along the line suggested?

Mr. ELLENDER. First, I should like to ask my distinguished friend from Maryland if he could give us the figure for Maryland.

Mr. TYDINGS. Today?

Mr. ELLENDER. No. For the same period of time that was mentioned in Louisiana.

Mr. TYDINGS. We never had a constitutional amendment to adopt a literacy test We had the grandfather clause which was perhaps just as bad.

Mr. ELLENDER. The Senator is correct.

Mr. TYDINGS. We had the same problems at that time.

Mr. ELLENDER. Exactly.

Mr. TYDINGS. We do not have them today—at least, we try not to. We do not have any recorded complaints, and the ratio of nonwhites to whites is substantially the same.

Mr. ELLENDER. You mean the population and everything?

Mr. TYDINGS. That is correct.

Mr. ELLENDER. That has occurred in the last 4, 5, or 6 years.

Mr. TYDINGS. Ten years.

Mr. ELLENDER. No. Four, five, or six years.

Mr. ERVIN. Mr. President, does not the Senator from Indiana know that the first State which adopted a literacy test was the Commonwealth of Massachusetts, and that the Supreme Judicial Court of Massachusetts stated that the reason Massachusetts adopted a literacy test was in order to have a literate electorate?

Mr. BAYH. I am sure that the Senator from North Carolina stated that correctly.

Mr. ERVIN. I state that as a fact. Can the Senator from Indiana explain to me why someone would infer that when Massachusetts adopts a literacy test—and maintains that literacy test—it is because the State wants its electors to be able to read and write; whereas, when North Carolina adopts a literacy test, the same person infers North Carolina adopted it for the purpose of discriminating against certain people? Can the Senator explain to me the logic in arriving at those two seemingly contradictory conclusions from the same premise?

Mr. BAYH. Without referring to the Senator's State, let me answer the question in this way. Any State has the right to pass a law saying that it shall require literacy. There is nothing wrong about that. But, whenever a State has such a law and, by the way in which it administers the law, manages to register those whites who are illiterate, but refuses to register literate nonwhites, then, it seems to me, we should correct this condition.

Mr. ERVIN. The Senator from Indiana made a statement a while ago with which I found myself in complete agreement. That was that the better test by which to determine whether there is any discrimination in voting is to refer to the registration figures rather than to the voting figures. I understood the Senator to say that that is a better test.

Mr. BAYH. The Senator from Indiana, speaking directly for himself, feels that this is a better test. However, I think the Senator knows that there is a great deal to be said for considering them together. Second, we have a great deal of difficulty in getting the figures to which the Senator refers. For some reason or other, they are not kept, they disappear, or they are hard to get hold of the figures.

Mr. ERVIN. The Senator from Indiana made a statement a while ago that he thought that the triggering apparatus of this bill was sound. I should like to lay down this premise as the basis for a question. According to the figures furnished to the Judiciary Committee of the House of Representatives by the Attorney General of the United States, the percentage of the adult population registered to vote in certain States was as follows: Arizona, 66 percent; Arkansas, 56 percent; California, 75 percent; Florida, 54 percent; Hawaii, 60.6 percent; Kentucky, 51 percent; Maryland, 70.6 percent; Michigan, 72 percent; Nevada, 67 percent; New York, 74.5 percent; Oregon, 75 percent; Tennessee, 72.7 percent; and Texas, 56.3 percent. The percentage of adult population registered in North Carolina, according to the figures of the Attorney General, exceeds that of the 13 States I have enumerated. North Carolina has 76 percent of its entire adult population registered.

North Carolina is purported to be covered by this bill. However, the other 13 States, which have less registration percentagewise, are not to be covered by the bill. Can the Senator from Indiana explain to me the logic of a bill that operates in that manner?

Mr. BAYH. The Senator should take a great deal of comfort in the fact that his State is one of those which, according to the statistics he has presented before the committee—to which I listened very carefully—is not presently discriminating. The Senator should take a great deal of comfort in the provision of the bill that would void the entire bill in such a case. All that would have to be done would be to go in and prove that there is no discrimination, and that would take care of it.

Mr. ERVIN. I take no comfort from the fact that North Carolina is said to be discriminating and Maryland is said not to be discriminating according to this bill, when in North Carolina the registration of the adult population is 76 percent, and in Maryland it is 70.6 percent.

I say that there is no logic in any bill which operates under those circumstances and condemns North Carolina and exonerates Maryland.

Mr. BAYH. Of course, the Senator from North Carolina and I agree on some things and disagree on others. I certainly respect the opinion of the Senator from North Carolina. But, it certainly is not the intention of the Senator from Indiana to be in favor of any legislation that will discriminate against North Carolina. I do not believe that the bill would discriminate against North Carolina unless discrimination is shown to exist there. If there is shown to be discrimination in Indiana or in North Carolina, then both States should be treated equally.

Mr. ERVIN. As the bill was presented to the committee, it condemned, without a judicial trial, more than one-third of North Carolina, or 34 North Carolina counties out of 100. That is one of the objections to the bill. These counties are condemned in the bill. They will remain condemned by this bill unless the officials travel by all of the courthouses in North Carolina and all through the State of Virginia, which are nailed shut by this bill, and come to the District of Columbia and prove their innocence. I say that North Carolina can take no comfort out of that, and neither can I.

I should like to ask the Senator some further questions about the trigger process. In the last presidential election, 48.6 percent of the total adult population of Beaufort County, N.C., voted, whereas only 31.7 percent of the adult population of Bell County, Tex., voted.

Will the Senator from Indiana explain to me why those figures give rise to a presumption that Beaufort County, N.C., is discriminating against the minority and Bell County, Tex., is not?

Mr. BAYH. Texas, for one, does not have a test or device. The evidence has been conclusive, at least to this Senator, that the test or device is the "gimmick"—if I may use that word for lack of a better word—which has been used for the devious practices that are involved in the discrimination process.

Mr. ERVIN. In other words, is the Senator telling me that if a State wants its citizens to be able to read and write as a prerequisite to voting, it is practicing discrimination, whereas if a State does not want its citizens to be able to read and write as a prerequisite to voting, it is not practicing discrimination?

Mr. BAYH. No; the Senator from Indiana does not adhere to that concept. The Senator from Indiana feels that, because we need to find a formula under which we can increase and speed up the opportunity for individuals to vote—to which there should be no roadblocks whatever—there is sufficient evidence available to show that where there are three conditions—a substantial number of nonwhite voting age population, test or device, and the low voter participation—there is sufficient ground at least to implement the provisions of the bill, from which any State or subdivision thereof can remove itself by merely showing nondiscrimination.

Mr. ERVIN. Let us see how that test or device provision operates. I call attention to the 18th Congressional District of New York State. New York State is one State that has a literacy test. North Carolina has a literacy test. Fifty-one and eight-tenths percent of the entire adult population in North Carolina voted in the 1964 presidential election. Only 46.7 percent of the adult population of the 18th Congressional District of New York voted in the 1964 presidential election.

Yet, under this bill, North Carolina is condemned, whereas the 18th Congressional District of New York is excluded from the coverage of the bill.

Will the Senator explain how any logic or any kind of formula which accomplishes such a result is sensible or reasonable or just?

Mr. BAYH. Does the Senator have figures that are available to him as to the percentage of nonwhite population in the 18th Congressional District of New York?

Mr. ERVIN. Yes. The 18th Congressional District includes Harlem and is represented by Representative ADAM CLAYTON POWELL.

Mr. BAYH. What is to prevent it from being within the provisions of the bill?

Mr. ERVIN. Because the vices—maybe I should not say vices, but I will say it—of the bill include North Carolina and exclude Harlem. Under its provisions, the bill is to be implemented on the basis of counties, and not on the basis of congressional districts; and New York County had three congressional districts voting less than 50 percent of its adult population in 1964.

Mr. BAYH. Any county or political subdivision that meets the test, whether it is in the North or the South, comes under the provisions of the bill.

Mr. ERVIN. But the 18th Congressional District of New York, which includes Harlem, and which voted only 46.7 percent of its adult population in the presidential election of 1964, is excluded from the provisions of this bill, whereas parts of North Carolina, which voted 51.8 percent of its adult population, is covered by the provisions of the bill.

Mr. BAYH. The question is how small a geographical area we want to define as a "political subdivision." I personally would have no objection to including congressional districts.

Mr. ERVIN. I was thinking that the formula is so drafted that it includes the six States which voted for Goldwater and the 34 North Carolina counties which voted for Johnson and the 35 Virginia counties and 10 Virginia cities, I believe, which voted for Johnson. Why not take that as the formula, because that is certainly the result of it?

Mr. BAYH. That certainly was not intended. If the Senator offered an amendment to include congressional districts, I would support it. I do not think any of us would want to get into something by which discrimination occurred out of the provisions of the bill.

Mr. ERVIN. I am glad I have the assurance of the Senator from Indiana that he will vote for reasonable amendments. I offered 20 in committee. One of my amendments would exclude North Carolina from the provisions of the bill. Since 99 percent of all the people of my State passed the literacy test, I thought it should be excluded from coverage of the bill. My amendment would have excluded States in which more than 95 percent passed the test. I thought certainly the language of that amendment would be accepted. In North Carolina only 3 out of each 1,000 people who took the test failed it. My mathematics may be poor, but I think that comes to 99.99 and so on, percent of the people of both races in North Carolina. I offered that amendment and the committee voted it down. Yet, under this bill, although 99.99 percent of the people of North Carolina passed the literacy test, according to figures of the U.S. Civil Rights Commission, North Carolina is presumed by this bill, insofar as those 34 counties are concerned, to be discriminating by use of the literacy test.

Mr. BAYH. Of course, the Senator realizes that in any subdivision or in any State where more than 99 percent of the voters passed a literacy test, no reasonable court or no reasonable judge would rule that discrimination has been practiced, and it would come out from under the provision for the appointment of registrars.

Mr. ERVIN. I may state that a great many Senators whom I will not characterize as unreasonable men were not reasonable enough to vote that a State like that should come out from under the coverage of the bill. Instead of that, they bring a bill into the Senate which presumes that North Carolina is using its literacy test to keep qualified people from voting, when 997 out of every thousand people who took the literacy test passed it.

Mr. BAYH. Referring to the over-99-percent figure the Senator uses, does that figure apply to the State as a whole or the 34 counties?

Mr. ERVIN. It applies to the entire State.

Mr. BAYH. Does the Senator have similar figures for the 34 counties, perchance?

Mr. ERVIN. I put these figures in the RECORD. I put in the RECORD the reports for some of the 34 counties, which showed virtually the same result with regard to those figures.

I wish somebody could give me some kind of reasonable basis for reaching a reasonable conclusion that North Carolina is using the literacy test to keep people from registering and voting.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAYH. The Senator from Maryland has been trying to get me to yield to him. I am glad to do so.

Mr. TYDINGS. Is it not a fact that when we talk about literacy tests within the confines of the bill, we are aiming at those tests or devices which were adopted in convention or in legislatures where the sole purpose was the disenfranchisement of nonwhite voters? In the draftsmanship of any bill such as this, in the definitions, occasionally we might reach a political subdivision which might be unfairly required to suspend a literacy test. However, the committee bent over backward—as the Senator from Indiana will recall, we even amended the original version—to provide that a political subdivision or county such as referred to would have to do would be to file a paper and put it in the mails for Washington, and the Attorney General, if the facts were as the Senator has stated, would agree to it, and that would be it.

The examiners themselves would not be sent into the given area, even if the formula worked, until the Attorney General requested it. But I believe we get off the subject a little. If I may comment a little further, the history of the adoption of these devices is clear.

Mr. ERVIN. That was 57 years ago.

Mr. TYDINGS. When the Virginia Convention met in 1898, the then young State Senator Carter Glass got up on the floor of the Virginia State Convention and stated that the purpose of the convention was to disenfranchise the Negroes of Virginia insofar as it could be accomplished under current court interpretations.

These are not voting qualifications as we think of them today. These are devices and tests used for the purpose of disenfranchising individuals. That is why the bill was drafted and revised as it was. The bill presumes that when there is a situation with a percentage of less than 50 percent of the eligible voters of a State registered to vote, together with more than 20 percent of the population of the State or subdivision being Negroes, then it automatically presumes that tests and devices were being used to discriminate. When the final bill came out, section 4(a) and section 4(b), I believe, provided all the relief needed for any of the counties with which the Senator from North Carolina is concerned.

It is specifically provided that all the Attorney General has to do is to consent to the entry of the judgment.

On page 16 of the bill—this is after the State or subdivision has sent up a petition to the District Court of the District of Columbia to state that it has not denied or abridged a citizen of any right to vote.

> If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

As the Senator will recall, during the appearance of the Attorney General before the committee, he stated time and again that in any instance of that kind, he would bend over backward to facilitate and make certain that there was no undue problem with the individual county which had not been, in fact, denying or abridging the right of a person to vote by the use of tests or devices.

Mr. ERVIN. I was astounded that the Attorney General of the United States appeared before the committee urging passage of a bill applicable to 34 counties in North Carolina, when he admitted before the committee that the Department of Justice had no evidence of any present violations of the 15th amendment occurring in any of the 34 counties.

My good friend the Senator from Maryland may believe that the bill deals gently with the 34 counties, but it nails shut the doors of every Federal court in the United States except the District Court of the District of Columbia. The bill tells them that although the Department of Justice says, "You are innocent, and we have no evidence of your guilt, you are to be presumed guilty." So the counties have to hire a lawyer; they have to pass up all the courthouses in North Carolina and the State of Virginia; they have to come north and cross the Potomac River and have their lawyer file a complaint in the District Court of the District of Columbia alleging their innocence, which is known to be true, before they can be relieved from the consequences of the bill.

This bill does not treat any of the seven States or their political subdivisions kindly. I am a lawyer, and do not ordinarily object to things which help lawyers. This bill goes too far, however, in its effort to help lawyers. It requires innocent States or political subdivisions to prove their innocence in the District Court of the District of Columbia. By so doing, some States or political subdivisions have to travel a thousand miles to the district where they are denied compulsory process to obtain witnesses.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I have one additional comment to make, and then I shall subside.

I should like to have the Senator from Indiana [Mr. BAYH] explain the logic of a bill which asserts that Louisiana, which voted 47.3 percent of its adult population in the presidential election of 1964, is to be presumed guilty and must come to the District Court of the District of Columbia to prove its innocence; whereas, the State of Texas, which voted only 44.4 percent of its adult population in the same presidential election, is presumed to be innocent. In other words, I should like to have the logic of the bill explained to me, so that I may comprehend the basis on which it can be made to appear to be reasonable.

Mr. BAYH. One explanation would be the difference in the percentage of the registered nonwhite voters as between the two States. Another explanation would be to look at 100 years of history, during which the use of these tests and devices in the way of discriminating has been involved.

Texas has no tests or devices. Louisiana has. If Louisiana is not discriminating in using its tests and devices, it does not come under the provisions of the bill.

Mr. ERVIN. In other words, this is all based on 100 years of history?

Mr. BAYH. And what it shows.

Mr. ERVIN. I have a high respect for history, but if we are going to condemn everyone on the basis of history, I doubt that any of us would ever see salvation.

Mr. BAYH. I do not intend to read again the statistics of some of the counties which the Senator already knows quite well, but when there is a whole county with a majority of Negroes and not one has been registered, it seems to me something is wrong.

Mr. ERVIN. The Senator is not referring to North Carolina.

Mr. BAYH. In that particular case, I certainly am not. Neither is the Senator from North Carolina referring to North Carolina.

Mr. ERVIN. We have been having a celebration of the 100th anniversary of what my geology professor so well called "the uncivil war." I was in hopes that we were going to have a reunited country at the end of 100 years, but now we seem to be going back to Reconstruction days. This bill should be amended so that its title should be known as "the Reconstruction Act of 1965."

Mr. BAYH. Not at all. If I may be so presumptuous as to say so, it is my opinion that the goal of the Senator to have a reunited country will be accomplished by the enactment of this bill, because then everyone will have the right to vote, and we shall be giving everyone the opportunity to vote. That is a part of the reason why we fought that war 100 years ago. It is unfortunate that those same characteristics still exist.

Mr. ERVIN. They do not exist in my State. Yet we are condemned, along with everyone else. It does not exist in these other States in any degree like the proponents of the bill are setting forth.

It also condemns the State of South Carolina. I would say it cannot be true of South Carolina. The same thing would apply to the State of Virginia.

The simplicity of the North Carolina literacy test is illustrated by the test employed by New Hanover County, which appears in the record of the hearing.

This is the test:

> Copy in your own handwriting the following underlined portion of the North Carolina Constitution in the space provided below.

All elections ought to be free.

That was the sum total of the literacy test in a State which is presumed to be discriminating. I thank the Senator.

Mr. RUSSELL of South Carolina. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. RUSSELL of South Carolina. Mr. President, will the Senator permit me to ask him a question with reference to South Carolina?

Mr. BAYH. Certainly.

Mr. RUSSELL of South Carolina. South Carolina has a literacy test. However, on Saturday the State chairman of the National Association for the Advancement of Colored People in South Carolina issued a statement in which he said that in the past 4 years the Negroes in the State had increased their registration by 147 percent, which he thought was an extremely fine and gratifying record. Assuming that statement to be correct, does the Senator feel that the literacy test in South Carolina is being used to discriminate against Negroes, or does he believe there is any justification for legislation which would brand South Carolina as a State that is doing something wrong?

Mr. BAYH. Of course, percentage figures do not adequately describe discrimination, or the lack thereof, in the attempt to accomplish the goal of giving all people an equal opportunity to vote. One hundred and forty percent of nothing is nothing.

Mr. RUSSELL of South Carolina. Yes. The chairman referred to the increase from 50,000 to 150,000. He used the actual figures, in other words. Would not the Senator say that these were outstanding figures?

Mr. BAYH. I would say they show the State to be headed in the right direction. It should try to increase those figures.

Mr. RUSSELL of South Carolina. Has the Senator from Indiana heard of any complaints from South Carolina that any Negro has been discriminated against in his attempt to register through the operation of the literacy test applied in that State?

Mr. BAYH. I have no personal knowledge of it.

Mr. RUSSELL of South Carolina. I have not heard of any, either. I have been Governor of the State for the past 2½ years, and I have not heard of any. I do not know why South Carolina should be singled out for this treatment.

We have heard discussion about the history of certain provisions in the State literacy tests. I do not believe that history has anything to do with it. What someone said 70 years ago has nothing to do with the present situation. The question is whether the literacy test is discriminatorily applied today. I do not believe it is. Does the Senator agree with me?

Mr. BAYH. I do not agree. With all due respect, I believe that what the Senator said about what was said years ago would be irrelevant, and would be correct if it were not supported by practices which indicate that the goal which was originally set has not been followed in some areas.

Mr. RUSSELL of South Carolina. I am sure the Senator knows of no such instances. I do not believe anyone can say that in the past few years there has been any discrimination. We do not see why anyone should go back into ancient history. Why do we not talk about what is occurring today? There is no discrimination in our State today.

Mr. BAYH. If there is no discrimination——

Mr. RUSSELL of South Carolina. Why would the Senator from Indiana force us to come to the District Court in the District of Columbia? The Senator from North Carolina [Mr. ERVIN] referred to the fact that it is a long way from home. It would be necessary for us to engage lawyers. If the situation is anything like it was when I practiced in that court, it has the most congested docket of any court in the United States. I wonder how long a State would have to wait for the trial to come up.

Mr. BAYH. If the situation is as the Senator has described—and I am sure it would be if the Senator describes it that way—he would not have to hire a lawyer. All he would have to do would be to send an affidavit to the Attorney General. Unless the Attorney General disagreed on the facts, the State would be automatically removed from the applicability of the provisions of the act.

Mr. RUSSELL of South Carolina. Does the Senator believe that if I were to write a letter to the Attorney General he would give me that opinion, so that I could satisfy the people of South Carolina on that point?

Mr. BAYH. I suggest that we first pass the bill, and then the Senator may send a letter to the Attorney General. If everything is as he has suggested, there will be no difficulty about the Attorney General ruling in his favor.

Mr. RUSSELL of South Carolina. In other words, we should take it on good faith. Why would not the Attorney General tell us so now?

Mr. BAYH. I beg the Senator's pardon. I did not quite understand him.

Mr. RUSSELL of South Carolina. If the Attorney General has no evidence of discrimination, why should he not let us know about it now?

Mr. BAYH. Perhaps the Attorney General would be in some disagreement with the Senator on the facts.

Mr. RUSSELL of South Carolina. Does the Senator believe that if I give the Attorney General the facts now, he would give us such a ruling?

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. ERVIN. I do not like to be the source of disillusion for the distinguished Senator from South Carolina, but the Attorney General assured us during the hearings before the committee that even though he had no evidence of discrimination in North Carolina, he would nevertheless make us come to Washington to establish our innocence in the district court in Washington. It is necessary to employ a lawyer to draw the petition or complaint. I hope that the State officials would not try to represent themselves in court. I say that because I have always been told that a person who undertakes to represent himself has a fool for a client.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. LAUSCHE. The Senator from Indiana is a member of the Committee on the Judiciary, and he heard the testimony on the bill. He knows that I am not a member of the committee. Therefore, I should like to ask a few questions, solely for the purpose of information. Earlier in the discussion I understood the Senator from Indiana to say that a literacy test, or a requirement that a person have a certain level of education imposed by the State, came within the provisions of the Constitution of the United States. Am I correct in that understanding?

Mr. BAYH. First, let me say that each State has the prerogative of determining the qualifications of its voters.

Mr. LAUSCHE. Not the prerogative, but the absolute right to determine the qualifications of voters. That is correct, is it not?

Mr. BAYH. Yes.

Mr. LAUSCHE. That is set forth in section——

Mr. BAYH. Subject, of course, as the Senator knows, to the constitutional provisions in the 14th and 15th amendments.

Mr. LAUSCHE. Let us put it this way: Each State of the Union, through its legislature, has the right to fix the qualifications of its voters, and can do so by imposing a literacy test, subject to the limitation that the State shall not adopt by statute or constitutional provision any provision that denies the right to vote on the basis of race, color, or previous condition of servitude.

Mr. BAYH. The Senator is correct.

Mr. LAUSCHE. Those qualifications are contained in article I, section 2 of the Constitution and in the 17th amendment to the Constitution.

Mr. BAYH. Yes.

Mr. LAUSCHE. Am I correct in saying that those two provisions in the Constitution are controlling insofar as the States are given the right to fix qualifications, subject to the limitation imposed by the constitutional amendment adopted in the 1870's?

Mr. BAYH. That is the understanding of the Senator from Indiana.

Mr. LAUSCHE. The language which contains that provision, in section 2, article I, reads as follows:

> The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That deals with the qualifications of voters who cast their ballots for Members of the House of Representatives. Is that correct?

Mr. BAYH. That is correct.

Mr. LAUSCHE. The 17th amendment provides for the direct election of Senators, instead of their election by State legislatures. The people of the United States amended the Constitution with reference to the election of Senators, and provided in the amendment:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The 17th amendment is an absolute duplicate of section 2 of article I of the Constitution dealing with the election of Senators. Is that correct?

Mr. BAYH. The Senator is correct.

Mr. LAUSCHE. That provision is subject to the limitation that no voter shall be disqualified because of race, color, previous condition of servitude.

Mr. BAYH. The Senator is correct.

Mr. LAUSCHE. Earlier in the discussion, the Senator from Indiana said that these provisions are binding, and that the State has the right to fix qualifications, except when it uses a device that disqualifies a voter because of his color. Is that correct?

Mr. BAYH. That is correct.

Mr. LAUSCHE. If the bill were passed and the Attorney General should go before a court, that court could, according to the language of the bill, be required to "suspend the use of such test or device in such State or political subdivisions as the court shall determine is appropriate and for such period as it seems necessary."

My question is: Could a court suspend the device that had been used as a hidden means of nullifying the 15th amendment, or could it go so far as to render invalid every provision of State law dealing with the literacy test?

That point is very important in my thinking. Would a court suspend a statute of a State which provided for a literacy test, or would it suspend and make impossible the use of the device of registrars which bar nonwhites from voting? What would be the power of the court? Would the court have power completely to suspend the law, or merely make impossible in the procedure the denial of the right to vote?

Mr. BAYH. The Senator from Indiana is of the opinion that the court would deal specifically with the discriminatory effect and application.

Mr. LAUSCHE. That does not answer the question. Would a law which requires a literacy test be suspended completely or would it be permitted to stand; and, through the device of a court, would the officials be rendered impotent in hiddenly imposing what might be called the discriminatory application of the test?

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. TYDINGS. Specifically, the statute itself would automatically, insofar as it concerns the five States which would come within the purview of the provisions of the statute, suspend the literacy test and other devices spelled out in section 4 of the bill. However, it also provides machinery, which was described in the colloquy between the Senator from North Carolina [Mr. ERVIN] and myself. Furthermore, there is an important distinction. While the statute would automatically suspend the tests and devices in those districts, it would not automatically appoint examiners. That would be done at the sole discretion of the Attorney General of the United States if he feels the situation warrants the appointment or, after petition from individual residents of the States, alleging that they had been deprived of the right to vote because of their color.

Mr. LAUSCHE. Then I understand the answer to be that literacy tests, which, under the Constitution, it is admitted, might be adopted by each State, would be suspended.

Mr. TYDINGS. I believe there are five States which would automatically be involved. If the Senator will look at appendix C on page 44 of the majority views of the Judiciary Committee, he will see the names of those States, the percentages, and the fact that there is greater than 20 percent of the population that are nonwhite, making the presumption automatic. The particular devices described in the bill would then be automatically suspended.

Mr. LAUSCHE. Did the committee give any consideration to the proposition that a literacy test, if it is permissible under the Constitution, as has been confirmed by the answers that have been given, could not be suspended by anyone, but that the Federal Government might step in to eliminate devices that have been used to circumvent the genuine and honest administration of a law which, as written at least, is honest?

Mr. TYDINGS. I believe the Senator agrees with the principle and the motivations which motivated the draftsmen of the bill and the revision of it by a majority in the committee. The testimony which was brought out in the committee, which the Senator observes is contained in two bound volumes, was overwhelming as to the facts, the historical basis, and the reasons for the adoption of these specific tests.

I should like to state an example. There was an answer by an illiterate white applicant in the State of Louisiana. I should like to spell out the way he responded to the question. At the same time, the same literacy test was to be used to deprive college graduates who were black. The question related to what was supposed to be freedom of speech. I should like to find the reference in the hearings.

Mr. ERVIN. Mr. President, I wonder if the Senator will yield to me while he is looking for that reference.

Mr. TYDINGS. I should like to put it this way: From the spelling out of the illiterate white voter applicant, it would be almost impossible to determine what his answer to a simple question was. He was nevertheless registered to vote at the same time qualified Negro college graduates were turned away from the registration booth. But the point I am making is that the great accumulation of data and evidence showed that what the Senator and I would consider a voting qualification was not a voting qualification.

Although it was statutorily set up as a so-called qualification, in effect it was really a stratagem to deprive a person of an opportunity or the right to vote because of his color. That was the reason we had to draft the language as we did.

Mr. LAUSCHE. I am having no difficulty with what the Senator might call the need and the responsibility to find a way to give every citizen the right to vote. I am now directing my questions solely to the constitutionality of the question. According to what the Senator from Maryland [Mr. TYDINGS] has said, the Court, as I have mentioned, would suspend——

Mr. TYDINGS. The bill would suspend.

Mr. LAUSCHE. The bill provides that the court——

Mr. TYDINGS. No; if the Senator will refer to section 4 of the bill, he will observe that the bill provides that where a certain set of circumstances are in effect having to do with voting registration, that is, less than 50 percent of the persons eligible to vote or who voted in the recent presidential election, more than 20 percent of the population being nonwhite, the bill itself would automatically suspend—and they are enumerated—the devices and qualifications.

Mr. ERVIN. I should like to give the Senator a comment on that subject from the Supreme Court.

Mr. LAUSCHE. The section to which I refer reads as follows:

> (b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for purposes of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of such test or device in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

Mr. TYDINGS. That language is in section 3. There are two basic sections insofar as the suspension of tests and devices are concerned, section 3 and section 4. The first one the Senator from Ohio has read. It has to do with any case brought under any of the civil rights statutes. Under the fourth section, to which I referred, it is automatic.

Mr. LAUSCHE. I have that section. I should like to ask one or two more questions, and then I shall conclude. Does any State in the Union have on its statute books or in its constitution any law which would deny the right to vote to any citizen on the basis of race, creed, or previous condition of servitude?

Mr. TYDINGS. No. The so-called white primaries and the grandfather clauses have all been held unconstitutional by the Supreme Court. States that wished to reach the same objective were obliged to use devices and stratagems which would not specifically acknowledge what they were trying to do, but nevertheless gained the same end.

Mr. LAUSCHE. No State has in its statutes or in its constitution any language that violates the 15th amendment of the Constitution.

Mr. TYDINGS. Per se.

Mr. LAUSCHE. But if denials have occurred, they have been through hidden devices in administrative procedures. The bill, as I understand the answer, would not only eliminate the prima facie valid provisions of the laws and the constitutions of the States, but would also eliminate the device that is being used to circumvent the right of nonwhites to vote.

Mr. TYDINGS. In a sense.

Mr. LAUSCHE. Why would it not have been better solely to take the procedure that is adopted in denying the right to vote, that is, the officials who administer the registration process?

Mr. TYDINGS. It is my understanding that this was the theory behind the passage of the Civil Rights Acts of 1957, 1960, and 1964 when I was not a Member of Congress; in other words, to try to have the civil courts effect a remedy directly through local registrars. Unfortunately—and it is a fact of life—this has resulted in no registration, or practically no registration, and no results. In other words, the delays which can be successfully carried out in this procedure in effect deprive persons of the right to vote, even though Congress intended, when it passed the Civil Rights Acts of 1957, 1960, and 1964, that that should not be so, and that States could not do what the Senator from Ohio has asked about; that is, prevent action under a court order and under court registrations.

Mr. LAUSCHE. Federal registration.

Mr. TYDINGS. The Civil Rights Act of 1964 even provided for Federal registrars in certain circumstances, but that required long and tedious court proceedings, which delayed actions to the point where there has been no effective relief in the so-called hard-core areas. So with the best of intentions on the part of the draftsmen of the original bills, people were not permitted to register or vote because of their color.

Mr. LAUSCHE. Would it follow, then, that it is the opinion of the Senator from Indiana and the Senator from Maryland that the courts would say that a statute or a constitutional provision, valid in its language and in conformity with the Constitution of the United States, shall, by the proposed legislation, become ineffective and invalid when it is shown that behind that valid law was a device used to deny a nonwhite the right to vote?

Mr. TYDINGS. In effect, that is what we are saying by the record we have built up in committee and by the CONGRESSIONAL RECORD. We are saying, in effect, that those were not valid qualifications; they were stratagems and devices, as the Senator has said, to deprive people of the right to vote. So long as the qualifications are used in that way, they are not within the purview of the 15th amendment. The Senator has put his finger on the issue.

Mr. LAUSCHE. So long as the language is constitutional and valid, the bill, if passed, would render invalid all those statutes if and when it appeared that behind the statutes a device was used to deny a nonwhite the right to vote.

Mr. TYDINGS. That plus the fact that Congress is saying that because of that fact, presented to us within the record, we now find that such is the case in the States which made the requirement, as spelled out in four places in section 4. We also say that at such time as any State or political subdivision shall no longer use these devices as a means to stop a person from voting, it can appear before a court and seek automatic reinstatement.

Mr. ERVIN. Mr. President, will the Senator from Indiana yield to permit me to make one observation which is germane to the statement made by the able and distinguished Senator from Ohio?

Mr. BAYH. I yield.

Mr. ERVIN. I agree with the Senator from Maryland. The bill would suspend the constitutional power and the constitutional right of 7 States to use literacy tests, while leaving 13 other States, which have literacy tests, the right and power to exercise their constitutional right.

The writer of the Book of Ecclesiastes says:

> There is nothing new under the sun.

During the Civil War an effort was made to suspend provisions of the Constitution in the great State of the able and distinguished Senator from Indiana [Mr. BAYH]. This is what the Court said about suspending the provisions of the Constitution, not at a time belabored by a few demonstrations in Alabama, but at a time when a terrible Civil War racked the land.

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism.

This quotation appears on page 121 of the opinion of the Court in the great case of Ex parte Milligan which was reported in 4 Wallace at page 2.

We have a fine illustration of that in this instance. According to the bill, the Constitution of the United States no longer covers seven States; the Constitution has been suspended as to them. They are to be subjected to despotism. Those seven States are to be condemned and have their right to exercise their constitutional power to prescribe literary tests suspended without a trial under an artificial presumption that has no relation to the truth.

Mr. BAYH. Without arguing at further length with the Senator from North Carolina, I believe it is only fair to include in the record that the argument on the other side, equally strong, is to the effect that in those very States the 15th amendment of the Constitution has not been in effect for many years, because the average nonwhite voter has not been able to vote. What we are seeking to do is to enforce that part of the Constitution. When a State learns that the administration of its voting laws does not contravene the 15th amendment, the bill we are now discussing will have no force or effect.

Mr. ERVIN. In reply, laws on this subject have been on the books since 1870. The Attorney General admits that while he comes before Congress and complains about discrimination, he has not attempted to prosecute a single registrar for denying any person the right to vote on account of race or color.

I thank the Senator from Indiana for yielding.

Mr. LAUSCHE. Mr. President, I wish to aid in the fullest degree to provide for every citizen of our country the right to vote. However, I find a weakness in what the Senator from Indiana has just said; namely, that when a person has committed a wrong, another person is justified in committing a wrong in the rectification of the original wrong. That is not a good philosophy, in my thinking. That is one of the hurdles that has to be overcome.

Mr. BAYH. I agree with the Senator from Ohio. One of the first lessons I learned when I was too young to remember much else was that two wrongs do not make a right. Frankly, I do not believe that is the case in connection with this particular bill.

Mr. COOPER. Mr. President, this is the first time I have intervened in the debate, but I have been much interested in the questions that have been asked, directed to the authority Congress might have to suspend literacy tests which, on their face, are valid. I wish to direct a question to the Senator in charge of the bill, and also to the distinguished Senator from North Carolina.

Is it not correct that the constitutional basis upon which the bill is predicated is that the authority of Congress to enact appropriate legislation under the 15th amendment supervenes the authority of the State to fix voter qualifications, if such voter qualifications are used as an instrument of discrimination? I think that is the constitutional basis upon which this legislation is predicated.

Mr. BAYH. Although the Senator from Kentucky and I disagree on the ultimate facts and the application, it is my desire that States have the right to set the criteria and qualifications, so long as they do not violate the right of the individual to vote. The right of the individual to vote is one of the most sacred rights of any American. The Senator from Kentucky is exactly correct in the question he posed and the answer he gave.

Mr. COOPER. There is no question about the authority of the State to fix voter qualifications. However, if that authority is used to deny the right to vote, Congress has authority to suspend those qualifications. I think we have an analogy to that in the fact that the courts have suspended those qualifications when the facts showed that they have been used discriminatorily. I believe the Senator will agree to that.

Mr. ERVIN. Is the Senator referring to me?

Mr. COOPER. I am.

Mr. ERVIN. I do not agree to that. The Court has held that every provision of the Constitution must be given effect. The Court has held that we must give effect to the provision that States have a right to prescribe the qualifications for voters. The 15th amendment merely prevents States from denying people the right to register to vote on account of race or color. It does not abridge in any way the right of the States to deny the people the right to vote on account of their illiteracy.

Mr. COOPER. That is not quite an answer to my question. My point is that if the authority of the State to fix qualifications is used discriminatorily—and it has been, and everyone in this Chamber and in the country knows it—then, I should think it would be a travesty to say that Congress has not the authority to strike down the very instruments of discrimination.

My point is that the courts have done this. We have many analogies to show that Congress can do that.

Mr. ERVIN. The courts cannot.

Mr. COOPER. They have done it.

Mr. ERVIN. I disagree with my friend.

Mr. COOPER. They have suspended the qualifications.

Mr. ERVIN. They have not disqualified them. I challenge anyone to cite any court that has held that it can suspend a valid literacy test which applies with equal force to all people. There is no such holding. We cannot use the 15th amendment to destroy section 2, article I, the 17th amendment, or the 10th amendment. However, that is precisely what the bill would do.

Mr. COOPER. Congress in this case has greater authority than the court. Congress is acting under a specific constitutional amendment which grants the authority. It would be a travesty to argue that Congress is without power to remove, at least temporarily, the very instruments of discrimination. If we cannot do that, what authority has Congress, or in what way can Congress act to remove these instruments of discrimination?

Mr. ERVIN. We can enact a law to allow Federal registrars to test people by means of the State laws which prescribe qualifications. But we would have to test them by means of the State laws, including the State literacy test. That would be the way to handle the situation. We should not do as is proposed in the bill, and try to nullify or suspend four separate constitutional provisions. That is what the bill would do. Also, the bill undertakes to condemn seven States without a judicial trial on the basis of events which have occurred in the past. Therefore, it is a bill of attainder, an ex post facto law. The bill also contains other infirmities.

Mr. COOPER. The Senator suggested one thing that could be done. That was done. It did not work. Under the power of Congress, granted in the 15th amendment, Congress has the power to devise another way if it is rational and if it has support.

Mr. BAYH. Reasonable men differ in their interpretations. The Attorney General disagrees with the Senator from North Carolina concerning the ex post facto law and the bill of attainder. Much as I dislike to disagree with the Senator from North Carolina, I concur in the opinion of the Attorney General.

COMMITTEE SERVICE

Mr. MANSFIELD. Mr. President, I send to the desk a resolution and ask for its immediate consideration. The resolution announces certain adjustments of the Democratic membership on the standing committees of the Senate.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution (S. Res. 100), as follows:

Resolved, That Mr. SMATHERS be, and he is hereby assigned to service on the Committee on the Judiciary, in lieu of Mr. Johnston, deceased;

That Mr. McCARTHY be, and he is hereby assigned to the Committee on Foreign Relations, in lieu of Mr. SMATHERS, resigned;

That Mr. MONDALE and Mr. RUSSELL of South Carolina be, and they are hereby assigned to the Committee on Agriculture and Forestry, in lieu of Mr. McCARTHY, resigned, and Mr. Johnston, deceased, respectively;

That Mr. RUSSELL of South Carolina be, and he is hereby assigned to the Committee on Post Office and Civil Service, in lieu of Mr. Johnston, deceased.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and was agreed to.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. BAYH. Because it might be of some value, although I am certain it will not stop the argument on this matter, I ask unanimous consent that the text of the decision in Louisiana, et al., appellants, against United States, March 8, 1965, decision of the Supreme Court, be printed at this point in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[In the Supreme Court of the United States, No. 67, October term, 1964]

LOUISIANA ET AL., APPELLANTS, *v.* UNITED STATES

(On appeal from the U.S. District Court for the Eastern District of Louisiana, March 8, 1965)

Mr. Justice Black delivered the opinion of the Court.

Pursuant to authority granted in 42 U.S.C. § 1971(c) (1958 ed., Supp. V.), the Attorney General brought this action on behalf of the United States in the United States District Court for the Eastern District of Louisiana against the State of Louisiana, the three members of the State Board of Registration, and the Director-Secretary of the Board. The complaint charged that the defendants by following and enforcing unconstitutional State laws had been denying and unless restrained by the court would continue to deny Negro citizens of Louisiana the right to vote, in violation of 42 U.S.C. § 1971(a) (1958 ed.)[1] and the Fourteenth and Fifteenth Amendments to the United States Constitution. The case was tried and after submission of evidence,[2] the three-judge District Court, convened pursuant to 28 U.S.C. § 2281 (1958 ed.), gave judgment for the United States. 225 F. Supp. 353. The State and the other defendants appealed, and we noted probable jurisdiction. 377 U.S. 987.

The complaint alleged, and the District Court found, that beginning with the adoption of the Louisiana Constitution of 1898, when approximately 44 percent of all the registered voters in the State were Negroes, the State had put into effect a successful policy of denying Negro citizens the right to vote because of their race. The 1898 constitution adopted what was known as a "grandfather clause," which imposed burdensome requirements for registration thereafter but exempted from these future requirements any person who had been entitled to vote before January 1, 1867, or who was the son or grandson of such a person.[3] Such a transparent expedient for disfranchising Negroes, whose ancestors had been slaves until 1863 and not entitled to vote in Louisiana before 1867,[4] was held unconstitutional in 1915 as a violation of the Fifteenth Amendment, in a case involving a similar Oklahoma constitutional provision. *Guinn* v. *United States*, 238 U.S. 347. Soon after that decision Louisiana, in 1921, adopted a new constitution replacing the repudiated "grandfather clause" with what the complaint calls an "interpretation test," which required that an applicant for registration be able to "give a reasonable interpretation" of any clause in the Louisiana Constitution or the Constitution of the United States.[5] From the adoption of the 1921 interpretation test until 1944, the District Court's opinion stated, the percentage of registered voters in Louisiana who were Negroes never exceeded 1 percent. Prior to 1944 Negro interest in voting in Louisiana had been slight, largely because the State's white primary law kept Negroes from voting in the Democratic Party primary election, the only election that mattered in the political climate of that State. In 1944, however, this Court invalidated the substantially identical white primary law of Texas,[6] and with the explicit statutory bar to their voting in the primary removed and because of a generally heightened political interest, Negroes in increasing numbers began to register in Louisiana. The white primary system had been so effective in barring Negroes from voting that the "interpretation test" as a disfranchising device had fallen into disuse. Many registrars continued to ignore it after 1944, and in the next dozen years the proportion of registered voters who were Negroes rose from two-tenths of 1 percent to approximately 15 percent by March 1956. This fact, coupled with this Court's 1954 invalidation of laws requiring school segregation,[7] prompted the State to try new devices to keep the white citizens in control. The Louisiana Legislature created a committee which became known as the "Segregation Committee" to seek means of acomplishing this goal. The chairman of this committee also helped to organize a semiprivate group called the Association of Citizens Councils, which thereafter acted in close cooperation with the legislative committee to preserve white supremacy. The legislative committee and the Citizens Councils set up programs, which parish voting registrars were required to attend, to instruct the registrars on how to promote white political control. The committee and the Citizens Councils also began a wholesale challenging of Negro names already on the voting rolls, with the result that thousands of Negroes, but virtually no whites, were purged from the rolls of voters. Beginning in the middle 1950's registrars of at least 21 parishes began to apply the interpretation test. In 1960 the State Constitution was amended to require every applicant thereafter to "be able to understand" as well as "give a reasonable interpretation" of any section of the State or Federal Constitution "when read to him by the registrar."[8] The State Board of Registration in cooperation with the Segregation Committee issued orders that all parish registrars must strictly comply with the new provisions.

The interpretation test, the court found, vested in the voting registrars a virtually uncontrolled discretion as to who should vote and who should not. Under the State's statutes and constitutional provisions the registrars, without any objective standard to guide them, determine the manner in which the interpretation test is to be given, whether it is to be oral or written, the length and complexity of the sections of the State or Federal Constitutions to be understood and interpreted, and what interpretation is to be considered correct. There was ample evidence to support the District Court's finding that registrars in the 21 parishes where the test was found to have been used had exercised their broad powers to deprive otherwise qualified Negro citizens of their right to vote; and that the existence of the test as a hurdle to voter qualification has in itself deterred and will continue to deter Negroes from attempting to register in Louisiana.

Because of the virtually unlimited discretion vested by the Louisiana laws in the registrars of voters and because in the 21 parishes where the interpretation test was applied that discretion had been exercised to keep Negroes from voting because of their race, the District Court held the interpretation test invalid on its face and as applied, as a violation of the Fourteenth and Fifteenth Amendments to the United States Constitution and of 42 U.S.C. § 1971(a).[9] The District Court enjoined future use of the test in the State, and with respect to the 21 parishes where the invalid interpretation test was found to have been applied the District Court also enjoined use of a newly enacted "citizenship" test, which did not repeal the interpretation test and the validity of which was not challenged in this suit, unless a reregistration of all voters in those parishes is ordered, so that there would be no voters in those parishes who had not passed the same test.

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[1] "All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding." 16 Stat. 140, 42 U.S.C. § 1971(a) (1958 ed.).

[2] The appellants did not present any evidence. By stipulation all the Government's evidence was presented in written form.

[3] La. Const. 1898, art. 197, § 5. See generally Eaton, The Suffrage Clause in the New Constitution of Louisiana, 13 Harv. L. Rev. 279.

[4] The Louisiana Constitution of 1868 for the first time permitted Negroes to vote. La. Const. 1868, art. 98.

[5] La. Const. 1921, Art VIII, §§ 1(c), 1(d).

[6] *Smith* v. *Allwright*, 321 U.S. 649.

[7] *Brown* v. *Board of Education*, 347 U.S. 483.

[8] La. Act 613 of 1960, amending La. Const., art. 8, § 1 (d), implemented in La. Rev. Stat. §§ 18:35, 18:36. Under the 1921 constitution the requirement that an applicant be able "to understand" a section "read to him by the registrar" applied only to illiterates. La. Const., 1921, art. 8, § 1(d); compare id., § 1(c).

[9] "Although the vote-abridging purpose and effect of the [interpretation] test render it per se invalid under the 15th amendment, it is also per se invalid under the 14th amendment. The vices cannot be cured by an injunction enjoining its unfair application." 225 F. Supp., at 391–392.

I.

We have held this day in *United States* v. *Mississippi, ante*, p. —, that the Attorney General has power to bring suit against a State and its officials to protect the voting rights of Negroes guaranteed by 42 U.S.C. § 1971(a) and the Fourteenth and Fifteenth Amendments.[10] There can be no doubt from the evidence in this case that the District Court was amply justified in finding that Louisiana's interpretation test, as written and as applied, was part of a successful plan to deprive Louisiana Negroes of their right to vote. This device for accomplishing unconstitutional discrimination has been little if any less successful than was the "grandfather clause" invalidated by this Court's decision in *Guinn* v. *United States, supra*, 50 years ago, which when that clause was adopted in 1898 had seemed to the leaders of Louisiana a much preferable way of assuring white political supremacy. The Governor of Louisiana stated in 1898 that he believed that the "grandfather clause" solved the problem of keeping Negroes from voting "in a much more upright and manly fashion"[11] than the method adopted previously by the States of Mississippi and South Carolina, which left the qualification of applicants to vote "largely to the arbitrary discretion of the officers administering the law."[12] A delegate to the 1898 Louisiana Constitutional Convention also criticized an interpretation test because the "arbitrary power, lodged with the registration officer, practically places his decision beyond the pale of judicial review; and he can enfranchise or disfranchise voters at his own sweet will and pleasure without let or hindrance."[13]

But Louisianans of a later generation did place just such arbitrary power in the hands of election officers who have used it with phenomenal success to keep Negroes from voting in the State. The State admits that the statutes and provisions of the State constitution establishing the interpretation test "vest discretion in the registrars of voters to determine the qualifications of applicants for registration" while imposing "no definite and objective standards upon registrars of voters for the administration of the interpretation test." And the District Court found that "Louisiana * * * provides no effective method whereby arbitrary and capricious action by registrars of voters may be presented or redressed."[14] The applicant facing a registrar in Louisiana thus has been compelled to leave his voting fate to that official's uncontrolled power to determine whether the applicant's understanding of the Federal or State Constitution is satisfactory. As the evidence showed, colored people, even some with the most advanced education and scholarship, were declared by voting registrars with less education to have an unsatisfactory understanding of the constitution of Louisiana or of the United States. This is not a test but a trap, sufficient to stop even the most brilliant man on his way to the voting booth. The cherished right of people in a country like ours to vote cannot be obliterated by the use of laws like this, which leave the voting fate of a citizen to the passing whim or impulse of an individual registrar. Many of our cases have pointed out the invalidity of laws so completely devoid of standards and restraints. See, e.g., *United States* v. *L. Cohen Grocery Co.*, 255 U.S. 81. Squarely in point is *Schnell* v. *Davis*, 336 U.S. 933, affirming 81 F. Supp. 872 (D.C.S.D. Ala.), in which we affirmed a district court judgment striking down as a violation of the Fourteenth and Fifteenth Amendments, an Alabama constitutional provision restricting the right to vote in that State to persons who could "understand and explain any article of the Constitution of the United States" to the satisfaction of voting registrars. We likewise affirm here the District Court's holding that the provisions of the Louisiana Constitution and statutes which require voters to satisfy registrars of their ability to "understand and give a reasonable interpretation of any section" of the Federal or Louisiana constitutions violate the Constitution. And we agree with the District Court that it specifically conflicts with the prohibitions against discrimination in voting because of race found both in the Fifteenth Amendment and 42 U.S.C. § 1971 (a) to subject citizens to such an arbitrary power as Louisiana has given its registrars under these laws.

II

This leaves for consideration the District Court's decree. We bear in mind that the court has not merely the power but the duty to render a decree which will so far as possible eliminate the discriminatory effects of the past as well as bar like discrimination in the future. Little if any objection is raised to the propriety of the injunction against further use of the interpretation test as it stood at the time this action was begun, and without further discussion we affirm that part of the decree.

Appellants' chief argument against the decree concerns the effect which should be given the new voter-qualification test adopted by the Board of Registration in August 1962, pursuant to statute[15] and subsequent constitutional amendment[16] after this suit had been filed. The new test, says the State, is a uniform, objective, standardized "citizenship" test administered to all prospective voters alike. Under it, according to the State, an applicant is "required to indiscriminately draw one of ten cards. Each card has six multiple choice questions, four of which the applicant must answer correctly." Confining itself to the allegations of the complaint, the District Court did not pass upon the validity of the new test, but did take it into consideration in formulating the decree.[17] The court found that past discrimination against Negro applicants in the 21 parishes where the interpretation test had been applied had greatly reduced the proportion of potential Negro voters who were registered as compared with the proportion of whites. Most if not all of those white voters had been permitted to register on far less rigorous terms than colored applicants whose applications were rejected. Since the new "citizenship" test does not provide for a reregistration of voters already accepted by the registrars, it would affect only applicants not already registered, and would not disturb the eligibility of the white voters who had been allowed to register while discriminatory practices kept Negroes from doing so. In these 21 parishes, while the registration of white persons was increasing, the number of Negroes registered decreased from 25,361 to 10,351. Under these circumstances we think, that the court was quite right to decree that, as to persons who met age and residence requirements during the years in which the interpretation test was used, use of the new "citizenship" test should be postponed in those 21 parishes where registrars used the old interpretation test until those parishes have ordered a complete reregistration of voters, so that the new test will apply alike to all or to none. Cf. *United States* v. *Duke*, 332 F. 2d 759, 769-770 (C. A. 5th Cir.).

It also was certainly an appropriate exercise of the District Court's discretion to order reports to be made every month concerning the registration of voters in these 21 parishes, in order that the court might be informed as to whether the old discriminatory practices really had been abandoned in good faith. The need to eradicate past evil effects and to prevent the continuation or repetition in the future of the discriminatory practices shown to be so deeply engrained in the laws, policies, and traditions of the State of Louisiana, completely justified the District Court in entering the decree it did and in retaining jurisdiction of the entire case to hear any evidence of discrimination in other parishes and to enter such orders as justice from time to time might require.

Affirmed.

Mr. Justice Harlan considers that the constitutional conclusions reached in this opinion can properly be based only on the provisions of the Fifteenth Amendment. In all other respects, he fully subscribes to this opinion.

Mr. BAYH. Mr. President, I shall quote one paragraph therefrom, since it deals directly with the point of which the Senator from North Carolina was speaking in answer to the Senator from Kentucky. The Court did suspend them. The Court said:

> The interpretation test, the court found, vested in the voting registrars a virtually uncontrolled discretion as to who should vote and who should not. Under the State's

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[10] It is argued that the members of the State board of registration were not properly made defendants because they were "mere conduits," without authority to enforce State registration requirements. The board has the power and duty to supervise administration of the interpretation test and prescribe rules and regulations for the registrars to follow in applying it. La. Rev. Stat. § 18: 191A; La. Const., art. 8, § 18. The board also is by statute directed to fashion and administer the new "citizenship" test. La. Rev. Stat. § 18:191A; La. Const., art. 8, § 18. And the board has power to remove any registrar from office "at will." La. Const., art. 8, § 18. In these circumstances the board members were properly made defendants. Compare *United States* v. *Mississippi, ante*, at 12–13.

There is also no merit in the argument that the registrars, who were not defendants in this suit, were indispensable parties. The registrars have no personal interest in the outcome of this case and are bound to follow the directions of the State board of registration.

[11] Louisiana Senate Journal, 1898, p. 33.

[12] Ibid.

[13] Kerman, The Constitutional Convention of 1898 and Its Work," proceedings of the Louisiana Bar Association for 1899, pp. 59–60.

[14] 225 F. Supp., at 384.

[15] La. Act 62 of 1962, amending La. R. S. 18: 191A.

[16] La. Act 539 of 1962, amending La. Const., art. 8, § 18.

[17] Like the district court, we express no opinion as to the constitutionality of the new "citizenship" test. Any question as to that point is specifically reserved. That test was never challenged in the complaint or any other pleading. The district court said "we repeat that this decision does not touch upon the constitutionality of the citizenship test as a State qualification for voting." 225 F. Supp., at 397. The Solicitor General did not challenge the validity of the new test in this Court either in briefs or in oral argument, but instead recognized specifically that that issue was not before us in this case. And at oral argument in this Court the attorney for the United States stated that the Government has pending in a lower court a new suit challenging registration procedures in Louisiana "under the new regime," i.e., employed subsequent to the invalidation of the interpretation test in this case. The new "citizenship" test, he said, "is simply not an issue in this proceeding and was not invalidated in the lower court and we are not here challenging it."

statutes and constitutional provisions the registrars, without any objective standard to guide them, determine the manner in which the interpretation test is to be given, whether it is to be oral or written, the length and complexity of the sections of the State or Federal Constitutions to be understood and interpreted, and what interpretation is to be considered correct. There was ample evidence to support the district court's finding that registrars in the 21 parishes where the test was found to have been used had exercised their broad powers to deprive otherwise qualified Negro citizens of their right to vote; and that the existence of the test as a hurdle to voter qualification has in itself deterred and will continue to deter Negroes from attempting to register in Louisiana.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. ELLENDER. A while ago, when I was questioning my good friend from Indiana, I was interrupted. I ask the Senator whether he can cite any cases or any action that has been taken by any authoritative body under the recent act passed by Congress, the 1960 law.

As I recall, that would make it possible to have a special three-judge court selected in order to facilitate quick decisions. There was also a provision in the bill whereby a Federal registrar could be selected. The question I ask is, Why is not that law being used? Why is it necessary to proceed further on the subject?

Mr. BAYH. The Senator from Indiana was unaware that registrars would be appointed by the 1960 act.

Mr. ELLENDER. It provided for "Federal referees" instead of "registrars." Referees were provided for under the act of 1960 at section 601.

Mr. BAYH. After a full court decision. In my speech, which I started some time ago, I pointed to one or two cases in which 4 or 5 or 6 years—perhaps not quite that long, but at least 3 or 4 years—had transpired and we still do not have any action because of the delaying tactics and the length of time necessary to adjudicate in some cases. All the time persons are being deprived of the right to vote.

Mr. ELLENDER. As I recall, a strong argument was made on the floor of the Senate in favor of creating special courts to deal with problems involving voting rights. Has that provision ever been used?

Mr. BAYH. It has been attempted.

Mr. ELLENDER. Where? When?

Mr. BAYH. Perhaps the Senator would like to have me read or introduce into the Record a part of the report, on page 7, in which Mr. Marshall describes some of the efforts that have been made in Dallas County, Ala. He goes into the first of four cases in some degree of particularity in describing the procedural roadblocks that have been used in certain instances.

It is unfortunate that certain instances like that necessitate registration of this kind, but we must be able to get at these cases.

Other laws have not been able to do the job.

Mr. President, I request unanimous consent that there be placed at this point in the Record extracts from the joint statement of views on page 7 through page 8 of the report describing this matter, so as to have some continuity in the Record.

There being no objection, the extracts were ordered to be printed in the Record, as follows:

Mr. Marshall also described the first four cases filed in 1961 as "characterized by seemingly endless litigation to bring about minimal results," id. at 32. The history of one of those cases—filed against the Board of Registrars of Dallas County, Ala.—illustrates this failure of existing law.

Dallas County, with Selma as the county seat, has a voting-age population of approximately 29,500, of whom 14,500 are white persons and 15,000 are Negroes. In 1961, 9,195 of the whites—64 percent of the voting-age total—and 156 Negroes—1 percent of the total—were registered to vote in Dallas County.

On April 13, 1961, the Government filed a lawsuit against the county board of registrars under the Civil Rights Acts of 1957 and 1960. The district court and the court of appeals found that the registrars in the office when the suit was filed had been engaging for years in a pattern and practice of discrimination against Negroes. But when the case came to trial 13 months later, those registrars had resigned and new ones had been appointed. Although there was proof of discrimination by prior registrars, including the misuse of the application form as a test, the court found that the present registrars were not discriminating and it declined to issue an injunction. The Court of Appeals for the Fifth Circuit reversed, and, among other things, it disapproved the rejection of one Negro applicant for lack of "good moral character" without a hearing and on the basis of rumor and gossip. However, the court of appeals rejected the Government's contention that the registrars should be required to apply to Negroes the same standards applied to whites during the period of discrimination.

This form of relief, usually characterized as "freezing relief," is embodied in the voting referee provision of the Civil Rights Act of 1960 (42 U.S.C. 1971(e)) and, in recent cases, the court of appeals has applied the "freezing" principle. (See, *United States* v. *Mississippi* (*Walthall County*), 339 F. 2d 697 (C.A. 5, 1964); *United States* v. *Duke,* 332 F. 2d 759 (C.A. 5, 1964)), as has the Supreme Court; *Louisiana* v. *United States,* — U.S. — (Mar. 8, 1965). But the failure to secure "freezing" relief in the first Dallas County appeal spelled substantial failure of 2½ years of effort to end voting discrimination in that county.

The Dallas County Board of Registrars continued to discriminate after the injunction was issued. It was proved at the second trial that between May 1962 and August 1964 795 applications for registration had been filed by Negroes but that only 93—12 percent of the Negro applicants—had been registered. During the same period, 945 of 1,232 white applicants—more than 75 percent—were registered. The court found that specific discriminatory practices were still used, including the manipulation of literacy requirements. It pointed out that the registrars had raised the standards for both Negro and white applicants; that the percentage of rejections for both races had more than doubled since the first trial in May 1962. Only a token number of Negroes were registered. These discriminatory practices assured that white political supremacy was unlawfully maintained in Dallas County.

In February 1964, an additional barrier to Negro registration was erected when registrars throughout Alabama, including those in Dallas County, began using a new application form which included a difficult literacy and knowledge-of-government test. In September 1964 another, and still more difficult test, prescribed by the State supreme court, was adopted and administered by the Dallas County registrars. Because registration in Alabama is permanent, the great majority of white voters in Selma, already registered under easier standards, were not required to pass these tests, so that, as a practical matter, it was applied almost exclusively to the unregistered Negroes.

On February 4, 1965, nearly 4 years after suit was originally filed, the district court entered a second decree which, among other things, enjoined use of the new literacy and knowledge-of-government tests and dealt with serious problems of delay in processing applications for registration.

The effectiveness of the litigation approach in Selma, Ala., is to be judged, in large measure, by the fact that less than 3 percent of the voting age Negroes in Dallas County are registered to vote.

The voting referee provisions have also proved inadequate in Perry County, Ala. In August 1962, a suit was brought against the Perry County Board of Registrars under the Civil Rights Acts of 1957 and 1960, alleging racial discrimination against Negro applicants for voter registration. As the court found, at that time 3,100 white persons—90 percent of the adult whites—and 257 Negroes—5 percent of the adult Negroes—were registered to vote. After a trial in October 1962, the Federal district court in November enjoined the board of registrars from discriminating and from engaging in a number of specific discriminatory practices, including the rejection of applicants for inconsequential errors on the application form.

In January 1963, civil contempt proceedings were initiated, on the ground that the board had defied the court's order. At the same time, and in order to bring about the registration of qualified Negroes, the voting referee machinery of the 1960 act—which permits application for registration to be made directly to the court or to a voting referee—was invoked by 173 Perry County Negroes who wrote letters to the Federal district court explaining that their applications for registration had been rejected by the State registrars since the court's decree and asking the court's help. The relief provided by the court was to order the board of registrars to meet on special registration days and reconsider the qualifications of those who had written the letters. The board of registrars met, reconsidered, and again rejected most of these Negro applicants.

Mr. ELLENDER. Was any action taken by the court to enforce the act of 1964?

Mr. BAYH. It has not been brought to the final position where the court can act.

Mr. ELLENDER. In other words, efforts have probably been made, but the matter has not yet gotten to the court?

Mr. BAYH. It has not reached final decision of the court.

Mr. ELLENDER. But Congress did provide that a special court of three judges could be created to hear such cases. I am wondering what else we can do. Congress has tried in every way to facilitate action in these cases, but there seems to be a tendency on the part of the proponents of the bill to bypass the court and also bypass the Constitution.

Mr. BAYH. Of course, the Senator from Louisiana is entitled to his interpretation, not only of the bill, but of the motives of those who propose it. I hope he will accord us the same courtesy we accorded him—namely, sincerity in our purpose—and I know he will.

I ask unanimous consent to have printed in this RECORD appendixes G, H, I, from the report to show that numerous efforts have been made to enforce voting rights without having to resort to this type of legislation. The three appendixes eloquently portray the difficulties, if not the impossibility, of bringing this matter to bar and to a final act of decision.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

APPENDIX G

Discriminatory use of "tests or devices" challenged in Justice Department litigation in Alabama

County	Court findings of racial discrimination and "pattern or practice" of discrimination		Tests and devices challenged			
	Discrimination	Pattern and practice	Read, write, understand, interpret (4(c)(1))	Knowledge (4(c)(2))	Good moral character (4(c)(3))	Voucher (4(c)(4))
Bullock (*U.S. v. Alabama*)	X	X	X	X		X.
Choctaw (*U.S.* v. *Ford*)	X	X	X	X		X.
Dallas (*U.S.* v. *Atkins*)	X	X	X	X	X	
Elmore (*U.S.* v. *Strong*, 230 F. Supp. 873)	X	X	X	X		
Hale (*U.S.* v. *Tutweiler*)	(1)	(1)	X	X		
Jefferson (*U.S.* v. *Bellsnyder*)	(2)	(2)	X	X	X	
Macon (*U.S.* v. *Alabama*) [3]	X	X	X	X		
Montgomery (*U.S.* v. *Parker*, 212 F. Supp. 193)	X	X	X	X		
Perry (*U.S.* v. *Mayton*)	X	X	X	X		(4).
Sumter (*U.S.* v. *Hines*)	X	X	X	X		
Wilcox (*U.S.* v. *Wall*)	(5)	(5)	X	X		X.
Statewide (*U.S.* v. *Baggett*)	(6)	(6)	X	X		

[1] Complaint filed Dec. 16, 1963, has not been decided.
[2] Complaint filed July 13, 1963, has not been decided.
[3] *U.S.* v. *Alabama*, 192 F. Supp. 677; aff'd 304 F. 2d 583; aff'd 371 U.S. 37.
[4] Issue in supplemental proceeding.
[5] Judgment for defendants, case now on appeal.
[6] Complaint filed Jan. 15, 1965, has not been decided.

APPENDIX H

Discriminatory use of "tests or devices" challenged in Justice Department litigation in Louisiana

Parish (county)	Court findings of racial discrimination and "pattern or practice" of discrimination		Tests and devices challenged			
	Discrimination	Pattern and practice	Read, write, understand, interpret (4(c)(1))	Knowledge (4(c)(2))	Good moral character (4(c)(3))	Voucher (4(c)(4))
Bienville (*U.S.* v. *Ass'n of Citizens Councils*, 196 F. Supp. 908)	X	X	X			
East Carroll (*U.S.* v. *Manning*, 205 F. Supp. 172)	X	X				X.
East Feliciana (*U.S.* v. *Palmer*)	(1)	(1)	X			
Jackson (*U.S.* v. *Wilder*, 222 F. Supp. 749)	X	X	X	X		
Madison (*U.S.* v. *Ward*, 222 F. Supp. 617)	X	X		X [2]		
Ouachita (*U.S.* v. *Lucky*)	(3)	(3)	X			X.
Plaquemines (*U.S.* v. *Fox*, 211 F. Supp. 25)	X	(4)	X			
Red River (*U.S.* v. *Crawford*, 229 F. Supp. 898)	X	X	X			
St. Helena (*U.S.* v. *Crouch*)	(5)	(5)	X			
Washington (*U.S.* v. *McElveen*, 180 F. Supp. 10; affirmed 362 U.S. 58 (1961))	X	(6)	X			
Webster (*U.S.* v. *Clement*, 231 F. Supp. 913)	X	X	X			
West Feliciana (*U.S.* v. *Harvey*)	(7)	(7)	X			X.
U.S. v. *Louisiana* (225 F. Supp. 353) (statewide) [8]	X	X	X	X		
U.S. v. *Board of Registration* (statewide) [9]	(10)	(10)	X			

[1] Complaint filed Mar. 26, 1964, has not been decided.
[2] Decided against Government by district court, being urged on appeal.
[3] Case tried February 1964, has not been decided.
[4] No permanent injunction yet; pattern and practice issue to be decided on permanent injunction.
[5] Complaint filed Oct. 22, 1963, has not been decided.
[6] Case decided prior to Civil Rights Act of 1960; no pattern or practice relief available at that time.
[7] Complaint filed Oct. 29, 1963, has not been decided.
[8] In addition to the State, the defendants included the parishes of—

Bienville	La Salle	Richland
Claiborne	Lincoln	St. Helena
De Soto	Morehouse	Union
East Carroll	Ouachita	Webster
East Feliciana	Plaquemines	West Carroll
Franklin	Rapides	West Feliciana
Jackson	Red River	Winn

[9] In addition to the State board of registration, the defendants included the parishes of—

Caddo	Orleans	East Feliciana
Madison	Tangipahoa	

[10] Complaint filed Oct. 8, 1963, has not been decided.

APPENDIX I

Discriminatory use of "tests or devices" challenged in Justice Department litigation in Mississippi

County	Court findings of racial discrimination and "pattern or practice" of discrimination		Tests and devices challenged			
	Discrimination	Pattern and practice	Read, write, understand, interpret (4(c)(1))	Knowledge (4(c)(2))	Good moral character (4(c)(3))	Voucher (4(c)(4))
Benton (*U.S.* v. *Mathis*)	X [1]	X [1]	X	X		
Chickasaw (*U.S.* v. *Allen*)	(2)	(2)	X	X		
Clarke (*U.S.* v. *Ramsey*, 331 F. 2d 824)	X	X [3]	X	X		
Copiah (*U.S.* v. *Weeks*)	(4)	(4)	X	X		
Forrest (*U.S.* v. *Lynd*, 301 F. 2d 818, 321 F. 2d 26)	X	(5)	X	X		
George (*U.S.* v. *Ward*)	X	(6)	X	X	X	
Hinds (*U.S.* v. *Ashford*)	(7)	(7)	X	X		
Holmes (*U.S.* v. *McClellan*)	(8)	(8)	X	X		
Issaquena (*U.S.* v. *Vandevender*)	(9)	(9)	X	X		
Jasper (*U.S.* v. *Hosey*)	(10)	(10)	X	X		
Jefferson Davis (*U.S.* v. *Daniel*)	(11)	(11)	X	X	X	
Jones (*U.S.* v. *Caves*)	(12)	(12)	X	X		

See footnotes **at end of table.**

Discriminatory use of "tests or devices" challenged in Justice Department litigation in Mississippi—Continued

County	Court findings of racial discrimination and "pattern or practice" of discrimination		Tests and devices challenged			
	Discrimination	Pattern and practice	Read, write, understand, interpret (4(c)(1))	Knowledge (4(c)(2))	Good moral character (4(c)(3))	Voucher (4(c)(4))
Lauderdale (*U.S.* v. *Coleman*)	(13)	(13)	X	X		
Madison (*U.S.* v. *L. F. Campbell*)	(14)	(14)	X	X		
Marion (*U.S.* v. *Miksell*)	X	X	X	X		
Marshall (*U.S.* v. *Clayton*)	X [1]	X [1]	X	X		
Oktibbeha (*U.S.* v. *Henry*)	(15)	(15)	X	X		
Panola (*U.S.* v. *Duke*. 332 F. 2d 759)	X	X	X	X		
Sunflower (*U.S.* v. *C. C. Campbell*)	(16)	(16)	X	X		
Tallahatchie (*U.S.* v. *Cox*)	X	X	X	X		
Walthall (*U.S.* v. *Mississippi*, 339 F. 2d 679)	X	X	X	X		
Statewide (*U.S.* v. *Mississippi*. 229 F. Supp. 925)	(17)	(17)	X	X	X	

[1] Defendants admitted a pattern and practice of discrimination.

[2] Complaint filed Sept. 3, 1964, has not been decided.

[3] The Court of Appeals for the 5th Circuit held that the trial court was clearly erroneous in finding that there had been no pattern and practice of discrimination.

[4] Complaint filed Dec. 17, 1963, has not been decided.

[5] Judgment for defendants, appeal being considered.

[6] Judgment for defendants, case on appeal.

[7] Complaint filed July 13, 1963, has not been decided.

[8] Case tried in November 1964, has not been decided.

[9] Complaint filed in January 1965, has not been decided.

[10] Complaint filed Sept. 3, 1964, has not been decided.

[11] Case tried February 1965, has not been decided.

[12] Complaint filed Feb. 19, 1965, has not been decided.

[13] Complaint filed Dec. 17, 1963, has not been decided.

[14] Case tried August 1964, has not been decided.

[15] Complaint filed Dec. 16, 1963, has not been decided.

[16] Case tried October 1964, has not been decided.

[17] Complaint dismissed, but Supreme Court remanded case for trial. In addition to the State, the registrars of the following counties are also defendants: Amite, Coahoma, Claiborne, Lowndes, Leflore, and Pike.

Mr. ELLENDER. Mr. President, will the Senator tell us in what year this start was made? I am talking about the act of 1964, not the previous acts. It was my belief that since we provided for a special court, together with the other laws existing on the statute books, we should get quick action.

As I understand, under the acts Congress passed some time ago, if a pattern of discrimination were found in any area, the Attorney General could come into court, not with just one person, but with many. That provision was put into the law to facilitate voting wherever discrimination was practiced.

I cannot see the necessity for the special provisions by which the Senator from Indiana and other Senators are willing to suspend laws that are on the statute books of the States and the United States, and give the Attorney General the right to make a finding, without any court actions whatever, that would lead to the registration of many unqualified voters in the six States the Senator mentioned.

Mr. BAYH. I should point out that the Congress of the United States, and not the Attorney General, is making a policy decision, and that as to the provisions of the bill, any decision made by the Attorney General is certainly appealable. The final decision will be made in the court, and not by the Attorney General alone and unchecked.

Mr. ELLENDER. I understood my good friend from North Carolina to state a while ago—and I believe the distinguished Senator from Maryland admitted it—that under one section of the bill it was necessary for the Attorney General to present the case to the court, and let the court decide whether or not there was discrimination; but as to others the determination could be made by the Attorney General, under certain conditions outlined in section 4.

Mr. BAYH. Section 3 contains the general right as to which the Senator was querying the Senator from Maryland.

Under section 4 the State, upon a finding by the Attorney General, could appeal that finding to the court, and the court would make the final determination.

Mr. ELLENDER. That applies only to certain cases.

Mr. BAYH. In all other cases the court must make the determination.

Mr. ELLENDER. I do not understand it that way. I do not read the language in that way. As I understand, all the Attorney General has to do is ascertain that less than 50 percent of the registered voters voted in the election of November last year.

Mr. BAYH. The Senator is correct.

Mr. ELLENDER. Exactly.

In other words, there is no way by which the six States which were mentioned could have a day in court. The determination would be made by the Attorney General, and upon his finding he could then have Federal referees come into the States and register anyone he desired to register, whether the individuals were qualified under the State laws or not. I would like to be corrected if I am in error in that statement.

Mr. BAYH. The Senator from Indiana feels that his friend from Louisiana is correct as far as he goes, but he left out one step—namely, that the State would be able, after the finding by the Attorney General, to ask the court for a declaratory judgment, and, upon a finding that no discrimination existed, the declaratory judgment would be made, and the State would be exempted, under the provisions of the act.

Mr. ELLENDER. The Senator is referring to the provision relating to the past 5 years. Is that correct?

Mr. BAYH. That is correct.

Mr. ERVIN. Mr. President, perhaps I can clarify this point by saying that 7 States would be presumed to be guilty, and the other 43 States would be presumed to be innocent. Seven States would be without judicial recourse, and the other 43 States could not be proceeded against without a trial.

Mr. ELLENDER. That was the distinction I was trying to make between the two sections of the bill.

Mr. BAYH. I believe that the distinction concerning the conditions which exist in various areas should be considered. Conditions differ in various States.

Mr. RUSSELL of South Carolina. Mr. President, will the Senator from Indiana yield for a question?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. BAYH. I am glad to yield to the Senator from South Carolina, and will try to answer any of his questions.

Mr. RUSSELL of South Carolina. This is a little aside from the issue the Senator has been discussing, but I am quite curious about one provision of section 5(d), which provides that a person whose name appears on such a list—that is, a list prepared by the registrar—shall be removed therefrom if the person has not voted at least once during 3 consecutive years while listed.

I am curious to know what the purpose of that provision is, and whether there is a difference between a person listed by the Federal registrar and a person who is registered in the ordinary way.

A person registered in my State of South Carolina is entitled to vote at any time within 10 years. He cannot lose that right without a court proceeding which finds him to be disqualified; yet in section 5(d), for some reason, if a person does not vote in 3 consecutive years, he loses his right to vote. Is that not a rather unusual provision?

Mr. BAYH. Can the Senator from South Carolina refer to a specific line in the bill? We do not find any subsection (d).

Mr. RUSSELL of South Carolina. It is under section 5, under (d), 5(d), it is under 2, where it has been determined by an examiner that a citizen did not vote at least once during 3 consecutive years while listed.

Mr. BAYH. The Senator must be looking at the original bill.

Mr. ERVIN. If I may interpose at this point, that provision has been transposed. It will be found on page 22 of the bill under subsection (d)—it is now section 7(d), on page 22 of the bill.

Mr. RUSSELL of South Carolina. I thank the Senator from North Carolina. It it roughly the same?

Mr. ERVIN. Yes; it is the same.

Mr. RUSSELL of South Carolina. The Senator is correct.

Mr. BAYH. As I recall the discussion in the committee—and I am not absolutely certain that my memory is correct on this point—this is to provide a kind of purging device which, frankly, my State has, without the enactment of this particular legislation.

Mr. RUSSELL of South Carolina. I believe that it has been changed.

Mr. ERVIN. The original section was amended so as to provide that they lose eligibility to vote only in accordance with State law, rather than according to the original provision.

Mr. BAYH. The Senator from North Carolina is correct.

Does the Senator wish to refer any further to that provision?

Mr. RUSSELL of South Carolina. No.

(At this point Mr. KENNEDY of New York took the chair as Presiding Officer.)

Mr. BAYH. Mr. President, third, there is another similarity existing among these five States which cannot escape notice. Each has had a general public policy of racial segregation within the past decade. This can also be said for Virginia and North Carolina, two States in which numerous political subdivisions are affected by the bill. On the other hand, in most of the States which maintain tests or devices but in which more than 50 percent of the voting age population voted in the presidential election of 1964 there are statutes prohibiting racial discrimination in many areas of endeavor.

In short, we have evidence that shows that in Mississippi, while 6.4 percent of the nonwhite voting age population is registered to vote, the ratio for the white voting age population is 66.1. Similarly, in Alabama, while only 18.5 percent of the nonwhite voting age is registered to vote, the ratio for the white voting age population is 66.2 percent. In Georgia, Louisiana, and South Carolina, while the disparity in voting registration of the races is not as dramatic as it is in Mississippi and Alabama, it is nevertheless quite great. In Georgia, only 25 percent of the nonwhite population is registered to vote, while the ratio for the white voting age population is 57.2 percent. In Louisiana the respective ratios are 30.5 percent and 76.6 percent, and in South Carolina 34.3 percent and 69.5 percent.

We have further evidence in the form of judicial decisions which shows that in numerous instances this disparity in registration of the races has been brought about by the discriminatory use of tests and devices in violation of the 15th amendment. Indeed, we have no other sound evidence to explain this disparity.

And finally, after taking notice of a general public policy of racial segregation suggestive of voting discrimination in the States and political subdivisions affected by the bill, we have concluded that where there is the coincidence of three factors: first, the maintenance of tests and devices as qualifications for voting; second, coupled with a large Negro population; and, third, a low registration and electoral participation, there is a great likelihood that there exists massive violations of the 15th amendment. We are therefore compelled to conclude that in those States and political subdivisions where determinations are made showing the existence of these factors, low registration and electoral participation must be presumed, until evidence to the contrary is produced in court, to have been brought about by the discriminatory use of tests and devices.

It is worth noting at this point that the Association of the Bar of the City of New York has published a report supporting the means we adopted in S. 1564 to effectively implement the 15th amendment. The association said this on the subject of the propriety of the bill's "triggering" mechanism:

> Congress has the power within broad limits to determine the nature of the evil and "the closeness of the relationship between the means adopted and the end to be attained." (*Burroughs* v. *United States*, 290 U.S. 534, 548 (1934).)
>
> Although the cases involving statutory presumptions operative in Federal court proceedings are not strictly opposite, the statement of the Supreme Court in a recent statutory presumption case is of interest:
>
> "As the court of appeals correctly stated in this case, the constitutionality of the legislation depends upon the rationality of the connection 'between the fact proved and the ultimate fact assumed.' (*Tot* v. *United States*, 319 U.S. 463, 466.) The process of making the determination of rationality is, by its nature, highly empirical, and in matters not within specialized judicial competence or completely commonplace, significant weight should be accorded the capacity of Congress to mass the stuff of actual experience and cull conclusions from it." (*United States* v. *Gainey*, 85 Sup. Ct. 574, 757 (1965).)
>
> Congress, in basing the proposed legislation on "the stuff of actual experience" before it, could validly "cull conclusions" about the relationship among voting "tests or devices," extent of registration and voting, and unconstitutional discrimination.

This, we have done. The fact that the application of the "triggering mechanism" may reach a few political subdivisions in which no racial discrimination has existed in the voting process does not detract from the basic validity or the fundamental soundness of the formula. As the Supreme Court said in *Burnet* v. *Wells*, 289 U.S. 670, 681:

> What the law looks for in establishing its standards is a probability or tendency of general validity. If this is attained, the formula will serve, though there are imperfections here and there. The exception, if it arises, may have its special rule.

S. 1564 has such a special rule. It provides that any State or political subdivision affected by the formula may bring an action for a declaratory judgment before a three-judge court in the District of Columbia. If any such State or political subdivision can demonstrate in such an action that no test or device has been used for the purpose of denying or abridging the right to vote on account of race or color during the 5 years preceding the filing of the action, it may resume using such tests or devices as qualifications for voting. In fact, if the Attorney General has reason to believe that no test or device has been used for the purpose of denying or abridging the right to vote on account of race for 5 years preceding the filing of the action, he may consent to the entry of a judgment to that effect. Indeed, this special rule is probably more generous than necessary, for, as the Supreme Court once said about a legislative rule of the Interstate Commerce Commission—*Assigned Car Cases*, 274 U.S. 564, 583, per Brandeis, J.:

> Its authority to legislate is limited to establishing a reasonable rule. But in establishing a rule of general application, it is not a condition of its validity that there be adduced evidence or its appropriateness in respect to every railroad to which it will be applicable. In this connection, the Commission, like other legislators, may reason from the particular to the general.

Some have questioned the need for a statewide suspension of tests or devices and have suggested that a formula be devised for making the suspension effective on a county-by-county basis only. I do not believe this would be a sound approach. In the so-called hard core areas we are not confronted with a local or county problem of discrimination. In the "hard core" States, discrimination is essentially a matter of State creation and State policy. Only recently, the Supreme Court found that the Government had stated a good cause of action against the entire State of Mississippi alleging that the State, itself, was the principal party violating the 15th amendment.

Presently pending in the district court in Montgomery, Ala., is a case in which the Government is charging the State of Alabama with violations of the 15th amendment. As I stated previously, on March 8 of this year the Government was successful in a suit brought against the State of Louisiana, when the Supreme Court affirmed the district court's finding of massive racial discrimination in 21 of its parishes through the use of the State's constitutional interpretation test. The district court specially found "massive evidence that the registrars in these 21 parishes discriminated against Negroes not as isolated or accidental or unpredictable acts of unfairness by particular individuals, but as a matter of State policy in a pattern based on the regular, consistent predictable unequal application of the tests." The Supreme Court, affirming the district court, found that the constitutional interpretation test maintained by the State of Louisiana "as written and applied was part of a successful plan to deprive Louisiana Negroes of their right to vote." This decision was placed in the RECORD a moment ago.

The danger of proceeding on a county-by-county basis is amply illustrated by what took place in some localities where an effort was made to comply with the Supreme Court's decisions in 1954 and 1955 requiring the desegregation of public school facilities.

For example, when several political subdivisions in Virginia sought to comply with the Supreme Court's decision, the State legislature undertook a policy of massive resistance forbidding the desegregation of public school facilities.

Finally, after a drawn out battle in the Federal courts, the localities prevailed. Local compliance was only possible after State officials were enjoined from further obstruction.

Events which took place in New Orleans, La., furnish another excellent illustration. When efforts were made by city officials to desegregate public school facilities in New Orleans, the Louisiana Legislature did everything within its power to obstruct the course of city officials. Again, local compliance only was possible after a long drawn out battle in the Federal courts when the Louisiana Legislature was enjoined from further obstruction.

There is further danger in proceeding on a county-by-county basis because local boards of registration in most of the States affected by S. 1564 are closely and directly controlled by and subject to the direction of State boards of election or other State agencies. They would be bound to carry out State policies regardless of private predilections.

We would be negligent in our duty if we overlooked the magnitude of the problem with which we are dealing. We have to meet it head on, providing the remedy demanded by the evil.

Of course, S. 1564, in addition to reaching entire States, also suspends tests and devices, outlaws poll tax and authorizes Federal examiners in certain political subdivisions considered as separate units. Based on our preliminary determinations, Apache County, Ariz., 29 out of 100 counties in North Carolina, and 43 out of 130 counties and independent cities in Virginia would be affected.

S. 1564 leaves no room for the further application of those instruments of disfranchisement which have been so effectively employed for that purpose in the past. It completely suspends their use. Those of us who support this bill have considered and rejected the alternative of providing simply for the appointment of Federal examiners, leaving these examiners free to apply all State laws, including tests and devices. To do this merely would force employees of the United States to perpetuate the results of years of past discrimination at the hands of the State. Let me explain.

We know from evidence introduced by the Attorney General before the Judiciary Committee that in many Mississippi counties for example, in Clarke County, Forrest County, George, Panola, Sunflower, Tallahatchie, and Walthall Counties illiterate whites have been freely registered to vote for many, many years. This is also true for such Alabama counties as Macon and Sumter and such Louisiana parishes as Jackson and Plaquamine. Indeed, in some court cases, specific findings have been made that whites, unlike Negroes, were not required at all to take literacy tests; in others, there are findings that whatever test was given, whites, again unlike Negroes, were assisted in taking the tests. The point is that thousands of whites are on the rolls in the States involved who have never been subjected to a fairly administered test. Since registration is permanent in all of the States in which tests or devices would be suspended, it would work a terrible injustice to require Negroes now to pass such tests, even if fairly administered by a Federal official, while the illiterate whites remain on the rolls.

There are additional reasons for suspending tests and devices. It can hardly be denied that in the areas affected by the bill there exists a fundamental educational disparity between the races. This disparity is the fault of the States themselves. Their schools for Negroes were never equal to the white schools when the two were separate. The two systems have not been integrated and equality has still not been achieved.

Sumter County, Ala., provides an excellent illustration. In 1935, there were 536 white and 5,400 Negro children enrolled in elementary schools in Sumtar County. For every 21 white students there was 1 teacher. There was only 1 teacher for every 45 Negro students. The white teachers were paid nearly five times as much as Negro teachers. Expenditures per pupil were even more discouraging. While $75 per pupil was appropriated for white students, $4 per pupil was appropriated for Negro students.

Certainly the great weight of responsibility for equal opportunity in the country today is in the area of additional educational opportunities. The figures which I have stated portray as dramatic evidence of unequal opportunity as any that I have discovered.

In 1950, the story was not changed. It was modified somewhat. While the disparity was not as great in 1950 as it was in 1935, it remained. For every 21 white students there was 1 teacher. There was 1 teacher for every 30 Negro students. A Negro teacher received approximately two-thirds the compensation received by a white teacher. While $198 per pupil was appropriated for white students, $63 per pupil was appropriated for Negro students. Likewise, expenditures to provide transportation to and from schools were higher for whites than Negroes and school sessions were longer for whites than for Negroes.

Yet, in order to vote in Sumter County, Ala., under State law a Negro would have to take the same educational achievement test that is administered to whites. These States cannot have it both ways. They cannot, on the one hand, provide their Negro citizens with an inferior education, while at the same time require them to pass a stiff educational test as a prerequisite to the exercise of the right to vote. As the Attorney General said to the Judiciary Committee:

> Years of violation of the 14th amendment would become the excuse for continuing violation of the 15th amendment right to vote.

Even a fairminded Federal examiner could not fairly administer a literacy or informational test under these conditions. The bias is built in.

Furthermore, many of the tests and devices used in the States affected by the bill are simply not designed nor are they susceptible of fair administration. For example, it would be impossible even for a Federal examiner to administer fairly a requirement that registered voters must vouch for new applicants in areas where practically no Negroes are registered and where whites cannot be found to vouch for Negroes. The very application of this device in such a place would be inevitably discriminatory. Another test or device that could hardly be administered fairly, at least not in accordance with State law, is the requirement that every blank space on a registration application be filled in and every question properly and responsively answered without assistance. This is required even where there are overlapping questions, and where some questions are long, complex, and deliberately confusing.

Similarly, it would not be possible for an examiner fairly to administer a State law, such as one in Mississippi, which requires that applicants give a satisfactory interpretation of any provision of the State constitution which the registrar might select, and to which there is no satisfactory interpretation short of a Supreme Court opinion. In order to administer such a statute, the Federal examiner would have to select the proper section—from among 285 in the State constitution in question—and then determine the appropriate answer—a question, of course, involving the meaning of State law. It might be noted in passing that this type of statute is now being challenged in court and is of doubtful constitutionality. It would be unseemly, at the very least, for a Federal examiner to attempt to administer such a vague, uncertain, and indefinite provision.

A complete reregistration is not the answer either. This would have a most undesirable impact upon a large number of illiterate white persons who have been voting all their adult lives. They would be disqualified pursuant to State literacy requirements that were never intended by their authors to result in the disfranchisement of white persons. As the Attorney General stated, it would be ironic, and in fact contrary to the true purpose of these laws, to administer them in such a manner.

In short, the only effective and reasonable means of dealing with these problems is the suspension of the tests and devices themselves until such time as they can no longer be used for discriminatory purposes.

On the other hand it would not do just to suspend tests and devices—at least not in those areas where discrimination is most severe. In such places, Federal officials must be available to undertake the job of qualifying those persons eligible to vote. Thus, S. 1564 authorizes the Attorney General to request that the Civil Service Commission appoint Federal examiners, first, in any political subdivision within the scope of the formula in section 4(b) of the bill when the Attorney General certifies that he has received 20 or more meritorious complaints of voting discrimination from residents of any such political subdivision; or second, when, in the judgment of the Attorney General, examiners are necessary to enforce guarantees of the 15th amendment. Examiners may also be appointed by a court, pursuant to section 3 of the bill, in suits brought by the Attorney General under his present statutory authority.

Examiners are required to examine applicants as to their qualifications for voting, placing those persons who meet valid State qualifications on a list of eligible voters, and issuing certificates evidencing their right to vote. Examiners, of course, will not apply those tests and devices suspended by S. 1564, but will apply all other State qualifications not inconsistent with the Constitution or Federal law.

We have found it necessary to authorize the appointment of Federal examiners because we know that, with tests and devices suspended, other weapons will remain available to recalcitrant registrars. Too often, voting discrimination is not put to rest by a court order or a statutory command. When one vehicle of discrimination is enjoined by a Federal court, another invariably arises.

For example, the registrars in East and West Feliciana Parishes were enjoined by a three-judge district court in *United States* v. *Louisiana*, 225 F. Supp. 353, which was affirmed on March 8, 1965, from using various State literacy tests. Their response was simply to close the registration office, thus freezing the existing unlawful registration disparity in those parishes. Six months elapsed before the Department of Justice succeeded in obtaining an order reopening these offices. Similarly, in Dallas County, Ala., the registrars—as found by the district court in a recent decision—slowed down the pace of registration to prevent an appreciable number of Negroes, no matter how qualified, from completing the registration process. Any effective bill must make provision for the use of such evasive tactics. The appointment of Federal officials is the only reasonable method of achieving the needed objective.

Mr. President, we have diligently set about guaranteeing to every citizen, no matter what his race or color, the right to vote. The facts are in. We have studied them cautiously and thoroughly. We have acted neither from vindictiveness nor malice but from compassion and understanding. It is no credit to us or our Nation to propose legislation of this sort. The wrongs we seek to rectify here should never exist. In a nation conceived in the spirit of liberty and equality before law, it becomes us little to call upon the organs of government to protect that which we, as people, should automatically recognize. We are, however, left with no choice. We act because others have made it necessary for us to act. We are responding to the actions of those persons who have tried in desperation to circumvent the pronouncements of the 14th and 15th amendments. We cannot let them succeed.

We are not unmindful of the importance of our task. As the Supreme Court wrote only recently in the case of *Wesberry* v. *Sanders*, 376 U.S. 1, 17:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

It is in this spirit that we have proposed S. 1564. Committed as we are to this fundamental principle, we must act now.

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, the UPI ticker tape, report No. 92, purports to give a statement by the Senator from Delaware [Mr. WILLIAMS].

The ticker tape report reads as follows:

> WILLIAMS spoke in support of his amendment as the Senate resumed its debate on the bill. He said his "clean elections" amendment is aimed at a situation which is well known to exist.
>
> "If local officials do not or will not * * * it becomes necessary for Congress to act," WILLIAMS said. He argued that the right to vote is meaningless if a man's vote is not counted or if it is nullified by another vote illegally cast.
>
> "If I feel that the Congress, in its efforts to see to it that the integrity of a man's right to vote is protected, is obligated to see to it that the integrity of his vote itself is protected," WILLIAMS said.
>
> WILLIAMS referred to what he called "the famous incident in Chicago in the 1960 elections" when 82 votes were cast in a precinct although the lists showed only 22 qualified voters.
>
> "Such incidents are every bit as much a blot on the American image and the democratic process as are instances of the denial of the right to vote based on race or color," he said, "both must be stamped out, and the sooner, the better."

The office of the Senator from Delaware has been notified that I am taking the floor to reply and to rebut to his charges. I am very glad to see the Senator enter the Chamber at this point.

The documents on the election of 1960 in Chicago are fortunately very complete. The facts can be very clearly stated. In the first place, the precinct in which more people voted than were said to reside in the precinct at the time of the election was one in which, between the time of registration and the time of election, an urban renewal program was carried out. Most of the houses and apartments in the precinct were bulldozed and physically disappeared.

The 89 voters—not 82 as the Senator from Delaware has said—had resided in the precinct at the time of registration, but their homes had been literally taken out from beneath them during the interval between the period of registration and the election. They had not had time in which to become registered in other precincts. There was no fraud.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. DOUGLAS. If I have made an error in statement, I shall be glad to yield.

Mr. WILLIAMS of Delaware. Did that not happen in many instances in the country, not only in Chicago but also in every State of the Union, where individuals who were registered in a precinct moved and thus lost their right to vote? I wish there were something we could do about it.

Mr. DOUGLAS. I am quoting from the UPI dispatch which purports to give an account of the statement of the Senator from Delaware. Both the UPI and the AP tend to be extremely accurate.

The truth of the matter is that the residences were bulldozed and the homes of those people were physically eliminated. They did not have time to register in the places to which they moved after the bulldozing occurred. What should happen to those people? Should they be completely disenfranchised, or should they be permitted to vote in the places in which they originally resided and were registered?

The procedure which was followed was to permit them to vote in the place where they had resided and where they were registered. I admit that that was only a human and proper procedure to follow. There was no fraud.

Mr. WILLIAMS of Delaware. Did they vote in accordance with the laws of the State of Illinois?

Mr. DOUGLAS. Yes; I believe so. It was upheld by the courts. I have here a quoted decision contained in the Chicago Tribune for July 25, 1961, in which Acting County Judge John M. Karns dismissed these cases and charged that the prosecution obtained evidence "by unfair and fundamentally illegal means."

I ask unanimous consent that this quotation from the Chicago Tribune be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DISMISSES ALL VOTING CASES—KARNS RIPS METHOD OF GAINING EVIDENCE

The last 10 cases in the investigation of the November 8 election were dismissed yesterday by Acting County Judge John M. Karns, who charged that the prosecution obtained evidence "by unfair and fundamentally illegal means."

Karns said that the cases involved a matter "of even greater significance than the guilt or innocence" of the 50 persons. He said evidence was obtained "in violation of the legal rights of citizens."

Karns' ruling pertained to 8 of the 10 cases. In the two other cases he ruled that the State had been "unable to make a case." Contempt proceedings originally had been brought against 677 persons in 133 precincts by Morris J. Wexler, special State's attorney.

ISSUE JURY SUBPENAS

Wexler admitted in earlier court hearings that he issued grand jury subpenas to about 200 persons involved in the election investigation, questioned the individuals in the criminal courts building, but did not take them before the grand jury.

Mayer Goldberg, attorney for election judges in the 23d ward, 58th precinct, argued this procedure constituted intimidation. Wexler has denied repeatedly that coercion was used in questioning.

Karns said it was a "wrongful act" for Wexler to take statements "privately and outside of the grand jury room." He said this constituted a "very serious misuse" of the criminal court processes.

"Actually, the abuse of the process may have constituted a contempt of the criminal court of Cook County, although vindication of the authority of that court is not the function of this court," said Karns, who is a city judge in East St. Louis.

"I don't care what it involves," Karns retorted. "I am not going to subscribe to what seems to be your philosophy that the end justifies the means."

"COULDN'T CONVICT CUR"

Karns told Wexler that Wexler "couldn't convict the commonest cur on the street with this type of evidence."

In one of the eight cases where grand jury subpenas were used by Wexler, the witnesses gave Wexler's staff statements in their homes, and declined to talk in the criminal courts building.

The two cases in which Karns ruled that Wexler had not made a case involved the 28th and 46th precincts of the 25th ward. The cases were not related to the subpena question.

Karns' final action was in contrast to his scathing reprimand.

"I want to congratulate you special attorneys on your work," he told Wexler and two aids.

WEXLER DISAPPOINTED

Outside court, Wexler said he was "very disappointed" with the outcome.

Wexler said he will file a report on the results with the chief justice of the criminal court, who appointed him to investigate election misconduct in December.

FACED SEVEN CASES

Karns had been scheduled this week to hear 7 cases involving 35 persons. Wexler had charged the judges in these cases with "complimentary" miscount of the vote, in which votes were taken from one candidate and given to another.

The cases involved judges in the 33d, 24th, and 42d precincts of the 31st ward, the 21st and 28th precincts of the 29th ward, the 18th precinct of the 4th ward, and the 9th precinct of the 23d ward.

The case of the judges in the 23d ward, 58th precinct, had been heard previously and taken under advisement by Karns. Two other cases also were under advisement.

After reading his statement discharging the 23d ward case, Karns told Wexler that if the seven cases scheduled for trial also involved persons who had been subpenaed, he would dismiss them.

CLAIMS PRECEDENT LACKING

Wexler complained there was no precedent in Illinois law whereby cases of this nature were dismissed without examination of the evidence.

"You have one now," Karns said.

Wexler contended the election judges in the "complementary" cases were guilty of "serious misconduct," and that the figures on the voting machines alone were ample evidence. He said the statements he obtained which the judge objected to were not necessary to the prosecution of the contempt of court charge.

Mr. WILLIAMS of Delaware. As I understand the Senator, the Court said it was dismissed because the evidence was obtained by what the judges thought were unfair methods. But the point is—had they voted in accordance with the law of the State of Illinois this amendment would not affect them. If their vote was not in accordance with the laws it would affect them.

Mr. DOUGLAS. It was neither a violation of law or ethics.

There was another case to which our Republican friends often refer, namely an instance in which, when the ballot box was opened, it was found that there were unused and spoiled ballots in it. It was alleged that there was fraud in the counting of the ballots. The truth is that after the ballots were counted, they were put in two receptacles, one in which the votes were cast, and in the second the spoiled and unused ballots. The boxes with the spoiled or unused ballots were shipped to the election officials, and the others were shipped to the warehouse for storage. In this one case, after the board of judges and clerks had been on duty for a long period of time, the boxes were mixed up, and the box with the spoiled and empty ballots was sent to the Board of Election Commissioners, and the other ballots were sent to the warehouse.

But the point is that the ballots which were cast were found in the warehouse and were counted, and the count was found to agree with the report which had been sent to the local election board. So there was no fraud at all.

Those are about the only two concrete illustrations that our Republican friends have ever brought forth. Neither of them indicates the slightest degree of fraud.

The U.S. attorney at that time was a Republican, Mr. Robert Tieken, who made the statement that the election was cleaner than usual. Those are his words, not mine. Furthermore, there were other statements by responsible and respectable people.

Mr. Milburn P. Akers, writing in the Sun Times, which favored Vice President Nixon rather than Senator Kennedy, said:

> Republicans had a right, legally and morally, to contest the results. But it is questionable whether they had a right to make sweeping charges of fraud without the evidence to back them up.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. Just a moment. I want to finish.

The results of this election and the question of fraud charges were investigated very thoroughly by three distinguished University of Chicago professors, Prof. Herman Finer, Prof. Jerome G. Kerwin, and Prof. C. Herman Pritchett, who is now president of the American Political Science Association. They prepared a detailed report pointing out that there were no election frauds and that these charges were gross misreprentations.

I ask unanimous consent that this report be made a part of the RECORD, at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF THE PRESS COVERAGE OF THE 1960 ELECTION IN CHICAGO

(A report by three distinguished political scientists, Prof. Herman Finer, Prof. Jerome G. Kerwin, Prof. C. Herman Pritchett)

SUMMARY

This study has not attempted to make an independent examination of the presence or absence of fraud in the 1960 Chicago election. That would be outside the competence of anything except a large-scale official investigation. What we have attempted to do is to examine the evidence put forward by the Republican Party and the Chicago newspapers to support the charges of fraud which they made. On the basis of this analysis, we conclude that the charges that wholesale election fraud was perpetrated in Chicago were baseless and unsubstantiated. We agree with the judgment of Milburn P. Akers, writing in the Sun Times, when he said: "Republicans had a right, legally and morally, to contest the results. But it is questionable whether they had a right to make sweeping charges of fraud without the evidence to back them up."

Chicago's title to its reputation as a city of good government and decent intention deserves protection from irresponsible defamation. It is hoped that this report can have some effect in restoring the civic morale of our citizens and the dignity of the community and the Nation for themselves and the onlooking world.

AUTHORS OF THE REPORT

Herman Finer, professor of political science, was born in 1898 in Rumania and educated in England, where he lived for many years. Before coming to the United States, he was reader in public administration at the University of London. He was a visiting lecturer at Harvard during 1944–46, and joined the faculty of the University of Chicago in 1946. A specialist in the field of comparative government, Finer is author of a number of books including "Theory and Practices of Modern Government" (1931), "English Local Government" (1933), "Mussolini's Italy" (1935), "Municipal Trading" (1941), "The Road to Reaction" (1945), "America's Destiny" (1947), "Administration and Nursing Service" (1951), and "The Presidency: Crisis and Regeneration" (1960).

Jerome G. Kerwin, professor of political science, was born in 1896 in Albany, N.Y. He received the A.B. degree in 1919 from Dartmouth College, the M.A. in 1921, and the Ph. D. in 1926, both from Columbia University. He joined the faculty of the University of Chicago in 1923 after teaching at Dartmouth for 2 years. A specialist in political philosophy, both medieval and classical, Kerwin is also interested in municipal government and has been active in local politics. Among his writings are such books as "Federal Water Power Legislation" (1926), "Schools and City Government" (coauthor with Nelson B. Henry), (1938), "The Great Tradition" (1948), and "Catholic Viewpoint on Church and State" (1960).

C. Herman Pritchett, professor and chairman of the department of political science, was born in 1907 in Latham, Ill. He received his A.B. from Millikin University in 1927, and his Ph. D. from the University of Chicago in 1937. During 1938–39, he held a postdoctoral research training fellowship from the Social Science Research Council. He joined the faculty at the University of Chicago in 1940 and was named chairman of the department of political science in 1948. Pritchett's field of special interest are public administration and public law. He is the author of numerous articles and of the following books: "The Tennessee Valley Authority" (1943), "The Roosevelt Court" (1948), "Civil Liberties and the Vinson Court" (1954), "The Political Offender and the Warren Court" (1958), and "The American Constitution" (1959).

INTRODUCTORY STATEMENT

A few weeks ago, after the stories about the November 8 election had appeared in the Chicago newspapers, Herman Finer, professor of political science at the University of Chicago, phoned Mayor Daley and stated that he and some of his colleagues were very disturbed about the impression that these stories were giving the Nation, and indeed the world, about the civic reputation of Chicago. Mayor Daley suggested that Mr. Finer and his colleagues might consider attempting to counteract these impressions by making a report which would compare the charges of the defeated candidates and the stories in the newspapers with the actual facts established concerning the election. Professor Finer undertook to prepare such a report, associating with himself two of his colleagues in the political science department, Jerome G. Kerwin and C. Herman Pritchett.

In releasing this report, the purpose of the authors is not to defend the Democratic Party or to attack the Republican Party, but rather to make a sober and responsible evaluation of the charges which have created such an adverse image of Chicago. This matter is particularly serious since there seems to be no indication that the charges about the 1960 Chicago election are being permitted to die down. References continue to appear in the national press, 3 months after the election, to the Chicago "vote frauds" as though they had been fully established. One national magazine, Look, in its issue of February 14, 1961, published a lead article entitled "How To Steal an Election," and carrying a banner headline with the question, "How Dishonest are Chicago Elections?"

The authors of this report are frank to admit that they are Democrats, and Herman Finer is by appointment of Mayor Daley and Governor Stratton an unpaid member of the board of the Chicago Regional Port Authority. However, they are also political scientists and citizens of Chicago who are alarmed at the loss of confidence in election procedures in the city as a result of the press treatment of the 1960 election. They hope by this report to restore some sense of balance on this issue and some basis for continuing the very great advances which have been made in election administration in Chicago in the past decade or two.

The authors wish to acknowledge that on some issues of fact inquiries were made of, and information was supplied by, Mr. Earl Bush, director of public relations of the city of Chicago. The University of Chicago has of course no connection with or responsibility for this study, and no university funds were used in making it.

STATEMENT

Chicago's responsible citizens are fond of their city and desire to see its reputation enhanced. Yet at times we do not all realize the most prudent manner of correcting what appears to be wrong in our civil life. The end, very good in itself, of honesty and efficiency in all walks of governmental operation does not justify any means that may be chosen. All of us may be from time to time carried away with a crusading spirit for causes partisan or otherwise. In our ardor for attaining a good end we may forget certain grave side effects caused by our actions.

Following the elections of November 8, 1960, serious charges were made, charges repeated and amplified by the Chicago newspapers, imputing dishonesty and fraudulent intent to election officials in Chicago and to the Democratic Party specifically. The mayor of Chicago acknowledged that there might have been some cases of irregularity and many cases of error due to human judgment. Considering the election process in most cities of the land, this statement might have covered all of them. Nor is this said in derogation of the cities, for rural areas have not been conspicuously outstanding as models of electoral probity. However, this is often overlooked because the full spotlight of publicity does not fall on them as it does on the cities.

It must be remembered that our election machinery is not and cannot be a continuously functioning organism. It is in large part set up only for an occasional specific day and thereafter dismantled. This fact in itself accounts for many of the errors which enter into the election process. Remembering, too, that for many years—until the middle of the 19th century, in fact—the election process was entirely the business of the political parties themselves, it is no wonder that a great deal of the former inexpert process remains. In a presidential election thousands of people, largely amateur, are engaged to carry through the election process. For the 1960 election in Chicago, 25,000 election judges—Republican and Democratic—were appointed.

That there should be a sudden awakening to weaknesses in the election process in Chicago was in itself a matter of civic gratification. The unfortunate part, however, of this awakening was its excessive nature. Errors became crimes and crimes were said to be wholesale. Much artificial stimulation kept the campaign going. To those people who have watched the election process in Cook County for many years, the charges were not new but the fervor was somewhat surprising. The veteran students of elections remembered a time during the first quarter of this century when despite machine gunnings at the polls, stolen ballot boxes, open buying of votes, intimidation, repetitive voting, estimating and not counting votes, short-penciling, and every fraud known in the dictionary of corrupt elections, it was impossible to arouse the interest of any one of the organizations now worthily active in elections.

To be specific, politics was a "dirty business" in which the Chicago Bar Association, the Association of Commerce, and other like organizations would not engage. Yet it must be remembered that the quiet work of the League of Women Voters, the Men's City Club, and the Women's City Club, and people at our universities brought continual progress. While there are obvious weaknesses still in our election machinery and methods, the amount of improvement in recent years has been extraordinary.

Whatever irregularities have been evident in the recent election do not merit for Chicago the low insinuations, the bitter criticisms, or the hopeless despair of our political morals displayed by so many publications both here and abroad. Much of what was said and done was generated by the heat characteristic of all political struggles, yet the general results from the point of view of the city were most unfortunate.

The 1960 election in Chicago was, in fact, according to Republican U.S. District Attorney Robert Tieken, cleaner than usual. And yet this election was made the occasion for an unjustified and unsubstantiated attack of extraordinary violence on Chicago's civic reputation. The assault was led by the official heads of the Republican Party in Illinois and especially in Cook County, and was aided by the Republican National Committee. It is understandable that in an election as close as the one of 1960, the defeated candidates should make strenuous efforts to reverse the results. But indiscriminate and irresponsible charges of thievery, corruption, and fraud are not an acceptable method of contesting election results. This fact was recognized in the position taken at his farewell press conference by Vice President Nixon, who had more at stake in the election than any other Republican:

"I believe, first, that the time to work for correcting such evils is before election day, instead of protesting afterward. I am going to devote considerable time now to recommending changes in our voting system. And, second, I must point out that no party has a monopoly on this type of cheating."

Chicago and Illinois Republican leaders did not follow this policy. They originated charges such as the following: Frank Ferlic of the States attorney's office charged that the election was "probably the worst in election memory." Republican Cook County Chairman Francis X. Connell, a defeated candidate, said there had been fraudulent voting in as many as 800 precincts, and that the Democrats had stolen 100,000 votes. William H. Fetridge, chairman of the Midwest Volunteers for Nixon-Lodge, said: "We have information that more than 25,000 persons in the skid row area voted the 'right way' in exchange for whisky and money." Frank Durham, of the Committee on Honest Elections, said he "had never seen fraudulent practices more vicious in his 25 years of poll watching." District Attorney Adamowski charged flatly that the White House had been "stolen." [1]

The Chicago newspapers printed these charges, seldom pointing out the lack of supporting evidence for them. Moreover, the newspapers themselves became participants in the campaign to picture the election as fraudulent, and on their own account repeated, multiplied, and pyramided the charges of fraud in a day-to-day crescendo. To meet the requirements of the campaign, minor incidents and irregularities were repeatedly blown up into the appearance of major and intentional frauds. A survey of the press stories that appeared in the weeks following the election, made by Herman Finer, is attached to this statement. His report covers an ample and representative sample of the stories that appeared, and shows the pattern and technique of the propaganda campaign conducted by the metropolitan press, which gave the whole country, and even foreign nations, the impression that the Chicago election was a dirty, foul, crooked, thieving, morass of evil doing.

The newspapers may argue that they only carried the quotations of officials, candidates, and others who were active in the election—that they did not themselves make the charges and accusations. But what actually happened in many cases was that the newspapers would carry stories of allegations; then make the allegations charges; then make the charges facts; then make the facts conclusions—the conclusions being that the election was stolen in Chicago.

Only a few examples of the misleading effect of newspaper coverage can be given. The prime example of alleged election fraud, referred to time and time again in the press, concerned the 50th precinct of the 2d ward, where there was admittedly an overcast of the vote. The facts appeared to be that in this precinct most of the houses had been recently demolished, but that the former occupants had returned on election day and been permitted to vote. After this case had been exploited in many newspaper stories, George Thiem finally conceded in an article in the Daily news on November 25 that "it would be hard to prove deliberate fraud in this precinct. A more likely explanation is the unfamiliarity of the election judges and their duties, and the election laws."

On December 2, the Tribune printed a story with the headline, "Nixon Gain Is 1,214 on Machines: GOP." The subheadline is "See State Victory With Canvass of Paper Ballots." Then follows a bulletin: "Vice President Nixon made a net unofficial gain of 1,214 votes through a Republican comparison of actual voting machine figures with official canvass tallies, it was learned early today. Ralph Berkowitz, an attorney aiding the GOP said Nixon apparently can go on to carry Illinois on the paper ballot recount. The Republican voting machine study, carried out by a firm of certified public accountants, also showed a net gain in Chicago of 1,616 votes for State's Attorney Benjamin S. Adamowski."

These figures—1,214 and 1,616—disappeared in the following days. The so-called machine study carried out by a firm of certified accountants never was presented or published. In fact the name of the firm completely disappeared from print. Yet this account was carried not only by the Tribune but by all three other Chicago newspapers, and the figures and the story disappeared from all other Chicago newspapers as well, with never an explanation.

The Daily News of November 12 stated that William H. Fetridge, chairman of the Midwest Volunteers for Nixon-Lodge, had

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[1] A technical error. Adamowski actually was State's attorney. He is, however, described correctly elsewhere in the report.

"recalled that in 1952 Secretary of State Carpentier was an apparent loser by 10,000 votes but the recount made him the winner by 9,000." The article then quotes Petridge directly, "There is a precedent for this; that is what gives us encouragement." But the fact is that there was no recount in 1952 in the election for secretary of state. Surely the files of the Daily News would have readily revealed this fact.

No one can question the constructive work which our newspapers in Chicago have done on many occasions. We are, however, confronted with a situation which does not promote a wholesome reporting of political news with all four newspapers following one party line on national questions. If it is worthwhile in our politics to have a vigorous two-party system, it is as worthwhile to have a two-party press.

In the light of the charges made concerning the 1960 election, it is important to recapitulate the facts that have subsequently been established about the election.

Fact 1: A recheck of the voting machines in Chicago resulted in a net gain of 312 votes for Nixon out of a total of 1,780,000 votes cast—an amazingly accurate reporting of the vote.

Fact 2: The recheck of the voting machines in the State's attorney's race resulted in a net gain of 435 for Adamowski.

Fact 3: On the "discovery recount" of the paper ballots, Adamowski gained a net of 6,342 out of 417,000 votes, leaving him some 20,000 votes short of the number that would be required to overturn the election of his opponent. A discovery recount of paper ballots is made for the purpose of permitting a candidate to determine whether or not he would wish to file a petition for a recount, and is not made a part of the official canvass.

Fact 4: The State electoral board, composed of four Republicans and one Democrat, certified the Kennedy victory in the State on the ground that there was not sufficient evidence of fraud in Cook County to change the canvass.

Fact 5: The first assistant U.S. attorney, Albert F. Manion, was quoted extensively in the press regarding the possibility of a number of indictments being returned by the Federal grand jury, and hundreds of complaints were reported as having been referred to the grand jury for possible prosecution. Yet the December grand jury returned only two indictments, and the January grand jury did not return a single one.

Further investigations of alleged violations of the election laws will no doubt be made, and should be made, according to the regular procedures of the law. They might indeed establish additional cases of violation. A recount of the paper ballots in the State's attorney's race is now beginning, and it is possible that it might yield evidence of errors in the count. Because of the many opportunities for error or fraud created by the use of paper ballots, it is important to note that the city council, at the request of Mayor Daley, has appropriated a half million dollars for additional voting machines so that paper ballots can in the future be eliminated entirely in the city.

It is to be hoped that the extreme partisan nature of the recent struggle over the results of the 1960 elections will not prevent Republican and Democratic leaders alike from taking stock of our election laws with a view to their reform. It is commendable that various proposals for revising the election laws and procedures are being made. Mrs. Marie H. Suthers, Republican member of the Chicago board of election commissioners, has made some thoughtful proposals which should be carefully studied. It goes without saying, of course, that any changes in the election laws should apply to the entire State, for election irregularities have not been a monopoly of any one section of the State or any one party.

In any revision of the election laws, we suggest that the following proposals deserve consideration:

1. The fundamental cause of bewilderment among the voters and the election judges is the long ballot. This makes it almost impossible for even the most interested citizens to make and mark a rational choice for all positions, and it incredibly complicates the counting process.
2. So long as a reform of the long ballot proves to be impossible, the one most reliable general assurance of the purity of the electoral count is the installation of voting machines in every precinct in the entire State of Illinois. They are costly, but so is a citizen's vote precious.
3. We should consider whether it is the part of political prudence to elect National, State, and local officials at the same election, and whether a method of staggering these elections could not be developed.
4. Attempts should be made to reform our election laws in order that voters who have changed their addresses shortly before an election may be permitted to vote in national elections.
5. Improvement of the caliber of official personnel at polling places in elections is badly needed in some areas.
6. The administration of Chicago's permanent registration system can undoubtedly be improved.

ANALYSIS OF CHICAGO NEWSPAPER STORIES ON 1960 ELECTION

One of the first charges of election irregularity was made by the Committee on Honest Elections headed by David H. Brill. This committee claimed to be nonpartisan and permanent. In fact, practically all its members were Republican. It seemed to have been set up just before the election and for the purposes of the November 8 election alone. From the beginning, it worked hand in glove with the regular Republican Party officials at all levels and with the four metropolitan newspapers of Chicago.

On November 8 and 9, in the Daily News, the committee alleged its clean election drive had prevented a minimum of 100,000 fraudulent votes in Cook County. The very word "fraudulent" prejudged the case, and no basis for the 100,000 figure was ever given, although it became a figure often repeated by top Republican officials and by the newspapers. The only particulars received from this organization were that most of the 100,000 would be, or had been, ghosts who were afraid to come out. This was evidently a figment of the imagination.

According to the Daily News of November 9, the U.S. attorney's office in Illinois had received and investigated 400 complaints. And although Mrs. Marie Suthers, Republican member of the board of election commissioners, said, "I can't prove a thing," the first assistant State's attorney, Frank Ferlic, alleged a deliberate effort to disfranchise the voters, and charged that the November 8 election was probably the worst in election memory. Mrs. Suthers did not pin herself to the 100,000 figure but made it 10,000, a considerable drop.

The term "fake votes" was used in a very heavy headline by the Daily News on November 9 giving the reader the impression that fake votes were proven, whereas they were only an allegation made by interested parties.

In another section of the same newspaper one alleged ghost voter was the subject of a long story because he had been allowed to vote on affidavit by a Democratic precinct captain. Several of such cases were alleged, but only one more name was actually given; and it was admitted that in that case the man concerned had actually lived at the residence sworn to.

On November 9 the Chicago Tribune began to participate. Its headlined article put the word "error" in quotes in the allegation that 10,000 had been denied the right to vote. Without any evidence it charged "Names Illegally Taken From the Lists." In the body of the article thus headlined, all that appeared was that Mrs. Suthers charged that names were omitted from the lists. She blamed laxity on the part of the precinct captains during October, and so far she did not charge fraud or illegality.

Of 1,200 voting complaints in the State's attorney's office, 500 were regarding omission from the voting lists. And the numerous complaints sent in to the Tribune were for the same reason. But the instances actually given were less than those to be counted on the fingers of one hand. They may have shown evidence of error, but certainly not of fraud.

On November 10 the Daily News took GOP County Chairman Francis X. Connell at his word that there was fraudulent voting in as many as 800 precincts. It may be noted that this charge was made by a defeated candidate and by a political leader who had been rejected in the voting.

On November 10 the Daily News began to inject a further note of suspicion into the issue by printing the headline, "Missing Ballots—Where They Went," and the word "missing" was itself put into quotation marks by the newspaper, no doubt with the insinuation that if they were missing, they were missing by design.

The headline also mentions several thousand votes lost, and in the body of its article it used quotation marks around the word "lost." But then it says that actually the votes were not so much lost as unrecorded in the unofficial returns.

On November 10, Chicago's American came out with the word "fraud" in a heavy headline entitled, "Hundreds Face Vote Fraud Quiz." It would have been more faithful to the public to have said, "Hundreds Face Possible Vote Fraud Quiz." The tentative nature of the information actually at its disposal, may be seen from some subsequent lines in the same article where, quoting first Assistant U.S. Attorney Alfred Manion, the American said, "Entire first ward precinct may be summoned before the jurors to answer complaints about chain voting, multiple voting, and the buying of votes." The reader should notice the terms "may be" and "complaints." What has been done here is to call names by false information in the headline and then to hedge in the body of the article.

This same American article said that the U.S. attorney's office had received 400 complaints during the election. This is a very marked reduction from the figures of 100,000 and 10,000. Mr. Manion said that about 20 to 25 of these would require investigation.

On November 10 the Daily News quoted Ferlic as saying that Adamowski was "the principal victim of fraudulent voting practices." He said that "hundreds and hundreds of people were disfranchised by sloppy canvassing." But this is not fraud. He also alleged that "thousands of ghost voters * * * had undoubtedly gone to the polls," without any proof that they had. Furthermore, he admitted that "we are still weeding the wheat from the chaff." In other words, no proof, not even any tenable accusation of fraud, was given. The allegations concerned possible irregularities.

Meanwhile, U.S. Attorney Robert Tieken said that he would take action "if we have a provable violation of the conspiracy laws" with the intention of defrauding the voter. But Benjamin Adamowski, defeated candidate for State's attorney, called himself the victim of an unfair fight and said this was shocking and disgusting.

On November 11 the Daily News had the headline "Four Vote Fraud Probes Started in City and County." In the article it said that these were to detect fraudulent votes cast. It could have used the words "alleged fraudulent votes," but it gave the impression that the votes were fraudulent and merely needed to be substantiated. Mr. Manion charged that there had been a morass of vote buying in the first ward.

By November 11 the Republican National Committee got into the act. It stirred up a commotion in Chicago by the announcement that State and county GOP chairmen in Illinois and five other States had been asked to investigate all charges of voting irregularities, and that they should advise its chairman and the Department of Justice. The American explained this tactic by showing how, if only the electoral votes of Illinois and one or two other States could be seized from Kennedy, then the election could still go to Nixon.

On November 11 the Tribune reported that Manion, who had talked of "morass," explained that he had received more than 500 complaints on election day of which 20 or 25 deserved serious investigation. The complaints, by the way, he said involved both the Republican and the Democratic Parties.

The Tribune headline states, "United States Asks Vote Fraud Probes in Five Wards." In fairness the headline should have said that the charges were only allegations. Furthermore, in the subheadline they used the phrase "Complaints of Ballot Sellouts Studied" without specifying a single concrete example.

The allegations by State's Attorney Adamowski were repeated in all or almost all of the Chicago metropolitan newspapers, and this over a period of 2 or 3 days, giving a cumulative effect to the impression of scandal on the public mind. But there never appeared any evidence to support his challenge of the election, and his charges of skulduggery that was shocking and disgusting. He admitted that he had no direct evidence but based charges on stories he had heard.

An article in the American on November 11 carried the headline "Canvassers Find Errors in Vote Tallies," and a lead sentence, "Some of the election results don't add up, just as many Republicans had complained." This is a typical example of misleading coverage. The article quotes three examples. In the 22d ward, 27th precinct, election judges added 253 for Nixon and 253 for Kennedy and got a total of 505. Of course, the result should have been 506. This as a difference of one vote—certainly a trivial foundation for implications of the headline and lead sentence. The second example was in the 18th ward, 27th precinct, where election judges added up the vote for Kennedy and reached a total of 379. The precinct captain's tally sheets showed 279. However, the paper drew no conclusion from this as to who was at fault or what was its significance. In the third example involving the 15th precinct of ward 17, the judges' tally sheet was said to have shown that 516 persons voted. Yet 532 voted for the President and the two voting machines together totaled 556.

All that this kind of instance could prove, and these were the only ones given, was that the tallies had in some way or another not been accurate. But they do not show who was at fault or why. It certainly did not add up to a kind of situation where the Presidency could change hands as alleged by those who had begun by charging that a hundred thousand irregularities had occurred, and then reduced the figure to 10,000 and so on, getting less and less each time they were challenged to produce evidence.

The metropolitan press freely carried the remarks of William H. Fetridge, chairman of the Midwest Volunteers for Nixon-Lodge, regardless of how fantastic the statements were. In the American of November 12, Fetridge said: "We have information that more than 25,000 persons in the skid row area voted the right way in exchange for whisky and money." To this Adamowski added the solemn statement: "I am satisfied there was fraud. I do not have any doubt that the buying of votes got hidden away." And Adamowski having echoed Fetridge obliged by echoing Adamowski. He said: "I looked at those figures; the fantastic totals that the Democratic machine rolled up, and I cannot help but become alarmed."

In the Daily News of November 12 it was stated that Fetridge recalled that in 1952 Secretary of State Carpentier was an apparent loser by 10,000 votes, but the recount made him winner by 9,000. This is a glaring example of quoting so-called responsible sources without any regard to the authenticity of their remarks. For the fact is that there was no recount in the 1952 election for Secretary of State in which the contestants were Charles Carpentier, Republican, and Edward J. Barrett, the incumbent. It is highly questionable whether a newspaper should carry a quotation which they certainly should have known was false.

A newspaper may contend that it is not breaking faith with the public in carrying a quotation as long as they indicate the source. They may say the newspaper is not making the charges—the man quoted is making the charges. But surely the files of the Daily News would have readily revealed that there was never any recount in the election for Secretary of State in 1952.

In the Tribune simultaneously a great amount of space was given to alleged thousands of telegrams complaining of vote frauds and asking for probes to the GOP headquarters in Washington; but it was notable that the wires on the most part did not contain specific information.

In an article in the Tribune on November 12, Frank Durham, a LaSalle Street insurance man, and a member of the honest election committee, alleged that the Democratic machine had stolen the election from Nixon and Adamowski and that he had never seen fraudulent practices more vicious in his 25 years of poll watching. This was a completely irresponsible charge, but no warning was given in the Tribune's article that a very serious investigation would be needed before such charges could be believed. In sharp contrast to this was the statement by Tieken that the 1960 election in Chicago was cleaner than usual.

At this time it was suggested that if there was to be a recount in Cook County it would be fair to recount the vote in the whole State. In response to this, all that Mr. Fetridge could answer was that there has never been any history of fraud down there. Underlying this statement by Fetridge, is the constant repetition by the metropolitan press of the theory that something had to be wrong because the Democratic Party was a heavy victor in Chicago. But the tremendous majorities received by Republican candidates downstate were never clouded by accusations of fraud by the metropolitan press. The fact is that the mere heaviness of a vote either way does not prove that a tally is fraudulent.

On November 14 the Daily News in an editorial made a charge of theft and fraud even more severe and uncompromising than before. The headline on the editorial was "Stop Vote Frauds." Actually there had been no concrete evidence of vote frauds.

By November 14 the Tribune was able to quote Francis X. Connell, now once again returned to his original charge that the "Dems stole * * * 100,000 votes." In the news column the word "stole" is printed without quotation marks, and the 100,000 votes becomes "100,000 fraudulent" votes.

The Tribune further reported that Connell said, "There is no question that the Democrats stole the election * * * the work was mainly done by the professional vote thieves; those we'll never catch." But if there were evidence, they could be caught; if there was no evidence, the city should not be slandered.

The Tribune went on to report that the Nixon recount committee had reported a flood of letters, telegrams, and telephone calls from voters urging a fight to challenge the election results. But it did not say how many make a flood—1, 10, 20, 30, 2,000—what is a flood?

On November 15 the Chicago Sun Times reported that in Arlington Heights, in three precincts, there were more votes cast than there were applicants for ballots; and one gave Adamowski 65 more votes than the total number of voters listed. There was no complaint alleged of fraud or other suspicious allegation made on these figures.

On November 15 the Daily News reported the action of a citizens' group on the North Side, printing the headline, "Citizens' Group Turns Over Evidence of Near North Frauds." The evidence given in the ensuing article was flimsy in the extreme, although 250 volunteer women poll watchers had participated. The only instances given in the news column were something like eight who were either denied a vote or given one affidavit. This would hardly justify the sensational character of the headline. The chairman of the committee, the North Side Honest Election Committee, was a well-known strong Republican, Homer Hargrave, Jr., a defeated candidate for Congress.

In an article in the Tribune on November 15, Mrs. Suthers admitted by indirection the rebuttal that mishappenings could have occurred without any fraudulent intention or practice when she said, "The problem now is to find out what happened—whether the names were removed willfully or from ignorance." But Mrs. Suthers thought by now that her earlier estimate of 10,000 barred from voting was low. Her only evidence was that "from the calls I am getting, there must be many more than that number." Complaints of this kind, even when in writing, need the most careful investigation to discover whether they have any substance in them at all. And on the telephone, gossip about irregularities would seem to be much easier, yet the complainant calling may himself or herself have been at fault in the loss of the vote.

On November 18 a Tribune editorial recapitulated the case for a recount in Illinois, namely that the State might go to Nixon. At that time the count showed that Kennedy's majority was a little more than 6,000, and this seemed to the Republican officials a majority they could overcome. Then, they speculated, Southern presidential electors might give their votes to Nixon or throw the election into the House of Representatives. Then, without any citation of proof, it went on to say that, "much evidence has been accumulated already to indicate that thousands of votes in this State, and particularly in this county, were stolen."

Nothing that has been said or produced up to that time justified misinforming the citizens of Chicago, or bringing shame on the city in the eyes of the Nation and the rest of the world in this way. This point was underlined when, later on that same day, the Daily News reported that U.S. Attorney Robert Tieken said he had only 40 good cases of vote fraud under investigation. As it turned out, only two indictments were returned. Presumably the other 38 were not good.

The report of Mr. Tieken's remarks in the Daily News is mixed in a very awkward way with that of Frank Durham. He said that watchers had found cases where precinct election judges did not bother to compare the signatures on voting applications with those in precinct binders to verify the identity of the voter. This may be a case of violation of the laws and regulations, but not necessarily a case of fraud. It certainly does not justify Mr. Durham in going on further to say, according to the report, that he turned over to the jury names of persons who registered and voted fraudulently. That is prejudging the cases, furthermore, when asked by a reporter how many names he provided to Tieken, he declined to say.

As the days rolled by, the metropolitan press, as well as the Republican officials, convinced themselves that their allegations were actually proven. They hardened in their claims. By November 19, the Tribune was talking of flagrant voting frauds. It repeated the word "stole," and added remarks by Mr. Durham on illicit votes cast, under the headline, "Complaints Drafted in GOP Recount Bid." The tenor of the article gave the impression that frauds were already proven, not that accusations were merely going to be investigated.

One of the tactics of the Tribune was to print what it calls guest's editorials—articles from other newspapers. Naturally they were articles that served to echo and reecho the charges made by the Tribune and the rest of the metropolitan press. For example, there was one printed in the Peoria Journal Star on November 22. This had no more information of a hard and provable kind than the Chicago press. It merely summarized and reiterated what that press had said, and then added more vilification and denunciation than its brothers in Chicago. The Peoria paper said: "Reports of highly reputable poll watchers are vicious—citizens lined up and told what names and addresses to give at the polling place. Obviously, to vote other people's registration, dead, alive or moved away." The editorial accepts headlines and allegations as facts.

On November 19 the American helped the good work forward by printing an article with the headline, "100 Vote Machines Can't Be Checked." But in the body of the article the explanation was given. The superintendent of voting machines, Sam De Carl, said he didn't think there was anything crooked in connection with the missing machines, but just carelessness on the part of the polling place owners—and maybe the judges. When he sent for the machines by truck, "time and time again—we've found no one." In other words, the people were simply not in. They were probably away at their work.

Mr. Fetridge said that he had learned some of the missing machines had been left unguarded in the polling places after the elections. But this also is perfectly understandable when one considers that the election officials are employed only for a few hours once every 2 or 4 years as part-time and occasional workers. They cannot be expected to be home at every minute after their duty is performed on election day. To convert this human, ordinary behavior by a turn of phrase into something that suggests a fraudulent use of the machines, is totally unwarranted.

On November 21, the Tribune said that "A preliminary check of the city voting machines shows that many votes were stolen to defeat Vice President Nixon and State's Attorney Benjamin S. Adamowski in Chicago, the Tribune was told yesterday." If the readers had read the rest of the column, they would have learned that the Tribune was told the story of alleged vote thefts by Republican officials, and, above all, by the chairman of the Cook County Central Committee, Francis X. Connell. Once again he repeated that votes were stolen. But he was only able to cite a single case which became the most notorious; this was in the 50th precinct of the 2d ward. He said, "In the case of Nixon versus Kennedy, a dozen or more votes were reported to the election board for Kennedy than were recorded on the machine."

Connell continues: "These large gaps between what the machines registered and what the election judges said was the count shows there was large scale vote stealing." But he adduced only one case. It was a case of dubious validity and no similar case occurred in the city. It was reproduced over and over again by all the metropolitan press. Given his political inclinations, it is understandable that he would go on to allege, not that his charges were based on what he already found, but that "I have no doubt that as our comparison continues we will find many more such instances." He never did.

The hollowness of these charges regarding the results of the voting machines is sharply revealed by the results of the recount of the voting machines conducted by both parties. The final results of the voting machine tally and the defective and objected to ballots as certified by both the Republican and Democratic judges showed an increase of 312 votes for Nixon out of 1,780,000 votes cast—or an error of less than one-fiftieth of 1 percent. Statisticians universally would say that this low percentage of error is a tremendous tribute to the recording of the count on the voting machines by election officials.

Later, Fetridge, chairman of the Nixon recount committee, announced that Arthur Young & Co., certified public accountants, had been retained to check the accuracy of returns. The participation of this firm in the ensuing process of checking, was referred to in the press only four or five times; and then the name of the firm entirely disappeared. Despite all of the publicity, no audit report of this firm was ever published.

From time to time, the Republican Party chiefs had misgivings about their own accusations. For example, in the Daily News of November 21, Francis X. Connell, who had made many accusations, is reported to have acknowledged that in many instances the discrepancies (in the machine results and the vote counts turned in by precinct election judges) could be accounted for by the fact that absentee ballots included in the judges' tally are not recorded by the machines, although he argued that the number of the absentee ballots could not account for the major differences in the two sets of figures. But he does not tell the public in what instances. Moreover, although Mr. Connell uses the word "errors," and here in good faith, the Daily News headline, which covered four columns, prints the word "errors" in quotation marks as though to throw doubt that they were honest errors and to suggest that they were fraudulent.

There is another instance of Mr. Connell's misgivings: in the Sun Times of November 21, he says that "some times our precinct captains (that is, Republican precinct captains) are too ambitious or make errors, too."

The Daily News of November 22 carried the headline, "Tallying Errors Bared" and a subheadline, "Charges Hurled in Vote Check." Mr. Connell charged that some preliminary figures showed that Kennedy and Ward had been credited with votes as much as 100 too many in some precincts. But he did not go as far as to charge fraud, saying, "These are obvious mistakes—made honestly or otherwise."

On November 23 a Daily News headline said: "Continue Hunt for Fraud." In the article in which it mentions that 460 aids would be summoned for questioning, it states that "the search for evidence of election fraud continued unabated." That is, it was not yet found. Then it reports that Republican leaders were frankly admitting that the votes picked up by their candidates in the big vote-machine check will fall far short of what it needed to change their defeats to victories.

The Republican complaints have now dressed themselves in the mantle of electoral nobility, bringing in the theme that they hope in the long run to point out the need for reform of the country's election machinery. It is not Chicago; it is not Illinois; it is the Nation that they have now set out to serve. And if they can correct voting frauds, this will be a service to their Nation. This is a reversal of attitude for those who have hitherto purported to believe that 100,000 votes had been stolen from the defeated party in Cook County.

This theme of electoral reform is taken up in the Daily News editorial of November 23. The impression conveyed is that the GOP is the only organization in the State or the Nation that wishes to preserve the integrity of the vote count, as it is called in the headline, and that any irregularity is a fault only of the Democratic Party.

In the Chicago Tribune of November 24, a new element was introduced in the Republican charges when Meade Alcorn, the Republican National Committee's general counsel intervened, saying that "on the basis of on-the-ground investigations I have no doubt that Illinois could wind up in the Nixon column," and that some votes "in other States look equally suspicious." This statement was unsupported by evidence.

The Tribune, on the same day, printed a long editorial with the headline, "Mounting Evidence of a Stolen Election." It combined its reiteration of the usual charges with reminders of the Pendergast scandals in Kansas City in the 1930's and on the basis of this association said: "Now the stench arises from Chicago as the evidence piles up that the tremendous Democratic majority rolled up in the November 8 election was heavily tainted with frauds." The only examples of evidence given by the Tribune to back a charge of this seriousness were the 50th precinct, 2d ward, and the material brought in, about herself but about nobody else, by their own writer, Norma Lee Browning, who provided a series of articles on how and why she had been deprived of her vote.

The records of the board of election commissioners disclosed that Norma Lee Browning, who had registered under her married name, Ogg, had moved from her residence at 163 West Burton Place, to 171 West Burton Place. Although her name should have been removed it was carried on the polling list until 1958. A suspect notice was sent out and no answer was received. Thus, her name was stricken from the polling list. Although Miss Browning wrote five articles concerning the theft of her vote, she only had one line in all of the five articles concerning her moving. She said that, of course, she had answered the suspect notice. Election officials say that they did not receive any notice. There is no evidence of fraud.

The Tribune editorial continues, "There is nothing new about vote thievery in Chicago. It goes on at every election. This year the motive for fraud was not only the presidential election, but the race for state's attorney, an office which, during the last 4 years under Benjamin Adamowski, has been embarrassing to the Democratic organization by exposing many scandals."

This amounts to saying that since there was a motive for fraud, fraud must have been present. Surely in a democratic nation where people have the right to support rival candidates, anyone has the right, as a proper motive, to beat the opposing candidate, whether for the Presidency or Mr. Adamowski for the State's attorneyship, without being charged with fraud. The editorial concluded: "The decent citizens of Chicago, Democrats as well as Republicans, ought to move on the election crooks here."

On November 24 the Sun Times had many columns devoted to the election under a headline, "County GOP Cries Fraud as Canvass Is Certified." And at this stage another accuser entered, George H. Dapples, attorney for the Nixon recount committee. He reiterated the same kind of charges that had been made hitherto, alleging in general that the election code had been violated, and there is no doubt that the election is illegal.

On November 25 the Tribune published another of its guest editorials, with the headline, "Stolen Election." This was from a journal called "Human Events," a newsletter from Washington, D.C. The editorial did nothing but repeat the following: "GOP Claims the Democrats Stole 100,000 Votes in Order To Win the State." It went on to say, "One hundred highly responsible Chicago newsmen put the figure at closer to 150,000." But it did not identify the alleged 100 newsmen. In the Chicago newspapers this figure was not apparently reported. In spite of the fact that the editorial is headlined, "Stolen Election," this newsletter has, in the body of the article, in the smallest type, "If the Republicans can prove, etc., etc., etc. * * *." Notice: "If."

On November 26 the Tribune appealed to all citizens to purify the election process so that the franchise has the dignity and meaning it is supposed to have. But once again, its linking of purity in the election process with events in Chicago was highly prejudiced and partisan. For example, it said, "The evidence of massive vote frauds in the presidential election is apparent." The evidence was apparently that "The minute sampling of precinct manipulations permitted by the city canvass board was enough to suggest that fraudulent voting in Chicago was enough to steal the electoral votes of the State from Richard Nixon."

Can a minute sampling be regarded as evidence of massive vote fraud? The only facts adduced in this editorial were once again the 50th precinct and once again the reports of the Tribune's own reporter.

On the same day, the Tribune printed an article with the headline, "Here Are Details of Vote Fraud." Given are these alleged examples. Yet (with the exception of the 50th precinct of the 2d ward), there is not one name, one address, one source actually identified. For all practical purposes, they could be nothing but rumors, accusations from defeated candidates, or disgruntled precinct captains of the losing party.

In the Daily News on November 25, signed by George Thiem, there is an article which gives the details of a complete investigation of the 50th precinct of the 2d ward, by the newspaper. The article carries a headline, "Quiz Backs Vote Charges." The first paragraph by Thiem says: "The Daily News investigation has confirmed charges of illegitimate voting, irregularities, and violations of the State election laws in the 50th precinct of the 2d ward." Yet, buried down in the article is this statement by Thiem, "It would be hard to prove deliberate fraud in this precinct. A more likely explanation is the unfamiliarity of the election judges and their duties, and the election laws."

"The October 12–13 canvass was carelessly done, if at all," Thiem revealed. "Voting was permitted, apparently, where it should have been denied. The first removals, due to land clearance projects, led to confusion. People who move are often forced to double up at another address."

Once again we see indications not of fraud, which was consistently charged by the Daily News, but unfamiliarity with the laws, of carelessness, of difficulty in conducting an election where movement is constantly taking place in the city.

On November 26 the Daily News published an editorial headlined, "Disgraceful Vote Count Proves Need for Change." In the article there is a paragraph in heavy type that runs, "In these few days, their conduct (the Democratic members of the board of election commissioners and the canvassing board) has made it unmistakably clear that the whole system must be abolished and replaced by something that gives the voter a fair chance for an honest count."

The editorial refers to an order by the election board directing 460 election officials to report at the same hour for interrogation regarding allegations of irregularities by the Republican member of the board. Although the election board presented a defense, this was, in our opinion, an unwise directive. It was at this meeting that Mrs. Suthers walked out after the incident of the 50th precinct of the 2d ward was revealed.

However, in all fairness, it must be pointed out that in the 2 months that have intervened, there has not been one case of fraud ensuing from the precincts in which these judges served. In the same editorial, the Daily News states, "The board, at the same time, had before it indisputable evidence of a serious miscount in the 50th precinct of the 2d ward." It is true there was a miscount, but their own star reporter, George Thiem, had pointed out in an article the previous day, the confusing circumstances and the factors concerning this precinct.

On November 27 the Tribune's editorial on the recount was full of innuendo saying: "In those areas (residential wards) it is not so easy for the Democrats to steal votes," and ending with the remark, "our greatest safeguard is to be alert and to speak up when we have been fouled." In the opinion of the Tribune it is clear they believed the election had been fouled, although there was no substantiation.

On November 28 the Sun Times gave away the motive for the many accusations of fraud. It printed a story headed "Illinois GOP Has an Issue for 1962: Vote-Fraud Charges." This article written by Art Petacque states: "The party has a readymade issue for 1962, when Illinois again will elect a U.S. Senator and a slate of Congressmen, and Cook County will ballot on a raft of important local offices." And then the reporter points out what he believes to be the motive for the vote fraud charges. "If their recount efforts comes to naught, and if their charges produce not a single indictment, Republicans, nevertheless, can sit back and watch the Democrats juggle the sizzling vote fraud issue, and make plans for its use in 1962 by keeping it in the public eye."

In an article of November 26 the Tribune repeated a charge by David H. Brill, who said that his group had compiled evidence indicating that the number of ineligible voters and the number of registered voters left off polling lists exceeded 10 percent of the Chicago total registration. He gave no evidence for this immense assertion and did not say whether such an omission was to the benefit of the Democrats or Republicans.

As the grand jury probe got underway, Frank Durham again in the Tribune of November 26, was quoted as saying he "estimated there were 100,000 illegal voters in Chicago on November 8 who were allowed to vote in a mass conspiracy to steal the election."

On November 28 the Tribune reported that a seal was broken on a box containing applications for ballots stored in the election commissioners' vault. They were those of the 2d ward, 50th precinct. The insinuation was that the disappearance of the applications was a theft. The answer given by Holzman was that the ballot applications had belonged elsewhere, and the seal of the box had been broken in order that they should be removed and put in the proper place.

The Sun-Times referring to the same item gave the impression of fraud by the simple combination of a major and a minor headline. Together they read: "Voting Records Disappear," and then "Grand Jurors Begin Fraud Search Today."

In an article in the Tribune on November 30 this headline appeared: "Irate Citizens Tell Loss of Right To Vote," and the subheadline said, "Letters to Tribune Charge Trickery." The Tribune, however, gave no number. It used a generality in this way: "Angry letters about the November 8 election arrived at the Tribune by the score * * *" and alleged that most of the letter writers complained they had been deprived of their vote by the disappearance of their names from precinct lists, or that they had not received absentee ballots. The actual number of letters received was not given, but on December 3 the Tribune indicated it had received 52 such letters, surely a small result from a 3-week campaign.

On November 30, the Tribune published a special article by Richard Wilson, a Pulitzer Prize winner on the staff of the Cowles Publications, Wilson sent his dispatch to the Des Moines Register and Minneapolis Tribune. He had been sent to Chicago by Look magazine. He recapitulated the information given to the newspapers previously. Then he introduced information from Ralph Berkowitz, attorney for the Cook County Republican Central Committee. According to Wilson, he "triumphantly announced that on the basis of the informal recount Kennedy got 10 less votes than the 323 credited to him in this one precinct, and Nixon got two more than the 60 counted for him.

Then Mr. Wilson continued: "A Nixon enthusiast, Berkowitz could easily imagine that such Kennedy losses and Nixon gains spread over the more than 900 precincts and more than 475,000 votes involved would easily wipe out the previous Kennedy margin." He had nothing more to add to the flimsy evidence so far produced, but the introduction of his name and the name of the newspapers and the magazine he served was calculated to give substance to charges that were without it.

In the American of November 30 Adamowski said, "As far as the State's attorney's office is concerned, I don't suppose I'd mind if they were just stealing a courthouse; but when manipulations and machinations of a political machine are used to take over the White House, it's a sad day in American politics." And he claimed that "the Democrats in Cook County gave their candidates 75,000 to 100,000 votes that were not cast for them."

It is interesting to observe that even the American referred to Adamowski on this occasion as "flamboyantly bitter." This charge, wholly unsubstantiated, was carried by all of the newspapers in Chicago, and was repeated in one way or another in newspapers throughout the Nation—in fact—throughout the world. This totally unsupported charge cast a cloud over the presidential election not only in Cook County and Illinois, but involved the whole Nation. It was a direct blow at the entire election processes of our country. It casts a stigma on Chicago that was unfair, unproved, and unjustified. The newspapers may say that since this charge came from an official, they had proper cause to print it. But one may answer that since there was no evidence to substantiate such a grave charge, and since the source was a defeated Republican candidate, it should have at least been followed by an explanation that there was no evidence to support this wild accusation.

On November 30, a new factor was injected into the affair. The American of that date published a special message from Springfield with a headline, "Fraud Findings Could Tip State To Nixon: Stratton." Stratton, as Governor of the State, was responsible with four other members of the electoral board for the certification of the presidential vote. It was reported that he used the phrases "phoney voting" and "stolen and rigged election" regarding Cook County. And then he made an observation of supreme importance for a man who had long held responsible elective office. He said, "I want to remind you again that the decision we take on December 19 will depend on the type of evidence we get. It must be strong evidence." That evidence was never forthcoming to Governor Stratton's satisfaction, and on December 19 he voted to certify the election of Kennedy.

On November 30 the American had a four-column article with enormous headlines: "Poll Judge Admits Fraud." This headline was backed up by one example. However carefully one searches the story, there is, however, no plain and simple admission of fraud by anybody. There are some allegations of irregularities. They are in various wards, chiefly the 50th precinct of the 2d ward, or the 29th ward. It is difficult to tell from the print. A case is mentioned of one Democratic judge who would not answer a subpena because she could not leave her two children, ages 13 and 14. And there is some recapitulation of the general charges made earlier by Republican officials. But nowhere can one see the case of a single judge who had admitted fraud.

The Daily News of November 30 produced a sensation by a report that some ballot boxes were opened and found to contain nothing but string and brown paper. But the answer to this (from Election Commissioner Daly) was that it was string and bundled paper used to seal ballot boxes. "We found this in a box reserved for spoiled and unvoted ballots," and he explained, "some boards cannot follow instructions." When it was suggested that keys to a wooden ballot box were found inside the box also, Daly's explanation was that many things are found in the boxes: voting booth curtains, ink, pencils; and one master key opens up all the ballot boxes.

He intended to point out that when the heavy day of work put in by the election judges is over, they are glad to thrust aside all the apparatus and go home as soon as they possibly can, and they do not necessarily follow regulations 100 percent.

On November 30 the Daily News carried further articles headlined, "Tell Flagrant Violations; Poll Watchers Report Election Was Dirty," with the word "was" capitalized for emphasis. But the evidence contained in the article is only of the flimsy nature given before. It certainly does not prove dirtiness or fraud but suggests only plain irregularity or error. As a matter of fact, the attorney for the Joint Civic Committee on Elections, Allan Kidstone, is reported in that same article to have said that many watchers observed that "the election was cleaner than usual."

In the American, on November 30, a headline appeared "FBI Joins Vote Fraud Quiz." This reiterated GOP charges but again they did not carry with them the names of any persons, addresses, or pertinent details. Included in this story is a charge by John L. East, fifth ward Republican committeeman, who estimated "that at least 1,000 votes were cast in his ward in the names of illegally registered or nonexistent voters." This charge by East was also carried in other papers but at no time did East submit any evidence to support this allegation.

On December 2, the Tribune reported that Sidney Holzman and John P. Daly, members of the Chicago Election Board, went before the grand jury, and they signed immunity waivers before they testified and proclaimed that their office welcomed the investigation.

In the Tribune of December 2 the headline begins, "Find Vote Frauds in Seven States," and a subordinate headline "GOP Hits Illinois as Top Example." This was merely a recapitulation and a recharge by THRUSTON B. MORTON, chairman of the Republican National Committee, that the election was stolen from Nixon, and he used the word "certainly."

His evidence is curious. "Where there is so much smoke, there must be fire." And he, of course, repeats the local charge by local Republicans that as many as a hundred thousand votes are involved. The Republicans had themselves manufactured the smoke.

When the recount of the paper ballots started, the canvassing board, acting under a legal opinion declared that they, the members of the board, must count the ballots themselves. This meant that only one or perhaps two precincts could be counted daily. Whatever the reason for this action, it was undoubtedly bad judgment for the canvassing board had used many teams to recheck the vote on the election machines. This action, which threatened to hold up the recount of the paper ballots, gave the impression that the canvassing board had something to hide. But a day later, Judge Adesko reversed this slow count procedure.

When County Judge Adesko ruled that the city canvassing board could legally permit teams of canvassers to participate in the recount, the Tribune could not bring itself to accept this as a fair and decent act. Instead, it produced an editorial headlined: "The Stall Abandoned," to give the impression there was something wrong and the canvassing board had wished to obstruct the discovery by slowdown tactics.

The truth is that Judge Adesko's decision took the wind out of the sails of the propaganda. The Tribune editorial also mentions the possibility that "Republicans Stole Votes," but it showed no energy in discovering this or confessing it or sending out reporters to bring in the instances.

On December 2 in the American, Mr. Connell discussed the question of what ballots ought to be discarded. He said he presumed a court would throw out ballots he said were torn, mutilated, marked, defaced, and partly burned, or not initialed by election judges.

But Mrs. Marie Suthers unwittingly challenged Connell's charges, by saying "She is of the opinion that 99 percent of the balloting errors which Republicans have termed 'irregular' were not willful." She said that in many cases "these errors were due to ignorance of election laws." The American, however, could not leave this plain statement as it stood, but felt compelled to put the word "errors" in quotation marks as though it disbelieved Mrs. Suthers.

Mr. Berkowitz could not be satisfied with the decision to have several canvassing teams for the recount. He charged fraud and said "the Democrats have had time to go through ballots and find out that nothing will turn up," and he linked this to ballot box seals which had been found broken. However, Holzman had explained that it was not unusual for seals to be broken because of rough handling.

In the American on December 3, Attorney Elroy Sandquist said, "The audited figures obtained by Republicans from a firm they hired in a recheck of city voting machines showed a 'substantially higher' gain for Adamowski and Nixon than the gain to the officially proclaimed canvass figures. The Republican audit credited Nixon with a net gain of 1,214 votes, Adamowski with 1,616." The firm referred to as conducting an audit is apparently the firm of Arthur Young & Co. This audit was never made public and all mention of the firm and the audit disappeared from the press in the weeks to follow.

In the Tribune of December 4, the headline runs, "Marks Switched in Presidential Contest." The first paragraph of the news report says that scores of Republican votes were erased and Democratic votes substituted. But later on this positive charge is changed into "apparent erasures of GOP votes were found."

Although the term "apparent" was used, nevertheless, the Tribune went on to quote from Mr. Berkowitz, who called the situation "most flagrant" and charged that it pointed up the "utter disregard for the election laws that the Democratic machine practiced on election day."

On the same day the Tribune had an article in which it reviewed all the story up to this point. Its headline says, "Sorry Story of Frauds in Election Told." And then it proceeds, "Chicago and Cook County are the storm center of a raging election scandal, which, because of ramifications extending to the White House, has captured attention from coast to coast."

The Tribune of December 5 carried the headline, "Expect Court To Throw Out 10,000 Votes"; subheadline, "State Reversal Held Possible." The allegation that 10,000 votes would be thrown out was merely a hope by Republicans. This gave the Tribune the opportunity of once again recapitulating the charges made all along by the Republican officials. The article also contained an advertisement for the Party, "How To Contribute to Nixon's Recount Committee."

In the Tribune, December 6, the headline says, "Poll Workers Can't Explain Discrepancies," and some discrepancies are stated in the body of the article. But a possible explanation of the fact that the poll workers could not explain the discrepancies is simply that they were exhausted from a long day's work or, given their skill with figures, could not count quickly.

The Sun-Times on December 6 carried an article recapitulating many of the previous charges with practically nothing new. It carried the headline, "Two Precincts' Ballots Vanish," as though there were something guilty about their vanishing. On December 6 in the American the news was reported that the missing ballots for the two South Side wards were found among election board supplies in a warehouse, as Mr. Holzman had predicted that sooner or later they would turn up.

In the Tribune of December 7, Senator Barry Goldwater alleged that Chicago had "the rottenest election machinery in the United States." But all his material naturally came from the Chicago newspapers and from the Republican headquarters.

In the Sun Times, December 8, Mrs. Marie Brooks, national GOP committeewoman from Illinois, said that of 165 ballot boxes opened the day before, 79 had no seals, 25 had broken seals, and 121 were without signatures. At the checking of the returns, two boxes caused a flurry. One, because it was only half the size of the previous cardboard boxes, and the other because it was marked for spoiled and not used vote ballots. The boxes were opened and then the ballots recounted. There were no major surprises. As for the small box, a Republican judge from the precinct told the Sun Times that her precinct had been receiving such boxes from the election board for years. When she was asked why the election judges had not entered their names on the space reserved for such data on the box's label, she replied: "We usually put all that information on the canvass sheet. We never put it on the box. Are we supposed to?"

The Daily News, December 9, 1960, reported that the ballot recheck "sputtered to its conclusion." Several women judges from the 8th precinct, 31st ward, Northwest Chicago, had been interrogated by James E. Murphy, attorney for the election board, and James H. McLaughlin, its chief investigator. They included Republicans as well as Democrats. Their faults, which had favored Ward against Adamowski, seemed to be honest mistakes. For example, they did not understand split tickets, where the voters marked in the circle for a straight Democratic ticket but then also marked in a vote for Adamowski. In other cases his name was so far down the list and the only Republican on a split ticket that it was not noticed. The judges claimed exhaustion by the hard work in crowded quarters and that they had been harassed by Republican watchers hollering for 15 to 20 hours. Mr. Berkowitz called this explanation "brazen and arrogant."

As time went on, even the Republican national officials lowered their claims. Roy Sheaff, counsel for the GOP minority on the Senate Committee on Elections, said he had received 200 to 300 allegations of irregularities, but he "could not label them fraud because the definition of fraud is up to the courts." But the Republican officials of Cook County, especially Mr. Connell, splashed the biggest of figures once more: the American, December 9, stated 100,000 disfranchised and 100,000 ghost voters.

On December 14, the Daily News carried the headline "Board Gets Worst Fraud Reports." It assumed and conveyed the truth of the accusation of fraud. But in the body of the article no word such as "fraud" appears. The newspaper was merely reporting the neutral news that the Joint Civic Committee on Honest Elections, had turned over to the authorities the most serious cases of voting law violations reported by its watchers on November 8. Of course, these Republican Party watchers were themselves not watched for competence or lack of prejudice. The subheadline mentioned 35 cases culled from several hundred violations reported, and this does not mean violations proven but only alleged. The president of the committee said that "most dealt with voters allegedly getting improper assistance from precinct captains." Only one case was actually adduced. Here it was alleged that a voter was told to pull a Democratic ticket lever when he asked for assistance.

The Tribune, December 15, published an editorial with the headline, "The Lesson of the Stolen Votes." It repeats the story to which it had become addicted: "There is no doubt now that thousands of votes were stolen from Vice President Nixon." Then the newspaper, having made this categorical assertion continues, "Although it is highly probable that Mr. Nixon actually won Illinois, proof of his victory is lacking." Despite this admission, the Tribune sought to supply the proof that was lacking by declaring that the Democrats confess the truth by indirection because they cry that there were Republican frauds in Cook County and downstate which counterbalanced the Democratic frauds.

Mr. DOUGLAS. I now yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I merely want to say that the last case the Senator pointed out and defended is one I never heard of before. I never mentioned it in my remarks, and I have not the slightest idea whether there is anything right or wrong. It was not mentioned in my remarks; I never heard about it before. What does it have to do with this case?

Mr. DOUGLAS. There was a good deal of mention about it before, because I was present in the Committee on Rules and Administration when this incident was put forward by Republican witnesses as propaganda and as an illustration of improper voting in Chicago. That is not true. If the Senator from Delaware did not make the charge, but others have made the charge, and the refutation should be in the RECORD.

Mr. WILLIAMS of Delaware. I do not object to the Senator's discussing the second case, but I want to make it clear I do not know whether it was right or wrong because I never heard of it before. The Senator used a quotation in which he stated that the 1960 election in Illinois was cleaner than usual. What is usual? What does that prove?

Mr. DOUGLAS. That statement was made by the Republican U.S. attorney. The Senator from Delaware referred to an incident in Chicago in which the voting list showed only 22 qualified voters in 1 precinct, but where 82 votes were cast. The fact is that the people had lived in a certain precinct. They were legally registered in the precinct. Their homes had been destroyed during the interval between the period when registration was legally closed and the voting day. They were legally entitled to vote. The fact that they showed up in places where they had been legally registered is no indication that they were not entitled to vote.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. WILLIAMS of Delaware. If they were legally entitled to vote why were they indicted?

Mr. DOUGLAS. At that time there was a Republican State's attorney. They were trying to show that the election was fraudulent. They were trying to throw out the votes in both Illinois and Texas, so that southern electors could vote for a third candidate, or Nixon, and steal the election from John Fitzgerald Kennedy.

Mr. WILLIAMS of Delaware. I do not want to steal the election of Kennedy; nor did I discuss the 87 votes of Texas which became so famous. I am merely stating that there have been violations of the election laws in many States, including Delaware. I have cited violations of law in our own State. I am sure the Senator will acknowledge that there have been instances of election fraud in the State of which he is proud. What difference does it make whether they were Republicans or Democrats? Let us be sure that in the future we have clean elections.

Mr. DOUGLAS. That is fine, but I object to having Chicago made a whipping boy when it is not justified, and I happen to have been one who has stood for independence inside my party in Chicago. When we do wrong, I am willing to admit it, but when we do not do wrong, I object to our being pilloried unfairly.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that an article which appeared in the Reader's Digest, entitled "Let's Make This an Honest Election," by Bill Surface, a statement by Joseph L. Bernd, associate professor of political science, Southern Methodist University, in which he discusses the Chicago elections, and the Election Research Council, Inc., report, on the Arkansas elections dated February 21, 1965, all be printed in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest]

LET'S MAKE THIS AN HONEST ELECTION

(NOTE.—"Voting machines run by honest people can be fraud-proof. But any machine in the hands of crooks is not." Here are pointers on how to make sure your vote is not stolen this November.)

(By Bill Surface)

In the 1960 presidential election, there was an early turnout of voters in a Chicago precinct. By 10:15 a.m., the voting machine showed 121 ballots cast. Poll watchers, however, had counted only 43 voters.

A year earlier, in Lawrence, Ind., officials discovered that the voting machines' yes-no levers had been rigged to defeat a proposal to have Lawrence incorporated as a city. In Pennsylvania's primary election last April, an inquiry showed that many totals reported from Philadelphia didn't come close to resembling the correct figures on the voting machines.

Throughout the country, election frauds have reached a disturbing magnitude. Our last presidential election, decided by only 3 quarters of a vote per precinct, generated the most serious vote-fraud charges of the 20th century. The Republican National Committee received 135,000 complaints of vote fraud. In Chicago's Cook County alone, a special State's attorney charged 662 election officials with misconduct.

New York's Honest Ballot Association predicts that in the approaching election at least 2.5 million votes will be illegally cast or invalidated. Ironically, more and more of today's chicanery occurs not with paper ballots but with voting machines, the very instruments intended to end all frauds. How is this possible?

To hold that voting machines are infallible is no more supportable than to insist that money cannot be stolen from cash registers. As George Abrams, chief investigator for the Honest Ballot Association says, "Voting machines run by honest people can be fraud-proof. But any machine in the hands of crooks is not."

Since about 57 percent of all votes this November 3 will be cast on machines, the best protection for your vote is knowledge of various vote-stealing methods. Here they are.

Rigged machines: The most brazen fraud is to set a voting machine's mechanism to guarantee the outcome. Such adjustments are not difficult. A reliable citizens' group contends that manipulating one small mechanical part on a machine can stop a candidate's total vote at a predetermined figure.

Sometimes, dishonest precinct workers cast a substantial number of votes before the polls open and then cover the machine's meters with paper that reads "000." The election judges see the "000" and lock the machine. When voting starts and the cylinder turns, the paper rolls off, revealing the true figure. The trick is so far unworkable on a new model that prints a transcript of the starting and the final vote, but most machines still in use have no such deterrent.

There are other effective ways to rig any machine. If a candidate's name cannot be found nor his lever operated, nobody, of course, can vote for him. Countless voters face such a situation. In San Antonio, Tex., in 1960, citizens complained that one party's machine levers were stuck. Elsewhere, levers have been loosened or jammed; candidates' name labels are sometimes covered with tape, placed upside down or in wrong positions. "Often a half day's voting passes with a candidate's name in a wrong column," investigator Abrams points out. "His voters unknowingly cast ballots for someone else."

Misleading instructions: Poll workers can cheat by giving voters misleading or vague instructions on how to operate the machines, which, indeed, are sometimes confusing. After Pennsylvania's 1963 and 1964 primaries, disputes and lawsuits arose over thousands of votes registered for blank spaces on machines. In New Jersey in 1960, an unusually large Socialist vote in nine counties that were using a particular type of machine was attributed to error: voters had pushed a lever beneath, instead of above, a presidential candidate's label, thereby voting for Socialists listed on the next row.

Helpful poll workers: As welfare disbursements and government jobs increase, political bosses control increasing numbers of voters and like to see that these people vote "right." Laws allowing assistance (actually voting) for blind, disabled, or illiterate voters have been translated into the most widespread fraud. Precinct workers have been known to qualify voters for assistance by distributing dark glasses to indicate blindness, gloves to fake arthritis, or by instructing them to say, "I'm afraid to use the machine." Then a poll worker places a voter's hand on the appropriate lever, says, "Here we go," and votes. "In some areas," said one State senator, "it's uncommon for a voter not to receive assistance."

Many voters in large cities are intimidated by the suggestion that the machines will reveal who they voted for. "A new trick," says Ben Adamowski, former Illinois State's attorney, "is to tell poorly educated voters that an electronic device enables poll judges to know which levers are pulled. Voters are afraid a 'wrong' vote will be used against them or disqualify them from relief or unemployment compensation."

Planned traffic jams: Election boards, when under dominant party rule, sometimes assign only one machine to a large, though unreliable, precinct, while allotting enough machines to sure precincts. Lengthy lines in precincts hostile to the bosses are thus formed and often are padded with political workers. As a result, busy people rushing to and from jobs become discouraged and fail to vote.

Machine breakdowns can cause even longer delays. Manufacturers deny that machines can be jammed, but normal machine problems occur in most elections, and sometimes a paper clip, pin, or match is found forced into a strategic spot. In Jefferson County, Ky., the election board received 150 calls about jammed machines during the first hour of voting in the 1964 primary. Many persons waited as long as 45 minutes for repairmen to come, then left the polls without voting.

Incorrect reporting: Voting machines that do not provide printed totals can be defrauded by poll workers reporting the totals incorrectly. To make the error seem inadvertent, the numbers may simply be transposed. If, for example, a candidate receives 172 votes, "271" may be called out by a poll worker; if an opponent receives 95 votes, he is given "59." In Chicago, a special State's attorney investigation of the 1960 election revealed that at least 32 machine totals were incorrectly reported. (One candidate received 44 votes, reported as 4; another received 207 votes, was given 7.)

One-sided observation: Theoretically, competent representatives of both parties should be at the polls to prevent fraud. "But it's nearly impossible to get a full complement of Republican poll watchers in Democratic-dominated cities like Chicago," says Bruce Felknor, executive director of the bipartisan Fair Campaign Practices Committee, "and the reverse is true in Republican strongholds like downstate Illinois." Few people will buck political machines.

Many schemes are employed to evade the surveillance of the minority party's judges and observers while fraudulent votes are cast. Polling places have been moved at the last minute, without notifying all poll workers. Poll watchers are drawn into arguments, then reported as "troublemakers" to police; or they are summoned to the phone by planted calls. Some poll watchers have even been given drugged coffee, candy, and cigarettes.

Vote-fraud convictions, in proportion to crimes discovered, are rare. The dominant party has usually committed the fraud, and, in the event of disputes, it recounts on its own terms. If anyone is caught, the party can provide both prosecutor and judge. In Chicago, the charges against 662 election officials for irregularities in the 1960 election were, after the most meager of preliminary hearings, dropped. It was pointed out by observers that the judge who freed everyone had (1) certified the officials to serve in the first place, and (2) dismissed the charges without listening to more than a fraction of the evidence. Said the Chicago Tribune 3 years later, in describing Chicago's 1963 election: "Vote frauds went on as usual, but nothing was done about them."

Such frauds are likely to be repeated nationwide on November 3 unless aroused citizens take the initiative to secure an honest vote. Citizens can volunteer to work with existing nonpartisan election groups, or propose that their church, civic, professional, or labor groups organize what the Honest Ballot Association calls small armies of observers. As Brendan Byrne, executive director of the American Heritage Foundation, puts it, "Motorists don't speed if they know the police are right behind them. Alert poll watchers can prevent vote frauds."

Dishonest election officials may argue that poll watchers' activities are against the law. Volunteer groups should study State election laws, obtainable from each State's secretary of state. Before the election, these groups should make a door-to-door check of registration lists to confirm every voter's existence. Between elections, at least 10 percent of all registered voters either move, die or become ineligible to vote in that district. Unethical party workers use these names to enter voting booths.

These steps can substantially reduce frauds on machines:

Examine every voting machine before the polls open. Verify that all levers and tabs operate correctly, that all candidates are listed, and that all counters start at "000." Rub the counter to see if "000" has been pasted over another set of numbers. After a few votes are cast, doublecheck the accuracy of the numbers on the counter.

Ascertain that poll workers represent both parties. Suggest that their affiliations appear on name tags.

If a machine stalls, photograph the total votes on the counter before and after repairs. If long delays occur, demand another machine; call party headquarters, police and the press.

Insist that "demonstrations" be made only on model machines, the instructions be given clearly and fully, and that all voters be told that the machine assures a secret ballot.

If a voter genuinely needs assistance, see that both parties' representatives help him. Challenge anyone who presents a printed card claiming inability to use a machine; emphasize that it is a felony to falsify such information, and that the date and nature of any disability must be specified. (If this condition existed during registration and wasn't noted on the application to vote, the voter is ineligible for assistance in most States.)

When the polls close, one watcher should observe the judge who reads the total votes, another watch the person recording them. A watcher should see that the machine totals match figures on the signed return. Never allow radio or TV deadlines to cause the tabulations to be rushed. Afterward, make sure that both parties' representatives immediately return the machine to the election commission.

Above all, remember that today—if you're not looking—voting machines can carry your precinct.

PROTECTING THE INTEGRITY OF THE VOTE: THE PROBLEM OF FRAUD

(Joseph L. Bernd, associate professor of political science, Southern Methodist University, conference on election administration, sponsored by the centers for politics at Chatham College and the University of Pittsburgh, Oct. 5 and 6, 1962)

The problem of protecting the ballot from irregularity, like the problem of factions as defined in Federalist X, may be met either in an attempt to eliminate the causes, or to control the effects. Unfortunately, the latter policy, achieved by means of statutes, administratively applied and judicially protected, has suffered some pernicious results. Sometimes statutes have been ignored, or circumvented. Assuming that all of the loopholes in the law can be plugged, a serious difficulty remains: the solutions themselves often create new problems.

In this paper the attempt will be made to indicate some patterns whereby the objectives of narrowly conceived ballot reforms have been defeated, or new problems have been incurred, when almost exclusive emphasis is placed on institutional means. It will be argued that ethical values, not merely lawmaking and administrative tinkering, must be emphasized, that reformers must attack the root causes of ballot irregularity—apathy toward or ignorance of procedural standards and moral venality or indifference toward essential values in a constitutional democracy. The brevity of the paper precludes any complete treatment of the subject and suggests illustrative use of a single electoral controversy.

The Chicago, Ill., election of November 8, 1960, has been chosen for study, not because it was exceptionally corrupt either in quantitative or qualitative terms, but because considerable basic data are available as a result of investigative and legal effort. Secondly, the occurrence of some irregularity despite the relatively advanced Illinois system of election administration facilitates insights regarding limitations of the administrative system and logically postulates a need to attack the causes of electoral malpractices.

The Chicago dispute involved election of presidential electors and a State's attorney for Cook County (which includes all of Chicago and most of its suburbs). Both elections had been won by the Democrats: Kennedy electors gained an official statewide plurality of 8,858 over Nixon electors out of over 4 million votes cast in Illinois, and Daniel P. Ward secured a margin of 26,049 votes over Benjamin S. Adamowski for State's attorney out of over 2 million votes cast in Cook County.

1. THE BREAKDOWN OF ENFORCEMENT

In 1960 the Illinois Election Code included several enlightened reforms: permanent registration,[1] a preelection canvass to verify the registration data,[2] requirement of a signed application for voting at the polls and comparison of the signature on this application with the signature on the permanent registration card.[3] The five election judges assigned to each precinct were chosen to insure bipartisanship and were required to qualify in terms of good character and competence.[4] All except 906 of 5,199 Cook County precincts were equipped with voting machines.[5]

Illinois procedure included a preelection training course to acquaint election judges with their duties under the law. But attendance was not mandatory, the course lasted for 1 hour only and no compensation was offered as incentive for attendance. The average length of service by election judges was short, and only about 20 percent of them attended the annual course. Consequently, a majority remained deficient in adequate training, experience, and knowledge of the law.

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[1] Ill. Rev. Stat. c. 46, 5–6 (1959). Cf. National Municipal League, "Model Voter Registration System," 1957, 15–24. To clear the records, replete with deadwood because of laxity in the canvass, the general assembly provided for complete reregistration in 1961. Ill. Rev. Stat. c. 46, 5–6 (1959).

[2] Ill. Rev. Stat. c. 46, 5–11 to 5–13, 5–25, 5–35 (1943).

[3] Ill. Rev. Stat. c. 46, 4–22 (1957). Joseph P. Harris, "Election Administration in the United States" (Brookings: 1934), 381–382, recommends comparison of signatures to prevent voter impersonations.

[4] Ill. Rev. Stat. c. 46, 14–1 to 14–4 (1957).

[5] Ill. Rev. Stat. c. 46, 24–1 to 24–23 (1943) authorizes voting machines.

In 1961 a 4-hour training course, followed by an exam, was made mandatory for election judges in Cook County. A $5 compensation fee was provided and failure to attend was declared to be prima facie evidence of neglect of duty.[6]

Republican preparations for election day, 1960, were aimed to combat the strong machine of Democratic Mayor Richard J. Daly. State's Attorney Adamowski recruited volunteers, including young attorneys and law students, to intervene at the polls if irregular practices were reported. A poll watcher for each candidate, or party, in a precinct is authorized by Illinois law, and the watcher need not be a resident of the precinct. Citizen volunteers, armed with this useful statute, were stationed in large numbers as watchers, especially in the precincts expected to produce trouble.[7] With Republicans in control of the State administration in Springfield and the spotlight centered on Chicago by the attentions of the metropolitan presses, auguries were good for a well-conducted election.

Yet, the election actually revealed several failures in enforcement of statutory voting procedure. According to law, if the name of the applicant for a ballot is on the voting list but his card is not in the permanent registration binder, he may vote, but only if he and one other voter in the precinct execute affidavits, testifying to his identity, qualifications and place of residence.[8] Watchers complained that this provision was violated in two ways: (1) by a failure to secure the proper affidavits and (2) by allowing some applicants to vote although their names were neither on the voting list nor in the binder.[9]

The most widely publicized "fraud" in Chicago occurred in the 50th precinct of the second ward. Eighty-two votes were cast here, although the voting list showed only 22 qualified voters. The discrepancy is explained by the return to vote of many persons who had been compelled to move due to housing redevelopment and whose names had been removed from the voting rolls in this precinct. Election judges permitted them to vote in the 50th precinct although, according to law, they were required to transfer their registration elsewhere, or to reregister if they moved out of the jurisdiction. All except four of the votes were cast for Kennedy electors. Republican judges were not permitted to serve because they were not residents of the precinct. Other errors included improper affidavits, unqualified election judges, illegal assistance to voters, and the loss of the ballot applications after the election.[10]

Possibly as a result of the missing ballot applications and the attendant publicity, the general assembly in 1961 enacted a more stringent requirement for the protection and preservation of election records.[11] Republican officials ultimately conceded that irregularity in this precinct was due largely to the ignorance of election judges and voters rather than to any conspiracy to commit fraud.

In explaining registration errors in general, Chairman Sidney Holzman, of the Chicago Board of Election Commissioners, noted that the records contain 30,000 errors on the day after completion of the canvass. The explanation indicates a chronic problem in any large electoral jurisdiction: Voters change their residence or die; single women marry and legally change their names. Officials are not notified of these developments in many cases. Clerical errors occur.[12]

In fairness to Chicago officialdom several qualifications may be noted: The Holzman figures represent only 1 percent of the 3 million persons registered to vote in Cook County in 1960. Registration errors actually verified after thorough investigation of complaints amounted to a small fraction of 1 percent. There was little evidence of fraud. Most erring officials were women, evidently unfamiliar with the law.

The 1961 reregistration may clear the records momentarily. The mandatory training course ought to insure correct procedures in the precincts. But it is difficult to see how accurate registration records may be guaranteed. Illinois law already provides for access to postal records showing changes of address, but postal records may not be up to date. Two needed reforms failed to pass the general assembly in 1961. One bill, to eliminate duality of control, placed election administration for the entire county under direction of the Chicago Board of Election Commissioners. The other provided for selection of the Board's staff personnel on a merit basis.[13]

Yet these reforms, however commendable, overlook one significant point. A considerable volume of the electoral errors in Chicago facilitated the right to vote, even though applicants failed to comply with all technical requirements. It should be remembered that the generality of voters is often unfamiliar with the numerous legal technicalities of election law. Therefore, the more stringent the enforcement and the more complex the procedure, the greater will be the disfranchisement. One who favors a restricted, class democracy may welcome a reduced suffrage, but democratic theory aims toward the fullest participation of the citizenry. The problem is, at heart, a question of values. Consistent with the Democratic ethic, two objectives must be attained: (1) protection of ballot integrity and (2) facilitation of the most complete participation in the franchise.

2. THE PROBLEM OF DISFRANCHISEMENT

Under Illinois law only a cross mark, or X, is valid for marking paper ballots. State courts have declared invalid all other marks, including checks, or underlinings. The two lines of the cross must intersect within a box, printed on the ballot opposite the name of the designated candidate, party, or question. Contrary to this rule, Chicago election judges in 1960 counted several thousand votes according to what they regarded as the intent of the voters, although these ballots were marked by means other than the required cross.[14]

In earlier times Illinois allowed the use of discretion by election judges to interpret the intent of voters. After the adoption of the secret ballot in 1891, ambiguous markings were declared invalid in *Parker* v. *Orr*, 158 Ill. 1002, 1004 (1895), but in subsequent cases the courts held that *Parker* v. *Orr* made the cross mark mandatory.[15] A majority of States, including New York, Pennsylvania, and California, adhere to laws similar to the later Illinois decisions. California requires rubber stamp marking.

The majority view is designed to protect the ballot from the election judges. If discretion is granted, it is difficult to see how the line can be drawn between proper and improper exercise of judgment. The history of elections furnishes much evidence of abuse when vague discretion is permitted. Yet when the intent of voters is clear, the disfranchisement which results from enforcement of the rigid rule is an exorbitant price to pay for the protection afforded.

The question of rigid enforcement versus disfranchisement permeated other aspects of the Chicago controversy. When complaints were received that applicants to vote were denied ballots, the Chicago Tribune claimed "fraud."[16] Subsequent investigation revealed that in most cases these complainants had changed residence from one precinct to another without giving notice, or had permitted their registration to lapse. In some cases clerical errors accounted for the loss of the vote.[17] Another technical violation was the failure of election judges to initial all ballots voted. Contrary to the statute, these ballots were counted in some precincts.[18] Had this provision been followed, additional voters would have been disfranchised through no fault of their own.

Investigation of the election revealed some incidence of illegal assistance to voters. Illinois law permits assistance only to the physically handicapped and to illiterates. Aid must be requested by affidavit. Some critics of the Illinois system would restrict the right of assistance to the physically handicapped only. Rigid enforcement of this reform would, of course, increase disfranchisement. A more salutory reform would be the requirement of voting instructions on paper ballots. Illinois law now prohibits the use of instructions on the ballot.[19]

The evidence available does not offer assurance that increased use of voting machines would eliminate the disfranchisement problem. A recent literature suggests that machines contribute to disfranchisement when special propositions are on the ballot. Experienced officials note also that voters may cast a blank ballot by pulling down the small levers and returning them to the original position in the mistaken belief that their vote is recorded before they pull the large lever or switch. The Chicago data indicate two additional problems which the machine has failed to solve: (1) illegal assistance and (2) discrepant totals—when more votes are cast on the machine than are accounted for by the total of vote applications.[20]

3. DOES THE END JUSTIFY THE MEANS?

The several types of electoral error which have been described raise the important question of intent and knowledge. Did Chicago election judges knowingly violate the law? As previously noted, ignorance of the law was evident in many instances, but it is hardly credible that this explanation accounts for all of the hundreds of officials in the precincts in which irregularity occurred.

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[6] Ill. Rev. Stat. c. 46, 13–2.1, 13–2.2, 14–4.1, 14–5 (1961).

[7] The Committee for Honest Elections, alined with the Republicans, accumulated voluminous data from the election day notes made by watchers. These complaints were the basis for subsequent investigation and legal action. Watchers are authorized by Ill. Rev. Stat. c. 46, 17–23 (1949).

[8] Ill. Rev. Stat. c. 46, 4–22 (1957).

[9] See "Petition of the Illinois State Electoral Board" (from the Republican Central Committee of Cook County), 7–8.

[10] See "Preservation of Evidence in Federal Elections," hearing before the Subcommittee on Privileges and Elections of the Committee on Rules and Administration of the U.S. Senate, 87th Cong., 1st sess., 22–24, 45–46.

[11] Ill. Rev. Stat. c. 46, 29–10 (1961).

[12] Chicago Daily News, June 24, 1961.

[13] At present the county is composed of two jurisdictions for electoral purposes. The authority of the Board extends to Chicago and some suburban areas. The remainder is under the jurisdiction of the county clerk.

For a report and analysis of the failure of reform in 1961, see Roger E. Henn, "Chicago History Repeats Itself," National Civic Review, vol. L, No. 8, Sept. 1961, 445–446.

[14] "Petition to the Illinois State Electoral Board," 7–8.

[15] The latest case is *Scribner* v. *Sachs*, 18 Ill. 2d, 400, 414 (1960). See also James E. Herget, "Judicial Legerdemain and the Disappearing Right To Vote," University of Illinois Law Forum, vol. 1960, 336–340.

[16] Chicago Tribune, Nov. 26–Dec. 14, 1960.

[17] See "Preservation of Evidence in Federal Elections," 10–12, 28–29.

[18] "Petition to the Illinois State Electoral Board," 8.

[19] Ill, Rev. Stat. c. 46, 17–14 (1959). Harris, "Election Administration in the United States," 184–185, notes the need for instruction due to infrequent elections, complex procedures, long ballots, and changes in procedure.

[20] "Preservation of Evidence in Special Elections," 38.

A considerable volume of error in paper ballot precincts was the result of miscounting alone. The consistency of the patterns of error is circumstantial evidence of partisan fervor. Otherwise, why should the Kennedy total be consistently overcounted and the Nixon total consistently reduced in strongly Democratic precincts? Why should the reverse pattern be consistently true in Republican precincts? [21]

As a result of a recount, Presidential Candidate Nixon gained unofficially 943 votes. The gains for Adamowski were much larger. The average net error, 1.04 votes per precinct in the contest for presidential electors, is not large. In some individual precincts, however, the proportion of error was quite large, ranging up to well over 100 percent. It is difficult to believe that none of these mistakes was intentional, such as 41 votes being counted as 21, or 78 votes being recorded when 162 were actually cast for a candidate. A number of errors were complimentary—one candidate receiving improper credit for 10, 16, or 11 votes and the total of his opponent being reduced an equal amount.

The circumstances of the Illinois election indicate motivational forces capable of exciting intense partisanship. In the presidential election Illinois was a key State with 27 electoral votes. Forecasters anticipated a very close election nationally. The religious issue was injected into the campaign in downstate Illinois with particular grossness and, it appeared, effectiveness. Republican fire in Chicago, led by an exceptionally partisan press, was directed against the Daly machine. Election night returns showed an early and surprisingly heavy Kennedy margin in Chicago, reduced somewhat by the suburbs. As the night advanced, this margin was reduced almost to nothingness by heavy downstate Republican pluralities. In the predawn hours with only a few paper ballot precincts unreported in Chicago and downstate, the Illinois decision remained doubtful. This decision might well decide the national election, or so it seemed.

The Daly forces, in the opinion of many, were more desirious of winning in the contest for State's attorney than even in the presidential election. Republicans were equally determined on victory for Adamowski, and this contest, too, was close throughout the count.

It is scarcely surprising under these circumstances that the incentives for victory in the minds of some partisans might have outweighed scruples for correct procedures. Although less publicized than those of Chicago, electoral errors in downstate areas were not unknown prior to the 1960 election.[22] On the night of November 8–9, 1960, partisans on both sides probably thought the opposition was engaged in miscounting in its strongest precincts. When this view predominates in the partisan mind, there is often the determination to fight fire with fire.

The foregoing pages suggest the motivation and the circumstantial evidence of some deliberate irregularity. But what is the opportunity for fraud, especially when Illinois requires bipartisan boards of election judges in every precinct? Is fraud likely, or possible, when competitors watch each other? Unfortunately it is, when the supposed Republicans in low income neighborhoods are often actually members of the Democratic organization. Republicans claim that the Chicago Board ignores the law which permits appointment of one judge from outside the preinct.[23] A bill, requiring mandatory appointment, when needed, of one outside judge from each party, failed to pass in the 1961 session of the general assembly.

Legal efforts to revise official returns and to punish for misconduct may be briefly noted. Errors in paper ballot precincts were not corrected because under the law it is not mandatory that recount findings be made official. Evidence appeared insufficient to overturn the election of Kennedy, or of ward. Declining to go behind the official returns, a Republican dominated State electoral board certified Kennedy electors and the Adamowski contest was dismissed by the court.[24] Later, investigation by Special Attorney Morris J. Wexler led to citation of 677 persons, mostly election judges, for civil contempt of court.[25] All of these cases were dismissed due to procedural errors in collecting evidence, or due to the lack of evidence indicating intent to defraud. Finally, three persons were convicted of altering paper ballots from Republican to Democratic.[26]

Looking at these results, one might argue that the quantity of error and/or fraud in Chicago was unimportant, that the local presses "created" a crime wave at the polls, and that statutory reforms already promulgated are sufficient guarantees for the future protection of the vote.

This view must be rejected. Chicago press charges of gigantic "fraud" were irresponsible,[27] but the dismissal of legal contests and the dearth of convictions in the courts resulted from legal obstacles not indicative of any absence of irregularity. Complacency is precisely the type of attitude which invites deterioration of ballot integrity, and, in a community with a dominant one-party organization, the safety of ballot procedures may be inevitably precarious. The failure to correct admitted errors, or to secure convictions in over 99 percent of the cases, may encourage future misconduct. The pattern of reform, piling detail upon detail, complexity upon complexity in proliferous configurations, is administratively self-defeating. Efficiency is impaired and voting is inhibited. In the contempt hearings the judge doubted that any Illinois election judge adhered to every legal detail.[28]

Electronic systems, utilizing high-speed mark-sensing, counting and storage functions to handle paper ballots, should enhance efficiency in the conduct of elections, but probably new problems will result. The human agent will remain a factor and, in the opinion of this analyst, ballot integrity may be jeopardized whenever the human element is a factor. Mere laws and gadgets are inadequate when the basic causes of misconduct remain unattended, when men are willing to sacrifice the integrity of procedures in the interest of immediate means to win immediate ends. What is needed, along with sound laws and advanced technology, is understanding and commitment to the values of highest worth in democratic society.

To suggest that agreement on substantive policy is necessary to the viability of a constitutional democracy is a contradiction in terms. Viability requires competition in ideas and interests. Democracy is the right of free citizens to make a choice of public policy and personnel from among alternatives. But if this system is not to deteriorate into some inferior form, free citizens must understand and value the principle of constitutionalism: "effective, regularized restraints" on power. The elective principle is among the most important of these restraints. When interests compete and citizens choose, some men and interests inevitably gain disproportionate power, but the integrity of the system of choice must be cherished above the success of any candidacy or interest. There is no guarantee of the safety of a constitutional system unless a people wills it to be so.

It is known that social values and private consciences are more vital in securing adherence to law than is the threat of coercion.[29] This knowledge is valuable for combating the forces which spawn electoral misconduct. Election officials, entering upon their duties, are required to subscribe to an oath to obey the law. The performance is a routine one and no doubt the official often regards the law as intricate, tedious, cold, and narrow. If the oath taker can be led to see the law as an imbodiment of the ethic of constitutional democracy, the integrity of electoral procedures might contain real meaning for him.

Participation in elections is perhaps the ordinary citizen's most tangible link with his constitutional system, unless income tax payment fulfills this mission. The time of voting must become an occasion for sensitive public awareness that elections are indices for determining whether a nation of emergent maturity is yet capable of emerging as a completely civilized society.

THE ELECTION RESEARCH COUNCIL, INC., REPORT, FEBRUARY 21, 1965

The first postelection report of the Election Research Council summarizes activities and findings of the council from November 3, 1964, to date. It does not purport to be a comprehensive summary of election irregularities occurring in the November election. To compile such a summary would require the full time and effort of scores of people over many months.

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[21] "Petition to the Illinois State Electoral Board," 5–6. See also "Preservation of Evidence in Federal Elections," 16. Among the 55 precincts in which errors were largest, Kennedy carried 48. Of these, he received a net advantage from error in 38. Of seven precincts carried by Nixon in the group, he received a net advantage from error in five. In 33 of 40 precincts in which error favored Kennedy, his total was augmented and the Nixon total was reduced. In 8 of the 15 precincts in which error favored Nixon, the Nixon total was augmented and the Kennedy total reduced.

[22] U.S. Senator **Paul H. Douglas** cited for the record some proven irregularities in downstate elections. The Senator certainly did not offer one electoral misdeed as justification of another, but his evidence adds weight to the Democratic contention that the entire State ought to be recounted before the fact of Chicago irregularities is allowed to overturn the result of an election. See "Preservation of Evidence in Federal Elections," 48–50, 70.

[23] Ill. Rev. Stat. 46, 14–1 to 14–4 (1943, 1957). The reports of poll watchers apparently failed to include any evidence of miscounting.

[24] "Preservation of Evidence in Federal Elections," passim.

[25] Illinois election judges are commissioned by the county judge and, after being sworn in, they are officers of the court and may be cited for civil contempt if they are guilty of misconduct. See *People ex rel Marski* v. *Spikes*, 333 Ill. App. 387, 77 NE 2d 565 (1948).

[26] Associated Press, Chicago, Mar. 3, 1962.

[27] See Herman Finer, Jerome G. Kerwin, and C. Herman Pritchett, "An Analysis of the Press Coverage of the 1960 Election in Chicago" (privately printed: 1961), reprinted in condensed form as "Chicago's Vote Fraud Hoax," the Nation, Feb. 25, 1961.

[28] Chicago Tribune, June 29, 1961. National Municipal League, "Model Election Administration System," 1961, 3, notes "the typical * * * clutter of inflexible detail" and, to achieve reform, favors increased "centralized responsibility and administrative discretion."

[29] See Talcott Parsons, Edward A. Shils, and Robert F. Bales, "Working Papers in the Theory of Action," (Free Press: 1953), 1–12. See generally the writings of Morroe Berger.

Rather than cover the entire field, the council has attempted to concentrate its efforts in the area of absentee voting. The reason for this is apparent. Until the requirement was imposed by amendment 51 that voters must register in person, the absentee ballot boxes were subject to manipulation almost at will.

For example, anyone could purchase poll tax receipts for an assortment of gravestones, and then apply by mail for absentee ballots. The county clerk, seeing that the applicants were listed in the poll book, would then send the ballots and voters' statements to the designated address. The ballots would be returned and counted.

It is generally agreed that there was more purging of absentee ballots this general election than ever before. This was due in part to the intense heat generated by the presidential and gubernatorial races and the controversial nature of some of the amendments on the ballot. Local option and other local issues also played an important part in many areas. Despite this widespread casting out of ballots, our preliminary studies indicate that the total 30,930 ballots actually counted was bloated with fraudulent and invalid votes.

As previously indicated, our studies are incomplete at this time and we are therefore unable to specify exactly how many of these votes were fraudulent or otherwise invalid. If the ratio established thus far continues, it is probable that well over half of the 30,930 absentee votes are invalid. It is well to point out that this estimate does not take into consideration those voters who were not qualified voters either because of residency or other reasons. Neither does it take into consideration those applications with doubtful reasons for voting absentee listed.

A superficial leafing through applications and voter statements gives firm purchase to the proposition that residency and reason-for-absence requirements were not enforced. If these factors were considered, it is doubtful that there were 10,000 valid absentee votes cast in the general election of 1964.

Now that registration of each voter in person is required under Arkansas constitutional amendment No. 51, the problem of nonresident voters will be minimized. But, as the following report reflects, many of the abuses occurring in absentee voting could have been avoided if county clerks were more conversant with the absentee voting laws and with their duties in connection with it. For example, if an invalid application is received into the office of a county clerk, that clerk does a disservice to the voter by issuing him a ballot and voter's statement. Without an application in legal form, the ballot should not and may not be counted. Properly, the clerk should refuse all illegal applications and request the voter to make new application in legal form.

An additional problem encountered by the council was the inaccessibility of some records. Many fraudulent votes were no doubt cast and counted in the absentee boxes because some county clerks refused to allow public inspection of the absentee applications in advance of election day. This was certainly the case in Jefferson County, and we speculate that this would have been the case in Madison County to a greater extent than the few affidavits in our files reflect.

In many counties, we found conscientious county clerks who welcomed inspection of the records and who had a broad knowledge of our absentee voting laws. In those counties, in nearly all instances the absentee voting laws were followed to the letter with the result that illegal votes in those boxes were kept to a level below 10 percent. To name just a few, we were particularly impressed with the offices of the county clerks in Mississippi, Lonoke, Izard, Calhoun, Drew, and Lawrence Counties.

Although our investigation of the November election is by no means complete, we present some of our findings to date:

A. NURSING HOMES

The absentee boxes were utilized by many nursing homes in the State as a means of bloc voting in the November election. Of course, this is not a novel procedure. Following the Democratic primary, for instance, the GPW Negro nursing home administrator, Newport, Jackson County, was charged with commission of a felony after he purportedly forged the absentee applications of 44 patients, one of whom had been dead for some months.

But this November the political activity in nursing homes hit a new high. The reason can be found in a letter written by Charles A. Stewart, executive secretary of the Arkansas Nursing Home Association, to its constituent members. That letter is as follows: (First, a memorandum to Governor Faubus concerning legislative proposals is set forth.)

"You will notice from the above memorandum that a great deal of work has been done toward the three State classification of nursing homes. We feel very sure that with your help and 100 percent effort from all the nursing homes in the State of Arkansas, that we can put this plan into effect in full in early 1965. To do this we still must do several things. We must have the complete cooperation of as many State senators and representatives as possible and this is where you come in. We may and we will ask you to do some things which will require some work and a little money, but we cannot stress strongly enough that this is a must. We must have your help. One of the first things that must be done is that we need your help in securing a poll tax for each of your nursing home patients who do not have a new poll tax receipt and a poll tax receipt for each of your employees. It will be necessary for you to contact each employee and each patient to see if they have a new poll tax receipt which will be good for the November election. These may be bought until September 30 of this year.

"After making this survey of your own nursing home or nursing homes then we ask you to go to your county courthouse and secure poll taxes for every patient and every employee who does not have one. After doing this it is most important that we have, in this office, a list of these patients and employees with their poll tax numbers. There are about 7,000 nursing home patients in Arkansas at this time and an estimated 5,000 employees, so you can see how effective, politically, that a stack of these listings with poll tax numbers will be to us. This is an effort that requires the help of every nursing home in the State. Cooperation by half of the nursing homes simply will not get this job done.

"Again let us say that this is the most ambitious program that the nursing homes in Arkansas or any other State have every undertaken. We have plans to change the entire regulations of both the health department and the welfare department and effect a complete new pay scale which will more equitably reimburse you for the care you are now giving your patients.

"We are most sensitive to the fact that the present rate of payment of $105 by the welfare department is woefully inadequate to care for those intermediate and skilled care patients who need care the most. The responsibility of caring for these patients is shared jointly by the State welfare department and the owners and administrators of the private nursing homes in Arkansas. We strongly believe in the future of proprietary type nursing homes. We want to make them stronger, and better, but at the same time that responsibility shared with us by the State welfare department must of necessity be truly shared in equitable reimbursement.

"This brings us to the summary in our memorandum to the Governor. Even though this new program will probably go into effect in early 1965, you need help now. The small raise we have asked for is dictated by the small amount of funds available to the Welfare Department for the balance of this year. We cannot assure you now that our request will be granted; we can assure you we are doing our best.

"Sincerely yours,
"CHARLES A. STEWART,
"Executive Secretary."

The Pine Bluff Commercial, some 2 months ago, carried an article on voting practices at the Kilgore Nursing Home in Jefferson County. The newspaper pointed out that at least three of the Kilgore Home voters were also on the list of persons who had been committed to the State hospital for the mentally ill. Two of the names of voting patients corresponded with the names of persons adjudged mentally incompetent in Jefferson County.

The Commercial interviewed one patient at the Kilgore Home who stated that he couldn't say whether he voted or not, but that if he had, he didn't know for whom he voted.

The Commercial also determined that the home maintains a political folder, containing all of the poll tax receipts for the patients. The home paid for some 60 of the poll taxes. The administrator of the home, Mick Vaskov, stated that political materials had been received from the Nursing Home Association, including a brochure favoring amendment No. 55 (legalized gambling).

The council submitted the applications for poll tax receipts, the applications for absentee ballots, and the voters' statements accompanying the ballots for some 60 of the patients in the home to its handwriting analyst, who detected a number of forged signatures, and in fact stated that in his opinion many of the "x" marks of patients who presumably could not write were forged, 18 by 1 person and 13 by another. The analyst has formed an opinion as to the identity of the person making the 18 marks.

In absentee box No. 4, where the Kilgore patients were voted, only about 126 votes were cast. That box markedly deviated from the Jefferson County averages, being overwhelmingly in favor of Governor Faubus, and amendment No. 55 (legalized gambling), and overwhelmingly against amendment No. 54 (voter registration).

Other Kilgore Nursing Homes are located in Dallas County, where 70 patients voted absentee. Strenuous objections were raised to counting many of these votes where the patients had been transferred from the State Hospital for Nervous Diseases in Benton to the homes, but the votes were nonetheless counted.

The election officials of the absentee box in Saline County disqualified all the absentee ballots cast by or for patients at the Doyle Shelnutt Nursing Home in Benton during the November election, because all applications had been delivered to the county clerk by the Shelnutts personally, and this is not legally acceptable.

Previously, the Shelnutts had carried many of the patients to a polling place to vote in the Democratic primary. But this time, all were voted absentee. One lady, whose grandmother was in the home, objected to the purchase of her grandmother's poll tax receipt by any third party, and also objected to her grandmother's vote being cast in any election. Immediately following the election, she and her family were requested by Mrs. Shelnutt to remove her grandmother from the home.

Affidavits on file in the council office quote Mrs. Shelnutt as stating that she purchased poll tax receipts for many of the patients. Of course, this was contrary to our election laws.

The Pioneer Nursing Home in Melbourne, Izard County, with Mrs. Boyce Cook as administrator, was also politically active. Analysis of the handwriting of the 49 applications for absentee ballots reveals, in the opinion of the analyst, that 47 of these signatures were forged by the same person, and two others were authored by still another person. Scrutiny of the signatures on the voter statements showed that 34 of these signatures were forged by the same person forging 47 of the signatures on the applications. The handwriting analyst has formed an opinion as to the identity of the person forging these many signatures.

Interestingly enough, the forger made no effort to conceal the similarities in handwriting on the applications, but did attempt to cover up the forgeries on the voters' statements by simulating the shaky, erratic handwriting of the very old and the infirm.

Similarly, handwriting analysis revealed forgeries in the applications for absentee ballots and the voter statements from the patients in the Twin Lakes Nursing Home at Mountain Home, in Baxter County. The expert's opinion is that 11 of the applications and 12 of the voter statements were signed by the same person, and that still another person executed the signatures on 6 applications and 6 voter statements. Here again, the forger attempted to disguise and vary his handwriting.

Boland Nursing Home in Howard County also produced some forged voter statements and applications. The handwriting analysis showed at least seven discrepancies in marks and signatures on the documents, and further showed that whoever filled out all the applications also signed signatures to at least two of the applications and two of the voter statements.

The Mitchell Nursing Home in Danville, Yell County, had a number of patients voting absentee. Of these, in three cases the signatures on the applications did not correspond with the signatures on the voter statements. And the signatures on five of the applications and corresponding voter statements were all made by the same person, in the opinion of our handwriting analyst.

The foregoing is not intended to be a complete listing. Many other instances are under investigation. Some instances cannot be investigated. For example, in Crawford County the applications for absentee ballots from patients in a nursing home there are not in the files of the county clerk.

We do not imply that any of the patients in any of the nursing homes are abused or receive anything other than the best of care. But it is apparent that after the urging of Mr. Stewart, many administrators of nursing homes found it their duty to "get out the vote," even as to senile or disoriented patients. An interesting footnote is that the 1965 Arkansas General Assembly has enacted the legislation sought by Mr. Stewart.

B. OTHER FORGERIES

In addition to the forgeries detected that stemmed from nursing homes, the handwriting analyst has discovered hundreds of other examples.

Taking the worst for illustration, in Phillips County, there were 835 names on the absentee voters list. Of these, 209 names were either illegible or not in the poll books. Of the remainder, 223 were white and 403 were Negro.

The Phillips County Clerk, Warfield Gist, had on file only 301 applications. He stated that the remaining 534 persons were allowed to vote absentee without applications. Of course, these votes should not have been counted. In addition, there were only 744 voters statements, 91 less than the total number of absentee votes counted.

Taking the first 500 names on the absentee voters list, 326 are Negroes, of whom 195 reside in the fourth ward of Helena. This number represents over 20 percent of the total number of Negro voters listed in the poll book for for that precinct.

We were curious about the cause of this remarkably heavy absentee vote, and interviews with local Negroes disclosed that Jack and Amanda Bryant, Negro proprietors of the Dream Girls Beauty Shop in Helena, were extremely active in the solicitation of absentee votes in this ward.

Our handwriting analyst informs us that in his opinion more than 100 of the voter statements from the Helena Fourth Ward bear signatures forged by the same person. The identity of the forger has been determined, and the information is being forwarded to the proper authorities.

Ward Four, Helena, was not the only Phillips County area in which absentee voting fraud occurred. Our handwriting expert found other groups of statements which were signed by common authors, but as yet these persons signing the names of others have not been identified.

One indication that these fraudulent ballots may have been voted almost as a bloc is the lopsided results in the most controversial issues: Amendment No. 54 (voter registration) received 169 votes for and 528 votes against. Amendment No. 55 (gambling legalized) received 599 votes for with 96 votes against.

A great many other instances of suspected falsification of signatures on absentee applications and voter statements from other counties are being studied and examined for a report at a later date.

We should observe at this juncture that some counties with a previous history of questionable absentee voting practices were exemplary in the November election. For instance, in the Democratic primary in Desha County there reportedly were more than 100 forgeries on absentee ballot requests in an unusually heavy absentee vote. This was brought to the attention of the public officials and citizens as a result of an election contest.

In the general election in Desha County no forgeries were detected. Only 4.3 percent voted absentee, irregularities seemed to be at a minimum, and the absentee vote outcome was substantially similar to the total vote of the county, indicating that no faction exploited the box. The county clerk did an excellent job of attending to the absentee applications.

This is an example of the improvement that can be made in the conduct of elections when improper practices are brought to the attention of public officials.

C. NONRESIDENT VOTERS

Under our previous system of no voter registration whatever, quite a number of voters would cast their ballot in their county of residence, while at the same time continue to vote through absentee procedures in another county.

Of course, a few individuals in the State exerted some extra effort and voted in person in more than one county. Probably the worst performance in recent years in nonresident voting fraud was turned in by the resident of a county in the Arkansas River Valley who, while traveling through the northwest portion of the State on election day, cast his vote personally in at least four counties. This is not an isolated instance, but it is certainly the most outstanding one. Prior to the passage of the voter registration amendment, there existed no effective system of controls to prevent voters from voting on both sides of a county line if poll taxes were purchased in both counties.

Former residents vote

Then there is another category of migratory voter. In this classification fall former residents of counties who continue to hold poll taxes in those counties and who continue to vote in those counties, not realizing that this is taking place. In illustration, a spot check of the absentee voters in Poinsett County produced affidavits from six or eight nonresidents who stated that they did not purchase a poll tax for Poinsett County, that they did not have the poll tax receipts in their possession, that they authorized no one to purchase their poll tax for them, and that they had not made application for absentee ballot. Nevertheless, the names of these persons are shown in the Poinsett County poll book; and applications, obviously forged, for absentee ballots were mailed in. Some of these fraudulent applications were among the more than 175 applications received by the Poinsett County clerk from Box 256, Trumann. Apparently this box number was used by some political group as a means of colonizing voters.

Madison County highest

Based on some fact and considerable speculation, we would place Madison County high on the list of areas infiltrated by nonresident voters.

Inasmuch as the Madison County voting records, previously inaccesible, disappeared on January 13, a complete study of election frauds there will be impossible.

The highest percentage of absentee voting in the State is an indication that the absentee box in Madison County was manipulated for political purposes. More than 1 of every 10 votes cast in Madison County was cast in the absentee box. This packing of the absentee box resulted in a remarkable departure from the county averages. For example, in the Governor's's race, Faubus received 64 percent of the total Madison County votes. But he received 91 percent of the votes cast in the absentee box. The discrepancy on the other issues and races were considerably less dramatic than this, except as to proposed amendment No. 55, which received a favorable vote on 56 percent of the votes cast in the absentee box, but only 41 percent of the countywide votes.

Affidavits on file

The affidavits and tape recordings on file now with the council reflect that political workers in Madison County went into the surrounding counties persuading residents of those counties to vote in the Madison County absentee box. How many fraudulent votes were cast in this fashion may never be determined, but the fact remains that it did happen. Now the persons who cast those fraudulent votes in the Madison County absentee box cannot be brought to justice for the crimes committed due to the stubborn refusal of the county clerk, Charles Whorton, to permit examination of the voting records prior to their theft.

Migratory voter problem

The migratory voter problem was also present in Perry County. Although the precentage of clearly invalid applications is relatively low when compared with other counties, many of the applications have been filled out by the same person and mailed to persons outside the county and State for their signatures. In such cases, there is an indiscriminate use of the term "work" as a cause for being absent. Nine and one-half percent of the total vote of Perry County (which exceeded the number of eligible voters as shown by the last census) were cast in the absentee box. We have contacted several longtime residents of Perry County and have gone over the list of absentee voters with them. A large number of these absentee voters are unknown to the Perry County residents of the wards in which the voters are supposed to reside.

As our studies are still incomplete on Perry County, we can offer no statistics at this time.

Conway County, the perennial home of the out-of-State voter, once again opened its absentee box to the applications and votes of many persons who have not lived in Conway County for many years. Indeed, some of the votes cast were by persons who have not entered the State of Arkansas in recent years. Other than the problem of adulterating the Conway County vote with the votes of nonresidents, no other unusual problems were encountered, although this county's results are still being studied.

In all counties where nonresident voting has become a problem, there were few if any controls over the purchase of poll tax receipts. In fact, in some counties poll tax receipts were purchased in large blocks by politically active personages for individuals who would not otherwise have paid a dollar for the privilege of voting.

Irregularities and noncompliance with laws

Many thousands of illegal votes were cast in the November election simply through failure of the voters or the county clerk to conform with the laws. The most extreme example is that of Pike County. The voter list shows that 190 absentee votes were cast and counted. Nevertheless, only 135 applications were on record, of which 127 were clearly invalid on their face. Some applications were not on the prescribed form, some were not signed by the voter, some gave no reason whatever for being absent from their precinct, and some were no more than notations on a scratch pad. This left only 8 possibly valid votes of the total of 190.

But apparently there were no voters' statements submitted with the ballots, none being on file. This means that Pike County, if in fact the voter statements were not presented, had no valid absentee votes. A majority of the absentee applications examined from Pike County were written on commercial pads from the clerk's office, and were filled out by only one or two persons. At present, these applications are in the hands of a handwriting expert to examine in particular those applications which appear to the untrained eye to be signed by the same person.

In Polk County, failure to strictly comply with the law resulted in the invalidity of about one-third of the 459 ballots cast. In many of these instances, the applications were not signed by the elector. Other applications were simply in letter or memorandum form and not in compliance with our election laws. Other applications gave no reason or an inadequate reason for voting absentee.

Of the 254 absentee ballot applications examined in Monroe County, 87 were invalid on their face, all for failure to meet the requirements of the law. On some applications, persons other than the applicant signed. On others, the requests were made by letter or on notes rather than on the prescribed form. And in others, no reason or an insufficient reason was given for being absent.

Of the 246 applications examined from Cleburne County, there were 156 invalid on their face. Not all of these 156 persons applying voted, 124 actually casting ballots. The problem in this county is that most of the applications were made by letter.

The council previously observed, in news releases prior to the November election, that hundreds of applications for absentee ballots in Garland County were illegal for much the same reason as those listed above for the other counties. One difference, however, is that in Garland County error was invited by furnishing prospective absentee voters with a form of application which permits it to be signed by one other than the voter. Of course, votes cast upon such an application would be illegal and void.

A high percentage of invalid applications was also noted in Woodruff County, where of 153 votes counted, 65 were illegal because of invalid applications.

The problem of sloppy procedures in administration of absentee voting was graphically illustrated in Logan County, where an election contest for the office of county judge was recently concluded.

In Logan County, 375 absentee votes were cast and counted. Of this total, 147 were declared illegal during the course of the trial of the election contest. These votes amount to some 39 percent of the total absentee vote, and the illegalities were primarily the result of failure of the applicant to make application on the prescribed form or failure of the applicant to sign the application. As to those applications received in time, the county clerk could and should have returned the illegal applications to the applicant advising the voter to submit another application in proper form. Had this simple procedure been followed, those voters would not have been disenfranchised and their votes could have been counted in that very close election contest.

E. CONCLUSION

The foregoing findings, as we have observed, should not be considered a comprehensive review of all fraud involved in the November election. Even the limited areas studied by the council have not been completely explored.

The council files are replete with evidence of voting frauds occurring at the polls, but not so easily categorized as the studies we have chosen to present in this initial report. But as we have stated, our files are open for inspection by anyone as to any of our areas of inquiry.

We would like to acknowledge our appreciation to the civic groups, volunteers, county clerks, county election commissioners, and Democratic and Republican Party officials without whose assistance we could not have conducted this study.

We hope that something good may come of our study. With necessary revisions in our voting laws, greater appreciation of the election process on the part of the people, and willingness of Arkansas citizens to perform their public duty from time to time by serving as election judges and clerks.

Our election process, at best, is rather inefficient, but it marks the difference between our democratic society and totalitarian systems. The voice of the people can best be heard through the ballot, and we should never condone or close our eyes to any condition which would pollute or adulterate the integrity of the vote in any election on any candidate or issue.

Mr. DOUGLAS. At one time there were election frauds in Chicago, and they were at their height between 1915 and 1931. During 12 of those 16 years William Hale Thompson was mayor of Chicago, and he was a Republican. During all those years there was a Republican Governor in Springfield. During all those years the Republicans in effect controlled the city. At that time election frauds were probably greater than at any other time. There was collusion between the upper world headed by Samuel Insull and the lower world headed by Al Capone, and William Hale Thompson was the middleman between the underworld and the upper world.

I do not say that the Democratic Party was perfect during this period. Of course it was not. But I do say that the worst frauds in our city occurred under Republican direction. I protest this attempt to hang vote frauds around the neck of the Democratic Party in Chicago and around the legitimacy of the 1960 elections because it is not true.

John F. Kennedy honestly won the State of Illinois. He was honestly elected President of the United States. There was an attempt to steal the election by throwing out votes in Illinois, and possibly votes in Texas, and then getting a number of electors in Southern States to disregard their solemn pledges to vote for the Democratic candidate and to vote instead for either some third person or for Richard Nixon. Those are the facts in the case.

I believe that is enough comment, except that in the hearings held before the Committee on Rules and Administration of the Senate, on July 13, 1961, a great deal of testimony was taken on these points. The Senator from Nevada [Mr. CANNON] cross-questioned Mr. Sidney Holtzman, chairman of the Chicago Board of Election Commissioners, a distinguished and brave World War veteran, about the alleged frauds in the 50th precinct of the second ward—which must be the one to which the Senator from Delaware has referred. It was alleged that most of the people had moved out of that precinct and that 89 votes had been cast out of 189 on the list.

Mr. President, I ask unanimous consent to have printed in the RECORD Mr. Holtzman's reply on pages 58 and 59 of the hearings.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senator CANNON. Some reference has been made here to the 50th precinct of the 2d ward, wherein it was alleged that most of the people had moved out of the precinct, but approximately 89 votes were cast out of 189 on the list.

Mr. HOLZMAN. Right, sir.

From that precinct on the Thursday before the Tuesday of election, a political leader of the second ward appeared with Mrs. Suthers in my office and advised me that the precinct had been abandoned.

This was the Thursday before the Tuesday of the election.

We immediately sent investigators out. There were some 200-odd names listed as residents of the precinct. Our investigators went out and located at that time 189 of the people listed as residents of the precinct.

We advised Mrs. Suthers and the gentleman who made the complaint that after 60 days prior to an election, we could not realine a precinct line; that the precinct had to be retained. So the precinct was left intact.

On election day some 89 people voted. After the election and during the time of the canvass, the charge was made that none of these people were bona fide residents of the precinct.

We were conducting a canvass when this charge was made. After we were through with the canvass, I ordered our investigators to go into that precinct. Our investigators contacted every one of the persons who had resided in that precinct, and we have in our possession affidavits of 89 persons who stated they voted in that precinct on election day. That was the total vote.

There was a discrepancy of one; allegedly, the candidate for Democratic President got one more vote, or, rather, an overcast, and we located that vote. That was a gentleman who was in the service and under our statutes he was not required to be a registrant. He had the privilege of voting as a serviceman.

We located every one of the persons and we have affidavits. The application for ballots we have never located. It is a peculiar situation. We located the Democratic precinct captain. We located the Republican precinct captain. The Republican precinct captain has a criminal record as long as my body. That was the representative of the Republican Party in that precinct on election day. He is a man whose word cannot be taken.

In fact, from time to time he has offered to be of assistance to our office, if we award him certain compensation. We have no faith in him.

The applications were stolen; we never located them; but we located everyone who voted, and in two instances we have statements from people who no longer lived in the precinct but admitted in their statement that they went back and voted in that precinct erroneously. They had no right to, but they did not vote in any other precinct on election day.

With respect to the judges of election, the statement was made that they do not reside in the precinct. Their apartment was damaged by fire. They moved to an area on the west side.

Where a domicile is temporarily abandoned, we always believe that the voter having the privilege to vote should be allowed to return to precinct, if he intends to come back, and vote.

That has been the practice of the Chicago Board of Election Commissioners. Those two people——

Senator Cannon. That has been the practice over a period of time?

Mr. Holzman. Over as many years as I can recall, Senator. Those people came in and testified, and when questioned on their address, they gave an address on the west side. The Republican judge of election, who did not serve, was advised by the Republican representatives, who made the complaint to us originally, not to serve on election day; she had moved out of the precinct but still was in the ward and could have gone back and served in the precinct on election day, if she had not been informed not to serve.

The other Republican member of that board was removed by the board of election commissioners because she violated the law by making a faulty canvass at the time of the registration in October, submitting names of persons who did not live in the precinct.

Senator Cannon. This morning it was also stated that in one precinct voting machines were located so that the precinct watchers could see how the votes were cast. Do you know anything about that?

Mr. Holzman. That is the first I have heard of that.

Senator Cannon. In the 20th ward, west of the University of Chicago, it was claimed that there were lotteries and the buying of votes.

Mr. Holzman. I investigated that, Senator.

Senator Cannon. You did? What were the circumstances?

Mr. Holzman. Yes, sir. The gentleman responsible for that lottery is an employee of our office. He is an assistant precinct captain. They went to every voter in the precinct and gave him a card with a number on it and said:

"If you go to vote, after you have voted, drop that card in the box. We will have a drawing after the polls are closed, and if your number is drawn, you will get a chicken or a ham or a slab of bacon."

It was not done to influence them to vote for any particular candidate. Every resident of that precinct was solicited.

Senator Curtis. What was the return on the presidential election in that precinct?

Mr. Holzman. I do not know, Senator.

Senator Curtis. That was the 6th precinct of the 20th ward?

Mr. Holzman. I do not know, Senator.

Senator Curtis. You have no idea?

Mr. Holzman. No, sir.

Senator Curtis. You do not have any idea who carried it?

Mr. Holzman. No, sir, I do not; truthfully, I do not. We have that record. It is of record in the office, and I would have it.

Senator Curtis. It is the 6th precinct of the 20th ward?

Mr. Holzman. Right, sir; so I heard it is.

Senator Curtis. Would you supply this committee with the vote for both the prosecuting attorney and the President of the United States?

Mr. Holzman. As soon as I return to Chicago, I will mail it to you, sir.

Senator Curtis. All right.

Mr. DOUGLAS. Mr. President, I do not intend to bandy charges with the Senator from Delaware, but the Democrats in Chicago do not have to steal ballots to win elections. We showed that last fall when we piled up a majority of more than 600,000 votes for Lyndon B. Johnson in the city of Chicago, and carried the State for him by over 800,000 votes.

This process of nibbling away at the prestige of the Democratic Party and of the 1960 elections is preparatory to throwing dust over the forthcoming elections, either in 1966 or in 1968, or it is a desperate attempt to head off genuine electoral reform in Southern States where large numbers of Negroes are deprived of their constitutional right to register and to vote.

Therefore, I felt that I should take the floor and clear up these intercessions which the Senator from Delaware has made. I notified the Senator from Delaware that I intended to take the floor. I am very glad that he came. I am also very glad that he has had an opportunity to listen to my reply. I have always found him to be an honorable man. I believe that, upon reflection, he will wish to apologize and to modify his remarks. I detected in his statement some modification already.

Mr. WILLIAMS of Delaware. I assure the Senator from Illinois that I am not going to modify my remarks in regard to the Chicago elections. I would point out that I never referred to the second instance of election irregularities to which he referred. I did refer to the first instance. It was part of the report which I have placed in the Record. This report does charge that 82 votes were cast in the district in which only 27 people lived. The homes had been torn down, and the report placed in the Record states that they were not eligible to vote under Illinois law.

Mr. DOUGLAS. The Senator has said that his amendment would not affect this incident if the 89—not 82—people were eligible to vote under Illinois law. If that is true, Chicago should not be used as a horrible example.

Mr. WILLIAMS of Delaware. Chicago was not selected as a horrible example. I placed in the Record examples affecting not only the Democratic Party but also the Republican Party. I stated time and again that I believe there are just as many honest people in the Democratic Party as there are in the Republican Party.

Mr. DOUGLAS. That is a handsome admission, and it is true.

Mr. WILLIAMS of Delaware. I would object to anyone taking any particular case that we may have discussed as it affects one political party, and then use it as a blanket indictment for all the members of that party.

Mr. DOUGLAS. Remember one of the Ten Commandments: "Thou shall not bear false witness."

Mr. WILLIAMS of Delaware. I am hoping that the Senator from Illinois will remember that commandment when he defends the State of Illinois. I do not believe he wishes to say that in Illinois there has never been any election fraud.

Mr. DOUGLAS. Of course not. They flourished chiefly under Republican rule. They flourish now primarily in Republican counties.

Mr. WILLIAMS of Delaware. I do not argue as to which party. I shall not even debate whether it flourishes under Republicans or Democrats. If it does flourish now in Republican counties as the Senator from Illinois has just stated, I hope that he will join me in my amendment to clean it up. I am more concerned with offering an amendment that will make it a crime to buy votes, whether in the Democratic Party or the Republican Party. It should be a crime for either political party to buy votes. That is what we are trying to accomplish in the amendment. The cases I cited today included one example in the State of Delaware. I know that we have had other instances in my State, including instances relating to our own political party of which we are not proud. I have never stood on the floor of the Senate and asserted that only one political party is right and the other is wrong. I am not trying to debate between the virtues of the political parties. The question is: Do we wish these votes to be counted honestly? Do we wish to make sure that a citizen not only has a right to vote, but that when he does vote he will not lose it as a result of one which may have been cast illegally?

That is all I am trying to accomplish under the pending amendment. So far as defeat of the pending bill is concerned, I wish to make clear that I supported that section of the Civil Rights Act of 1964 which I thought would guarantee the right of every American citizen to vote. We are now told that that section of the bill did not do the job. I am not quarreling with that point. I am going to support the necessary legislation which will do the job. I believe that Congress has a responsibility if we have not already done it to guarantee to every citizen in this country—I do not care what his race or where he lives—the right to vote, and I shall support the legislation that is necessary to achieve that objective any time, anywhere, and I have done so in the past.

Mr. DOUGLAS. May I reply?

Mr. WILLIAMS of Delaware. But I say at the same time, let us make sure that this is a clean election. In asking for this I certainly would not wish to cast a reflection upon either political party.

Mr. DOUGLAS. The Senator has done so.

Mr. WILLIAMS of Delaware. No.

Mr. DOUGLAS. The Senator has done so against my city of Chicago, and against my State of Illinois.

Mr. WILLIAMS of Delaware. No. I have not.

Mr. DOUGLAS. The Senator has done so.

Mr. WILLIAMS of Delaware. Not any more than I did in talking about my own State of Delaware. I mentioned three States today. I mentioned the State of Arkansas, the State of Illinois, and I also mentioned the State of Delaware. If the facts in Chicago reflect on the State so be it.

Mr. DOUGLAS. I went by the UPI report of the Senator's example which came out on the wire. That example was not true.

Let me say that my friend the Senator from Delaware seems to be modeling his talk upon Arthur Clough's version of the Ten Commandments; namely, the Pharisees' Ten Commandments in which he interpreted the Commandment "Thou shalt not bear false witness" as follows:

> Bear not false witness. Let the lie have time on its own wings to fly.

The Senator from Delaware is allowing this lie to——

Mr. WILLIAMS of Delaware. Mr. President, I do not wish to quarrel with the Senator. I believe that this matter is much too important for that, but rather I will read a part of what a Mr. Joseph L. Bernd, professor of Southern Methodist University said in a report, I read from it:

> The most widely publicized "fraud" in Chicago occurred in the 50th Precinct of the Second Ward——

Mr. DOUGLAS. That is the one I have been speaking about.

Mr. WILLIAMS of Delaware. I placed this in the RECORD a few moments ago.

Mr. DOUGLAS. Do so. Professors sometimes get their facts wrong, especially when they are Republican professors.

Mr. WILLIAMS of Delaware. The Senator from Illinois, being a professor, is in a better position to discuss the virtue of professors than I am.

Mr. DOUGLAS. Yes, they sometimes get their facts wrong.

Mr. WILLIAMS of Delaware. I do not wish to debate that point. As I have said the Senator is a better judge of what professors are like. Let me say that I have my facts right.

Mr. DOUGLAS. They are not infallible.

Mr. WILLIAMS of Delaware. Mr. President, I continue reading:

> Eighty-two votes were cast here, although the voting list showed only 22 qualified voters.

Mr. DOUGLAS. I have explained that. The example does not support his case.

Mr. WILLIAMS of Delaware. Surely. The Senator has explained it, and I am going to read it again because I believe that the Senator from Illinois should know the facts.

Mr. DOUGLAS. "Bear not false witness. Let the lie have time on its own wings to fly."

Mr. WILLIAMS of Delaware. Mr. President, if the Senator from Illinois has concluded his remarks, I shall resume the floor. Has the Senator from Illinois completed his remarks?

Mr. DOUGLAS. The Senator from Delaware said he did not mean to do it. Now he does it again.

Mr. WILLIAMS of Delaware. If the truth hurts, I am sorry.

Mr. DOUGLAS. The truth does not hurt. Lies hurt. These statements hurt: They are not true. I am trying to apply some therapeutic value to the misstatements that are being circulated by the Senator from Delaware.

Mr. WILLIAMS of Delaware. I wish the Senator from Illinois to have all the time he desires to take. He may proceed. Has he finished?

Mr. DOUGLAS. Yes.

Mr. WILLIAMS of Delaware. I would appreciate it if the Senator would not interrupt my remarks, and let me read this statement. Then I shall be glad to yield to him again.

Mr. DOUGLAS. Who has the floor, Mr. President? Do I have the floor, or does the Senator from Delaware have the floor?

Mr. WILLIAMS of Delaware. If the Senator from Illinois wishes to proceed, I shall wait.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. DOUGLAS. When did that happen?

The PRESIDING OFFICER. The Senator from Illinois yielded the floor.

Mr. DOUGLAS. That is the old trick. Talk about stealing votes, the stealing of the floor has just happened.

Mr. WILLIAMS of Delaware. I shall wait until the Senator from Illinois has completed his remarks. He said he was through. I shall be glad to wait.

The PRESIDING OFFICER. The Chair apologizes for having become involved in the theft with the Senator from Delaware.

Mr. DOUGLAS. Things are moving a little rapidly. What is the present parliamentary situation?

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. WILLIAMS of Delaware. I am waiting for the Senator from Illinois to finish, to yield the floor.

The PRESIDING OFFICER. Has the Senator from Delaware yielded the floor?

Mr. HART. Mr. President, if there is no further business——

Mr. WILLIAMS of Delaware. Has the Senator from Illinois yielded the floor?

The PRESIDING OFFICER. Has the Senator from Illinois yielded the floor?

Mr. DOUGLAS. I had not thought that I had yielded the floor. I thought I had yielded to the Senator from Delaware for a question. Now I find that under the guise of asking a question the floor has been taken away from me. I shall not be as trusting the next time.

The PRESIDING OFFICER. The Senator from Delaware has yielded the floor back to the Senator from Illinois. Does the Senator from Illinois yield it back to the Senator from Delaware?

Mr. WILLIAMS of Delaware. Let the Senator from Illinois speak. I enjoy listening to him.

Mr. DOUGLAS. The Senator from Delaware is bringing up the old chestnut about the 50th precinct in the 2d ward in Chicago, where he says 82 votes were cast out of 189 registered. The correct figure is 89. It was found that 22 voters were living in the precinct where the votes were cast. The others were legally registered but bulldozed out of their homes between the close of registration and the date of the election—or in the period just prior to the election. That is the old refrain. John F. Kennedy carried the State by 8,800 votes. This is a minor matter compared with the majority. However, the point is that these were people who were registered legally and entitled to vote. Their homes had been bulldozed during this period, and there was no precinct in which they could have voted. They were not entitled to vote in the precinct where they were residing, because they had not lived in that precinct long enough. Therefore they went back to the homes from which they had just been evicted, and voted in that precinct.

The point is that there was no fraud involved. The imputation that there was fraud is completely false. The Senator from Delaware should not circulate such stories.

I believe I have said enough. I shall be glad to yield the floor to our friend from Delaware. I am informed that the purchase of votes is already covered in the Federal Corrupt Practices Act. Therefore, it is the opinion of counsel that I have consulted that the amendment of the Senator from Delaware is unnecessary. I may vote for it, Mr. President. I shall have to look at it first. In spite of its origin, I may vote for it. I wish to say that the evidence that has been submitted in support of it is flimsy and false. The Senator from Delaware in general is a very honorable man.

I now yield the floor. The Senator from Delaware may continue.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. I thank the Senator from Illinois for his graciousness. I shall read an excerpt from the report. The entire report has been put in the RECORD. It was prepared by Joseph L. Bernd, associate professor of political science of Southern Methodist University for the Conference on Election Administration. The report is dated October 5, 1962.

I have already put the entire report in the RECORD. Professor Bernd specifically points out that while the charges of fraud in the Illinois election were exaggerated there was evidence of fraud. He goes on to say that there was some fraud in Illinois. I read again what he said in connection with the 82 votes:

> The most widely publicized fraud in Chicago occurred in the 50th precinct of the 2d ward. Eighty-two votes were cast here, although the voting list showed only 22 qualified voters. The discrepancy is explained by the return to vote of many persons who had been compelled to move due to housing redevelopment and whose names had been removed from the voting rolls in this precinct. Election judges permitted them to vote in the 50th precinct although, according to law, they were required to transfer their registration elsewhere, or to reregister if they moved out of the jurisdiction. All except four of the votes were cast for Kennedy electors. Republican judges were not permitted to serve because they were not residents of the precinct. Other errors included improper affidavits, unqualified election judges, illegal assistance to voters, and the loss of the ballot applications after the election.

> Possibly as a result of the missing ballot applications and the attendant publicity, the general assembly in 1961 enacted a more stringent requirement for the protection and preservation of election records. Republican officials ultimately conceded that irregularity in this precinct was due largely to the ignorance of election judges and voters rather than to any conspiracy to commit fraud.
>
> In explaining registration errors in general, Chairman Sidney Holzman of the Chicago Board of Election Commissioners noted that the records contain 30,000 errors on the day after completion of the canvass.

Mr. President, I do not wish to read all of this. The entire report is already in the RECORD. The report points out the manner in which the cases were dismissed and there were some indictments. All of this report is in the RECORD. I point out again that there have been instances of election fraud—and I repeat it—in Illinois, much as it may hurt my good friend from Illinois. I have great respect for him. There has also been evidence of fraud in my own State. I regret to say it. We have had prosecutions for it in our State but not always. Sometimes it has been taken care of, and some times not. The other State I mentioned was the State of Arkansas. I emphasize again very strongly that I was not citing the State of Arkansas, either, to discredit Arkansas because I did not think anything that happened in that State was anything that perhaps did not happen also in my own State or in other States. I put all this in the RECORD before to point out the need for the pending amendment. The Arkansas report was prepared by the Research Council under date of February 21, 1965.

These are examples of what is going on in various areas of the United States, not on the basis that it is a reflection or an indictment of any political party, either Democratic or Republican.

I am not saying that one party is better than the other party. I readily admit that I have just as many friends in the Democratic Party as I have in the Republican Party, and I have just as much respect for members of the Democratic Party as I have for members of the Republican Party. I would resent anyone using what I am saying as a blanket indictment against any party.

If there is any buying of votes, and if it is being done by either party, even if it is being done by the Independent Party, let us clean it up. All I am trying to do with the pending amendment is to make sure that it will be a Federal crime to buy votes in any State. I do not care to which political party a person sells his votes; it is wrong.

Nor will I argue about which political party has been the most corrupt in the city of Chicago.

I am aware of the fact that in years gone by there was a corrupt machine in Chicago under the Republican administration. I am perfectly willing to admit that, although I am ashamed of it. There have been corrupt political machines in Philadelphia under Republican administrations, and there have been some in Delaware. I am not trying to argue which political party is better. On the other hand, let us not use this as an argument against something that we should do in connection with the bill. Furthermore, I am not trying to weaken the bill so that it will not be effective in guaranteeing a person's right to register.

I say again, as I said when I opened my remarks earlier today, that I intend to support legislation that is necessary to guarantee that every person in our country shall have the right to vote. I am not standing here in an effort to defeat the bill. I support the principle of the bill. I hope to get it in such form that we shall have an effective piece of legislation. That is all I am trying to accomplish. The articles that I have asked to have printed in the RECORD refer to fraud under the Democratic Party; and they refer to it also under the other political party. They refer to it primarily as being fraud and un-American, wherever it may be and whoever may be involved.

I have worked with the Senator from Illinois many times. I know that he wants clean elections as much as I do. I am confident that when the roll is called on my amendment and many other amendments dealing with the subject which we have been discussing, whether he offers them or I offer them, we shall both be voting together.

Mr. DOUGLAS. Mr. President, one final statement to clear up the subject. I was not speaking against the amendment of the Senator from Delaware. I have been rather busy the past 2 or 3 days and I have not had an opportunity to study it. As I said, I may vote for it. I am informed that corruption in the purchase of votes is a violation of the Corrupt Practices Act. It is therefore already illegal under Federal law. Cases involving such fraud can be prosecuted by the Department of Justice.

I see in the chair the distinguished former Attorney General of the United States, the Senator from New York [Mr. KENNEDY]. He had an opportunity to prosecute such cases. He did not do so, because I am sure he found no fraud. And there was no fraud in the example from Chicago cited by the Senator from Delaware. That is the point. I am glad he has now said "there was no evidence of fraud" there.

The Senator from Delaware has brought forward erroneous evidence in support of his charges. The charge mentioned by the UPI happened to be a charge which referred to my own city. It is because I knew intimately the circumstances connected with that subject that I felt I had to defend the honor of my city and the honor of the political organization to which I belong in the city of Chicago. I feel particularly sensitive about this, because frequently we in the city of Chicago are blamed for things which happened 30 years ago as a result of things which happened generally when the Republicans were in power.

Not that the Democrats in Chicago are perfect—not at all. But the bad reputation which Chicago acquired was acquired during the period between 1916 and 1931. That was the period in which Al Capone dominated the underworld, and it was the period in which Sam Insull dominated the upper world—both Republicans. Capone was the virtual leader of the First Ward Republican organization; and there were sent to Springfield characters who disgraced the city and disgraced the State as Republicans.

William Hale Thompson, was the intermediary between the upper world and the underworld. During those 15 years the Governors in Illinois were Republican. There was Governor Lowden from 1916 to 1920, an honorable gentleman, but not one who cleaned up the city by any means. From 1920 to 1928 we had Len Small, a Republican, as Governor.

With respect to him I would ordinarily follow the motto "De Mortuis Nil Nisi Bonum."

Then from 1928 to 1932 we had Lewis L. Emmerson—all of these men were Republicans.

I object when false charges are brought out on the floor of the Senate, are given publicity, and go out over the wires to the Nation, and are used to throw doubt upon the election of John F. Kennedy in 1960, to besmirch the Democratic Party, and to injure it improperly in the elections to come.

The Senator from Delaware is an honorable man. His political philosophy is much more conservative than mine. But on the Finance Committee we have voted together a great number of times. I have paid him public tribute for certain courageous votes which he has cast. I shall continue to do so. I merely say that in the present case he allowed his partisan zeal to get the better of him, and, by imputation, he made charges which were erroneous and which, if he had examined them carefully, he would have known not to be true.

I yield the floor.

Mr. WILLIAMS of Delaware. Mr. President, I do not wish to delay the Senate. I respect the right of the Senator from Illinois to defend his State whenever he feels the honor of his State to be attacked. Earlier I included my own State of Delaware as an example in the same manner I did other States. I only wish to add that the honor of the State of Delaware is such that is needs no defense.

Mr. DOUGLAS. Mr. President, I could stir up the lions again. I could refer to the attempts for about 20 years by Mr. J. Edward Addicks to become a Senator from the State of Delaware. I could refer to the corruption of the Delaware Legislature during this period, having recently read a book entitled, "Stop Sin in the Senate," which goes into the subject in great detail. But I shall not do so.

Mr. WILLIAMS of Delaware. I hope the Senator will not do so, because if he did I would be forced to point out that we have a Democratic legislature, and if I recall correctly Mr. Addicks was a member of the Democratic Party. But I do not want to go into that. What difference does it make?

Mr. DOUGLAS. But Mr. Addicks was aided by the Republicans, and the Senators' specific example was aimed against the city of Chicago and was not an example which supports his case.

INTERNAL REVENUE SERVICE PRACTICES AND PROCEDURES

Mr. LONG of Missouri. Mr. President, I ask unanimous consent to have printed at this point in the Record an intriguing editorial from the April 23, 1965, issue of the Government Standard, signed by John F. Griner, national president of the American Federation of Government Employees.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Government Standard, Apr. 23, 1965]

Hearing Delay Unfair to IRS Employees

The Internal Revenue Service's handling of cases involving serious charges against some of its employees should be a matter of grave concern to all Federal employees and to all citizens who believe in justice and fairplay. Internal Revenue has played fast and loose with the rights of these employees and has subjected them to unwarranted indignities.

All of this, presumably, has been done in the interest of preserving the integrity of the Agency and our tax collecting system. But integrity can no more be preserved by fear and pressure tactics than democracy can be protected by adopting the repressive measures of totalitarian states. The Internal Revenue Service has behaved as if it never heard of some of the most cherished principles on which this Nation is based, principles which go to the very heart of protection of, and respect for, individual rights and due process of law.

Internal Revenue's handling of the charges against some of its employees in New York has given new force and meaning to the old saying that "justice delayed is justice denied." A number of Internal Revenue employees in New York have been dismissed for allegedly accepting bribes or failing to report bribe offers.

Many of the dismissals were based on the testimony of a so-called tax practitioner, an individual who advises people on tax matters and helps them fill out their tax returns. This tax practitioner has admitted bribing Internal Revenue employees.

Ironically, the employees fingered by this confessed briber have been fired while he is still permitted to carry a Treasury Department card authorizing him to represent taxpayers. The employees were dismissed before they had exhausted all their administrative appeal rights within the Government.

This, unfortunately, is normal procedure in the Government service. In itself, this is bad enough, but Internal Revenue has seen fit to compound the inequity. Some of the accused employees have pleaded with Internal Revenue to hold an appeal hearing on their discharge. The agency has steadfastly refused to do this.

Internal Revenue has told the employees that the hearings they are presumably entitled to are being delayed, at the request of the Justice Department, until criminal charges growing out of the bribery accusations have been disposed of. And the Justice Department, for its part, appears to be in no hurry at all to proceed with the criminal cases.

We can find no legal justification for Internal Revenue's action in denying its employees the hearings they are entitled to under the Veterans' Preference Act and the appropriate civil service laws and regulations. The agency's only defense is the reply that such action is customary in "these cases." Meanwhile, the stigma that hovers over these employees has ruined their Government careers and, in some cases, very nearly wrecked their lives.

The alleged briberies have received wide newspaper publicity. The employees involved have found it difficult to get other jobs and have been hampered in their efforts to collect unemployment compensation. Yet the fact remains that these employees have appeals pending before the agency and have never been tried, much less convicted, on any criminal charges.

And all of this stems from accusations made by a confessed briber, a man whose credibility, to say the least, is questionable.

The IRS's handling—or mishandling—of this situation is in keeping with the agency's entire investigative procedure when it comes to its own employees. Some of the accused employees in New York have obtained other employment outside the Government only to find that Internal Revenue investigators have visited their new places of work, asked to see the employee, and then discussed the case and the nature of the charges against the employee with his new employer.

The powers of the IRS's investigative officers are truly awesome. They have the authority to make arrests and seize property without warrants if they have reasonable grounds to suspect that the person being arrested has committed a felony. Certainly such wide ranging powers should be used with discretion and judgment.

Unfortunately, this is not the case in Internal Revenue. Employees are summoned before investigators and interrogated without being told what, if any, are the charges or accusations against them. During these interrogations employees are not permitted to be represented, either by their union or by counsel. Yet these star chamber proceedings can and have led to an employee's dismissal and even to criminal charges being placed against him.

AFGE never has and never will condone wrongdoing by any Federal employee. But neither can we condone a situation which amounts to employees being adjudged guilty until proven innocent. And that has been the effect of the Internal Revenue's handling of the charges against its employees.

These employees want, are entitled to, and should have a timely hearing on the charges against them. If found guilty, they should be punished; if found innocent, they should be reinstated. There is no justification whatsoever for the Internal Revenue's action in refusing to grant these employees a chance to clear their names.

The denial of this basic right is an affront to all Federal employees and a disgrace to the Internal Revenue Service and the Federal Government. It should be countenanced no longer.

John F. Griner,
National President, AFGE.

Mr. LONG of Missouri. Mr. President, although the whole editorial raises interesting questions about IRS practices and procedures, I was particularly interested in the paragraph relating to the issuance of the so-called Treasury cards.

According to Mr. Griner, a number of IRS employees in New York have been dismissed on the word of a tax practitioner who is an admitted briber of IRS employees. Yet this tax practitioner is still permitted to carry his Treasury card and to represent taxpayers.

On May 12, 1965, the Subcommittee on Administrative Practice and Procedure is having a hearing on S. 1758, a bill which would abolish Treasury cards. Officials of the Department of the Treasury have asked to be heard on that day; and I expect to examine them closely on the identity of the accuser and why he is permitted to keep his card and to continue to represent taxpayers before the Treasury Department.

THE ADEQUACY OF PRODUCTION SCHEDULES FOR MILITARY AIRCRAFT AND HELICOPTERS

Mr. TOWER. Mr. President, it previously has come to the attention of members of the Armed Services Committee that there is some question as to whether our current production schedules for military aircraft and helicopters are adequate to meet the attrition rate which we now are experiencing in Vietnam.

The increasing loss of planes either shot down or damaged has raised the distinct possibility that supplemental funds may be necessary to speed production of such aircraft—both those now being built, and new models shortly to be in production.

The distinguished acting chairman of the Armed Services Committee has pointed this danger out to the Senate and has indicated that his Preparedness Subcommittee will be looking into the situation. I know that it will bring to the Senate an important judgment about this matter.

I noted that Mr. Hanson W. Baldwin, of the New York Times, discussed the attrition worry in detail in Saturday's editions of that paper, pointing out that transfers of planes from existing units already is underway. I ask unanimous consent that Mr. Baldwin's revealing article be printed at this point in the Record, and I sincerely hope that other Senators will give it careful study.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 24, 1965]

Vietnam Problem: A Plane Shortage—Limited Supplies a Worry as Losses Rise—U.S. Craft Also Have Deficiencies

(By Hanson W. Baldwin)

The limited numbers of aircraft available and the technical shortcomings or unsuitability of the U.S. planes used in Vietnam are causing increasing worry among military officers.

Several manufacturers—Douglas, Northrup, and others—have received indications that they may be called upon to initiate or to speed up production of some military types.

Aircraft losses are slowly increasing in Vietnam as air operations are intensified, it is pointed out. Limited numbers of replacements are available for the newest and most modern types. Production lines are small for a few types, nonexistent for others.

To replace the losses, 2 squadrons of B-57 light bombers, totaling 24 planes, have been transferred from Air National Guard units to the Air Force.

TRANSPORT SERVICE AIDED

The Air National Guard has also been called upon to supplement the Military Air Transport Service to a greater degree than normally. Forty-six additional oversea transport flights were flown by Air National Guard planes in March alone.

Helicopters and light aircraft have been transferred from U.S. forces in Europe and this country to Vietnam to provide replacements and to increase helicopter strength there.

A screening of skilled mechanics and other aircraft maintenance personnel has been underway for some time to provide for the increasing needs in Vietnam.

The military believe that some major decisions in budgeting, production, and other areas will have to be taken soon if future shortages in Vietnam are to be avoided and if inadequacies are to be remedied.

They believe that Vietnam is a kind of proving ground for fiscal and military policies and technological concepts and that some of these are being shown to be in error or inadequate or unsuitable.

Present problems stem primarily from the following factors:

The unprogramed nature of the Vietnamese war. The extraordinary expenses and expenditures incurred by U.S. forces in Vietnam have not been budgeted. Supplies, money, and equipment have come from other commands, or as military puts it, out of "other people's hides."

The pronounced reduction in military aircraft inventories and in numbers of planes produced in the United States in the last 10 years. The aircraft inventory of the Air Force and Navy was reduced by more than 4,000 planes in a decade. In 1954, 8,089 military aircraft were produced in the country. The estimate for 1964 is about 1,500.

The failure to develop an aircraft specifically designed for close ground support and for interdiction missions of the type now being flown in Vietnam.

NUCLEAR-WAR CONCEPT CITED

The reduction in aircraft totals has been caused by two policies.

One was the concept that any war the United States fought would be a nuclear conflict and that far fewer planes would be needed to deliver nuclear weapons than conventional bombs. This concept was modified in the closing years of the Eisenhower administration, and funds for conventional warfare have been sharply increased during the tenure of Defense Secretary Robert S. McNamara.

But the greatly increased costs of modern aircraft—$4 million, for instance, for a single modern Navy A-6, a Grumman jet-powered, all-weather attack plane, as compared to about $285,000 for an old A-1, a Douglas propeller-driven Skyraider—have prohibited the replacement of older planes on anything like a one-for-one basis.

Moreover, some thought, the increased capabilities of the new planes in speed, altitude, automation and firepower would more than compensate for the reduction in numbers.

But Vietnam appears to be upholding the contention of those who disagree with this theory, pointing out that one plane can be in only one place at any one time, that its bombload in conventional weapons is limited and that for a conventional war greater numbers of rockets, bombs, and aircraft are required than the military budget has provided for.

BOMBING ACCURACY SCORED

The April 12 issue of Aviation Week notes that there are serious discussions in Washington "about the shortcomings of U.S. aircraft in the Vietnamese war and what means there are to correct them."

"Some Defense Department leaders contend current fighter-bombers are too fast and sophisticated for the job there and are taking fresh looks at proposals for subsonic aircraft equipped with old-fashioned guns and cannon," the magazine adds.

It describes Mr. McNamara as dissatisfied with the bombing accuracy in Vietnam and says he "is expected to show new interest in such aircraft."

The development of planes suitable for the Vietnames type of warfare has been handicapped by a variety of factors—technological differences as to the desirable characteristics of the aircraft, different tactical concepts, service differences about the proper methods for employing airpower in support roles, and Mr. McNamara's cost-effectiveness emphasis, which has tended to emphasize "all-purpose" planes instead of specialized ones.

Some critics contend that it makes no sense to risk multi-million-dollar jet fighters, with electronic systems and missiles, against hundred-thousand-dollar bridges.

Others point out that the kind of plane required for the interdiction of roads and communications must be rugged, capable of withstanding damage from ground fire.

They say it should be able to undertake both day and night missions. The pilot compartment, at least, should be armored, they add, and the plane should be capable of flying for long periods at relatively low altitudes above roads and communications points.

In addition, it is noted, the plane should be equipped for a large and variable armaments load. No jet-powered aircraft appears to meet these requirements fully.

In an article in the April U.S. Naval Institute Proceedings, Lieut. Comdr. A. D. McFall says that the propeller-driven Douglas A-1, now used in limited numbers in Vietnam by the South Vietnamese and U.S. forces, has met the requirements better, than any other plane.

DECLARATION OF VIETNAM AS A COMBAT ZONE

Mr. TOWER. Mr. President, I wish to commend the President for his action of Saturday in declaring Vietnam a combat zone. This action makes income tax benefits available to our men there and serves to point out an obvious fact which has previously been ignored.

Vietnam is indeed a combat zone. It has been for some time.

The President's action accomplishes the purposes sought in this Chamber last January by the introduction of a bill to declare Vietnam a combat zone. I was pleased to welcome as cosponsors on that bill (S. 459) Senators ALLOTT, BENNETT, CLARK, FANNIN, FONG, JORDAN of Idaho, MURPHY, RANDOLPH, and SIMPSON.

I am sure that these cosponsors would agree with me today that nothing could give them more satisfaction than now being able to note that the bill is no longer necessary. Its goal has been accomplished and rightfully so.

It is now my hope that having given public notice that we regard Vietnam as a combat zone, this Government will promptly proceed to extend to our men there the other benefits this Nation normally has provided to fighting men.

I, for one, shall do all that I can to make certain that a Vietnam GI bill is enacted granting education and loan benefits similar to those granted by the Korean GI bill.

I am pleased to note that a Vietnam GI bill was introduced in the Senate in January by myself and Senators ALLOTT, BARTLETT, CURTIS, FANNIN, FONG, MUNDT, MURPHY, RANDOLPH, and SIMPSON. I hope that it will be enacted as a part of the coming higher education bill.

Mr. President, members of all the armed services, both officer and enlisted, have told me and written to me that they regard their service in Vietnam to be under combat conditions equal to those of Korea and World War II.

As every Senator knows, some 33,000 U.S. personnel are committed to the Vietnam war. Nearly 500 of these have been killed. We are losing boys and equipment there almost every day in this fight against communism.

America's Armed Forces have suffered more battle casualties in the war against Communist guerrillas in Vietnam than they did in the war with Spain in 1898, according to official figures. The Spanish-American War, which began 67 years ago this month, is listed officially as one of the eight principal wars in which the United States has participated.

In the undeclared hostilities in Vietnam, not on the official list, the U.S. toll to date is 2,344 killed and wounded by enemy action and a further figure of 36 captured or missing. The comparable statistics for the war with Spain, fought in Cuba and the Philippines in April-August, 1898, are 2,047 killed and wounded in battle.

Americans fighting in southeast Asia today, and those who risked their lives in earlier years, are entitled to be regarded as combat veterans for income tax purposes and for education benefits.

The period 1954 to 1959 was a quiet period in Southeast Asia with the United States conducting a low-key military program of some 700 advisers. Communist terror and subversion were at a low level. Then, in 1960, the North Vietnamese Communists initiated a turning point with their decision to take over full direction of efforts to seize South Vietnam.

The American buildup in response to obvious Communist designs began in 1961 when we increased the number of advisers to some 2,000 in the face of Red infiltration. By 1962, we were up to 11,000 men; by 1963, to 15,500, by 1964, to 23,000; and today, to nearly 28,000.

DENIAL OF USE OF MIGRANT FARM LABOR IN TEXAS

Mr. TOWER. Mr. President, I note that once again, today, the Secretary of Labor has forgotten Texas.

Earlier this month he admitted that his past position on the admission of bracero farmworkers was grievously in error. On April 9 he reversed his ban—which was causing a danger of rotted crops and higher consumer prices—and allowed thousands of West Indian workers to enter the country, as they normally have in the past, to assist in the citrus harvest in Florida.

I was pleased that he took care of Florida's problem, but amazed that he had ignored the same problem in my State and in California.

Now today, I see that California has been admitted to the Labor Department's union and that 1,500 Mexican bracero workers have been admitted to work the asparagus and strawberry harvests in the San Joaquin and Salinas Valleys.

I commend California upon its good fortune, but I am astonished that the Secretary, having admitted the mistake of his nonadmittance policy, should once again only partially remedy his error.

Texas faces the same economic chaos on the farm as did Florida and California. Once again, I urgently call upon the Secretary of Labor to consider the plight of Texas and to apply his bracero remedy nationwide without discrimination.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Tuesday, April 27, 1965, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 26, 1965:

IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Charles K. Duncan, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

COAST AND GEODETIC SURVEY

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Coast and Geodetic Survey:

To be lieutenants

Freddie L. Jeffries
Gerald R. Schimke
John D. Boon III

To be lieutenants (junior grade)

Paul W. Larsen
Leland L. Reinke
Henry L. Pittock III
Ronald W. Elonen
John B. Jones III
Thomas E. Ryder
Christian Andreasen
Carl N. Davis
Edward E. Jones
Frederick J. Kuehn, Jr.
Robert H. Leininger
John E. Dropp
Conrad E. Huss
William Y. S. Williams
Lindle E. Barnett
William J. Cooke
Neal A. Horst
Joseph W. Dropp
Walter F. Forster II
Delwyn C. Webster
Joseph T. Smith
Peter M. Schidrich
Robert C. Westphall
Billy G. Morrison
Danford A. Moore
William R. Kiesse
Gerald M. Ward
Woodrow E. Bliss, Jr.
David L. Hough
Phillip C. Johnson
Rodger K. Woodruff
James M. Wintermyre
Karl W. Kieninger, Jr.
Karl S. Karinch

To be ensigns

Leonard T. Lynch, Jr.
Thomas F. Scygiel, Jr.
Stanley M. Hamilton
[illegible]
Leonard Larese-Casanova
Dennis E. Youngdahl
Kirk P. Patterson

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Erban E. Wakefield, Jr., Columbia, Ala., in place of W. H. Bryan, transferred.

ALASKA

Leolia M. Roelle, Platinum, Alaska, in place of B. M. Homstad, resigned.

Charles L. Hermens, Skagway, Alaska, in place of L. T. McGuane, transferred.

ARIZONA

Harold L. McDonald, Window Rock, Ariz., in place of E. E. Barnhill, retired.

ARKANSAS

William R. Jennings, Lakeview, Ark., in place of J. L. Penrod, retired.

CALIFORNIA

Hermon G. Whitham, Auburn, Calif., in place of J. G. Walsh, retired.

Judith S. Angell, Bonita, Calif., in place of J. B. Loomis, retired.

Isadore J. Trigueiro, Edwards, Calif., in place of R. J. Hazard, resigned.

Ora G. Knudson, Lakewood, Calif. Office established December 31, 1956.

Elsie L. Lindner, Lemoncove, Calif., in place of Elizabeth Lane, retired.

Albert J. Hoyt, Topanga, Calif., in place of H. E. Rolfe, resigned.

COLORADO

W. Calvin Berk, Idledale, Colo., in place of L. P. Silver, retired.

CONNECTICUT

Marie B. Reid, Amston, Conn., in place of W. A. Holbrook, removed.

FLORIDA

Walter A. Pfirman, Cape Canaveral, Fla., in place of E. J. Holmes, resigned.

Harvey F. Baker, Citra, Fla., in place of W. W. Hooker, Jr., retired.

Leroy Renfroe, Dover, Fla., in place of F. B. Schneider, resigned.

Everett W. Driggers, Laurel, Fla., in place of Eva Zeigler, retired.

GEORGIA

Dolores W. Pearman, Chula, Ga., in place of G. C. Pearman, retired.

Roberta I. Barton, Georgetown, Ga., in place of J. C. Griffin, retired.

Monterie C. Brewer, Lumber City, Ga., in place of J. R. Nease, retired.

Bernard Knowles, Jr., Stockbridge, Ga., in place of V. G. Callaway, retired.

IDAHO

Glen H. Sherman, Greenleaf, Idaho, in place of L. G. Dillon, deceased.

John R. Welz, Saint Maries, Idaho, in place of S. R. Walker, retired.

ILLINOIS

William T. Wasilewski, Athens, Ill., in place of R. L. Campbell, retired.

Kenneth M. Mosher, Dahinda, Ill., in place of A. R. Woolsey, retired.

Elizabeth F. Parsley, Malta, Ill., in place of C. E. Saur, retired.

Martha K. Webster, Palatine, Ill., in place of C. J. O'Hara, resigned.

INDIANA

Raymond P. Spurgeon, Brownstown, Ind., in place of Grace Cross, retired.

Rose M. Darling, Guilford, Ind., in place of C. M. Buchanan, deceased.

IOWA

Cady J. Reece, Bradford, Iowa, in place of A. L. Jones, retired.

Ralph L. Zearley, Edgewood, Iowa, in place of M. E. Smith, retired.

Sam K. Merrill, Kellerton, Iowa, in place of L. A. Spencer, transferred.

Eldon J. Stein, Manson, Iowa, in place of Aaron Sutter, deceased.

Stanley R. Johnson, Nodaway, Iowa, in place of R. A. Stalder, retired.

Sara L. Holt, Randall, Iowa, in place of C. C. Peterson, retired.

Sidney J. Ness, Underwood, Iowa, in place of E. L. Klopping, retired.

Richard D. Hulse, Van Meter, Iowa, in place of L. B. Miller, retired.

KANSAS

Earl A. Drake, Garfield, Kans., in place of T. W. Sloan, retired.

Roger K. Perry, Saint Marys, Kans., in place of Jeannette Byrnes, retired.

Raymond Patterson, Washington, Kans., in place of H. F. Geistfeld, retired.

KENTUCKY

James N. Logsdon, Lewisburg, Ky., in place of C. B. Marshall, retired.

LOUISIANA

Aline F. DePrima, Berwick, La., in place of W. Y. Kemper, Jr., deceased.

Ned L. Arceneaux, Lafayette, La., in place of E. A. O'Brien, retired.

MAINE

Clayton E. Adams, Solon, Maine, in place of Aubrey Kelley, deceased.

MASSACHUSETTS

Robert O. Montgomery, Brewster, Mass., in place of R. E. Allen, retired.

Mary E. Lee, Middleton, Mass., in place of M. V. Meagher, retired.

Francis P. Shea, Plymouth, Mass., in place of W. F. Goodwin, retired.

MICHIGAN

Jack H. Gillow, Milford, Mich., in place of C. H. Jeffers, resigned.

Roy M. Skinner, Rockwood, Mich., in place of G. J. Ruff, retired.

Elaine C. Anderson, Sagola, Mich., in place of H. D. Nichols, retired.

MINNESOTA

Walter O. Grotz, Delano, Minn., in place of A. O. McEachern, retired.

Ronald E. Sebenaler, Mentor, Minn., in place of D. C. Tice, retired.

Walter S. Seline, Mora, Minn., in place of M. E. Williams, retired.

Patricia M. Arnold, Young America, Minn., in place of E. C. Nuernberg, retired.

MISSISSIPPI

Julian K. Allison, Cascilla, Miss., in place of J. E. Brewer, transferred.

Cecil B. Jones, Sherard, Miss., in place of E. W. Jones, retired.

MISSOURI

Helen H. Bagbey, Bertrand, Mo., in place of L. L. Voelker, retired.

MONTANA

Alice R. Bellamy, Dutton, Mont., in place of C. W. Hektner, retired.

Elmer W. Page, Sidney, Mont., in place of K. G. Carpenter, retired.

NEBRASKA

Neal C. Thompson, Dalton, Nebr., in place of D. D. Ermand, retired.

Glenn D. Fraass, Lodgepole, Nebr., in place of E. A. Misegadis, transferred.

Evelyn M. Fees, Miller, Nebr., in place of W. B. Brown, transferred.

Anastasia M. Vrchlavsky, Saint Columbans, Nebr., in place of I. E. Hines, retired.

Edward V. Sis, Stratton, Nebr., in place of L. L. Rook, retired.

NEW HAMPSHIRE

Bruce M. Bottomley, Melvin Village, N.H., in place of M. H. Robie, retired.

NEW JERSEY

Louis J. Rossi, Avenel, N.J., in place of G. E. Fox, retired.

George J. Lahey, Highlands, N.J., in place of C. M. Johnson, Jr., retired.

Alice S. Mulvey, Landing, N.J., in place of M. L. Mulvey, retired.

Rocco N. Bonforte, Long Branch, N.J., in place of J. W. Guire, retired.

Joseph J. Benucci, Newark, N.J., in place of L. A. Reilly, retired.

Vincent J. Sindone, River Edge, N.J., in place of W. H. Beekman, deceased.

Edwin Zdanowicz, Rochelle Park, N.J., in place of F. J. Butterworth, retired.

James A. Marley, Westville, N.J., in place of Walter Darlington, Sr., retired.

NEW MEXICO

James N. Tinnin, Farmington, N. Mex., in place of V. A. Martin, retired.

Albert A. Ortega, Grants, N. Mex., in place of William Fitch, Jr., resigned.

Thomas T. Knight, Tesuque, N. Mex., in place of L. H. Duncan, retired.

NEW YORK

Robert V. Gorman, Apulia Station, N.Y., in place of W. E. Briggs, retired.

Edwin J. Faber, Caroga Lake, N.Y., in place of Burton Yates, retired.

Oreina L. Lavoie, Champlain, N.Y., in place of E. A. Coonan, deceased.

William J. Marsh, Cleveland, N.Y., in place of O. E. Westcott, deceased.

Donald R. McMahon, Dresden, N.Y., in place of E. H. Chambers, retired.

Robert K. Norton, Fayetteville, N.Y., in place of C. A. O'Brien, retired.

Richard C. Smolk, Findley Lake, N.Y., in place of J. L. Hull, deceased.

Joseph F. Clark, Hughsonville, N.Y., in place of C. A. Young, resigned.

Ellen M. Poley, North Branch, N.Y., in place of Amanda Stewart, retired.

Grant D. Morrison, Northville, N.Y., in place of P. H. Griffing, retired.

William H. Aubrey, Rouses Point, N.Y., in place of H. D. Ashline, retired.

Sarah J. Keene, South Colton, N.Y., in place of L. H. Selleck, deceased.

Edwin E. Wallace, Spring Valley, N.Y., in place of E. P. Humbert, deceased.

Francis J. Foote, Valois, N.Y., in place of J. E. Hawes, declined.

Lester R. Marshall, Waverly, N.Y., in place of A. J. Kane, retired.

Orville B. Clark, Westons Mills, N.Y., in place of N. E. Kamery, retired.

Frances I. Straley, West Park, N.Y., in place of G. M. Ackert, deceased.

NORTH CAROLINA

James D. Scroggs, East Flat Rock, N.C., in place of J. E. Creech, retired.

William W. Tarkington, Manteo, N.C., in place of D. V. Meekins, deceased.

NORTH DAKOTA

Carrol G. Jorgensen, Haynes, N. Dak., in place of L. R. Church, retired.

Eliot C. Runquist, Jamestown, N. Dak., in place of Marjorie Zappas, retired.

OHIO

Dorrill D. Bounds, Litchfield, Ohio, in place of C. E. Fratz, transferred.

Maynard B. Pelton, Medina, Ohio, in place of S. L. Hartman, retired.

Clinton E. Miller, Oak Hill, Ohio, in place of C. S. Corvin, retired.

OKLAHOMA

William W. Tripp, Blair, Okla., in place of F. H. Hawkins, retired.

Virginia M. Cantrell, Hooker, Okla., in place of H. D. Gill, transferred.

Aaron D. Howell, Manitou, Okla., in place of C. A. Reffner, transferred.

Jerome H. Hodgens, Jr., Moffett, Okla., in place of J. H. Hodgens, retired.

Harold G. Brown, Nicoma Park, Okla., in place of A. V. Werner, retired.

OREGON

Russell K. McCullough, Dufur, Oreg., in place of L. C. Bliem, retired.

PENNSYLVANIA

Jeanne Z. Sampsell, Laurelton, Pa., in place of H. P. Harter, retired.

Monroe J. Stavely, Littlestown, Pa., in place of C. L. Schwartz, retired.

James Y. Schelly, Orefield, Pa., in place of W. C. Stauffer, retired.

William R. Ewing, Saegertown, Pa., in place of M. E. Byers, retired.

C. Levi Scheidy, Shartlesville, Pa., in place of W. A. Stump, retired.

Justin J. Shook, Spring Mills, Pa., in place of P. E. Rossman, retired.

Salvadore J. Sposato, Weatherly, Pa., in place of E. T. Dodson, resigned.

TENNESSEE

J. Addison Bringle, Covington, Tenn., in place of J. S. McBride, retired.

Jake L. Gilreath, Kodak, Tenn., in place of F. C. Gilreath, transferred.

William C. Garner, Madisonville, Tenn., in place of M. S. Franklin, retired.

TEXAS

William E. Rogers, Center, Tex., in place of S. E. Burns, deceased.

James C. Wood, Coppell, Tex., in place of C. O. Parker, retired.

Betty J. Yauck, Darrouzett, Tex., in place of L. M. Winfough, retired.

Ben W. Laird, Kilgore, Tex., in place of Crown Dickson, retired.

Milton Farmer, Pearland, Tex., in place of R. O. Warner, retired.

Holley H. Arnold, Trinity, Tex., in place of Hattie Waller, retired.

VERMONT

Ralph N. Hilliard, West Burke, Vt., in place of M. M. Duval, retired.

VIRGINIA

Clayborne H. Phillips, Burgess, Va., in place of M. H. Covington, retired.

James A. Threewitts, Dendron, Va., in place of G. W. Spratley, retired.

Bine S. Cross, Occoquan, Va., in place of L. B. Woodyard, retired.

WASHINGTON

Donald E. Ringhouse, Clearlake, Wash., in place of Sadie Ensch, retired.

John G. Iafrati, Du Pont, Wash., in place of G. A. Henson, Jr., resigned.

WEST VIRGINIA

James E. Matthey, Bristol, W. Va., in place of L. S. Jones, retired.

WISCONSIN

George M. Loomis, Sr., Brooklyn, Wis., in place of R. W. Williams, transferred.

Louise M. Gross, Brule, Wis., in place of D. E. Clemons, retired.

Clark W. Clary, Hustler, Wis., in place of E. M. Barrett, retired.

H. Paul Howard, Spring Valley, Wis., in place of H. A. Kirk, retired.

WYOMING

Theodore E. Anderson, Greybull, Wyo., in place of O. O. Harvey, deceased.

Richard Hays, Riverton, Wyo., in place of L. A. Millard, retired.

EXTENSIONS OF REMARKS

The Armenian Massacres in Turkey in 1915

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1965

Mr. PUCINSKI. Mr. Speaker, the tragedy of Armenians in Turkey in 1915 marks the saddest event in the long and turbulent history of the Armenian people. That event, unprecedented in the annals of modern history, in one fell swoop did away in a most cruel manner with nearly all of the 2 million Armenians in Turkey, and it remains the blackest page in Armenian history.

For centuries Armenians had suffered under alien yokes in their historic homeland, and since the early 16th century endured the heavy yoke of Ottoman sultans. While making the best of a very bad situation, under almost unbearable conditions, they had hopes of improving their second-class citizen status through some reforms. In the latter part of the last century, and especially in the years after the turn of the 20th, they did their best to have such reforms instituted in areas where they constituted a large part of the population, especially in the old Armenian provinces in eastern Asia Minor. They naturally hoped that through such reform measures their life, liberty, and property would be guaranteed against the brigandage of wild Kurds and unscrupulous government officials. But the Turkish authorities did not welcome and would not institute such reforms; and the more the Armenians petitioned, insisted, and pressed for such reforms, the more the Turks opposed any such measures. In 1913, however, the Turks agreed, upon the insistence of certain European governments, to make certain improvements. But they felt that this was imposed upon them at the instigation of Armenian leaders, and therefore they felt they had to teach the Armenians a lesson. The First World War gave them the opportunity to do this.

Soon after the outbreak of that war, the Turkish authorities proceeded to carry out their hideous plan of exterminating the Armenian population of Turkey through deportation, starvation, and wholesale massacres. In less than a year they succeeded in their ghastly task while European friends of the Armenian people were involved in the war and therefore unable to help. It is the 50th anniversary of that tragedy that is being observed this year, with sadness and solemnity, in all Armenian communities throughout the world, commemorating the martyrdom of more than 1 million Armenians.

Armenian Memorial Day

EXTENSION OF REMARKS

OF

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1965

Mr. ANNUNZIO. Mr. Speaker, half a century ago, on April 24, 1915, the Government of the Turkish Empire as an ally of the Central Powers, commenced a systematic plan of massacre of the Armenian nation which took the terrible toll of more than 1,500,000 lives and left more than a million displaced, exiled and horribly scarred men, women and children as victims of the first modern genocide.

This was not the first genocide in the infamous history of the barbaric Turks, who, true to their Mongol heritage, destroyed and burned everything in their path.

The people in the Turkish-occupied Armenia had existed in the numbness of a virtual state of slavery since 1375, when the last Armenian kingdom in Cilicia fell prey to the invading Memlouls.

The Armenocide of 1915 not only destroyed lives, but thousands of cities and towns and centuries-old monasteries. Churches were destroyed and burned. Countless old manuscripts, bibles, and valuables of art together with savings and property were destroyed. This destruction totaled more than $35 billion.

The Armenians were condemned to death because they had willed to live on their ancestral soil as a free Christian nation.

Since this horrible massacre, the same pattern has been followed by Communist, Fascist, and Nazi dictators.

Genocide must be branded for the crime that it is. Any one responsible for this brutality shall ultimately be brought to justice. Persecution of defenseless minority peoples must be stopped. The world must be alerted that the atrocities which have been committed against the Armenian people will not be repeated.

The Armenian martyrs of 1915 contributed strongly to the victory of America and its Allies in World War I and prompted President Woodrow Wilson to say "The Armenians are our little ally."

It should be noted that of all the nations who participated in the grand alliance of 1915–1918, the Armenians were perhaps the smallest of these, but the Armenians suffered more casualties than any of the other states of that alliance.

The American people have an obligation to these people which could be fulfilled by revising the Immigration and Nationality Act. We Americans must provide a haven for the fair share of these homeless people and other refugees and escapees who have fled or have been displaced by forces of tyranny.

Indiana Man Earns Praise in Tornado Relief Action

EXTENSION OF REMARKS

OF

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Monday, April 26, 1965

Mr. HARTKE. Mr. President, Charles A. Howell, of Hagerstown, Ind., is a township trustee, Wayne County Democratic chairman, and a personal friend. It was, therefore, with great interest that I read a release, from the U.S. Department of Agriculture, recounting the extraordinary service rendered by Charlie Howell to the stricken individuals and communities of Indiana. As director of school lunch and commodity distribution, Mr. Howell set out with a truckload of foods from the USDA warehouse in Indiana; and, by long hours and hard work, in the 3 days following the disaster, he had supplied some 25,000 pounds of USDA-contributed foods to an estimated 5,000 people in need of help.

The tornado disaster of Palm Sunday was a great blow to the State of Indiana. But courageous people are beginning to plan, to rebuild, to pick up the pieces. To Charlie Howell, I extend my congratulations on behalf of those whom he has helped. I ask unanimous consent that the Department of Agriculture account be printed in the CONGRESSIONAL RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

SECRETARY FREEMEN PRAISES INDIANA WORKER FOR TORNADO AREA FOOD DISTRIBUTION

Secretary of Agriculture Orville L. Freeman today commended the Indiana school lunch and commodity distribution State director for personally bringing practical food help to several thousand victims of the Palm Sunday tornadoes.

The Secretary said the actions of Charles A. Howell, who in the 3 days following the disaster brought several large truckloads of U.S. Department of Agriculture donated foods to communities and farmhouses in the swath of the killer wind that devastated parts of northern Indiana, "typifies the selfless dedication demonstrated by hundreds of local, State, and Federal workers during this widespread disaster."

In a letter of commendation to Mr. Howell, Secretary Freeman said, "Your actions during this emergency are a vivid example of what the Federal-State partnership in this distribution of our Nation's agricultural abundance means. I know that the several thousand people whom you and your small crew so capably served during your 3 days of dawn-to-midnight expeditions join me in this sincere commendation and expression of heartfelt thanks."

Mr. Howell, who resides on a farm near Hagerstown, Ind., has been director of school lunch and food distribution activities in the Hoosier State for 6 years. Married and the father of three children, he is also a grandfather. For the past 12 years, he has been a township trustee in Wayne County. Mr. Howell is an ex-serviceman, having served in Europe.

Following is an account of Charles A. Howell's 3-day accomplishments in getting USDA-donated foods to victims of Indiana tornadoes, pieced together from reports of Consumer and Marketing Service food distribution fieldworkers and telephone contact with Mr. Howell:

With communications lacking and without knowledge of what he might encounter, brawny Charlie Howell, an employee of the State with the formal title of school lunch and commodity distribution director, early Monday started off with a truckload of assorted USDA foods picked up from storage in Indianapolis. Following the tragic path of the tornado, he drove to Lebanon, one of the first towns hit. Here he left donated foods at the National Guard Armory, where Guard cooks had set up mass feeding operations for about 200 persons.

On the road again, Charlie Howell stopped in small communities and even single farmhouses, to leave food wherever he found need. One stop was in the small rural community of Elizaville, where he left food at the town hall with Red Cross volunteers who were struggling to provide help for shocked and dazed tornado victims.

Then on to Russiaville, where more than one-third of the 1,300 population was homeless. The Salvation Army needed so much food that Charlie Howell dropped the remainder of his load and returned immediately to the Indianapolis warehouse to reload his truck. His second foray through tornado-hit communities ended at midnight Monday near Kokomo.

Early Tuesday morning, Charlie Howell was off again with another truckload of USDA food, loaded on at a warehouse in Kokomo. Tuesday and Wednesday followed the same pattern as the previous day, through tornado-hit communities of Greentown, Marion, Lynn Grove, Wyatt and Elkhart, among others. By midweek, Mr. Howell and his crew had brought foods to all stricken communities.

In all, Charlie Howell and his truck brought something like 25,000 pounds of USDA-donated commodities to some 5,000 people who needed this help.

Other foods in school lunchrooms and in distribution centers in those townships participating in the needy family donation program were made available to disaster agencies to help relieve human suffering.

Some 300 people are receiving USDA foods at Lynn Grove in the Fort Wayne area, where the National Guard has set up mass feeding facilities, and at least another 300 are being fed at Wyatt where the Salvation Army is using both a stationary and a traveling kitchen.

About 1,000 at Dunlap, 800 at Mulberry, over 400 at Marion, 350 at Greentown, 300 at the Jefferson school near Goshen also are receiving USDA foods. From Crawfordsville to Berne, and from Koontz Lake to Elkhart, USDA foods are helping to feed the thousands of victims left homeless and destitute by the twisters that whipped through the peaceful Hoosier countryside on Palm Sunday, 1965.

Additional U.S. Aid to Nasser's Egypt?

EXTENSION OF REMARKS

OF

HON. JAMES ROOSEVELT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1965

Mr. ROOSEVELT. Mr. Speaker, a few days ago, on April 21, there appeared in the Los Angeles Times an editorial entitled "Additional U.S. Aid to Nasser's Egypt?" the full text of which follows:

ADDITIONAL U.S. AID TO NASSER'S EGYPT?

Can Gamal Abdel Nasser be serious in his reported request for $500 million in U.S. aid to Egypt over the next 3 years? Ah, indeed he can. Like the patricide who seeks mercy from the court because he is now an orphan, Nasser has always shown an incredible impudence in his dealings with the United States.

Being slow to anger and quick to forgive may well be a commendable virtue, but it is one that has definite limits in international relations. The House recognized this in January when it voted to halt further surplus food shipments to Egypt. Under executive prodding this stand was abandoned.

But the House vote reflected a widespread feeling that in Egypt's case the United States has run out of cheeks to turn, just as it has run out of libraries for Egyptians to burn down.

Most of the $1.2 billion in U.S. aid to Egypt since 1952 has consisted of surplus food, mostly grain. The United States doesn't want to take this food out of the mouths of hungry fellahin. But an end to U.S. wheat sales, which Nasser has said he expects and has planned for, wouldn't have to do this.

The serious shortages of food and other consumer necessities in Egypt haven't occurred simply because Egypt is a poor country with a too rapidly growing population. The shortages exist because the Egyptian

> Government has squandered countless millions on needless, unproductive, and largely malicious enterprises of no value at all to the Egyptian people.
>
> Nasser has had no trouble finding the money to sustain a 50,000-man army in Yemen, or to supply Congo rebels, or to subvert other governments, or to pay off on $1 billion worth of Soviet arms. With limited resources, he has chosen which courses to follow.
>
> The State Department argues about the need to maintain a U.S. influence in Egypt. What influence? Nasser daily grows chummier with the Communists and meddles more openly in the business of other nations. He has worked, independently or as a Soviet agent, against free world interests at a score of points.
>
> It is impossible to see why the United States, through aid of any kind, should contribute to the furtherance of these policies. The answer to any Egyptian aid request is written in Nasser's own record.

The opinion expressed is precisely that which I hold on this subject, and it is shared by my constituents, as indicated in their many letters to me over the past months.

In view of Nasser's past performances, and particularly his grossly insulting actions and speeches during this last year, I simply cannot see how the U.S. Government can possibly give favorable consideration to any further request for U.S. aid to the United Arab Republic without a strong, positive indication of a sincere and definite about-face in position and policy.

So far as I can determine, the continued discretion granted to the President early in this congressional session has had absolutely no effect in what appears to be our continually deteriorating relations with the United Arab Republic. A firmer approach to the problem through the executive branch might serve some useful purpose. There can be no question, however, that it appears more advisable to exert pressure for a policy change through provision for prohibition of further assistance in the foreign aid authorization bill now under consideration by the Foreign Affairs Committee.

I earnestly caution my colleagues to watch this development closely, and unless some more effective presentation evinces a promise of improved relations, I urge them—on both sides of the aisle—to stand resolute to the position originally adopted by the House in its vote on January 26 of this year, and to do what we can to convince the other body that such position has proved to be correct.

Absentee Voting by Servicemen—A Bill To Amend the Federal Voting Assistance Act of 1955

EXTENSION OF REMARKS

OF

HON. EDNA F. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1965

Mrs. KELLY. Mr. Speaker, the question of servicemen's voting was raised during the press conference held by Secretary McNamara. Since 1950, Mr. Speaker, I have carried out everything within my capacity to encourage servicemen voting and to facilitate their voting. The services know this, or should know it. The proper committees involved have been questioned and have been requested to pass my resolution. Action was taken on one occasion but this action was limited.

Finally, after much prodding on my part, the Department of Defense issued a directive on absentee voting. They can do it now if they desire—and the following resolution is explanatory of the proper method.

Mr. Speaker, I have sent a copy of my resolution together with the following letter to the Secretary of Defense and I hope that he will see that a good directive is issued and put into operation.

The letter and resolution follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 26, 1965.

HON. ROBERT S. MCNAMARA,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I was very happy that I took the time to listen to your press conference on April 26 and I commend you for your informative and concise answers.

One of the questions raised at your press conference was one involving servicemen's voting to which you replied you would look into this issue. In an endeavor to be helpful, I wish to call to your attention that for many years I have been deeply concerned regarding servicemen's right to vote. One of the resolutions I introduced in the 86th Congress recommended "in hand" delivery of military ballot applications to all members of the Armed Forces.

For many years I have introduced the enclosed bill to provide for "in hand" delivery of military ballot applications to all servicemen. This application would be an ordinary postal card which when signed by the serviceman would be returned to his home State and a commission would see that he received his proper absentee ballot in order to vote. By "in hand" delivery I mean that the same method of giving the serviceman his personal mail would be followed in giving him a post-card application. In 1955 a Federal Voting Assistance Act was enacted into law but it only pertained to national elections. Under this act a serviceman could request an application from his commanding officer. You can imagine how few boys in far-off lands would make this request.

New York State has a division for servicemen's voting which is bipartisan. The Democratic director of this division, the Honorable Neil M. Lieblich, who is a personal friend as well as a neighbor of mine, has over the years helped me submit this problem. Unfortunately, Mr. Lieblich is very ill at the present time. Commissioner Lieblich came to Washington on many occasions and spoke with Mr. Platt, deputy coordinator of the Federal voting assistance program of the Office of the Assistant Secretary of Defense (Manpower), and I am sure that their file is as voluminous as mine on this subject.

The latest action on this was that Mr. Platt informed me that the Department of Defense issued a directive providing that in all general elections occurring on even-numbered years, a Federal post card application for an absentee ballot would be issued by delivery in hand to all Armed Forces personnel of voting age. However, there is a problem involved in that there being no general elections in odd-numbered years in many States, no provision is provided for delivery of applications to residents of those States of the Union which do conduct general elections in odd-numbered years.

I am so bold to suggest that one of your people look into the absentee ballot program for the State of New York and study this procedure with a view toward issuing a directive in line with this method as I feel it is a foolproof one.

Military ballots are important as it as been found that with the increase in servicemen voting many close elections have been decided by this vote.

I plan to speak on the House floor regarding this matter and your comments on this subject would be appreciated.

Sincerely yours,

———. ———.

H.R. 1045

A bill to amend the Federal Voting Assistance Act of 1955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Act entitled "An Act making recommendations to the States for the enactment of legislation to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise, and for other purposes", enacted August 9, 1955 (69 Stat. 589), is amended by striking out "made available" in the second, third, and fourth sentences of clause (2) and inserting in lieu thereof, in each of such sentences, "delivered in hand".

President Johnson's "100 Days"—A Remarkable Record of Achievement

EXTENSION OF REMARKS

OF

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1965

Mr. THOMPSON of New Jersey. Mr. Speaker, a most informative article in the current issue of U.S. News & World Report describes the remarkable record of achievement by President Johnson and the Democratic 89th Congress during the first 100 days of this session. According to the article "nothing to touch it has been seen since F.D.R.'s first 100 days." Those who carefully examine the record certainly agree.

The U.S. News observations are much like the comments that I made last week in my own newsletter. Mr. Speaker, under leave to extend my remarks, I include the text of the U.S. News article and my April 22 newsletter at this point:

L.B.J.'S "100 DAYS"—A RECORD PILING UP

It's one success after another for Lyndon Johnson. That has been the record of the 1965 session of Congress to date. Bills that have been bogged down for years are sailing through now. Nothing to touch it has been seen since F.D.R.'s first 100 days.

Not since the first 100 days of Franklin Roosevelt back in 1933 has a President enjoyed the success with Congress that Lyndon Johnson now is enjoying.

In that period 32 years ago, the Nation was emerging from a financial panic with people united in a demand for action. The rapid-fire enactment today of new laws of major importance is coming at a time of high prosperity and of national contentment.

The Johnson record, as a result is being cited by some of the President's aids as even more impressive than the Roosevelt record.

In quick succession, Congress has taken these actions:

Gold backing for deposits with Federal Reserve banks was ended without so much as an argument. The vote: 300 to 82 in the House; 74 to 7 in the Senate.

A billion-dollar development program for the 11-State area in the East known as Appalachia sailed through in the form the White House asked. The vote: 257 to 165 in the House, and 62 to 22 in the Senate.

An aid program for local schools starting at $1.3 billion a year passed both Houses of Congress without a single major change from White House plans. In this case fundamental issues of policy and constitutional principle were involved. The vote: 263 to 153 in the House, 73 to 18 in the Senate.

For years, Presidents have tried to get from Congress approval of a plan for meeting costs of hospital care for elderly people under social security. Always they met defeat. Lyndon Johnson is about to achieve success where others failed. The House has voted medicare, 313 to 115. The Senate, having approved plans in the past, will join in, and could even broaden the plan.

It's the same story with a law to provide Federal supervision of local elections to assure Negroes the right to register and vote in areas where they now meet discrimination. Action by the Congress has been blocked in the past. It is about to be taken now.

Congress also is about to approve and submit to the States an amendment to the Constitution providing for an appointment to the Vice-Presidency if that office becomes vacant. It also provides for a line of action if a President is assassinated, dies or is disabled while in office.

The House approved this plan April 13 by 368 to 29. A similar measure went through the Senate unanimously.

Excise taxes are to be reduced by more than $1.7 billion later in 1965. In this case, Mr. Johnson may have difficulty restraining the urge in Congress to make larger reductions than he wants.

The success story carries all along the line.

The "poverty war" will be given $1.5 billion more to spend. A battle is mounting over the way this money is being used, but critics are saying that, politically, money is money in congressional districts.

There will be the usual approval of foreign aid and approval for a wide range of other White House proposals.

What the President wants: The record suggests this: Nearly anything President Johnson really wants from the 89th Congress he can get. In the Senate today are 68 Democrats and 32 Republicans. In the House there are 294 Democrats and 140 Republicans, with 1 vacancy.

In 1964, during the year when he served out the term of the late President John F. Kennedy, Lyndon Johnson started to make the record that is being developed fully in 1965.

That year, the new President pried loose a tax-cut bill that had been tied up in the Senate Finance Committee while Mr. Kennedy was in office.

President Johnson, too, got through Congress a new law governing civil rights of Negroes—a measure that had been bogged down earlier in Congress and had blocked action on most of the other legislative plans of the late President.

Now the President's program seems to have clear sailing.

There is some doubt that Congress will grant the President's request for a new Cabinet Department of Housing and Urban Development, but a large part of his urban program is likely to be enacted. Also headed for passage is President Johnson's plan to improve water resources and to help cities control air and water pollution.

The President, in fact, has outlined as broad a program for expansion and improvement as Mr. Roosevelt proposed for recovery from depression. And the record of Mr. Johnson's 100 days during the present session of Congress suggests that, with huge Democratic majorities in House and Senate, the President will push most of his projects through.

* * *

In the 32 years which have passed since the first 100 days of the Franklin D. Roosevelt administration, there have been innumerable discussions about the achievements of the Congress in those short 100 days. The actions taken way back then were considered to be fantastic, as indeed they were. Few people, even the most knowledgeable ones, expected a later Congress and administration to match the output of the great 73d Congress. To the delight and surprise of nearly all, the 89th Congress has given the 73d a run for its money.

The United States was in the depths of a horrible economic depression when F.D.R. took office. The people wanted relief and action and they got it in the form of the NRA, the Bank Holding Act, the Bank Moratorium, and the Emergency Relief Act, to mention the major bills passed. The administration was great, and so was the Congress.

In 1965, when Lyndon B. Johnson took office, he had with him a tremendous popular mandate and an overwhelmingly Democratic Congress, but there were no really great legislative demands from a people enjoying relative prosperity. The President had his own program, however, and he wasted not a minute in making his recommendations to what has turned out to be an eager and responsive Congress. The results have been nothing short of sensational in President Johnson's first 100 days.

The first measure of importance to travel the whole distance and become law was L.B.J.'s program for poverty stricken Appalachia. The Senate acted first, and then the bill was placed in the hands of the extraordinarily skillful Representative ROBERT E. JONES, Alabama's only liberal Member. JONES steered the bill through without a single amendment—a splendid and unusual achievement.

The Appalachia legislation will help not only the States directly involved but will benefit the whole Nation as the economy of that poor area improves. New markets will open, and thousands of men will be put back to work to take their places as taxpayers and customers. Their children will receive better educations and, hopefully, be prepared to enter the job market equipped to be employed.

The President's next legislative victory ended a fight of nearly 100 years within the 100 days when the great education bill sailed through the Congress. In this instance, the bill originated in the General Education Subcommittee of the House. From the time it left our subcommittee, all the way to the President's desk for signature, not one comma in it was changed. In this case, the bill was handed to the colorful and able Senator WAYNE MORSE, of Oregon. He duplicated Representative JONES' feat of passing the bill unamended. Several of my earlier newsletters have discussed the education bill in depth, so I shall say only that the entire Nation will benefit permanently from the education program.

Following the education bill, the House passed a massive revision of the social security law including President Johnson's medicare program. Only a year ago, the Senate passed a medicare program, but it failed to get out of Committee in the House. Many feel that the last Congress would have defeated medicare if it had reached the House for a vote. We will never know, but it's safe to say that the margin would never have been within a hundred votes of what it was in the 89th Congress. As time goes by, I shall make available to my constituents the many details of the medicare and social security programs. They are marvelous, in my opinion.

As we break for a few days' rest, we are confident that a voting rights bill will be ready for action upon our return. A great national demand has built up favoring this legislation, and I suppose that we can thank Alabama's Governor George Wallace and his red-neck pals for that demand. There have been many martyrs in the cause of equal rights who shall be remembered long after the Wallaces have been forgotten. Their monument will be the real emancipation of the southern Negro. The red-neck monument will be the shame they brought to their neighbors and to the Nation.

Before it leaves office, a long time from now, the Johnson administration will have done much more than its sensational 100 days have already brought forth. The administration recognizes the needs of the people and of the country and intends to meet those needs. There will be mistakes, too, for this is the nature of things. I predict, though, a favorable balance sheet in the history books and am honored to have a small part in the making of that history.

SENATE

TUESDAY, APRIL 27, 1965

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: From the vain deceits of the uncertain world in which our lot is cast, we turn from the baffling problems which daily beseige us to this white altar, reared at the gates of the morning, which speaks to us ever of our final reliance on the supreme spiritual forces on which our salvation in the end depends.

Entering reverently this sacred, fenced-in area of sacramental quietness, we would bow in the Presence in which we always are, in the calm confidence that Thou dost hold the whole world in Thy hands and all worlds in the firm clasp of a love that never fails.

Keeping ourselves in the grasp of that love, that will not let us go, may we march with conquering tread in the gathering armies of friendship, whose armor is the shield of Thy truth, and whose sword is the might of Thy love, against which all the spears of hate cannot ultimately prevail.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, April 26, 1965, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 1356. An act for the relief of the estate of Johanna Gristede, deceased;

H.R. 3045. An act to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations;

H.R. 3165. An act to authorize the establishment of the Pecos National Monument in the State of New Mexico, and for other purposes;

H.R. 4346. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies;

H.R. 4465. An act to enact part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia;

H.R. 6622. An act to exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1952; and

H.J. Res. 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 100) expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile, in which it requested the concurrence of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated:

H.R. 1356. An act for the relief of the estate of Johanna Gristede, deceased; and

H.R. 4465. An act to enact part III of the District of Columbia Code, entitled "Decedents' Estates and Fiduciary Relations," codifying the general and permanent laws relating to decedents' estates and fiduciary relations in the District of Columbia; to the Committee on the Judiciary.

H.R. 3045. An act to authorize certain members of the Armed Forces to accept and wear decorations of certain foreign nations; and

H.J. Res. 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile; to the Committee on Armed Services.

H.R. 3165. An act to authorize the establishment of the Pecos National Monument in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4346. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies; to the Committee on Commerce.

H.R. 6622. An act to exempt the postal field service from section 1310 of the Supplemental Appropriation Act, 1952; to the Committee on Post Office and Civil Service.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 100) expressing the approval of Congress for the disposal of raw silk and silk noils from the national stockpile, was referred to the Committee on Armed Services, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), the disposal of approximately one hundred and thirteen thousand five hundred pounds of raw silk and approximately nine hundred and sixty-nine thousand five hundred pounds of silk noils from the national stockpile.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request by Mr. Mansfield, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request by Mr. Mansfield, and by unanimous consent, the Committee on Public Works, the Committee on the District of Columbia, and the permanent Subcommittee on Investigations of the Committee on Government Operations were authorized to meet during the session of the Senate today.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance:

Joseph W. Barr, of Indiana, to be Under Secretary of the Treasury; and

Merlyn N. Trued, of New Jersey, to be an Assistant Secretary of the Treasury.

By Mr. PROUTY, from the Committee on Commerce:

Charles Robert Ross, of Vermont, to be a member of the Federal Power Commission.

By Mr. MAGNUSON, from the Committee on Commerce:

John G. Adams, of South Dakota, to be a member of the Civil Aeronautics Board;

James J. Wadsworth, of New York, to be a member of the Federal Communications Commission;

Alexander B. Trowbridge, of New York, to be an Assistant Secretary of Commerce; and

Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp.

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard. Since these names have previously appeared in the Congressional Record, in order to save the expense of printing them on the Executive Calender, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

The nominations ordered to lie on the desk are as follows:

Philip P. Coady, and sundry other persons, to be commissioned officers in the Coast Guard; and

Cecil Warren Allison, and sundry other persons, to be commissioned officers in the Coast Guard.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 1826. A bill to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba; to the Committee on Foreign Relations.

By Mr. CARLSON:

S. 1827. A bill to provide for the issuance of a special postage stamp in honor of the Doctors Menninger for their pioneering work in the field of Mental Health; to the Committee on Post Office and Civil Service.

By Mr. MORSE:

S. 1828. A bill for the relief of Chor Chiu Wun; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 1829. A bill for the relief of Mrs. Stella T. Pittman; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1830. A bill to amend the Agricultural Act of 1949, as amended, in order to provide a price support program for coffee produced in the State of Hawaii; to the Committee on Agriculture and Forestry.

S. 1831. A bill for the relief of Miss Kong Joo Chang; to the Committee on the Judiciary.

RESOLUTIONS

ADDITIONAL FUNDS FOR COMMITTEE ON APPROPRIATIONS

Mr. HAYDEN submitted the following resolution (S. Res. 101); which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the 89th Congress, $35,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

TO DISAPPROVE REORGANIZATION PLAN NO. 1

Mr. PASTORE (for himself, Mr. Holland, Mr. Brewster, Mr. Pell, and Mr. Young of North Dakota) submitted a resolution (S. Res. 102); which was referred to the Committee on Government Operations, as follows:

Resolved, That the Senate does not favor the Reorganization Plan No. 1 transmitted to the Congress by the President on March 25, 1965.

AMENDMENT OF HOUSING AND URBAN DEVELOPMENT ACT OF 1965 (AMENDMENT NO. 100)

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the bill (S. 1354) to assist in the provision of housing for low- and moderate-income families, to promote orderly urban development, to improve living environment in urban areas, and to extend and amend laws relating to housing, urban renewal, urban mass transportation, and community facilities; which was referred to the Committee on Banking and Currency and ordered to be printed.

NOTICE OF POSTPONEMENT OF HEARINGS ON SALINE WATER CONVERSION PROGRAM

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate that due to a conflict of committee schedules it is necessary that our proposed hearings for April 29 and 30 on the status of the saline water conversion program be postponed.

It is with regret that I make this announcement in view of the fact that the committee had received requests to testify from many distinguished scholars and representatives of industry as well as Government officials.

It is my intention to reschedule these hearings on the President's program as soon as a convenient date can be found which will not conflict with other important meetings.

THIRTY YEARS OF SOIL AND WATER CONSERVATION

Mr. CARLSON. Mr. President, today is the 30th birthday of the National Soil and Water Conservation Service.

It was on April 27, 1935, 30 years ago, as a Member of the House of Representatives, that I voted with my colleagues to conserve and save the land. Today there are only 20 Members of the House of Representatives and the Senate who were present and serving in one of those bodies at that time. Among Senators, the distinguished Senator from Arizona [Mr. HAYDEN], the distinguished Senator from Georgia [Mr. RUSSELL], and the distinguished Senator from Virginia [Mr. BYRD] were present.

It is, to my mind, one of the most important votes I have cast in my long years of service in the House and Senate.

I recall hearings prior to that historic occasion. The skies were dark with the dust of the western plains blowing east over Washington and out to sea—good U.S. soil being blown right out of the country—a sacrifice the Nation could ill afford.

On that fateful day in 1935 there was no doubt anywhere in the Congress that legislation was urgently required to bring sound, enduring soil and water conservation practices to the land.

And on this day in 1965 I am convinced of the continuing need for a dynamic program of soil and water conservation for America. We have such a program, and we must be prepared to keep it as effective as possible in meeting the demands of a dynamic people.

When Congress passed the Soil Conservation Act, our concern was with the rural lands that were being blown and washed away. This rural outlook is gradually giving way to a rural-urban understanding of the national needs of soil and water conservation. The town as well as the country has soil and water problems that require professional conservation care.

It is good, on an anniversary, to be able to look back with satisfaction on the years that have passed. Those of us in the Congress who were present when the Soil Conservation Service was born have that satisfaction. We have helped the SCS grow to a maturity that assures the highest type of professionalism in the care of this Nation's land. But we have not been alone.

Only 20 of us remain in Congress of those who joined in the unanimous vote for establishment of a Soil Conservation Service. We are a diminishing number. But soil and water conservation have acquired many new supporters to champion this vital effort. We oldtimers join with them to honor an agency that has rendered lasting service to the Nation.

It would be a hollow honor, however, if we in the Congress did not dedicate our intentions to continued support of soil and water conservation. That support is urgently needed in greater measure now than ever before.

The great crusade launched by Congress 30 years ago has been ably led by capable and dedicated conservationists in the Soil Conservation Service and the soil conservation districts. Their success is the Nation's success, and Congress may be rightly proud of its part in sustaining this grand venture which set out in 1935 to conserve America's soil and water resources and direct their use for the greater benefit of all the people.

RESOLUTION OF KANSAS LEGISLATURE

Mr. President, the recent session of the Kansas Legislature approved Senate Concurrent Resolution 32, memorializing the Congress to continue to provide technical assistance and cost sharing in soil and water conservation and resource development on privately owned lands.

Kansas was one of the first States to have soil conservation districts organized in every one of its 105 counties. These districts have entered into a memorandum of understanding with the Department of Agriculture and depend upon the Department, through the Soil Conservation Service, for the technical personnel needed to carry out an effective soil and water conservation program.

Kansas has effectively utilized the technical assistance provided by the Soil Conservation Service and any reduction in appropriations for these items would seriously retard the work.

I ask unanimous consent that the concurrent resolution be made a part of these remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION 32

Concurrent resolution memorializing the Congress of the United States to continue to provide technical assistance and cost sharing in soil and water conservation and resource development on privately owned lands

Whereas there are indications that the Congress of the United States may be asked to reduce the budget for Federal participation in soil and water conservation and resource development on the privately owned lands of the United States; and

Whereas the present program of providing technical assistance in soil and water conservation on privately owned lands through locally organized and locally administered soil conservation districts has proven to be effective partnership between Federal, State, and local governments in resource development; and

Whereas the Federal Government has for some 30 years provided technical assistance to privately owned lands believing that it is in the public interest, and one of the most urgent national needs, to protect and improve soil and water resources on privately owned lands; and

Whereas Federal participation in cost-sharing with landowners for the installation of soil conservation practices through the agricultural conservation program has been an important part of the total soil and water conservation program; and

Whereas the conservation of soil and water in the State of Kansas continues to be a most desirable investment in the national economy: Now, therefore, be it

Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein), That the Legislature of the State of Kansas urges Congress to continue to provide technical assistance and cost-sharing assistance in soil and water conservation and resource development on privately owned lands on the same basis as heretofore, and to recognize that any curtailment in this policy would seriously hamper this important work; and be it further

Resolved, That a copy of this resolution be forwarded to each of the members of the Kansas delegation in the Congress of the United States.

Mr. HAYDEN. Mr. President, it seems only yesterday that the ravaged land, torn by wind and gutted by rain and flood, cried out for a national program of soil and water conservation. But it was 30 years ago that the cry was heard in Washington and the Congress passed the Soil Conservation Act without a single dissenting vote. Along with the Senator from Kansas, I was privileged to support the act which established the Soil Conservation Service in 1935.

I am made aware of the flight of time by the accomplishments that have filled the years since the Soil Conservation Service began working with the States and local groups to conserve and develop this Nation's soil and water resources.

The enactment of the Soil Conservation Act by the 74th Congress on April 27, 1935, was the beginning of a new era on the rural lands of America. Farmers, ranchers, and other landowners, in cooperation with the Soil Conservation Service, grouped to form local soil conservation districts, chartered by the States. These districts have multiplied until they cover most all of the rural lands of the Nation. Their growth and success is a tribute to the Soil Conservation Service.

The Soil Conservation Service started out as an agency to combat soil erosion. This remains one of its vital functions. But soil and water conservation has come to mean also major land use adjustments so that the available land and water resources in this increasingly more crowded Nation will be put to their best use in serving the diverse needs of the American people. This means converting cropland that is not needed for crops to pasture, rangeland, and forest, for wildlife refuge and recreation. It means preserving the natural beauty of the countryside and restoring this beauty where it has been destroyed. It means extending the benefits of a professional soil and water conservation program to the rapidly expanding urban areas.

The Soil Conservation Service has grown from a soil erosion prevention agency to a land-use agency. One of the most important single issues before our Nation today is how we decided to use the lands and waters of the United States. Upon this decision depends our survival, our growth, and our prosperity. The Soil Conservation Service is at the vital centers of this determination.

As the Senator from Kansas has said, only 20 of the present Members of the House and Senate were Members of Congress when the Soil Conservation Act was passed 30 years ago. Today we pay tribute to our colleagues of those days and to the Members in both Houses of the National Legislature who in the years since have given their dedicated support to the programs of soil and water conservation in the United States. Their understanding of the need to conserve the land has enabled the Soil Conservation Service to carry forward the vital tasks assigned to it.

We who now represent the interests of the American people in the Congress can do no less than assure the continued success of soil and water conservation work through our support.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CARLSON. I am pleased to be associated with the distinguished Senator from Arizona as we commemorate the 30th anniversary of the birth of the National Soil and Water Conservation Service. The distinguished Senator from Arizona has been a long, consistent, and urgent supporter of the National Soil and Water Conservation Service. We in this Nation are indebted very greatly to him.

Mr. HAYDEN. I thank the Senator.

Mr. TALMADGE. Mr. President, I desire to associate myself with the remarks of the distinguished Senator from Kansas [Mr. CARLSON] and the distinguished Senator from Arizona [Mr. HAYDEN] in commemorating 30 years' service of the National Soil and Water Conservation Service. That agency has rendered an outstanding service in preserving the natural resources of our country, particularly soil and water, for future generations of Americans. There is nothing in my State upon which the people agree with greater unanimity than the outstanding service that has been rendered by the National Soil and Water Conservation Service. Many farms in my State have been brought into compliance through the provisions of the Soil Conservation Act. Yields on those particular farms have increased manifold. Rivers and streams in my State are clearer than they were 30 years ago, when the topsoil was washing away from the farms into the rivers and streams and finally into the sea.

The State of Georgia has the second largest number of farm ponds of any State in the Union, if my memory serves me correctly. Flying over the State in an airplane one can see dozens of farm ponds. All those programs have served an outstanding purpose. As chairman of the Small Watershed Special Subcommittee of the Senate Committee on Agriculture and Forestry, it has been my privilege, along with Senators who have served with me on that committee, to review the small watershed programs. They, too, have performed an outstanding service to the people of our country.

I join Senators who have spoken on this subject in saluting this able and efficient service of our Federal Government.

Mr. CARLSON. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. I am delighted to yield to my friend from Kansas.

Mr. CARLSON. I commend the distinguished Senator from Georgia for the outstanding statement which he has made in regard to the National Soil and Water Conservation Service, whose 30th birthday we are commemorating. I cannot help thinking back to April 27, 1935, when I was serving in the House of Representatives. I still remember the day that I walked out between the two office buildings to get into my car, and the car was covered with a film of soil, dirt, and dust. That dust had come from the great Southwest. Hundreds of thousands and probably millions of tons of soil were blowing out of that rich, fertile section, being found in clouds far out in the Atlantic Ocean.

As I approached my car to wipe some of the dust off the fender, a colleague and good friend of mine from Massachusetts, whom I had just met, because my service in Congress was very limited at that time, said he hoped that the people of Kansas would keep their dirt at home. We are trying to do that very thing now, and I believe we are making great progress and having much success through this program.

I thank the Senator from Georgia for yielding.

Mr. TALMADGE. I thank the Senator from Kansas and compliment him upon his statement.

Mr. ELLENDER. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield to the distinguished Senator from Louisiana, chairman of the Committee on Agriculture and Forestry.

Mr. ELLENDER. I thoroughly agree with what was said by the distinguished Senator from Kansas, the distinguished Senator from Arizona, and the distinguished Senator from Georgia. I am glad to say that some time ago our committee held hearings on a proposal to increase the flood detention capacity of small watershed projects from 5,000 to 12,500 acre-feet. It is my hope that we shall be able to report the bill to the Senate soon and have action taken on it without delay.

By increasing the limitation on flood-detention capacity we will provide for, first, a more equitable balance between floodwater capacity and capacity for other uses, such as recreation, fish, and wildlife, and municipal water supplies; second, a reduction in the overall cost of the program on watersheds that have unusual topography or distribution of benefits; third, improved effectiveness by allowing protection measures nearer the damage areas; and fourth, the development of projects for western areas subject to flood damage by snowmelt runoff.

It is fitting, Mr. President, that this measure, which would provide for the full utilization of available reservoir sites for multiple purposes, should become law on the 30th anniversary of the establishment of the National Soil and Water Conservation Service.

This program of soil and water conservation, born out of desperation, has developed into one of the most fundamental of all programs aimed at conserving our natural resources. Thirty years ago the primary concern was one of preventing soil erosion on our agricultural lands. Today, because of an ever-expanding population and constant social changes, new demands are being made on our natural resources, and on the Soil and Water Conservation Service.

The program, a partnership of Federal, State, and local effort, has been of tremendous benefit to all of America. It has contributed to the economic gain of communities and landowners; to the preservation and protection of resources and works of improvement; to improved water supplies and quality; to the establishment of new and needed recreational facilities for our city friends; and to greater protection of peoples and communities from flood damage. Similarly, the natural beauty of the countryside has been preserved, green belts around urban areas have been established, and the proper environment for fish, game, and wildlife has been maintained.

The Soil and Water Conservation Service, and its State and local partners, the soil conservation districts, have done a creditable job in the past, and we in agriculture look for even a better job in the future. With its new knowledge and new and improved authorities the Service will be better equipped to do its part in the conserving of our natural beauty and resources for posterity.

Mr. TALMADGE. I thank the distinguished chairman of the Committee on Agriculture and Forestry. No Member of the Senate has fought more loyally, valiantly, and ably for the bill than has the distinguished senior Senator from Louisiana, so as to continue to effectuate the Soil Conservation Service in all of its meaning for the 180 million Americans who enjoy its benefits.

Mr. MANSFIELD. Mr. President, I join my colleagues in all that they have said about the fine work of the Soil Conservation Service over the past 30 years. I especially wish to commend the distinguished Senator from Kansas [Mr. CARLSON], who has taken the initiative today in commemorating this most noteworthy anniversary of the Soil Conservation Service, an agency, which has meant so much to the farmers in all States.

ADMINISTRATION PROPOSAL TO BROADEN AUTHORITY OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION AND SMALL BUSINESS ADMINISTRATION

Mr. PROXMIRE. Mr. President, the administration has proposed a broadening of the authority of the Federal National Mortgage Association—FNMA—and the Small Business Administration—SBA.

The administration's proposal would authorize the SBA to place debt obligations with the FNMA. The SBA would also be able to pool its loans and guarantee and sell participation certificates secured by the pooled loans.

The proposal would also broaden FNMA's powers to make similar arrangements with all Federal agencies.

No doubt these participation certificates guaranteed by the Government would be readily purchased by the public. The money from the sale of the certificates would lessen the impact on the budget of the cost of lending programs carried on by these various agencies.

In fact, the sale of half a billion of the SBA's loan portfolio would show up as a half billion reduction in spending.

Even more serious, congressional control of SBA lending could sharply diminish. SBA would have almost unlimited authority to make loans regardless of the budgetary limits on its loan program.

The agency could continue to replenish its loan fund by discounting obligations from previous loans through the pooling arrangements with FNMA.

While this would undoubtedly be attractive to budget planners, the SBA would be relieved of the discipline imposed on its lending operations by congressional Banking and Currency and Appropriations Committees.

The retention of some limitations is vital. Before these disciplines are removed from the SBA and before the authority of the FNMA is broadened as proposed, Congress should very carefully study this entire matter.

MASSACRE OF ARMENIANS IN 1915

Mr. PROXMIRE. Mr. President, April 24 marked the 50th anniversary of the massacre of the Armenian people. For hundreds of years the Armenian people lived as an independent nation, until wave after wave of invaders smothered their cherished independence. The Armenian people endured intolerable persecution, yet through the centuries they preserved their communal identity and their spiritual independence. Tragic massacres occurred with distressing frequency in the 19th century. The memory of those who perished is honored by all who know and love the Armenian people as they remember the infamous events which must forever be associated with the names of Chios, Damascus, Mosul, Sassoun, Crete, and Adana.

Yet these persecutions are overshadowed by the infamy of the events which took place in 1915. In that year over 1 million Armenians were systematically massacred. Their little nation suffered more than any other in World War I. The Armenians were almost exterminated as a people. Incredibly, on May 28, 1918, those Armenians who survived bravely proclaimed their national independence. Soon, however, the might of the Soviet Union overwhelmed Armenia. Yet even Communist dictatorship could not extinguish the hope of Armenians that they would one day regain their homeland. Their hope remains alive today.

Mr. President, as we pause now to honor those Armenians who died in the terrible events of 1915, let us resolve to do our utmost that such events will never again take place. Let us take as our example the resolution of Armenians everywhere who look to the day when their homeland is once again a free and independent nation.

COMMUTER SERVICE IN NEW YORK METROPOLITAN AREA

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record at this point as a part of my remarks two resolutions. The first is a resolution by the Board of Trustees of the Village of Port Chester, N.Y., protesting the proposed discontinuance of passenger service on the New York, New Haven & Hartford Railroad. The second is a resolution by the Board of Supervisors of Orange County, N.Y., favoring the creation of an interstate agency or authority to provide commuter service in the New York metropolitan area.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

Resolution Protesting the Proposed Discontinuance of Passenger Service on the New York, New Haven & Hartford Railroad

Whereas the New York, New Haven & Hartford Railroad is the only direct means of public transportation between Port Chester and Grand Central Terminal in New York City; and

Whereas approximately 1,100 residents of the village of Port Chester use said railroad daily for the purpose of transportation from Port Chester to their respective places of business in New York City; and

Whereas many residents of the village of Port Chester purchased homes in Port Chester relying on the public transportation furnished by the New York, New Haven & Hartford Railroad Co.; and

Whereas the discontinuance of the passenger service would have an adverse effect on real property values in the village of Port Chester due to the fact that many of the residents who use the New York, New Haven & Hartford Railroad would be forced to vacate their residences; and

Whereas the discontinuance of the railroad would increase the vehicular traffic in the already overcongested traffic in the city of New York; and

Whereas the public convenience and necessity requires the continuance of the passenger service; and

Whereas the States of Connecticut and New York and Federal Government are seeking ways and means to subsidize and assist the New York, New Haven & Hartford Railroad in its present financial plight; Now, therefore, be it

Resolved, That this board of trustees opposes the application of the New York, New Haven & Hartford Railroad to discontinue passenger service as of March 29, 1965, and requests permission to intervene and send its representatives to hearings to be held on this matter before the Interstate Commerce Commission; and be it further

Resolved, That copies of this resolution be forwarded to the Interstate Commerce Commission at its office at Washington, D.C., to Gov. Nelson A. Rockefeller, and to the representatives in the New York State Legislature, to Senator Jacob K. Javits, Senator Robert F. Kennedy, and to Congressman Ogden R. Reid; and be it further

Resolved, That this resolution shall take effect immediately.

Resolution by Orange County Board of Supervisors Favoring the Creation of an Interstate Agency or Authority To Provide Commuter Service in the New York Metropolitan Area

Whereas the continuance of commuter service in the New York metropolitan area is threatened because of the financial condition of some of the common carriers which now provide the same; and

Whereas the discontinuance of such commuter service would result in economic loss throughout the entire metropolitan area: Be it

Resolved, That this board hereby favors the creation of an interstate agency or authority to provide commuter service in the New York metropolitan area, including the county of Orange; and further

Resolved, That the clerk of this board send copies of this resolution forthwith to the Governor of the State of New York, to the legislators representing the county of Orange in the U.S. Congress, and the New York State Legislature.

Attest:

Lester J. Roosa.

ONE HUNDRED YEARS SINCE THE DEATH OF ABRAHAM LINCOLN

Mr. YARBOROUGH. Mr. President, on April 15, 25 persons gathered in the room in the Peterson House in Washington, D.C., just across the street from Ford Theater, where President Abraham Lincoln died at 7:22 a.m., 100 years ago, to commemorate the centennial of that tragic day.

This program was sponsored by the National Park Service of the Department of the Interior, and the Secretary of the Interior, Stewart Udall, moderated the proceedings. Some remarks were made by myself at that occasion, and the Chaplain of the Senate, Dr. Frederick Brown Harris, delivered a prayer which ended at exactly 7:22, the time of Lincoln's death 100 years ago. Concluding remarks for this commemoration were delivered at exactly 7:22 a.m. April 15, 1965, by my distinguished colleague, Senator Milton Young, of North Dakota, while a bugler softly sounded taps in a garden below.

Because of the profound importance which this occasion holds for every American, I ask unanimous consent that the remarks of Senator Young, the prayer of Dr. Harris, as well as my remarks, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Prayer by Dr. Frederick Brown Harris, Chaplain, U.S. Senate, Anniversary of Abraham Lincon's Death, April 15, 1965

God of the living and the living dead, reverently we bow, this historic morning hour, within the walls of this sacred room to which a century ago this day there was tenderly carried the broken body of the greatest captain of his time—Thy servant, Abraham Lincoln, struck down in the hour of triumph for the cause to which he gave to the utmost his dedicated powers.

As the sands of a hundred years run out, we come to relive the stunned grief of that anxious night vigil, kept at this very spot, as swift to its close ebbed out the brief day of one destined to belong to the ages.

Here where we stand in this tiny room was forever sealed the lips which had uttered winged words glorifying the language spoken by the greatest masters of speech; here fell lifeless the hands which had held the pen recording his solitary decision to erase the darkest blot on our national escutcheon. From this room, across the Union he had saved, amid a pageant of poignant sorrow there was borne the lifeless form of this big brotherly giant to the State which had given him to the divided States in the time of their embattled crisis.

And now that 10 decades have gone since here he laid his burdens down, looking back to those old, unhappy, far-off days, and battles long ago, we lift our Te Deum that Thou didst raise up such a man so full of wisdom and goodness and truth. We are all his debtors that with such undaunted dedication he laid strong hold upon the great purpose and passion which burned like fire in his bones, and for the calm determination with which he followed the gleam of the perpetuity of he Union, and the final shattering of that sum of all villains—human slavery.

In what seemed to be a most earthen vessel Thou didst reveal the majesty of those simple virtues and values which all mankind honors and admires as they were mirrored in the sublime independence of this man of the people. We recognize that facing every vexing question, always he bowed in silent humility, listening for the command of a higher voice, and that his fundamental belief was rooted in the supremacy of spiritual verities under God.

As today we watch him die, we are thankful in the perspective of a hundred years that still we see him live. We behold a lonely man, as he fed his compassion on solitude. We see a sad man hiding his bitterness in laughter as in recurring defeats outward merriment muffled the murmur of a bleeding heart. We see a patient man endure his little day of chance power with no personal exaltation of spirit. Bending his shoulders to the woes of the weak we see one simple as a child maligned, misrepresented, ridiculed, yet harboring no resentment or disdain—he opened not his mouth.

In this sacramental hour, hemmed in by these walls which a century ago, this morning hour, looked upon his death as his spirit was commended to Thy hand, we behold him as he loomed before men when he finished the work Thou didst give him to do, and we salute him now as he was saluted then—

"Standing like a tower
The generations shall behold his fame
The kindly, earnest, brave, foreseeing man,
Sagacious, patient, dreading praise, not
blame—
The first American!"

As in this crucial day of destiny we fashion the image of America for the world, God help us to be worthy of Lincoln. May our ruling passion be even as his—union and emancipation—and the deathless belief that this earth cannot remain half slave and half free.

We ask it in the Name which was for him, and is for us, above every name. Amen.

REMARKS BY SENATOR YARBOROUGH

A century ago this morning, here in this small room on this short bed, a tall giant of a man lay dying. The young river boatman who had watched slaves auctioned in New Orleans, had lived to sign the Emancipation Proclamation. The frontier boy who had learned to write by the light of a wood fire, grew up to pen the immortal Gettysburg Address.

Just as there was a small group of his countrymen in this tiny room 100 years ago, living the agony of their mortally wounded President, so we few are here this morning on the centennial of President Abraham Lincoln's tragic death, almost foretold by him in the presidential campaign of 1860, when he wrote to a friend:

"I know there is a God and I know He hates injustice. I see the storm coming, and I see His hand in it. But if He has a place and a part for me, I believe I am ready."

He was ready, and we are here not so much to mourn a departed life, as to testify to the constant presence of the spirit of Lincoln in our Nation through his words, actions, ideas, and beliefs. Lincoln's life continues to reflect in our society, just as the light from distant stars shines on this earth centuries after those stars have died.

His message to Congress July 4, 1861, defined the struggle that America carries on then and now, when he wrote:

"To elevate the condition of men—to lift artificial weights from all shoulders, to clear the paths of laudable pursuit—to afford all, an unfettered start, and a fair chance, in the race for life—this is the leading object of the government for whose existence we contend."

Little more than a month before his death, in his second inaugural address in March 1865, President Lincoln foresaw the tasks that would occupy this Nation for years to come, and he voiced them:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish, a just and a lasting peace, among ourselves, and with all nations."

The strength of this man who split 10,000 rails still lives in the strength of his ideals, his tall stature was transferred to the giantness of his goals, even the size of his massive hand is reflected in his grasp of the meaning and future of this Nation.

In the century since his death, Lincoln's life casts an ever-increasing glow over this Nation, for beginning with his signing of the Emancipation Proclamation, "liberty for all" has progressed.

Lincoln and liberty have become synonymous; his words and his ideals bless the freedom he cherished. The example of Lincoln has become the example of this country; his words have become our creed, and his fight for liberty and a just and lasting peace, among ourselves, and with all nations, goes on today.

Let us carry it on in the true spirit of Lincoln, with malice toward none, with charity for all, and let us bind up our Nation's wounds.

CONCLUDING REMARKS OF SENATOR MILTON YOUNG

Almost 100 years ago to this moment a hush of silence fell over this room and the people gathered here. Death had come to Abraham Lincoln. Let us bow our heads in silence to commemorate that tragic time. (Pause.) That silence of 100 years was broken by these words, "Now he belongs to the ages."

THE LEADERSHIP OF PRESIDENT JOHNSON

Mr. BREWSTER. Mr. President, the 89th Congress is closing out the 4th month of its first session. These 4 months have been distinguished by the most extraordinary legislative accomplishments in many years.

Neither circumstances nor accident explain these accomplishments. This record of achievement is the result of energetic congressional activity and the indispensable catalyst—leadership.

President Johnson has provided this leadership. He has proposed a far-reaching attack on the many problems which still plague our society. But he has done more than that. He has helped to create a climate in the executive and legislative branches and across the Nation—a climate of a readiness, a will to get on with the job so well begun by Democratic predecessors since Franklin Roosevelt.

Mr. President, I ask unanimous consent that an article from the Sacramento Bee of April 15, 1965, which pays appropriate tribute to the President's leadership be printed at this point in the RECORD; and I also ask unanimous consent that a column entitled "Modern Miracles," by the distinguished writer Thomas O'Neill that recently appeared in the Baltimore Sun be also printed in the RECORD at this point.

There being no objection, the article and column were ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 15, 1965]

JOHNSON IS MORE THAN CARETAKER PRESIDENT

The skill of Lyndon B. Johnson as an architect of legislation is obscured for the moment by war and rumors of war but a quiet examination reveals things are going pretty much the way he wants them in Congress.

As a matter of fact no President, with the possible exception of Franklin D. Roosevelt and John F. Kennedy, ever asked for more significant domestic legislation out of Congress in a peacetime year, if this can be called a time of peace.

Consider for a moment the scope of Johnson's Great Society.

He is asking for medical care for the aged, tied to social security, and even the program's harshest critics acknowledge he will get it. He asked for a federally financed program for the public schools and he got it. He has urged broad-scaled assaults on poverty and he is getting it. He has proposed drastic reforms in the Nation's international monetary policy to plug up the siphoning of U.S. gold reserves and he already has Congress OK in part.

He is urging a revised farm support program. He has proposed what amounts to a Federal subsidy for the arts. He wants interstate guns by mail sharply curbed. He has asked for expanded urban renewal programs. He has advocated a cleanup and beautification program for America to erase some of the ugliness which has crept into the city and rural scenes. He has suggested significant reforms in the immigration program.

He wants a broad-scaled assault, and now, on heart disease and cancer, this in the name of public health. He is recommending programs to make homeownership even easier. He wants so-called right-to-work statutes nullified in the States. He has asked for legislation to reform Presidential succession statutes.

And this makes no mention of his urgings for programs to end pollution of the air and streams, to buy wilderness lands and reserve them for the people lest all be lost to exploitation, to make the ballot box a thing of true equal opportunity, regardless of race or creed or color; etc. and etc.

The test of any leader is how he leads. The President will not get all he asks for. But no one will be able to say of Lyndon B. Johnson that he was just a caretaker President.

The fantastic commentary his record inspires is that he has been so successful with Congress he makes headlines only when he fails.

MODERN MIRACLES

(By Thomas O'Neill)

President Johnson's first hundred days in harness with his own Congress was a heady time when to ask was to receive. Old inhabitants of Capitol Hill rub their eyes.

Legislation that was dog eared from years of being shuffled into pigeonholes turned crisp and live and sped to an enactment that had long been put down as impossible. Medicare is an example, and only one example. An eager Congress beefed up administration bills beyond the point so astute a pulsetaker as the President had felt it prudent to ask as recently as January. Everything came up roses.

Nor is there any sign that the White House is ready to rest on the record of accomplishment during the telltale hundred days.

Instead, a full and active summer is ahead. Early talk of a July adjournment is dead. Some now anticipate a Labor Day ending, but there are hunch bettors ready to predict snow flying over a Congress still in session come October. It is their reasoning that Lyndon Johnson is no man to turn loose of a good thing and that he will stoke Congress as long as it remains productive, all to the end of being remembered as a President who got done the things that needed doing.

He could properly lay claim to that distinction on the record as it is already compiled.

Since much of that record had been proposed and backed by other Presidents to no effect there is a busy search on for an explanation of how it happens. Senator CASE, of New Jersey, takes the view that the stars influenced the conjunction of the man and the times, that ideas germinating for years came to full growth at the moment of a national leadership committed to their advancement. This sound examination omits the part played by the ruthless rightwing of the Republican Party when at San Francisco last July it seized upon a transitory majority position to compel a national referendum upon those ideas in a stark yes-or-no plebiscite. It must be put down as the worst blooper in American political history.

A national system of health insurance, now called medicare, was being debated when Lyndon Johnson came to Washington as a young congressman and Franklin D. Roosevelt was President. During the nearly three decades intervening before last year's election it was regularly offered, and was never able to reach the floor of the House for a vote.

The campaigning Mr. Johnson told audiences "medicare will be at the top of my list" of legislative recommendations. His opponent rejected the concept out of hand. The popular response in November told the story: Johnson, 43,128,956; Goldwater, 27,177,873. By forcing the issue the far out right had insured the success of the precise legislation to which it was most fiercely opposed.

Congressmen are adept at reading election returns. The first bill introduced in the two Houses when the newly elected Congress met in January was medicare. The American Medical Association made its contribution by coming forward with a counterproposal that was so palpably a hoax that it was never given serious attention. On April 8, given its first chance ever to go on record on the subject and its Democratic numbers swollen by the November landslide, the House voted, 313 to 115, for a medicare bill much broader even than the White House had first recommended.

Action in the Senate, sure to be favorable, is slated for June.

Only in a single respect is smooth administration progress flawed. This is a Congress that bridles at economy.

An integral part of Mr. Johnson's budgetary approach calls for cutting appropriations for some old programs to offset in a measure the costs of new undertakings in fields like education, the war on poverty, and job training. Here it encounters vested interests particularly rural interests, regardless of party. He would like to lop $20 million from the agricultural appropriation for soil conservation services—a project started in 1929 on a modest $160,000 which followed the historical mushrooming course over the years—and start charging farmers for some of the services they now get free. Farmers are sturdily for economy in urban activities, but their appropriations are sacred. The administration faces a heavy test in this field, where Presidents Kennedy and Eisenhower were rebuffed.

Still ahead are legislative undertakings that may signal a warning of the current congressional euphoria. It is significant, though, that at this time nobody is putting any achievement down as impossible.

A tough nut is the bill for immigration reform, which would do away with the odious system of quotas based on national origins. Hearings have started, but no solid indications are yet available. The word on Capitol Hill, however, cautions against selling the President short on anything he puts his hand to for the indefinite future.

AMERICAN TOWNE HOUSE PROGRAM

Mr. LAUSCHE. Mr. President, a few days ago, an employee of the Senate dining room asked if I had endorsed the Monarch Construction Corp.'s American towne house program, which has recently been publicized in Washington newspapers. He went on to say that he had been approached by a representative of that firm who encouraged him, in fact, demanded of him, that he purchase new siding for his home. The employee in the dining room further stated that the representative of the American towne house program was extremely insistent and implied that I had endorsed this program.

I was shocked at this information and could not believe it.

In the meantime, through another source, I was provided a tearsheet from the March 23 edition of the Washington Daily News containing a full-page advertisement inserted by the Monarch Construction Corp. of 10111 Colesville Road, Silver Spring, Md., which contained facsimile reproductions of letters from numerous Senators and Members of the House, including one from my office.

In response to a letter I received from the Monarch Construction Corp., dated January 25, 1965, a simple acknowledgment was mailed to that firm with absolutely no endorsement or comment upon the worthiness of the proposed program. I ask unanimous consent that the contents of my reply be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 29, 1965.

Mr. NATHAN H. COHEN,
President, Monarch Construction Corp., Silver Spring, Md.

DEAR MR. COHEN: Senator LAUSCHE has requested me to acknowledge your letter of January 25, which contained a copy of an advertisement which your company ran recently in the Washington newspapers explaining a new concept in self-help urban renewal which has benefited some 400 Washington homeowners during the past 18 months.

The Senator has asked me to tell you that he appreciates your taking the time to write to him, providing him with this information.

Thanks very much.

Sincerely yours,

RAY M. WHITE,
Administrative Assistant to Senator Frank J. Lausche.

Mr. LAUSCHE. Mr. President, at the bottom of this full-page advertisement and beneath the facsimile letters is the following paragraph in bold type:

> We want to take this opportunity to publicly expess our appreciation to the many Senators and Representatives of the U.S. Congress who have written to us expressing commendation for our efforts and contributions in helping to alleviate some of the problems of urban renewal in the District of Columbia.

This language clearly implies that the letters from Senators and Representatives endorse and recommend the towne house program. This is misrepresentation to the fullest degree and I resent the fact that any individual or company would use correspondence from my office in promoting a program and the sale of materials which I know nothing about.

FRIENDSHIP INTERNATIONAL AIRPORT

Mr. BREWSTER. Mr. President, as a member of the Aviation Subcommittee of the Senate Committee on Commerce, I have a special interest in the development of a vigorously competitive, expanding U.S. airline industry. An integral part of that vital industry's future is the complex of modern airport facilities serving our Nation's urban centers and rural areas. As a Marylander, I am vitally interested in, and particularly proud of, Friendship International Airport which is owned and operated by the city of Baltimore.

We Marylanders have every reason to be proud of our modern jet-age airport at Friendship. Its log runways, its attractive and functional terminal facilities, and its up-to-date flight control center and air safety devices rank with the finest in the world.

We are equally proud of Baltimore's airport board, a truly distinguished group of public servants who have rendered outstanding service to their city and State. Individually outstanding, even in this distinguished company, is the chairman of the airport board, Mr. Charles P. Crane, of Baltimore. Mr. Crane exemplifies the best which our American industrial society produces. Hard working, partisan in his preferences, but fair in his approach, he is able to call upon the mature judgment that comes from many years of experience in the rough and tumble of the business world, but he also possesses the vision and the enthusiasm for the future which is usually associated with youth.

Mr. Crane and his colleague have recently submitted to the mayor of Baltimore, Hon. Theodore R. McKeldin, the annual report of the airport board. The board's 1964 report shows that Friendship enjoyed a remarkably successful year. We hope and believe that this is a portent of even better years ahead.

I believe that my colleagues in the Senate will be interested in learning how a municipally owned and operated facility such as Friendship International has competed successfully for a major share of the jet traffic in the Washington-Baltimore metropolitan area, with a brandnew multimillion-dollar, federally owned, operated, and subsidized airport facility such as Dulles International at Chantilly, Va.

Charles Crane and the staff of the Baltimore Airport Board, with major assistance from the Baltimore business community, have proved that it can be done. The annual report that I have referred to contains the whys and wherefores of this success story and because I believe that the experience of Baltimore's municipal airport may be of material benefit to other airport facilities throughout the country, I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Annual Report, 1964, Friendship International Airport

City of Baltimore,
Department of Aviation,
Friendship International
Airport, Md., April 20, 1965.

Hon. Theodore R. McKeldin,
Mayor of Baltimore.

Dear Mr. Mayor: In 1964 Friendship International Airport was able to overcome the loss of passenger traffic and flight service inflicted on it by the opening in November 1962 of the Federal Government's Dulles Airport at Chantilly, Va.

The loss to our airport, or more properly expressed, the impairment of air service due citizens and businesses in the Maryland area served by Friendship, was sharp and sudden and included, in addition to a 45-percent reduction in jet flights, the total loss of our London service as well as a 30-percent decline in passengers.

Active efforts were made by the airport board in 1963 and 1964 to repair this damage and it is possible to report that passenger traffic last year was not only 27 percent greater than in 1963 but exceeded by 1½ percent the volume in the pre-Dulles year of 1962 when Friendship was supplying all the jet service for both Washington and Maryland. At this time there are approximately 175 flight movements to or from our airport on each working day. Within the next 2 months at least 20 additional such movements are expected. The fact that many of the larger jet planes are supplanting smaller propeller equipment is responsible for a considerable increase in the number of seats available.

Friendship's good results in 1964 were due primarily to three favorable conditions. First, to its incomparable location intermediate to the cities of Baltimore and Washington, in contrast with Dulles Airport 28 miles west of Washington and by road over 63 miles from Baltimore. Second, to the full understanding of Friendship's needs and problems by the major, the board of estimates, the city council, and other municipal officials, including the director of finance, all of whom have greatly assisted the airport board on all occasions. And third, to the superb and widespread support of our airport and civic organizations, business concerns and residents of Baltimore City and Maryland counties. The acceptance of less convenient flights, before our jet schedules had reached present levels, in order to patronize Friendship rather than going elsewhere for air service, was the rule and not the exception on innumerable occasions. The willingness to display 129,000 "Use Friendship—Your Convenient Airport" stickers on bumpers of all types of Maryland cars, from Cadillac to Volkswagen, is but one example of local loyalty. The airport board wishes to express its sincere appreciation to our newspapers, to radio and television stations, and to their commentators for great assistance and helpful publicity, which apparently has carried news of Friendship's struggle to survive into Virginia, the homeland of our "competitors."

In a feature article carried by the Richmond Times-Dispatch of March 28, the writer suggested three major obstacles which have blocked the rapid development of the new airport at Chantilly, Va. He lists as the first reason, "the aggressive efforts of Baltimore's Friendship Airport." Not only our news media but our congressional delegation will be interested in Staff Writer Garrette's further analysis:

"One government administrator [in Virginia] said Maryland's congressional delegation has formed an effective pressure bloc to convince airlines to increase their schedules at Friendship at the expense of Dulles. 'The whole damn State of Maryland is backing Friendship up to the limit,' commented a northern Virginia State legislator. The efforts have apparently paid off. After a setback the first year Dulles opened, Friendship set a record year in 1964 with nearly 1.5 million passengers."

Comforting as may be these encomiums, it would be only fair to say that the airport board and Friendship's friends have not tried to block the development of another airport; they have merely striven to avert an onslaught which would have caused Baltimore's fine facility to revert to the status of an air mausoleum, which it endured for many years.

GOOD LONG-HAUL JET SERVICE

The constant support of these powerful factors has so impressed the airlines that today Friendship enjoys good jet plane service, which is improving steadily as managements of air carriers recognize the potentialities of Baltimore's fine airport, the economic advantages of the large area which it serves, and the active promotional efforts of the airport board and its staff in developing increased traffic.

It cannot be emphasized too often that the increases in our flight service—those of today and of tomorrow as well—cannot be maintained without adequate patronage. Patronage is the lifeblood which nourishes the heart muscle of the airlines' economy. The airport board recognizes this and has voluntarily adopted a policy, unique in the airport field, of advertising additional flights inaugurated by the airlines as well as the convenience of the airport and its facilities. The appropriation of $100,000 being expended annually for this purpose is more than regained by increased revenues from airlines and concessionaires at Friendship. And what is even more important, it gives the residents of Maryland and our patrons in the District of Columbia better air service.

Friendship now has seven round-trip jet flights daily to and from Chicago, six eastbound to and nine westbound flights from New York's airports, presently three daily jet flights each way to the west coast, two daily flights to Miami and one return, four daily jets to New Orleans with three returns, and two jets to Dallas and return, four to Houston with three returns, and similar flights to other southwestern cities. Friendship's service to and from Paris and Rome has been on a daily basis since the autumn of 1963 and our airport now has two major airlines, Pan American and Eastern, offering daily service to Puerto Rico. In the latter part of April, Pan American will also inaugurate its Friendship-London service and this will enable our airport to fill the gap caused when British Overseas Airways Corp., left us in March 1963, for Dulles, where, on December 16 last, that airline found it expedient to discontinue flight service completely. By the time the mayor's annual report for 1964–65 goes to press, we will have new jet service to Detroit and to Cleveland, as well as jet flights between Friendship and Birmingham, Ala., and Houston, Tex. Schedules to become effective later this month provide for the inauguration of jet flights to Montreal, Canada, and to Minneapolis, Minn. On May 23 an additional westbound nonstop daily jet flight to Los Angeles, Calif., will be inaugurated.

INADEQUATE SERVICE TO SMALLER CITIES

While Friendship's jet service is expanding gratifyingly, there are definite deficiencies in its service to many of the smaller cities east of the Mississippi River presently served by propeller-type planes. There is, and has been for a long time, a heavy concentration in this type of service at Washington National Airport, operated by the Federal Government. A glance at the complete through-plane flight schedule issued by our airport board will show clearly the gross inadequacy of our flight service to a number of these medium-size and smaller cities. For instance, there are but two daily flights to Cincinnati, Ohio, with five and four stops and only one return with three stops; one propeller-plane flight a day (each way) to Akron, Ohio; no southbound service to Asheville, N.C.; one flight daily southbound to Augusta, Ga.; with six stops and no northbound flight; and one daily to and from Charleston, W. Va., with four stops. We have no single plane flight service whatsoever with Louisville, Ky., and, consequently, people in this area who wish to fly to that city must first travel 50 miles to Washington National Airport for air passage. Although schedules to become effective April 25 list propeller flights to Memphis, Tenn., and Huntsville, Ala., it will be noted that no return flights whatsoever from those cities to Friendship will be available. Many other instances could be cited to illustrate the great disparity in such service at Friendship. Although our airport has no flight service to Louisville, Washington National offers eight daily flights. While our airport has but 2 (5 stops and 4 stops) "prop" flights to Cincinnati, Washington National has 5; while Friendship has but one daily return flight from Richmond, Va., Washington National has 13. Many more instances of this kind could be cited, but to sum up the situation, Friendship has only 86 daily propeller flights to these medium-size and smaller cities, while Washington National has over 400.

So, it is apparent that at this time, Friendship is much more of a jet airport than one offering adequate service on short-haul trips. Our urgent need for more of the latter type of air service is felt in two ways: First, for the basic purpose of expanding our commercial intercourse with other areas and for meeting private travel needs; and, second, to "feed" interchange passenger traffic to the jets flying out of Friendship to the more distant points.

There is a heavily patronized commuter plane service between New York and Boston, New York and Washington, and between Boston and Washington. After our having made overtures to trunk lines to institute this service between Friendship and Newark (New York) Airport without success, one of the smaller "local service" airlines requested permission of the Civil Aeronautics Board to inaugurate nonstop service between Friendship and Newark (New York) which, while not actually commuter service, would nevertheless have added four round-trip flights daily to fill distressing gaps then existing in our schedules. Notwithstanding the finding of this same regulatory agency in Baltimore's adequacy of service case that Friendship was entitled to New York commuter service, the application of Allegheny Air Lines was denied by the Civil Aeronautics Board after that local service line had offered to waive claim to Federal subsidy if permitted to institute such nonstop flights to Newark. While some additional flights have since been instituted between the points named, there still exists at this time gaps in our Newark service of 4 hours and 30 minutes and 6 hours and 30 minutes eastbound during daylight hours, on normal working days.

The airport board feels no hesitancy in admitting deficiency in short-hop flights. However, this much may be said: During the past 2 years Friendship was able to overcome more severe deficiencies in the jet plane field, against all efforts to vitalize a highly uneconomic and presently unnecessary jet airport at the expense of an airport already in existence, supplying and capable of supplying all needs for some years to come. It should be less difficult to improve Friendship's short-haul service to nearby cities as smaller and highly efficient jets become available. The airport board will urge vigorously an improvement in this class of service at Friendship.

PHYSICAL IMPROVEMENTS MADE

Conservative but timely steps have been taken by the airport board, with the approval of the mayor and the board of estimates, to supplement the physical facilities of Friendship. Modernization of the main floor of the terminal building has added greatly to the attractiveness of that area. More automobile parking space has been provided and even more is currently under construction. The terminal area roads and parking lots Nos. 2 and 3 were resurfaced. Maintenance facilities were constructed for the Airline Limousine Co., the three rent-a-car agencies, and the airport maintenance department. A second access road into the terminal area was made available to patrons from Annapolis and the eastern shore area when Elm Road was extended to the Fort Meade Road. The restaurant on the main floor has been enlarged and improved and so has the attractive cafe. A "finger pier" has been added to pier A while pier B (our oldest pier) has been redecorated. The landing areas (runways) which were over 14 years old have been resurfaced, and our second longest runway has been lengthened from 6,000 feet to 8,400 feet and will be extended to 9,450 feet, the same length as our principal runway.

These are but some of the principal expansions that have taken place in the last year or so. But it will be recognized that any large airport growing as rapidly as Friendship and operating in a field where technologic development of equipment is proceeding as rapidly as in the air industry must be on the alert to keep abreast of the public's demands and those of its airline company customers.

Friendship was recently visited by engineers of the Boeing and Lockheed Aircraft companies who reported that Baltimore's airport is fully qualified to handle the 2,000-mile-per-hour supersonic jets when they become available, although certain additions to the terminal building will undoubtedly be necessary.

PLANNING FUTURE EXPANSION

Other expansions of facilities are imminently in prospect due to growth of demand. In 1965 our passenger traffic will be about 60 percent greater than it was only 2 years ago. The number of jets flying out of Friendship will be more than double the number at the beginning of 1963. The volume of air cargo in this country is increasing very rapidly. Our airlines must have more "gates" through which to enplane and deplane passengers; our baggage-reclaim area is too small and must be enlarged to avoid congestion and passenger delay, and many other ancillary facilities must be enlarged. During the current year we will begin providing covered "jetways" to obviate the need of passengers crossing the "apron" from plane to terminal in bad weather. A new fire station to provide timely and effective assistance in an emergency will be built this year. Another escalator or perhaps several elevators will be needed soon.

The owners of the International Motel-Hotel at Logan Airport in Boston have submitted a proposal to construct and operate a thoroughly modern 125-room motel-hotel at Friendship, and a contract for this important supplement to our airport's facilities is now being drawn. An expanded fueling field to provide storage capacity for the increased number of planes will shortly be needed as well as an enlargement of the north ramp area to permit the servicing and turnaround of large jets and privately owned planes.

AIRPORT HAS VITAL ROLE

What compensation does the city of Baltimore derive from supplying the funds, in conjunction with Federal grants, needed for the growth of its fine international airport—a facility affording the only scheduled jet traffic for virtually the entire State of Maryland?

It is a fair question and one to which the airport board is confident there are sound and convincing answers. Through the foresight of our municipal officials, the businesses and private citizens of this State have available a new transportation medium that has now become indispensable. Our airport contributes greatly to the industrial and economic growth of this area, as recently stated by a large manufacturing enterprise in announcing formation of an important subsidiary to its main plant which latter employs thousands of workers and disburses an annual payroll of approximately $80 million. Friendship Airport links Baltimore and its contiguous Maryland areas with the rest of the world and with principal cities of the western continent. The airport is a rapidly developing adjunct to Baltimore's port facilities and railroads, and will command increasing prominence as Marylanders resort more and more to the use of rapid transportation by air. The schedules of the airlines bring the name of Baltimore and the city's close proximity of the Nation's Capital before the eyes of the world. These are but some of the compensations that accrue to our city and their validity may be appraised by considering how a city like Baltimore could maintain its competitive position without an airport.

FINANCIAL RESULTS

While the provision of efficient and adequate air service is the primary duty and objective of the airport board, the matter of economical operation is one of concern to taxpayers.

The following statistical information, which is shown in more detail on the accompanying statements, will illustrate the financial operations of Friendship in 1964 and the preceding 4 years when commercial jet plane service became available:

	Post Dulles		Supplied all jet service for both Baltimore and Washington		
	1964	1963	1962	1961	1960
Passengers in and out	1,459,302	1,146,677	1,436,361	1,136,001	746,690
Gross revenues	$1,735,121	$1,500,706	$1,686,653	$1,337,467	$809,846
Operating expenses	1,363,141	1,282,550	1,111,308	911,685	703,230
Operating gain	371,980	218,156	575,345	425,782	106,616
Interest on outstanding bonds (see note)	53,430	65,640	74,890	88,500	72,000
Net gain, exclusive of bond retirements	318,550	152,516	500,455	337,282	34,616
Accumulated net gain, 1960-64	1,343,419				

INVESTMENT IN FRIENDSHIP

	1964	1963	1962	1961	1960
From city funds	$19,548,000	$17,805,000	$17,297,000	$16,409,000	$14,566,000
From Federal grants	5,046,000	4,317,000	4,208,000	3,907,000	3,625,000
Total	24,594,000	22,122,000	21,505,000	20,316,000	18,191,000

NOTE.—All obligations issued in connection with its airport facilities had been retired from general funds except the following amounts outstanding at the end of the years included in the above tabulation:

1964	$5,458
1963	3,072
1962	3,786
1961	4,301
1960	4,100

ULTIMATE GOAL

While our board regards with satisfaction the progress recently made at a fine airport where only token air service was available for 9 years, it visualizes much additional improvement in the years ahead. If, as presently estimated, the 1,459,000 passengers who passed through Friendship in 1964 increases by 300,000 in the current year, what further increases may occur in 1966, or in 1967, or by 1970? Less than 5 percent of the intercity travel in this country is being made by airplane (and less than 5 percent by railroads and buslines combined). Notwithstanding the fact that the national growth of air traffic in recent years has averaged 15 percent, the rate of growth at Friendship has been substantially exceeding the national average.

From a financial viewpoint, each additional passenger represents an increase of $1, at least, in the airport's annual gross revenue. Contemplation of the future in this general area of exploding growth affords the airport board an attractive vision of Friendship's future possibilities. In the past year, passenger traffic at Baltimore's airport was almost equal to one-sixth that of the Los Angeles airport. The financial results of the great airfield on the west coast enabled it to meet all operating expenses, satisfy debt service on outstanding obligations, and provide a sound basis for obtaining capital funds for expansion. And thus emerges the eventual goal for Friendship: To so develop its use and usefulness through constantly improving air service that future operations and expansion of this highly important facility may be accomplished without burden on taxpayers. The record of Baltimore's airport in 1964 certainly shows definite progress toward that end.

The board wishes to express its sincere commendation of the services rendered by the executives and staff of Friendship during 1964, not only for the satisfactory performance of their customary and important duties but particularly for their successful efforts in preserving the image of an organization dedicated to efficient and courteous service to the public.

Respectfully submitted.

CHARLES ADLER, Jr.,
GEORGE W. BAKER, Jr.,
CHARLES P. CRANE,
JOHN T. MENZIES,
BERNARD L. WERNER,
Airport Board of Baltimore City.

Airport Board of Baltimore, Friendship International Airport—5-year comparative financial statement, 1960 through 1964

	1964	1963	1962	1961	1960
Revenues:					
Flight fees and airport use	$583,886	$484,637	$560,472	$452,609	$205,060
Building and land rentals	501,984	475,460	477,283	417,125	338,488
Concessions and miscellaneous	649,251	540,609	648,898	467,733	266,298
Total revenues	1,735,121	1,500,706	1,686,653	1,337,467	809,846
Operating and maintenance expenses at the airport:					
Administrative	250,547	229,306	152,198	147,705	90,749
Operating	745,392	696,910	611,022	482,741	493,598
Maintenance and repairs	252,065	266,008	268,460	206,996	118,883
Total operating and maintenance expenses (exclusive of depreciation)	1,248,024	1,192,224	1,031,680	837,442	703,230
Excess of revenues over operating and maintenance expenses at the airport	487,097	308,482	654,973	500,025	106,616
Less social security taxes, pensions, insurance, telephone and telegraph costs as determined by comptroller's office	115,117	90,326	79,628	74,243	(1)
Operating gain, Friendship	371,980	218,156	575,345	425,782	106,616
Bond interest:					
Friendship bonds	36,000	45,000	51,000	61,500	72,000
Former Harbor Field bonds remaining outstanding [2]	17,430	20,640	23,890	27,000	
Total bond interest	53,430	65,640	74,890	88,500	72,000
Net gain after interest on bond	318,550	152,516	500,455	337,282	34,616

[1] Not available prior to 1961.

[2] Harbor Field was discontinued Dec. 31, 1960.

NOTE.—Revenues and expenses shown hereon are on an accrual basis of accounting from records maintained at the airport.

Supplemental financial data

	Dec. 31, 1964	Dec. 31, 1963	Dec. 31, 1962 (adjusted)	Dec. 31, 1961	Dec. 31, 1960
Baltimore City	$19,547,912	$17,805,769	$17,297,495	$16,409,123	$14,566,914
Federal grants (FAA)	5,046,054	4,317,145	4,208,191	3,907,135	3,625,107
Equity in buildings constructed on airport property by tenants, such buildings to become property of city upon termination of leases (not included in city accounts prior to 1962)	583,944	457,646	331,348		
Total	25,177,910	22,580,560	21,837,034	20,316,258	18,192,021
	Baltimore City bonds, issued for airport construction and remaining outstanding				
Friendship:					
5th airport serial, 1952–61					$300,000
6th airport serial, 1953–67	$1,800,000	$2,400,000	$3,000,000	$3,400,000	3,800,000
7th airport serial, 1965–79	3,100,000				
Harbor Field:					
1st airport serial, 1933–67	126,000	168,000	210,000	253,000	296,000
2d airport serial, 1936–70	432,000	504,000	576,000	648,000	720,000
Total	5,458,000	3,072,000	3,786,000	4,301,000	5,116,000

NOTE.—Capital investment is the amount determined by the department of the comptroller as representing the original cost of physical facilities. Such investment at Friendship consists of the above and Federal funds:

Construction work completed in 1964 [1]

Date of completion	Description	Cost
June 1, 1964	Additional airline operations space was constructed on the service floor pier A for TWA and Pan American.	$26,052
June 16, 1964	Fire and maintenance equipment building, airline limousine maintenance building and horse barn	205,052
July 24, 1964	Buildings for rent-a-car agencies for maintenance of fleet.	75,791
July 31, 1964	Overlay of the 3 runways	565,500
Aug. 14, 1964	Elm Road opened for traffic	190,000
Sept. 2, 1964	Grading and drainage complete for extension of 2d longest runway	426,000
Oct. 28, 1964	Barrett School was demolished and the site cleared	17,900
Nov. 19, 1964	Terminal area roads and parking lots 2 and 3 were resurfaced	$63,700
	Total	1,569,945
	Federal grants in aid of construction	483,310
	Expended from municipal funds	1,086,626

[1] Exclusive of work underway but not completed in 1964.

Air traffic volume, Friendship International Airport

	1964	1963	Percent increase or (decrease), 1964 over, 1963 [1]
PASSENGERS			
Deplaning (scheduled)	741,534	575,037	29.0
Enplaning (scheduled)	717,768	571,640	26.0
Total passengers [2]	1,459,302	1,146,677	27.0
MAIL			
Deplaning (pounds)	6,861,866	5,390,835	27.0
Enplaning (pounds)	6,819,196	6,097,210	12.0
Total mail (pounds)	13,681,062	11,488,045	19.0
EXPRESS			
Deplaning (pounds)	3,159,165	2,640,859	20.0
Enplaning (pounds)	2,298,750	2,036,866	13.0
Total express (pounds)	5,457,915	4,677,725	17.0
FREIGHT			
Deplaning (pounds)	12,950,128	10,679,433	21.0
Enplaning (pounds)	12,522,676	10,134,570	24.0
Total freight (pounds)	25,472,804	20,814,003	22.3
AIR TRAFFIC OPERATIONS [3]			
Commercial air carrier	63,964	62,222	3.0
Armed Forces	7,272	7,488	(3.0)
Civil (not airline traffic)	61,565	58,713	5.0
Local: [4]			
Armed Forces	15,411	20,418	(25.0)
Civil [5] (not airline traffic)	12,045	11,560	4.0

[1] Operation of Dulles Airport began in November 1962.

[2] Does not include passengers handled on charter flights.

[3] Each landing and each takeoff considered an operation.

[4] Primarily practice flights in immediate vicinity of airport.

[5] Includes airline personnel familiarization operations.

FRIENDSHIP FACTS

Owned by the city of Baltimore.

Location: Latitude 39°10′35″ N., longitude 76°40′19″ W. On a plateau 146 feet above sea level, in the northeastern section of Anne Arundel County midway between Baltimore and Annapolis. Immediately adjacent to the Baltimore-Washington Expressway; 20 minutes by expressway from downtown Baltimore; 45 minutes from downtown Washington.

Size: Approximately 3,360 acres.

Runways: There are three runways, having a total length of 4.52 miles, put down over supercompacted soil and surfaced with asphaltic concrete to withstand the impact of planes up to 450,000 pounds. The instrument east-west runway (10–28) is the longest, 9,450 feet and 200 feet wide. Northwest-southeast runway (15–33) is 8,400 by 150 feet; this will be lengthened ultimately to 9,450 feet. Northeast-southwest runway (4–22) is 6,000 by 150 feet. There are 5.38 miles of taxiways, 75 feet wide, many with paved shoulders.

Approach aids on runway 10: High intensity approach lights 3,000 feet long on centerline with flasher. Ceilometer and transmissometer, instrument landing system, visual glide slope indicator system. Instrumentation being installed on runway 15. High intensity approach lights installed on approach to runway 15.

Radio frequencies: Tower 118.7, 257.8, 126.2, 121.5, and 243.0 megacycles. Ground control 121.9 and 348.6 megacycles. Approach control 121.1, 360.8, 125.9, and 307.9 megacycles. Departure control 120.4 and 381.4 megacycles. ILS localizer 109.7 megacycles. IBAL compass locator, 219 kilocycles. BA located 4½ miles west of airport at ILS outer marker site; compass locator, 201 kilocycles. BA located three-quarters of a mile west of airport at ILS middle marker site. Baltimore radio range, 257 kilocycles. BAL located 7 miles northeast of airport. Baltimore OMNI 117.9 megacycles. BAL Baltimore Tacan channel 126. Located on airport. Flashing beacon on control tower BF.

Terminal building features: Its three piers form a T by coming together at the main terminal building air conditioned throughout, is designed to eliminate cross-traffic at incoming and outgoing passengers. In three levels: The first, the service level, includes baggage handling and airline operations and also an international arrivals section; the second, passenger departure level, includes ticket area and departing gates; third level contains a public observation deck, banquet facilities, and office space. Consumer concessions, post office, etc., are on second level, in addition to roomettes. Nine-story control tower, operated by FAA is 278 feet above sea level and gives Friendship its distinctive profile.

Aircraft position: At present there are 19 aircraft gate positions at the terminal building. The total can be increased to 65.

Aircraft capacity: 40 per hour under IFR (poor visibility) conditions and 80 per hour during good flying weather.

Parking area capacity: 1,800 automobiles.

GOOD COPTERS, BUT BUM TACTICS

Mr. BREWSTER. Mr. President, news stories out of Vietnam last week told of an appalling toll of Americans killed in helicopter missions.

In an article a few weeks ago, Mr. John Dille, military affairs editor for Life magazine raised some serious questions regarding the proper utilization of American helicopters in the Vietnam conflict. In doing so, Mr. Dille pointed out the need for the closest coordination between ground and air forces.

As a marine veteran, I take pride in the tribute paid to the success of the Marine Corps in the integration of its forces for effective interaction between air and ground forces. As a member of the Armed Services Committee, I am disturbed by the implication that squabbling between the Air Force and the Army has reduced the effectiveness of their efforts.

I have asked the Army and the Air Force to comment on the questions raised by the Life article, and I ask unanimous consent that the text of that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOOD COPTERS, BUT BUM TACTICS

In Vietnam the helicopter is indispensable. It is highly mobile and can carry troops into battle on a moment's notice over terrain where jeeps and trucks cannot go and transport planes cannot land. But if the United States intends to go on fighting this war in earnest—as President Johnson warned last week it would—then drastic revisions must be made in helicopter tactics.

The helicopter is in trouble in Vietnam. On the mission described on the preceding pages, all 17 copters taking part were hit by ground fire; 4 were destroyed or had to be left behind; and 16 marines were wounded, 2 of them fatally. This was not the fault of the copters or of their crews and pilots. The fact is the helicopter, as now being used, is too vulnerable a target.

Months ago the Vietcong was an erratically equipped force from which one could expect little more than rifle fire. Now, the Vietcong is ready and waiting, armed with heavy automatic weapons which can easily shoot the copters down.

In earlier days of the war, all that was needed to run interference for the troop-carrying copters was another kind of copter called the "Huey," rigged with .50-caliber machineguns, rockets, and a sight which, as in an old War War I plane, consisted of two cross hairs on the windshield.

These magnificent Army vehicles, the Hueys, were armed and thrown into battle in the face of need—as a stopgap. Even now they are not altogether outdated; in surprise attacks they are still invaluable. As the war changes, they become—to draw a naval or marine analogy—the rubber-boat forces of Vietnam, ideal for patrol and reconnaissance. But their effectiveness in combat as close air support of troops is fading fast.

What is the solution?

It can be found in any military manual on the use of the helicopter. First, the copter must be used as a transport vehicle; it is not an assault weapon, nor was it ever meant to be. Second, in performing its mission of landing troops in a combat zone, the helicopter must be preceded by close air support from combat planes. Just before the landings, these support aircraft pound the area with bombs, rockets, napalm and bullets. If the wind is right, they also lay down a smokescreen. Only then do the copters come in with the infantry. And after the landings, the air-support planes must return again and again for bombing and strafing during the engagement.

Why is it important that the United States in Vietnam use the copter ground tactics which, in fact, it invented?

The helicopter gives the South Vietnamese forces the mobility they need to counteract the hit-and-run tactics of the swelling Vietcong. The correct copter tactics will neutralize enemy fire at the time of landing and enable the troops to debark with a minimum of vulnerability to themselves and to the helicopters.

How have we gotton into the present tactical bind? For three reasons.

1. We entered the scene militarily as advisers and, by the rules of engagement, were prohibited from fully exercising our own military power and know-how.

2. The South Vietnamese, who until recently have either flown or controlled most of the close-support missions, are neither trained nor equipped for the split-second coordination that is vital to close air-support missions. On many occasions, the instantaneous communications so essential to success have been hung up on the simple problem of language.

3. The U.S. Army and Air Force have been at loggerheads for years over their respective roles in close-support missions. The Army would prefer to have its own air wing. The Air Force has never wanted to face up to the business of supporting troops 100 yards beyond the front lines. Instead, it prefers the broader tactical view of battlefield interdiction stretching thousands of yards ahead. Thus it has not provided the Army in Vietnam with the intimate support the Army needs.

Integration of forces is the key to the air-ground-helicopter complexity. The one U.S. armed service which has worked at and solved this complexity is the Marine Corps. It has its own infantry, planes and copters and operates them as an integrated force. The Marines pioneered the use of the helicopter as a transport vehicle in assault situations supported by closely striking aircraft. Only recently have the Marines entered Vietnam in any strength. But the helicopter crews, such as crew chief Farley and gunner Hoilien, have been on the scene longer. Like the hundreds of Army copter crews, the Marines know that they urgently need the full range of weapons to do the job. They have helicopters in Vietnam but, up to last week, had not been permitted to bring their own planes in to round out the team.

In his speech last week, President Johnson held out two big carrots to the Vietnamese Communists—an offer to enter into "unconditional negotiation" for a settlement of the war and a billion-dollar aid program for the area involved. Despite U.S. air attacks against key military targets in North Vietnam, the Vietcong have shown no tangible signs of giving up. This means the United States must prepare itself to fight on. So let it be said again: the United States must make more effective use of the one weapon in South Vietnam which has probably spelled the difference so far between defeat and victory—the helicopter. There are now some 400 U.S. helicopters in South Vietnam. More are needed—and will be on their way. But the shocking fact remains that we have not yet applied the most sophisticated skills of weaponry at our command to the vital copter missions.

THE POLL TAX

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point, an article from the Wall Street Journal of Tuesday, April 27, entitled "The Poll Tax," by Dr. Harley L. Lutz, a former professor of economics at Princeton University.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POLL TAX—STATES SHOULD HAVE RIGHT TO USE IT TO RAISE REVENUE

(By Harley L. Lutz)

The voting rights bill of 1965 now contains provisions intended to forbid the levy of a poll tax as a prerequisite to registration for voting in State or local elections. The 24th amendment to the Constitution already has eliminated this requirement in the case of elections for Federal office.

The proposal is the latest in a long list of actions taken to impose the Federal will on the States. The amendment and the bill are products of a nationwide emotional orgy which has inhibited an objective approach. The bill raises important constitutional issues involving Federal-State relations, and also the basic right and authority of the States to manage their own affairs. These matters must be left to the courts. The purpose here is to say a few kind words for the poll tax.

First, a poll tax is authorized and used in more States than may be generally known. The 1964 edition of State Tax Guide, published by Commerce Clearing House, lists 23 States in which a poll tax is part of the tax law. In the Guide's brief summaries of State constitutional provisions relating to taxation, a poll tax is mentioned in four, including Texas. Ten States authorize poll tax for local use only—that is, by counties, cities and towns and school districts. Constitutional prohibition of the tax occurs in four States.

Second, the poll tax can be a useful, even if minor, source of revenue in States which lack a large accumulation of wealth and flow of income. The following figures, from the Commerce Clearing House document cited above, compare reported poll tax receipts and death taxes—on inheritances and/or estates—for State fiscal years ending on some date in 1964. Local collections are not compiled.

[In thousands]

State	Reported receipts from—	
	Poll tax	Death taxes
Alabama	$290	$992
Alaska	733	58
New Hampshire	1,393	1,994
Texas	2,074	13,177
Vermont	792	1,173
Virginia	1,826	7,434
West Virginia	753	3,545

Even with the casual, "silver offering" kind of administration found in most places, the poll tax returns shown above are surprising. State and local officials have often come to the Federal Treasury hat in hand for Federal grants in amounts no greater than these haphazard collections of poll tax.

Third, the argument that a poll tax is regressive is threadbare. The entire system of market prices is regressive in the same sense. So, also, are property taxes, excise taxes, and the long list of fees, licences, and other public charges. The objection is not worthy of consideration, for it is invoked only when there is an ideological bias to be supported.

NOT CAUSE OF PROBLEM

Fourth, the poll tax, even where levied as a prerequisite for voting, is not the real cause of the current racial troubles. Rather, this cause has been the deliberate refusal on racial grounds, in some places, to accept and process applicants for registration. There is no evidence that these rejected applicants refused to pay a poll tax, or that it was the principal basis of complaint. Nevertheless, everybody has joined in the hue and cry against the poll tax and against any other voting test or qualification that a State might establish.

A comparison of the licensing of car drivers and of registering voters is apropos. For this comparison we assume that a poll tax would be levied. Then, in both cases, there is a revenue purpose. In both cases a constitutional right is involved, for the right to own and use property, including an automobile, is as fully assured and protected by the Constitution as the right to vote. Property rights are just as important as the right to vote. The objective of the control measures, in both cases, is to apply certain tests whereby may be determined the fitness of the applicant to exercise the privilege sought.

Some curious facts and contrasts are at once apparent. All States require drivers to have valid licenses to operate a motor vehicle. To obtain a license, most States require satisfactory completion of some sort of written and/or oral examination on the provisions of the motor vehicle law and its regulations. This involves a degree of literacy sufficient to enable the applicant to read and understand the pertinent provisions of the law and regulations, and to write correct answers to questions. A road test is also required and a minimal physical examination is usually given.

The details of these requirements vary considerably among the States, but no one questions the right of any State to apply standards and make tests to determine the qualifications of those to whom driver's licenses will be issued. No one argues against the periodic charge collected to keep a driver's license in good standing. No one seriously contends that the various tests are too severe, or that they are loaded or rigged in any way. It has never been alleged that applicants have been denied opportunity to take the tests on grounds of racial discrimination, or that applicants have been failed on such grounds rather than on objective grading. No rejected applicant has ever charged infringement of his constitutional right.

In contrast to the regulation and control by the State over the individual's constitutional right to own and use specific property—an automobile—is the comparatively lax attitude toward voting. Most States assume, without testing, at least a minimum degree of literacy. Where specific tests have been introduced they have been attacked. The constitutional right of a State to determine the qualifications of its electors is to be nullified. The levy of a charge for the exercise of the franchise is violently opposed, but no opposition of consequence could be mustered against the fee charged for a driver's license.

It may be said that the public safety requires supervision of motor vehicle operation and appropriate tests of driver fitness. The annual death toll on the highways suggests the need for even tighter supervision and control than now exists. Protection of life is very important, but so is the protection of our governmental institutions. Indifference to the qualifications of the electorate is an invitation to their destruction.

The contrast of attitude can be carried a step further. Let us grant that the State is equally justified in testing, by appropriate methods, the competence of its licensed car drivers and, by other methods, the competence of its voters. There remains to be explained the complacent acceptance of a charge on the driver and the rabid opposition to a charge on the voter. The case for revenue need would be equally pertinent, even if one levy produced much more than the other. No good reason has been advanced for these diametrically opposed attitudes and it is doubtful if one can be found.

THE CORRECT SOLUTION

The analogy of the driver's license points the way to the correct solution of the voter registration problem. Such registration should be administered in the same unbiased, nondiscriminatory way as is driver registration under a motor vehicle law. A State that wants to apply qualification tests and levy a charge for voter registration should be no more hampered and restricted in so doing than is now the case with driver registration.

The basic problem is not the poll tax prerequisite, but intimidation and discrimination. The remedy for these evils is in the courts, not in mob violence or hasty, ill-considered Federal legislation. The dispatch of a swarm of Federal officers into designated districts is not likely to promote a calm, unemotional local attitude.

Fifth, it is not contended here that every State should have a poll tax. It is asserted, however, that any State desiring to use this method of taxation should be entirely free to do so. The Federal restrictions, present and intended, would apply only to the levy of poll tax as a voting prerequisite in all elections, State and local as well as Federal. At one time a considerable number of States had this requirement but the number is now down to four. There is no assurance, however, that the invasion of a new batch of Federal officers will be confined to these States.

Freedom to use a poll tax implies freedom to employ appropriate measures of enforcement. Effective administration of any tax requires some sort of leverage whereby the collector can enforce payment. Very few people would pay the full amount of any tax, on time, if it were a purely voluntary matter. The enforcement devices most generally used are distraint, fines, and jail sentences. For example, failure to pay real property tax establishes a tax lien on the property, which may be sold after a stated period of delinquency to satisfy the tax claim.

In Massachusetts and New Jersey the law provides, in the case of nonpayment of personal property tax, that the sheriff "shall seize the body of the delinquent and hold it in safe and secure custody," which means, in layman language, to put him in jail. There are no recorded cases of a delinquent getting closer than the jail door, which testifies to the efficacy of the procedure. Federal income tax evasion is punished by fines and jail sentences, and there are numerous Federal guests on these counts.

Collection leverage through deprivation of a privilege in the event of default, or by making pursuit of a given activity contingent on payment, is also quite general. For example, no motor vehicle may be legally operated on a public highway without payment of a specified registration fee. Hunting and fishing are unlawful without appropriate licenses. The list could be extended indefinitely. All of these charges are for revenue purposes, a corollary intent being, usually some form of regulation in the public interest. In a given State the cost of a particular fee, license, or permit is the same for all regardless of economic status or other criterion.

COLLECTION METHODS VARY

In some States the leverage for poll tax collection is payment of property tax, the former being payable on the due date for the latter. This tends to limit the poll tax to property owners. In other States payment of poll tax has been collectible at the time of voter registration. This is, obviously, a strategic point at which to enforce collection. The practice has become so entangled, however, in all manner of emotional, even hysterical, complications as to obscure the basic purposes which should prevail.

To put the case on its proper and only justifiable ground, it is contended that the sole reason for levy of a poll tax by any State or its subdivisions should be to obtain revenue; and, further, that in any State where the tax is imposed for that purpose, there is justification for utilizing a convenient, effective checkpoint at which to secure maximum collection at lowest cost. Even if the law were to provide that all persons aged 21 and over should pay the tax, no collection leverage of universal application would be feasible. It would be necessary to settle for some broadly applicable device, and exercise of the franchise commends itself for the purpose.

The conclusion is that a serious mistake has been, and is being made, in outlawing the poll tax. In addition to its contribution to the cost of government, including the cost of elections, it would be a useful part of the screening whereby the election process could be improved. Willingness to pay a small charge in order to vote could induce more thoughtful consideration of issues, more careful scrutiny of candidate qualifications, and more prudent regard for the use of public funds. Indeed, registration and voting might be increased in relation to the eligible population, for it is axiomatic that whatever costs something is more highly prized than that which costs nothing. The so-called second-class citizens would then be those who were too stingy to pay or too indifferent to their obligations as citizens to make the effort.

FIFTH ANNIVERSARY OF INDEPENDENCE FOR THE REPUBLIC OF TOGO

Mr. YARBOROUGH. Mr. President, today, April 27, marks the fifth anniversary of the date on which the West African Republic of Togo gained full independence from France, which had exercised trusteeship for the former German colony since after World War I. On this landmark in this young Republic's history, I would like to extend my congratulations to President Nicholas Grunitzky, to Togo's Ambassador to the

United States, Dr. Robert Ajavon, and to the people of Togo.

I might note that Ambassador Ajavon, although experienced in public affairs, is a relatively newcomer to Washington's diplomatic corps, having arrived here at the end of last summer. Since his arrival he has fostered the good relations that we have been fortunate to have with Togo during the last 5 years.

Our good relations with Togo are based on the sound principle of common interests. Among the goals we both desire, in Africa and elsewhere, are those of national independence, noninterference in the internal affairs of a country, and economic and social development. I am happy that our two governments are working toward these goals together.

For example, the United States and the Government of Togo established a school for training young Togolese in rural development practices a few years ago. The first graduates of this institution will soon be working with their neighbors in the fields and villages, showing them how to help themselves. This training is most beneficial in the northern region of the country, where the villages have had less contact with modern agricultural practices than their fellow citizens on the coast.

We have also helped to establish a center to train operators and mechanics of heavy road construction and maintenance equipment. Although programs somewhat like this one are being undertaken in other African countries, the Togo project is a bit special. There, the center has been established specifically to serve all the French-speaking African countries in the area. The first graduating class of this school includes more young men from outside Togo than Togolese themselves. The experience of learning their trade side by side with Africans of other nationalities will have a positive effect on Africa's progress toward unity in the years ahead.

I am sure that I speak for the Senate when I say that we are pleased that the new nation has progressed far in these 5 years. We are proud to join the people of Togo on this anniversary, and we look forward to the ever-strengthening ties of friendship and cooperation which we have enjoyed for 5 years.

OUTLAWING OF POLL TAXES AS VOTING REQUIREMENTS IN STATE ELECTIONS

Mr. KENNEDY of Massachusetts. Mr. President, there has been, and I am sure there will continue to be, considerable discussion over section 9 of the voting rights bill, the section outlawing poll taxes as a requirement of voting in State elections, which the Judiciary Committee added to the bill 2 weeks ago.

No one who believes in protecting the right to vote says that poll taxes are good, or that they do not interfere with the exercise of the franchise. The discussion is over the power of Congress to legislate in this field.

I made a speech on this subject before the Easter recess, and sent a copy of it to the man who is acknowledged to be the Nation's leading authority on constitutional law, Prof. Paul Freund, of the Harvard Law School. He replied to me that he agreed completely with the position I took. He said, in part:

> I believe you are on sound ground in arguing that even if the Supreme Court had given more clearance than it has to the poll tax under constitutional attack, it is nevertheless open to Congress to legislate under the 14th and 15th amendments to strike down in a marginal area what the Court declined to strike down of its own accord * * *. It is the judgment and findings of Congress, based on a legislative record more adequate than may have been presented in a lawsuit, that will be respected by the Court. Congress has a responsibility under the 14th and 15th amendments that cannot be avoided by forcing issues of voting rights into the courts without the benefit of congressional declarations of policy, experience, and judgment.

I hope Senators will give the most serious attention to the judgment of a man who has spent his entire life studying the Court—the man who is editor in chief of the "History of the Supreme Court" that Congress itself authorized and funded—the man who knows, from a lifetime of study how the Court would react to a law we pass. I ask unanimous consent to insert Professor Freund's letter into the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 21, 1965.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I greatly appreciate your sending me a copy of your speech on the poll tax. It is a magnificent statement, and if, as I trust, the measure is enacted, I am sure that your cogent and eloquent argument will be highly persuasive in the courts.

No doubt your antagonists will emphasize the point that the poll tax has not been struck down under the 14th and 15th amendments as an arbitrary or pseudoqualification for voting or an implicitly discriminatory device. I believe you are on sound ground in arguing that even if the Supreme Court had given more clearance than it has to the poll tax under such a constitutional attack, it is nevertheless open to Congress to legislate under the 14th and 15th amendments to strike down in a marginal area what the Court declined to strike down of its own accord.

Examples of this kind of congressional power under other clauses of the Constitution are familiar. In the field of intergovernmental tax immunity, Congress can grant immunity to Federal agencies beyond the point where the Court would have found immunity to exist. Congress can protect interstate commerce from State regulation or taxation beyond the limits theretofore drawn by the Court. A striking example a few years ago was the statute forbidding State income taxes on interstate business in the absence of specified activities within the taxing State; this statute was deliberately designed to overcome a series of recent Supreme Court decisions. See Public Law 86–272, 73 Stat. 555 (1959). The 14th and 15th amendments contain a "necessary and proper" clause fully as enabling as that applicable to other classes of congressional power. In a marginal area it is the judgement and findings of Congress, based on a legislative record more adequate than may have been presented in a lawsuit, that will be respected by the Court. Congress has a responsibility under the 14th and 15th amendments that cannot be avoided by forcing issues of voting rights into the courts without the benefit of congressional declarations of policy, experience, and judgment.

Sincerely yours,

PAUL A. FREUND.

HIGHER POWERED RADIO TRANSMISSION

Mr. SPARKMAN. Mr. President, on March 15, 1965, I joined the Senator from Florida [Mr. SMATHERS] in sponsoring Senate Resolution 88. This resolution would express the sense of the Senate that the Federal Communications Commission should not adopt or promulgate rules to permit or otherwise allow any radio station operating on a frequency in the standard broadcast band to operate on a regular or other basis with power in excess of 50,000 watts.

Senate Resolution 88 was referred to the Committee on Commerce, where it now awaits consideration. I understand that the Federal Communications Commission has not yet submitted its report to the Committee on Commerce.

The maximum authorized power for U.S. standard broadcast stations has been maintained at 50,000 watts for almost 35 years. This power "ceiling" has made it possible for large numbers of stations to operate without unreasonable interference, so that the United States now enjoys an alltime optimum of radio service in terms of coverage, numbers of stations, and diversity of significant local services. Nevertheless, a proposal has been advanced by a dozen large broadcasters having the present advantages of 50,000-watt power and exclusive use of specific broadcast frequencies, that they be permitted to employ superpower of as much as 750,000 watts on these frequencies. Their proposal would undo a great deal of the complex radio allocations framework which has been established over the years.

The proponents of this unwarranted and unnecessary privilege cannot cite any real need for granting superpower privileges. I am opposed to this proposal for superpower stations for two basic reasons: First, it would be damaging to small business operators of radio stations. The use of additional power on any U.S. standard broadcast frequencies would result in widespread interference to domestic stations—most of which are small operators.

In addition to this interference on the airwaves, these superpower stations would further encroach upon the advertising sources of smaller local and regional stations. I am sure that ways would be found to attract more and more national advertisers to the super stations, to the detriment of the low-power small business stations. Such a result would serve no purpose except economic concentration in the radio broadcasting industry.

Secondly, superpower stations in the United States might encourage a trend in Caribbean and Latin American countries toward correspondingly higher power. Thus, it could eventually result in untold interference to existing U.S. service.

The United States adheres to the principle of the International Telecommunication Convention—ratified in October 1961. This principle restricts radiated power of standard broadcast stations to a level necessary to render service within national boundaries. Both the North American Regional Broadcasting Agreement and the United States-Mexican Treaty also adhere to this principle. To suggest abandonment of this fundamental standard is directly contrary to all our interests. It would also be directly contrary to our current efforts to prevent the establishment of superpower stations in the Dutch West Indies and Costa Rica. Moreover, I am told that this would cause extensive interference—on each channel involved and on six adjacent frequencies—to Canadian and Mexican stations. Such interference could be harmful to both groundwave and skywave coverage.

At present, the United States enjoys class I–A priority on a number of frequencies. This is based in large measure on assignments made at the time the above treaties were negotiated, and we then had no superpower stations in operation. By initiating superpower operations, we might cause a reopening of the matter of priority and the United States might well lose some of its priorities in new negotiations.

Fundamental changes, such as superpower for a dozen U.S. clear-channel stations, might encourage requests for a wholesale revision of present treaties governing frequency allocations among North American and Central American nations.

The severely adverse effects on domestic broadcast service of this unwarranted and hazardous proposal are clear. It is also obvious that the threat to hard-won international agreements is equally great; and these agreements must not be jeopardized by unneeded and unnecessary increases in radiation power for the few big broadcasters who have raised this issue.

Furthermore, Mr. President, any decision to break the 50,000-watt ceiling would immediately raise even more difficult questions. If, after careful deliberation, the FCC should be so unwise as to conclude that the public interest would be better served by licensing radio stations to operate with power in excess of 50,000 watts, these additional questions would arise:

First. What should be the new power ceiling?

Second. Where should the superpower stations be located?

Third. Who should be licensed to operate superpower stations?

Although proposals pending before the FCC request the assignment of superpower to specific existing stations, it does not automatically follow that existing clear-channel stations should receive superpower privileges.

Even if some reasons, so far unknown to me, were to persuade the Commission to find a need for the superpower radio transmission, this would not end the matter. It would then be necessary to determine how much power? to be granted to which operators? to be operated in what places? If it should become wise to broadcast at power above 50,000 watts, why should it not be wise to reassign the so-called clear channels and to license a superpower station in Alabama or in other States which do not now enjoy the privilege of 50,000-watt transmission?

Mr. President, I believe that the FCC should promptly reject proposals to create superpower stations. Such action would end the potential threat to small business operators. It would end the potential problems of international conflict over settled allocations of power and frequencies. It would forestall potential controversy over the determination of licensees and the location of stations.

Mr. President, there is no need for higher powered radio transmission in the United States; and I hope that Senate Resolution 88, so expressing the sense of the Senate, receives prompt and favorable consideration.

MILITARY INSTRUCTOR SUPPORTS COLD WAR GI BILL

Mr. YARBOROUGH. Mr. President, the cold war GI bill has been opposed by the Defense Department on the basis that it would encourage men to leave the military service in favor of receiving an education. I recently received a letter from a Navy enlisted man, Mr. Arthur J. Vandagriff, who was an instructor in the U.S. Air Force for 5 years before becoming an instructor in the U.S. Navy.

In his letter, Mr. Vandagriff states that from his experience he does not believe the possibilities of a cold war GI bill would lure a man out of service, for that decision is usually made before a man decides what he will do when he reenters civilian life.

Because of Mr. Vandagriff's experience and the cogency of his letter, I ask unanimous consent that this letter of April 9, 1965, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S.S. "CONE" (DD–866),
FLEET POST OFFICE,
New York, N.Y., April 9, 1965.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I have received the material you sent me in regards to the cold war GI bill, and I would like to say that it is one of the most efficient and workable plans for the furthering of education for the American fighting man that I have ever had the pleasure of reading. On behalf of my shipmates and myself, I would like to say "Well done," and have recommended that if they feel strongly for this bill that they write their respective representative in Washington, urging them to cast their vote in favor of the bill. I sincerely believe as you state, that this bill is not a "reward" but a "readjustment" plan for those who want to work in order to obtain a college education. Having been a military instructor in the U.S. Air Force for almost 5 years prior to enlisting in the Navy, I find with my students, an amazing lack of formal education (college level) due to the lack of necessary funds within their respective families, and this type of legislation gives them the incentive to better themselves, thereby making themselves more useful to their community, their Nation, and to themselves. Personally, I was the recipient of an academic scholarship upon graduation from high school but turned it down for a full military career, but many of the students in my high school graduating class were not so fortunate to obtain a scholarship, therefore were denied the fulfillment of their education due to the lack of money to continue. My only regret is that I did not take advantage of the scholarship and enter the Armed Forces in a commissioned status upon graduation from college.

Upon talking with many of my shipmates, I find as you have already pointed out in your hearings that the serviceman is not going to get out of the service to take advantage of the bill, rather he has already planned on returning to civilian life, either to continue college or get a job. The portion of the bill that states that he may retain his privileges until after retirement is more than an active incentive for the young man or woman to remain in the military service until his or her retirement, then take advantage of the bill. In my views of military personnel taking their discharge from the services instead of remaining is that a military career has not been sufficiently introduced to these people and they have not been sufficiently indoctrinated to produce the motivation needed for young people to remain in the military services of their country. In my own personal estimation, the military career for the young man or woman can and is more rewarding and gives as much or more personal satisfaction than any career or vocation that I can think of. The life of the serviceman is a very hard one, both physically and mentally, but when I realize that the military service is essentially the largest company in the world and that the uniform I wear makes me proud of that fact, I can walk down the street with my head high and always consider myself a No. 1 first-class citizen. This bill plus the current pay boost is just another reason for me to remain in the service. As we both know, the way to a serviceman's heart is through his pocketbook and as long as Uncle Sam keeps us on an even plan with our civilian counterparts, our military services are going to be always well manned with highly efficient and highly motivated personnel.

I hope I have not taken up too much of your valuable time, but I know that you had the serviceman in mind when you introduced this important piece of legislation. We appreciate it very much.

A loyal friend, a supporter.
ARTHUR J. (JACK) VANDAGRIFF.

PROFILE OF SENATOR MAGNUSON

Mr. HARTKE. Mr. President, the Wall Street Journal earlier this month chose to do a two-column portrayal of one of our distinguished and well-loved colleagues, Senator WARREN G. MAGNUSON. As one who enjoys serving under him on the Senate Commerce Committee, I read with appreciation the decription given by Dan Cordtz in his article, whose title reflects the affectionate manner in which we regard him—"The Senate's 'MAGGIE.'" I am sure most Members would agree with the writer that the senior Senator from Washington is indeed among the "most popular, most influential, and most anonymous Members." His modesty has kept him from securing the full degree of recognition he deserves. I am glad that this article brings to public attention some of the remarkable qualities he presents, as a hard-working and effective Member of this body.

Therefore, Mr. President, I ask unanimous consent that the article to which I refer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SENATE'S "MAGGIE"—IN A CASUAL WAY, WASHINGTON'S MAGNUSON GETS MUCH DONE

(By Dan Cordtz)

WASHINGTON.—If a Senate poll were taken to pick that clubby group's half-dozen most popular, most influential, and most anonymous Members, chances are that on all three lists would appear one name: "MAGGIE."

That's the way it would be put down on most ballots, too. For to his affectionate colleagues, the full name of WARREN G. MAGNUSON is somehow too stiff to go with his casual, unbuttoned informality. Even after 20 years as Democratic Senator from the State of Washington, he exudes an air of good fellowship that prompts total strangers to call him by his nickname.

Presiding over a public hearing in his bluff, rambling fashion, chewing a big cigar and with his dark-rimmed spectacles slipping down his ruddy nose, he can appear a faintly comic figure. Grammatical slips, mispronunciations, and malapropisms are not unknown to him, and he persistently confuses such terms as "balance of trade" and "balance of payments."

If this manner occasionally traps an outsider into taking Senator MAGNUSON for less than he is, it doesn't deceive his peers. His name may mean little to the public outside his home State, but within the club it carries unmistakable weight. This point is being proved once more in the case of the proposed law to require health warnings on cigarette packages. The introduction of a MAGNUSON bill was the signal for 2 weeks of full-dress hearings which wind up today. If he cares to declare himself, the Senator from Washington will undoubtedly have a great deal to say about whether the final law applies to cigarette advertising as well as package labels.

Senator MAGNUSON'S official credentials alone guarantee attention to his views. He is chairman of the Committee on Interstate and Foreign Commerce, whose legislative jurisdiction affects an estimated 90 percent of the Nation's industry and commerce; he is chairman of the Independent Offices Subcommittee of the Appropriations Committee, which holds the purse strings of most Federal regulatory agencies; and he is chairman of the Democratic senatcrial campaign committee, which doles out contributions to colleagues at election time.

Senator MAGNUSON also enjoys the special status that goes with long service (he ranks eighth in seniority), a place on the Democratic policy committee and membership in the Senate's shadowy inner circle. He is one of the few active remnants of the fading "establishment" which helped Lyndon B. Johnson run the Senate for nearly 8 years. The President and Senator MAGNUSON, in fact, share a close personal friendship that goes back almost to the day in 1937 when both were sworn into the House of Representatives.

PRESIDENT WAS BEST MAN

"We came here together, went to war together, and came back together," the Senator declares proudly. He modestly omits the fact that the President served as best man last year when Senator MAGNUSON married Mrs. Jermaine Peralta, a Seattle widow.

More important than official rank and highly placed friends, though, is the all but universal fondness felt for Senator MAGNUSON by men of the most diverse political persuasion. Conservative Senator CARL HAYDEN, Democrat of Arizona, who has spent 38 years in the Chamber, labels him "a Senator's Senator." (One popular definition: "A man who, if he can't help you win, helps you look good losing.") Majority Leader MIKE MANSFIELD, of Montana, declares, "'MAGGIE' doesn't have an enemy on either side of the aisle." Adds liberal Democrat PHIL HART, of Michigan: "He's just one of the really nice guys in this place."

A psychiatrist might contend the 60-year-old Senator's desire for friendship reflects a childhood insecurity. Orphaned at the age of 3 weeks, he was adopted by a Swedish family in Minnesota. But at the age of 17, he worked his way West—riding freight trains and doing farm labor—until he reached Seattle. Seven years later, he had worked his way through the University of Washington and its law school and in 1933 won his first election, to the State legislature. Since then he has been in 23 more and won them all, although he received the scare of his life in 1962 when an unknown minister came within 45,000 votes of turning him out of his Senate seat.

Like many of those in the Senate, Senator MAGNUSON seems to find most of his pleasure in the company of his fellow club members. He plays poker with a congressional group almost every Thursday night, attends football and baseball games with Senator RICHARD RUSSELL, of Georgia. A good companion, he is fond of telling funny stories about his fellow Scandinavians. Before his marriage, he was one of the Capital's gayer bachelors; now he spends most evenings reading and works at painting on the weekends. He is an unabashed sentimentalist, a quality that endears him to his frequently thick-skinned Senate mates.

But popularity on Capitol Hill is more than a matter of being a pleasant, amusing, nice guy. To get along, goes the proverb, go along. And Senator MAGNUSON tries hard to help his colleagues wherever possible. Some outside critics suggest he is a bit too accommodating and even something of a wheeler-dealer. But the most sternly moralistic among his fellow Senators deny there is anything sinister about his horse trading.

"'MAGGIE' wouldn't compromise with principle," one realistic Senate veteran says, "but he's not one of those fellows who looks for a moral issue in every little political proposal. He's not dogmatic or doctrinaire He can give a little on most things. Some of these birds around here see everything in such categorical terms, they never have any room to maneuver."

Placing Senator MAGNUSON within the ideological spectrum is not easy. Both the Americans for Constitutional Action and the Americans for Democratic Action rate him, on his voting record, as a solid liberal. He wears that badge proudly, but adds that he is a conservative in fiscal matters. "I helped cut $6 billion off the Federal budget in the last 10 years," he declares. Some of his friends describe him as an instinctive conservative whose natural bent is tempered by political realism and a soft heart.

Even when he is shepherding an administration proposal or one of his own through his committee, moreover, Senator MAGNUSON is always seeking the sort of consensus so dear to his friend in the White House. And if he finds it impossible to get, he's quite content to let the matter rest until a better day. "We seldom pass a bill in the Commerce Committee that isn't pretty well agreed on," he remarks.

NO ARMTWISTER

Nor is such agreement the grudging result of any arm twisting on his part. The chairman of a Senate committee enjoys broad power, and more than one has been known to use it tyranically at times. But not the senior Senator from Washington. His permissiveness makes the public hearings of the Commerce Committee the most relaxed in town. It encourages many members to indulge their penchant for comedy, and occasionally reduces the time schedule to a shambles. Once the doors are closed on executive sessions, committee members say, their chairman is brisker, but never domineering.

So adroitly has Senator MAGNUSON steered clear of controversy that he has really only been embroiled in a couple of bitter, knockdown battles. One was the dispute over construction of a multipurpose dam in Idaho's Hells Canyon in 1956 and the other was the 1959 wrangle over Senate confirmation of Adm. Lewis Strauss as Secretary of Commerce. (Senator MAGNUSON suffered one of his infrequent defeats when the big dam was rejected in favor of two low-level dams, but he was on the winning side as Admiral Strauss was retired to private life.)

When he is forced into the line of fire, Senator MAGNUSON usually emerges magically unscathed. He pushed the public accommodations section of the civil rights bill and the communications satellite bill through his committee without alienating either the southerners, violently opposed to the first, or the liberals, adamantly against the second. Second-ranking committee Democrat, JOHN O. PASTORE, of Rhode Island, on the other hand, was raked from both sides and lost the election for assistant majority leader partly as a result.

But his fellow Senators don't just like Senator MAGNUSON; they trust him. "Everybody knows 'MAGGIE's' not out to do anybody in," explains a colleague of years' standing. "He has no further political ambitions, so he's not trying to take anything away from somebody else. All he wants is to be liked." This attitude, plus his acceptability to L.B.J. and the Senate's elders, was responsible for Senator MAGNUSON'S selection (over then Senator HUBERT HUMPHREY) as head of the senatorial campaign committee.

As they trust his good faith, moreover, Senator MAGNUSON'S colleagues also trust his instincts and judgment. "I doubt," asserts a strong liberal, "that 'MAGGIE' ever read the civil rights bill clear through. He doesn't have a mind that focuses on detail and niceties. But he came down hard on the right side." And if he is no deep thinker, he is also far from ill informed where his own legislative specialties are concerned.

RELIANCE ON STAFFS

He relies heavily on personal and committee staffs whose abilities are acknowledged by Democratic and Republican members alike. (So many persons work for Senator MAGNUSON directly or indirectly that one long corridor of the Senate Office Building is known as "MAGGIE's alley.") And unlike many in Congress, he does not spread himself thin. He specializes in his committee's concerns, with particular interest in fisheries, merchant marine, and the like which mean bread and butter to his home State.

It's a rare Senator, therefore, who can bring himself to turn Senator MAGNUSON down when he entreats support. "He'll go to a fellow like JOHN STENNIS, for example, and tell him how desperately the Pacific fishing industry needs help," says an admiring associate. "STENNIS won't give a damn one way or another, but 'MAGGIE' will be so earnest and so determined that he'll figure if 'MAGGIE' feels that strongly about it he must be right. Anyway, the demand is never outrageous and it never involves taking something away from somebody else. If 'MAGGIE' usually gets what he wants, it's because he usually wants what he can get."

Nonetheless, his modest goals have resulted in such legislative plums as a $10 million Federal grant for the 1962 Seattle World's Fair; a chain of dams along the Columbia and Snake Rivers; and an amendment to the food-for-peace program adding fish to the surplus foods which can be sold to foreign countries under special, easy terms. (The only fish currently in surplus in the United States just happens to be pink salmon, most of which is caught and canned in the Pacific Northwest.) And Washington, 23d State in population, collects one of every six Federal public works dollars.

> Many of his contributions, his admirers say, go unnoticed because Senator MAGNUSON avoids attracting attention. In fact, his manner of operating may have been best described by President Kennedy when he spoke at a 1961 dinner honoring Senator MAGNUSON's 25th anniversary in Congress.
>
> "Most Members of the Senate," President Kennedy said, "have developed the art of speaking with precision and clarity and force. The secret of Senator MAGNUSON's meteoric career has been the reverse. He may make clear speeches to you on great public occasions, but in Washington he speaks in the Senate so quietly that few can hear him. He looks down at his desk—he comes into the Senate late in the afternoon—he is very hesitant about interrupting other Members of the Senate—when he rises to speak, most Members of the Senate have left—he sends his messages up to the Senate and everyone says, 'What is it' and Senator MAGNUSON says, 'It's nothing important.' And Grand Coulee Dam is built."

CONSTITUTIONAL RIGHTS AND FIREARMS CONTROL

Mr. SPARKMAN. Mr. President, in recent months there has been an increasing hue and cry in the land for stricter controls on the sale and possession of firearms. I do not think that anyone quarrels with the proposition that, in some sound and sensible manner, this Nation—or more properly the several States—must devise means of keeping lethal instruments, especially guns, out of the hands of criminals, incompetents and the mentally ill.

The question is not one of ends but of means. The second amendment to the Constitution of the United States, one of the clauses in our precious Bill of Rights, states, in full:

> A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

In the minds and hearts of many patriotic and law-abiding citizens, this freedom guaranteed by the Bill of Rights, the freedom to possess a weapon for defense of home and State, is no less important, no less sacred than the freedoms of speech, press, religion, assembly and petition guaranteed by the first amendment. And, whatever one's personal ranking of the values of these several freedoms, no one can gainsay that they are alike guaranteed by our Constitution.

It is widely recognized that the freedoms of speech and press, though couched in absolute terms in the first amendment, are not in fact absolute. I think that few if any citizens disagree with Justice Holmes' famous dictum that the constitutional guarantee of free speech gives no one the right to raise a false cry of "Fire" in a crowded theater. Similarly, some limitations on the right to buy and keep arms will be approved by all sensible men. Reasonable limitations are supported, indeed, by the National Rifle Association of America, Inc., and by the thousands of sportsmen's and gun clubs throughout this broad land.

But, Mr. President, just as there are some citizens who would go beyond the bounds of reason, necessity, and the Constitution in curbing freedom of speech, on the ground that the freedom is occasionally abused, so there are some citizens who would transgress reason, necessity, and the Constitution in the imposition of controls on the right to keep and bear arms.

Mr. President, I am concerned, deeply concerned, that some in this Nation and perhaps some of us in this body may be in danger, through overzealousness, of burning down the barn to get rid of the rats.

No one has given more sincere and prolonged study to the problems involved in firearms control than the Senator from Connecticut [Mr. DODD], the distinguished chairman of the Senate Judiciary Subcommittee To Investigate Juvenile Delinquency. In the last Congress, following long investigation and hearings by the subcommittee, the Senator sponsored a bill on firearms control that won the support of the National Rifle Association and of many sportsmen, gun dealers and gun collectors. That bill, S. 1975, 88th Congress, was the subject of hearings by the Senate Commerce Committee but was not acted upon. Senator DODD reintroduced it as S. 14 in the early days of the present Congress; and I think it likely that it would have again won the support of the NRA and of millions of law-abiding citizens who cherish their right to sell, own and sensibly use small firearms.

However, for reasons not entirely clear to me, the administration advanced another and far more stringent bill, which the Senator has now introduced with the apparent intention that it supersede S. 14, his earlier bill.

I have received a veritable storm of protest against this new bill, S. 1592, from my constituents in Alabama. In response to their wishes, and in evidence of my own concern, I have written a letter to Senator DODD on the subject. In my letter, I quoted in part a circular letter sent on April 9 by the National Rifle Association of America to its members. In pertinent part, the circular letter stated:

> S. 1592, the latest bill, prohibits all mail-order sales to individuals and permits such sales only between licensed importers, manufacturers and dealers. Thus it places harsh and unreasonable restrictions upon law-abiding citizens who wish to order sporting firearms (rifles and shotguns) by mail, especially those citizens who do not have convenient access to licensed dealers for over-the-counter sales.
>
> This bill, if enacted, would give the Secretary of the Treasury, or his delegate, unlimited power to surround all sales of guns by dealers with arbitrary and burdensome regulations and restrictions.
>
> Anyone engaged in the manufacture of ammunition would be required to have a $1,000 manufacturer's license. Apparently this would apply to a club engaged in reloading for its members. Anyone selling any rifle ammunition, even .22 caliber, would be compelled to have a $100 dealer's license. This would eliminate the usual hardware and other small store sales.
>
> If you transported your rifle or shotgun to another State for a lawful purpose, such as hunting, you would have to comply with such burdensome restrictions and red tape as might be required by the regulations.
>
> A dealer could not sell to a nonresident of his State. This provision, and the restrictions on transporting guns from one State to another, could be unduly restrictive on a great many people who live near State boundaries or those who must go into another State to shop.
>
> A gun shipped for service repairs could only be shipped under the regulations of the Secretary of the Treasury and then only for "authorized" service. Again, burdensome restrictions are threatened.
>
> A dealer's license could be refused to an applicant if the Treasury believes that by reason of business experience, financial standing, or trade connections, he is not likely to operate in compliance with the act. What does this mean?
>
> An importer could not bring in any new firearms unless the Secretary deems that such importation "would not be contrary to the public interest." What does this mean?
>
> This bill conceivably could lead to administrative decisions imposing such a burden on the sale, possession and use of firearms for legitimate purposes as to totally discourage, and thus to eliminate, the private ownership of all guns.

I expressed to Senator DODD my own concern about the bill and I urged him to hold exhaustive hearings on it. I am confident, Mr. President that if all contending points of view can be fully aired in this matter, reason will prevail.

ORDER OF BUSINESS

The **VICE PRESIDENT.** Is there further morning business? If not, morning business is closed.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 154, H.R. 7091.

The **VICE PRESIDENT.** The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7091) making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

The **VICE PRESIDENT.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The **VICE PRESIDENT.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. McINTYRE in the chair). Without objection, it is so ordered.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator from Rhode Island will state it.

Mr. PASTORE. What is the pending business?

The **PRESIDING OFFICER.** The pending business is H.R. 7091, the second supplemental appropriation bill for 1965.

Mr. PASTORE. Mr. President, the second supplemental appropriation bill for 1965, H.R. 7091, was reported to the House on Friday, April 2, and passed the House on Tuesday, April 6. The subcommittee in the Senate commenced hearings on Wednesday, April 7, and concluded its hearings on Wednesday, April 14.

The bill as passed by the House totaled $2,118,333,083; the committee recommendations total $2,257,869,415. I should like to describe briefly the bill as reported with appropriate references to the changes to the House bill recommended by the committee.

The reported bill includes:

The sum of $613.2 million, or 27 percent, is for increased pay costs for the military and civilian employees. The details of the amounts will be found in title III and, except for the addition of Senate items, the committee recommendations are identical with the House bill.

The sum of $407.9 million, or 18 percent, is for grants to States for public assistance. The committee recommendations and the House bill provide the full amount of the supplemental funds requested.

The sum of $352.3 million, or 16 percent, is for financing the Appalachian regional development program through fiscal year 1966. The House bill proposed a total of $344.3 million. The details are to be found in title II of the bill.

The sum of $250 million, or 11 percent, is for the first installment of the U.S. share in the investment in the Inter-American Development Bank. The House bill and the committee recommendations provide the full amount of the request.

The sum of $150 million, or 7 percent, is for veterans' compensations and pensions. The House bill includes $108 million. An additional supplemental request for $42 million was transmitted to the Senate after the House had approved the original supplemental request.

The sum of $103 million, or 5 percent, is for the manpower development and training activities of the Department of Labor. The House bill provides $75 million of a requested $103 million. The committee recommendations would restore the $28 million reduction proposed by the House.

The sum of $100 million, or 4 percent, is to provide additional capital for the revolving fund of the Small Business Administration. The committee recommendations and the House bill include the full amount of the supplemental request.

The sum of $36.7 million, or 1 percent, is for repair, replacement, and so forth, of Federal facilities damaged in the west coast floods and other disasters. The amounts recommended herein and provided also in the House bill are substantially the same as the budget requests.

The sum of $35 million, or 1 percent, is to replenish the President's disaster relief fund. The committee has increased the $25 million allowed in the House bill by $10 million in view of recent disasters in the Midwest.

The items just referred to total $2,048.1 million, approximately 90 percent of the $2,258 million recommended by the committee. These items, as well as those comprising the remaining 10 percent, are described in detail in the committee report accompanying the bill.

In addition to amounts referred to above, the bill, as passed by the House and reported by the committee, includes $250 million for Federal-aid highways, to be derived from the highway trust fund.

Mr. President, that in substance is the bill. I shall be happy to answer any questions. However, before I do so, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text; provided, however, that no point of order shall be considered to have been waived by agreement to this order.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 8, after the word "Research", to strike out "$2,860,000" and insert "$3,109,000"; in line 9, after the word "control", to strike out "$2,176,000" and insert "$2,417,000"; in line 11, after the word "eradication", to insert "and including $100,000 for the purpose of extending the screw-worm barrier zone to Arizona and California with cost-sharing from State and local sources of at least 50 per centum of the expenses of production, irradiation and release of the screw-worm flies"; and in line 16, after the word "inspection", to strike out "$1,047,000" and insert "$1,137,000".

On page 4, after line 15, to insert:

"PEACE CORPS

"During the current fiscal year an additional amount of $1,858,000 shall be available in the appropriation for 'Peace Corps' for administrative and program support costs."

On page 5, line 8, after the word "expended", to strike out "$1,932,000" and insert "$2,874,000, of which not to exceed $942,000 shall be for helicopter operations during the current fiscal year".

On page 5, line 19, after the word "relief", to strike out "$25,000,000" and insert "$35,000,000".

On page 6, line 7, after the word "Utah", to strike out "$4,055,000" and insert "$4,506,000".

On page 7, line 5, after the word "Service", to strike out "$1,331,500" and insert "$4,166,500".

On page 7, after line 13, to insert:

"FEDERAL-STATE TRAINING PROGRAMS

"For matching grants to States for authorized training and related activities, and for expenses of providing technical assistance to State and local governmental or public bodies (including studies and publication of information), as authorized by title VIII of the Housing Act of 1964 (20 U.S.C. 801–805), $5,050,000, to remain available until expended: *Provided*, That not to exceed $50,000 of this appropriation shall be available for administrative expenses."

At the top of page 8, to insert:

"FELLOWSHIP FOR CITY PLANNING AND URBAN STUDIES

"For fellowships for city planning and urban studies as authorized by section 810 of the Housing Act of 1964 (20 U.S.C. 811), $515,000: *Provided*, That not to exceed $15,000 of this appropriation shall be available for administrative expenses."

On page 8, after line 6, to insert:

"URBAN RENEWAL FUND (LIQUIDATION OF CONTRACT AUTHORIZATION)

"For an additional amount for 'Urban renewel fund (liquidation of contract authorization)', $30,000,000."

On page 8, line 14, to strike out "$13,000,000" and insert "$8,320,000".

On page 8, line 21, after the word "pensions", to strike out "$108,000,000" and insert "$150,000,000".

On page 9, after line 3, to insert:

"VETERANS REOPENED INSURANCE FUND

"All premiums and collections on insurance issued pursuant to section 725 of title 38, United States Code, shall be credited to the 'Veterans reopened insurance fund', established pursuant to that section, and all payments on such insurance and on any total disability provisions attached thereto shall be made from that fund, notwithstanding any provisions of that section: *Provided*, That for actuarial and accounting purposes, the assets and liabilities (including liability for repayment of advances hereinafter authorized and adjustment of premiums) attributable to each insured group established under said section 725 shall be separately determined: *Provided further*, That such amounts of the 'Veterans special term insurance fund' as may hereafter be determined by the Administrator of Veterans' Affairs to be in excess of the actuarial liabilities of that fund, including contingency reserves, shall be available for transfer to the 'Veterans reopened insurance fund' as needed to provide initial capital: *Provided further*, That any amounts so transferred shall be repaid to the Treasury and shall bear interest payable to the Treasury at rates established in accordance with section 725(d)(1) of title 38, United States Code."

On page 11, line 18, after the word "protection", to insert a comma and "including not to exceed $15,000 for travel and transportation of persons,".

On page 11, line 21, after the word "Construction", to insert a comma and "including not to exceed $8,000 for travel and transportation of persons,", and in line 23, after the amendment just above stated, to strike out "$580,000" and insert "$1,300,000".

On page 12, line 12, after the word "exceed", where it appears the second time, to strike out "$10,375,000" and insert "$10,285,000"; in line 15, after the word "exceed", to strike out "$4,805,000" and insert "$4,895,000"; and in line 21, after the word "proportionately", to insert a colon and "*Provided further*, That no part of this appropriation shall be used for the condemnation of any land for Grand Teton National Park in the State of Wyoming."

On page 13, line 19, after the word "research", to strike out "$550,000" and insert "$800,000".

On page 14, line 14, to strike out "$985,000" and insert "$2,825,000".

On page 15, line 20, after the word "activities", to strike out "$75,000,000" and insert "$103,000,000".

On page 16, line 12, after the word "ex-servicemen", to strike out "$14,000,000" and insert "$11,000,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for benefit payments for any period subsequent to May 31 of the year."

On page 17, after line 9, to insert:

"SALARIES AND EXPENSES

"Amounts available for any activity under appropriations under this head in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for and carrying out the Elementary and Secondary Education Act of 1965."

On page 17, after line 16, to insert:

"PUBLIC HEALTH SERVICE

"Water supply and water pollution control

"Not to exceed $820,000 of the amount appropriated under this head in the Department of Health, Education, and Welfare Appropriation Act, 1965, shall remain available until June 30, 1966, for construction projects to demonstrate control and abatement of acid mine drainage."

On page 18, after line 4, to insert:

"SOCIAL SECURITY ADMINISTRATION

"Limitation on salaries and expenses

"Amounts available for any activity under appropriations under this head in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1965, shall also be available for any other activity thereunder to the extent needed in preparing for and carrying out the Social Security Amendments of 1965."

On page 19, after line 14, to insert:

"SENATE"

On page 19, after line 15, to insert:

"For payment to Gladys A. Johnston, widow of Olin D. Johnston, late a Senator from the State of South Carolina, $30,000."

On page 19, after line 18, to insert:

"CONTINGENT EXPENSES OF THE SENATE

"Folding documents

"For an additional amount for 'Folding Documents' $8,000."

On page 21, line 6, after the word "general", to strike out "$1,500,000" and insert "$1,735,000".

On page 23, line 4, to strike out "$3,750,000" and insert "$4,300,000".

On page 23, after line 5, to insert:

"BUREAU OF THE CENSUS

"Registration and voting statistics

"For expenses necessary for the collection, compilation, and publication of statistics on registration and voting, in such geographic areas as may be recommended by the Commission on Civil Rights, as authorized by section 801 of the Civil Rights Act of 1964 (78 Stat. 266), $293,000."

On page 24, after line 6, to insert:

"COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE

"Salaries and expenses

"For expenses necessary for the Commission on International Rules of Judicial Procedure, $50,938, to be available from January 1, 1964, and to remain available until May 1, 1965."

On page 25, line 2, after "(22 U.S.C. 2451 et seq.)" to strike out "$8,000,000" and insert "including not to exceed $25,000 for representation and entertainment, $11,700,000."

On page 25, line 22, after the word "Research", to strike out "$100,000" and insert "$200,000".

On page 26, line 4, after the numerals "1966", to insert "for contracts and grants for basic and applied research", and in line 5, after the amendment just above stated, to strike out "$100,000" and insert "$500,000".

On page 26, line 12, after "Puerto Rico", to strike out "$475,000" and insert "$1,425,000", and in line 14, to strike out "$25,000" and insert "$75,000".

On page 26, line 22, after the word "appropriation", to strike out "$1,500,000" and insert "$1,650,000".

On page 27, at the beginning of line 3, to strike out "$400,000" and insert "$600,000".

On page 27, at the beginning of line 6, to strike out "$8,000,000" and insert "$10,220,000", and in line 7, after the word "exceed", to strike out "$2,500,000" and insert "$3,100,000".

On page 27, at the beginning of line 12, to strike out "$200,000" and insert "$400,000".

On page 27, at the beginning of line 23, to strike out "$250,000" and insert "$400,000".

On page 28, at the beginning of line 6, to strike out "$6,000,000" and insert "$7,100,000".

On page 28, at the beginning of line 10, to strike out "$35,000" and insert "$65,000".

On page 28, at the beginning of line 16, to strike out "$500,000" and insert "$1,000,000"; at the beginning of line 18, to strike out "$1,500,000" and insert "$2,000,000;"; and in the same line, after the word "research", to strike out "$1,125,000" and insert "$1,325,000".

On page 31, at the beginning of line 3, to strike out "$13,778,000" and insert "$14,700,000".

On page 33, line 7, after "(5 U.S.C. 55a)", to insert "and purchase (not to exceed ten)", and at the beginning of line 9, to strike out "$15,850,000" and insert "$16,250,000".

On page 33, at the beginning of line 21, to strike out "$1,350,000" and insert "$1,750,000".

On page 34, after line 17, to insert:

"Senate:

" 'Compensation of the Vice President and Senators', $406,120;

" 'Salaries, officers and employees', $2,357,110;

" 'Office of the Legislative Counsel of the Senate', $40,845;

"Contingent expenses of the Senate:

" 'Senate policy committee', $42,880;

" 'Automobiles and maintenance', $2,700;

" 'Inquiries and investigations', $401,630, including $12,000 for the Committee on Appropriations;

" 'Folding documents', $2,275;

" 'Miscellaneous items', $122,885, including $36,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87–82, approved July 6, 1961;"

On page 37, after line 15, to insert:

"Senate Office Buildings, $50,000;"

On page 62, line 21, after the word "in", to insert "Senate Document Numbered 19, Eighty-ninth Congress and", and in line 23, after the word "Congress", to strike out "$23,643,495", and insert "$31,411,444".

Mr. PASTORE. Mr. President, I yield to the distinguished Senator from Louisiana.

Mr. ELLENDER. The last item the Senator mentioned was an item of $250 million for roadbuilding. Is that money proposed to be used throughout the country, or in any particular area of the country?

Mr. PASTORE. This money—and I am now referring to page 31 of our report—is to be used throughout the entire country.

Mr. ELLENDER. Has any of the money been earmarked for Appalachia?

Mr. PASTORE. The answer is in the negative.

Mr. ELLENDER. Can the Senator tell us how much of the money that is proposed to be appropriated today would be taken from the Appalachian authorization of $1,092 million? I ask that question because I was not able to be present at all of the hearings. However, as I understand, several projects for flood control and conservation were included in the bill. As I understand, most of this money is not to be charged to the Applachian authorization, but is to be charged to the authorizations for the Corps of Engineers public works.

Mr. PASTORE. Does the Senator mean that there are certain projects that might have been authorized previous to the Appalachian bill and that these authorizations are not included in the Appalachian authorization?

Mr. ELLENDER. The Senator is correct. I am trying to find out how much of this appropriation is proposed to be used in order to carry out the Appalachian projects under the authorization of $1,092 million. Several projects were authorized before the Appalachian bill was enacted. As I understand, the bill would provide funds for that purpose, but the cost of these projects would not be charged against the Appalachian authorization.

Mr. PASTORE. The point that is being raised by my distinguished colleague from Louisiana was discussed quite extensively during the markup of the bill. The point was raised by my distinguished colleague the Senator from West Virginia [Mr. BYRD]. The House in its report, and this was the bone of contention, in the opinion of the committee, speaking of the House committee, specifically said:

> The full amount of the appropriations provided in this portion of the bill should be charged to the applicable limitations contained in the Appalachian Regional Development Act of 1965.

The position that was taken by the Senator from West Virginia [Mr. BYRD] was that inasmuch as certain projects had been authorized previously and were within the general framework of national authorized projects, they should not be charged against the Appalachian authorization. He made a point of one specific project which he named. There was considerable discussion. We resolved, in order to fully discuss this matter, to hold a conference. We adopted language which is in our report, but not in the bill. The language reads:

> The House included language in the bill which might indicate that all of the sums recommended in title II are appropriated to carry out the programs and activities of the Appalachian Regional Development Act of 1965, Public Law 89–4. There are specifically authorized projects which the committee feels should not be charged against this authorization, and the committee believes such type of project should be excluded from the authorization in section 401 of the Appalachian Regional Development Act of 1965.

It is the feeling of the Senator from Rhode Island—and this is only my personal feeling—that these projects should all have been charged to the Appalachian Regional Development Act of 1965, with the exception of those which were specifically authorized by the committee.

Mr. ELLENDER. When I first questioned the witnesses in respect to these projects in our regular public works projects, I thought the moneys requested for these extra projects—the projects for amounts in addition to the budget requests in the regular public works bill—were to be charged to the Appalachia authorization. But later I found that was not correct. It would seem to me, since the public works bill is taking care, to a large degree, of many of the authorized projects in Appalachia, that if we proceed to provide funds for additional projects to supplement their fair share of the regular program, appropriations for those projects ought to be charged to the Appalachian authorization.

Mr. PASTORE. That is the position of the House. It is not exactly the position of the Senate committee. The matter is in dispute. It will be discussed fully at the conference. I hope the Senator from Louisiana will be present at that conference.

Mr. ELLENDER. I invite the attention of my friend the Senator from West Virginia [Mr. BYRD], who is now present, to the fact that when we held hearings with respect to the public works bill, some statements were made that funds for some of this work were being requested in the Appalachia portion of the second supplemental and that the projects that were recommended for that program were more or less in addition to what we ordinarily do in that area. That is why I gained the impression that any projects in addition to the regular ones in the public works bill would be charged to the Appalachia program. I learned later, when I attended some of the hearings held by the distinguished Senator from Rhode Island, that such was not the case.

Mr. PASTORE. Does the Senator from Louisiana say that the projects that were previously authorized before the authorization for the Appalachia regional development bill was passed should be omitted from the list being charged to Appalachia?

Mr. ELLENDER. No, I believe some ought to be charged to Appalachia authorization.

Mr. PASTORE. And some ought not to be charged?

Mr. ELLENDER. The States of Virginia and West Virginia—and all the States in Appalachia—are provided their full share of the money in the public works bill. If some projects are to be added above those we ordinarily provide for, then it seems to me that some of those funds should come from the authorization made under Appalachia.

Mr. PASTORE. May I ask my colleague who should make that determination?

Mr. ELLENDER. The committee should do it.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. YOUNG of North Dakota. I think the distinction is that in a Corps of Engineers project, for example, it would involve a different criterion, that of the benefit-cost ratio. The projects already in progress that have the usual Corps of Engineers criteria could well be charged to the regular program, but when there are new projects with new criteria they should be charged to the new authorization.

Mr. ELLENDER. What I tried to do in committee was to balance the projects, so that certain amounts could be had in keeping with the amount of money available. But under the bill we are considering and which we will mark up in the next couple of months, West Virginia as well as many other States within the Appalachia region, will be taken care of by us in the ordinary way and be recognized, and they have held fast. But if there are other projects to be constructed within that region, it seems to me the Appalachia authorization money should be used, particularly if there are projects added above and beyond what was previously authorized.

Mr. YOUNG of North Dakota. The Senator did a very good job in handling this, but this would undoubtedly complicate the matter.

Mr. ELLENDER. When we held the hearings I brought up the matter with the engineers. I made the point that when funds for Appalachia were to be used, I thought it should be from authorizations emanating from the Appalachia Act. During the hearings I thought it was intended that these would be in addition to what is ordinarily carried out each year.

Mr. PASTORE. That was the position of the administration. That was not the position of the House. The Senate committee took a position in between, which will be discussed in conference.

Now I think I should yield to the Senator from West Virginia [Mr. BYRD].

Mr. ELLENDER. Before the Senator yields to the Senator from West Virginia, let me ask if there was any evidence brought forth as to what purposes this $1,092 million is to be used in the Appalachia program?

Mr. PASTORE. For many purposes.

Mr. ELLENDER. Would it have to do in part with conservation work?

Mr. PASTORE. I do not quarrel with the Senator from Louisiana, because I agree with him.

I yield now to the Senator from West Virginia [Mr. BYRD].

Mr. BYRD of West Virginia. Mr. President, the House bill as it now stands is ambiguous and can be interpreted to require that all funds spent under the Appalachia title of the supplemental appropriation bill be charged against Public Law 89-4. Such an interpretation would severely reduce the potential impact of the Appalachian Regional Development Act, which is Public Law 89-4.

This year alone more than $37 million would be charged against that act rather than against other legislation if such an interpretation were given to the supplemental appropriation bill as passed by the other body.

The Government witnesses testifying before the House Public Works Committee and before the Senate Public Works Committee and before the House Appropriations Committee and before the Senate Appropriations Committee made the point repeatedly that all of the moneys included in the second supplemental appropriation bill for 1965 are not to be charged against the authorization of $1,092,400,000 in the Appalachian Regional Development Act.

The $840 million in that act are included in section 201 for the construction of a developmental highway system and for access roads—$252,400,000 are included in section 401, and it is this authorization that we are discussing.

The administration witnesses took the position—and I support their position—that the total appropriation in the second supplemental appropriation bill, which we are discussing today, exclusive of the $200 million for the developmental highway system to be charged against section 201, should not be charged against section 401, because, if this were to be done, in connection with the House allowance alone, $37 million would be charged against the $252,400,000 in section 401, which should not be charged against it.

Mr. President, I should like to insert in the RECORD at this point a statement made by Mr. John Sweeney, Federal Cochairman of the Appalachian Regional Commission, when he testified before the Senate Public Works Committee on January 19, 1965. I shall excerpt a part of that statement at this time. Mr. Sweeney said:

> I would like to emphasize, in addition to the changes in the bill, the fact that the Appalachian Regional Development Act does not contain all of the programs for which funds will be made available during fiscal years 1966 and 1967. This bill—

Referring to the Appalachian Regional Development Act—

> contains only those programs that require new authorizations—

Such as the demonstration health centers under section 201 of the Appalachian Regional Development Act—

> or modification of existing authorizations—

Such as may be found under section 205 and which now have dollar limitations or a different matching formula. Mr. Sweeney continued:

> The funds to carry out the entire Appalachian program, including the provisions of this bill, and the funds for those programs already authorized, will be provided for in a supplemental appropriations bill to be presented to the Congress once this bill is passed. The Appalachian programs not included in this act, but which will be funded by supplemental appropriations bills, are as follows:

Then he went on to enumerate some of these programs. He mentioned an acceleration of the essential work being done by the Corps of Engineers and the Department of Agriculture Soil Conservation Service. He anticipated that the President's budget would contain funds to allow the Corps of Engineers and the Soil Conservation Service to step up the development of watersheds in Appalachia.

He proceeded then to talk about timber improvement and land stabilization in connection with which there are programs already authorized and which require funds to be spent in the Appalachian region.

Then he mentioned other areas pertinent to this discussion.

Mr. President, I ask unanimous consent to have printed in the RECORD the relevant paragraphs of Mr. Sweeney's statement before the Senate Public Works Committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

(Mr. Sweeney read the following statement in the course of excerpting his testimony before the Senate Public Works Committee on January 19, 1965. The statement can be found at pp. 19 and 20 of the Senate hearings.)

I would like to emphasize, in addition to the changes in the bill, the fact that the Appalachian Regional Development Act does not contain all of the programs for which funds will be made available during fiscal years 1966 and 1967. This bill contains only those programs that require new authorizations or modification of existing authorizations. The funds to carry out the entire Appalachian program, including the provisions of this bill, and the funds for those programs already authorized, will be provided for in a supplemental appropriations bill to be presented to the Congress once this bill is passed. The Appalachian programs not included in this act, but which will be funded by supplemental appropriations bills, are as follows:

The first of the major areas obviously is an acceleration of the essential work being done by the Corps of Engineers and the Department of Agriculture Soil Conservation Service. We anticipate that the President's budget will contain funds to allow the corps and the Soil Conservation Service to step up the development of the watersheds of Appalachia. That development includes flood control, industrial, and residential water supply, and recreational use.

In the timber development and land stabilization field, there are programs already authorized which simply require that more funds be spent in the Appalachian region. One of the most important of these is the research in new ways to harvest timber, and even more important, new ways to put timber to a better end use. We hope to see a substantial increase in the research which is being done through the Department of Agriculture.

Secondly, we hope that the marginal lands of Appalachia, those that have been strip mined or have been clear cut leaving little chance for normal timber growth, can be added to the national forests of the area. We hope to improve the timber cut in the national forests by the construction of more forest roads. This, of course, needs only a supplemental appropriation.

We hope also that the Farmers Home Administration loan program can be increased to provide for better land treatment, and also, where it seems feasible, for the farmer to better utilize that pasture by an increase in his livestock.

In the mining field, which is so important to a number of the coal States of Appalachia, we hope to supplement existing programs for extinguishing burning refuse piles and controlling acid mine drainage, as well as provide a substantial increase in the funds which can be used to better explore the geological and mineral resources of this region.

I know that the committee will ask this question, and I am in no position to speak for what the President's budget will ultimately contain, but I would say that we have asked the Budget Bureau to include approximately $50 million in the supplemental appropriation bill which will be above and beyond the authorizations contained in S. 3.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record excerpts from the hearings before the ad hoc subcommittee of the Committee on Public Works in the House of Representatives, 89th Congress, 1st session. These excerpts are pertinent to the discussion.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From Statement by John L. Sweeney, Chairman, Federal Development Planning Committee for Appalachia, Before the House Committee on Public Works on Wednesday, February 3, 1965

The Appalachian Regional Development Act does not contain all of the programs for which funds will be made available during fiscal years 1965 and 1966. It contains only those programs requiring new legislative authorizations or modification of existing legislative authorizations.

The funds to carry out the entire Appalachian program, including the provisions of the Appalachian Regional Development Act and programs already authorized but requiring additional funds, will be provided for in a supplemental appropriations bill to be presented to Congress once the Appalachian Regional Development Act is passed.

The Appalachian programs, not included in this act but which will be funded by the supplemental appropriations bill, are as follows by program area:

1. Water resources: Acceleration of construction projects under the U.S. Army Corps of Engineers and the Department of Agriculture Soil Conservation Service.

2. Timber development and land stabilization: Supplementation of such programs as timber marketing research, the acquisition of lands within national forests, construction of additional roads in national forests, technical assistance for wood marketers, an increase in the Farmers Home Administration loan program, and construction of a plant materials center.

3. Mining area restoration: Supplementations to strip mine reclamation programs and programs for extinguishing burning culm piles and controlling acid mine drainage as well as additional research into the geological resources of the Appalachian region.

Altogether, the amount of additional money contained in the supplemental appropriations bill and not reflected in the Appalachian Regional Development Act would come to approximately $50 million for fiscal year 1966. The supplemental appropriation for Appalachia will apply only to fiscal year 1966; in successive years the Appalachian programs will be treated as one budget item.

Mr. BYRD of West Virginia. I should like to read from those hearings as follows:

The Appalachian Regional Development Act does not contain all of the programs for which funds will be made available during fiscal years 1965 and 1966. It contains only those programs requiring new legislative authorizations or modification of existing legislative authorizations.

The funds to carry out the entire Appalachian program, including the provisions of the Appalachian Regional Development Act and programs already authorized but requiring additional funds, will be provided for in a supplemental appropriations bill to be presented to Congress once the Appalachian Regional Development Act is passed.

Mr. President, I also ask unanimous consent to have printed in the Record excerpts from the hearings before subcommittees of the Committee on Appropriations of the House of Representatives, 89th Congress, 1st session, on the second supplemental appropriation bill, which excerpts include statements by the departmental witnesses in substantiation of the position I have taken and the position which the administration has taken—namely, that not all of the appropriation items—excluding highway moneys—in the second supplemental appropriation bill are to be charged against the authorization in section 401 of the Appalachian Regional Development Act.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

General Woodbury. The new study starts, which are part of our regular survey program, have been included in our request for a supplemental based on our capabilities to accelerate the general program in the Appalachian region in the interest of carrying out the President's desire to get on with economic development as rapidly as possible. They are not part of the Appalachian bill per se but part of the regular program.

* * * * *

Mr. Robison. I understand that. What I am getting at is this: There is no specific authorization in the Appalachian Act, itself, for the acceleration of the regular civil works program in the Appalachian region, is there?

General Woodbury. There is no special authorization for it; no, sir. The desires of Congress to get on with improving the economic situation in Appalachia are quite clearly set forth in the act. No special authorization is needed to accelerate Corps of Engineer projects in Appalachia or elsewhere. We are limited by the authority made available by the Congress and by the appropriation that the Congress makes available and by our capabilities, but there is no legal limitation on how fast or how slow we can go on a project.

* * * * *

Mr. Fogarty. Now who will justify the air pollution request?

Go ahead, Mr. MacKenzie.

Mr. MacKenzie. Mr. Chairman and members of the committee, the passage of the Appalachian Regional Development Act of 1965 marked the beginning of combined Federal, State, and local effort to develop and improve the Appalachian area.

As part of the cooperative effort, and under the authority of the Clean Air Act, the Public Health Service is requesting $975,000 to be available until June 30, 1966, to demonstrate techniques for extinguishing and controlling burning coal mine refuse piles which constitute a significant air pollution and health hazard.

* * * * *

Mr. Fogarty. The language of the first two items cites the authority of the Appalachian Regional Development Act but the paragraph on air pollution does not. Is it the intention not to charge this appropriation against the Appalachia authorization?

Mr. Kelly. It is an authorization out of the existing law related to the Appalachian program but it is not specifically authorized in the Appalachian Act.

Mr. Fogarty. It seems to me that it should be charged to the Appalachia program if we appropriate it just for that area.

Mr. Kelly. It just was not specifically authorized there although it was dealt with in the language of the committee's report as the kind of item which would be helpful in the Appalachian area.

Mr. Fogarty. But this is what these items we are hearing this afternoon are for—the Appalachian program.

Mr. Kelly. And this is, we think, a significant contribution to the program which the Congress initiated for the Appalachian region.

Mr. Fogarty. If we give it to you here, then we cut it out of the regular program?

Mr. Kelly. This is in recognition of what was already requested as a part of the 1966 budget.

Mr. Fogarty. To make it clear it should be charged to this program, what should be the citation?

Mr. MacKenzie. May I comment on this? At the time the Appalachia legislation was being considered, I sat in on some meetings at which discussion revolved around the need for additional legislative authority. It was noted that in the Clean Air Act of 1963 there was authority for demonstration projects that could be used in relation to the putting out of the burning coal mine waste-pile fires. Consequently, there was no additional legislative authority that was sought, but included in the overall program was an item for dealing with these fires in order to reduce the pollution and the associated health hazard and detriment to economic development.

Mr. Kelly. The nature of the language we have used which requests the additional amount, Mr. Chairman, has the effect of citing the same provisions of law which are in the regular appropriation act which is the Clean Air Act on air pollution.

Mr. Fogarty. This will not be charged to the overall ceiling of the Appalachia program?

Mr. Kelly. It will contribute to it but it does not come out of an authorization included in that bill, that is correct.

Mr. Fogarty. You have a ceiling in the Air Pollution Act for the Public Health Service?

Mr. Kelly. Yes, sir.

Mr. Fogarty. This would be applied against that?

Mr. Kelly. That is correct.

Mr. Fogarty. Now the same questions can be asked about the water supply and water pollution control program?

Mr. Kelly. That is correct.

* * * * *

Mr. Denton. To what extent are these studies specifically authorized by the Appalachian Regional Development Act of 1965?

Mr. Corgan. Mr. Zinner can answer that.

Mr. Zinner. Mr. Chairman, I am Paul Zinner.

The testimony just completed by the Geological Survey applies to this item just as it did to theirs.

This is a joint effort with the Geological Survey—we will work together to accomplish this study.

As they pointed out, the basic authority for this work is under the organic act. It is not spelled out specifically in the Appalachian Act.

* * * * *

Mr. Denton. Now, to what extent is this request specifically authorized in the Appalachian Regional Development Act of 1965? We want your authorization for that.

Mr. Woodward. It is not authorized specifically in there, because it is part of our regular work in the sense that it is authorized under our organic act, sir.

* * * * *

Mr. Denton. To what extent does this estimate come under the specific authorizations contained in the Appalachian Regional Development Act of 1965?

Mr. Fox. The item under the new authorities is for the establishment of timber development organizations and loans that would be made under that program. There is some technical assistance in getting these new developments underway. The remainder of the items is under present authorities.

* * * * *

Mr. Whitten. I note you have in section 401 of the act a limitation of $252,400,000 on the funds which may be appropriated for this Appalachian regional program, exclusive of highway expenditures. This is through June 30, 1967.

We have before us eight and a half million dollars for the conservation program. Would that be held to be part of the funds that are limited by the overall limit of $252 million?

Mr. Sundquist. Eight and a half million dollars for the Agricultural Stabilization and Conservation Service would.

Mr. Whitten. How about the other items? Would they all be considered as part of and subject to the overall limitation of the $252 million?

Mr. Sundquist. No, sir.

Mr. Dykes. Ours would not, Mr. Chairman.

Mr. Sundquist. Only the ASCS portion.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record excerpts from a section-by-section analysis of H.R. 11065 and H.R. 11066, the Appalachian regional development legislation of 1964, as submitted in draft to the House Committee on Public Works. The legislation, of course, did not pass the House last year. I wish to show that the entire history of this legislation indicates clearly that the items in toto in the appropriations bill the Senate is considering were not to be charged against the authorization set forth in the Appalachian Regional Development Act.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

This is the section-by-section analysis which in summary fashion describes the Appalachian Regional Development Act of 1964. Please note that this bill does not contain the entire special Appalachian program for fiscal 1965 described in the report of the President's Appalachian Regional Commission. The bill only contains provisions covering the programs which require new authorizations or modifications to existing authorizations.

Some of the additional programs described in the report and not included in the bill, which will be begun or supplemented in fiscal 1965, are: An expansion of Corps of Engineers and Soil Conservation Service water control projects; the construction of additional national forest development roads; supplementation of research programs seeking uses for Appalachian hardwoods; acquisition of additional lands in the national forest system; provision of an Appalachian plant materials center; extension of loans to farmers participating in the Appalachian pasture improvement program through the Farmers Home Administration; and an expansion of mapping and hydrological studies of the Geological Survey. This is not an inclusive listing of the programs that may be supplemented. Funds to carry out the Appalachian program will be provided in a special Appalachian supplemental appropriations bill.

Mr. BYRD of West Virginia. Mr. President, I shall quote from the section-by-section analysis briefly. This is the section-by-section analysis which in summary fashion describes what was proposed in the Appalachian Regional Development Act of 1964:

Please note that this bill does not contain the entire special Appalachian program for fiscal 1965 described in the report of the President's Appalachian Regional Commission. The bill only contains provisions covering the programs which require new authorizations or modifications to existing authorizations.

So, Mr. President, even in connection with the proposed Appalachian regional development bill of 1964, which of course never became law, there was a clear indication that it was not the purpose to include items in the supplemental appropriations bill which was to follow that would be charged in their entirety against the authorization set forth in that substantive act, had it become law.

Mr. President, I ask unanimous consent to have printed in the Record pertinent excerpts from the House Public Works Committee's section-by-section analysis of H.R. 4, the Appalachian Regional Development Act of 1965.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

This is the section-by-section analysis which in summary fashion describes the Appalachian Regional Development Act of 1965. Please note that this bill does not contain the entire special Appalachian program for fiscal 1966 which was described in the report of the President's Appalachian Regional Commission. The bill only contains provisions covering programs which require new authorizations or modifications to existing authorizations. Funds to carry out the entire program—both these provisions contained in the legislation now before Congress and those programs already authorized which require additional funds for increased activities in the Appalachian region—will be provided for in a special appropriations bill to be presented to Congress once the Appalachian regional development bill is passed.

Some of the additional programs described in the report and not included in the bill, which will be funded through a special Appalachian supplemental appropriations bill, and be begun or supplemented in fiscal 1966, are: An expansion of Corps of Engineers and Soil Conservation Service water control projects; the construction of additional national forest development roads; supplementation of research programs seeking uses for Appalachian hardwoods; acquisition of additional lands in the national forest system; provision of an Appalachian plant materials center; extension of loans to farmers participating in the Appalachian land improvement and erosion control program through the Farmers Home Administration; control of burning coal piles, and studies of acid mine drainage by the Public Health Service; strip mine reclamation projects to be carried out by the Forest Service in national forests, and an expansion of mapping and hydrological studies of the Geological Survey. This is not an inclusive listing of the programs that may be supplemented.

Mr. BYRD of West Virginia. Mr. President, for our purposes at the moment, I wish to read two or three sentences from that section-by-section analysis of the Appalachian Regional Development Act of 1965. This is the House Public Works Committee Print No. 1:

Please note that this bill does not contain the entire special Appalachian program for fiscal 1966 which was described in the report of the President's Appalachian Regional Commission. The bill only contains provisions covering programs which require new authorizations or modifications to existing authorizations. Funds to carry out the entire program—both these provisions contained in the legislation now before Congress and those programs already authorized which require additional funds for increased activities in the Appalachian region—will be provided for in a special appropriations bill to be presented to Congress once the Appalachian regional development bill is passed.

I invite the attention of the Senate to a colloquy which occurred on the floor of the House of Representatives on April 6, 1965, at the time the House was considering the second supplemental appropriation bill for 1965, the pending bill:

Mr. Cramer. Of the report, pertaining to the Appalachian regional development, the next to the last paragraph.

"The appropriations recommended for the Soil Conservation Service, Agricultural Stabilization and Conservation Service, and the Farmers Home Administration in the amount of $23,150,000."

The point I am asking about relates to the authorization itself. The bill under section 203 of the Appalachian Commission Act authorizes for land conservation, erosion control, and so forth, a total for the 2-year period of not to exceed $17 million. Will the committee indicate on what basis it included a sum in excess of that authorization in the appropriation request?

Mr. Mahon. In working on this bill, the subcommittees that normally handle the work relating to an agency did the work and the gentleman from Mississippi [Mr. Whitten] who conducted the hearings on this item is best informed about it. Perhaps he might discuss this briefly in general debate, but he may wish to do so at greater length when we are under the 5-minute rule.

Mr. Whitten. May I say to the gentleman from Florida, only $7 million of the total that you are reading is included in that limitation in the Appalachia bill.

Mr. Cramer. Would the gentleman indicate what the balance is?

Mr. Whitten. The balance has to do with Farmers Home Administration loans, the Soil Conservation Service, and the watershed programs that are not subject to the limitation. But as to the limitation that the gentleman mentioned, we scaled that down to $7 million.

Mr. Cramer. I thank the gentleman.

Mr. President, it seems to me that in the colloquy which I have just read and which took place in the House on April 6 lies excellent proof to indicate that the House itself recognized that the appropriations in title II of the second supplemental appropriation bill—excluding highway moneys to be charged against section 201—should indeed not all be charged against the authorization in section 401 of the Appalachian Regional Development Act.

I wish to emphasize this point. The House bill allows $30,560,000 for items that are to be administered under the Department of Agriculture. The two sections in the Appalachian Regional Development Act which authorize the Secretary of Agriculture to take direct action are sections 203 and 204. Section 203 authorizes programs amounting to $17 million. Section 204 authorizes activities amounting to $5 million. The total expenditure authorized by those two sections, therefore, would be only $22 million for the entire 2 years covered by those two sections of the Appalachian Regional Development Act.

Notwithstanding this fact, as I have already indicated, the House appropriated $30,560,000, which goes beyond the total authorizations for the 2 years included in those two sections. This in itself would appear to constitute a most persuasive indication that the House recognized the fact that the appropriations in this bill are not to be charged in their entirety against the authorization provided in the Appalachian Regional Development Act.

I also wish to include in the Record at this point pertinent excerpts from the report of the Senate Committee on Public Works at the time the Appalachian Regional Development Act was under consideration.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Section-by-Section Analysis of S. 3, Appalachian Regional Development Act of 1965

This is the section-by-section analysis which in summary fashion describes the Appalachian Regional Development Act of 1965. Please note that this bill does not contain the entire special Appalachian program for fiscal 1966 which was described in the report of the President's Appalachian Regional Commission. The bill only contains provisions covering programs which require new authorizations or modifications to existing authorizations. Funds to carry out the entire program—both these provisions contained in the legislation now before Congress and those programs already authorized which require additional funds for increased activities in the Appalachian region—will be provided for in a special appropriation bill to be presented to Congress once the Appalachian regional development bill is passed.

Some of the additional programs described in the report and not included in the bill, which will be funded through a special Appalachian supplemental appropriations bill, and be begun or supplemented in fiscal 1966, are: An expansion of Corps of Engineers and Soil Conservation Service water control projects; the construction of additional national forest development roads; supplementation of research programs seeking uses for Appalachian hardwoods; acquisition of additional lands in the national forest system; provision of an Appalachian plant materials center; extension of loans to farmers participating in the Appalachian land improvement and erosion control program through the Farmers Home Administration; control of burning coal piles, and studies of acid mine drainage by the Public Health Service; strip mine reclamation projects to be carried out by the Forest Service in national forests, and an expansion of mapping and hydrological studies of the Geological Survey. This is not an inclusive listing of the programs that may be supplemented.

Mr. BYRD of West Virginia. Mr. President, I read thusly three sentences from the report of the Senate Committee on Public Works, excerpts of which I have just inserted in the Record:

> Please note that this bill does not contain the entire special Appalachian program for fiscal 1966 which was described in the report of the President's Appalachian Regional Commission. The bill only contains provisions covering programs which require new authorizations or modifications to existing authorizations. Funds to carry out the entire program—both these provisions contained in the legislation now before Congress and those programs already authorized which require additional funds for increased activities in the Appalachian region—will be provided for in a special appropriations bill to be presented to Congress once the Appalachian regional development bill is passed.

Mr. President, we all know the importance assigned to legislative committee reports by the courts in establishing legislative intent. Here, then, is a lucid statement by the Senate Public Works Committee at the time the authorizing legislation was before the Senate, and it expressed the intent not to include in the basic legislation, S. 3, the entire special Appalachian program. As I have attempted to show today, this expression of intent has run as clear as a silver thread through the entire legislative history of the Appalachian Regional Development Act. The Congress, at this late date, should not now attempt to amend the basic legislation through appropriation measures.

Mr. President, I now ask unanimous consent that pertinent excerpts from the summary of the Appalachian development program, which was prepared by counsel for the President's Appalachian Regional Commission in 1964, be included in the Record, in substantiation of the position taken by the administration and the position which I have attempted to enunciate today. This will complete my documentation in support of my position that a substantial amount of the appropriations provided in title II is not to be charged against the $1,092,400,000 authorized by the Appalachian Regional Development Act.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From a Summary of the Appalachian Development Program

* * * * *

The bill reported by the House Public Works Committee, H.R. 11946, the Appalachian Regional Development Act of 1964, does not contain all of the programs for which moneys have been earmarked in the President's Appalachian budget for fiscal year 1965. The bill only contains those programs requiring new legislative authorization or modification of existing legislative authorization.

The remainder of the expenditures proposed by the President will appear in the appropriations bill which will be submitted to the Congress after the Appalachian Development Act is passed. Therefore, the explanation that follows is broken down into two parts. Part I contains a description of the Appalachian Regional Development Act; within each section, the requested funds for the next fiscal years are outlined. These total $237.2 million, exclusive of funds for the development highway program. The development highway program calls for an authorization of $840 million of Federal funds. It is anticipated that the highway funds will be expended within a 5-year period.

Part II of this document contains a description of additional programs for fiscal year 1965 for which funds will be requested in the appropriations bill which will follow the passage of the Appalachian Regional Development Act.

* * * * *

PART II—ADDITIONAL EXPENDITURES TO BE CONTAINED IN THE APPROPRIATIONS BILL

The appropriations bill that will be submitted to the Congress following the passage of the Appalachian Regional Development Act will contain a request for the first year's allocation of funds authorized under the Appalachian Regional Development Act. It will also contain requests for funds for ongoing programs which will be accelerated within the Appalachian area. Additional funds, for fiscal year 1965 will be requested for the following programs:

(a) Funds for water resource construction projects will be requested, to supplement the following authorized programs:

1. U.S. Army Corps of Engineers: A number of projects will be accelerated under this special appropriation. These are projects already authorized which will be accelerated because of urgent need.

2. Tennessee Valley Authority: Several of the projects under TVA jurisdiction can be similarly accelerated and funds will be requested.

3. U.S. Department of Agriculture Soil Conservation Service: Projects under the jurisdiction of that agency can also be similarly accelerated and funds will be requested.

(b) U.S. Department of Agriculture Forest Service: Funds will be requested to supplement the following authorized programs:

1. Research into new uses and new marketing techniques for Appalachian hardwood.

2. The acquisition of marginal and strip mined lands for better management within the National Forest System.

3. The construction of additional national forest development roads.

4. Technical assistance for wood marketers.

(c) U.S. Department of Agriculture farm programs for which funds will be requested to supplement the following authorized programs:

1. An increase in the Farmers Home Administration loan program, to be made available to Appalachian farmers who participate in the pasture improvement program. These loan funds may be used by the landowners to supply their part of the cost of improving the initial 25 acres, for converting or improving additional pasture and for buying livestock.

2. Additional funds for technical assistance necessary to make the pasture improvement program effective.

3. Funds for the construction of a plant materials center in Appalachia to provide research facilities for the development of plant and grass species best suited to Appalachian terrain will be provided.

(d) Mining area restoration programs: Under 205 of the Appalachian Regional Development Act modifications are requested in existing programs to be used to restore areas which have been damaged by past mining activity. Other existing programs permit such restoration and do not require modifications; funds for these would be requested under the appropriations bill.

1. The Department of Health, Education, and Welfare: The Public Health Service will use funds it receives under its Air Pollution Control Act authority to extinguish burning culm piles. In order to accelerate projects seeking means of controlling acid mine drainage, funds will be requested for the Public Health Service for work to be carried out in cooperation with the Bureau of Mines.

2. The Forest Service: The Service will do strip mine reclamation projects on National Forest lands with the funds requested for fiscal year 1965.

3. The Department of the Interior: In order to do additional research into the geological resources of the region additional funds will be requested for fiscal year 1965.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ELLENDER. I am sure that my good friend from West Virginia, as well as the Senators from Pennsylvania, Kentucky, Virginia, Ohio, Alabama, and Georgia, will admit that the Public Works Subcommittee of the Committee on Appropriations, of which I am chairman, has fairly treated those States in the past.

Mr. BYRD of West Virginia. There is no question about it.

Mr. ELLENDER. I gained the impression, when we held our hearings some time ago, that in order to provide more projects that were authorized and that had not been funded in the regular program, funds were being requested in the Appalachian portion of the second supplemental appropriation bill, I thought that the Appalachian authorization was to be used, and that the funds would be charged against that authorization. I am not insisting on that. All I want to do is to say to Senators from the various States involved that according to page 452 of the sideslips, there are included under advance engineering and design, three new starts, as follows:

Fall Brook Reservoir, $60,000; Cowanesque Reservoir, Pa., $100,000; Burnsville Reservoir, W. Va., $200,000, for a total of $360,000 for advanced engineering and design. The total cost of these three projects amount to $49,340,000.

That is in addition to what we provided for this area in fiscal year 1965.

Under accelerated planning, we are providing for Booneville Reservoir, Ky., $69,000; Bloomington Reservoir, Md., and W. Va., $400,000; Raystown Reservoir, Pa., $200,000; Tocks Island Reservoir, Pa., $390,000; and Gathright Reservoir, Va., $209,000; for a total, for accelerated planning, of $1,268,000.

Under construction, two new starts are recommended—and let me remind the Senate that this is in addition to what we provided this year in our regular bill—Paint Creek Reservoir, Ohio, $1 million; Willow Island locks and dam, Ohio and West Virginia, $1.5 million; for a total of $2.5 million. That is to start construction on two new starts, which will cost $96 million.

Under accelerated construction, we find that we are providing for: West Point Reservoir, Ala., and Ga., $1 million; Cave Run Reservoir, Ky., $500,000; Blanchard Reservoir, Pa., $1 million; Scranton, Pa., $50,000; Union City Reservoir, Pa., $100,000; a lump sum for allocation to the following projects as warranted: Carters Dam, Ga.; Hannibal locks and dam and Racine locks and dam, Ohio and West Virginia; Beltsville Reservoir and Shenango River Reservoir, Pa.; Cordell Hull lock and dam, Tennessee; and Opekiska lock and dam, West Virginia, $4 million, for a total for accelerated construction of $6,650,000.

For small flood control projects—Evarts, Inez, and Manchester, Goose Creek, Ky., $875,000; for recreation at 18 completed projects, $3,047,000, for a total, for construction, general, of $14,700,000.

If the Senate and the House finally charge these amounts to the regular program, instead of charging them to Appalachia, when we come to mark up the public works appropriation bill for fiscal year 1966, as chairman of the committee I will take into consideration the various projects added in this bill, because, as I said a while ago, what I seek to do in recommending funds for public works in the field of flood control and rivers and harbors, is to divide the funds available so that each area of our country will get their just share. I am sure, as my friend from West Virginia will remember, that not only in his State but also in the States of Kentucky and Virginia, we provided funds in an amount a little more than we might have provided for other areas because of the situation that exists in Virginia and West Virginia due to the unemployment in those areas.

I wish to continue that process, but I do not believe it ought to be done in excess of what we are doing under our regular program. If something extra is to be done, it would seem to me it ought to come out of the Appalachia authorization.

Mr. BYRD of West Virginia. Mr. President, I recognize that the Senator from Louisiana [Mr. ELLENDER], as chairman of the Public Works Appropriation Subcommittee of the Senate, has been very understanding and, indeed, compassionate, in his treatment of West Virginia and the other areas in Appalachia during the occasions when he has held hearings on and guided us in the markup of the regular public works bills. There is no question about that.

But I believe that the very statement which the Senator has just made is the best evidence that could be presented in support of the position which I have taken. I call attention to the fact that the only section in the Appalachian Regional Development Act under which the Secretary of the Army and the U.S. Army Engineers are assigned responsibility is section 206. Under that section the total authorization is $5 million. Yet, the House has already appropriated $15,778,000 and the Senate Appropriations Committee has increased the appropriation to $16,700,000 against an authorization of $5 million in section 206. That action would seem to me to carry an irrefutable implication that the amounts in the bill before the Senate, aside from the $200 million for the highway program, which is to be charged against section 201, are not to be charged totally against the authorization in section 201. Some of them lie outside the section 201 authorization and outside the act itself.

Otherwise this would be the situation: In looking at the House bill as it came to us, the total appropriation was $344,328,000. Allowing for $200 million of that which would be charged against section 201, it would leave $144,328,000 to be charged against section 401, which authorizes $252,400,000. If that were the case, there would only remain for the Appalachian program over the next 2 years a total of only about $108 million, exclusive of the highway program. That would mean that we would now be appropriating in the second supplemental appropriation bill more than one-half of all the moneys that have been authorized, in section 401 of the bill, for the period ending June 30, 1967.

I do not believe that that was the intent of Congress when it passed the Appalachian Regional Development Act. I believe it was clear, from the debate in both Houses, that the purpose of the act was to accelerate the rejuvenation of the streak of neglect which extends from Pennsylvania to Alabama.

It was also made clear that that area of the country lags behind the rest of the country in employment, in economic strength, and in various other ways. So the purpose of the act was to give Appalachia a shot in the arm so that it could catch up with the rest of the country.

To achieve that purpose, the administration sought not only to secure congressional authorization of new programs but also to accelerate programs authorized under already existing legislation and for which future plans were already on the drawing boards, and which could be stimulated and accelerated, thus helping to push the Appalachian region forward.

I maintain, most respectfully, Mr. President, that it was not the intent of the Congress in passing the Appalachian aid legislation to charge against the authorization in that measure all of the items that are in the second supplemental appropriation bill.

Mr. ELLENDER. Mr. President, will the Senator yield further?

Mr. BYRD of West Virginia. I yield.

Mr. ELLENDER. I wish it known that I did not vote for the Appalachia bill, but I am here to assist in the best way that I can now that the Appalachia bill is law.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of the various projects that I have mentioned and their final cost after they are completed.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

New planning starts

Name of project	Total estimated cost	Appropriations to date	1966 appropriation request	Supplemental request	Balance to complete
Fall Brook Reservoir	$540,000	----------	----------	$60,000	$480,000
Burnsville Reservoir, W. Va.	20,200,000	----------	----------	200,000	20,000,000
Cowanesque Reservoir, Pa.	28,600,000	----------	----------	100,000	28,500,000
Total	49,340,000	----------	----------	360,000	48,980,000

Acceleration of planning

Name of project	Total estimated cost	Appropriations to date	1966 appropriation request	Supplemental request	Balance to complete
Booneville Reservoir, Ky	$23,300,000	$100,000	$150,000	$69,000	$22,981,000
Bloomington Reservoir, Md. and W. Va.	51,000,000	485,000	450,000	400,000	49,665,000
Raystown Reservoir, Pa	32,150,000	840,000	560,000	200,000	30,550,000
Tocks Island Reservoir, Pa	97,200,000	690,000	600,000	390,000	95,520,000
Gathright Reservoir, Va	13,000,000	291,000	300,000	209,000	12,200,000
Total	216,650,000	2,406,000	2,060,000	1,268,000	210,916,000

Initiation of construction

Name of project	Total estimated cost	Appropriations to date	1966 appropriation request	Supplemental request	Balance to complete
Paint Creek Reservoir, Ohio	$23,800,000	$476,000	----------	$1,000,000	$22,324,000
Willow Island locks and dam, Ohio and West Virginia	72,200,000	475,000	----------	1,500,000	70,225,000
Total	96,000,000	951,000	----------	2,500,000	92,549,000

Acceleration of construction

Name of project	Total estimated cost	Appropriations to date	1966 appropriation request	Supplemental request	Balance to complete
West Point Reservoir, Ala. and Ga	$53,000,000	$975,000	$1,000,000	$1,000,000	$50,025,000
Cave Run Reservoir, Ky	30,100,000	1,190,000	3,000,000	500,000	25,410,000
Blanchard Reservoir, Pa	28,900,000	1,996,000	4,000,000	1,000,000	21,904,000
Scranton, Pa	2,000,000	142,000	300,000	50,000	1,508,000
Union City Reservoir, Pa	9,880,000	300,000	400,000	100,000	9,080,000
Total	123,880,000	4,603,000	8,700,000	2,650,000	107,927,000

Name of project	Total estimated cost	Appropriations to date	1966 appropriation request	Supplemental request	Balance to complete
Carters Dam, Ga	$74,600,000	$8,060,000	$10,000,000	$4,000,000	----------
Hannibal locks and dam, Ohio River, Ohio and W. Va	66,700,000	615,000	1,000,000		
Racine locks and dam, Ohio River, Ohio and W. Va	76,500,000	6,786,000	10,500,000		
Beltzville Reservoir, Pa	18,400,000	625,000	1,000,000		
Shenango River Reservoir, Pa. and Ohio	34,800,000	25,700,000	6,100,000		
Cordell Hull lock and dam, Cumberland River, Tenn	54,000,000	8,257,000	8,000,000		
Opekiska lock and dam, Monongahela River, W. Va	23,400,000	18,085,000	3,000,000		
Total	348,400,000	68,128,000	39,600,000	4,000,000	236,672,000
Local protection (sec. 205), snagging and clearing	875,000	----------	----------	875,000	----------
Recreation facilities at 18 reservoirs	3,047,000	----------	----------	3,047,000	----------

Mr. ELLENDER. Mr. President, in Appalachia we observe that, aside from the $1.092 billion that we are making available for special projects in that area, we shall be increasing the momentum of projects that we ordinarily consider each year.

Mr. BYRD of West Virginia. That is the intent of the Congress and the administration now and it was the intent at the time the legislation was recommended by the President and passed by the Congress.

Mr. ELLENDER. Nothing was mentioned in the Appalachia Act itself about increasing other programs, such as additional funds for construction of these authorized projects, because we have been doing that in the past. As I have said, as chairman of the Committee on Public Works, I have leaned backward to assist Virginia, West Virginia, and Kentucky, and when we consider the amount of money that was made available for these States last year you will find that we provided amply.

In addition to all we did to start those projects and to accelerate their construction, we are now being asked to add more construction projects, more planning projects, and to accelerate the work that is now underway in that area. As I have said, I do not mind that action, but when we come to mark up the public works bill for fiscal year 1966, I hope that the Committee on Appropriations, and particularly the Subcommittee on Public Works of the Committee on Appropriations, will take into consideration what we are now doing for that area and probably not be as liberal in the future as we have been in the past.

Mr. BYRD of West Virginia. Mr. President, the committee reports in both Houses made eminently clear—and I have quoted from them already—that all of the items which were expected to be presented in a subsequent supplemental appropriation bill were not to be charged against the authorization set forth in the original act. I believe the history of the substantive legislation speaks for itself.

The PRESIDING OFFICER. The bill is open to further amendment. If there is no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. PROXMIRE. Mr. President, the supplemental appropriation bill contains an additional subsidy of $942,000 for helicopter service. This is 30 percent above our appropriation for helicopters for this fiscal year. Congress has made it clear in the past that this handout should be ended promptly. The helicopter subsidy goes to firms that operate in only three cities in the Nation—New York, Chicago, and Los Angeles. Last year, after a conference between the House and the Senate, it was decided that $3,358,000 would be appropriated for that subsidy, and that was it. But the Civil Aeronautics Board, acting under a decision it had made in February 1964, and what they feel was the basic law, section 406 of the Federal Aviation Act, continued to pay subsidy rates which have resulted in the appropriation being used up by March 31 last and inadequate to the tune of almost $1 million for the full fiscal year.

Section 406 provides that the Board may order fair and reasonable compensation for the carrying of mail.

Under this particular authorization, the Civil Aeronautics Board has decided that the congressional decision of last year, passed by the Senate and by the House—approved by both bodies—and signed by the President, is not fair to the helicopter airlines. The CAB ignored congressional action and decided that the helicopter airlines should receive $1 million more.

The House disagrees with this position and has indicated in this appropriation bill that it will not appropriate any more funds this year for the helicopter service.

Here is a subsidy which is paid on a discriminating basis to helicopters operating in only three cities. It is a subsidy that enables those who travel by helicopter to pay a fare at a cost half of what they would pay if there were no subsidy. It is a subsidy that is not justified today because the airlines are making record-smashing profits. Their profits this year are up 100 percent. Certainly the helicopter service in good part benefits the airlines. If the airlines want this service, they, not the taxpayer who, usually in 999 cases out of a thousand, does not use it, should pay for it.

I have decided not to offer an amendment this year to eliminate this proposal and to revert to what the House and Senate decided last year. I shall not do so because the administration has decided that it will not oppose the payment of the additional $942,000. The administration has also decided that the helicopter subsidy should be phased out finally by the end of this calendar year—December 31, 1965.

I suspect, in view of the activity of the Committee on Appropriations and the Committee on Commerce, that the decision of the administration will be challenged and that we shall find ourselves with an independent offices appropriation bill that will, once again, appropriate some $4,200,000 to subsidize the helicopter service for fiscal 1966.

I speak this afternoon to serve notice that when the independent offices appropriation bill reaches the floor of the Senate, if it contains an appropriation in excess of the amount the administration has already said it will ask for, namely, $2,100,000, I shall do my best, including the offering of an amendment on which I shall ask for a yea-and-nay vote, to make certain that the administration will determine to end this subsidy, which is now almost 11 years old. The administration has indicated that it should be ended. The $2.1 million would be the full 1965 phaseout subsidy.

The decision of the administration to permit the Civil Aeronautics Board to make an additional payment in April, May, and June is unfortunate. I earnestly hope that the House conferees will strongly resist the efforts of the Senate conferees to provide for the additional almost $1 million for a continuation of helicopter services. But I shall not offer the amendment which I have offered several times in the past, because I earnestly hope that the Committee on Appropriations will this year decide that the subsidy for helicopter service will not be extended past the end of this calendar year.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. I assume that the Senator from Wisconsin, in connection with what he plans, will give some study to the plan of the Civil Aeronautics Board, announced on February 17, 1965, and set forth in hearings before the Independent Offices Appropriations Subcommittee on June 18, 1964, and to what the Board thinks about a 5-year phaseout program. I am not seeking to argue the merits of the question; I am grateful to the Senator from Wisconsin for not challenging the issue on this supplemental appropriation bill. But I sincerely hope that the Senator will also consider the authoritative views of the Civil Aeronautics Board on the requirements of the payments in the public interest, as reflected in the record of hearings of the Appropriations Committee at page 137 and in the record of hearings of the Aviation Subcommittee of the Senate Commerce Committee on the helicopter air service program at pages 6 to 13 of the record.

Mr. PROXMIRE. I have examined them. The Board would phase out the subsidy by 1970. But the subsidy was started originally in 1954 as a temporary, 2- or 3-year subsidy to help an infant industry. That was in 1954, mind you. In 1962, the Appropriations Committee conferees said:

> The conferees agree that the subsidy for helicopters should be ended shortly; that this service should either be made self-supporting or concluded. It is recommended that the appropriate committees of the Congress give their earnest consideration to this problem in 1963.

That was the attitude of Congress in 1962. In that year, it was thought that the program should perhaps have 1 more year of life. Now the CAB says it wants another 5 years of subsidy, a subsidy begun 11 years ago as a 2- or 3-year contribution to an industry which merely provides transportation for the most affluent people in the country, people who, in my judgment, ought to pay their own fares.

Mr. JAVITS. I merely invited the attention of the Senator to the views of an authoritative body. Their position should have a bearing upon the thinking of those of us who have heretofore contended in behalf of helicopters, but who, it was said, were merely trying to help our local areas. I think the proposal of the Board is entitled to careful study, and I feel certain that the Senator from Wisconsin will give it such study.

Mr. PROXMIRE. Yes, indeed; I appreciate the Senator's comments.

Mr. PASTORE. Mr. President, there is a great deal of sympathy for the position taken by the Senator from Wisconsin. This is not a new problem; it has been before us in the past. It is regrettable that every time the question arises, it is in connection with a supplemental appropriation bill.

This is a question of policy. It has reached the point where we must determine whether to support helicopter services nationally. The subject has been studied by the appropriate legislative committee. It will come before the Senate, and when that time comes, the question should be resolved one way or the other.

So far as the present moment is concerned, the Subcommittee on Supplemental Appropriations and the full committee in the markup of the billl went into the question quite thoroughly. All of us are quite agreed that, at best, the subject ought not to be confined to three helicopter services; that if it should become the policy of the Nation to provide such service, the policy should apply to more than three, in order to provide service in other areas of the country. That question will be resolved in due time. I am hopeful of that.

But for the moment, the reason why the committee voted the funds in this bill is that there is a serious legal question of obligation, a question as to whether we are liable, in view of the fact that the Civil Aeronautics Board granted licenses or franchises.

I am hopeful that in due time the question will be decided once and for all as to whether this kind of helicopter service should be subsidized.

Mr. PROXMIRE. I appreciate the Senator's remarks. I may add that when the Committee on Appropriations voted to include this amount, the vote was only 11 to 9 for doing so in spite of what appeared to be perhaps a legal obligation on the part of Congress, or at least a moral obligation, to take this action. The vote was very close. It seems to me that on this basis there must be a real determination in the Appropriations Committee to end the program. I hope that it will be ended.

Mr. PASTORE. That was why I said there is a great deal of sympathy for the position taken by the Senator from Wisconsin.

Mr. MORSE. Mr. President, one part of the bill concerns me very much. It relates to the item for funds for the Commission on International Rules of Judicial Procedure. The recommendation of the committee is not as much as I had hoped for, but at least a good part of the amount has been restored.

As the Senator from Rhode Island, the chairman of the subcommittee, knows, I have for years been an ardent advocate of the work of the Commission on International Rules of Judicial Procedure.

Do I correctly understand that of the $79,000 requested, the Senate committee has recommended $50,938?

Mr. PASTORE. That is correct.

Mr. MORSE. The House has denied funds to the Commission on International Rules of Judicial Procedure with a report indicating its intention to kill that agency, notwithstanding the fact that the last Congress extended the life of the Commission until December 31, 1966, and gave it an open-end authorization of appropriations. The report of the Senate Committee on Appropriations recommends the restoration of $50,938 of the $79,000 requested for the second half of fiscal year 1964 and for fiscal year 1965.

Of the four previous appropriation requests made by the Commission since its establishment by the 85th Congress, two have been drastically cut and two have been denied entirely. The Congress has appropriated only $35,000 to the Commission over a period of 7 years. It has never given it enough money to do its work. As initial appropriation of $25,000 in 1959 was insufficient even with an additional sum of $16,000 advanced from the President's Emergency Fund, to enable the Commission to begin its initial program of research. It was forced to seek financial aid from a private foundation even though the Congress had not authorized it to receive and disburse private funds. A request for a supplemental appropriation in 1959 was denied entirely at the same time that Congress extended the life of the Commission for 2 years.

What is the purpose of this Commission? Why does the Congress repeatedly extend the life of the Commission and repeatedly deny it the funds necessary to carry out its duties prescribed by the Congress?

The Commission and its Advisory Committee were established at the urgent initiative of the organized bar implemented by requests to the 84th and 85th Congress by the Attorney General joined by the Secretary of State.

The close of World War II was followed by a flood of litigation with international aspects in our State and Federal courts—cases in which process and other judicial documents had to be served in foreign countries, cases in which evidence had to be obtained from foreign countries, cases in which it was necessary to prove foreign public records, cases in which it was necessary to prove foreign law. Great difficulty was encountered in utilizing in foreign countries the traditional procedures of our common law courts. Many countries of the civil law system do not permit service of process as provided by our Federal Rules of Civil Procedure and the equivalent rules for State courts. Many do not permit the taking of depositions before our consular officers or commissioners designated by our courts. Where depositions in a foreign country are forbidden, or limited to the testimony of U.S. nationals, it is necessary to use a letter rogatory, that is, a request by a domestic court to a foreign court to obtain the testimony by means of its own civil law procedures and in its own language. This means of obtaining testimony in a civil law country is often slow, cumbersome, inefficient, and expensive. The results are often futile if the testimony is not taken in a form which is admissible in our courts.

Public Law 85-906 which established the Commission directs the Commission to recommend improvements in the practices of international judicial assistance to the end that procedures for the performance of acts in foreign territory "may be more readily ascertainable, efficient, economical, and expeditious." For that purpose, the Commission was directed to draft international procedural agreements to be negotiated by the Secretary of State.

The program of the Commission prescribed by statute requires it to recommend improvements in both the judicial assistance procedures available in foreign countries to courts in the United States and in the judicial assistance procedures available in the United States to courts in foreign countries. From the standpoint of our self-interest, the former is the most important, but unfortunately it is the most difficult because it must be achieved by revisions of foreign law and policy, and that can only be brought about by treaty. The latter—judicial assistance to foreign courts—is the least important to the American bench and bar, but the easiest to achieve because it can be effected by simple revisions of our domestic rules of procedure and statutes.

After the refusal of Congress in 1959 to give the Commission funds it was forced to solicit foundations, and the Carnegie Corp. made a grant in 1960 to Columbia University of $350,000 for a program of collaboration with the Commission and for a project of its own. The grant was administered and controlled by a group of the law school faculty designated as the Columbia Project on International Procedure.

The Commission and the Columbia project chose to devote their collaboration to the preliminary or domestic phase of the Commission's statutory program—that is, to drafting revisions of the Federal Rules of Civil and Criminal Procedure and Federal statutes, and to drafting a uniform State procedural act. These projects were completed in late 1962 and are set forth in the fourth annual report of the Commission, which is House Document No. 88, of the 88th Congress, 1st session.

As for the Federal rules of procedure, the Commission has drafted and recommended to the Advisory Committee on Civil Rules of the Judicial Conference revisions of rule 4 governing service of process in a foreign country, rule 28 governing the obtaining of evidence in a foreign country by deposition or letter rogatory, rule 44 governing proof of foreign public records, and a new rule 44.1 governing determination of foreign law. The revisions of rules 4 and 28 have been promulgated by the Supreme Court and became effective on July 1, 1963. The others have been approved in principle and have been circulated to the bench and bar for comment. They will probably be acted on this year. All but rule 4 are also incorporated by reference in the criminal rules.

The Commission has drafted and recommended to the President a substantial revision of the procedural provisions of international application of the Judicial Code, the Criminal Code, and of title 22, United States Code. These were forwarded to the Congress and enacted into law by Public Law 88-619, approved October 3, 1964.

Some of these statutory revisions effect far-reaching changes in our law governing judicial assistance to foreign courts. Some of the revisions merely repeal obsolete statutes or correct ambiguities or errors of codification in existing statutes. Others amend and strengthen provisions of the judicial code providing for subpenaing witnesses who are in foreign countries.

In the first category is a new section 1696 in the chapter of the Judicial Code relating to process. Our district courts are now authorized to order service of any document issued in connection with a proceeding in a foreign or international tribunal.

A revision of section 1781 of the Judicial Code now authorizes the Department of State to receive and transmit to the tribunal, officer, or agency to which it is addressed a letter rogatory or request issued by a foreign or international tribunal, and to receive and return it after execution.

A revision of section 1782 of the Judicial Code provides a more effective method of assistance to foreign or international tribunals in the obtaining of testimony and other evidence. For the first time in our history provision is made for a district court to order, in its discretion, the taking of testimony for use in a foreign court, in accordance with the practice and procedure of that foreign court.

These three sections of title 28 of the United States Code—1696, 1781, and 1782—correct at one stroke what civil law jurists have always regarded as the most glaring deficiencies in our practice. Referring to the work of the Commission on International Rules of Judicial Procedure as embodied in Public Law 88-619, the American Bar Association has recently stated:

> As a result, the United States now has the most liberal and effective procedures for assistance to foreign and international courts of any country in the world.

The Commission, in collaboration with the Columbia project, has also drafted a uniform State, Interstate, and International Procedure Act. The purpose of the model legislation is to bring uniformity to State practice and to bring to State courts the same measure of reform as is being effected in the Federal rules of procedure and by Public Law 88-619. This uniform act was recommended to the National Conference of Commissioners on Uniform State Laws and approved by it in 1962; it was approved by the American Bar Association in 1963, and that year was adopted by the first State, Arkansas. By an act approved March 15, 1965, it was adopted by the legislature of the Virgin Islands and is now under study in several of the

States. These studies by the Commission of the international aspects of our practice and procedure and its drafting of revisions of the Federal rules of procedure and statutes mark the first time in our history that an official systematic study has ever been made of our rules of procedure and statutes of international application with the divergent and disparate nature of civil law procedure in mind.

As valuable as these revisions of our rules and statutes are, they do little to improve the judicial assistance available to litigants in courts of the United States and in our State courts. That can only be achieved by the negotiation of the procedural treaties which the Congress has directed the Commission to draft.

Revised Federal Rule of Civil Procedure 4(i) provides five manners of serving process in a foreign country, two of which are service in accordance with the law of the foreign country, provided they are reasonably calculated to give actual notice of the pendency of the proceedings in the United States. The other three methods may or may not be permitted in some civil law countries. This revised rule will therefore not be fully useful to litigants in our Federal courts until foreign law is ascertained and treaties negotiated to assure the availability in foreign countries of these manners of serving process.

Revised Federal Rule of Civil Procedure 28(b) provides three methods of taking testimony of persons in a foreign country—by deposition on notice before a consular officer, by Commission, and by letter rogatory. But there are many countries where depositions before a consular officer, or before a commissioner appointed by a district court, are not permitted. In others, the testimony of citizens of the United States only and not that of citizens of the foreign country, or of a third country, may be taken. In one country, Switzerland, taking testimony in such a manner even of a U.S. citizen, without the consent of the Swiss Government, would be a criminal offense. In order to render revised rule 28(b) fully useful, we must, by treaty, obtain the assurance of a foreign country that depositions, according to our usual common law manner, may be taken in its territory.

Similarly, the recent revisions of the Federal Judicial Code relating to subpenaing witnesses in a foreign country—sections 1783, 1784, the Walsh Act of 1926—and of the Federal Criminal Code relating to proof of private business records in a foreign country—section 3491—will not be fully useful until we gain the consent of foreign countries by treaty to permit their use. The same is true, of course, of revised State procedures. Only by treaty can the States be given the full benefit in foreign countries of improved procedures.

It is indeed ironical that the other body should propose to terminate the Commission just as it is ready to begin that part of its program which will bring the most benefit to litigants in American courts. It would be tragic if the Commission were not permitted to carry out that part of its program for which it was primarily established—the drafting of international procedural agreements.

The American Bar Association recently adopted a resolution extensively reviewing the work of the Commission and urging the Congress to grant it sufficient funds and time in which to complete its program. The National Association of Attorneys General, in 1963, adopted a similar resolution. The establishment of the Commission was urged upon the Congress by many bar organizations—the American Judicature Society, the American Society of International Law, the Maritime Law Association, the Chicago Bar Association, the Philadelphia Bar Association, the American Foreign Law Association, the Consular Law Society, and other legal organizations. The International Bar Association and the Inter-American Bar Association have long been on record as favoring the reform of international practice and procedure by treaty and for many years the subject has occupied prominent places on their agenda for their biannual meetings.

There are nine members of the Commission—two representatives of the Secretary of State, two of the Attorney General, two representatives of State governments—they were given places on the Commission in order to look after State interests in the drafting of treaties which will, of course, provide procedure for State courts as well as Federal courts—and three public members. The latter five are appointed by the President. The Chairman is a distinguished Washington lawyer with Government experience who is the senior partner of a law firm with an extensive international practice, the Honorable Oscar Cox.

The Advisory Committee consists of 15 practicing lawyers, judges, and law professors. Its Chairman is Philip W. Amram, a distinguished Washington lawyer, who is also chairman of the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania, and the author of standard works on civil procedure.

The Director of the Commission, Harry LeRoy Jones, is the pioneer authority in the field of international judicial procedure. For many years he was in charge of alien property litigation in the Department of Justice, and became cognizant of the difficulty, and often the impossibility, of serving judicial documents and obtaining evidence in the civil law countries of Western Europe. He has been chairman of the Committees on International Judicial Cooperation of the American Bar Association, of the Inter-American Bar Association, and of the International Bar Association. He is a past chairman of the section of international and comparative law of the American Bar Association. His article "International Judicial Assistance: Procedural Chaos and a Program for Reform," which appeared in the Yale Law Journal for March 1953, is the first comprehensive article ever written on the subject.

The bench and bar are actively interested in reforming international procedure. There will be a panel discussion of the recent revisions of our rules and statutes, and their utility in the countries of Latin America, at the Conference of the Inter-American Bar Association and the regional meeting of the American Bar Association at San Juan, P.R., in May. There will be another one at the annual meeting of the American Bar Association in Miami Beach in August, and another at the World Conference on World Peace Through Law which meets in Washington in September.

In December 1959 the Department of State, at the request of the Commission, sent a note to all foreign governments advising them of the existence of the Commission, of its program, and inviting their cooperation. Many governments responded with notes expressing their great interest in the Commission, some designated officials or institutions to cooperate with the Commission, and others expressed a desire to enter into procedural agreements with the United States. That was over 5 years ago, and those governments are still waiting on further word from the Commission which has been unable even to begin its treaty studies. They cannot understand how a government which has given away so many billions of dollars in foreign aid cannot find a few thousand for the purpose of improving its international juridical relations.

On October 2, 1964, the President proclaimed 1965 as International Cooperation Year and in rededicating the government to international cooperation called upon each department and agency to consider what it can do immediately to further such cooperation. It would indeed be a strange way to begin International Cooperation Year if the Congress were to permit the death of the only agency—the Commission on International Rules of Judicial Procedure—which can bring international cooperation to the judicial branch.

The Commission is in the budget for a supplemental appropriation of $79,000 for fiscal year 1965, and for a regular appropriation of $200,000 for fiscal year 1966.

Of the $79,000 in the supplemental, most of it is for the accrued expenses of the Commission and for the salaries of the Director and Assistant Director from December 31, 1963, since when they have served full time, notwithstanding the absence of funds to pay them. The Director has not only devoted all his time to the Commission during this period, but has paid many of the expenses of the Commission out of his own pocket. He has received no compensation since December 1962, when the Carnegie grant expired. These services were rendered in good faith, and the Congress has a moral obligation to see that money is appropriated to pay for them.

Some means must be found to see that the unfinished work of the Commission is carried to completion. Its actual cost will be small in comparison to the good it will accomplish.

I ask unanimous consent that a table entitled, "Commission on International Rules of Judicial Procedure—Statement of Expenses, January 1, 1964, Through May 1 and June 1, 1965" be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD.

COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE

Statement of expenses Jan. 1, 1964, through May 1 and June 1, 1965

	Expenses through May 1, 1965		Expenses through June 1, 1965	
	Compensation	Expenses	Compensation	Expenses
For 2d half fiscal year 1964:				
Compensation:				
Director	$10,000		$10,000	
Assistant to Director	7,500		7,500	
Subtotal	17,500		17,500	
Expenses:				
Telephone		$94		$94
Taxi and bus fares		4		4
Travel		89		80
Pocket parts and supplements, United States Code Annotated		76		76
Subtotal		263		263
For fiscal year 1965:				
Compensation:				
Director:				
3 days at $20,000 July 1-4, 1964	231		231	
216 days, at $24,500, July 5, 1964, to May 1, 1965	20,356		20,356	
21 days, at $24,500, May 2 to June 1, 1965			1,979	
Subtotal	20,587		22,566	
Assistant to Director:				
3 days, at $16,000, July 1-4, 1964	185		185	
152 days, at $18,935, July 5, 1964, to Feb. 2, 1965	11,066		11,066	
Subtotal	11.251		11,251	
Expenses:				
Personnel benefits		522		522
Travel		600		600
Books		100		100
Telephone		115		120
Subtotal		1,337		1,342
Total	49,338	1,600	51,317	1,605
Total expenses	50,938		52,922	

Mr. MORSE. Mr. President, the Senator from Rhode Island has a full understanding of the importance of the work of this Commission. I say, with some of my colleagues from the Foreign Relations Committee present on the floor of the Senate, that what is being sought is in regard to compensation for the work of this Commission, on which we have some of the most brilliant students and authorities in the field of international law devoting a great deal of their time and research ability to seeing what can be done to help build up a system of international rules for judicial proceedings. I know that I bespeak the prayer of most people who recognize that there is no way of escaping oncoming reality. We must develop procedures of international law to help solve all types of international disputes, not only those which threaten the peace, but also other types of international disputes which come before the World Court and bodies appointed by the World Court from time to time. Either we do that, or, in my judgment, the world will live in greatly increasing troubles in the generations ahead.

I have studied the reports of the House committee. I am terribly disappointed that the Commission is apparently under serious question in the House.

I commend members of the Senate Committee on Appropriations, although they are recommending only $50,938. I say to the people of the Commission that they should be appreciative. I sincerely hope that the committee will be able to hold this item in conference. We must keep this torch blazing if we are to light the way for mankind toward a day when there will truly be a substitution of the rule of law for the procedures of the jungle.

Mr. PASTORE. Mr. President, I appreciate what the distinguished Senator from Oregon has said. I would be less than honest if I did not make the observation that the House in the past has had no sympathy whatsoever for this Commission. They have stated that an appropriation of only $5,000 would be required, and that would be the end of it.

I do not know how anyone got that notion. I do not see how anyone who has had any experience with the job that has to be done and who knows how involved it is and all the ramifications connected with it, could possibly reach the conclusion that $5,000 would suffice for this work.

Every time this item has gone before the House, it has been eliminated. The request was for $79,000 for past services rendered by the Administrator and his secretary.

It is a very depressing and sad situation to have people appear before our committee and plead to be paid for the work that they have already done. They have devoted their time and effort toward doing a wonderful job. There is no question about it.

In view of the fact that Congress authorized the continuance of this Commission, and we are unable to get this fact across, I think I should say to the distinguished Senator from Oregon—because I do not want him to be disappointed—that we have reduced the figure to $50,938, to bring the compensation up to May 1, with the very diplomatic admonition to these people that they close shop.

If they are not going to be paid, there is no need for them to put in the work. I do not believe that we can make it possible for them to be paid. Perhaps this item is in the wrong bill. Perhaps it should have been in the State Department budget, or the budget of the Attorney General. I do not know, but for some reason, it has received no sympathy from the House. We have struggled with it year after year. I am somewhat exhausted with the struggle.

I say to the Senator from Oregon that we need his prayers if we are to come out of the conference with the $50,000.

Mr. MORSE. Mr. President, I understand the situation. As a member of the Committee on Foreign Relations, I am very sad that the reality is that we are probably going to face in the near future a cessation of this program as far as Congress is concerned. I hope that upon reflection, in a year or two, that attitude will change and Congress will return to carrying out what I think is the clear obligation of Congress.

I direct this comment to the RECORD, through the President, to the Secretary of State. I do not believe the executive branch of this Government could possibly justify throwing away the great foundation work that has been done by this Commission.

It is my understanding that the State Department has jurisdiction to make this activity a part of the foreign relations program of the State Department. I say to Secretary Rusk from this floor today that I think he should do it. I do not believe that there would be any full appreciation of the psychological effect around the world if the U.S. Government is not willing to include this program somewhere within the executive branch.

I say to the President of the United States and to the Secretary of State that if, as, and when Congress liquidates the program, so far as the congressional aspects of it are concerned, I hope the State Department will broaden this program and shrink some others. I have many suggestions as to programs that could be shrunk, allowing more money to be spent for this purpose. It would do more good to spend money for international understanding than to spend money for the foreign aid program. But, be that as it may, I plead with the Secretary of State, "Raise your horizons, broaden your program, and let us make this kind of program become a part of the State Department foreign relations program."

Mr. YOUNG of North Dakota. Mr. President, the bill contains some very important items. I am happy that we are now at the point of third reading and that the bill will soon go to conference with the House conference committee. The bill contains provision for payment of such important items as relief programs, including $407,900,000 for welfare activities throughout the country. The funds of many States have become exhausted.

I do think the bill contains too many appropriations that more properly belong in a regular annual appropriation bill; however, that was not the fault of the chairman. He did a superb job in handling this bill, which is one of the most difficult of all appropriation bills.

I have never seen any supplemental bill in a long, long while that contains so many items, many of which I repeat, belong in regular appropriation bills. The one with reference to the helicopter service is one which should be handled by the regular subcommittee. This difficult subject has been with us for years—as to whether we should continue this helicopter service subsidy for three major cities. I voted to keep it in the bill for reasons largely explained by the chairman. If we took the item out of his bill, it would end the service and it would foreclose the possiblity of the regular standing committee handling this matter, as it should.

I am one who believes that some service is necessary. I do not think we should continue to limit it to three cities. We have had many Government subsidies. Here is one which can be justified, in a limited way, and perhaps helicopter service should be added to other cities. I would rather do that than to abolish the program entirely. This has been a helpful program, and with new developments in helicopters, this service probably could become self-supporting so that Government subsidies could be eliminated in the future.

Mr. KUCHEL. Mr. President, both as a Californian and as an American, I must express my gratitude that the third reading has been reached and that the supplemental appropriations bill now contains the item which will enable continuation of the helicopter service which has been approved by the Civil Aeronautics Board in accordance with the mandate of Congress.

This item was supported by Alan S. Boyd, Chairman of the Civil Aeronautics Board, when he appeared before the Subcommittee on Aviation of the Senate Committee on Commerce on March 8, 1965. Boyd said on that occasion:

> The Board agrees that helicopter subsidy should not continue indefinitely, and the question now presented is what steps should be taken by the Congress and the Board with respect to the future of the helicopter program. The Congress, of course, is free to enact whatever legislation it wishes on this point. However, unless the Congress changes the existing law, the Board must be guided by the present statutory provisions.

Note, Mr. President, that Chairman Boyd states the Civil Aeronautics Board "must be guided by the present statutory provisions." Of course it must be guided. In this Republic of ours the way to proceed is in the ordinary manner. Congress has enacted a statute under which the Civil Aeronautics Board is required, when petitions are filed, to hold hearings and to determine that the public convenience and necessity—that means the interest of the people—would be met by the certification of this new, modern means of transportation, the helicopter program.

I continue to quote from the statement of the Chairman of the Board:

> Under the existing statute the certificates of the helicopter carriers were issued after notice and hearings, and after findings that the service is required by the public convenience and necessity in accordance with the standards of section 401 applicable to licensing. Under the act these certificates can be suspended or modified only after notice and hearing, and only if the facts support findings that the suspension or modification is in the public convenience and necessity.

The Board can do it only after it decides that the public convenience and necessity require it. It is taken away from them by the same process, by means of a public hearing, wherein the Civil Aeronautics Board once again must, by its own ipse dixit, find that the public convenience and necessity does or does not remain.

Continuing with the quotation:

> Although the Board has wide discretion in exercising its licensing powers, it must nevertheless observe the standards laid down in the act.

Who passed the act? The Congress of the United States. The statute is still on the statute books.

I continue to read:

> As long as the helicopter operators hold their present valid certificates, they are entitled to the benefit of the subsidy provisions of section 406 of the act. Under section 406, the Board is ordered to perform two functions. The first is to fix and determine the fair and reasonable compensation for the transportation of mail (sec. 406 (a) and (b)), including the "need" of each properly managed and eligible carrier for compensation sufficient to insure performance of the service and, together with other revenue, "to maintain and continue development of air transportation to the extent and of the character and quality required for the commerce of the United States, the postal service, and the national defense."

When the certificates were originally issued, the Department of Defense thought it should be issued, and the Post Office Department likewise recommended an issuance.

Continuing the quotation:

> The second function is to make payments for this "need" or subsidy element "out of appropriations made to the Board for that purpose" (sec. 406(c)). Obviously, if no money is appropriated, the Board cannot pay, or if the compensation fixed exceeds the money appropriated, the Board must ask for additional funds.

That is precisely what the Board has done.

I suggest to my able friend from Wisconsin that if he objects to the helicopter program, if he believes the public convenience and necessity are not served by the present law, he should bring in a bill to repeal those sections of the present law. But so long as the present law continues, so long as the Civil Aeronautics Board discharges its duty, so long as it, in its sound discretion, determines that the public convenience and necessity of the American people are served by granting a certificate to a group who wish to engage in helicopter operations, so long as the law of this land provides for Federal assistance, the Congress has a bounden duty to appropriate moneys that the Board finds to be necessary, or if it disagrees, to bring in a repealing statute and repeal the basic law on the subject.

Mr. President, there are a thousand people in California who put up the moneys to create a helicopter service some time ago. They have not had a penny or a nickel in dividends. But that operation was in aid and assistance of the policy of the Government of the United States. That service spreads over Metropolitan Los Angeles, east to San Bernardino, north and south, and includes my hometown of Anaheim, which the other day had 450 helicopter passengers.

Los Angeles Airways has consistently reduced the cost per mile of its operations. It has extended and increased its service over the years. One of these days in the not too distant future the experience which has been developed in Los Angeles will constitute a pattern that will enable this unique form of transportation facility to be applied in many other growing metropolitan areas of this country. At the present time nine applications to establish such service are pending before the Civil Aeronautics Board.

I continue to quote from CAB Chairman Boyd's remarks to the Senate Committee on Commerce:

> It has never been considered that the Board's function under section 406 to fix and determine the amount of subsidy due a carrier is dependent on the amount appropriated for the purpose of making subsidy payments. This principle was recognized as applicable to the comparable provisions of the Civil Aeronautics Act of 1938 in a Comptroller General's decision (34 Comp. Gen. 158).
>
> It is against this background and the case law that our General Counsel has considered the appropriation acts enacted since 1961, including the conference reports and other pertinent material, and concluded that the Federal Aviation Act has not been amended.
>
> If, as we believe, the statute has not been amended, then the Board has an obligation to fix a mail rate for the three helicopter carriers in accordance with the standards of section 406. Moreover, if we do not seek and obtain appropriation funds to pay the rate fixed, we believe that the carriers could successfully prosecute their claims in the Court of Claims.

I conclude by saying I am grateful that my friend from Wisconsin is not pressing his amendment. I hope the next time the appropriation comes up, the effectiveness and value of the service will have become so abundantly persuasive as to shackle the feelings that spring in the breast of my colleague from Wisconsin and emasculate any doubts he has as to what was the meaning and intention of the Congress that passed the basic law under which these funds are granted and what Congress has permitted to continue in the interest of the American people.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. PASTORE. The Senator said "shackled." Instead of putting shackles on him, I think the Senator may have meant he wanted him unshackled.

Mr. KUCHEL. No; I want to put shackles on him. I want him shackled over to our point of view.

Mr. MURPHY. Mr. President, I believe it is extremely important to retain the $942,000 provision for helicopter operations in the supplemental appropriations bill. Perhaps I can explain why I feel so strongly on this subject by reference to the helicopter service in Los Angeles. The Los Angeles Airways System, whose continued operation at the present time depends upon the continuation of some Government assistance, serves the sprawling area around the city of Los Angeles containing 7 million people. This area is served by only one major regional airport. The helicopter line, which feeds traffic to this airport, serves a number of cities and suburbs of Los Angeles, whose populations themselves equal those of some of the major cities around our country. For instance, San Bernardino, a city 80 miles from the Los Angeles Airport, at least 2 hours' drive by car, contains a population exceeding that of Seattle, Wash. Riverside, the same distance from the airport as San Bernardino, has a population exceeding that of Oklahoma City. Orange County, which is served by the heliport near Disneyland, contains a population exceeding that of Cleveland, Ohio—885,000 people.

Since it was founded in 1947, Los Angeles Airways has provided invaluable service to the entire Los Angeles metropolitan area, carrying passengers, mail, and air express. Its success is attested to by the enormous outpouring of support I have heard from civic leaders, businesses, and all who are served by the helicopters, for action which will permit an orderly continuation of this service.

Anyone who has driven around Los Angeles will recognize why the helicopters there fulfill a very special need. There is no integrated public transit system, and the congested traffic situation is so well known that I need not comment further here. In this context it is clear how important the helicopter operation is in bringing to the people of the Los Angeles area the full benefits of today's airline transportation. We can fly from Los Angeles to Washington in 4½ hours, but much of this benefit is lost if we have to drive over 2 hours from our home in San Bernardino instead of taking a 35-minute helicopter flight. And the distortion will be even more pronounced when we have a supersonic jet transport which permits transcontinental travel in 2 hours. The establishment of air feeder systems to the major transcontinental air terminals is a recognized necessity, and I am asking that Los Angeles be permitted to retain such a system.

Favorable action on this request would permit continuation of the helicopter service through fiscal year 1965. It is not contemplated that this assistance need be continued forever. The Civil Aeronautics Board has endorsed a 5-year phaseout program and the helicopter operators are confident that they will be self-supporting within that time period. Since its institution, remarkable progress has been made in helicopter transportation. Revenues have risen and costs decreased at a rate which offers clear assurance that self-sustaining helicopter operation will be with us in the future. I believe the Government is to be commended for its vision in assisting in this development as is the industry for the progress it has made. It seems to me that we can look at the appropriation I hope we will make today as a means of assuring that the investment Congress has made in the past will come to its full fruition. Nothing would seem to me more uneconomic than to deny this appropriation and in so doing throw down the drain all the appropriations which have been made in the past years.

Helicopter service throughout the country will benefit from the examples and experiments which have been and are being conducted by the current operations. Our country's economy will benefit by the returns to the helicopter industry of the United States—guaranteed if we retain world leadership in this field—and so are looked to as the source for helicopter equipment throughout the world.

Mr. President, I am pleased to speak in favor of an action which will permit a continuation of helicopter service and development in this country. I can assure you that this action is absolutely necessary if we are to have satisfactory feeder service in the Los Angeles metropolitan area to its regional airport.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. Mr. President, because certain Senators have stated that they wished to be in the Chamber to question me about the remarks I am about to make, I suggest the absence of a quorum. It will not be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER (Mr. RUSSELL of South Carolina in the chair). The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, early this session when the Senate considered the first supplemental appropriations bill, House Joint Resolution 234, an amendment was attached to it under which the Senate provided that the research stations and experimental projects totaling 43 stations and projects in all, announced to be closed by the press release of the Secretary of Agriculture, Mr. Freeman, on December 31, 1964, should not be closed or phased out, or no phasing out would begin until after consideration of the annual appropriation bill for the Department of Agriculture, or prior to July 1, 1965.

In conference, that amendment was changed slightly to provide that no phasing out should be accomplished until May 1. At the time that action was taken, I announced in the Senate that our Subcommittee on Agricultural Appropriations would hold early and exhaustive hearings on this subject to discover which of the stations and projects, if any, should be continued; and which, if any, were appropriate for early closing.

I am now reporting to the Senate that in view of the actions which have been taken since that time, in spite of the fact that we have had some suggestions from Senators that we should probably consider attaching a similar amendment to the second supplemental bill, I am of the opinion that it is not necessary to consider such an amendment. On the contrary, the settlement reached between our committee and the Secretary of Agriculture and with a similar committee of the other body being kept advised at all stages of the proceeding, is of such a nature that we may safely consider the matter as closed or in process of being closed.

Mr. President, I wish to make a brief statement in regard to the proposed elimination of lines of research and the closing of certain small research stations as announced by the Secretary of Agriculture December 31, 1964, in a press release.

As I have previously stated, in the processing of House Joint Resolution 234, the conference agreement on that resolution provided that no steps would be taken prior to May 1 to close any research project or station, and I announced then that I would conduct full hearings on this subject.

Extensive hearings were subsequently held and printed and on April 9, 1965, after consideration by the Committee on Appropriations, certain recommendations were reported to the Senate in Senate Report No. 156.

The committee report dealt with each of the 43 items proposed for closure or elimination, and the summary of the committee recommendations appeared on pages 18–21 of the report. The committee report referred to was printed in the CONGRESSIONAL RECORD of April 9 on pages 7718 to 7724.

A SUMMARY OF RECOMMENDATIONS

The Secretary of Agriculture had recommended elimination or closure of research experiment stations or projects totaling $5,151,000 per year.

The committee report recommended concurrence in elimination of projects totaling $2,521,300 and the retention of projects totaling $2,629,700.

Following discussion with the Secretary of Agriculture which took place last week between Senator YOUNG and myself, as conferees appointed by the Senator from Arizona, Senator HAYDEN, as chairman of the Appropriations Committee, Secretary Freeman advised us that he generally concurred in our recommendations contained in Senate Report 156. He does want to make some change totaling $464,500. Thus, the Department proposes the elimination of $2,985,800 and continuance next year at least of stations and projects totaling $2,165,200.

SUMMARY RECOMMENDATIONS TABLE

Mr. President, I request that the summary table which appeared in the CONGRESSIONAL RECORD of April 9 at the conclusion of the Senate committee report—as modified by the inclusion of columns (4), (5), and (6) reflecting the suggestions of the Department, be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Proposed elimination or reduction of agricultural research with committee recommendations

Research items and lines of research	Decreases recommended by Department in amounts appropriated for 1965	Recommendations by Senate committee in S. Rept. 156		Concurrence or changes proposed by the Department in relation to S. Rept. 156		
		Amounts recommended for elimination effective July 1, 1965	Amounts recommended for research to be continued	Items and amounts to be eliminated July 1, 1965	Items and amounts to be continued after July 1, 1965	Proposed for phaseout by the end of fiscal year 1966
	(1)	(2)	(3)	(4)	(5)	(6)
FARM RESEARCH BY LOCATIONS						
(1) Closing fertilizer research at Beltsville, Md	$492,800	$492,800		$492,800		
(2) Elimination of research on fibers other than cotton (Belle Glade, Fla., Experiment and Savannah, Ga., Beltsville, and Glenn Dale, Md., Raleigh, N.C., and College Station, Tex.)	278,900	278,900		278,900		
(3) Elimination of farm research on bamboo (Auburn, Ala., Savannah, Ga., and Beltsville, Md.)	63,600	63,600		63,600		
(4) Elimination of all fur animal research (Petersburg, Alaska, Fontana, Calif., Ithaca, N.Y., Pullman, Wash., Madison, Wis., and Beltsville, Md.)	235,800	74,700	$161,100	74,700	$161,100	$77,200
(5) Elimination of research on tung (Cairo, Ga., Bogalusa, La., and Beltsville, Md.)	221,300		221,300		221,300	
(6) Elimination of research on sesame (Experiment, Ga., Beltsville, Md., and College Station, Tex.)	64,000	34,000	30,000	34,000	30,000	30,000
(7) Elimination of research on sugar sorghum (Cairo and Experiment, Ga., Beltsville, Md., and Meridian, Miss.)	75,200		75,200		75,200	
(8) Elimination of research on rye (Tifton, Ga., Beltsville, Md., and Stillwater, Okla.)	39,800		39,800		39,800	39,800
(9) Reduction in research on castorbeans (Davis, Calif., Experiment, Ga., Beltsville, Md., and Stillwater, Okla.)	118,600	118,600		118,600		
(10) Closing agricultural engineering research on fertilizers and reducing research on planting, cultivating, etc., principally in surplus crops (Athens, Ga., Beltsville, Md., and Bushland, Tex.)	92,500		92,500		92,500	
(11) Terminating research under cooperative agreements (18) on bloat and mucosal disease of cattle on ornithosis and air sac of poultry in 14 States (California, Colorado, Connecticut, Delaware, Indiana, Maryland, Massachusetts, Minnesota, Mississippi, New York, Oregon, Texas, Virginia, and Wisconsin)	223,600	223,600		223,600		
(12) Terminating research under cooperative agreements (13) on dairy cattle, beef cattle, and swine husbandry in 11 States (California, Illinois, Indiana, Michigan, Minnesota, Nevada, North Carolina, South Dakota, Texas, Virginia, and Wisconsin)	104,000		104,000		104,000	104,000
Subtotal	2,010,100	1,286,200	723,900	1,286,200	723,900	251,000
CLOSING MISCELLANEOUS RESEARCH AT 11 LOCATIONS AND ELIMINATING LINES OF RESEARCH AT 9 LOCATIONS						
LOCATIONS CLOSED						
(13) Arizona: Glendale—Poultry husbandry	60,300		60,300		60,300	60,300
(14) Arkansas: Clarkedale—Weed control research	15,200	15,200		15,200		
(15) Florida: Quincy—Tobacco insects	24,400		24,400		24,400	
(16) Georgia: Fleming—Drainage and related soil management	52,400		52,400		52,400	
(17) Idaho: St. Anthony—Dryland erosion problems and moisture conservation	13,000	13,000		13,000		
(18) Montana: Huntley—Soil management under irrigation	22,300		22,300		22,300	22,300
(19) New Hampshire: Durham—Clover diseases and gully erosion	45,400		45,400	45,400		
(20) South Dakota: Newell—Beef cattle husbandry and irrigated soil management	165,800		165,800		165,800	165,800
(21) West Virginia: Morgantown—Watershed hydrology	14,000	14,000		14,000		
(22) Wisconsin: Lancaster—Soil management for erosion control	68,500		68,500		68,500	
(23) Wyoming: Cheyenne—Horticultural crops, farm windbreaks, and new crops	206,200		206,200		206,200	
Subtotal	687,500	42,200	645,300	87,600	599,900	248,400
LINES OF RESEARCH DISCONTINUED						
(24) Kansas: Hays—soil management	7,900	7,900		7,900		
(25) Mississippi: State College, and Maryland: Beltsville—farm housing	8,000	8,000		8,000		
(26) Nebraska: Mitchell—soil management under irrigation	58,800		58,800		58,800	58,800
(27) New Mexico: University Park—soil physics of irrigation; soil management	23,100	23,100		23,100		
(28) New York: Geneva—European chafer	22,600		22,600		22,600	
(29) Oklahoma: Woodward—dryland soils	15,100	15,100		15,100		
(30) Texas: Brownsville—cotton breeding	15,300	15,300		15,300		
(31) Utah: Logan—sugarbeet and vegetable insects	14,700	14,700		14,700		
Total, farm research	2,863,100	1,412,500	1,450,600	1,457,900	1,405,200	558,200
ELIMINATION OF UTILIZATION RESEARCH						
(32) Honey (Philadelphia, Pa.)	142,700		142,700	142,700		
(33) Maple (Philadelphia, Pa.)	142,700	71,400	71,300	71,400	71,300	
(34) Molasses (Peoria, Ill.)	12,200	12,200		12,200		
(35) Sugarbeets (Albany and Pasadena, Calif.)	169,400	169,400		169,400		
(36) Sugarcane (Houma and New Orleans, La.)	218,100	218,100		218,100		
(37) Elimination of utilization research on tung (New Orleans, La.)	93,400	93,400		93,400		
(38) Elimination of utilization research on rice (Albany and Pasadena, Calif., and New Orleans, La.)	152,700		152,700		152,700	
(39) Reduction of utilization research on new crops (elimination of such research at Albany and Pasadena, Calif., New Orleans, La., and Philadelphia, Pa.)	330,800	330,800		330,800		
(40) Reduction of utilization research on castorbeans (Albany and Pasadena, Calif., Washington, D.C.)	164,600	164,600		164,600		
(41) Elimination of utilization research at 2 locations: Fruit and vegetable utilization research (Prosser (station closed) and Puyallup, Wash.)	86,200	48,900	37,300	48,900	37,300	
Total, utilization research and development	1,512,800	1,108,800	404,000	1,251,500	261,300	
NUTRITION AND CONSUMER USE RESEARCH						
(42) Elimination of clothing and housing research division	550,400		550,400	276,400	274,000	
MARKETING RESEARCH						
(43) Elimination of Food Wholesaling and Retailing Research Branch under Marketing Research	224,700		224,700		224,700	224,700
Total	5,151,000	2,521,300	2,629,700	2,985,800	2,165,200	782,900

Mr. LONG of Louisiana. Mr. President, will the Senator yield for a question?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG of Louisiana. I should like to refer to the situation at Bogalusa, La., pertaining to tung nuts and tung oil. Can the Senator tell me what the judgment of the committee was on that subject?

Mr. HOLLAND. The committee was unanimously of the opinion that this research project, as well as the one at Cairo, Ga.—a much smaller one—be continued. They left intact all the field experimentation presently being conducted in connection with the tung industry.

I must say, however, that the committee felt that another utilization research program for the uses of tung oil, going on at the New Orleans Regional Laboratory, should be discontinued, as suggested by the Secretary.

However, the condition of the tung producing industry is such that all of the field projects should be continued. I am sure, the Senator will remember that much of this industry was created at the request of the Government during World War II, in order to supply an important deficiency which we then were sustaining. The Secretary has agreed to an indefinite continuation of both the station at Bogalusa, La., and the project at Cairo, Ga.

Mr. LONG of Louisiana. I congratulate the Senator for the thoroughness with which he went into this subject. He gave it much more consideration than we had a right to demand. This is a very important matter to us. I appreciate the fact that the Senator went into such great depth and detail in connection with all matters pertaining to this subject, and his bringing us a recommendation which will save the Government large sums of money and at the same time will save these projects, which are so essential for agriculture in Louisiana and for the agriculture of the Nation as a whole. I believe the Nation is very much in debt to the Senator from Florida for the services he has rendered in this connection. I salute him for it.

Mr. HOLLAND. I thank my distinguished friend. I wish to include, along with myself, in the praise the distinguished Senator from North Dakota [Mr. YOUNG], who has been very active in these matters, and who represents the Senators who sit on the other side of the aisle, because he sat in on all of the hearings, and was assigned with me to confer with the Secretary of Agriculture after the Appropriations Committee had acted. I wish to have him fully included in the high commendation of the Senator from Louisiana. I deeply appreciate it. I know it is appreciated also by the Senator from North Dakota.

Mr. LONG of Louisiana. I thank both the Senator from North Dakota and the Senator from Florida for their fine work.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. YOUNG of North Dakota. The Senator from North Dakota is getting far more credit than he deserves, but he certainly will not seriously object to it.

Mr. President, I should like to say that as a result of the thorough hearings and the investigations into the closings of various research installations and projects, we will now have a much healthier situation than in the past. The entire committee action was initiated by the Senator from Florida [Mr. HOLLAND]. I sat in some of the hearings, it is true, but most of the credit is due the Senator from Florida. I believe that hereafter we will have a much better understanding between the Department of Agriculture, the Bureau of the Budget and the Congress.

If Congress had not objected, we would be faced with a procedure under which we might appropriate lump sum for research and then let the appointed officials in the Department of Agriculture and the Bureau of the Budget determine what kind of research should be carried on all over the United States. I believe that from now on the Department of Agriculture and the Bureau of the Budget will pay more attention to what Congress wants in this field.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Vermont, who has also been quite active in the investigations by the committee, on which he sits as an ex officio member, as the ranking minority member of the Committee on Agriculture and Forestry.

Mr. AIKEN. Mr. President, as an interested observer, as well as a subordinate member of the Subcommittee on Agricultural Appropriations, being the only member of that subcommittee who is not a member of the full Committee on Appropriations, I wish to say that the chairman of the subcommittee, the Senator from Florida [Mr. HOLLAND], and the ranking minority member of that subcommittee, the Senator from South Dakota [Mr. YOUNG], have done an exceptionally fine job in working over this almost incredible proposal of the Department of Agriculture to abruptly and without notice abandon the research work of 32——

Mr. HOLLAND. Forty-three.

Mr. AIKEN. Forty-three research stations.

Mr. HOLLAND. Approximately 20 stations and enough line projects to make 43 in all.

Mr. AIKEN. Yes. It was almost but not quite on a par with the announcement that the veterans facilities were to be abandoned in so many States.

I agree that sometimes research programs should come to an end, when they have accomplished their purpose. However, I do believe that the Department made a big mistake in announcing the abrupt abandonment of these stations without knowing what the Department would do about carrying on the work which these stations had been carrying on.

In fact, they abandoned one station in connection with which only last year they had asked for a substantial amount of money to expand its facilities, saying that they had to have the added facilities in order to do the job. It is probable, as the Department seems to believe, that the State experiment stations can take over a good deal of this work that is being terminated by the Federal Government. It is entirely possible, if not probable, that some of the State experiment stations can do the work better.

But it was incredible that the Department decided to act without even consulting the State experimental stations that they presumed would take over the work once it was stopped at other stations. That cannot be done. A year or 2 years are required to make the study.

VOTING RIGHTS ACT OF 1965

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1965

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate continue with its consideration of the bill making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. AIKEN. Mr. President, in another year a study by the committee headed by the Senator from Florida [Mr. HOLLAND], the Department of Agriculture, and the State experimental stations might result in some improvement in the situation. At least it would prohibit the injustice and the unbelievable program which was laid down without notice by the Department.

We owe the Senator from Florida [Mr. HOLLAND] and the Senator from North Dakota [Mr. YOUNG] a big vote of thanks.

Mr. HOLLAND. Mr. President, I certainly appreciate those kind remarks for myself and the Senator from North Dakota [Mr. YOUNG]. All of us were alarmed and even irritated by the press release of December 31, which was made without any consultation, as far as we were able to learn, with any Senator or any Member of the House of Representatives and, what is worse, without prior consultation with the State stations, the commodity groups and the affected industry groups that were so seriously affected. That was one of the reasons why we adopted the amendment.

But in addition, we knew from our former experience that some of the stations and some of the projects intended to be closed were dealing with important problems of vital industries.

We felt that study and examination would indicate which stations should not be closed, and if there were any—which ones could conceivably be closed. We wish to make it very clear that we have no intention or disposition to continue in operation stations or projects which have finished their usefulness. On the contrary, we desire to do away with them, both in the interest of economy and in the interest of making our dollars for experimental purposes go further in the achievement of worthwhile things. We are very grateful for the comment made by the distinguished Senator from Vermont.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from Florida yield to me?

Mr. HOLLAND. I am glad to yield to the distinguished Senator from Texas, who is a valued member of our subcommittee.

Mr. YARBOROUGH. As a member of the Subcommittee on Appropriations for Agriculture of the Committee on Appropriations, it was my privilege to sit in for a few days and observe the painstaking work done by the subcommittee, principally by the chairman, and the distinguished ranking minority member, the distinguished senior Senator from Florida and the distinguished senior Senator from North Dakota. They took up the proposed closing of each agricultural research facility. They went into it thoroughly. In my experience in the Senate I have never heard a more painstaking hearing than they held day after day and week after week on every one of these research projects. They sifted out, as thoroughly as it has ever been done in the Congress, what is necessary and what could be eliminated to the advantage of the taxpayer. I commend the distinguished chairman, the ranking minority member, and other members of the subcommittee who sat with them.

Mr. HOLLAND. Mr. President, the table to which I referred includes in columns (4), (5), and (6) the concurrence or changes proposed by the Department to the committee recommendations on these several projects and experimental stations.

I want to make it clear that we are happy to report the concurrence of the Secretary of Agriculture, in which I understand he has the approval of the Bureau of the Budget in continuing for the 1966 fiscal year the various research activities in column (5) of the table which I have just inserted in the RECORD, for a total expenditure of $2,165,200 in 1966. Of this amount the Secretary expects to negotiate with the affected State stations and the various industries involved with his plan of terminating total appropriations after 1966 in the amount of $782,900.

I think that it is not necessary to state that our committee of the Senate reserves the right to consider all actions which go beyond our original recommendations and the House of Representatives and its committee, will of course have the full right to consider all items in the Secretary's original announced program eliminating research totaling $5,151,000.

Mr. President, in closing I wish to make very clear that I believe that a wholesome relation exists at this time as a result of the investigation which has ensued. It was impartial and it was bipartisan. The Secretary of Agriculture, Mr. Freeman, has been very frank. He made it very clear to us that in his original budget request he had included requests for funds to support all these activities, that the Budget Bureau had requested an elimination from his budget of a certain amount, and that he assigned some $5 million to the research program. He stated that the study, as well as the discussion of the Members of Congress and others that would customarily be followed, was not possible under the time limitations. He was first to admit that there were some items that were included in his proposed closings which, upon mature study, were not appropriate to be closed.

His reply to the Senator from North Dakota [Mr. YOUNG] and myself, in the course of our conversations, was most candid. He gave us his positive assurance that we would not have any such approach to an important problem of this kind in the future, at least from that department. This is not to say that we do not wish that department to look for opportunities to economize. We very strongly do, and we shall support it in all places where we think economy is indicated, even in this important field of research experimentation.

But this is a team matter. In many instances, Congress initiates experimental projects and stations, sometimes by separate legislation, and sometimes by inclusion in an appropriations bill. In addition, the Congress supplies the money for the operation from year to year for the annual requests from the Department as they reach us through the annual or supplemental budget estimates. It should require study by both sides of that team before important activities of this kind are terminated. I am very sure that that need and practice is recognized at the present time.

Mr. President, in closing, and in expressing my appreciation to the Secretary of Agriculture, I think it only appropriate to include in the RECORD the letter which he has written and which I have just received today commenting upon his conferences with the Senator from North Dakota and myself and commenting upon his approval of the solution which was made and reached by us. I have not had an opportunity to show the letter to the Senator from North Dakota because it reached me after the Senate convened. I hope that he will have an opportunity to review it. It is in conformity with what we understood would occur on the part of the Secretary of Agriculture.

Mr. YOUNG of North Dakota. Mr. President, I should like to comment that the Secretary of Agriculture was being very cooperative. As a result of the many conferences we have had, I think all of us can be a little more certain that in the future some important installations in our States will be retained.

Mr. HOLLAND. I think the letter is of enough importance on another phase of the subject to justify my reading it, and I shall do so at this time, after which I shall conclude.

DEPARTMENT OF AGRICULTURE,
Washington, April 27, 1965.

HON. SPESSARD L. HOLLAND,
Chairman, Subcommittee on Department of Agriculture and Related Agencies, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: I take this opportunity to express my sincere appreciation for your very constructive and helpful approach toward solving the problems concerning the closing of certain research work. On the basis of the understanding you, Senator MILTON YOUNG, and I have reached—

With the Senator from North Dakota [Senator YOUNG] and me—

I am confident our overall agricultural research programs will be strengthened. I will be happy to work with you in making necessary fund adjustments for the fiscal year 1966 to permit carrying forward those research activities which we agreed should be continued—both those to be continued indefinitely and those to be phased out during the next year. I would hope this could be done without making offsetting reductions in other important research and service programs of the Department.

I interpolate to say that I interpret that statement to mean that the Secretary does not expect us to transfer something from another part of the Department's appropriation, but to add an extra amount to the budget, and this I am prepared to recommend.

This letter also confirms our discussion on the comment in the committee's report regarding a thorough evaluation of agricultural research in cooperation with representatives of the State agricultural experiment stations, producers, and industry. As I indicated, and as we have discussed from time to time in the past, we need to have at hand a comprehensive, thorough projection of research needs for the future, encompassing a period of approximately 10 years, including an evaluation of priorities.

We have given a great deal of thought to this project and have discussed it at length with the National Agricultural Research Advisory Committee, which includes representatives of producers and industry.

We had recommended in our report that such a committee be created to outline the long-term departmental program for research, so that we would be working toward a goal.

The need for such a project has also been reviewed with the Committee on Agricultural Science, composed of eminent scientists, and with the Agricultural Research Planning Committee, which includes representatives from the State experiment stations. I am happy to report to you that these groups are in general agreement with the conclusion that you and I reached—a conclusion which Congressman WHITTEN also shares—on the need for marking out more distinctly the direction which we should move in the years ahead.

I believe the study now underway in the Department contains all the essential elements suggested in the recent report of your committee. I will report to you in connection with progress on the overall study as we move forward.

Warmest personal regards.

Sincerely yours,

ORVILLE L. FREEMAN.

Mr. President, I am much pleased at the conclusion and the outcome of the whole situation. I feel certain that it will result in a better understanding between the executive and legislative branches in this important field, and a better handling of a program which is of such great importance to agriculture.

I apologize to the distinguished Senator from Rhode Island for having taken so much time. I now yield the floor.

Mr. MOSS. Mr. President, I wish to underline the need for restoration of $405,000 cut from the GSA budget request for funds to construct the IRS building in Ogden, Utah. This amount, 10 percent, was cut by the House of Representatives on the theory, apparently, that there is always some way to squeeze out a 10-percent saving. This is a hopeful thought, but it is not related to reality in this case. A 10-percent cut would require redesign of the building and delay bids on construction. A year or longer of delay is indicated. This delay would cause a loss in tax revenue greater than the 10-percent "saving" ordered by the House. Obviously, this unfortunate cut must be restored.

SOUTHWEST SCREWWORM PROGRAM

Mr. YARBOROUGH. Mr. President, I heartily approve of this bill's provision of $550,000 to maintain our southern border barrier zone free of screwworm flies.

The artificial barrier zone of sterile screwworm flies in northern Mexico and along the international boundary in southern Texas and New Mexico requires the continuous production, irradiation, and release of vast quantities of screwworm flies over a large area to prevent screwworms that migrate from Mexico from reestablishing self-perpetuating native screwworm populations in areas of the United States freed of screwworms—Texas, New Mexico, and States to the north and east.

In the fall of 1964, weather conditions were especially favorable to the growth and development of native fly populations. In addition, moisture conditions have been conducive to screwworms. By December 1964, there had not occurred any sustained cold weather to prevent the buildup of large native screwworm populations, especially in northern Mexico.

Essentially, the barrier zone operations consist of the continuous release of vast quantities of sterile screwworm flies over a large area in order to protect screwworm-freed areas of the United States. There can be no cessation of these sterile fly release operations without immediately exposing the freed areas of the United States to reinfestations from Mexico. The rate of production, irradiation, and release of screwworm flies and the geographic dimensions of the artificial barrier zone are determined by seasons of the year; climatic conditions during the year; and field survey data concerning native screworm fly populations in the barrier zone of northern Mexico. All available funds, both Federal, and cooperators, must be utilized to the maximum extent for the production, irradiation, and release of the quantity of sterile screwworm flies required to maintain an effective and continuous barrier zone.

The proposed supplemental of $550,000 would provide the necessary additional funds for the Department which would be used in combination with additional cooperators' funds to provide the total amount required to continue the program through June 30, 1965. The Southwest Animal Health Research Foundation has a fundraising drive underway right now to collect at least $300,000 from livestock producers; and the State of Texas has provided an additional $250,000.

Mr. President, I have mentioned these important points to highlight the necessity for the supplemental appropriations bill now before us. At the present time, we estimate that the program will have to cease unless additional Federal and cooperators' funds become available. This would result in immediate reentry of the pest that caused losses of $25 to $100 million prior to the eradication program. We have been positively assured by the cooperators they will provide the necessary additional funds to match Federal funds as now required by law, except that we expect to avail ourselves of a portion of the $250,000 exemption from matching.

In the period July 1, 1964, to January 30, 1965, there have been 146 cases of screwworms in Texas and New Mexico, of which 66 cases were found in Texas and 4 in New Mexico outside the artificial barrier zone. These have been eliminated promptly. In about the same time, there were 4,079 cases reported within the barrier zone in northern Mexico. This is an indication of the continuing threat of reinfestation. The artificial barrier provides protection from migrations from Mexico and from reestablishment of self-perpetuating native screwworm populations in freed areas of the United States.

Mr. President, the additional funds are needed to provide the Department's share of costs to continue the program through June 30, 1965, and thus avoid discontinuing program operations during the spring months when the natural migration of screwworms begins northward from Mexico.

Mr. BYRD of West Virginia. Mr. President, I support the second supplemental appropriation bill, 1965, and I am especially interested in title II, which provides moneys for the financing of the Appalachian regional development program. I am not one who believes that poverty will ever be completely eliminated from our midst. Speeches often glibly refer to a future time when there will be a job for every individual in the United States and when no family will be poverty stricken. Although such a utopia would be wonderful if we could ever achieve it, I am afraid that such statements run counter to the admonition of Jesus, who said:

> For ye have the poor always with you.

Regardless of how much effort and money the Federal Government puts into so-called poverty programs, there will always be some poverty and some unemployment in every State. No amount of Federal largess will cure all of the country's problems. Nevertheless, the fact remains that people, generally, have a desire to help themselves, and because of circumstances beyond their immediate control, they and their communities are sometimes unable to find the resources needed to lift themselves into a viable economic state. These are the areas and these are the people for whom the Appalachian Regional Development Act is designed to render assistance.

The area of Appalachia covers 165,000 square miles. About 15 million people live in Appalachia. Hence, 8 percent of the population of America is in the Appalachian region. It is a region rich in mineral resources, a region originally blessed with great soil, forest, and water resources, and a region populated by a sturdy, patriotic, and loyal citizenry. Much of the mineral resources have been exploited by outside interests and, admittedly, some of the present misery, unemployment, and poverty, where it does exist, is there perhaps because of opportunities that have been passed by and the lack of proper vision and planning in an earlier day.

Parenthetically, in making reference to poverty, I wish to emphasize that all people in Appalachia do not live in hovels, and one does not come face to face with poverty at every bend of the road. Unfortunately, some outsiders, and certain national publications, have sought to create the impression that Appalachia is a land where people are shoeless, hungry, homeless, and living from hand to mouth. Of course, such exceptions occur, but they can be found in every State of the Union. Many areas of Appalachia are prosperous, and others not so prosperous are showing great economic improvement, and, I believe that, in general, the overall economy has shown a remarkable upward movement within the last 2 or 3 years.

This is not to gainsay the fact, however, that the region as a whole lags behind the Nation as a whole from the standpoint of having a viable and progressive and strong economy. If the per capita income of people living in the Appalachian region were to be brought up to the national average, the gross national product would be increased by several billion dollars annually. Retail sales would climb nationally. Food production would go up. Automobile sales would be stimulated. Higher Federal, State, and local tax receipts would result. And just as a chain is only as strong as its weakest link, the Nation is just as strong as its weakest region. Economic strength is one of the bases of our military strength, and the development of economic strength in Appalachia will redound to a stronger national military potential.

Importantly, it should not be overlooked that if the Appalachian region can be brought up to the national norm from the standpoint of its economy, savings obviously can be realized through a reduction, percentagewise, of public assistance dollars which are being spent in the region. I call attention to the fact that while 8 percent of the Nation's people live in Appalachia, that area is the recipient of 12 percent of Federal welfare assistance moneys. I, as a U.S. Senator from the Appalachian region, do not wish to see that region living on the dole. Of course, there are some people who, because of mental or physical incapabilities, can never move beyond the welfare status, and in regard to such cases—and they, too, exist in every State of the Union—I recognize the necessity of assistance being provided. But, I believe that when 8 percent of the population receives 12 percent of the Federal public assistance moneys, this is a very significant fact and one which should be the basis for concern. For this reason, as much as for any other, I was an enthusiastic supporter of the accelerated public works program—which was highly beneficial to communities in my State of West Virginia—and I have supported the Appalachian Regional Development Act. I do see in the Appalachian Regional Development Act an effective instrument which, if properly used, can assist communities and people who are willing to put forth the effort to bring the region's economy up to the level of the national economy. Of course, the act must be ably and efficiently administered, and this axiom must apply to the State and local levels as well as to the Federal level, because no matter how fine a tool may be given to the carpenter, if it is permitted to become dull and rusty, and if it is improperly utilized, it will not do the job when the moment of trial comes.

In this regard, I think we must face up to the fact that the act will not work miracles, that it will not do everything and that, moreover, it will not achieve the purposes for which it was designed unless it is properly funded. Proper funding involves immediate funding. A shot in the arm is needed now. There must be an acceleration and intensification of research, road, land reclamation, and other programs in Appalachia, if that part of the country is to catch up with the rest of the Nation.

For this reason, the President's budget calls for an appropriation, in the supplemental appropriation bill before us, of $362,636,000 for the Appalachian program. The House allowed $344,328,000, a reduction of $18,308,000. The Appropriations Subcommittee on Deficiencies and Supplementals, of which I am a member, held hearings on the items which were appealed, and which amounted to $10,432,000, and, under the able leadership of the Senator from Rhode Island [Mr. **Pastore**], chairman of the subcommittee, the full committee acted on Friday of last week to restore $7,972,000, to bring the total appropriation up to $352,300,000. This amount is still $10,336,000 under the budget estimate.

From the standpoint of a breakdown of title II, the Appalachian package in the supplemental appropriation bill before us, I shall offer a brief explanation of each item and the action taken by the Senate Appropriations Committee. I feel that such an explanation will be helpful to the people of my State and Appalachia.

For the Agricultural Research Service, the budget estimate was $520,000, the House allowed $100,000, and the Senate Appropriations Committee restored $100,000, making a total of $200,000. The agricultural research programs currently under way in the Department are not specifically related to problems of the Appalachian area. A considerable amount of research and information derived from existing programs needs adaptation to meet specific problems in that area. The agricultural research of the Department is concerned generally with national problems. But the problems of Appalachia are unique. The adaptation of grasses and legumes must be done for Appalachia. The study of rainfall, the types of soil, the type of terrain, must be done in Appalachia where the results are to be applied. So, this item is indeed important for Appalachia if there is to be, for example, the development of special seeding to provide adequate ground cover and control of runoff and soil erosion, thus bringing about a more effective use of agricultural resources and a more effective conservation of our soil and water resources.

The next item is Cooperative State Research Service, for which the budget estimate was $1 million, the House allowance $100,000, and the Senate Appropriations Committee restoration $400,000, making the total appropriation before us $500,000. The 1965 appropriation for this item was approximately $50 million nationwide, and the 1966 appropriation will perhaps approximate $52.7 million. As to Appalachia, this amounts to a little over $1 million per State on the average. It is important to remember that 97 percent of the Cooperative Research Service money normally goes to State experiment stations, and only about 3 percent to the administrative agency. The State experiment stations, working with the county agents, constitute an organization which is about the closest organization to the problems of rural Appalachia. It is in a position to do well with less money than virtually any other activity. Experiment stations have been working with rural people and rural problems a long time. We cannot build up Appalachia if we ignore agricultural problems.

While agriculture is not likely to be the main base of Appalachia's development, yet the whole economy cannot move forward if the agricultural factor is permitted to lag. All sectors of the economy must move forward together. The funds requested will provide an expanded program of research by the State agricultural experiment stations. There are projects now which need doing and await funding. A case in point is the possibility of growing tomatoes under plastic using natural gas available in the area, and one going experiment station project on such an item might encourage a dozen people to go into the work. This cannot be done with the $100,000 allowed by the House and the $1 million which would normally go to a particular State in 1966. The latter would have to be used on existing projects. There are shelf items which are good and which could be put into operation, but they cannot be taken off the shelf and put into operation with the regular appropriation. Most of the regular programs consume the regular appropriation. The work of the Cooperative State Research Service is purely research grant and contract.

The next item is the Cooperative Extension Service. The budget estimate for cooperative extension work was $2 million; the House allowed $500,000, the Senate Appropriations Committee restored $1 million, and the total before the Senate for consideration is $1.5 million. The 1965 appropriation for the Extension Service, nationwide, was about $85.1 million, and the 1966 appropriation will probably be about $86.3 million. Consequently, the increase in the 1966 budget, nationwide, would make only a very small contribution in Appalachia. The Appalachian area is not heavily staffed in comparison with the rest of the country.

The average number of extension agents per county in Appalachia is 3.3, whereas nationwide, including Appalachia, the average is 3.7. The acceleration of work in Appalachia requires specialization. There must be personnel with competency in recreation development, competency in forest industries, et cetera. An additional 75 to 125 professional staff with specialized skills will be employed, together with some 100 to 150 extension aids with the funds requested. The extension aids will be required to have a high school education and must have demonstrated their ability to work with people. The extension service is an educational program conducted cooperatively by the Department of Agriculture and the land-grant colleges. The job of the extension agents is a varied one. They help farmers to improve farm production and farm business. They work with rural youth out of school and with homemakers and families to help them learn to live a little better with what they have. Community groups are assisted in analyzing problems in the area, whether those problems be economic, educational, or social. The land-grant university system in Appalachia has probably the weakest tax base support of any land-grant institutions in the country. These land-grant institutions are limited by inadequate funds. The necessary program, which requires professional staff with specialized skills, cannot be financed out of the normal appropriation.

For the Soil Conservation Service, conservation operations, the budget estimate was $1,950,000. The House allowed $1.5 million, and the Senate committee restored $150,000, making a total of $1,650,000. I call attention to the fact that the Appalachian region conservation program was cut from $8.5 million, in the budget estimate, to $7 million by the other body, and there was no appeal to the Senate for restoration. This represented a reduction of about 18 percent. The conservation operations item is tied directly to the Appalachian region conservation program, inasmuch as the farmer cannot get a contract for the cost sharing under section 203 of the Appalachian Regional Development Act unless he has a conservation plan on the unit. This is a prerequisite. The landowner must have help in preparing his plans, and based on these conservation and development plans, the farmer is able to enter into the long-term agreement envisioned by section 203. Moreover, the Soil Conservation Service will not be planning for just the acreage eligible for cost sharing, which is limited to 50 acres under the act, but will be preparing plans for the entire unit, in view of the fact that what happens on the rest of the farm will influence what is done on the 50 acres. One does not make plans for just 40 or 50 acres on a 150-acre farm, if the full conservation benefits are to be achieved. In order for the intensified conservation job to go forward as provided in section 203, the two basic components are technical services and cost sharing. Technical services, as I have already said, must precede the cost-sharing agreement. The farmer must have the plan before he moves forward. Hence, the $150,000 restored by the Senate committee represented the amount necessary to bring the conservation operations item, which had been reduced by about 23 percent, into balance with the Appalachian region conservation program appropriation allowed by the House. If the money had not been restored, the agency would be permitted to utilize 20 fewer men to work in Appalachia, and, on the basis of 50 plans per man, this would have meant that approximately 1,000 plans would be delayed. Additionally, I should like to point out that the appropriation for conservation operations, nationwide, was $104.2 million in fiscal year 1965, and this amount may suffer a slight reduction, to about $104.1 million for fiscal year 1966.

The next item is watershed planning, for which the budget estimate was $600,000, the House allowance $400,000, and the Senate committee's restoration $200,000, making a total of $600,000 in the bill before us. Nothing will have a more demonstrable effect on the revival of Appalachia than watersheds. They will provide water for industry, water for local municipal use, and water for recreation. Water is the basis for most recreational pursuits. Flood control is, of course, a basic purpose, but watersheds will provide recreational areas where people will want to go and spend money. They are not approved, of course, unless the benefits outweigh the costs.

The fiscal year 1965 appropriation for watershed planning, nationwide, was $5.7 million, and the fiscal year 1966 allotment will be about the same. About 10 percent of the $5.7 million budgeted for watershed planning, nationwide, would normally go into Appalachia, and this is insufficient if the program there is to be accelerated. As of April 22, 1965, there were 70 unserviced applications for watershed planning in Appalachia. This had increased from 54 at the beginning of the fiscal year. With the full amount requested under the second supplemental appropriation bill, 8 additional watersheds can be planned, over and above the normal 12, thus making 20 in 1966, which still leaves a 3-year backlog just considering the 70 applications on hand as of April 22.

The Senate committee restored $2,220,000 for watershed protection, thus making a total of $10,220,000, which represents the full budget estimate. Of this amount, $3.1 million is to accelerate the rate of improvement loans currently pending. As of June 30, 1965, it is estimated that the watershed protection backlog, Federal share, for Appalachia, will amount to $56.1 million, which is more than the entire 1966 budget for watershed protection nationwide. This estimate was given to me on April 22. As of April 22, $5.5 million had been obligated and programed for watershed protection in Appalachia, of which something like $500,000 is unfunded. So, there is work in Appalachia which is programed but for which there are no funds in 1965, and there is a tremendous backlog of work which has not even been programed.

The full supplemental amount will allow 10 new starts and will permit the acceleration of 40 projects in Appalachia. This is a program of special acceleration of investment in order to enable the region to catch up with the rest of the country economically. The more that is put in for watershed protection, the faster the region will catch up.

Interestingly enough, the nationwide fiscal year 1965 appropriation for watershed works of improvement was only $53 million, whereas fiscal year 1966 the appropriation, nationwide, will be about $54.5 million. Ergo, I repeat that the watershed protection backlog for Appalachia alone amounts to more than the total appropriation nationwide.

It is important, too, to keep in mind that, as of February 28, 1965, there were 140 applications for loans, nationwide, amounting to approximately $29.8 million. Twenty-six applications for loans from Appalachia were on hand, amounting to approximately $6 million. These figures do not take into consideration applications for loans received during the remainder of fiscal year 1965 following March 1. In other words, there was a backlog of applications from Appalachia for loans, as of February 28, amounting to $2 million more than the entire $4 million which was appropriated for fiscal year 1965, nationwide. The Senate committee felt that it was important to restore the full amount for loan limitations inasmuch as there are project sponsors in Appalachia right now who are actually waiting and hoping for this bill to be passed because all loan funds have already been obligated.

For the Economic Research Service, the budget estimate was $400,000, and the Senate committee restored the $200,000 disallowed by the House to bring the amount up to the estimate. The purpose here is to develop the facts and information necessary to help guide these programs in Appalachia for the rural population. The rural people make up over 50 percent of the total population in the area. The information now possessed by the Department is for 1960 and it needs to be brought up to date. It is the kind of information into which one should go deeper. In other words, the agency seeks to know the characteristics of the people involved, their employment potentials, the land and water resources available, the recreational possibilities, and so forth. This is important information if programs for the rural population are to be developed.

Under the Farmers Home Administration, the Senate committee restored $1.1 million of the $2.6 million cut by the other body from the $8.6 million budget estimate for the direct loan account. The amount now in the bill, therefore, is $7.1 million. This brings the direct loan account more into balance with the amount allowed by the House for the Appalachian region conservation program, inasmuch as both items are somewhat directly related. This money is to finance the farmer's share, through loans, for conservation practices for which the ASC and SCS agencies would do the planning and the cost sharing under section 203 of the Appalachian Regional Development Act. If 80 percent of the cost of sodding a waterway, for example, were going to be financed by a grant, and 20 percent paid by the farmer, the FHA, under this provision, would be enabled to lend the farmer the 20 percent which he had to put up. It is anticipated that about 8,900 farmers in Appalachia would be in need of help of this kind. This program will help the farmers of low income. In 1959, there were 117,000 low-income commercial farms in Appalachia—farms with value of sales less than $5,000—or 63.6 percent of all commercial farms in Appalachia. The farm operator's level-of-living index in the Appalachian region was 72 in 1959—U.S. county average in 1959 equals 100. These low-income farms operated approximately 15 million acres of land.

As I have already indicated, the loan funds are related to the conservation program. There is a 50-acre limit on the cost sharing, but the agency can lend up to 100 percent after the 50-acre limit. The maximum grant is 80 percent on the 50 acres, which would leave a 20-percent loan, but on the 51st acre there is no grant and the loan can be as much as 100 percent. The loan money, of course, comes back with interest, and the experience in collecting these loans is extremely good. The $1.1 million restored by the Senate committee brings the direct loan account more into balance with the appropriation allowed for the Appalachian region conservation program grant moneys. Moreover, if the direct loan account moneys had not been increased by the Senate committee, it is quite likely that the full amount of the grants could not be utilized, because the farmer in question would not have the 20 percent to supplement his Federal grant. Actually, the biggest part of the loan moneys will be used to enable farmers to improve their entire farms beyond the 50-acre limitation.

The Senate committee also restored $150,000 for salaries and expenses, FHA, thus bringing the House allowance of $250,000 up to $400,000. This amount is still short of the $500,000 in the budget estimate, but it is in line with the restoration made in the direct loan account. Inasmuch as the loan moneys were restored in part, the additional administrative money is needed with which to lend the loan funds.

For the Rural Community Development Service, the committee restored $30,000 so as to bring the House allowance of $35,000 up to the full budget estimate of $65,000. This is a high-priority item. The Service is fairly new and it is concentrating on liaison work with the rest of the Government, including the Appalachian Regional Commission. The Service has been getting along with four people for the past 2 years, and it is living right now off ARA money. The request in the budget is for the purposes of getting the organization staffed so that the Service can get on its feet now instead of waiting for moneys which will be forthcoming in the regular 1966 budget. I am informed that the regular budget figure of $650,000 is actually too low.

For forest land management, the committee restored $500,000 to acquire depleted lands in Appalachia for the Forest Service. Moneys under the Land and Water Conservation Fund Act would not be available for this purpose in view of the fact that that act requires that unit purchases must be within the national forests as they existed on January 1, 1965, and must be capable of utility for recreational purposes. The lands which the Forest Service wishes to purchase in this instance are not within the national forests and are not immediately capable of rendering recreational benefits. The $500,000 added by the Senate committee will make a total of $1 million in this appropriation for the acquisition of lands, and $900,000 of the total amount will be used to purchase lands in Kentucky, while $100,000 will be used for lands in Webster, Randolph, and Pocahontas Counties, W. Va.

The part of Kentucky in question is steep, mountainous country. It has been burned over many times. Watershed conditions are very poor, and the land is eroding badly. A lot of pollution has been created by coal seams being left open and exposed to air, thus creating sulphuric acid. In order to clean up the pollution of streams and protect from floods, it is desirable to do some rehabilitation work now.

The Forest Service testified that it could get started a full year earlier if the Senate committee restored the $500,000. The House allowance of $500,000 would buy only half the acreage desired, and there is no money in the fiscal year 1966 bill with which to purchase the other half. Only $680,000 is in the 1966 bill for the whole country, $220,000 of which is for Appalachia. So, if the Senate committee had not restored the $500,000, the Forest Service would have had to wait until fiscal year 1967. The Kentucky unit is referred to as the Red Bird unit, and it is some distance from the Cumberland Forest. A separate administrative unit would be required, such as a ranger station, office, clerk, small warehouse, fire protection, and so forth. The minimum size for utmost efficiency is around 40,000 to 50,000 acres. Therefore, the Forest Service was of the opinion that, if the Senate did not restore the $500,000, the agency would be able to purchase only half of the land, the full administrative unit would still be required, thus cutting down on the efficiency factor, and the cost of the remaining unbought lands might go up before fiscal year 1967. The Senate committee felt it was important for the Forest Service to purchase the Kentucky bloc, which is available from one owner, now, inasmuch as the tract would likely cost more later. I believe that this is a very important item, and I think that the Forest Service made an extremely good case for the money.

As I have already indicated, the land is presently only polluting the streams. The timber cover has been stripped off the top of the mountains. It is not worthwhile for a private organization to restore these abandoned lands, and the Forest Service can eventually reclaim and rehabilitate them, thus reducing the stream pollution and helping to remove a source of soil erosion and floods.

For forest research the Senate committee restored $200,000 of the $660,000 that had been cut by the other body from the budget estimate of $1,785,000. The total in the bill now is $1,325,000. The $200,000 restored by the Senate committee is for forest engineering research. This money comes back manifold, and the Forest Service has many detailed plans which are ready to go. These research moneys can be used to get programs started immediately. The late President John F. Kennedy envisioned the importance of moneys spent in forest research. The March 12, 1960, edition of the Madison, Wis., Capital Times, stated that the then Senator John F. Kennedy said the Forest Products Laboratory in Madison "has returned $70 to the Government in taxes for every dollar it has spent in research." Incidentally, there is only about $32 million in forest research moneys in the fiscal year 1966 budget for the whole country, and this would represent an increase of about $942,000 over 1965. So, if we are going to accelerate forest research in the Appalachian region, the money which is included in the second supplemental appropriation bill is vitally important. Appalachia used to turn out wood products with a prestige name many years ago, but the quality has declined to some extent. These research moneys will help to bring the prestige name back, and, in the long run, this will mean additional payrolls and additional employment for the region.

For State and private forestry cooperation, the full $350,000 has been allowed by the other body. For forest roads and trails, $2.5 million has been allowed by the other body, and this represents the full budget estimate. For timber development organizations, loans and technical assistance, under section 204 of the Appalachian Regional Development Act, the budget estimate was $1,350,000 and the other body allowed $1 million. However, there was no appeal made for restoration of the $350,000, and the Senate committee did not act to restore the money.

For the Department of Commerce, the other body allowed $2.5 million in grants for local development districts and for research and demonstration, under section 302 of the Appalachian Regional Development Act. The budget estimate was $3 million, but the Department did not appeal, and the Senate committee allowed the amount to remain as it was passed by the House.

For supplemental grants-in-aid, under section 214, the other body allowed the full budget estimate of $45 million and this is the amount before us.

For the Bureau of Public Roads, the other body allowed $200 million for implementation of section 201, and this represented the full budget estimate.

For the Corps of Engineers, the other body allowed $2 million out of the budget request for $2,271,000 for general investigations. The agency withdrew its appeal and the Senate committee allowed this figure to stand.

As the House committee report stated, the $2 million is to accelerate the investigations work of the Corps of Engineers in the Appalachian region. The House committee approved the total study program presented, but expressed the belief that the reduction could be absorbed within available funds. The approved program included moneys to initiate the special water resources survey of the Appalachian region as envisioned in section 206 of the Appalachian Regional Development Act. Among those new studies approved are Mill Creek at Ripley, W. Va., and West Fork River and tributaries at Clarksburg, W. Va. Among the studies to be accelerated is the Middle Island Creek Basin study in West Virginia.

For construction, general, the budget estimate was $15 million, the House allowed $13,778,000, a reduction of $1,222,000. Of the reduction, the engineers appealed $922,000, which was allowed by the Senate committee, thus bringing the total before us to $14,700,000. This money will permit the acceleration of planning and construction on navigation and flood control projects in the Appalachian region. Among the new starts, preconstruction planning can be initiated on the Burnsville Reservoir, W. Va., for which $200,000 is allowed. Among the new starts for which planning is to be accelerated is the Bloomington Reservoir, Md. and W. Va., for which $400,000 is allowed. Among the new construction starts is Willow Island locks and dam, Ohio and West Virginia, for which $1.5 million is allowed. Among several items on which construction will be accelerated are the Hannibal locks and dam and Racine locks and dam, Ohio and West Virginia, and the Opekiska locks and dam, West Virginia. Among the West Virginia projects for which money is provided for recreation facilities is the Sutton Reservoir, to which $790,000 will be applied.

For the Office of Education, the budget estimate of $8 million was allowed by the House for expansion and improvement of vocational education under section 211 for the Appalachian Regional Development Act.

Under the Public Health Service, the $21 million requested by the President for hospital construction activities under section 202 of the act was allowed in full by the House.

The House also allowed the full budget estimate of $3 million for grants for waste treatment works construction under section 212 of the act.

For the Geological Survey, the budget request was in the amount of $750,000, the House allowed $500,000, and the Senate committee elected not to restore the reduction.

As to the Bureau of Mines, the House allowed $300,000 of the $500,000 in the budget estimate for conservation and development of mineral resources. The Senate committee elected not to restore the $200,000.

The Senate committee restored the $400,000 cut by the House from the budget estimate of $16,250,000 for Appalachian region mining area restoration. The $400,000 reduction made by the House was to have been applied against the study, under section 205(c) of the Appalachian Regional Development Act, of a comprehensive, long-range program for the purpose of reclaiming and rehabilitating strip and surface mining areas in the United States. The committee took cognizance of the fact that the Secretary of the Interior is directed by the Appalachian Regional Development Act to make an interim report to the Appalachian Regional Commission by July 1, 1966, summarizing his findings to that date, and he is directed to submit to the President his recommendations for a long-range, comprehensive program for reclamation and rehabilitation of strip and surface mining areas in the United States in time for the President to submit these to the Congress, together with his own recommendations, not later than July 1, 1967. This is truly a major undertaking, in view of the fact that it does not just involve coal in the Appalachian region, but it involves all strip and surface mining operations throughout the United States.

The Bureau is up against two congressional deadlines to obtain once and for all a report on strip and surface mining throughout the entire country. This is a crash program, and additional personnel will be required. It is anticipated that in the Bureau of Mines alone 17 people will be required for the study. The cooperation of many other agencies will also be required and additional personnel will be necessary to do the job in those agencies. The committee felt that, in view of the tremendous undertaking that is required by the law and the date deadlines which are set forth in the law, any curtailment of the requested $750,000 for the study would result in a curtailment of the extent of the study. The result would be that the final reports would not be as comprehensive and as thorough as the act requires.

For the Bureau of Sport Fisheries and Wildlife, the House allowed $1,350,000 of the budget estimate which was in the amount of $1,750,000. The Senate restored the $400,000. These moneys are to be spent on Appalachian region fish and wildlife restoration projects. What is proposed here is a modest demonstration program of actual strip mine restoration. Fishing lakes will be provided for recreation as a part of the demonstration program. There are about 200,000 acres of abandoned strip mine areas in Appalachia. The States are to bear one-fourth of the costs. It is expected that the work to be done will help to reduce acid mine drainage, will assist in revegetating the strip mined areas, and will inure to the enhancement of Appalachia's recreation potential. The States will conduct the actual work of restoration of the stripped areas where the land has been exhausted of its mineral resources and mining operations have been abandoned. Strip mine scars are to be obliterated, acid formation will be diminished, fish and wildlife habitats will be restored, and the landscape will be beautified.

The final item in the Appalachian package is that of $490,000 allowed by the House for salaries and expenses of the Appalachian Regional Commission. The budget estimate was $500,000, but there was no appeal and the Senate committee did not restore the $10,000 cut. Last fall, I was instrumental in moving to add $800,000 to a supplemental appropriation bill, the moneys to be used in the establishment of the Appalachian Regional Commission and to remain available until passage of the Appalachian Regional Development Act. Those moneys, together with the moneys included in this bill, should be ample for the time being.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 7091) was passed.

Mr. PASTORE. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PASTORE, Mr. HOLLAND, Mr. HAYDEN, Mr. ELLENDER, Mr. HILL, Mr. BYRD of West Virginia, Mr. YOUNG of North Dakota, Mr. SALTONSTALL, and Mr. KUCHEL conferees on the part of the Senate.

PROPOSED REORGANIZATION OF THE BUREAU OF CUSTOMS

Mr. PASTORE. Mr. President, I submit for appropriate reference a resolution expressing the disfavor of the Senate regarding the proposed reorganization of the Bureau of Customs.

The Treasury Department announced on March 22, 1965, its intention to implement the so-called Reorganization Plan No. 1 within 60 days unless Congress interposed objection.

I understand that Reorganization Plan No. 1 deals solely with the abolition of offices in the Bureau of Customs to which appointments are required to be made by the President, by and with the advice and consent of the Senate.

I do not believe that the Congress should acquiesce in the abolition of appointive offices in the Bureau of Customs until we have had the opportunity to study thoroughly the ramifications of the implementation of the remainder of the plan of reorganization—and especially since the implementation, from what I am told, will result in a deterioration of local customs service.

Let me point out the effect we expect this reorganization to have on customs activities in my State.

If the Congress interposes no objection, the position of collector of customs in Rhode Island will be abolished. Thereafter, we assume that the department will put into effect the recommendations contained in the so-called Stover report.

The Customs District of Rhode Island will be abolished. Some of the functions now performed at Providence would be transferred to a regional headquarters at Boston, Mass., whose jurisdiction would comprise all of New England, upstate New York, all of Pennsylvania, Delaware, and southern New Jersey.

The Treasury Department has assured me that service will be continued in Rhode Island and the other 21 districts to be eliminated.

I recall that a few years ago we were notified that the processing of imports by mail would be transferred from the local customs office in Providence to the Boston office. Providence businessmen protested that this would delay the receipt of their packages. They were assured that the consolidation of service in the regional office would result in better service.

Their fears, however, were justified. I was advised the other day by a member of the jewelry industry that the processing of imports by mail through the Boston office has resulted in delays ranging from 2 to 4 days.

The jewelry industry, one of the largest in the State of Rhode Island, is highly competitive. The most important factor of success in this industry, I understand, is the ability to create new and startling designs to complement the prevailing fashion in clothes.

A jewelry manufacturer explained to me that every day, sometimes every hour, is important. He must obtain the necessary imported materials. The sample line of jewelry must be produced and then distributed into proper sales channels.

The smooth and efficient functioning of the Providence customs office often is the difference, he tells me, between success and failure of a line of jewelry.

Also, we must remember that over 20,000 Rhode Island jobs are involved in this industry which is essential to the economy of our State.

In Rhode Island, more than 180 business firms are involved directly in the importation of goods through the Providence customs office. Imports are a major part of their business activities. Countless other firms are their customers. They rely on the prompt, efficient service of the local office. It is indispensable to their economic success.

Yet, I know that the Stover report recommends a "consolidation of functions of classification, appraisement, and liquidation, thus expediting the entry and clearance of imported merchandise, reducing backlogs, eliminating delays, and improving customs relations with the business community."

The responsibility for these functions presently rests with the local customs officials in Providence.

Local businessmen tell me that the Providence customs office handles the entry and clearance of merchandise expeditiously. There are no backlogs, no delays—and the relations between the customs office and the business community is cordial.

How can consolidation improve this situation? Having in mind how the service has deteriorated since the processing of imports by mail was transferred from Providence to Boston, I can only conclude that consolidation will have a similar effect on services presently provided by customs officers.

It is my hope and expectation that the Committee on Government Operations, to which this resolution will be referred, will thoroughly investigate the possible effects of the proposed reorganization and determine whether or not they will truly improve customs service before the Congress consents to plan No. 1, the elimination of certain appointive positions.

I am certain that the committee will wish to schedule immediate hearings in order that those members of the business community who will be adversely affected by the proposed changes will have an opportunity to be heard.

On April 20, 1965, I wrote to the distinguished Senator from Arkansas [Mr. McCLELLAN], chairman of the Committee on Government Operations. I wish to read his letter of reply into the RECORD.

The letter is dated April 21. It reads as follows:

U.S. SENATE,
April 21, 1965.

Hon. JOHN O. PASTORE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This acknowledges receipt of your letter of April 20, 1965, relative to Reorganization Plan No. 1 of 1965, providing for reorganizations in the Bureau of Customs.

Plan No. 1 has been referred to our Subcommittee on Executive Reorganization which is under the chairmanship of Senator ABRAHAM RIBICOFF. Accordingly, I have forwarded a copy of your letter to him.

In view of the possible effect on Rhode Island of the reorganizations in the Bureau of Customs which the Secretary of the Treasury intends to make if plan No. 1 is permitted to become effective, I can well understand your concern. Although it has long been the policy of the Committee on Government Operations to schedule hearings on reorganization plans only if a resolution of disapproval has been introduced, there have been exceptions to this rule. Should a resolution of disapproval be introduced in the Senate, hearings would be scheduled at an early date, following consultation with Senator RIBICOFF.

With kind regards, I am
Sincerely yours,
JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations.

My purpose in submitting this resolution, Mr. President, is so that all sides of this question can be heard. I have received a great number of communications from my constituents in Rhode Island. I have received a number of telephone calls. I have had people call at my office and visit with me to discuss this question. This is quite important.

I realize that we have been assured by the Treasury Department that there will be no deterioration in service. I am inclined to take them at their word. However, this has not been our experience in the past. Not only that, but the man who gives assurance today may not be the man we shall have to contend with tomorrow in case the situation changes.

In order to bring this whole matter within proper focus I exhort and implore the committee to hold hearings immediately so that the matter may be resolved in the public interest. That is the reason I have submitted the resolution.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 102) was referred to the Committee on Government Operations, as follows:

Resolved, That the Senate does not favor the Reorganization Plan Numbered 1 transmitted to the Congress by the President on March 25, 1965.

Mr. PELL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Rhode Island.

Mr. PELL. I congratulate the senior Senator from Rhode Island on his words. I associate myself completely with his statement. I hope that the holding of the hearings may be expedited and that the matter may be ventilated so that the subject can be worked on in a way which would be favorable to the interest of the people of our State.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I should appreciate it if the Senator would permit me to join as a cosponsor of the resolution. With our 1,200 miles of ocean front, our some 17 ports, and our international airports, this matter is of grave concern to my State.

We do not wish this authority to be taken away from State control, through the nominations of the two Senators, and from being handled by State personnel. They are much more familiar with the many problems which exist in this field.

I hope that the Senator will permit me to join as a cosponsor.

Mr. PASTORE. The Senator will not only permit the Senator to join as a cosponsor, but I shall be honored to have the Senator from Florida join as cosponsor. If this action is to take place, it should not take place without a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. YOUNG of North Dakota. Mr. President, I should appreciate it very much if the Senator from Rhode Island would permit me to join as a cosponsor. Our State has the same problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I regret that I did not ask for a quorum. If I had, we might have had 100 cosponsors.

I ask unanimous consent also that the distinguished Senator from Maryland [Mr. BREWSTER], who is now presiding in the chair as Presiding Officer, be joined as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESERVED WELCOME EXTENDED TO PRIME MINISTER ALDO MORO, OF ITALY

Mr. PASTORE. Mr. President, in a time of international tension a pleasant interlude has been the visit to the United States of Prime Minister Aldo Moro, of Italy.

The Washington scene was brightened by the interchange of courtesies between the White House and the official representatives of Italy with no purpose other than sincere friendship.

America's attitude toward this display of amity and the estimate of the daily press is well interpreted in an editorial "Deserved Welcome" in the New York Journal-American of Wednesday, April 21. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DESERVED WELCOME

In extending to Prime Minister Aldo Moro, of Italy, a warm personal welcome as well as military honors, President Johnson was in top form. So was the Prime Minister in receiving them.

The President referred to the valuable contributions that millions of Americans of Italian descent have made to this country, as well he might, for those contributions are many and manifest.

Turning to a tenet of American foreign policy, he observed that "no problems can be described as exclusively Italian, or exclusively American, or even exclusively European—there are only world problems today." The President recalled the words of Thomas Jefferson that "peace is our passion—and our purpose is to have peace with honor."

The Prime Minister, who is stanchly pro-West, has his troubles at home. A Christian Democrat, he presides over a coalition of center and left, and undoubtedly there are anti-West, anti-American elements in that coalition.

He has presided with patience and sagacity. If the cordial welcome of the President can add to his strength, so much the better for the United States, Italy, and the free world.

"UNCONDITIONAL DISCUSSIONS," BUT SOUTH VIETNAM MUST STAY FREE

Mr. ERVIN. Mr. President, the Houston Chronicle of April 9, 1965, published an editorial entitled "'Unconditional Discussions,' but South Vietnam Must Stay Free."

I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

"UNCONDITIONAL DISCUSSION," BUT SOUTH VIETNAM MUST STAY FREE

The world was told Wednesday night, in language it scarcely can misinterpret, how the administration stands on the situation in southeast Asia.

President Johnson in his speech offered to engage in "unconditional discussions" leading toward peace and at the same time warned the Communist aggressors in Vietnam that we can and will hurt them a great deal more than we have if they continue their aggression.

The two proposals he made are new—that is, new to this particular situation. One is the statement that we are ready for unconditional discussions. Previously the official line has been that the administration would not negotiate until North Vietnam gave a sign it was prepared to stop its aggression.

The other is the offer of a billion dollars in economic aid, plus surplus foodstuffs, to southeast Asia as a part of a cooperative development in which the nations of the area and other industrialized countries would join.

Yet neither of these proposals is new, except in immediate application. The United States, as the President pointed out, has always been ready to negotiate in situations such as this. And there are many precedents for the economic aid offer, notably the Marshall plan in which, in the beginning, Russia and the Soviet satellite states in Eastern Europe were invited to become beneficiaries.

It is significant that approximately half the speech consisted of explanation of our course in Vietnam and repeated expressions of determination that aggression there shall not succeed; approximately half was devoted to what could be done to improve conditions of life in this teeming, backward area.

In the middle were a few sentences devoted to the offer to negotiate—preceded by the assertion that an independent Vietnam is essential and followed by the promise to use our power to see that it remains free.

The President's denunciation of the Communist aggressors, including the Red Chinese, was as forthright and strong as anyone could wish.

The U.S. offer to negotiate without preconditions means the Reds must give up their precondition also—which has been that we must withdraw from South Vietnam before negotiations can start. Johnson made it abundantly clear throughout his speech that we will never withdraw as long as South Vietnam is under attack.

The speech no doubt scored a big gain for our southeast Asia policy. It should promote support from other countries and possibly cause divisions among the Communist nations.

The President has handled the whole situation well in the past 2 months since mounting pressure began to be applied to the Vietcong and North Vietnam. The Communists have been shown what we can and will do to them if they persist in their assault on South Vietnam; the South Vietnamese have been reassured. And now it is from a position of increasing strength that we express once again our willingness to negotiate.

PROFILE OF SENATOR ROBERT KENNEDY FROM NEW YORK HERALD TRIBUNE

Mr. YARBOROUGH. Mr. President, we hold a deep respect for the junior Senator from New York [Mr. KENNEDY], and we are mindful of our colleague's outstanding service to his country as Attorney General of the United States.

Now that Senator KENNEDY has joined this body, our respect is deepened further as he pursues his duties as a freshman Senator from New York. An account of Senator KENNEDY's daily activities was recently printed in the New York Herald Tribune of Sunday, April 18, 1965, in an article entitled "Mr. KENNEDY: Always the Trumpet Sounds," by Andrew J. Glass. I request unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. KENNEDY, NEW YORK: ALWAYS THE TRUMPET SOUNDS

(By Andrew J. Glass)

WASHINGTON.—Harvard and Radcliffe students sat on ROBERT KENNEDY's blue rug while the 39-year-old freshman Senator who feels so close to their generation talked to them of the past and of the new life he was forging on Capitol Hill.

The man who only last year sought to be Lyndon Johnson's second-in-command met 40 eager young faces with a shy smile when an aggressive student, opening old wounds, asked a direct question about the vice-presidential choice.

"Well," Senator KENNEDY admitted, "I was interested in the possibility."

Painful silence hung in the room, a first-floor corner office in the New Senate Office Building tastefully decorated with KENNEDY memorabilia. "Why were you interested?" the student persisted.

RARE CANDOR

BOB KENNEDY replied in fragmented phrases—as he sometimes does when deep thoughts seem to outrun the words available to express them—but his meaning was clear.

"Having gone through October 1962," he said, without elaborating on the Cuban missile crisis. "Being involved in whether my children and other children were going to survive * * * so that's why I was interested."

Then came the crusher: "Were there any political indications that you might be chosen?"

"Well, my family—" the Senator began. All at once, the students were laughing and suddenly the tension was erased.

His recent Senate day had begun with a ride along the Potomac, down Virginia's George Washington Memorial Parkway, in a 1961 Mercury convertible. A faded 1964 campaign sticker reading "BOB KENNEDY for U.S. Senator" was still stuck to the car's rear bumper.

EARLY AUDIENCE

Only one of the nine Kennedy children was still around when he departed at 9:15 a.m. from Hickory Hill, the family home in suburban McLean; Christopher, who will be 2 on the Fourth of July blew his father kisses from the window of the front study.

Brumis, a black St. Bernard that once roamed free in the halls of the Justice Department, wanted to come along. But his master, whose current total working space is considerably more limited, said no.

Twenty-five minutes later, Keith Anderson, who works in the Senator's mail room, swung the car beside the marble office building and BOB KENNEDY hopped out.

Several persons were already waiting to see him in the crowded corner suite. There were phone calls to be answered; hearings to attend. Senator KENNEDY turned from one visitor to another, moving quickly without giving the appearance of being rushed.

Into the blue-carpeted office went Victor Reuther, brother of the Auto Workers' Union president, making arrangements for West Berlin Mayor Willy Brandt to see the Senator; and Philip Stern, a writer who with his wife, Helen, had produced an irony-tinged picture book about Washington which he wanted to show the Senator.

At 10, Senator KENNEDY emerged into the hallway, shook hands with a dozen tourists and departed for a public hearing on a juvenile crime bill.

Walking down the hallway, he ran into Senator JOSEPH CLARK, Democrat, of Pennsylvania, who had just left the hearing chamber. "Let's get together on housing," Senator CLARK proposed, "I hope it won't upset them downtown, but I don't much care."

Keith Anderson was waiting at the wheel of the convertible at 10:45 to take Senator KENNEDY to a television studio, where he was to narrate a filmed account of his recent ascent of Mount Kennedy for ABC's "Wide World of Sports."

The Senator's wife, Ethel, was waiting at the studio, wearing a chic beige dress. "Where did you learn to tie the knots, BOBBY?" she asked, as they watched the climb on a monitor. "In Scout camp," he said.

After the taping session, Senator KENNEDY shook hands with the technical crew and headed back to his office, where the Harvard students were waiting.

As soon as the collegians left, Mr. Whittaker and Mrs. Kennedy arrived. They were joined by Senator ABRAHAM RIBICOFF, Democrat, of Connecticut, who had a date for lunch with the Senator.

Chuck Dunlap, 10, having waited for an hour to see him, was ushered into the office. The boy, dressed in a Cub Scout uniform, was selling tickets to a Maryland scout circus at $1 apiece.

After questioning Chuck for some time about his progress, Senator KENNEDY said: "Well, OK, we'll buy two," and asked his secretary, Angela Novello, to advance the money.

"This is my last dollar," the secretary complained.

"You have to pay for being a national politician," Senator RIBICOFF observed. "They collect not only from New York but here as well."

DOWN AND BACK

Meantime, Mr. Whittaker and Mrs. Kennedy had lunched in the Senate dining room and the Senator joined them briefly to sign the bill. Then he rushed up a flight of back stairs to begin a 2-hour freshman's stint as the Senate's Presiding Officer.

Once in the chair, he donned a pair of reading glasses to study a pile of reports while a desultory debate on the administrations' education bill progressed in a nearly empty Chamber.

It was after 4 p.m. when his tour of duty ended.

Senator KENNEDY returned to his office, only to be told that he was wanted again immediately in the Chamber. He paused a moment to chat with Federal Highway Administrator Rex Whitton, asked leaders of the Rockland County Democrats to walk with him back to the Capitol in the gathering dusk and reappeared on the floor to deliver the longest speech of his Senate career—which lasted 10 minutes.

SENATORS YIELD

A Kennedy legislative aid, Adam Walinsky, had remained up half the previous night preparing the material which, it was thought, would be delivered by Senators CLARK and WAYNE MORSE, Democrat, of Oregon, manager of the education bill.

The two Senators, however, wanted the freshman to speak. When he was through defending the grant formula in the school bill, Senator MORSE, proud as a parent, arose to declaim:

"I say to my friend * * * that only self-restraint prevents my shouting 'Hallelujah. Hallelujah. Amen.' "

Norbert Schlei, an Assistant Attorney General, and his wife, Barbara, were giving a cocktail party between 6 and 8 p.m. When the party was nearly over, the Senator having cleaned up his deskwork, left the Hill to be driven to the Schleis' Georgetown home. There, he spent a half-hour nursing a weak scotch, munching peanuts and conversing with his Justice Department successor, Nicholas Katzenbach, about the progress of the voting rights bill.

Departing from the Schleis, the Senator joined his wife at the Georgetown home of Mr. and Mrs. Arthur Schlesinger, Jr. for a dinner party. Mr. Schlesinger, a former special assistant to the President, is completing a book based on the Kennedy years at the White House.

At 9 p.m. that night, President Johnson, accompanied by his family and Vice President Humphrey, rose in a Baltimore audience to deliver a major speech on Vietnam. At the Schlesingers no one watched the nationally televised speech.

FOURTH ANNIVERSARY OF THE INDEPENDENCE OF SIERRA LEONE

Mr. YARBOROUGH. Mr. President, today, April 27, marks the fourth anniversary of the nation of Sierra Leone being an independent member of the world community. Today is also the 4th anniversary of Sierra Leone's election as the 100th member of the United Nations. On this landmark day in the history of this country, I would like to extend my congratulations to Sierra Leone and the progress which it has made as an independent nation.

This nation of more than 2 million people is located on that stretch of West African coastline where the mountains meet the sea. In fact the name Sierra Leone, or Lion Mountain, was given by the Portuguese explorer Pedro da Cintra in 1460 who thought the sound of thunder in the mountains resembled the roaring of lions. Freetown, the capital of the country, is situated on one of the finest natural harbors in the world, and nearby are beaches whose beauty is famous throughout West Africa. Early visitors to this coast were John Hawkins and Sir Francis Drake. The first settlement in 1787 was the work of Granville Sharp, leader in the campaign in England against slavery. In 1808 a British colony was established from which enforcement could be imposed in abolishing the slave trade; captured slave traders saw their cargoes freed by the local courts. These persons from all over West Africa became known as Creoles and adopted many of the British ways, while missionaries, many of them American, brought education and Christianity to the colony.

To forestall the encroachments of the surrounding French territories the British created a Protectorate in the neighboring area in 1896, and Sierra Leone's present boundaries were thus determined. It covers today an area approximately equal to that of South Carolina—28,000 square miles.

In 1827 the Church Missionary Society of England founded Fourah Bay College, now the University College of Sierra Leone. For years it was the only institution of higher learning in Africa south of the Sahara, and its influence is still outstanding in the teaching and administrative circles of Nigeria, Ghana, and the Gambia.

A word should be said about the economy of Sierra Leone. An estimated 85 percent of the people live by agriculture, and some agricultural products are exported, such as palm kernels, cocoa, and coffee. But the principal export is diamonds which make up more than 50 percent of the exports.

The Government of Sierra Leone is actively engaged in diversifying production and expanding the output of other mineral resources such as iron ore, bauxite and titanium oxide. Sierra Leone's unrestrictive policies with respect to trade and investment will also serve to attract private capital into other areas of its development process.

Although the United Kingdom remains the principal external donor nation for reasons of historical and cultural ties, the United States has an aid program of relatively great importance in Sierra Leone, with emphasis on rural teacher training and the creation of a land-grant type university. Other projects have included the creation of a central statistics office, and a measles vaccination campaign. Annual grants total approximately $2.5 million.

The Peace Corps has undertaken a highly successful and growing program in secondary school instruction and rural development along the lines of inspiring self-help projects in the villages for better water supplies, better sanitation facilities, and primary school construction.

The nation thus faces the future equipped with traditions and institutions which should assure it an increasingly productive role in the community of nations in Africa and the world.

SOIL CONSERVATION SERVICE SEEN VITAL ELEMENT IN FEDERAL-STATE-LOCAL COOPERATIVE EFFORT TO STRENGTHEN RURAL AMERICA; CHARLESTON, W. VA., GAZETTE EDITORIAL STRESSES IMPORTANCE OF ADEQUATE APPROPRIATIONS

Mr. RANDOLPH. Mr. President, the tragic and costly floods which are currently ravaging large sections of the American Midwest are but the latest in a series of such disasters which have plagued our citizens through the years. Since our country's founding we have endured these repeated and unfortunate reminders of a task which remains incomplete even today. Flood and erosion control are essential elements in the struggle to build a life of increased opportunity and achievement for our people.

The Soil Conservation Service of the U.S. Department of Agriculture has been a significant factor in the progress in flood and erosion abatement which has been recorded thus far. Established 30 years ago today, April 27, 1935, the Soil Conservation Service offers technical assistance to farmers for the improvement of the land and water resources. It provides aid in watershed management and flood prevention protection as supplemental conservation measures. As a member of the House of Representatives in 1935, it was my privilege to vote for the establishment of this small but important branch of the Federal Government.

There has been considerable discussion in recent weeks concerning possible reductions in next year's appropriations for the Soil Conservation Service. I shall oppose any such reductions, believing, as I do, that soil conservation and related activities must be given the highest priorities in meeting the ever-growing demands on our land and water resources.

The Honorable D. A. Williams, Administrator of the Soil Conservation Service, has stated that as a direct outgrowth of the establishment of the Service, "rural landowners and operators and entire communities have attained widespread economic and esthetic benefits." He has further pointed out that supplemental legislation enacted since 1935 has "strengthened the effectiveness of the program in dealing with today's conservation needs, both farm and nonfarm, and with today's increased and competitive demands on our land and water resources."

The necessity for retaining full appropriations for the Soil Conservation Service was the subject of an April 21 editorial in the Charleston, W. Va., Gazette.

The writer states that:

> This relatively small branch of the Federal establishment has been the Government's most important agency in promoting long-range soil and water conservation. At the end of fiscal 1964, it was servicing 94 percent (1.1 billion acres) of farmland in the 50 States, Puerto Rico and the Virgin Islands.
>
> But significant though its contributions have been, a report on soil and water conservation needs, released by the U.S. Department of Agriculture in March, indicates that almost two-thirds of the non-Federal rural land in the 48 continental States (about 888 million acres) is in need of further conservation practices.

The editorial continues by observing—

> That the Soil Conservation Service seeks to put a checkrein on the erosion and runoff brought on by a century of bad farm and forest practices and aims eventually at returning the country's farmland to something remotely resembling its original productivity.
>
> The present floods demonstrate how little progress has been made in this direction. The dams, flood walls and farm ponds now in being, although important to the over-all conservation scheme, are no match for the wanton destruction that once was tolerated in the name of empire building and the opening of the West to civilization.
>
> Another partner in the master effort against the flood menace is flood plain zoning. Without it we will continue indefinitely to shadow-box with floods which grow increasingly more difficult to handle as the population increases and pushes in greater numbers down into the river valleys. Like everything else, it will only lessen the problem, but it is another step toward making peace with nature for the mistakes of the past.
>
> Flood plain zoning is simply what it says—setting aside those flood prone areas along river banks for parks, pasture, warehousing and the like and moving business, industry and residential districts to higher ground. Accepting this technique means abandoning three centuries of building habits, but we have no choice if we are to save ourselves the heartache and continued high cost of floods.
>
> SCS is the logical agency to mount this newest attack on the flood problem, hence its administrative structure should not be weakened by a reduction in appropriation.

Mr. President, on April 20 I discussed these and related matters with county committeemen and employees of the agricultural stabilization and conservation service, in West Virginia. I expressed to them at that time my hope that Congress would restore to the Soil Conservation Service the full amounts contained in the original appropriations proposal for the coming year.

Mr. President, I ask unanimous consent that the text of my address before these dedicated and effective public servants at Jackson's Mill, W. Va., together with extracts from a letter which I recently received from Soil Conservation Service Administrator Williams be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT
OF AGRICULTURE,
Washington, D.C., April 20, 1965.
Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: The national soil and water conservation program reaches another milestone this month. Thirty years ago—on April 27, 1935—you were a Member of the Congress that unanimously passed the Soil Conservation Act making soil and water conservation a permanent policy of the Congress and creating the Soil Conservation Service.

Your support—as a Member of the House of Representatives in the 74th Congress and your continuing interest as a Member of the Senate—has made possible a soil and water conservation program that has brought benefits to people in all walks of life.

Rural land owners and operators and entire communities have attained widespread economic and esthetic benefits as a direct outgrowth of the program you helped to initiate three decades ago. And new legislation you have helped to enact since 1935 has strengthened the effectiveness of the program in dealing with today's conservation needs, both farm and nonfarm, and with today's increased and competitive demands on our land and water resources.

Sincerely yours,
D. A. WILLIAMS,
Administrator.

EXCERPTS FROM SPEECH BY U.S. SENATOR JENNINGS RANDOLPH, DEMOCRAT, OF WEST VIRGINIA

(At State conference of county committeemen and employees, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Jackson's Mill, W. Va., Apr. 20, 1965)

During my first term in Congress as a Member of the House of Representatives in 1935, I was privileged to support the basic national legislation that declared soil and water conservation to be a national policy.

Few undertakings are more important or more imperative than the protection and improvement of our soil and water resources.

The basis of this program is Federal-State-local cooperation. It has been a progressive partnership, perhaps the most successful movement in the history of American agriculture.

Congress, since that basic 1935 act, has supplied funds through the Soil Conservation Service for skilled professional assistance—on the land where it is needed.

The States have provided the legal mechanism; also funds for other phases of the work.

The local citizens have energized the organization and the leadership and the coordination.

The individual participants have supplied most of the funds required to carry out the program on their lands.

Nothing approaching this cooperative effort at all three major levels of our Government has been accomplished before in the United States or anywhere else in the world.

It has been an effective effort because all have shared in the work. The Federal role has been a proper one of helping the local people to carry out their own program. The local citizens have been provided the assistance they could not provide for themselves.

There is now much concern in the Congress—and I certainly share it—that this well-established and highly successful operation for the protection and improvement of our soil and water resources is on the verge of being strangled.

We are particularly concerned about proposed cuts in appropriations for the technical assistance provided to farmers by the Soil Conservation Service, and for the work of the ACP program. However, every year for the past several years the Bureau of the Budget has recommended a cut of approximately 45 percent for the funding of this work, and every year the Congress has restored the amount. I am hopeful that this Congress will also stand fast in this crisis.

Let us consider a matter which should be of particular interest to this conference, and one on which I have labored during recent weeks and months.

Section 203 of the Appalachian Regional Development Act authorizes $17 million for a special program of land stabilization, conservation, and erosion control in Appalachia. This provision was deleted from the bill by floor amendment in the Senate when we passed the legislation in the 88th Congress. As floor manager of the measure, I reluctantly accepted this amendment, in the knowledge that the western and midwestern cattle industry opposed the creation of new pasturelands in Appalachia. It was believed that such a provision would be lost when the House of Representatives acted. At that time, however, I announced that we would attempt to have this feature of the bill restored. Senator JOHN SHERMAN COOPER, ranking minority member of the Public Works Committee, joined me in our determination to provide some form of assistance for the small farmer in the region.

Thus, when the administration sent the new Appalachian bill to the Congress at the beginning of this session, I had drafted a substitute section for the one which we had previously lost, which I introduced in committee. This substitute provision placed less emphasis on pastureland development. It provided for long-term contracts between the farmer and the Government so that plans for entire farms could be scheduled over a 10-year period, and raised the limitation on which the Government could make 80-percent grants from 25 to 50 acres. I am gratified to report that this amendment passed the Senate by 56 to 29 and that it was passed by the House of Representatives without altering a comma.

I emphasize before this group—since you ladies and gentlemen will be the ones responsible for the day-to-day administration of the program—that we stressed the priority of the low-income farmer. Section 203 of the Appalachian Act is not a substitute for other agricultural programs available for farmers under already established regulations. It was designed primarily to bring assistance to low-income farmers who have not heretofore qualified under other established programs, or who cannot meet certain matching requirements.

To implement this program, the administration has requested $8.5 million for fiscal 1966, which the House Appropriation Committee cut to $7 million in recently reporting the supplemental appropriations bill. I appeared before the Senate Committee on Appropriations last week to seek the restoration of this $1.5 million. However, I suspect that when the committee reports the appropriations measure, probably by the end of this week or early next week, this section will be funded at $7 million for fiscal 1966 and $10 million for the following year.

Your activities under the proposed program will probably not be greatly altered from your responsibilities under the regular ACP program. It has been suggested by the Federal cochairman of the Appalachian Commission that the Governors of the States, in formulating their individual State programs, draw on the coordinated facilities of the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, and the Forest Service.

On formulation of a State plan, the Governor will then recommend its adoption to the Appalachian Commission. On adoption, it will be the responsibility of your committees to decide which farms will be included and to administer the daily operations of the program with technical assistance from the Soil Conservation Service.

With creative administration we can provide new hope for the small farmer of our State and the region. I do not share the pessimism of some prophets and statisticians that the family farmer must be plowed under. Certainly, the West Virginia farmer must make adjustments to the changing character of American life, as must we all. But with the growing prospect of tourism and expanded recreational facilities in West Virginia, with the development of diversified industries, and with an intensified and more coherent program of land and water conservation, it is my conviction that the family farm can acquire a new role as a viable element in our State and regional economy. The Appalachian program, with your leadership and support, gentlemen, will make a substantial contribution toward the achievement of that goal.

In concluding our remarks let us counsel together on the art of government. Its purpose is to help channel the forces of change in the direction that will best fulfill the aspirations of our society.

Although I am referring primarily to the great national and worldwide will to achieve lasting peace, my definition of the art of government fits every area of communication between people and their government. Indeed, it embraces every program of progressive action calling for cooperation between citizens and governing institutions.

Forces of change are at work throughout all our Nation, and they carry great promise as well as major hazards in rural America.

This society of greatness has aspirations that only rural America can help it realize.

It wants to know a constant abundance of food and fiber.

It wants clean, clear rivers.

It wants fresh, pure air.

It wants access to natural beauty—it wants to rest and play, dream and think where grass is lush and green—trees are tall and leafy—birds and wildlife know rightful homes—lakes are blue and streams are crystal—where there is experienced a newness in life through seeing and feeling the loveliness that can be perpetuated—or restored—in land, water and skyline.

President Johnson made it clear in his state of the Union message that the war on poverty is more than a war on lack of economic and educational opportunity.

The war on poverty is also a war against waste of natural resources and a war against ugliness.

It demands doing—and undoing.

We must undo the practices that pollute and poison air and water, erode soil.

And, on the doing side, we must in some instances shift resources from routine efforts to meet even more pressing challenges.

All the while, however, we must guard against change for the sake of change—recognizing that in some areas results can be achieved more efficiently, and more quickly, by improving existing efforts than by discarding them entirely.

For example:

Nearly three decades ago the Congress realized that protection of natural resources is primarily the responsibility of private ownership, because farmers and ranchers control use of soil, water, forests and wildlife on 85 percent of the Nation's total land area. So a cooperative program was established, known as the agricultural conservation program, which created a sharing of responsibility between people and their Government.

Today we have nearly 2 million storage-type reservoirs on farms and ranches that can be credited to utilization of this cooperative program. We have approximately 4 million acres of land planted to trees and shrubs—nearly 3 million acres of improved timber stands—a million and a half miles of farm and ranchland terraces—and 150 million acres of contoured cropland—all having origin in this particular program.

We're nearer today's goals because we had aspirations yesterday.

And our conservation achievements of recent years are tightly tied to farm commodity programs which enabled family farms and ranches to afford conservation projects.

Today we are moving in the right direction, and behind us in the past 2 years we have left some meaningful landmarks of progress.

Today we are progressing with greater national unity, and an increased sense of responsibility and purpose.

The forces of change are untiring, and they must be channeled in a direction that will best fulfill the aspirations of our society.

If people and their Government use the same compass, and together are willing to upgrade inspiration and perspiration to the level of aspiration, we shall truly know a Great Society that knows no rural or urban boundary lines.

I look forward to continued sharing of all three elements with you in the years ahead.

VOTING RIGHTS ACT OF 1965

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS], numbered 82, to the committee substitute.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF EDWARD R. MURROW

Mr. JAVITS. Mr. President, I wish to announce to the Senate, with great sadness—and I know it will be shared by all my colleagues—the passing of Edward R. Murrow, famed radio and television newscaster, former head of the U.S. Information Agency, and a personal friend of mine, who died today at Pawling, N.Y., in his home in the rolling hills of Dutchess County, which he loved so much, as a result of an ailment from which he had been troubled for a long time, cancer of the lung.

It will be recalled that we had hoped and prayed that he would recover sufficiently to go back to his job as head of the USIA, but he could not take up the volume of work, and resigned in July 1964, in the hope of restoring his health and former activity. Apparently, nature would not allow that, and he was called to his Maker.

Mr. Murrow was 57 years old. He had a distinguished career as one of the most outstanding radio and television newscasters, masters of ceremonies, and commentators of our day. He has had as distinguished a career as anybody has had in radio and television since it began and he was a wonderful human being, witty, gracious, and very bright.

When he performed, as he did, so well for the United States as a whole in the USIA, he was a joy to all his friends and justified all the expectations they had that he would hold down so difficult a position with as great credit as he had shown before.

Other tributes will be paid to Mr. Murrow in due course. I know of his close relation to the great television system with which he was associated, CBS, for many years, and its heads, William Paley and Dr. Stanton.

But what is most important in these first moments is to have a concept of what the man stood for.

One thing one could say in greatest tribute to Ed Murrow was that he had a passion for truth. And he pursued it with great courage. It gave him a mission in life, and also, in a sense, it is his message in death as he transmits to us a heritage of the very apogee of a newspaperman's career. He believed in truth, and therefore he believed in the essential virtues and values of mankind.

I extend my deepest condolences, as does my wife, to Ed Murrow's whole family, and pay my tribute to the memory of one of America's most distinguished sons in the field of communications. He served his time, the people, and the Nation extremely well.

STATEMENT BY RELIGIOUS LEADERS RELATING TO CERTAIN CHARGES MADE WITH RESPECT TO THE MARCHERS FROM SELMA TO MONTGOMERY, ALA.

Mr. JAVITS. Mr. President, in recent weeks, an effort has been made by some groups to discredit the march from Selma to Montgomery, Ala. In the process of this effort, some sensational charges have been made, and may be made again.

In order that the record be complete on this matter, I ask unanimous consent to insert in the CONGRESSIONAL RECORD at this point a statement on morality in the Selma crisis, which has been issued today by a group of religious leaders who played various roles of leadership on this march. The statement includes various telegrams and statements by prominent religious leaders who participated in the march.

In placing this in the RECORD, I think it must also be said that it is a matter of regret that such a reply to these charges is even necessary, for the charges are so irrelevant to the basic issues involved, which is the flagrant denial of voting rights to Negroes. It is sad indeed that the emotions unleashed by these sensational charges could not be converted toward improving conditions for registering and voting by Americans who are Negroes in Alabama, and other States—conditions which are so shocking to the Nation as to dictate prompt consideration by Congress of the voting rights bill now before us.

I hope my colleagues, who may have read of these efforts to discredit the Selma march, will also read the appended statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON MORALITY IN SELMA CRISIS

We, the undersigned, having been individually present in Selma during the recent crisis present herewith our sworn statements on what we personally saw and know to be the truth about the conduct of those present.

Besides our personal statements appended, and the text of telegrams from other clergy also present, we do assert in the name of justice and accuracy and under the judgment of the Lord, the following corporate witness:

Irresponsible accusations have been made that the general atmosphere of the Selma to Montgomery march was degenerate and that acts of sexual immorality were brazenly committed.

We who were present in various phases or preparation for and execution of the march, and who worked closely with Dr. Martin Luther King and other leaders of Southern Christian Leadership Conference, saw only evidences of conduct in keeping with the Judeo-Christian ethic.

We carried out the positive convictions of our respective consciences. It was our intent to lend dignity and to exemplify Christian concern for human rights. This we did. This we will continue to do as long as it is necessary.

The Reverend Richard F. Dickinson, Missionary, United Church of Christ in Japan, studying at San Francisco Theological Seminary, California. (Disciples of Christ); Sister Mary Leoline, B.V.M., Kansas City, Mo. (Roman Catholic); James Martin, president of the student body of the San Francisco Theological Seminary. (Presbyterian); Monsignor Victor G. Moser, pastor of Annunciation Church, chairman of the Kansas City, Mo., Council on Religion and Race (Roman Catholic); The Reverend Dom Orsini, rector, St. Luke's Episcopal Church, Pittsburgh, Pa. (Episcopal); The Reverend Morris Samuel, director of the parish of East Los Angeles, and head of the security detail for the entire march. (Episcopal); the Reverend Canon Kenneth Sharpe, National Cathedral, Washington, D.C. (Episcopal); the Reverend William R. Shaw, director of the Department of Economic Life, General Board of Christian Social Concerns of the Methodist Church. (Methodist); Norman Truesdell, a ministerial student at the Wartburg Theoretical Seminary in Dubuque, Iowa. (American Lutheran Church).

STATEMENT ON MARCH FROM SELMA TO MONTGOMERY, MARCH 21–26

(By the Reverend Morris B. Samuel)

(I went with full support and encouragement of the bishop of the diocese of Los Angeles, the Right Reverend Francis Eric Bloy.)

This statement is dictated over the long-distance telephone in case I am not able to leave Los Angeles because of the bomb threat to my family from racists due to my activities in support of interracial brotherhood.

Four days before the march on Montgomery, I was selected to be night security officer for the march. It was my duty to find 30 other men, mostly clergymen, who would be responsible for maintaining internal security and for seeing that there was liaison between the military and government officials at nighttime.

During the night there was always a 10-man guard platoon on duty at the tents, generators, and main access road. There were three shifts of such platoons each night. Approximately two-thirds of each platoon consisted of ministers and priests.

There was no, repeat, no, entertainment tent as has been alleged by some. There were four tents, one for women and one for men, one for food and one for the press. All these tents were under the surveillance of the security guards during the night.

During the entire march, no incidents of immorality nor evidence of such incidents was seen by any member of the security guards. Quite contrary to the charges of some, there was absolutely no litter or debris around the tents at any time that gave any evidence of immoral activity.

The part our security forces were able to play was a living out of the servanthood theology that clergymen must play in the movement for human freedom represented by the Selma-Montgomery march. We had a serious responsibility and we carried it out enthusiastically and vigorously.

I was on duty at Selma 5 weeks. It was my privilege to bring my wife and my three children (ages 4, 5, and 9) into this community, where they experienced the genuine Christian fellowship that comes from living and working with those striving to gain the freedom which rightfully belongs to all men by virtue of their creation in the image of God.

As an Episcopal priest with clearly defined duties before, during, and after the march, I say categorically that the behavior observed by myself and my associates was in the best Christian tradition and that the charges of sex orgies, drunkenness, and other misbehavior on the Selma-Montgomery march are not true. The Selma-Montgomery march is one of the finest chapters of responsible Christian action in our day.

The Reverend MORRIS B. SAMUEL,
Director, Parish of East Los Angeles.

TELEGRAMS RELATING TO SELMA-MONTGOMERY MARCH

To: Bishop John Wesley Lord, Washington, D.C., April 26, 1965.

From: A. J. Carter, Jr., pastor, First Methodist Church, Fremont, Calif.

Civil rights demonstration in Selma, Ala., has been in finest tradition of responsible American citizenship, participants conducted themselves with high standards of personal and social morality. I am proud to have marched with Southern Christian Leadership Conference March 16–21.

To: Bishop John Wesley Lord, Washington, D.C., April 26, 1965.

From: Rev. J. Richard Hart, chairman, Board of Christian Social Concerns, California-Nevada Conference of Methodist Church.

Spent 6 days in Selma, including first day of Montgomery march. Great witness for freedom. Focused eyes of Nation upon existing inequalities. Disturbed by charges of immorality among marchers. Saw absolutely no evidence of this. Impressed by religious tone of movement and total commitment to Christian love and nonviolence.

To: Bishop John Wesley Lord, Washington, D.C., April 26, 1965.

From: John H. Emerson, pastor, Trinity Methodist Church, Santa Clara, Calif.

DEAR BISHOP LORD: As a participant in the Selma-to-Montgomery march, I can report that I witnessed no immoral behavior among marchers as alleged. I want to lift up the moral force of goodness and justice which prevailed, overshadowing any isolated incidents that might have occurred. Sincerely.

To: Rodney Shaw, Washington, D.C., April 26, 1965.

From: Father Sherrill Smith, assistant executive director (Catholic) bishops committee on Spanish-speaking people, San Antonio, Tex.

I walked every step of way from Selma to Montgomery. In camp four nights. Saw nothing of sex orgies, etc., charged by Alabama. Place my protest with yours against southern sex-obsessed attempt to discredit march. Substance and purpose of march were legitimate and good. Even if calumniators were correct, does a person's brand of sins deny right to vote and protest? More shame on Alabama.

To: Rev. Rodney Shaw, Washington, D.C., April 26, 1965.

From: Rev. Canon Paul S. Kyoer, junior executive secretary, Department of Christian Social Relations Episcopal Diocese of Chicago.

I took part in a civil rights demonstrations in Montgomery and Selma, Ala., from March 16 through March 22. They helped arouse the conscience of the Nation and taught adolescents and young and old adults to participate creatively in the democratic way of life. I drove a supply truck through the first night of the march, and was present at the first encampment. The marchers slept in separate tents one for males and one for females and I walked through the tents to see how the people were settling down. I wish to state that I personally saw no signs of sexual orgy as has been alleged by critics of the march. I believe there was far less sexual misconduct among these young people than I would have expected to find in any group of young people gathered for any purpose. I will be in Washington April 27 through May 4. Will be free on some occasions to testify, call me at 202–966–3502.

To: The Reverend Canon Kenneth Sharp, Washington, D.C., the Right Reverend William F. Creighton, Washington, D.C., April 26, 1965.

From: The Reverend Earl Neil, rector of Christ Episcopal Church, Chicago, Ill.

As a participant in the march in Montgomery I can say unequivocally that I neither witnessed nor had reported to me any incidence of immoral behavior on the part of those participating in the march and in the attendant demonstration. I was in Selma, Ala., for 2½ weeks from March 9–26. During that time I witnessed nothing that would give rise to any charges about "sex orgies" that were taking place. The people who witnessed for justice and an end to racial segregation and discrimination in Selma and Montgomery did credit not only to themselves, but also the organization and areas of the country they represented. It can be said with all honesty that the behavior of the civil rights demonstrators was the gain of Selma and of Montgomery, but our Nation gained ultimately.

To: The Reverend Canon Kenneth Sharp, Washington, D.C., the Right Reverend William F. Creighton, Washington, D.C., April 26, 1965.

From: The Reverend Warner C. Whittle, rector of Episcopal Church of the Redeemer, Chicago, Ill.

I was in Montgomery, Ala., at SNCC Headquarters March 16–18. I found no signs whatever of sexual immorality. The charges are ridiculous.

STATEMENT ON SELMA-MONTGOMERY MARCH OF MARCH 21–26

(By Sisters of Charity, B.V.M.)

APRIL 26, 1965.

To Whom It May Concern:

I was present in Selma, Ala., when the march to Montgomery began March 21, 1965. I marched the first 8 miles in the company of Msgr. Victor G. Moser, Father Rene Guesnier, O.S.B., of Kansas City, representing the Council on Religion and Race. In our line of march were priests and sisters from Detroit, Mich. During periods for rest and food along the highway, I mixed freely with the other marchers, Negro and white. I talked with them and found all I met to be wholesome refined people. When I arrived at the campsite Sunday evening, I was asked to join a group of Catholic lay people and priests from San Francisco in order to be a companion for Sister Patrice, I.H.M., from San Mateo, Calif., who had been chosen as one of the 300 persons to make the entire march.

Sister and I ate at the camp, mixed freely with the Negro boys and girls who were helping at the camp, talked with college students and other religious people. We remained in the woman's tent until quite late when a group returning to Selma drove us to the Good Samaritan Hospital for the night. Precautions had been taken at the campsite to avoid any kind of unwholesome conduct. While national guardsmen surrounded the camp as security against segregationists, several ministers and priests served as security guards at the camp all during the night. The marchers were weary, but at all times showed constant concern for each other's comfort. Monday morning Sister Patrice, I.H.M., and I joined the marchers as we left the camp.

Shortly after we reached the place on Highway 80 where it narrowed. At this point the group was cut to 300 persons, as the permit allowed only that number. Great care had been taken to select these marchers who were to form the group to be regarded as full marchers. Of the 300 all were Negro Alabamians who had taken part in demonstrations previously, except 22 outsiders, who had been carefully selected and screened for their character and purpose. Of this group the majority were clergymen or religious women.

During the next 2 days I marched, ate, and rested with these 300 people. I talked with many of the Negro people, young and old, and made many friends. I also became well acquainted with the other outsiders and found them not only wholesome and well-mannered but I would say the most truly Christian and religious of any people I have ever known. The conversations we had, the songs we sang, were religious as well as inspiring. Many of us took part in religious services each day and quotations from the Scripture for the day were heard frequently. Never during these days or any other time did I see any immoral conduct or hear anything suggestive of such on the part of those who were taking part in the march or identified with groups who sponsored the march.

Sister MARY LEOLINE, B.V.M.,
Sister of Charity, B.V.M., Motherhouse, Dubuque, Iowa.

STATEMENT ON SELMA-MONTGOMERY MARCH OF MARCH 21–26

(By Father Dom T. Orsini, Pittsburgh, Pa.)

APRIL 25, 1965.

To Whom It May Concern:

I, the undersigned, was present and actively participated in the civil rights march from Selma to Montgomery, Ala. I arrived at the 19th of March in Selma and departed Alabama on the 26th day of March, after marching into Montgomery.

During that time I spent all of the time prior to the march at the area encompassed by the Browns Chapel A.M.E. Church. Each day, prior to the 21st, the day the march began, I arrived early into the area and spent the entire day and late into the night milling around, talking, learning, observing, and being of general help.

During the time of the actual march I walked or rode the entire distance. I walked until the 300 who were to cross the narrow stretch of highway 80 were selected. At that time I tended latrine trucks servicing the marchers. I was present in camp each night until about 9 p.m. and returned each morning to join the marchers. I was present in the capacity of marshal on the road and in the city of St. Jude's. I came to meet many people and among them many clergy. We were aware of the stories concerning sexual immorality being circulated and we made it a point to check with those who spent the evening at the campsites concerning the truth of the rumors. Never did I hear of any misconduct at the campsites when I was not present. Never did I personally witness any moral misconduct (sexually) during my presence. Never did I as much as see any activity that might lead to this activity excepting among those who I knew to be married (holding hands, etc.).

Never have I been more proud of our young people and those older. I remarked on numerous occasions, as did others that when people have something worthwhile to struggle for, all other areas of existence become secondary. Great amounts of energy were expended by all to insure the success of the march and little, if any energy, was left to be squandered.

Nonetheless, it would be ridiculous to insist that never were any improper relations ever carried out. A gathering of any groups of people from civil rights to conventions to prayer meetings to legislative sessions—humanity will tend to assert itself in many improper ways, the least of which sex and other offenses may be numbered. Who can say with accuracy that nothing sexually improper did not occur and does not occur even at the most august of human gatherings. But to point to human weakness and sin and take it out of isolation as regards to the total of a person's life, is to be simple and less than bright. Who among us can stand a thorough investigation? To use human weakness in the field of sex as a weapon to cloud the greater issues is to stoop to levels of deceit and "smoke screening" which point to the deceitful and most serious sinful aspects of man—even worse than sexual immorality. When Christ forgave the woman taken in adultery he did not approve her actions, but he saw the real problems of her life and moved to heal. He condemned the righteous nearby, who were willing to stone her because they had no understanding, desired no understanding, seeking only to rise above the misery of others by stepping upon and condemning others.

If we are to search out the immoral acts of individuals and use these as levers to malign their greater goals and commitments then we must go all the way. We must start with the GI who certainly fought magnificently and victoriously for our cause during our wars, yet in many individual areas left much to be desired morally (sexually and otherwise). We must search out the individuals in our corporations, unions, in our legislative assemblies, in our churches, schools, and what fraternal groups have you and condemn that which they wish to achieve because of individual or group weakness, depravity, immorality in moments of weakness.

God help each of us. Our natures encompass both the natures of angels and devils. By the grace of God the good which we seek to achieve is blessed and the evil which we commit by the way is "covered over" and forgiven by a God who knows the type of clay used in our make up. I would say one final thing not in justification of any sexual immorality (if it did occur) but in an explanation of human nature wherever it gathers: "Let he who is without guilt cast the first stone."

Father Dom T. Orsini,
Rector, St. Luke's Episcopal Church, Pittsburgh, Pa.

Statements Relating to Selma-Montgomery March, March 21–25

(By Norman Truesdell)

In a speech before the House of Representatives on March 30, 1965, Mr. Dickinson, of Alabama, stated that, "the Reverend Truesdell left the Alabama freedom march in disgust with the immoral conduct of the marchers."

This is a total misrepresentation on the part of Mr. Dickinson and seems typical of his entire speech.

I saw no immorality, nor any evidence of immorality during my participation in the freedom marches in Selma and Montgomery.

I left Alabama to return to my studies at Wartburg Theological Seminary.

My heart was truly heavy when I heard Mr. Dickinson's unfounded mud throwing about the so-called immorality on the freedom marches. Alabama needs a statesman to lead in the fight for human rights, not a politician who deliberately seeks to subvert the purpose of a march dedicated to the fundamental right of political freedom for all mankind.

Norman Truesdell,
Student, Wartburg Theological Seminary, Dubuque, Iowa

Statements Relating to Selma-Montgomery March, March 21–25

(By Msgr. Victor G. Moser)

I have gone to the expense and trouble to come to Washington in regard to the march on Montgomery because I believe the accusations made concerning the conduct of the participants of the march are so erroneous that I feel that someone who was actually there must speak up and bring out the real truth. Upon first hearing and reading of the supposed immoral conduct of the marchers I felt the accusations were so preposterous that no sensible rightminded person would put any stock in them whatsoever and that therefore the best thing would be to ignore the whole thing. But as things seem to be developing the diatribe continues and more people are beginning to wonder if there is really not some truth to it.

So I am compelled to speak out and to preserve the true image of the march which was one of a serious, dedicated, even religious commitment to a project which would really bring out the serious injustice being perpetrated upon a persecuted and disadvantaged people, the Negroes—especially the Negroes in the South.

I was in the Selma-Montgomery area during the entire march. I marched 3 of the 5 days (all that I was permitted to because of the limitation on the number of marchers permitted on the narrow two-lane pavement). I was in the tents. I was in the Negro area of Selma Brown Chapel and First Baptist Church where Negroes, SCLC, and SNCC people, clergy and dedicated individuals, lived and mingled. The whole atmosphere was one of dedicated cooperation to a common cause. It was a Christian atmosphere. The songs were of deeply religious and moral nature. There was much deprivation of the ordinary creature comforts we Americans are so used to; i.e., people did sleep in the church pews and on mats on the floor at various times simply because there was nowhere else to go and because the church people were good enough to open their facilities to us.

Food was scarce and of a plain, although wholesome and nutritious nature; i.e., peanut butter sandwiches, oranges, cookies, milk, etc.

We suffered from cold and heat, from bright sunshine and heavy rain; from extreme fatigue, sore feet, etc. This is surely not the setting for sex orgies and loose living. If anyone were looking for that sort of thing I am sure he could have found it somewhere else under much more pleasant circumstances.

It was a pilgrimage of dedicated people with a common cause—the cause of justice. It was a group of different races, colors, religions, ages. There were old and young, rich and poor, black and white from all portions of the country—yet we were all one in Christ the great peacemaker. It was the greatest thing I ever experienced.

Msgr. Victor G. Moser,
Chairman, Council on Religion and Race, Catholic Interracial Council, Kansas City, Mo.

PUBLIC RAIL AGENCY

Mr. JAVITS. Mr. President, I ask unanimous consent that there be printed in the Record an interesting article published in today's New York Times relating to the fact that 65 of the leading business executives in New York City are seeking a solution to the commuter problem confronting New York City, by means of a public agency to operate the commuter services as a single system, perhaps also including the rapid transit system of New York City.

I point out that Representative Reid, of New York, and I proposed this very idea as far back as February 1965, and have urged all States affected by the operations of the New Haven, like those in New Jersey, to express their interest.

We introduced legislation on February 23 to establish such a public agency and expressly stated at that time that such agency should be empowered to help city transit systems.

It is a significant development that these business leaders should look to a solution, which is a combination of business and public enterprise. Their concern over the form of Federal-State assistance to commuter services is an important one in the public interest.

I also ask that an article from the New York Herald Tribune of April 25 on New York metropolitan transportation problems and efforts being made to solve them be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Apr. 27, 1965]

Sixty-five Executives Ask Public Rail Plan—Business Group Says Private Capital Is Unable To Solve Commuter Problems

(By Peter Kihss)

Sixty-five of the city's business leaders called yesterday for "a single public agency or cooperating State agencies" to operate and modernize commuter railroad services.

Their statement was made public by Morris D. Crawford, Jr., president of the Bowery Savings Bank, and Andrew Heiskell, chairman of Time, Inc., as cochairman of a new Businessmen's Committee for Action on the Commuter Railroad Problem.

Those taking part, who Mr. Crawford said had been invited in their corporate capacity, included top-ranking officials of financial institutions, manufacturing concerns, department stores, and the publishing, advertising, insurance and utilities fields.

"This committee, and public leaders generally," their statement said in part, "are reluctant to advocate government support for activities that have traditionally been conducted by private enterprise."

PRIVATE OPERATION PREFERRED

"We would much prefer to see the commuting lines operate unsubsidized, under strictly private auspices. However, government already is granting aid in some form to nearly all other types of transportation through subsidies, operation by public authorities, or direct government ownership.

"This makes it impossible for railroads to offer commutation service in competition with other forms of travel unless government aid of some sort is granted. Under present circumstances, then, the solution is demonstrably beyond the private capital resources of the railroad companies."

"The solution," the business group went on, "will require a single public agency or cooperating State agencies that will plan and carry out complete modernization and rationalization of the lines.

"With Federal aid under the 1964 Mass Transportation Act," the committee said, "this program would provide the region with a more satisfactory standard of service at manageable cost, and both private and public costs would be far lower than any alternative."

At city hall Mayor Wagner staked out a claim for tying the city's subway and buslines into any such plan. In a news conference he noted that the transit authority was already taking part with the Long Island Rail Road in a mass transportation demonstration program in Queens and Nassau Counties under a $3,185,000 Federal grant.

"I am absolutely sure that the transit authority would have to be actively involved in any regional authority," the mayor declared.

The businessmen's statement reinforced a movement that has already seen Governor Rockefeller propose a metropolitan commuter transportation authority to run the Long Island Rail Road or contract for its operation. Last weekend the city planning commission offered a new proposal to intergrate that line and the city subways.

New York State and Connecticut last Tuesday proposed Federal-State aid to keep the New Haven Railroad's commuter service here running for 18 months pending a long-range solution. This still requires Federal approval, and Interstate Commerce Commission hearings on the New Haven trustees' request to abandon part of this service resume tomorrow.

In an interview Mr. Crawford said he and Mr. Heiskell had discussed the increasing problem on March 1. He said they had found Government officials wondering whether business leaders thought the problem could still be solved by free enterprise, or if it required still more Government involvement.

"Business had frankly not opened its trap," Mr. Heiskell commented in a separate interview. "We thought we should find out what business felt on this important issue, and it should take a stand."

Mr. Crawford said they brought together a dozen other members or an organizing committee drawn from enterprises with a heavy stake in commuting, in terms of employees and customers. They met at the Bowery Bank on March 15.

Time, Inc., alone has more than 500 commuters among its 2,000 employees here, Mr. Heiskell estimated.

By coincidence, March 15 was also the day the Regional Plan Association made public a report that all the railroads were willing to be relieved of responsibility for commuter service.

The private group renewed its proposal for a public corporation to take over this responsibility, with New York State, New Jersey, and Connecticut assuming operating deficits it estimated at $25 to $30 million a year.

The organizing group agreed on a statement embracing major elements of a 12-point Regional Plan Association memorandum, and it assigned its members to obtain further endorsements from businesses with major interest in the 200,000 daily rail commuters to New York City and Newark.

By last night 65 signatures had been gathered, with more coming in. The statement was sent to 100 officials, including Governors, mayors, Senators, Representatives, State legislators and railroad representatives in the tristate area.

"NO REASONABLE ALTERNATIVE"

"The committee is satisfied," the statement said, "that there is no reasonable alternative to commuter rail service. In terms of cost and public convenience, the replacement of rail service by bus and private car is unthinkable.

"The most feasible solution lies in:

"1. The separation of the business organization, policymaking, and financing of commuter from other rail services.

"2. The operation of the commuter rail system by or for the account of a single public agency or cooperating State agencies.

"3. The modernization of equipment, the coordination of services, and appropriate tax relief."

Following is the list of members of the new committee, in addition to its cochairmen, Mr. Crawford and Mr. Heiskell:

Norman E. Alexander, president, Sun Chemical Corp.

Orville Beal, president, Prudential Insurance Company of America.

Walter D. Binger, consulting engineer.

Fred H. Brockett, president, Dun & Bradstreet, Inc.

Lew L. Callaway, Jr., publisher, Newsweek.

John Cameron, chairman of the board, Guardian Life Insurance Company of America.

Richard W. Darrow, executive vice president, Hill & Knowlton, Inc.

Melvin E. Dawley, president, Lord & Taylor.

Francis R. Elliott, president, the Borden Co.

Edwin D. Etherington, president, American Stock Exchange.

J. P. Fordyce, chairman of the board, Manhattan Life Insurance Co.

John M. Fox, president, United Fruit Co.

Carl A. Frische, president, Sperry Gyroscope Co.

Bruce A. Gimbel, president, Gimbel Bros., Inc.

J. Peter Grace, president, W. R. Grace & Co.

Joseph A. Grazier, chairman and president, American Radiator & Standard Sanitary Corp.

Monroe Green, vice president, the New York Times.

W. P. Gwinn, president, United Aircraft Corp.

F. D. Hall, president and chief executive officer, Eastern Air Lines, Inc.

Willard G. Hampton, executive vice president, New York Telephone Co.

Earl Harkness, president and chairman, Greenwich Savings Bank.

James F. Oates, Jr., chairman of the board, Equitable Life Assurance Society of the United States.

G. L. Phillippe, chairman of the board, General Electric Co.

William S. Renchard, president, Chemical Bank New York Trust Co.

Mark E. Richardson, executive vice president, New York Chamber of Commerce.

John L. Riegel, chairman of the board, Riegel Paper Co.

David Rockefeller, president, Chase Manhattan Bank.

Arthur T. Roth, chairman of the board, Franklin National Bank.

Rudolph J. Schaefer, president, the F. & M. Schaefer Brewing Co.

Theodore Schlesinger, president, Allied Stores Corp.

Herman J. Schmidt, executive vice president, Socony Mobil Co., Inc.

Lelan F. Sillin, Jr., president and chief executive officer, Central Hudson Gas & Electric Corp.

Joseph Kingsbury Smith, publisher, the New York Journal-American.

Robert T. Stevens, president, J. P. Stevens & Co., Inc.

William C. Stolk, president and chief executive officer, American Can Co.

Lyndes B. Stone, president, Phoenix Mutual Life Insurance Co.

George C. Textor, president, Marine Midland Trust Co. of New York.

Walter N. Thayer, president, the New York Herald Tribune.

Percy Uris, chairman of the board, Uris Buildings Corp.

Harry F. Vickers, president, Sperry Rand Corp.

Milford A. Vieser, chairman, finance committee, Mutual Benefit Life Insurance Co.

Edmund F. Wagner, chairman and president, Seamen's Bank for Savings in the City of New York.

Edward G. Wilson, executive vice president, J. Walter Thompson Co.

Kendrick R. Wilson, Jr., chairman of the board, Avco Corp.

J. Harry Wood, president, Home Life Insurance Co.

David J. Yunich, president, Macy's, New York.

Charles J. Zimmerman, president, the Connecticut Mutual Life Insurance Co.

Samuel W. Hawley, president, People's Savings Bank.

John E. Heyke, Jr., president, Brooklyn Union Gas Co.

Roger Hull, president, Mutual of New York.

Lawrence Lachman, president, Bloomingdale's.

Gustave L. Levy, senior partner, Goldman, Sachs & Co.

William A. Lyon, president, Dry Dock Savings Bank.

John E. McKeen, president, Chas. Pfizer & Co., Inc.

R. E. McNeill, Jr., chairman of the board, Manufacturers Hanover Trust Co.

Otto W. Manz, Jr., executive vice president, Consolidated Edison Co. of New York.

Walter P. Marshall, chairman of the board, Western Union Telegraph Co.

Birny Mason, Jr., president, Union Carbide Corp.

Ellis C. Maxcy, president, Southern New England Telephone Co.

Hamilton B. Mitchell, president, the Reuben H. Donnelley Corp.

Milton C. Mumford, chairman and president, Lever Brothers Co.

George A. Murphy, chairman of the board, Irving Trust Co.

Herman C. Nolen, chairman, McKesson & Robbins, Inc.

[From the Herald Tribune, Apr. 25, 1965]

TRANSIT ILLS OF MEGALOPOLIS: NHRR ONLY THE BEGINNING

(By Barrett McGurn)

For the 25,000 commuters who ride the New Haven Railroad to and from New York it was delightful to learn that the trains will keep running at least for another 18 months.

But it was even more cheering to hear from William J. Ronan, Governor Rockefeller's executive assistant, that the 18 months will almost certainly be enough time to work out a 99-year lease arrangement under which New York and Connecticut will run the trains between New Haven and New York City.

The tracks and stations will be the property of the merged Pennsylvania and New York Central railroads, which will buy the New Haven. But the purchase of new rolling stock and the running of the commuter road will be the responsibility of the two State governments.

PROBLEM

That, in any case, is what the Albany and Hartford governments expect to arrange during the additional time they have bought. But that plan is only part of a much larger project with which the Governor's inner cabinet, and specifically Mr. Ronan has been grappling since Mr. Rockefeller swept into Albany in 1959.

Put in the broadest way, the problem is this: Can the northeastern part of the United States—"Megalopolis," as it is sometimes called—survive as a fit place to work in and to live in? Or will traffic congestion, air and water pollution, the rapid loss of green space and all the ills of urban sprawl do the area in?

In the view of Prof. Jean Gottman and other demographers and sociologists, "Megalopolis," the area between New Hampshire and Virginia, is already one big city of 45 million people—the greatest urban concentration the world has known. Is it governable? Is it workable?

In a narrower sense, the question can be put this way: Is the New York regional area (New Haven through Newark) hopelessly fragmented among its 1,400 local governments? Is the population of 17 million inside this relatively tiny area doomed to administrative chaos?

Mr. Ronan, with the total confidence of Governor Rockefeller, is at work on these questions. The New Haven settlement is only one of the answers he has found.

William John Ronan at 52 is certainly one of the most interesting and significant public servants in New York. The Buffalo-born child of all Irish-Alsatian, Episcopalian, and traditionally Democratic family (he is now what he calls a Rockefeller Republican), he was member of Phi Beta Kappa, a magna cum laude graduate of Syracuse University in 1934, and New York University's youngest dean at 41 in the Graduate School of Public Administration and Social Service.

"I was never one for looking at government from the point of view of theory; I was always action-oriented," Mr. Ronan explained last week at Governor Rockfeller's New York office, 22 West 55th Street.

OPTIMIST

It was a case of like attracting like, for the Governor Rockefeller Mr. Ronan describes is identical: an optimist who "hates bunk," believes that problems can be solved, and acts quickly when careful reports point the way to answers. Nelson Rockefeller and the NYU dean drifted together a decade ago on State study projects, and have not separated since.

Mr. Ronan sees success on the New Haven Railroad as an opening to tackle the crisis next in line: The Long Island Rail Road. The agonies New Haven communters suffered in recent weeks as they worried about having to shift to crowded expressways is precisely what Long Island commuters will face during the summer of 1966 unless something is done.

The financial agreements that have kept the Long Island's "Dashing Dan" sprinting for his trains, expires 15 months from now. Debts to the Pennsylvania Railroad will fall due. In Mr. Ronan's view it is unthinkable that private capital will agree to fill the gap.

Without waiting for 1966, Mr. Ronan proposes to buy the Long Island at a fair price from the Pennsylvania, and then spend $200 million in State money to make the road a showcase for the Nation's commuter service. Bills for various parts of the program will go into the Albany hopper within a week or two.

What about New Jersey commuters? They are in a very bad way, with half a dozen collapsing railroads hauling them toward New York's skyscrapers each morning. Buses are already part of the New Jersey answer.

A tristate transportation committee, of which Mr. Ronan is a member, is in touch with New Jersey officials offering to help them where possible. But essentially, the ball in that game is in New Jersey's court, as the Rockefeller aid sees it.

The tristate committee meanwhile hopes to be promoted to a commission in the weeks ahead, and already, with the help of spurring from Mr. Ronan and like-minded members, it is branching into more ambitious fields. To find out what type of government-subsidized rail transportation is needed the committee is posing bigger questions: What is the New York metropolitan region going to be like in the decades ahead? And what should it be like?

Will New Haven, Bridgeport, and White Plains become great satellite cities of New York (something Mr. Ronan evidently considers desirable), or will the land around New York become a vast "gray" area without parks, without industrial concentrations, with a mishmash of intermixed homes and factories and with hopeless traffic congestion? (The idea behind the great satellite cities is that very high speed transportation can be provided between the hearts of key areas, provided that there are some key areas.)

These are not new ideas, for good willed amateurs such as those of the regional plan association have talked this way for a quarter of a century, but they are an innovation coming from a top government officer who, with Governor Rockefeller's endorsement, is in a position to convert ideas into legislative bills.

So far the tristate committee is not saying what should be done inside the metropolitan area. But it is conducting the most ambitious study of its kind ever undertaken in order to find out what is being done. One percent of the population of the area has been interviewed. The whole region has been photographed from the air. Within 2 years the committee will publish a report informing New Yorkers how far they have wandered down the road to confusion. Zoning laws, or at least voluntary local cooperation aimed at sensible solution, may follow from there.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HON. CHESTER BOWLES ON SPEECH EXPLAINING U.S. FOREIGN ASSISTANCE PROGRAM

Mr. McGEE. Mr. President, Hon. Chester Bowles, U.S. Ambassador to India, has given a remarkable speech to explain this country's foreign assistance program. The speech, delivered in January of this year at the dedication of the great Sharavathy Hydel hydroelectric plant in India, deserves wide distribution because of the excellent explanation it contains of the theory behind our foreign aid program. In short, that is a realization that our own security and prosperity cannot be isolated from that of the rest of the globe. As he makes the point, "unless the poverty, malnutrition, and illiteracy of countries such as India are met and mastered there can be no hope for security and prosperity in the more privileged countries of the world."

Mr. President, I ask unanimous consent that Ambassador Bowles' speech at the inauguration of the Sharavathy Hydel facility be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY HON. CHESTER BOWLES, AMBASSADOR OF THE UNITED STATES TO INDIA, AT THE SHARAVATHY HYDEL INAUGURATION, JANUARY 24, 1965

The American people are proud and pleased to contribute capital and equipment for the building of this great hydroelectric plant. And I am personally grateful for the invitation of your Chief Minister to join with you in this impressive ceremony.

But precisely why should an American Ambassador be taking part in this dedication of an Indian dam, on an Indian river, running entirely through Indian soil, into the Arabian Sea?

I cannot add significantly to the praise which the Indian planners, engineers and workers have earned by their great achievement. Nor can I say anything fresh or new about the momentous contribution the dam will make to the people of Mysore and south India—the thousands of newly lighted villages, the hundreds of new small industrial plants and the scores of larger factories.

But what I can do is help answer a basic question on which there is much confusion both in your country and my own: Why have the American people who live on the other side of the world been loaning or giving India each year Rs. 225 crores in dollars plus an equal sum in wheat, rice, and other commodities to speed India's ambitious development plans?

In our annual congressional and public debates over what we call foreign economic assistance a variety of claims are put forward to justify these expenditures to our American taxpayers.

Some advocates, for instance, argue that our contribution to oversea development will win us friends in India and elsewhere in Asia, Africa, and Latin America. I sincerely hope that this dam and the other assistance we are giving India will contribute to this end, and I can assure you that there is a deep and genuine spirit of friendship in the United States toward India, her leaders, and her people.

Yet if our friendship continues to grow I do not believe it will be the result of the capital loans, wheat, and rice which we send each year to India. In this context I am reminded of Mark Twain's remark to a contentious neighbor: "Why is it that you criticize me so? I cannot for the life of me remember ever having loaned you any money."

Indeed, our own American history should be enough to persuade us that recipient nations are not always grateful for foreign assistance. In the 19th century, for example, the United Kingdom invested literally billions of pounds in the building of American railroads and industry. Yet even today only a minority of Americans are conscious of the massive British contribution to our early economic development.

So, it would be a mistake for us Americans to have any illusions on this score. We earnestly seek the friendship of India, but we know that your friendship is no more for sale now than was our own in the critical early years of our development.

A second answer to the much discussed question of "Why American aid" is related to the first: By helping India's economic development it is suggested that we may bring you into closer agreement with America's approach to current international questions.

In my opinion this answer is no more valid than the first. Indeed, some nations which we have assisted seem to go out of their way to criticize various aspects of American foreign policy in order to demonstrate to their own people and the world that U.S. aid money has not undermined their independence. I confess that on more than one occasion in the last 10 years this thought has passed through my mind here in India.

We will, of course, continue to seek common ground with India on international questions. But we know that such agreement carries no price tag. So, again we shall have to seek an answer elsewhere.

A third response to the question of "Why American aid" is that our American economic assistance program is a moral obligation which we, as the richest nation in history, are duty bound to assume. Four years ago, President Kennedy emphasized this point in his inaugural address:

"To those peoples," he said, "in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period—not because the Communists may be doing it, not because we seek their votes, but because it is morally right."

Those of you who have visited my country will testify that America's sense of moral commitment runs deep. A recent dramatic demonstration of it is the Peace Corps under which some 75,000 dedicated young Americans apply each year for opportunities to work almost without pay in the urban slums and rural areas of Asia, Africa, and Latin America. Twelve thousand are now abroad; several hundred of them are here in India with a contingent in Mysore state itself.

Yet the American tradition of oversea service provides only part of the answer to our question.

The rest of the answer grows out of a concept which 100 years ago or even 30 years ago would have been hard for either you or us to understand, but which in our modern era is overriding.

After two World Wars, most Americans have come to see that our own security and prosperity cannot be isolated from that of the rest of the globe.

Whether we all like it or not, whether we always agree with each other or not, we are all members of the human race. Consequently, our common future depends on our ability to live together rationally on our increasingly crowded and turbulant planet.

As our world grows smaller, each nation, large or small, has a growing stake in the behavior of everyone else.

In the postwar years, Stalin's intransigence concerned us all. More recently, when an irresponsible China threatened India with a conflict which might have extended throughout Asia, the security of every man, woman, and child in America was involved in some degree.

Nor does our mutual interest in a more rational world stop with matters of aggression and military defense.

If we Americans should flounder and fail in our efforts to provide an increasing measure of prosperity, opportunity and dignity for all of our citizens under a free government, the impact would be ultimately felt in every Asian, African, and Latin American village.

Similarly, unless the poverty, malnutrition, and illiteracy of countries such as India are met and mastered there can be no hope for security and prosperity in the more privileged countries of the world.

Furthermore, because of new technologies the economic interdependence of all nations is rapidly increasing. In today's world the continuing dynamism and growth of the American economy would be impossible without expanding foreign trade. And for India and other developing countries increasing trade with the more highly developed nations is equally essential if an adequate rate of growth is to be achieved and maintained.

In this sense, every living American—indeed, everyone everywhere who believes in peace and human freedom—has a deep personal stake in the success of the unprecedented development effort which has been undertaken by free India.

The industrial revolution which in the 19th century laid the basis for the present prosperity of Western Europe and America involved a heavy cost in human suffering which was vividly described by Charles Dickens.

Under different circumstances and through different methods the Soviet Union under Stalin concentrated Russia's energies and resources on building industrial and military capacity regardless of the consequences to the Russian people.

Today, democratic India seeks what would have been beyond the reach of any developing country not so many years ago: A rapid rate of national economic growth side by side with increasing direct social and material benefits for the individual.

Your success or failure as a nation rests not only on your ability to construct great dams, new factories, and more miles of railroad tracks. Equally important is your capacity to build a society which offers a steadily increasing measure of dignity, opportunity, and social justice to each individual.

This calls for higher real incomes and improved living conditions for your urban people, and the right to land ownership and fair crop prices for your cultivators.

This twin objective requires bold pragmatic national planning, the wise use of all available domestic resources, a keen sensitivity to human suffering, and enlightened political and economic leadership.

It also requires a substantial amount of capital and technical assistance from the more privileged nations so that the present generation need not be sacrified for the sake of its grandchildren.

Not only the amount of foreign assistance which you receive but also its nature and the manner in which it is provided are of crucial significance.

In this regard, we Americans have come to see from hard experience that not all developing nations have the will or the ability to do what India is striving to do, and when these qualities are lacking, the effectiveness of our aid is blunted.

For these reasons, we are concentrating our assistance in those countries which are prepared to use their own resources to pursue realistic development practices and where there is a certain degree of mutual respect and understanding.

We consider Sharavathy a prime example of the proper and constructive use of American assistance. It is part of a carefully conceived and well-integrated program for the development of south India. Its planning and engineering were completely Indian.

Sharavathy will promote massive employment; it will encourage rural electrification, and it will permit the establishment of dynamic new industries which will earn foreign exchange to pay for similar projects in the future.

You could have built this great project without American assistance. But with such assistance you were able to build it sooner, and without sacrificing other important projects or unnecessarily suppressing the day-to-day needs of your people.

Thus, the primary purpose of American economic assistance may be summed up in the following terms: To enable competent, socially conscious nations such as India to respond quickly, constructively, and responsibly to the forces which are shaping tomorrow's world.

More specifically, it represents an effort by the American Government and citizens to help new nations which are prepared to help themselves to generate increasing national incomes and to insure political and social stability.

Only on such a foundation can any nation contribute effectively to our common objective which is a more peaceful and rational world.

If free India succeeds in reaching her democratic goals, the benefits will be felt in every community in my own country and, indeed, throughout the world. That, in a nutshell, is why I am here today.

ANGUISH OF POWER

Mr. McGEE. Mr. President, the Washington Post, in editorially explaining the underlying reasons for those doubts expressed about America's role in Vietnam, has, as it so often does, cut directly to the heart of the matter. In its lead editorial on April 26, Washington's great newspaper has spoken of the burden, the pain, and the anguish with which the United States is afflicted simply because it possesses the greatest power on earth and must face the problems inherent in deciding when, where, and how to use that power. "There is no way a party or a President or a Congress can deliver a people from this discomfort," as the Post has stated it. But the level of debate over today's crisis in Vietnam, and over future crises that are sure to arise, will be more intelligent, more realistic when we accept as a fact of life the burden of great power and the responsibility for its use.

Mr. President, I ask unanimous consent that the Washington Post editorial, "Anguish of Power," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post,
Apr. 26, 1965]

ANGUISH OF POWER

This administration, and no doubt its successors far into the future, will have to deal with a deep-seated revulsion against the great power role of the United States. Now there is criticism of that role in South Vietnam; in subsequent crises it will be against the execution of a great power role in other areas.

Those who express resentment at and opposition to the employment of force in southeast Asia include some of the country's foremost liberals and intellectuals as well as academic and campus leaders of lesser eminence. Some, of course, oppose the policy on practical grounds. Some oppose it because of a belief that Chinese Communist power in the area is irresistible. Some are against it because they see it as an excessive commitment to a Balkan war that may weaken or divert forces needed in more important theaters of conflict. Some criticize it because they disagree as to the real national interest in the area. Some deplore it because they simply think we cannot achieve our objectives or carry out our commitments.

The largest opposition, however, no doubt comes from those who instinctively rebel against this country's great power role. They oppose the burden of great power as many of the British opposed it for nearly 300 years. But Great Britain for a long period could not escape the anguish that comes with the very possession of power. However large the crowds that gathered in Trafalgar Square to shout against the decisions of successive ministries to commit British power in Africa and Asia and America (or against the failure to commit it), no Parliament could relieve Great Britain of the anguish of great power, no monarch could rescue it from the burdens that go with the possession of predominant force. It was not governments that the people opposed; but the fate that put into the hands of the leaders of one nation the leverage to influence the course of events and the destiny of nations.

And this is the real misery of the mighty. Once power descends upon a people it can no longer achieve national peace of mind, even if it can achieve peace in the sense of avoiding war. From the moment its power position is achieved, the Nation must live in anguish. It must endure the anguish that attends the application of force, arising out of all the normal revulsions against the resort to violence and against the imposition of pain and misery to achieve political results in a world where force or the use of force is the chief arbiter of nations. Or it must endure the anguish that attends the failure to use force where its employment would work for the national salvation or the preservation of peace. No country can have great power and a quiet conscience. Its people and its leaders must suffer either the reproaches of having used force or the reproaches of having failed to use it. Life alternates between the miseries of Vietnams and Munichs and is seldom free from one or the other.

There is no way a party or a President or a Congress can deliver a people from this discomfort. It was inescapable in the days of British power; it is more inevitable now when no crisis can be so remote or so little connected with the national interest that it can be simply overlooked. This country cannot admit disinterest in any crisis. It is vain to cry that Alabama is for Alabamians, Africa for Africans, Asia for Asians, America for Americans. We are influenced by every act of injustice and tyranny that takes place everywhere on the globe; and every act of tyranny and injustice that takes place here has its influence everywhere in the world. It is not one world in the happy sense that Wendell Willkie imagined it; but it is one world, nevertheless. And its oneness is such that no one can light a fire anywhere in it but that the nation with the biggest fire department has to decide whether to use it or not to use it. And out of that choice enormous consequences for good or evil must flow.

Such is our burden, such our pain and such our anguish. When, as a people, we accept the fact that it is unavoidable and inescapable, the level of debate over what we should or should not do in each recurring crisis will rise. Each of our decisions to use force or to fail to use force is filled with potential pain and injury for millions. This is the anguish that goes with great power. No one can deliver us from it.

THE SITUATION IN VIETNAM

Mr. McGEE. Mr. President, I ask unanimous consent that articles on the situation in Vietnam by Joseph Alsop, Paul Ghali, Richard L. Strout, John M. Hightower, and Keyes Beech be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

"THE VIETCONG NOW FEARS DEFEAT"

(By Joseph Alsop)

WASHINGTON.—In a bitter, hard-fought war, and especially in a guerrilla war, nothing is rarer than a reliable firsthand report on the problems and state of mind of the other side. Nothing like this has been forthcoming in all the many weeks since the first American air attacks on North Vietnam.

Now, however, a remarkably vivid glimpse through the Bamboo Curtain has suddenly been provided by a series of articles in the leftwing Paris weekly, "L'Express," by a French newspaperman who has specialized in Far Eastern affairs, Georges Chaffard. These pieces are so encouraging that one hastens to knock on wood as one reads them.

The encouragement is all the greater because a more unexpected source of encouragement could hardly be imagined. Chaffard is even further to the left than "L'Express," and a hopeful appraisal of American policy in southeast Asia is an unheard-of commodity among European leftwingers.

Chaffard's appraisal is based, furthermore, on the kind of firsthand observation from which Americans are barred. On this round he did not visit Hanoi, but he recently spent much time there. On this round he went to Cambodia and thence moved up to join the Vietcong in the jungle and to talk with leaders of the so-called Liberation Front at their hidden headquarters.

The headline put on Chaffard's articles by "L'Express"—"The Vietcong Now Fears Defeat"—is a good summary of the total impression conveyed. The first point that Chaffard emphasizes is the way the American decision to carry the war to the North has completely upset the strategy of the Communists, who never believed that this was possible.

Point two is the degree to which this decision has changed the climate. "American determination," says Chaffard, has caused everyone to "reflect" a bit.

Third, Chaffard describes the Vietcong as being forced, by the new American decision, to redouble their efforts at the very moment when American air and other operations are significantly reducing the flow of military supplies and other urgently needed aid from North Vietnam. Chaffard's emphasis on the effectiveness of the U.S. effort to slow the supply-flow amounts to news of the first order; for no one had been sure that this effort was having any effect at all.

Fourth, Chaffard reports Vietcong withdrawal, now in progress, from very large and important areas of South Vietnam for the purpose of regrouping in the less vulnerable mountainous regions north of Saigon. He actually compares this withdrawal with the Communists' pretended departure from South Vietnam in 1954.

Fifth, Chaffard describes the Vietcong in the South as seriously troubled by the war-weariness of some of their adherents. And he portrays the North Vietnamese as fearful, above all, of just the kind of carefully targeted bombing that President Johnson has ordered, which will destroy the fruit of 10 years of desperately hard work and sacrifice.

One must add with great emphasis that Chaffard nowhere predicts abandonment of the struggle by the guerrillas in the South, nor does he forecast acceptance by the North Vietnamese of terms that would also be acceptable to the United States. Instead, he quotes defiant statements by the "Liberation Front" and the northern Communist bosses.

He also says, however, that the "facade of intransigence is not lacking in cracks," whether among the guerrillas or in North Vietnam. He shows evidence that negotiations to end the struggle are already desired in some quarters in the North.

In sum, he does not say that the U.S. effort is succeeding now or assert that it is going to succeed later. But he specifically credits the U.S. effort with getting almost exactly the results that have been hoped for, at this particular stage, by Defense Secretary Robert McNamara and his planners in the Pentagon and in Saigon.

BETTER CHANCE FOR UNITED STATES: FRENCH VIETNAM VIEWS CHANGING

(By Paul Ghali)

PARIS.—French experts on Indochina warfare say there is no comparison between the U.S. base at Da Nang and the fateful Dienbienphu basin where they were trapped by overwhelming Vietminh forces in 1954.

If the Vietcong wants to try and turn Da Nang into even a symbolic Dienbienphu, they are heading toward a crushing defeat, these experts say.

The situation of Da Nang—known as Tourane under the French—differs from that of Dienbienphu in two essential geographical and military factors.

First, Dienbienphu lay in a basin cut off by mountains on all sides and easy to besiege. Da Nang is between a stretch of mountain ranges and the sea. Given the immeasurable superiority of the American 7th Fleet over Vietcong naval forces, Da Nang is easy to defend and supply.

Secondly, at Dienbienphu the French were about 160 miles from their source of supply, Hanoi, and relied on inadequate air transport for supplies. The attacking Vietminh were close to their bases in the Chinese province of Yunan.

At Da Nang the American strategic position is exactly the reverse. The Americans have ample air and sea transport to bring in supplies, whereas the Vietcong are far from their main bases, which lie on the other side of the 17th parallel.

Since Washington decided to send massive reinforcements of troops and material to South Vietnam and has started bombing the Vietcong's supply routes, French military experts appear to have changed their minds about American chances of winning the conflict.

The consensus in French military circles today is that the U.S. military position in South Vietnam has improved considerably in the last month and now creates a situation in which peace negotiations may become possible. President Johnson's cancellation of official visits in Washington and journeys to Europe generally is considered in Paris to be a sign that he wants to give all his time to finding ways to peace in Vietnam.

French diplomats hope that the path to negotiations may be opened by the new prospects of a conference over Cambodia, recently discussed in Washington by the President and French officials. Johnson told them he would like to see a conference on Cambodia and Laos, but he believes the initiative of summoning it should come from Britain and the Soviet Union, as Cochairman of the 1954 Geneva Conference.

The French, who have lately considerably improved their relations with the new South Vietnam government, hold that South Vietnam should be invited to the conference just as much as Red China or North Vietnam.

The new leaders in Saigon are believed here to be far more amenable to the idea of neutrality for southeast Asia than were their predecessors, provided this neutrality gets strong international guarantees.

During a short visit to Paris last week, the Vice President of the Saigon government, Tran Van Tuyen, made significant comments on his country's attitude toward eventual peace negotiations.

He told his French interviewers that his government was hardening in the fight against the Vietcong in order to force Hanoi to agree to peace discussions.

[From the Christian Science Monitor, Apr. 26, 1965]

THE CASE FOR VIET BOMBING

(By Richard L. Strout)

WASHINGTON.—Many administration officials feel they are not getting the case for Vietnam bombing over to the American people.

Protests have occurred on 50 college campuses. The latest Gallup poll shows the public deeply split. Controversy is even wider abroad.

What is the administration case?

Here is an effort to give the answer, put together from authoritative sources.

Isn't bombing a "terror" tactic?

The Communist Vietcong wages a ruthless terror campaign. By latest count 450 innocent civilian mayors and officials have been killed, and 1,110–1,200 captured or kidnaped. Sensing victory, the Vietcong doubled terror attacks in the last 15 months, from 171 a week to 350.

This is a dreadful toll in a population of one-twentieth that of the United States. Bombing is the United States counteraction.

MILITARY TARGETS

Doesn't bombing kill civilians?

Not many—certainly nothing to the Vietcong's systematic and calculated ruthlessness. Targets so far are military, not economic. They have improved South Vietnamese morale.

In the past 8 to 10 weeks Buddhists have cleansed themselves of Communist elements; a most encouraging sign. U.S. intelligence sees signs of confusion in the bloc countries and believes the Soviets and Communist China are further apart. There are some signs of division in the government of Hanoi over what punishment to take for refusing Mr. Johnson's "unconditional discussions."

Walter Lippmann and Hans Morgenthau argue that the Vietcong is really one political party in a "civil war." Isn't that correct?

Antiadministration viewpoints are worthy subjects of discussion. But the administration totally rejects the "civil-war" thesis. The Vietcong has around 40,000 regular troops; another 100,000 partly equipped irregulars.

VIETCONG DIRECTION

Take the question of arms: In recent months the South Vietnamese have lost 39,000 weapons; have captured 24,000 from the Vietcong. This net loss of 15,000 weapons obviously is inadequate to equip the Vietcong. In battles, April 5–6, 90 percent of captured Vietcong small arms were Chinese, plus a few Czech; 100 percent of the large-bore were Chinese.

In short, what is considered overwhelming evidence shows the Vietcong depending on outside power for direction, for weapons, for doctrine, and for day-to-day tactical operations.

Well, even so, is it possible to defeat guerrilla tactics?

The United States believes so. Admittedly, the present 525,000 South Vietnamese military and paramilitary is substantially less than the accepted successful ratio against guerrillas. Its inadequacy led to deterioration; bringing United States bombing, starting in February. The United States now is meeting this by stepped-up forces, increased mobility (helicopters), added fire power, close air support, and strategic bombing.

CONFERENCE TABLE AIM

The South Vietnamese now propose to expand their forces by 8,000 to 10,000 a month, for 12 months. This was the subject of substantial discussion at the Hawaii war meeting this past week. The United States has not stopped infiltration from the north but has reduced it.

The past week the United States made 450 air sorties, dropping 900 tons of high explosives. The Americans blew the canopy off the jungle and exposed Vietcong depots on one strike, ultimately destroying this by Vietnamese ground forces.

How about nuclear weapons?

American purpose is to bring the Vietcong to the conference table. They are using merciless tactics; the United States is responding more humanely. Its purpose is to apply pressure, keep them guessing. It does not recognize privileged sanctuaries nor limits on types of weapons used. Communist China must know that the United States could annihilate it. Ho Chi Minh, in Hanoi, must realize his own risk. The United States ought to pursue its objective at the lowest cost to this country.

Using small, tactical nuclear weapons would substantially increase the risk. Washington is also inclined to believe an attack on China would bring Moscow to its defense. The gas incident, stupid as it was, would not of itself debar nuclear weapons. There is no absolute prohibition on nuclear weapons, but they are a threat, not a likelihood.

Are American aerial losses large?

No. They are running about 2 percent of the strike aircraft; about 0.9 percent if reconnaissance and nonraid aircraft are included. The United States had knocked out 16 bridges through last Friday.

How long can this go on?

Ask Ho Chi Minh his time limit. He rejected discussions, even by U Thant of the U.N. and by the neutral countries.

How about a 5-day pause in bombing to test their reaction?

HISTORIC INTANGIBLES?

There is no sign yet that they are interested.

How about the "historic intangibles," that Asia is throwing out whites?

They don't have to throw Americans out; they can't wait to leave. The French were training to stay in for economic advantage. The United States has no economic interest in staying in, whatever. South Vietnamese leaders appear to realize this; of course, the North Vietnamese charge that Americans are colonists.

Are there flaws in U.S. weaponry? Also—won't the war automatically escalate?

American forces have an absolute blank check on $50 billions of defense expenditures. There has been no deficiency in supplies. As to automatic escalation, Washington believes that with skill and patience it can control events, not events control it.

How about Communist China—is the United States trying to contain it as it did the Soviets?

The United States sees China slowly increasing its power in the next decades. But it will be a long time—a decade—before it can seriously threaten the American homeland. Ties between the Soviets and China are weakened. It took the Soviets 5 decades for industrialization; China started from a lower base, and it will take longer.

Dissolution of China's ties with its captive satellites (as it becomes "more bourgeoise") will be much slower than for the Soviets. Remember—the Soviets were contained. The United States must look forward to trying to contain China.

[From the Dallas (Tex.) Morning News, Apr. 24, 1965]

VIETNAM SEEN AS SINO-SOVIET WEDGE

(By John M. Hightower)

WASHINGTON.—U.S. officials see some signs that the growing strains and dangers of the war in Vietnam are widening the split between Russia and Red China—instead of pushing them into a tighter common front against the United States.

The situation is similar in some respects to the growing rift between the United States and France over the southeast Asian war. An important difference seems to be, however, that the Western Allies, being loosely organized in the first place, seem more able to tolerate disagreement than can the Communists, who have a dogmatic need for unity.

The worsening of United States-French relations arises directly from the action of President Charles de Gaulle in reducing French participation in the Southeast Asia Treaty Organization.

Some days ago he sent word France would be represented at the SEATO meeting in London next month only by an observer instead of by Foreign Minister Maurice Couve de Murville. Paris disclosed Friday that De Gaulle is pulling out of SEATO naval exercises in the Pacific.

De Gaulle's purpose possibly is to clear the way for a joint Vietnamese peace effort with the Soviet Union. The Soviet foreign minister, Andrei Gromyko, is due in Paris next week and his scheduled trip helps to dramatize the dilemma in which the Soviet Government finds itself with respect to the Vietnamese war and the conflict with Communist China.

The latest maneuver in the Sino-Soviet quarrel came in Moscow Thursday and was focused on a new unity appeal from Russia to Red China.

But the effect of a speech made by Russia's ideological boss, Pyotor N. Demichev, in a Kremlin ceremony was to put new blame on the Chinese Reds for refusing to follow Moscow's lead in the Communist search for unity.

Thus the real thrust of the speech seems to have been a muted accusation by Moscow that the Chinese Communists by their behavior are making unity impossible.

"Those who prevent our cohesion assume serious responsibility before history," said Demichev. His speech was received here overnight and was getting careful study Friday. He argued that reduction of Moscow-Peiping differences is important at this time to increase Communist effectiveness in Vietnam. He denied there is in fact any kind of dilemma for the Soviet Union in the Vietnamese situation.

He said that some people—obviously meaning the United States and Red China—say the Soviet Union is in dilemma. He added:

"In fact, there is no such dilemma. The policy for peaceful coexistence does not preclude, but presupposes, a rebuff to aggression and support for peoples fighting against alien domination."

In practical terms this definition of established Soviet policy is taken here to mean the Soviet Union would like to support North Vietnam to the extent necessary to produce Communist victory in Southeast Asia but limit its support to such actions as would not bring on large-scale war between the Communist powers and the United States.

By contrast, the Chinese Communists talk in much more risky terms than the Soviet Union. But they justify their advocacy of all-out support for North Vietnam on the grounds that the United States is a paper tiger and will not itself take serious risk of a major Asian war.

In the contest between Moscow and Peiping over which is more devoted to the Communist war of revolution, the Russians are likely to be outbid by the Chinese, who have fewer world responsibilities in their assessment of U.S. power and policy. Moscow's experience in the confrontation over Cuba in 1962 could have made a critical difference in this respect.

Authorities here believe the Russians in present circumstances would like to find a peaceful solution in Vietnam on terms more nearly acceptable to the United States than would Communist China, which possibly would be glad to keep the Vietnamese conflict raging for years.

Some of the best-informed government experts think the North Vietnamese themselves fear Chinese domination and would prefer cooperation with the Russians. But Russia is too far away to provide the same degree of quick assistance which the Red Chinese can give, and therefore Moscow's influence in Hanoi is limited.

This situation may change somewhat as the Russians begin to make good on promised deliveries of arms to the North Vietnamese. If by such means the Kremlin's authority in Hanoi can be substantially increased, the rest of the world will have a chance to find out whether the weight of Russia's choice would go to peaceful coexistence or to an intensified Southeast Asian war which could rapidly multiply the danger of conflict between United States and Soviet forces.

Tide Is Turning: Vietnam Situation Brighter Than Ever

(By Keyes Beech)

Saigon, April 12.—The situation in South Vietnam today was brighter than at any time since the war started 5 years ago.

Barring major reversals during the next few weeks, it looked as though the tide of battle has at least turned against the Communists. Not only is the enemy taking a beating in North Vietnam from mounting air strikes. He is taking a beating in the south as well.

Here were the latest developments:

1. U.S. Marine combat strength in South Vietnam jumped to 7,000 men as 3,000 more Leathernecks landed in central Vietnam. This brings the total number of U.S. servicemen in South Vietnam to 31,000.

2. There was no longer any doubt that the marines will get into combat. Although their mission is defensive, they will seek out the Vietcong around their perimeter on the time-tested theory that the best defense is a good offense.

3. South Vietnam's much-maligned armed forces, stimulated by a series of spectacular victories, have clearly seized the initiative from the Vietcong. They have their tails up. They're charging hard. Any American who repeats the old accusation that "the Vietnamese won't fight" ought to get sued for libel.

There was, in the words of one top U.S. military source, "reason for good cheer and optimism."

The news was so good in fact that Americans on the spot, burned too many times in the past by ill-founded optimism, were suspicious. As if to justify their distrust, there was one cloud on the horizon. South Vietnam's quarreling generals were at it again.

U.S. military authorities were hopeful they could keep the lid on. So far the disarray among the generals has not affected the war effort. But it could.

Anti-foreignism is quick to surface in politically volatile central Vietnam, hotbed of Vietnamese nationalism and revolutionaries, and American officials take note of this fact by keeping the marines "as inconspicuous as possible."

In Da Nang, where the presence of so many American servicemen has been a source of friction, U.S. officials took a head count of the number of men on the streets on a given night. Liberty passes will be rationed so that even though the number of marines has increased by one-third, the number on liberty in Da Nang at any given time will remain the same.

But it is the South Vietnamese Army and not the marines that will determine the military course of events in South Vietnam. And the Vietnamese were feeling their oats.

In the last few days the Vietnamese Army has scored two smashing victories over the Vietcong—one in the delta and another in central Vietnam.

The delta battle, which cost the lives of 6 American advisers, ended with more than 260 Vietcong dead by actual body count. This was the biggest tally of enemy dead of the war.

Two hundred more Vietcong died in a futile assault on Vietnamese marines in heavily populated Binh Dinh Province in central Vietnam. The solidly entrenched marines, occupying trenches and foxholes previously tenanted by the Vietcong, beat off 10 night attacks. Skyraiders caught remnants of the Vietcong forces as they were trying to withdraw at dawn. The kill ratio has been at 2 to 1 in its favor. In the Binh Dinh battle 19 Vietcong died for every marine defender.

A military spokesman estimated that airpower accounted for 30 percent of the enemy casualties in this encounter.

Perhaps the major factor is the increased aggressiveness of Government forces in the bombing of North Vietnam. Some observers feared that Vietnamese forces would "sit on their hands and wait for America to win the war" once the air strikes on the north began. The reverse has happened.

During the last 2 weeks, Government troops have made contact with the enemy in 55 out of 76 battalion-sized operations—a truly amazing record.

Other factors that account for the change include the use of U.S. jet bombers and fighters in support of Vietnamese ground troops. Now the Vietnamese soldier can see U.S. power, which previously lay idle, at work. This has worked magic in terms of morale.

More artillery and more helicopters have helped. Another important factor is that Government battalions, which a few months ago were down to 200 men or less, are now back up to strength—500 or more.

The changed situation has been reflected in many ways. Intelligence, always a sure sign of which way the wind is blowing in the rice paddies, is getting better. Three recent Government victories were based on solid intelligence.

In a country where draft dodging is a highly developed national art, 7,000 Vietnamese youths last month actually volunteered for army service. Volunteers all but filled the quota of 8,000 men, leaving the army with 2,000 more men than it had sought.

Vietcong morale is low. Jet strikes have had a devastating effect. Hard-core units have become shockingly careless.

"The Vietcong just seem to be going through the motions," said a U.S. adviser in the delta. "Their hearts don't seem to be in their work."

Once all this has been said it must be immediately added: Nobody thinks the Vietcong have given up the fight. Badly as they have been hurt, they remain an effective and dangerous fighting force.

Mass infiltration-invasion from North Vietnam could alter the military picture overnight. And that may very well be happening.

North Vietnam has a hard-fighting army of anywhere from 250,000 to 300,000 men. Regular PAVN units (Peoples Army of Vietnam) have been identified in South Vietnam. What isn't known is how many of them there are inside the country.

According to captured enemy documents, the Vietcong were scheduled to launch a counteroffensive starting Saturday, aiming at sensational short-term victories that would give them a psychological advantage but so far there is no sign of it.

If it happens the Communist drive will be centered in South Vietnam's northern provinces. This has been known for some time, which is why American Marines were brought into that area.

Kontum, in the central highlands, is reported to be one Vietcong objective, which explains heavy U.S. Air Force strikes in that area.

Another Communist ambition is to make a Dienbienphu out of Da Nang. "I cannot think of anything that would be more disastrous—for the Communists—than to try that," said one U.S. commander.

REQUEST FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate adjourn until 12 o'clock noon tomorrow.

Mr. HOLLAND. Mr. President, will the Senator withhold that request?

Mr. MANSFIELD. Mr. President, I withhold my request.

GEORGE WASHINGTON GOOD GOVERNMENT AWARD TO SENATOR HRUSKA

Mr. HOLLAND. Mr. President, Sunday night I had the very great pleasure of attending the annual George Washington celebration of the American Good Government Society, which is held on the anniversary of George Washington's taking his first oath of office as President of the United States. It is a very fine society. On that occasion, the society customarily recognizes two citizens of the United States, quite frequently distinguished Members of Congress, but always from opposite parties, for their services in behalf of sound constitutional government, and for their services to the Nation generally.

Last Sunday, at that very largely attended dinner at the Sheraton Park Hotel, I thought the occasion was a particularly happy one, because the two public servants who were picked out for this very much merited award were both Members of Congress, our distinguished colleague, the senior Senator from Nebraska [Mr. Hruska], and the distinguished chairman of the Interstate and Foreign Commerce Committee in the House of Representatives, Representative Oren Harris, from Arkansas.

It was my great pleasure on that occasion to present our distinguished colleague [Mr. Hruska] for the receipt of that highly merited award, which he so richly deserves for the kind of service which he had rendered as a Member of the House of Representatives and now for years as a Senator from Nebraska, but also as a Senator of the United States.

I ask unanimous consent to incorporate in the Record a copy of my remarks presenting Senator Hruska for the George Washington Good Government Award on that occasion.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of Senator Holland on Presentation of George Washington Good Government Award to Senator Hruska

It is a special privilege for me to present, on behalf of the American Good Government Society, its 1965 George Washington Award to my capable colleague—and my good friend—Roman L. Hruska, the senior Senator from Nebraska.

There is, as you know, an expression, perhaps overused, "a Senator's Senator." I know of no man who deserves that title more than Senator Hruska. Better than most, he comprehends the Senate, its nature and its purpose. I suppose that, in varying degrees, each of the 1,685 men who have sat in the Senate has loved it. But few have understood it better than Senator Hruska.

His unflagging attention to his senatorial duties, his uncomplaining willingness to suffer the sometimes outrageous demands of impossible schedules, his unfailing courtesy and regard for his colleagues—all these stamped him early in his first term in the Senate as a man who belongs there.

I don't know how Senator Hruska's voting record would compare with my own, for example. I know that we differ on some issues, agree on many others. But of this I am completely convinced: Roman Hruska's votes are votes based on conviction.

He has not hesitated to cast votes that were "wrong" from the then prevailing political view, but which time and events have often vindicated. His votes are based on long, careful, and scholarly study of the issues. When Senator Hruska rises to speak in the Senate Chamber—and this is not so often as some of our colleagues speak—we all listen because we know we will hear a thoughtful, well-reasoned, informed discussion of the subject at issue, and it will be well delivered.

Roman Hruska has been practicing good government for most of his 60 years. A newspaper reporter not long ago said of him:

"His career is something of an American success story, embodying old-fashioned virtues like thrift, hard work, independence, and a steady progress toward a goal."

Your presence at this dinner tonight shows that you find nothing unattractive (old fashioned) about the virtues of good government, honest government, able government, compassionate government.

Roman Hruska believes that good government requires work. He is intimately acquainted with both. It is my pleasure to serve with him on the Appropriations Committee of the Senate. Although his senior position on the Judiciary Committee requires a great deal of his time, and he carries a heavy load there, still he comes to the Appropriations Committee, fully informed, well briefed—sometimes to the discomfiture of witnesses from the executive branch.

But then, Roman Hruska has worked all his life. He carried papers as a boy, worked his way through college and law school and still managed to do well scholastically. His debating skill first flowered as a member of the high school debating team in Omaha. His sharp instinct for the fine legal points of complicated legislation was developed during a successful law practice.

His high regard for the tax dollar showed itself during his membership on the Douglas County Board of Commissioners in Omaha. While he was its chairman, the board achieved seven straight reductions in the county tax levy.

That concern has in no way lessened during his splendid service in the House of Representatives and now in the Senate, where he sits on a committee which each year considers a budget of $100 billion. But Senator Hruska is no advocate of sweeping, indiscriminate slashes in the budget. He is a champion of a strong military, he believes in a responsible stewardship over natural resources—and in our agriculture subcommittee he is an articulate and effective spokesman for soil and water conservation—he is committed to a national policy of growth under a free and expanding economy.

Although we represent different political parties, I would like to believe that Roman and I represent similar political philosophies. We both want for this Nation and for our children and grandchildren, a future which is secure and productive under a government that is our servant—not our master.

Together we reject the alarmists who cry doom, because we share an abiding confidence in the greatness of America—a greatness rooted not here in the marble halls of Washington, but in the people of America—the people in Omaha, Nebr., in Bartow, Fla., in Bangor, Maine, and in Oakland, Calif.

This confidence in the people was held by George Washington, in whose memory and honor this award is made. But Washington recognized that it would require great vigilance to protect the liberties which the people had won. In his Farewell Address, he counseled:

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism."

These words are as meaningful today as when they were uttered nearly two centuries ago. In choosing Roman Hruska for this award, the society has honored a man completely dedicated to constitutional government, a man who believes that government must be limited by the people, a man committed to integrity in government, both fiscal and moral. In brief, he is a man who believes with Washington in "the benign influence of good laws under a free government."

Senator Roman Hruska, it is a great personal pleasure for me to present to you this award in recognition of your record of distinguished leadership and outstanding achievement in the field of good government.

Mr. HOLLAND. Mr. President, I think Senators will be interested in reading the exact wording of the resolution, made so deservedly, about our distinguished colleague, Senator Hruska.

I ask unanimous consent to have printed in the Record at this point a copy of the resolution of tribute and honor to Hon. Roman L. Hruska from the American Good Government Society on that occasion.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution of Tribute and Honor, Hon. Roman L. Hruska

Lawyer, statesman, and businessman—has served 8 years as county commissioner; one term in the House of Representatives and for more than 10 years as U.S. Senator. Throughout his entire public career, he has been a hard-working friend of the taxpayer. During his 7 years as chairman of the Nebraska Douglas County Commissioners there were seven straight tax rate reductions and the bonded debt was retired. In his single term in the House he was an effective member of the Committee on Appropriations; in the Senate his fiscal and legal talents led naturally to places on the Appropriations and Judiciary Committees for these talents were highly regarded by fellow Senators of both parties. Candor, courage, intelligence, and industry have marked Senator Hruska's life. These qualities make him a tower of strength and support of the principles of the Constitution of the United States, the blessings of liberty they endow, and the republican form of government they bestow.

H. G. Robertson,
Chairman,
J. Harvie Williams,
Secretary
(For the Board of Trustees, American Good Government Society).

April 25, 1965.

Mr. HOLLAND. On that occasion, in responding, after receiving that award, our distinguished colleague made a very fine address, and I ask leave at this time to have incorporated in the Record, as a part of my remarks, extracts from the remarks of Senator Hruska. Incidentally, with his accustomed modesty, he took out some humorous portions of it. I assure the Senate, however, that it was a very fine address, as Senators will see from reading it. It contained some fine comments. It also gleamed with humor and was full of good American commonsense and observations.

I ask unanimous consent to have those extracts from the remarks of Senator Hruska on that fine occasion printed in the Record at this point.

There being no objection, the extracts were ordered to be printed in the Record, as follows:

Extracts From the Remarks of Senator Roman L. Hruska on Receiving the 1965 George Washington Award of the American Good Government Society, Sheraton-Park Hotel, Washington, D.C., April 25, 1965

The introductory remarks of the senior Senator from Florida are most generous and highly appreciated.

It is truly rewarding to be closely associated with him in the Senate, in committee, and otherwise. Primarily, of course, because of the valued lessons one learns in the difficult and complicated task of creating sound legislation and rejecting unwise proposals. His long years of dedicated service over wide areas of public interest have made his mind and intellect a veritable treasurehouse of information and judgment. With ease he draws so precisely upon this past experience for almost any situation which might arise.

Over and above his activities as a lawmaker, however, are the human, compassionate qualities of which he is inherently and abundantly possessed.

It is always with genuine courtesy that he strives to be helpful to all with whom he works and believes to be sincere in the common effort to advance the work of the Congress. In fact, Senator Holland, while I thank you most deeply for your generosity, I would like to say that you seemed to have borrowed especially heavily from your ingrained gentlemanly and even courtly cooperation with your colleagues in doing so.

But I hasten to add that your remarks are most pleasant to my ears, as undeserved as they may be.

The American Good Government Society pays me high, but unearned, honor in selecting me for this award. The list of the previous honorees is in itself eloquent testimony to the richness of this distinction, and to the difficulty of measuring up to its high requirements.

I accept it because I aspire to deserve it, and shall keep trying to do so.

I accept it because, like you, I am completely committed to the principles which the society seeks to foster and defend—the principles of good government, of a government of laws administered by wise, able, and compassionate leaders and representatives responsible and responsive to the people; that is to say, a government truly by the people.

* * * * *

It is well that there exists a Good Government Society. Perhaps at no time in the 176 years since George Washington's first inaugural have we been more in need of a reminder of the proper role of government.

Today we are at a crossroads which will determine not whether we actually have one form of government or another, but even whether we will be able to debate a meaningful choice.

We are not talking about the survival of capitalism, or of constitutional government as systems—we are talking actually about their survival even as ideas.

Indeed when it comes to the great choice that we should be considering, our normal political and organizational activities are not of primary concern. We must first decide in our own minds, hearts, and souls what sort of nation we wish to have. Only then can our political and organizational efforts be directed powerfully and unswervingly toward fulfillment of that choice.

* * * * *

Our Founding Fathers made such a decision some 200 years ago.

They decided that man was meant to be free; to have a maximum opportunity to project throughout his entire life the equality he possessed when he was created; and to have opportunity to possess, develop, and enjoy those certain unalienable rights—life, liberty, and the pursuit of happiness—with which he was endowed by his Creator.

They decided to institute a government truly of the people, in order to make man's mission a reality.

To institute such a government, they had to strike down a government holding and exercising almost unlimited power based upon claimed divine right of kings. That government had been guilty of denying freedom to men. It had been guilty of a long train of abuses, "injuries and usurpations all having in direct object the establishment of an absolute tyranny over these States."

The Revolution won, government domination over the individual was banished. Shackles were stricken from human initiative. A nation was founded in which each citizen had certain rights which he could assert against everyone else, including his own government.

This was done by restricting and limiting the powers and the scope of government.

There followed the development of a people of many great capacities and attributes: a willingness, in fact an eagerness, to work diligently, for they knew that they could keep the fruits of their labor for their use in their own security and development; a desire to save and risk capital; acceptance of the disciplines attending frugality; a pride of accomplishment; an innate sense of justice; a civic responsibility; a social consciousness; a high respect for the dignity and worth of the individual.

The basis and the essence of their progress throughout was liberty. Without it, it would not have been possible to have free rein for their abilities, nor the attainment of their ambitions and aspirations.

Liberty, after all, is simply but effectively described as the absence of the domination by others. In Revolutionary days, the source of domination was the Royalist government which had brought about a concentration of powers into the hands of a very few, most of whom were not possessed of the intelligence, intellect, or moral fiber to use that power wisely or well.

It was from the Colonies' experience with that concentration of government power that there evolved the concept of a limited state.

Our Constitution is largely a bill of restrictions against government actions. It is concerned first and primarily with the freedom of people, not with the privileges of government.

That was our beginning: this grave concern with the power of the government. It was our reason for beginning. It was our reason for persisting. It was the reason for the Bill of Rights—the 13th amendment, the 14th and 15th amendments, and the 19th.

Let me remind you that it was a completely liberal attitude toward power. When our country began, and indeed in many parts of the world today, the liberal is one who opposes government power and stands for the freedom, dignity, and development of the individual.

How ironic that in this Nation, the one most clearly founded by responsible and reasonable opposition to coercive government power, the term "liberal" should now signify a person who most strongly wants the greatest government power and the least individual rights.

How did it get that way? The answer to such a question is another part of the story that we forget at the very real peril of understanding where we are today, how we got there and what we're going to do about it.

Woodrow Wilson once wrote: "The history of liberty is a history of resistance. The history of liberty is a history of the limitation of governmental power, not the increase of it."

The experience of the Colonies was a clear demonstration of this truth. But for most of its years this Republic of ours has gone Wilson one better. It has written the story of our liberty in terms of resistance to all huge concentrations of power, not only those governmental in nature.

* * * * *

Shortly after the Civil War there were stirrings of resentment against another kind of power—unbridled economic power.

It was a liberal attitude then to call for the protection of individual rights against the vast riches and the economic power flowing from them—power concentrated into the hands of a very few individuals, some of whom did not have the intelligence, the intellect, or the moral fiber to use it wisely or well. Regulatory laws were the response of the liberal concern with such abuses. The Sherman Antitrust Act, the Interstate Commerce Commission, Pure Food Act, licensing and supervision of insurance companies, Fair Trade Commission: these were some of the early ones, followed by others.

The task is a continuing one, as so many other human activities are; but the means were provided and the way was found to fight concentration.

* * * * *

A half century later, vast power began forming in strong national labor unions, and again into the hands of only a few, some of whom were not possessed of the intelligence, the intellect, or moral fiber to use these powers wisely or well. This concentration of power was the source of domination over others—members of those organizations, as well as the public. Again there was a response: Taft-Hartley Act, the Landrum-Griffin law, and other measures.

But the time the attitude labeled "liberal" faltered and failed to rally against the encroachment and evil of power concentration. Instead of resisting it, these so-called liberals supported that concentration and its exemption from the rules covering other concentrations of power.

* * * * *

In more recent days, we are witnessing another unprecedented concentration of power in the hands of Government. Again it has become a source of domination over others because of the huge fundings of public treasure, the increase in the scope of Government activities, and the consequent reduced scale of the individual in the pattern of things. The quality, stature, and progress of our society is being measured in terms of what the Government does, rather than in terms of the individual's freedom and all the attributes and benefits which flow from the absence of domination.

Again in this instance, the concentration of power has been into the hands of a few, some of whom are not equipped with the intelligence, intellect, or the moral fiber to use those powers wisely or well.

Truly a situation well within Woodrow Wilson's characterization of a chapter in the history of liberty, and certainly calling for resistance to and limitation of governmental power, not the increase of it.

But once more the liberal is found wanting and not in the ranks of those who champion the cause of opposition to authoritarian, paternalistic government.

The concept of the liberal has tragically altered. The political argument now advanced by him has abandoned individual rights and maintenance of limitations on governmental dominion.

Today's liberal not only fails to resist within the meaning of Wilson's "History of Liberty" but actually and earnestly espouses the further increase of the size, scope, and cost of government as the basis of liberty rather than as its natural antagonist.

The intrusion and domination of Federal power into the liberties of our people is undoubted. No longer do we talk about whether Federal agencies can be halted before they get too far into the city hall or the board of education offices. Now the talk is whether or not it is possible even to preserve the city hall or these offices; or whether city and school board officials will have to merge their offices with others already in the Federal building.

And, call it good or call it bad, the principle of balanced and decentralized government is being discarded today and all of its consequences—no matter how unthinkable—await us tomorrow.

We cannot avoid such a tomorrow simply by mumbling today that everything we do is for a good purpose—even if it does shatter the form of our freedom. No; good purpose cannot justify bad principle. When a civil rights leader, even in the noblest of causes and however sincerely, says that he will obey only such laws or court orders as please him—he is preaching a new anarchy. When a President, even in the noblest of causes, exempts himself or his government from constitutional restraints—saying, in effect, that he or it is the law—he is preaching a new anarchy.

It is the anarchistic attitude of appetite ahead of accomplishment, of organized pressure ahead of orderly society, of climatic urgency ahead of calm consideration.

It is the anarchy that says a central government is above the law and above all the people. It is the concept that says government must do things to and for people rather than being just an agency through which people together can perform those tasks which specifically they must do but cannot do individually or locally.

It is the anarchy of conscience that asks only if the momentary cause is good but never minds the consequences.

And it is precisely the sort of world in which all of us must live if we cannot change it.

Let me repeat: I said "change it." We can no longer afford the luxury of thinking that our chore is to preserve something. It is far from that. It is to rebuild and restore.

I regret, really, that some of us who feel this way are called conservative. I for one do not wish to conserve today's sort of status quo, this sort of accepted reliance upon great and concentrated power, this sort of subjection of the individual, the sort of collectivism which today is called consensus but which is really just conformity.

I do not wish to conserve that at all. I want to change it.

And change it we must. We must restore the balance that was lost. And in doing this we will restore the original meaning of the word, "liberal."

Throughout our existence as a Republic, it has been the liberals who resisted first the concentration and then the abuse of power, whether in government, business and industry, or in the labor movement.

It was the liberals who fought for reform, who championed the cause of freedom for which this, the most nearly perfect of the world's systems of self-government, was created.

It is in the spirit of that renewed determination to bring about such restorations, as well as with deep gratitude that I accept this award.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. STENNIS. Mr. President, may I ask the majority leader if there will be a vote on the pending question tonight?

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished Senator from Delaware [Mr. WILLIAMS], and the Senate, let me say that there will not be a vote.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, I am willing to have a vote this afternoon.

I was afraid that the majority leader might be laboring under a misunderstanding. So far as I am concerned, I am glad to vote now. I have explained the amendment. I have not heard any valid objections to it. I think we should get along with the business of the Senate. I am wondering if we cannot get to a vote this afternoon. It is only 3:30 p.m.

Mr. MANSFIELD. The Senator is most intuitive in his reasoning, as always. He has been ready to vote since Wednesday of last week. I know that he has shown his usual patience and courtesy in postponing a vote on the amendment from day to day. I would hope, with the Senator's concurrence, that we could vote on this amendment Wednesday, Thursday, or Friday of this week. I would hope in the meantime he would allow us to hear some speeches from the Senators who are opposed to the pending legislation.

Mr. WILLIAMS of Delaware. I have no objection to permitting Senators who wish to do so to speak, but this is a rather important bill, and I know the administration and the leadership are very anxious to bring it to a conclusion.

Mr. MANSFIELD. As is the Senator from Delaware.

Mr. WILLIAMS of Delaware. As is the Senator from Delaware. This cannot be done until we vote. We cannot vote on the bill until we dispose of the amendments. It would be helpful if we could start voting on this amendment. I was hoping to get a vote on my amendment today, but I must abide by the decision of the leadership.

Mr. MANSFIELD. The Senator does not have to, but, as the Senator knows, we have been considering the bill since Wednesday, and on Thursday, Friday, Monday, and today, Tuesday, and we have not heard the first speech from Senators in opposition. I would not want the Senate to forego that pleasure.

Mr. HOLLAND. Mr. President, may I say, in respect to that comment, that we have not had a full explanation by the proponents. They have been shy about expressing themselves. We have not had a full exposition of the bill. I would be glad to hear it at any time.

Mr. WILLIAMS of Delaware. Nor have I heard of any objections to my amendment which is the pending business. I was sure it would be noncontroversial. I do not think there is any objection to it, and we can proceed to a vote on it today.

Mr. MANSFIELD. Will the Senator exercise a little more patience?

Mr. HOLLAND. Mr. President, did the majority leader answer the question of the Senator from Mississippi?

Mr. STENNIS. I asked the leader if there would be a vote today, and he answered in the negative.

ARMY EQUIPMENT AND MATERIEL

Mr. STENNIS. Mr. President, during his press conference yesterday on Vietnam, in response to a question, Secretary of Defense McNamara stated that there were no plans at this time to increase equipment procurement over previously established levels. He gave assurance that our procurement of aircraft and conventional munitions, bombs, and ammunition was adequate at the present time and that procurement would be initiated immediately if replenishment was needed.

I have been seriously concerned about the Army's equipment and materiel situation for some time. This is a matter of great importance which is now the subject of a special investigation by the Preparedness Investigating Subcommittee. We expect to hold hearings on it in the near future.

My present concern is not so much the fear that shortages will exist in South Vietnam itself in the immediate future, although that situation must be watched very closely. Secretary McNamara has given assurance that our people in Vietnam have first claim on our entire Military Establishment and have a blank check to draw against. I believe that to be true.

However, my concern is directly related to our operations in Vietnam and the effect which these operations have on the overall Department of the Army procurement and funding.

The fact is that the requirements for our operations in Vietnam are not separately or specifically programed for and funded. The same thing is true with respect to the prepositioned equipment and the equipment provided for the 11th Air Assault Division. These extraordinary requirements are considerable. They must be met by the withdrawal of funds, equipment, personnel, and other assets from the Regular Army inventory. As has been said, they "come out of the hide" of other Army combat forces.

The impact which this has had and will have on the Army as a whole must be inquired into very thoroughly. In other words, our forces in Vietnam could very well be amply supplied and equipped. However, if the supplies and equipment are taken from other high priority combat units and creates shortages in them, the readiness and combat effectiveness of these units could be impaired. The longer the fighting in Vietnam continues and the more it escalates the more acute the problem could become.

Therefore, in order to view the problem in its proper perspective, it is necessary to look at the overall equipment and materiel status of the Active Army. The entire picture is not revealed by looking at Vietnam alone.

Therefore, as I have previously advised the Senate, the staff of the Preparedness Investigating Subcommittee is currently engaged in making a thorough and complete study of the combat and materiel readiness of the Army combat divisions and units. An important part of this study is the impact which the demands and requirements of the Vietnam operations and other unprogramed requirements have had and will have upon other Army combat forces. As soon as our consideration of this important matter has been completed, an appropriate report will be made to the full Committee on Armed Services and, through it, to the Senate.

ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in adjournment until 12 o'clock noon tomorrow.

There being no objection, the Senate (at 3 o'clock and 42 minutes p.m.) adjourned until tomorrow, Wednesday, April 28, 1965, at 12 o'clock meridian.

* * *

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 27, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., used Job 12: 13: *With Him is wisdom and strength, He hath counsel and understanding.*

Almighty God, give us a clearer vision of the majesty and might of democracy and may we long to disseminate its spirit by making it more comprehensive and catholic, more forceful and fruitful for the welfare of humanity.

Grant that our democracy may not merely be a beautiful doctrine, proclaiming lofty ideals and principles but a dynamic manifesting itself in deeds of concern and cooperation and seeking to minister sympathetically and sacrificially to all who are struggling for freedom and justice.

May our President, our Speaker, and our Members of the Congress, who are entrusted with a high vocation, be blessed with wisdom and understanding and be equal to every crisis and calamity which now confronts our beloved country.

Endow them with a great faith in the cohesive power of love and good will and may they believe that mutual regard and respect will bridge the chasms which still divide the members of our Republic.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PERSONAL ANNOUNCEMENT

Mr. BALDWIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BALDWIN. Mr. Speaker, I was granted leave of absence by the House of Representatives for the period from March 29 to April 15 on account of illness. For that reason I was unable to vote on rollcalls Nos. 57, 58, 60, 62, 63, 64, 66, 70, 71, 72, 74, and 76.

Had I been present, I would have voted "yea" on rollcalls Nos. 57, 58, 60, 62, 63, 64, 66, 71, 74, and 76. I would have voted "nay" on rollcalls Nos. 70 and 72.

SUBCOMMITTEE ON COMMERCE AND FINANCE OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUBCOMMITTEE ON TRANSPORTATION OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Transportation of the Committee on Interstate and Foreign Commerce may be permitted to sit during general debate today while the House is in session.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 77]

Ashley
Baring
Blatnik
Bow
Brademas
Burton, Utah
Clawson, Del
Clevenger
Conyers
Cooley
Culver
Dent
Edwards, Calif.
Everett
Farnsley
Flynt
Gathings
Giaimo
Goodell
Green, Oreg.
Hagan, Ga.
Halpern
Hanna
Hansen, Wash.
Hawkins
Holland
Ichord
Jarman
Jones, Ala.
Lipscomb
Long, La.
Long, Md.
Mathias
May
Mink
Morrison
Morton
Nix
Passman
Powell
Resnick
Rivers, Alaska
Rogers, Tex.
Ronan
Roybal
Scheuer
Schisler
Scott
Sisk
Springer
Steed
Teague, Tex.
Toll
Tunney
Van Deerlin
Waggonner
Weltner
White, Idaho
Wright
Young

The SPEAKER. On this rollcall, 372 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INCREASING THE INTERNATIONAL MONETARY FUND QUOTA OF THE UNITED STATES

Mr. BOLLING. Mr. Speaker, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6497) to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BOLLING. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. CRAMER].

ANTI-VOTE-FRAUDS BILL

Mr. CRAMER. Mr. Speaker, I am introducing today a bill that will have the effect and purpose of making it a crime to steal votes in America. It is the same as the amendment which I offered in the subcommittee of the Committee on the Judiciary considering the voting rights bill. It will be offered by me in full committee at the first opportunity. It, in effect, makes it a crime to give false information in connection with registering to vote, to pay or accept payment for registering, or for voting, or to alter any ballot or voting record with respect to a Federal election.

While the recent emphasis has been on so-called voting rights, any legislation enacted would be meaningless if votes are canceled by others illegally cast, if voters are illegally registered to vote, or if votes cast are not counted properly.

My bill would apply to Federal elections and make it a Federal offense for anyone to give false information as to his name, address, or length of residence in a particular election district. Under the terms of the bill it would also be a Federal offense for anyone to conspire with another to register falsely or to vote illegally, or to offer or accept money or something of value in exchange for registering or voting.

The bill would also make it a Federal offense for anyone to destroy or alter any ballot or record of voting made by a voting machine or otherwise or to fraudulently count or fail to count any vote in a Federal election.

Penalties for violation would be fines up to $10,000, imprisonment up to 5 years, or both.

Certainly, there are many examples of such voting abuses to be found in many parts of the United States. We cannot forget the famous incident in Chicago in the 1960 election when in one precinct 82 votes were cast although the voting list showed only 22 qualified voters as an example. This legislation would be effective to correct such abuses—to guarantee a man that the vote he casts will be cast in a clean election, will not be diluted by an illegally cast ballot, and will be properly counted and tabulated.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from New York [Mr. CAREY] for the purpose of making a unanimous-consent request.

SUBCOMMITTEE ON LABOR, COMMITTEE ON EDUCATION AND LABOR

Mr. CAREY. Mr. Speaker, on behalf of the gentleman from New Jersey [Mr. THOMPSON], I ask unanimous consent that the special Subcommittee on Labor of the Committee on Education and Labor may be permitted to sit during general debate today for the purpose of continuing hearings on the bill for the creation of the National Technical Institute for the Deaf.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

A BILL TO LOWER RETIREMENT AGE OF JUDGES

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from Arizona [Mr. SENNER].

Mr. SENNER. Mr. Speaker, in 1958 the Congress of the United States enacted Public Law 85-593 to provide that chief judges of circuits and of district courts in the United States should be the senior judge in active service under 70 years of age.

I do not claim that judicial usefulness in the decision of cases is lost at any particular age and I think it is good that our Federal judges are appointed for life; that is, during good behavior.

Inquiries indicate that "senior under 70" has accomplished a lot and is encouraging some voluntary retirements at 70. This permits a new man to come on and still lets the retired judge continue working. Many of the retired judges are making great contributions to the disposition of the total judicial load which is heavy throughout the country.

The functions of a chief judge, above his decision of cases, are largely administrative. It has been found, I believe, that it has worked well to confine the administrative work to those under 70. It is my belief that further benefit will attain if we move the age limit down to 66.

Judges under 50 years of age at the time of their appointment become eligible to retire at 65. Perhaps my bill might encourage a few retirements during judges' 65th years. I do not mean retirement to do nothing, for more of them keep on working about as before with honor, dignity, and dedication.

An effective date of 5 years hence is used in the bill because we should not move precipitately in the field. As drawn, no judge can rightly claim that the bill is aimed at him personally. Bills aimed at individuals are usually bad bills. This is a good bill.

For the record, may I say that I would oppose the bill if it provided for immediate effectiveness or effectiveness on short notice.

Mr. BOLLING. Mr. Speaker, this resolution provides for the consideration of, under a 2-hour open rule, the bill, H.R. 6497, which provides for an increase in the U.S. contribution to the International Monetary Fund.

Of course, this matter is always somewhat controversial, but I know of no controversy over the rule itself and, therefore, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Missouri, my colleague on the Committee on Rules [Mr. BOLLING], has explained, this resolution makes in order consideration of the bill which will increase the contribution of the United States under the so-called Bretton Woods agreement to the International Monetary Fund by $1,035 million.

Under the provisions of the rule, the measure will be debated for not more than 2 hours under an open rule and the usual rule of at least 5 minutes on each side for each amendment in the Committee of the Whole.

Mr. Speaker, H.R. 6497 is a controversial piece of legislation. I believe the last time the House took action on legislation of this type was some 6 years ago, in 1959, when the contribution of the United States to the International Monetary Fund was increased, as the result of congressional action, by about 50 percent.

It was with a great deal of hesitation and some concern that I personally supported that legislation, after I thought I had every assurance by those who were supporting the measure, that it would be the end of the road and there would be no further requests for increased American contributions to the International Monetary Fund.

Since that time, so far as I can ascertain, while the Fund has been used a great deal by other countries, there is little evidence that the United States has received much benefit from the Fund, with possibly one or two short exceptions. Instead, the money the United States has put in has been depleted to help other nations, other countries, other governments.

It is difficult to understand the bills which deal with international monetary matters. This legislation is involved but as I understand it, the legislation carries a provision that the United States of America, out of the $1,035 million of new money to be contributed to the International Monetary Fund, will contribute $250 million in gold, believe it or not, at the very time when our gold supply is insufficient to meet our commitments around the world and here at home.

I received a statement this morning from the Treasury of the United States. I have it in my pocket. It shows that on April 21 we actually had in gold $14,413,063,531.38. Of this, $250 million worth would be sent overseas to be used by somebody else.

I know that those who sponsor the legislation will tell us that by some fancy manipulation or legerdemain the gold will be shifted around and in the end probably will come back and be deposited. Nevertheless, this will be a charge against our gold reserves at a time when we have barely enough gold reserve in this country to guarantee the security, at 25 percent of face value, of our circulating currency.

This is soon after—only a few weeks after—this Congress, at the request of the administration, amended the Federal Reserve Act of 1913–14 to take away, for the first time, the gold support that guaranteed the safety and security of money deposited in the Central Federal Reserve Bank by the member banks in this country. It is this gold support which gave to the Federal Reserve Bank System the strength and sinew that has made our banking system the strongest and the best in the world.

I predicted on the floor of this House—I believe on February 8—that if we continued losing our gold reserves, and if the balance-of-payments deficit were permitted to continue to grow, the time would come, and it would be in only a year or so, when the next step to reduce the gold support behind the American dollar would have to be taken.

The finger of destiny is writing on the wall now. We should have sense enough, judgment enough, wisdom and prophesy enough, to see it today.

I say to you that I, for one, cannot go along with this legislation.

I know there are those across the sea that would love to have this fund built up because they would like to borrow from it. I do not know how true it is, but I have read in the international reports, statements to the effect that our friend Kwame Nkrumah in Ghana would like to get $3 billion from the Fund. We are only going to put in $1,035 million. I understand that perhaps realizing the fact that it would be difficult to get it from someone else, he has let it be known through the financial channels of the world that he would be perfectly willing to accept $800 million. As far as I am concerned, he does not get any of our money if I have anything to say about it. There are others just like him. When you get right down to the basic facts of the matter—and we might as well admit it and realize it—this is just another $1 billion of foreign aid, call it what you may. I hope some of us will learn that with the $100 billion or more that has been spent on these programs we have not gained the peace we seek, we have not secured the friends we would like to have in this world. I hope that what I have said will not be misunderstood. I do not believe in isolationism. I believe that America is the leader of the free world as far as the strong nations are concerned and will meet its responsibilities, but I believe our international relationships, if they are to be sound and are to continue and are to be worthwhile, must be conducted in enlightened self-interest. Until and unless we do that, it will be of no lasting benefit either to those to whom we extend a helping hand or to ourselves. I hope that somehow or other this House of Representatives today will say that we have gone far enough and this is the time to stop for awhile. Let use conserve our gold reserves. Let us see if the world cannot get along for a little while without more American money and more American aid.

I know we are going to listen to the dulcet tones, the sweet voices of those who talk about international love and understanding but now is the time to put just a bit of practicality into our thinking. Remember that while we want to be fair to those in other lands, we also have a great and growing responsibility for those who sent us here to represent their best interests in this Chamber.

Mr. Speaker, I now yield 10 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I should like to ask someone in charge of this bill why it is before us. For what reason is this bill here?

Mr. REUSS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. REUSS. Mr. Speaker, as a member of the subcommittee which has been active in the preparation of this bill, I should be glad to answer the gentleman from Iowa. There are good reasons, in the self-interest of the United States, as to why this bill is here. Those reasons are that this country needs to protect its international balance of payments. One of the most precarious items in our international balance of payments is the short-term movement of capital. Short-term capital tends to move very largely because people are concerned about the dollar and have fears, however unreasonable and unfounded, that the dollar might be devalued. Therefore, to the extent that we can increase our drawing rights, as we do, to the tune of more than $1 billion under this measure, in the International Monetary Fund, we can allay fears about the future of the dollar. That is why in essence I believe this is a good bill, and does not go far enough.

Mr. GROSS. What was the phrase the gentleman used? Increase our what?

Mr. REUSS. Increase our drawing rights under the International Monetary Fund. Our drawing rights are our rights to go to the Fund and get the scarce hard currencies which are now so much in demand in the world; namely, the French franc, the deutche mark, the Belgian franc, the Swiss franc, the Italian lira, and one or two others which are highly in demand and of which the Fund, unfortunately, is now in very short supply.

The big point to recognize is that this will enable the Fund to replenish itself with those scarce and desirable continental currencies.

Mr. GROSS. Have we not been buying French and Swiss francs?

Mr. REUSS. The only way we can buy French francs and Swiss francs is with gold, with the deleterious effect which was pointed out by the gentleman from Ohio [Mr. BROWN]. If we can get this quota increased through the International Monetary Fund, we then can get those valuable, scarce continental currencies by paying for them with dollars, which is, of course, very much to our advantage.

Mr. GROSS. But we are putting another $259 million in gold into this Fund, are we not?

Mr. REUSS. But with the $259 million in gold we get access to $1¼ billion of scarce foreign continental currencies which means that we are getting a 5-for-1 return on our hard reserve investment, which is a very good deal. I wish it went further. I wish it were even a better deal.

Mr. GROSS. I wish I could believe that this was a favorable deal, but I certainly do not. We have already put $4,125 million into this Fund, is that correct?

Mr. REUSS. That is the extent of our quota. We have not actually put that in. We have already put in the gold portion of it.

Mr. GROSS. We are committed for $4,125 million to this Fund, is that correct?

Mr. REUSS. It is technically correct, but the Fund is now so overladen with dollars that it is unreasonable to suppose that any call upon us for this would be made for some years. But I do not want to quibble with the gentleman. This is a legal obligation of ours.

Mr. GROSS. It is a legal obligation. And the $1,035 million provided under the terms of this bill would increase our part in this Fund to something more than $5 billion; is that correct?

Mr. REUSS. That is entirely correct.

Mr. GROSS. Our commitment to this Fund would be more than $5 million. Now, as to the number of countries, that has been increased to what—102 or 121?

Mr. REUSS. 102.

Mr. GROSS. And if they meet their quotas—and this is a big "if," a big i-f, is it not?

Mr. REUSS. If they do not meet their quotas, then they are out in the cold, because they will not have any drawing rights.

Mr. GROSS. The Fund is going to $21 billion?

Mr. REUSS. Yes.

Mr. GROSS. Including our $5 billion?

Mr. REUSS. Yes.

Mr. GROSS. So that 101 other countries would have a commitment to this fund of $16 billion, approximately, is that correct?

Mr. REUSS. That is correct.

Mr. GROSS. Why in the world do they not put up far more than they did in 1959, far more than they are putting up under the terms of this bill? Why do we carry the lion's share, or approximately one-quarter of the total Fund?

Mr. REUSS. There are two answers to that. The first answer, and an important one, is that our drawing rights on the International Monetary Fund are usable and valuable only insofar as there is in the treasury of the International Monetary Fund these scarce, hard convertible continental currencies that have been previously alluded to.

The cupboard is almost bare now. The replenishment will mean that there will be something meaningful there.

The second answer is that I to a large extent agree with the gentleman from Iowa that the French, the Belgians, the Dutch, and others might well have been more generous in their quota contribution to the Fund. True, they gave the same percentage we did, 25 percent, but there were 16 other countries, including—to do them justice—West Germany, Austria, Ireland, Israel, and many other smaller and larger countries, which gave more than their 25 percent.

I agree with the gentleman from Iowa that the French, the Dutch, the Belgians, and some others could well have taken the lead from these other little countries and given more than their 25-percent quota.

If the gentleman from Iowa will read the report which has been prepared by the Committee on Banking and Currency the gentleman will find that we speak quite stingingly of the failure of other countries to put in what we regard as their fair share.

Having said all that, however, despite the relative niggardness of some of the countries I have mentioned, they are nonetheless altogether putting in more than $1 billion worth of these scarce lira, francs, and deutsche marks about which we are talking, and this is as good as gold.

Mr. GROSS. Right here is where the gentleman from Wisconsin and the gentleman from Iowa come to a parting of the ways. You say in a report—and there are far too many reports accompanying bills around here that are critical of the failure of others to do their share—to criticize and say, "You ought to have done better." But then you turn right around and dig into the pockets of the taxpayers of this country to put up more money to make up for their discrepancies and failures to meet their obligations. That is where the matter ends except that Americans are gouged again.

So here today you come right back full circle, back to the report which states, "We do not like what you did not do in the past," but here again we are going to crack the whip over the backs of the taxpayers of this country in order to make up the deficit for the failure of others to meet their responsibilities.

I do not like it. I agree wholeheartedly with the gentleman from Ohio [Mr. Brown] in his earlier remarks in opposition to the bill.

Mr. REUSS. I hate to hear the gentleman say that the gentleman from Iowa and the gentleman from Wisconsin are about to cease their fruitful cooperation on the floor of the House, but if that be so, then it has to be.

Mr. GROSS. I will say to the gentleman from Wisconsin that there never was any cooperation between the gentleman from Iowa and the gentleman from Wisconsin over the foreign giveaway program, because the gentleman from Wisconsin is much too liberal for me in that respect.

Mr. REUSS. Let me say to the gentleman from Iowa that in his zeal to be illiberal, he defeats his own purpose, because the ironic thing about this bill is, as I said earlier, though the French, the Belgians, and the Dutch have been niggardly, nevertheless, taking the thing altogether, this is an extremely good deal for the United States.

Mr. GROSS. I am sure it is. Some people think all foreign handout programs are good deals. I do not.

Mr. REUSS. If the gentleman from Iowa wants to pursue a course of voting against something which puts us on the trail of $1 billion, or more, of hard currencies, he is doing his principles a disservice.

Mr. GROSS. The gentleman from Wisconsin is operating exclusively on my time, and I do not get too much of it on some occasions.

But the $4 billion we have already put into this fund, where has it disappeared to? What happened to it?

Mr. REUSS. Our bread upon the waters has been returned, because the IMF now not only has the dollars which we put into it, but has financed more than $1 billion for us in addition. They could not be more of a good neighbor than they are on that. It is greatly to our advantage. The gold is over there and we have a claim on it.

Mr. GROSS. I am glad to hear the gentleman say that. I would like it a whole lot better if the gentleman said that the gold was still at Fort Knox and our dollars were over here in the U.S. Treasury.

Mr. REUSS. The gold is in the Federal Reserve Bank right in New York, and if the gentleman from Iowa will come up there sometime I shall show it to him.

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. BOLLING. Mr. Speaker, if the gentleman from Ohio has no further requests for time, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON THE JUDICIARY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read as follows:

H. Res. 317

Resolved, That, for the purposes of the studies specified in clause (1) of H. Res. 19, Eighty-ninth Congress, approved by the House of Representatives on February 16, 1965, the Committee on the Judiciary is hereby authorized to send seven of its members and two of its employees to Europe, and to attend the twenty-fifth session of the executive committee and the twenty-third session of the Council of the Intergovernmental Committee for European Migration in Geneva, Switzerland. The subcommittee is authorized to sit and act whether the House has recessed or has adjourned, and to hold such hearings as it deems necessary: *Provided,* That the subcommittee shall not undertake any investigation of any subject which is being investigated by any other committee of the House.

Notwithstanding section 1754 of title 22, United States Code, or any other provision of law, local currencies owned by the United

States shall be made available to the Committee on the Judiciary of the House of Representatives and employees engaged in carrying out their official duties under section 190(d) of title 2, United States Code: *Provided*, That (1) no member or employee of said committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954, as amended by Public Law 88–633, approved October 7, 1964; (2) no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) no appropriated funds shall be expended for the purpose of defraying expenses of members of said committee or its employees in any country where counterpart funds are available for this purpose.

That each member or employee of said committee shall make to the chairman of said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation, if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. Mr. Speaker, I yield 30 minutes of my time to the gentleman from California [Mr. SMITH], and at this time I yield to the gentleman from Iowa.

Mr. GROSS. I did not catch the number of junketeers provided for in this resolution.

Mr. BOLLING. The language of the resolution is as follows:

> The Committee on the Judiciary is hereby authorized to send seven of its members and two of its employees to Europe.

Mr. GROSS. So the total is nine who will take this junket.

In the face of the President's edict that American tourism to foreign countries ought to be curbed this year, would this resolution apply?

Mr. BOLLING. The gentleman from Missouri is only able to speak of the language of the resolution. This resolution is one which has been passed I think all of the years that the gentleman from Iowa and I have served here together. It is a resolution that makes possible a trip of a number of people on the Judiciary Committee to pursue the object laid down by our late colleague, Mr. Francis Walter, in this particular intergovernmental committee which, I understand, has been of great value to many hundreds of thousands of people.

Mr. GROSS. I am glad to hear it has some value, but is this not the first year we have had the President of the United States importuning the people of the country not to go abroad, to conserve dollars, keep them at home, see America first? I wonder if these congressional junketeers could stay in this country this year and save and spend the dollars here at home?

Mr. BOLLING. I think the only difficulty with that is the intergovernmental committee plans to meet in Geneva, Switzerland.

Mr. GROSS. We might invite them over here. Finally, would I be criticized by the President for voting for this resolution to send a congressional delegation abroad?

Mr. BOLLING. The gentleman from Missouri would have to say to the gentleman from Iowa he feels the President of the United States is perfectly competent to speak for himself.

Mr. GROSS. I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the money in this resolution is largely counterpart funds. It will not take any gold out of the country. This is a real fine organization. I heartily support the resolution. It agrees with our procedure followed every year, and I urge its adoption.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING THE INTERNATIONAL MONETARY FUND QUOTA OF THE UNITED STATES

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6497, to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6497, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. PATMAN. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, if anyone wants to know additional good reasons why this bill is before us, I invite his attention to the commencement of the hearings on this bill, page 1, a statement of President Johnson. There are good reasons on page 2 why this bill is necessary. Anyone who desires to know the different participating countries in the IMF, I suggest that you turn to page 25 of the hearings.

May I invite your attention further to the fact that these participating countries do not include any Communist bloc countries. Their are countries that have private enterprises that will be helped by the passage of this bill. Those of us who desire to promote the private enterprise system can carry forward our philosophy and good intentions by voting for this bill.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Missouri.

Mr. CURTIS. I turn to page 25, and I see immediately Yugoslavia is listed.

Mr. PATMAN. I said Communist bloc countries. There is only one country that would be considered a Communist country but it is not a Communist bloc country. Communist bloc countries are not included here. But generally Iron Curtain countries are excluded. Yugoslavia is a small exception and it is not a bloc country. So if you want to encourage the private enterprise system, I suggest that you seriously consider not opposing this bill but actually voting for it in order to express your interest in the furtherance of the private enterprise system in all the free countries of the world. That is what this bill is for.

Mr. Chairman, H.R. 6497 authorizes the U.S. Governor to the International Monetary Fund to consent to an increase of $1,035 million, in the quota of the United States in the Fund and would authorize the appropriation of this amount.

The purposes of the International Monetary Fund is primarily one of facilitating the expansion and balanced growth of international trade. Such stability and balanced growth contributes to the promotion and maintenance of high levels of employment and income in all of the member countries of the Fund.

At page 25, that I referred to, you will also notice the proposed quota increase of all these countries. I know you will be agreeably surprised to find that there are substantial increases made by countries way beyond their quotas because they realize the importance of the International Monetary Fund particularly to private enterprise in their respective countries.

The Fund accomplishes this objective by making its resources available to member countries. This allows them to make needed adjustments in their balance-of-payments position without resorting to measures that would be destructive to national or international trade and economic prosperity.

The proposed increase in quotas for members is a general increase whereby each country that is now a member of the Fund would participate. These increases will not take effect unless the Governors with 80 percent of the votes cast them affirmatively on this proposition. Furthermore, the increases will not become effective unless and until countries with two-thirds of the quotas at the present time agree to their increases.

This bill would raise the U.S. quota, assuming the above qualifications are met, to an amount of $5,160 million. The total quotas of all countries will be increased to $21 billion if all members agree to their proposed increase.

The current necessity for this increase comes about primarily as a result of the increased volume of international commercial and financial transactions plus the substantial increase in the magnitude of fluctuations in payments balances. The substantial growth of the world economy and international trade alone dictates the desirability of increasing the resources of the Fund to deal with the obvious immediate payment imbalances that occur from these international transactions.

In this connection I might add that the United States enjoys a very healthy trade surplus. In 1964, according to preliminary figures furnished me by the Department of Commerce, U.S. exports exceded our imports by over $8 billion. So it is quite plain that since we are a leading trading nation, measures taken to encourage world trade can only benefit the position of the United States.

During the hearings on this legislation, many of the committee members were concerned over the inadequacy of the proposed increases for some member countries. As Secretary of the Treasury Dillon stated during the hearings:

> The current proposal can only be considered as an obviously essential but barely minimal step in strengthening the international payments system.

It was the feeling of many of the committee members that in several instances a number of countries have fallen far short of meeting their responsibilities for contributing to the supply of international credit.

In the committee's report specific mention is made of several of these countries. It should be pointed out first that in addition to the general increase in quotas of 25 percent, the report of the Executive Directors of the International Monetary Fund provides for special increases in the quotas of 16 members, including Germany, Canada, Japan, and Sweden. Italy had previously obtained a special increase almost doubling its quota in early 1964. These special increases will be helpful to the International Monetary Fund and its members by increasing these quotas to bring them more in line with the relatively greater improvement in their economic positions in the world since the last quota increase in 1959.

Countries which in the judgment of the committee have fallen short of meeting their responsibilities in contributing to the supply of international credit are France, the Netherlands, and Belgium, in particular. These countries have not agreed to any special increases in their quotas, even though they enjoy high levels of prosperity, strong balance-of-payments positions, and substantially improved levels of international reserves.

Recognizing that some progress is better than no progress at all, the committee concluded that an increase of the U.S. quota to a total of $5,160 million as part of the increased subscription by all members of the Fund would be in the interest of the United States and contribute to the monetary and financial stability of the world economy.

Support for H.R. 6497 in the committee was almost unanimous. However, the minority members of the committee felt called upon to issue some supplemental views. It should be pointed out, however, that even though the minority issued supplemental views, they support the bill because of their conviction that the International Monetary Fund "has and will continue to serve a vital role in international monetary cooperation."

The supplemental views of the minority spoke to a number of issues which I believe require some comment and observation. First, mention was made of our serious balance-of-payments problem. This is a matter which the administration has been keenly aware of and as a result of the several programs instituted in the last several months there is every indication that effective measures have been taken to reduce our balance-of-payments deficit.

Second, the members of the committee recommended further limitation on our foreign aid expenditures as a result of reducing balance-of-payments deficit. It should be pointed out that in the administration of the aid program the United States has tied our assistance to purchases of goods and services in the United States. Over 85 percent of all new aid commitments are so tied. In 1964 dollar payments abroad under the aid program were down to about a half billion dollars out of a total of $2 billion, and this relative amount is being further reduced.

Further, the minority members of the committee make some critical comments about steps that have been taken to halt the outflow of capital. It is recognized that the President's program in this respect is temporary in nature, but necessary due to the situation that has developed in the last few years. Congress did pass the interest equalization tax and the President has invoked the powers under the Gore amendment to apply the tax to bank loans of maturity of 1 year or more. The voluntary program under the Federal Reserve guidelines should further curb the unusual drain on our balance of payments resulting from capital outflows as should the activities in this same manner which the other departments are carrying out.

It is important to note that the administration has stated that at no time do they regard this check on the outward movement of capital as a desirable permanent feature of our economic system or of our international financial relations. These measures are all temporary in nature, but currently are needed to help bring about quick action in restoring our balance of payments position to a favorable level. Finally, the supplemental views are critical concerning the arrangements made for mitigating the impact of gold payments to the Fund under the proposal for increasing quotas. No doubt these arrangements are complicated, but they are intended to reduce to a minimum the effect of the quota increase of other countries on the gold holding of the United States.

Your Committee on Banking and Currency has followed the operations of the Fund since it was established and has previously recommended, in 1959 and in 1962, favorable action on proposals for increasing the resources of the Fund. In summary, in considering the present bill, we were very much concerned with the budgetary and balance-of-payments effects of the proposed increase. We were impressed with the fact that this proposed quota increase makes special arrangements to minimize the impact of quota increases on United States reserves. We noted that budgetary provisions have been made for payment of the U.S. subscription, and that a letter of credit would be issued to the Fund for the dollar portion of the subscription. It is not expected that expenditures under this letter of credit will be required in the foreseeable future. The gold subscription of $258.75 million will constitute an expenditure at the time the increased U.S. quota becomes effective. This gold payment will not, however, adversely affect the balance of payments, since our "gold tranche" position in the Fund, which is part of our international reserves, will be increased exactly by the amount of our gold payment, and will be available for use if needed.

President Johnson, in his letter transmitting the legislation, said in part:

> The International Monetary Fund has played a key role in the flourishing economic growth experienced by the free world in the last two decades. An expansion of the Fund's resources is now needed if it is to continue to contribute effectively to free world growth in the future.

The National Advisory Council on International Monetary and Financial Problems, established under the Bretton Woods Agreement Act to coordinate our policies in relation to the Fund, has strongly recommended action to increase the U.S. quota.

Secretary of the Treasury Dillon, as Chairman of the Council and U.S. Governor of the Fund, in his testimony before the committee, urged adoption of the bill as did the Board of Governors of the Federal Reserve System. Two outside academic witnesses also supported the legislation, in addition to the American Bankers Association, the AFL-CIO, and several individual commercial banks.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Missouri.

Mr. CURTIS. Mr. Chairman, I just want to take this time to commend the gentleman from New Jersey and the other Members of the minority for their very well written and thoughtful supplemental views. It is one of the finest jobs I have seen.

Mr. WIDNALL. I thank the gentleman for his comment.

Mr. Chairman, during the 18 years that the International Monetary Fund has been in operation, member countries have drawn $9 billion of currencies to assist in financing balance-of-payments deficits. Only slightly over half of these drawings were made in U.S. dollars. Prior to 1960 the dollar was the currency most used for drawings from the Fund. However, since then, with reestablishment of external convertibility of the currencies of the other leading industrial nations, greater use has been made of their currencies for Fund drawings than has been true of the dollar. In the 5-year period 1960–1964 inclusive, dollar drawings from the Fund amounted to $1.5 billion or only approximately 27 percent of the $5.6 billion drawings from the Fund in all currencies.

This is one international operation in which we engage in which the United

States no longer has to provide the preponderance of the assistance made available. It is also the one international operation in which we engage through which the United States directly has participated in benefits of being a member of the organization. The Fund has sold gold to the United States for dollars and since February 1964 the United States has drawn approximately $600 million of various foreign currencies to absorb foreign dollar holdings which otherwise might have become a drain on our gold stock.

The Fund, of course, does not directly finance foreign trade; that is done by countries themselves and by their private banking systems. What the Fund does do is assist in the financing on a 3- to 5-year basis of balance-of-payments problems as between surplus and deficit countries. In this manner the Fund assists in promoting stability in exchange values which in turn facilitates expansion of world trade.

Postwar expansion in world trade has been strong. The Fund has had a part in this good showing but by no means the only one. For instance, the $9 billion drawings from the Fund are dwarfed by the more than $100 billion of foreign aid which the United States itself has pumped into the economies of the world in the postwar period. The $1.4 billion of drawings from the Fund in 1964 is a modest sum indeed compared with world imports totaling $156 billion last year.

Postwar stability in exchange values of world currencies has been relatively good. But again it would be in error to give all the credit to the Fund for this achievement. At the time of the Suez crisis in 1956 standby credits of $1.8 billion were made available to the United Kingdom; of this, $1.3 billion was from the Fund and $500 million from our own Export-Import Bank. In the 1961 run on the pound, following the Dutch and German revaluations of their currencies, the United Kingdom drew $1.5 billion of currencies from the Fund and refinanced $910 million of short-term loans which promptly had been made available to the United Kingdom by European central banks at the start of the crisis. In the Canadian crisis of June 1962, standby credits of $1.05 billion were made available to Canada. Of that total, $300 million was from the Fund and $650 million from U.S. sources including $400 million by the Export-Import Bank. To assist the Italians in their March 1964 stringency, credits of $1.2 billion were mobilized. Of that sum $225 million was from the Fund, $250 million from Germany and the United Kingdom, and $733 million from the United States, including $200 million from the Export-Import Bank. In the British crisis of last November, Austria, Belgium, Canada, France, Germany, Italy, Japan, Netherlands, Sweden, Switzerland, the United States and the Bank for International Settlements, overnight provided $3 billion of standby credits to the United Kingdom to defend the pound sterling. These 3-month credits were arranged with the understanding the United Kingdom would draw $1 billion from the Fund to pay off their outstanding short-term credits previously obtained from these countries. The $1 billion drawing from the Fund was made in December of last year. Of the $3 billion emergency credit to the United Kingdom, $1 billion was from the United States—including $250 million from Export-Import Bank—and $2 billion from the 11 other participants.

I mention the above facts on trade and international financial undertakings to place the Fund's operations in perspective. In no way do I disparage operation of the Fund.

Even though the Fund was not a direct participant in the new $3 billion credit made available to the United Kingdom last November, nevertheless the Fund was an important factor in facilitating the immediate mobilization of that huge credit. As noted above the Fund picked up $1 billion of their outstanding short-term obligations owed by the United Kingdom through funding those current United Kingdom short-term debts into a 3-year credit from the Fund. That cleared the decks for the new short-term credits made available by the participating countries. The $3 billion new credits were of a short-term nature—3 months with a February 1965 due date. Before due date the credits were extended for another 3 months to allow additional time for the United Kingdom to work out further arrangements with the Fund for converting a part of those short-term obligations to new 3- to 5-year credits from the Fund.

A Reuters' London dispatch dated only last Thursday, April 22, stated:

> Britain will ask to draw more than $1 billion credit available to it at the International Monetary Fund, informed sources said here today. The exact amount which Britain will claim, although still to be decided, is likely to be in the region of $1.3 billion—nearly the whole of the country's IMF credit of $1.45 billion. The IMF credit will be used to repay and replace the $3 billion credit put at Britain's disposal during last November's sterling crisis by the central banks of 11 countries and the Bank of International Settlement.

Without question, the existence of the IMF as a standby source of intermediate-term credit was a powerful inducement for the participants to make the $3 billion short-term credits available in the first instance as it provides the means of funding the short-term credits actually drawn.

It is also important to put the proposed 25-percent quota increases of the Fund in perspective. The proposal to ask member countries for 25-percent increases in quotas in the IMF was agreed upon last September in Tokyo at the Fund's annual meeting. Since then the United Kingdom crisis of last November has given new urgency to the proposal. The last December $1 billion currency drawing by the United Kingdom from the Fund and the prospective additional $1.3 United Kingdom drawing, totals $2.4 billion. That compares with the $3.3 billion of readily usable assets the Fund will acquire as a result of the 25-percent quota increases of the members of the Fund. In other words, 73 percent of the increased cushion in Fund lending resources contemplated at the Tokyo meeting of the Fund last September will already have been committed even before the quota increases become effective, as a result of the United Kingdom crisis of last November.

At the 1964 year end the Fund had $3.35 billion of U.S. dollars, so dollars were in surplus position in the Fund. That makes it unlikely that the Fund in the foreseeable future will actually have to call on the $776 million letter of credit which the United States will give the Fund to satisfy the 75 percent currency subscription portion of our $1.035 billion additional quota subscription. The balance of our additional subscription $259 billion—25 percent—immediately will be payable in gold. Some have raised the question why then should the United States participate in the increased quota subscription when dollars are already in a surplus position in the Fund and the United States is experiencing substantial gold losses. Basically, the answer, of course, is that the Fund is in need of additional usable resources and as a member, the United States should participate proportionately with other members in the increase sought from all members. But over and above that consideration is the fact that for our immediate $259 million gold subscription cost, the Fund will receive from other member countries usable currencies—other than the dollar—in the amount of $1.43 billion plus gold in the amount of $794 million—excluding our gold subscription of $259 million. In other words, for our immediate $259 million cost, $2.23 billion of other country readily usable assets are being mobilized in an international financial institution to counter existing and future international monetary problems.

This bill is in the best interests of the United States. I urge its adoption.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Illinois.

Mr. FINDLEY. Will the gentleman tell me if the committee in considering the currency problems of the United States, explored the situation in an effort to determine the degree to which the tourist dollar exchange program has been utilized as a means of improving our balance-of-payments situation? This tourist dollar exchange program was authorized by law back in 1961. Under that law in the countries where the program was implemented by both the recipient country and our own country, tourists visiting embassies in those countries are able to exchange their dollars for local U.S.-owned currencies which they can spend while in the host country.

Mr. Chairman, can the gentleman tell me why the administration has not utilized more fully the tourist dollar exchange program? Did the committee explore this question, in view of our critical currency problem?

Mr. WIDNALL. I may say in answer to the question asked by the gentleman that it was touched upon but not fully explored.

Mr. FINDLEY. Mr. Chairman, the United States is missing out on a multimillion-dollar gain in its balance-of-payments position simply because the

Johnson administration has dragged its feet in utilizing the tourist-dollar exchange program approved 4 years ago.

Under the program, our citizens entering a foreign country can exchange their dollars at the U.S. Embassy for equal value in U.S.-owned local currencies. The currencies are acquired when the United States ships surplus farm commodities overseas under title I of Public Law 480. The exchange keeps tourist dollars spent abroad from becoming a claim on our gold supply. Every dollar exchanged is a clear dollar gain in our balance of payments.

Despite our critical gold situation, the tourist-dollar exchange program has been utilized to only a tiny fraction of its potential. It has been almost totally neglected since the program was authorized in 1961. I have tried repeatedly—and with little success—during the past 4 years to get the administration to promote this program. Our officials seem to be more concerned about the currency problems of other countries than our own.

The program has been accepted by 30 different countries, but to date the administration has placed it in operation in only two—Egypt and Israel—and there on a very small scale. The mechanics for the program may soon be established in a third country, India.

Here are the countries which have approved the tourist-dollar program, but where the Johnson administration has not acted to implement it: Turkey, Greece, Syrian Arab Republic, Bolivia, Iran, Guinea, Morocco, Brazil, Uruguay, Taiwan, Ceylon, Tunisia, Korea, Vietnam, Paraguay, Sudan, Ethiopia, Cyprus, Senegal, Congo, Jordan, Iceland, Peru, Ivory Coast, Philippines, Colombia, Dahomey. Obviously, U.S. travel to some of these countries is small, but even the most remote nation gets a U.S. visitor once in awhile.

The tourist dollar program is identified in Public Law 480 as subsection (s), section 104, of title I. Subsection (t) was added last year to broaden this provision to include U.S. travelers who do not qualify as tourists.

Under title I agreements, a portion of the currency proceeds is set aside for specified U.S. uses within the recipient country. Among the uses which may be specified is the program for tourist dollar exchange. The portion of currency set aside for U.S. uses varies from one agreement to another.

In my opinion our negotiators have not driven hard enough bargains, but I am glad to report that the percentage set aside for U.S. uses has been rising sharply in recent agreements, and now averages well over 20 percent.

In analyzing title I agreement details, it should be borne in mind that several claims, in addition to tourist-dollar exchange, are made on the currency set aside for U.S. uses. Among these are embassy expenses, cost of U.S. military security programs within the country, and so forth.

However, it is evident that the potential for tourist-dollar exchange under these agreements is tremendous.

The total value of the agreements comes to $2.4 billion. Of this an average of over 20 percent was set aside for U.S. uses. Twenty percent of $2.4 billion is $480 million.

Without doubt, the administration has been passing up a multimillion-dollar opportunity to ease the U.S. balance-of-payments problem.

Out of the proceeds of the title I transactions, under which $2.4 billion worth of American farm commodities were virtually donated abroad, to date only $87,837 worth of local currencies have been exchanged.

Some credit to the tourist dollar provision must be given the Yugoslavian agreement for conversion into dollars—over a period of time—of $250,000 in local currencies.

However, the actual exchange of local currencies for tourist dollars to date is the meager $87,837.

Why has it not been greater? First of all, the administration has not even seen fit to set up the mechanics for the tourist-dollar exchange in 27 of the 30 countries which have approved it.

Secondly, the adminstration has not adequately promoted the program where it is established.

In the two lone countries where it is in operation, Egypt and Israel, only a trifling amount of publicity, until very recently, has been given to the program. Little effort has been made to explain it to U.S. citizens heading for those two countries, much less sell it to them.

Publicity leaflets should be included as a matter of routine in correspondence about passports. They should be distributed to U.S. citizens boarding ships or planes bound for Israel and Egypt.

Why cannot just a little of the vast propaganda resources of the Federal Government be used to promote the tourist-dollar program? Such promotion would pay off handsomely and quickly in easing our gold crisis.

Most U.S. citizens, given the information, will cooperate with the tourist-dollar program, simply as a patriotic assist to their own country. However, to secure maximum interest and cooperation, I propose that tourists who do cooperate be given the privilege of bringing back home up to $500 in merchandise duty free. The present limit is $100, and a proposal made by the President would cut this to $50. By permitting those utilizing the tourist-dollar exchange program to go to the old maximum of $500 full cooperation would be assured.

Six countries have steadfastly refused to accept the program. They are Pakistan, Finland, Indonesia, Poland, Yugoslavia, Burma.

In addition, some countries have acted both ways—accepting the tourist-dollar provision in some agreements, refusing it in others.

Our negotiators may have tried to include the provision in all agreements but obviously did not try hard enough. All told, agreements totaling $1.58 billion excluded the tourist-dollar program.

Mr. WIDNALL. I thank the gentleman for his remarks.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Iowa.

Mr. GROSS. Did I understand the gentleman to say that the British are going to touch up this fund for another billion dollars in order to prop up the pound sterling?

Mr. WIDNALL. I believe the gentleman understood me correctly.

Mr. GROSS. It was only about 4 months ago that they negotiated a loan from a few countries, with the United States putting up the big end of $3 billion, a so-called loan to prop up the pound sterling. Does the gentleman think there is any way the pound sterling can be kept from collapsing, or are we going to continue to pay the big end of all these deals to take care of the pound sterling?

Mr. WIDNALL. We are not putting up the big end. We are putting up a minority percentage of the funds being used to prop up the pound sterling. I believe it is felt that it is in the interest of all nations who are members of the fund to keep the pound sterling a stable currency.

Mr. GROSS. We are putting in a greater amount. If this increase is voted today, and I hope it will not be, but if it is American taxpayers will be committed to another billion dollars, and a total of $5 billion. That is almost one-fourth of the total of $21 billion if all the rest of the countries meet their quotas, which they probably will not do. So we are certainly carrying the preponderance of this international financing as one nation out of 102.

Mr. WIDNALL. Sixteen billion dollars of the proposed quotas would be put up by other nations.

Mr. GROSS. But we are one nation out of 102. So the preponderance of this load is being carried by the American people.

Mr. WIDNALL. I believe the gentleman from Wisconsin [Mr. REUSS] answered the gentleman correctly. We feel several nations should be putting up more than the 25-percent quota at this time. Many of the smaller nations have gone beyond the 25 percent. There is good cooperation, good general cooperation in this field. The U.S. representatives are working, I am sure, to getting better percentages.

Mr. GROSS. I noticed in the paper this morning a story attributed to one of the Members of the House of Representatives. Perhaps the gentleman will be able to identify him. He is proposing legislation to reduce the $318 billion national debt by 10 percent. This Member of the House would reduce the debt by the expedient of transferring $30 billion in interest-bearing Government securities from the Federal Reserve bank to the Treasury.

I wonder if there is any way by which, instead of authorizing $1,035 million of new money, we could not somehow finance it out of our debt. Does the gentleman believe a gimmick of that kind along with some fancy footwork could be used in the financing of the fund by this country?

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. PATMAN. The gentleman referred to the proposal which I made in introducing a bill yesterday as a gimmick. I just want to set the record straight. The American people have a hard enough time paying their debts once. These $30 billion of bonds in the Federal Reserve System have been paid one time with good American currency. No one can oppose this bill without saying we should pay our debts twice. I am only asking for the cancellation of those bonds that have been paid for once.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PATMAN. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. REUSS].

Mr. REUSS. Mr. Chairman, it is clearly in the national interest that we enact H.R. 6497, the bill to authorize an increase in the International Monetary Fund quota of the United States. The Fund proved its value as an institution for promoting international monetary stability through its medium-term credit facilities, it rules for international financial conduct to which members adhere, and the expert advice it makes available to members. An increase in the quota of the United States, along with parallel increases in the quotas of the other member countries, would strengthen the Fund. This would benefit all countries and, in particular, the United States, which has made use of the Fund's resources to conserve our gold reserves. My only reservation about the bill is that the Fund's quotas should be increased even more than is proposed, and that other countries are not fairly meeting their responsibilities for contributing to international monetary stability. But we should clearly enact the bill now before us, even if some of us feel that it does not go far enough. It is better to go some distance down the road of improvement than not to go at all.

I begin by considering a number of questions that Members may have concerning the proposed legislation:

I. WHAT WILL BE THE EFFECT OF THE PROPOSED QUOTA INCREASE ON OUR BALANCE OF PAYMENTS?

The increase will have no direct effect on the balance of payments at all. Our proposed quota increase is $1,035 million, of which one quarter, or $258.75 million, will be paid in gold. The rest is to be paid in dollars through the device of a letter of credit. The gold payment does not increase our balance-of-payments deficit, because it is exactly offset by an increase in our automatic drawing rights at the Fund. It is as if we were depositing cash at the bank and receiving in return the right to draw on that cash when we choose to. The payment of dollars to the Fund through a letter of credit also will not increase our balance-of-payments deficit, because expenditures under the letter of credit are not expected within the foreseeable future.

So increasing our quota will have no direct adverse effect on our balance of payments. On the contrary, it is quite likely that increasing the Fund's quotas will help us indirectly to reduce our balance-of-payments deficit. In the past, an important component of our deficits has been the outflow of speculative short-term capital, motivated by the fear that we might be forced into a devaluation. Increasing the Fund's quotas will enlarge the resources available to all members, including the United States, to defend the value of their currencies. This will discourage speculation and reduce the drain on our balance of payments from short-term capital movements.

II. WHAT WILL BE THE EFFECT OF THE PROPOSED QUOTA INCREASES ON OUR GOLD RESERVES?

Under the Fund's rules, we are required to pay in gold $258.75 million, one-quarter of our total quota increase. Our gold reserves will go down by this amount, but when we pay this gold to the Fund our automatic drawing rights increase by the amount of the payment. We count these automatic rights as part of our international reserves, so paying the necessary gold to the Fund leaves the total of our reserves unchanged.

However, there is likely to be a small reduction in our reserves not compensated for by an increase in automatic drawing rights. This possibility arises because some of the other countries, in paying their increased quotas into the Fund, will want to use gold bought from us rather than gold drawn from their own stocks. The Fund has anticipated this, and it has proposed two techniques to minimize the reduction of our reserves. The essence of these techniques is that the Fund proposes to lend $150 million in gold to member countries who are unwilling or unable to draw down their own gold holdings; and to minimize the drain on the gold reserves of the United States and the United Kingdom, the two reserve currency countries, the Fund proposes to deposit $350 million with these countries in such a way that the $350 million can be counted as reserves at the same time by the Fund and by the countries concerned. Former Secretary of the Treasury Dillon stated that without these techniques "the United States might have lost as much as $800 to $1,100 million in gold from the proposed quota increases. Instead, these provisions are expected to hold our net loss of gold from sales to other nations for IMF payments to something in the range of $25 to $45 million."

To sum up the effects on our gold reserves, payment of one-quarter of our quota increase in gold will cost our gold reserves $258.75 million, but this will be offset by an increase of like amount in our automatic drawing rights. Our total reserves, therefore, will not be reduced when we pay our own quota increase into the Fund. But other countries will buy gold from us to meet their own obligations to pay gold into the Fund, and this is expected to drain our gold reserves by $25 to $45 million after special offsetting techniques are carried through by the Fund.

But this net loss of $25 to $45 million, a very modest amount, must be compared with the amount we would probably have lost if Fund quotas were not increased. I have already pointed out that enlarging the Fund's resources through the proposed quota increases will reduce speculation against the dollar by enhancing confidence that existing exchange rates will be maintained. As a result, our balance of payments will probably be improved each year by more than the $25 to $45 million of gold under discussion, and we will be able to keep gold in our reserves which we would otherwise have lost. In effect, the $25 to $45 million of net gold loss can be regarded as an investment which, over the years, will save us many times that amount in gold.

III. WHAT WILL BE THE IMPACT OF THE QUOTA INCREASE ON THE FEDERAL BUDGET?

Of the $1,035 million quota increase proposed for the United States, only the gold portion, $258.75 million, will be a budget expenditure within the foreseeable future. The remaining portion of our quota increase, $776.25 million, will be paid in the form of a letter of credit. Only if and when the Fund draws on the letter of credit will we incur a budget expenditure. The Fund now holds about $3,350 million of our currency and it will use all of that before drawing on the new letter of credit. Moreover, the Fund has sharply curtailed its use of dollars while we have a balance-of-payment deficit. These considerations led former Secretary Dillon to conclude that "expenditures against this $776 million portion are not likely to occur in the foreseeable future."

The administration has already made provision for paying $258.75 million in gold in the budget for fiscal 1965.

IV. WHY IS A QUOTA INCREASE ADVANTAGEOUS TO THE UNITED STATES?

In a nutshell, our total borrowing rights will increase by more than the full amount of our quota increase, while we are only required to pay a quarter of this increase in gold; the rest is in dollars. In effect, for every dollar of gold we pay in, we increase our borrowing rights at the Fund by $5. One of those $5 represents an increase in our automatic borrowing rights, which offsets the reduction in our gold stock and prevents the transaction from reducing our reserves. This 5-for-1 exchange is a good deal for the United States. At the same time, the quota increases of other countries will result in larger holdings by the Fund of the convertible currencies that we might wish to borrow at some future time.

V. WHAT DOES THE UNITED STATES GET OUT OF BEING A MEMBER OF THE FUND?

The advantages to us have been and are substantial:

First. The Fund has been a major force in maintaining a stable and liberal climate for international transactions involving goods, services, and capital. It has helped to reduce or eliminate bilateralism and barter in trade; it has succeeded in sharply curtailing multiple exchange rate practices which were particularly detrimental to American exporters; it has brought about a sharp reduction in the use by other countries of foreign exchange restrictions; it has aided in doing away with the competitive depreciation of exchange rates; it has made its resources available to promote exchange stability and thus to reduce uncertainties that discourage international commerce and finance; and it has provided valuable technical advice to countries which might have been reluctant to accept such advice if it came from another country rather than a multilateral institution highly regarded for its impartiality and technical competence.

We have only to think of the chaos of the interwar years—the exchange restrictions, competitive devaluations, barter deals, quantitative restrictions, and other "beggar thy neighbor" trade policies—to realize what a long way we have come since then. This progress is in large part attributable to the existence of the IMF.

Second. The Fund has helped us to finance our balance-of-payments deficits. In the years before our own balance-of-payment problem became serious, the Fund relied largely on its dollar holdings in providing credit to other countries. As a result, the United States built up a strong creditor position with the Fund. Then, when our deficit became troublesome and other countries earned more dollars than they cared to hold, the Fund was able to absorb more than $1 billion through repayments by the countries which had borrowed in earlier years. Thus, the Fund financed more than $1 billion of our balance-of-payments deficit and reduced the drain on our gold reserves.

Third. The Fund's investments in the United States have increased our gold reserves by $800 million. In 1956, 1958 and 1960, the Fund sold us a combined total of $800 million of gold in return for income-earning U.S. Treasury bills and short-term notes.

Fourth. The Fund has enabled us to reduce our gold losses. The United States began to make modest drawings on the Fund in 1963 to prevent gold losses when other members wished to repurchase their currencies from the Fund. In that year, the Fund's holdings of dollars reached such a high level that it could not accept additional dollars through repayments by other countries. Countries obliged to make repayments to the Fund would normally have sold dollars to us for gold and then used the gold to repay the Fund. To avoid this drain on our gold reserves, we drew currencies from the Fund which the Fund could accept in repayment, and then sold these currencies to countries holding dollars which they wished to use in repayment. In this complicated manner, we converted what would have been a loss of our gold into an obligation to repurchase dollars from the Fund within a period of 3 to 5 years.

VI. WHY ARE QUOTA INCREASES NECESSARY AT THIS TIME?

There are two main reasons:

First. The Fund's usable resources have been depleted, in the face of growing demands on the Fund by the United States and other large countries.

To promote international monetary stability, the Fund discourages drawings in the currencies of countries with balance-of-payments deficits. If the Fund were to lend out large amounts of dollars while we are in balance-of-payment deficit, most of these dollars would ultimately accrue to the surplus countries who would use them in part to buy our gold. To prevent this, the Fund has limited the availability of dollars and increasingly provided the currencies of Western European countries with balance-of-payments surpluses. As a consequence, the Fund's holdings of the major convertible currencies, other than dollars and pounds sterling, declined by more than $1 billion since 1959 and reached the relatively low level of $1.8 billion at the end of 1964.

During this same period, the larger countries, including the United Kingdom, Italy, Canada, and the United States, have made increasing use of the Fund. I have already referred to U.S. drawings on the Fund to reduce gold losses.

The proposed increases in Fund quotas would add about $1 billion to the Fund's holdings of the currencies now being used in drawings and another $1 billion to its holding of gold. These currencies will substantially strengthen the Fund's capacity to meet the demands made on it. With U.S. borrowing rights increased through our larger quota, this will be of particular benefit to us should we wish to draw larger amounts from the Fund.

Second. The Fund's quotas should be increased to keep pace with the growth of the international economy. As international transactions increase, so does the likelihood of sizable fluctuations in international payments. World trade has grown more than 50 percent since 1959 when Fund quotas were last increased. Capital flows have also increased substantially since that time. The Fund should be equipped with larger resources, and members should have larger drawing rights, to deal with the increased medium-term imbalances which are normally associated with an expansion in the world economy of this magnitude.

VII. QUOTA INCREASES SHOULD BE LARGER

The case for the legislation before us is overwhelmingly in favor of enactment. The major criticism that can be directed against it is that it does not go far enough. In the years to come, the Fund's importance as a supplier of international credit will necessarily grow. But the proposed quota increases do not sufficiently equip it for the future. Since 1958, roughly half of the increase in international liquidity was caused by U.S. balance-of-payments deficits, which contributed dollars to the reserves of other countries. We are now determined to bring these deficits to a halt. But this means that alternative methods must be devised to fill the liquidity gap which would otherwise arise when the outflow of dollars ceases.

The proposed Fund quota increases will not adequately contribute to filling this gap. The total of the proposed increases is only about $5 billion, the same as the last general quota increase in 1959. This just barely enables the Fund to maintain its relative position in the expanded international economy. But this role should be increased, not simply maintained, in view of the declining contribution which dollars can be expected to make to international liquidity.

Moreover, larger quota increases would have been desirable to add bigger amounts to the Fund's holdings of the currencies now used in drawings. I said earlier that these holdings had declined by more than $1 billion since 1959. The proposed quota increases would restore these holdings to the 1959 level. But I do not think that we should be satisfied to be back where we were 6 years ago. We would be better off with larger quotas that increased the Fund's holdings of these currencies more substantially.

VIII. THE CONTINENTAL EUROPEAN COUNTRIES SHOULD CONTRIBUTE MORE TO INTERNATIONAL LIQUIDITY

While a general quota increase of 25 percent is proposed for all Fund members, additional, special quota increases have been recommended for 16 countries whose economic positions have improved more than the average since quotas were last increased in 1959. France is conspicuously absent from this list of 16, despite the very substantial gains in her financial capacities. It does not seem equitable that France and the United States should both have the same percentage quota increases when French reserves have increased more than tenfold since 1948 while our own reserves declined by 35 percent during the same period. The French Executive Director of the Fund even voted against the 25-percent general increase in quotas, because France disapproved of the special techniques to minimize the gold losses of the United States and the United Kingdom. And France, since the beginning of this year alone, has reduced international reserves by $300 million through her conversion of dollars into gold. With friends like France, who needs enemies?

The Netherlands and Belgium should also have accepted special quota increases. Both are limiting their contributions to the 25-percent general increase, yet the reserves of the Netherlands have increased sevenfold since 1948 and those of Belgium, which were already relatively high in 1948, have more than doubled. More could have been expected of both of these countries.

A number of countries for which special quota increases have been proposed should do even more. The case of Germany is especially striking. Germany's international reserves are today nearly $8 billion, second only to our own, and 27 times higher than in 1948. Germany could readily accept a larger special increase than is being recommended for her.

The countries I have named are not the only ones whose contributions could more realistically be tailored to their improved positions. Others, too, should accept special quota increases and some of those who are already doing so should contribute more than is now scheduled.

The report of the Committee on Banking and Currency on the bill before us stated in this connection:

> Had the United States, in the years immediately following the Second World War, adopted the same niggardly posture now assumed by several of the countries to whom it then contributed so generously, the much-heralded economic miracle of Europe would have remained a mere dream instead of becoming a reality.

IX. WE NEED A NEW STANDARD TO JUDGE THE ADEQUACY OF QUOTAS

Until recently, a formula negotiated at the 1944 Bretton Woods Conference was the basic statistical yardstick for determining quotas for new members. But reliance on this formula has diminished, and no substitute for it appears to have been developed. I would like to insert at this point in the RECORD a table submitted by the Treasury showing present quotas, quotas as increased under the first and second resolution, and quotas calculated according to the Bretton Woods formula:

Present quotas, quotas as increased under the 1st and the 2d resolution, and quotas calculated according to the Bretton Woods formula

[In millions of U.S. dollars]

Country	Present quota [1]	Quota as increased under		Bretton Woods formula calculations	
		Resolution I [2]	Resolution II	50 percent	100 percent
	(1)	(2)	(3)	(4)	(5)
The Ten:					
United States	4,125.00	5,160	----------	6,368.4	12,736.8
United Kingdom	1,950.00	2,440	----------	1,585.0	3,170.0
France	787.50	985	----------	1,137.7	2,275.4
Germany, Federal Republic of	787.50	985	1,200	1,635.8	3,271.6
Canada	550.00	690	740	853.0	1,706.0
Italy	500.00	625	----------	728.0	1,456.0
Japan	500.00	625	725	800.5	1,601.0
Netherlands	412.50	520	----------	538.8	1,077.6
Belgium	337.50	422	----------	518.8	1,037.6
Luxembourg	15.00	19	----------		
Sweden	150.00	188	225	366.2	732.4
Total	10,115.00	12,659	----------	14,532.1	29,064.2
$60,000,000 or more, excluding the Ten:					
India	600.00	750	----------	480.3	960.6
China	550.00	690	----------	(3)	(3)
Australia	400.00	500	----------	371.0	742.0
Argentina	280.00	350	----------	222.0	444.0
Brazil	280.00	350	----------	263.1	526.2
Mexico	180.00	225	270	218.2	436.4
Indonesia	165.00	207	----------	142.0	284.0
Pakistan	150.00	188	----------	117.3	234.6
South Africa	150.00	188	200	211.1	422.2
Spain	150.00	188	250	208.9	417.8
Venezuela	150.00	188	250	207.7	415.4
Denmark	130.00	163	----------	195.8	391.6
New Zealand	125.00	157	----------	106.1	212.2
United Arab Republic	120.00	150	----------	99.7	199.4
Yugoslavia	120.00	150	----------	109.3	218.6
Chile	100.00	125	----------	91.6	183.2
Colombia	100.00	125	----------	79.0	158.0
Malaysia	100.00	125	----------	149.0	298.0
Norway	100.00	125	150	160.5	321.0
Turkey	86.00	108	----------	100.1	200.2
Thailand	76.00	95	----------	79.7	159.4
Austria	75.00	94	175	191.0	382.0
Philippines	75.00	94	110	83.5	167.0
Saudi Arabia	72.00	90	----------	54.3	108.6
Iran	70.00	88	125	90.1	180.2
Ceylon	62.00	78	----------	50.8	101.6
Algeria	60.00	75	----------	125.2	250.4
Greece	60.00	75	100	79.6	159.2
Portugal	60.00	75	----------	84.4	168.8
Total	4,646.00	5,816	----------	[3] 4,371.3	[3] 8,742.6
$30,000,000 to $59,000,000:					
Finland	57.00	72	125	142.2	284.4
Ghana	55.00	69	----------	49.8	99.6
Iraq	55.00	69	----------	52.5	105.0
Morocco	52.50	66	----------	53.7	107.4
Israel	50.00	63	90	61.6	123.2
Kuwait	50.00	63	----------	57.6	115.2
Nigeria	50.00	63	----------	79.3	158.6
Senegal	25.00	32	----------	26.8	53.6
Mali	13.00	17	----------		
Mauritania	7.50	10	----------		
Congo, Democratic Republic of	45.00	57	----------	46.1	92.2
Ireland	45.00	57	80	79.9	159.8
$30,000,000 to $59,000,000—Con.					
Sudan	45.00	57	----------	36.0	72.0
Peru	37.50	47	----------	59.3	118.6
Burma	30.00	38	----------	36.0	72.0
Syrian Arab Republic	30.00	38	----------	25.9	51.8
Uruguay	30.00	38	----------	38.1	76.2
Total	677.50	856	----------	844.9	1,689.8
$15,000,000 to $29,000,000:					
Dominican Republic	25.00	32	----------	19.6	39.2
Kenya	25.00	32	----------	21.6	43.2
Tanzania	25.00	32	----------	18.7	37.4
Uganda	25.00	32	----------	14.9	29.8
Afghanistan	22.50	29	----------	18.1	36.2
Bolivia	22.50	29	----------	11.2	22.4
Burundi	11.25	15	----------	6.7	13.4
Rwanda	11.25	15	----------		
Tunisia	22.50	29	----------	23.9	47.8
Vietnam	22.50	29	----------	33.2	66.4
Costa Rica	20.00	25	----------	13.6	27.2
Ecuador	20.00	25	----------	18.4	36.8
El Salvador	20.00	25	----------	16.0	32.0
Guatemala	20.00	25	----------	21.0	42.0
Jamaica	20.00	25	----------	25.8	51.6
Trinidad and Tobago	20.00	25	----------	36.6	73.2
Korea	18.75	24	----------	42.3	84.6
Cameroon	15.00	19	----------	16.7	33.4
Ethiopia	15.00	19	----------	17.2	34.4
Guinea	15.00	19	----------	8.7	17.4
Honduras	15.00	19	----------	11.1	22.2
Ivory Coast	15.00	19	----------	20.1	40.2
Libya	15.00	19	----------	16.7	33.4
Malagasy Republic	15.00	19	----------	15.7	31.4
Total	456.25	581	----------	447.9	895.8
Up to $15,000,000:					
Cyprus	11.25	15	----------	13.1	26.2
Haiti	11.25	15	----------	7.1	14.2
Iceland	11.25	15	----------	10.7	21.4
Jordan	11.25	15	----------	11.2	22.4
Liberia	11.25	15	----------	11.0	22.0
Nicaragua	11.25	15	----------	11.0	22.0
Panama	11.25	15	----------	13.4	26.8
Paraguay	11.25	15	----------	5.2	10.4
Sierra Leone	11.25	15	----------	10.2	20.4
Somalia	11.25	15	----------	4.1	8.2
Togo	11.25	15	----------	3.4	6.8
Central African Republic	7.50	10	----------	3.2	6.4
Chad	7.50	10	----------	4.6	9.2
Congo (Brazzaville)	7.50	10	----------	5.8	11.6
Dahomey	7.50	10	----------	3.5	7.0
Gabon	7.50	10	----------	5.3	10.6
Laos	7.50	10	----------	2.6	5.2
Nepal	7.50	10	----------	8.6	17.2
Niger	7.50	10	----------	3.8	7.6
Upper Volta	7.50	10	----------	3.1	6.2
Lebanon	6.75	9	----------	28.7	57.4
Total	198.00	264	----------	169.5	339.0
Grand total	16,092.75	20,176	[4] 21,046	[3] 20,365.7	[3] 40,731.4

If we apply this formula and adjust its results proportionately to the total quotas which follow from the current proposals, we get a striking impression of the extent to which some of the leading financial countries are falling short of meeting their responsibilities. On this proportional basis, the quotas of most of the group of 10, including the United States, will after the proposed increases be in the range of 78 to 96 percent of the amounts called for by the adjusted formula. But the average quota for the other 91 members of the Fund will be about 132 percent of the comparable statistical calculation. If the quotas of all the group of 10 countries were, as a minimum, raised to a point comparable to those of the other 91 countries, these 10 major industrial countries would require aggregate quota increases of some $5.6 billion beyond the increases now proposed, of which about half, close to $3 billion, would be by countries other than the United States and the United Kingdom. This figure of nearly $3 billion gives some indication of what the group of 10 countries, other than the United States and United Kingdom, might have fairly contributed according to the yardstick applied on earlier occasions, in addition to what is actually proposed for them. Obviously, such a contribution, if made, would greatly strengthen the Fund's resources.

I think that we badly need to arrive at a new yardstick or standard of equity, so that we can measure whether or not countries are doing their fair share and, if they are not, by how much they are falling short. Of course, we can never operate with a mechanical formula as our only guide. But such a formula is a very useful starting point. I should think that a new formula would give greater weight to the size of countries' reserves than did the Bretton Woods formula, since the correction of international imbalances through exchange rate adjustments has not occurred to the extent contemplated when the Fund was established. The result has been that adjustment to imbalances has taken longer and the size of reserves available to finance such imbalances has assumed greater importance.

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[1] Quotas in effect on Feb. 26, 1965, or the maximum quotas to which members could consent under resolutions adopted by or submitted to the Board of Governors before that date.

[2] Present quotas increased by 25 percent and rounded according to the following formula: amounts below $500,000,000 rounded to the next higher multiple of $1,000,000; amounts of $500,000,000 or more rounded to the next higher multiple of $5,000,000.

[3] No calculations were made for China, because the available data for that country are incomplete.

[4] Total of quotas as increased under both resolutions; i.e., total of col. (2) plus excess of quotas in col. (3) over the corresponding quotas in col. (2).

X. THE UNITED STATES SHOULD REESTABLISH ITS POSITION OF LEADERSHIP IN INTERNATIONAL MONETARY MATTERS

I believe that there has been too much of a tendency in general, and in this round of quota increases in particular, to paper over disagreements and to water down agreements to the lowest common denominator of what everybody will agree to. It seems to me that we have carried the quest for universal or near-universal agreements too far.

I asked former Secretary Dillon, when he testified on the proposed legislation, whether he had any reason to believe that any member countries of the IMF will not agree to accept their proposed quota increases. He replied, "I don't have any real reason to believe that. There may be some of the smaller countries." If all, or nearly all, of the Fund's 102 member countries will go along with the increases now proposed for them, then I think that we might very well have done better to argue boldly for larger quota increases, even at the risk of having a number of countries disagree and not participate. The total contributions of countries going along with us might then have increased the Fund's resources substantially above the level that will result from the currently proposed increases, despite the nonparticipation of certain members.

We should not take unreasonable positions and isolate ourselves. But I think that we could often improve the situation by taking a good, strong position and sticking to it. If certain countries do not want to go along, then let them go on record for all to see. As it is, the uncooperative countries have not been exposed at these negotiations. Their people have not been made aware that their leaders are shirking their responsibilities. I think that it might be a healthy thing if the issues and the disagreements were more widely known by all the people. This might stimulate the consciences of the representatives of uncooperative countries and lead to faster progress. There is a great deal to be said for a collective conscience approach.

The report of the Committee on Banking and Currency on H.R. 6497 contains a useful discussion on the need to build now for the future growth and stability of the international monetary system, and the need to improve the process of adjustment to international imbalances. I ask unanimous consent to have these sections of the report printed in the Record at this point of my remarks:

The Need To Build Now for the Future Growth and Stability of the International Monetary System

Quota increases alone could, in principle, meet any foreseeable demands for liquidity, provided they were large enough. But in practice, it is not realistic to rely exclusively on quota increases for meeting liquidity needs. The enlargement of present quotas by some $5 billion and the replenishment of the convertible currencies most used in the Fund's lending operations go some distance toward meeting present needs. However, as the United States eliminates its balance-of-payments deficit and shuts off the flow of dollars into the reserves of other countries, the world may quickly feel the pinch of a liquidity shortage.

The committee, therefore, urges the administration, in consultation with our free world partners, to develop an effective program for generating international reserves and credit to fill the gap between legitimate world needs and the supply made available through new gold production, gold dishoarding, the proposed enlargement of Fund resources, and such modest increases in foreign holdings of the reserve currencies as may still seem desirable. Such a program may take many forms. It may have many elements. But taken as a whole it must accommodate these multiple and, in some cases, competing objectives:

1. It must be multilateral, rather than bilateral, in structure.

2. It must be adequate in scope—permitting an orderly expansion in world trade and finance without imparting undesirable inflationary or deflationary pressures.

3. It must be flexible in application, so that the conditions and the maturities of credits are governed by the nature of the international payments disequilibrium. It must make credit available to meet legitimate needs as they arise without subjecting deficit countries to unreasonable conditions or making the availability of credit so uncertain as to bring about the measures destructive of national or international prosperity that the credits should be designed to prevent.

4. It must promote equilibrium in international payments, by maintaining incentives both for deficit and surplus countries to work toward the timely elimination of imbalances.

5. It must strike an equitable balance between the benefits and burdens, and the rights and obligations of participating countries. It must rest more fully than does the present system on the credit of a large number of countries.

In considering further ways and means to strengthen the international monetary system, attention is properly focused first on evolutionary plans—on techniques that build on exitsing structures of proven value—before the decision is made to strike out into promising but as yet uncharted waters.

Study should therefore be devoted to developing more fully the potentials of the International Monetary Fund. This should not, however, preclude the consideration of alternatives which do not involve the Fund. The Fund has proved to be a flexible, useful instrument, and its operations have benefited the United States as well as other countries. In the words of Secretary Dillon:

"The Fund has used its powers of persuasion, the provision of sound technical advice, and the availability of medium-term assistance to secure the adoption of appropriate economic policies in many countries. It has to a great extent succeeded in eliminating bilateralism in trade and exchange agreements. It has brought about a sharp reduction in multiple exchange rate practices which were particularly disadvantageous to American exporters who found themselves discriminated against. It has used its resources effectively to give temporary relief to countries whose exchanges were under pressure. This has provided a breathing spell during which the countries concerned could develop measures to restore equilibrium in ways which would have minimum adverse repercussions on other countries. The relative stability of exchange rates which the Fund has fostered has encouraged the expansion of international trade and the international movement of productive capital."

The Fund, in its 1964 annual report, itself suggested several ways in which it could increase the dimensions and the stability of the international monetary system. The report raised the possibility of extending to larger amounts the rights of members to draw virtually automatically from the Fund; it spoke of paying the gold portion of quota increases with gold certificates instead of gold; and it mentioned Fund investments in member countries as a method for increasing their reserves.

Other techniques also worthy of serious consideration could readily be added to the list of possibilities. The Fund could be authorized, with appropriate safeguards, to accept deposits by member countries of currencies they accumulated in the process of exchange support operations; in return, the depositing countries might acquire drawing rights on the Fund. Thus, countries might be permitted to deposit holdings of dollars or sterling in excess of their needs, while the United States and the United Kingdom, by agreement with the Fund, could retire these balances over a suitably extended period of time. In this manner, by funding some of the liquid liabilities of the two key currency countries, the stability of the international monetary system could be strengthened. The Fund could be authorized, under proper controls, to create limited amounts of international liquidity, either by extending overdraft facilities to members—along the lines proposed at Bretton Woods by Lord Keynes—or by buying assets in member countries in return for deposits at the Fund. Alternatively, the Fund could administer the creation and the distribution of a new currency reserve unit along the lines suggested by Dr. Edward M. Bernstein, the Fund's former research director. Such a development would have to be carefully controlled to assure that any new currency unit would be used effectively to expand world liquidity and not, as some European countries would reportedly have it, to embarrass the United States and shrink international reserves.

The Fund's capacity for generating usable assets could be enhanced. It could, by agreement with member countries, sell to them its own interest-bearing obligations for their currencies. Arrangements might be made to redeem such securities, in advance of maturity in cases of need, in deposits or drawing rights at the Fund. Of more immediate relevance, weighted voting among the Group of Ten is now required before the Fund can draw on its general arrangements to borrow. Moreover, these arrangements are not permanent, but must be renewed from time to time. The international monetary system would be strengthened if the arrangements were permanent and the Fund's right to borrow were unconditional to the extent of the group's total commitment.

The committee can make no exhaustive list of possible improvements in the international monetary system. It does not necessarily endorse any of the alternatives mentioned. It cannot, in this report, pass on the relative merits and practicability of this or that plan. No doubt, objections can be raised against any proposal for improvement. But the committee cannot believe that the difficulties are so great and the objections so weighty that no substantial progress can be made, and that the world must be expected to make do with the modest quota increases now proposed.

Necessity is said to be the mother of invention. The need for a major breakthrough in improving the international monetary system is apparent to the committee. Perhaps, as the U.S. balance of payments is restored to equilibrium—and possibly moved into surplus—this necessity may become apparent even to those European countries who now complain that their liquidity is excessive. One wonders whether they would be willing to lose any appreciable part of their reserves without taking policy measures to halt such losses. The administration should prepare now for the day when sound proposals may be negotiated in an improved and more receptive climate. It should now, by careful analysis of alternatives and forward planning, pave the way for the needs of the near-term future.

THE NEED TO IMPROVE THE PROCESS OF ADJUSTMENT TO INTERNATIONAL IMBALANCES

The need for liquidity depends on the speed with which imbalances in international payments are eliminated. For liquidity serves the essential function of financing such imbalances while they exist.

In the postwar years, countries have been slow to permit adjustments that would promote international payments equilibrium, and they have often pursued policies which have intensified, rather than reduced, imbalances. They may not welcome changes in domestic costs and prices, and in levels of income and employment, as a result of market forces originating abroad. But no country can take part in international commerce and finance without experiencing such forces. And each country has a responsibility to pursue policies that restore or maintain international payments equilibrium.

Exchange rate adjustments in cases of fundamental disequilibrium were contemplated by the Fund's Articles of Agreement as a basic means of eliminating protracted international imbalances. However, these adjustments have fallen into disuse and the United States in particular, has explicitly ruled out any change in the international value of the dollar.

Progress in improving the international adjustment mechanism is a necessary part of any program to improve the functioning and resources of the international monetary system. The committee notes with satisfaction that this has been recognized by the countries comprising the Group of Ten, and that these countries have asked Working Party 3 of the Organization for Economic Cooperation and Development to explore all aspects of the problem, including the mutual responsibilities of the surplus and the deficit countries.

In the considered judgment of this committee, just as the surplus countries have fallen short in meeting their responsibilities for enlarging the credit facilities of the international monetary system, so they have fallen short in meeting their responsibilities in the adjustment process. These countries have counseled the United States to promote economic growth with restrictive monetary and expansionary fiscal policies. They themselves, however, refuse to follow the logic of their advice to us. In their case, this would imply curbing rising prices with restrictive fiscal policies while maintaining conditions of monetary ease. But they have done just the opposite. In several instances, taxes have been or are to be cut, while interest rates have been raised. Many of the surplus countries restrict capital outflows, with the result that demands for funds have been diverted to the United States. Some of these countries still maintain quantitative restrictions on imports which date back to their early postwar difficulties and have long lost any justification. A number of the surplus countries still require tourists to justify requests for foreign exchange in excess of modest automatically granted amount. Many of the surplus countries have inadequate programs of economic assistance to the less developed countries, and, though they lack any balance-of-payments justification, nearly all tie their aid to domestic purchases. The surplus countries have been content to allow the United States to pay a disproportionately high share of the costs of the military defense of the free world. With the exception of Germany and, in part, Italy, they have not even been willing to offset with purchases in the United States the adverse balance-of-payments consequences for the United States of defending them by maintaining expensive military installations and personnel in their countries.

To be sure, the record of the surplus countries is not all black. Secretary Dillon stated before the committee: "* * * I am happy to note that the Federal Republic of Germany has taken a number of specific actions to discourage disequilibrating capital inflows. These measures appear to be essentially eliminating what was a disturbing surplus and thus contributing to a better international payments equilibrium."

But such examples are still the exception rather than the rule. The United States should use all appropriate means to impress on the surplus countries their responsibilities in the international adjustment process. These countries should bear in mind that someday—and the time is not far distant—the United States will have eliminated its international payments imbalance, and they themselves may have to cope with their own balance-of-payments deficits.

A witness before the committee proposed that adjustment to international imbalances would be promoted if the limits of permissible exchange rate variation were broadened from the present plus or minus 1 percent of parity to plus or minus 2 or 3 percent of parity. This idea appears to be worthy of consideration and further study by the administration. It raises the possibility that, within the framework of the present structure of exchange rates and without unduly increasing the risks of international transactions, monetary policy would better be able to serve domestic needs, speculative capital movements would be discouraged, and imports and exports would be affected in such a way as to reduce international payments imbalances.

XI. CONCLUSION

I have spoken at some length about the advantages of the proposed quota increase from the point of view of our country. I have dwelled on its effects on the balance of payments, our gold reserves, and the Federal budget. I have spelled out the advantages that accrue to us and to other countries from Fund membership. I have explained the need for quota increases.

My concern is not that quotas are being increased, but that they are not being increased enough. I think that the international monetary system needs to be strengthened more fundamentally than can be done through the proposed quota increases. We must prevent the growth of the international economy from being trimmed back to fit a Procrustean bed of inadequate world liquidity. I hope that the administration will vigorously work toward the needed basic improvement. I hope that other countries will take a more realistic view of their responsibilities. Meanwhile, the legislation before us is a step in the right direction, and I urge all Members to support it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. Is this one of the international lending agencies or international financing agencies which provide tax-free salaries to employees? In other words, the Americans involved in this thing pay no Federal income taxes, or their taxes are paid out of agency funds.

Mr. REUSS. This is one of the international lending and financial agencies whose international civil service employees do enjoy a very favorable tax situation, which has made it possible to build up a very high caliber international staff of the International Monetary Fund and the International Bank.

Mr. GROSS. And this is another one of the international agencies which has a retirement system that is out of this world, whereby the bank or the agency finances the retirement?

Mr. REUSS. They have a generous retirement system; not quite as satisfactory as ours in the Congress, but quite good.

Mr. GROSS. If they are the same deal as some of the other international financing agencies, they have a far better retirement system than do Members of Congress.

Mr. REUSS. I have studied the two, and I have determined to attempt to stay in Congress. I really believe ours is better.

Mr. GROSS. Of course, there may be other considerations which make staying in Congress better for the gentleman.

Mr. REUSS. The point is that these international agencies have been able to develop the very high type of personnel needed, and one of the reasons why they have been able to do it is by having an admittedly fair and generous retirement system.

Mr. GROSS. But they do take money from this Fund to pay for retirement, and they do take money from this Fund to give the tax exemption, do they not?

Mr. REUSS. That is not so. The Fund's contribution to the retirement system is made from the profits from the Fund, which are derived from interest charges which they make.

Mr. GROSS. What profits are there, if we are being called upon again today to put up another billion dollars? In 1959 we were told that was the end of the road, that there would be no increase on the part of this country in the capital structure of this organization. That was the impression I got from the debate in 1959.

What has happened to this Fund? I am not satisfied that I have had a good answer as to what has happened, which requires an additional contribution on the part of the United States.

Mr. REUSS. Nothing has happened to the Fund. Something has happened to the world, however, and that happening has been a happy one; namely, the trade of the free world has gone up more than 50 percent since 1959. The wheels of trade need the lubrication which only additional Fund quotas can provide.

Let me say, in reference to the 1959 debate, I do not recall any such commitment having been made, but lest there be any doubt about the 1965 debate, I believe, as the free world expands its trade and investment, the Fund will also need to expand, and I will unblushingly at that time come back and ask that the United States go along with the other free world trading partners in furnishing that lubricant to the trade mechanism.

Mr. COLLIER. I thank the gentleman. On page 3 of the report the final sentence says:

> The total quotas of all countries will be increased to $21 billion, if all members agree to their proposed increases.

Can you tell me what the experience has been in the past with regard to the meeting of these subscription obligations by the other nations?

Mr. REUSS. Yes. There has been a remarkable agreement on the subscription obligations. In this connection let me note to the gentleman that following the printing of this report on April 1 word was received that all of the major countries have, subject to their domestic parliamentary procedures, agreed to these additional subscriptions. Indeed, in honesty, I would say I would have preferred to have fixed our target a little bit higher and asked for higher subscriptions from some of these countries such as the continental countries, even at the risk that they would not agree, but the general togetherness which prevails in IMF made them set their sights a little lower, and as a result there will probably be a unanimous agreement.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PATMAN. I yield the gentleman 2 additional minutes.

Mr. COLLIER. If the gentleman will yield further, might I ask the gentleman what has been the experience with regard to default in the past? How many nations are in default at the present time in their subscriptions as of today, let us say, without this implementing legislation?

Mr. REUSS. According to my information, there are no defaults whatever. Subscriptions as called have been met 100 percent.

Mr. COLLIER. May I ask the gentleman, when we talk about defaults, are we talking about defaults in agreeing to subscribe under a quota, or are we talking about defaults as it applies to nonpayment into the Fund of the obligatory subscriptions?

Mr. REUSS. We are talking about the latter. It is my information that these payments—and this is the gentleman's meaningful question, obviously—have been fully met. Indeed, if anybody would fail to meet their obligation, they would then be denied their equivalent drawing rights, but this has not to my knowledge happened.

Mr. COLLIER. Then, the addition of the last phrase which reads, "if all members agree to their proposed increases," is merely added because, as I understand the gentleman, for the Record, in the past all of the participating nations have not defaulted and are in fact up to date in their subscription obligations. Is that correct?

Mr. REUSS. That is entirely correct. The only reason for that sentence is because some countries, including notably the United States, do quite properly require congressional approval before the increase can be acceded to, which is what we are absorbed with this afternoon.

Mr. COLLIER. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, I yield the gentleman from New York [Mr. Fino] 5 minutes.

Mr. FINO. Mr. Chairman, I am supporting this bill to increase the International Monetary Fund quota of the United States because, over the years, it has proven itself as an instrument of international financial stability. The added Fund resources which we and other nations are required to contribute under this bill will support an international money system based primarily on the U.S. dollar and the British pound. It would appear that the overall increase will favor the United States.

Because the International Monetary Fund—in addition to helping small currencies—ultimately acts as a bulwark of the leading international currencies, presently the American dollar and the English pound, the Fund is not too popular with France. I can think of no greater recommendation for this quota increase than the opposition of the French. Gold-grabbing France shuns meaningful international financial cooperation like the plague. They doubly dislike this measure because we have achieved an increase in the Fund's resources without any serious inroads into our gold stock—thanks to the arrangement which has been worked out whereby the gold to be drawn by foreign governments in connection with their quota increases will stay in the United States.

France wants two things—they want to bleed us of gold, and then they want to put the international financial spotlight on gold, so as to profit from their ingratitude. The increase in the Fund quota before us today, together with the attendant gold preservation scheme, can be giving no joy to the French, but it is a meaningful day for international monetary cooperation.

I do not, however, want to appear to say that the Fund increase solves our international monetary situation. We need some new directions in international cooperation. I would like to see an international reserve structure where something other than dollars are stockpiled around the world. Then we would not have to worry about dollar stockpiles to be used to bleed our gold. I hope that new directions in international money cooperation will be seriously looked into by an international conference, as proposed.

Lastly, I hope that we do not come to believe that the Fund increase removes the need to watch our balance of payments. Our balance-of-payments situation now seems to be improving, but I am somewhat doubtful about the methods being used. In cutting back on oversea investment, we may be overrestricting private enterprise. We are also pursuing policies liable to stir up economic nationalism abroad, which nationalism might cut back our trade and stop repatriation of profits earned by oversea dollars. I would like to once more reiterate my own feeling that more of our balance-of-payments efforts should be concentrated on increasing tourism and trade and cutting back excess foreign aid.

I do not think we will suffer on the international scene because of selected foreign aid cutbacks—for example, aid to India, a nation of proven ingrates who scream for foreign aid while they are sitting on more than a billion dollars worth of blocked counterpart funds. Only the United States is so foolish as to give away large amounts of money to the world's credit-risk nations. We can even sometimes learn from our enemies. The Russians are not bamboozled by outstretched hands or whining ivory tower voices. The billions they spent to build up China were loans, not grants. I feel that foreign aid and foreign investment must share the burden of bettering our balance of payments. I do not think that private enterprise should bear the burden on behalf of aid to India and similar programs.

I would like to say again, in closing, that I support the Fund quota increase. It does not relieve us of the need to pursue a sound course of correcting our balance-of-payment difficulties, and it does not relieve us of the need to seek new directions in international monetary cooperation, but it is a sound move. I urge the passage of this bill.

Mr. WIDNALL. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. Harvey].

Mr. HARVEY of Michigan. Mr. Chairman, I rise in support of H.R. 6497.

One of the basic principles established at the Bretton Woods Conference in 1944 was that the success of any international monetary system would require intelligent, purposeful, and organized cooperation between nations. That principle is embodied in the IMF and is one to which the United States strongly adheres. Moreover, an increase in the resources of the Fund is necessary at the present time in order to maintain the strength and position of the Fund in the evolution of the international monetary system.

The International Monetary Fund was designed, and I quote from its charter:

> To promote international monetary cooperation through a permanent institution which provides the machinery for consultation and collaboration on international monetary problems.
>
> To facilitate the expansion and balanced growth of international trade and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.

Accordingly, the Fund has worked continuously for the elimination of exchange restrictions. the avoidance of competitive and destructive exchange depreciations, as well as the promotion of exchange stability. When member countries—such as recently was the case with the United States—draw needed currencies from the Fund they do so to provide financing for their position while corrective measures are being taken to eliminate a hopefully temporary balance-of-payments deficit. Any drawing must be repaid within a 3- to 5-year period.

In this regard, it should be apparent to all that the IMF should not and cannot be confused with institutions whose primary purpose is the making of long-term loans. Nor should it be confused with our various foreign aid programs.

I am in wholehearted support of H.R. 6497. There are, however, several disturbing matters surrounding this legislation which demand our attention.

Mr. Chairman, for the first time in the IMF's history, we in the United States find ourselves in a position to directly benefit. Ironically, this is regrettable, for when a nation must lean on the IMF for support it means only one thing: You are in balance-of-payments trouble. In this regard the IMF can be likened to a hospital. It is comforting to know it is there, but you hope you can keep looking at it from the outside. Right now, Great Britain is in the emergency ward receiving a $2-billion transfusion, while the United States is like an outpatient having drawn about $330 million in hard currencies during the corresponding period.

A better illustration of our beneficiary position can be seen by the Fund's holdings of dollars. Prior to 1960, drawings from the Fund were predominately taken in dollars and the United States was in a strong creditor position in relation to the Fund. By the end of 1957, gross drawings of dollars had amounted to nearly $2.7 billion, and at that time IMF holdings of dollars represented no more than 28 percent of the U.S. quota. Beginning in 1958, as the United States moved into a chronic payments deficit position, the Fund began increasingly to provide currencies other than the dollar to countries seeking temporary financing. This practice intensified as the U.S. balance-of-payments deficits worsened to the point where today the Fund's holding of dollars exceeds 75 percent of our quota, thus placing us in a debtor position to the Fund.

In considering this bill, it is appropriate that we in the Congress take a long, hard look at our serious payments deficit. The two are directly related. More important, practically every major spending bill that comes before us is directly or indirectly related to both the IMF and our payments deficits. When we enjoyed payments surpluses, we enjoyed the shortsighted luxury of treating the IMF in an academic, distant attitude of moral responsibility to international monetary cooperation. We can no longer afford such luxury. And to those who doubt it, just remember the austere words of a liberal Labor Prime Minister in London a few weeks ago.

Spend and spend, elect and elect might be a successful political maxim for some, but it does not even budge the rigid disciplines of international finance—the one endeavor that demands financial integrity and responsibility if a nation is to maintain world leadership.

The pigeons of neglect have come home to roost. For years, we have been deluded by those who said that our international credit card could withstand endless expenditures for foreign aid and unilateral military commitments. Even in this congressional session we will be told that our budget deficits have no relationship to payments deficits, even though domestic policies have doubtless affected our once formidable competitive trade advantage leading to our declining share of a growing world trade. In 1948 our share of world commerce was 25 percent. In 1953 it was 16 percent. Today it has further declined to 14.7 percent.

Moreover, to no small degree has the $1.6 billion annual tourist gap been encouraged by high domestic vacation and travel costs. "See the U.S.A." is an empty slogan to the family who can see Europe for about the same amount, plus combine it with business or study, while putting the travel cost on a credit card.

I am also troubled by one other aspect of the bill before us today. During the hearings I asked former Secretary Dillon whether France was going to participate in this 25 percent quota increase to the IMF, and his answer was, "They have not said they would not." This is especially disturbing when one realizes that the French attitude is in actuality a Continental attitude. As Secretary Dillon testified:

> I think you have this problem—not just in France, but partly in Germany, partly in Holland, and all through the continent of Europe—that the basic problem with the world monetary system wasn't a lack of eventual reserves, but that there was too big a U.S. deficit, and that there was no way to bring it into order. So they weren't really interested except in trying to achieve some sort of system or a change that would put pressure on the United States to balance its payments.

So let us not try to get off the hot seat by taking a kick at De Gaulle, for as Secretary Dillon said, his attitude is shared by many. Blaming our predicament on De Gaulle might be good for home consumption, and might sound more palatable on the evening television news commentary, but it will not solve a thing. Rather, what this foreign attitude signifies is an increasing demand from creditor nations for the United States to solve our problem on their terms. Likewise, this has resulted in a paralysis of our ingenuity and forcefulness in solving our deficit in terms favorable to ourselves. In short, a chronic payments deficit must result to a certain extent in a loss of prestige and world leadership.

Nor does it do us any good to cast an indignant glance back to the period following World War II, when the United States generously extended huge credits for the sake of avoiding world monetary catastrophe, yearning that the actions of present-day payments surplus nations reflect our manifold past favors. Suffice it to say that they both have not and will not, and the sooner we recognize this fact of international life, the better off we will be.

Mr. Chairman, I support H.R. 6497. It is a good bill, and one from which the United States will benefit. Nevertheless, because the treatment of our chronic balance-of-payments deficit is largely a function of the Executive—although a product of legislative action—I wanted to take this opportunity to address myself to this serious payments problem.

Let us strive to insure that in the critical area of world monetary affairs, the United States will maintain a position of strength, influence and world leadership.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. Brock].

Mr. BROCK. Mr. Chairman, to argue against the IMF's objective of creating a climate more conducive to international monetary cooperation could be likened to voting against crackerjacks at a Sunday afternoon doubleheader.

Nevertheless, I feel impelled by the circumstances surrounding this legislation to raise my voice in protest.

As former Secretary Dillon testified:

> When member countries draw needed currencies from the Fund they do so to provide financing for their position while corrective measures are being taken to eliminate a temporary balance-of-payments situation.

The mechanism of providing time to member countries suffering temporary deficits in their international transactions is the very essence of the IMF. To this principle I heartily subscribe, for who can doubt that the post World War II period has witnessed a far better international monetary climate than the 20 years after World War I, which included the monetary crisis of the 1930's, the shattering worldwide depression which followed, the proliferation of "beggar thy neighbor" trade policies, and the growth of various forms of trade warfare and restrictive exchange controls.

Some—though by no means all—of this improvement has been generated by the existence of the IMF, working on the principle that any nation can work its way out of a temporary payments deficit, provided it has two things on its side: time in which to work and the fortitude to apply the needed disciplines over its domestic and international economic policies.

Today, for the first time, the United States is in a deficit position with relation to the IMF. Today, for the first time, the United States is drawing hard currencies from the Fund in exchange for dollars.

The bill before us presumably will be part of an arsenal of weapons by which the United States hopefully will work its way out of a chronic payments deficit. It provides temporary financing with scarce currencies and it provides time.

A few weeks ago, the Congress approved and the President signed a bill removing the gold backing from Federal Reserve notes for the express reason of providing us with the needed time from which to extricate ourselves from the mounting pressures attending the increasing loss of gold from our reserves.

Under H.R. 6497, you are being asked to increase the U.S. quota to the IMF by 25 percent, including a gold payment to the Fund of $259 million. But, in highly complicated language, means have been devised through a fast shuffle of resources by which this allegedly will not affect a corresponding drain on the U.S. gold holdings. Again, in keeping with the principles of the Fund, this maneuver buys for us some additional time—time during which we will hopefully find means for reducing the increasing exchange of dollars for gold by foreigners.

Similarly, during the past few years, pressure against the dollar temporarily has been reduced by various Treasury Department swap arrangements and "Roosa Bonds."

During the same period Congress approved the interest equalization tax, at which time we were told by the administration that such action would surely go a long way toward solving our payments deficits, provided Congress supplied the tools by which a breathing spell could be achieved.

Then, in February President Johnson sent his balance-of-payments message to Congress in which he asked for an extension and broadening of the interest equalization tax, as well as a program of voluntary restraints on private capital investments outside the United States. Again, woven between every line of the President's message was the theme that all that is needed to solve our problem is time in which to work.

Finally, only last Friday, the Wall Street Journal ran a feature story on the administration's attempts to decrease the $1.6 billion annual tourist gap, in which several key executive department aids were quoted as implying that a tax on U.S. tourists is still very much under active consideration.

Like the IMF, all these measures have been designed to provide time in which to solve this perplexing problem. Let us not forget, however, that time is short. In the past 2 weeks our outflow increased by another 150 million in gold increasing the load to 975 million this year.

But like H.R. 6497's shuffle of gold quotas, most of these programs are misdirected away from the real cause of our payments problem, and worse yet, they waste whatever period of grace they may create.

Virtually every administration effort to correct our balance-of-payments deficit is characterized by placing the blame on the private sector of our economy. If you are looking for a scapegoat, blame private business, blame the big banks, blame the tourist, and for good measure, blame De Gaulle. Do not under any circumstances, however, blame the Federal Government.

Certainly, under the veiled threat of future imposition of mandatory Federal controls, the present program of so-called voluntary restraints over private capital investment abroad will be reflected in a reduced payments deficit. But at what longrun cost to our economy? And if our shortrun payments position improves under these misdirected programs, we will then get the green light to continue at the prevailing or expanded levels of our present foreign aid and virtually unilateral military commitments, while at the same time reducing the pressures for securing some help in these endeavors from our allies.

Our total economic aid since 1945, net after repayments, amounted to $65 billion, and our military assistance and direct defense expenditures abroad have amounted to $68 billion—a total of $133 billion net since 1945.

This comes to an average of more than $7 billion a year spent abroad by the United States, most of it of a nonincome bearing, nonrepayable nature.

The accumulated balance-of-payments deficits since 1950 amount to $36 billion. Of this, $26 billion was accumulated between 1958 and 1964.

Since our international private financial, trade, and service accounts are in balance, one cannot escape the conclusion, that, of the recorded $133 billion that the Federal Government has spent for aid and defense abroad, one-quarter or $36 billion in accumulated deficits has not been compensated by equivalent earnings abroad. Interestingly enough, this is nearly equivalent to the $2.4 billion average annual net dollar outflow of the Government account during the past several years.

We have met about $10 billion of this deficit by export of gold; the rest being added to our liquid liabilities which are close to $29 billion today.

The real danger that this situation presents is that we do not have sufficient external resources to meet our annual Government obligations, leading to the present situation where we have to borrow abroad in order to pay our bills for foreign aid and military commitments. Such a situation severely limits our freedom of action in the international field, and puts our creditors in a position to demand that we solve our balance-of-payments deficit in terms favorable to them, and unfavorable to ourselves.

It is evident that the thrust of the administration's program of voluntary restraints against private capital investments abroad is in complete harmony with European economic attitudes. The chief economic spokesman for the Common Market, Mr. Robert Marjolin, told the European Common Market Commission on March 23 last that—

> There is therefore no doubt that capital transactions are the item which calls for attention if the American deficit is to be corrected. We think that slowing down American direct investment in the industrial developed countries would also contribute to the general health of our economies. Common Market action in this direction could consist of a detailed statistical check on direct investments from nonmember countries.

Here we see the crux of the matter—a choice of government-to-government aid over the longer range benefits of free enterprise and investment.

Then, just last Friday, one of our Nation's leading authorities on balance of payments, Prof. Robert Triffin, of Yale University, warned:

> If President Johnson's program for voluntary restrictions on capital outflows is maintained for very long, it may lead to more mandatory controls.

He further cautioned that the President's program is "bound to raise interest rates in Europe even further—contrary to our desires."

As Mr. Robert A. Best, of the International Economic Policy Association, testified before the Senate Banking and Currency Committee's hearings on the balance of payments last March 23:

> The deficits in the government account have averaged between $3 to $4 billion a year, which is equal to our deficits on regular transactions over the 1958–64 period.

This contrasts, Mr. Best said, to the private sector, where—

> we have been consistently in balance or in surplus. If one were to exclude volatile short-term capital movement, which are really symptoms rather than causes of the problem, the surplus in the private sector would have varied from $1.2 billion to $2.6 billion over the 1960–64 period.

The general conclusion is that the administration's emphasis on controlling private capital investments abroad as a means of solving the balance-of-payments problem would appear to be misguided, a way of avoiding basic policy decisions, and destined to show marginal benefits at best. Of greater importance is the fact that short-range results will create long-range problems.

Moreover, it is not sufficient to state that we have a sizable merchandise trade surplus, and that therefore it is in this area of still further expanded exports that the answer is to be found. About half of our trade surplus is government-induced, and is therefore no true reflection of our basic competitiveness. Nor have our commercial exports in recent years kept pace with the expansion of world trade, where our percentage of total world exports has continued to decline in a rather steady downward trend.

Most interestingly, however, is the fact that the areas where we have maintained a trade surplus, Canada and Western Europe, are those areas where our direct private foreign investments have been the heaviest, while in Latin America, a primary area for foreign aid receipts, our trade position has declined, along with our direct private foreign investments.

The single most healthy sector of our balance-of-payments picture—that area that has been placed under an official cloud of suspicion—is that which has consistently produced exceptional surpluses.

Our long-term private capital account shows a surplus each year since 1945. Contrary to popular belief, direct investment inflows, in the form of direct foreign investment income, royalties, and fees have risen at a much more rapid rate than outflows.

Clearly, then, the records prove that the administration's balance-of-payments program seems to be aimed at one of the most healthy areas of our international economic endeavor. It is a program that suffers from many faults, the worst being that it seems to have been suggested or dictated by those foreign nations who yearn for a severe reduction in the present-day international leadership and influence of the United States.

Worse yet, it is a program that aims at maintaining the postwar pattern of massive U.S. economic and military expenditures throughout the world at the prevailing or an increased level—a program, the burdens of which have been avoided by the very nations which are cheering us on to new and greater efforts.

Mr. Chairman, the present balance-of-payments crisis confronting the United States could have served a useful purpose had it reminded us that our present policies were anachronistic and not in keeping with the realities of present-day international economics. Our crisis could have been useful had it forced us to make a dramatic turn toward increasing our competitive world trade position in an increasingly competitive nationalistic and regionalistic trading climate.

Rather, we have been forced by habit and cloudy thinking to strike out at private capital investments in an effort to achieve quick paper results as well as to bail out the other timeworn programs.

Moreover, our chronic deficits in balance of payments have occurred in a period of general price stability and comparative cost and trade advantage vis-a-vis most of our trading partners. If inflationary pressures were to mount in the period ahead, the effects on world trade and free capital movement could be disastrous. This possibility appears more imminent today than in previous years as the Nation nears productive capacity. Under such conditions deficit financing can have a more dramatic and direct effect upon our prices, thereby further weakening our international competitive ability.

Clearly, the time for meaningful action is now. We can no longer afford the luxury of hiding behind a series of delaying tactics constructed on a foundation of subterfuges and quiet financial maneuverings. Nor can we afford to scrap our tradition of free capital movements on the altar of wishful thinking, wasteful foreign aid, and restrictive controls on a free economy.

I am supporting this bill because I am convinced that the IMF has and will continue to serve a vital role in international monetary cooperation. However, I do feel obliged to, at this time, express my concern over several problems that are directly and indirectly related to this legislation.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Missouri.

Mr. HALL. I notice in the report, bottom of page 4, where apparently we talk about $800 million worth of gold taken from this Fund in previous years. Evidently this was in connection with our outflow of gold in dollars to provide a remedy therefor in the International Monetary Fund.

Mr. BROCK. That is correct.

Mr. HALL. The gold had been left on reserve in New York or the bank where it is going, but the IMF claimed it. Still we paid dollars in hard currency to get it back still in the same place. There is some dispute about who now owns and controls that gold, still we are being asked today to put in another $1,038 billion of which over $259 million will be gold. Whose cat is licking which cream?

Can the gentleman explain that? I am thoroughly confused. I, like the gentleman, agree with the principle of cracker jacks. But I wonder if we are not getting ourselves into a position here like that of the lady who buys a bargain because the price tag is low, even though she does not need it, and so is foolhardy.

Mr. BROCK. Our point is that statistics relating to gold holdings are all rather technical and complex. The point is when we give them $250 million gold and they deposit it in this country, it is still owned by the IMF. You have not solved the basic problem. When you owe somebody and you go to the bank to borrow the money you originally owed, you have not solved the problem of the debt. This is our problem, that we have a debt. We have a balance-of-payments deficit adding to the debt each year. We are not solving the problem by putting the gold into a New York bank, because that does not affect it at all.

Mr. HALL. I think that answers the question. We are fooling ourselves.

Is it not true that behind all of this is the fact that back in the early thirties when we were wrestling with the Treasury ourselves, although we cannot claim gold, the $25 billion in the Federal Reserve which we removed the other day in order to make such commitments as these, we allowed oversea bankers to demand their debentures be paid in gold by us even though our own institutions cannot do the same thing.

Mr. BROCK. That is correct.

Mr. HALL. When are we going to get to the basic evil and correct it?

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. On March 25, 1959, I with 314 others voted for a similar resolution. I came to the floor of the House this afternoon with some mixed emotions. I assumed this bill, H.R. 6497, we have before us today had the kind of merit the legislation did in 1959. I subsequently reread the supplemental views signed by the gentleman from New Jersey and all but one of the Members on our side. I must confess that the supplemental views, which are excellent and sound, have disturbed me and practically convinced me I ought to vote against the legislation. I am therefore perplexed that 10 out of the 11 on our side, after reading these excellent supplemental views you presented, are voting for it. I repeat this is an excellent report by the minority members of the Committee on Banking and Currency. I, therefore, am perplexed as to why there will be favorable votes from those of us on our side.

Mr. BROCK. I cannot speak for all of the Members but I do want to point out this is not a black and white situation. There are advantages in having increased assets in the funds. If the United States had the integrity and the self-discipline to meet its responsibilities to the people of this country and to work on the basic problem, then there would not be any question but that we should support this bill. If we believe in the basic purposes of the administration and the Government, then I think we should support this bill. The question is: Are we going to use the additional time made available by passage of this bill to attack the basic problem? It gives us a fund from which we can draw in order to meet the current needs.

Mr. GERALD R. FORD. Is the reverse true, that if we do not have a feeling of security or satisfaction with the program that the administration is carrying out to remedy the balance-of-payments problem, then we ought to vote against it? Perhaps a straight motion to recommit with an aye vote is one way to express my dissatisfaction with the Johnson administration's failure to resolve the balance of payments despite many, many promises.

Mr. BROCK. I think if we do not expect this administration to make greater efforts in solving the basic problem, then we are adding to the long-range problem with such delaying tactics. Let me point out specifically that the administration's program to solve the balance-of-payments difficulty is primarily slanted at the private sector. That is the one sector in our total balance-of-payments position which is returning a profit to the United States, a profit ranging from $1 to $2 billion a year and up in a return on previous investments. Now we are asking that these investments overseas be curtailed. We are not doing anything about foreign aid or anything about the massive outflows taking place from government to government. We are hitting at the private sector only. The point is if we curtail our private investments overseas, then 5 or 10 years from now we are going to have less profit coming back from these investments. We seem to prefer, in this administration, government-to-government aid rather than private enterprise investment, which is a longer range and more productive investment so far as I am concerned.

As long as the administration is concentrating on curtailing the private sector and is not, so far as I am concerned, meeting its responsibility to the Nation by curtailing government-to-government outflows, then I think we have, and I think any person would have, a valid reason for not supporting this legislation.

Mr. GERALD R. FORD. As I understand, the United States has borrowed from the International Monetary Fund in the last year or so. Does the gentleman know how many times and to what extent?

Mr. BROCK. If I recall, it is three times. I am not sure of the exact total.

Mr. GERALD R. FORD. Three times, as I understand, is the case.

Mr. BROCK. Yes.

Mr. GERALD R. FORD. The gentleman from Michigan [Mr. HARVEY] made the statement that no country could borrow from the International Monetary Fund unless that country had submitted a program that was satisfactory to the managers or the board of directors for the remedying or rectifying of the problem that caused their current financial difficulties. As we, as a Nation, have borrowed from the Fund, have we submitted our plan each time and has it been approved?

Mr. BROCK. Basically, that requirement applies after you have exceeded 25 percent of your total input—your total subscription to the Fund. We have not reached that point yet. So to my knowledge, we have not been required to file a formal plan for solving our balance-of-payments situation. If we have to borrow another billion or so dollars, we will reach that position and we will have to justify the loan on the basis that we have a formal working program to get out from under this burden that we face.

Mr. GERALD R. FORD. In conclusion, I would like to compliment the Members on our side for the excellent minority or supplemental views. They are very persuasive. I hope that regardless of the outcome of this vote today, the administration takes these suggestions and criticisms to heart because, certainly, their record to date does not engender in many people a great feeling of security in this area.

Mr. BROCK. I thank the gentleman and agree with him.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Iowa.

Mr. GROSS. If I understand the situation correctly, we repurchased $800 million of gold and listed it as an asset of this Government while other members of the International Monetary Fund say the same $800 million is an asset of the Fund. How can those situations be true at one and the same time?

Mr. BROCK. It is rather difficult to explain. It is sort of like a balance sheet. You can balance an asset with a liability and increase the total structure, but you do not increase the equity. That is what we are doing when we give to the Fund and then keep gold in our banks—it is a washout on paper—but it is an increase in the future obligations of the United States. That is in effect exactly what we are doing.

Mr. GROSS. How can the Fund claim this to be an asset? The other countries who are members of the Fund use this as an asset.

Mr. BROCK. It is an asset because they have a claim on it. At any time they choose they can call and say, "We want the gold shipped," to wherever they want it.

Mr. GROSS. Then it is not our property.

Mr. BROCK. No, it is not. That is why it should not be included in the gold position of this Nation.

Mr. GROSS. Then it belongs to the Fund. It belongs, in fact, to the foreigners and does not belong to us.

Mr. BROCK. The gentleman is entirely correct.

Mr. GROSS. I do not see how in the world we can claim we have title to $800 million worth of gold when it is subject to withdrawal by foreign governments, and now it is proposed in this bill to add another $250 million of our gold to the International Monetary Fund.

Mr. ELLSWORTH. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from Kansas.

Mr. ELLSWORTH. I was interested in listening to the colloquy between the gentleman and the distinguished minority leader. I wish to say that I fully agree with what the minority leader said about the persuasiveness and the compelling force of the supplemental views in the committee report, signed by the gentleman from New Jersey, the gentleman in the well, and other Republicans. They are very compelling and persuasive.

I should like to ask for a clarification, as to whether I understood the gentleman from Tennessee correctly in his colloquy with the minority leader. The gentleman said, I believe, that if we feel the administration's handling and approach to the current balance-of-payments difficulties we are in is the right approach, and is a sound approach, then we ought to vote for this bill; and, on the other hand, if we are not happy with the administration's current approach to the balance-of-payments problems, and if we feel that the administration is approaching the balance-of-payments problem from the wrong point of view, then we should vote against the bill. Is that a correct understanding of what the gentleman told the minority leader?

Mr. BROCK. I thank the gentleman. I believe that is a fairly good summation.

I would say we should consider not only the current administration program, because that is obviously not the only thing we are going to be doing—at least, hopefully. I believe we should also consider whether the administration has the necessary self discipline to pursue a program additional to the one we have at hand.

Mr. ELLSWORTH. Let me ask the gentleman whether he believes a "no" vote on this bill would assist the administration in coming more quickly to that condition of self-discipline, which we all feel the administration should approach rapidly?

Mr. BROCK. I believe it is possible. If I were convinced that a "no" vote would have any effect on the administration at all I would shout a very loud "no".

Mr. ELLSWORTH. Of course, I do not control the gentleman's vote or the vote of anyone else, but to the extent that my vote might have any effect on the administration I intend to vote "no" on this bill for that purpose.

Mr. BROCK. I thank the gentleman.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. BROCK. I yield to the gentleman from New York.

Mr. MULTER. I believe we can help to clarify the situation, if the gentleman will permit.

The two main purposes for bringing the International Monetary Fund into being were to promote international monetary cooperation and to facilitate expansion and growth. I read from the original Bretton Woods Agreement:

> To promote international monetary cooperation through a permanent institution which provides the machinery for consultation and collaboration on international monetary problems.
>
> To facilitate the expansion and balanced growth of international trade and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.

I feel sure that the gentleman will agree, and everyone who signed the minority views will agree, that these purposes have been accomplished; perhaps not to the fullest extent we would like to have them, but at least we are moving in the right direction.

Mr. BROCK. I do indeed agree.

Mr. MULTER. Unless we can replace the Fund with something else, we will have nothing else to do the job on the international scene.

Mr. BROCK. This is the difficult choice facing us today. As these gentlemen have pointed out, a "no" vote might serve notice that we believe greater emphasis should be given to the balance-of-payments problem. Perhaps we must deal entirely with the IMF as it exists.

Mr. MULTER. A "no" vote in effect would be a vote to get rid of something doing the job and to look for something in the future.

Mr. BROCK. I do not believe one could interpret a "no" vote for all Members in that light. If I voted "no" I would not vote in that light. I would simply be voting for a lack of effort on the balance-of-payments problem. However, I would prefer to vote "aye" on a motion to recommit indicating a deep concern over our balance-of-payments program; for I do believe in the basic benefit of this Fund.

Mr. MULTER. At the same time, no one has come forward with a substitute for the IMF. We all agree we need something to do this job. While there may be some substance to the arguments made in the supplemental views, I believe it is the duty of those persons who offer those supplemental views in criticism to come forward with an affirmative program and to say, "this is a better way to do what we are doing."

Simply to say we must improve our balance of payments is not enough. I think you must come forward and say, "Let us do this that the administration is not doing" or say "Let us not do it."

Mr. BROCK. I would suggest that the gentleman join me in voting against foreign aid as the first step.

Mr. Chairman, I include at this point several articles and tables which will further explain and clarify the scope of this legislation.

TABLE 1.—*Private and Government sectors in the U.S. balance of payments, 1960–64*

[In billions of dollars]

	1960–61 (average)		1962		1963		1964 [1]	
	Private	Government	Private	Government	Private	Government	Private	Government
Exports	17.6	2.1	18.1	3.0	19.2	3.4	22.3	3.5
Income on investments	3.2	.4	3.9	.5	4.0	.5	4.4	.5
Other service receipts	3.9	.2	4.1	.2	4.4	.2	4.5	.2
Long-term capital inflows	.4		.3		.3		.4	
Repayments to U.S. Government [2]		1.0		1.3		1.0		.7
Government liabilities [3]		.1		.9		1.1		.7
Total receipts	+25.1	+3.8	+26.4	+5.9	+27.9	+6.2	+31.6	+5.6
Imports	−14.6		−16.1		−17.0		−18.6	
Services	−5.4	−.9	−5.8	−.8	−6.3	−.8	−6.8	−.8
Private long-term investments	−2.6		−2.8		−3.4		−3.6	
Military cash outflows		−3.0		−3.0		−2.9		−2.9
Government grants and loans		−3.8		−4.3		−4.5		−4.3
Total payments	−22.6	−7.7	−24.7	−8.1	−26.7	−8.2	−29.0	−8.0
Basic position	+2.6	−3.9	+1.6	−2.3	+1.2	−2.0	+2.6	−2.4
Short-term capital outflows:								
Increase (−) in private short-term assets abroad	−1.4		−.5		−.6		−2.1	
Unrecorded outflows	−.6		−1.0		−.5		−.5	
Total, overall position	+.6	−3.9	+.1	−2.3	+.1	+2.0		−2.4

[1] Preliminary estimates.

[2] Includes debt prepayments of $53,000,000 in 1960, $696,000,000 in 1961, $681,000,000 in 1962, $326,000,000 in 1963, and $115,000,000 during 1964.

[3] Includes sale of medium-term Government securities to foreign governments which totaled $251,000,000 in 1962, $702,000,000 in 1963, and $375,000,000 in 1964.

Source: U.S. Department of Commerce, Survey of Current Business, June 1964, pp. 10–11, December 1964, pp. 10–11; and Department of Commerce press release, Feb. 11, 1965.

TABLE 2.—*U.S. short-term liabilities to foreigners as of December 1964*

[In millions of dollars]

	Total short-term liabilities	Short-term banking liabilities to foreigners	Short-term liabilities reported by nonfinancial concerns [1]
Total	29,408	28,759	649
Europe	12,589	12,248	341
Canada	3,038	2,979	59
Latin America	3,643	3,532	111
Asia	4,673	4,591	82
Other countries	494	438	56
International and regional	4,970	4,970	

[1] Reported only through September 1964.

Source: U.S. Treasury Department, Treasury Bulletin, February 1965, pp. 103 and 107.

TABLE 3.—*U.S. share of world trade, 1948–64* [1]

[In millions of dollars]

	Total world exports (f.o.b.) [2]	U.S. exports [2] (f.o.b.)		U.S. exports (excluding AID-financed exports)	
		Amount	Percent of total	Amount	Percent of total
1948	53,086	13,193	24.9	(3)	(3)
1950	57,235	10,117	17.7	(3)	(3)
1951	77,261	14,123	18.3	(3)	(3)
1952	74,386	13,319	17.9	(3)	(3)
1953	75,266	12,281	16.3	(3)	(3)
1954	78,033	12,799	16.4	(3)	(3)
1955	84,792	14,280	16.8	(3)	(3)
1956	94,114	17,379	18.5	(3)	(3)
1957	101,060	19,390	19.1	(3)	(3)
1958	95,400	16,264	17.0	(3)	(3)
1959	101,200	16,282	16.1	(3)	(3)
1960	113,100	19,459	17.2	17,540	15.5
1961	118,200	19,913	16.8	17,676	15.0
1962	124,400	20,479	16.5	18,134	14.6
1963	135,600	21,984	16.2	19,269	14.2
1964	151,500	25,600	16.8	22,200	14.7

[1] Except 1949.

[2] Excludes Communist bloc countries and Cuba.

[3] Not available.

Source: International Monetary Fund, International Financial Statistics and U.S. Department of Commerce, Survey of Current Business.

TABLE 4.—*U.S. trade position by selected regions, 1946–63*

[In millions of dollars]

	Canada		Western Europe		Latin America		Japan	
	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports
1946	1,469	875	4,248	776	2,148	1,876		
1947	2,116	1,129	5,694	802	3,859	2,299		
1948	1,935	1,599	4,566	1,066	3,162	2,626	325	65
1949	1,925	1,554	4,162	916	2,712	2,501		
1950	2,011	1,947	2,964	1,280	2,718	3,091		
1951	2,682	2,280	3,993	1,951	3,746	3,510		
1952	2,976	2,345	3,472	2,022	3,474	3,569		

TABLE 4.—*U.S. trade position by selected regions, 1946–63*—Continued

[In millions of dollars]

	Canada		Western Europe		Latin America		Japan	
	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports
1953	3,123	2,435	2,992	2,278	3,045	3,531	670	235
1954	2,855	2,364	3,492	2,030	3,323	3,445	680	285
1955	3,326	2,678	4,313	2,398	3,282	3,470	645	455
1956	4,116	2,916	5,378	2,949	3,835	3,782	900	550
1957	4,022	2,938	5,965	3,094	4,642	3,930	1,230	605
1958	3,520	2,703	4,668	3,299	4,156	3,749	840	695
1959	3,800	3,045	4,724	4,517	3,572	3,710	930	1,050
1960	3,768	2,899	6,696	4,174	3,522	3,619	1,330	1,110
1961	3,705	3,080	6,821	4,054	3,453	3,229	1,730	1,070
1962	3,833	3,660	6,381	4,539	3,231	3,380	1,410	1,357
1963	4,119	3,829	6,890	4,726	3,117	3,451	1,697	1,498

Source: U.S. Department of Commerce, Balance of Payments Statistical Supplement.

TABLE 5.—*Composition of U.S. trade, 1946–56*

[In millions of dollars]

Commodities	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956
Machinery:											
Exports	1,242	2,303	2,202	2,296	1,951	2,462	2,719	2,746	2,612	2,824	3,568
Imports	32	55	104	107	111	170	228	225	220	256	368
Chemicals:											
Exports	437	711	660	640	605	862	704	714	868	1,103	1,164
Imports	85	94	98	106	152	175	208	252	260	270	287
Food and beverages:											
Exports	2,201	3,152	2,645	2,302	1,465	2,400	2,188	1,817	1,677	2,052	2,744
Imports	1,287	1,648	1,930	2,004	2,560	2,915	2,920	3,096	3,193	3,018	3,086
Metals and manufactures:											
Exports	606	1,160	972	1,010	699	916	1,108	928	1,065	1,576	1,855
Imports	386	565	865	917	1,105	1,232	1,658	1,919	1,493	1,738	2,037
Nonferrous metals:											
Exports	76	172	167	148	115	146	209	160	298	306	398
Imports	315	467	721	752	860	821	1,273	1,352	1,110	1,275	1,418
Petroleum and products:											
Exports [1]	436	641	657	562	499	787	793	695	658	646	763
Imports [2]	162	260	432	485	595	601	690	762	829	1,034	1,282
Nonfood consumer goods:											
Exports	1,075	1,527	1,131	913	808	1,155	1,019	1,130	1,144	1,276	1,314
Imports	489	374	461	410	556	693	715	802	830	1,064	1,260

[1] Includes natural gas.
[2] Excludes natural gas.

Source: U.S. Department of Commerce, Balance-of-Payments Statistical Supplement, 1963, pp. 104–139.

TABLE 6.—*Composition of U.S. trade, 1958–64*

[In millions of dollars]

Commodities	1958	1959	1960	1961	1962	1963	1964 [1]
Machinery:							
Exports	3,653	3,685	4,093	4,488	4,871	5,065	5,800
Imports	481	673	721	786	949	1,036	1,182
Chemicals:							
Exports	1,405	1,543	1,763	1,787	1,843	1,922	2,314
Imports	800	874	818	732	765	705	696
Food and live animals:							
Exports	2,240	2,405	2,668	2,921	3,181	3,570	3,843
Imports	3,211	3,176	2,999	3,018	3,245	3,399	3,360
Metals and manufactures:							
Exports	1,316	1,018	1,559	1,318	1,287	1,377	1,582
Imports	1,053	1,587	1,380	1,383	1,649	1,836	2,056
Petroleum and products:							
Exports	514	453	439	398	401	446	414
Imports	1,616	1,529	1,534	1,637	1,729	1,764	1,871
Nonfood consumer goods:							
Exports	1,271	1,274	1,327	1,356	1,380	1,494	1,692
Imports	1,710	2,424	2,459	2,200	2,707	2,797	[2] 2,900
Automobiles and parts:							
Exports	1,042	1,096	1,171	1,085	1,181	1,306	1,490
Imports	551	884	627	378	515	566	590

[1] Annual rate for the 1st 3 quarters.
[2] Estimated.

Source: U.S. Department of Commerce, Overseas Business Reports.

TABLE 7.—*U.S. direct foreign investments, inflows and outflows, 1945–64*

[In millions of dollars]

	Direct foreign investment outflows (1)	Direct foreign investment income (2)	Royalties and fees (3)	Total (col. 2+3) (4)	Balance (col. 4−1) (5)
1945	100	426	(1)	426	326
1946	230	589	(1)	589	369
1947	749	869	(1)	869	120
1948	721	1,064	(1)	1,064	343
1949	660	1,112	(1)	1,112	452
1950	621	1,294	(1)	1,294	673
1951	508	1,492	(1)	1,492	984
1952	852	1,419	(1)	1,419	567
1953	735	1,442	(1)	1,442	707
1954	667	1,725	(1)	1,725	1,058
1955	823	1,912	(1)	1,912	1,089
1956	1,951	2,171	(1)	2,171	200
1957	2,442	2,249	241	2,535	48
1958	1,181	2,121	280	2,401	1,220
1959	1,372	2,228	325	2,553	1,181
1960	1,694	2,355	344	2,799	1,025
1961	1,598	2,767	448	3,215	1,617
1962	1,654	3,050	548	3,598	2,041
1963	1,888	3,059	622	3,681	1,793
1964 [2]	2,207	3,557	700	4,257	2,050

[1] Not available.
[2] Preliminary.

Source: U.S. Department of Commerce, Balance of Payments Statistical Supplement and selected issues of the Survey of Current Business.

TABLE 8.—*Comparative short-term lending rates in major money centers, and other Europe, June 1957, July 1960, and January 1965*

[Rate in percent]

	January 1965	July 1960	June 1957
Major money centers:			
United States	4.50	5.00	4.00
Switzerland	4.75	4.50–5.00	4.50
Netherlands	5.50	4.50–5.50	5.50
Canada	5.75	5.75	5.50
Japan [1]	6.205	7.30	8.40
France [2]	6.35	6.00–6.50	6.60–7.00
Germany (Federal Republic)	6.25 –6.50	8.00–8.50	9.00
Belgium	6.75	5.25–6.75	5.00–5.50
Sweden	6.75 –7.25	6.00–6.50	6.50–7.00
Italy [2]	7.50	6.50–7.50	7.50
United Kingdom	7.50 –8.00	6.50–7.00	5.25–5.50
Other Europe:			
Portugal	4.00	4.00	5.00– 5.50
Norway	5.75– 6.25	5.50	4.75
Ireland	7.00	6.50	6.25
Spain	6.50– 7.50	6.50– 7.00	6.00– 6.50
Austria	7.00– 7.50	8.50	9.50
Finland	7.00– 8.00	6.00– 7.00	8.00– 8.50
Denmark	8.00– 9.00	7.50	7.00– 8.00
Greece	8.50	9.00–10.00	12.00
Iceland	9.00	(3)	(3)
Turkey	9.00–10.50	7.00	7.00– 9.00

[1] "Standard rate" to banks on commercial paper eligible for rediscount with the Bank of Japan.

[2] A large amount of borrowing is done by discounting trade paper at rates below the rate on advances.

[3] Not available.

Source: First National City Bank, Monthly Economic Letter, February 1965 (inside back cover).

TABLE 9.—*U.S. share of Latin American imports and U.S. net aid to Latin America, 1956–64*

[In millions of dollars]

	Total imports, Latin America [1]	Total exports to Latin America from the United States [1]	Percent U.S. share	U.S. net aid to Latin America [2]	IDB [3]
1956	6,924	3,318	47.9	212	
1957	8,306	4,279	51.5	320	
1958	7,403	3,498	47.3	639	
1959	7,020	3,222	45.9	397	
1960	7,550	3,406	45.1	271	
1961	7,770	3,426	44.1	834	7
1962	7,879	3,403	43.2	656	59
1963	7,807	3,356	43.0	630	141
1964 [4]	8,400	3,600	42.9	489	198

[1] Excludes Cuba.

[2] Actual disbursements; does not include aid from international institutions.

[3] Actual disbursements.

[4] Preliminary.

Source: U.S. Department of Commerce, IDB Information Office.

[From the Wall Street Journal, Apr. 26, 1965]

EUROPEAN CAPITAL—UNITED STATES, BRITISH PROBLEMS SHOW NEED FOR NEW MONEY MARKET

(By J. Russell Boner)

BRUSSELS.—The balance-of-payments troubles of the British and American Governments, and the resulting clampdowns on the outflow of pounds and dollars to finance industrial expansion in other developed nations, are sure to lend increased urgency to the need for Europeans to develop on the continent a major market for capital.

The broadening of the U.S. interest equalization tax to cover bank loans, coupled with President Johnson's pleas to industry and banks to voluntarily help curb the flow of dollars abroad, in only 2 months has made it more difficult and costly for companies to raise new funds in Europe. And stiff new controls imposed earlier this month by the British Government to reduce capital outflow promise to increase the strain.

Economists and bankers agree that in the face of these limitations on traditional sources of new money to fuel Europe's booming economy, Europeans must mobilize their considerable wealth through an efficient money market, or see their economic growth stunted. It will be ironic, to say the least, if the failure of the United States and Britain to order their financial affairs in the past now forces Europe into an orderly modernization of its financial markets.

While the European economy has been enjoying an unprecedented boom in recent years, "the major financial centers * * * have completely failed to develop along with the growth of industry," charges London Sunday Times Business Editor Anthony Vice. "There is simply no way across United Kingdom exchange control and narrow continental capital markets of financing sizable new investments in Europe."

A DISTANT PROSPECT

Many United States and British bankers maintain that development of a continental capital market that is even a pale imitation of London, to say nothing of the sophisticated New York market is years off at best. A U.S. Treasury study published last year indicates the U.S. domestic private market had roughly six times as much money in outstanding issues (including mortgages) as the markets of the Common Market nations combined.

But although no one expects a continental capital market to develop overnight, there are already a wide number of moves under way, especially within the European Economic Community, or Common Market, that will go a long way toward speeding its development. "No one can say there is a capital market organized as such, but there is a start," says a leading Belgian broker.

Officials of the EEC, which is composed of Germany, Italy, France, Belgium, the Netherlands and Luxembourg, are already moving toward instituting freer trading of member nation securities. They're also pushing tax changes to benefit both borrowers and lenders, and perhaps most important, they are pushing for common monetary policies, and the more distant goal of a common currency.

The factors behind the weak, continental capital market are many.

"Depression, war, and reconstruction operated to separate national capital markets from each other, to discourage their internal mechanism and to encourage reliance on official directives rather than the market process," the U.S. Treasury report says.

Governmental controls remain a factor in inhibiting the growth of a capital market by channeling money into sectors which national policy dictates should be stimulated.

High interest rates prevailing in Europe make the market less attractive to borrowers than the United States, but in addition tax structures in many countries raise borrowing costs even higher, and at the same time reduce effective returns to lenders.

An officer of an American branch bank here notes that Europeans prefer to keep their assets liquid, or invest in real property, and adds: "History has proved them right."

A U.S. economist suggests another reason: "In those parts of Europe, where tax evasion is still a national pastime, bonds are not popular." Lack of current and pertinent information on companies and their financial position is a further deterrent to investors.

Thus the existing small national markets are made even weaker by lack of broadscale public participation, such as exists in the United States. In fact, the market is so thin in Belgium that an American banker confides that if the branch should attempt to unload as little as $1 million in Belgian Goverment securities at one time, it would disrupt the market, and send prices tumbling. "About $100,000 a day is all it will stand," he says.

For this reason, in the past many European investors have preferred to buy European securities through New York, where the market is much broader. One study shows that European savers and financial institutions bought $130 million of $325 million of new European securities sold in New York in 1962.

The author of the Treasury report, Economist Peter B. Kenen, concludes: "The weakness of the European capital markets can only be remedied if those markets are consolidated. They would be more receptive to new issues if one could buy or sell a European bond on any European market."

As it is, a German or Frenchman may be reluctant to put up marks or francs for an Italian bond payable in lira, for fear the Italian currency may be devalued.

To some extent this problem has been met through "unit of account" issues, in which Europeans buy bonds in their own currencies and through a complicated system of provisions are protected against currency devaluation. This system has recently lost some favor, partially due to its complexity, but also because it poses a considerable and unknown risk to the borrower.

Since the peril of devaluation poses such an obstacle to raising funds on the Continent, establishment of a fixed relationship between currencies might go a long way toward development of a capital market.

And it's just in such terms that Robert Marjolin, vice president of the commission of the EEC, spoke to the European Parliament late last month in outlining some of the plans of the executive commission.

"Our task is now to insure that devaluation or revaluation, which today are only difficult and unlikely, become impossible and useless," he said. (Many Common Market officials consider the agricultural agreement, reached last December, which fixed certain farm price supports in a unit of account, makes it politically impractical for a nation to devalue its currency. Such a move would now tend to increase food prices and farmers' incomes at the expense of other segments of the economy.)

Mr. Marjolin indicated that to make a change in the relationships among currencies impossible, the executive commission was seeking common norms for budgetary policy, credit policy and eventually incomes policy, to achieve unity on capital movements, and harmonize progressively the instruments of monetary policy. Finally, he said, "We are seeking to strengthen the solidarity of member states in the matter of international liquidity of reserves and their cooperation in international monetary operations, until the day when the reserves of each country can be considered a part of a single reserve." Many observers feel this would result in a de facto common currency.

BETTER MOVEMENT OF CAPITAL

Additionally, a Common Market spokesman says that recently a draft directive on the free movement of capital was submitted to the council of ministers for approval. It calls for elimination of discriminatory taxes or listing requirements that might impede the sale of securities of a member nation on the bourse, or stock exchange, of another EEC country. Hopefully, he adds, the measure will be approved and sent to member states to enact into enabling legislation by yearend.

Brokers in Brussels are hatching a plan to facilitate the trade of U.S. securities in Europe by offering to act as nominees for all professionals in Europe. One says this would eliminate some of the bothersome paperwork now involved in trading these securities, especially between investors in different countries. He adds that the plan could be expanded to securities of other nations in the future, thus aiding the freer flow of capital.

Taxes on the accumulation of capital in Common Market countries pose another obstacle to attempts to raise money. Common Market officials have proposed equalizing this tax throughout the EEC nations at 1 percent of capital accumulated (it runs as high as 2.5 percent in some countries). They've also proposed elimination of a stamp duty paid by the lender on funds supplied. This not only slightly reduced yields, but was used by some nations to discriminate against sales of foreign securities through imposition of higher stamp taxes.

Individual nations are also making investing more attractive to their citizens through tax benefits. Germany taxes profits paid out in dividends at a lower rate than retained earnings. A former Dutch regime was planning a similar setup before it lost power. Belgium since 1962 has allowed investors a tax credit for corporate taxes paid on earnings behind the dividends they receive, and the French Government recently sponsored a tax concession to its citizens based on the same principle.

So the troubles that the United States and Britain have been having in balancing their international accounts may eventually make Europe much more self-sufficient when it comes to financing its own economic growth.

[From the European Community, April 1965]

"INTERNATIONAL LIQUIDITY MUST BE BASED ON TRADES NEEDS," MARJOLIN SAYS EEC COMMISSION TO PREPARE ACTION PROGRAM ON MONETARY UNITY

Robert Marjolin, Common Market Commission vice president, told the European Parliament March 23 in Strasbourg that any increase in international liquidity must be based on real international trade needs and not on any country's balance-of-payments problems.

"The weaknesses of the gold exchange standard, as applied at present," he said, "are now universally recognized, and it appears that the arbitrary creation of international liquidity, not in accordance with the needs of international trade but following disequilibrium in the balance of payments of this or that country, has now reached a limit which it would be dangerous to exceed."

Mr. Marjolin also said that the Commission was preparing an action program to lead the Community toward monetary union.

Following are excerpts from Mr. Marjolin's speech:

"For several years, the international monetary system has not been working in a manner that we could consider to be satisfactory. To meet the difficulties that keep on occurring in this field, important and often improvised changes have been made in the rules that were worked out immediately after the war.

"This has produced considerable disorder, and as there has not been sufficiently broad agreement as to the proper remedies, the disorder has not yet been put right. The free world cannot be satisfied with an attempt to solve the problem of the imbalances which face it today by applying methods which recall the disastrous errors of the period between the two great wars.

"A number of important declarations have now changed the terms in which the problem is posed—the statement by the President of the French Republic on February 4, President Johnson's message to the Congress on the United States balance of payments, made on February 10, the lecture given on February 11 by Giscard d'Estaing, the French Minister of Finance and Economic Affairs, the additional remarks by the U.S. President on February 18, and others.

"Commentators have frequently tried to oppose these various points of view in an endeavor to be constructive and to help work out a solution that could be acceptable to everyone. I propose to begin by underlining what is common ground and then to show what questions still remain to be answered and in what direction we could usefully seek the answers.

U.S. DEFICIT EXAMINED

"Let me say first of all that discussions on the world monetary system would not be taking place in such a strained atmosphere if the balance of payments of the United States, the greatest economic power in the Western World, had not been showing a serious deficit for more than 7 years. This chronic deficit was made possible, if not caused, by an excess of domestic liquidity in America itself. It has been a not inconsiderable factor of inflation for the chief trading partners of the United States, though—at least in the EEC—purely internal factors have played an even more important part. Some central banks have accumulated dollars in considerable quantities; this enabled the United States to be in deficit over a long period without its gold reserves having to suffer the full consequences.

"Such are, broadly, the facts.

"President Johnson has made a lucid and courageous analysis of this situation. He has given us the striking phrase: 'We are highly solvent, but not liquid enough.' He has also said: 'We cannot, and do not, assume that the world's willingness to hold dollars is unlimited.' He has restated the firm determination of the United States to eliminate the deficit in its balance of payments.

"There is much discussion on the causes of this deficit; we may hope that the controversy will be ended by what the Americans themselves say. 'Our payments problem,' President Johnson has stated, 'is not an export problem * * *. We have to deal head-on with the surging outflow of private capital.'

"We are all aware of the measures that the President of the United States has decided to impose; I shall not go into them here. However, in a speech to American bankers and businessmen, the President did say: 'But you and I know that this won't be enough. Capital will still flow abroad to the advanced countries from your banks and your businesses if you let it.'

"Leading bankers and businessmen have therefore been asked to cooperate with the administration in a campaign to restrict short-term loans and direct long-term investment abroad.

"What is there for us to say at this stage about American policy, which is not just a domestic affair for the United States but is also of major concern to the community and the rest of the world?

"First, we can say that things are moving in the right direction. I do not wish to prejudice the matter, but I would simply say we trust and believe that U.S. policy will lead to a substantial and lasting reduction in the deficit if certain internal measures are taken at the same time.

EEC MONETARY COMMITTEE SUGGESTIONS ENDORSED

"We can but endorse without reservation what the EEC Monetary Committee said in its latest report, from which I will quote briefly:

"'There is therefore no doubt that capital transactions are the item which calls for attention if the American deficit is to be corrected. It is hard to see how this can be done as long as the American capital markets enjoy their present ample supplies of funds.'

"We agree with the Monetary Committee in thinking that a tightening of the American financial markets, one result of which would be to raise long-term interest rates, is among the conditions without which it will not be possible to reestablish equilibrium on a lasting basis.

"We think that slowing down American direct investment in the industrially developed countries would also contribute to the general health of our economies. It would be useful if the Community countries adopted a common attitude to these transactions. There is no question—I wish to make this clear to avoid any misunderstanding—of closing Europe to such investment, which is more often than not highly beneficial to our countries, but simply of avoiding excess. Community action in this direction could consist of a detailed statistical check on direct investments from nonmember countries, supplemented by machinery for consultation between the governments and the Commission on national policies in this sphere. This presupposes, of course, that all member states supply each other with the necessary information. In this way we should be moving in the direction already required under article 72 of the Treaty of Rome."

'GOLD STANDARD' TERM EXPLAINED

"This brings me to the question of the international monetary system, which is today the subject of lively debate. We believe that such discussion is, in part, the result of certain misunderstandings, and these must first be dispelled.

"The expression 'gold standard' has been used in several different senses, among which it is essential to distinguish. Certain persons, who in any case do not occupy positions of responsibility in the conduct of public affairs, consider that it means a pure and simple return to the monetary machinery that existed before the First World War, which was characterized by the almost exclusive use of gold in international payments with, as a result, serious and rapid deflation in a debtor country which did not possess large reserves. This is a system which we rule out.

"For others, the gold standard, which could also be called the reformed gold exchange standard, means a return to a stricter monetary system and to the ideas which underlay the Bretton Woods agreements made during the Second World War.

"These ideas affirm the primacy of gold in the final financing of balance-of-payments imbalances, but accept the maintaining, and perhaps even the widening, of international credit facilities, provided these facilities do not in practice remove all need for the debtor country to take the necessary steps to insure the speediest possible return to equilibrium. This would mean maintaining the machinery of monetary cooperation represented by the IMF, the Group of Ten, and the short-term credits which central banks make available to each other.

"These ideas do not, however, allow the future accumulation by the central banks of large surpluses in foreign currency.

INTERNATIONAL LIQUIDITY EXAMINED

"The Executive Commission is inclined to share these ideas. The weaknesses of the gold exchange standard, as applied at present, are now universally recognized, and it appears that the arbitrary creation of international liquidity, not in accordance with the needs of international trade but following disequilibrium in the balance of payments of this or that country, has now reached a limit which it would be dangerous to exceed.

"Even if a general agreement could be reached on such a basis, two additional questions would arise on which, with your permission, I should rather not give you answers today, though I can make a few introductory points:

"1. What should be the fate of balances at present held in foreign currencies by the central banks? No sudden decision should be taken. The solution should be sought without haste, in view of the debtor and creditor countries' need for security and in order to avoid causing a considerable contraction in the volume of international liquidity.

"2. What would in the future be the means used to create the additional international liquidity that will be made necessary by the expansion—and we hope it will be rapid—of trade of every kind between the countries of the free world if, as is probable, the production of gold should prove insufficient?

"We do not think there should be an increase in the price of gold, since this might undermine confidence in national currencies. The creation of additional international liquidity should be done on the basis of agreed criteria and amounts, so as to exclude the maintenance, over lengthly periods, of disequilibriums in the balance of payments, except in the case of developing countries, which could cover their deficits by means of long-term capital imports."

COMMUNITY'S ROLE INDICATED

"I would be disappointing you if I did not say a few words on the role that the Community can and must play in solving the problems I have been speaking about. Its role is already a considerable one. I refer again to our Monetary Committee's recent report.

"It states that 'at the end of 1964, outstanding drawings on the IMF totaled $2,622 million. Of this total, $857 million was financed by IMF sales of gold, while of the balance of $1,765 million, $1,437 million—more than 80 percent—was in the form of drawings on Community currencies.'

"The Community's opportunity for action at world level would be considerably enlarged if its own monetary units were reinforced. This is already a reality, but it may still be called in question again. I quote the Monetary Committee once more:

" 'It [the Monetary Committee] concludes that progressive integration within the EEC, and particularly the tendency for the respective prices of a growing number of products to settle at much the same level throughout the Community will make a devaluation or revaluation increasingly difficult and unlikely. The establishment of a single agricultural market will strengthen this trend. However, the Committee considers that even so it would still be possible for a state to adjust the exchange rate of its currency, should this prove necessary in order to safeguard, for example, the smooth working of the Common Market itself.'

"This description of the present situation corresponds to the facts. Our task is now to insure that devaluation or revaluation, which today are only difficult and unlikely, shall become impossible and useless.

MOVE TOWARD MONETARY UNION CONSIDERED ESSENTIAL

"The executive commission is already at work on this. It is seeking a solution along several lines at the same time, realizing that in each of them decisions will have to be taken which together will form an indivisible whole. At this stage I shall do no more than indicate the lines we are following:

"1. We are seeking, on the basis of methods already used last year to deal with economic imbalances, to intensify coordination of the economic and financial policies pursued in the member states by endeavoring to work out common norms for such matters as budgetary policy, credit policy, and, as soon as possible, incomes policy.

"2. We are seeking to achieve complete unity as regards capital movements, whether for long-term or short-term investment.

"3. We aim at harmonizing progressively the instruments of monetary policy.

"4. We are seeking to strengthen the solidarity of member states in the matter of international liquidity reserves and their cooperation in international monetary operations, until the day when the reserves of each country can be considered as part of a single reserve.

"The movement toward monetary union is essential for the community itself and also for the future of the international monetary system, for if monetary cohesion reaches the point where the Common Market is looked upon from the outside as a single unit, the search for international equilibrium will be simplified by a reduction in the number of decision-taking centers and by the opportunities stemming from partnership among equals.

"I propose to make a statement later to the Parliament on the action program the Commission is to adopt in order to achieve the aims I have just summarized."

Mr. WOLFF. Mr. Chairman, I am an advocate of the gradual substitution of trade for aid. My support of this measure to increase this country's commitment to International Monetary Fund quota is premised on my belief that world trade is a major factor in establishing viable economies in the underdeveloped countries.

That world trade is increasing rapidly is evidenced by the fact that it has increased by 50 percent since 1959. The IMF is certainly one of the major instruments in facilitating this increase in trade and, thus, it has my support.

I would make one caveat in my support of this measure which I hope my colleagues would take notice. Our balance-of-payment problem must not be allowed to step unnoticed into the background when we make decisions to increase American gold commitments. While it is true that American gold reserves are not deeply affected by this increase in our quota—all IMF members are subject to equal percentage quota increases—we must not lull ourselves into a false sense of security that we are embarking on a program which will solve our gold problem.

Our gold contribution to the IMF is coupled with the right to draw this gold back when we need it. International bankers call this right the "U.S. Gold Tranche" which allows our country virtually automatic drawing rights at the Fund. There will be no deterioration in our balance of payments, since our "gold tranche" position in the Fund is regarded as part of our international reserves.

But if we are to lend our support to methods which ease international trade and thus encourage growth and stability throughout the world, I believe we should demand that other countries start assuming the burden we have shouldered for so long at so great an expense. Let the call go out that this Nation will cooperate and share the burdens of defense, and economic development, but that we must be joined by the other powers.

Our aid programs and our defense programs which have contributed so greatly to our gold deficits must be shared by other countries. Each time our cooperation is needed to achieve greater growth for the other powerful countries of the world the above facts must be driven home and if need be, we should call for a formalized acquiescence to this policy.

The **CHAIRMAN.** There being no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act, as amended (22 U.S.C. 286—286k-1), is amended by adding at the end thereof the following new section:

"SEC. 20. (a) The United States Governor of the Fund is authorized to consent to an increase of $1,035,000,000 in the quota of the United States in the Fund.

"(b) In order to pay the increase in the United States subscription to the Fund provided for in this section, there is hereby authorized to be appropriated $1,035,000,000, to remain available until expended."

The **CHAIRMAN.** Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6497) to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the United States, pursuant to House Resolution 338, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT

Mr. COLLIER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLIER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. COLLIER moves to recommit the bill H.R. 6497 to the Committee on Banking and Currency.

Mr. PATMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALLECK. Mr. Speaker, is the vote on the motion to recommit or on passage?

The SPEAKER. It is on recommittal. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken and there were—yeas 113, nays 275, not voting 45, as follows:

[Roll No. 78]

YEAS—113

Abbitt
Abernethy
Adair
Andrews, Glenn
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Ayres
Baldwin
Baring
Bates
Battin
Belcher
Bell
Berry
Betts
Bolton
Bow
Bray
Brock
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Byrnes, Wis.
Callaway
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Collier
Colmer
Corbett
Cramer
Cunningham
Curtin
Dague
Davis, Wis.
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Erlenborn
Findley
Ford, Gerald R.
Gathings
Griffin
Gross
Gubser
Gurney
Haley
Hall
Halleck
Hansen, Idaho
Harsha
Harvey, Ind.
Hosmer
Hutchinson
Johnson, Calif.
Johnson, Pa.
Jonas
King, N.Y.
Laird
Langen
Latta
Lennon
McCulloch
MacGregor
Martin, Ala.
Martin, Nebr.
Michel
Minshall
Moore
Morse
Morton
Mosher
Nelsen
O'Konski
Passman
Pelly
Poff
Quillen
Reid, Ill.
Reifel
Reinecke
Robison
Roudebush
Schneebeli
Secrest
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Springer
Teague, Calif.
Thomson, Wis.
Tuck
Utt
Walker, Miss.
Watkins
Whalley
Whitten
Williams
Wyatt
Wydler
Younger

NAYS—275

Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, George W.
Annunzio
Aspinall
Bandstra
Barrett
Beckworth
Bennett
Bingham
Blatnik
Boggs
Bolling
Bonner
Brademas
Brooks
Brown, Calif.
Burke
Burleson
Burton, Calif.
Byrne, Pa.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Casey
Celler
Chelf
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corman
Craley
Daddario
Daniels
Davis, Ga.
Dawson
de la Garza
Delaney
Denton
Diggs
Dingell
Donohue
Dow
Downing
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnum
Fascell
Feighan
Fino
Fisher
Flood
Flynt
Fogarty
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gettys
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffiths
Grover
Hagan, Ga.
Hagen, Calif.
Hamilton
Hanley
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harvey, Mich.
Hathaway
Hays
Hechler
Helstoski
Henderson
Herlong
Hicks
Holifield
Horton
Howard
Hull
Hungate
Huot
Irwin
Jacobs
Jennings
Joelson
Johnson, Okla.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Landrum
Leggett
Lindsay
Long, Md.
Love
McClory
McDade
McDowell
McFall
McGrath
McMillan
McVicker
Macdonald
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Mass.
Matsunaga
Matthews
Meeds
Miller
Mills
Minish
Mink
Mize
Moeller
Monagan
Moorhead
Morgan
Morris
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Powell
Price
Pucinski
Purcell
Quie
Race
Randall
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
Saylor
Scheuer
Schmidhauser
Schweiker
Selden
Senner
Shipley
Sickles
Sikes
Slack
Smith, Iowa
Smith, Va.
Stafford
Staggers
Stalbaum
Stanton
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Teague, Tex.
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tupper
Tuten
Ullman
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watts
Weltner
White, Tex.
Whitener
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Yates
Zablocki

NOT VOTING—45

Ashley
Boland
Burton, Utah
Clawson, Del
Cooley
Culver
Curtis
Dent
Everett
Farnsley
Giaimo
Goodell
Green, Oreg.
Halpern
Hanna
Hawkins
Hébert
Holland
Ichord
Jarman
Jones, Ala.
Lipscomb
Long, La.
McCarthy
McEwen
Mathias
May
Morrison
Nix
O'Brien
Pool
Rogers, Tex.
Ronan
St. Onge
Schisler
Scott
Sisk
Steed
Toll
Tunney
Udall
Van Deerlin
Waggonner
White, Idaho
Young

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mrs. May for, with Mr. Toll against.
Mr. Lipscomb for, with Mr. Nix against.
Mr. Curtis for, with Mr. St. Onge against.

Until further notice:

Mr. Dent with Mr. Culver.
Mr. Hébert with Mr. Farnsley.
Mr. Long of Louisiana with Mr. Ashley.
Mr. Cooley with Mr. Tunney.
Mr. Udall with Mr. White of Idaho.
Mrs. Green of Oregon with Mr. Holland.
Mr. Hanna with Mr. Ronan.
Mr. Giaimo with Mr. Hawkins.
Mr. Ichord with Mr. Everett.
Mr. Boland with Mr. O'Brien.
Mr. Schisler with Mr. Rogers of Texas.
Mr. Sisk with Mr. Morrison.
Mr. Waggonner with Mr. Jarman.
Mr. Pool with Mr. Mathias.
Mr. Van Deerlin with Mr. McEwen.
Mr. Steed with Mr. Halpern.
Mr. Scott with Mr. Goodell.
Mr. McCarthy with Mr. Del Clawson.
Mr. Young with Mr. Burton of Utah.

Mr. TUTEN and Mr. GETTYS changed their votes from "yea" to "nay."

Mr. MINSHALL changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. PATMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 301, nays 88, not voting 44, as follows:

[Roll No. 79]

YEAS—301

Abbitt
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Bandstra
Barrett
Bates
Beckworth
Bell
Bennett
Bingham
Blatnik
Boggs
Bolling
Bolton
Brademas
Brock
Brooks
Broomfield
Brown, Calif.
Broyhill, Va.
Burke
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Callan
Cameron
Carey
Carter
Celler
Chelf
Clark
Cleveland
Clevenger
Cohelan
Conable
Conte
Conyers
Corbett
Corman
Craley
Cramer
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Dawson
Delaney
Denton
Diggs
Dingell
Donohue
Dow
Downing
Dulski
Duncan, Oreg.
Dwyer
Dyal
Edmondson
Edwards, Calif.
Erlenborn
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Farnum

Fascell
Feighan
Findley
Fino
Flood
Flynt
Fogarty
Foley
Ford, Gerald R.
Ford,
William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gettys
Gibbons
Gilbert
Gilligan
Gonzalez
Grabowski
Gray
Green, Pa.
Greigg
Grider
Griffin
Griffiths
Grover
Hagan, Ga.
Hagen, Calif.
Halleck
Hamilton
Hanley
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harris
Harvey, Mich.
Hathaway
Hays
Hechler
Helstoski
Herlong
Hicks
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Huot
Irwin
Jacobs
Jennings
Joelson
Johnson, Okla.
Johnson, Pa.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kee
Keith
Kelly
Keogh
King, Calif.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Leggett
Lindsay
Long, Md.
Love
McClory
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Mailliard
Marsh
Martin, Mass.
Matsunaga
Matthews
Meeds
Miller
Mills
Minish
Mink
Mize
Monagan
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
O'Hara, Ill.
O'Hara, Mich.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price
Pucinski
Purcell
Quie
Race
Randall
Redlin
Reid, N.Y.
Resnick
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
Saylor
Scheuer
Schmidhauser
Schneebeli
Schweiker
Senner
Shipley
Shriver
Sickles
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Stephens
Stratton
Stubblefield
Sullivan
Sweeney
Talcott
Taylor
Tenzer
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Todd
Trimble
Tuck
Tupper
Tuten
Ullman
Vanik
Vigorito
Vivian
Walker, N. Mex.
Watkins
Watts
Weltner
Whalley
White, Tex.
Widnall
Willis
Wilson, Bob
Wilson,
Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Zablocki

NAYS—88

Abernethy
Adair
Andrews,
George W.
Andrews,
Glenn
Ashbrook
Ashmore
Baldwin
Baring
Battin
Belcher
Berry
Betts
Bonner
Bow
Bray
Brown, Ohio
Broyhill, N.C.
Buchanan
Burleson
Callaway
Casey
Cederberg
Chamberlain
Clancy
Clausen,
Don H.
Collier
Colmer
Cunningham
Davis, Wis.
de la Garza
Derwinski
Devine
Dickinson
Dole
Dorn
Dowdy
Duncan, Tenn.
Edwards, Ala.
Ellsworth
Fisher
Fountain
Gathings
Gross
Gubser
Gurney
Haley
Hall
Harsha
Harvey, Ind.
Hébert
Henderson
Hutchinson
Johnson, Calif.
Jonas
King, N.Y.
Langen
Latta
Lennon
McCulloch
Martin, Ala.
Martin, Nebr.
Michel
Minshall
Moore
Nelsen
O'Konski
Olsen, Mont.
Passman
Quillen
Reid, Ill.
Reifel
Reinecke
Rivers, S.C.
Roberts
Roudebush
Secrest
Selden
Sikes
Smith, Calif.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Utt
Walker, Miss.
Whitener
Whitten
Williams
Younger

NOT VOTING—44

Ashley
Boland
Burton, Utah
Clawson, Del
Cooley
Culver
Curtis
Dent
Everett
Farnsley
Giaimo
Goodell
Green, Oreg.
Halpern
Hanna
Hawkins
Holland
Ichord
Jarman
Jones, Ala.
Lipscomb
Long, La.
McCarthy
Mathias
May
Moeller
Morrison
Nix
O'Brien
Pool
Rogers, Tex.
Ronan
St. Onge
Schisler
Scott
Sisk
Steed
Toll
Tunney
Udall
Van Deerlin
Waggonner
White, Idaho
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. May for, with Mr. Lipscomb against.
Mr. Morrison for, with Mr. Curtis against.

Until further notice:

Mr. Culver with Mr. Goodell.
Mr. Tunney with Mr. Del Clawson.
Mr. Giaimo with Mr. Halpern.
Mr. Farnsley with Mr. Burton of Utah.
Mr. St. Onge with Mr. Mathias.
Mr. Waggonner with Mr. Everett.
Mr. Dent with Mr. Long of Louisiana.
Mr. Ichord with Mr. Holland.
Mr. O'Brien with Mr. Pool.
Mr. White of Idaho with Mr. Toll.
Mr. Udall with Mr. Hawkins.
Mr. Sisk with with Mrs. Green of Oregon.
Mr. Rogers of Texas with Mr. McCarthy.
Mr. Steed with Mr. Scott.
Mr. Schisler with Mr. Ashley.
Mr. Moeller with Mr. Nix.
Mr. Young with Mr. Hanna.
Mr. Boland with Mr. Roman.
Mr. Cooley with Mr. Van Deerlin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] be allowed to extend his remarks and include the report of the Committee on Banking and Currency on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSERVATION AND USE OF THE PUBLIC LANDS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to address the House at this point in the RECORD and include a statement by the Under Secretary of the Interior, John A. Carver, Jr.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, a month ago this week an important address was made by one of the top members of this administration, touching upon many fields of public land management with particular emphasis on the advisory board system utilized in the administration of grazing districts established under the Taylor Grazing Act. Despite the importance of these remarks, they apparently were given no publicity at the time and have not been, to my knowledge, published anywhere.

The remarks were delivered by Under Secretary of the Interior John A. Carver, Jr., and were presented to the annual meeting of the New Mexico Cattle Growers Association. Mr. Carver had only recently become Under Secretary but the association knew him well from its activities because he had for 4 years been responsible for public land management as Assistant Secretary of the Interior. Likewise, Mr. Carver knew the association well and knew the matters that concerned its members as well as the members of similar associations throughout the West.

The Under Secretary addressed himself specifically and directly to the problems with which the stockmen generally are concerned. For this reason I commend the reading of it to all the Members of this body so that they may have the background for consideration of matters that are brought up on the floor and, under leave granted, include the text of Under Secretary Carver's address at this point in the RECORD:

REMARKS OF UNDER SECRETARY OF THE INTERIOR JOHN A. CARVER, JR., TO THE ANNUAL MEETING OF THE NEW MEXICO CATTLE GROWERS ASSOCIATION IN ALBUQUERQUE, N. MEX., MARCH 29, 1965

Although the President promoted me to the position of Under Secretary 3 months ago, and although I have a different and wider scope of office, I still carry the portfolio of public lands, for my successor as Assistant Secretary for Public Land Management has not been appointed. So my personal interest in public land management has not diminished and I hope that my association with groups such as yours will be as open and friendly as ever.

Great changes are occurring in the conservation movement in this country. We are entering an era that President Johnson has called the new conservation.

I think I am as aware as anyone of the sensitivity of Western people to high-level pronouncements on the conservation theme. I am sure that many of my Western friends are asking the question, "What does the new conservation mean to those of us who are accustomed to equating conservation with sustained yields of material things—range management, forest management, hydroelectric power, mineral development, and the like?"

Some may ask, "Have aesthetic considerations preempted the field over the practical considerations of wise husbandry of material resources?"

Clearly not.

The President's emphasis on natural beauty refocuses the spotlight on conservation. While the old work goes on, there is a new challenge, a realization of the broadened view that must be given in the face of decaying city centers, exploding suburbs, multiplying superhighways, and an alarming crime rate.

We have not forgotten the great unfinished agenda of conservation in the more conventional theme. Our efforts in these directions have not diminished and must not diminish.

During the past week in Washington, D.C., there was held the silver anniversary meeting of the National Advisory Board Council for Public Lands. In addressing the Council last week, I reviewed with them some of the things that I had brought to their attention in my 4 years as Assistant Secretary for Public Land Management.

Early in the new administration we built the foundation for good relationships with all the users of the public lands, commercial and noncommercial. We reaffirmed our confidence in the National Advisory Board Council, and we broadened its membership and that of the State and National Boards. I emphasized that the basic, keystone structure in the advisory organization is the district advisory board, a creative of the Congress—that the State and National Boards had gained regulatory status only as representative extensions of the statutory district boards.

I touched on the concept of "multiple use" and summed it up by saying that it is really "prudent management." There is good precedent for this, going back to Theodore Roosevelt, who said:

"All these various uses of our natural resources are so closely connected that they should be coordinated, and should be treated as part of one coherent plan and not in haphazard and piecemeal fashion."

The State boards and the National Council, following their multiple-use reorganizations, stand today as organizations capable of treating problems in a coordinated way and capable of presenting coherent recommendations.

In 1962 here at Albuquerque the grazing fee problem was faced squarely. I personally sincerely appreciate the public service provided by the Advisory Board system in the year that followed as the "democratic process" unfolded on that difficult problem.

In 1963, I saw no reason why the Department and the boards could not come a great deal closer to understanding how to estimate grazing capacity, how to schedule increases or decreases in permitted grazing use, how to provide for administrative review of actions, and how to preserve the exercise of sound commonsense at the grassroots level.

I said that a decent conservation job on the public's land is possible only with the cooperation of those who share in its use and that this cooperative task demands the best efforts of all of us.

Then in 1964 the issue of land tenure was very much on our minds—one of the tough kinds of questions the Council had undertaken beginning in November of 1962.

Just a week before the Department was asked where it stood on this matter. As it was presented with a divided report from the National Advisory Board Council, the House of Representatives overwhelmingly approved authorization of the bill to establish the Public Land Law Review Commission and had sent the bill to the Senate. In this framework, I suggested that the land tenure question would be a critical issue of the Review Commission's work. Furthermore, the Council's relationship to the new Commission, when it should come into being, was a matter of great importance.

I said that the Council's recommendations before the Commission would carry weight about in proportion to the extent that its recommendations were based on hard facts and sound logic and were widely supported within all elements of the Council and its constituencies.

The Public Land Law Review Commission was authorized by the Congress, and the bill was signed into law last September. It has the task of matching theory with reality and reaching common ground from the public interest standpoint.

It is probable that in the new conservation an even wider choice of alternative decisions will be available than ever before. The available alternatives for action must be carefully weighed and considered. The public is entitled to know what the alternatives are, to debate and discuss them, and to participate in the process of making a choice.

We have all heard the cry that further extensions of outdoor recreation on the public lands would be "an economic step backward."

Much of the opposition to added outdoor recreation is based on a belief that established business operations would be upset and that wages, profits, and taxes would be reduced in the locality or the region.

Commercial production would, of course, be eliminated or reduced on the site of lands reallocated to noncommercial use. But allowance must be made for offsetting effects and for other elements in the overall conservation program.

One of the elements in the overall program that must not be overlooked is the development and rehabilitation of wealth-producing natural resources. Of special interest to range management is the fact that forage resources on many public lands can be and are being developed to offset forage lost on lands no longer suited to or used for grazing.

Project areas demonstrate that striking gains in capacity can be economically achieved, and the overall addition is expected to return in the order of millions of dollars more per year to the local stockmen, in the form of added sales of products.

The Bureau of Land Management a few years ago estimated that 2 million acres of Bureau of Land Management lands could be economically reseeded in a 6-year program. Brush control on 2 million acres, 14,500 miles of fencing, and 7,000 water control and conservation sites were projected, to be followed by further work in later years.

Some have indicated a belief that as much as 25 million acres of western brushlands in various classes of ownership can be economically seeded to grass in the long-range program.

The challenge created for the stockmen—use of public lands—well was stated in a recent article in the June 1964 issue of American Cattle Producer:

"Federal land adminstrators do not create these demands; they merely try to resolve the problems of increased need for our restricted resources. The stockman's problem is no longer one of how he can keep the other uses out, but rather a question of how he can keep grazing as an important part of the multiple use of public lands."

This administration believes in the future of domestic livestock grazing on public lands. It has demonstrated an intention to protect and stabilize domestic livestock grazing use at the same time as other worthy uses are protected and stabilized in a manner that will serve the public interest.

Another event occurring in Washington last week was a public hearing on rulemaking proposed by the Bureau of Land Management under two 1964 acts of Congress. The Public Sales Act, and the Classification and Multiple Use Act. Witnesses reflecting many shades of western opinion were heard in Washington, but we have decided to hold further hearings in the West to allow others to be heard on these very important regulations.

One of the hearings has been set for Albuquerque on Wednesday, April 14.

I know that you are all interested in rumors about changes in the organization of the Bureau of Land Management districts and offices. The rumors reflect the activity based upon our search for ways and means of effective economies, an effort I know you all support. But unrealistic changes will not be made in the name of economy. And economy to the public is just as important as economy to the Government.

Director Stoddard has promised that any proposed change will be brought formally before the appropriate district board if it has not already been presented. The advice of the board will be carefully considered.

There may, up to now, have been a presumption that the geography of the boards had to coincide in all cases with the geography of the Bureau of Land Management district office area of jurisdiction.

This need not be the case. The greatest merit of the district-level board—its familiarity with local facts and opinion—might be lost if it covered too large an area. We must also bear in mind that District office areas do not coincide with grazing district boundaries.

Another one of our responsibilities that affects many of you is our new responsibility under the Wilderness Act of 1964.

So far as the national forest wilderness is concerned—9.1 million acres now in the System—we are charged with continued administration of the U.S. mining laws and the Mineral Leasing Act. We are drafting regulations to carry in effect special provisions of the act affecting minerals. When the regulations are publicly announced, they will be open to public comment and under our customary procedure all comments received are carefully considered before the regulations are finally written and adopted.

With regard to national forest primitive areas—5.5 million acres—our geologists are starting mineral surveys, consisting mainly of mapping and reconnaissance. Reports of this work will be scheduled to coincide with reviews of these areas to be submitted by the Secretary of Agriculture on the question whether they should be added to the wilderness system by act of Congress.

With regard to Department of the Interior lands, both the National Park Service and the Fish and Wildlife Service are beginning reviews of "roadless areas" under their management. When these reviews are completed, public hearings will be held, and public views will be carefully taken into account before recommendations are submitted to the President.

I will take a minute also to comment on problems of the grazing use of public lands at the McGregor missile range. Lands in this 660,000-acre range were reserved for the military in 1957 with a proviso that any grazing would be administered by BLM under the Taylor Act. Actually, all base ranch properties were bought up and all grazing was eliminated by the military—at least on paper. In fact, however, unauthorized use has continued at a level of 6,000 to 8,000 thousand head of cattle and horses.

The question now is how to bring grazing back under control. BLM officials have proposed that grazing privileges be offered on the basis of bids without preference bidders.

Conservation in this decade, and in the longer future, is going to involve weighty judgments affecting wider segments of the community and the Nation. These judgments are too important to be left to the experts alone. Social judgments in a democracy require involvement of the public.

Secretary Udall was entirely correct in telling the National Woolgrowers in January of this year that there is heartening evidence that the lines traditionally separating the users on the one hand and the protectionists on the other are being softened by reason and understanding. He was correct in judging that the relationship between Government and users of public lands had been improved. We intend to increase and widen these lines of communication, and we know that the cattlemen's organizations will continue to cooperate with us.

This kind of progress in reason and understanding is vital to the President's concept of the new conservation.

I would like to conclude this presentation this morning by going back to the subject of the Public Land Law Review Commission. I have said many times that the passage of this legislation was one of the truly significant accomplishments of the 88th Congress or of any Congress. I am proud that I had the opportunity of assisting in the development of the concept for this Commission by working closely with Chairman WAYNE ASPINALL. Mr. ASPINALL said last week that he was "optimistic that the Commission will be able to organize and start its work before the end of this fiscal year," in other words, before June 30, 1965. This is heartening news.

Mr. ASPINALL made another observation which I would like to repeat:

"The establishment of the Public Land Law Review Commission, however, does not mean that all problems involved in the public lands must await the completion of the Commission study. Granted that the congressional committees involved will be reluctant to consider general legislation during the period of study, we have made it clear, from the time that the study was originally proposed, that matters of urgency should be and will be considered as they arise."

And he said in concluding his speech before the meeting of the National Petroleum Council in Washington on March 25, "I am confident that both the Public Land Law Review Commission and the Congress will act, not only in what it considers to be the public interest, but within the framework of our free enterprise-private capital-business system."

The Public Land Law Review Commission will be an instrumentality for the creativity which the President seeks as the hallmark of the Federal system under his leadership.

For creativity, and the highest order of statesmanship is going to be necessary to meet the demands upon our inelastic land base—not just the Federal Government's land base, but the land base generally.

In about 3 years, we will reach the 200 million we have said would come in the seventies. And, say the population experts, it is possible by the year 2010 that the population may conceivably exceed the 400 million mark. Most of our planning has been for 300 million by that time.

The need for creativity is correspondingly acute. President Johnson, in his Ann Arbor address, summarized the challenge:

"The solution to these problems does not rest on a massive program in Washington, nor can it rely solely on the strained resources of local authority. They require us to create new concepts of cooperation, a creative federalism, between the National Capital and the leaders of local communities."

NATIONAL RAISIN WEEK

Mr. HAGEN of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAGEN of California. Mr. Speaker, the last Sunday in April means the start of daylight saving time in many parts of the country. Since 1909, however, it has also marked the beginning of National Raisin Week.

Fifty-six years ago the people of Fresno, Calif., sought national recognition for the raisin industry which, at that time, had been in existence some 36 years. So they established National Raisin Week—the oldest such food week observed in America.

Today I am happy to call the attention of the Members to this observance and to join with my colleague, the gentleman from California [Mr. SISK] in inviting the Members to enjoy raisin pie at lunch in the House dining room on Wednesday, April 28. Through the courtesy of the California Raisin Advisory Board, Mr. SISK and I will also have the pleasure of sending each of the Members some sample packs of energy-giving, taste-surprising raisins.

In California, and particularly in the San Joaquin Valley, this product weighing only a fraction of an ounce delivers a potent economic punch. To begin with, all of the raisin crop in the United States is grown in the San Joaquin Valley lying between the Sierra Nevada Mountains and the Coast Range which rims the shores of the Pacific. Hot and rainless summers, rich alluvial land, and plenty of stored water for irrigation make the valley one of perhaps a dozen places in the world where raisins can be grown.

The valley's lush raisin vineyards, all of which are located within a 75-mile radius of Fresno, produce more than 200,000 tons of the sun-dried product annually. This yearly crop is valued at $50 million in the field. The raisin industry as a whole is rated as a quarter-of-a-billion-dollar business. By any standard, a quarter of a billion dollars is big business.

Behind this business and the 100,000 growers, packers, and employees who are America's raisin industry is the California Raisin Advisory Board. The board was formed in 1949 under a State marketing order and represents all growers and processors of raisins.

The broad objective of the board is to give advertising, research, and promotion support to all raisins produced and processed by some 6,000 growers and within 7 vineyard districts—and to all packers, small, medium, and large—from all of Raisinland.

Comprising "Raisinland" are the counties of Fresno, Madera, and Tulare plus parts of the adjacent counties of Kern, Kings, Merced, San Joaquin, and Stanislaus. However, the promotional program of the California Raisin Advisory Board extends to all sections of the Nation.

Specifically, the mission of the board is to build greater consumer acceptance and use of raisins. This requires preparation and distribution of information material that is attractive as well as educational and helpful. It also means extensive advertising direct to the consumer and to the trade to encourage better displays and positions for raisins to make them conveniently available to consumers. Merchandising methods developed by the California Raisin Advisory Board have helped the trade to make greater earnings through increased sales of raisins and other go-along foods.

There are many ways in which the California Raisin Advisory Board and the raisin industry are contributing to the health of our people and the economic strength of our Nation.

For example, homemakers throughout the country benefit from the raisin informational and educational material distributed throughout the home economics field, and in the food pages of the Nation's newspapers and magazines.

Our schoolchildren benefit from the raisin board's participation in the national school lunch program with demonstrations of raisin food preparation by a trained home economist. They benefit also, of course, from the health producing qualities of the raisins themselves.

The Nation's bakers, grocers, and restaurant operators benefit from the merchandising and sales materials prepared by the raisin board.

Finally, other food industries benefit from the tie-in promotions of the board showing how raisins go along with other foods.

During the observance of National Raisin Week in past years, my colleague the gentleman from California [Mr. SISK] and I have taken the opportunity to point out not only the accomplishments but some of the principal problems of the raisin industry. We have noted that raisins are one of America's most important nonbasic, specialty crops which stand to gain—or lose—so much in today's changing world trade picture. We have emphasized that it is imperative that the raisin industry in this country retain the opportunity to market its products in foreign lands at competitive prices. You will be pleased to learn, I am sure, that because the doors to foreign markets have remained open, the raisin industry, through intensive promotional and sales efforts abroad, has, in the past 2 years, virtually doubled its exports of raisins.

In so doing, of course, the raisin industry and the California Raisin Advisory Board have contributed substantially to the solution of our dollar deficit problem.

Mr. Speaker, knowing many of the fine people associated with California's and America's raisin industry, I can assure you that although their industry is now a venerable 88 years old, the raisin industry looks to the future with youthful vigor, enthusiasm, and confidence.

The California Raisin Advisory Board will continue to be imaginative in developing new uses for raisins and new ways of telling the world about raisins. It will, in short, keep the raisin industry moving toward new horizons of growth and progress.

In closing, Mr. Speaker, for my colleague, the gentleman from California [Mr. SISK] and for myself, I would again like to invite the Members to have raisin pie dessert at lunch in the House dining room on Wednesday, April 28. I would also like to invite the Members and their families to visit the Fresno area in the fall to see the lush vineyards stretching toward the mountains and to watch the unique harvesting of raisin grapes. Should they have the opportunity to participate in one of the many traditional raisin harvest festivals which several communities hold each year, I am certain it will be an experience they will long remember.

PATENT INFRINGEMENTS BY THE FEDERAL GOVERNMENT—THE EROSION OF AMERICAN PATENT RIGHTS

Mr. POOL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POOL. Mr. Speaker, today, I have introduced a bill to amend section 1498 of title 28 of the United States Code to authorize the use or manufacture in certain cases, by or for the United States of any invention described in and covered by a patent of the United States.

The Defense Military Medical Supply Agency has been purchasing a number of drugs and other items from foreign sources which have been produced in violation of various U.S. patents. In addition to the patent violation, this procedure causes an outflow of dollars and also deprives American workers of jobs. Hopefully, this measure will be helpful to the pharmaceutical industry generally and to other industries whose patents are being violated.

I invite my colleagues to consider the following statement which, I feel, points out the need for legislative action:

PATENT INFRINGEMENTS BY THE FEDERAL GOVERNMENT—THE EROSION OF AMERICAN PATENT RIGHTS

Purchasing agencies of the Federal Government until very recent years bought patented products only from the patent holders or their licensees. Now, certain procurement agencies of the Federal Government have begun to engage in the intentional violation of American patents, a practice which has now been applied to the products of many areas of American industry.

In the last half dozen years several purchasing agencies of the Federal Government have bought tetracycline and other drug products covered by U.S. product patents, from unlicensed sources for use in the United States in direct and deliberate violation of these patents. Frequently, these sources have been located in Italy or have prepared dosage forms from bulk drugs imported from Italy.

These Federal agencies have attempted to justify their actions by giving a new twist to an old statute—28 U.S.C. 1498. The owner of a U.S. patent, as the law is now interpreted, cannot put a stop to the Federal Government's deliberate violation of his patent rights—he cannot obtain an injunction from the court against the Federal Government, even at the end of successful litigation, and his right to claim damages in the Court of Claims is a very inadequate remedy. There is no similar legal loophole for local governments which violate patent rights.

When the statute was originally enacted, its sole purpose was to give an injured patent holder a right of action where none had heretofore existed. As the statute was amended in 1918, it contemplated at most the Government's having access to inventions during wartime emergency situations. It was never intended to give blanket authorization for Government agencies to violate U.S. patents. The net result has been a serious erosion of the rights of U.S. patent owners.

The attempted justification for the violation of U.S. drug patents by Government agencies has been made principally on the ground that the prices quoted by suppliers of infringing dosage forms are often lower than those quoted by the U.S. patent owners and their licensees. Foreign and domestic patent infringers, however, have had to bear no research costs for discovering or developing the drugs covered by the patents they are infringing; and they are attempting to exploit ready-made markets which they have spent nothing to maintain. In addition, foreign producers of such products as tetracycline pay wages that are about one-fourth of the rates prevailing in the United States and, generally speaking, it may be assumed that they have lower production costs.

The Federal Government's purchases of unlicensed foreign-made drug products or unlicensed dosage forms made from foreign bulk drugs have been facilitated by the fact that some foreign countries provide no patent protection for either drug products or processes. As a result, foreign concerns have developed quite a business out of copying the developments, products, and inventions of the American drug industry.

The American system is strengthened by its patent structure, provided for by the U.S. Constitution to advance science by protecting inventors. More drugs have been discovered in the United States under the protection of a strong patent system than in any other country. Foreign countries with no product or process patent protection in the drug field have produced no important drug discoveries.

With respect to tetracycline products, it is important to note that the prices quoted by the manufacturer to Federal and local government agencies are less than 50 percent of the prices quoted when the product was first introduced and that prices to the trade generally have declined by about 43 percent.

Purchases of unlicensed drug products by the Federal Government are not in the public interest and may well be characterized as "penny wise and pound foolish." American drug research will be discouraged by such purchases, and this will eventually be detrimental to American health. Purchases of unlicensed foreign-made tetracycline or other drug products, or unlicensed dosage forms prepared from foreign-made bulk drugs, can cause loss of jobs by American workers as a result of displacement by low-paid foreign workers; encourage "dumping" of foreign-made products in the United States at prices lower than those charged in the regular foreign market; hurt the unfavorable American balance of international payments; and reduce tax revenues for Federal, State, and municipal governments.

There is an important issue at stake in the matter of governmental purchases of drug products for use in violation of U.S. patents. The laws of the United States have provided a strong patent system for the precise purpose of encouraging long and expensive research work of the very type which led to the discovery of tetracycline. We cannot stand aside while erosion occurs to patent rights which help to provide the funds necessary for the continuance of important medical research, the kind of research that has made the United States the world leader in the discovery and development of life-saving products.

Purchases of patented products by the Federal Government from unlicensed sources have extended to the products of many industries. The violation by various agencies of the Federal Government of patents issued by one of its own branches is a growing threat to research-oriented American industry. Its effect may well be to discourage research in many other industries, as well as in the drug industry.

The deliberate and indiscriminate infringement by the Federal Government of its own patents may not be illegal—but it is morally wrong. It hardly seems fair to have one agency of the Federal Government; namely, the U.S. Patent Office, issue a patent to an inventor or a discoverer of a new product, and have another agency of that same Government, the Military Medical Supply Agency in the Defense Department, violate that patent. This, however, is exactly what is happening. Unfortunately, Federal legislation appears to be the only way to stop indiscriminate infringement and to keep deliberate infringement by the Federal Government within reasonable bounds.

THE U.S. BALANCE-OF-PAYMENT DEFICIT A CRITICAL PROBLEM

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ERLENBORN. Mr. Speaker, at a time when the U.S. balance-of-payment deficit is a critical problem, and our national budget operates at a deficit, the Congress should take careful note of a report issued by the Comptroller General's Office entitled "Unnecessary Dollar Costs Incurred in Financing Purchases of Commodities Produced in Brazil."

The basic problem discussed is not confined to Brazil. It has worldwide application. It tells of a loss of millions of dollars through bureaucratic mismanagement.

This report, which I received as a member of the Government Operations Committee, documents a loss of $3.8 million between July 1961 and December 1963. Its loss was caused by a failure of the Agency for International Development to follow public law and adopted U.S. policy.

Briefly, the Comptroller General's office found that the Agency used U.S. dollars to finance shipments of Brazilian commodities to other aid-receiving nations at a time when Brazilian moneys should have been used to finance the projects.

Had the Agency used the Brazilian cruzeiros, rather than U.S. dollars, it would have—

Helped alleviate the U.S. balance-of-payments deficit;

Provided the U.S. Treasury with an equal amount of dollar receipts which would have acted to reduce the U.S. budget deficit; and

Avoided a severe loss, from inflation, in the value of an equivalent amount of U.S.-owned cruzeiros.

Instead Uncle Sam was a three-time loser.

I emphasized that the $3.8 million loss in Brazil took place at a time when the Agency for International Development already operated under legislation authorizing the expenditure of cruzeiros instead of dollars under the circumstances.

The implications of the $3.8 million loss discussed in the Comptroller General's report are far reaching. The report itself indicates that the Comptroller General has but scratched the surface.

On March 18—1 day before the Comptroller General's report was made public—Treasury officials reported the U.S. gold loss for 1965 had reached $825 million, compared with a loss of $50 million for a comparable period in 1964.

Considering this is our present balance-of-payment story, I submit it is the duty of the Congress to probe the inefficiency of the Agency for International Development that adds to our balance-of-payment deficit.

The Comptroller General's report recommends broadening the program for an increased use of foreign currencies in all countries where the United States holds a significant amount of the foreign currency.

The recommendation is a good one. It should be fully enacted by the Agency for International Development.

But again I emphasize, that it was already public law to follow this policy regarding Brazil during the period of time when the $3.8 million loss was incurred.

This situation illustrates that bureaucratic agencies and administrators all too often ignore policies approved by the Congress.

Recognizing this, the Comptroller General further recommends "that a review be made on a worldwide basis of all Agency for International Development dollar-financed procurements with a view toward substituting U.S.-owned foreign currencies for U.S. dollars wherever possible."

At a time when the President is asking American tourists to stay at home to help reverse the gold supply problem and improve the balance-of-payments deficit, the Congress cannot overlook this timely report from the Comptroller General.

Furthermore, recommendations are being discussed that American businessmen limit investments in programs in other nations to help the balance-of-payments deficit.

This proposal illustrates the seriousness of the problem.

For years we have encouraged American industry to locate in other nations to better help those people help themselves. For years, we, as a nation, have prided ourselves on the achievements of U.S. private enterprise overseas and the good will U.S. investments have prompted.

Certainly it is better policy—foreign policy and fiscal policy—to follow the recommendations of the Comptroller General's report concerning aid than to curtail tourism and oversea investments.

Congress has the obligation to initiate an immediate nation-by-nation study of the policies of the Agency for International Development.

Before the Congress considers any additional legislation, we should conduct an investigation to determine—

Why did officials of the Agency for International Development fail to use Brazilian moneys, rather than U.S. moneys, particularly when this was the adopted policy?

What, if any, steps have been taken to correct future similar costly errors?

Has specific responsibility within the Agency been pinpointed to carry out a program to use U.S.-owned foreign currencies whenever possible? If not, why not?

How far reaching has been the Agency's failure to follow U.S. policy in this area?

Generally speaking, economies can usually be realized by using available foreign currencies, regardless of the amount of Treasury holdings of the foreign currencies.

This was recognized in a report from the Bureau of the Budget released in September 1964. A full 2 months after the Bureau of the Budget issued its report, the Agency released an erroneous statement saying nonexcess foreign currencies could not be used.

In addition, 2 years previous, in October 1962, legislation was adopted by the Congress, and signed by the President, that permitted general use of foreign currencies in place of U.S. dollars in Agency programs.

There is no logical or acceptable excuse for the Agency for International Development to have caused a loss of nearly $4 million in dealing with Brazil, one of 85 nations involved in aid programs.

CIVIL RIGHTS

Mr. GLENN ANDREWS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. GLENN ANDREWS. Mr. Speaker, it has been a very difficult problem to bring the American Negro fully into America's dreams and into her bright future.

One hundred years ago we nearly lost the Union itself over this problem. One hundred years ago we paid the price of over 600,000 of our finest men grappling with this problem. Today the problem of welding the Negro into America's society in full citizenship but with order and justice to all is about to destroy our Constitution itself and our entire concept of government.

Law forged on the anvil, the white-hot anvil of bitterness and rancor, will surely lose its value and its very discipline. It will be a hollow victory indeed for the Negro if in victory he lose the very foundation of his protection, the Constitution of the United States.

ALABAMA BUSINESS LEADERS TAKE STAND

Mr. MARTIN of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MARTIN of Alabama. Mr. Speaker, in spite of the hate campaign that is directed against the great State of Alabama and its people, I am proud to say the majority of Alabama citizens have not reciprocated in kind. Most of our people, our responsible business leaders, and clergymen have tried, in the face of great provocation, to maintain our dignity, the friendly spirit which is so much a part of Alabama, and the avenues of communication which have existed between the races to a greater extent than in the States of many of our severest critics.

We have made mistakes in Alabama. There have been wrongs, just as there have been wrongs and injustices against some people and some individuals in every State of the Union. But we alone have had to bear the burden of being pilloried for sins of which all are guilty.

This week, many of Alabama's outstanding business leaders are in Washington to attend the annual meetings of the U.S. Chamber of Commerce. This, then, is an appropriate time to pay tribute to the Alabama State Chamber of Commerce and many local chambers for the fine work they have done and are doing in correcting whatever injustices and inequities exists. So that those of you who may have missed the statement of the business leaders of my State which has appeared in a number of newspapers and magazines, I include it as a part of these remarks. It is my prayer that other business leaders and other citizens in other States will do as much, have as much understanding, have as great a genuine desire to create in every corner of this land the kind of America we are striving for in Alabama. We, too, want every American to have full opportunity to realize the fulfillment of the American dream and we shall continue to do our best to help all citizens realize the dream.

The statement follows:

What We Believe and Where We Stand

In light of recent developments in Alabama, we feel that the business community has an obligation to speak out for what it believes to be right.

The vast majority of the people of Alabama, like other responsible citizens throughout our Nation, believe in law and order, and in the fair and just treatment of all their fellow citizens. They believe in obedience to the law regardless of their personal feelings about its specific merits. They believe in the basic human dignity of all people of all races.

We intend to continue working diligently for the full development of Alabama, the welfare of its people and the maintenance of conditions favorable to the creation of an economy which will benefit every citizen.

For these reasons, we feel that we must publicly declare and reaffirm what we believe and where we stand.

First, we believe in the full protection and opportunity under the law of all our citizens, both Negro and white. Just as we feel every Alabamian inherently has the right of protection, so does every Alabamian have a responsibility to uphold the law. We deplore equally public demonstrations which violate the law, and the actions of those who take the law into their own hands. There are proper procedures for expressing protest in a lawful manner, just as there are procedures for restraining those who would violate the law.

We believe in the basic American heritage of voting, and in the right of every eligible citizen to register and to cast his ballot. We believe, however, that qualification of prospective voters, when properly and equitably administered, is a constitutional responsibility that must be preserved.

We believe in obedience to the law, even though some may question the wisdom of particular laws. Such a law is the recently enacted Civil Rights Act of 1964, which many of our citizens feel contains many unjust and improper provisions. We do, however, have an obligation to abide by it, and this will do. Where injustices or inequities are indicated, we will seek relief through proper and legal channels.

Our State is faced specifically with compliance with title VII of this law which goes into effect shortly. This provides for nondiscrimniation in employment and will call for some adjustments. While many of our employers have been in compliance with these provisions for some time, we call on business leaders all over the State to provide leadership in this matter.

We believe that communication between different elements of our society must be maintained. We urge leaders of both races to improve avenues of communication and understanding. While this has been done successfully in many local communities, we suggest that consideration be given to the establishment of positive new vehicles for communications between the races throughout all the State.

We believe that an expanding economy will benefit all of our people. This will provide more jobs and greater income, thus raising the standard of living for all our citizens—both Negro and white.

We believe that an ever-increasing level of education is an important objective. This will better equip our citizens to take advantage of job opportunities and to become qualified voters.

We believe in Alabama, have confidence in its future, and call upon all of its citizens to join together in working for the attainment of these objectives and the solution of the many problems facing us.

Alabama State Chamber of Commerce, Alabama Bankers Association, Birmingham Chamber of Commerce, Mobile Chamber of Commerce, Montgomery Chamber of Commerce, Huntsville Chamber of Commerce, Alexander City Chamber of Commerce, Andalusia Chamber of Commerce, Anniston Chamber of Commerce, Cullman Chamber of Commerce, Decatur Chamber of Commerce, Florence Chamber of Commerce, Gadsden Chamber of Commerce, Jasper Chamber of Commerce, Associated Industries of Alabama, Alabama Textile Manufacturers Association, Muscle Shoals Chamber of Commerce, Opelika Chamber of Commerce, Sylacauga Chamber of Commerce, Troy Chamber of Commerce, Tuscaloosa Chamber of Commerce, Association of Huntsville Area Contractors.

ANNIVERSARY OF INDEPENDENCE OF SIERRA LEONE AND TOGO

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, today is the birthday of two new nations in Africa—Sierra Leone and Togo—and to the governments and the peoples of those two vibrant and promising new nations in Africa, I extend the good wishes and the compliments of the members of the Subcommittee on Africa of the Committee on Foreign Affairs, and, I am sure, in that expression of compliment on the accomplishments of the past and good wishes for the future we will be joined by all the Members of the House of Representatives of the Congress of the United States.

Mr. Speaker, for a century Sierra Leone has been the melting pot for the freed slaves of Africa. Over 100 years ago fugitive slaves went to Sierra Leone, and they founded that country as a country of freedom. It is especially pleasing to wave the hand of friendship to this land that was slaveless long ago, especially at this time when we are having at long last an understanding and solution of our own racial problems in the United States.

It is a happy privilege for us to join with our friends in Africa in celebrating the birth anniversaries of Sierra Leone and Togo.

Sierra Leone, with an area of 27,925 square miles—nearly as large as South Carolina—is located on the West Coast of Africa. It shares common frontiers with Liberia to the southeast and with Guinea to the north and northeast. Freetown (population about 90,000), the capital, has one of the finest natural harbors in West Africa, with anchorage space for over 200 ships.

Sierra Leone is the third of Britain's West African possessions to achieve independence. Yet in many ways it can claim historical seniority in British West Africa. During the early part of the 19th century Freetown was the residence of a British Governor who also ruled over the Gambia and the Gold Coast settlements.

Sierra Leone also was the educational fulcrum. Fourah Bay College served for the education of West Africans all down the coast, and its influence is still visible in the number of families with Sierra Leonean connections to be found in Ghana and Nigeria.

With about 85 percent of the people on the land, agriculture is by far the most important sector of the economy although surpassed in importance by exports of diamonds and iron ore.

Togo has a population of 1,450,000. It is located on the Gulf of Guinea between Ghana on the west, Dahomey on the east, and Upper Volta on the north. The Republic of Togo is a long narrow country stretching 360 miles north from the West African Coast. Only 21 miles wide where it meets the sea and 100 miles at its broadest point, Togo has a total area of 20,400 square miles, approximately equal to the area of West Virginia. The capital, Lomé, is located at the western border of the country on a sandy coastal strip between the ocean and a salt water lagoon.

Nicholas Grunitzky as prime minister headed the provisional government after the assassination of President Olympio on January 13, 1963. On May 5, 1963, the Togolese people adopted a new constitution, chose deputies representing all political parties to the National Assembly, and elected Grunitzky, President and Antoine Meatchi, Vice President.

Togo's economy is agricultural and is predominantly made up of small family-type farms. The only important industrial activity is a phosphate mining and primary processing operation that began production in 1961. The phosphate deposit, located some 14 miles from the sea, is estimated to contain more than 50 million tons of high quality ore. The company operating the phosphate industry is largely French owned, with the Togolese Government and a private American firm having part interest.

Because of a lack of private and public capital, Togo wishes to attract private foreign investment, as well as increased foreign aid.

Mrs. GRIFFITHS. Mr. Speaker, today, I want to take the opportunity to extend to Togo my best wishes on this, the fifth anniversary of its independence. Five years ago, we warmly welcomed Togo into the world community of free nations and since that time we have been fortunate in developing firm, friendly relations. It is my sincerest hope that these relations will grow even stronger and deeper in the years to come and that the people of Togo will achieve the promise of tomorrow.

Mr. Speaker, I also wish to extend my heartiest congratulations to Sierra Leone, which today is celebrating its fourth anniversary as an independent country and a member of the United Nations. Sierra Leone has been a proud and vigorous member of the community of nations and we are pleased at the successful ties we have established with this rising nation. It is with a strong political tradition and an energetic people that Sierra Leone is meeting the challenge of the future.

Mr. FARNUM. Mr. Speaker, April 27 is the fifth anniversary of the day on which the West African Republic of Togo was placed among the independent nations of the world.

It is not to be wondered at that our relations with Togo are good, since we have many things in common. Both Togo and the United States are firm believers in national independence, in noninterference in others' affairs, and in working hard and purposefully to achieve economic and social development.

I believe I speak for freedom-loving people everywhere when I say that we are pleased that a new nation has come through its first 5 years so very well. I would like to extend hope for continued progress to Togo through President Nicholas Grunitzky and through Dr. Robert Ajavon, who is the much admired Ambassador of Togo to the United States.

Mr. Speaker, those interested in the various ways that freemen govern themselves will find the nation of Sierra Leone of particular interest.

Sierra Leone evolved into independence with elections in 1924, installation of a ministerial system in 1953 and constitutional talks with the British Government in 1960 which led to full independence on April 27, 1961, an anniversary which the free world celebrates today.

Sierra Leone has an active two-party system. Its city of Freetown has the oldest corporate charter in West Africa. Its cabinet includes a woman of noteworthy achievement, Paramount Chief Madam Elle Koblo Gulama.

Sierra Leone faces the future confidently, equipped with political traditions and institutions that will make it increasingly important both to Africa and the world.

Sincerest congratulations and best wishes go this day to Sierra Leone through Prime Minister Sir Albert Margai and through Sierra Leone's Ambassador to the United States, Mr. Gershon Collier.

Mr. POWELL. Mr. Speaker, today marks the fifth anniversary of Togolese independence. We wish to take this opportunity to extend warm felicitations to His Excellency Nicholas Grunitzky, President of the Republic of Togo; and to His Excellency Dr. Robert Ajavon, the Togolese Ambassador to the United States.

Five years ago today, on the 27th of April 1960, one of the smallest of the African states became independent after many years of German, French, and British rule: Togo. As was, unfortunately, so often the case with other west African countries, its first experiences with the powers of Europe were at the hands of slave traders. Later still, in the 17th and 18th centuries, the French established trading posts, to be joined in the 19th century by the Germans, also in search of colonies. From the name of a village on the coast near Porto Segouro, with whose chief the Germans signed a treaty establishing a protectorate, the country received the name by which it is known today.

Due to the competition among the European powers for territory and influence in Africa, the peoples who inhabit the areas on the north coast of the Gulf of Guinea have been divided into numerous different states. When during World War I the British and the French gained control of Togoland, they divided the former German territory between them, and obtained League of Nations mandates for them. Following World War II, these two countries placed their areas under U.N. trusteeship. Soon thereafter, the leaders of the Ewe people began to petition the United Nations, first for Ewe reunification, and second for Togoland reunification, for as a result of these rivalries for territory, they found themselves under three different administrations: Gold Coast, British Togoland, and French Togoland.

In 1956, a U.N.-supervised plebiscite was held in British Togoland. A majority of the voters decided in favor of integration with an independent Gold Coast—today the independent State of Ghana. Later the same year, another referendum was held in French Togoland, wherein the voters overwhelmingly decided to terminate the trusteeship and accept the French offer of internal autonomy. The U.N. refused to accept this unilateral attempt to end the old status of French trusteeship. But, in 1958, another election was held; this time, the National Unity Party, which had pledged itself to complete independence, gained control of the Togo Assembly. Shortly thereafter the French Government, after consultations with the new government, announced that full independence would be granted. Finally, on April 27, 1960, the Republic of Togo took its place in the world community of independent nations.

Although faced with substantial economic difficulties, the Togo Government has, like many others, embarked on a variety of development programs to diversify and expand its economy. Although Togo has never been as dependent upon a single crop for its foreign exchange as many others, the Government has nevertheless undertaken to encourage the development of new areas, and new crops, as well as the intensification of cultivation in areas already in use. Governmental development programs are designed to modernize agricultural methods, introduce fertilizers, and generally increase acreage and yield. Togo's rivers provide an excellent potential source of hydroelectric power, and as a result of the numerous large and small dams which have been constructed, both electric power production as well as the amount of reclamation and irrigation projects have increased prodigiously since independence.

With the exploitation of Togo's extensive phosphate deposits, and the diversification of agricultural output for the export market, dangerous fluctuations in Togo's foreign exchange earnings have been eliminated. With increased income from the results of the 4-year development program schemes, expanded trade, as well as continued aid and investment from other countries, the people of Togo should be able to look forward to an increasingly prosperous future—a goal with which we are in complete sympathy.

Mr. Speaker, today, April 27, 1965, is the fourth anniversary of independence of Sierra Leone, and on this grand occasion, we wish to extend warm felicitations to His Excellency Sir Henry Lightfoot-Boston, the Governor General; and to His Excellency Gershon Collier, the Sierra Leone Ambassador to the United States.

Sierra Leone is a country whose political history is tied to our own despite the fact that it was for many years a colony and protectorate of Great Britain.

From the 16th to the early 19th century, what is today Sierra Leone was constantly raided for slaves to fill the unceasing demand of the new colonies and territories of America. But, the modern colony did not grow from the early Portuguese and British factories and settlements in the neighborhood. Rather, it was founded by a number of British philanthropists and conscientious citizens who were determined to do something in order to relieve the horrors of the slave trade. As early as the 1780's, such men as Granville Sharp, Henry Smeathman, and Alexander Falconbridge proposed and promoted schemes for founding on the Sierra Leone peninsula a colony for Negroes discharged from the Army and the Navy at the close of the American Revolution, as well as for slaves who had found asylum in London. The tribal leaders and kings of Sierra Leone sold and ceded territory to the chartered company which was created, and soon additional former slaves were arriving from other cities in England, Nova Scotia, Jamaica, and America. It was this original settlement and the humanitarian sentiment behind it which led to the founding of the capital city of Sierra Leone: Freetown.

When the British Government finally outlawed slavery in 1807, the new colony was used as a base from which the act could be enforced. Beginning in 1808, when the first slave ship was captured and its human cargo released, hundreds and soon thousands of slaves were similarly set free, and most of them remained in Sierra Leone.

The new colony gradually developed mission and trade connections with the surrounding areas, which increasingly became a British "sphere of influence." By the late 19th century, the English, however, had to put down revolts against their expanded jurisdiction, and finally declared the hinterland of the colony a protectorate.

During the 20th century, a revised constitution was first promulgated; by 1956 the colony was permitted to elect most of the members of a new House of Representatives, and by 1958 the first Cabinet was formed under Dr. Milton Margai. Dr. Margai, 2 years later, led the delegation to London to establish the conditions for independence, which finally led on April 27, 1961, to Sierra Leone's complete independence, and membership in the Commonwealth.

Since that time, Sierra Leone has demonstrated a will to tackle the economic, educational, and other problems which still exist. It has, in fact, already achieved an enviable record of progress in these fields. With some foreign aid from the United States, Great Britain, and West Germany, the country has embarked upon an ambitious program of development and diversification. It has created a Development of Industries Board which provides assistance to new industries; it has established a Development Corporation to finance other projects, and is currently nearing the halfway mark of the first development plan, which is to spend over $350 million to increase agricultural output, improve transportation and communications, power, water and sanitary services, as well as social services.

In the field of education, Sierra Leone has obtained the assistance of UNESCO in an ambitious program to promote universal literacy. Already school enrollment has doubled, many new schools have been founded, and a new university college created to provide additional advanced facilities for Sierra Leone's citizens.

On this day, then, we salute Sierra Leone, its people, and its dedication to progress for its citizens; at the same time, we wish them well in all their new endeavors toward this peaceful progress.

Mr. MATSUNAGA. Mr. Speaker, today April 27, marks the fifth anniversary of the date on which the West African Republic of Togo gained full independence from France, which had exercised trusteeship for the former German colony since the end of World War I. On this happy occasion I wish to extend Hawaii's congratulations and best wishes to President Nicholas Grunitzky, to Togo's Ambassador to the United States, Dr. Robert Ajavon, and to the people of Togo.

It is my understanding that Ambassador Ajavon, although experienced in public affairs, is a relative newcomer to Washington's diplomatic corps, having arrived here at the end of last summer. Since his arrival he has continued to foster the good relations which has existed between Togo and the United States during the last 5 years. We are hopeful and confident that our relations with his country will remain cordial for a long time to come.

Our amity with Togo is founded on common interests. Among other goals, we both seek, in Africa and elsewhere, independence of nations, noninterference in other nations' internal affairs, and economic and social development of the new nations. An African proverb has it that "what you are doing makes so much noise that I cannot hear what you are saying." In keeping with this adage Togo and the United States are working together in matching their actions to their language toward the goals they both profess.

For example, the United States and the Government of Togo decided a few years ago to establish a school for training young Togolese in rural development practices. The first graduates of this institution will soon be working with their neighbors in the fields and villages, showing them how to help themselves. This quiet revolution is taking place in the northern region of the country, where the villagers have had less contact with modern agricultural practices than their fellow-citizens on the coast.

Another example of our common efforts to practice what we preach can be found in the establishment of a center to train operators and mechanics of heavy road construction and maintenance equipment. Although programs somewhat like this one are being undertaken in other African countries, the Togo project is a bit special. There, the center has been established specifically to serve all the French-speaking African countries in the area. The first graduating class of this school included more young men from outside Togo than Togolese themselves. I would like to think their experiences in learning their trade side by side with Africans of other nationalities will have a positive effect on Africa's progress toward unity in the years ahead.

When Togo gained full independence 5 years ago, many of us had mixed feelings of concern and hope; concern that the 1960's might prove too turbulent for a small young nation, hope that newfound freedom could prevail. In the 5 years since independence, despite serious trials, Togo has demonstrated its capabilities to fulfill its aspirations and justified the hope which the free world has held out for its future.

I believe I speak for this House when I say we are pleased that the new nation has come through these 5 years so well, and we are proud that our Nation has developed ties of friendship and cooperation with Togo. We have every confidence that these ties will deepen in the years to come.

Mr. Speaker, I wish to join the Members of this House and the American people today in extending sincerest congratulations and warmest best wishes to the nation of Sierra Leone, its vigorous Prime Minister, Sir Albert Margai, and its Ambassador to the United States, Mr. Gershon Collier, on the occasion of its fourth anniversary as an independent member of the world community. Today, April 27, 1965, also marks the 4th anniversary of Sierra Leone's election as the 100th member of the United Nations.

This nation of more than 2 million people is located on that stretch of West African coastline where the mountains meet the sea. In fact the name Sierra Leone, or Lion Mountain, was given by the Portuguese explorer Pedro da Cintra in 1460 who thought the sound of thunder in the mountains resembled the roaring of lions. Freetown, capital of the country, is situated on one of the finest natural harbors in the world, and nearby are beaches whose beauty is famous throughout West Africa. Early visitors to this coast were John Hawkins and Sir Francis Drake. The first settlement in 1787 was the work of Granville Sharp, leader in the campaign in England against slavery. In 1808 a British colony was established from which enforcement could be imposed in abolishing the slave trade; captured slave traders saw their cargoes freed by the local courts. These persons from all over West Africa became known as Creoles and adopted many of the British ways, while missionaries, many of them American, brought education and Christianity to the Colony. To forestall the encroachments of the surrounding French territories the British created a protectorate in the neighboring area in 1896, and Sierra Leone's present boundaries were thus determined. It covers today an area approximately equal to that of South Carolina—28,000 square miles.

Sierra Leone's constitutional history is a notably peaceful one, with a clear evolution toward independence by democratic method; first elections were held in 1924, a ministerial system installed in 1953, and constitutional talks with the British Government in 1960 led to full independence on April 27, 1961. Sir Milton Margai became the first Prime Minister. He was followed, upon his death in April of last year, by his half brother, Sir Albert Margai who today provides dynamic guidance to his nation.

Sierra Leone, member of the British Commonwealth of Nations, is a constitutional monarchy. The Queen is Head of State and is represented in Freetown by Gov. Gen. Sir Henry J. Lightfoot-Boston. The Sierra Leonean constitution provides for an executive government under the Prime Minister, a legislature elected by universal suffrage, and a judicial system which includes a supreme court, magistrates' courts and a court of appeals.

The Parliament consists of the Queen, a traditional gesture, and a house of representatives of which 62 "ordinary members" are elected by universal suffrage, and 12 paramount chiefs are elected by tribal councils in the provincial districts.

Since its formation in 1951, by the late Sir Milton Margai, the dominant political party has been the Sierra Leonean People's Party—SLPP. The role of its leader has now passed to Sir Albert Margai. But the SLPP has not been the only political party; the elections of 1957 were contested by four parties which later made political history in west Africa by joining with a fifth party to form a common front for the constitutional talks in London in 1960. This united front guided Sierra Leone through its first year of independence until the first general elections were held in May 1962. The election was largely a contest between the SLPP and the All People's Congress—APC—formed in 1960 by the present leader of the opposition, Mr. Siaka Stevens. Today the SLPP holds 48 seats and the APC 14 in the house of representatives.

In addition to an active two party political system other features of Sierra Leone's political life should be noted. The corporate charter for the city of Freetown—1799—is the oldest in West Africa; the Cabinet includes the first woman named to a West African Cabinet, Paramount Chief Madam Ella Koblo Gulama.

In 1827 the Church Missionary Society of England founded Fourah Bay College, now the University College of Sierra Leone. For years it was the only institution of higher learning in Africa south of the Sahara, and its influence is still outstanding in the teaching and administrative circles of Nigeria, Ghana, and the Gambia.

A word should be said about the economy of Sierra Leone. An estimated 85 percent of the people live by agriculture, and some agricultural products are exported, such as palm kernals, cocoa, and coffee. But the principal export is diamonds which make up more than 50 percent of the exports. The Government of Sierra Leone is actively engaged in diversifying production and expanding the output of other mineral resources such as iron ore, bauxite, and titanium oxide. Sierra Leone's unrestrictive policies with respect to trade and investment will also serve to attract private capital into other areas of its development process.

Although the United Kingdom remains the principal external donor nation for reasons of historical and cultural ties, the United States has an aid program of relatively great importance in Sierra Leone, with emphasis on rural teacher training and the creation of a land-grant type university. Other projects have included the creation of a central statistics office, and a measles vaccination campaign. Annual grants total approximately $2.5 million.

The Peace Corps has undertaken a highly successful and growing program in secondary school instruction and rural development along the lines of inspiring self-help projects in the villages for better water supplies, better sanitation facilities, and primary school construction.

Lastly, a Public Law 480 program is underway, including a recently signed title IV sales program of $1.7 million.

The nation thus faces the future under the positive leadership of Sir Albert Margai equipped with political traditions and institutions which should assure it an increasingly productive role in the community of nations in Africa and the world. We wish you a great future, Sierra Leone.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and also that any of my colleagues who so desire may have 5 legislative days to join me in expressing our good wishes and congratulations to Sierra Leone and Togo.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FLOOD CONTROL AND RIVER DEVELOPMENT WORK

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDMONDSON. Mr. Speaker, the Subcommittee on Flood Control of the House Committee on Public Works this morning took note of a very serious situation that is becoming more serious with each passing day and reported favorably by a unanimous bipartisan vote of the subcommittee the bill, H.R. 6755, introduced by our colleague, the gentleman from Alabama [Mr. JONES] to authorize additional appropriations for flood control and river development work on 10 of the major river basins of the country.

From representatives of the Corps of Engineers we heard testimony this morning that indicates six of these basins are already listed as critical with reference to the status of existing monetary authorizations; that three contracts have already had to be deferred by reason of an existing lag in authorizations and that the need for passage of this bill is most urgent.

The full Committee on Public Works is expected to take up this bill tomorrow. We are hopeful that it can be brought to the floor of the House in the very near future because it is vital for the orderly prosecution of construction on these 10 major river basins of the country.

I sincerely hope that in the other body there will be the same awareness of the acuteness of the need with reference to these rivers and that this legislation can be passed expeditiously. It does not mean in any way that there is any deferment of plans to have an omnibus rivers and harbors bill, but it does mean that on these 10 basins representing projects already authorized by the Congress and now requiring periodic monetary authorizations, the need for action is with us now.

JOHN I. SNYDER, JR.

Mr. RESNICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RESNICK. Mr. Speaker, it was with the deepest sense of personal loss that I learned of the passing of John I. Snyder, Jr. I mourn the passing of this man not only as an outstanding businessman and business leader, but as a dynamic and deeply concerned leader of the New York State Democratic Party. His ceaseless efforts on behalf of all his fellow men will be impossible to replace. In honor of this man, I include his New York Times obituary at this point in the RECORD.

JOHN I. SNYDER, JR.

No American industrialist showed greater sensitivity to the enormous human problems engendered by automation than John I. Snyder Jr., chairman and president of U.S. Industries, Inc. His company pioneered in making equipment to be used in automating factories, and he never wavered in his conviction that this country had to avail itself fully and swiftly of new technology to raise living standards and maintain its competitive position in world markets.

But he believed equally strongly that management had to cooperate with labor and the Government in making certain that workers would share the fruits of increased efficiency and not pay the whole price of adjustment in mass unemployment. He taxed the machines his company built to finance a foundation to study automation's impact on jobs and to recommend constructive social solutions. His death at 56 deprives the Nation of one of its most creative thinkers in this field just when President Johnson had designated him as an adviser in pointing new paths for public policy.

PROPOSED MOVE OF U.S. NAVAL TRAINING DEVICE CENTER

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, the proposed move of the U.S. Naval Training Device Center from Port Washington, N.Y., to the Orlando, Fla., Air Force Base is not justified from an economic point of views and is thus not in the best interests of the American taxpayers.

As a Congressman, I am deeply concerned with the economic well-being of my constituents. I am, however, equally concerned with national defense. The proposed move endangers both.

The move from New York to Florida would take up to 2 years to complete, and would seriously disrupt the primary mission of the Center—supplying training devices and battle simulators to the services.

Other items attest to the inadvisability of the move. It has been reported that a $3.5 million computer would be left behind, as it cannot be dismantled and transported economically. A $100,000 laboratory at Sands Point, in process of construction, would be similarly lost to the taxpayers. Because of the much hotter climate in Florida, the entire operation would have to be air conditioned thus greatly increasing the cost of the move. Relocation of families of Center personnel would occasion substantial costs which would return nothing to the taxpayer.

Is moving this facility 1,200 miles merely to supply a reason for keeping open a huge Air Force base in line with the President's and Mr. McNamara's economy goals? The Center needs less than 100 acres; Orlando has 1,400. Does an operation of this size justify keeping open a huge base?

There is ample room for expansion of the facility's operation at its present location, as it presently occupies less than 10 out of 160 acres available. Closing the base at Orlando and keeping the Training Device Center where it is would mean a much greater saving to the taxpayers.

Renovation of existing housing at Sands Point would cost far less than making such housing available at the Florida location. The buildings at the present site are durable, sturdy structures that can be modified and improved.

The move would be bad for Long Island and bad for New York State. It would add to an already serious unemployment problem, as many Center employees have already indicated that they will not uproot themselves and relocate in Florida. An average yearly payroll of $8 million and an average $100 million worth of contracts per year would be lost to New York. Small contractors would be especially hard hit, and the attendant loss would greatly add to the growing unemployment problem in the area.

Orlando is remote from the industrial-military locus of the northeast. Sands Point is admirably located in this regard. It is close to Washington and to the Nation's major industrial centers.

Cost of the move has been tentatively set by the Navy at $1.2 million. A private estimate runs to over $7 million. Is this economy? The evidence that has reached me as the basis for this transfer is not persuasive from the point of view of economy—although economy is a reason given for the move by those who favor it.

The Naval Training Device Center has had a long and successful history at its present location. There is room for expansion and consolidation of the scattered elements of the Center at the Sands Point location and nearby. The Center is presently located in an area where the skilled talent necessary for its sophisticated mission is readily available, and where educational facilities for its professional complement are among the most diverse and renowned in the world. Orlando has only two junior colleges.

The proposed move would achieve nothing for the Defense Department or for the national defense effort that could not be achieved at Sands Point. By remaining where it is, the waste represented by the cost of moving would be saved. Interruption of the vital function of the Center would be avoided, as would a serious disruption of business activity in the Long Island and the New York area.

This situation calls for a serious investigation and that is why I am calling for a delay in the move.

In my opinion, no thorough study of the proposed transfer has been made, and the efforts of myself and others to learn the reasoning behind the move have failed. The bipartisan New York State Congressional Steering Committee favors a delay until such a study can be made, and I heartily concur.

The proposed move from the evidence I have seen to date, doesn't make sense from a professional, economic, or cost-efficiency point of view, and I have entered a resolution in the House of Representatives to delay the move until a full investigation has been made by the Armed Services Committee.

REPRINTING A COMPILATION OF HISTORICAL DOCUMENTS

Mr. GILLIGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GILLIGAN. Mr. Speaker, I rise to speak in behalf of a resolution I have submitted to make available to a new generation of Americans the priceless documents upon which this country was founded. Thirty-eight years ago the Government Printing Office printed House Document No. 398 of the 69th Congress. More familiarly known—indeed, affectionately so—as "Documents Illustrative of the Formation of the Union of the American States," this volume, while imposing in size, has remained far more impressive for students in and out of government as the one great storehouse of this Nation's fundamental papers.

Although the original printing produced a generous number of copies for the use of the Congress, the number of copies available for public sale was limited. The price rose through the years from $2.85 to $9.50; and finally, by September of 1962, it was out of print. Today it is a collector's item and worth many times its original price. I submit that it would be a public service to have reprinted this invaluable source book of our American heritage, to make it available again to the Congress, to other officials of the Government, to our educators, to our scholars, and to our many other interested citizens.

One might well ask, why is this volume so valuable? There are many other source books containing a number of the same documents, and they are widely distributed. But, and this is the compelling difference, none contains all of the documents that repose between the covers of this single great work. And no other single publication, to name only one feature, presents the variant texts of the plans presented to the Federal Convention by Edmund Randolph, William Paterson, and Alexander Hamilton. The volume, indeed, is a veritable mine of historical gems. It holds, among so many other treasures, the Declaration and Resolves of the First Continental Congress; the Resolves adopted in Charlotte Town, Mecklenburg County; the Preamble and Resolution of the Virginia Convention of May 15, 1776; the Declaration of Independence; the Articles of Confederation; the Proceedings of Commissioners to Remedy Defects of the Federal Government; the Ordinance of 1787; Debates in the Federal Convention of 1787, as reported by Madison; the Notes of Rufus King, and others; the Constitution; the proceedings of the States in the ratification of the Constitution; and many, many other documents. And not least of all, it boasts a magnificent analytical index to the entire volume.

"Documents Illustrative of the Formation of the Union of the American States" comprises 1,115 oversized but easy-to-read pages, with footnotes legion in number but unobtrusively placed. The documents were selected, arranged, and indexed by the late Charles C. Tansill, noted historian and an officer of the Legislative Reference Service of the Library of Congress.

Since the volume first appeared, it has received encomiums from renowned figures in public life and from private citizens. Former Ambassador Dwight W. Morrow expressed "his high estimate of the value of the book." Frederic Delano, industrialist and Government official, referred to it as "certainly a magnificent book of reference." And, quite significantly, a number of Madison's descendants have termed it "an invaluable source book." I can only join in the tributes.

"MARCH ON MONTGOMERY: THE UNTOLD STORY"

The SPEAKER. Under previous order of the House, the gentleman from Alabama [Mr. DICKINSON] is recognized for 60 minutes.

Mr. DICKINSON. Mr. Speaker, the remarks I am about to make relate back to a speech I made on this floor on the 30th of March, entitled "March on Montgomery: The Untold Story."

I would like at the inception of my remarks to make some corrections to that speech lest I forget.

First, on March 30 I said that Rabbi Rubenstein left the march in disgust. Rabbi Rubenstein informed me by telephone and letter that he was in Montgomery just before the march but did not take part in the march and, therefore, he did not leave the march in disgust. However, the Washington Evening Star of March 20 quotes Rabbi Rubenstein as follows:

> RABBI IN SELMA MARCH ASSAILS AIMS OF SNCC
>
> PITTSBURGH (AP).—A rabbi has charged that leaders of the Student Nonviolent Coordinating Committee are "activists and revolutionaries" who want to cause trouble rather than further the civil rights movement.
>
> Rabbi Richard L. Rubenstein, a University of Pittsburgh chaplain * * * told a student rally Friday that SNCC leaders invited college students to Montgomery, Ala., * * * for a civil rights demonstration because "they wanted dead bodies * * * our bodies."

Rabbi Rubenstein accompanied about 130 Pittsburgh area students to Montgomery and was present when possemen on horseback broke up the demonstration with billy clubs Tuesday.

The rabbi told the rally—called by the National Association for the Advancement of Colored People—that SNCC executive secretary James Foreman lied to the Pittsburgh students and tried to use them.

Rabbi Rubenstein said Pittsburgh students went to Montgomery thinking that the demonstration would be nonviolent but were told by a SNCC leader the first night that "you may have to lay down your life in this demonstration."

I also said that Rev. Norman Truesdell of Dubuque, Iowa, left the march in disgust because newspapers had reported this to be a fact. Reverend Truesdell complained that I misrepresented the fact. I checked with the police department and found that Reverend Truesdell was arrested in Montgomery before the march and was given a suspended sentence if he agreed to leave town, to which he readily agreed.

I am glad to correct these two errors and if there is a distinction between the warmup demonstrations which preceded the march in either Montgomery or Selma and the march itself, I am glad to make that correction.

I would also like to say that I did not intend to depict myself as a moralist, or as being self-righteous or some sort of crusader against all sorts of evil and sin. I am, I suppose, about like the average Member of this House, no better and I hope no worse. Having sat as a judge in various courts of law over 10 years before coming to Congress, I do not shock easily. Instead, I believe I am more tolerant than most.

I have attacked the conduct of many of the participants for several reasons, one of which is to rip away the facade of righteousness, smugness and respectability erroneously attributed to them, which allowed them to invade my home town and my State like a swarm of rats leaving an overturned hayrick. I can assure you, Mr. Speaker, our modern Canterbury Tales make Chaucer's pilgrims look like veritable paragons of virtue and piety.

I should like to make one other distinction for the interest of you, Mr. Speaker, and the Members here. There were three periods involved in the overall incident. One period was the warmup riots and demonstrations in Selma. Another period of the incident was the warmup riots and demonstrations in Montgomery. Both of those preceded the actual march, the march being the end effect or climax of the whole sordid affair.

Now, because the participants in the various stages and times of the demonstrations feel sensitive about being associated with other parts of it, I have been asked to make the dates clear. I will attempt to do so as best I can, and if the distinction gives them some comfort I am glad to afford that.

I have been challenged by a few persons to make good my offer of proof of the speech I made on this floor 4 weeks ago. I had one good churchman of the church to which I belong, the Methodist Church, say to me that these facts could not be so because he had not read them in the newspaper. That is a pretty good criterion, I suppose.

I am reading now from the Atlanta Times of April 1, where it says "Negro leader lashes immorality charges," and the article relates that one of the leaders, Rev. James Bevel says it is not so.

Dr. Martin Luther King, Jr., leader of the march which ended with 30,000 gathering in front of the State capitol, denied that morals were loose during the trek but admitted to reporters that "some unfortunate incidents did occur."

Mr. Speaker, if they want proof, I am here to offer it today. I am here to offer it in black and white from eyewitnesses and ready to substantiate every statement that I made, and more, in order that the House might be fully apprised of the situation as it existed and as it relates to the Federal Government and the responsibility of those sitting within this Chamber.

In order to do this and to show the facts in true perspective I must necessarily go back about 18 months and relate a set of circumstances so remarkable and so incredible that I, too, am tempted to say, "Well, this could not be so." However, Mr. Speaker, I have the facts and I have the proof. I would not be representing my district and my State if I did not have the temerity to tell it.

This story has been suppressed and it has been denied—and it will be denied again, I am sure. I offer the facts and invite everyone to draw their own conclusion.

To put the Selma-to-Montgomery march in perspective we have to go back 18 months to Selma, to a time when they had no trouble, no demonstrations, no publicity, and Selma was a quiet and placid town, as free of crime and ill will as any city of 30,000 people in the United States or in the world, for that matter. At that time, beginning about the 1st of October, a little more than a year ago, the Federal Government ordered the Army to draw up plans for the military occupation of this happy, content, southern city. The 101st Airborne Division sent a general and two colonels into Selma. The plan was to reconnoiter and draw up plans for a military invasion and a possible paratroop drop on this quiet, peaceful American town. What an incredible thing! How could this be so? What possible event could the powers that were have anticipated that would make them ignore all civil enforcement authorities, the military forces at Craig Air Force Base right in Selma, the military forces available at Maxwell Field about 50 miles away and the military forces available at Fort Benning, Ga., the largest infantry school in the world, 150 miles away? They alerted the 101st Airborne Division at Fort Campbell, Ky., over 350 miles away.

There is another factor which should sober the most fanatic advocate of centralized control of government. If this could happen to one American city without provocation, then it could happen to anyone's hometown—Boston, Chicago, Dubuque. You name it. It could happen to any town if it could happen to one town.

Now let me invite you to look a bit deeper. If they thought it was necessary to call out the 101st Airborne Division to draw plans for an armed invasion of an American city before there was any reason or any possible foreseeable reason, from the standpoint of the average citizen, then what event could be big enough and what calamity could be monstrous enough and what possible set of circumstances could bring into being a condition that would warrant the 101st Airborne Division drawing up war plans on an American city? It could not be an invasion, because this is not a coastal city but an inland city. There is no SAC base there. Redstone Arsenal is over 200 miles away. The answer is only one thing could be anticipated, namely a civil riot of unheard proportions—a so-called civil rights riot. That is the only possible answer. The advanced planning could only be possible through the coordinated efforts of the Department of Justice, the Department of the Army, and certain civil rights groups. I put the "civil rights" in quotes. How was this incident to come about? Well, Selma officials were tipped off beforehand by an informer to watch for a gunman, a mainliner, coming to Selma to set it on its ear. That man was one Wolf Dawson, alias Curtis Hampton, alias Frank Dawson, a Negro gunman and dope addict from Chicago who came in an automobile with Thelton Henderson and James Foreman to Selma on or about October 28, 1963, only 4 days after his release from the penitentiary in Illinois. Only his arrest and fingerprinting by law enforcement officials averted the incident. The civil rights demonstrator, Wolf Dawson, is back in prison at the present time, according to the latest reports, I am glad to say. He was seen 4 days after his release from Illinois in the automobile and traveling with Foreman, who is executive secretary of SNCC—we will hear a little more about him later—and Thelton Henderson, who at that time was an attorney for the Civil Rights Division of the Justice Department. Since it came out in the paper about that time, you might remember, it was reported an agent of the Department of Justice was hauling Martin Luther King about Alabama in a rented car paid for by the U.S. Government, while Martin Luther King was setting up these civil disturbances. A spokesman for the Department of Justice said it was a lie, but when the proof was presented it could not be denied, so Thelton Henderson was fired. Martin Luther King refused comment. The Justice Department exonerated itself by announcing it had recovered the mileage charged for the automobile.

Because of the arrest of Wolf Dawson, the incident anticipated never came off.

Nothing happened.

And then the tragic assassination of President Kennedy a few days later moved the national spotlight and gave Selma an 18-month reprieve.

It might make my story a little more believable if you remember that a part of the high-level planning that went into the Bay of Pigs invasion was also assisting in the Selma invasion. I refer to the head of the Justice Department at that time, Attorney General "BOBBY" KENNEDY.

What proof do I have of this outlandish statement? How could this possibly be so? Well, in a sworn statement, one Burke Marshall, Assistant Attorney General in charge of the Civil Rights Division, when asked about this incident, said that he had been requested to furnish any information or written memoranda relative to this.

He said:

> I have caused a thorough investigation of the records of the Department of Justice and I have found no such reports. I concluded that no such reports were made or received by the Department of Justice.
>
> I have been advised by Mr. Solis Horwitz, Assistant Secretary of Defense (Administration), that a thorough investigation has been made of the files of the Department of Defense and that no such reports were found. I am advised that no such written reports were made to or by the Department of Defense. I was also informed that two letters were sent by the Department of the Army to two Congressmen and that copies of these letters, together with an affidavit, will be furnished to the Court.

This affidavit was made in Federal court.

Also there was an affidavit made by Solis Horwitz, Assistant Secretary of Defense, who says in part:

> The undersigned has caused a thorough search to be made of the written records of the Office of the Secretary of Defense and of all components of the Department of Defense, including the Department of the Army, which said search revealed no written report to the Department of Defense, or to any of its components, from the Department of Justice prior to October 3, 1963, concerning possible civil disturbances in Selma, or the need for an Army reconnaissance * * *.

However, somebody in the administration did not get the word because in a letter, a copy of which I hold in my hand, from Brig. Gen. F. W. Boye, Jr., addressed to one of my colleagues in Alabama from across the aisle, the brigadier general, deputy chief, legislative liaison, says in part:

> Brigadier General Eschenberg, Lieutenant Colonel Miller, and Lieutenant Colonel Jones, all of the 101st Airborne Division, did visit Selma, Ala., on the 3d day of October, 1963. The visit was made under authority emanating from the Department of the Army, where information had been received indicating that a civil disturbance beyond the capability of local authority to handle was a possibility in the Selma area. The Department of the Army issued instructions which resulted in the 101st Airborne Division being directed to develop a contingency plan for assistance should such aid be directed. As is customary and prudent in such contingency planning, discreet, limited reconnaissance was authorized by the Department of the Army.

I have no reason to doubt the word of any of the affiants, Mr. Speaker. But if the Justice Department and the Department of the Army are carrying on the Nation's business without reducing anything to writing, I think it is time that this House looked into that, also.

Mr. Speaker, that brings us up to the present date. This trouble in Selma started over a year and a half ago in which the Federal Government was an active participant together with the civil rights groups before there had ever been any semblance of trouble.

Mr. SELDEN. Mr. Speaker, will the gentleman yield to me at this point?

Mr. DICKINSON. I yield to the gentleman from Alabama.

Mr. SELDEN. The letter to which the gentleman has just referred was in answer to an inquiry that I made to the Department of the Army early in 1964.

At that time I was requested by local officials of Selma, Ala., to make a confidential check into certain allegations regarding actions of some of the personnel of the Army's 101st Airborne Division in or near Selma.

The letter which the gentleman from Alabama [Mr. DICKINSON] has in his possession was in answer to a number of questions which I propounded and sent to the Department of the Army. When I received their answer, this information was immediately forwarded to the officials in Selma who requested it and with my permission to use it in any way they saw fit.

Since those in Selma who requested that I keep this information confidential have released it to my colleague from Alabama [Mr. DICKINSON], I ask unanimous consent that the letter dated March 2, 1964, to me from Brig. Gen. F. W. Boye, Jr., be printed in its entirety.

DEPARTMENT OF THE ARMY,
OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D.C., March 2, 1964.

Hon. ARMISTEAD I. SELDEN, Jr.,
House of Representatives.

DEAR MR. SELDEN: This is in reply to your inquiry of factual data concerning activity in the Selma, Ala., area in 1963. A copy of your questions is attached for ready reference and answers thereto appear chronologically below:

1. The Army and Air Force have no knowledge of any aerial photographic reconnaissance being conducted of Selma, Ala., in the spring or summer of 1963.

2. There was no briefing of the 101st Airborne Division near Frankfort, Ky., with respect to an anticipated air drop of paratroopers in the Selma area.

3. Brigadier General Eschenberg, Lieutenant Colonel Miller, and Lieutenant Colonel Jones, all of the 101st Airborne Division, did visit Selma, Ala., on the 3d day of October 1963. The visit was made under authority emanating from the Department of the Army, where information had been received indicating that a civil disturbance beyond the capability of local authority to handle was a possibility in the Selma area. The Department of the Army issued instructions which resulted in the 101st Airborne Division being directed to develop a contingency plan for assistance should such aid be directed. As is customary and prudent in such contingency planning, discreet, limited reconnaissance was authorized by the Department of the Army.

4. The visit of the above-named officers on October 3, 1963, was not conducted incognito nor without any known contact of military forces in the area. On the contrary, the team flew to Craig Air Force Base by military aircraft, established contact with the base commander, and obtained from him desired information regarding base facilities. The base commander also furnished the team transportation into Selma in order that the team could view the town plot and determine the relative location of Craig Air Force Base to Selma.

5. A report was made by the team of officers to the Commanding General, 101st Airborne Division, covering the facilities at Craig Air Force Base and the geographic relationship of Craig Air Force Base to Selma. No report was made to the Secretary of Defense.

6. The Army has no knowledge of air transportation on military aircraft provided Martin Luther King from Montgomery, Ala., to Denver, Colo., in the latter part of September or the first part of October 1963. A check of the passenger manifest records of Maxwell Air Force Base, Ala., for the period in question failed to disclose any listing of Mr. King. If more specific information is available concerning this matter, the Air Force will be happy to check further.

I trust this information will be of assistance to you.

Sincerely,

F. W. BOYE, Jr.,
Brigadier General, GS, Deputy Chief of Legislative Liaison.

Mr. DICKINSON. I thank the gentleman from Alabama [Mr. SELDEN].

Once again, Mr. Speaker, I invite your attention to the enormity of such a situation when the U.S. Government could plan an armed invasion of an American city with the active cooperation of any pressure group before there had even been any hint or semblance of any trouble. An armed invasion probably by paratroopers dropped on an American city is unthinkable.

Mr. Speaker, in my speech of the 30th I made three general statements on which I propose to offer proof at this time.

In essence, I charged first, that the hard core of the demonstrators and marchers were human flotsam, they were beatniks, riffraff, degenerates, and that degeneracy, drunkenness and sex orgies were the order of the day for this group before, during and after the march.

Secondly, that regardless of the many, many sincere, devoted, dedicated, Christian and God-fearing people involved in the march, the undergirding structure that gave strength, cohesiveness, direction and financial assistance and the drive to the various groups was the Communist Party.

Thirdly, that the American taxpayer was subsidizing this type of activity to a very large extent.

Now, Mr. Speaker, here is only a portion of my proof and a fraction of the total proof available to any competent investigative agency.

As to item No. 1, the widespread sexual, immoral and drunkenness charge, I have in my possession at the present time or under my control over 30 sworn affidavits from eyewitnesses of sexual intercourse in public places, urinating in public, indecent exposure, drunkenness and acts of general degeneracy.

Here are some examples. At this point, Mr. Speaker, I recognize that I am faced with a dilemma. I have on the one hand the right to actually and factually present the facts to this House as they have come to me and as they were, but being familiar with the courts and criminal procedure I realize that at times the subject matter and the nature of the evidence is, to say the least, of an indelicate nature and I shall attempt, within the bounds of propriety—and I have sought the counsel of several of the older heads—to present as accurately and as factually as I can what I have contained in these affidavits, deleting some parts, paraphrasing some parts. But let me say that I have the originals here to exhibit to every Member of this House for you to read for yourself. If I have in any way misrepresented any part of it, you may take me to task.

Mr. Speaker, I have the affidavits broken down into three sections relating to the three different times, one time has to do with Selma, the buildup before the March. Another area in time has to do with the march at Selma and another area in time has to do with Montgomery, both before, during, and after the march.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. For what purpose?

Mr. BURTON of California. Merely to ask if the gentleman——

Mr. DICKINSON. I yield for a question; yes.

Mr. BURTON of California. Does the gentleman intend to charge specifically named people with crimes without their being given an opportunity to respond in the same forum?

Mr. DICKINSON. I do not intend to charge anyone with a crime unless it be a crime of that particular State—with one possible exception. The only way I can do this by reading the affidavits. I did not prepare the affidavits and I did not cause the information contained therein to be there, if that answers the gentleman's question.

Mr. BURTON of California. I am sure the gentleman realizes the effect of a statement made on the floor on any individual charged with a crime.

Mr. DICKINSON. I thank the gentleman.

Mr. KEITH. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Massachusetts.

Mr. KEITH. I would trust the gentleman will establish the real reliability of his witnesses prior to quoting from them.

Mr. DICKINSON. In order that I may make that point quite plain, I am not going to vouch for the authenticity or the veracity of any affidavit or any individual whose affidavit I hold. I am presenting to this House the evidence which I have gathered through my own efforts, and if I make out a prima facie case, whether it be so or not, then I feel it is incumbent upon this House to take appropriate action of the House through the proper committee to ascertain whether or not these statements are true, and if they are true, to act on them, if that answers the gentleman's question.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. BURTON of California. Has the gentleman personally ascertained from the affiants as to the truth and veracity of the allegations contained in their affidavits?

Mr. DICKINSON. All I can say, if the gentleman did not understand the last remark I made, I can reiterate those remarks and say further they are sworn to, they are under oath, they are assumed to understand the solemnity of an oath. I did not personally administer the oath, however.

Mr. BURTON of California. As I understand the gentleman's prior statement, he is not vouching for the truth or veracity of the facts alleged?

Mr. DICKINSON. That is correct. All I can say is these are statements given under oath before an official designated to take such oaths. They are in legal form, they are admissible in many instances in a court of law. I hope that will answer the question of the gentleman, and I may be allowed to proceed.

Mr. BURTON of California. I do not mean to delay the gentleman in his presentation, but would the gentleman just tell the House what specific steps the gentleman has taken, what specific steps, if any, were taken to ascertain the truth or veracity of the charges he is about to make? What, if any, steps has he taken to ascertain the truth and veracity of the charges?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Iowa.

Mr. GROSS. Up to this point I have not heard anyone on the other side take a blood oath on the floor of the House of Representatives as to any statement they had personally made of their so-called experiences in Alabama, some of these who have made a business of running Alabama. For my part, I would like to hear the affidavits, and I hope the gentleman will not yield further until he has given us the information.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I recall when the gentleman made his first exposé on this floor of what had happened in Alabama during the notorious march, the bleeding hearts screamed and demanded that the gentleman come forward with the details. The gentleman has come forward with details in the form of sworn and signed affidavits. I trust that the gentleman will be permitted to proceed and indicate the proof which he has.

Mr. DICKINSON. I thank the gentleman from Mississippi.

May I say I will proceed now, and I will yield no further until the conclusion of my remarks.

Mr. RYAN of New York. I understand the gentleman refuses to yield?

Mr. DICKINSON. The gentleman is refusing to yield, yes.

As to the affidavits concerning the period relative to Selma, Ala., and the buildup of the march in Selma, I would read first a sworn statement by one Mayo that reads as follows:

STATE OF ALABAMA,
County of Dallas:

Before me, undersigned authority, in and for said State and county, personally appeared Paul Mayo, and being by me first duly sworn on oath, deposes and says:

"On March 15, 1965, I was in the Dallas County Courthouse when a mass march was made on the courthouse. I saw a man dressed as a priest in a black suit with a high collar in the parade. He stood in the frontline and was very unstable on his feet. He could not seem to keep his eyes open or keep them in focus when they were open. In my opinion he was a drunk man.

"About 20 feet from him standing between two cars was a very small female dressed as a nun who was holding to both cars to keep from falling. There was another man dressed as the first one with her. They would look at each other and smile. Then as the group went back to the church from whence they had come she was escorted by two Negro men who had to almost carry her.

"This is a true statement to the best of my knowledge.

"PAUL MAYO."

Sworn to and subscribed before me this the 7th day of April 1965.

JUD ERNEST HEWSTON, Jr.,
Notary Public.

My commission expires July 18, 1967.

STATE OF ALABAMA,
County of Dallas:

Before me, undersigned authority, in and for said State and county, personally appeared Mrs. Frances W. Martin, and being by me first duly sworn on oath, deposes and says:

"This is to certify that I, Mrs. Frances W. Martin, am 50 years of age, and I am employed in the courthouse, Selma, Dallas County, Ala., with an office on the third floor. I have witnessed the demonstrations in and about the courthouse since their beginning, both from my office windows and going in and out of the courthouse. I have seen young Negro men and young white women walking down the street holding hands or with their arms around each others' waists. I have also seen young white men and young Negro women doing the same thing and I also saw, on one occasion, a white man with both arms around a Negro girl, embracing her, hugging and caressing her bosom, and all this in full view of anyone and everyone who might chance to look their way.

"FRANCES W. MARTIN."

Sworn to and subscribed before me this the 6th day of April 1965.

JUD ERNEST HEWSTON, Jr.,
Notary Public.

My commission expires July 18, 1967.

Mr. BURTON of California. Would the gentleman identify Mr. Mayo to the House?

Mr. DICKINSON. I believe I made my point, that I would not yield further until I have finished. You may continue to interrupt if you want.

Mr. BURTON of California. Would the gentleman yield for a question as to the source of his information when he has finished his remarks?

Mr. DICKINSON. When I have finished my remarks in their entirety I will yield whatever time I have left and will be glad to comply with the gentleman's request as best I can. Will that satisfy the gentleman?

Mr. BURTON of California. I accept the statement.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. As I understand it, this statement was made before an officer who was authorized to acknowledge oaths, was it not?

Mr. DICKINSON. That is correct.

Mr. WILLIAMS. I wonder if the gentleman from California is questioning the authority of the officer who was notarizing the report.

Mr. DICKINSON. I have only 1 hour. I intend to finish my prepared remarks. I will yield no further on either side to any person.

I will read next the affidavit of Lionel Freeman. This again relates to Selma before any other part of the march.

AFFIDAVIT

I, Lionel Freeman, a captain in the Alabama State Troopers, in Huntsville, Ala., do swear and affirm, under oath, and under penalty of perjury that the following events happened or actually occurred in my presence and to my own personal knowledge while on duty out of Huntsville in Selma, Ala., from March 9 through March 16:

"During the march, or attempted march, from Selma to Montgomery on March 9, 1965, myself and the men under my command were stationed along the north side of the road just east of Pettus Bridge. While the march was stopped in the highway, one of the white beatniks, with a goatee, told one of my troopers, who was standing only a few feet from me he was being paid $10 per day, three meals, and all of the Negro (obscenity) he wanted. This same beatnik was observed for the next 8 days in Selma acting as some sort of leader around Sylvan Street, where the street demonstration was going on. He was in the company of a white girl part of the time and a Negro girl part time. The next time I saw him after Selma was when he came up Dexter Avenue on March 18—

I might add, that is in Montgomery, Ala.—

"While at the Sylvan Street 'Berlin Rope,' I and many others observed smooching and lovemaking between Negroes and whites. A news reporter called me over to the side of the street and pointed to a couple just to the rear of the group standing in the street, a mixed couple, were in the act of having sexual relations. About this time, a priest broke it up and had the couple come up to the 'Rope.' It didn't seem to bother any of the three and they soon were all gone from the front of the line.

"On Saturday, March 13, they had an extra large crowd of both white and Negroes in the streets. They attempted to scatter and go around the blockade. One Negro who was standing beside a priest, and both standing about 3 feet from a line of troopers, made several attempts to provoke a trooper into hitting him. The Negro waved three dollar bills in the trooper's face and then dropped them, saying, 'Why don't you pick them up, I know you need it.' During this time, the priest just grinned. The Negro then said 'I'll sleep with a white woman tonight.' The priest seemed to think this was real funny. The priest and Negro would whisper back and forth and then laugh out loud. I overheard three beatniks talking, saying that they had been in Cleveland, Berkeley, Calif., and Harlem, and had come directly to Selma to join in the demonstrations there.

"On the afternoon of March 8, at about 6 p.m., as we were turning onto U.S. 80 at the intersection of Alabama 21, which is in downtown Selma, I, along with 30 of my men saw two men dressed as priests and four young Negro girls walk across U.S. 80. The priests were holding hands with two Negro girls each. The Reverend Reeb was beaten about 2 or 3 hours later.

"One tall priest was observed for several days around Sylvan Street, always in the company of a Negro girl of about 16 years of age. Anytime you saw one you saw the other, and usually they were holding hands. They were in the march to the courthouse in Selma on Monday, March 15. They went to and from the county courthouse holding hands.

"On the night of March 16, at 10 p.m., a group of 34 men, mostly dressed as priests, came from a Negro church in Montgomery to the front of the capitol. They stated that they wanted to get on the capitol steps to hold a 'prayer service.' They were told that they could hold their service on the walk but not on the steps. They stayed until 3 a.m., insisting that they be allowed up on the capitol grounds. After about 30 minutes, the news media were told to get out of the street and they moved across the street. Some of the men claiming to be priests cursed like sailors during these 5 hours. At 3 a.m., when they started to leave, two photographers, apparently in their employment, came running across the street. One of the men dressed as a priest said, 'You stupid son-of-a-bitch, after all this time here, you didn't get a picture of us saying a prayer on the bottom step.' They were finally allowed to kneel on the bottom step in attempt to get rid of them.

"During the 8 days in Selma, several newspapermen who were allowed to go to the rear of the demonstration came back up to the front and told us they observed white and Negro couples in the act of sexual relations. They told us that they had sent the story and pictures home to their papers. One told me that the only thing he recognized about his story when it was printed was his name. He had asked to be allowed to leave the Selma area but was refused by his paper.

"A Jewish rabbi who was on the 5-hour stand at the capitol was contacted by a trooper in a barber shop the next day. The rabbi stated that the leaders had lied to him. He stated that, 'they told me we'd only be at the capitol 45 minutes at the most, but after getting there they wanted to remain all night.' He said further, 'they want bodies and blood in the street, our bodies,' and 'I'm going home today and tell everyone how I've been lied to.'

"Lionel Freeman."

Subscribed to and sworn before me this 5th day of April 1965.

George W. Dean, Jr.,
Notary Public.

Let me say I do not believe for one moment that these people who had donned the clerical garb, who have simply put on the collars of clerical men, or any of the women with the nuns clothing, were members of religious orders. Nor do I believe that many of these were sisters of any religious order. There is no law against someone parading as a priest that I know of in my State, and I believe they were doing this in order to get by with many things that they otherwise would not get by with. I would like to make that point clear. This is a personal observation. There is no way of proving that they were not actually ministers, but this is my personal opinion.

I am firmly convinced and I believe most of those present are likewise convinced that without exception all participants in the demonstrations and marches who were wearing nuns' habits or clerical collars and who behaved in ways and manners unbecoming to the clergy were simply individuals trying to take advantage of the dignity and respect universally given people of the cloth. When bona fide people of the cloth come and mingle with and assist the spurious, the overall effect is to cause the general public to lose confidence in their religious leaders. After all, when they intermingle, who can tell the sheep from the goats? I feel very deeply that when the genuine devout men and women devoted to God's work participate in activities as I have described and lend their dignity and prestige they are doing themselves and those whom they represent a very grave disservice.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I decline to yield.

Mr. RYAN. Referring back to the gentleman's previous parenthetical statement of——

Mr. WILLIAMS. Mr. Speaker, I demand the regular order. The gentleman from Alabama declined to yield.

The **SPEAKER.** The gentleman has stated that he declines to yield.

Mr. DICKINSON. I am sorry if I hit a nerve every once in a while, but I will not yield further.

This is sworn to by Lionel Freeman before a notary public.

I have several more here relating to Selma but I am not going to get into them and there is no need getting into them. They are here for your inspection or anyone else's inspection for any legitimate purpose.

Secondly, I have several here relating to the march. This is actually on the road between Selma and Montgomery, Ala. I suppose as typical as any would be the one by Samuel M. Carr, lieutenant, Battery C, 117th Artillery, who deposes and says:

AFFIDAVIT

I, Samuel M. Carr, a first lieutenant in the Alabama National Guard, Battery C, 117th Artillery, Luverne, Ala., do hereby swear under oath and under penalty of perjury that the following facts are true and accurate in every respect to my own personal knowledge:

The National Guard unit of which I am a member was activated on March 20, 1965. We were assigned the task of guarding campsites of the Negro voter-protest marchers on their march from Selma, Ala., to Montgomery, Ala. This duty we commenced to perform on Tuesday, March 23, 1965, at 1 p.m., picking up contact with the marchers on Highway 80.

I hereby further swear and attest that during such time of duty with my National Guard unit I personally saw one case of sexual intercourse between a young white boy and a Negro girl. I further swear and attest that I saw an occasion of public urination in and near the campsites.

I further solemnly state that many of the Negro marchers, most especially the young ones, made remarks and statements to members of the National Guard which were, in my opinion, for the purpose of inflaming the emotions of said members of the Guard.

Samuel M. Carr,
First Lieutenant,
Battery C, 117th Artillery.

Subscribed to and sworn before me this 3d day of April 1965.

J. D. Smyth, Jr.,
Notary Public,
Alabama, State-at-Large.

My commission expires May 20, 1968.

I have some five different accounts of activity on the march, St. Jude's being the Catholic city within Montgomery where they camped the last night and where entertainment was furnished by professional entertainers.

As to Montgomery, I have several affidavits here, one of which I read, as follows:

My name is James Duke. I am a captain in the sheriff's office of Montgomery County, Ala., and I reside at 516 Forest Hills Drive, Montgomery, Ala. On March 10, 1965, at approximately 1:20 p.m., I, in my official capacity as a captain of the sheriff's office, along with other law officers of the city of Montgomery and the State of Alabama, was on duty on Dexter Avenue in Montgomery, Ala., in the block as it ends at the front door of the Alabama State Capitol Building. A group of demonstrators arrived and were prevented from going any farther in their march to the State capitol than this particular block. These demonstrators, numbering more than 200, were told to leave and disperse but they sat down and laid down in the street. For the next few hours a good many of the demonstrators began to drift away, singly and in small groups. By 8 p.m. that night some 100 were left. The group was composed of a racially mixed crowd of both sexes, and included adults as well as juveniles. At approximately 8, one of the leaders, a colored man whose name I cannot recall but whom I believe myself able to identify from existing photos if necessary, stood and announced in a loud voice to the crowd, "Everyone stand and relieve yourselves." Practically the entire crowd in every admixture of age, sex, and color rose and a large number exposed themselves and urinated in the streets.

This goes on at length, but I believe it would serve no effective purpose to read that further.

This is an affidavit of a lady whose name I will not read, but it is on the affidavit. She lives in Montgomery, Ala. She affirms and swears:

I am now and have been a member of the City Police Department of Montgomery for over 5 years.

On March 15, 1965, at about 9:30 p.m., my husband and I were returning home from my

> mother's home at 622 South Hull Street. We knew that there had been some trouble with demonstrators at High and Jackson Streets. We took Adams Street to avoid this, but as we approached Adams and Ripley Streets, we noticed a crowd of people. We stopped to see what was going on. There were white and Negro people all over the Ripley Street side of St. Margaret's Hospital and across the street, between Price's Drug Store and Powell Electric Co. They were all kissing and hugging. This one particular couple on St. Margaret's lawn were engaged in sexual relations, a white woman (a skinny blonde) and a Negro man. After they were through, she wiggled out from beneath him and over to the Negro man lying to the left of them on the lawn and started kissing and caressing his face—

She said she left. She winds up the affidavit—I am skipping a great deal of it—

> I also worked at the jail 2 nights when we had to make quite a few arrests. I shook down the women prisoners, and most of them had no underpants on.

I have another affidavit of an eyewitness. This is a Negro who says:

> AFFIDAVIT
>
> My name is ———. I am a Negro ——— years old and a lifelong resident of Montgomery, Ala. I live at ——— Street in Montgomery, I am employed at ———.
>
> During a 3-day period which I believe to be around March 8, 9, and 10, 1965, a great many people began to arrive in Montgomery to demonstrate here and to get ready for the march from Selma to Montgomery. During this period, I was frequently in and around the Ben Moore Hotel, a Negro hotel at 902 Highland Avenue, which was headquarters of the Student Nonviolent Coordinating Committee on the corner of Jackson and High Streets. Many of the outside demonstrators stayed at the Ben Moore Hotel and in the neighborhood. One man whom I saw frequently during this period was dressed as a priest. I was later told by a SNCC staff worker, whose name was Randy, that this priest's name is Lennon Sweat, and that he is from Philadelphia. When I saw him he was usually drinking wine or whisky in company with Negro boys and girls. On one occasion, I saw him go into the backroom at SNCC headquarters with a Negro girl. I saw them begin to take their clothes off. I did not see what they did. Later the girl told me that this priest, Sweat, had paid her $12. I, myself, had seen this priest hand the girl some money before they went back.
>
> SNCC headquarters was located in a building with a large room up front which was used for an office. Off this room, in back, was a smaller room in which were about 12 to 15 canvas cots. During the period I am talking about, men and women used this room for sex freely and openly and without interference. On one occasion, I saw James Foreman, executive secretary of SNCC, and a red-haired white girl whose name is Rachel, on one of the cots together. They engaged in sexual intercourse, as well as an abnormal sex act which consisted of [deleted]. Foreman and the girl, Rachel, made no effort to hide their actions.
>
> During this same period, March 8, 9, and 10, a large number of young demonstrators of both races and sexes occupied the Jackson Street Baptist Church for approximately 48 hours. These were not members of the church, or at least, most of them were not, but people who had come from out of town. I would estimate that there were at least 200 involved. In spite of pleas from the minister and other members of the church, these people would not leave. I saw young boys and girls drinking beer and whisky in the church and having wild parties in general. They left the bottles and cans all over the church. I saw numerous instances of boys and girls of both races hugging, kissing, and fondling one another openly in the church. On one occasion, I saw a Negro boy and a white girl engaged in sexual intercourse on the floor of the church. At this time the church was packed and the couple did nothing to hide their actions. While they were engaged in this act of [deleted], other boys and girls stood around and watched, laughing and joking.
>
> This statement, which I make freely and of my own accord, and which has been read back to me, represents incidents which I have personally witnessed.
>
> [Deleted]
>
> Subscribed and sworn to this 12th day of April 1965.
>
> CHAUNCEY D. WOOD,
> *Notary Public.*
>
> My commission expires November 19, 1965.

I could go on. I have some 30-odd affidavits. And I do not have any more staff than any of you gentlemen. These are just people who have come forward when they knew that I was seeking to substantiate my charges. They have voluntarily given me their affidavits. I think this more than substantiates anything I might have said before. As a matter of fact, I believe I minimized the situation when I discussed it earlier. For some reasons the facts and the photographs of some of these events have been exaggerated in the press in my opinion, all out of proportion. Relative to the photographs of the various activities, I said on March 30, and I quote:

> There were many, not just a few, instances of sexual intercourse in public between Negro and white. News reporters saw this and law enforcement officials. Photographs were taken of this, I am told. I have not seen the actual photographs, but they are being processed and compiled.

I said it on March 30, and I have never made any contrary statement. I have talked to the executive director of the Alabama Commission for the Preservation of the Peace, a joint legislative committee of the State of Alabama, and the director informed me that he hired a professional camera crew that shot thousands of feet of film which he has photographed to substantiate every fact in my speech, which would be made available to the proper committee of this House. I have no reason to doubt the statements of this official.

It is further my observation the interest displayed in such photographs taken by some of the media is in direct proportion to the anticipated salaciousness. I do not intend to make this a sort of Roman holiday, even if I had the photographs with me today.

I have been asked privately and in print, if all of this is true, why did no reporters see it and why no newspaper carried it. It is a fair question and I am glad to answer it. The fact is that it was seen by many but was hushed up. I have in my hand an article by Kelso Sturgeon, Associated Press reporter, where it appears, among other places, in the Lynchburg, Va., News of Friday, March 12, 1965. It says:

> SELMA, ALA., (AP).—An all-night prayer vigil for the recovery of the brutally beaten Unitarian minister of Boston was not devoted to prayer alone. There was also a medley of chatting, laughing, and lovemaking through the long, chilly night.

He goes on to describe it at some length. Also in the Birmingham News dated March 28, 1965, the following story was carried:

> Love-making in open definitely occurred in Selma prayer vigil. Alabama has been rife with rumors of widespread immorality among civil rights demonstrators during and before the march on the State capitol at Montgomery. Charges have included illicit relations in the streets of Selma and at the march campsites.

Skipping a part of it, now it goes on:

> As for the immoral actions in Selma, city public safety director, Wilson Baker insists it very definitely was so. He said it occurred during the so-called all-night prayer vigil. An Associated Press reporter, Kelso Sturgeon, was at the scene that night and told about it.

Sturgeon said:

> I saw at least three couples involved in intercourse. There was considerable other hanky-panky.

Mr. Speaker, I personally contacted Mr. Kelso Sturgeon in Atlanta, Ga., and he substantiated the Birmingham News article and said he would give me a sworn statement to that effect but first he wanted to check with his boss.

When I called Mr. Sturgeon the next day he informed me that he had checked with his immediate supervisor, Mr. Ron Autry, chief of the Atlanta Associated Press Bureau, and Mr. Autry told him it was against the Associated Press policy to sign such a sworn statement.

One of my assistants contacted Mr. Autry and confirmed what Mr. Sturgeon had told me.

However, Mr. Autry said the writers and photographers under his jurdisdiction could give a sworn statement only if they were subpenaed.

Of course, Mr. Speaker, a committee of this House can subpena, but not I as an individual Congressman.

Mr. Bill Hudson, an Associated Press photographer from Memphis, was also contacted by my assistant and said he was with Kelso Sturgeon in Selma and saw firsthand the same obscenities described in the Birmingham News article, but could not sign a sworn statement because Associated Press would not permit him to do so.

Other writers covering the demonstrations at the same time were Horace Cort, Associated Press of Atlanta, and Philip Sandlin, United Press International, of Columbia, S.C.

Both of these men also refused to sign sworn statements of what they saw during the all-night encampments of the demonstrators in Selma.

My question is, Mr. Speaker, if one or all of these reporters saw acts such as I have described, why was that part of the march not reported?

And why are they prohibited from making a sworn statement of the truth?

Item 2: Let us look at the character of the leaders of the racial agitators, or rather, perhaps I should say, the characters who lead the movements.

On the platform in Montgomery we had Rev. Fred Shuttlesworth, ex-convict and bootlegger, who saw greener pastures in the civil rights movement.

He is now president of the Communist-front organization, the Southern Conference Education Fund, successor to the Southern Conference for Human Welfare which this body's Committee on Un-American Activities has cited as subversive.

Who do you think is, or was, treasurer of president Shuttlesworth's organization? Benjamin Smith, a registered lobbyist for Communist Cuba.

Have you ever heard of Anne Braden? She is a director of this "fine" organization. Anyone with a passing knowledge of communism in the United States recognizes Anne Braden and her husband, Carl Braden, who have been many times identified by witnesses under oath as Communists.

What of the husband, Communist Carl Braden? Well, he was at the march site, too.

Next, Bayard Rustin, a convicted sex pervert and a Communist organizer of many years. I commented on him in my original talk. You might remember him as one of the leaders of the Washington march a couple of years ago. Rustin was right up front in the march between Selma and Montgomery.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. No, sir.

Then there is A. Philip Randolph who was seen at the Montgomery airport.

Leon Bibb was an entertainer.

All are interconnected and tied together by memberships in various Communist-front organizations or Communist-affiliated organizations.

For a quick, comprehensive study of most of these people and their organizations, I refer you to volumes 1, 2, and 3 of the Joint Legislative Committee on Un-American Activities of the State of Louisiana.

May I also refer you to the Congressional Record of February 3, 1965, pages 1943–1953. This further documents my statement.

I have omitted the No. 1 lieutenant of the civil rights drive. That is Rev. Ralph Abernathy.

According to the sworn testimony in Circuit Court of Montgomery County, Ala., case No. 8741, this great, righteous preacher who is so concerned with the dignity of man, Reverend Abernathy, seduced a 15-year-old member of his church and had not only illegal relations with her but had unnatural relations with her.

Everyone I presume is familiar with the picture of Martin Luther King taken in the Communist Training School, called the Highlander-Folk School, in Tennessee.

The Un-American Activities Committee of Louisiana has documented a financial tie-in between Martin Luther King, James Dombroski, Carl Braden, Anne Braden, as well as a social tie-in.

Martin Luther King invited the Bradens to become members of his Southern Christian Leadership Conference.

The Southern Conference Educational Fund financially supported SNCC.

Syndicated Columnists Evans and Novak said in the Washington Post recently:

> While successfully forcing an emergency voting rights bill, Martin Luther King surrendered valuable ground to leftist extremists in their drive for control of the civil rights movement. The sad truth is that King at times abdicated command of demonstrations to the two hot-headed extremists who head up the Student Non-Violent Coordinating Committee. There is no doubt whatever that SNCC is substantially infiltrated by beatniks, leftwing revolutionaries and—worst of all—by Communists. SNCC and its leaders aren't interested in the right to vote or any attainable goal. They are interested in demanding the unattainable as a means of provoking social turmoil. As revolutionaries they aren't about to pitch into the hard task of actually registering voters. In a sort of reverse McCarthyism—moderates and Government officials have feared to point out the degree of Communist infiltration into the rights movement.

The relationship of the Communist Party and these parties is so intricate and complex that it cannot be intelligibly developed by me in one short address, but the facts are there and the knowledge is available to anyone willing to see. None is so blind as one who will not see.

Mr. Speaker, one of the best-known people in the world today is "King" Martin Luther. He can see the President at will and if he has any trouble, the Vice President will get him in.

I charge here today that Martin Luther King is a fake. His sincerity is in direct proportion to the collections he takes up, and he does not have to account to anyone or anything. Who knows how much money he is making? Every time there is another incident they pass the hat again. He is privileged above anyone else.

Mr. Speaker, as a Member of Congress I can learn where every nuclear submarine is located, its rocket load, its accuracy, its destructive capability. As a matter of fact I was privileged a few weeks ago to be invited to go on one of these things, a nuclear submarine, to go into the war room and find out where all of the submarines were that were loaded with atomic warheads. As a Member of Congress I can get this information. But as a Member of Congress I cannot find out what this Government knows about Martin Luther King.

When I asked for a look at the FBI files on "King" Martin Luther, I got this answer.

I insert my letter and the reply:

April 16, 1965.

Mr. J. Edgar Hoover,
Federal Bureau of Investigation,
Washington, D.C.

Dear Mr. Hoover: I would like to request that I be sent whatever information your agency has in its files on Dr. Martin Luther King and particularly that information that pertains to Dr. King's affiliations with Communist and Communist-front organizations.

I would also like to obtain or to inspect personally that data and information which your agency has on the Southern Christian Leadership Conference and the Southern Conference Education Fund.

As you know, I have spoken recently on the floor of the House on the connection between the recent civil disturbances in my home State and the Communist Party.

I look forward to an early reply.

Sincerely,

Wm. L. Dickinson.

Federal Bureau of
Investigation,
U.S. Department of Justice,
Washington, D.C., April 20, 1965.

Hon. William L. Dickinson,
House of Representatives,
Washington, D.C.

My Dear Congressman: Your letter of April 16, 1965, has been received, and I can readily understand your desire to obtain data from FBI files on the individual and organizations you mentioned.

While I would like to be of service, information in our files must be maintained as confidential pursuant to regulations of the Department of Justice. I trust you will understand my position.

Sincerely yours,

J. Edgar Hoover.

Mr. Speaker, if there is a matter of national security, a Member of this House can find out. But if it has to do with a political front organizer such as Martin Luther King, a Member of this House cannot find out.

What is the answer to this? The answer is, it is strictly political and nothing more.

Last, and most important, what interest is this to this House? Why do I bring it before you? The fact is that this Communist front and these degenerate acts have been financed by your and my tax dollars, over $1 million of the taxpayers' money, which went to subsidize this infamous march from Selma to Montgomery.

Mr. Speaker, if what I say is true, if I have made out a prima facie case, if I have just raised enough of a question to bring about an inquiry so that this House by appropriate action would then look to see as to whether or not this has been a $1 million expenditure of tax money for this type activity, then I will have served my purpose.

Mr. Speaker, this is a very grave charge that I have made. I have substantiated my previous charge. I believe that an appropriate committee of this House, if it would look with any amount of diligence into this matter, can substantiate the rest of it. I can only say that when the truth is known and sooner or later the truth will come out about "King" Martin Luther, this modern-day, dusky Elmer Gantry, the truth will bear me out, that this is not a righteous leader for civil rights, but this man is a self-serving individual who cares more for self and more for self-aggrandizement than he does any other thing. It is unthinkable that American tax dollars are being used for this purpose and in this way. Congress should stop it.

Mr. Speaker, this concludes my prepared remarks.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, in connection with the gentleman's comment concerning Communist activities, I should like to present some of my own views on this.

Mr. Speaker, skeptics doubt the possibility of Communist participation in racial frictions in Alabama of recent weeks: wild disorder, deliberate provocation of violence, and great pressures brought to bear for new voting rights legislation.

The skepticism is the same kind which has been shown in many cases where Communist involvement has later become obvious.

As helpful comment on this matter I wish to bring to attention the following two items from the Mobile, Ala., Press of April 17, 1965. The first is a column by Mr. Henry J. Taylor. The second is an editorial of the newspaper:

"Ghostly Eternal Presence"

(By Henry J. Taylor)

It's astounding, but true, that the Communist Party, U.S.A., actually planned the Johnson administration's Voting Rights Act of 1965.

This is not to argue the merits and demerits of this bill. That's a different topic. Federal intervention may be needed, and this bill is pending. But the veil should be lifted on a fact of history, certainly unknown to our public and probably unknown even to most Congressmen and Senators who will vote "yea."

They will be voting a 1956 project designed in Moscow.

Soviet attention to our legislation has always been much more constant and effective than we suppose. The pen of Lee Pressman, who later confessed to having been a Communist, trails all through our initial agricultural act and the labor legislation sponsored by the original Congress of Industrial Organizations, of which Pressman was an official.

Well, the Red shadows still breathe and glow.

Foreign Minister Andrei Gromyko is the Kremlin"s top specialist on American affairs. He knows our country like Mickey Mantle knows the Yankee Stadium. Nobody in the Soviet hierarchy even approaches his staying power, for he has survived every purge on his knowledge of the United States.

GROMYKO

I encountered Gromyko's expertness again and again during Geneva conferences. In fact, I came to know this Red leader when his concentration on our country began a full 21 years ago. This was during the 1944 Dumbarton Oaks Conference called to design the United Nations.

He's acquainted with a surprising quantity of American political, trade-union and industrial leaders on an after-hours conversational basis. Some like Mr. Bernard Baruch, whom he respects, always have had his number, but nothing chills this already cold man in his search for leverages against our internal stability and especially our legislation.

Gromyko's bland, sphinx-like personality reminds you of a magician who comes on stage without tables or props—just a handkerchief hidden in his hand. Then for 20 minutes he pulls unexpected things out of it.

For example, in an airplane flying the Atlantic, Gromyko once suddenly recited to me the foreign-born percentages in our chief trade unions and in our 12 largest cities, and then mentioned in passing that more Czechs live in Chicago than in any city except Prague.

Or listen to Gromyko on another occasion. "Mr. Taylor," he said, "what you Americans call 'law' is really a form of politics." He didn't just say that. He thinks that. Such are the notes he plays when he calls the tune for Kremlin policy inside our country.

This means Gromyko calls the tune for the Communist Party, U.S.A. In December, 1956, that party began a program which it named the Lincoln project. Its target date for fulfillment should interest us today—1965.

PLAN

At its inception in 1956 the plan was published in Philadelphia by the respected American Flag Committee and read:

"To implement the Lincoln project, the Communist Party's Central Committee will begin to dispatch agents to 11 Southern States next month (January 1957) to work with local party leaders in surveying 20 counties, any one of which might be ideally suited as a target for disorder early in 1965.

"This survey will continue through 1957, the Central Committee making the choice of 20 counties * * * with the final selection to be made on the estimated most favorable conditions prevailing in 1965.

"The legislation which the party will seek from Congress in 1965 has already been prepared by its legal staff. It provides for elimination of all educational requirements, including minimum literacy tests, as qualifications for voting in Federal, State, and local elections; voids residence with respect to counties, municipalities, and other political subdivisions within a State, and establishes a system of direct Federal supervision and control of the local, county, State, and Federal elective process."

Evidently the House and Senate will pass the Voting Rights Act of 1965 after debate and amendment. To repeat, its merits and demerits are another matter. Nevertheless, penetrating—and exposing—the Soviet's secret interest in any legislation is important to our lawmakers and our public alike. The "Lincoln project" and the example of this bill is a revelation of the ghostly Reds' eternal presence.

Americans Should Be Alarmed if Reds Did Plot Voting Law

Henry J. Taylor may have done the Nation a fine service Friday when he revealed in his Saturday column in the Mobile Register that "the Communist Party, U.S.A., actually planned the Johnson administration's Voting Rights Act of 1965."

After expressing the opinion that Soviet Foreign Minister Andrei Gromyko, a knowledgeable man in the field of American internal affairs, calls the plays for the Communist Party, U.S.A., Taylor went on to explain that the party began a program which it named the Lincoln project.

At its inception in 1956, the plan was published in Philadelphia by the respected American Flag Committee. It follows:

"To implement the Lincoln project, the Communist Party's Central Committee will begin to dispatch agents to 11 Southern States next month (January 1957) to work with local party leaders in surveying 20 counties, any one of which might be ideally suited as a target for disorder early in 1965.

"This survey will continue through 1957, the Central Committee making the choice of 20 counties * * * with the final selection to be made on the estimated most favorable conditions prevailing in 1965.

"The legislation which the party will seek from Congress in 1965 has already been prepared by its legal staff. It provides for elimination of all educational requirements, including minimum literacy tests, as qualifications for voting in Federal, State, and local elections; voids residence with respect to counties, municipalities, and other political subdivisions within a State, and establishes a system of direct Federal supervision and control of the local, county, State, and Federal elective process."

Now is it by coincidence that Attorney General Katzenbach patterned the 1965 voter rights bill almost precisely after the Communist draft?

One might also assume that the demonstrations at Selma and other places were not spontaneous, but were part and parcel of the Lincoln project plan of Communists to dictate our voting rules.

To be sure, such places must have been considered ideally suited as targets for disorder early in 1965.

Did President Johnson at the time he made his "We Shall Overcome" voter rights speech to Congress know of the existence of the Communist plan? And is he now aware of the very well established fact that there were Communist influences in the Selma demonstrations?

Or does he simply choose to ignore these facts and to claim for himself and Martin Luther King the "credit" for a revolutionary change fathered by Communist elements in this country?

We hardly see how he could simply be naive about the situation, yet it is unbelievable that he should go to such great lengths to follow out the Communist prescription.

The President knows full well that the Reds are out to divide and conquer the United States. They have so stated on many occasions. Among their techniques is to destroy the religious faith of our people. This, too, to a great extent, is being accomplished today as more and more congregations are divided and bickering over basically social and political matters.

Another prime aim of the Communist Party, U.S.A., is to destroy our moral strength. The sex orgies that occurred in Selma, Montgomery and on the march between the two cities, were an effective medium through which to accomplish this objective.

Even though clergymen marched with them by day, some of the demonstrators carried on their interracial sex activities in extreme fashion by night, as if such conduct was accepted and appropriate in this new age.

So, through the election process, court edicts, the brainwashing of the executive and lawmaking branches of government, powerful propaganda about human rights, the Communists are making frightening headway in their effort to make this once great nation bury itself.

To consider it otherwise is to miss the whole point, which is precisely what Communist chieftains want and expect us to do. They believe we are pretty stupid, and the evidence thus far seems to bear them out.

Mr. EDWARDS of Alabama. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SELDEN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Alabama.

Mr. SELDEN. In connection with the cost of the Selma to Montgomery March to the Federal Government, I have a letter that I received today from the Department of the Army which states:

Headquarters, Department of the
Army, Office of the Secretary
of the Army,
Washington, D.C., April 20, 1965.

Hon. Armistead I. Selden, Jr.,
House of Representatives.

Dear Mr. Selden: This is in response to your inquiry concerning the costs of the Federal protection provided the Selma-to-Montgomery civil rights marchers.

The total costs incurred for the Federal protection during March 20, 1965 to March 29, 1965 were $492,948. The costs include both the National Guard units called to active duty and the Active Army units participating in the operation.

I trust this information will be of assistance to you.

Sincerely,

Rex R. Sage,
Colonel, GS Office,
Chief of Legislative Liaison.

Mr. Speaker, it should be emphasized that this letter refers only to the march between Selma and Montgomery. I am certain there have been many other costs. The Federal taxpayers in connection with recent demonstrations in Alabama.

Mr. DICKINSON. For the record, let me ask, does that show how much, if any, went into communications?

Mr. SELDEN. As I pointed out, this includes only the period from the 20th to the 29th of March. I am quite certain there have been additional Federal expenditures since the demonstrations began last January.

THE SELMA, ALA., SITUATION

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. Ryan] is recognized for 30 minutes.

Mr. RYAN. Mr. Speaker, I rise at this time on an afternoon when the House has listened to as unwarranted and improper attack on the civil rights movement as has ever been heard.

I am sure that the gentleman from Alabama remembered the old legal adage: When you do not have the facts on your side, try the opposition.

He has attempted to divert the attention of this House and the country from the true facts in Alabama, which brought the President of the United States before a joint session of Congress in a magnificent address on March 15 to tell us and to tell the country it was time the 15th amendment to the United States Constitution and its promise be fulfilled.

There is no question about the denial of voting rights in Alabama; there is no question about this injustice to Negro citizens for 100 years; there is no question about the need to have significant voting rights legislation.

I am sure that the Reverend Martin Luther King needs no defense from any Member of the House. We have witnessed this afternoon an attempt at character assassination which, in my judgment, should not go unanswered, an attempt to smear the character of a great American on the floor of this House, one who is a Nobel Peace Prize winner. It is ironic that Dr. King who has been honored throughout the world as a true champion of human rights should be pilloried before the House of Representatives of his native land.

Then there was an attack leveled upon those dedicated individuals, priests, rabbis and ministers, the clergymen of this country and the nuns whose conscience has been aroused and who expressed their commitment to human rights in the march from Selma to Montgomery.

It is a dastardly thing to present on the floor of the House unverified affidavits, the veracity of which by his own admission has not even been looked into by the gentleman who presents them, and which malign the character and ascribe immoral acts to priests, nuns, rabbis, and others in religious life. It is difficult to believe we would witness such an attack, but here it is.

The important thing for us to remember is that the issue before America is the achievement of full equality for all of our citizens. The immediate task before this House is the enactment of legislation to guarantee the right of every citizen in this country to vote. When the franchise is realized, then I am sure the citizens of Alabama will answer at the ballot box the charges which have been leveled from the floor this afternoon in an attempt to divert the attention of this country from the real issues—murder, violence, intimidation—used to deny constitutional rights.

Mr. RESNICK. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from New York.

Mr. RESNICK. I thank my distinguished colleague for yielding.

It comes to me as a terrible shock to hear anyone use the sanctuary of this distinguished body for the charges we heard for 1 hour, charges that were not substantiated, not identified. It seems to me that if the distinguished Member from Alabama had this evidence and had these affidavits with real people's names on them, this gentleman would make these charges off the floor as well as on the floor.

I should like to make a statement that I will make on or off the floor. I should like to read these statements:

STATEMENT ON MORALITY IN SELMA CRISIS

We, the undersigned, having been individually present in Selma during the recent crisis present herewith our sworn statements on what we personally saw and know to be the truth about the conduct of those present.

Besides our personal statements appended, and the text of telegrams from other clergy also present, we do assert in the name of justice and accuracy and under the judgment of the Lord, the following corporate witness:

Irresponsible accusations have been made that the general atmosphere of the Selma-to-Montgomery march was degenerate and that acts of sexual immorality were brazenly committed.

We who were present in various phases of preparation for and execution of the march, and who worked closely with Dr. Martin Luther King and other leaders of Southern Christian Leadership Conference, saw only evidences of conduct in keeping with the Judeo-Christian ethic.

We carried out the positive convictions of our respective consciences. It was our intent to lend dignity and to exemplify Christian concern for human rights. This we did. This we will continue to do as long as it is necessary.

The Reverend Richard F. Dickinson, missionary, United Church of Christ in Japan, studying at San Francisco Theological Seminary, California, was on night security patrol and marched most of the way to Montgomery. Was in Selma 1 week before the march. Has been in Camden, Ala., the last 4 weeks. (Disciples of Christ.)

Sister Mary Leoline, B.V.M., Kansas City, Mo. She marched the entire way. (Roman Catholic.)

James Martin, president of the student body of the San Francisco Theological Seminary. He represents 60 students from that school who worked each day on the tent and cleanup crews. (Presbyterian.)

Msgr. Victor G. Moser, pastor of Annunciation Church, chairman of the Kansas City, Mo., Council on Religion and Race. He was in Alabama during the entire march and marched 3 days. (Roman Catholic.)

The Reverend Dom Orsini, rector, St. Luke's Episcopal Church, Pittsburgh, Pa. He marched all the way. (Episcopal.)

The Reverend Morris Samuel, director of the Parish of East Los Angeles, and head of the security detail for the entire march. A priest from Los Angeles, Calif., who went to Selma on March 9, 1965, and spent the following 5 weeks there. He was there the longest of the panel and his wife and children joined him for part of the time. (Episcopal.)

The Reverend Canon Kenneth Sharpe, National Cathedral, Washington, D.C. He was in Selma 3 days before the march. (Episcopal.)

The Reverend William R. Shaw, director of the Department of Economic Life, General Board of Christian Social Concerns of the Methodist Church. He marched the entire way. (Methodist.)

Norman Truesdell, a ministerial student at the Wartburg Theological Seminary in Dubuque, Iowa. He was described by Congressman Dickinson as one who dropped out in disgust at immorality on the march which is not true. (American Lutheran Church.)

FICTION AND FACT ABOUT THE SELMA-MONTGOMERY MARCH

(Issued by clergymen who were in the March)

1. Fiction: Congressman William L. Dickinson stated (Congressional Record, p. 6334, Mar. 30) that Rev. Norman Truesdell, of Dubuque, Iowa, left the Selma-Montgomery march in disgust over the "immorality" on the march.

Fact: Statement by Reverend Truesdell, Wartburg Theological Seminary, Dubuque, Iowa, (daily Congressional Record, p. A1596, Apr. 1) (the above charges of Congressman Dickinson): "I saw no evidence of this alleged immorality * * * I was not disillusioned, but inspired by the freedom marchers' responsible Christian conduct."

2. Fiction (Congressional Record, p. 6334, Mar. 30), the Congressman stated that Rabbi Richard Rubenstein, of Pittsburgh, left the freedom march in disgust over the "immorality" on the march.

Fact (daily Congressional Record, p. A1819, Apr. 13): Rabbi Rubenstein was not even on the march. He was in Pittsburgh at the time of the march. He had been in Montgomery March 15 and 16, a week prior to the freedom march, and said, "I can testify that the moral conduct of our students was beyond reproach." The attached April 26 telegram from the Rabbi underscores this point still further.

3. Fiction (Congressional Record, p. 6333, Mar. 30): The alleged text of an alleged circular inviting marchers to a burlesque review each evening is included in Congressman Dickinson's statement and described by him as having been "actually handed out to the marchers by some of those participating in the march."

Fact: No such leaflet or anything remotely resembling it was seen on the march or at any other time by the undersigned nor by any of the many participants in the march questioned on this subject by the undersigned, nor has the Congressman making the charge yet produced any proof that such a leaflet was produced or circulated by the marchers.

4. Fiction: The above alleged leaflet stated that "tent 9 will be pitched each evening ahead of the march" (for a burlesque show).

Fact: There was no "tent 9" nor any other tent for entertainment purposes. There were four tents, one for women and one for men, one for food and one for the press. All these tents were under the steady surveillance of the security guard during the night. Many of the tent, cleanup, supply, and other workers (mostly ministers, priests, and seminary students—all male) slept in the food tent (and in the press tent when that was not occupied by reporters). A notarized document substantiating these items, and signed by seminary students who were working with the march is available from the San Francisco Theological Seminary, San Anselmo, Calif.

5. Fiction (CONGRESSIONAL RECORD, p. 6333, Mar. 30): Congressman DICKINSON states that "drunkenness and sex orgies were the order of the day" on the road to Montgomery.

Fact: The Birmingham News, March 28, after reporting various alleged immoralities prior to the march, stated, "The charge that similar activity took place at the various campsites during the march to Montgomery could not be substantiated." The Birmingham News had a reporter accompanying the entire march.

A news truck was constantly and immediately in front of the marchers. Cameramen, with long-distance lens, rode up on the bed of this truck and could bring the entire line of march into the focus of their cameras. Helicopters with news cameramen frequently hovered low over the marchers. Reporters and news photographers from major news media, including the Birmingham News, went constantly up and down both sides of the marching line, looking for unusual and news-worthy items. Just the sight of a marcher cooling his feet in a roadside pool was enough to bring a dozen photographers to the scene.

Surely it is obvious that, under the close and continuing surveillance described above, any illicit activity such as the Congressman described as being "the order of the day" would have immediately been spotted by newsmen and have brought a score of cameramen racing to the scene. But, to this day, no picture and no report of any such alleged illicit act on the march has come from any of the many newsmen accompanying the march.

6. Fiction (CONGRESSIONAL RECORD, p. 6333, Mar. 30): After alleging that drunkenness and sex orgies were the order of the day, Congressman DICKINSON said, "photographs were taken of this, I am told. I have not seen the actual photographs, but they are being processed and compiled."

Fact: The photographs at last being produced by the Congressman as evidence should be closely examined by all to see whether they actually reveal illicit activity or are deemed worthy of attention by the Congressman simply because they show interracial fellowship.

Other photos are of unidentified objects, such as one that shows an ash tray stand with debris piled on the floor at its base. In this debris is a contraceptive device that could have been put there by anyone. The context of the picture gives no clear indication where in the United States of America the ash tray and the debris are located. Yet we are asked to accept this photo as evidence of debauchery by those on the march.

7. Fiction (CONGRESSIONAL RECORD, p. 6334, Mar. 30): The Congressman states that only the Communist Party could weld together into one force the many diverse groups he describes as being a part of the march.

Fact: To the charge that the civil rights movement is Communist influenced U.S. Attorney General Katzenbach replied (Associated Press, Apr. 4, 1965) "I don't think it is true at all. Communists and leftwing people have been remarkably unsuccessful in actually influencing any decisions and certainly have not captured any of the leadership."

STATEMENT ON MARCH FROM SELMA TO MONTGOMERY, MARCH 21–26, BY THE REVEREND MORRIS B. SAMUEL, DIRECTOR, PARISH OF EAST LOS ANGELES

I went with full support and encouragement of the bishop of the diocese of Los Angeles, Rt. Rev. Francis Eric Bloy.

This statement is dictated over the long-distance telephone in case I am not able to leave Los Angeles because of the bomb threat to my family from racists due to my activities in support of interracial brotherhood.

Four days before the march on Montgomery, I was selected to be night security officer for the march. It was my duty to find 30 other men, mostly clergymen, who would be responsible for maintaining internal security and for seeing that there was liaison between the military and Government officials at nighttime.

During the night there was always a 10-man guard platoon on duty at the tents, generators, and main access road. There were three shifts of such platoons each night. Approximately two-thirds of each platoon consisted of ministers and priests.

There was no—repeat—no "entertainment" tent as has been alleged by some. There were four tents, one for women and one for men, one for food and one for the press. All these tents were under the surveillance of the security guards during the night.

During the entire march, no incidents of immorality nor evidence of such incidents was seen by any member of the security guards. Quite contrary to the charges of some, there was absolutely no litter or debris around the tents at any time that gave any evidence of immoral activity.

The part our security forces were able to play was a living out of the servanthood theology that clergymen must play in the movement for human freedom represented by the Selma-Montgomery march. We had a serious responsibility and we carried it out enthusiastically and vigorously.

I was on duty at Selma 5 weeks. It was my privilege to bring my wife and my three children (ages 4, 5, and 9) into this community, where they experienced the genuine Christian fellowship that comes from living and working with those striving to gain the freedom which rightfully belongs to all men by virtue of their creation in the image of God.

As an Episcopal priest with clearly defined duties before, during, and after the march, I say categorically that the behavior observed by myself and my associates was in the best Christian tradition and that the charges of sex orgies, drunkenness, and other misbehavior on the Selma-Montgomery march are not true. The Selma-Montgomery march is one of the finest chapters of responsible Christian action in our day.

TELEGRAMS RELATING TO SELMA-MONTGOMERY MARCH

To: Bishop John Wesley Lord, Washington, D.C. (Apr. 26, 1965).

From: A. J. Carter, Jr., Pastor, First Methodist Church, Fremont, Calif.

Civil rights demonstration in Selma, Ala. has been in finest tradition of responsible American citizenship. Participants conducted themselves with high standards of personal and social morality. I am proud to have marched with Southern Christian Leadership Conference, March 16–21.

To: Bishop John Wesley Lord, Washington, D.C. (Apr. 26, 1965).

From: Rev. J. Richard Hart, chairman, board of Christian social concerns, California-Nevada Conference of Methodist Church.

Spent 6 days in Selma, including first day of Montgomery march. Great witness for freedom. Focused eyes of Nation upon existing inequalities. Disturbed by charges of immorality among marchers. Saw absolutely no evidence of this. Impressed by religious tone of movement and total commitment to Christian love and nonviolence.

To: Bishop John Wesley Lord, Washington, D.C. (Apr. 26, 1965).

From: John H. Emerson, pastor, Trinity Methodist Church, Santa Clara, Calif.

DEAR BISHOP LORD: As a participant in the Selma-to-Montgomery march, I can report that I witnessed no immoral behavior among marchers as alleged. I want to lift up the moral force of goodness and justice which prevailed, overshadowing any isolated incidents that might have occurred.

Sincerely.

To: Rodney Shaw, Washington, D.C. (Apr. 26, 1965).

From: Father Sherrill Smith, assistant executive director, (Catholic) Bishops committee on Spanish-speaking people, San Antonio, Tex.

I walked every step of way from Selma to Montgomery. In camp 4 nights. Saw nothing of sex orgies, etc., charged by Alabama. Place my protest with yours against Southern sex-obsessed attempt to discredit march. Substance and purpose of march were legitimate and good. Even if calumniators were correct does a person's brand of sins deny right to vote and protest? More shame on Alabama.

To: Rev. Rodney Shaw, Washington, D.C. (Apr. 26, 1965).

From: Rev. Canon Paul S. Kyoer, junior executive secretary, Department of Christian Social Relations, Episcopal Diocese of Chicago.

I took part in civil rights demonstrations in Montgomery and Selma, Ala., from March 16 through March 22. They helped arouse the conscience of the Nation and taught adolescence and young and old adults to participate creatively in the democratic way of life. I drove a supply truck through the first night of the march, and was present at the first encampment. The marchers slept in separate tents, one for males and one for females, and I walked through the tents to see how the people were settling down. I wish to state that I personally saw no signs of sexual orgy as has been alleged by critics of the march. I believe there was far less sexual misconduct among these young people than I would have expected to find in any group of young people gathered for any purpose. I will be in Washington April 27 through May 4. Will be free on some occasions to testify. Call me at (202) 966–3502.

To: The Reverend Canon Kenneth Sharp, Washington, D.C. (Apr. 26, 1965). The Right Reverend William F. Creighton, Washington, D.C.

From: The Reverend Earl Neil, rector of Christ Episcopal Church, Chicago, Ill.

As a participant in the march in Montgomery I can say unequivocally that I neither witnessed nor had reported to me any incidence of immoral behavior on the part of those participating in the march and in the attendant demonstration. I was in Selma, Ala., for 2½ weeks from March 9 to 26. During that time I witnessed nothing that would give rise to any charges about sex orgies that were taking place. The people who witnessed for justice and an end to racial segregation and discrimination in Selma and Montgomery did credit not only to themselves but also the organization and areas of the country they represented. It can be said with all honesty that the behavior of the civil rights demonstrators was the gain of Selma and of Montgomery, but our Nation gained ultimately.

To: The Reverend Canon Kenneth Sharp, Washington, D.C. (Apr. 26, 1965). The Right Reverend William F. Creighton, Washington, D.C.

From: The Reverend Warner C. Whittle, rector of Episcopal Church of the Redeemer, Chicago, Ill.

I was in Montgomery, Ala., at SNCC headquarters March 16–18. I found no signs whatever of sexual immorality. The charges are ridiculous.

Statement on Selma-Montgomery March of March 21–26 by Sisters of Charity, B.V.M., April 26, 1965

To Whom It May Concern:

I was present in Selma, Ala., when the march to Montgomery began March 21, 1965. I marched the first 8 miles in the company of Msgr. Victor G. Moser, Father Rene Guesnier, O.S.B., of Kansas City, representing the Council on Religion and Race. In our line of march were priests and sisters from Detroit, Mich. During periods for rest and food along the highway, I mixed freely with the other marchers, Negro and white. I talked with them and found all I met to be wholesome refined people. When I arrived at the campsite Sunday evening, I was asked to join a group of Catholic lay people and priests from San Francisco in order to be a companion for Sister Patrice, I.H.M., from San Mateo, Calif., who had been chosen as one of the 300 persons to make the entire march. Sister and I ate at the camp, mixed freely with the Negro boys and girls who were helping at the camp, talked with college students and other religious people. We remained in the women's tent until quite late when a group returning to Selma drove us to the Good Samaritan Hospital for the night. Precautions had been taken at the campsite to avoid any kind of unwholesome conduct. While National Guardsmen surrounded the camp as security against segregationists, several ministers and priests served as security guards at the camp all during the night. The marchers were weary, but at all times showed constant concern for each other's comfort. Monday morning Sister Patrice, I.H.M., and I joined the marchers as we left the camp. Shortly after we reached the place on Highway 80 where it narrowed. At this point the group was cut to 300 persons, as the permit allowed only that number. Great care had been taken to select these marchers who were to form the group to be regarded as full marchers. Of the 300 all were Negro Alabamians who had taken part in demonstrations previously, except 22 outsiders, who had been carefully selected and screened for their character and purpose. Of this group the majority were clergymen or religious women. During the next 2 days I marched, ate, and rested with these 300 people. I talked with many of the Negro people, young and old, and made many friends. I also became well acquainted with the other outsiders and found them not only wholesome and well-mannered but I would say the most truly Christian and religious of any people I have ever known. The conversations we had, the songs we sang were religious as well as inspiring. Many of us took part in religious services each day and quotations from the Scripture for the day were heard frequently. Never during these days or any other time did I see any immoral conduct or hear anything suggestive of such on the part of those who were taking part in the march or identified with groups who sponsored the march.

Sister Mary Leoline, B.V.M.,
Sister of Charity, B.V.M.
Motherhouse, Dubuque, Iowa.

Statement on Selma-Montgomery March of March 21–26, by Father Dom T. Orsini, Pittsburgh, Pa., April 25, 1965

To Whom It May Concern:

I, the undersigned, was present and actively participated in the civil rights march from Selma to Montgomery, Ala. I arrived the 19th of March in Selma and departed Alabama on the 26th day of March, after marching into Montgomery.

During that time I spent all of the time prior to the march at the area encompassed by the Browns Chapel A.M.E. Church. Each day, prior to the 21st, the day the march began, I arrived early into the area and spent the entire day and late into the night mulling around, talking, learning, observing, and being of general help.

During the time of the actual march I walked or rode the entire distance. I walked until the 300 who were to cross the narrow stretch of Highway No. 80 were selected. At that time I tended latrine trucks servicing the marchers. I was present in camp each night until about 9 p.m. and returned each morning to join the marchers. I was present in the capacity of marshal on the road and in the city of St. Judes. I came to meet many people and among them many clergy. We were aware of the stories concerning sexual immorality being circulated and we made it a point to check with those who spent the evening at the campsites concerning the truth of the rumors. Never did I hear of any misconduct at the campsites when I was not present. Never did I personally witness any moral misconduct (sexually) during my presence. Never did I as much see any activity that might lead to this activity excepting among those who I knew to be married (holding hands etc.).

Never have I been more proud of our young people and those older. I remarked on numerous occasions, as did others that when people have something worthwhile to struggle for, all other areas of existence become secondary. Great amounts of energy were expended by all to insure the success of the march and little, if any, energy was left to be squandered.

Nonetheless, it would be ridiculous to insist that never were any improper relations ever carried out. A gathering of any groups of people from civil rights to conventions to prayer meetings to legislative sessions—humanity will tend to assert itself in many improper ways, the least of which sex and other offenses may be numbered. Who can say with accuracy that nothing sexually improper did not occur and does not occur even at the most august of human gatherings. But to point to human weakness and sin and take it out of isolation as regards to the total of a person's life, is to be simple and less than bright. Who among us can stand a thorough investigation? To use human weakness in the field of sex as a weapon to cloud the greater issues is to stoop to levels of deceit and "smoke screening" which point to the deceitful and most serious sinful aspects of man—even worse than sexual immorality. When Christ forgave the woman taken in adultry he did not approve her actions, but he saw the real problems of her life and moved to heal. He condemned the righteous nearby, who were willing to stone her because they had no understanding, desired no understanding, seeking only to rise above the misery of others by stepping upon and condemning others.

If we are to search out the immoral acts of individuals and use these as levers to malign their greater goals and commitments then we must go all the way. We must start with the GI who certainly fought magnificently and victoriously for our cause during our ways, yet in many individual areas left much to be desired morally (sexually and otherwise). We must search out the individuals in our corporations, unions, in our legislative assemblies, in our churches, schools, and what fraternal groups have you and condemn that which they wish to achieve because of individual or group weakness, depravity, immorality in moments of weakness.

God help each of us. Our natures encompass both the "natures of angels and devils." By the grace of God the good which we seek to achieve is blessed and the evil which we commit by the way is "covered over" and forgiven by a God who knows the type of clay used in our makeup. I would say one final thing not in justification of any sexual immorality (if it did occur) but in an explanation of human nature wherever it gathers: "Let he who is without guilt cast the first stone."

Father Dom T. Orsini,
Rector, St. Luke's Episcopal Church,
Pittsburgh, Pa.

Statement Relating to Selma-Montgomery March, March 21–25, by Norman Truesdell

In a speech before the House of Representatives on March 30, 1965, Mr. Dickinson, of Alabama, stated that, "The Reverend Truesdell left the Alabama freedom march in disgust with the immoral conduct of the marchers."

This is a total misrepresentation on the part of Mr. Dickinson and seems typical of his entire speech.

I saw no immorality, nor any evidence of immorality during my participation in the freedom marches in Selma and Montgomery.

I left Alabama to return to my studies at Wartburg Theological Seminary.

My heart was truly heavy when I heard Mr. Dickinson's unfounded mudthrowing about the so-called immorality on the freedom marches. Alabama needs a statesman to lead in the fight for human rights, not a politician who deliberately seeks to subvert the purpose of a march dedicated to the fundamental right of political freedom for all mankind.

Norman Truesdell,
Student, Wartburg Theological Seminary,
Dubuque, Iowa.

Statements Relating to Selma-Montgomery March 21–25 by Msgr. Victor G. Moser

I have gone to the expense and trouble to come to Washington in regard to the march on Montgomery because I believe the accusations made concerning the conduct of the participants of the march are so erroneous that I feel that someone who was actually there must speak up and bring out the real truth. Upon first hearing and reading of the supposed immoral conduct of the marchers I felt the accusations were so preposterous that no sensible right-minded person would put any stock in them whatsoever and that therefore the best thing would be to ignore the whole thing. But as things seem to be developing the diatribe continues and more people are beginning to wonder if there is really not some truth to it.

So I am compelled to speak out and to preserve the true image of the march which was one of a serious, dedicated, even religious commitment to a project which would really bring out the serious injustice being perpetrated upon a persecuted and disadvantaged people—the Negroes—especially the Negroes in the South.

I was in the Selma-Montgomery area during the entire march. I marched 3 of the 5 days (all that I was permitted to because of the limitation on the number of marchers permitted on the narrow 2-lane pavement). I was in the tents. I was in the Negro area of Selma Brown Chapel and First Baptist Church where Negroes, SCLC and SNCC people, clergy and dedicated individuals lived and mingled. The whole atmosphere was one of dedicated cooperation to a common cause. It was a Christian atmosphere. The songs were of deeply religious and moral nature. There was much deprivation of the ordinary creature comforts we Americans are so used to; i.e., people did sleep in the church pews and on mats on the floor at various times simply because there was nowhere else to go and because the church people were good enough to open their facilities to us.

Food was scarce and of a plain although wholesome and nutritious nature; i.e., peanut butter sandwiches, oranges, cookies, milk, etc.

We suffered from cold and heat, from bright sunshine and heavy rain; from extreme fatigue, sore feet, etc. This is surely not the setting for sex orgies and loose living. If anyone were looking for that sort of thing I am sure he could have found it somewhere else under much more pleasant circumstances.

It was a pilgrimage of dedicated people with a common cause—the cause of justice. It was a group of different races, colors, religions, ages. There were old and young, rich and poor, black and white from all portions of the country—yet we were all one in Christ the great Peacemaker. It was the greatest thing I ever experienced.

Msgr. VICTOR G. MOSER,
Chairman, Council on Religion and Race, Catholic Interracial Council, Kansas City, Mo.

Mr. RESNICK. Mr. Speaker, I ask unanimous consent at this time for permission to revise and extend my remarks and to include other statements and telegrams by leading clergymen from all over the country.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

To: Rev. Canon Kenneth Sharp, Washington, D.C. (Apr. 26, 1965).
From: Rev. Oliver B. Carver, Jr., assistant to the rector, St. Alban's Episcopal Church, Los Angeles, Calif.

During Selma to Montgomery march, I served as part of night security force and at each night's campsite, on guard and patrol, from 6 p.m. to 8 a.m. no incidents of fornication or drinking were observed. Such reports are undoubtedly malicious fabrications of sick mentalities and dirty minds, designed to discredit a moment of true greatness in the history of this Nation. As you are on the Washington scene, I urge you to take vigorous steps to challenge the false assertions of the Representative from Alabama. They will not stand the light of impartial inquiry as they were surely conceived in the darkness of evil intent and shadowy commitment to truth. Their falseness must be exposed. Faithfully yours.

To: Rev. Canon Kenneth Sharp, Washington, D.C. (Apr. 26, 1965).
From: Rev. Goldthwaite Sherrill, 3 High Street, Ipswich, Mass.

I arrived in Selma on Friday, March 19, spending 2 nights there. I then participated in the entire march from Selma to Montgomery returning to Selma the night of Thursday, March 25. I left Selma for Birmingham for the night of March 26, returning to Massachusetts the evening of March 27.

At no time did I see or hear of any such circular as described in the remarks of Mr. DICKINSON, of Alabama, in the CONGRESSIONAL RECORD of March 30, I saw no such behavior as was described in his later remarks. At no time was I called upon to condone or approve of such behavior in the event that such might occur.

The only suggestions of such behavior came from comments of some white citizens who lined the route of the march in both Selma and Montgomery. The remarks of these citizens were extremely vulgar and unworthy of any community in the Nation under any circumstances.

The statement: "This is a bunch of godless riffraff out for kicks and self-gratification that have left every campsite between Selma and Montgomery littered with whisky bottles, beer cans, and used contraceptives" is absolutely false and without any foundation in fact whatsoever. I would hope that Mr. DICKINSON would apologize for having been ill informed and will have his remarks retracted.

To: Bishop John Wesley Lord, Washington, D.C. (Apr. 27, 1965).
From: Rabbi Richard Rubenstein, University Chaplain to Jewish Students, University of Pittsburgh.

Representative WILLIAM DICKINSON has incorrectly stated I left Selma-Montgomery march because discussed immoral conduct of marchers. I was never on march. In phone conversation Representative DICKINSON promised correction. To date he has failed to fulfill promise. I was in Montgomery with 130 Pittsburgh college students. Saw absolutely no immoral conduct. Students, behavior beyond reproach.

To: Rev. Canon Kenneth Sharp, Washington, D.C. (Apr. 26, 1965).
From: The Reverend John Morris, executive director of the Episcopal Society for Cultural and Racial Unity.

As one who was in Selma and Montgomery repeatedly, and in touch with hundreds of the Episcopal clergy who went to Alabama, I can state, without reservation, that the moral tone was the highest imaginable throughout. I have asked numerous clergy if they observed any indecent actions among participants and have heard of none. It is a traditional device of the southern racist to attribute immoral or subversive tendencies to all with whom they disagree. If there were any exceptions to the whole high moral tone surrounding the great march, they were so insignificant as to prove the nearly universal rule of discipline and orderliness which prevailed.

The witness of religious leaders of America in Selma will be continued by a representative interfaith team ministry now in preparation. This continued presence will demonstrate that the churchmen who went to Selma served the highest possible traditions of commitment to religious and moral values.

We of the Episcopal Society for Cultural and Racial Unity have made a substantial commitment to Selma and we intend to press forward with everything at our disposal to help Selma to become a model community in the South.

To: Rev. John A. Cronin, S.S., Washington, D.C.
From: Father Paul J. Mullaney, director, city of St. Jude, Montgomery, Ala.

Marchers settled for final night on property at city of St. Jude. Estimated number who spent the night, 3,000; estimated number who attended entertainment earlier in the evening, 30,000; estimates arrived at by members of the FBI during the night the marchers occupied our property; 5 of our resident priests circulated over the grounds and through the buildings. They saw absolutely nothing to justify the rumors being circulated. Early on the morning of the 19th before the marchers left the property the same five priests checked the grounds and found absolutely nothing. Our reports from the Federal marshals and FBI men told us they saw nothing to justify the accusations being investigated in the House today. Priests names are Father Paul J. Mullaney; Pastor Father Timothy Deasy; Thomas Leonard Edward; and Rodney Thomas Kennedy.

To: Rev. Cronin, NCWC, Washington, D.C. (Apr. 27, 1965).
From: Ernest T. Serino, Boston, Mass.

As a priest who participated in Selma demonstration, I vehemently protest accusation of immorality. Experience was entirely exalting spiritually and morally. No evidence anywhere of alleged "orgies." The young people were conspicuously on their dignity. Discipline exercised and prevailed at all times.

To: Rev. John Cronin, Social Action Department, NCWC, Washington, D.C. (Apr. 27, 1965).
From: William Jennings, St. Louis, Mo.

I was with the St. Louis group that went to Selma. I saw no evidence of immorality on the part of any of the marchers other than a few white agitators from the State of Alabama.

To: Rev. John Cronin, Social Action Department, NCWC, Washington, D.C. (Apr. 27, 1965).
From: Mrs. John E. Jennings, St. Louis, Mo.

Dear Father Cronin, heard those who participated in Montgomery march are being accused of immoral behavior. I am mother of five; traveled St. Louis to Montgomery with large group, mostly young adults. Saw no such behavior. Accusations ridiculous; however, would like to protest lewd gestures made by Montgomery bystanders.

To: Rev. John Cronin, Social Action Department, NCWC, Washington, D.C. (Apr. 27, 1965).
From: Rev. Dick Cadigan, Emmanuel Episcopal Church, Webster Groves, Mo.

In full support of your intention to protest and refute charges of immorality on Montgomery march.

To: Rev. John Cronin, Social Action Department, NCWC, Washington, D.C. (Apr. 27, 1965).
From: Rev. Leonard Tartaglia and Rev. Robert McGrath, Hartford, Conn.

We were in Selma for 5 days, March 9 to March 14. To the best of our knowledge, the conduct of all participants was above reproach. The spirit of prayer and dedication characterized this day. Any charges to the contrary is a positive indication of bigoted panic.

To: Rev. John Cronin, Washington, D.C.
From: Rev. Frederick Guthrie, Boston, Mass.

Orgy, my foot. We have deeper lessons to march for.

To: Rev. John Cronin, Washington, D.C.
From: Mrs. Robert W. Hallgring, Catholic Interracial Council, Boston

I strongly protest the accusations made by the Alabama State Legislature, which questions the motives and conduct of all who took part in the Selma to Montgomery march. For all with whom I marched I have only words of praise and admiration and sincerely feel they were motivated by the highest moral principles. May these men who have slandered their neighbor one day be able to see the face of Christ in all men.

To: Rev. John Cronin, Washington, D.C.
From: Rev. Robert J. Canny, St. Mary Church, New Britain, Conn.

DEAR FATHER: Despite all reports to contrary I wish to state that after being 5 days in Selma, Ala., I have only the best impressions of the sense of dedication and high moral tone, the beautiful spirit of charity on the part of all the demonstrators, both Negro and white, in their various efforts and demonstrations to obtain equality dignity freedom for all men regardles of race or color.

To: Rev. John Cronin, Washington, D.C.
From: Rev. Howard Park, St. Louis, Mo.

Understand Alabama Congressman will speak in Congress today concerning alleged immorality of Montgomery marchers: I was a member of same march. Was inspired by the idealism and wonderful spirit of Negro young people I met. To me they constitute one of the greatest hopes for Alabama and the South.

To: Rev. John Cronin, Washington, D.C.
From: Rev. Donald P. Gontor and Rev. Jan F. M. Selby, Worcester, Mass.

Re conduct of clergy in Montgomery to Selma march, we were there. These were great men of God, hypocrits of Alabama Legislature were not in the march. Shame on them and their false accusations.

To: Rev. John Cronin, Washington, D.C. (Apr. 27, 1965).
From: The Rev. Thomas H. Carroll, Ex. Director, Boston Catholic Guild for all the Blind.

Immorality in Alabama? Who can so know? I went there to witness the thoroughly documented gross immorality of white brutality on bloody Sunday. I saw there in a white community an orgy of hate. I heard the obscenities and saw the sexually sadistic looks of the haters. I know of the immorality of murders, murders of Negroes, of a white minister and a white mother. Now I foresee the cowardly immorality of protected libel and the big lie.

By contrast in the Negro community and among the marchers I saw that peace and love which marked God's presence. I saw too in some true Alabamians, for not all are victims of the evil which affects so many.

To: Rev. John Cronin, Washington, D.C. (Apr. 27, 1965).
From: The Rev. Joseph M. Connolly, assistant pastor, St. Gregory Church.

As one who was in Selma from March 8 to 10, I wish to protest the grotesque use to which the floor of Congress is being put by Mr. DICKINSON in his grossly false accusations of the moral conduct of the demonstrators the caliber of people I met while in Selma as well as the testimony of my own eyes convinces me that this Congressman is making up a tale from his own imagination.

To: Rev. John Cronin, Washington, D.C. (Apr. 27, 1965).
From: Robert W. Hallgring, Catholic Interracial Council of Boston.

We are sickened by the efforts of certain unprincipled politicians to slander the Selma marchers, our members, with our protest and our Jewish friends, marched at great personal risk and expense, moved solely by dedication to their religious belief. Only the State of Alabama is disgraced by the scurrilous libel put forth by its legislature.

To: Rev. John Cronin, Washington, D.C. (Apr. 27, 1965).
From: Father John Gray, Shrine of the Little Flower Church.

Father Cronin I was in Selma right after the bridge incident. I wish to protest Mr. DICKINSON's ridiculous collection of charges. In the 3 days I was in Selma I met people of the highest caliber, and saw only the heroic exercise of the virtue of charity. Please register my complaint with anyone on Capitol Hill with whom you have contact.

To: Father John Cronin, National Catholic Welfare Conference, Washington, D.C. (Apr. 26, 1965).
From: Father Robert G. McDole, Oklahoma City, Okla.

DEAR FATHER CRONIN: The National Catholic Interracial Conference has informed me that Representative DICKINSON is to appear on the House floor tomorrow morning in another attempt to discredit the civil rights movement. As one of the priests present in Selma and Montgomery, I ask you, a brother priest, to defend us in the name of truth and charity. Respectfully yours.

To: Rev. John F. Cronin, NCWC, Washington, D.C. (Apr. 26, 1965).
From: Msgr. John M. Hayes, pastor, St. Carthage Church, Chicago.

I protest scurrilous charges of misconduct against those who went to Selma in march for love of God and their fellow men.

To: Rev. John Cronin, NCWC, Washington, D.C. (Apr. 27, 1965).
From: Rev. Robert Turner, Wellesley, Mass.

Eyewitness to Selma demonstration never before observed such universal self-discipline, dignity, and dedication. Youth never more serious in purpose, never more effective in action.

To: Rev. John Cronin, NCWC, Washington, D.C. (Apr. 27, 1965).
From: Rev. Francis Andreoli, Gloucester, Mass.

Participated as priest in Selma march, noted no sign anywhere of misbehavior, protest accusation.

To: Rev. John Cronin, SS, NCWC, Washington, D.C. (Apr. 26, 1965).
From: Father Eugene J. Boyle, Sister M. Patrice, IHM, San Francisco, Calif.

On behalf of clergy, nuns and laity who went to Selma, strongly protest and declare unfounded Congressman DICKINSON's charges of immorality regarding people who participated in demonstrations and marches in Selma.

To: Rev. John Cronin, Washington, D.C.
From: John Knoepfle, Maryville College, St. Louis, Mo.

In regard to charges of immorality among demonstrators in Montgomery, Ala., I wish to say that I did not see any action of this nature when I was in Montgomery the weekend before the march. I suspect that those men who are spreading this information are simply making a public exhibition of their own diseased imagination.

To: Rev. John Cronin, Washington, D.C.
From: Matthew Ahmann, Executive Director, National Catholic Conference for Interracial Justice.

The National Catholic Conference for Interracial Justice wants to testify to the dignity with which recent demonstrations in Selma and the march from Selma to Montgomery were conducted as a memorial to martyrs for interracial justice. Our Roman Catholic agency had staff in Selma from Monday March 8 until March 25 working there and in association with the march we have never been so impressed by the kindness and Christian charity of any people as we were by the Negro community in Selma and we have never been so impressed by the moral and religious nature of a witness for justice for all the people of the Lord. We accord no substance to charges against the moral integrity of those who were in Selma or on the march. These charges are clearly an effort to smear the movement for freedom and full citizenship in our country. Those who were with us are prepared to offer their testimony in sworn affidavit.

To: Rev. John Cronin, NECWC, Washington, D.C. (Apr. 1965).
From: Msgr. John J. Ev. Egan, Chicago, Ill.

The charges against the Selma-Montgomery march are preposterous and a disgrace to Congress.

To: Rev. John Cronin, Social Action Department, NCWC, Washington, D.C. (Apr. 26, 1965).
From: Fr. Francis J. McDonnell, pastor, Sacred Heart Parish, West Lynn, Mass.

It has been brought to my attention that on tomorrow, April 27, an attack is to be made publicly in Washington denouncing the morals of the people who marched in Selma. As one of the marchers I bitterly resent this attempt to smear thousands of dedicated people. I witnessed a strong religious fervor and a firm determination among those who marched. It was not an emotional demonstration, it was one concerned with securing justice. If there was any emotion evident, it was one of fear that the bloody Sunday of March 7 might be repeated. The moral climate was such that any thought of the alleged immoralities was the farthest thing from the minds and hearts of a people who have suffered great indignities through long and cruel years and at least were fighting with heart and soul to become free and recognized citizens in a country which up to now has denied them.

To: Rev. John Cronin, NCWC, Washington, D.C. (Apr. 27, 1965).
From: Rev. Godfrey Diekmann, TOASA, Collegeville, Minn.

Deeply shocked at this palpably untrue red-herring effort to discredit the Selma march. The strongest impression I received during the march was that of high idealism combined with the disciplined strength of orderly behavior. The vast majority of these people had come at great personal sacrifice to be witness to the principles of basic decency and justice. In human conduct such people would be the last to countenance disgraceful behavior that would cast discredit on their high purpose.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. BURTON of California. Mr. Speaker, I would first like to commend and associate myself with the remarks of the gentleman from New York [Mr. RYAN] and our distinguished colleague, the gentleman from New York [Mr. RESNICK].

It is always difficult to decide when one is troubled and outraged by statements and assertions that one believes to be completely without foundation and to be unwarranted. It is always difficult to make the decision whether one should respond in kind—whether one should dignify these remarks by going down a vague far-reaching bill of particulars or whether one should merely affirm and restate his positive views of a situation.

I have decided to follow this latter course.

All of the participants in the Selma march are to be commended for their courage and dedication to the cause of human dignity. I believe this demonstration by the members of the clergy of all faiths and religions was in the finest tradition, the finest ideals of those who serve God and their fellow man.

I am troubled by what I discern to be a possible preoccupation of Representative DICKINSON with the religious faith of some of those participating in the march. I believe the record reflects that persons of all faiths and the clergy of all faiths participated in this march and their conduct was conduct with which all Americans can be proud. None of us on this floor need apologize for their conduct or explain it away.

With reference to my dear friends—Reverends Shuttlesworth and Abernathy, Dr. King, Bayard Rustin, A. Philip Randolph, and the many other fine people whose conscience prompted them to join in this march—I submit that their long, courageous, and meaningful contribution to the improvement of our democratic way of life speaks for itself. No one on this floor is going to be able to diminish to any extent the magnificent role these men and women have played in making the promise of this great country of ours more meaningful. No mere words can erase the quality of their acts to secure the full blessings of liberty for all of our citizens.

The men and women who journeyed to Alabama did so because they realized that the denial of the full rights of citizenship to any group in any area is a matter of national concern.

They saw injustice and responded to it.

No attack upon them, here or outside these Chambers, will alter the high ideals which motivated them or lessen the reaction of our national conscience which was quickened by their courageous demonstration.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Illinois [Mr. O'Hara].

Mr. O'HARA of Illinois. Mr. Speaker, I listened to the remarks of the gentleman from Alabama. I believe that every Member of this House should have a right to speak his mind.

I had intended to remain silent, but, Mr. Speaker, I could not remain silent. Some of the finest people of my district went down to Alabama. Emily Taft Douglas, herself a former distinguished Member of the House, and the wife of the senior Senator from Illinois, went down, and I do not want anybody to throw rocks at Paul Douglas' fine and noble wife.

Walter Johnson and 100 of the leading historians of this country went down to Alabama, and I do not want anybody throwing rocks at them.

I was glad to put in the Congressional Record a list of the men and women of the Second Congressional District of Illinois who went down to Alabama; and that, in my district, was regarded a roll of honor.

So, Mr. Speaker, I could not remain silent. I am not questioning the right of my colleague from Alabama to speak his mind. He has that right. But he cannot speak his mind and throw rocks at the good people, the good men and women, of the Second Congressional District of Illinois, the priests and rabbis and men and women of God's service, without having rocks thrown back at him from the Second Congressional District of Illinois.

Mr. Speaker, I have said my piece.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, I too, thought to remain silent, but I cannot possibly remain silent after having heard the words of this man who, without having any substantiation, came before this House and made certain allegations.

For him even to imply a Catholic nun was involved in the acts he has described is, to say the least, sacrilegious. I do not believe there is a single individual in the United States who believes any of the allegations this gentleman has made. I also do not believe there is anyone in the Nation that will actually feel it is a matter of fact, as he has stated, that members of the press went to Selma and that they were all hushed up by some invisible force. This is an indictment, Mr. Speaker, of the people in the clergy, an indictment of the American press. I feel I can no longer remain in this room with this individual this afternoon. I feel that I must walk out, and that is what I am going to do. However, before I do that I also want to make it clear that I respect his right to bring anything before this House, even though it may be the filth of the day. He still has the right to do so. I have the right, of course, to disagree and to disassociate myself with any remarks of this kind that may be made on the floor of this House.

Mr. KREBS. Mr. Speaker, will the gentleman yield?

Mr. RYAN of New York. I yield to the gentleman.

Mr. KREBS. Mr. Speaker, I, too, want to say I am proud and happy for the opportunity of associating myself with the remarks of my colleague from New York [Mr. Ryan] my colleague the gentleman from New York [Mr. Resnick], and my colleagues the gentlemen from California [Mr. Burton and Mr. Roybal].

I also want to say that this presentation here this afternoon I find most shocking. It seems a far cry between standing on the floor of this House behind congressional immunity and making statements like this about highly respectable people such as a rabbi from my town of Livingston, N.J., named Rivkin, several Protestant ministers, and a couple of Catholic priests who went to Selma, Ala., to show their feelings toward the privations being suffered by so many citizens of this country. It seems to me, too, that the gentleman from Alabama ought to be willing to go before the American public and make these statements off the floor of the House of Representatives where he is deprived of his congressional immunity. I hope he will do that, because I believe now that he has made this speech this afternoon he owes that to the American people. I would also like to ask him if he knows the percentage of Negro citizens of the State of Alabama who are unregistered. I would like to ask him if he would not join in with the good people of this country who are trying to guarantee and to achieve for those deprived of their rights as American citizens the right to vote. I say if the gentleman from Alabama will assist in getting Negroes in his State of Alabama registered, then there will be no future need for demonstrations such as have been characterized so falsely and wrongly by the gentleman. I am sure the falsity of these charges will be more fully exposed at the press conference to be held tomorrow, Wednesday, April 28, at 10 a.m. in the Methodist Building, by clergy who participated in the march.

I want to say again we are dealing with important fundamental rights and we are dealing with very important reputations of people who in my judgment have been besmirched and smeared here completely unduly this afternoon.

Mr. RYAN. Mr. Speaker, I want to thank my colleagues for their splendid comments in response to the outrageous speech delivered earlier this afternoon. We cannot remain silent although the world knows the facts and the motives prompting that spurious speech.

I should like to comment upon one of the fallacious theories of that speech, the idea advanced by the gentleman from Alabama that somehow the civil rights movement is part of some kind of a Communist conspiracy. Let me quote for the Record, because I think it is important, a statement on this subject made by the Attorney General of the United States who certainly is in a position to know the facts to a far greater degree than the gentleman from Alabama.

Commenting upon this kind of charge which has now been advanced by the gentleman from Alabama, the Attorney General, Nicholas Katzenbach, said:

> I don't think it's true at all in terms of any of the organized civil rights groups or their leaders. I think they (Communists) have been remarkably unsuccessful in influencing any decisions and certainly have not captured any of the leadership.

That should set at rest once and for all this spurious issue which has been raised as a means of covering up the real issue, the real facts and the real concern of the conscience of America.

I was interested in looking at the speech which the gentleman from Alabama made in the House on March 30. I would like to quote a statement he made then which I find rather incredible. He said:

> There are many instances where the Alabama Negro has had rights withdrawn from him illegally, especially historically. This is not universally so in Alabama, however—only in isolated areas and none of these areas recently.

"And none of these areas recently." Mr. Speaker, we only have to look at the events of the past few years: the burning of the Freedom Riders' bus in 1961 at Anniston; the Birmingham church bombing and the resulting deaths; the situation in Selma and the murders of Rev. James Reeb and Viola Liuzzo; All the acts of terror and violence, all of the acts which deny the rights of human beings, were ignored by the gentleman from Alabama.

So his speech is really a subterfuge, an effort to camouflage and to cover up the situation with which we must deal by creating a climate of hysteria. The thesis that Negro citizens are not denied their rights in Alabama is patently and demonstrably false.

Let me quote from the President of the United States when he addressed Congress on March 15 in the aftermath of the atrocities in Selma and the use of mounted posses and billy clubs to suppress those exercising their constitutional rights. President Johnson said in his message:

> The denial of these rights and the frustration of efforts to obtain meaningful relief from such denial without undue delay is contributing to the creation of conditions

> which are both inimical to our domestic order and tranquillity and incompatible with the standards of equal justice and individual dignity on which our society stands.

The President clearly understood that there would be those who, like the speaker this afternoon, would in the President's words, "appeal to you to hold onto the past." These people, the President said, "do so at the cost of denying the future."

The Civil Rights Commission reported the denial of voting rights in Alabama. The gentleman from New Jersey [Mr. Krebs], mentioned the low state of Negro registration in that State. Only 23 percent of the Negroes in Alabama are registered to vote, and in many counties the Negro registration is zero or practically zero.

The chronicle of violence is well known to all of us; and look at the terrible toll in lives. In the past 2 years 11 persons have been murdered for participating in civil rights activities in Alabama. This is how the expression of legitimate grievances is suppressed. The simple, clear fact is that in Alabama as in Mississippi and other areas, Negroes do not receive simple justice. It is not necessary to recite the grim statistics which moved the President and stirred the conscience of this Nation. The civil rights movement has struck a responsive cord in all Americans who believe in freedom and justice. It has stirred the conscience of America, and it was the conscience of America which poured out and marched from Selma to Montgomery—men and women, old and young, black and white, of all faiths and religions.

In the march were religious leaders, rabbis, priests, ministers, nuns, those who have devoted their lives to serving God and humanity. They marched because they understood that humanity was at stake in Selma, Ala., and they will march again, for no amount of character assassination, no attacks even from the floor of the House of Representatives are going to hold back the onward march of history nor quiet the aroused conscience of America.

Mr. Speaker, as we move forward, as we seek to fulfill the meaning of liberty and justice, there will be attacks; there will be efforts to derail the onward march of history; there will be smears and innuendoes; but in the long range of history it will be recorded that one of the finest hours was the hour when citizens from all over the United States answered the call of Rev. Martin Luther King and marched with him those many miles, day and night, from Selma to the capitol at Montgomery.

Mr. Speaker, let us put aside the petty attacks and the snide smears and the innuendoes. Let us realize that the question of equality and justice is at stake as never before in America, and that we as Members of Congress have an obligation under our oath to fulfill. Let us fulfill it by passing an effective voting rights bill, a bill which will make it unnecessary for us to come back to this floor again as we have since 1957, in 1960, and again in 1964 to assure this basic right to all Americans.

Mr. Speaker, it is crystal clear that the irrelevancies and the efforts to besmirch the Selma-to-Montgomery march are only being used to divert attention from the injustices to fellow Americans. The relevant question is: Are the demands of the Negro citizens of Alabama just and legitimate? Let us not be misled by those whose purpose is the perpetuation of the injustices we all know violate the Constitution and our cherished concept of freedom.

Mr. DANIELS. Mr. Speaker, I rise today to add my voice to those who have already protested against the outrageous speech delivered on the floor of this House last week by a Member from the State of Alabama [Mr. Dickinson].

I think, Mr. Speaker, that my experience as a judge in one of America's large cities has made me fairly shockproof. I assure you that rarely do I hear or read anything that moved me to such great disgust as the speech given after the conclusion of the day's business on Tuesday last.

A generation ago, long before I was a Member of Congress of the United States, one of the most vicious anti-Catholics ever elected to public office used the high office of U.S. Senator from Alabama to deliver tirades against the church of which I am a member.

Conditions have improved in the United States and I am sure that most Members of Congress only dimly remember that jewel of the Ku Klux Klan, J. Thomas Heflin. Since his time, Catholic baiting has been confined to fringe-type hate groups. All of us get occasional letters from such sick individuals, but the most casual glance at such messages indicates the authors are people who are capable of harming no one but themselves.

But, Mr. Speaker, when attacks are made in the Congress on members of the clergy, then I am worried.

I am proud of the fact that many religious leaders from my own State of New Jersey were among those who marched on Montgomery. A partial list of names of New Jersey clergymen who took part in the march from Selma to Montgomery is indicative of the high caliber represented and is clear proof that the allegations of the Member from Alabama are without foundation.

The list follows:

Rev. Donald C. Crispin, Newark.
Rev. Harold Story, Newark.
Rev. Richard Given, Livingston.
Rev. John Wilcox, Caldwell.
Rev. Charles Peat, Roseland.
Rev. Gerald Mills, West Caldwell.
Rev. Robert Jacoby, Bloomfield.
Rev. George Booker, Bloomfield.
Rev. Russell Looker, Bloomfield.
Rev. Henry Strock, Millburn.
Rev. John W. Thomson, Millburn.
Rev. James Cortelyou, Newark.
Rev. Paul Robinson, Newark.
Rev. Brian Hislop, West Orange.
Rev. Horace Hunt, Jersey City.
Rev. J. R. Randall, Newark.
Rev. Joseph Sherer, West Orange.
Rev. Horace Sharper, Newark.
Rev. Jay H. Gordon, Newark.
Rev. John W. Collier, Jr., Newark.
Rev. Ken Jefferson, Newark.
Rev. Robert E. Johnson, Newark.

I am alarmed that the Member from Alabama would submit without any real scrutiny these alleged and entirely unsubstantiated allegations of misconduct by religious leaders. The good name of this House and of the Congress of the United States has been hurt by this low-level attack.

Mr. Speaker, I am not surprised that a Member from the State of Alabama should attack those whose only crime was attempting to extend democracy to the State of Alabama, a State where every effort possible has been made to subject the Negro minority to an inferior status. While we may hope that the Member from Alabama is the last such orator, he certainly is not the first.

What does surprise me is that the Member from Alabama should choose to allow attacks upon nuns to foul the pages of the Congressional Record. While there is much in the southern tradition which needs changing, we in the North have always admired the tradition of chivalry which is a part of the so-called southern way of life. Thus, this attack upon these holy women is surely a new low. If his remarks are typical of the new South, then I am afraid for the future of the State of Alabama.

Mr. MINISH. Mr. Speaker, I wish to join in vigorously protesting the calumnious attack against participants in the Selma march by the Member from the State of Alabama [Mr. Dickinson] on the House floor.

The clergymen of all faiths, the nuns, and the other victims of this character assassination actually need no defense. The character of their lives and works is eloquent refutation of the charges leveled at them—charges leveled in the sanctity of the House of Representatives, immune from legal action. The vulgar diatribe of the Member from Alabama demeans only himself and those for whom he speaks.

Lurid stories cannot divert attention from the evils that caused the long and arduous march and that must not be allowed to continue. The dedicated citizens, religious and lay, who journeyed to Alabama at personal inconvenience and expense and endured hardship and hostility there will continue to practice the virtue of charity toward their detractors. They will continue to work wholeheartedly toward the goal of equal rights and equal treatment for all members of a democratic society.

It is saddening—and also frightening—to witness the extremes of which men are capable when they are consumed with racial and religious prejudice and hatred. This spirit of unreasoning hate and violence has found release in the bombings and murders of helpless people and scurrilous attacks upon citizens whose only crime is their commitment to the Judeo-Christian ethic and the democratic principles upon which our Nation was founded.

The vast majority of Americans join with the Selma marchers in rejecting the evil of hatred that poisons the wells of our democratic institutions. They will not be swayed from the great task of fulfilling the promise of America, of enabling all our people to enjoy the dignity, equality, and justice due them as children of God and citizens of the United States.

The SPEAKER. The time of the gentleman from New York has expired.

GENERAL LEAVE TO EXTEND

Mr. RYAN. Mr. Speaker, I ask unanimous consent that the special order which I have obtained this afternoon follow the special order and comments of the gentleman from Alabama [Mr. Dickinson], and that all Members have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PRESIDENT JOHNSON'S APPROACH TO VIETNAM

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. Patman], is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, on April 13, 1965, one of Texas' most influential newspapers, the Paris News, published by Walter Bassano, at Paris, Tex., made this objective and, I think, particularly wise editorial observation regarding President Johnson's handling of the Vietnam issue. It is well worth our attention. The editorial follows:

[From the Paris (Tex.) News, Apr. 13, 1965]

President's Approach to Vietnam Problems Offers Reasonable Recourse

President Johnson's recent policy speech on Vietnam might be interpreted as an extension of the carrot and stick philosophy. The proposals have certain pitfalls such as the onus of a peace bribe or an attempt to buy peace; they also have certain advantages such as repudiating U.S. power or territorial designs and confronting the Communists with the necessity of talking or shouldering the blame for continued warfare.

The President's offer of a billion dollars of economic development assistance regardless of whether there is peace is something easier held out than delivered. Congress will want to look closely at whatever aid is extended to obtain some faint assurances that the investments will not be in vain or an intermediate venture on the way to the hands of the enemy.

However, there is this much to say for the President's suggestions—they represent an attempt to break out of the same old formula which often carry the seeds of their own destruction because of inflexibility or lack of imagination.

Negotiating from strength does not necessarily mean whip 'em and dictate the terms. It does mean strength of purpose as well as of armed might to the degree that we will not be harassed into compromising a principle—the principle that the Vietnamese are entitled to work out their destiny in freedom from the insidious pressures and infiltrations of international communism.

Until there is disposition to do something about outside masterminding of the Vietcong, then the suppliers of the Vietcong need to continue to feel the sting of air attacks. Attrition works two ways.

STATUTES, REGULATIONS, POLICIES, AND PRACTICES OF SELECTED FOREIGN COUNTRIES PROVIDING FOR PREFERENCES FOR DOMESTIC MATERIALS AND FIRMS IN THE AWARDING OF PUBLIC SUPPLY AND PUBLIC WORKS CONTRACTS

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. Saylor] is recognized for 60 minutes.

Mr. SAYLOR. Mr. Speaker, I am concerned, as are all Americans, with our Government's monetary and economic policies. Today, the two most persistent economic problems facing the United States are our unfavorable balance of payments and unemployment.

While our present unemployment level is acute, should there be a downturn in the economy, this situation would become critical. Pennsylvania had 233,000 persons unemployed during March. The Nation as a whole had 3,740,000 persons out of work during the same period. We are faced with an inescapable and unavoidable responsibility to provide employment for these unfortunate fellow citizens. The Appalachian program, the Manpower Training and Development Act, the antipoverty programs and other proposals are splendid ideas and promise dividends in higher employment, but we must be relentless in our fight to create more work for our labor forces. The President's economic report for 1965 calls unemployment "the greatest test now confronting our general economic and manpower policies." I submit that Congress should continue to support measures which provide that moneys expended by this administration will be used for the benefit of the people of this country.

The balance-of-payment deficit and the outflow of gold poses far more complex problems in that internal actions alone cannot eliminate this deficit but could reduce it substantially. In the main our trade and tariff policies have been formulated to coincide with our foreign policy requirements rather than considered in conjunction with our current unemployment problems.

This country is committed to efforts to end our balance-of-payments deficit, and I would remind my colleagues that this administration pledged itself to eliminate this deficit. Congress has been asked to enact various measures to strengthen our checks on foreign use of U.S. capital markets. The Secretary of the Treasury has been asked to enroll our banking community in a major effort to limit lending abroad. American industry has been requested to limit direct investments in foreign countries. The Department of Defense and the Agency for International Development have been directed to cut oversea spending to the bone. Finally, our citizens have been encouraged to "see America first."

Whether these various measures will be adequate is not yet determined, but it is clear to me that we should carefully analyze our trade policies and the policies of other nations in their entirety if we are to rectify these pressing problems. It is the nontariff barriers imposed by other nations that have in great measure contributed to our present balance-of-payments deficit.

Let me make my position clear. I am not blind to the need for dealings with the other trading nations of the world, but I ask that we keep in mind the fact that we are beset with acute problems that are directly related to our foreign spending policies.

If we are to maintain our economic and military commitments to other nations with the attendant gold outflow, we should at the minimum be afforded reciprocity by foreign governments in the field of public procurement policies.

Mr. Chairman, am I to understand that our Nation is to be committed to correcting our international balance of payments on the one hand while, on the other, we are to permit Federal contracts to be awarded to foreign concerns? This possibility especially concerns me when I consider that the major trading countries of the world discriminate against foreign industry in favor of their domestic concerns.

I submit that the individual taxpayer has a right to ask that his Government buy domestic products because that taxpayer has contributed his money toward procurement of those services and supplies. Purchases from domestic concerns are sound and logical from an economic viewpoint if all factors are considered.

For example, a Government agency recently procured some supplies from a foreign supplier at a cost of $500,000 and contended that it had saved the Government approximately $100,000. A careful analysis of this procurement would have disclosed that such a savings was not, in fact, achieved by our Government. If the procurement had been made from a domestic concern, a considerable percentage of the money involved would have been used to pay local, State, and Federal taxes. Additional tax revenue would have been achieved from the necessary procurement of raw materials necessary to produce the manufactured products desired by the agency. Further, the workers necessarily employed to produce the raw materials and the manufactured items would have received several hundreds of thousands of dollars in wages, part of which would have been applied to their social security funds, pensions, payroll taxes, along with a corresponding decrease in unemployment compensation that many otherwise received.

One major domestic industry has recently estimated that at least 30 percent of every dollar collected from the sale of the product involved eventually goes—through corporate, personal, property, and sales taxes—to Federal, State, and local taxing bodies.

Mr. Chairman, advocates of free trade may label my case for domestic preference of public supply and public works contracts as an attempt to return to the days of isolationism and protectionism. Domestic preference is neither isolationism nor protectionism. As a matter of fact, it is the accepted way of transacting public business in almost every major trading country in the world. For example, in a recent staff study made by the U.S. Bureau of the Budget, the following statement concerning foreign procurement policies of the members of the Organization for Economic Cooperation and Development—OECD—is made:

> The State Department has obtained reports from U.S. embassies on the foreign procurement policies of all OECD countries which indicate that * * * various practices hamper or restrict the opportunities of foreign firms to compete for Government contracts.

The study further states:

> Practices which limit the opportunity to compete for Government contracts include such things as * * * exclusive preference to domestic firms; regulations which preclude foreign bidding on Government contracts.
>
> In summary, few other countries have defined their "buy national" policies as publicly as the United States, but widespread administrative discretion generally permits them to show preference for domestic firms.

Mr. Chairman, at the time the Bureau of the Budget staff study was made, a complete compilation of domestic preference laws and regulations of the major world trading companies was not available. However, such a compilation is now available. I shall introduce beginning today for inclusion into the CONGRESSIONAL RECORD a two-volume report, prepared by Joseph W. Marlow, associated with Cravath, Swaine & Moore of New York City, which report substantiates the fact that the major world trading countries, such as Japan, France, Italy, Canada, the United Kingdom, and some 27 others do, in fact, favor their domestic concerns to the almost complete exclusion of U.S. products.

The report that I shall institute cites chapter, page, and verse from the laws and regulations of these major trading countries, proving that a domestic preference program exists in each one of these countries.

I submit that the policy of domestic preference pursued by these major trading countries is a sound and logical policy. The United States must be as wise as these countries have been and recognize that domestic preference is good for the country and its citizens.

Japan, for example, has recently recognized that domestic preference does, in fact, benefit the nation. On September 20, 1963, the Japanese Cabinet issued a "Buy Japan" decision, justified in part as follows:

> In order for the Japanese economy to attain growth at the rate expected by the Government, the Government should take the lead in carrying out such measures as are within its jurisdiction to take, while keeping the international payments in balance, and at the same time voluntary cooperation should be expected from the industrial and financial circles.
>
> It is therefore decided that correct evaluation for domestic products * * * be established and that effort be made to encourage the use of domestic products by the Government and Government agencies, in order to prevent the outflow of foreign exchange through unnecessary imports and to promote the domestic industries.

Our Nation, with its similar problems, must be equally as wise and recognize that domestic preference is in the Nation's best interests.

In summary, Mr. Chairman, I submit that public procurement of foreign supplies and services should be held to an absolute minimum. My daily remarks will prove that such action would be in step with the practices and policies of the major world trading countries. Such action would also be compatible with our national interests regarding balance of payments, gold reserves, employment, and real net cost.

I produce this material not to castigate or condemn our foreign friends, but only to demonstrate that it is unorthodox as well as idiotic for our own Government to spend public funds for materials that, if supplied by domestic producers, would provide employment for Americans, bring taxes into all levels of government, and improve our balance-of-payments position. In the midst of our current make-work programs, how can we justify buying materials from alien sources to the exclusion of U.S. industry and labor?

The one justifiable alternative to the policies and practices of foreign governments described in the following study is for our own Government to buy from producers and suppliers in the United States—not as a retaliatory move but only as the reasonable answer to America's unemployment and balance-of-payments problems.

INTRODUCTION

In a staff study on the "Foreign Procurement of the United States Government" made in 1963 (and released in April 1964),[1] the United States Bureau of the Budget made the following statement (at page 24) concerning the foreign procurement policies of other members of the Organization for Economic Cooperation and Development (OECD):

"G. Foreign Procurement Policies of other OECD Governments.

"The State Department has obtained reports from United States embassies on the foreign procurement policies of all OECD countries which indicate that a majority of them do not have legislation covering foreign procurement by government agencies and that in practice procuring agencies have broad administrative discretion in all phases of procurement. Also, procurement decisions are not infrequently handled on the basis of unpublished internal administrative orders. In general, it appears that various practices hamper or restrict the opportunities of foreign firms to compete for government contracts.

"Practices which limit the opportunity to compete for government contracts include such things as little or no advance publicity regarding planned government procurement; exclusive preference to domestic firms; regulations which preclude foreign bidding on government contracts; cumbersome administrative or excessive bonding requirements. In some cases bids are open to foreign firms only when domestic sources are unable to meet specifications or supply desired products; in others, bulk supply agreements between government agencies and domestic suppliers provide for selective tender from closed lists of suppliers and confidential negotiations.

"In summary, few other countries have defined their 'buy national' policies as publicly as the United States, but widespread administrative discretion generally permits them to show preference for domestic firms. National procurement policies are currently under examination in the OECD."

The results which are reported in the attached volumes of an investigation of the statutes, regulations, policies, and practices of selected foreign countries providing for preferences for domestic materials and firms in the awarding of public supply and public works contracts amply support the conclusions of the Bureau of the Budget, not only as to members of OECD, but also as to almost all other countries covered by the investigation. Quite obviously, every nation "favors its own."

The investigation was made by Joseph W. Marlow, associated with Messrs. Cravath, Swaine & Moore, of New York, with the assistance of their European office in Paris and Messrs. Wilmer, Cutler & Pickering, their correspondents in Washington, D.C.

A variety of methods was employed in making the investigation. For a few countries (Belgium, Italy, France and Japan), attorneys practicing in those countries were retained to make an initial investigation and report, for all countries, desk officers in the Bureau of International Commerce of the United States Department of Commerce in Washington, D.C., were interviewed and copies of unclassified foreign service dispatches and airgrams to the Department of State from various embassies of the United States in foreign countries were obtained, where pertinent and available. In some cases the embassies were contacted directly. To the extent available in the United States, an independent review was made of statutes, regulations, etc., in the original languages and translations were prepared of the more important ones which were not originally issued in English. Pertinent published secondary material was also located and reviewed, including treatises, law review articles, and the like. In cases of ambiguity, cross-checks were made of several sources of information.

Caveat: Cravath, Swaine & Moore have emphasized that statements concerning foreign law must not be regarded as expressions of opinion, except where a specific reference is made that attributes such statements to counsel authorized to practice in the particular country. Moreover, although every effort has been made to render an accurate report, the very nature of the subject matter leaves open the possibility of omissions and erroneous interpretations as well as of developments subsequent to the time when the investigation was made which could entirely change the legal position in a particular country.

NOTE CONCERNING INTERNATIONAL ORGANIZATIONS

The major regional economic organizations are the subject of separate articles in the attached volumes. They are the European Economic Community, the Benelux Economic Union, the European Free Trade Association, the Latin American Free Trade Association and the Central American Common Market.

Two others—the General Agreement on Tariffs and Trade (GATT) and the Organization for Economic Cooperation and Development (OECD)—will be described briefly. Most of the countries which are dealt with in the attached volumes are members of both GATT and OECD.

THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT)

In March 1965 GATT had 66 "Contracting Parties", of which 26 of the most important ones are dealt with in the attached volumes.

GATT is an international (multilateral) trade agreement—encompassing a code of rules for fair trading in international commerce. While it has no irrevocable enforcement power other than what can be accomplished by moral suasion, it has nevertheless helped to reduce obstacles to trade, particularly in the tariff area, and to foster expansion of world trade. GATT is "the only (existing) international instrument which lays down the rules for trade on a worldwide basis."

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[1] Printed in Appendix 3 to the Transcript of Hearings Before the Subcommittee on Defense Procurement of the Joint Economic Committee of Congress, Apr. 16 and 21, 1964.

Meetings of GATT countries provide a forum for discussion of participants' trade problems and for submission of complaints arising from alleged breaching of GATT rules.

GATT resulted from the determination of the Allies in World War II to remove or at least to reduce the depression-born hindrances to world trade—high tariff protection, quotas, exchange controls, etc.—and to seek to establish a world trading system based on nondiscrimination, with the goal of achieving fair, full, and free exchange of goods, and, as a result thereof, it was hoped, higher standard of living for all. In October 1947, 23 of the nations which were meeting to negotiate the initial draft for the charter of the International Trade Organization (ITO), planned as one of the United Nations specialized agencies, conducted tariff negotiations among themselves and formulated GATT. GATT was intended to be a stopgap measure, effective only until the ITO charter was ratified. But the refusal of Congress to permit the United States to join ITO resulted in its demise so that GATT remained as the only continuing instrument for international trade negotiations and cooperation.

As formulated in 1947, GATT's objectives are to help raise standards of living; to ensure full employment; to develop full use of the world's resources; to expand production and exchange of goods; and to promote economic development.

More recently, the emphasis has been on the expansion of trade, the resolving of the trade problems of the lesser developed countries, the removal of barriers to trade, and wider access to world markets.

In pursuit of those broad objectives, GATT is guided by the following principles:

1. Trade should be conducted on the basis of nondiscrimination. All contracting parties are bound by the most-favored-nation clause in the application of import and export duties and charges and in their administration, subject to the right to form free trade areas and customs unions.

2. Any protection afforded to domestic industries should be through customs tariffs only and not by use of commercial restrictions, such as import quotas, licensing requirements, or other controls of a quantitative nature.

3. The concept of consultation should be pursued to provide a forum for discussion of members' trade problems and complaints, aimed at avoiding damage to trading interests of contracting parties.

4. Tariffs and other barriers to trade should be negotiable.

Essentially a trade agreement, GATT provides for none of the trappings of a formal organization. The work of the Contracting Parties, when not in session, is performed by a Council of Representatives (consisting of delegates of countries maintaining permanent GATT missions in Geneva), by groups of experts, and by working parties and committees, with the administrative assistance and collaboration of a small Secretariat. Aside from the regular semiannual meetings, major tariff negotiating conferences are held as and when a majority of the membership deems them desirable. What may well be the most important conference (the so-called "Kennedy Round") began in May 1964.

The agreement embraces a total of 35 articles. The first two deal specifically with tariffs. Article I states the most-favored-nation obligation, i.e., that tariff concessions offered to any one nation, either in or outside of GATT, must be extended to all GATT members. Article II incorporates the concessions (mainly reductions or bindings of import duties) set forth in the schedules annexed to the agreement. The schedules resulting from the original negotiations in 1947 and the subsequent negotiations include an estimated 60,000 items covering more than one-half of the total foreign trade of the world. Article III contains rules relating to the application of internal taxes and regulations which are designed to ensure that imported goods will be treated equally with domestic products. Paragraph 8(a) of Article III contains an exception to the national treatment rules of that article which is of major importance in the field of public procurement. Paragraph 8(a) provides as follows:

"8. (a) The provisions of this article shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of products purchased for governmental purposes and not with a view to commercial resale or with a view to use in the production of goods for commercial sale."

Articles IV to X are the technical articles, providing a set of rules and principles applicable to transit trade, to antidumping (Art. VI), to customs valuation, to customs formalities and to marks of origin. Article XI prohibits quantitative restrictions on imports and exports. Articles XII through XV qualify that rule where necessary to accommodate countries with balance-of-payments problems. Subsequent articles deal with state trading, subsidies, economic development, opportunities for joint discussion and settlement of differences arising out of the application of the agreement.

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD)

In March 1965 OECD had 21 members, all of which were located in Europe, except Canada, Japan and the United States. All its members except Iceland and the United States are dealt with in the attached volumes.

OECD is an organization established by a convention ratified by 18 Western European countries, Canada and the United States, which formally took effect on September 30, 1961. (Japan joined in May 1964.) Its purpose is to achieve maximum economic cooperation among its members so as to foster and further their sound economic development, partnered with financial stability, and, thus, to contribute to the economic well-being of nonmembers as well.

Although OECD does not develop or administer trade rules or conduct tariff negotiations, one of its primary purposes is to contribute to the expansion of world trade on a multilateral non-discriminatory basis in accordance with international obligations. It provides a forum for discussion of the activities, objectives and problems of members in the broad economic sphere.

OECD is the successor organization to the Organization for European Economic Cooperation (OEEC), which was created in the early postwar years (1948) to administer the U.S. Government's Marshall plan aid program and to restore economic viability to war-ravaged Europe. Although those tasks were successfully completed by the OEEC, the need for continued international economic cooperation remained. Because of changing economic conditions in the world and the increasing interdependence of the industrialized nations, however, Western leaders deemed it advisable to create a new organization for international cooperation, with greater breadth of interest and membership.

The member countries have agreed to promote the efficient use and development of their economic resources; to encourage research; to promote vocational training; to pursue policies designed to achieve economic growth and internal and external financial stability; to pursue efforts to reduce or abolish obstacles to the exchange of goods and services and current payments; to extend the liberalization of capital movements and to contribute to the economic development of member and non-member countries.

OECD has three broad major assignments—the coordination of the economic policies of its members, the extension of aid to developing countries, and consideration of trade and payments problems. More specialized assignments cover a wide range of economic activity, including agriculture, industry and energy, science, technology and productivity.

The Convention has 21 articles, as well as several special protocols, which generally cover the aims and responsibilities of the members, including the provision of information necessary to the pursuit of OECD tasks, consultation on a continuing basis, the carrying out of studies and the participation in agreed upon projects, close cooperation and, where necessary, coordinated action. Article 5 specifically outlines the powers of the Organization: it may make decisions which, with provided exceptions, shall be binding on members; make recommendations to members and enter into agreements with members, nonmembers, and international organizations. Article 6 requires that all decisions, with a few exceptions, be made by mutual agreement of all members, who have one vote each. The remaining articles are organizational or administrative in purpose.

The Council, composed of representatives of all member states, is the supreme body of OECD, making all general and administrative decisions for the OECD.

The Executive Committee, with 10 members chosen annually by the Council, acts only on authority of the Council. General policy questions on progress of work of OECD are submitted to the Executive Committee before submission to the Council. The Secretariat, which is staffed by international civil servants headed by the Secretary General, exercises all the functions necessary for administration of the Organization assigned to it.

The basic work of OECD is carried on by numerous committees and special committees to which member governments appoint representatives. There are committees working in the areas of Economic Affairs; Development Assistance; Trade, Payments and Related Activities; Agriculture and Fisheries; Scientific Affairs; Industry and Energy; and Manpower and Social Affairs.

In 1963 the Trade Committee, in connection with its investigation of administrative and technical regulations which hamper the expansion of trade, initiated an inquiry on regulations regulating the awarding of public contracts by OECD members.

ABBREVIATIONS

Benelux: Belgium-Netherlands-Luxembourg Economic Union.

CACM: Central American Common Market.

EEC: European Economic Community.

EFTA: European Free Trade Association.

Euratom: European Atomic Energy Community.

GATT: General Agreement on Tariffs and Trade.

LAFTA: Latin American Free Trade Association.

OECD: Organization for Economic Cooperation and Development.

Stat.: United States Statutes at Large.

UNTS: United Nations Treaty Series (published by the United Nations).

UST: United States Treaties and Other International Agreements (published by the United States Department of State).

EUROPEAN ECONOMIC COMMUNITY

The actions which have thus far been taken, and which are proposed to be taken, to achieve the aims of the European Economic Community (often referred to as the Common Market) offer indisputable evidence of the existence in the Member States of legislative, regulatory and administrative provisions, policies and practices which exclude foreigners from participation in public contracts or discriminate against their participation and the use of foreign products and materials. As those discriminations are progressively eliminated within the Community, United States firms and products will suffer increasing disadvantages vis-a-vis materials and companies of the Member States in competition for public contracts of the Member States.

The Community was established by the Treaty of Rome of March 27, 1957 (298 UNTS 11 (1958)), which took effect on January 1, 1958. The Member States are Belgium, France, the German Federal Republic, Italy, Luxembourg, and the Netherlands.

The objectives of the Community are to establish a common market and to bring the economic policies of the Member States progressively into harmony during a transitional period ranging from 12 to 15 years beginning January 1, 1958. The most significant measures designed to achieve those objectives are: (1) the elimination of customs duties and quantitative restrictions; (2) the establishment of a common tariff and a common commercial policy; (3) the establishment of free movement of persons, services and capital; (4) the inauguration of common agricultural and transport policies; (5) the establishment of a system of fair competition; (6) the taking of measures to coordinate economic policy and adjust balance of payments; (7) the creation of a Social Fund and a European Investment Bank; and (8) the association of overseas countries and territories related to certain Member States.

The Community operates through four principal organs. The Council has one representative appointed by each Member State. It coordinates the economic policies of the Member States, formulates general policy for guidance of the Commission and exercises final decisionmaking powers. The Commission has nine members appointed by common agreement of the Member States. Its members are responsible to the Community rather than to their appointing governments. It executes the decisions of the Council, decides technical questions of Treaty application, advises the Council on basic issues and exercises powers conferred on it by the Council. The Court of Justice consists of seven judges appointed by the Member States. It serves as the common court for the Community, the European Coal and Steel Community (ECSC) and the European Atomic Energy Community (Euratom). It concerns itself with the legal problems arising out of the operations of the respective treaties involved. The European Parliament or Assembly consists of 142 representatives who are elected by and from legislatures of the Member States and is also common to the Community and the ECSC and Euratom. Its functions are largely limited to those of review and debate, but it is armed with powers of censure and must be consulted by the Council, before taking an official act, in most cases where there is interference with national legislation. Also of importance is the Economic and Social Committee, composed of 101 private persons representative of all sectors of the economic and social life of the Community. The Council must consult it in cases which entail acts of special economic and social significance, including the taking of action in the field of right of establishment.

The Treaty of Rome is a complex and lengthy document composed of six parts and numerous annexes, conventions, protocols and declarations. The Treaty is silent on the subject of public contracts and public works, except for a reference in article 132 relating to association with overseas countries and territories. Nevertheless, it contains a number of provisions which have been, and will continue to be, applied to eliminate discrimination in that field.

The most important are those contained in chapter 2 of title III (sec. 52–58) relating to the right of establishment and in chapter 3 of that title (sec. 59–66) relating to services. Of lesser importance are the provisions of articles 30–37 relating to the elimination of quantitative restrictions and the general prohibition of discrimination contained in article 7. The provisions of article 100 for the approximation of the legal and administrative provisions of the Member States are not of immediate, but are undoubtedly of great future, importance, particularly in the field of public supply contracts. Also of importance are the provisions of part 4 (arts. 131–136) relating to the association with the Community of the non-European countries and territories which had special relations with Belgium, France, Italy and the Netherlands, as well as those of article 237 relating to membership in the Community by other European countries and article 238 relating to association with the Community of third countries, unions of states or international organizations.

Copies of an unofficial English translation of the foregoing provisions of the Treaty are attached hereto as schedule A.

Under article 52, paragraph 1, sentence 1, restrictions on freedom of establishment are to be gradually abolished during the transitional period. The right to freedom of establishment is defined in the second paragraph of that article to mean the privilege to start and conduct non-wage-earning activities, which include any independent activity aimed at the production of income. In order to exercise the freedom of activity under chapter 2, it is necessary, as a rule, for the particular person to go into the Member State in which the activity is to be conducted and to create his economic center there. A far-reaching exception from this principle, which is of special importance for companies, is provided in the second sentence of article 52, paragraph 1, for the establishment in other Member States of agencies, branch establishments and subsidiary companies.

Pursuant to the provisions of paragraph 1 of article 54, the Council of the Community issued on December 18, 1961, a General Program for the Abolition of Restrictions on the Freedom of Establishment (Journal Officiel of the European Communities, January 15, 1962, p. 36 et seq.). The General Program lays down the order of priority in which discrimination is to be abolished for the various areas of activity. Under title I of the program, its beneficiaries are:

(1) Physical persons, provided they are nationals of the Member States or of the overseas countries and territories; and

(2) Firms or companies established under the laws of the Member States or of the overseas countries and territories whose registered office, central administration, or place of business, is located in the Community or in one of the overseas countries or territories.

Where a company has only its registered office within the Community, it must show that it has an actual and continuous link with the economy of a Member State (or overseas country or territory). Such link may not, however, be conditioned on nationality, that is, no nationality requirement may be imposed on managers, partners or shareholders so as to defeat the application of the test. The present position as to overseas countries and territories is discussed infra in the section on association and additional membership.

The provisions of titles III and IV of the program with regard to public contracts are as follows (unofficial translation from French by Commerce Clearing House, Inc.):

Title III

"Subject to the exceptions or special provisions set forth in the Treaty, and particularly those of:

"Article 55, pertaining to activities relating to the exercise of public authority in a Member State,

"Article 56, pertaining to provisions covering special treatment for foreign nationals and justified by reasons of public order, public security or public health,

the restrictions to be lifted according to the timetable provided for in title IV are as follows:

"A. Any prohibition on or impairment of the non-wage-earning activities of nationals of other Member States, consisting in differential treatment based on nationality as provided under a legislative, regulatory or administrative provision of a Member State or resulting from the application of such a provision or of administrative practices.

"Among such restrictive provisions and practices are particularly those which, with regard to foreigners only:

"* * * * *

"The same applies to provisions and practices which, solely with respect to foreigners, exclude, limit or make subject to certain conditions the ability to exercise the rights normally attached to a non-wage-earning activity and, in particular, the opportunity:

"* * * * *

"(b) To tender bids or to participate as co-contractor or sub-contractor in public contracts or contracts with other public bodies.

* * * * *

to the extent that the professional activities of the party concerned require the exercise of such opportunity.

"Finally, the provisions and practices mentioned also include those which limit or impair the admission of the personnel of the principal establishment, located in one Member State, into the managing or supervisory bodies of the agencies, branches or subsidiaries opened in another Member State.

"B. The conditions to which a legislative, regulatory or administrative provision, or an administrative practice, subjects the access to or exercise of a non-wage-earning activity and which, although applicable regardless of nationality, impair the access to or exercise of such activity by foreigners either exclusively or principally."

Title IV

"For the purpose of the effective elimination of restrictions on the freedom of establishment, the following time-table shall be adopted:

"A. Before the expiration of the second year of the second stage [December 31, 1963] of the transitional period as regards the activities listed in Annex I [which include most manufacturing activities], subject to paragraph B;

"B. By December 31, 1963, as regards the activities mentioned under item 400, 'Construction,' of Annex I, carried out in the form of participation in public works contracts.

"However, with respect to the characteristics and requirements peculiar to this sector, and in order to ensure a gradual and balanced abolition of restrictions, together with the measures desirable for coordinating methods of procedure:

"1. The awarding of public works contracts by a State, its territorial subdivisions such as *Länder*, regions, provinces, departments, communes and other bodies under public law to be determined, to nationals and companies of the other Member States through their agencies or branches established in such State, may be suspended in this State as of the time when the number of public works contracts awarded in such State to nationals and companies of other Member States exceeds the quota referred to in title V, paragraph C(e), 1(a) of the general program relating to services.

"2. As regards the awarding of public works contracts to these agencies and branches by bodies under public law which, on December 31, 1963, shall not have been included among those mentioned in the first paragraph, the elimination of restrictions shall take place before the expiration of the transitional period."

In March 1964 the Commission submitted to the Council a proposal for modification in several respects, particularly as to effective dates, of the General Program on Establishment as well as the General Program on Services referred to infra (hereinafter sometimes referred to as the general programs modification proposal). The text of the proposal was published in the January 29, 1965, issue of the Journal Officiel of the European Communities. The Proposal was submitted by the Council to the European Parliament and to the Economic and Social Committee as well as to the Member States for advice and approval. In February 1965 it still had not taken effect.

The General Programs Modification Proposal would change the date in the third line of subparagraph 2 of paragraph B of title IV from December 31, 1963, to January 1, 1965, and would add the following new subparagraphs 3 and 4 following subparagraph 2:

"3. The liberalization by steps provided for works contracts applies to the works contracts of establishments which, regardless of their legal nature, operate the national railways in the six Member States.

"4. The regulations concerning the awarding of public works contracts are also applicable to the allocation of works concessions."

Under the provisions of chapter 2 and the above-quoted provisions of the General Program on Establishment, to the extent that a national of a Member State has established himself in another Member State or has established an agency, branch establishment or subsidiary company in such State, his right to receive the same treatment as a national of that State includes the right to make applications for contracts to all authorities and public corporate bodies just like a national of that State and to be awarded such contracts on the same conditions as such a national. In that regard, it makes no difference whether the contracts pertain to goods or services. There are, however, special provisions for the building and construction industry which are discussed below.

Chapter 3 of the Treaty relating to services is of importance, and then only of limited importance, if there is no "establishment" by a national of one Member State in another Member State. Under article 59, "services" within the meaning of the Treaty are involved if a person residing in one Member State furnishes services of any of the types specified in article 60 to a recipient of such services who lives in another Member State. Borderline problems vis-a-vis chapter 2 arise only if the person rendering the services goes temporarily into the country of the recipient in order to furnish those services, as article 60, paragraph 3, expressly contemplates. To the extent that an overlapping with chapter 2 results, the latter takes precedence under article 60, paragraph 1.

On December 18, 1961, the Council of the Community, pursuant to article 63, paragraph 1, also issued a General Program for the Abolition of Restrictions on the Free Provision of Services (Journal Officiel of the European Communities, January 15, 1962, p. 32 *et seq.*). Title I thereof provides for the same application as the General Program on Establishment (except for the overseas countries and territories). Title III of the Program on Services provides as follows with regard to public contracts (unofficial translation from French by Commerce Clearing House, Inc.):

"Subject to the exceptions or special provisions of the Treaty and specifically to:

"Article 55, dealing with activities in a Member State relating to the exercise of public authority;

"Article 56, dealing with the provisions for special treatment for foreign nationals, justified by reasons of public order, public security and public health;

"Article 61, dealing with the free movement of services, in matters of transport, which is governed by the provisions of the title relating to transport;

the provisions relating to the free movement of goods, capital and persons as well as those relating to systems of taxation;

those restrictions to be lifted according to the schedule provided in Title V, whether they affect the offerer, either directly or indirectly through the recipient or through the service, are as follows:

"A. Any prohibition on or any impairment of the non-wage-earning activities of the offeror, consisting in a treatment differentiating on a basis of nationality as provided by a legislative, regulatory or administrative provision of a Member State or resulting from the application of such a provision or of administrative practices.

"Among such restrictive provisions and practices are particularly those which, with regard to foreigners only:

"* * * * *

"The same applies to provisions and practices which, solely with respect to foreigners, exclude, limit or make subject to conditions the ability to exercise the rights normally attached to the provision of services and, in particular, the opportunity:

"* * * * *

"(b) To tender bids or to participate as a co-contractor or sub-contractor on public contracts or contracts with other bodies under public law,

"* * * * *

to the extent that the professional activities of the party concerned require the exercise of such opportunity.

"Furthermore, the conditions to which a legislative, regulatory or administrative provision or an administrative practice subjects the provision of services and which, although applicable regardless of nationality, impair the provision of these services by foreigners either exclusively or principally, also constitute restrictions."

Title V of the General Program on Services, which contains the timetable for the abolition of restrictions, contains the following special provision with regard to public works contracts (unofficial translation from French):

"For purposes of the effective elimination of restrictions on the free provision of services, the following time-table shall be adopted:

"* * * * *

"C. Other restrictions: The other restrictions on the free provision of services, defined in title III [which include those defined in paragraph A of title III] shall be eliminated at the latest at the time of the carrying out of the time-table provided for establishment. However, the elimination of restrictions shall take place:

"* * * * *

"(e) As regards public works contracts:

"1. When the provision of services is carried out with the participation of nationals and companies of the other Member States in the public works contracts of a State, or its territorial subdivisions such as Lander, regions, provinces, departments, communes and other public bodies to be determined, by December 31, 1963, under the following conditions, in order to take into account the characteristics and requirements peculiar to this sector and to ensure a gradual and balanced abolition of restrictions, together with the desirable measures for coordinating methods of procedure:

"(a) When the number of public works contracts awarded in one Member State to nationals and companies of the other Member States by such State, its territorial subdivisions or the other public bodies determined as stated above exceeds a certain quota, such State may suspend until the end of the current year the awarding of such contracts to these nationals and companies.

"This quota shall be determined on the basis of a certain percentage, equal in principle for all Member States and increasing every two years, from December 31, 1963, to December 31, 1969, to the average of the amounts of public works contracts awarded during the two preceding years.

"Furthermore, except for justified exceptions, the amount of work contracts which nationals and companies of one State, established in such State, obtain in the other Member States shall be taken into account.

"(b) Public works contracts awarded in one State to nationals and companies of other Member States are understood to mean: contracts awarded directly to these nationals and companies established in the other Member States; and contracts awarded to these nationals and companies through their agencies or branches established in such State.

"Each Member State shall take the necessary steps to determine and publicize periodically the amount of public works contracts awarded to nationals and companies of the other Member States.

"2. When the services are supplied in the form of participation in public works contracts entered into by public bodies which, on December 31, 1963, have not been included among those mentioned in the first subparagraph of paragraph 1, before the expiration of the transitional period."

The above-quoted special provision for a gradual transition was made because some Member States feared that an immediate elimination of discrimination might entail difficulties for their building and construction industries.

The General Programs Modification Proposal referred to supra, page 8, would effect the following changes in the above-quoted provision of title V of the General Program on Services:

(1) The date of December 31, 1963, in paragraph C.(e)1. would be changed to January 1, 1965.

(2) The wording of the second paragraph of clause (a) in (e)1 would be changed to read as follows:

"This quota shall be determined on the basis of a percentage. This percentage must in principle be the same for all Member States. It is fixed for the first time for the year 1965 and increases each two years from January 1, 1966, to December 1, 1969."

(3) The date of December 31, 1963, in paragraph (e)2. would be changed to January 1, 1965, and the following would be added as (e)3 and (e)4:

"3. The liberalization by steps provided for works contracts applies to the works contracts of establishments which, regardless of their legal nature, operate the national railways in the six Member States.

"4. The regulations concerning the awarding of public works contracts are also applicable to the allocation of works concessions."

The general programs do not in themselves have a binding effect for the elimination of restrictions. The elimination must be initiated by directives issued on proposal of the Commission by the Council (after prior consultation with the European Parliament and the Economic and Social Committee). It was not until March 1964 that the Commission forwarded to the Council a draft of a first directive on tenders for, and execution of, public building work. A copy of an unofficial translation from German of such draft directive is attached hereto as Schedule B. The Press Release (dated March 12, 1964) of the Commission with regard thereto is as follows (CCH Common Market Reporter, par. 9129):

"In pursuance of the General Programs on Freedom of Establishment and Freedom to Supply Services, the Executive Commission of the Common Market has forwarded to the Council the draft of a first directive on tenders for, and execution of, building work for the State, local authorities and public corporations.

"Under this draft directive each Member State will in certain circumstances abolish as of January 1, 1965, restrictions on the undertaking of such work by firms from other Member States.

"Work carried out for railway boards, however constituted, will be considered for this purpose as government work.

"Although there will in future be no discrimination against nationals of other Member States, the awarding of public contracts to such nationals may be suspended when a certain quota has been filled. The first quota will run from January 1, 1965, and the last will expire on December 31, 1969.

"The quota system will apply to public works contracts as a whole and also to two categories: those costing up to $600,000 and those costing more than this sum.

"In each case the Member States will fix the 1965 quota by applying a factor of 15 percent to the average annual value of public works contracts awarded between January 1, 1963, and December 31, 1964. Each State will be able to suspend the award of such contracts when their total amount is in excess of the general quota or when one or the other of the two partial quotas referred to above is attained. However, suspension may be applied only when the amount of the public contracts which nationals and companies of a Member State have obtained since January 1 in other Member States is not more than half the quota fixed for each of the three cases.

"The draft directive contains a further safeguard clause applicable only to contracts above $600,000. Under this clause each Member State may suspend, until the end of the current year at the latest, the award of public works contracts in excess of $600,000 to nationals and companies of other Member States when the amount of such contracts awarded to these nationals and companies reaches twice the quota fixed annually in relation to the contracts above $600,000.

"The draft directive also provides that the Member States shall send to the Commission certain information, within specified time limits, so that the liberalization of tenders for public works contracts may be put into effect.

"The Commission will be assisted by an advisory committee in dealing with any problems or disputes arising from the application of the measures taken by the Member States."

A second proposed draft directive on public works contracts was announced by the Commission in July 1964. Its object is to coordinate procedures for the awarding of public works contracts in the Member States. A copy of an unofficial translation from German of such draft directive is attached hereto as Schedule C. The "Information Memo" (No. P-48/64 dated July 1964) of the Official Spokesman of the Commission with regard thereto is as follows:

"The Commission has prepared a second proposed directive on public contracts. Its object is to coordinate procedures for the award of public works contracts in the Member States, and it has been drawn up by the Directorate-General for Competition in collaboration with Government experts in pursuance of Article 100 of the treaty. Under this article the Council, acting by means of a unanimous vote on a proposal of the Commission, is to issue directives for the approximation of such legislative and administrative provisions of the Member States as have a direct incidence on the establishment or functioning of the Common Market.

"The draft of the directive was put before the Council on 16 March 1964. The purpose of the new directive, as of the earlier one, is to liberalize public works contracts.

"One class of restrictions at present in force consists of laws, regulations and administrative practices in the Member States which wholly or partly exclude persons in other Member States from tendering for or executing such contracts. The first directive proposed by the Commission is aimed at abolishing these provisions and practices.

"The second type of restriction results from the differences between the procedures for the award of public works contracts in the various Member States. Hence, in accordance with the General Programmes for the removal of restrictions on freedom of establishment and freedom to supply services, the second proposed directive lays down coordination measures intended to ensure that calls for tenders in this field are given publicity in all Community countries, that there shall be no discrimination in technical specifications, and that objective criteria shall be applied in judging the capacities of the persons tendering and the suitability of their tenders.

"The two directives are closely connected. 'Public works contracts' therefore has the same meaning in both. But they differ in so far as public works contracts awarded by railways do not come within the scope of the second directive. In some member countries the railways are operated by private enterprise, in others by the State, and coordination of the provisions for award of contracts by railways is therefore to be the subject of a separate directive.

"The present directive provides for the abolition of all discrimination in technical specifications. Such discrimination covers any technical requirement that has the effect of penalizing or excluding enterprises in other Member States that wish to compete for contracts. Further discriminatory measures include specifications indicating particular patents, types, categories, models or processes when such indication is not justified by the nature of the project concerned. The directive does not, however, cover discriminatory specifications for building materials in the general annexes to the contract. Prohibition of such specifications will be provided for in another directive, based on article 33(7) of the Treaty.

"The directive lays down that a notice of public works contracts must be published in the official gazette of the European Communities. The notice must give all essential data. This will ensure that participants know in advance the exact grounds on which their tender may be accepted or rejected. The proposed rules for publication will at first apply to contracts worth more than 1,000,000 units of account. With effect from 1 January 1966 they will apply to contracts for more than 600,000 u.a., and from 1 January 1968 to contracts for more than 300,000 u.a.

"All other provisions, in particular those introducing objective criteria for judging the capacities of the individuals tendering and the suitability of their tenders, apply to contracts with a value of more than 60,000 u.a. The draft includes a list of possible exceptions in which contracts may be awarded without compliance with the terms of the directive.

"Finally, arrangements are made for setting up an expert committee of officials from the Member States to advise the Commission on questions which arise as the directive is implemented."

The participation in public supply contracts of another Member State by nationals residing in a Member State and not "established" in the other State is outside the scope of the chapters of the rights of establishment and services. Possibly, discriminations in that area could be deemed to be measures having the same effect as quantitative restrictions within the meaning of articles 30–37 of the Treaty and eliminated under the provisions of paragraph 7 of article 33. The general prohibition of discrimination contained in article 7 could also be applied. In order to eliminate discriminations entirely, however, it will probably be necessary to approximate the legal and administrative provisions of the Member States under article 100 of the Treaty, since articles 7, 52–58 and 59–66 authorize only the prohibition of differential treatment according to nationality. The same problems and possible solutions are applicable to provisions that give controlling effect to the origin of goods by requiring, for example, that goods furnished pursuant to public contracts must have been manufactured in the country of the public agency which awarded the contract.

Any effective action in this field is, it would appear, several years away, although recent annual reports of the Commission indicate that some exploratory work is in progress.

ASSOCIATION AND ADDITIONAL MEMBERSHIP

Under the provisions of the Treaty of Rome the Community may conclude a membership agreement with any European State (art. 237) or an agreement of association with a third country (art. 238) or with an overseas country or territory having special relations with a Member State (art. 131).

The Community has concluded Agreements of Association with Greece (effective November 1, 1962) and Turkey (effective December 1, 1964). The provisions of those Agreements relating to establishment and services, discrimination on the basis of nationality and related provisions are discussed in the respective sections on those two countries.

The Community also signed (on July 20, 1963) an Agreement of Association under Article 238 with the 18 African and Malagasy States (the Kingdom of Burundi, the Federal Republic of Cameroon, the Central African Republic, the Republic of Chad, the Republic of Congo (Brazzaville), the Republic of the Congo (Leopoldville), the Republic of Dahomey, the Republic of Gabon, the Republic of Ivory Coast, the Malagasy Republic (Madagascar), the Republic of Mali, the Islamic Republic of Mauretania, the Republic of Niger, the Republic of Rwanda, the Republic of Senegal, the Somali Republic, the Republic of Togo, and the Republic of Upper Volta). The Agreement took effect on June 1, 1964 (Journal Officiel of the European Communities, June 11, 1964, page 1429), and will remain in force until May 31, 1969, but may be extended.

Title III (articles 29–34) contains provisions with regard to establishment and services which amount to what is in effect a negatively worded reciprocity clause. The Associated States assume the obligation of giving nationals of the Member States equal treatment among each other. A Member State can claim rights for its nationals in an Associated State, however, only to the extent that the Member State grants comparable rights to the nationals of the Associated State. Accordingly, the Member States do not assume any obligations under the Agreement and, in particular, no obligation to grant national treatment. As a result, upon the taking effect of the Agreement, the references in Title I of the General Program on Establishment with regard to overseas countries and territories ceased to have any application to the Associated States. There is no comparable problem in the case of services, since the General Program on Services does not apply to nationals of overseas countries and territories.

In the case of the remaining overseas countries with special relations with a Member State, which now consist only of a number of unimportant French territories and the Netherlands and Surinam, which are autonomous parts of the Kingdom of the Netherlands Antilles, the Council of the Communities rendered a decision on February 25, 1964, under the provisions of Article 136 of the Treaty of Rome, the provisions of which conform largely to those of the Agreement of Association with the African and Malagasy States. The decision took effect simultaneously with the Association Agreement (Journal Officiel of the European Communities, June 11, 1964, page 1472) as to all such territories except the Netherlands Antilles for which the effective date is October 1, 1964 (Journal Officiel, October 1, 1964, page 2413). The provisions made in the decision on the right of establishment and the right of services conform to those of the Association Agreement with the African and Malagasy States and, accordingly, the consequences are the same.

In the case of the remaining French overseas departments (French Guiana, Guadelupe, Martinique, and Reunion) the Council of the Community rendered a second decision on February 25, 1964, which also took effect on June 1, 1964 (Journal Officiel, June 11, 1964, page 1484), and which provides that articles 52–58 of the Treaty of Rome shall continue to apply to such departments. In exceptional cases the Council, in issuing directives under articles 54, is authorized to make special provisions for such departments. In addition, the decision provides for accelerated elimination of discriminatory distinctions between nationals of the Member States. By reason of the provision of article 227, paragraph 2, of the Treaty of Rome, the provisions of the Treaty with regard to services continued to apply to such departments.

EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM)

Article 97 of the Treaty establishing the European Atomic Energy Community of March 25, 1957 (298 UNTS 167 (1958)), permits nationals of member states (who are the same as the Member States of the European Economic Community to participate in the construction of commercial and research reactors on a nondiscriminatory basis.

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SCHEDULE A. TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY AND CONNECTED DOCUMENTS

(English translation issued in 1961 by the Publishing Services of the European Communities)

(NOTE.—In response to the numerous requests which have been received the Publishing Services of the European Communities have undertaken to reprint the English translation of the Treaty of Rome, made in 1958 and in circulation since then.

(It should be emphasized that this translation has no legal authority whatsoever, and that only those versions of the Treaty are valid which were drawn up, signed and ratified in the four languages of the European Economic Community: Dutch, French, German and Italian.

(Reference should therefore be made to those versions in case of disagreement or uncertainty arising from the English translation.

(According to information received to date by the Publishing Services this applies in particular to the following articles of the treaty: Article 32; articles 85, 1 and 92, 1; article 86; article 112, 1; articles 165, paragraph 4, and 166, paragraph 3; articles 169 and 170; article 173; article 179; article 184; article 237, paragraph 2.)

PART 1. PRINCIPLES

* * * * *

Article 7

Within the field of application of this Treaty and without prejudice to the special provisions mentioned therein, any discrimination on the grounds of nationality shall hereby be prohibited.

The Council may, acting by means of a qualified majority vote on a proposal of the Commission and after the Assembly has been consulted, lay down rules in regard to the prohibition of any such discrimination.

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PART 2. BASES OF THE COMMUNITY

Title I. Free movement of goods

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Chapter 2. The Elimination of Quantitative Restrictions as Between Member States

Article 30

Quantitative restrictions on importation and all measures with equivalent effect shall, without prejudice to the following provisions, hereby be prohibited between Member States.

Article 31

Member States shall refrain from introducing as between themselves any new quantitative restrictions or measures with equivalent effect.

This obligation shall, however, only apply to the level of liberalisation attained in application of the decisions of the Council of the Organisation for European Economic Cooperation of 14 January 1955. Member States shall communicate to the Commission, not later than six months after the date of the entry into force of this treaty, the lists of the products liberalised by them in application of these decisions. The lists thus communicated shall be consolidated between Member States.

Article 32

Member States shall, in their mutual trade, refrain from making more restrictive the quotas or measures with equivalent effect in existence at the date of the entry into force of this treaty.

Such quotas shall be abolished not later than at the date of the expiry of the transitional period. In the course of this period, they shall be progressively abolished under the conditions specified below.

Article 33

1. Each of the Member States shall, at the end of one year after the entry into force of this Treaty, convert any bilateral quotas granted to other Member States into global quotas open, without discrimination, to all other Member States.

On the same date, Member States shall enlarge the whole of the global quotas so established in such a way as to attain an increase of not less than 20 per cent in their total value as compared with the preceding year. Each global quota for each product shall, however, be increased by not less than 10 per cent.

The quotas shall be increased annually in accordance with the same rules and in the same proportions in relation to the preceding year.

The fourth increase shall take place at the end of the fourth year after the date of the entry into force of this treaty, the fifth increase shall take place at the end of a period of one year after the beginning of the second stage.

2. Where, in the case of a product which has not been liberalised, the global quota does not amount to 3 per cent of the national output of the State concerned, a quota equal to not less than 3 per cent of such output shall be established not later than one year after the date of the entry into force of this Treaty. At the end of the second year, this quota shall be raised to 4 per cent and at the end of the third year to 5 per cent. Thereafter, the Member State concerned shall increase the quota by not less than 15 per cent annually

In the case where there is no such national output, the Commission shall fix an appropriate quota by means of a decision.

3. At the end of the tenth year, each quota shall be equal to not less than 20 per cent of the national output.

4. Where the Commission, acting by means of a decision, finds that in the course of two successive years the imports of any product have been below the level of the quota granted, this global quota may not be taken into consideration for the purpose of calculating the total value of the global quotas. In such case, the Member State shall abolish the quota for the product concerned.

5. In the case of quotas representing more than 20 per cent of the national output of the product concerned, the Council, acting by means of a qualified majority vote on a proposal of the Commission, may reduce the minimum percentage of 10 per cent laid down in paragraph 1. This modification shall not, however, affect the obligation annually to increase the total value of global quotas by 20 per cent.

6. Member States which have gone beyond their obligations concerning the level of liberalisation attained in implementation of the decisions of the Council of the Organisation for European Economic Co-operation of 14 January 1955 shall, when calculating the annual total increase of 20 per cent provided for in paragraph 1, be entitled to take into account the amount of imports liberalised by autonomous measures. Such calculation shall be submitted to the Commission for its prior approval.

7. Directives issued by the Commission shall lay down the procedure and the timing according to which Member States shall abolish as between themselves any measures

which exist at the date of the entry into force of this treaty and which have an effect equivalent to quotas.

8. If the Commission finds that the application of the provisions of this Article and, in particular, of the provisions concerning percentages does not make it possible to ensure the progressive nature of the abolition of quotas provided for in Article 32, second paragraph, the Council, acting during the first stage by means of a unanimous vote and subsequently by means of a qualified majority vote on a proposal of the Commission, may amend the procedure referred to in this article and may, in particular, raise the percentages fixed.

Article 34

1. Quantitative restrictions on exportation and any measures with equivalent effect shall hereby be prohibited as between Member States.

2. Member States shall abolish, not later than at the end of the first stage, all quantitative restrictions on exportation and any measures with equivalent effect in existence at the date of the entry into force of this Treaty.

Article 35

Member States hereby declare their willingness to abolish, in relation to other Member States, their quantitative restrictions on importation and exportation more rapidly than is provided for in the preceding Articles, if their general economic situation and the situation of the sector concerned so permit.

The Commission shall make recommendations for this purpose to the States concerned.

Article 36

The provisions of Articles 30 to 34 inclusive shall not be an obstacle to prohibitions or restrictions in respect of importation, exportation or transit which are justified on grounds of public morality, public order, public safety, the protection of human or animal life or health, the preservation of plant life, the protection of national treasures of artistic, historical or archeological value or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute either a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Article 37

1. Member States shall progressively adjust any State monopolies of a commercial character in such a manner as will ensure the exclusion, at the date of the expiry of the transitional period, of all discrimination between the nationals of Member States in regard to conditions of supply or marketing of goods.

The provisions of this Article shall apply to any body by means of which a Member State shall de jure or de facto either directly or indirectly control direct or appreciably influence importation or exportation between Member States. These provisions shall apply also to monopolies assigned by the State.

2. Member States shall abstain from any new measure which is contrary to the principles laid down in paragraph 1 or which may limit the scope of the articles relating to the abolition, as between Member States, of customs duties and quantitative restrictions.

3. The timing of the measures referred to in paragraph 1 shall be adapted to the abolition, as provided for in Articles 30 to 34 inclusive, of the quantitative restrictions on the same products.

* * * * *

Title III. The free movement of persons, services and capital

Chapter 2. The Right of Establishment

Article 52

Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be progressively abolished in the course of the transitional period. Such progressive abolition shall also extend to restrictions on the setting up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State.

Freedom of establishment shall include the right to engage in and carry on non-wage-earning activities, and also to set up and manage enterprises and, in particular, companies within the meaning of Article 58, second paragraph, under the conditions laid down by the law of the country of establishment for its own nationals, subject to the provisions of the Chapter relating to capital.

Article 53

Member States shall not, subject to the provisions of this Treaty, introduce any new restrictions on the establishment in their territories of nationals of other Member States.

Article 54

1. Before the expiry of the first stage, the Council, acting by means of a unanimous vote on a proposal of the Commission and after the Economic and Social Committee and the Assembly have been consulted shall lay down a general programme for the abolition of restrictions existing within the Community on freedom of establishment. The Commission shall submit such proposal to the Council in the course of the first two years of the first stage.

The programme shall, in respect of each category of activities, fix the general conditions for achieving freedom of establishment and, in particular, the stages by which it shall be attained.

2. In order to implement the general programme or, if no such programme exists, to complete one stage towards the achievement of freedom of establishment for a specific activity, the Council, on a proposal of the Commission and after the Economic and Social Committee and the Assembly have been consulted, shall, until the end of the first stage by means of a unanimous vote and subsequently by means of a qualified majority vote, act by issuing directives.

3. The Council and the Commission shall exercise the functions entrusted to them by the above provisions, in particular:

(a) by according, as a general rule, priority treatment to activities in regard to which freedom of establishment constitutes a specially valuable contribution to the development of production and trade;

(b) by ensuring close collaboration between the competent national authorities with a view to ascertaining the special situation within the Community of the various activities concerned;

(c) by abolishing any such administrative procedures and practice whether resulting from municipal law or from agreements previously concluded between Member States as would, if maintained, be an obstacle to freedom of establishment;

(d) by ensuring that wage-earning workers of one Member State employed in the territory of another Member State may remain in that territory for the purpose of undertaking a non-wage-earning activity there, provided that they satisfy the conditions which they would be required to satisfy if they came to that State at the time when they wished to engage in such activity;

(e) by enabling a national of one Member State to acquire and exploit real property situated in the territory of another Member State, to the extent that no infringement of the principles laid down in Article 39, paragraph 2 is thereby caused;

(f) by applying the progressive abolition of restrictions on freedom of establishment, in each branch of activity under consideration, both in respect of the conditions for setting up agencies, branches or subsidiaries in the territory of a Member State and in respect of the conditions governing the entry of personnel of the main establishment into the managerial or supervisory organs of such agencies, branches and subsidiaries;

(g) by co-ordinating, to the extent that is necessary and with a view to making them equivalent, the guarantees demanded in Member States from companies within the meaning of Article 58, second paragraph, for the purpose of protecting the interests both of the members of such companies and of third parties; and

(h) by satisfying themselves that conditions of establishment shall not be impaired by any aids granted by Member States.

Article 55

Activities which in any State include, even incidentally, the exercise of public authority shall, in so far as that State is concerned, be excluded from the application of the provisions of this Chapter.

The Council, acting by means of a qualified majority vote on a proposal of the Commission, may exclude certain activities from the application of the provisions of this Chapter.

Article 56

1. The provisions of this Chapter and the measures taken in pursuance thereof shall not prejudice the applicability of legislative and administrative provisions which lay down special treatment for foreign nationals and which are justified by reasons of public order, public safety and public health.

2. Before the expiry of the transitional period, the Council, acting by means of a unanimous vote on a proposal of the Commission and after the Assembly has been consulted, shall issue directives for the coordination of the above-mentioned legislative and administrative provisions. After the end of the second stage, however, the Council, acting by means of a qualified majority vote on a proposal of the Commission, shall issue directives for co-ordinating such provisions as, in each Member State, fall within the administrative field.

Article 57

1. In order to facilitate the engagement in and exercise of non-wage-earning activities, the Council, on a proposal of the Commission and after the Assembly has been consulted, shall, in the course of the first stage by means of a unanimous vote and subsequently by means of a qualified majority vote, act by issuing directives regarding mutual recognition of diplomas, certificates and other qualifications.

2. For the same purpose, the Council, acting on a proposal of the Commission and after the Assembly has been consulted, shall, before the expiry of the transitional period, issue directives regarding the co-ordination of legislative and administrative provisions of Member States concerning the engagement in and exercise of non-wage-earning activities. A unanimous vote shall be required on matters which, in at least one Member State, are subject to legislative provisions, and on measures concerning the protection of savings, in particular the allotment of credit and the banking profession, and concerning the conditions governing the exercise in the various Member States of the medical, para-medical and pharmaceutical professions. In all other cases, the Council shall act in the course of the first stage by means of a unanimous vote and subsequently by means of a qualified majority vote.

3. In the case of the medical, para-medical and pharmaceutical professions, the progressive removal of restrictions shall be subject to the co-ordination of conditions for their exercise in the various Member States.

Article 58

Companies constituted in accordance with the law of a Member State and having their registered office, central management or main establishment within the Community shall, for the purpose of applying the provisions of this Chapter, be assimilated to natural persons being nationals of Member States.

The term "companies" shall mean companies under civil or commercial law including co-operative companies and other legal persons under public or private law, with the exception of non-profit-making companies.

Chapter 3. Services

Article 59

Within the framework of the provisions set out below, restrictions on the free supply of services within the Community shall be progressively abolished in the course of the transitional period in respect of nationals of Member States who are established in a State of the Community other than that of the person to whom the services are supplied.

The Council, acting by means of a unanimous vote on a proposal of the Commission, may extend the benefit of the provisions of this Chapter to cover services supplied by nationals of any third country who are established within the Community.

Article 60

Services within the meaning of this Treaty shall be deemed to be services normally supplied for remuneration, to the extent that they are not governed by the provisions relating to the free movement of goods, capital and persons.

Services shall include in particular:

(a) Activities of an industrial character;
(b) Activities of a commercial character;
(c) Partisan activities; and
(d) Activities of the liberal professions.

Without prejudice to the provisions of the Chapter relating to the right of establishment, a person supplying a service may, in order to carry out that service, temporarily exercise his activity in the State where the service is supplied, under the same conditions as are imposed by that State on its own nationals.

Article 61

1. The free movement of services in respect of transport shall be governed by the provisions of the Title relating to transport.

2. The liberalisation of banking and insurance services connected with movements of capital shall be effected in harmony with the progressive liberalisation of the movement of capital.

Article 62

Except where otherwise provided for in this Treaty, Member States shall not introduce any new restrictions on the freedom which has been in fact achieved, in regard to the supply of services, at the date of the entry into force of this Treaty.

Article 63

1. Before the end of the first stage, the Council, acting by means of a unanimous vote on a proposal of the Commission and after the Economic and Social Committee and the Assembly have been consulted, shall lay down a general programme for the abolition of restrictions existing within the Community on the free supply of services. The Commission shall submit such proposal to the Council in the course of the first two years of the first stage.

The program shall, for each category of services, fix the general conditions and the stages of such liberalization.

2. In order to implement the general program or, if no such program exists, to complete one stage in the liberalization of a specific service, the Council, on a proposal of the Commission and after the Economic and Social Committee and the Assembly have been consulted, shall, before the end of the first stage by means of a unanimous vote and subsequently by means of a qualified majority vote, act by issuing directives.

3. The proposals and decisions referred to in paragraphs 1 and 2 shall, as a general rule, accord priority to services which directly affect production costs or the liberalization of which contributes to facilitating the exchange of goods.

Article 64

Member States hereby declare their willingness to undertake the liberalization of services beyond the extent required by the directives issued in application of Article 63, paragraph 2, if their general economic situation and the situation of the sector concerned so permit.

The Commission shall make recommendations to this effect to the Member States concerned.

Article 65

As long as the abolition of restrictions on the free supply of services has not been effected, each Member State shall apply such restrictions without distinction on grounds of nationality or residence to all persons within the meaning of Article 59, first paragraph, who supply services.

Article 66

The provisions of Articles 55 to 58 inclusive shall apply to the matters governed by this Chapter.

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PART 3. POLICY OF THE COMMUNITY

Title I. Common rules

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Chapter 3. Approximation of Laws

Article 100

The Council, acting by means of a unanimous vote on a proposal of the Commission, shall issue directives for the approximation of such legislative and administrative provisions of the Member States as have a direct incidence on the establishment or functioning of the Common Market.

The Assembly and the Economic and Social Committee shall be consulted concerning any directives whose implementation in one or more of the Member States would involve amendment of legislative provisions.

* * * * *

PART 4. THE ASSOCIATION OF OVERSEAS COUNTRIES AND TERRITORIES

Article 131

The Member States hereby agree to bring into association with the Community the non-European countries and territories which have special relations with Belgium, France, Italy and the Netherlands. These countries and territories, hereinafter referred to as "the countries and territories", are listed in Annex IV to this Treaty.

The purpose of this association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole.

In conformity with the principles stated in the Preamble to this Treaty, this association shall in the first place permit the furthering of the interests and prosperity of the inhabitants of these countries and territories in such a manner as to lead them to the economic, social and cultural development which they expect.

Article 132

Such association shall have the following objects:

1. Member States shall, in their commercial exchanges with the countries and territories, apply the same rules which they apply among themselves pursuant to this Treaty.

2. Each country or territory shall apply to its commercial exchanges with Member States and with the other countries and territories the same rules which it applies in respect of the European State with which it has special relations.

3. Member States shall contribute to the investments required by the progressive development of these countries and territories.

4. As regards investments financed by the Community, participation in tenders and supplies shall be open, on equal terms, to all natural and legal persons being nationals of Member States or of the countries and territories.

5. In relations between Member States and the countries and territories, the right of establishment of nationals and companies shall be regulated in accordance with the provisions and by application of the procedures referred to in the Chapter relating to the right of establishment and on a non-discriminatory basis, subject to the special provisions made pursuant to Article 136.

Article 133

1. Imports originating in the countries or territories shall, on their entry into Member States, benefit by the total abolition of customs duties which shall take place progressively between Member States in conformity with the provisions of this Treaty.

2. Customs duties imposed on imports from Member States and from countries and territories shall, on the entry of such imports into any of the other countries or territories, be progressively abolished in conformity with the provisions of Articles 12, 13, 14, 15 and 17.

3. The countries and territories may, however, levy customs duties which correspond to the needs of their development and to the requirements of their industrialisation or which, being of a fiscal nature, have the object of contributing to their budgets.

The duties referred to in the preceding sub-paragraph shall be progressively reduced to the level of those imposed on imports of products coming from the Member State with which each country or territory has special relations. The percentages and the timing of the reductions provided for under this Treaty shall apply to the difference between the duty imposed, on entry into the importing country or territory, on a product coming from the Member State which has special relations with the country or territory concerned and the duty imposed on the same product coming from the Community.

4. Paragraph 2 shall not apply to countries and territories which, by reason of the special international obligations by which they are bound, already apply a non-discriminatory customs tariff at the date of the entry into force of this Treaty.

5. The establishment or amendment of customs duties imposed on goods imported into the countries and territories shall not, either de jure or de facto, give rise to any direct or indirect discrimination between imports coming from the various Member States.

Article 134

If the level of the duties applicable to goods coming from a third country on entry into a country or territory is likely, having regard to the application of the provisions of Article 133, paragraph 1, to cause diversions of commercial traffic to the detriment of any Member State, the latter may request the Commission to propose to the other Member States the measures necessary to remedy the situation.

Article 135

Subject to the provisions relating to public health, public safety and public order, the freedom of movement in Member States of workers from the countries and territories, and in the countries and territories of workers from Member States shall be governed by subsequent conventions which shall require unanimous agreement of Member States.

Article 136

For a first period of five years as from the date of the entry into force of this Treaty, an Implementing Convention annexed to this Treaty shall determine the particulars and procedure concerning the association of the countries and territories with the Community.

Before expiry of the Convention provided for in the preceding sub-paragraph, the Council, acting by means of a unanimous vote, shall, proceeding from the results achieved and on the basis of the principles set out in this Treaty, determine the provisions to be made for a further period.

PART 6. GENERAL AND FINAL PROVISIONS

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Article 237

Any European State may apply to become a member of the Community. It shall address its application to the Council which, after obtaining the opinion of the Commission, shall act by means of a unanimous vote.

The conditions of admission and the amendments to this Treaty necessitated thereby shall be the subject of an agreement between the Member States and the applicant State. Such agreement shall be submitted to all the contracting States for ratification in accordance with their respective constitutional rules.

Article 238

The Community may conclude with a third country, a union of States or an international organisation agreements creating an association embodying reciprocal rights and obligations, joint actions and special procedures.

Such agreements shall be concluded by the Council acting by means of a unanimous vote and after consulting the Assembly.

Where such agreements involve amendments to this Treaty, such amendments shall be subject to prior adoption in accordance with the procedure laid down in Article 236.

Schedule B. European Economic Community

(First directive of the Council concerning participation of entrepreneurs in the placement and execution of building projects for account of the state, the territorial subdivisions as well as other public law juridical persons submitted by the Commission to the Council)

(Unofficial translation from German)

The Council of the European Economic Community—

In view of the Treaty establishing the European Economic Community, and in particular its Articles 54, Section 2, and 63, Section 2,

In view of the General Program for the Elimination of Restrictions on the Freedom of Establishment, in particular, Chapter IV, Letter B, Item 1,

In view of the General Program for the Elimination of Restrictions on the Free Exchange of Services, in particular, Section V, Letter C(e), Item 1,

In view of the amendments to the General Programs by Council Decision dated ———, upon the proposal of the Commission, after consultation of the European Parliament, after consultation of the Economic and Social Committee, and, in consideration of the following:

The above-mentioned General Programs provide for a first step with simultaneous elimination of the restrictions on the freedom of establishment and the free exchange of services in connection with the placement of public works contracts. These public construction works may, unless executed by the State itself, be placed in the form of a construction contract or a concession. This Directive must, therefore, include the grant of concessions, which represent a large part of those construction works. Otherwise, the import of the Directive would be severely limited.

The elimination of the restrictions must be tied in with a regulation which will make it possible, during the transition period, to temper the effects of an elimination of the restrictions in the individual Member States.

Each Member State must thus have the possibility to exclude temporarily nationals of the other Member States from the placement of public works contracts where contracts already placed with such nationals have reached or exceeded a quota to be established annually and where certain other prerequisites exist.

Recourse to this exclusion measure must, however, be tied to guaranties for the protection of the interests of the entrepreneurs.

Such right of temporary exclusion from the placement of orders must, in particular, be provided for contracts in an amount exceeding 600,000 Units of Accounts,[1] since an elimination of restrictions can be expected to have the most drastic effects on that category of public contracts.

For a realization step by step of the complete elimination of restrictions, computation of the first quota must be based on a 15 percent rate, since the Directive, measured against the transition period, will become effective at a relatively early time.

When fixing the quotas for the consecutive years, factors will have to be taken into consideration which are unknown at the present time; for that reason, it seems appropriate to entrust to the Commission the task of establishing such quotas with the help of a simple and expedient procedure.

The simultaneous realization of freedom of establishment and free exchange of services in the realm of public works contracts which are placed in the Member States for account of the State, of the territorial subdivisions as well as other public law juridical persons must go hand in hand with the coordination of national procedures concerning the placement of public works contracts. That coordination forms the subject of a separate directive.

For the purpose of assisting the Commission in the examination of the numerous problems which may result from the implementation of this directive, as well as with a view to preparing the way for future Community regulations in the realm of public works, it is appropriate to create an Advisory Committee within the framework of Article 54, Section 3, Letter b—

Has decreed the following directive:

Chapter I. Elimination of the Restrictions on Taking Up and Exercising Entrepreneur Activities

Article 1

1. As of January 1, 1965, the Member States shall eliminate the restrictions on taking up and exercising the independent activities of entrepreneurs of the Member States in the execution of construction works for account of the State, its territorial bodies corporate as well as the public law juridical persons listed in this Directive, in accordance with the terms and conditions stipulated below.

As construction works for account of the State shall be deemed also construction works which are executed for enterprises which, regardless of their juridical nature, operate the national railroads in the six Member States.

2. The restrictions to be eliminated are those listed in Chapter III of the General Programs for the Elimination of Restrictions on the Freedom of Establishment and on the Free Exchange of Services (hereinafter called the General Programs).

As incompatible with the freedom of establishment and a free exchange of services shall be deemed, in particular, any statutory, legislative or administrative provisions as well as administrative practices which prevent or limit participation by entrepreneurs of other Member States in the placement and execution of construction works for account of the State, its territorial subdivisions and the persons listed in this Directive. This shall apply also to technical standards which, if only indirectly, obstruct the activities of entrepreneurs of other Member States.

Article 2

For the application of this Directive, the following definitions shall govern:

(a) Activities: The activities listed under General Group 40, Group 400, of Annex I to the General Program for the Elimination of Restrictions on Freedom of Establishment. Those activities comprise the execution of all works performed for account of the contract awarding entities listed in Article 3 which relate to the erection, repair, maintenance or demolition of construction works.

(b) Construction works: all above and below surface construction as well as parts of such construction, as e.g.: all kinds of buildings, below-surface construction, technical construction, tunnel construction, marine construction, port installations, installations for ocean, river and inland navigation, streets, railroad construction (substructure and superstructure), pipe lines, buildings for telecommunication purposes and cable laying for telecommunication purposes.

The following shall be deemed construction works or parts of construction works:

Construction completion such as painting, glazing, insulations, electric installations, installation of heating, ventilation and air conditioning equipment in the rooms;

Installation of elevators for persons and freight with a capacity not exceeding 500 kilos.

Not to be deemed construction works shall be any works performed in connection with the installation of mechanical, electrical or energy-producing industrial facilities; exempted from this provision shall be such parts of those facilities which can be considered as above or below surface construction.

Insofar as the classification of construction works does not result from the foregoing provisions, each Member State shall apply its internal legal provisions until a common nomenclature has been developed.

Article 3

The elimination of restrictions pursuant to Article 1 shall be carried out in favor of the beneficiaries listed under Section I of the General Programs.

This includes:

(a) All physical and juridical persons acting as entrepreneurs who become active as bidders, principal entrepreneurs or concession-holding entrepreneurs or who—insofar as possible under the legal provisions of individual States—have undertaken the performance of defined construction works on behalf of the principal entrepreneur in the capacity of sub-contractors;

(b) Companies and associations of persons without juridical personality whose members are capable, pursuant to the legal provisions of the individual State, of jointly entering into contracts.

Chapter II. Quotas

Article 4

1. For the application of this Chapter, the following definitions shall govern:

(a) Nationals and companies of the other Member States: the entrepreneurs of the Member States with the exception of entrepreneurs of the State where the contract is placed, regardless of whether they received the contract directly from the State or through agencies or branch offices established by them in that State;

(b) Public works contract: the contract in writing which is entered into between the entrepreneur on the one hand and the State, a territorial subdivision or one of the remaining juridical persons listed in this Di-

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[[1] Note.—One Unit of Account is equivalent to one United States dollar.]

rective, on the other hand, the subject of which is the erection, repair, maintenance or demolition of a construction work from among those listed in Article 2, paragraph (b);

(c) Amount of a construction contract: the originally agreed price at which the entrepreneur has undertaken to perform the construction work, regardless of whether a lump sum price is involved or whether the price has been determined with the help of a basic price contained in a table or price list.

When determining the amount of a contract for purposes of computing the quotas, the price of all building materials and supplies required for the erection and completion of the construction works must also be taken into consideration; in this connection, the form in which those building materials and supplies are procured is of no concern.

(d) Unit of Account: the Unit of Account established in Article 4 of the Charter of the European Investment Bank.

2. For the application of this Chapter, concessions granted to private law persons the subject of which is the execution of the works listed in Article 2, paragraph (b), and contracts entered into between the beneficiaries of those concessions and the entrepreneurs shall be considered as public works contracts.

Since, pursuant to this Chapter, the amount of a contract must be taken into consideration, the estimate of the works at the time of completion of the building plans shall be controlling for purposes of the above-mentioned concessions.

Article 5

1. Any Member State may temporarily, but for not longer than to the end of the respective current year, exclude nationals or companies of the other Member States from the placing of contract, regardless of the amount of the individual contract, provided that one of the following three prerequisites exists on one of the days fixed by Article 8, Section 1:

(a) If the amount of the public works contracts which the State itself, its territorial subdivisions as well as the remaining juridical persons listed for purposes of this Directive have placed since January 1 with the above-mentioned nationals and companies exceeds the quota set for the respective year for the aggregate amount of such contracts and the amount of the public works contracts which its nationals and companies residing within its sovereign territory have received since January 1 in the other Member States does not amount to more than one-half of the above-named amount;

(b) If the amount of the public works contracts exceeding 600,000 Units of Account which the State itself, its territorial subdivisions as well as the remaining juridical persons listed for purposes of this Directive have placed since January 1 with the above-named nationals and companies exceeds the quota for the aggregate amount of contracts exceeding 600,000 Units of Account established for the respective year, and the amount of the public works contracts exceeding 600,000 Units of Account which its nationals and companies residing within its sovereign territory have received since January 1 in the other Member States does not amount to more than one-half of the above-mentioned amount;

(c) If the amount of the public works contracts of up to and including 600,000 Units of Account which the State itself, its territorial subdivisions as well as the remaining juridical persons listed for purposes of this Directive have placed since January 1 with the above-named nationals and companies exceeds the quota for the aggregate size of contracts of up to and including 600,000 Units of Account established for the respective year, and the amount of the public works contracts of up to and including 600,000 Units of Account which its nationals and companies residing within its sovereign territory have received since January 1 in the other Member States does not amount to more than one half of the above-mentioned amount.

2. Independently from the provisions contained in Article 1, any Member State may temporarily, but for not longer than to the end of the current year, exclude nationals and companies of the other Member States from the placing of public works contracts exceeding 600,000 Units of Account if the amount of contracts of that kind placed with said nationals and companies attains double the quota for the aggregate amount of contracts exceeding 600,000 Units of Account established for the respective year.

3. If the requirements listed in Section 1 exist and special circumstances justify it, the Grand Duchy of Luxembourg may be authorized by the Commission of the European Economic Community to exclude temporarily from the placement of public works contracts nationals and companies of the other Member States without regard to the aggregate amount of construction contracts which nationals and companies residing within its sovereign territory have received since January 1 in the other Member States.

Article 6

1. The first quota shall become effective on January 1, 1965; the last quota shall be effective until December 31, 1969.

2. The quota related to the aggregate amount of public works contracts for the year 1965 shall be established by each Member State at 15 percent of the annual average of the amount of public works contracts which it has placed during the period from January 1, 1963, through December 31, 1964.

3. The quota related to the aggregate amount of public works contracts exceeding 600,000 Units of Account for the year 1965 shall be established by each Member State at 15 percent of the annual average of the amount of public works contracts exceeding 600,000 Units of Account which it has placed during the period from January 1, 1963, through December 31, 1964.

4. The quota related to the aggregate amount of public works contracts of up to and including 600,000 Units of Account for the year 1965 shall be established by each Member State at 15 per cent of the annual average of the amount of public works contracts of up to and including 600,000 Units of Account which it has placed during the period from January 1, 1963, through December 31, 1964.

5. The rate applicable to each of the kinds of quotas named in the foregoing Sections 2 through 4 during the two subsequent two-year periods shall be fixed by the Commission of the European Economic Community after hearing the Member States, in each case at a rate exceeding the preceding rate.

6. In deviation from Article 4, Section 2, the annual average referred to in Sections 2 through 4 shall not apply to concessions granted prior to January 1, 1965.

Article 7

1. Not later than by March 31 of the respective current year, each Member State shall pass on to the Commission of the European Economic Community the following information:

(a) The amount of the public works contracts placed during the preceding year, subdivided into contracts exceeding 600,000 Units of Account and contracts of up to and including 600,000 Units of Account.

(b) The quota in effect for the respective current year with respect to each of the kinds of quotas listed in Article 6, Sections 2 through 4.

For purposes of application of the first quota, however, the information shall relate to the annual average of values of contracts entered into during the two preceding calendar years, in consideration of the subdivision provided for in paragraph (a) above, and to the quota pursuant to paragraph (b) above.

All contracts must be stated in the national currency and must be converted into Units of Account.

2. The Commission of the European Economic Community shall see to it that all fixed quotas are published for general information in the Official Gazette of the European Communities.

Article 8

1. Each Member State shall determine, as of April 30, June 30 and October 31, and, for statistical purposes, as of December 31 of each year, the amount of contracts which were placed with the nationals and companies of each one of the other Member States as well as to the nationals and companies of the other Member States as a group. The amounts must be stated in the national currency and must be converted into Units of Account; they must be subdivided into contracts exceeding 600,000 and contracts of up to and including 600,000 Units of Account.

Each Member State shall make those figures known to each of the other Member States as well as to the Commission of the European Economic Community prior to May 31, July 31, November 30 and March 31, respectively, of each year.

2. For purposes of determining the amount of contracts granted to nationals and companies of the other Member States:

Contracts given to subsidiaries which clearly are not in a position to exercise their activities without substantial cooperation from the parent company shall be considered as placed with the parent company;

Contracts with respect to which, in conformity with the national provisions, the principal entrepreneur transfers the execution of a part of the performances forming the subject of the contract to one or several authorized sub-contractors shall be considered, up to the amount of works to be executed by such sub-contractor or sub-contractors, as concluded with such sub-contractor or sub-contractors, and for the remaining amount, as concluded with the principal entrepreneur;

Contracts given to an association of entrepreneurs the members of which do not reside within the sovereign territory of one and the same Member State shall be considered, up to the amount of payments to which individual entrepreneurs are entitled—insofar as such amounts are stated separately—as placed with the individual entrepreneurs. In the case of contracts for which the aggregate amount of the works is not subdivided into individual entrepreneurs, the Member States may take appropriate measures to oblige said associations of entrepreneurs, upon conclusion of the contract, to subdivide the aggregate amount of the works among the individual entrepreneurs and to publicize such subdivision.

If the subdivision into individual entrepreneurs is not stated in the contract, and if it cannot be determined after conclusion of the contract, the contract shall be considered as entered into with the entrepreneur to which payment will have to be made.

Article 9

1. If a Member State asserts its right, pursuant to Article 5, of temporarily excluding nationals and companies of other Member States from the placement of public works contracts, it must immediately so advise the Commission of the European Economic Community.

The Commission of the European Economic Community shall see to it that such a decision is published in the Official Gazette of the European Communities.

2. Temporary exclusion from the placement of contracts by a Member State shall be effective until the end of the respective current year, unless one prerequisite listed under Article 5, Section 1, no longer exists, i.e., the amount of contracts placed by the other Member States with nationals and companies of the respective Member State residing within its sovereign territory as of June 30 or October 31 of the respective current year no longer exceeded one-half of the corresponding amount of contracts placed with nationals and companies of the other Member States. In that case, the Member State which temporarily excluded the nationals and companies of the other Member States from the placement of public works contracts must include them again and advise the Commission of the European Economic Community of that fact without delay.

3. On the basis of a suspension decision by a Member State, nationals and companies of the other Member States cannot be excluded from participation in the placement and awarding of those contracts for which an invitation for bids had been issued prior to the publication of such suspension decision.

4. The Commission of the European Economic Community shall inform the other Member States, by a notice to be published in the Official Gazette of the European Communities, of the resumption of the placement of public works contracts in the respective Member State with nationals and companies of the other Member States.

Chapter III. The Role of the Commission—Advisory Committee for Public Works Contracts

Article 10

When examining disputes and problems which arise from the implementation of measures which the Member States will take by virtue of the Directives on the elimination of restrictions on the freedom of business establishment and the free exchanges of services in the realm of public works as well as for the coordination of procedures relating to the placement of public works contracts, the Commission of the European Economic Community shall be assisted by a committee. That committee shall, in particular, have the following task:

(a) To prepare opinions for the Commission on individual cases which the Commission or one of the members of the committee submitted to it in connection with the implementation of the Directives as well as the application of the provisions concerning the placement of public works contracts by the public administrations and public law juridical persons of one Member State to the nationals and companies of the other Member States;

(b) To examine in connection with the application of these Directives whether supplemental provisions or possibly amendments would be appropriate.

Article 11

The Member States shall be obliged, upon request by the Chairman, to supply to the advisory committee any information required to carry out its tasks.

Article 12

The members of the committee shall be appointed by the Member States; each Member State shall supply one regular and one substitute member. The substitute member may attend meetings at any time.

The members of the committee may ask for assistance from officials in an expert capacity.

If the Committee considers it necessary when examining special cases, it may ask for assistance from additional persons.

The Commission shall bear the travel and lodging expenses of regular and substitute members.

The Member States shall bear the travel and lodging expenses for the experts and other persons whose advice had been sought.

Article 13

The chairmanship of the advisory committee shall be held by an official of the Commission of the European Economic Community.

The Chairman shall not participate in the voting. He may ask for assistance from technical advisers.

The secretarial duties of the committee shall be performed by the services of the Commission.

Article 14

Notwithstanding Article 214 of the Treaty, the members of the committee and the technical advisers shall be obliged to observe secrecy.

Article 15

Meetings of the committee shall be called by the chairman, when he so desires, or upon motion by one of the Member States.

Article 16

The committee shall have a quorum when two-thirds of the members are present. Each member or, respectively, his substitute, in his absence, shall have one vote.

The opinions of the committee must be reasoned opinions; they shall be adopted with absolute majority of votes. Upon request of the minority, a memorandum containing the opinions held by the minority must be attached to the opinions.

Article 17

If necessary, the committee shall adopt internal regulations.

Chapter IV. Final Provisions

Article 18

The Member States shall take the necessary measures to safeguard implementation of this Directive at the times set forth in the preceding Articles; they shall advise the Commission without delay of such measures.

Article 19

The Member States shall see to it that the Commission of the European Economic Community is informed of all future proposals for legal and administrative provisions which they intend to enact in the field of taking up and exercising the activities governed by this Directive.

Article 20

The text of the Annex shall be an integral part of this Directive.

Article 21

This Directive is addressed to all Member States.

Brussels, this — day of ——— 196 .

On behalf of the Council,

———— ————,
The President.

ANNEX

To the first directive concerning the participation of entrepreneurs in the placement and execution of building projects for the account of the State, its territorial subdivisions as well as other public law juridical persons.

List of public law juridical persons referred to in the first article

In addition to the State (and organs on the same footing referred to in the first article, paragraph 1, sentence 2, of the Directive) and its territorial subdivisions such as Länder, regions, departments and communes, there are subject beginning with January 1, 1965, to the regime instituted for the participation of the entrepreneurs of all the Member States in public works contracts, the following specific public law juridical persons, with regard to:

I. All the Member States: The public law associations organized by the territorial subdivisions, as for example, "Gemeindeverbände", "Zweckverbände", etc.

II. In the Federal Republic of Germany: The "bundesunmittelbaren Körperschaften, Anstalten und Stiftungen des öffentlichen Rechts" [direct federal corporate bodies, institutions and establishments of the public law].

III. In the Kingdom of Belgium: The Highway Funds 1955–1969, The Airway Administration, The Public Assistance Commission, The Church Vestries, The Office Regulating Internal Navigation, The Refrigerating Services Administration of the Belgian State.

IV. In the Republic of France: The other public establishments of an administrative character, at the national, departmental and local levels.

V. In the Republic of Italy: The State universities and university institutes, the consortiums for the construction of universities, the higher scientific and cultural institutes, the astronomical, astrophysical, geophysical and volcanological observatories, the "Enti de riforma fondiaria," the welfare and benevolent institutions of all kinds.

VI. In the Grand Duchy of Luxembourg: The Social Insurance Offices.

VII. In the Kingdom of The Netherlands: The "Waterschappen" [The Boards of Dikes Surveyors],

The "Rijksuniversiteiten" [the Royal Universities],

The "Academische Ziekenhuizen van de Rijksuniversiteiten" [the Academic Hospitals of the Royal Universities], and the "De Gemeentelijke Universiteit van Amsterdam" [the Municipal University of Amsterdam],

The "Technische Hogescholen" [the Technical High Schools],

The "Nederlandse Centrale Organisatie voor toegepast natuurwetenschappelijk Onderzoek (T.N.O.)" [the Central Netherlands Organization for Applied Natural Science Research] and the organizations which are attached to it.

SCHEDULE C. EUROPEAN ECONOMIC COMMUNITY—FIRST DIRECTIVE CONCERNING THE COORDINATION OF PROCEDURES FOR THE PLACEMENT OF PUBLIC WORKS CONTRACTS

(Submitted to the Council by the Commission)

(Unofficial Translation From German)

The Council of the European Economic Community—

In view of the Treaty establishing the European Economic Community, in particular, Articles 7, 54, 63, 100 and 223,

In view of the General Program for the Elimination of Restrictions on the Freedom of Establishment, in particular, Title IV, Section B, Paragraph 1,

In view of the General Program for the Elimination of Restrictions on the Free Exchange of Services, in particular, Title V, Section C(e), Paragraph 1,

Upon proposal of the Commission,

After consultation of the European Parliament,

After consultation of the Economic and Social Committee,

Whereas the simultaneous realization of the freedom to establish a business and of a free exchange of services in the field of public works contracts placed in the Member States for account of the State, the territorial subdivisions as well as other public law juridical persons requires, in addition to an elimination of restrictions, a coordination of national procedures governing the placement of public works contracts;

Whereas such coordination must, however, take into consideration the procedures and administrative practices existing in each Member State;

Whereas the Council, in its statement relating to the above-mentioned General Programs, has stressed that the coordination must be based on certain principles which relate to prohibition to describe technical characteristics with discriminatory effect; sufficient publication of proposed awards; preparation of objective criteria for participation; and introduction of a procedure which will offer a guaranty that such principles are observed;

Whereas it must be avoided that different systems are applied to construction contracts of railroad administrations because of their differing juridical personalities and, thus, railroads which are juridical persons under public law must be excluded from the sphere of application of this Directive and it is expected that that area will be covered by a separate directive;

Whereas, while it is necessary to make provision for exceptional cases to which the measures for coordination of the procedures will not be applied, it is likewise necessary to limit such cases explicitly;

Whereas construction contracts of a size below 60,000 Units of Account do not appear liable to affect [adversely] competition at the level of the Common Market and, therefore, such contracts must be excluded from the application of the coordination measures;

Whereas, for technical reasons, publication in the Community cannot extend to all proposed awards subject to the coordination measures and, therefore, during the transitional period, decreasing thresholds of 1,000,000, 600,000 and 300,000 Units of Account must be distinguished;

Whereas it is appropriate to create an Advisory Committee within the framework of Article 54, Section 3, Paragraph (b), for the purpose of assisting the Commission in the examination of problems which might arise in the implementation of this Directive; with a view to preparing the future joint regulations in the field of public works contracts; as well as to comply with one of the provisions contained in the above-mentioned statement by the Council—

Has enacted the following Directive:

Title I. General provisions

Article 1

1. (a) As public works contracts shall be deemed agreements in writing which are concluded between an entrepreneur on the one hand and the public contracting authorities as they are named in greater detail under paragraph (b) of this Article, on the other, and which relate to the construction, maintenance or demolition of one of the construction works listed in Article 2, Item (b), of the first Directive concerning Participation of Entrepreneurs in the Placement and Execution of Building Projects for Account of the State, the Territorial Subdivisions as Well as Other Public Law Juridical Persons.

(b) As public contracting authorities in the six Member States shall be deemed the State, the territorial subdivisions and the bodies corporate which are listed in the annex to the Directive mentioned above under (a).

(c) Unless otherwise provided for in this Directive, the public contracting authorities shall apply their national procedures to public construction works.

(d) Application of the placement procedures to public construction contracts shall be compulsory, except for cases in which the counter-performance for the work to be done consists not only of the payment of a price, but of the grant of a right to use the construction project for a certain period. In this case, the public contracting authority may avail itself of the system for grants of concessions. If the owner of the concession is a public contracting authority within the meaning of paragraph (b), such authority must apply to the award of construction services to be rendered by third parties the national procedures concerning awards of public construction contracts as adjusted on the basis of this Directive.

(e) These provisions shall not apply to the public construction contracts of the railroad administrations. The prerequisites under which construction contracts of railroad administrations in the six Member States are to be placed will be governed by a separate coordination directive.

2. Within the meaning of this Directive,

(a) The word "entrepreneur" shall be taken in its broadest meaning; it shall include without differentiation "entrepreneur" in the proper meaning as well as "enterprise", "tradesman" and "company" within the meaning of Article 58 of the Treaty;

(b) The entrepreneur who has submitted a bid shall be designated by the word "bidder"; the entrepreneur who has applied for an invitation to participate in a restricted procedure on the basis of the publication as it is provided for in Article 8, Section 2, shall be designated as "applicant".

Article 2

1. The common provisions of this Directive concerning open procedures (Articles 6 through 10, 13, 14, 18, 20 through 26, 28 and 29) within the meaning of this Directive shall apply to the individual State procedures under which all interested entrepreneurs may bid.

2. The common provisions concerning restricted procedures (Articles 6 through 9, 11 through 13, 15, 16, 18 through 29) within the meaning of this Directive shall apply to the individual State procedures under which only entrepreneurs invited by the public contracting authority may bid.

3. To a placement of contracts in the cases stated in Article 5, only the common provisions of Articles 6, 7 and 17 shall apply; this does not affect contracts placed pursuant to Article 5, paragraph (j), to which all common provisions of this Directive shall apply, with the exception of the provisions contained in Title III.

4. To the contracts named in paragraphs 1, 2 and 3 above, the provisions of Articles 30 through 37 concerning the Advisory Committee for Public Works Contracts shall apply in addition.

Article 3

The common provisions contained in this Directive and the provisions of Article 5 shall be applied, subject to the prerequisites of Article 2, to all public works contracts the estimated amount of which attains or exceeds 60,000 Units of Account (EEC).

The common provisions on publication contained in Articles 8 through 17 shall not apply to construction contracts of an estimated amount not exceeding 1,000,000 Units of Account (EEC) for the period from January 1, 1965, to December 31, 1965; 600,000 Units of Account (EEC) for the period from January 1, 1966, to December 31, 1967; 300,000 Units of Account (EEC) from January 1, 1968.

Exclusion from the award of contracts as provided for in Article 5 of the Directive mentioned in Article 1, Section 1, paragraph (a), shall not entitle the Member States to suspend publication pursuant to Title III.

The amounts which result from conversion of values stated in Units of Account into the respective national currencies can be found in the annex.

Article 4

When computing the amount pursuant to Articles 3, 5 and 28, the cost of deliveries made simultaneously with the construction works, but forming the subject of a separate public contract, must also be taken into consideration.

Article 5

The public contracting authorities may award construction contracts without applying for common provisions of this Directive, with the exception of Articles 6, 7 and 17:

(a) If, after applying one of the procedures provided for in the Directive, no bids, or no proper bids, were received or if bids received were unacceptable, in accordance with Chapter IV, pursuant to national provisions regulating the placement of contracts, because of some provision contained therein;

(b) If the only entrepreneur to be considered for the respective performance is the one who owns the patents or improvement patents or licenses therefor, or the exclusive right to import or use granted by the manufacturer with respect to the technical know-how or supplies related thereto, or if the performance can be rendered by only one entrepreneur or supplier, regardless of whether or not he is domiciled within the territory of the Community;

(c) If a performance, in the absence of a legal or factual monopoly, can, because of compelling technical reasons, obviously be rendered only by a particular entrepreneur, regardless of whether or not he is domiciled within the territory of the Community;

(d) If, because of its artistic nature, the repair or maintenance of a construction work can only be done by experienced artists or experts, regardless of whether or not they are domiciled within the territory of the Community;

(e) If the performance is rendered only for purposes of research, testing, exploration, or improvements;

(f) To the extent that it is unavoidably necessary, because the time-limits provided for in the other procedures cannot be kept for compelling reasons of urgency which could not be foreseen by the respective person or entity placing the public contracts;

(g) If the construction work is of a secret nature;

(h) In the case of additional construction works which were not foreseen in the original proposal submitted for bids and the first contract entered into, but which are required, because of an unforeseen event, in order to execute the construction works described therein, provided the work is placed with the entrepreneur who executes such contract:

Provided that such works cannot, in technical and economic respects, be separated from the main contract without substantial disadvantage to the person or entity placing the public contract;

Or provided such work may be separated from the first contract, but is inevitably necessary for its improvement;

The aggregate amount of contracts which are placed in application of the provisions contained in the first or second paragraph may, however, not exceed 50% of the original amount of the first contract;

(i) In exceptional cases, if works are involved which, because of their nature or the risks attaching thereto, do not admit of sound price formation at the outset and which, therefore, must be executed at cost; the public contracting authorities shall advise the Advisory Committee of all cases to which this provision was applied;

(j) During the transition period, if the price formation is withdrawn from the normal effects of competition in the Community and if the number of entrepreneurs from other Member States invited to bid is not less than one-third of the aggregate number of invited entrepreneurs. However, in that case, entrepreneurs invited to bid must fulfill the criteria for acceptability contained in Title IV, Chapter 1 of this Directive; the adjudication shall be made pursuant to the provisions contained in Title IV, Chapter 2. The Member States shall advise the Advisory Committee of all cases to which this provision has been applied.

The Member States shall send to the Advisory Committee, before the end of the month of March of each year, a statement concerning the number and amount of orders placed in the preceding year on the basis of items (a) through (i). If possible, they shall subdivide contracts placed by each separate item.

This obligation relates to contracts the amount of which exceeds 1,000,000 Units of Account (EEC) during the period from January 1 to December 31, 1965; 600,000 Units of Account (EEC), during the period from January 1, 1966, to December 31, 1967; and 300,000 Units of Account (EEC), from January 1, 1968.

Title II. Common provisions concerning the description of technical characteristics

Article 6

The description of technical characteristics in the realm of public works contracts shall comprise, pursuant to this Directive, all technical prescriptions, and in particular those contained in the general and specific contract specifications, with the help of which a work, building material, product or supply (in particular quality; performance) is objectively outlined so that the work, building material, product or supply will fit the purpose which the public contracting authority has in mind.

Included in such description of technical characteristics shall be the mechanical, physical and chemical properties; classifications and standards; requirements for testing, supervision and acceptance of the construction work, construction components or building materials; it shall further include the techniques and construction methods as well as all other requirements of a technical nature to which the public contracting authority will subject the building materials, the construction components and the finished construction by way of general or specific rules.

If a project prepared under provisions concerning the computation of prices for construction work which are different from those customary in the country where the contract is placed, but which can be reconciled with the requirements contained in the contract specifications, belongs to those projects which can be taken into consideration, the public contracting authority shall be obliged to examine the project with special care with respect to the justifications and explanations submitted by the bidder.

Article 7

The description of technical characteristics pursuant to Article 6 may not have any discriminatory effect or consequence.

The prohibition contained in the preceding paragraph shall relate to all discriminatory provisions in legal and administrative regulations which represent restrictions on the free exchange of services within the meaning of Article 60, Section 1, of the Treaty and Title III of the General Program for the Elimination of Restrictions on the Free Exchange of Services, as well as any discrimination in connection with the award of an individual contract which may be contained, in particular, in the special contract specifications for that individual contract. Applicability of Articles 31, 32, Section 1, and 33, Section 7, to discriminatory provisions in legal and administrative provisions through which the importation of merchandise is restricted shall be reserved.

As discriminatory within the meaning of this Directive shall be considered, in particular, any technical requirement which directly or indirectly results in preferential treatment of one or several enterprises to the disadvantage of enterprises in the remaining countries of the Community or the exclusion of the latter enterprises.

As discriminatory shall be deemed, in particular, descriptions which, without any justification by the particular construction work, have the following content:

1. A mention of the trademark of a designated product, appliance or building material or of the firm which produces or distributes such merchandise, even where the trademark is followed by words such as "* * * or of a similar kind", "* * * or of another kind of equal quality", etc., or if the corresponding inference is made by mere reference to price lists or leaflets;

2. A reference to patents, types, generic names, models, procedures or to objects already used in constructions, or to price lists, or any defining reference to an object of particular manufacture or origin;

3. Indication of the place of origin, exploitation, extraction, fabrication, or production;

4. Indication of particular technical or other characteristic if worded in such a manner that a priori objects of a particular manufacture or origin are preferred or excluded.

If Community standards or clear rules of equal value exist, these must be used as the basis for contract specifications. If that is not the case, the description of technical characteristics as well as of methods of testing, control, acceptance and price computation shall be established in the contract specifications, with the exclusion of exceptional cases for which such action can be justified by the peculiarity of the construction project.

If national standards are prescribed for a description of technical characteristics, this does not represent discrimination, unless Community standards or provisions of equal value, as they are described in the preceding paragraph, exist.

Title III. Common rules for publication

Article 8

The publication provided for in this Directive is intended to produce the largest possible competition in open as well as in restricted proceedings. For that purpose, entrepreneurs who are nationals of the Member States shall be notified of construction contracts which the public contracting authorities of the Member States intend to award.

In the case of restricted proceedings, the publication is intended particularly to make it possible for entrepreneurs of the Member States to evidence their interest in the contracts by applying to the public contracting authority for an invitation to submit a bid in accordance with the prescribed requirements.

Article 9

The public contracting authorities which intend to award a construction contract by way of a public or a restricted proceeding, shall declare their intent through a notice.

That notice shall be forwarded to the EEC Commission and published in the Official Gazette of the European Communities in full in the official languages of the Community, the original language representing the only authentic text.

In an expedited proceeding, the notice shall be published in the original language only in the four editions of the Official Gazette of the European Community.

The notice shall be published in the Official Gazette of the European Community not later than 10 days after its mailing; in the case of the expedited proceeding provided for in Article 12, not later than six days after mailing.

In the Official Gazette or, where it does not exist, in specially designated organs of the press of the awarding State, the notice may not be published prior to the above-mentioned mailing date, and that date must be shown in such notices.

The public contracting authority must be able to prove the time of mailing.

Article 10

In the case of open proceedings, the time-limit for offers to be fixed by the public contracting authority must be at least 35 days, counted from the day of mailing of the notice. The public contracting authority must furnish additional information, if any, not later than six days before expiration of the time-limit for offers.

If offers can only be submitted after the inspection of the site or examination of publicly displayed adjudication procedures or if they require complicated computations, the time-limit for offers shall be at least 49 days, counted from the day of mailing the notice.

Article 11

In the case of restricted proceedings, the time-limit for the application to participate to be set by the public contracting authorities must be at least 21 days, counting from the day of mailing the notice.

The public contracting authorities must give additional information, if any, until not later than six days prior to the expiration of the time-limit for offers.

If the offers can only be submitted after an inspection of the site or examination of publicly displayed contract specifications or if they require complicated computations, the time-limit for offers must be at least 35 days.

Article 12

If the time-limits provided for in Article 11 cannot be kept for reasons of urgency, the public contracting authorities shall be authorized to shorten the time-limits as follows:

—the time-limit for application to participate, to not less than 12 days from the day of mailing the notice;

—the time-limit for the offer, to not less than eight days from the day of mailing the notice.

The public contracting authority must give any additional information which may be requested until not later than four days prior to the expiration of the time-limit for offers.

The time-limit for inviting bids shall be established by the public contracting authorities in their own discretion.

The application to participate as well as the invitation to bid may be transmitted in writing, by telegram, by telephone or by telex.

Article 13

All details which enable the entrepreneur to form a sufficient idea of the construction work to be executed and requirements to be complied with in that connection must appear from the notices in the Official Gazette of the European Community.

A notice of the national official gazettes or, in their absence, in the press organs designated for that purpose may not contain any other information than that contained in the notice in the Official Gazette of the European Community.

Article 14

In the case of open proceedings, the notice shall at least contain the following information:

(a) The date of its mailing to the Official Gazette of the Communities;

(b) The type of proceeding;

(c) The place of execution, the type and size of the performances to be rendered as well as the essential characteristics of the works;

—if the order consists of several lots: the size range of the individual lots and the possibility to submit a bid for one lot, several lots or for the entire project;

—in the case of announcements relating to contracts which, in addition to the possible execution of construction works, require the preparation of draft projects, only such information as will make it possible for the entrepreneurs to recognize the objective of the contracts and submit corresponding proposals;

(d) Where applicable, the time-limit for execution;

(e) The address of the office submitting the invitation for bids;

(f) The address of the office from which contract specifications may be requested, as well as the day until which they must be requested; there must be indicated furthermore the amount payable in order to obtain said specifications, as well as the manner of payment of such amount.

(g) The address of the office which will supply additional information on the adjudication particulars or on the work to be performed, as well as the times at which such information can be obtained;

(h) The day until which bids must be submitted, and the records to be attached which relate to the technical description of the bid; the address of the office to which they are to be submitted, as well as the language in which they must be drafted;

(i) The records to be attached to the bid which facilitate an evaluation of the technical and economic capacities of the bidder pursuant to the provisions contained in Articles 20 through 26.

(j) Who may be present when the bids are opened, as well as the day, hour and place for the opening of the bids;

(k) If applicable, indication of deposits and other sureties which the person or entity placing the public contract may require in some form;

(l) The terms for financing and payment and/or reference to the regulations in which they are set forth;

(m) The formal requirements for admission of the bid or reference to the regulations in which they are set forth;

(n) Whether associations of entrepreneurs must have a designated juridical form in order to be admitted to submit bids;

(o) The criteria for adjudication pursuant to Article 28;

(p) The period for which bidders shall remain bound by their bids.

Article 15

In the case of restricted proceedings, the notice shall contain at least the following information:

(a) The information under Article 14, Items (a), (b), (c), (d), (e), (n), and (o);

(b) The day until which applications to participate must be submitted, the address of the office to which they must be submitted as well as the language in which they are to be drafted;

(c) The day until which invitations to submit bids will be mailed out by the office inviting the bids;

(d) Description of information which will facilitate an evaluation of the technical and economic capabilities of the competitor under the provisions contained in Articles 20 through 27, and which must be attached to the application for participation in the form of statements which may later be examined and verified.

Article 16

In the case of restricted proceedings, the invitation to submit bids shall contain at least the following information:

(a) The information listed under Article 14, Items (f), (g), (h), (j), (k), (l), (m) and (p);

(b) A reference to the notice described in Article 15;

(c) A request for records which, if the case should arise, may serve to prove the correctness of the statements to be made by the competitor pursuant to Article 15, Item (d).

Article 17

It is left to the discretion of the public contracting authorities to call attention by public notice to an award of public works contracts which are not subject to the publication duty under this Directive, provided that the amount of such orders is not below 60,000 Units of Account.

Title IV. Common participation provisions

Article 18

1. The criteria for participation comprise aptitude criteria and adjudication criteria.

2. The public contracting authorities shall examine the technical aptitude of entrepreneurs who are not eliminated on the basis of Article 20, pursuant to uniform criteria of economic, financial and technical capacities as stated in Articles 23 through 26, while adjudication shall be made on the basis of the adjudication criteria stated in Chapter 2 of this Title.

Article 19

In the case of restricted proceedings within the meaning of Article 2, Item 2, the public contracting authorities shall select from among the competitors who fulfill the capacity requirements provided for in Articles 20 through 26 those competitors who will be invited to submit a bid.

When the Advisory Committee examines individual cases, it shall be assumed that discrimination by reasons of nationality does not exist if the number of competitors from other Member States who are invited to submit a bid amounts to at least one-third of the aggregate number of invited competitors.

Should the number of competitors from the other Member States who fulfill the capacity requirements provided for in Articles 20 through 26 not be sufficient, that assumption can be made only if the public contracting authority invited all competitors to submit a bid.

Chapter I. Capacity Criteria

Article 20

It shall be possible to exclude from participation in adjudication proceedings entrepreneurs:

(a) With regard to whom a bankruptcy proceeding or a settlement proceeding has been instituted or who are in liquidation, who have ceased to exercise their professional activity or who are in a corresponding status because of a similar proceeding instituted pursuant to national legal provisions;

(b) Against whom institution of a bankruptcy proceeding or a proceeding for court settlement has been requested or against whom other similar proceedings have been requested on the basis of national legal provisions; who have been condemned under a legally effective decision for reasons which place their professional reliability in question;

(c) Who have committed, within the scope of their professional activities, a violation of the law, a grave offense or a violation of trust and good faith which can be proven to have been ascertained by the public contracting authority;

(d) Who, at the time of adjudication, have obviously not complied with their obligation to pay social welfare contributions under the law of the country in which they are domiciled or under the law of the country in which the public adjudication takes place;

(e) Who have been guilty of false statements when giving such information as can be requested pursuant to this Chapter.

The entrepreneur shall submit a certificate issued by the competent authority and, in cases where this is not possible in accordance with national legislation, a declaration, from which appears that the conditions listed under Items (a), (b), (c), (d) and (e) do not exist in his case.

If the conditions listed under Items (a) and (b) exist with regard to an entrepreneur, possible participation in the adjudication procedure may be made subject to a declaration from which his financial situation as well as the facilities at his disposal for regular execution of the works clearly appear.

Article 21

The public contracting authority who excludes an entrepreneur on the basis of Article 20 shall inform the Advisory Committee to that effect.

The public contracting authority shall inform the entrepreneur concerned upon his request of the reasons for exclusion if he is excluded by reason of the provisions contained in Items (a), (b) or (c) of Article 20.

Article 22

Entrepreneurs who desire to participate in public works contracts may be invited to submit proof of entry into the professional register of the particular country of the Community in which they have their establishment: for Belgium, the "Registre de Commerce" or "Handelsregister"; for Germany, the "Handelsregister" or the "Handwerksrolle"; for France, the "Registre de Commerce"; for Italy, the "Registro della Camera di Commercio, Industria e Agricoltura"; for Luxembourg, the "Registre de Commerce" and the "Rôle de la Chambre des Métiers"; for the Netherlands, the "Handelsregister".

Article 23

The proof of financial and economic capacities of the entrepreneur may be made:

(a) By appropriate bank references;

(b) By submitting balance statements or excerpts from balance statements of the enterprise, if publication thereof is required under the corporate law of the country in which the entrepreneur has his business seat;

(c) By a statement concerning the aggregate turnover and the turnover in execution of construction works of the enterprise during the last three business years.

The public contracting authorities shall indicate in the notice or in the invitation to submit bids the kind of proof that should be submitted to them.

If the above means of proof are not available to the entrepreneur, he may submit evidence of his financial and technical capacities by submission of other documents.

Article 24

Proof concerning the technical capacity of the entrepreneur and of the persons and installations listed under Item (e) may be made as follows:

(a) By documents evidencing the technical training and professional experience of ranking employees of the enterprise, in particular of the person(s) responsible for the execution of the work in technical respects;

(b) By certificates showing what types of work were executed and/or directed during the last five years; in this connection, the amount of the construction size as well as time and place of construction execution must be indicated; furthermore, the certificates must show whether the works satisfied the recognized rules of technical science and whether they were executed in good order;

Where construction works were involved which had been performed or directed for public contracting authorities, the certificate must be issued by the authority having jurisdiction or be fixed by it; it shall be granted to an entrepreneur or, if the authority having jurisdiction does not deem it possible to deliver it to an entrepreneur, it shall be sent by it to the public contracting authorities in the other Member States upon request of the entrepreneur;

If, on the other hand, construction works are involved which were performed or directed for persons or entities placing private orders, the certificate must, if possible, be issued by such person or entity or by the person in charge of construction, where appropriate, and in that case, ratified by the person or entity placing the order;

(c) By a declaration stating the type of the facilities, building apparatus and technical equipment which the entrepreneur has at his disposal for the execution of the works;

(d) By a declaration setting forth the average number of persons employed by the entrepreneur during the last three years;

(e) By a declaration concerning the technical management, planning or building direction offices, regardless of whether or not they are attached to the enterprise, if the public contracting authorities require their intervention or if the entrepreneur intends to avail himself of their intervention.

The public contracting authorities shall indicate in the notice or in the invitation for bids the type of documentation that must be submitted to them in each case.

Article 25

1. The Member States which keep official lists of entrepreneurs admitted for public construction works must reexamine such lists upon effectiveness of this Guideline, on the basis of Article 20, Items (a) through (d) and (f), and Articles 20 through 24.

2. Entrepreneurs who are entered in such lists may submit to the public contracting authority a certificate from the competent authority concerning such entry whenever an order is awarded.

3. The entries in such lists as certified by the competent authorities shall represent as against the person or entity of the other Member States who places public orders an assumption of recognition of that particular entrepreneur, within the meaning of Articles 20, Items (a) through (e) and (f), and Articles 20 through 24, for the type of work resulting from his classification.

Information to be gathered from the list shall not be placed in doubt. However, with respect to payment of social security contributions, an additional certificate may be requested from each entrepreneur entered in the lists whenever an order is awarded.

The preceding provisions shall apply as against public contracting authorities of the other Member States in favor of such entrepreneurs who have a business establishment in the country in which an official list is kept.

4. For acceptance of foreign entrepreneurs for entry into such a list, only those proofs and declarations can be required which apply in the case of national entrepreneurs, and in any event, only those which are listed in Articles 20 and 22 through 24.

5. Those Member States which keep official lists shall communicate to the other Member States the office, and the address thereof, at which the applications for listing may be filed.

Article 26

The public contracting authorities shall determine the certificates which the entrepreneur will have to submit in accordance with Article 20, last paragraph, and Articles 22 through 25, and the nature, importance and size of the works to be executed as well as the financing and payment terms in accordance with Articles 14 through 16 will have to be taken into consideration in such determination.

Article 27

At the first stage of restricted procedures, the competitors must comply with the requirements of Articles 20 and 22 through 25 by simple statements.

Records required to prove such statements may be requested by the public contracting authority only when an invitation to bid is made, with the exception of the case provided for in Article 20, paragraph 2.

Chapter II. Adjudication Criteria

Article 28

When adjudicating a contract, the public contracting authority shall apply the following criteria:

Either the criteria of lowest price exclusively;

Or various criteria changing with the contract, such as price, transportation costs, period of execution, operating expenses, profitability and, in the case of adjudication proceedings which relate to a competition of ideas or provide for, or require, presentation of alternative proposals, the technical value.

If several adjudication criteria are used, they shall, so far as possible, be stated in all cases in the published notice in the order of importance attributed to them by the public contracting authorities. They may, furthermore, be provided with a coefficient which permits the exact evaluation in figures of such importance.

During the transition period, public contracting authorities can select the criterion of the price to be computed under the national provisions then in effect; this shall be applicable, during the period from January 1, 1965, through December 31, 1965, for orders of an estimated size not exceeding 1,000,000 Units of Account (EEC); during the period of January 1, 1966, through December 31, 1967, for contracts of a size not exceeding 600,000 Units of Account (EEC); and from January 1, 1968, to the end of the transitional period, for contracts of a size not exceeding 300,000 Units of Account (EEC).

Article 29

1. The financial terms and conditions, e.g., payments in advance, payments on account, payment terms, shall be indicated for each contract pursuant to Article 14, Item (1), and Article 16, Item (a). The public contracting authority shall be strictly bound by these provisions and cannot consider any other financing terms when making the awards.

2. If the works comprise deliveries by the entrepreneur, the adjudication particulars or the special cost estimates shall establish whether the price shall include transportation costs or not.

3. If the period of execution published in the notice will be used as one of the adjudication criteria, the contract specifications or the special cost estimates shall determine the terms of application of such criterion.

The contract specifications or the special cost estimates shall determine the extent of contractual penalties or premiums arising in the case of delays or accelerated completion of the construction work, to be related to the execution term established in the contract.

4. The contract specifications or the special cost estimates shall determine the specific requirements under which the technical value of the contract subject will be judged, to the extent that that criterion can be applied pursuant to Article 28, paragraph 1, second hyphenated paragraph.

Title V. Task of the Commission—Advisory Committee for Public Construction Orders

Article 30

When examining disputes and problems which may arise through application of the measures which Member States have taken pursuant to the Directives on Elimination of Restrictions on the Freedom of Establishments and on the Free Exchange of Services in the area of public contracts, as well as for the Coordination of Procedures for the Placement of Public Works Contracts, the Commission of the European Economic Community will be assisted by an Advisory Committee. That Committee shall have, in particular, the duty:

(a) To prepare opinions for the Commission on individual cases which the Commission or one of the members of the Committee submitted to it in connection with the implementation of the directives as well as the application of the provisions concerning the placement of public works contracts by the public administrations and public law juridical persons of one Member State to the nationals and companies of the other Member States;

(b) To examine in connection with the application of these directives whether supplemental provisions or possibly amendments would be appropriate.

Article 31

The Member States shall be obliged upon request by the Chairman to supply to the Advisory Committee any information required to carry out its tasks.

Article 32

The members of the Committee shall be appointed by the Member States; each Member State shall supply one regular and one substitute member. The substitute member may attend meetings at any time.

The members of the Committee may ask for assistance from other officials in an expert capacity.

If the Committee considers it necessary when examining special cases, it may ask for assistance from additional persons.

The Commission shall bear the travel and lodging expenses of regular and substitute members.

The Member States shall bear the travel and lodging expenses for the experts and other persons whose advice has been sought.

Article 33

The chairmanship of the Advisory Committee shall be held by an official of the Commission of the European Economic Community.

The Chairman shall not participate in the voting. He may ask for assistance from technical advisers.

The secretarial duties of the Committee shall be performed by the services of the Commission.

Article 34

Notwithstanding Article 214 of the Treaty, the members of the Committee, the experts, the officials of the Commission and the technical advisers shall be bound by secrecy.

Article 35

Meetings of the Committee shall be called by the Chairman when he so desires, or upon motion by one of the Member States.

Article 36

The Committee shall have a quorum when two-thirds of the members are present. Each member or, respectively, his substitute, in his absence, shall have one vote.

The opinions of the Committee must be reasoned opinions; they shall be adopted with absolute majority of votes. Upon request of the minority, a memorandum containing the opinions held by the minority must be attached to the opinion.

Article 37

If necessary, the Committee shall adopt internal regulations.

Title VI. Final provisions

Article 38

The thresholds provided for in Article 3, paragraph 2, for application of the common provisions on publications during the two last sub-periods preceding the end of the transitional period may be amended within six months prior to their effectiveness.

The time-limits provided for in Articles 10, 11 and 12 may be amended beginning with July 1, 1965.

The provisions contained in Article 5, Item (j), and in the last paragraph of Article 28 will be amended at the end of the transitional period.

Article 39

For purposes of assimilating the national procedures to the provisions contained in this Directive, the Member States shall enact the necessary legal and administrative provisions within a period of six months after publication; they shall immediately advise the Commission of such measures.

Article 40

The Member States shall see to it that the Commission of the European Economic Community is informed of all drafts of legal and administrative provisions which they intend to enact in the area of procedures relating to the adjudication of public works contracts in the future.

Article 41

The text of the Annex shall be an integral part of this directive.

Article 42

This Directive is addressed to all Member States.

THE LATE EDWARD R. MURROW

Mr. RESNICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RESNICK. Mr. Speaker, All Americans will be deeply saddened, as I was, by the passing today at Pawling, N.Y., of Edward R. Murrow, a truly great American.

Mr. Speaker, my heartfelt condolences go to his wonderful wife, Janet, and their fine son, Casey.

Edward R. Murrow will be known in the pages of history, which he helped to write, as one of the greatest journalists of all time. He feared not to make the full truth known throughout his distinguished career.

Mr. Murrow reached the pinnacle of his profession and earned the respect and admiration of his peers. He was a dedicated public servant whose service to the U.S. Information Agency will be long remembered, and whose loss will be felt always.

THE LATE EDWARD R. MURROW

Mr. RYAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, I would simply like to join the gentleman from New York [Mr. RESNICK] in paying tribute to the late Edward R. Murrow.

I am certainly shocked and saddened at his passing. I wish to join with the gentleman from New York [Mr. RESNICK] in extending my deepest sympathy to the family of this great American.

Edward R. Murrow will long be remembered by several generations of Americans. His courageous reporting from London during the height of the blitz represented one of journalism's finest hours. His television programs concerning national issues stand as solid testimony to his dedication to freedom. At the height of his illustrious career he chose to serve his country as the Director of the U.S. Information Agency. In this capacity he greatly contributed to the understanding of the United States, its life and its policies throughout the world. The career of Edward R. Murrow stands as an example of commitment to freedom through truth. We have lost a great man and can best honor him by dedicating ourselves to his values—truth and freedom.

JULIUS C. MICHAELSON—ST. PATRICK'S DAY ORATOR

The SPEAKER. Under previous order of the House, the gentleman from Rhode Island [Mr. FOGARTY] is recognized for 5 minutes.

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks, I include the Journal of the Senate of the State of Rhode Island for March 17, 1965, which contains an address delivered by my good friend, the Honorable Julius C. Michaelson, and the record of the seating of guests of the senate, at official commemoration exercises honoring the memory of St. Patrick.

Julius Michaelson, a senator from the city of Providence, is one of our most able attorneys. His vigorous and dynamic approach to civic problems has made his voice one to be reckoned with throughout our Rhode Island community. Though of a different religious persuasion than that of the great saint, his selection by the senate to deliver this speech is quite natural since it perfectly illustrates the brotherhood of man so well exemplified by the senator:

[Vol. 76, No. 38, Mar. 17, 1965, 38th day]

JOURNAL OF THE SENATE OF THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

(January session of the General Assembly begun and held at the statehouse in the city of Providence on Tuesday; the 5th day of January in the year of our Lord 1965.)

The Senate meets pursuant to adjournment and is called to order by His Honor, the President pro tempore, Francis P. Smith, at 1:14 o'clock p.m.

GUESTS

Upon suggestion of Senator Huntoon, and by unanimous consent, His Honor, the President pro tempore, Francis P. Smith, welcomes to the chamber the 8th grade class from the Josephine F. Wilber School, Little Compton, accompanied by Miss Katherine McMahon, Mrs. Frank Johnson and Mrs. Alfred Bodington.

Upon suggestion of Senator McBurney, and by unanimous consent, His Honor, the President pro tempore, welcomes to the chamber the 9th grade class from St. Teresa's School, Pawtucket, accompanied by Rev. Sister Mary Cyril, Rev. Sister Mary Damien and Mrs. Mannolini.

Upon suggestion of Senator Tiernan, and by unanimous consent, His Honor, the President pro tempore, welcomes to the chamber Rev. Paul McMahon from Sacred Heart Parish, Pawtucket.

Upon suggestion of Senator DeStefano, and by unanimous consent, His Honor, the President pro tempore, welcomes to the chamber Mrs. John I. Albro, wife of Senator Albro, on their 29th wedding anniversary.

Upon suggestion of Senator Costello, and by unanimous consent, His Honor, the President pro tempore, welcomes to the Chamber Mrs. Maurice W. Hendel, wife of the assistant in charge of law revision.

Upon suggestion of Senator Michaelson, and by unanimous consent, His Honor, the President pro tempore, welcomes to the chamber Mr. and Mrs. Michael Carroll from Ireland.

Upon suggestion of Senator Moran, and by unanimous consent, His Honor, the President pro tempore, welcomes to the chamber Mrs. Julius C. Michaelson, wife of the Senator from Providence.

Upon suggestion of Senator Michaelson, and by unanimous consent, His Honor, the President pro tempore, directs the deputy sheriff to escort Mr. Stewart Sherman, librarian of the Providence Public Library, to the rostrum.

Mr. Sherman addresses the Senate relative to Irish proclamations.

Upon suggestion of Senator Michaelson, and by unanimous consent, His Honor, the President pro tempore, welcomes to the chamber Cantor Ivan Perlman of Temple Emanuel of Providence, accompanied by Mrs. Louis B. Rubinstein of Providence.

His Honor, the President pro tempore, presents Senator Julius C. Michaelson, of Providence, who addresses the chamber on the subject, "Saint Patrick".

(See appendix for address.)

Senator Michaelson presents Canton Perlman who, accompanied by Mrs. Rubinstein, renders several songs appropriate to the occasion.

Upon motion of Senator Sgambato, seconded by Senator DeStefano, the senate adjourns at 2:11 o'clock p.m.

WALTER M. COSTELLO,
Reading Clerk.

APPENDIX

(Address by Senator Julius C. Michaelson)

ST. PATRICK

When His Honor, the Lieutenant Governor, advised the senate that I was going to be the St. Patrick's Day speaker, he suggested that the choice was ecumenical. Webster's Dictionary gives the word ecumenical this general definition, "Worldwide in extent or influence." Clearly this definition applies to the man Patrick, to his achievements and to his influence.

So great were his accomplishments, so universal his influence, that through the centuries nations have disputed as claimants to his place of birth or his father's nationality.

President Kennedy once remarked that a nation is judged by the men it honors.

In claiming credit for St. Patrick's birthplace or his father's citizenship, France, Britain, Scotland, Wales, and Italy all attest to his greatness, and perhaps to their own.

Ireland itself makes no claim to his nativity. The Emerald Isle is content to be the country of his choice.

His father Calpurnius, was a Roman citizen, and served for a time as a municipal senator. And as we all know in this chamber—with a father for a senator it is not at all unusual that the son should be a Saint.

St. Patrick's life contains great political lessons as well as spiritual lessons.

In his time, the seat of power was with the Kings and the source of power was land. There were three important classes. The property owner, the professional man, and the craftsman. They all could vote and had an equal voice in the assemblies. But the property owners had the most political power, and the King was the largest property owner.

St. Patrick never made the mistake of appealing to the people over the heads of the Kings. He knew it was fruitless. Churches cannot be built on air. Patrick coaxed land from the Kings, who had most of it, to build his churches.

Patrick was a man of peace, living in many communities dedicated to war. And it was the King who protected him.

And when it was time to bring the laws of man and the laws of God into conformity, it was the King to whom Patrick must turn.

Patrick's success in Ireland was a great political achievement as well as a spiritual accomplishment.

Perhaps the greatest monument left by St. Patrick was the organization of education in Ireland. He and his disciples founded schools throughout Ireland and here also are lessons valid today.

The Irish were not exclusive in offering educational opportunities. All classes were free to take advantage of them. This was true even for women. Bridget had Patrick's sympathy and help in establishing an institution of learning for women. It is astounding for us to realize that more than 1,500 years ago in Ireland, a woman organized education for women.

The Irish schools explored the meaning of life. How to live or learning to make a living did not concern them. Vocational education had no proponents. There are many who to this day feel that the curriculum of modern universities does less to develop the power of the mind to think than did the Irish universities of old.

Such is the legacy of St. Patrick. Today, his anniversary is universally celebrated.

In Ireland the celebration is not as extensive as in the United States. However, my friend, Mr. Carrol, of Tipperary, tells me that it is a day on which the drinking rules are relaxed.

Mr. Carrol also told me something very interesting about the shamrock. He said it dies when it is transplanted and will not prosper in any other soil.

If this is correct, then clearly the shamrock is an unusual Irish product. Indeed, if there is one trait which distinguishes the Irish, it is the ability to turn adversity to advantage.

Let me give you a graphic example. In the year 1848, Irish disorders rocked the Emerald Isle. Nine young men stood before an English judge. They had been tried and convicted of treason against her majesty the Queen and were about to be sentenced. These are their names: John Mitchell, Thomas McGee, Richard O'Gorman, Morris Lyene, Charles Duffy, Terrance McManus, Patrick Donhue, Thomas Meagher and Michael Ireland. The judge asked them what they had to say in their own defense before sentence was pronounced. Meagher spoke for all. These were his words: "My Lord, this is our first offense but not our last. If you will be easy with us this once, we promise, on our word as gentlemen, to try to do better next time. And next time—sure, we won't be fools enough to get caught."

Thereupon, the indignant judge sentenced them to be hanged by the neck until dead, and then drawn and quartered through the streets. Protests from all over the world forced the hand of Queen Victoria. She commuted the penalty to deportation for life to far-away, still primitive Australia.

In 1874, word reached the astounded Queen Victoria that the celebrated Sir Charles Duffy, who had just been elected Prime Minister of Australia, was the same Charles Duffy who had been deported some 25 years before.

At the Queen's order, the records of the rest of the defendants convicted for treason against the Crown at this same trial were searched out. Here is what was uncovered: Thomas Meagher, Governor of Montana; Terrance McManus, brigadier general, U.S. Army; Richard O'Gorman, Governor General of Newfoundland; Morris Lyene, Attorney General of Australia, in which office Michael Ireland succeeded him; Thomas D'Arcy McGee, Member of Parliament, Montreal, Minister of Agriculture and President of Council, Dominion of Canada; and John Mitchell, distinguished New York political leader and father of New York Mayor John Purroy Mitchell.

The ability of the Irish to overcome the severest obstacles was especially manifest in the United States. When the Irish came here, they encountered hostility sufficient to paralyze the spirit of a lesser people. They suffered every indignity. They were scorned and mocked. Their religion was ridiculed. They suffered every kind of discrimination which exists. Few doors were opened to them—many were slammed in their faces and yet they prospered and produced a John F. Kennedy.

George Potter, in his book "To the Golden Door" writes: "The Irish on the Maria Eliza, from Cork to St. John, caught in an ice floe and carried to Greenland, received a more hospitable welcome from the Eskimos than the Irish who came to Boston received from the Yankees. The Catholic Irish could not have settled in any section of the United States less inviting to their prospects."

In 1834, in what was then Charlestown and is now Somerville, Mass., the distrust, the ignorance, the suspicion, the fear and the hatred against the Irish and against their faith, resulted in a shameful outrage.

A convent in which were both grown women and children was deliberately burned to the ground on the night of August 11th.

At dawn, the once imposing convent building and its companion buildings were reduced to ashes and smouldering ruins.

The fire department, the police department, and some politicians of that day were all involved. Some encouraged the outrage; some participated; some remained silent.

The men of Engine Co. No. 13 of Boston, who arrived at the scene to help extinguish the blaze, removed their badges and helped to spread the fire and ransacked the buildings.

Selma, Ala., of today and Boston, Mass., of a century ago are not very different. But the Irish determined to overcome—and overcome they did.

"Get naturalized" their leaders and the church advised "and educate your children." Through naturalization would come voting rights and political power. Those who sneer today will come hat in hand looking for your help. And then came the voting registration drives.

The rest is happy history. The same history is being rewritten in other parts of this land today.

In Rhode Island, the election qualifications were rigged. The foreigners were no trouble, they were simply disenfranchised by the property qualifications of the landholders constitution of 1842.

In 1841, Thomas Dorr, a Providence lawyer, led a popular uprising, the Dorr war, against the oligarchy of the day. He formed a rump government. Eventually, he was forced to flee the State upon the suppression of the rebellion. He later returned to Rhode Island in 1843 and was committed to jail to stand trial for high treason.

The Supreme Court calendar listed his trial after the trial of John and William Gordon for murder.

The Gordons were charged with the murder of Amasa Sprague, who was the brother of U.S. Senator William Sprague.

Sprague was one of the wealthiest men in the State. He was in the inner circle of the ruling powers in Rhode Island. The accused were despised Irish Catholic emigrants.

Nicholas Gordon had a small variety store in Cranston. He obtained a liquor license from the Cranston Town Council and his business flourished.

In July of 1843, he had saved enough money to bring from Ireland his aged mother, his sister, his three brothers, William, John, and Robert, and a 7-year-old niece.

Squire Amasa Sprague, however, had spoiled his joy of bringing his family to this country because the squire had brought about the removal of his liquor license in June 1843. The liquor counter of his store was interfering with the productivity of the factory.

On December 31, 1843, Squire Sprague was found dead on the path from Cranston to Johnston. No money was taken from his pockets. Robbery was not the motive. Suspicion immediately centered on the Gordons. Since Nicholas Gordon was in Providence at the time of the crime he was indicted as an accessory. The indictment suggested that Nicholas had instigated his two brothers to commit murder in revenge.

Anti-Catholic Irish prejudices ran high. Lurid, biased newspaper reports convicted the Gordons even before they stood trial. The newspapers reported a red-stained shirt found in the Gordon house reeked with the gore of Amasa Sprague's innocent blood. The blood later turned out to be dye from the factory.

The Gordons' chief lawyer was Gen. Thomas F. Carpenter, a man of great esteem at the bar who refused to be paid for his services. He was a Dorrite and, even more provocatively, was a convert to Catholicism.

Chief Justice Durfee, with his three associates, sat on the case. The transcript shows judicial partisanship and distaste for the accused and their counsel.

Listen to the argument of Attorney General Blake talking about Nicholas Gordon: "He had two brothers, who had come over from Ireland last summer at his invitation and expense. They probably came with the idea which is common to many of their countrymen, that the laws here, in this free country, are less severe, and may be more easily evaded than the laws of their own country."

He then pointed out to the jury that the Irish have strong attachments to the head of the family and take pleasure in fulfilling his wishes and advancing his plans.

This was a presentation of a conspiracy which had not yet been proved.

Chief Justice Durfee in his charge drew a distinction between the testimony by the native born witnesses and of the "countrymen of William Gordon." In 1 hour and 15 minutes the jury returned a verdict of guilty against John Gordon.

After the trial, William Gordon, who had been acquitted, presented to the authorities the gun and the pistol which he said in an affidavit he had hidden in his house on hearing of Sprague's murder because in Ireland, possession of a weapon was a penal offense and being new to the United States he was afraid that there was such a law here. This new evidence challenged the basic points of the State's circumstantial case that the ownership of the broken gun found at the scene belonged to Nicholas and he gave it to his brother. Nothing came of this, however.

The Governor could not intervene because he did not have power to commute the sentence. The friends of John Gordon petitioned the general assembly for a reprieve. By a vote of 36 to 27, the petition was rejected.

John Gordon was hanged at the State prison in 1845.

The funeral, held on a Sunday afternoon, February 16, took 30 minutes to pass a given point. Six men abreast, almost 2,000 marchers gathered from Rhode Island, Massachussetts, and Connecticut to protest the injustice. The funeral would have been larger, but some employers ordered their employees not to take part.

The hanging of John Gordon disturbed the conscience of Rhode Island, and it became the cause which finally brought about the abolition of capital punishment in 1852.

A fair trial could not be had, and a man was hanged.

Today, other Americans stand before unfriendly judges and cry out "We shall overcome."

The Irish made great contributions in America because they were not spectators—they participated always in American life. They took part with determination. They were never on the sidelines. They insisted on helping to fashion a great nation.

There are many Irish societies in this country. They have a long and honorable history dating back to the Revolutionary times. Their members include signers of the Declaration of Independence as well as Presidents of the United States. The contributions of these societies and of their members are in every sense of the word immeasurable. There is one organization, however, which particularly intrigued me. It is called the Sons of Irish Kings. I did some investigating about it. I was especially interested because Senator Moran told me he was a member and I was very much impressed with his royal lineage. Well, I discovered that every Irishman is a son of an Irish King. Indeed, on this day, and perhaps on every other day, every Irishman is a King.

And now, I leave you all with this Irish wish:

May the road rise to meet you
May the wind be ever at your back
May the Good Lord ever keep you in the hollow of His hand
May your heart be as warm as your hearthstone
And when you come to die may the wail of the poor be the only sorrow you'll leave behind.
May God bless you always.

EARLIER DICKINSON CHARGES ARE REFUTED

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BATES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BATES. Mr. Speaker, on March 30 the gentleman from Alabama made other remarks concerning the march from Selma to Montgomery. Among the citizens from my congressional district in Massachusetts who participated in that march was the Reverend F. Goldthwaite Sherrill, rector of the Ascension Memorial Episcopal Church, Ipswich. He was so disturbed by those March 30 remarks that he was moved to refute some of them in a letter which I received from him only today.

The Reverend Mr. Sherrill was 1 of 22 white citizens chosen to join the Negroes on the full 50 miles of that historic civil rights march. I wish, therefore, Mr. Speaker, to include with my remarks at this point the letter he sent to me. It reads as follows:

DEAR CONGRESSMAN BATES: I understand that in the near future there is to be some amplification of the remarks of March 30, 1965, by Congressman DICKINSON, of Alabama

I wish to refute the statements made at that time and to record my own observations. I felt that the conduct of the marchers was exemplary and worthy of praise under conditions of constant scrutiny by the press and of constant abusive harassment from some onlookers.

I arrived in Selma on Friday, March 19, spending 2 nights there. I then participated in the entire march from Selma to Montgomery returning to Selma the night of Thursday, March 25. I left Selma for Birmingham for the night of March 26, returning to Massachusetts the evening of March 27.

At no time did I see or hear of any such circular as described in the remarks of Mr. DICKINSON, of Alabama, in the CONGRESSIONAL RECORD of March 30. I saw no such behavior as was described in his later remarks. At no time was I called upon to approve or condone such behavior in the event that such might occur.

The only suggestions which I heard of such behavior came from comments of some white citizens who lined the route of march. The remarks of these people to their neighbors and to clergymen and religious citizens of all faiths were extremely vulgar and unworthy of any community in the Nation under any circumstances. It is their echo which I recognize in the remarks of Congressman DICKINSON.

The statement: "This is a bunch of godless riff-raff out for kicks and self-gratification that have left every campsite between Selma and Montgomery littered with whisky bottles, beer cans, and contraceptives" is absolutely false and without any foundation in fact whatsoever. I would hope that Mr. DICKINSON would apologize for having been ill informed and will have his remarks retracted.

I enclose also an article from the Ipswich Chronicle which may explain my reasons for going to Selma in the first place.

If there is anything you can do to balance the record, I would appreciate it greatly.

Sincerely yours,
Rev. F. G. SHERRILL,
Rector, Ascension Memorial Church.

Mr. Speaker, the Ipswich Chronicle article to which the Reverend Mr. Sherrill refers was published on April 1, 1965. It reads as follows:

WHY GO TO SELMA?

(By Rev. F. Goldthwaite Sherrill)

(Ipswich Rector F. Goldthwaite Sherrill traveled to Alabama 2 weeks ago and was 1 of 22 white citizens chosen to march the full 50 miles in the Selma to Montgomery civil rights march.)

Despite all that has been written and spoken in the last few weeks, the first question asked by many in regard to the events in Alabama is, "Why go to Selma?" Or more pointedly, "Why interfere in the affairs of another region?"

The answer is first of all in the fact that an anguished cry for help came from Selma.

Those who came from other regions were asked to come by residents of Selma—by a number approaching half the population—who were under persecution. They were asked by people denied the indisputable rights to life and liberty. The Negroes of Dallas, Lowndes, and Montgomery Counties, Ala., issued this appeal because they were being brutalized by a police state, one which has intimidated the white moderate as much as the Negro.

NOT A REGIONAL MATTER

The second reason for going is that this is not just a regional matter. We live in one country with a single Constitution.

Last week Selma was the place where the threat to the basic law of the Constitution was most clearly evident, where the battle for human rights was most clearly stated and drawn.

During World War II, soldiers went all over the world not, we trust, to interfere in the internal affairs of other nations but to defend the principle of liberty for all people everywhere.

This is true of the battle for human dignity and human rights. It must be fought in Boston and Birmingham whenever the opportunity arises. It is necessary at all times and in all places to bear witness to the traditional position of the Constitution of the United States in regard to the rights of all men and to the Judeo-Christian proclamation that all men are the children of God.

To go from Ipswich to Selma or anywhere is to bear witness especially in Ipswich where one's own reputation and character are on the line, to the essential faith in the dignity and equality before God of all men everywhere.

SILENCE, THE ALTERNATIVE

The third reason for going to Selma is that the alternatives are keeping silence and doing nothing. The consequences of silence in the struggle for humanity is forever eloquently enshrined in the unspeakable furnaces of Dachau, Buchenwald, and the other memorials to human torture throughout history.

When, during the march, we arrived at the point where it was necessary to cut the number participating to 300 to comply with the order of the Federal court, it was difficult to decide who would not go. Hundreds more than the law allowed wanted to participate.

A white woman suggested that all the whites agree to drop out, giving the privilege of going the whole way to those who most deserved it.

The Reverend Andrew Young, spokesman for the Negro leadership of the march, answered as follows: "There are two reasons why some white people must be included. First, they are our protection. The State troopers and the National Guard did not come when Negroes were protesting alone. They came after the death of a white minister. Second, white marchers must be included because the Negro believes in integration. The leaders of this movement particularly believe in the need for black and white together solving and meeting the denial of freedom which afflicts black and white together."

WHY MARCH?

Another question I have heard frequently is "Why march?"

Isn't the place to fight this battle in the courts and the legislature, not the streets?

The answer, I believe, is that it must unfortunately be fought in all three. The individual Negro, even if the Congress and the Court insure the right to vote, still has to fight many other possible sanctions before he can apply that right. Alone he is threatened with loss of job and other more serious threats the minute he moves toward the courthouse to register. The marches have produced the great movement of numbers of Negroes together—for the first time giving a whole body of men the courage and the solidarity to resist intimidation and tyranny effectively and consistently.

NATIONAL REVOLUTION

The revolution going on in Alabama is a part of the revolution going on all over the Nation for a just share in both the Government and the economy. It is basically the same revolution encouraged by the Reverend John Wise in 1687. His phrase "taxation without representation" was often heard in Montgomery last week.

On the part of the Negro, this is a nonviolent revolution in contrast to another 190 years ago in 1775 to which Ipswich sent freedom fighters. The descendants of the Negroes of modern Selma 190 years from now will have as much occasion to be proud, I am confident, as the descendants of the battles of Lexington and Concord.

What do the whites of Alabama think? It has been amply recorded what the extreme segregationist thinks. It is important to note that they are not the only ones, though they have had the most power until now. The attorney general of Alabama has held the Governor responsible for the climate of tragedy and violence. Federal Judge Johnson, another native Alamabian has held in allowing the march that the Negroes were due this unusual opportunity to demonstrate their grievances because of their enormity. I myself talked to a number of white moderates in Alabama (as intimidated by the Klan-types as the Negroes) who thanked me for marching: "You were marching for us as well," they said.

The church's role has been difficult, especially in Alabama as has been reported. The church not only in Alabama but in many places has failed to lead. Some Alabama clergy when confronted inescapably with the present crisis have risen to the occasion. Our prayers should be with men like the Rev. T. Frank Matthews, of St. Paul's Church in Selma, who integrated his church last Sunday. He is called upon to establish more than token integration on a single Sunday. He must work out a lasting reconciliation between Selma Negroes and the former defenders of the status quo—as between equals. His parish will be the richer for it, I know, from having been with the Selma Negroes on our journey. This is a lesson for Ipswich as well. Any community would be the richer for having within its fellowship the variety and spiritual depth and humor which members of that race could contribute to the whole.

SETTING THE HISTORICAL RECORD STRAIGHT ON THE CAPTURE OF BERLIN

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CURTIS. Mr. Speaker, on February 4, 1965, I encountered an article by Drew Pearson entitled "Winnie Blamed Ike for Change in Strategy Regarding Berlin."

Considering the source of the article, its message is hardly surprising, because over the years Pearson's references to General Eisenhower have been continually scurrilous and, as is well known, his writings are chronically inaccurate.

Now comes Pearson's latest attempt to do injury to Eisenhower. In the CONGRESSIONAL RECORD of January 28, Senator ROBERTSON, of Virginia, flatly challenged Pearson's first report, stating that General Eisenhower told him personally in the summer of 1947 that "the decision to let the Russians take Berlin was made by President Roosevelt, who, of course, was his Commander in Chief." Pearson responded that it is Sir Winston Churchill who holds General Eisenhower accountable for the loss of Berlin to the Russians.

I have taken this matter up with General Eisenhower and now report the following information, directly from him:

> Facts concerning the final phases of the war in Europe are essentially as follows:
>
> (a) The mission of the Allied forces was specified, not as the capture of localities, but the destruction of Hitler's armed forces.
>
> (b) The postwar division of Germany into sectors for occupation was finally decided upon and approved by heads of government in January 1945. No matter what German areas might be captured, each nation was required, under the political agreement, to retire within the lines prescribed long before the end of the war by Generalissimo Stalin, President Roosevelt, and Prime Minister Churchill.
>
> (c) When our final operational plans were drawn up, approved and issued to subordinate commanders—Bradley, Montgomery, and Devers—sometime in March of 1945, the Western Allies were standing on the Rhine River some 250 miles from Berlin while the Russian front was 30 miles from Berlin and its spearheads already west of the Oder River. Under these circumstances our plans made no mention of Berlin. They were designed to accomplish the final and complete destruction of Hitler's forces and at the least cost in Allied lives.
>
> (d) My own headquarters had reported to our governmental superiors in January that our advance in Germany would penetrate far deeper than the line, Lubeck-Eisenach-Linz (which the political leaders had agreed upon as the eastern boundary for occupation by the Western Allies; Berlin was deep in the Russian zone). Nevertheless, they decided that no change should be made in these boundaries.
>
> (e) American forces, in the final stages of the war, reached Leipzig and after cessation of hostilities we had to retreat 125 miles to get within the boundaries fixed by the Allied political leaders. During the Allied advance between the Rhine and the Elbe, which was so swift as to surprise all the Allied governments, Mr. Churchill did suddenly suggest the great political value of capturing Berlin. However, the ground forces that were accomplishing destruction of Hitler's armies were already in motion with prescribed objectives and purposes. To have changed them materially during such a movement would have been difficult and, in my opinion, absolutely unnecessary and unwise. It is not correct to say that Mr. Roosevelt refused me permission to take Berlin, but he was party to the decision to place Berlin well outside the Western Allies' sectors of occupation.
>
> The above is an outline of facts as they occurred.

Considering the above report by General Eisenhower I think it is high time that Pearson's longtime wails over Eisenhower's role respecting Berlin be terminated. The General's report makes it clear that, regardless of what might have happened in regard to the capture of Berlin, the postwar division of Germany agreed to by Generalissimo Stalin, President Roosevelt, and Prime Minister Churchill would have controlled the ultimate situation. Hence, it was academic whether or not U.S. troops seized Berlin.

I am delighted to have this opportunity to help keep the historical records straight on this long-festering issue.

CUSTOMS BUREAU HEADQUARTERS IN PHILADELPHIA

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SCHWEIKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, I am today introducing legislation to establish a Customs Bureau regional headquarters in Philadelphia.

A reorganization plan recently proposed by President Johnson would place Customs Bureau services in the Philadelphia port under the jurisdiction of a regional office in Boston.

Philadelphia now has its own customs district, third largest in the Nation in receipts and largest in foreign waterborne tonnage. The President's reorganization proposal would create six customs regions and would make Philadelphia customs operations subsidiary to the proposed regional office in Boston.

The Schweiker bill would create five customs regions instead of six, with Philadelphia as headquarters for the North Atlantic region stretching from Portland, Maine, to Norfolk, Va., but excluding New York.

I view with great concern the President's intention to subordinate Philadelphia Customs Bureau services to a regional office in Boston. It is well known that the port with the best customs services has an advantage in intense competition for import business. Philadelphia cannot afford the slight of having its customs services handled from afar.

The six regions proposed by the administration show a wide imbalance in customs receipts with collections in one proposed region being almost twice those in another.

The five-region plan contained in my bill would save the administrative costs of one regional headquarters, would create better balanced regions in terms of customs receipts collected, and would better serve the port of Philadelphia.

One region would include the entire Boston-to-Washington megalopolis and transportation corridor, with the exception of New York, and would include the North Atlantic ports under one regional administration.

Philadelphia, almost equidistant between the Norfolk district and the Boston district, would be a natural regional headquarters. It is the largest customs district within that region.

Mr. Speaker, because of my deep concern with this matter, I recently testified before the Subcommittee on Executive and Legislative Reorganization of the Committee on Government Operations. I am including at this point a copy of my testimony:

TESTIMONY OF REPRESENTATIVE RICHARD S. SCHWEIKER BEFORE SUBCOMMITTEE ON EXECUTIVE LEGISLATIVE REORGANIZATION, HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, APRIL 13, 1965

> Mr. Chairman and members of the subcommittee, I appreciate this opportunity to testify briefly regarding the President's reorganization plan for the Bureau of Customs. I support enthusiastically the major thrust of this plan which places the Customs Bureau on career basis and eliminates positions currently filled by Presidential appointment.
>
> But I view with great concern the President's intention to subordinate Philadelphia Customs Bureau services to a regional office in Boston. The President has proposed reorganization of 113 independent customs field offices into six regions—New York, Boston, Miami, New Orleans, San Francisco and Chicago. The Philadelphia customs district would be made part of the Boston region. The survey group evaluation report, upon which the proposed reorganization is largely based, also recommends abolishing the customs laboratory at Philadelphia (10 employees) and transferring the Philadelphia comptroller's office (12 employees) to Boston regional headquarters.
>
> Philadelphia is the Nation's largest seaport in terms of foreign waterborne tonnage, handling more than 50 million tons annually, and Philadelphia is the Nation's third largest customs district in terms of receipts, the largest in the East excluding New York. For fiscal year 1964 customs receipts (excluding internal revenue taxes collected on liquors) were: New York, $570.1 million; Los Angeles, $90.7 million; Philadelphia, $73 million; Boston, $61.1 million, and San Francisco, $48.3 million.
>
> It is well known that the port with the best customs services has an advantage in the intense competition for import business. Philadelphia's port cannot afford the slight of having its customs services handled from afar. For example, the importer whose goods must be examined by a customs laboratory will naturally favor a port which contains laboratory facilities rather than a port which would present delay because samples would have to be shipped away for analysis. In

fiscal year 1963, the Philadelphia customs laboratory examined an average of 882 samples each month, almost 8 percent of the national total.

I would suggest to the subcommittee that there is a better way to implement the administration's reorganization plan—a way which would not adversely affect Philadelphia and which at the same time would better and more economically serve the Nation.

The six regions proposed by the administration show a wide imbalance in terms of customs receipts. New York must, of course, stand alone since its $570 million in duties accounts for nearly 47 percent of the national total. Beyond this, however, a great variance is evident between the collections of $91.3 million in region 4 and those of $187.6 million, almost twice as much, in region 5. (Collections in the remaining proposed regions: Region 1, $171.2 million; region 3, $115.3 million; region 6, $148.5 million.)

I propose today a plan of implementation under which the Nation's customs services are divided into five regions, rather than the six sought by the administration. Such a plan would save the administrative costs of one regional headquarters structure. Further, it would create better balanced regions in terms of customs receipts collected. In addition, and I am frank to admit this, it would better serve the port of Philadelphia. But by better serving the port of Philadelphia, the plan would better serve the Nation.

Under the region regrouping which I propose, Baltimore and Norfolk would be added to region 1. The proposed region 3 would be eliminated, and the balance of its districts—Charleston, Florida, and San Juan—would be added to the New Orleans region. Under the five-region plan which I am proposing, the customs receipts of each region—a fair measure of workload—would be far better balanced than under the administration's six-region plan. For example, the smallest region in receipts would be region 5 with $148.5 million and the largest, excluding New York, would be region 1 with $228.7 million in receipts.

Region 1 as I have proposed it would extend 600 miles from Portland, Maine, to Norfolk, Va. It would include the entire Boston-to-Washington megalopolis and transportation corridor, with the exception of New York. It would include the North Atlantic ports under one regional administration. Philadelphia, almost equidistant between the Norfolk district (214 miles) and the Boston district (279 miles), would be the natural regional headquarters. It is the largest customs district within that region.

I urge the subcommittee to recommend this five-region plan to the executive.

SOIL CONSERVATION ACT

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. SHRIVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SHRIVER. Mr. Speaker, today we mark the 30th anniversary of the adoption by Congress of a national program of soil and water conservation. It was on April 27, 1935, that the 74th Congress enacted Public Law 46, the original Soil Conservation Act, without a dissenting vote.

Two years after this law was passed, the Federal Government entered into partnership with soil conservation districts created under State laws. Kansas was one of the first States to have soil conservation districts organized in each of its counties.

About 10 days ago the Secretary of Agriculture wrote a letter to me in which he praised the outstanding contributions which soil conservation districts in Kansas have made. His letter stated in part:

> They [soil conservation districts] have proved that local talent and initiative combined with assistance from State, Federal, and local agencies and groups can get the conservation job done.

I certainly am fully aware of the fine work carried out through soil conservation and watershed districts in my State and by those in other States throughout the Nation. I am convinced there is no better vehicle through which Federal, State, and local governments may achieve resource development goals so vital to this country.

It is ironic, however, that at a time when we are hearing so much from administration leaders, including the President, about conservation, beautification, and development of our natural resources, the President's 1966 budget provides for a cut of $100 million in the agricultural conservation program and a cut of $20 million in soil conservation funds.

I am sincerely interested in economy and I want to see unnecessary Federal spending reduced wherever possible. But I do not want to be responsible for setting soil and water conservation in this country back many, many years.

There is great inconsistency in the administration's actions in regard to soil conservation and agricultural conservation programs.

It was not too many weeks ago that the administration insisted upon, and its spokesmen in the House upheld section 203 of the Appalachian Regional Development Act. This section provides an authorization of $17 million as a starter for a special land use and conservation program for farmers and landowners in Appalachia. At the time we debated this measure, I opposed it because it was discriminatory and it duplicates programs already in existence in the Department of Agriculture.

We have Federal programs which pay farmers to do nothing with their land. Why does the administration want to penalize farmers who are willing to share the costs of improving their land?

Soil and water conservation programs are investments which will provide dividends in the future to all citizens whether they reside on the farm, the suburbs, or in metropolitan areas. In Kansas we have seen the progress which has been made in the continuing battle against drought and floods, dust, and soil erosion.

The Kansas Legislature which adjourned a few days ago recognized its responsibility in soil and water conservation by doubling prior appropriations to soil conservation districts and appropriating $120,000 for watershed planning. County governments also are providing over $187,000 from their general funds to soil conservation districts on a matching basis with the State.

We cannot afford to neglect these programs which help preserve and develop our most precious resources—soil and water. I will support full restoration of funds to the agricultural conservation program and $20 million for soil conservation services.

The Federal Goverment must continue to fulfill its responsibility in those programs which were so wisely inaugurated 30 years ago.

HORTON BILL TO STOP MAIL-ORDER HANDGUN TRAFFIC

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HORTON. Mr. Speaker, I have introduced legislation today to control the terrifying traffic in mail-order handguns. By amending the Federal Firearms Act, I am aiming this proposal specifically at keeping concealable weapons out of the hands of irresponsible and criminal persons.

Before discussing details of the bill I am sponsoring, I wish to make clear to my colleagues and constituents that this is a moderate measure and takes into full account the rights all Americans are guaranteed by the second amendment to the Constitution. That historical and honored condition of our democracy, namely, that the people have the "right to keep and bear arms" must not be trampled by any misguided belief that social ills can be cured by treating consequences rather than causes.

Yet—and most reasonable citizens accept the limitation—where a right is exercised without the responsibility it requires, those who abuse it should not be subject to its protection. Such, I believe, is the current case concerning the ease with which anyone can obtain a deadly weapon.

The dimensions of the mail-order gun business are considerable. Estimates gleaned from congressional hearings are that some 1 million weapons a year now are being ordered by mail and delivered by some form of common carrier. This is known as the mail-order common carrier route and it is the channel of commerce my legislation is designed to blockade.

From my service on the District of Columbia Committee and from reviewing the results of investigations in other major metropolitan areas of the Nation, I am aware that a major source of handguns for juveniles, felons, narcotic addicts, mental defectives, and others unable to bear their moral responsibility is this kind of mail-order operation. Police officials figure about 25 percent of the mail-order guns go to recipients with criminal records and they can describe countless incidents in which persons so armed have added to the overall crime rate of our cities.

In an attempt to attack this problem soundly and sensibly, I believe legislation along the following lines should be enacted:

Manufacturers, dealers, and common carriers should be prohibited from mailing or delivering in interstate commerce a concealable hand weapon to any individual under the age of 18 or to any individual convicted of a crime punishable for a period of more than 1 year.

Additionally—and it also is part of the proposal I am offering today—the individual recipient of a handgun should be required to provide the dealer or manufacturer with a sworn statement of his age and absence of felony criminal record. This affidavit also would name the principal local law enforcement officer in the purchaser's community. Then, before the gun could be shipped or sold, the manufacturer or dealer would furnish a description of the weapon to the police official. However, the description required would not include the gun's serial number.

New Federal license fees also are in the bill I am introducing. For a manufacturer, they would be increased from $25 to $50, for a dealer from $1 to $10, and an annual license fee for a pawnbroker of $50 is set by this legislative proposal.

Mr. Speaker, I believe it is essential that all serious students of firearms legislation be aware of the distinctive differences between the various bills now pending before Congress. Many are far more restrictive than the one I offer today. In some cases, these bills would prevent any shipment of firearms between individuals in the several States. They would embrace all firearms, including rifles and sporting shotguns. Frankly, I cannot agree with the arguments advanced for these strict and stringent bills. They would appear to accomplish only abuse of millions of law-abiding citizens who derive many hours of wholesome pleasure in their pursuit of a hobby or outdoor sport.

Therefore, I have introduced a bill that is endorsed by the National Rifle Association and others interested in placing reasonable controls on the mail-order handgun business without violating our country's constitutional protection.

WALTER F. CAREY, RETIRING PRESIDENT OF THE CHAMBER OF COMMERCE OF THE UNITED STATES

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. Broomfield] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, I have been blessed with the good fortune of representing a most remarkable congressional district filled with the most remarkable and able men and women since first coming to Congress more than 8 years ago.

One of the most talented of my constituents is Mr. Walter F. Carey, who has just stepped down as president of the Chamber of Commerce of the United States.

Last night in his final speech as head of the National Chamber of Commerce, Mr. Carey addressed the Michigan State dinner at the Washington Hilton.

In his words to us, Mr. Carey spoke some truths which are too often misunderstood or misrepresented.

What he pointed out to us was the need for cooperation and understanding between business and Government.

He spoke of the need for moderation, rather than extremes by either Government or business, in solving the problems of our Nation, our people and our economy.

Mr. Carey spoke mainly to businessmen. But his words have profound meaning for those of us in Government as well.

They are a lesson for business and Government to live by in their dealings with each other.

The following are a portion of Mr. Carey's remarks:

> My own experience in the last year has done nothing to diminish either my enthusiasm or my belief in the need for greater understanding between the leaders of business and the leaders of government.
>
> No one man, whether he be the president of the chamber of commerce or the President of the United States, can achieve the kind of business-government understanding and cooperation which I believe to be necessary for the preservation of our institutions and the continued strength and growth of this wonderful country.
>
> It can thrive only when rooted deeply in the conviction of the many, both in business and in government. It can be nurtured only by conscious and active effort on the part of the many.
>
> The curtain of mistrust and suspicion must be torn away.
>
> There are some in our ranks who like to say, "America is a nation of businessmen." We should stop deluding ourselves with such cliches.
>
> True, business has every right to be proud of the tremendous contribution it has made and is making to the general welfare of this Nation, and I share that pride.
>
> We are a tremendously important part of the American society, but we are just a part of it. If we will remember this obvious fact, we will better comprehend the attitudes and the problems of the men in government, and such comprehension must be the bedrock foundation of greater cooperation and understanding.
>
> I grant you that in the ranks of government are a few demagogs whose careers are founded almost entirely upon a calculated contempt for the business community of America.
>
> But they are a small minority and exist only by the grace of another minority in our own business ranks who have displayed nothing but contempt for the Government of America.
>
> There is no room for either of these minorities, and they could not survive in the kind of America I know we can have once we achieve a true and trusting government-business partnership.
>
> I am among those who believe that the greatness thus far achieved by this country has been due, in large measure, to the high ideals and sound principles by which its course has been guided.
>
> Each of these ideals and principles, standing alone, is almost impregnable in its virtue. But none of them really does stand alone, and most of the difficulties which erupt on the American scene, can be traced to overadherence to certain of these ideals and principles with minimum, if any, consideration for other equally valid ideals and principles.
>
> This latter observation, I believe cuts across the entire spectrum of American life, but here is just one simple and current illustration of the point I am trying to convey.
>
> We all believe in freedom of the press. We all believe in a fair trial for an accused. Yet, some of the best brains in the country are searching for a way to reconcile these two cornerstones of the Constitution, and to prevent the one from destroying the other.
>
> Again, and getting a little closer to home, we all stand foursquare for what we call the free enterprise system. Still, we endorse the antitrust laws and other controls which clearly curb the free enterprise system.
>
> The reason is simple. Most of us have got sense enough to know that a pure and unfettered free enterprise system, carried to its end, would trample upon other ideals and principles which we also hold dear—and in the end would destroy itself.
>
> In other words, the success of our system and our country has been due to the fact that sooner or later we usually find a way to accommodate each of our ideals and principles with the other ideals and principles.
>
> The burden of arriving at such accommodation bears heavily upon the people in government, particularly upon those holding elective office, and most heavily of all upon the President—any President.
>
> Interest groups of all types and descriptions are inclined to seize upon those ideals and principles which best suit their purpose, and ignore the others.
>
> There seems to be a widespread concept that the best way to obtain a favorable compromise is to take an extreme and uncompromising position.
>
> I challenge the validity of this concept. I believe the United States has progressed in spite of it, and certainly not because of it. I believe there is a better way—a way that holds far greater promise for a far better future, for our children and our grandchildren.
>
> So I go out as I came in—pleading for moderation, for cooperation, and for understanding.
>
> It all boils down to this simple proposition.
>
> If those of us in business feel we need the understanding of those in government for the many problems we face in our attempts to grow, create jobs, and raise the living standards of our people, then those in government clearly are entitled to our greater understanding of their role in solving the great social issues of our time.
>
> I leave you with that thought, and my sincere appreciation for the wonderful support you have given me in a year that shall always live in my memory.

GOOD AND BAD SAMARITANS

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. Laird] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. LAIRD. Mr. Speaker, a major contribution on a critical question in American life was made recently. The contribution, a joint venture between a major private company, Sentry Insurance of Stevens Point, Wis., and the University of Chicago Law School, deserves continued public attention.

Sentry Insurance and the law school jointly sponsored a 1-day symposium designed to study the "Good Samaritan and the Bad." The topic related to the alarming number of incidents being reported in the press involving people failing to act in behalf of others in emergency situations. Perhaps the most famous of these cases was the Kitty Genovese case in New York but there have been many other similar incidents around the Nation.

The insurance firm had the idea for the conference and expressed a willingness to finance such a meeting. The law school had the know-how and the resources to make the idea a reality. They brought experts to the school from the United States, France, Great Britain, and Australia to discuss the problem.

Mr. Speaker, the result was a first of its kind, the first time this growing problem in American society has been studied by scholars in law, psychiatry, sociology, and journalism.

That the conference struck a responsive chord with the public is indicated by the fact that approximately 25 news media covered the event and reports of the meeting were used by the major wire services, television and radio networks, national magazines and others. Both Sentry and the university were deluged with laudatory letters from editors, educators, lawyers, students and other private citizens.

Editorial writers for newspapers such as the Chicago Daily News and the Chicago Tribune joined in with praise for the meeting.

And, while no quick answers or solutions were produced at the conference it is evident that the spotlight of attention focused on the subject of involvement will have a beneficial and lasting effect on our society. For this reason alone Sentry and the law school should be commended for the leadership they demonstrated in this area.

Mr. Speaker, under unanimous consent, I include two editorials from the Chicago Daily News, one editorial from the Chicago Tribune, two news stories from the New York Times, one news story from the National Observer, and one from the Arizona Daily Star. In addition, I include a brief statement by John W. Joanis, executive vice president, chief operations officer of Sentry Insurance Co.'s, Stevens Point, Wis., at this point in the RECORD.

The material referred to follows:

[From the Chicago Daily News, Mar. 30, 1965]

THE BAD SAMARITANS

Since that March day a year ago when Catherine Genovese cried vainly to her New York neighbors for help as she was being stabbed to death, the baffling question of bystanders' responsibilities has been much in the public mind.

It is an important question of itself, and an aspect of a still more important one: Are the circumstances of 20th century life working to desensitize and even brutalize our society at the time of its greatest intellectual and technological triumphs?

On April 9 the question will be examined in a day-long conference at the Law School of the University of Chicago with a thoroughness benefitting the significance of the subject. Proposed by the Sentry Insurance Co., the meeting will bring together thoughtful men of law, medicine, philosophy, sociology, and communications.

"Our purpose," says Prof. Harry Kalven, Jr., who will preside, "is to examine the legal and moral problems that arise when man chooses to overcome apathy and assist his neighbor in trouble. If a good Samaritan is endangered and suffers injury or suit or even worse from his action, what are his legal rights, those of the victim, or of the attacker? And what are the consequences?

"On the other hand, what are the legal and moral implications of refusing to volunteer in situations of emergency or peril?"

We shall watch the proceedings with deep interest. For even bits and pieces of answers can be immensely useful when the question is as crucial as this one—the question of whether means can be found to bring a renaissance of the human spirit in time to avert the unimaginable disaster that must otherwise befall in this nuclear age. There is a spark of encouragement, meanwhile, in the fact that a private company and a great university are joining forces to study the problem.

[From the Chicago Daily News, Apr. 10, 1965]

SAMARITANS AND THE LAW

When Lawrence H. Boyd was driving a cab on the South Side on March 29, 1961, he tried to help two youths who were being beaten and robbed. He was shot, lost the use of his right arm, was unable to work for 4 years and fell deeply into debt. Alderman Robert H. Miller (sixth ward) has asked the city council to thank and reward Boyd.

This story gives sharp point to a conference held yesterday at the University of Chicago, sponsored by the Sentry Insurance Cos., on "The Good Samaritan and the Bad." Prof. Charles O. Gregory, of the University of Virginia, told the conference that little can be done through laws because those who ignore the voice of conscience will not heed the command of law.

However, Professor Gregory said, the very least that can be done is to confer legal immunity from liability for any suit resulting from attempts to help others. Some States confer such immunity to doctors. A bill to do so in Illinois is currently before the General Assembly and should be made into law.

Going further, Professor Gregory suggested public compensation for harm incurred while rescuing those endangered. This suggestion and similar others should be seriously weighed. Society must encourage people like Lawrence Boyd, who at great cost to himself refused to "pass by on the other side" and says that, in spite of all, he would do so again.

Special conditions in the modern world seem to dehumanize people, drying up the springs of man's concern for his fellow man. Basic answers must be sought in the home, the school, the church, and the community. But while that search is on, the law should be a humane, not a dehumanizing, influence. It should be, not a neutral and much less an enemy, but a friend and ally to the good Samaritan.

[From the Chicago Tribune, Apr. 15, 1965]

THE BAD SAMARITAN AND THE LAW

With shocking and apparently increasing frequency, city people have shown themselves unwilling to come to the aid of brethren in distress. Since the murder of Kitty Genovese in New York beneath the windows of at least 38 witnesses, not one of whom even telephoned the police, we've read repeatedly of assaults committed in buses, on subway trains, and elsewhere while witnesses stood or sat idly by.

Can't these bad Samaritans be punished for their cowardice or callousness? And if not, shouldn't a new law make them punishable? The problem was debated by American and foreign experts at the University of Chicago Law School the other day, and no ready solutions were forthcoming.

A basic concept of Anglo-Saxon law has always been the freedom of the individual to succeed—or to suffer—as a result of his own actions. This concept carries with it the implication that a man who minds his own business is likely to keep out of trouble. After all, you can be sued if you undertake to help an injured man and, in the process, do something that aggravates his injury. You can get into all sorts of trouble if you rush into a house to save a screaming woman and find that you've landed in the middle of a family quarrel. A man in Pennsylvania was arrested for firing birdshot at a gang of youths who were trying to break into a car to attack the occupants.

As Prof. Charles Gregory, of the University of Virginia, said, we don't know whether most bad Samaritans are guided by considerations like these or simply by fear of "getting involved" or of being inconvenienced or of risking injury to themselves. But clearly the law doesn't encourage people to be good Samaritans, and to this extent the law is inconsistent with our accepted moral obligations.

But to try to legislate these moral obligations might do more harm than good. To what extent should a prospective rescuer be required to risk his own life or property in order to save someone else's? What if his assistance proved unwanted, as in a family quarrel? And is it wise to try to legislate moral behavior any more than we already have done, especially at a time when the freedom of the individual is threatened everywhere by collectivist notions?

"I do not see," said Professor Gregory, "how we can legislate charity, altruism, and courage—both physical and moral."

He did suggest some things that might be done. We might give rescuers a reasonable amount of immunity from civil and criminal action against them. We might even compensate them for loss or injury which they may sustain in the process of trying to help, much as Britain now compensates the victims of assaults.

But these steps aren't going to make us all into good Samaritans. Instead, the promise of reimbursement might tend to make good Samaritanism into a racket, like ambulance chasing. The slick operator might rush about looking for prospective rescuees, willing or unwilling, and if he couldn't find any he might stage a phony rescue simply to obtain the compensation.

So it seems to us that there is a line beyond which Samaritans—good and bad—will have to answer only to their own consciences. It is the conscience, after all, that makes a good Samaritan good—not the law—and if a man's conscience tells him to act, he should be able to count on society not to penalize him or expose him unnecessarily to retaliation. The best thing the police and the courts and the law can do is to justify that faith.

[From the New York Times, Mar. 28, 1965]

"GENOVESE" CASES SPUR CONFERENCE

CHICAGO, March 27.—A man sits reading a newspaper as a baby toddles toward an open well. He watches. The baby falls in. He turns back to the sports page.

What is his legal responsibility? None.

Why? Because under the so-called good Samaritan rule in common law, "no one has the obligation to be a good Samaritan."

Professors at the University of Chicago Law School discussed this "emphatic nonobligation, this moral monstrosity without a legal wrong," at a meeting in the Tavern Club this week.

They were preparing for a conference next month on what appears to be a growing fear of "involvement."

The law school's interest stems from widespread comment on a string of cases like that of Catherine Genovese, who was fatally stabbed in New York while at least 38 neighbors in an apartment development heard her cries for help but made no response for fear of "getting involved."

"The Good Samaritan and the Bad, or the Law and Morality of Volunteering in Situations of Emergency and Peril, or the Failing To Do So" is the formidable title of the conference to be held April 9.

Legal scholars, philosophers, sociologists, and newspapermen from the United States, Australia, Britain, and France will take part.

QUESTIONS POSED

Prof. Harry Kalven, Jr., and Prof. Stanley A. Kaplan, who with Prof. Walter J. Blum have set up the conference, discussed the problem at the meeting this week.

Calling the conference a "fresh response to a new situation," Professor Kalven asked:

"If a good Samaritan is endangered and suffers injury or suit or even worse from his action, what are his legal rights? What are the rights of the victim? The attacker? What are the legal and moral implications?"

Following are some of the questions that make the "Genovese situation" more difficult than it might appear, and the basis, Professor Kalven said, of the conference.

Is this largely an urban problem? Is this a reflection of rugged individualism in a capitalistic country versus the welfare state? What is to be made of the fact that Soviet Russia, Vichy France, Fascist Italy, and Nazi Germany enacted laws imposing a burden to help?

Is the moral obligation only to call a policeman, a life guard or the fire department?

In other words, does modern society replace the "hero" of the rural society with a "cadre of officials ready to intervene"?

Should the law punish the "bad Samaritan" who turns his back?

Does the lack of legal responsibility make any difference?

Do people really know they are free to turn away, and would the threat of punishment make them good Samaritans?

If the law doesn't punish the bad Samaritan, should it reward the good Samaritan? And if so, how?

The participants in the conference will include:

Prof. Charles O. Gregory, University of Virginia Law School.

Prof. Andre Tunc, University of Paris.

Norval R. Morris, professor of law, University of Chicago.

Prof. Louis Waller, Monash University, Victoria, Australia.

Alan Barth, of the Washington Post.

Prof. Herbert Fingarette, Department of Philosophy, University of California.

Prof. Joseph Gusfield, Department of Sociology, University of Illinois.

Dr. Lawrence Z. Freedman, professor of psychiatry, University of Chicago.

Prof. Herman Goldstein of the University of Wisconsin Law School.

Hans Zeisel, professor of sociology and law, University of Chicago.

Prof. Anthony W. Honore, fellow of New College, Oxford, England.

[From the New York Times, Apr. 11, 1965]

EXPERTS DEBATE SHARED MORALITY—PANEL STUDIES PENALTIES IN "BAD SAMARITAN" CASES

(By Austin C. Wehrwein)

CHICAGO, April 10.—A woman, viciously attacked, lies bleeding in the street as 50 people pass by on the other side.

A farmer destroys his burning barn to prevent the fire from spreading to his neighbor's but the neighbor refuses to compensate the farmer.

A young man foolishly breaks a leg in a cave and an experienced man going to his help also breaks a leg.

Do such instances indicate that there is a "shared morality" in modern industrialized society, agreement that there is obligation to those in peril?

American law generally imposes no duty or penalties on the "bad Samaritan" who ignores strangers in need. A conference has been called at the University of Chicago to ask the question whether the laws should be changed.

That is the crux of the "Genovese question" and the expert panel with representatives from England, France and Australia at the university last night learned—but without reaching a formal consensus—toward the view that a shift in the law was needed.

There was apparent agreement that the good Samaritan deserves to have obstacles taken out of his path, so that at least he will not open himself to lawsuits when he helps someone. There was also a general agreement that the good Samaritan should receive compensation—for example the farmer who destroyed his barn—either from the government or from the person he helps.

But the Americans on the panel back away from the position that the law should impose a positive obligation, which might include a jail sentence, on the bad Samaritan who turns his back. The contention by the Americans was that a law was probably impractical. As Prof. Harry Kalven, Jr., of the University of Chicago Law School, the moderator, put it, the law does not expect people to be heroes but might take a dim view of "simply lousy conduct."

The panel worked with scholarly papers and with representatives from philosophy, sociology, psychiatry, and journalism as well as the law.

Heretofore the fact that Anglo-American law placed no liability on the frightened or indifferent man who, for example, watched idly while a baby drowned, was largely an academic "shocker," with which professors stirred up first-year law students.

The Catherine Genovese case last year and widely reported cases like it since have changed that. The Genovese case was that of a 28-year-old New York woman fatally stabbed as she returned home from work while 38 people ignored her cries for help.

While there was some dissent and a lively discussion on the 11-man panel there was general agreement that a new law could lead to and reinforce, or at least underwrite, a moral feeling that people should be good Samaritans if they could.

Antony W. Honore, a Fellow of New College, Oxford, gave the principal paper last night. He said duty stopped short at the brink of danger.

"Samaritans, it is held, must be good, but need not be moral athletes," he commented.

While Professor Honore advocated compensation to the good Samaritan who suffered injury or loss, he also said the law could demand positive action—that is, make it a crime not to be a good Samaritan under certain circumstances. England does not have a good samaritan law; Germany, Italy, the Soviet Union and France do.

Prof. André Tunc, professor of law at the University of Paris, said the French had found it just as easy to enforce a good Samaritan law as any other. But when asked if French law could have been applied in the Genovese case, he said it probably would not.

"You could not put a whole block of people in jail," Professor Tunc said.

Prof. Charles O. Gregory, University of Virginia law professor, said:

"I suppose there is much to be said for the old Anglo-American attitude of minding your own business—except that as the world changes, the other people's business in more and more ways becomes yours. But I do not see how we can legislate charity, altruism, and courage.

Yesterday afternoon Herman Goldstein, former executive assistant to Chicago Police Commissioner O. W. Wilson, and now a professor at the University of Wisconsin Law School, said police systems were originally designed for simple, homogeneous, and less-urbanized populations.

He said that the systems had relied heavily on citizen participation and had not caught up with the times and the difficulty of getting such participation in a heavily urbanized society.

The Good Samaritan Symposium was sponsored by the Sentry Insurance Cos., of Stevens Point, Wis.

[From the National Observer, Apr. 12, 1965]

GOOD SAMARITAN: WILL ANYONE STOP ALONG THE ROAD?—STATUTES ACTUALLY PENALIZE PEOPLE WHO TRY TO HELP VICTIMS OR THE POLICE

CHICAGO.—A young man lolled on a boat dock, soaking up the sun, casually puffing on a cigaret. He was a strong swimmer, but at this moment he was relaxing—and watching another man, who had fallen out of a boat, struggling to stay above water. The young man on the dock watched until the other disappeared forever under the rippling water.

This may sound familiar, like the recent stories about people who refused to help others in distress, but it occurred in 1928 in Massachusetts. A lawsuit followed, and it was held that the man on the dock had no responsibility whatever to try to save the other's life.

That was the law then, and it is the law now. On March 13, 1964, 38 men and women in the Kew Gardens section of New York City watched from their apartment windows while 28-year-old Kitty Genovese was stabbed to death—by an attacker who had time to leave the scene and return to finish his murderous assault—and they had no legal responsibility.

A judge once said, in such a case: "They must answer to a higher court."

A MORAL RESPONSIBILITY

Last Friday, a group of lawyers, professors, and newsmen gathered at the University of Chicago to talk about law and morality in a seminar entitled "The Good Samaritan and the Bad." Their judgment on this point was unanimous: Of course there is a moral responsibility to act within reason to save the life of a fellow man.

But they were aware of the absence of legal responsibility, and they pondered possibilities of how the law can be changed to at least encourage the good Samaritan. The gist of their conclusions was summarized by Prof. Charles O. Gregory of the University of Virginia Law School:

"I suppose there is much to be said for the old Anglo-American attitude of minding your own business, except that as the world changes, other people's business in more and more ways becomes yours. I do not see how we can legislate charity, altruism, and courage, both physical and moral."

STEPS THAT COULD BE TAKEN

"But some things we can do:

"We can widen the immunity of rescuers from tort (civil) liability, and even from criminal liability.

"We may even compensate them for harm they incur themselves.

"And we can punish people for failing to do something about situations with which their acts causally connect them, innocently or otherwise."

Professor Gregory deplored a legal result in which a person who has attempted to save another from accidental death or a crime can be arrested or sued by the victim or even the criminal for using too much force.

"The least the law could do here is to let the rescuer use such force in protecting another against attack as he might use to protect himself," said Professor Gregory.

The professor pointed to the ironic experience of a Pennsylvania man, George R. Senn. Returning to his apartment one evening last summer, after visiting his wife and their first baby in the hospital, he saw a suspicious crowd of teenagers in the building parking lot. He called the police, but no officers came.

A few minutes later, Mr. Senn looked out of his window to see a group of young men surrounding a car containing one boy and three girls. They battered the car, and one jumped on the hood to kick in the windshield. Mr. Senn didn't know it at the time, but those in the car and those outside it were alined with two different gangs who had planned a "rumble" for later that night.

I HAD TO DO SOMETHING

Recalling the incident last week, Mr. Senn said: "I was infuriated. The police didn't come, and I felt I had to do something. Our apartment had been broken into a month before, and I had a shotgun loaded with skeet shot. I picked it up and fired."

Eventually, Mr. Senn fired five times as the gang at first dispersed and later reformed. When Mr. Senn called the police this time, they came—and arrested him. He had to spend the night in jail because they wouldn't let his lawyer see him until the next morning.

The participants in the gang fight, some as old as 22, were fined $50 each. Mr. Senn was convicted of aggravated assault and battery and firing a deadly weapon; the jury acquitted him of assault and battery with intent to kill.

The trial judge, Peter Diggins, was so shocked he refused to sentence Mr. Senn. But with court costs of $491, a $400 bail-bond fee, and $500 legal expenses, Mr. Senn was out $1,391.

Friends in the apartment building and others who have heard of the incident began to contribute toward those expenses. "We have passed the $1,391 mark," Mr. Senn reported last week. "Now all I have to worry about are the two lawsuits filed against me by members of the gang."

Short of this extreme case, however, there remains the problem of those who are injured or suffer other serious losses when assisting the victims of a crime or trying to help the police. Prof. Norval Morris, of the University of Chicago Law School, believes that "State compensation schemes are essential." He said:

"Since crime is endemic (in our society) and since it is chance in many instances which defines who shall be the victim of crime, and a combination of chance and high moral qualities which defines who shall be the injured good Samaritan, it is surely proper that society should share in the financial loss * * * to the good Samaritan, and to those who are financially dependent upon him, from the fact that he bore it for us."

LIKE AID TO VETERANS

Professor Morris compared such a compensation program to the Veterans' Administration, "by which the community shares in the loss for those who have suffered for us in war." He suggested it could be established along the lines of workmen's compensation or third-party motor-vehicle insurance.

The third of Professor Gregory's points, some kind of punishment for the callous bystander, is already reflected somewhat in hit-and-run driver statutes. A driver who might not be responsible for an accident can still be forced by law to stop and render any possible assistance.

But although it is often said to be too difficult to write laws forcing persons to render assistance, such laws have been written and—according to authorities at this conference—they do work in most nations of Europe, France, Germany, Italy, and the Soviet Union among them.

France's law, for example, makes it a crime to abstain from giving assistance to someone in danger when there would be no risk to him or to others. Punishment is 3 months to 5 years in jail plus a fine.

THE CONSCIOUSNESS OF SOCIETY

Under the Anglo-American common law, as it stands now, no one is liable, either civilly or criminally, unless he owes a "duty" to another. Perhaps as a sign that society is more conscious of helping others, that duty has been extended in recent years. An innkeeper clearly owes a duty to his guests. He cannot, for example, knowingly let a man die in a hotel room without trying to help.

But as one legal commentator puts it, "The law has persistently refused to recognize the moral obligation of common decency and common humanity to come to the aid of another human being who is in danger. * * *"

In fact, the law at present tends to discourage rather than encourage potential good Samaritans, especially when they are trying to help police. Said Herman Goldstein, former assistant to the Chicago police commissioner and now on the University of Wisconsin law faculty:

"In part this reaction is attributable to fear. Many persons believe—although statistics do not bear this out—that cooperation with the police may result in direct reprisal from the criminal. There is also the element of inconvenience. A housewife with children to take care of, or a small store operator with no one to mind the store, gradually loses interest as the police require him to view photographs and showups.

"If the victim was previously involved with a criminal trial, or had heard accounts of those who were involved, the likelihood of cooperation is substantially lessened. The loss of time, endless waiting, and innumerable delays that mark the typical criminal proceeding in a large urban area are a major source of discouragement.

"Repeated continuances sought on what appear to be questionable grounds are utilized as a defense maneuver to wear out the victim or the witnesses."

Yet, despite all these problems, and despite the outcries that follow the Genovese and similar incidents, there was this consensus at the seminar: This Nation has not become one of people who don't care about anyone else, of people who don't want to "get involved."

"If anything," said Herbert Fingarette, professor of philosophy at the University of California, "we have become morally more demanding. We are more shocked by a refusal to help." Dr. Lawrence Freedman, a psychiatrist at the University of Chicago Medical School, describes it as "heightened sensibility."

The feeling here was that the rash of stories in the past year about "bad Samaritans" is traceable to the publicity given the Genovese murder. Reports of such events seem to beget others; those at the seminar think the total no higher than in earlier years.

After all, as one speaker pointed out, the original good Samaritan was not exactly a hero. He cared for the beaten man, but he did not arrive until after the robbery; thus he never had to face the robbers. Whether most Americans today would fight the robbers—whether it is even wise to answer a cry for help from a dark alley—is one thing; most people here believe that there are few Americans who would pass a victim by.

Just last week in Chicago, two students at Northwestern University did not pass by. While driving on an expressway, they stopped when they saw a crowd gathered. A woman had flipped her car off a bridge and was trapped, sobbing, only her head poking from the car which lay in the swirling Des Plaines River. No one seemed to know what to do. But the boys did. They slid down a rope to the water, and holding on to each other and the car, pulled the woman free. All three were dragged downriver by the current until the passers-by managed to fish them out—battered but safe.

No one paid for the boys' ruined clothing—perhaps there ought to be a law about that—but as Northwestern's president, Dr. J. Roscoe Miller, told them, "Your reward will come for the rest of your life."

JERROLD K. FOOTLICK.

[From the Arizona Daily Star, Mar. 28, 1965]

EXPERTS DISCUSS BAD SAMARITAN—LEGAL CONFERENCE TO EXPLORE WHY PUBLIC HAS AN EMPHATIC NONOBLIGATION ATTITUDE

(By Austin C. Wehrwein)

CHICAGO.—A man sits reading a newspaper as a baby toddles toward an open well. He watches. The baby falls in. He turns back to the sports page. What is his legal responsibility? None.

Why? Because under the so-called good Samaritan rule in common law, "No one has the obligation to be a good Samaritan."

Professors at the University of Chicago Law School discussed this emphatic nonobligation, this moral monstrosity without a legal wrong, at a meeting this week.

They were preparing for a conference next month on what appears to be a growing fear of involvement.

The law school's interest stems from widespread comment on a string of cases like that of Catherine Genovese, who was fatally stabbed in New York while at least 38 neighbors heard her cries for help but made no response for fear of getting involved.

"The good Samaritan and the bad, or the law and morality of volunteering in situations of emergency and peril, or the failing to do so" is the formidable title of the conference to be held April 9.

Legal scholars, philosophers, sociologists, and newspapermen from the United States, Australia, Britain, and France will take part.

Prof. Harry Kalven, Jr., and Prof. Stanley A. Kaplan, who with Prof. Walter J. Blum have set up the conference, discussed the problem at the meeting this week.

Following are some of the questions that make the "Genovese situation" more difficult than it might appear, and the basis, Kalven said, of the conference.

Is this largely an urban problem? Is this a reflection of rugged individualism in a capitalistic country versus the welfare state? What is to be made of Vichy France, Fascist Italy, and Nazi Germany enacted laws imposing a burden to help?

STATEMENT BY JOHN W. JOANIS, EXECUTIVE VICE PRESIDENT, CHIEF OPERATIONS OFFICER, SENTRY INSURANCE COS., STEVENS POINT, WIS.

Sentry Insurance proposed and is underwriting the good Samaritan symposium for a number of reasons.

We in the insurance industry are legitimately concerned with property loss and personal injury. At Sentry, however, we believe that our responsibility extends beyond what merely is insurable. It extends to examining the value people place on life and property—even that which is not their own.

Like a great many others we have been troubled by the growing lack of concern of people toward their fellow citizens, as exemplified by the newspaper stories citing noninvolvement of citizens in emergency situations.

We at Sentry believe in involvement. As individuals we believe in assisting those who need our help. As a company this may mean, as it does in this case, becoming involved in helping to shed some light on an issue of major public importance.

In this spirit, and for these reasons, we initiated the symposium. We are proud to be associated with the University of Chicago Law School in this project.

ECONOMIC INCENTIVES FOR CONTROL OF POLLUTION

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. OTTINGER. Mr. Speaker, I have today introduced legislation to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement equipment over a period of 36 months.

This bill was introduced in the Senate by the distinguished Senator from Connecticut, Senator ABRAHAM A. RIBICOFF. It has received broad bipartisan support in that body and I am sure the same will be true in the House.

In his state of the Union message, President Johnson called upon us to "increase the beauty of America and end the poisoning of our rivers and the air that we breathe." He has projected programs involving increased Federal research, regulation, and technical assistance in the field of air and water pollution control. Furthermore, he directed the Chairman of the Council of Economic Advisers to "study the use of economic incentives as a technique to stimulate pollution prevention and abatement."

This is not a new idea. The first Federal legislation along these lines was introduced in 1947 and has been frequently introduced since then. Several States have adopted measures to ease State and local taxes to encourage pollution abatement programs undertaken by industry.

We can no longer ignore the dangers to health and safety caused by pollution of our air and water. We are improving Federal programs to aid States and communities in developing abatement programs, but if we are to be successful, a large part of the job must be done by private industry.

The purchase and installation of equipment to control pollution involves large expenses. Since these costs basically serve to protect the health and safety of the public, it is appropriate that the public share with private industry in the expenditures.

The bill I have introduced will help us obtain cleaner air and water by permitting taxpayers who buy expensive treatment equipment to deduct its cost over a 36-month period.

Under present law, a taxpayer who buys equipment designed to abate water or air pollution may take a depreciation deduction for such equipment. However, since some of this equipment has a useful life of 20 years or more, in many cases it will be a long time before the tax deductions equal the initial outlays. This bill provides that the entire cost of the equipment may be deducted over 36 months instead of over the useful life of the equipment.

This legislation provides that in order to qualify for the tax writeoff, the equipment must conform both to State and Federal policies and standards.

The Joint Committee on Internal Revenue Taxation estimates that this program will result in an initial decrease in revenues of $50 to $150 million in each of the first 3 years. These losses would diminish in subsequent years and in the long run would not, of course, cost the Federal Government anything since the bill merely accelerates the timing of depreciation. In view of the fact that we are now investing $100 million a year for the construction of municipal sewage treatment facilities, we can hardly refuse this kind of help to industry to undertake efforts to protect our air and water.

INTERGOVERNMENTAL COOPERATION ACT OF 1965

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FRASER. Mr. Speaker, today I have introduced a proposed Intergovernmental Cooperation Act of 1965. This bill would permit specific improvements in the conduct of our system of cooperative administration of Federal grant programs. These improvements include more uniform administration of Federal grants to State governments, strengthening the hand of the Governor in the administration of Federal grants going to State departments, congressional review of new grant-in-aid programs at the end of 5 years, and freedom by Federal agencies to provide technical assistance and services to State and local governments on a reimbursable basis. Finally, at the local level, cities and counties would be favored as applicants for Federal grants, local and metropolitan planning would be strengthened, and more information provided to local governments on Federal land development decisions.

In the Senate a similar bill has been introduced by Senator MUSKIE, of Maine, and cosponsored by 38 other Senators, including the two distinguished Senators from Minnesota, Mr. McCARTHY and Mr. MONDALE.

The concepts embodied in the Intergovernmental Cooperation Act of 1965 have evolved over a period of time and from the initiative of several agencies and organizations. Many of the provisions are buttressed by detailed studies conducted by the Advisory Commission on Intergovernmental Relations—a bipartisan national body created by the Congress and comprising representatives from all levels of government. My good friend, Arthur Naftalin, the distinguished mayor of Minneapolis, has been serving as one of the mayor members on this Commission.

One title of the bill would provide for more uniformity of those Federal grants which go to State governments. These proposals were developed by the Bureau of the Budget and were designed to deal with a number of issues raised in recent years by the National Association of State Budget Officers.

Another title of the bill would provide for a congressional review fairly early in the life of new grant-in-aid programs in order to ascertain whether (a) the grant-in-aid is accomplishing its intended purposes; (b) redirection is needed to meet new conditions, including possible expansion of the scope of the grant and the dollar authorizations; or (c) the program should be terminated in the event that it has substantially achieved its purposes. As the federally supported activities grow in scope and importance the need increases for continuous and intensive review and for more systematic coordination of the grant programs.

Such review and coordination are the overall objectives of the proposed act. It represents, in my view, a major effort to implement what President Johnson has described as "creative federalism," a system in which each level of government will perform best its proper function and in which all levels will make the most meaningful contributions to overall governmental policies and programs.

Another title—and this is particularly important for the urban areas of our Nation—would strengthen urban and metropolitan planning in the development and execution of federally supported projects in our metropolitan areas and would assist municipal corporations in urban areas in checking the further spread of substandard development in the suburban and unincorporated fringes of our cities.

Mayor Naftalin, in testimony before the Senate subcommittee which is considering these problems, characterized this "substandard urban expansion" by "absence of comprehensive planning; by minimum public facilities, often involving the dangerous use of private water sources and septic tanks in metropolitan locations; by minimal, if any, fire service or police protection; by marginal and overloaded schools; by inadequate building regulation; by insufficient zoning and land-use control; by lack of sufficient recreational or cultural facilities; by street construction at minimal rural road standards where city street standards are needed; by the absence of systematic drainage; and, in general, by almost total disregard for all those requirements of public facilities and services essential to the urban way of life.

Title IV of the bill would require Federal agencies to take into account the local planning objectives of city and county governments in the metropolitan areas prior to the making of grants to special units of government in those areas for the construction of physical facilities.

A final title of the bill would amend the Federal Property and Administrative Services Act by providing a uniform policy and procedure for use and disposition of land within urban areas by the General Services Administration in conformance, to the extent possible, with the land utilization programs of the local governments concerned. This title would carry out specific resolutions of the U.S. conference of mayors and the National League of Cities with regard to the coordination of GSA acquisition and disposal activities with the affected local units of government.

In conclusion, I believe that the overall impact of the Intergovernmental Cooperation Act of 1965 will be to integrate, coordinate and simplify the administration of grant-in-aid programs. It will provide a more comprehensive planning framework within which Federal money can be more efficiently used and it will enlarge the opportunities for a creative partnership among Federal, State, and local governments. For these reasons, I strongly urge its adoption.

DAYLIGHT SAVING TIME

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FRASER. Mr. Speaker, this past weekend we started through the annual time-taggle that surrounds daylight saving time in the United States. Daylight saving time started for some States and parts of other States on Sunday. Additional States or parts, such as my State of Minnesota, will switch to daylight saving time later. The rest will ignore daylight saving time as in the past. And this jumbled switching will take place in reverse in September and October of this year when these areas go off daylight saving time.

Both last year and again this year I have introduced legislation to provide at least a minimum of daylight saving time uniformity. My bill, H.R. 6134, would require that all States that have daylight saving time go on and off on the same dates. It would not force any community to utilize daylight saving time if it did not wish to, but would merely provide more uniformity where it is used.

The Sunday New York Times had an editorial on this "timely" subject. Although I do not necessarily agree with their call for compulsory daylight saving time, I commend the editorial to my colleagues, as follows:

TIME, PLEASE

Daylight-saving time starts today—if you live in New York or 1 of 14 other States or the District of Columbia.

In another 16 States, daylight saving is, like the sale of whisky, a matter for local option. Thus some areas of Virginia go on daylight-saving time today, some on May 30, and some never do. Minnesota switches to daylight-saving time on May 22, but only stays there until September 6. In the 19 remaining States, daylight-saving time is ignored year round.

If all this is rather confusing to the ordinary traveler, it is maddening to the transportation and communications industries. Because Federal law requires railroads to operate on standard time but most of their passengers use daylight-saving time, the Nation's railroads have to publish two kinds of timetables—and their harassed employees have to answer millions of questions on the subject.

A good argument could be made for staying on daylight-saving time throughout the year. Certainly there is nothing sacrosanct about the last Sunday in April. Longer days could just as well begin on the first Sunday in March.

Last year the Commerce Committee of the House and Senate approved different bills that made a small start out of this chaos by requiring States and localities that use daylight saving to adhere to a uniform April-to-October schedule. Since these measures did not reach a final floor vote, they are again up for consideration. Neither is adequate.

Congress should make daylight saving uniform and compulsory across the Nation for the 8 months from March through October. The United States has quite enough problems without trying to figure out what time it is.

FOREIGN AID DISCUSSIONS RESUMED

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. FRASER. Mr. Speaker, tomorrow, Wednesday, April 28, we are resuming the weekly foreign aid discussions sponsored by a bipartisan group from the Foreign Affairs Committee.

The meeting tomorrow at 3 p.m. in the Speakers dining room will center on the U.S. farmer's stake in Public Law 480 and foreign aid. The speakers will be Dorothy H. Jacobson, Assistant Secretary for International Affairs, Department of Agriculture; Richard W. Reuter, Director, food for peace; and Herbert J. Waters, Assistant Administrator, Office of Material Resources, AID.

I hope my colleagues will be able to join in what should be another very interesting discussion.

NEW YORK CITY IN CRISIS—PART L

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the 50th part of "New York City in Crisis."

This article appeared in the New York Herald Tribune of March 6, 1965 and concerns housing in New York City:

NEW YORK CITY IN CRISIS—BOTCHED HOUSING: CITY CLUB HEAD VERSUS CZAR

(By Barry Gottehrer)

New York City's housing program and its housing czar, Milton Mollen, were denounced yesterday by I. D. Robbins, builder and president of the City Club of New York, a nonpartisan civic organization founded in 1892.

"No government program in my memory in New York has been so miserably botched as the work under the jurisdiction of the housing and redevelopment board," charged Mr. Robbins.

"Milton Mollen is a gentle personality," said Mr. Robbins. "Like the mayor he suffers not at all from any compulsion to do anything. I would not personally hire him to expedite the construction of a privy."

Reached at his office at 2 Lafayette Street late yesterday, Mr. Mollen, chairman of the housing and redevelopment board since 1962 and housing and development czar since January, fired back that Mr. Robbins' remarks "are nothing but a conglomeration and rehash of the ravings with which he has filled the pages of the City Club newsletter in the past, with the addition that he has now descended to the level of personal character assassination."

Mr. Mollen charged that Mr. Robbins "obviously is suffering delusions of grandeur as a result of having been mentioned as a possible candidate for mayor on the Republican ticket.

"Anyone who has the least knowledge of housing will recognize the absurdity and foolishness of his contention that the housing problem 'is one of the easiest major municipal problems to solve.'

"If Mr. Robbins has found a magic formula that makes any sense, he has failed to share it with anyone else in the city or the Nation."

In his indictment of the city's housing crisis, Mr. Robbins earlier offered statistics and figures to document his charges.

Though he did not call for the ouster of Commissioner Mellen, Mr. Robbins did demand that the mayor "lop off whole sections" of the housing czar's staff and set up a timetable of new programs to push for new—and vitally needed—housing construction.

Mr. Robbins cited the continued decline in construction (20,000 apartment units were built in 1964) in a city in which one of every five families continues to live under slum conditions.

Since the 1920's, when 100,000 units per year were produced, the biggest year was 1963, when 60,000 units were completed, he said.

Since 1949 when the Federal Housing Act first provided funds for urban renewal, New York City—first under master builder Robert Moses and since 1960 under the housing and development board—has completed only 25,000 apartment units despite a total Federal, State, city, and private commitment of $2.2 billion.

Mr. Robbins said that the housing and development board today has more than 428 employees, and an administrative budget of $7.6 million, nearly double what is was 5 years ago.

Mr. Robbins said that the cost of supervision has been "more than 25 percent of the total value of all Mitchell-Lama construction (a State and city aided program set up 9½ years ago to encourage construction of middle-income housing).

Under this program, he said, the city has built only 6,427 units, fewer than 700 each year.

"I have nothing to compare this with but I am willing to bet there is no one in this room who has ever heard of a bigger figure for government supervision even going back to the pyramids of Egypt," he charged. "Robert Moses' people were able to make bricks without straw. Mellen makes them the way the Hindu untouchables of India make them, with buffalo chips."

In making his charges of bureaucracy and waste in the housing and redevelopment board, Mr. Robbins said that the department lists 90 people in executive management, 89 in administration and fiscal, 84 in project development, 136 in project service, and 29 in public relations.

"Who needs 29 people in a public relations department if there are no apologies to be made?" he asked. "What do we need a statistical section under a $20,000 a year Ph. D. to keep the figures for a program of 700 housing units a year?"

Highly critical of the city's talk of massive rehabilitation, Mr. Robbins said that new construction offers the only real solution to the massive deterioration.

Rehabilitation, he feels, is not economically feasible at the rents poor families can pay. The 114th Street $5 million one-block rehabilitation is a cruel fraud. It may have temporary value for a few families on 114th Street but it shows contempt for the intelligence of the Harlem people.

"If they do not reduce the dense occupancy of the buildings, if they let the buildings remain overcrowded with very poor people, nothing in the world can prevent those people from returning the buildings to their former condition. We will simply be hiding cesspools with geraniums."

He said that the people of the city can no longer wait for action from the mayor or pressure from the construction unions and contractors, whom, he described as a "leaderless, gutless bunch, unable to act even in their own self-interest."

The civic leader said that he attended a testimonial dinner for an unnamed building department official 2 weeks ago and that "the big joke of the evening was that business was so bad that after the dinner most contractors would be buying their next meals at Nedick's. Builders and contractors are simply the convenient victims of the tithing ritual."

Referring to an almost total collapse of the city's housing program, he placed the blame on the mayor.

"Compared to the other problems that plague this city and grow more critical every day, the problem of housing is the easiest one to solve," he said.

"The land is there. The money is available. The architects are ready. And there are plenty of people in the need of housing. When a job is relatively simple to solve and it doesn't get done, the man in charge must be held responsible. As far as I can see the mayor doesn't seems to care enough to see the problem solved.

"It is my impression that 20 good people could run a housing program several times as large as the present program and get it built without the sickening delays which afflict the present program and doubtless grow out of the bureaucracy itself. The situation now could hardly be worse."

His most scathing attack centered around Commissioner Mollen's recent promotion which, he called, "an immoral spectacle of the man who totally failed in the job being elevated to a new higher position, given an increase to $35,000 a year, given a staff of 6 executives and 12 clerical workers and assigned to oversee from a high staff position the very agency which he failed to operate when he was in charge of it.

"Unfortunately this is the kind of topsy-turvy logic which we have come to expect."

Last month, Mr. Robbins, talking again as president of the nonpartisan City Club, said that "New York City is undergoing its worst crisis in history" and that Mayor Wagner was "unfit to run for reelection."

Mayor Wagner refused to comment on this charge but one of his aids said that Mr. Robbins had been nominated by a Republican city councilman as the borough president of Manhattan last month.

A Pittsburgh newspaperman turned builder, Mr. Robbins, 52, is an enrolled Democrat who is a member of the reform movement that supported Mayor Wagner in 1961 in his bid for a third term.

He has been president of the City Club since November 1958, and has increasingly become one of the more outspoken critics of the city administration in the past few years.

In 1962, Mr. Robbins was defeated in a campaign to receive the support of Reform Democrats in Manhattan's 19th Congressional District to oppose Representative LEONARD FARBSTEIN, the Democratic incumbent.

NEW YORK CITY IN CRISIS—PART LI

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MULTER. Mr. Speaker, the following two articles concern slum conditions in New York City and are part of the series on "New York City in Crisis" appearing in the New York Herald Tribune.

The articles appeared in the Tribune on March 7, 1965, and follow:

[From the New York Herald Tribune, Mar. 7, 1965]

New York City in Crisis—43,000 Old-Law Tenements—Who Are the Landlords?

(By Martin J. Steadman, of the Herald Tribune staff)

(In the greatest city in the world, perhaps the greatest ill is slum housing. The slum environment is a breeding ground for the cancers that are spreading throughout the urban body: crime, illiteracy, sickness, narcotics, race hatred. As part of the Herald Tribune's "New York City in Crisis" investigation, reporters Martin J. Steadman and Alfonso Narvaez have intensively examined two slum tenements on the Lower East Side. Reporter Steadman's first article, on the incredible complexities of ownership in the tenements, appears today. Tomorrow, reporter Narvaez tells the story of the people of the slums. Two other articles will follow.)

The two old-law tenements seem to mock each other across the Lower East Side slum street.

Until last week, the six-story walkup at 751 East Fifth Street had been without heat and hot water for its 22 families since December 17. Dozens of housing violations are pending on the building.

Across the street, at 704, city officials ordered the building vacated on January 23, after failing to gain compliance with the law on more than 100 housing violations.

Today, 64 years after the passage of the tenement house law, which forbade construction of any more dark, smelly hovels like the 86,000 houses that lined the slum blocks of the city, 43,000 old-law tenements remain, and a million New Yorkers live in them.

This is the story of two houses on East Fifth Street, between Avenues C and D, a slum street.

TRAIL OF THE MORTGAGE

Last Wednesday, Joseph Fiorillo, listed by the building department as the owner of 751 East Fifth Street, appeared in criminal court on a charge of failure to provide heat and hot water. The case was adjourned to March 23.

Through his attorney, Victor Roberts, of 401 Broadway, Mr. Fiorillo said he would plead not guilty. He said that though he did hold the deed to the building, he should not be considered the true owner because he had been victimized by the mortgagee.

Mr. Fiorillo said this was one of 10 buildings given to him last year by Joseph Braun, the mortgagee. He said he knew nothing of the conditions in the buildings when he took them over and now wants nothing more to do with them. Mr. Fiorillo said no cash was involved in the transactions; the deals were subject only to existing mortgages.

Next Wednesday, Arthur J. Clyne, listed by the Buildings Department as the owner of 704 East Fifth Street, is due in Housing Court to answer to charges that he failed to repair 59 violations placed on the tenement. Mr. Clyne said he will plead not guilty because he is not the owner of the building.

"I don't own it and the Buildings Department knows it," he said. "That building is in the hands of the mortgagees, Harry Holtzman and Samuel Braun."

Samuel Braun and Joseph Braun are said by business associates to be brothers. Neither could be located by Herald Tribune reporters. Joseph Braun and corporations in which he is an officer have been convicted five times in Housing Court, and have paid a total of $295 in fines.

Samuel Braun is a notorious slumlord who has paid fines in 48 cases. The fines ranged from $15 to $150 and total $2,090. Neither has ever served a jail term.

If Joseph Fiorillo doesn't own 751 East Fifth Street and Arthur J. Clyne doesn't own 704 East Fifth Street, who does own these buildings? Why is it so difficult to wade through the maze of attorneys, mortgagees, corporations and "managing agents" to find the name of the person who actually controls a building? The answers do not come easily, because nobody seems to want to be responsible for the slums.

WAITING FOR A LOAN

No law requires that deeds must be recorded with the city register. Though Mr. Clyne holds a deed to 704 East Fifth Street, he didn't record it.

"My arrangement with the owner was simply to be his attorney in a plan to completely refurbish the building," Mr. Clyne said. "I was to hold the deed and the rent moneys in escrow, using rent money only for the maintenance of essential services, until we could negotiate a loan from the city to rehabilitate the building."

Mr. Clyne admitted that the city would probably never sanction a long-term, low-interest loan to the owner, Abraham Gluck, of 256 Hewes Street, Brooklyn. Mr. Gluck had an interest in two corporations that owned the building from time to time, first the Liknos Realty Corp., and than the 454 West Realty Corp. He also was listed on buildings department records as managing agent. During the 5 years he has been connected with the building, he and other representatives have been in court six times, paying $460 in fines for failure to comply with housing violations.

Mr. Gluck no longer lives at the 256 Hewes Street address. He could not be located for comment.

Mr. Clyne blamed indifference by city officials to his rehabilitation plans for his court troubles.

"I wrote to Deputy Buildings Commissioner Judah Gribitz, Rent and Rehabilitation Administration Chief Hortense Gabel, and Housing Coordinator Milton Mollen, outlining our plans to refurbish the building," he said. "I never got an answer from any of them. First thing we knew the rents were reduced to $1, then receivership proceedings were begun, then came the vacate order."

KNOWS THE BACKGROUNDS

Reached for comment, Deputy Buildings Commissioner Gribetz said only:

"We know the building, its state of disrepair, and the number of times we were forced to take court action. The facts in this case speak for themselves."

The man in Mr. Clyne's office who helped set up the deal with Abraham Gluck is Seymour Gelfand. Mr. Clyne hired him to help on a rehabilitation program that was to include four tenements at first. Mr. Gelfand has paid numerous fines in housing cases and once drew a 5-day jail term for failing to provide heat in two Harlem tenements.

On June 30, 1962, the city seized the tenement at 714 East Ninth Street as the first building to be taken under its new receivership program. The building was in an extensive state of disrepair, and Buildings Department officials regarded it as a prime example of a slum building that needed immediate official attention. Mr. Gelfand was listed as the managing agent for the building.

At just about that time, Mr. Clyne was hired by the Real Estate Department as a $100-a-day consultant on the receivership program. He remained on the city payroll until June 1963, collecting a total of $3,275.

Shortly afterward Mr. Clyne and Mr. Gelfand became associates in the rehabilitation venture.

Long before Mr. Clyne became involved in 704 East Fifth Street, it was a bad building. Representatives of owning corporations had appeared in Housing Court 11 times since 1957, and paid a total of $585 in fines. Repeated inspections by the Buildings, Fire, and Health Departments led to the filing of hundreds of violations.

OF THE DUMBBELL ERA

Built in 1899 at a cost of $25,000, 704 East Fifth Street, is one of the infamous dumbbell apartment houses, so called because the plans called for a narrow air shaft about 50 feet long between the adjoining buildings, thus narrowing the houses in the middle so they were shaped like a dumbbell, looked at from above.

The 6-story building covers almost all of the 25- by 96-foot lot. Until September 1939, it had two toilets in the hall on each floor, one for every two families. In 1935 the legislature passed a law requiring a toilet in every apartment, but it took the owners of 704 East Fifth Street 4 years to comply. The same law demanded fire retarding of the cellar and halls, but that was not done until 1937.

There was no central heating until 1936.

The air shaft is 6 feet wide, and 11 of the 17 windows on each floor open onto whatever light and air is available there.

Compared with that building, 751 East Fifth Street, was a showplace when it was built in 1901. It cost Henry D. Baker $40,000 to put up the 24-unit house on a 34- by 96-foot plot. Central heating was installed, and there was a toilet in each apartment. Though the law didn't require such luxuries for 30 years or more, 751 East Fifth Street had them built in. It even had fire-retarded cellars and halls.

But today the tenants must chip in to buy their own coal and must shovel it themselves. Gaping holes in the walls and ceiling allow rats and roaches to run in and out. A gas line in a kitchen leaked for weeks. It was fixed by the landlord only after Criminal Court Judge Walter Bayer ordered him to fix it or face more serious charges.

The city has lowered the rents to $1 a month in each apartment.

Records on file at the buildings department show that inspectors visited 751 East Fifth Street 30 times in the last 2 years, and placed a total of 195 new violations on the building.

BY THE RECORD

Perhaps the answer to the mystery of how this can happen is best found in the court records. Here is the court history of 751 East Fifth Street and the owners and agents who answered the complaints:

February 8, 1957. Defendant Albert Anderson. Fined $10 by Judge Chapman.

June 28, 1960. Defendant Lazar Harfanes, 10 violations. Fined $50, Judge Strong.

July 13, 1961. Defendant not listed, 17 violations. Fined $100, Judge Strong.

December 14, 1961. Defendant Lazar Harfanes, four violations. Fined $40, Judge Chapman.

December 10, 1962. Defendant Israel Chanowitz, 27 violations. Fined $100, Judge Strong.

February 14, 1963. Defendant Israel Chanowitz, 20 violations. Fined $75, Judge Weinkrantz.

July 9, 1963. Defendant Israel Chanowitz, 43 violations. Fined $135, Judge Weinkrantz.

October 7, 1963. Defendant Israel Chanowitz, 32 violations. Fined $60, Judge Weinkrantz.

July 23, 1964. Defendant not listed, 33 violations. Fined $35 by Judge Arthur Braun, no relation to Joseph Braun, the mortgagee, or to Samuel Braun, mortgagee in 704 East Fifth Street.

Not all the owners and agents were personally convicted. In some of the cases, the judges permitted them to substitute their corporations as defendants and the corporations were convicted instead of the individuals.

But although the multiple dwelling law provides for a $500 fine and 30 days in jail for misdemeanor charges, and second offenses may be punished by fines of $1,000 and a year in jail, the owners and agents of 751 East Fifth Street have merely paid a total of $605 in fines for nine court appearances.

NEVER A JAIL TERM

Most of these owners and agents show up in court to answer charges pending against other tenements, too. Israel Chanowitz has paid fines ranging from $10 to $100 on properties in Harlem, Spanish Harlem and the lower East Side. He and his corporations have been convicted 25 times since 1959. He has never received a jail term.

Mr. Chanowitz has his side of the argument, and he delivers it forcefully:

"At 751 East Fifth Street," he says, "I was collecting $1,200 a month in rents and paying out $1,800 in expenses. When I appeared in court, the judges handed down automatic fines, not taking into consideration the thousands of dollars I was putting into that building for repairs.

"I put in extensive plumbing repairs, replaced many broken windows, I even spotted violations before the building inspectors and repaired them without being told.

"I repaired a broken window in a hallway after I got a notice from the buildings department. By the time an inspector arrived, it was broken again, and I got a violation.

"When the Rent and Rehabilitation Administration lowered the rents to $1 a month, I told them they could move in Mayor Wagner if they wanted, I was getting out.

"The landlord is no longer an investor. He has to be a super, a policeman, a lawyer, a mechanic * * *. What good is it if a landlord who is good for the country is subject to criminal proceedings over a broken window?"

Recently, in discussing the problem of the slums, Mayor Wagner said:

"We have stepped up our tenement house inspection to an unequaled pace. We have teams cracking down on the worst of our buildings. We have gone after the buildings and we have gone after the landlords who operated with no regard except as to profit.

"This we have done all over the city. Code enforcement has been stepped up to an unprecedented peak. Rather than sitting on our hands, we have probed, we have studied and we have acted."

LOTS OF ACTIVITY

The Herald Tribune investigation of just 2 of the 43,000 old-law tenements on our streets showed that there has indeed been a great deal of activity by the Buildings Department, the Rent and Rehabilitation Administration, Departments of Health, Fire, and Water Supply, and the Magistrates Courts.

But to the people who lived through all this official activity in these two houses on E. 5th Street—the landlords and tenants—it may have been nothing but an expensive, ineffective charade.

[From the New York Herald Tribune, Mar. 7, 1965]

A CALL FOR ACTION—RIGHT NOW—ON SLUMS DESTROYING CITIES

(By Barry Gottehrer, the Herald Tribune staff)

New York and the Nation's other troubled urban centers are in desperate need of massive intermediate Federal public works programs to fight the problems of slums and poverty, according to Senator JOSEPH CLARK, former mayor of Philadelphia, and a Pennsylvania Democrat, and civil rights leader Whitney Young, Jr.

This call for immediate action came at an all-day conference called "Cities in Crisis," sponsored by Representative WILLIAM FITTS RYAN, a three-term Democrat from the 20th Congressional District, and attended by more than 2,000 at the Riverside Church, 121st Street and Claremont Avenue.

As a first step Mr. Young, executive director of the National Urban League, called on Mayor Wagner and business and civic leaders to announce an immediate and total cleanup and paint up week for Harlem.

"When a city street becomes a cesspool, and when streets are dirty, the people who live there live dirty and act dirty. By doing this right now, the mayor would be showing the people of Harlem that, 'I may not be able to make miracles overnight, but, see, I really do care. This is a start.' "

Mr. Young was also extremely critical of the thunderous silence of so many good people and singled out New York's business community for remaining completely silent during the Harlem and Bedford-Stuyvesant riots last summer and since.

"The thing I deplore most about New York City—and the thing that is unique about it—is the failure of the businessmen of the city who have so great a stake in the city to speak up," he said.

"What people must realize today is that not only is there poverty and suffering in this city, but also an increasing despair and bitterness. We can no longer afford the luxury of prejudice."

Senator CLARK, who was elected mayor of Philadelphia in 1951 and was described by Representative RYAN as the "most courageous liberal in the U.S. Senate today," seconded Mr. Young's idea for a massive public works program.

He pointed out that there is only one source of revenue to provide the money desperately needed by the country to combat its growing and massive crises—"complete disarmament all over the world."

Representative RYAN, a reform Democrat who has previously indicated he may oppose Mayor Wagner in this year's Democratic primary, was more specific in his discussion of New York's problems and more scathing in his attack.

He pointed out that New York City's housing authority continues to receive 100,000 applications for apartments per year and likened the current Federal program, which also has been criticized by many members of the city administration, to "throwing a bucket on a bonfire" while we "pretend we've put out the blaze. But the slums will burn on, destroying people and cities."

Cting the Herald Tribune's continuing investigative series, "New York City in Crisis," he said "what we need first is an awareness of the real crisis in our cities. And with this awareness, we need massive planning, we need imagination, we need leadership, and most of all, action.

"We will get that action as soon as—and not before—the citizens demand it. And if our cities are to survive, if our culture is to survive, if decent living is to survive, we'd better soon demand it."

In five panel sessions held during the day, U.S. Commissioner of Education Francis Keppel, U.S. Commissioner of Urban Renewal William Slayton and 20 other experts in urban affairs discussed New York City's growing and massive crises in education, housing, poverty, narcotics and administrative bureaucracy.

Earlier in the day Senator Clark, whose speech related to New York in only the most general terms, said that "New York City has the problems of the world's cities magnified to the *n*th degree. Reform is possible anywhere if the people really want it. But the people can't do it alone without support from city hall."

PRESIDENT JOHNSON SIGNS INDIAN EDUCATION BILL

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. Edmondson] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. EDMONDSON. Mr. Speaker. President Johnson has signed into law H.R. 4778, a bill authored by our distinguished colleague from Florida, the Honorable James A. Haley. I was pleased to join Congressman Haley in introducing this bill.

This much-needed measure will make possible an enlargement of our very effective adult vocational training program for American Indians between the years of 18 and 35. Today we are realizing definite gains in employment among the Indians, as a direct result of this program. Long waiting lists of applicants for training in each Indian agency are the best possible evidence of the program's popularity among Indians, whose principal ambition is to secure the vocational skills made possible through training.

President Johnson has once again demonstrated his strong belief in vocational education as the best answer to unemployment, and has further evidenced his friendship for the American Indian.

The President's eloquent statement, made as he signed the bill, follows:

Statement by the President

I have signed H.R. 4778, a measure which authorizes increased funds for the vocational training of American Indians.

Fifteen million dollars will be authorized annually for institutional vocational training, on-the-job training and apprenticeship programs specially adapted to the needs of American Indian men and women.

The program of vocational training for Indian adults is relatively new and has accelerated enormously during the past 4 years. Since its inception in 1958, more than 13,000 Indian men and women have received training, nearly 10,000 of them in the past 4 years. Many of these people have family dependents—so the program has had an impact upon not only the 13,000 trainees but upon a total of almost 30,000 people. The heart of the program is education—in trade schools and technical institutes.

Currently, more than 600 courses are being provided in 113 different fields in public and private institutions throughout the country. The Indian trainees come from reservation areas where unemployment is six to seven times the national average—where industrialization is just beginning—and where population pressures on the land base have led to prolonged and extreme poverty. For the thousands who have already been trained, and for more thousands to come, vocational education is the beginning of opportunity.

The program is open to Indian men and women between the ages of 18 and 35 who live on or near reservations. They may receive up to 2 years of vocational training at Government expense. The institutional program provides for transportation, tuition, books, supplies, and equipment; subsistence for the individual and for his family if he has one; medical care; counseling with respect to community living, housing, and education; and, at the end of training, assistance in finding a job.

More than three-fourths of the individuals under this training program graduate from the school and training program of their choice. This high success rate is a tribute to the persistent character of the American Indian people and is testimony, if proof is needed, that the war against poverty can be won.

Vocational training is the beginning of opportunity—and it is the core around which factories hum, goods are transported, resources are developed, communications kept open, and our conquest of space made possible. These are opportunities in which American Indians should be sharing fully.

It gives me the deepest satisfaction to know that the increased funds authorized for American Indians by this act will add to our arsenal in the war on poverty. Moreover, this is a program which is hailed equally by the Congress and by the Indian people who are its beneficiaries. In my meetings with American Indian leaders, they have repeatedly told me that their major request is for a chance to become self-sufficient, active participants in the making of this country's future. This is the import of the bill I have signed.

THE CURRENT COIN PROBLEM

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. Patten] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. PATTEN. Mr. Speaker, Alexander Jones, chief editorial writer of the Home News of New Brunswick, N.J., recently expressed his views on the mint and coinage situation.

His remarks are published in the Congressional Record so that they can be read and considered by the Treasury Department and Members of Congress.

Mr. Jones' comments follow:

Traditional Treasury policies will lead to chaos when the new cupro-nickel coinage is adopted. Treasury tried traditional policy with the Kennedy half dollar and we well remember what happened.

When the new metal coins go into production, there should be no change in design of the coins. The new ones thus will look like the current ones, and will be more difficult to hoard.

Currently, the Philadelphia Mint coins carry no mint mark, the Denver ones a "D." This should be continued. If a new mint is established elsewhere, no special mark should go on its coins. Every different mint mark multiplies the hoarding by creating a different variety.

The 1964 date should be continued on all coins indefinitely. To take it off creates a new variety. To use each year's date multiplies the varieties.

A most important way of preventing hoarding is to require that the Federal Reserve banks, which funnel coins from mint to member banks, mix new coins as received from the mint with circulated coins in their possession. This makes it impossible for hoarders to acquire new coins by bag or roll. And at the same time it scratches the new coins a little so collectors no longer regard them as uncirculated.

One of the great misconceptions of the current coin problem is the belief that tons of minor silver coins are being held by hoarders in anticipation of a rise in the price of silver. No sensible person would do this. It would be far more profitable to use the current coins, which have much less than face value in their silver content, and buy silver in the marketplace. The dimes and quarters and halves that are being hoarded are being hoarded for numismatic reasons.

ESTABLISHMENT OF A NATIONAL CEMETERY IN THE VICINITY OF SEDONA, ARIZ.

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. Senner] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SENNER. Mr. Speaker, the community of Sedona, Ariz., is one of the most beautiful and serene locales to be found anywhere in these United States. It is situated within colorful Oak Creek Canyon which annually draws tens of thousands of visitors from throughout the world.

I can think of no finer place anywhere for the establishment of a national cemetery. Toward that end, I have this day introduced appropriate legislation and earnestly solicit the support of my colleagues in its passage.

There is ample Federal property surrounding Sedona from which the Secretary of the Army may select a suitable site.

Mr. Speaker, as we honor the living, so let us pay homage to our deceased veterans with the national shrine this bill envisions.

Arizona, with its three major veterans hospitals, will be proud to provide a final resting place for those who serve our country in the Armed Forces; and for our Arizona veterans who will know that after their Maker has made his final rollcall, their mortal remains may be laid at rest in the State they loved and helped to build.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Halpern (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business attending annual meeting of Inter-American Development Bank in Asunción, Paraguay.

Mr. ASHBROOK, for April 28 and 29, on account of death in the family.

Mr. GIAIMO (at the request of Mr. DADDARIO), for an indefinite period, on account of illness.

Mr. WHITE of Idaho (at the request of Mr. REUSS), for April 27, 28, 29, and 30, on account of the Sixth Annual Governors' Conference of Inter-American Development Bank in Asunción, Paraguay.

Mr. HANNA (at the request of Mr. REUSS), for April 27, 28, 29, and 30, on account of the Sixth Annual Governor's Conference of Inter-American Development Bank in Asunción, Paraguay.

Mr. KREBS, for May 3 and May 4, 1965, on account of official business.

Mr. MOELLER, on account of official business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KLUCZYNSKI, for 60 minutes, on May 3 on the subject of "The 174th Anniversary of the Polish Constitution."

Mr. ERLENBORN, for 30 minutes, on Tuesday next.

Mr. RYAN, for 30 minutes, today; and to revise and extend his remarks.

Mr. SAYLOR, for 1 hour, tomorrow; and to revise and extend his remarks and to include extraneous matter.

Mr. ROOSEVELT, for 30 minutes, tomorrow.

Mr. FOGARTY (at the request of Mr. HUNGATE), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. ROGERS of Florida (at the request of Mr. HUNGATE), for 30 minutes, on April 29, 1965.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. REUSS.

Mr. JOELSON.

Mr. GILLIGAN.

Mr. COLMER.

Mr. MCCORMACK (at the request of Mr. BOLLING) and to include a speech.

Mr. BROCK to revise and extend his remarks on H.R. 6497 and to include various tables and extraneous material.

Mr. ZABLOCKI.

(The following Members (at the request of Mr. HUNGATE) and to include extraneous matter:)

Mr. POWELL.

Mr. COOLEY.

Mr. CALLAN.

ADJOURNMENT

Mr. HUNGATE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Wednesday, April 28, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

996. A letter from the Comptroller General of the United States, transmitting a report of inadequate planning, programing, and contracting for a fixed communications system for a foreign government under the military assistance program, Department of Defense; to the Committee on Government Operations.

997. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 3, 1964, submitting a report, together with accompanying papers and an illustration, on a survey of Phillippi Creek Basin, Fla., authorized by the Flood Control Act approved July 14, 1960 (H. Doc. No. 156); to the Committee on Public Works and ordered to be printed with one illustration.

998. A letter from the Director, Office of Emergency Planning, Executive Office of the President, transmitting the semiannual report on the strategic and critical materials stockpiling program for the period July 1 to December 31, 1964, pursuant to section 4 of Public Law 79–520; to the Committee on Armed Services.

999. A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the act entitled "An act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938, as amended; to the Committee on the District of Columbia.

1000. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend further the Peace Corps Act (75 Stat. 612), as amended, and for other purposes; to the Committee on Foreign Affairs.

1001. A letter from the Comptroller General of the United States, transmitting a report of need to consider modification of law relating to medical services furnished without charge to civilian field employees of the Public Health Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1002. A letter from the Comptroller General of the United States, transmitting a report of excessive costs incurred by the Government for purchases of electronic equipment from Honeywell, Inc., Denver Division, Denver, Colo.; to the Committee on Government Operations.

1003. A letter from the Comptroller General of the United States, transmitting a report of additional costs incurred in the procurement of dress raincoats with expensive back vents, Department of Defense; to the Committee on Government Operations.

1004. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, to conform to the Convention for the Safety of Life at Sea, London (1960); to the Committee on Interstate and Foreign Commerce.

1005. A letter from the Under Secretary of the Navy, transmitting the second annual report of the Naval Sea Cadet Corps for period ended August 31, 1964; to the Committee on the Judiciary.

1006. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the Dual Compensation Act; to the Committee on Post Office and Civil Service.

1007. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to assure adequate and complete medical care for veterans by providing for participation by the Veterans' Administration in medical community planning and for the sharing of advanced medical technology and equipment between the Veterans' Administration and other public and private hospitals; to the Committee on Veterans' Affairs.

1008. A letter from the Comptroller General of the United States, transmitting a report of unnecessary costs resulting from failure to acquire rights-of-way for an interstate highway in the State of Utah before properties were improved, Bureau of Public Roads, Department of Commerce; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee on Interior and Insular Affairs. H.R. 5269. A bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control; with amendment (Rept. No. 254). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS: Committee on Post Office and Civil Service. H.R. 6926. A bill to strengthen the financial condition of the employees' life insurance fund created by the Federal Employees' Group Life Insurance Act of 1954, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under such act, and for other purposes; without amendment (Rept. No. 255). Referred to the Committee of the Whole House on the State of the Union.

Mr. DOWDY: Committee on the Judiciary. H.R. 6294. A bill to authorize Secret Service agents to make arrests without warrant for offenses committed in their presence, and for other purposes; without amendment (Rept. No. 256). Referred to the House Calendar.

Mr. GRIDER: Committee on the Judiciary. H.R. 3349. A bill for the relief of certain retired officers of the Army, Navy, and Air Force; without amendment (Rept. No. 257). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNGATE: Committee on the Judiciary. H.R. 5167. A bill to amend title 38 of the United States Code to authorize the administrative settlement of tort claims arising in foreign countries, and for other purposes; with amendment (Rept. No. 258). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on the Judiciary. H.R. 5283. A bill to provide for the inclusion of years of service as judge of the District Court for the Territory of Alaska in the computation of years of Federal judicial service for judges of the U.S. District Court for the District of Alaska; without amendment (Rept. No. 259). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUTCHINSON: Committee on the Judiciary. H.R. 5184. A bill for the relief of the port of Portland, Oreg.; without amendment (Rept. No. 260). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENNER: Committee on the Judiciary. H.R. 5640. A bill to provide for a jury commission for each U.S. district court, to regulate its compensation, to prescribe its duties, and for other purposes; with amendment (Rept. No. 261). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on the Judiciary. H.R. 6691. A bill to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture; without amendment (Rept. No. 262). Referred to the Committee of the Whole House on the State of the Union.

Mr. WILLIS: Committee on the Judiciary. H.R. 6848. A bill to amend section 35 of title 18 of the United States Code relating to the imparting or conveying of false information; without amendment (Rept. No. 263). Referred to the House Calendar.

Mr. WILLIS: Committee on the Judiciary. H.R. 6507. A bill to make section 1952 of title 18, United States Code, applicable to travel in aid of arson; without amendment (Rept. No. 264). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 7617. A bill to amend the Internal Revenue Code of 1954 to provide for the treatment of certain real property acquired by foreclosure and subdivided for sale; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 7618. A bill to amend 28 U.S.C. section 2241 with respect to the jurisdiction and venue of applications for writs of habeas corpus by persons in custody under judgments and sentences of States courts; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 7619. A bill to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7620. A bill relating to the status of volunteer fire companies for purposes of liability for Federal income taxes and for certain Federal excise taxes; to the Committee on Ways and Means.

By Mr. DOW:

H.R. 7621. A bill to amend title I of the Tariff Act of 1930 to limit button blanks to crude forms suitable for manufacture into buttons; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 7622. A bill to amend title V of the International Claims Settlement Act of 1949 relating to certain claims against the Government of Cuba; to the Committee on Foreign affairs.

By Mr. FOGARTY:

H.R. 7623. A bill relating to the classification of certain articles as braids under paragraph 1529(a) of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 7624. A bill to provide for regulation of the professional practice of certified public accountants in the District of Columbia, including the examination, licensure, registration of certified public accountants, and for other purposes; to the Committee on the District of Columbia.

H.R. 7625. A bill to strengthen intergovernmental relations by improving cooperation and the coordination of federally aided activities between the Federal, State, and local levels of government, and for other purposes; to the Committee on Government Operations.

By Mr. HORTON:

H.R. 7626. A bill to amend the Federal Firearms Act; to the Committee on Ways and Means.

By Mr. JOELSON:

H.R. 7627. A bill to assist the several States in establishing hospital facilities and programs of post-hospital aftercare for the care, treatment, and rehabilitation of narcotic addicts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Pennsylvania:

H.R. 7628. A bill to repeal the manufacturers excise tax on lubricating oil; to the Committee on Ways and Means.

H.R. 7629. A bill to amend the Internal Revenue Code of 1954 to repeal the excise tax on communications; to the Committee on Ways and Means.

By Mr. KREBS:

H.R. 7630. A bill to prohibit and make unlawful the hiring of professional strikebreakers in interstate labor disputes; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 7631. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MOELLER:

H.R. 7632. A bill to provide for the conveyance of certain real property of the United States to the city of Athens, Ohio; to the Committee on Agriculture.

By Mr. PELLY:

H.R. 7633. A bill to amend the Civil Service Retirement Act so as to provide relief for those employees involuntarily separated from service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 7634. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption for certain taxpayers who have cerebral palsy; to the Committee on Ways and Means.

By Mr. POOL:

H.R. 7635. A bill to amend section 1498 of title 28, United States Code, to authorize the use or manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 7636. A bill to amend the Internal Revenue Code of 1954 to repeal the retailers excise tax on toilet preparations; to the Committee on Ways and Means.

H.R. 7637. A bill to amend the Internal Revenue Code of 1954 to repeal the retailers excise tax on furs; to the Committee on Ways and Means.

H.R. 7638. A bill to amend the Internal Revenue Code of 1954 to repeal the retailers excise tax on jewelry; to the Committee on Ways and Means.

H.R. 7639. A bill to amend the Internal Revenue Code of 1954 to repeal the retailers excise tax on luggage, handbags, etc.; to the Committee on Ways and Means.

By Mr. SCHWEIKER:

H.R. 7640. A bill to require the establishment of certain regional offices for the Bureau of Customs; to the Committee on Ways and Means.

By Mr. SENNER:

H.R. 7641. A bill to provide that chief judges of circuits and chief judges of district courts shall cease to serve as such upon reaching the age of 66; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 7642. A bill to amend the Internal Revenue Code of 1954 to provide for the gradual reduction and eventual elimination of the tax on communications services; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 7643. A bill to authorize assistance in meeting the initial cost of professional and technical personnel for comprehensive community mental health centers; to the Committee on Interstate and Foreign Commerce.

H.R. 7644. A bill to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7645. A bill to amend the Interstate Commerce Act so as to strengthen and improve the national transportation system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 7646. A bill to amend the act of May 11, 1954 (ch. 199, sec. 1, 68 Stat. 81; 41 U.S.C. 321), to provide for full adjudication of rights of Government contractors in courts of law; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 7647. A bill providing for a nationwide marketing order for table eggs; to the Committee on Agriculture.

By Mr. UDALL:

H.R. 7648. A bill to authorize long-term leases on the Papago Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. WATTS:

H.R. 7649. A bill relating to the reserve for bad debts for income tax purposes in the case of banks; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 7650. A bill to amend the Historic Sites Act of 1935 to provide for the protection, preservation, and maintenance of the historic buildings and area of the Washington Navy Yard in the Nation's Capital, and the development of the area for the exhibition of historic vessels and weapons, for the benefit of the people of the United States; to the Committee on Interior and Insular Affairs.

By Mr. ANDREWS of North Dakota:

H.R. 7651. A bill to donate to the Devils Lake Sioux Tribe, Fort Totten Reservation, some submarginal lands of the United States, and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mr. BARRETT:

H.R. 7652. A bill to require the establishment of certain regional offices for the Bureau of Customs; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 7653. A bill to amend the Tariff Act of 1930, as amended, to limit button blanks to crude forms suitable for manufacture into buttons; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 7654. A bill to provide for family winter recreational use of a portion of the San Gorgonio Wilderness Area, San Bernardino National Forest, Calif., without reducing the area set aside for wilderness preservation within such forest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'BRIEN:

H.R. 7655. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 7656. A bill to amend the Internal Revenue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months; to the Committee on Ways and Means.

By Mr. RIVERS of South Carolina:

H.R. 7657. A bill to authorize appropriations during fiscal year 1966 for procurement of aircraft, missiles, and naval vessels and research, development, test, and evaluation, for the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 7658. A bill to amend section 304 of the International Claims Settlement Act of 1949 to permit the adjudication of the claims of certain additional persons against the Government of Italy and provide for the payment of awards made on such claims from the remaining balances in the Italian Claims Fund; to the Committee on Foreign Affairs.

By Mr. SENNER:

H.R. 7659. A bill to provide for the establishment of a national cemetery in the vicinity of Sedona, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. WHITE of Texas:

H.R. 7660. A bill to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the city of El Paso, Tex.; to the Committee on Armed Services.

By Mr. WYATT:

H.R. 7661. A bill to conserve and protect Pacific salmon of North American origin; to the Committee on Ways and Means.

By Mr. BELL:

H.R. 7662. A bill to amend the Internal Revenue Code of 1954 to provide for the gradual reduction and eventual elimination of the tax on general telephone service; to the Committee on Ways and Means.

By Mr. CRAMER:

H.R. 7663. A bill to make it a crime to give false information in connection with registering to vote, to pay or accept payment for registering or for voting, or to alter any ballot or voting record, with respect to a Federal election; to the Committee on the Judiciary.

By Mr. MOSHER:

H.R. 7664. A bill to modify the Lorain Harbor, Ohio, project to authorize the construction of a steel bulkhead at Cut No. 1; to the Committee on Public Works.

By Mr. PELLY:

H.J. Res. 429. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ROBISON:

H.J. Res. 430. Joint resolution to set national policies for local airline service; to the Committee on Rules.

By Mr. WILLIS:

H.J. Res. 431. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Con. Res. 399. Concurrent resolution requesting the President of the United States to bring the Baltic States question before the United Nations and for other purposes; to the Committee on Foreign Affairs.

By Mr. GILLIGAN:

H. Con. Res. 400. Concurrent resolution to provide for printing additional copies of House document entitled, "Documents Illustrative of the Formation of the Union of the American States"; to the Committee on House Administration.

By Mr. ADDABBO:

H. Res. 348. Resolution to authorize the Committee on Armed Services to conduct an investigation and study with respect to all aspects of the proposed closing of the New York Naval Shipyard, Brooklyn, N.Y.; to the Committee on Rules.

By Mr. PATTEN:

H. Res. 349. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

By Mr. WOLFF:

H. Res. 350. Resolution to stop the transfer of the Naval Training Devices Center at Sands Point, N.Y., pending an investigation; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

223. By Mr. HATHAWAY: Resolution of the 102d Legislature of the State of Maine memorializing Congress to extend the northern terminus of the Interstate and Defense Highway System in Maine from Houlton to Fort Kent; to the Committee on Public Works.

224. Also, resolution of the 102d Legislature of the State of Maine memorializing Congress to promote the protection of our gold reserves; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 7665. A bill for the relief of Hector Eduardo Chuy; to the Committee on the Judiciary.

By Mr. BURKE:

H.R. 7666. A bill for the relief of Carmela DeFalco Bottiglieri and Fiorella Bottiglieri; to the Committee on the Judiciary.

H.R. 7667. A bill for the relief of Donald F. Farrell; to the Committee on the Judiciary.

By Mr. CAMERON:

H.R. 7668. A bill for the relief of Tai Kwan Chow; his wife, Lai Ken Wong; and two children, Johnson Wong Chow Kwan and Chow Wong Kwantay, Jr.; to the Committee on the Judiciary.

H.R. 7669. A bill for the relief of Antonio J. Ramirez; his wife, Josefina A. Ramirez; and three daughters, Maria Socorro Ramirez, Maria Milagros Ramirez, and Maria de Carmen Ramirez; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 7670. A bill for the relief of Tilda Pieropan Masiero; to the Committee on the Judiciary.

H.R. 7671. A bill for the relief of Miss Zofia Suchecka; to the Committee on the Judiciary.

H.R. 7672. A bill for the relief of William A. Wood, III; to the Committee on the Judiciary.

By Mr. CORMAN (by request):

H.R. 7673. A bill for the relief of Yeghsa Ketenjian; to the Committee on the Judiciary.

H.R. 7674. A bill for the relief of Mercedes De Toffoli; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 7675. A bill for the relief of Yaffa Cazes; to the Committee on the Judiciary.

H.R. 7676. A bill for the relief of Olasz Katalin; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 7677. A bill for the relief of Loris Nevrous and Therese Nevrous; to the Committee on the Judiciary.

H.R. 7678. A bill for the relief of Natale Scolareci; to the Committee on the Judiciary.

H.R. 7679. A bill for the relief of Aurora Trabucco; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 7680. A bill for the relief of Anastasios Kokkinakos; to the Committee on the Judiciary.

By Mr. GRABOWSKI:

H.R. 7681. A bill for the relief of Kenneth L. Ostrander; to the Committee on the Judiciary.

By Mr. HANSEN of Iowa:

H.R. 7682. A bill for the relief of Mr. and Mrs. Christian Voss; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 7683. A bill for the relief of the Rochester Iron & Metal Co.; to the Committee on the Judiciary.

By Mr. KREBS:

H.R. 7684. A bill for the relief of Mrs. Adelina Marcelo Miranda Gapac; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 7685. A bill for the relief of Maria Calderon; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 7686. A bill for the relief of Renato Camacho and Amparo Gonzales Castro; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 7687. A bill for the relief of Hermano Braz de Andrade; to the Committee on the Judiciary.

H.R. 7688. A bill for the relief of Gee Kui Chuen; to the Committee on the Judiciary.

H.R. 7689. A bill for the relief of Fernanda Mendonca; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 7690. A bill for the relief of Edgar Chin; to the Committee on the Judiciary.

By Mr. RESNICK:

H.R. 7691. A bill for the relief of Miss Dobrila Makic; to the Committee on the Judiciary.

H.R. 7692. A bill for the relief of Mr. Pasquale Provenzano; to the Committee on the Judiciary.

H.R. 7693. A bill for the relief of Mrs. Michael Ross; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 7694. A bill for the relief of Antonio Alonzo; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 7695. A bill for the relief of Luigi Viekoslav Pirjavec; to the Committee on the Judiciary.

H.R. 7696. A bill for the relief of Norma Veronica Chang; to the Committee on the Judiciary.

H.R. 7697. A bill for the relief of Fred Yao; to the Committee on the Judiciary.

H.R. 7698. A bill for the relief of Sraga (Ferenc) Frank; to the Committee on the Judiciary.

H.R. 7699. A bill for the relief of Hi Ju Paek; to the Committee on the Judiciary.

H.R. 7700. A bill for the relief of Adelaide Laura Roncati; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 7701. A bill for the relief of Hannah Asta Feinreich; to the Committee on the Judiciary.

By Mr. SELDEN:

H.R. 7702. A bill for the relief of Mrs. Kwong Yeat Ying DockOn and her minor children, Helen, Earline, Benjamin, and Raymond DockOn; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 7703. A bill for the relief of Mario Guglielmi; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 7704. A bill for the relief of Cecilia Pocsik; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

188. The SPEAKER presented a petition of Council of the City of Sitka, Alaska, relative to opposing the proposed closing of the Alaska regional office of the Veterans' Administration; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Reapportionment in Ohio—Issue No. 3

EXTENSION OF REMARKS
OF
HON. JOHN J. GILLIGAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 27, 1965

Mr. GILLIGAN. Mr. Speaker, in Ohio, next month, an election will occur which will determine to a large degree the civil rights of Ohio citizens, white and Negro, for many years to come.

The election in question concerns reapportionment of the State Legislature in Ohio, and is known as issue No. 3. This issue is a nonpartisan one, Mr. Speaker, and is concerned with the essential right of the majority of the people of Ohio to receive a majority of the legislative seats in the legislature. Compared below are the last three Ohio House of Representative election contests:

Year	Percentage majority party vote statewide	Percentage of House seats won by the majority party
1960	53	39
1962	53	36
1964	58	45

We see here, Mr. Speaker, that for the last three elections, the majority party, as indicated by the vote of the people of Ohio, received a minority of the seats in the legislature.

If this had happened in any of the undemocratic nations of the world, where electoral systems are rigged by tyrants and demagogs to assure minority rule, we would be shocked. The citizens of such countries would look upon their electoral systems as unworkable shams, and would finally lose faith in their leaders and in democracy.

We in the United States, despite our traditions of freedom, democracy, and majority rule, have suffered for many years in our States under rigged and basically undemocratic systems. We suffered until finally the Supreme Court found it necessary to declare the doctrine, "one citizen, one vote." The Court found that the United States Constitution basically requires an electoral system under which a majority of the voters would actually elect a majority of the representatives in our States.

Now the State of Ohio proposes a reapportionment amendment, which has been widely publicized as a reform, but which is in fact the worst kind of political outrage.

Why do I say this? Let me recount how the proposed amendment to the Ohio constitution was conceived and submitted to the people.

Within days after the previous legislature in Ohio was voted out of office in November 1964, it was called back into session, into a lame duck special session. Responsible to no one, desirous of protecting the old system of minority rule against the newly elected legislature, the very legislators who had been repudiated at the polls proceeded to put issue No. 3 on the ballot for May 1965.

The story of how they did it should shock every believer in American democratic processes.

First, there was no reason to hold such a special session. Only 2 months later the new legislature would meet, and could have dealt with this problem.

Second, the leadership of the entrenched minority which had been defeated by the voters only days before, decided upon their tactics in secret, and drafted a resolution which was to be placed on the ballot as an amendment to the Ohio constitution.

They held hearings, Mr. Speaker, on a resolution which was not printed for distribution, the details of which were known only to a favored few. Most of the members of their own group did not know what was in the resolution. The opposition party was not told, nor was the public.

Then came the vote on the issue. Though it seems unbelievable, copies of the bill were not given to the members of the legislature who were being asked to vote.

What is issue No. 3 like, Mr. Speaker? Let us consider it in the light of our magnificent political tradition of "the rule of law and not of men." The Legislative Service Commission of Ohio, realizing that documents such as the Ohio constitution must not be open to manipulation, issued a study on September 10, 1964, which said in part that "the constitutional provisions should be as explicit and extensive as possible in prescribing actions for future apportionments." Does issue No. 3 measure up to that requirement? It does not.

First, there is proposed by issue No. 3 the establishment of an apportionment board—made up in part of men who hold elective office—will be permitted to draw the lines of legislative districts without any exact formula. This board could determine by itself, within a wide range, the very size of future legislatures. It would design legislative district lines which would cut across county lines in determining noncity districts, and no rural or city district is safe from the worst kind of gerrymandering.

Second, the phrases which deal with some of the most important aspects of the bill are so elastic as to permit, and even to assure the worst kind of backroom political manipulation.

For example, one phrase states that:

> Districts shall (b) * * * as similar in economic and community interests as possible.

What does that mean? It can mean virtually anything the board wishes it to mean.

Another phrase states that a county which has a population "less than but substantially equal to a ratio" may receive one representative. I looked in the dictionary for a definition of "substantially," Mr. Speaker. The definition was "ample to satisfy." Ample to satisfy whom? Could such a phrase ever satisfy any lawyer working with the simplest legal paper? Of course not.

Still another phrase states that previous district lines "shall be respected to the fullest extent possible." How far will that be? No one can know.

And those who propagandize for issue No. 3 say that if Ohioans do not vote for the amendment, it will be up to the Federal courts to settle the matter. This, too, is the ugliest kind of falsehood. We have a legislature now sitting, Mr. Speaker, and it is likely that it will be sitting after May 4. It is a legitimate legislature, and there is no reason why it cannot do the job of giving Ohioans a decent amendment to be voted on in the November elections.

In the past few months we have witnessed brutalities in Selma and Birmingham which have aroused the conscience of America. Negroes in Alabama have sought only the chance to vote, and to have their vote count. They had the election systems rigged against them, and all Americans protested. But the same kind of outrage is being proposed in Ohio, Mr. Speaker. The electoral system will be rigged so as to frustrate the right of the people to vote—and to have their votes count equally.

The people of Ohio, Mr. Speaker, believe fully in the democratic processes. They want an electoral system in which every man's vote counts as much as the next man's—no more and no less. They want an electoral system which will mean true majority rule, that will mean that a party winning a majority of the votes will win a majority of the seats in the legislature. They are sick and tired of sleazy political gimmicks like issue No. 3, and at the polls on May 4, they will defeat issue No. 3.

Proudly We Hail

EXTENSION OF REMARKS
OF
HON. CHARLES S. JOELSON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 27, 1965

Mr. JOELSON. Mr. Speaker, I was very honored to receive from my constituent, Art La Cour, a most attractive and inspiring booklet which he has produced entitled "Proudly We Hail." It is the story of our national anthem in words and pictures. I believe that Mr. La Cour has performed a useful and valuable service in reminding all Americans of the proud history of our Nation's anthem.

He inscribed the first copy "To President Lyndon B. Johnson with great respect," and I have been pleased to forward it to the President.

Good News From Secretary of the Treasury Fowler

EXTENSION OF REMARKS

OF

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1965

Mr. REUSS. Mr. Speaker, in a statement at a meeting of the Cabinet last month, Secretary of the Treasury Henry H. Fowler cited improvement of the international monetary system as the major task for the Treasury and the financial authorities of the rest of the free world in the next few years.

Secretary Fowler's intention to give major emphasis to this effort is good news indeed because a sound international monetary system is indispensable to continued economic growth and prosperity throughout the free world.

Because of their importance, I include the full text of Secretary Fowler's remarks:

REMARKS OF THE HONORABLE HENRY H. FOWLER, SECRETARY OF THE TREASURY, AT A MEETING OF THE CABINET, THE WHITE HOUSE, APRIL 8, 1965

Day by day, it is becoming increasingly clear that our national security and our capacity for effective diplomatic action throughout the world are directly related to the strength of our currency. A strong currency is an essential underpinning for our worldwide responsibilties.

We are, therefore, determined to keep the dollar strong by balancing our international accounts. Our balance-of-payments program is proving very successful—and I am fully confident that the measures adopted will continue to do the job as long as we need them.

We have been gratified with the response of the American financial and business community, and we have achieved a favorable impression abroad. But we must remember that our position depends upon our ability to sell enough of our products in competitive world markets to cover both our imports an our other public and private outpayments. We must continue to screen carefully dollar expenditures abroad on Government account If we can attract foreign capital and foreign tourists, this will help. In addition, with our European friends, we will need to develop the lasting answers to the marked differences between our own large supplies of capital for investment and the deficiencies that appear in Europe and exert their attraction on American funds.

The success of our program, along with the promise of the improvement offered the British position by measures announced in the budget last Tuesday will, in growing degree, provide grounds for increasingly fruitful discussions of the international payments system.

Our determination to keep the dollar strong is an essential prerequisite to the successful negotiation of sound improvements in the international monetary system to adopt it to the changing requirements of an expanding free world economy. We have not been standing still amidst changing conditions. Discussions have been taking place among international experts seeking, for example, to evaluate various possibilities of supplementing the means of international payments when supplies of dollars abroad prove thin. And these studies are in any case an essential forerunner of any agreement on the path that ought to be taken.

Like Secretary Dillon before me, I think the greatest challenge in this area is to work out a steadily improving international monetary system, so as to facilitate a continuing expansion of trade and economic development in the free world. That, I believe, is the major task facing our Treasury and the financial authorities of the rest of the free world in the next few years. I approach this task with an open mind and a willingness to study all practical proposals.

Conservation's Birthday

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1965

Mr. COOLEY. Mr. Speaker, on this day 30 years ago—April 27, 1935—this Nation heeded the harsh lessons from vanished civilizations. We recognized the certain and grim fate of peoples who waste the land. We decreed that America for generations to come shall be a land of plenty and a beautiful land.

Three decades ago, the Congress of the United States decided to make the conservation of this Nation's most basic and precious resource—the soil—a national responsibility and a national policy.

The Soil Conservation Act—Public Law 46 of the 74th Congress—was passed by unanimous vote.

Our Government entered a partnership with our farm people.

Today, 30 years later, we are abundantly blessed. We are the best fed nation on the face of the earth. Our lands are conserved, they are protected, they are improved and enriched, and they flourish.

Mr. Speaker, history is replete and tragic with accounts of the deterioration and degeneration of peoples who have neglected and wasted the soil.

Babylon, once a rich and bounteous land, is now desolate; the famous stables of Nebuchadnezzar were discovered in recent years by excavations deep into deposits of sand and debris. The promised land which 3,000 years ago flowed with milk and honey now lies in ruin. North Africa was the granary of Rome in the days of its glory, but today most of north Africa is a desert.

In north Syria among Leppo, Antioch, and Hama lie the skeletons of the flowering villages of Biblical times, the lands about them eroded and desolate. Archeologists dug 18 to 28 feet to reach the tops of the magnificent buildings of the once great city of Antioch where the Apostle Paul struggled to establish one of the first Christian churches.

Looking back across the years, Mr. Speaker, it would seem that we must conclude that no nation ever established a policy more intimate to and promising of its future than was done by the Congress 30 years ago.

I am happy to count myself among the 21 Members of Congress still serving who were in office when the historic vote was taken in 1935 to make conservation a national policy.

In those dark days when the land was being despoiled by wind and water no one in the Congress voted against the measure, and the Soil Conservation Service came into being on a wave of hope that the chaos sweeping over the countryside would be ended with the development of sound soil and water conservation practices. That hope has been justified by the Soil Conservation Service in 30 years of progress.

The original supporters of the Soil Conservation Act remaining in Congress are few in number. But soil and water conservation has, over the years, added new friends in every Congress.

This congressional support has made possible numerous programs and projects designed to meet particular conservation needs. These include the Small Watershed Act, the Great Plains conservation program, the Food and Agriculture Act of 1962, and other soil and water conservation programs which have brought this effort into larger perspective.

I have watched the Soil Conservation Service grow and acquire new responsibilities and stature. I have noted with great satisfaction that this essential Government service continues to be a dynamic agency, bringing new forces into play in behalf of every one of us who depends upon Mother Earth for our sustenance.

Mr. Speaker, in view of what conservation means to this generation and to the generations to follow, it is a matter of consternation to Members of this House that the administration now has submitted to the Congress a proposal that would withdraw the Government from full participation and leadership in the conservation movement.

The proposal would require farmers and ranchers and other rural landowners to pay for technical help in installing soil and water conservation systems—help they have received free from the Soil Conservation Service through the soil conservation districts. It would cut the Soil Conservation Service budget for technical assistance by $20 million, with this cost being saddled upon the soil conservation districts and their cooperators.

Mr. Speaker, it is unthinkable that anyone in this Nation would harm a work that has such a tremendous impact on the welfare of this Nation. It is unthinkable—in view of the increasing demands that industry, cities and our people generally are making on our land and water resources—that anyone could ignore our Nation's conservation needs and say: "Let the farmer take care of them."

We all would lose, for farmers do not have the financial resources or the technical knowledge to do the job without help. We would lose what we have invested in soil and water conservation over the years.

Mr. Speaker, we cannot—we shall not—let this happen.

We Americans are consecrated to the soil. Our accomplishments in these years since April 27, 1935, are many and rewarding.

Mr. Speaker, my message today—on this anniversary—is that our job has just begun—that care of the soil must never cease—so long as the sun shines, the rains come, and the winds blow.

Pan American World Airways Establishes Direct Air Service to Africa

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1965

Mr. POWELL. Mr. Speaker, the importance of close U.S. participation in the economy of the emerging nations of Africa is best manifested in the action of Pan American World Airways in establishing direct air service to Africa through an affiliation with Air Afrique.

Mr. Speaker, the first direct airline service connecting the United States and three independent African nations—Cameroun, Ivory Coast, and Dahomey—has been inaugurated under an agreement between Pan American and Air Afrique, with the flights also serving Senegal and Liberia.

The once-a-week round trip service will be operated with Pan Am DC–8 jet equipment, in association with Air Afrique.

Flights will depart New York each Sunday at 7 p.m. with stops at Dakar, Senegal; Monrovia, Liberia; Abidjan, Ivory Coast; Cotonou, Dahomey; and will arrive in Douala, Cameroun, at 4:45 p.m. local time Monday.

Return flights will leave Douala each Tuesday at 11 a.m., and will arrive at 11 p.m. in New York. Flight time from the United States to Africa will be only 7 hours and 40 minutes with air time from Dakar to Douala just over 5 hours.

According to Harold E. Gray, Pan Am's president:

> The service will open up new opportunities for promotion of American business and exports to these African nations receiving their first direct service to the United States.

Cheikh Fal, Air Afrique's president, said:

> The new service is a vital link between the independent African nations and the United States. It will help to promote their economy and bring closer ties among the nations. African countries are most appreciative of having the opportunity to work with Pan Am in developing the new service, and Air Afrique is looking forward to the day when we will be operating our own aircraft over the route.

Under the associated service agreement, 35 seats and a portion of the cargo and mail space on each flight will be reserved by Air Afrique.

Air Afrique, one of the largest African airlines, is a unique multination carrier with 12 African countries participating in its ownership. These are: the Republics of Togo, Cameroon, Congo, Ivory Coast, Dahomey, Upper Volta, Niger, Senegal, Chad, the Central African Republic, the Gabon Republic, and the Islamic Republic of Mauritania.

The associated service will supplement Pan Am's current three weekly roundtrips connecting the United States with Africa. Pan Am now provides service between New York and Dakar, Rabat, Conakry, Monrovia, Accra, Lagos, Léopoldville, and Johannesburg. In addition, Pan Am flights connect Boston with Rabat, Conakry, and Monrovia.

Traffic carried by Pan Am over the United States-Africa route continues its upward surge with 1964 revenue passenger-miles 17.7 percent above 1963, and 1963 revenue passenger-miles 9 percent over the 1962 level.

The Pan Am-Air Afrique agreement is for 3 years and is subject to renewals by the governments involved.

Mr. Speaker, I am happy that this arrangement is no longer a possibility but a reality. Let us be hopeful that other U.S. corporations can follow the Pan Am formula and bring even closer the ties between our country and the new and independent African nations.

Soil Conservation Service Small Watershed Program in Nebraska

EXTENSION OF REMARKS

OF

HON. CLAIR CALLAN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1965

Mr. CALLAN. Mr. Speaker, no natural resource conservation effort is more important to Nebraska than the small watershed program, authorized by Congress in 1954 as Public Law 566.

Yet the program's potential has been hardly more than tapped. Great and lasting benefits are possible under it, extending beyond watershed protection and flood prevention to water supply and outdoor recreation developments, and fish and wildlife conservation.

Gage County provides an example of outstanding watershed work in Nebraska. Five watershed projects are authorized for operations and three more are in the planning stage. A countywide recreation development is planned as part of the program. Benefits of $1 million are seen when current projects are completed.

In Gage, as in other counties, such as Lancaster, Otoe, Pawnee, and Saunders, the watershed protection and flood control program has brought a more stable agricultural income, a reduction in highway maintenance costs, urban protection against floods, and gully stabilization.

Much more needs to be done, a fact made clear by these figures:

Nebraska has 247 small watersheds, 187 of which have problems that could be solved by project type work offered under the watershed protection program. Assistance in watershed projects has been requested by 73 communities.

Sixty-four watershed project applications have been approved by the State and sent to the U.S. Department of Agriculture for approval. Twenty projects are in the operations stage, and an additional 13 are getting planning help. An estimated $18 million of Federal funds will be spent in completing projects under construction.

The backlog of applications waiting to be acted on is large. Nebraska's case in this respect mirrors the Nation generally. Federal funds are limited. But more communities should indicate an interest in cooperating in watershed protection projects, and support an expansion of this vital conservation work in this State and across the country.

Judge Sidney C. Mize

EXTENSION OF REMARKS

OF

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1965

Mr. COLMER. Mr. Speaker, on Monday morning, April 26, 1965, in his beloved hometown of Gulfport, Miss., a great jurist and a noble man, Judge Sidney C. Mize, a district Federal judge for 28 years, died at the age of 77.

Judge Mize was truly one of the finest characters that it has ever been my pleasure to know. My acquaintance with him began in the late 1920's when he was an outstanding member of the bar of Harrison County and I was a young district attorney. That acquaintance grew into a long friendship which will always be a pleasant memory.

Few men possess more than one outstanding virtue but Sidney Mize was the beneficiary of many. He was an outstanding lawyer and jurist; possessed of a keen mind; a noble Christian character; devoid of the common sins of man. Moreover he was a devoted husband and father and a friend to mankind. He was the most democratic Federal jurist I have ever known. He was compassionate to the extent that he was sometimes criticized because of his leniency in meting out punishment to those who were convicted of crimes in his court.

Mr. Speaker, one Benjamin H. Hill in 1874 paid an everlasting and well-deserved tribute to the inimitable and illustrious Gen. Robert E. Lee. Among other commendations were the following:

> He was a foe without hate; a friend without treachery; a soldier without cruelty; a victor without oppression; and a victim without murmuring.
>
> He was a public officer without vices; a private citizen without wrong; a neighbor without reproach; a Christian without hypocrisy; and a man without guile.
>
> He was obedient to authority as a servant, and royal in authority as a true king.
>
> He was gentle as a woman in life; modest and pure as a virgin in thought; watchful as a Roman vestal in duty; submissive to law as Socrates, and grand in battle as Achilles.

Mr. Speaker, as a longtime, intimate friend, I can truthfully state that these tributes to the great Lee could well and appropriately apply to my departed friend, Sidney C. Mize. His loss to his family, his State, his Nation, and to the law, as well as to his friends will be most difficult if not impossible to replace.

Representative Reuss Speaks Out on U.S. Policy Toward Central Europe

EXTENSION OF REMARKS
OF

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, April 27, 1965

Mr. ZABLOCKI. Mr. Speaker, recently my esteemed colleague, the gentleman from Wisconsin, Representative Henry S. Reuss, spoke on U.S. policy toward central Europe at a special symposium on foreign policy issues held at Marquette University, Milwaukee.

His remarks received widespread attention in the press and by the public because of their pertinency to important events of our day. His statement was based in substantial part on a visit he made to central Europe in the fall of 1964. During that trip he had an opportunity to go behind the Iron Curtain and see and hear firsthand about changes taking place within the Soviet bloc countries.

One of his conclusions is that the Germans and Poles must be reconciled if a just, lasting, and peaceful settlement is to be achieved in Europe. He has pledged his personal efforts to achieve this goal.

Because this speech by Representative Reuss gets to the heart of many problems and issues in our policy toward central Europe, I commend it to the attention of my colleagues and insert it into the Record at this point:

U.S. Foreign Policy for Central Europe—A Congressional Point of View

(Remarks by Representative Henry S. Reuss, at the Marquette University Symposium on U.S. Foreign Policy, Life Sciences Building, Milwaukee, Apr. 10, 1965)

No one can visit central Europe nowadays without observing that the days of the monolith are over.

The solid bloc of Communist states taking their cue from Stalinist Moscow in all their affairs is a thing of the past.

The two dominant members of the erstwhile bloc, the less aggressive Soviet Union and the more militant Red China, are fundamentally split.

The rest of the Communist world is coming apart at the seams. Nationalism is stirring in central Europe. Policies of liberalization in economics and more individual freedom are departing from the old centralization and harsh repression.

The Iron Curtain still stands. But, excepting the frontier through divided Berlin and Germany, the differences between the countries it separates are less sharp.

With countries of the East as well as the West asserting themselves and going their own ways, Europe is tending to be again a Europe of nations, not of blocs.

The countries of central Europe obviously don't have free rein. Their independence is limited by Soviet power and the Kremlin's willingness to use it.

So far the successors of Khrushchev have not shown any disposition to backtrack on the de-Stalinization he began, or to take the cold war steps that would be needed to recreate the unity of the bloc.

The United States should look at what is happening in central Europe very carefully. Changed policies are needed to meet changed circumstances.

I

Last fall, in a trip which took me to Czechoslovakia, Hungary, East Germany, and Yugoslavia, I had a chance to see and hear firsthand about the changes in eastern Europe.

All over eastern Europe I was told about the revolution in economic thinking that is taking place.

Czechoslovakia will start on a new economic program of decentralization this year, and hopes to have it completely effective by 1970. The new scheme is largely the creation of Dr. Ota Sik, director of the Economic Institute of the Czechoslovak Academy of Sciences.

When I visited his office in Prague, he must have seen my eyes rest on the set of Karl Marx' works on the shelf behind his desk:

"Are you wondering about what Marx has to do with my country's new economic program—balanced budgets, sound money, economy in government, decentralized decisionmaking by the individual enterprise, use of the price system, and profit by the individual firm to determine how resources are allocated? You see, Marxism is a dynamic and revolutionary system. It did not stop evolving with Marx's death. Your hero is Thomas Jefferson, who built his society on a sturdy yeomanry and feared the masses that would populate your cities—yet you have no difficulty in adapting Jefferson to your world of today. Why can't we adapt, too?"

Dr. Silk anticipates that the new system will cause some dislocations. He expects it to face resistance from those factory managers who fear competition because of their own failings. But the program has party support, he said, and he believes it will succeed.

Yugoslavia's brand of socialism is extremely pragmatic. It is apparently willing to discard almost all Socialist trappings except the collective ownership of the means of production.

In the Government's 1965 financial plan, 900 billion dinars is earmarked for basic capital investment. But only 250 billion is to be made by the Federal Government. The rest will be supplied by the Yugoslavian banking mechanism.

Banks charge interest, and are prepared to lend to whatever enterprise can pay the interest charge. "Do you mean to say that Government-controlled banks would invest in a frivolous and unnecessary project, just because the firm wanting the loan is able to pay the interest charge?" I asked Dr. Nikola Mincev, general director of the Yugoslavian Institute for Economic Planning.

"Certainly," he replied. "We have learned that even the best plan cannot deal with every aspect of a living society. For instance, a nongovernmental group is building a brandnew football stadium in Belgrade just across the street from a perfectly good existing football stadium. But we prefer one football stadium too many to rigid planning that prohibits everything someone believes isn't the best use of resources.

"Prices, interest, and wages are increasingly being set by market forces rather than by Belgrade. The purpose of our 7-year plan is to create an atmosphere and to set guidelines, not to tell an independent producer what to produce, or how much to sell his product for, and how to invest his profit."

Hungary has also embarked on a course of economic liberalization. When I visited the Agricultural Research Station at Martonvasar near Lake Balaton, Dr. Sandor Rajki, the vigorous young geneticist who heads up the station, described the current Hungarian system of fostering household plots for farmers and of providing profit incentives for cooperatives. "Now the Russians seem to be coming around to our point of view," he added with satisfaction.

Each country claims the new economics as its own. "We in Yugoslavia differ sharply from other Communist countries," said Dr. Jose Brilej, leading member of the Yugoslav Parliament and president of the Executive Council's Committee for Foreign Economic Relations. "We no longer draw economic plans in the classical Marxist sense."

"Czechs think things out carefully, but once they decide upon a course they move ahead on it steadily," said Dr. Miroslav Ruzek, chief of the U.S. desk at the Czech foreign office. "We have recognized the defects of our older system and have decided to make changes. We will now go further than the other countries of Eastern Europe."

And Professor Imre Vajda, economist of the University of Budapest, told me, "Hungary is 2 years ahead of the Czechs in decentralizing our economy."

Will all this economic liberalization lead to liberalization generally—in speech, the press, an independent Parliament, trade and travel? Everywhere the answer I got was yes. In Prague, Dr. Ruzek talked about economic liberalization as a "process to broaden and deepen democracy, and to cultivate public opinion."

Members of the Czech Parliament with whom I met were quite proud of the fact that they were no longer entirely a rubber stamp.

What did they mean? I asked. They replied that they had recently overturned a Government position on the tax on motor vehicles. I checked, and found they had indeed.

And the giant statue of Stalin in Prague has come down. A new generation of younger party leaders is coming to power.

In Hungary, the ruthless suppression which followed the unsuccessful uprising of October 1956, has given way to a more moderate course.

Liberalized travel regulations permitted more than a quarter million Hungarians to travel to the West during the last 2 years. Practically all returned. Indeed, a high Hungarian official of whom I asked, "When will you tear down your barbed wire checkpoints at the border?" replied that he thought they could do this soon if conditions continue to improve.

Food is good and plentiful in Hungary: Hungarians have one of the highest caloric intakes in the world, and a high rate of ulcers. Voice of America and Radio Free Europe broadcasts go unjammed. The Ford Foundation has a cultural exchange program, with both Ford and the Hungarians doing the selecting of Hungarian students.

In Belgrade, Dr. Slavko Komar, Member of Parliament and chairman of its Committee for the Economic Plan, thought that decentralization—he felt that "de-etatization" would be a more accurate term—would lead to more political freedom, too.

Just as there has been liberalization in economic arrangements, and more opportunity to enjoy human rights, so Eastern Europe is showing less dependence on Moscow.

Yugoslavia, defected in 1949 and has not been a bloc member since.

Rumania recently told Russia that she rejected the role as supplier of raw material to the other Communist countries, and would build her own industries if she chose.

Albania, while still Stalinist at home, broke relations with Moscow 3 years ago and sides with Communist China.

Bulgaria and East Germany alone seem to remain firmly under Moscow tutelage.

II

Greater freedom for the East Europeans in their economic life, in the exercise of their human rights, and in their relationship with Moscow seems to me to be what we want.

In the first place, it means a more tolerable life for the Hungarians, the Czechs, the Slovaks, and the other bloc peoples.

Quite apart from the welfare of the East Europeans themselves, liberalizing their regimes hastens the day when an overall European settlement can be attempted.

The problem of a divided Berlin, and of a divided East and West Germany, can only be settled in the context of an all-European settlement. Such a settlement will be a whole lot easier if nations are not too sharply divided along the old Iron Curtain, if there are some real possibilities of a troop thin-out and arms control for all of Europe, if trade is expanded so that the economies of middle Europe are oriented both East and West, if human rights are protected at least in a rudimentary way.

What can the United States do to hasten the process of liberalization in Eastern Europe? Based upon my on-the-spot observations last fall, the most important single action we could take is in trade. Trade between the United States and Eastern Europe is practically nonexistent today by reason of two policies:

1. Except for Poland and Yugoslavia, the United States denies most-favored-nation treatment to imports from Eastern European countries. This means that U.S. tariffs on most Eastern European goods are prohibitively high.

2. There is an almost complete embargo on goods moving from the United States to Eastern Europe.

This restriction is meant to limit the war potential of Eastern Europe. And, because almost anything useful to a modern nation increases its strength in war, the restriction has become very broad.

By our almost total embargo we accomplish two things, neither of which is in our best interest: (1) we help to keep the economies of the Eastern European countries oriented to and dependent on the Soviet Union, and (2) we lose business while the Eastern Europeans get the goods from the British, French, or Germans.

Thus the embargo hurts principally the United States; economically through the loss of business; politically, through the loss of an opportunity to influence the orientation of Eastern Europe.

I believe that Congress would be wise to give the President more flexibility on both aspects of trade. We should permit the President to remove the discrimination, where he sees fit in our tariffs against Eastern European goods. Equally, we should permit the President discretion, on all but really military and strategic goods, to lift the embargo on shipments to Eastern Europe.

But we would make a mistake if we granted governmental long-term (5 years or more) credits. This would be equivalent to giving the Communist bloc foreign aid.

Concessions by us should be used to encourage more independence from Moscow, and more political and economic freedom. Concessions should surely not be granted all at once, or to every country. And in the event to too much backsliding, restrictions have to be reinstated.

Along with trade liberalization can come increasing cultural and social exchanges. On balance, we are better off opening these windows in the Iron Curtain than we are keeping them tightly closed.

This increased exchange of goods, people, and ideas between West and East can pave the way for the middle Europe that we seek when the nightmare ends and the Iron Curtain disappears. That middle Europe envisages a Germany peacefully reunited; a Poland and the other lands to the east secure in its borders and protected against German revisionism; and a whole region in which the brotherhood of man dominates life and thought.

In our democracy, ideas about foreign policy can originate among the people as often as they do in Washington. Here in Milwaukee the Poles and the Germans have lived amiably side by side for a century. Nowhere else in the world have these two diverse peoples collaborated more fruitfully to build a commonwealth. Here a Lewandowski heads our school of art, and a Klotsche our State university; a Zablocki represents the south side, and a Reuss the north.

So here in Milwaukee it is fitting to propose that the United States adopt as a cornerstone of its European policy the reconciliation of the Germans and the Poles (together with their neighbors the Slavs and Magyars). I am prepared to work long and hard at this reconciliation. It must go hand in hand with our other efforts for a just, peaceful and lasting settlement in Europe.

In the last 15 years, the age-old animosity between Germany and France has been largely healed. In the next 15 years, let the United States play the same healing role toward ancient hatreds between East and West. If the Germans and the Poles can be brothers on either side of the Menomonee River, they can be brothers on either side of the Oder.

Let our European policy rise above the tiresome parochialism of the Common Market, the excessive concentration on NATO, the distracting business of always reacting to President de Gaulle's latest breathtaker. Let us instead raise a standard to which men of good will everywhere may repair: the reconciliation of Germany and Poland, and then of West and East.

Address by Hon. Dean Rusk Before the American Society of International Law, Washington, April 23, 1965

EXTENSION OF REMARKS

OF

HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1965

Mr. McCORMACK. Mr. Speaker, under permission to extend my remarks, I include not only a notable but a great and timely address delivered on April 23, 1965, by Hon. Dean Rusk, the Secretary of State, in Washington, D.C., before the American Society of International Law.

Secretary Rusk's comparison between the basic conditions of today and of pre-World War II, which he well summarized "Surely we have learned over the past three decades that the acceptance of aggression leads only to a sure catastrophe," is appropriate, timely, and correct. This part of his able address might well be termed "Lest We Forget."

The address follows:

I

When this distinguished society was founded 59 years ago, the then Secretary of State, Elihu Root, became its first president. With the passage of time, the Secretary of State has been elevated to a less demanding role, that of honorary president. Secretary Root himself not only established the precedent of becoming president while Secretary of State; he also superseded it by continuing to serve as your president for 18 years. The proceedings of the first meeting indicate that Secretary Root not only presided and delivered an address, but that he also selected the menu for the dinner.

The year 1907, when the first of the society's annual meetings was held, today appears to have been one of those moments in American history when we were concentrating upon building our American society, essentially untroubled by what took place beyond our borders. But the founders of this society realized that the United States could not remain aloof from the world. It is one of the achievements of this society that, from its inception, it has spread the realization that the United States cannot opt out of the community of nations—that international affairs are part of our national affairs.

Questions of war and peace occupied the society at its first meeting. Among the subjects discussed were the possibility of the immunity of private property from belligerent seizure upon the high seas and whether trade in contraband of war was unneutral. Limitations upon recourse to force then proposed were embryonic, as is illustrated by the fact one topic for discussion related to restrictions upon the use of armed force in the collection of contract obligations. The distance between those ideas and the restrictions upon recourse to armed force contained in the Charter of the United Nations is vast. It is to these charter restrictions—and their place in the practice and malpractice of states—that I shall address much of my remarks this evening.

II

Current U.S. policy arouses the criticism that it is at once too legal and too tough. Time was when the criticism of American concern with the legal element in international relations was that it led to softness—to a "legalistic-moralistic" approach to foreign affairs which conformed more to the ideal than to the real. Today, criticism of American attachment to the role of law is that it leads not to softness, but to severity. We are criticized not for sacrificing our national interests to international interests, but for endeavoring to impose the international interest upon other nations. We are criticized for acting as if the Charter of the United Nations means what it says. We are criticized for treating the statement of the law by the International Court of Justice as authoritative. We are criticized for taking collective security seriously.

This criticism is, I think, a sign of strength—of our strength, and of the strength of international law. It is a tribute to a blending of political purpose with legal ethic.

American foreign policy is at once principled and pragmatic. Its central objective is our national safety and well-being—to "secure the blessings of liberty to ourselves and our posterity." But we know we can no longer find security and well-being in defenses and policies which are confined to North America, or the Western Hemisphere, or the North Atlantic Community. This has become a very small planet. We have to be concerned with all of it—with all of its land, waters, atmosphere, and with surrounding space. We have a deep national interest in peace, the prevention of aggression, the faithful performance of agreements, the growth of international law. Our foreign policy is rooted in the profoundly practical realization that the purposes and principles of the United Nations Charter must animate the behavior of states, if mankind is to prosper or is even to survive. Or at least they must animate enough states with enough will and enough resources to see to it that others do not violate those rules with impunity.

The preamble and article 1 and 2 of the charter set forth abiding purposes of American policy. This is not surprising, since we took the lead in drafting the charter—at a time when the biggest war in history was still raging and we and others were thinking deeply about its frightful costs and the ghastly mistakes and miscalculations which led to it.

The kind of world we seek is the kind set forth in the opening sections of the charter: a world community of independent states, each with the institutions of its own choice, but cooperating with one another to promote their mutual welfare—a world in which the use of force is effectively inhibited—a world of expanding human rights and well-being—a world of expanding international law—a world in which an agreement is a commitment and not just a tactic.

We believe that this is the sort of world a great majority of the governments of the world desire. We believe it is the sort of world man must achieve if he is not to perish. As I said on another occasion: "If once the rule of international law could be discussed with a certain condescension as a utopian ideal, today it becomes an elementary practical necessity. Pacta sunt servanda now becomes the basis for survival."

Unhappily a minority of governments is committed to different ideas of the conduct and organization of human affairs. They are dedicated to the promotion of the Communist world revolution. And their doctrine justifies any technique, any ruse, any deceit, which contributes to that end. They may differ as to tactics from time to time. And the two principal Communist powers are competitors for the leadership of the world Communist movement. But both are committed to the eventual communization of the entire world.

The overriding issue of our time is which concepts are to prevail: those set forth in the United Nations Charter or those proclaimed in the name of a world revolution.

III

The paramount commitment of the charter is article 2, paragraph 4, which reads: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

This comprehensive limitation went beyond the Covenant of the League of Nations. This more sweeping commitment sought to apply a bitter lesson of the interwar period—that the threat or use of force, whether or not called "war," feeds on success. The indelible lesson of those years is that the time to stop aggression is at its very beginning.

The exceptions to the prohibitions on the use or threat of force were expressly set forth in the charter. The use of force is legal—

As a collective measure by the United Nations; or

As action by regional agencies in accordance with chapter VIII of the chapter; or

In individual or collective self-defense.

When article 2, paragraph 4 was written it was widely regarded as general international law, governing both members and nonmembers of the United Nations. And on the universal reach of the principle embodied in article 2, paragraph 4, wide agreement remains. Thus, last year, a United Nations Special Committee on Principles of International Law concerning friendly relations and cooperation among States met in Mexico City. All shades of United Nations opinion were represented. The committee's purpose was to study and possibly to elaborate certain of those principles. The committee debated much and agreed on little. But on one point, it reached swift and unanimous agreement; that all states, and not only all members of the United Nations, are bound to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. Nonrecognition of the statehood of a political entity was held not to affect the international application of this cardinal rule of general international law.

But at this same meeting in Mexico City, Czechoslovakia, with the warm support of the Soviet Union and some other members, proposed formally another exemption from the limitations on use of force. Their proposal stated that: "The prohibition of the use of force shall not affect * * * self defense of nations against colonial domination in the exercise of the right of self-determination."

The United States is all for self-defense. We are against colonial domination—we led the way in throwing it off. We have long favored self-determination, in practice as well as in words—indeed, we favor it for the entire world, including the peoples behind the Iron and Bamboo Curtains. But we could not accept the Czech proposal. And we were pleased that the Special Committee found the Czech proposal unacceptable.

The primary reason why we opposed that attempt to rewrite the charter—apart from the inadmissibility of rewriting the charter at all by such means—was that we knew the meaning behind the words. We knew that like so many statements from such sources, it used upside down language—that it would in effect authorize a state to wage war, to use force internationally, as long as it claimed it was doing so to liberate somebody from colonial domination. In short, the Czech resolution proposed to give to so-called wars of national liberation the same exemption from the limitation on the use of force which the charter accords to defense against aggression.

What is a war of national liberation? It is, in essence, any war which furthers the Communist world revolution—what, in broader terms, the Communists have long referred to as a "just" war. The term "war of national liberation" is used not only to denote armed insurrection by people still under colonial rule—there are not many of those left outside the Communist world. It is used to denote any effort led by Communists to overthrow by force any non-Communist government.

Thus the war in South Vietnam is called a war of national liberation. And those who would overthrow various other non-Communist governments in Asia, Africa, and Latin America are called the forces of national liberation.

Nobody in his right mind would deny that Venezuela is not only a truly independent nation but that it has a government chosen in a free election. But the leaders of the Communist insurgency in Venezuela are described as leaders of a fight for national liberation—not only by themselves and by Castro and the Chinese Communists, but by the Soviet Communists.

A recent editorial in Pravda spoke of the "peoples of Latin America * * * marching firmly along the path of struggle for their national independence" and said: "the upsurge of the national liberation movement in Latin American countries has been to a great extent a result of the activities of Communist Parties." It added: "The Soviet people have regarded and still regard it as their sacred duty to give support to the peoples fighting for their independence. True to their international duty the Soviet people have been and will remain on the side of the Latin American patriots."

In Communist doctrine and practice, a non-Communist government may be labeled and denounced as "colonialist," "reactionary," or a "puppet," and any state so labeled by the Communists automatically becomes fair game—while Communist intervention by force in non-Communist states is justified as "self-defense" or part of the "struggle against colonial domination." "Self-determination" seems to mean that any Communist nation can determine by itself that any non-Communist state is a victim of colonialist domination and therefore a justifiable target for a war of "liberation."

As the risks of overt aggression, whether nuclear or with conventional forces, have become increasingly evident, the Communists have put increasing stress on the "war of national liberation." The Chinese Communists have been more militant in language and behavior than the Soviet Communists. But the Soviet Communist leadership also has consistently proclaimed its commitment in principle to support wars of national liberation. This commitment was reaffirmed as recently as Monday of this week by Mr. Kosygin.

International law does not restrict internal revolution within a state, or revolution against colonial authority. But international law does restrict what third powers may lawfully do in support of insurrection. It is these restrictions which are challenged by the doctrine, and violated by the practice, of "wars of liberation."

It is plain that acceptance of the doctrine of "wars of liberation" would amount to scuttling the modern international law of peace which the charter prescribes. And acceptance of the practice of "wars of liberation," as defined by the Communists, would mean the breakdown of peace itself.

IV

Vietnam presents a clear current case of the lawful versus the unlawful use of force. I would agree with General Giap and other Communists that it is a test case for "wars of national liberation." We intend to meet that test.

Were the insurgency in South Vietnam truly indigenous and self-sustained, international law would not be involved. But the fact is that it receives vital external support—in organization and direction, in training, in men, in weapons, and other supplies. That external support is unlawful, for a double reason. First, it contravenes general international law, which the United Nations Charter here expresses. Second, it contravenes particular international law: The 1954 Geneva Accords on Vietnam, and the 1962 Geneva Agreements on Laos.

In resisting the aggression against it, the Republic of Vietnam is exercising its right of self-defense. It called upon us and other states for assistance. And in the exercise of the right of collective self-defense under the United Nations Charter, we and other nations are providing such assistance.

The American policy of assisting South Vietnam to maintain its freedom was inaugurated under President Eisenhower, and continued under Presidents Kennedy and Johnson. Our assistance has been increased because the aggression from the north has been augmented. Our assistance now encompasses the bombing of North Vietnam. The bombing is designed to interdict, as far as possible, and to inhibit, as far as may be necessary, continued aggression against the Republic of Vietnam.

When that aggression ceases, collective measures in defense against it will cease. As President Johnson has declared: "* * * if that aggression is stopped, the people and Government of South Vietnam will be free to settle their own future, and the need for supporting American military action there will end."

The fact that the demarcation line between North and South Vietnam was intended to be temporary does not make the assault on South Vietnam any less of an aggression. The demarcation lines between North and South Korea and between East and West Germany are temporary. But that did not make the North Korean invasion of South Korea a permissible use of force.

Let's not forget the salient features of the 1962 agreements on Laos. Laos was to be independent and neutral. All foreign troops, regular or irregular, and other military personnel were to be withdrawn within 75 days, except a limited number of French instructors as requested by the Lao Government. No arms were to be introduced into Laos except at the request of that government. The signatories agreed to refrain "from all direct or indirect interference in the internal affairs" of Laos. They promised also not to use Lao territory to intervene in the internal affairs of other countries—a stipulation that plainly prohibited the passage of arms and men from North Vietnam to South Vietnam by way of Laos. An International Control Commission of three was to assure compliance with the agreements. And all the signatories promised to support a coalition government under Prince Souvanna Phouma.

What happened? The non-Communist elements complied. The Communists did not. At no time since that agreement was signed have either the Pathet Lao or the North Vietnam authorities complied with it. The North Vietnamese left several thousand troops there—the backbone of almost every Pathet Lao battalion. Use of the corridor through Laos to South Vietnam continued. And the Communists barred the areas under their control both to the Government of Laos and the International Control Commission.

To revert to Vietnam: I continue to hear and see nonsense about the nature of the struggle there. I sometimes wonder at the gullibility of educated men and the stubborn disregard of plain facts by men who are supposed to be helping our young to learn—especially to learn how to think.

Hanoi has never made a secret of its designs. It publicly proclaimed in 1960 a renewal of the assault on South Vietnam. Quite obviously its hopes of taking over South Vietnam from within had withered to close to zero—and the remarkable economic and social progress of South Vietnam contrasted, most disagreeably for the North Vietnamese Communists, with their own miserable economic performance.

The facts about the external involvement have been documented in white papers and other publications of the Department of State. The International Control Commission has held that there is evidence beyond reasonable doubt of North Vietnamese intervention.

There is no evidence that the Vietcong has any significant popular following in South Vietnam. It relies heavily on terror. Most of its reinforcements in recent months have been North Vietnamese from the North Vietnamese Army.

Let us be clear about what is involved today in southeast Asia. We are not involved with empty phrases or conceptions which ride upon the clouds. We are talking about the vital national interests of the United States in the peace of the Pacific. We are talking about the appetite for aggression—an appetite which grows upon feeding and which is proclaimed to be insatiable. We are talking about the safety of nations with whom we are allied—and the integrity of the American commitment to join in meeting attack. It is true that we also believe that every small state has a right to be unmolested by its neighbors even though it is within reach of a great power. It is true that we are committed to general principles of law and procedure which reject the idea that men and arms can be sent freely across frontiers to absorb a neighbor. But underlying the general principles is the harsh reality that our own security is threatened by those who would embark upon a course of aggression whose announced ultimate purpose is our own destruction. Once again we hear expressed the views which cost the men of my generation a terrible price in World War II. We are told that southeast Asia is far away—but so were Manchuria and Ethiopia. We are told that if we insist that someone stop shooting that that is asking them for unconditional surrender. We are told that perhaps the aggressor will be content with just one more bite. We are told that if we prove faithless on one commitment that perhaps others would believe us about other commitments in other places. We are told that if we stop resisting that perhaps the other side will have a change of heart. We were asked to stop hitting bridges and radar sites and ammunition depots without requiring that the other side stop its slaughter of thousands of civilians and its bombings of schools and hotels and hospitals and railways and buses.

Surely we have learned over the past three decades that the acceptance of aggression leads only to a sure catastrophe. Surely we have learned that the aggressor must face the consequences of his action and be saved from the frightful miscalculation that brings all to ruin. It is the purpose of law to guide men away from such events, to establish rules of conduct which are deeply rooted in the reality of experience.

V

Before closing, I should like to turn away from the immediate difficulties and dangers of the situation in southeast Asia and remind you of the dramatic progress that shapes and is being shaped by expanding international law.

A "common law of mankind"—to use the happy phrase of your distinguished colleague, Wilfred Jenks—is growing as the world shrinks, and as the vistas of space expand. This year is, by proclamation of the General Assembly, International Cooperation Year, a year "to direct attention to the common interests of mankind and to accelerate the joint efforts being undertaken to further them." Those common interests are enormous and intricate, and the joint efforts which further them are developing fast, although perhaps not fast enough.

In the 19th century, the United States attended an average of one international conference a year. Now we attend nearly 600 a year. We are party to 4,300 treaties and other international agreements in force. Three-fourths of these were signed in the last 25 years. Our interest in the observance of all of these treaties and agreements is profound, whether the issue is peace in Laos, or the payment of United Nations assessments, or the allocation of radiofrequencies, or the application of airline safeguards, or the control of illicit traffic in narcotics, or any other issue which states have chosen to regulate through the lawmaking process. The writing of international cooperation into international law is meaningful only if the law is obeyed—and only if the international institutions which administer and develop the law function in accordance with agreed procedures, until the procedures are changed.

Everything suggests that the rate of growth in international law—like the rate of change in almost every other field these days—is rising at a very steep angle.

In recent years the law of the sea has been developed and codified—but it first evolved in a leisurely fashion over the centuries. International agreements to regulate aerial navigation had to be worked out within the period of a couple of decades. Now, within the first few years of man's adventures in outer space, we are deeply involved in the creation of international institutions, regulations, and law to govern this effort.

Already the United Nations has developed a set of legal principles to govern the use of outer space and declared celestial bodies free from national appropriation.

Already nations, including the United States and the Soviet Union, have agreed not to orbit weapons of mass destruction in outer space.

Already the Legal Subcommittee of the United Nations Committee on Outer Space is formulating international agreements on liability for damage caused by the reentry of objects launched into outer space and on rescue and return of astronauts and space objects.

Already the first international sounding rocket range has been established in India and is being offered for United Nations sponsorship.

To make orderly space exploration possible at this stage, the International Telecommunications Union had to allocate radio frequencies for the purpose.

To take advantage of weather reporting and forecasting potential of observation satellites, married to computer technology, the World Meteorological Organization is creating a vast system of data acquisition, analysis, and distribution which depends entirely on international agreement, regulation and standards.

And to start building a single global communications satellite system, we have created a novel international institution in which a private American corporation shares ownership with 45 governments.

This is but a part of the story of how the pace of discovery and invention forces us to reach out for international agreement; to build international institutions, to do things in accordance with an expanding international and transnational law.

Phenomenal as the growth of treaty obligations is, the true innovation of 20th century international law lies more in the fact that we have nearly 80 international institutions which are capable of carrying out those obligations.

It is important that the processes and products of international cooperation be understood and appreciated; and it is important that their potential be much further developed. It is also important that the broader significance of the contributions of international cooperation to the solving of international problems of an economic, social, scientific and humanitarian character not be overestimated. For all the progress of peace could be incinerated in war.

Thus, the control of force in international relations remains the paramount problem which confronts the diplomat and the lawyer—and the man in the street and the man in the ricefield. Most of mankind is not in an immediate position to grapple very directly with that problem, but the problem is no less crucial. The responsibility of those, in your profession and mine, who do grapple with it is the greater. I am happy to acknowledge that this society, in thinking and debating courageously and constructively about the conditions of peace, continues to make its unique contribution and to make it well.